

**MINUTES  
PLANNING AND ZONING COMMISSION  
OCTOBER 21, 2020**

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5 1. Called To Order  
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7 The October 21, 2020, regular meeting of the Planning and Zoning Commission was called to  
8 order by Vice Chairman Michael Polan at 7:03p.m., via remote meeting connection.  
9

10 2. Roll Call  
11

12 Recording Assistant Jane Madrid called the roll. Present on the Commission were  
13 Commissioners Judson Hite, Selina Koler, Michael Polan, Chris Teta, Janell Flaig, Ana Lucaci,  
14 and Korkut Onaran. Chairman Michael Shernick, Commissioner Josh Goldberg, and Council  
15 Representative Aren Rodriguez were absent. In attendance also was Planning Manager Don  
16 Burchett, Principal Planner Brien Schumacher, and Deputy City Attorney Teresa Tate.  
17

18 Vice Chairman Polan read the information regarding the procedure for public comments during  
19 this meeting.  
20

21 3. Communications  
22

23 No communications.  
24

25 4. Public Invited to Be Heard  
26

27 Vice Chairman Polan opened the public invited to be heard. The Commission took a 5-minute  
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 public invited to be heard.  
33

34 5. Approval of the minutes:  
35

36 September 18, 2020  
37

38 Motion

39 **COMMISSIONER HITE MOVED APPROVAL OF THE SEPTEMBER 18, 2020,**  
40 **MEETING MINUTES AS SUBMITTED. COMMISSIONER ONARAN SECONDED**  
41 **THE MOTION.**  
42

43 Vote

44 **MOTION CARRIED 5-0-2, Commissioner Lucaci and Teta abstaining.**  
45

6. Left Hand Brewing Company Beer Garden Expansion Conditional Use Site Plan,  
PZR 2020-4, Principal Planner Brien Schumacher

#### Staff Presentation

Principal Planner Brien Schumacher introduced the staff who were present at the meeting.

- Cameron Fowlkes – Public Works Engineering
- Chris Huffer – Public Works Engineering
- Josh Sherman – Public Works Engineering
- Tyler Stamey – Transportation Engineering
- Jim Krick – Natural Resources
- Captain Michele Goldman – Fire
- Shannon Stadler – Code Enforcement

#### Property Location

- 1245 and 1265 Boston Avenue
- MU-E (mixed use employment) zoning
- Adjacent to St. Vrain Creek and greenway
- Planned flood mitigation work with Resilient St. Vrain Project

#### Background

- Application previously reviewed by Commission on July 15
- Public input and discussion focused primarily on proposed events and noise impacts
- Commission continued item to future meeting

#### Proposal Changes

- Left Hand has revised their application to remove the outdoor event venue and regular outdoor events/concerts with amplified sound.
  - Previously proposal included between 30 to 50 events per year with concerts/shows, rentals and community events
- Left Hand is still requesting approval of the beer garden expansion and related improvements

#### Overall Plan

- Conditional use site plan for the proposed beer garden expansion
- Lawn area with enhanced landscaping
- Outdoor bar structure and seating area
- Additional indoor bathroom facilities
- Onsite and adjacent parking areas with pedestrian crossing
- Water quality enhancements to existing detention pond

#### Primary Topics

Substantive topics discussed during the DRC review

- Frequency of events and hours of operation
- Acoustic report – noise analysis, compliance, and mitigation
  - Impacts to surrounding residents
  - Impacts to wildlife
- Habitat conservation plan analysis and mitigation
- Lighting design
- Structure and site design

- Environmental assessment and mitigation
- Parking and traffic assessment and pedestrian access
- Infrastructure design and floodplain analysis, including stormwater detention and water quality compliance

#### Community Input

- Neighborhood Meeting - April 2019
- Notice of Application – August 2019
- Notice of Public Hearing – June/July 2020
- Received comments during the neighborhood meeting as noted in the packet
- Received 50 written comments during the notice of application and public hearing notices – addressing both project concerns and support

