COMMUNICATION

TO: Chairperson and Members of the Planning Commission
FROM: Matt Blakely, Town Planner
SUBJECT: Timnath Ranch Subdivision 1\textsuperscript{st} Filing Planned Development Overlay Rezoning
DATE: Wednesday, April 24, 2012

ISSUE / BACKGROUND

Owner: Rob Johnson, Vice President Land Development, Village Homes
Applicant: Jim Birdsall, The Birdsall Group
Application Type: Rezoning Case Number: RZ-2013-002

<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
<th>Date</th>
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<tbody>
<tr>
<td>Application Submitted</td>
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<td>1/22/13</td>
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<tr>
<td>Incomplete Application</td>
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<td>2/11/13</td>
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<tr>
<td>Acceptance of Application</td>
<td></td>
<td>2/26/13</td>
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<tr>
<td>Referral Agency Notification</td>
<td>Referral comments due by 3/18/13.</td>
<td>3/4/13</td>
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<td>Comments Issued</td>
<td></td>
<td>3/28/13</td>
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<tr>
<td>Notice Posted and Notify Adjacent Property Owners</td>
<td>Planning Commission Agenda posted at Town Hall, Timnath Post Office, and Town of Timnath website.</td>
<td>4/8/13</td>
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<td>Legal Notice</td>
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<td>4/12/13</td>
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<td>Planning Commission</td>
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<td>4/24/13</td>
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<tr>
<td>Town Council</td>
<td>1\textsuperscript{st} Reading of Rezoning Ordinance</td>
<td>TBD</td>
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<td>Town Council</td>
<td>2\textsuperscript{nd} Reading of Rezoning Ordinance</td>
<td>TBD</td>
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Legal Description/Address: That portion of Timnath Ranch 1\textsuperscript{st} Filing 2\textsuperscript{nd} Amended Final Plat zoned R-2 Single-Family Residential

Parcel Size (Acres): Rezoning: 119.09 Total Acres more or less

Number of Lots: Residential/Commercial: 271 Lots = R-2 Single Family Residential District (119.09 acres)

Existing Zoning: R-2 Proposed Zoning: R-2 with Planned Development Overlay
Existing Land Use: Vacant Proposed Land Use: Single-Family Residential,
SERVICES:
Water: Fort Collins – Loveland Water District
Sewer: South Fort Collins Sanitation District
Fire: Poudre Fire Authority
Special Districts: Within Timnath Development Authority Boundaries

Adjacent Zoning/Land Uses:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>Northeast</td>
<td>FA-1 (County) District, I-1 Business/Light Industrial, and R-2 Single-Family Residential Districts</td>
<td>Great Western Railroad, Existing Kennels, Existing single-family residences, &amp; Vacant</td>
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<tr>
<td>South</td>
<td>C-2 Community Commercial and R-2 Single-Family Residential Districts</td>
<td>Existing single-family residences, &amp; Vacant</td>
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<tr>
<td>West</td>
<td>FA-1 (County) District</td>
<td>Vacant</td>
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Application Description:
Rezoning from R-2 Single Family Residential to R-2 Single Family Residential with a Planned Development Overlay. The request to add the Planned Development Overlay is being done to modify the standard R-2 density and dimensional standards. The proposed modifications to the standards are to change the side yard setback from 7’ to 5’. All other density and dimensional standards shall apply.

Property Description:
History: January 23rd, 2007 the Planning Commission of the Town of Timnath approved the Timnath Ranch 1st Filing Amended Final Plat and then on February 7, 2007 the Town Board approved the same. Said plat included a PD Overlay table indicating density and dimensional standards modifications from the R-E zoning requirements. This table included the following modifications:
- Minimum lot area per dwelling: Overall gross density of 1.60 units/acre
- Minimum lot width of 75’
- Minimum lot frontage of 45’
- Maximum lot coverage of 30%
- Minimum front yard setback of 20’ (principal building) and 40’ (accessory building)
- Minimum side yard setback of 5’
- Minimum distance between buildings of 10’
- Minimum rear yard setback of 15’ (principal building) and 15’ (accessory building or structures)
- Minimum floor area per dwelling unit of 1,500sf
- Maximum building height of 35’

On June 26, 2012 the Planning Commission approved the Timnath Ranch 1st Filing Rezoning of a portion of the property from R-E to R-2 and a portion of the property from C-2 to C-1 then on July 10, 2012 (1st Reading) and on August 28, 2012 (2nd Reading) the Town Council approved the same.

On September 12, 2012 the Planning Commission approved the Timnath Ranch 1st Filing 2nd Amended Final Plat and then on October 9, 2012 the Town Council approved the same.
With the approval of the 2<sup>nd</sup> Amended Final Plat and Rezoning of the property, the initial PD Overlay zoning has been removed from the plat and the zoning designation changed relative to the property.

**Site Description:** The applicant is proposing Rezoning the R-2 portion of the property to add a Planned Development Overlay zoning designation.

**Land Use:** The Rezoning application was reviewed against the Timnath Land Use Codes and Timnath Comprehensive Plan to ensure conformity. Upon completion of this review, staff has determined that all necessary elements of the Land Use Code have been adequately addressed for these applications.

**Review Criteria/Recommendation:**
This application was submitted as a complete and comprehensive application and adequately addressed all elements required to proceed with the approval process. Upon review of this application by all referral agencies and applicable ordinances, regulations, standards, criteria, and policies all criteria set forth in Section 16.3.10.D of the Timnath Land Use Code (Tab 13, Rezoning Evaluation Forms, of the Planning Commission Manual) have been met and staff recommends approval.

