

1. **Call to Order** – The Planning Commission convened a regular meeting on August 8, 2019. Chairman Banzhaf called the meeting to order at 7:00 p.m.
2. **Roll Call** – Members Present: Scott Banzhaf, Chairman, Kelsey Byron, Jeff Butler, Patrick Dillon, and Dick Shepard.
Members absent: Jan Dowker, Sean Murphy
Staff Present: Curt Freese, Sue Bowles and Pam Gehringer.
3. **Consent Agenda** – Minutes from meeting of July 25, 2019. Motion to approve by Commissioner Shepard. Seconded by Commissioner Butler. With all other commissioners in favor, THE MOTION CARRIED.
4. **Weibel and WWW Properties Annexations/Rezoning** -
Mr. Freese noted that the item was not posted outside of the building per the Open Meetings Act. He stated that the item could be tabled to the August 22, 2019 Planning Commission meeting.

Commissioner Banzhaf stated that due to the error in posting, the item would be tabled to the August 22, 2019 Planning Commission meeting.

MOTION by Commissioner Shepard to table the Weibel Annexation/Rezoning and WWW Properties Annexation/Rezoning to the August 22, 2019 Planning Commission hearing.

Seconded by Commissioner Butler.

With all other Commissioners in favor, THE MOTION CARRIED.

5. **Heron Lakes Rezoning Amendment 5** -
Mr. Freese presented the agenda item, which was a request to rezone six separate parcels for future development:
Parcel 1: R-3 Multi-family to R-2 Limited Multi-family 22.964 acres
Parcel 2: R-3 Multi-family to R-4 Mixed Use District: 14.179 acres
Parcel 3: R-1 Single Family to R-4 Mixed Use District: 38.865 acres
Parcel 4: R-1 Single Family to R-2 Limited Multi-family: 24.342 acres
Parcel 5: R-1 Single family to R-4 Mixed Use District: 8.055 acres
Parcel 6: R-3 Multi-family to R-4 Mixed Use District: 21.581 acres

According to the Applicant, the zoning changes were to make those areas more consistent with a new vision for Heron Lakes. It was Staff's understanding that the Applicant was proposing a move to a more resort style development, with luxury condominiums, lock and leave townhouses, mixed use with neighborhood style commercial, etc. instead of the traditional suburban single-family development pattern for the majority of this rezoning.

Jim Birdsall, property owner/developer of Heron Lakes development, went over the rezoning map, which outlined each area that was proposed to be rezoned. He explained the vision for the development, which was to be more of a resort feel/resort-style living. He explained that changing the certain areas to R4 would provide for more creativity and flexibility to allow certain commercial uses such as neighborhood coffee shop, etc. He noted that the commercial corner at the southwest corner of Grand Market Ave. and Berthoud Parkway was owned by a separate property owner. That property owner was interested in placing a gas station on that site and possibly a micro-hotel. He felt that the corner was a great opportunity for the Town, and that those ideas being brought forth by that separate property owner were not the vision for the area.

Commissioner Dillon stated that he liked the vision for the area and would like to see a neighborhood/retail/commercial/mixed use development area. He stated that the only way to achieve that would be to allow R4 zoning.

Commissioner Shepard wondered if the lifestyle retail/commercial areas were sustainable.

Mr. Birdsall replied that the trend in retail of big box stores was dying. People were now seeking an experience, and the opportunity of doing shopping, going to a movie, having a drink, etc. all in one area. He stated that the goal was to create something special rather than just another corner shopping center.

Commissioner Byron asked about the neighborhood concerns and letters received regarding the rezoning.

Mr. Birdsall stated that they had not responded to the comments received as they thought the concerned citizens would be in attendance at the meeting. He stated that they did read them and saw a theme of concerns regarding density and traffic. He noted that the most traffic impact would be accessing the development on Highway 287 or Berthoud Parkway and would not create traffic in other neighborhoods. He remarked that there would be trails to help with connectivity through areas.

Commissioner Butler asked how the proposal would fit with the existing neighborhoods and areas.

Mr. Birdsall stated that neighborhoods such as Colony Ridge had asked for a buffer from their neighborhood to the proposed development to the south. He understood the need to provide good design and buffering from the existing developments. He also mentioned that they had been approached develop a possible medical center, hospital, etc. on the south portion of the development. It was only a possibility; however, they wanted to have the option for that sort of opportunity and were thus asking for a rezoning. He also mentioned that the northern parcels next to Berthoud Parkway had commercial potential.

Commissioner Butler stated that he had concerns with rezoning Parcel 5 from R1 to R4 as it was a significant zoning change, it did not meet the comprehensive plan, and it was right next to Colony Ridge Subdivision. He understood the request to allow flexibility down the road and understood that a concept plan had not been developed for the site yet; nonetheless, it still caused concern.

Commission Byron agreed with Commissioner Butler's concerns.

