PLANNING COMMISSION
REGULAR MEETING

February 21, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

AGENDA

A. CALL TO ORDER

1. Roll Call

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

3. Public Invited to be heard

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

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

B. CONSENT CALENDAR*

1. Approval of minutes of February 7, 2018

C. BOARD ACTION

1. Site Plan Presentation – Eagle Crossing Subdivision 6th Filing Lot 1 – Arby's Restaurant - Martin Lind, Eagle Crossing Windsor LLC, owner; Jon Sweet, TST Inc., applicant/applicant's representative
   - Staff presentation: Millissa Berry, Senior Planner

2. Public Hearing – Final Major Subdivision – Eagle Crossing Subdivision 4th Filing – Martin Lind, Eagle Crossing Development, Inc., applicant/ Tom Siegel, Water Valley Development & Brian Williamson, TST, Inc., applicant's representatives
   - Quasi-judicial
   - Staff presentation: Paul Hornbeck, Senior Planner

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.

3. Recommendation to Town Board - Final Major Subdivision – Eagle Crossing Subdivision 4th Filing – Martin Lind, Eagle Crossing Development, Inc., applicant/ Tom Siegel, Water Valley Development & Brian Williamson, TST, Inc., applicant's representatives
    - Quasi-judicial
    - Staff presentation: Paul Hornbeck, Senior Planner

D. COMMUNICATIONS

1. Communications from the Planning Commission

2. Communications from the Town Board liaison

3. Communications from the staff

E. ADJOURN

* *Please note that items on the Consent Calendar will not be discussed unless requested by the Planning Commissioners or by applicants who have business listed on the Consent Calendar.*

Upcoming Meeting Dates

Wednesday, March 7, 2018	7:00 P.M.	Regular Planning Commission meeting**
Wednesday, March 21, 2018	7:00 P.M.	Regular Planning Commission meeting**
Wednesday, April 4, 2018	7:00 P.M.	Regular Planning Commission meeting**
Wednesday, April 18, 2018	7:00 P.M.	Regular Planning Commission meeting**
Wednesday, May 2, 2018	7:00 P.M.	Regular Planning Commission meeting**

** Does not include any Planning Commission work sessions which may be requested and may also be scheduled for these dates.

PLANNING COMMISSION
REGULAR MEETING
February 7, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER
Chairman Schick called the regular meeting of the Planning Commission to order at 7:00 p.m.

1. Roll Call
The following Planning Commission members were present:

		Gale Schick
		Charles Schinner
		Victor Tallon
		Doug Dennison
		Tim Annable
		Travis Yingst - A
		Dan Foreman - A
	Town Board Liaison	Ken Bennett
Also Present:	Planning Director	Scott Ballstadt
	Senior Planner	Millissa Berry
	Senior Planner	Paul Hornbeck
	Utility Billing Clerk	Amanda Mehlenbacher

2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission
Mr. Tallon moved to approve the agenda as presented; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Schinner, Tallon, Dennison, Annable, Yingst, Foreman
Nays – None
Motion carried.

3. Public Invited to be Heard
Mr. Schick opened the meeting up for public comment to which there was none.

B. CONSENT CALENDAR*

1. Approval of the minutes of January 17, 2018
Mr. Tallon moved to approve the consent calendar as presented; Mr. Annable seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Tallon, Dennison, Annable, Yingst, Foreman
Nays – None
Abstained – Schinner
Motion carried.

DRAFT

C. BOARD ACTION

1. Request for Commercial Corridor Building Material Waiver – Eagle Crossing Subdivision 5th Filing, Lot 2 (Fuzzy's Taco Shop) – Martin Lind, property owner; Marc Rogers, Fuzzy's Taco Shop, applicant / Patricia Kroetch, North Star Design, Inc., applicant's representative
    - Quasi-Judicial
    - Staff presentation: Millissa Berry, Senior Planner

    The applicant, Mr. Marc Rogers of Fuzzy's Taco Shop, is proposing a new site development in the Eagle Crossing Subdivision 5th Filing. The site of the proposed Fuzzy's Taco Shop is located northeast of the intersection of Crossroads Boulevard and Fairgrounds Avenue. The site is zoned General Commercial (GC), is located adjacent to other GC zoned properties, and is located on a designated commercial corridor where commercial corridor design criteria are required. The site plan was presented to the Planning Commission at its December 6, 2017 regular meeting.

    Building characteristics include:
    - 5,715 square foot building
    - building materials are a mix of wood siding and stucco in earth tone colors with metal accents
    - building height of 25'
    - a flat roof with varied roofline
    - covered entry feature
    - enclosed outdoor patio area

    Details and elevations can be found in the associated PowerPoint presentation. The applicant is requesting a waiver from the design criteria to allow for the use of stucco to cover 42.31% of one building façade. Section III.B.3.a.5 of the Commercial Corridor Plan Design Criteria states that:

    > "Stucco or Exterior Insulation Finish Systems (EIFS) is encouraged to be secondary material or accent element not to exceed thirty-five percent (35%) of the respective building façade."

    The Commercial Corridor Plan states that, in order to receive a waiver, the applicant shall have the burden of establishing justification under the following criteria:
    - Strict application of the applicable standard will result in either extraordinary practical difficulties or undue hardship; and
    - The proposed waiver, if approved, will protect the public interest equally or better than the standard for which the waiver is requested; and
    - Approval of the waiver request will not be detrimental to the public interest.

    Requests for design criteria waivers shall be subject to review and determination by the Planning Commission. The Planning Commission may grant, conditionally grant, or deny any waiver request.

    The applicant has been working with staff to reduce the amount of stucco on the building, including substituting some of the stucco material on all facades with wall tile, cement composite panels, and/or metal, and adding a wainscot. The overall amount of stucco on

DRAFT

the entire building is 25.5%. However, for the south façade, which faces Crossroads Boulevard, the amount of stucco is 42%. The applicant feels that the building does not have additional design-compatible areas for increasing the amount of alternative materials that would reduce the amount of stucco on the south façade and to do so would cause a redesign of the building (e.g. addition of more windows).

This subject façade is approximately 60 feet wide. The façade is broken up with large window areas, awnings, a railing around the patio area, architectural design walls, and light fixtures. The roof line is varied with parapets capping the walls. Two relatively smaller sections, approximately 60 square feet, of elevation that will have the stucco treatment are recessed from the rest of the façade by approximately 50 feet, reducing the appearance of building massing and the amount of stucco of the façade as viewed from the street. Two shade trees (and a number of shrubs) are proposed between the subject façade and the street.

The building is located a short distance from the Summit which has large areas of CMU, an approved material for the corridors. From the distance to the street, the materials – CMU and stucco – seem comparable in appearance and quality.

If approved, the design would be reflective of the elevations submitted, will protect the public interest at least equally than the standard of no more than 35% of stucco on a façade facing a street, and it does not appear to be detrimental to the public interest.

Because of the various façade treatments and building design, the landscaping, the scale of the façade and the building, and the overall amount stucco used on the building, staff feels that the intent of the Commercial Corridor Design Criteria is met and supports the granting of the waiver.

Staff recommends approval of the waiver request to allow one façade, the south façade, to have up to 42.31% stucco as proposed in the submitted design plans.

Mr. Annable inquired if the applicant has expressed undue hardship associated with this design.

> Ms. Berry stated that it may be considered a practical difficulty as adding more windows would require a new design and adding different material would look as if it's being added to meet the standards rather than creating a uniform look.
>
> Mr. Marc Rogers, the managing member of Fuzz's Tacos, 6334 Sanctuary Dr, Windsor, CO 80550, stated that it became challenging to try and get less stucco on the south façade with the current windows and the way the structural steel fell. Mr. Rogers mentioned they added wainscoting along the bottom as well as adding a sufficient amount of landscape in order to draw focus to that rather than to the stucco.

Mr. Tallon moved to approve the waiver request to allow the south façade to have up to 42.31% stucco as proposed in the submitted design plans; Mr. Schinner seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Schinner, Tallon, Dennison, Annable, Yingst, Foreman
Nays – None
Motion Carried

DRAFT

2. Public Hearing – Swanson Annexation and Zoning – Jon Turner, North Windsor Holdings, LLC, property owner / Kristin Turner, TBGroup, applicant
    - Legislative
    - Staff presentation: Paul Hornbeck, Senior Planner

    The applicant, Mr. Jon Turner, represented by Ms. Kristin Turner, has submitted a petition to annex approximately 28.9 acres to the Town of Windsor as General Commercial (GC) zoned property. The property is located to the northeast of existing town limits just west of the intersection of Harmony Road and SH 257. The purpose of this annexation is to annex Harmony Road right-of-way and assemble adjoining properties as a part of the proposed Rocky Mountain Sports Park. Development of the Rocky Mountain Sports Park itself will require various additional approvals by Town Board.

