

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JULY 3, 2023

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m. with Rebecca Everette, Community Development Director. Chair Shadduck-McNally presided. Commissioner Kefalas and Commissioner Stephens were present. Also present were Michael Whitley, Community Development Senior Planner; Connor Sheldon, Engineering; Frank Haug, Assistant County Attorney; and Tessa Beaty, Deputy Clerk.

PUBLIC HEARING CONSENT ITEMS:

1. **ARAGON HOLDING SECOND RESONING, FILE NO. 22-ZONE3406:** The Aragon Holdings property at 516 N. Highway 287 is a 9.72-acre parcel in the Fort Collins Growth Management Area. The property was rezoned from O – Open and IH - Industrial Heavy to PD – Planned Development in 2021.

The PD – Planned Development zone district is used in Growth Management Areas and is intended to establish densities and uses consistent with the applicable supplementary regulations of the Growth Management Area. In this instance, the allowed uses in the existing PD zoning are a subset of the uses allowed in Larimer County's IH – Heavy Industrial zone district.

Uses on the property when the parcel was rezoned to Planned Development included industrial recycling, an auto salvage yard, an office, and a warehouse/storage building. The recycling yard received Special Review approval in 1978. One of the purposes of the 2021 rezoning to Planned Development was to change the status of the auto salvage yard, which operated on a portion of the property zoned O – Open, from nonconforming to conforming.

Since the property was rezoned, a trucking business was established on the property. Trucking businesses are classified as Fleet Services in the Land Use Code. Fleet Services is not an allowed use in this Planned Development. One of the modifications being proposed with this second rezoning is a modification to allow Fleet Services with Site Plan Review approval.

Other changes include an allowance to have multiple principal uses and multiple principal buildings on the same parcel. This would be consistent with other urban non-residential zoning districts including CC – Commercial Corridor, CD – Commercial Destination, IL – Industrial, Light, and IH – Industrial Heavy.

The current Planned Development allows Heavy Industrial uses, including asphalt and concrete batch plants, with Special Review approval. The property owner has submitted a Special Review application seeking approval of a concrete batch plant on the property. That application is currently under review.

The current Planned Development identifies a maximum building height of 40 feet which is consistent with most zoning districts in unincorporated Larimer County. The RC – Rural Commercial and MU-C – Mixed-Use Commercial zoning districts allow a maximum building height of 45 feet and the maximum building height in the CD – Commercial Destination zoning district is 50 feet.

The last of the changes proposed with this rezoning request is to allow an increased height for batch plant silos and bag house dust collection enclosures.

According to the applicant's project description, the specific proposal is:

The maximum height for storage silos and baghouse dust collector's accessory to concrete batch plants shall be:

1. 60 feet for standalone storage silos and baghouse dust collectors directly adjacent to and directly connected to or protruding from the roof of the enclosed batch plant equipment supplied by the silos.
2. If storage silos or bag house dust collectors are integral to the batch plant equipment and designed as low-profile to be enclosed within the same building as the batch plant equipment the maximum height of the building that encloses both the batch plant equipment, the low-profile storage silos, and the bag house dust collector shall be 50 feet.
 - a. This height exception allows for only one additional stand-alone storage silo or baghouse dust collector.

Section 2.9.5.A of the Land Use Code (Building Height Measurement) reads, "Generally, the height of a building or structure shall be measured vertically from the average elevation of the finished grade to the highest point on a building or structure."

If the proposed amendment to the PD zoning is approved, a concrete batch plant on the property, would still require approval through the Special Review process.

REVIEW CRITERIA:

Section 6.6.1.D (Rezoning)

Amending the zoning map is a matter committed to the legislative discretion of the County Commissioners. In deciding the application, the Planning Commission and the County Commissioners shall consider the criteria in §6.3.8. D (General Review Criteria) and whether and the extent to which the proposed amendment meets the following.

