



PLANNING COMMISSION REGULAR MEETING

October 7, 2020 // 6:00 p.m. // Virtual Meetings Until Further Notice

NOTE: This meeting will be held virtually

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 5:00 PM, October 7, 2020, or join virtually:

Join this meeting online: <https://windsorgov.zoom.us/j/91391193342>

Or by phone: (877) 853 5247 US Toll-free / (888) 788 0099 US Toll-free
Meeting ID: 913 9119 3342

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

Written materials will not be accepted during the meeting in the interest of time.

B. CONSENT CALENDAR*

1. Approval of minutes of August 5, 2020
2. Approval of minutes of August 19, 2020

C. BOARD ACTION

1. Determination for a Nonconformity – Windsor Manor Business Park Subdivision, Lot 1, Block 2 (100 12th Street) – Nate and Jenny Leitner, Colorado Sign Care, applicant
 - Quasi-judicial
 - Staff presentation: Carlin Malone, Chief Planner
2. Public Hearing – Conditional Use Grant – Water Valley South Subdivision 6th Filing, Lot 2 (360 Crossroads Blvd) – Joe Luethmers, Timberline Church, applicant
 - Quasi-judicial
 - Staff presentation: Carlin Malone, Chief Planner

The Town of Windsor will make reasonable accommodations for access to town services, programs, and activities, and will make special communication arrangements for persons with disabilities. Please call 970-674-2400 by noon on the Thursday prior to the meeting to make arrangements.

3. Conditional Use Grant – Water Valley South Subdivision 6th Filing, Lot 2 (360 Crossroads Blvd) – Joe Luethmers, Timberline Church, applicant
 - Quasi-judicial
 - 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

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, October 7, 2020</u>	6:00 P.M.	Regular Planning Commission meeting**
<u>Monday, October 12, 2020</u>	5:30 P.M.	Joint work session with Town Board – Land use Code Update – Zone Districts, Subdivisions and Procedures
<u>Monday, October 19, 2020</u>	6:00 P.M.	Joint work session with Town Board – Urban3 presentation regarding Sustainable Infrastructure and Land Use Development Patterns
<u>Wednesday, October 21, 2020</u>	6:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, November 4, 2020</u>	6:00 P.M.	Regular Planning Commission meeting**
<u>Monday, November 9, 2020</u>	5:30 P.M.	Joint work session with Town Board – 7 th Street Multimodal & Walnut Bikeway Projects Kickoff & Initial Input

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



PLANNING COMMISSION REGULAR MEETING

August 05, 2020 // 6:00 p.m. // Zoom Webinar

NOTE: This meeting was held virtually

A. CALL TO ORDER

Chairman Schick called the regular meeting of the Planning Commission to order at 6:00 p.m.

1. Roll Call

The following Planning Commission Members were present:

Kelly Hall
Doug Dennison
Chairman Gale Schick
Vice-Chair Jerry Bushelman
Daniel Foreman
Timothy Reddick
Cindy Scheuerman

Also present:

Barry Wilson, Town Board Liaison
Paul Hornbeck, Senior Planner
Carlin Malone, Chief Planner
Scott Ballstadt, Planning Director
Omar Herrera, Engineer
McKenzie Paine, Visual Media Coordinator
Trisha Conway, Deputy Town Clerk
Doug Roth, Engineer
Mary Wohnrade, Civil Engineer
John Beggs, Russel + Mills Studios
Jeff Miller
Dallas Horton, 3T Investments

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

Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman

Nays – None

Motion carried.

3. Public Invited to be heard

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

BOARD ACTION

1. Public Hearing – Final Final Major Subdivision – Fossil Creek Ranch Subdivision 1st Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russel + Mills Studios, applicants' representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Chairman Schick opened the public hearing.

Mr. Wilson 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 nonvoting 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."

Per Mr. Hornbeck, the applicants, Mr. Dallas Horton and Mr. Steve Pfister of 3T Investments, LLP, represented by Mr. John Beggs of Russel + Mills Design Studios have submitted two final major subdivision plats, known as the Fossil Creek Ranch Subdivision 1st and 2nd Filings. The subdivision encompasses approximately 254 acres and is zoned Residential Mixed Use (RMU). The Site is located West of County Road 5, and North of the intersection County Road 32E which become Jacoby Road.

The preliminary plat was approved by Planning Commission in 2017 as a single filing with 290 single family lots. The final plat has been split into two separate filings with a total of 260 single family lots. Layout of the two final plats are generally consistent with the preliminary plat, although approximately 30 lots were eliminated due to the Arthur Ditch, which was planned to be piped in the preliminary plat, being left in place and not piped (the ditch will be fenced with wrought iron style fencing). At the time of preliminary plat approval, a park site of four to five acres to be dedicated to the Town was envisioned. However, no park site acceptable to the Town was identified so the applicant has elected to pay the fee-in lieu of dedication, a solution which is acceptable to the Parks, Recreation and Culture Department. A small (2/3 acre) park is planned to be built by the developer and maintained by the Metro District. Adjacent to the park are approximately 14 acres of wetlands that will be preserved.

Mr. Hornbeck summarized a change in the packet of information provided to Planning Commission members. The applicant has added an oil and gas operations window that's centered on the North part of the site in accordance with the State statute. The Town of Windsor is not approving any type of operation in that area, and the applicant would still be required to apply for a conditional use permit process for any oil and gas operations.

1st Filing Plat characteristics:

- 140 single-family residential lots;
- Average lot size of 6,982 square feet;
- 14 open space tracts (drainage, utility & access) = approximately 19 acres;
- 5 future development tracts = approximately 173 acres; and
- Approximately 11 acres of public right-of-way dedication.

2nd Filing Plat characteristics:

- 120 single-family residential lots;

- Average lot size of 6,950 square feet;
- 11 open space tracts (drainage, utility & access) = approximately 9 acres;
- 1 future development tract = approximately 35 acres; and
- Approximately 8 acres of public right-of-way dedication

Three access points will be provided to the development, one from County Road 34C and two from County Road 5. Offsite improvements associated with the development include paving County Road 34C and the following upgrades to County Road 5: two southbound lanes with bike lane, curb, and gutter; left and right turn lanes as needed; and a detached 10' wide multiuse trail.

The applicants held a neighborhood meeting on October 22, 2015 in accordance with Chapter 16, Article XXXI of the Municipal Code. There was one neighbor in attendance. Please see the enclosed neighborhood meeting notes for discussion topics and responses.

Relationship to Comprehensive Plan

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

Chapter 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.

