



PLANNING COMMISSION REGULAR MEETING

October 18, 2023 - 7:00 PM

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

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

AGENDA

A. CALL TO ORDER

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

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. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Approval of the September 20, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing - Rezoning for a PUD (Planned Unit Development) Overlay to the GC (General Commercial) Zoning District - Water Valley South Subdivision 13th Filing, Lots 5, 6 and 7 (The Lofts at Water Valley Village) - Garrett Scallon and Austin Lind, applicant, The Water Valley Company, LLC, on behalf of Eagle Crossing Inc., property owner; and Brian Williamson, applicant's representative, TST Inc. Consulting Engineers
 - Quasi-judicial action
 - Staff presentation: David Eisenbraun, Senior Planner
2. Recommendation to Town Board - Rezoning for a PUD (Planned Unit Development) Overlay to the GC (General Commercial) Zoning District - Water Valley South Subdivision 13th Filing, Lots 5, 6 and 7 (The Lofts at Water Valley Village) - Garrett Scallon and Austin Lind, applicant, The Water Valley Company, LLC, on behalf of Eagle Crossing Inc., property owner; and Brian Williamson, applicant's representative, TST Inc. Consulting Engineers
 - Quasi-judicial action
 - Staff presentation: David Eisenbraun, Senior Planner
3. Public Hearing - An Ordinance for Municipal Code Amendments, Chapter 15-14-50 and 15-14-70, Concerning an Ordinance Amending Windsor Municipal Code Section 15-14-50 and Section 15-14-70 Concerning Flood Damage Prevention and Related Definitions, Adoption of a Flood Insurance Study, and Adoption of New Flood Insurance Mapping
 - Quasi-judicial action
 - Staff presentation: Doug Roth, Civil Engineer IV

4. Recommendation to Town Board - An Ordinance for Municipal Code Amendments, Chapter 15-14-50 and 15-14-70, Concerning an Ordinance Amending Windsor Municipal Code Section 15-14-50 and Section 15-14-70 Concerning Flood Damage Prevention and Related Definitions, Adoption of a Flood Insurance Study, and Adoption of New Flood Insurance Mapping
 - Quasi-judicial action
 - Staff presentation: Doug Roth, Civil Engineer IV
5. Public Hearing - Conditional Use Permit Renewal [Case No. CUG23-004] to allow a temporary use not specifically included as a use by right in any zone district, located on a portion of Lot 5 of Great Western Industrial Park Subdivision 7th Filing (30755 Great Western Drive) – Ben Goldwasser, Central Oceans, applicant
 - Quasi-judicial action
 - Staff presentation: Mark Price, Planner I
6. Recommendation to Town Board - Conditional Use Permit Renewal [Case No. CUG23-004] to allow a temporary use not specifically included as a use by right in any zone district, located on a portion of Lot 5 of Great Western Industrial Park Subdivision 7th Filing (30755 Great Western Drive) – Ben Goldwasser, Central Oceans, applicant
 - Quasi-judicial action
 - Staff presentation: Mark Price, Planner I

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison
3. Communications from Staff

E. ADJOURN

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.



MEMORANDUM

Date: October 18, 2023
To: Planning Commission
From:
Re: Approval of the September 20, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 09.20.23 Planning Commission Draft Minutes



Planning Commission Regular Meeting

September 20, 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 Reddick
Ben Kirch
Jose Valdes
David Hassard

Absent:

Nathan Kinney
Cindy Beemer
Maxwell Nader

Also Present:

David Eisenbraun, Senior Planner
Daniel Money, Town Attorney
Kim Emil, Deputy Town Attorney
Ben Bodiker, Visual 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 Reddick moved to approve the agenda as written, Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Ben Kirch, Jose Valdes, Gale Schick, David Hassard; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chairman Schick opened the meeting up for public comment on any non-agenda item, to which there were none.

B. CONSENT CALENDAR

1. Approval of the September 6, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

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

C. BOARD ACTION

1. Public Hearing - Recommendation to Town Board for the Smith Farm Annexation to the Town of Windsor and Establishment of Zoning - Martin Lind, Owner/application; TST, Inc., Derek Patterson, Applicant's Representative

Vima Partners, LLA, owned by Martin Lind, has filed a Petition to Annex approximately one hundred and thirty-three point eighty-seven (133.87) acres of property adjacent to and immediately south of Crossroads Blvd, to the Town of Windsor. The petition to annex approximately one hundred and thirty-three point eighty-seven (133.87) acres to the Town of Windsor has a proposed zoning of Estate Residential (ER), which is in conformance with the Town's Land Use Map. Although the legal notices, impact report and petitions all refer to a requested zoning designation of RMU-1, the parties have agreed to zone the property Estate Residential (ER), in conformance with the Town's future land use map. Therefore, this property is being proposed to be zoned in conformance with the Town's Comprehensive Plan land use map of Estate Residential (ER). No master plan or other future development plans outside of the reservoir being built and permitted by Weld County and the state are being contemplated at this time.

This application requires a public hearing before the Planning Commission and, therefore, one action item. Staff has included the following recommendation for the Planning Commission's consideration, to forward to the Town Board:

A recommendation of approval for the annexation and establishment of zoning, subject to any outstanding Planning Commission and Staff comments being addressed.

The Town Board will hold a public hearing and consider the application on September 25, 2023. This date is the first reading of annexation and establishment of zoning ordinance. Provided the Town Board approves the first reading of the ordinance, the Town Board will consider the second reading of the ordinance on October 9, 2023.

The property is contiguous with the Town of Windsor Corporate Limits, bordering Crossroads and is within the Town's Growth Management Area (GMA), meaning the Town has anticipated this area being annexed to the Town. Per C.R.S., the perimeter of the proposed annexation meets the 1/6 contiguity to the existing Town limits requirement.

Chairman Schick opened the public hearing for Smith Farm Annexation.

David Eisenbraun, Senior Planner, presented to the Planning Commission.

Chair Schick opened the meeting up for public comment, to which there were none.

Garrett Scallion, representing the applicant, thanked the Commission for their time and stated that he had nothing further to add to the presentation.

Commissioner Valdez asked staff about future use of the area west and adjacent to the property and Mr. Scallion stated that there are no future development plans at this time.

Commissioner Hassard asked staff questions regarding documentation stating the zoning and also the use of the reservoir.

Hassard asked the applicant questions regarding the reservoir and its use.

Commissioner Hassard asked who would supply water to the reservoir and Mr. Scallion stated that Raindance Metro Direct will deliver and be the water source.

Hassard questioned the current timeline of the project. Mr. Scallion stated it's currently under construction and should be completed by next summer.

Commissioner Reddick asked questions of staff regarding the zoning of the annexation.

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

2. Recommendation to Town Board - Smith Farm Annexation to the Town of Windsor and Establishment of Zoning - Martin Lind, Owner/application; TST, Inc., Derek Patterson, Applicant's Representative

See public hearing item materials.

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for the Smith Farm Annexation to the Town of Windsor and Establishment of Zoning with all final documents reflecting Estate Residential rather than Residential Mixed Use 1, Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Ben Kirch, Jose Valdes, Gale Schick, David Hassard; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

None

2. Communications from Town Board Liaison

None

3. Communications from Staff

David Eisenbraun, Senior Planner, spoke to the Commission regarding the upcoming Town Board and Planning Commission joint Work Session to be held on Monday September 25, 2023.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:40 p.m.

Kaitlyn Cinnamon, Deputy Town Clerk



MEMORANDUM

Date: October 18, 2023
To: Planning Commission
From: David Eisenbraun, Senior Planner
Re: Public Hearing - Rezoning for a PUD (Planned Unit Development) Overlay to the GC (General Commercial) Zoning District - Water Valley South Subdivision 13th Filing, Lots 5, 6 and 7 (The Lofts at Water Valley Village) - Garrett Scallon and Austin Lind, applicant, The Water Valley Company, LLC, on behalf of Eagle Crossing Inc., property owner; and Brian Williamson, applicant's representative, TST Inc. Consulting Engineers

Item #: C.1.

Background / Discussion:

Please see attached staff memo.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff requests that the Planning Commission forward to the Town Board a recommendation of approval of the rezoning petition and ordinance, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Scott Ballstadt, Director of Planning

Attachments:

1. PC Staff Memo - Lofts PUD Overlay Rezone
2. PUD Overlay-Rezone Application
3. PUD Overlay-Rezone Petition
4. Neighborhood Meeting Notes - 7-31-23
5. Neighborhood Meeting Attendance - 7-31-23
6. Public Comment
7. PUD Overlay Document
8. Site Plan Rendering
9. PC Staff Powerpoint Lofts PUD Overlay Rezone

Eagle Crossing Development, Inc., owned by Martin Lind, has filed a Petition to Rezone approximately 9 acres of property adjacent to and immediately south of Eastman Park Drive, to include a Planned Unit Development overlay on top of the existing General Commercial zone district.

The Lofts at Water Valley Village will provide a mixed-use neighborhood environment supporting commercial growth, urban connectivity, with a residential component mixed into the project. The emerging trends of working from home and creating a work / life balance is a primary focus for this development. Uses will range from pure commercial pad sites to a commercial mixed-use product providing commercial space on the first floor and a residential space on the second floor.



This approach echoes the long-standing model of commercial and residential mixed uses along Windsor's Main Street. To advance the mixed-use concept contained in this PUD overlay proposal, the applicant has addressed the PUD review criteria as provided in Section 14-2-80. Planned Unit Development, review criteria. Answers are provided below each question:

(1) The proposal complies with the Comprehensive Plan's goals and policies, the Town's Zoning Code, and all other applicable adopted plans and policies.

The Villages at Water Valley fulfils the General Commercial land use category with a unique product serving both commercial and residential users. This project provides a mixed-use development with commercial spaces occupying the first floor and residential spaces located overhead on the second floor echoing Windsor's Land Use & Development Comprehensive Plan description of, "The General Commercial land use category may also accommodate residential uses on upper levels of commercial buildings to establish mixed-use neighborhood nodes." Situated south and west of the 7th St / HWY 257 and Eastman Park Drive intersection, this development further bolsters the General Commercial designation by providing commercial development opportunities along two primary corridors and adjacent to a key intersection, within the Town of Windsor.

(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 Lofts at Water Valley Village will not negatively impact on the existing public infrastructure and public improvements as the original site plan was design. The existing and proposed designs have been reviewed. The sanitary sewer was analyzed and resulted in a minor increase (less than 5%). Since the site will be irrigated from the non-potable system, it is anticipated that water demands will only increase slightly (in the same range as the sewer, less than 5%). Due to the change in use for

the site, traffic impacts will be equal to or less than what was anticipated in the current design. The site will follow the existing drainage pattern and use the existing pond and outlet structure.

(3) Density is consistent with the Comprehensive Plan Land Use Plan, and applicable to the utility capacity studies.

As stated before, a sanitary sewer study has been conducted and the system has the capacity to service the development. The potable water demands will be approximately the same as existing demands, therefore the system will have the capacity to service the development. The existing drainage pond and outlet structure will service the stormwater needs of the development.

(4) The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.

Pre-pandemic expectations of General Commercial were very different than today's reality. Commercial areas with expanses of parking were the expectation. However, recent events have exposed an emerging change in the approach to life work balance. Employers and employees are looking for more flexibility in employment locations and seeking working environments that provide access to services and amenities. The mixed-use product proposed by this development addresses this shift by integrating commercial spaces with residential living and providing a community feel through the addition of a park space, walkability and connectivity to surrounding areas. This refined Main Street product will also provide a landing space for new businesses just starting out, and developing businesses that need a space to grow.

(5) The proposal shall be reviewed concurrently with a Master Plan that demonstrates compatibility with adjacent uses.

This proposal is compatible with the existing Water Valley Master Plan, as well as the existing surrounding uses. The proposed mixed use development will be a better neighbor to the residential to the south, considering the previous site plan had loading docks and trash enclosures on that edge of the site. To the north, the existing commercial will blend with the new development and benefit from the new residents adjacent to their businesses.

(6) The proposed PUD provides a greater variety of housing types and densities, building design, employment, shopping, services, and public facilities than would otherwise be provided.

This PUD enhances housing types by providing unique commercial use mixed with residential use. There are no other new construction projects employing this mixed-use approach in the Windsor area.

(7) The proposed PUD protects unique or sensitive natural or cultural resources, if applicable.

Not applicable – There are no cultural or sensitive natural resources requiring protection in this area.

(8) The proposed PUD provides open space amenities beyond the requirements of this Code.

This PUD proposes a community park space potentially serving several community functions such as a possible dog park, playground spaces and/or a Farmer's Market space. Connectivity to and through residential /commercial spaces will connect residents to the park space to promote outdoor gathering, engagement and living, as well as making connections to the larger development and the existing amenities.

(9) The proposed PUD prioritizes pedestrian and bicycle facilities designed for user comfort and convenience, including but not limited to detached sidewalks on all streets.

The proposed PUD allows the free movement of pedestrians & bicycles around the site via detached and attached walks. The proposed site layout also provides a connection to the Poudre River Trail. Users will be able to easily move through the development to access the different amenities making the area a more desirable place to live and work.

(10) The proposed benefits of the PUD offset the proposed variations from this Code.

This PUD provides several benefits that are unique to the Town of Windsor. There are no other new developments providing such an intimate mix of commercial and residential uses. This development addresses the emerging shift from commuting to work to working from home. Finally, the addition of a park space creates a much more inviting feel to a potentially less aesthetically pleasing land use.

(11) Any variations from this Code are in the best interest of the public health, safety, and welfare.

This variation from existing Code furthers public health, safety and welfare by potentially reducing commuter traffic from pure bedroom communities to businesses, softening commercial interfaces with residential use and engaging the Town's population a new approach to balancing life with work.

This application required a neighborhood meeting and a public hearing before the Planning Commission and, therefore, one action item. Staff has included the following recommendation for the Planning Commission's consideration, to forward to the Town Board:

1) Staff requests that the Planning Commission forward to the Town Board a recommendation of approval of the rezoning petition and ordinance, subject to any outstanding Planning Commission and staff comments being addressed.

The Town Board will hold a public hearing and consider the application on October 23, 2023. This date is the first reading of the rezoning. Provided the Town Board approves the first reading of the ordinance, the Town Board will consider the second reading of the ordinance on November 13, 2023.

The Land Use Map of the 2016 Comprehensive Plan is the guiding document used to assess the appropriate zoning for the property. This map has designated the property as Limited Industrial. The proposed PUD overlay to the GC zone district aligns with the intent and existing uses along this commercially dominated corner. Therefore, the proposed PUD zoning (and subsequent uses depicted on the next page) is in ***alignment with the goals and objectives of the Comprehensive Plan.***

PROPOSED LAND USE TABLE

USES	PROPOSED USE DESIGNATION	9	G.C. (Current Zoning)	NC	CB	RMU-2
PERMITTED USE BY RIGHT	PR					
PERMITTED WITH CONDITIONS	PC					
PERMITTED ACCESSORY USE BY RIGHT	PA					
CONDITIONAL USE	CU					
Accessory Home Occupation	PR					PA
Artisan Industry	PR					PR
Artisan Studio / Fine Art Studio	PR			PR		PR
Automobile Sales Broker	PR	1	PR			
Bakery goods store	PR			PR		PR
Banks and saving and loan offices	PR				PR	PR
Barber and beauty shops	PR			PR		PR
Brewery, winery, or distillery with testing room (limited)	PR					PR
Child Care Center	PR	2				PR
Cultural and Public Service	PR					PR
Customer service establishments	PR					PR
Day Care - In-home	PA			PA	PA	PA
Delicatessen	PR			PR	PR	
Dry-goods store	PR			PR	PR	
Farmers market / Seasonal Sales	PR					PR
Food store, convenience	PR			PR	PR	
Hardware store	PR			PR	PR	PR
Laundromat and laundry	PR			PR	PR	PR
Laundry and Dry Cleaning	PR					PR
Light Industry	PR					PR
Liquor store	PR			PR	PR	
Lumber / Building Supply Yards	PR			PR		PR
Medical and dental clinics	PR					PR
Minor repair, rental and servicing establishments, excluding motor-vehicle repair, rental and servicing	PR					PR
Mixed Use Building	PR			PA	PA	PR
Mobile food vending	PR					PR
Nightclub / Bar	PR					PR
Office	PR			PR	PR	
Office business, professional or public service	PR					PR
Off-street parking and loading areas	PA			PA	PA	
Outdoor display of merchandise for sale on-site	PR			PA		PR
Personal Services	PR					PR
Places of assembly (small)	PR			PR	PR	PR
Plumbing and heating contractors	PR					PR
Public Open Space/Playground	PR					PR
Recreation/Entertainment - indoors	PR					PR
Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business	PR			PA	PA	
Residential uses on the upper floors of commercial buildings or live-work dwelling	PR					PR
Restaurant and bar	PR	3	PR	PR	PR	PR
Restaurant - Drive In	PR		PR			PR
Retail stores, excluding the sale or rental of motor vehicles	PR					PR
Signs-Non accessory	CU					

Notes:

1. For Sale Vehicles may not be stored outside of unit and multi-car deliveries are not permitted on site
2. Subject to State and HOA Standards, License required
3. Must meet all Town of Windsor Land Use Standards

