



PLANNING COMMISSION REGULAR MEETING

November 7, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

Chairman Schick called the regular meeting of the Planning Commission to order at 7:02 p.m.

1. Roll Call

The following Planning Commission members were present:

	Gale Schick
	Doug Dennison
	Victor Tallon
	Dan Foreman
Alternate	Cindy Scheuerman
Absent	Kelly Hall
Absent	Jerry Bushelman
Absent	Travis Yingst

Town Board Liaison David Sislowski

Also Present:

Planning Director	Scott Ballstadt
Chief Planner	Carlin Malone
Senior Planner	Paul Hornbeck
Senior Planner	Millissa Berry
Deputy Town Clerk	Amanda Mehlenbacher

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. Tallon moved to approve the agenda as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Dennison, Tallon, Foreman, Scheuerman; 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 October 17, 2018

Mr. Tallon moved to approve the consent calendar as presented; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas - Schick, Dennison, Tallon, Foreman, Scheuerman; Nays – None Motion carried.

C. BOARD ACTION

1. Public Hearing – A Zoning proposal to create a Planned Unit Development (PUD) overlay district on approximately 57 acres known as Brands East PUD – Martin

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.

Lind, Eagle Crossing Windsor, LLC, owner/ Mitch Black, Norris Design, applicant's representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Sislowski stated with respect to each public hearing on tonight's agenda, "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."

Mr. Hornbeck introduced the applicant and presented the PowerPoint presentation included in packet material, with the following information: The applicant, Mr. Martin Lind of Eagle Crossing Windsor, LLC, represented by Mr. Mitch Black of Norris Design, is proposing to create a Planned Unit Development (PUD) overlay zoning district on approximately 57 acres known as Brands East PUD.

In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, to "provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well related open space and recreational facilities are integrated into the overall design."

The subject rezoning application will create a PUD overlay district which constitutes an amendment to the Town's Official Zoning District Map and the development standards approved with the PUD will be applied to future land use applications within the PUD district. This PUD proposes variations to allowed uses; site, architectural, and landscape design standards; and development review processes.

The Business Assistance Agreement approved by Town Board for this development stated that the "developers proposes to build (or cause to be built) approximately 1.2 million square feet of high-end, mixed-use, master-planned development consisting of major and minor retail anchor stores, mixed-use retail, multi-family apartment facilities, Class "A" offices spaces, a limited-service hotel, a full service hotel, pad sites for nationally recognized retailers and restaurants and a light industrial space..." The land uses listed in the PUD are generally consistent with the vision contained in the Agreement and with the vision of a mixed use neighborhood center.

Residential uses integrated into the development can be a vital part of creating a vibrant, mixed use neighborhood center. In order to ensure that a certain level of commercial development occurs prior to or concurrent with residential development, the applicant has agreed to the following restriction:

Residential development shall be limited to a maximum of four hundred (400) dwelling units until commercial development or building permit issuance equaling either a minimum of 50,000 square feet or commercial development with sales or forecasted sales in excess of \$25 million in gross annual sales.

The development standards proposed with the PUD are generally in keeping with the expressed goals of the Brands East development and are minor modifications from current code requirements. A few of the modifications are more considerable and are worth highlighting:

- Building heights up to 130' for office, residential, and hotels and 55' for all other uses (30' maximum allowed by Commercial Corridor Plan currently)
- A 0' setback for pedestrian oriented development interior to the site
- Allowance for reductions in required parking based on shared parking between uses at off-peak times (e.g. residential parking demand is highest overnight while office parking demand is highest during the day, allowing for some shared parking)
- Reduced livable open space required for multifamily development (e.g. recreation amenities or areas, clubhouse, etc.)

A number of variations to land use application reviews are proposed by the PUD. Such changes may be considered under the Municipal Code's PUD standards, which are "intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-blot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development."

Review Timeframes

One proposed PUD standard which varies from current practice is a mandated land use review time period for Town reviews of two weeks for site plans. The applicant has indicated the two week review timeframe is necessary in order to achieve parity with the Loveland Brands project in attracting development. Staff is committed to meeting these deadlines given the commercial mixed use priority of the Brands and the unique context of being a project that crosses jurisdictional lines with Loveland.

Administrative Approval of All Subdivisions

The PUD proposes simplifying land use reviews in a number of ways, including making future subdivision applications and standard site plans administrative reviews. Under the current municipal code requirements, a major subdivision is classified as any subdivision involving six or more lots and requires public notification and public hearings before Planning Commission and Town Board. Standard site plans (i.e. those other than commercial/ industrial) currently require Planning Commission and Town Board approval.

