



PLANNING COMMISSION REGULAR MEETING

Town Board Chambers August 4, 2021 - 7:00 PM

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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 7:00 p.m.

1. Roll Call

Chairman Schick
Vice-Chair Bushelman
Cindy Beemer
Kelly Hall
Timothy Reddick
Jose Valdes
Doug Dennison

Absent

Eric Bernhardt

Also Present:

Roger Colonnese, Alternate
Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner
Sandra Mezzetti, Planner II
Doug Roth, Civil Engineer
Desa Blair, Civil Engineer
John Thornhill, Community Dev. Director
Leif Lesoing, Water Resource Admin
Barry Wilson, Town Board Liaison
McKenzie Payne, Visual Media Coordinator
Trisha Conway, Deputy Town Clerk
Colton Lind, Water Valley
Garrett Scallon, Water Valley

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

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

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

Cindy Beemer moved to approve the minutes of the meeting of July 21, 2021 as presented, Jose Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Dennison, Hall, Reddick, Schick, Valdes; Abstain - Bushelman, Colonnese;

C. BOARD ACTION

1. Public Hearing - Rezone from General Commercial (GC) Zoning District to Light Industrial Zoning District (LI) Zoning District - Tract D of South Gate Business Park 1st Filing and Lot 3 of South Gate Business Park 4th Filing, Martin Lind, Windsor South Gate Development LLC; Owner/Applicant and Derek Patterson, TST Engineering, Own's Representative, Garrett Scallon, Windsor South Gate Development LLC, Owner's Representative

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

The applicant, Martin Lind, Windsor South Gate Development, LLC., represented by Derek Patterson of TST Engineering and Garret Scallon, Windsor South Gate Development, LLC, has submitted a rezoning application to rezone 37.89 acres from GC (General Commercial) to LI (Limited Industrial) zone district. The proposed rezoning is located at 900 South Gate Drive, north of South Gate Drive and west of Weld County Road 17 in the Town of Windsor. The subject rezoning plat includes South Gate Business Park Subdivision 1st Filing Tract D, a 8.93-acre parcel, and South Gate Business Park Subdivision 4th Filing Lot 3, a 28.96-acre parcel.

The property is currently vacant and is surrounded by following zoning and land uses:

North: Ag (Agricultural – Weld County zoning); industrial (landscape business), and a vacant dairy (previously Cozy Cow Dairy)

South: GC (General Commercial) (South Gate Business Park); existing uses of commercial
East: GC (General Commercial) (South Gate Business Park); existing uses of commercial (Extraction Oil and Gas Headquarters)

West: GC (General Commercial) (South Gate Business Park); existing use of institutional (Aims Community College)

The property was annexed in 2005 with the South Gate 6th Annexation, at which time it was zoned General Commercial PUD. In conjunction with the annexation in 2005, a master plan was approved, known as the South Gate Master Plan. The subject parcel is part of Parcel G in the 2005 master plan, which designates this area as “Corporate Headquarters”; however, the subject parcel, with the exception of the lot to the east (Extraction Headquarters site), has remained undeveloped since this time. The property owner has petitioned to rezone the property to Limited Industrial zoning to create more flexible development opportunities for the parcels than the General Commercial district would allow. The change in zoning would allow for a transition of uses between the commercial zoning to the south of the property and the unincorporated Weld County agricultural zoning with industrial uses to the north.

The Windsor-Greeley Intergovernmental Agreement (IGA), adopted in 2008, describes the US Highway 34 travel corridor as a preferred location for a mix of regional employment and community separator-type land uses. The IGA states that preferred land uses allowed within this corridor should relate to principal employment functions, such as professional business parks, light industrial and select medium industrial uses. The land use area one half mile north of US Highway 34 is identified as Primary Cooperative Land Use Annexation and Utility Area

(Principal Employment Corridor). The area further north of the one half mile are is identified as *Secondary* Cooperative Land Use Annexation and Utility Area (*Secondary Corridor Area*). Currently, light industrial uses suitable for the business park area are not permitted in the GC zone district.