**Criteria for Amendments to the Official Zoning Map and/or Rezoning to PD Overlay:**
The Land Use Code provides for six criteria or conditions that justify the rezoning of the property. The following is a list of those criteria and the applicable condition in this case:

1. To correct a manifest error in an ordinance establishing the zoning for a specific property; Not applicable.

2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally; or Not applicable.

3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Town Comprehensive Plan; or Not applicable.

4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Town Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; or Not applicable.

5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or The previous rezoning approval to R-2 allowed the applicant the opportunity to increase density on the property to be more consistent with adjacent developments. The adjacent developments of Timnath Ranch 3<sup>rd</sup> Filing and Timnath South 1<sup>st</sup> and 2<sup>nd</sup> Filings all currently allow 5’ side yard setbacks because these applications were approved prior to the Land Use Code change to 7’ side yard setback (Ord No.94, 2010). This rezone to PD Overlay would allow additional flexibility and consistency with the adjacent developments. In addition, it appears the original 5’ side yard setback designated on the Timnath Ranch 1<sup>st</sup> filing was lost in the platting and rezoning applications.

6. A rezoning to Planned Unit Development overlay district is requested to encourage
innovative and creative design and to promote a mix of land uses in the development. A Planned Development overlay district is being requested to be compatible with the adjacent developments and to reinstate the 5’ side yard setback that was lost in the previous platting and rezoning applications.

**Referral Comments:**

**Not Returned:** Great Western Railroad, Timnath Finance Department, Poudre River Public Library District, Poudre School District, Qwest Communication, Timnath Attorney, Timnath Public Works, Xcel Energy, AT&T Communication

**Returned with No Comments:** Fort Collins – Loveland Water District, South Fort Collins Sanitation District, Timnath Police Department, Safebuilt, ComCast, Timnath Engineering, Poudre Fire Authority

**Returned with Comments:**

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<th>KEY</th>
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<tr>
<td>Referral Comment has been addressed satisfactorily</td>
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<td>Drafting or Grammatical will be satisfactorily addressed</td>
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<td>Provided as information for Applicant.</td>
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<tr>
<th>Comment</th>
<th>Status</th>
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<tbody>
<tr>
<td><strong>Town Planner, Matt Blakely – (970)224-3211 x19</strong></td>
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<tr>
<td>A. All of the Planning Department concerns have been addressed.</td>
<td>FYI</td>
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<td><strong>Larimer County Dept of Health and Env., Doug Ryan- (970)498-6777</strong></td>
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<td>B. Any concerns of our office would be addressed if the utility providers indicate that they have adequate access for their service and maintenance needs.</td>
<td>FYI</td>
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**Correspondence from Property Owners:**

Town Staff received an email from Michael Corrigan (Timnath Ranch Preserve Resident) and is attached to this communication for your review.

**ATTACHMENTS:**

1. Applicant Narrative Requesting Rezoning
2. Rezoning Map
3. Email correspondence from Michael Corrigan dated April 16, 2013

**RECOMMENDED MOTION**

**Rezoning**

Finding that a complete application was submitted and reviewed in accordance with all applicable Town regulations, the application conforms with the mission and goals of the Timnath Comprehensive Plan, and the applicable criteria outlined in Section 16.3.10.D of the Timnath Municipal Code have been met, I move to recommend approval of the rezoning for Timnath Ranch Subdivision, 1st Filing from R2 –Single Family Residential to R2- Single Family Residential with an overlay district as presented in the Planning Commission Communication to the Timnath Town Council.
PD Overlay Description

The intent of the Timnath Ranch First Filing Amended Final Plat is to create a plan that is well-designed, consistent with surrounding development, enhances the Town’s small-town character and promotes walkable, pedestrian-oriented development that is safe and secure.

All Town of Timnath Land Use requirements for the R-2 Zone district shall be applicable to this PD Overlay with the exception of the following:

1. The minimum side yard setback for all lots shall be 5’.

The intention of the developer in proposing alternative side yard setbacks for the project is to deliver a product that the market clearly wants. To that end, visibility and openness will be achieved by providing a good blend of open space and density. 35.5% of the project is well-integrated common open space providing recreational opportunities and is visibly and physically accessible to the entire neighborhood. Each lot in the subdivision has access to irrigated open space, and the development has a passive trail connection. The architecture will continue the high-quality architecture consistent with the other residential homes within the Timnath Ranch development. The approved plat also included 5’ side yard setbacks.

The lot sizes for the Timnath Ranch First Filing Amended Final Plat are consistent with the character of the surrounding development. By comparison, the proposed subdivision has a density of 2.24 d.u./acre; Timnath Ranch 3rd Filing is 3.3 d.u./acre and Summerfields contains 3.0 d.u./acre.
Hello Matt,

My name is Michael Corrigan and my family and I moved into the Timnath Ranch Preserve development area approx. 2 years ago. At that time, it seemed as though the development on the Preserve side (East of Summerfields Pkwy) was plotting out larger sized lots equal or close in size to the pre-existing homes in the area. At this point, it seems as though the plots are all getting smaller and the price of homes is being driven down. I am not a proponent of reducing the side yard setbacks from 7' to 5' in the new development area. As I believe that it will continue to drive the value of pre-existing homes down, with smaller homes & yards in the community.

I object to the proposal and believe that many others in the area feel the same way. The development in the Timnath Ranch area, should be more focused on quality and less on quantity. I hope that you take this into consideration on April 24th at the public hearing, as I will not be able to attend unfortunately.

Sincerely,

Michael Corrigan  
New Belgium Brewing  
Central Division Sales Director  
email: mcorrigan@newbelgium.com  
Cell (303)720-0517  
Fax (970)494-4160