    The Land Use Plan of the 2016 Comprehensive Plan designates this property as General Commercial, consistent with the proposed zoning. Zoning for abutting properties include General Commercial (GC), Limited Industrial (IL) and Weld County Agriculture (A) and Planned Unit Development (PUD).

    The Comprehensive Plan Growth Strategy includes the property within in a Developed Area; this area is adjacent to Committed and Secondary Growth Areas. The Harmony Road corridor is one the main growth areas in Town and is foreseen to develop with a mix of residential and commercial uses. The corridor also serves as an important role moving traffic east and west through the region.

    The applicant held a neighborhood meeting on December 18, 2017 (please refer to the attached neighborhood meeting summary).

    At its January 8, 2018 regular meeting, the Town Board adopted Resolution No. 2018-004 that declared certain findings of fact concerning the Swanson Annexation, determined substantial compliance with Colorado Municipal Annexation Act (1965), and established public hearing dates before the Planning Commission and the Town Board. The established hearing dates were February 7, 2018 for the Planning Commission and February 12, 2018 by the Town Board.

    An Annexation Report has been prepared with details on the adequate provision of utilities and services to the property, maintenance of infrastructure, and a finding of no impact to the school district due to the proposed General Commercial use and zoning.

    Staff recommends that the Planning Commission forward a recommendation of approval of the Swanson Annexation and General Commercial zoning designation to the Town Board, as presented.

    There were three individuals who commented during the public hearing. All were opposed to the Swanson Annexation and Zoning voicing concerns that it facilitates the development of the Rocky Mountain Sports Park. Additional concerns are the land layout and increased traffic within their neighborhoods. The public also voiced strong concerns regarding the artificial lighting, noise, obstruction of views, and disruption of the several active eagle nests in the area should the Rocky Mountain Sports Park be built.

DRAFT

Mr. Schick reminded the audience that discussion should revolve around the Swanson Annexation and Zoning and that the Rocky Mountain Sports Park is not a part of the current agenda item.

Joan Glabach, 37076 Soaring Eagle Circle, Windsor, CO 80550 – Opposed
Marcia Maeda, 6711 Steven Street, Windsor, CO 80550 – Opposed
Rosalyn Leautaud, 36933 WCR 15, Windsor, CO 80550 - Opposed

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

3. Recommendation to Town Board – Swanson Annexation and Zoning – Jon Turner, North Windsor Holdings, LLC, property owner / Kristin Turner, TBGroup, applicant
    - Legislative
    - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Mr. Tallon moved to forward a recommendation of approval of the Swanson Annexation and Zoning to the Town Board; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Schinner, Tallon, Dennison, Annable, Yingst, Foreman
Nays – None
Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission
   None
2. Communications from the Town Board liaison
   None
3. Communications from the staff
   Mr. Scott Ballstadt congratulated Amanda Mehlenbacher as being named the new Deputy Town Clerk for the Town of Windsor.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:41 p.m.

_____
Utility Billing Clerk, Amanda Mehlenbacher

DRAFT

MEMORANDUM

Date: February 21, 2018
To: Planning Commission
From: Millissa Berry, AICP, Senior Planner
Re: Site Plan Presentation – Eagle Crossing Subdivision 6th Filing Lot 1 – Arby's Restaurant – Martin Lind, Eagle Crossing Windsor LLC, owner; Jon Sweet, TST, Inc., applicant/applicant's representative
Item #: C.1

Background / Discussion

The applicant, Mr. Martin Lind, Eagle Crossing Windsor LLC, represented by Mr. Jon Sweet of TST, Inc. is proposing a new site development in the Eagle Crossing Subdivision 6th Filing. The site of the proposed Arby's Restaurant is located northeast of the intersection of Crossroads Boulevard and Fairgrounds Avenue – directly east of 7-11 and south of the Marriott Hotel site. The site is zoned General Commercial (GC) and is located adjacent to other GC zoned properties.

Overall development characteristics include:

- total lot area of 0.84 acres
- approximately 29% landscaped area
- a 2,863 square foot building
- 23 parking stalls + bicycle parking

Building characteristics include:

- building materials are a mix of cultured stone and stucco in earth tone colors with metal accents
- building height of 20'
- a flat roof with varied roofline
- patio area
- drive-thru

Additional site details can be seen in the enclosed staff PowerPoint.

The current presentation is intended for the Planning Commission's information. Should the Planning Commission have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project. The site plan will be reviewed and approved administratively by staff; however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission for review.

Additionally, the applicant is hereby advised via this memorandum that another similar site plan presentation by the applicant is scheduled on February 26, 2018 for the Windsor Town Board.

Relationship to Comprehensive Plan

The application is consistent with the following goals and objectives of the 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.

Objective:

1. *Prioritize new growth in areas currently served by town infrastructure and services.*

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Recommendation

No recommendation, as this item is for presentation purposes.

Attachments

Application Materials
PowerPoint presentation

cc: Martin Lind, Eagle Crossing Windsor LLC, owner
Jon Sweet, TST, Inc., applicant/applicant's representative

TOWN OF WINDSOR COLORADO

APPLICATION PACKET
QUALIFIED COMMERCIAL/INDUSTRIAL SITE PLAN

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 17 Article IX of the *Town of Windsor Municipal Code* for complete application requirements.

1 APPLICATION SUBMITTAL REQUIREMENTS:

Planning Department Checklist	Applicant Checklist	
☐	☑	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 detailed narrative description of the proposed use *(type of product, phases of development, traffic generation, number of units and structures)*
☐	☑	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

2 SITE PLAN REQUIREMENTS:

Planning Department Checklist	Applicant Checklist	
☐	☑	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 forty (40) feet
☐	☑	Date of preparation, the scale, a symbol designating true north and zoning
☐	☑	Vicinity map
☐	☑	Name of the project on all drawing sheets *(check with Planning)*
☐	☑	Legal description *(township, range, section, lot, block, subdivision)*
☐	☑	Names, addresses and phone numbers of the applicant and firms or persons responsible for preparing the drawing
☐	☑	Applicant revisions block *(includes fields for date, initials, description)*
☐	☑	Appropriate *certification blocks* as provided by the Planning Department
☐	☑	Adjacent improvements, including rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use
☐	☑	The location and dimensions of all existing and proposed on-site easements, rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use and facilities for water, sewer and storm drainage

SITE PLAN REQUIREMENTS cont.:

2

Planning Department Checklist	Applicant Checklist	
☐	☑	The distance from proposed and existing structures to the property lines
☐	☑	Building height
☐	☑	Land Use Table including square footage and percentage of land devoted to: • Buildings *(including amount of floor space for each floor)* • Parking • Private drives • Public streets • Sidewalks and pathways • Open space • Outdoor storage *(if applicable)*
☐	☑	Landscape plan per the **Town's** *Tree and Landscape Standards*
☐	☑	Architectural elevations of all four building elevations and all structures showing materials, colors and locations of lighting and mechanical equipment
☐	☑	Lighting cut sheet showing specifications for all proposed lighting on the site. Include the notes: all fixtures shall be full cut-off and mounted in full cut-off position; all site poles shall be round and painted in a dark, non-reflective color
☐	☑	Drainage plan and report
☐	☑	A block scale model within and adjacent to the site will be required for planned unit developments and for site plans having more than one (1) building of height of thirty-five (35) feet or more, to show space relationships
☐	☑	Appropriate permits from Colorado Department of Transportation for curb cuts onto State Highways, if applicable *(permits must be cosigned by the Town Engineer)*
☐	☑	Survey of lot lines *(if different from original plat)*
☐	☑	Complete set of final utility plans. Such plans shall include, but not limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc.
☐	☑	Grading plan with site elevations and finished floor elevations
☐	☑	The location and dimensions of all existing and proposed traffic controls, trash disposal areas and enclosures, electric transformers and mechanical equipment, and a complete submittal of all landscaping materials shown at mature sizes and the maintenance system for landscaping per the Tree and Landscape Standards

TOWN OF WINDSOR COLORADO

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
- [ ] Master Plan
- [ ] Rezoning
- [ ] Minor Subdivision
- [ ] Lot Line Adjustment
- [ ] Major Subdivision
- [x] Site Plan

SUBTYPE:

(for Major Subdivisions and Site Plans only)

- [ ] Preliminary
- [ ] Final
- [x] Qualified Commercial/Industrial
- [ ] Administrative

Project Name*: Eagle Crossing Subdivision Sixth Filing

Legal Description*: SW Quarter Sec. 35, Township 6N, Range 68W, 6th P.M.

