



PLANNING COMMISSION REGULAR MEETING

March 6, 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
		Doug Dennison
		Kelly Hall
		Victor Tallon
		Jerry Bushelman
	Alternate	Cindy Scheuerman
	Absent	Daniel Foreman
	Absent	Travis Yingst
Absent	Alternate	Scott Ready
	Town Board Liaison	David Sislowski
Also Present:	Chief Planner	Carlin Malone
	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, Scheuerman; 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 20, 2019

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

C. BOARD ACTION

1. Public Hearing – Conditional Use Grant – Harmony First Annex – Chris Serbousek, Harmony Gardens, owner/applicant; Kristin Turner, TB Group, applicant’s representative

- Quasi-judicial

The Town of Windsor will make reasonable accommodations for access to town services, programs, and activities, and will make special communication arrangements for persons with disabilities. Please call 970-674-2400 by noon on the Thursday prior to the meeting to make arrangements.

- Staff presentation: Carlin Malone, Chief 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."

Ms. Malone introduced the applicant and presented the PowerPoint presentation included in packet material, with the following information. The applicant, Chris Serbousek, represented by Kristin Turner, is requesting a Conditional Use Grant (CUG) to allow a retail garden center with supporting nursery and greenhouses on the Harmony Annex property, a 121-acre property located on the southeast corner of WCR 13 and Harmony Road. The property is zoned GC (General Commercial) and RMU (Residential Mixed Use) which allows garden centers as a commercial use; however the Town's Municipal Code does not address the agricultural uses that may be associated with a garden center.

The applicant has submitted a site plan application, which has been reviewed concurrently with the CUG request. The site plan information is included with this CUG request.

The property has been master planned for a commercial area within a neighborhood. The proposed uses are intended to be long-term interim uses until the time the market demands higher intensity commercial use of the property, as anticipated and planned with the existing zoning and approved master plan. The proposed CUG would allow the proposed uses, as well as provide a mechanism for the long-term interim use on the property. This conditional use grant considers the uses as well as the design of the greenhouse structures proposed, as the design standards for this area include those of the Town's Commercial Corridor Plan, which does not address greenhouse structures.

An existing tree farm is located on the northwest portion of the site, located directly southeast of the WCR 13/Harmony Road intersection. The garden center, nursery, and greenhouses would be located east of the tree farm and the site will be accessed from Harmony Road on the northeastern corner of the property, with a road (to be named in the future) extending south from Harmony Road along the eastern boundary of the property, leading to the driveway of the site. The proposed roadway is consistent with the road alignment approved with the master plan for the property and will only serve this property in the interim. Please see the presentation materials for location of the proposed site. If approved, the applicant's intention is to move his existing business, Harmony Gardens, currently located in Fort Collins on the southwest corner of Harmony Road and Interstate 25, to the subject property.

The conditional use would not have an expiration date. Harmony Gardens is planned to operate for the long-term until the market demands a higher intensity commercial use.

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

1. The final site plan and accompanying development agreement is approved by Town Staff prior to building permit issuance.

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Testimony from public hearing
- Recommendation

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

There was none.

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

2. Recommendation to Town Board - Conditional Use Grant – Harmony First Annex – Chris Serbousek, Harmony Gardens, owner/applicant; Kristin Turner, TB Group, applicant’s representative
 - Quasi-judicial
 - Staff presentation: Carlin Malone, Chief Planner

Ms. Malone stated that this item will go before the Town Board for consideration next Monday, March 11, 2019.

Mr. Dennison inquired if this will be located at the same location as the existing tree farm.

Ms. Malone responded that the garden center will be located just east of where the trees are.

Mr. Bushelman inquired if the entire operation will be moved over to this location. The applicant, Mr. Serbousek stated that the existing location off of Harmony and I-25 will be relocated to this location due to the increase in development

Mr. Tallon moved to forward a recommendation of approval to the Town Board for a Conditional Use Grant as presented subject to all recommendations and conditions listed by staff; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Scheuerman; Nays – None; Motion passed.

