

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 11, 2024

The Planning Commission of the City of Fort Lupton met in session at City Hall Chambers, 130 South McKinley Avenue, the regular meeting place of the Planning Commission and virtually via GoToMeeting, on Thursday, January 11, 2024.

Chair Mike Simone called the meeting to order at 6:00 PM.

ROLL CALL

Commissioners Present: Chair Mike Simone, Vice-Chair Bushrod White, Members Kathy Kvasnicka, Shannon Rhoda, and Zachery Potter.

Commissioner Jimmy Dominguez attended the meeting via GoToMeeting.

City Staff Present: Planning Director, Todd Hodges, Planner Magaly Morales, Planner Sean McDermott, Planner Zachary Mettler, Public Works City Engineer David Rausch, and Planning Administrative Assistant Hailey McKay

APPROVAL OF AGENDA

Vice-Chair White moved to approve the agenda, Commissioner Rhoda seconded.

CONSENT AGENDA

Vice-Chair White moved to approve the consent agenda, Commissioner Rhoda seconded.

PUBLIC COMMENT

There were no public comments.

PUBLIC HEARINGS

Election of Chair and Vice-Chair

Vice-Chair Bush White called for a motion to maintain current Chair Mike Simone and Commissioner Rhoda seconded. There were no other nominations. Motion passed unanimously.

Chair Simone made a motion to maintain current Vice-Chair Bush White and Commissioner Kvasnicka seconded. Motion passed unanimously.

P2024-001 A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON APPROVING THE CENTAURUS FARMS LOT 1 SITE PLAN FOR A RETAIL AND MEDICAL MARIJUANA FACILITY, INDUSTRIAL AND AGRICULTURAL GREENHOUSE AND AN AGRICULTURAL FIELD

Planner Magaly Morales presented the Public Hearing Item for an application submitted by Centaurus Farms LLC. Ms. Morales stated that a minor subdivision for this property has been reviewed administratively and once finalized will create four lots. The proposal for Lot 1 includes a medical and retail marijuana facility with a cafe, an industrial greenhouse, and an agricultural field. Retail marijuana

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 11, 2024

and agricultural uses are permitted uses in the I-2 zone district as established in Article 4 of Chapter 16 of the Fort Lupton Municipal Code. The property is zoned heavy industrial and is surrounded by heavy industrial zoning. The comprehensive plan also outlines this area as industrial. The property was identified as an eligible location for retail marijuana operations in 2021 based on the criteria in Section 6-361 of the Fort Lupton municipal code and is one of four licenses that were issued by City Council using a lottery system on February 15, 2022. Ms. Morales stated that the applicant has not fully determined a crop, however has provided a list of potential crops that include Hemp, Pines, Spruces, Boxwood and Potted-Drip ornamentals which are crops that are legally allowed to be grown in city limits as well as in Weld County, and all which are regulated by the Colorado Department of Agriculture. Noted for the record was that the applicant is not proposing the growth or processing of marijuana, which is not legally allowed in City limits.

Ms. Morales stated how the Fort Lupton Marijuana Licensing Authority conditionally approved the application for the business license on June 7, 2022 and renewed said approval on April 4, 2023. The conditions that the applicant must meet prior to issuance of the license include the issuance of applicable building permits and land use approvals, approved site inspections, approved security inspections, and any additional background information if deemed necessary by the licensing authority. Review of these conditions being met will be done by the Marijuana Licensing Authority. As part of the licensing process, an odor mitigation plan, waste and disposal plan, operating plan, and security plan among other documents were submitted and reviewed by all applicable city staff and outside referral agencies. All notification requirements were met.

Applicant John Paoella was present to provide a presentation to the commissioners of the proposed project. He specified that lot one will be for the retail building, greenhouse, and fields. He stated that lot two will be fields and greenhouse, and lots three and four will also be comprised of a greenhouse and agricultural fields. He detailed that they will be expanding Rollie Road, bringing in utilities to the site, and having secured sites. The landscape plan was presented as well as how the new facility will impact the community by bringing in new jobs.

Nick Rodrick presented information concerning the order management plan. He addressed the Clean Air Act, and the regulations put into place by the Environmental Protection Agency (EPA). Mr. Roderick addressed the surrounding community's concerns of the odors that might come from the site. He also addressed the controlled agriculture industry and how the project will adapt to this market. Mr. Roderick furthermore spoke about what the Colorado Hemp Act is, and the efforts needed to follow regulations.

Kevin Hill presented the safety measures that will be taken on the site. He addressed the safety regulations each state puts in place. He spoke about the data found concerning theft at these types of facilities, and the applicants plan for safety and security measures that go beyond state requirements.

