

Date: Wednesday, June 21, 2023
Time: 6:00 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_xvEByGr7RVys8d2gYss3HQ

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, June 21, 2023, at which time the following business was transacted.

Board Members Present: Anne Best Johnson (Chair), Sean Dougherty (Vice Chair), John Barnett (Secretary), Bob Choate, Jordana Barrack, Patrick Rowe, and Conor Duffy.

Staff Present: Rebecca Everette, Community Development Director; Jenny Axmacher, Planning Manager; Samantha Mott, Senior Planner; Michael Whitley, Senior Planner; Conor Sheldon, Civil Engineer II; Frank Haug, Assistant County Attorney II, Lea Schneider, Environmental Health Planner; Teresa Mollendor, Admin Staff, and Christina Scrutchins, Recording Secretary.

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.

AMENDMENTS TO THE AGENDA

None.

APPROVAL OF THE MINUTES FROM THE MAY 17, 2023

Commissioner Choate moved, and Commissioner Dougherty seconded the motion to approve the May 17, 2023, minutes of the Larimer County Planning Commission as presented. Motion carried (7-0).

CONSENT ITEMS

ITEM No. 1 – UPPER THOMPSON SANITATION DISTRICT REZONING, FILE NO. 23-ZONE3430

Owner: Upper Thompson Sanitation District, 2196 Mall Road Estes Park, CO 80517

Request: Rezoning of a 9.01-acre parcel from EV RE – Estes Valley Rural Estate to EV CO – Estes Valley Outlying Commercial.

The district proposes to construct a new water reclamation facility consisting of five buildings. The proposed water reclamation facility would supplement the existing wastewater treatment facility located southwest of the subject property. The proposed water reclamation facility is classified as a major utility in the Land Use Code. A major utility is defined as, "Generating plants, electrical substations, switching buildings, refuse collection, disposal facilities, water reservoirs, water, or wastewater treatment plants." Major utility uses are allowed in the EV CO – Estes Valley Outlying Commercial and EV I-1 – Estes Valley

Restricted Industrial zoning districts with Location & Extent approval. Major utility uses are not allowed in any other zoning district in the Estes Valley Planning Area. On December 21, 2022, the Upper Thompson Sanitation District received Location & Extent approval for the water reclamation facility from the Planning Commission. Two of the conditions of approval were: □ The property owner shall apply to rezone the property to EV CO – Estes Valley Outlying Commercial; and □ Building permits shall not be issued for construction of the water reclamation facility or associated buildings until the property is zoned EV CO – Estes Valley Outlying Commercial.

ITEM No. 2 – MONTY SUBDIVISION, FILE NO. 20-LAND4018

Owner: Timothy and Kathleen Monty 1335 E County Road 66E Wellington, CO 80549

Request: Preliminary Plat approval for a subdivision to divide an existing 23.57-acre lot into two (2) single-family residential lots, located in the O-Open zoning district.

The existing home is served by the Northern Colorado Water Association (NCWA) and an on-lot septic system. The newly proposed lot would also be served by NCWA and an on-lot septic system. No internal public roads are being proposed. The existing parcel is located adjacent to E Country Road 66E.

MOTION

Commissioner Dougherty 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. Commissioner Barnett seconded the motion. Motion carried (7-0).

DISCUSSION ITEMS

Commissioners Dougherty, Barnett, and Best Johnson wanted to mention, for the record, that they have either been involved in a board/committee, worked with, or works in the same town as the applicant. They are confident that they can form an unbiased opinion.

