

**MINUTES
PLANNING AND ZONING COMMISSION
AUGUST 18, 2021**

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5 1. Called To Order
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7 Chairman Michael Shernick called the August 18, 2021, regular meeting of the Planning and
8 Zoning Commission to order at 7:10p.m., via remote meeting connection.
9

10 2. Roll Call
11

12 Recording Assistant Jane Madrid called the roll. Present on the Commission were Commissioners
13 Judson Hite, Chris Teta, Michael Polan, Michael Shernick, Josh Goldberg, Geri Boone, and Korkut
14 Onaran. Commissioner Flaig and Council Representative Aren Rodriguez were absent. In
15 attendance also were Planning Director Glen Van Nimwegen, Principal Planner Ava
16 Pecherzewski, Planning Manager Don Burchett, and Sr. Assistant Attorney Teresa Tate.
17

18 Other city staff in attendance were PWNR Engineer Cameron Fowlkes, PWNR Engineer Caroline
19 Michael, Environmental Planner Hannah Mulroy, PWNR Engineering Administrator Chris
20 Huffer, and Natural Resources Project Manager Jim Krick.
21

22 Chairman Shernick read the procedure for public comments.
23

24 3. Communications
25

26 Planning Director Van Nimwegen introduced Environmental Planner Hannah Mulroy.
27

28 4. Public Invited to Be Heard
29

30 Chairman Shernick opened the public invited to be heard. The Commission took a 5-minute break
31 to allow time for callers to come into the meeting.
32

33 No one wished to speak.
34

35 Chairman Shernick closed the public invited to be heard.
36

37 5. Approval of the minutes: July 21, 2021
38

39 Motion

40 **COMMISSIONER HITE MOVED APPROVAL OF THE JULY 21, 2021, MEETING**
41 **MINUTES AS SUBMITTED. COMMISSIONER POLAN SECONDED THE MOTION.**
42

43 Vote

44 **MOTION CARRIED 6-0-1, Commissioner Boone abstaining.**
45
46

Approval of the Electronic Participation Policy

Chairman Shernick asked if they are operating under the condition of not being able to assemble a quorum in person. Senior Assistant City Attorney Tate said it could fall under that classification, but the Commission could also find another cause to not meet in person. The policy has been drafted to give the Commission some flexibility. Chairman Shernick asked if they can find something outside of the list as a good cause. Senior Assistant City Attorney Tate said yes.

Commissioner Polan asked when the Commission would find the good cause. Senior Assistant City Attorney Tate said it could be done for a defined period or it can be done on a case-by-case basis, and she recommends that be done at the meeting immediately preceding the meeting being held virtually. Commissioner Polan's concern was the inclement weather provision that might occur a day before and wants to be sure there is something in place to make those last minute changes. Senior Assistant City Attorney Tate said under the Colorado Open Meetings Law, for the Commission to convene and take a vote typically requires 24 hours' notice, but in the event of an emergency, she believes the Open Meetings Law contemplates as much notice as possible. In the event of inclement weather, the board could work with staff to notice a meeting quickly to take a vote on whether good cause was found.

Commissioner Hite thinks the determination to meet electronically for this meeting was made last month. He would suggest that the determination is made in advance, maybe a certain number of days and to provide the circumstances for the electronic meeting.

Chairman Shernick asked if Commissioner Hite is suggesting the policy be reworded. Commissioner Hite said yes, he does have some edits he would like to share with the Commission.

Chairman Shernick asked if they could move forward with the policy as written and allow Commissioner Hite to submit his edits to staff to be reviewed. Sr. Assistant Attorney Tate recommends approving a policy so they do not run into procedural issues with this meeting and continue operating under that policy until any amendments can be reviewed and approved.

Commissioner Polan believes item II.G. covers their meetings for the short term and at the next meeting they can continue their discussion.

Motion

CHAIRMAN SHERNICK MOVED APPROVAL OF THE ELECTRONIC PARTICIPATION POLICY AS SUBMITTED. COMMISSIONER POLAN SECONDED THE MOTION.

Vote

MOTION CARRIED 7-0.

6. A. Rivertown Annexation, Zoning, and Concept Plan, PZR 2021-7, Principal Planner Ava Pecherzewski

Commissioner Onaran disclosed the applicant is a client of his but he is not working with the applicant on this project. He has received no prior information about this project and feels he can participate in the discussion.

Staff Presentation

Property Location/Information

- 21 S. Sunset
- Approx. 21 acres
- Zoned GI in BOCO
- Adjacent to St. Vrain Creek on north
- Envision Longmont designated as Mixed-Use Employment
- Property to south in City zoned Primary Employment
- Property to west in City zoned Public (Rogers Grove)
- Property to SE in City zoned Mixed-Use Employment
- Property to north/east not in City

Concept Plan

- Concept Plan is to annex as Mixed-Use Employment zoning
- Proposes 20,000 SF Commercial – East Side
- .5-Acre Amenities – North Side
- ~380-Unit Apartment Complex/Townhomes (West)
- Access from Sunset Street
- Access from Boston Ave via Platted Easements
- Proposed uses are secondary in MU-E zone
- Taken as an aggregate in the district, the proposal qualifies as secondary use in the zone

Site Background

- Adjacency to St. Vrain Creek:
 - Property owner will be required to dedicate land for channel widening for Resilient St. Vrain flood control project
 - Property owner will be required to dedicate greenway
- Floodway:
 - Property is in the floodway and would require a CLOMR from FEMA before development can be permitted
- Environmental Background:
 - Property formerly used as gravel mine and concrete batch plant
 - Phase 1 and Phase 2 Environmental Site Assessments completed
 - No evidence of RECs
 - Fire Dept accepts both reports; no recommended mitigation measures
- Traffic:
 - Traffic study based on a potential of 20,000 sq.ft. of commercial and 334 residential units;
 - Approx. 3,400 weekday trips at full buildout

