

**MINUTES
PLANNING AND ZONING COMMISSION
NOVEMBER 17, 2021**

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5 1. Called To Order
6

7 Chairman Michael Shernick called the November 17, 2021, meeting of the Planning and Zoning
8 Commission to order at 7:01 p.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 Ana Lucaci, Chris Teta, Michael Polan, Michael Shernick, Josh Goldberg, Janell Flaig, and Geri
14 Boone. Commissioners Hite and Onaran and Council Representative Aren Rodriguez were absent.
15 In attendance also were Planning Director Glen Van Nimwegen, Principal Planner Ava
16 Pecherzewski, and Associate Planner Zach Blazek.
17

18 Other City staff in attendance: City Attorney Eugene Mei, Sr. Natural Resources Project Manager
19 Steve Ransweiler, Associate Planner Jade Krueger, Sustainability Planner Hannah Mulroy, Civil
20 Engineer II Doug Gossett, Public Works Engineering Administrator Chris Huffer and Civil
21 Engineer Caroline Michael.
22

23 Chairman Shernick read the procedure for public comments.
24

25 3. Communications
26

27 Planning Director Van Nimwegen had the following communication items for the commission:
28

- 29
 - Item 6A, An Appeal of an Administrative Decision to Deny a Short Term Rental Permit
30 for 226 Emery Street, will be heard at the December 15 meeting.
 - The Electronic Participation Policy will be moved to the December 15 meeting for
32 continued discussion.
 - December 15 is the last meeting of the year. Think about remaining virtual or moving to
34 in person in the new year.
35

36 4. Public Invited to Be Heard
37

38 Chairman Shernick opened the public invited to be heard. The Commission took a 5-minute break
39 to allow time for callers to come into the meeting.
40

41 No one wished to speak.
42

43 Chairman Shernick closed the public invited to be heard.
44

45 5. Approval of the minutes: October 27, 2021
46

Motion

COMMISSIONER POLAN MOVED APPROVAL OF THE OCTOBER 27, 2021, MEETING MINUTES AS SUBMITTED. COMMISSIONER FLAIG SECONDED THE MOTION.

Vote

MOTION CARRIED 5-0-2, Commissioners Boone and Goldberg abstaining.

6. A. An Appeal of an Administrative Decision to Deny a Short Term Rental Permit for 226 Emery Street, PZR 2021-13 Principal Planner Don Burchett

This item has been pulled from this agenda and is scheduled to be heard at the December commission meeting.

6. B. Longmont Climbing Collective CUSP, PZR 2021-11, Associate Planner Zach Blazek

Staff Presentation

Property Location/Info

- North of SH 119, west of Peak Ave
- 12.199 acres
- Zoned N-PE
- Current use: vacant

Proposal – Conditional Use Site Plan

- Construction of new commercial health facility or club: a private use or development providing facilities for exercise or sport
- New construction in the northeast corner of the site, directly west of the Pinnacle St and Colorful Ave intersection

Conditional Use

- Use category: “commercial recreation facility”
- Permitted as a secondary use in the N-PE zone district with the following use-specific standard:
- Commercial recreation facilities shall not exceed 25,000 square feet.
- Subject to review criteria in Section 15.02.055 (all application types) and 15.04.030.A.1.c (secondary uses)
- Proposed project meets the Land Development Code requirements for a CUSP in the N-PE zone:
- Maximum height (4 stories)
- Setbacks
- Building design standards
- Exterior lighting
- Circulation and pedestrian linkage

- At the conclusion of the 3rd review, there are minor remaining staff comments pertinent to environmental/sustainability planning, utilities, drainage, and stormwater design

Community Input

- NEIGHBORHOOD MEETING – February 4, 2021 at Longmont Development Services Center
 - 0 attendees from the public
- REFERRAL AGENCIES NOTIFIED
 - CenturyLink, Xcel Energy, Comcast, CPW, USFWS, US Army Corps of Engineers. Xcel responded with comments general in nature.
- NOTICE OF APPLICATION MAILING – June 17, 2021
 - No comments were received from the notice of application.
- NOTICE OF PUBLIC HEARING MAILING – November 1, 2021
 - No comments were received from the notice of public hearing.