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

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

A neighborhood meeting was held on October 22, 2015 at 6:00 PM at Bethke Elementary School. Notifications for this meeting were as follows:

- October 9 & 12, 2015 – display ad published in the papers
- October 5, 2015 – affidavit of mailing to property owners within 300 feet

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

- July 22, 2020 - affidavit of mailing to property owners within 300 feet
- July 22, 2020 – public notice published on Town website
- June 18, 2020 – sign posted on site
- July 24, 2020 – display ad published in the newspaper

Recommendation

Staff recommends that Planning Commission forward to Town Board a recommendation of approval of final subdivision plat (for both the 1st and 2nd filings), subject the following conditions:

1. All remaining Planning Commission and staff comments shall be addressed; and
2. The applicant shall provide all required documents to the Town within 90 days of Town Board approval, including the approved plat bearing all required signatures, and development agreement bearing all required signatures. Failure to observe this condition of approval will result in immediate revocation of Final Plat approval and shall require submittal and approval of a new application.

Chairman Schick asked Mr. Hornbeck whether the applicant had a presentation.
Mr. Beggs stated; No

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

Ms. Scheuerman asked Mr. Hornbeck about the infrastructure project widening County Road 5 from HWY 392 to Jacoby Road (32E) making that a 2-lane road. She asked whether the applicant will be working in conjunction with them to widen that whole section to 4 lanes from Jacoby Road (32E) to County Road 34C.

Mr. Hornbeck stated the 2 Southbound lanes, turn lanes as needed, and 1 Northbound lane. Infrastructure to another Northbound lane would typically occur if the property owner to the East develops that vacant land.

Ms. Scheuerman summarized at the round-a-bout at Jacoby Road (32E) traffic will drop down to 1-lane.

Mr. Hornbeck stated; correct.

Ms. Scheuerman asked Mr. Hornbeck what type of access points are going to be on County Road 5.

Mary Wohnrade, Wohnrade Civil Engineers responded the intersections are all full movement intersections at County Road 34C, and the other 2 intersections as well.

Ms. Scheuerman asked what type of improvements are going to happen at the intersection at 34C and County Road 5.

Ms. Wohnrade stated there will be a Southbound right turn lane at County Road 34C, and a Northbound left turn lane from County Road 5 to County Road 34C. We also accommodated a left turn lane to the Keen property to the Eastside of County Road 5. We have an acceleration lane going Southbound from County Road 34C onto County Road 5.

Ms. Scheuerman asked Mr. Hornbeck about the future development tracts in the 1st and 2nd Filings. They are zoned Residential Mixed Use (RMU) what is planned for those areas, and any future approval process.

Mr. Hornbeck stated there is an approved Master plan for the property, and they've also submitted a revised Master plan currently under review. It does show a mix of commercial located closest to I-25, and Multi-family between the single family, and commercial. The applicant would need to get that Master plan approved through the Planning Commission, and Town Board. Any changes to the Site plan would follow the same process, anymore details to those concerns I would defer to the applicant's team.

Ms. Scheuerman summarized that the Master plan will be provided later on down the road summarizes the future development tracts.

Mr. Hornbeck stated; correct.

Mr. Bushelman asked Mr. Hornbeck what is located in the circular area located along County Road 5.

Mr. Hornbeck responded the wetlands.

Mr. Ballstadt requested to unmute the participant to ensure they don't have a question regarding this project.

Gordan Hadlow 5320 Augusta Trail Fort Collins asked for clarification that County Road 5 will only have 1-lane Northbound.

Mr. Doug Roth stated; correct, but the long-term plan is to widen it to 4-lanes which would require acquisition of right-a-way from the property owners on the Eastside of County Road 5.

Mr. Hadlow stated in the development to the South that developer widened the road to 4-lanes.

Mr. Hornbeck stated he believes that's referring to the Windsor Ptarmigan Subdivision off of Jacoby Road (32E) intersection, and that project the Town had identified that as priority to increase the traffic capacity. The Town did take on that responsibility to reimburse that developer for the cost of those additional lanes. This section doesn't have quite the volume, and wasn't a priority to add the Northbound 2nd lane.

Mr. Roth stated roads like this are very expensive it's a matter of prioritizing, and the right-of-way acquisition is an important part of widening the road. The Southern portion on Ptarmigan there was right-of-way dedicated with that subdivision, and we had enough room on the Eastside of the road. Building it on the 1st Filing the developer had to inquire a section of the Keen Property near 34C.

**Mr. Dennison moved to close the public hearing subject to all remaining Planning Commission and staff comments being addressed; Mr. Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman
Nays –
Motion carried.**

2. Recommendation to Town Board – Final Major Subdivision – Fossil Creek Ranch Subdivision 1st Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russel + Mills Studios, applicants' representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck has nothing further to add.

Chairman Schick asked whether the Commission had additional questions. none

Ms. Scheuerman move to forward a Recommendation of approval to Town Board for the Final Major Subdivision Fossil Creek Ranch 1st Filing as presented subject to all remaining Planning Commission and staff comments being addressed; Mr. Bushelman seconded the motion. Roll call on the vote

resulted as follows; Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman Nays – Motion carried.

3. Public Hearing – Final Major Subdivision – Fossil Creek Ranch Subdivision 2nd Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russel + Mills Studios, applicants' representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Chairman Schick opened the public hearing.

Per Mr. Hornbeck please refer to agenda item C.1.a for background and discussion

Mr. Bushelman asked Mr. Hornbeck in the bottom right stating Fossil Creek Subdivision there is an open plat area off of Westgate Drive.

Mr. John Beggs responded that area will be redetermined with the resubmittal of the Master Plan. It's planned to be a commercial site, and will be further clarified in the Master Plan.

Ms. Scheuerman moved to close the public hearing subject to all remaining Planning Commission and staff comments being addressed; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman Nays – Motion carried.

4. Recommendation to Town Board - Final Major Subdivision – Fossil Creek Ranch Subdivision 2nd Filing – Dallas Horton & Steve Pfister, 3T Investments, LLP, applicants/John Beggs, Russel + Mills Studios, applicants' representative
 - Quasi-judicial
 - Staff presentation: Sandra Mezzetti, Planner I

Mr. Hornbeck has nothing further to add.

Chairman Schick asked whether the Commission had additional questions. none

Mr. Dennison moved to make a Recommendation of approval to Town Board the Final Major Subdivision Fossil Creek Ranch 2nd Filing as presented subject to all remaining Planning Commission and staff comments being addressed; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows; Yeas – Hall, Dennison, Schick, Bushelman, Foreman, Reddick, Scheuerman Nays – Motion carried.

