



**Town of Timnath  
 Planning Commission  
 Regular Meeting Minutes  
 August 10, 2010  
 7:00 p.m.**

**1. Call to Order**

Chair Zachara called the meeting to order at 7:02 p.m.

**a. Roll Call**

Chair	Claudine Zachara.....	Y
Vice –Chair	Jan Lindeberg .....	Y
Commissioner	Jill Grossman-Belisle	Y
Commissioner	Carl Elliott.....	Y
Commissioner	Dick Weiderspon.....	Y
Alternate Commissioner	John Stewart.....	N
Alternate Commissioner	Polly Tingey .....	N

Community Development Coordinator Linda Griess, Town Planner T.J. Dlubac, Interim Town Manager Sherri Wagner, Russ Weber Safebuilt, Jeff Reynolds Frye-Pro, Jim Birdsall

**2. Consent Agenda: Minutes**

**a. Minutes: July 13, 2010**

Commissioner Weiderspon made the motion to approve the **Minutes from the July 13, 2010 meeting**. Vice-Chair Lindeberg seconded the motion. The Minutes were passed unanimously by voice vote.

**3. Business and Discussion items:**

**a. Fyre- Pro**

Town Planner Dlubac introduced to the Commissioners to the upcoming project Frye-Pro.

Planner Dlubac gave both an overview and background history of this project: The subject property is adjacent to Main Street, south of East 5<sup>th</sup> Avenue and west of the alley. Access to and parking for this site will be attained by parking spaces to be constructed along the south side of East 5<sup>th</sup> Ave. The building has previously been a machine shop but has been vacant for the previous six months therefore, the use requires a site plan.

The applicant has submitted a site plan application to conduct a custom fireplace business for this property to include a retail component, on-site storage of products, outdoor display area, as well as a possible coffee shop type venue which would provide a gathering place for the community. The current structure will be used for this business. Due to the Old Town Sewer Project, the Town and the Owner have entered into a Development Agreement to coordinate the construction of on- and off-site improvements which the Owner is responsible for. The purpose of the Development Agreement is to allow for some flexibility in the current Land Use Code (L.U.C.) regulations in return for a high quality development which will prove to be the northern anchor of Old Town Timnath.

**Background:** This project was originally submitted on May 4, 2009 after months of discussions and agreements between the Owner and town staff. Throughout the months since the original submittal, there have been numerous discussions between staff and the Owner with regard to what improvements were desired and/or required. The original plan, which was discussed in November of 2008 and submitted in May of 2009, indicated that there would be three phases, the first of which would allow for temporary storage of fireplaces and associated materials. The second phase was to be the addition of a retail component, in a building very similar to the current structure with a few modifications. The third phase would be constructing a building that met all of the layout and design standards (Sec. 16.2.19 of the L.U.C.) of the B Downtown Business District. Shortly thereafter the plan changed with the elimination of phase three and phase two would be the final product. Since staff had allowed temporary elements on the original site plan to accommodate massive remodeling in the future, a revised site plan was submitted and reviewed against all B Downtown Business District standards. Additionally, a revised development agreement was drafted, and signed by the Owner on September 24, 2009 and the Town Manager. While being understanding with the realities of developing in Timnath and the anticipated sewer project, the town entered into this agreement with the Owner to delay improvements until such a point that the necessary infrastructure is in place or the sewer project will not interfere with this development. Additionally, amendments have been made to include portions of E. 5<sup>th</sup> Avenue within the scope of the sewer project to provide cost savings to the Owner. A few months later, the ultimate goals of this project had changed once more in the form of the façade and exterior improvements to the current structure. In the second site plan submitted, there was a façade treatment on all visible sides of the building with a tower feature proposed while in the third site plan submittal, with no discussion with staff, the exterior improvements were dropped to a minimum and only the west wall was to be treated with a façade. Moreover, based on International Building Code (IBC) regulations, a firewall must be installed on the south side of the building. There is a fear that based on the modifications made with this project and if this site plan were approved without necessary agreements and clear understandings in place, that the firewall will not be completed, therefore, creating a situation in which the Town does not have available means to enforce the IBC. After many months of back and forth discussion, town staff has reached an impasse with the Owner on a few critical issues related to the development of the property.

**Issues:** Based on the outstanding issues described below, Staff feels that site plan application does not meet the criteria set forth in Section 16.4.10.C of the Town of Timnath Land Use Code. Staff believes that specifically, number 6, "The applicable provisions of this Code have been adequately addressed and the proposed improvements conform to this Code" is not met with the site plan application as proposed.

1. Since storage is not an allowed principle use in the B District, the development agreement allows temporary storage of fireplaces with the assumption that there would be a retail component associated with this site in the near future. This was written and discussed in November of 2008 with the understanding that the retail component would commence within a two-year timeframe.