Commission Options

- Project site is located adjacent to City-owned park, greenway, or open space (Spring Gulch #2), therefore the Planning & Zoning Commission has the authority to recommend action to the City Council
- This is the first application for a conditional use site plan review adjacent to city owned property being taken to Planning & Zoning Commission for a recommendation, following the implementation of Ordinance No. O-2021-16 (approved by City Council March 15, 2021)

The Planning and Zoning Commission may consider the following options when reviewing the Longmont Climbing Collective Conditional Use Site Plan application:

1. Recommend approval of the Longmont Climbing Collective Conditional Use Site Plan application, finding that the review criteria have been met, as reflected in PZR-2021-11A.
2. Recommend approval of the Longmont Climbing Collective Conditional Use Site Plan application, with conditions, finding that the review criteria have been met, as reflected in PPZR-2021-11B.
3. Recommend denial of the Longmont Climbing Collective Conditional Use Site Plan application, finding that the review criteria have not been met, as reflected in PZR-2021-11C.

Recommendation

PZ Resolution 2021-11B – Recommending Conditional Approval of Longmont Climbing Collective Conditional Use Site Plan, with conditions:

1. The applicant shall complete all outstanding redlines in the Site Plan and obtain approval from the Development Review Committee.

Applicant Presentation

Bryan Hylenski, Longmont Climbing Collective
Matt Potter, Lodestone Design

1 Who is the LCC?

- 2
- 3 • March 2018
 - 4 • Family owned
 - 5 • Currently Reside in Longmont
 - 6 • 90+ years - Climbing & Management experience.
 - 7 • 30+ years of Marketing Experience
 - 8 • Our Team:
 - 9 ○ Route setters & Coachers
 - 10 ○ Front Desk Staff
 - 11 ○ Yoga Teachers & Instructors
 - 12 ○ Trainers
 - 13 ○ Security
- 14

15 New Facility

16 Indoor Facilities

- 17 • 25,000 Sq. Ft facility
- 18 • 26,000 Sq. Ft of Climbing walls
- 19 • 60-70' climbing routes
- 20 • Double the Number of Yoga & Fitness Classes
- 21 • Dedicate Youth Climbing & Ninja Warrior Area
- 22 • Full Locker Rooms w/ Sauna & Hot Tub Facilities
- 23 • Management Offices & Conference Room
- 24 • Self-Serve Tap Room
- 25 • Full Retail Shop
- 26 • Dedicated Yoga & Fitness Facilities

27 Outdoor Features

- 28 • Rear Patio for Outdoor Yoga and Fitness Classes
 - 29 • Separate 800 sq. ft. Training Area
 - 30 • 50' High Outdoor Climbing Wall
 - 31 • Certified Speed Wall (2 Lanes)
 - 32 • Mobile Stage within covered roof
 - 33 • Front Patio for Social gatherings
 - 34 • Dedicated Parking
 - 35 • 7 acres of flood plain land for event spectators
 - 36 • Additional Lot for Growth Opportunities
 - 37 • Access to Public Greenway for visitors
 - 38 • Amazing Views of the Rockies
- 39

40 Design Intent

- 41 • Longmont Climbing Collective will use this facility as their primary fitness center, training
- 42 facility, climbing gym, climbing competition venue, offices, and member community area.
- 43 The bulk of the building will be used for climbing walls and training boards. Additional

1 areas for the benefit of LCC members include locker rooms, meeting rooms, a yoga studio,
2 and a small concession/café area.

- 3 • The new facility is scaled and structured to help make LCC a regional and national
4 destination for climbing events. One goal of this new facility is to help secure Longmont's
5 place on the climbing "map" and ensure Longmont's name is associated with climbing in
6 much the same way Colorado's already is.

7 8 Review Criteria Analysis

9 The application is consistent with the Comprehensive Plan and the purpose of the code and zoning
10 district; conforms to any previously approved concept plan, preliminary plat, or PUD overall
11 development plan; and complies with all applicable statutes, codes, ordinances, and regulations.

- 12 • The proposed use of this vacant developed land for a health facility use is consistent with
13 the existing commercial use of this development within the N-PE zone district. Minimal
14 site changes are proposed to ensure that this property remains substantially consistent with
15 any prior plats or development plans for this property as well as to preserve existing
16 wildlife corridors and areas to the greatest extent feasible

17
18 The application complies with applicable city standards, including for street and utility design and
19 layout, and adequate utilities are available or will be provided for appropriate urban-level services.

- 20 • New interior drives and utilities are proposed and tie into existing streets and utilities at the
21 existing property boundaries. Adequate utilities are already provided to this property. All
22 interior drives are designed to facilitate free movement of cars, trucks, and emergency
23 vehicles.

24
25 The application proposes development compatible with surrounding properties in terms of land
26 use, site and building layout and design, and access.

- 27 • The proposed development is of a similar scale and character to existing and proposed
28 adjacent properties. The current development is proposed for the northeast corner of the
29 property to provide greater perceived connection to other structures in this development
30 and preserve existing wildlife areas. Site access aligns with existing adjacent intersections.

