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**MINUTES
PLANNING AND ZONING COMMISSION
OCTOBER 27, 2021**

1. Called To Order

Chairman Michael Shernick called the October 27, 2021, meeting of the Planning and Zoning Commission to order at 7:01p.m., via remote meeting connection.

2. Roll Call

Recording Assistant Jane Madrid called the roll. Present on the Commission were Commissioners Judson Hite, Chris Teta, Michael Polan, Michael Shernick, Ana Lucaci, Janell Flaig, and Korkut Onaran. Commissioner Goldberg and Council Representative Aren Rodriguez were absent. In attendance also were Planning Director Glen Van Nimwegen, Principal Planner Ava Pecherzewski, Planning Manager Don Burchett, Principal Planner Brien Schumacher and Principal Planner Erin Fosdick.

Chairman Shernick read the procedure for public comments.

3. Communications

Planning Director Van Nimwegen advised the Commission that the electronic participation policy will come back to the Commission at a later date.

4. Public Invited to Be Heard

Chairman Shernick opened the public invited to be heard. The Commission took a 5-minute break to allow time for callers to come into the meeting.

Ruby Bowman, 1512 Lefthand Dr. Ms Bowman states she completed an open records request to the City Clerk's Office requesting information on the code of conduct policy. She states she was told the policy for Planning and Zoning Commission is not in the Longmont Muncipal Code. At the August meeting, the city attorney spoke in detail about what is contained in the conflict of interest policy and stated a commissioner is the only one who could decide if there was a conflict of interest. If there is no conflict of interest policy in the code, what was the basis of that statement. Ms. Bowman said this opens up the possibility of corruption on the commission and asked staff to provide a copy of the conflict of interest policy.

No one else wished to speak.

Chairman Shernick closed the public invited to be heard.

5. Approval of the minutes: August 18, 2021

1 Motion

2 **COMMISSIONER HITE MOVED APPROVAL OF THE AUGUST 18, 2021, MEETING**
3 **MINUTES WITH A CORRECTION TO ADD COMMENTARY TO SCOOTERS**
4 **COFFEE, PAGE 18, OF THE MEETING MINUTES. COMMISSIONER POLAN**
5 **SECONDED THE MOTION.**

6
7 Vote

8 **MOTION CARRIED 5-0-2, Commissioner Lucaci and Flaig abstaining.**

9
10 6. A., Daniels Annexation Concept Plan Amendment, PZR 2021-10, Principal Planner Ava
11 Pecherzewski

12
13 Staff Presentation

14
15 Property Location/Information

- 16 • Southeast corner of State Hwy 66 & Alpine Street
- 17 • Land area of annexation parcel: 8 acres
- 18 • Land area of this concept plan amendment: <2 acres
- 19 • Annexed 2006 as PUD-R
- 20 • Rezoned in 2018 to R-MN
- 21 • New zoning allows multifamily residential including paired homes
- 22 • Envision Longmont designated as Mixed Neighborhood
- 23 • Allowable density range: 6-18 DU/AC (48-144 DU – Proposed 16+52 existing=68 DU)

24
25 Original Concept Plan – 2006

- 26 • 52-Unit Multifamily Building
- 27 • 8 Single-Family Residential Lots
- 28 • New local street accessed from Alpine St

29
30 Concept Plan Amendment

- 31 • Replat single-family lots into 16 paired home (duplex) lots
- 32 • 52-unit active living senior apartments (Village Co-Op) already constructed/in occupancy
- 33 • Total Density: 68 Dwelling Units (zoning allows up to 144 Dwelling Units)

34
35 Outreach

- 36 • Neighborhood Meeting January 28, 2021
 - 37 ○ 1,000-foot radius notified/signs posted
 - 38 ○ 22 Attendees
 - 39 ○ General concerns re increased density and traffic impacts
- 40 • Notice of Application Mailed March 5, 2021
 - 41 ○ 1,000-foot radius notified/sign posted
 - 42 ○ 2 written objections re increased density and traffic impacts
- 43 • Notice of Public Hearing Mailed October 12, 2021/signs posted
 - 44 ○ 1 written objection prior to packet being sent out

1 Commissioner Hite disclosed that the applicant, Joel Seamons of Rocky Ridge Engineering, was
2 retained by his law firm on a project in another jurisdiction. The work he hired the applicant for
3 was not used on the project and he is not at all biased by Mr. Seamons work on this project.

