



PLANNING COMMISSION REGULAR MEETING

Town Board Chambers May 19, 2021 - 6:00 PM

Virtual Meeting Only. Join this meeting online:

<https://windsorgov.zoom.us/j/94982059464> Or by phone: (877) 853 5247 US Toll-free / (888) 788 0099 US Toll-free Meeting ID: 949 8205 9464

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.

MINUTES

A. CALL TO ORDER

Chairman Schick called the meeting to order at 6:00 p.m.

- | | | |
|----|---------------|--|
| 1. | Roll Call | Chairman Schick
Vice-Chair Jerry Bushelman
Doug Dennison
Kelly Hall
Timothy Reddick
Jose Valdes
Roger Colonnese |
| | Absent | Cindy Beemer
Eric Bernhardt
Barry Wilson, Town Board Liaison |
| | Also Present: | Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner
Kimberly Lambrecht, Planning
Technician Doug Roth, Civil Engineer
McKenzie Payne, Visual Media Coordinator
Trisha Conway Deputy Town Clerk
David Tschetter, Applicant
Stephanie Thomas, Northern Engineering |

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

Doug Dennison moved to approve the agenda as presented, Vice Chairman Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas - Bushelman, Colonnese, Dennison, Hall, Reddick, Schick, Valdes; Motion Passed.

3. Public Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Planning Commission.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Public Comments are expected to be constructive. Written comments are welcome and should be given to the Secretary prior to the start of the meeting. Written materials will not be accepted during the meeting in the interest of

time.

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

B. CONSENT CALENDAR

1. Minutes of the May 5, 2021 Planning Commission Meeting – K. Frawley, Town Clerk

Doug Dennison moved to approve the minutes of the meeting of May 5, 2021 as amended to add Jose Valdes name to the roll call, Vice Chairman Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas - Bushelman, Colonnese, Dennison, Hall, Reddick, Schick, Valdes; Motion passed

C. BOARD ACTION

1. Public Hearing - Final Major Subdivision - Village East Subdivision 8th Filing - David Tschetter, Global Asset Recovery LLC, applicant.

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

The applicant, Mr. David Tschetter, has submitted a final major subdivision plat known as Village East Subdivision 8th Filing. The subdivision encompasses approximately 63 acres and is zoned RMU-1 (Residential Mixed Use) and GC (General Commercial). The proposed subdivision includes 131 single-family residential lots with tracts for open space, drainage/irrigation easements and future development including multifamily residential and neighborhood commercial.

The preliminary major subdivision was approved by the Planning Commission on April 1, 2020. The final major subdivision is consistent with this approval.

Final Plat characteristics:

- 63 total acres
- 131 single-family lots (22.22 acres)
- Minimum required lot size for single-family residential lots: 6,000 sf
- Lot size range for this subdivision: 6,000 sf – 15,041 sf
- Density: 5.8 du/ac ·
- A tract (Tract V) for two future single-family lots (.41 acres / .6%) ·
- Tracts for future development: 9.9 acres (15.6%) ·
- Parks - Not applicable due to location proximity to Village East Park
- Extension of trail system, including an extension of Great Western Trail ·
- Public right-of-way: 11.56 acres (18.26%) ·
- Tracts for open space / drainage: ~ 9.15 acres (14%)
 - New Cache La Poudre Irrigation Company easement: 3.65 acres (5.77 %) ·
 - Law Consolidated Ditch easement: 3.18 acres (9.6%) ·
- Total open space, drainage and ditch easements: 15.98 acres (29%)
- Required open space in RMU zone district: 20%
- All open space and drainage/ditch easements, with exception of New Cache La Poudre Irrigation Company easement, will be maintained by the subdivision homeowner's association

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.

Objectives :

1. Prioritize new growth in areas currently served by Town infrastructure and services.
3. Develop new neighborhoods adjacent to the Town core.

4. Encourage the oil and gas industry to remediate, reclaim, and develop former oil and gas extraction and mining sites as they come offline.

Staff comment: The applicant has provided evidence that an oil and gas well on the property has been capped and abandoned in accordance with the State of Colorado Oil and Gas Conservation Commission (COGCC), and evidence of the State's acceptance of the abandonment. While the COGCC, nor the Town, have specific setback requirements between capped and abandoned wells and homes, a 50-foot setback to any occupied structure has been included on the plat.

On the northeast corner of the property (Tract V), the area is currently being mitigated for a spill. This mitigation is near the final stages and is expected to be fully mitigated in July of this year. Once completed, Tract V will be eligible for two additional single-family residential lots through the Minor Subdivision process. The Minor Subdivision process is administrative.

