



Planning Commission Regular Meeting

June 7, 2023 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chairman Schick called the meeting to order at 7:00 p.m.

1. Roll Call

Present:

Chairman Schick
Vice-Chair Timothy Reddick
Cindy Beemer
Jose Valdes
Ben Kirch
Nathan Kinney
David Hassard

Also Present:

Town Board Liaison Tallon
Sandra Mezzetti, Senior Planner
Carlin Malone, Chief Planner
Kim Emil, Interim Town Attorney
Rece Lampe, Digital Media Coordinator
Kaitlyn Cinnamon, Deputy Town Clerk

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

Planning Commissioner Beemer moved to approved the agenda as presented, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chairman Schick opened the meeting up for public comment on any non-agenda item.

Gillian and Michael Christensen, 225 N. Chimney Park Drive, each individually addressed the Commission regarding height limits for the downtown district.

Kimberly Vitale, 819 Shirttail Peak Drive, spoke to the Commission regarding traffic concerns and height limits for the downtown district.

B. CONSENT CALENDAR

1. Approval of the May 17, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

Planning Commissioner Reddick moved to approve the consent calendar as presented, Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

Town Board Liaison Tallon gave a statement to the Commission.

"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 all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come 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 hearings."

C. BOARD ACTION

1. Public Hearing - Great Western 7th Annexation Master Plan - Dean Brown, owner and applicant, GWIP LLC.; Mark Cevaal, applicant's representative, Redland

The applicant, Mr. Dean Brown of GWIP LLC, represented by Mr. Mark Cevaal from Redland, has submitted a Master Plan application for 349.108 acres of land known as the Great Western 7th Annexation.

The subject property is part of the Great Western 7th Annexation of 2019. The Great Western 7th Annexation established zoning for the property of Heavy Industrial (HI). A Master Plan was not submitted at the time of annexation. Staff will be recommending approval of the Great Western 7th Annexation Master Plan.

The subject request proposes the following:

- Five defined planning areas (tracts) for heavy industrial uses;
- River Corridor Protection Area
- Weld County Road 23 ROW dedication
- Road E and Future Crossroads Boulevard expansion, internal ROW dedication
- Mining Plan

Adjacent Zoning:

North: Heavy Industrial (HI) – Vestas Blades America

East: Unincorporated Weld County Agricultural Zoning (AG) – Martin Marietta Parson Mine Operations, undeveloped parcel

Unincorporated Weld County Greeley Zoned - Vestas Blades America

South: Unincorporated Weld County Agricultural Zoning (AG) – Cache La Poudre River, undeveloped bluff area - Recreation and Open Lands (ROL) – Cache la Poudre River

West: Heavy Industrial (HI) – Central Oceans container storage, undeveloped properties (south), Ceti Alpha Cold Storage (Lineage), other industrial uses; Unincorporated Weld County Agricultural Zoning (AG) – Residential property; Unincorporated Weld County Industrial -1 (I-1) Zoning – residential property; Recreation and Open Lands (ROL) – Cache la Poudre River

Relationship to Land Use Code

Municipal Code Section 14-2-40 states that a Master Plan shall be required in the following situations:

1. *Concurrently with an Annexation Application if the Town determines the Master Plan is necessary to evaluate potential impacts of a proposed Annexation.*
2. *Prior to or concurrent with the subdivision of any parcel of land unless the Director determines it unnecessary due to existing infrastructure already being in place.*
3. *Prior to or concurrent with a rezoning application of any parcel of land unless the Director approves submittal of a Site Plan in-lieu of a Master Plan or if the site is already fully developed and the Master Plan serves no further purpose regarding future development of the property.*
4. *Any area where the Director determines that the coordination of future roads, utilities, parks, or other public investments requires more specific plans than currently available.*
5. *Any area where the Director determines that the scale of future development, presence of multiple owners with anticipated development plans, or impact on adjacent properties from potential development requires further planning and coordination.*

Master Plan Review Criteria

A Master Plan shall be reviewed according to the following criteria:

1. *The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.*

Staff comment: The proposal is in compliance with the Comprehensive Plan's goals and objectives as noted below.

1. *The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.*

Staff comment: This area is designated a HI on the Land Use Map. Industrial uses have been planned for this area.

1. *Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.*

Staff comment: The property is zoned HI. Residential is not an allowed use.

1. *Transportation improvements are consistent with the following: Roadway Improvement Plan, Subdivision street standards in Chapter 17, Design Criteria and Construction Specifications, Transportation Master Plan, Trails Plan, and Complete Streets Guide.*

Staff comment: The proposal is in compliance with the Roadway Improvement Plan and Transportation Master Plan. Further review will be required at the time of development.

