



**PLANNING COMMISSION
REGULAR MEETING
May 06, 2020 // 5:00 p.m. // Zoom Webinar**

NOTE: WINDSOR TOWN HALL IS CLOSED DUE TO COVID-19 MINUTES

A. CALL TO ORDER

Vice-Chairman Schick called the regular meeting of the Planning Commission to order at 5:00 p.m.

1. Roll Call

The following Planning Commission Members were present:

Gale Schick
Kelly Hall
Doug Dennison
Jerry Bushelman
Cindy Scheuerman
Timothy Reddick

Also present:

Carlin Malone, Chief Planner
Sandra Mezzetti, Planner I
Scott Ballstadt, Planning Director
McKenzie Paine, Visual Media Coordinator
Trisha Conway, Deputy Town Clerk

2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission

1. Election of Vice Chair for Planning Commission for Town of Windsor.

**Ms. Scheuerman moved to amend the agenda to add the election of a Vice Chair for Planning Commission at the end of the agenda; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick
Planning Commission Member Gale Schick’s voice vote is not counted due to non-compliance with Ordinance No. 2020-1605, Section 9 (a)
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 March 18, 2020
2. Approval of minutes of April 1, 2020

Ms. Scheuerman moved to approve the consent calendar as presented; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick Planning Commission Member Gale Schick’s voice vote is not counted due to non-compliance with Ordinance No. 2020-1605, Section 9 (a) Nays – None Motion carried.

BOARD ACTION

1. Preliminary Major Subdivision – Raindance Subdivision 11th Filing – David Nelson, Raindance Development LLC, owner; Patrick McMeekin, Hartford Homes, applicant; Ryan McBreen, applicant’s representative
 - Quasi-judicial
 - Staff presentation: Sandra Mezzetti, Planner I

Per Planner I Sandra Mezzetti, presented the proposal. Per Ms. Mezzetti the applicant, Mr. Patrick McMeekin, has submitted, on behalf of the owner Mr. David Nelson, a preliminary major subdivision plat known as Raindance Subdivision Eleventh Filing. The subdivision encompass approximately 11.9 acres and is zoned Planned Unit Development (PUD). Tract Z of the PUD designates the land use for this area as residential underlining zoning (RMU) Residential Mixed Use. Located South of Bounty Drive north of Iron Wheel Drive, and west of Autumn Moon Drive and Raindance Community Park.

Preliminary Plat characteristics:

- 11.9 total acres
- 20 building envelopes for multi-family residential (160 condominium units [see Item C.2])
- Density: 13.4 dwelling units per acre
- Total open space including drainage: ~ 4.98 acres (42% of development)
- Parks – adjacent to Raindance Community Park

As required with a preliminary subdivision submittal, the applicant held a neighborhood meeting on April 2, 2020, in accordance with Chapter 16, Article XXXI, and Chapter 15, Article III, of the Municipal Code. There were no attendees and no public comments have been received to date by the planning staff or the applicant.

The application is consistent with the following goals and objectives of the Comprehensive Plan:

Chapter 5b – Growth Framework

Goal: Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

Objectives

- 1. Prioritize new growth in areas currently served by Town infrastructure and services.

Chapter 5c – Residential Areas Framework

Goal: Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.

Objectives

- 1. Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

The application is consistent with the Strategic Plan Mission Statement: The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small town feel.

Notifications

A neighborhood meeting was held on April 2, 2020, and notifications were as follows:

- March 20, 2020 – affidavit of mailing to property owners within 300 feet
- March 20, 2020 and March 22, 2020 – display ad published in the Greeley Tribune and Windsor Beacon newspapers respectively.

Notification of the Planning Commission public meeting for a preliminary major subdivision is not a requirement.

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

Mr. Schick asked Ms. Mezzetti whether the applicant had a presentation
Mr. Patrick McMeekin stated any additional questions should be answered during the site plan portion of the presentation. Mr. McMeekin said these are A-plex Condominiums, 900 – 1200sq feet, each unit has a 1 - 2-car attached garage. The focus is to target a lower price point starting in the \$200k range, 2nd generation local home builder.

Mr. Schick asked whether there are any comments or questions from the commission.

Ms. Scheuerman asked Ms. Mezzetti about the entrance points of the project.
Ms. Mezzetti stated we have an entry from Bounty Drive, and another entrance off of Raindance 10th that has not been incorporated into the Preliminary Plat.

Mr. McMeekin stated in addition there is another entrance off of Autumn Moon Drive for the (4) buildings located in the Northeast corner.

Mr. Ryan McBreen stated this product is an alley loaded option for garage access.

Mr. Reddick asked Mr. McBreen about the parking density and how much would spill over into side streets.

Ms. Mezzetti stated that will be reviewed in the site plan portion of the agenda.

