



Town of Berthoud Planning Commission
Town Hall
807 Mountain Avenue
Thursday, September 26, 2024, at 6:00 p.m.

1. Call Meeting To Order
2. Pledge Of Allegiance
3. Roll Call
4. Approval Of Meeting Minutes

Documents:

[2024 09 12_PLANNING COMMISSION MINUTES_DRAFT.PDF](#)

5. Public Hearing To Consider A Request For A Final Plat Known As Heon Lakes 17th Filing Located South Of And Adjacent To West County Road 14 And West Of And Adjacent To Pine Hill Drive

Presented by: Anne Johnson, Community Development Director
Lauren Richardson, Planner, Baseline Engineering

Documents:

[HERON LAKES 17TH FILING_FINAL PLAT DOCUMENTS.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.



MEETING MINUTES OF THE PLANNING COMMISSION
Town Board Room
807 Mountain Avenue, Berthoud, CO 80513
September 12, 2024, at 6:00 p.m.

1. Meeting Called To Order – Chairperson Karen Anderson
Meeting Called to Order at 6:05 p.m.
2. Pledge of Allegiance
Chairperson Anderson led the Pledge of Allegiance
3. Roll Call

The following Commission members were present:

Karen Anderson, Chair
Abigail Smith, Vice Chair
Nick Semedalas, Commissioner
Joe Donnelly, Commissioner

The following Commission members were absent:

Marc Hofmans, Commissioner
David Pond, Commissioner

The following Staff members were present:

Anne Johnson, Community Development Director
Tawn Hillenbrand, Senior Planner
Teri Reger, Planning Technician
Walt Elish, Business Development Manager
Erin Smith, Town Attorney, via Zoom
Luke Seeber, Town Engineer, via Zoom

The following Guests and Berthoud Housing Steering Committee Members were present:

Sean Murphy, Trustee
Tim Hardy, Trustee
Tiffany Brodie, Habitat for Humanity
Eric Hull, Director of Real Estate Development, Loveland Housing Authority
Audry Herbison, UPSTATE Colorado

4. Approval of Minutes
 - a. August 22, 2024 - Planning Commission Meeting Minutes

MOTION made by Vice Chair Smith to APPROVE the Minute for the May 23, 2024 Planning Commission Meeting. SECONDED by Secretary Semedalas. With all those in favor, THE MOTION CARRIED.

5. Work Session Presentation was give to the Housing Steering Committee by Walt Elish, Business Development Manager and Audry Herbson from UPSTATE Colorado on the connection

between Economic Development and Housing Availability.

6. Public Hearing (Continued from August 8, 2024 Planning Commission Meeting): Resolution 10 (Series 2024), A Resolution Approving The Farmstead 3rd Filing Neighborhood Master Plan, And Ordinance 1343, An Ordinance Amending The Zoning Map Of The Town Of Berthoud To Rezone The Farmstead 3rd Filing Property Currently Zoned PUD - Planned Unit Development To SR - Suburban Residential, SC – Suburban Commercial, And UR – Urban Residential. Presented by: Tawn Hillenbrand, Senior Planner

A motion was made by Commissioner Semedalas however the applicant withdrew their application before the motion could be voted upon.

7. Report by Staff

- Ayres Associates will be conducting a number of interviews and public engagements over the next few weeks.
 - September 19, 2024, Ayres will conduct 3 interview sessions with various stakeholder groups to gather feedback on their thoughts regarding housing in Berthoud.
 - September 21 and October 5, 2024, Ayres will conduct public engagement interviews at the Berthoud Rec Center and Oktoberfest respectively.
- Planning Commission Upcoming Meetings are as follows:
 - October 10th – Habitat for Humanity will give a Presentation
 - October 24th – Housing Steering Committee Presentation and Land Use Hearing
 - We had a Building Permit Technician resign this week due to health issues. We have hired a new full-time Building Technician bringing us to 2.5 total. The new Permit Tech will begin work on September 23, 2024.
 - The Town is looking to hire a Civil Engineer, if you know anyone please let them know we are looking.
 - Short-term Rentals go into effect on September 23, 2024. We know that people are working on their applications now in anticipation of submittal on the 23rd.
 - The last Code Amendment was passed by the Board of Trustees on 9/10/2024.
- Joe Donnelly announced that he is resigning from the Planning Commission based on conflicts with family obligations.

8. Adjourn

MOTION was made by Secretary Semedalas to adjourn the September 12, 2024, Planning Commission meeting. SECONDED by Vice Chair Smith. With all in favor, THE MOTION CARRIED.

The meeting was adjourned at 9:10 p.m.