A summary of the principal land uses allowed within the Town's General Commercial zone district include:

- Drive-in restaurants
- Grocery stores and supermarkets
- Gasoline service stations and car washes
- Commercial lodging
- Restaurants and bars
- Outdoor sales areas, including garden shops and automobile sales
- Lumber and building supply yards
- Public, private, commercial and private group indoor and outdoor recreational facilities
- All uses allowed in the CB (Commercial Business) zone district

Many of the land uses outlined within the IGA are allowed within the Town's Limited Industrial zone district, but not within the General Commercial zone district, such as:

- Manufacturing, assembly, processing and fabrication plants (fully enclosed, light manufacturing only)
- General warehousing
- Plumbing, heating and electrical contractors
- Glazing, insulation carpentry, masonry and painting contractors
- Research and scientific laboratories
- Public utility offices and installation
- Food processing and preparation (fully enclosed with no adverse environmental impacts)
- Printing and publishing houses
- Transportation facilities (excluding truck terminals and truck stops)

The IGA also states that outdoor storage is only allowed when fully screened from all rights-of-way and adjacent to non-industrial zoned properties, and where clearly subordinate to the principal land use. Limited outdoor storage is also allowed within both zoning districts as an accessory/subordinate use to the principal use when fully screened. Outdoor storage within the LI zone is limited to the same screening requirements as the GC zone district, plus no more than 65% of the total square footage of the property may be outdoor storage. Additionally, with the increase of paving, there are additional requirements, including submitting to the Town a maintenance plan for such paving and an increase in landscape area to offset the increase in impervious surface.

The applicant has expressed in the narrative that intended users of the property are looking for building showroom and office space, with flexible areas, interior and exterior, and uses currently not allowed in the GC zone district, such as manufacturing, warehousing, and material storage. The LI zoning provides the flexibility for these uses, as well as all uses currently allowed within the GC zoning district.

The subject rezoning application constitutes an amendment to the Town's Official Zoning District Map. In accordance with Article II of Chapter 14 of the Municipal Code, the rezoning from GC to LI is in compliance with the Town's 2016 Comprehensive Plan goals and objectives, as outlined below.

The applicant held a neighborhood meeting on July 6, 2021. There were eleven attendees. Please refer to the enclosed meeting summary for all topics discussed at the meeting. The main topics were road infrastructure timing and the private drive, traffic and timing of a future traffic signal at 17th Drive and South Gate Drive. Additionally, if there would be a separate business owner association (BOA) for the rezoned lots.

Conformance with the Comprehensive Plan

The rezone petition is consistent with the following comprehensive plan goals and objectives:

Chapter 5d – Commercial & Industrial Areas Framework Plan

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

Objective 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: The South Gate Business Park is part of the Windsor-Greeley Inter-Governmental Agreement (IGA). The IGA expresses a broad vision for the area, including a mix of commercial and light industrial land uses. The corridor is currently a mix of businesses ranging from commercial uses such as Woodward (engineering offices), institutional/educational with AIMS Community College and Training Center, to retail uses such as Bobcat of the Rockies. The light industrial land uses outlined in the IGA are consistent with the uses allowed within the Town's Light Industrial zone district.

Per the IGA, the Town refers all new development proposals within the South Gate Business Park Subdivision to the City of Greeley for comments and/or recommendations. As such, the subject rezone proposal was referred to the City of Greeley and Greeley provided a response of no concerns with the proposed rezone.

Objective 9: Pursue the use of zoning and form-based development tools that promote and encourage the type of mixed-use character the community prefers.

Staff comment: South Gate Business Park Subdivision is currently zoned General Commercial. The rezone would provide a zone district that would allow for a transition of uses between the commercial areas to the south and the existing industrial uses within Weld County agricultural zoning to the north of South Gate Business Park.

The IGA focuses on the primary employment uses within one half mile north of US Highway 34 and includes a landscape buffer and building setback of 100 feet from the highway, as well as "entryway treatment" (gateway) design standards, however, the area for the proposed rezone does not have the same commercial visibility as those properties adjacent to the highway corridor.

The northern lots in South Gate Business Park that are contiguous to similar uses in unincorporated Weld County are an appropriate location for rezoning, as opposed to properties further to the south and closer to US 34 that are more appropriately zoned General Commercial. The rezone to LI would offer more flexibility in the land uses by allowing additional suitable industrial business park uses, as identified in the IGA.

Development within the proposed rezoned area will remain subject to the South Gate Business Park Annexation architectural design standards and landscape standards, ensuring the visual quality of the area is preserved.