4
5 Applicant Presentation

6
7 Existing Conditions

- 8 • Total area of Daniels Annexation PUD - 6.64AC
- 9 • Lots 2-9 are being developed
- 10 • Utility mains, street, sidewalk, and all drainage features are in place.

11
12 Review Criteria Analysis

- 13 1. Consistent with comprehensive plan
 - 14 ○ Current Zoning – 6-18 units/acre. This means 39-119 units for the PUD.
 - 15 ○ Taking out the 52 units that exist for the coop leaves 67 units available for
 - 16 development within code.
 - 17 ○ We are proposing 16 units.
- 18 2. Complies with applicable city standards
 - 19 ○ Lillie Court adjacent to all lots
 - 20 ○ Adequate fire hydrant protection in street
 - 21 ○ 8” Water Main in street
 - 22 ○ 8” Sanitary Sewer in street
 - 23 ○ Drainage swales in back of lot and inlets in street
- 24 3. Compatible re: land use, layout, & access
 - 25 ○ The duplexes being proposed provide a buffer between the high density Village Co-
 - 26 op Buildings and the single family residential to the east and to the south.
- 27 4. Does not adversely affect neighborhood
 - 28 ○ Some of the issue raised in past public meetings include
 - 29 ○ Traffic – the proposed development has 51 less units than what is allowed
 - 30 for this area
 - 31 ○ Off street parking – the following exhibit helps illustrate how parking is
 - 32 accomplished for the site.
 - 33 ■ Each shared driveway parks 4 cars , or 2 per dwelling unit
 - 34 ■ Each dwelling unit will also park 2 cars in the garage
- 35 5. Complies with the sustainability eval. system
 - 36 ○ The proposed development does not negatively affect the riparian areas for the City.
- 37 6. Includes a multimodal transportation plan
 - 38 ○ Sidewalk circulation throughout the development
 - 39 ○ Walks connect to RTD stops
 - 40 ○ Access to greenway to the north

41
42 Conclusion

- 43 ○ The proposed development project satisfies all six review criteria of the municipal
- 44 code.
- 45 ○ We thank you for your time.

1 Public Hearing

2 Chairman Shernick opened the public hearing. The Commission took a 5-minute break to allow
3 time for callers to come into the meeting.

4
5 Bob Vaughn, 2435 Lillie Ct, Apt 312. Mr. Vaughn spoke about additional off street parking and
6 suggested hammerheads in the driveways. He heard that two cars per living units would be
7 adequate, but he states the garages in the area look like warehouses and have no cars in them. If
8 density doubles there will be problems with parking. He said it sounds like it meets density
9 qualifications, but looking to the east there are more cars per building.

10
11 No one else wished to speak.

12
13 Chairman Shernick closed the public hearing.

14
15 Commission Discussion

16 Commissioner Flaig asked about a traffic study for the area, showing how much traffic is going
17 through the neighborhood versus how much originates in the neighborhood. Principal Planner
18 Pecherzewski said this project will generate less than 500 trips per day, so a study was not needed.
19 Matt Delich , Delich & Associates, said a traffic impact study was done in 2017 for the same
20 project when it was eight units less and that project generated 254 trip ends. Adding eight units to
21 the single family aspect of the development, the trip generation jumps to 330 trip ends, 23 peak
22 AM and 29 peak PM trips, giving a delta increase of five trip ends in the AM and eight trip ends
23 in the PM. Mr. Delich said a traffic forecast was done out to 2040 and it showed an increase in
24 traffic of two percent.

25
26 Commissioner Flaig asked about the amount of traffic going through the area now. Mr. Delich
27 stated the current daily trips in 2017 were 136 vehicles and this project will add 29. Commissioner
28 Flaig feels the additional traffic will not be substantially higher than what is now. Mr. Delich said
29 that was his conclusion also.

