



PLANNING COMMISSION REGULAR MEETING

May 6, 2020 // 5:00 p.m. // See virtual meeting information below

NOTE: Windsor Town Hall is closed due to COVID-19

If you wish to provide public comments during the Public Invited to be Heard (Item A.3) or on public hearing items, please email written comments to: planning@windsorgov.com by 4:00 PM, May 6, 2020, or join virtually:

Register in advance for this meeting:

https://windsorgov.zoom.us/webinar/register/WN_syJcifOzQimlp2ao8Zzsqa

After registering, you will receive a confirmation email containing information about joining the webinar.

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 March 18, 2020
2. Approval of minutes of April 1, 2020

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.

C. BOARD ACTION

1. Preliminary Major Subdivision – Raindance Subdivision 11th Filing – David Nelson, Raindance Development LLC, owner; Patrick McMeekin, Hartford Homes, applicant; Ryan McBreen, applicant's representative
 - Quasi-judicial
 - Staff presentation: Sandra Mezzetti, Planner I
2. Preliminary Site Plan – Raindance Subdivision 11th Filing – David Nelson, Raindance Development LLC, owner; Patrick McMeekin, Hartford Homes, applicant; Ryan McBreen, applicant's representative
 - Quasi-judicial
 - Staff presentation: Sandra Mezzetti, Planner I
3. Weld County Referral for a Change of Zone (COZ20-0004) from A (Agricultural) to I-3 (Heavy Industrial) – Gerrard Investments, LLC, property owner; and Rock & Rail, LLC, applicant
 - Staff presentation: Carlin Malone, Chief Planner

D. COMMUNICATIONS

1. Communications from the Planning Commission
2. Communications from the Town Board liaison
3. Communications from the staff
 - a. Site Plan Review – Eagle Crossing Subdivision 6th Filing, Lot 2 (Taco Bell)

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

<u>Wednesday, May 6, 2020</u>	5:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, May 20, 2020</u>	TBD	Regular Planning Commission meeting**
<u>Wednesday, June 3, 2020</u>	TBD	Regular Planning Commission meeting**
<u>Wednesday, June 17, 2020</u>	TBD	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

March 18, 2020 // 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
Victor Tallon
Kelly Hall
Doug Dennison
Cindy Scheuerman
Timothy Reddick

Alternate:

Also present:

Carlin Malone, Chief Planner
Krystal Eucker, Town Clerk

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; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Hall, Dennison, Scheuerman, Reddick

Nays – None

Motion carried.

3. Public Invited to be heard

Mr. Schick opened the meeting up for public comment to which there was none.

B. CONSENT CALENDAR*

1. Approval of minutes of March 4, 2020

Mr. Tallon moved to approve the consent calendar as presented; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Hall, Dennison, Scheuerman, Reddick

Nays – None

Motion carried.

C. BOARD ACTION

1. Public Hearing – Conditional Use Grant – Joe Luethmers, Timberline Church, owner/applicant's representative.

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.

- Quasi-judicial
- Staff presentation: Carlin Malone, Chief Planner

Mr. Schick opened the public hearing.

Chief Planner Carlin Malone, presented the proposal. Per Ms. Malone the applicant Mr. Joe Luethmers, Timberline Church, represented by Mr. Sam Eliason, United Civil Group, is requesting a Conditional Use Grant (CUG) to allow two temporary modular classrooms and a temporary gravel parking area in the RMU zone district for a three-year period. A conditional use grant is required because the proposed use is not specifically included as a use-by-right in any zoning district per Section 16-7-10 of the Town's Municipal Code, Intent of Conditional Use Grants. The applicant is requesting allowance of the mobile classrooms and gravel parking area until the time when Timberline Church has relocated to another site.

Section 16-7-50 of the Municipal Code lists the following standards and requirements for conditional use grants, with staff analysis below:

(a) Approval of a conditional use grant shall be based on the evaluation of such factors as the following:

(1) The character and quality of the area in which the use will be located.

The area surrounding the proposed uses to the north, south, and west are developed with commercial and residential uses. This area is also part of a master planned community (Water Valley South). The property to the east of the proposed uses is undeveloped land zoned I-L (Limited Industrial). The applicant has indicated that the temporary use is for accommodating an existing use during a period of transition to another site. The number of available parking spaces will increase, traffic should not change due to this request, and the modular (temporary classrooms) should not impact adjacent properties.

(2) The physical appearance of the use, including suitability of architectural and landscaping treatment.

The modular classrooms will be located adjacent to the southern side of the existing building currently used for church activities (360 Crossroads Blvd) and between the building and Rancho Drive. The proposed gravel parking area will be located southwest of the existing building, east of Crossroads Blvd, and north of Rancho Drive and Water Valley South 16th Filing (single-family residential). There are plans to landscape around the parking lot and the proposed playground area.

(3) Appropriate location of the building or buildings on the lot.

The two proposed temporary buildings (modulars) location will utilize the same access to and from the site as the existing church building. The modulars will be adjacent to the existing paved parking lot and proposed gravel parking area. Additionally, this location is in close proximity to the existing church building.

(4) Adequate provision of parking, loading and circulation facilities. Adequate parking appears to be included. As stated, the proposed temporary parking area will provide

additional parking spaces for the use. The number of church members is not proposed to change with this request.

(5) Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion. There will be an increase in the number of on-site parking spaces, drive aisles and access. According to the applicant's narrative, children will access the main entrance and be led to and from the main building and the modular classrooms.

(6) Potential effect of the use on storm drainage in the area. The existing storm sewer system, constructed with the subdivision of Water Valley, was designed to convey developed runoff from this lot (Lot 1) via a proposed inlet near Crossroads Blvd to a detention pond in Water Valley. The inlet will be installed as part of the CUG, matching the current drainage design.

(7) Adequacy of planting screens where necessary. Plant screening has not been proposed with the application due to the location of the modular classrooms and parking and its temporary use. The proposed location for the uses would have a small impact on the adjacent neighborhood visually and was one of the few areas not impacted by utility/drainage easements.

(8) Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences. Staff has not identified any hazardous conditions, pollutants, or other noxious influences with the request for temporary modular classrooms and the temporary gravel parking area.

(9) The general compatibility of the proposed use with the area in which it is to be located. As previously mentioned, the request is for temporary modular classrooms and a temporary gravel parking area for an existing use (church). The location of the modulars should have the least impact on the neighborhood aesthetically and physically, as the buildings will be located on the eastern side of the lot. The gravel parking area should also have minimal visual impacts and is also a temporary use.

While the Comprehensive Plan does not specifically address temporary uses such as this, the proposal is consistent with the Comprehensive Plan Residential Areas Framework goal:

Maintain the character of existing neighborhoods

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

March 6, 2020 - property posted with a notification sign

March 6, 2020 - affidavit of letters mailed to the adjacent property owners

March 3, 2020 - legal notice posted on the Town of Windsor website

March 6, 2020 - legal ad published in the Tribune

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval for a three (3) year period of the conditional use grant, as presented.

Mr. Schick asked the applicant Joe Luethmers via telephone whether he had anything additional to share.

Mr. Luethmers stated; No.

Mr. Schick asked Ms. Malone about any additional public comments.

Ms. Malone stated; None.

Mr. Tallon moved to close the public hearing; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Hall, Dennison, Scheuerman, Reddick

Nays – None

Motion carried.

2. Recommendation to Town Board – Conditional Use Grant – Joe Luethmers, Timberline Church, owner/applicant’s representative

- Quasi-judicial
- Staff presentation: Carlin Malone, Chief Planner

Mr. Schick asked if Ms. Malone had any additional information to present.

Ms. Malone stated she notated in the analyst section the property was stated as “O” for Open Space, its “RMU” Residential Mixed Use.

Mr. Tallon asked Ms. Malone what is the timeline on this project.

Ms. Malone stated the applicant is requesting 3 years on this project, but there is the possibility of requesting an extension.

Mr. Dennison asked Ms. Malone whether another proposal similar to this was considered by the Planning Commission at the same site location.

Ms. Malone stated; Yes, that site was located at 360 Crossroads Blvd, and that’s the lot to the North of the existing building. There is currently (1) modular for a proposed total of (3).

Mr. Schick asked whether there were any other questions from the commission; none

Mr. Tallon moved to forward a recommendation of approval to the Town Board for the (3) year period conditional use grant subject to recommendations by staff as presented; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Hall, Dennison, Scheuerman, Reddick

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

- Ms. Malone stated the Transportation Master Plan will be on the Town Board Agenda Monday, March 23rd.

ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:13 p.m.

Krystal Eucker, Town Clerk



PLANNING COMMISSION REGULAR MEETING

April 01, 2020 // 7:00 p.m. // Virtual Meeting

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 via Zoom virtual meeting:

Gale Schick
Victor Tallon
Kelly Hall
Doug Dennison
Cindy Scheuerman
Jerry Bushelman
Daniel Foreman
Timothy Reddick

Alternate:

Town Board Liaison: David Sislowski

Also present virtually:

Community Dev. Director:	John Thornhill
Senior Planner:	David Eisenbraun
Senior Planner:	Paul Hornbeck
Chief Planner:	Carlin Malone
Planning Director:	Scott Ballstadt
Town Engineer:	Doug Roth
Town Clerk:	Krystal Eucker
Deputy Town Clerk:	Trisha Conway

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

Ms. Scheuerman moved to approve the agenda as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Hall, Dennison, Scheuerman, Bushelman, 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*

C. BOARD ACTION

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.

1. Public Hearing – Final Major Subdivision – Raindance Subdivision 8th Filing – David Nelson and Martin Lind, Raindance Development LLC, owner/applicant/Garrett Scallon, Raindance Development LLC, applicant's representative.

- Quasi-judicial
- Staff presentation: David Eisenbraun, Senior Planner

Mr. Schick opened the public hearing.

Mr. Sislowski stated, "Mr. Chair, for the record I would like to disclose that I am a sitting member of the Town Board, and that I am here in my capacity as non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight's proceedings influence or affect my review of this matter when it comes before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearing."

Senior Planner David Eisenbraun, presented the proposal. Per Mr. Eisenbraun the applicant, Mr. Martin Lind of Raindance Land Company, LLC, has submitted a final major subdivision plat, known as Raindance Subdivision Eighth Filing. The subdivision encompasses approximately 616 total acres, with 40.2 acres being specifically developed and zoned Planned Unit Development (PUD). Located North of New Liberty Road, and East of Colorado Blvd, Weld County Road 13. The remainder of the 576 acres are platted as future development tracts, with the majority being for the future golf course and approximately a 32-acre portion designated for multi-family along Colorado Boulevard.

Final Plat characteristics for 8th filing:

- 616.35 total acres (40.16 ac. developed)
 - 138 single-family lots
 - Lot sizes:
 - 52: 5,500 sf lots
 - 86: 6,600 sf lots
 - Density: 3.4 dwelling units per acre
 - Product: 1 & 2-story houses with attached garages
 - Parks (owned and maintained by metropolitan district)
- o Key improvements with Landscaping & Improvements
- Continuation of Covered Bridge Parkway
 - Tracts for open space / agriculture use = ~ 3 acres
 - Extension of trail system
 - Pedestrian refuge across New Liberty Road

Due to close proximity to an existing park located in 2nd Filing, 8th Filing is compliant with park proximity requirements and contributes to cumulative open space acreage required at full buildout. The park is located just across New Liberty Road, allowing for open space, and landscaping improvements being reviewed.

As required with a preliminary subdivision submittal, the applicant held a neighborhood meeting on December 3, 2019, in accordance with Chapter 16, Article XXXI of the Municipal Code. Two neighbors attended. Please see the enclosed neighborhood meeting notes for discussion topics. No additional citizen comments have been received to date by the planning staff.

Furthermore, there have been no substantive changes to the 8th filing since the preliminary plat approvals by the Planning Commission on January 15, 2020.

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

Chapter 5b – Growth Framework

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

Chapter 5c – Residential Areas Framework

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

The application is consistent with the Strategic Plan, particularly promoting community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small-town feel.

Regarding the Preliminary Subdivision, a neighborhood meeting was held on December 3, 2019. Notifications for that meeting were as follows:

- November 13, 2019 – affidavit of mailing to property owners within 300 feet
- November 15 and 17, 2019 – display ad published in the newspapers

Regarding the Final Subdivision, notifications for this public hearing were as follows:

- March 19, 2020 - affidavit of mailing to property owners within 300 feet
- March 20, 2020 – public notice published on Town website
- March 20, 2020 – site posted
- March 20, 2020 – display ad published in the newspaper

The following are conditions of approval pertaining to the 8th Filing:

1. The Developer shall dedicate ROW and easements on the east side of Colorado Blvd. sufficient for potential construction of a future two lane roundabout at the intersection of Colorado Blvd. and Cherry Blossom Dr.
2. The Developer shall work with staff and prepare an elevated water tank design, through a collaborative design and cost effort, that shall provide adequate emergency pressure and water quantity for the south pressure zone based on development and Town water system models.
3. At no cost to the Town, the Developer shall convey a tract of land near the highest elevation location just north of New Liberty Dr. for construction of an elevated water tank. The tract of land shall be sufficient in size for installation of the proposed elevated water tank. All permanent and temporary easements necessary for construction, operation, and maintenance of the water tank and associated appurtenances shall be dedicated by the Developer to the Town at no cost to the Town.
4. The Developer shall construct an elevated water tank by the end of year 2022, unless there are considerable economic faults due to acts outside of the Town's or

developers control. The Town shall reimburse the Developer a pro rata share yet to be determined for the cost of design and construction based on the percentage of build out service area water usage outside of the Raindance Master Plan area. Details of reasonable effort and economic criteria will all be determined through the standard development agreement process.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the final major subdivision as presented, subject to all remaining Planning Commission and staff comments and conditions being addressed.

Mr. Schick asked Mr. Eisenbraun whether the applicant had any additional information to present.

Mr. Eisenbraun stated the applicant did not supply him with additional material.

Mr. Scott Ballstadt unmuted Tom Siegel asking whether his team had any additional comment.

Mr. Siegel stated; No, but Martin Lind is on the line via telephone.

Martin Lind checked-in via telephone.

Mr. Ballstadt asked whether Martin Lind had any additional comment.

Mr. Lind stated; No, but he's happy to answer any questions at this time.

Mr. Schick asked Mr. Lind whether he is disputing any of the conditions recommended by staff.

Mr. Lind stated the water tower condition is still under review, and that agreement will be finalized before meeting with Town Board.

Mr. Schick asked whether there are any comments or questions from the commission

Ms. Scheuerman asked Mr. Eisenbraun about the traffic conditions related to approval, regarding the 2-lane round-about at Colorado Blvd, and Cherry Blossom. Does that fit with the potential right-of-way needed for the future expansion of Colorado Blvd.

Mr. Eisenbraun stated any expansion for Colorado Blvd will be reviewed, along with the acceleration, and deceleration lanes of the road. Right-of-way and easements on the east side of Colorado Blvd would be part of this Raindance approval, but the west side dedication is a separate matter.

Ms. Scheuerman asked Mr. Eisenbraun if the round-about is proposed as 2-lanes, why was the round-about recently constructed as 1-lane at New Liberty Road, and Colorado Blvd.

Mr. Eisenbraun stated he would let Doug Roth speak to those circumstances, but this plat has been reviewed as a buildout for Raindance. The review of the traffic study did not trigger the need for round-about or traffic signal, but this is dedication of the land for future expansion.

Mr. Eisenbraun asked Mr. Roth whether he had any additional comment.

Mr. Roth stated it's the difference between short and long-term improvements; ultimately Colorado Blvd may end up as a 4-lane road. In the foreseeable future

the 1-lane round-about is sufficient, however recognizing the future expansion is why the 2-lane round-about is being proposed.

Ms. Scheuerman asked Mr. Roth are you anticipating initial construction would be a 1-lane round-about similar to New Liberty Road.

Mr. Roth stated the 1-lane round-about may not be needed, but the reasoning about having the round-about during peak hours the left turns coming out of Cherry Blossom will be poor with the flexibility of upgrading.

Ms. Scheuerman asked Mr. Roth about the intersection for future development at Pear Blossom.

Mr. Roth stated that's part of 9th Filing, and the same recommendation of approval for Cherry Blossom.

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

2. Final Major Subdivision – Raindance Subdivision 8th Filing – David Nelson and Martin Lind, Raindance Development LLC, owner/applicant/Garrett Scallon, Raindance Development LLC applicant's representative

- Quasi-judicial
- Staff presentation: David Eisenbraun, Senior Planner

Mr. Schick asked if Mr. Eisenbraun had any additional information to present
Mr. Eisenbraun stated; No

Mr. Schick asked whether there were any other questions from the commission; none

**Mr. Tallon moved to forward a recommendation of approval to the Town Board for the Raindance Subdivision 8th Filing subject to recommendations by staff as presented; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Hall, Dennison, Scheuerman, Bushelman, Foreman
Nays – None
Motion carried.**

3. Public Hearing – Final Major Subdivision – Raindance Subdivision – Raindance Subdivision 9th Filing – David Nelson and Martin Lind, Raindance Development LLC, owner/applicant/Garrett Scallon, Raindance Development LLC, applicant's representative.

- Quasi-judicial
- Staff presentation: David Eisenbraun, Senior Planner

Mr. Schick opened the public hearing

Senior Planner David Eisenbraun, presented the proposal. Per Mr. Eisenbraun the applicant, Mr. Martin Lind of Raindance Land Company, LLC, has submitted a final major subdivision plat, known as Raindance Subdivision Ninth Filing. Located North of New Liberty Road, and East of Colorado Blvd, Weld County Road 13. The plat is

bisected by Covered Bridge Parkway which meets up with Pear Blossom, and High Pointe Estates. The subdivision encompasses approximately 108 acres and are zoned Planned Unit Development (PUD). There are 35 acres platted as future development tracts, largely being designated for the future single-family homes.

Final Plat characteristics for 9th filing:

- 108.5 total acres (73.5 ac. developed)
- 239 single-family lots
 - Lot sizes:
 - 122: 5,500 sf lots
 - 117: 6,600 sf lots
- Density: 3.2 dwelling units per acre
- Product: 1 & 2-story houses with attached garages
- Parks (owned and maintained by metropolitan district)

o Key improvements with Landscaping & Improvements

- Tracts for open space / agriculture use = ~ 17 acres
- About 35 acres are dedicated for future development
- Extension of trail system

Due to close proximity to an existing park located in 2nd Filing, 9th Filing is mainly compliant; however, per the Master Plan, one additional pocket park is provided at location "C".

As required with a preliminary subdivision submittal, the applicant held a neighborhood meeting on December 3, 2019, in accordance with Chapter 16, Article XXXI of the Municipal Code. Two neighbors attended. Please see the enclosed neighborhood meeting notes for discussion topics. No additional citizen comments have been received to date by the planning staff.

Furthermore, there have been no substantive changes to the 9th filing since the preliminary plat approvals by the Planning Commission on January 15, 2020.

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

Chapter 5b – Growth Framework

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

Chapter 5c – Residential Areas Framework

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

The application is consistent with the Strategic Plan, particularly promoting community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small-town feel.

Regarding the Preliminary Subdivision, a neighborhood meeting was held on December 3, 2019. Notifications for that meeting were as follows:

- November 13, 2019 – affidavit of mailing to property owners within 300 feet
- November 15 and 17, 2019 – display ad published in the newspapers

Regarding the Final Subdivision, notifications for this public hearing were as follows:

- March 19, 2020 - affidavit of mailing to property owners within 300 feet
- March 20, 2020 – public notice published on Town website
- March 20, 2020 – site posted
- March 20, 2020 – display ad published in the newspaper

The following are conditions of approval pertaining to the 9th filing:

1. The Developer shall dedicate ROW and easements on the east side of Colorado Blvd. sufficient for potential construction of a future two lane roundabout at the intersection of Colorado Blvd. and Pear Blossom Dr.
2. If not already completed as part of Raindance 8th Filing, the Developer shall work with staff and prepare an elevated water tank design, through a collaborative design and cost effort, that shall provide adequate emergency pressure and water quantity for the south pressure zone based on development and Town water system models.
3. If not already completed as part of Raindance 8th Filing, at no cost to the Town, the Developer shall convey a tract of land near the highest elevation location just north of New Liberty Dr. for construction of an elevated water tank. The tract of land shall be sufficient in size for installation of the proposed elevated water tank. All permanent and temporary easements necessary for construction, operation, and maintenance of the water tank and associated appurtenances shall be dedicated by the Developer to the Town at no cost to the Town.
4. If not completed as part of Raindance 8th Filing, the Developer shall construct an elevated water tank by the end of year 2022 unless there are considerable economic faults due to acts outside of the Town or developer's control. The Town shall reimburse the Developer a pro rata share yet to be determined for the cost of design and construction based on the percentage of build out service area water usage outside of the Raindance Master Plan area. Details of reasonable effort and economic criteria will all be determined through the standard development agreement process.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the final major subdivision as presented, subject to all remaining Planning Commission and staff comments and conditions being addressed.

Mr. Schick asked Mr. Lind whether he had additional information to present.
Mr. Lind stated; No.

Mr. Schick asked whether there are any comments or questions from the commission

Ms. Scheuerman asked Mr. Eisenbraun the rough distance of the round-about we are requesting right-of-way, and how close those 3 will be in proximity.
Mr. Eisenbraun referred to Mr. Roth.

Mr. Roth stated he does not know the proximity, and he would have to figure to scale. The applicants engineer may know the answer that questions.

Mr. Eisenbraun asked Mr. John Meyers applicants engineers insight on that proximity.

Mr. Meyers stated the intersection meets the Town standard spacing requirements even without the round-about. Round-about drastically reduce the speed considerably, generally allow for closer intersection spacing than a signal intersection.

Ms. Scheuerman asked Mr. Eisenbraun whether future expansion will need to be considered for the Round-about at New Liberty Road.

Mr. Eisenbraun stated based on the traffic study at this time it's sufficient for the needs, and I'm not aware of any future triggers at this juncture.

Ms. Scheuerman expressed concern about vehicles having the capacity to let emergency vehicles pass on that road since it's a major feeder for expansion.

Mr. Lind stated that right-of-way was throttled down from a 4-lane road to redirect traffic to Crossroads Blvd. However, the resolve to mitigate this circumstance for the future, shrinking the median which would not require additional right-of-way. We are in communications with Town staff about the resolve of that situation.

Mr. Bushelman asked Mr. Eisenbraun whether the 2-lane round-about would be larger than the round-about located at Crossroads Blvd, and the South entrance of Raindance. Mr. Bushelman expressed concerns about large semis accessing the round-about, and using both lanes.

Mr. Eisenbraun referred to John Thornhill on the design.

Mr. Thornhill stated that's the way round-about are designed, and a large truck can use both lanes, and take the aprons.

Mr. Lind stated the approach islands on round-about have a calming lane which pushes the semi over those medians. That intersection even with the semis taking both lanes moves fluidly, and the bottle neck on Crossroads is the stop light at Colorado Blvd, Weld County 13. The stop light blocks traffic and slows the flow of traffic, migrating any issues.

Mr. Schick asked Mr. Bushelman whether that answered his question.

Mr. Bushelman stated; Yes.

Mr. Schick opened the hearing for public comment.

Mr. Ballstadt the moderator stated there was no public comment, and confirmed with Ms. Malone there wasn't anything via windsorgov.com.

Mr. Lind stated how impressed and grateful he was for staff facilitating this virtual meeting, and these are unprecedented times. I would like it entered into the public, we are very grateful to staff for making this happen.

Mr. Schick responded thanking Martin, and stated we are learning to keep business as usual.

Mr. Ballstadt stated; Chair there is no public comment.

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

4. Final Major Subdivision – Raindance Subdivision – Raindance Subdivision 9th Filing – David Nelson and Martin Lind, Raindance Development LLC, owner/applicant/Garrett Scallon, Raindance Development LLC, applicant's representative.

- Quasi-judicial
- Staff presentation: David Eisenbraun, Senior Planner

Mr. Schick asked if Mr. Eisenbraun had any additional information to present.
Mr. Eisenbraun stated; No

Mr. Schick asked whether there were any other questions from the commission; none

**Ms. Scheuerman moved to forward a recommendation of approval to the Town Board for the Raindance Subdivision 9th Filing subject to recommendations by staff as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Hall, Dennison, Scheuerman, Bushelman, Foreman
Nays – None
Motion carried.**

5. Preliminary Major Subdivision – Village East Subdivision 8th Filing – David Tschetter, Global Asset Recovery LLC, owner/applicant.

- Quasi-judicial
- Staff presentation: Carlin Malone, Chief Planner

Chief Planner Carlin Malone, presented the proposal. Per Ms. Malone the applicant, Mr. David Tschetter, has submitted a preliminary major subdivision plat known as Village East Subdivision Eighth Filing, located north of State Hwy 392, and west of County Road 21, just east of the existing Village East Subdivision, and southeast of the Great Western Trail. The subdivision encompasses approximately 63 acres and is zoned RMU (Residential Mixed Use), GC (General Commercial) and I-L (Limited Industrial). The proposed subdivision includes 133 single-family residential lots with tracts for open space, drainage/irrigation easements and future development including: multifamily (townhomes) and neighborhood commercial.

This application is currently under staff review.

Preliminary Plat characteristics:

- 63 total acres
- 133 single-family lots (23 acres)
 - Minimum required lot size for single-family residential lots: 6,000 sf
 - Lot size range for this subdivision: 6,000 sf – 15,041 sf
 - Density: 5.8 du/ac
- Tracts for future development: 9.9 acres (15.6%)
- Extension of trail system, including an extension of Great Western Trail
- Public right-of-way: 11.56 acres (18.26%)
- Park – adjacent to Village East Park
- Tracts for open space / drainage: ~ 9.15 acres (14%)

- Required open space in RMU zone district: 20%
- o Key improvements with Landscaping & Improvements
- Total open space, drainage and ditch easements: 15.98 acres (29%)
 - Future Development (Neighborhood Commercial, Townhomes)
 - New Cache La Poudre Irrigation Company easement: 3.65 acres (5.77 %)
 - Law Consolidated Ditch easement: 3.18 acres (9.6%)
- o All open space and drainage/ditch easements, with exception of New Cache La Poudre Irrigation Company easement, will be maintained by the subdivision homeowner's association.

The applicant held a neighborhood meeting on February 21, 2019, in accordance with Chapter 16, Article XXXI of the Municipal Code. Five neighbors attended. Please see the enclosed neighborhood meeting notes for discussion topics.

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

Chapter 5b – Growth Framework

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

Objectives

1. Prioritize new growth in areas currently served by Town infrastructure and services.
 3. Develop new neighborhoods adjacent to the Town core.
 4. Encourage the oil and gas industry to remediate, reclaim, and develop former oil and gas extraction and mining sites as they come offline.
- Staff comment:* The applicant has provided evidence that the oil and gas well on the property has been capped and abandoned in accordance with the State of Colorado Oil and Gas Conservation Commission (COGCC), and evidence of the State's acceptance of the abandonment. While the COGCC, nor the Town, have specific setback requirements between capped and abandoned wells and homes, a 50-foot setback to any occupied structure is proposed.
5. Support maintenance and investment in existing neighborhood infrastructure and services as the Town grows.
 6. Work cooperatively with adjacent municipalities to coordinate future land use and development within intergovernmental planning areas and amend intergovernmental agreements to meet evolving community needs and land use demand.

Staff comment: Town Windsor staff, Town of Severance staff, the applicant and applicant's team of consultants have been coordinating throughout the review of this application to ensure the proposed development with future development plans east of WCR 21 in Severance. Coordination with this group will continue as the proposal moves forward through the Final Subdivision application and construction processes.

Chapter 5c – Residential Areas Framework

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

1. Promote multi-modal connectivity to increase neighborhood access and resident mobility.

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

The application is consistent with the Strategic Plan, particularly promoting community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small-town feel.

A neighborhood meeting was held on February 21, 2019, and notifications were as follows:

- February 2, 2019 – affidavit of mailing to property owners within 300 feet
- February 8 and 10, 2019 – display ad published in the newspapers

Notification of the Planning Commission public meeting for a Preliminary Subdivision is not a requirement.

Staff recommends that the Planning Commission approve the preliminary major subdivision as presented subject to all remaining Planning Commission and staff comments being addressed on the final major subdivision plat.

Mr. Schick asked David Tschetter whether he had any additional information to present.

Mr. Tschetter stated; No, but we are available for questions.

Mr. Schick asked whether there were any other questions from the commission

Ms. Scheuerman asked Ms. Malone to reference the map for the 2 designated areas for future commercial neighborhood development, and whether those area could be changed to residential in the future.

Ms. Malone stated the area is zoned General Commercial (GC).

Ms. Scheuerman asked Ms. Malone whether the parcel on State Highway 392 is open space, and drainage.

Ms. Malone stated; Yes, correct. Additionally, you may recall this went through a land use amendment.

Mr. Bushelman asked Ms. Malone how does this proposal vary compared to the last proposal.

Ms. Malone stated there was not a previous preliminary plat proposal on this property in the past, but there was a concept plan presented illustrating proposed land use designation changes.

Mr. Bushelman asked Ms. Malone about negotiating a change to the agreement for residential.

Ms. Malone stated that the concept was an illustration presented with the past amendment to the IGA (intergovernmental agreement) and an amendment to the Town of Windsor's Land Use Plan, replacing some commercial area with single-family and multifamily residential, retaining the commercial area – now shown as a neighborhood commercial center.

Mr. Schick stated it was an IGA amendment with the Town of Severance.

Ms. Malone stated; Yes, correct.

Ms. Scheuerman stated it was also a rough scope of plans presented for the rezone from General Commercial to Residential.

Ms. Malone stated; Yes, that was a concept plan attached to an exhibit for the amendment, and showed a general layout.

Mr. Ballstadt the moderator stated there was no public comment.

**Mr. Tallon moved to approve the Preliminary Major Subdivision subject to recommendations by staff as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Hall, Dennison, Scheuerman, Bushelman, Foreman
Nays – None
Motion carried.**

D. COMMUNICATIONS

1. Communications from the Planning Commission

- Ms. Scheuerman had questions regarding commission terms ending.
 - o Mr. Ballstadt responded for the Town expects the incumbent members to hold their positions until we are able to interview.
 - o Krystal Eucker responded we have received a few applications, but due to Town Hall being closed to the public we are putting all interviews on hold.
 - o Mr. Ballstadt appreciates everyone staying on board, and holding their positions.

2. Communications from the Town Board liaison

- David Sislowski talked about the declarations of emergency, and the state and federal direction. The Town of Windsor is busying helping small businesses and our residents cope with everything happening due to Covid-19.

3. Communications from the staff

- Mr. Eisenbraun provided a parking update formally launching the downtown parking study. The Town's website lists the parameters, goals, and differences of the study under community development, and planning. Additionally, there is a larger map displaying the differences of the Town's review, and growth over the last 8 years. We've changed some timelines, how we're interviewing participants, and data collection efforts.
- Mr. Ballstadt proposed earlier meeting times in the future, due to staff helping with video technology while everyone is working remotely.

- o Mr. Schick responded his schedule was flexible.
- o Ms. Scheuerman responded her schedule was flexible.
- o Mr. Dennison responded his schedule was flexible.
- o Mr. Reddick responded he's only available after 6:00 pm to accommodate working hours.
- o Mr. Bushelman responded his schedule was flexible.

Mr. Schick stated it sounds like we can make that work short term, and adjust the schedule accordingly.

- Ms. Eucker stated the election is underway, and yesterday started ballot processing. Due to Town Hall being closed the ballots are either being mailed or dropped off at the County ballot drop-box located at the Windsor Recreation Center.
- Mr. Schick, Planning Commission, and staff would like to recognize Mr. Victor Tallon for his years of service, and dedication to the Planning Commission and look forward to his leadership on Town Board.

ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:03 p.m.

Krystal Eucker, Town Clerk



MEMORANDUM

Date: May 6, 2020
To: Planning Commission
From: Sandra Mezzetti, Planner I
Re: Preliminary Major Subdivision – RainDance Subdivision 11th Filing – David Nelson, RainDance Development, owner, Patrick McMeekin, Hartford Homes, applicant, and Ryan McBreen, Norris Design, authorized representative.
Location: South of Bounty Drive, north of Iron Wheel Drive and west of Autumn Moon Drive and RainDance Community Park.
Item #: C.1.a

Background / Discussion

The applicant, Mr. Patrick McMeekin, has submitted, on behalf of the owner Mr. David Nelson, a preliminary major subdivision plat known as RainDance Subdivision Eleventh Filing. The subdivision encompass approximately 11.9 acres and is zoned Planned Unit Development (PUD). Tract Z of the PUD designates the land use for this area as residential.

Preliminary Plat characteristics:

- 11.9 total acres
- 20 building envelopes for multi-family residential (160 condominium units [see Item C.2])
- Density: 13.4 du/ac
- Total open space including drainage: ~ 4.98 acres (42%)
- Parks: Not applicable due to location proximity of Raindance Subdivision 7th Filing, RainDance Community Park (owned and maintained by metropolitan district).

As required with a preliminary subdivision submittal, the applicant held a neighborhood meeting on April 2, 2020, in accordance with Chapter 16, Article XXXI, and Chapter 15, Article III, of the Municipal Code. There were no attendees and no public comments have been received to date by the planning staff or the applicant.

Relationship to Comprehensive Plan

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

Chapter 5b – Growth Framework

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

Objectives

- 1. Prioritize new growth in areas currently served by Town infrastructure and services.

Chapter 5c – Residential Areas Framework

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

Objectives

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

Relationship to Strategic Plan

The application is consistent with the Strategic Plan Mission Statement: The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small town feel.

Notifications

A neighborhood meeting was held on April 2, 2020, and notifications were as follows:

- March 20, 2020 – affidavit of mailing to property owners within 300 feet
- March 20, 2020 and March 22, 2020 – display ad published in the Greeley Tribune and Windsor Beacon newspapers respectively.

Notification of the Planning Commission public meeting for a preliminary major subdivision is not a requirement.

Recommendation

Staff recommends that the Planning Commission approve the preliminary major subdivision as presented subject to all remaining Planning Commission and staff comments being addressed on the final major subdivision plat.

Attachments

Application Materials
PowerPoint presentation

cc: David Nelson, owner
Patrick McMeekin, applicant
Ryan McBreen, authorized representative.

February 11, 2020

Mr. Scott Ballstadt – Director of Planning
Town of Windsor Planning Department
301 Walnut Street
Windsor, CO 80550

Re: RainDance: Filing 12 Multi-Family Residential Project Standard Site Plan Application: Narrative

Dear Mr. Ballstadt,

On behalf of the applicant, Hartford Investments LLC, it is our pleasure to provide the following Standard Site Plan and Major Subdivision Plat applications to the Town of Windsor. The proposed 11.9-acre project is located within the RainDance master planned community and more specifically west of RainDance Community Park, south of Bounty Drive and north of Iron Wheel Drive. The design team is happy to present these applications to the Town and begin development on an exciting new housing product designed for longevity within the RainDance community and Town of Windsor.

Introduction

This Filing 12 application encompasses approximately 11.9 acres. Proposed are 20 individual, 2-story residential buildings, comprised of 8 units, ranging from 1- to 3-bedroom units, for a total of 160 units at a density of ~13.4 du/ac.

This project is a unique, for-sale, stacked, residential condominium product that has not been previously developed within the RainDance community. All 8 units within each building include attached garages, with five units including an attached one-car garage, and the other 3 units including attached 2-car garages. Additional parking is provided via off-street parking spaces and the majority of units are adjacent to public right-of-way that permits on-street parking as well. The provided parking meets Town of Windsor Standards.

The overall character of this development is consistent with the RainDance community in which it resides. The landscaping is influenced by the overarching agrarian theme of RainDance, while the amenities provided, such as abundant gathering spaces, barbecue pits, and a multi-purpose lawn, are complementary to existing amenity plans and neighborhood character. Interior trails and paths connect buildings and amenities together internally and to the rest of the community, as well as to the future community park planned just to the east.

Architectural product

Each building is served by an internal, private, alley network with all buildings either fronting adjacent public right of way or internal green spaces. Imperative for the growth of community, the alley network promotes focus on the activated areas of the neighborhood. The architectural product is an enhanced representation of community identity and thematic character. The “modern farm house,” agrarian-style home product invokes feelings of warmth, security and timelessness. Advanced color palettes and exterior features such as covered porches, gable roofs, accented lighting and various materials diversify the overall neighborhood aesthetic.

The scale and massing of the buildings, being only 8 units each and a maximum of two-stories, will allow for this project to cohesively blend into the planned adjacent, single-family detached residential uses.

Phases

Phased construction is anticipated, but phasing boundaries are still to be determined in this Site Planning process.

Traffic Generation

Vehicular access to the site will be from each of the surrounding streets. Bounty Drive will function as the primary connection to/from County Line Road just to the west. Please see included improvement plans and report for more detail.

The project is consistent with the RainDance PUD and is an excellent complement to the existing community of residents and improvements underway at RainDance. This unique residential product adds to the variety of living options already provided for within RainDance and will enhance the overall neighborhood experience.

