



## PLANNING COMMISSION REGULAR MEETING

September 5, 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 7:05 p.m.

##### 1. Roll Call

The following Planning Commission members were present:

Gale Schick  
Doug Dennison  
Kelly Hall  
Victor Tallon  
Jerry Bushelman  
Dan Foreman  
Travis Yingst  
Cindy Scheuerman

Alternate

Town Board Liaison David Sislowski

Also Present:

Planning Director	Scott Ballstadt
Town Attorney	Ian McCargar
Chief Planner	Carlin Malone
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. Tallon moved to approve the agenda as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; 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 August 1, 2018

**Mr. Tallon moved to approve the consent calendar as presented; Mr. Yingst seconded the motion. Roll call on the vote resulted as follows; Yeas - Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None Motion carried.**

#### C. BOARD ACTION

1. Public Hearing - Conditional Use Grant (CUG) for Oil and Gas Facility (non-producing) South Gate Subdivision, 4th Filing, Lot 4 – Martin Lind, Windsor Southgate Development, LLC, owner; Stewart Lowenstein, Water Valley Land Company and Dave Thorpe, Norris Design, applicant’s representatives

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

Mr. Sislowski stated for the record with respect to each public hearing on tonight’s agenda, “Mr. Chair, for the record I would like to disclose that I am a sitting member of the Town Board, and that I am here in my capacity as non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight’s proceedings influence or affect my review of this matter when it comes before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearing.”

Mr. Hornbeck reported the applicant Mr. Martin Lind of Windsor Southgate Development, represented by Mr. Stewart Lowenstein of Water Valley Land Company and Mr. Dave Thorpe of Norris Design, is requesting a Conditional Use Grant (CUG) to allow an oil and gas facility in the General Commercial (GC) zoning district, on South Gate Subdivision Lots 3 and 4. The proposed oil and gas facility includes an office building, warehouse, and outdoor storage yard but does not include any extraction activities. The Municipal Code does not allow outdoor storage in the GC zone district. However, oil and gas facilities, as defined by the Municipal Code, includes the storage of equipment directly associated with oil and gas wells, which are allowed in the GC zone district with approval of a CUG.

**Municipal Code Section 16-2-20 defines oil and gas facilities as follows:**

*Oil and gas facility shall include an oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, or storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.*

The subject lots are located northwest of the intersection of Weld County Road 17 and Southgate Drive. The application depicts outdoor storage on approximately 4.7 acres on Lot 4 and approximately 6.5 acres of potential expansion of outdoor storage on Lot 3. Screening will be provided by a combination of building orientation, screen walls, and fences. Office and warehouse buildings are depicted on the southern portion of Lot 4 adjacent to WCR 17 with outdoor storage located towards the interior of the property. An 8’ tall pre-cast concrete screen wall is proposed for the remainder of the WCR 17 frontage to screen adjacent outdoor storage. An 8’ screen fence is proposed to enclose the remainder of the outdoor storage area. The tallest items to be stored in the outdoor storage yard will be 22’ tall. A list of items to be stored and example images are included in the PowerPoint.

A neighborhood meeting is typically required for oil and gas conditional use permits; however, since no extraction is taking place in this instance, no neighborhood meeting was required.

The application appears to be in compliance with Municipal Code Section 16-7-60(c) which lists the following standards and requirements for conditional use grants:

(c) Based upon specific site characteristics, which include but shall not be limited to: nature and proximity of adjacent development; prevailing weather patterns, including wind direction; vegetative cover on or adjacent to the site; and topography of the site, the Town Board may, as a condition of approval of any conditional use grant, require any or all of the following methods to mitigate adverse impacts on surrounding properties:

