



PLANNING COMMISSION REGULAR MEETING

April 18, 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
Doug Dennison
Jerry Bushelman
Victor Tallon
Charles Schinner
Dan Foreman

Town Board Liaison

Ken Bennett

Also Present:

Planning Director
Chief Planner
Senior Planner
Deputy Town Clerk

Scott Ballstadt
Carlin Malone
Millissa Berry
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. Schinner moved to approve the agenda as amended; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Schinner, Bushelman, Tallon, 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 minutes of April 4, 2018

Mr. Ballstadt requested to remove the alternate indication next to Mr. Foreman's name and add Mr. Yingst under Also Present.

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

Yeas – Schick, Dennison, Schinner, Bushelman, Tallon, Foreman
Nays – None
Motion Carried

C. BOARD ACTION

1. Site Plan Presentation – Windsor Commons Subdivision 3rd Filing – Martin Homes – Andrew Martin, Martin Homes LLC, owner/applicant
 - Staff presentation: Millissa Berry, Senior Planner

Ms. Berry introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: The property owner, Mr. Andrew Martin, is proposing a building for his business in the Windsor Commons Subdivision 3rd Filing. The site of the proposed building is located on the northeast corner of the Automation Drive and Logistics Drive intersection. The site is zoned Limited Industrial (I-L) and is located adjacent to other I-L-zoned properties.

Overall development characteristics include:

- total lot area of 1 acre
- 6,060 square foot (sf) building
- 10 parking spaces (1 stall per 2 employees plus additional spaces)
- approximately 35% landscaped area (15% required)

Building characteristics include:

- building materials:
 - fiber cement lap siding
 - stucco
 - brick veneer
 - masonry veneer wainscot
 - asphalt shingles
 - metal roofing
 - wood accent beams
- building height:
 - one-story at 23'4" feet
- pitched roof

Ms. Berry indicated that there is no recommendation, as this item is for presentation purposes.

Mr. Schick asked if the applicant had any further information he wished to present.

There was none.

Mr. Bushelman inquired if the recycled asphalt parking area was for storage.

Ms. Berry responded that there wasn't a proposal for storage but rather if trucks need to come onto the property.

Mr. Andrew Martin, Martin Homes, introduced himself to the Commission. He confirmed that there would be no storage.

2. Public Hearing - Concerning the Thornton Farm 24 Annexation to the Town of Windsor – City of Thornton, applicant/owner; Kevin Woods, City Manager and Mark Koleber, Water Project Director, applicant’s representatives

- Legislative Action
- Staff presentation: Millissa Berry, Senior Planner

Ms. Berry introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: The applicant, The City of Thornton, represented by Mr. Mark Koleber, has submitted a petition to annex approximately 288.4 acres to the Town of Windsor as Residential Mixed Use (RMU) zoned property. The subject property is located at 37162 Weld County Road 13 directly northeast of the intersection of Weld County Road 13 and Weld County Road 76.

The City of Thornton is annexing the property in accordance with the Intergovernmental Agreement (IGA) that was approved by the Windsor Town Board via Resolution 2018-07 on January 8, 2018. Because the property is within the Town’s Growth Management Area, the Town requested that the property be annexed so that any future development of the property would go through the Town’s land use process and comply with Town standards.

No development is currently proposed with this annexation petition. The City of Thornton has no plans to develop the property and intends to retain the property in its current use and state, as well as retain the associated water rights, into the foreseeable future. There is the potential that Xcel Energy may propose a substation on the property. However, as of the date of this report, a development proposal has not been received. If and when a development proposal is submitted for a substation, the proposal will be reviewed and processed in accordance with the Municipal Code. In addition, if any development plans on the City’s property are submitted in the future, the plans will also be reviewed in accordance with the Municipal Code.

The Comprehensive Plan Growth Strategy includes the property within in the Town’s Secondary Growth Area. Although in the Secondary Growth Area, the property is adjacent to Developed and Primary Growth Areas to the south and east and the Tertiary Growth Area to the north. Chapter 5b – Growth Framework of the Comprehensive Plan states that development within the secondary Growth Area will primarily consist of residential land use and, where possible, a mix of housing types and densities should be promoted. The Land Use Plan of the 2016 Comprehensive Plan designates this property as Agriculture which reflects the current use of the property. The RMU zoning that is proposed for the property reflects the intent of the Secondary Growth Area as well as the future land use for the property. The zoning for abutting properties to the south, east and south/east within Town Limits is RMU. Abutting properties that surround the subject property and are outside town limits are also generally low density residential and agriculture land uses and the associated zoning:

- Properties in Weld County to the south and east of the subject property are zoned Agriculture (A) or Duplex Residential (R-2).

- Abutting properties to the north are within Severance and zoned Suburban Perimeter.
- Abutting properties to the west are in unincorporated Larimer County and zoned Farming (FA-1).

The Comprehensive Plan classifies Weld County Road (WCR) 76 as a Rural Collector; WCR 13 is classified as a Rural Minor Arterial. The Town is requiring the dedication of an additional 30 feet of right-of-way along WCR 76 to be dedicated to Windsor and that 35 feet of right-of-way along WCR 13 is dedicated to Town of Timnath; both dedications are to be at time of annexation. Both requirements are indicated on the annexation plat and will be included in an amendment to the IGA.