The following list of consultants comprise the development team on this project:

Applicant

Hartford Investments, LLC
Contact: Patrick McMeekin
4801 Goodman Rd.
Timnath, CO 80547
907.674.1109
patrick@hartfordco.com

Entitlements/Landscape Architecture:

Norris Design
Contact: Ryan McBreen
244 N College Ave, Suite 130
Fort Collins, CO 80524
303.892.1166
rmcbreen@norris-design.com

Architecture:

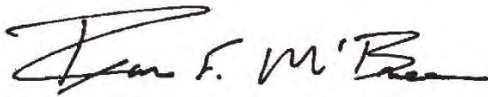
DTJ Design, Inc
Contact: Seth Hart
3101 Iris Avenue, Suite 130
Boulder, CO 80301
303.443.7533
shart@dtjdesign.com

Civil Engineer:

Galloway Inc.
Contact: Rob Van Uffelen
5265 Ronald Regan Blvd., Suite 210
Johnstown, CO 80534
970.800.3300
RobVanUffelen@gallowayus.com

We believe you will find all submittal materials required for the Site Plan and Major Subdivision applications included, as applicable. We look forward to working with the Town during the review and approval process for these applications. Please feel free to reach out to me at 970.409.3414 or rmcbreen@norris-design.com if you have any questions or if you need additional information.

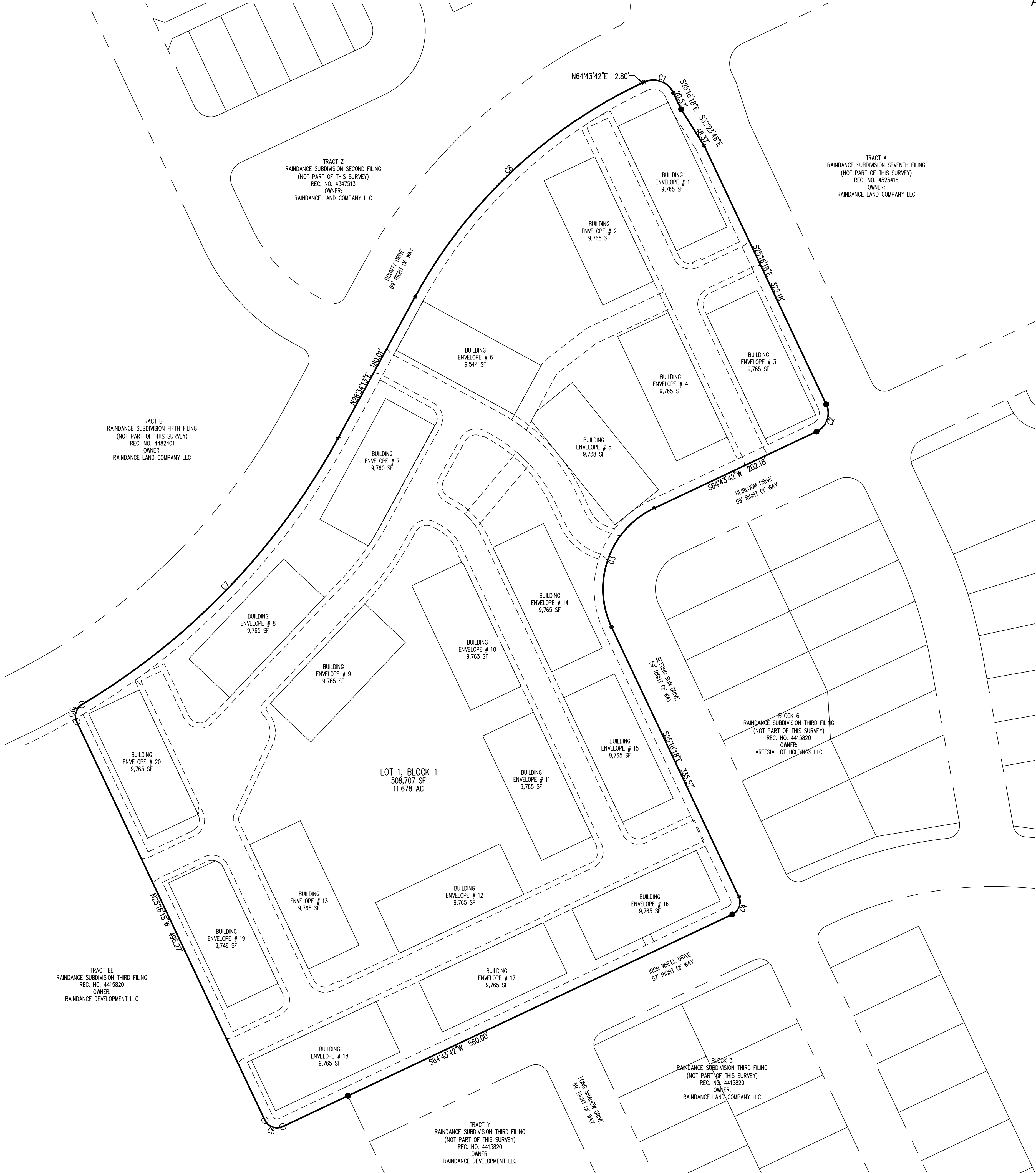
Sincerely,
Norris Design



Ryan McBreen
Principal

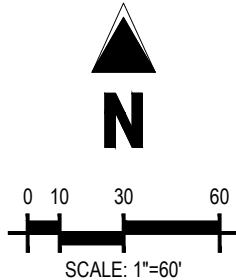
RAINDANCE SUBDIVISION, TENTH FILING

AMENDED TRACT Z, RAINDANCE SUBDIVISION THIRD FILING
PART OF THE SOUTHWEST QUARTER OF SECTION 31
TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF WINDSOR , WELD COUNTY, COLORADO



LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING EASEMENT
- FOUND 1-1/2" STAINLESS STEEL WASHER, STAMPED "PLS 37067"
- FOUND 24" #5 REBAR WITH 1-1/4" PURPLE PLASTIC CAP, STAMPED "PLS 37067"
- SET 24" #5 REBAR WITH 1-1/4" PURPLE PLASTIC CAP, STAMPED "PLS 37067"
- REC. NO.
- SF
- AC
- EASEMENT LABEL
- RECEPTION NUMBER
- SQUARE FEET
- ACRES



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Johnstown, CO 80534
970.800.3300
GallowayUS.com

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RAINDANCE SUBDIVISION,
TENTH FILING

AMENDED TRACT Z, RAINDANCE SUBDIVISION THIRD FILING
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TOWN OF WINDSOR, WELD COUNTY, COLORADO

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Checked By: FAK
Date: 2/5/2020

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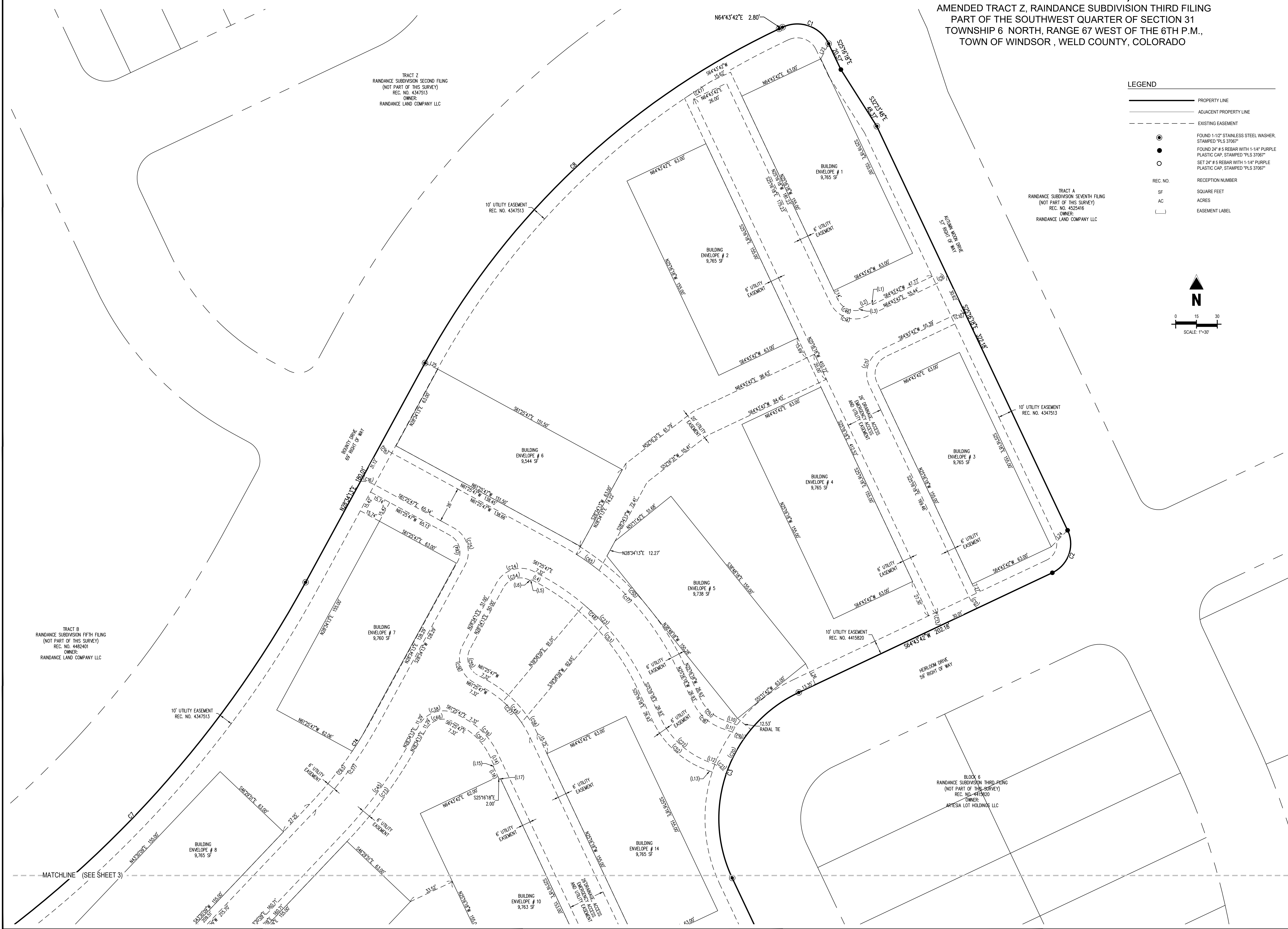
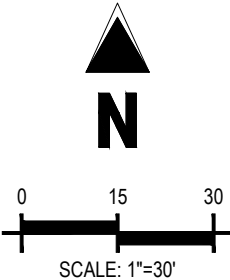
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TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF WINDSOR , WELD COUNTY, COLORADO

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REC. NO. RECEPTION NUMBER
SF SQUARE FEET
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EASEMENT LABEL



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RAINANCE SUBDIVISION,
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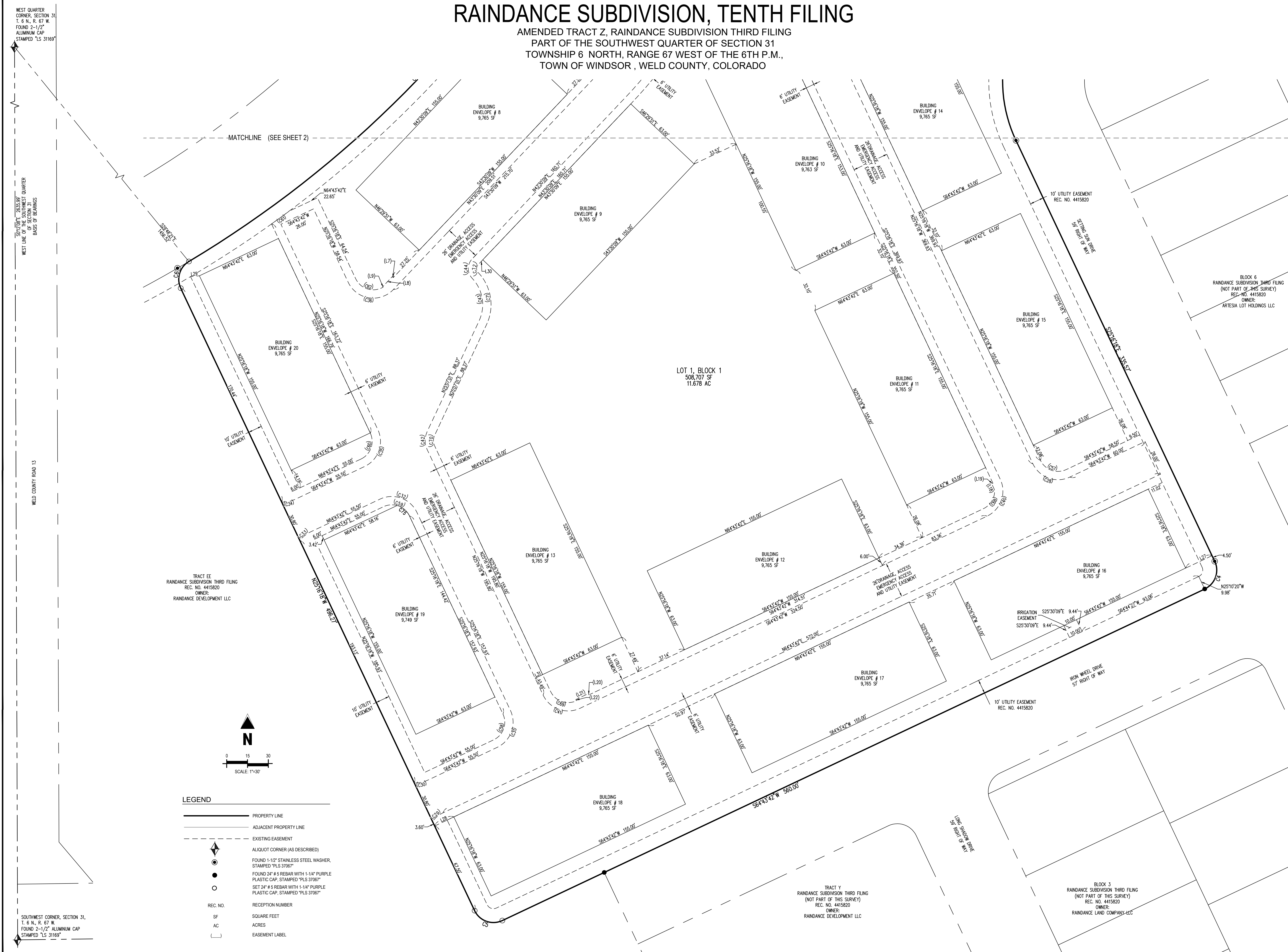
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TOWN OF WINDSOR, WELD COUNTY, COLORADO

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Project No:	HFH000017.10
Drawn By:	AN
Checked By:	FAK
Date:	2/5/2020

RAINDANCE SUBDIVISION, TENTH FILING

AMENDED TRACT Z, RAINDANCE SUBDIVISION THIRD FILING
PART OF THE SOUTHWEST QUARTER OF SECTION 31
TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF WINDSOR, WELD COUNTY, COLORADO



LEGEND

— PROPERTY LINE
— ADJACENT PROPERTY LINE
--- EXISTING EASEMENT
● ALIQUOT CORNER (AS DESCRIBED)
○ FOUND 1-1/2" STAINLESS STEEL WASHER, STAMPED "PLS 37067"
● FOUND 24" # 5 REBAR WITH 1-1/4" PURPLE PLASTIC CAP, STAMPED "PLS 37067"
○ SET 24" # 5 REBAR WITH 1-1/4" PURPLE PLASTIC CAP, STAMPED "PLS 37067"

REC. NO. RECEPTION NUMBER
SF SQUARE FEET
AC ACRES
[] EASEMENT LABEL



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**RAINDANCE SUBDIVISION,
TENTH FILING**

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Project No: HFH000017.10

Drawn By: AN

Checked By: FAK

Date: 2/5/2020

4

SHEET 4 OF 4



CHECKED BY: PM
DRAWN BY: JS

RAINDANCE TENTH FILING
CONDOMINIUMS - SITE PLAN
WINDSOR, COLORADO

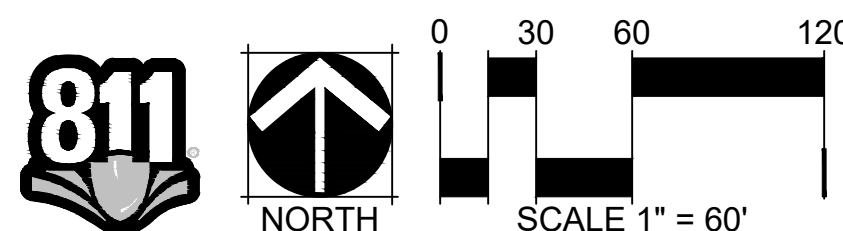
DEVELOPER:
HARTFORD
INVESTMENTS, LLC
4801 GOODMAN RD.
WINDSOR, CO 80550
970.800.3300

ENGINEER:
Galloway
Planning, Architecture, Engineering
5265 RONALD REAGAN
BLVD., SUITE 210
JOHNSTOWN, CO 80534
(970) 800-3300

NOT FOR
CONSTRUCTION

DATE:
02.04.2020 PRELIM 01
03.31.2020 FINAL 01

SHEET TITLE:
OVERALL
LANDSCAPE PLAN





Preliminary Major Subdivision

RainDance

11th Filing

Sandra Mezzetti, Planner I

Planning Commission – May 6, 2020



Subdivision

Article IV of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Major Subdivision process, including:

Sec. 17-4-10. Purpose.

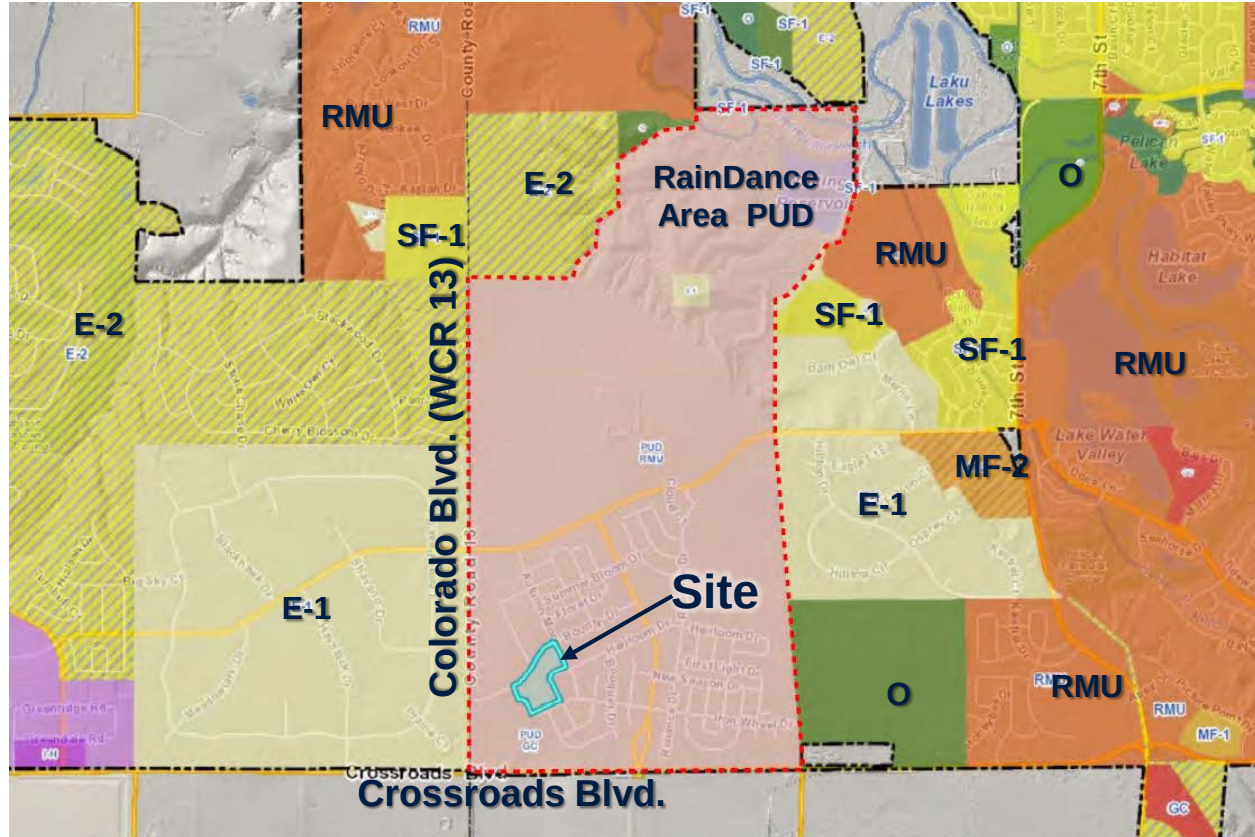
The purposes of the major subdivision procedure are:

- 1) 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



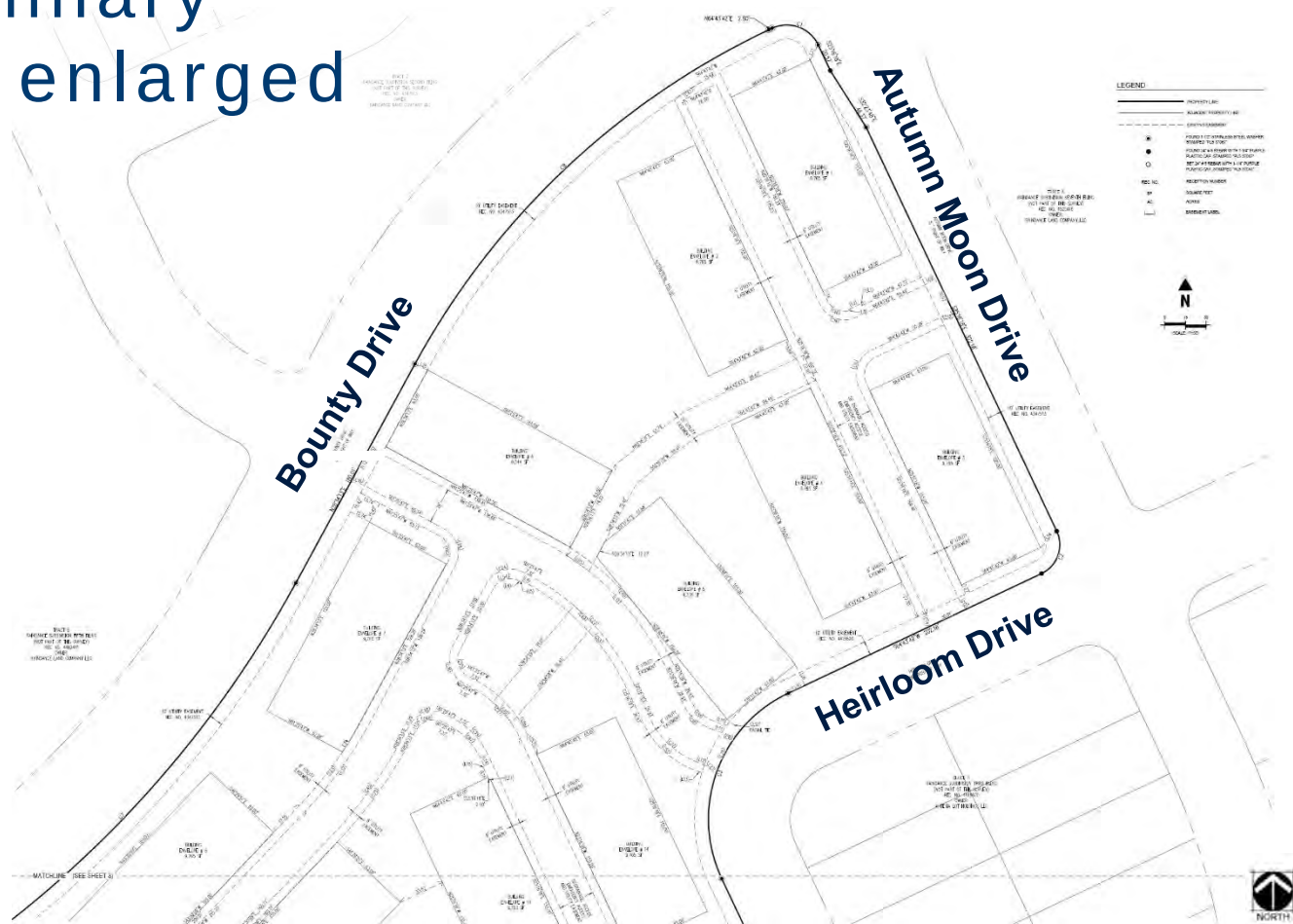
Zoning Map

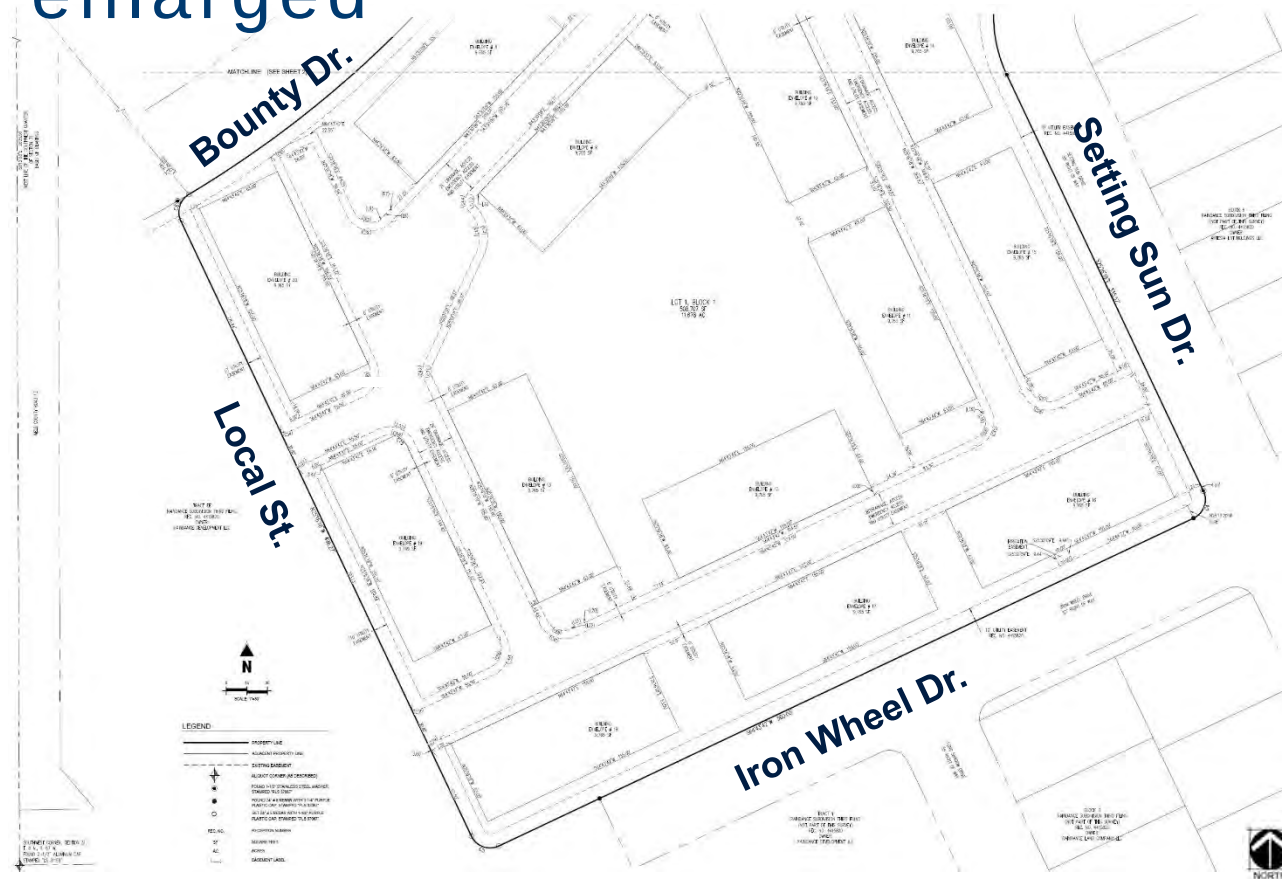




Preliminary Plat









Preliminary Plat

Plat characteristics:

- ~ 11.9 acres total
- 20 Building envelopes (160 multi- family condominium units)
- Density: 13.4 du/ac
- Total open space including drainage: ~ 4.98 acres (42%)
- Park – adjacent to RainDance Community Park



Landscaping & Improvements



- Open space / drainage = ~ 4.98 acres



Comprehensive Plan Conformance

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

Chapter 5b – Growth Framework

Goal:

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

Objective:

- 1. Prioritize new growth in areas currently served by Town infrastructure and services.



Comprehensive Plan Conformance

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

Chapter 5c – Residential Areas Framework

Goal:

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

Objective:

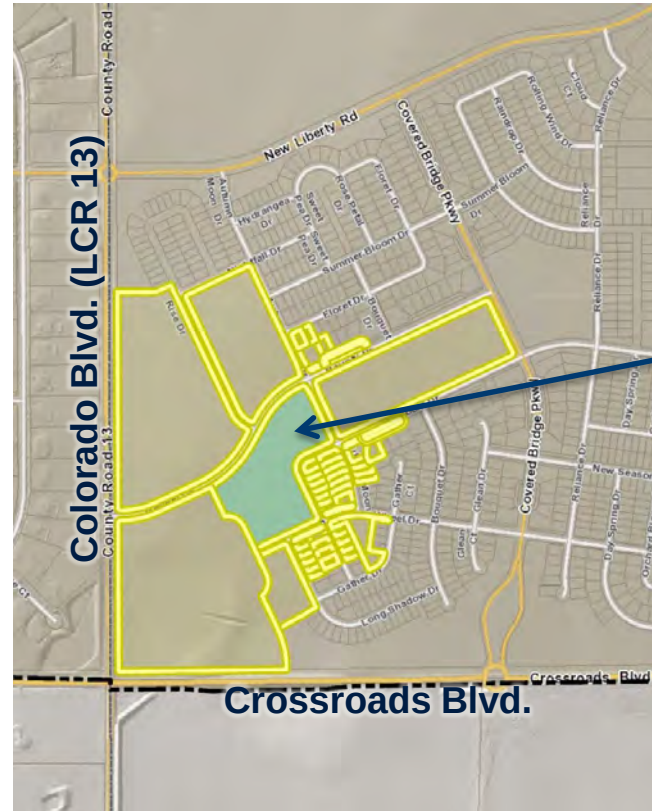
- 4. Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Notification Area

A neighborhood meeting was held on April 2, 2020.

Notifications for this meeting were as follows:

- March 20, 2020 – affidavit of mailing to property owners within 300 feet
- March 20, 2020 and March 22, 2020 – display ad published in the Greeley Tribune and Windsor Beacon newspapers respectively.





Recommendation

Staff recommends that the Planning Commission approve the preliminary major subdivision as presented, subject to all remaining Planning Commission and staff comments being addressed on the final major subdivision plat.

Staff requests that the following be entered into the record:

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



Subdivision Considerations

Sec. 17 Articles X and XI. Design Standards and Required Improvements

- 1) General compliance with Comprehensive Plan: reservation of rights-of-way, utility easements, open spaces for school and recreation areas
- 2) No undue burden on public utility systems and community facilities
- 3) Potential dangers to health or safety due to soil, subsoil and flooding are avoided; i.e. has proper drainage, soils
- 4) Consideration given to the preservation of groves of trees, streams, unusually attractive topography and other desirable natural landscape features
- 5) Alignment of street rights-of-way and utility and drainage easements and open spaces are coordinated with adjoining subdivisions
- 6) Meets street design and construction standards: access, intersections, cul-de-sac length, paving
- 7) Meets zoning parameters: lot size, dimensions, adequate building sites
- 8) Meets landscaping standards
- 9) Meets utility system improvements: storm drainage, sanitary sewer, potable and nonpotable water, underground electric power/other dry utilities, street lighting.



MEMORANDUM

Date: May 6, 2020
To: Planning Commission
From: Sandra Mezzetti, Planner I
Re: Preliminary Site Plan – RainDance Subdivision 11th Filing – David Nelson, RainDance Development, owner, Patrick McMeekin, Hartford Homes, applicant, and Ryan McBreen, Norris Design, authorized representative
Location: South of Bounty Drive, north of Iron Wheel Drive and west of RainDance Community Park
Item #: C.2.a

Background / Discussion

The applicant, Mr. Patrick McMeekin, has submitted, on behalf of the owner Mr. David Nelson, a preliminary site plan for a multifamily residential development known as RainDance Subdivision Eleventh Filing. The site plan encompasses approximately 11.9 acres and is zoned Planned Unit Development (PUD). Tract Z of the PUD designates the land use for this area as residential.

Preliminary Site Plan characteristics:

- 11.9 total acres
- 160 condominium units
 - o 20 - two-story buildings (29%)
 - o 8 units per building
- Product Type:
 - o 1-3 bedroom units with attached garages, 1 and 2 spaces per unit, 11 spaces per building, 220 total garage spaces
 - o Three building styles
 - o Painted board and batten siding, shingle siding, stucco
 - o Asphalt shingles (primary roof), standing seam metal roof
 - o Covered porches and balconies
 - o Building height – 32'-0"max. (35' max. PUD zone district)
- 69 parking spaces provided (not including garage parking)
- Density: 13.4 du/ac
- Total open space including drainage: ~ 4.98 acres (42%)
- Parks: Not applicable due to location proximity of Raindance Subdivision 7th Filing, RainDance Community Park (Owned and maintained by metropolitan district)

Relationship to Comprehensive Plan

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

Chapter 5b – Growth Framework

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

Objectives

- 1. Prioritize new growth in areas currently served by Town infrastructure and services.

Chapter 5c – Residential Areas Framework

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

Objectives

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

Relationship to Strategic Plan

The application is consistent with the Strategic Plan Mission Statement: The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small town feel.

Notifications

A neighborhood meeting is not required with a preliminary site plan. In conjunction with the preliminary subdivision, a neighborhood meeting was held on April 2, 2020, and notifications were as follows:

- March 20, 2020 – affidavit of mailing to property owners within 300 feet
- March 20, 2020 and March 22, 2020 – display ad published in the Greeley Tribune and Windsor Beacon newspapers respectively.

Notification of the Planning Commission public meeting for a preliminary site plan is not a requirement.

Recommendation

Staff recommends that the Planning Commission approve the preliminary site plan as presented, subject to all remaining Planning Commission and staff comments being addressed on the final site plan.

Attachments

Application Materials
PowerPoint presentation

cc: David Nelson, owner
Patrick McMeekin, applicant
Ryan McBreen, authorized representative

February 11, 2020

Mr. Scott Ballstadt – Director of Planning
Town of Windsor Planning Department
301 Walnut Street
Windsor, CO 80550

Re: RainDance: Filing 12 Multi-Family Residential Project Standard Site Plan Application: Narrative

Dear Mr. Ballstadt,

On behalf of the applicant, Hartford Investments LLC, it is our pleasure to provide the following Standard Site Plan and Major Subdivision Plat applications to the Town of Windsor. The proposed 11.9-acre project is located within the RainDance master planned community and more specifically west of RainDance Community Park, south of Bounty Drive and north of Iron Wheel Drive. The design team is happy to present these applications to the Town and begin development on an exciting new housing product designed for longevity within the RainDance community and Town of Windsor.

Introduction

This Filing 12 application encompasses approximately 11.9 acres. Proposed are 20 individual, 2-story residential buildings, comprised of 8 units, ranging from 1- to 3-bedroom units, for a total of 160 units at a density of ~13.4 du/ac.

This project is a unique, for-sale, stacked, residential condominium product that has not been previously developed within the RainDance community. All 8 units within each building include attached garages, with five units including an attached one-car garage, and the other 3 units including attached 2-car garages. Additional parking is provided via off-street parking spaces and the majority of units are adjacent to public right-of-way that permits on-street parking as well. The provided parking meets Town of Windsor Standards.

The overall character of this development is consistent with the RainDance community in which it resides. The landscaping is influenced by the overarching agrarian theme of RainDance, while the amenities provided, such as abundant gathering spaces, barbecue pits, and a multi-purpose lawn, are complementary to existing amenity plans and neighborhood character. Interior trails and paths connect buildings and amenities together internally and to the rest of the community, as well as to the future community park planned just to the east.

Architectural product

Each building is served by an internal, private, alley network with all buildings either fronting adjacent public right of way or internal green spaces. Imperative for the growth of community, the alley network promotes focus on the activated areas of the neighborhood. The architectural product is an enhanced representation of community identity and thematic character. The “modern farm house,” agrarian-style home product invokes feelings of warmth, security and timelessness. Advanced color palettes and exterior features such as covered porches, gable roofs, accented lighting and various materials diversify the overall neighborhood aesthetic.

The scale and massing of the buildings, being only 8 units each and a maximum of two-stories, will allow for this project to cohesively blend into the planned adjacent, single-family detached residential uses.

Phases

Phased construction is anticipated, but phasing boundaries are still to be determined in this Site Planning process.

Traffic Generation

Vehicular access to the site will be from each of the surrounding streets. Bounty Drive will function as the primary connection to/from County Line Road just to the west. Please see included improvement plans and report for more detail.

The project is consistent with the RainDance PUD and is an excellent complement to the existing community of residents and improvements underway at RainDance. This unique residential product adds to the variety of living options already provided for within RainDance and will enhance the overall neighborhood experience.

