



**PLANNING COMMISSION
REGULAR MEETING**

**October 17, 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
- Kelly Hall
- Victor Tallon
- Jerry Bushelman
- Dan Foreman
- Travis Yingst
- Alternate Cindy Scheuerman

Town Board Liaison David Sislowski

Also Present:

- Planning Director Scott Ballstadt
- Chief Planner Carlin Malone
- Senior Planner Paul Hornbeck
- Senior Planner Millissa Berry
- Engineering Director Dennis Wagner
- Civil Engineer Doug Roth
- Town Attorney Ian McCargar
- 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 September 19, 2018

Mr. Tallon moved to approve the consent calendar as presented; 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.

C. BOARD ACTION

1. Public Hearing – Final Major Subdivision – Windsor Villages at Ptarmigan – Tom Muth, Windsor Investments LTD, applicant / Jon Sweet, TST Consulting Engineers, applicant’s representative

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

Mr. Sislowksi stated 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 that the applicant Mr. Tom Muth of Windsor Investments LTD, represented by Mr. Jon Sweet of TST Consulting Engineers, has submitted a major subdivision application known as Windsor Villages at Ptarmigan. The subdivision encompasses approximately 103 acres and is zoned Residential Mixed Use (RMU) and Limited Industrial (IL).

Preliminary Plat characteristics:

- 117 single-family residential lots;
- Average lot size of 7,346 square feet;
- 23 acres of public right-of-way dedication
- 48 acre future development tract master planned for commercial and multifamily uses
- Offsite improvements will include widening of LCR 5 from SH 392 to LCR 32E and roundabouts on LCR 5 at Oakmont Drive and LCR 32E

The applicant held a neighborhood meeting on June 14, 2018, in accordance with Chapter 16, Article XXXI of the Municipal Code. There were approximately seventeen neighbors in attendance. The applicant subsequently coordinated an additional follow-up neighborhood meeting on September 13, 2018. Approximately 50 neighbors attended this meeting to discuss and address neighbor concerns regarding LCR 5 improvements.

The Planning Commission approved the preliminary major subdivision on July 18, 2018, subject to the following conditions:

1. All outstanding Planning Commission and staff comments shall be addressed on the Final Plat.
2. The Final Plat shall depict the right-of-way for Oakmont Drive shifted north [west] to ensure it is dedicated solely from property controlled by the applicant.

The applicant has continued to address the remaining comments and has since shifted the LCR 5 right-of-way at Oakmont Drive further to the west to reduce impacts to the Ptarmigan Subdivision. Furthermore, the applicant has made an effort to shift the majority of the right-of-way impact to his own property to the west, while also minimizing negative impacts to the adjacent Yeager property to the southwest of the Oakmont Drive intersection.

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

1. To the extent the approved plans for improvements to LCR 5 require construction of improvements within right-of-way not yet owned by the Developer or not otherwise acquired by the Town, all such right-of-way shall be acquired and dedicated by the Developer to the Town prior to commencement of any such improvements within said right-of-way.
2. All improvements to the intersection of LCR 5 and Oakmont Drive shall be completed and approved by the Town prior to the issuance of any building permits for single family residential development.
3. Street trees shall be incorporated into the landscape plan on both east and west sides of LCR 5 in order to mitigate the loss of any existing trees.
4. All remaining Planning Commission and staff comments shall be addressed prior to recording the subdivision plat.
5. The subdivision development agreement shall be executed prior to recording the subdivision plat.

Staff requests that the following be entered into the record:

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

Brian Williamson with TST Consulting Engineers provided a brief presentation on the Windsor Villages at Ptarmigan project.

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

Mr. Stewart Olive, Attorney hired by the Ptarmigan Villas HOA, approached the Board and stated that the residents within the Ptarmigan subdivision do not object to the rezoning but rather the taking of a certain common area property that belongs to the association. The Association requires under its covenants a vote of approximately 80% affirmative to take the property. Without that vote the property would have to be condemned at which point the Board would have to fight it. If the roundabout is moved approximately 30 feet further to the west or a traffic light was to be installed, there would be no taking of property; however, if the Town of Windsor decided to take the property it would be a contradiction to the existing annexation agreement.

Several members of the audience made it clear that they do not object to the rezoning but rather have many reservations regarding the details of the project.

