Built On What Matters

Planning Commission Agenda

Thursday, March 2, 2023
Regular Meeting – 6:00 P.M.
Frederick Town Hall
401 Locust St.

In order to promote social distancing and to protect the health and safety or our Commission members, staff, and community this meeting will be hybrid and conducted via Zoom and in person. Interested parties are encouraged to access the meeting via Zoom or in person at Town Hall.

The meeting information is as follows:

Join Zoom Meeting
https://zoom.us/j/94063773463?pwd=aXg1M1d3V0VTKytRWnpPWHc3S2VDZz09

Meeting ID: 940 6377 3463
Passcode: 24689
One tap mobile
+16699006833,,94063773463# US (San Jose)
+12532158782,,94063773463# US (Tacoma)

Dial by your location
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
Meeting ID: 940 6377 3463
Find your local number: https://zoom.us/u/atFzjCtMH

Please contact Town Clerk Meghan Martinez for questions regarding the meeting. 720-382-5500 or mmartinez@frederickco.gov

---

Call to Order – Roll Call

Additions to the Agenda

Action Agenda

A. Approval of minutes from the January 5th, 2023 meeting

Public Hearing

B. Consideration to Adopt the Town of Frederick Future Land Use Map as the 3-mile Plan- Planner Welsh

Other Business

1. Planning Commission Bylaws- The packet contains the draft Planning Commission Bylaws for your review and comments prior to the April 6th, 2023 meeting. Please provide feedback directly to Planning Manager van Deutekom up until March 31st, 2023.

2. Upcoming Meetings-

- Joint meeting with the Board of Trustees on Tuesday, February 28th, 2023
- Regular Planning Commission meeting Thursday, March 2nd , 2023
- Regular Planning Commission meeting Thursday April 6th, 2023

401 Locust Street • P.O. Box 435 • Frederick, CO 80530-0435
Phone: (720) 382-5500 • Fax: (720) 382-5520
www.frederickco.gov

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
MEETING CONDUCTED IN PERSON AND VIA ZOOM
JANUARY 5, 2023
6:00 PM

CALL TO ORDER: At 6:10 p.m., Vice Chair Conroy called the meeting to order and requested roll call.

ROLL CALL:
- Present: Vice Chair Conroy, Commissioner Kelly, Commissioner Scott, Commissioner Sammartino.
- Not present: Chairperson Moe, Alternate Commissioner Mahoney.
- Staff: Planning Manager Ali van Deutekom, Land Use Attorney Todd Messenger, Land Use Attorney Christine Francescani, Town Clerk Meghan Martinez, Deputy Town Clerk Kelly Green, and Assistant Town Clerk Emily Nitcher.

APPROVAL OF AGENDA:

APPROVAL OF DECEMBER 15, 2022 MINUTES:

Motion by Commissioner Kelly and seconded by Commissioner Sammartino to approve the December 15, 2022 Minutes.

Upon roll call vote, motion passed 4 to 0.

Amendments to Articles 1, 3 and 4 of the Frederick Land Use Code:

Planning Manager Ali van Deutekom and Land Use Attorney Todd Messenger presented the proposed Amendments to Articles 1,3 and 4 of the Frederick Land Use Code.

Commissioner Kelly raised concerns about adding energy to oil and gas in the special use category. Commissioner Kelly also questioned if hyperlinks would be helpful for the public to use and not just for the planning commission, and if hyperlinks could also be added to the tables. Commissioner Kelly also raised concerns about the definitions not allowing open mics in coffee shops. Commissioner Kelly also questioned why Bed and Breakfasts are limited to 5 bedrooms.

Commissioner Scott raised concerns about storage containers, and would like more clarity about Pods. Commissioner Scott raised concerns about daycare.

Commissioner Sammartino had concerns about the acreage dedicated to assisted living facilities. Commissioner Sammartino also wanted clarity about mixed use zoning.

Vice Chair Conroy raised concerns over urgent care and if they belong under hospitals or under medical offices. Vice Chair Conroy also raised concerns over Auto Repair not being called out well, and suggested that it be added back in.

Motion by Commissioner Sammartino and seconded by Commissioner Kelly to approve PCR-2023-01C with the following conditions; 1. Staff share with the Board the discussion by the planning commission, 2.The attorneys look into remedying the specific aspects highlighted by the planning commission.

Upon roll call vote, motion passed 4 to 0.

OTHER BUSINESS:

Upcoming Meeting:

Upcoming joint meeting with Town Board on February 14, 2023.

There being no further business of the Planning Commission, Vice Chair Conroy adjourned the meeting at 7:37 p.m.