The following list of consultants comprise the development team on this project:

Applicant

Hartford Investments, LLC
Contact: Patrick McMeekin
4801 Goodman Rd.
Timnath, CO 80547
907.674.1109
patrick@hartfordco.com

Entitlements/Landscape Architecture:

Norris Design
Contact: Ryan McBreen
244 N College Ave, Suite 130
Fort Collins, CO 80524
303.892.1166
rmcbreen@norris-design.com

Architecture:

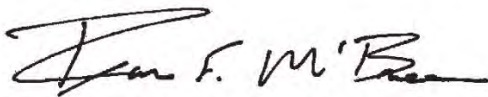
DTJ Design, Inc
Contact: Seth Hart
3101 Iris Avenue, Suite 130
Boulder, CO 80301
303.443.7533
shart@dtjdesign.com

Civil Engineer:

Galloway Inc.
Contact: Rob Van Uffelen
5265 Ronald Regan Blvd., Suite 210
Johnstown, CO 80534
970.800.3300
RobVanUffelen@gallowayus.com

We believe you will find all submittal materials required for the Site Plan and Major Subdivision applications included, as applicable. We look forward to working with the Town during the review and approval process for these applications. Please feel free to reach out to me at 970.409.3414 or rmcbreen@norris-design.com if you have any questions or if you need additional information.

Sincerely,
Norris Design



Ryan McBreen
Principal

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WINDSOR, COLORADO

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Project No:	HFH000017
Drawn By:	
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Date:	03.31.2020

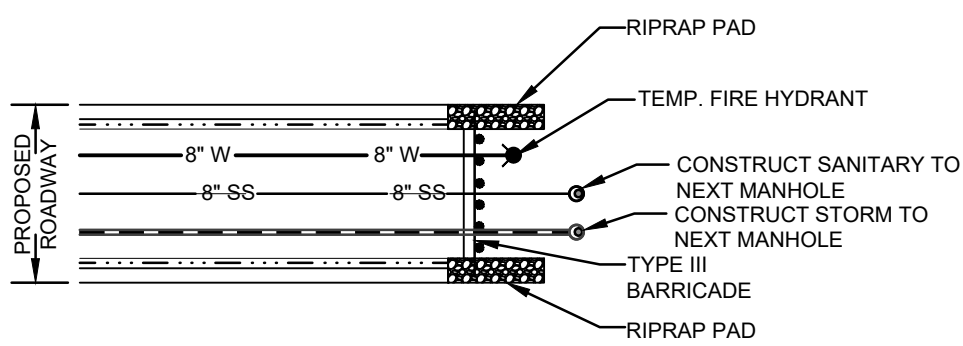
PHASING PLAN

C2.0

SHEET 5 OF 61

UTILITY PHASING	
PHASE	REQUIRED UTILITY INFRASTRUCTURE
1 SANITARY	SS LINE 2, SSMH 2.2,2.1,2.1-1
1 STORM	SD LINE C, HEADWALL C.2, DRAIN BASIN C.1, HEADWALL C
2 SANITARY	SS LINE 1.0 SSMH 1.0,1.1,1.2,1.3,1.4,1.5,1.6
2 STORM	SD LINE A.14, SD LINE A, SD LINE A.9, SD LINE A.7, SD LINE A.2-1, SD LINE A.2 FROM SD MH A.2-1 TO SD MH A.2, SD LINE A.1, SD LINE A.3, SD MH: A.16, A.15, A.14, A.13, A.12, A.11, A.10, A.9, A.8, A.7, A.6, A.5, A.4, A.3, A.2, A.1, A.14-1, A.3-1, A.2-1, A.2-2, A.7-1, A.7-2, A.7-3, A.7-4, A.1-1, A.2-2-1-1, A.2-1-2
3 SANITARY	SS LINE 1.1, SSMH 1.1-2,1.1-1
3 STORM	SD LINE A.12, SD LINE, SD LINE A.2 FROM SDMH A.2-5 TO A.2-1, SD LINE A.2-2, SD LINE A.2-2-1, SD MH: A.2-5, A.2-4, A.2-3, A.2-2, A.12-1, A.12-2, A.12-3, A.12-4, A.12-5, A.12-6, A.2-2-3, A.2-2-1, A.2-2-2

END OF PHASE ROADWAY AND UTILITY TERMINATIONS



CALL UTILITY NOTIFICATION CENTER OF
COLORADO



Know what's below.
Call before you dig

CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

LEGEND:

PROJECT BOUNDARY

PHASE LINE

PHASING LEGEND:

PHASE ONE -

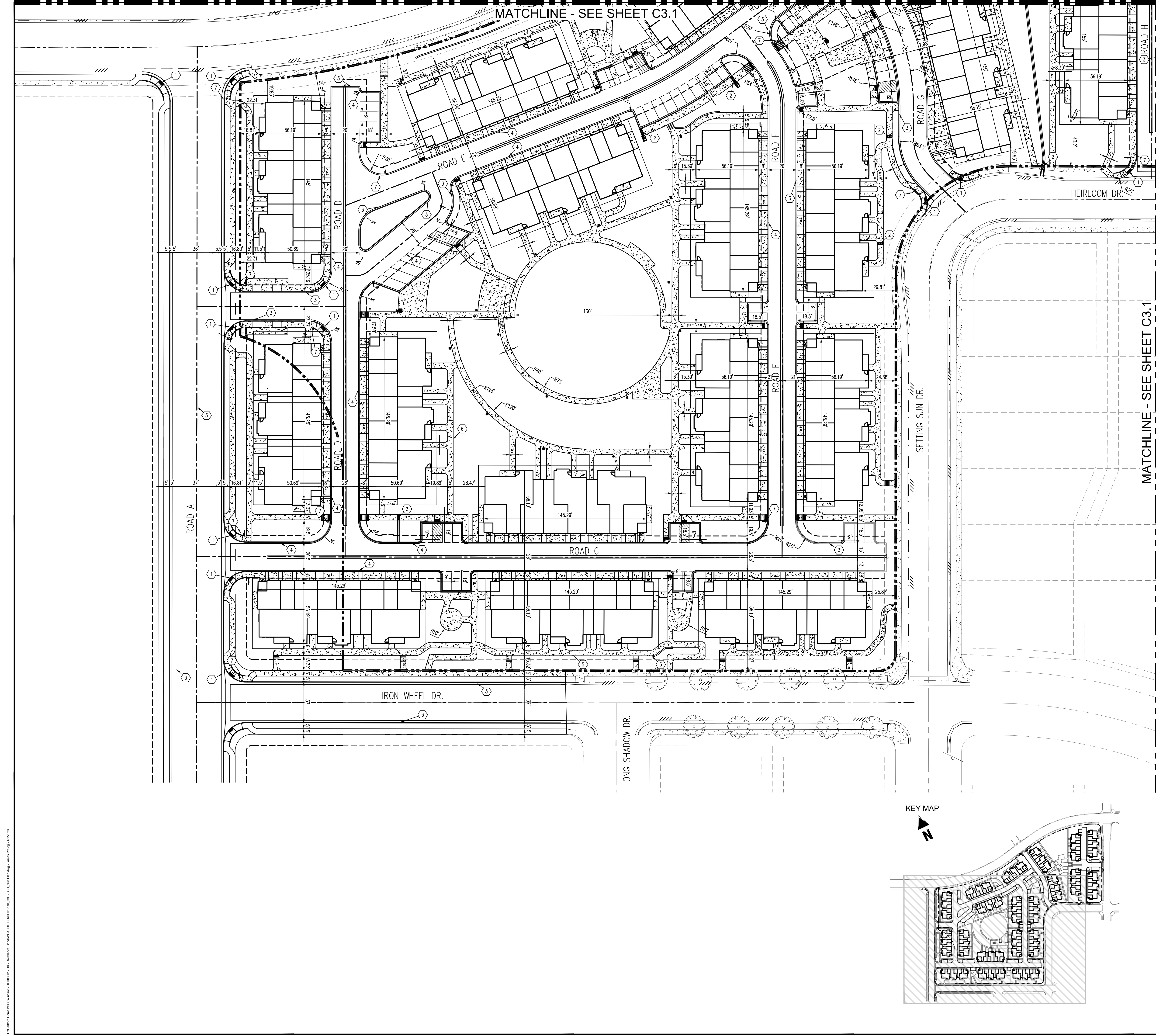
PHASE TWO -

PHASE THREE

NOTES:

1. THE PHASE LINES SHOWN DELINEATE THE LOTS THAT ARE INCLUDED WITHIN A PHASE. GRADING AND INSTALLATION OF INFRASTRUCTURE OUTSIDE THE LIMITS OF THE PHASE MAY BE REQUIRED.
2. ROADWAYS MAY REQUIRE SAWCUTS, MILLING AND/OR PATCHING OF ASPHALT. FINAL LIMITS WILL BE DETERMINED IN THE FIELD BY THE CITY ENGINEERING INSPECTOR. ALL PATCHING AND STREET REPAIRS SHALL BE PER THE MOST CURRENT CITY STANDARDS.
3. THE PHASING DESIGNATIONS SHOWN ARE FOR REFERENCE ONLY, THEY MAY NOT HAVE ANY RELATIONSHIP TO THE ACTUAL CONSTRUCTION SEQUENCE.
4. TEMPORARY FIRE HYDRANTS ARE REQUIRED AT THE UPSTREAM END OF ALL "DEAD-END" WATER LINES IN EACH PHASE. THE FIRE HYDRANTS SHALL BE REMOVED UPON CONTINUATION OF THE WATER MAIN DURING THE CONSTRUCTION OF THE NEXT PHASE.
5. SANITARY SEWER MAIN SHALL BE EXTENDED TO THE NEXT MANHOLE BEYOND THE PHASE LINE.
6. FOR DETAILED OVERLOT GRADING SEE SHEETS G001-G006.
7. STORM MAY TERMINATE PRIOR TO THE MANHOLE NOTED WITHIN THE UTILITY PHASING TABLE. THE TERMINATION SHALL OCCUR 20' BEYOND PHASING LINE OR 20' BEYOND THE EDGE OF PAVEMENT, WHICHEVER IS LONGER. IF THE STORM SYSTEM IS BROKEN BY PHASES, THE STORM SYSTEM MAY BE COMPLETED OR A TEMPORARY SNALE MAY BE PROVIDED FROM INVERT TO INVERT WITH A MINIMUM 2' FLAT BOTTOM AND A MAXIMUM 4:1 SIDE SLOPE.
8. CONTRACTOR SHALL ADEQUATELY MAINTAIN AND PROVIDE SNOW REMOVAL AS NEEDED DURING SITE CONSTRUCTION.

17/04/2023 10:00 AM C:\Users\jgallows\OneDrive\Documents\Projects\Windsor\Windsor_C3.0.dwg (17/04/2023 10:00 AM) J. Gallows



LEGEND:

PROPOSED CURB AND GUTTER - CATCH
PROPOSED CURB AND GUTTER - SPILL

PROPOSED RIGHT-OF-WAY
PROPOSED LOTLINE
EASEMENT LINE
PROPOSED CONCRETE CROSS PAN (TYP.)

PROPOSED CONCRETE

PROPOSED 2' CURB CHASE (SEE SHEET C2.2 FOR DETAIL.)
IN-FALL CURB
OUT-FALL CURB
PROPOSED DRY STACK RETAINING WALL
PROPOSED FENCE
PROPOSED STOP SIGNS WITH STREET NAME SIGNS
NO PARKING ANY TIME SIGN (MUTCD R7-1)
MONUMENT SIGN (BY SEPARATE REVIEW & PERMIT)
2' TRANSITION FROM 0' CURB FACE TO 6' CURB FACE
PROPOSED 2' CURB CUT

NOTES:

- THE SIZE, TYPE AND LOCATION OF ALL KNOWN UNDERGROUND UTILITIES ARE APPROXIMATE WHEN SHOWN ON THESE DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTENCE OF ALL UNDERGROUND UTILITIES IN THE AREA OF THE WORK BEFORE COMMENCING NEW CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR ALL UNKNOWN UNDERGROUND UTILITIES.
- REFER TO LANDSCAPE PLANS FOR STREET TREE INFORMATION, AND SURVEY DOCUMENTS FOR ADDITIONAL RIGHT-OF-WAY, EASEMENT AND ROADWAY CENTERLINE INFORMATION.
- BUILDING POINTS ARE AT CORNERS OF NOMINAL BUILDING FOOTPRINTS. CONTRACTOR SHALL CONFIRM ALL BUILDING CORNERS AND DIMENSIONS WITH ARCHITECT PRIOR TO CALLING FOR STAKES.
- ALL DIMENSIONS REFERENCE FLOWLINE, BUILDING OR PROPERTY LINE UNLESS SPECIFIED OTHERWISE.
- CONTRACTOR TO COORDINATE WITH CIVIL ENGINEER AND ARCHITECT PRIOR TO STAKING BUILDING COORDINATES.

SITE DATA SUMMARY

LAND USE	AREA (S.F.)
PARKING AREA	11,261 S.F. (2%)
PRIVATE DRIVES	71,296 S.F. (14%)
SIDEWALKS & PATHWAYS	69,438 S.F. (13%)
OPEN SPACE	217,072 S.F. (42%)
BUILDINGS	149,920 S.F. (29%)

- ALL AREAS ARE APPROXIMATES

CAUTION - NOTICE TO CONTRACTOR

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- CONTRACTOR SHALL PROTECT ALL EXISTING SURVEY MONUMENTATION. CONTRACTOR SHALL HAVE LICENSED SURVEYOR REPLACE ANY DAMAGED OR DISTURBED MONUMENTATION AT THEIR COST.

TOWN OF WINDSOR, COLORADO
DRAWING APPROVAL
REVIEW IS FOR GENERAL COMPLIANCE WITH TOWN STANDARDS. NO RESPONSIBILITY IS ASSUMED FOR CORRECTNESS OF DESIGN.

Engineering Manager _____ Date _____

Galloway

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WINDSOR, COLORADO

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Project No: HFFH000017
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Date: 03.31.2020

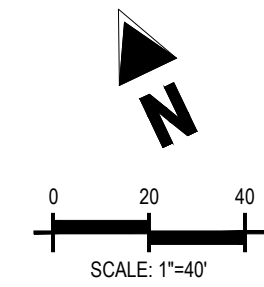
SITE & HORIZONTAL CONTROL PLAN

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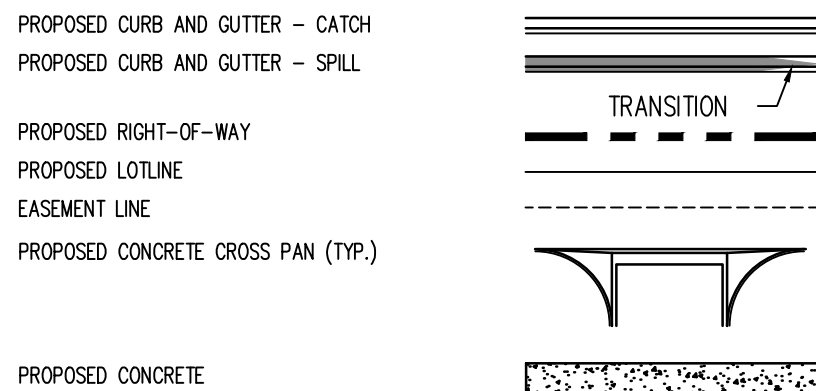
SHEET 6 OF 61

MATCHLINE - SEE SHEET C3.0

MATCHLINE - SEE SHEET C3.0



LEGEND:



- 1 HANDICAP RAMP WITH TRUNCATED DOME
- 2 PROPOSED 2' CURB CHASE (SEE SHEET C2.2 FOR DETAIL)
- 3 IN-FALL CURB
- 4 OUT-FALL CURB
- 5 PROPOSED DRY STACK RETAINING WALL
- 6 PROPOSED FENCE
- 7 PROPOSED STOP SIGNS
- 8 FIRE LANE NO PARKING SIGN (LUCASS 1418)
- 9 MONUMENT SIGN (BY SEPARATE REVIEW & PERMIT)
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Engineering Manager

Date

Galloway

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RAINANCE CONDOMINIUMS

WINDSOR, COLORADO

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Project No: HFFH000017
Drawn By: NEW
Checked By: JEP
Date: 03.31.2020

SITE & HORIZONTAL
CONTROL PLAN

C3.1

SHEET 7 OF 61



CHECKED BY: PM
DRAWN BY: JS

RAINDANCE TENTH FILING
CONDOMINIUMS - SITE PLAN
WINDSOR, COLORADO

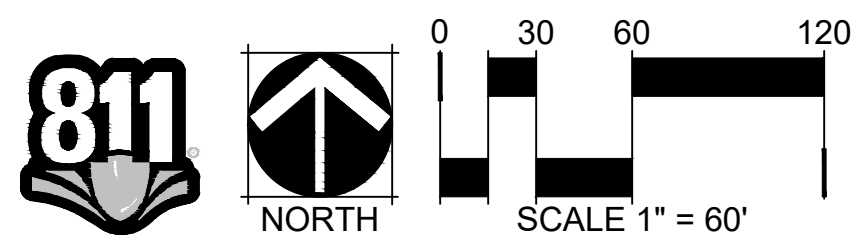
DEVELOPER:
HARTFORD
INVESTMENTS, LLC
4801 GOODMAN RD.
WINDSOR, CO 80550
970.800.3300

ENGINEER:
Galloway
Planning, Architecture, Engineering
5265 RONALD REAGAN
BLVD., SUITE 210
JOHNSTOWN, CO 80534
(970) 800-3300

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DATE:
02.04.2020 PRELIM 01
03.31.2020 FINAL 01

SHEET TITLE:
OVERALL
LANDSCAPE PLAN



RAINANCE TENTH FILING
CONDOMINIUMS - SITE PLAN
WINDSOR, COLORADO

DEVELOPER:
HARTFORD
INVESTMENTS, LLC
4801 GOODMAN RD.
WINDSOR, CO 80550
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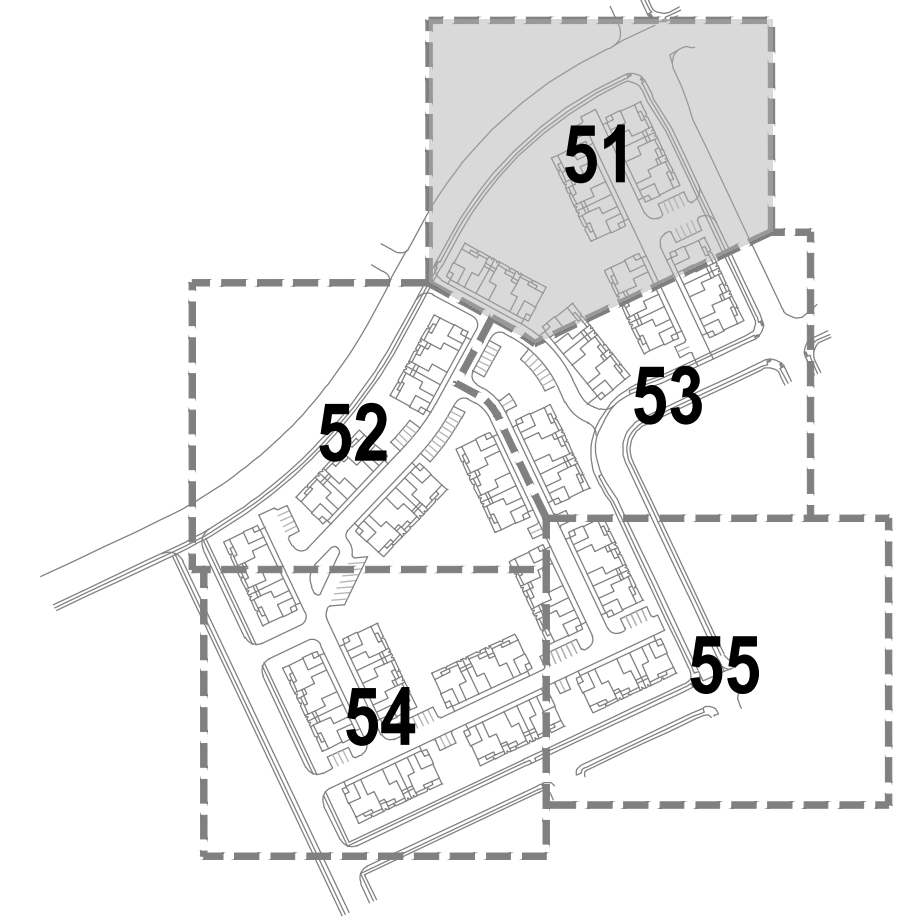
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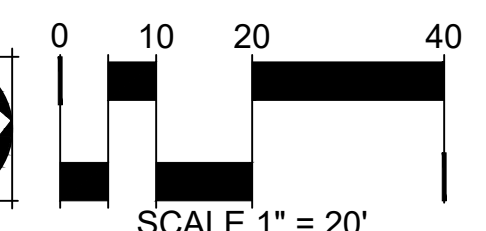
SHEET TITLE:
LANDSCAPE PLAN

KEY MAP

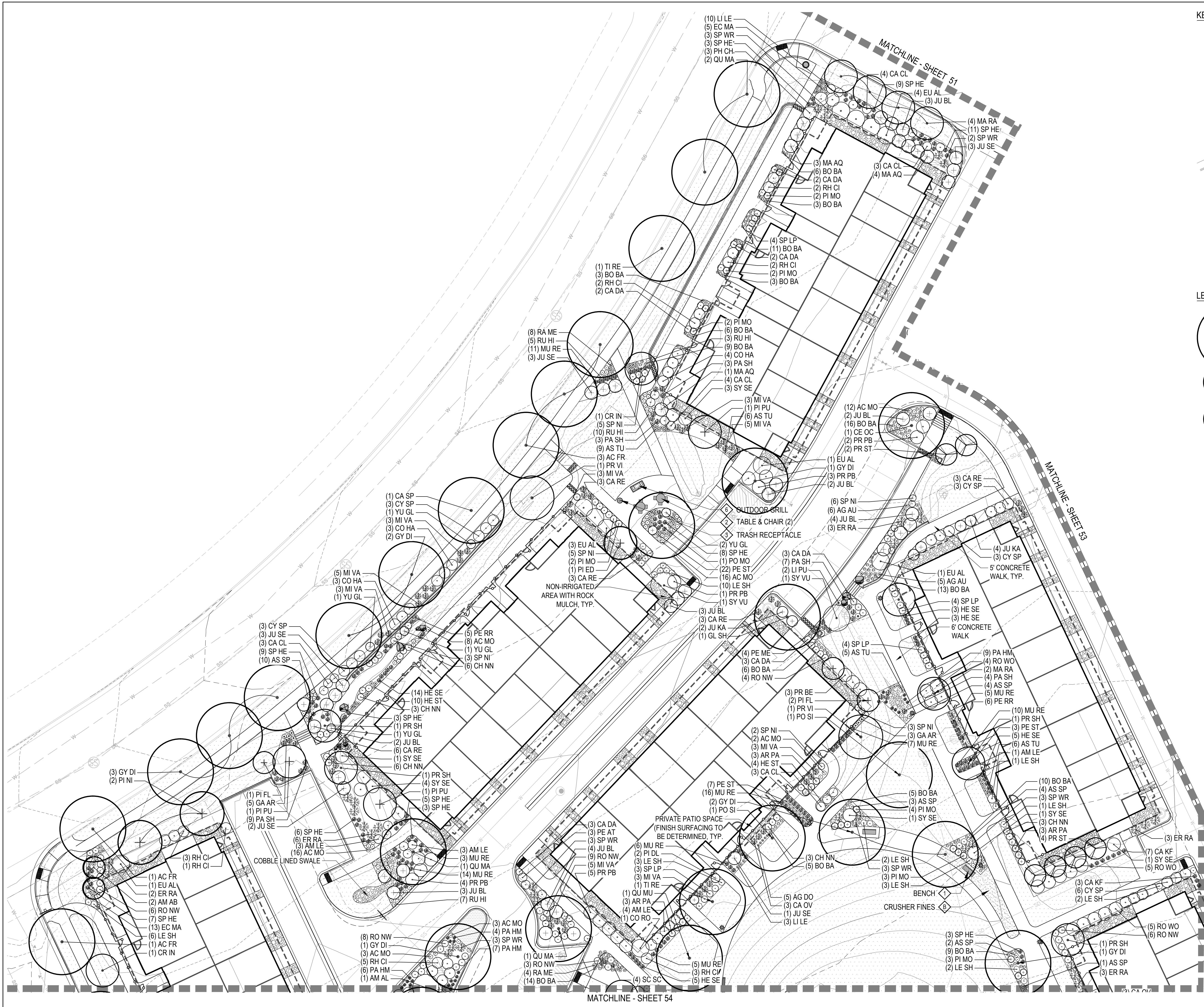


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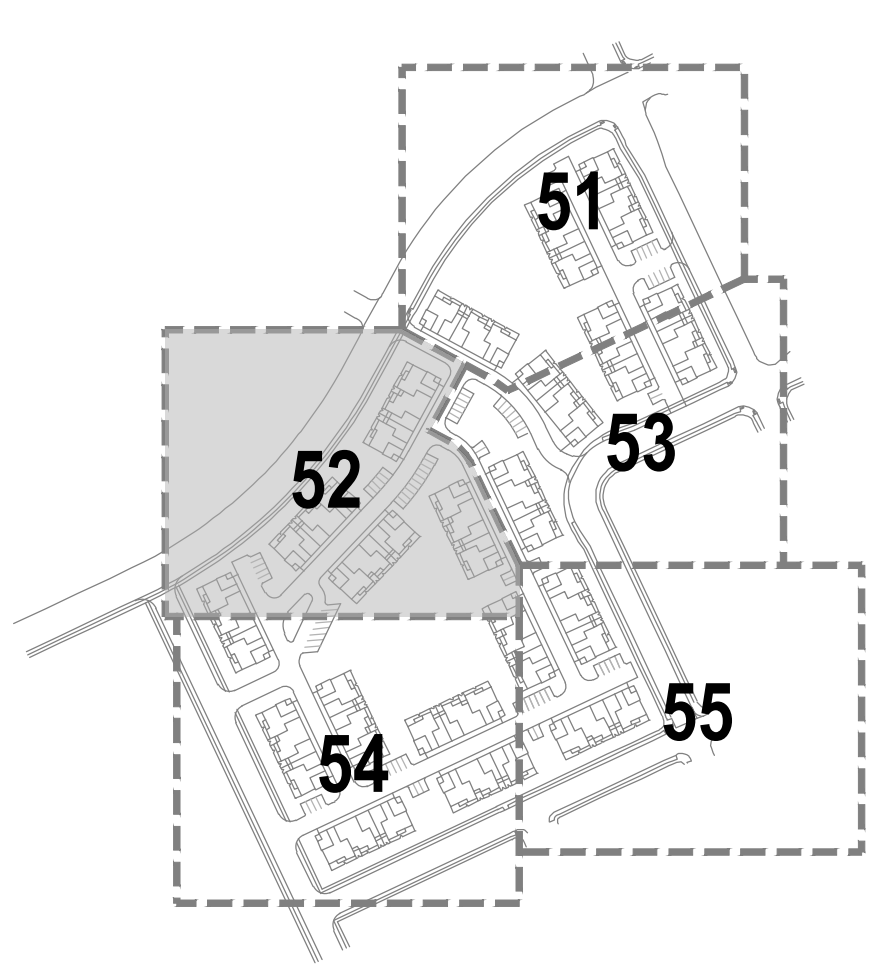
- DECIDUOUS CANOPY TREE
- DECIDUOUS ORNAMENTAL TREE
- EVERGREEN TREE
- FRUIT TREE
- IRRIGATED MANICURED TURF
- ENHANCED CONCRETE PAVING
- MATCHLINE
- LIMIT OF WORK
- 5' NO IRRIGATION
- METAL EDGER
- SPADE CUT EDGER
- SEAT WALL
- PATIO FENCE
- RIGHT OF WAY
- LANDSCAPE BOLLARD LIGHT
- AREA LIGHT (POLE MOUNTED)
- LANDSCAPE BOULDERS
- DECIDUOUS SHRUB
- EVERGREEN SHRUB
- ORNAMENTAL GRASSES



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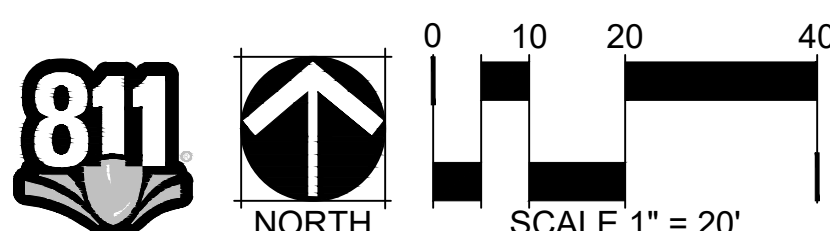


KEY MAP



LEGEND

- DECIDUOUS CANOPY TREE
- DECIDUOUS ORNAMENTAL TREE
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- FRUIT TREE
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CONDOMINIUMS - SITE PLAN
WINDSOR, COLORADO

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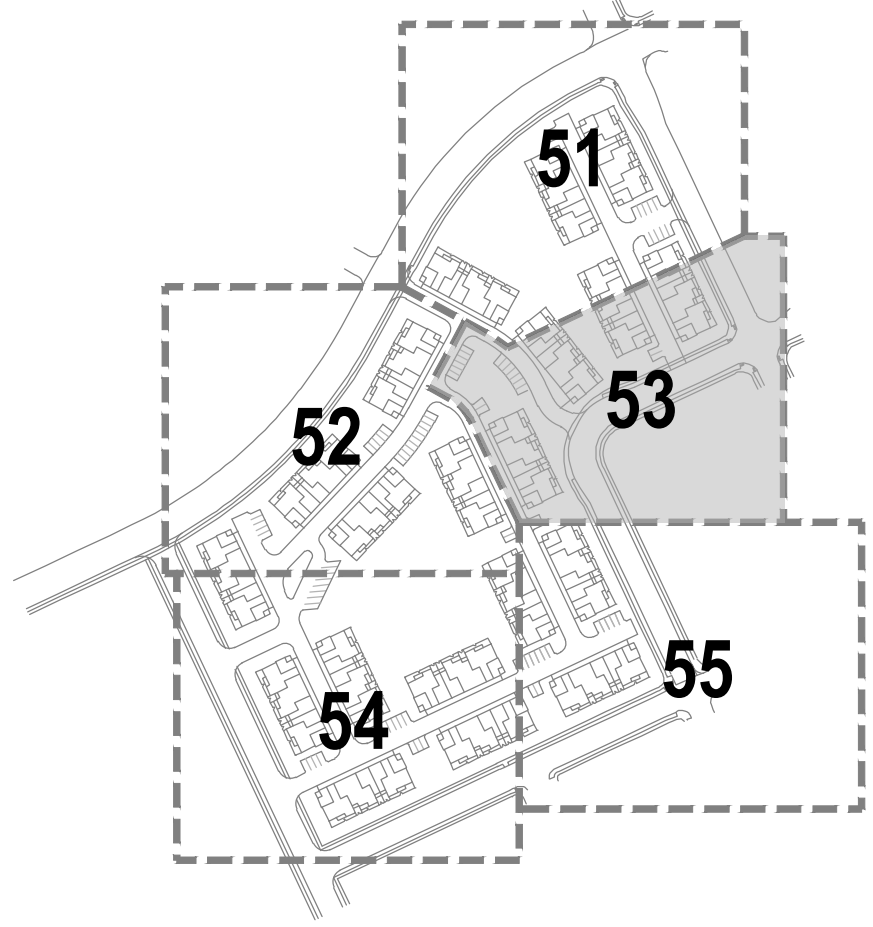
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LANDSCAPE PLAN

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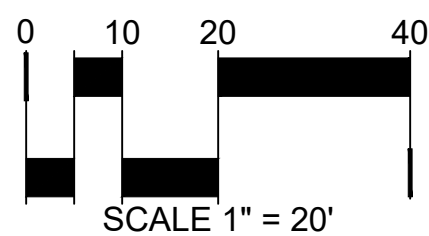


KEY MAP



LEGEND

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- DECIDUOUS SHRUB
- EVERGREEN SHRUB
- ORNAMENTAL GRASSES



RAINANCE TENTH FILING
CONDOMINIUMS - SITE PLAN
WINDSOR, COLORADO

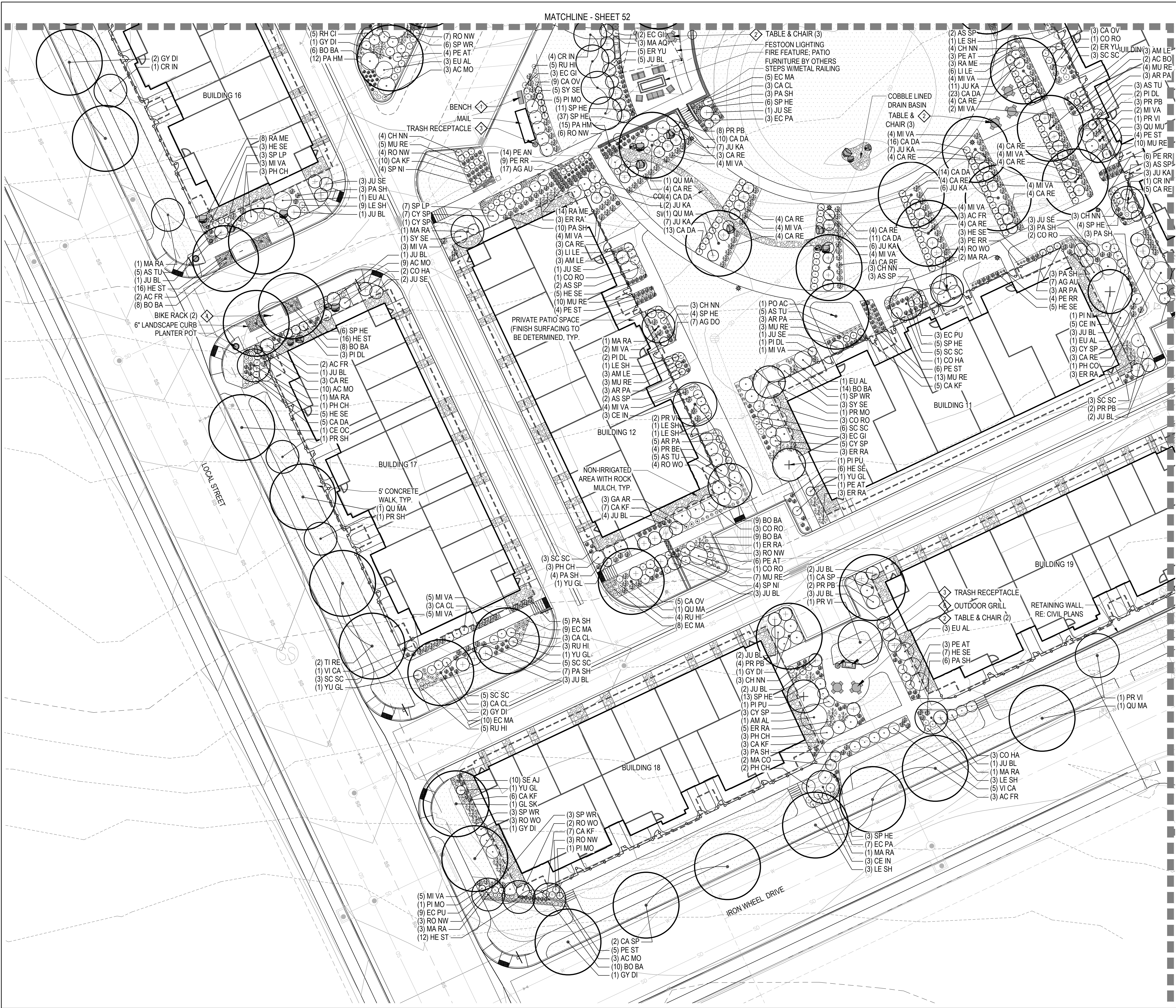
DEVELOPER:
HARTFORD
INVESTMENTS, LLC
4801 GOODMAN RD.
WINDSOR, CO 80550
970.800.3300

ENGINEER:
Galloway
Planning, Architecture, Engineering
5265 RONALD REAGAN
BLVD., SUITE 210
JOHNSTOWN, CO 80534
(970) 800-3300