A neighborhood meeting was held on March 13, 2018; please refer to the attached neighborhood meeting summary. Concerns conveyed at the meeting included increased traffic to the area and the potential location of a substation on the property. Additional comments received by staff outside the neighborhood meeting echo these concerns.

An Annexation Report was prepared and sent to potentially impacted taxing districts as required by Colorado Revised Statutes (CRS). The report outlines details on the provision of utilities and services to the property, maintenance of infrastructure, and a finding of no impact to the school district due to the lack of a development proposal at this time. Responses from the tax agencies included “no comment/conflict” or a request to review any development proposals when submitted. Referral agencies, including the Colorado Department of Transportation, were also notified of the annexation request. The referral agencies relayed no conflicts to staff.

At the February 26, 2018 regular meeting, the Town Board, by resolution, initiated annexation proceedings for the property. After review of the annexation petition and the annexation plat, staff has determined that the requirements of applicable parts of CRS Section 31-12-104, 31-12-105, 31-12-107 have been met:

- The plat is consistent with the petition submitted;
- The property is eligible for annexation based on contiguity and community of interest between the proposed property and annexing municipality;
- No limitations for annexation exist in this case;
- An election is not required.

At the March 12, 2018 regular meeting, the Town Board adopted Resolution No. 2018-024 that declared certain findings of fact concerning the Thornton 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 April 18, 2018 for the Planning Commission and April 23, 2018 by the Town Board.

Marcia Maeda, 6711 Steven St., Windsor, CO, expressed her concerns regarding the Thornton Farm 24 Annexation and requested that should it be approved, the Town Board entertain the idea of a different location and or very

strict berm, landscaping and fencing standards for the substation that would be under consideration.

Rosalyn Leautaud, 36933 WCR 15, Windsor, CO, presented the Commission with aerial photos of the subdivision while expressing her concern with the consideration of a substation. Ms. Leautaud is concerned that the property has been staked without any public input and requested the substation be relocated as it may impact the value of Windsor and the surrounding residential properties.

Joan Glabach, 37076 Soaring Eagle Circle, Severance, CO, expressed her concern regarding the Thornton Farm 24 Annexation. Ms. Glabach is an avid birder and is concerned with the consideration of a substation as it will disrupt their patterns and may cause harm to the many geese, pelicans and cranes.

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

3. Recommendation to Town Board - Concerning the Thornton Farm 24 Annexation to the Town of Windsor – City of Thornton, applicant/owner; Kevin Woods, City Manager and Mark Koleber, Water Project Director, applicant’s representatives
 - Legislative Action
 - Staff presentation: Millissa Berry, Senior Planner

Ms. Berry indicated that staff recommends the Planning Commission forward a recommendation of approval of the Thornton Farm 24 Annexation and Residential Mixed Use (RMU) zoning designation to the Town Board, as presented.

Ms. Berry indicated that staff requests the following be entered into the record:

- Application, petition and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the public hearing
- Recommendation

Mr. Schinner inquired if farming will still be allowed once zoning is changed to Residential Mixed Use (RMU).

Mr. Ballstadt responded that the Residential Mixed Use zoning will not prevent people from continuing to farm and would also allow it in the future should the property be conveyed to someone else.

**Mr. Tallon moved to forward a recommendation of approval to the Town Board for the Thornton Farm 24 Annexation to the Town of Windsor; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Schinner, Tallon, Bushelman, Foreman
Nays – None
Motion carried.**

4. Public Hearing - Resolution No. 2018-01 regarding Annual Land Use Map Update

- Legislative Action
- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Ballstadt presented the PowerPoint presentation included in the packet materials, with the following information: The Planning Commission normally conducts an annual review of the Land Use Map (Map) to determine if the Map needs to be amended to either reflect any zoning changes that were approved during the year or any other land use depictions or amendments the Planning Commission deems necessary. Additionally, the Planning Commission may also at this time review proposed amendments to the text of the comprehensive plan as needed.

Since the adoption of the 2016 Comprehensive Plan, staff has discovered several changes to the Map that were apparently made during the Plan update without staff or Planning Commission discussion. In some cases the changes appear to be a result of the use of different software packages in preparing the Map, and others involve inadvertent changes in property specific land use depictions without the necessary notifications and discussion between Planning Commission, staff and property owners. The Planning Commission has not approved any changes to the Map since the adoption of the 2016 Comprehensive Plan; therefore, staff is recommending that the Planning Commission re-adopt the Map that existed immediately prior to adoption of the 2016 Comprehensive Plan with Resolution No. 2018-01 to “revert back” to the previous Map.

Once the aforementioned inadvertent changes have been cleaned up, the next item on the agenda, Resolution No. 2018-02, will then propose Map updates to reflect zoning changes that Planning Commission and Town Board have approved since 2016.

Mr. Schick asked if anyone from the audience wished to speak on this matter.
There was none.

