

## **LARIMER COUNTY PLANNING COMMISSION**

### **Minutes of March 20, 2019**

The Larimer County Planning Commission met in a regular session on Wednesday, March 20, 2019, at 6:30 p.m. in the Hearing Room. Commissioners Johnson, True, Dougherty, Stasiewicz, Miller, and Choate, were present. Commissioner Jensen presided as Chairman. Commissioners Wallace and Lucas were absent. Also present were; Jenn Cram, Planner II; Michael Whitley, Planner II; Clint Jones, Engineering Department; Lea Schneider, Health Department, Carol Kuhn, Principal Planner; and Christina Scrutchins, Recording Secretary.

The Planning Commission visited the site of the CSU Temple Grandin L&E and Covey Special Exception.

#### **COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE:**

None

#### **COMMENTS BY THE PUBLIC REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA:**

None.

**APPROVAL OF THE MINUTES FOR THE MARCH 20, 2019 MEETING** : MOTION by Commissioner Dougherty to approve the minutes, seconded by Commissioner Miller. This received unanimous voice approval.

#### **CONSENT ITEMS:**

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#### **ITEM #1 CSU TEMPLE GRANDIN L&E, FILE #19-ZONE2494:**

Before Jenn Cram, Planner II began, Commissioner True stated that she is an employee for CSU and will remove herself for this item.

Ms. Cram provided a brief description of the project. This is a request for a Location and Extent review for Colorado State University to construct an approximate 18,750 sq. ft. facility on the Foothills Campus. The new facility will be used for the Temple Grandin Equine Center program for equine-assisted activities and therapies. The new facilities will address the needs of the existing program and include a riding arena, office and classroom space. Traffic to the new arena is estimated at about five to eight visits per day. CSU believes that the remaining parking on site is adequate and a gravel overflow area is available as needed. The facility will be served by existing public water and sewer. For the Planning Commission to approve a Location and Extent, it must find that the proposal is consistent with the Larimer County Master Plan. Ms. Cram briefly explained that staff noted Chapter 3 – Land Use, Guiding Principle LU-11, states that compatibility with adjacent land use shall be considered in the design of all new development. The proposed Temple Grandin facility will be located on the Foothills Campus in context with other similar facilities.

Chapter 4 – Public Facilities and Services, Guiding Principle PF-1 notes that new development shall be approved only when adequate public facilities and services are available. The Foothills Campus has adequate public facilities to serve the new Temple Grandin facility, as water and sewer are provided by the City of Fort Collins. Furthermore, Chapter 4 of the Master Plan notes that the provision of education within a community is an important service. Referral Agency comments were submitted and there were no major concerns. The Engineering Department noted concern in the proposed reduction of parking, and staff discussed the proposed loss of parking with CSU. The Development Services Team finds that this proposal is consistent with the Larimer County Master Plan and recommends approval from the Planning Committee.

Chairman Jensen asked the Commissioners if they had any questions.

Commissioner Dougherty addressed Ms. Cram stating that he noticed the address for the facility is on Rampart Rd, and when the Commissioners went out on the field trip it looked as if the main access is going to be off Overland Trail. Commissioner Dougherty asked if that is the case.

Ms. Cram responded that it was correct.

Commissioner Dougherty then asked if the secondary access would be on to Rampart Rd.

Ms. Cram responded that it was correct, and Rampart Rd is the address for the Foothills Campus in general.

Commissioners Dougherty asked if there are gates to the Rampart Rd and would they be open to having a second means of egress or not?

Ms. Cram responded stating the applicants intend to take access off Overland Trail. There are two opportunities off Overland Trail that exist.

Chairman Jensen stated that in the packet there is a phase one and a phase two. He asked if the Planning Commissioners are approving both tonight or approving one and will see phase two when it comes back to the Board?

Ms. Cram explained that the approval will be for both phases.

### **DISCUSSION:**

Commissioner Dougherty 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 Colorado State University Temple Grandin Location and Extent, File #19-ZONE2494.

Commissioner Miller seconded the motion.

Roll Call Vote: Commissioner Miller, Dougherty, Stasiewicz, Johnson, Choate, and Chairman Jensen all voted in favor of the motion.

Commissioner True joined the Board for the rest of the hearing.

MOTION PASSED 6-0.

**ITEM #2 COVEY SPECIAL EXCEPTION, FILE #18-ZONE2425:**

Mr. Whitley provided a brief description of the project. This is a request for a Special Exception for a Community Hall in the FO - Forestry Zoning District. The subject property is a 35.05-acre parcel at 2661 W. County Road 64, Fort Collins, located on the south side of County Road 64 approximately one-half mile west of the intersection of County Road 64 and County Road 19, known as Taft Hill Road. The proposed Community Hall building would include an event space with a gas fireplace, two changing rooms (each with a bathroom), two additional bathrooms, a storage area, and a food preparation area with a stainless-steel sink, ice maker, and refrigerator. No stoves, ovens, or cooktops are proposed. A covered patio is proposed on the south side of the building. The proposed site plan includes a pergola and an outdoor ceremony area. According to the project description, events would be limited to 130 individuals, including staff such as caterers, photographers, and the two property owners who will function as on-site managers. Hours of operation are proposed to be limited to 8 am to 10 pm Sundays through Thursdays and 8 am to 11 pm Fridays and Saturdays. No more than one event will be held per day with a maximum of 50 events per year.

A parking lot that could accommodate 71 vehicles, including three handicapped accessible spaces, is proposed north of the Community Hall building. Because County Road 64 is not paved, the driveway, drive aisles, and parking spaces are not required to be paved with concrete or asphalt. Gravel is proposed as a surface material. Mr. Whitley went through topics for the Planning Commissioners to approve a Special Exception application. The County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

- A. The proposed use will be compatible with existing and allowed land uses in the surrounding area and will be in harmony with the neighborhood
- B. The recommendations from referral agencies have been considered.
- C. The proposed use will not result in a substantial adverse impact on other property in the vicinity of the subject property.

D. The applicant has demonstrated that this project can and will comply with all applicable requirements of this Code.

E. There is a reasonable justification for the use being at the proposed location rather than in a municipality or where zoning would allow the use by right or by Special Review.

F. The nature of the proposed use and its operations are such that there are significant benefits to the public to be located where proposed.

G. The proposed use is consistent with the County Master Plan.

Responses were received from the Larimer County Engineering Department, Larimer County Department of Health and Environment, Larimer County Building Department, Larimer County Road, and Bridge Department, and the Colorado Geological Survey. There are no major issues or concerns with the request that have not been discussed in the body of the report. Mr. Whitley stated that the Development Services Team recommends approval of the Covey Special Exception, File18-ZONE2425 subject to the following conditions:

1. This Special Exception approval shall automatically expire without a public hearing if the use is not commenced within three years of the date of approval.

2. The site shall be developed consistent with the approved plan and with the information contained in the Covey Special Exception, File18-ZONE2425 except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Covey Special Exception.

3. Failure to comply with any conditions of the Special Exception approval may result in reconsideration of the use and possible revocation of the approval by the Board of Commissioners.

4. This application is approved without the requirement for a Development Agreement.

5. In the event the applicant fails to comply with any conditions of approval or otherwise fails to use the property consistent with the approved Special Exception, applicant agrees that in addition to all other remedies available to County, County may withhold building permits, issue a written notice to applicant to appear and show cause why the Special Exception approval should not be revoked, and/or bring a court action for enforcement of the terms of the Special Exception. All remedies are cumulative and the County's election to use one shall not preclude the use of another. In the event County must retain legal counsel and/or pursue a court action to enforce the terms of this Special Exception approval, the applicant agrees to pay all expenses incurred by County including, but not limited to, reasonable attorney's fees.