30
31 Commissioner Hite said there was a reference to an additional traffic memo and asked Mr. Delich
32 if that is what his is referring to. Mr Delich said he did not prepare a memorandum for this meeting
33 or the project as it is today, the study being referred to was the study in 2017. Mr.Seamons states
34 when they submit for a preliminary plat, they will bring in more raw data. Currently this is a
35 concept plan amendment, the technical memos come later.

36
37 Commissioner Hite asked when the intersection at Pace Street & Highway 66 will get a light.
38 Principal Planner Pecherzewski said it has a traffic light.

39
40 Commissioner Hite asked if there is any information regarding traffic moving in a more direct
41 route out to Highway 66, rather than through the neighborhood to the east. Mr. Delich said the
42 traffic from this development will go out Alpine to Highway 66. Currently a signal is not warranted
43 at Alpine Street and Highway 66, but in the future there is a fair possibility it could get signaled
44 if volume warrants are met.

1 Commissioner Lucaci is concerned with no light at the intersection of Alpine Street and Highway
2 66. She asked if the traffic from Highway 66 turning into this development will be included in a
3 future traffic study. Mr. Deleich said when a study is done, all traffic going in and out will be
4 counted.

5
6 Commissioner Lucaci asked if the sidewalks are buffered on Lillie Street. Mr. Seamons said yes,
7 they are detached from the street. Commissioner Lucaci asked for clarification about the sidewalk
8 being flat, not slanted by the driveway. Mr. Seamons said that is correct, the driveway will come
9 off the street and flatten out at the sidewalk.

10
11 Commissioner Polan asked for additional information about the set up of the driveways. Mr.
12 Seamons said they think there is some efficiency putting the pavement together and maximizing
13 the green spaces on either side. The intent is to design a driveway that is 40 feet wide, 20 feet per
14 lot with the lot line going down the middle, allowing for two cars in each driveway.

15
16 Commissioner Polan asked if there is a way to tell where the lot line is. Mr. Seamons said pins
17 should be placed on the corners of each lot and should be very visible.

18
19 Commissioner Polan said it looks like two to three cars could also park on the street. Mr. Seamons
20 said there is space to park on Lillie Court.

21
22 Chairman Shernick said the developer states these are duplexes with two car garages but the
23 owners could also park two cars in the driveway, so they are actually talking about four per unit.
24 Principal Planner Pecherzewski said that is correct, if they meet all code requirements. All units
25 will have driveways so they could park two cars in the garage and two cars in the driveway, along
26 with parking on both sides of the street.

27
28 Chairman Shernick asked if a project like this has parking minimums or maximums. Principal
29 Planner Pecherzewski said the residential zones have a parking minimum of 2 spaces per parcel,
30 and so long as they can demonstrate through a site plan review that they have two cars in a
31 driveway or garage, that would meet the standards. Chairman Shernick commented this concept
32 doubles the standards. Principal Planner Pecherzewski said that is correct, but we cannot force
33 people to put cars in their garages.

34
35 Chairman Shernick asked how hammerhead driveways work. Mr. Seamons explained the idea of
36 a hammerhead driveway and said they limit the landscape opportunity and generate more
37 stormwater into the pond. Chairman Shernick asked if the additional runoff is because they would
38 be paving more of the lot. Mr. Seamons said yes. Chairman Shernick said it sounds like they would
39 lose the double stacking scenario and would park fewer cars. Mr. Seamons said they have looked
40 at this in concept, but they would need a 20 foot swing to get two cars on each side. It could also
41 be challenging because they have to offset the buildings and some will be closer to the right-of-
42 way.

43
44 Chairman Shernick commented that adding more pavement would move them in the wrong
45 direction in the review criteria. Mr. Seamons said it would, and even though the pond was built

1 oversized for additional capacity, they would like to keep it as is in case there would be additional
2 patios built that they didn't plan for.