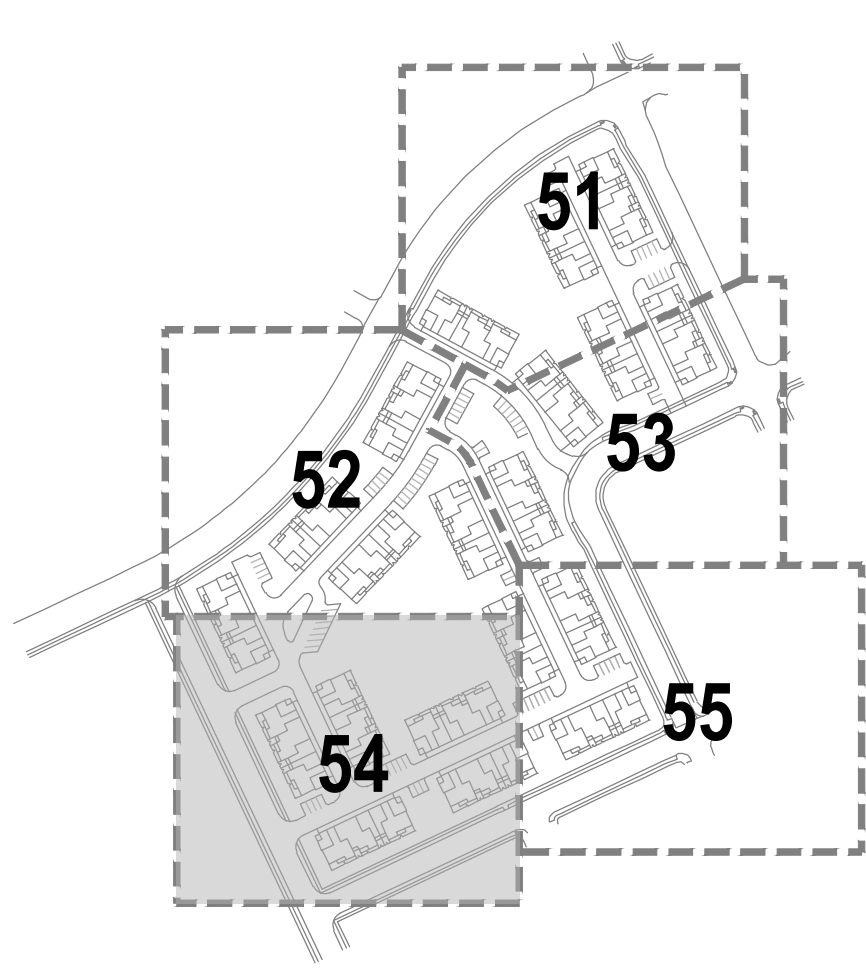
**NOT FOR
CONSTRUCTION**

DATE:
02.04.2020 PRELIM 01
03.31.2020 FINAL 01

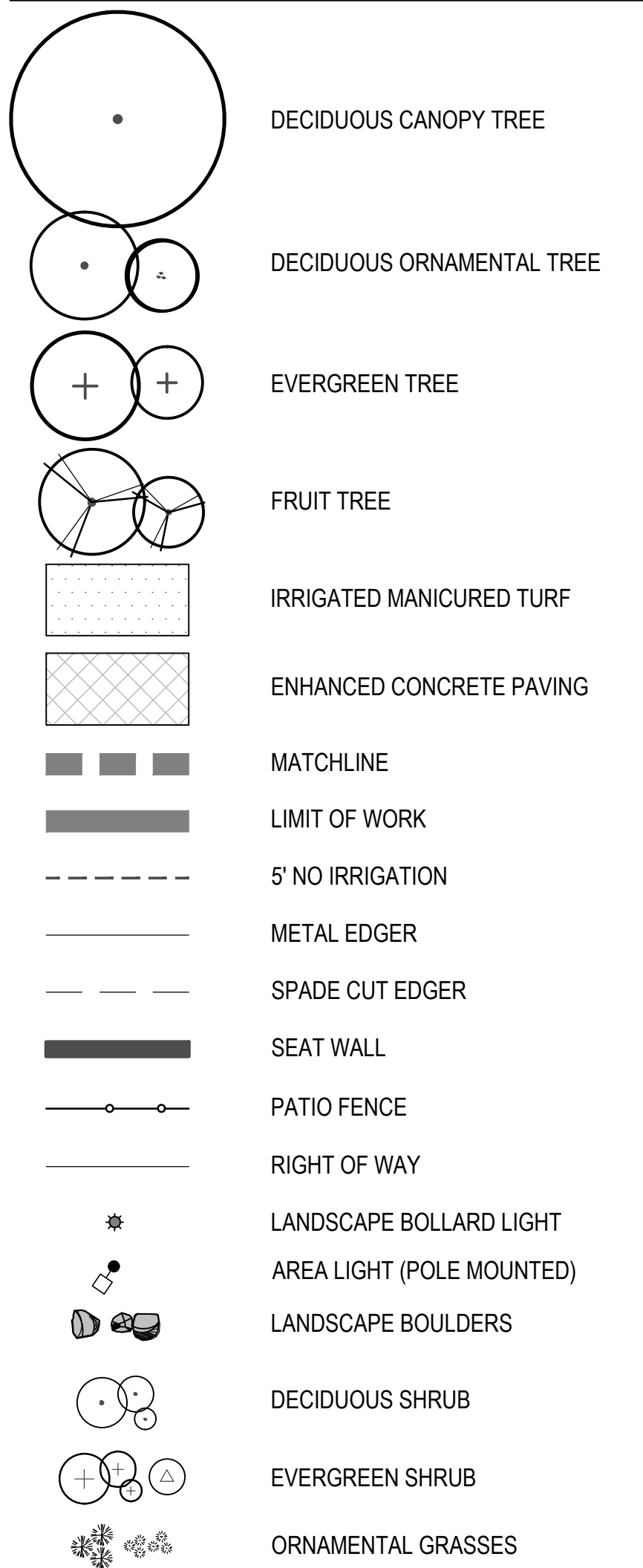
SHEET TITLE:
LANDSCAPE PLAN



KEY MAP



LEGEND



RAINDANCE TENTH FILING
CONDOMINIUMS - SITE PLAN
WINDSOR, COLORADO

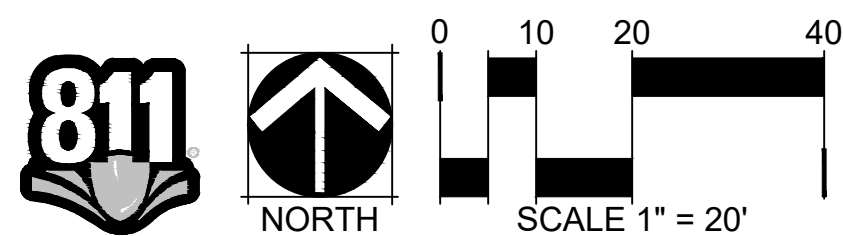
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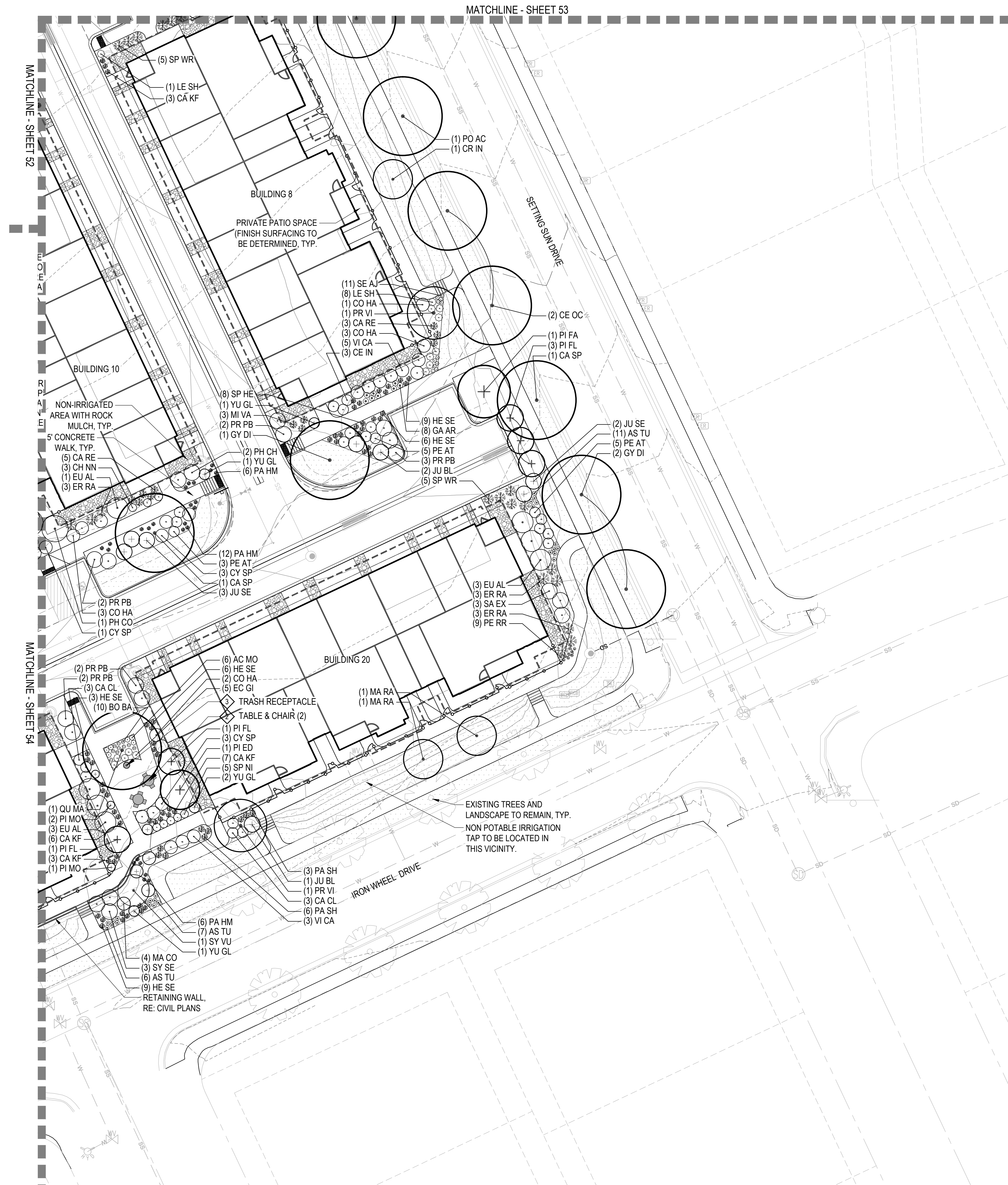
NOT FOR
CONSTRUCTION

DATE:
02.04.2020 PRELIM 01
03.31.2020 FINAL 01

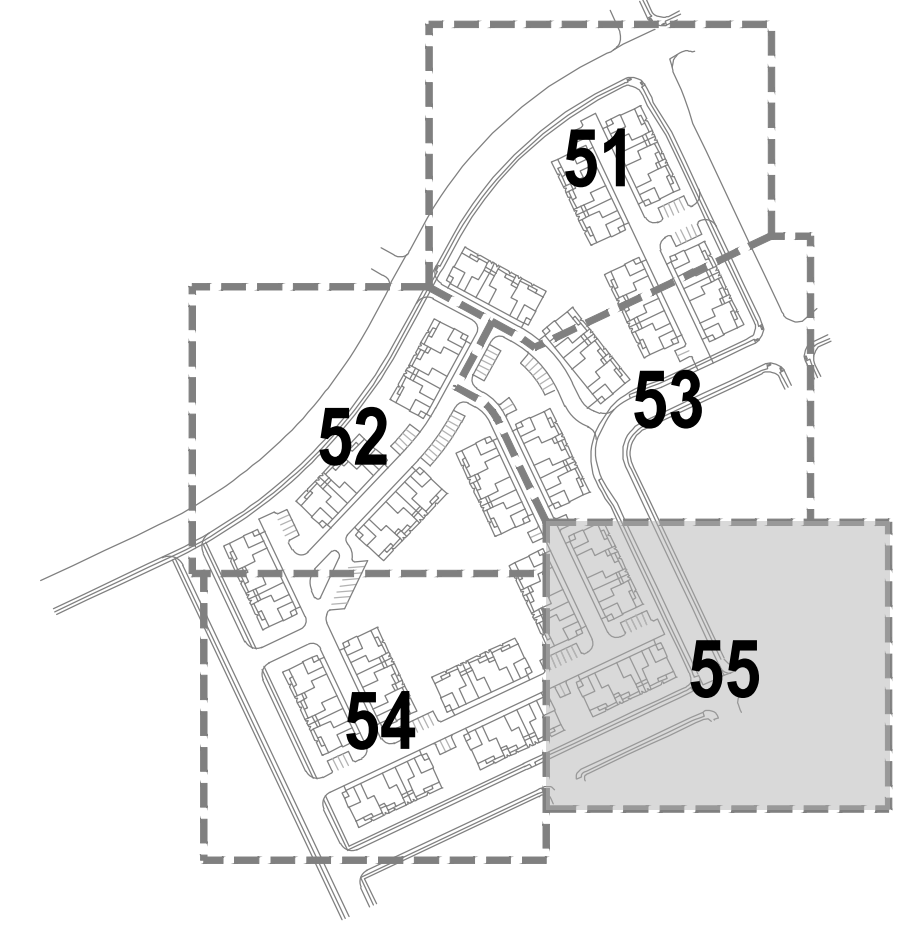
SHEET TITLE:
LANDSCAPE PLAN



CHECKED BY: PM
DRAWN BY: JS

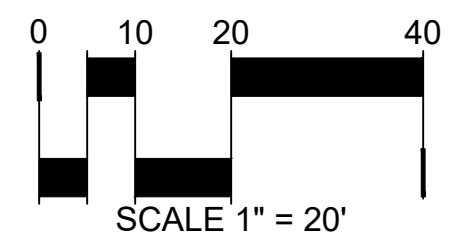


KEY MAP



LEGEND

- DECIDUOUS CANOPY TREE
- DECIDUOUS ORNAMENTAL TREE
- EVERGREEN TREE
- FRUIT TREE
- IRRIGATED MANICURED TURF
- ENHANCED CONCRETE PAVING
- MATCHLINE
- LIMIT OF WORK
- 5' NO IRRIGATION
- METAL EDGER
- SPADE CUT EDGER
- SEAT WALL
- PATIO FENCE
- RIGHT OF WAY
- LANDSCAPE BOLLARD LIGHT
- AREA LIGHT (POLE MOUNTED)
- LANDSCAPE BOULDERS
- DECIDUOUS SHRUB
- EVERGREEN SHRUB
- ORNAMENTAL GRASSES



RAINANCE TENTH FILING CONDOMINIUMS - SITE PLAN WINDSOR, COLORADO

DEVELOPER:
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WINDSOR, CO 80550
970.800.3300

ENGINEER:
Galloway
Planning, Architecture, Engineering
5265 RONALD REAGAN
BLVD., SUITE 210
JOHNSTOWN, CO 80534
(970) 800-3300

NOT FOR
CONSTRUCTION

DATE:
02.04.2020 PRELIM 01
03.31.2020 FINAL 01

SHEET TITLE:
LANDSCAPE PLAN

PLAN NOTES	
FIRST FLOOR - GROSS BUILDING AREA	7,846 SQ. FT.
SECOND FLOOR - GROSS BUILDING AREA	6,855 SQ. FT.
NOTE: ALL SQUARE FOOTAGES ARE MEASURED TO EXTERIOR EDGE OF FRAMING AND INCLUDE COVERED PATIO AND DECKS. TOTALS REPRESENT DESIGN INTENT ONLY AND ARE SUBJECT TO CHANGE.	

ELEVATION KEYNOTES	
01	ASPHALT SHINGLE ROOF
02	HORIZONTAL SIDING, 7" REVEAL
03	HORIZONTAL SIDING, 4" REVEAL
04	BOARD AND BATTEN SIDING
05	STANDING SEAM METAL ROOF
06	PAINTED TRIM, SMOOTH FINISH
07	DECORATIVE GABLE VENT
08	8'-0" ENTRY DOOR
09	8'-0" GARAGE DOOR
10	EXTERIOR SCONCE LIGHT
11	SCREENED ELECTRICAL METERS, COORD. W/ CIVIL
12	ENCLOSED FIRE RISER ROOM, COORD. W/ CIVIL
NOTE: ALL MATERIALS ARE FOR DESIGN INTENT ONLY AND MAY VARY PER BUILDER SPECIFICATION.	

ELEVATION NOTES		
1. ELEVATION DRAWINGS DEPICT DESIGN INTENT ONLY. SEE STRUCTURAL DRAWINGS FOR FOUNDATION AND FRAMING SPECIFICATIONS.	4. FENCING IS SHOWN FOR DESIGN INTENT ONLY. ACTUAL MATERIALS AND DESIGN MAY VARY PER BUILDER SPECIFICATION.	9. ALL EXTERIOR LIGHT FIXTURES TO HAVE FULL CUT OFF LIGHT. AVOID LIGHT TRESPASSING TO ADJACENT PROPERTIES. ALL LIGHT FIXTURES TO COMPLY WITH LOCAL CODES.
2. GRADE LINES INDICATED ARE APPROXIMATE. BUILDER TO COORDINATE SITE SPECIFIC GRADING AT EACH LOT. PROVIDE POSITIVE SLOPE GRADING AWAY FROM STRUCTURE AT EACH LOT.	5. REFER TO ROOF PLANS FOR ROOFING MATERIAL AND SLOPE.	
3. TYPICAL WINDOW HEAD HEIGHT FOR FIRST FLOOR IS 8'-1" ABOVE T.O. SUB-FLOOR U.N.O., AND 8'-1" ABOVE T.O. SUB-FLOOR FOR SECOND FLOOR. REFER TO ELEVATIONS FOR NON-TYPICAL CONDITIONS.	6. GUTTERS AND DOWNSPOUTS SHALL BE INSTALLED AT ALL ROOF DRAINAGE CONDITIONS. COORDINATE LOCATIONS WITH BUILDER.	
	7. ENCLOSED FIRE-RISER, COORD. WITH CIVIL.	
	8. SCREENED ELECTRICAL METERS, COORD. WITH ELECTRICAL.	



4
A-01
8-PLEX RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



2
A-01
8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"



3
A-01
8-PLEX LEFT ELEVATION
SCALE: 1/4" = 1'-0"



1
A-01
8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"

PLAN NOTES	
FIRST FLOOR - GROSS BUILDING AREA	7,846 SQ. FT.
SECOND FLOOR - GROSS BUILDING AREA	6,855 SQ. FT.
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ELEVATION KEYNOTES	
01	ASPHALT SHINGLE ROOF
02	HORIZONTAL SIDING, 8" REVEAL
03	SHINGLE SIDING
04	ARCHITECTURAL BRACKET
05	PAINTED TRIM, SMOOTH FINISH
06	8'-0" ENTRY DOOR
07	8'-0" GARAGE DOOR
08	EXTERIOR SCONCE LIGHT
09	SCREENED ELECTRICAL METERS, COORD. W/ CIVIL
10	ENCLOSED FIRE RISER ROOM, COORD. W/ CIVIL
NOTE: ALL MATERIALS ARE FOR DESIGN INTENT ONLY AND MAY VARY PER BUILDER SPECIFICATION.	

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	7. ENCLOSED FIRE-RISER, COORD. WITH CIVIL.	
	8. SCREENED ELECTRICAL METERS, COORD. WITH ELECTRICAL.	



4
A-02
8-PLEX RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



2
A-02
8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"



3
A-02
8-PLEX LEFT ELEVATION
SCALE: 1/4" = 1'-0"



1
A-02
8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"

PLAN NOTES	
FIRST FLOOR - GROSS BUILDING AREA	7,846 SQ. FT.
SECOND FLOOR - GROSS BUILDING AREA	6,855 SQ. FT.
NOTE: ALL SQUARE FOOTAGES ARE MEASURED TO EXTERIOR EDGE OF FRAMING AND INCLUDE COVERED PATIO AND DECKS. TOTALS REPRESENT DESIGN INTENT ONLY AND ARE SUBJECT TO CHANGE.	

ELEVATION KEYNOTES	
01	ASPHALT SHINGLE ROOF
02	HORIZONTAL SIDING, (2) 7" REVEAL & (1) 5" REVEAL, OR SIM.
03	PATTERNED BOARD AND BATTEN SIDING
04	STUCCO, OR SIM.
05	STANDING SEAM METAL ROOF
06	PRE-STAINED COMPOSITE SIDING
07	PAINTED TRIM, SMOOTH FINISH
08	8'-0" ENTRY DOOR
09	8'-0" GARAGE DOOR
10	EXTERIOR SCONCE LIGHT
11	SCREENED ELECTRICAL METERS, COORD. W/ CIVIL
12	ENCLOSED FIRE RISER ROOM, COORD. W/ CIVIL
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	8. SCREENED ELECTRICAL METERS, COORD. WITH ELECTRICAL.	



4
A-03
8-PLEX RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



2
A-03
8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"



3
A-03
8-PLEX LEFT ELEVATION
SCALE: 1/4" = 1'-0"



1
A-03
8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"

CHECKED BY: OL SH
DRAWN BY: OL CVH, MM



3
A-04 8-PLEX - MID-CENTURY MODERN - FRONT PERSPECTIVE VIEW
SCALE: 1/4" = 1'-0"



2
A-04 8-PLEX - CRAFTSMAN - FRONT PERSPECTIVE VIEW
SCALE: 1/4" = 1'-0"



1
A-04 8-PLEX - FARMHOUSE - FRONT PERSPECTIVE VIEW
SCALE: 1/4" = 1'-0"



Preliminary Site Plan

RainDance

11th Filing

Sandra Mezzetti, Planner I

Planning Commission – May 6, 2020



Site Plan

Article VII of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Site Plan process, including:

Sec. 17-4-10. Purpose.

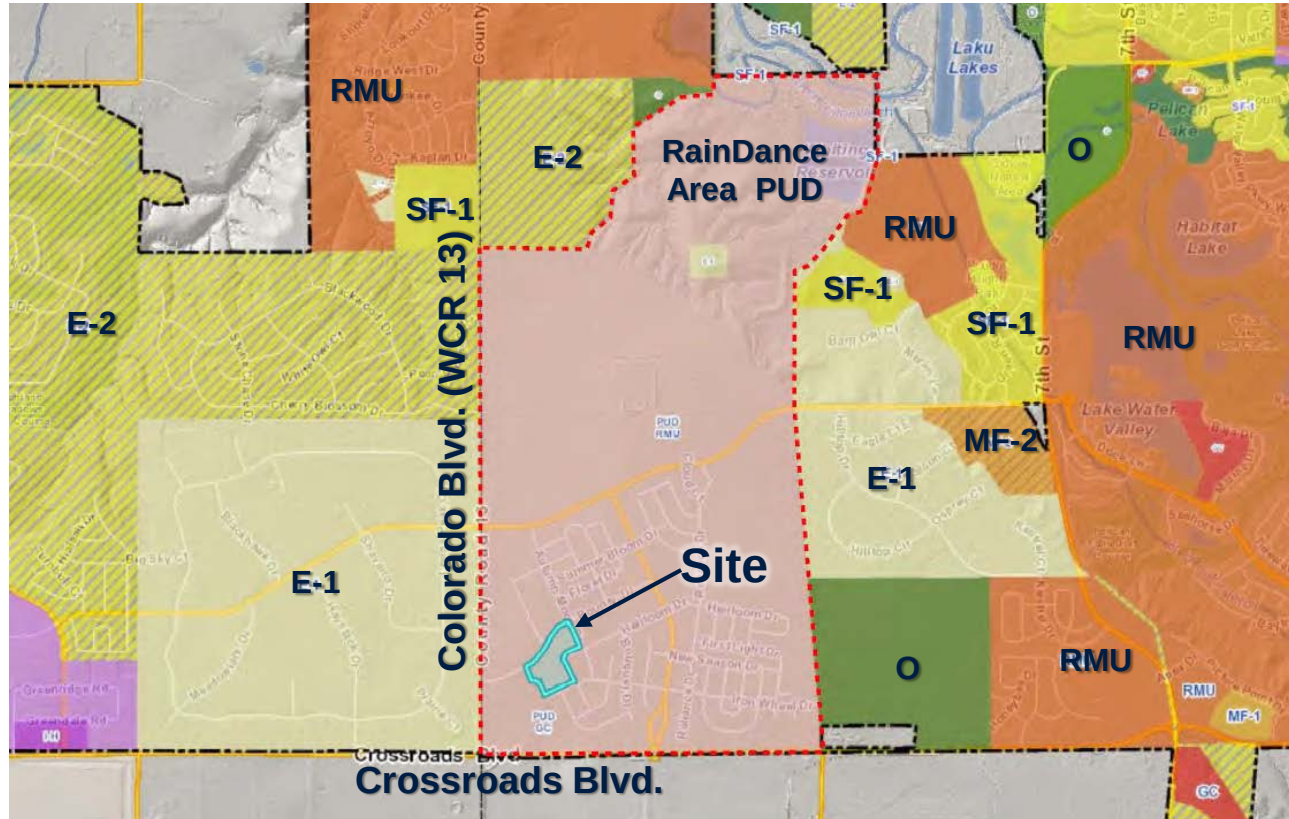
The purposes of the site plan procedure is to:

- 1) Develop land as a unit development
- 2) Develop land zoned for multi-family, commercial or industrial uses.

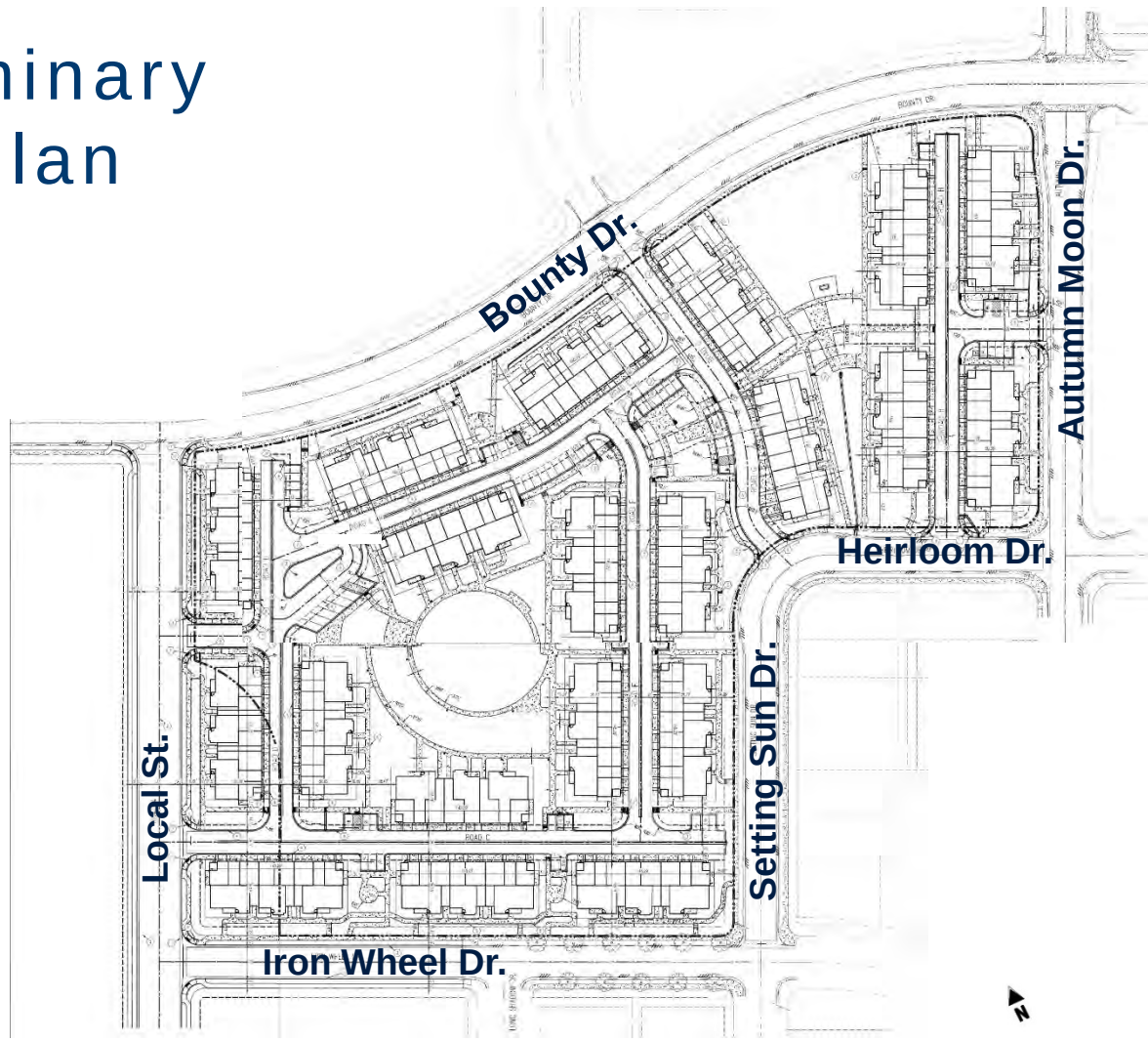
Site Vicinity Map



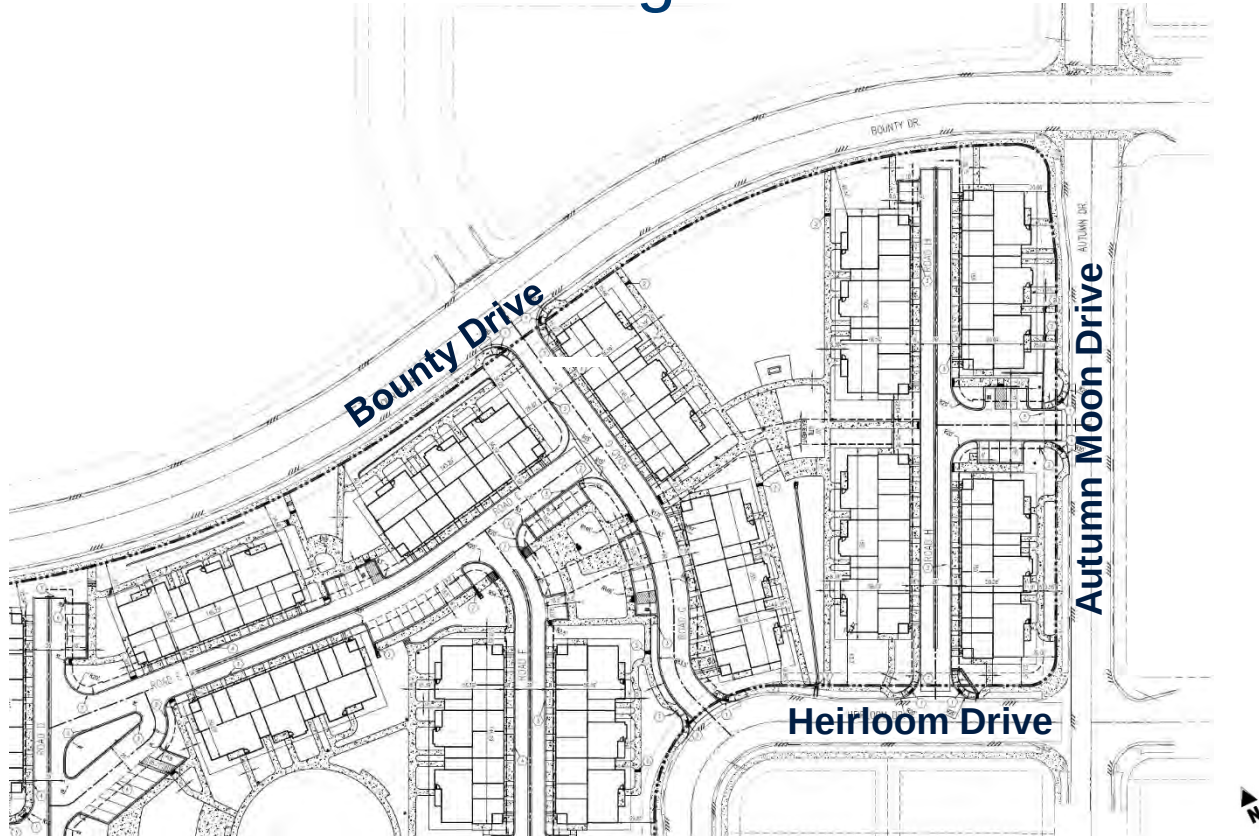
Zoning Map



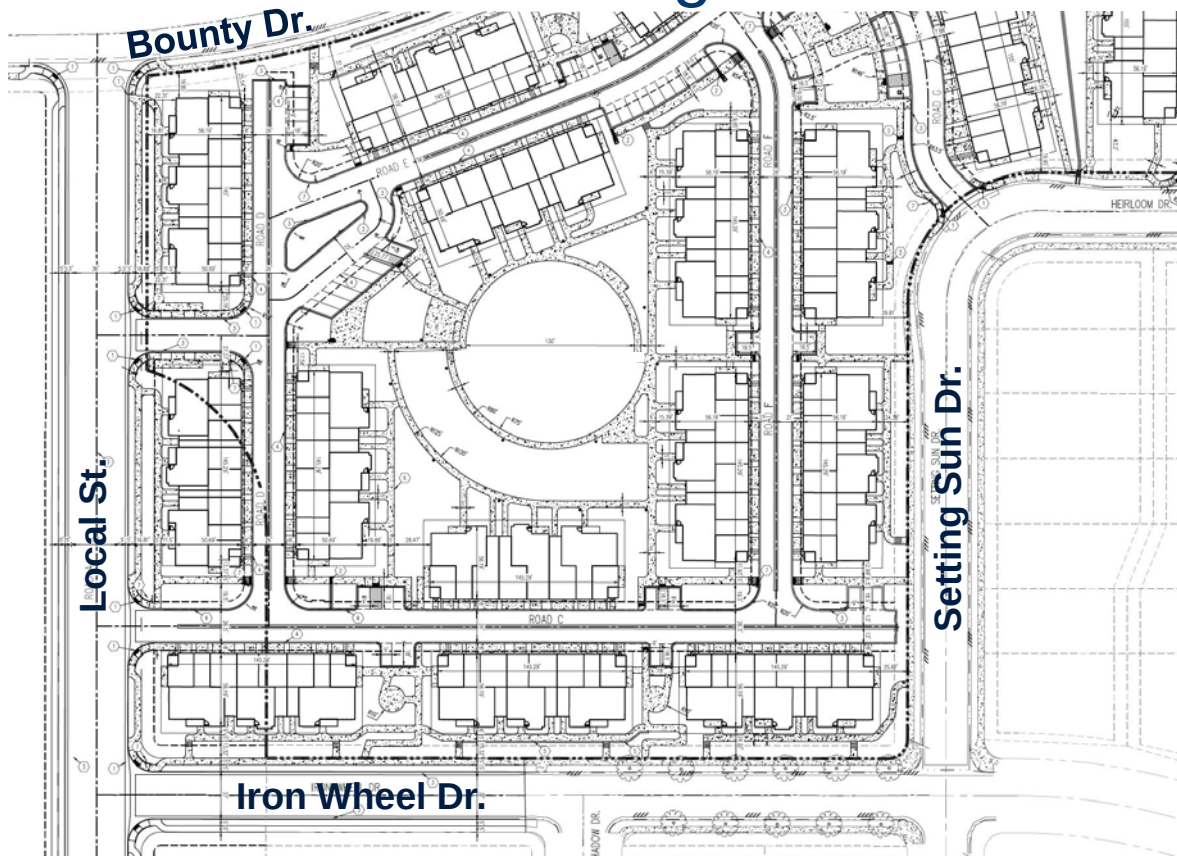
Preliminary Site Plan



Preliminary Site Plan - enlarged



Preliminary Site Plan - enlarged





Preliminary Site Plan

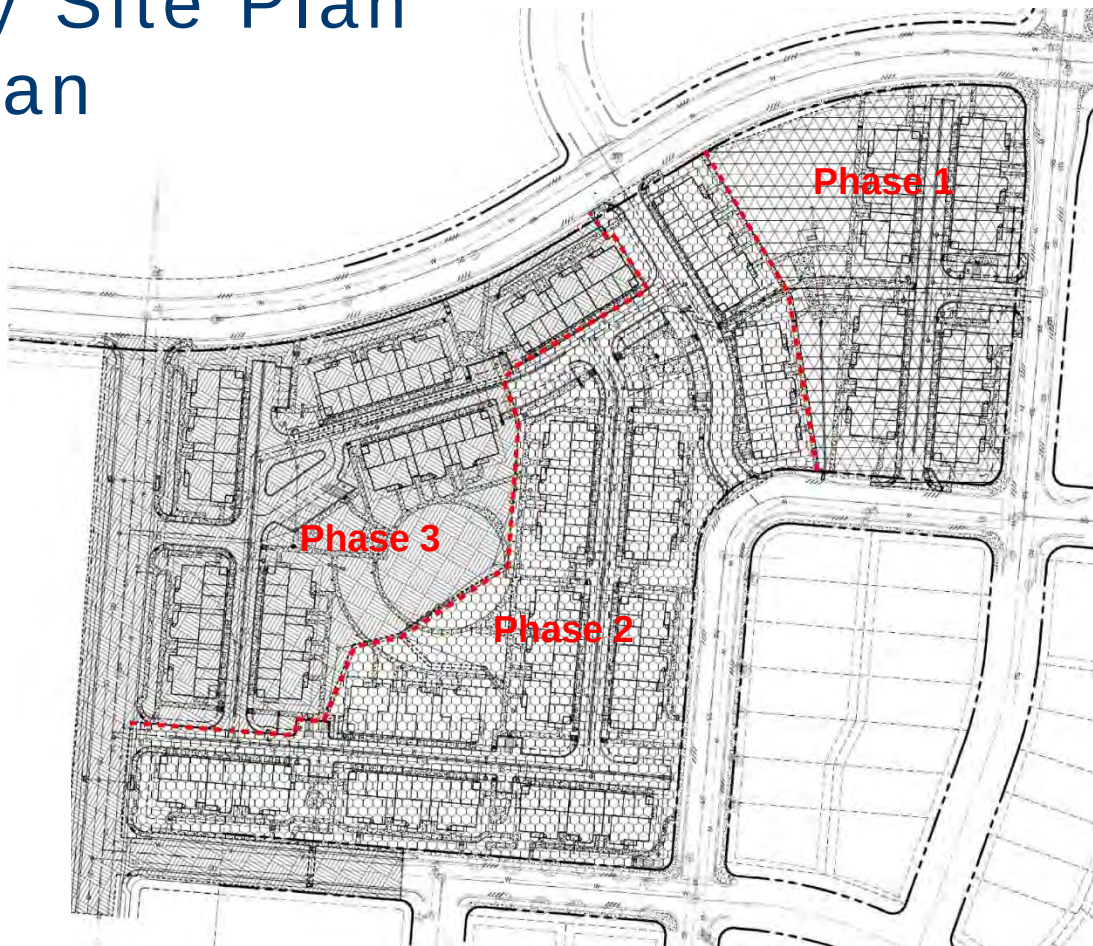
Site Plan characteristics:

- ~ 11.9 acres total
- 160 multi- family condominium unit
 - 20- two-story buildings (29%)
 - 8 units per building
- Product Type:
 - 1-3 bedroom units with attached garages, 1 and 2 spaces per unit, 11 spaces per building, 220 total garage parking spaces
 - Three building styles
 - Painted board and batten siding, shingle siding, stucco
 - Asphalt shingles (primary roof), standing seam metal roof
 - Covered porches and balconies
 - Building height – 32'-0"max. (35' max. allowed in PUD zone district)
- 69 parking spaces provided (not including garage parking).
- Density: 13.4 du/ac
- Total open space including drainage: ~ 4.98 acres (42%)
- Park – adjacent to RainDance Community Park



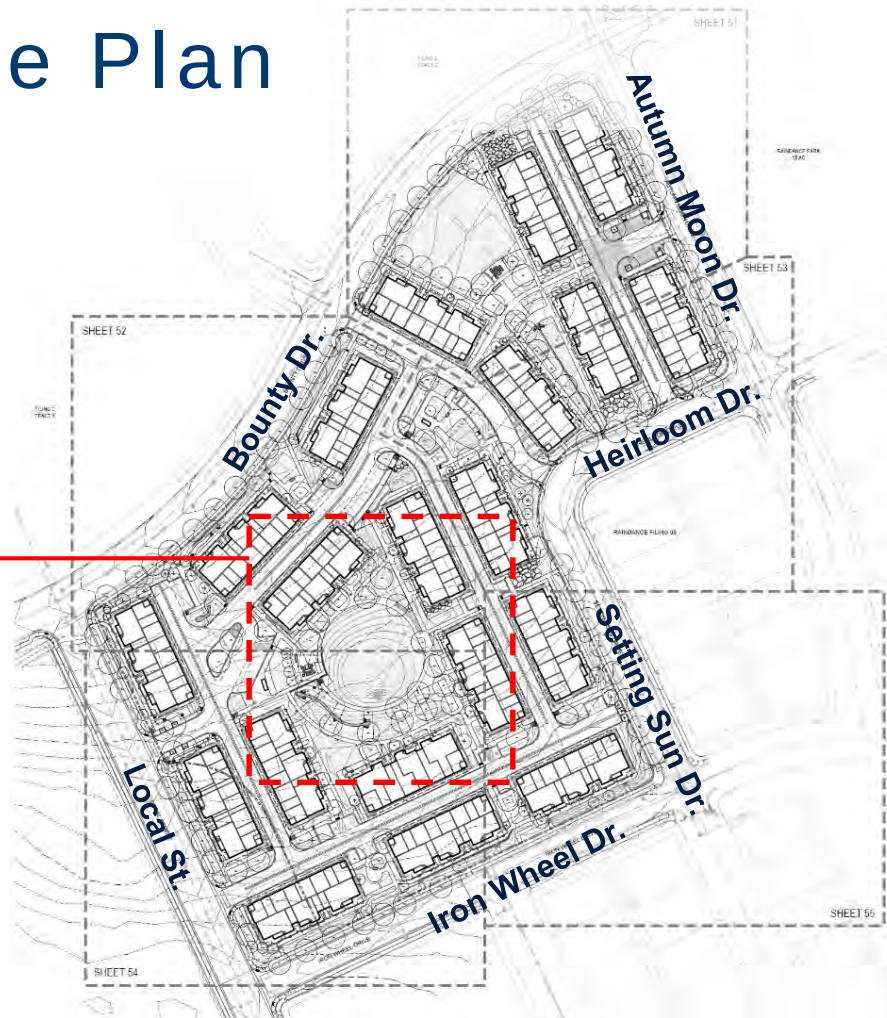
Preliminary Site Plan Phasing Plan

Three phase are proposed.
Phase lines delineate the lots
included within each phase.



