

**Date:** Wednesday, March 20, 2024  
**Time:** 6:00 PM  
**Location:** Hybrid: In-Person, Hearing Room, 1st Floor, 200 West Oak Street, Fort Collins or Virtual, Zoom link -

## PLANNING COMMISSION MEETING MINUTES

The Larimer County Planning Commission met in the Hearing Room as well as virtually by Zoom video at 6:00 p.m., on Wednesday, March 20, 2024, at which time the following business was transacted.

Board Members Present: Bob Choate (Chair), Patrick Rowe (Vice Chair), Conor Duffy (Secretary), Anne Best Johnson, Jordana Barrack, Jon Slutsky, Shelby King, and Lisa Chollet.

Staff Present: Rebecca Everette, Community Development Director; Jenny Axmacher, Planning Manager; Justin Currie, Planner II; Michael Whitley, Senior Planner David Pringle, Civil Engineer I; Steven Rothwell, Civil Engineer II; Caryn Nezat, Civil Engineer II; Lea Schnieder, Environmental Health Planner; Christine Luckasen, Assistant County Attorney I; and Christina Scrutchins, Recording Secretary.

### **AMENDMENTS TO THE AGENDA**

None.

### **APPROVAL OF THE MINUTES**

*Commissioner Rowe moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the February 21, 2024, minutes of the Larimer County Planning Commission. Commissioner Duffy seconded the motion. Motion carried (8-0).*

### **COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE OR REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA OR FUTURE PROPOSALS**

None.

### **TABLED ITEMS FROM FEBRUARY 21, 2024, Tabled TO APRIL 17, 2024**

ITEM NO. 1 - NEW CELL TOWER AT 520 ISAAC LANE SPECIAL REVIEW, FILE NO. 23-WCF0107

#### **MOTION**

Commissioner Best Johnson moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission table Item No. 1 - New Cell Tower at 520 Isaac Lane Special Review, File No. 23-WCF0107, tabled from February 21, 2024, to April 17, 2024. Commissioner Chollet seconded the motion. Motion carried (8-0).

### **CONSENT ITEMS**

ITEM No. 2 – CLHS ENTERPRISES, LLC REZONING, FILE NO. 23-ZONE3556

Applicants: Alpine Koi & Reef, 2715 E Mulberry St Fort Collins, CO 80524

Owners: CLHS Enterprises, LLC, 2715 E Mulberry St Fort Collins, CO 80524

Request: A request to rezone the property from Urban Residential (UR 1) to PD (Planned Development).

ITEM No. 3 – ASKELAND REZONING, FILE NO. 23-ZONE3565

Applicants/Owners: John and Rachel Askeland, 4796 W County Road 38E Fort Collins, CO 80526

Request: Proposal to remove conditions of approval from property located in an existing CC - Commercial Corridor zoning district limiting the property use to boat storage and small convenience retail and requiring a specific fence type.

MOTION

Members of the public requested Consent Item No. 1 – Neubauer Conservation Development, File No. 22-LAND4225, be removed from the Consent items and moved to a Discussion Item.

Commissioner Best Johnson moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission recommend to the Larimer County Board of County Commissioners approval of the consent agenda item No. 2 – CLHS Enterprises, LLC Rezoning, File No. 23-ZONE3556 and item No 3 – Askeland Rezoning, File No. 23-ZONE3565, and consent item No 1 – Neubauer Conservation Development, File No. 22-LAND4225, be removed from the Consent items and moved to a Discussion Item. Motion carried (8-0).

**DISCUSSION ITEMS**

ITEM NO. 1 – NEUBAUER CONSERVATION DEVELOPMENT, FILE NO. 22-LAND4225

The applicant proposes to subdivide a 50-acre (+/-) parcel zoned RR1 – Rural Residential into four (4) residential lots, each approximately 3-4 acres, and one (1) residual lot to be used for future agricultural use. Since the property is over 30-acres and located outside a Growth Management Area, the required land division process, per Table 5-2 in Article 5.8 of the Land Use Code, is a Conservation Development, which requires that a certain percentage of the land be set aside as a residual lot, while still allowing for the division of smaller lots in clusters.

