AGENDA
Timnath Planning Commission Meeting
6:00 PM - Tuesday, February 19, 2019
4800 Goodman Street, Timnath, Colorado

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1. CALL TO ORDER AND ROLL CALL
   Chairperson Phil Goldstein
   Vice Chairperson Marty Jost
   Commissioner Scott Roys
   Commissioner Don Risden
   Commissioner Don Nohavec
   Alternate Lisa Bard
   Alternate - Vacant

2. AMENDMENTS TO THE AGENDA

3. ADMINISTRATIVE
   Determination of Alternate Voting (if necessary)

4. PUBLIC COMMENT
   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
   Approval of the January 15, 2019 Meeting Minutes
   5.1. 2019-1-15-Meeting Minutes

6. BUSINESS
   6.1. Harmony Subdivision Final Plat Filing 6
        Presented By: Kevin Koelbel
        Staff Report - Pdf
        Final Plat
        Landscape Plan
        Narrative

7. REPORTS
   Commissioner Reports
   Town Manager
   Town Planner
   Town Engineer

8. ADJOURNMENT

DISCLAIMER
   ADA Disclaimer: The Town of Timnath will make reasonable accommodations
   for access to Town services, programs, and activities and will make special
   communication arrangements for persons with disabilities. If you need
   reasonable accommodation please notify us 24 hours in advance of the service,
   program or activity. Please call 970-224-3211 (TTY: Dial 711 or 800-659-3656 for
   Relay Colorado assistance).
1. **Regular Meeting Call to Order**  
Chairperson Goldstein called to order the meeting of the Planning Commission on Tuesday, January 15, 2019 at 6:00 p.m.

**Present**  
Chairperson Philip Goldstein  
Commissioner Scott Roys  
Alternate Lisa Bard

**Absent**  
Vice Chairperson Marty Jost  
Commissioner Don Risden  
Commissioner Don Nohavec

**Others in Attendance**  
Matt Blakely, Community Development Director  
Kevin Koelbel, Town Planner  
Matt Taranto, Town Engineer  
Paul Bass, Town Landscape  
Theresa Myers, Timnath Resident  
Stacy Stilson, Timnath Resident

2. **Amendments to the Agenda**  
None

3. **Administrative:**  
a. Determination of Alternate Voting  
i. Alternate Lisa Bard will vote due to absent Commissioners Nohavec, Jost and Risden.

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 16, 2018 Planning Commission Meeting Minutes  
b. Chairperson Goldstein seeks a motion to approve the October 16, 2018 Meeting Minutes
c. Commissioner Bard makes a motion to approve.
d. Commissioner Roys seconded the motion.
e. Motion passes unanimously by 3-0 vote.

6. Business and Discussion Items:
a. Land Use Code Amendment No. 7 – Public Hearing:
   i. Matt Blakely introduced the item as detailed in the staff report.
   ii. Chairperson Goldstein opens public comment.
   iii. Stacy Stilson, mentioned that her family moved to Timnath and she opened a home day care after 10 months due to the extensive state licensing requirements. At the moment, she has a temporary license through the Town of Timnath. She would like to increase her child care load to eight in the morning session and eight in the afternoon session. She stated that there is a dire need for day care in Timnath. The local preschools are overbooked, and she is already full for the Fall 2019 season with eight in the morning and eight in the afternoon and there is a waiting list.
   iv. Theresa Meyers stated that she is a parent on Ms. Stilson’s roster for next year indicating that she needs a place within walking distance, which would be preferred. With the area growing, the need is there. Parents are currently enrolling their children into Fort Collins day cares which is inconvenient and costly.
   v. Vice Chairperson Marty Jost sent e-mail with his concerns about the day care. His concerns were with the 9 total occupants, the types of care facilities that may take advantage of these regulations that are not child care, the fencing requirements in Appendix M and how those may conflict with HOA or Metro District requirements. He was also interested in limiting the number of facilities per neighborhood.
   vi. Chairperson Goldstein talks about the comments received via e-mail from Vice Chairperson Jost and wants to know what other types of care would be able to take advantage of the amendment if approved.
   vii. Alternate Bard stated that she doesn’t think that if it is correctly worded in the Amendment there would be an issue for other types of home care to move into the area.
   viii. Commissioner Roys stated that there are a variety of home care facilities opening in the area and that would need to be evaluated such as memory care facilities.
   ix. Kevin Koelbel stated that the Land Use Code only specify daytime hours for care and do not include overnight hours which would include some other home care facilities to open in the area.
   x. Mr. Blakely stated that there would be state licensing as part of the requirement for whatever type of care you are providing.
   xi. Chairperson Goldstein inquired about outdoor activities at home day care locations and if those would need to be screened.
   xii. Mr. Koelbel stated Appendix M outlines that there must be fencing for the yards; however, it does not state that it must be a privacy fence.
   xiii. Chairperson Goldstein asked if this activity would fall under the nuisance code for excessive noise.
xiv. Mr. Blakely stated that there would need to be a compliance with the noise nuisance ordinance.