Notification

The applicant held a neighborhood meeting on July 6, 2021, virtually via Zoom. A link to this meeting was included in the mailing to adjacent property owners.

Notifications for the neighborhood meeting were as follows:

- June 16, 2021- display ad published in Greeley Tribune
- June 16, 2021 - applicant mailed letters to surrounding property owners
- June 23, 2021- display add published in the Windsor Beacon
- June 23, 2021 – affidavit of mailing to property owners within 500 feet

Public Hearing notifications for the Planning Commission and Town Board meetings were completed in accordance with the Municipal Code as follows:

- July 7, 2021 – public hearing notice published to Town website
- July 8, 2021 – development signs posted on property

July 9, 2021 - applicant mailed letters to surrounding property owners within 500 feet
July 9, 2021 – public notice published in newspaper
July 13, 2021 – affidavit of mailing to property owners within 500 feet

Chairman Schick reported that any public present for a packing plant or slaughter house conversation from social media is not on tonight's agenda.

Mr. Ballstadt reported that Town of Windsor does not have an application for any packing plant or slaughter house for any future agenda.

Town Board Member 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 a 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 discussions. 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."

Ms. Mezzetti reported after the packet was distributed the Planning department received several inquiries about this development. Only one of the inquires was regarding this property about what uses are going to be proposed in this area.

Chairman Schick opened the meeting for the applicants presentation.

Brian Williamson, TST, Inc Consulting Engineers reported on the concept plan, general buildings about 10,000 sq. feet with larger manufacturing lots with space to showcase goods. The purposes of rezoning is to diversify the potential land uses on the property, retain the general commercial land uses, and demand for the flex industrial building in Windsor.

Chairman Schick opened the public hearing.

Brent Eskew 7711 Windsong Road, Windsor reported .25 mile North of this property is the Windsong Subdivision. Mr. Eskew reported concern regarding what the light industrial uses will cause a lot more of light, and noise pollution in a residential area.

Franklin Hal 28605 County Road 17, Windsor reported concern of noise and light pollution with his home being 500 feet from the proposed rezoning, and the Great Western Industrial Park is located close enough to this location with the same light industrial uses.

Kathleen Fagerstone 28885 Brookside Drive, Windsor reported she has concerns about light industrial uses surrounding noise, smell, light pollution, food processing is also listed on the Commercial application.

Milford Lee Mast 1825 Hydrangea Drive, Windsor asked about another public hearing being scheduled to review the proposed uses if the rezoning of this development is approved.

Mr. Ballstadt reported after the rezoning is approved the major subdivision process will require another public hearing. Minor subdivisions and site plans are all completed administratively.

Chairman Schick opened the meeting for Commissioner questions or comment.

Commissioner Beemer asked Ms. Mezzetti about the building located west of this lot.

Ms. Mezzetti reported that building is Aims Community College.

Commissioner Beemer asked Mr. Ballstadt about the annexation, and the Intergovernmental agreement (IGA) why the rezoning wasn't proposed at that time.

Mr. Ballstadt reported the Greeley IGA was adopted at the same time this annexation was under review. South Gate annexation was originally proposed for the car dealerships.

Commissioner Valdes asked Mr. Williamson about the light industrial area to the west.

Mr. Williamson reported he did not believe the applicant owned the property west of this location.

Commissioner Valdes reported concern about all of the different light industrial uses this property could be used for.

Mr. Williamson reported that the IGA limits truck terminals, truck stops, limiting to light industrial manufacturing, limiting several different uses. There are current site plan proposals in the works, but the applicant has limitations on what's proposed for those lots.

Mr. Ballstadt reported all of the properties to the west are all covered by similar development standards that are going to promote Commercial side of industrial. The Greeley IGA restricts uses, and the South Gate Annexation includes the Town of Windsor's commercial standards.

Commissioner Dennison asked Mr. Ballstadt: with all of the restrictions, do they address things like light, noise, and general concerns presented tonight by the public?

Mr. Ballstadt reported: yes, they would need to meet the Municipal Code standards for protection of dark sky and light pollution. For noise pollution, the code does not identify decibel levels, but the police department could enforce a nuisance.

Commissioner Dennison asked Mr. Ballstadt about timing restrictions for noise, and light pollution.

Mr. Ballstadt reported there is nothing written into the Municipal Code, but the site plan can be conditioned during review if it's presented to become a nuisance.

