



Date: Monday, August 12, 2024

Time: 3:00 PM

Location: Hybrid - In-Person: Hearing Room 1st Floor, 200 West Oak Street, Fort Collins or Virtual, Zoom Link:
https://larimer-org.zoom.us/webinar/register/WN_OzNvFMtWRsK1AjnZIV4xew

LAND USE HEARING AGENDA

Call to Order

Pledge of Allegiance

Public Hearing Consent Items:

*Will not be discussed unless requested by Commissioners or members of the audience.

**Board to sign F&R at the Hearing

1. ** Brown Family Conservation Development Preliminary Plat, File No. 19-LAND3867

Staff Contacts: Michael Whitley, AICP, Planning; David Pringle, Engineering; Lea Schneider, Department of Health and Environment

Request: Preliminary Plat approval for a Conservation Development which would divide a 35-acre parcel into one residential lot and one residual lot with a residential building envelope

Location: 13875 N. County Road 7, Wellington; Located on the west side of N. County Road 7 approximately one mile north of the intersection of N. County Road 7 and Labrador Lane

Applicants: Megan Keefe, P.E., Keefe Civil, Inc., 3125 Crockett Street Fort Collins, Colorado 80526

Owners: Brian and Sarah Brown, 3665 Downieville Street Loveland, CO 80538

Development Services Team Recommendation: The Larimer County Planning Commission and the Development Services Team recommends approval of the Brown Family Conservation Development, File No. 19-LAND3867, subject to the conditions outlined in the staff report.

2. ** Jeffery Minor Land Division, File No. 24-LAND4412

Staff Contacts: Laura Culleton, Planning; David Pringle, Engineering; Lea Schneider, Health

Request: Minor Land Division of a 39.37-acre parcel to create a 17.381-acre parcel with an existing single-family residence, and a 21.98-acre vacant parcel. The vacant parcel will then be combined with 1570 CR 37E through an administrative amended plat process (related case: 24-LAND4413).

Location: 1595 County Road 37E. Lyons, CO 80540

Applicants: Robert Jeffery, 1595 County Road 37E. Lyons, CO 80540

Owners: Robert & Bernadette Jeffery, 1595 County Road 37E. Lyons, CO 80540

Development Services Team Recommendation: The Development Services Team recommends approval of the Jeffery Minor Land Division, File 24- LAND4412, subject to the conditions in the staff report and authorization for the chairman or their designate to sign the plat when the conditions are met, and the plat is presented for signature.

3. ** Riverside Farm 2nd Filing Amended Plat & Right of Way Vacation, File No. 19-LAND3877

Staff Contacts: Laura Culleton, Planning; Lea Schneider, Health; Steven Rothwell, Engineering

Request: 1) Amended Plat for the entire second filing of Riverside Farm Subdivision to reduce the number of lots from 24 to 16 and to increase the size of Tract A (open space). 2) Right of Way Vacation of a portion of Sweetwater Lane that was originally proposed to serve the lots being removed from the subdivision.

Location: Riverside Farm 2nd Filing; located approximately 0.25-miles southeast of the intersection of Highway 287 and W County Road 4E. Located directly south of Riverside Farm 1st Filing.

Applicants: Colin Geminden, P.E. Rocky Ridge Civil Engineering

Owners: Riverside Farms II LLC, 15355 Zuni St. Broomfield, CO 80023

Development Services Team Recommendation: The Development Services Team recommends approval of the request to vacate right-of-way within the Riverside Farm 2nd filing Subdivision as indicated by the right-of-way legal description and exhibit (Attachment C). and The Development Services Team recommends approval of the Riverside Farm 2nd Filing Amended Plat, File No. 19-LAND3877 subject to the conditions outlined in the staff report.

4. ** Legislative Rezoning from Open (O) and Rural Residential (RR-2) to Natural Resources (NR), File No. 24-ZONE3670

Staff Contacts: Matt Lafferty, AICP

Request: A Legislative Rezoning to the Larimer County Zoning Map to change the zoning designation Open (O) and Rural Residential (RR-2) to Natural Resources (NR) on multiple publicly owned properties being utilized for open space or held for purposes such as conservation or public uses.