1. Compatible with Surrounding Uses

The proposed change in zoning is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property. Dimensional limitations of the proposed zoning district, when applied, should result in development that will be consistent with the physical character of existing or permissible uses surrounding the subject property. The proposed change shall result in a logical and orderly development pattern in the neighborhood.

The existing PD – Planning Development zoning allows many of the same uses as the IH – Heavy Industrial zoning district. Fleet Services is classified as a commercial use and is less intense than many of the industrial uses allowed in this Planned Development. A Fleet Services would be allowed with Site Plan Review on the surrounding properties zoned CC – Commercial Corridor.

The PD amendment to allow multiple principal uses and multiple principal buildings is also compatible with what is allowed on surrounding properties zoned CC – Commercial Corridor.

The proposal to allow for up to 60-foot height for batch plant silos and bag house dust collection enclosures could result in structures taller than allowed on surrounding properties given the existing zoning in the vicinity.

This property is in the Fort Collins Growth Management area. The Structure Plan map within the Fort Collins Comprehensive Plan identifies this property, and the majority of the properties along this stretch of Highway 287, as being in the Suburban Mixed-Use place type.

The Suburban Mixed-Use place type allows retail, restaurants, offices, and other commercial services are principal uses with high-density residential, entertainment, childcare centers and identified as supporting land uses. The Suburban Mixed-Use place type does not allow industrial uses.

The description of the Suburban Mixed-Use Place type notes, “Densities and building heights will vary; building heights will generally be between one and five stories but may be higher in some locations.”

As previously noted, the existing Planned Development was written to allow a subset of the uses allowed in Larimer County’s IH – Industrial Heavy zoning district and the zoning was intended to accommodate the existing industrial uses on the property.

While the proposed changes to the Planned Development are consistent the surrounding commercial zoning and are consistent with allowed uses in the existing Planned Development zoning, they are not consistent with the Fort Collins Structure Plan.

Input from surrounding property owners is an important consideration when evaluating compatibility. In this instance, notice of the rezoning application and public hearings was sent to property owners within 500 feet. No neighbors have expressed concerns regarding the proposed rezoning.

Overall, the Development Services Team finds that the proposed Planned Development zoning amendment should result in development that will be consistent with the physical character of existing or permissible uses surrounding the subject property and should result in a logical and orderly development pattern in the neighborhood.

2. Community Need or Public Benefit

The proposed change in zoning addresses a demonstrated community need or otherwise results in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to: affordable and senior housing; childcare facilities; medical facilities; transportation efficiencies; public recreational opportunities; infrastructure improvements; and preservation of lands of high conservation value.

When this property was rezoned to Planned Development in 2021, the Board of County Commissioners found that the Planned Development provided the benefit of making the existing industrial uses on the property conforming and allowing for continued beneficial use of the property.

The proposed changes to the Planned Development provide additional opportunities for commercial and industrial development on the property by allowing Fleet Services as a possible use, allowing multiple principal use and multiple principal buildings, and allowing flexibility in building height.

The Development Services Team concludes that the request complies with this criterion.

3. Change of Circumstances

The proposed change in zoning addresses or responds to a beneficial material change that has occurred to the immediate neighborhood or to the greater Larimer County community.

The proposed amendments to the current Planned Development zoning are proposed in response to demand for the use of the property for Fleet Services and for a concrete batch plant which is being reviewed through a Special Review application. The concrete batch plant has been proposed based on a need for concrete to support the construction industry in Larimer County.

The Development Services Team concludes that the request complies with this criterion.

4. Adequate Infrastructure

The property subject to the proposed change in zoning is, or may be served by adequate roads, water, sewer, and other public use facilities.

The subject properties currently take access from N. Highway 287. North Highway 287 is classified as a State Highway on the Larimer County Functional Road Classification Map. Water service is provided by West Fort Collins Water District and the property is currently served by on-site sewage treatment.

All development applications for the subject property will be reviewed to ensure that all development standards, including public facilities, are provided to the level required by the Land Use Code.

