



**PLANNING COMMISSION  
REGULAR MEETING**

April 4, 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  
Tim Annable  
Dan Foreman - A

Town Board Liaison

Ken Bennett

Also Present:

Planning Commission Member	Travis Yingst
Planning Director	Scott Ballstadt
Senior Planner	Paul Hornbeck
Deputy Town Clerk	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. Annable moved to approve the agenda as amended; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Schick, Dennison, Schinner, Bushelman, Tallon, Annable, 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 March 21, 2018

**Mr. Tallon moved to approve the consent calendar as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Schick, Dennison, Schinner, Bushelman, Tallon, Foreman, Annable  
Nays – None  
Motion Carried**

## C. BOARD ACTION

1. Recommendation to Town Board – Final Site Plan – Eagle Crossing Subdivision 4th Filing, Lots 1 & 3 – Morgan Kidder, Fossil Ridge Holdings, LLC, applicant/ Brian Williamson, TST Consulting Engineers Inc., applicant's representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: The applicant, Mr. Morgan Kidder of Fossil Ridge Holdings, LLC, represented by Mr. Brian Williamson of TST Consulting Engineers, has submitted a final site plan, known as Eagle Crossing Subdivision 4<sup>th</sup> Filing, Lots 1 & 3. The site plan encompasses approximately 21.6 acres. Town Board approved a rezoning of the subject property from Limited Industrial (IL) to High Density Multifamily (MF-2) on January 8, 2018 and Planning Commission approved the preliminary site plan on October 18, 2017.

Site plan characteristics include:

- a total of 407 dwelling units;
- four two-story multi-family residential buildings on the east side of the project with 14 to 16 units each;
- fifteen three-story multi-family residential buildings with 21 to 24 units each;
- 620 parking spaces, including 128 detached garage spaces, and 492 open-air parking spaces;
- 21% building coverage of the site;
- 46% of the site to be landscaped area; and
- playground, clubhouse and pool for residents.

Building characteristics include:

- horizontal fiber cement lap siding as the predominant façade material;
- stone treatment around the base of buildings and around external stairways;
- covered decks and porches; and
- 5:12 roof pitch with varying rooflines.

Off-site improvements being completed with the Eagle Crossing Subdivision 4<sup>th</sup> Filing will include:

- construction of Steeplechase Drive from Highland Meadows Parkway to Fairgrounds Avenue,
- including an adjacent 10' wide public trail
- extension of Ward Drive north to connect with Steeplechase Drive
- regional detention facility with soft surface trail amenity

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval, subject to the following conditions:

1. All outstanding staff comments on the site plan drawings shall be addressed.

2. Prior building permits being accepted for review the applicant shall:
  - a) enter into a development agreement with the Town, which shall not be recorded until after the Eagle Crossing Subdivision 4<sup>th</sup> Filing plat has been recorded.
  - b) Submit a minor subdivision application to place the portion of the regional detention facility depicted on Lot 1 in the Eagle Crossing Subdivision 4<sup>th</sup> Filing in a separate tract.
  - c) Present evidence to the Town that an easement granting temporary rights to the Developer to construct the off-site improvements depicted on the improvement drawings and permanent exclusive rights to the Town for the storm drainage facility.
  - d) Present a written undertaking, under which the Raindance Metropolitan District will permanently assure the ongoing maintenance of the drainage facilities, adjacent recreational trail, and surrounding landscaping on Tract A of Fossil Ridge Subdivision 2<sup>nd</sup> Filing and the yet-to-be created tract required in condition 2.b above.

Mr. Hornbeck stated that one area staff has identified as a potential impact to community character is parking. Staff is concerned the parking provided may be insufficient to accommodate the visitor and overflow parking demand of the development. If parking is insufficient, it's likely people will park in fire lanes or in bike lanes on Steeplechase Drive, a street that is not designed to accommodate on-street parking, creating potential health, safety, and welfare concerns.

Staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

Brian Williamson of TST Consulting Engineers, addressed the board stating that the parking reduction from the preliminary plan was driven mainly by the building spacing. In the preliminary site plan, 20 feet separated all the buildings which met building code. After an in depth analysis, the penetrations along the sides of the buildings, the number of windows and patios required 30 feet of spacing between the buildings which caused the buildings to disperse resulting in the removal of several parking spaces from the project. Mr. Williamson stated that it was not their intention to under park this project, instead they are trying to fit as many parking spaces as possible while continuing to meet the standard set forth in the land use code. Mr. Williamson further touched on the amenities that will be included with this project. These include; community club house, playground structures, regional trail connection.

