



## PLANNING COMMISSION REGULAR MEETING

February 7, 2018 // 7:00 p.m. // Town Board Chambers  
301 Walnut Street, Windsor, CO 80550

### MINUTES

#### A. CALL TO ORDER

Chairman Schick called the regular meeting of the Planning Commission to order at 7:00 p.m.

##### 1. Roll Call

The following Planning Commission members were present:

Gale Schick  
Charles Schinner  
Victor Tallon  
Doug Dennison  
Tim Annable  
Travis Yingst - A  
Dan Foreman - A

Town Board Liaison

Ken Bennett

Also Present:

Planning Director  
Senior Planner  
Senior Planner  
Utility Billing Clerk

Scott Ballstadt  
Millissa Berry  
Paul Hornbeck  
Amanda Mehlenbacher

##### 2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission

**Mr. Tallon moved to approve the agenda as presented; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Schinner, Tallon, Dennison, Annable, Yingst, Foreman**

**Nays – None**

**Motion carried.**

##### 3. Public Invited to be Heard

Mr. Schick opened the meeting up for public comment to which there was none.

#### B. CONSENT CALENDAR\*

##### 1. Approval of the minutes of January 17, 2018

**Mr. Tallon moved to approve the consent calendar as presented; Mr. Annable seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Tallon, Dennison, Annable, Yingst, Foreman**

**Nays – None**

**Abstained – Schinner**

**Motion carried.**

## C. BOARD ACTION

1. Request for Commercial Corridor Building Material Waiver – Eagle Crossing Subdivision 5<sup>th</sup> Filing, Lot 2 (Fuzzy’s Taco Shop) – Martin Lind, property owner; Marc Rogers, Fuzzy’s Taco Shop, applicant / Patricia Kroetch, North Star Design, Inc., applicant’s representative
  - Quasi-Judicial
  - Staff presentation: Millissa Berry, Senior Planner

The applicant, Mr. Marc Rogers of Fuzzy’s Taco Shop, is proposing a new site development in the Eagle Crossing Subdivision 5th Filing. The site of the proposed Fuzzy’s Taco Shop is located northeast of the intersection of Crossroads Boulevard and Fairgrounds Avenue. The site is zoned General Commercial (GC), is located adjacent to other GC zoned properties, and is located on a designated commercial corridor where commercial corridor design criteria are required. The site plan was presented to the Planning Commission at its December 6, 2017 regular meeting.

Building characteristics include:

- 5,715 square foot building
- building materials are a mix of wood siding and stucco in earth tone colors with metal accents
- building height of 25’
- a flat roof with varied roofline
- covered entry feature
- enclosed outdoor patio area

Details and elevations can be found in the associated PowerPoint presentation. The applicant is requesting a waiver from the design criteria to allow for the use of stucco to cover 42.31% of one building façade. Section III.B.3.a.5 of the Commercial Corridor Plan Design Criteria states that:

“Stucco or Exterior Insulation Finish Systems (EIFS) is encouraged to be secondary material or accent element not to exceed thirty-five percent (35%) of the respective building façade.”

The Commercial Corridor Plan states that, in order to receive a waiver, the applicant shall have the burden of establishing justification under the following criteria:

- Strict application of the applicable standard will result in either extraordinary practical difficulties or undue hardship; and
- The proposed waiver, if approved, will protect the public interest equally or better than the standard for which the waiver is requested; and
- Approval of the waiver request will not be detrimental to the public interest.

Requests for design criteria waivers shall be subject to review and determination by the Planning Commission. The Planning Commission may grant, conditionally grant, or deny any waiver request.

The applicant has been working with staff to reduce the amount of stucco on the building, including substituting some of the stucco material on all facades with wall tile, cement composite panels, and/or metal, and adding a wainscot. The overall amount of stucco on

the entire building is 25.5%. However, for the south façade, which faces Crossroads Boulevard, the amount of stucco is 42%. The applicant feels that the building does not have additional design-compatible areas for increasing the amount of alternative materials that would reduce the amount of stucco on the south façade and to do so would cause a redesign of the building (e.g. addition of more windows).

This subject façade is approximately 60 feet wide. The façade is broken up with large window areas, awnings, a railing around the patio area, architectural design walls, and light fixtures. The roof line is varied with parapets capping the walls. Two relatively smaller sections, approximately 60 square feet, of elevation that will have the stucco treatment are recessed from the rest of the façade by approximately 50 feet, reducing the appearance of building massing and the amount of stucco of the façade as viewed from the street. Two shade trees (and a number of shrubs) are proposed between the subject façade and the street.

The building is located a short distance from the Summit which has large areas of CMU, an approved material for the corridors. From the distance to the street, the materials – CMU and stucco – seem comparable in appearance and quality.

If approved, the design would be reflective of the elevations submitted, will protect the public interest at least equally than the standard of no more than 35% of stucco on a façade facing a street, and it does not appear to be detrimental to the public interest.

Because of the various façade treatments and building design, the landscaping, the scale of the façade and the building, and the overall amount stucco used on the building, staff feels that the intent of the Commercial Corridor Design Criteria is met and supports the granting of the waiver.

Staff recommends approval of the waiver request to allow one façade, the south façade, to have up to 42.31% stucco as proposed in the submitted design plans.