Approved by the Planning Commission:

____
Tracy Moe, Chairperson

ATTEST:

____
Emily Nitcher, Secretary to Planning Commission

TOWN OF FREDERICK

Planning Commission

PUBLIC HEARING TO CONSIDER AFFIRMING THE TOWN OF FREDERICK FUTURE LAND USE MAP AS THE THREE-MILE PLAN

Agenda Date: March 2, 2023

Attachments: A. Comprehensive Plan Map

Submitted by: Maureen Welsh
Planner II

Summary Statement:

This is a request to extend the designation of the Frederick Future Land Use Map (Comprehensive Plan Map) for another year as the 3-mile Plan.

Detail of Issue/Request:

As required by State Statute, the Town must designate a three-mile plan to be followed during the annexation process. The plan must be designated and updated annually. The Town has historically used the Comprehensive Plan Map as its three-mile plan.

In March 2008, the Town of Frederick designated the Town of Frederick Comprehensive Plan Map as the Town's official three-mile plan with Resolution 08-R-017. This designation complies with Colorado Revised Statute 31-12-105.

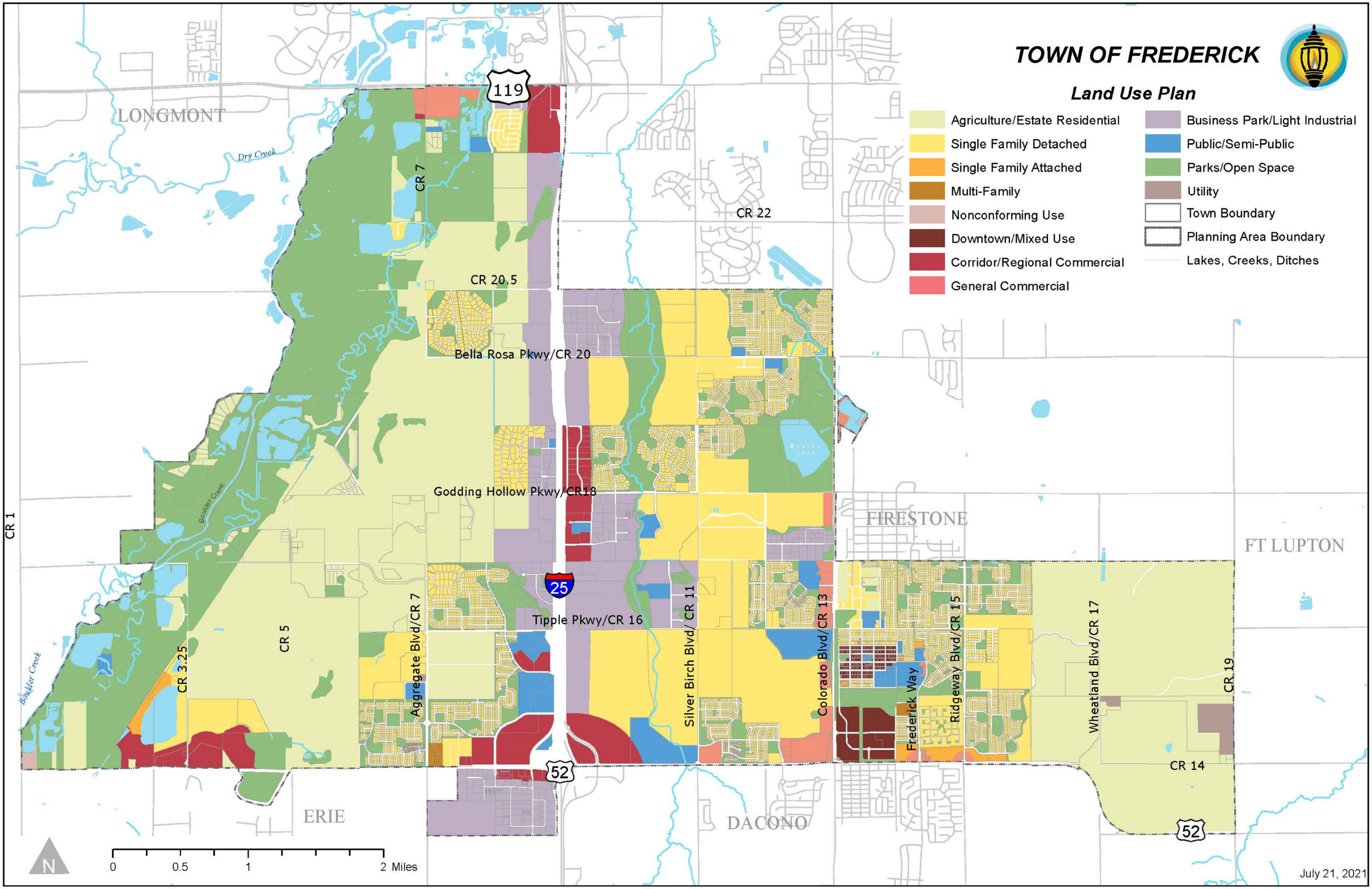
Because this is an act that affects the Comprehensive Plan, the Planning Commission must review the request before presenting it to the Board of Trustees for ratification on March 14, 2023.