5. Natural Environment

The proposed change does not result in significant adverse impacts on the natural environment.

The changes to the PD zoning in themselves would not directly approve further development of the property and would therefore not result in significant adverse impacts on the natural environment.

One of the justifications for an increased height for batch plant silos and bag house dust collection enclosures is that the height has an air quality benefit.

According to the applicant's project description, "A concrete batch plant is a piece of equipment that combines various raw materials, including cement, sand, gravel, and water, and places this mixture into trucks for transportation. The batch plant equipment is typically operated from within an enclosed building structure. Cement and fly ash storage silos are indispensable appurtenances to the concrete batch plant. They are typically separate storage structures that extend beyond the batch plant enclosure height. Baghouses are industrial dust collectors that filter dusty air and are an integral part of air pollution control. They are designed to vent and filter 99.9 percent of the fine particulate created during the process of transferring cement and fly ash into the storage silos and to the concrete mixer trucks. The storage silos and baghouse duct collectors are considered essential equipment needed for the optimal operation of the concrete batch plant."

The property is not in a wildfire hazard area. GIS data indicates that the property is located in a low and severe geological hazard area and a small portion of the site is located in a flood zone. The property is adjacent to Terry Lake which is identified as an important wildlife habitat.

Specific development proposals will be evaluated for adverse impacts on the natural environment.

6. Additional Review Criteria in Growth Management Area (GMA) Districts

a. To establish or enlarge a GMA district, the County Commissioners must also find that the criteria in §4.2.1. B.3 have been met; and

The request would not enlarge the existing GMA therefore this criterion is not applicable to this application.

b. The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in Article 4.2.1.B.3 can no longer be met.

This criterion is not applicable to this application.

Article 6.6.1.E - Rezoning to Planned Development (PD) -- Approval Criteria for Preliminary and Final PD Plans

In considering an application to rezone to the PD district, the Planning Commission in their review and recommendation, and the County Commissioners in their decision, shall consider whether and the extent to which the proposed PD meets the general approval criteria for Zoning Map Amendments in Section 6.6.1.D and also the following:

a. Whether the proposed PD plan addresses a unique situation, provide substantial benefit to the County, or incorporates innovative design, layout, or configuration resulting in quality over what could have been accomplished through strict application of a base zoning district or other standards of this Code; and

The initial rezoning in 2021 from O – Open and IH – Industrial Heavy to PD – Planned Development addressed a unique situation in that the property had historically contained an auto salvage yard (an industrial use) that was not conforming to the property’s zoning along with other uses that were compliant with the zoning.

The proposed amendments to the Planned Development provide further flexibility in potential uses, the number of principal uses and buildings on the property, and in building height. Approval of the request would result in a potential mix of uses and heights that could not be accomplished in a base zoning district.

b. Whether the proposed PD plan meets the other standards of this Code not expressly modified by the PD plan or development agreement.

The proposed PD amendment expands potential uses, allows for multiple uses and multiple buildings on the property and provides flexibility for specific building heights. Compliance with other standards within the Land Use Code not expressly modified by the Planned

Development will be evaluated with each land use application for specific development proposals.

Section 6.3.8.D. General Review Criteria.

1. Generally.

a. Unless otherwise specified in this Code, County review and decision-making bodies shall review all development applications submitted pursuant to this article for compliance with the General Review Criteria stated below.

This rezoning request is being evaluated for compliance with the General Review Criteria.

b. The application may also be subject to additional review criteria specific to the type of application, as set forth in §6.4 through §6.7.

This application has been evaluated for compliance with the rezoning review criteria found in Section 6.6.1.D of the Land Use Code.

c. If there is a conflict between the General Review Criteria in this section and the specific review criteria in §6.4 through §6.7, the specific review criteria in §6.4 through §6.7 control.

The Development Services Team has not identified any conflicts between the General Review Criteria and the rezoning review criteria found in Section 6.6.1.D of the Land Use Code.

