

LARIMER COUNTY PLANNING COMMISSION

Minutes of September 16, 2020

The Larimer County Planning Commission met in a regular session on Wednesday, September 16, 2020, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Miller and Dougherty physically attended. Commissioner, Wallace, Pontius, Johnson, Barnett and Jensen attended virtually with Commissioner Jensen presiding as Chairman. The Larimer County staff that physically attended were Don Threewitt, Planning Manager; Samantha Mott, Senior Planner; Michael Whitley, Planner II; and Christina Scrutchins, Recording Secretary. The Larimer County staff that attended virtually were Steven Rothwell, Civil Engineer II, Connor Sheldon, Civil Engineer I; Lea Schneider, Environmental Health Planner; and Frank Haug, Assistant County Attorney II.

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 AUGUST 12, 2020 MEETINGS

MOTION by Commissioner Dougherty to approve the minutes.

Commissioner Johnson seconded the motion.

This received unanimous voice approval.

Motion passed 7-0

AMMENDMENTS TO THE AGENDA

None.

CONSENT ITEMS:

ITEM #1 - PALLAORO SUBDIVISION PRELIMINARY PLAT AND APPEALS, FILE #19-LAND3948: Ms. Mott gave a brief presentation with images regarding the applicant's request to subdivide the existing 41.32-acres parcel into two separate lots, 19.42-acres, and 21.49-acres in size. This parcel is located within the FA-1 – Farming zoning district and the proposed lots would meet the minimum lot size of 2.3 acres. This request includes two appeals to the Land Use Code: 1. Appeal to Section 5.3.2 to process a Subdivision instead of a Conservation Development on a parcel over 30 acres in size not within a Growth Management Area. 2. Appeal to Section 8.14.1.M of the Land Use Code regarding dedication of public right-of-way. The subject

property is located 1 mile south of the intersection of E. Harmony Road and S. County Road 3F on the east side of the road and is adjacent to the Town of Timnath to the north. Water will be provided by Fort Collins Loveland Water District and sewer will be provided by South Fort Collins Sanitation District. Ms. Mott closed her presentation with the summary of the Development Review Teams Findings and suggested motion.

PUBLIC COMMENT

None.

PLANNING COMMISSION COMMENTS

Commissioner Wallace asked if Timnath was sent a referral and if they had any concerns regarding the Pallaoro Subdivision Preliminary Plat and Appeals?

Ms. Mott stated a referral was sent to Timnath. The Town of Timnath had a change regarding the drainage and requested additional Right-of-Way. Due to Larimer County and the Town of Timnath not having an Intergovernmental Agreement, Larimer County continued with the County standards and did not move forward with the Town of Timnath's request.

Commissioner Jensen asked if one of the requested lots is extended, will it be impacting the Poudre River Trail?

Alan Pallaoro stated the trail is currently running through the north side of their property and will continue to Three Bells.

MOTION

Commissioner Barnett 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 Pallaoro Subdivision Preliminary Plat and Appeals, File #19-Land3948, subject to the conditions and the Appeals to Sections 5.3.2 and 8.14.1.M of the Land Use Code regarding processing a subdivision and the dedication of public right-of-way subject to the seven conditions.

Commissioner Miller seconded the motion.

DISCUSSION

Commissioner Wallace wanted to express her understanding that the Pallaoro Subdivision Preliminary Plat does meet the requirements and it will be processed as a subdivision rather than a Conservation Development.

VOTE

Commissioners Dougherty, Wallace, Johnson, Barnett, Miller, Pontius, and Jensen all voted in favor of the motion.

Motion passed 7-0.

