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**Eaton Planning Commission
AGENDA
Thursday, February 3, 2022
7:00 p.m.**

To be held at the Carsten Board Room at 224 First Street.

- 1) Roll call.
- 2) Review of the December 1, 2021, Planning Commission Meeting Minutes.
- 3) Brown Farm PUD Final Development Plan – Public Hearing - Vince Harris, Planning Director of Baseline Corporation.
- 5) Adjourn.

Full submittals of Brown Farm PUD are located on the home page of the Town Website: townofeaton.colorado.gov

** If you have public comment but are not comfortable attending in person due to COVID-19, please send the comments to wesley@eatonco.org by noon on the day of the meeting, and they will be read into the record or otherwise shared with the Board during the meeting.*

PLANNING COMMISSION MINUTES DECEMBER 1, 2021

A scheduled meeting of the Planning Commission was held on December 1, 2021, at 7:00 p.m. in the Gary Carsten Board Chambers located at 224 First Street.

Item 1 – Roll Call. Those members present: Commissioners, Aaron Price, Glenn Babcock, Kevin Ross, and Chairperson Karla Winter. Absent Commissioner: Bond Baiamonte. Also present: Town Administrator Interim Wesley LaVanchy and Assistant Town Administrator Greg Brinck.

Item 2 – Review of the November 4, 2021, Meeting Minutes. Commissioner Ross moved to adopt the minutes as written, seconded by Commissioner Price. Motion carried 3-0.

Item 3 – Planning & Zoning Code Update Review – Vince Harris, Planning Director of Baseline Corporation. Vince Harris stated that this is the open mic session for public input on the proposed P&Z Code review. Town Board did not give a direction as to the need or not of an I-3 Industrial Zone which would add a heavier use to the Industrial sites. Notes will be taken to address any concerns about the updated P&Z structure and content.

Item 4 – Public Comments Related to the Proposed Planning & Zoning Code Update. Chairman Winter opened the floor for public comments.

Ted Carlson, 16455 CR 72 stated that he works on the beginning end, before the builders, on open space, subdividing ground into smaller lots to fit the economy need. Would like to know if lot line changes and ground divided into smaller pieces will be done administratively or through the boards? Vince Harris answered that with certain criteria, like minor subdivisions, it could be done administratively, if there are no deviations or changes to the standard minor subdivision. Development agreements will be approved by the boards. Commissioner Ross asked Mr. Carlson if he thinks there is a need in our Industrial Park for an I-3 Zone, batch plants and such? Mr. Carlson replied that at this time his projects only involve the railroad which is an I-2 Zone, but that the I-3 Zone could be added for future development and would need to be clearly defined, better to address I-3 Zone, then to need it and not have it.

Jamie Baessler, 780 Eagle Drive spoke about his concern in providing housing ownership opportunity to citizens in communities, which has been a challenge with the lack of obtainability and price point has been a significant challenge. Cautioned against over defining /dictating exactly what a house looks like, because in the future the defining may not be available and can increase the price to build the defined home. Another concern is the Residential Zoning R-1, R-2 & R-3 lot dimensions are too big. The design trend is moving towards a narrower building site. Setbacks and building heights are good. Would like the following dimensions:

| Zone | Lot Size/Square Foot | Frontage Width or Lineal Footage (Street Front) |
|------|----------------------|---|
| R-1 | 5,000 sf or more | 48 to 55 feet |
| R-2 | 4,000 sf or more | 40 feet |
| R-3 | 1,000 sf or more | 20 feet |

Larger projects will be done with a PUD for flexibility but if projects such as a 5-acre parcel for 40 townhomes would match the R-3 Zone, it would speed up the development process.

Scott Renfroe, 3530 Diane Place, of Greeley stated that even with adding zones it still pushes all new developments to be PUD. No large subdivision can follow one zone on building. Maplewood Estates was built as a PUD and can have all three zones within it, and Brown Farm development will also fall under PUD. With the cost to build and cost of water, lots are trending smaller. These conversations are spending a lot of time on individual zoning when developers would rather use PUD, when you define you are limiting, and PUD gives flexibility.

Andrew Holder, 1504 Morning Glory, Windsor with Xcel Energy stated that he had no comments, came to hear the dialog and how the process works for his future application.

As there were no other public comments, Chairperson Winter closed the public comments.