PLANNED UNIT DEVELOPMENT LOT STANDARDS TABLE

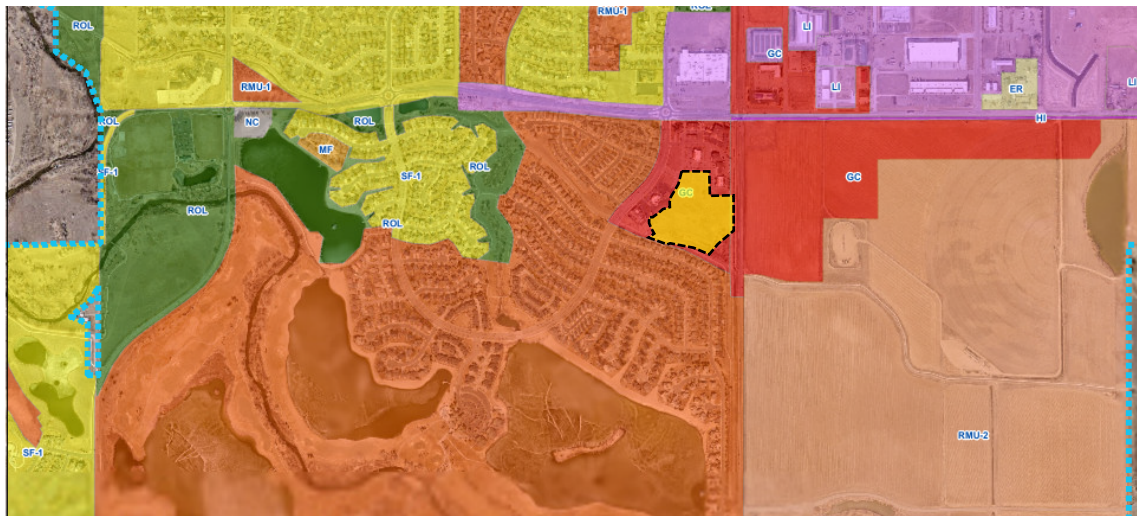
Criteria	NOTE SINGLE FAMILY ATTACHED (MUSFA)	COMMERCIAL (PAD SITE)	UNIT	General Commercial-GC (Current Zoning)	Central Business District-CB (Proposed Zoning with PUD Overlay)
Min. Lot Size (60x25)	1,500	15,000	SF	20,000	N/A
Min. Width	25	75	IF	100'	N/A
Max. Lot Coverage	100%	80%			100%
Setbacks	3, 4	15	IF	20'	0
Front	0	5	IF	20'	0
Side	0	15	IF	20'	0
Rear	0	15	IF	20'	0
Setback to PUD Boundary	3	15	IF		75'
Building Height	2	55	MAX	55	
Density (71 total/a acres)	10.0	N/A	DU/AC		
Minimum Site Landscaping	8	20%		20%	

LAND USE STANDARD NOTES

1. LOTTING STYLE MUSFA
 - a. EACH UNIT IS ON ITS OWN LOT WITH ZERO SETBACKS.
 - b. BUILDING SEPARATION MINIMUM 10'.
 - c. ALL PARKING, DRIVE ISLES, SIDEWALK AND LANDSCAPE SHALL BE IN A COMMON USE TRACT OWNED BY THE ASSOCIATION.
2. MAXIMUM BUILDING HEIGHT IS 56', BUILDING HEIGHT EXCLUDES APPURTENANCES WHICH ARE AN INTEGRAL PART OF ANY PRINCIPAL STRUCTURE SUCH AS CLOCK TOWERS, CUPOLAS, PARAPETS, ROOFTOP MECHANICAL SCREEN TREATMENTS, CHIMNEYS, SMOKESTACKS, FLUES, COOLING TOWERS, VENTILATORS, ELEVATOR BULKHEAD, STAIRWAY ENCLLOSURES, HIGH-LOWERS, UTILITY POLES, SUPPORT STRUCTURES, ORNAMENTAL STRUCTURES, AND SOLAR ENERGY SYSTEMS. THESE ITEMS ARE SUBJECT TO HEIGHT LIMITATIONS AS DEEMED APPROPRIATE DURING THE DEVELOPMENT REVIEW PROCESS.
3. SETBACK MEANS THE HORIZONTAL DISTANCE BETWEEN ANY STRUCTURE AND THE ESTABLISHED STREET RIGHT-OF-WAY LINE OR PROPERTY LINE. SETBACKS DISTANCES SHOWN ARE MINIMUMS AND MAY NEED TO BE INCREASED TO COMPLY WITH BUILDING CODE AND FIRE ACCESS REQUIREMENTS.
4. WHEN DWELLINGS HAVE A SHARED WALL/COMMON WALL CONDITION, NO SIDE OFFSET WILL BE PROVIDED.
5. MULTI-USE SINGLE FAMILY ATTACHED (MUSFA) PARKING REQUIREMENTS – 3 SPACES PER UNIT TOTAL, INCLUDING (2) PER GARAGE.
6. COMMERCIAL PAD SITE PARKING PER WINDSOR PARKING STANDARDS TABLE.
7. MULTI-USE SINGLE FAMILY ATTACHED (MUSFA) SIGNAGE SIGN SIZE NOT TO EXCEED 45SF PER UNIT EXTERIOR FACE. THE REMAINDER OF THE WINDSOR SIGN CODE CRITERIA SHALL APPLY TO THIS PUD.
8. REQUIRED LANDSCAPE BUFFERING AND PARKING MAY TAKE PLACE ON ADJACENT PROPERTY WITH A PERMANENT EASEMENT. LANDSCAPE AREA IN A PERMANENT EASEMENT SHALL COUNT TOWARDS OVERALL LANDSCAPE REQUIRED AREA.
9. COMMERCIAL SPACE SIGNAGE – SHALL CONFORM TO GENERAL COMMERCIAL ZONING SIGN REQUIREMENTS.
10. GOLF CART PARKING IS PERMITTED. GOLF CART SPACES SHALL COUNT AS ONE-HALF OF A VEHICLE FOR PARKING COUNTS, AND SHALL BE STRIPED, SIGNED AND SIZED AS GOLF CART PARKING, MINIMUM SIZE 6'x8'.
11. WALK-UP WINDOWS – WALK-UP WINDOWS MUST BE SITUATED AT BUILDING END CAPS OR IN BUILDING FRONTAGE AND BE CONNECTED TO PROPOSED SIDEWALKS.

Zoning and land uses for the adjacent properties include the following:

	Zoning	Current Land Uses
North	General Commercial	Commercial and retail uses
East	General Commercial	Undeveloped agricultural land
South	Residential Mixed Use (RMU-1)	Residential Homes
West	General Commercial	Commercial and retail uses



The site is currently served by Windsor for water and sewer services, so future development will require extension of these utilities. Extension of the utilities, regardless of the location, would be the responsibility of the developer with the possibility of Town reimbursement for any oversizing which adds system capacity.

Relationship to the Comprehensive Plan

The application is consistent with the following goals and objectives of the 2016 Comprehensive Plan:

Chapter 5d – Commercial & Industrial Areas Framework Plan

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

Objectives:

1. Commercial property is fiscally responsible by providing opportunities for increased tax revenue, jobs and services that fill a needed void.
2. The rezone to add a Planned Unit Development (PUD) overlay to the existing General Commercial (GC) zoning will provide expanded opportunities for diverse business development while creating a buffered transition between established General Commercial (GC) zone and the less Residential Mixed Use (RMU-1) zone.

Neighborhood Meeting

A neighborhood meeting was held on July 31, 2023, at the Pelican Lakes Golf Course banquet room. Notifications for this meeting were as follows:

- July 17, 2023 – letters mailed to property owners within 500 ft.
- July 19, 2023 – ad published in the newspaper

Fifteen (15) households attended at the neighborhood meeting. The discussion revolved around generally on the following topics: future land uses, density, traffic and screening the parking for adjacent property owners to the south. No outstanding issues or follow-up were needed after the neighborhood meeting. All email inquiries since public hearings have gone out have only been interested in the site plan layout and meeting dates and times, no specific issues.

Notifications

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

- August 18, 2023 –ad ran in the Greeley Tribune newspaper
- August 18, 2023– (1) Development Under Review signs posted on property
- August 18, 2023 – public hearing notice published to Town website
- August 17, 2023 – applicant mailed letters to surrounding property owners

Application Packet Rezoning



The following checklist is intended to provide an outline for applicants to ensure a complete submittal and to avoid processing delays due to inadequate information. Land use applications shall include all items listed in the following checklist. If an item is not checked as included in the submittal, a detailed narrative statement outlining reasons why the item has not been submitted shall be included. Lack of such statement or required item shall constitute an incomplete submittal and shall be rejected by the Town. Please review Chapter 14 of the [Town of Windsor Municipal Code](#) for complete application and procedural requirements.

Application Submittal Requirements:

1

Planning Department Checklist

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Applicant Checklist

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Completed checklist. Items not checked are explained in the narrative

Completed Land Use Application (attached)

Application fee consistent with the Town of Windsor [Fee Schedule](#)

A completed rezoning petition and justification statement

A deed or legal instrument identifying the applicant's interest in the property

All required drawings and supportive information per the Municipal Code

All submittals shall follow the Town's [Submittal Requirements](#) and [File Naming Conventions](#) available from the Planning Department

Rezoning Map Requirements:

2

Planning Department Checklist

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Applicant Checklist

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Drawing dimensions shall be twenty-four by thirty-six (24x36) inches. All drawings shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet

Date of preparation, the scale, a symbol designating true north and zoning

Vicinity map

Legal description (*township, range, section, lot, block, subdivision*)

Each ownership within and adjacent to the property

Existing and proposed zoning classification

Applicant revisions block (*includes fields for date, initials, description*)

Appropriate [certification blocks](#) as provided by the Planning Department

A description of all developed on-site property, including its use and total acreage

The location and dimensions of all existing and proposed easements and rights-of-way

Application Packet

Land Use Application



1

The Town of Windsor Planning Department reserves the right to reject incomplete submittals, per the application checklist and Municipal Code requirements for all applications. Please submit completed application and materials to planningtechs@windsorgov.com. Staff will review the submittal and advise you of its completeness for processing.

2

Application type:

☐ Annexation ☐ Site Plan - Minor
☐ Master Plan ☐ Site Plan - Major
☒ Rezoning
☐ Minor Subdivision
☐ Major Subdivision – Preliminary
☐ Major Subdivision – Final

Project Name*: The Lofts at Water Valley Village

Legal Description*: Lot 5, 6 and 7 Water Valley Subdivision 13th Filing

Address/Location*: 1365 Water Valley PRKWY, Windsor, CO 80550

Existing Zoning: General Commercial **Proposed Zoning:** Planned Unit Development

Acres/Square Feet: 9ac/392,096.77sf **Number of Dwelling Units:** _____

3

Owner:

Name(s)*: _____

Company: Eagle Crossing Development, Inc.

Address*: 1625 Pelican Lakes PT, Suite 201

Phone #*: _____ Email*: _____

Applicant (Owner or Owner's Representative):

Name*: Garrett Scallon

Company: The Water Valley Company

Address*: 1625 Pelican Lakes Point, Windsor, CO 80550

Phone #*: 970.460.1692 Email*: GScallon@WaterValley.com

Authorized Representative:

Name: Brian Williamson

Company: TST, INC. Consulting Engineers

Address: 748 Whalers Way, Fort Collins, 80525

Phone #: 970.226.0057 Email: BWilliamson@TSTINC.com

4

All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature: _____

Date: 6/20/23

(Proof of owner's authorization is required with submittal if signed by Applicant)

Print Name: _____

Garrett Scallon / Austin Lind

REZONING PETITION

We, Eagle Crossing Development Inc. & Lind Austin, the undersigned, being the owners of the property described as:

A PARCEL OF LAND IN THE TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO; SITUATE IN SECTION 28, TOWNSHIP 6 NORTH, RANGE 67 WEST, OF THE SIXTH PRINCIPAL MERIDIAN; AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

LOT 5, WATER VALLEY SUBDIVISION THIRTEENTH FILING, AS SHOWN ON THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER ON AUGUST 24, 2005 UNDER RECEPTION NO. 3316426.

LOT 6, WATER VALLEY SUBDIVISION THIRTEENTH FILING, AS SHOWN ON THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER ON AUGUST 24, 2005 UNDER RECEPTION NO. 3316426.

LOT 7, WATER VALLEY SUBDIVISION THIRTEENTH FILING, AS SHOWN ON THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER ON AUGUST 24, 2005 UNDER RECEPTION NO. 3316426.

Containing 9 acres more or less, we hereby request a change in zoning from GC (General Commercial) to The Lofts at Water Valley Village PUD (Planned Unit Development) and do hereby pay the required fee.

Date:

6/20/2023

Mailing Address:

1625 Pelican Lakes Point
Suite 201
Windsor, CO 80550

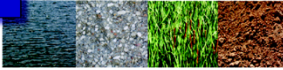
Owners Signatures:

Eagle Crossing Development Inc.

By: _____
Garrett Scallon, Member/Manager

Lind Austin

By: _____
Austin Lind, Owner



TO: David Eisenbraun

FROM: Brian Williamson

DATE: Oct 11, 2023

SUBJECT: The Lofts Neighborhood Meeting Notes - Aug 31, 2023

PROJECT NO.: 0732.0408.00

1. Will there be an increase in traffic?
 - a. Yes there will be an increase from existing traffic, however, this increase has been accounted for in the existing infrastructure and may be lower than the previously proposed Retail / Theatre / Entertainment development.
2. We are worried there will be an industrial feel to this development and where will the dumpsters be stored?
 - a. The mixed-use approach including commercial and residential will soften the feel of this development with landscaping and open spaces. Dumpsters will not be stored in the open but will be behind trash enclosures if required. The façade that faces the existing residential will be made up of garage doors, doors, windows and patios.
3. Where is this in the development review process and what are the further options for public engagement?
 - a. This neighborhood meeting is the first step of public engagement, the next opportunities will be at the public hearings at Planning Commission and Town Board.
4. "I like this concept for my use but hate the concept for my friends who back up to it."
 - a. The edges of the development will not have a "back of a grocery store" aesthetic. Instead, there will be landscaping and a residential facade to soften the look and feel of this development.
5. "We are pleased these units are not at a lower price point."
 - a. These will be market rate products.
6. Will there be age restrictions for this development?
 - a. No – none are planned currently.
7. Will there be a diversity of business? We are concerned there will only be bars, clubs or restaurants and little retail.
 - a. The commercial spaces and the PUD are set up with the hopes of encouraging multiple business types, not just food or serving establishments.
8. Will there be a parking issue if there are multiple businesses operating at the same time?

- a. Parking minimums are being met for all the proposed business uses that could operate in this development.
- 9. We are concerned about potential building heights.
 - a. Building heights will be limited by the PUD document. Currently it is set at a max of 55'.
- 10. Will people be allowed to live on the second floor?
 - a. Yes, the bottom floors will be for commercial uses.
- 11. How long will the construction last? We are concerned about construction noise.
 - a. There are currently (3) phases scheduled which will be constructed based on demand.
- 12. What is the trigger to start Phase 2?
 - a. It is estimated that 70% of sales in Phase 1 will trigger the start of Phase 2.
- 13. We are concerned about parking and headlights facing to the south.
 - a. A mix of grasses and evergreen plant material will be used to screen headlights facing to the south.
- 14. How will the traffic study be structured?
 - a. Traffic will be looked at based on peak averages of different types businesses.
- 15. Will this be similar to the Downtown concepts used in Denver or in Castle Rock?
 - a. No, this has more similarity to the Main Street of Windsor.
- 16. Will residential dwelling units only be in Phase 2?
 - a. No, there will be residential dwelling units built in Phase 1.
- 17. Are there any push backs on proposed uses?
 - a. Currently, no.
- 18. Will there be Pot Shops allowed?
 - a. No.
- 19. How late will businesses be open?
 - a. Between 8-10 pm and will be contained within HOA documents.
- 20. Will this development be part of a Metro District?
 - a. Yes
- 21. Will streets, within the development, be part of the Town's responsibility to maintain?
 - a. No, streets in this development will be private.
- 22. Is there a comparison between the number of residences that exist on Main Street and the number of residences that will be built in this development?
 - a. Not at this time.
- 23. Will there be any berming or "beefed-up" along the southern parking area?
 - a. Berming is not planned at this time, however we have used a large amount of evergreen shrubs to further screen along with tree plantings.

REZONING PROPOSAL, WATER VALLEY VILLAGE, LOTS 5, 6 & 7, 13TH FILING

Page 19 of 104

From: [Izzi Padilla](#)
To: [PLANNING](#)
Subject: Re: Pwritten comment on eagle crossing development
Date: Wednesday, September 6, 2023 5:44:13 PM

Caution: **External Email**

Sorry for the confusing email before here is the revised version.