6. The county may conduct periodic inspections to the property and reviews of the status of the Special Exception as appropriate to monitor and enforce the terms of the Special Exception approval.

7. The Findings and Resolution shall be a servitude running with the Property. Those owners of the Property or any portion of the Property who obtain title subsequent to the date of recording of the Findings and Resolution, their heirs, successors, assigns or transferees, and persons holding under applicants shall comply with the terms and conditions of the Special Exception approval.

8. Failure to comply with any conditions of the Special Exception approval may result in reconsideration of the use and possible revocation of the approval by the Board of Commissioners.

9. The Community Hall building shall not contain overhead doors.

10. There shall be no outdoor amplified sound. Smoking shall be in a designated, maintained area to minimize fire risk.

11. The applicant shall conduct a follow-up sound evaluation within one year of the commencement of operation to ensure all elements of the operation are in compliance with Larimer County's noise ordinance. If the noise evaluation determines that the operation is not in compliance with Larimer County's noise ordinance, additional mitigation and/or restrictions shall be adopted to bring the operation into compliance.

Mr. Whitley finished his description of the project with the suggested motion that the Board of County Commissioners approve the Covey Special Exception, File18-ZONE2425 subject to the conditions.

Chairman Jensen opened questioning for the Planning Commissioners to ask the staff.

Commissioner Miller asked when the property was zoned for Forestry.

Mr. Whitley and Commissioner Dougherty confirmed that it was zoned Forestry in 1973.

Commissioner Miller asked if there was a forest at the time of the zoning.

Mr. Whitley responded with no. Speculation is that the half section was rezoned open from to Forestry with the idea that it would be divided into small lot residential development. In the Open zoning district, one home per lot with a minimum lot size of ten-acres is allowed. In the Forestry zoning district, if you are dividing for residential purposes, you can go down to a minimum lot size of five-acres. Mr. Whitley, in conclusion, stated that the property was intended for residential development and the presumption is because it was rezoned, that the intent was to have it at lots smaller than ten-acres.

Commissioner Miller asked how many acres of the property owners land is in the Forestry zoning?

Mr. Whitley responded that the Eastern 20.9 acres (+/-) is zoned FO - Forestry.

Commissioner Miller confirmed that all other eight lots are other property owners' lots.

Mr. Whitley Confirmed that it was correct.

Commissioner Johnson asked Mr. Whitley if the overhead door listed in condition nine was a discussed with the applicant and an if he could explain what the overhead door in his perspective will be used for?

Mr. Whitley responded that he would prefer the applicant to answer that question.

Commissioner Choate asked, if the applicant wanted to place the facility on the Open zoned portion of the parcel; the applicants wanted to go through a Special Review process instead. Is that correct?

Mr. Whitley responded that it was correct.

Commissioner Choate asked Mr. Whitley to describe what the applicant would go through if they had chosen to apply for a Special Review Process.

Mr. Whitley explained that the process itself, in terms of the mechanics of the process in terms of review, hearings, Planning Commission, and Board of County Commissioner approval or denial, are identical. There are only two differences within the review criteria. With a Special Review process, staff still look at compatibility, everest impact, and compliance with Section 8. The county staff does not look at criterion E and F with Special Review applications. Mr. Whitley explains that if the application presented in front of the Planning Commissioners tonight was a Special Review, the analysis and criteria except for criteria E and F would be identical. Criteria's E and F are being reviewed for this application, which is why the applicants are applying for a Special Exception and not a Special Review.

Commissioner True asked for Mr. Whitley to talk about the designated and maintained area for smoking. Are the applicants going to put concrete pads down? Is it going to be right next to the facility, or will the guest have to walk to a separate designated location?

Mr. Whitley explained that if the Special Review is approved then the topic of the designated and maintained area for smoking would be discussed. Currently, tonight the applicants are free to purpose something to the Planning Commission. What Mr. Whitley imagines is that there would be a designated area, adjacent to the building, with a hard surface, receptacles, and it will be maintained.

Chairman Jensen addressed Mr. Whitley that one of the concerns is the possibility of additional fire hazards. If the parcel was in the mountains then the Planning Commission would be asking about fire mitigation around the building, setbacks and clearer areas. Chairman Jensen stated that he does not see any of those levels in details in the application and wanted to know if there is a reason why they are not a concern. Chairman Jensen also wanted to know if the topics should be discussed, is it something that could be added, or is it assumed?

Mr. Whitley explained that the Planning Commission has the discretion to add a condition they think addresses a specific impact of the use. Outside of fire hazard areas, there is no specific fire mitigation required by Larimer County. In fire hazard areas, staff sends a referral to the Emergency Services Department. The Emergency Services Department would comment and



provide recommendations, requirements, for any concerns they might have. This is not a requirement for this application but if the Planning Commission feel it is important then they could purpose a condition of approval and it would then be up to the Board of County Commissioners, to include or not include the condition of approval.

Commissioner Jensen wanted clarity that it is not a condition of approval at this time because it is not in a hazard area.

Mr. Whitley responded that it was correct.

Commissioner Jensen opened the floor to the applicant for their presentation.

The applicants introducing themselves as Janice and Lloyd Leflet. Mrs. Leflet expressed that this project is their passion and they love to celebrate with people through good the hard times. Mrs. Leflet then gave a description of the presentation with images of the new facility, where they would place a pergola, and trees surrounding the property to eliminate noise and act as a visual border to guests. Mrs. Leflet gave a description of the new facility that was designed and engineered for this purpose. The new facility would have the outside look of a barn with blown in insulation, climate control environment and mitigated for noise pollution. Mrs. Leflet then explained the reason and use of the overhead door. The applicants engineered for the barn to have an overhead door that would be used for access and energy efficient as well as barn doors on the outside to cover the overhead door. The applicants also like for the overhead door to be kept open but have the barn doors closed during events.

The back side of the barn is buffered by rooms that will be used for a non-cook prep kitchen, two dressing rooms with restrooms, two additional restrooms, a small utility room, storage area, and a fire suppression-water tank storage room. Some of the events they would like to purpose would be for birthdays, anniversaries, weddings, family events, conferences, celebration of life, reunions, and philanthropic events. The facility capable of holding well over 130 people but the applicants have decided for compatibility and out of respect for their neighbors' concern to keep it at a minimum of 130 people. Sound study and sound monitoring at the property will be conducted not only within a year from now but on a regular basis both inside and outside of the facility at the property lines. Speakers, using a low volume setting, directed down and faced to the West would be outside in the garden area. Mrs. Leflet stated they feel this would be better than someone standing outside yelling.

They will be happy to remove the speaker but feel the offset would be whoever is residing at the event will be speaking very loudly, which could be louder. Mrs. Leflet briefly went over the zoning of the property that Mr. Whitley had gone over originally in his presentation but seem unsure of some details. Mr. Whitley then stated some of the disconnects includes right of ways and the location relative to the centerline of the ditch because the properties boundary probably doesn't exactly follow the rezoning boundaries. Mr. Whitley was going off the surveyed legal description for the Forestry rezoning so there is a little discrepancy in numbers, but the proportions are correct and it's in the vicinity.