- Projected traffic won't change LOS at Boston/Sunset (will be LOS C @ peak rush hour in 2040 with or without development here)
- Traffic mitigation may include: left-turn lane on northbound Sunset into the property; no right-turn deceleration lane warranted for southbound Sunset
- Species/Habitat:
 - Site has no habitat for federal or state protected species or plants
 - Adjacent St. Crain Creek does not provide riparian habitat suitable for species
 - Eagles nearby but have no habitat at this location to nest
 - 150-foot riparian setback from edge of creek will be required with development

Community Input

- NEIGHBORHOOD MEETING – November 12, 2020
 - One comment in support of the annexation
 - One comment expressing concern about the residential density and impacts to the community
- NOTICE OF APPLICATION – Mailed out January 2021
 - 4 comment letters
 - Mainly in support of protecting riparian habitat along St. Vrain Creek and opposed to annexation/development
- NOTICE OF PUBLIC HEARING – Mailed out August 3, 2021
 - Letters received after packets went out
 - Letters in support
 - Letters in opposition (floodway concerns, density, environmental concerns)

Recommendation & Next Steps

- PZ Resolution 2021-7A – Recommending Approval of Annexation
- City Council Dates TBD

Applicant Presentation

Project Overview

- Location: 21 Sunset St
- Acres (With ROW dedication): 19.97 acres
- Existing Use: Office & Warehouse
- Existing Zoning: General Industrial
- Proposed/Designated Zoning: Mixed-Use Employment

Consistency with Comprehensive Plan – St. Vrain Creek Corridor Focus Area

- The site is located within the St. Vrain Creek Focus Area, one of four key areas identified by the City with the greatest opportunity for future development
- Goal: Revitalization of uses along the St. Vrain Greenway is encouraged as improvements to the floodway are implemented & future risks are mitigated (Envision Longmont).
- Goal: The integration of high-density residential uses & support services within this area are encouraged as part of the Mixed Employment designation to increase live-work

opportunities, expand housing options within the City, & leverage planned transit enhancements

Compatibility with Surrounding Properties – Land Use

- The development of Rivertown in Longmont will incorporate high density residential, live work opportunities, and a variety of employment spaces.
- High-quality commercial and modern but aesthetically consistent residential housing in currently blighted and undeveloped land
- Mixed-Use Employment
 - MU-E districts will provide flexibility for the adaptive reuse of existing industrial buildings and for the incorporation of high-density residential & live/work opportunities in close proximity to employment & supporting services in transitional areas or in employment areas expected to experience change in the future.
 - The proposed redevelopment will be less than 50% of the aggregate of the Mixed-Use Employment designated properties within the Boston Avenue Corridor.
- The project will promote the diversification of older employment areas within the City.

Confluence Companies

- Who We Are
 - Confluence Companies is an entrepreneurial full-service real estate development, construction, investment and property management company headquartered in Golden, CO.
- What We Do
 - With close to \$1 billion of successfully complete projects, Confluence focuses on developing, building, owning, and operating ground-up residential mixed-use properties.
- How We Do It
 - Using ingenuity, creative solutions, and collaboration we deliver high-quality developments faster, better, and at a lower cost. We're passionate about creating exceptional places that tell a story.
- Why We Do It
 - We are committed to crafting developments with timeless architecture to create an authentic sense of place, sustainability to reduce the impact on the environment, and thoughtful design to promote a sense of community.

Consistency with Comprehensive Plan – Envision Longmont

- Applicant reviewed the goals and policies this project aligns with in Envision Longmont.

Public Hearing

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

Eric Wallace, 229 Pratt St. He is in support of this project. His business is down the street from this project and he states they have a hard time attracting and retaining workers because of housing in Longmont. This is the type of project the city needs, not sprawl but infill. This falls in line with

1 Longmont 2.0 and is part of the vision of the river corridor. Longmont needs more of this type of
2 development and especially around the river corridor. This gives the younger generation the
3 opportunity to invest in the town they live in and work in.

4 Lila Haynes, 1830 Boston Ave. She is concerned about the easement going through her property.
5 The cars going through the area would be a huge impact to her property.
6

7 Sherry Malloy, 2113 Rangeview Lane. Ms Malloy spoke about the St. Vrain corridor and
8 greenway. Any proposals for development must compliment the area. She is a member of Stand
9 with Our St. Vrain Creek who advocate for protecting the St. Vrain Corridor. She states the site is
10 designated a floodway and must be removed from the floodway before any development can occur.
11 She said the public deserves a voice in the development along the corridor and feels it doesn't meet
12 the goal to be compatible with surrounding property.
13

14 Ruby Bowman, 1512 Lefthand Drive. Ms. Bowman spoke about the review criteria and states this
15 application should be denied. She thinks the city has its priorities mixed up and the review criteria
16 should be been evaluated from the wildlife perspective. She spoke about the flood plain and the
17 length of time it takes to get a property out of a flood plain and wonders if this project has a time
18 limit on when construction has to commence.
19

20 Jamie Simo, 1020 Venice St. Ms. Simo spoke about her concerns regarding this annexation. She
21 is concerned about the flood mitigation work and the length of time it will take to complete and
22 remove the property from the floodplain. She spoke about the habitat assessment that was
23 conducted in the winter and wonders if another one was done in spring or summer. She conducts
24 bird surveys and states she has never seen any species of state concern on the Rivertown property,
25 but has seen other species on the property. She also spoke about the buffer area around the creek,
26 as well as the connectivity in the area. Ms. Simo spoke about contamination on the property and
27 states it should be determined if there is hazardous waste on the property.
28

29 No one else wished to speak.
30

31 Chairman Shernick closed the public hearing.
32

33 Commission Discussion 34

35 Commissioner Polan asked about the percentage for primary versus secondary uses and what the
36 land dedication looks like adjacent to the St. Vrain Creek. Principal Planner Pecherzewski said
37 that staff takes the aggregate of land uses in the zoning district and in this area, the proposed
38 residentia secondary use is less than half of the acreage in the surrounding MU-E zone and also
39 noted that the land dedication piece is still being determined with a draft annexation agreement
40 which is being drafted in cooperation with Public Works and they will work through that.
41