On Wed, Sep 6, 2023, 5:36 PM Izzi Padilla <elizabeth.padilla4@gmail.com> wrote:

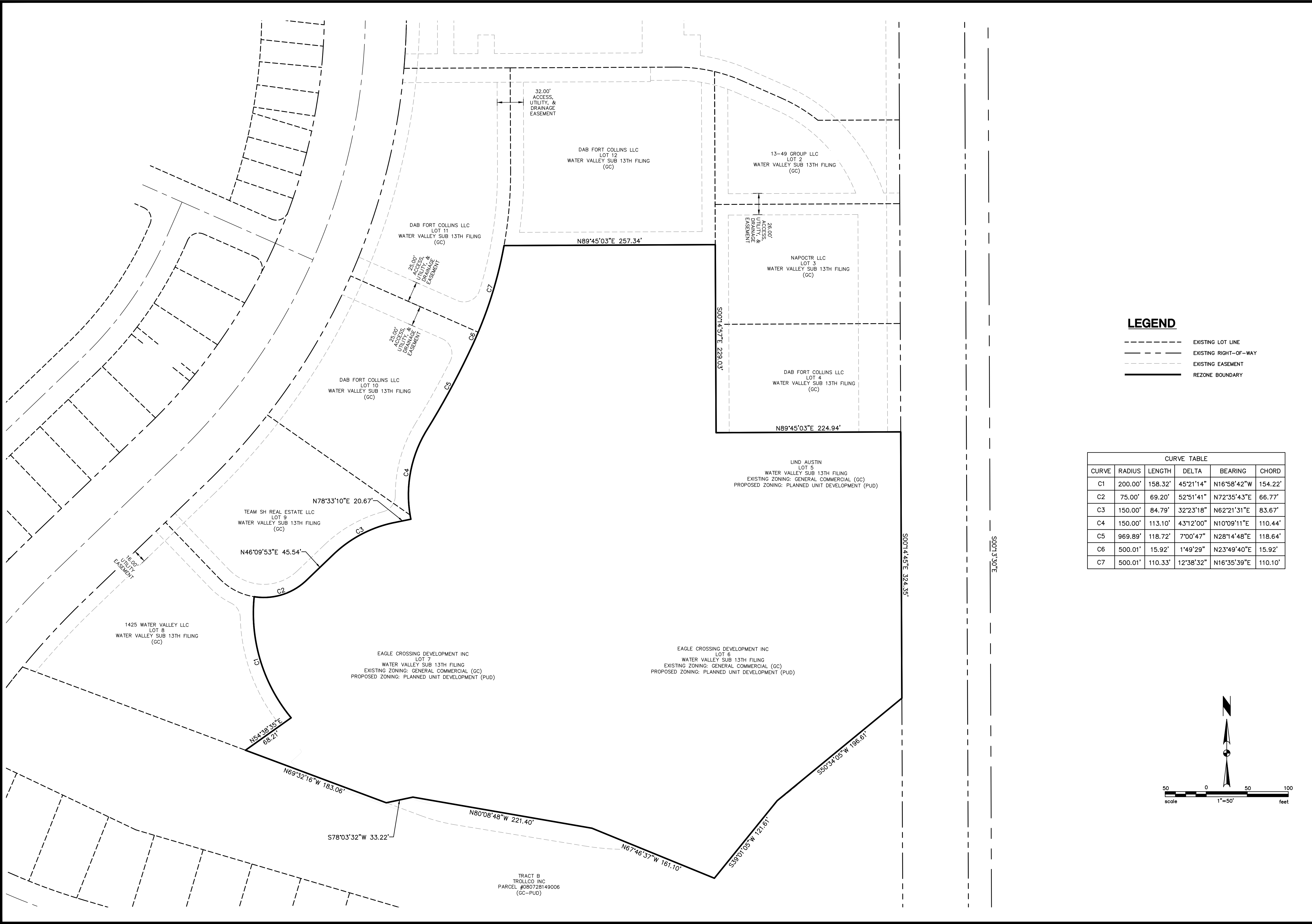
We as a collective who live in Whitney Bay, ask to have a privacy wall built along the north side of walking path. Reasons being and are not limited to the fact that there are bedrooms that face towards the newly rezoned area. And although there are already businesses there we all have had continuing issues with head lights beaming into the windows, and only see that issue becoming increasingly worse. With increasing traffic into the area it would be nice to have a sound barrier between the neighborhood and those soon to be local businesses, even if it is slight. Having businesses; whether is be front or back facing our homes; with all their employees and customers looking towards or into our homes is concerning. With this going in, not many of us see this helping our property value, having to stare at businesses and condos all day. But or biggest factor is our kids play outside in our yards and green belt, we want them to feel safe and we want to know they are safe. We do not see only trees as a barrier being enough, it will take years for the trees to grow. Lights will still shine through, people will still be able to see between the trees towards our homes, and it will not feel as secure for our children.

We ask for a 6ft-8ft rock wall be built. From the curve by the railroad track down to the side walk next to the daycare. There are attached photos of very close surrounding areas with the same wall layout.

We hope that you hear us all out and please highly consider this. We love our neighborhood and want to keep it as quaint and safe as it has been all of these years.

Thank you for your time,
Elizabeth Padilla
970.573.2422

9/26/2023 5:40 PM



REVISIONS

DATE	DESCRIPTION

DRAWN

JRN

CHECKED

DAP

DESIGNED

JRN

FILENAME

0408_PUD

COLORADO LICENSE
ANDREW J. RYAN
PENDING APPROVAL
NOT FOR CONSTRUCTION
PROFESSIONAL ENGINEER

WATER VALLEY VILLAGE

ZONING MAP

TST

TST, INC.

CONSULTING ENGINEERS

748 Whalers Way

Suite 200 Fort Collins

Colorado 80525

Phone: 970.226.0557

JOB NO.

0732.0408.00

SCALE

1" = 50'

DATE

SEPT 2023

SHEET

2 of 3

PROPOSED LAND USE TABLE

USES	PROPOSED USE DESIGNATION	Note	G.C. (Current Zoning)	NC	CB	RMU-2
PERMITTED USE BY RIGHT	PR					
PERMITTED WITH CONDITIONS	PC					
PERMITTED ACCESSORY USE BY RIGHT	PA					
CONDITIONAL USE	CU					
Accessory Home Occupation	PR					PA
Artisan Industry	PR					PR
Artisan Studio / Fine Art Studio	PR			PR	PR	PR
Automobile Sales Broker	PR	1	PR			
Bakery goods store	PR			PR	PR	
Banks and saving and loan offices	PR				PR	
Barber and beauty shops	PR			PR	PR	
Brewery, winery, or distillery with tasting room (minor)	PR					PR
Child Care Center	PR	2				PR
Cultural and Public Service	PR					PR
Customer service establishments	PR				PR	
Day Care - In-home	PA			PA	PA	PA
Delicatessen.	PR			PR	PR	
Drug store	PR			PR	PR	
Farmers market / Seasonal Sales	PR			PR	PR	
Food store, convenience	PR			PR	PR	
Food store, Super Market	PR		PR	PR		
Hardware store	PR			PR	PR	
Laundromat and Laundry	PR			PR	PR	
Laundry and Dry Cleaning	PR			PR		
Light Industry	PR					PR
Liquor store	PR			PR	PR	
Lumber / Building Supply Yards	PR		PR			
Medical and dental clinics	PR				PR	PR
Minor repair, rental and servicing establishments, excluding motor vehicle repair, rental and servicing	PR				PR	
Mixed Use Building	PR					PR
Mobile food vending	PR		PA	PA	PA	
Nightclub / Bar	PR					PR
Office	PR					PR
Office-Business, professional or public service	PR		PR	PR	PR	
Office-Public utility and installations	PR				PR	
Off-street parking and loading areas	PA			PA	PA	
Outdoor display of merchandise for sale on-site	PA		PA			
Personal Services	PR					PR
Places of assembly (small)	PR		PR	PR	PR	PR
Plumbing and heating contractors	PR				PR	
Public Open Space/Playground	PR					PR
Recreation/Entertainment - Indoors	PR					PR
Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business	PR			PA	PA	
Residential uses on the upper floors of commercial buildings or Live Work Dwelling	PR				PR	PR
Restaurant and bar	PR		PR	PR	PR	PR
Restaurant- Drive-Through	PR	3				PR
Restaurant - Drive In	PR		PR			
Retail stores, excluding the sale or rental of motor vehicles	PR				PR	
Signs-Non accessory	CU					

Notes:

1. For Sale Vehicles may not be stored outside of unit and multi-car deliveries are not permitted on site
2. Subject to State and HOA Standards, License required
3. Must meet all Town of Windsor Land Use Standards

PLANNED UNIT DEVELOPMENT LOT STANDARDS TABLE

Criteria	NOTE REF.	MIXED USE, SINGLE FAMILY ATTACHED (MUSFA)	COMMERCIAL (PAD SITE)	UNIT	General Commercial-GC (Current Zoning)	Central Business District-CB (Proposed Zoning with PUD Overlay)
Min. Lot Size (60x25)		1,500	15,000	sf	20,000	N/A
Min Width		25	75	If	100'	N/A
Max Lot Coverage		100%	80%		n/a	100%
Setbacks	3,4					
Front		0	15	If	20'	0
Side		0	5	If	20'	0
Rear		0	15	If	20'	0
Setback to PUD Boundary	3	15	15	If		
Building Height	2	55	55	MAX	55'	75'
Density (71 total/9 acres)		10.0	N/A	DU/AC		
Minimum Site Landscaping	8	20%	20%		20%	-

LAND USE STANDARD NOTES

1. LOTTING STYLE MUSFA

a.EACH UNIT IS ON ITS OWN LOT WITH ZERO SETBACKS.

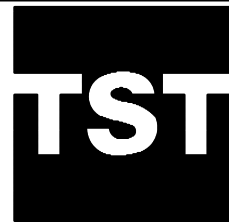
b.BUILDING SEPARATION MINIMUM 10’.

c.ALL PARKING, DRIVE ISLES, SIDEWALK AND LANDSCAPE SHALL BE IN A COMMON USE TRACT OWNED BY THE ASSOCIATION.
2. MAXIMUM BUILDING HEIGHT IS 55’. BUILDING HEIGHT EXCLUDES APPURTENANCES WHICH ARE AN INTEGRAL PART OF ANY PRINCIPAL STRUCTURE SUCH AS CLOCK TOWERS, CUPOLAS, PARAPETS, ROOFTOP MECHANICAL SCREEN TREATMENTS, CHIMNEYS, SMOKESTACKS, FLUES, COOLING TOWERS, VENTILATORS, ELEVATOR BULKHEAD, STAIRWAY ENCLOSURES, FIRE TOWERS, UTILITY POLES, SUPPORT STRUCTURES, ORNAMENTAL STRUCTURES, AND SOLAR ENERGY SYSTEMS. THESE ITEMS ARE SUBJECT TO HEIGHT LIMITATIONS AS DEEMED APPROPRIATE DURING THE DEVELOPMENT REVIEW PROCESS.
3. SETBACK MEANS THE HORIZONTAL DISTANCE BETWEEN ANY STRUCTURE AND THE ESTABLISHED STREET RIGHT-OF-WAY LINE OR PROPERTY LINE. SETBACKS DISTANCES SHOWN ARE MINIMUMS AND MAY NEED TO BE INCREASED TO COMPLY WITH BUILDING CODE AND FIRE ACCESS REQUIREMENTS.
4. WHEN DWELLINGS HAVE A SHARED WALL/COMMON WALL CONDITION, NO SIDE OFFSET WILL BE PROVIDED.
5. MULTI-USE SINGLE FAMILY ATTACHED (MUSFA) PARKING REQUIREMENTS – 3 SPACES PER UNIT TOTAL, INCLUDING (2) PER GARAGE.
6. COMMERCIAL PAD SITE PARKING PER WINDSOR PARKING STANDARDS TABLE.
7. MULTI-USE SINGLE FAMILY ATTACHED (MUSFA) SIGNAGE SIGN SIZE NOT TO EXCEED 45SF PER UNIT EXTERIOR FACE. THE REMAINDER OF THE WINDSOR SIGN CODE CRITERIA SHALL APPLY TO THIS PUD.
8. REQUIRED LANDSCAPE BUFFERING AND PARKING MAY TAKE PLACE ON ADJACENT PROPERTY WITH A PERMANENT EASEMENT. LANDSCAPE AREA IN A PERMANENT EASEMENT SHALL COUNT TOWARDS OVERALL LANDSCAPE REQUIRED AREA.
9. COMMERCIAL SPACE SIGNAGE – SHALL CONFORM TO GENERAL COMMERCIAL ZONING SIGN REQUIREMENTS.
- 10.GOLF CART PARKING IS PERMITTED. GOLF CART SPACES SHALL COUNT AS ONE-HALF OF A VEHICLE FOR PARKING COUNTS, AND SHALL BE STRIPED, SIGNED AND SIZED AS GOLF CART PARKING, MINIMUM SIZE 6’X8’.
11. WALK-UP WINDOWS – WALK UP WINDOWS MUST BE SITUATED AT BUILDING END CAPS OR IN BUILDING FRONTAGE AND BE CONNECTED TO PROPOSED SIDEWALKS.



WATER VALLEY VILLAGE

LAND USE STANDARDS



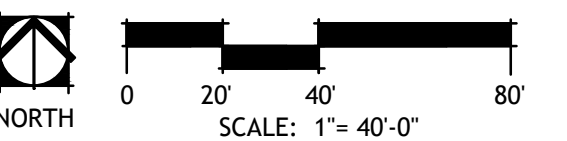
TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO: 0732.0408.00

SCALE: N/A

DATE: SEPT 2023

SHEET: 3 of 3



TST

TST, Inc.
748 WHALERS WAY, BLDG C, STE 200
FORT COLLINS, CO 80525

THE LOFTS AT WATER VALLEY VILLAGE
SITE RENDERING
7-31-2023

P. 970.226.0557
F. 970.226.0204



Water Valley 13th Filing, Lots 5, 6 and 7 Rezoning

*David Eisenbraun, Senior Planner
Planning Commission – October 18, 2022*



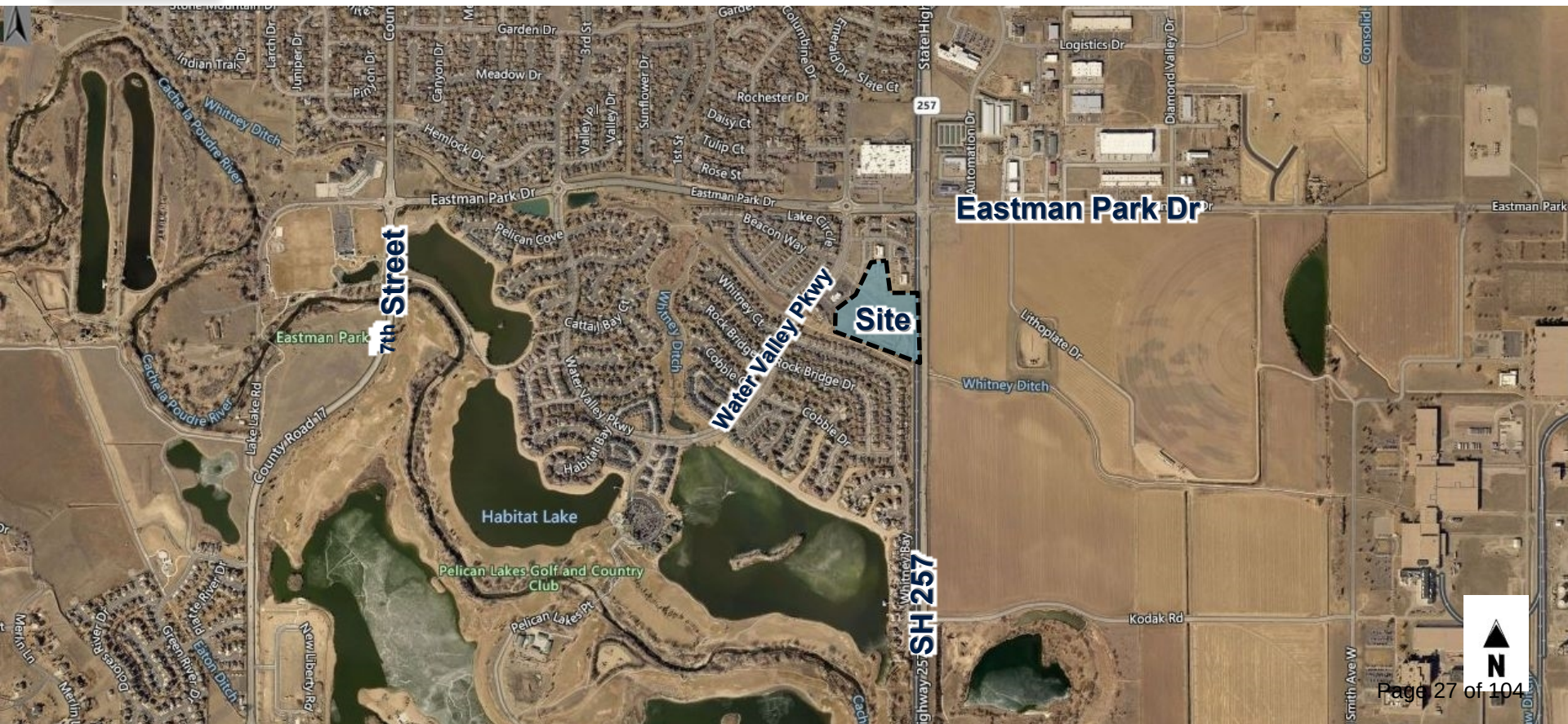
Rezoning Request

Chapter 14, Article II of the Municipal Code outlines the amendment procedures to established zoning districts:

Sec. 14-2-70. Rezoning

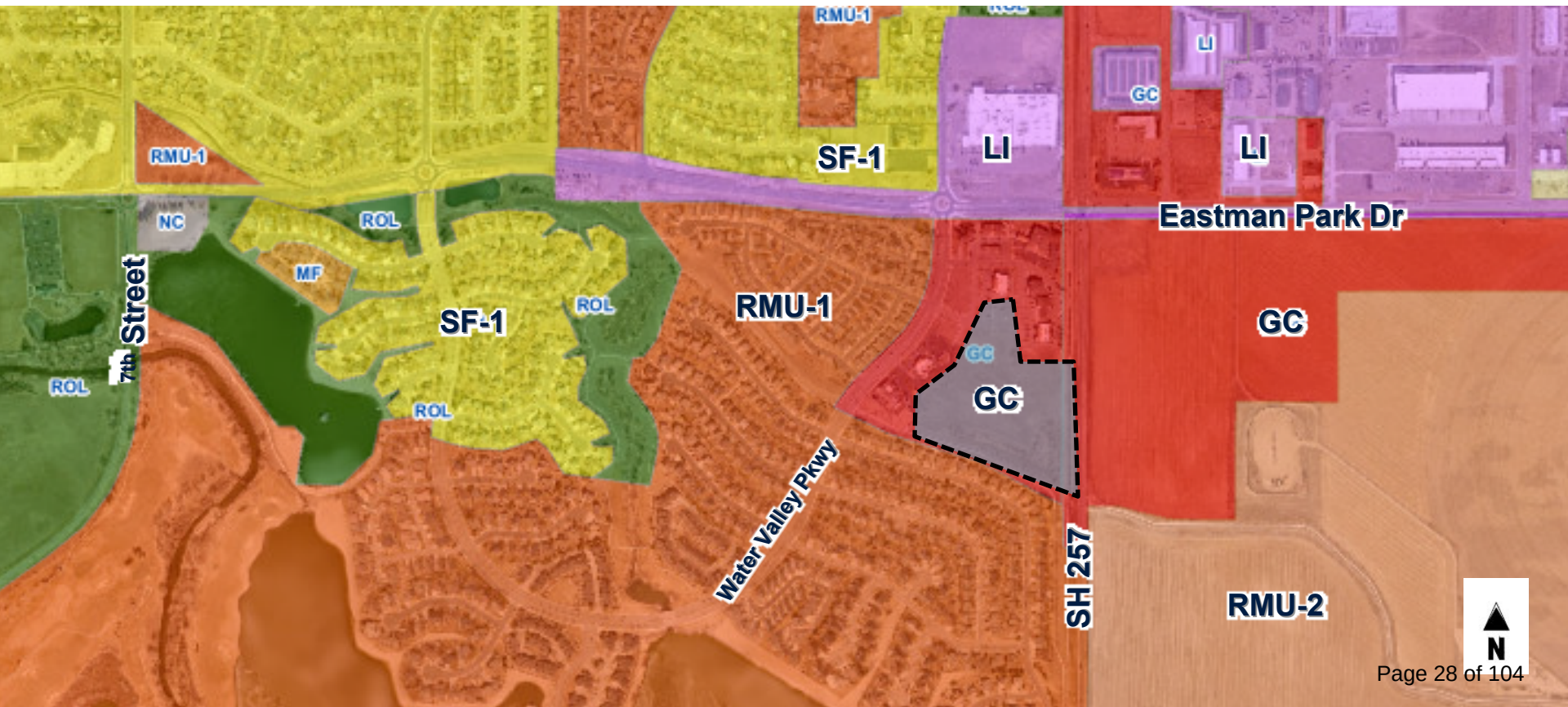
The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development.

