

The Planning and Zoning Commission of the Town of Berthoud met for a special meeting on August 13, 2007 in the Board Room at Town Hall. Chairman Thorne called the meeting to order at 7:06 p.m.

MEMBERS PRESENT: Chairman Chris Thorne
Vice Chairman Scott Banzhaf
John Bauer
Ben Zink
Rural Representative John Goreski

MEMBERS ABSENT: Jeff Hindman
Brian Anderson

STAFF/TOWN Planning Director Robert Anderson
Planner Carlin Barkeen
Planning Technician Sue Bowles

CONSENT AGENDA

There were no items on the Consent Agenda.

CONTINUE PUBLIC MEETING – HERON LAKES PDP & PRELIMINARY PLAT

Chairman Thorne advised the audience that this agenda item had been continued from the August 9, 2007 meeting. Thorne further explained that staff was asked to look into some items and have answers for tonight's meeting.

Planner Barkeen addressed the commission with clarification of some of those items. Regarding the park dedication issue, staff looked at the 7% requirement that says is based on the overall site. What you're counting is the open space as well. The question is does that sound reasonable to have parkland dedication for open space or is it meant for residential. Staff believes it should be based on the residential, and if so, 172.77 acres would be 12 acres parkland requirement. In regards to the request for narrower streets, those locations are where there are cul-de-sacs, dead end streets, or no connectivity due to reservoirs.

Birdsall provided street cross section drawings and walked the Commission through the exhibits. Birdsall noted that the aesthetics and maintenance of the narrower streets make sense. Birdsall noted that the Town's Transportation Engineer, John Seyer, is okay with it but would like to talk to BFPD prior to providing a written recommendation. This is not a deal killer, we just think it's a good idea.

Barkeen discussed LCR 19 and some of the history of the reconfiguration. This issue was brought up by a neighbor because it could become privately maintained since it is not annexed to the Town. We don't know what the county would want, they may want to vacate it. The Town would have to reexamine whether we can annex it since it would take over 50% of the owners to sign petition. This is informational only at this time, but it may be a future issue.

Birdsall addressed the issue of the location of the townhomes. They have spent a lot of time looking at that, and they could put single family lots there. The neighbors for this project have been well dialogued. They're interested and concerned. We're not sure we can do anything to satisfy all of the neighborhood concerns, but if single family is what you want, we can do that, however, globally that may not be the best answer. There is a higher percentage of open space if we do townhomes. In previous discussions at ODP, the neighbors were concerned about having golfers, golf balls, mowers etc. close to them, so we moved that away from them. Townhomes seems like the best alternative.

Banzhaf said it could be perceived that the scale and height of townhomes would be out of character. Would a height limitation be one of the items on the table?

Birdsall said sure. They'd be okay with that. He further noted that this is the lowest density townhome units he's ever seen at 13,000 sq. ft. on a net basis per unit. They would be limited to 4-plexes with 1 ½ story. It's basically ½ open space or landscaped area. Our expectation is the value will be similar to the SFD units. This would be a unique project tying into the golf course and clubhouse architecture. Landscape buffering and view corridors are easier opportunities with a townhome product, and it would have an interior loop drive with architecture fronting the perimeter of the project. Neighbors to the south wouldn't have to look at garages.

Thorne noted that in addition to neighbors, there were commission members concerned. If the effort wasn't to eek out every bit of density of that parcel, is there some middle ground. How many lots would you lose if you put in single family?

Birdsall said they'd lose 14 of the 26 units.

Banzhaf suggested showing both alternatives. It's shown now as a future development parcel. Label it as future townhomes and or SFD subject to review.

At the meeting on August 9th, Thorne had asked Planner Barkeen to provide information regarding the amount of fees in lieu that are being requested by Heron Lakes to be waived for parkland dedication. Barkeen said it was approximately 1.5 million dollars. There was some discussion on whether the parkland dedication waiver was too substantial, even though this is a unique project because of the open space and recreational facilities.

There was also some discussion regarding the school site on the Knievel property. Birdsall noted that the primary driving focus for the school district was the location. They saw this as desirable because they don't have to bus kids across the highway.

Banzhaf pointed out that the recreation amenities such as the surface rights for McNeil reservoir were not included in the open space calculation for that neighborhood.

Birdsall noted the concern they have is how much will that feature bear, and how do you limit that? Is the population of this project too much? Is the population of Berthoud too much? It is still in the county, and theoretically we could allow hunting, fishing, boating, and water skiing, but at this point, we don't know what's appropriate there. Shoreline access would be public and the question is how far does that access go? It's pretty special and pretty natural right now.

Zink asked if fees in lieu of play into this at all for parkland.

Barkeen explained that fees in lieu would be if there was no park dedication or development of neighborhood parks. The development fee is based on each unit. The developers can do the improvements and have that amount deducted at the time of permit.

Banzhaf noted that in the PORT plan, they analyzed the amount of expense per acre of park and it was around 12,000 per acre per year. The commission and board need to think about the cost to our general fund and the burden to the community for all years to come. It's not just quantity, but it's having it in the right place. Natural open space will be perceived by the public as open space, but it won't be a burden with maintenance. They will manage turf, and can maintain 12 acres of park, but to have over 50 acres, how do we take care of it? The more we can leave to them, the better for the town.

Zink recognized the economic constraints, but as a planning commission, this opportunity is a one time thing. It's up to us to consider alternatives, such as dedicating the land without putting in the park.

