



**PLANNING COMMISSION
REGULAR MEETING**

August 05, 2020 // 6:00 p.m. // Zoom Webinar

NOTE: This meeting was held virtually

A. CALL TO ORDER

Chairman Schick called the regular meeting of the Planning Commission to order at 6:00 p.m.

1. Roll Call

The following Planning Commission Members were present:

Kelly Hall
Doug Dennison
Chairman Gale Schick
Vice-Chair Jerry Bushelman
Daniel Foreman
Timothy Reddick
Cindy Scheuerman

Also present:

Barry Wilson, Town Board Liaison
Paul Hornbeck, Senior Planner
Carlin Malone, Chief Planner
Scott Ballstadt, Planning Director
Omar Herrera, Engineer
McKenzie Paine, Visual Media Coordinator
Trisha Conway, Deputy Town Clerk
Doug Roth, Engineer
Mary Wohnrade, Civil Engineer
John Beggs, Russel + Mills Studios
Jeff Miller
Dallas Horton, 3T Investments

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. Dennison moved to approve the agenda as presented; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman
Nays – None
Motion carried.**

3. Public Invited to be heard

Chairman Schick opened the meeting up for public comment to which there was none.

BOARD ACTION

1. Public Hearing – Final Final Major Subdivision – Fossil Creek Ranch Subdivision 1st Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russel + Mills Studios, applicants’ representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Chairman Schick opened the public hearing.

Mr. Wilson 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 nonvoting 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. Hornbeck, the applicants, Mr. Dallas Horton and Mr. Steve Pfister of 3T Investments, LLP, represented by Mr. John Beggs of Russel + Mills Design Studios have submitted two final major subdivision plats, known as the Fossil Creek Ranch Subdivision 1st and 2nd Filings. The subdivision encompasses approximately 254 acres and is zoned Residential Mixed Use (RMU). The Site is located West of County Road 5, and North of the intersection County Road 32E which become Jacoby Road.

The preliminary plat was approved by Planning Commission in 2017 as a single filing with 290 single family lots. The final plat has been split into two separate filings with a total of 260 single family lots. Layout of the two final plats are generally consistent with the preliminary plat, although approximately 30 lots were eliminated due to the Arthur Ditch, which was planned to be piped in the preliminary plat, being left in place and not piped (the ditch will be fenced with wrought iron style fencing). At the time of preliminary plat approval, a park site of four to five acres to be dedicated to the Town was envisioned. However, no park site acceptable to the Town was identified so the applicant has elected to pay the fee-in lieu of dedication, a solution which is acceptable to the Parks, Recreation and Culture Department. A small (2/3 acre) park is planned to be built by the developer and maintained by the Metro District. Adjacent to the park are approximately 14 acres of wetlands that will be preserved.

Mr. Hornbeck summarized a change in the packet of information provided to Planning Commission members. The applicant has added an oil and gas operations window that’s centered on the North part of the site in accordance with the State statute. The Town of Windsor is not approving any type of operation in that area, and the applicant would still be required to apply for a conditional use permit process for any oil and gas operations.

1st Filing Plat characteristics:

- 140 single-family residential lots;
- Average lot size of 6,982 square feet;
- 14 open space tracts (drainage, utility & access) = approximately 19 acres;
- 5 future development tracts = approximately 173 acres; and
- Approximately 11 acres of public right-of-way dedication.

2nd Filing Plat characteristics:

- 120 single-family residential lots;

- Average lot size of 6,950 square feet;
- 11 open space tracts (drainage, utility & access) = approximately 9 acres;
- 1 future development tract = approximately 35 acres; and
- Approximately 8 acres of public right-of-way dedication

Three access points will be provided to the development, one from County Road 34C and two from County Road 5. Offsite improvements associated with the development include paving County Road 34C and the following upgrades to County Road 5: two southbound lanes with bike lane, curb, and gutter; left and right turn lanes as needed; and a detached 10' wide multiuse trail.