31
32 The application will not adversely affect surrounding properties, the natural environment, existing
33 or planned city transportation, or utility services or facilities, or the adverse impacts of the use will
34 be mitigated to the maximum extent feasible

- 35 • The proposed use will have no adverse impact on the natural environment, surrounding
36 properties, city facilities or utility services. The site has been designed to help preserve
37 wildlife corridors and areas to the maximum extent.

38
39 The application includes an appropriate transportation plan, including multi-modal transportation
40 access, and is integrated and connected, where appropriate, with adjacent development through
41 street connections, sidewalks, trails, and similar features.

- 42 • Proposed interior drives and walks are connected to existing streets and pedestrian walks
43 along Pinnacle Street. Pedestrian crossings are generally perpendicular to vehicle routes
44 to encourage highly visible and safe interaction between various transportation types.
45 Accessible walks and parking areas are provided. No connection has been made to the

greenway trail on the west side of the property at this time due to the distance between the developed portion of the site and the proposed greenway trail. A connection may be evaluated in the future if permitted by the City and appropriate to the use of the site.

15.05.060 C Conditional Uses:

Review Procedure. Applications for a conditional use shall be processed concurrently with an application for site plan review, as applicable, as indicated in subsection 15.02.070.C.

- This application is being submitted as a concurrent Conditional Use review and Site Plan review.

Authority to Impose Conditions to Ensure Compliance with Standards. As with other types of application, the decision-making body may impose conditions on a proposed conditional use to ensure compatibility and to ensure that potential adverse impacts on surrounding uses, properties, public health or safety, the environment, or the district will be substantially mitigated. Conditions may include, but are not limited to, measures addressing the amount or location of secondary uses, outdoor activity or storage; location on a site of activities that generate noise, odor, vibration, glare, or other adverse impacts; location of buildings or structures generally; and hours of operation and deliveries.

- Efforts have been made to ensure the proposed development has minimal impacts or neighboring properties or the native environment, no further conditions of use seem appropriate at this time

Conditions for Time Limits/Review. The decision-making body may also impose time limits on conditional uses and require regularly scheduled reviews of approved conditional uses.

- Due to the minimal impact of the proposed use (relative to the other permitted uses and neighboring property uses) for this property, no further conditions of use seem appropriate at this time. Further, no concerns were presented at the neighborhood meeting by neighbors that would seem to warrant a time limit or further reviews after initial approval.

Conditions of Approval Binding. The restrictions and conditions of approval shall be placed on the conditional use site plan, shall be binding on the applicant, the applicant's successors and assigns, and shall run with the land. The notice of approval of the site plan shall be recorded at the county clerk and recorder's office.

- Any conditions developed through this review process shall be recorded as required

Discontinuance. If a conditional use is extinguished, or discontinued for a period of one year, the conditional use permit shall automatically lapse and be null and void.

- Acknowledged

Changes to Approved Conditional Uses. Building additions or site changes on existing approved conditional uses that do not constitute a substantial change to the use, and that do not create or can adequately mitigate potential adverse impacts on surrounding properties or neighborhoods, as determined by the director, may be reviewed as a site plan amendment according to subsection 15.02.070.C. However, expansion of a conditional use onto a different lot or parcel, not previously part of the conditional use approval, shall require review under this subsection.

- Acknowledged

15.04.030. A.1.C Secondary Uses:

i. The secondary use as proposed is of a scale and design and in a location that is compatible with surrounding uses and potential adverse impacts of the use will be mitigated to the maximum extent feasible.

- 1 • The proposed structure is similar in scale to the Burrito Kitchens facility and White Fields
2 Church and is significantly smaller than the Smucker's Facility. The building design is
3 highly compatible with the Burrito Kitchens design and the massing of the neighboring
4 structures.
- 5 ii. The secondary use as proposed is consistent with the comprehensive plan and the purpose and
6 intent of the code and underlying zoning district.
- 7 • All of the proposed and future uses for the facility on this site are consistent with the
8 comprehensive plan and intent of the zoning district.
- 9 iii. The secondary use as proposed will not substantially diminish the availability of land within
10 the underlying zoning district for primary uses, or reduce the availability of land for primary uses
11 below a minimum level necessary to meet the intent of the district.
- 12 • The proposed use utilizes a portion of the 12 acre of the lot and allows for the future
13 subdivision of the property along Pinnacle St. This future use may be fully in keeping with
14 the intent of the zoning and the Comprehensive Plan.

15 16 Public Hearing

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

19
20 No one wished to speak.

21
22 Chairman Shernick closed the public hearing.

23 24 Commission Discussion

25
26 Chairman Shernick asked for more information about the outdoor area. Mr. Hylenski said they
27 would leave it as is and start with some small events. He said they do not have any intention to
28 build any permanent structures in the outdoor area.