B. COMMUNICATIONS

1. Communications from the Planning Commission
 - None
2. Communications from the Town Board liaison

- Mr. Wilson stated Town Board approved the Verizon tower at Kyger Reservoir, gravel parking lot at Eastman Park, and Condo Raindance development 11th Filing. Work session discussions open space, and community buffer plans

3. Communications from the Staff

- Mr. Roth stated Monday, August 10th Harmony Road should be open.
- Ms. Conway stated just a reminder to return the Voter Affirmation form by tomorrow at 2:00 p.m.
- Mr. Ballstadt stated we are working on recruiting Planning Commission members.

ADJOURN

Upon a motion duly made, the meeting was adjourned at 6:34 p.m.

Trisha Conway, Deputy Town Clerk



PLANNING COMMISSION REGULAR MEETING

August 19, 2020 // 6:00 p.m. // Zoom Webinar

NOTE: This meeting was held virtually

A. CALL TO ORDER

Chairman Schick called the regular meeting of the Planning Commission to order at 6:00 p.m.

1. Roll Call

The following Planning Commission Members were present:

Chairman Gale Schick
Kelly Hall
Doug Dennison
Vice-Chair Jerry Bushelman
Cindy Scheuerman
Timothy Reddick

Also present:

Barry Wilson, Town Board Liaison
Paul Hornbeck, Senior Planner
Scott Ballstadt, Planning Director
Carlin Malone, Chief Planner
Desa Blair, Engineer
McKenzie Paine, Visual Media Coordinator
Trisha Conway, Deputy Town Clerk
Roger Colonnese, New Commission Member
Jeff Katofsky, Future Legends, LLC
Kristen Turner, TB Group
Adam Boese

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. Dennison moved to approve the agenda as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Hall, Dennison, Bushelman, 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 July 15, 2020

**Mr. Bushelman moved to approve the consent calendar with an edit to Board Action item 4 summarizes the site selected is NOT covering residential homes; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick
Nays – None
Motion carried.**

BOARD ACTION

1. Preliminary Major Subdivision – The Ridge at Harmony Road 5th Filing – Jeff Mark, The Landhuis Company, owner/ Kristin Turner, TB Group, applicant
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck, the applicant Ms. Kristin Turner of the TB Group submitted an application on behalf of the property owner The Landhuis Company for a preliminary major subdivision plat and a preliminary site plan for The Ridge at Harmony Road Subdivision 5th Filing. The subdivision encompasses approximately 16.5 acres and is zoned Residential Mixed Use (RMU). The site is located North of Harmony Road, and West of Duncroft Drive; part of the Windsor North Annexation original annexed in 1986 with additional land dedicated to The Ridge at Harmony development annexed in 2015. The Master plan was approved in 2015 encompassed approximately 428 acres, and designated 1,650. Residential single family, and multi family units. It included about 5 acres of commercial, school, and park sites. The first 3 filings have already been approved, and consist of 900 single family lots, and this is the first multi-family development that's proposed.

Development characteristics:

- 16.5 total acres
- 103 townhome lots/units in 21 buildings
- Two tracts (4.7 acres) for future commercial development
- Water Service: North Weld County Water District
- Sewer Service: Boxelder Sanitation District
- Privately owned & maintained internal road network
- Parking: 423 spaces (2 garage spaces and 2 driveway spaces per unit and 11 off-street spaces)

Building Characteristics:

- 8 four-unit buildings, 10 five-unit buildings, 3 seven-unit buildings
- Two story buildings
- Building materials: synthetic stone, 6" exposed lap siding, 8" vertical siding, vertical batten siding, and asphalt shingles

Vehicular Access is provided by street connections to Duncroft Drive and Rycroft Drive, which connect to Harmony Road and Latham Parkway/ WCR 13, respectively. A traffic memo, prepared by the applicant's traffic engineer, indicates the proposed townhomes and future commercial development will generate 1106 daily trips, with 90 morning peak hour trips and 100 afternoon peak trips. This trip generation is considerably less than originally anticipated when the traffic study for The Ridge at Harmony Road was prepared. No offsite transportation improvements are proposed with the development.

In addition to connections to surrounding sidewalks, bike and pedestrian access are provided on connections to the Town-maintained Harmony Road trail to the south and to the north-south trail through the neighborhood immediately to the west.

The site is located approximately ¼ mile south of the planned Town park site at The Ridge at Harmony Road. Two-small privately maintained green spaces with playground and barbeque amenities for residents are proposed within the development.

As required with a preliminary subdivision submittal, the applicant held a neighborhood meeting on July 7, 2020, in accordance with Chapter 16, Article XXXI, and Chapter 15, Article III, of the Municipal Code. The meeting was held digitally via the Zoom platform due to the ongoing pandemic. A summary of the meeting is attached.

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 July 7, 2020, and notifications were as follows:

- June 16, 2020 – affidavit of mailing to property owners within 300 feet
- June 19 – display ad published in the Greeley Tribune

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

Recommendation

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

Chairman Schick asked whether the applicant had an additional presentation.

Kristen Turner, TB Group responded they are excited to present a new product type at The Ridge at Harmony Road. The Townhomes will be a rear-loaded product leaving a nice aesthetic appearance on all of the streets with open spaces on the green ports and park areas.

Chairman Schick asked for comments or questions from the Planning Commission.

Ms. Scheuerman asked Mr. Hornbeck that the sewer and water system capacity has been reviewed.

Mr. Hornbeck stated the referrals are sent to all departments for preliminary approvals, during review of the Master Plan the utilities sign off on capacity. The maximum number of units set on that plan, and The Ridge is under that number.

Mr. Bushelman asked Mr. Hornbeck is Duncroft, and Harmony Road going to be a traffic signal.

Mr. Hornbeck stated its currently a 3-way intersection, and it's planned there could be a signal installed in the future.

Ms. Hall asked Mr. Hornbeck why there is going to be less traffic than anticipated

Mr. Hornbeck stated that comment was referred to the overall density it was originally planned for.

Ms. Hall asked for clarification that it's less traffic forever or at the current development stage.

Mr. Hornbeck responded to this portion of the preliminary site plan, and he believes it will be less traffic.

**Mr. Dennison moved to approve the Preliminary Major Subdivision - The Ridge at Harmony Road 5th filing as presented subject to all remaining Planning Commission and staff comments being addressed; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick
Nays –
Motion carried.**

2. Preliminary Site Plan – The Ridge at Harmony Road 5th Filing – Jeff Mark, The Landhuis Company, owner/ Kristin Turner, TB Group, applicant

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

Per Mr. Hornbeck please refer to agenda item C.1.a for background and discussion.

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.

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.

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 major subdivision plat.

