Town of Timnath Planning Commission  
Regular Meeting  
Tuesday, October 17, 2017 at 6:00 p.m.  
Regular Meeting will be held at the Timnath Administration Building,  
4800 Goodman Street, Timnath, Colorado

1. Regular Meeting Call to Order
   a. Roll Call
      Chairperson: Philip Goldstein  
      Vice Chairperson: Kristen Seidel  
      Commissioner: Donald Risden  
      Commissioner: Scott Roys  
      Commissioner: Marty Jost  
      Alternate: Don Nohavec  
      Alternate: Vacant

2. Amendments to the Agenda

3. Administrative
   a. Determination of Alternate Voting (if necessary)
   b. Swearing in of new Alternate Commissioner Lisa Bard

4. Public Comments
   a. Public Comment is a time for the Public to address the Planning Commission on any item that is not on the agenda as a public hearing.

5. Consent Agenda
   a. Approval of the September 5, 2017 Planning Commission Meeting Minutes

6. Business and Discussion Items
   a. Land Use Code Amendment

7. Reports (if available)
   a. Commissioner Reports
   b. Town Manager
   c. Town Planner
   d. Town Engineer

8. Adjournment
1. **Regular Meeting Call to Order**  
Chairperson Goldstein called to order the meeting of the Planning Commission on Tuesday, September 5, 2017 at 6:02 p.m.

**Present**  
Chairperson Philip Goldstein  
Vice Chairperson Kristen Seidel  
Commissioner Don Risden  
Commissioner Scott Roys  
Commissioner Marty Jost  
Alternate Don Nohavec

**Others in Attendance**  
Matt Blakely, Community Development Director  
Kevin Koelbel, Town Planner  
Brian Williamson, Town Planner  
Don Taranto, Public Works Director  
Doug Bennett  
Terry Drahota, Timnath Resident

2. **Amendments to the Agenda**  
None

3. **Administrative**  
a. Determination of Alternate Voting (if necessary)  
   i. None

4. **Public Comments**  
a. Public Comment is a time for the Public to address the Planning Commission on any item that is not on the agenda as a public hearing.  
   i. None

5. **Consent Agenda**  
a. Approval of the August 15, 2017 Planning Commission Meeting Minutes  
b. Chairperson Goldstein seeks a motion to approve the August 15, 2017 Meeting Minutes  
c. Commissioner Jost makes a motion to approve.  
d. Vice Chairperson Seidel seconded the motion.
e. Motion passes unanimously by 5-0 vote.

6. Business and Discussion Items
   a. Harmony Subdivision PD Overlay - Public Hearing
      i. Matt Blakely introduces the item as detailed in the staff report.
      ii. Chairperson Goldstein opens public comment.
      iii. Chairperson Goldstein closes public comment.
      iv. Commissioner Roys asks about the reasoning for the use additions?
      v. Mr. Blakely states that the developer had land uses associated with the previous zoning and they wanted to retain those uses in the zoning designation switch that the Town went through and to cover their bases for development in the future.
      vi. Chairperson Goldstein seeks a motion to approve the Harmony Subdivision PD Overlay.
      vii. Commissioner Roys makes a motion to approve.
      viii. Commissioner Risden seconded the motion.
      ix. Motion passes unanimously by 5-0 vote

   b. Ranchview Estates Comprehensive Plan Amendment - Public Hearing
      i. Commissioner Roys recused himself from this item.
      ii. Alternate Nohavec will vote in place for Commissioner Roys.
      iii. Matt Blakely introduces the item as detailed in the staff report.
      iv. Doug Bennett mentions that the intent of the development would be to have a senior living community while keeping the existing home as a potential clubhouse.
      v. Chairperson Goldstein opens public comment.
      vi. Terry Drahota has a question as to what the density could be with this comprehensive plan change and what type of housing would be developed?
      vii. Mr. Blakely mentions that the change would go to 1 to 3 dwelling units per acre.
      viii. Mr. Bennett states that it is proposed to be single family detached housing.
      ix. Chairperson Goldstein closes public comment.
      x. Mr. Blakely mentions that this property is within the South Fort Collins Sanitation District and from the potential change of density on this property the district mentioned that a sewer capacity study would need to occur to determine what kind of density would be allowed on the property.
      xi. Don Taranto states that the last sewer study that was done for the Town was in 2005 and at that time this property was a single-family residence and was not contemplated for the higher density. This property will have to determine where the sewer will end up going and the amount of capacity allowed.
      xii. Chairperson Goldstein has questions if this property should wait until that study is done to determine what kind of density would be allotted?
      xiii. Mr. Bennett states that there have been discussions with the sewer district about the study and should be completed by the end of the year. If the Comprehensive Plan and a rezoning is approved and the study comes back that states a maximum number of housing units then that maximum is what the property could develop as even if the potential could be higher.
xiv. Commissioner Jost has a question as to why the Comprehensive Plan Amendment and the Rezoning aren’t both being brought forward for approval at the same time?

