



Planning Commission Agenda

Thursday, February 17, 2022

Regular Meeting – 6:00 P.M.

Frederick Town Hall

401 Locust St.

Built On What Matters

In order to promote social distancing and to protect the health and safety of 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/j/94063773463>

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 February 3, 2022 meeting

Public Meeting

- A. Consideration of Amendments to Articles 1 and 3 of the Frederick Land Use Code – Planner van Deutekom

Other Business

Upcoming Meeting – March 3, 2022



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
FEBRUARY 03, 2022
6:00 PM

CALL TO ORDER: At 6:02 p.m. Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:

- Present: Chairperson Moe, Commissioner Conroy, Commissioner Stark, and Commissioner Scott.
 - Vice Chair TeVelde was not present
- Staff: Planner Maureen Welsh and Deputy Town Clerk Taylor Kittilson.

APPROVAL OF AGENDA: There were no changes to the agenda as presented.

APPROVAL OF JANUARY 20, 2022 MINUTES: Motion by Commissioner Conroy and seconded by Commissioner Stark to approve the January 20, 2022 Minutes. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF MCDONALD FARMS CONDITIONAL USE:

Planner Maureen Welsh presented the proposed use.

At 6:20 Chairperson Moe opened the public hearing.

At 6:21 Chairperson Moe closed the public hearing.

The applicant, Scott McDonald (1630 Diamond Way, Berthoud, CO), was present and addresses the commission with a short presentation.

Motioned by Commissioner Conroy and seconded by Commissioner Scott to approve PCR-2022-05A. Upon roll call vote, motion passed unanimously.

OTHER BUSINESS:

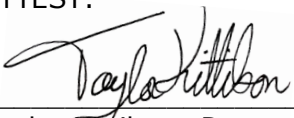
There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 6:26 PM.

Built on What Matters.

Approved by the Planning Commission:

Tracy Moe, Chairperson

ATTEST:



Taylor Kittilson, Deputy Town Clerk



TOWN OF FREDERICK

PLANNING COMMISSION

Tracy Moe, Chairman

Alan Blair, Alternate Commissioner
William Mahoney, Alternate Commissioner
Dennis Stark, Commissioner

Kristin Conroy, Commissioner
Nathan Scott, Commissioner
Chad teVelde, Vice Chairman

CONSIDERATION OF AMENDMENTS TO ARTICLES 1 AND 3 OF THE FREDERICK LAND USE CODE

Agenda Date: February 17, 2022

Attachments: A. Proposed Ordinance
B. PCR-2022-06A-C
C. Map with .25 mile Buffer

Submitted by: Ali van Deutekom
Interim Planning Manager

Summary Statement: This is a request to consider amendments to Articles 1 and 3 of the Frederick Land Use with regards to cemeteries.

Detail of Issue/Request:

Background Information:

In 2021, the Board of Trustees adopted a strategic plan. Within the focus area of *Community and Economic Vitality*, the Board established a goal of developing a revitalization strategy for 5th Street. As part of that effort, staff has initiated an exercise to identify land uses that, while allowed under the current zoning, may not support the shared goals of an active and vibrant downtown.

One of these use types is cemetery. Cemeteries are currently permitted on several properties zoned “public” in our Downtown Development Area. The intent of the Downtown Development Area is to preserve and protect the existing, historic and unique character and provide a pedestrian-oriented shopping, dining, entertainment, and living center in the Frederick community. Typically, cemeteries are in direct conflict with these objectives. Staff is suggesting a quarter mile buffer be added, around the Downtown Development Area, where cemeteries are not permitted. Staff is also suggesting we clarify the definition of cemetery. The proposed code amendments are as follows;

Article 1

Section 1.15, Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text and double underline is added text):

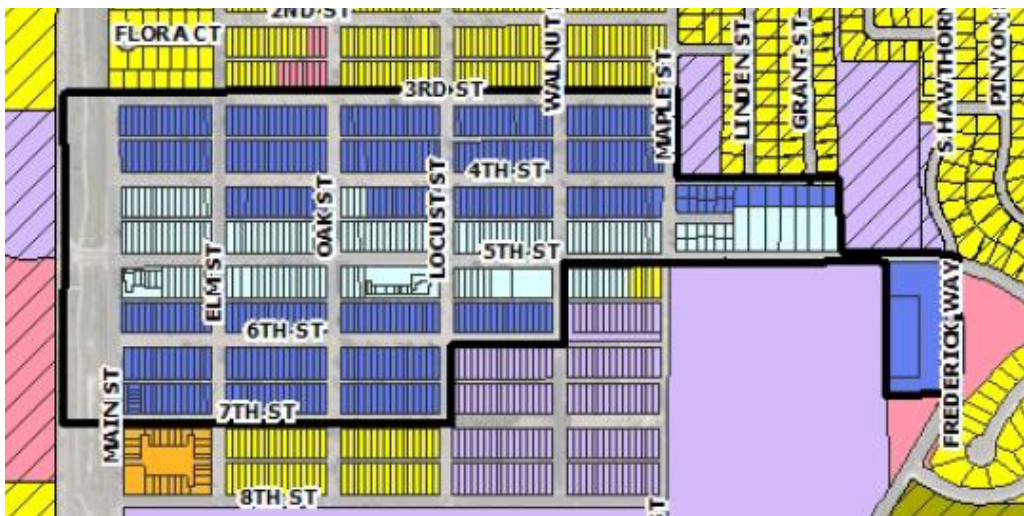
* * *

Cemetery means land used or intended to be used for the interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term “cemetery” includes graveyards, burial of the dead and dedicated for cemetery purposes, including mausoleums, and mortuaries, tombs, and columbariums, when operated in conjunction with, and within the boundaries of, such cemetery.

