



Town of Timnath Planning Commission
Regular Meeting
Tuesday, February 6, 2018 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	Vacant
Commissioner	Donald Riden
Commissioner	Scott Roys
Commissioner	Marty Jost
Alternate	Don Nohavec
Alternate	Lisa Bard

2. Amendments to the Agenda

3. Administrative

- a.** Determination of Alternate Voting (if necessary)

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 December 5, 2017 Planning Commission Meeting Minutes

6. Business and Discussion Items

- a.** Land Use Code Amendment 6

7. Reports (if available)

- a.** Commissioner Reports
- b.** Town Manager
- c.** Town Planner
- d.** Town Engineer

8. Adjournment



**Town of Timnath Planning Commission
Regular Meeting Minutes
Tuesday, December 5, 2017 at 6:00 p.m.
*Regular Meeting was held at the Timnath Administration Building,
4800 Goodman Street, Timnath, Colorado***

1. Regular Meeting Call to Order

Chairperson Goldstein called to order the meeting of the Planning Commission on Tuesday, October 17, 2017 at 6:00 p.m.

Present

Chairperson Philip Goldstein
Vice Chairperson Kristen Seidel
Commissioner Scott Roys
Commissioner Marty Jost
Alternate Don Nohavec
Alternate Lisa Bard

Absent

Commissioner Don Ridsen

Others in Attendance

Matt Blakely, Community Development Director
April Getchius, Town Manager
Kevin Koelbel, Town Planner
Brian Williamson, Town Planner
Don Taranto, Public Works Director
Landon Hoover, Hartford Homes
Pat McMeekin, Hartford Homes
Brock Reimer, Norris Design
Mitch Black, Norris Design
Jeff Liljegren, Norris Design
Nancy Pollario, Larimer County Resident

2. Amendments to the Agenda

None

3. Administrative

- a. Determination of Alternate Voting (if necessary)
 - i. Alternate Bard will vote for the absent Commissioner Ridsen.

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 October 17, 2017 Planning Commission Meeting Minutes
- b. Chairperson Goldstein seeks a motion to approve the October 17, 2017 Meeting Minutes
- c. Commissioner Seidel makes a motion to approve.
- d. Vice Chairperson Roys seconded the motion.
- e. Motion passes unanimously by 5-0 vote.

6. Business and Discussion Items

- a. Fewell/Feldman Comprehensive Plan Amendment - **Public Hearing**
 - i. Matt Blakely introduces the item as detailed in the staff report.
 - ii. Landon Hoover introduces the project and mentions that this is a unique product and can be achieved by the PD Overlay which is going to be presented later on in the evening. He also mentions that the housing market has changed and the starting home prices have gone up and most people who provide the everyday needs to community can't afford a startup home in the Timnath Community. There are no affordable products in the Town and the way other developers are creating affordability is to create the smallest lost possible with the smallest home possible. There are also a lot of amenities that are being cut to achieve the affordability in today's market. This project is intending to provide affordability and amenities to create a better community by spreading out densities. Through a higher density and variety of housing products it will allow the development to achieve lower price points. The amenities that will be integrated through parks and trails will also create a unique community.
 - iii. Brock Reimer introduces the steps that will need to be completed to complete the project. He introduces the location of the site. The site is comprised of 162 acres and is being zoned for 740 dwelling units. There are proposed to be 5 different product types with the lowest density along the south end of the property and the higher density on the north end near Harmony Road. A majority of the housing product is intended to be alley loaded product which will set the front of the house to be along open space or a street with garages in the rear. With the amount of open space there is the need to connect all of the open space throughout the community through the use of trails. There will also be the future connection of the Poudre River Trail through the site. The connection of different trail networks will be the rendezvous points that will have more amenities to provide gathering points. Some of the potential amenities would include a pool, sport courts, children's nature play areas, and splash pads.
 - iv. Mitch Black introduces the code documents and what changes would need to happen to allow the vision of the property to be achieved. The comprehensive plan amendment is being proposed to slightly modify the existing commercial designation and change the low density residential to medium density residential. The property would then need to annex to the Town. Once the annexation happens the zoning would need to match the comprehensive plan amendment



which would zone the property CC and R-3. The next document would be the Planned Development Overlay which would modify some of the dimensional standards. The last application would be the sketch plan which would set forth the planning areas that then coincide with the PD Overlay which would then allow for the platting process to begin. The densities throughout the project are staggered to provide flexibility through the project, but can't exceed 740 units for the entire project. There are changes to the allowed uses table which would allow some uses near the commercial area, but keep them prohibited to the south near the existing residential. There is also a change to the dimensional standards table which changes some of the standards set by the code and tailor them to the housing product. There are also proposed changes to the street standards to enhance tree lawns and provide a uniform feel throughout the community.