Landscape Plan

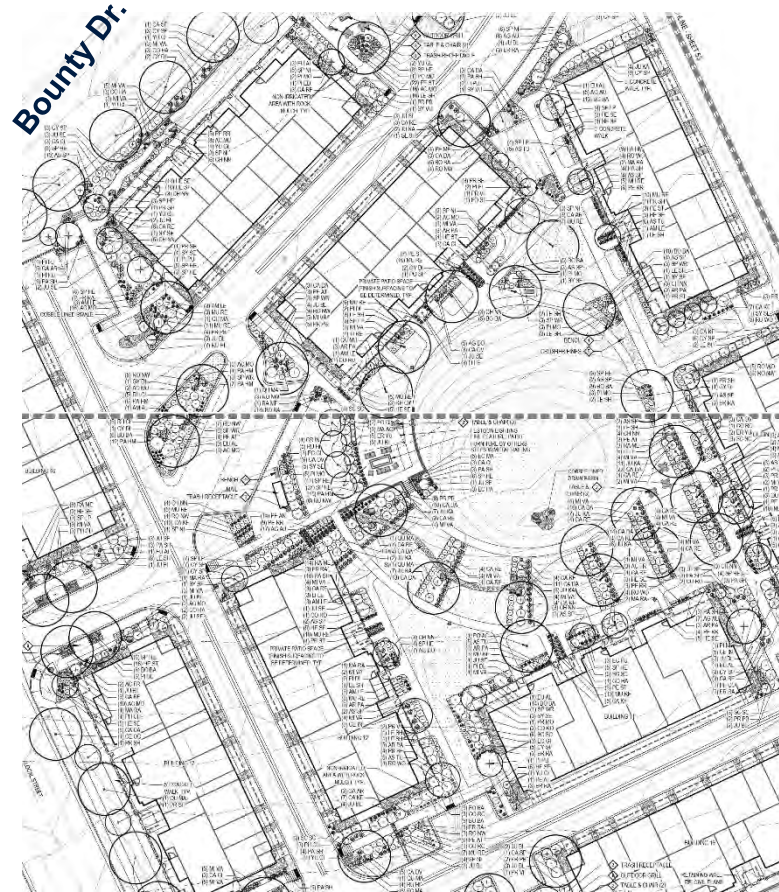
Enlarged
landscape plan.



Landscape Plan - enlarged

Landscape amenities include:

- Fire pit
- Benches
- Tables and chairs
- Trash receptacles
- Interior courtyard
- Interior walking paths
- Pedestrian scale lighting



Elevations

Three building styles proposed:

Farmhouse



4 8-PLEX RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



2 8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"



3 8-PLEX LEFT ELEVATION
SCALE: 1/4" = 1'-0"



1 8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"



Elevations

Craftsman



4 8-PLEX RIGHT ELEVATION
SCALE 1/8" = 1'-0"



2 8-PLEX FRONT ELEVATION
SCALE 1/8" = 1'-0"



3 8-PLEX LEFT ELEVATION
SCALE 1/8" = 1'-0"



1 8-PLEX FRONT ELEVATION
SCALE 1/8" = 1'-0"

Elevations

Modern



4 8-PLEX RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



2 8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"



3 8-PLEX LEFT ELEVATION
SCALE: 1/4" = 1'-0"



1 8-PLEX FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Elevations

Perspective Views



1 8-PLEX - FARMHOUSE - FRONT PERSPECTIVE VIEW
A-04 SCALE 1/4" = 1'-0"



2 8-PLEX - CRAFTSMAN - FRONT PERSPECTIVE VIEW
A-04 SCALE 1/4" = 1'-0"



3 8-PLEX - MID-CENTURY MODERN - FRONT PERSPECTIVE VIEW
A-04 SCALE 1/4" = 1'-0"



Comprehensive Plan Conformance

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

Chapter 5b – Growth Framework

Goal:

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

Objective:

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



Comprehensive Plan Conformance

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

Chapter 5c – Residential Areas Framework

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.*



Recommendation

Staff recommends that the Planning Commission approve the preliminary site plan as presented, subject to all remaining Planning Commission and staff comments being addressed on the final site plan.

Staff requests that the following be entered into the record:

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



Approval Criteria

- General. Land use is consistent with Town's Comprehensive Plan and RMU zone district.
- Preliminary Site Plan. Meets intent and purpose of site plan standards; plan includes preliminary plan and required data.
- Multifamily Residential. Meets multifamily residential standards for lot area open space, livable open space area, parking requirements, in addition to all other applicable Windsor Municipal Code requirements.
- Supplemental Information. Preliminary utility plans and grading plan.



MEMORANDUM

Date: May 6, 2020
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Weld County Referral for a Change of Zone – A (Agricultural) Zone District to I-3 (Heavy Industrial) Zone District, application COZ20-0004 – Gerrard Investments, LLC, property owner; and Rock & Rail LLC, applicant
Location: Unincorporated Weld County – east of and adjacent to Weld County Road 13 (WCR 13), west of WCR 17, approximately one mile south of US Highway 34
Item #: C.3

Background / Discussion

Weld County has referred a Change of Zone application to the Town for review and comment. The property includes existing agricultural uses and is zoned A (Agriculture). The subject referral for a Change of Zone to I-3 (Heavy Industrial) states that existing agricultural uses, as well as an existing batch plant and transload facility approved through a Use by Special Review (USR), will remain. The application does not include information regarding the purpose for rezoning the property or proposed industrial uses. The Heavy Industrial Zone District in Weld County allows for a wide range of heavy industrial uses, incompatible with surrounding land uses.

On May 27, 2015, the Town of Windsor provided a referral response to Weld County for the Martin Marietta Materials (USR15-0027) batch plant and transload facility proposal, the current uses on the subject property. The subject Change of Zone request does not identify proposed land uses. The Change of Zone request states that the proposed zoning of I-3 will bring the property into compliance; however, the batch plant and transload facility are already permitted under the approved USR.

Based upon the information provided with the referral, the Change of Zone would allow any and all uses within the heavy industrial zone district without any analysis based on proposed uses and the associated impacts on the surrounding area, including adjacent residential and US Highway 34. Therefore, staff recommends that the Town's referral comments provided to Weld County with USR15-0027, are reiterated with the current request for Change of Zone.

2008 Intergovernmental Agreement (IGA) between the City of Greeley and the Town of Windsor

The Change of Zone would allow uses that are incompatible with the Cooperative Planning, Land Use and Utility Area (CLUA), identifying and supporting land use patterns for the US Highway 34 Corridor, in particular, the visions and infrastructure planned, as well as the existing infrastructure in the area. Per the CLUA depiction, this area is identified as Principal Employment Corridor and Secondary Corridor Area, one-half mile in width along both the northern and southern side of US Highway 34.

Recommendations

Consistent with the Town of Windsor's previous recommendations regarding the subject property, Town staff recommends the Planning Commission forward the following recommendations of the proposed Change of Zone (COZ20-0004) application to the Weld County Department of Planning Services:

- (1) Provide purpose of Change of Zone request, including proposed uses;
- (2) If the Change of Zone application moves forward without further opportunity to comment, the Town requests the following items be addressed:
 - a. Referral on Site Plan application
 - b. Earthen berms and substantial landscape buffers should be incorporated into plans to help mitigate the visual impacts of industrial uses from US Highway 34 and from neighboring residential uses;
 - c. Light sources should be concealed or shielded so as to minimize uplight, spill-light, glare and unnecessary diffusion on neighboring properties.

Attachments

Weld County Zone District I-3 (Heavy Industrial) Permitted Land Uses
Intergovernmental Agreement between the City of Greeley and the Town of Windsor
USR15-0027 Martin Marietta Materials referral response from Town of Windsor
COZ20-0004 Rock & Rail Change of Zone application
COZ20-0004 Rock & Rail Change of Zone plat

Sec. 23-3-330. - I-3 (Heavy Industrial) Zone District.

- A. Intent. The purpose of the I-3 Zone District is to provide a zone to accommodate industrial USES that require larger amounts of space, are more resource-intensive than light industrial, and have limited public access. Properties zoned I-3 should be located near transportation infrastructure such as highways, railroads, or AIRPORTS.
- B. Uses Allowed by Right. No BUILDING, STRUCTURE or land shall be used and no BUILDING or STRUCTURE shall hereafter be erected, structurally altered, enlarged or maintained in the I-3 Zone District, except for one (1) or more of the USES listed in this section.
 - 1. Asphalt or concrete batch plant used TEMPORARILY and exclusively for an on-site construction project or the completion of a PUBLIC STREET/ROAD improvements project. The six-month limitation for this TEMPORARY USE may be extended in six-month increments at the discretion of the Director of Planning Services up to two (2) times, and thereafter by the Board of County Commissioners.
 - 2. COUNTY grader sheds.
 - 3. One (1) NONCOMMERCIAL TOWER up to forty (40) feet in height per LEGAL LOT. (See Section 23-4-895.)
 - 4. PUBLIC PARKS.
 - 5. PUBLIC SCHOOLS.
 - 6. TEMPORARY borrow pits used exclusively for the completion of a PUBLIC STREET/ROAD improvement project.
 - 7. TELECOMMUNICATION ANTENNA TOWERS up to thirty-five (35) feet in height.
 - 8. UTILITY SERVICE FACILITIES.
- C. Uses allowed subject to Site Plan Review. The following USES shall be allowed in the I-3 Zone District following approval and recording of a Site Plan in accordance with Article II, Division 3, of this Chapter.
 - 1. ADULT BUSINESS, SERVICE or ENTERTAINMENT ESTABLISHMENT subject to the provisions of Article IX of this Chapter.
 - 2. AGRICULTURAL PRODUCTION.
 - 3. AIRSTRIPS and AIRPORTS, including crop-dusting operations.
 - 4. A USE of a research, repairing, manufacturing, fabricating, assembling,

PROCESSING, or storage nature.

5. Asphalt or concrete batch plants.
6. BIOSOLID and DOMESTIC SEPTAGE disposal subject to Chapter 14 of this Code.
7. BREWERIES, DISTILLERIES, and WINERIES.
8. CAR WASHES and gas stations.
9. COMMERCIAL STORAGE BUILDINGS.
10. COMMERCIAL TRUCK WASHOUT FACILITIES.
11. CUSTOM MEAT PROCESSING.
12. DISTRIBUTION CENTERS.
13. Farm equipment sales, repair, and installation facilities.
14. Golf courses.
15. Grain, seed, feed, and fertilizer retail and wholesale sales establishments.
16. Headquarters or service facilities for taxi services, bus services and other services involving the transportation of people.
17. HELIPORTS.
18. INDOOR SHOOTING RANGES.
19. LANDSCAPING COMPANIES.
20. LUMBERYARDS/WOODWORKING.
21. MEAT PROCESSING.
22. OFFICES.
23. OIL AND GAS STORAGE FACILITIES.
24. OIL AND GAS SUPPORT AND SERVICE.
25. ORGANIC FERTILIZER PRODUCTION/COMPOSTING FACILITIES.
26. OUTDOOR STORAGE.
27. OUTDOOR STORAGE of PUBLIC utility-related equipment.
28. Parking areas and parking STRUCTURES.
29. PET CREMATORIES.
30. Police, ambulance, and fire stations or facilities.
31. RACING FACILITIES.
32. REPAIR SERVICE ESTABLISHMENT.

33. RESEARCH LABORATORIES.
 34. RETAIL/SERVICE ESTABLISHMENTS with a total GROSS FLOOR AREA of up to three thousand (3,000) square feet per LEGAL LOT.
 35. SMALL SCALE SOLAR FACILITY, subject to the additional requirements of Section 23-4-1030.
 36. THEATERS and convention halls.
 37. TRANSLOADING.
 38. VEHICLE SERVICE/REPAIR ESTABLISHMENTS.
- D. Accessory Uses. The following BUILDINGS, STRUCTURES and USES shall be allowed in the I-3 Zone District so long as they are clearly incidental and ACCESSORY to an allowed USE and included on an approved and recorded Site Plan.
1. CARGO CONTAINERS.
 2. Loading areas.
 3. RECREATIONAL FACILITIES, COMMERCIAL, PUBLIC and PRIVATE.
 4. SEMI-TRAILERS as accessory storage.
 5. STRUCTURES and BUILDINGS ACCESSORY to USES permitted under Section 23-3-330.B.
 6. WIND GENERATORS allowed as ACCESSORY USES in Section 23-4-450 of this Chapter.
- E. Uses Allowed by Permit. No USE listed in this Subsection shall commence construction or operation in the I-3 Zone District without prior approval of a land use permit from the Department of Planning Services.
1. One (1) MANUFACTURED HOME per LEGAL LOT, when used as living quarters for caretaker or security personnel responsible for maintaining or guarding the property, permitted under Division 3 of Article IV of this Chapter.
 2. One (1) NONCOMMERCIAL TOWER between forty (40) and seventy (70) feet in height per LEGAL LOT permitted under Section 23-4-895.
 3. OIL AND GAS FACILITIES permitted under Division 10 of Article II of this Chapter.
 4. PIPELINES - NATURAL GAS or PIPELINES - PETROLEUM PRODUCTS OTHER THAN NATURAL GAS permitted under Division 11 of Article II of this Chapter.
 5. TELECOMMUNICATIONS ANTENNA TOWERS between thirty-five (35) and seventy (70) feet in height permitted under Division 10 of Article IV of this

Chapter.

6. TEMPORARY seasonal USES permitted under Division 7 of Article IV of this Chapter.
 7. WIND GENERATORS requiring a Zoning Permit under Division 6 of Article IV of this Chapter.
- F. Uses by Special Review. The following BUILDINGS, STRUCTURES and USES may be constructed, occupied, operated and maintained in the I-3 Zone District upon approval of a permit in accordance with the requirements of Article II, Division 4 of this Chapter.
1. Coal gasification facility.
 2. COMMERCIAL JUNKYARDS.
 3. COMMERCIAL SCHOOLS.
 4. CORRECTIONAL FACILITIES, subject to Article XV, Section 15-5, of the Weld County Charter.
 5. HEAVY MANUFACTURING - PROCESSING.
 6. MAJOR FACILITIES OF PUBLIC UTILITIES OR PUBLIC AGENCIES in accordance with Division 5 of Article II of this Chapter.
 7. MEDIUM SCALE SOLAR FACILITIES, subject to the additional requirements of Section 23-4-1030.
 8. Open MINING and processing of minerals.
 9. PETROLEUM REFINERIES.
 10. PIPELINE - DOMESTIC WATER in accordance with Division 6 of Article II of this Chapter.
 11. Solid and hazardous waste disposal sites and facilities requiring Certificate of Designation in accordance with Sections 12-8-10 and 23-4-380 of this Code.
 12. TELECOMMUNICATIONS ANTENNA TOWERS over seventy (70) feet in height.
 13. USES similar to the USES listed as permitted as long as the USE complies with the general intent of the Zone District.
 14. WIND GENERATORS requiring the issuance of Special Review Permit under Division 6 of Article IV of this Chapter.

(Weld County Code Ordinance 2019-02)

Editor's note— Weld County Code Ordinance 2019-02, adopted July 10, 2019, amended § 23-3-330 in its entirety to read as herein set out. Former § 23-30-330, pertained to I-3 (Industrial) Zone District. See Code Comparative Table for complete derivation.



Via Email

May 27, 2015

Ms. Diana Aungst, Weld County Planner
Weld County Planning Department
1555 N. 17th Ave
Greeley, Colorado 80631

Subject: Use by Special Review (USR15-0027) – Martin Marietta Materials

Dear Ms. Aungst, and Members of the Weld County Planning Commission:

Thank you for the opportunity to review and comment on this proposal.

The proposed development is located outside of the Town's Growth Management Area (GMA) and Community Influence Area (CIA). However, the property is located within a sensitive location with various competing interests. It is important to consider – and, ideally, master plan - this area in a collaborative manner due to the proximity of this site to three municipalities, an established unincorporated neighborhood, large swaths of productive agricultural land, and major regional transportation systems.

In 2008, the Town of Windsor and City of Greeley entered into an amended intergovernmental agreement (IGA), that identified a defined Cooperative Planning, Land Use and Utility Area (CLUA) as a means to attempt to identify and support a land use pattern for the US Highway 34 corridor that would be consistent with the jurisdictions' visions and infrastructure planned and existing in the area. The CLUA outlines permitted uses and site design characteristics within the Principal Employment Corridor and Secondary Corridor Area. The proposed facility for Martin Marietta is located within this Secondary Corridor Area.

The proposed use is incompatible with this particular vision that the Town of Windsor and City of Greeley have developed for this area. The proposed batch plant is an intensive industrial use unsuited for the nature of this corridor, and its impacts likely cannot be fully mitigated. Furthermore, approval of this Use by Special Review, as proposed, would likely establish a sprawling and overly-intense land use pattern for future development of the corridor.

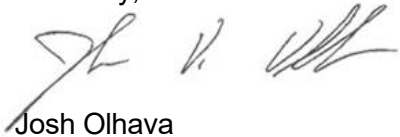
We urge careful consideration for the proposed uses and its regional impact, particularly concerning future land use patterns for the area and along Highway 34. You are aware of the decades of discussion about preserving the unique identities of the Northern Colorado communities, with community buffers that allow cities and towns to maintain their character and thereby contributing to a larger regional economy. With the proposed scale and location, this proposal may frustrate that vision, or at least contribute to the beginnings of a land use pattern with significant impacts to the gateway into the City of Greeley and Town of Windsor.

Should the proposed Use by Special Review be approved, the Town of Windsor would respectfully request that the following items be addressed in any conditions of approval:

1. Earth berms and substantial landscape buffers should be incorporated into plans to screen views of industrial uses from U.S. 34 and from neighboring residential uses.
2. Light sources shall be concealed or shielded so as to minimize uplight, spill-light, glare and unnecessary diffusion on neighboring properties.

Thank you for the opportunity to review this proposal and welcome any additional discussion you would like to initiate with us and the City of Greeley.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Olhava', is written over the printed name.

Josh Olhava
Associate Planner

pc: Gale Schick, Chairman, Windsor Planning Commission
Windsor Planning Commission
Kelly Arnold, Town Manager, Town of Windsor
Scott Ballstadt, Director, Town of Windsor Planning Department
Tom Parko, Director, Weld County Planning Services
Brad Mueller, Director, City of Greeley Community Development
John Franklin, Director, Town of Johnstown Planning and Zoning



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**FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
BY AND BETWEEN THE CITY OF GREELEY AND TOWN OF WINDSOR**

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT is made this 6th day of May, 2008, by and between **THE CITY OF GREELEY**, Colorado, a home rule municipality ("Greeley") and **THE TOWN OF WINDSOR**, Colorado, a home rule municipality ("Windsor") establishing the terms and conditions for land use site and building standards and utility services with a Cooperative Planning, Land Use and Utility Area. The parties hereto, when referring to both, may also be referred to hereinafter as the municipalities or the parties.

WHEREAS, Greeley and Windsor entered into an Intergovernmental Agreement in June 2001, for the purpose of preparing a development plan for US Hwy 34 between WCR 13 (county line) and SH 257, and along SH 257 between the corporate limits of each community; and

WHEREAS, the Development Plan was completed and has been accepted by the Greeley City Council and Windsor Town Board; and

WHEREAS, the implementation of the plan requires cooperation and coordination between the municipalities for the provision of various municipal services such as utilities, planning/land use, transportation, parks/recreation/open space and public safety; and

WHEREAS, the adopted Plan envisions future intergovernmental agreements which will outline the specific procedures to provide the necessary services to implement the Development Plan; and

WHEREAS, the municipalities desire an agreement for planning, land use and utility services; and

WHEREAS, the parties approved an Agreement dated August 9, 2004 regarding the terms and conditions for such planning, land use and utility purposes, and

WHEREAS, certain amendments to that Agreement are now deemed to be in the best interests of the citizens of Greeley and Windsor to further this cooperative community planning process.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES HEREAFTER SET FORTH, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. Cooperative Land Use, Annexation and Utility Area. The Cooperative Planning, Land Use and Utility Area ("CLUA") consisting of a Principal employment corridor area and a secondary corridor area is hereby amended and described as follows:



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- (a) Principal Employment Corridor. Principal Employment Corridor includes all land depicted on Exhibit A and described on Exhibit B, attached hereto and incorporated herein by reference, and is generally described as that area one-half mile north and south of US Hwy 34 between SH 257 and WCR 13 (County Line Road). The distances are measured from the right-of-way lines of the affected roads and highways on the same side as the area stated above.
- (b) Secondary Corridor Area. There is hereby established a Secondary Corridor Area which includes all lands depicted on Exhibit A and described on Exhibit B, which is attached hereto and incorporated herein by reference and is generally described as that area extended one-half mile from the principal employment corridor areas, outer boundaries north and south of US Hwy 34.

2. CLUA Land Uses. Within the CLUA, the parties agree that the land uses are prioritized as follows:

- (a) The Principal Employment Corridor is primarily for employment, industrial park and other uses as defined, conditioned and limited by Section I. A of Exhibit B, attached hereto and incorporated herein by this reference.
- (b) The Secondary Corridor Area is primarily for residential, neighborhood, commercial and their related uses as defined, conditioned and limited by Section I. B. of Exhibit B, attached hereto and incorporated herein by reference.

3. Land Use, Site and Building Standards for CLUA. Road Improvements and Maintenance Master Costs.

- (a) The land use, site and building standards for both areas of the CLUA are described on Exhibit B attached hereto and incorporated herein by reference. Access to Weld County Road 17 (WCR 17) shall be in accordance with locations agreed to by the parties on Exhibit E, attached hereto and incorporated herein by this reference. Access to US Hwy 34 shall be as approved by the Colorado Department of Transportation.
- (b) The parties agree that they shall equally share the costs of any and all general improvements to WCR 17 north of US Hwy 34 to WCR 60. The party intending to make general improvements on the above stated roadway shall give the other party 180 days notice prior to the commencement of construction of the general improvements to the roadway. The party receiving notice of said improvements and/or maintenance shall provide comment as to the nature and timing of general improvement along with its prospective cost to that party. The parties agree that the jurisdiction which has annexed the affected road shall perform general improvements



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in accordance with its ordinances, rules and regulations; and further that each party shall pay its one-half of the total cost of the general improvements within thirty (30) days after invoice of the same, subject to annual appropriation. The parties agree that each party shall use its best efforts to budget and/or appropriate sufficient sums to defray the costs of its expense for construction of the general improvements of the road stated herein. Any roadway improvements that are deemed to be in addition to customary and general road maintenance such as, but not limited to, the addition of medians, traffic control devices and like improvements must first be agreed to in writing by both parties prior to their installation.

- (c) The parties agree that the parties shall equally share the costs of any and all maintenance for WCR 17 north of US Hwy 34 to WCR 60. Windsor shall perform the annual maintenance and Greeley shall pay Windsor one-half (½) of the cost of such annual maintenance. The parties agree that they shall meet and agree as to the nature, extent and maximum cost for annual maintenance of the road on or before July 1 of each year to provide sufficient time to budget necessary funds for the succeeding calendar year.
- (d) The parties agree that the intersection of WCR 17 and US Hwy 34 may require an improved road interchange in the future, and as such, the parties agree to negotiate in good faith with each other and CDOT to determine the land areas to be reserved/dedicated; the nature and type of interchange improvement; and any and all costs for construction for the same.

4. Required Notice for Development. . For both areas within the CLUA each party shall notify the other of all intended development, redevelopment, or variances, within said area no later than four (4) weeks prior to the initial official consideration of the land use matter by the municipality reviewing the intended development. All notifications shall be provided to the other party in writing and shall include a brief written description of the development proposal and accompanying vicinity, any development maps and graphics for review and comment by the receiving party. The receiving party shall renew the documentation provided and shall respond in writing to the other party with its comments regarding the proposed development. Each party agrees that it shall use its best efforts to make and receive comments through timely communications. The parties expressly agree that all such information, documentation and communication is a courtesy exchange of information and any negligent oversight of any referral or project for comment shall not require the delay of hearings or decisions on any land use or related case by the approval authority of either Greeley or Windsor. However, when making a land use decision, the approval authority of the affected municipality hereby agrees that it may not approve any land use in contravention to those uses stated in Exhibit B, without the prior written consent of the other party. Each party shall provide the other party, in writing, a single point of contact for the transmission of all communications and documentations contemplated and described in this paragraph.



5. Annexation

- (a) Greeley shall have exclusive authority to exercise its annexation powers and, subject to paragraphs 4 and 5, to provide all urban services within the CLUA for those areas identified as the "Greeley Annexation Area" on Exhibit C, attached hereto and incorporated herein by this reference.
- (b) Windsor shall have exclusive authority to exercise its annexation powers and subject to paragraphs 4 and 5 to provide all urban services within the CLUA for those areas identified as the "Windsor Annexation Area" on Exhibit C.
- (c) Both parties specifically agree that upon the receipt or preparation by either party of any documents proposing annexation within the CLUA, copies of all such documents shall be submitted to the other party for review and comment at least thirty (30) days prior to initial action thereon.
- (d) The parties specifically agree that in the event either of them has extended and/or agreed to any financial or other incentives in connection with a proposed annexation within the CLUA, that the contents and specifics of such financial or other incentives shall be submitted to the other party.
- (e) The parties specifically agree that Greeley retains and Windsor shall honor any and all contract rights of first refusal for the purchase of water upon any properties within the Principal or Secondary Areas which are subject to such rights under the Greeley Loveland Irrigation Company (GLIC) Shareholders Agreement, regardless of whether or not those properties are annexed by Windsor. A map generally depicting the land area subject to the GLIC Shareholders Agreements is shown on Exhibit D, attached hereto and incorporated herein by this reference.
- (f) Any property annexed by Windsor which ultimately is developed for commercial purposes and which commercial business is partially or wholly located upon a property currently or formerly subject to a GLIC Shareholders Agreement shall be subject to sales and food tax revenue sharing between Greeley and Windsor. Windsor shall remit to Greeley, on a monthly basis, 40% of the gross sales and food tax revenue received by Windsor from all sources upon property stated in this subparagraph (f). The parties specifically agree that this revenue sharing agreement is authorized pursuant to Colorado Revised Statutes 29-20-105(2)(b) and is perpetual in nature and survives any termination of this Agreement, with said land area subject to the GLIC Shareholders Agreements shown on said Exhibit D.

- (g) The terms of this Agreement shall not be construed as to require Windsor or Greeley to annex property in their respective annexation and growth boundaries.
- (h) If either Greeley or Windsor is presented a petition for annexation of land located in the agreed upon annexation and growth boundary of the other municipality, they each shall direct the petitioner to the community within which the land is planned for annexation and service in accordance with this Agreement. Only upon the written denial of the proposed annexation petition by the community within which the petitioning land is identified for annexation may the other municipality consider any such annexation, and then only upon the written amendment of this Agreement.
- (i) Windsor shall submit a petition to the North Front Range Regional Planning Council to exclude the Properties from Greeley's 208 Waste Water Planning Area ("208 Planning Area") and include the Properties in Windsor's 208 Planning Area.

6. Water Service within the Cooperative Land Use, Annexation and Utility Area.

- (a) Water service for Windsor properties within the CLUA shall be provided by Windsor in accordance with the existing Windsor-Greeley Intergovernmental Agreement for Treated Water Service (dated January 4, 1996), as amended from time to time by the parties.
- (b) To provide all potable water service to the CLUA, a sufficiently-sized transmission line carrying Zone 4 pressure will be required upstream of a Windsor master meter from Greeley's Zone 4 pump station to the west along US Hwy 34. The cost of the transmission main upstream of the Windsor master meter shall be borne by the municipality or private entity requiring the service in accordance with the annexing municipality's determination.

It is anticipated that the annexing municipality will require one or more developers to construct the transmission main upstream of the Windsor master meter. Such municipality may thereafter choose to afford such developer or developers an opportunity to enter into a reimbursement agreement providing for reimbursement when subsequent properties develop and benefit from the main. It is also likely that certain of such properties will not be located in the municipality that caused the main to be constructed in the first instance. Both parties agree that if reimbursement is requested and approved by the municipality constructing the main, the other municipality will enforce the terms of any such reimbursement agreement for properties developing in that municipality and benefiting from the main.



7. Sewer Service within the Cooperative Land Use Annexation and Utility Areas.

- (a) General. Pursuant to the terms of this intergovernmental agreement, Greeley agrees to deliver sewage originating within the CLUA to the Windsor sewer system for treatment and Windsor agrees to provide treatment for such sewage. Greeley shall maintain, repair, replace, and rehabilitate the wastewater collection lines which are within its city limits. For purposes of Colorado water law, Windsor agrees that Greeley shall maintain dominion and control of water in sewage, originating within Greeley's city limits, and delivered by Greeley to the Windsor system for treatment such that Greeley may fully consume (by any means, such as its own municipal use, reuse, successive use, exchange, substitute supply, or by sale or lease to other entities) any re-useable effluent resulting from such treatment. Greeley agrees that a portion of water in sewage delivered to the Windsor system for treatment pursuant to the terms of this Agreement may be consumed prior to discharge due to treatment or evaporation and that Windsor does not guarantee that any specific percentage of the water in sewage delivered by Greeley will be discharged after treatment of Greeley's water rights throughout Windsor's system. The amount of re-useable effluent resulting from treatment shall be calculated in accordance with applicable decrees.
- (b) Points of Delivery. Sewage transmitted through Greeley's system delivered by Greeley to the Windsor system shall be delivered by Greeley to a terminal manhole(s) at or close to Greeley's city limits. The point(s) of delivery shall be mutually established and agreed upon in writing by both municipalities. Sewage metering station(s) will be established in the terminal manhole to assist in tracking the amount of sewage delivered to Windsor.
- (c) Payment of Plant Investment Fee and Measurement of Discharge. Greeley agrees to pay Windsor a plant investment fee (PIF) reflecting Greeley's acquisition of capacity in Windsor's wastewater treatment facility. The PIF for additional capacity shall be annually established, based on the then current PIF in effect for Windsor residents. The plant investment fee shall not include any surcharge or additional payment for any lift stations required for Greeley to deliver sewage to Windsor because Greeley is responsible for such costs.

As an example of the initial PIF calculation, currently the Windsor PIF is \$2,600 per residential tap and the average residential winter water use, which is equivalent to sewer use, is 204 gallons per day per tap. Consequently, the current residential PIF is \$12.75 per gallon per day.



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Plant investment fees due from Greeley to Windsor shall be purchased in blocks of 100,000 gallons per day capacity, or other quantities as mutually agreed. Windsor shall regularly monitor the amount of wastewater received from Greeley at the points of delivery. Whenever the 30-day average flow from Greeley exceeds the capacity previously purchased by Greeley, Greeley shall purchase additional capacity within 90 days at the then current PIF.

- (d) Treatment Capacity. At such time as the existing Windsor wastewater treatment plant is using eighty percent (80%) of its capacity, or Windsor determines that the existing plant will soon be at or over eighty percent (80%) of its capacity, Windsor shall define the plant capacity that can be issued before the existing plant is using ninety percent (90%) of its capacity. The additional capacity shall be allocated seventy percent (70%) to Windsor and thirty percent (30%) to Greeley, unless the municipalities agree otherwise in writing. When the existing plant is using ninety percent (90%) of its capacity, or at any time that the Colorado Department of Public Health and Environment or other agency responsible for the discharge permit for the existing plant directs Windsor that additional sewer taps shall not be issued, Greeley agrees not to issue additional taps. Both municipalities agree to cooperate to anticipate the need to treat sewage produced within the CLUA and to plan for any expansion of the Windsor system to accommodate growth of demand within the CLUA. Windsor agrees to expand the Windsor system as necessary to accommodate growth of demand within the CLUA. Windsor shall make reasonable efforts to provide treatment capacity for Greeley's sewage, including expanding the existing plant when at ninety percent (90%) capacity and/or building a plant capable of meeting future discharge limits. Should Windsor fail to begin construction of such capacity when at ninety percent (90%) capacity, Greeley shall have the right to make alternative arrangements for any and all sewage treatment contemplated under this Agreement. Such option shall be in addition to any other remedy available under this Agreement.
- (e) Monthly User Fees. Charges for sewage treatment shall be paid by Greeley to Windsor. The rates for sewage treatment shall be consistent with rates charged to Windsor resident customers and calculated per hundred (100) cubic feet of wastewater discharge as measured at the flowmeter(s). The service rates shall be reviewed by Windsor annually and shall reflect Windsor's actual costs of Greeley's wastewater treatment and conveyance. Greeley shall use its best efforts to enforce its environmental standards, restrictions and limitations on all waste water discharge treated by Windsor.
- (f) Treatment of Other Sewage. Greeley and Windsor agree that it may be feasible and cost-effective for Windsor to treat sewage originating within portions of the City of Greeley that are outside the CLUA; however, nothing



in this agreement shall commit Windsor to treat such sewage and Greeley agrees that it will not deliver any sewage originating outside the CLUA to the Windsor system for treatment without the express written consent of Windsor that it will accept and treat such sewage.

- (g) Billings. Windsor will submit one invoice to Greeley monthly. Invoices shall be paid within thirty (30) days of receipt, after which time interest penalties shall begin to accrue at the rate of one percent per month, or fraction thereof, during the period in which the invoice remains unpaid.
- (h) Industrial Pretreatment. Greeley shall cooperate with Windsor to enforce Windsor's EPA-approved industrial pretreatment program to protect the Windsor's system from undesirable sewage discharge.
- (i) Discharge Permit. It is understood and agreed that Windsor shall be solely responsible for obtaining and complying with any discharge or other permit required for the operation of its sewage treatment plant, or any modifications thereto.

