



# PLANNING COMMISSION REGULAR MEETING

February 20, 2019 // 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
	Kelly Hall
	Victor Tallon
	Jerry Bushelman
	Dan Foreman
Alternate	Cindy Scheuerman
Alternate	Scott Ready
Absent	Travis Yingst
Absent	Doug Dennison

Town Board Liaison	David Sislowski
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Also Present:

Planning Director	Scott Ballstadt
Senior Planner	Millissa Berry
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

**Ms. Scheuerman moved to approve the agenda as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Scheuerman, Hall, Tallon, Bushelman, Foreman, Ready; 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 February 6, 2019

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

### C. BOARD ACTION

1. Commercial Corridor Plan Waiver Request – Section III.A.2.a – Building and Paving Setback – Kang Building - Kang Subdivision Lot 1 – Jong Kang, owner; Cathy Mathis, TB Group, applicant

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

Ms. Berry introduced the applicant and presented the PowerPoint presentation included in packet material, with the following information. The applicant, Mr. Jong Kang, is proposing a new commercial building at the property addressed as 101 Main Street. The subject property is located on a designated commercial corridor where design criteria of the Commercial Corridor Plan (CCP) are required. Due to the constraints on the site, the application is requesting a waiver from Section III.A.2.a of the CCP to allow for a lesser setback for paving and the building than what is required by the CCP. Section III.A.2.a of the CCP states:

*All property line setbacks as established by the Windsor Municipal Code shall remain in full force and effect. In addition thereto, there shall be...a thirty foot (30') minimum building and paving setback where sites adjoin Main Street...*

The subject site plan proposes a building setback of 25' and paving setback of 10'4" from the property line fronting the Main Street right-of-way.

The site is zoned General Commercial (GC). Properties to the west and south are also zoned GC. The property to the east is zoned Residential Mixed Use and the properties to the north are zoned Single- Family Residential (SF-1). Building setback requirements for the GC zone are 25' for frontages and 20' for (side and rear) offsets. There are no paving setback requirements in the GC zone.

Building characteristics include:

- 0.96 acre / 41,864 square foot (sf) lot
- 5,100 sf building (6,334 sf footprint with patio 25')
  - 2,500 sf restaurant
  - 2 1,300 square foot office areas
- The applicant is considering adding one residential unit on the second floor which would add approximately 2,500 sf
- 33 parking spaces; bicycle parking
- building height of 30'
- a flat roof with varied roofline
- outdoor patio area
- 31% landscaping

The site plan is currently under review and the applicant has received direction on adjusting the building façade to meet the CCP guidelines as well as adding landscaping to screen the parking area. However, it is important to ensure the proposed building and paving setbacks are acceptable early in the process rather than later. Therefore, this review is focused on the waiver request. Details of the site plan will be provided in a later agenda packet.

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

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

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

In this case, the site has a number of constraints that are dictating the placement of the building and parking. The first is that the lot is a triangular shape with the deeper section on the eastern portion of the lot. The frontage along 1st Street is approximately 172' and it narrows down to a frontage of approximately 47' at 2nd Street. In addition to the shape of the lot, a 20' wide City of Greeley water line easement and a 10' wide Public Service Company of Colorado cover the southern half of the lot. These easements are not adjacent to one another (there is about a 10' gap between them), so the area influenced by the easement is approximately 40' wide for the length of the lot east to west. The parking area can be developed over the easements but not the structure. These two factors limit where the building and parking can be sited.

The width of the Main Street right-of-way and where the road is located versus the edge of the right-of way does reduce the perceived impact of the lesser setbacks. The road is built approximately 21' from the southern edge of the right-of-way creating additional space between the edge of pavement for the road and the proposed building and parking lot pavement. The building would appear to be approximately 46 feet from the road and approximately 32' from the sidewalk. The parking lot pavement would be approximately 30 feet from the road and 18 feet from the sidewalk.

The proposed building setback meets what is allowed in the GC zone. The Central Business zone district is located two blocks west of the subject site where many buildings are built with a zero setback. The Mill property, also in the GC zone, received a variance to allow for reduced front setbacks beyond what is allowed in the GC zone. The buildings across the street to the north and on the block to the east are all built with a lesser setback from Main Street. These setbacks vary from 0' to approximately 20'.

