

1. **Call to Order** – The Planning Commission convened a regular meeting on February 28, 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, Jan Dowker, Sean Murphy, and Dick Shepard.
Staff Present: Curt Freese and Jill Wilson.
3. **Consent Agenda** – Minutes from meeting of February 14, 2019. Motion to approve by Commissioner Shepard. Seconded by Commissioner Murphy. With all in favor, THE MOTION CARRIED.
4. **Harvest Ridge North Preliminary Plat-**
Mr. Freese presented the agenda item, which was a request for a preliminary plat of 30 single family lots located on the west side of Berthoud Parkway, north of County Road 4E & south of Spartan Avenue. He noted that the project had been renamed from Arbor Ridge, which property was annexed in early 2018. The current proposal only encompassed the northern portion of the annexed area with future phases to the south. He noted the two conditions of approval regarding a trail connection and vinyl fencing.

Alex Hoime, applicant, mentioned the original concept plan for the site, and the minor subdivision that was completed. He noted the updates from the previously approved concept plan and mentioned the conditions placed on the concept plan that were being abided by. He mentioned the vinyl fence proposed and noted that it would not be white vinyl fence. He explained that the proposed fencing would be vinyl; however, it would have texture, the look of wood and would be low maintenance. He showed a picture depicting such a type of fence. He asked that if a condition regarding the fencing was placed on the approval that it stipulate the vinyl fencing have a wood-like look and coloring. He noted it would be a similar fencing used at the Berthoud Lake Enclave development. He noted the other condition of approval regarding the trail connection and stated that they were proposing a buffer with a trail along Berthoud Parkway. He also mentioned that a water line would be extended to the north that would supply water.

Bill Johnson, property owner to the south, stated his family's desire to keep their property as farmland as long as possible. He stated that water accessibility would become a concern once the proposed property was developed. He explained that he had proposed a 15-foot irrigation and drainage easement be put in place within the applicant's property; however, the applicant was only proposing a 10-foot easement. He remarked that a 10-foot easement would create difficulties. He also mentioned that burying the pipeline would be the preferred method to provide the water. He was also concerned about the increased traffic and accessing S. Berthoud Parkway. He asked that a turn lane be provided off of County Road 4E. He also suggested stone column fencing be added to the proposed development.

Commissioner Byron asked for more information on the location of irrigation and drainage easement.

Mr. Hoime stated that the pipe would be underground, and the easement had already been established with the minor subdivision approval. He remarked that they were willing to work with Mr. Johnson and address his concerns. He noted that the irrigation easement was not a part of the plat of Harvest Ridge North. It was on the southern portion of the entire property, which would be developed and reviewed during a different phase of the project.

Commissioner Dowker mentioned the right to farm act and asked if what was being proposed would impact Mr. Johnson.

Mr. Hoime showed where the easement would begin, which was at the southern portion of the proposed property.

Mr. Freese noted that it was an off-site improvement that did not impact the current proposal, and a condition could be placed on any future phases or platting.

Mr. Hoime noted the concerns, which was why the easement was granted during the minor subdivision process and why a subsurface pipe would be installed.

Commissioner Banzhaf asked if the fencing the applicant proposed would be acceptable.

Commissioner Shepard asked how high the fencing would be and also asked about the entryway fencing.

Mr. Hoime stated that the fence would be 5-6 feet high and stone columns along the entryway.

Commissioner Butler stated that he was under the impression there would be intermittent stone columns along the entire length of the fencing.

Mr. Hoime stated that he would be willing to look into the cost of adding columns, and remarked that he would address that during the Final Plat phase.

Commissioner Shepard suggested that stone columns along Berthoud Parkway be looked into.

Discussion ensued regarding the vinyl fencing. The Commission agreed to update the condition of approval.

Mr. Hoime wondered if the fencing would be an acceptable design element, which was a requirement in the code.

The Commission came to a consensus that it would qualify.

Commissioner Dowker wondered what the triggers for traffic impacts would be.

Mr. Freese stated that a traffic study was completed, and upgrades would be triggered at some point in the future when other phases were developed.

Mr. Hoime stated that at full build out, turn lanes would be triggered and required, and the right-of-way had already been dedicated for those future lanes.

Commissioner Byron complimented the street names chosen. She asked about the artwork proposed. She thanked the applicant for addressing all concerns.

Mr. Hoime stated that it was one of the design elements; however, the artwork had not yet been chosen.

Commissioner Murphy asked the timeline for developing the property with the current home into open space.

Mr. Hoime stated that the timing was unknown, and it would depend on the development of phase one.

Commissioner Shepard thanked the applicant for their work. He mentioned that the fence line along Berthoud Parkway was important and asked that it be kept in mind.