42 Commission Polan asked for a description of the current zoning in Boulder County and the new
43 zoning in the city. Principal Planner Pecherzewski stated that the current zoning is General
44 Industrial in Boulder County. The city zoning is Mixed Use Employment with primary uses of
45 light industrial, flex offices, research and development, etc.
46

1 Commissioner Polan would like to know more about the agreement with adjacent property owners
2 regarding easement access. Principal Planner Pecherzewski spoke at length with the citizen who
3 called in this evening and sent them a copy of the subdivision plat. She said the properties along
4 Boston Avenue were part of a subdivision plat that was recorded and it shows access easements
5 from their property to this property. There was concerns because of the third party parcels so the
6 applicant will be required to obtain written permission from property owners to gain access and a
7 note will be placed on the concept plan. Commissioner Polan asked what happens if they cannot
8 gain access. Cameron Fowlkes, PWNR Engineer, said the thinking was the applicant could
9 negotiate the other access point. Commissioner Polan asked if would go to court case if access is
10 not granted. PWNR Engineer Fowlkes said they would need to find another access, possibly on
11 the west side or off Boston Avenue. Commissioner Polan commented that at this point, granting
12 the annexation does not mean they can build; they still need to figure out the access, the
13 Commission is just approving it in concept. Principal Planner Pecherzewski said that is correct,
14 the next step would be a development application, with neighborhood meetings and additional
15 public outreach, as well as more details about the project.

16
17 Chairman Shernick asked if concept plan drawing is included when this item goes to City Council.
18 Principal Planner Pecherzewski said yes, the concept plan is attached to the annexation agreement
19 and recorded against the property and any significant deviation has to come back through City
20 Council. Chairman Shernick said the density math does not work out and wonders if they should
21 even be listed on the drawing. Principal Planner Pecherzewski she went by the notes on the concept
22 plan in the packet but agrees the densities do not pencil out. Chairman Shernick said one table in
23 the traffic study show 320 apartments and another said 330 apartments. Tony De Simone,
24 Confluence Companies, said most of it is largely conceptual. When you add up the multifamily
25 units and paired homes toward the back, it would be around 320 units, plus the 20,000sf of
26 commercial. He said they are not trying to do 380 units. Chris McGranahan, LS Transportation,
27 said the traffic study took into account 320 multi-family, 14 duplexes, and 20,000 square feet of
28 commercial space. Chairman Shernick asked how much shift is needed in the number of units to
29 change the study. Mr. McGranahan said removing an access would be more impactful than adding
30 units.

31
32 Chairman Shernick feels like the best avenue would be for City Council to get the best data
33 possible from the applicant. Principal Planner Pecherzewski said the concept plan is conceptual
34 but they can add a conditional approval if it is a big concern.

35
36 Commissioner Polan's only concern with the document is the significant difference in the number
37 of units. Principal Planner Pecherzewski thinks it is in the commission's prerogative to add a
38 condition that the cleanup items on the concept plan are done before it goes to City Council.

39
40 Commissioner Hite asked if the Resilient St. Vrain project is widening the creek. Senior Planner
41 Mulroy thinks it is shaving it out and making it deeper. Commissioner Hite said there was a
42 discussion about raising the property, how does that help the water issue, where does the water
43 go? Chris Huffer, PWNR Engineering Administrator, said because this is in the middle of the
44 flood plain and when the storage area is taken away, it is pushing the water out. The Conditional
45 Letter of Map Revisions (CLOMR) will have to show there is minimal to no impact to other
46 surrounding properties by raising this property. He states there is no funding for this portion of the

1 creek in the Resilient St. Vrain project. Commissioner Hite commented that if you raise the
2 property to take it out of the flood plain, you are then pushing water downstream and wonders if
3 that makes this property compatible. PWNR Engineering Administrator Huffer said the city has a
4 flood plain manager who is responsible signing off on this before it goes to FEMA. The applicant
5 has to show no adverse impact on properties both up and down stream, and this project would not
6 be approved if they could not show that.

7
8 Commissioner Hite asked about the property dedication for the greenway. PWNR Engineering
9 Administrator Huffer believes the dedication is on the south side. Commissioner Hite read that in
10 addition to the dedication, there is also a 150-foot setback to any development along the riparian
11 area. He asked if the impacts on Rogers Grove wildlife has been studied. Senior Planner Mulroy
12 said the Species and Wildlife Habitat Conservation Plan looks at concurrent conditions, it does not
13 look as much at impacts of development, but it is early in the review process. Commissioner Hite
14 asked if staff is satisfied with level of investigation that has been done. Senior Planner Mulroy
15 said yes, the study was just done in March of 2021 and another survey will need to be done closer
16 to groundbreaking, as well as the city will ask for updates moving through process.

17
18 Commissioner Hite spoke about multi-use standards to allow residential as secondary use. Staff
19 interpretation is that it is to be applied on a district wide standard and he disagrees with that
20 interpretation. He said in the multi-use standards, density is applied on a per acre basis, not within
21 the whole zone. Commissioner Hite also pointed to the Envision Longmont policy 6.3b referenced
22 in the packet, where it states in the multi-use employment district you prioritize employment while
23 supporting secondary uses that incorporate multi-family or live/work circumstances. He cannot
24 support this plan with only ten percent of the parcel devoted to the primary use.

25
26 Commissioner Onaran feels like they need to step back and understand why the rule is there and
27 what it is trying to achieve. He said if they are talking about supporting labor, the last ten years
28 has told them that if you do not provide enough housing and you do not mix the users, it is going
29 to be vulnerable to failure, increased transportation costs and ultimately it will not be sustainable.
30 In this particular area, you see underused industrial businesses that are not supported by other uses.
31 He understands the interpretation by the city and he agrees, and when talking about secondary uses
32 in these particular areas, they need to look at the surrounding area because every contribution to
33 that mixture is what creates the vision. He agrees with staff interpretations of the review criteria.
34 He commented that the big picture gives them the best understanding of what preservation of
35 nature is in an urban corridor with a lot of development around it. This is the hole in the donut,
36 there were many investments made so this urban corridor worked and if they leave these parcels
37 contaminated there is the possibility of being developed as industrial because it is in the county.
38 Every time they do not approve a development in this corridor, that development contributes to
39 the sprawl.