29
30 Commissioner Lucaci asked about the Spring Gulch greenway and the plan to connect to Union
31 Reservoir will the trail go through or around this property. Steve Ransweiler, Natural Resources,
32 said the city is finalizing the design and he imagines the trail will be in open in mid to late 2023.

33
34 Commissioner Lucaci asked about the connection with the underpass, it looked like in the
35 presentation there might be a connection. Mr. Hylenski said initially they were going to build a
36 temporary path that allowed access to the trails, but it has been suspended at this time until they
37 can determine what requirements need to be met.

38
39 Commissioner Lucaci asked if there would be sidewalks along Ken Pratt/Highway 119. Chris
40 Huffer, PWNR Engineering Administrator, said the trail is not connected currently, but there will
41 be a future connection, although there is no date yet for that to happen. The Spring Gulch trail is
42 the main north/south connection and there is a secondary greenway connection to the north of
43 Burrito Kitchen.

Commissioner Boone asked if the city would have any lighting restrictions on this project. Associate Planner Blazek said staff applied the exterior lighting requirements and asked that the applicant direct the lights to not shine outwards. Commissioner Boone asked about night events. Mr. Hylenski said no evening events are planned at this time.

Chairman Shernick asked if the applicant applies for a special event permit, is lighting considered for that type of permit. Associate Planner Blazek said it depends on the proposal, but it would be looked at.

Commissioner Goldberg likes this project and feels it is great for the gateway to Longmont and could put Longmont on the map for a sport like this. The project meets the review criteria for a secondary use, the applicant has been responsive, and he appreciates the work between the city and the applicants. He also like that there is funding to connect the paths in the area.

Chairman Shernick appreciates that the building and parking is moved away from the floodplain and Spring Gulch.

Commissioner Polan does not see any issues with the project and feels like it meets all of the review criteria.

Motion

COMMISSIONER POLAN MOVED APPROVAL OF PZR 2021-11B, RECOMMENDING APPROVAL OF THE LONGMONT CLIMBING COLLECTIVE CONDITIONAL USE SITE PLAN, WITH CONDITIONS. COMMISSIONER GOLDBERG SECONDED THE MOTION.

Additional Discussion of the Motion

Chairman Shernick commented that the parking lot in the shape of a questions mark and thinks that is great because it will put us on Google satellite images.

No additional discussion of the motion.

Vote

MOTION PASSES 7-0.

Chairman Shernick read the process notice.

6.C. Zlaten Commercial/7-11 Fueling Station Rezone, Preliminary Plat and Overall PUD Plan, PZR 2021-12, Principal Planner Ava Pecherzewski

Staff Presentation

Property Location/Info

- Northeast corner of State Hwy 19 & Zlaten Drive

- Land area of parcel: 11.5 acres
- Annexed 1997 as BLI (Business Light Industrial)
- Rezoned in 2018 to N-PE (Primary Employment)
- Envision Longmont designated as Primary Employment
- Property Challenges with Development:
 - Unusual Shape
 - Topography
 - Floodplain
 - Greenway Dedication (Spring Gulch #2)

Rezoning Application

- Request to Rezone the property from N-PE to PUD
- Restaurants and retail convenience stores both permitted secondary uses in N-PE
- Gasoline Fueling Station not permitted in N-PE zone
- PUD zone allows any land use as part of an accompanying Overall PUD Plan
- PUD Rezone permitted in circumstances to help City achieve balanced land uses and tax base to achieve overall economic development goals
- Review criteria in staff report discusses challenges with site which leaves ~2 acres of developable area, not consistent with office park/primary employment types of campuses

Preliminary Plat Application

- Preliminary Subdivision Plat to subdivide an 11.5-acre into:
 - One 2.3-acre developable lot adjacent to Hwy 119 frontage
 - One 3.75-acre Open Space parcel to be owned and maintained by the property owner
 - One 4.7-acre parcel to be dedicated to City of Longmont for Spring Gulch #2 Greenway Dedication
 - 0.81-acres of Right-of-Way dedicated land for Zlaten Drive

Overall PUD Plan Application

- PUD Plan for a gasoline fueling station with 2,000-square foot convenience store and sit-down restaurant on a 2.3-acre parcel
- PUD Plan includes 12 fuel pumps, 35 parking spaces, electric vehicle charging station, bicycle racks, landscape buffers on all sides with 80 trees, 250 shrubs
- Applicant proposes to pay cash-in-lieu of construction of Greenway improvements – OK with Natural Resources
- Proposal went to HPC in July /Sept 2021 re: demolition of former Dickens Farm buildings – Commission recommended applicant provide enhanced preservation plan prior to demolition
- Cash payment includes funding for historic interpretive signage for the Historic Dickens Farm formerly at this location – per HPC recommendations