Joe Rogers, stated that he owned a home in Colony Ridge. He remarked that many of the concerns might have been deterred if a concept plan was required for the proposal. He noted that the R4 zoning district had many use by right uses and without some assurance from a developer, he could not be sure that some of those uses would not fall next to Colony Ridge. He said he understood the desire to have flexibility but felt that R3 allowed a lot of uses. He mentioned that a R3 designation might be better and noted that many of the uses under the R3 zoning designation could be allowed through a condition use.

Doug Capitano, 1124 Wagon Bend Road, stated that he understood the property would be developed but was never aware of the potential to have high story condo units, which R4 zoning would allow. He noted the traffic in the area, which would increase with additional development. He had no concerns with the plan to have patio homes. His objection was the commercial aspects of the plan. R4 zoning allowed too much density and too many uses were guaranteed with that zoning. He stated that the beauty and desire of the area was the small town feel, which would be crushed by too much commercial. It would move the Town in the wrong direction and make the area less desirable.

John Denovellis, 4708 East View Drive, asked if the plan was to have East View be a through drive.

Mr. Birdsall confirmed it was a street in Colony Ridge and stated that it would not be a through street or connected to the development.

Mr. Denovellis stated that his objection to patio homes near Colony Ridge would be if the view would have to be of parking/parking lot. He did not have a concern with commercial toward the southern portion but did not want to see it encroach near Colony Ridge. He noted that traffic on the roundabout going to the north on Berthoud Parkway was increasing and was a concern.

Commissioner Shepard asked about the timeframe for the widening of County Road 17/Berthoud Parkway.

Mr. Birdsall stated that the Heron Lakes development and the PrairieStar development were responsible for widening Berthoud Parkway to four lanes along those developments. He was unaware of the timeframe for Larimer County to widen Berthoud Parkway to the north. He stated that there would be future development triggers that would require that required widening. He stated a regional traffic study had been completed that addressed traffic needs.

Commissioner Shepard understood the skepticism of rezoning to R4 and that there needed to be more of a plan/vision of what would be developed there.

Mr. Birdsall stated that he would be willing to compromise and rezone Parcel 5 to R3 instead of R4.

Commissioner Banzhaf stated that it was an opportunity to develop a unique area and acknowledged the years spent developing the project and the everchanging environment.

Commissioner Dillon stated that with the compromise of zoning Parcel 5 to R3 then he could be supportive of the proposal.

Commissioner Butler agreed.

MOTION by Commissioner Shepard to approve approval of the Heron Lakes Rezoning Amendment 5 as follows:

Parcel 1: R-3 Multi-family to R-2 Limited Multi-family 22.964 acres
Parcel 2: R-3 Multi-family to R-4 Mixed Use District: 14.179 acres
Parcel 3: R-1 Single Family to R-4 Mixed Use District: 38.865 acres
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And finding that the rezoning:

- 1. Satisfies the applicable zoning amendment criteria of Section 30-3-110.B of the Town's Development Code as found on pages 4-5 of this Staff Report; and**
- 2. Is consistent with the Town of Berthoud's Comprehensive Plan and Preferred Land Use Map.**
- 3. Acknowledges that this is a major development project that due to its size, complexity, mixture of uses, and the golf and TPC nature of the course, has experienced changing conditions as the development progresses. Rezoning the areas affected by such change, serves to benefit the development and the Town.**
- 4. Allows for the applicant to better realize the vision of a national attraction and development.**
- 5. Recognizes that Heron Lakes is a major and complex mixed-use development that will experience changing conditions throughout its build-out, which will likely take many years. It is therefore in the public interest to allow changes related to this complexity as submitted with this rezoning. The Mixed Use (R-4) allows the developer the creativity it desires to create such a national attraction, and thus serve as a redevelopment catalyst for Berthoud.**

Seconded by Commissioner Dillon.

With all in favor, THE MOTION CARRIED.

6. Heron Lakes 12th Filing Preliminary Plat -

Mr. Freese presented the agenda item, which was a request for eighty four (84) single family home lots, which would be limited to 11.17 acres, or 48.65% of the entirety of Twelfth Filing. The homes were proposed to be front loaded along local streets with the golf course to the rear of the homes. He explained that the 12th filing would eventually connect to Heron Lakes Parkway through a subsequent filing to the North, which would result in improvements at the developer's expense to County Road 14 when built.

Jim Birdsall, property owner, explained the proposal and where the 12th filing was located within the development.

Commissioner Banzhaf asked about the improvements to County Road 14.

Mr. Birdsall explained that the transportation improvements on County Road 14 that would be triggered with the 12th filing would be a left turn lane.

Commissioner Butler asked about the trail that would extend north across County Road 14.

Mr. Birdsall replied that the trail would be extending with the development of the 10th & 11th filing. The 12th filing was not the trigger for the trail.

