Town of Timnath
Planning Commission
Regular Meeting Minutes
November 25, 2008
7:00 p.m.

1. Call to Order

Chairman Wright called the meeting to order at 7:00 p.m.

   a. Roll Call
      Chairman          Raymond Wright       Y Arrived at 7:05
      Commissioner     Carl Elliott          Y
      Commissioner     Dick Weiderson         Y
      Commissioner     Cody Speaker          Y
      Commissioner     Susie Saunders        Y Arrived at 7:15

Also Present: Community Development Coordinator Linda Griess, Community Development Director Linda Martin, Town Planner T.J. Dlubak

   b. Executive Session: Commissioner Weiderson made a motion to enter into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-401(4)(b). Commissioner Speaker seconded the motion. The motion passed unanimously by voice vote.

Commissioners closed the regular meeting at 7:05 PM.

Commissioner resumed the Regular Planning Commissioners meeting at 7:10 PM

2. Consent Agenda: Minutes

   a. Minutes: November 11, 2008

Commissioner Elliott made a motion to approve Minutes from the November 11, 2008, meeting. Commissioner Weiderson seconded the motion. Minutes were approved unanimously by voice vote.

3. Business & Discussion Items

   a. Planning Commission Meeting Schedule:
      Commissioner Speaker made a motion to cancel the 2nd regularly scheduled meeting in December (December 23, 2008), and to establish a special meeting for January 6, 2009 and to further cancel the normal first meeting in January, (January 13, 2009 meeting to be cancelled). Commissioner Weiderson seconded the motion. The motion passed unanimously by voice vote.
b. Annexation:

1. Riverwalk Annexation: Approve Resolution and Zoning of Property

CONTINUED FROM Nov 11, 2008 Planning Commission Meeting to be continued until January 6, 2009.

Chairman Wright continued the Riverwalk Annexation agenda item until January 6, 2009.

Staff asked for a motion to CONTINUE TO JANUARY 6, 2009, Planning Commission Meeting. Commissioner Speaker made the motion to continue the Riverwalk Annexation Petition Resolution No 5, Series 2008, A Resolution of the Timnath Planning Commission Recommending Approval of the Riverwalk Annexation until January 6, 2009. Commissioner Saunders seconded the motion. The motion passed unanimously by voice vote.

2. Brooks Annexation: Approve Resolution 6, 2008, Recommending approval of the Brooks Annexation:

Community Development Director Linda Martin presented to the Commissioners the request for Annexation of the property known as the Brooks Property. The property has had historical use as a single family residence.

On November 5, 2008, the Town Council passed Resolution No. 24, Series 2008 finding the Petition for Annexation to be in Substantial Compliance and setting a Public Hearing on the application for December 3, 2008.

Town Staff has reviewed the application and has found it to be complete.

Commissioner Speaker made the motion to approve Resolution 6, Series 2008, A RESOLUTION OF THE TIMNATH PLANNING COMMISSION RECOMMENDING APPROVAL OF THE BROOKS ANNEXATION. Commissioner Weiderson seconded the motion. The motion passed unanimously by voice vote.

c. Public Hearings:

1. Riverwalk Zoning: Recommend approval for the Mixed Use Zoning for Riverwalk

2. CONTINUED FROM Nov 11, 2008 Planning Commission Meeting to be continued until January 6, 2009.

Chairman Wright continues The Riverwalk Zoning Hearing until January 6, 2009.

Staff asked for a motion to CONTINUE TO JANUARY 6, 2009, Planning Commission Meeting. Commissioner Speaker made the motion to continue approval of the MU-Mixed Use Zoning for the proposed annexation area known as Riverwalk until January 6, 2009. Commissioner Elliott seconded the motion. The motion passed unanimously by voice vote.

2. Brooks Zoning: Approval of R-1, Old Town Residential Zoning for the proposed annexation area:

Community Development Director Linda Martin introduced the proposed request for annexation of property known as the Brooks property. The applicants are requesting a R1 zoning.
On Wednesday, November 19, 2008, the Town Council suggested the Minor Annexation Ordinance be amended to allow for B zoning in addition to the R1 zoning. Therefore, the motion has been written to allow for the Town Council to determine that the B zoning is more appropriate for the Old Town Area.

As required by the Town Land Use Code, Town staff is to report how the zoning amendment is consistent with the criteria for amendments to the Official Zoning Map. Staff has reviewed the request and finds that the zoning map of the Town should be amended to indicate initial zoning of this potential annexed parcel as R-1, Old Town Residential District or B, Business. Staff further finds that the area requested for zoning is (1) an area needing initial zoning in light of the annexation request.

Chairman Wright Opens the Public Hearing at 7:25 PM

Public Comments: No Public Comments

Commissioners Questions and Comments: Commissioner Elliott asked what is B Zoning?

Additional Public Comments:

Chairman Wright Closes Public Hearing at 7:27PM

Commissioner Elliott made a motion to recommend approval of either, the R-1, Old Town Residential Zoning or B, Business Zoning, if the Town Council amends the Minor Subdivision.