Based on the zoning and the utility infrastructure already in place, the required ratio of developable land to residual land is 80/20, See table below. This proposed subdivision will be reviewed and developed at a ratio of 50/50; the original planner assigned to this project informed the applicant that that was the development ratio to design their project on. They also went through a previous planning process, a Boundary Line Adjustment/Amended Plat Combo, under the assumption of the 50/50 development ratio prior to this submittal. Planning staff felt that it would not be appropriate to require the applicant to start the process over under a different development ratio. Since this is a 50/50 developable to residual land ratio, a minimum of 25-acres must be used for residual land, which is required to be conserved in perpetuity or used as agricultural land, and the remaining acreage, a maximum of 25-acres, can be developed. The property is currently being used for agricultural purposes with the remaining portions being undeveloped land. The proposed subdivision will be served by the

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West Fort Collins Water District and the residential lots will utilize on-lot septic for their sewer requirements. The property is located within the LaPorte Subarea Plan boundary and was required to go to the LaPorte Area Planning Advisory Committee. The project was presented at the December 19th, 2023, meeting where it was recommended for approval (Attachment F) The application was sent out to both referral agencies and community members. No comments were received from any community members. Referral agencies that provided comments are listed below and their comments are attached to this report (Attachment – E).

Comments were received from the following referral agencies:

- Larimer County Engineering
- Larimer County Health Dept.
- Larimer County Code Compliance
- Larimer County Department of Natural Resources, Weed District
- Larimer County Surveying
- Larimer County Environmental Planning
- West Fort Collins Water District
- Northern Colorado Water Association
- Poudre Fire Authority
- CDOT
- Century Link

Comments were not received from the following referral agencies:

- Colorado Parks and Wildlife
- Larimer County Parks
- Larimer County Road & Bridge
- Larimer County Addressing
- Larimer County GIS
- Larimer County Soil Conservation
- Colorado Geological Survey
- USPS
- LETA

A neighborhood meeting was not required for this proposed Subdivision.

#### APPLICANTS PRESENTATION

None.

#### PUBLIC COMMENT

Kriby Duval and Dean Cheeley

#### Concerns

- Expressed concern about the potential clustering of houses in a rural area.
  - Emphasized the need for clarity on the project's layout and its impact on the scenic view and agriculture in the region.
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- Concerns about potential access roads and suggested access should be from County Road 19 to avoid disruptions to the road.
- Expressed general support for the development but emphasized the importance of adequate open space and careful planning.

#### PLANNING COMMISSION, STAFF, AND APPLICANT DISCUSSION:

The applicant discussed plans for developing four lots in a specific location in conjunction with working with county staff. They mentioned changes to the Land Use Code over the years and considerations for positioning the houses closer to a new cul-de-sac on Ideal Drive. The applicant also expressed concerns about dividing their property and limiting access by developing additional properties. The commission inquired about potentially developing a cottage cluster for low-income housing on the residual area, but the applicant clarified financial constraints and current plans to sell the four lots. Views being blocked by the new development were discussed, with assurances from the applicant that the size and layout of the lots would likely not obstruct views. Staff explained clustering requirements and the potential for structures in the residual area, emphasizing the need for future access if any developments were to occur. Emergency access provisions were also detailed for the proposed development area.

#### MOTION

*Commissioner Rowe moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the Neubauer Conservation Development, File No. 22-LAND4225, subject to the conditions of approval outlined in the staff report. Commissioner Duffy seconded the motion. Motion carried (8-0).*

#### ITEM NO. 2 – RIVERSIDE COLORADO LLC REZONING, FILE NO. 23-ZONE3520

The subject property is a 1.23-acre parcel at 9940 W. Highway 14, Bellvue, which is located north of Highway 14 approximately 500 feet east of the intersection of Highway 14 and Poudre River Road.