Through the site plan review, staff will ensure that the other aspects of the site plan meet the CCP. However, staff feels that the applicant has shown that a burden that justifies granting the waiver request. Due to the unique conditions of the site's shape and easement reservations, practical difficulties for building exist. The width of the land between the property line and the roadway creating the appearance of a greater setback and the existing setback found in the neighborhood assist in protecting the public interest. Landscaping required with the site plan review will also reduce impacts of the parking area being less than 30 feet from the property line.

Staff also feels that the purpose and intent of the CCP will be retained while granting the waiver request:

1. Maintain and enhance the quality of existing commercial development.

2. Provide guidance and direction for renovations and proposed new construction.
3. To protect and enhance property values in the Town's corridors and ensure the long-term economic vitality of the Town through quality development and redevelopment.
4. To increase the opportunity for development and expansion for business.
5. To ensure that redevelopment and new development compliments the positive and unique character of surrounding properties.
6. To integrate new development so that the transition to surrounding residential neighborhoods is accomplished sensitively.

Staff recommends approval of the waiver request to allow a paving setback of 10'4" and a building setback of 25' along the north property line fronting Main Street as proposed in the submitted site plan.

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

Mr. Schick stated that he did not see any issues with the request and will vote to approve it.

**Ms. Scheuerman moved to approve the Commercial Corridor Plan Waiver Request as presented; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Scheuerman, Hall, Tallon, Bushelman, Foreman, Ready; Nays – None Motion carried**

2. Parking Determination – Bobcat of the Rockies - South Gate Business Park Subdivision 6<sup>th</sup> Filing Lot 1 – Randy Vickers, Berry Companies, LLC, Business Owner; Leon McCauley, McCauley Constructors, Applicant; Anna Fluckey, McCauley Constructors, Applicant's Representative

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

Ms. Berry introduced the applicant and presented the PowerPoint presentation included in packet material, with the following information. The applicant, Mr. Leon McCauley, has submitted a qualified commercial / industrial site plan for Bobcat of the Rockies to be located on Lot 1 of the South Gate Business Park 6<sup>th</sup> Filing (890 Champion Drive).

Bobcat of the Rockies is a sales and maintenance facility for large equipment. Per the site plan, a total of 29,000 square feet (sf) of building is proposed. The 24,000 sf main building contains the following components:

- 4,786 sf sales and parts
- 3,211 sf office
- 4,063 sf warehouse
- 10,540 sf shop / maintenance
- 1,400 sf covered area / wash

A separate 5,000 sf storage building is also proposed on the site.

The applicant is proposing 52 standard parking spaces (2 being ADA accessible) and 4 truck / trailer spaces. The applicant is basing the proposed parking count

on 1 space per employee (maximum of 35 employees declared) and 1 space per 500 sf of office and sales area or 16 spaces for customers.

The property is zoned General Commercial (GC). With the categories listed in the municipal code, the most applicable use category for the GC property would be "retail stores, customer service establishments, shopping centers, and other similar uses" which requires 1 space for every 250 sf of Gross Leasable Area (GLA). With this calculation, the required parking would be 116 spaces. Comparing the actual use of the site (heavy equipment sales and service) and the required parking, 116 parking stalls is seen as significantly more than necessary to meet the parking demand of the use in actual day-to-day function. Therefore, the applicant is requesting a Planning Commission determination for a more appropriate parking requirement for the use. This request is done in accordance with Section 16-10- 30(a)(7) of the Municipal Code, which states:

*Uses not enumerated. In any case where there is a question as to the parking requirements for a use or where such requirements are not specifically enumerated, the Planning Commission shall determine the appropriate application of the parking requirements to the specific situation.*

To assess whether the proposed parking is sufficient to meet the parking demands of the use, staff evaluated the parking demand associated with the individual uses proposed for the facility, the parking provided for similar uses in the region, and parking requirements of nearby communities.