Address/Location*: 6700 Crossroads Blvd

Existing Zoning: GC **Proposed Zoning:** GC

3

OWNER:

Name(s)*: Martin Lind

Company: Eagle Crossing Windsor LLC

Address*: 1625 Pelican Lakes Point Suite 201, Windsor CO

Phone #*: (970) 686-5828 Email*: mlind@watervalley.com

APPLICANT *(Owner or Owner's Representative)*:

Name*: Jon Sweet

Company: TST

Address*: 748 Whalers Way Suite 200 Fort Collins CO

Phone #*: (970) 488-2128 Email*: jsweet@tstinc.com

AUTHORIZED REPRESENTATIVE:

Name: Jon Sweet

Company: TST

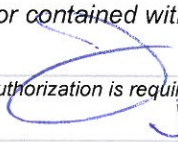
Address: 748 Whalers Way Suite 200 Fort Collins CO

Phone #: (970) 488-2128 Email: jsweet@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:** 10/24/17

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

Print Name: Jon Sweet

**Required fields*

EAGLE CROSSING WINDSOR, LLC
1625 Pelican Lakes Point, Suite 201
Windsor, Colorado 80550
970-686-5828

August 8, 2017

Town of Windsor
Attn: Carlin Barkeen
301 Walnut Street
Windsor, CO 80550

Re: Tract A, Eagle Crossing Third Filing

Dear Ms. Barkeen:

Please accept this letter as our approval for you to accept Rick J. Bentley, Partner of Ferdinand Dirt, LLC and TST Consulting Engineers, Inc. to act as Applicant for Site Plan Application on the above-referenced property.

Please don't hesitate to call with any questions.

Sincerely,

Tom Siegel
Managing Director - Development

TS/lw

8/8/17

TST, INC. CONSULTING ENGINEERS

October 2017

Eagle Crossing Minor Subdivision Sixth Filing
Arby's – Project narrative.
Project No. 1227.0002.00

The applicant plans to build an Arby's on Lot 1 of the Eagle Crossing Subdivision Sixth Filing. The Arby's will have a footprint of approximately 2,416 sqft. The subject site occupies 36,696 sqft with a paved parking areas and landscaping. The Arby's is expected to employ approximately 9 employees per shift.

The one-story building will be 20' high and constructed with conventional wood framing and metal studs on a structural building slab. Full color elevations of all four building faces have been included with this submittal.

Access to the site will consist of a shared private drive to the west of the site and Stallion Drive to the North. Storm water will be managed in the existing temporary detention pond just north of the site and eventually in the regional pond shown in the master plan. The temporary detention pond will remain the same size, but the orifice plate will be altered in the existing outlet structure.

Sincerely,

TST, INC. CONSULTING ENGINEERS

Jon Sweet, P.E.

760 Whalers Way
Bldg C, Suite 200
Fort Collins, CO 80525
970.226.0557 main
303.595.9103 metro
970.226.0204 fax

ideas@tstinc.com
www.tstinc.com

RECEPTION#: 20090066970, 09/30/2009 at 11:38:16 AM,
1 OF 2, R $11.00 State Documentary Fee
$553.64 TD Pgs: 2
Scott Doyle, Larimer County, CO

(2)

State Documentary Fee
Date: September 29, 2009
$ 553.64

Special Warranty Deed

(Pursuant to 38-30-115 C.R.S.)

THIS DEED, made on **September 29, 2009** by **EAGLE CROSSING DEVELOPMENT, INC., A COLORADO CORPORATION** Grantor(s), of the County of **WELD** and State of **COLORADO** for the consideration of **($5,536,388.00) *** Five Million Five Hundred Thirty Six Thousand Three Hundred Eighty Eight and 00/100 ***** dollars in hand paid, hereby sells and conveys to **EAGLE CROSSING WINDSOR, LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantee(s), whose street address is **1625 PELICAN LAKES POINT, SUITE 201 WINDSOR, CO 80550**, County of **WELD**, and State of **COLORADO**, the following real property in the County of **Larimer**, and State of Colorado, to wit:

THE SW 1/4 OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M., LESS THAT PROPERTY CONVEYED AT RECEPTION NO. 90028722,
ALSO EXCEPT COUNTY ROADS OVER AND ACROSS SUBJECT PROPERTY
ALSO EXCEPT THAT PARCEL CONVEYED AT RECEPTION NO. 2004-0019302 ALSO EXCEPT THAT PARCEL DESCRIBED AT RECEPTION NO. 2004-0088222 AND AT RECEPTION NO. 2004-0098994, COUNTY OF LARIMER, STATE OF COLORADO.
also known by street and number as: **VACANT LAND, WINDSOR CO 80550**

TOGETHER with and including, but not limited to, all right, title and interest in and to all minerals and mineral rights on, in, under or that may be produced from the Property, including, but not limited to, all gravel, sand, oil, gas and other liquid hydrocarbon substances, casinghead gas, coal, carbon dioxide, helium, geothermal resources, and all other naturally occurring elements, compounds and substances, whether similar or dissimilar, organic or inorganic, metallic or non-metallic, in whatever form and whether occurring, found, extracted or removed in solid, liquid or gaseous state, or in combination, association or solution with other mineral or non-mineral substances, all water taps, water and water rights, ditches and ditch rights, reservoirs and reservoir rights, streams and stream rights, water wells and well rights, whether tributary or non-tributary, including, but not limited to, all right, title and interest under C.R.S. 37-90-137 on, underlying, appurtenant to or used on or in connection with the Property, whether appropriated, conditionally appropriated or unappropriated, and whether adjudicated or unadjudicated, including, without limitation, all State Engineer filings, well registration statements, well permits, decrees and pending water court applications, if any, and all water well equipment or other personalty or fixtures currently used for the supply, diversion, storage, treatment or distribution of water on or in connection with the Property, and all water and ditch stock relating thereto.

with all its appurtenances and warrants the title against all persons claiming under the Grantor(s), subject to *all taxes and assessments for the year 2009 and the matters stated in Section 13 (transfer of title) of the Contract to Buy and Sell Real Estate (a) those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Grantee(s) in accordance with Section 8.1 (Title Review); (b) distribution utility easements (including cable TV); (c) those specifically described rights of third parties not shown by the public records of which Grantee(s) has actual knowledge and which were accepted by Grantee(s) in accordance with Section 8.2 (Matters not Shown by the Public Records) and Section 8.3 (Survey Review); (d) inclusion of the Property within any special tax district; and, (e) the benefit and burdens of any declaration and party wall agreements, if any and (f) other*

EAGLE CROSSING DEVELOPMENT, INC., A COLORADO CORPORATION

Seal

SETH WARD AS VICE PRESIDENT

Land Title GUARANTEE COMPANY

2

State of **COLORADO**)
) ss.
County of **WELD**)

The foregoing instrument was acknowledged before me on this day of **September 29, 2009**
by **SETH WARD AS VICE PRESIDENT OF EAGLE CROSSING DEVELOPMENT, INC., A COLORADO CORPORATION**

Nancy A. Lohr
Notary Public
My commission expires 7-18-2012

NANCY A. LOHR
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 07/18/2012

When Recorded Return to: **EAGLE CROSSING WINDSOR, LLC, A COLORADO LIMITED LIABILITY COMPANY**
1625 PELICAN LAKES POINT, SUITE 201 WINDSOR, CO 80550

