



Rezoning Application Guide & Checklist

Economic & Community Development Department
101 W. 8th Street
Glenwood Springs, CO 81601
(970) 384-6411

PURPOSE

The zoning classification of any parcel in the city may be amended using the rezoning procedure. The purpose of rezoning a parcel is neither to relieve a particular hardship nor to confer special privileges or rights on any person. Rezoning should not be used when a special use permit, variance, or administrative adjustment could be used to achieve a similar result.

Changes to specific standards of a zoning district (such as setback requirements) and development standards (such as off-street parking requirements) shall be processed as Code amendments following the procedures outlined in section 070.060.040(c).

REVIEW PROCESS

All Rezoning applications require an application and public hearing before both the Planning and Zoning Commission and City Council following the process outlined below. In reviewing the rezoning application, the Commission and City Council shall consider whether:

1. The rezoning is consistent with the City's comprehensive plan and the purpose of the Code;
2. The rezoning is consistent with the purpose statement of the proposed zoning district;
3. Substantial changes in the subject area warrant a zoning change; and/or
4. The intensity of development in the proposed zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.

- 1. Pre-application Conference.** Contact one of the planners in the Community Development Department prior to submitting your Rezoning application. We will discuss the review procedures, application requirements, application deadlines, and the City's goals, policies, and development standards as they relate to your proposed project.

At least 10 days prior to your scheduled conference, please submit one electronic copy of the following items:

- a. A completed Planning Application. The application is available [here](#), or on the City's website at www.cogs.us. It is in "Forms, Permits & Applications" on the Community Development Department page.
- b. A written description of the proposed project.
- c. Conceptual drawings showing the location, layout, and primary elements of the proposal.
- d. Proposed uses, location of uses, and densities.

If your project involves more than one development action for the same property, for example a Site/Architectural Plan Review or subdivision request, your applications can be processed concurrently. Community Development Department planners will discuss the concurrent review process and application requirements with you during your pre-application conference.

- 2. Neighborhood Meeting.** Prior to submitting your application, you are required to conduct a neighborhood meeting with the residents, businesses, and organizations in the area surrounding your proposed development. The purpose of the meeting is to inform your neighbors about your project and to give them an early opportunity to provide feedback before you have expended significant funds on design and engineering.

Notification: You must send a meeting notice to all property owners within 300 feet of the outside boundaries of your project site at least 15 days property to your meeting date.

Meeting Specifics:

- Present information about your proposed land uses, dimensional standards, location of buildings, and overall site layout and design. The information that you do present needs to be sufficient to describe the project features without retaining architectural, engineering or other design professionals.
 - You are only required to conduct one pre-application neighborhood meeting but may hold additional meetings as necessary before or after filing your application.
 - As part of your application, you are required to provide a summary of the meeting including discussion topics, an attendance list, proof of notification, and copies of any exhibits used during the meeting.
 - Note: City staff may attend your neighborhood meeting but if in attendance, staff is not responsible for facilitating the meeting.
- 3. Prepare Your Application.** During the pre-application conference you will receive a checklist of information that we will need to process your request. This information constitutes your application and may include any, or all the information found on page 7 of this guide.

Please be aware that city staff, the Planning and Zoning Commission and City Council will evaluate your application based on how well it demonstrates compliance with the Municipal Code, and the City's goals, policies, and plans, as well as the Engineering Standards. You may review the Municipal Code on the City's website at www.cogs.us. The Engineering Standards are located [here](#), or on the Engineering home page. Other approved plans also can be found on the City's website under the individual department pages. Community Development staff will help guide you to plans and policies that may be applicable to your project.

- 4. Submit Your Application.** Submit an electronic copy of your completed application to the Community Development Department at least 6 weeks prior to the date that you want your item heard before the Planning and Zoning Commission. Within 5 business days of your submission, Community Development Department staff will review your application to determine whether it is complete. If it is incomplete, we will contact you with a list of the information needed to complete your application. You are encouraged to submit your application well in advance of the deadline to allow you time to supply any missing information. Submissions of missing information after the deadline will result in your application being delayed to a future Planning and Zoning Commission agenda.
- 5. Provide Additional Copies.** After Community Development Department staff deems it complete, you will be asked to supply a final, complete electronic set of your application materials as well as paper copies for distribution to the City's reviewing departments and outside agencies. The number and format of paper copies can vary depending upon the scope of your application. If your application includes any full-sized plan sheets, we may request submission on 11" x 17" or 24" x 36" size paper.
- 6. Complete Public Notices.** Your application requires that you formally notify the public of the time, date and purpose of your hearing before the Planning and Zoning Commission. You are required to post your property with a placard, submit a legal notice for publication in the local newspaper, and mail your notice to property owners within 300 feet of the outside boundary of your proposed development parcel. You are also required to provide notice by certified mail to all mineral owners and lessees on your property in accordance with Colorado Revised Statutes 24-65.5-103. Staff will review these requirements and will provide you with a packet of information that includes the deadlines for completing each form of public notice. This is a time-sensitive process. Deficient public noticing may delay your hearing.
- 7. Agency Referral and Review.** During the 6-week period between your application submittal and your hearing, staff will distribute copies of your application to our "reviewing agencies" which consists of various City departments, City boards and commissions, and outside agencies such as the Colorado Department of Transportation, and gas and telephone companies. Community Development Department staff relies on these agencies to review your application and comment on any issues or concerns that they may have relating to your project. You will receive copies of agency comments and will have an opportunity to respond, if need be. Staff will include these comments in the packet of information that is distributed to the Planning and Zoning Commission and to City Council.
- 8. City Department/Applicant Development Review Committee Meeting.** Generally, three weeks prior to your public hearing, you will meet with City Departments, and planning staff to review and discuss their preliminary comments about your project. Following this meeting, you may be required to revise your application to respond to specific requests or suggestions made by staff. If significant, substantive changes are necessary you will be required to submit a new application in which case your hearing will be postponed.

