



Date: Wednesday, January 19, 2022
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_feZ7iWdUSauwMBdCBZX7Vw

PLANNING COMMISSION MEETING MINUTES

The Larimer County Planning Commission met in a session on Wednesday, January 19, 2022, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners John Barnett, Anne Best Johnson, Nancy Wallace, Jordana Barrack, Bob Choate, Gary Green, Patrick Rowe, and Jon Slutsky attended virtually with Commissioner John Barnett presiding as Chairman. The Larimer County staff that virtually attended were attended were Lesli Ellis, Community Development Director; Amy White, Code Compliance Supervisor; Lea Schneider, Environmental Health Planner; Tawn Hillenbrand, Planner II; Steven Rothwell, Civil Engineer II; Frank Haug, Assistant County Attorney II; and Christina Scrutchins, Recording Secretary. The Larimer County staff that physically attended was Don Threewitt, Planning Manager.

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.

APPROVAL OF THE MINUTES FROM THE NOVEMBER 17, 2021, PLANNING COMMISSION HEARING

Commissioner Slutsky was not a Planning Commissioner during the November 17, 2022, Planning Commission Hearing and was abstained from the approval of the November 17, 2021, Planning Commission Hearing minutes.

MOTION by Commissioner Choate to approve the minutes.

Commissioner Best-Johnson seconded the motion.

This received unanimous voice approval.

Motion passed 7-0

AMMENDMENTS TO THE AGENDA

Chair Barnett rearranged the order of the agenda to the following:

Consent Items

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

1. * Gregory Cove Planned Land Division and Rezone, File #21-LAND4126

Action Item(s)

- Posting of Meetings

Motion: I move the Larimer County Planning Commission Board designate www.Larimer.org as the place for posting notice of public meetings, and if exigent or emergency circumstances prevent the online posting at such location, public notice shall be physically posted at the bulletin boards located at the north and south entrances to the Larimer County Courthouse Offices Building at 200 West Oak, Fort Collins, Colorado, in accordance with Colorado's open meetings laws.

Tabled Item(s) from November 17, 2021 and December 22, 2021

1. Covey Special Exception Post Approval Modification, File No. 18-ZONE2425

Reports From Staff

Adjourn

CONSENT ITEMS

ITEM NO. 1 – GREGORY COVE PLANNED LAND DIVISION AND REZONE, FILE NO. 21-LAND4126:

Ms. Hillenbrand gave a brief presentation regarding the applicants' request to divide the existing parcel to create five (5) total residential lots and two (2) outlots. The existing 5.43-acre parcel is located on the east side of Gregory Road approximately 600-feet north of the intersection of Gregory Road and Country Club Road in northeast Fort Collins. The proposed residential lots would vary in size with the largest being an approximate 1.04-acres and the smallest being an approximate 0.47-acres. Outlot A and Outlot B would serve as private access, maintenance, drainage, and utility easements, and would be maintained by a proposed HOA. The existing parcels are located within the Fort Collins Growth Management Area. This project is required to comply with the requirements within the Intergovernmental Agreement between Larimer County and the City of Fort Collins. Because the property is located in the Fort Collins 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 concurrent with the Planned Land Division. The applicant is proposing to rezone the property from UR-1 Urban Residential to PD – Planned Development (PD). In this instance, the zoning would reflect the current densities and land uses allowed by the current UR-1 Urban Residential zone district. Ms. Hillenbrand closed the presentation with additional comments, review criteria, the summary of the Development Review Teams Findings and Development Services Team Recommendations.

PLANNING COMMISSION COMMENTS

The Planning Commission discussed the referral comments and how they are addressed during the County's process.

The Larimer County Staff stated the County addresses the referral comments have been addressed or will be addressed during the Final Plat Process.

PUBLIC COMMENT

Laura Kovari asked for the Gregory Cove Planned Land Division and Rezone to be removed from the Consent Agenda and be moved to a Discussion item so she could make public comment.

DISCUSSION ITEM

ITEM NO. 1 – GREGORY COVE PLANNED LAND DIVISION AND REZONE, FILE NO. 21-LAND4126:

The applicant, Russell Lee, gave a brief presentation with more detail regarding the Site Plan.

PUBLIC COMMENT

Laura Kovari wanted clarification regarding the access and if it will be a double access or shared and will new property owners that are on the shoreline become a member immediately or will they be placed on the wait list to become a member to access the Long Pond?

LARIMER COUNTY STAFF AND APPLICANT REBUTTLE

Mr. Rothwell stated the access has been a challenge and at this time the driveways will be a double access until there is a main access placed, but surrounding neighbors are advised to use a different access if uncomfortable.