2. The development agreement allows for temporary outdoor storage of vehicles and trailers, with the anticipation that they would be placed inside the expanded garage; however, the current elevations indicate no remodeling of the garage structure on the east portion of the site. Our concerns here revolve around outdoor storage (retail establishments with outdoor storage) which is not allowed in the B District (16.3.5 Table 3-A).
3. Elements required in Article 2 of the L.U.C. are not shown in the latest revisions of the site plan, including:
  - a. Front façade is not continued around all visibly exposed sides of the building (16.2.19.B.9).
  - b. Windows are not vertically proportioned. (16.2.19.B.10)
  - c. Building does not abut the front property line (west property line) which was discussed in the original three phase plan. The maximum front yard setback in the B District is 10'. (16.2.19.C.1 & 16.3.6.B Table 3-C)
  - d. Commercial buildings in the B District shall be contained in multi-story mixed use buildings. This was also discussed in the original three phase plan. (16.2.19.C.2)
  - e. Buildings shall not create isolated "pad sites". The inclusion of the outdoor display area would meet the criteria by creating the pedestrian connection between the sidewalk and the front door of the establishment. (16.2.19.C.3)
  - f. Buildings with transparent entries and large store front windows are strongly recommended (16.2.19.C.5)
4. In the latest round of revisions made by the property owner, there are inconsistencies between the revised building elevations (Sheet 2) and the proposed site plan (Sheet 1).
  - a. New storage structure to adequately contain all necessary items indoors.
  - b. Trash containment location and screening.
  - c. Outdoor display area proposed west of the front of the building is missing from Sheet 2 but shown on Sheet 1.
  - d. Extra façade treatment and a window are indicated on Sheet 1 while Sheet 2 does not show those features.
5. The project has been continually delayed and staff is concerned that based on this track record, the project will continually be put off and the intent and good faith of the agreements may not come to fruition in a timely manner.
6. While this is not specifically a staff concern, it there has been discussions between Xcel Energy and the Owner regarding the relocation of the power line which is currently located on the north side of the property and services the property directly to the south of this site which would have large financial implications on the development.
7. There are drafting errors on the site plan which must be corrected prior to the site plan being recorded.

Chair Zachara asked if there would be any conflict of interest within the Planning Commissioners regarding this project. Commissioners all stated that there is no conflict of interest with this project.

Owner of Frye Pro Jeff Reynolds gave an overview to the Commissioners of what this project is going to give to the Timnath Community and was requesting that the Commissioners approve his latest changes to the site plan.

**Planning Commissioners Comments:**

Commissioners requested that the applicant works with Town Staff on the items that are not agreed upon with the latest site plan changes and come back to Planning Commission for future approval. Chair recommends that the Town work with the applicant to come to some compromise. Commissioner Belisle would like to have Mr. Reynolds review his Development Agreement and re-evaluate the agreement and update the need for the fire wall. Vice Chair Lindeberg agrees with the other commissioners and is requesting a firm site plan be agreed upon and then brought back to the Planning Commissioners. Commissioner Elliot believed that the site plan was acceptable as presented and was interested in allowing this small business locate in Timnath.

**Recommended Motion:** Commissioners made a motion to table this project for 60 days and then bring it back to the Planning Commission for a better and clearer site plan and agreements with the Town and Staff. Vice-Chair Lindeberg made the motion to table this project at this time. Commissioner Belisle seconded the motion on bringing this project back to the Commissioner on the first meeting in Oct. 2010. Motion passed unanimously.

**b. GMA Update**

Town Planner Dlubac updated the Commissioners that in February of 2009, the Town of Timnath and the City of Fort Collins entered into an Intergovernmental Agreement (IGA) to address issues related to land use planning, growth management areas (GMA), as well as storm drainage and other issues. As a part of the IGA, both municipalities must amend their respective GMA's to reflect the agreed upon joint boundary. The newly established boundary generally is I-25 except for those properties to the east of I-25 which have already been annexed into Fort Collins. There are a few other properties which, based on annexation requirements, cannot be annexed to Timnath, therefore, are still located within Fort Collins' GMA. By adding these properties, there will be two general processes to accomplish this. The first is the update to the GMA by way of the Future Land Use Map which will include at least one public outreach meeting put on by staff, Planning Commission approval and finally Town Council approval. The second process will be an IGA with Larimer County where the County officially acknowledges our GMA. Since agreements are a Council action, this later process may not include the Planning Commission.

Staff is not requesting or recommending any action be taken at this time.

**4. Reports:**

**Interim Town Manager Sherri Wagner** stated that she is a place holder for the Town Manager job while Ms. Davidson is on Administrative leave. There are no updates on the investigation that is going on.

Updated the Commissioners on the old Town sewer project stating that a firm start date has not been agreed upon but hopefully some work will still be done in 2010.

**Town Planner Dlubac** updated the Commissioners on the status of work on the Land Use Code, as far as moving forward with the updates we have run into some concerns so the project of updating the code is going to be put on hold until a later time. Work will continue on the Comp Plan; at this time we are not going to update the Transportation plan. Planner Dlubac reminded the Commissioner of the Open House on Aug 12 @ 6:00 - 8:00 to discuss the process for parks, recreation space and trails systems.

**5. Adjournment**

- a. Chair Zachara officially closed the meeting at 8:45 p.m. Commissioners unanimously voted to adjourn the meeting.

**TOWN OF TIMNATH  
PLANNING COMMISSION**

  
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Claudine Zachara, Chair

**ATTEST:**



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Linda Griess, Community Development Coordinator