Mrs. Leflet continued with the presentation by showing more of the zoning for the Open and Forestry. She explains that the reason of placement for the barn is because the North end side doesn't have enough space for the barn and parking, the berm has a lot less protection, more people would be impacted because the noise would be carried further in both directions, and emergency services are only five minutes away. Mrs. Leflet showed images on the distances of some of the other properties. The closest house is 657-feet to the East from the proposed barn and the next closest house to the East is 726-feet. More images of the property showing the views of trees, boundaries they have placed to help with guests and noise, and other nearby properties. Mrs. Leflet expressed the need in Larimer County for the facility and why. The property is conveniently located to town, close to amenities, easy to find and build for gatherings. There will be a concrete designated area outside the back of the building with receptacle and signs for the guests. They would prefer the property to be non-smoking but will have a designated area for guests rather than go into the fields and throw their ashes out.

Mr. Leflet stated a sound study was performed during a barn dance in April 2018. 97 people minus the band and staff attended the barn dance. He explained the process of the sound study and that the study went throughout the night. The sound study was taken 500-feet from the barn to the applicants' property line by five engineers. The engineers walked to different feet locations of the property monitoring the sound. Mr. Leflet wanted to remind everyone that the building they had the barn dance for the sound study is made of steel and is not as insulated as the new building they are wanting to be engineered. The new building will be engineered with wood and will be well insulated. There will be no music played outside and the sound study showed at 500 feet, it registered at 33-db(A) and the average at 300-feet was 42-db(A). They are only allowed 50-db(A) at night and they well over exceeded the limit.

Mrs. Leflet spoke about the traffic impact concerns by explaining the intersection meets all standards and traffic codes. She mentioned there was a traffic study that was done by a gentleman in the audience that would be happy to answer any questions about the study he performed. All lights will be low, covered and downward facing to not project out. Mrs. Leflet

expressed her thanks to everyone that came to hear the presentation and that voiced their thoughts and concerns.

Chairman Jensen opened questioning for the Planning Commissioners to ask the applicants.

Commissioner Dougherty started by mentioning the application is showing there will be a limit of 50 events per year but there are concerns and mention of the applicants having up to three events per month. Commissioner Dougherty would like the applicants to explain what type of events they are planning on having and the time of year.

Mr. Leflet stated that the first year they hope to have at least 24 events. The high season is May through October and they would be having one event every weekend. They hope to grow the number of events to 50 per year while keeping the events to one per day. They do not feel they will be having events during the week as it seems most weddings are on Fridays, Saturdays, and maybe a Sunday afternoon.

Mrs. Leflet wanted to make a quick statement saying that she wasn't sure where the concern of the facility becoming a bar-saloon came from but that was never in any of the proposals. They do hold a personal barn dance once or twice a year, but for personal friends that are professional dancers.

Commissioner True asked the applicant to speak more about the lights due to concerns of light pollution. Will there be lights outside, will they have a cover, and will the driveway have any lights?

Mr. Leflet explained there will be low solar lights along the driveway, and the other lights will have a covering called a shield.

Commissioner True asked if the lights are included in the parking area.

Mr. Leflet responded they will not have lights in the parking area and are not required to have it lit. They will have the small inground low solar light surrounding the parking lot.

Commissioner True asked where the 8,500-gallon water tank will be located?

Mr. Leflet responded that the water will be placed in a big storage tank and they will have to have water shipped in to fill up the tank. They do not have a six-inch main on the County Road so Mr. Leflet worked with the Wellington Fire Department Fire Chief Green. Chief Green came up with the design for the fire suppression system.

Commissioner Stasiewicz asked how tall the building would be.

Mr. Leflet responded with roughly 20-21 feet.

Commissioner Stasiewicz asked if there is a big grade difference between the location for the barn and the neighbors' houses?

Mr. Leflet responded that there is a grade, the barn sits low and it then raises up with the ditch.

Commissioner Johnson asked how far the applicants' home is to the nearest residence to the West?

Mr. Leflet responded that it would be roughly 300 and some feet.

Commissioner Johnson asked for the applicants to remind her again, she heard a little on the south side that it's wet, about the site selection process.

Mr. Leflet responded that they worked with a couple of engineers and they went around and found the locations where the berm is the highest. The placement of the barn is based on sound

reduction, keeping the sound away from the neighbors to the West and East and the berm will also help with noise.

Commissioner Johnson confirmed that site location was based on the wet area to the south and berming.

Mr. Leflet responded that it was correct but also to the South, the views are not as good. If they placed the facility near the house, they would have to place the barn on the West side and the parking lot on the East side. This would mean they would have to split the two and guest would not be able to park close. Mrs. Leflet mentioned that the sound carries further on both sides, affecting more homes.

Commissioner Choate asked if the Engineers that performed the sound study did a baseline test to see what the dB(a) was at the boundaries?

Mr. Leflet responded that it was 38-db(A).

Commissioner Choate confirmed that the base was at 38- db(A) and the sustained was at 42-db(A) during the event they had last April.

Mr. Leflet responded that it was correct.

Commissioner Choate stated that the applicants' presentation states that the sound does not carry to the property lines but wanted to confirm that the applicant means that it just doesn't exceed.

LloMr. Leflet responded that it was correct and that it does not exceed the 50- db(A).

Commissioner Choate confirmed that the surrounding property owners can perhaps hear the music coming from the events.

Mr. Leflet responded that perhaps and it was 42- db(A) if it was outside. With it being inside, they should not hear anything. The way they are doing the blown in insulation and are doing sound proof inside the building.

Commissioner Choate asked Mr. Leflet if he thinks the neighbors won't hear it at all?

Mr. Leflet responded he thinks what they will hear is people talking or something like that but as far as the music, no. They have the building engineered specifically so that nobody hears anything.

Commissioner Dougherty asked if the applicants are planning on air conditioning the facility?

Mr. Leflet response was 100 percent.

Commissioner Dougherty stated that in some places in the past where there isn't air conditioned it gets very warm, then all the windows have to be opened and the noise can escape.

Mr. Leflet responded with no, there are to air conditioning units in it and the units are highly efficient A/C units that hardly make any noise.

Chairman Jensen asked that on the FO-Forestry piece of the applicants' property, how many lots does it represent?

Mr. Leflet responded with wanting Larimer County staff member Matt Lafferty to answer but decided to explain they remember having a meeting and confirming that the applicants are only allowed to have three more additional lots on top of theirs. This is due to the open space that is required in the Master Plan. Being an 8020 Master Plan the including of the applicants dwelling they are only allowed three more parcels.

Chairman Jensen confirmed that the applicants could build three more homes on their property instead of the facility, is that right?

Mr. Leflet responded with yes. He then wanted to confirm that it was three.

Carol Kuhn, the Principal Planner, stated that the property is zoned FO-Forestry with 20.9 acres in a 5-acre lot. Which would be a 4-acre lot total for the applicants property.

Chairman Jensen opened the floor to public comments with a three-minute time limit.

Julie Rohloff's spoke in opposition of a concern being she and her neighbors to the South of the event center would be most impacted on their living conditions and application does not meet criteria's A, D or G. If approved, she would like for the Planning Commissioner to provide the restrictions and abatements in their written arguments.

Commissioner Miller asked Mrs. Rohloff's if the applicants were to move the location of the facility over to the Opened zoned area, would she still be against it?