3
4 Chairman Shernick asked for clarification about the number of units. Mr. Seamons said there was
5 some confusion with the wording as 16 duplex lots, but it is 16 duplex units total.

6
7 Commissioner Hite commented that PWNR staff indicated that the public improvement plans
8 needs to be amended to resize sewer and water. Mr. Seamons states the mains are okay, additional
9 cuts in the street will be needed for the services to be added for each lot.

10
11 Commissioner Polan asked about the affordable housing component. Principal Planner
12 Pecherzewski said 12 percent is the requirement and they can do a cash in lieu or deed restricted.
13 Mr. Seamons said they have not decided which way they are going. Ken Voss, ReMax, said the
14 previous plan did not include affordable housing, but affordable housing is triggered for this
15 subdivision and they understand that.

16
17 Commissioner Polan commented that the traffic increase is minimal and there is the benefit with
18 affordable housing. He does not see an issue with parking and likes having this project as a step
19 down to the single family residential to the east. He is in support of the amendment.

20
21 Commissioner Hite believes this complies with the review criteria and will support the
22 amendment.

23
24 Motion

25 **COMMISSIONER HITE MOVED APPROVAL OF PZR 2021-10A, A RESOLUTION OF**
26 **THE PLANNING AND ZONING COMMISSION RECOMMENDING APPROVAL OF**
27 **THE DANIELS ANNEXATION CONCEPT PLAN AMENDMENT. COMMISSIONER**
28 **POLAN SECONDED THE MOTION.**

29
30 Additional Discussion of the Motion

31
32 No additional discussion of the motion.

33
34 Vote

35 **MOTION PASSES 7-0.**

36
37 Chairman Shernick read the process notice.

38
39 7. Secondary Uses - A discussion of the concept and its application to projects in the City of
40 Longmont.

41
42 Introduction & Overview

- 43 • Previous Code Restrictions
44 • Envision Longmont
45 • Current Land Development Code

- 1 • Examples
- 2 • Discussion & Direction

3

4 Past Code Restrictions

- 5 • Adopted the Land Development Code in 2001
- 6 • Adopted a New Zoning Map
- 7 • Identified the MI District as a Transitional Zone
- 8 • Allowed some housing in both the BLI and MI districts.
- 9 • Concerns with the 2001 Code
 - 10 ○ Areas for new employers was now limited
 - 11 ○ Housing could develop in areas previously restricted to industrial uses
 - 12 ○ Consumer goods and services could impact land availability
 - 13 ○ LEDP requested limitations on many types of uses in the industrial zones
- 14 • Solution to Address Concerns
 - 15 ○ Limit housing to maximum percentage of property, restrict types of housing allowed
 - 16 ○ Establish limitations by subdivision (service uses not to exceed 25%)
- 17 • Outcome
 - 18 ○ Difficult for staff and property owners to understand and determine conformance

19

20

21 Envision Longmont Policy Framework

- 22 • Goal 1.2: Promote a Sustainable Mix of Uses
 - 23 ○ 1.2A: OVERALL MIX OF USES
 - 24 ○ 1.2F: HIGHER DENSITY HOUSING
 - 25 ○ 1.2G: INTEGRATION OF USES
- 26 • Goal 2.1: Integrate land use and transportation planning to enhance the overall quality of life in the City
 - 27 ○ 2.1B: TRANSIT-SUPPORTIVE DEVELOPMENT
 - 28 ○ 2.1C: TRANSIT-ORIENTED DEVELOPMENT
- 29 • Other
 - 30 ○ 4.1E BUILT ENVIRONMENT
 - 31 ○ 6.3B MIXED-USE EMPLOYMENT AREAS

32

33

34 Envision Longmont Growth Framework Objectives

- 35 • Promote infill and redevelopment
- 36 • Create places for people
- 37 • Expand housing and employment options
- 38 • Promote healthy, active lifestyles and a healthy environment
- 39 • Expand multimodal transportation options

40

41 Envision Longmont: Centers & Corridors

- 42 • Major and Minor Centers: Mixed-use areas served by major transportation systems that provide access to jobs; retail, commercial, and public services; and a variety of housing options.

