

TOWN OF BERTHOUD
PLANNING COMMISSION
REGULAR MEETING
AUGUST 9, 2007
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The Planning and Zoning Commission of the Town of Berthoud met for a regular meeting on August 9, 2007 in the Board Room at Town Hall. Chairman Thorne called the meeting to order at 7:03 p.m.

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

MEMBERS ABSENT: Jeff Hindman

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

CONSENT AGENDA

There were no items on the Consent Agenda.

PUBLIC MEETING - REVERE PUD AND ODP AMENDMENT

Chairman Thorne introduced this item noting that the applicant is presenting a request for an amendment to the ODP that was approved by the Town Board of Trustees on May 9, 2006. The property is located west of the 287 Parkway north of Highway 56, and east of LCR 19.

Planner Barkeen reported that at the time this project went to the Board of Trustees, it included a concept plan showing a pedestrian type mall. There have been substantial changes to the original vision for the property, so staff asked the applicant to seek approval of an amended ODP. The biggest difference is that the approved ODP contains two (2) parcels with a maximum of 518,000 s.f. of commercial. The proposed ODP amendment contains one parcel with the same amount of s.f. The uses have not changed, but have been combined under one list of proposed uses for the entire site. Barkeen is recommending approval of this request and noted that there will be two more times for the commission to look at the plan when they come back with the PDP and FDP. The applicants don't have any types of uses or intensities planned for this property at this point, and the Town Attorney, Bruce Fickel has been very clear that vesting does not happen until the FDP and Final Plat.

In addition to this request, the applicant has been considering adding a residential component back into the plan just to have some flexibility, which does go along with the land use plan. They are still requesting the same intensity, and they are also requesting 100 maximum dwelling units which is the maximum allowed in the Land Use Plan in that area at a density of 14 d.u. per acre.

Thorne noted that the materials we have don't show anything for residential.

Roger Kenney addressed the commission on behalf of the applicant, noting that in the original concept plan, the layout was not for individual building sites, but instead was clustered in the middle with parking around the outside. There is now a road that goes around the interior. Kenney noted that there have been some changes in trends from shopping centers to freestanding retail stores. With individual sites, we have three tenants signed up now if we can get this going. There will be three lanes to allow right in and right out, and sidewalks with 10 ft tree lawns. In a location like this, people don't want to walk around. They get back in the car and drive to the next shop. Kenney gave a presentation showing pictures of the vision they are trying to accomplish.

Thorne opened the public meeting.

Nancy Lamb – I'm not sure what the middle is, and one of the goals was to put the commercial on the corner. On the north there are large lots and this was to be feathered to the north and the west.

Mina Cox – I'd like to remind everyone that when the initial ODP was approved it was a very different concept. The floor area ratio that was approved was for an entertainment based plan. This is an important area. The initial plan looked like it would provide some benefit.

There being no one else wishing to speak, Kenney addressed the public comments. He noted that in the original ODP there was an area A and an area B. We've left the buffer alone. We did combine A & B into one parcel but we did not change the f.a.r. We were asked to add residential in case someone wanted to do a mixed use plan with residential above commercial per the land use plan. We are still looking at entertainment venues for this site, and there is still the opportunity for a theatre but it will be stand alone. We think it looks better to look at the backside of a nicely landscaped building rather than to look at parking lot with buildings in the middle. We left the larger lot in the middle to allow for a larger scale building like a theme hotel or something like that. It gives us flexibility, and we don't have to have the whole thing leased out to be able to make it economically feasible.

Anderson asked about the lot sizes, noting that there were suppose to be large lots to the north. Kenney noted that the average lot is 1½ acres with 10 acres in the middle.

In response to a question on why the parking requirements were being removed from the ODP, Kenney explained that since parking is based on use, we don't want it overparked.

Thorne agreed that this is an important corner for the Town, but noted that what is being looked at tonight is the ODP. The location of any specific use will be at PDP approval.