xv. Mr. Koelbel stated that the Town has not received a single complaint on noise, kids, toys, etc. on the Town’s other existing child care facility established in 2012.

xvi. Commissioner Roys stated that the neighborhoods where there is a need for home day cares are where families are moving with young children.

xvii. Chairperson Goldstein stated Randy Black sent communication about his concerns. Mr. Black believes that eight children are too many for residential areas and it would become a commercial facility at that point.

xviii. Mr. Koelbel stated the State of Colorado outlines a large home day care facility as having 7 to 12 children with two adult care providers. One experienced care provider can provide care for up to nine children. He stated that an issue that may arise is the fact that if they have children of their own, the home day care provider would need to count their children into the total count throughout the day to stay within code.

xix. Mr. Blakely stated that the building code requirement for occupant load on residential structures moves from a residential occupancy to a commercial occupancy over 9 occupants.

xx. Alternate Bard stated eight children should be considered a large home day care.

xxi. Mr. Koelbel stated that the State of Colorado has outlined that a single care provider can care for children from birth to 18 years old, with no more than two children under the age of two, which is the state cap.

xxii. Alternate Bard inquired about the number of employees that a child care can have?

xxiii. Mr. Koelbel stated that outside employees is limited to one not living in the home as a condition of the home occupation requirements.

xxiv. Chairperson Goldstein inquired about the landscaping requirements, more specifically, plant species.

xxv. Mr. Koelbel stated that this amendment would establish a more specific rule for what types of trees could be planted locally which would be a good thing to establish.

xxvi. Mr. Blakely discusses the Neighbor Meeting Requirement Notice for applications. He stated that after review of the Sketch Plan process which served as a neighborhood meeting, it was found that the meeting notice process was not adequately reaching neighborhood homeowners in the affected areas. A separate neighborhood meeting to obtain public engagement is being proposed to ensure that all parties are notified of any meeting within the 500-foot boundary. The notice should be posted within 30 days of the submittal of the sketch plan and 30 days prior to a comprehensive plan, plat, or rezoning hearing.

xxvii. Chairperson Goldstein inquired if there were any way to provide notice to the wider audience for the whole development, and what other ways to get the word out to affected parties? He mentioned that signage doesn’t seem to be working as well as it should. He suggests that mailings to the affected homeowners within the entire neighborhood/subdivision would possibly work better.
xxviii. Alternate Bard stated that the 500-foot boundary doesn’t seem to be working and asked if increasing the radius to encompass more area would work better?

xxix. Mr. Koelbel stated that the 500-foot boundary is what was established for other applications and if it was different some people may not receive those future notices.

xxx. Commissioner Roys stated that 30 days is 20 days more than what others are doing. He also stated that it needs to be posted and that the notice may be posted elsewhere to get the word out.

xxxi. Mr. Koelbel stated that the notice could be posted at pool clubhouses or other public locations in the neighborhood.