Mr. Ballstadt indicated that staff recommends the Planning Commission approve Resolution No. 2018-01 regarding the Land Use Map to revert back to the Land Use Map in place prior to adoption of the 2016 Comprehensive Plan.

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

5. Resolution No. 2018-01 regarding Annual Land Use Map Update
 - Legislative Action
 - Staff presentation: Scott Ballstadt, Director of Planning

Mr. Schick asked if staff had anything further they wished to add.
Per Mr. Ballstadt; Nothing further.

**Mr. Tallon moved to approve Resolution No. 2018-01 as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Schinner, Tallon, Bushelman, Foreman
Nays – None
Motion carried.**

6. Public Hearing - Resolution No. 2018-02 regarding Annual Land Use Map Updates

- Legislative Action
- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Ballstadt presented the PowerPoint presentation included in the packet materials, with the following information: The Planning Commission normally conducts an annual review of the Land Use Map (Map) to determine if the Map needs to be amended to either reflect any zoning changes that were approved during the year or any other land use depictions or amendments the Planning Commission deems necessary. Additionally, the Planning Commission may also at this time review proposed amendments to the text of the comprehensive plan as needed.

While the aforementioned updates are normally considered toward the end of the year, the Planning Commission did not consider any updates in 2017, so staff has scheduled the current updates in order to bring the Map up to date immediately rather than delay any longer.

As such, staff is presenting adjustments from rezones over the past two years along with discrepancies in the 2016 Comprehensive Plan map for the Planning Commission's consideration.

Mr. Ballstadt indicated that staff recommends the Planning Commission approve Resolution No. 2018-02 regarding the updated Land Use Map to make the aforementioned updates to correctly reflect approved rezoning applications since 2016.

Mr. Schick asked if anyone from the audience wished to speak on this matter.
There was none.

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

7. Resolution No. 2018-02 regarding Annual Land Use Map Updates

- Legislative Action
- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Schick asked if staff had anything further they wished to add.
There was none.

**Mr. Tallon moved to approve Resolution No. 2018-02 as presented; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Schinner, Tallon, Bushelman, Foreman
Nays – None
Motion carried.**

D. COMMUNICATIONS

1. Communications from the Planning Commission
Mr. Schinner requested that staff study large scale residential high density units in terms of compatibility for onsite facilities such as parking as part of the code update.
2. Communications from the Town Board liaison
None
3. Communications from the staff
Ms. Malone presented the draft referral response letters of recommendation addressed to the Town of Severance and Weld County per the Commission's request.

Ms. Malone presented a slide of a vicinity map showing the location of a subdivision proposal in the Town of Severance. The property is located between WCR 21 and WCR 23; and between SH 392 and WCR 70. The subdivision includes 596 acres proposed for a mix of uses – commercial, multi-family and single-family residential. The draft response letter states that while the property is not within the Town's GMA, the Town has significant concerns regarding road improvements that would be necessary for such development. Included in the draft letter are ten (10) recommendations to forward to Severance for their consideration. Additional technical comments were included on the associated traffic impact study (TIS) and improvement plans. Ms. Malone asked if the Commission had any further recommendations to forward to Severance.

Mr. Bushelman asked if the proposed uses were consistent with the IGA between Windsor and Severance.

Ms. Malone stated that the proposed uses were generally consistent with the IGA. She presented a slide of the subdivision plat map for reference.

Mr. Schick stated he believed staff had covered the Town's concerns within the recommended conditions presented in the draft letter.

Ms. Malone presented a slide of a vicinity map showing the location of a request for a pre-application meeting for a USR (Use by Special Review) referral from Weld County. The proposal is for a church located west of SH 257 and the north side of WCR 72. The draft response letter states that the property is within the Town's GMA and is eligible for annexation; and should be annexed to the Town of Windsor, adhere to the Town's Comprehensive Plan/Land Use Plan, and tie into Town services which will be available in the near future. Included in the draft letter are a total of nine (9) recommendations to forward to Weld County for their consideration: Four (4) pertaining to the annexation of the property and an

additional five (5) recommendations in the event this proposal becomes a formal land use application. Ms. Malone mentioned that if this proposal moved forward, there would be a USR referral sent to the Town for review. WCR 72 would also need to be improved as a result of development, which is within the Town's jurisdiction, and the developer would need to seek an access permit on WCR 72 from the Town. Ms. Malone asked if the Commission had any further recommendations to forward to Weld County.

Mr. Tallon inquired as to whether the proposal was for a septic system.

Ms. Malone verified that the proposal was for a septic system and one of staff's recommendations was that the developer tie into future Town utilities since the proposal is urban-level development.

Mr. Schick stated he agreed with the staff recommendations as presented.

Mr. Ballstadt stated that a joint work session will be held with the Town Board on June 4, 2018 at 6:00 pm. Discussion will revolve around code updates such as the process for minor variances and multifamily residential parking as well as the cost and level of service needed to bring building inspections in-house. Mr. Ballstadt further stated that the Town is currently advertising for the open Advisory Board positions with a deadline of May 11th.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:57 p.m.



Deputy Town Clerk, Amanda Mehlenbacher