Barkeen explained that type of use and location as well as materials and so on are approved at PDP. Just because the uses are listed doesn't mean they can go in any location on the property.

Kenney said they feel like just about any of the listed uses can be compatible and in scale. We would not throw up a 3 or 4 story building. We can add the statement back in and keep parcel A with less intense uses. Again, these things can be determined at the PDP stage.

Goreski was concerned about the uses, including the residential aspect. As a county resident, if he were a developer he'd like to be able to walk away from the development and still be friendly with the neighbors. I'd rather see the residential as the buffer between.

Kenney noted that they are talking about a mixed use building where you have commercial on the lower level and residential above which was put in because of the land use plan change.

Thorne asked Kenney to help him visualize what it will look like on 287. Kenney said there will be a deep swale, and then it rises up and you'll see street trees, a berm, bike path and then landscaping on the back side of the buildings. From the bike trail you can access in between each building. The closest visual is the first part of Centerra where they built The Group real estate office and then you go to IHOP and the Chamber of Commerce.

Banzhaf said he felt this design was much more in keeping with the trend than the original ODP.

Banzhaf moved to recommend approval of the PUD and ODP amendment for the Revere Property, with staff's conditions, finding that the request is consistent with the criteria for PUD and ODP, and is consistent with the Comprehensive Plan and Land Use Plan, and added notation that the land uses and intensities for the northwestern portion of the property are compatible with adjacent development, and that the land use summary table be attached including the residential. Second by Bauer. All members voted YES.

Goreski said he would not support the table that was given tonight, and is not in favor of f.a.r. above .25.

Thorne noted that with the condition that Banzhaf added, this is generally what we had before but without 2 lots, and with less intensity of use in northwest corner. He's still not sure of the residential component.

Bauer noted that the residential component makes it consistent with the LUP because it calls for mixed use.

CONTINUE PUBLIC MEETING - BADER FARM

Thorne noted that this item was considered at the last meeting and continued to tonight since there were several questions raised at the last meeting.

Barkeen went over some of those questions. Banzhaf had asked about parkland dedication requirement comparisons between the current requirements of 7%, and those in the PORT plan. Under the 7% plan, it would be 12.88 acres, and under the PORT plan it would be 11.8 acres. The Bader ODP has 32 acres of open space which is 20%, and includes trails, pocket parks, etc.

The applicant had provided a diagram showing intersection locations and the distance between them is greater than 1300 ft. Signalization would occur when warranted, and a more detailed study will be required at PDP.

A vicinity map showing how this site fits in with Heron Lakes was also provided by the developer in response to Hindman's request.

In regards to road connections to Colony Ridge, it was confirmed by Larimer County that if those connections were made, maintenance would be assumed by the Town. Staff would not recommend those connections.

There was discussion of the 287 Parkway buffer and as it compares to the buffers provided by Heron Lakes. Bader is proposing 200-400 foot buffers while Heron Lakes has a 400 ft. buffer. The development code asked for a 500-900 ft. buffer, but at the time those buffers were put in place, it was assumed that the parkway would be at grade. That is an excessive requirement since the road is 30 ft. below grade.

The density of Heron Lakes to the south is a business campus of 6-8 d.u. per acre, to the west is 1 d.u. per acre, and Colony Ridge is 2.2 d.u. per acre.

Barkeen went over the sections in the 2007 LUP showing how this plan is consistent with the plan.

Craig Karne, representing the applicant gave a power point presentation.

Thorne opened the public meeting.

