MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
January 5, 2010
7:30 p.m.

Attendance: Vice Chairman Donna Hudziak, Commissioners Donald Hard, John Loveless and Alan Blair were present. Also present were Planning Director Jennifer Simmons, Planner Todd Tucker and Assistant Town Attorney, Cyril Vidergar.

ROLL CALL: Vice Chairman Hudziak called the regular meeting to order at 7:45p.m. Roll call was taken; all commissioners present except Chairman Roehrig.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF MINUTES FROM THE NOVEMBER 17, 2009 MEETING:

Commissioner Blair made a motion to approve the minutes from the November 17, 2009 meeting. Commissioner Loveless seconded the motion. All in favor, motion carried.

PUBLIC HEARING TO CONSIDER THE ST. VRAIN/TRI-AREA ANNEXATION, ZONING, AND MINOR SUBDIVISION:

Planner Todd Tucker presented the staff report by stating that St. Vrain Sanitation has requested consideration of the proposed annexation of a 1.02 acre parcel of orphaned land that is part of the 26.03 acre former Tri-Area Sanitation District waste water treatment facility located along Colorado Boulevard and east of Milavec Lake. The application also includes a zoning change from Public to Commercial and a Minor Subdivision Plat creating two parcels within the former Tri-Area Sanitation District property.

Staff finds that the proposed Annexation, Zoning and Minor Subdivision can meet the requirements of the Code and recommends approval, subject to conditions as noted in the analysis and recommendation below.

The applicant is Eric Doering, Manager, St. Vrain Sanitation District. The Agent is Suzette L. Schaff, P.E., CDS Engineering Corporation.

The former Tri-Area Sanitation water treatment site encompasses about 26 acres in the west half of Section 19, T2N, R67W. The site is bounded on the west by Colorado Boulevard and Frederick Recreation Area in the Frederick municipal boundary. The remaining sides are bounded by the Town of Firestone, including Saddleback Golf Course, and a commercial development including Dairy Queen and Ace Hardware. The surrounding land uses are Undeveloped, zoned Planned Unit Development with Residential C and Residential B (PUD R-C & PUD R-B), Town of Firestone to the North; Developed, zoned Planned Unit Development Neighborhood Center (PUD NC), Town of Firestone to the South; Developed, zoned Planned Unit Development for Open Space (PUD OS), Town of Firestone to the East; and Developed, zoned Public, Town of Frederick to the West.

The application was referred per the provisions of the Land Use Code to the applicable referral agencies, department, and interests. All referral responses are on file with the Planning Department and have been incorporated into the report as applicable. No referral comments indicated opposition to the request. However, of note, the Firestone Planning Department questioned how access was to be achieved and the Colorado Geological Survey expressed concerns for mining that occurred in the

proximity to the site. Both of these items have been addressed with plat notes and as noted in the analysis below.

A neighborhood meeting was held on May 18, 2009 with one neighbor, Scott Banzhaf, in attendance. Mr. Banzhaf inquired about future access to the property. Rob Fleck and Eric Doering of St Vrain Sanitation District informed him that SVSD is subdividing the property and will sell it. The new developer would decide where the accesses would be located.

The public meeting was noticed in accordance with the provisions of the Land Use Code.

Article 13.2 of the Land Use Code establishes the criteria for annexations while Section 4.7.2.d. establishes the criteria for Zoning Amendments and Section 4.9.3.1. and c establishes the criteria for Minor Subdivisions.

The application for annexation involves a 1.02 acre remnant of land that should have been annexed when the entire site was annexed in 1989.

The subject land area is in the Town's Planning area and is bounded on two sides by Frederick's municipal boundary including the existing Tri-Area annexation to the north and west of the subject site; and the land area meets the 1/6th contiguity requirement. In addition, the pattern of development will not interfere with the provision of existing, planned, or previously committed to services. Furthermore, no additional right-of-way is required and the annexation furthers the intent of the comprehensive plan by adding lands within the planning area into the Town's jurisdiction and brings the property into conformance with state law which precludes annexations from dividing parcels. Lastly, there is a community of interest that exits between the site and Town.

The application meets with the requirements for annexation as proposed.

Section 4.7.2.d of the Land Use Code sets the review criteria for amendments to the official zoning map.