Master Sign Plans

Another simplification is allowing Planning Commission to review and approve a Master Sign Plan, which could allow signs to exceed Municipal Code requirements. Currently signs exceeding Code requirements require variance approval by the Board of Adjustment based on a finding of a hardship unique to the property. This is similar to the recently approved amendment to the RainDance PUD to allow for signage that may vary from Municipal Code requirements.

Staff recommends that Planning Commission forward to Town Board a recommendation of approval of the Planned Unit Development subject to all outstanding Planning Commission and staff comments being addressed.

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received during the public hearing
- Recommendation

Mr. Schick asked if anyone from the audience wished to speak on this matter.

Several members of the audience made it clear that they understand that growth is taking place in and around Windsor; however, they have many reservations regarding the details of the project. Items of concern included; additional traffic along County Road 5 and Crossroads Blvd., drastic changes to the character of the surrounding neighborhoods, lack of infrastructure and the building height of 130' being allowed.

Those who gave public comment include:

- Christopher Fair, 7038 Aladar Dr. Windsor, CO 80550
- Patrick Davey, 8795 Longs Peak Cir. Windsor, CO 80550
- Kimberlee Davey, 8795 Longs Peak Cir. Windsor, CO 80550
- Amber Oxley, 4609 Pompano Dr. Windsor, CO 80550
- Annie Birgenheier, 7406 Turnbull Ct. Windsor, CO 80550
- Vickie Reinke, 5203 Hialeah Dr. Windsor, CO 80550
- Curtis Reinke, 5203 Hialeah Dr. Windsor, CO 80550
- Doug Brobst, 7035 Aladar Dr. Windsor, CO 80550
- Adam Yeager, 5506 Evangeline Dr. Windsor, CO 80550

Martin Lind with Eagle Crossing Windsor, LLC provided a brief presentation on the Brands East Planned Unit Development project and responded to the comments made by residents.

Mr. Ballstadt assisted in responding to the concerns from the residents who gave public comment.

Mr. Schick asked if there were any questions from the Commission.

Several comments and questions were made from the Commission members which were answered by Mr. Lind and staff.

Mr. Tallon moved to close the public hearing; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Tallon, Foreman, Scheuerman; Nays – None; Motion carried.

2. Recommendation to Town Board – A Zoning proposal to create a Planned Unit Development (PUD) overlay district on approximately 57 acres known as Brands East PUD – Martin Lind, Eagle Crossing Windsor, LLC, owner/ Mitch Black, Norris Design, applicant's representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Ms. Scheuerman and Mr. Tallon affirmed their support for the PUD overlay as presented.

Mr. Tallon moved to forward a recommendation of approval to the Town Board for a zoning proposal to create a Planned Unit Development overlay district on approximately 57 acres known as Brands East PUD subject to the conditions stated by staff ; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Tallon, Scheuerman; Nays – Foreman; Motion passed 4:1.

3. Public Hearing – Rezoning Petition – Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner

Ms. Berry introduced the applicant and presented the PowerPoint presentation included in packet material, with the following information: The applicant, Mr. David Tschetter of Global Asset Recovery, LLC, is requesting to rezone approximately 65 acres within a portion of Eastbrook Annexation No. 1, a portion of the Eastbrook Annexation No. 2, and the entirety of the Eastbrook Annexation No. 3. Approximately 5 acres of the property (Eastbrook Annexation No. 2) would not be rezoned but retain its existing zoning designation. The property is located northwest of the intersection of SH 392 and WCR 21.

The existing zoning of General Commercial and Limited Industrial south of the Greeley No. 2 Canal reflect the vision of those uses along the SH 392 corridor. This area is a cooperative planning area for Windsor and Severance and, in 2000, the two communities entered into an Intergovernmental Agreement (IGA) to set the desired commercial and industrial uses for the corridor. However, in 2017, the two communities agreed to amend the IGA to allow for residential uses in portions of the cooperative planning area. This decision was partially based on a concept plan presented for the Eastbrook Annexation No. 1, No. 2, and No. 3 (a.k.a. Village East) properties. The concept plan (which can be found on slide 7 of the staff presentation) shows a continuation of the Village East Subdivision eastward with single family lots immediately east of the Village East Subdivision and a general commercial / neighborhood commercial area east of the John Law Ditch. A multi-family component is also proposed in the southwest portion of the plan. The proposed rezone would allow the concept plan to be realized. The rezone petition is also consistent with the proposed land use map amendment also on the November 7, 2018 Planning Commission agenda.

The applicant held a neighborhood meeting on September 27, 2018. Approximately 10 neighbors attended the meeting. The main topic of discussion was the projected traffic in the area, particularly additional traffic on WCR 21, due to any development that is planned.