xxxii. Commissioner Roys stated even mailings are not a guarantee that the homeowner will receive the notice in time.

xxxiii. Mr. Blakely stated that posting neighborhood notices at public locations and mailing notices or subscribing to the e-mail distribution list could be another option.

xxxiv. Chairperson Goldstein asked if it included the requirement that the developer send a notice out via mail or email notifying of date and time of meeting. He also requested that the notice must be approved by Community Development Department before being sent out to homeowners.

xxxv. Mr. Blakely stated that 15-day notice would be a good compromise prior to neighborhood meeting within the 500-foot boundary of the proposed project and the notice must be approved by the Community Development Department prior to submittal.

xxxvi. Alternate Bard stated that the current amendment does not clarify who would be running the meeting.

xxxvii. Mr. Blakely stated that the developer/applicant would need to conduct the meeting.

xxxviii. Chairperson Goldstein stated that the Town of Timnath staff would still need to be present at the meeting. He also asked how many means of communication at a minimum should be written into the amendment for homeowner notification and would this apply to other projects that are not a development?

xxxix. Mr. Blakely stated that two forms of communication would be acceptable and that it would include other types of projects, i.e., rezonings, comprehensive plans, and preliminary plats.

xl. Alternate Bard stated the amendment should be consistent by stating the 500-foot boundary notification process, with a secondary posting, and possible posting on the Town’s website as a final posting or posting in the administration building.

xli. Chairperson Goldstein stated that mailing would be the most effective way to notify homeowners.

xlii. Mr. Blakely stated that if the applicant contacts the HOA/Metro District, the posting should be posted in various locations that the homeowners in the subdivision frequent.

xliii. Chairperson Goldstein closed public comment.

xiv. Chairperson Goldstein seeks a motion to approve the Land Use Code Amendment No. 7 with the conditions herin:

1. Applicant to provide at least two forms of notice
2. Applicant to provide a copy of the notice to Community Development prior to the notice being sent out.
3. Change time of notice to 15 days prior to the meeting.
4. Applicant/owner to conduct the meeting. Planning staff is to be present at the meeting for observation.
xlv. Alternate Bard makes a motion to approve.
xlvi. Commissioner Roys seconded the motion.
xlvii. Motion to recommend approval by 3-0 vote.

b. Harmony Corridor Plan – Public Hearing:
i. Matt Blakely introduces Harmony Corridor Plan as detailed in the staff report.
ii. Chairperson Goldstein opens public comment.
iii. Vice Chairperson Marty Jost sent e-mail with his concerns about the Harmony Corridor Plan. He had concerns about limiting the use of a drive-thru restaurant within the corridor.
iv. Alternate Bard inquired to know if there were any issues with the Interim Harmony Corridor Plan.
v. Mr. Koelbel stated the interim plan was not as detailed as this plan is, and this is a further refinement of that plan.
vi. Chairperson Goldstein asked if there were any questions.
vii. Commissioner Roys stated that this plan would be difficult to unwind once initiated. He stated Fort Collins had issues on Harmony Road and South College Avenue because the project ended up pushing businesses deeper towards neighborhoods and collector streets. He further stated that it would assist architects to know the rules, but it will hinder them by saying you are locked into this specific rule.
viii. Chairperson Goldstein closed public comment.
ix. Chairperson Goldstein seeks a motion to approve the Harmony Corridor Plan.
x. Commissioner Roys makes a motion to approve.
xi. Alternate Bard seconded the motion.
xii. Motion passes unanimously by 3-0 vote.

7. Reports (if available)
a. Commissioner Reports:
   i. None
b. Town Manager
   i. None
c. Town Planner
   i. None
d. Town Engineer
   i. None

Adjournment
a. Chairperson Goldstein seeks a motion to adjourn.
b. Alternate Bard moved to adjourn the meeting.
c. Commissioner Roys seconded the motion.
d. Motion passed unanimously by 3-0 voice vote.