2. Compliance with this Code.

The proposed use and development shall comply with all applicable standards in this Code unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

The proposed Planned Development proposes to modify the allowed building height for batch plant silos and bag house dust collection enclosures. The batch plant use itself requires approval through the Special Review process. Compliance with all applicable standards for any given development proposal will be evaluated through the applicable review process.

3. Compliance with Other Applicable Regulations.

The proposed use and development shall comply with all other County regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property.

The proposed Planned Development would modify allowed uses and development standards on the property, but each on the property would require approval through a review process. Compliance with all applicable County, state, or federal regulations would be evaluated as a part of the applicable review process.

4. Compliance with Prior Approvals.

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect

and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.

Prior approvals include a rezoning of one lot from C – Commercial to I-1 – Industrial in 1978, a Special Review to allow a recycling yard in 1978, the combination of two parcels into one parcel through an Add-On Agreement process in 2021, and a rezoning from O – Open and IH – Industrial Heavy to PD – Planned Development in 2021. This proposed rezoning modifies the existing Planned Development and does not conflict with the terms and conditions of any prior land use approval.

5. Compliance with Zoning District Standards.

The proposed development shall comply with the standards of the zoning district in which it is located and any standards applicable to the particular use, as identified in §3.3, Use-Specific Standards.

The proposed modifications to the Planned Development zoning are consistent with and supplement the existing Planned Development zoning. There are no standards found in Section 3.3 of the Land Use Code that are applicable to this request.

6. Compliance with Development Standards.

The proposed development shall comply with the applicable standards in Article 4.0, Development Standards.

The standards found in Article 4.0 are not applicable to this rezoning request. Compliance with Article 4.0 standards will be evaluated with specific development applications such as a Site Plan Review or Special Review.

7. Compliance with Other Code Provisions. The proposed development shall comply with all other standards imposed on it by all other applicable provisions of this Code, including but not limited to standards relating to establishment and operation of uses, layout of the site, and general development characteristics.

There are no other Land Use Code standards applicable to this request.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Larimer County Planning Commission and the development Services recommend approval of the Aragon Holdings Second Rezoning, File #22-ZONE3406, subject to the following conditions:

The PD standards found in the Findings and Resolution for the Aragon Holdings Rezoning, File 21-ZONE2874, reception number 20210071654 shall be modified as follows:

Under the PD Primary Uses section, add:

C. Fleet Services (Site Plan Review): A central facility for the storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include courier, delivery, and express services, recreational touring fleets, taxi fleets, and mobile catering truck storage.

Add this new section prior to PD Accessory Uses

Multiple Principal Uses and Multiple Buildings Allowed: Multiple principals uses, and multiple principal buildings shall be allowed if each use and building can be accommodated within the zoning district's dimensional standards and comply with all use-specific conditions or standards required of any of the principal uses.

Add to the Lot and Building Standards section:

The maximum height for storage silos and baghouse dust collector's accessory to concrete batch plants shall be:

1. 60 feet for standalone storage silos and baghouse dust collectors directly adjacent to and directly connected to or protruding from the roof of the enclosed batch plant equipment supplied by the silos.
2. If Storage silos or bag house dust collectors are integral to the batch plant equipment and designed a low-profile to be enclosed within the same building as the batch plant equipment the maximum height of the building that encloses both the batch plant equipment, the low-profile storage silos, and the bag house dust collector shall be 50 feet.
 - a. This height exception allows for only one additional stand-alone storage silo or baghouse dust collector.