Site Vicinity Map



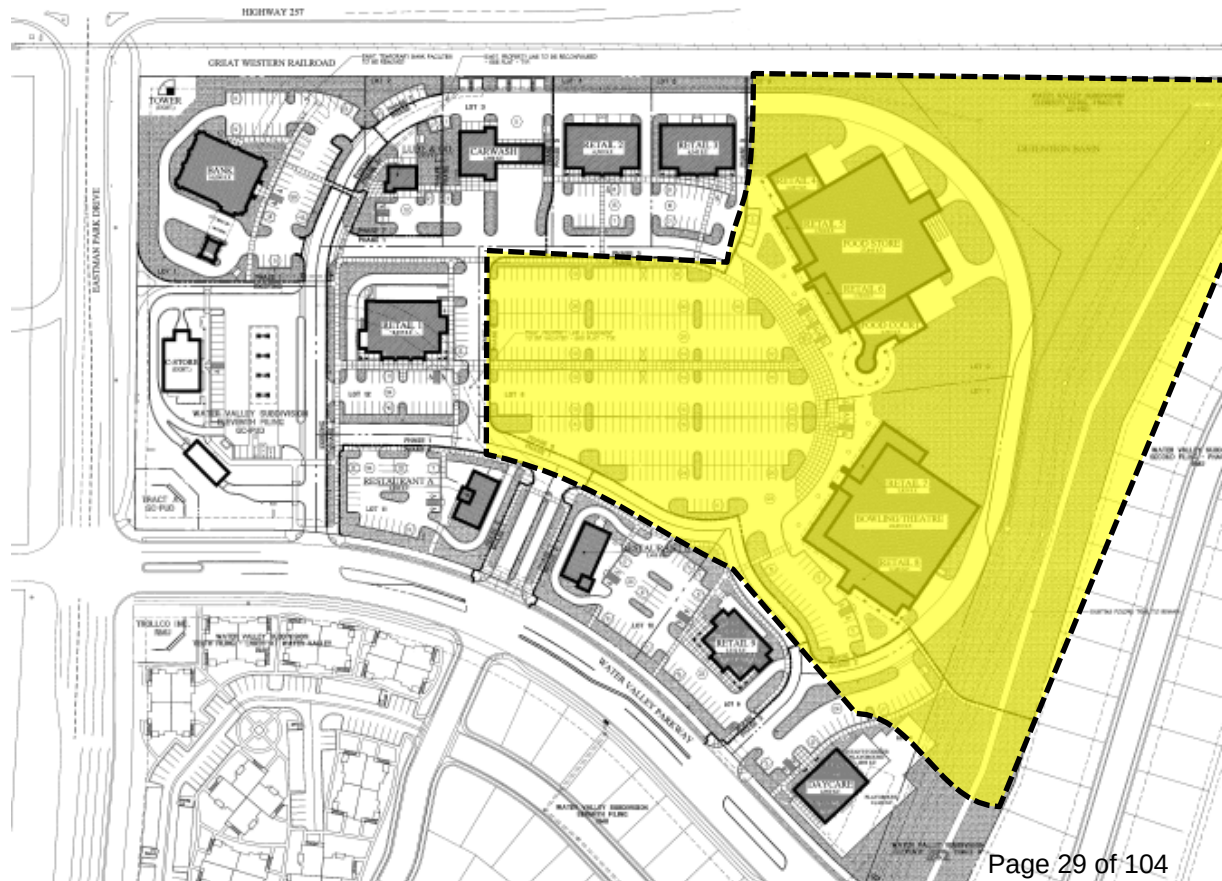


Zoning Map



Background

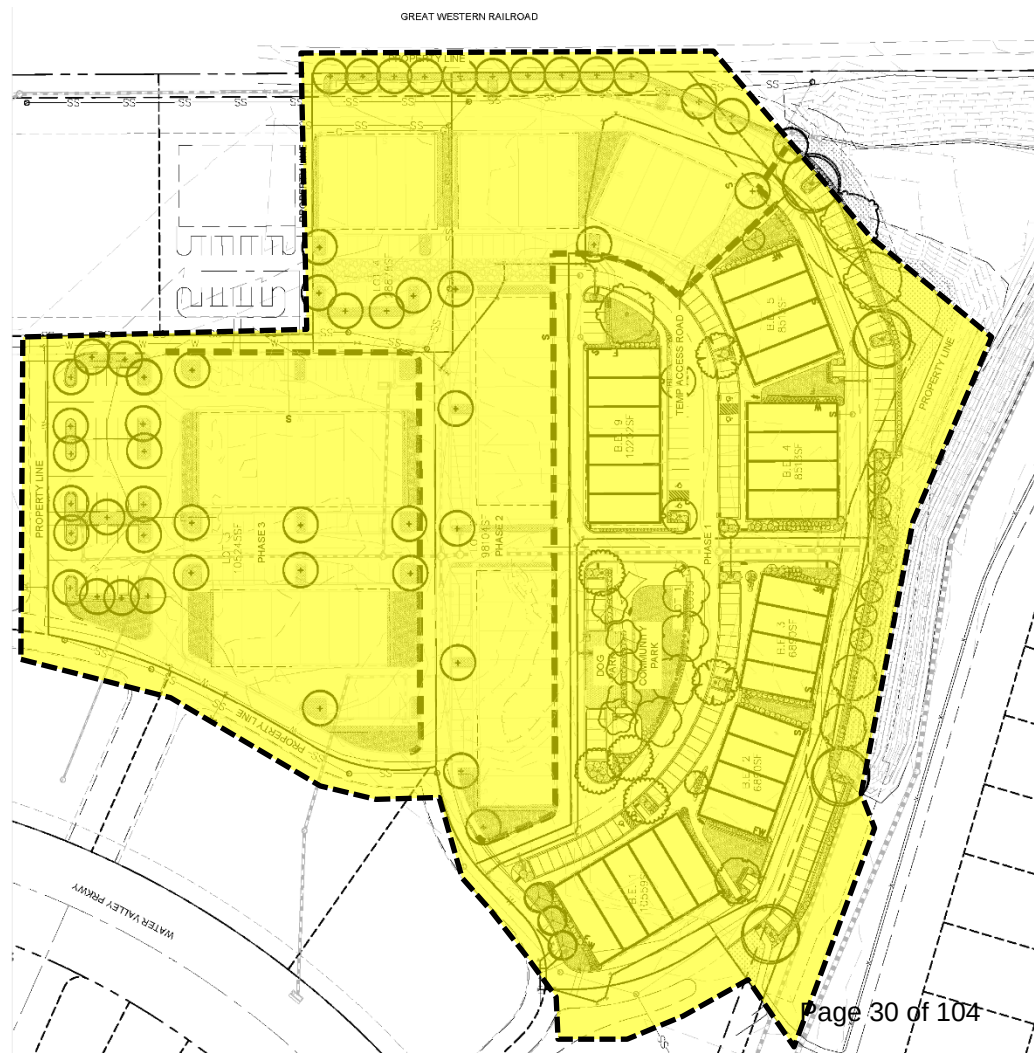
- **2005** – Water Valley 13th Filing had an approved site plan for a mix of large and pad site commercial opportunities.
 - Subject property was zoned General Commercial (GC)





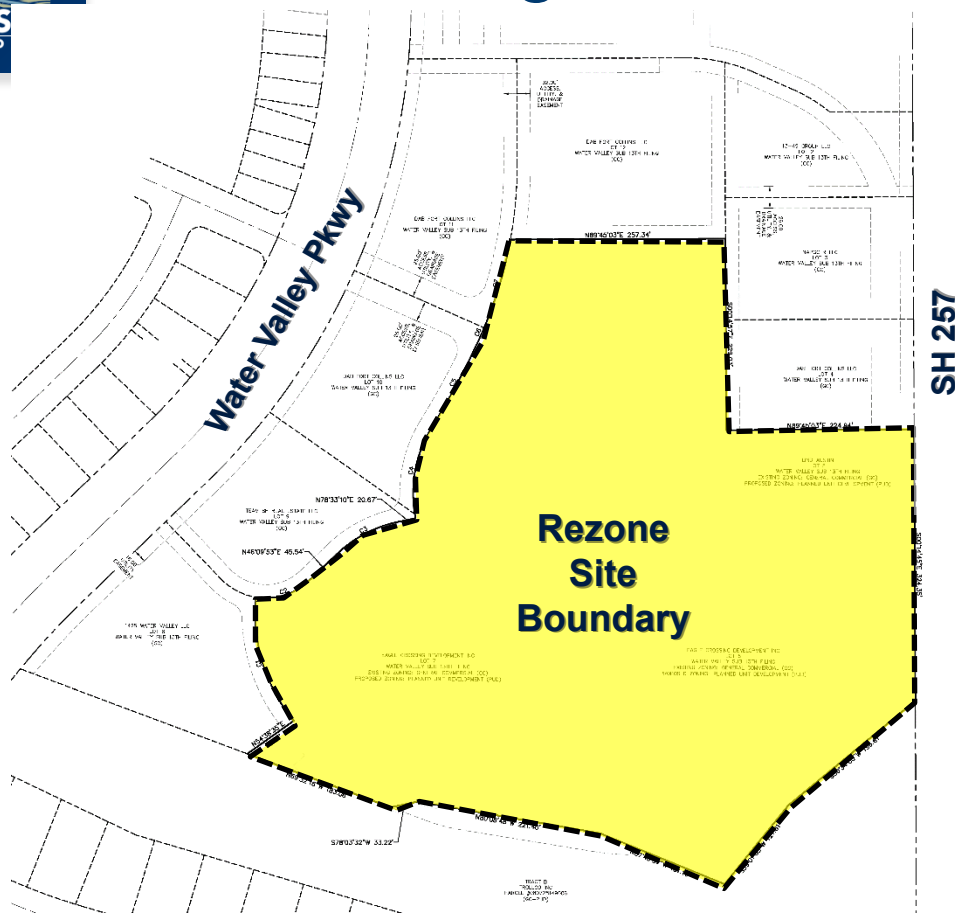
Background

- **2022** – Property was never able to gain traction to attract these proposed anchor tenants.
 - Subject property was the discussed with the Town on alternative options, and the PUD was recommended to fulfill their smaller mixed-use product proposal.





Rezoning Plat



PROPOSED LAND USE TABLE

USES	PROPOSED USE DESIGNATION	Note	G.C. (Current Zoning)	NC	CB	RMU-Z
PERMITTED USE BY RIGHT	PR					
PERMITTED WITH CONDITIONS	PC					
PERMITTED ACCESSORY USE BY RIGHT	PA					
CONDITIONAL USE	CU					
Accessory Home Occupation	PR					PA
Artisan Industry	PR					PR
Artisan Studio / Fine Art Studio	PR			PR	PR	PR
Automobile Sales Broker	PR	1	PR			
Bakery goods store	PR			PR	PR	
Banks and saving and loan offices	PR				PR	
Barber and beauty shops	PR			PR	PR	
Brewery, winery, or distillery with tasting room (miao)	PR					PR
Child Care Center	PR	2				PR
Cultural and Public Service	PR					PR
Customer service establishments	PR				PR	
Day Care - In-home	PA			PA	PA	PA
Delicatessen	PR			PR	PR	
Drug store	PR			PR	PR	
Farmers market / Seasonal Sales	PR			PR	PR	
Food store, convenience	PR			PR	PR	
Food store, Super Market	PR		PR	PR	PR	
Hardware store	PR			PR	PR	
Laundromat and Laundry	PR			PR	PR	
Laundry and Dry Cleaning	PR			PR		
Light Industry	PR					PR
Liquor store	PR			PR	PR	
Lumber / Building Supply Yards	PR		PR			
Medical and dental clinics	PR				PR	PR
Minor repair, rental and servicing establishments, excluding motor vehicle repair, rental and servicing	PR				PR	
Mixed Use Building	PR			PA	PA	PR
Mobile food vending	PR		PA	PA	PA	
Nightclub / Bar	PR					PR
Office	PR					PR
Office-Business, professional or public service	PR		PR	PR	PR	
Office-Public utility and installations	PR				PR	
Off-street parking and loading areas	PA			PA	PA	
Outdoor display of merchandise for sale on-site	PA		PA			
Personal Services	PR					PR
Places of assembly (small)	PR		PR	PR	PR	PR
Plumbing and heating contractors	PR				PR	
Public Open Space/Playground	PR					PR
Recreation/Entertainment - Indoors	PR					PR
Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business	PR			PA	PA	
Residential uses on the upper floors of commercial buildings or Live Work Dwelling	PR				PR	PR
Restaurant and bar	PR		PR	PR	PR	PR
Restaurant- Drive-Through	PR					PR
Restaurant - Drive In	PR	3	PR			
Retail stores, excluding the sale or rental of motor vehicles	PR				PR	
Signs Non accessory	CU					



Review Criteria

- (1) The proposal complies with the ***Comprehensive Plan*** goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies.
- (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.
- (3) Density is consistent with the ***Comprehensive Plan Land Use Plan***, and applicable the utility capacity studies.
- (4) The proposal *serves a community need* or amenity that was not considered at the time of the initial zoning of the property.
- (5) The proposal shall be accompanied by a Master Plan or ***Site Plan*** that demonstrates compatibility with adjacent uses.



Comprehensive Plan

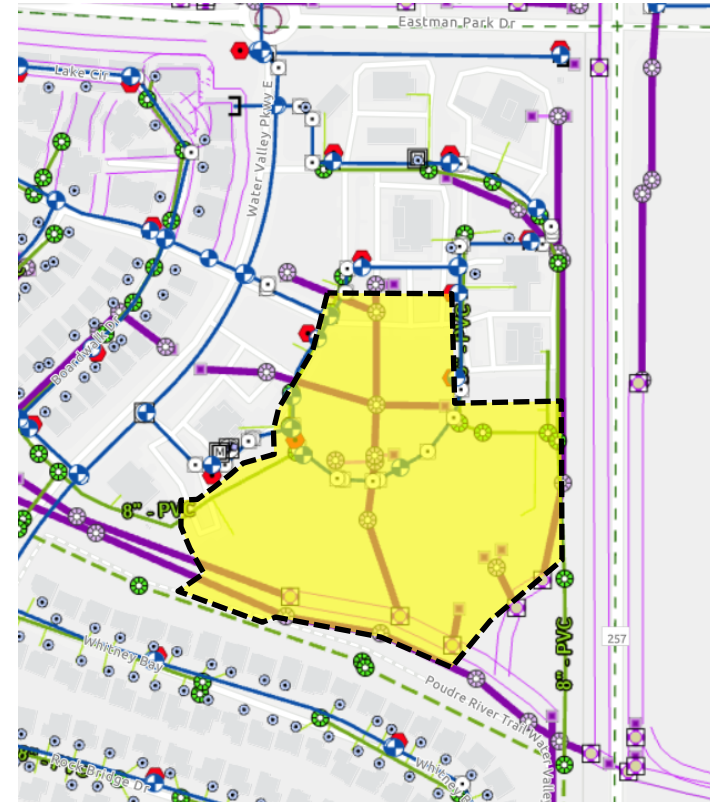
Chapter 5d – Commercial & Industrial Areas Framework Plan

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

- Commercial property is fiscally responsible by providing opportunities for increased tax revenue, jobs and services that fill a needed void.
- The rezone to add a Planned Unit Development (PUD) overlay to the existing General Commercial (GC) zoning will provide expanded opportunities for ***diverse business development*** while creating a buffered transition between established General Commercial (GC) zone and the less Residential Mixed Use (RMU-1) zone.

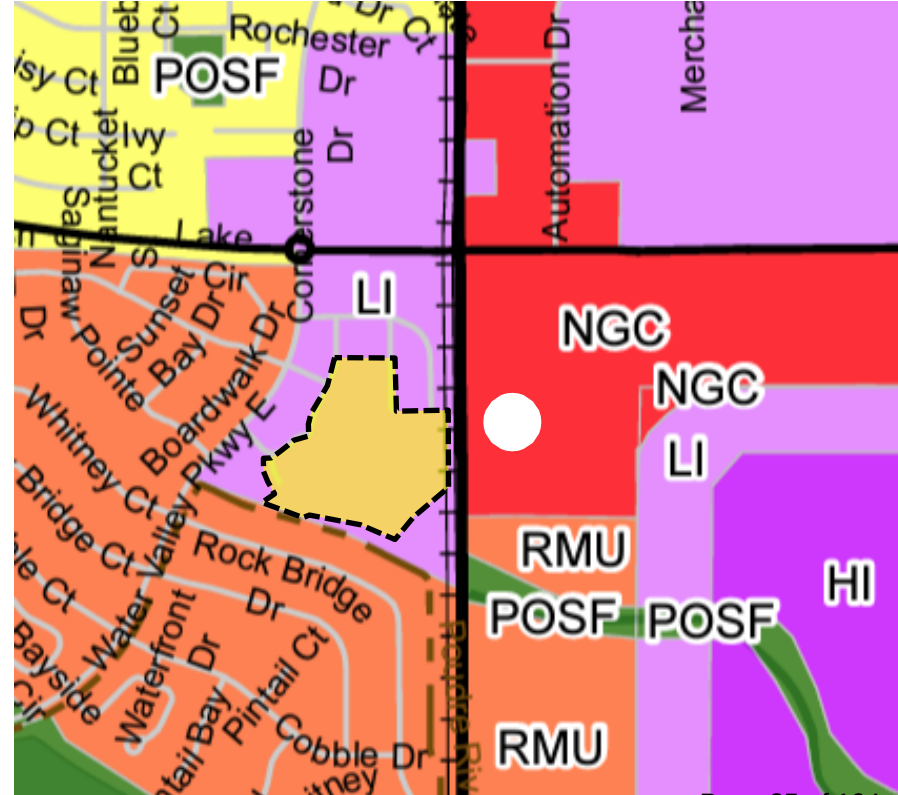
Infrastructure

- ***It is not anticipated that the proposal would create detrimental impacts to the planned transportation system.***
- The area under consideration would have similar traffic patterns
- The proposal would not change the road network from what has already been planned.
- ***Town Engineering staff has reviewed the request and the site has adequate sanitary sewer capacity.***
- ***It is anticipated that water would be available. The applicant would be responsible for bringing raw water for the project, if necessary.***
- If public improvements become necessary as a result of the proposed project, the applicant would be responsible for those improvements.