Site Plan Presentation

Eagle Crossing Subdivision 6th Filing Lot 1 – Arby's

Millissa Berry, Senior Planner

Planning Commission February 21, 2018

Qualified Commercial Site Plan

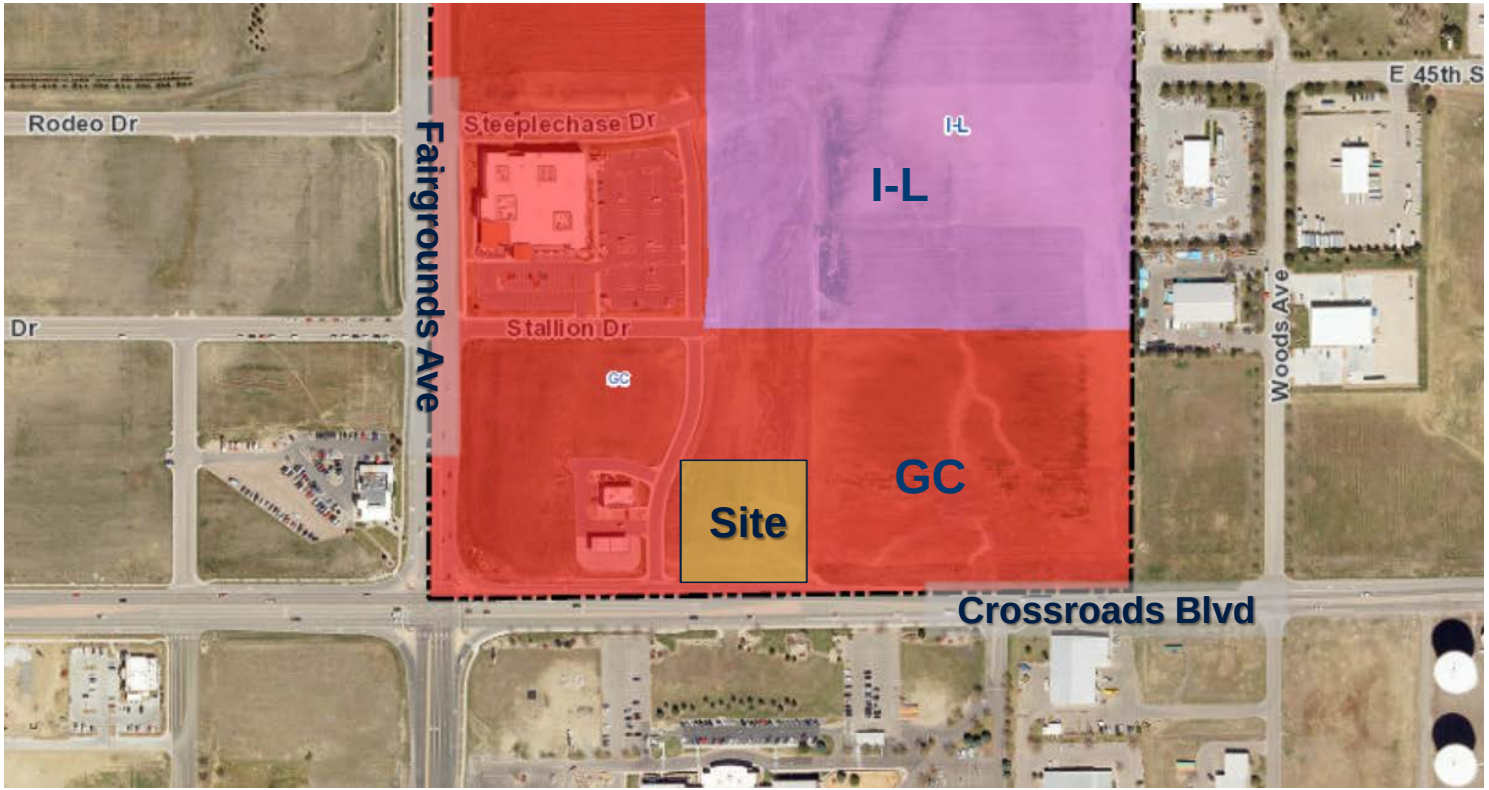
Article IX of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Qualified Commercial and Industrial Site Plan process, including:

Sec. 17-9-10. Purpose.

Commercial and industrial site plans proposed to be developed on lots that have either previously been subdivided or are presently being subdivided as part of a minor subdivision shall qualify for administrative site plan review in accordance with the requirements of this Section. The provisions of this Section, as well as the administrative site plan review procedures set forth in Section 17-8-30, shall not apply to multifamily residential projects or site plans, which shall remain subject to the subdivision and site plan review procedures otherwise set forth in this Chapter.

Site Vicinity Map

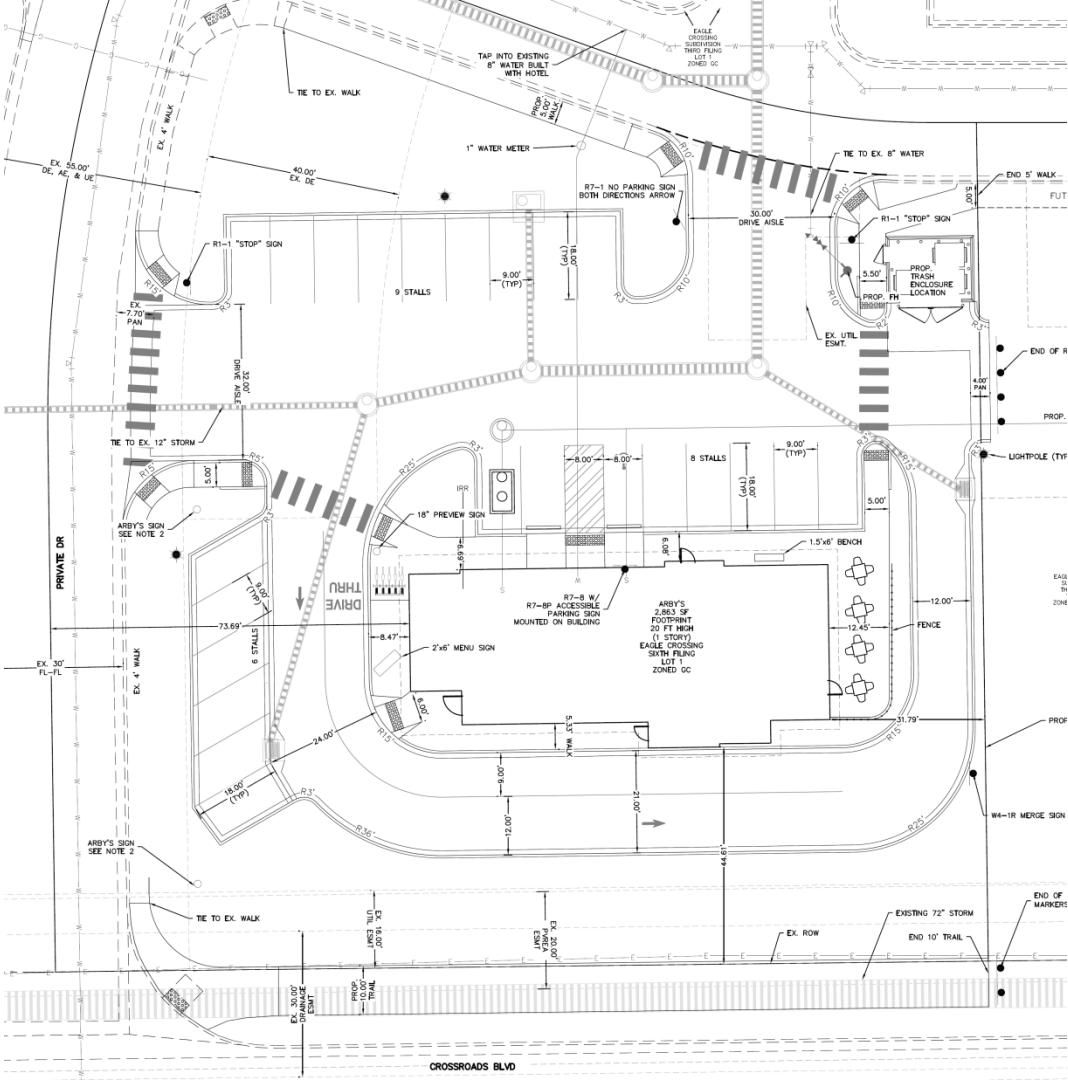
Site Zoning Map



Site Plan

Development characteristics:

- 0.84 acres
- 2,863 sf building
- 23 parking stalls + bicycle parking
- 29% landscaped area

