

The Planning and Zoning Commission of the Town of Berthoud met for a regular meeting on September 27, 2007 in the Board Room at Town Hall. Chairman Thorne called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Chairman Chris Thorne
Vice Chairman Scott Banzhaf (7:13)
Brian Anderson
Jeff Hindman
Monte Jordan
David Mineo
Rural Representative John Goreski

MEMBERS ABSENT: John Bauer

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

CONSENT AGENDA

The consent agenda consists of the minutes of the meeting of September 13, 2007.

Monte Jordan noted that he was listed as having voted on the consent agenda, but he had abstained.

Hindman noted that his motion regarding Berthoud Hollow PDP 1st Filing was that the applicant works with Town staff in pursuing possible better street connections to the “west from the southwest corner of the property”.

Jordan moved to approve the minutes of the meeting of September 13, 2007 with the noted corrections. Second by Hindman. All members voted YES with exception of Mineo, who abstained.

Thorne changed the order of the agenda, explaining to the commission that a significant portion of the Berthoud Industrial Park application is for the Berthoud Gun Club, and since he is a member of the gun club, his participation may be inappropriately perceived, and he therefore recused himself and moved that item to the end of the agenda.

PUBLIC MEETING - COOPER PROPERTY ANNEXATION REZONING AND ODP

Thorne introduced this agenda item noting that the applicant is requesting approval of the annexation, rezoning, and an ODP for the Cooper property located north and south of the 287 Parkway, east of LCR 17 and west of the Burlington Northern Railroad.

Planner Barkeen went over the highlights of the staff report, noting that the applicant is requesting approval of an annexation encompassing approximately 225 acres with an

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initial land use classification of T (Transitional) zoning district; rezoning of approximately 190.5 acres from Larimer County FA1 (Farming) zoning district to Town of Berthoud PUD (Planned Unit Development) zoning district; and the ODP consisting of approximately 190.5 acres for a mix of commercial and residential uses, park, open space, and other recreational amenities with a maximum number of 968 dwelling units (5.08 du/ac) and 270,000 s.f. of commercial.

In going over the land designations for the property, there are 3 noted on the Land Use Plan (LUP): Low Density Residential of 1-2 d.u. per acre; Moderate Density Residential of 2-6 d.u. per acre; and High Density Residential/Mixed Use. Barkeen reported that a neighborhood meeting was held on Sept 5th, with 14 residents in attendance. The main issues cited were the current drainage problem in that area, and the existing and future traffic on CR 17 and how it would be improved.

Barkeen noted that the Goals and Objectives of the 2007 Comprehensive Plan were included in the packets, and that staff recommends approval and has no conditions.

Scott Sarbaugh, owner & partner of the project briefly highlighted how this plan was arrived at, noting that the plan they're submitting for ODP is derived from the comprehensive plan and LUP. Sarbaugh went through the land use designations, and further noted that they are committing to clustering to meet the separator of 67% left as open space. The highway buffer zone has been addressed and they are not requesting a variance for the 900 ft buffer, but are asking for the sawtooth approach and have a list of exemptions within the buffer including a recreation center, school, park and ride, and commercial.

David Blake with Calthorpe Associates, gave a power point presentation representing built communities that are not only high density mixed use, but show the livability of this type of project.

Thorne opened the public meeting.

Sharon Dugan – they are proposing to take away what we've had for a long time. 3 or 4 story building will be in our line of site. The old Highway 287 was made into residential use. That is empty. How are they going to pay for it, and how long is it going to take. Is it going to be a dust bowl for 10 years?

There being no one else wishing to speak, the matter was brought back to the commission for questions and discussions.

Thorne asked the applicant to respond to the comment from Sharon.

Sarbaugh noted that they are sensitive to the issues of view corridors, and clustering will allow us to keep those. This will be a phased project based on economic viability which has been a problem in Berthoud. We're addressing this with the diversity of housing so that we are in every market.

There was discussion that the applicant will cooperate with the Bader property regarding road alignment.