Gary Richardson – I live in Colony Ridge and I've noticed in these meetings that the developers and the commission look at Colony Ridge as just something out there. We are a community and it would be wise to consider us. We've gotten the short end of the stick with Heron Lakes and we did not appreciate that

Grace Green – I live in Colony Ridge and have been there since there were only 5 houses. Over 20 years. I did get active with trying to keep some type of community in that subdivision. One of the things is if you don't have something written down, they don't take place. Does seem to be an oversight. We're built outside the city because

there weren't tons of commercial. When you develop something this big, it would be nice if when you are considering, we pay for a lot of things in the Town of Berthoud so we are a part of Berthoud whether we want to be or not. There's already a lot of traffic. As these situations open up, for being in a rural community and having to drive places, it's unfortunate when you have to listen to cars. Now you have all that going on and now you add all this. This section is getting busier and busier. Just be more aware that there are a lot of people in that community. It's a beautiful development. If everyone has been driving to live out of the city, it's only 5 minutes to get to King Soopers. What is the purpose. There is a view that should be considered. When you are in the town you lose sight of those who live outside.

Stephanie Doughty – My main concern is the commercial which will allow for walkability. The residential component is appropriate but not the commercial. I strongly ask you to consider disallowing commercial use in that area.

Jeff Franks – I agree with not tying into the streets. The 287 corridor did not reduce the traffic on LCR 17. To put another feeder street right off of that where you're going to have commercial should require acceleration lanes and so on. I encourage the commission to consider studying the traffic.

Liz Kearney – what I'm concerned about is do your math on the density. Make sure it's the low density the plan calls for. This was suppose to be a separator. Think about what's going to happen with all those cars and the pedestrian connectivity, and how to get across CR 17. This will be a huge intersection and how are they going to get across? This highway is a huge barrier, with only one bridge. Think about how bikes and people walking their dogs are going to get across. Think about that now. Pedestrian trails and so on.

Tonia Webb – at the last meeting there was talk about walkability. There is no walkability. There's no proposal for a school. The school now is bussed because of CR 17 and CR 14. The land use is low density. Maplewood is over 1 acre per house. The drainage – we have no drainage and we flood Maplewood Estates. Is there going to be any space around these areas that have walkability? Space to get out on bikes and walking?

Chris Bolton – I was on the buffer committee so you know where I'm coming from. You should be concerned about where the water goes. Did anyone do a study to see if water can go there.

The public meeting was closed and the matter brought back to the commission for discussion.

Thorne noted that the commission does listen and takes their comments to heart.

Karne explained that they have looked at and have done some preliminary traffic studies, but will get into more detail later in the process. We will make whatever improvements need to be made.

Karne talked about the traffic and walkability, and how this area was designated as commercial in the LUP and for mixed-use density. The goal of the Town's plan is to allow for that pedestrian friendly environment and allowing for housing for all and not just for those who can afford single family homes. The density will be addressed, and there will be transition and compatibility. Karne noted that while this is agricultural land, there is no way to handle the drainage. This development will provide for water quality.

There was some discussion of how the density is compatible with the surrounding area. Karne explained that at the ODP level, we are determining what densities fit into the different areas. With the open space buffer, just showing a lower density doesn't give us the detail. We will have a minimum 25 ft. between the development and larger lots. You could have an area of transition that could be the same density, or smaller lots and more open space between. From a design and visual impact and how it affects the neighborhood to the north, it's a fairly immediate transition. Similarly, the Heron Lakes ODP is 1 d.u. per acre overall, but there are areas that have higher density. We'd like to be able to agree in concept and let us demonstrate more in the PDP.

There was discussion that for any improvements on LCR 17 and the 287 Parkway, they would have to work closely with CDOT and Larimer County.

In regards to the buffer, Banzhaf pointed out that it makes sense to do it in a qualitative rather than a quantitative number that is not protecting anything.

There were some concerns about the uses proposed on Parcel 7, such as mini-storage and auto repair, and the risk to the Town's water supply.

The commission asked Barkeen to talk about densities. The ODP does not meet the LUP which shows low density on most of the property. Given all the work we did and the discussions, this is not consistent.

Barkeen noted that she was included in the citizen meetings and the plan was for a high intensity node on that corner. The 3.6 d.u. per acre overall represents the different parcels combined and with transitioning and higher density next to the intersection, then reducing the density at the edge of the GMA, this meets the intent.

Planning Director Anderson noted that the process of defining this map was that these were not hard lines. If you take the color gradient, you would probably be at about 3.6 if you have gradient density. The plan predates these changes.