Mrs. Rohloff's responded that she would still be against it but that it would be a huge relief because she would much rather it be over there. She also disagrees with what was said about the grade of the land where the event center is going to be, is at a higher elevation than her house and there really is no berm. She has submitted photos and welcomes anyone from the Planning Commission to come out and look at her property to see that there is no berm to provide protection from the noise and light.

Chairman Jensen did offer more time to Mrs. Rohloff's because the Planning Commission are asking her questions.

Commissioner Dougherty stated that in a part of Mrs. Rohloff's letter it states that development Forestry re-zoned property vs. Open zoned, the Forestry zoned has a greater negative impact on neighboring properties.

Mrs. Rohloff's responded that the Forestry zoned does because the event center will be really close to her home. If the event center was in the Open area, then it would be further away from the average four properties. Combined it will be more beneficial.

Commissioner Choate asked if Mrs. Rohloff's was home last April when the applicants had their event?

Mrs. Rohloff's stated that she doesn't think that she was home, and she didn't know what was going on, but there is a neighbor that was home at the time of the event and she can attest to her experience. She has heard the barn dances in the past that had been held in the shop building and she can attest to that. They do not have air conditioning so they have the windows open in the summertime at night because it gets hot and they can hear it from their bedroom window just as clear as day.

The sound carries so much out there, they can hear conversations of two people in front of their house over there. It is just a different atmosphere than being in town as far as how sound carries. Mrs. Rohloff's then stated that she did want to ask a question and she was the guilty one as far as being the person who brought up the potential country bar type use. What concerns her is that on the application, they defined the large events as being on Fridays and Saturdays. In the past of having barn dances and they know that is an interest. For them to feel more comforted about the potential, they submitted three questions through Michael Whitley to the property owners to help put them at ease on those concerns and they refused to answer those questions. Her question is if the Planning Commission could ask the questions to the owners?

Russel Rohloff spoke in opposition and wanted to address the berm that has been described in the applications of the Planning Staffs reports as well as the description of the existing trees that would provide a buffer. Please see pages eight through ten in our arguments that prove the lack of natural buffers between the house and the potential event center. The photos taken from in front of his house show unobstructed line of sight of the applicants' house, shop buildings, and



a tractor trailer parked up front. A photo was taken from County Road 64 and do not show berm or the presence of trees that would provide a buffer from the adverse noise, light, and privacy. Another photo shows that we do not have trees on the west side of their house, which they say is surrounded by trees. Two of the four sides do not have trees. He disagrees with Criteria C, E, and F. Placing the event center on the Open zone of the applicants' home, increases by an average of 1,211 feet. The application states there are stormwater issues on the South side of the Open zone. There are no topological maps or surveys that were provided to back that statement in the application. In fact, if there are stormwater issues, there are simple solutions. A culvert could be put into the ditch like what is on the adjoining property across the road, there are three culverts over there that drain the water just fine. They provided substantial data that disputes the public need for more event centers in their arguments however, the criteria does show that a benefit is based on the location and not on public demand. At this time Mr. Rohloff ran out of time.

Commissioner Miller asked if Mr. Rohloff would be opposed if the applicants were to move the location of the facility over to the Opened zoned area, would he still be against it?

Mr. Rohloff's responded yes, because we have heard noise from their barn dances very well and the conversation carry a long way. He would really like for the Planning Commission to look at those photos that show there are no berms and the abatement is not there as described.

Emily Rogers spoke in opposition and stated that criteria C has not been met as the proposed use will result in a substantial adverse impact on the other properties in the vicinity of the subject property.

The four closest homes to the site plan are only 500 to 1,000 feet away. On page one of the document that she submitted prior to this meeting, she talked about the safety concerns. One of the main concerns is fire and the example of the grass fire that happened the first week in February was about two miles away. When the fire department arrived, seven-acres had already burned. Less than 30 minutes later when they got it out, it had more than doubled to 15-acres. Remember the closest properties are less than 600 to 700 feet away from the event center. Also, note that the winds are out of the Northwest meaning her home, property, family, and animals could all be lost by the time the fire department even showed up. Multiple examples of the sound study are listed as to why it was not a proper sound study. There is no barrier between the proposed location and their house nor is there one for any of the other neighboring properties.

Mrs. Rogers did send in a picture with her submission and it was from inside of her bedroom window and you can see the Leaflet's property and the proposed area. She would have 130 people within walking distance and the study only had about 60 to maybe 100 attendees.

Zach Rogers spoke in opposition and continued with criteria C regarding the lights. Not only will the lights from the event center and the parking lot have an impact, as well as each and every vehicle going to and coming from the area. As events move into the evening hours, headlights of attendees would end up in the master bedroom of mine and my wife's, the living room. He encourages the Planning Commission to drive down Taft in the dark one evening. As they approach County Road 64, they will see that their neighborhood has a yard light or two, one or two porch lights, and maybe a warm glow from their living room. If everyone is tucked into bed, it is nothing but darkness and the light pollution in the area would go from none to an unreasonable amount.

Barbie Lytle spoke in opposition regarding a constant safety concern with intersection of County Road 19 and County Road 64. There have been many close calls and near misses to family, friends, and neighbors. One of her first concerns, when she heard about the event center, was for members of the public that would be introduced to the dangerous intersection. The information that she shares today will prove that having an event center West of that intersection on County Road 64 is in direct conflict with criteria F, as this intersection is a significant detriment to the public. There are 3 reports from the Colorado State Patrol including one fatality and two from other sources that include another. Two of those are a result of the bridge and the grade. Mrs. Rogers showed a video showing the line of sight, thinking reaction and stopping time vary by type and height of vehicle and grade of the road. 80 percent of registered vehicles have cars that are approximately 20-inch seat height versus up to 42-inches or more for the 20 percent that include trucks and SUV's. One company's data indicated they make a minimum of ten fully loaded semis trips on County Road 19 and pass their intersection each day. That is only a fraction of and in the summertime, the numbers increase significantly to include evenings and weekends. An average semi weighing 3,500 pounds versus a car at 2,000 pounds, increases stopping time of 60 percent. We respectfully ask that the Planning Commission take into consideration the implications and seriousness of increasing the traffic percentage averages by 59 percent daily, 109 percent on weekends as per the data from the County. This also increases the chance of accidents by the same.

Jay Aultman spoke in opposition with concerns in criteria E, F and G. The applicants' state that there are other businesses on the road or within that neighborhood but there hasn't been a veterinarian clinic operable in the last nine years, which was his business. When he opened his veterinarian clinic, it was on Open zoned property and used by right and conducive with the agriculture nature of the area. All the other home businesses that were mentioned in the neighborhood he believes was by right and on Open zoning. There are no real commercial businesses within the whole area and is quite a distance to any real commercial business and the proposal is for commercial use. Irrespective of the reasons give the applicant is looking for a Special Exception to protect their personal space and not block their living area by placing the event center on the Open zoning portion of their property. This will only enrich the applicant at the neighborhood's expense. As it pertains to demand, there are three commercial event centers such as this within ten miles of the proposed location as well as other community centers. The

number of people traveling the road will have a substantial impact. Noise beyond the other noise concerns includes the gravel road in itself is noisy. Road conditions are a real concern, that amount of volume although acceptable by County standards for how much traffic a County Road can handle, it certainly will impact the amount of wash boarding and potholes we as a neighborhood will have to deal with. Property values will be negatively affected.