Steve Schroyer, Landowner Representative, stated the access was discussed with the city multiple times trying to place the access to the North of the projects property but was advised the South would be the safest. The applicant did reach out to a few of the surrounding neighbors and was not successful with having the access be shared. The Long Pond access is for the property owners and does not have the parking capacity for the public that does not live in the neighborhood.

PLANNING COMMISSION COMMENTS

The Planning Commission discussed the contact that has been made to the Reservoir Company regarding access to Long Pond and to confirm that the applicant will still need to become a member to access Long Pond through the Long Pond Association, why the County would not facilitate the discussions regarding the road access, and if the County had any insight to plans for County Club road and Lemay onto Gregory intersection would be change to help with future traffic control

The Larimer County Staff stated the County Club Road will be discussed by Larimer County and will provide the public an opportunity to participate in Open Houses and make Public Comment to address concerns, but the application presented showed little traffic impact.

Mr. Lee stated the applicant has approached the Long Pond Board to discuss the membership to Long Pond and will need to become a member of the Pond before use of Long Pond. Mr. Lee also wanted to apologize for the communication regarding the access not be extended to all surrounding neighbors.

PLANNING COMMISSION DISCUSSION

Commissioner Choate, Barnett, Slutsky, Rowe, and Best Johnson expressed their voice in favor of the Gregory Cove Planned Land Division and Rezone along with mentioning the applicant did receive two out of three neighbors the appropriate conclusion that a shared access would not be plausible but did give a safer access option in the future.

Commissioner Slutsky and Rowe did want to mention their concern with the applicant not reaching out to all three neighbors regarding the access to be shared.

MOTION

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 approve the Gregory Cove Planned Land Division and Rezone, File No. 21-LAND4126 due to the Findings and Comments provided in the Staff Report as well as the recommendation that staff has made.

Commissioner Green seconded the motion.

VOTE

Commissioner Rowe, Barrack, Green, Choate, Wallace, Best Johnson, Slutsky and Chair Barnett voted in favor of the motion.

Motion passed 8-0

TABLED ITEM(S) FROM NOVEMBER 17, 2021, AND DECEMBER 22, 2021

Chair Barnett made a recommended motion to remove the Tabled Item to a Discussion Item.

MOTION

Commissioner Slutsky moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Planning Commission remove the Covey Special Exception Post Approval Modification, File No. 18-ZONE2425 from the Tabled Item(s) from November 17, 2021, and December 22, 2021, to a Discussion Item.

Commissioner Choate seconded the motion.

VOTE

This received unanimous voice approval.

Motion passed 8-0

ITEM NO. 1 - COVEY SPECIAL EXCEPTION POST APPROVAL MODIFICATION, FILE NO. 18-ZONE2425:

Ms. Hillenbrand gave a brief presentation of an overview regarding the past Hearings and the applicants' request to amended Special Exception Findings and Resolution conditional of approval specifically condition number nine, ten, and

thirteen. Applicants/Property Owners request Amended Special Exception approval to allow: 1.) Outdoor amplified music

and microphone use during ceremonies in the garden area; 2.) The existing overhead doors on the community hall building to be open during receptions; 3.) An increase in the allowed maximum number of events per year from the previously approved 24 events annually to a maximum 50 events annually; and 4.) An increase in the allowed maximum number of attendees per event from the previously approved 130 to 150 total attendees per event. Ms. Hillenbrand did note the difference between Special Events vs. Personal Events. Article 7.2.1, Special Events: "the temporary use of land, buildings, or structures for a gathering of any size, at any location, for any purpose, unless excluded in Article 7.3." Article 7.3.2.A - excludes gatherings on property that has received and is subject to an existing land use approval that limits the number, type, and nature of gatherings to be held on the property (i.e., assembly uses) Article 7.3.2.C - excludes 'Personal Events.' Article 20.3, 'Personal Event': "a gathering for social activities such as family celebrations (including but not limited to wakes, funerals, anniversaries, graduations, and weddings), parties (including but not limited to dinner parties, barbecues, housewarming parties) and/or gatherings (including but not limited to demonstration parties, study groups, club meetings) of family and friends of the owner/resident of the property. Personal events shall be hosted by an individual that resides on the property." Neighbor Concerns: Code Compliance Concerns Received, 2 total complaints: October 2020 a sign in the County Road right-of-way. August 2021: People in the Covey parking lot after 10:00 p.m., three vehicles left in the parking lot overnight, vehicles driving down the neighbor's driveway, and loud cheering, and signage. Code Compliance indicated that the concerns were addressed, and cases closed since the County did not have evidence that the conditions of approval were violated. Noise Evaluations: Conducted by – CSU – July 22, 2021. Department of Health and Environment - June 26, 2021. The purpose of the evaluations was to determine if the sound from the event exceeded the Larimer County Noise Ordinance maximum noise limits at the property line. Larimer County Noise Ordinance at property lines: 7am – 7pm = 55 decibels and 7pm – 7am = 50 decibels. The noise evaluations found that the Larimer County Noise Ordinance maximum noise limits at the property lines were being met. Lighting: Requirements of Article 4.10 of the Land Use Code. Traffic: If the Planning Commission would like to propose a condition of approval requiring traffic control be provided for the events', recommended language is provided in the staff memo. Ms. Hillenbrand closed the presentation with additional comments, review criteria, the summary of the Development Review Teams Findings and Development Services Team Recommendations.