Town Planner T.J. Dlubac presented to the Commissioners the request from the WildWing Subdivision to do a minor subdivision amendment. WildWing Subdivision Filing No. 1 was approved by Council on June 20, 2007 with the subsequent Amendment No. 1 being approved in November of 2007. This is a request to create building envelopes within Lots 1, 2, 3 & 4, Block 23 of WildWing Final Plat Filing No. 1 Amendment No. 1. The minimum building envelope is 3,950 square feet in area and each lot consists of eight (8) building envelopes. A rezoning of this property is running concurrently to create a PD Overlay over these lots.

Chairman Wright Opens the Public Hearing at 7:29 PM

Public Comments: NO Comments

Commissioners Questions and Comments: Commissioners asked what were the issues. Director Martin stated that they were the side patios and the shared drive ways. Both items have been satisfactorily addressed for the proposed patio homes.

Additional Public Comments: None

Chairman Wright Closes Public Hearing at 7:40 PM

Commissioner Weiderspon made a motion to recommend approval of the Minor Subdivision Plat for Lots 1, 2, 3, & 4, Block 23, WildWing Subdivision Filing No. 1 Amendment No. 1. Commissioner Saunders seconded the motion. The motion passed unanimously by voice vote.
4. WildWing Tschetter Building Envelope: Pd/Overlay Rezoning

Town Planner T.J. Dlubac presented to the Commissioner the request from the WildWing Subdivision to do a rezoning amendment. WildWing Subdivision Filing No. 1 was approved by Council on June 20, 2007 with the subsequent Amendment No. 1 being approved in November of 2007. This is a request to rezone Lots 1, 2, 3 & 4, Block 23 of WildWing Final Plat Filing No. 1 Amendment No. 1 from R-2 Single Family Residential to R-2 Single-Family Residential with a PD Overlay. The PD Overlay addresses primary building setback concerns & lot coverage due to the nature of the lot’s creation. Staff concerns regarding one house’s patio wall being too close to a neighbor’s primary structure wall, hindering the ability to maintain the exterior of the house, was addressed. The PD Overlay requires all patio walls to be a minimum of one half foot (1/2') from the property line. That, coupled with the one and one-half (1 1/2') building setback requirement, will provide a minimum of two feet (2') between a home and a patio wall.

Staff recommends approval of the rezone from R-2 Single-Family Residential to R-2 Single-Family Residential with a PD Planned Development Overlay.

Chairman Wright Opens the Public Hearing at 7:30 PM

Public Comments: NO Public Comments

Commissioners Questions and Comments: Commissioner Elliott asked about grills. Planner TJ Dlubac explained that the building code states there will be no grills on the side patios.

Additional Public Comments: None

Chairman Wright Closes Public Hearing at 7:40 PM

Commissioner Speaker made a motion to recommend approval of amending the zoning for Lots 1-4, Block 23, WildWing Final Plat Filing No. 1, Amendment No.1 as submitted.
Commissioner Elliott seconded the motion. The motion passed unanimously by voice vote.

d. Site Plan

1. WildWing Tschetter Building Envelope

Town Planner T.J. Dlubac presented to the Commissioner the request from the WildWing Subdivision the amended Site Plan. WildWing Subdivision Filing No. 1 was approved by Council on June 20, 2007 with the subsequent Amendment No. 1 being approved in November of 2007 which was intended to be condominium lots. A rezoning of this property is running concurrently to create a PD/Overlay over the lots created by the Minor Subdivision also running concurrently. All structures meet the proposed language in the PD/Overlay request. Issues addressed in the language include altering setback distances, lot frontage requirements and lot coverage percentages in addition to addressing fire safety issues with the patios between each structure. The drainage plan has been approved by the Town at the time the Final Plat was approved. The geometry of the Site Plan correlates to the approved Final Plat and no buildings or structures are shown encroaching into any easements. Landscaping for these lots will meet the landscaping plan approved during the Final Plat process.

Staff recommends the Site Plan be approved with the condition that the Minor Subdivision Plat and PD/Overlay be approved by the Town Council prior to the side plan being recorded.

Commissioner Speaker makes a motion to recommend approval of the Site Plan of the Amended Final Plat of Lots 1,2,3,&4, Block 23, WildWing Subdivision Filing No.1 Amendment No. 1. with the condition that the Minor Subdivision Plat and PD/Overlay be
approved by Town Council prior to the site plan being recorded. Commissioner Elliott seconded the motion. The motion passed unanimously by voice vote.

5. Reports
   a. Community Development Director is working on revising the sign code. Next year plans are to update the Land Use Code and the narrative for the Comp Plan. Downtown Core project will resume in January.

   Commissioner Elliott is concerned about the WalMart lighting for the Parking Lot and the lighting pollution. Director Martin is taking this as an action item and will report back to the Commissioners.

6. Adjournment
   a. Commissioner Weiderspon moved to adjourn the Planning Commission Meeting of Nov 25, 2008. Commissioner Saunders seconded the motion. The motion passed unanimously by voice vote.

   Chairman Wright adjourned the meeting at 7:50 p.m.

   TOWN OF TIMNATH
   PLANNING COMMISSION

   Raymond Wright, Chairman

   ATTEST:

   Linda Griess, Community Development Coordinator