Banzhaf pointed out that in the Comp Plan there is a lot of text that gets into higher quantity of open space, rather than just looking at the quantity of homes. This is a commercial node, and around those we want higher density for walkability and those things that are in the text. The goals and objectives support this much more than the colors on the map.

Thorne disagreed noting that our consideration of the first plan should be more consistent with the LUP map. The density is not in the ball park.

Karne noted that staff has tried to point out where the comp plan tries to guide us. Our goals go beyond that, and we need to create some diversity. If we reduce density at the gross level, it eliminates us from doing that. We have very specific types of homes that fit in these categories. If we had much less commercial and more high density, we wouldn't be able to meet your economic goals for this important intersection. If you took all the colors and spread it out, you would be at about this density.

There was some discussion that since there is a business campus to the south, the applicant consider making Parcel 7 an extension of that business campus. Banzhaf noted that one thing the Town has always strived for is connectivity between neighborhoods and suggested that they have the street stubs but either barricade or do bulbouts to allow bike and or emergency access. Have it so that someday it could be integrated. The county residents want us to consider them as neighbors and we should have that option of connectivity.

Thorne expressed concern that some of the uses listed for Parcel 7 could create a risk to the Town's water supply since that parcel is located directly across from it.

Zink agreed with Thorne on transitioning the density on parcels 3 and 4. The interpretation from staff is taking what does fit consistently. Staff is focusing only on the aspects that are consistent with the Comp Plan goals and objectives.

Barkeen noted that she could find 20 pages that are consistent and 20 pages that aren't. The ones that are in the staff report are those that apply. Some do not apply.

Goreski felt the density was inappropriate for this area. Why not designate parcels at the densities shown on the LUP. You are intending to have one parcel that is consistent but verbally you've communicated that but have chosen not to put it on the map. Yes you can develop your property but you have to have some consideration of the neighbors. If I were a developer I would want the neighbors to say you did a good job and listened to my concerns.

Banzhaf moved to recommend approval approval of the Bader Farm Annexation application finding that the request is consistent with the annexation criteria of the Colorado Revised Statutes and Town of Berthoud, as identified in the Staff Report and zoning the property to T (Transitional). Second by Bauer. All members voted YES.

Banzhaf moved to recommend approval of the Bader Farm Rezoning, finding that the request is consistent with the criteria for PUD and is consistent with the Comprehensive Plan goals and policies, Land Use Plan, and Best Development Practices as identified in the staff report. Second by Bauer. Banzhaf and Bauer voted YES. Thorne, Zink and Anderson voted NO. Motion failed.

HERON LAKES PDP AND PRELIMINARY PLAT

Thorne introduced this agenda item noting that Hillside Commercial Group is seeking approval of the PDP and preliminary plat, as well as a variance to the street cross section and a waiver to the parkland dedication requirements.

Planner Barkeen addressed the Commission noting that overall this request has details on the single family lots, the golf course, parcels for neighborhood commercial, a hotel, a school site, and open space. The variance to the street questions is somewhat covered in the staff report. The parkland waiver is being requested due to all the open space that is contained in the golf course.

Jim Birdsall, on behalf of the applicant, gave an overview of the amenities being provided including the school site, the clubhouses and the commercial component. Birdsall also informed the commission that the Osprey have nested in their new location.

Birdsall gave a brief overview of the plan, and talked about the waiver which is for streets that are single loaded with parking on one side. There are also boulevard streets with medians to allow golf carts to cross the streets more safely. The unique configurations to the streets are mainly due to the topography.

Chairman Thorne opened the public meeting

Mina Cox – One of the areas that I have a concern about is the road that is now county and is going to be abandoned or become a private road. The road will be utilized by the public and it should be a Berthoud road or a county road.