1. Visual requirements. To the maximum extent practical, abatement of negative visual impacts of oil and gas facilities shall be addressed through one (1) or more of the following methods:
  - a) Use structures of minimal size to satisfy present and future functional requirements.
  - b) The facilities shall be kept clean and otherwise properly maintained.
  - c) Construction of buildings or other enclosures may be required where facilities create visual impacts that cannot be mitigated because of proximity, density and/or intensity of adjacent residential land use.
2. Landscape requirements. Groundcover, shrubs and trees shall be established and maintained in order to adequately buffer the facility.
3. Floodplain requirements. The oil and gas facilities shall comply with all applicable federal, state and local laws and regulations when located in a regulatory floodway or a special flood hazard area. All equipment at oil and gas facilities located within a special flood hazard area shall be anchored as necessary to prevent flotation, lateral movement or collapse. Any activity or equipment at any oil and gas facility within a special flood hazard area shall comply with the Code of Federal Regulations (C.F.R.) for the National Flood Insurance Program (NFIP), 44 C.F.R. Parts 59, 60, 65 and 70, and shall not endanger the eligibility of residents of the Town to obtain federal flood insurance.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Conditional Use Grant with the following conditions:

1. Outdoor storage shall only be allowed as an accessory use to the proposed oil and gas office building and warehouse. Outdoor storage is not permitted associated with any other use by the current or future property owners.
2. Outdoor storage shall be limited to approximately 4.7 acres on Lot 4 and approximately 6.5 acres on Lot 3.
3. A subdivision modifying property lines between lots 3 and 4 is anticipated. This CUG and all conditions shall apply to the current lots and any subsequent lots created.
4. Screening of outdoor storage shall be provided as indicated on the application materials.

5. Outdoor storage shall be limited to equipment directly related to drilling and operation of oil wells, gas wells or injection wells.
6. No equipment taller than 30' shall be stored within the outdoor storage yard.
7. Landscaping shall be provided as required in accordance with the Town's landscape standards through the site plan review process.
8. Campers and recreational vehicles may be stored on site but may not be occupied.

The applicant, Martin Lind, 1625 Pelican Lakes Point, addressed the Planning Commission and presented a site plan presentation showing the design and layout of the proposed Oil and Gas facility. Mr. Lind further made it clear that all concerns have been addressed with the owner of Cozy Cow Dairy, who's property borders the site to the north.

Mr. Schick asked if anyone from the audience wished to speak on this matter.

Mr. Bradley, 608 Meadow Drive, Windsor, CO., shared his opposition on the Lind Storage Application to the Planning Commission with regards to the consequences it may have on environment, health and safety.

Mr. Hardisty, Owner of Cozy Cow Dairy, 5630 Road 35 Torrington, WY, stated that after discussion with both the Planning Department and the applicant, Martin Lind, he does not see any reason to object to this project and in fact fully supports it.

Mr. Dennison inquired if in the future the site is not used by an oil and gas related company, would that occupant need to come back before the town for approval for another use.

Mr. Hornbeck stated that the original wording of the condition did in fact allude to that, however, after the condition had been reworded, any outdoor storage not related to oil and gas would need to comply with the Municipal Code Outdoor Storage Requirements in place at that time.

Mr. Bushelman inquired if there was any indication of this site becoming an RV storage area since campers and recreational vehicles are allowed to be stored on site.

Mr. Hornbeck stated that the applicant would have to seek approval for RV storage and if it became just an RV storage area it would not be in compliance with the CUG.

Mr. Lind added that the RV's that would be stored on site would be used for security when out in the field.

Ms. Hall inquired if it will be new or used equipment stored at this facility.

Mr. Lind stated that this operation is for new equipment only which will be assembled and tested at this facility.

Mr. McCargar inquired if Chairman, Mr. Schick wished to include in the record the presentation from Mr. Lind.

Mr. Schick stated that Mr. Lind's presentation should be included in the record.