ITEM NO. 1 – WALSH PLANNED LAND DIVISION, PLANNED DEVELOPMENT, APPEALS AND MINOR MODIFICATION, FILE NO. 21-LAND4185

Staff gave a presentation regarding the applicants' request for Preliminary Plat approval for a Planned Land Division to divide a 9.89-acre parcel into 24 lots and a Rezoning of the property from RR-2 – Rural Residential to PD – Planning Development. The request includes appeals to Sections 4.5.4.C.1 & 5.3.3.A of the Land Use Code regarding cul-de-sac length and a Minor Modification to the waterway setback found in Section 2.9.4.F of the Land Use Code. The property is at 1118 E. 57th Street, Loveland, located on the south side of E. 57th Street approximately 250 feet east of the intersection of E. 57th Street and N. Saint Louis Avenue. Because the property is in the Loveland Growth Management Area, the property must be divided through the Planned Land Division process. A rezoning of the property to PD - Planned Development is required concurrently with the Planned Land Division. The Crown Point Subdivision is west of the subject property and the Grandview Estates Subdivision is to the east. The proposed new residential lots would gain access from the new road between the two stubbed streets and a new cul-de-sac. Adjacent residential lots to the east and west range in size from 0.24 acres to 0.44 acres. Residential lots to the south range in size from 1.51 acres to 1.93 acres. Notice of the Sketch Plan application was sent to property owners within 500 feet of the property boundaries. Sixteen emails were received. All but one email raised concerns with the request with the most common concerns being the continuation and connection of the existing streets, increased traffic (including construction traffic) in the adjacent neighborhoods, and an anticipated increased cost to maintain the existing roads that provide access to E. 57th Street. A neighborhood meeting was held via Zoom on March 2, 2023. Approximately 35 to 40 people attended the meeting and expressed many of the same concerns regarding traffic and road maintenance. Notice to property owners within 500 feet was sent again when the Preliminary Plat application was received. Two neighbors emailed comments

on the Preliminary Plat. Both neighbors expressed concerns regarding traffic. One disputed Larimer County's ability to allow additional traffic on existing public streets. When land is divided in a Growth Management Area, the property is concurrently rezoned to PD – Planned Development. The intent is for the PD to allow development that is consistent with the land use objectives for the municipality and to ensure consistency with any applicable subarea plans. The Loveland Comprehensive Plan's Future Land Use Map identifies this property as appropriate for Low-Density Residential Development. The Comprehensive Plan identifies residential development at a density of 2 to 4 units per acre and schools as appropriate in the Low-Density Residential district. The 24 proposed lots on the 9.89-acre parcel would result in a density of 2.4 dwellings per acre which is consistent with the Loveland Comprehensive Plan. The proposed lots range in size from lots ranging in size from 0.2 acres to 0.72 acres. Adjacent residential lots to the east and west range in size from 0.24 acres to 0.44 acres and residential lots to the south range from 1.5 one acres to 1.9 3 acres. The applicant has requested appeals to Sections 4.5.4.C.1 & 5.3.3.A of the Land Use Code regarding cul-de-sac length. Section 4.5.4.C.1 reads: "Cul-de-sacs shall be permitted only if they are not more than 660 feet in length and have a turnaround at the end with a diameter of at least 100 feet." Section 5.3.3.A reads: "The maximum length of a dead-end access shall be no greater than 660 feet in an Urban district or GMA." The proposed cul-de-sac length is 74 feet. Section 6.7.1.B.2 of the Land Use Code allows for a minor modification to reduce the setback 100-foot setback from the centerline of a stream, creek, or river by 50% subject to compliance with the review criteria found in Section 6.7.1.D. The subject property borders both a wetland and a waterway. The waterway is an intermittent stream that comes from north and west of the site and naturally drains into Horseshoe Lake. Section 2.9.4.F of the Code requires a 100-foot setback from the centerline of any stream, creek or river identified on a U.S.G.S. quadrangle map. Section 4.4.2.I requires a 50-foot buffer area from a wetland one acre or smaller. The applicant proposes to reduce the waterway setback to 50 foot and proposes to comply with the 50-foot wetland buffer. Few of the homes in the vicinity comply with the 100-foot setback from the waterway. Strict application of the 100-foot setback would preclude development of Lots 1 through 4 on the southern end of the property. Staff closed the presentation with additional comments, review criteria, the summary of the Development Review Teams Findings, and Development Services Team Recommendations.