Applicants: Larimer County Community Development

Development Services Team Recommendation: 1) Staff recommends that the Planning Commission recommends to the Board of County Commissioners approval of the Proposed Zoning Amendments to the Larimer County Zoning Map and the Larimer County Front Range Zoning Map (Planning File No. 24-ZONE3670) to change the zoning designation of multiple publicly owned properties from O (Open) and RR-2 (Rural Residential) to NR (Natural Resources) as proposed by the Community Development Department, and 2) Staff recommends that the Planning Commission Certify the Larimer County Zoning Map and the Larimer County Front Range Zoning Map as proposed.

5. ** 655 8th Street SE Appeals, File No. 22-ZONE3194

Staff Contacts: Michael Whitley, AICP, Planning, Connor Sheldon, Engineering, Lea Schneider, Department of Health and Environment

Request: This request consists of appeals to four Land Use Code standards - Section 4.6.7.E.1 regarding paving, Section 4.6.7.H (Table 7) regarding electric vehicle charging space requirements, Section 4.8.2.C.3 regarding perimeter fencing, and Section 4.8.2.D.2.c regarding fencing material

Location: 655 8th Street SE, Loveland; located on the north side of 8th Street SE approximately one-quarter mile east of the intersection of Highway 287/S Lincoln Avenue and 8th Street SE

Applicants: Blaine Rappe, 126 Bristlecone, LLC, 1712 Topaz Drive, Loveland, Colorado 80537

Owners: 126 Bristlecone, LLC, 1712 Topaz Drive, Loveland, Colorado 80537

Development Services Team Recommendation: The Development Services Team recommends the Board of County Commissioners approve the 655 8th Street SE Appeals, File No. 22-ZONE3194 subject to the conditions outlined in the staff report.

Public Hearing Discussion Items:

1. 13938 W County Road 18E Pano AI Appeal, File No. 24-GNRL0554

Staff Contacts: Michael Whitley, AICP, Planning, Traci Shambo, Engineering, Lea Schneider, Department of Health and Environment

Request: An Appeal to Section 9.3.7 of the Land Use Code which allows the placement of cameras or other surveillance on wireless communication facilities (cell towers) only for the safety and security of the wireless communication facility. If approved, the appeal would allow for the placement of cameras on an existing tower for the detection of fires and dissemination of information to emergency responders.

Location: 13938 W County Road 18E, Loveland; located approximately one-quarter mile northeast of the intersection of W County Road 18E and Green Mile Drive

Applicants: Marianne Boring, Pano AI, Inc., 3130 20th Street, Suite 175, San Francisco, California 94110

Owners: H and M Brooks Living Trust, 8026 W County Road 24H, Loveland, Colorado 80538

Development Services Team Recommendation: The Development Services Team recommends the Board of County Commissioners approve the 13938 W County Road 18E Pano AI Appeal, File No. 24-GNRL0554, subject to the conditions outlined in the staff report.

2. 9375 Gold Mine Road Pano AI Appeal, File No. 24-GNRL0555

Staff Contacts: Michael Whitley, AICP, Planning, Traci Shambo, Engineering, Lea Schneider, Department of Health and Environment

Request: An Appeal to Section 9.3.7 of the Land Use Code which allows the placement of cameras or other surveillance on wireless communication facilities (cell towers) only for the safety and security of the wireless communication facility. If approved, the appeal would allow for the placement of cameras on an existing tower for the detection of fires and dissemination of information to emergency responders.

Location: 9375 Gold Mine Road, Loveland; located approximately three-quarters of a mile north of the intersection of Stag Hollow Road and Gold Mine Road

Applicants: Marianne Boring, Pano AI, Inc., 3130 20th Street, Suite 175, San Francisco, California 94110

Owners: RF Towers LLC, 1418 Bradley Avenue, Cheyenne, Wyoming 82001

Development Services Team Recommendation: The Development Services Team recommends the Board of County Commissioners approve the 9375 Gold Mine Road Pano AI Appeal, File No. 24-GNRL0555, subject to the conditions outlined in the staff report.