The applicants have requested to zone the 1.02 acre orphaned land area related to the annexation noted above, and also the entire former Tri-Area Sanitation waste water treatment site from its current zoning Public (P) to Community Commercial (C-C) totaling ±26 acres. The subject land area has been used as a waste water treatment facility for over 20 years. Over time, the surrounding properties have been annexed by the Town of Frederick and the Town of Firestone. Firestone has approved development of a golf course, and commercial uses adjacent to the site, including the Dairy Queen, Ace Hardware, Safeway, etc. adjacent to the site; while Frederick has developed the Bella Rosa Golf Course and is developing Milavec Lake into a regional recreation area to the west of the site. Recently, the Tri-Area Sanitation District's waste water treatment responsibilities were subsumed into Saint Vrain Sanitation District and waste water treatment diverted to other facilities, resulting in closure of this site. While no development is contemplated at this time, the site is being reclaimed per state requirements for abandoned waste water treatment sites. This reclamation includes removal of any contaminated soils or materials, grading to fill and level the abandoned ponds, providing for sheet drainage across the site, and seeding to prevent erosion of the site. This reclamation does not preclude future development or uses from occurring on the site.

The former Tri-Area Sanitation District waste water treatment function required containment, treatment, aeration and other related activities to clarify the waste water and return it to the natural environment. Once treated, the waste water was released down stream for reuse by wildlife, farmers or other consumption. While this use can be compatible with most other neighboring uses, the property adjacent to the site has been designated for, and developed as, commercial and open space/recreational uses. Therefore, designating the site for a commercial use would be consistent with neighboring

development patterns and uses. Accordingly, the proposed Community Commercial (C-C) Zoning is consistent with criteria (2) due to changing conditions (i.e. closure of the waste water treatment facility an changes that have occurred to neighboring land uses); and criteria (5) as it is in the public interest to encourage development or redevelopment of the area upon closure of the water treatment facility.

The application meets with the requirements for zoning as proposed.

The criteria for Minor Subdivision is found in Section 4.9.3.a. and c and Section 4.7.4. of the Frederick Land Use Code.

The application involves the creation of two parcels and there are no variances or subdivision exceptions required or requested. There are currently two points of entry to the site, one off of Colorado Boulevard and the other off of North First Street in Firestone. While an access easement is being dedicated to widen the proposed access to Lots 1 and 2 along the eastern side of the proposed Plat, no public rights-of-way dedications are requested or required; and the subject property has not been subject to minor subdivision approval in the past.

The application is consistent with these requirements.

The proposed Minor Subdivision Plat represents a functional system of land use that is consistent with the rationale set forth in the Code and the policies noted within the Comprehensive Plan. Since no new development is proposed, there are no adverse impacts on adjacent public and private properties, and some impacts that occurred as a result of the use of the site as a waste water treatment facility will no longer occur. While the Comprehensive Plan indicates a Public designation for the site, the Comprehensive Plan did not anticipate that the Tri-Area Sanitation District would be subsumed into Saint Vrain Sanitation or that the Tri-Area treatment site would no longer be needed. Furthermore, the proposed parcel configuration does not preclude public uses or limit opportunity for other types of development.

There are two points of entry to the site. Please note that the Town of Firestone has annexed the abandoned rail road right-of-way that abuts the western side of the development. In addition, it is likely that a new access will be required from Colorado Boulevard when the site is developed. At time of development the developer will likely be required to secure an access permit from the Town of Firestone across the rail road right-of-way. However, since no new development is proposed and since there are two existing points of access into the site, no new access is required at this time.

This Minor Subdivision application represents a combined sketch, preliminary and final plat. Recommendations or conditions added by the Planning Commission will be addressed prior to approval and recordation of the proposed Minor Subdivision Plat. Since no development is proposed, the land use mix conforms to the Town's Zoning District Map and Comprehensive Land Use Map and does not conflict with the goals and policies of the Comprehensive Plan. The application is not in conflict with criteria 4.7.4.b(3)(a-f). As noted previously, the site has access from Colorado Boulevard as well as from North First Street located within the Firestone Retail Center. Since no new development is proposed, it is difficult to determine if the existing access is adequate for all contemplated future uses. Therefore, conditions are recommended to ensure that the site meets all applicable requirements prior to development, as follows: 1) Prior to any future development, a new access meeting applicable engineering requirements may be required from Colorado Boulevard; 2) Parks dedications shall be determined at the time of future development, as determined by Code requirements that exist at time of application.

The application is generally consistent with the provisions of the Land Use Code. To ensure compatibility at time of development, certain conditions are recommended as noted in the text above .

The Planning Commission may consider approval, denial or conditional approval. Staff recommends adoption of PCR-2010-001A approving the Annexation and Zoning as proposed and PCR-2010-002C recommending approval of the proposed Minor Subdivision to the Board of Trustees, subject to the following conditions: 1) Prior to any future development a new access meeting applicable engineering requirements may be required from Colorado Boulevard; and 2) Parks dedications shall be determined at the time of future development, as determined by Code requirements that exist at time of application.