April Christensen spoke in opposition and stated she will be substantially adversely impacted by traffic from the proposed event center. Based on the number of proposed events, there will be a 59 percent increase in daily traffic and a 109 percent increase in weekend traffic. Up to 71 cars arriving at events which are based on the number of proposed parking spaces and all leaving an event at the same time will extend halfway down the road while they wait to turn onto Taft Hill Road which would then block their driveway. Criteria B is a concern as to the proposal will have a substantial adverse impact on all the neighbors. She didn't know that the sound study was taking place last April when she went out on her back porch for a quiet evening. She could very clearly see the lights and hear the music on her property, and she is farther away than the three homes that are adjacent to the proposal. The traffic study that was done based on different information than what was submitted in the Special Exception, resulting in much higher true traffic numbers than reported generating more dust, noise, and headlights at night. Not included are the adverse effect that increases will have on neighbors' properties which does meet criteria C. Criteria G was also not met due to there was not a neighborhood meeting that took place for the Special Exception.

Mike Backlund spoke in support and is speaking in place of his wife's sister, Mary Ellen Fenton, who was not able to attend due to a medical issue. Ms. Felton is no longer able to drive her car and when Mr. Backlund and his wife are not able, the Leaflet's check on her several time throughout the week as well as pick up her medicine and complete her shopping. That speaks to Mr. Backlund of their personalities. Mr. Laflet has been plowing Ms. Felton's road as long as she has lived there and are truly great neighbors. According to Ms. Felton, the only other neighbors that check on her are the Lytles. The only other times that she hears from the other neighbors is when they want something from her like rent the pasture, hunt, or be pressured to agree with them regarding the building Mr. and Mrs. Leflet want to place on their property. Mr. Backlund then stated that Ms. Felton has been pressured by them. Mr. Backlund his wife, and Ms. Felton were invited to one of their barn dances and as they left early, they couldn't hear the music from across the road and that is directly straight across from the metal building.

Annette DeGroot spoke in opposition and stated that putting in this type of an event center would defiantly change the environment that they have enjoyed all those years. As neighbors, they are having to change their lifestyles due to the event center going in. It will have a major impact on their livestock's health as they need privacy and quiet as they are foaling and calving otherwise, they get very nervous and it could cause major problems with the delivery. This would include the death of the mother, foal, calf or both. The event center will increase their liability to people coming to the events as they may be intrigued by the animals and may not know the risk safety, enticement and boundaries being involved around livestock. Mrs. DeGroot also wanted to state that she has attended the barn dances and they are loud, and alcohol was involved but they have decided to not attend anymore.

Dean DeGroot spoke in opposition and wanted to add more to what Mrs. DeGroot spoke about. A negative impact would also be the lights shining in front of their house and the back windows when cars are entering and exiting. Also, lights and noise would affect their livestock giving birth and conceiving. Fire hazards are also a negative impact as living so far out and response time for emergency fire service because grass fires spread very rapidly. This could endanger their home, animals, barn, and hay. They will be smoking when they are coming in those cars, they will put the cigarettes out on the ground outside of their cars. You can have all the fire protection you want, and it will not stop a fire from happening out there. Criteria A is not met and due to the animals they have, the animals could be dangerous. Bulls, stallions, rams, boars, etcetera can attack human beings. People need to know when it is not safe to enter pens surrounding where animals are kept. This is also a liability of the property of where the event center is going to be held because they live in an open range lot. You fence out, he doesn't fence in. A road ditch can be a drowning hazard due to the parents of slow-moving water with a high velocity of undercurrent which will suck you under the water and at times it is deeper than it appears. They oppose the appeal of the Covey. There is a lot of danger out there, there are animals that can hurt the people coming and they do not have a clue what they are getting involved in. He has been hurt by one of those animals and he doesn't feel he should have the liability put on him because someone wants to put an event center in the middle of a pasture.

Commissioner Dougherty asked Mr. DeGroot if he is making it out to look as if bulls and stallions are so dangerous that they shouldn't be allowed to be kept there.

Mr. DeGroot responded that they live in the county and not in the city limits. They do try containing the animals but if they get out it is not necessarily his fault because they live in an open range in the process of getting them contained again. There could be children hurt and maybe not just one but a whole group of children. If they go over to his fence line and start playing with the animals, something could happen drastically just out of the response of the animal.

Commissioner Dougherty asked if Mr. DeGroot's fence is on the other side of the house?

Mr. DeGroot responded that he is on the West side. The applicants do not show any pictures of his house and he can see everything that goes on over there.

Chairman Jensen closed public comment and asked for the applicants' rebuttal.

Mr. Leflet addressed the berm stating that there is a berm and Russel Rohloff used to shoot into it towards their house and you can see it in the photos that were submitted.

Chairman Jensen stated that the Planning Commission went out to the property and did see the berm.

Mr. Leflet asked to have the engineer that perform the traffic study come up to explain his study that was performed.

Steve Humann is with TST Consulting Engineering in Fort Collins Colorado and would like to reply to a few things that were said. Compatibility, harmony, sound, and adverse impact, each of those things mean different things to every person. The way the county calculates the number of trips on a road is based on two in half people per vehicle. If you have 25 people attending an event the county considers that ten vehicles. There is also a trip in and trip out which makes it double being a total of 20 trips. In looking at 150 people in attendance, although the applicants said that it would be no more than 130 people and his letter was written last July, it would be with two and a half people per vehicle per 150 people would be 60 vehicles at 120 trips. The way the traffic is estimated and the way the roads and pavement are designed is average daily trips a year. You cannot say that you are doubling the traffic on a weekend. Maybe you are but from an average daily trip, when you look at the viability of a road the way the county and an engineer looks at it, is you have average trips per day meaning weekly, monthly, and yearly annual average. There would be more trips on the weekend but the increase in traffic on that road that he was told was less than 200 trips. Regardless, the increase in traffic is minimal not 109 percent. Maybe on any given day just like we see church traffic and double traffic on a Sunday, but you don't look at it that way. You look at average trips per week, month, and year. He also wanted to

state that the County Engineer did agree with his conclusions, one being that the event center will not impact the condition of the existing roadway or cause an increase in required maintenance. Mr. Humann also looks at the sight distance and at first glance it did look short but when looking at the Larimer County Urban Street Standards for foresight distance base on that tip of a road. Unfortunately, a major arterial is only supposed to be posted up to 45 miles an hour. What is posted for that road is 55 miles an hour. He then looked at the Colorado of Transportation criteria and the stopping sight distance required is assume that three in half feet is what you assume is the driver's eye height, not seat height. The vehicle coming onto the road that you have to see is assumed to be four and a half feet above the ground. He went out to the road, place something that was four and a half feet above the ground, back where a driver would be, then walked up the curb measuring three in half feet from the ground until he could see the top of the four in half feet object. He took a measuring wheel and walked back and forward until he felt comfortable. The measurement was a little over 600 feet of what would be considered sight distance of what would be engineering standards. What is required is 450 feet on an existing road and if it was a new road, it would need to be 550 feet. In his conclusion, there is not a sight distance at that intersection.

Mr. and Mrs. Leflet continued the rebuttal. Mrs. Leflet again said that she doesn't understand the continuance of the dancing. It is not in any of the plans but if someone wants to hire the building to hold a dance, they are Okay with it. Weddings usually have dances associated with them. Even when they do hold barn dances, it is a comfortable and quiet family gathering. Everyone brings potlucks and they eat and dance. Most of their dance friends are professionals or competitive dancers and it does not have anything to do with the Covey. She only wanted to state that it might be an event that might be held there. It does not mean that they are turning it into a dance hall or bar. This will be an event center for weddings and stuff. Mr. Leflet mentioned that as far as the lights shining through, there will not be a spotlight. All lights will be shining downward and designed that way on purpose. He spoke with a lighting engineer to have the lights designed to not reflect outward. Mrs. Leflet said that they do understand their concern, but they are doing everything they can to mitigate and make it as pleasing to them, the community, and the guests as they possibly can.