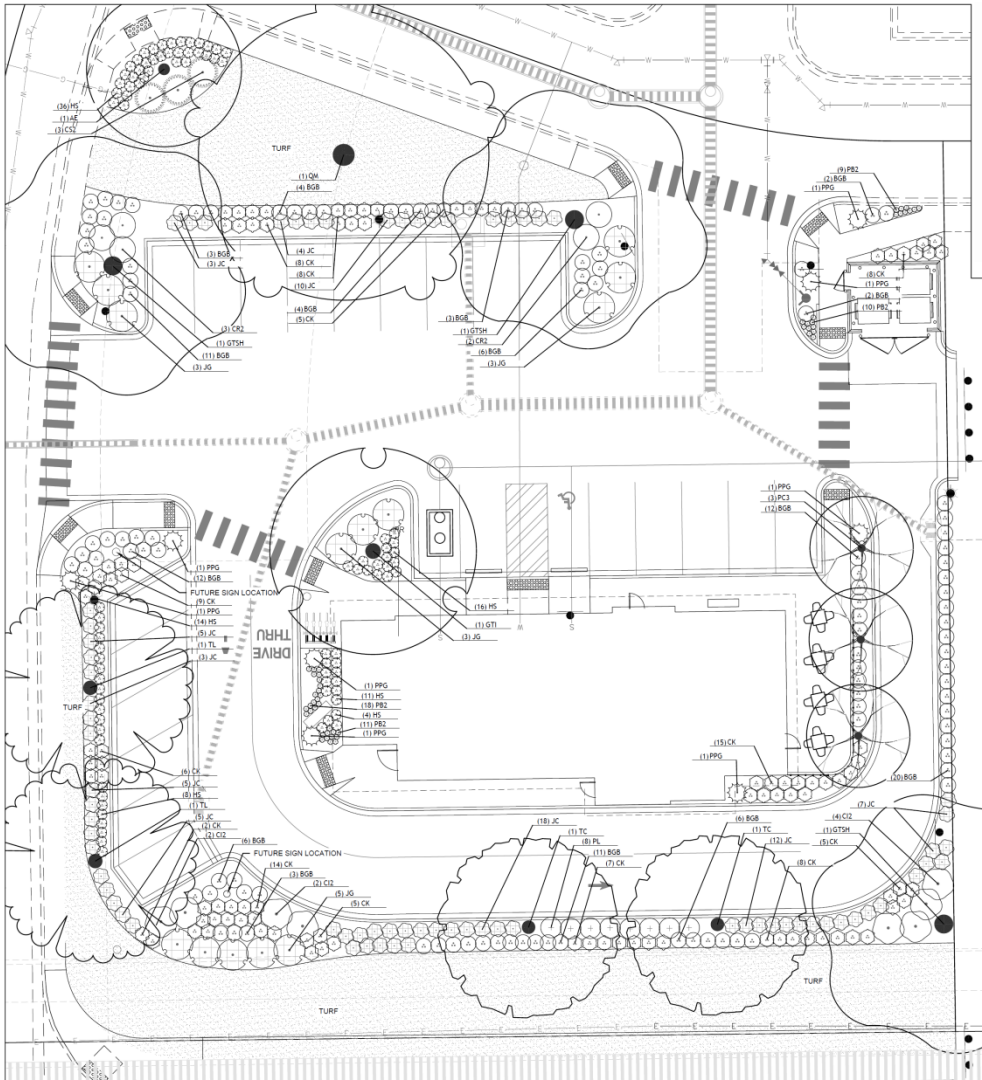


Landscape Plan

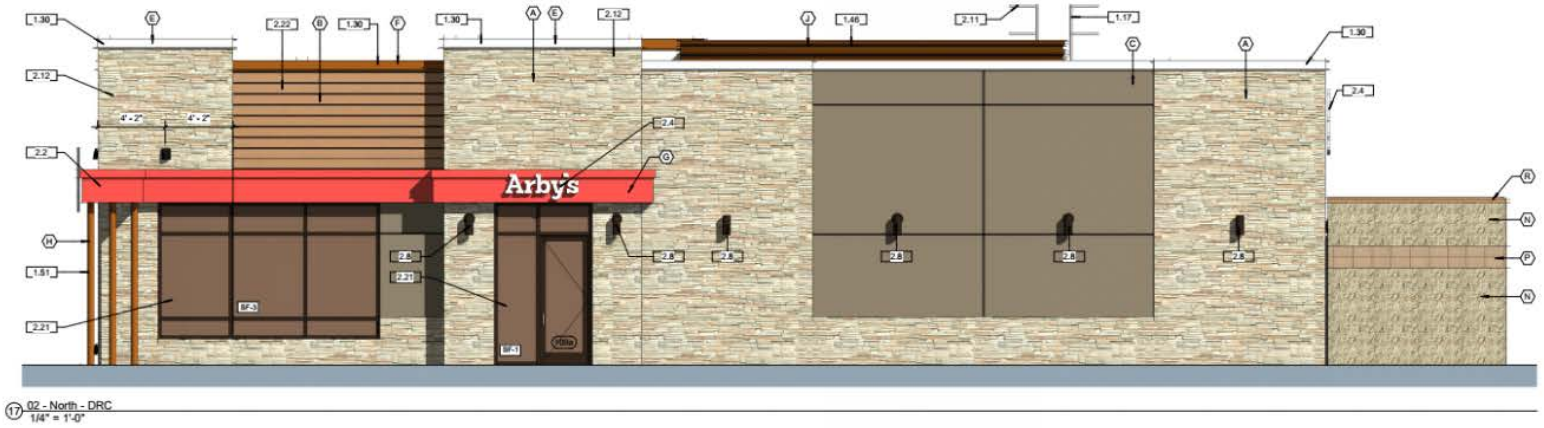
PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPREAD	HEIGHT	HYDROZONE
AE	1	AESCULUS HIPPOCASTANUM	EUROPEAN HORSECHESTNUT	B&B 2.0" CAL MIN.	30`	40`	MEDIUM
GTI	1	GLEDITSIA TRIACANTHOS INERMIS `IMPERIAL"	IMPERIAL HONEYLOCUST	B&B 2.0" CAL MIN.	40`	40`	LOW
GTSH	3	GLEDITSIA TRIACANTHOS INERMIS `SHADEMASTER` TM	SHADEMASTER HONEYLOCUST	B&B 2.0" CAL MIN.	40`	50`	LOW
QM	1	QUERCUS MACROCARPA	BURR OAK	B&B 2.0" CAL MIN.	80`	80`	LOW
TL	2	TILIA AMERICANA	AMERICAN LINDEN	B&B 2.0" CAL MIN.	40`	50`	MEDIUM
TC	2	TILIA CORDATA	LITTLELEAF LINDEN	B&B 2.0" CAL MIN.	35`	40`	MEDIUM
ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPREAD	HEIGHT	HYDROZONE
PC3	3	PYRUS CALLERYANA `CHANTICLEER`	CHANTICLEER PEAR	B&B 1.5" CAL MIN.	20`	35`	MEDIUM
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPREAD	HEIGHT	HYDROZONE
CR2	5	CORNUS ALBA `RED GNOME`	RED GNOME DOGWOOD	5 GAL	5` O.C.	4`	MEDIUM
CI2	8	CORNUS SERICEA `ISANTI`	ISANTI REDOSIER DOGWOOD	5 GAL	6` O.C.	5`	MEDIUM
CS2	3	CYTISUS PURGANS `SPANISH GOLD`	SPANISH GOLD BROOM	5 GAL	6` O.C.	4`	LOW
JC	72	JUNIPERUS CHINENSIS `ARMSTRONGII`	ARMSTRONG JUNIPER	5 GAL	3` O.C.	3`	LOW
JG	14	JUNIPERUS COMMUNIS `GREEN CARPET`	GREEN CARPET JUNIPER	5 GAL	6` O.C.	1`	LOW
PL	8	PHYSOCARPUS OPULIFOLIUS `LITTLE DEVIL` TM	DWARF NINEBARK	5 GAL	4` O.C.	3`	LOW
PPG	8	PICEA PUNGENS `GLOBOSA`	DWARF GLOBE BLUE SPRUCE	5 GAL	4` O.C.	4`	LOW
GRASSES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	SPREAD	HEIGHT	HYDROZONE
BGB	105	BOUTELOUA GRACILIS `BLONDE AMBITION`	BLONDE AMBITION BLUE GRAMA	1 GAL	3` O.C.	3	LOW
CK	99	CALAMAGROSTIS X ACUTIFLORA `KARL FOERSTER`	FEATHER REED GRASS	5 GAL	3` O.C.	5`	LOW
HS	89	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GAL	2` O.C.	3`	LOW
PB2	48	PENNISETUM ALOPECUROIDES `LITTLE BUNNY`	LITTLE BUNNY FOUNTAIN GRASS	1 GAL	1` O.C.	1`	LOW

