

Planning Commission Minutes July 23, 2020.

1. Call to Order- The Planning Commission convened a regular meeting on July 23, 2020. Chairman Dowker called the meeting to order at 6:05 p.m.

2. Roll Call- Members present: Jan Dowker Chairman, Jeff Butler Vice Chair, Sean Murphy, Patrick Dillon, Matt Rood, and Danielle Trotta.

Members absent: Kelsey Byron.

Staff present: Curt Freese and Adam Olinger.

3. Consent Agenda- Minutes from the June 11th, 2020 Planning Commission Meeting. Motion to approve made by Commissioner Dillon. Seconded by Commissioner Trotta. With all in favor, THE MOTION CARRIED.

4. Public Hearing: FTC Truck Stop/Verizon, Charmaine Dregalla Agent-

Planner Olinger introduced the project as a stealth telecommunications tower located east of I-25 on WCR 44 near the water treatment plant.

Ms. Charmaine Dregalla then showed maps showcasing the range of wireless service now, and the range of service should this project be approved and constructed.

Public comment period was opened at 6:18 p.m.

Mr. Rodney Rutt of 4521 WCR 44 brought up the nine questions he submitted during the original public comment period in February and wanted to make sure his questions were taken into account.

Public comment period was closed at 6:20 p.m.

Planner Olinger read the other letter submitted during public comment from the people working on the project at Wilson Ranch. The letter asked if any other locations in the area were taken into account, if there were any photos or 3D images of similar structures, and wanted to be sure a 70 ft tall structure would fit into the landscape.

Ms. Dregalla explained that the location was selected because it was deemed the best fit based on the location to other nearby towers. She then showed images of stealth towers disguised as silos

Commissioner Trotta commented that she thinks that a telecommunications tower is much needed for that location, especially as Wilson Ranch begins to develop, and that she also thinks a silo will blend in well to the current landscape.

Commissioner Dillon echoed one of the questions on Mr. Rutt's list about whether or not this project would have any effect on wildlife. Ms. Dregalla said that there is not much current wildlife in the area, and that the tower will emit very little sound or emissions due to its large height.

MOTION by Commissioner Dillon to approve the Truck Stop Telecommunications Tower Use by Special Review request.

Seconded by Commissioner Trotta.

With all in favor THE MOTION CARRIED

5. Public Hearing: Mike Marshall, Variance for a Non-conforming Building, 809 1st St-

Planner Freese introduced the project as an expansion on an existing industrial building with a residential building on the same lot. Because the lot is zoned M-1, a variance is required to maintain the residential use on the lot with the condition that the industrial building be only for personal use. Planner Freese also gave other options, including one to lease the existing house as an office instead of an residence, and one for a subdivision and rezoning of the properties.

Mr. Mike Marshall explained that he used to live in the house but now rents it out and uses the garage in the back for storage for his personal items.

Public comment was opened and closed at 6:51 p.m.

Commissioner Murphy agrees with the stipulation that the storage build stays as personal use and that this is the best option available.

Commissioner Dillon feels that the property should be zoned R1, especially since the garage would be for personal use

Planner Freese explained that the property would be used by two different people, and an R1 zoning there would possibly create a case of spot zoning

Commissioner Butler asked for clarification about the business Mr. Marshall operated out of the garage. Noted that Google has “MJM Marketing” listed at that address

Mr. Marshall explained that he is a “manufacturer rep” and helps sell robots in the area. Has been conducting it for 30 years, 20 at the property. No customers come to the site, and only he and a couple of employees use the space.

Planner Freese wanted to clarify that only personal storage would be taking place at the site.

Mr. Marshall stated that he retired from the robotics company and that only his RV and other personal items are in the garage now.

Mr. Marshall also mentioned that there is a 700 sqft office in the garage, and would like to keep the ability to rent that out for commercial purposes in the future if he chooses

Commissioner Butler asked where the office was in the structure, and Mr. Marshall stated that the door was on the southern end of the east wall.

Commissioner Butler emphasized with the historic uses of the building, but feels that the looking into the future, the best solution would be to subdivide the property in two.

Planner Freese stated that another option would be to have the house be treated as an office space and no longer a residence.

