



Town of Berthoud Planning Commission - STUDY SESSION
Town Hall
807 Mountain Avenue
Thursday, May 23, 2024, at 6:05 p.m.
Please Note That Published Times Are Approximations. Times May Vary.

1. Call Meeting To Order
2. Roll Call
3. 6:05 P.M. Room Safety
Presented by Sergeant Williamson
4. 6:45 P.M. DDA - Downtown Development Authority
Presented by Walt Elish, Business Development Manager

Documents:

[DDA ARTICLES.PDF](#)

5. 7:00 P.M. Deliberation Tips And Q & A
Presented by Erin Smith, Town Attorney

Documents:

[EXAMPLE STAFF REPORT.PDF](#)

6. Report By Staff
7. Adjourn

Join Zoom Meeting <https://us02web.zoom.us/j/86049631362> Meeting ID: 860 4963 1362
One tap mobile +17193594580,,86049631362# US

Individuals needing special accommodation may request assistance by contacting the Town Clerk at 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.

Mayor Mike Johnston unveils plan to break downtown Denver out of “doom loop” with \$500 million in public investment

Mayor’s approach hinges on expanding Downtown Development Authority to pay off bonds

By **JOE RUBINO** | jrubino@denverpost.com | The Denver Post

PUBLISHED: May 9, 2024 at 12:32 p.m. | UPDATED: May 9, 2024 at 2:41 p.m.

City leaders have zeroed in on a strategy they hope can break downtown Denver out of what Mayor Mike Johnston has described as the area’s post-COVID “doom loop.”

The key to that strategy: the expansion of an obscure special taxing authority that played a key part in downtown’s last big boom.

Johnston and other city and business leaders stood in front of the dormant fountains outside Union Station on Thursday morning to announce a plan they say could generate \$500 million in public investment in downtown Denver over the coming decade.

The approach relies on a strategic funding tool that helped turn Union Station from an all-but-deserted bus terminal into an anchor of downtown Denver’s economic resurgence in the 2010s. Namely, the Johnston administration and its partners are intent on expanding the boundaries of the [Denver Downtown Development Authority](#) to cover all of the city’s core, including the long-floundering Central Business District.

Once expanded, that entity — created to pay off \$400 million in public debt incurred building infrastructure around the station — would collect incremental property taxes from participating businesses and property owners to back bonds that can be used to fund a host of economic development work and projects, officials explained.

What kind of work? City residents will have a chance to weigh in on that question, Johnston said.

“This campaign will start with a conversation with downtown residents,” Johnston said Thursday morning. “Starting today we will go public with a website on which every Denverite can chime in with their own hopes and dreams for what they want from downtown.”

A handful of levers must be pulled before the plan can take effect, Johnston said.

The Denver City Council will have to take action on the plan. The mayor was flanked by council members Darrell Weston, Amanda Sandoval and Chris Hinds, whose district includes downtown. They will be leading efforts from the council side, Johnston said.

The governing board that oversees the Downtown Development Authority would also have to approve the changes as would the original residents and businesses that voted to establish the authority in its current footprint more than a decade ago, Johnston said.

[Doug Tisdale](#) is the chair of the Downtown Development Authority, a post he was elected to after being appointed to the board as a representative for the Regional Transportation District. He sees Union Station's success and the avalanche of private sector investment that followed its [reopening a decade ago](#) as a key sales pitch for the proposed expansion.

"There's no reason we can't replicate elsewhere what we did here," Tisdale said Thursday, gesturing toward the station.

Property owners in the proposed new footprint would not be obligated to pay into the authority. They would opt in, Tisdale said.

Pedestrians make their way through Union Station in Denver on Thursday, May 9, 2024. (Photo by Hyoung Chang/The Denver Post)

Johnston laid out the importance of downtown Denver in his view. It's not only an economic engine and key tax generator for the city at large, but the entire state and Rocky Mountain region, he said. Its current situation — a 30% office vacancy rate as of the end of 2023 — isn't unique in urban areas across the country, according to the mayor.

But reversing the trends is vital to the future.

"The COVID pandemic left our downtowns deserted. Hybrid working environments have reduced the demand on commercial office space. Without the commercial activation and life that made them vibrant, these deserted downtowns saw historic increases in homelessness and crime accelerated by a deadly wave of fentanyl addiction and commercial vacancies skyrocketed," Johnston said, describing the "doom loop" he and other partners are seeking to break.

But, he added, "Denver refuses to walk away from our downtown as the vibrant center of financial, cultural, social, athletic and artistic activities."

Berthoud mulls Downtown Development Authority
By Will Cornelius
The Surveyor
5-2-24

Fort Collins has one, Loveland's got one, Windsor even has one and Berthoud could be next. On April 22, the Town of Berthoud held an information session about creating a possible Downtown Development Authority (DDA) along Mountain Avenue.