8. Release, Hold Harmless, Indemnification. Both Windsor and Greeley are public entities, as that term is defined pursuant to the Colorado Governmental Immunity Act, Colo. Rev. Stat. § 24-10-101, et seq. The parties to this Agreement have the benefits and responsibilities enumerated in the Colorado Governmental Immunity Act. Each party shall defend any and all claims for injuries or damages pursuant to and in accordance with the requirements and limitations of the Colorado Governmental Immunity Act occurring as a result of negligent or intentional acts or omissions of the parties, their officers, agents, employees and assignees. In addition, Greeley shall be responsible for any and all liability for injuries or damages caused by any negligent acts or omissions of Greeley, its officers, employees, agents, and assignees performing functions or activities upon the property of Windsor. Greeley shall provide adequate workmen's compensation insurance for all of its employees, agents and assigns engaged in activities and functions upon the property of Windsor or Greeley. Windsor shall be responsible for any and all liability for injuries or damages caused by any negligent acts or omissions of Windsor, its officers, employees, agents, and assignees performing functions or activities upon the property of Greeley. Windsor shall provide adequate workmen's compensation insurance for all of its officers, employees, agents and assignees engaged in activities and functions upon the property of Greeley. Each party shall furnish the other party current certificates of insurance stating that the coverages outlined above are in full force and effect.

9. No Public Utilities Commission Control. Greeley, its employees and elected or appointed officials, agree neither to assert nor support any statement, policy, petition, rule making, or legislative attempt to place the Windsor's sewage treatment services system under the authority or jurisdiction of the Colorado Public Utilities Commission by virtue of this intergovernmental agreement or otherwise.



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10. No Third Party Beneficiary. It is expressly understood and agreed that the terms and the enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, are strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right or cause of action whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned parties that no person and/or entity, other than the undersigned parties, receiving services or benefits under this Agreement shall be deemed any more than an incidental beneficiary only.

11. Non-Compliance. Notwithstanding any other provision in this Agreement, if either party fails to comply with the provisions of this Agreement, the other party, after providing written notification to the noncomplying party and upon the failure of the noncomplying party to achieve compliance within a reasonable time after such notice under the circumstances, or ninety (90) days, whichever is less, may refuse to provide and/or disconnect the water and sewer services stated in paragraphs 6 and 7 of this Agreement. Additionally, that party may maintain an action in a court of competent jurisdiction in Weld County for specific performance, injunctive, or other relief against the non-complying party. In the event of such litigation, the prevailing party shall be entitled to payment by the defaulting party, of its actual attorney=s fees and costs incurred.

12. Additions and Modifications. The parties hereto agree that they shall cooperate with one another and Weld County in making such additions and modifications to this Intergovernmental Agreement as may be necessary to effectuate its purposes.

13. Term and Termination. This Agreement shall remain in effect for a period of twenty (20) years from its effective date. Thereafter, it shall be automatically renewed for successive five (5) year terms unless at least five (5) years prior to the scheduled expiration, either party notifies the other party of its decision that the Agreement shall not be renewed. As noted in Paragraph 5(f), the revenue sharing agreement contained therein is perpetual in nature and survives any termination of this Agreement.

14. Colorado Laws. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado with venue in Weld County.

15. Waiver. A waiver of a breach of any of the provisions of this Agreement shall not constitute waiver or a waiver of any subsequent breach of the same or another provision of this Agreement.



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16. Notices. All notices or other communications hereunder shall be sufficiently given and shall be deemed given when personally delivered, or after the lapse of ten business days following mailing by certified mail, postage prepaid, addressed as follows: .

TO GREELEY: City of Greeley
 1000 10th Street
 Greeley, Colorado 80631
 ATTN: City Manager

TO WINDSOR: Town of Windsor
 301 Walnut Street
 Windsor, Colorado 80550
 ATTN: Town Manager

17. Effect of Invalidity. If any portion of this Agreement is finally held invalid or unenforceable by a court of competent jurisdiction as to either party or as to both parties, the parties agree to take such action(s) as may be necessary to achieve to the greatest degree possible the intent of the entirety of this Agreement. If any portion of any other paragraph of this Agreement is finally held invalid or unenforceable by a court of competent jurisdiction as to either party or as to both parties, such invalidity or unenforceability shall not affect the other paragraphs of this Agreement, except that any corresponding right or obligation of the other party shall be deemed invalid.

18. Amendments. This Agreement may be amended in writing only by the mutual agreement of the governing bodies of the parties hereto.

19. Reliance by the Parties. Windsor and Greeley understand that each is relying upon all of the promises made by the other in this Agreement, and each agrees (i) not to assert to any court or other body the invalidity or unenforceability of any portion of this Agreement; (ii) to promptly notify the other party of any legal action which might affect this Agreement; (iii) to allow the other party to participate in such legal action as the other party deems appropriate; and (iv) to defend this Agreement in such legal action.



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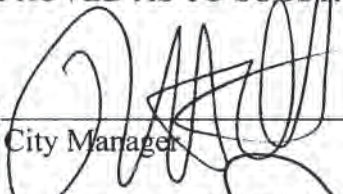
IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to the Intergovernmental Agreement the day and year first written above.

CITY OF GREELEY

By: 

City Clerk

APPROVED AS TO SUBSTANCE:

By: 
City Manager

APPROVED AS TO LEGAL FORM:

By: 
City Attorney

AS TO AVAILABILITY OF FUNDS:

By: 
Director of Finance

TOWN OF WINDSOR

By: 
Mayor

ATTEST:

By: 

Town Clerk

By: 
Town Manager

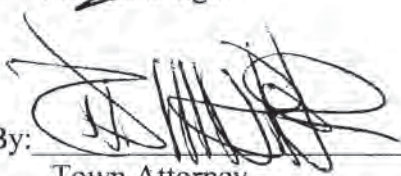
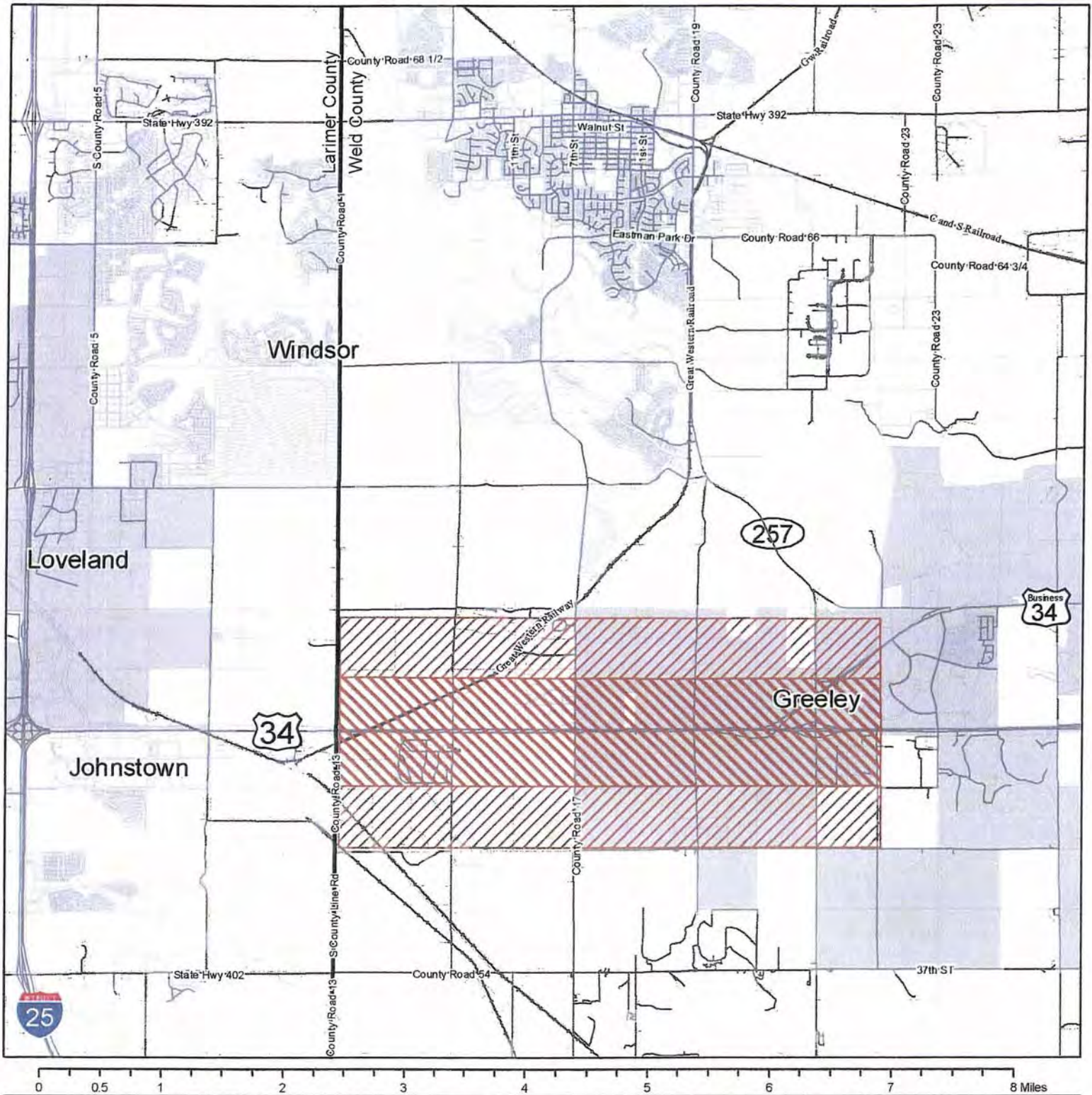
By: 
Town Attorney

Exhibit A - Cooperative Land Use Annexation and Utility Areas (CLUA)



Created: September 24th 2007
By: City of Greeley, GIS

- Primary Cooperative Land Use Annexation and Utility Area
- Secondary Cooperative Land Use Annexation and Utility Area

- County Line
- Rail
- Street Centerlines
- City Limits
- Parcels





Exhibit "B"

US HWY 34 LAND USE, SITE AND BUILDING STANDARDS

The following land use and development standards are blended elements of the City of Greeley and Town of Windsor Development Codes and provide Overlay Development Standards for a portion of that area known as the "Strategic Employment Development Corridor (SEDC)" as described in the City of Greeley 2020 Comprehensive Plan west of State Hwy 257 (SH 257) as illustrated on the attached Exhibit A and hereinafter referred to as "Greeley/Windsor Employment Corridor (G/WEC)."

I. LAND USE

A. PRINCIPAL EMPLOYMENT CORRIDOR

1. Physical Area Defined:

The boundary of the principal G/WEC is ½ mile north and south of the US Hwy 34 west of SH 257 and east of WCR 13 (County Line Road);

2. Allowed Land Uses:

As described in the Comprehensive Planning documents for Greeley and Windsor the US Hwy 34 travel corridor is the preferred location for a mix of regional employment and community separator types of land uses. The principal land uses allowed in this corridor shall relate to principal employment functions, such as professional business park uses (e.g. "FIRE: Finance, Insurance, Real Estate"), light industrial and select medium industrial uses and special regional destination uses. Outside storage is not permitted in this area unless fully screened from all rights-of-way and adjacent non-industrially zoned lands, and where incidental clearly subordinate to the principal land use. The following land uses are considered principal uses in this corridor; further subject to the zoning district standards and review processes in the governing jurisdiction.

- * adult schools, e.g. college or university facility, trade or business school
- * amusement park
- * arena or auditorium
- * assembly
- * beverage processing
- * driving range
- * fabrication
- * farming
- * financial institution



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- * food processing (fully-enclosed facilities with no adverse environmental impacts)
- * golf course
- * greenhouse or nursery
- * hospital
- * kennels and animal care facilities
- * mail center
- * manufacturing (fully enclosed, light manufacturing activities)
- * medical supply
- * office
- * open space
- * publishing firms
- * quasi-public facilities (museum, fire & police, zoo, aquarium)
- * radio station
- * research/development lab
- * sports arena
- * stable
- * studios
- * television station
- * testing lab
- * theme park
- * transportation facilities (light rail stations and public transportation depots are permitted. Truck terminals and truck stops are prohibited)
- * veterinary clinics
- * warehouse
- * wholesale goods

Other accessory and supportive land uses, such as restaurants, are allowed only if incidental to the principal land use and located within an established employment, business or industrial park setting.

Retail operations representing "destination commercial" uses may be allowed on a case by case basis following the development referral process as described in this Exhibit and when mutually agreed upon by Greeley and Windsor in writing.

B. SECONDARY CORRIDOR AREA

1. Physical Area Defined:

The boundary of the secondary G/WEC area begins ½ mile back of the Principal Employment Corridor boundaries north and south of the US Hwy 34.



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2. Allowed Land Uses:

Allowed land uses are those permitted within the annexing jurisdiction and may include residential, retail, restaurant, neighborhood commercial and other institutional uses as may be defined by the annexing jurisdiction.

II. SITE DESIGN

A. BUILDING ORIENTATION:

All portions of buildings facing a right-of-way shall be designed and oriented to offer a "front door" level of design to the traveling public (criteria for architectural treatments defined in Section III, below).

B. BUILDING AND STRUCTURE SETBACK:

All buildings and other structures, such as parking lots, shall be setback at least 100' from US Hwy 34. Setbacks from other rights-of-way shall be in accord with the jurisdiction within which the site is located.

C. LANDSCAPING:

Landscaping and buffering shall be designed and approved in accordance with the landscaping requirements of the jurisdiction within which the site is located and shall be designed in such a way as to present a coordinated entryway treatment along US Hwy 34 and WCR 17.

D. FENCING

Fencing used as part of a landscape treatment shall be designed and approved in accordance with the fencing requirements associated with landscaping of the jurisdiction within which the site is located and shall be designed in such a way as to present a coordinated entryway treatment along US Hwy 34 and WCR 17. No chain link fencing shall be permitted within the principal corridor area. Any proposals for chain link fencing within the secondary corridor area (1) shall meet all any chain link fencing requirements of the jurisdiction within which the site is located, and (2) must be approved by the municipalities.

E. VEHICULAR ACCESS:

Site access will be provided in limited locations from adjacent arterial roadways and provide inter-connectivity between internal and adjacent land uses.

F. PARKING, LOADING, STORAGE:

The location and design of parking, loading and storage operations shall be designed and approved in accordance with the parking, loading and storage requirements of the jurisdiction within which the site is located.



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III. BUILDING DESIGN

A. ARCHITECTURAL REVIEW STANDARDS:

The design of all buildings and structures in the Principal Employment Corridor shall be designed and approved in accordance with the corridor architectural requirements of the jurisdiction within which the site is located.

B. BUILDING HEIGHT:

The heights of all buildings and other structures shall be designed and approved in accordance with the height requirements of the jurisdiction within which the site is located.

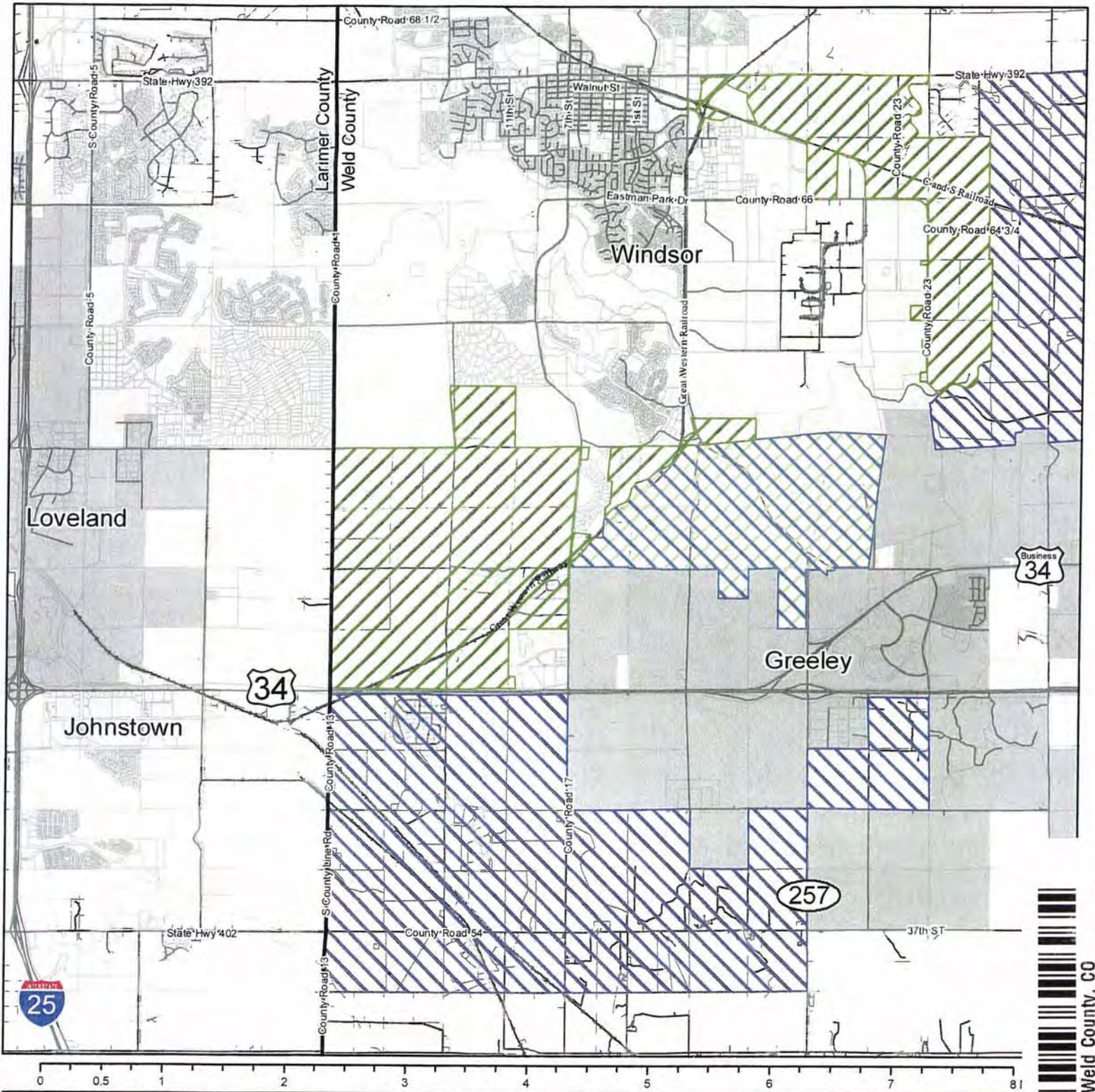
C. SIGNS:

Allowed signage shall be limited to wall or monument signs and shall be designed and approved in accordance with the sign regulations of the jurisdiction within which the site is located. Pole signs are prohibited.

IV. DEVELOPMENT MANAGEMENT & REFERRAL SYSTEM

The Overlay Character Zone standards for the G/WEC shall be administered by the jurisdiction within which the site is located. Greeley and Windsor shall employ a Development Referral System wherein any project proposed for a land use action including development, redevelopment, subdivision or variance is automatically referred to the other jurisdiction for review and comment in a manner as established herein

Exhibit C - Growth Management, Annexation and Cooperative Planning Area



Created: January 15th 2008
By: Greeley Planning, GIS

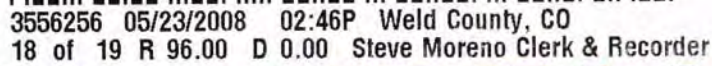
-  Cooperative Planning Area
-  Greeley Annexation Area
-  Windsor Annexation Area

 County Line

17

-  Rail
-  Street Centerline
-  Parcels
-  City Limits

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☐ City of Loveland
☐ City of Johnstown
☒ Town of Windsor
☐ City of Greeley

*Historically Irrigated Lands
Leaseback Farms - Also have Shareholder Agreements
Greeley-Loveland Shareholder Agreements
Lakes and Reservoirs*

Exhibit D - Windsor IGA GL Farms

Created: 9/24/2007
By: The City of Greeley, sullivan
Contact: 350-9300 or 9300@greeleygov.com
File Name: CPUA8x11EXD mxd mxd
1 inch equals 5,280 feet

Information contained on this document remains the property of the City of Greeley. Copying any portion of this map without the written permission of the City of Greeley is strictly prohibited.

All planimetric data was digitized from aerial photographs dated May, 2005. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMAS). The information contained within this document is not intended to be used for the preparation of construction documents.

All planimetric data was digitized from aerial photographs dated May, 2005. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMAS). The information contained within this document is not intended to be used for the preparation of construction documents.



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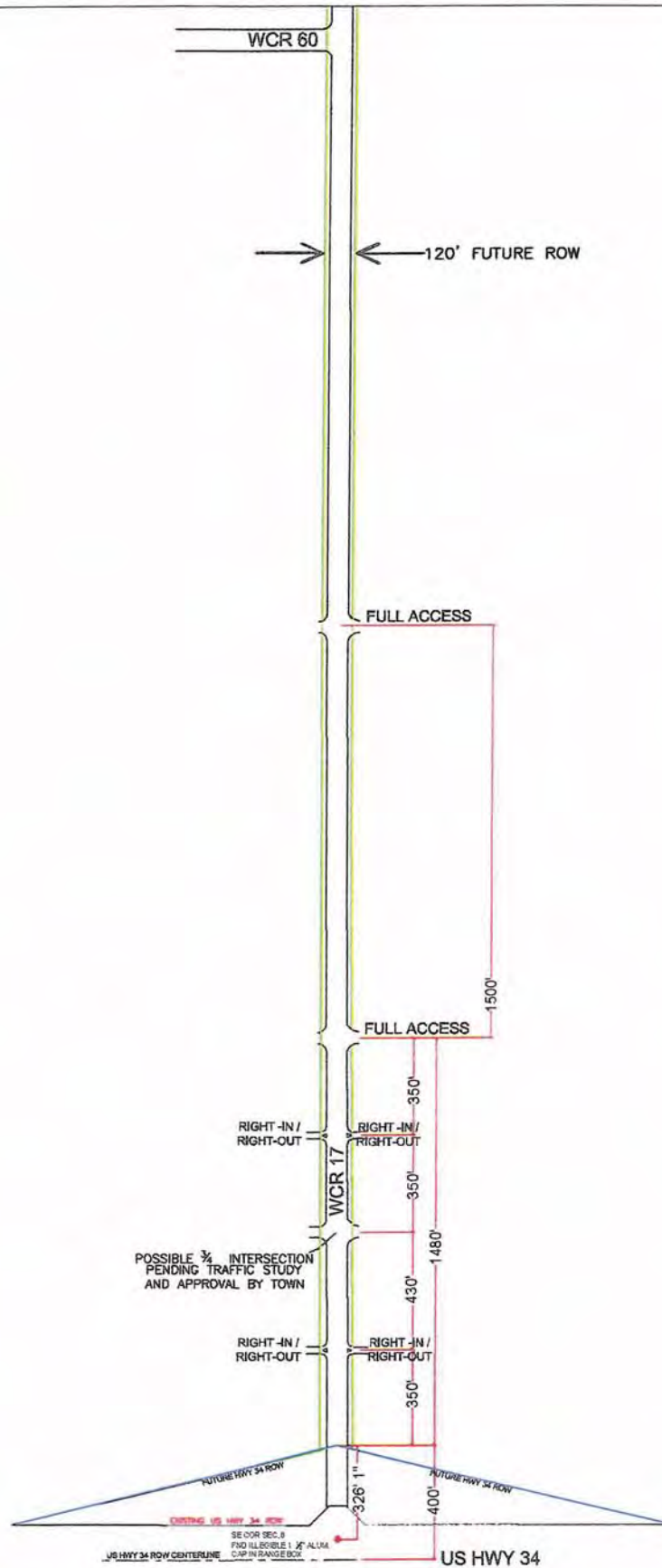


Exhibit E Weld County Road 17 Access Design

Town of Windsor GIS
6-7-2004
ExhibitE.dwg

CHANGE OF ZONE (COZ) APPLICATION

FOR PLANNING DEPARTMENT USE:

DATE RECEIVED: _____

AMOUNT \$ _____

CASE # ASSIGNED: _____

APPLICATION RECEIVED BY _____

PLANNER ASSIGNED: _____

PROPERTY INFORMATION

Is the property currently in violation? ☒ No / ☐ Yes Violation Case Number: _____

Site Address: 27486 CR 13 & 6433 County Road 56

Parcel Number: 0 9 5 7 - 1 8 - 0 - 0 0 - 0 0 9 & 095718300050

Legal Description: Lot B RE-2803 & PT SW4 Section: 18, Township 5 N, Range 67 W

Total Acreage: 133 Existing Zone District: A Proposed Zone District: I-3

Floodplain: ☒ No / ☐ Yes Geological Hazard: ☒ No / ☐ Yes Airport Overlay: ☒ No / ☐ Yes

PROPERTY OWNER(S) (Attach additional sheets if necessary.)

Name: _____

Company: Gerrard Investments, LLC

Phone #: _____

Email: _____

Street Address: 27154 County Road 13

City/State/Zip Johnstown, CO 80534

Code: _____

Name: _____

Company: _____

Phone #: _____

Email: _____

Street Address: _____

City/State/Zip _____

Code: _____

APPLICANT/AUTHORIZED AGENT (Authorization must be included if there is an Authorized Agent.)

Name: Shannon Toomey (AGPRO)

Company: Rock & Rail, LLC (Applicant) and AGPROfessionals (Authorized Agent)

Phone #: (970) 535-9318 (AGPRO)

Email: stoomey@agpros.com

Street Address: (Rock & Rail) 1627 Cole Blvd, Suite 200

City/State/Zip Lakewood, CO

Code: 80401

I (We) hereby depose and state under 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 (our) knowledge. All fee owners of the property must sign this application. If an Authorized Agent signs, an Authorization Form signed by all fee owners must be included with the application. If the fee owner is a corporation, evidence must be included indicating the signatory has the legal authority to sign for the corporation.

Signature

Date

Signature

Date

Print

Print



Change of Zone Application

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AUTHORIZATION TO ACT AS REPRESENTATIVE

GERRARD INVESTMENTS, LLC, a Colorado limited liability company (the "Owner"), owner of certain real property legally described on the attached **Exhibit A** (the "Property") hereby authorizes ROCK & RAIL LLC, a Colorado limited liability company, and AGPRO ENVIRONMENTAL SERVICES, LLC, a Colorado limited liability company to act as the Owner's agent and representative in all matters pertaining to the Owner's application to Weld County (the "County") for a change of zone from A – Agricultural to I-3 Heavy Industrial (collectively, the "Application"). This authorization will expire by its own terms upon the successful approval of the Application by the County, or upon the written termination of this instrument by the Owner.

OWNER:

GERRARD INVESTMENTS, LLC,
a Colorado limited liability company

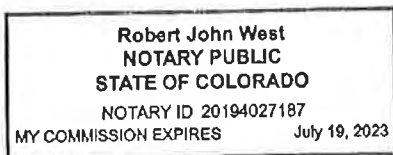
By: [Signature]
Name: Nathan Gerrard
Title: MANAGER

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 7th day of APRIL, 2020, by NATHAN GERRARD, as MANAGER of Gerrard Investments, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: July 19th, 2023



[Signature]
Notary Public

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

Parcel 2:

Lot B of Recorded Exemption No. 0957-18-1-RE-2803, recorded October 24, 2000 at Reception No. 2802122, being part of the Southeast $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of Section 18, Township 5 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado.

Parcel 3:

That portion of the Southwest Quarter of Section 18, Township 5 North, Range 67 West of the 6th P.M., Weld County, Colorado, being more particularly described as follows:

Considering the West line of said Southwest Quarter as assumed to bear South 00°00'00" West and with all bearings contained herein relative thereto:

Beginning at the Northwest corner of the Southwest Quarter of said Section 18, said point being the True Point of Beginning; thence along the West line of said Southwest Quarter South 00°00'00" West 230.24 feet to a point on the Northerly Right of Way of the Union Pacific Railroad; thence along said Northerly Right of Way South 43°55'36" East 2424.08 feet; thence departing said Northerly Right of Way North 00°32'22" West 1993.15 feet to a point on the North line of said Southwest Quarter; thence along said North line South 89°25'00" West 1663.00 feet to the Northwest corner of said Southwest Quarter and the True Point of Beginning,
County of Weld, State of Colorado.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF DOCUMENT FILED

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office, the attached document is a true and complete copy of the

Articles of Organization

with Document # 20081617371 of
Gerrard Investments, LLC

Colorado Limited Liability Company

(Entity ID # 20081617371)

consisting of 3 pages.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/18/2019 that have been posted, and by documents delivered to this office electronically through 11/19/2019@ 11:39:48.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 11/19/2019 @ 11:39:48 in accordance with applicable law. This certificate is assigned Confirmation Number 11920045



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

E-Filed

Colorado Secretary of State
Date and Time: 11/26/2008 01:06 PM
ID Number: 20081617371

Document must be filed electronically.
Paper documents will not be accepted.

Document processing fee
Fees & forms/cover sheets
are subject to change.

\$50.00

Document number: 20081617371
Amount Paid: \$50.00

To access other information or print
copies of filed documents,
visit www.sos.state.co.us and
select Business Center.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

Gerrard Investments, LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

1739 S. County Road 13C

(Street number and name)

Loveland

(City)

CO

(State)

80537

(ZIP/Postal Code)

United States

(Country)

(Province – if applicable)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province – if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

Gerrard

(Last)

Nathan

(First)

M.

(Middle)

(Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Street address

1739 S. County Road 13C

(Street number and name)

Loveland

(City)

CO

(State)

80537

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO (State) (ZIP Code)

(The following statement is adopted by marking the box.)

☒ The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name

(if an individual)

Gerrard

Nathan

M.

(Last)

(First)

(Middle)

(Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Mailing address

1739 S. County Road 13C

(Street number and name or Post Office Box information)

Loveland

CO

80537

(City)

(State)

(ZIP/Postal Code)

United States

(Province – if applicable)

(Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

☒ one or more managers.

OR

☐ the members.

6. (The following statement is adopted by marking the box.)

☒ There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

☐ This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Gerrard	Nathan	M.	
(Last)	(First)	(Middle)	(Suffix)
1739 S. County Road 13C			
(Street number and name or Post Office Box information)			
Loveland	CO	80537	
(City)	(State)	(ZIP/Postal Code)	
United States			
(Province -- if applicable)		(Country)	

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- ☐ This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).



March 31, 2020

To Whom It May Concern:

Rock & Rail, LLC has contracted with AGPROfessionals for all permitting, planning, engineering, and regulatory work relating to Weld County land use permitting. AGPROfessionals is authorized to represent and request the release of all records necessary on behalf of Rock & Rail, LLC. We respectfully request that all correspondence be directed to AGPROfessionals.

Sincerely,

Rock & Rail, LLC



David Hagerman



Date



Title



WELD COUNTY CHANGE OF ZONE (COZ) QUESTIONNAIRE

Prepared for Gerrard Investments, LLC

1. Describe the purpose of the proposed Change of Zone.

The landowner and the tenant-operator of the subject property, Rock & Rail, LLC, an interstate federally-chartered railroad company, propose the Change of Zone for the following purposes:

- The subject property is a 133-acre tract located adjacent to the Union Pacific Railroad and in close proximity to U.S. Highway 34. The property is presently developed with a spur track and transload yard, including a concrete mixing facility. The existence of these uses on the subject property, and the property's adjacency to regional transportation infrastructure, support its location in the I-3 (Heavy Industrial) zone district for planning purposes.
- The property's existing rail yard and transload operation are currently governed by federal law under the Interstate Commerce Commission Termination Act. Rock & Rail has the authority to continue to operate that site under ICCTA, but it also has the option to agree voluntarily to the terms of a Weld County rezoning. Rock & Rail's position is that the rezoning of the property will better align it with the actual uses occurring on the property.
- Rock & Rail's predecessor in interest made substantial efforts to comply with local regulations, and constructed a state of the art, bermed and buffered facility that complied with numerous conditions imposed in connection with a County Use by Special Review approval. As that facility remains in place, this rezoning will bring the property into conformity with local zoning classifications.

2. Explain how this proposal is consistent with the Weld County Comprehensive Plan.

This proposed change of zone is consistent with the Weld County Comprehensive Plan. The change of zone achieves several of the goals and objectives of the Comprehensive Plan as follows:

Section 22-2-70 – Industrial development

*A. The intent of the industrial Goals is to establish industrial areas where a balanced, diversified economy can be encouraged in an effort to maintain and enhance the quality of life of Weld County citizens. These Goals and Policies intend to assure desirable local employment opportunities and to strengthen and stabilize the economy. **The proposed change of zone will ensure that the subject property, which is appropriately suited to industrial development, continues to receive and process materials necessary***

for construction activities throughout the County and region. The subject property's industrial uses support on- and off-site employment opportunities for County and regional workers.

B. When reviewing proposed industrial development, there should be a thorough examination of issues, such as compatibility with surrounding and regional land uses, availability and adequacy of infrastructure and services serving the proposal and impacts on the natural environment. The proposed change of zone is compatible with surrounding land uses. Land uses surrounding the property generally consist of industrial and agricultural uses. A residential development is located to the north and east of the property, separated from the improvements on the property by more than 700 feet, and a substantial berm. The change of zone proposes industrial land uses in an area that is capable of supporting them, with access to a Union Pacific railroad line and major regional highways.

Section 22-2-80. – Industrial development Goals and Policies

A.1. Goal 1. Promote the location of industrial uses within municipalities, County Urban Growth Boundary areas, Intergovernmental Agreement urban growth areas, growth management areas as defined in municipalities' comprehensive plans, the Region Urbanization Areas, Urban Development Nodes, along railroad infrastructure or where adequate services are currently available or reasonably attainable. The subject property is along railroad infrastructure and where adequate services are currently available. The subject property is located within the Cooperative Land Use Annexation and Utility Areas (CLUA) designated in the Windsor-Greeley Intergovernmental Agreement (IGA). The proposed zone change is consistent with Greeley's Comprehensive Plan, which states that heavy industrial and manufacturing uses should be located to "take advantage of existing freight rail corridors, air transportation, and major arterials." Under the proposed zone change, industrial uses would be located within Intergovernmental Agreement urban growth areas and growth management areas as defined in the County's and associated municipalities' comprehensive plans. With limited areas in the county designated for I-3 uses, this proposed zone change will help ensure that adequate services and facilities are available to serve industrial development.

1. I. Policy 1.1. Ensure that adequate industrial level of services and facilities are currently available or reasonably obtainable to serve the industrial development or district. Sufficient services are available to serve the industrial development of the subject property. The property is served with potable water, gas, electric, fiber and has access to a County arterial roadway and major state highway (U.S. Highway 34). Significant corridor improvements have been created from the site entrance along County Road 13 to Highway 34. Signalization and additional improvements were installed on Highway 34.

2. I. Policy 1.2. Encourage new industrial development within existing industrial areas. The area surrounding the property contains a pet crematorium, excavating company, several industrial and logistics uses, oil and gas exploration, and agricultural uses. The property directly north of the site owned by Occidental Petroleum Corporation will be utilized for oil & gas development. Other land uses in the vicinity include A Concrete, Inc. under

USR 16-0010, W3 Legacy LLC, a trucking and construction business permitted under USR15-0040 for flyash transloading, Waste-Not Recycling, Slager Trucking Company, and Rocky Mountain Hoist and Equipment .

3.1. Policy 1.3. Encourage industrial development by improving major transportation corridors. U.S. Highway 34 and the Union Pacific railroad serve the subject property. Significant corridor improvements have been created from the site entrance along County Road 13 to Highway 34. Signalization and additional improvements were installed on Highway 34.

B.1.Goal 2. Encourage appropriate industrial development to annex into a municipality if the new or expanding industrial development is adjacent to the municipality's corporate limits. The subject property is not adjacent to the corporate limits of a municipality.

C.1.Goal 3. Consider how transportation infrastructure is affected by the impacts of new or expanding industrial developments. The proposed change of zone is not anticipated to result in significant additional traffic on surrounding roadways, as the property is already improved with industrial uses. The subject property's accessibility to rail infrastructure will limit the use of County and surrounding roadways for additional truck traffic.

1.1.Policy 3.1. Support transportation systems within and into industrial developments that address a full range of mobility needs, and which effectively provide connectivity in a cost effective, efficient and comprehensive manner. The subject property's accessibility to rail service provides a cost effective, efficient means of access.

2.1.Policy 3.2 The land use applicant should demonstrate that the roadway facilities associated with the proposed industrial development are adequate in width, classification and structural capacity to serve the development proposal. The roadway infrastructure surrounding the property is sufficient to serve the industrial improvements on the property. The property is located less than one-half mile from U.S. Highway 34, a four-lane divided highway. The intersection of Weld County Road (WCR) 13 and US Highway 34 was recently improved to accommodate existing and future industrial development. These improvements include: (1) Northbound right-turn lane at the Site Drive/ WCR 13 intersection; (2) Southbound left-turn lane at the Site Drive/ WCR 13 intersection; (3) Northbound right-turn acceleration lane at the US Highway 34/ WCR 13 intersection; (4) Installation of a traffic signal at the intersection of WCR 13 and US Highway 34; (5) Upgraded pavement on WCR 13 from the site to WCR 13 Intersection; and (6) Railroad signals installed on WCR 13 and along Great Western Rail crossing on Highway 34.

b.Recommended Strategy I.3.2.b. Establish road reservation/dedication standards for industrial developments that are in accordance with the Weld County Transportation Master Plan. The industrial improvements on the subject property have complied with all dedication standards of the County.