Staff recommends that the Planning Commission forward a recommendation of approval of the rezone petition and ordinance to the Town Board subject to all Planning Commission and staff comments being addressed.

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received during the public hearing
- Recommendation

Mr. Schick asked if anyone from the audience wished to speak on this matter.

Mary Scott, 33111 CR 21, Windsor, CO. 80550, expressed her concerns regarding the increased traffic along Hwy 392 and WCR 21 and requested that staff look into ways to help reduce the speed limits.

Jack Bezzic, 692 Parkedge Circle, Windsor, CO. 80550, inquired about a large old tree along the property which provides habitat for many eagles and owls. Mr. Bezzic asked if saving the tree could be taken into consideration.

David Tschetter with Global Asset Recovery LLC, stated they have worked with staff to complete a traffic study and took a long look at the layout proposed in order to address the traffic concerns in the area. Mr. Tschetter also mentioned they did take the tree into consideration and as of now, the tree will remain on the property.

Mr. Hornbeck further added that the landscape code which is currently pending approval by the Town Board does have a tree preservation section. This would not mandate the preservation of the tree but would require mitigation if the tree were to be taken down.

Ms. Scheuerman stated that this proposal seems almost exclusively residential mixed use with only a small portion remaining as general commercial. Ms. Scheuerman inquired if this meets the spirit of the IGA amendment and if it's a good choice to eliminate such a substantial amount of general commercial area.

Mr. Ballstadt stated that the concept plan was reviewed by the Economic Development Department which they determined given the flood plain on the property and the additional site constraints, it would not be considered prime commercial ground.

Ms. Scheuerman inquired about the flood plain and if the property is set up to appropriately mitigate that.

Mr. Tschetter stated that the flood issue has been addressed by mitigating and meeting the zero rise tolerance which is the standard for Weld County with zero impact on the neighboring property.

Mr. Tallon moved to close the public hearing; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Tallon, Foreman, Scheuerman; Nays – None; Motion carried.

4. Recommendation to Town Board – Rezoning Petition – Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner

Ms. Berry had nothing further to add.

Mr. Tallon moved forward a recommendation of approval to the Town Board for a rezoning petition subject to the conditions stated by staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Tallon, Foreman; Nays – Scheuerman; Motion passed 4:1.

5. Public Hearing – Land Use Map Amendment – Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant

- Quasi-judicial
- Staff presentation: Millissa Berry, Senior Planner

Ms. Berry introduced the applicant and presented the PowerPoint presentation included in packet material, with the following information: The applicant, Mr. David Tschetter of Global Asset Recovery, LLC, is requesting an amendment to the Comprehensive Plan Land Use Map. The applicant is proposing to change the land use within the subject properties, located northwest of the intersection of SH 392 and WCR 21, from the existing land uses of General Commercial (GC), Residential Mixed Use (RMU), and Parks, Open Space, Mineral Extraction, and Floodplain (OS) to RMU and GC.

The land use amendment is consistent with the rezone petition also on the November 7, 2018 agenda and is consistent with a development concept plan for the site. The concept plan shows a continuation of the Village East Subdivision eastward with single family lots immediately east of the Village East Subdivision and a general commercial / neighborhood commercial area east of the John Law Ditch. A multi-family component is also proposed in the southwest portion of the plan. This concept plan was a factor on which the 2017 First Amendment to the Intergovernmental Agreement (IGA) with the Town of Severance was based. The IGA amendment resulted in the allowance of residential uses in a portion of the Windsor – Severance cooperative planning area that flanks SH 392 from SH 257 to WCR 23.

The following criteria have been considered in regard to the proposed amendment to the Comprehensive Plan Land Use Map.