Outreach

- Neighborhood Meeting July 30, 2020
 - 1,000-foot radius notified/signs posted
 - 2 Callers

- General concerns re noise, traffic and homeless congregation
- Notice of Application Mailed September 20, 2020
 - 1,000-foot radius notified/sign posted
 - 2 written objections re noise, traffic, air pollution and safety/homeless concerns and perceived impact to property values
- Notice of Public Hearing Mailed October 29, 2021/signs posted
 - No phone calls or written comments submitted prior to this meeting

Concerns

- Noise:
 - Acoustic Study submitted – concludes the development will not create violations of allowable noise levels per Municipal Code. Property is adjacent to State Hwy.
 - Study recommends Acoustiblock sound-attenuating fencing along north fence line. Staff has recommended conditional approval that this fencing material be used at north property line.
 - Landscape Plan proposes going beyond the required 20-ft landscape buffer with more trees and shrubs than required by code.
 - Proposal includes undisturbed open space on northern and eastern portions of site
- Lighting:
 - Building and parking lot area located over 300 feet away from north property line.
 - Closest light fixture is 334-ft from north property line.
 - Lighting plan shows there will be no light spillover at any of the property lines.
- Traffic:
 - Zlaten Street ends at convenience store building; gravel will remain on Zlaten St going north to alert drivers this is not a through street;
 - “No Outlet” Signage will be posted at edge of road (Sheet 3 PUD)

Recommendations/Next Steps

Conditional Approval recommended –

- Applicant to install Acoustiblock fence material on north property line (per Acoustic Report)
- Commission can add additional conditions re: the HPC recommendation
- Commission can conditionally approve the preliminary plat contingent of Council approval of Rezone and Overall PUD

Rezoning and Overall PUD Plan to be placed on City Council agenda at future date (potential January 25th Public Hearing)

Applicant Presentation

Alicia Rhymer, United Properties
Chase de la Houssaye, 7-11

- NE corner of Hwy 119 and Zlaten
- Laredo Taco Restaurant/7-Eleven Convenience Store
- Review Criteria

- Presents the city with unique opportunity or appropriate site for a particular type of land use development to help city achieve a balance of land use or tax base consistent with city's overall planning and economic development goals.
- PUD Zoning provides developer and city the creativity to work through some unique challenges together, while ensuring quality and value-added development on this prime corner:
- Consistent with Comprehensive Plan and the purpose of the code and zoning district: strive for balance of mix of residential, employment, retail and commercial
- Compatibility with community
 - Provides immediate food and convenience services for surrounding residents/workers
 - UC Health Hospital
 - McLane, Smucker's and future primary employment
 - Sandstone Baseball Complex
 - Surrounding residents
- Create an integrated greenway and open space system
 - 4.7 acres of greenway dedication
 - \$140,431 cash contribution to future greenway improvements on the east side of Spring Gulch - installed by city with holistic CPA identified in the Comprehensive Plan
 - Allows for preservation of the existing natural areas (wetlands, riparian buffer, rivers/streams)
- Application proposes development compatible with surrounding properties in terms of land use, site and building layout and design and access
 - Creates open space system (Out lot A)
 - Additional buffering from residents
 - Enhanced buffering from Spring Gulch creek well beyond 150' riparian setback requirements
 - Untouched and in native state
 - Dedicates .81 acres of Zlaten ROW to the City
- Substantial Utility improvements
 - 1,155 linear feet of Water main extension with 2 borings under Highway 119
 - 1,695 linear feet of Sanitary sewer main extension to Common Drive
 - Provides for future connections for adjacent property owners
- Enhanced landscaping plan
 - 65% landscaped (including out lot)
 - 50-foot landscaping buffer along Hwy 119
 - 48 trees, 317 shrubs, 80 grasses and 16 perennials provided on site
 - 200+ feet of buffering from resident
 - 6' wooden soundproof fence
 - Enhanced landscaping edge along northern property line
- Enhanced Architecture
 - The building employs the same material on all four sides creating 360-degree architecture. The main building materials will consist of cultured stone, fiber cement decorative panels, and stucco and will feature a faux exposed wood truss

and shed-style roof awning over the customer entrance and other windows, which will enhance the depth of these elevations. The maximum height of the building (26'-1") and standard parapet height (18'-0") will allow the parapet to completely screen the HVAC units on top of the building. Additionally, there is an architectural pitch in the parapet at the front elevation – providing for a more rural character, while enhancing the visual appearance from the right-of-way.