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

2. Recommendation to Town Board - Conditional Use Grant (CUG) for Oil and Gas Facility (non-producing) South Gate Subdivision, 4th Filing, Lot 4 – Martin Lind, Windsor Southgate Development, LLC, owner; Stewart Lowenstein, Water Valley Land Company and Dave Thorpe, Norris Design, applicant's representatives

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

**Mr. Tallon moved to forward a recommendation of approval to the Town Board for a Conditional Use Grant for Oil and Gas Facility (non-producing) South Gate Subdivision, 4<sup>th</sup> Filing, Lot 4 with the conditions as stated by staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.**

3. Request for Commercial Corridor Plan Waiver and Reduced Side Offset – Ptarmigan Business Park PUD Subdivision, Lot 7 – Zigi's Coffee – Sarah and Steve Stoecker, Zigstack Real Estate, LLC, applicant/ Chad August, MAH Architectural Group, applicant's representative

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

Mr. Hornbeck reported the applicants Steve and Sarah Stoecker, Zigstack Real Estate, LLC, represented by Mr. Chad August, MAH Architectural Group, is proposing a new site development located at 7494 Westgate Drive in the Ptarmigan Business Park PUD Subdivision. The property lies within the boundaries of both the Commercial Corridor Plan area and Corridor Activity Center, which is adopted through an intergovernmental agreement with Fort Collins. The property is zoned General Commercial (GC), and is located adjacent to other GC zoned properties.

Under the recently amended requirements for qualified commercial/ industrial site plans, this project would typically be included only as a communication item rather than a regular agenda item. However, there are two aspects of the proposal that require Planning Commission approval: a waiver from the Commercial Corridor Plan building material requirements and approval of a lesser side offset. Therefore, this agenda item shall serve as both the communications item and as the request for the waiver for a lesser offset.

Overall development characteristics include:

- total lot area of 20,532 square feet (being created through a minor subdivision of an existing 49,185 square foot lot)
- approximately 36% landscaped area
- a 624 square foot building
- a single drive through lane

- outdoor seating and pedestrian order window
- 14 parking stalls

Building characteristics include:

- Predominant building materials are a stone veneer and a stucco-like finish known as Exterior Insulation Finish Systems or EIFS
- Metal siding and accents as a secondary material
- Predominant building height of 18'-6" with covered drive through parapet up to 22'-6".

**In accordance with Section I I .B.2 of the Commercial Corridor Plan (CCP),** staff recommends approval of the waiver from Section III.B.3.a.5 of the Commercial Corridor Plan to allow for 41.2% EIFS on the north building elevation and 70.9% EIFS on the south building elevation as proposed based on the findings in this report.

**In accordance with Section 16-19-30 of the Municipal Code,** staff recommends approval of the lesser offset (Section 16-19-30) to the extent proposed in the submitted site plan (12.75 feet from the west side property line) based on the findings in this report.

Mr. Dennison inquired if it will only by the drive-through structure that will be less than twenty feet and to also give more detail in regards to the building materials that are required and how they are being met.

Mr. Hornbeck answered yes, it would only be for the drive through, the overhang and the support posts. With regard to the building materials, staff examination concluded that due to the size of the building and it's facade, mixing in numerous materials degrades the look of the building.

Mr. Chad August with MAH Architectural Group, stated that the primary justification regarding the material allowance was either they use too many materials which would make it look busy or to radically increase the amount of stone which would have a heavy feel to the look of the building.

**Mr. Tallon moved to recommend approval of the waiver from Section III.B.3.a.5 of the Commercial Corridor Plan; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.**

**Mr. Tallon moved to recommend approval of the lesser offset (Section 16-19-30) to the extent proposed in the submitted site plan (12.75 feet from the west side property line); Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.**

4. Public Hearing – An Amendment to a Planned Unit Development (PUD) for a Sign Criteria Plan, Raindance Subdivision – David Nelson, Raindance Land Company LLC, owner; Martin Lind, Raindance Land Company LLC; owner/owner's representative / Tom Siegel, Water Valley Land Company LLC, applicant's representative

- Quasi-judicial
- Staff presentation: Carlin Malone, Chief Planner

Ms. Malone reported the applicant, represented by Mr. Tom Siegel, Water Valley Land Company, is requesting an amendment to the Raindance PUD for a comprehensive signage plan, referred to as the Raindance Sign Design Guidelines. The proposed amendment applies to the entire PUD with the purpose of establishing an overall design theme and criteria for signs within the development.