- Conformance with the Comprehensive Plan: The proposal is in conformance with the Comprehensive Plan. The proposed land uses, RMU and GC, are currently applied to the subject properties in a different pattern than what is proposed. The proposal is also consistent with the following comprehensive plan goals and objectives:
 - **Chapter 5c Residential Areas Framework Plan:**
Goal: Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.
Objective 4: Foster a diversity of housing types and sizes through coordinated land use planning and zoning.
Objective 5: Support high density residential development near Downtown, commercial centers, and mixed-use nodes.
 - **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 3:** Develop new neighborhoods adjacent to existing neighborhoods and urbanized areas.
- Compatibility with Existing and Planned Land Uses: As mentioned above, the proposed land uses are a different configuration of what is currently seen on the Land Use Map. The RMU area is compatible to the properties to the west which are designated as RMU and Single Family Residential (SF-1). The GC area will be located north of an area currently designated as GC.
- Minimizing Detrimental Impacts to Existing or Planned Transportation System: The traffic counts for the proposed land use mix is estimated to be comparable to the land use mix shown in the existing land use map. The current zoning of the subject properties consist of GC, Single Family 2 (SF-2), and Limited Industrial (I-L). A traffic study, prepared for the concept plan, conveyed that a similar traffic generation would occur for both land use mixes based on the current zoning. Road connections would extend from stubs in the adjacent Village East Subdivision at Dakota Way, Cherryridge Drive, and Kendlebrook Drive. Dakota Way would continue to an intersection with WCR 21. The traffic study determined the appropriate location of the intersection with WCR 21 to ensure proper spacing between the WCR 21 and SH 392 intersection and the bridge crossing the Greeley No. 2 Canal.
- Adequacy of Existing or Planned Service Capabilities (sanitary sewer, water, etc.): Sanitary sewer and water are available in the immediate area and can be extended with the expansion of the road system. Water and sewer are also located in the great Western railroad right-of-way. Both systems are adequate to support the proposed land use designations.

Staff recommends that the Planning Commission approve Resolution No. 2018-03 as presented with the condition that the Town Board approve the rezone petition for the property.

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received during the public hearing
- Recommendation

Mr. Schick asked if anyone from the audience wished to speak on this matter. There was none.

Mr. Tallon moved to close the public hearing; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Tallon, Foreman, Scheuerman; Nays – None; Motion carried.

6. Resolution 2018-03 – Land Use Map Amendment – Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner

Ms. Berry had nothing further to add.

Mr. Tallon moved to approve Resolution 2018-03 as presented with conditions as stated by staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Tallon, Foreman, Scheuerman; Nays – None; Motion carried.

7. Preliminary Site Plan – Lake View Multifamily (610 Cedar Street) – Lake View Addition to the Town of Windsor, 4th Filing, Lot 2 – Joe Shrader, owner/applicant
- Quasi-judicial
 - Staff presentation: Carlin Malone, Chief Planner

Ms. Malone introduced the applicant and presented the PowerPoint presentation included in packet material, with the following information: The applicant, Mr. Shrader, has submitted a preliminary site plan for a multifamily residential building including six dwelling units and covered parking located on an approximately 16,000 square-foot (.367 acres) lot.

The property is located east of 7th Street/SH 257, north of Cedar Street, and west of Windsor Lake. A multifamily (4-plex) building to the west shares an alley with the subject property, single family residential is located to the south, and Town-owned land (Kern Reservoir and Ditch Company) is located north and east of the property. The property is zoned RMU (Residential Mixed Use) with RMU zoning to the east, west and north, and CB (Central Business) zoning to the south.

The property previously had a single-family home, built in 1957. Since 2014, the single-family building was demolished and the property has remained vacant since this time.

Proposed development characteristics include:

- six multifamily units within one, 5,486 sf building
- the applicant anticipates one, two and three-bedroom units
- building heights of 23'3" (35 feet maximum height in RMU zone district)
- façade colors would be compatible with the surrounding neighborhood
- asphalt shingles, painted lap siding (horizontal and vertical), synthetic stone wainscot, front covered porch entry, and rear covered patio or deck.
- 10 parking spaces (9 required) – parking ratio of 1.5 spaces per dwelling unit:
 - 6 spaces covered, 4 spaces uncovered
- approximately 41% open space and landscaped area
- 17% building coverage; 59% lot coverage
- access point from alley between Cedar Street and Cedar Court with an internal looped road/parking area
- Adjacent to Windsor Lake and in close proximity to trail system, Boardwalk Park, downtown, services, and schools

Staff recommends that the Planning Commission approve the preliminary site plan, subject to the following conditions:

1. All remaining Planning Commission and staff comments shall be addressed on the final site plan.

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

Mr. Tallon moved to approve the Preliminary Site Plan – Lake View Addition to the Town of Windsor, 4th Filing, Lot 2 subject to all remaining Planning Commission and staff comments being addressed on the final site plan; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Tallon, Foreman, Scheuerman; Nays – None; Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission
None

2. Communications from the Town Board liaison
None

3. Communications from the staff
a. Site Plan: Southgate Business Park Subdivision

Ms. Malone reported that the plan will be reviewed and approved administratively by staff; however, if there are any comments to please forward them to staff at your earliest convenience.

Mr. Ballstadt informed the Commission that the November 21, 2018 Planning Commission meeting has been cancelled due to the Thanksgiving holiday.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:41 p.m.



Deputy Town Clerk, Amanda Mehlenbacher