D.I.Goal 4. All new industrial development should pay its own way. All public improvements required in connection with the current development on the property have been paid for and completed. Any subsequent applications for new industrial development on the property will meet all County requirements for dedications or improvements to transportation and utility infrastructure. No incentives are requested in connection with the operation of the property.

E.I.Goal 5. New industrial uses or expansion of existing industrial uses should meet existing federal, state and local policies and legislation. The subject property will be developed and operated in accordance with all federal, state, and local laws.

1.I.Policy 5.1. Industrial uses should be evaluated using criteria, including but not limited to the effect the industry would have on air and water quality, natural drainage ways, soil properties and natural patterns and suitability of the land.

The existing industrial uses on the site were evaluated for their environmental impact, and any future industrial development of the site will have all required state or federal environmental permits and comply with all federal, state, and local environmental protection measures.

2.I.Policy 5.2. Development improvements should minimize permanent visual scarring from grading, road cuts and other site disturbances. Require stabilization and landscaping of final land forms, and that runoff be controlled at historic levels. Berming and other improvements have already been made to protect surrounding properties from visual intrusions. Runoff is controlled at historic levels. As the subject property is already improved, any further grading or site disturbance will be minimal and subject to an approved site plan.

F.I.Goal 6. Minimize the incompatibilities that occur between industrial uses and surrounding properties. As noted above, the property is adjacent to Union Pacific Railroad and near Great Western Railroad. The property is located in an area of the County that generally contains industrial and agricultural uses. The residential subdivision to the northeast of the property is an anomaly, however, significant measures have been taken to reduce the impact of industrial improvements on those properties.

1.I.Policy 6.1. Consider the compatibility with surrounding land uses and natural site features. Note compatibility measures above. There are no significant natural site features.

a.Recommended Strategy I.6.1.a. Establish development standards for such issues as use, building height, scale, density, traffic, dust and noise.

The County's I-3 zone district establishes these development standards, and these standards will govern the subject property.

2.I.Policy 6.2. Support the use of visual and sound barrier landscaping to screen open storage areas from residential uses or public roads. Visual and sound barrier landscaping has been installed at the property.

3.I.Policy 6.3. Encourage informational neighborhood meetings for proposed industrial uses that do not require a public hearing. The change of zone application will require a public hearing, and will thus have opportunities for public input.

4.I.Policy 6.4. Ensure that industrial properties are free of derelict vehicles, refuse, litter and other unsightly materials. The property is maintained in a clean manner, without derelict vehicles, refuse, litter, or other unsightly materials.

G.I. Goal 7. Recognize the importance of railroad infrastructure to some industrial uses. The subject property is presently used for transloading operations, which require railroad access.

1.I. Policy 7.1. – Support the continued and expanded use of existing railroad infrastructure for industrial uses. The subject property was developed with a rail spur, which continues and expands the use of railroad infrastructure.

Section 22-4-20 – Water

F.WA.Goal 6. Development should occur in areas where adequate water quantity and quality is currently available or reasonably obtainable. The subject property is presently served by water from the Little Thompson Water District. Historic water dedicated to the site will continue to be utilized for irrigation. No additional water demands are anticipated as a result of the change of zone application.

Section 22-4-50 – Air

A.AIR.Goal 1. Maintain National Air Quality Standards and, where practicable, improve air quality in the County.

1.AIR.Policy 1.1. If applicable, land use applications should demonstrate future impacts on current air quality. The prior development of the property included evaluations of air quality impacts from industrial development. Uses on the property currently have all required air permits and any future uses will comply with NAAQS.

2.AIR.Policy 1.2. Land use applications should be evaluated by the Department of Public Health and Environment for compliance with federal, state and County statutes, regulations and ordinances. Any future industrial development on the property will undergo evaluation for air quality impacts.

3.AIR.Policy 1.3. The County encourages the use and development of alternative fuels, alternatively fueled vehicles and modes of transportation that reduce pollutants. The property's adjacency to rail infrastructure ensures that it will utilize rail transportation, which has substantially less environmental impact than trucking.

Section 22-4-70 – Noise Goals and Policies

A.N.Goal 1. Minimize the impact of noise on County residents.

1.N.Policy 1.1. Land use applications should be evaluated by the Department of Public Health and Environment for compliance with federal, state and County statutes, regulations and ordinances. The subject property is operated in conformance with all noise limitations imposed by state and local governments that are not otherwise preempted by ICCTA.

Sec. 22-6-20. - Economic development Goals and Policies

A.ECON.Goal 1. Encourage the expansion of existing businesses and the location of new industries that will provide employment opportunities in the County.

*1.ECON.Policy 1.1. Promote the expansion and diversification of the industrial economic base to achieve a well-balanced industrial sector in order to provide a stable tax base and a variety of job opportunities for County citizens. **The industrial use and development of the subject property currently provides tax revenue to the County and job opportunities for County citizens, surrounding businesses and it will continue to do so.***

E.ECON.Goal 5. Recognize and promote specific places and resources in the County that can uniquely support economic development.

*1.ECON.Policy 5.1. The County should encourage an adequate supply of both services and land suitable for industrial development and redevelopment. **The change of zone application will designate a 133-acre, rail-served property for industrial development, consistent with this policy.***

*3.ECON.Policy 5.3. Recognize and support existing railroad infrastructure. **The change of zone application ensures that the property will support the existing Union Pacific line that runs adjacent to the property.***

3. Explain how the proposed rezoning will correct what the applicant perceives as faulty zoning, or how the proposed rezoning will fit with what the applicant perceives as the changing conditions in the area.

There are several changed conditions in the area of the subject property. The U.S. Highway 34 corridor east of I-25 has recently developed with a broad mix of commercial and industrial uses. The area located south of U.S. Highway 34 in the Town of Johnstown has several industrial uses, including beverage manufacturers, industrial bakeries, distributors, recycling facilities, and other large-scale industrial users. In the immediate vicinity of the property, several industrial uses have developed around the County Road 13/Union Pacific railroad crossing, including excavating companies and a pet crematorium. Oil and gas activity has been prevalent in the area as well. The property directly north of the site owned by Occidental Petroleum Corporation will be utilized for oil & gas development. Other land uses in the area include A Concrete, Inc. under USR 16-0010, W3 Legacy LLC, a trucking and construction business permitted under USR15-0040 for flyash transloading, Waste-Not Recycling, Slager Trucking Company, and Rocky Mountain Hoist and Equipment. Improvements to major transportation facilities, including Highway 34, support further industrial development in the area. Zoning designations for both Town of Windsor and Town of Johnstown provide for future industrial and commercial facilities to be located west and north of the facility.

In addition, the development of the subject property is a changed condition that supports the change of zone application. The property currently contains a transloading facility that makes cultivation of the site for agricultural purposes not feasible. The transload facility already serves existing concrete and asphalt manufacturing facilities in the area—including a concrete manufacturing facility located 1.6 miles to the south, which purchases aggregate from the property. Rezoning the property will allow more

appropriate land uses at or near the railroad and US Highway 34. The existing associated uses are no longer consistent with Weld County's Agricultural zone allowances given the recent code changes. Additionally, industrial and commercial facilities are located in the vicinity of the property.

4. Explain how the uses allowed by the proposed rezoning will be compatible with the surrounding land uses. Include a description of existing land uses for all properties adjacent to the subject property.

The subject property is bordered to the southwest by the Union Pacific Railroad and Great Western Railroad, which crosses surrounding property immediately to the west. A construction business, permitted under USR15-0075, and a pet memorial facility and RV storage facility, permitted under USR15-0044, are located directly southwest of the site. A conference center and event venue, permitted under USR15-0028, is located directly east of the site. The property directly north of the site owned by Occidental Petroleum Corporation will be utilized for oil & gas development. Directly northeast of the site is Indianhead Subdivision. Other land uses in the vicinity include A Concrete, Inc. under USR 16-0010, W3 Legacy LLC, a trucking and construction business permitted under USR15-0040 for flyash transloading, Waste-Not Recycling, Slager Trucking Company, and Rocky Mountain Hoist and Equipment. Additional establishments include Canyon Bakery with transload facility. The surrounding area is seeing more commercial and industrial uses because of its proximity to a major transportation corridor and the demand for commercial and industrial land. The proposed zone is compatible with existing and future land uses. Major utilities, including water, electricity, and gas are already in place to serve the site.

Indianhead Subdivision stands out among the surrounding land uses as the only urban-scale residential development in the area. This subdivision was rejected by the Board of County Commissioners in 1972 due to its incompatibility with surrounding uses. At the time, the surrounding area was rural and agricultural. Being isolated from existing residential or commercial development, the location was outside of the normal growth pattern for this type of residential development. Without a comprehensive plan in place for the area, the proposal was determined to be premature. However, a subsequent judicial challenge to the Board's denial resulted in the later approval of the subdivision. Nonetheless, as the subdivision now exists among a mix of agricultural, commercial, and industrial uses, the current industrial uses on the site were developed with several measures to protect residential properties. Measures that have been taken to ensure compatibility between the subject property and the adjacent subdivision include an approximately 15-acre buffer area northeast of the existing rail loop, containing berming, stormwater facilities, and irrigation ditches. The rail spur on the property is over 750 feet, and the transloading facilities are more than 1,000 feet, from the nearest home. The very large buffer area provides an appropriate transition to the residential subdivision.

5. Explain how this proposal complies with Article V and Article XI of Chapter 23 if the proposal is located within any Overlay Zoning District (Airport, Geologic

Hazard, or Historic Townsites Overlay Districts) or a Special Flood Hazard Area identified by maps officially adopted by the County.

The subject property is not located within any Overlay District addressed in Article V and Article XI of Chapter 23.

- 6. Does the soil report indicate the existence of moderate or severe soil limitations? If so, detail the method to be employed to mitigate the limitations for the uses proposed.**

The soil report indicates moderate soil limitations for construction. The soil report is included in the application materials. Engineering for structures will account for any soil limitations as demonstrated by continued development in the area.

- 7. Describe the proposed source of drinking water source on the property. If utilizing a drinking water well, include either the well permit or well permit application that was submitted to the State Division of Water Resources. If utilizing an existing public water tap, include a letter from the water district, a tap or meter number, or a copy of the water bill. If public water is proposed for new development, provide a "will-serve" letter from the water provider.**

A twelve-inch Little Thompson Water District line runs along the east side of WCR 13 and twelve-inch line runs along the entire north property line. This is connected to a twelve-inch line looping through the interior of the property. The district currently supplies water to the property through meter nos. 3902, 825001 and 832801. Copies of the water bills for each of these are included with this application. No additional water is required at this time.

- 8. Describe the proposed sewage disposal system is on the property. If utilizing an existing septic system, provide the septic permit number. If there is no septic permit due to the age of the existing septic system, apply for a septic permit through the Department of Public Health and Environment prior to submitting this application. If a new septic system will be installed, please state "a new septic system is proposed." Only propose portable toilets if the use is consistent with the Department of Public Health and Environment's portable toilet policy.**

The properties are currently served by three septic systems permitted under SP-0701064 for buildings at the entrance with SP-1000036 and SP-1900423 modifications, SP-1600224 for buildings inside the loop with SP-1900424 modification, and SE-0000094 for the house along CR 56 on south side of properties. These septic permits are included with this application.



16. Notice of Inquiry

Weld County Change of Zone Application

Prepared for

Rock & Rail, LLC

Shannon Toomey

From: Tom Parko Jr. <tparko@weldgov.com>
Sent: Monday, March 9, 2020 7:38 AM
To: Scott Ballstadt; Shane Hale
Cc: Carlin Malone; Angela Snyder; Connolly, Brian J.
Subject: Pre Application (Gerrard Investments)
Attachments: PRE19-0306.pdf

Good morning,

On January 23, 2020, notice was sent to the Town of Windsor's planning staff, as your designee, pursuant to that certain Coordinated Planning Agreement by and between the Town and Weld County, of a pre-application request and meeting between Gerrard Investments, LLC and the Weld County Department of Planning Services, Weld County Project File No. PRE19-0306, pertaining to a proposed change of zone application for certain real property located at 27486 County Road 13 and 6433 County Road 56. Copy attached. It is our understanding that the Town does not wish to pursue annexation of the subject property. To the extent the Town disagrees that notice was duly and lawfully provided as of the date set forth above, please consider this email and the attached notice to be due and lawful notice of the aforementioned pre-application request as of the date first referenced above. If you have any questions please do not hesitate to contact me.

Sincerely,

Tom Parko

Director, Dept. of Planning Services

Weld County

970-400-3572

CAUTION: This email originated from outside the organization. **DO NOT** click any links or open attachments unless you recognize the sender and know the content is safe.



Notice of Inquiry

Weld County

Pre-application Case #	PRE19-0306
Date of Inquiry	1/10/2020
Municipality	Windsor CPA
Name of Person Inquiring	Gerrard Investments, LLC
Property Owner	Gerrard Investments, LLC
Planner	Angela Snyder
Planner Phone Number	970-400-3525
Planner Email Address	asnyder@weldgov.com
Legal Description	Lot B of RECX17-0007, SW4 13-2-67
Parcel Number	0957-18-0-00-009 & 0957-18-3-00-050
Nearest Intersection	CR 13 and CR 56
Type of Inquiry	Change of zone to I-3

The above person met with County Planning staff about developing a parcel of land inside your designated Intergovernmental Agreement/Coordinated Planning Agreement Boundary.

Angela H Snyder
County Planner's signature

Would you like to pursue annexation of this property? NO _____ YES _____

Date of Contact _____

Comments:

Signature of Municipality Representative

Title

Date

Please sign and date to acknowledge that the applicant has contacted you and return this signed form to Weld County Department of Planning Services.

Weld County Planning Department
1555 N 17th Ave, Greeley, CO 80631 ~ (970) 400-6100 ~ (970) 304-6498 Fax

Shannon Toomey

From: Tom Parko Jr. <tparko@weldgov.com>
Sent: Monday, March 9, 2020 7:39 AM
To: Kim Meyer; Matt LeCerf
Cc: Connolly, Brian J.; Angela Snyder
Subject: Pre Application Request (Gerrard Investments)
Attachments: PRE19-0306.pdf; PRE19-0306 Gerrard Rezone to I-3 NOI response 3-5-20.pdf

Good morning,

On January 30, 2020, notice was sent to the Town of Johnstown planning staff, as your designee, pursuant to that certain Coordinated Planning Agreement by and between the Town and Weld County, of a pre-application request and meeting between Gerrard Investments, LLC and the Weld County Department of Planning Services, Weld County Project File No. PRE19-0306, pertaining to a proposed change of zone application for certain real property located at 27486 County Road 13 and 6433 County Road 56. Copy attached. It is our understanding that the Town does not wish to pursue annexation of the subject property per an email dated March 5, 2020. To the extent the Town disagrees that notice was duly and lawfully provided as of the date set forth above, please consider this email and the attached notice to be due and lawful notice of the aforementioned pre-application request as of the date first referenced above. If you have any questions please do not hesitate to contact me.

Sincerely,

Tom Parko

Director, Dept. of Planning Services

Weld County

970-400-3572

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Notice of Inquiry

Weld County

Pre-application Case #	PRE19-0306
Date of Inquiry	1/10/2020
Municipality	Johnstown CPA
Name of Person Inquiring	Gerrard Investments, LLC
Property Owner	Gerrard Investments, LLC
Planner	Angela Snyder
Planner Phone Number	970-400-3525
Planner Email Address	asnyder@weldgov.com
Legal Description	Lot B of RECX17-0007, SW4 13-2-67
Parcel Number	0957-18-0-00-009 & 0957-18-3-00-050
Nearest Intersection	CR 13 and CR 56
Type of Inquiry	Change of zone to I-3

The above person met with County Planning staff about developing a parcel of land inside your designated Intergovernmental Agreement/Coordinated Planning Agreement Boundary.

Angela M Snyder
County Planner's signature

Would you like to pursue annexation of this property? NO X YES _____

Date of Contact 2/5/20

Comments:

TOWN APPROACHED APPLICANT - MAY PURSUE ANNEXATION IN FUTURE.
NO OPPOSITION WITH PROJECT PROCEEDING IN COUNTY AT THIS TIME.

Kim Munn
Signature of Municipality Representative

PLANNING & DEV. DIRECTOR
Title

3/2/20
Date

Please sign and date to acknowledge that the applicant has contacted you and return this signed form to Weld County Department of Planning Services.

Weld County Planning Department
1555 N 17th Ave, Greeley, CO 80631 ~ (970) 400-6100 ~ (970) 304-6498 Fax

Shannon Toomey

From: Tom Parko Jr. <tparko@weldgov.com>
Sent: Monday, March 9, 2020 7:38 AM
To: Pepper McClenahan
Cc: Angela Snyder; Connolly, Brian J.
Attachments: PRE19-0306.pdf

Good morning,

On January 23, 2020, notice was sent to the Town of Milliken planning staff, as your designee, pursuant to that certain Coordinated Planning Agreement by and between the Town and Weld County, of a pre-application request and meeting between Gerrard Investments, LLC and the Weld County Department of Planning Services, Weld County Project File No. PRE19-0306, pertaining to a proposed change of zone application for certain real property located at 27486 County Road 13 and 6433 County Road 56. Copy attached. It is our understanding that the Town does not wish to pursue annexation of the subject property. To the extent the Town disagrees that notice was duly and lawfully provided as of the date set forth above, please consider this email and the attached notice to be due and lawful notice of the aforementioned pre-application request as of the date first referenced above. If you have any questions please do not hesitate to contact me.

Sincerely,
Tom Parko
Director, Dept. of Planning Services
Weld County
970-400-3572

CAUTION: This email originated from outside the organization. **DO NOT** click any links or open attachments unless you recognize the sender and know the content is safe.



Notice of Inquiry

Weld County

Pre-application Case #	PRE19-0306
Date of Inquiry	1/10/2020
Municipality	Milliken CPA
Name of Person Inquiring	Gerrard Investments, LLC
Property Owner	Gerrard Investments, LLC
Planner	Angela Snyder
Planner Phone Number	970-400-3525
Planner Email Address	asnyder@weldgov.com
Legal Description	Lot B of RECX17-0007, SW4 13-2-67
Parcel Number	0957-18-0-00-009 & 0957-18-3-00-050
Nearest Intersection	CR 13 and CR 56
Type of Inquiry	Change of zone to I-3

The above person met with County Planning staff about developing a parcel of land inside your designated Intergovernmental Agreement/Coordinated Planning Agreement Boundary.

Angela M Snyder
County Planner's signature

Would you like to pursue annexation of this property? NO X YES _____

Date of Contact _____

Comments:

Reviewed by the Planning Commission on
February 5, 2020

Repper McClanahan
Signature of Municipality Representative

Community Dev. Director
Title

2-7-2020
Date

Please sign and date to acknowledge that the applicant has contacted you and return this signed form to Weld County Department of Planning Services.

Weld County Planning Department
1555 N 17th Ave, Greeley, CO 80631 ~ (970) 400-6100 ~ (970) 304-6498 Fax



13. Taxes

Weld County Change of Zone Application

Prepared for

Rock & Rail, LLC

Weld County Treasurer

Statement of Taxes Due

Account Number R0515201

Assessed To

Parcel 095718000009

GERRARD INVESTMENTS LLC
27154 COUNTY ROAD 13
JOHNSTOWN, CO 80534-8205

Legal Description

PT SW4 & PT SE4 18-5-67 LOT B REC EXEMPT RE-2803 EXC OG&M (.31R)

Situs Address

6433 COUNTY ROAD 56 WELD

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2019	\$63,695.78	\$0.00	\$0.00	\$0.00	\$63,695.78
Total Tax Charge					\$63,695.78
Grand Total Due as of 03/17/2020					\$63,695.78

Tax Billed at 2019 Rates for Tax Area 2371 - 2371

Authority	Mill Levy	Amount	Values	Actual	Assessed
WELD COUNTY	15.0380000*	\$14,805.96	SINGLE FAM.RES.- LAND	\$1,008	\$70
SCHOOL DIST RE5J	24.0000000	\$23,629.68			
NORTHERN COLORADO WATER (NC)	1.0000000	\$984.57	SINGLE FAM.RES- IMPROVEMTS	\$130,992	\$9,370
FRONT RANGE FIRE RESCUE (JO	11.4910000	\$11,313.70	SPEC.PURPOSE- IMPROVEMENTS	\$2,110,108	\$611,930
AIMS JUNIOR COLLEGE	6.3540000	\$6,255.96	REFINING/MILLING- LAND	\$1,252,412	\$363,200
THOMPSON RIVER REC	3.5940000	\$3,538.55			
HIGH PLAINS LIBRARY	3.2170000	\$3,167.36			
			Total	\$3,494,520	\$984,570
Taxes Billed 2019	64.6940000	\$63,695.78			

* Credit Levy

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES.

CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER THE FOLLOWING DATES: PERSONAL PROPERTY, REAL PROPERTY, AND MOBILE HOMES - AUGUST 1.

TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIER'S CHECK.

POSTMARKS ARE NOT ACCEPTED ON TAX LIEN SALE REDEMPTION PAYMENTS. PAYMENTS MUST BE IN OUR OFFICE AND PROCESSED BY THE LAST BUSINESS DAY OF THE MONTH.

Weld County Treasurer

Statement of Taxes Due

Account Number R8945992

Assessed To

Parcel 095718300050

GERRARD INVESTMENTS LLC
27154 COUNTY ROAD 13
JOHNSTOWN, CO 80534-8205

Legal Description

PT SW4 18 5 67 BEG NW COR SW4 SEC 18 TO TPOB S00D00W 230.24' S43D55E 2424.08' N00D32W 1993.15' S89D25W 1663' TO
POB EXC COM W4 COR N89D24'E 30.00 TO POB N89D24'E 40.00 S00D00'E 303.62 N43D55'W 57.66 N00D00'E 261.69 TO POB

Situs Address

27486 COUNTY ROAD 13 WELD

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2019	\$90,795.44	\$0.00	\$0.00	\$0.00	\$90,795.44
Total Tax Charge					\$90,795.44
Grand Total Due as of 03/17/2020					\$90,795.44

Tax Billed at 2019 Rates for Tax Area 2371 - 2371

Authority	Mill Levy	Amount	Values	Actual	Assessed
WELD COUNTY	15.0380000*	\$21,105.23	REFINING/MILLING-LAND	\$580,580	\$168,370
SCHOOL DIST RE5J	24.0000000	\$33,683.04	REFINING/MILLING-IMPS	\$4,258,914	\$1,235,090
NORTHERN COLORADO WATER (NC)	1.0000000	\$1,403.46			
FRONT RANGE FIRE RESCUE (JO)	11.4910000	\$16,127.16	Total	\$4,839,494	\$1,403,460
AIMS JUNIOR COLLEGE	6.3540000	\$8,917.58			
THOMPSON RIVER REC	3.5940000	\$5,044.04			
HIGH PLAINS LIBRARY	3.2170000	\$4,514.93			
Taxes Billed 2019	64.6940000	\$90,795.44			

* Credit Levy

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES.

CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER THE FOLLOWING DATES: PERSONAL PROPERTY, REAL PROPERTY, AND MOBILE HOMES - AUGUST 1.

TAX LIEN SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIER'S CHECK.

POSTMARKS ARE NOT ACCEPTED ON TAX LIEN SALE REDEMPTION PAYMENTS. PAYMENTS MUST BE IN OUR OFFICE AND PROCESSED BY THE LAST BUSINESS DAY OF THE MONTH.

CHANGE OF ZONE PLAT COZ19-0000

A PART OF THE S 1/2 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO
SHEET 1 OF 2

LEGAL DESCRIPTION:

AMENDED LOT B OF RECORDED EXEMPTION RE-2803, BEING PART OF THE S 1/2 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE WEST LINE OF THE SW 1/4 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 67 WEST AS BEARING SOUTH 0°00'00" EAST BETWEEN THE MONUMENTS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M., SAID POINT BEING THE POINT OF BEGINNING;
THENCE ALONG THE WEST LINE OF THE SW 1/4 OF SAID SECTION 18, S 00°00'00" E FOR A DISTANCE OF 230.24 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD;
THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE S 43°55'45" E FOR A DISTANCE OF 3324.11 FEET TO A POINT ON THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 18;
THENCE ALONG SAID SOUTH LINE N 89°32'25" E FOR A DISTANCE OF 180.03 FEET TO THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 18;
THENCE ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 18, N 89°32'25" E FOR A DISTANCE OF 282.87 FEET;
THENCE DEPARTING SAID SOUTH LINE ALONG THE WEST LINE OF LOT A OF RE-2803, N 00°28'39" W FOR A DISTANCE OF 295.12 FEET;
THENCE ALONG THE NORTH LINE OF SAID LOT A, N 89°30'44" E FOR A DISTANCE OF 346.51 FEET TO A POINT ON THE WEST BOUNDARY OF KOENIG RESERVOIR;
THENCE ALONG SAID WESTERLY BOUNDARY LINE, N 15°15'43" E FOR A DISTANCE OF 505.00 FEET;
THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY LINE, N 62°20'43" E FOR A DISTANCE OF 123.00 FEET;
THENCE N 00°13'59" W FOR A DISTANCE OF 1423.54 FEET TO A POINT ON THE CENTERLINE OF THE FARMERS DITCH;
THENCE ALONG SAID CENTERLINE N 40°34'31" W FOR A DISTANCE OF 459.47 FEET TO A POINT ON THE NORTH LINE OF THE S 1/2 OF SAID SECTION 18;
THENCE ALONG SAID NORTH LINE, S 89°24'50" W FOR A DISTANCE OF 3063.20 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 133.09 ACRES.

PROPERTY OWNER'S APPROVAL

I THE UNDERSIGNED, BEING THE SOLE OWNER IN FEE OF THE ABOVE DESCRIBED PARCEL OF LAND, DO HEREBY REQUEST THE ZONING AS SHOWN ON THE ATTACHED MAP.

FOR GERRARD INVESTMENTS LLC

NOTARIAL CERTIFICATE

STATE OF

COUNTY OF

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY

THIS DAY OF A.D. 20

MY COMMISSION EXPIRES NOTARY PUBLIC

PLANNING COMMISSION CERTIFICATE

THIS IS TO CERTIFY THAT THE WELD COUNTY PLANNING COMMISSION DOES HEREBY RECOMMEND TO THE BOAD OF COUNTY COMMISSIONERS, WELD COUNTY FOR THEIR CONFIRMATION, APPROVAL AND ADOPTION OF THIS ZONE CHANGE AS SHOWN AND DESCRIBED HEREON.

THIS DAY OF A.D. 20

CHAIRMAN, PLANNING COMMISSION

BOARD OF COUNTY COMMISSIONERS CERTIFICATE

THIS IS TO CERTIFY THAT THE BOARD OF COUNTY COMMISSIONERS, WELD COUNTY, STATE OF COLORADO, DO HEREBY CONFIRM, APPROVE AND ADOPT THIS ZONE CHANGE AS SHOWN AND DESCRIBED HEREON.

THIS DAY OF A.D. 20

CHAIRMAN, COUNTY COMMISSIONERS

ATTEST:
WELD COUNTY CLERK TO THE BOARD

BY: DEPUTY CLERK TO THE BOARD DATE

GENERAL NOTES:

- 1) THE CHANGE OF ZONE ALLOWS FOR R-1 (LOW-DENSITY RESIDENTIAL) ZONE DISTRICT TO A (AGRICULTURAL) ZONE DISTRICT REQUIREMENTS AS SET FORTH IN ARTICLE III DIVISION 2 OF THE WELD COUNTY CODE.
- 2) THE OPERATION SHALL COMPLY WITH ALL APPLICABLE RULES AND REGULATIONS OF THE STATE AND FEDERAL AGENCIES AND THE WELD COUNTY CODE.
- 3) ANY FUTURE STRUCTURES OR USES ON SITE MUST OBTAIN THE APPROPRIATE ZONING AND BUILDING PERMITS.
- 4) THE PROPERTY OWNER SHALL CONTROL NOXIOUS WEEDS ON THE SITE.
- 5) THE AGRICULTURAL ACCESSES ON THE SITE SHALL BE MAINTAINED TO MITIGATE ANY IMPACTS TO THE PUBLIC ROAD INCLUDING DAMAGES AND/OR OFFSITE TRACKING.
- 6) ANY WORK THAT MAY OCCUPY AND/OR ENCROACH UPON ANY COUNTY RIGHTS-OF-WAY OR EASEMENT SHALL ACQUIRE AN APPROVED RIGHT-OF-WAY USE PERMIT PRIOR TO COMMENCEMENT.
- 7) THE HISTORICAL FLOW PATTERNS AND RUNOFF AMOUNTS ON THE SITE WILL BE MAINTAINED.
- 8) WATER SERVICE WILL BE OBTAINED FROM LONGS PEAK WATER DISTRICT.
- 9) THE PARCELS CURRENTLY NOT SERVED BY A MUNICIPAL SANITARY SEWER SYSTEM. SEWAGE DISPOSAL MAY BE BY SEPTIC SYSTEMS DESIGNED IN ACCORDANCE WITH THE REGULATIONS OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WATER QUALITY CONTROL DIVISION, AND THE WELD COUNTY CODE IN EFFECT AT THE TIME OF CONSTRUCTION, REPAIR, REPLACEMENT, OR MODIFICATION OF THE SYSTEM.
- 10) ACTIVITY OR USE ON THE SURFACE OF THE GROUND OVER ANY PART OF THE ON-SITE WASTEWATER TREATMENT SYSTEMS (OWTS) MUST BE RESTRICTED TO THAT WHICH SHALL ALLOW THE SYSTEM TO FUNCTION AS DESIGNED AND WHICH SHALL NOT CONTRIBUTE TO COMPACTION OF THE SOIL OR TO STRUCTURAL LOADING DETRIMENTAL TO THE STRUCTURAL INTEGRITY OR CAPABILITY OF THE COMPONENT TO FUNCTION AS DESIGNED.
- 11) BUILDING PERMITS ISSUED ON THE PROPOSED LOTS WILL BE REQUIRED TO ADHERE TO THE FEE STRUCTURE OF THE COUNTY-WIDE ROAD FEE IMPACT PROGRAM AND THE COUNTY FACILITY FEE AND DRAINAGE IMPACT FEE PROGRAM.
- 12) RIGHT TO EXTRACT MINERAL RESOURCES STATEMENT: WELD COUNTY HAS SOME OF THE MOST ABUNDANT MINERAL RESOURCES, INCLUDING, BUT NOT LIMITED TO, SAND AND GRAVEL, OIL, NATURAL GAS, AND COAL. UNDER TITLE 34 OF THE COLORADO REVISED STATUTES, MINERALS ARE VITAL RESOURCES BECAUSE (A) THE STATE'S COMMERCIAL MINERAL DEPOSITS ARE ESSENTIAL TO THE STATE'S ECONOMY; (B) THE POPULOUS COUNTIES OF THE STATE FACE A CRITICAL SHORTAGE OF SUCH DEPOSITS; AND (C) SUCH DEPOSITS SHOULD BE EXTRACTED ACCORDING TO A RATIONAL PLAN, CALCULATED TO AVOID WASTE OF SUCH DEPOSITS AND CAUSE THE LEAST PRACTICABLE DISRUPTION OF THE ECOLOGY AND QUALITY OF LIFE OF THE CITIZENS OF THE POPULOUS COUNTIES OF THE STATE.

MINERAL RESOURCE LOCATIONS ARE WIDESPREAD THROUGHOUT THE COUNTY AND PERSONS MOVING INTO THESE AREAS MUST RECOGNIZE THE VARIOUS IMPACTS ASSOCIATED WITH THIS DEVELOPMENT. OFTEN TIMES, MINERAL RESOURCE ARE FIXED TO THEIR GEOGRAPHICAL AND GEOPHYSICAL LOCATIONS. MOREOVER, THESE RESOURCES ARE PROTECTED PROPERTY RIGHTS AND MINERAL OWNERS SHOULD BE AFFORDED THE OPPORTUNITY TO EXTRACT THE MINERAL RESOURCE.

13) WELD COUNTY'S RIGHT TO FARM: WELD COUNTY IS ONE OF THE MOST PRODUCTIVE AGRICULTURAL COUNTIES IN THE UNITED STATES, TYPICALLY RANKING IN THE TOP TEN COUNTIES IN THE COUNTRY IN TOTAL MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD. THE RURAL AREAS OF WELD COUNTY MAY BE OPEN AND SPACIOUS, BUT THEY ARE INTENSIVELY USED FOR AGRICULTURE. PERSONS MOVING INTO A RURAL AREA MUST RECOGNIZE AND ACCEPT THERE ARE DRAWBACKS INCLUDING CONFLICTS WITH LONG-STANDING AGRICULTURAL PRACTICES AND A LOWER LEVEL OF SERVICES THAN IN TOWN. ALONG WITH THE DRAWBACKS COME THE INCENTIVES, WHICH ATTRACT URBAN DWELLERS TO RELOCATE TO RURAL AREAS: OPEN VIEWS, SPACIOUSNESS, WILDLIFE, LACK OF CITY NOISE AND CONGESTION, AND THE RURAL ATMOSPHERE AND WAY OF LIFE. WITHOUT NEIGHBORING FARMS, THOSE FEATURES WHICH ATTRACT URBAN DWELLERS TO RURAL WELD COUNTY, WOULD QUICKLY BE GONE FOREVER.

AGRICULTURAL USERS OF LAND SHOULD NOT BE EXPECTED TO CHANGE THEIR LONG-ESTABLISHED AGRICULTURAL PRACTICES TO ACCOMMODATE THE INTRUSIONS OF URBAN USERS INTO A RURAL AREA. WELL-RUN AGRICULTURAL ACTIVITIES WILL GENERATE OFF-SITE IMPACTS, INCLUDING NOISE FROM TRACTORS AND EQUIPMENT; SLOW-MOVING FARM VEHICLES ON RURAL ROADS; DUST FROM ANIMAL PENS, FIELD WORK, HARVEST, AND GRAVEL ROADS; ODOR FROM ANIMAL CONFINEMENT, SILAGE, AND MANURE; SMOKE FROM DITCH BURNING; FLIES AND MOSQUITOES, HUNTING AND TRAPPING ACTIVITIES, SHOOTING SPORTS, LEGAL HAZING OF NUISANCE WILDLIFE, AND THE USE OF PESTICIDES AND FERTILIZERS IN THE FIELDS, INCLUDING THE USE OF AERIAL SPRAYING. IT IS COMMON PRACTICE FOR AGRICULTURAL PRODUCERS TO UTILIZE AN ACCUMULATION OF AGRICULTURAL MACHINERY AND SUPPLIES TO ASSIST IN THEIR AGRICULTURAL OPERATIONS. CONCENTRATION OF MISCELLANEOUS AGRICULTURAL MATERIALS OFTEN PRODUCES A VISUAL DISPARITY BETWEEN RURAL AND URBAN AREAS OF THE COUNTY. SECTION 35-3.5-102, C.R.S., PROVIDES THAT AN AGRICULTURAL OPERATION SHALL NOT BE FOUND TO BE A PUBLIC OR PRIVATE NUISANCE IF THE AGRICULTURAL OPERATION ALLEGED TO BE A NUISANCE EMPLOYS METHODS OR PRACTICES THAT ARE COMMONLY OR REASONABLY ASSOCIATED WITH AGRICULTURAL PRODUCTION.

WATER HAS BEEN, AND CONTINUES TO BE, THE LIFELINE FOR THE AGRICULTURAL COMMUNITY. IT IS UNREALISTIC TO ASSUME THAT DITCHES AND RESERVOIRS MAY SIMPLY BE MOVED "OUT OF THE WAY" OF RESIDENTIAL DEVELOPMENT. WHEN MOVING TO THE COUNTRY, PROPERTY OWNERS AND RESIDENTS MUST REALIZE THEY CANNOT TAKE WATER FOR GRANTED. IRRIGATION DITCHES, LAKES, OR OTHER STRUCTURES, UNLESS THEY HAVE AN ADJUDICATED RIGHT TO THE WATER.

WELD COUNTY COVERS LAND AREA OF APPROXIMATELY FOUR THOUSAND (4,000) SQUARE MILES IN SIZE (TWICE THE STATE OF DELAWARE) WITH MORE THAN 3,700 MILES OF STATE AND COUNTY ROADS OUTSIDE OF MUNICIPALITIES. THE SHEER MAGNITUDE OF THE AREA TO BE SERVED STRAINES AVAILABLE RESOURCES. LAW ENFORCEMENT IS BASED ON RESPONSES TO COMPLAINTS MORE THAN ON PATROLS OF THE COUNTY AND THE DISTANCES WHICH MUST BE TRAVELED MAY DELAY ALL EMERGENCY RESPONSES, INCLUDING LAW ENFORCEMENT, AMBULANCE, AND FIRE. FIRE PROTECTION IS USUALLY PROVIDED BY VOLUNTEERS WHO MUST LEAVE THEIR JOBS AND FAMILIES TO RESPOND TO EMERGENCIES. COUNTY GRAVEL ROADS, NO MATTER HOW OFTEN THEY ARE BLADED, WILL NOT PROVIDE THE SAME KIND OF SURFACE EXPECTED FROM A PAVED ROAD. SNOW REMOVAL PRIORITIES MEAN THAT ROADS FROM SUBDIVISIONS TO ARTERIALS MAY NOT BE CLEARED FOR SEVERAL DAYS AFTER A MAJOR SNOWSTORM. SERVICES IN RURAL AREAS, IN MANY CASES, WILL NOT BE EQUIVALENT TO MUNICIPAL SERVICES. RURAL DWELLERS MUST, BY NECESSITY BE MORE SELF-SUFFICIENT THAN URBAN DWELLERS.