Chairperson Goldstein adjourned the January 15, 2019, Planning Commission meeting at 7:21 p.m.

TOWN OF TIMNATH
PLANNING COMMISSION

______________________________
Philip Goldstein, Chair

ATTEST:

___________________________
Kevin Koelbel, Town Planner
DESCRIPTION
Harmony Subdivision Final Plat Filing 6

SUMMARY
This is a proposal for the Harmony Subdivision 6th Filing Final Plat. The area of this Final Plat is isolated to the continuation of Grand Park Drive to the south and west to Club Drive. The area being changed specifically is the area of Outlot 1, Harmony 4th Filing. This area is being platted with 63 single family detached lots and 36 single-family attached fee simple lots for townhomes. The overall Harmony Subdivision is changing from 433 lots to 453 lots with this filing. The overall Harmony Subdivision was approved with a maximum of 515 lots. The housing types will include single family homes and townhomes. The lots being platted for townhomes will have lots ranging from 3,800 sq. ft. to 7,200 sq. ft. The remaining single-family residential lots will range from 10,900 sq. ft. to 20,700 sq. ft.

PLANNING COMMISSION ACTION

RECOMMENDATION
Staff recommends the approval of the Harmony Subdivision Final Plat Filing 6.

KEY POINTS
Owner: Harmony LLC
Applicant: JR Engineering
Application Type: Final Plat
Case Number: FP-2018-0002
Legal Description/Address: Outlot 1, Harmony Subdivision 4th Filing
Parcel Size (Acres): +/- 40 acres
Number of Lots: 99 lots

Final Plat Process Schedule

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<th>Description</th>
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<td>11/28/2018</td>
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<tr>
<td>Referral Agency Notification</td>
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<td>12/17/2019</td>
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<td>Town Council Public Meeting</td>
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<td>2/26/2019</td>
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Existing Zoning: R-3 and R-E w/ PD Overlay
Proposed Zoning: R-3 and R-E w/ PD Overlay
Existing Land Use: Vacant
Proposed Land Use: Single-Family Residential, Multi-Family Residential

SERVICES:
Water: Fort Collins Loveland Water District
Sewer: South Fort Collins Sanitation District
Fire: Poudre Fire Authority

Adjacent Zoning/Land Uses:

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<th>Zoning</th>
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<tr>
<td>South</td>
<td>R-E</td>
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<tr>
<td>East</td>
<td>RMU (Town of Windsor)</td>
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REVIEW CRITERIA
Land Use Code, Section 2.9.10.9.D
Final Plat review criteria. The Town shall use the following criteria in addition to other applicable provisions of this code to evaluate the applicants final plat application:
1. The final plat conforms to the approved preliminary plat and incorporates required changes, modifications and conditions attached to the approval of the preliminary plat unless otherwise approved by the Town Council.
Response: This final plat is in conformance of the preliminary plat that was approved at Town Council with the condition that the applicant reduce the number of single-family attached lots from 40 to 36 and increase the single-family detached lots from 61 to 63. This was also done to provide a transition from the existing single-family at the current south end of Grand Park Drive to the proposed townhomes.

2. The development will substantially comply with this Code.
Response: This final plat proposal is compliant with the Land Use Code.

3. All applicable technical standards have been met.
Response: This final plat proposal is in compliance with the Timnath Technical Criteria Manual and Larimer County Urban Area Street Standards (LCUASS).

RECOMMENDED MOTION
I move to approve a Resolution Approving the Harmony Subdivision Final Plat Filing 6, finding that a complete application was submitted and reviewed in accordance with all applicable Town regulations, the application conforms with the mission and goals of the Timnath Comprehensive Plan, and all criteria outlined in Section 2.9.10.9.D of the Timnath Land Use Code have been met, with the following conditions:
1. Allow staff to work with the owner applicant to address minor, non-substantive modifications prior to final signatures.