Mr. Annable inquired as to how many parking spaces were lost after the re-design of the site plan.

Per Mr. Williamson; 25 spaces were removed.

Mr. Schinner inquired as to how pedestrians would cross from one side of Steeplechase Drive to the other.

Mr. Williamson responded that there will be a pedestrian refuge island located off Steeplechase Drive that would allow pedestrians to cross one lane of traffic and stop before crossing the other lane.

Mr. Tallon inquired if a traffic study had been completed for this project.

Mr. Hornbeck responded that a traffic study was completed along with the overall Brands Development proposal.

Mr. Williamson added that the traffic study indicated that the majority of the traffic will move toward the east or to the south due to the existing traffic light at Ward Ave. and Crossroads Blvd.

Mr. Bushelman expressed his concern regarding the lack of parking spaces in this development and inquired how the 1.5 spaces per unit have worked in previous developments.

Mr. Hornbeck responded that the parking has been sufficient with the caveat that adjacent on-street parking was available in most cases.

Mr. Ballstadt added that this is a unique situation as most multi-family projects in Windsor are located adjacent to public streets that include parking.

Mr. Schick inquired if a situation arises where there is not enough parking how might that situation be handled.

Mr. Morgan Kidder of Fossil Ridge Holdings, LLC stated he was unsure how that might be handled until that time comes. Mr. Kidder referenced a project of the same size, units and parking located in Firestone, CO that required 1.5 spaces per code and indicated there is currently no parking issues or on-street parking options.

Mr. Annable inquired if the Town of Windsor would have any recourse against the developer if an issue arises with parking being insufficient.

Mr. Ballstadt stated that staff recommended language be added into the development agreement associated with the site plan; however, it would be purview of the Town Board and Planning Commission to consider a condition of approval.

Mr. Annable agreed with staff stating that the current parking creates potential health, safety, and welfare concerns.

Mr. Schick expressed the same concern in regard to parking even though it meets the current land use code. Mr. Schick requested a condition of approval be added in the development agreement with the applicant stating; in the event that issues arise due to lack of sufficient parking stalls provided on site, the property owner shall take appropriate measures to address such issues.

**Mr. Tallon moved to forward a recommendation of approval to Town Board for the Final Site Plan – Eagle Crossing Subdivision 4th Filing, Lots 1 & 3, including recommended conditions and an additional condition of approval that states in the event that issues arise due to lack of sufficient parking stalls provided on site, the property owner shall take appropriate measures to address such issues. Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Dennison, Tallon, Bushelman, Foreman**

**Nays – Schinner, Annable**

**Motion carried.**

2. Public Hearing - Annexation Petition to Annex and Zone certain Property known as Weld County Road 76 Annexation to the Town of Windsor, Colorado – Jon Turner, North Windsor Holdings, LLC, owner/applicant; Kristin Turner, TB Group, applicant's representative

- Legislative Action
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: The applicant Mr. Jon Turner, represented by Ms. Kristin Turner, has submitted a petition to annex approximately 6.47 acres to the Town of Windsor as General Commercial (GC) and Residential Mixed Use (RMU) zoned property. The proposed zoning is consistent with the zoning of adjacent property to the south.

The purpose of this annexation is to annex Weld County Road 76 right-of-way in anticipation of potential roadway improvements associated with the proposed Rocky Mountain Sports Park. Development of the Rocky Mountain Sports Park itself will require various additional approvals by Town Board.

The applicant held a neighborhood meeting on February 5, 2018.

At their February 26, 2018 regular meeting, the Town Board adopted Resolution No. 2018-022 that declared certain findings of fact concerning the Weld County Road 76 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 4, 2018 for the Planning Commission and April 9, 2018 for the Town Board.

No Annexation Impact Report is required with this annexation because the total area is less than 10 acres. Additionally, since the annexation consists only of right-of-way and no developable property, no impact is anticipated to utilities or services to the property or to the school district.

