



## PLANNING COMMISSION REGULAR MEETING

November 4, 2020 // 6:00 p.m. // Virtual Meetings Until Further Notice

***NOTE: This meeting was held virtually***

### MINUTES

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:

Chair Gale Schick  
Vice-Chair Jerry Bushelman  
Cindy Scheuerman  
Kelly Hall  
Doug Dennison  
Timothy Reddick  
Jose Valdes

Also present:

Barry Wilson, Town Board Liaison  
Carlin Malone, Chief Planner  
Scott Ballstadt, Planning Director  
David Eisenbraun, Senior Planner  
Paul Hornbeck, Senior Planner  
McKenzie Paine, Visual Media Coordinator  
Karen Frawley, Town Clerk  
Eric Bernhardt, Alternate Commissioner  
Roger Colonnese, Alternate Commissioner  
Morgan Kidder, Journey Homes  
Brian Williamson, TST Applicant  
Dan Spykstar, Wember, Inc.  
Kris Kazian, Windsor Severance Fire District  
Brent Allred, Allred and Associates  
Desa Blair, Civil Engineer  
Onalee Bartoszek

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; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Bushelman, Scheuerman, Hall, Dennison, Reddick, Valdes**

**Nays – None**

**Motion passed.**

B. CONSENT CALENDAR\*

1. Approval of minutes of October 7, 2020

**Mr. Valdez moved to approve the minutes of the meeting of October 7, 2020; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Bushelman, Scheuerman, Hall, Dennison, Reddick, Valdes**

**Nays – None**

**Motion passed.**

C. BOARD ACTION

1. Public Hearing – Height Modification – Cummins Annexation (WSFR Station #4) – Fire Chief Kris Kazian, applicant, / Brent Allred, Allred & Associations, applicant’s representative

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 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. Hornbeck, this is a height modification request from the Windsor Severance Fire Rescue District for station number four. The property is located off of New Liberty Road at the intersection of Hilltop Drive. The property is zoned estate residential E-1. The maximum allowed height in the E-1 district is thirty-five feet, the requested height is forty-two feet. The subject property is surrounded on three sides by large lot residential estate lots and the ongoing development of the RainDance development is to the West. There is significant topography on the site which plays into how the height is measured on the building. The Municipal Code does dictate that the building height is measured from the average finished grade, so using that methodology maximum height exceeds the allowed thirty-five feet. Based on the application materials, the application does appear to meet the criteria for review. Staff recommends that Planning Commission forwards to Town Board the recommendation of approval of the building height modification as presented to allow a maximum height of forty-two feet with an allowance of a maximum height of up to forty-five feet should any modifications be needed on final design drawings.

Chief Kris Kazian stated that with the community growing, there is the need to be able to provide services to the South part of the community. This substation has been designed with longevity needs of the life expectancy of a fire station, the functionality needed to operate.

Per Mr. Allred, the existing hill is much higher than New Liberty Drive and in order to gain apron access, a portion of the hill will be cut off.

The meeting was opened the meeting to the public comment to which there was none.

Commission Valdes asked what would be the impact on the functionality of the building of lowering the peaks to thirty-five feet? Mr. Kazian stated that the peak

to the East has a mezzanine above it with functional space for storage. Mr. Allred added that while the peaks are vaulted inside, there are some training apparatus that can be attached to the tresses, as well as some mechanical equipment. Commissioner Valdes asked what the normal height of the towers and is the one on the building design a normal height or does it vary from the norm? Mr. Kazian responded that the idea for the tower is for training and one of the things is for staff to be able to repel off the top and it gives enough floors to be able to go up and extend the hose and flow water. Also in that tower, it is not a burn tower so there will not be any burns. The actual height is meant to balance out the size and give enough floors to give from the apparatus floor and go down, or to go from the apparatus floor and go up as needed. Commissioner Valdes stated that from his understanding, the open area that was shown from Hilltop, it was suggested that the area be lowered or scraped down. Will the area be scraped down more so that the building protrudes in the horizon? Mr. Allred stated that the rendering was done according to how the building will be on the site. The building will sit down as in the picture in the packet.

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

2. Recommendation to Town Board – Height Modification – Cummins Annexation (WSFR Station #4) – Fire Chief Kris Kazian, applicant, / Brent Allred, Allred & Associations, applicant’s representative

**Ms. Scheuerman moved to forward a recommendation of approval to Town Board for the Height Modification as presented by staff; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Schick, Bushelman, Scheuerman, Hall, Dennison, Reddick, Valdes  
Nays – None  
Motion passed.**

3. Recommendation to Town Board – Final Site Plan – RainDance 12<sup>th</sup> Filing – David Nelson, RainDance Development, owner, Larry Buckendorf and Morgan Kidder, authorized representatives and Brian Williamson, John Meyers, TST, applicants