- 9. Staff Review & Report.** Toward the end of the 6-week review of your application, Community Development Department staff will prepare a report for the Planning and Zoning Commission meeting that analyzes how your project meets the Municipal Code, the City's goals, policies, plans, standards and any other pertinent information. The report will include a staff recommendation of approval, denial, or continuance of your application. If staff recommends approval, usually there also will be a list of recommended conditions. Staff will complete the report no later than the Friday afternoon prior to the hearing. You will receive a copy, usually via email. Make sure that you read the report and review the listed conditions, if there are any. Staff also will distribute the report, a complete copy of your application, and agency comments to the Planning and Zoning Commission for its review.
- 10. Requesting a Continuance.** If, after reading the staff report, you wish to continue your application to the next month's Planning and Zoning Commission meeting to correct deficiencies or clear up issues in the application, you will need to submit a letter to Community Development Department staff requesting continuance of your hearing. If you do this, you will not need to appear at the meeting or redo your public noticing, and no comments will be made by the City or public regarding your application at the hearing.
- 11. Planning and Zoning Commission Hearing.** Staff will provide you with a copy of the meeting agenda no later than the Friday before your hearing. Applications are scheduled on the agenda based on the order in which they are received. You or your representative are required to attend your public hearing.
- 12. City Council Hearing.** After the Planning and Zoning Commission makes its recommendation, your application will be forwarded to City Council for final consideration. Your Council hearing will be the 3rd Thursday of the month following the date of the Planning and Zoning Commission meeting. This allows time for Community Development Department staff to prepare the minutes of your hearing. City Council will review the same application that you submitted to the Planning and Zoning Commission. It is imperative that you not submit new information between these two hearings. Any changes presented to City Council may result in your project being remanded to the Planning and Zoning Commission for re-consideration. Like the Planning and Zoning Commission hearing, you or your representative are required to attend the Council hearing.
- 13. Post-approval.** Following approval of your rezoning, the Community Development Director shall amend the city's Official Zoning Map. The Map and ordinance memorializing the rezoning shall be recorded with the Garfield County Clerk & Recorder as soon as practicable following the Council hearing.
- 14. Protest procedures.** Any owner of a property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of C.R.S. §31-23-305.

 - a. A protest against a rezoning shall be filed with the municipal clerk at least 24 hours in advance of the City Council decision on the rezoning decision.

- b. A protest against a rezoning shall be signed by the owners of 20 percent or more of the area included in such proposed rezoning, or of the area of those lots within 200 feet of the property proposed for rezoning.
- c. In the case of a protest against a rezoning, approval shall require three-fourths vote of the City Council for a rezoning to become effective.

PUBLIC MEETING PROCEDURES

The public hearing format is as follows:

1. Staff Presentation. Staff will provide the Commission with a summary of your project and an analysis of how it meets or differs from the Municipal Code and other city plans and standards.
2. Questions of staff by the Planning and Zoning Commission.
3. Applicant Presentation. This is your opportunity to present any additional information about your project to the Commission. You can mention points where you disagree with staff, present anything important that you felt that planning staff left out, present any new information that you have, or present any other information directly pertinent to the application. Out of respect for the Commission and other applicants, please keep presentations very brief. If you have no additional important information to add to staff's presentation, you may state this.
4. Questions of the applicant by the Commission.
5. Public Comment. The Commission Chair will open the meeting to public comment.
6. Applicant response to public comment. After hearing from all members of the public, the Chair will close the public portion of the meeting and allow you the opportunity to refute or address any statements provided. At this time, the Commission may also ask staff for clarification of any points of fact.
7. Motion for action on the application, discussion among the Commissioners, and a decision.

Display of documents at the meeting. You may use the Council Chambers computer to display any documents or to provide the Commission and Council with a prepared presentation. We recommend that you bring your materials on a flash drive.

City Council hearing. Staff will prepare a new report for City Council summarizing the Planning and Zoning Commission's actions. This, along with the Planning and Zoning Commission staff report, your original application materials, and meeting minutes will be forwarded to Council no later than one week prior to your Council hearing. Community Development staff also will send you a copy of this report as well as the meeting agenda.

The format of your Council hearing will be the same as the Planning and Zoning Commission hearing highlighted above.

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REZONING APPLICATION CHECKLIST

For office use:

Pre-application Meeting Date: _____ Planning File #: _____

Applicant: _____ Lead Planner: _____

During or shortly following your pre-application meeting, you will receive this checklist noting the materials that the City will need to process your rezoning application. This information constitutes your application. Failure to provide the required materials on or before the application deadline will delay your application.

Materials to be Provided by Applicant								
Submittal Requirements		Paper Copy – number and format			PDF	Notes	Required Submission (√)	Submitted by Applicant (√)
		8 ½ x11	11 x 17	24 x 36				
1	Planning Application – completed in full and signed by applicant and all property owners of record	√			√			
2	Ownership - provide proof of ownership such as Deed of Trust, Warranty Deed or Quit Claim Deed. Title commitment will not suffice	√			√			
3	Public Noticing – signed and notarized affidavit proof of public notice including mineral estate owner notification	√						
4	Neighborhood Meeting – provide an attendance list and written summary of the neighborhood meeting	√			√			
5	Site Improvement Survey	0	1	1	√			

6	Project Description – narrative describing the need for rezoning and addressing how the project meets the rezoning review criteria found on page 1 of the guide	√			√			
7	Fee	\$ _____				Cash, check or credit card. Check payable to the City of Glenwood Springs		
8	Other Materials							