Liz Kearney – the townhouse areas are right next to homes that are on 5 acre parcels. I have no doubt they will do a nice job with the development, but having higher density next to the lake doesn't make sense. I also like to raise the issue that they got this density because of the open space so they shouldn't get a bye on the park. My biggest concern is that this is deed restricted as open space and golf course so they don't decide later they can make more money on more houses than on golf greens.

Nancy Lamb – because this comes up over and over again, what was originally talked about was the highest density not being against the edge that is county density. The smaller of the lots are backed up against county density. It's the same repeating scenario of moving the density toward the outside.

Chris Bolton – we talked in our preplanning that we should feather the density. We have 20 acres with 5 houses and then you're putting townhouses. We've been there 30 years plus. Does not seem appropriate.

Stephanie Doughty – it's great to have the golf course but I do agree the density increases every time we see this. We rely on you not to make it so crowded that you lose the openness and the view.

Jeff Franks – I encourage the board to make a strong note that you're matching the density to the neighboring property. With the street that would connect to this, what does that do to the implication of coming out of this development? Take the traffic into consideration.

Grace Green – you have all these areas of high density and you already have a problem on CR 17 and you're building all this and high density regions also. Don't see the point of building outside of town. There's no rural. I disagree with you not thinking about the people who were there before. People are important too. Keep that in mind when you're trying to get your revenue.

Karen Machinee – my concern is with road connectivity, and I'm concerned about 10-E and the bridge that goes over the bypass. I believe people who have homes in Heron Lakes and Bader Farm won't go on 287 and CR 17, but will cut through Hwy 56, to CR19 and then 10-E. What will happen as a result is traffic on those roads will increase. I suggest pedestrian and emergency access, but not traffic. Also between the high density and the low should be feathered. There's suppose to be a significant buffer between the density. Also, protecting and not obstructing the views

Steve Rosen – 4616 Mountain Vista Court – I'm concerned about moving a nest. If suggested by the board, what will prevent people from going in there over the time they are not suppose to be. Need a barrier.

David Lamb – feather the density on Kneivel, lose the school decrease the parkland dedication and use it as a negotiation tool to lower density or the narrowing of the roads.

Thorne noted that the commission agrees that these are important issues. We try to balance the right to development and the needs of the neighbors. Thorne pointed out that the ODP has been approved by the board. We recommended lower density, but the board approved the density they are now proposing.

Birdsall addressed the Commission noting that this project has been in front of this town for at least 10 years. There's been a lot of back and forth. We don't ignore the comments, however we have differing goals. We are trying to work with these issues. In regards to the townhomes adjacent to Kearney and Bolton, we like that land use and we like it in that area. We want to have some diversity and we want to market to different price ranges. As was mentioned in some of the earlier presentations, empty nesters are looking for maintenance free lifestyle type homes. The density would be similar even if we put single family homes there, and we would have less open space and more driveway area. We want architecture that is in keeping with the clubhouse. We want to enhance that resort style of living. We did show a 50 ft landscape buffer and then yard, so there would be 70 feet between the building and the properties behind.

We received the density bonus because of the golf course. As far as the waiver for parks and streets – it does benefit us yes, but it would be a disservice to the town to make them responsible for maintaining the parks and the roads. We think it's a reasonable change. Also, transportation links between subdivisions makes sense. Children become friends with children in other neighborhoods and it makes sense for them to be able to get to the neighborhood without having to go out onto a major road.

On moving the nest, that was not asked for by the Town. It was something we pursued. The nest use to be on Knievel property. The herons moved onto the town's pump house, so the Division of Wildlife built a platform right next to the transformer. We

suggested moving the nest. As far as keeping people from there, we can fence it and prevent people from getting there short of swimming. The management plan outlines all of the components of the project including water quality, ecological plan. etc. If there's land access to those areas, it will be fenced off during those times.

Regarding the density on the Knievel property, there were numerous conversations during the ODP process. Our position and the LUP's was that there would be open space and view corridor leaving the southern portion open.

Barkeen reported that staff met with Larimer County Engineering on May 17th regarding LCR 19, and it will remain as is. We typically annex roads adjacent to development, but because of the neighborhood concerns, it was left as is. As far as the connections, those are future connections in case adjacent property develops.