Chairman Schick asked for comments or questions from the Commission. None

**Mr. Bushelman moved to approve the Preliminary Site Plan - The Ridge at Harmony Road 5th filing as presented subject to all remaining Planning Commission and staff comments being addressed; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick
Nays –
Motion carried.**

3. Public Hearing - Height Modification – Diamond Valley Subdivision 5th Filing, Tract A (Future Legends Sports Park) – Jeff Katofsky, Future Legends, LLC, owner/ Larry Thomas, Hensel Phelps, applicant

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

Chairman Schick opened the public hearing.

Mr. Wilson 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 nonvoting 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.”

Per Mr. Hornbeck, Mr. Larry Thomas of Hensel Phelps, representing Mr. Jeff Katofsky, primary owner of Future Legends LLC, is requesting approval of a height modification in order to exceed the maximum building height allowed in the Limited Industrial (IL) zoning district. The maximum height allowed in the IL zoning district is seventy-five (75) feet, in accordance with Municipal Code Section 16-10- 50(b)(3). The proposed facility includes a sports dome with a maximum height of ninety (90) feet, stadium light towers with a maximum height of one hundred (100) feet, and athletic field light towers with a maximum height of ninety (90) feet.

The requested height modifications are part of a sports campus. The surrounding land uses are generally industrial in nature, with the exception of the Windsor Charter Academy to the west and a single residence approximately 1000 feet south of the proposed stadium. The proposed sports dome is located in the north central part of the property, approximately 450' from the north property line, 950' from the east property line, 1200' from the west property line, and 2000' from the southernmost property line. The proposed lighting for the stadium and athletic fields are being reviewed as a part of the site plan application by the Town's lighting consultant, Clanton & Associates, to ensure best practices are followed to minimize light spill and glare. A shadow study was conducted, and the shadows are mainly contained to the Future Legends property, and the railroad.

Section 16-10-50(c)(2) of the Municipal Code states, in part:

- a) Views. A building or structure shall not substantially alter the opportunity for, and quality of, desirable views from public places, streets and parks within the community.
- b) Light and shadow. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property
- c) Privacy. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas and public parks.
- d) Neighborhood scale. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be compatible with the scale of the neighborhoods in which it is situated in terms of relative height, height to mass, length to mass and building or structure scale to human scale

The application materials demonstrate the Municipal Code review criteria for height modifications of views, light and shadow, privacy, and neighborhood scale are not negatively impacted.

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.

Notifications

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

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

- August 6, 2020 – affidavit of mailing to surrounding property owners
- August 7, 2020 – development review sign posted on the property
- August 7, 2020 – legal notices posted on the Town of Windsor website
- August 7, 2020 – legal ad published in the paper

Recommendation

Staff recommends that the Planning Commission forward to Town Board a recommendation of approval of the height modification as presented, with an allowance for increases in height up to 10% due to modifications needed during final design or construction.

Chairman Schick asked whether the applicant had a presentation.

Jeff Katofsky stated this is a key part to lighting the facility for safe play, and security on the site. The engineering called for this height while balls are in play on the field, and play the games safely.

Chairman Schick asked whether there was any public comment. None

Ms. Scheuerman ask Mr. Hornbeck about the 10% allowance for height modification.

Mr. Hornbeck stated a 10% increase from what they have already requested.

Ms. Scheuerman summarized for understanding the 100-foot lights could be increased to 110 feet with the 10% modification.

Mr. Hornbeck stated; correct.

Mr. Dennison asked Mr. Katofsky the height of the lights located at the High School football stadium.

Mr. Katofsky stated the lights are 75 feet at the High School football stadium.

**Mr. Bushelman moved to close the public hearing subject to all remaining Planning Commission and staff comments being addressed; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick
Nays –
Motion carried.**

4. Recommendation to Town Board – Height Review – Diamond Valley Subdivision 5th Filing, Tract A (Future Legends Sports Park) – Jeff Katofsky, Future Legends, LLC, owner/ Larry Thomas, Hensel Phelps, applicant

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

Chairman Schick asked Mr. Bushelman whether he had anything additional to add.

Mr. Hornbeck stated; nothing further to add.

Chairman Schick asked whether the Commission had additional questions.

Ms. Hall asked Mr. Hornbeck whether a response was received from the resident.

Mr. Hornbeck stated; No

Ms. Hall asked Mr. Hornbeck whether the resident was contacted regarding this Height Review.

Mr. Hornbeck stated; Yes, they would be within the notification range.

Ms. Hall asked Mr. Hornbeck how 75 feet height was originally determined.

Mr. Ballstadt responded that the 75-foot maximum that is written in the code is old, and was common back in the 1970, and 1980 with neighboring city codes.

Mr. Ballstadt commented regarding the resident, they are well aware of the current project, and have spoken with the applicant & staff.

**Mr. Dennison moved to forward a Recommendation to Town Board; Height Review Diamond Valley Subdivision 5th Filing with the 10% modification to height as presented subject to all remaining Planning Commission and staff comments being addressed; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Dennison, Bushelman, Scheuerman, Reddick
Nays –
Motion carried.**

C. COMMUNICATIONS

1. Communications from the Planning Commission
 - None
2. Communications from the Town Board liaison
 - Mr. Wilson stated Town Board started the budget process for the 2020-2021 year, and originally planned to cut the budget by 11.5 million. The revenue has been better than expected, and projects have been canceled are now delayed.
3. Communications from the Staff
 - Mr. Ballstadt stated building permits issued 117 New Home permits in July 2020. Mayor Rennemeyer and Pro Tem Bennett concluded interviews for new Planning Commissions members, and will be reappointed Chairman Schick, Scheuerman, and appointing Jose Valdes, Roger Colonnese.
 - Ms. Conway commented just a reminder to remit Voter Affirmation forms by 2:00pm tomorrow.

ADJOURN

Upon a motion duly made, the meeting was adjourned at 6:41 p.m.

Trisha Conway, Deputy Town Clerk



MEMORANDUM

Date: October 7, 2020
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Approval of a Nonconforming Use of Structure in the GC (General Commercial) Zoning District – Windsor Manor Business Park Subdivision, Block 2, Lot 1 (100 12th Street) – Nate and Jenny Leitner, Colorado Sign Care, applicants
Item #: C.1

Background / Discussion

The applicants, Nate and Jenny Leitner of Colorado Sign Care, on the behalf of Pizza Hut, is requesting approval for a nonconforming use of structure for the purpose of replacing a legal nonconforming roof sign. The Town's Municipal Code, Section 16-9-70, Prohibited Signs, does not allow for roof-mounted signs: *(a) No sign shall be erected on the roof of any building.*

The original location of the sign was approved with the site plan for Pizza Hut and subsequently updated in 2005, with the following conditions:

- (1) *The new sign shall consist of separate, horizontal, channel-letters since the existing sign consists of channel letters.*
- (2) *The size of the new sign shall be smaller than the existing sign.*
- (3) *The existing floodlights shall be removed from the roof of the building in accordance with the Lighting Guidelines contained in Section IV of the Colorado Highway 392 West Corridor Plan.*
- (4) *Any damage to the roof material that may be caused by the removal of the existing sign and floodlights shall be repaired and shall not be visible, including any repainting necessary to cover any inconsistent areas caused by fading.*

The proposed nonconforming use of the structure will not be increased with this request.