Vince Harris then concluded the comments with the next steps of streamlining the processes, user friendly and provide clarification on conflicting items and missing items as the major goal. For planners, they would like to see another zone district that supported smaller lots. The zones need to be adjusted to fit properly to the developed areas in town. There will be two more opportunities to attend public hearings on the code update with the Planning Commissioners, January 6th and February 3rd.

Item 5 - Adjourn. As there was no further business, the meeting was adjourned at 7:55 p.m.

Margaret Jane Winter, Town Clerk

**TOWN OF EATON
PLANNING COMMISSION MEETING**

Date prepared: 01/28/2022
Meeting Date: 02/03/2022

STAFF REPORT

Project Name: Brown Farm PUD Final Development Plan
Project Address: 17650 County Road 74, Eaton, CO 80615
Applicants: Kris Pickett and Brown Farm LLC
Current Zoning: A-1 (Agricultural)
Prepared by: Lauren Richardson- Baseline Corporation
Approved by: Vince Harris, AICP - Baseline Corporation
Reviewed by: Wesley LaVanchy, Interim Town Administrator



BACKGROUND & REQUEST

Kris Pickett, on behalf of Brown Farm LLC, has submitted a request for approval of rezoning, PUD (Planned Unit Development), on the property located at 17650 County Road 74. The property is approximately 172.60 acres and is currently zoned A-1 (Agricultural). The variation in total acreage is due to removal of dedicated right-of-way.

The applicant proposes to rezone the subject property from A-1 (Agricultural) to PUD and requests approval of a PUD Final Development Plan. The current Town of Eaton Zoning Regulations requires a two-step process for the review of PUDs. The PUD Schematic Plan and Preliminary Plat (approved in May 2021) is/was the first step, and the Final Development Plan (FDP) will serve as the PUD and new zoning for the subject property if/when approved by the Town Board rezoning the property. A future Final Plat will be the third step of entitlement for the subject property. Both rezoning steps include public hearings before both the Planning Commission (PC) and Board of Trustees (BOT).

The proposed Final Development Plan (PUD Plan) envisions a neighborhood of mostly single-family detached residential and single-family attached residential (duplexes or townhomes). Single-family density would be lowest on the western portion of the site. The northern part of the property is proposed for a mix of multi-family residential and non-residential uses. Proposed community facilities and amenities include trails, open space, a possible elementary school site, and associated playground, a possible neighborhood/community center to be owned and operated by the owner/developer, and in the future, the Homeowners Association (HOA).

The plan establishes a maximum of 843 dwelling units and a maximum of 143,977 square feet of non-residential uses. The proposed number of dwelling units equates to a gross density of 4.884 units per acre. The property is divided into 21 Planning Areas, and the current phasing plan contemplates four subdivision filings. The single-family detached and attached housing amounts to about 121.60 acres of the 172.60-acre Development. Maximum density for detached single-family residential is divided into six categories. The northern part of the site, which allows a mix of non-residential and multi-family residential (PA-15 and PA-18), amounts to about 15.56 acres. The maximum density for multi-family residential is 18 units per acre. Please refer to the PUD FDP and Narrative for comprehensive details of the proposed Development.

The applicant has taken it upon themselves to recently conduct two neighborhood meetings to allow neighbors the opportunity to see and discuss the recent changes in the proposed PUD, mostly addressing the conditions placed upon the Schematic Plan approval in May 202. The meetings occurred on January 12 and 26, 2022, and occurred at Town Hall both evenings. Staff appreciates the applicant reaching out to the community in advance of these upcoming Planning Commission and Town Board public hearings for this rezoning case.

Public Notice Items

Section 7-3-14.9 of the current Eaton Municipal Code requires notice of the Planning Commissioner’s public hearing and the Board of Trustee’s public hearing on the final development plan at least ten (10) days prior to the date of said hearing in the newspaper of general circulation with the County. Staff completed this step, publishing the newspaper notice on Thursday, January 13, 2022, in The North Weld Herald. Section 7-3-14.9 also requires a written notice of the Planning Commissioner’s hearing on the final development plan to be mailed fifteen (15) days prior to the hearing to all adjoining landowners to the proposed site. The applicant completed the mailing on Wednesday, January 19, 2022; an example of the notification letter will be provided with this Report. This notice was sent to landowners within 300 feet of the proposed site. Staff appreciates the additional mailing radius and community notification. Staff also asked the applicant to post five signs located around the property. This was additional, and Staff appreciates the extra community notification for such a large project. Signs were posted Saturday, January 22, 2022.