The revised Planned Development zoning shall read:

PD Primary Uses:

A. Manufacturing and Processing: Uses in this category to include transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance or commodity, in order to change its form, character or appearance. Accessory use may include retail sales, offices, storage, cafeteria, employee, amenities, parking warehousing, and repair facilities. Specifically included with this PD:

- a. Junkyard or Auto Salvage Yard (existing): A facility for the display, storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, junk vehicles, appliances or other personal property whether of value or valueless. "Junkyard" does not include the storage of implements of husbandry, farm tractors, farm and ranch equipment or vehicles customarily operated in a farm or ranch operation.
 - i. any change to the existing auto salvage yard use that would change, expand, or intensify the use in any way, will require site Plan Review.
- b. Hazardous Materials Storage and/or Processing (Special Review): A facility for the storage, treatment, disposal or otherwise handling any substance of material that, by reason of its toxic, corrosive, caustic, abrasive, or otherwise injurious properties that may be detrimental or deleterious to the health of anyone coming into contact with such material or substance. This use category includes the collecting, storing and/or blending of hazardous waste to be used as a fuel source or alternate fuel.
- c. Manufacturing, Light (Site Plan Review): Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, or wholesaling of goods, products, using parts previously developed from raw material including, but not limited to, electronic instruments or devices, food and beverage processing, scientific research and testing, and commercial bakeries. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly fabrication, or processing takes place.
- d. Manufacturing, Heavy (Special Review): An establishment that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts on the

environment or surrounding areas. Examples include but are not limited to asphalt and concrete batch plants, fuel alcohol plants, fuel bulk plants, and ice and cold storage plants.

e. Recycling Facility (Site Plan Review): A facility where use material is separated, processed and stored prior to shipment to others who use the materials to make new products.

f. Sawmill (Special Review): A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of the lot.

g. Trade Use (Site Plan Review): A business or operation requiring specialized training in a manual or mechanical skill, including but not limited to carpentry; plumbing; sheet metal; electrical; auto repair; heating; ventilation and air conditioning; furniture upholstery; and machine shops.

h. Storage and Warehousing (Site Plan Review): Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present. Specific use categories include:

1. Enclosed Storage: A principal use where goods are kept in completely enclosed building or buildings. Enclosed storage includes self-storage and ministorage facilities, freezers, and meat lockers, and may include an accessory single-family dwelling for the owner/operator of the facility.

2. Outdoor Storage: A principal use where goods such as recreational vehicles, boats and other large items, are stored outside of a building.

i. Warehousing and Wholesale Facility (Site Plan Review): A building or area for storage, wholesale, and/or distribution of goods and materials, supplies, and equipment that are manufactured or assembled off-site. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Accessory uses may include retail and office uses.

B. Public and Semi-Public Utility Uses (Site Plan Review): Uses in this category include all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, communication signals, or other similar public services at a local level. Specific use types include:

- a. Radio and Television Transmitter: A facility consisting of antennas and transmitters for sending audio and visual programs to the public. Broadcast studios and administrative or business offices are not allowed.

- b. Small Solar energy Facility: A facility which is used for the production of electrical energy from energy collected by the sun including solar energy collectors, power generation facilities, facilities for storing and transforming energy, other appurtenant facilities and any transmission lines, which is developed for the purpose of supplying or distributing electrical energy to users, a customer or customers.

- i. Building Mounted: A small solar facility flush-mounted to the roof or walls of a structure.

- ii. Ground Mounted: A small solar facility mounted on the ground in which all the components together disturb an area of five or fewer acres.

- c. Small Wind Energy Facility: A facility which is used for the production of electrical energy from energy supplied by the wind including any transmission lines and developed for the purposes of supplying or distributing electrical energy to users, customer or customers, and in which there are no more than three wind generator towers, and the hub height of the wind towers does not exceed 80 feet.

d. Wireless Communications Facility (WCF): As defined in LUC2021 Article 20.2.6.E

All approved Primary Uses are to meet applicable Use Regulations in LUC2021 Articles 3.3.6 Industrial Uses and 3.3.7 Public and Semi-Public Utility Uses.

C. Fleet Services (Site Plan Review): A central facility for the storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating vehicles. Typical uses include courier, delivery, and express services, recreational touring fleets, taxi fleets, and mobile catering truck storage.