The Town approved the Raindance PUD zoning in December of 2015, which established permitted uses, the range of land densities/intensities, overall layout of the development, and project-specific design criteria and guidelines that would not otherwise be possible under the existing zoning and subdivision regulations. At the time the PUD was established, the development was in the conceptual stage of the process and developing sign design guidelines would have been premature; therefore, the subject amendment is necessary for the additional design criteria. Additionally, the current sign code does not address comprehensive sign plans for large-scale subdivisions or developments.

As with the existing Raindance PUD, some of the design elements and design flexibility proposed in the sign design guidelines would not be possible under the current standards. The PUD process allows for some flexibility to those standards when creative design solutions would result in a better design or outcome than allowed under the existing standards. The subject design guidelines will provide design consistency and predictability throughout the entire development. The guidelines pertain to design only and the requirement of sign permits, as well as locating signs outside of public right-of-way and sight visibility triangles, will remain.

The Town Board will consider the Planning Commission recommendation on this item on September 10, 2018.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the PUD amendment.

Staff recommends that the following be entered into the record:

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

Tom Siegel, 1625 Pelican Lakes Point, approached the Commission and gave a presentation related to the permanent and temporary signage and the design elements located within the RainDance Subdivision.

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

Mr. Bushelman asked for clarification on the amendment.

Ms. Malone responded that it will be adding to design criteria that is already in place.

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

5. Recommendation to Town Board – An Amendment to a Planned Unit Development (PUD) for a Sign Criteria Plan, Raindance Subdivision – David Nelson, Raindance Land Company LLC, owner; Martin Lind, Raindance Land Company LLC; owner/owner’s representative / Tom Siegel, Water Valley Land Company LLC, applicant’s representative
  - Quasi-judicial
  - Staff presentation: Carlin Malone, Chief Planner

**Mr. Tallon moved to forward a recommendation of approval to the Town Board for an Amendment to a Planned Unit Development for a Sign Criteria Plan, Raindance Subdivision; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.**

6. Recommendation to Town Board – An Amendment to a Master Plan for Windshire Park Subdivision – Jeff Feneis, Director of Loveland Housing Authority on behalf of Windsor Housing Authority, applicant / Jim Doyle, TB Group, applicant’s representative
  - Quasi-judicial
  - Staff presentation: Carlin Malone, Chief Planner

Ms. Malone reported the applicant, Jeff Feneis, on behalf of Windsor Housing Authority, is requesting an amendment to the Windshire Park Master Plan to modify the use and number of units designated for Parcel E. Parcel E includes 8.5 acres of RMU (Residential Mixed Use) zoned property, which currently has an approved site plan for 57 townhome units. The amendment proposes modifying the use of multifamily residential to senior housing and an increase in the number of senior housing units allowed.

The property is currently zoned RMU (Mixed Use Residential), which allows for a mix of primarily residential uses and secondary commercial uses. In 2017, a master plan amendment designated 58 dwelling units for Parcel E. Also in 2017, a site plan for the property was approved for 57 townhome units and the plan remains valid. If the proposed amendment is approved, the applicant will pursue a major subdivision and site plan for an affordable senior housing development, which will be owned and operated by the Windsor Housing Authority.

The number of allowable units for this subdivision is based on sewer capacity. Parcel E currently has an allowable capacity for 64 multifamily residential units. The Town’s Engineering Director has researched the water and sewer demands for the use of senior housing, finding that the demands are less than standard multifamily residential. As a result, the 90 senior housing units proposed would result in the same capacity needed for 64 standard multifamily residential units.



The number of units proposed for senior housing has been accepted by the Town's Engineering Director.