In response to a question concerning No. 4, Page 6 of the ODP narrative that says *Residential units may be transferred between land uses so long as the maximum number of residential units approved for the overall development is not exceeded. Final land use densities shall be determined during the PDP/FDP process*, Sarbaugh clarified that at PDP we'll work together on the densities. What we're committing to may not be in the best interest of either us, or the Town.

There was some discussion on the pedestrian friendliness of roundabouts. Mr. Blake said pedestrian crosswalks need to be located some distance from the roundabout, but noted that roundabouts do slow traffic down.

In the general notes and standards page 6, No. 5 – Thorne suggested the language be changed from “This buffer may be adjusted during the PDP/FDP process” to “the applicant may request that the buffer be adjusted during the PDP/FDP process” , and on page 6, No. 4, Thorne suggested the language be changed from “Residential units may be transferred” to “The applicant may propose transfer of units”, and then the rest of the sentence as written.

The commission discussed whether there should be any development at all on the south portion since there are high water levels in that area, and with the proximity to the Town's water supply. It should at the very least be limited to offices or other uses that won't have a detrimental effect.

Sarbaugh explained that some of the goals in the comprehensive plan are economic driven. This is a major intersection. You have a lot of traffic coming there with a “right in”. Once they enter onto 287 you've missed the opportunity for sales tax dollars. We are looking at 10,000 sq. ft. retail, possibly a gas station. This would be a good location for it, and we would of course have to meet water quality guidelines.

There was some discussion that this corner is one of the only two out of four corners that has “right in” access right at the corner.

The Power Point presentation showed character and style similar to the Stapleton development. In response to the question whether that is what the applicant has in mind, Sarbaugh acknowledged that the Town has put architectural standards in place and they will adhere to them, but yes, the styles shown are very representative examples of what they'd like to bring forward.

There was some discussion of the diversity shown in the project, such as shared equestrian features, and lofts above retail.

Hindman commended Sarbaugh and Blake for a plan that does capture Berthoud's code and architectural guidelines, noting that the LUP conceded the economic realities of this intersection even though it is in the separator area. His two concerns are that the low density residential border to the north should move south to align more closely to the

LUP, and the 10,000 s.f. commercial pad proposed on the south side. The LUP with an open space strip planned on the south side was reacting to the reality that it really is a detention area. The transfer of density of residential is fine, but there are more negatives for the Town to have commercial on the south in terms of economic development.

Anderson agreed that to include that transfer is a reasonable tradeoff to not have commercial on the south side.

Thorne agreed, noting that it would be difficult for him to approve commercial on that south corner.

Planning Director Anderson noted that this should be included in the motion and the vote since the majority vote is passed forward and not individual comment.

Banzhaf suggested that rather than a blanket statement that no development be allowed on the south side, the concerns be addressed with the caveat that we are cautious of design and usage on that corner, and want a nice low profile use, such as a child care center done in a residential character.

Jordan agreed with Banzhaf noting that the applicant will have to come back at PDP. The applicant is now sensitized to our concerns. See what they come back with.

Hindman stated that the reality of the process is it is very difficult to take away something in the future. They could come back later with a proposal for this area. We gave up this entire property which was in our separator area. We have quintupled the allowable use on this property and we don't need to go further. What's north of the highway is enough. The county allowed some urban level density housing in this area which is the only area where the Town can preserve a buffer. I would rather indicate our preference as undeveloped as shown in the LUP (LUP). I empathize with the property owner but the Town didn't create this southern area, CDOT did.

Goreski agreed with Hindman further noting that the high density area seems to be creeping north. They need to be sensitive to the existing residents. He agreed that the south side should remain undeveloped.

There was some discussion on how far north the boundary starts for low density residential.

Hindman moved to recommend approval of the Cooper Annexation, initially zoning the property T-Transitional, finding that the request is consistent with the C.R.S. and Town of Berthoud's criteria for annexation. Second by Jordan. All members voted YES.

Hindman moved to recommend approval of the Cooper Property rezoning from T to PUD, finding that the request is consistent with the Town's criteria for PUD zoning. Second by Anderson. All members voted YES.

Hindman moved to recommend approval of the Cooper Property ODP with the condition that the low density residential area be extended south to align with the Town's Land Use Plan, and with the recommendation that the area south of the 287 Parkway be undeveloped, and finding that the request is consistent with the Comprehensive Plan goals and policies, Land Use Plan, and Best Development Practices as identified in the staff report. Second by Anderson.