Public Notice: This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

Legal/Political Considerations: The Town's Land Use Attorney has reviewed this application. State Statutes require the Planning Commission to have unilateral authority to approve the three-mile plan.

Alternatives/Options: Planning Commission may approve the request or deny the request.

<u>Staff Recommendation</u>: Staff requests that the Planning Commission consider approving PCR-2023-02A which approves this request without conditions.


TOWN OF FREDERICK
Land Use Plan
Agriculture/Estate Residential
Single Family Detached
Single Family Attached
Multi-Family
Nonconforming Use
Downtown/Mixed Use
Corridor/Regional Commercial
General Commercial
Business Park/Light Industrial
Public/Semi-Public
Parks/Open Space
Utility
Town Boundary
Planning Area Boundary
Lakes, Creeks, Ditches
LONGMONT
FIRESTONE
FT LUPTON
ERIE
DACONO
119
25
52
CR 7
CR 22
CR 20.5
Bella Rosa Pkwy/CR 20
Godding Hollow Pkwy/CR18
Tipple Pkwy/CR 16
CR 1
CR 3.25
CR 5
Aggregate Blvd/CR 7
Silver Birch Blvd/ CR 11
Colorado Blvd/CR 13
Frederick Way
Ridgeway Blvd/CR 15
Wheatland Blvd/CR 17
CR 19
CR 14
Dry Creek
Boulder Creek
0
0.5
1
2 Miles
N
July 21, 2021

Draft Bylaws for Presentation to the Planning Commission
Town of Frederick, Colorado

In order to properly carry out the powers and duties required of it and to transact its business in an orderly and consistent fashion, the Planning Commission of the Town of Frederick, Colorado ("Commission"), pursuant to § 2-9-20 of the Frederick Municipal Code ("Code"), hereby adopts the following bylaws.

ARTICLE 1. <u>Authority</u>.

The Town of Frederick Planning Commission is vested with the authority set out in §§ 2-9-110, 2-9-140, and 2-9-150 of the Code.

ARTICLE 2. <u>Membership</u>.

Membership in the Town of Frederick Planning Commission is pursuant to § 2-9-110 of the Code. Removal of any member from the Commission is pursuant to § 2-9-40 of the Code.

ARTICLE 3. <u>Officers</u>.

Section A. The officers of the Planning Commission shall consist of a Chairperson and a Vice-Chairperson, who shall be elected annually by majority vote of the members of the Commission annually pursuant to § 2-9-120(a) of the Code.

Section B. The Vice-Chairperson shall succeed the Chairperson if the position is vacated before the term is completed. The Vice-Chairperson serves the remainder of the term and a new Vice-Chairperson shall be elected at the next regular meeting by majority vote of the members of the Commission.

Section C. The Chairperson shall preside at all meetings of the Planning Commission. The Chairperson shall call the meeting to order and shall preserve the order of the meeting. If a person violates a rule of the Commission, the Chairperson will call them to order.

Section D. The Vice-Chairperson shall perform the duties and have the responsibilities of the Chairperson during the absence, disqualification, or disability of the Chairperson.

Section E. In the absence of the Chairperson and the Vice-Chairperson, the most senior member of the Commission, in regard to length of service, shall perform the duties and have the responsibilities of the Chairperson.

ARTICLE 4. Attendance.

Section A. Members of the Planning Commission shall notify Town staff as soon as possible if they will not be able to attend a meeting.

Section B. Unexcused absences from meetings are governed by § 2-9-120(c) of the Code.

ARTICLE 5. Meetings.

Section A. All meetings of the Planning Commission shall be open to the public and shall be held only after notice is made in accordance with the Frederick Municipal Code and shall be the responsibility of Town staff.

Section B. The number of meetings per month are established by § 2-9-130 of the Code.

1. Regular Meetings: Regular meetings may be held on the second and/or fourth Tuesday of each month at a designated time at the Frederick Town Hall, unless otherwise notified.
2. Work Sessions: Work sessions may be called by the Chairperson, a majority of the Commission, or the Board of Trustees, as deemed necessary, provided notice is posted in the designated public location as soon as possible. Work sessions do not require a quorum and no action is taken at work sessions.
3. Special Meetings: Special meetings may be called by the Board of Trustees, the Commission, or Town Staff, provided notice is given in accordance with subsection A.1 of this section.
4. A majority of the Commission shall constitute a quorum. A quorum must be in attendance before the Planning Commission can call any meeting to order or take any action.