- v. Chairperson Goldstein opens public comment.
- vi. Nancy Pollario is concerned about the ditch that runs along the west and the south of the Fewell property and how water would be conveyed. She also asks about the size of lots that are on the south end of the Fewell property and the road connection to the south onto adjoining property. She also has a question about the the number of access points and the traffic concerns to the west along Signal Tree?
- vii. Chairperson Goldstein closes public comment.
- viii. Mr. Hoover mentions that the ditch will have portions that are piped and portions will stay as is, but will be conveyed to the south. The trail system is being designed to allow for drainage in that area. The lot sized along the south will be roughly 6,000 square feet to provide a buffer to surrounding properties. There will be no access changes to CR 3F and a traffic study will be done to determine the traffic that will be added.
- ix. Mr. Blakely states that the Town transportation plan has requirements to provide connection points to adjoining properties.
- x. Commissioner Jost asks about density and affordability and what is the target home price?
- xi. Mr. Hoover mentions that the single-family alley loaded product is mid \$300 thousand, the front loaded single family is high \$300 to low \$400 thousand, the townhome product would be low \$300 thousand, the paired homes would be mid \$300 thousand, and the condos would be in the mid \$200 thousand.
- xii. Commissioner Jost has a question about the permitted use table and if the changes to the table would be giving up the Planning Commission ability to review the development?
- xiii. Kevin Koelbel mentions that any commercial or multi-family would have to go through the site plan process which requires Planning Commission review.
- xiv. April Getchius mentions that staff has gone through every use in the table and has had discussions with the applicant and has come to conclusions about surrounding area uses.
- xv. Pat McMeekin mentions that there are uses that were permitted or conditional that were changed to prohibited since they were not compatible with the intent of the project.



- xvi. Vice Chairperson Seidel has a question about the staff report about the sewer capacity and if there is concern with that?
- xvii. Don Taranto mentions that there has been an ongoing master plan update with the water and sewer master plan and the Town has been in communications with the district about the available capacity for the property.
- xviii. Vice Chairperson Seidel has concerns about the proximity of houses with some being close to others while some are further away and that not allowing transparency of sight through and between houses within the development.
- xix. Mr. Hoover mentions that the minimum distance between homes is still going to be 10 feet which wouldn't be different than most of the communities in Town.
- xx. Vice Chairperson Seidel questions the amount of parking and what the parking plan will be?
- xxi. Mr. Black states that the standard lot would have two cars in the garage and driveway with parking on the streets. The alley loading product will have garage parking along with parallel parking along the garage with the street parking. The townhome areas would have parking lots in the immediate vicinity for use. The drive by homes would have the garage parking along with driveway parking and street parking.
- xxii. Vice Chairperson Seidel asks if the Poudre River Trail would be crusher fines?
- xxiii. Mr. Black mentions that the trail would be consistent with the existing trail as it will be a 10-foot concrete trail with 2-foot crusher fines along the side.
- xxiv. Commissioner Jost asks if this development would have a metro district?
- xxv. Mr. Hoover states the intent is to have a metro district with a possibility of an additional HOA for the paired product.
- xxvi. Commissioner Jost asks what the phasing plan is?
- xxvii. Mr. Hoover states that the phasing is still being figured out, but the intent would be to go south to the north.
- xxviii. Chairperson Goldstein seeks a motion to approve the Fewell/Feldman Comprehensive Plan Amendment.
- xxix. Commissioner Jost makes a motion to approve.
- xxx. Commissioner Roys seconded the motion.
- xxxi. Motion passes unanimously by 5-0 vote.
- b. Fewell Farm Annexation – 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. Chairperson Goldstein seeks a motion to approve the Fewell Farm Annexation.
 - v. Commissioner Roys makes a motion to approve.
 - vi. Vice Chairperson Seidel seconded the motion.
 - vii. Motion passes unanimously by 5-0 vote.
- c. Feldman Farm Annexation – 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. Chairperson Goldstein seeks a motion to approve the Feldman Farm Annexation.
 - v. Commissioner Roys makes a motion to approve.