1. *Provision of utilities to serve the development shall be in accordance with Design Criteria and Construction Specifications and any other utility provider requirements.*

Staff comment: The northern portion of the proposed master plan area is currently served by Town infrastructure and services.

1. *The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.*

Staff comment: Heavy industrial uses are designated for each of the five planning areas. This is compatible with the surrounding heavy industrial uses.

Relation to the major transportation system

The proposed master plan depicts connections to WCR 23 on the west, which connect to Eastman Park Drive/WCR 64.75. The future expansion of Crossroads Boulevard is planned to traverse through the lower half of the property.

Extension of public utilities will be the responsibility of the applicant, subject to potential reimbursement for oversizing which adds to the system capacity. The subject master plan includes a utility plan.

Relationship to Comprehensive Plan

The application is consistent with the Comprehensive Plan, particularly the following:

Chapter 5b – Growth Framework

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

Objective 1: *Prioritize new growth in areas served by Town infrastructure and services.*

Staff comment: The subject property is located within the Great Western Industrial Park. This area has been identified in the Growth Strategy map as an area of primary growth. The master plan proposes heavy industrial uses thus maintaining the community character of the surrounding heavy industrial uses.

The area is currently served by Town infrastructure and services.

Chapter 5d – Commercial & Industrial Areas Framework Plan

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

Staff comment: As stated above, the master plan proposes heavy industrial uses thus maintaining the community character of the surrounding heavy industrial uses.

Many areas within GWIP have been developed and are serviced by Town services and infrastructure. Infrastructure has been extended to the existing developed areas in the northern portion of the proposed master plan area. This allows future development within the master plan area to connect to the existing infrastructure.

Neighborhood Meeting

As required by the Municipal Code for a master plan application, the applicant held a neighborhood meeting on May 25, 2023. A summary of the neighborhood meeting is attached.

Notification

The following notifications were completed in accordance with the Municipal Code as follows:

- May 22, 2023 – sign posted on property
- May 26, 2023 – public hearing notice published to Town website
- May 26, 2023 - applicant mailed letters to surrounding property owners
- May 26, 2023 – public hearing notice published in Greeley Tribune

Chairman Schick opened the public hearing for Great Western 7th Annexation Master Plan.

Sandra Mezzetti, Senior Planner, presented to the Planning Commission.

Chairman Schick opened the meeting up for public questions or comments.

John Demianyez, 30525 CR 23, spoke to the Commission regarding the crossroads extension, construction trash and damaged tree in the road or his yard.

Dean Brown, GWIP LLC owner and applicant, addressed the comments and concerns. Mr. Brown stated that his phone number has been supplied to residents in that area and he can be contacted regarding issues.

Commissioner Valdes addressed Mr. Brown's response and questioned a proactive policy to litigate issues. Mr. Brown spoke to Commissioner Valdez's questions and referred to policies and procedures that are followed and in place.

Planning Commissioner Reddick moved to close the public hearing, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

2. Recommendation to Town Board - Great Western 7th Annexation Master Plan - Dean Brown, owner and applicant, GWIP LLC.; Mark Cevaal, applicant's representative, Redland

Please refer to public hearing item material.

Planning Commissioner Beemer moved to forward a recommendation of approval to Town Board for Great Western 7th Annexation Master Plan, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - Jose Valdes; Motion Passed.

3. Public Hearing - Request for a Conditional Use Permit to allow gravel surface mining - Great Western 7th Annexation - Dean Brown, owner, GWIP LLC; Julie Mikulas, applicant, Martin Marietta Materials, Inc.; Pam Hora, applicant's representative, Tetra Tech, Inc.

The applicant is requesting a Conditional Use Permit (CUP) to allow open and surface gravel mining operations on a site within the Great Western 7th Annexation boundary, in the Heavy Industrial (HI) zone district. Staff is recommending the Planning Commission forward to the Town Board a recommendation of approval of the CUP, with conditions, as reflected in the staff recommendation section of the memorandum.

Per Town Municipal Code, Section 16-1-140(c)(4)(c), open or surface mining operation for the development or extraction of solid materials shall be permitted in the HI zone district upon approval of a conditional use permit, as provided in Section 14-2-130 – Conditional Use Permit.