APPLICANTS PRESENTATION

Janice and Lloyd Leflet gave a presentation in addition to Ms. Hillenbrand's presentation of clarification from the November 17, 2021, Planning Commission Hearing regarding: Sound Study, Lights from Building, Event Times, Number of events and what is an event, Guest Capacity, and Traffic. As an approved commercial business, meeting and/or exceeding all code requirements, we should have no limits on the number of events, and we should follow the fire code capacity limits. Currently there are no limitations on some venues. And other venues have varying limitations imposed. Spot Zoning: allowing some venues unlimited numbers, days, and limiting others creates unfair market competition, perceived favoritism, and inflated pricing. We request The Covey have fair and equitable opportunity to operate fully, fairly, and profitably and be able to give back to the community. All requests have been recommended for approval by the Larimer County Staff: Music and microphone allowed outside, within the sound code requirements of 55dBA until 7:00p.m. and 50dBA after 7:00 p.m. All event music ends by 9:45. 2. The number of commercial events allowed to be no less than 50 per year Not included in the total events Personal Events - Gatherings of <30 persons - Philanthropic events. 3. Overhead door is able to remain open as long as sound does not exceed code 55 dBA daytime and 50dBA after 7:00 p.m. Overhead door closed at 9:45 p.m. 4. Ability to hold receptions outdoors –The Pandemic is a testament to this need. 5. Increased guest capacity to no less than 150 Twenty (20) additional persons – Eight (8) additional vehicles (Building fire code capacity 270). 6. Event closes at 10:00 p.m. The Covey is allowed (1) one hour grace for clean-up and unanticipated occurrences, for example: lost keys, late arrival of public/private transportation. They wanted to note that this is not a new request, but a clarification of what has already been approved. A Commissioner expressed concern with both parties not being able to resolve issues. Recommendation was taken and The Covey hired a mediation firm. December 7th, 2021. Mediation for 3 hours, suggestions were discussed and some compromise headways, however neighbors were unwilling to sign any compromise agreement in part or in total. A confidentiality agreement was signed by each participant present. No part of mediation is to be discussed. Reached out to 2 households affected by traffic to meet as The Covey had a proposal for a solution that would benefit the parties involved, even suggested an attorney draw up any agreement. Request for meeting declined by neighbors. December 30th, 2021. They provided noise studies that provided evidence of proof of compatibility and an Engineered Light Study that proved that no direct light was discharged off-site. Mrs. Leflet list the following Event times: Hours 8:00 a.m. to 10:00 p.m., Last Call 9:30, Last Dance/Song 9:45, Buses to depart no later than 9:50, Cleaning and staff exit by 11:00, and Owners and Managers attend all events, monitor guests and sound levels. Inside Sound is not to exceed 85DbA and outside not to exceed 55DbA from 7 a.m. to 7 p.m. and 50 DbA from 7:00 p.m. to 10:00 p.m. at the property line and sound is

monitored both inside and outside the event, throughout the event. According to the Brides American Wedding Study, most weddings have less than 200 guests, with the average being 167. Aug 15, 2021. Having a traffic control person is not the

better solution and it puts a person in danger, does not stop incidental drivers, i.e., people just driving out/by relatives visiting without notice, and similar unforeseen incidences. We researched options and the solution we took to the county was to have a named entrance road. We met with Steven Rothwell. Steven very expeditiously assisted us in naming our entrance Covey Court and made the appropriate address changes and entered them into EnerGov within 2 days. Eliminates Google Road "pins" being moved and allows a new address other than County Road 64. and a road sign at The Covey entrance. Mr. and Ms. Leflet closed the presentation with additional comments, conclusion and asked for approval of their request.

