

LARIMER COUNTY PLANNING COMMISSION

Minutes of October 16, 2019

The Larimer County Planning Commission met in a regular session on Wednesday, October 16, 2019, at 6:30 p.m. in the Hearing Room. Commissioners Jensen, Wallace, Miller, Stasiewicz, True, Barnett, Choate, and Johnson, were present. Commissioner Dougherty presided as Chairman. Also present were Lesli Ellis, Community Development Director; Michael Whitley, Planner II; Jenn Cram, Planner II; and Denise Ruybal, Recording Secretary.

COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE:

Kristen Remy, Maureen McDonough, Vicki McLane, Joanna Siloski, Ben Pfeffer, Jacqueline Colson, Sabrina Hattar, Dan Felton and Larry Remy all spoke in favor of having the Planning Commission and the Board of County Commissioners review the inability of smaller poultry farmers to raise chickens (up to 200 birds per acre) for commercial use, which limits the ability for them to raise chickens for public sale and consumption. The current Larimer County Land Use Code requires that all commercial poultry operations go through the Special Review process regardless of the size. The requirements of the Colorado Department of Agriculture and Senate Bills 12-048 and 16-058 were outlined to provide the Planning Commission with the type of regulation that smaller poultry farmers are required to comply with. Allowing these smaller poultry farms to operate as a Use by Right would allow these farmers to provide pasture raised, local products to the area and respects the role of local farmers. Larimer County is changing in many ways and needs to consider these guidelines for possible change. This restriction prohibits these farmers from being competitive. Currently poultry farmers must go through so many loopholes and ask that Larimer County take a bigger interest in this. Lastly, the County is not overseeing all people that raise chickens. It seems that the only people Larimer County looks at are those that have a complaint submitted against them.

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

None.

APPROVAL OF THE MINUTES FOR THE September 11, 2019, MEETING: Commissioner Barnett asked that the minutes be amended to reflect the correct spelling of his last name as Barnett. MOTION by Commissioner Barnett to approve the amended minutes, seconded by Commissioner Miller. This received unanimous voice approval.

Motion passed 9-0

AMMENDMENTS TO THE AGENDA;

None.

CONSENT ITEMS:

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ITEM #1 – YELLOW ROOF REZONING, FILE #19-ZONE2538: Mr. Whitley presented the applicant's request to rezone 3.94-acres of a property from FA-Farming to B-Business. The parcel is 5.7-acres and the balance of the property is already zoned B-Business. The property is located at 6163 East County Road 16 in Loveland.

In 1963, the entire parcel was zoned FA-Farming when the County-wide zoning was established. In 1968, a restaurant and retail building was constructed on the property along with fuel pumps for gasoline sales. There have been a variety of commercial tenants within the primary building throughout the years. The building is currently used as an office.

In 1975, a 1.76-acre in the southeast corner of the property was rezoned from FA-Farming to B-Business. It appears that the intent was to rezone the portion of the property containing the commercial building. The area that was rezoned is undeveloped.

Because the commercial building is zoned FA-Farming, it is a non-conforming use. This proposal would rezone the portion of the property that is zoned FA-Farming to B-Business. If the rezoning

is approved, the entire parcel would be zoned B-Business, and the existing office building will become a legally conforming use.

The subject property has historically been used for commercial purposes. The proposed rezoning will change the status of the current office use from non-conforming to conforming. This will allow for investment in the building in the short term and would allow for further development or redevelopment of the site in the future.

Notice was provided to neighbors within 500-feet of the property and there were no comments received from the surrounding property owners.

The proposed change would allow for the continued use of the property as an office. The proposed zoning would be compatible with existing zoning in the area and would result in a logical and orderly development pattern in the neighborhood. The proposal meets this criterion.

Commissioner Wallace asked if this rezoning would allow them to tear down the existing building and build something else there.

Mr. Whitley stated that the property owner only wants to remodel the building within the existing footprint. They would be able to demolish the existing building and rebuild on the property as long as the zoning requirements are met. Future uses would need be compatible with the surrounding area.

Commissioner Jensen asked what the abutting zoning is of the land across the street and abutting to this property.

Mr. Whitley responded that there is a motel across the street that is in a similar situation in that part of it is zoned B-Business and part of it extends into the FA-Farming zoning. Johnson's Corner is a Planned Unit Development with some other commercial uses a little further to the east on County Road 16.

Commissioner Jensen asked if the property sits within the Loveland GMA to which Mr. Whitley replied no.

Chair Dougherty asked the applicant, Alex Hoime, to address the Planning Commission.

Mr. Hoime had nothing further to add.

Commissioner Wallace asked whether the people next door that have the house right next to the site are aware that this building could potentially be a whole lot of other things and if this was an issue.

Mr. Hoime stated that as far as their intentions for the property right now, they are looking to do the remodel. They currently have no plans to change the use of the property.

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 Yellow Roof Re-zoning, File #19-ZONE2538, to rezone 3.94-acres of the property to FA-Farming to B-Business.

Commissioner Barnett seconded the motion.

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

Motion passed 9-0.

REPORT FROM STAFF :

Ms. Ellis shared that the Board of County Commissioners have approved the Big Elk Meadows Broadband Tower on September 23, 2019, and on October 7, 2019, they approved the Columbine Lodge Amended Special Review as well as the Wireless Regulations. The wireless regulations are now posted on the website.

The first round of interviews for the Planning Manager will be taking place tomorrow, October 17, 2019.

Commissioner Jensen commented that the Planning Commission had looked at a massive horse boarding issue many years ago that sounds similar to tonight's topic on poultry farming and hopes that there would be discussion on this topic in the very near future.

Commissioner Johnson added that the Planning Commission take a look at animal units across the board.

Cahir Dougherty noted that the next Board of County Commissioners/Planning Commission work session will be on November 13th at 6:00 p.m. The next Planning Commission Hearing will be on November 20th at 6:30 p.m.

With there being no further business, the hearing adjourned at 7:20 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.

Sean Dougherty, Chairman

Nancy Wallace, Secretary