ATTACHMENTS
1. Final Plat & Landscape Plan
2. Final Plat Narrative
HARMONY SUBDIVISION - SIXTH FILING
A REPLAT OF A PORTION OF OUTLOT 1, HARMONY SUBDIVISION - FOURTH FILING
BEING A PORTION OF THE EAST HALF OF SECTION 36,
TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN,
TOWN OF TIMNATH, LARIMER COUNTY, COLORADO
LOCATIONS OF TREES ARE APPROXIMATE AND SHALL BE ADJUSTED TO ACCOMMODATE DRIVEWAY LOCATIONS, WATER/SEWER UTILITY SERVICES, AS WELL AS OTHER SURFACE AND BELOW GRADE APPURTENANCES.
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Harmony Sixth Filing Subdivision – Final Plat

Introduction and Project Information

- The Harmony Sixth Filing Subdivision submittal documents including: the final plat, landscape plans, and construction plans are in full conformance with the approved preliminary plat as approved by City Council on November 13, 2018. The proposed single family lots and townhomes comply with the allowed use for each zoning district and the setbacks set forth in said districts.

- The proposed Harmony Sixth Filing Subdivision Final Plat is generally located in the southeast quadrant of the Harmony Subdivision just south of Club Drive. The subject property is approximately 33.6 acres in size. The property is currently zoned R-E Estate Residential (26.72 acres) and R-3 mixed Residential (6.88 acres). The Harmony Sixth Filing Subdivision Final Plat proposes to plat the subject property into 63 Single Family Estate Lots ranging in size from approximately 10,000 Square Feet up to 20,000 Square Feet and 36 Multi-Family Townhome Lots ranging in size from approximately 3,500 to 8,500 Square Feet.

- The purpose of the Harmony Sixth Filing Subdivision Final Plat is to provide an area within the Harmony Subdivision that will allow for the development of Luxury Townhome Residential Land Use. The proposed Final Plat intends to preserve and enhance the existing residential character of the Harmony Subdivision while providing greater housing type diversity while maintaining a consistent and “High Quality” community identity. The proposal is to provide approximately 26.72 acres of Single Family Residential development and approximately 6.88 acres of Luxury Townhomes.

- The integration of the Multi-Family Townhome Residential Land Use within the Harmony Subdivision is intended to maintain compatibility with the surrounding physical and natural environment and if approved would ultimately lead to a more vibrant, active, diverse and cohesive Harmony Community. The proposed single family and luxury townhomes can be effectively incorporated into the Harmony Subdivision without creating negative impacts to the surrounding single family neighborhoods. The addition of the luxury townhomes will facilitate greater housing type diversity within the Harmony Subdivision while preserving the existing residential character within the Harmony Community.

Development Phasing

- Harmony Sixth Filing Subdivision Final Plat will be built as one phase of work and shall include the construction of curb/gutter, asphalt roads, pedestrian walks and trails, water and sanitary sewer mains, site grading and storm drainage and landscape development of Open Space Tracts A, B, C, D, and E.

Property & Development Ownership

- The proposed residential lots within the Harmony Subdivision shall be developed by Harmony LLC a Colorado Limited Liability Company and when completed each residential lot will be sold to an individual home builder or Lot/Home owners.
- Open Space Tracts A, B, C, D, and E within the Harmony Sixth Filing Subdivision Final Plat shall be owned and maintained by Harmony, LLC a Colorado Limited Liability Company.

Residential Building Architecture

- Residential Design & Architectural Character - The architecture of Harmony Sixth Filing Subdivision Final Plat shall be in full compliance with the Harmony Club architectural design guidelines and covenants and will be compatible with and enhance the existing architectural quality of the overall Harmony Development. Residential design and architecture shall also comply with all applicable Covenants, Conditions and Restrictions established for the overall Harmony Development.

Development Schedule

- Start Infrastructure Development: Spring 2019
- Infrastructure Completion: Summer 2019
- Construction of Homes within the Harmony Sixth Filing Subdivision Final Plat is anticipated to begin in the Fall 2019.