



PLANNING COMMISSION REGULAR MEETING

December 4, 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
Victor Tallon
Doug Dennison
Jerry Bushelman
Timothy Reddick
Cindy Scheuerman

Town Board Liaison David Sislowksi
Community Dev. Director John Thornhill

Also Present: Senior Planner Paul Hornbeck
Deputy Town Clerk Trisha Conway

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, Tallon, Dennison, Bushelman, Reddick, 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*

C. BOARD ACTION

1. Public Hearing – Conditional Use Grant (CUG) to allow a temporary use not specifically included as a use by right in any zone district – Great Western Industrial Park 7th Filing, Lot 5 – Ben Goldwasser, Central Applicant; and Mark Cevaal, Redland, Applicants Representative.

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

Mr. Schick opened up the public hearing.

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.

Mr. Sislowski stated, "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."

Per Mr. Paul Hornbeck the applicant, Ben Goldwasser of Central Oceans, represented by Mark Cevaal of Redland, is requesting a Conditional Use Grant (CUG) to allow a temporary use not specifically included as a use by right in any zone district, located on a portion of Lot 5 of Great Western Industrial Park Subdivision 7th Filing. The requested temporary use is a shipping container storage yard. The property is zoned Heavy Industrial (IH) and is generally surrounded by undeveloped or farm land, with an existing industrial business to the west. There are two farm houses located adjacent to the property, one of which is under the same ownership as the subject property.

The proposed use will occupy approximately 25 acres of 136 acres on lot 5. The majority of the 25 acres is dedicated to outdoor storage of approximately 2700 shipping containers housing solar equipment. The majority of containers are 40' long, 8' wide and 9'6" high. The containers are proposed to be stacked up to three high, for a total height of approximately 29'. Containers will arrive and depart the site by truck. Containers are expected to arrive at the site during the first two quarters of 2020 and would begin to be delivered to their final destination in the fourth quarter of 2020 through 2023.

The site will be enclosed by a chain link fence with three strands of barbed wire and monitored by security cameras. Landscaping is proposed along the Great Western Drive frontage, around the detention pond on the southern portion of the site, and as a buffer to the farm house to the east.

Mr. Hornbeck stated there were some last minute changes to a revised site plan to include the containers stacked 3 high vs 4 high. Additionally a temporary fabric building that's no longer purposed.

Standards and Requirements for Conditional Use Grants

Section 16-7-50 of the Municipal Code outlines the factors to be evaluated prior to the granting of a conditional use.

1. The character and the quality of the area in which the use will be located.

The subject property is located within the Great Western Industrial Park and is generally surrounded by undeveloped or agricultural land, with one industrial business located to the west and two residential homes to the east. Future industrial development is possible on properties to the north, east, and west. Floodplain and the Poudre River make development to the south of the subject area unlikely. The Poudre River Trail passes within approximately ¼ mile south of the subject development. The future Crossroads Boulevard extension from State Highway 257 to O Street in Greeley is anticipated immediately south of the site, but there is no timetable for construction of the roadway at this time. There are what appear to be two farm houses adjacent to the parcel, including one under the same ownership of the subject parcel. The farmhouse under separate ownership is located immediately

east of the site and is zoned Light Industrial in unincorporated Weld County. The remainder of the surrounding properties are zoned Heavy Industrial and are within Windsor Town Limits.

2. The physical appearance of the use, including suitability of architectural and landscaping treatment.

The use will be surrounded by a fence with slats and landscaping in certain areas to provide some ground level screening; however the stacking of containers up to 29' tall means the use will be visible from the surrounding area.

3. Appropriate location of the building or buildings on the lot.

The temporary warehouse would be located on the northwestern portion of the lot, closest to Great Western Drive.

4. Adequate provision of parking, loading and circulation facilities.

Minimal parking is needed for the use due to no full time employees being on site. Two part time employees are anticipated to be on site as needed. Provision for circulation and loading of containers is provided on site. The applicant will need to comply with any applicable requirements from the City of Greeley regarding loading adjacent to and crossing the City's water line and easement. A condition of approval addressing this item is included in staff's recommendation.

5. Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.

During the first six months of operation the applicant anticipates up to fifteen trucks per day delivering containers, meaning 30 round trips per day. As containers are shipped offsite, the applicant anticipates three to five trucks per day picking up containers for deliver, meaning up to ten trips per day. During operations there would be one to two employees on site with no customers or other visitors anticipated.

6. Potential effect of the use on storm drainage in the area.

The applicant will be required to coordinate with Town staff to incorporate properly sized drainage facilities at the site. The applicant will also need to comply with the Town's stormwater (Grading Erosion Sediment Control Plan) permit application and construction requirements, including obtaining a Storm Water Permit for Construction Activities from the Colorado Department of Public Health and Environment, to ensure that the project does not impact water quality.

7. Adequacy of planting screens where necessary.

Landscaping is proposed along the Great Western Drive frontage, around the detention pond on the southern portion of the site, and as a buffer to the farm house to the east. Due to the stacking of containers up to 29', landscaping will not entirely screen the use.

8. Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.

No hazardous conditions or pollutants have been identified with the use.

9. The general compatibility of the proposed use with the area in which it is to be located.

The use is compatible with the heavy industrial nature of the area. Landscape buffering is proposed adjacent to the adjoining farmhouse to increase compatibility.

The following Planning Commission and Town Board public hearing notifications were completed in accordance with the Municipal Code:

- November 20, 2019 – affidavit of letter mailed to property owners within 100 feet of site
- November 22, 2019 – property posted with a notification sign
- November 22, 2019 – legal ad published in the newspaper

The 2016 Comprehensive Plan does not specifically address this type of temporary use.

There are no relevant areas of the Strategic Plan regarding this type of temporary use.

