

TOWN OF BERTHOUD  
PLANNING & ZONING COMMISSION  
SPECIAL MEETING  
MARCH 29, 2007  
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The Planning and Zoning Commission of the Town of Berthoud met for a special meeting on Thursday March 29, 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  
Ben Zink  
Brian Anderson  
Jeff Hindman  
John Bauer  
Rural Representative John Goreski

MEMBERS ABSENT: Stelios Androulidakis  
John Bauer

STAFF/TOWN Planning Director Robert Anderson  
Planning Technician Sue Bowles

CONSULTANTS:

**CONSENT AGENDA**

There were no items on the consent agenda.

**WAGGENER FARM 1<sup>ST</sup> MINOR SUBDIVISION**

Thorne reintroduced this item which had been continued from the last meeting.

Planning Director Anderson explained that the intention of the subdivision is to create a 15+ acre lot that will be sold to the school district. At the last meeting, the Commission asked for further information from either the Town Administrator, or the Town Attorney. Neither of them could attend tonight's meeting, however, they have provided the deed restrictions on the property. Anderson read the relevant restrictions to the Commission, noting that these restrictions apply to the school district as well as to the Town, and any other future owners.

Anderson noted that according to Terry Schuler with the Thompson School District, it is not the intention of the District to put lights on the ball fields, and they do not plan to hold night games.

Chairman Thorne opened the hearing for public comment.

Leroy Gustafson – 835 10<sup>th</sup> Street expressed his concern about the way the property is being divided, and would like to see a buffer between the school property and the adjoining residences. The way it is right now, they could put basketball courts right up to the back of the property. Do they really need 15 acres? Once the Town gives that up, they can't get it back. Purchasing the property was good foresight, but should they be selling that much? The Town should find out what the plan is first.

Flossie Barrowman – 1000 Lake Avenue – noted that hers is the last house before the school area. Looking at my place, there is a tiny square and then it extends all the way to the north. Does this

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mean we're losing footage from the west side of our lots? Are there parking areas planned along Lake Avenue? Hopefully there won't be buildings.

Norma Banzhaf – 915 10<sup>th</sup> – said the Parks and Open Space Board is concerned that they are developing right along the adjoining properties. The active areas should be from County Road 17 with the inactive areas along the houses. Also, the POSB wants to see the Town combine with the school for activities.

Gustafson agreed with Norma Banzhaf. LCR 17 is a commercial street. This area is too random.

Lynn Carr noted that although she doesn't live here, her interest is her mother (Flossie Barrowman). It appears there will be a lot of use by children and irresponsible adults. What about bathrooms? Having viewed what happens at Turner Middle School, I understand there are needs. Expanding from the school, what is their plan for taking care of Mother Nature?

There being no further public comment, the item was brought back to the Commission for discussion.

Anderson explained that the neighbors will not be losing any land. Parking has been discussed with the school district and they propose to use what they already have, but agreed to construct additional spaces adjacent to the current site if necessary. They are replacing the existing field due to drainage problems, and this is an expansion of the school field. The Town does plan to have its facilities adjacent to the school fields. In regards to moving the site along LCR 17, the school district doesn't want to transport students next to an arterial street. The deed restrictions are very specific. As far as public facilities, they will most likely need to have bathrooms, and the Town will need to have those when the community park develops. The location is where it is because it is adjacent to the school, and because they had to go around Waggener's sister's property.

Thorne reiterated that the deed restrictions exist on the property and go with the land. School district conveyance to someone else will still keep those restrictions on the land no matter who owns it.

Commissioner Banzhaf noted his concern with the size and shape of the parcel as well as there being no connectivity to LCR 17.

Anderson explained that the layout is to protect viewscales for Waggener's sister's property. The size is necessary to replace the track, as well as to allow for a soccer field and baseball diamonds.

In response to Thorne's question whether discussion about this transaction was an integral part of the contract with Waggener and important for the financing of the land for the community park, Anderson said yes.

Banzhaf noted that the school district is not bringing the uses that the POSB have asked for. This brings conflict. When we have basketball courts off of CR 17, lighting isn't as big of a problem, and we end up with a complex that is a revenue generator.

Anderson noted that the rationale for keeping it short on the east west access is that middle school students cannot traverse ¼ mile to CR 17. That stretches it out too far and doesn't allow access. The southern portion of the property is passive and the northern portion is active. That's the restraints they have.

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Hindman said we need to play the hand we're dealt. We have the seven (7) criteria. We can apply conditions, such as buffering between the residences, but we can't redraw the lines on the map. We either vote yes or we vote no.

Goreski agreed with Hindman. Provide some means of a buffer and whatever activities are designed by the school.

Thorne agreed that a condition be closely coordinated with town staff. Perhaps it's not ideal, and it would be nice to be in on the master planning effort, but this was the way the Town could acquire the property, and it is a benefit to the community.

Zink agreed that it is a benefit in the end, and how we get there is it's a blank slate now. I'm not comfortable if we're going to try to master plan it with buffers and so on. That will rely on staff. Do we put broad language that they work with staff on coordinating this plan? The school district is an entity to itself.

Anderson noted that schools generally are good neighbors and cooperative with the community, but pointed out that the Town has no construction or zoning authority. When push comes to shove, it's their property subject to the deed restrictions.

Goreski asked the public what level of school activity there is now, and what the impacts are.

Gustafson said currently there's not a lot of impact. One concern he has is Saturday morning games at 7:00 a.m. He can see the potential of football games, basketball games etc. The setup now is great because the traffic is kept on the west side.

Hindman asked staff whether the three conditions that had been discussed were reasonable and appropriate. Anderson said yes, and that staff would support all three conditions.

**Hindman moved to approve the Waggener Farm 1<sup>st</sup> Subdivision with Staff's condition that all technical comments be addressed, and with the additional conditions that an adequate buffer be provided between active uses and the existing residences, that the school district allow for pedestrian and bike access from Lake Avenue to the Town's recreation center area, and with the recommendation that the school district coordinate the design and uses with town staff, the Planning and Zoning Commission and the Parks and Open Space Board to the maximum extent possible. Second by Thorne.**

**All members voted YES.**

There was some discussion that the school district, along with the Town, are interested in a non-pot water system sometime in the future but there is not enough storage capacity at this point.

**STAFF REPORTS**

Anderson reported that Stelios Androulidakis had resigned from the Commission, and staff will begin the process for filling the vacancy.

Meeting adjourned at 8:02 p.m.

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Brian Anderson, Secretary

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Sue Bowles, Planning Technician