GROUND COVERS	BOTANICAL NAME	COMMON NAME
	BLUEGRASS TURF	BLUEGRASS TURF



Building Elevations

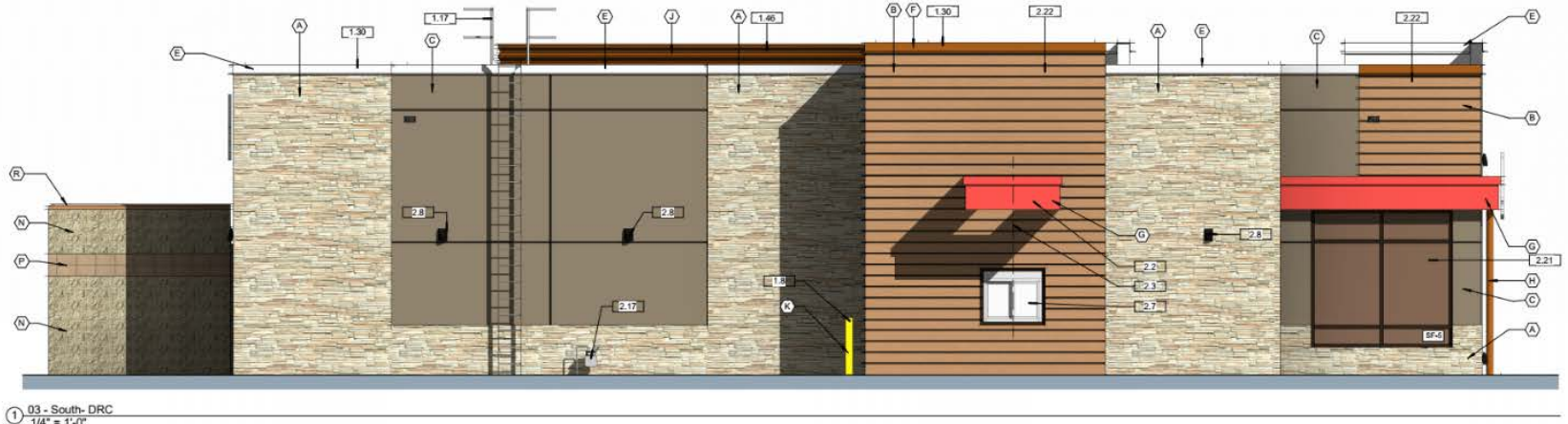


North Elevation

Building characteristics:

- Mix of cultured stone, stucco in earth tone colors with metal accents
- 20’ height
- flat roof with varied roofline
- patio area; drive-thru

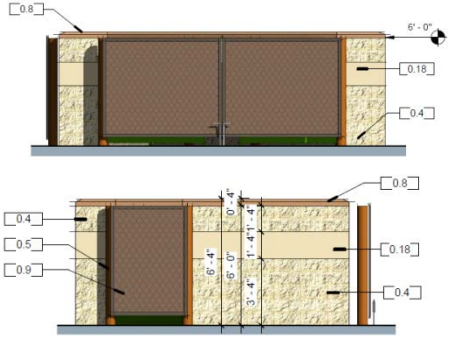
Building Elevations



South Elevation

West Elevation

East Elevation



MEMORANDUM

Date: February 21, 2018
To: Planning Commission
From: Paul Hornbeck, Senior Planner
Re: Public Hearing and Recommendation to Town Board – Final Major Subdivision – Eagle Crossing Subdivision 4th Filing – Martin Lind, Eagle Crossing Development, Inc., applicant/ Tom Siegel, Water Valley Development & Brian Williamson, TST, Inc., applicant's representatives
Location: Northeast of Fairgrounds Avenue and Crossroads Boulevard
Items #: C.2 / C.3

Background / Discussion

The applicant, Mr. Martin Lind of Eagle Crossing Development Inc., represented by Mr. Tom Siegel of Water Valley Development and Mr. Brian Williamson of TST, Inc., has submitted a final major subdivision plat, known as Eagle Crossing Subdivision 4th Filing. The subdivision encompasses approximately 91 acres and is currently zoned Limited Industrial, (IL), General Commercial (GC), and High Density Multifamily (MF-2). The proposed Final Subdivision is generally consistent with the Preliminary Subdivision that the Planning Commission approved on October 18, 2017.

The Final Subdivision characteristics include:

- Two lots totaling approximately 21.6 acres of land zoned MF-2 and being concurrently site planned for multifamily development.
- One additional 3.5 acre lot zoned MF-2 for possible future development
- One 5.8 acre lot zoned Limited Industrial
- 6 lots totaling approximately 51 acres of land zoned GC. The six lots may be further subdivided in the future to accommodate specific users as the area develops.
- Approximately nine acres of public right-of-way dedication, including Steeplechase Drive, which would be extended from Highland Meadows Parkway west to connect with Fairgrounds Avenue via Grandstand Avenue and Rodeo Drive.

The applicant held a neighborhood meeting on August 30, 2017, in accordance with Chapter 16, Article XXXI of the Municipal Code. There were approximately 12 neighbors in attendance. Please see the enclosed neighborhood meeting notes for discussion topics and responses.

Relationship to Comprehensive Plan

The application is consistent with the following goals and objectives of the 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.

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

Chapter 5c – Residential Areas Framework Plan

Goal: *Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.*

Objective 4 *Foster a diversity of housing types and sizes through coordinated land use planning and zoning.*

Objective 5 *Support high density residential development near Downtown, commercial centers, and mixed-use nodes.*

Staff comment: The Comprehensive Plan identifies lack of housing diversity as an area upon which Windsor needs to improve. Multifamily housing on the subject property will provide more housing options for residents, will be located in close proximity of the commercial area at the Brands East, and will also serve as a transition from the Fossil Ridge/Belmont Ridge neighborhood to The Brands East.

Chapter 5d – Commercial & Industrial Areas Framework Plan

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

Staff comment: The proposed development pattern would help maintain the character of the area by maintaining ample commercial/industrial acreage and associated tax base in the area while also meeting the need for multifamily housing. The residential development may actually help spur commercial development while the mix of land uses has been shown to have positive environmental impacts as it helps to reduce the amount and distance of vehicle trips.

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Notification

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

The applicant's representatives held a neighborhood meeting on August 30, 2017, at the Pelican Lakes Golf Club Banquet Room. Notifications for this meeting were as follows:

- August 16, 2017 – affidavit of mailing to property owners within 300 feet
- August 20, 2017 – display ad published in the paper

Notifications for this public hearing were as follows:

- February 7, 2018 – affidavit of mailing to property owners within 300 feet
- February 9, 2018 – display ad published in the paper
- February 6, 2018 – published on Town's website
- February 6, 2018 – property posted

Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval, subject to the following conditions:

1. Prior to recording of the subdivision plat, the applicant shall provide satisfactory evidence to the Town that the plat does not conflict with the existing surface use agreement in place with the mineral owner

2. Applicant shall enter into a development agreement with the Town prior to recording of the subdivision plat

3. All outstanding staff comments on subdivision plat, improvement drawings, and related documents shall be addressed prior to recording plat

Attachments

Application Materials
Neighborhood Meeting Summary
PowerPoint presentation

cc: Martin Lind, applicant
Tom Siegel, applicant's representative
Brian Williamson, applicant's representative

TST, INC. CONSULTING ENGINEERS

June 20, 2017

Eagle Crossing 4th Filing (Brands East) Major Subdivision and Infrastructure – Project Narrative

Project No. 0732.0048.00

The Brands East project is located east of Larimer County Road 5 and north of Crossroads Boulevard ("Project"). The Project consists of roughly 83 acres and will be accompanied by a Rezoning from Limited Industrial to General Commercial (GC) and High Density Multi-Family Residential (MF-2).

The Major Subdivision will dedicate new Right of Way for the extension of Steeplechase Drive to the west, and will create right of way for Grandstand Drive, Stallion Drive from County Road 5 and Crossroads Boulevard to provide access to the 6 super pad sites that will also be created with the major subdivision. The new streets will have water, sewer, and dry utilities to serve the newly created pad sites. There will also be 2 lots that will be created that would have the development potential for Multi-Family Residential units.

Along with the super pad sites and multi-family lots, there will be major drainage infrastructure improvements that will take a regional detention pond for the area from west of County Road 5 near the Ranch, and would take it to the east through this site to a larger regional detention pond that will be to the southwest of Highland Meadows Parkway and Aladar Drive that will serve this subdivision, future development and the Ranch.

If there are any questions, concerns, or if additional information is required please feel free to contact us.