- vi. Commissioner Jost seconded the motion.
- vii. Motion passes unanimously by 5-0 vote.
- d. Fewell/Feldman Rezoning – 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. Chairperson Goldstein seeks a motion to approve the Fewell/Feldman Rezoning.
 - v. Commissioner Jost makes a motion to approve.
 - vi. Commissioner Roys seconded the motion.
 - vii. Motion passes unanimously by 5-0 vote.
- e. Rendezvous (Fewell/Feldman) 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. Chairperson Goldstein seeks a motion to approve the Rendezvous (Fewell/Feldman) PD Overlay.
 - v. Commissioner Jost makes a motion to approve.
 - vi. Commissioner Roys seconded the motion.
 - vii. Motion passes unanimously by 5-0 vote.
- f. Rendezvous (Fewell/Feldman) Sketch Plan – 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. Chairperson Goldstein seeks a motion to approve the Rendezvous (Fewell/Feldman) Sketch Plan.
 - v. Vice Chairperson Seidel makes a motion to approve.
 - vi. Alternate Bard seconded the motion.
 - vii. Motion passes unanimously by 5-0 vote.

7. Reports (if available)

- a. Commissioner Reports**
 - i. Commissioner Jost asks about the apartment project in Riverbend and what the status is?
 - ii. Mr. Blakely mentions that as of now staff believes they are moving forward but have not heard anything different.
 - iii. Commissioner Jost asks about the beerwerks and when that would be opening?
 - iv. Mr. Blakely mentions that they have applied for building permit and are in the process.
- b. Town Manager**
 - i. Mrs. Getchius mentions that the Town Holiday lighting was a success which attracted about 2,000 people. With the tax increase not passing the Council has decided to relook at the 2018 budget and will be doing a public outreach to see what the needs of the residents are.
- c. Town Planner**
 - i. Mr. Blakely states that there will be some park improvements in 2018 and will focus on the community park and the reservoir.



- ii. Mr. Koelbel states that the December 19th, and January 2nd meeting would be canceled. The January 16th meeting would be moved to Wednesday January 17th if there were to be a meeting.
- d. Town Engineer
 - i. Mr. Taranto mentions that the final paving for Old Town and the east side of School House have been finished.

8. Adjournment

- a. Chairperson Goldstein seeks a motion to adjourn.
- b. Commissioner Jost moved to adjourn the meeting.
- c. Alternate Bard seconded the motion.
- d. Motion passed unanimously by 5-0 voice vote.

Chairperson Goldstein adjourned the December 5, 2017, Planning Commission meeting at 7:51 p.m.

**TOWN OF TIMNATH
PLANNING COMMISSION**

Philip Goldstein, Chair

ATTEST:

Kevin Koelbel, Town Planner



PLANNING COMMISSION COMMUNICATION

Meeting Date: February 6, 2018	Item: Timnath Land Use Code Amendment 6	
Presented by: Matt Blakely, Community Development Director		

EXECUTIVE SUMMARY:
 This proposal is to amend the Land Use Code section relative to Completion Security, Short Term Rentals, and new Development Processes. The Completion Security section is for developers to allow options for various forms of completion security. This change may reduce the cost to developers while maintaining an acceptable amount and type of security that the Town can access in the event that the Town needs to remedy a project. The Short Term rentals section is to add a total amount of short term rentals per subdivision based off a percentage of the current number of occupied residences which allows the Town to have better regulation of the total number of short term rentals. The new development processes will be adding in a concept review application, a change of use application, and modification to prior approval application. These new applications will allow staff to have the ability to have more review of applications and ensure that new development applications or changes to existing approved plans meet Town Code. The new application types will come with new fee's associated with them.

STAFF RECOMMENDATION: Staff recommends approval the Land Use Code Amendments to Town Council.