Mr. Dennison moved to approve the preliminary major Raindance subdivision 11th filing as presented subject to all remaining Planning Commission and staff comments being addressed on the major subdivision plat. ; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick

Planning Commission Member Gale Schick's voice vote is not counted due to non-compliance with Ordinance No. 2020-1605, Section 9 (a)

Nays – None

Motion carried.

2. Preliminary Site Plan – Raindance Subdivision 11th Filing – David Nelson, Raindance Development LLC, owner; Patrick McMeekin, Hartford Homes, applicant; Ryan McBreen, applicant's representative.

- Quasi-judicial
- Staff presentation: Sandra Mezzetti, Planner I

Per Planner I Sandra Mezzetti, presented the proposal. Per Ms. Mezzetti the applicant, Mr. Patrick McMeekin, has submitted, on behalf of the owner Mr. David Nelson, a preliminary site plan for a multifamily residential development known as Raindance Subdivision Eleventh Filing. The site plan encompass approximately 11.9 acres and is zoned Planned Unit Development (PUD). Tract Z of the PUD designates the land use for this area as residential with underlining zoning (RMU). Located South of Bounty Drive, north of Iron Wheel Drive, and west of Raindance Community Park.

Preliminary Site Plan characteristics:

- 11.9 total acres
- 160 condominium units
 - 20 - two-story buildings (29%)
 - 8 units per building
- Product Type:
 - 1-3 bedroom units with attached garages, 1 and 2 spaces per unit, 11 spaces per building, 220 total garage spaces
 - Three building styles (Farmhouse, Craftsman, and Modern style)
 - Painted board and batten siding, shingle siding, stucco
 - Asphalt shingles (primary roof), standing seam metal roof
 - Covered porches and balconies
 - Building height – 32'-0"max. (35' max. PUD zone district)
- 69 parking spaces provided (not including garage parking)
- Density: 13.4 du/ac
- Total open space including drainage: ~ 4.98 acres (42%)
- Park – adjacent to Raindance Community Park
- Landscape Amenities Include:
 - Fire pit
 - Benches
 - Tables and chairs
 - Trash receptacles
 - Interior courtyard
 - Interior walking paths
 - Pedestrian scale lighting

The Preliminary Site Plan has been reviewed by Article VII of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Site Plan process, including:

Sec. 17-4-10 Purpose.

The purposes of the site plan procedure is to:

- Develop land as a unit development
- Develop land zoned for multi-family, commercial or industrial uses.

Chapter 5b – Growth Framework

Goal: Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

Objectives

- 1. Prioritize new growth in areas currently served by Town infrastructure and services.

Chapter 5c – Residential Areas Framework

Goal: Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.

Objectives

- 1. Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

The application is consistent with the Strategic Plan Mission Statement: The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small town feel.

Notifications

A neighborhood meeting is not required with a preliminary site plan. In conjunction with the preliminary subdivision, a neighborhood meeting was held on April 2, 2020, and notifications were as follows:

- March 20, 2020 – affidavit of mailing to property owners within 300 feet
- March 20, 2020 and March 22, 2020 – display ad published in the Greeley Tribune and Windsor Beacon newspapers respectively.

Notification of the Planning Commission public meeting for a preliminary site plan is not a requirement.

Staff recommends that the Planning Commission approve the preliminary site plan as presented, subject to all remaining Planning Commission and staff comments being addressed on the final site plan.

Mr. Schick asked Ms. Mezzetti whether the applicant had a presentation.

Mr. McMeekin stated; No

Mr. McBreen stated they really tried to pay attention to land use, and the community park making sure this community is a part of Raindance.

Mr. Schick asked whether there are any comments or questions from the commission.

Ms. Scheuerman asked Ms. Mezzetti about Phase 1 on the preliminary site plan on how roadways connected into the community development.

Ms. Mezzetti stated the entrance on Autumn Moon Drive.

Ms. Scheuerman asked Ms. Mezzetti where the 69 parking spaces are located in the development.

Ms. Mezzetti stated the parking spaces are evenly dispersed throughout the community, and the ADA spaces are included.

Mr. Bushelman asked Mr. McMeekin is this going to change the entrance of Bounty Drive, and Colorado Blvd.

Mr. McMeekin stated it fits within the framework of a multi-family on the existing Master Plan for the area.

Mr. Schick asked whether there are any comments or questions from the commission.

Mr. Dennison moved to approve the preliminary site plan for Raindance Subdivision 11th filing as presented, subject to all remaining Planning Commission and staff comments being addressed on the final site plan. ; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick Planning Commission Member Gale Schick’s voice vote is not counted due to non-compliance with Ordinance No. 2020-1605, Section 9 (a) Nays – None Motion carried.

3. Weld County Referral for a Change of Zone (COZ20-0004) from A (Agricultural) to I-3 (Heavy Industrial) – Gerrard Investments, LLC, property owner; and Rock & Rail, LLC, applicant.