3. Determination of Off-street Parking Requirement – Westgate Commercial Subdivision Lot 2 (4650 Royal Vista Circle) – Chief Cornerstone Properties, LLC, Ryan Behm, owner/applicant; Katy Thompson, Ripley Design Inc., applicant’s representative
 - Quasi-judicial
 - Staff presentation: Carlin Malone, Chief Planner

Ms. Malone introduced the applicant and presented the PowerPoint presentation included in packet material, with the following information. The applicant, Mr. Behm, has submitted a concept plan for a coffee shop to be located on Lot 2 of the Westgate Commercial Subdivision, within a proposed addition on an existing building (4650 Royal Vista Circle). The applicant has requested the review and determination of the off-street parking requirements for this site and proposed use prior to submitting a formal site plan application.

The site contains an existing commercial office building and a vacant drive-thru banking area. The applicant proposes adding a 1,600-square foot building addition adjacent to the drive-thru lane for a coffee shop with drive-up window. The addition will be attached by a breezeway to the existing occupied main office building of 13,035 s.f. The main building contains the following components:

- Four tenants with the following amount of office space –
 - 4,704 sf – credit union
 - 600 sf – financial advisor
 - 5,011 sf – medical with three practitioners
 - 2,720 sf – medical with one practitioner

Proposed 1,600 sf coffee house with maximum of four employees at any one time:

- Maximum of four employees at any one time
- Parking required per code: one space per 200 sf GLA + one per 2 employees = 10 spaces
- Proposed on-site parking stalls per concept plan = 3 spaces

The applicant is proposing a reduction to required amount of parking for the commercial lot from 48 spaces to 39 spaces. Factored into this reduction, the coffee shop use requires ten spaces per the Town's Code and the applicant is proposing three spaces for the use. The commercial lot includes shared parking for all tenants of the building.

The applicant is basing the proposed parking space reduction on the existing office uses and the proposed use of drive-thru coffee shop, which is not categorized as a specific use within the code; rather, the same category as a sit-down restaurant or bar. A drive-thru coffee shop is also not addressed in the parking requirements section of the code; therefore, the "eating and drinking establishments" use category was used to determine the required amount of parking for this use. The parking requirements in the code do not distinguish the difference between a sit-down restaurant and one with a drive-thru, nor factor in the number of spaces where vehicles will be cued in the drive-thru lane.

The property is zoned General Commercial (GC). Within the use categories listed in the municipal code, the most applicable use category for the GC property would be "restaurant and bars" (Sec. 16-19-10. – Use regulations). Within the off-street parking requirements by use, the most similar category is "Eating and drinking establishments" (Sec. 16-10-30), which requires "one space for every 200 sf of Gross Leasable Area (GLA), plus one space per every two employees, computed on maximum service capacity". With this calculation, the required parking would be 10 spaces. Comparing the actual use of the site (medical and professional offices), the approved site plan, the existing parking, and parking requirements, there are some discrepancies with the amount of parking that was approved with the site plan in 2001. Based on the uses within the existing

building, 38 parking spaces would have been required, although the site plan indicated 32 were required and 37 would be provided. Thirty-six spaces were shown on the approved site plan and there are 36 existing spaces on the site.

With the proposed addition of three spaces, there would be 39 on-site parking spaces provided and the code requires 48 spaces. The applicant has requested that the Planning Commission consider a request to reduce the overall required number of spaces in the commercial center by nine spaces, based on the premise that a drive-thru coffee shop use would not create the need for 10 spaces and the commercial and medical office parking requirements are greater than needed. Further explanation of the applicant's justification for the reduction is contained within this memorandum and the applicant's application materials.

Therefore, the applicant is requesting a Planning Commission determination for a more appropriate parking requirement for the uses. 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.