- The trash enclosure is located on the East side of the site and will be constructed of similar building materials (stone and stucco) to complement the convenience store. This enclosure will employ landscape material to assist in screening and blending the structure into the overall design.
- The fuel canopy will be located internal to the site, in front of the convenience store. The canopy columns will be wrapped with cultured stone that matches the materials used on the convenience store, to tie it into the overall 7-Eleven development and compliment the immediately surrounding structures on the site.

- Enhanced Lighting

- LED energy efficient full cut off lighting
- Close attention to lighting design to ensure zero impacts to residents, riparian buffer and Spring Gulch.
- Zero-foot candles of lighting within 300 feet of northern property line
- Fixtures light only the areas intended with zero impacts off the property line or to surrounding area.
- Foot candles were reduced significantly from standards
- Photometrics do not take into consideration enhanced landscaping

- Sustainability

- Building utilizes skylights with an integrated daylight harvesting system that dims interior lighting levels when natural light enters the space. Reducing the demand for energy to keep lights at 100% functionality
- The structural walls of the building are SIPS (structurally insulated panels) that provide a continuous insulation barrier between the exterior and interior of the space – which renders a larger R-Value for the wall system and reduces thermal transmission, ultimately reducing interior energy demand for heating/cooling
- The building is heated/cooled by high efficiency HVAC units that are connected to an Energy Management System that electronically manages/monitors energy to optimize energy usage during seasonal fluctuations.
- The bathrooms are equipped with low flow water efficient toilets
- Low VOC materials to promote indoor air quality and reduce construction emissions
- EVR charging station to be utilized by customers
- Bike Repair Stand to promote multi-modal development
- Rain Garden design utilized in storm drainage system
- Low water usage and native/natural landscaping design

- 7-11

- Leader in convenience
- #1 focus is to make life easier on the customer
- Committed to making a difference in the communities:

- Project “A” Game – a grant to a local school or non-profit within 2 miles of the store.
- 7-Eleven with Laredo Taco Company (LTC)
 - In 2018 7-Eleven acquired 1,100 Sunoco Stores and of those 1,100 there were 368 stores had a LTC component in them
 - As of today, 7-Eleven operates over 500 Stores with LTC throughout the country and 10 are here in Colorado
 - We pride ourselves on our daily fresh foods (sandwiches, fruit, salads, baked goods and other meals ready to eat). Laredo Taco Company adds another exciting new component for fresh foods!! LTC allows customers to build their own tacos and get on-the-go options.
 - “At Laredo Taco Company, we take pride in what we love to do. That is why our tortillas are handmade, our eggs are cracked by hand, and everything, from our barbacoa and chorizo to our pico de gallo and carne asada, is cooked right before your eyes. It’s the variety you want for the food you love, and it’s all made right here.”

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.

No one wished to speak.

Chairman Shernick closed the public hearing.

Commission Discussion

Commissioner Polan said it sounds like the applicant has been working with the resident in the area and asked if there has been additional information received. Principal Planner Pecherzewski has not heard from the resident since the original letter and feels like the applicant has done their best to mitigate the impacts.

Commissioner Polan said going back to 2003, the city looked at this area as some kind of industrial economic development, and asked for some history of the zoning in this area. Principal Planner Pecherzewski said the remnant parcels to the north are zoned primary employment and the parcels were annexed in with Concept Direct and Mr. Bolen’s was one of the signatures on the petition for annexation as an industrial zone.

Commissioner Polan asked what other uses could occur here, he does not see anything better than this. Principal Planner Pecherzewski said there are allowed secondary uses in primary employment, retail or restaurants are allowed, but the gas station is the reason for the rezoning. She said the comprehensive plan tries to give land use designation for whole districts and when this property was brought in from Weld County, the intent was an industrial zone.

1 Commissioner Boone asked about the historic significance of the site. She does not feel like the
2 applicant addressed this and staff advised money from the greenway dedication was to be used for
3 signage. She said the Dickens family was significant to Longmont, but gave up the property some
4 time ago. Jade Krueger, Associate Planner, states that the Historic Preservation Commission
5 (HPC) reviewed the project three times, asking for more information that the applicant provided,
6 except for an in-depth structural assessment that can be costly. The property is significant and
7 meets all four criteria for the national register. She said the applicant mentioned that they would
8 be willing to work with the commission to come up with a better historic preservation plan for the
9 property, but after three reviews, it has come to a stalemate. It is possible to add a condition that
10 the applicant continue to work with the commission to come up with something better than signage
11 on the property.