43

44

- 1 • Major and Minor Corridors: City streets which connect Centers through a variety of
- 2 transportation systems. Areas along Corridors also support opportunities for mixed-use and
- 3 infill development.
- 4 • Greenways: In addition to offering opportunities for recreation and active lifestyles,
- 5 greenways also support biking and walking as modes of transportation.
- 6

7 Land Development Code Update 2017-2018

- 8 • Overall Project Goals
 - 9 ○ Implement Envision Longmont and other city plans and policies
 - 10 ○ Create opportunities for innovative and high-quality development
 - 11 ○ Update code to be consistent with current land use trends
- 12 • Flexibility is Key

13 PZ and CC discussion of secondary uses during code update

14 General direction:

- 15 • Create secondary use criteria standards and review process rather than tracking percentages
- 16 of secondary uses in each district
- 17 • Allow administrative review of most secondary uses - particularly in mixed use districts
- 18 • Some secondary uses may require conditional use review
 - 19 ○ Small scale commercial uses in residential districts to ensure compatibility with
 - 20 residential uses
 - 21 ○ Support uses in primary employment district to ensure land availability for primary
 - 22 employment uses
- 23

24 Land Development Code

- 25 • LDC Definitions – Section 15.10.020
 - 26 ○ Secondary use. A use that is not intended to be a primary or predominant use in a
 - 27 zoning district.
- 28 • 15.04.030 - Use-Specific Standards
- 29 • General Use Standards.
 - 30 ○ Secondary uses shall also meet the following additional criteria (in addition to
 - 31 criteria that apply to all applications):
 - 32 ■ The secondary use as proposed is of a scale and design and in a location that
 - 33 is compatible with surrounding uses and potential adverse impacts of the
 - 34 use will be mitigated to the maximum extent feasible.
 - 35 ■ The secondary use as proposed is consistent with the comprehensive plan
 - 36 and the purpose and intent of the code and underlying zoning district.
 - 37 ■ The secondary use as proposed will not substantially diminish the
 - 38 availability of land within the underlying zoning district for primary uses,
 - 39 or reduce the availability of land for primary uses below a minimum level
 - 40 necessary to meet the intent of the district.
- 41 • Secondary use examples in residential districts (mostly R-MN and R-MF)
 - 42 ○ Live/work
 - 43 ○ Assembly uses
 - 44 ○ Community uses - library, performing arts
 - 45 ○ Education uses - public and private schools

- 1 ○ Healthcare uses - medical and dental clinics
- 2 ○ Recreation uses
- 3 ○ Commercial uses - office, retail, restaurant, lodging
- 4 ▪ Use, size and location restrictions in most instances
- 5 • Secondary use examples in mixed use districts (varies by district)
- 6 ○ Attached and multifamily and live/work uses
- 7 ○ Assembly uses
- 8 ○ Community uses - library, museum, performing arts, convention center
- 9 ○ Education uses
- 10 ○ Healthcare uses – hospitals, clinics, medical labs/research
- 11 ○ Recreation uses – outdoor commercial recreation
- 12 ○ Commercial uses – drive through restaurants, vehicle sales/rental, storage and
- 13 warehousing
- 14 • Secondary use examples in nonresidential districts (primary employment)
- 15 ○ Support uses in district – similar to prior code
- 16 ○ Assembly uses, banquet/reception facilities, day care centers
- 17 ○ Healthcare uses – medical clinics, rehabilitation facilities
- 18 ○ Recreation uses – health club facilities and indoor commercial recreation
- 19 ○ Commercial uses – restaurants, professional offices, financial services, lodging
- 20

21 Recent Example - Hwy 119 & County Line Rd

- 22 • REGIONAL CENTER
- 23 ○ Primary Uses: Large format retail, Restaurant, Entertainment Uses to attract
- 24 regional visitors.
- 25 ○ Secondary Uses: Office, Medical Facilities, High Density Apartments
- 26 • UC Health/Highlands Development” – State Hwy 119 & County Line Road
- 27 ○ Approx 74 Acres of Land zoned MU-R
- 28 ○ 25 AC – Hospital; Ambulatory Care Center
- 29 ○ 12 AC – Apartments
- 30 ○ 3 AC - Windsong Memory Care (under review)
- 31

