

**Town of Timnath  
Planning Commission  
Regular Meeting  
June 13, 2006  
7:00 p.m.**

**This meeting will be held at Timnath Town Hall  
4100 Main Street, Timnath, Colorado.**

**1. Call to Order**

Chairman Raymond Wright called the meeting to order at 7:05 P.M.

**a. Roll Call**

Chairman	Raymond Wright	Y
Commissioner	Carl Elliott	Y
Commissioner	Russ Miller	Y
Commissioner	Dick Weiderspon	N
Commissioner	Cody Speaker	N
Alternate Commissioner	Tracy Kellums	Y

Also present were Deputy Clerk Linda Griess, Town Planner Tim Katers, Town Attorney Rick Samson, Developer Jon Turner, Nick and Krista Nero, Resident Joe Hallenbeck, Mitch Roeder, Tim Kemp, Northern Engineering

**2. Amendments to the Agenda**

No amendments were made to the Agenda

**3. Minutes**

a. Minutes – May 24, 2006, Planning Commission Meeting,  
Commissioner Miller motioned to approve the Minutes, Commissioner Kellums seconded the motion. Minutes were approved unanimously by voice vote.

**4. Discussion Items**

**a. Appointment of Vice-Chair**

It has been brought to the attention that the Planning Commission should consider the appointment of a Vice-Chair to serve in the capacity of Chair if Chairman Raymond Wright should he need to miss a Planning Commission Meeting in the future. Commissioner Miller suggested that Commissioner Carl Elliot would be a good choice for the Vice Chair. Commissioner Elliot agreed to this position. Commissioner Miller motioned to approve the assignment. Commissioner Kellums seconded the motion. The motion was passed unanimously. This appointment will now go to the Town Board for approval.

After the discussion and the motion to approve Commissioner Elliot as Vice Chair, the Commissioners request that the Town Board direct a revision to Article VII, Section 2.144 of the Timnath Municipal Code to allow for the creation of the position of Vice-Chair of the Timnath Planning Commission.

**b. Nero/Aldrich Conditional Use Application**

Planner Katers introduced to the Commissioners Nick and Krista Nero who have entered into a contract to purchase the Aldrich Property at 4113 Main Street and would like to locate their Landscape Business at this site. The property was rezoned earlier this year to B-Business.

The Nero's have submitted plans for the construction of an entryway at the southwest corner of the property and for a 40 x 60 foot metal building for storage and workspace. The existing single family dwelling will be converted to rental offices, and Krista Nero may move her Insurance business into this building. Russ Miller advised that the Landscape business should have permanent restroom facilities. NO port-a-potties allowed as a permanent installation.

The company does use large equipment and this equipment will be stored at the rear of the property or in the proposed metal building. Traffic generated by the business will consist largely of employees coming/going to work and company vehicles and equipment going to/from work sites. Nero Landscape currently employees 10 people, parking would be on site and will not create additional congestion on Main or adjoining streets.

Planner Katers did bring up to everyone involved in this project that there is still the dispute about the property by the railroad tracks (Joe Hallenbeck). Mr. Hallenbeck believes that he owns the back 50 feet of the property. This would cause the new owners NO access to the back of the lot. The recommendation is to have the two parties solve this problem on there own.

The Planning Commission recommends approval of this Conditional Use Permit to the Town Board with the following conditions:

1. Landscape business access to be from rear of property, not Main Street, if western property boundary extends to distance claimed by Mr. Aldrich.
2. Business activity impacts including light, noise, odor, dust and erosion to be confined on site.
3. Hours of operation to be limited to between 7 a.m. and 6 p.m., Monday through Saturday.
4. Welding, metal grinding and metal work limited to minor business-related repairs and the confines of the shop building.
5. Indemnification of the Town by current owner against any lawsuit related to the disputed land ownership on this parcel – or - completion of an ALTA Survey of the property and clear title insurance for the entire area of the lot including the disputed land area.

Commissioner Elliott made a motion to approve the Nero/Aldrich Conditional. Commissioner Miller seconded the motion. The Nero/Aldrich Conditional was passed unanimously by voice vote, and recommended to be moved the Town Board if all conditions are met.

**c. Timnath Ranch Filing #2 Preliminary Plat – Public Hearing**  
Review of the Preliminary Plat begins with a Public Hearing.

**Chairman Wright opens the Public Hearing at 7:55 pm, June 13, 2006**

Town Planner Katers presents Exhibits A thru E:

- Exhibit A:** Proof of Publication
- Exhibit B:** Proof of Mailing
- Exhibit C:** Mailing referrals
- Exhibit D:** Staff Communication
  - Letters from Petro-Canada and Omnitrax
- Exhibit E:** Preliminary Plat dated June 12, 2006

Developer Jon Turner outlined the upcoming changes on the preliminary plat, the new elementary school and the re-alignment of the ditch. The new plat also shows the moving of the railroad tracks. Planner Katers stated his 3 conditions (1. Show right of way of 70 feet along LCR 1 and Harmony Road, 2. Show right of way of 50 feet along LCR 36 and LCR 3 3. Show recorded right of way for north side of Harmony Road), have all been met prior to the meeting.

Chairman Wright closed the **Public Hearing at 8:05 p.m.**

Discussion was brought up about the Petro-Canada rights, Attorney Samson, agreed with Developer Jon Turner that at this time the Town will not do anything, and let Mr. Turner continue with his action.

Commissioner Miller moves to recommend approval of the Timnath Ranch Preliminary Plat to the Town Board with approval of the Preliminary Plat of Timnath Ranch Subdivision Second Filing without conditions. Commissioner Elliott seconds the motion. The motion was passed unanimously by voice vote.

**d. Timnath Ranch Filing # 2 Final Plat**

Planner Katers introduced the Final Plat for Timnath Ranch filing #2. Planner Katers recommends that the Commissioners approve this filing with no conditions. Commissioner Elliott moves to recommend the approval of the Final Plat of Timnath Ranch Subdivision second filing to the Town Board with no conditions. Commissioner Kellums seconded the motion. The motion was passed unanimously by voice vote.

**e. Ex-Parte Communications**

Planner Katers and Attorney Samson explained that the Planning Commissioners serve in an official capacity for the Timnath community and often in "quasi-judicial" roles when matters come before them in a Public Hearing setting. Attorney Samson, discussed the protocol of how to handle situations that the Commissioners may be put in with the new development of the Town.

Planner Katers asked the question, what if the Developer asks individually the commissioners to come and look at the development is this OK? Attorney Samson stated that they should only do it as a Group of Commissioner, **never go alone**. Site visits with all the commissioners is acceptable without the Developer being present. No investigation on your own is allowed. Attorney Samson has set up a book in Town Hall for further reference on this subject if anyone has questions please feel free to look it over.


**5. Other Business**

**6. Adjournment**

Commissioner Kellums made a motion to adjourn the meeting. Commissioner Elliott seconded the motion. The motion was passed unanimously on voice vote. Chairman Raymond Wright adjourned the meeting at **8:35 P.M.**

7. Commissioners adjourned to there Work Session on the Comprehensive Plan – Future Land Use Map Revision.

  
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Raymond Wright, Chairman

ATTEST:  
  
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Linda Griess, Deputy Town Clerk