3. 3519 Minuteman Drive Pano AI Appeal, File No. 24-GNRL0556

Staff Contacts: Michael Whitley, AICP, Planning, Traci Shambo, Engineering, Lea Schneider, Department of Health and Environment

Request: An Appeal to Section 9.3.7 of the Land Use Code which allows the placement of cameras or other surveillance on wireless communication facilities (cell towers) only for the safety and security of the wireless communication facility. If approved, the appeal would allow for the placement of cameras on an existing tower for the detection of fires and dissemination of information to emergency responders.

Location: 3519 Minuteman Drive, Fort Collins; located approximately two miles northwest of the intersection of Minuteman Drive and Soderburg Drive

Applicants: Marianne Boring, Pano AI, Inc., 3130 20th Street, Suite 175, San Francisco, California 94110

Owners: Kinnison Family Trust, 5133 W County Road 38E, Fort Collins, Colorado 80526

Development Services Team Recommendation: The Development Services Team recommends the Board of County Commissioners approve the 3519 Minuteman Drive Pano AI Appeal, File No. 24-GNRL0556, subject to the conditions outlined in the staff report.

4. 740 N County Road 41 Pano AI Appeal, File No. 24-GNRL0557

Staff Contacts: Michael Whitley, AICP, Planning, Traci Shambo, Engineering, Lea Schneider, Department of Health and Environment

Request: An Appeal to Section 9.3.7 of the Land Use Code which allows the placement of cameras or other surveillance on wireless communication facilities (cell towers) only for the safety and security of the wireless communication facility. If approved, the appeal would allow for the placement of cameras on an existing tower for the detection of fires and dissemination of information to emergency responders.

Location: 740 N County Road 41, Bellvue; located east of the intersection of N County Road 41 and Tip Top Road

Applicants: Marianne Boring, Pano AI, Inc., 3130 20th Street, Suite 175, San Francisco, California 94110

Owners: Big D Properties II, LLC, 3111 S College Avenue, Fort Collins, Colorado 80525

Development Services Team Recommendation: The Development Services Team recommends the Board of County Commissioners approve the 740 N County Road 41 Pano AI Appeal, File No. 24-GNRL0557, subject to the conditions outlined in the staff report.

5. Larimer County Land Use Code Amendments, File No. 24-CODE0278

Staff Contacts: Matt Lafferty, Principal Planner, AICP; Justin Currie, Planner II; Jared Seay, Planner I

Request: Amend the Larimer County Land Use Code as follows:

Amend Article 3.0 – Use Regulations, Section 3.4. – Accessory Uses and Structures, Subsection 3.4.7.B – Home Occupations and Subsection 3.4.7.C. – Rural Occupations to require the submittal of a completed and signed registration certificate for the operation of such uses on a residential or rural property.

Amend Article 3.0 – Use Regulations, Section 3.4. – Accessory Uses and Structures, Subsection 3.4.5.A. – Accessory Living Area to allow accessory living areas as a use by right in all residential zones, unless otherwise specified in said Article 3.4.5.A., also to Amend Tables 3.3 and 3.4 in Subsection 3.2.8. – Tables of Allowed Accessory Uses to correspond with the changes made to Article 3.4.5.A..

Amend Article 3.0 – Use Regulations, Section 3.4. – Accessory Uses and Structures, Subsection 3.4.5.C. – Extended Family Dwelling by deleting said use, including amendments to delete all references to extended family dwellings found in Article 2.0 – Zoning Districts, Subsection 2.7.2.G.1.b.iv.(b), Article 3.0 – Use Regulations, Tables 3.3 and 3.4 in Subsection 3.2.8. – Table of Allowed Accessory Uses, Article 3.0 – Use Regulations, Subsection 3.3.3.E.- Manufactured Home, and Article 20.0 – Rules of Interpretation and Definitions, Subsection 20.2.7.B. – Accessory Dwelling Unit (ADU).

Amend Article 20.0 – Rules of Interpretation and Definitions, Subsection 20.3.1. – Definitions, by updating the terms Family and Living Unit to reflect state legislative changes that prohibit the regulation of occupants based upon family relation, also to amend Article 13.0 – Supplemental Regulations for the Estes Valley, Section 13.8. – Definitions by updating the terms Household Living and Household to reflect legislative changes that prohibit the regulation of occupants based upon family relation, and to amend all references in the Land Use Code of where the term family can be replaced by unit (i.e. single-family, multi-family or the like to single-unit, multi-unit, or the like).