Banzhaf commented that the LUP is a high altitude plan, and is not a measurable line. It is meant to be broad stroke. This ODP is trying to create a sustainable community.

There was some debate on where the line is for the change in land use designation from low density to medium density. Director Anderson recalled that at one point during the LUP process, they did discuss 1200 feet from the bypass at Sarbaugh's request.

Thorne thought that although there was a request from Sarbaugh, they had reached a compromise.

Mineo, Hindman, Banzhaf, Anderson and Thorne voted YES. Jordan voted NO.

APPOINT VICE-CHAIRMAN

Director Anderson reported that with the reappointment of Commissioner Banzhaf, there is an opening for Vice-Chairman.

Commissioner Anderson nominated Jeff Hindman.

Jeff Hindman nominated Brian Anderson.

Votes were taken, and Jeff Hindman was appointed as Vice-Chairman

Chairman Thorne expressed his appreciation to Banzhaf for his time serving as Vice-Chairman.

Thorne then recused himself from the meeting regarding the Berthoud Industrial Park Amended ODP. Vice-Chairman Hindman took the chair.

PUBLIC MEETING - BERTHOUD INDUSTRIAL PARK AMENDED ODP

Planner Barkeen gave the history of this property located east of CR 1, south of Hwy 56, which was previously approved for 20 acres of commercial and 205 single family dwelling units.

The proposal currently before the Commission is to amend the residential portion of the ODP to light industrial, and to allow an expansion of the Berthoud Gun Club. Barkeen noted that the gun club was established in 1952, and has recently received approval of a USR (use by special review) from Weld County to allow the use to continue for another 10 years, at which time it will be reviewed again. Barkeen reported that if the Planning Commission chooses to incorporate the shooting range use, there are a number of

things that would have to occur including amending the LUP, and amending the municipal code to allow discharge of firearms within Town limits. Currently there is a Town owned piece that has been annexed and allows the discharge of firearms for the purpose of law enforcement training.

In staff's opinion, the proposal does not conform to the 2007 LUP. The light industrial component could be a good use due to the proximity of the transfer station, wastewater treatment plant, and the existing gun club, however, staff has a concern that a change to the ODP to light industrial could trigger a change to the O'Malley Glen property. Also, in staff's opinion, a shooting range is not an appropriate urban use.

Jim Birdsall addressed the Commission, admitting that they're bringing a tough one to the Commission. Birdsall reported that they put the property under contract 2 years ago with the intention of following the original ODP with 205 single family dwelling. As they got into doing due diligence, they started looking around at the surrounding uses; the existing gun club, the Police Department shooting range, the transfer station, the dairy, cemetery, and wastewater treatment plant. It felt like putting a square peg in a round hole. They had been working on ways to make the existing gun club more viable long term. By doing residential we would be providing 205 neighbors who would not like the gun club.

There are really two questions; is light industrial a compatible use? We think so. We look at it as primary employment. 2nd street is the only place that currently has the types of uses we foresee on this property. The LUP shows 2nd street as a transit station village. We need to provide employment areas. We like this area because of the transportation link of County Line Road from Longmont to Loveland. There's the possibility of O'Malley Glen coming forward with some light industrial. By placing it in this area, we could be diverting traffic out to I-25 and along CR 1. We understand there are neighborhood issues. This is an idea worthy of pursuing, but we are not under contract with the gun club. As a group, the gun club members are good community people. They are looking at how to make this a professional facility. It's a tough land use, and we understand that, but we feel it is worthy of discussion.

Vice-Chairman Hindman opened the public meeting.

Larry Bebo – I live all around the gun club. I had to search long and hard to find the best place to build my house. You have to travel past the gun club, past the transfer station, past the wastewater treatment plant. I like the gun club. The idea of building houses next door just doesn't make sense. The industrial park doesn't work there either. I don't mind the gun club as it is now, especially since they've scaled back their hours. But if you approve this, you're getting rid of the houses.