Commissioner Dowker thanked Mr. Johnson for his feedback and expressing his concerns.

MOTION by Commissioner Shepard to approve the Harvest Ridge North Preliminary Plat with the findings that it is consistent with Section 30-6-105C with the following recommendations:

- Any future phases will require the trail connection proposed along the existing farmhouse property to be completed.
- Vinyl Fencing proposed along Berthoud Parkway be limited to a 'wood grain' appearance.

Seconded by Commissioner Dillion.

With all in favor, THE MOTION CARRIED.

5. **Fickel Rezone** - Mr. Freese presented the agenda item, which was a request to rezone the property located south of Highway 56, east of Fickel Farm, and north of Mary's Farm from Planned Unit Development (PUD) to R-2 Limited Multi-Family. The applicant originally proposed an R-4 Mixed Use zoning classification but downgraded to R-3 Multi Family after receiving Staff and citizen comments. He explained that the R-3 rezoning was scheduled for a December 2018 Planning Commission meeting; however, after receiving additional neighborhood comments and concern, the applicant withdrew the R-3 submittal. The applicant then further down-zoned to R-2 Limited Multi-Family. Additionally, the applicant held their own neighborhood meeting on January 30, 2019, which surrounding property owners were notified of.

He noted that the applicant provided a Concept Plan for informational purposes only, which showed proposed alley loaded townhouses in the areas next to the major streets, townhomes and/or duplexes around the Pioneer Park pond, and to be determined uses abutting Mountain Avenue. The applicant was proposing four access points:

- Building a North/South access along Mountain Avenue which would tie into Indiana and a proposed new spine/collector into Mary's Farm and the Farmstead.
- Extending 3rd from Mary's Farm into a spine/collector that feeds into a North/South Access point on Mountain Avenue
- Extending 4th street from Mary's Farm and the Farmstead into the aforementioned collector road.
- Extending Indiana into the aforementioned North South Collector.

Mr. Freese mentioned the background of the project, which was previously approved as Fickel Farm in 1995 as a Planned Unit Development (PUD). The PUD was mixed use with single family detached (125 homes), single family attached or townhouses comprising of 70 homes, and the remainder was reserved for apartments. He mentioned that Staff was recommending Welch be extended, which was intended to be extended when the first phase of Fickel Farm was approved; however, that extension would be dealt with at the platting phase.

Kristin Turner, TB Group, explained the history of the proposal. She explained that the original request for R4 zoning was intended to allow the flexibility to have small scale neighborhood commercial along Highway 56 with no intent of apartments. However, due to feedback from the community, they resubmitted with a R3 zoning designation. Additional comments and concerns were received, and the applicant then amended the zoning designation to R2. She mentioned that a neighborhood meeting was held to explain the intent of the rezoning, and stated that they believed the request was consistent and compatible with the existing neighborhoods.

Bill Edwards, Edwards Development, noted that the density was less than what was proposed for the concept plan for the area. He stated that mixed use and product diversity was planned for the proposed area, and the density was not proposed to be much greater than R1 and was typical to the PUD in place currently. He noted the street connection into the Farmstead Subdivision, and mentioned the neighborhood meeting held to help establish communication with the surrounding neighbors.

Commissioner Dillion asked if a community gardens would be incorporated.

Mr. Edwards stated that the open space requirement would be increased with the R2 zoning, and the townhome portions would incorporate open space elements. He stated community gardens had not been discussed yet.

Commissioner Dillion asked if having carriage units was envisioned.

Mr. Edwards stated potentially duplexes, townhomes, cottages, patio homes, etc. Carriage units had not been discussed.

Commissioner Dillion asked about bed and breakfast uses or long-term care facilities.

Mr. Edwards replied no.

Commissioner Dillion asked if single family detached homes would be utilized.

Mr. Edwards replied yes.

Commissioner Dillion asked if duplexes would be allowed.

Mr. Edwards replied that it was a possibility.

Karen Fletcher, 305 E Iowa Ave, stated that she was member of Berthoud Concerned Citizens. She noted the Berthoud Comprehensive Plan, and stated they did not agree with the proposed densities approved in 2014 without citizen input; however, they did agree with the conclusion of the Berthoud Comprehensive Plan. She referenced a section of the plan, which stated 'Although Berthoud has evolved and grown considerably since its founding in 1878, it has retained its feeling and character of a small rural town in the midst of fast growing Northern Colorado. This atmosphere is one of the most appealing characteristics of Berthoud and is a major factor in attracting new residents and businesses. With proper planning and a collaborative spirit, this community's high quality of life can be preserved and enhanced.' She also noted another quote from the October 25, 2018 Berthoud Surveyor where the Town Administrator outlined the Town's priorities and the new Berthoud Strategic Plan, 'Promote strong sense of community, enhance public safety and community resilience, maintain public trust and accountability'. She stated that the Planning Commission had the opportunity to maintain public trust and accountability by demonstrating that they were willing to look to the citizens that were mostly affected by the decision on the rezoning. She asked that the proposed zoning not be supported as it was too dense. She asked that R1 zoning be supported.