Two dozen people attended the meeting at town hall to learn more about how a possible Berthoud DDA would operate and to discuss potential challenges and future ramifications. In Colorado, DDAs are special tax districts established by municipalities to promote economic development and enhance downtown aesthetics.

Over the past six months, there have been a few informal gatherings with businesses and people along Mountain Avenue to gauge interest in a Berthoud DDA. Those meetings led to the creation of a working group to explore the feasibility of creating one.

At the information session, two of the potential members of a future Berthoud DDA led a casual discussion to answer questions and gather feedback from the community. Steve Byers, a cofounder at EnergyLogic and Whitney Way, who owns City Star Brewing with her husband, represented members of the working group.

"One of the biggest questions that everybody should have is—why now? And it's not really that it's now or never, but now is the time because of all the development that is coming into town," explained Byers. He said this is important because revenue for a DDA can come through three avenues. The first and most important is through tax increment financing (TIF).

TIF is a method of funding a DDA by using future increases in property tax revenues generated by development to finance infrastructure and other public improvements. Once a DDA is created, a baseline is set for the assessed value in the district. Any new growth in property tax revenue in the district—like from a new grocery store along Mountain Avenue—would flow to the DDA.

Existing taxing districts, like the Thompson School District, the Berthoud Fire Protection District or the Berthoud Community Library District would still get the property tax revenue they had received previously.

The creation of a DDA would not create any new taxes, but change where existing tax revenue went to. A DDA can also take on debt or impose a 1 to 5 mill levy rate increase, but both of these must be approved by a majority of voters in the district.

"Our job is to not be cheerleaders for this, that's not what we're primarily doing. We're asking tough questions also," said Way. She explained that while the working group and others saw a lot of upside for a DDA in Berthoud, they still expressed concerns and foresaw challenges in the future. One of the biggest questions was what kind of projects a Berthoud DDA would be involved with.

Byers and Way urged attendees to fill out an online form about what business owners would want from a DDA. Most of the discussion revolved around the beautification of downtown Berthoud, for

example, a future Berthoud DDA could offer a small monetary grant to businesses that want to improve their storefront.

But, while a DDA can help improve and incentivize projects to make a vibrant downtown, it cannot force businesses or residents to follow along. “It’s not an HOA, no DDA police,” Way said lightheartedly. So a DDA could offer a uniform signage program to businesses, but could not force them to be a part of the project.

The biggest concern raised at the meeting was how a new special tax district, like a Berthoud DDA, would affect existing special tax districts in town. Berthoud Fire Chief Stephen Charles was supportive of a growing Berthoud but expressed concern about the fire department losing future revenue growth. “What we need for us is commercial growth. When we project out five years now, based on a relatively conservative revenue increase, in 2028 we’re in trouble.”

The Berthoud Community Library was also concerned about losing future tax revenue growth. “Our own library district, we are only viable, I can say we only really have the doors open at this point because of the increase in taxes in the eight years that I have been here,” said Amie Pilla, the library CEO. “We would probably have had to lay off or close doors by now if we didn’t see that increase in property value and development.”

Despite the concerns from Berthoud’s local fire station and library, the mood of the meeting was how a DDA could accommodate them. Walt Elish, the town’s business development manager, clarified that the DDA and other special tax districts could come to revenue-sharing agreements. Other points discussed at the meeting included voting logistics, potential staffing help from the town board and contacting all residents, businesses and property owners in the district.

To form a DDA, a majority of voters within must approve the special district. Every resident, business owner and property owner is entitled to vote in the election. From the town’s estimates, there are believed to be at least 300 potential voters. There are 228 total properties in the proposed DDA and 92 businesses. “We’re looking at November potentially for that if there does seem to be general support,” Way told the crowd.

The boundaries of a future Berthoud DDA have been narrowed from a previous iteration last year to include fewer residences. The current boundaries run along Mountain Avenue from U.S. 287 to the roundabout on First Street.

Byers and Way both encouraged interested members to voice their support or concerns about a future Berthoud DDA and said they would notify people of their next working group meeting. At the informal meeting, a show of hands indicated support from roughly two-thirds of the room for creating a DDA in Berthoud.