40
41 Commissioner Polan said if they try to take each parcel and apply the rules, it would limit how to
42 develop the individual parcels. Businesses are looking for places for employees to live in the area,
43 and this area is walking and biking distance from the mall area. Commissioner Polan asked if staff
44 knows what is going to happen with the property north and east. Principal Planner Pecherzewski
45 said that property is still in the unincorporated Boulder County and there are no plans for it at this
46 time.

1 Commissioner Polan asked what would happen to the existing buildings on the property. Mr.
2 Starnes said they will be torn down and the businesses relocated to another location across the
3 street.

4
5 Commissioner Polan asked the applicant why they are annexing the property now. Mr. Starnes
6 understands it will be a lengthy process, and believes this property represents an asset to the
7 community, but it will take time to develop it. Mr. De Simone agrees, it is a long process but they
8 have experience dealing with environmentally sensitive areas and flood plains and have
9 successfully navigated sites in other communities. He states it takes several years to get through
10 the process and annexation is the first step.

11
12 Commissioner Polan asked why this area is still unfunded and if there are any benefits to annexing
13 this property now. Principal Planner Pecherzewski said one of the many benefits to annexing is
14 permitting purposes, the applicant would not have to go through the county, which can take a long
15 time, and they would be working with the city's floodplain administrator for permitting. PWNR
16 Engineering Administrator Huffer said the RSVP project does not have unlimited funding so
17 projects have to be prioritized. He said you could not do an upstream reach until you have
18 completed a downstream reach to try to get the floodplain back into the channel, so they are
19 working from the bottom end up to get the most properties out of the floodplain. He said they have
20 received help from FEMA grants as well as many city dollars for this project, but the funds are
21 limited.

22
23 Commissioner Polan said there is some concern from the community about the high density and
24 asked if there are any limitations on what type of property can go in to mixed-use employment.
25 Principal Planner Pecherzewski said single family residential is not a permitted use in this zone; it
26 would need to be some type of multi-family development. High density residential is allowed as
27 a secondary use in the mixed-use employment zone. Commissioner Polan asked if there is any
28 residential in the area. Principal Planner Pecherzewski said no, currently it is all industrial users
29 in that area.

30
31 Commissioner Polan noted that the applicant stated in their materials that they are commissioning
32 a blight study and he asked who determines that. Mr. Starnes said because of the nature of this
33 site, it is underutilized and undeveloped; their goal is to look at a larger urban renewal district for
34 this area. They have been in communication with adjacent property owners, and while there was
35 a blight study done several years ago, that just looked at identifying conditions of blight, which it
36 did. He said City Council acting as the city's Urban Renewal Authority, takes action on designating
37 an urban renewal area, and that was never processed. They are interested in working with the city
38 to present a proposal for an urban renewal area and conducting an updated blight study.

39
40 Commissioner Boone supports the concern for secondary uses in this case. The development is
41 not going to happen for years and it appears the first one in has a benefit and once that is granted,
42 it limits what other surrounding properties can do. She thinks it is premature to accept a concept
43 development plan and is not sure if an annexation of this type could be approved with the
44 preliminary concept plan. Once flood mitigation happens, the setbacks are going to change and
45 the developable area is going to change. She also states the applicant is calling this medium density
46 and that is not approved as a secondary use for this zoning.

1 Chairman Shernick asked about using district approach and if it could favor the first one in when
2 developing. If we have a district area, one developer puts in more residential than might normally
3 be allowed, and another developer uses up the rest of the residential, then what happens at the end?
4 Planning Director Van Nimwegen said he leans towards what Commissioner Onaran spoke about.
5 He said to think about creating a walkable area that has jobs and shopping, but you also have to
6 think about where the uses should be located. He is not sure how to deal with the first one in; you
7 would have to look at it on a case-by-case basis. Chairman Shernick asked if another project
8 comes in on a different lot in the district and can be built sooner, does the city say no to that project
9 because the residential percentage is committed to another project in the district. Planning Director
10 Van Nimwegen is not sure the city has faced that situation, but feels like the city has a commitment
11 to a conceptual plan. From an annexation standpoint, he feels like if someone wants to annex, you
12 get them now because then the city realizes some benefits and can control what happens on the
13 property.
14

15 Commissioner Goldberg asked about the density of this project and is it entering into a type of
16 housing that is not permitted as a secondary use. Principal Planner Pecherzewski said in the zoning
17 standards, mixed use employment does not allow single family homes, but it does allow attached
18 residential, so townhomes would be permitted with site plan review. In terms of the density, the
19 townhomes would be included with entire project as aggregate.
20

21 Commissioner Goldberg agrees with Commissioner Onaran. He sees the Commission as the
22 referee to be sure the rules are followed. He asked why the city feels this is compatible with the
23 nature areas around the property. Principal Planner Pecherzewski said the city looks to find the
24 least intensive use around a nature area. Industrial use would have more traffic, light, and noise,
25 than residential up against a nature area.
26

27 Commissioner Goldberg asked if there is an opportunity for habitat studies to be revisited.
28 Principal Planner Pecherzewski said the annexation application is just taking stock of what is on
29 the property and if there is anything they should be aware of. If a development application comes
30 in, a fresh study will be requested and it will be looked at with greater detail.
31

32 Commissioner Goldberg asked if this is annexed and there is a development application, what
33 setbacks would have to be met. Principal Planner Pecherzewski said upon development, the
34 species and habitat report has to show the edge of the riparian area and the setback is 150 feet from
35 that. She said this is only if the revised species and habitat report shows there is riparian habitat
36 abutting the property. All buildings and parking would need to be out of the 150-foot setback and
37 if they were not able to, the applicant would need to go through the variance process with the
38 sustainability evaluation system that City Council recently implemented.
39

40 Commissioner Goldberg asked about development in a flood way. PWN Engineer Fowlkes said
41 there is no development allowed in a flood way until there is an approved CLOMR.
42

43 Commissioner Goldberg feels like this is a good project for Longmont and is supportive of the
44 project.
45

Commissioner Polan commented that given the thought that was put in to Envision Longmont and that Boulder County had this as industrial use, he thinks this is a good use for this area. He said they heard the business community say there is a need for housing in this area and he understands the applicants need to get the process started, knowing changes may need to be made down the road.