Commissioner Dowker pointed out that the property is in a great industrial location, and feels that it will be a loss for Mr. Marshall if he is no longer allowed to rent out the office

Planner Freese clarified that the property itself was grandfathered in as is, and that the only reason the meeting has arisen is because he wants to add on to his garage.

Commissioner Dowker asked about whether Mr. Marshall would be able to split the property into two lots, and Freese answered that he could, but it might create a spot zoning case.

Mr. Marshall wanted to know that, should he subdivide into two lots, if he could widen the driveway. Freese answered that he was not sure and he would have to check with the Town Engineer.

Planner Freese and Mr. Marshall both pointed out that the home is historic and was build over 100 years ago.

Commissioner Dowker recommended using the age of the home as a positive should the applicant subdivide and rezone as R1.

The commissioners seemed to be in agreement that it would be best for the applicant to withdraw request for variance, and instead separate the house from the garage into two lots with the garage to be zoned for industrial and have the house as either a residence or an office.

Mr. Marshall decided to withdraw his application, and a decision was not required.

6. Public Hearing: Berthoud Tech Center Preliminary Plat, Brian Shear agent-

Planner Freese introduced the project as a preliminary plat request to create 10 various sized industrial lots on a property on WCR 7 south of Hwy 56, where BioChar is currently located.

Mr. Shear explained that the Waste-Not recycling project was approved by the Planning Commission as a conditional use back in 2018, and now the subdivision as a whole is applying for Preliminary Plat, Final Plat, and Site Plan. The applicant pointed out that they have taken care of previous issues regarding easements and are in close discussions with the property owners to the north to resolve their final issue

Public hearing opened and closed at 7:34 p.m.

Commissioner Murphy thanked the applicant for bringing infrastructure out to the properties, and wanted to know if there was a reason for the different sizes of lots.

Mr. Shear explained that they had discussions about sizes and decided that it was best to have a wide variety of lot sizes for different uses and to handle drainage easier, while also allowing for adjustments or minor subdivisions to take place in the future.

Mr. Todd Loose echoed Mr. Shear's point, and also explained his excitement to hopefully come into the town and bring in a development that he feels is attractive and is proud of. He spoke that the heavy

industry was intentionally located in the back end of the property, and his plans are to have more attractive industrial buildings located near the industrial park's entrance.

Commissioner Butler complimented the project, and asked Freese that the current CR 7 would be adequate for this expansion and will have minimal impacts to Serenity Ridge to the north.

Planner Freese stated that CR 7 was repaved recently and that there aren't very many uses on that road as is.

Commissioner Butler also asked if Serenity Ridge was outside of the notice area, and if there were any public comments made about the project. Planner Freese confirmed that Serenity Ridge was outside of the notice area and that there were only three unique property owners within the notice area.

Commissioner Dowker wanted to make sure that if any other projects were created along County Road 7 that they would be responsible for improvements. Planner Freese confirmed, and stated that it was doubtful very much development would occur due to the agricultural nature of the area.

MOTION made by Commissioner Dillon to recommend approval of the Berthoud Tech Center Preliminary Plat.

Seconded by Commissioner Murphy.

With all in favor, THE MOTION CARRIED.

7. Public Hearing: Prairiestar 5th Filing Final Development Plan and Preliminary Plat, Scott Sarbaugh agent-

Planner Freese introduced the project as a Final Development Plan update and a preliminary plat on the southern and eastern edges of the Prairiestar subdivision.

Mr. Sarbaugh wanted to clarify that there would be 141 total residential lots, plus approximately 100 mixed use lots in the Village Center, with the total number subject to site plan review. Mr. Sarbaugh then showed a video showing renderings of the Village Center and asked that Lot 10 remain as shown in the plat.

Public Comment was opened at 8:23 p.m.

Anton Camarota of 41 Country Rd asked the Town to do more research about the impacts of train derailments, especially in the case of gas powered homes. Mr. Camarota also questioned the logic of placing large houses abutting a railroad track. Mr. Camarota then suggested that there could be a buffer zone similar to the highway or a wall between the railroad track and the homes

Marilyn Turner of 894 Prairiestar Dr voiced her concerns with the heights of the buildings blocking the mountain views of current residents in blocks 40 and 41. Ms. Turner then asked for the Commission to consider limiting the heights of the townhomes and buildings to 25ft instead of 40ft.