PLANNING COMMISSION COMMENTS

The Planning Commission discussed the number of events per year, Gatherings of less than 30 persons, Philanthropic events, and why the decibels on the sound study were higher on a day that didn't have an event vs. a day an event took place.

Mr. and Mrs. Leflet stated requesting the number events per year include rehearsals, a meeting was requested the Friday before the January 19, 2022, Hearing and received a response from the Larimer County Staff denial of the meeting request, and when the sound study was completed, the higher decibel was due to a cricket next to the machine.

Ms. Hillenbrand stated that the request regarding gatherings of less than 30 persons and Philanthropic events was new information to the Larimer County Staff as it was not included in the original request or noticed to the public. Larimer County staff recommends the Planning Commission not included the request for the Gatherings of less than 30 persons and Philanthropic events, as part of the Covey Special Exception Post Approval Modification, File No. 18-ZONE2425. She also stated that once an application is submitted and the referral agencies have received the application for review the application can no longer be added or changed but the applicant could withdraw the application and modify their request and resubmit. The applicants request to meet with the Larimer County Staff was denied due to it is not standard protocol to have meetings with the applicant once the application is in process.

PUBLIC COMMENT

Commenters: Emily Rogers, Zach Rogers, Julie Rohloff, Russel Rohloff, April Christianson, and Jay Altman.

Comments:

- | | |
|---|---|
| - Increase in traffic | - present proof of property owners in violation. |
| - Loud noise | - Number of vehicles are in violation. |
| - Negative impact of neighbors' quality of their lives | - Number of events are in violation. |
| - Lights are too bright and can be seen from surrounding neighbors. | - Signs and change in address are still not helping with unwanted guests going down surrounding neighbors' driveways. |
| - Property damage | - Neighbors did not agree with an event center |
| - Number of guests is too high | - Larimer County staff has overruled the Board of County Commissioners regarding the number of events per year. |
| - Doors need to stay closed | |
| - Surrounding neighbors are not allowed to | |

APPLICANTS REBUTTLE

Janice and Lloyd Leflet stated they can not be blamed for people that drive down the surrounding neighbors' driveways when they do not have an event scheduled and they want to be able to have enough events for the community to enjoy.

PLANNING COMMISSION COMMENTS

The Planning Commission discussed what the intent for tonight's motion, additional items that have been published, clarification regarding the Staff Report request vs. the applicant's request, and what the number of guests was approved

vs. the number of guests the applicant is now requesting.

The Larimer County Staff stated the intent for the continuation is to address the questions from the November 17, 2021, Planning Commission Hearing and to make a recommendation to the Board of County Commissioners based on the original application, Staff Report, and the memos received for the January 19, 2022, Planning Commission Hearing, and the applicants request should not be considered as part of the recommendation to the Board of County Commissioners due to the applicants request was not part of the original request and was not included in the public noticing and 130 guests per event was approved but the applicant is requesting to increase the amount of guests to 150 per event.

PLANNING COMMISSION DISCUSSION

Commissioner Choate, Wallace, Barrack, Barnett expressed they do not feel the applicant has demonstrated that they have met the criteria for a Special Exception due to the surrounding neighbors still experiencing issues, and decibels are not enough to prove the noise is not a nuisance.

MOTION

Commissioner Choate 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 denial the Covey Special Exception Post Approval Modification, File No. 18-ZONE2425.

Commissioner Wallace seconded the motion.

VOTE

Commissioner Barrack, Slutsky, Choate, Wallace, Rowe, and Chair Barnett voted in favor of the motion.

Commissioner Green and Best Johnson voted in opposition to the motion.

Motion passed 6-2.

ACTION ITEM(S)

ITEM NO. 1 - POSTING OF MEETINGS

Commissioner Best Johnson moved that the Planning Commission adopt the following Resolution:

BE IT RESOLVED that the Larimer County Planning Commission Board designate www.Larimer.org as the place for posting notice of public meetings, and if exigent or emergency circumstances prevent the online posting at such location, public notice shall be physically posted at the bulletin boards located at the north and south entrances to the Larimer County Courthouse Offices Building at 200 West Oak, Fort Collins, Colorado, in accordance with Colorado's open meetings laws.

Commissioner Choate seconded the motion.

This received unanimous voice approval.

Motion passed 8-0

REPORT FROM STAFF

None

ADJOURN

With there being no further business, the hearing adjourned at 8:06 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.