Staff recommends that the Planning Commission forward to Town Board a recommendation of approval of the Weld County Road 76 Annexation and General Commercial and Residential Mixed Use zoning designation, as presented.

Mr. Schick asked if anyone from the audience wished to speak on this matter. Rosalyn Leautaud, 36933 County Road 15, Windsor, CO, addressed the Board and expressed her concern regarding the annexation of Weld County Road 76. Ms. Leautaud believes the risk and safety for the pedestrians who walk, bike, ride horses as well as the children who ride the school bus will be intensified if the annexation were to be approved. Mr. Leautaud further expressed traffic concerns due to the five 3-way intersections and 7 private driveways location along County Road 76.

**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, Tallon, Bushelman, Foreman, Annable  
Nays – None**

**Motion carried.**

3. Recommendation to Town Board - Annexation Petition to Annex and Zone certain Property known as Weld County Road 76 Annexation to the Town of Windsor, Colorado – Jon Turner, North Windsor Holdings, LLC, owner/applicant; Kristin Turner, TB Group, applicant’s representative

- Legislative Action
- Staff presentation: Paul Hornbeck, Senior Planner

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

Mr. Dennison inquired if the section to be annexed covers the entire distance from SH 257 to Weld County Road 15.

Mr. Hornbeck stated there is a portion of the road that is already annexed to the Town of Windsor and with the annexation the entire mile portion of the road would be within the Town of Windsor.

Mr. Dennison inquired if County Road 76 west of County Road 15 has already been annexed.

Mr. Ballstadt stated that he believed that segment adjacent to unincorporated Roth Subdivision may not be annexed, but the segment adjacent to The Ridge at Harmony Road has been annexed.

Mr. Bushelman inquired if the 3-way intersections Ms. Rosalyn referred to already exist.

Per Mr. Hornbeck; Yes.

**Mr. Tallon moved to forward a recommendation of approval to the Town Board for the Annexation Petition to Annex and Zone certain Property known as Weld County Road 76 Annexation to the Town of Windsor, Colorado; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:**

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

**Nays – Schinner**

**Motion carried.**

4. Site Plan Presentation – River Valley Crossing Subdivision 2<sup>nd</sup> Filing, Lot 1 – Gavin Kaszynski, Associates in Family Medicine, applicant/ Katy Thompson, Ripely Design, Inc., applicant’s representative

- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: Mr. Gavin Kaszynski, represented by Ms. Katy Thompson, is proposing a new site development in the River Valley Crossing Subdivision 2<sup>nd</sup> Filing. The site is zoned General Commercial (GC) and is located adjacent to other GC zoned properties.

Overall development characteristics include:

- total lot area of 1.137 acres
- a two story building with 7,678 s.f. of lot coverage
- approximately 28% landscaped area

- 72 parking stalls and 10 bicycle parking spaces
- Building characteristics include:
- primary building materials of brick and stucco with accent metal panels
  - predominant roof height of 31' with a roof feature up to 37' in height

Mr. Hornbeck indicated that there is no recommendation, as this item is for presentation purposes.

Mr. Schinner inquired as to what elevation would face SH 392.

Mr. Hornbeck stated that the west elevation would face Hwy 392 as you are coming into Windsor and the north elevation would be adjacent to Main Street.

5. Commercial Corridor Plan Waiver Request, Section III.B.2.a – River Valley Crossing Subdivision 2<sup>nd</sup> Filing, Lot 1 – Gavin Kaszynski, Associates in Family Medicine, applicant/ Katy Thompson, Ripely Design, Inc., applicant's representative
  - Quasi-judicial
  - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: Mr. Gavin Kaszynski, represented by Ms. Katy Thompson, is requesting a waiver from Section III.B.2.a of the Commercial Corridor Plan regarding building height. The site is located on the southeast corner of 17th and Main Street and is therefore subject to the Commercial Corridor Plan design criteria.

Section III.B.2.a of the Commercial Corridor Plan states:

*"The predominant portion of any building shall not exceed thirty feet (30') in height."*

The maximum building height proposed is 37'-2" to allow for a two story medical office building. The predominant roofline of the building is 31', with a taller roof feature sticking up an additional 7'2". This feature is setback from the predominant roofline, reducing its visibility.