Motion

COMMISSIONER POLAN MOVED APPROVAL OF PZR 2021-7A, A RESOLUTION OF THE PLANNING AND ZONING COMMISSION RECOMMENDING APPROVAL OF THE RIVERTOWN ANNEXATION.

Chairman Shernick asked to amend the motion to 7B and add a condition to correct the concept plan densities to align with the traffic studies.

Amended Motion

COMMISSIONER POLAN MOVED APPROVAL OF PZR 2021-7B, A RESOLUTION OF THE PLANNING AND ZONING COMMISSION RECOMMENDING CONDITIONAL APPROVAL OF THE RIVERTOWN ANNEXATION, WITH THE CONDITION THE APPLICANT UPDATE THE CONCEPT PLAN DENSITIES TO ALIGN WITH THE TRAFFIC STUDY DENSITIES. COMMISSIONER ONARAN SECONDED THE MOTION.

Additional Discussion of the Motion

Commissioner Polan and Commissioner Onaran were amendable to the amended motion.

Chairman Shernick recognizes the concerns about the first developer in, but he sides with looking at the bigger picture and not contributing to sprawl.

Commissioner Polan agrees with Planning Director Van Nimwegen to look at it on a case-by-case basis. This developer is looking at the need for more residential in the area.

Commissioner Hite commented that when Envision Longmont was being put together, some were concerned about where commercial and industrial was going to be located. In this particular project, if the property across the street is annexed, it will be difficult to develop since it will have to be compatible with other properties in the area. He said they have allowed a secondary use to become a primary use, which potentially prohibits the primary use from taking place on the property next door. He suggests a text amendment to the code if this is way they are going to interpret it.

Commissioner Boone supports infill, both residential and high density residential, because it is needed in the city. She would have rather have had the zoning and annexation separate from the concept plan because she does not support the concept plan.

Vote

MOTION PASSES 6-1, Commissioner Hite dissenting.

1 Chairman Shernick read the process notice.

2
3 The Commission took a 5-minute break.

4
5 6. B. 1402 Coffman St Conditional Use Site Plan, PZR 2021-8, Principal Planner Ava
6 Pecherzewski

7
8 Staff Presentation

9
10 Property Location & Information

- 11 • East side Coffman St
- 12 • North of Mountain View Ave
- 13 • Is part of larger parcel to be subdivided into 3 lots
- 14 • 0.59 acres
- 15 • Zoned MU-C

16
17 Proposal – Conditional Use Site Plan

- 18 • Minor Subdivision- reconfigure this parcel into 3 lots- 1 lot on Main St & 2 lots on Coffman
19 St
- 20 • Conditional Use Site Plan-
 - 21 ○ Develop property with one-story, 6,300 sq.ft. commercial building
 - 22 ○ One tenant space for auto repair - conditional use in MU-C zone when 250-ft from
 - 23 residential use (apartments across street zoned MU-C)
 - 24 ○ Two other tenant spaces for light industrial use (LI >5k SF – conditional use in
 - 25 MU-C zone
 - 26 ○ Project meets all development standards
 - 27 ○ Existing garage to remain

28
29 Building Elevations

- 30 • 1-Story + Clerestory
- 31 • 24-Feet Height
- 32 • 64% of Front Façade Glazing, Awnings, Entry Doors
- 33 • Stucco, painted metal panels, stone wainscot

34
35 Conditional Use

- 36 • Code Section 15.04.020 – Light Industrial & Automotive Repair Uses Permitted By-Right
37 in MU-C zone
 - 38 ○ Light Industrial Uses over 5,000 sq.ft. require Conditional Use approval
 - 39 ○ Auto Repair Uses within 250-ft of a residential use require Conditional Use
 - 40 approval
 - 41 ■ Apartments across street zoned MI-C
- 42 • Conditions added to cover page of site plan with restrictions on hours of operation for
- 43 delivery and outdoor areas.
- 44 • Acoustic Study prepared – determined proposed uses will not exceed allowable ambient
- 45 noise levels

- Minimal traffic impacts – 76 vehicle trips/day; onsite parking provided

Community Input

- NEIGHBORHOOD MEETING – November 7, 2018
 - 1,000-ft radius notification / sign posting
 - 1 Attendee
 - No concerns raised, just curiosity
- NOTICE OF APPLICATION MAILING – September 2020
 - 1,000-ft radius notification / sign posting
 - No comments received
- NOTICE OF PUBLIC HEARING MAILING – August 3, 2021
 - 1,000-ft radius notification / sign posting
 - No comments received

Recommendation

- PZ Resolution 2021-8B – Recommending Conditional Approval of Conditional Use Site Plan on the following condition:
 - Revise drawings to meet the DRC corrections.