12
13 Commissioner Boone would hate for the historical issue be dropped and the buildings demolished.
14 Ms. Rhymer said they did complete a thorough structural assessment and there was a significant
15 amount of asbestos, the buildings were determined to be structurally unsound and states they would
16 not look at all the same if they were to be restored. She said they reached out to the museum and
17 museum staff walked the site. There was nothing from the site the museum would use, but they
18 did ask that prior to demolition they would like to come out with respirators so see if there is
19 anything in the house, they might want. Ms. Rhymer said they looked for historical pictures of the
20 site or thought they could try to take pictures, but there is a lot of damage and vandalism and it
21 would not photograph well, so their idea was to try to preserve it with signage along the greenway.
22 Commissioner Boone thinks that is a good solution as long as it is part of the plan and will be
23 implemented.

24
25 Chairman Shernick asked if museum staff were interested in the extensive reports or studies that
26 had already been done. Ms. Rhymer said they did not seem to view this as significant or understand
27 the connection of this property. She said they see the Dicken's barn and opera house in town as
28 more significant and viewed this as one of many of the farms that the family sold some time ago.

29
30 Commissioner Flaig assumes the buildings will come down and asked if there is a way to make it
31 more interesting by leaving the foundations and provide a place to walk on the land to help preserve
32 the homestead without the buildings. Ms. Rhymer said they had ideas of paintings or other types
33 of murals to show the historical significance, but the buildings are a liability in the condition they
34 are in. She said they also feel the trail is better suited on the east side and do not want to encourage
35 people to walk on the west side because of Mr. Bolen's property. She said they could maybe take
36 some aspects of the farm to incorporate into the project, while keeping safety in mind.
37 Commissioner Flaig said if it is something visual, then you could draw people into the concept of
38 why this site might be of interest.

39
40 Commissioner Flaig asked about changes to the intersection. Ms. Rhymer said the northbound
41 exit out of Walmart is not lined up with the north side of Highway 119. The plan is to build it out
42 to align and that will require the traffic light to be relocated. Mr. Rocha, SM Rocha LLC, said the
43 planned improvements on the north side of Highway 119 are intended to better the operation of
44 the intersection. All improvements will be approved through the state. He said some of the
45 improvement include a dedicated right turn lane off Highway 119 and two full access movements
46 onto Zlaten Drive. Commissioner Flaig asked about a left turn lane going eastbound on Highway

1 119 to turn north onto Zlaten Drive. Mr. Rocha said there is an existing left turn lane and traffic
2 signal and said the state has the signal and the left turn arrow under their operation. Principal
3 Planner Pecherzewski said there is currently a left turn lane and a dedicated left turn arrow at this
4 intersection.

5
6 Commissioner Polan asked about future plans for Zlaten Drive going north. Caroline Michael,
7 Civil Engineer, said the applicant is proposing to build Zlaten Drive up to their property line, with
8 “no outlet” signs posted at that point. The city has no plans to build it out in the Envision Longmont
9 plan. Chairman Shernick asked for more details about where the pavement will end. Principal
10 Planner Pecherzewski said it would be paved up to the northern most driveway; it will not go up
11 to the residential property to the north.

12
13 Chairman Shernick said Mr. Bolen is concerned with the camping in the current buildings and by
14 removing the buildings that will solve the problem, but then when the 7-11 is built it will attract
15 the panhandling. He asked how 7-11 would keep that situation from happening. Ms. Rhymer has
16 not heard that concern from Mr. Bolen, she did hear it from a property owner further north who
17 have since moved. She said it is a 24-hour business with lighting and they are hopeful that will
18 deter that type of problem.

19
20 Chase de la Houssaye said they would not allow it to happen, but there is only so much they can
21 do. He thinks the lighting and the business being open will help with that problem, along with
22 cameras around the building.

23
24 Commissioner Lucaci commented that her understanding of the Phase 3 plan for the Spring Gulch
25 trail is that it will be on the east side of the gulch and not on the west side with the 7-11. Ms.
26 Rhymer said that is correct, with their greenway dedication and cash contribution, it makes the
27 most sense to make the connection in the area where there is a gap on the east side.

28
29 Commissioner Lucaci asked how the old power poles would be addressed. Ms. Rhymer feels like
30 those will go away and the power will be installed underground, but they will make sure those do
31 not supply power to the residents to the north.

32
33 Commissioner Goldberg gave a plug to the city and applicant for taking a complicated application
34 and laying it out so well. He said he sees desirable qualities with this project and a very solution
35 driven style to a problematic lot. There has been intention by the applicant to maximize the lot
36 and working to find some functional use for the space, and this works and fulfills a need. They
37 also heard that this was the maximum use for the land and it seems to be meeting the review
38 criteria. He said there has been responsiveness and acknowledgement around the neighbors’
39 concerns and feels that the applicant has come up with a solution to show the historical significance
40 of the property. He does not have any concerns with the project.