xv. Mr. Blakely states that the Comprehensive Plan Amendment needs to be before the rezoning and be evaluated for the land use before the zoning is determined.

xvi. Commissioner Jost has questions if 6,000 square foot lots would work in the LDR designation?

xvii. Mr. Blakely states that the LDR dictates 1 to 3 units per acre which would equate to the R-2 zoning, and the R-2 zoning doesn’t allow for any lot size smaller than 6,000 square feet.

xviii. Vice Chairperson Seidel has concerns that there is not a compelling reason to change the Comprehensive Plan.

xix. Mr. Blakely states that the Comprehensive Plan is a guide for the Planning Commission to use. It is intended to be flexible. This area is still in proximity to Harmony Road and higher density development. The Comprehensive Plan is not just the map, but also policies and actions. This change does align with some of those policies.

xx. Mr. Taranto mentions that Comprehensive Plans have been changing across all of Northern Colorado because at the time they were done the vision for the property with that current property owner was different than the one that the new property owner has now envisioned.

xxi. Alternate Nohavec has questions if the Zoning would have to change to allow for the change in density?

xxii. Mr. Blakely mentions that the zoning will need to change in response to this Comprehensive Plan Amendment and if their intent is to increase density.

xxiii. Chairperson Goldstein seeks a motion to approve the Ranchview Estates Comprehensive Plan Amendment from VLR to LDR as outlined in the staff report.

xxiv. Commissioner Jost makes a motion to approve.

xxv. Alternate Nohavec seconded the motion.

xxvi. Motion passes by 3-2 vote.

xxvii. Chairperson Goldstein, Commissioner Jost, and Alternate Nohavec voted in favor.

xxviii. Vice Chairperson Seidel, and Commissioner Risden opposed.

7. Reports (if available)

a. Commissioner Reports
   i. Chairperson Goldstein mentions that at the next Town Council meeting there will be a recommendation to appoint Lisa Bard to the Planning Commission.
   ii. Commissioner Jost will be absent on the October 3rd Meeting.

b. Town Manager
   i. None

c. Town Planner
   i. Mr. Blakely mentions that there is a new reservoir attendant that started on August 31st.
8. Adjournment
   a. Chairperson Goldstein seeks a motion to adjourn.
   b. Commissioner Risden moved to adjourn the meeting.
   c. Vice Chairperson Seidel seconded the motion.
   d. Motion passed unanimously by 5-0 voice vote.

Chairperson Goldstein adjourned the September 5, 2017, Planning Commission meeting at 6:40 p.m.

TOWN OF TIMNATH
PLANNING COMMISSION

___________________________________
Philip Goldstein, Chair

ATTEST:

_________________________________
Kevin Koelbel, Town Planner
**EXECUTIVE SUMMARY:**
This proposal is to amend multiple sections of the Land Use Code:
The first set of changes are to the B-Business zoning district Land Use Table. Specifically it will change
designations for attached single-family dwelling, single-family detached dwelling, car wash, equipment rental
establishments without outdoor storage, motor vehicle repair minor, plant nurseries & greenhouses, restaurants
with drive-thru, retail fuel stations, and mini-warehouses and self-storage facilities.

Secondly there is an addition to the Use Table of the code that now includes Short Term Rentals as a use and
then provides requirements for the operation of said Short Term Rentals.

The other remaining changes are minor grammatical and technical corrections.

**STAFF RECOMMENDATION:** Staff recommends the approval of these Land Use Code Amendments.

**KEY POINTS/SUPPORTING INFORMATION:**
The following amendments are being recommended by Staff to the Land Use Code since adoption by Town
Council on January 12, 2016:

Table 4.1: Staff has determined that there are several uses in the Business Zoning District that don’t align with
the intent of the area of town where the D district applies.