Commissioner Dowker mentioned that 2014 Comprehensive Plan had numerous meetings and public input opportunity

Joe Rogers, 109 E Colorado Ave, stated that zoning was important for an area. He mentioned that many developers sell to the builders, which makes people nervous. He stated that he supported a request of R1 zoning, and it was important to maintain the same neighborhood feel.

Diane Kuligowski, 318 E Colorado, stated that it was not a well planned residential development and had no quality residential amenities. She voiced her strong opposition to R2 zoning for the property. She mentioned that R2 zoning allowed for 16 units per acre, which was too dense compared to surrounding and adjacent neighborhoods. The Farmstead Subdivision was already approved for 220 units, which would calculate to an average of 572 people in that development. The new proposal would have approximately 520 units or approximately 1342 people directly north of Mary's Farm and east of Fickel Farm. She remarked that the total calculation for those two established neighborhoods was only 673 people. If R2 zoning was approved, the potential density would allow approximately 1914 people surrounding those two established subdivisions. With the limited exits and placement of those developments, it would cause an increase in traffic, an impact to quality of life and impact property values in their neighborhood. She stated that there was a lack of transition from what was in the established neighborhoods to what was being proposed. She also mentioned the school system overcrowding. She again voiced that she was extremely opposed to the rezoning and requested it be zoned R1.

Kathryn Scott, 109 SE 2nd, had concerns with density and traffic. She stated that if the property was rezoned to R2 then she hoped it could have a balance and a buffer to the existing neighborhoods. She suggested alley loaded and duplex homes along the west and south boundaries of the project to help with a transition to the townhome and cottage home areas. She remarked that the new population would also have an effect on the park and surrounding neighborhoods. She also that the development be accessed from Highway 56 during and after construction and later through Welch. She again mentioned wanting a transition from one neighborhood to the other. She also noted the trail access from the Farmstead to Pioneer Park and felt it needed to be relocated.

Mike Dougherty, 110 E Colorado, mentioned the potential for 520 homes if rezoned to R2 and noted that Mary's Farm only had 191 homes. He stated that the development would create more traffic and mentioned the narrow streets and access areas in Mary's Farm. He also mentioned that the two access areas on 3rd & 4th Streets created a concern for traffic. He remarked that there was a high demand for the type of housing that was in Mary's Farm and believed R1 would allow more of that type of housing.

Chris Freeman, 218 E Iowa, stated that he moved to Berthoud from Longmont in 2015 and noted the increased traffic already in Berthoud. He remarked that Longmont used to have a small town feel; however, townhomes, duplexes and apartments were developed. Registered sex offenders, gang members, drifters, drug use, and crime became prevalent. He mentioned that crime had increased in Berthoud. He stated that the Commission needed to stand up for smart growth as the citizens would have to live with the results. He asked that the Commission didn't bring the inner city experience to Berthoud. He stated that he supported R1 development.

Bruce Mardick, 1721 Wales, felt that it was well planned growth and was in favor of R2 zoning. He thanked the developers for moving from R4 to R2 to address citizen concerns. He spoke regarding affordable housing. He reiterated that he felt that it was well planned growth and was in favor of the rezone.

Lonnie Stevens, 316 E Iowa, stated that zoning was the most important part of the process. He had concerns that the rezoning would allow 16 dwelling units per acres, minimum lot size of 20 feet and a 40 foot building height. He had concerns that the builder could potentially build something different than what was presented by developer. He stated that R2 zoning did not compliment the surrounding land uses and there needed to be a transition area from the Mary's Farm area in to the new development. He remarked that the density would be doubled and was not consistent with the original PUD.

Cassandra Mckee, lived in Peakview Meadows, expressed concerns regarding increased traffic. She felt it should be zoned R1.

Mike Patrick, 111 E Indiana Ave, stated that a petition signed by approximately 350 people had been presented at the February 26, 2019 Town Board hearing, which was a response to the Farmstead and Fickel Farm proposals. He stated that high density allowing housing of that scale would negatively impact the surrounding neighborhoods in town. He stated that R2 zoning would not be a compatible with the existing housing types in the existing surrounding neighborhoods. He also mentioned that the concept showed four connections into Mary's Farm. He therefore felt that all the traffic flow would go through Mary's Farm, which was a major concern and one reason to oppose the R2 zoning.