Applicant Presentation

Project Description

- A Minor Subdivision to construct a 6,200 square foot building
- Building to include 3 commercial bays
 - Allowed proposed uses in MU-C Mixed-Use Corridor:
 - Vehicle repair and maintenance
- Light industrial manufacturing
- Supports ‘Envision Longmont’ characteristics for the Mixed Use Corridor
 - May contain a diverse mix of uses and types of structures
 - Encourage appropriate transitions of uses, densities, and building designs between mixed-use corridors adjacent neighborhoods
 - Targeted infill and redevelopment
- Complies with City Standards
 - City of Longmont Land Development Code
 - Conditional Use Approval under Section 15.02.060.C
 - Compliance with Section 15.04.030.D.28
 - Restricted Uses that will not occur on this property:
 - Vehicle bodywork or painting
 - Outside vehicle repair and maintenance
 - Architectural Standards:
 - Exterior materials and color scheme
 - Facade appearance, articulation
 - Access and Parking
 - ADA access
 - Drainage

1 Conditional Use Site Plan – Review Criteria for Approval

- 2 • The applicant recognizes and accepts conditions to ensure:
- 3 o Compatibility
- 4 o Mitigate Potential Adverse Impacts
- 5 • COMPATIBILITY:
- 6 o With allowed uses in the MU-C zoning
- 7 o With neighboring similar land uses along Coffman Street
- 8 o With long-term goals of the City of Longmont for this Mixed-Use Corridor
- 9 • Vehicle Repair and Maintenance Services within 250-feet of residential
- 10 • uses west of Coffman Street
- 11 • Mitigate Potential Adverse Impacts:
- 12 o No outdoor vehicle repair or maintenance activities
- 13 o No outdoor storage or displays of vehicle equipment, unlicensed, inoperable, or
- 14 o junked vehicles
- 15 o All activities that generate noise, odor, vibration, glare or other adverse impacts
- 16 o shall be conducted indoors
- 17 o Limited Hours of Operation to 7:00 a.m. to 7:00 p.m.
- 18 o Exterior Lighting to be directed inward and downward
- 19

20 Public Hearing

21 Chairman Shernick opened the public hearing. The Commission took a 5-minute break to allow

22 time for callers to come into the meeting.

23

24 No one wished to speak.

25

26 Chairman Shernick closed the public hearing.

27

28 Commission Discussion

29 Commissioner Boone asked if there is enough parking, she is concerned there will be parking on

30 the street. Principal Planner Pecherzewski said there is no minimum parking requirement and it is

31 left up to the owner to determine the right amount of parking without exceeding the maximum

32 allowable parking. John Beggs, Russell & Mills Studios, said the owner indicates the parking will

33 meet the needs of the building uses.

34

35 Commissioner Polan asked how many employees they expect to have when the building is

36 occupied. Mr. Sorensen said the business in the northern bay will have two employees, one bay is

37 unoccupied and the tenant in the third bay is utilizing parking in the Main Street lot.

38

39 Commissioner Hite asked if this is one lot. Mr. Sorensen said it is the 1401 Main Street lot and

40 the lot with existing house at 1402 Coffman. They are subdividing it into three lots, the house will

41 remain on the existing lot, and 1401 Main St and 1402 Coffman will be on separate lots.

42

43 Commissioner Hite said it looks like the are lots connected by driveway. Mr. Sorensen said there

44 is a common driveway north of the existing garage, but the south side of parking lot will be gated

1 so people do not cut across from Coffman Street to Main Street. He said there are access easements
2 and utility easements for the properties.

3
4 Commissioner Hite asked about the redlines on the condition of approvals. Principal Planner
5 Pecherzewski advised the redlines are summarized in the staff report and most are engineering
6 items.

7
8 Commissioner Goldberg likes this project and appreciates that there are not many hurdles.

9
10 Chairman Shernick appreciates that the applicant completed a sound study to see if there would be
11 an impact on the apartments in the area. He also likes the project.

12
13 Motion

14 **CHAIRMAN SHERNICK MOVED APPROVAL OF PZR 2021-8B, A RESOLUTION OF**
15 **THE PLANNING AND ZONING COMMISSION CONDITIONALLY APPROVING THE**
16 **1402 COFFMAN STREET CONDITIONAL USE SITE PLAN. COMMISSIONER TETA**
17 **SECONDED THE MOTION.**

18
19 Vote

20 **MOTION PASSES 7-0.**

21
22 Chairman Shernick read the process notice.

23
24 6. C. Scooter's Coffee Conditional Use Site Plan, PZR 2021-9, Principal Planner Ava
25 Pecherzewski

26
27 Staff Presentation

28
29 Property Location and Information

- 30
 - West side of Main Street
 - North of 21st Ave
 - Is part of larger Horizon Park Shopping Center parking lot
 - 0.27 acres Zoned MU-C

34
35 Proposal – Conditional Use Site Plan

- 36
 - Develop property with one-story, 565 sq.ft. coffee kiosk building with drive-through
37 service
 - Drive-through requires Conditional Use approval in MU-C zone
 - Project meets all development standards

40
41 Conditional Use

- 42
 - Code Section 15.04.020 – Drive-Through Establishments in MU-C zone Require
43 Conditional Use approval
 - Notes added to cover page of site plan with restrictions on hours of operation for
44 delivery areas.

- Recommended condition of approval to revise the east-side building elevation facing Main Street to include a pedestrian-oriented walk-up window with crosswalk through driveway for safety and pedestrian connectivity.

Community Input

- NEIGHBORHOOD MEETING – October 15, 2020
 - 1,000-ft radius notification / sign posting
 - Virtual Meeting
 - No call-ins with questions or concerns
- NOTICE OF APPLICATION MAILING – November 2020
 - 1,000-ft radius notification / sign posting
 - One comment from Glenridge Apartments manager expressing support
- NOTICE OF PUBLIC HEARING MAILING – August 3, 2021
 - 1,000-ft radius notification / sign posting
 - No comments received

Recommendation

- PZ Resolution 2021-9B – Recommending Conditional Approval of Conditional Use Site Plan on the following condition:
 - Revise building elevations to provide a pedestrian walk-up window facing Main Street in alignment with the Main Street Corridor Plan

Applicant Presentation

Chris Lee – Kenney Lee Architecture

- Mike and Megan Snyder – owners
- 21st & Main Street, just north of UC Health
- Infill development
- Part of underutilized parking lot
- 0.27 acres
- 550 sf building
- Access to property via two existing driveways on Main Street and 21st Ave
- Vehicular drive thru
- Hours 5:00am-7:30pm M-F, 6:00am-7:30pm Sa-Su
- 2-7 employees on site

Motion

COMMISSIONER POLAN MOVED EXTENDING THE MEETING PAST 11:00PM TO ADDRESS REMAINING AGENDA ITEMS. COMMISSIONER HITE SECONDED THE MOTION.