PEOPLE ARE EXPOSED TO DIFFERENT HAZARDS IN THE COUNTY THAN IN AN URBAN OR SUBURBAN SETTING. FARM EQUIPMENT AND OIL FIELD EQUIPMENT, PONDS AND IRRIGATION HIGHWAYS, ELECTRICAL POWER CENTER PUMPS AND CENTER PIVOT OPERATIONS, HIGH SPEED TRAFFIC, SAND BURS, PUNCTURE VINES, TERRITORIAL FARM DOGS, AND LIVESTOCK, AND OPEN BURNING PRESENT REAL THREATS. CONTROLLING CHILDREN'S ACTIVITIES IS IMPORTANT NOT ONLY FOR THEIR SAFETY, BUT ALSO FOR THE PROTECTION OF THE FARMER'S LIVELIHOOD.

SURVEYOR'S CERTIFICATE

I, GARY K. HAMMER A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY PERSONAL SUPERVISION, AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAT COMPLIES WILL ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND WELD COUNTY.

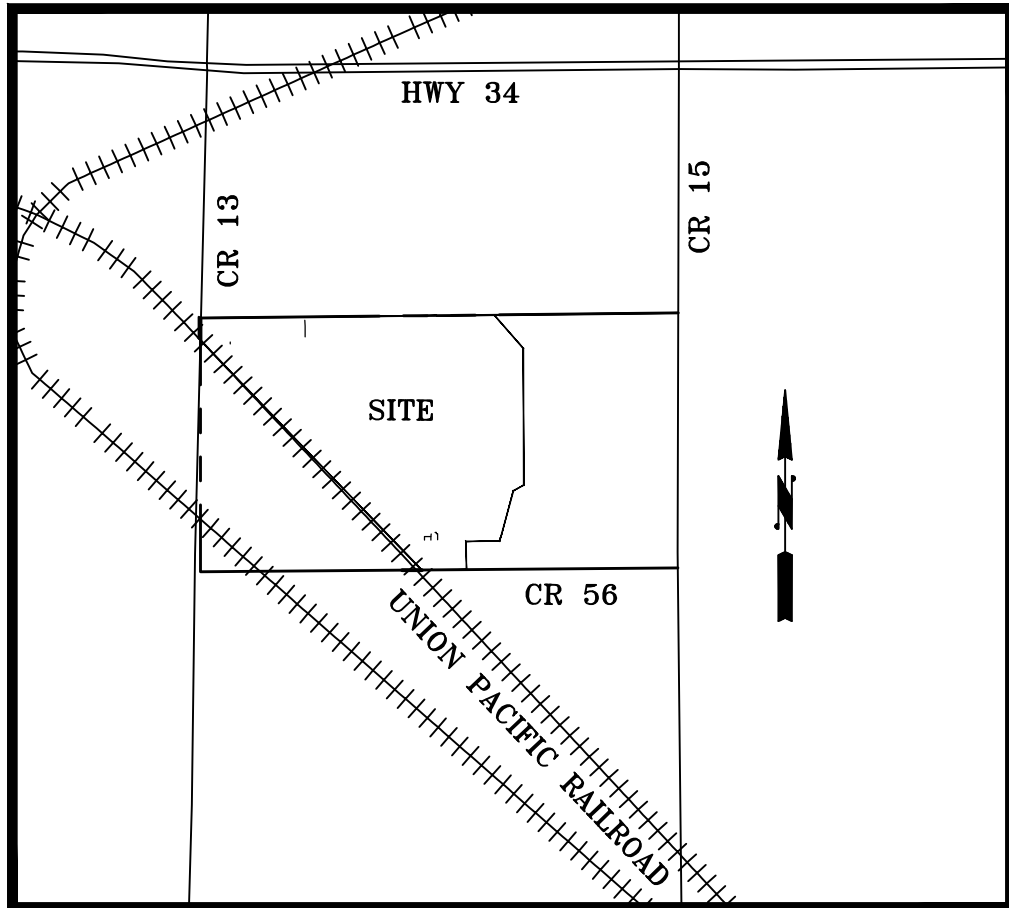
BY: GARY K. HAMMER DATE 24307 COLORADO REGISTRATION #

SURVEYOR'S NOTES:

1. BASIS OF BEARING: ASSUMING THE WEST LINE OF THE SW 1/4 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 67 WEST AS BEARING SOUTH 00°00'00" WEST BETWEEN THE MONUMENTS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.
2. ALL DISTANCE MEASUREMENTS SHOWN ARE IN U.S. SURVEY FOOT.
3. FOR EASEMENTS AND RIGHTS OF WAY HAMMER LAND SURVEYING RELIED ON WELD COUNTY ICRIS WEBSITE.
4. NO OIL AND GAS FACILITIES EXIST ON THE PROPERTY.

ZONING STATEMENT:

EXISTING ZONING: AGRICULTURAL
PROPOSED ZONING: 1-3



VICINITY MAP 1" = 2000'

NOTICE:
ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

CLIENT: AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GREELEY, CO. 80634

HAMMER LAND SURVEYING, INC.
3050 67TH AVENUE, SUITE 200
GREELEY, CO 80634
PH: 970-535-9318

CHANGE OF ZONE
SECTION 18, TOWNSHIP 5 NORTH,
RANGE 67 WEST, 6TH P.M.

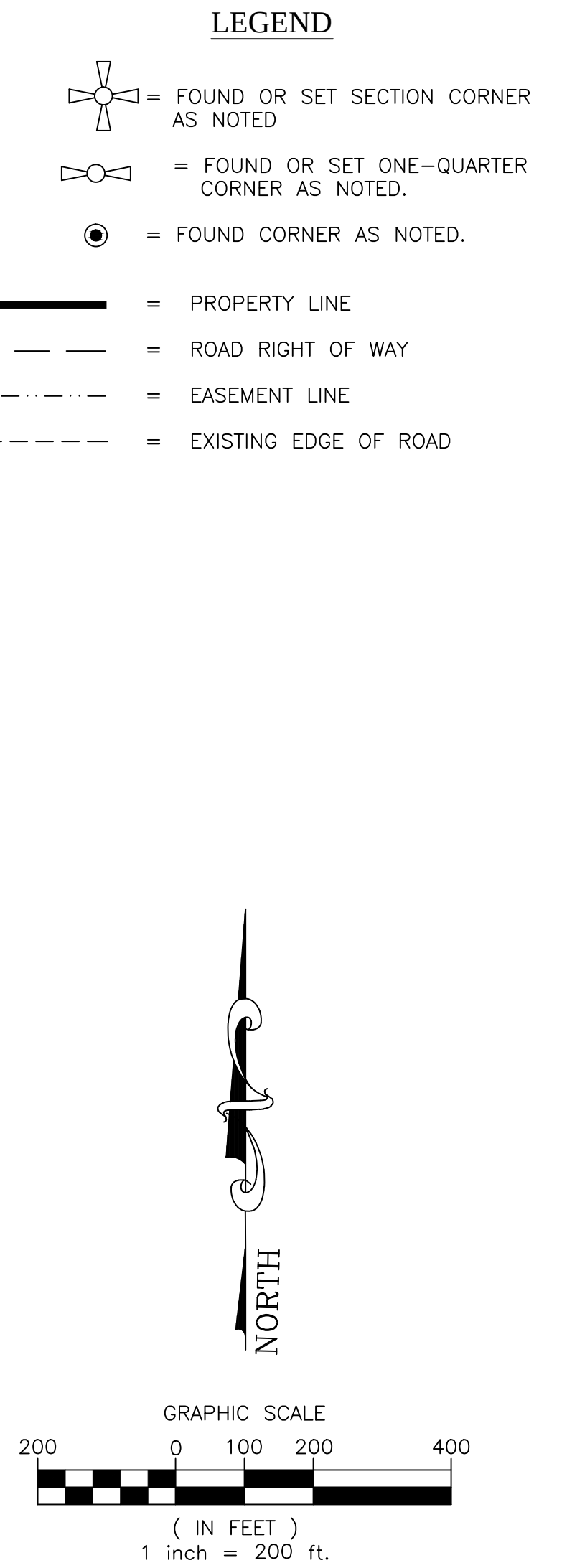
SECTION 18, TOWNSHIP 3 NORTH
RANGE 67 WEST, 6TH P.M.

DATE: 03/17/20

JOB#1848-01COZ
SHEET 1 OF 2

A PART OF THE S 1/2 OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO

SHEET 2 OF 2



SECTION 18, TOWNSHIP 5 NORTH RANGE 67 WEST, 6TH P.M.	
DATE: 03/17/20	JOB#1848-01COZ SHEET 2 OF 2



MEMORANDUM

Site Plan Summary

Owner: Martin Lind, Water Valley Companies

Applicant: Nathan Abbott, Galloway & Co, Inc.

Business: Taco Bell

Location: 6465 Crossroads Blvd

Subdivision / Lot-Block: Eagle Crossing Subdivision, 6th Filing, Lot 2

Zoning: Planned Unit Development (PUD)/ GC (General Commercial)

Adjacent Zoning: North– PUD/GC (Limited Industrial) [Diamond Valley Sub 4th Filing]
East – PUD/GC I-L (Limited Industrial) [Diamond Valley Sub 5th Filing]
South – Loveland
West– PUD/GC

Overall development characteristics:

- Lot area = 0.84 acres
- 2,082 square foot building
- Parking required: 15 stalls
- Parking provided: 26 (2 accessible)
- Bicycle parking provided
- 42% landscape/open space
- Access from Crossroads Blvd via existing private drive

Building characteristics include:

- Building materials: EIFS (Exterior insulation and finish system, similar to stucco finish); brick; James Hardie Panel System; Corten steel; and corrugated metal.
- Single story building with drive-through

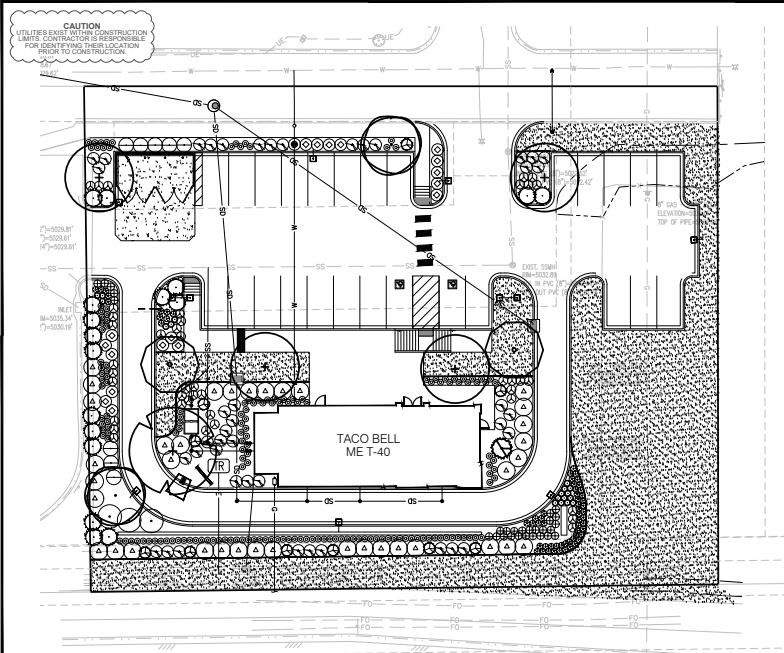
Comment Period

The site plan will be reviewed administratively by staff as specified in the PUD.

Attachments

Site plan, landscape plan and building elevations





PLANTING NOTES

1. ALL WORK SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES, STANDARDS, AND SPECIFICATIONS.
2. LANDSCAPE DESIGN IS DIAGNOSTIC IN NATURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN TAKEOFFS AND QUANTITY CALCULATIONS. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE LANDSCAPE LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN SHALL TAKE PRECEDENCE AND NOTIFY THE LANDSCAPE ARCHITECT OF THESE DISCREPANCIES. MINOR ADJUSTMENTS TO THE LANDSCAPE MATERIALS AND LOCATIONS MAY BE PROPOSED FOR CITY CONSIDERATION AT THE CONSTRUCTION DOCUMENT STAGE TO REFINISH TO MARKET AND FIELD CONDITIONS. HOWEVER, THERE SHALL BE NO REDUCTION IN THE NUMBER AND SIZE OF MATERIALS.
3. CONTRACTOR SHALL MAKE HIMSELF AWARE OF THE LOCATIONS OF EXISTING AND PROPOSED UTILITIES, AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE UTILITIES AND/OR ANY INJURY TO ANY PERSON. THIS DRAWING IS PART OF A COMPLETE SET OF CONTRACT DOCUMENTS. UNDER NO CIRCUMSTANCES SHALL THIS PLAN BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ALL UTILITY LOCATIONS ON SITE AND REVIEW ALL RELATED PLANS AND DOCUMENTS.
4. ALL UTILITY EASEMENTS SHALL REMAIN UNOBTAINED AND FULLY ACCESSIBLE ALONG THEIR ENTIRE LENGTH FOR MAINTENANCE EQUIPMENT.
5. THE CONTRACTOR SHALL TAKE EXTREME CARE NOT TO DAMAGE ANY EXISTING PLANTS INDICATED AS TO REMAIN. ANY SUCH PLANTS DAMAGED BY THE CONTRACTOR SHALL BE REPLACED WITH THE SAME SPECIES, SIZE, AND QUANTITY AT THE CONTRACTOR'S OWN EXPENSE, AND AS ACCEPTABLE TO THE OWNER. REFER TO THE TREE PROTECTION NOTES ON THE PLANS (AS APPLICABLE).
6. LANDSCAPE CONTRACTOR SHALL EXAMINE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND NOTIFY THE GENERAL CONTRACTOR IN WRITING OF UNSATISFACTORY CONDITIONS. IF SITE CONDITIONS OR PLANT AVAILABILITY REQUIRE CHANGES TO THE PLAN, THEN AN APPROVAL MUST BE OBTAINED FROM THE CITY. DO NOT PROCEED UNTIL CONDITIONS HAVE BEEN CORRECTED.
7. ALL CONSTRUCTION DEBRIS AND MATERIAL SHALL BE REMOVED AND CARRIED OFF PRIOR TO INSTALLATION OF TREES, SHRUBS, AND TURF.
8. FOR ALL INFORMATION ON SURFACE MATERIALS, VEHICLES, AND PARKING LOTS, SEE THE SITE PLAN. SEE PHOTOGRAPHIC PLAN FOR FREE STANDING LIGHTING INFORMATION.
9. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT ONE WEEK PRIOR TO BEGINNING CONSTRUCTION.
10. WINTER WATERING SHALL BE AT THE EXPENSE OF THE CONTRACTOR UNTIL SUCH TIME AS FINAL ACCEPTANCE IS RECEIVED.
11. ALL LANDSCAPE CONSTRUCTION PRACTICES, WORKMANSHIP, AND ETHICS SHALL BE IN ACCORDANCE WITH INDUSTRY STANDARDS SET FORTH IN THE CONTRACTORS HANDBOOK PUBLISHED BY THE COLORADO LANDSCAPE CONTRACTORS ASSOCIATION.
12. LANDSCAPE AND IRRIGATION WORK SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.
13. FINISH GRADING AND SOIL PREPARATION
CONTRACTOR SHALL CONSTRUCT AND MAINTAIN FINISH GRADES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADDED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING. IMMEDIATELY SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GEOTECHNICAL REPORT, THE GRADING PLANS, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IDENTIFY BRINGS THIS MATTER TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.
14. AFTER FINISH GRADES HAVE BEEN ESTABLISHED, IT IS RECOMMENDED THAT THE CONTRACTOR SHALL HAVE SOIL SAMPLES TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY FOR THE FOLLOWING: GENERAL FERTILITY, PH, ORGANIC MATTER CONTENT, CEC (CATION EXCHANGE CAPACITY), ADSORPTION RATIO (SAND AND BODENHUMER), SLOTTED SAMPLES SUBMITTED SHALL CONTAIN NO LESS THAN ONE QUART OF SOIL. CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES. THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): GENERAL SOIL PREPARATION AND BACKFILL MIXES, PRE-PLANT FERTILIZER APPLICATIONS, AND ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZATION PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
15. THE CONTRACTOR SHALL RECOMMEND INSTALLATION OF SOIL AMENDMENTS AND FERTILIZERS PER THE SOIL REPORT FOR THE OWNER/OWNER'S REPRESENTATIVE CONSIDERATION.
16. AT A MINIMUM, ALL TOPSOIL SHALL BE AMENDED WITH NITROGEN STABILIZED ORGANIC AMENDMENT COMPOST AT A RATE OF 1.0 CUBIC YARD PER 1000 SQUARE FEET. SOLUBLE PHOSPHATE SHALL BE AT A RATE OF 15 POUNDS PER THOUSAND SQUARE FEET OF LANDSCAPE AREA. COMPOST SHALL BE MECHANICALLY INTEGRATED INTO THE TOP 6" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-SPRINKLING AROUND AND PERENNIAL BED AREAS SHALL BE AMENDED AT A RATE OF 8 CUBIC FEET PER THOUSAND SQUARE FEET OF NITROGEN STABILIZED ORGANIC AMENDMENT AND 10 LB. OF 15-15-15 FERTILIZER PER CU. YD. ROTOTILLED TO A DEPTH OF 6". NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED FOR ORGANIC AMENDMENTS.
17. ALL DECIDUOUS TREES SHALL HAVE WELL, FULL-SHAPED HEADS. EVERGREENS SHALL BE UNBROKEN AND FULL TO THE GROUND, UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADERS ARE DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING.
18. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A FORM TYPICAL FOR THE SPECIES. ANY PLANT DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND SHALL BE REPLACED WITH AN ACCEPTABLE PLANT OF LIKE TYPE AND SIZE AT THE CONTRACTOR'S OWN EXPENSE. ANY PLANTS APPEARING TO BE UNUSUAL, EVEN IF DETERMINED TO BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT SHALL BE THE SOLE JUDGE AS TO THE ACCEPTABILITY OF PLANT MATERIAL.
19. ALL TREES SHALL BE GUYED AND WOOD STAKES AS PER DETAILS. NO STAKES SHALL BE USED FOR TREES.
20. ALL PLANT MATERIALS SHALL BE TRUE TO TYPE, SIZE, SPECIES, QUALITY, AND FREE OF INJURY, BROKEN ROOT BALLS, PESTS, AND DISEASES, AS WELL AS CONFORM TO THE MINIMUM REQUIREMENTS DESCRIBED IN THE AMERICAN STANDARDS FOR NURSERY STOCK. FOLLOW GREENRO TREES PLANTING RECOMMENDATIONS FOR SPECIFIC TREE REQUIREMENTS FOR TREES.
21. ALL TREE AND SHRUB BED LOCATIONS ARE TO BE STAKED OUT ON SITE FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
22. ALL TREES PLANTED ADJACENT TO PUBLIC AND/OR PEDESTRIAN WALKWAYS SHALL BE PRUNED CLEAR OF ALL BRANCHES BETWEEN GROUND AND A HEIGHT OF EIGHT (8) FEET FOR THAT PORTION OF THE PLAN LOCATED OVER THE SIDEWALK AND ROAD.
23. RTT TALL FESCUE HAS BEEN APPROVED IN MANY JURISDICTIONS AS A LOW-MODEST HYDRIC ZONE PLANT MATERIAL. INSTALL AND MAINTAIN IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
24. ALL PLANT MATERIAL SHALL NOT BE PLANTED PRIOR TO INSTALLATION OF TOPSOIL.
25. ALL PLANT BEDS SHALL BE CONTAINED WITH STEEL EDGER. STEEL EDGER IS NOT REQUIRED ALONG CURBS, WALKS OR BUILDING FOUNDATIONS. ALL EDGING SHALL OVERLAP AT JOINTS A MINIMUM OF 6 INCHES, AND SHALL BE FASTENED WITH A MINIMUM OF 4 NAILS PER EACH 10 FOOT SECTION. THE TOP OF ALL EDGING MATERIAL SHALL BE A ROLLED TOP AND 12 INCH ABOVE THE FINISHED GRADE OF ADJACENT LAWN OR MULCH AREAS. COLOR: GREEN.
26. THE DEVELOPER, HIS SUCCESSOR, OR ASSIGNEE SHALL BE RESPONSIBLE FOR ESTABLISHING AND CONTINUING A REGULAR PROGRAM OF MAINTENANCE FOR ALL LANDSCAPED AREAS. SEE LANDSCAPE GUARANTEE AND MAINTENANCE NOTE.
27. A 3-FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF ALL FIRE HYDRANTS.
28. LANDSCAPE CONTRACTOR TO SUBMIT SAMPLES OF MISCELLANEOUS LANDSCAPING MATERIALS TO THE LANDSCAPE ARCHITECTS AND OWNER'S REPRESENTATIVE FOR APPROVAL PRIOR TO INSTALLATION, I.E. MULCH, EDGER, LANDSCAPE FABRIC, ETC.
29. MULCHING
AFTER ALL PLANTING IS COMPLETE, THE CONTRACTOR SHALL INSTALL A MINIMUM 4" THICK LAYER OF MULCH AS SPECIFIED IN THE PLANTING LEGEND. INSTALL A 4" THICK RING OF DOUBLE SHREDED CEDAR BARK MULCH AROUND ALL PLANT MATERIAL IN ROCK MULCH BEDS WHERE LANDSCAPING IS REQUIRED ON THE PLANS. WOOD CHIP CHANGES SHOULD BE THE CONTAINER SIZE OF THE SHRUBS, PERENNIALS, AND ORNAMENTAL GRASSES. TREE RING SIZE SHALL BE GREEN INDUSTRIES OF COLORADO INDUSTRY STANDARD WITH:
30. ALL MULCH SHALL BE HARVESTED IN A SUSTAINABLE MANNER FROM A LOCAL SOURCE.
31. INSTALL DEEP PROX WEED BARRIER FABRIC UNDER ALL ROCK MULCH SHRUB BEDS SPECIFIED ON THE PLANS. ONLY A WEED BARRIER FABRIC SHALL BE USED IN WOOD MULCH AREAS. NO PLANT WEED BARRIER SHALL BE SPECIFIED.
32. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.
33. ALL PLANTING AREAS WITH LESS THAN A 4:1 GRADIENT SHALL RECEIVE A LAYER OF MULCH, TYPE AND DEPTH PER PLANS. SUBMIT 1 CUBIC FOOT SAMPLE OF MULCH (ONE SAMPLE PER TYPE) TO LANDSCAPE ARCHITECT FOR VERIFICATION PRIOR TO INSTALLATION. THE MULCH SHALL BE SPREAD EVENLY THROUGHOUT ALL PLANTING AREAS EXCEPT SLOPES 4:1 OR STEEPER, OR AS OTHERWISE DENOTED ON THE PLAN. ABSOLUTELY NO EXPOSED GROUND SHALL REMAIN IN AREAS TO RECEIVE MULCH AFTER MULCH HAS BEEN INSTALLED.
34. ALL PLANTING AREAS ON SLOPES OVER 4:1 SHALL RECEIVE COCONUT FIBER EROSION CONTROL NETTING FROM ROLLS. NETTING SHALL BE 80%-100% AS MANUFACTURED BY NORTH AMERICAN GREEN EROSION CONTROL. INSTALL AND STAKE PER MANUFACTURER'S SPECIFICATIONS. SEE ALSO THE OWN ENGINEER'S EROSION CONTROL PLAN.

IRRIGATION CONCEPT

1. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A QUALIFIED IRRIGATION CONTRACTOR.
2. THE IRRIGATION SYSTEM WILL OPERATE ON POTABLE WATER, AND THE SYSTEM WILL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE POTABLE SOURCE.
3. ALL NON-TURF PLANTED AREAS WILL BE DRIP IRRIGATED. BODDED AREAS SHALL BE IRRIGATED WITH SPRAY OR ROTOR HEADS AT 100% HEAD-TO-HEAD COVERAGE.
4. ALL PLANTS HAVING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROZONE.
5. THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED TO THE MAXIMUM EXTENT POSSIBLE TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: MATCHED PRECIPITATION RATE TECHNOLOGY ON ROTOR AND SPRAY HEADS (WHENEVER POSSIBLE), MAIN SENSORS, AND MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.
6. IRRIGATION BACKFLOW PREVENTER SHALL BE PROVIDED BY LANDSCAPING. IRRIGATION CONTROLLER SHALL BE SCREENED BY LANDSCAPING IN A MANNER, PRIOR TO LOCKABLE CABINET OR LOCATED WITHIN THE BUILDING UTILITY CLOSET.
7. NO SUBSTANTIAL CHANGE FROM THE APPROVED LANDSCAPE PLAN MAY OCCUR WITHOUT PRIOR REVIEW OF THE PAVEMENT, WATER AND SANITATION DISTRICT, WHICH MAY REQUIRE ADDITIONAL IRRIGATION TAP FOR CHANGES DUE TO MORE WATER INTENSIVE LANDSCAPING.

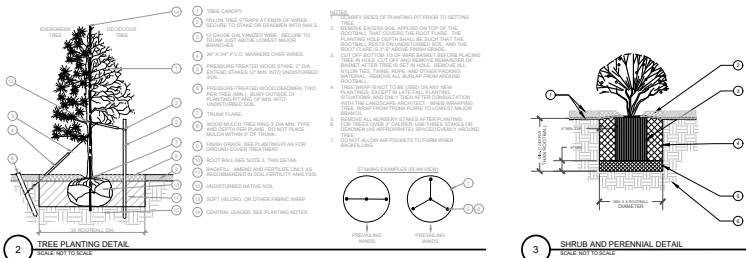


PLANTING LEGEND

QTY	LEGEND	ABBREY	BOTANIC NAME	COMMON NAME	PLANTING SIZE (MIN/MAX)	MATURE SIZE (Y/L/M/H)	WATER USE	SUNSHADE
DECIDUOUS TREES								
4	OLTR		OLESTISIA TRIACANTHOS NERMIS SHADEMASTER	SHADEMASTER HONEYLOCUST	2" CAL B&B	50X50'	L	SUN
1	QUMA		QUERCUS MACROCARPA	BUR OAK	2" CAL B&B	70X65'	L	SUN
2	TICO		TILIA CORDATA GREENSPICE	GREENSPICE LINDEN	2" 5" CAL B&B	40X50'	M	SUN
2	ULFR		ULMUS FRONTER	FRONTIER ELM	2" 5" CAL B&B	40X50'	M	SUN
EVERGREEN TREES								
1	PIPU		PICEA PUNGENS TAT ALBERT	FAT ALBERT BLUE SPRUCE	8" HEIGHT B&B	15X10'	L/M	SUNPART SHADE
DECIDUOUS SHRUBS								
3	COSE		CORNUS SERICEA BAILEY	RED TWIG DOGWOOD	#5 CONT. 18-24"	8'X8'	L/M	SUNPART SHADE
43	PEAT		PEROVSKIA ATRIPICIFOLIA	RUSSIAN SAGE	#5 CONT. 18-24"	4'X4'	VL	SUN
19	PHOP		PHYSCARPUS OPULIFOLIUS DONNA MAY	LITTLE DEVIL MINIBARK	#5 CONT. 18-24"	4'X4'	L/M	SUN
8	PRPE		PRUNUS BESSEYI	WESTERN SAND CHERRY	#5 CONT. 18-24"	9'X6'	VL	SUN
37	PRPB		PRUNUS BESSEYI PAWNEE BUTTES	PAWNEE BUTTES SAND CHERRY	#5 CONT. 18-24"	18'X6'	VL	SUN
EVERGREEN SHRUBS								
17	JUSA		JUNIPERUS SABINA 'BUFFALO'	BUFFALO JUMPER	#5 CONT. 18-24"	12'X6'	VL	SUNPART SHADE
10	PKGL		PICEA PUNGENS 'GLOBOSA'	GLOBE BLUE SPRUCE	#5 CONT. 18-24"	3'X4'	L/M	SUNPART SHADE
ORNAMENTAL GRASSES								
164	CAAC		CALAMAGROSTIS ACUTIFLORA KARL FOERSTER	FEATHER REED GRASS	#3 CONT. 5'X2'	L	L	SUN
28ways	HESE		HELICTOTRICHON SEMPERVIRENS	BLUE AVENA	#3 CONT. 2.5'X2.5'	VL	L	SUNPART
41	PEOR		PERNETSETUM ORIENTALE KARLEY ROSE	KARLEY ROSE FOUNTAIN GRASS	#3 CONT. 3'X3'	M	M	SUNPART SHADE
PERENNIALS								
18	ACMO		ACHILLEA MOONSHINE	MOONSHINE YARROW	#1 CONT. 24'X24'	L	L	SUN
61	SASY		SALVIA SYLVESTRIS 'MAYNIGHT'	MAY NIGHT SALVIA	#1 CONT. 24'X24'	VL	L	SUN
SOD								
9 095 sf			FESCUE SOD	RTT (PHODMATOUS TALL FESCUE)	SOD		M	
MULCH								
6 023 sf			ROCK COBBLE MULCH	2-4" ROCK COBBLE MULCH WITH WOOD MULCH RING AROUND ALL PLANT MATERIAL. SEE PLANTING NOTES & DETAILS	MULCH		N/A	
			WOOD MULCH	DARK BROWN SHREDED HARDWOOD MULCH	MULCH		N/A	
EDGING								
364 lf			GALVANIZED ROLL-TOPT STEEL EDGING	GALVANIZED ROLL-TOPT STEEL EDGING-SEE LANDSCAPE NOTES	EDGING		N/A	

LANDSCAPE GUARANTEE AND WARRANTY

1. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, BEDED AREAS, AND IRRIGATION SYSTEMS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE OWNER'S ACCEPTANCE. THE CONTRACTOR SHALL REPLACE, AT HIS OWN EXPENSE, ANY PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
 2. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF SIX MONTHS. THIS SHALL INCLUDE PROPER PRUNING, MOVERING AND AERATION OF LAWNS, WEEDING, REPLACEMENT OF MULCH, REMOVAL OF LITTER, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. IRRIGATION SHALL BE MAINTAINED IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON AND TO MAINTAIN WATER CONSERVATION. IF SITE DROPS DURING WINTER, TO AVOID FREEZE DAMAGE ON PLANTINGS, THE OWNER SHOULD BEGIN AFTER ACCEPTANCE OF THE WORK.
 3. AFTER THE INITIAL MAINTENANCE PERIOD AND DURING THE GUARANTEE PERIOD, THE LANDSCAPE CONTRACTOR SHALL ONLY BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHEN PLANT DEATH CANNOT BE ATTRIBUTED DIRECTLY TO OVERWATERING OR OTHER DAMAGE BY HUMAN ACTIONS.
 4. DURING THE LANDSCAPE MAINTENANCE PERIOD, THE LANDSCAPE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL LANDSCAPE AREAS AT THE POTENTIAL AND BLEND IN WITH THE SURROUNDING GRADES. LANDSCAPE AREAS WHICH SETTLE AND CREATE THE POTENTIAL FOR PONDING SHALL BE REPAIRED TO ELIMINATE PONDING. THE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.
- ### UTILITY NOTES
1. THE LANDSCAPE CONTRACTOR IS REQUIRED TO CONTACT THE COUNTY PUBLIC WORKS DEPARTMENT, AND ANY OTHER PUBLIC OR PRIVATE AGENCY NECESSARY FOR UTILITY LOCATION PRIOR TO ANY CONSTRUCTION.
 2. THIS DRAWING IS A PART OF A COMPLETE SET OF BID DOCUMENTS, SPECIFICATIONS, ADDITIONAL DRAWINGS, AND EXHIBITS. UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED FOR CONSTRUCTION PURPOSES WITHOUT EXAMINING ACTUAL LOCATIONS OF UTILITIES ON SITE, AND REVIEWING ALL RELATED DOCUMENTS.
 3. THE LOCATION OF THE ALL UNDERGROUND UTILITIES ARE LOCATED ON THE ENGINEERING DRAWINGS FOR THIS PROJECT. THE MOST CURRENT REVISION IS HEREIN MADE PART OF THIS DOCUMENT. UNDERGROUND UTILITIES EXIST THROUGHOUT THIS SITE AND MUST BE LOCATED PRIOR TO ANY CONSTRUCTION ACTIVITY. WHERE UNDERGROUND UTILITIES EXIST, FIELD ADJUSTMENT MAY BE NECESSARY AND MUST BE APPROVED BY A REPRESENTATIVE OF THE OWNER. NEITHER THE OWNER NOR THE LANDSCAPE ARCHITECT ASSUMES ANY RESPONSIBILITY WHATSOEVER, IN RESPECT TO THE CONTRACTORS ACCURACY IN LOCATING THE INDICATED PLANT MATERIAL, AND UNDER NO CIRCUMSTANCES SHOULD THESE PLANS BE USED WITHOUT REFERRING TO THE ABOVE MENTIONED DOCUMENTS.



Galloway

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NOT FOR BIDDING
NOT FOR CONSTRUCTION

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EAGLE CROSSING SUBDIVISION SIXTH FILING
LOT 6, SITE PLAN
TACO BELL

6465 CROSSROADS BOULEVARD
WINDSOR, COLORADO

#	Date	Issue / Description	REV
1	03/20/2020	ADD REVISED	001
2	03/23/2020	SET SUBMITTAL	002
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LANDSCAPE PLAN

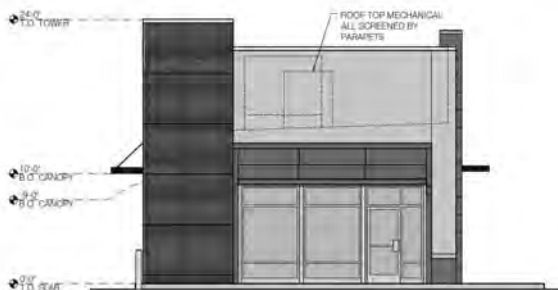
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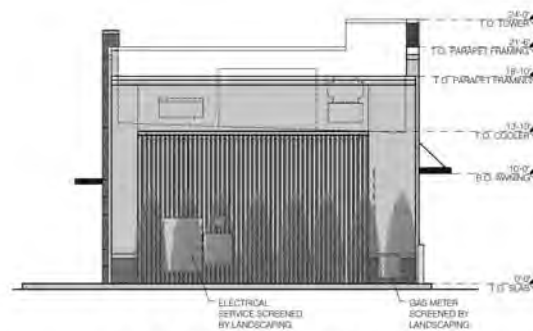
ENTRY SIDE ELEVATION (NORTH)



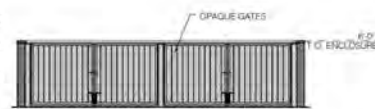
DRIVE-THRU SIDE ELEVATION (SOUTH)



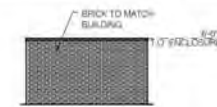
FRONT ELEVATION (EAST)



REAR ELEVATION (WEST)



TRASH ENCLOSURE (FRONT)



TRASH ENCLOSURE (SIDE)

EES Calculations	Corrugated Metal @ 30% EES - Calculations
Side Entry (North):	Side Entry (North):
Total: 1420.5 sq. ft.	Total: 1420.5 sq. ft.
EES: 669 sq. ft.	EES: 669 sq. ft.
% of EES: 47.1%	% of CM: 6.7%
Drive Thru (South):	Drive Thru (South):
Total: 1445 sq. ft.	Total: 1445 sq. ft.
EES: 742.5 sq. ft.	EES: 742.5 sq. ft.
% of EES: 51.4%	% of CM: 6.6%
Front Entry (East):	Front Entry (East):
Total: 633 sq. ft.	Total: 633 sq. ft.
EES: 193 sq. ft.	EES: 193 sq. ft.
% of EES: 30.2%	% of CM: 0%
Rear Elevation:	Rear Elevation:
Total: 1335.5 sq. ft.	Total: 1335.5 sq. ft.
EES: 185 sq. ft.	EES: 185 sq. ft.
% of EES: 20%	% of CM: 40%

All elevations are less than 50% EES, therefore OK.

There is no building is the only one exceeding the 50% requirement, yet this elevation also is the least exposed and is also blocked by landscaping. In addition when the total for the entire face of the elevations are considered the calculations come to: Total: 4332.5 sq. ft. CM: 472.3 sq. ft. with a percentage of 10.9%. Therefore the finishes should be in compliance.



**E.I.F.S.
(BEFORE PAINTING)**



**SHERWIN WILLIAMS
ACCESSIBLE BEIGE**



**JAMES HARDIE
REVEAL PANEL SYSTEM
(BEFORE PAINTING)**



**SHERWIN WILLIAMS
GRIFFIN**



**CORTEN
STEEL FLAT SHEETS**



SAFETY YELLOW



**BRICK -
SHEFFIELD GRAIN**



**CORRUGATED METAL -
PREWEATHERED
GALVALUME**



**CLEAR ANODIZED
ALUMINUM**



Taco Bell
E. Crossroads Blvd.
Windsor, CO 80550