Per Mr. Eisenbraun, this area of land was annexed into the Town limits back in 1996 with the Windsor Highlands second annexation. In 2011, Water Valley started the subdivision process and in 2015 the RainDance subdivision started to form. Within the PUD was the flexibility to allow residential density’s to be shifted between areas as development occurred over the years. In 2017, the initial RainDance subdivision was approved and has created the basic development tracts for the whole PUD area. The most notable thing is to ensure that in the original PUD had to have a specific amount of density that they had to adhere to so they could shift those densities as long as it didn’t exceed the density of the entire project. The applicant held a voluntary public neighborhood meeting in October. Regarding traffic within the area, originally in the RainDance first subdivision a master transportation impact study was submitted that outlined all the conditions, land uses, trip generation models, and distribution signal warrants. With the 12th filing, there is a change in location of where the multi-

family was going to be placed in comparison to the original traffic impact study with the first filing. The Town did ask that there is an updated traffic impact study to ensure that things are still being done properly and that the Town understands as well as the developer any changes with the location of the multi-family changing. The results of the updated TIS was updated within the trip generator with eighty-eight trips per day, however as noted, both morning and afternoon peak hour trips did decrease by a few trips each. Overall for Cherry Blossom, the most notable intersection that is adjacent to the multi-family did not meet any traffic warrant signals through the 2040 long-term forecast. It did however, meet one traffic warrant signal through the 2040 long-term forecast for Pear Blossom. Staff recommends the Planning Commission forwards a recommendation of the final site plan as presented subject to all other Planning Commission and staff comments being addressed.

Brian Williamson with TST provided an overview of the project to the Commission.

Commissioner Reddick thanked staff and the applicant for the information on the history of the project and stated that it was very useful when looking at the entire subdivision and where this particular project is. Commissioner Reddick asked how the neighborhood boundary was selected for notices? Mr. Williamson stated that the Town provided the typical buffering requirement for the project and mailed to that list of neighbors. Commissioner Reddick stated that because of the meeting that did occur, it sounds like there was a question with regard to availability of the amenities of the project to other folks within RainDance and would like to know what the response is as well as the general public. Mr. Williamson responded that these amenities are geared more towards the residents of this development. They are not part of the metro districts facilities and would be constructed on private property.

Alternate Commissioner Bernhardt asked about the proximity to the golf course, what provisions or allowances have been made to allow golf carts on the road? Mr. Williamson responded that he is not completely sure how it will work, but doesn't anticipate a lot of residents of this project owning golf carts as it is a for rent facility. Mr. Williamson stated that he is not sure what the regulations are in RainDance for utilizing the golf carts on public property. Mr. Eisenbraun stated that similarly to what they have in other Water Valley subdivisions and around Town, they would go through similar processing where they would work with our legal staff as well as police to determine the safety of having golf carts in this subdivision as well as how it connects to other subdivisions. The ultimate intent is to have this as a golf cart friendly community but are still working through the process.

Commissioner Valdes stated that he tried to calculate as the number of spaces allocated between the garages and outside parking for this apartment complex and asked if it averages out to be one per unit or two per unit? Mr. Williamson responded that there is one-hundred seventy-five parking spaces included in the buildings, and then forty-four parking spaces in eleven separate four unit garages for a total of two-hundred nineteen garage total spaces and seven-hundred and seventy-five surface parking spaces. Overall, there will be an average of just under two per unit.

Commissioner Hall asked if the apartment complex residents can also use the RainDance amenities? Mr. Williamson stated that he believed they will be able to as they are renting from a property owner within the RainDance subdivision. Commissioner Hall asked if the neighborhood meeting had a virtual option to attend or if it was only in-person? Mr. Williamson responded that there was only a virtual option to attend. Commissioner Hall asked if there was any concern with the traffic study that it was done during a pandemic when people are not really driving as much as they used to? Mr. Williamson responded that there were new traffic counts generated for the updated TIS, it took the existing information that was in the mast TIS and modified the land use assumptions that had changed between the mast TIS and the new plan and distributed those trips into the background traffic.

**Ms. Scheuerman moved to forward a recommendation of approval to Town Board the Final Site Plan as presented; Mr. Valdes seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Bushelman, Scheuerman, Hall, Dennison, Reddick, Valdes  
Nays – None  
Motion passed**

D. COMMUNICATIONS

1. Communications from the Planning Commission

Chair Schick welcomed new Commissioner Valdes to the Commisison as well as welcome new alternate members Roger Colonnese and Eric Bernhardt.

2. Communications from the Town Board liaison

Town Board Liaison Wilson stated that the Board has been reviewing the upcoming year's budget. The Town has not been effected by Covid like originally thought, so the Town is in a better financial position than orignianlly thought due to sales tax and development.

3. Communications from the staff

Ms. Malone reported that there are upcoming meetings for 7<sup>th</sup> Street and Code Updates.

Mr. Hornbeck reported that there is a Work Session with the Town Board on Monday, November 9<sup>th</sup> regarding the 7<sup>th</sup> Street project.

Mr. Eisenbraun reported that Town Board wanted to see some additional projects that Urban3 have done and wanted to collect any additional feedback from the Commissioners.

Ms. Frawley reported that remote voting affirmations would be sent out to commissioners via docusign and requested they are returned by the following day.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:04 p.m.



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Karen Frawley, Town Clerk