Amend Article 2.0 – Zoning Districts, Subsection 2.9.4.E.3. – Annexed Roads to allow for greater flexibility in setback requirements along major roads inside of an adopted Growth Management Area, and Article 6.7. – Flexibility and Relief Procedures, Subsection 6.7.1.D.4. – Additional Criteria for Modifications to Setbacks from County Road Setbacks.

Amend Article 20.0 – Rules of Interpretation and Definitions, Section 20.3. – Other Terms Defined to refine the definition of Tiny House on Wheels, Article 20.0 – Rules of Interpretation and Definitions, Section 20.2.2. – Residential Uses by adding Subsection 20.2.2.9. – Dwelling, Tiny Home to define when a tiny home of wheels can be considered a dwelling, Article 3.0 – Use Regulations, Subsections 3.3.3.A – Dwelling Cabin, 3.4.5.A. – Accessory Living Area, and 3.4.5.D. – Farmstead Accessory Dwellings to define where tiny home on wheels on a temporary foundation is allowed or not allowed.

Amend Article 3.0 – Use Regulations, Section 3.4. – Accessory Uses and Structures, Subsection 3.4.4.I. – Personal Horses and Livestock to remove the term livestock, also to make the same amendments to Article 3.0 – Use Regulations, Tables 3.3 and 3.4 in Subsection 3.2.8. – Table of Allowed Accessory Uses, and Article 20 Rules of Interpretation and Definitions, Subsection 20.2.7.A.9..

Amend Article 2.0 - Zoning Districts, Section 2.9. – Measurements and Exceptions, Subsection 2.9.4.E.3. and Table 2-9: Allowed Setback Encroachments in Subsection 2.9.4.I.4. by changing the term administrative variance to minor modification to conform with the terminology used in Article 6.0 – Review Procedures, Section 6.7. – Flexibility and Relief Procedures, Subsection 6.7.1. – Minor Modifications.

Amend Article 3.0 – Use Regulations, Section 3.3. – Use-Specific Standards, Subsection 3.3.5.B.2.q.iv. by removing the requirement for a copy of a current registration with the Fire Department.

Amend Article 5.0 – Land Division Standards, Section 5.9. – Design Standards, Subsection 5.9.4.C.3. by generalizing who will be the grantee if a conservation easement is used on the residual land in a Rural Land Use Plan (RLUP).

Amend Article 2.0 - Zoning Districts, Section 2.9. – Measurements and Exceptions, Table 2-9: Allowed Setback Encroachments in Subsection 2.9.4.I.4. by changing adding allowances for stairs attached to decks to encroach into the required setbacks.

Amend Article 3.0 – Use Regulations, Section 3.3. – Use-Specific Standards, Subsection 3.3.3.G. by clarifying that the standard does not apply to agricultural storage buildings and garages.

Amend Article 3.0 – Use Regulations, Section 3.3. – Use-Specific Standards, Subsection 3.3.5.B.2.x. by including clarifying language regarding what drivable surfaces can be used to measure amount of length of parking separation from the floodplain.

Amend Article 6.0 – Review Procedures, Section 6.4. – Use-Specific Standards, Subsection 6.4.3.C.2. by deleting language stating that a neighborhood referral is not required.

Amend Article 8.0 – Signs, Section 8.3. – Standards for Permanent Signs, Subsection 8.3.2.F. by deleting the term pole as it is not applicable.

Amend Article 20.0 - Rules of Interpretation and Definitions, Section 20.3 – Other Terms Defined, Definition - Growth Management Area (GMA) by removing the sentence pertaining to Estes Park as there is no longer a GMA for the Town of Estes Park.

Applicants: Larimer County Community Development

Development Services Team Recommendation: Staff recommends that the Planning Commission recommend to the Board of County Commissioners approval of the Land Use Code amendments which generally include clarifying the intent and applicability of setbacks and standards, adding and updating various use allowances and use descriptions, and refining processes, procedures, and standards for clarity and ease of use, as found in File No. 24-CODE0278, subject to the conditions outlined in the staff report.

Adjourn

Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven (7) business days' notice. Please email us at accessibility@larimer.org or by calling 970-498-5967 or Relay Colorado 711 "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.