STAFF REPORT: WESTSIDE CROSSING REPLAT #2 FINAL PLAT

DATE: March 14, 2024

GENERAL INFORMATION

Applicant:	Scott Charpentier	Size: 11.90 acres
Site Location:	The property is located at the NE corner of Mountain Avenue and US Highway 287	
Applicant's Request:	The Applicant is requesting a final plat for the creation of commercial lots.	
Current Zoning:	C2 General Commercial District with Mountain Ave Overlay	

ZONING DISTRICT INFORMATION

	<u>C2 (underlying zoning)</u>	<u>Mountain Avenue Overlay District Criteria for Berthoud West</u>
Max Density	20 per acre	Per underlying zoning
Min. Lot Area	N/A	N/A
Min. Lot Width	50'	Per underlying zoning
Front Setback	25'	*see Mountain Ave Development Criteria
Side Setback	0'/25' depending on adjacent land uses	*see Mountain Ave Development Criteria
Rear Setback	0'/35' depending on adjacent land uses	Per underlying zoning
Max Building Height:	10'	40'

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS

	<u>Adjacent Zoning</u>	<u>Adjacent Land Uses</u>	<u>Setbacks for Adjacent Zoning/ Buffer required</u>
North	R4	Single/multi-family	Buffer Areas from Residential: All C-2, require no less than a 35-foot setback buffer from the property line of a residential zoning district.
South	C2	Commercial	Mountain Avenue Overlay District: Building setback for Hwy 56 - 14' min, 20' max
East	PUD	Single Family / Vacant	Mountain Avenue Overlay District: Building setback for secondary street – 20' min
West	PUD	Vacant	Separated by State Highway 287

Proposal

The applicant proposes to subdivide the existing parcel into seven lots. These commercial lots would be sold individually at a later date. Development on individual lots will require either a Site Plan or a Use by Special Review permit. The purpose of this application is to create lots for commercial uses.

Background

This property is part of the Westside Crossing development. In April of 2021, a neighborhood masterplan and rezoning were approved for this commercial area of the site, as well as the residential neighborhood directly to the North. Additionally, in March of 2022, a preliminary plat was approved for this area that had a slightly different lot configuration from what is currently being proposed. Due to development interest in the property, the lot configuration has been adjusted to work with end-user designs.

Final Plat Review Criteria

In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's request:

30-6-108(C) Review Criteria	Finding	Rationale
1. The Final Plat is in substantial conformance with the approved Preliminary Plat. For the purposes of this Code, "substantial conformance", includes design adjustments made to meet any conditions of preliminary plat approval and is determined as follows: a. Does not change any land use of the proposed plat. b. Does not change the number of lots or residential density by more than 5%. c. Does not contain changes which would render the final plat in nonconformance with requirements of this Code. d. Does not contain significant changes in street alignment, or access points, or other public elements such as drainage improvements, utility lines or facilities. e. Does not change any measurable standard (other than above) by more than 15 percent. f. How the Applicant has addressed comments received from the public, during the Public Comment portion of the process.	Yes	The Final Plat is a functional system of land use that connects with the existing road network, the developing community-wide trail network, and the Town's sidewalk network. The proposed subdivision meets the standards of the C2 zone district and the Mountain Avenue Overlay District. The Final Plat does not propose any land use changes on the proposed plat, nor does it contain changes that would render this in nonconformance with the Code. The Final Plat does not contain significant changes to the approved Preliminary Plat. Staff finds this Final Plat in substantial conformance with the approved Preliminary Plat.

30-6-108(C) Review Criteria	Finding	Rationale
2. The development complies with this Code, the Comprehensive Plan and the PORT Plan.	Yes	The proposed Final Plat and the associated documents comply with this Code, the Comprehensive Plan and the PORT Plan. The Future Land Use Plan identifies this area as a future Suburban Business, envisioned as a vibrant, walkable commercial district that includes preferred land uses such as retail stores, restaurants, and offices. The importance of pedestrian connectivity has been satisfied with detached sidewalks, tree lawns, and regional trail connections.
3. All applicable technical standards including the provision of water in sufficient amount and quality have been met.	Yes	Plans were reviewed by Town Staff as well as outside referral agencies. The applicant has provided adequate plans for utilities and transportation designs.

PUBLIC NOTICE AND COMMENT

Notice of the Board of Trustees Public Hearing was mailed to property owners within 500 feet of the subject property at least five days before the public hearing. A legal ad was published on February 27, 2024, as required by the Development Code. In addition, the application was sent out to all property owners within 100 feet, with an invitation to comment on the request within three weeks of receipt. Comments received are attached to this submittal.

FINDINGS AND RECOMMENDATIONS

Staff recommends Planning Commission approve the Final Plat as it meets the Criteria for Approval outlined in this Staff Report together with the following Conditions of Approval and Development Standards:

Prior to Recording the Plat:

1. The applicant shall enter into a Development Agreement with the Town of Berthoud to cover all on-site and off-site improvements, as illustrated on the plans approved.
2. The applicant shall provide plans for an entry treatment to the Town on the southwest corner of the Property. Additional landscaping, an art installation, or other treatment should be designed to signify the entrance to the Town of Berthoud.
3. The applicant shall submit the suggested locally available sod mix for approval.