Dan Hooker – Lives directly north of Bebo's and is a friend of the gun club. I'm in Weld County. The industrial should be out at the highway at I-25. The gun club has done a good job of noise abatement. It is properly sized. They could increase activity as far as I'm concerned. I have a bigger problem with the wastewater treatment plant. I would like them to go back to the beginning and make this a retirement community. It was well

designed but did not come to fruition. It has evolved. Deny this plat revision and ask that it remain as it was.

Farron Stroh – I'm not an anti-gun club guy. I use to go there as a kid. The only thing that is a concern is if you have a school site and homes, and with the school and gun use that has been a problem, they don't mesh. It's not a logical thing. I also wonder about the industrial part. When you have guns and business it doesn't seem like a good mix. Odd use with all that mixed together. School, guns, business and traffic just doesn't make sense from a safety issue. Not logical.

Richard Green – owner of the property addressed the Commission. I have owned this property for 30 years. The gun club when we bought the land, it went into remission. They've done stuff without building permits and without the knowledge of Weld County. We could not build the homes we had envisioned with the noise and safety issue. My soil was tested and found out we'd have to take 30,000 sq. ft. of soil out to get rid of the lead. I hope for approval of the industrial because I can't find anything else to do with it.

There being no one else wishing to speak, the matter was brought back to the commission for discussion.

When asked about the type of industrial he was talking about, Birdsall said he envisioned a mix of light enclosed industrial such as manufacturing, contractor offices, commercial storage, a corporate campus with primary employment. Any equipment would have to be screened and landscaped. Outdoor storage and metal buildings would not be allowed. There would be defined parking areas and so on. Also, in response to comments of the industrial conflict, he agreed that while heavy industrial is not compatible, the light industrial is very compatible. These types of uses are generally active when people aren't home. He agreed with the comments regarding the gun club. It is a tough land use, however there are state and federal regulations regarding buffering, hours, lighting, etc. We just wanted to ask the question before we get into the details.

When the suggestion was made to shift the gun club further from CR 1, Birdsall said they are open to that idea.

There was significant discussion and debate about both the light industrial use and the expansion of the gun club. Banzhaf pointed out that one of the Commission's exercises in creating the LUP was to delineate some areas with unique attributes. This kind of recreation has been done away with in a lot of other areas. Berthoud is a rural community with agricultural uses, but I don't know if expanding the use in this location is a good idea. The light industrial as proposed is great. They can use landscape treatments and so on to improve the area, and it will expand the tax base and job opportunities, but I'm struggling with the gun club use there. I'm not sold that that location with all those potential conflicts is the best.

Hindman shared Banzhaf's concern. There are projects we look at that are close to our plan. In this case we would have to amend the LUP before it even has a chance to work. We've got areas in our LUP for this type of light industrial use, but this isn't one of

them. Hindman further noted he is not against the gun club. The first use and the properties that develop are not to infringe. He supports accommodating its continued operation but not expanding it.

Mineo agreed with Banzhaf that we need something like this and the best use would be to have industrial around it. There aren't any other uses that fit next to it.

Banzhaf moved to recommend approval to amend the Green Acres ODP zoning from PUD Residential to PUD Light Industrial for the 106.54 acres. Jordan second.

Banzhaf clarified that the entire property including the proposed gun club area would be zoned for light industrial but would not allow the gun club use.

Hindman said he does not support light industrial in this area. We just did a LUP and this area is identified as medium density residential. Hindman felt the existing gun club could be compatible with the seven acre buffer between the gun club and the houses as shown on the original ODP.

Banzhaf pointed out that we also need jobs.

Goreski noted that the original town site of Berthoud can't be everything to everybody. The appropriate place for industrial is I-25. We cannot accommodate all uses in the Town

Hindman, Anderson and Mineo voted NO. Jordan and Banzhaf voted YES.

Hindman moved to recommend denial of the PUD and ODP amendment for Green Acres with the finding that it is not compatible with the Town's Land Use Plan. Second by Anderson. Jordan, Mineo, Hindman and Anderson voted YES. Banzhaf voted NO.

Meeting adjourned at 9:55 p.m.

Brian Anderson, Secretary

Sue Bowles, Planning Technician