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

Per Chief Planner Carlin Malone, presented the proposal. Per Ms. Malone Weld County has referred a Change of Zone application to the Town for review and comment. This item is a referral from Weld County for Planning Commission to forward a recommendation of response to Weld County.

The property includes existing agricultural uses and is zoned A (Agriculture). The subject referral for a Change of Zone to I-3 (Heavy Industrial) states that existing agricultural uses, as well as an existing batch plant and transload facility approved through a Use by Special Review (USR), will remain. The application does not include information regarding the purpose for rezoning the property or proposed industrial uses. The Heavy Industrial Zone District in Weld County allows for a wide range of heavy industrial uses, incompatible with surrounding land uses. Located in Unincorporated Weld County east of and adjacent to Weld County Road 13 (WCR 13), west of WCR 17, approximately one mile south of US Highway 34.

On May 27, 2015, the Town of Windsor provided a referral response to Weld County for the Martin Marietta Materials (USR15-0027) batch plant and transload facility proposal, the current uses on the subject property. The subject Change of Zone request does not identify proposed land uses. The Change of Zone request

states that the proposed zoning of I-3 will bring the property into compliance; however, the batch plant and transload facility are already permitted under the approved USR.

Based upon the information provided with the referral, the Change of Zone would allow any and all uses within the heavy industrial zone district without any analysis based on proposed uses and the associated impacts on the surrounding area, including adjacent residential and US Highway 34. Therefore, staff recommends that the Town's referral comments provided to Weld County with USR15-0027, are reiterated with the current request for Change of Zone.

2008 Intergovernmental Agreement (IG A) between the City of Greeley and the Town of Windsor

The Change of Zone would allow uses that are incompatible with the Cooperative Planning, Land Use and Utility Area (CLUA), identifying and supporting land use patterns for the US Highway 34 Corridor, in particular, the visions and infrastructure planned, as well as the existing infrastructure in the area. Per the CLUA depiction, this area is identified as Principal Employment Corridor and Secondary Corridor Area, one-half mile in width along both the northern and southern side of US Highway 34.

Consistent with the Town of Windsor's previous recommendations regarding the subject property, Town staff recommends the Planning Commission forward the following recommendations of the proposed.

Change of Zone (COZ20-0004) application to the Weld County Department of Planning Services:

- (1) Provide purpose of Change of Zone request, including proposed uses;
- (2) If the Change of Zone application moves forward without further opportunity to comment, the Town requests the following items be addressed:
 - a. Referral on Site Plan application
 - b. Earthen berms and substantial landscape buffers should be incorporated into plans to help mitigate the visual impacts of industrial uses from US Highway 34 and from neighboring residential uses;
 - c. Light sources should be concealed or shielded so as to minimize uplight, spill-light, glare and unnecessary diffusion on neighboring properties.

Mr. Schick asked whether there are any comments or questions from the commission.

Mr. Dennison asked Ms. Malone who the applicant is for this change of zoning request.

Ms. Malone stated; Yes, the applicant is listed as Rock & Rail, LLC, and the property owner is listed as Gerrard Investments, LLC. Ms. Malone believes they are affiliated, but registered as different Limited Liability Companies.

Mr. Dennison stated he believed Rock & Rail, LLC already has some type of facility on the property.

Ms. Malone stated; Yes they have the use by special review that was approved back in 2015. That's the question, what is the justification for the I-3 Heavy Industrial Zone District, and what will be purposed in the future.

Ms. Scheuerman asked Ms. Malone is this area part of Greeley's growth management area that would eventually be annexed by Greeley.

Mr. Ballstadt stated it's within the cooperative planning area, and it's no in Windsor's growth management area.

Mr. Schick stated Johnstown has a piece of the cooperative land use.

Ms. Malone stated; Yes, Johnstown has already provided a response to Weld County that they don't have any concerns moving forward.

Mr. Bushelman stated it's his understanding that the IGA Weld County had previously approved was reversed by the court. Rock & Rail is a railroad company, and they are operating under Federal law. The reason for I-3 is to become consistent with their use.

Mr. Schick stated; Yes, he believes that's how they are currently operating.

Ms. Scheuerman asked Ms. Malone about the background of the agreement.

Ms. Malone stated our comments are primarily the uses Greeley, and Windsor have agreed on. This general area is not consistent with what's being purposed, and there is 133 acres. The existing uses of the transload, and batch plant would be covered under this I-3 zoning. I-3 zoning could allow for allot of uses that would not be consistent with the area.

Mr. Schick stated I-3 gives them the opportunity to purpose multiple types of uses.

Mr. Bushelman asked Ms. Malone how many acres is currently being used.