Drew Gotlieb, the applicant's attorney, addressed the legal standards that the applicant was trying to meet for the Land Use and Site Plan application. He addressed the proposed use of the property and how those are permitted used by right per the Fort Lupton Municipal Code, and the City Councils ordinance authorizing marijuana stores in which took effect in 2021. Mr. Gotlieb addressed some of the state laws such as the Colorado Industrial Hemp Act of 2021, the 2018 Farm Bill passed by Congress

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 11, 2024

authorizing domestic hemp production program, and the USDA's approval of the State of Colorado's Hemp Management Plan in 2021.

Chair Simone opened up for public comments on the public hearing at 6:44 PM.

Joyce Huett commented on possible odors from the site, as well as the negative impacts it can have such as theft of neighboring properties.

Charlette Johns commented on the negative impacts that the site can bring such as increased traffic, theft, and potential use of cannabis directly outside of the facility.

Natalie Randell commented on how the odors from the facility can have a negative impact on the quality of life of surrounding property owners, the impact that marijuana has on youth, as well as the impact the facility will have on residential real estate. Ms. Randell also commented on the affect that increased traffic will have on the road, and on who will be responsible for patrolling the area and checking the backgrounds of individuals who will be at the facility.

Doug Massey commented on the increase on people coming to the city for the facility, as well as his concern of whether there will be additional police officers to patrol the area and to assist with potential incidents like wrecks and theft. He added that this facility could cause additional expenses for the city.

Brenda Sack commented on the increase in traffic, the potential for increased driving while under the influence, and the need for more patrolling of the area.

Chair Simone closed the public comments portion of the public hearing at 6:55 PM.

The applicant and the representatives were given the opportunity to address public comments.

Chair Simone opened up for commissioner comments.

Commissioner Dominquez addressed building relationships with the police department, being able to support potential increase in crime rates, if they have a company in place for the security system, and what can be established for future improvements to the street.

Commissioner Rhoda addressed how to mitigate any potential odor from the plants, if the City will be able to store contact information and or direct people who call concerning the negative impacts to someone that will handle those points of communication, and if there is a time frame in place and what processes needs to take place if coditions of the resolution are not met.

Commissioner Kvasnicka addressed if there will be fencing around the property and what will be installed.

Commissioner Potter addressed if the commercial sell is allowed in the I-2 zone district, and clarification on how the license to sell marijuana is issued in regards to the site plan.

Chair Simone addressed if there will be any sidewalks, landscape and the type of trees required, if there are any other uses that will take place in the building, and the safety measured that will be taken in terms of money handling at the facility as compared to using a bank.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 11, 2024

Vice-Chair Bush moved to approve P2024-001 a Resolution of the Planning Commission of Fort Lupton approving the Centaurus Farms Lot 1 Site Plan for a retail and medical marijuana facility, industrial and agricultural greenhouse and an agricultural field, Commissioner Kvasnicka seconded the motion.

Motion passed unanimously on roll call votes.

P2024-002 A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON APPROVING THE CENTAURUS FARMS LOTS 2-4 SITE PLANS FOR THREE NEW AGRICULTURAL SITES WITH AGRICULTURAL FIELDS AND GREENHOUSES

Planner Magaly Morales presented the Public Hearing Item for an application submitted by Centaurus Farms LLC. Ms. Morales stated that a minor subdivision for this property has been reviewed administratively and once finalized will create four lots. The proposal for lots 2-4 is for a greenhouse and agricultural fields at each lot, with lot 3 including a maintenance building. Retail marijuana and agricultural uses are permitted uses in the I-2 zone district as established in Article 4 of Chapter 16 of the Fort Lupton Municipal Code. The property is zoned heavy industrial and is surrounded by heavy industrial zoning, the comprehensive plan also outlines this area as industrial. This property was identified as an eligible location for retail marijuana operations in 2021 based on the criteria in Section 6-361 of the Fort Lupton municipal code and is one of four licenses that were issued by City Council using a lottery system on February 15, 2022. Noted for the record was that the applicant is not proposing the growth or processing of marijuana, which is not legally allowed in City limits.

Ms. Morales stated how the Fort Lupton Marijuana Licensing Authority conditionally approved the application for the business license on June 7, 2022 and renewed said approval on April 4, 2023. The conditions that the applicant must meet prior to issuance of the license include the issuance of applicable building permits and land use approvals, approved site inspections, approved security inspections, and any additional background information if deemed necessary by the licensing authority. Review of these conditions being met will be done by the Marijuana Licensing Authority. As part of the licensing process, an odor mitigation plan, waste and disposal plan, operating plan, and security plan among other documents were submitted and reviewed by all applicable city staff and outside referral agencies. All notification requirements were met.

Applicant John Paoella was present to provide a presentation to the commissioners of the proposed project. He specified that lot one will be for the retail building, greenhouse, and fields. He stated that lot two will be fields and greenhouse, and lots three and four will also be comprised of a greenhouse and agricultural fields. He detailed that they will be expanding Rollie Road, bringing in utilities to the site, and having secured sites. The landscape plan was presented as well as how the new facility will impact the community by bringing in new jobs.