Therefore the following changes are being made to the land use table in the business zoning district only:

1. Change Dwelling, attached single family from Prohibited (*) to Permitted (P)
2. Change Dwelling, single-family detached from Prohibited (*) to Permitted (P)
3. Change Car Wash from Conditional Use (C) to Prohibited (*)
4. Change Equipment rental establishments without outdoor storage from Permitted (P) to Prohibited (*)
5. Change Home Occupations from Prohibited (*) to Permitted with Conditions (PC)
6. Change Motor Vehicle Repair Minor from Permitted (P) to Prohibited (*)
7. Change Plant nurseries & greenhouses from Permitted (P) to Prohibited (*)
8. Change Restaurants with drive-thru from Conditional (C) to Prohibited (*)
9. Change Retail fuel stations from Permitted with Conditions (PC) to Prohibited (*)
10. Change Mini-warehouses and self storage from Permitted with Conditions (PC) to Prohibited (*)

There is also the addition of the use of Short Term Rentals to the list of uses within the table. The use of a
Short Term Rental will be Permitted with Conditions (PC) in the RE, R-1, R-2, R-3, RMU, and B zoning.
Section 4.4.26 will be the conditions for a Short Term Rental. Those conditions are as follows:

4.4.26.1 – A Short Term Rental Application must be submitted and approved by the Community Development Director.

4.4.26.2 – Each Short Term Rental must obtain a Short Term Rental Business license with the Town and post the license number on every listed advertisement and on site.
   a. Initial Licensing fee = $150
   b. Annual renewal = $100

4.4.26.3 – Short Term Rentals are subject to lodging, sales, or other applicable taxes.

4.4.26.4 – Short Term Rentals utilizing an accessory dwelling must meet Town Regulations for accessory dwellings per section 4.4.1.6 of the Land Use Code.

4.4.26.5 – Rooms being rented on an individual basis and not as an entire home shall not have separate individual entrances.

4.4.26.6 – Rooms that are being rented must meet Town Building Code.

4.4.26.7 – Short Term Rentals must be inspected at time of initial licensing and on an annual basis accompanying the annual renewal to ensure compliance with the Building Code.

4.4.26.8 – The maximum number of people staying per night shall not exceed 6 persons.

4.4.26.9 – The maximum number of nights per month shall not exceed 15 or the max number of unique reservations cannot exceed 3 per month.

4.4.26.10 – All parking must be in a garage or on the driveway. No on-street parking allowed.

4.4.26.11 – There shall be no motor homes or travel trailers parked outside the residence.

4.4.26.12 – There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such short term rental, and shall not disrupt the neighborhood character.

4.4.26.13 – Any non compliance of these regulations will result in revocation of the Short Term Rental business license. The license may be reinstated one year from date of revocation with approval from the Community Development Director and satisfactory complying with these regulations.

The definition of Short Term Rental will be added to section 11 and will read as follows:

Short Term Rental shall mean a dwelling that under one ownership is leased in its entirety or as a portion at a time for periods of less than 30 consecutive days (i.e. Vacation Rental by Owner – VRBO or AirBnB).

The fees will be added to the fee table as part of Chapter 4 of the Municipal code.

ADVANTAGES:
- These changes will provide better clarity to the land use code on these issues.
- Will correct omissions.
- Provides regulations on Short Term Rentals.

DISADVANTAGES:
- None

FINANCIAL IMPACT:
- None
**RECOMMENDED MOTION:**
- I move to recommend approval of these Amendments to the Land Use Code to the Timnath Town Council.

**ATTACHMENTS:**
1. Table of Land Use Code Changes
### Table 4.1

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<th>Residential Uses and Structures</th>
<th>A</th>
<th>RE</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>RMU</th>
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<td>Dwelling, single-family detached</td>
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<td>Short Term Rental</td>
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<td><strong>Business/Commercial/Retail Uses</strong></td>
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<td>Car Wash</td>
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<td>Equipment Rental establishments without outdoor storage</td>
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<td>Motor vehicle repair, minor</td>
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<td>Plant nurseries &amp; greenhouses</td>
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<td>Restaurants with drive-through service</td>
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<td>Retail fuel stations</td>
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<td>Mini-warehouses and self-storage facilities</td>
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**4.4.26. Short Term Rentals:**

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TOWN COUNCIL COMMUNICATION

Meeting Date: September 26, 2017

Presented by: Don Taranto

Item: Engineering & Public Works Report

Ordinance ☐ Resolution ☐ For Information X

KEY POINTS/SUPPORTING INFORMATION:

1. **Harmony Road Phase 3**
   a. All primary work has been completed. Working on adding additional asphalt for turning at Three Bell as schedules allow.
   b. Still waiting for Level 3 to complete the relocation of their facilities.