Commissioner Dougherty asked if they are going to have a permanent liquor license at the facility?

Mr. Leflet stated that they never planned on it

Commissioner Dougherty asked how they would handle liquor at the events?

Mr. Leflet responded they would have to bring their own liquor with a bartender. Mrs. Leflet also mentioned that she is TIP trained.

Commissioner Dougherty asked if they are thinking about the possibility of requiring someone with the event to be TIP trained.

Mr. and Mrs. Leflet both replied yes. Mr. Leflet also said, "Or if they hire a bartender that is to be TIP trained or licensed"

Commissioner Dougherty stated that one of the best ways to mitigate the possibilities of abuse with alcohol is to have someone on site. He is not expecting the applicants to be at every event, therefore having someone there that is TIP trained as well is very important.

Mr. Leflet stated that just for the record, the first year or two they will be there at every event. Mr. Leflet wanted that statement on the record.

Commissioner Dougherty wanted to know what ideas they had to keep attendees from wandering their property.

Mr. Leflet stated that the garden area will be fully groomed, watered and looking very nice. The outside area is going to have tall grass and they will leave it that way on purpose. On the East side of the property, they have a fence and on the other side of the fence, they have a ditch. On the West side, a person would have to go 1,050-feet just to get to the next property and go through two fences.

Commissioner Johnson wanted them to tell her that in the past when they had their events in the existing facility is the existing facility designed, the same way they are designing the proposed facility?

Mr. Leflet responded that the existing building is not even close, it is an all metal building and has R13 insulation. The new barn is going to be wood sided, so it doesn't reverberate, and they had it engineered and the only thing metal is the roof.

Commissioner Johnson confirmed the existing building they are using is not insulated and its metal, but what they are proposing has been engineered for sound absorption.

Mr. Leflet confirmed with, "100 percent". Mrs. Leflet wanted to add a comment that one of their neighbors to the West, about two or three homes, stated at the neighborhood meeting when they asked about the barn dances. The neighbor stated that they never knew they even had them, so it doesn't seem the noise travels to the West.

Commissioner Johnson wanted to confirm that the applicants did have a surrounding neighborhood meeting in March of 2018.

Mrs. Leflet confirmed that it was correct.

Commissioner Johnson wanted to know who they invited to the meeting and how far out?

Mr. and Mrs. Leflet were not sure and the Planning staff member, Michael Whitley, stated that it was 1,000 feet radius.

Mr. Whitley continued with the information that Larimer County sent out the meeting notification for the 1,000 feet radius.

Commissioner Johnson addressed the applicants Engineer, Steve Humann, that he had mentioned that West County Road 64 is a non-paved road and it's on the GIS system as having an A rating. Can you help me understand what an A rating meaning?



Mr. Humann responded that it is a County rating and he doesn't know if Larimer County Engineer, Clint Jones, might be able to help with that answer.

Clint Jones replied that every road in the county gets inventoried every other year. The inventory consists of measuring rut, depth, they know where their existing section and staff go out annualizing each road and gives it a rating. A is the best rating.

Commissioner Johnson confirmed that A means good.

Mr. Humann replied, "Yes"

Commissioner Dougherty addressed the applicants in that they mentioned the events will be going until 11:00 pm at night and wanted to know if there was an opportunity for them to go any earlier?

Mr. Leflet stated they had considered going until 10:00 pm.

Commissioner Dougherty stated that it could mitigate some concerns about people wanting to get to sleep if they are able to hear this. One thing he would like to note is that throughout the hearing he has been measuring the decibels in the room and it been about 44.4 on average and he did it on purpose because of the amount of sound. For people that want to get to sleep, would they be willing to possibly looking at a 10:00 on the weekends like they do during the week? He thinks that might mitigate some of the concerns. One other item is personal events. He knows they said that they are not looking into continuing their barn dances on the property per se. If that were to be a condition of the approval that the personal event was included in the number of events per year that could help with the concerns.

Mr. Leflet asked how you would define a personal event? What if they want to have a BBQ and invite some friends? No bands, no nothing and they decide to have it out there?

Commissioner Dougherty stated that they can define that unless Mr. Whitley already has the definition of a personal event versus a special event in the County code.

Mr. Whitley responded that there are definitions, but a personal event would be a pure event purely for the benefit of the property owners and their friends and family. The personal BBQ would be considered a personal event as well as a personal barn dance with friends and family of the property owners. A personal event would be exempt from the Special Event regulations and being counted as a special event. That doesn't mean that a condition of a special approval can't be added but from the county's perspective and with the regulations they have now, they would be allowed to have personal dances for family and friends, and it would not count towards their event number.

Commissioner Dougherty asked if there is a number of family and friends they can have at a personal event.

Mr. Whitley said that it was correct.

Mr. Leflet mentioned that they are not going to abuse that. They might have one or two a year.

Commissioner Dougherty stated that he is looking at it at a standpoint, they are some of the items that had been brought up by some of the neighbors. Being able to work with neighbors is something that is, sadly in our society these days, lacking. Usually, when working with neighbors forgo lots of problems down the road.

Chairman Jensen would like to hear in the applicants' words on criteria E and F. There is a reasonable justification for the use being at the proposed location rather than in a municipality or where zoning would allow the use by right or by Special Review. Why should the Planning Commission grant a Special Exemption based on criteria E?

Mr. Leflet responded that to have a country style wedding venue or an event, you aren't going to have that in the middle of town where there is a concrete jungle. When people want a country event, they want to have it out in the country. Mrs. Leflet added that the trend is to have a

wedding that is not in conventional churches and people are looking for venues that are out of city areas, hotels, some of the impersonal items and venues where here it is very personal. What they intend to bring to that is a very personal touch and enjoyment to the people.

Chairman Jensen then read off criteria F. The nature of the proposed use and its operations are such that there are significant benefits to the public to be located where proposed. Chairman Jensen asked that he spoke about criteria F.

Mr. Leflet stated it was the same thing, they are still out in the country but close to town. They are within 15 minutes away and people won't have to drive two hours to a country event. Also, with emergency services being five minutes away but yet they are in the country. They are able to have an indoor facility out in the country legally. If you go to some facilities in the mountains, it has to be an outdoor facility. They can't be indoor because they don't have the fire suppression system that the County requires. That's what makes them a little different than the other facilities up in the hills.

Chairman Jensen closed the applicants' rebuttal and opened the questioning for the Planning Commission to the staff.

Commissioner Miller asked the Larimer County Engineer, Clint Jones if the wedding venue is not approved and all the EPO Forestry lots were utilized for new housing, completely maxed out at 40 houses, does he have a number of in and out trips that those amounts of the house bring to County Road 64?

Clint Jones replied that ten trips per day are what they assume per house. If he said 40 then 400 but wasn't sure how accurate that was.

Chairman Jensen asked Larimer County Planner Michael Whitley if the proposal was built could the FO- Forestry piece of property still be developed further?

Mr. Whitley asked if it could be divided further? Is that the question?

Chairman Jensen confirmed Yes.