Legal Nonconformity

Section 16-8-50 of the Municipal Code states that approval of a nonconformity will be reviewed and decided upon by the Planning Commission. Such nonconformity shall be classified and regulated with the following conditions:

- (2) *Nonconforming use of structures.*
 - a. *No such use shall be expanded or enlarged.*
 - b. *Upon petition to and approval by the Planning Commission, such use may be changed to another use, provided that the Planning Commission determines that the new use would result in greater or no less degree of conformity, and provided*

further that such new use shall thereafter determine the degree of legal nonconformity.

The existing building on the property is the traditional Pizza Hut prototype, with a significant portion of the building consisting of a low-pitched roof. The existing legal conforming sign is located above the low-pitched portion of the roof (see attached exhibit). The proposed replacement sign will be located in the same location and cover less area than the existing sign.

Relationship to Comprehensive Plan

The Comprehensive Plan does not specifically address nonconforming signs.

Relationship to Strategic Plan

There are no relevant areas of the Strategic Plan regarding the nonconforming sign use.

Recommendation

Staff recommends that the Planning Commission approve the request for a nonconforming use of structure, as presented, with the with the following conditions:

- (1) The new sign shall consist of separate, horizontal, channel-letters since the existing sign consists of channel letters.
- (2) The size of the new sign shall be smaller than the existing sign.
- (3) Any damage to the roof material that may be caused by the removal of the existing sign and floodlights shall be repaired and shall not be visible, including any repainting necessary to cover any inconsistent areas caused by fading.

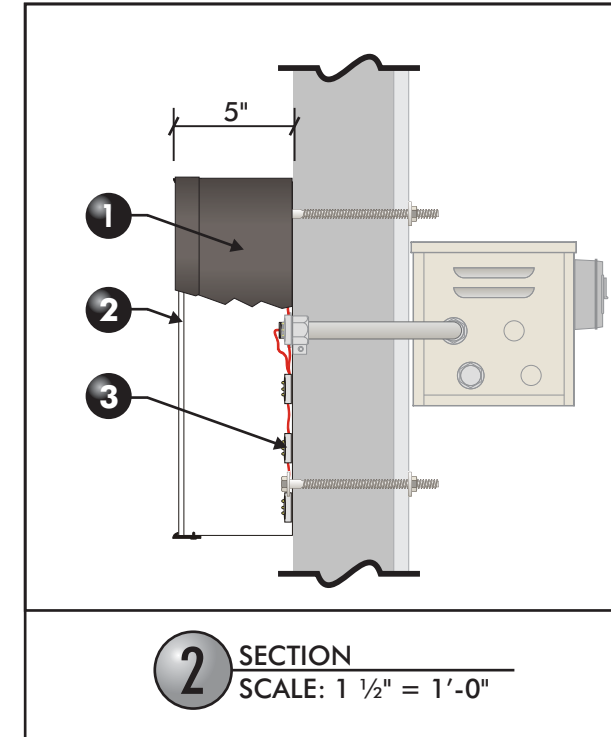
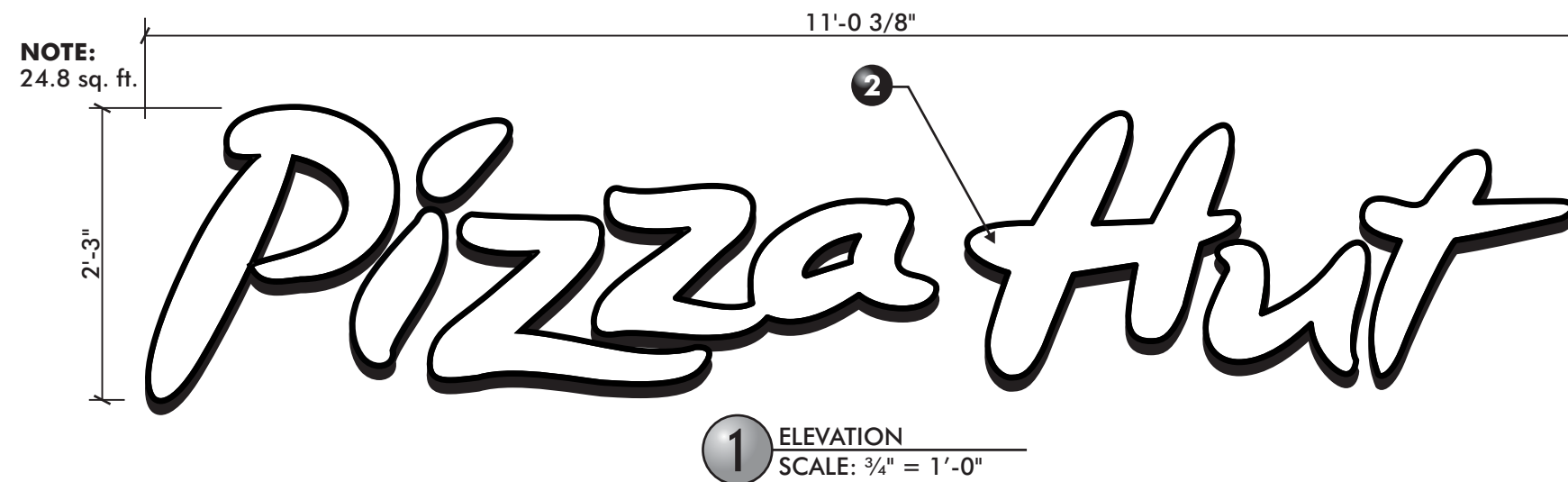
Notification

The Municipal Code does not require public notice for the request.

