

**RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 11, 2021**

The Planning Commission of the City of Fort Lupton met in session virtually via GoToMeeting, on Thursday, March 11, 2021.

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

ROLL CALL

Roll was taken and those present were Chair Mike Simone, Vice-Chair Bushrod White and Commission Members Carlos Barron, Kathy Kvasnicka, and Paul Weber. Also in attendance were Planning Director Todd Hodges, City Planner II Alyssa Knutson, City Planner I Maria Lancto, and Planning Administrative Assistant Magaly Morales-Tejada.

Chair Simone gave the following advisement:

Tonight's meeting shall be held virtually so as to ensure the health and safety of the general public and the City of Fort Lupton Planning Commission and staff.

The intent and purpose of the virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the Covid-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered the opportunity to be electronically present for meetings at the City, subject to existing health conditions.

An electronic link has been made available for tonight's meeting on the City's website and social media platforms and as posted at City Hall, so that the general public, Planning Commission and staff may participate electronically via the internet or on the phone.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Bushrod White and seconded by Carlos Barron.

CONSENT AGENDA

Chair Simone called for a motion to approve the consent agenda. It was moved by Bushrod White and seconded by Kathy Kvasnicka.

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PUBLIC COMMENT

Chair Simone asked if there was anyone who would like to comment on an item not on the agenda tonight. Hearing none, he closed Public Comment.

ACTION ITEMS

Continuance of Public Hearing for United Fulton Augmentation Station Project

Planner Alyssa Knutson presented the request for continuance. She stated that staff had submitted a request for publication to the newspaper which had unfortunately not been published. Ms. Knutson stated that in order to provide the public sufficient notice staff recommends continuing the hearing until March 25, 2021 at 6:00 PM - this date would ensure that there were at least 15 days of newspaper notification of the hearing.

Chair Simone addressed the applicant, Drew Damiano, and asked if he agreed with this continuance.

Drew Damiano stated yes.

Chair Simone opened up the public comment portion of the Hearing for the continuance action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

Chair Simone called for a motion to continue the hearing until March 25, 2021 at 6:00 PM.

Kathy Kvasnicka motioned, Bush White seconded.

P2021-008: Consideration of Rescission of the 149 Denver Avenue (aka Seymour [sic] & Birdie Rhode House) Historic Designation

Planner Alyssa Knutson presented this action item. She explained that the Planning Commission does not make the final decision on designations/rescission of designation, however the Fort Lupton City Code does require that the Planning Commission provide a recommendation to the Historic Preservation Board. Ms. Knutson stated that the applicant had submitted an application to rescind designation and additional information was available in the staff report sent to the commissioners. Ms. Knutson stated that the applicant was available to discuss.

There were technical difficulties connecting to the applicant, Mr. Flores, and staff tried to get in contact him. Ms. Knutson gave a brief general overview of benefits of designation to

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the Planning Commission and number of designations currently in the City. After a few minutes the applicant was able to connect.

Mike Simone addressed the applicant, Salvador Flores. He asked if he had anything to add or present on behalf of his application.

Mr. Flores stated no.

He asked if Mr. Flores understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Mr. Flores stated yes.

Chair Simone asked if he consented to the applicable members voting on their submittal, even though said members are not present in person.

Mr. Flores stated yes.

Chair Simone asked if he understood that he had the right to continue this public hearing to such a date to allow a full in-person public hearing.

Mr. Flores stated yes.

Chair Simone asked if he has agreed to voluntarily waive that right on behalf of the applicant or themselves by proceeding tonight electronically.

Mr. Flores stated yes.

Chair Simone asked if he voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Mr. Flores stated yes.

Chair Simone asked if he waived his right to proceed in an in-person public hearing and have consented to proceed forward voluntarily tonight in this virtual planning commission meeting, is that correct.

Mr. Flores stated yes.

Chair Simone opened up the public comment portion of the Hearing for the Site Plan action item. Hearing no one from the public wishing to speak, Chair Simone closed the Public Hearing.

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Chair Simone asked Mr. Flores if he felt he had a full opportunity to participate in the public hearing.

Mr. Flores stated yes.

Chair Simone opened up the hearing to Planning Commissioners' comments and questions.

Member Bush White asked why the applicant wanted to rescind designation from his property.

Mr. Flores stated that the initial designation was made by his ex-wife and provided additional background on the original designation. He stated his ex-wife told him that they would be able to get financial help to make repairs to the house, and that the windows in particular need work and can't be opened. He then stated that after designation he asked about funding for repairs, but was told that there was no funding. He stated that the building is the only thing that is designed, but that other projects he was working on in the yard got stopped by code enforcement for not getting approval from the Historic Preservation Board. He also provided additional information regarding projects that he has done/wants to do around the exterior of the home that he stated he does not want to go to the Historic Preservation Board for approval on.