41
42 Commissioner Flaig agrees with Commissioner Goldberg, but would like to add a condition to the
43 project.
44
45

Motion

COMMISSIONER FLAIG MOVED APPROVAL OF PZR 2021-12B, APPROVING THE ZLATEN COMMERCIAL SUBDIVISION PRELIMINARY PLAT AND RECOMMENDING CONDITIONAL APPROVAL OF THE ZLATEN COMMERCIAL/7-11 FUELING STATION REZONING AND OVERALL PUD PLAN, WITH A SECOND CONDITION THAT THE APPLICANT SHALL DEVELOP A PLAN FOR PRESERVATION OF THE SITE'S HISTORY THROUGH INCORPORATION OF APPROPRIATE REFERENCES TO BE INCLUDED WITH THE DEVELOPMENT OF THE SITE, WITH IMPLEMENTATION IN ACCORDANCE WITH THE HISTORIC PRESERVATION COMMISSION AND CITY STAFF.

Additional Discussion of the Motion

Chairman Shernick asked with who a plan would be developed and whom would it go to. Principal Planner Pecherzewski said language could be added "...with implementation in accordance with city staff and HPC." Commissioner Flaig agrees with that. Associate Planner Kruger agrees with the wording provided by Principal Planner Pecherzewski.

Commissioner Goldberg asked about enforceability of the second condition, he like the condition, but wants to be sure the project is not held up. Principal Planner Pecherzewski said it is enforceable; the Planning Department can enforce the language in accordance with HPC. She said the plan would then be included in the PUD plan. Commissioner Goldberg asked if HPC could prevent the project from moving forward. Principal Planner Pecherzewski said HPC is a recommending body and ultimately this will go to City Council for a final decision. Planning Director Van Nimwegen echoed Principal Planner Pecherzewski's statement. City Attorney Mei commented that one of the duties of the HPC is to make recommendations to City Council on land use development applications.

Commissioner Flaig said she chose the word "references" to make it easier to comply, not to say they are going after a building or structure, just looking for references. It gives the developer some room to operate and make it interesting and creative.

Chairman Shernick asked for more information about the stalemate between HPC and applicant. Associate Planner Kruger said the first time the application was brought forward, HPC asked additional questions, the second time they asked for an architectural survey, which was provided, as well as a structural assessment. The commission hoped to see land use tied more to the structures but they are aware it is expensive to rehabilitate the buildings as they currently sit, but also felt a plaque was not enough. Chairman Shernick asked the applicant for their experience with HPC. Ms. Rhymer said the experience was not positive; there were delays and many expenses. She said HPC is stuck on the idea of restoration of the buildings, but that is not a viable option. They have thrown out ideas that were not well received by HPC, but when they asked for ideas from HPC, the commission could not give any. She said they are not hopeful they will get a positive response from HPC and would feel better working with staff on a solution.

Chairman Shernick said Commissioner Goldberg brought up the question whether this conditional is solvable. Commissioner Goldberg is hearing that this is within the authority of HPC and there

1 are protocols in place to manage situations like this. He believes in the system and he will support
2 it.

3
4 **COMMISSIONER GOLDBERG SECONDED THE MOTION.**

5
6 Vote

7 **MOTION PASSES 7-0.**

8
9 Chairman Shernick read the process notice.

10
11 7. Electronic Participation Policy Discussion

12
13 Commissioner Polan would like to talk about the 2022 meeting format in December. He feels like
14 they get better participation in person, but would like to wait to see what City Council decides
15 regarding the format of their meetings going forward.

16
17 Motion

18 **CHAIRMAN SHERNICK MOVED TO PUSH THE DISCUSSION OF THE**
19 **ELECTRONIC PARTICIPATION POLICY TO THE DECEMBER COMMISSION**
20 **MEETING. COMMISSIONER POLAN SECONDED THE MOTION**

21
22 Vote

23 **MOTION PASSES 7-0.**

24
25 8. Final call – public invited to be heard

26
27 Chairman Shernick opened the final call public invited to be heard. The Commission took a short
28 break to allow time for callers to come into the meeting.

29
30 No one wished to speak.

31
32 Chairman Shernick closed the final call public invited to be heard.

33
34 9. Items from the Commission

35
36 Chairman Shernick thanked staff for helping with meeting.

37
38 10. Items from the Council Representative

39
40 Council Representative Rodriguez was absent.

41
42 11. Items from the Planning Director

43
44 Planning Director Van Nimwegen thanked the Planning Commission for their work and wished
45 everyone a Happy Thanksgiving.

12. Adjournment

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

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Chairman/Vice Chairman
Planning and Zoning Commission

/jm 11/17/21