#### Parking Per Individual Uses

The individual components of the facility include:

- 4,786 sf sales and parts
- 3,211 sf office
- 9,063 sf warehouse
- 10,540 sf shop / maintenance
- 1,400 sf covered area / wash

The industrial use parking requirement of 1 space per 2 employees would be applied to the warehouse and maintenance areas. According to the applicant, a maximum of 35 employees is anticipated for the facility. This would result in 18 spaces for these uses.

The total parking requirement by use results in the need for 48 spaces.

#### Parking of Similar Uses in Region

The Wagner Equipment property located at 7260 Crossroads Blvd is likely the most comparable built use in the area. The property includes a 34,394 sf building and 60 parking spaces on a 7 acre site. The parking requirement for the Wagner Equipment site plan was based on the number of employees (80 employees reported) at 1 per 2 employees and then additional 20 stalls for customer parking for the total of 60 parking spaces. In this case, the site is located in the Limited Industrial zone district where parking is based on the number of employees at 1 per 2 employees. The proposed Bobcat facility is planned to provide 1 stall per employee and 30 stalls for customers. This appears to be compatible for what was approved for the Wagner Equipment site though different parking requirement standards were applied.

The Bobcat of the Rockies in Parker appears to be of similar scale to the subject proposal. Aerials for facility show approximately 30 spaces for the use.

#### Parking Requirements of Near-by Communities

A few nearby communities have a more expansive list of categories for determining parking demand. Staff reviewed the parking standards for Greeley, Loveland, Fort Collins and Longmont. Applying the different standards resulted in a parking requirement in the range of what is being proposed by the applicant.

The applicant researched the City of Greeley categories and applied a land use that appears to more closely reflect the proposed Bobcat of the Rockies use in operation. The applicable land use applied is "truck, trailer, and large equipment rental" which requires 1 space per 500 sf of sales. Another applicable use listed in the Greeley code is "farm equipment, implement, and diesel and bus sales and repair" which requires 1 space per 500 sf of showroom, office, vehicle repair and parts are plus 1 space per 1,000 sf of outdoor display area. With this calculation, 37 spaces would be required for the building and allow for 15,000 sf of outdoor display area which is reflective of what is being proposed.

City of Longmont applicable uses of auto sales and low intensity retail sale and the associated requirements resulted in a requirement of over 80 parking stalls (3 per 1,000 sf GLA) which also appeared to be more than what is necessary to meet the parking demand for this type of use. Fort Collins has a similar description of low intensity retail with a requirement of at least 1 space per 1,000 sf but no more than 2 spaces per 1,000 sf of GLA. This would require parking 29 to 58 stalls. Loveland's "heavy motor vehicle sales or rental" requires 1 space per 500 sf of showroom, office, service area, and parts which would result in a requirement of 48 spaces.

Based on this research of basing the parking on the individual uses in the building, the requirements of nearby communities and what is found in developed properties with a similar use, the parking proposed by the applicant appears to be adequate to meet the parking demand anticipated and is comparable to what would be required in other communities.

In accordance with Section 16-10-30(a)(7) of the Municipal Code and the aforementioned justification, staff recommends that the Planning Commission determine that the parking for the proposed Bobcat of the Rockies facility is adequate as proposed.

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

Mr. Bushelman requested clarification on the amount of parking spaces being purposed.

Ms. Berry responded that the applicant is requesting 52 standard parking space and 4 trailer spaces.

Mr. Bushelman stated that he feels the amount of spaces being requested will be more than adequate.

Mr. Schick concurs

**Mr. Tallon moved to approve the Parking Determination as presented; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Scheuerman, Hall, Tallon, Bushelman, Foreman, Ready; 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 Review – South Gate Business park 6<sup>th</sup> L1 – Bobcat of the Rockies

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 staff at your earliest convenience.

Mr. Ballstadt wished to remind the Commission that CDOT will be having an open house on March 13, 2019 starting at 4:00 p.m. at the Windsor Fire station No. 1. Mr. Ballstadt further stated that the Planning Commission will be having a joint work session with the Town Board regarding the code updates and building code adoption, however, the date is still to be determined.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:23 p.m.

  
Deputy Town Clerk, Amanda Mehlenbacher