2. **Old Town Phase 2 – South**
   a. Construction is underway. Sanitary Sewer mains have been completed. Storm installation is now underway, with sidewalk/curb/gutter to start soon.

3. **Public Works Maintenance Projects**
   a. Asphalt patching completed. Crack sealing pending full scoping
   b. Street striping – Underway
   c. TAB Site Grading – complete with exception of one downspout tie-in

4. **Development Construction Activities**
   a. Wild Wing 2B – Construction started week of 8-14-17
   b. Wild Wing 3B – Pre-construction mtg 9-20-17
   c. Timnath Ranch 3rd Filing – Completion of School House Dr underway
   d. Serratoga Falls Ph 2 - Pre-construction mtg 9-20-17

5. **Commercial Construction Activities**
   a. Chic Fil A – Construction Underway

6. **Main Street Railroad Crossing Upgrade Potential**
   a. Great Western Railroad notified us a couple of weeks ago that they will be coming thru Town to do some track maintenance work this fall – replacing ties, adding ballast, raising rail. As part of this work, they are planning on going thru the Main Street crossing and had intended to put it back as asphalt. They contacted us to see if the Town would be interested in upgrading the crossing to concrete panels while they were doing the work.
   b. Upgrading the crossing is currently in the CIP for 2019. Upgrading the crossing surface to concrete would cost $60-70,000 if done in along with their work, instead of $130-140,000 if we did all of the work separately. Due to final costs on Harmony Road projected to come in under budget, we have funds in the 2017 CIP to consider doing the surface upgrade work now.
   c. If we can get an agreement in place with GWR in time (currently working on), we feel this is a great opportunity to do at this time. Upgrading to include signals would still be planned for in 2019.
# Community Development Report

**Meeting Date:** September 26, 2017

**Presented by:** Matt Blakely, Community Development Director

<table>
<thead>
<tr>
<th>KEY POINTS/SUPPORTING INFORMATION:</th>
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## 1. Issued Building Permits:

- 2015 Single-Family Residential Total = 185
- 2016 Single-Family Residential Total = 161 (Budget 171)

2017 Single-Family Residential Budgeted = 276  
2017 Single-Family Residential August = 19 (Budget 23)

**2017 Single-Family Residential September = 11 (Budget 23)**

- 2017 Single-Family Residential ready to be issued = 10
- 2017 Single-Family Residential under review = 12

**2017 Single-Family Residential YTD (1/1/17 to 9/20/17) = 230**  
2017 Budget through July = 207

## 2. Current Development Actions:

- **Chick-Fil-A:** Construction commenced on July 10th. Construction is anticipated to be completed the first part of November.
- **Fewell/Feldman Annexation:** This is an annexation application for an annexation south of Harmony Road and Walker Manufacturing and west of Three Bell Parkway of roughly 162 acres. Staff has received the submittal and is currently under review.
- **Ranchview Estates:** This is a Comprehensive Plan Amendment Application for the McMorris property located just south of Buss Grove and west of Harmony Club. The application is to change the Comprehensive Plan designation from Very Low Density Residential (VLR) to Low Density Residential (LDR). The Planning Commission held a public hearing on the Comprehensive Plan Amendment on 9/5/2017 and recommended approval by a 3-2 vote to Town Council. The Town Council held a public hearing on the Comprehensive Plan Amendment on 9/6/2017 and was approved by a 4-0 vote.
- **4033 Kern Street Rezone:** This is a rezoning application for the property located at 4033 Kern Street. The proposal is to change the zoning from R-1 (Old Town Residential) to B (Business). The Town Staff has received a submittal and is currently under review.

## 3. Projects:

- **Tinnath Community Park:** There are final punch list items and clean up items to be completed before acceptance by the Town. Interest in renting the pavilion is increasing. There have been five permits issued so far for the 2017 season.

### ADVANTAGES:

N/A

### DISADVANTAGES:
**FINANCIAL IMPACT:**
N/A

**RECOMMENDATIONS:**
N/A

**ATTACHMENTS:**
1. Building Department Stats
2. Code Enforcement Report
3. Reservoir use statistics
MEMORANDUM

TO: Timnath Town Council

FROM: Matt Blakely, Community Development Director
       Alisa Davidson, Building Permit Technician

RE: Timnath Single-Family Building Permits – YTD 9/20/17

DATE: September 26, 2017

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<th># Permits Issued in 2015 for Single Family Homes</th>
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Commercial-3

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Commercial-7

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2/2
Timnath Reservoir and Walmart Pond Monthly Report