Attachments

Application materials
2005 approval documentation
Existing conditions

copy: Nate and Jenny Leitner, applicants



FABRICATION SPECIFICATIONS FOR (2) SETS OF PAN CHANNEL LOGOS:

- 1 CHANNEL LETTER TYPE:** Face illuminated pan channel letters
LETTER RETURNS: 5" Deep x .040" Thk. prefinished black alum. w/ weep holes
LETTER BACKS: .063" Thk. ACM alum. weld or adhere to letter returns w/ Lord adhesive #409.
- 2 LETTER FACES:** .177" Thk. white modified acrylic
TRIMCAP: 3/4" black
- 3 ILLUMINATION:** 5700K White LEDs mount to letter backs

MOUNTING METHOD: Flush mount/rmt. wire.
NOTE: Peg letters off fascia as reqd. to accommodate ribbed metal fascia siding.

POWER SUPPLIES: GE Tetra LED 24 volt variable power 120/277V power supplies to be housed inside standard transformer box behind fascia.

PRIMARY ELECTRICAL: Voltage & total sign amps T.B.D.
POWER LOCATION: Power exists at sites
SWITCH LOCATION: Transformer boxes
SERVICE ACCESS: Remove letter faces to service illumination.

MOUNTING SURFACE: Exterior fascia covered w/ ribbed metal siding. Field vfy. fascia construction to determine final attachment method. Mounting dimensions to be same as previous channel logos.



3 EAST ELEVATION PHOTO PLACEMENT SKETCH
NOT TO SCALE



4 WEST ELEVATION PHOTO PLACEMENT SKETCH
NOT TO SCALE



970-461-2432

These plans are the exclusive property of Colorado Sign Care & Greg Jirik Design. Any disclosure, distribution, duplication, or exhibition of these plans to anyone outside your company, or use of these plans to construct a sign similar to the one embodied, or use any graphics is expressly forbidden. In the event that unauthorized use occurs without our prior consent, Colorado Sign Care shall be reimbursed up to \$1,000 per sheet.

**Fabrication Drawing
07-20-20**

**Sign Type A
Option I
S/F Pan Channel
Wall Logo**

**Pizz Hut
100 12th St.
Windsor,CO**

Design By:



Gregorjirik@gmail.com
970.237.1897

Client Approval _____ Date _____

Revisions / Description:

No.	Date	Description
1		
2		
3		
4		
5		
7		

**TOWN OF WINDSOR
SIGN APPLICATION REVIEW
& SIGN PERMIT**

BUILDING MOUNTED SIGN

Sign Permit # S - 05 - 024

ADDRESS:		<u>200 12TH STREET - SOUTH</u>	
		<u>ELEVATION</u>	
BUSINESS NAME:		<u>PIZZA HUT</u>	
APPLICANT:		<u>GARDNER SIGNS INC.</u>	
LEGAL DESCRIPTION:		<u>LOT 1, BLOCK 2, WINDSOR MANOR</u> <u>BUSINESS PARK</u>	
ZONING & SUBAREA			
CLASSIFICATION:		<u>GC-PUD</u>	
STREET		<u>MAJOR ARTERIAL (Main St.) & LOCAL</u>	
CLASSIFICATION:		<u>(12th St)</u>	
SQUARE FOOTAGE OF			
BUILDING:		<u>2500 S.F.</u>	
TENANT	MAJOR		
CLASSIFICATION:	MINOR	<u>MINOR TENANT</u>	
WALL DIMENSION:			
BUILDING ELEVATION		<u>50' (W) x 10' (H) = 500 SQ. FT.</u>	
SQ.FT.			
SIGN SIZE: (Height x		<u>3'(H) x 15.2'(W) = 45.6 SQ. FT. (Less</u>	
Width)		<u>than 10% of building elevation sq. ft.)</u>	
TOTAL HEIGHT OF SIGN:		<u>3'- Approved due to overall lesser</u> <u>nonconforming</u>	
LETTER HEIGHT(S):		<u>36"</u>	
SIGN MATERIALS:		<u>Aluminum; acrylic</u>	
ILLUMINATION:		<u>Neon</u>	
SIGN CRITERIA PLAN:		<u>N/A</u>	
COMMENTS / SPECIAL			
INFORMATION:			
Pole Mounted Sign: The		1.The new sign shall consist of	
existing "fascias" or		separate, horizontal, channel-letters	
"lenses" may be changed		since the existing sign consists of	
out provided that the		channel letters. 2. The size of the new	
cabinet is not removed from		sign shall be smaller than the existing	
the existing pole in the		sign. 3. The existing floodlights shall	
process and the sign		be removed from the roof of the	
remains the exact same		building in accordance with the	
size. Removal of cabinet		Lighting Guidelines contained in	
constitutes requirement for		Section IV of the Colorado Highway	
a new sign permit that		392 West Corridor Plan. 4. Any	
meets the current sign code		damage to the roof material that may	
regulations.		be caused by the removal of the	
		existing sign and floodlights shall be	
		repaired and shall not be visible,	
		including any repainting necessary to	
		cover any inconsistent areas caused	
		by fading.	

REVIEW BY: PT

APPROVED: YES with conditions above

DATE: 11/17/2005

APPLICATION FEE: \$50.00

S-05-024

**TOWN OF WINDSOR
SIGN PERMIT APPLICATION
BUILDING MOUNTED SIGN**

THIS APPLICATION MUST BE ACCOMPANIED WITH THE APPLICATION FEE AND A PICTURE OR DRAWING OF THE PROPOSED SIGN. SEE BACK OF APPLICATION FOR SPECIFIC SIGN SUBMITTAL INSTRUCTIONS AND EXAMPLES. COMPLETE ONE APPLICATION FOR EACH PROPOSED SIGN.

TO BE COMPLETED BY APPLICANT:

Applicant Information:

Name of Applicant: Gardner Signs Inc Phone: 225-1000
Mailing Address: 8101 SW Frontage Rd Fax: 225-0060
Ft Collins CO 80528

Business Information:

Name of Business: Pizza Hut Phone: Bob Swisher 988-3761
Address of Business: 1000 12th St Fax: _____
Windsor, CO

TOTAL SQUARE FOOTAGE OF BUILDING 2500 & SQUARE FOOTAGE OF UNIT Same

SIGN INFORMATION South pt

LOCATION OF SIGN:

1000 12th St West Elev.
ADDRESS & BUILDING ELEVATION

SIGN SIZE:

15'2" WIDTH
X = 45
3'0" HEIGHT SQUARE FEET

WALL SIZE:

50' WIDTH
X = 500 below
10' HEIGHT SQUARE FEET roofline

LETTER HEIGHT(S): 36"

