



Date: Wednesday, March 16, 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_IntsmnQQRDihOWHkF-aNIA

PLANNING COMMISSION MEETING MINUTES

The Larimer County Planning Commission met in a session on Wednesday, March 16, 2022, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Anne Best-Johnson, Nancy Wallace, and Patrick Rowe attended virtually. Commissioners John Barnett, Bob Choate, Jordana Barrack, and Jon Slutsky physically attended with Commissioner John Barnett presiding as Chairman. The Larimer County staff that virtually attended were Lesli Ellis, Community Development Director; Lea Schneider, Environmental Health Planner; Tina Kurtz, Environmental Permits & Coordinator, Shalana Lysaght, Business Operations Manager and Frank Haug, Assistant County Attorney II. The Larimer County staff that physically attended were Don Threewitt, Planning Manager; Michael Whitley, Senior Planner; Tracy Hicks, Planner I, Connor Sheldon, Development Service Engineer, Steven Rothwell, Development Service Engineer; Doug May, Planner II, Samantha Lasher, Planner I, Victoria McKennan, Planner II 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.

APPROVAL OF THE MINUTES FROM THE FEBRUARY 16, 2022, PLANNING COMMISSION HEARING

MOTION by Commissioner Choate to approve the minutes.

Commissioner Slutsky 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:

Call to Order

Pledge of Allegiance

Public Comment on the County Land Use Code or Regarding Relevant Land Use Matters not on the Agenda or Future Proposals

Approval of Minutes

- February 16, 2022

Amendments to the Agenda

Consent Items

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

1. * Mountain View Mobile Home Expansion Rezone, File No. 21-ZONE2897

2. * Poudre Fire Authority #18 Location and Extent, File No. 21-ZONE3199

Discussion Items

1. Grace Christian Church Rezoning, File No. 21-ZONE3139

Reports From Staff

Adjourn

CONSENT ITEMS

ITEM #1 – MOUNTAIN VIEW MOBILE HOME EXPANSION REZONE, FILE NO. 21-ZONE2897: Ms. Hicks gave a brief presentation regarding the applicants' request to rezone a 4.52- acre parcel from CC-Commercial Corridor and MHP-Manufactured Housing Park to PD-Planned Development to allow mobile homes to be added to the property as an extension of the Manufactured Housing Park to the south. Because the property is in the Fort Collins Growth Management Area, the property must be rezoned to PD – Planned Development. The subject property is located within the Suburban Mixed Use and Mixed Neighborhood Place Type. Intended to guide future growth and redevelopment efforts within the East Mulberry Corridor Plan Area. The subject property is located within the commercial and low-density residential areas. Ms. Hicks 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 intent of the project is to rezone a .452-acre parcel from MHP-Manufactured Housing Park & CC-Commercial Corridor to PD-Planned Development to accommodate .37-acre parcel zoned as CC-Commercial Corridor.

The Larimer County Staff stated the intent of the project is to rezone CC-Commercial Corridor and MHP-Manufactured Housing Park to PD-Planned Development to allow mobile homes to be added to the property as an extension of the Manufactured Housing Park to the south

PUBLIC COMMENT

None

ITEM #2 – POUDDRE FIRE AUTHORITY #18 LOCATION AND EXTENT, FIE NO. 21-ZONE3199: Mr. May gave a brief presentation regarding the applicants' request a Location and Extent review for a proposed 10,000 to 15,000 square foot, one-story, three-bay Poudre Fire Authority station. Poudre Fire Authority (PFA) serves all of Fort Collins and much of the surrounding area including the Town of Timnath. PFA's Station Location Study has determined a location at 4500 E. Highway 14 (Mulberry Street) for a new station. This station is intended to accommodate the growth of Timnath, and unincorporated Larimer County and the location was chosen to best meet emergency response times. Mr. May closed the presentation with additional comments, review criteria, the summary of the Development Review Teams Findings and Development Services Team Recommendations.

PLANNING COMMISSION COMMENTS

None

PUBLIC COMMENT

None

MOTION

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

BE IT RESOLVED that the Planning Commission approve the consent agenda as amended, recommend to the Board of County Commissioners approval of the Mountain View Mobile Home Expansion Rezone, File #21-ZONE2897, and approve the Poudre Fire Authority #18 Location and Extent, File #22-ZONE3199 subject to the conditions of approval outlined in the staff report.