September 26, 2017

2017 Reservoir Year to Date*

- Non-Motorized Boating: 359 (17%)
- Motorized Boating: 861 (40%)
- Bird Watching: 72 (3%)
- Trail Use: 357 (16%)
- Other: 102 (5%)
- Fishing: 401 (19%)
- Cycling: 7 (0%)

2017 Reservoir Last 4 Weeks*

- Non-Motorized Boating: 56 (16%)
- Motorized Boating: 129 (37%)
- Bird Watching: 16 (4%)
- Trail Use: 71 (20%)
- Other: 27 (8%)
- Fishing: 52 (15%)
- Cycling: 1 (0%)

2017 Weekly Reservoir Usage Year to Date*

- Fishing
- Trail Use
- Bird Watching
- Motorized Boating
- Non-Motorized Boating
- Cycling
- Other

Timnath Boating Permits Issued

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*All data has been collected through the 1st week of May through the 1st week of August, Thursday through Monday, from 11:00am to 7:30pm, and represents the number of visitors visiting the Timnath Reservoir.
**All units of data are per 100mL of water. The standard for swimming water is under 235 E. coli/100mL.**
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<td>Presented by:</td>
<td>Sherri Wagner</td>
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1. Officers are back in the schools and meeting the children, teachers and administrators. They are also spending time in and around the school zones. Officers have met with and attended meetings with the new Timnath school principal, Matt Marietta. The officers and Mr. Marietta have already tackled some school related issues and appear to work well together. Timnath Elementary will have their Halloween parade on Tuesday, October 31.

2. Officer Betrus is progressing through the FTO program and currently in phase two. Phase two will be moving her towards being the lead officer on cases, calls and increasing her driving time.

3. Sergeant Wynkoop has attended training resulting in his becoming a trainer for our emergency vehicle operations. We will be able to do slow maneuvers with the vehicles so we become more aware of the vehicles capabilities and refining our driving skills. This training is required by state and allows us to maintain officer certification.

4. Police technician Erbes has acquired the sexual offender registrations and entries into CCIC/NCIC. She will enter the information and officers will do the checks of business and home addresses. These entries require many different types of categories and information. Mistakes may delay the entries. Erbes has done an excellent job with NIBRS and so we assigned this task to her.

5. Many meetings concerning budget, solicitor ordinance, DUI grant, safety committee, procedure for county callout of critical incident team, and update of CIRT manual. A Crime Stoppers tip was forwarded to the sheriff’s department concerning the explosion at Buss Grove and Latham.

6. Increased enforcement to prevent camping, loitering, and overnight truck parking. All information passed onto NOCO law enforcement and LCSO has increased their time at Walmart to assist us and Walmart.
# Law Enforcement Incidents

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<td>622</td>
<td>527</td>
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<td><strong>Total cases</strong></td>
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<th>Jul-17</th>
<th>1-Aug</th>
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<td><strong>Total Cases</strong></td>
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To: Town Council and Community

From: April D. Getchius, AICP
      Town Manager

Date: September 22, 2017

Subject: Town Manager’s Report

Library Kiosks. Staff was able to obtain small “libraries” for installation in several neighborhoods. These free little lending libraries will allow residents to “take a book – leave a book” and share with their neighbors.

Harmony Road Discussions. Staff has met with Windsor, Severance, Weld County, and Eaton to discuss improvements along Harmony Road. These communities are feeling the pressure of increased Harmony Road traffic and the impacts of developments including the proposed sports park. Since Timnath’s portion is almost complete, the purpose of Timnath’s involvement is to provide information on lessons learned, share access control parameters, etc. The representatives will be conducting an access control study along their portions of Harmony Road and will develop a corridor study so they are ready for construction when the time is right. Again, since the Timnath portion is nearly complete we will not be contributing financially to the study but offered to provide any traffic studies or data from our transportation plan that would be helpful.

Volunteers Needed. Staff is in need of volunteers for the Taste in Timnath festival. Please let your friends and neighbors know that we have slots available to work a variety of shifts.

Project Sheet Update. Attached is a project sheet update for capital improvement and other projects. We’ve had a busy capital improvement year, so many of the projects have been completed and removed from the update.

Budget Meeting. The Council will have a budget work session at 5 pm on October 10. A light dinner will be provided.

Upcoming Events: Dates for Town Events for 2017:

- Taste in Timnath Fall Festival and 5K - October 7th
- Council Budget Work Session – October 10 at 5 pm.
- Holiday Lighting Festival - December 1st