A major site plan has been submitted concurrently with the conditional use permit application, which is under Town staff review and applicable referral agencies. Additionally, a master plan for Great Western 7th Annexation has been submitted and is currently under review. The proposed master plan depicts this area as mining operations. The master plan requires a separate public hearing and recommendation by the Planning Commission prior to a public hearing and approval by the Town Board. Because a master plan was not submitted during the annexation process for GWIP 7th Annexation, approval of the CUP is contingent on approval of the master plan. This condition is included in staff's recommendation.

The subject property is 150.3 acres with approximately 90.1 acres designated to be mined for aggregates (sand and gravel). The remaining unmined acres will be used for temporary overburden and topsoil stockpiles, and a temporary equipment storage area. The mining areas will consist of four cells. Each cell is to be mined completely before mining of the next cell begins. All aggregates from the Windsor East Mine will be transported from the mining cells to Martin Marietta's existing Parsons Mine site, east of the Windsor East Mine site, via conveyor for processing. Mining operations are expected to last approximately six years. Upon completion of mining operations, the conveyors will be removed from the site.

After all viable aggregates from the site have been mined, the land will be reclaimed to create two water storage reservoirs that GWIP LLC., will own and use for water storage and to augment GWIP's future non-potable demands. The reclamation process is expected to take approximately two years to complete.

The Windsor East Mine specifically excludes the riparian area along the Cache la Poudre River and the Poudre Trail. Prior to mining, a dewatering trench will be constructed around the perimeter of each cell. A sump hole will be created at the lowest point of each dewatering trench. The sump holes and dewatering trenches will allow sediment to settle before the water is pumped to the Cache la Poudre River using a dewatering pump in accordance with Colorado/NPDES discharge permit regulations. Pipes will be used to transport the water from the mine to the Cache la Poudre River.

Prior to the commencement of mining operations, the applicant will secure the following permits:

- Colorado Division of Reclamation, Mining and Safety
 1. 112c Reclamation Permit M-2022-042
- Colorado Department of Public Health and Environment:
 1. Fugitive Air Permit 15WE1438F (permit also includes the Parsons Mine)
 2. Air Permit 21WE0692 (for the crusher at Parsons Mine)
 3. Air Permit 19WE0182 (for a screen at Parsons Mine)
 4. Air Permit 19WE0183 (for a screen at Parsons Mine)
 5. CDPS Sand and Gravel Mining and Processing Discharge Permit COG501594 (permit also includes the Parsons Mine)

Wetlands on the subject property were reviewed by the US Army Corp of Engineers and determined to be non-jurisdictional; therefore, no permit is required to disturb the non-jurisdictional wetlands.

Adjacent Zoning:

North: Heavy Industrial (HI) – Gotham Greens Greenhouse

East: Unincorporated Weld County Agricultural Zoning (AG) – Martin Marietta Parson Mine Operations

South: Unincorporated Weld County Agricultural Zoning (AG) – Cache la Poudre River, undeveloped bluff area

Recreation and Open Lands (ROL) – Cache la Poudre River

West: Heavy Industrial (HI) – Central Oceans Container storage, undeveloped properties (south)

Unincorporated Weld County Agricultural Zoning (AG) – Residential property

Unincorporated Weld County Industrial -1 (I-1) Zoning – Residential property

Recreation and Open Lands (ROL) – Cache la Poudre River

Review Criteria for Conditional Use Permits

Section 14-2-130 of the Municipal Code outlines the review criteria to be evaluated prior to granting of a conditional use.

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

The proposal generally complies with the Comprehensive Plan's goals and objectives and the Strategic Plan as noted below.

2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.

The proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. No additional infrastructure is required with this proposal.

Primary access to the subject site will be via an existing access road, in the northeast corner of the site. This road connects to WCR 23 from the existing Parsons Mine to the east. Martin Marietta has obtained an access easement from GWIP LLC. to allow them to utilize this access point for employees, equipment deliveries, and emergency access.

All aggregate from the Windsor East Mine will be transported from the mining cells to the Parsons Mine via conveyor for processing. Power for the extension of the conveyor into the Windsor East Mine site will be connected to the existing conveyor within the existing Parsons Mine. Power for the conveyor is generated using a diesel generator. Upon completion of mining operations at Windsor East, the conveyors will be removed from the site.

Minimal vehicle traffic is expected on WCR 23 and will be limited to occasional support vehicles used to bring equipment to the site for mining or reclamation. WCR 23 will also be used for emergency access to the site. The proposal has been reviewed by the Windsor Severance Fire and Rescue (WSFR) and the site plan will comply with emergency requirements.

3. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.