The Municipal Code does not specifically address time frames for temporary Conditional Use Grants; however, in the past temporary uses have typically been approved for a period of two years.

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

1. The Conditional Use Grant shall initially be valid for a period of two years. Prior to completion of the two year term, the applicant may request a one year extension to be reviewed by the Planning Director. If the Director determines the use is in conformance with all conditions contained herein and all other applicable code requirements, a one year extension shall be granted administratively by staff. If the Director determines the use is not in conformance with the conditions contained herein or other applicable code requirements, the extension request shall be referred to Planning Commission and Town Board in accordance with CUG procedures per the Town's Municipal Code. A second one year extension may be granted following the same procedure. No further extensions shall be considered.
2. Containers shall be limited to no higher than 19 feet in height except that stacking up 29 feet shall be permissible until December 31, 2021.
3. A site plan in conformance with all Municipal Code requirements, including landscaping, shall be reviewed and approved by staff prior to construction of the facility.
4. Right-of-way shall be dedicated for Great Western Drive and Crossroads Boulevard.
5. Use shall adhere to all Greeley Water requirements regarding waterline easement traversing the site.
6. All outstanding Planning Commission and staff comments shall be addressed.

Staff requests the following be entered into the record:

- Application and Supplemental Materials
- Staff Memorandum and Supporting Documents
- Testimony from Public Hearing
- Recommendation

Ms. Scheuerman stated the 2 year initial time frame on the recommendation, when does that clock start.

Mr. Hornbeck stated it begins when they take use of the site.

Mr. Ben Goldwasser, Central Oceans thanked the Planning Commission, and Planning Department for clear communication channels, and hearing us on the desired schedule.

Mr. Goldwasser stated this project is a storage solution for renewable solar energy cargo shipping containers via foreign trade and activated space. The land owner Great Western Industrial Park, and the engineer are present to answer additional questions.

Mr. Schick opened up the meeting for public comment.

Mr. John Manish, Windsor lives in close proximity to the site asked whether the road would be paved.

Mr. Goldwasser responded a grave fill would be placed on the road.

Mr. Manish asked if the work would be completed during normal business hours.

Mr. Goldwasser stated construction, offloading, and delivery would be during regular business hours.

Ms. Carol Weber, Windsor stated she believed the property just Southeast of the site belong to her late brother in-law. Additionally will all of the truck traffic be coming in off of Great Western Drive or Weld County Road 23.

Mr. Hornbeck responded traffic would be coming down Great Western Drive.

Ms. Carol Weber asked whether a fence would be placed on the West, and Northside of the property.

Mr. Hornbeck stated; Yes

Mr. Schick clarified there would be a fence on all (4) sides of the property.

Mr. Hornbeck stated; Yes

Mr. Timothy Reddick noted in the material about the security system, and asked about the lighting associated with the system.

Mr. Goldwasser stated the lighting was called out in the narrative package, and they did call out approximately 15 light poles. The light poles will be motion activated only, and we would have protection regarding spill over. This is a foreign trade zone customs, and border protection has a role in determining the security that necessary. If the cameras can work without the light bulbs they will be eliminated.

Mr. Timothy Reddick asked what direction the traffic was traveling prior to Great Western Drive.

Mr. Goldwasser stated the containers will be pickup in Denver.

Mr. Schick asked for clarification on the traffic route of the containers.

Mr. Adam Bird, Central Oceans stated they will be picking up the containers at Union Pacific Railyard in Denver, and traveling up I-25.

Mr. Schick made a recommendation that the trucks avoid Main Street, and use Crossroads.

Mr. Bird stated it would most likely be Hwy 34.

Mr. Bushelman asked whether avoiding Main Street needed to be a condition regarding the approval.

Mr. Hornbeck responded; Yes.

Mr. Bushelman asked about the applicant taking all precautions necessary from mud getting on the roadway.

Mr. Hornbeck stated it's a requirement of the site that they can't be tracking mud on the roadway, and has been adequately addressed.

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

2. Recommendation to Town Board – Conditional Use Grant (CUG) to allow a temporary use not specifically included as a use by right any zone district – Great Western Industrial Park 7th Filing, Lot 5 - Ben Goldwasser, Central Applicant; and Mark Cevaal, Redland, Applicants Representative.
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Mr. Hornbeck had nothing further to add.

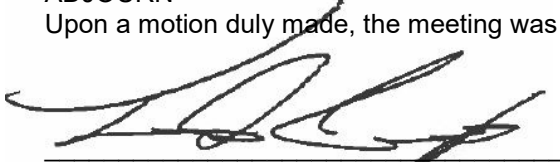
Mr. Tallon moved to forward to the Town Board a recommendation of approval of the Conditional Use Grant subject to the following conditions recommended by staff and adding #4 Delivery Route avoiding Main Street defining that condition with staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Bushelman, Reddick, Scheuerman; Nays – None; Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission
 - Ms. Scheuerman requested a map be included in the packet with the exact location of the site.
 - Jerry Bushelman and Doug Dennison will be absent at the December 18th Planning Commission meeting.
2. Communications from the Town Board liaison
 - Mr. David Sislowksi reminded everyone of the End of Year Banquet at The Big Red Barn Highland Meadows Friday, December 13th @ 6:00pm.
3. Communications from the staff
 - Mr. Hornbeck stated the Cannon Express Car Wash site plan rendering is in your packet. If you have any comments on the changes please submit those by Monday, December 9th.
 - Mr. Hornbeck asked everyone to report attendance for the Planning Commission meeting Wednesday, December 18th.
 - John Thornhill, the new Community Development Director introduced himself to Planning Commission.

ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:31 p.m.

A handwritten signature in black ink, appearing to read 'Trisha Conway', written over a horizontal line.

Trisha Conway, Deputy Town Clerk