Prior to Pre-Construction Meeting:

1. The applicant shall provide evidence of a written Agreement with the Welch Lateral Company addressing the comments in the referral letter dated 01/13/22. The Agreement shall be signed by all parties.

Development Standards for the Plat:

1. Vested Property Rights. Approval of this site-specific development plan constitutes the creation of vested property rights pursuant to Article 68 of Title 24, C.R.S., as amended. The approval of vested property rights shall be subject to all rights of referendum and judicial review. This approved site-specific development plan voids any and all pre-existing vested property rights on the same real Property.

2. Project approval. The plans contained on this Final Plat, the Construction Drawings/Documents approved by the Town, the staff report, and Resolution 2024-04 are the limits of approval. Any changes to the approved plans may necessitate an amendment or new land use permit.
3. All Development Improvements shall be constructed in accordance with the Plat and Plans as well as the requirements of the Berthoud Municipal Code, design standards and guidelines, and Master Plans governing the Property and the Development Agreement entered into between the Developer and the Town of Berthoud.
 - a. Future lot owners shall construct curb, gutters, sidewalks, irrigated tree lawns, street trees and provide a connection to the external trail system.
 - b. Developer is required to construct the final lift on the internal street after all lots have been constructed or in three years past the approval date of this Final Plat, whichever comes first.
 - c. The Architectural Design Standards for the development.
 - d. The Comprehensive Sign Plan approved for the development.
4. Prior to scheduling the Pre-Construction meeting for overall site grading or submittal of the first Site Plan or Special Use Permit application within the Subdivision, whichever occurs first:
 - a. The applicant shall provide a Comprehensive Sign Plan to the Town for review. The Comprehensive Sign Plan shall adhere to the requirements of the Land Use Code, including the Dark Sky Standards, the Sign Code, and the Mountain Avenue Overlay District Guidelines for the entire development.
 - i. All signage within CDOT right-of-way along State Highway 1897 and Mountain Avenue, shall be submitted to the Town for approval first, followed by the applicant's submittal to CDOT for approval.
 - b. The applicant shall provide Architectural Design Standards for the overall development to the Town for review. The Town's Architectural Standards found in the Town Code, the separate Architectural Standards Guidelines, and the Mountain Avenue Overlay District shall govern the creation of these standards.
 - c. Construction Plans and Profiles shall be submitted, reviewed by the Town, and receive approval by the Town.
 - d. The irrigation plan for the common area shall be provided to the Town.
5. Construction activities shall adhere to the Construction Rules and Regulations found in Chapter 30 of the Berthoud Municipal Code at all times.
 - a. Prior to Substantial Completion as defined in the Development Agreement, a street lighting plan shall be submitted to and approved by the Town. The street lighting shall be installed prior to start of warranty.
 - b. A site sign shall be posted in accordance with Section 30-5-102 of the Berthoud Municipal Code.
 - c. Grading Permit: According to the Berthoud Design and Construction Standards, all utility installation outside of the Town Right-of-Way (on private property) requires a Grading Permit before any installation activity commences. Detailed regulations for obtaining a Grading Permit are outlined in Chapter 20 of the Berthoud standards.
 - d. Prior to commencement of construction of any Development Improvements, including alterations to existing grading contours, removal of vegetation, and/or excavating, the Town-approved erosion control plan will be implemented. The Town-approved erosion control plan measures shall be installed and maintained throughout the construction of Development Improvements and shall not be removed or abandoned until authorized by the Town. At all times during construction on the Property or off-site projects associated with development of the Property, Developer shall maintain all streets, drainage, and drainage facilities in an orderly and workmanlike fashion.
 - e. Stormwater Management Plan (SWMP)/MS4 Compliance: The Town mandates the preparation and submission of a site-specific Stormwater Management Plan (SWMP) by the owner of the construction site. This plan must be approved by the Town prior to scheduling the pre-construction meeting. The SWMP submission is necessary for obtaining permit certification issued by the State of Colorado for any construction activity that falls under the category of a General Construction Stormwater Permit as defined by the Colorado Department of Public Health and Environment (CDPHE). A CDPS General Permit

for stormwater discharges associated with construction activities are required at least ten calendar days before construction begins but must also be noted on the Town Grading Permit.

6. A tree lawn on the north side of Lots 6 & 7 shall be installed as part of the Residential portion of the Gateway Development approved with Final Plat. The Final Plat Landscape Plan was prepared by StackLot LLC on 7/31/2023 and approved by the Town.

Attachments

1. Application form
2. Narrative
3. Final Plat
4. Final Drainage Plan
5. Final Landscape Plan
6. Preliminary Plat
7. Neighborhood Master Plan – Illustrative Masterplan
8. Traffic Impact Study and Traffic Signal Plans

Example