#### Concerns from public include (primarily related to previous proposal with events):

- Parking and traffic impacts – primarily related to events
- Number and frequency of events
- Issues related to amplified noise pollution and impacts on surrounding residential areas and environmental justice
- Sustainability, recycling, composting – event waste control
- Wildlife impacts related to noise
- Drainage, water quality, and native plantings
- Potential hazardous materials on-site
- Shade structure design/scale
- General incompatibility with the surrounding residential neighborhood
- Issues related to COVID-19 and social distancing and large gatherings
- Limit the number and types of events and frequency of events
- Require annual review of impacts and compliance with approval conditions
- Don't approve the extension request

#### Support from the public include:

- The use is appropriate for the area and would enhance and activate surrounding area
- Plan limits potential impacts on surrounding area
- Craft breweries are a large tourist draw for the community
- Venue would be a wonderful destination along the St. Vrain greenway
- Left Hand is a responsible and valued community business
- Opportunities for additional community fundraisers
- Great opportunity to support community arts and for local and other artists
- Venue would help reduce impact to Roosevelt Park
- Great venue that will support charitable causes and benefit community

#### Notice of Public Hearing – October 2020

- Mailing of hearing notice to surrounding property owners and interested parties
- Property posted with a hearing sign
- No written comments have been provided since the notices were sent and property posted for the hearing

#### Procedure and Review

- Planning and Zoning Commission is the decision making body for a conditional use site plan
- The Commission's decision is subject to appeal to City Council

- Applicant is responsible for demonstrating that the application meets the applicable review criteria and municipal code standards

#### Recommendation

Staff is recommending conditional approval PZ Resolution 2020-4B

Conditions address:

- Limiting hours of outdoor activities associated with the beer garden expansion between 7am and 10pm
- Monitoring and mitigation measures identified in the habitat conservation plan and natural resources recommendations
- Updating environmental site assessment

Other item for the Commission to address

- Extension request if Commission approves application

#### Next Steps

- Applicant presentation
  - Questions of applicant
- Public hearing
  - Questions of applicant or staff based on public hearing comments
- Commission deliberation on proposal and extension request
- Commission motion and vote

Commissioner Hite asked for DRC and staffs position on the one-year extension. Principal Planner Schumacher states staff did not have a position and felt that it is the Commission's decision.

#### Applicant Presentation

Eric Wallace, owner of Left Hand Brewery, said they have been working on this project for years. They have removed the outdoor events and need more outside space for their business. He pointed out they are community focused and are looking to host people to help their business survive. He said they have heard the environmental concerns and have worked with the city to clean up the site and will keep their project to the northern half of the property.

Mary Taylor pointed out there is no infrastructure in the riparian setback and said the city will be using the southern portion of the site for staging for the Resilient St. Vrain Project. She went through details of the project including an improved crosswalk, bike parking spaces, an ADA ramp and parking lot, landscape buffer around the perimeter of the property, pedestal hook-ups for electricity, and a privacy fence along the western side of the site. Site has been completely demo-ed and cleaned up per all city and state regulations.

1. Create a flexible community-focused space
  - Beer garden with flexible opportunities
  - Open lawn area for multiple uses
  - Develop a vacant brownfield site

2. Enhance the Site with quality landscape and open space
  - Shade trees, native plants, and flowering species
  - Increase the amount of landscape and open space by 69%
  - Incorporate artificial lawn to promote sustainable practices
3. Expand the brewery visitor experience
  - Ample seating opportunity for patrons
  - Provide an outdoor space for beer tasting and socializing
  - Additional restrooms

#### Demolition and Abatement

- Asbestos sampling completed per CDPHE and EPA regulations
- Abatement of all previous buildings has been completed per CDPHE and EPA regulations
- All previous subgrade tanks have been removed
- Gas service removal and cleanup by Xcel Energy
- Site demolition per City of Longmont regulations

#### Existing Site Features

- No site features exist on site
- No habitat exists on site
- Entire lot consists of dirt post demolition activities

#### Neighborhood Meeting: April 8, 2018

Informal meeting for community input, not required

- Riparian Setback
  - How does this project impact the St. Vrain Creek?
  - Are we able to get a variance to build in the setback?
- Master Plan
  - The previously explored master plan needs to change
  - How can we get any structures out of the setback?