John Seyer, the Town's engineer discussed the LCR 19 cut through issue. It is shown on the Town's master street plan as a collector to CR 14. It is true that people may use it as a connection. He agreed with the developer's traffic engineer that there should be a connection to Bader and they would use that connection to LCR 19. In regards to the variance of street standards, he has not met with Jim, and would like to do that before making a recommendation, but knowing that BFPD has no problem helps my decision. Seyer suggested adding wording that the applicant agrees to work with the Town on the street cross sections to the satisfaction of the town.

Anderson recalled from the ODP meeting that there was agreement from the developer to have the townhomes closer to the clubhouse and the feathering along CR 19 and CR14 was agreed to. This PDP seems to have transferred smaller lots. He further noted that representations by the planning commission were not adequately addressed to the Town Board at that time, and he wrote a letter that was entered into the record.

Bauer agreed that he recalled Birdsall saying there would be feathering along the larger lots.

Birdsall noted that they hadn't proposed townhomes at the ODP stage.

Bauer said it looked like a lot of the density on the Knievel property had been transferred.

Birdsall responded that the density is the same, it's just on less ground. They moved the park into the middle and reduced the size of those lots.

Thorne noted that his concern also is the location of the townhomes, and he would like some discussion of that. Also, he preferred how the density was shown on the Kneivel ODP rather than what is being shown here. He was also concerned that they are requesting a significant variance from parkland and he's not convinced that the golf

course can substitute for children and places to play. In general it is a good plan, and he appreciates the environmental sensitivity.

Zink noted that on May 23rd, the conditions of approval were that neighborhood park would be dedicated consistent with the dedication requirements.

Banzhaf noted that under the PORT plan, the parkland dedication would be based on 696 homes, not on gross acreage. Also, the Town has to maintain those parks in perpetuity, just as they do with the roads. This plan has 7 miles of trails and other amenities that are similar to parks.

Banzhaf pointed out that one of the townhomes is near the clubhouse resort which makes sense, and our comp plan asks for varying housing types and values. For us to throw our whole plan out for 2 or 3 county residents doesn't make sense. Also, the peninsula and management plan have been well addressed.

Goreski said designers and developers need to be careful how they treat the adjoining properties and need to respect the people who live there. Also, if you're not a golfer and you live in this development, you don't want the golf course, you want access to a public park.

Thorne said his only concern with the townhomes is the location. Interior would be fine.

Birdsall asked to think about the open space on the Knievel property, and they will look at other options for the townhomes.

Bauer echoed Thorne that the location is the issue and not the townhomes. He also agreed with Banzhaf that he would rather see the park closer to high density, but had no problem with the amount of parkland.

Thorne suggested that the Commission needs more time to get through this. This item was on the agenda two weeks ago and we asked them to delay. It is now scheduled for the Town Board meeting on August 28th.

After some discussion it was decided to plan a special meeting for Monday, August 13th.

TRANSPORTATION PLAN

Stephanie Brothers, the Town's staff engineer introduced John Seyer, the Town's transportation engineer.

Seyer reported that HDR is excited about updating this plan. The goal tonight is to introduce the project. One of the first tasks will be to meet with staff and DTJ incorporate this with the comp plan.

HDR will do an analysis of the existing conditions, as well as future needs and will collect data from the county, CDOT and so on. There will be public meetings to get feedback. We will be analyzing the needs for automobile traffic only, and will look at roadway

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system needs. One of the critical issues that will be addressed is a traffic impact fee program. We have a road impact fee now, however, we're not recouping any major intersection costs. It is pretty typical that development within proximity of an intersection would participate in those costs.

Seyer went through the report and questions that had been provided to the commission, and after some discussion, John noted that he will be coming back before the commission with updates in the future.

The meeting was adjourned at 11:45 p.m.

Brian Anderson, Secretary

Sue Bowles, Planning Technician