* * *

Downtown means the original business district of the Town.

Downtown Development Area means the area that encompasses the Downtown and adjacent areas, which is outlined with a heavy black line in the figure below:



Article 3

Table 3-1, Table of Permitted Uses, in Section 3.4, Matrix of Permitted, Conditional, and Special Uses by Zoning District, Town of Frederick Land Use Code, is amended as follows (double underline is added text, three asterisks represent large amounts of unchanged text):

Table 3-1.B. Table of Permitted Institutional/Civic/Public Uses												
Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 3.4(a) is hereby specifically prohibited												

* * *

INSTITUTIONAL/CIVIC/ <u>PUBLIC USES</u>												
Cemeteries.	C	C									P	(28) (29)

* * *

Section 3. Section 3.4.2.b. is amended to add subsection (29) after subsection (28), to read as follows:

(29) Cemeteries shall not be located within the area within the Downtown Development Area, or within one-quarter mile of the boundaries of the Downtown Development Area.

Review Criteria:

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendments accommodate development practices that were not contemplated at the time of the adoption of the Downtown Code. The drafted amendments provide clarifications on definitions.

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 application has been reviewed by the Town's Land Use Attorney, whose comments have been incorporated accordingly.

Alternatives/Options: Planning Commission may recommend approval of the request, denial of the request, or approval of the request with conditions.

Staff Recommendation: Staff requests that the Planning Commission consider approving PCR-2022-06A which recommends approval of this request without conditions.

TOWN OF FREDERICK, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING ARTICLE 1 AND ARTICLE 3 OF THE FREDERICK LAND USE CODE, SPECIFICALLY SECTIONS 1.15 AND 3.4, TO CLARIFY LOCATIONS WITHIN THE TOWN WHERE CEMETERIES MAY BE PERMITTED.

WHEREAS, the Board of Trustees of the Town of Frederick (“Board”) finds that the Town allows for cemeteries in certain zone districts; and

WHEREAS, the Board finds that cemeteries are not an appropriate use within the area that is subject to the Downtown Development Plan (“Downtown Development Area”) and within one quarter mile of the Downtown Development Area; and

WHEREAS, the Board finds that the definition of “cemetery” should be amended to clarify that the term “cemetery” includes columbaria; and

WHEREAS, the Board finds that the phrase “Downtown Development Area” should be defined in the Land Use Code; and

WHEREAS, the Board finds that amendment to the Town’s Land Use Code, Table 3-1.B., is necessary to ensure that cemeteries are placed within the Town appropriately, with due regard to the sensitivity of the use; and

WHEREAS, by Resolution _____, dated _____, the Planning Commission of the Town of Frederick approves the amendments set out in this Ordinance to the extent they constitute subdivision regulations, and recommends that the Board enact the amendments that are set out in this Ordinance.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO, AS FOLLOWS:

Section 1. Section 1.15, Town of Frederick Land Use Code, is amended as follows (double strikethrough is deleted text and double underline is added text):

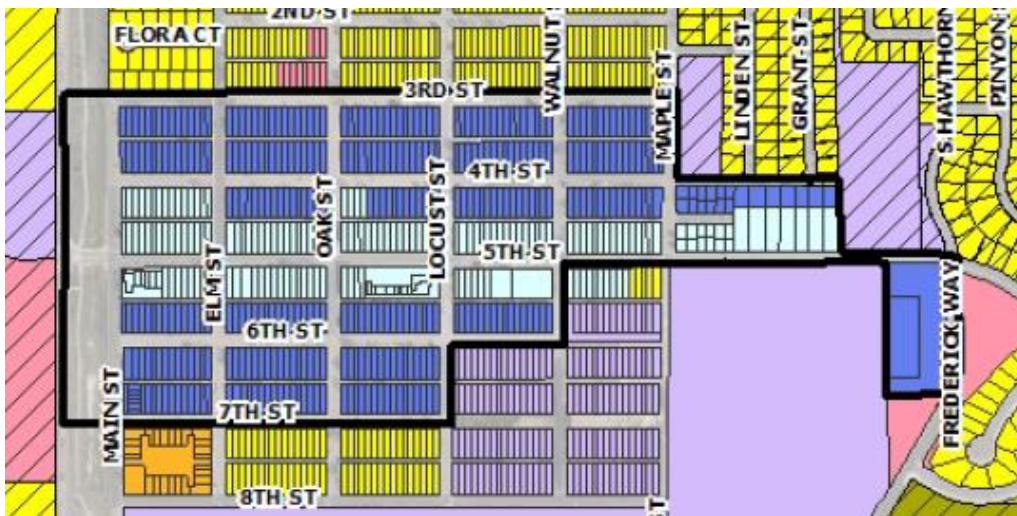
* * *

Cemetery means land used or intended to be used for the interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term “cemetery” includes graveyards, burial of the dead and dedicated for cemetery purposes, including ~~mausoleums, and mortuaries, tombs, and columbariums, when operated in conjunction with, and within the boundaries of, such cemetery.~~

* * *

Downtown means the original business district of the Town.