Multiple Principal Uses and Multiple Principal Buildings Allowed: Multiple principal uses and multiple principal buildings shall be allowed if each use and building can be accommodated within the zoning district's dimensional standards and comply with all use-specific conditions or standards required of any of the principal uses.

PD Accessory Uses: Accessory Uses that are customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use, as defined in Articles 20.2.7.E Industrial Accessory Uses and 20.2.7.F Utility Accessory Uses are allowed. All approved Accessory Uses are to meet applicable Use Regulation in LUC2021 3.4.3 General Standards for All Accessory Uses, Structures and 3.4.8 Additional Standards for Industrial Accessory Uses, and 3.4.8 Additional Standards for Utility Accessory Uses.

Any revision from Auto Salvage Yard to the PD Primary Uses must be approved by either Site Plan Review pursuant to LUC2021 6.4.1 or by Special Review pursuant to 6.4.2. The review process to be followed is noted with each use.

Lot and Building Standards: All nonconforming buildings, uses, and site features established prior to LUC2021 may continue to be used and occupied, subject to Article 1.10. All new construction on site will meet Lot and Building Standards for Industrial Heavy as provided in Article 2.5.3. Additional setback standards in Article 2.9.4 may apply.

Minimum Lot Area: 15,000 sq ft.

Front Setback A: 25 ft

Side Setback B: 10 ft

Rear Setback C: 10 ft

Building Height: 40 ft

The maximum height for storage silos and baghouse dust collector's accessory to concrete batch plants shall be:

1. 60 feet for standalone storage silos and baghouse dust collectors directly adjacent to and directly connected to or protruding from the roof of the enclosed batch plant equipment supplied by the silos.

2. If storage silos or bag house dust collectors are integral to the batch plant equipment and designed as low-profile to be enclosed within the same building as the batch plant equipment the maximum height of the building that encloses both the batch plant equipment, the low-profile storage silos, and the baghouse dust collector shall be 50 feet.

a. This height exception allows for only one additional stand-alone storage silo or baghouse dust collector.

2. JELLYSTONE PARK CAMPGROUND & RV RESORT REZONING, FILE NO. 22-ZONE3393: The property at 5495 E. Highway 36, Estes Park is a 35-acre parcel that is zoned O – Open.

The property contains the Jellystone Park Campground & RV Resort which consists of 118 campsites, 15 cabins, 11 park model RVs, 1 modular home, 91 RV campsites, and a variety of amenities including a miniature golf course, swimming pool, jumping pad, playground, basketball court, horseshoe pit, hiking trail, and a game room.

The campground and RV park is a nonconforming use. In 2000, the Board of Adjustment granted a variance to add 4-9 park model RVs on the property. That site plan established the extent of the development on the property in 2000.

The only other approvals on the property have been a variance granted in 2003 approving a sign larger than allowed by the regulations at the time and two administrative setback variances for a new maintenance shop and a new pavilion. There have been no approvals since 2000 to expand the number of cabins, campground spaces, or RV spaces.

Based on the current site plan for the property, the previous property owner added several cabin and RV spaces to the property without review or approval from Larimer County.

There is an open Code Compliance case on the property for buildings and structures built without benefit of building permits and for expansion of the operation without County approval.

The current property owners would like to resolve the Code Compliance case, install additional park model RVs on the property, add several glamping-style tents, and perform several other renovations and site upgrades.

Modern campgrounds and recreational vehicle parks are not allowed in the Open zoning district, but they are allowed in the FO – Forestry zoning district with Special Review approval.

The Framework Map in the Comprehensive Plan identifies this area as part of the Mountains and Foothills framework category.

Section 2.2.1. of the Land Use Code identifies the Conservation and Agriculture Districts as those that further the Comprehensive Plan goals for the Rural, Agricultural and Ranching, Mountains and Foothills, and Natural Resources framework categories.

The Conservation and Agriculture Districts are NR – Natural Resources, FO – Forestry, A – Agriculture, and ACE – Agricultural Commercial Enterprise.