APPLICANTS PRESENTATION

The applicant gave a presentation that included slides of key things he wanted to present. The applicant stated they consider the proposed subdivision to be compatible with the surrounding properties. The proposed Planned Land Division complies with Larimer County and the City of Loveland Comprehensive Plan. The City of Loveland Comprehensive Plan recommends a density of somewhere between 2 and 4 units to the acre, and they propose a density just over to desiring to be as compatible as possible with the surrounding neighborhoods. The applicant wanted to note that both on the east and the west. the adjoining lots. There are 10 on either side, and the proposed Planned Land Division also has 10. A green belt and drainage corridor on the west-side neighborhood to help solve a regional drainage problem. In addition, they have a small water-quality, stormwater detention, facility in the southeast corner of the site. The applicant has worked with Larimer County to widen the street and sidewalk on East 57th Street to provide much better access for pedestrians to get connected to the city of Loveland. The wetland is not a jurisdictional waterway but a drainage channel that has water in it when there is a storm and not a continuously flowing stream. The applicant closed the presentation by mentioning that they think part of the reason the county would want to have the setback to waterways and wetlands is that it can be a nice wildlife corridor for wildlife to leave the reservoir and follow that channel. Unfortunately, adjacent to their South property line is an 8-foot privacy fence that runs that entire length and It would make it very difficult for Wildlife to use the corridor.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

The Planning Commission, Staff, and Applicant commented the following:

- Clarified that the existing home will have to connect to the cul-de-sac once developed and the driveway access will be abandoned.
- There will be an established 20-foot-wide Emergency access easement that will not be used for regular ingress and egress to the property.

- Clarified that one of the Conditions of approval is for the developer to work with the Road Association on the East side subdivision and PID by prepaying for their future shared road maintenance.
- Larimer County requirements are the only requirements that are applicable regarding the waterway and wetlands.
- Clarified that there will not be any fences, structures, or outbuildings on the drainage corridor portion of properties.

PUBLIC COMMENT

Larry Franklin

Comments

- Concerns about construction traffic on neighborhood paid streets.
- Concerns of the drainage from the water corridor draining into surrounding neighborhood properties.

APPLICANTS REBUTTAL

The applicant stated that there will be yard drainage on the east and south sides of the subdivisions that would catch the drainage from the lots and contain it within the neighborhood and would not through surrounding neighbors. The applicant would like to utilize the Emergency access off of East 57 for all construction vehicles.

PLANNING COMMISSION, STAFF, AND APPLICANT COMMENTS

The Planning Commission, Staff, and Applicant commented the following:

- Confirmed that due to the traffic study, the applicant will be required to contribute to each of those road main associations in accordance with the professional traffic engineers report.
- Clarified that the wetland is not a jurisdictional wetland, is not subject to the core of engineers' regulations. Larimer County does have a Land Use Code that says, "even for non-jurisdictional wetland there is a 50-foot setback".
- Larimer County is requiring the applicant to contribute to both the East and West sides so no one gets left out regarding their own maintenance.
- Larimer County manages all speed studies and recommendations for signage for new developments.

PLANNING COMMISSION DISCUSSION:

The Planning Commission discussed the following:

- Some Commissioners feel the proposed project will match the surrounding neighborhoods and are a good way of approaching some of the traffic concerns, but also there was a concern for the Wetlands easement versus the waterway easement.

MOTION

Commissioner Dougherty moved that the Planning Commission adopt the following Resolution: BE IT RESOLVED that the Planning Commission approve the Walsh Planned Land Division, Planned Development, Appeals and Minor Modification, File No. 21-LAND4185, subject to the conditions of approval outlined in the staff report. Commissioner Rowe seconded the motion. Motion carried (7-0).

REPORT FROM STAFF

Staff welcomed Jenny Axmacher, the new Larimer County Planning Manager, and gave their thanks and gratitude to Commissioner Dougherty for all his terms given as a Planning Commissioner.

ADJOURN

With there being no further business, the hearing adjourned at 7:17 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.