The Columbine Lodge Campground operates on the property and the property owner would like to expand the use.

The property is currently zoned O – Open. Until March 2020, Campgrounds were allowed in the Open zoning district with Special Review approval. Campgrounds are no longer allowed in the Open zoning district, but Modern Campgrounds are allowed in the RC – Rural Commercial zoning district with Special Review approval.

The property owner has submitted four land use applications. This first application seeks to rezone the property from O – Open to RC – Rural Commercial. The second application is a Special Review to expand the campground. These two applications will be reviewed by the Planning Commission and the Board of County Commissioners concurrently.

Although the subject property has one parcel ID number and functions as a single lot, the property consists of four separate parcels within the Poudre Park Annex Subdivision plus a portion of vacated right-of-way. The third application is an Amended Plat to combine the lots into a single 1.23-acre parcel. This application will be approved or denied administratively by the Community Development Director.

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The final application is a setback variance to allow 13 tents/glamping sites to be closer to side and rear property lines than the required 5-foot setback and to allow 12 tents/glamping sites and one privy to be closer than 100-feet from the centerline of waterways. The setback variance will be approved or denied by the Board of Adjustment at a public hearing.

The property is in the Poudre Park area which is identified as a Rural Center in the Larimer County Comprehensive Plan.

ITEM NO. 3 – RIVERSIDE COLORADO LLC SPECIAL REVIEW & APPEALS, FILE NO. 23-ZONE3519

The subject property is a 1.23-acre parcel at 9940 W. Highway 14, Bellvue, which is located north of Highway 14 approximately 500 feet east of the intersection of Highway 14 and Poudre River Road.

The Columbine Lodge Special Review was approved by the Board of County Commissioners on July 27, 2010. The Special Review granted approval for an existing nonconforming resort lodge, RV park, and retail store and allowed for the expansion of the use to include a tent campground and office/retail space for a recreational business.

In conjunction with the Special Review, appeals were granted to Sections 18.4.1.B (8 acre minimum size for a campground), 18.4.3.B (access road width), 18.4.3.D (campsite setbacks) and 18.4.4.A (comfort station requirement) of the Land Use Code.

The Columbine Lodge Special Review limited campers to 35 people in 10 designated camping sites. At the time of approval, the northern quarter (+/-) of the property was within the Cache La Poudre River's floodplain. The 10 designated camping areas were located outside of the floodplain.

In 2012 the property owners completed a Letter of Map Revision (LOMR) process to remove the property from the floodplain. An Amended Special Review was approved by the Board of County Commissioners in 2019 that allowed seven of the 10 camping areas to be relocated to be along the northern property line adjacent to the Cache la Poudre River. Approval of the Amended Special Review did not increase the number of camping sites, or the number of campers allowed on the property.

The property is currently zoned O – Open. Until 2020, Campgrounds were allowed in the Open zoning district with Special Review approval. Campgrounds are no longer allowed in the Open zoning district, but Modern Campgrounds are allowed in the RC – Rural Commercial zoning district with Special Review approval.

The property owner has submitted four land use applications. The first application seeks to rezone the property from O – Open to RC – Rural Commercial. The second application is this Special Review to expand the campground. These two applications will be reviewed by the Planning Commission and the Board of County Commissioners concurrently.

Although the subject property has one parcel ID number and functions as a single lot, the property consists of four separate parcels within the Poudre Park Annex Subdivision plus a portion of vacated right-of-way. The third application is an Amended Plat to combine the lots into a single 1.23-acre parcel. This application will be approved or denied administratively by the Community Development Director.

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The final application is a setback variance to allow 13 tents/glamping sites to be closer to side and rear property lines than the required 5-foot setback and to allow 12 tents/glamping sites and one privy to be closer than 100-feet from the centerline of waterways. The setback variance will be approved or denied by the Board of Adjustment at a public hearing.