Forestry is the zoning district most closely aligned with the Mountains and Foothills framework category.

If the property is successfully rezoned to Forestry, the property owner intends to submit a Special Review application to resolve the outstanding issues and gain approval to construct the desired upgrades to the property.

REVIEW CRITERIA:

Section 6.6.1.D (Rezoning)

Amending the zoning map is a matter committed to the legislative discretion of the County Commissioners. In deciding the application, the Planning Commission and the County Commissioners shall consider the criteria in §6.3.8. D (General Review Criteria) and whether and the extent to which the proposed amendment meets the following.

1. Compatible with Surrounding Uses

The proposed change in zoning is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property. Dimensional limitations of the proposed zoning district, when applied, should result in development that will be consistent with the physical character of existing or permissible uses surrounding the subject property. The proposed change shall result in a logical and orderly development pattern in the neighborhood.

Rezoning the property from O – Open to FO – Forestry would not directly grant approval of additional development on the property but would establish a new range of potential uses on the land and would establish new dimensional standards and minimum lot sizes. Key differences are that the minimum lot size in the Open zoning district is 10 acres and the minimum lot size in the FO – Forestry zoning district is 5 acres.

The minimum required setbacks in the Forestry zoning district are 25 feet from front property lines and 15 feet from side and rear property lines.

Minimum setbacks in the Open zoning district are 25 feet all property lines, except for lots that were created on or before November 29, 1973. Lots created on or before that date have 5-foot setbacks from side property lines and 10-foot setbacks from rear property lines.

There are 116 lots within the Meadowdale Hills 1st and 2nd Filings approximately one mile northwest of the property. The majority of those lots are smaller than 5 acres and all of the lots are allowed 5-foot side and 10-foot rear setbacks.

As previously noted, rezoning to Forestry would allow the property owner to submit a Special Review application to resolve the Code Compliance issue and make upgrades to the existing campground and RV park.

The existing campground and RV park has operated on the property for several decades with no documented complaints regarding compatibility and no neighboring property owners have objected to the proposed rezoning.

The Development Services Team concludes that the rezoning request is compatible with the type, intensity, character, and scale of existing and permissible land uses surrounding the subject property, should result in development that will be consistent with the physical character of existing or permissible uses surrounding the subject property, and should result in a logical and orderly development pattern in the neighborhood.

2. Community Need or Public Benefit

The proposed change in zoning addresses a demonstrated community need or otherwise results in one or more particular public benefits that offset the impacts of the proposed uses requested, including but not limited to: affordable and senior housing; childcare facilities; medical facilities; transportation efficiencies; public recreational opportunities; infrastructure improvements; and preservation of lands of high conservation value.

Rezoning the property could result in reinvestment and upgrades to the property that would not be possible with the property's current Open zoning district. This would retain or enhance the value of the property which contributes to the tourist economy in the Estes Park region.

The Development Services Team concludes that the request complies with this criterion.

3. Change of Circumstances

The proposed change in zoning addresses or responds to a beneficial material change that has occurred to the immediate neighborhood or to the greater Larimer County community.

The rezoning request has come about because of a change of ownership of the campground and RV park and because of the desire of the new owners to bring the site into conformance and to enhance the property.

4. Adequate Infrastructure

The property subject to the proposed change in zoning is, or may be served by adequate roads, water, sewer, and other public use facilities.

The subject properties currently take access from E. Highway 36, which is classified as a State Highway on the Larimer County Functional Road Classification Map. Water service is provided by an on-lot well and the property is served by an on-lot septic system.

Any future development applications for the subject property will be reviewed to ensure that all development standards, including public facilities, are provided to the level required by the Land Use Code and other applicable regulations.

5. Natural Environment

The proposed change does not result in significant adverse impacts on the natural environment.

The rezoning of the property from O – Open to FO - Forestry would not directly approve further development of the property and would therefore not result in significant adverse impacts on the natural environment.

