

The Planning and Zoning Commission of the Town of Berthoud met for a regular meeting on December 13, 2007 in the Board Room at Town Hall. Chairman Thorne called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Chairman Chris Thorne
Vice Chairman Jeff Hindman
Scott Banzhaf
Brian Anderson
John Bauer (7:10)
Rural Representative John Goreski

MEMBERS ABSENT: David Mineo
Rob Liebman

STAFF/TOWN Planning Director Robert Anderson
Planner Carlin Barkeen
Planning Technician Sue Bowles
Traffic Consultant John Seyer

CONSENT AGENDA

The consent agenda consists of the minutes of the meeting of September 27, 2007. **Banzhaf moved to approve the minutes of the meeting of September 27, 2007 as presented. Second by Anderson. All members voted YES.**

PRESENTATION BY ATTORNEY FICKEL

Attorney Fickel addressed the issue of "takings", and provided a memo noting the case law of Krupp V. Breckenridge Sanitation District. Fickel noted that "takings" is where municipalities have the highest possibility of getting into legal trouble. There was some discussion of what the Town can and cannot require of a developer.

The commission also discussed the memo that Attorney Fickel had provided answering questions that had been posed by Commissioner Hindman regarding quasi-judicial hearings.

HERITAGE RIDGE – PDP AND PRELIMINARY PLAT

The property is located east of Hillsdale subdivision, south of Spartan Avenue, and west of Burlington Northern Railroad and 1st St.

Planner Barkeen addressed the Commission noting that Jon Turner, the applicant, is presenting two (2) requests before the Planning and Zoning Commission:

1. A preliminary development plan (PDP) for 145.9 acres of a residential neighborhood consisting of 451 dwelling units (gross density of 3.09 dwelling units per acre), a clubhouse, parkland, open space, and detention.
2. A preliminary plat for 145.9 acres for a residential neighborhood consisting of 309 single-family lots and a townhome tract, clubhouse tract, parkland, open space, detention and associated public right-of-way.

Barkeen noted that the property was annexed in 2000, and an ODP with 494 units was approved in October 2006. The PDP is 451 units with 3.09 du per acre, which is consistent with surrounding uses and densities. Barkeen went over the highlights of the Staff Report, and noted that staff recommends approval with the conditions as modified regarding Sage Place.

Jim Birdsall, representing the property owner addressed the commission noting the changes that had been made from the previous Davis Schleiger ODP: the unit count has been reduced by 47 units, they have increased the open space by 16.7 acres, and the clubhouse site is now 2.57 acres. Birdsall noted that the biggest land use change is relocation of the townhomes and an increase in the number of them. He noted that the theme of the subdivision is to go back to the Heritage of Berthoud. The street names have railroad themes, and they would like to move the existing barn from the Schleiger property and tie it into the clubhouse. Birdsall noted that the reason for the cul-de-sacs is to accommodate the slope of the site, and further discussed the intersections, pedestrian access at Sage Place rather than a street connection, a possible street connection at 3rd Street, and the extension of Spartan Avenue to 1st Street. Birdsall explained that the developer will need the Town's assistance in acquiring the ROW, and the developer would be responsible for construction of Spartan, including the new railroad crossing.

Chairman Thorne opened the public meeting.

Dan Riffell - 739 Sage Place said he believes the plan they have is sound if the connection at Sage Place remains a walkway. It appears there are some problems with LUCASS standards, a dicey jog in the road, and increased traffic flow. Riffell noted that he understands the concern mostly with fire and police access, but living there and knowing the lay of the land, it seems like the walkway makes the most sense.

David VanMeter – 201 S 1st asked about the future development on Nebraska, and whether it will go through to county line road. I believe they could use the wastewater treatment plant site to tie into 1st Street. There have been neighbors concerned about the additional traffic, the train noise and whistle. VanMeter asked whether the extension of 3rd Street would take enough of the burden off to keep from having to put Spartan through.

In response to the comments, Birdsall said that on the 3rd Street extension, they were not being asked to extend 3rd St., only to evaluate whether it could be extended. We've been directed by staff to look at this extension, and then to connect with Nebraska which would eventually go to County Line Road. The next step is to acquire the ROW.

Barkeen noted that staff and the developer did look at the WWTP area first, but due to the slope, the visibility would be an issue. There is a huge slope and a number of land use issues in that area.

After significant discussion, **Hindman moved to recommend approval of the Heritage Ridge PDP with the condition that the Sage Place connection be designed to provide pedestrian access, and if required by BFPD, emergency access, and that staff look into an additional pedestrian connection to the north in the Hillsdale Subdivision, and finding that the request is consistent with the criteria for a PUD and PDP, as stated in the Staff Report and is consistent with the**

Comprehensive Plan and goals and objectives, and the Town's Land Use Plan. Second by Thorne. All members voted YES.

Hindman moved to recommend approval of the Heritage Ridge Preliminary Plat with the same conditions noted for the PDP, and finding that the request is consistent with the criteria for a preliminary plat as stated in the Staff Report and is consistent with the Comprehensive Plan and goals and objectives, and the Town's Land Use. Second by Banzhaf. All members voted YES.

STAFF REPORTS

Planning Director Anderson gave the following reports:

Monte Jordan submitted his resignation, and Rob Liebman, who had been interviewed at the same time as Monte was appointed to the Commission by the Town Board at its meeting Tuesday night.

The residential architectural standards will go to board in January, along with the non-residential architectural standards which due to an oversight, were never formally adopted by the Town Board.

Due to budget constraints the Town will be ceasing the use of McCool Development Solutions as its planning consultant.

Regarding the "pro and con" report for development projects that was suggested by the Town Attorney, staff will not do that. Staff reports will list where it complies and where it does not comply with the code.

Planning Staff will provide updated copies of the Development Code and copies of the 2007 Comp Plan sometime in January.

Meeting adjourned at 9:25 p.m.

Brian Anderson, Secretary

Sue Bowles, Planning Technician