The applicant proposes a parking reduction based on the specific drive-thru coffee use and the commercial and medical office uses with the following justification (also see narrative):

1. The drive-thru coffee shop use is not similar to a sit-down restaurant or bar use and using the same parking requirement amounts to an excessive number of required spaces for this type of use;
2. the majority of patrons for this type of use only utilize the drive-thru window and drive-thru lane rather than enter the interior of the store;
3. the peak hour of the drive-thru coffee shop is between 7:30 and 8:30 a.m., which is generally earlier than the peak times for the surrounding businesses, which have employees arriving near the end of the coffee shop's peak hour or after this period (see applicant's narrative);
4. surrounding jurisdictions with parking requirements for this type of use require less on-site parking (see following table);
5. surrounding jurisdictions generally require less on-site parking for commercial office and medical offices (see following table);
6. three parking spaces would be added to the existing parking lot, including the two required parking spaces for maximum number of employees on site at one time (one space per every two employees); and
7. shared parking spaces are available for the three uses within the subject parking lot.

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 use proposed for the building, the parking provided for similar uses in the region, and parking requirements of nearby communities.

Parking Per Individual Uses

The individual existing plus proposed components of the facility:

- 7,731 sf medical office
- 5,304 sf office
- 1,600 sf drive-thru coffee shop

Same Uses

The Dutch Bros Coffee shop property located at 901 Main Street is likely the most comparable built use in the area. The property includes 1,048 sf of GLA and accounting for the number of employees, five parking spaces were required, while 17 parking spaces were provided. Other than the employee parking at the rear of the site, the on-site parking is typically underutilized. Human Bean, located in both Loveland (Crossroads Boulevard, west of Fairgrounds Avenue) and Windsor (SH 392, East Pointe Subdivision), also include on-site customer parking adjacent to the drive-thru lane. Both of these sites also have underutilized parking lots. The proposed request appears to be consistent with the underutilization of parking lots for this type of use. If the code requirement of an additional nine spaces was met for this lot, it is a fair assessment that the spaces would be used by other businesses within the commercial center rather than the drive-thru coffee shop use.

Parking Requirements – Adjacent Communities

Using the parking requirements of the City of Fort Collins, the applicant prepared a comparison between those requirements and the Town of Windsor's requirements. Like Windsor, Fort Collins, Loveland, and most other communities in the area did not have a comparable use to a drive-thru coffee shop, but had options for uses not addressed specifically in the code, including an alternative compliance option.

The City of Greeley was one community that did have a use category of "cafes, coffee shops, pickup/take-out restaurants." This use bases the number of off-site parking spaces on the number of seats (including outdoor seating), square footage of customer pickup/take-out area for restaurants without seating, plus two spaces per three employees. If this requirement were used as a basis, the requirement would be approximately three parking spaces. Also of note, both communities have provisions for reducing the number of parking spaces when shared parking areas are available.

Applying the compared standards with Fort Collins resulted in a parking requirement range of 9-21 less spaces than what is being proposed by the applicant.

Based on this research of basing the parking on the individual uses in the building, the proposed use, the requirements of adjacent 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.

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 drive-thru coffee shop at Westgate Commercial Subdivision is adequate as proposed.

The applicant, Katy Thompson with Ripley Design Inc. gave a brief presentation regarding the off-street parking requirements at the Westgate Commercial Subdivision. The applicant feels that their proposal would not be detrimental to

public interests and in fact believes that it will be a great addition to the community in a site that is otherwise underutilized.

Mr. Bushelman stated concern with approving the parking requirements based on information and studies done in Fort Collins.

Mr. Schick stated that he has no issues with approving this item based on the research that was done.

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, Dennison, Hall, Ready, Scheuerman, Foreman; 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 reminded the Commission of the CDOT meeting taking place next Wednesday, March 13, 2019 to discuss the potential rerouting of HWY 257. Ms. Malone encouraged the Commission and residents to attend in order to voice any comments or concerns. The Planner 1 position has been filled and the new Town employee will start Monday, March 11, 2019.

Ms. Mehlenbacher informed the Commission of her departure from the Town of Windsor and thanked staff and the Commission members for the opportunity to work with them.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:33 p.m.


Deputy Town Clerk, Amanda Mehlenbacher