The applicants held a neighborhood meeting on October 22, 2015 in accordance with Chapter 16, Article XXXI of the Municipal Code. There was one neighbor in attendance. Please see the enclosed neighborhood meeting notes for discussion topics and responses.

Relationship to Comprehensive Plan

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.

Chapter 5c – Residential Areas Framework

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

Relationship to Strategic Plan

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

The Municipal Code requires a public hearing notification for a final major subdivision. Notifications were provided as follows:

A neighborhood meeting was held on October 22, 2015 at 6:00 PM at Bethke Elementary School. Notifications for this meeting were as follows:

- October 9 & 12, 2015 – display ad published in the papers
- October 5, 2015 – affidavit of mailing to property owners within 300 feet

Regarding the Final Subdivision, notifications for this public hearing were as follows:

- July 22, 2020 - affidavit of mailing to property owners within 300 feet
- July 22, 2020 – public notice published on Town website
- June 18, 2020 – sign posted on site
- July 24, 2020 – display ad published in the newspaper

Recommendation

Staff recommends that Planning Commission forward to Town Board a recommendation of approval of final subdivision plat (for both the 1st and 2nd filings), subject the following conditions:

1. All remaining Planning Commission and staff comments shall be addressed; and
2. The applicant shall provide all required documents to the Town within 90 days of Town Board approval, including the approved plat bearing all required signatures, and development agreement bearing all required signatures. Failure to observe this condition of approval will result in immediate revocation of Final Plat approval and shall require submittal and approval of a new application.

Chairman Schick asked Mr. Hornbeck whether the applicant had a presentation.
Mr. Beggs stated; No

Chairman Schick opened the meeting up for public comment to which there was none.

Ms. Scheuerman asked Mr. Hornbeck about the infrastructure project widening County Road 5 from HWY 392 to Jacoby Road (32E) making that a 2-lane road. She asked whether the applicant will be working in conjunction with them to widen that whole section to 4 lanes from Jacoby Road (32E) to County Road 34C.

Mr. Hornbeck stated the 2 Southbound lanes, turn lanes as needed, and 1 Northbound lane. Infrastructure to another Northbound lane would typically occur if the property owner to the East develops that vacant land.

Ms. Scheuerman summarized at the round-a-bout at Jacoby Road (32E) traffic will drop down to 1-lane.

Mr. Hornbeck stated; correct.

Ms. Scheuerman asked Mr. Hornbeck what type of access points are going to be on County Road 5.

Mary Wohnrade, Wohnrade Civil Engineers responded the intersections are all full movement intersections at County Road 34C, and the other 2 intersections as well.

Ms. Scheuerman asked what type of improvements are going to happen at the intersection at 34C and County Road 5.

Ms. Wohnrade stated there will be a Southbound right turn lane at County Road 34C, and a Northbound left turn lane from County Road 5 to County Road 34C. We also accommodated a left turn lane to the Keen property to the Eastside of County Road 5. We have an acceleration lane going Southbound from County Road 34C onto County Road 5.

Ms. Scheuerman asked Mr. Hornbeck about the future development tracts in the 1st and 2nd Filings. They are zoned Residential Mixed Use (RMU) what is planned for those areas, and any future approval process.

Mr. Hornbeck stated there is an approved Master plan for the property, and they've also submitted a revised Master plan currently under review. It does show a mix of commercial located closest to I-25, and Multi-family between the single family, and commercial. The applicant would need to get that Master plan approved through the Planning Commission, and Town Board. Any changes to the Site plan would follow the same process, anymore details to those concerns I would defer to the applicant's team.

Ms. Scheuerman summarized that the Master plan will be provided later on down the road summarizes the future development tracts.

Mr. Hornbeck stated; correct.

Mr. Bushelman asked Mr. Hornbeck what is located in the circular area located along County Road 5.

Mr. Hornbeck responded the wetlands.

Mr. Ballstadt requested to unmute the participant to ensure they don't have a question regarding this project.

Gordan Hadlow 5320 Augusta Trail Fort Collins asked for clarification that County Road 5 will only have 1-lane Northbound.