Member Kathy Kvasnicka stated she does not recall Mr. Flores bringing any requests forward to the Historic Preservation Board that he wanted to do. She asked if the applicant has previously presented projects to the Historic Preservation Board that have been denied.

Mr. Flores stated that his ex-wife submitted paperwork to the Board. He stated he would like to keep the house like it is, but it is old and a lot of money to repair. He stated that he needs to make repairs with different materials because it is old and that he has submitted paperwork.

Chair Simone asked staff if the applicant has been receiving tax breaks from the City for this designation.

Planner Alyssa Knutson stated that there is no funding that would come directly from the City, but rather the State. She stated that these benefits are only available if the applicant submits all paperwork to the State.

Chair Simone asked to clarify if the applicant would be responsible for paying back anything if the property is rescinded.

Ms. Knutson stated that he would not.

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Member Bush White asked if code enforcement was causing issues for the applicant and how this falls under their authority based on the Historic Preservation aspects of the home.

Planning Director Todd Hodges stated that zoning/code enforcement works with planning and has worked under his direction on any fines for this property. He stated that historically designated structures require approval from the Historic Preservation Board prior to starting work. He stated that the applicant has received violation notices due to the applicant doing work on the property with no building permits or Historic Preservation approval.

Chair Simone asked Mr. Hodges to clarify staff's neutral recommendation to the planning commission on this agenda item.

Mr. Hodges stated that staff debated on the staff recommendation a lot. He stated that staff has worked with Mr. Flores quite a bit, and that he has not gone through the appropriate process for getting permits or Historic Preservation approval for changes to the house or his property. Mr. Hodges stated that even if the property is no longer designated, building permits would still be required, he would just no longer go to the Historic Preservation Board. He continued that financial benefits are through the State, and that Mr. Flores has not submitted the applications to receive those benefits. Mr. Hodges added that historic designation prevents the ability to demolish the building, although he wouldn't think it would be. He added that the Planning & Building Department does still have authority over demolition permits and would hopefully be able to work to prevent that from occurring if it were ever discussed. Mr. Hodges concluded that staff does also believe in property rights and that the applicant has been interested removing the house from being designated for a number of years.

Ms. Knutson reiterated that it was a difficult decision for staff. She stated that it were her personal decision it would remain designated, however the neutral recommendation kept in mind property rights and difficulties in getting Mr. Flores to go to the Historic Preservation Board for approvals. She stated a shed was placed without permits that would probably have not been approved by the Historic Preservation Board and has not been painted red as directed by the Board, so it's been a difficult position for staff to be in. She concluded that she hopes nothing happens to the house because of its significance.

Chair Simone asked each Planning Commissioner for their thoughts.

Member Barron stated that he is learning and didn't yet have an opinion either way.

Member Weber stated he would like the property to stay designated. He felt that the property owner could have followed through with pursuing the benefits provided.

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Before Member Kvasnicka's comments, Ms. Knutson stated that Member Kvasnicka is on the Historic Preservation Board, but she will be asked to recuse from this hearing before the Board and therefore she can comment on the matter this evening. Member Kvasnicka stated she does not agree with the rescission. She feels this is one of the few properties whose significance can be pinpointed, and the improvements could have been worked out with the Historic Preservation Board.

Vice-Chair White didn't see a barrier to making improvements to the property. Vice-Chair White stated he feels it should stay a historic site.

Chair Simone asked staff for an opinion on if the Historic Preservation Board has been unreasonable in dealing with permits and applications.

Ms. Knutson stated she can easily say no. She cited St. Andrews Church, which was fully converted from a church into a residence by working with the Historic Preservation Board. She stated the Board is happy to work with people, they just need an application to review.

Chair Simone stated this is a difficult decision, and he believes Mr. Flores should be able to do what he wants with his house. At the same time is it historical and doesn't want any chance of it being demolished. He felt if it is just a financial issue that is difficult, because the repair concerns could be addressed and the City would work with him. He added that it sounds like the Historic Preservation Board and staff is being reasonable. He is leaning towards denial.

Member Barron added he is for property rights, but he is leaning more towards keeping it designated.

Chair Simone asked for a motion to approve P2021-0008. Paul Weber motioned to approve, Kathy Kvasnicka seconded. Motion to recommend approval of the rescission of designation was denied unanimously by a roll call vote.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Development Code Update

A discussion of the Development Code Update took place.

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FUTURE BUSINESS

The next meeting of the Planning Commission is scheduled for March 25, 2021 at 6:00 PM.

ADJOURNMENT

Chair Mike Simone adjourned the meeting at 6:45 PM.

Submitted by



Magaly Morales-Tejada, Planning Assistant

Approved by Planning Commission



Mike Simone, Chair