Commissioner Choate seconded the motion.

VOTE

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

Motion passed 7-0

DISCUSSION ITEMS

ITEM #1 – GRACE CHRISTIAN CHURCH REZONING, FILE NO. 21-ZONE3139: Ms. Lasher gave a brief presentation regarding the applicants' request to rezone two parcels, totaling 1.13 acres, from UR-2 Urban Residential to PD Planned Development to allow a variety of uses, including Assembly Uses. If the Rezoning is approved, an Assembly Use would be allowed with Administrative Special Review approval. One parcel is approximately 0.246 acres and is designated as Outlot A of the Vista Bonita Subdivision. The second larger parcel is approximately 0.887 acres, and is a metes-and-bounds parcel, not part of a platted subdivision. The property consists of a 6,318 square foot main residence, which was historically used as a schoolhouse, and an 816 square foot additional residence, which was previously used as a headmaster's cottage. Because the property is located within the Fort Collins Growth Management Area, the property must be rezoned to PD – Planned Development. The proposed allowed principal and accessory uses for the PD zone district are tailored to closely match the Larimer County MU-N – Mixed-Use Neighborhood zone district. The intent of the rezoning is to allow a variety of uses but specifically for an Assembly Use for a secondary facility for church operations and a long-term residential use for staff members. The existing 6,318 square foot main residence would be primarily used as a facility for Grace Christian Church's staff meetings. Additionally, the main residence would be used for three to four small, midweek Bible study classes during the same 30 weeks that the staff meetings are held and the occasional private gathering for members of the Church. Ms. Lasher closed the presentation with additional comments, review criteria, the summary of the Development Review Teams Findings and Development Services Team Recommendations.

APPLICANTS PRESENTATION

None

PUBLIC COMMENT

In-Person: Brendan Clarke, Gerry Beavdoin, Davis VanTilburgn, David Lehman, Danette Senk, Tina Deringer, Sherell Morgan, Anne Morgan, Nancy Warburton, Barry Kroemer, and Lois Termer.

Virtual: Mary Warring and Eileen Van Tilburg.

Comments in opposition

- Impact in quality of life to the whole subdivision
- Increases in traffic
- Increases in people
- Doesn't give a limit to the amount of events
- Trespassing
- Road access
- Parking
- No sidewalks
- Not enough lighting
- Not enough information
- Did not have information on which type of companies or businesses would be allowed
- Traffic Safety
- No speed bumps
- Surrounding neighbors outside of the minimum 500-foot radius did not receive notice.
- Fire Emergency Safety
- Unknown types of events
- Members of the public might use the private lake outside of the subdivision.
- Subdivision pays for use of the lake and does not want outside public to cause damage or cause inconveniences (is this supposed to be a different word?).
- What happens when the property is sold?
- Members of the public do not have faith in the Larimer County Planning Commission to take public comments under consideration.
- Application does not seem to have enough information to be approved and should be tabled until additional information is received.
- Rezoning application isn't compatible with the subdivision's way of living.
- Members of the public that attended the neighborhood meeting were under the impression the project would not be a rezoning application.
- Additional traffic that would be an inconvenience to the bus stop that is located on the subject property.

PLANNING COMMISSION COMMENTS

The Planning Commission discussed the project's process before the new Land Use Code was adopted, what happens if the property is sold, what uses will be allowed, and if the applicant's project is approved and they move forward to an Admin Special Review when will public comments be accepted.

The Larimer County Staff stated the prior Land Use Code did not take into consideration the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) as there was a separate "Church Use." In order to comply with this federal law, the Church Use was eliminated, and such uses were incorporated into the more general "Assembly Use." Since the formal application was submitted after the new Land Use Code was adopted, a Planned Development rezoning founded in the MU-N Mixed-Use Neighborhood zone district is required to review any Assembly Use as an Administrative Special Review. Ms. Lasher drafted an email regarding the New Land Use Code change and the associated modified process to all neighborhood meeting attendees. The property will be rezoned to PD Planned Development that will allow the property to be tailored based on the location and compatibility of the property in the surrounding neighborhood. If the property was sold and a business wanted to propose a new use, the business would likely have to complete a planning process to approve the new use. The applicant did remove uses that would not be appropriate within the neighborhood. Assembly with an outdoor use will not be allowed on the property until the property is approved through the Administrative Special Review process. Community comments and written testimony would be accepted when the applicant submits a complete application, and the Larimer County Staff notifies the surrounding neighbors by USPS mail.