Mr. Whitley continued that the Special Exception would run with the land if there were a proposal to divide the property further, then the County would require that the applicants amend their Special Exemption application. The Special Exemption is approved on a piece of property with a certain size and operating characteristics, including distance from surrounding properties. If that circumstance change so that the property was divided and there were additional units then the County would at least concurrently if not before requiring that the Special Exemption is amended to reflect the new reality that is proposed.

Chairman Jensen confirmed that it could be done in the future.

Mr. Whitley confirmed that it could be done in the future potentially, yes.

Commissioner Choate asked if it would come back to the Planning Commission and Board of County Commissioners?

Mr. Whitley responded that it would go through a full Public Hearing. Yes, a full Public Process with a Staff Review, a Planning Commission Hearing, and a Board of County Commissioners Hearing for approval or denial.

Commissioner Johnson asked Mr. Whitley that in the FO-Forestry district looking at section 413 of the County code, there are a lot of uses that are allowed by special review, some by rights, and some by other purposes. Other things that could be allowed through a special review are somewhat similar would group homes, storage buildings and garages, sod farms, Country Club, shoot range, Bed and Breakfast, and Resort lodges and cabins. Those would be more daily uses. You wouldn't put a limitation on them only allowing the shooting range to be open 50 times a year or the group home being open 50 times a year but because the application is a Special Exemption the applicants are almost self-limiting themselves on the number of uses versus the items listed to come forth that aren't limited?

Mr. Whitley stated that she was correct as to the Special Exemption would be limited as proposed by the applicant and then approved or denied by the Board of County Commissioners ultimately. Some of the uses that Commissioner Johnson mentioned like the shooting range is more of a Special Review and would go through another Public Hearing process. The Board of County Commissioners could place limitations on any use that is not used by rights like a shooting range or Resort lodge cabin. What is another item that you listed for a Special Review use?

Commissioner Johnson listed off a sod farm or the group homes, but those are by rights.

Mr. Whitley responded that those are used by rights and the County would have no ability to condition those uses. There are other uses like the shooting range or Resort lodge cottage where there could be conditions of approval placed that would restrict the extent of the operation or other characteristics that would have an impact.

Commissioner Johnson stated that the applicant self-limited what they could do?

Mr. Whitley responded with it was correct. 130 attendees was proposed by the applicant as well as the 50 events per year. They could have asked for as many attendees as they wanted and as many events as they wanted.

Commissioner Choate wanted to clarify with Mr. Whitley that earlier he thought they had been talking about the maximum number of lots that could be on applicants' parcel could be four but then heard 40. He feels he misheard and would like Mr. Whitley to describe what that was.

Mr. Whitley responded that the 40 came from what is the minimum lot size of the Forestry zoning district is one unit per five-acre. It gets complicated when you have an additional parcel over 30-acres but to simplify it, assume that there is an appeal and it can go through a subdivision process and he believes the question was that there are about 320-acres that are zoned Forestry, how many trips would generate. Is that correct Commissioner Miller?

Commissioner Miller replied, "If the amount of maximum of homes were built on all eight of those sites, not including the applicants' site, he believes Mrs. Shnieder said it would be four homes on the applicants' property if they did decide. That is 40 trips per day or more.

Mr. Whitley responded that every single-family home on average generates ten trips per day. Yes, with some simplification of some area lost to say with a Right of Way for new roads and such. Understanding that the question is if the rest of the 320-acres, you divide the 320 by five and then multiply that number by ten, then that is the number that is generated on an average day.

Commissioner Choate asked Mr. Whitley if the Board of County Commissioners, regardless of the recommendation submitted by the Planning Commission ultimately deny the application could the applicant submit a new application for a Special Review and move the facility onto the Open zoned section?

Mr. Whitley response was yes.

Commissioner Choate addressed Clint Jones stating that he was looking at the pictures that had been submitted by Mrs. Lytle and listening to the applicants' traffic engineer Mr. Humann and they don't seem congruent to him. Commissioner Choate knows exactly what Mr. Humann is talking about when measuring from a certain height. Then when he looks at the pictures, he drives a sedan and knows what it's like to drive in a low sports car, the sight distance is a concern and he would like to know if any of the Larimer County staff have gone out and reviewed?

Mr. Jones responded that the County staff does not go out and re-measure, that is why they have an Engineer that does it and stamps the plans. They do not have enough staff to go out and confirm all the measurements and so they rely on the Engineer's measurements. The videos where they said that the measurement was taken at seat height which is 20 inches when it should have been at three and a half feet. Also, the oncoming vehicle height should be at 4 in half feet. The videos look concerning to him as well, but he has to rely on the numbers that the Engineer submitted, and they meet the requirement.

Commissioner Choate stated that when they spoke about the road being a grade A road, which is the highest level, correct?

Mr. Jones responded with yes and he had never heard of it being used with the letter before he is used numbers. Usually, it will be a number between zero and 100 and he assumes the grade A is the highest and thinks it is used on dirt/gravel roads rather than paved roads.

For paved roads, they will use a PCI (Pavement Condition Index) which is based on the criteria they go by to take the measurement of rut depth. He isn't familiar with the A rating or how that is determined but he does assume that is the highest value.

Commissioner Choate asked as far as a gravel road, stopping distance, and 55 miles per hour do you agree with the traffic engineer that 550-feet is sufficient?

Mr. Jones responded yes and that it is what the State Highway Access Code the County has adopted for measuring distance and the speed that he used is the value of the speed of the road.

Chairman Jensen closed questioning from the Planning Commission to the staff and opened the discussion between the Planning Commission. Before the Planning Commission discuss, he would like to go through each condition, so the Planning Commission and the public are reminded as to what they are actually looking at. He asked for Commissioner Johnson to summarize the requirements review criteria in an analysis.

Commissioner Johnson's summary stated that there are several review criteria as listed in 4.7.3 of the County Code. The first one is that the proposed use will be compatible with the existing and the land uses in the surrounding areas and will be in harmony with the neighborhood. The recommendations for the referral agencies have been considered that the proposed use is not going to result in a substantial adverse impact on other properties in the vicinity. The applicant has demonstrated that this project can and will comply with all applicable requirements of the County Code. There is a reasonable justification for the use being at the proposed location rather than in a municipality in a county approved growth management area or where zoning would allow these by Right or Special Review. The nature of the proposed use and its operations of such that they are of significant benefits to the public to be located where proposed and that the proposed use is constant with the County Master Plan.

## **DISCUSSION:**

Commissioner Choate stated that he was not able to attend the field trip to visit the location and wanted to ask the other Commissioners about the sight distance and traffic issue. Commissioner Choate would like to know if they felt there were a sight distance and traffic issue concern.

Chairman Jensen stated that it didn't occur to him and he didn't feel or see an issue. He has driven that road many times.

Commissioner Dougherty stated that as slow as the van is, he would have been concerned about pulling out onto the road. When it came time to turn, he was no longer concerned or any other time.

Commissioner Miller stated that having lived in the county in Masonville and other places for about 30 years of his life, he did not feel that road was out of the norm and didn't feel there was any concern.

Commissioner Johnson responded that she didn't have any concerns.

Chairman Jensen wanted to know the commissioner's thoughts on the overhead door. Should it be opened or closed, and do they need to change the criterion?

Commissioner Choate stated that if it's closed then it will be fine, and he thinks that it's basically a double door. There's no evidence in front of them to oppose the applicants' description of the substantial cost and effort gone into the design of the building to minimize the sound. He does not think that is a weak link but if it was opened, it would let out a lot of sound with bands playing at 97- db(A).