NUMBER OF SIGNS EXISTING ON THIS WALL: 1 - this will replace the existing one

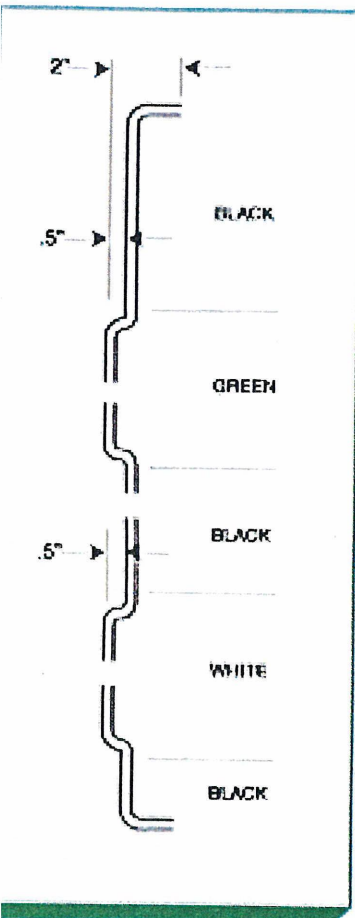
DISTANCE SIGN WILL PROJECT FROM WALL: 10' INCHES

SIGN MATERIALS: Aluminum, Acrylic

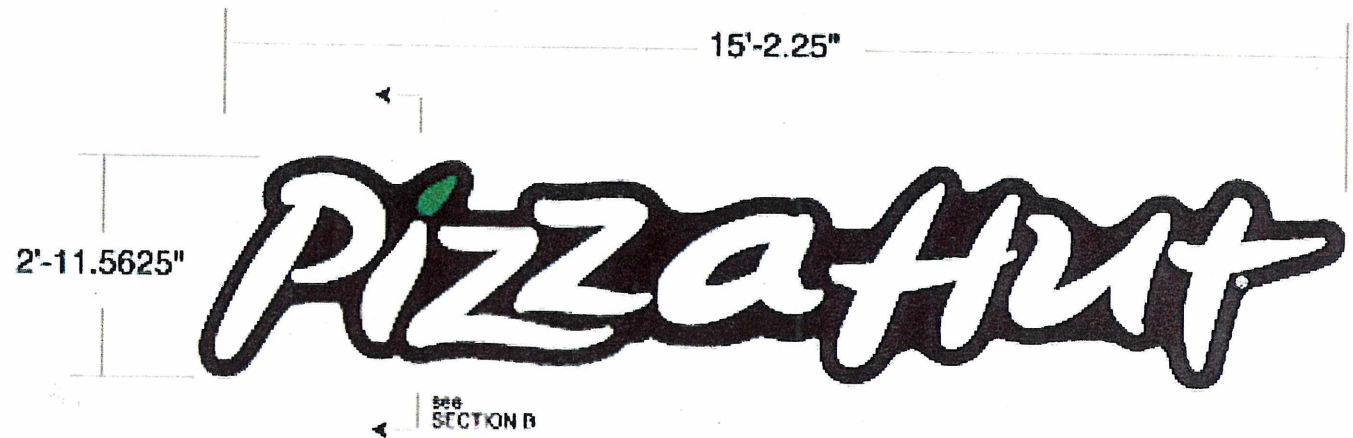
ILLUMINATION TYPE (If Illuminated): Neon

Owner agrees that if the sign is in need of repair or if the building becomes vacated, owner will repair, replace or remove the sign at the owner's expense.

Signature: Alison Dickson Date: 6/3/05



SECTION B
NOT TO SCALE



New Sign
For West Elev.

PRODUCTION NOTE:
 Green to be vinyl, screened, or sprayed
 Black and white to be screened or sprayed
 Clear coat required on first surface

C-45 Horizontal Wall Sign



Drawing No. 29377 A

Scale: 3/8" = 1'-0"
 3-21-01 S. Hawke

Approved Signage - 2005



East Elevation



West Elevation





MEMORANDUM

Date: October 7, 2020
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Public Hearing and Recommendation to Town Board –
Conditional Use Grant for a Temporary Modular Classroom in
the RMU (Residential Mixed Use) Zoning District – Water Valley
South Subdivision 6th Filing, Lot 2 (360 Crossroads Boulevard)
– Joe Luethmers, Timberline Windsor Church, applicant
Item #: C.2 & C.3

Background / Discussion

The applicant, Timberline Church, represented by Mr. Joe Luethmers, is requesting a Conditional Use Grant (CUG) to allow one temporary modular classroom 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 classroom for the period of time when the Timberline Church will be relocating to another site. The same CUG request was approved on March 27, 2017, and expired on March 27, 2020.

Standards and Requirement for Conditional Use Grants

Section 16-7-50 of the Municipal Code outlines the factors to be evaluated prior to granting of a conditional use.

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

The areas surrounding the use are developed and part of a master planned community. 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 not change, traffic should not change due to this request, and the modular should not impact adjacent properties. The applicant received a separate CUG to expand a temporary parking lot subject of the subject site.

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

The modular classroom will be located adjacent to the eastern side of the building and between the building and existing parking lot, which will be less visible from the public street than other locations on the site. There are no plans to landscape around the modular since the use will be for a period of three years and will likely be used for either parking lot or loading/unloading area in the future.

- 3. Appropriate location of the building or buildings on the lot.**
The proposed building location appears to be the least visible from public view. Additionally, this location will not infringe on the parking lot spaces, drive aisles, access, or drainage/utility easements.
- 4. Adequate provision of parking, loading and circulation facilities.**
Adequate parking appears to be provided. As stated, the existing parking lot, drive aisles and access will not be impacted by the modular classroom.
- 5. Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.**
There will be no change in the number of on-site parking spaces, drive aisles or access. Children will access the main entrance and be led to and from the main building and the modular classroom.
- 6. Potential effect of the use on storm drainage in the area.**
The proposal indicates that there will be no impact to storm drainage with the temporary use. The modular will be located outside of any utility/drainage easements. A utility/drainage easement traverses the southern parking lot area.
- 7. Adequacy of planting screens where necessary.**
Plant screening has not been proposed with the application due to the location of the modular classroom and temporary use. The proposed location would have the least impact on the adjacent neighborhood visually and was one of the few areas not impacted by utility/drainage easements or the temporary reduction of parking spaces.
- 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 a temporary modular classroom.
- 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 a temporary modular classroom for an existing use (church). The location of the modular should have the least impact on the neighborhood aesthetically and physically. No changes are proposed for the overall site layout (parking and access), main building (seating), operations, sound, or lighting.

Relationship to Comprehensive Plan

The Comprehensive Plan does not specifically address the modular classroom use.

Relationship to Strategic Plan

There are no relevant areas of the Strategic Plan regarding the modular classroom use.

Recommendation

Staff recommends that the Planning Commission forward a recommendation of approval to the Town Board of the Conditional Use Grant application, as presented, for a period of three years from approval date.