Vote

MOTION CARRIED 7-0.

Public Hearing

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

3
4 No one wished to speak.

5 Chairman Shernick closed the public hearing.
6

7 Commission Discussion

8 Commissioner Hite asked if the front window could be a walk-up window. Mr. Snyder said it
9 would require a significant change to the interior and how they manage the bar and serve drinks.
10 It would take away space needed to create drinks and have the coffee machines, and would require
11 a second point of sale system. With the size of this building, Mr. Snyder said it would be a
12 substantial impact. He said they did take it back to their team but were unable to find a way to
13 modify the building and the set-up of their operations with the drive thru wrapping around the
14 front of the building. Commissioner Hite asked if their drive up window could accommodate a
15 walk-up patron. Mr. Snyder said it would not be prudent during the rush hour, although they do
16 have had some walk-up patrons at their existing store, typically in the afternoon when no one else
17 is in line.
18

19 Commissioner Goldberg said he takes staff recommendations seriously, and the recommendation
20 is making the walk-up window a condition of approval. He asked if approving this condition will
21 put the brakes on this project. Mr. Snyder said that is a very real possibility. Commissioner
22 Goldberg wonders if it is their job to mandate that the business be operated in this capacity and
23 can they require the addition of a walk-up window. He appreciates the north Main vision and the
24 recommendations from City Council to provide pedestrian oriented service, and where feasible,
25 encourage or enable walk-up or pedestrian friendly businesses, but he is wants more discussion
26 about how big of a deal is this for the Commission.
27

28 Commissioner Onaran agrees with Commission Goldberg and states there are reasons why this is
29 a conditional use in this particular zone. He asked staff what the justification is for the condition.
30 He said this part of the corridor is very car oriented and he assumes the reasoning behind it is to
31 turn that around and make it more pedestrian oriented. Principal Planner Pecherzewski staff looks
32 at the review criteria for approval and one of the criteria states you need to be consistent and in
33 alignment with our long-range planning goals. She said they primarily talk about the Envision
34 Longmont plan, but is also means being in alignment with other sub-area plans like the Main Street
35 plan, which ties in with Envision Longmont. In the Main Street plan it talks about setting up a
36 transit area, revitalizing underutilized parking areas, and improving the Main Street façade and
37 staff felt like this was an opportunity to capitalize on that and ask for this condition.
38

39 Commissioner Onaran said the only reason this project is in front of them is the conditional use,
40 so they need more explanation about it to make a decision. Planning Manager Burchett said when
41 the area was developed, it was an auto-dominated type of development, but with the Main Street
42 Corridor Plan, the city was trying to identify areas for redevelopment where mixed uses could be
43 created, and in order to encourage those uses, they looked at how additional auto oriented uses
44 would have an impact on these area. In the mixed-use commercial zone, this is one of the areas
45 where this kind of use is identified as a conditional use. He said it does not mean it is not an
46 appropriate use; the commission can make a finding that this is a good location for this business

1 and the need to provide a walk-up window is not necessary. Staff was looking at the code
2 requirements and the intent of the plan to try to encourage the ability for people to walk within the
3 district to be able to get services and felt this could be beneficial to the area. He understands that
4 the building design does not allow a person to walk up and he also understands the safety concerns,
5 but there are designs that allow for walk-up windows separate from a drive through. He said the
6 Commission needs to consider what the business model is and make a decision whether or not this
7 is something that should be approved.

8
9 Commissioner Onaran said the impact here is making this more car oriented, and while there is a
10 solution with a walk-up window, he understands the difficulties with that solution. If the
11 Commission approves this without the condition, it negates the reason why this is a conditional
12 use and what they are trying to achieve in that corridor.

13
14 Commissioner Hite is familiar with the area and from what he knows of it, it is a big parking lot
15 with a gas station and supermarket, and people are going to be driving, they are not going to get
16 out of their cars to walk up to a window. The traffic on Main Street and 21st Avenue is heavily
17 driven and a transportation hub might come in and change that. He said the medical professionals
18 from the urgent care facility are going to do what he would probably do and walk up anyhow, that
19 is the target audience for a walk-up and he feels it would serve them greatly. From what he is
20 hearing from the owner, this is a small building and changing the system is not going to work for
21 him. He appreciates the thought of imposing the condition but he will not support it.

22
23 Commissioner Polan asked if this is a cookie cutter building that they sell to every franchise. Mr.
24 Snyder said this does fit a prototype and his understanding is there are no prototypes with walk-up
25 windows. Alex Kanapilli, Construction Manager for Scooter's, stated this is the second to most
26 recent prototype but the most recent prototype is also a drive-through only. This is the company's
27 business model and there is no room in the building for a walk-up window, they exclusively build
28 drive-through kiosks.

29
30 Commissioner Polan asked about the drive lanes on the south side of the building and if there is
31 anything that divides the lanes or is it just paint. Mr. Lee said that is paint because they were
32 worried about snow removal and a curb being a problem for a snow removal company.

33
34 Commissioner Teta echoes that this is an auto intense area but would be supportive of imposing
35 the condition if the Commission thought it was imperative. He does feel like the purpose of this
36 being a conditional use of a drive-through is for the Commission to be able to impose this kind of
37 expectations on a business.

38
39 Chairman Shernick asked what the timeline is for the transportation hub to come to this area.
40 Planning Manager Burchett was not sure of the timeline. PWNR Engineering Administrator
41 Huffer said a grade separated crossing at 21st and Main has been identified in the five-year CIP
42 and construction most likely would start in 2023 but would be piece-meal towards the
43 transportation hub. No other improvements have been identified for this area in the next five years
44 and would most likely fall within a 10-year period for full build out of that area.