Chairman Jensen read the condition: The community hall should not contain an overhead door. He suggested that the condition is not the criteria that they would use, and the overhead door could be put in the building but closed during events.

Commissioner Dougherty stated that he can see that, and he doesn't like to dictate how somebody does business but the other side of it is, an open overhead door is going to allow a lot of noise and a lot of sound out that could take away from the enjoyment of neighboring properties.

Commissioner Miller stated that the overhead door is quite nice for loading and unloading things for the wedding venue and parties. He finds that it would be advantageous for everyone involved to have the door available.

Commissioner Johnson agrees with the other Commissioners and perhaps the condition of approval could be such that the opposed overhead doors at the community hall building shall not be open during events.

Chairman Jensen entertained Motion to include it to the conditions and removing condition number nine.

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

BE IT RESOLVED that the Planning Commission recommend removing condition number nine and replace it with the language used by Commissioner Johnson. The apposed overhead doors at the community hall building shall not be open during events.

Commissioner Miller seconded the motion.

Roll Call Vote: Commissioner Choate, Dougherty, Johnson, Miller, True, Stasiewicz, and Chairman Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

Chairman Jensen asked the Planning Commission if there are any other amendments to the conditions.

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

BE IT RESOLVED that the Planning Commission recommend that the hours of operation end at 10:00 pm on all nights of the week.

Commissioner True seconded the amendment.

Chairman Jensen entertained Motion to limit the hours on Friday and Saturday nights to end at 10 pm as appose to 11 pm at night.

Chairman Jensen opened the hearing for discussion.

Commissioner Johnson agrees that the event can end at 10 pm, but it would be difficult for a catering crew to clean things up or they had to sweep out the building. She also agrees that it will help reduce some of the potential impacts to neighbors, but the events end at 10 pm but services can extend past 10 pm.

Chairmen Jensen asked the Planning Commission if they all agree and they all responded with yes.

Chairman Jensen had the amendment read back as all events shall end at 10 pm at night rather than at 11 pm at night.

Commissioner Johnson asked if the amendment should be clarified that the event is not equated to service?

Commissioner Dougherty stated that he doesn't feel that is necessary because they are only making a reference.

Chairman Jensen agreed to keep the language the way it was read that all events shall end at 10 PM at night rather than at 11 PM at night.

Roll Call Vote: Commissioner Miller, Stasiewicz, Dougherty Choate, Johnson, True, and Chairman Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

Chairman Jensen entertained a Motion on the Covey Special Exception, File #18-ZONE2425

Commissioner Dougherty 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 Covey Special Exception, File #18-ZONE2425, subject both to the conditions 1-12 as amended on pages 26-28 in the two additional motions mentioned earlier.

Commissioner Miller seconded the amendment.

Commissioner Johnson wanted to discuss when looking at the County code and the uses that are contemplated that they aren't just granted carte blanche approval, but there contemplated in 4.1.3 in FO-Forestry zone district. The applicant is requesting a use that she believes is compatible with the existing and allowed land uses in the surrounding area even based on what is

contemplated in that zoned district already and in fact, she will be voting in favor based on the fact that it's even more compatible and harmonist then some of these uses that are already contemplated in that zoned district.

Commissioner Dougherty agrees with Commissioner Johnson and that he finds that when looking at the harmony, he would say that yes, he sees that, and the referral agencies have been considered. He does not believe that there is going to be a substantial impact on the other properties in the vicinity and look at the decibels of the noise/ sound that was recorded upon that event and the numerous different applications that they have heard for event halls, he believes it will have less of an impact. He does believe that this project can comply with all the applicable requirements of the code and that there is a reasonable justification for this use of the location. For the fact that while growth is moving outwards this is not part of the Growth Management Area.

Parts of the Growth Management Area are going to grow where event centers such as this with the natural beauty around them are not going to be viable or found in the future. He believes that this proposed use is consistent with the County Master Plan as the Planning Commission is amending it at this time and will be voting for it.

Commissioner Miller agrees. He is impressed with the design of the building and thinks it's the first wedding venue building the Planning Commission has seen that has been engineered specifically with the neighbors in mind. He will be voting in favor.

Commissioner Choate stated that he had two primary concerns are traffic and noise. He does not discount the other concerns that had been raised, but he thinks that they are rare. They have gone above and beyond with the potential wildfire risk. The noise and the traffic: when looking at the videos and pictures that had been submitted and he even had sight distance concerns with traffic. He encourages the applicants to do what is necessary to minimize that problem. He is relying on the applicants' traffic Engineer and specifically Mr. Jones, with the county, hold in high regards and that he thinks his concerns with the traffic have been addressed and that it will not be a significant problem based on those responses. The noise is a concern due to one neighbor hears the noise when the other does not. He looks at the sound study and thinks there are different variables of different sound studies and knows this one was called into question. They did what he would expect to be on in a sound study, they got the background noise at 33, that is quiet, and it shows what kind of an area it is. The measurements are valuable to him. When they are measuring and a band is playing in a building at 97 DBI, that is very loud. When measuring at 300 feet they are receiving DBI's of 42, the building has some mitigation impact. When measured at the property line at the base the DBI is 38, again while completing the sound study

in the existing building. The Planning Commissioner know the applicants have put forth substantial cost and effort to design a build, for this reason, to reduce the impact of the noise. He feels the neighbors will hear the sound, but very minimal and this is the only reason why he can support the project because of the building.

Chairman Jensen agrees with all that has been said and gave a brief overview of what the applicant has done for this project to be approved. Condition A of compatibility is universally what the Planning Commission deals with. When looking at recommendations and criteria that need to be met to mitigate the concerns of the neighborhood and concerns such as noise, light pollution, traffic impact, property value reduction, privacy, wildfire hazards, wildlife and changes to the rural and residential character of the area. It's a rural area but the extent that the applicants have gone into address those in their design, outreach to neighbors, and negotiation with the county staff to come up with a criterion. The Planning Commission didn't agree with some of the criteria the county staff presented and changed one as well as added to another. He believes that is their purview and job. The compatibility piece, he looks to the conditions of approval that mitigate them as much as possible. They have reached the level in number E and that there is a reasonable justification. Other venues in Larimer County are used on very regular bases and wedding venues and town halls are brought to the Planning Commission several time throughout the year. If there wasn't a need then he doesn't feel someone would spend all the time and money. They have again made an argument with the reasonable justification that this location meets criteria E and F and will be supporting.

Chairman Jensen entertained a Roll Call Vote.

Roll Call Vote: Commissioner Miller, Stasiewicz, Dougherty, Johnson, Choate, True and Chairman Jensen all in favor of the motion.

MOTION PASSED 7-0.

**REPORT FROM STAFF:** Mrs. Kuhn shared that the next Work Session will be held on April 10th, 2019, and if the Planning Commission, after adjournment, would meet and go into a work session about Short-Term Rentals.

Chairman Jensen stated the time and wanted to end tonight no later than 10 pm.

Matt Lafferty explained that there was already a presentation that was given to the public and the only time they will need is to report out where they are at this time and get confirmation that they are on the right path.

Chairman Jensen agrees they can accomplish all clarification in the half hour.

Carol Kuhn also wanted to add that the Board of County Commissioners approved the Gerrard Estates Planned Land Division on February 4, 2019

**ADJOURNMENT:** There being no further business, the hearing adjourned at 9:25 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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Jeff Jensen, Chairman

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Nancy Wallace, Secretary