MOTION by Commissioner Butler to approve approval of the Heron Lakes 12th filing Preliminary Plat Finding it is consistent with the requirements for Preliminary Plats in Section 30-6-107 and the Comprehensive Plan.

Seconded by Commissioner Shepard.

With all in favor, THE MOTION CARRIED.

7. Heron Lakes 13th Filing Final Plat -

Mr. Freese presented the agenda item, which was a request for a Final Plat to separate out a 1.265 lot out of Tract A. This lot would be used for the neighborhood/metro district pool and clubhouse. He noted that the 13th filing was previously approved as just one tract as part of Sixth Filing.

Jim Birdsall, property owner, stated that the request was to allow the construction of a pool, which would be a Metro. District facility. It would be a seasonal pool with a goal to be open next summer.

MOTION by Commissioner Butler to approve approval of the Heron Lakes 13th Filing Final Plat Finding it is consistent with the requirements of Section 30-6-108 and the Comprehensive Plan.

Seconded by Commissioner Dillon.

With all in favor, THE MOTION CARRIED.

8. Development Code Update to Sections 2, 3, 4 and 6 -

Mr. Freese continued discussion on the updates to the Development Code.

Commissioner Banzhaf noted that all of the site distance information had been stricken and confirmed that it was in the LCUASS standards.

Mr. Freese replied yes, the LCUASS standards would now be applicable for all streets.

Commissioner Banzhaf questioned the different credits for park development impact fees for neighborhood parks and community parks.

Mr. Freese explained that a neighborhood park might not always be accepted by the Town; however, a community park most likely would be if built to standards. The new code language was an effort to set a clear standard and not have/allow negotiation.

Commissioner Banzhaf questioned the pocket park elements and the likelihood some of the elements listed would be able to fit within a small pocket park.

Mr. Freese noted that a pocket park could be minimum 1/3 of an acre up to 2 acres in size.

Commissioner Banzhaf asked why the elements contained in List D would require prior written approval by the Town.

Mr. Freese explained that it would help with submittal to make sure all standards were being addressed when one of those elements were proposed. It would also help require more details to be provided on what was being proposed.

Commissioner Byron agreed that if the Town had some oversight on some of the proposed amenities (ie: playground equipment) then it would be beneficial.

Commissioner Banzhaf felt that the wording to require written approval gave off the impression that it was not wanted or would deter people from providing one of those elements.

Mr. Freese suggested amending the wording to say that 'a design shall be approved by the Town'.

Commissioner Dillon asked if an ADA playground would fall under a commercial-grade playground.

Mr. Freese replied yes.

Mr. Butler felt that under List C, disc golf should be under the 'High' category not 'Low'.

Mr. Freese stated that it would be moved.

Commissioner Byron felt that the ADA playground and recycling bins should be called out as a specific element.

Commissioner Dillon asked that the ADA park/playground be called out to be more specific as all parks were supposed to be ADA compliant.

Mr. Freese provided the Commission with examples of 40-foot lot homes with garages.

Commissioner Butler agreed that it was a challenge to have aesthetically pleasing homes with garages on that size of lot; however, it did depend on the architectural styles.

Commissioner Banzhaf wondered if placement of those homes/lots in the neighborhood could help with the aesthetics.

Discussion ensued on how to codify front façade aesthetics on narrower lots.

Mr. Freese suggested keeping the code as it was allowing garage planes to take up less than 50% of the length of the wall face of the front façade but add elements of architectural embellishments that would be required.

Commissioner Butler noted that requiring additional architectural embellishments impacted the cost of a home. The point of having the smaller lots was to allow a more affordable, low-cost home to homebuyers.

Commissioner Dillon remarked on the new code language regarding Appeals to Final Plats. He suggested amending the wording to state 'ten business days' as follows:

*Appeals of actions of the Planning Commission regarding Final Plats shall be taken to the Town Board after the filing of an Appeal to the Town within ten **business** days of the date of the Planning Commission's decision on the Final Plat.*

The Commission agreed that Staff would work on the additional amendments requested tonight, and the Development Code Updates would be brought back to the next meeting on August 22, 2019.

MOTION by Commissioner Banzhaf to table the Development Code Updates to the next scheduled Planning Commission meeting on August 22, 2019.

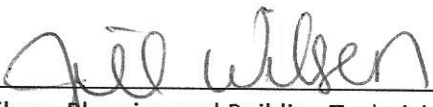
Seconded by Commissioner Butler.

With all in favor, THE MOTION CARRIED.

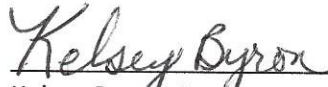
9. **Reports**

The Commission agreed to start the meeting on August 22, 2019 at 6:00 pm.

Meeting adjourned at 10:00 p.m.



Jill Wilson, Planning and Building Technician



Kelsey Byron, Secretary