1 Chairman Shernick thinks there is a lot of time for improvements for the applicant to discover how
2 many people might walk up to a window and he can come up with a different operation to handle
3 that. He said he was surprised to see city staff suggesting entering into a condition that affects a
4 business's operations, it is usually about things like fenestration and setbacks.

5
6 Chairman Shernick asked about the photometric plan and the standard foot-candles at the property
7 line. Principal Planner Pecherzewski said it is 0.1. Chairman Shernick asked how that is dealt with
8 when a building is going in to the middle of a parking lot that was designed years ago. Principal
9 Planner Pecherzewski said the Scooter's development is not on a separate parcel, it is part of the
10 entire shopping center parking lot lighting and she believes that drive-through businesses are
11 allowed larger foot-candle allowances.

12
13 Chairman Shernick wonders if the suggestion for the walk-up window is only because of the
14 proximity to the urgent care building. He said if the idea of a walk-up window makes sense, it
15 should make sense no matter where the building is located, but it does not make sense if it is
16 located in the middle of this huge sea of asphalt.

17
18 Commissioner Polan thinks that in the short term that is correct, but in the long term the city is
19 thinking there will be a transportation center in this area and in 5-10 years, it would be nice to have
20 a coffee shop that people could walk up to. His personal opinion is he does not believe they should
21 make a condition that adds something to a business plan. He thinks the employees in the area will
22 use the drive-through on their way in to work and he could also see a bicycle going through the
23 drive-through.

24
25 Commissioner Onaran has been convinced that a condition should not be imposed in this particular
26 case, but he commented that when they ask for other conditions like fenestration, setbacks or noise
27 control, they are telling them how to run their businesses. He understands why the city has asked
28 for this condition, this building has a presence and he wishes there was a pedestrian access. He
29 will be in support with no condition.

30
31 Commissioner Polan thinks there are other ways to get an order to someone, like online ordering,
32 that would not require changing the building.

33
34 Motion

35 **COMMISSIONER GOLDBERG MOVED APPROVAL OF PZR 2021-9A, A**
36 **RESOLUTION OF THE PLANNING AND ZONING COMMISSION APPROVING THE**
37 **SCOOTER'S COFFEE CONDITIONAL USE SITE PLAN. COMMISSIONER POLAN**
38 **SECONDED THE MOTION.**

39
40 Vote

41 **MOTION PASSES 7-0.**

42
43 Chairman Shernick read the process notice.

44 7. Final call – public invited to be heard
45

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

Ruby Bowman, 1512 Lefthand Dr. Ms. Bowman asked about a conflict of interest policy for the Planning and Zoning Commission and spoke about Commissioners recusing themselves from a project if a project developer was a client of a Commissioner. She asked when is a Commissioner required to recuse themselves and asked for a copy of the policy.

No one else wished to speak.

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

8. Items from the Commission

Chairman Shernick thanked staff for their help with the meeting.

Chairman Shernick asked staff for a brief overview about conflicts of interest.

Sr. Assistant Attorney Tate advised that only the individual can determine a conflict of interest. This evening Commissioner Onaran disclosed that he had a client that he was working with who was on a matter in front of the Commission. He disclosed that he did not have any foreknowledge of this matter and presumably, in that disclosure, was telling the Commission and the community that he believed he could be unbiased in the decision. She said the conflict was disclosed and Commissioner Onaran was fully compliant with city policy.

Chairman Shernick advised that the Commissioners do consult with the City Attorney's Office on any conflicts of interest. Sr. Assistant City Attorney Tate explained her role is to advise the Commission and to advise the Commissioners individually.

Commissioner Onaran said if he thought he could not vote in a very neutral, non-affected way by his client, he would not have joined the meeting. He said his thoughts about the river corridor developed early in 2010 with his students. They looked at the policies of the whole corridor and did a presentation for City Council. Since that time, he has been following the policies very closely and as a citizen of the city, he cares for those policies. Even before he met his client he had a good idea of what is appropriate and not appropriate, as well as what is in the comprehensive plan and how to interpret it. His ideas did not develop because of his client, it has evolved over time and he has a strong understanding of the long-term benefits of Longmont and the region.

Commissioner Polan wanted to be sure that staff would follow up with the caller. Sr. Assistant City Attorney Tate said, as she understands it, Ms. Bowman asked for a copy of the city's policy and the city will treat this as an open records request and provide Ms. Bowman a copy of any policy regarding conflict of interest that can be found in the Municipal Code.

Commissioner Goldberg is proud of the work that the Commission does and integrity is something they stand behind. He hopes they are modeling that to the residents they are serving.

Commissioner Teta thinks it might be appropriate to consider a code amendment regarding secondary uses.

Chairman Shernick asked staff if a working session could be set up to discuss secondary uses. Planning Director Van Nimwegen said staff could set something up, possibly in September since there are no items to come to the Commission. Sr. Assistant Attorney Tate said it might be helpful for Commissioner Hite to provide a list of items and recommendations from his perspective.

9. Items from the Council Representative

Council Representative Rodriguez was absent.

10. Items from the Planning Director

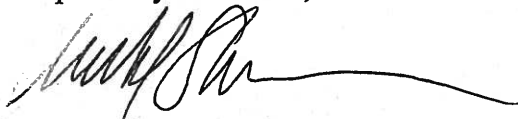
Planning Director Van Nimwegen advised the Commission census information is beginning to come in and a full presentation will come later. He also thanked the Commissioners for the work they do.

11. Adjournment

CHAIRMAN SHERNICK MOVED ADJOURNMENT OF THE MEETING. NO ONE WAS OPPOSED.

The meeting adjourned at 11:54p.m.

Respectfully submitted,



Chairman/Vice Chairman
Planning and Zoning Commission

/jm 08/18/21