32 Recent Example- Creekside (Pike Road)

- 33 • MIXED-USE EMPLOYMENT
- 34 ○ Primary Uses: Employment-Oriented Uses; Manufacturing; Processing; Storage;
- 35 Office; Flex-Office; Commercial Services.
- 36 ○ Secondary Uses: Supporting Retail; Hotel; Civic/Cultural Facility; High Density
- 37 Residential; Live/Work Units.
- 38 • “Creekside Development”
- 39 ○ Pike Road between Hover and Sunset
- 40 ○ Approx 73 Acres zoned MU-E
- 41 ○ 2 AC Undeveloped
- 42 ○ 37 AC Office/Light Industrial/Storage
- 43 ○ 14.5 AC High Density Residential/Senior Living
- 44 ○ 19 AC Mixed-Use HD Residential + Commercial
- 45

1 Commission Discussion

2 Chairman Shernick said it feels like they are giving over more to secondary uses than to primary
3 uses.

4
5 Commissioner Hite thanked staff for the presentation and addressing his issue of what is a
6 secondary use. He appreciates the perspective on the history of looking at things at a subdivision
7 level, but in his opinion it has morphed into changing subdivisions into zoning districts. He said
8 we don't want to use percentages but by default, we have to go back to percentages. He is really
9 concerned about the mixed use zoning districts, and spoke about the area around the UC Health
10 hospital and how it crosses Ken Pratt Boulevard. He questions if they are looking at that as an
11 entire district, because it looks like it is going primarily residential and wonders how new plans
12 will be measured for projects that come in for review. He understands they want to be flexible and
13 feels the plan is flexible and has created opportunities for secondary uses of more employment and
14 commercial related activities in residential districts. He said the LEDP is concerned about areas
15 for primary employment and commercial activities are limited and now residential is being allowed
16 to creep into those areas to an extensive amount. He felt like the project they looked at in August
17 with 90 percent residential and 10 percent commercial was flipped on its head, and they were just
18 looking at one lot within a zoning district.

19
20 Chairman Shernick commented that in the hospital example, the primary use is regional center and
21 you technically have a secondary use using up 25 acres and in his mind that is better than a strip
22 mall which falls under the primary use. He said they could look at it qualitatively in terms of how
23 good the proposals are. Commissioner Hite feels the hospital is a primary employer. Chairman
24 Shernick said it is not primary by definition, it is a secondary use. Principal Planner Schumacher
25 said it was identified as a secondary use in Envision Longmont and the Land Development Code,
26 but the commission raises a good point about some potential changes. He said the hospital was
27 approved and constructed prior to the code update.

28
29 Commissioner Hite's specific concerns are related to residential secondary uses creeping into areas
30 and when to say it is too much. He said if a hospital is a secondary use, he wonders if they have
31 blown it in that area and he thinks they need guardrails on implementing secondary uses so they
32 don't become primary uses in areas where they want to encourage primary employment.

33
34 Chairman Shernick said if the goal is to never have this turn into an accounting problem, at what
35 point do they stop permitting secondary uses, even though many are allowed by right.

36
37 Commissioner Onaran thanked staff for the presentation. His conclusion is this is a zoning system
38 that was created in the 50's and 60's that separated users from each other. Now we are coming
39 back and realizing that there needs to be a mix of uses. There are areas of single uses like
40 commercial or residential and nothing else, and that doesn't create a lively neighborhood or uses
41 that support each other. He said it also doesn't create good commercial because it is car dependent
42 and problematic. Now we are trying to come back with the comp plan and introduce some of the
43 missing points. He sees issues with the way secondary use is defined in the code, because after the
44 presentation he is realizing it is more like a conditional use, it is not ancillary to anything else. He
45 said the only difference between the primary use and the way the comp plan wants to include a
46 secondary use, is that the secondary use needs to be reviewed by the commission. He said when a