Banzhaf pointed out that this development has a lot of open space as it is. There are a lot of great amenities already. It doesn't always have to be turf.

Birdsall agreed that Zink made a valid point. It is a one shot deal. He suggested that the commission consider accepting parcels D & E, which is 80 acres and could be developed and maintained by the metro district. This is something that could be negotiated between the town and the district. We have offered that piece in the past, but the timing was when Waggener farm was being negotiated.

Thorne thought that might be a good alternative, and something to consider.

Goreski asked about Audubon certification, and whether they were going to try to meet the requirements and be certified.

Jim said they are, but the timing will be a struggle for the town to accept. You implement the guidelines as you're building and opening the course. It can't be certified until its opened. Implementation begins with drawings, but certification is not until it's open and operational. The key is having staff at the beginning know that you're going for that so they know the regulations on seed mixes, fertilization, and so on. The easiest way to pollute is to have granular fertilizers on the surface and then a storm that washes it into the water. We will be using a guy who did the one in Windsor.

Thorne suggested a condition of approval that they must have Audubon certification within 2 years of opening the golf course. Birdsall agreed that was fair, with the qualifier that it's as long as Audubon's certification program remains in place. Birdsall noted that you have to recertify every 2 years, and further noted that he's excited about educating the golfing population.

There was some discussion about the Town's consideration of a metro district if it is in the best interest of the developer and the Town.

In regards to an Irrigation supply, Birdsall said they will be running Ryan's Gulch water through the Handy Ditch, and have reached an agreement to store water in Welch reservoir. It will be a win-win for both.

Goreski asked whether they would be providing an easement for the Town's water line.

Birdsall said they are looking at relocating that line and putting it into the right of way. The Town has asked us to replace that pipe. It was put in in the 50's and we don't know for sure where the pipe is or how deep it is. They don't want us to pothole and find it.

After some discussion, it was decided that there should be wording in the PDP that says the development should be in accordance with the implementation of the management plan since it's not a typical component.

Thorne noted that the management plan incorporates a discussion of the prior LUP and comp plan. The aspects are consistent, but it should it incorporate the new LUP and comp plan.

Birdsall said they could pull those sections out and have a staff report rather than change this plan since this goes back 2 ½ years, and have staff handle the comparisons.

Barkeen noted that the plans in this area are consistent with the parkway buffer and with the goals and objectives. It doesn't make a lot of sense to go through and change it.

Bauer noted that in all the drawings, they are referred to private parks, however anyone can use the trails.

Birdsall said the parks and trails are all public access. Our thought are they will be dedicated to the town if they want them, but we expect to have them installed and maintained by the developer for the budget reasons we've talked about tonight. The town may want them later.

In response to Bauer's question on how much open space there is on the Knievel piece, Birdsall said that in Tract OO there's 20.724 acres, and in Tract NN there's 62.758 acres. 83+ acres total. In all, there's 114 acres of open space not including Knievel or the golf course.

Thorne suggested that a condition of approval could be that the clubhouse is included in the 1st phase. Birdsall agreed saying that the golf course and the club house are to be included in phase one.

Thorne moved to recommend approval of the Preliminary Plat for Heron Lakes on the condition that the Preliminary Plat is revised to reference terms and conditions considered in the PDP. Second by Banzhaf. All members voted YES.

Thorne moved to recommend approval of the Heron Lakes PDP with the following conditions:

- 1. That a note be added to page 1 of the PDP stating that the project will be developed pursuant to the Heron Lakes management plan as approved by the Town.**

2. That every reference within the PDP to a "Metropolitan District" also includes "or HOA".
3. That within two (2) years of opening the golf course, the developer shall obtain environmental and wildlife certifications through Audubon International; and obtain certifications in all remaining programs within five (5) years of opening and that all certifications shall exist so long as the golf course is in operation and as long as Audubon International remains in place.
4. That the PDP is revised to reflect Tract T as "Townhome/single-family to be determined in the future".
5. That the Town Board reconsider acceptance of the dedication of open space parcels, Tracts NN and OO, to the Town or an appropriate third party holding entity in combination with an agreement from the applicant to provide for maintenance of the parcels for an appropriate period of time

Second by Bauer. All members voted YES.

Banzhaf moved to recommended approval of the Heron Lakes waiver of local and collector roads conditioned on a pending approval letter from the Town's traffic engineer. Second by Bauer. All members voted YES.

Banzhaf moved to recommend approval of the Heron Lakes waiver to the Town's parkland dedication requirements, finding that the dedication as previously mentioned on Tracts OO and NN will satisfy those requirements and finding that the additional amenities of a school site and water rights on McNeil Reservoir and 7.9 miles of trails is over and above the requirements. Second by Bauer.

Goreski pointed out that if the Town agrees to take Tracts OO and NN, there wouldn't be a need for a waiver.

Bauer said he would like to see OO and NN remain as open space so they do need a waiver of park land.

Zink noted that could be negotiated later.

Thorne didn't feel the scope of the waiver was justified, and was uncertain as to how to add to the mix the possibility of Tracts OO and NN. If an arrangement is worked out, that would affect the balance, but there are too many uncertainties right now. Zink agreed.

Banzhaf and Bauer voted YES. Thorne and Zink voted NO.

Thorne expressed his excitement about this project, and commended the applicant for their hard work, and for working with Audubon.

Meeting adjourned at 8:40 p.m.

Brian Anderson, Secretary

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Sue Bowles, Planning Technician