Mr. Doug Roth stated; correct, but the long-term plan is to widen it to 4-lanes which would require acquisition of right-a-way from the property owners on the Eastside of County Road 5.

Mr. Hadlow stated in the development to the South that developer widened the road to 4-lanes.

Mr. Hornbeck stated he believes that's referring to the Windsor Ptarmigan Subdivision off of Jacoby Road (32E) intersection, and that project the Town had identified that as priority to increase the traffic capacity. The Town did take on that responsibility to reimburse that developer for the cost of those additional lanes. This section doesn't have quite the volume, and wasn't a priority to add the Northbound 2nd lane.

Mr. Roth stated roads like this are very expensive it's a matter of prioritizing, and the right-of-way acquisition is an important part of widening the road. The Southern portion on Ptarmigan there was right-of-way dedicated with that subdivision, and we had enough room on the Eastside of the road. Building it on the 1st Filing the developer had to inquire a section of the Keen Property near 34C.

**Mr. Dennison moved to close the public hearing subject to all remaining Planning Commission and staff comments being addressed; Mr. Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman
Nays –
Motion carried.**

2. Recommendation to Town Board – Final Major Subdivision – Fossil Creek Ranch Subdivision 1st Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russel + Mills Studios, applicants' representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck has nothing further to add.

Chairman Schick asked whether the Commission had additional questions. none

Ms. Scheuerman move to forward a Recommendation of approval to Town Board for the Final Major Subdivision Fossil Creek Ranch 1st Filing as presented subject to all remaining Planning Commission and staff comments being addressed; Mr. Bushelman seconded the motion. Roll call on the vote

resulted as follows; Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman Nays – Motion carried.

3. Public Hearing – Final Major Subdivision – Fossil Creek Ranch Subdivision 2nd Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russel + Mills Studios, applicants’ representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Chairman Schick opened the public hearing.

Per Mr. Hornbeck please refer to agenda item C.1.a for background and discussion

Mr. Bushelman asked Mr. Hornbeck in the bottom right stating Fossil Creek Subdivision there is an open plat area off of Westgate Drive.

Mr. John Beggs responded that area will be redetermined with the resubmittal of the Master Plan. It’s planned to be a commercial site, and will be further clarified in the Master Plan.

Ms. Scheuerman moved to close the public hearing subject to all remaining Planning Commission and staff comments being addressed; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman Nays – Motion carried.

4. Recommendation to Town Board - Final Major Subdivision – Fossil Creek Ranch Subdivision 2nd Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russel + Mills Studios, applicants’ representative
 - Quasi-judicial
 - Staff presentation: Sandra Mezzetti, Planner I

Mr. Hornbeck has nothing further to add.

Chairman Schick asked whether the Commission had additional questions. none

Mr. Dennison moved to make a Recommendation of approval to Town Board the Final Major Subdivision Fossil Creek Ranch 2nd Filing as presented subject to all remaining Planning Commission and staff comments being addressed; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows; Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman Nays – Motion carried.

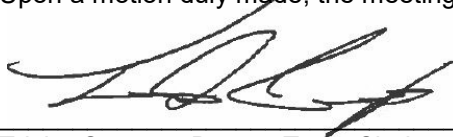
B. COMMUNICATIONS

1. Communications from the Planning Commission
 - None
2. Communications from the Town Board liaison

- Mr. Wilson stated Town Board approved the Verizon tower at Kyger Reservoir, gravel parking lot at Eastman Park, and Condo Raindance development 11th Filing. Work session discussions open space, and community buffer plans
3. Communications from the Staff
- Mr. Roth stated Monday, August 10th Harmony Road should be open.
 - Ms. Conway stated just a reminder to return the Voter Affirmation form by tomorrow at 2:00p.m.
 - Mr. Ballstadt stated we are working on recruiting Planning Commission members.

ADJOURN

Upon a motion duly made, the meeting was adjourned at 6:34 p.m.



Trisha Conway, Deputy Town Clerk