Figure 1: Sign Posting at Orchard and Maplewood

Staff has received some public comments in regards to this development application. These are included with the Staff Report in a Public Comments Folder.

Homeowners Association (HOA)

The developer is no longer considering the formation of a Metropolitan District and is considering proposing a Homeowners Association that would be responsible for maintaining common areas and have some oversight with its responsibilities within the community. Arrangements and agreements will need to be addressed in advance of the first Final Plat for this property and the need for the HOA responsibilities regarding the Town-Boyd Ditch and non-potable water system and wells. These agreements shall be completed in advance and during the Final Plat stage. See below information related to the Town-Boyd Ditch.

Town Boyd Lateral Irrigation Ditch

The site is bisected by the Town Boyd Lateral Irrigation Ditch. The Ditch Company has expressed its concerns regarding easements around the ditch, setbacks, drainage from the subdivision, and the size of the proposed piping for the ditch. While the applicant is currently working with representatives of the Town Boyd Lateral Irrigation Ditch Company, there is no formal agreement regarding the Ditch and the way it will be either improved with a pipe system or will be left as an open ditch. The Ditch Company recently provided the Town a letter (attached) respectfully requesting the Town of Eaton to “...reserve approval of zoning, construction drawings, and/or a plat for the Brown Farm development until such time that the Developer and the Town Boyd Lateral Company have a written agreement in place

addressing Town Boyd's concerns." The applicant is currently in the process of completing the rezoning request with approval of a Final Development Plan for the PUD, which currently does not necessitate construction documents related to the Town Boyd Ditch. Since this project started, Staff has been told by the applicant that they had an agreement with the Ditch Company to accommodate piping the ditch and then having a pedestrian path through the ditch easement. The recent letter received from the Boyd Ditch representatives indicates such an agreement is not yet in place. At this time, staff suggests a condition be placed in the Ordinance of Approval (if approved) that an agreement between the Town Boyd Ditch and the applicant be completed in advance of the Final Plat application. The Final Plat application needs to include construction documents such as this item with the ditch as well as all other construction documents for the Development. At this time, it is foreseen by Staff that the HOA will eventually need to be responsible for maintaining the land area, including the Boyd Ditch, unless agreed to differently.

The Town has previously expressed an interest in seeing a publicly accessed trail along the ditch, and the applicant was to be responsible for seeing if such could be incorporated into the development plan. The recent Boyd Ditch letter indicates this may not be able to be achieved. Staff suggests when the applicant meets with the ditch company that town staff also participate in such meetings to work together on the final agreement related to the land area with and adjacent to the ditch. The applicant will need to present the solution with the final construction plans at the time the Final Plat application is submitted for review and approval.

Existing Oil and Gas Facility

The developer is currently planning the Development around an existing oil and gas facility located near the south property boundary. However, the PUD shows how this area will be developed (See Planning Area 5 on the PUD) and integrated into the Brown Farm community when the facility is removed in the future. The applicant will put in a landscape buffer for visual mitigation while the facility is still active.

Water Dedication

As such, water dedication for Development is a necessary requirement of any development of property regardless of the use proposed. Zoning a property does not, by its nature, provide water approvals for the proposed use(s). Town staff is aware that water dedication opportunities are and will be getting harder to come by in the near to long term future. Dedication requirements essentially kick into play when the "subdivision" of property takes place. Upon approval of each final plat for each phase of the Development and prior to recordation of each such final plat, developer shall dedicate sufficient raw water to the Town for the potable water needs for the Development. Additionally, the developer shall be required to dedicate the type of raw water that is capable of treatment and delivery by North Weld County Water District and/or other water sources that are acceptable to the Town, at its discretion. It should be noted, at the time of this Report, North Weld County Water District, which provides treatment and delivery of potable water to the Town of Eaton, is under a moratorium which may limit water for new Development.

STAFF ANALYSIS

Staff has been working with the applicant on the rezoning process and this final version of the PUD document since May 2021, when the Schematic Plan and Preliminary Plat were approved by Planning Commission and the Town Board. Iterations of the application and changes have been previously

incorporated and are reflected in the submitted documents. Staff does have some additional redline comments included on the attached and most recent resubmittal of the PUD document that will be the final **PUD Zoning Document** (if/when approved) that will be recorded in the Weld County Clerk & Recorders files; as well as a **Supplemental Plan** to the PUD document that we are asking the Planning Commission and Town Board to also adopt and include as part of this approval. The Supplemental Plan includes additional details, vision, renderings, architectural character, phasing, and concepts to assist the applicant and Staff keep track of the vision and concepts (additional roadmap details) hereby being proposed by the applicant during the Final Plat reviews and approvals in the future.