Items of concern included; disclosure of the development agreement, timeframe, landscape and lighting specifications, noise impact, increased traffic and location of the roundabouts. Many residents requested the roundabouts be moved 30 to 40 feet further west.

Those who gave public comment include:

- Doug Williams, 7208 Tamarisk Dr., Fort Collins, CO 80528, Secretary/Treasurer of the Ptarmigan Villas HOA
- John Truesdell, 7426 Tamarisk Dr., Fort Collins, CO 80528
- Stewart Olive, Attorney hired by the Ptarmigan Master Association
- Jay Gould, 5110 Hogan Ct., Fort Collins, CO 80528
- Mary Kay Sommers, 5101 Nelson Ct., Fort Collins, CO 80528
- Lee Sommers, 5101 Nelson Ct., Fort Collins, CO 80528
- Mark Earley, 5857 Crestwood Dr., Fort Collins, CO 80528
- Emily Benight, 5132 Augusta Ct., Fort Collins, CO 80528
- Peter Klismet, 5100 Nelson Ct., Fort Collins, CO 80528

Mr. Williamson once again approached the Board to address and bring clarity to the comments made by residents.

Mr. Schick asked if there were any questions from the Commission.

Several comments and questions were made from the Commission members which were directed to Mr. Williamson. The Commission inquired about the impact of shifting the roundabouts further to the west, noise impact studies, location of sidewalks, and correspondence with the Larimer County Engineer to which Mr. Williamson responded back.

Mr. Tallon moved to close the public hearing; 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.

2. Recommendation to Town Board – Final Major Subdivision – Windsor Villages at Ptarmigan – Tom Muth, Windsor Investments LTD, applicant / Jon Sweet, TST Consulting Engineers, applicant’s representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Mr. Tallon moved to forward a recommendation of approval to the Town Board for the Final Major Subdivision of Windsor Villages at Ptarmigan subject to the conditions stated by staff and also adding a condition to look into moving the roundabout an additional 10 feet to the west if capable; 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.

Mr. Schick requested a 5 minute recess at 8:01 p.m.

The Planning Commission returned to the regular meeting at 8:06 p.m.

3. Public Hearing – A zoning proposal to create The Brands East Planned Unit Development Overlay District – Martin Lind, Manager, Eagle Crossing Windsor, LLC, owner / Mitch Black, Norris Design, owner’s representative.
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck stated the applicant requested items C.3 and C.4 be removed from the agenda; therefore, staff requests the items be continued to the November 7th Planning Commission meeting.

Mr. Tallon moved continue items C.3 and C.4 to the November 7th Planning Commission meeting; 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. Recommendation to Town Board – A Zoning proposal to create The Brands East Planned Unit Development Overlay District – Martin Lind, Manager, Eagle Crossing Windsor, LLC, owner / Mitch Black, Norris Design, owner’s representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

5. Preliminary Site Plan – Eagle Crossing Subdivision 4th Filing, Lot 4 Site Plan (Apartment Complex) – Larry Buckendorf/Morgan Kidder, Fossil Ridge Holdings, LLC, owner / Daniel Hull, LandOne Engineering, LLC, owner’s representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck reported that the applicant, Mr. Larry Buckendorf of Fossil Ridge Holdings, LLC, represented by Mr. Daniel Hull of LandOne Engineering, has submitted a preliminary site plan, known as Eagle Crossing Subdivision 4th Filing, Lots 3 and 4. Lot 3 previously received site plan approval of four multifamily buildings containing 93 units as a part of a larger 18 building, 407 unit development. Lot 3 was not site planned at that time due to an oil and gas window preventing development. That restriction has since been removed, allowing the proposed development to proceed. Lot 3 and Lot 4 will be combined as a part of an administrative minor subdivision.

Site plan characteristics include:

- An additional 5 buildings and 111 units;
- parking provided at a ratio of 1.5 spaces per unit, in accordance with the code requirements in place at the time the site plan application was received
- site building coverage of 27%; and
- landscaped area of 34%.

Building characteristics will match the previously approved buildings and include:

- three story buildings with 5:12 roof pitches
- 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.

Staff recommends that the Planning Commission approve the Preliminary Site Plan, subject to all remaining Planning Commission and staff comments being addressed on the Final Site Plan.

