

**CITY OF NORTHGLENN
PLANNING COMMISSION MINUTES
September 19, 2023**

CALL TO ORDER

Chair DiCarlo called a regular meeting of the Northglenn Planning Commission to order on Tuesday, September 19, 2023, at 6:00 p.m.

ROLL CALL

Present: Commissioners DiCarlo, McIlree, Mushabe, Schenck, Walters, and Alternate Vincente Porter
Absent: Commissioners Romero and Weatherly
Ex-Officio Long: Present

STAFF PRESENT

Planning Manager Becky Smith and Senior Planner Dusenberry

**PLEDGE OF
ALLEGIANCE**

The Pledge of Allegiance was given.

**APPROVAL
OF MINUTES**

Minutes of the August 15, 2023, and September 5, 2023, regular meeting was presented. Commissioner Schenck motioned, and Commissioner Vincente Porter seconded to approve as presented.

PRESENTATIONS

None

**PUBLIC INVITED TO
BE HEARD**

None

PUBLIC HEARING

UDO-3-23
Erratum #5
Resolution 23-12

Senior Planner Dusenberry presented updates to various sections of the Unified Development Ordinance (UDO) for public hearing and recommendation to City Council. The three topics of modifications presented were overlay districts, accessory dwelling units (ADU), and senior housing parking incentive.

Implementation of overlay districts is being proposed for greater utilization of Mixed-Use Districts in the city. Implementation of overlay districts allow for an expansion of land use opportunities without restricting the current uses allowed. The City of Northglenn 2022 housing study recommended developing mixed-use overlay districts. Overlay districts do not utilize the rezoning process.

Affordable housing incentives were included to encourage developers to make at least 25% of units affordable. The incentives seek to offset the cost of providing units below market rate.

The proposed changes expand the use of ADUs to include the allowance of short-term rental. ADUs are often utilized as short-term rentals to provide income for the property owners and transitional housing options for those in need. Requiring property owners to reside on the property was included to minimize property management companies, or other similar entities, from removing long-term housing units from the market to solely operate short-term rental properties.

In order to make ADUs more accessible for residents, the allowance of pre-approved designs and prefabricated construction types is proposed. Often the time and money it takes to acquire a contractor for the construction of an ADU is prohibitive for many residents. By providing pre-approved designs of prefabricated ADUs it is expected that issues related to the costs of design and construction could be reduced making ADUs a more viable option for a wider breadth of residents.

The proposed amendment reduces the age used to classify senior housing and determine if a development is eligible for a parking reduction incentive. The proposed change goes from 65 to 55 years old.

The first reading is set for September 25th with second reading October 9th.

Commissioner McIlree inquired if overlay districts had any limitations. Senior Planner Dusenberry answered that they are for mixed-use districts. Staff would determine the feasibility and practicality of modifying a parcel before allowing the zoning change. Changes would not be implemented when not considered the best use of the property.

Commissioner McIlree asked who the determining body on overlay proposals would be and if they would come before the Planning Commission for approval. Senior Planner Dusenberry remarked that the establishment of an overlay district would be a map amendment. Staff would bring the proposed map amendment before the Planning Commission. Once the overlay district map was approved, any development would be brought forward as a major site plan.

Alternate Vincente Porter wondered if any local municipality was currently using overlay districts. Denver has a variety of overlay districts. Chair DiCarlo mentioned Larimer Square in downtown Denver as an example. Planning Manager Smith advised Colorado Springs and Glenwood Springs also utilize overlays. The areas of

focus are identified in the Comprehensive Plan for the City of Northglenn. Marketplace and Section 36 would be priority areas of focus.

Commissioner Mushabe sought information on how the public meeting to discuss the changes would be noticed, expressing concern that many people do not read legal notices in the paper. Planning Manager Smith explained that the city actively pursued resident opinions at city events held before the comprehensive plan was drafted. Several public meetings to garner feedback from the community will be held in any area under consideration for the overlay district.