Chairperson

Secretary

PLANNING COMMISSION INFORMATION

COMMUNITY DEVELOPMENT DEPARTMENT



Meeting Date:	September 26, 2024
Agenda Title/Subject:	Public Hearing to consider a request for a Final Plat known as Heon Lakes 17th Filing located south of and adjacent to West County Road 14 and west of and adjacent to Pine Hill Drive
Type of Item:	Public Hearing
Purpose:	Request for approval of a Final Plat for Heron Lakes 17th Filing
Presented by:	Anne Johnson, Community Development Director Lauren Richardson, Planner, Baseline Engineering

ATTACHMENTS:

- Staff Report
- Application materials

BACKGROUND:

The proposed Final Plat is part of the overall Heron Lakes Subdivision, first zoned in 2008. The property is zoned PUD and received approval of a Concept Plan in 2012. A preliminary plat was approved by Planning Commission and the Town Board of Trustees in 2023. A zoning amendment was completed in April 2024 to clean up lines for uses (golf course and residential uses). The final plat application is the final land use approval needed to plat the lots.

UPDATE/NEXT STEPS:

After the Planning Commission public hearing, the applicant will need to enter into a Development Agreement to cover public improvements and landscaping. This Agreement is standard for all development in the Town and shall be entered into between the Town and the applicant. The Planning Commission is the final public hearing for the Final Plat. If approved as presented, any Conditions of Approval will need to be met before the Final Plat materials will be recorded with the Larimer County Clerk and Recorder.

FISCAL IMPACT AND FUND SOURCE:

There is no negative impact to the Town in consideration of this request.

COMMUNITY TOUCHSTONES:

Consideration of this request does not negatively impact community touchstones.

RECOMMENDED ACTION(S):

Staff recommends approval of the request. See suggested motions in the Staff Report.



**Garden
Spot of
Colorado**

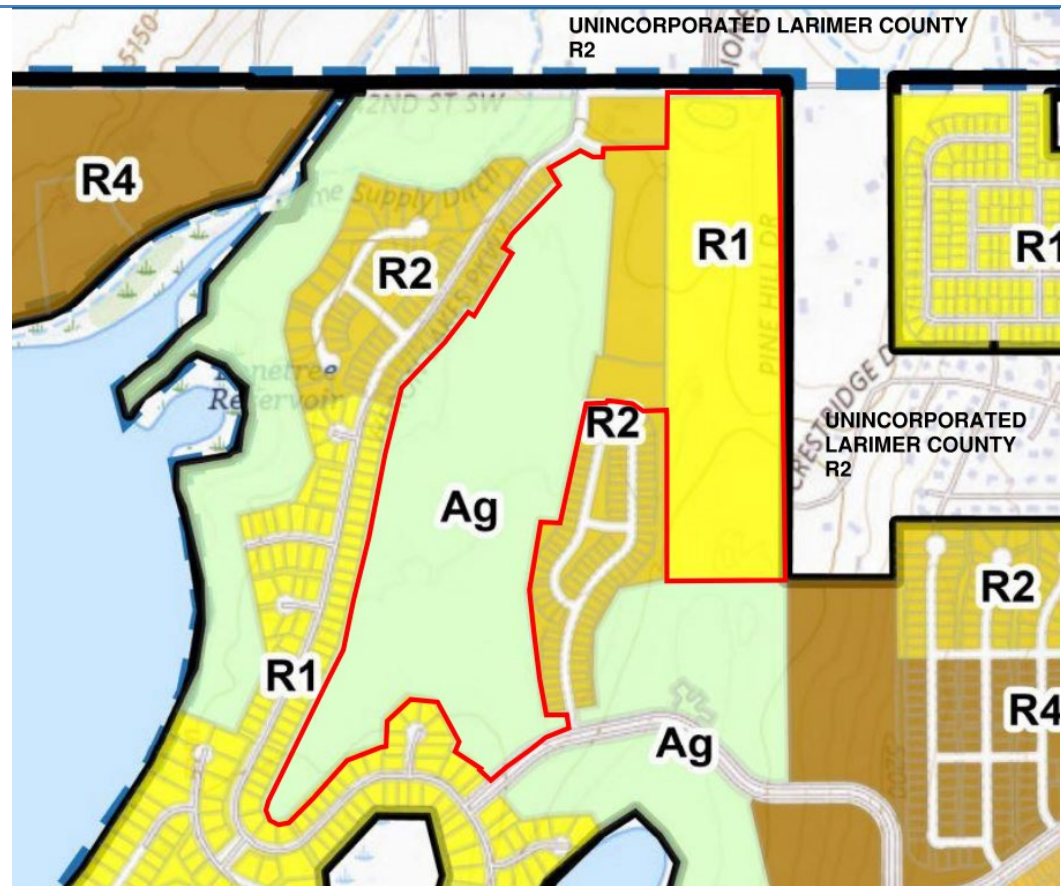
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STAFF REPORT: HERON LAKES 17TH FILING FINAL PLAT