Public comment closed at 8:27 p.m.

Planner Freese explained that the railroad track is likely another 20-50ft further from the property line than the 100ft buffer shows. Freese also noted that there are homes permitted near the railroad in Old Town and in Heritage Ridge, the latter which has homes abutting the railroad still selling for \$500,000-\$600,000.

Mr. Sarbaugh stated that the railroad right of way is a total of 200ft in width, and Prairiestar has additional buffering on top of that. Mr. Sarbaugh also noted the high improbability that a train derailment would coincide with a passing pedestrian on the trail network. Mr. Sarbaugh then noted that the height is listed at two stories and 40ft in lots 40 and 41 because they are looking into live work buildings with up to a 12ft high floor plate, and he is not comfortable limiting the heights until they know for sure what kind of buildings will be going in.

Mr. Richard McCabe agreed with Mr. Sarbaugh and stated that everything would be vetted in detail at the site review process.

Commissioner Dillon expressed his excitement over the full proposal and commended the applicants for presenting their project in a way that made him excited for the future of Berthoud.

Commissioner Rood agreed with Commissioner Dillon and expressed his excitement over the additional multi-family units and commercial space being brought to the Town.

Commissioner Dowker asked for more clarification on the controversy over Lot 10, Block 24.

Planner Freese explained that the traffic flow would orient directly towards a house, and that staff was concerned about headlights from a very busy street shining directly towards that individual lot.

Mr. Sarbaugh explained that his engineer determined that the street is long enough and curved enough at the bend that the lot should not have any issues with headlights. Scott also mentioned that there are other indications of this phenomena occurring elsewhere in the development, and has heard no complaints from residents or builders.

Commissioner Dowker agreed with Scott and thought that the developer and builder would have the biggest issues with the lot, and seeing that they had no issues figured the lot was OK.

Commissioner Dillon asked if there could be a separate vote on the condition, but Planner Freese explained that it all needed to be one vote.

Commissioner Butler agreed with Dowker, and mentioned that most of the traffic would dissipate before it became close enough to impact the lot. Commissioner Butler also noted that the house would likely be 6-8ft above the grade, so headlights would likely be even less of an issue. Commissioner Butler then floated the idea of stipulating that there be a swing in garage, but did not feel it was necessary.

Commissioner Butler then asked for clarity from Planner Freese about the 40ft stipulation. Planner Freese explained that the Board did not agree with the Planning Commission's recommendation about the 40ft lots.

Commissioner Butler then asked if there were no longer any two car garages allowed on 40ft lots, to which Planner Freese replied that, because Prairiestar is a PUD, they can explicitly state items to keep them from following code REVISE PLEASE

Commissioner Butler then inquired about buffering or fencing of the trail in the southeast to keep pedestrians/children from wandering onto the train tracks.

Mr. Sarbaugh stated that both Burlington Northern and CDOT currently have fencing along their right of ways, and that homeowners will likely-but not be required to-install fencing in their backyards, with all fencing being subject to the Prairiestar fencing requirements. Scott does not feel that any additional fencing would be required.

Commissioner Butler then voiced his excitement to see the final stages of the project come together and commends the developer on the variety of housing available. Commissioner Butler also wanted to recommend ignoring the condition on Lot 10.

Commissioner Murphy motioned to recommend approval of the Prairiestar 5th Filing Amended Final Development Plan and Preliminary Plat with the following conditions:

- **Lots 12 and 19 in block 34, and lots 1 and 8 in block 37 must place their driveways at the furthest point from the roadway as possible to meet LCUASS standards.**
- **The shared entrance off Urban Place for the commercial/mixed use building and the apartments in block 41 must be revised.**

Seconded by Commissioner Rood.

With all in favor, THE MOTION CARRIED

8. Reports -

Commissioner Dowker wanted to ensure that any future Planning Commission meetings would stay secure during more controversial meetings. Planner Olinger stated that he will be in full control of the screen sharing during controversial meetings and that he will be keeping a close eye on any inappropriate or vulgar behavior.

9. Adjourn -

**Motion to adjourn made by Commissioner Trotta
Seconded by Commissioner Murphy.**

The meeting was adjourned at 9:08 p.m.