ITEM #2 – BROWN CONSERVATION DEVELOPMENT PRELIMINARY PLAT & APPEAL, FILE #17-LAND3676: Mr. Whitley gave a brief presentation with images regarding the applicants' request to divide two parcels totaling 62.87 acres that are zoned RE – Rural Estate into five residential lots and one residual lot with a residential building envelope. One of the parcels currently contains a single-family home that was constructed in 2005 and second parcel is undeveloped. The property is located at 7321 Gilmore Avenue, Fort Collins which is located north of Davis Street between Gilmore Avenue and Sunflower Avenue. In the RE - Rural Estate zoning district, the typical maximum density allowed is one home per 10 acres and due to the property being larger than 30 acres in size, the property must be divided through the Conservation Development process. The Land Use Code requires that a minimum of 80% of the total developable land area be set aside as residual land. The existing home is proposed to be located within a 2.4-acre building envelope on a 52.87-acre Residual Lot. The existing driveway will continue to provide access to the home. The five new 2.0-acre lots are located north of Davis Street and are identified on the Preliminary Plat as Lots 2 through 6. Those lots will be renamed Lots 1 through 5 on the Final Plat. As a part of this development, Gilmore Avenue, and an 800-foot (+/-) segment of Davis Street will be constructed to Larimer County Rural Area Road Standards. W. County Road 60E is currently unpaved. The applicant will pave W. County Road 60E with an asphalt surface from N. County Road 19 west to Gilmore Avenue. Right-of-way for Lamar Avenue has been dedicated between W. County Road 60E and Gilmore Avenue. Approval of the appeal would allow the applicant to not construct a road within the Lamar Avenue right-of-way as a second point of access for the Conservation Development, and Mr. Whitley demonstrated staff's finding that this connectivity is not necessary. Mr. Whitley closed his presentation with the summary of the Development Review Teams Findings and suggested motion.

PUBLIC COMMENT

None.

PLANNING COMMISSION COMMENTS

Commissioner Wallace wanted to mention that if the road is going to be paved there should be a discussion to re-configure the traffic flow.

Commissioner Johnson asked if County Road 19 is currently paved going north and south?

Mr. Whitley confirmed that County Road 19 is currently paved.

MOTION

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 Brown Conservation Development Preliminary Plat & Appeal, File #17-LAND3676, subject to the five conditions and the appeal to Section 8.14.1.R of the Larimer County Land Use Code regarding connectivity.

Commissioner Barnett seconded the motion.

DISCUSSION

None.

VOTE

Commissioners Barnett, Pontius, Miller, Johnson, Wallace, Dougherty all voted in favor of the motion.

Acting Chairman Jensen lost connectivity and was abstained from voting.

Motion passed 6-0.

Acting Chairman Jensen was not able to regain connectivity and Commissioner Dougherty continued the hearing as Acting Chairman.

ITEM #3 – HOOFPRIENT MEADOWS CONSERVATION DEVELOPMENT PRELIMINARY PLAT & APPEALS, FILE #17-LAND3713: Mr. Whitley gave a brief presentation with images regarding the applicants' request to divide a 35-acre parcel that is zoned O – Open into two residential lots and one residual lot with a residential building envelope. The property currently contains a single-family home that was constructed in 2013. The property is located at 13122 N. County Road 9, Wellington which is located east of N. County Road 9 approximately one-half mile north of the intersection of N. County Road 9 and Labrador Lane. In the Open zoning district, the typical maximum density allowed is one home per 10 acres and due to the property being larger than 30 acres in size, the property must be divided through the Conservation Development process. The Land Use Code requires that a minimum of 80% of the total developable land area be set aside as residual land. The existing home is proposed to be located on a 2-acre building envelope on a 30.323-acre Residual Lot and the proposed lots are identified as Lot 1 and Lot 2, adjacent to N. County Road 9. Access to all three lots is proposed from an internal road within a 60-foot access and utility easement. None of the lots would have direct access to N. County Road 9. Mr. Whitley stated he received a letter from a property owner regarding a concern to the Conservation Development and the change to the agricultural way of the land but stated that the appeals are supported. Mr. Whitley closed his presentation with the summary of the Development Review Teams Findings and suggested motion.

PUBLIC COMMENT:

None.

PLANNING COMMISSION COMMENTS

None.

MOTION

Commissioner Johnson 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 Hoofprint Meadows Conservation Development, File #17-LAND3713 subject to the five conditions and the appeals to Section 8.14.1.M of the Larimer County Land Use Code regarding the utilization of public right-of-way and Section 8.14.1.R of the Larimer County Land Use Code regarding connectivity.

Commissioner Miller seconded the motion.

VOTE

Commissioners Miller, Wallace, Pontius, Johnson, Barnett, and Acting Chair Dougherty all voted in favor of the motion.

Commissioner Jensen was abstained from voting due to loss of connectivity.

Motion passed 6-0.

Commissioner Jensen regained connectivity and continued the hearing as Acting Chairman.

ELECTION OF THE PLANNING COMMISSION SECRETARY

MOTION

Commissioner Wallace nominated Commissioner Wallace as Secretary.

Commissioner Jensen second the nomination.

VOTE

This received unanimous voice approval.

Motion passed 7-0

No other nominations were advanced.

REPORT FROM STAFF

None.

ADJOURN

With there being no further business, the hearing adjourned at 6:33 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, Acting Chairman

Nancy Wallace, Secretary