Sincerely,

Brian Williamson

Landscape Architect

bwilliamson@tstinc.com

748 Whalers Way
Suite 200
Fort Collins, CO 80525
970.226.0557 main
970.226.0204 fax

ideas@tstinc.com
www.tstinc.com

Final Major Subdivision

Eagle Crossing 4th Filing

Paul Hornbeck, Senior Planner

Planning Commission February 21, 2018

Major Subdivision

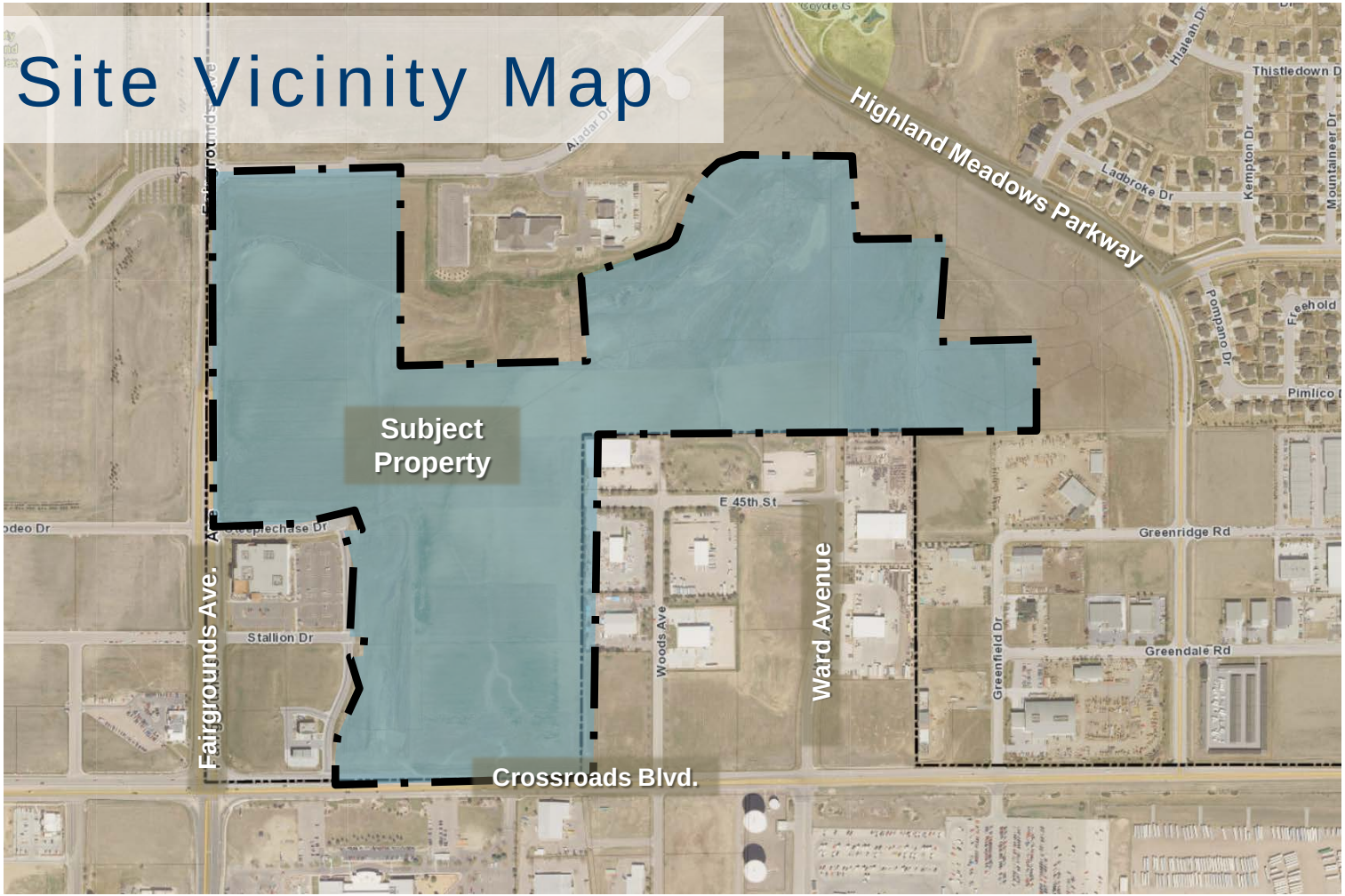
Article IV of Chapter 17 of the Municipal Code outlines the purposes of the Major Subdivision process, including:

Sec. 17-4-10. Purpose.

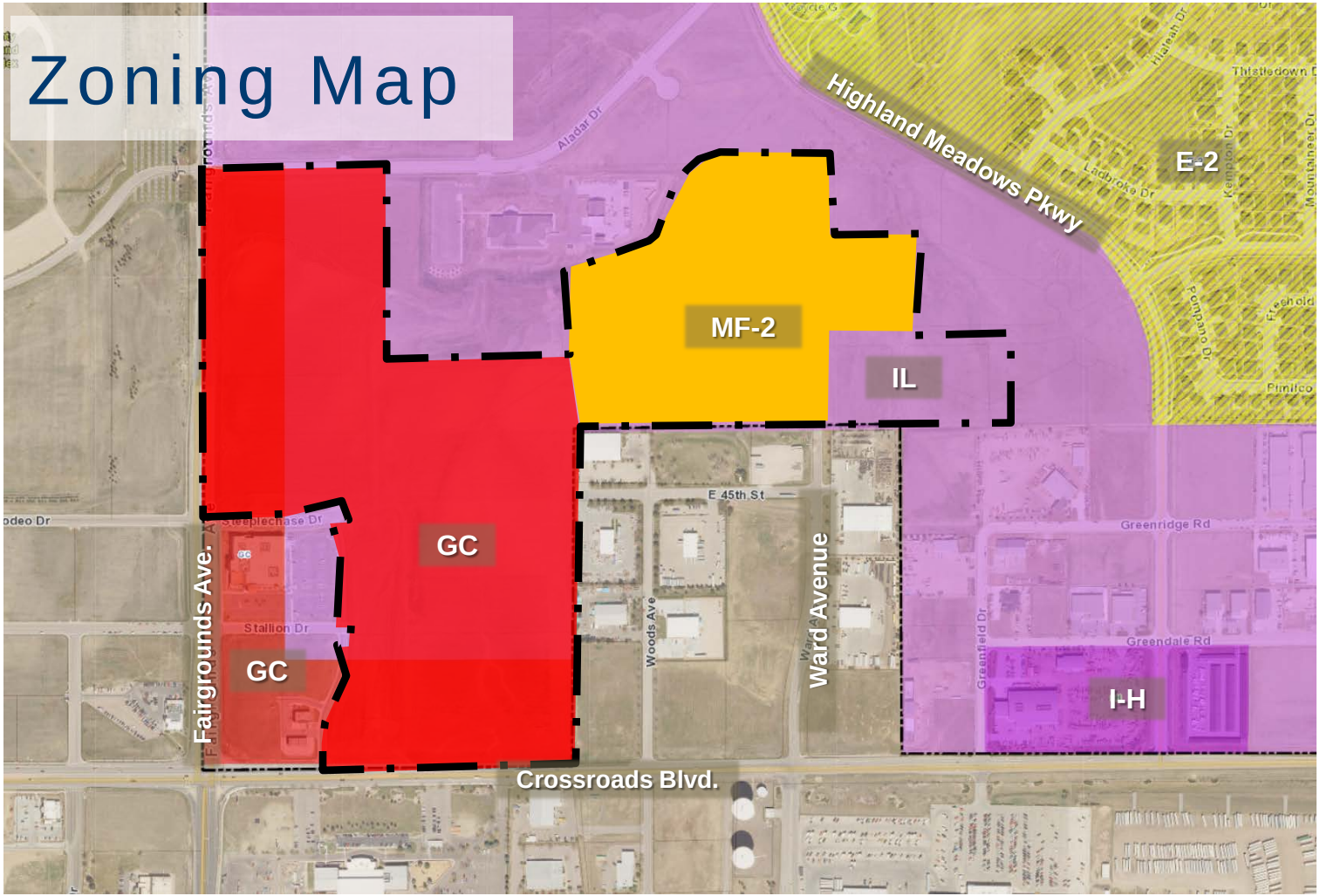
The purposes of the major subdivision procedure are:

To divide or reconfigure a parcel or parcels of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.