Ex-officio Long remarked that he has observed high rise facilities take over residential properties. Planning Manager Smith answered that any developer would still come before the Planning Commission for rezoning. When the City is initiating the change, it would be only after working with the community to create a vision for the site. The sub area plan does not include any areas of residential properties. City initiated overlay districts will primarily focus on strengthening commercial and industrial centers. Should a developer request to come into a residential zone, the City would review the proposal with the comprehensive plan and would be required to go before the Planning Commission to make their case. Any developer could purchase residential properties and request to build multi-family under the current code. The approval or denial of the overlay district would not prevent a developer from having the right to request a rezone. Any such request would go before the Planning Commission and City Council.

Ex-officio Long asked about short-term rental (BNB) impacts. Air BNBs are allowed in all residential zone districts. The only prohibition applies to properties with accessory dwelling units (ADU), requiring that use of the ADU be used for long-term rentals.

Ex-officio Long expressed concern that the wording of the UDO was subjective rather than objective. Planning Manager Smith confirmed that language of the UDO and any ordinance is reviewed by the city attorney prior to being ratified.

Alternate Vincente Porter inquired if the proposed amendment to the UDO included any language requiring the overlay districts are in line with the comprehensive plan. Senior Planner Dusenberry informed that while there is no specific language to that effect, it is common practice to review the comprehensive plan as part of the evaluation process. Staff informs the Planning Commission any time a zoning proposal is brought forward of alignment with the comprehensive plan. Planning Manager Smith ensured that staff would coordinate with the city attorney to make sure any necessary language is added requiring compliance with the city comprehensive plan.

Chair DiCarlo confirmed that the amendment proposal would allow for ADU's to be used as short-term rentals. Short term rentals require a licensing agreement through the city clerk office. Long term rentals have separate requirements. Chair DiCarlo expressed concern that the UDO did not make it clear to residents of the need to obtain a license for short-term rental use. Planning Manager Smith explained that when the applicant applies for their business license, the tax department notifies the resident of the requirement to obtain a license through the city clerk office. Chair DiCarlo requested staff review wording in the UDO and proposed amendment to ensure accuracy.

Chair DiCarlo expressed approval of changing the age limit for senior housing to 55. Parking reduction limits would not change; the population criteria would change.

Commissioner McIlree asked how many short-term rentals currently exist in the city. Planning Manager Smith answered approximately 70 and agreed to provide accurate figures after investigating further. Short-term rentals are currently allowed in all housing units. All current licenses are for single family residences as the city requires permission from the property owner, eliminating apartment tenants from using their housing as short-term rentals. Chair DiCarlo mentioned Fox Run HOA prohibits short term rentals. The City does not enforce HOA regulations.

Commissioner McIlree inquired if the owner is required to be present on the property when an ADU is rented out. Planning Manager Smith informed that the owner must reside in the primary residence or the ADU. However, they are not required to be present at the time of renting. Homeowners who do not have ADU's may utilize the property as a rental without residing in the home. They may also rent out rooms within the home while residing in the house. The amendment proposed requires the owner of ADUs to claim the property as their primary residence.

Commissioner McIlree voiced concern with possible impacts to the neighborhood of noise and litter from rentals. Residents are encouraged to notify the non-emergency police line of any disturbance.

Ex-officio Long wondered about restrictions for mother-in-law suites in rear yards. Planning Manager Smith answered that accessory structures could not comprise more than 30% of rear yards. It must meet all setbacks. Accessory dwelling structures may not exceed 750 square feet or have more than one bedroom. No accessory dwelling may be on wheels. RV's are not approved living spaces. Storage of RV's is allowed by ordinance; residing in the RV is time limited. Enforcement is handled on calls for service.

Commissioner Mushabe asked how the city ordinances are imposed on HOA subdivisions. Planning Manager Smith explained that HOA's can make covenants more stringent than the ordinance but not less. Residents in neighborhoods regulated by an HOA requesting additions and modifications on the property are notified by staff that HOA approval is required.

Commissioner McIlree sought clarification on when a license was required for an accessory dwelling unit and the process for revoking the license. Planning Manager Smith answered that no license is required for an accessory dwelling; the license is required when using any property as a short-term rental regardless of whether it is an accessory or primary dwelling unit. Annual inspections are required. Staff will contact the city clerk and respond to the commission with all licensing procedures. Revoking a license would be determined through the city clerk with established triggers. The Planning Commission neither approves nor denies licenses.

Ex-officio inquired about maximum occupancy. The building code establishes occupancy limits.