A referral request went out on December 21, 2022, to Town Staff and referral agencies, Northern Engineering, ProCode, Eaton Fire District, Eaton School District RE2, Weld County, North Weld County Water District, and Xcel Energy. Comments were received and compiled into a Comment Letter that was sent to the applicant Tuesday, January 11, 2022. The applicant resubmitted the Final Development Plan PUD Wednesday, January 26, 2022.

Staff finds that the proposed PUD Final Development Plan (along with revisions suggested in the staff redline document) is in conformance with the Eaton Municipal Code and proposes modified standards that are appropriate for the proposed Development. Please see attached Resolution No. 2021-06 that approved the Schematic Plan for "Brown Farm" in May 2021. That approval included seven (7) conditions of approval related to the proposed Development. All conditions relevant to the Proposed and revised PUD, at this rezoning stage of the proposed Development and PUD, have been addressed with changes to the updated PUD. The items now included and addressed are;

- Updated building coverage maximums are provided
- Revised setbacks and additional buffers are included in the NW corner of the Development
- The applicant worked with the Surrey Ridge neighborhood/owners to mitigate impacts and additional landscaping in a new and wider buffer area (see revised plan)
- Fencing standards and plans were updated
- Setback was increased to 20 feet for the front, 10 feet for the side, and rear for MF and Commercial
- Will Serve letter from XCEL Energy will need to be addressed with construction documents with the Final Plat at the next step of the review process. XCEL Energy is in discussions with the applicant, and XCEL Energy is also in the process to upgrade the entire Transmission system in the Town of Eaton related to electrical power issues currently of concern
- A metropolitan district is not going to be proposed or formed with Brown Farm. This condition is essentially null and void. A new HOA will be formed and take on ownership and maintenance responsibilities within the Development, and such items of responsibility will be addressed with the submittal items with the Final Plat application.

Open Space

Section 7-3-7(1) of the Town Code states that a minimum of twenty-five percent (25%) of the total PUD area shall be devoted to open-air recreation and other useable open space, public or otherwise. Based on the code definition of open space, which may include lawn areas, walkways, sitting areas, courtyards, outdoor recreation facilities, and landscaped areas, Staff finds that the proposed PUD will exceed the 25% minimum. Dedicated open space in Planning Areas - PA-6, PA-8, PA-14, PA-19, and PA-20 amount to 19%. The balance of open space to meet the 25% will consist of the private lawn areas of the single-family and multi-family residential, landscaped areas of non-residential Development, landscaped

areas in the community gathering space, and the landscaping adjacent to streets within public rights-of-way.

Fencing

The PUD includes three fencing types. The developer is committing to installing a concrete panel wall where homes back to Colorado Boulevard, Cheyenne Avenue, and future commercial and multi-family development sites on the north side. Areas facing green space are sited to have a four-foot-tall three-rail wood fence with welded wire mesh in between rails. Both 6-foot privacy fences will be used in areas throughout the Development. Homeowners will not be able to choose their fence type as they will be the same standard throughout. Please see Final Development Plan sheet 7 for specific fencing locations.

Lot Coverage

Maximum lot coverage for R-1 is proposed at 67% and at 80% for R-2/R-3. The Lot Coverage percentage includes all impervious areas such as driveways and patios. Maximum Building Coverage is only the percentage for the building. The proposed Maximum Building Coverage is 45% for R-1 and 55% for R-2/R-3. Staff finds the proposed lot coverage and building coverage acceptable.

Setbacks

Residential and Commercial setbacks can be found on sheet 4 of the PUD. Staff found one item to update on the PUD (see redline comments in PUD) as the proposed minimum setbacks for multi-family Development should be corrected as directed with the previous condition of approval. The chart shows the proposed side and rear setbacks for multi-family are 5 feet and are to be corrected to 10 feet, and we suggest making this correction and redline comments a condition of approval.

Eaton School District

9.99 acres have been cited on the Final Development Plan PUD as a possible site for an elementary school. A decision from the School District has not been made between requesting dedication of the site or cash-in-lieu fees of a decision to not have a school site in this Development. The School District Board will be meeting in February 2022 to make a decision on this dedication opportunity. A final determination will need to be made by the Eaton School District before the Final Plat is submitted for review and approval.