Comprehensive Plan Land Use Map

- Although this area has been long standing with a limited industrial use connotation, it has been commercial from its inception.
- The uses allowed with the proposed PUD zone are compatible and supportive of the allowed uses within the General Commercial (GC) and Residential Mixed Use (RMU-1) zone districts.
- It's character is to mimic neighborhood level commercial goods and services.



Community Need

- The Planned Unit Development overlay to the General Commercial Zone is a needed area for smaller local businesses to add to the quality and character of Windsor.
- ***The Town continues to see a demand for the type of flex office/retail space this project is proposing.***



Site Plan





Project Renderings





Summary

The application is consistent with the following elements of the Strategic Plan:

- **Vibrant & Healthy Economy** – This land use designation will support the goal of providing a ***viable, stable, diverse, and strategic*** economic base which supports the needs and enhances the lifestyles of those living and working in our community.
- **Infrastructure** – The Town's Engineering staff have reviewed the request and ***adequate capacity*** is available for light industrial development in this area.
- **Goals:**
 - Promotes ***business diversification*** in the community
 - Attracts ***balanced commercial development*** that will sustain the future of Windsor
 - Support the priorities in this area - ***economic sustainability and vibrancy, infrastructure.***



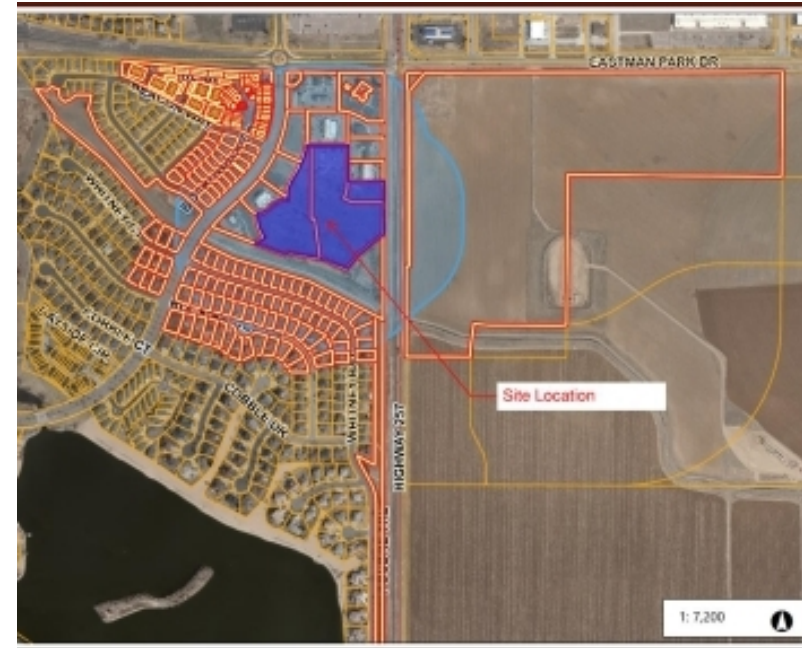
Notification

The applicant held a ***neighborhood meeting*** on July 31, 2023:

- July 19, 2023 – display ad published in paper
- July 17, 2023 – affidavit of mailing to property owners within 500 feet

Planning Commission and Town Board ***public hearing notifications***:

- August 18, 2023 – sign posted on property
- August 17, 2023– applicant mailed letters to surrounding property owners
- August 18, 2023– public hearing notice published to Town website
- August 18, 2023– ad in newspaper





Recommendation

Staff requests that the Planning Commission forward to the Town Board a recommendation of ***approval*** of the rezoning petition and ordinance, subject to any outstanding Planning Commission and staff comments being addressed.



Rezone Records

Staff requests that the following be entered into the record:

- Application, petition and supplemental materials
- Any testimony received during the public hearing
- Staff memorandum and supporting documents
- Draft Ordinance
- Recommendation



MEMORANDUM

Date: October 18, 2023
To: Planning Commission
From: David Eisenbraun, Senior Planner
Re: Recommendation to Town Board - Rezoning for a PUD (Planned Unit Development) Overlay to the GC (General Commercial) Zoning District - Water Valley South Subdivision 13th Filing, Lots 5, 6 and 7 (The Lofts at Water Valley Village) - Garrett Scallon and Austin Lind, applicant, The Water Valley Company, LLC, on behalf of Eagle Crossing Inc., property owner; and Brian Williamson, applicant's representative, TST Inc. Consulting Engineers

Item #: C.2.

Background / Discussion:

Please refer to public hearing item materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff requests that the Planning Commission forward to the Town Board a recommendation of approval of the rezoning petition and ordinance, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Attachments:



MEMORANDUM

Date: October 18, 2023
To: Planning Commission
From: Doug Roth, Civil Engineer IV
Re: Public Hearing - An Ordinance for Municipal Code Amendments, Chapter 15-14-50 and 15-14-70, Concerning an Ordinance Amending Windsor Municipal Code Section 15-14-50 and Section 15-14-70 Concerning Flood Damage Prevention and Related Definitions, Adoption of a Flood Insurance Study, and Adoption of New Flood Insurance Mapping
Item #: C.3.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends that Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending the Windsor Municipal Code Chapter 15, Article XIV – Flood Damage Prevention:

- Sec 15-14-50 to include definitions for “Base Flood” and “New Construction”
- Amend Sec 15-14-70 to adopt new FIS and FIRM, effective November 30, 2023

CC:

Shane Hale, Town Manager
John Thornhill, Community Development Director
Omar Herrera, Deputy Director of Engineering
Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner

Attachments:

1. Staff Memo - FIRM Update 2023 & Related Code Amendments
2. Draft Ordinance - Flood Map & Code Amendments
3. Staff Presentation - FIRM Update & Related Code Amendments



MEMORANDUM

Date: October 18, 2023
To: Planning Commission
From: Doug Roth, Civil Engineer IV
Via: Shane Hale, Town Manager
Re: Public Hearing and Recommendation to Town Board – Updates to the Flood Insurance Rate Map and related ordinances
Item #: C.3 & C.4

Background / Discussion

Staff is recommending that the Planning Commission forward to the Town Board a recommendation of approval of an ordinance amending the Windsor Municipal Code Chapter 15, Article XIV – Flood Damage Prevention:

- Sec 15-14-50 to include definitions for “Base Flood” and “New Construction”
- Amend Sec 15-14-70 to adopt new FIS and FIRM, effective November 30, 2023

This recommendation is reflected in the staff recommendation. The purpose for the request is described in detail within this memorandum and the attached draft ordinance and staff presentation.

Over a decade ago FEMA launched a project to restudy the Poudre River floodplain. New Flood Insurance Rate Maps (FIRM) and a new Flood Insurance Study (FIS) for Weld County was the result of over 12 years of work. A FIRM typically shows the 100-year floodplain boundary, and many times includes a floodway boundary. The last major floodplain mapping change took place in January of 2016 when the digital flood insurance rate map (DFIRM) was adopted.

The Letter of Final Determination was issued by FEMA on May 30, 2023, notifying communities that they have a six-month period to adopt the FIRM mapping and associated Flood Insurance Study (FIS). In order to adopt the FIRM mapping, the Town Floodplain Ordinance will need to be amended to adopt the Weld County FIRM mapping and FIS as the official Town floodplain mapping. The Town of Windsor must adopt the new FIRM and FIS before November 30th in order to demonstrate to FEMA that the Town is compliant with National Flood Insurance Program regulations.

Colorado Water Conservation Board (CWCB) has reviewed Windsor Municipal Code Chapter 15 Article XIV – Flood Damage Prevention. CWCB has requested that two additional definitions be added to Sec. 15-14-50.

The current remapping effort is known as Colorado Hazard Mapping Program (CHAMP). Another closely associated project to the remapping effort is the Colorado RiskMAP. The general history of the floodplain remapping effort associated with CHAMP and RiskMAP is as follows:

- The first meeting Engineering staff was invited to was on May 9, 2011, in Fort Collins. This is when staff became aware of the RiskMAP project that would re-study the Poudre floodplain and result in new FIRM.
- April 10, 2018, Town Hired Ayres for review of draft mapping.
- A Weld County Public Meeting Open House held on May 10, 2018
 - Windsor invited property owners with land in the proposed floodplain (post cards mailed)
 - At least 3 Windsor residents attended.
- Water Valley was contacted by Town staff due to proposed floodplain changes in Water Valley.
- TST collected topography data in Water Valley prior to comments being sent to Colorado Water Conservation Board (CWCB) who works closely with FEMA on the remapping efforts. Topo was provided as part of Town formal technical comments.
- Formal Comments were submitted to CWCB by Town Engineering Department on May 23, 2018. Comments included technical comments prepared by Ayres.
- A meeting was held on June 28, 2018 (Windsor Town Hall) with CWCB, Ayres, and Water Valley representatives.
- Formal Comments were submitted to CWCB by the Town Engineering Department on June 11, 2019 (Ayres provided assistance with review and comments)
- A meeting was held on July 26, 2019 (Windsor Town Hall) with AECOM, Greeley, Weld County, CWCB
- On December 5, 2019, Engineering staff contacted AECOM to let them know that topo provided by the Town was not incorporated into the draft flood maps as was promised in the meeting minutes provided by CWCB on September 9, 2019.
- FEMA issued preliminary maps on September 17, 2020
- FEMA & CWCB held an open house at the Weld County Administration Building on September 24, 2020. Windsor staff attended the open house.
 - Windsor invited property owners with land in the proposed floodplain (post cards mailed)
- Windsor received a notice dated February 10, 2021, from FEMA regarding the start of a 90-day appeal period.
- Windsor staff still had concerns about the revised mapping and Ayres Associates Inc. was hired to prepare an appeal submittal on behalf of the Town.
- The appeal prepared by Ayres was submitted to FEMA on April 16, 2021
- On August 20, 2021, FEMA provided a formal response to Windsor's appeal. All areas of appeal were resolved and were in agreement with the appeal submitted. However, staff provided comment to FEMA that depicted Town limits were not correct because of not including the Kyger Reservoir Annexation.

- Larimer County is also going through a map update. Due to annexation boundaries changing and delay in Larimer County mapping delays, a decision was made by FEMA to split Windsor's mapping at the County line. When Larimer County mapping is completed, Windsor will also need to adopt the Larimer County FIRM and FIS.
- The Letter of Final Determination was issued by FEMA on May 30, 2023, notifying communities that they have a six-month period to adopt the Weld County FIRM mapping and associated Flood Insurance Study (FIS). The Weld County FIRM and FIS is set to go effective November 30, 2023.

National Flood Insurance Program (NFIP):

Community participation in the NFIP results in property owners being able to purchase flood insurance at subsidized rates. Windsor participates in the NFIP. According to the State NFIP Coordinator, Windsor has 48 NFIP policies totaling \$15,000,000 in coverage. Structures covered in those policies include 47 single family homes and 10 other structures.

FEMA provides the following overview of the NFIP, "Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968. Since the inception of NFIP, additional legislation has been enacted. The NFIP goes through periodic Congressional reauthorization to renew the NFIP's statutory authority to operate."

FIRM and FIS adoption:

The Town of Windsor must adopt the new Weld County FIRM and FIS before November 30th in order to demonstrate to FEMA that the Town is compliant with the NFIP. Failure to adopt the FIRM mapping and FIS will result in residents being unable to purchase flood insurance policies.

The Town Floodplain Ordinance will need to be amended to adopt the Weld County FIRM mapping and FIS as the official Town floodplain mapping. A copy of the Ordinance will need to be sent to Colorado Water Conservation Board (CWCB) and FEMA so that they have verification that the Town has complied with FEMA requirements.

Upon approval of the proposed amendments to the Windsor Municipal Code Chapter 15, Article XIV – Flood Damage Prevention, the municipal code would read as follows (**bold text** illustrating the amendments and ~~strike throughs~~ illustrating the deletions):

Sec. 15-14-50. – Definitions.

....

Base Flood means the flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

....

New Construction means the construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility which has been totally destroyed.

....

Amend Section 15-14-70 to read as follows:

Sec. 15-14-70. - Basis for establishing the special flood hazard areas.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report "The Flood Insurance Study, **Federal Emergency Management Agency**, for Weld County, Colorado and Incorporated Areas," dated ~~January 20, 2016~~, **November 30, 2023**, with accompanying Flood Insurance Rate Maps (FIRM) are hereby adopted by reference and declared to be a part of this Article and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Town of Windsor. The Flood Insurance Study, FIRMs DFIRMs, and/or FBFMs are on file at the Town Hall, 301 Walnut Street, Windsor, Colorado 80550. **As to Larimer County, Colorado, "The Flood Insurance Study for Weld County, Colorado and Incorporated Areas," dated January 20, 2016, shall remain in effect until such time as Larimer County updates their Flood Insurance Study and Flood Insurance Rate Maps.**

Notification

Notification of the Planning Commission and Town Board public hearing meeting dates for the proposed Town Municipal Code updates were completed in accordance with the Town's Municipal Code:

- October 8, 2023 – Advertised in Greeley Tribune
- October 4, 2023 – Posted on Town's public hearing webpage

Financial Impact

No financial impact is anticipated.

Relationship to Strategic Plan

Adoption of current FIRM and FIS demonstrates the COMMUNITY SAFETY guiding principal. Specifically, flood damage prevention is directly related to the Town sustaining an active emergency management system focused on prevention, preparedness, and recovery with key partnerships in place to effectively response in crisis.

Recommendation

Staff recommends that Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending the Windsor Municipal Code Chapter 15, Article XIV – Flood Damage Prevention:

- Sec 15-14-50 to include definitions for "Base Flood" and "New Construction"
- Amend Sec 15-14-70 to adopt new FIS and FIRM, effective November 30, 2023

TOWN OF WINDSOR

ORDINANCE NO. 2023-

AN ORDINANCE AMENDING SECTIONS 15-14-50 and 15-14-70 OF THE WINDSOR MUNICIPAL CODE AND ADOPTING THE NEW WELD COUNTY FLOOD INSURANCE RATE MAPS AND FLOOD INSURANCE STUDY CONCERNING FLOOD DAMAGE PREVENTION MEASURES APPLICABLE TO LAND USE PRACTICES WITHIN THE TOWN OF WINDSOR

WHEREAS, the Town of Windsor (the “Town”) is a home rule municipality with all powers conferred under Colorado law; and

WHEREAS, the Town adopted the State floodplain regulations in 2013, codified in Chapter 15, Article XIV in the Windsor Municipal Code, for the purpose of protecting the public health, safety and welfare; and

WHEREAS, in Ordinance No. 2015-1512, the Town adopted the FEMA Flood Insurance Rate Maps and Flood Insurance Study concerning Weld County and portions of Larimer County; and

WHEREAS, the Federal Emergency Management Agency, (“FEMA”) is responsible for working cooperatively with state and local governments to assure the up-to-date flood damage prevention policies are adopted and implemented; and

WHEREAS, FEMA and the Colorado Water Conservation Board have completed a revision of the Weld County Flood Insurance Rate Maps in a digital format; and

WHEREAS, these new maps and accompanying Flood Insurance Study will become effective November 30, 2023 concerning Weld County; and

WHEREAS, the maps and accompanying Flood Insurance Study adopted in Ordinance No. 2015-1512, as pertaining to Larimer County shall remain in full force and effect; and

WHEREAS, the Town looks to adopt revisions to its local floodplain regulations by November 30, 2023; and

WHEREAS, the Town Board finds these adoptions promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, THAT:

Section 1. The Windsor Municipal Code Sec. 15-14-50 is hereby amended to add two new definitions to the already codified definitions, to be listed in alphabetical order, which shall read as follows:

Sec. 15-14-50. – Definitions.

....

Base Flood means the flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

....

New Construction means the construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility which has been totally destroyed.

....

Section 2. The Windsor Municipal Code Sec. 15-14-70 is hereby amended to read as follows:

Sec. 15-14-70. - Basis for establishing the special flood hazard areas.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report "The Flood Insurance Study, **Federal Emergency Management Agency**, for Weld County, Colorado and Incorporated Areas," dated ~~January 20, 2016~~, **November 30, 2023**, with accompanying Flood Insurance Rate Maps (FIRM) are hereby adopted by reference and declared to be a part of this Article and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Town of Windsor. The Flood Insurance Study, FIRMs DFIRMs, and/or FBFMs are on file at the Town Hall, 301 Walnut Street, Windsor, Colorado 80550. **As to Larimer County, Colorado, "The Flood Insurance Study for Weld County, Colorado and Incorporated Areas," dated January 20, 2016, shall remain in effect until such time as Larimer County updates their Flood Insurance Study and Flood Insurance Rate Maps.**

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance are hereby repealed, only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Introduced and passed on first reading and ordered published this October 23, 2023.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Passed on second reading, and ordered published this November 13, 2023.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]



2023 Flood Insurance Rate Map Adoption & Related Municipal Code Amendments, Chapter 15, Article XIV – Flood Damage Prevention

*Doug Roth, P.E., CFM
Civil Engineer IV
Planning Commission – October 18, 2023*





Flood Insurance Rate Map Update Overview

- Remapping efforts began over 12 years ago
- The entire Poudre River floodplain was studied
 - New survey collected
 - New hydraulic models prepared
 - Community involvement throughout project
- Originally called RiskMAP and later commonly called Colorado Hazard Mapping Program or CHAMP



Flood Insurance Rate Map Update History

- Town Staff was involved from first meeting – May 9, 2011, to current pending maps.
- Windsor hired a floodplain consultant, Ayres Associates, to assist with technical review.
- Windsor participated in two Weld County public open house presentations (2018 and 2020). Windsor property owners invited by postcards.