Mr. Ballstadt reported that the subdivision will require approval, and each individual lot will require a site plan approval. Staff will be reviewing all of the landscaping, parking, and architectural plans as part of the overall review.

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

2. Recommendation to Town Board - Rezone from General Commercial (GC) Zoning District to Limited Industrial (LI) Zoning District - Tract D of South Gate Business Park 1st Filing and Lot 3 of South Gate Business Park 4th Filing, Martin Lind, Windsor South Gate Development LLC; Owner/Applicant and Derek Patterson, TST Engineering, Own's Representative, Garrett Scallon, Windsor South Gate Development LLC, Owner's Representative

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

Please refer to public hearing item material.

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

Ms. Mezzetti reported she had nothing further to add.

Chairman Schick opened the meeting for commissioner comment.

Commissioner Hall asked Mr. Ballstadt what the process is to put a noise ordinance into the Municipal Code.

Mr. Ballstadt reported the Town Board would have to amend the land use code for a specific recommendation. The current code is based off of noise and nuisance allows for some flexibility determining whether it's reasonable or not. Most of the complaints received are construction noise in active subdivisions, and when you restrict shutting down a job it prolongs the construction process.

Vice Chairman Bushelman moved to forward a recommendation of approval to Town Board for the Rezone from General Commercial (GC) Zoning District to Limited Industrial (LI) Zoning District, Tract D of South Gate Business Park 1st Filing and Lot 3 of South Gate Business Park 4th Filing., Timothy Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Bushelman, Dennison, Hall, Reddick, Schick, Valdes; Abstain - Colonnese;

D. COMMUNICATIONS

- Communications From Planning Commission

Commissioner Dennison asked Chairman Schick about when a commissioner recuse from a Board Action item do they need to leave the room.

Chairman Schick reported whenever a Commissioner believes they have a conflict of interest the Commissioner must recuse, and leave the room until the motion has been discussed and voted on by the remaining members.

- From Town Board Liaison

Town Board Member Wilson reported during Town Board Work Session there was discussion about increasing the Park Development Fee. Update on body cams with legislation at the State level, 2nd discussion about the regulation of feral cats. Presentation from Mr. Robbins head of the Colorado Oil & Gas Conservation Commission (COGCC) reviewed Oil & Gas regulations at the State level. Discussion about financial assurances related to the Stromberger Farm the Town of Windsor considered purchasing in December 2017. There was an explosion, and the ground is now contaminated. During an environmental study the Town of Windsor found the contamination, and the COGCC said it's the fire departments responsibility on Oil & Gas, and the Colorado Department of Public Health and Environment (CDPHE) said the chemicals aren't classified yet in Colorado as hazardous materials. There is no accountability to clean up the hazardous material, which has not been cleaned up. Discussions on snow plows with approval of two new plows, which are ordered to get them into circulation. Boardwalk walk discussions regarding nuisances, laws being broken, dedicated a full-time police officer to the area. Town Board distributed awards to some deserving police officers for their efforts, and saving lives. Approved an incentive agreement for Woodward moving into the industrial area along Hwy 34, Street names are changing in Raindance, and an annexation to Colorado Blvd / County Road 13 North of Highway 392 in front of Kyger Reservoir.

Commissioner Valdes asked Town Board Member Wilson about the police activity or nuisances at Boardwalk Park.

Town Board Member Wilson reported vandalism, fighting, theft, drug use, alcohol use are some of the concerns at Boardwalk Park. The police have gathered data, and want to make it a safer environment for all residents.

- Communications From Staff

- 1.

Overview of Windsor Water Requirements for New Development

Mr. Thornhill introduced Leif Lesoing, Water Resource Administrator for the Town of Windsor.

Mr. Lesoing reported on the Town of Windsor water dedication policies. The portable water system is the water that's treated, and Windsor receives treated water from Fort Collins/Loveland Water District, North Weld County Water District, and the City of Greeley. North Weld and Fort Collins share Solider Canyon Filer Plant with East Larimer County District. City of Greeley has two treatment plants located in Bellevue, and Boyd Lake on the south side. Average daily winter demand is 1.3 million gallons per day, and in the summer it's 4 million gallons per day. Town of Windsor total population is 36,700, and Windsor's water service area population estimate is 24,000 - 25,000. Last year the Town of Windsor went over 9 million gallons of water, receiving 212 million gallons from Greeley, 110 million gallons from Fort Collins/Loveland Water District, and 588 million gallons from North Weld Water. About 70% percent of Windsor is all residential water use, and 90% percent of the accounts is what makeup Windsor water. Colorado Big Thompson project the Town owns 3,969 units, and 533.75 shares (2,135 CBT Units) in North Poudre Irrigation Company.