Public Improvements

Staff, along with the Town Attorney, have been working on a proposed Public Improvements Agreement for the Brown Farm property and Development which will be presented to the applicant very soon, if not provided before the Planning Commission public hearing. The Agreement essentially outlines the general scope, impacts, and needs for the project. It has verbiage indicating that a more refined and detailed Agreement will need to be completed when the first Final Plat application is submitted to the Town for review and potential approval.

Redline of PUD DOCUMENT

Included with the staff report is a 'REDLINE' copy of the PUD and the SUPPLEMENTAL PLAN that Staff has added to recommend for inclusion as a condition of the motion to approve the PUD to forward to the Town Board for a final approval. The redline marks address comments, typos, or items that need to be corrected on the document. Most redline comments are self-explanatory, but if there are any questions on such, please ask about them at the Planning Commission hearing.

Planning Commission Review and Determinations

Section 7-3-15 of the Eaton Code states that the Planning Commission shall make one of the following determinations before allowing the PUD application to proceed to the Town Board. Previously (May 2021), the Planning Commission and Town Board found that the Brown Farm Schematic Plan was acceptable and was approved with conditions. Those conditions and previous schematic plan and document were approved and allowed the applicant to proceed to this step to request approval of the Final PUD plan known as **Brown Farm Final Development Plan – PUD**. Now, one of the three following determinations needs to be completed as required by the Town Code:

(1) Approve the final development plan and zone change request as submitted, with certain conditions as stated, if any;

Staff Finding: Staff finds the Brown Farm PUD Final Development Plan to be in overall conformance with the Eaton Zoning Code and recommends approval of the rezoning with conditions.

(2) Deny the final development plan and zone change request or certain portions thereof, with all reasons clearly stated; or

Staff Finding: Staff does not see a need to have the Planning Commission Deny the current application for the Brown Farm PUD.

(3) The Planning Commission may table the final development plan and zone change request for a period not more than thirty-five (35) days for additional study to obtain additional necessary information, to have the applicant make major revisions to the plan, or for any of the stated reasons.

Staff Finding: Staff currently does not see a need to table the application for the Brown Farm PUD.

Proposed Conditions

Based on the analysis noted above, Staff offers the following potential conditions of approval for consideration by the Planning Commission:

1. The applicant shall add the following note to the PUD: An agreement with the Town Boyd Lateral Irrigation Ditch Company will be agreed upon prior to the submittal of a Final Plat application to the Town.
2. The owner and applicant shall create an Irrigation Ditch Plan satisfactory with the Town Boyd Lateral Irrigation Ditch Company, including the ditch itself and the surface treatment along the easement that allows the ditch on the subject property.
3. The owner and applicant need to coordinate with the Eaton School District on the decision regarding the dedication of a 10-acre school site or a cash-in-lieu fee attributed for land dedication requirements.
4. Update the PUD document and supplemental plan in accordance with the redlines dated January 28, 2022.

5. The applicant shall add the following note to the PUD: Along with each Final Plat application, the applicant shall submit a log to the Town to allow Staff to record building permits for each single-family home to memorialize the front setbacks staggered at 18 feet, 21 feet, or 24 feet, with no more than three adjacent houses having the same setback to track such for all lots in the Development.
6. The applicant shall add a note on the PUD sheet showing the pedestrian trail map indicating that the 8' wide concrete trail along the ditch or such alternative treatment will be decided upon during the first Final Plat application phase of the project.
7. The applicant shall increase the side and rear setback of multi-family to 10 feet.
8. The applicant shall submit both the PUD/Final Development Plan and the Supplemental Plan sheets in size 24''x 36'' in Mylar format.

RECOMMENDATION

Staff recommends the following motion to the Planning Commission:

Motion to Approve with Conditions

The Brown Farm Final Development Plan/PUD and Supplemental Plan is hereby recommended for APPROVAL with the eight (8) listed PROPOSED CONDITIONS as suggested by Town staff in the staff report.

If needed, and in addition, the applicant shall also resolve other comments noted for the record and be included in the recommendation to the Town Board for their review and consideration on February 17, 2022, with the additional following conditions.

1. _____
2. _____
3. _____
4. _____
5. _____

Attachments:

Attachments and Application Materials Provided via Dropbox Link:

- Please use the Dropbox links we are sending as an Attachment to the Staff Report.

01. Resolution No. 2021-06
02. Narrative Cover Letter
03. PUD Document Staff Redlines dated 01-28-2022
04. Notifications
05. Public Comments
06. Application Form