Staff requests that the following be entered into the record:

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

Ms. Hall inquired as to what an oil and gas window preventing development is. Mr. Hornbeck responded that it was an agreement with the mineral rights owner that a certain portion of the property be reserved for development of the mineral rights. The applicant has negotiated with the mineral rights holder to relocate the window.

Ms. Hall inquired about the structural differences between the 21 and 24 plex units.

Mr. Kidder of Fossil Ridge Holdings stated the 21 plex allows for 3 bedroom units in the center of the building while the 24 plex has 1 bedroom units.

Mr. Bushelman inquired if this site plan is in conformance with the original master plan.

Per Mr. Hornbeck; Yes.

Mr. Tallon moved to approve the Preliminary Site Plan subject to all remaining Planning Commission and staff comments being addressed on the Final Site Plan; 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.

6. Preliminary Major Subdivision – The Ridge at Harmony Road, 3rd Filing – Jeff Mark, The Landhuis Company, applicant

- Quasi-judicial
- Staff presentation: Millissa Berry, Senior Planner

Ms. Berry reported that the applicant, Mr. Jeff Mark of The Landhuis Company, has submitted a preliminary major subdivision plat, known as The Ridge at Harmony Road Subdivision 3rd Filing. The subdivision encompasses approximately 148 acres and is zoned Residential Mixed Use (RMU).

Preliminary Plat characteristics:

- 301 single-family lots
- Most lots are between 7,000 and 9,000 sf

- Larger lots (9,000 – 30,000 sf) adjacent to Alexander Estates Subdivision
- Product: 1 & 2-story houses with attached 2-3 car garages
- Tracts for open space (34 acres), commercial (7 acres), multi-family (7.5 acres), and other (10 acres) future development
- Connections to school site through neighborhood, intersection bulb-outs, widened sidewalk along north side of Harmony Ridge Parkway (to school site in Phase 2)
- Trail along Harmony Road & CR 15
- Park sites = 0.76 acres (large park site in Phase 2)
- Offsite improvements will include widening of Harmony Road to four lanes with a landscaped median

The applicant held a neighborhood meeting on March 8, 2018, in accordance with Chapter 16, Article XXXI of the Municipal Code. There were approximately eight neighbors in attendance.

Staff recommends that the Planning Commission approve the preliminary major subdivision as presented subject to all remaining Planning Commission and staff comments shall be addressed on the final major subdivision plat.

Staff requests that the following be entered into the record:

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

Jeff Mark with the Landhuis Company, provided a brief presentation of the Ridge at Harmony Road major subdivision project.

Mr. Dennison inquired if any improvements to County Road 15 are anticipated with this project.

Mr. Mark responded that the traffic study requires them to widen County Road 15 and add a trail east of CR 15 off Harmony and north where the property ends.

Mr. Tallon moved to approve the Preliminary Major Subdivision subject to all remaining Planning Commission and staff comments being addressed with the Final Major Subdivision plat ; 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.

7. Public Hearing – An Ordinance Amending Section 17 of the Town of Windsor Municipal Code regarding Landscape Requirements

- Legislative
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck reported, the enclosed draft ordinance is a comprehensive update to the Town's landscape standards, which have been in place since 2006. The update is based on the premise that the existing landscape standards have been successful in strengthening the character and quality of development; however, are in need of updates to achieve the following:

1. Reorganization to be easier to understand and apply
2. Better address water conservation in landscaping
3. Expand and refine buffer yard requirements
4. Other minor clarifications and modifications

Reorganization

The current landscape standards have requirements for different components of a site, such as detention ponds or parking lots, listed in different subsections. This makes it easy for applicants or other users of the code to overlook certain landscape requirements. To address this issue, the draft code lists all required landscape components in a single table. Supplemental information not easily contained within the table is located in individual subsections for each landscape component.

The current standards do not adequately address how overlapping requirements are to be applied so administrative determination is often required. The proposed reorganization is intended to clearly define all required landscape components and eliminate the need for administrative determination. The draft code specifies that when there is overlap of two components, the more stringent standard will apply.