Vice Chairman Hudziak had some questions regarding access to the site.

Planner Tucker assured Hudziak that access will be looked at in the future as the sites are developed.

Rob Fleck, representing St. Vrain Sanitation District, addressed the Commission by saying that St. Vrain Sanitation wants to use a portion of the site for a maintenance facility. They are in the process of leveling the land to the northwest and the request to change zoning is to make the site more marketable.

Vice Chairman Hudziak opened the Public Hearing at 8:02PM. There was no public comment, so the Public Hearing was closed at 8:02PM and the regular meeting of the Planning Commission resumed.

Vice Chairman Hudziak is very concerned about the access points being easements instead of rights-of-way. If someone comes in to buy the lot, they will be landlocked with no right-of-way.

Planner Tucker explained that it is staff's intent to make sure there is sufficient access to the site and it is a condition of approval.

After much discussion, a third condition was suggested for the approval of the Minor Subdivision.

Commissioner Hard made a motion to recommend approval of PCR-2010-001A, "A Resolution of the Planning Commission Recommending Approval of the St. Vrain/Tri-Area Sanitation District Annexation and Zoning". Commissioner Blair seconded the motion. All in favor, motion carried.

Commissioner Loveless made a motion to recommend approval of PCR-2010-002C, "A Resolution of the Planning Commission Recommending Conditional Approval of the St. Vrain Sanitation District Minor Subdivision". The conditions are 1) Prior to any future development a new access meeting applicable engineering requirements may be required from Colorado Boulevard; 2) Parks dedications shall be determined at the time of future development, as determined by Code requirements that exist at time of application; and 3) As a plat note, the following will be added: "A second easement of access to Lot 2 shall be required prior to the development of Lot 1, if not already in existence". Commissioner Blair seconded the motion. All in favor, motion carried.

TO CONSIDER ESTABLISHING THE TOWN OF FREDERICK COMPREHENSIVE PLAN AS THE 3-MILE PLAN:

Planner Simmons presented the staff report by stating that the Town of Frederick originally adopted the Town of Frederick Comprehensive Plan Map on April 20,, 2006 and it functioned as the Town's 3-mile plan until its formal designation with Resolution 08-R-017 March 13, 2008. In 2009, Resolution 09R-01A was adopted to continue the designation of the Comprehensive Plan Map as the 3-Mile Plan. This resolution would extend the designation for another year.

In March 2008, the Town of Frederick designated the Town of Frederick Comprehensive Plan Map as the Town's official 3-Mile Plan with Resolution 08-R-017. This designation complies with Colorado Revised Statute 31-12-105.

As required by State Statute, the Town must designate a 3-mile plan to be followed during the annexation process. The plan must be designated and updated annually. The Town has historically used the Comprehensive Plan Map as its 3-mile plan.

Because this is an act that affects the Comprehensive Plan, the Planning Commission must review the request before presenting it to the Board of Trustees for ratification on January 26, 2010.

The Planning Commission could consider approval, denial or conditional approval. Staff requests that the Commission approve the designation of the Comprehensive Plan map as the 3-mile plan as outlined in PCR-2010-03A.

Vice Chairman Hudziak requested a new Comprehensive Plan/3-Mile Plan Map reflecting changes.

Planner Simmons said that she will try to have a new revised copy of the map by April or May.

Vice Chairman Hudziak opened the Public Hearing at 8:42PM. There was no public comment, so the Public Hearing was closed at 8:42PM and the regular meeting of the Planning Commission resumed.

Commissioner Blair made a motion to recommend approval of PCR-2010-03A, "A Resolution of the Planning Commission Approving the Designation of the Town of Frederick Comprehensive Plan Map as the Town's 3-Mile Plan". Commissioner Hard seconded the motion. All in favor, motion carried.

OTHER BUSINESS:

Planner Simmons distributed copies of the Downtown Development Plan which was approved by the Board of Trustees. Simmons asked the Commission to review the Plan and bring any feedback to the next meeting.

Simmons also reminded the Commission of the Design Review for Officials training on 26 May 2010.

The next Planning Commission meeting will be held on February 2, 2010 at 7:30PM.

Commissioner Blair made a motion that the meeting be adjourned.

With no further business to discuss, the meeting was adjourned at 9:05PM.

Donna Hudziak, Planning Commission Vice Chairman

Kathy Larson, Secretary