Commercial Corridor Plan Section II.B.(2) states that 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 brought under this sub-section. In order to receive a waiver, the applicant shall have the burden of establishing justification for waiver approval under the following criteria:

1. *Strict application of the applicable standard will result in either extraordinary practical difficulties or undue hardship.*

According to the application materials, typical floor to floor height for a medical office building is 14' but that does not account for mechanical equipment and screening.

2. *The proposed waiver, if approved, will protect the public interest equally or better than the standard for which the waiver is requested; and*  
The predominant roofline, with a height of 31', is a nominal increase over the maximum of 30'. The roof feature reaching 37'-2" is setback such that visibility from surrounding properties and streets should be minimal. Any increase in shadows should also be minimal.
3. *Approval of the waiver request will not be detrimental to the public interest.*  
The public interest, public safety, and public welfare will not be detrimentally impacted by the proposed building materials.

Staff recommends that the Planning Commission approve the waiver request with the following findings of fact:

1. Strict application of the applicable standard will result in a practical difficulty;
2. The proposed waiver will protect the public interest equally or better than the standard for which the waiver is requested; and
3. Approval of the waiver request will not be detrimental to the public interest.

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

Ms. Katy Thompson with Ripley Design, Inc. addressed the Board, stating that medical buildings such as the proposed require additional space between floors to allow for medical equipment connections, HVAC and other unique features which are not typical in non-medical buildings, therefore, the additional building height is necessary.

Mr. Schinner inquired as to where the datum is located to determine the height of the building.

Mr. Ballstadt stated that the building would be measured from the average finished grade around the building to the roof peak.

**Mr. Tallon moved to approve the Commercial Corridor Plan Waiver Request, Section III.B.2.a – River Valley Crossing Subdivision 2<sup>nd</sup> Filing, Lot 1; Mr. Annable seconded the motion. Roll call on the vote resulted as follows:**

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

**Nays – None**

**Motion carried.**

6. Site Plan Presentation – Falcon Point Subdivision, Lot 4 – Craig Kraft, applicant/ Patricia Kroetch, North Star Design, Inc., applicant's representative

- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck introduced the application and presented the PowerPoint presentation included in the packet materials, with the following information: The applicant Mr. Craig Kraft, represented by Ms. Patricia Kroetch, is proposing a



new site development in the Falcon Point Subdivision at 611 Gyrfalcon Court, south of SH 392/ Main Street. The site is zoned Limited Industrial (IL) and is located adjacent to other properties with IL zoning.

Overall development characteristics include:

- total lot area of 4.17 acres
- four office/ warehouse buildings of 10,240 square feet each
- approximately 6.2% landscaped area (additional common landscaping is provided with the subdivision)
- building coverage of 41,860 sf (23%)
- 68 parking stalls

Building characteristics include:

- Three to four tenant spaces per building
- metal buildings with brick wainscot
- peak roof height of approximately 31'

No recommendation, as this item is for presentation purposes.

Mr. Schick inquired as to the color scheme of the building.

Per Mr. Hornbeck; Tan and dark brown.

7. Community Development Report

- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Ballstadt gave an overview of the Community Development Report that was included in packet material.

**D. COMMUNICATIONS**

1. Communications from the Planning Commission  
None
2. Communications from the Town Board liaison  
Town Board Member Bennett spoke to the Board regarding the multi-family developments and how it is currently the Town Boards directive to have more diverse housing and affordability. Mr. Bennett also highlighted that the Town Board is working on the balance between residential and commercial, water needs, and roadway improvements, as well as working with the new Town Manager, Mr. Shane Hale, on structure of the administration.
3. Communications from the staff  
Mr. Ballstadt informed the Planning Commission that a City of Greeley referral for expansion of the outdoor blade storage yard at Vestas had been received and staff had prepared a response including dedication of right-of-way for flattening of the curves on WCR 64¾, improvements to access points, mitigation of dust and other nuisance issues, and questions regarding source of landscape irrigation water. The Planning Commission concurred with the referral comments.

**E. ADJOURN**

Upon a motion duly made, the meeting was adjourned at 8:21 p.m.

A handwritten signature in blue ink that reads "Amanda Mehlenbacher". The signature is written in a cursive style with a large initial 'A'.

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Deputy Town Clerk, Amanda Mehlenbacher