Water Wise Requirement

The existing landscape standards state landscaping plans shall be designed to incorporate water conservation materials and techniques; however, compliance is simply encouraged rather than mandatory as there are no specific requirements that must be followed. Given the increased growth of the region and continued limited water supply, enhanced water conservation through landscaping requirements are proposed as follows:

1. A minimum of 65% of shrubs shall be very low or low water use.
2. A maximum of 15% of shrubs and trees shall be high water use.
3. Medium and high water grass turf areas are limited to high use or high visibility areas with no restriction on irrigated low water grasses.
4. Sites over 3 acres shall use hydrozones (groupings of plants based on water needs to prevent overwatering).
5. Rain shutoff sensors are required.
6. Allowing rock beds for up to 20% of the landscaped area and not to exceed 3000 square feet individually provided visual interest is provided by some combination of boulders, shrubs, western collectibles, etc. (note: this allowance is in response to work session comments).

Appendix A classifies approved plant materials by water use: very low, low, medium or high. Property owners and landscape designers seem generally aware of the value of native or low water use plants as anecdotal review of a few recent site plans show that most sites are being designed with a considerable amount of low water plants. The proposed code would ensure continued and expanded use of water wise landscaping.

Bufferyards

Bufferyards are landscaped areas intended to buffer incompatible uses. The current landscape standards require industrial or commercial uses adjacent to residential uses to provide a standard bufferyard of 15' wide, 25' wide when

buildings are larger than 25,000 square feet, and 50' wide for service areas . The draft landscape code refines and expands the bufferyard concept and the major changes are summarized as follows:

1. Use of tables to convey requirements.
2. Expanded use of bufferyards between incompatible uses, such as multifamily adjacent to single family.
3. Four standardized bufferyard types specify width and plant density (Table 7-8) which are assigned based degree of incompatible zone districts (Table 7-7)
4. Alternative standards for constrained sites that cannot accommodate standard bufferyards.
5. Eliminating the requirement for bufferyards in the Central Business (CB) zone district.
6. Requires a mix of shade, ornamental, and evergreen trees to ensure year-round buffering and seasonal interest.

Other Changes

A number of minor change have been made in order to try to clarify and simplify standards while creating high quality landscaping similar to the current standards. Further language has been added to clarify maintenance responsibility and responsibility for ongoing compliance.

Another modification proposed is a reduction in the amount of landscaped area required with larger industrial sites. Currently all industrial sites are required to provide 15% landscape area. This standard has been problematic because it places a burden on large sites to provide a tremendous amount of landscaping when much of the site is often unused. An administrative interpretation has been made in the past that such sites are only required to provide 15% landscaped area based on the developed area of the site. Rather than continue to rely on administrative interpretation, the draft landscape code includes tiered standards for industrial sites: 15% landscaping for site under three acres, 8% landscaping for sites between three and ten acres, and 5% for sites over 10 acres. The percentages listed are minimums; however, in order to provide all individual landscape components required, landscaping in excess of the minimums may be required in some cases. However, the intent is large sites would focus landscaping where it's most impactful, such as adjacent to right-of-way.

Stakeholder Input

Input from stakeholders was received during the Comprehensive Plan update and is enclosed. The draft standards attempt to address common concerns from stakeholders.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the updated landscape standards.

Staff requests the following be entered into the record:

- Staff memorandum
- Packet materials
- Public testimony
- Staff recommendation

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

Mr. Dennison inquired if the code specifies the setback requirements for trees and shrubs from the street.

Mr. Hornbeck stated that it is mentioned in the code.

Mr. Schick commented that the switch from the text format to the table format is a huge improvement.

Mr. Tallon moved to close the public hearing; 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.

8. Recommendation to Town Board – An Ordinance Amending Section 17 of the Town of Windsor Municipal Code regarding Landscape Requirements
 - Legislative
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Mr. Tallon moved to forward to the Town Board a recommendation of approval Amending Section 17 of the Municipal Code regarding Landscape Requirements; 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.

D. COMMUNICATIONS

1. Communications from the Planning Commission
None
2. Communications from the Town Board liaison
None
3. Communications from the staff
 - a. Site Plan Summary – Windsor Commons Subdivision 3rd Filing Lot 5 Block 2 – Total Directional Services

Ms. Berry reported that the plan will be reviewed and approved administratively by staff; however, if there are any comments to please forward them to the Director of Planning by October 25, 2018 either by email or at a regular meeting under the communications section of the agenda.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:34 p.m.



Deputy Town Clerk, Amanda Mehlenbacher