1 residential project comes in in a regional center, they have a problem with it because it is called a
2 secondary use as if it's ancillary to anything else, but what they are really being asked is if the
3 residential use is appropriate in that particular context. Code needs to be very clear about that and
4 the criteria should be whether the particular use creates a synergy or mutual support between other
5 uses. He feels like residential does support areas like regional retail and employment because they
6 provides amenities. His gut feeling tells him the definition of secondary uses in the code needs to
7 change. Principal Planner Fosdick clarified that not all secondary uses are conditional, so not all
8 would come to the commission. She agrees that they intentionally did not include a numeric standard
9 and now the commission is questioning what predominant and secondary mean in terms of
10 numbers. She said it is possible in certain cases that secondary uses when taken together, could
11 be primary in terms of land area, but no one secondary use is predominant and may make some
12 uncomfortable. She explained that some secondary uses are conditional, some are permitted, and
13 the review process is different depending on the use and the zoning district.

14
15 Chairman Shernick commented that maybe some wording could be changed. The language seems
16 to get in the way but that doesn't mean the code is wrong.

17
18 Planning Manager Burchett said Commissioner Onaran points out something interesting, we do
19 have a specific set of review criteria for secondary uses and there are three that are unique to both
20 staff and commission review. He said the review criteria that states "The secondary use as proposed
21 will not substantially diminish the availability of land within the underlying zoning district for
22 primary uses", gets to the point about the ability of the commission or staff to make the decision
23 that the zoning district, with the approval of a secondary use, could potentially lose the ability to
24 meet the original intent or purpose. He said there has to be a decision and it is not a number, it is
25 a criteria that needs to be met and it allows for flexibility when they are looking at the whole
26 picture.

27
28 Commissioner Teta said something he was worried about was allowing a developer to do too much
29 secondarily as a percentage, what happens to the next development opportunity, does a
30 primary/secondary mix get refused because there is nothing left. Planning Manager Burchett gave
31 an example of a property next to WalMart that has been sitting vacant for a very long time. The
32 area is changing and now the developer is coming in with plans for the property, sometimes it
33 takes the secondary uses being developed first to get primary uses to come in.

34
35 Commissioner Onaran spoke about the apartments near the WalMart and how it felt right to
36 approve them, but he feels like they were actually changing the zoning from retail to residential,
37 and the code does not make it clear if they have that authority. He understands Commissioner
38 Hite's objection, the language does not give them that authority or a boundary within which they
39 should consider it. He said their authority should be clear in the code.

40
41 Planning Manager Burchett said if the zoning code allows for the use, whether it is a primary use
42 or secondary use, it is not rezoning it, it is an allowed use under some condition as long as it meets
43 the criteria in the code. The definition of secondary use talks about the use not being the primary
44 predominant use in the zoning district. He said it was never meant to be parcel specific, it was
45 meant to look at the zoning district as a whole.

1 Commissioner Polan said it is not clear on what they use as the boundaries of a district. Planning
2 Manager Burchett agrees, and pointed to centers and corridors mentioned in the Envision
3 Longmont plan. He said it doesn't mean it shouldn't be better defined and maybe the commission
4 could help to better clarify it. Commissioner Polan suggested that in the presentation, staff or the
5 applicant highlight the total area they are looking at for the development. It is tough when it is the
6 first parcels going in and trying to understand the area they are looking at and what they are judging
7 it against.

8
9 Commissioner Hite suggested that when they are studying mixed use development that have a
10 secondary use component, they should, as part of the review process, look at the entire zoning
11 district the project is going in to. He said if they wait until the last parcel is being developed and
12 say nothing but a primary use can go in, it seems a little unfair and is possibly going to leave the
13 city with some orphan lots that will not be developable. He would like to look at it project by
14 project and understands we want to allow the secondary uses in the district, but is unsure how to
15 be fair to other developers that come in later down the line without imposing the requirement upon
16 every project that gets developed within a zoning district. He understands being flexible but feels
17 it is going to be a bigger problem unless they get in front of it now.