5. Support maintenance and investment in existing neighborhood infrastructure and services as the Town grows.

6. Work cooperatively with adjacent municipalities to coordinate future land use and development within intergovernmental planning areas and amend intergovernmental agreements to meet evolving community needs and land use demand.

Staff comment: Town Windsor staff, Town of Severance staff, the applicant and applicant's team of consultants have been coordinating throughout the review of this application to ensure the proposed development with future development plans east of WCR 21 in Severance. Coordination with this group will continue as the development progresses through construction and future development phases.

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. Promote multi-modal connectivity to increase neighborhood access and resident mobility.
4. Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Notifications

The public hearing notifications were as follows:

- April 19, 2021 – affidavit of mailing to property owners within 300 feet
- May 7, 2021 – display ad published in the newspapers
- May 7, 2021 – signs (2) posted on the property
- May 5, 2021 – notice posted to Town's website

Surface Development Notification.

Colorado Revised Statutes (C.R.S. § 24-65.5-103) requires that mineral estate owners are notified 30 days prior to the initial public hearing of the development proposal. Mineral owners may waive the 30-day notification requirement. The applicant has provided the list of mineral owners and an affidavit that this requirement has been met by the applicant.

Chairman Schick opened the public hearing.

Alternate Commissioner Colonnese was seated as voting member during this item to fill in for absent regular members.

Ms. Malone reported the connectivity to an existing neighborhood to the Northwest. The final plat will include construction of a 10' wide trail along the Great Western Trail. Greenville Way will allow for another connection to the West, Dakota Way is the connection that ties into the neighborhood.

Mr. Tschetter reported he is available to answer any questions.

Commissioner Hall asked Ms. Malone about the landscaping off of County Road 21.

Ms. Malone reported a small section of County Road 21 will not have any trees due to the right-of-way, sidewalk, and utilities easement.

Commissioner Hall asked Ms. Malone about whether housing are facing County Road 21.

Ms. Malone reported it's the back of houses mostly adjacent to open space.

Commissioner Reddick asked Ms. Malone whether there's any direct access to Highway 392.

Ms. Malone reported; no, the access is the street connection to the neighborhood to the North of County Road 21.

Doug Dennison moved to close the public hearing, Vice Chairman Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas -Bushelman, Colonnese, Dennison, Hall, Reddick, Schick, Valdes;

2. Recommendation to Town Board - Final Major Subdivision - Village East Subdivision 8th Filing - David Tschetter, Global Asset Recovery LLC, applicant
 - Quasi-judicial
 - Staff Presentation: Carlin Malone, Chief PlannerPleaserefer to public hearing item material.

Chairman Schick asked Ms. Malone whether she had anything additional.

Ms. Malone reported she had nothing further to add.

Chairman Schick opened the meeting for commissioner comment.

Doug Dennison moved to forward a recommendation of approval for the final major subdivision Village East Subdivision 8th Filing subject to recommendations by staff, Timothy Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Bushelman, Colonnese, Dennison, Hall, Reddick, Schick, Valdes;

D. COMMUNICATIONS

- Communications From Planning Commission

Commissioner Valdes asked Mr. Ballstadt how the planning department was addressing issues for consistent use of diverse housing, and environmental standards before these final major subdivisions are presented to the Planning Commission for recommendation to Town Board.

Mr. Ballstadt reported the projects undergo a thorough review from Planning, Engineering, Parks and Recreation, Public Works, Fire District, SAFEbuilt, and any referral agencies like the school district, utilities before being presented to the Planning Commission. Town of Windsor likes to provide a recommendation of approval without large outstanding issues to avoid derailing any projects in a public setting. The project being reviewed tonight has been under review for several years, and any environmental concerns similar to flood plain, oil and gas mitigation considerations on a site take a lot of time to review before planning will recommend approval. The Town is considering more review of a dense development pattern referencing the Urban3 discussion at Monday night's Town Board meeting. Urban3 pointed out based on the Town of Windsor's landuse pattern there will be some additional conversations regarding funds to maintain infrastructure after subdivisions have been completed.

Ms. Malone reported a lot of coordination and review happens behind the scenes with these

projects. The project being reviewed tonight we've been working on for the past 6 years partnering with agencies like Town of Severance, Oil and Gas, CDOT, applicant, and several other agencies to provide a recommendation of approval.

Chairman Schick commented when an applicant, and Town can't compromise on a project it will be presented to the Planning Commission to make a decision.

Commissioner Valdes reported he wants to become more familiar with the environmental aspects, diversified housing, and how it's characterized through the process for Town codes.