#### Neighborhood Meeting: April 30, 2019

- Events
  - How many events per year?
- Noise and Light
  - How will noise and light be mitigated and controlled?
- Community Access
  - Will the space be available for public rental?
- Environment and the St. Vrain Creek
  - How will the surrounding habitat be protected?
  - Has wildlife impact been taken into consideration?
  - Will this project impact the St. Vrain Creek?
  - Are any native plants proposed in the landscape plan?
  - Are there any hazardous materials existing on site?
- Parking

- How will parking be handled during events?
- Important note: site design and project extents changed drastically to address riparian setback and impact on the St. Vrain corridor.

#### Habitat Considerations for Design

- Habitat Conservation Study completed by Pinyon Environmental as part of the development process
- According to the habitat study, there is no evidence of sensitive or rare plants on the site
- Of all possible species within the vicinity or area, none are likely to occur within the project area due to lack of habitat
- Our proposed project area is out of the riparian setback and the St. Vrain corridor
- Impact of Resilient St. Vrain renovations along the south
- According to the habitat study, certain measures could be taken to mitigate potential impact. This includes:
  - Limit construction to daylight hours
  - Post-construction site restoration to include native plantings
  - Fencing to limit traffic in and out of the St. Vrain Creek area
  - Structures or small trees to promote bird nesting sites
  - Drainage and debris mitigated on site

#### What We've Done

- Increase the amount of vegetated area with plantings by 37%
- The overall landscape increase, including lawn, is 69% currently; there is 0% landscape on site.
- Keep construction activities to normal daylight construction hours
- 6' HT Cedar privacy fencing • Resilient St. Vrain project team coordination
- Berm along the entire southern edge of the property by the Resilient St. Vrain project
- Provide a significant tree canopy
- Renovate existing detention pond into water quality structure
- Proper erosion control during construction activities
- Photometric plans
- Remove events with amplified sound from the project proposal

#### Public Hearing

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

No calls were received during the time allotted for the public to call in to speak. Please see item #7 Final Call – Public invited to be heard, for comments about this project.

Vice Chairman Polan closed the public hearing.

Commission Discussion

Commissioner Hite has concerns with the detention pond and how it works. Cameron Fowlkes, Civil Engineer, said if the project will disturb more than one acre, it will require a water quality pond to be installed. This will treat the stormwater from smaller 1-2 year type storms and everything beyond those storms will go through the water quality structure and into the creek. Commissioner Hite asked if the structure is in the riparian setback. Mr. Fowlkes pointed out that is an allowable use in the riparian setback. Mr. Wallace said they were very careful not to disturb more than one acre. Planning Manager Burchett said the riparian setback restrictions allow utilities to be installed and the structure is an allowed structure.

Commissioner Hite asked if there is other types of decontamination that is associated with collecting and filtering this runoff. He said this looks like it is sand based, but is not sure if there is anything more rigorous working to filter out any contaminants that might go into the creek. Mr. Fowlkes said the applicant is meeting the requirements of the code and the city prefers the above ground version for maintenance reasons. He added that this slows the flow of the water in the smaller storms and allows the contaminants to settle out. Commissioner Hite asked what type of contaminants might be anticipated. Mr. Fowlkes said they are suspended solids that enter the creek. Commissioner Hite asked if this is typical with other locations along the creek and Mr. Fowlkes responded yes, it is typical with all development.