Richard Hall, 113 E Indiana, stated that there was a different vision for the area than what was being proposed. He had safety concerns for the many new potential children as there would be increased traffic along with overcrowded schools. He stated that R2 zoning would add too many people in a small area, and R1 zoning was preferred.

Commissioner Shepard asked for an explanation of the process of working with or selling to builders.

Mr. Edwards confirmed that the builder would have to conform to the plan approved and would also have to conform to building codes. He noted that they would stay involved with their builders and were trying to work with front range builders. He also stated that there would be covenants and architectural controls. They were trying to establish architectural standards for the area and would be under contracts with the builders.

Commissioner Shepard mentioned the concerns of having a transition area from single family to townhome/multi-family units. He mentioned developed would drive school decisions, etc. He stated that R2 would allow affordable housing.

Mr. Freese mentioned that the applicant was allowed to request the zoning change, and the Town could not force the applicant to go to R1 zoning. He also stated that the applicant had the right to use the PUD that was already in place instead of changing the zoning.

Commissioner Byron acknowledged the concerns of the citizens. She stated that the Town must have some limited multifamily housing and affordable housing. There needed to be diversity in the Town and a balance created. She stated that Mary's Farm and Fickel Farm were unique and wonderful areas, which had a great community unity. She mentioned that there was the opportunity to welcome new neighbors, demonstrate the nature of the small town, and help deter some of the concerns being expressed.

Commissioner Dowker mentioned the high density meant smart growth standards. She noted the fears of decreased property values when Mary's Farm was being developed. She felt that the possibility of what it could look like should be embraced. The developer had the right to develop the property; however, the public could stay engaged to help build a better neighborhood and better Berthoud. She stated that there needed to be more housing options for the community. She also commended the developer for moving from R4 to R3 to R2 zoning and for listening and working with the concerns of the citizens.

Commissioner Butler asked when traffic studies would be appropriate for an application.

Mr. Freese stated that traffic studies had not been completed and where completed at the preliminary plat phase.

Commissioner Banzhaf mentioned the road network proposed and felt it should be examined.

Commissioner Dowker mentioned the trail easement on the south side of the proposed development and asked that the trail placements be taken into account so they were safe for families.

Commissioner Byron mentioned that the developer needed to be conscience of how the streets out of Mary's Farm became collector streets. She also stated that a more permanent and easily maintained path to Pioneer Park needed to be considered. She remarked that it would also help to the transition from the existing neighborhood.

Commissioner Dillon mentioned that crime and drugs were already impacting the community. However, when making new communities it needed to be considered how that development would benefit the community and allow people to become a part of the community. He stated that the petition created by the citizens was noted and heard by the Commission. He noted that it was not the responsibility of the developer to determine or worry about social safety. He remarked that there was a need to create diversity in housing products and offer more opportunities for affordable housing.

Commissioner Murphy thanked the citizens for being engaged and noted that the Commission was listening. He stated that he appreciated the developer for going above and beyond to recognize the concerns of the citizens and hoped they would continue. He noted that feathering into the existing neighborhoods and transitioning was an important aspect. He stated that diversity and affordability needed to be considered as there were many people that could not afford housing here.

Commissioner Shepard thanked the applicant and the citizens and agreed with other Commissioner comments.

MOTION by Commissioner Shepard to approve the Fickel Rezone to approve the request to rezone 32.298 acres from PUD to R-2 (Limited Multi-Family District) finding that:

- 1. The request satisfies the applicable zoning amendment criteria of Section 30-3-110.B of the Town's Development Code**
- 2. The rezoning is consistent with the Town of Berthoud's Comprehensive Plan and Preferred Land Use Map.**
- 3. Recommendation of a continuation of the Indiana trail/greenway corridor into the Farmstead with any future platting actions.**

Second by Commissioner Dillion.

With all in favor, THE MOTION CARRIED.

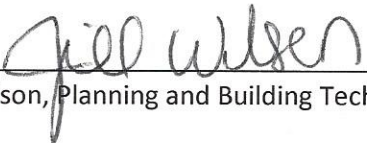
Commissioner Dowker reiterated that public discourse was important. She encouraged the citizens to stay engaged and noted that their concerns were being noted.

6. Reports

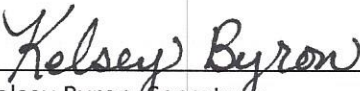
Mr. Freese stated that there would not be a March 14th Planning Commission meeting. He stated that there would be a joint planning session with Town Board with CML in the coming months. He also mentioned that updates to the Comprehensive Plan would begin in 2019.

Commissioner Banzhaf mentioned having a Land Use 101 to bring knowledge and understanding to citizens of the community.

Meeting adjourned at 9:50 p.m.



Jill Wilson, Planning and Building Technician



Kelsey Byron, Secretary