Mr. Annable inquired if the applicant has expressed undue hardship associated with this design.

Ms. Berry stated that it may be considered a practical difficulty as adding more windows would require a new design and adding different material would look as if it's being added to meet the standards rather than creating a uniform look.

Mr. Marc Rogers, the managing member of Fuzz's Tacos, 6334 Sanctuary Dr, Windsor, CO 80550, stated that it became challenging to try and get less stucco on the south façade with the current windows and the way the structural steel fell. Mr. Rogers mentioned they added wainscoting along the bottom as well as adding a sufficient amount of landscape in order to draw focus to that rather than to the stucco.

**Mr. Tallon moved to approve the waiver request to allow the south façade to have up to 42.31% stucco as proposed in the submitted design plans; Mr. Schinner seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Schick, Schinner, Tallon, Dennison, Annable, Yingst, Foreman  
Nays – None  
Motion Carried**

2. Public Hearing – Swanson Annexation and Zoning – Jon Turner, North Windsor Holdings, LLC, property owner / Kristin Turner, TBGroup, applicant

- Legislative
- Staff presentation: Paul Hornbeck, Senior Planner

The applicant, Mr. Jon Turner, represented by Ms. Kristin Turner, has submitted a petition to annex approximately 28.9 acres to the Town of Windsor as General Commercial (GC) zoned property. The property is located to the northeast of existing town limits just west of the intersection of Harmony Road and SH 257. The purpose of this annexation is to annex Harmony Road right-of-way and assemble adjoining properties as a part of the proposed Rocky Mountain Sports Park. Development of the Rocky Mountain Sports Park itself will require various additional approvals by Town Board.

The Land Use Plan of the 2016 Comprehensive Plan designates this property as General Commercial, consistent with the proposed zoning. Zoning for abutting properties include General Commercial (GC), Limited Industrial (IL) and Weld County Agriculture (A) and Planned Unit Development (PUD).

The Comprehensive Plan Growth Strategy includes the property within in a Developed Area; this area is adjacent to Committed and Secondary Growth Areas. The Harmony Road corridor is one the main growth areas in Town and is foreseen to develop with a mix of residential and commercial uses. The corridor also serves as an important role moving traffic east and west through the region.

The applicant held a neighborhood meeting on December 18, 2017 (please refer to the attached neighborhood meeting summary).

At its January 8, 2018 regular meeting, the Town Board adopted Resolution No. 2018-004 that declared certain findings of fact concerning the Swanson Annexation, determined substantial compliance with Colorado Municipal Annexation Act (1965), and established public hearing dates before the Planning Commission and the Town Board. The established hearing dates were February 7, 2018 for the Planning Commission and February 12, 2018 by the Town Board.

An Annexation Report has been prepared with details on the adequate provision of utilities and services to the property, maintenance of infrastructure, and a finding of no impact to the school district due to the proposed General Commercial use and zoning.

Staff recommends that the Planning Commission forward a recommendation of approval of the Swanson Annexation and General Commercial zoning designation to the Town Board, as presented.

There were three individuals who commented during the public hearing. All were opposed to the Swanson Annexation and Zoning voicing concerns that it facilitates the development of the Rocky Mountain Sports Park. Additional concerns are the land layout and increased traffic within their neighborhoods. The public also voiced strong concerns regarding the artificial lighting, noise, obstruction of views, and disruption of the several active eagle nests in the area should the Rocky Mountain Sports Park be built.

Mr. Schick reminded the audience that discussion should revolve around the Swanson Annexation and Zoning and that the Rocky Mountain Sports Park is not a part of the current agenda item.

Joan Glabach, 37076 Soaring Eagle Circle, Windsor, CO 80550 – Opposed  
Marcia Maeda, 6711 Steven Street, Windsor, CO 80550 – Opposed  
Rosalyn Leautaud, 36933 WCR 15, Windsor, CO 80550 - Opposed

**Mr. Tallon moved to close the public hearing; Mr. Foreman seconded the motion.  
Roll call on the vote resulted as follows:  
Yeas – Schick, Schinner, Tallon, Dennison, Annable, Yingst, Foreman  
Nays – None  
Motion Carried**

3. Recommendation to Town Board – Swanson Annexation and Zoning – Jon Turner, North Windsor Holdings, LLC, property owner / Kristin Turner, TBGroup, applicant
  - Legislative
  - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

**Mr. Tallon moved to forward a recommendation of approval of the Swanson Annexation and Zoning to the Town Board; Mr. Dennison seconded the motion.  
Roll call on the vote resulted as follows:  
Yeas – Schick, Schinner, Tallon, Dennison, Annable, Yingst, Foreman  
Nays – None  
Motion carried.**

#### **D. COMMUNICATIONS**

1. Communications from the Planning Commission  
None
2. Communications from the Town Board liaison  
None
3. Communications from the staff  
Mr. Scott Ballstadt congratulated Amanda Mehlenbacher as being named the new Deputy Town Clerk for the Town of Windsor.

#### **E. ADJOURN**

Upon a motion duly made, the meeting was adjourned at 7:41 p.m.



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Utility Billing Clerk, Amanda Mehlenbacher