Commissioner Onaran heard from the applicant that is not an environmentally sensitive site and asked where condition number three is coming from. Principal Planner Schumacher stats he discussed the environmental assessment with Captain Michele Goldman. Both the Phase 1 and Phase 2 assessments were done in 2013 and his understanding is there was a fire on the site subsequent to the assessment and even though the buildings were demolished and the asbestos abated, he is not sure if all of the issues related to the fire were adequately addressed. Captain Goldman added that the site assessment found TRICOR ethylene in well number two, but the source could not be found. She said it was the Quonset hut that burnt in the structure fire, but the mechanic shop was in close proximity. She shared that the applicant has done a good job of abating asbestos and other things they knew of, but since the source of the TRICOR ethylene could not be found, staff was hoping something could be submitted to verify there are no more soil problems.

Commissioner Koler asked about an access from Bowen Circle to this property. Principal Planner Schumacher said there is currently is an emergency access at the end of Bowen Circle, it crosses the south end of the proposed beer garden and runs along the east side of the brewery, connecting up to Grant St. Commissioner Koler asked if people could park along the street in the cul-de-sac. Principal Planner Schumacher said they can, but he is not sure if there is access to the beer garden. He said there was a discussion about a ride share drop off on the north side of Boston at Grant Street. Mr. Wallace responded saying they will not have a public access in the back.

Commissioner Koler asked how the food trucks would get into the beer garden. Mr. Wallace said there is a paved area with a gate at the southwest corner.

1 Commissioner Koler said there was a reference to the music events being approved as a  
2 temporary use, and asked if those are handled one at a time and approved by city staff. Mr.  
3 Wallace said they have been directed by city staff to pull a special events permit if they are going  
4 to do anything out of the ordinary. Principal Planner Schumacher added there are occasional  
5 events that are happening down on the Left Hand site currently, and those have gone through the  
6 temporary event process. Commissioner Koler asked what qualifies it as an event versus  
7 something like a yoga class. Principal Planner Schumacher said it could be related to the number  
8 of participants, there is also some requirements for additional planning efforts for a larger  
9 number of people. Commissioner Koler asked if the public are notified of those events and  
10 Principal Planner Schumacher said typically not through the temporary event process. The  
11 events are approved individually so issues can be addressed on each application.  
12

13 Commissioner Koler asked about the time extension approval process. Principal Planner  
14 Schumacher said it is the decision of the Commission regarding the length of the extension.  
15

16 Vice Chairman Polan asked when the clock starts on the extension. Principal Planner  
17 Schumacher said it starts when the site plan is approved. He said even if the Commission  
18 moves to approve, there are still a few details to wrap up and once the plan is finalized, the year  
19 would start.  
20

21 Vice Chairman Polan said the tasting room is on the west side and beer garden is on the east side  
22 with the plant in between and asked if there are any rules about moving between. Mr. Wallace  
23 said the state liquor licensing rules will apply to a passage corridor and they have been talking  
24 about it.  
25

26 Commissioner Lucaci asked if a permit would be required for any amplified sound. Principal  
27 Planner Schumacher said any type of temporary event would be subject to the municipal code  
28 standards and criteria which would include noise standards.  
29

30 Commissioner Lucaci asked if there is any guidance about traffic studies done during the  
31 COVID-19 event when traffic levels are reduced. Tyler Stamey, Transportation Engineering  
32 Administrator, said initially in April traffic volumes dropped substantially, but current data  
33 shows traffic levels have come back to 95% and close to 100% in some areas. He said the study  
34 shows the AM peak not being as pronounced as it was in the past but the PM peak is similar to  
35 what it was pre-COVID. He added in terms of this study, the peak is representative of a normal  
36 condition or within a percentage of a normal condition.  
37

38 Commissioner Lucaci asked the fire access from the ADA lot and the parking spaces in front of  
39 the entrance. Ms. Taylor said that is a pedestrian emergency access and is not intended for  
40 emergency vehicles.  
41

42 Commissioner Hite asked for more information about the request for a one-year extension on this  
43 project. Mr. Wallace said the financing is the critical piece, they would love to be able to open  
44 next spring, but if they cannot they would like the extension. Commissioner Hite asked if they  
45 would be willing to come back in the spring to ask for the extension. Mr. Wallace stated they



1 would rather have it now; he does not want to take up any more of the Commissions time on this.  
2 Commissioner Hite asked if the one-year extension would have to come back to the  
3 Commission. Principal Planner Schumacher said yes.