Ms. Malone stated; Unknown at this time

Mr. Ballstadt stated once the zoning is changed the Town of Windsor would not see any more referrals for future changes of use. There is usually a lifespan on an asphalt or batch plant, and once those uses are complete the I-3 zoning would allow for any other uses in the Heavy Industrial Zoning. The 2015 comments Greeley, and Windsor provided were based on the long term development of the HWY 34 corridor. The future reuse of the property could be less compatible with the surrounding area.

Mr. Schick stated he believes the comments back to Weld County are applicable, and we need more details on the overall site plan.

Mr. Bushelman stated are we taking a recommendation of opposition for the I-3 zoning until additional information is provided on the overall site plan.

Mr. Schick asked Ms. Malone on the recommendation for more details on the uses for the I-3 zoning.

Ms. Malone stated; Yes

Mr. Ballstadt responded to comments for berms, screening, landscape buffers, and light concealment those are consistent requirements with our IGA with Weld County.

Ms. Hall asked Ms. Malone when we send this letter back, do they have to respond.

Ms. Malone stated; No, they don't have to respond.

Mr. Bushelman stated he suggested we request how many acres they are requesting to zone I-3 beyond the current use.

Ms. Scheuerman stated she would be in favor of forwarding a letter of opposition in light of the current comments, and understanding the current framework

Mr. Ballstadt stated it's similar to the current depictions of what the Town envisions for the growth framework in other areas. Unincorporated property when developed within Windsor the land use map, and these cooperative planning areas depict what the Town of Windsor envisions. The County could move forward, but would have to abide by the current IGA that includes some of those conditions in the letter.

Ms. Scheuerman stated the County should be a part of the use agreement for use of the corridor.

Mr. Ballstadt stated the Greeley IGA agreement was discussed in the early two thousands. The County was offered to be a part of the agreement, but declined. The IGA has been in place, and a separate IGA was adopted with the County.

Ms. Malone stated the uses in the IGA outline more urban uses, Weld County doesn't really pursue urban uses in unincorporated areas.

Mr. Bushelman has no objection for their current operation.

Ms. Malone stated that's one of the concerns since the USR allows those current uses. What is the reason behind the I-3 zoning request.

Mr. Bushelman stated the USR is no longer in affect, and was thrown out by the courts. Martin Marietta brought in Rock & Roll, LLC to own the property which superseded the local jurisdiction.

Mr. Ballstadt stated there was the lawsuit, and the federal regulations do prevail, then the local zone to I-3 would be unnecessary.

Ms. Hall stated there is the letter back, and a referral for opposition which they could ignore both of them.

Mr. Ballstadt stated the opposition of the letter would be a recommendation for denial. The current letter is pointing out concerns, and inconsistencies.

Mr. Bushelman stated the letter could state we are in opposition for denial until we are provided with additional information.

Mr. Ballstadt stated if would be a conditional referral response, and the Town's recommendation would be denial.

Ms. Hall asked Ms. Malone about the conversation of opposition regarding this request.

Ms. Malone stated Greeley did want a response consistent with our similar to the USR response. If they feel differently, Greeley can respond differently.

Mr. Dennison moved to direct staff that Town of Windsor is in opposition to the application unless we get satisfactory answers to the questions purposed in staff current letter to include Commission Bushelman request to outline what additional property will be zoned I-3 above and beyond the current use; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick Planning Commission Member Gale Schick's voice vote is not counted due to non-compliance with Ordinance No. 2020-1605, Section 9 (a) Nays – None Motion carried.

4. Election of New Vice Chair – Planning Commission, Town of Windsor

Mr. Schick asked if any of the commissioners would like to volunteer for the Vice Chair position for Planning Commission.

Mr. Bushelman stated he would volunteer for the Vice Chair position.

Mr. Dennison moved to elect Gerald Bushelman, Vice Chair of the Planning Commission; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick

Planning Commission Member Gale Schick’s voice vote is not counted due to non-compliance with Ordinance No. 2020-1605, Section 9 (a)

Nays – None

Motion carried.

C. COMMUNICATIONS

1. Communications from the Planning Commission

- None

2. Communications from the Town Board liaison

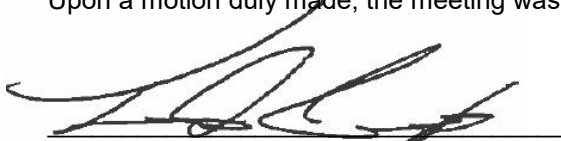
- None

3. Communications from the Staff

- Site Plan Review – Eagle Crossing Subdivision 6th Filing, Lot 2 (Taco Bell) comments by due date, and incorporate those comments passing them along to the applicant.
- Work Session Poll, Monday, May 18th @ 5:00pm Code Updates. Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick

ADJOURN

Upon a motion duly made, the meeting was adjourned at 6:07 p.m.



Trisha Conway, Deputy Town Clerk