The applicant plans on mitigating mining operations using the following options:

- **Visual and Noise Impacts:** Temporary 8' high berms will be constructed along the north and west property boundaries using topsoil and overburden materials.
- The topsoil piles will be temporarily revegetated to prevent erosion as required by the applicants' permit from the Division of Reclamation, Mining and Safety.
- **Dust Mitigation:** Industry best practices will be employed to minimize offsite fugitive dust impacts. The applicant has submitted a Dust Abatement Plan with the application.
- **Hours of Operation:** Mining operations will be limited to 6:00 am – 6:00 pm Monday through Saturday with maintenance permitted after hours. If extended hours are required, Martin Marietta must provide written notice to the Town at least 48 hours prior to the date of the extended hours.
- **Transportation/Haul Route/Access:** Minimal truck traffic is expected on WCR 23 from the mining operations. All mined material will be transported via a conveyor system extending to the existing Parsons Mine.
- **Reclamation:** After the aggregate from the site is mined, the land will be reclaimed to create two water storage reservoirs surrounded by revegetated areas.

Relationship to Comprehensive Plan

Chapter 2- Community Profile – Zoning Regulations – Industrial Districts

The Comprehensive Plan defines mining operations as a heavy industrial use. The HI zone district permits more intense industrial uses. However, the uses within this district must comply with performance standards.

The subject property is located within the HI zone district and as noted above, the applicant will be implementing procedures to mitigate the impact of the mining operations.

Chapter 3 – Community Outreach – Issues & Concerns – Water Supply & Storage

The development of water supply and storage amenities was identified as an important issue during community outreach efforts. The Windsor East Mine will create two large water storage reservoirs that GWIP LLC. will use to support the water needs associated with the future development within the Great Western Industrial Park.

Chapter 5D – Commercial & Industrial Areas Framework

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

Industrial Areas:

The Windsor East Mine site is located within the Great Western Industrial Park which the Comprehensive Plan identifies as a major center of employment and manufacturing activity. The property is zoned Heavy Industrial (HI).

Because the Windsor East Mine is located within an area designated to accommodate Heavy Industrial land uses, the character of the community will not be negatively impacted by the proposal. After mining reclamation, the site will provide future water storage reservoirs, which will contribute towards the Comprehensive Plan goal of accommodating future growth in an environmentally responsible manner.

Neighborhood Meeting

The Municipal Code requires a neighborhood meeting for Conditional Use Permits for open and surface gravel mining operations. The applicant held a neighborhood meeting on December 13, 2022. The neighborhood meeting summary is included with the project packet.

Notifications

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

- May 22, 2023 – development review sign posted on the property (west side of CR 15)
- May 26, 2023 – affidavit of letters mailed to property owners within 500 feet of the subject property boundary
- May 26, 2023 – legal notices posted on the Town of Windsor website
- May 26, 2023 – legal ad published in the local newspaper (Greeley Tribune)

Chairman Schick opened the public hearing for the request for a Conditional Use Permit to allow gravel surface mining - Great Western 7th Annexation.

Sandra Mezzetti, Senior Planner, presented to the Commission.

Chairman Schick opened the meeting up for public questions or comments, to which there were none.

Commissioner Valdez and Commissioner Hassard addressed and asked questions regarding the extension of crossroads, traffic control and construction.

Julie Mikulas, applicant, addressed the Commission's concerns and questions.

Dean Brown, owner and applicant, also spoke to the Commission's concerns regarding the overall appearance of the project.

Planning Commissioner Reddick moved to close the public hearing, Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

4. Recommendation to Town Board - Request for a Conditional Use Permit to allow gravel surface mining - Great Western 7th Annexation - Dean Brown, owner, GWIP LLC; Julie Mikulans, applicant, Martin Marietta Materials, Inc.; Pam Hora, applicant's representative, Tetra Tech, Inc.

Please refer to information submitted with the public hearing item.

Planning Commissioner Beemer moved to forward a recommendation of approval to Town Board for the Request for a Conditional Use Permit to allow gravel surface mining as presented and subject to conditions presented. Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

None

2. Communications from Town Board Liaison

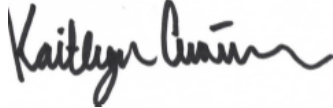
Town Board Liaison Tallon spoke to the Commission regarding Windsor's town attorney position and a grant the town received for affordable housing.

3. Communications from Staff

Carlin Malone, Chief Planner, reminded the Commission about the upcoming Colorado State Planning Conference.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:57 p.m.

A handwritten signature in black ink, appearing to read "Kaitlyn Cinnamon", written in a cursive style.

Kaitlyn Cinnamon, Deputy Town Clerk