Commissioner Valdes asked Mr. Lesoing about the current and anticipated supply of Northern Integrated Supply Project (NISP).

Mr. Lesoing reported it's anticipated to have record of decision on NISP in the next year. This is

the final stage of the mitigation process to ensure water quality, wetlands, and U.S. Fish and Wildlife.

Commissioner Valdes reported unless NISP comes online at a population of 40,000 the Town of Windsor would have trouble supplying water to residents.

Mr. Lesoing reported that's correct, but there would be measures taken to slow growth if water was not available.

Mr. Thornhill reported Town of Windsor only supplies a water service area of 25,000 residents. The Town is invested in the NISP project at 8.25% percent which costs over 100 million dollars, maintaining that project, the debt ratio has all been a part of cash n' lieu on all new growth coming into Windsor. Mr. Thornhill reported the Town is working on temporary resources of water if that firm yield has been met.

Mr. Lesoing reported on the non-potable dual use systems in Windsor: 1994 Water Valley becomes Windsor's first development to propose building a dual water distribution system, 19995 data for existing homes showed that approximately 50% of total water use was for indoor use, 2003 passed Ordinance requiring secondary water systems for irrigation of new residential development within the Town of Windsor urban growth boundary.

Mr. Ballstadt reported that historically it's a requirement that farms bring the dual-water system for indoor and outdoor water.

Mr. Lesoing reported Ordinances require mandatory construction of non-potable secondary water systems for irrigation, systems privately managed by metropolitan districts, HOA's, or other public or private entity subject to approval by the Town of Windsor. There are established geographical areas where non-potable systems shall be required, and conditions of non-potable secondary water systems shall be a condition of annexation.

Mr. Lesoing reported starting in 2019 the Town of Windsor is 100% cash in lieu of raw water dedication. Single family home has to bring 0.25 foot per house, and Multi-family is 0.15 foot per house with a Non-potable system (AF). Single family home has to bring 0.5 foot per house, and Multi-family is 0.15 foot per house plus 18 gallons per square foot or irrigation area Without a non-potable system (AF). Commercial / Industrial varies based upon demand with a non-potable system (AF), and indoor demand plus 18 gallons per square foot and 26% system shrink Without non-potable system (AF).

Commissioner Dennison asked Mr. Thornhill about the Town of Windsor taking an official position on Terry Ranch.

Mr. Thornhill reported the Town of Windsor talked to the individuals running that project, we couldn't commit that money elsewhere. There was discussion about drought protection for the future with that project, and that's a possibility with other entities. Right now City of Greeley is the only municipality that has purchased that water, and owns those units for development.

Commissioner Reddick asked Mr. Thornhill about retro fitting all of the Communities with non-potable or irrigation water.

Mr. Thornhill reported it's possible if the developer can purchase the water rights on the open market.

Mr. Thornhill reported we have a water efficiency plan on file with the State, Water & Sewer Board is actively looking at the different areas. The 3000 customers that are on a portable water system how can we get them to use water more efficiently.

2.

Site Plan Review - Lot 2 Eagle Crossing 10th Filing, Martin Lind, Eagle Crossing Windsor LLC, Owner, Derek Patterson, TST Engineering, Representative, Colton Lind, Water Valley Land Company, Owner's Representative.

Mr. Ballstadt reported on the Site Plan review for Lot 2 Eagle Crossing 10th Filing. The information is

located in the packet, deadline for any Commissioner comments is Friday, August 6th.


3.

Site Plan Review - South Gate Business Park Subdivision, Block 1, Lot 1 (Woodward ATF) - Steve Stiesmeyer, Woodward Inc., Owner; and Wayne Timura, Next Level Development, Applicant

Mr. Ballstadt reported on the Site Plan review for South Gate Business Park Subdivision The information is located in the packet, deadline for any Commissioner comments is Friday, August 6th.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:25 p.m.



Trisha Conway, Deputy Town Clerk