The Town Board will consider the Planning Commission recommendation on this item on September 10, 2018.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the PUD amendment.

Staff recommends that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received during the public hearing
- Recommendation
- Applicants Presentation

Jim Doyle with TB Group, applicant's representative, approached the Commission and gave a site plan presentation regarding the design features and layout of the purposed master plan amendment.

Mr. Schick stated that he was very pleased with the change to the master plan.

Mr. Bushelman inquired what the qualifications are for senior housing.

Mr. Doyle responded that it is designed for seniors 55 and older.

**Mr. Tallon moved to forward a recommendation of approval to the Town Board for an Amendment to a Master Plan for Windshire Park Subdivision; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.**

7. Recommendation to Town Board - Revised Design Criteria and Construction Specifications – Division I Streets.

- Legislative
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck reported that the Division I of the Town's Design Criteria and Construction Specifications (henceforth referred to as "Specifications") include construction and design standards for all streets within the Town. The current Specifications were adopted in 2009 by Resolution 2009-0074 and were last amended in 2014. Resolution 2009-0074 authorized the Director of Engineering to make minor amendments or modifications but required any major amendments or modifications to first be approved by Town Board resolution. Town staff has prepared the following major amendments for Town Board consideration.

The proposed amendments are based on four primary goals:

1. Implementing the "Complete Streets Guide" adopted by Town Board (Resolution No. 2017-33)
2. Enhancing community image (e.g. landscaped medians, improved streetscape, etc.)

3. Allowing greater flexibility for innovative or alternative designs (e.g. Raindance PUD innovations)
4. Achieving greater consistency with neighboring jurisdictions

A summary of the major changes proposed are summarized as follows:

1. Sidewalks mandatory on all street types
2. Increased sidewalk width (from 4' to 5' and 5' to 6')
3. Developers have the option to use a detached sidewalk instead of attached sidewalk on local residential streets
4. Detached sidewalk required on minor collectors
5. Bike lanes required on minor collectors
6. Inclusion of a landscaped median on gateway corridors
7. Curb extensions in high pedestrian areas (trail crossings, schools, parks, etc.)
8. A range of speed limits for each street type to allow greater flexibility for unique contexts
9. Addition of loop lanes to provide individual driveway access allowing the house to front the street when not otherwise allowed on collector streets

Should Town Board approve these modifications, staff will administratively make additional minor modifications to the Specifications to update related sections. The minor modifications will primarily be updates to technical specifications and can be viewed as “development friendly” as they will allow greater flexibility based on the lower design speeds proposed. For example, a reduced centerline radius is possible where lower design speeds are used, thereby requiring less land to accommodate the road layout.

In June of 2017 staff provided an overview of these proposed changes to the street standards at a Town Board work session and also met with stakeholders, such as developers and engineering consultants, to gather any feedback. The draft changes were then refined and presented to Town Board in June of 2018. An additional stakeholder meeting was held July 12, 2018 to gather further input.

Staff recommends Planning Commission forward to Town Board a recommendation of approval of a resolution amending the Design Criteria and Construction Specifications – Division I Streets as presented.

The Commission expressed their approval of the purposed design criteria.

Mr. Ballstadt added that RainDance Subdivision will have the loop lane features which will enhance the streetscape and will provide an aesthetic improvement.

**Mr. Tallon moved to forward a recommendation of approval to the Town Board for a resolution amending the Design Criteria and Construction Specification – Division I Streets; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; 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

Ms. Malone indicated that there will be a Work Session held next Monday, September 10th with the Town Board regarding an update to the Landscape Code.

Mr. Ballstadt added that the October 3, 2018 Planning Commission meeting may be cancelled as we have four Commissioners attending the APA Conference, however, it is tentative at this time.

E. **ADJOURN**

Upon a motion duly made, the meeting was adjourned at 8:19 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'.

Deputy Town Clerk, Amanda Mehlenbacher