Downtown Development Area means the area that encompasses the Downtown and adjacent areas, which is outlined with a heavy black line in the figure below:



* * *

Section 2. Table 3-1, Table of Permitted Uses, in Section 3.4, Matrix of Permitted, Conditional, and Special Uses by Zoning District, Town of Frederick Land Use Code, is amended as follows (double underline is added text, three asterisks represent large amounts of unchanged text):

Table 3-1.B. Table of Permitted Institutional/Civic/Public Uses Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 3.4(a) is hereby specifically prohibited
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* * *

INSTITUTIONAL/CIVIC/PUBLIC USES												
Cemeteries.	C	C									P	(28) (29)

* * *

Section 3. Section 3.4.2.b. is amended to add subsection (29) after subsection (28), to read as follows:

(29) Cemeteries shall not be located within the area within the Downtown Development Area, or within one-quarter mile of the boundaries of the Downtown Development Area.

Section 4. Effective Date. This Ordinance shall become effective immediately.

Section 5. Validity. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective

of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 6. Necessity. The Board of Trustees of the Town of Frederick finds that this ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Frederick.

Section 7. Certification. The Town Clerk shall certify to the passage of this ordinance to the Weld County Clerk and Recorder's office, and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS ____ DAY OF _____, 2022.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan Martinez, CMC, Town Clerk

By _____
Tracie Crites, Mayor

1 **PCR-2022-06A**

2 **A Resolution of the Planning Commission Recommending Approval of**
3 **Amendments to the Town of Frederick Land Use Code Articles 1 and 3**

4
5 Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

6
7 Section 1. The Frederick Planning Commission finds that:

8 1.1 Amendments to Land Use Code Sections 1 and 3 to clarify the cemetery
9 definition and define the Downtown Development Area and ensure
10 cemeteries are placed appropriately.

11 1.2 Said amendments generally conform with the applicable requirements of
12 Section 4.7.9.b. of the Frederick Land Use Code.

13 Section 2. This resolution constitutes the written report, findings and decision of the
14 Town of Frederick Planning Commission.

15 Section 3. On the basis of the above, the Town of Frederick Planning Commission
16 recommends approval of the application.
17

18
19 This resolution approved this 17th day of February, 2022, by a vote of ___ to ____.
20

21 _____
22 Tracy Moe, Chairman, Planning Commission
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**A Resolution of the Planning Commission Recommending Denial of Amendments to
the Town of Frederick Land Use Code Articles 1 and 3**

Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

1.3 Amendments to Land Use Code Sections 1 and 3 to clarify the cemetery definition and define the Downtown Development Area and ensure cemeteries are placed appropriately.

1.4 Said amendments do not conform with the applicable requirements of Section 4.7.9.b. of the Frederick Land Use Code.

Section 2. This resolution constitutes the written report, findings and decision of the Town of Frederick Planning Commission.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends denial of the application.

This resolution approved this 17th day of February, 2022, by a vote of ___ to ___.

Tracy Moe, Chairman, Planning Commission

**A Resolution of the Planning Commission Recommending Conditional Approval of
Amendments to the Town of Frederick Land Use Code Articles 1 and 3**

Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

1.5 Amendments to Land Use Code Sections 1 and 3 to clarify the cemetery definition and define the Downtown Development Area and ensure cemeteries are placed appropriately.

1.6 Said amendments generally conform with the applicable requirements of Section 4.7.9.b. of the Frederick Land Use Code.

Section 2. This resolution constitutes the written report, findings and decision of the Town of Frederick Planning Commission.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends approval of the application with the following conditions:

1.

2.

3.

This resolution approved this 17th day of February, 2022, by a vote of ___ to ___.

Tracy Moe, Chairman, Planning Commission



TOWN OF FREDERICK

Downtown Development Plan Zoning Use Analysis

January 27, 2022



1/4 Mile Buffer



Downtown Development Area

Zoning

- Estate District
- Residential Low Density District
- Residential Medium Density District
- Residential High Density District
- Manufactured Home District 1
- Business Light Industrial District
- Industrial District
- Employment District
- Mixed Use Highway 52 District
- Neighborhood Commercial District
- Community Commercial District
- Downtown A District
- Downtown B District
- Agricultural District
- Public District
- Hazard Overlay District
- Planned Unit Development Overlay District