DATE: September 26, 2024

GENERAL INFORMATION

Applicant:	Heron Lakes Investments, LLC, Jim Birdsall, agent	Size: 128.5 acres
Site Location:	The property is located near the intersection of County Road 14 and Pine Hill Drive. 	
Applicant's Request:	The Applicant is requesting approval of a Final Plat creating 132 lots intended for single-family detached housing.	
Surrounding Property Current Uses:	North: residential West: golf course South: residential East: residential	
Surrounding Property Current Zoning:	*see map next page	



ZONING DISTRICT INFORMATION

	<u>AG</u>	<u>R2</u>	<u>R1</u>
Max Density	1 dwelling unit (unless on septic)	16 dwelling units	8 dwelling units
Max Building Height	40'	40'	40'
Min. Lot Width	150'	20'	30'
Front Yard Setback Front Loaded (w/garage)	25'	20*	20*
Front yard setback Rear Loaded	25'	10'	15'
Rear Yard Setback w/ Front Loaded Garage	25'	10'	20'
Rear Yard Setback w/ Rear Loaded Garage	25'	5'	5'
Side Setback	15'	5'	5'
Corner Setback	15'	10'	10'
Min. Lot Area	1 acre	2,000	3,500

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	Unincorporated Larimer – R2	Residential	N/A
South	R1 & AG	Residential	N/A
East	Unincorporated Larimer – R2	Residential	N/A
West	R1 & R2	Residential	N/A

Proposal

The applicant proposes a Final Plat to create 132 lots for single-family detached residential development. The plat would include 13 tracts to be used as drainage, utility, or access easements which will be owned and maintained by the existing Berthoud-Heritage Metropolitan District No. 9. The 10.37 acres of proposed right-of-way are to be dedicated to the Town of Berthoud through this plat, and are to be maintained by the Town of Berthoud after the warranty period has expired.

Background

The proposed Final Plat is a part of the overall Heron Lakes Subdivision and was originally zoned through the Heron Lakes PUD First Filing approved in March of 2008. In 2015, an amended Concept Plan was approved. The concept plan envisioned this area as R-2 single-family homes. In 2021, a Preliminary Plat application was submitted and eventually approved in 2023. As a requirement prior to the approval of a Final Plat application, the applicant was to submit an application to rezone certain areas along the western boundary to clean up the zone district lines prior to the approval of the final plat. This requirement was fulfilled in April of 2024, and two areas were rezoned to reflect the design of the preliminary plat.

Amendment to Official Zoning Map 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 and/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 in conformance with the approved Preliminary Plat that was approved in 2023. The changes made were small design adjustments and did not change the number of single-family lots. The Final Plat does not propose any land use changes of the proposed plat, the preliminary plat, nor does it contain changes that would render this proposal in nonconformance with the Code. 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 SR - Suburban Residential. This request is consistent with the Future Land Use Map contained in the Comprehensive Plan. Provision for trails are included in the application.
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. Assurance has been made by the applicant that a connection to Pine Hill Drive at the Crestridge Drive intersection is not proposed at this time, and if in the future a connection was proposed, coordination with Larimer County Engineering would be required for any connections to Pine Hill Drive. The dedicated right-of-way is currently proposed as a temporary access road. The applicant has provided adequate plans for utilities and transportation designs.

PUBLIC NOTICE AND COMMENT

Notice of the Planning Commission 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 September 12, 2024, as required by the Development Code. In addition, the application was sent out to all property owners within 500 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 Heron Lakes 17th Filing Final Plat with the following Condition of Approval.

- 1. Prior to recording the plat, 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.**
 - a. The following shall be included in the Development Agreement: At the time when the City of Loveland is ready to connect the regional trail across SW 42nd Road, the developer shall install rectangular rapid flash beacons (RRFB) per MUTCD, on either side of the SW 42nd Road. The developer shall submit the final trail crossing plans to the Town for review.**
 - b. The Development Agreement will outline phasing requirements for sanitary sewer provision and the timing of issuing building permits within the development in relationship to the proposed expansion to the Heron Lakes Lift Station and the proposed Marina Lift Station.**

Proposed Motions:

For Approval:

I move to approve the Final Plat of Heron Lakes Seventeenth Filing due to the findings stated in the Staff Report with the Conditions of Approval found in the Findings and Recommendation section of this report.

For Denial:

I move to deny approval of the Final Plat of Heron Lakes Seventeenth Filing because of the following reasons:.....

Attachments

1. Application form
2. Final Plat
3. Final Landscape Plan
4. Approved Preliminary Plat