KEY POINTS/SUPPORTING INFORMATION:
 The following amendments are being recommended by Staff to the Land Use Code:

Section	Recommended amendment (Deletion or Addition):
6.7.2.	Security Requirements A. Completion Security: To assure the construction, installation, and completion of the Public Improvements in all Phases of the Property, Developer shall, prior to commencing any work within a particular Phase of the Property, furnish to the Town Engineer an irrevocable sight draft letter of credit or other security reasonably acceptable to the Town Engineer as listed below ("Completion Security") to secure the completion of Public Improvements required for the applicable Phase of the development. The Town of Timnath shall be designated as the beneficiary of the Completion Security. The Completion Security shall be provided Phase by Phase and shall be in the amount equal to one hundred percent (100%) of the estimated costs of the Public Improvements to be completed within a Phase. The amount of the Completion Security shall not include the portion of the Public Improvements which are to be constructed for the water improvements managed by the Water District or the sanitary sewer improvements managed by the Sewer District, nor shall it include any costs of improvements for gas, electric, telephone, or cable TV. 1. Upon provision of such Completion Security to the Town in a manner acceptable to the Town Engineer for the applicable Phase, authorization to proceed with construction may



be issued by the Town Engineer within such Phase.

2. **Completion Security may be comprised of the following options:**

- **A construction completion bond – Bond may not to exceed 80% of the total cost of the Public Improvements.**
- **Sight draft Letter of Credit – minimum 20% of the total cost of the Public Improvements if combined with a warranty Bond.**
- **Cash**

3. Upon completion of fifty percent (50%) or more of the improvements with- in a Phase, as verified by the Town Engineer, Developer may request that the one hundred percent (100%) Completion Security be reduced to fifty percent (50%) of the initial Completion Security pending Town approval and at the sole discretion of the Town Engineer.
4. Upon issuance of a Letter of Initial Acceptance of 100% of the required improvements by the Town Engineer in accordance with the provisions herein, the Completion Security will be reduced to twenty percent (20%) of the initial Completion Security to be held as Warranty Security or released once replaced by Warranty Security as described below. This requirement for a Completion Security also applies to earthwork performed under a separate “Early Grading Permit” if so applied for and issued by the Town with the exception that no Warranty Security will be held upon completion of the Early Grading Permit for the grading improvements.

B. Warranty Security: Developer shall warrant any and all Public Improvements for a period of two (2) years from the date Town issues a letter of Initial Acceptance for the applicable Phase that has been constructed. As a condition of issuance of any letter of Initial Acceptance of any Public Improvements, Developer shall provide to Town a ~~warranty bond~~ **sight draft letter of credit or other security in a form satisfactory to the Town Engineer** (“Warranty Security”), and in the amount of the remaining Completion Security set forth in paragraph above, to ensure that Public Improvements for which Initial Acceptance has occurred will attain Final Acceptance by the Town during the Warranty Period, which Warranty Security will be satisfied by either retention or replacement of the remaining Completion Security.

1. If prior to the issuance of a letter of Final Acceptance, any significant warranty work is required in connection with Public Improvements for which a letter of Initial Acceptance has been issued by the Town Engineer, the Town may require Warranty Security for up to two (2) years from the date of completion of said significant warranty work, provided that the two (2) year period for the remainder of the Public Improvements in such Phase shall not be extended. In such event, the Town Engineer shall issue a supplemental letter of Initial Acceptance specifying the Warranty Security required by Town and the work to be completed by Developer prior to a letter of Final Acceptance for such Public Improvements.

4.4.26.13 Short Term Rental Permits will be issued to residents in a limited quantity based on the following regulations:

- a. Each subdivision, neighborhood, or current old town area will be allowed 1% of the total



number of CO's issued.

b. Rentable Multi-Family Residential units will not count towards permitting numbers.

c. Permits will be on a first come first serve basis.

d. Single Family, Attached Single Family, Ownership Multi-Family CO's will be used to determine the number of available permits.

e. The number of permits will increase as the total number of CO's increase and will be updated on an annual basis.

f. The number of permits available based on CO's will be as follows:

-1-100 CO's =1 permit

-101-200 CO's = 2 permits

-201-300 CO's = 3 permits

-301-400 CO's = 4 permits

-401-500 CO's = 5 permits

-501-600 CO's = 6 permits

-601-700 CO's = 7 permits

-701-800 CO's = 8 permits

-801-900 CO's = 9 permits

-901-1000 CO's = 10 permits etc.

g. There will be no waiting list for people wanting a permit after all the currently available permits are issued.

h. If a resident moves within Town to a new neighborhood or owns multiple properties in Town their permit will not be transferrable and will have to apply for a new permit within that subdivision.