- From Town Board Liaison
Town Board Member Wilson was absent
- Communications From Staff

Ms. Malone reported on a referral for Delantero PUD received from the City of Greeley. The property is located outside of our GMA, and our community influence area. This is a large plan unit development proposal, located East of County Road 17, and Highway 34. The property is located outside of the coordinated planning area with Greeley in our intergovernmental agreement, however the property is located in a utility area. The City of Greeley is studying plans for the sewer, and Townstaff has put together draft comments. Under review is one of the Town of Windsor's sewer system, which the Town could not support without further discussion. The property is mixed use from single family, multi-family, commercial, industrial, school site, and parks. The Town wants to make sure they adhere to CDOT traffic recommendations regarding the intersections at County Road 17, and Highway 34. The project would contribute substantially to traffic on Highway 257.

The review comments are Windsor currently does not have any sewer extending to the general project area. Furthermore the project area appears to be located in an area not included in the Town 208 sewer boundary or any identified 208 service boundary. Windsor is not currently favorable of being responsible for O&M of a long sewer connection from the Town sewer plant to the site. If a line was installed by the developer/Greeley to Windsor's treatment plant Windsor would want to see the following take place:

1. A study to determine plant capacity needs and upgrades.
2. Greeley would own and maintain the sewer line.
3. Greeley/Developer pay all plant investment fees.
4. A master meter would be installed prior to sewage entering the plant.
5. Necessary agreements worked out between Windsor and Greeley.

Mr. Ballstadt reported this is outside of the area we normally review, and outside of our 3-mile planning/community influence area.

Commissioner Dennison asked Mr. Ballstadt why City of Greeley doesn't connect to their own sewer system.

Mr. Ballstadt reported that's the reference to the Town's 208 sewer boundary, and Greeley would have to amend to take the sewer to a different basin.

Mr. Roth reported the area the sewer line would have to travel is not identified as what we call the 208 service area boundary for Greeley or Windsor. It's a gray area on the map that has not been identified or agreed to on who's servicing it.

Mr. Ballstadt asked Mr. Roth to explain who establishes those 208 boundaries.

Mr. Roth reported the boundaries are reviewed by Northern Front Range Water Quality Planning Association a cooperative of all the different municipalities working together for services area boundaries.

Commissioner Bushelman asked Mr. Ballstadt why would we consider Greeley connecting to our treatment plant where we are using up capacity ourselves.

Mr. Ballstadt reported that's part of the conversation with Greeley, and we would need an IGA. Town of Severance has a lot of developments that connect to our sewer treatment plant, and it's all part of the cooperative agreements. The City of Greeley will have to pay for it, and the Town of Windsor will not be subsidizing it.

Chairman Schick commented we are in the preliminary stages just reviewing different alternatives to start discussions.

Commissioner Reddick asked Mr. Ballstadt to see reports during further discussion for the future consumption needed for Windsor's sewer treatment plant in addition to the preliminary information as proposed.

Mr. Ballstadt reported that's part of the criteria that will be reviewed.

Commissioner Hall asked Mr. Ballstadt how the comprehensive plan will be reviewed, and distributed surrounding growth of Windsor.

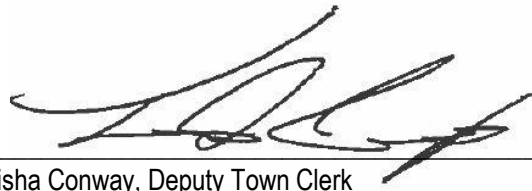
Mr. Ballstadt reported elected officials advise us if we are growing too fast to ensure we are meeting all of our codes, and the comprehensive plan. Town of Windsor is reviewing the budget to start discussions around a consultant to help us with the next update. We will be starting the RFP process at the end of 2021 assuming it's approved in the budget, hiring a consultant early 2022, and form an advisory committee. In 2016 we had 15-18 Windsor residents, Planning Commission, Town Board, business leaders, school district representatives, housing representatives advising staff the direction they wanted to go. We have open houses, outreach events, and public events to gain public comment. Staff is looking at all of these proposals with the adopted codes, and for things to change those codes need to be changed.

Ms. Conway reported the voter affirmation forms for tonight's meeting will be sent via Adobe Sign please complete those within 24 hours.

Mr. Ballstadt reported this week we made masks optional in Town Hall for fully vaccinated employees. Town Board will begin allowing in person meetings starting in June, following the Town Boards lead we will stick to a remote meeting the first week in June then discuss transitioning to in person meetings. There could be an option for virtual attendance, but the Town will have to update our Bylaws to allow for remote voting.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 6:48 p.m.



Trisha Conway, Deputy Town Clerk