18
19 Chairman Shernick said it was pointed out earlier, the last developer in is left holding the short
20 end of the stick and they are denying them development rights simply because of their timing in
21 approaching the city.

22
23 Commissioner Onaran does not feel providing a proportion is going to solve much, there are
24 certain special circumstances where, for example, in a regional center with predominately
25 commercial uses, a developer who comes in and wants to do all residential, is doing something
26 really good for the community, which made sense near the WalMart. His understanding is they
27 should make it easier if it is adding something that is needed or missing in a particular area. It
28 would be easier if they had specific criteria, but at the end of the day it is a judgement they need
29 to make. He said the regulations should enable flexibility and his argument is they should be able
30 to have the authority to make the judgement.

31
32 Commissioner Flaig said they cannot predict what the market will do. When the hospital went in
33 they could not anticipate it would be in effect, an employment center because of the office
34 buildings it built, so it morphed from being a secondary use to a primary use. She said there is
35 retail south of Highway 119 with restaurants to the east past WalMart and Sandstone park that are
36 not a good walking distance from the apartments, but on a nice day someone might want to walk.
37 She said something they looked when putting the zoning code together was areas of stability in
38 Longmont and to make sure they are not overwhelming an area when there are other kinds of uses
39 that are pronounced and that people want to maintain for their quality of life. She knows it is a
40 balancing act, but they cannot determine the market.

41
42 Planning Director Van Nimwegen feels like staff needs to build the story of why these uses are
43 appropriate where they are and you could same the about quality versus quantity. He said staff
44 intends to bring the comp plan back next year and make some revisions and possibly strengthen
45 some of the quality statements to futher bolster the decisions of what land use is appropriate. He
46 understands the concern about not wanting to lose employment areas and said we still have land

1 use that is primary employment with limited secondary uses that offer opportunities to land a
2 corporate headquarters or major manufacture. When he looks at the land use and where mixed use
3 employment is, he thinks they probably had some existing industrial uses and also neighborhoods,
4 and how do you buffer those areas from what's around it, that is why they wanted flexibility.
5 Perhaps when they look at the comp plan they can do a better job of creating what those districts
6 should be.

7
8 Commissioner Lucaci suggested that LEDP bring in some statements with the new development.
9 She knows they do a lot of research on regional centers, so maybe their opinions could help the
10 commission make an informed decision in the future. Planning Director Van Nimwegen said
11 LEDP does review development that comes to the commission and believes they do want to present
12 their economic development plan to the commission on a future agenda.

13
14 8. Final call – public invited to be heard

15
16 Chairman Shernick opened the final call public invited to be heard. The Commission took a short
17 break to allow time for callers to come into the meeting.

18
19 Jamie Simo, 1020 Venice St. Ms. Simo spoke about the policy for conflict of interest and said it is
20 odd that there is not a one in place. It should not be up to the commissioner or board member to
21 determine conflict of interest and asked for the creation of a policy be prioritized.

22
23 No one else wished to speak.

24
25 Chairman Shernick closed the final call public invited to be heard.

26
27 9. Items from the Commission

28
29 Chairman Shernick thanked staff for their work on the meeting.

30
31 Chairman Shernick asked about the conflict of interest policy. Planning Director Van Nimwegen
32 said staff may have located some information regarding the policy.

33
34 10. Items from the Council Representative

35
36 Council Representative Rodriguez was absent.

37
38 11. Items from the Planning Director

39
40 Planning Director Van Nimwegen mentioned there is one week left of Community Planning Month
41 and thanked Commssioners Polan and Lucaci for coming out to celebrate the proclamation.

42
43 12. Adjournment

44
45 **CHAIRMAN SHERNICK MOVED ADJOURNMENT OF THE MEETING. NO ONE**
46 **WAS OPPOSED.**

1 The meeting adjourned at 9:53 p.m.
2
3 Respectfully submitted,
4
5
6
7 Chairman/Vice Chairman
8 Planning and Zoning Commission
9
10 /jm 10/27/21

DRAFT