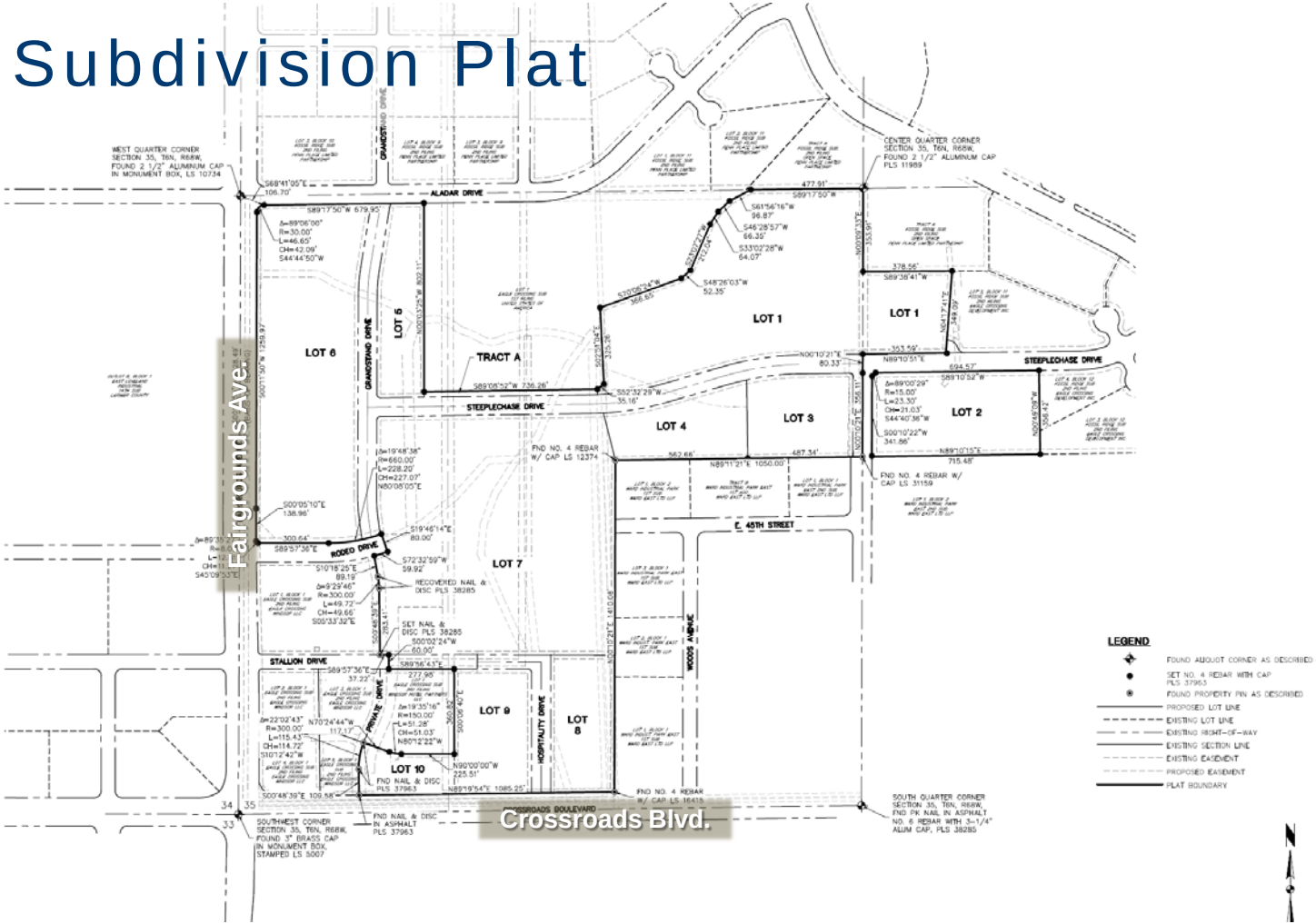
Site Vicinity Map



Zoning Map


Highland Meadows Pkwy
E-2
MF-2
IL
GC
GC
I-H
Fairgrounds Ave.
Ward Avenue
Crossroads Blvd.
E 45th St
Greenridge Rd
Greendale Rd
Stallion Dr
Woods Ave
Greenfield Dr
Aladar Dr
Ladbroke Dr
Kempton Dr
Pennano Dr
Thistledown D
Pimlico
Steeplechase Dr
odeo Dr

Subdivision Plat



Comprehensive Plan Conformance

Chapter 5c Residential Areas Framework Plan:

Goal:	Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.
Objective 4	Foster a diversity of housing types and sizes through coordinated land use planning and zoning.
Objective 5	Support high density residential development near Downtown, commercial centers, and mixed-use nodes.

Comprehensive Plan Conformance

Chapter 5d – Commercial & Industrial Areas Framework Plan

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

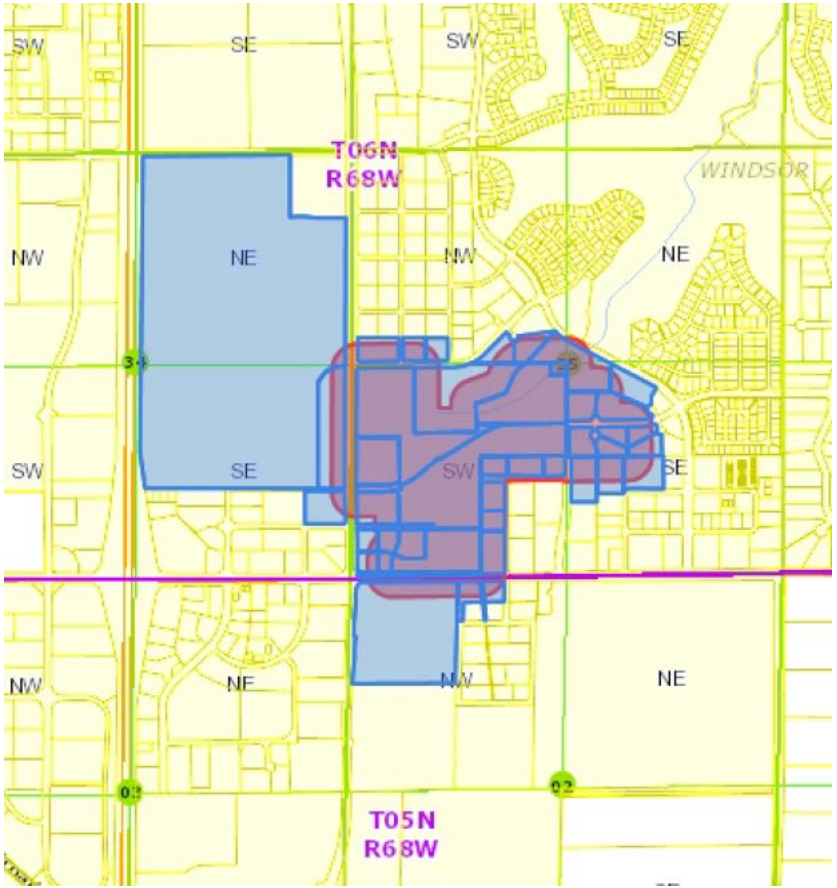
Notification

Neighborhood meeting notifications:

- August 16, 2017 – affidavit of mailing to property owners within 300 feet
- August 20, 2017 – display ad published in the paper

Notifications for this public hearing were as follows:

- February 7, 2018 – affidavit of mailing to property owners within 300 feet
- February 9, 2018 – display ad published in the paper
- February 6, 2018 – published on Town's website
- February 6, 2018 – property posted



Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval, subject to the following conditions:

1. Prior to recording of the subdivision plat, the applicant shall provide satisfactory evidence to the Town that the plat does not conflict with the existing surface use agreement in place with the mineral owner
2. Applicant shall enter into a development agreement with the Town prior to recording of the subdivision plat
3. All outstanding staff comments on subdivision plat, improvement drawings, and related documents shall be addressed prior to recording plat

Preliminary Major Subdivision

Staff requests that the following be entered into the record:

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

Report for Neighborhood Meeting
Meeting Date: August 30th, 2017
Report Date: October 10th, 2017

Overview:

On August 30th, a Neighborhood Meeting was held at the Pelican Lakes Meeting room for 2 projects, the Major Subdivision Eagle Crossing 4th Filing, and the Eagle Crossing 4th Filing Rezone. The Meeting was held from 5:30 to 7PM and it was attended by a total of thirteen (13) people from nine (9) different households. The full sign in sheet is attached to this report. Exhibits presented to the attendees included:

- An Aerial map showing the project location;
- The submitted subdivision plan, rendered in blue on an aerial photo;
- The submitted re-zoning map for the project, rendered by zoning district on an aerial photo;
- A graphic depiction of the peak hour traffic, existing and proposed with this project;
- A conceptual site plan of the site;
- Renderings and elevations of the proposed buildings and the clubhouse; and

The main concerns brought to our attention were increased traffic, the fear of low-income housing, the potential impact on property values, an increase in crime in the area, the loss of views of the mountains, the loss of natural space due to development in general and potential building heights.

Information conveyed to the residents in response to those concerns was the following:

- The rezoning for the residential portion had been moved to the west, keeping the Light Industrial zoning as a buffer.
- A traffic study has been completed for the project and was detailed in the exhibit provided.
- The project will be for rent units at market rate.
- The views from the adjacent site could be impacted by any development, and would be so even with the current use by right; light industrial which includes general commercial uses.

Please contact me with any questions on the above information.

Thanks,

Brian Williamson
Landscape Architect / Planner
TST Consulting Engineers, Inc.

748 Whalers Way
Suite 200
Fort Collins, CO 80525
970.226.0557 main
303.595.9103 metro
970.226.0204 fax

ideas@tstinc.com
www.tstinc.com