4  
5 Commissioner Koler does not see an issue with the extension; she would rather grant it now and  
6 not have them come back.

7  
8 Commissioner Teta said if they have to come back to the Commission, he would rather grant it  
9 now.

10  
11 Commissioner Hite asked for the background on the one-year limitation on project approvals.  
12 Planning Manager Burchett said one year is a common timeframe that cities use for development  
13 and with the present conditions, things may take a little longer than usual.

14  
15 Vice Chairman Polan does not have a problem granting an extension up front.

16  
17 Commissioner Onaran supports the project. He commented that in order to create a healthy  
18 business environment you need support businesses, and he feels activity like this will make the  
19 corridor more attractive for people.

20  
21 Motion

22 **COMMISSIONER ONARAN MOVED APPROVAL OF PZR 2020-4B, A RESOLUTION**  
23 **OF THE PLANNING AND ZONING COMMISSION CONDITIONALLY APPROVING**  
24 **THE LEFT HAND BREWING COMPANY BEER GARDEN EXPANSION**  
25 **CONDITIONAL USE SITE PLAN, AND GRANTING AN EXTENSION OF ONE YEAR**  
26 **TO START PROJECT CONSTRUCTION. COMMISSIONER FLAIG SECONDED THE**  
27 **MOTION.**

28  
29 Vote

30 **MOTION CARRIED 7-0.**

31  
32 Vice Chairman Polan read the appeal process notice.

33  
34 **OTHER BUSINESS**

35  
36 **7. Final Call – Public invited to be heard**

37  
38 Vice Chairman Polan opened the public invited to be heard. The Commission took a 5-minute  
39 break to allow time for callers to come into the meeting.

40  
41 Ruby Bowman, 1512 Left Hand Dr. Ms. Bowman states she called during public hearing and  
42 was not able to connect. She is one of the citizen's that has submitted multiple comments about  
43 the Left Hand beer garden expansion. She wanted the Commission to deny the one year  
44 extension and states the applicant could have come back to reapply for the extension. She also  
45 wanted the Commission to require annual reviews to assess any complaints that this project may  
46 bring about. She has questions about remediation if contamination is found in the groundwater.

1 Ms. Bowman cares about wildlife and the St. Vrain Creek and it is important to protect the creek  
2 from development. She lives in a neighborhood that is adjacent to a brewery that has been a good  
3 neighbor and hopes that Left Hand does the same.  
4

5 Vice Chair Polan asked if there is someone who can answer the questions from the caller.  
6 Planning Manager Burchett states the caller had not entered the queue within the five minutes  
7 allowed to call in, but Ms. Bowman can contact Principal Planner Schumacher with any  
8 questions she has about the project.  
9

10 No one else wished to speak.  
11

12 Vice Chairman Polan closed the public invited to be heard.  
13

14 8. Items from the Commission  
15

16 No items from the Commission.  
17

18 9. Items from the Council Representative  
19

20 Council Representative Rodriguez was absent.  
21

22 10. Items from the Planning Manager.  
23

24 No items from Planning Manager Burchett.  
25

26 11. Adjournment  
27

28 **VICE CHAIRMAN POLAN MOVED ADJOURNMENT OF THE MEETING. NO ONE**  
29 **WAS OPPOSED.**  
30

31 The meeting was adjourned at 8:29p.m.  
32

33 Respectfully submitted,  
34  
35  
36

37 Chairman/Vice Chairman  
38 Planning and Zoning Commission  
39

40 /jm 10/21/20