Notification

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

- September 29, 2020 – legal notices posted on the Town of Windsor website
- September 28, 2020 – development review sign posted on the property
- September 25, 2020 – legal ad published in the paper
- September 28, 2020 – affidavit of letters mailed to property owners within 100 feet

Attachments

Application materials
Staff PowerPoint

copy: Joe Luethmers, applicant

Conditional Use Grant

Revised Project Description:

To create temporary classroom space for our Sunday morning services, we would like to add a modular trailer (24'x60') on a space just east of our main building. Part of this space was designed as a drive through for retail business, and access to our trash enclosure. We plan on relocating the trash receptacle, which will take approximately one parking spot. Our first service (8:30 a.m.) has on average of 180 people (capacity in auditorium is 423) and second service has on average 290-300.

The space we decided on would allow for easy access for both parents and children, off the east side of the main building, and there is a door located right behind what is now the trash enclosure. The modular will have an accessible ramp and meet ADA. The modular is designed to set over a curb with enough clearance for temporary placement and does not require a flat surface. The modular placement will be located on the east side of the building with very limited visibility to traffic on Crossroads Blvd. We anticipate utilizing the modular 1-2 years.

The classroom itself will be primarily used on Sunday mornings for 3-5 grade children, approximately 25-45, depending on the service and time of year.

Building Elevations – Timberline CUG





Public Hearing and Recommendation to Town Board Conditional Use Grant

**Water Valley South Subdivision 6th
Filing, Lot 2
Temporary Modular Classroom**

Carlin Malone, Chief Planner

Planning Commission October 7, 2020



Zoning Map

Residential
Mixed Use
(RMU)





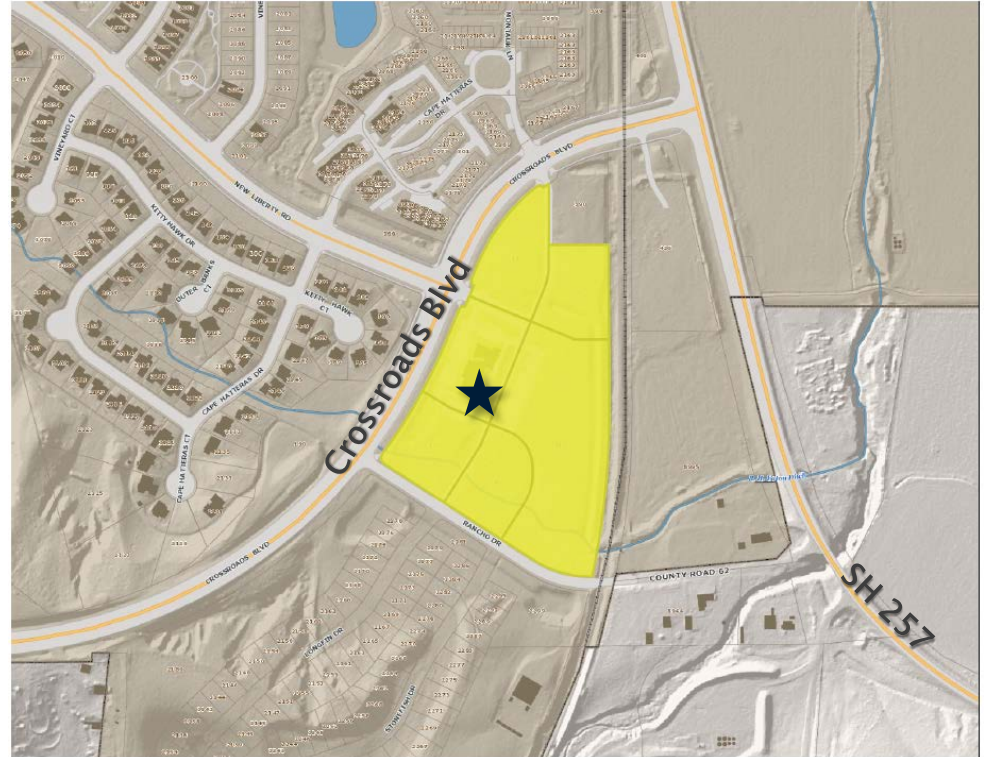
- NOTES:
1. THERE WILL BE A 2' OVERHANG AND 4' PEDESTRIAN CLEARANCE FOR ALL PARKING STALL THAT ARE 18' IN LENGTH.

Notification

Notification:

Notifications for this meeting were as follows:

- ▶ September 28, 2020 – property posted with a notification sign
- ▶ September 28, 2020 – affidavit of letters mailed to adjacent property owners
- ▶ September 29, 2020 - legal notice posted on the Town of Windsor website
- ▶ September 25, 2020 - legal ad published in the Tribune





Analysis

Section 16-7-50 of the Municipal Code outlines the factors to be evaluated prior to granting of a conditional use.

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

The areas surrounding the use are developed and part of a master planned community. 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 not change, traffic should not change due to this request, and the modular should not impact adjacent properties. The applicant received a separate CUG to expand a temporary parking lot subject of the subject site.

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

The modular classroom will be located adjacent to the eastern side of the building and between the building and existing parking lot, which will be less visible from the public street than other locations on the site. There are no plans to landscape around the modular since the use will be temporary and will likely be used for either parking lot or loading/unloading area in the future.



Analysis

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

The proposed building location appears to be the least visible from public view. Additionally, this location will not infringe on the parking lot spaces, drive aisles, access, or drainage/utility easements.

4. Adequate provision of parking, loading and circulation facilities.

Adequate parking appears to be provided. As stated, the existing parking lot, drive aisles and access will not be impacted by the modular classroom.

5. Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.

There will be no change in the number of on-site parking spaces, drive aisles or access. Children will access the main entrance and be led to and from the main building and the modular classroom.

6. Potential effect of the use on storm drainage in the area.

The proposal indicates that there will be no impact to storm drainage with the temporary use.



Analysis

7. Adequacy of planting screens where necessary.

Plant screening has not been proposed with the application due to the location of the modular classroom and temporary use.

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 a temporary modular classroom.

9. The general compatibility of the proposed use with the area in which it is to be located.

The proposed location would have the least impact on the adjacent neighborhood visually and was one of the few areas not impacted by utility/drainage easements or the temporary reduction of parking spaces.



Recommendation

Staff recommends the Planning Commission forward a recommendation of approval to the Town Board of the Conditional Use Grant application, as presented, for a period of three years from the approval date.



CUG

Staff requests that the following be entered into the record:

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



Approval Criteria

Sec. 16-7-50. - Standards and requirements for conditional use grants.

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