Flood Insurance Rate Map Update History

- Comments submitted to FEMA throughout process
- Meetings held with mapping team and Town staff and technical representatives.
- Appeal submitted by Windsor in 2021 and all comments incorporated into mapping by FEMA.

Flood Insurance Rate Map Regulatory Items

- New Flood Insurance Rate Maps
 - Update of Town Flood Damage Prevention Ordinance is required for adoption.
 - Required by the State and FEMA to be Adopted by local ordinance prior to November 30, 2023.
 - Failure to adopt will result in suspension from Windsor's participation in the National Flood Insurance Program.

National Flood Insurance Program

- The NFIP is a Voluntary Federal Program
 - Allows homeowners to buy flood insurance based on flood zone risk and be eligible for Federal assistance
 - Overseen by FEMA and Partners
 - Managed by Communities
 - Enforced by Lenders



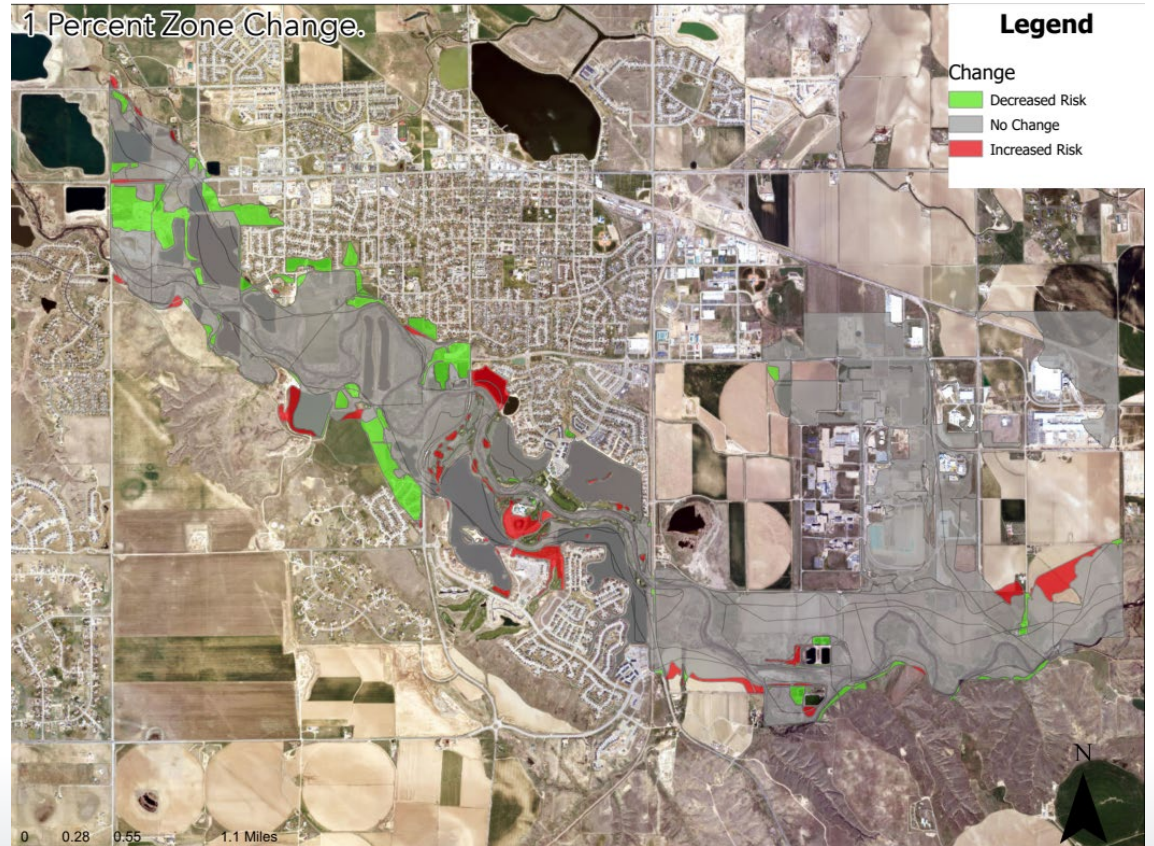
National Flood Insurance Program

- Engineers determine risk used to determine requirements
- NFIP allows discounted insurance for less risk



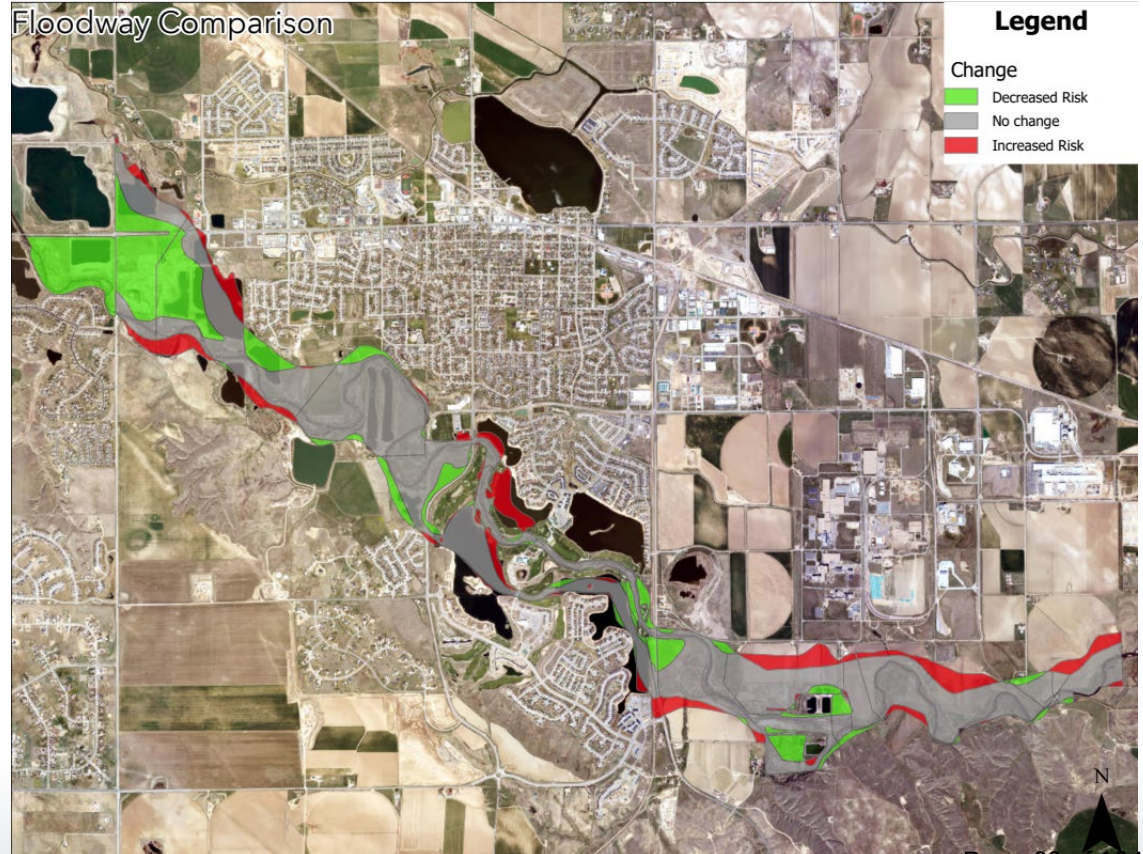
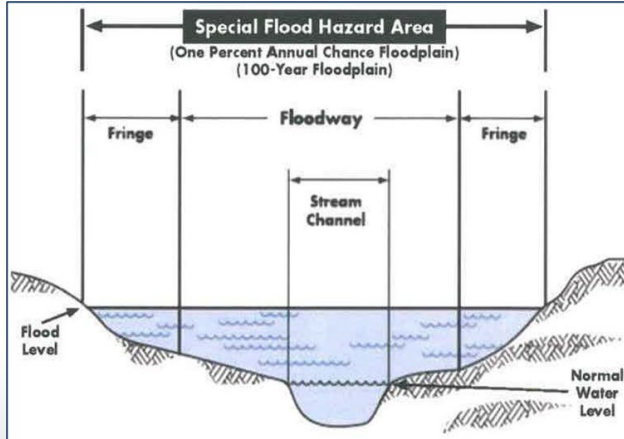
Effective FIRM vs Updated FIRM

1% annual flood risk changes
Green – Decreased Risk
Red – Increased Risk
Gray – No boundary change



Effective FIRM vs Updated FIRM

Floodway changes
Green – Removed
Red – Added
Gray – No boundary change



Notable Areas of Change

- Vicinity of SH 392 and Colorado Blvd.
- Near SH 392 and 17th Street
- Vacant land south of Safeway
- Eastman Park area
- Water Valley

Above Areas will be covered on comparison map

Flood Damage Prevention Ordinance Update

- Required for participation in NFIP
- Need to add two new definitions to Ordinance
- Ordinance adoption required prior to November 30, 2023
- Hearing at Planning Commission on October 18, 2023
- First reading of ordinance scheduled for October 23rd
- Second reading of ordinance scheduled for November 13th



Public Hearing Notification

In accordance with the Town of Windsor Municipal Code public hearing requirements, notifications for this meeting were as follows:

- October 8, 2023 – legal notice/ad published in the local newspaper.
- October 4, 2023 – legal notices posted on the Town of Windsor website.

Recommendation

- Staff requests that Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending the Windsor Municipal Code Chapter 15, Article XIV – Flood Damage Prevention:
 - Amend Sec 15-14-50 to include definitions for “Base Flood” and “New Construction”
 - Amend Sec 15-14-70 to adopt new FIS and FIRM, effective November 30, 2023

Record

Staff requests that the following be entered into the record:

- Staff memorandum and supporting documents
- Testimony from public hearing
- Staff recommendation



Questions?

Doug Roth, P.E., CFM

Civil Engineer IV

droth@windsorgov.com

(970) 674-2435



MEMORANDUM

Date: October 18, 2023
To: Planning Commission
From: Doug Roth, Civil Engineer IV
Re: Recommendation to Town Board - An Ordinance for Municipal Code Amendments, Chapter 15-14-50 and 15-14-70, Concerning an Ordinance Amending Windsor Municipal Code Section 15-14-50 and Section 15-14-70 Concerning Flood Damage Prevention and Related Definitions, Adoption of a Flood Insurance Study, and Adoption of New Flood Insurance Mapping
Item #: C.4.

Background / Discussion:

Please refer to public hearing item materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends that Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending the Windsor Municipal Code Chapter 15, Article XIV – Flood Damage Prevention:

- Sec 15-14-50 to include definitions for “Base Flood” and “New Construction”
- Amend Sec 15-14-70 to adopt new FIS and FIRM, effective November 30, 2023

CC:

Attachments:



MEMORANDUM

Date: October 18, 2023
To: Planning Commission
From: Mark Price, Planner 1
Re: Public Hearing - Conditional Use Permit Renewal [Case No. CUG23-004] to allow a temporary use not specifically included as a use by right in any zone district, located on a portion of Lot 5 of Great Western Industrial Park Subdivision 7th Filing (30755 Great Western Drive) – Ben Goldwasser, Central Oceans, applicant
Item #: C.5.

Background / Discussion:

Please refer to attached memorandum.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Scott Ballstadt, Director of Planning

Attachments:

1. Staff Memo - GWIP 7th L5 CUP
2. Application - GWIP 7th L5 CUP
3. Staff Presentation - GWIP 7th L5 CUG (2023)



MEMORANDUM

Date: October 18, 2023
To: Planning Commission
From: Carlin Malone, Chief Planner & Mark Price, Planner I
Re: Public Hearing and Recommendation to Town Board –
Conditional Use Permit [Case No. CUG23-004] to allow a
temporary use not specifically included as a use by right in any
zone district, located on a portion of Lot 5 of Great Western
Industrial Park Subdivision 7th Filing – Ben Goldwasser,
Central Oceans, applicant
Item #: C.5 & C.6

Background / Discussion

The applicant, Central Oceans, represented by Mr. Ben Goldwasser, is requesting a Conditional Use Permit (CUP) to allow an existing approved temporary use for a shipping container storage yard for a period of one year, with the right to extend (administratively, by the Director of Planning) for an additional one-year term if necessary, to facilitate the conclusion of the project.

A conditional use permit is required because the proposed temporary use is not specifically included as a use-by-right in any zoning district per Section 14-2-130(a) of the Town's Municipal Code, Conditional Use Permit Applicability. The applicant is requesting allowance for a Conditional Use Permit for their existing storage yard. The original CUG (prior code referred to as a "Conditional Use Grant") request was for a term of four years, expiring December 31, 2023.

Staff is recommending the Planning Commission forward to the Town Board a recommendation of approval of the CUP, as reflected in the staff recommendation section of the memorandum.

The Planning Commission recommendation for the subject CUP will be considered at the Town Board public hearing and meeting of October 23, 2023.

Review Criteria for Conditional Use Permits

Section 14-2-130(c) of the Municipal Code outlines the review criteria to be evaluated prior to granting of a conditional use permit:

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

The proposal of a shipping container storage yard is not specifically addressed as it relates or complies with the Comprehensive Plan's goals and objectives and the Strategic Plan.

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, and with the reduction of inventory, less trips and fewer volume will be seen. The proposal is an existing shipping container storage yard, which has been in place for nearly four years. This would be considered a new CUP, as the original CUG permitted a maximum of four years of conditional use.

In the duration of four years that the shipping containers have been located on this site, there have been no complaints received by the Town from surrounding businesses or residents regarding the use and its operations.

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 areas surrounding the use are quasi-developed and part of the heavy industrial zone district. The applicant has stated that the conditional use is for accommodating container storage for renewable energy distribution facility and solar infrastructure inventory yard. The site will not be modified from existing conditions, access will not be altered, traffic should not change due to this request, and the storage yard should not impact adjacent properties. No changes are proposed for the overall site layout, including the originally permitted stacking height of twenty-nine feet (29 ft), operations, sound, or lighting. As stated in the second criteria, no complaints have been received about the use or its operations.

Relationship to Comprehensive Plan

The Comprehensive Plan does not specifically address the storage yard use.

Relationship to Strategic Plan

There are no relevant areas of the Strategic Plan regarding the storage yard use.

Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Conditional Use Permit application, as presented, for a period of one year from approval date, with the option to extend (administratively) an additional year if necessary.

Notification

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

- October 6, 2023 – legal notices posted on the Town of Windsor website
- October 6, 2023 – development review sign posted on the property
- October 8, 2023 – legal ad published in the local newspaper
- October 6, 2023 – affidavit of letters mailed to property owners within 500 feet

Attachments

Application materials

Staff PowerPoint

Application for Conditional Use



(Please see Town of Windsor [Fee Schedule](#) for Application Fees)

To Be Completed by Applicant

(Type or print in black ink)

Street Address: 30755 Great Western Drive

Lot: 5 Block: _____

Subdivision: 7th Filing, Lot 5

Conditional Use Grant approval is only valid for the applicant(s) who receive the original approval and is not transferable to subsequent occupants of the property.

Describe the non-conforming use or home occupation. Include activity description, average number of clients, need for parking, hours of operation, size of area to be used, justification of continuance of non-conforming use and result of any communication with neighbors. (Use back or additional sheets if necessary).

Central Oceans requests a CUG to continue its operation of their Solar Infrastructure Inventory Yard which has been in operation on this site since 2019 under a previous CUG.

Windsor Municipal Code Section 14-2-130. _____

- Legible, accurate drawings (drawn to an appropriate scale, which cannot be smaller than 1" = 30') and specifications necessary for the proper consideration of this grant shall be submitted with this application.
- Conditional Use Grant evaluation criteria are detailed in Windsor Municipal Code Section 14-2-130.
- Notification requirements are detailed in Windsor Municipal Code Section 14-2-10(h).

Present use of land: Renewable energy distribution facility and solar infrastructure inventory yard Size: 24.93 acres

Present use of structure: N/A Size: N/A

Proposed use of land: Renewable energy distribution facility and solar infrastructure inventory yard Size: 24.93 acres

Proposed use of structure: N/A Size: N/A

If this Conditional Use Grant is approved, I/We the undersigned, agree to comply with the Code of the Town of Windsor, Colorado and any other stipulations as determined by the Town Board. I hereby depose and state under penalties of perjury that the statements and information submitted herein and pertaining to this application are true and correct to the best of my knowledge.

Submitted this 15th day of September, 20 23

Ben Goldwasser
Applicant (please print)

Great Western Industrial Park
Property Owner (please print)

Applicant's Signature

Property Owner's Signature

540-529-0035
Phone (daytime) Fax

Phone (daytime) Fax

ben.goldwasser@centraloceans.com
Email

Email

Applicant's Representative (if any):

Name: Ben Goldwasser

Phone: _____ Fax: _____ Email: _____

Application for Conditional Use

Project Description:

Please see attached.

Revised August 2022



Central Oceans Introduction and Overview

Central Oceans specializes in the transport of oversized, complicated, and project related freight, a business that involves planning, complex challenges, and difficult decisions on a daily basis. We take the time to know our clients' business, pay attention to each and every detail, managing the entire process from the initial planning to the door delivery. That is how we ensure the safe and successful completion of each and every project.