The property is in a very high wildfire hazard area. GIS data indicates that the property is located in a low and moderate geological hazard area. The property is not in a flood hazard area and is not identified as an important wildlife habitat.

Specific development proposals will be evaluated for adverse impacts on the natural environment.

6. Additional Review Criteria in Growth Management Area (GMA) Districts a. To establish or enlarge

a GMA district, the County Commissioners must also find that the criteria in §4.2.1. B.3 have been met; and

b. The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in Article 4.2.1.B.3 can no longer be met.

This property is not in a Growth Management Area therefore this criterion is not applicable.

Section 6.3.8.D. General Review Criteria.

1. Generally.

a. Unless otherwise specified in this Code, County review and decision-making bodies shall review all development applications submitted pursuant to this article for compliance with the General Review Criteria stated below.

This rezoning request is being evaluated for compliance with the General Review Criteria.

b. The application may also be subject to additional review criteria specific to the type of application, as set forth in §6.4 through §6.7.

This application has been evaluated for compliance with the rezoning review criteria found in Section 6.6.1.D of the Land Use Code.

c. If there is a conflict between the General Review Criteria in this section and the specific review criteria in §6.4 through §6.7, the specific review criteria in §6.4 through §6.7 control.

The Development Services Team has not identified any conflicts between the General Review Criteria and the rezoning review criteria found in Section 6.6.1.D of the Land Use Code.

2. Compliance with this Code.

The proposed use and development shall comply with all applicable standards in this Code unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

The proposed rezoning to Forestry would not directly result in approval of any development on the property. If the property is rezoned, Special Review approval would be required to resolve the Code Compliance issue on the property and to perform the upgrades desired by the current property owner.

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3. Compliance with Other Applicable Regulations.

The proposed use and development shall comply with all other County regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property.

Future applications for development on the property will be evaluated for compliance with all applicable County, state, or federal regulations as a part of the applicable review process.

4. Compliance with Prior Approvals.

The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.

The most significant prior approval was the variance granted in 2000 by the Board of Adjustment to allow 4-9 park model RVs on the property. As previously noted, the only other approvals on the property have been a variance granted in 2003 approving a sign larger than allowed by the regulations at the time and two administrative setback variances for a new maintenance shop and a new pavilion.

The proposed rezoning would not conflict with these prior approvals.

5. Compliance with Zoning District Standards.

The proposed development shall comply with the standards of the zoning district in which it is located and any standards applicable to the particular use, as identified in §3.3, Use-Specific Standards.

The proposed rezoning would not result in approval of a development and there are no standards found in Section 3.3 of the Land Use Code that are applicable to this request.

6. Compliance with Development Standards.

The proposed development shall comply with the applicable standards in Article 4.0, Development Standards.

The standards found in Article 4.0 are not applicable to this rezoning request. Compliance with Article 4.0 standards will be evaluated with specific development applications.

7. Compliance with Other Code Provisions.

The proposed development shall comply with all other standards imposed on it by all other applicable provisions of this Code, including but not limited to standards relating to establishment and operation of uses, layout of the site, and general development characteristics.

There are no other Land Use Code standards applicable to this request.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Jellystone Park Campground & RV Resort Rezoning, File # 22-ZONE3393.

MOTION

Commissioner Kefalas moved the Board of County Commissioners to approve the Consent Agenda subject to the conditions outlined in the staff reports and authorize the Chair to sign the Findings and Resolutions.

Motion carried 3-0.

With there being no further business, the Board adjourned at 3:10 pm.

TUESDAY, JULY 4, 2023

ADMINISTRATIVE MATTERS MEETING

There was no Administrative Matters Meetings for this week, due to the July 4th holiday.


JODY SHADDUCK-MCNALLY
BOARD OF COUNTY COMMISSIONERS

TINA HARRIS
CLERK AND RECORDER

ATTEST:



Tessa Beaty, Deputy Clerk