This Special Review application seeks to add two units for rent within an existing building, add 20 campsites (for a total of 30), remove several mobile homes and replace them with cabins, and add 9 RV sites to be occupied by tiny homes on wheels.

The addition of the cabins and rental units within an existing building could be approved administratively through a Site Plan Review process but have been included in this application as the site functions as a whole.

In total there would be 49 overnight sites – one caretaker's quarters and two rental units in one building, 30 campsites, 9 RVs/tiny homes, and seven cabins.

The applicant's project description describes the project as a "glamping" or "glamor camping" operation. Rather than have customers bring their own tents or RVs, tents on platforms and RVs/tiny homes are available on-site to rent. Instead of individual fire pits, 2 to 3 communal fire pits and two communal cooking would be shared by guests. Catering is also proposed to be provided.

The project description indicates that it is anticipated that approximately 70% of the guests would arrive by individual car with the remainder arriving via shuttle or carpooling arranged by the campground. The project description also indicates that a shuttle and carpooling will be provided to guests while they stay on-site.

Occupancy of each tent, RV, and cabin would be limited to two individuals.

The request includes appeals to Sections 3.3.5.C.4.b.ii (maximum density allowed for a campground), 3.3.5.C.4.d.ii (minimum tent and RV site sizes), Section 3.3.5.C.6.d (Table 3-9) (campsite setback requirements), 3.3.5.C.7.b (one tree per two campsites), 3.3.5.C.4.d.vi (road frontage), and 4.8.1.B.3.c (landscape buffer)

#### PLANNING COMMISSION AND STAFF COMMENTS

The conversation revolved around a proposed development site and its zoning regulations, particularly concerning flood hazard areas, zoning designations, and potential future land uses. The staff clarified that the proposed development site had been removed from the flood hazard area since a map revision approved by the Corps of Engineers in 2012. Therefore, there was no flood fringe or flood way on the property, eliminating flood hazards. The area had been identified in the comprehensive plan adopted in 2017 as supportive of a rural commercial center. These centers were nodes of commercial activity or greater development density than typical rural areas, serving the immediate and wider areas. The proposed rezoning aimed to align with the rural commercial zoning recommendation from the staff, offering opportunities for commercial development. However, the specific allowed land uses under the new zoning, whether requiring special review or not, were not immediately clear. The commission had sought clarification on the potential future land uses and compatibility with the surrounding area. While the proposed development appeared compatible and had received minimal feedback from neighbors, there had been concern about potentially less compatible uses in the future. The commission had requested information on other possible land uses allowed under the new

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zoning designation to assess compatibility. Staff had discussed to review the land use code to provide information on other potential uses allowed under the new zoning designation, particularly focusing on rural agricultural support uses and those requiring special review. Overall, the discussion highlighted the importance of understanding zoning regulations and potential future land uses to ensure compatibility and suitability of the proposed development within the community.

### APPLICANTS PRESENTATION

Michael Jensen expressed gratitude for the opportunity to discuss an exciting project, providing background on his extensive experience in real estate in Fort Collins, spanning nearly 30 years. He highlighted his involvement in over 20 downtown storefront redevelopments, emphasizing his focus on revitalizing properties and seeking out great operators. Having owned the property in question for 17 years, he shared that he initially purchased it to assist his mother in transitioning into retirement, but always envisioned it as a unique and promising opportunity for future development.

Dani Grant, owner of Mishawaka Amphitheatre and Chipper's lanes, added to the discussion by highlighting her multifaceted involvement in the community as a business owner and a professor at Colorado State University. She emphasized the collaborative nature of the project and its aim to improve the area while being mindful of environmental considerations, such as the river ecosystem and neighborhood dynamics. Grant also mentioned the longstanding interest from neighbors for her involvement in the project, which intensified when Jensen's property became available for development. Throughout the presentations and community meetings, Jensen and Grant outlined their plans for the project, including the introduction of a grocery store called Peter Park Market and a coffee cart offering espresso and baked goods. They also emphasized their commitment to sustainable and eco-friendly practices, including low-impact camping options and transportation initiatives aimed at reducing traffic in the canyon. Their efforts to engage with the community included voluntary meetings to solicit feedback and incorporate residents' ideas into the project design. Despite encountering challenges in securing project approval and funding, Jensen and Grant remained optimistic about the project's potential to positively impact the canyon community. They highlighted the overwhelming support received from community members, as evidenced by the high percentage of positive comments received during public surveys and meetings. Overall, they expressed confidence in the project's ability to enhance the area's amenities while preserving its natural beauty and character.

### PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

Concerns were raised regarding the capacity of the septic system to accommodate the proposed development. The discussion centered on the threshold of 2,000 gallons per day for sewage disposal and whether the project would exceed this limit. The applicants, drawing from their experience at Mishawaka, expressed confidence in their calculations and water conservation efforts to stay within the threshold. They emphasized their plans to implement low-flow fixtures and water conservation practices, expecting a decrease in water usage compared to historical levels due to improvements in infrastructure and visitor management.

Troy Jones, providing additional context, explained the phased approach adopted in collaboration with the Health Department. He clarified that the department would evaluate sewage usage during the peak season, particularly focusing on the busiest three months, to ensure compliance with the 2,000-gallon threshold. The applicants committed to maintaining detailed logs of overnight guests and sewage generation to demonstrate compliance.

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The discussion also touched on the viability of the project if it were limited to phase one development. The applicants affirmed the project's viability with the initial phase, highlighting its potential to enhance recreation, dining, and lodging options in the canyon area. In response to questions about upgrading the septic system, it was noted that such upgrades would be costly and might necessitate compliance with state-level regulations, which the current site might not accommodate. However, the existing leach field was deemed to have sufficient capacity for the foreseeable future, with the possibility of constructing a new field if needed in the long term.

Overall, the discussion underscored the importance of adhering to sewage capacity limits while ensuring the project's viability and sustainability. The Health Department reiterated the necessity of staying below the 2,000-gallon threshold to avoid triggering more stringent state regulations and emphasized the project's commitment to water conservation efforts.

### PUBLIC COMMENT

Janet Gueswel and Natalie Bulk

#### Comments

- Expressed excitement for the proposed development, highlighting the lack of amenities in the area.
- Emphasized the significance of having a nearby grocery store and coffee shop, especially for events like family gatherings.
- Praise for the project developers for their track record of transforming similar destinations, anticipating positive impacts for the entire Lower Poudre Canyon community.
- Expressing excitement for aesthetic improvements and potential recreational activities.
- Look forward to hosting family members in the cabins once the development is completed.

### PLANNING COMMISSION, STAFF, AND APPLICANT DISCUSSION:

The discussion included the availability of public sewer, the removal of mobile homes from the site with assistance provided to former residents, and a condition regarding water usage, which was deemed routine by the Health Department. One commissioner praised the applicant for proactively engaging with neighbors and addressing concerns related to landscaping, fire safety, and setbacks, expressing overall support for the application. The meeting concluded with a general consensus among the commissioners that the concerns had been adequately addressed, leading to support for the development proposal, including rezoning and special reviews.

### MOTION

*Commissioner Best Johnson moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the Riverside Colorado LLC Rezoning, File No. 23-ZONE3520 and Riverside Colorado LLC Special Review & Appeals, File No. 23-ZONE3519, subject to the conditions of approval outlined in the staff report. Commissioner Slutsky seconded the motion. Motion carried (8-0).*

### REPORT FROM STAFF

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None.

#### EXECUTIVE SESSION

Conference with the County Attorney pursuant to Colorado Revised Statutes 24-6-402(4)(b) to discuss legal questions about Colorado Court of Appeals judgment dated September 1, 2022, in City of Thornton v. Larimer County, Case No. 21CA467, and to discuss legal questions about the scope of 1041 permitting authority.

No decision expected.

#### ADJOURN

With there being no further business, the hearing adjourned at 7:38 p.m.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.

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