2.9.17 Concept Review. The purpose of a concept review is to provide initial comments on a development plan before it is submitted for the subdivision or site plan process.

2.9.17.1 Pre application conference. See Section 2.9.3.1

2.9.17.2 Concept Review submittal. The applicant shall submit one copy of the complete application package to the Town Planner. All concept review application packages shall include:

a. Land Use application and application fee.

b. Concept review – pertinent Technical Criteria Form

c. Title commitment or proof of ownership or proof of authorized agent

d. Written statement to describe the precise nature of the proposed design and its characteristics.

e. Vicinity map

f. Conceptual drawing to scale

2.9.17.3 Town Planner shall review for completeness. See Section 2.9.3

2.9.17.4 Referrals. Referrals shall be sent to all affected agencies and local governments, and specific property owners, if applicable.

2.9.17.5 Staff/referral review. Staff will complete a review of the concept drawing based on the Town's concept review criteria. Staff will then prepare a report identifying and issues of concern that the applicant shall address and forward it to the applicant.



2.9.17.6 Concept review criteria. The Town shall use the following criteria in addition to other applicable provisions of this Code to evaluate the applicant's concept plan.

- a. The concept represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Town Comprehensive Plan.
- b. The transportation design is adequate, given existing and planned capacities of those systems.
- c. Negative impacts on adjacent land uses have been identified and mitigated.

2.9.18 Modification to Prior Approval. A modification to prior approval is an administrative review procedure for minor changes of a previously approved development application. Concept review will be required to determine if the proposed changes fall within the modification to prior approval.

2.9.18.1 Applicability. A modification to prior approval is permitted when:

- a. The amended plan continues to comply with the standards of this code, per the original approval;
- b. The amended plan does not change more than 10% of any measurable standard on the approved plan;
- c. The amended plan does not change the character of the development;
- d. The amended plan does not change the boundary of the approved plan or show improvements outside of the boundary of the approved plan;

2.9.18.2 Pre application conference. See section 2.9.3.1

2.9.18.3 Modification to prior approval application submittal. The applicant shall submit a complete Modification to prior approval application package to the Town Planner.

Modification to prior approval application package shall include the following unless waived by the Town Planner:

- a. Land Use application and application fee.
- b. Modification to Prior Approval – pertinent Technical Criteria Form
- c. Title commitment or proof of ownership or proof of authorized agent
- d. Written statement to describe the precise nature of the proposed modification and its characteristics.
- e. Approved Drawings/Documents
- f. Proposed modification drawings/documents

2.9.18.4 Town Planner shall review for completeness. See section 2.9.3

2.9.18.5 Referrals. Referrals shall be sent to all affected agencies and local governments, and specific property owners.

2.9.18.6 Posting a sign. See Section 2.9.4

2.9.18.7 Decision. After certification that the application is complete, and meets all of the Town Criteria, the Town Planner shall render a determination if the modification shall be an administrative approval approved with conditions or denied.

2.9.18.8 Review criteria

- a. Same as originally approved process



2.9.19 Change in Use. Change in use review is an administrative review procedure in which there is a change within a structure from one permitted use to another which will result in no further development of the site beyond the original approval, or existing site conditions, or increased impacts such as traffic. Further, all changes in use will require building permit submission and approvals. If a change in use results in an increased impact then a development site plan review will be required per Section 2.9.9 per determination of the Community Development Director.



ADVANTAGES:

- This change may reduce the cost to developers while maintaining an acceptable amount and type of security that the Town can access in the event that the Town needs to remedy a project.
- Formalizes the process for applicants/owners to make changes to their property regarding uses and minor modifications.
- Provides additional clarity as it relates to short term vacation rentals within the Town.

DISADVANTAGES:

- None

FINANCIAL IMPACT:

- Very minimal impacts, but there would be a small increase in revenue associated with new application types

RECOMMENDED MOTION:

- I move to recommend approval of Land Use Code Amendment 6.

ATTACHMENTS:

1. None