**PUBLIC INVITED TO
BE HEARD**

UDO-3-23
Erratum #5
Resolution 23-12

None

MOTION TO APPROVE

UDO-3-23
Erratum #5
Resolution 23-12

Commissioner Schneck MOVED, **and** it was SECONDED by Commissioner Mushabe, for a recommendation for approval of Resolution 2023-12, a resolution providing a favorable recommendation to the City Council for approval of Unified Development Ordinance Amendment #5 as presented in Attachment A.

MOTION TO AMEND

UDO-3-23
Erratum #5
Resolution 23-12

Chair DiCarlo MOVED, **and** it was SECONDED by Commissioner Mushabe, for a recommendation for approval of Resolution 2023-12, a resolution providing a favorable recommendation to the City Council for approval of Unified Development Ordinance Amendment #5 in Attachment A revised with grammatical corrections.

Commissioner McIlree requested consideration of wording to state any overlay district presented by staff would be exclusively for areas determined in the comprehensive plan. Planning Manager Smith

explained that the city attorney would need to be consulted with regards to land use rights. All rezoning in the city needs to be subject to the same review process and criteria.

Commissioner McIlree favored a motion to table the vote until more information was provided on responses to short-term rental licensing violations based on neighbor complaints. Planning Manager Smith located the licensing requirements and mentioned the license may be revoked when it appears to have been obtained fraudulently, when it is determined to be a public nuisance, or when it violates any state, federal, or local law. It can also be revoked when failing to comply with any licensing requirement. Commissioner McIlree expressed concern that public nuisance was not defined. Planning Manager Smith informed the Commission that the Planning Commission could ask the City Council to consider wording clarification. The function of the UDO is to determine the allowance of ADUs as short-term rentals.

Planning Manager Smith advised that the ordinance as written already ties the overlay district to review with the comprehensive plan. Section 11-6-4(a)(3)(E)(iii) states "In reviewing a proposed rezoning, the Planning Commission and City Council shall consider whether the proposed rezoning is consistent with the Comprehensive Plan and the purposes of this UDO".

The motion passed.

MOTION PASSED

UDO-3-23
Erratum #5
Resolution 23-12

The motion **PASSED**.

IN FAVOR –DiCarlo, Mushabe, Schenck, Walters and
Vincente Porter
OPPOSED – McIlree
ABSENT – Romero and Weatherly

NEW BUSINESS

None

OTHER BUSINESS

Planning Commission
Rules of Order

Planning Manager Smith presented the discussion on the Rules of Order. The alternate member was not added as it is documented by the UDO. Gender specific references were changed. References to "citizen" were replaced with "resident". Section 3 was revised regarding special meetings. Section 10 of secretary responsibilities was modified to indicate that meeting information packets will be provided within the week before the scheduled meeting to align with current operations. Section 17 regulating voting procedures was aligned with the ethic procedures and state law in relations to conflict of interest. Section 23 on making motions was clarified that

ex-officio members do not act in a voting capacity. Section 26 was modified regarding items out of order. An item must be on the agenda for 24 hours before voting to be consistent with state law. City Council would ratify the by-laws once approved by the Commission.

Chair DiCarlo inquired about alternate members attendance and voting roles. Page 203 of the UDO establishes the alternate member as a voting member in the case of an absent board member.

The Commission voted unanimously to forward the bylaws to Council for ratification.

COMMUNICATIONS

Ex-Officio Long expressed appreciation for how the meeting was run with respect for all parties.

Planning Manager Smith advised that the next meeting would be October 17th with a rezoning public hearing. Ward 2 has a meeting Thursday the 21st, ward 3 will be October 14th, ward 4 will be the 26th. Safe Street Halloween will be held in October.

Commissioner Mushabe will be going out of the country for several months beginning October 1st, returning April 1st. Chair DiCarlo declared the absence as excused.

Commissioner McIlree showed appreciation for the comradery during the meeting.

Commissioner Vincente Porter thanked staff for their presentation.

PUBLIC INVITED TO BE HEARD

None

ADJOURNMENT

The Planning Commission meeting adjourned at approximately 7:32 p.m.


Rebecca Smith, AICP
Planning Commission Clerk


Sonia DiCarlo,
Planning Commission Chair