

LARIMER COUNTY PLANNING COMMISSION

Minutes of April 17, 2019

The Larimer County Planning Commission met in a regular session on Wednesday, April 17, 2019, at 6:30 p.m. in the Hearing Room. Commissioners Choate, Dougherty, True, Stasiewicz, Miller and Wallace were present. Commissioner Jensen presided as Chairman. Commissioners Johnson and Lucas were absent. Also present were Rob Helmick, Senior Planner; Jenn Cram, Planner II; Clint Jones and Steven Rothwell, Engineering Department; Lea Schneider, Health Department, Carol Kuhn, Principal Planner; and Denise Ruybal, Recording Secretary.

The Planning Commission visited the sites of the Erickson Subdivision Preliminary Plat and the Garcia/Astudilla Special Review.

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

BE IT RESOLVED that the Garcia/Astudilla Special Review and Appeals, File #18-ZONE2395 be moved to the Consent Agenda.

Commissioner Miller seconded the motion.

This received unanimous voice approval.

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ITEM #1 ERICKSON SUBDIVISION PRELIMINARY PLAT, FILE #18-LAND3849: Mr.

Helmick provided a brief overview of the Erickson Subdivision Preliminary Plat detailing that this is a proposal for a two-lot subdivision on 22.83 acres. The property is zoned RE-Rural with surrounding uses of single-family residential and agricultural. It is also part of the Laporte Plan Area. One lot will be 10-acres with the other at 12.83-acres . There is an existing access from County Road 19 and are proposing one new driveway. The recommendation has been revised to make the new access onto County Road 19 a shared access. The plat will need to be revised to show the access point to the common lot line. The one condition being added is as follows:

The final plat shall be revised to reflect a common access point on County Road 19 centered on the common lot line of Lots 1 and 2. This shall be the only new access onto County Road 19 for this development.

Staff is recommending approval and have reviewed the conditions with the applicants.

Chairman Jensen wanted verification that Condition #10 had been discussed with the applicants and that they were in agreement.

Mr. Helmick verified that it had, and they were in agreement.

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DISCUSSION:

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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 Erickson Subdivision Preliminary Plat, File #18-LAND3849, and the requested appeal 8.14.1.R Connectivity subject to the conditions Mr. Helmick gave us this evening.

Commissioner Miller seconded the motion.

Commissioners Choate, Dougherty, Stasiewicz, True, Miller, Wallace and Chair Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

2. GARCIA/ASTUDILLA SPECIAL REVIEW AND APPEALS, FILE #18-ZONE2395: Ms. Cram detailed that this is a request for a Special Review for a Landscape Maintenance Business and Residence in the AP-Airport zoning district. The applicant is also requesting an appeal to Section 8.1.1.B.4, regarding on-site sewage treatment systems in growth management areas, Section 8.1.4.E.2, regarding fire protection level of service and access width and Section 8.6.3.C, regarding parking area and private local access road surface requirements. The property is located in the Fort Collins Growth Management Area as well as the Fossil Ridge Reservoir Plan Area.

Staff believes that the application has met the review criteria. There were no comments received from neighbors. Referrals from referring agencies have been considered.

With regards to the appeals to Section 8.1.1.B.4, the applicant proposes to design and install an on-site septic system to serve the business. Connection to public sewer is not feasible. The Development Team supports this requested appeal.

With regards to Section 8.1.4.E.2, regarding fire protection level of service and access width, the applicant is requesting an appeal to allow the access drive from County Road 9 to the property to be less than 20-feet wide and greater than 660-feet in length. Loveland Fire Authority supports the requested appeal.

With regards to Section 8.6.3.C regarding parking and private local access road surface requirements, the applicant is requesting an appeal to allow the access drive and associated parking to be an all-weather service. Engineering supports the requested appeal with the condition that an apron 50-feet long be paved off County Road 9.

The Development Services Team has recommended approval of the Special Review with the three appeals.

Commissioner Choate asked if the appeal of the access width and the paving are granted, what we are going to see is a 20-foot by 50-foot rectangle of pavement up to County Road 9?

Ms. Cram responded that coming off County Road 9, there would be 50-feet from the edge of the road into the right-of-way that would be paved and the rest of the road would remain as the gravel surface. The applicants are proposing to add an additional 6-inches of recycled asphalt to meet the all-weather requirements. Both the Fire District and Engineering were comfortable with those improvements.

Commissioner Choate if there would be a 50-foot apron onto County Road 9 that would make it easier to turn?

Mr. Jones clarified that the 50-feet would be the paved apron.

Commissioner Choate then asked what the purpose was for having only 20-feet there?

Ms. Cram responded that the appeal is for the width of that access road coming off County Road 9. The access drive is within the access easement and that areas of that road that are less than 20-feet wide. The appeal request is to allow the road to remain as is.

Commissioner Choate clarifies that is not the access to County Road 9 but the access road itself. He noted that during the visit to the site today, there was a telephone box on one side and a hydrant on the other and that the applicant would need to address those issues.

Ms. Cram verified that was true.

Chairman Jensen asked to see the first slide again. He stated that with the property zoned AP-Airport, if there were any conditions addressing the noise that have been discussed with the applicant? He wanted to ensure the applicants were aware they are living in the flight path and the airport? And, that the airport is going to be changing in nature over the next 10-15 years.

Ms. Cram stated that those discussions did not take place with the applicants, but that the applicants are currently living on the property and that the applicant was present in the audience and was nodding his head in agreement. Environmental Health did comment on potential noise impacts to adjacent neighbors but based on the size of the business and what the surrounding uses were, a noise study was not requested.

Commissioner Dougherty commented that when the applicant purchased the property, they should have received an abrogation agreement pertaining to the airport and notifying him of the sounds that would be coming from that flight path.

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 Garcia/Astudilla Special Review, File #18-ZONE2395, subject to the nine conditions on pages 62 and 63 of the packet. And further would like to recommend that the Larimer County Commissioners approve the three appeals on page 63 of the packet to Sections 8.1.1.B.4, Section 8.1.4.E.2 and Section 8.6.3.C.

Commissioner Miller seconded the motion.

Commissioners Choate, Dougherty, Stasiewicz, True, Miller and Wallace and Chair Jensen all voted in favor of the motion.

MOTION PASSED 7-0.

REPORT FROM STAFF: Mrs. Kuhn shared that Thorton Water Project 1041 File 18-ZONE2305, was denied by the Planning Commission on May 16,2018, and was denied by the Board of County Commissioners on February 11, 2019. Eggers Electric, File #18-ZONE2378, was approved by the Planning Commission on February 20, 2019, and was approved by the Board of County Commissioners on April 1,2019. Roundhouse Renewable Energy 1041 Permit, File #18-ZONE2476, approved by Planning Commission on February 20, 2019 and approved by Board of County Commissioners on March 11, 2019.

Chairman Jensen noted that the Planning Commission would go into a work session once this hearing was adjourned and that the work session would not be recorded or televised.

The May work session is scheduled for May 8th. The Planning Commission Hearing is scheduled for May 15th.

ADJOURNMENT: There being no further business, the hearing adjourned at 6:50 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.

Jeff Jensen, Chairman

Nancy Wallace, Secretary