Nick Rodrick presented information concerning the order management plan. He addressed the Clean Air Act, and the regulations put into place by the Environmental Protection Agency (EPA). Mr. Roderick addressed the surrounding community's concerns of the odors that might come from the site. He also addressed the controlled agriculture industry and how the project will adapt to this market. Mr. Roderick furthermore spoke about what the Colorado Hemp Act is, and the efforts needed to follow regulations.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 11, 2024

Kevin Hill presented the safety measures that will be taken on the site. He addressed the safety regulations each state puts in place. He spoke about the data found concerning theft at these types of facilities, and the applicants plan for safety and security measures that go beyond state requirements.

Drew Gotlieb, the applicant's attorney, addressed the legal standards that the applicant was trying to meet for the Land Use and Site Plan application. He addressed the proposed use of the property and how those are permitted used by right per the Fort Lupton Municipal Code, and the City Councils ordinance authorizing marijuana stores in which took effect in 2021. Mr. Gotlieb addressed some of the state laws such as the Colorado Industrial Hemp Act of 2021, the 2018 Farm Bill passed by Congress authorizing domestic hemp production program, and the USDA's approval of the State of Colorado's Hemp Management Plan in 2021.

Vice-Chair White moved to approve P2024-002 a Resolution of the Planning Commission of Fort Lupton approving the Centaurus Farms Lots 2-4 Site Plans for three new agricultural sites with agricultural fields and greenhouses, Commissioner Kvasnicka seconded the motion.

Motion passed unanimously on roll call votes.

There was a 5-minute recess.

DISCUSSION ITEMS

Sunrise Concept Plan was the discussion Item. Planner Sean McDermott presented the concept plan to commissioners. Mr. McDermott stated that the concept plan focuses on the area of the parcel located west of the ditch. The parcel is located south of Highway 52, on the northeast corner of county road 29½ and county road 12. It is currently vacant agricultural land and zoned R-1. In 2019 the property annexed in Fort Lupton known as the Taylor Annexation and initially zoned R-1. Concurrently, Planning Commission and City Council reviewed a Sketch Plat Plan known as the Villaggio Classico under the former applicant. In August 2023, City Council approved the Sunrise Metropolitan District for the area which includes the area west of the ditch. The Taylor Minor Subdivision is currently being reviewed by staff, Right of Way has been dedicated along both county roads, and will go into effect January 27, 2024, and an approved recording of the Taylor Minor Subdivision will split the two areas. Mr. McDermott stated that this Concept Plan is an initial overview, and per article 2.02 G, no formal approval or decision will be made. The applicant is proposing a mixed of housing types, 61 attached townhomes or row homes, 90 duplexes, and 61 single family detached homes. There will be parks, open space, and a 10-foot trail along the ditch. The applicant is proposing to change the zone from R-1 to R-2. The Comprehensive Plan highlights a need for a variety and diversity of housing options, and the change in zone helps facilitate that need. Staff finds that the higher density proposed along county road 29 ½ is a logical and efficient location. Staff supports the concept being proposed, and will continue to work with the applicant for future submittals.

Scott Carlson with Carlson and Associates was in attendance to give a presentation. Mr. Carlson stated that being proposed are alley loaded duplexes, front loaded townhomes, and single family detached all in the same subdivision. Mr. Carlson provided elevation examples to commissioners of all type of homes being proposed.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
January 11, 2024

Chair Simone opened up for commissioner comments.

Commissioner Dominguez addressed who is responsible for maintaining sidewalks, will it come back for further review, if highway 52 will become a four-way highway anytime soon.

Commissioner Potter addressed if there is an estimate on number of bedrooms for each proposed home.

Vice-Chair White addressed where the open space will be.

Commissioner Kvasnicka addressed traffic concerns on Highway 52

Chair Simone addressed the transition from Mountain Sky Subdivision, having a buffer on the backsides of the homes along the roads since they are higher density and architecture on the rear of the homes along county road 29 ½, lower lighting standards,

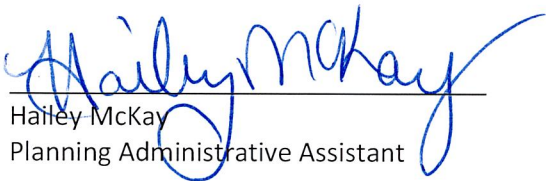
FUTURE BUSINESS

The next meeting of the Planning Commission will be on January 25, 2024 at 6:00 PM.

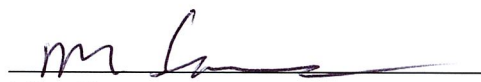
ADJOURNMENT

Vice-Chair White moved to adjourn the meeting at 8:23 PM, Commissioner Kvasnicka seconded the motion.

Submitted by


Hailey McKay
Planning Administrative Assistant

Approved by Planning Commission


Mike Simone
Chair