We have carved out a niche for ourselves by offering industrial clients both standard and tailored transport solutions. Our hands-on management team and highly experienced project personnel possess an in-depth understanding of the most challenging aspects of complex projects. We are committed to the successful transport of freight from origin to destination, including the initial plan, implementation and close monitoring of the freight's movements. To ensure that all parties are updated every step of the way, clients are presented with online access to a tailor-made overview of their shipments on our state-of-the-art IT platform.

Our dedicated management team has implemented sound environmental practices and worked to ensure a healthy and safe workplace. We recognize that our operations can have an impact on the local, regional and global environment. As such, we are committed to the continuous improvement in environmental performance and the prevention of pollution across our business.

Project Overview:

Central Oceans is submitting the following Conditional Use Grant (CUG) application to the Town of Windsor, Colorado in order to continue operation of a Foreign Trade Zone (FTZ) renewable energy distribution facility and solar infrastructure inventory yard in the Great Western Industrial Park. Central Oceans has held a CUG for this property and this use since 2019 and obtained the two (2) permitted extensions.

This request is for a new CUG to allow the continuation and conclusion of Central Oceans' renewable energy distribution facility and solar infrastructure inventory yard project. Approval of this application will allow for Central Oceans to successfully conclude business for which the CUG initially requested. The original 2019 CUG for this facility had an original term of 2-years, with the right to request 2, 1-year extensions. That 4-year period expires in December of this year (2023). Unfortunately, due to the COVID-19 pandemic and subsequent supply chain disruptions, many of the solar energy developments Central Oceans is supplying from Windsor, CO faced construction delays. As a result, we are applying for a new CUG to allow for an extension



of our operations through 2024 with an option to administratively extend, if necessary, based on market conditions. The Letter of Support from the Property owner, Broe Real Estate Group, attached to this application as **Exhibit A**, evidences our successful tenancy at the Great Western Industrial Park and outlines our dedication to efficiently bring our Solar Infrastructure Inventory Yard operations to a close.

This application requests a CUG with an initial one (1) year term, with the right to administratively extend for additional 1-year term if necessary to facilitate the conclusion of the project. Central Oceans understands and acknowledges that if operations are not in accordance with the CUG, they will be required to submit for a new CUG at the end of the original one (1) year term and any subsequent renewal periods.

This facility will be used to continue the storage and distribution of solar infrastructure inventory and other renewable energy equipment.

The solar infrastructure inventory is stored in shipping containers stacked in rows at the yard. These containers are stacked in rows via specialized handling machinery. The solar cargo storage plan via shipping containers is addressed in further detail below. The yard has been leveled, compacted, and a gravel base was added to ensure the containers are stable for the duration of the project. The containers are secured per industry standard, and inaccessible to any personnel not involved with the project. The solar cargo began departing the site in October 2020 for delivery to its final destination. The storage yard is a secluded and secure facility as detailed below.

The project site area is located at:

24.93 Acres of Parcel # 080735104005 of Lot 5 at Great Western Industrial Park
30755 Great Western Drive
Windsor, CO 80550

(F.K.A. 30619 County Road 23 in prior CUG application)

40°27'02.5"N 104°51'21.3" W

or

40.450698, -104.855928

The approved site plan for this operation is shown on the next page.



DRAWN	ML
CHECKED	DTW
APPROVED	MDC
PROJECT NO.	16003.22
HORZ. SCALE	1" = 80'
VERT. SCALE	N/A

2019-10-31	1	1ST SUBMITTAL TO TOWN
2019-11-08	2	CUG APPLICATION SUBMITTAL
2019-12-04	3	CUG RESUBMITTAL

GREAT WESTERN INDUSTRIAL PARK
CENTRAL OCEANS USA

SITE PLAN

SHEET

4



Photo Showing Existing Condition of Inventory Stacks

City of Greeley Water Plan:

The site plan is in compliance with City of Greeley’s comments regarding water transmission lines.

Traffic will only cross the transmission lines in three (3) areas where a minimum of 6’ of non-vibratory compacted earth have been placed.

The closest corners of the storage containers are a minimum of 25’ away from the centerlines of each transmission line.

All proposed light poles are also placed outside of the Greeley easement area.



Estimated Traffic Impact:

The project's anticipated traffic volume and impact on local infrastructure was studied by CDOT consultant before the first CUG application in 2019. The CDOT analysis found an approximately 1% increase in the daily traffic on Eastman Park Drive east of SH 257 and the consultant provided the following response:

"Based on review of the projected traffic volumes by the Central Oceans site and the current traffic volumes on Eastman Park Drive east of SH 257, a new access permit is not warranted."

Because the amount of solar energy equipment entering the property has ceased and the solar energy equipment leaving the property has decreased since the conception of the project and the data used in the CDOT traffic analysis in 2019, the traffic impact of the solar infrastructure inventory yard will not unduly burden public infrastructure.

The traffic plan map is shown on the next page.

Central Oceans Truck Route:

Cargo Origins:

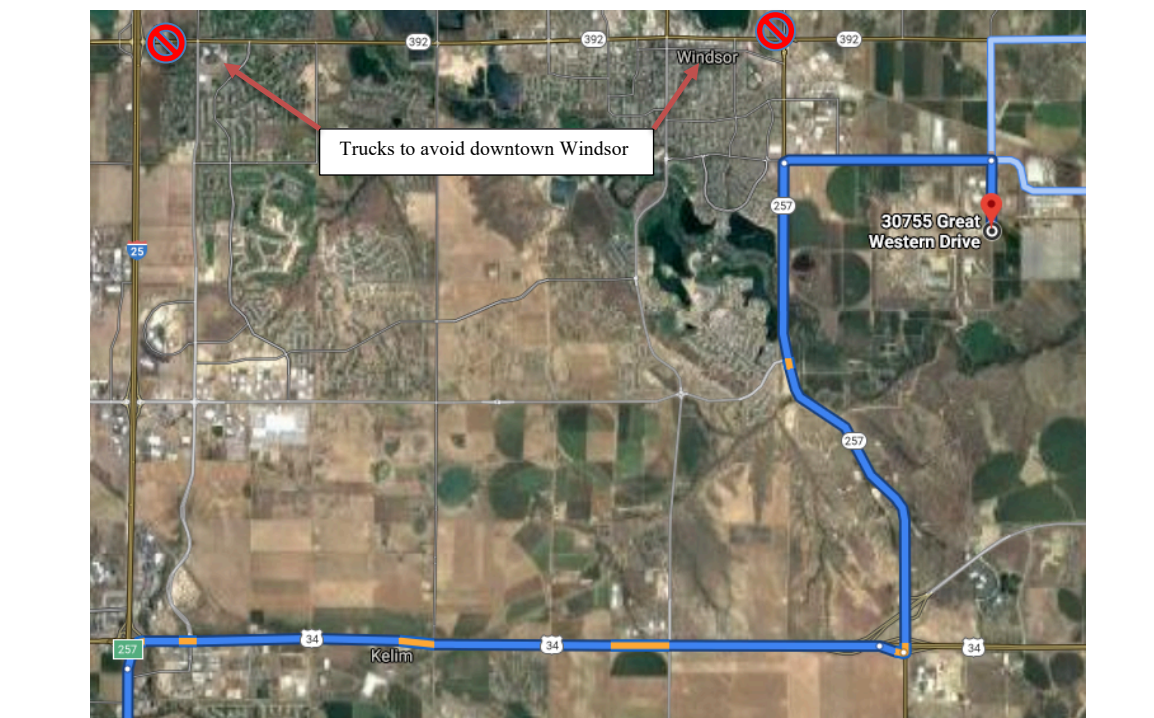
1. Union Pacific Rail Ramp – Denver, CO
2. Various warehouses in Denver and Aurora, CO.

Route:

1. I-25 North.
2. Exit 257 / US Route 34 East
3. CO-257 North
4. Eastman Park Drive East
5. Great Western Drive South
6. East into site
7. Alternative Routes North could include US-85.

Route Avoidance

1. Trucks will not use CO-392 through downtown Windsor



Security Details:

The solar infrastructure inventory yard is secured in the following manner:

A chain link fence (8' high minimum) with 3-strand barbed wire and screening slats surrounds the entire property. There is a 1x 20' entrance gate secured via industrial blue-tooth lock that only approved personnel can access. Signs are installed at the property signifying the yard as a Foreign Trade Zone.

Light poles surround the property perimeter with LED lights mounted to the poles. Lights in sensitive areas are shielded to avoid spillover of light outside storage yard.

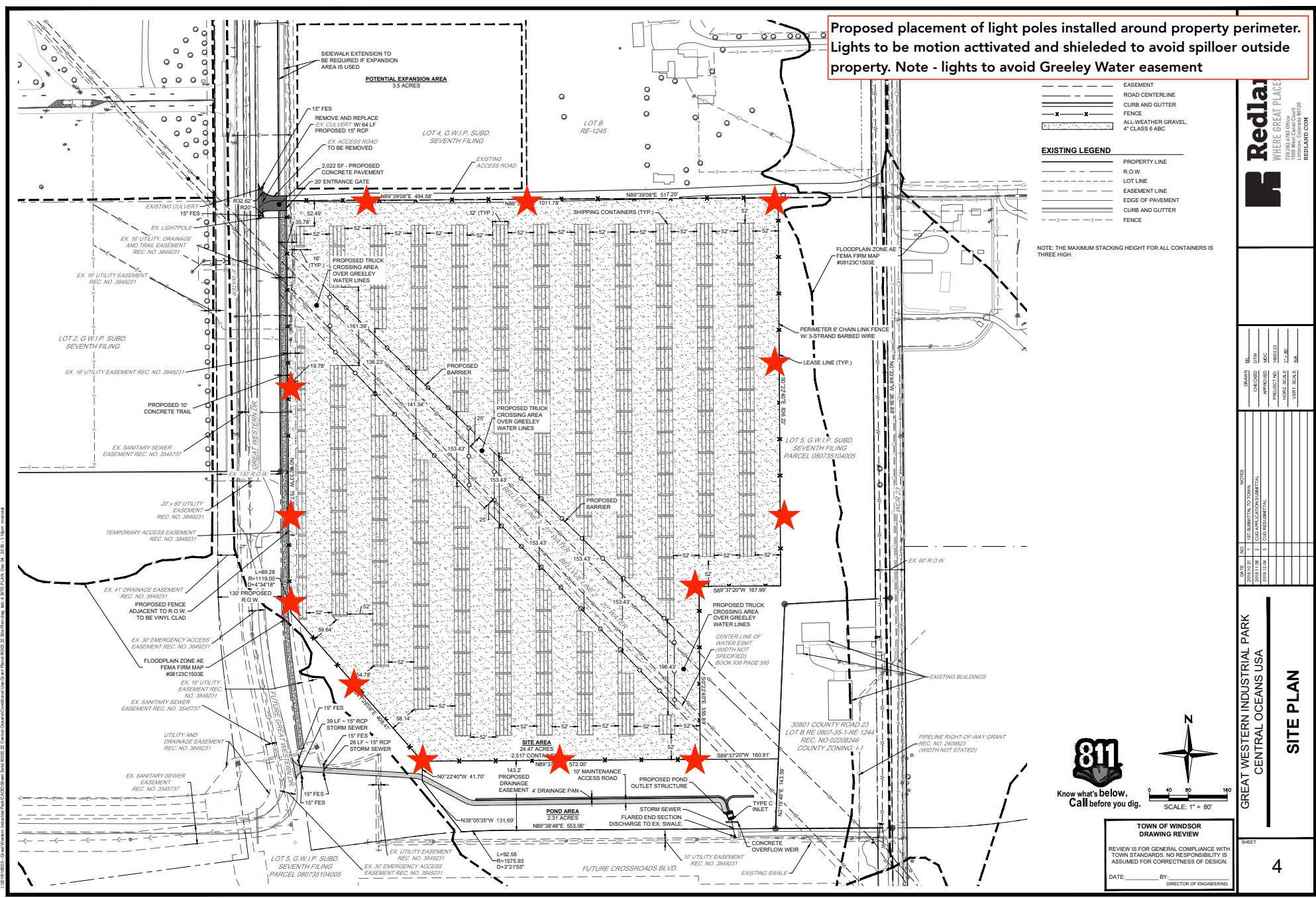
12 security cameras are installed along the fence-line/perimeter of the property. These cameras are monitored 24/7 by personnel that can deploy sirens and strobe lights to deter trespassers and notify local police and project personnel.

6 security cameras are installed within the property to monitor all activity. Signs at the property notify visitors and potential trespassers of the security measures in place.



The light pole and camera placement map is shown on the next page.

Proposed placement of light poles installed around property perimeter. Lights to be motion activated and shielded to avoid spillover outside property. Note - lights to avoid Greeley Water easement





Redtail
WHERE GREAT PLACES
GROW

DATE	NO.	DESCRIPTION	BY	FOR
2020.12.21	1	1ST SUBMITTAL TO TOWN		
2020.11.08	2	2ND APPLICATION SUBMITTAL		
2020.11.08	3	3RD APPLICATION SUBMITTAL		

GREAT WESTERN INDUSTRIAL PARK
CENTRAL OCEANS USA

SITE PLAN

4



Personnel Involved in Project & Site Access Plan for Visitors:

Mr. Adam Bird – Director of Renewable Energy Projects

Mr. Ben Goldwasser – Project Manager

Mr. Thomson Silvers – Chief Operating Officer

Mr. Todd Alexander – Chief Executive Officer

Central Oceans has part-time staff members on-site in Windsor, CO to carry out operations necessary for running and maintaining the storage yard. These personnel will only be on-site when operations are scheduled to take place – namely trucks delivering/picking-up solar infrastructure inventory from the storage yard. Truck operations will only take place during daytime hours (0800 – 1700 local time).

All personnel on-site wear PPE (pants, boots, high-visibility vest, gloves, safety glasses, and hard hat).

Employees and other individuals entering or exiting the site shall only use the designated access points (1x 20' gate at NE corner). Anyone entering or exiting the zone may be subject to physical examination as deemed necessary. Anyone entering the site for any reason shall adhere to the rules and regulations issued by Central Oceans.

Access to the site is by appointment arranged in advance only. A list of scheduled appointments is provided to the site personnel. All guests must sign in, display a guest badge and will always be escorted within the site. All guests must also sign out upon exiting the site. Guests are only allowed to enter and exit within one point of entry.

Each visitor is required to present picture identification to authorized personnel and wear a "Visitor" badge while on the site. A Visitor's Log is maintained by Central Oceans. The Visitor's Log contains the following information for each visitor permitted to enter the site: (a) Date, (b) Name, (c) Company, (d) Person Visited, (e) Purpose of the Visit, (f) Time In, and (g) Time Out.

Summary:

To allow the completion of Central Oceans' solar infrastructure inventory operation, Central Oceans requests a new CUG with an initial one (1) year term with the ability to extend the CUG administratively for a subsequent one (1) year term until completion of the renewable energy



distribution project. Section 14-2-130(c) of the Windsor Land Use Code outlines three review criteria to obtain a CUG: (1) compliance with the Comprehensive Plan's goals and objectives; (2) the proposed development does not unduly burden on the existing public infrastructure; and (3) the proposal is compatible with the adjacent uses.

First, this renewable energy distribution facility and solar infrastructure inventory yard complies with the City's Comprehensive Plan goal of preserving the Great Western Industrial Park as a center for employment and manufacturing activity for the next 10-15 years. Second, as shown through the past four years, the existing public infrastructure is more than capable of meeting the needs of this project. Furthermore, the impacts of this facility on the existing public infrastructure will be less under this new CUG because the amount of renewable energy inventory on site will be less and the volume of trips in and out of the site will be fewer. Lastly, the storage and distribution of renewable energy equipment and inventory is compatible with the adjacent industrial uses within the Great Western Industrial Park, as evidenced by the success over the past four (4) years.

For the foregoing reasons, Central Oceans respectfully requests the approval of a new CUG.



EXHIBIT A

Property Owner Letter of Support



252 Clayton Street
Denver, Colorado 80206
303.398.4575
BroeRealEstate.com

September 18, 2023

Town of Windsor
Planning Department
301 Walnut Street
Windsor, Colorado 80550

RE: Central Oceans Conditional Use Grant Application 2023

To Whom It May Concern:

I am writing this letter in support of Central Oceans' 2023 application for a Conditional Use Grant.

Over the last three and half years, Central Oceans has operated their Solar Infrastructure Inventory Yard and facility at the Great Western Industrial Park under a Conditional Use Grant. During this time, Central Oceans has been a great addition to the Great Western Industrial Park. They have paid rent in full and on time. They have kept the area within their property and the common roadway clean, and they have completed all of the site improvement obligations included in the SPDA. For these reasons, we kindly ask that you favorably consider their request for a new CUG. Their application for a new CUG would allow them to complete their project operations at Great Western Industrial Park.

Central Oceans has shipped out approximately 1,100 loads of inventory from the site over the past three years as planned, and the loads of inventory continue to leave the site regularly. We understand that Central Ocean's overall project timeline for this site has extended due to unforeseen circumstances (i.e. COVID-19 pandemic and associated supply chain disruptions). However, inventory outbounds have picked up substantially in 2022/2023 and will continue through 2024. The inventory being stored in Windsor, CO is supplying material to solar power developments throughout the country. Thus, the unforeseen delays in this project necessitate a new CUG, and Central Ocean's proven track record over the last 4 years on this site justify approval of a new CUG.

The goal of this new CUG application is to maximize operational efficiencies at the Windsor, CO yard and successfully conclude the business for which the CUG initially requested. For the foregoing reasons, GWIP supports Central Ocean's application for a new CUG and respectfully requests the Town's approval of the same.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Brown".