Section C. Late Hour. If a Planning Commission meeting goes late, Commission members may vote by a majority to adjourn the meeting at or after 9pm. In the event a meeting is adjourned due to the late hour, all items not addressed shall be continued and scheduled to either a special meeting or the next available meeting, whichever is sooner.

Section D. Continuances and Recesses. The Commission may, by majority vote, continue any meeting or hearing to another time or may recess any meeting or hearing if the situation may demand. However, the Commission may not indefinitely table any item before it that requires official action.

ARTICLE 6. Proceedings.

Section A. The Planning Commission is not required to take action on any request that is not properly represented by interested parties, or for which all documents have not been submitted.

Section B. General Order of Business: Any regular meeting of the Planning Commission should follow this order of business (agenda):

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Approval of minutes of the preceding meeting
5. Changes to the agenda
6. Hearing of the consent agenda
7. Public hearings
8. Citizen participation: Any citizen wishing to speak on a matter not scheduled on the agenda may do so during this time.
9. Communications with staff
10. Adjournment

Section D. Order of Public Hearings: Generally, the following will be the order of presentation for public hearings after introduction of any item by the Chairperson. The order may be amended by the Chairperson if deemed necessary.

1. Chairperson opens the public hearing
2. Staff report
3. Applicant presentation
4. Any interested parties make presentations, stating their name and address, whether or not they support the application, and why or why not
5. The Planning Commission asks any questions of staff, the applicants, or others who have presented
6. Planning Commission discusses the application
7. Chairperson closes the public hearing
8. Planning Commission votes after a motion is made and seconded

ARTICLE 7. Motions and Voting.

Section A. All members of the Commission, including the Chairperson, are required to cast a vote on each motion, except that a member may abstain in the case of a conflict of interest.

Section B. Votes cast shall be by voicing a "Yes" or "No."

Section C. The concurring vote of a majority of the Commission members present shall be required to take any official action, including but not limited to, adoption of policy, offering of recommendations, and decisions on application.

Section D. Any Commissioner acting on a matter, including the Chairperson and Vice-Chairperson, may make and second motions.

Section E. In the event a motion is not seconded by another member, the motion shall die for lack of a second.

Section F. A motion shall succeed upon receiving a majority vote. Any motion failing to receive a majority vote shall fail.

ARTICLE 8. Executive Session.

Section A. The Commission may adjourn from a regular or special meeting into an executive session pursuant to Colorado Revised Statutes § 24-6-401, *et seq*.

Section B. An executive session may be convened only by a vote of two-thirds of a quorum present (C.R.S. §24-6-402(4)).

Section C. The subject of a Planning Commission executive session may include only conferences for the purpose of receiving legal advice on specific legal issues from the Town Attorney.

Section D. Upon a vote to go into executive session, the Town Attorney shall announce to the public the topic for discussion in the executive session, explicitly citing to C.R.S. §24-6-402(4)(b), which authorizes the Commission to go into executive session for the purpose of receiving legal advice, and the Town Attorney shall identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

Section E. Attendance at the executive session shall be limited to the members of the Commission and staff members, including the Town Attorney, required for advice and information.

Section F. No formal action may be taken on any matter under discussion during executive session.

Section G. The executive session must be recorded in accordance with C.R.S. §24-6-402(2)(d.5)(II)(B).

Section H. Upon conclusion of the executive session, the Commission shall reconvene in open session prior to taking action or adjournment.

ARTICLE 9. Ethics and Conflicts of Interest.

Members of the Planning Commission are governed by governed by § 2-9-30 of the Town's Municipal Code. Members are encouraged to notify staff prior to the meeting if any member believes they may have a conflict, in order that staff may contact the Town Attorney, if necessary.

ARTICLE 10. Quasi-Judicial Hearings.

The nature of applications pending before the Planning Commission is considered quasi-judicial. Commission members are required to consider only such evidence and testimony that is presented during the hearing. Consequently, Commission members cannot consider evidence outside of the confines of the hearing and should not engage in conversations or communications about any application with an applicant, members of the public, or other Commissioners before the hearing or during any recess from the hearing. The purpose of this restriction is to afford applicants due process in terms of a fair and unbiased process and to allow the Planning Commission to make an impartial and objective decision.

ARTICLE 11. Amendments.

Amendments of the bylaws are made pursuant to § 2-9-20 of the Code.