APPLICANTS REBUTTLE

Matt Lewis stated that the primary use for the schoolhouse would be for a once-a-week staff meeting, for approximately 30 weeks out of the year. The primary use for the headmaster's cottage would be a long-term parsonage for a member(s) of the Grace Christian Church staff, to act as caretaker of the property. This property would not be used for Sunday church meetings, offices, or any events open to the public.

PLANNING COMMISSION COMMENTS:

The Planning Commission discussed if the Planning Commission can escalate an Admin Special Review to a Special Review, due to? traffic concerns at the intersection of County Road 5 and County Road 14 regarding the new high school at the intersection of Prospect and County Road 5.

The Larimer County Staff stated that an Admin Special Review and a Special Review are two different types of review processes. An Admin Special Review process does allow for community comment and if the Planning Director determines that received written comments are of large concern, she can refer the decision to the Board of County Commissioners for approval or denial after a public hearing. Changing the review process from an Admin Special Review process to a Special Review process in the proposed allowed uses table for an Assembly Use with Outdoor Area is not possible. Larimer County Engineering stated that a traffic study was not a requirement for the rezoning application, but the applicant submitted the Traffic Impact Study as part of the rezoning application since it was a requirement of the original Special Review, and Engineering provided preliminary comments. Based on the preliminary Traffic Impact Study, the applicant's use of the property will not have a large impact on the intersection of Highway 5 and Highway 14. The Traffic Impact Study will be formally evaluated during the Admin Special Review process. The new high school will need to complete a traffic study and will be processed separately.

PLANNING COMMISSION RECESS

The meeting was recessed at 7:28 pm and reconvened at 7:37 pm.

PLANNING COMMISSION COMMENTS CONTINUED:

The Planning Commission discussed that because the applicant is rezoning from UR-2 Urban Residential to PD Planned Development they have the option to exclude certain property uses. If there would be change in property use if the rezoning application is approved, the proposed PD zoning allows the applicant's proposed property use.

The Larimer County Staff confirmed that the applicant chose to exclude specific property uses because they felt they were not compatible with the surrounding neighborhood. If the applicant's rezoning application is approved the applicant will need to apply and receive approval through the Admin Special Review process which will allow for an Assembly Use with Outdoor Area.

PLANNING COMMISSION DISCUSSION:

Commissioner Choate, Barrack, Barnett, Wallace, Best Johnson, and expressed that the property is appropriate for a PD rezone and are in favor.

Commissioner Slutsky expressed that the property would bring more traffic concerns to the neighborhood and is in opposition.

MOTION

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

BE IT RESOLVED that the Planning Commission recommend to the Board of County Commissioners approval of the Grace Christian Church Rezoning, File #21-ZONE3139, subject to the conditions of approval outlined in the staff report.

Commissioner Best Johnson seconded the motion.

VOTE

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

Motion passed 7-0

REPORT FROM STAFF

Mr. Threewitt and Ms. Ellis updated the Planning Commissioners regarding the following issues: an Amended Special Exception for the Covey previously heard by the Planning Commission was partially approved by the Board of County Commissioners; information regarding the postponed Board of County Commission and Planning Commission Holiday party on April 4 at 6PM; on April 13, 2022, the Board of County Commission and the City of Fort Collins will have a Work Session that the Planning Commission is welcome to attend; and discussion of possible dates the Planning Commission would be available to complete a Board and Commission training; and reminded the Commissioners that some of their terms are ending in the month of June and they may apply to be reappointed.

Chair Barnett requested the Planning Commission complete training regarding hearing procedure.

ADJOURN

With there being no further business, the hearing adjourned at 8:16 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.