Dean Brown
Senior Vice President – Industrial
Broe Real Estate Group



Conditional Use Grant

Central Oceans

Mark Price, Planner I

Planning Commission— October 18, 2023



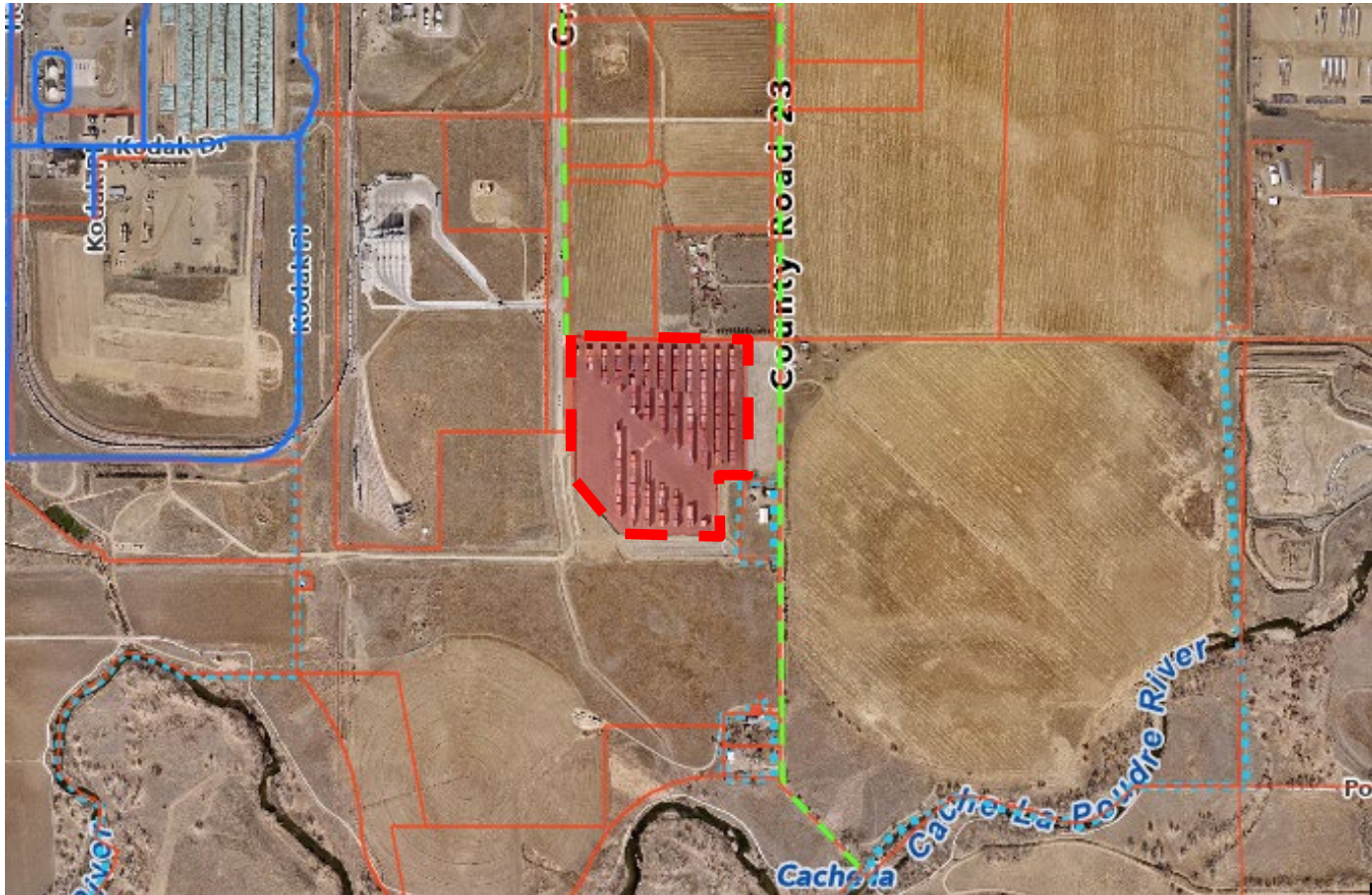
Conditional Use Grant

Article VIII of Chapter 16 of the Municipal Code outlines the intent of the Conditional Use Grant process, including:

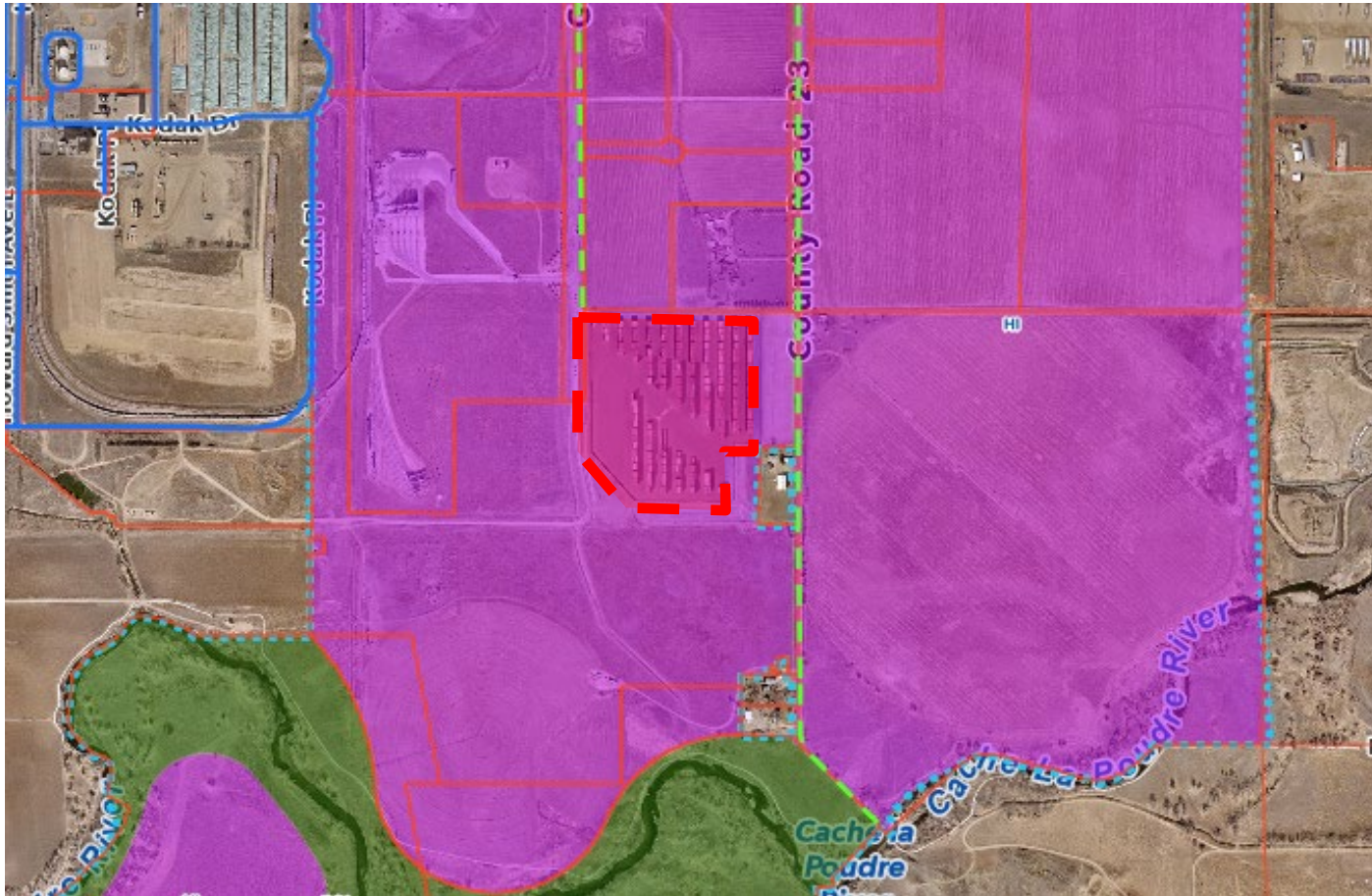
Sec. 16-7-10. Purpose.

The conditional use classification is intended to allow consideration of uses which are unique in nature or character and, except as otherwise specifically provided in this Chapter, not specifically included as uses by right in any specific zoning districts. It is the specific intent of this Article, except as otherwise specifically provided in this Chapter, to prohibit the granting of conditional uses in any zone when such use is allowed as a use by right in any other zone.

Site Vicinity Map

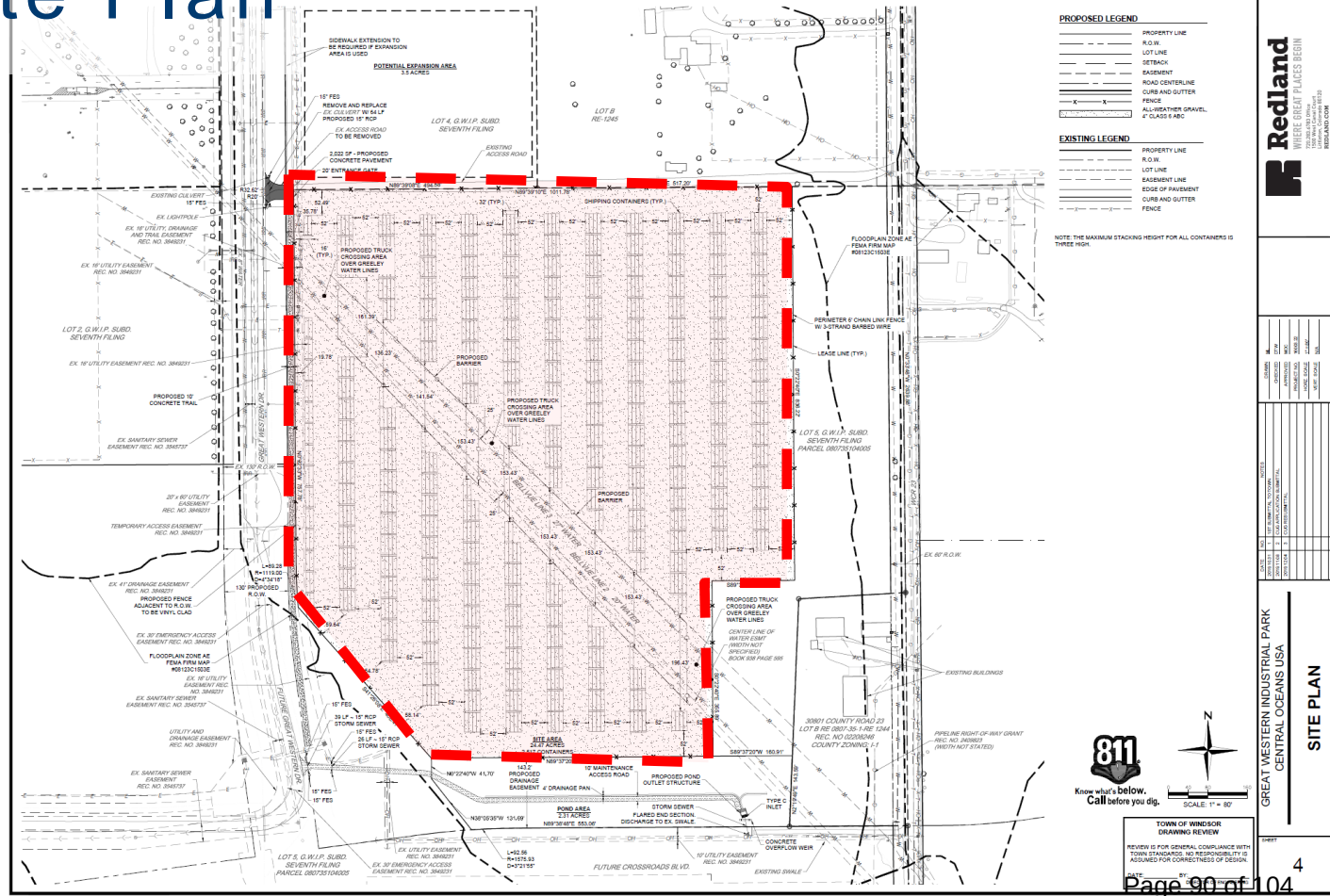


Area Zoning Map





Site Plan



Example Images





Example Images





Photo Simulation



View at 5' Eye-level,
1 Mi. North of Property
Line (Eastman Park Dr)

Shipping Containers, Typ.



PHOTOSIMULATED VIEW FROM EASTMAN PARK DR
CENTRAL OCEANS
Windsor, Colorado

DATE: December 4, 2019 (V-1)
CLIENT: Central Oceans USA
PROJECT NO: 16003.22
AUTHOR: JK / BB

Photo Simulation



REVISED SITE PLAN - STREET VIEW
CENTRAL OCEANS
Windsor, Colorado

DATE: December 4, 2019 (V.1)
CLIENT: Central Oceans USA
PROJECT NO: 16003.22
AUTHOR: JK / BB



Photo Simulation



REVISED SITE PLAN - AERIAL VIEW & SECTION
CENTRAL OCEANS
Windsor, Colorado

DATE: December 4, 2019 (V.1)
CLIENT: Central Oceans USA
PROJECT NO: 16003.22
AUTHOR: JK / BB



Conditional Use Permit Review Criteria, Sec. 14-2-130(c)

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

The proposal of a shipping container storage yard is not specifically addressed as it relates or complies with the Comprehensive Plan's goals and objectives and the Strategic Plan.

- 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.**

No additional infrastructure is required with this proposal, and with the reduction of inventory, less trips and fewer volume will be seen. There have been no complaints regarding the existing use.



Conditional Use Permit Review Criteria, Sec. 14-2-130(c) [cont.]

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 areas surrounding are quasi-developed; primarily heavy industrial zone district.
- The applicant has stated that the conditional use is for accommodating container storage for renewable energy distribution facility and solar infrastructure inventory yard.
- The site will not be modified from existing conditions.



Consistency with Comp Plan & Strategic Plan

The Town's 2016 Comprehensive Plan nor the Town's Strategic Plan specifically address temporary storage uses.



Conditional Use Standards & Requirements

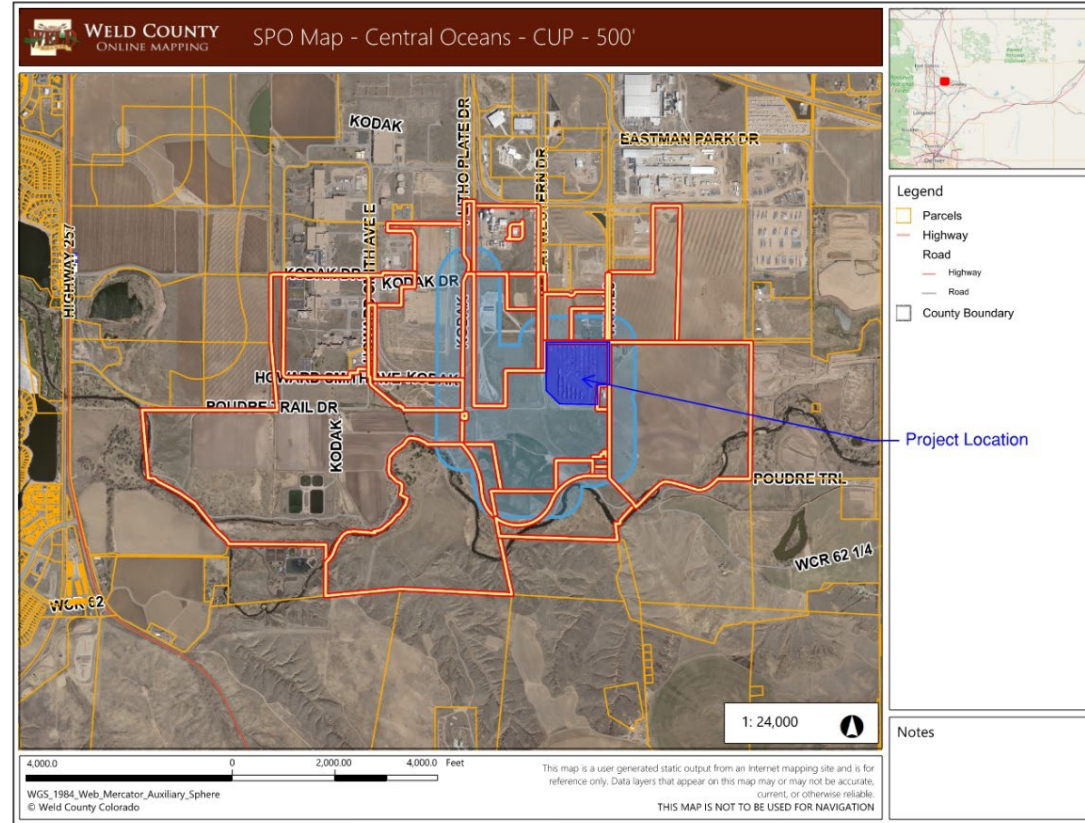
The existing conditional use mitigates the temporary use in the following manner:

1. The **character** and the **quality of the area** in which the use will be located.
2. The **physical appearance** of the use, including suitability of architecture, landscaping.
3. Appropriate **location of the building or buildings** on the lot.
4. Adequate **provision of parking, loading and circulation** facilities.
5. Potential effect of the use upon **off-site vehicular/pedestrian traffic circulation**; potential traffic congestion.
6. Potential effect of the use on **storm drainage** in the area.
7. Adequacy of **planting screens** where necessary.
8. Provision of **controls to avoid hazardous conditions** or eliminate air / water pollutants, other noxious influences.
9. The **general compatibility** of the proposed use with the area in which it is to be located.

Notification

Notifications for this meeting were as follows:

- October 6, 2023 – legal notices posted on the Town of Windsor website.
- October 6, 2023 – development review sign posted on the property.
- October 8, 2023 – legal ad published in the local newspaper.
- October 6, 2023 – affidavit of letters mailed to property owners within 500 feet.





Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Conditional Use Permit application, as presented, for a period of one year from approval date, with the option to extend (administratively) an additional year if necessary.



Record

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Testimony from public hearing
- Staff recommendation



MEMORANDUM

Date: October 18, 2023
To: Planning Commission
From: Mark Price, Planner 1
Re: Recommendation to Town Board - Conditional Use Permit Renewal [Case No. CUG23-004] to allow a temporary use not specifically included as a use by right in any zone district, located on a portion of Lot 5 of Great Western Industrial Park Subdivision 7th Filing (30755 Great Western Drive) – Ben Goldwasser, Central Oceans, applicant
Item #: C.6.

Background / Discussion:

Please refer to public hearing item material.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments: