



PLANNING COMMISSION REGULAR MEETING

**December 18, 2019 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550**

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission
3. Public Invited to be heard

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

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

B. CONSENT CALENDAR*

1. Approval of minutes of November 6, 2019

C. BOARD ACTION

1. Recommendation to Town Board – Master Plan Amendment – Future Legends – Jeff Katofsky, Future Legends, LLC., owner/ applicant; Rob Van Uffelen, Galloway & Company, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
2. Public Hearing – Parking Determination – Windshire Subdivision 4th Filing (Golden Meadows Senior Housing Complex) – Jeff Feneis, Windsor Housing Authority, applicant/ Jim Doyle, TB Group, applicant's representative
 - Quasi-judicial
 - Staff presentation: Carlin Malone, Chief Planner
3. Parking Determination – Windshire Subdivision 4th Filing (Golden Meadows Senior Housing Complex) – Jeff Feneis, Windsor Housing Authority, applicant/ Jim Doyle, TB Group, applicant's representative
 - Quasi-judicial

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.

- 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, December 18, 2019</u>	7:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, January 1, 2020</u>	7:00 P.M.	CANCELLED - HOLIDAY
<u>Wednesday, January 15, 2020</u>	7:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, February 5, 2020</u>	7:00 P.M.	Regular Planning Commission meeting**

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



PLANNING COMMISSION REGULAR MEETING

November 6, 2019 // 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
Doug Dennison
Kelly Hall
Jerry Bushelman
Daniel Foreman
Cindy Scheuerman

Town Board Liaison David Sislowski

Also Present:

Director of Planning	Scott Ballstadt
Chief Planner	Carlin Malone
Senior Planner	Paul Hornbeck
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

Mr. Tallon moved to approve the agenda as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Hall, Bushelman, Foreman, Scheuerman; 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 October 16, 2019

Mr. Tallon moved to approve the consent calendar as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Hall, Bushelman, Foreman, Scheuerman; Nays – None; Motion carried.

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 – Conditional Use Grant (CUG) for a Public Utility Installation Including Transmission Lines and Substation – Avery Substation – Nicole Korbe, Public Service Company of Colorado, applicant; Jennifer Chester, Tetra Tech, applicants representative.
 - Quasi-judicial
 - Staff presentation: Carlin Malone, Chief Planner

Mr. Schick opened up 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.”

Meeting is in recess, due to technical errors

Per Ms. Malone, the applicant, Nicole Korbe of Public Service Company of Colorado (PSCo), represented by Jennifer Chester, is requesting a Conditional Use Grant (CUG) to allow a public utility installation including transmission lines and a substation on a property known as Thornton Farm 24. The 288-acre property is located northeast of the WCR 13/Latham Parkway and WCR 76 intersection. The property was annexed to the Town on May 14, 2018, and zoned Residential Mixed Use (RMU), which allows any principal, accessory or conditional use permitted in any residential district. The single-family residential zone district requires CUG approval for public utility installations, including transmission lines and substations. The subject CUG considers the use, as well as the proposed height of structures, including the towers and fence.

Previous CUG Application Withdrawn

On December 3, 2018, PSCo submitted a CUG application for the facility on the subject site, with a location in closer proximity to residential neighborhoods and WCR 76. On February 6, 2019, the Planning Commission held a public hearing regarding the CUG application for this property. The Town Board held a public hearing for the CUG on February 25, 2019. At the Town Board hearing, there were neighborhood and Town Board concerns regarding the proposed location of the site and its proximity to existing residential. Due to concerns expressed at the February 25, 2019 public hearing, the applicant chose to withdraw the CUG application (March 20, 2019), revisit the preferred site location, and submit a new CUG application.

Subject CUG Application

The subject CUG application was submitted on August 27, 2019. The proposal significantly reduces the visual impacts associated with the prior application.

The proposed public utility installation is for a new 230-kilovolt (kV) substation and a 1.3-mile long over-head transmission line (approximately 0.4 miles being within the Town of Windsor). In addition, underground distribution lines are planned from the substation westward to WCR 13/Latham Parkway along WCR 76. The purpose of the facility is to enable Public Service Company of Colorado to accommodate existing and future energy demands in the region. The transmission line and station would tie into an existing Platte River Power Authority transmission line.

The substation would be constructed on a 10-acre portion of the Thornton Farm 24 property. The site is located approximately 2,500 feet east of WCR 13/Latham Parkway, approximately 1,500 feet north of WCR 76, and 2,500 feet west of Northwest Estates. Please see the presentation materials for location map of the proposed site. If approved, the applicant's intention is to subdivide the Thornton Farm 24 property to allow for the purchase of the 10-acre site from the City of Thornton.

The substation site plan shows approximately five acres of the site containing a fully-fenced facility with the proposed equipment and towers. The east-west fence lines are proposed at approximately 500 feet in length and the north-south fence lines are proposed at approximately 600 feet in length. The perimeter fence would be a 10-foot chain link fence. Ground equipment ranges in height to approximately 30 feet; towers range from 55 feet to 75 feet tall. The access to the site would be from WCR 76 immediately north of the intersection of Brian Avenue, and the road will extend approximately 1,500 feet to the site. A storm water detention area is planned on the northern portion of the site and a landscaping plan shows mixed evergreen and deciduous trees in a landscape buffer along the north side of WCR 76, which is Town right-of-way. Right-of-way for WCR 76 was dedicated to the Town at the time of the annexation of the property. The overhead transmission line would extend to the proposed substation site from the northeast (Severance and unincorporated Weld County) to the town limits. Please see the presentation and application materials for additional details on the facility.

The CUG would not have an expiration date. The facility is planned to operate for the long-term. Provided the CUG is approved by the Town, the applicant would submit a site plan to the Town for review and approval and concurrently, a minor subdivision for the purchase of the site.

The Town Board public hearing on the application has been scheduled for November 25, 2019.

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

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

The Thornton Farm 24 property is approximately 288 acres. It currently has an agriculture use, which would continue in the areas outside of the substation site. Beyond the substation and transmission line, no development is currently proposed on the site and it is anticipated that development will not occur in the near term, as the property was purchased for its water rights.

Low to medium residential subdivisions exist to the south and east of the property. Lower density residential subdivisions and agricultural land are located to the north. The Town of Timnath is located to the west of the property. Additional development is expected in Timnath.

2. The physical appearance of the use, including suitability of architectural and landscaping treatment. The substation contains a number of electrical components and related physical support structures including:

- Dead-end structures and static masts (55 to 62 feet tall with extension poles up to 75 feet in height)

- Transformers, regulators, capacitors and other voltage modification devices (between 15 and 35 feet in height)
- Circuit protection and control devices
- High voltage cables
- Transmission line towers (between 100 and 135 feet in height) spaced at a range of 700 feet to 1,200 feet apart
- The ground equipment and transmission line towers would be grey with a dull surface to reduce reflectivity.

The prior CUG application for the facility, withdrawn in March 2019, proposed the facility in closer proximity to the residential subdivisions of Northwest Estates and Roth Subdivision, as well as WCR 76. The subject CUG application would locate the facility further west and substantially further north of the residential areas. Therefore, rather than provide landscaping directly adjacent to the facility, a 50-foot wide landscape buffer is proposed along the north side of WCR 76 with the subject CUG proposal. The landscape buffer would include a combination of evergreen, deciduous, and ornamental trees (see application materials and presentation).

Due to the size and height of the facility, it will be visible from the surrounding areas. The distance between the site and adjacent properties, terrain of the site (see item 3 below), the crops associated with the agricultural use and the evergreen trees attempt to provide some screening of the site from the surrounding vantage points. With the current proposed location approximately 2,500 feet west and 1,500 feet north of residential, there may be potential for future development between the facility and adjacent subdivisions. As noted herein, the property owner, City of Thornton, acquired the property for the purpose of utilizing the associated water rights. There are currently no submitted plans for development.

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

The site location was selected in part to help reduce the visual impact of the substation from surrounding areas. The site of the substation ground equipment is located approximately 1,500 feet north of WCR 76. To the south is a wetland area that continues on the south side of WCR 76 in the northern portion of the Roth Subdivision. The wetland area adds an additional 300 to 350 feet between the WCR 76 and the Roth Subdivision. Terrain to the east of the site reduces the view of the substation from properties to the east. The substation site access is located on WCR 76, within 1,000 feet from WCR 13/Latham Parkway.

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

There are no parking, loading and circulation facilities proposed. A 25-foot wide access drive of approximately 1,500 feet in length would serve the site from WCR 76.

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

Operation of the substation is continual but the substation will not be manned on a continual basis. After construction, employee visitation (typically 1 or 2 employees at a time) of the site is anticipated to be once a month to conduct maintenance, inspections and other operational requirements. During construction, a traffic control plan is required by the Town to ensure safe access to and egress from the site from WCR 76.

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

Construction of the transmission line portion of the facility is not expected to create runoff in excess of previous site levels and would not change existing topography or drainage patterns. Construction of the substation portion of the facility may create runoff in excess of previous site levels; however, it is anticipated to be minimal. A detention area is shown on the northern portion of the site. The applicant will coordinate with Town Staff to incorporate properly sized drainage facilities at the substation site. The applicant would also comply with the Town's storm water (Grading Erosion Sediment Control Plan) permit application and construction requirements, including obtaining a Storm Water Permit for Construction Activities from the Colorado Department of Public Health and Environment, to ensure that the project does not impact water quality.

7. Adequacy of planting screens where necessary.

Landscaping around the facility includes the agricultural land of the greater Thornton Farm 24 property and a 50-foot landscape buffer consisting of a combination of evergreen, deciduous, and ornamental trees along the north side of WCR 76. Staff will work with the applicant during the site plan review to ensure landscaping is planned and installed accordingly. Because the 50-foot landscape buffer would be located on private property (City of Thornton), a 50-foot landscape easement along the north side of the WCR 76 right-of-way would be dedicated to PSCo for maintaining the landscaping. The easement dedication would be a condition of site plan approval.

Due to the size and height of the facility, it will be visible from the surrounding areas. The distance between the site and adjacent properties, terrain to the east of the site (see item 3 below), the crops associated with the agricultural use and the evergreen trees attempt to provide some screening of the site from the surrounding vantage points. Future distribution lines planned along WCR 76 are to be underground, therefore minimizing the visual impact of those lines. In addition, a portion of existing distribution line between Brian Avenue and Latham Parkway/WCR 13 will be undergrounded while a trench is open for the new distribution lines, which will further reduce visual impact.

8. Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.

Enclosed containment would be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials would be removed from the site and transported to a disposal facility authorized to accept such materials. There would be no significant amount of hazardous materials stored in the project area.

Construction, operation, and maintenance activities would comply with all applicable federal, state, and local laws and regulations regarding the use of hazardous substances. The only hazardous chemicals expected to be used on-site are those found in diesel fuel, gasoline, coolant (ethylene glycol), and lubricants in machinery. Hazardous materials would not be drained onto the ground or into streams or drainage areas. In its contract with the construction contractor, the applicant would specify that it will hold a required preconstruction meeting with the contractor to ensure all applicable laws and the applicant's procedures would be followed. Although the transmission line and substation would be inspected regularly, emergencies may occur. If there were an issue, appropriate field crews and engineering personnel would be notified by telephone or radio and they would

undertake the required procedures to correct the problem and restore facilities to normal operations.

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

Due to the nature of the facility, complete compatibility is challenging. However, the project was planned to be as compatible with the existing surrounding land uses as possible, particularly through site location. Public utility facilities, such substations and transmission lines, are a conditional use within the RMU zone district and are seen as necessary to meet the growing energy demand of the area.

Municipal Code.

The following Planning Commission and Town Board public hearing notifications were completed in accordance with the Municipal Code:

- October 25, 2019 – affidavit of letter mailed to property owners within 100 feet of site
- October 21, 2019 – property posted with a notification sign
- October 25, 2019 – legal ad published in the newspaper

Notice of hearing posted on Town's website on October 21, 2019. Additionally, notice of the public hearing was mailed and emailed to residents outside of the required notification boundary who requested to be on PSCo's project mailing list.

A neighborhood meeting was not required for this proposal; however, the applicant held a community meeting on July 9, 2019.

Mineral Owners and/or Lessees.

In accordance with Article 65.5 of the Colorado Revised Statutes, a local government shall, as a condition of final approval of an application for development, require the applicant to certify that a notice (of the initial public hearings) has been provided to mineral estate owners not less than thirty days before the date of the initial public hearings. The applicant has provided the required notice of the pending development to all such mineral owners and or lessees. Per this same article, the mineral estate owner may waive the notification requirement, which has occurred for this application (see attached waiver of notification). Additionally, the mineral estate owner has waived the right to file an objection, per C.R.S. § 24-65.5-103(5).

The plan set was sent to referral agencies, including area utility providers, Colorado Department of Transportation, Colorado Department of Parks and Wildlife, and Weld RE 4, for review. North Weld County Water District requested more information regarding the irrigation source of the landscaping along WCR 76, which would be included with the subsequent site plan application. The school district and CDOT responded with no comment/no conflicts for the proposal. Three public comments were received regarding the application (see attached public comments).

A neighborhood meeting is not required for this CUG application. However, prior to submitting the CUG application to the Town, the applicant did hold a community meeting with on July 9, 2019, to discuss the proposal and gather neighborhood input regarding the preferred site locations. Over 1,700 postcard invitations were sent out to surrounding landowners, Staff was in attendance and the meeting was well attended (at least 50 residents).

The public comment received by staff is included in the meeting packet, along with the mineral owner waiver of public hearing notice and waiver of objection. Also included is a letter from the property owner, City of Thornton.

The 2016 Comprehensive Plan does not specifically address utility provider substations; however, it does discuss the importance of maintaining and enhancing quality facilities and infrastructure to support the community. Objectives include working with public agencies to maintain adequate and appropriate sites and facilities for the provision of public services (Objective 7.5).

The proposal supports the Strategic Plan in the area of adequate infrastructure.

Although the use will have visual impacts on the area, the subject proposal has reduced the impacts from the previous CUG proposal by shifting the site further away from surrounding neighborhoods to the east and south, as well as WCR 76. Additionally, the proposed landscape buffer along WCR 76 is an effort to further reduce these impacts. The use of public utility installations including transmission lines and substations is conditionally allowed in the zone district and found to be necessary to meet the demand for energy in the region.

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the Conditional Use Grant application with the following conditions:

1. A site plan, including landscaping, is reviewed and approved by staff prior to construction of the facility.
2. The applicant will obtain all applicable Town and State permitting for the facility and for development operations including an access permit from the Town Engineering Department and 10' fence per International Building Code requirements.

Ms. Malone requested that the following be information be entered into the record:

- Application Materials
- Site & Landscape Overview
- Letter from City of Thornton, Property Owner
- Public Comments
- Mineral Interests Notification and Waiver
- Mineral Interests Waiver of Right to File Objection
- Staff Presentation
- Applicant Presentation

Ms. Malone noted that the applicant had a presentation to share with the Commission.

Mr. Schick invited the applicant to the podium.

Ms. Jennifer Chester, Consultant for Xcel Energy, described collaborative efforts with the property owner (City of Thornton), the Town, and neighbors. Feedback and issues raised earlier this year were evaluated. Xcel gathered stakeholder input on the project location and revised the design. Overall, Xcel has just changed the location of the site to better serve the community.

Ms. Chester discussed the Thornton property site evaluations, and the public feedback. Working with landowner to align access drive and distribution feeder lines, reducing transmission line length results in fewer poles, including a reduced number of large angle structures. Landscape easement along WCR 76 proposed to include over 140 trees, and topography provides screening by placing the site lower in elevation.

Mr. Chad Nickell, Distribution Planning Group for Xcel Energy, explained that he is responsible for providing strategic direction and ensuring reliable and cost-effective distribution systems for Xcel Energy operating companies. Mr. Nickell answered the question [raised with the initial proposal], "Why can't the substation be placed farther away from homes?" Mr. Nickell explained main technical criteria for the location of lines: transmission line systems carry power over longer distances and local distribution lines cover smaller locations and carry power over shorter distances – the power lines you see around the community. Substations have to be closer to the communities they are serving. The Cobb Lane and the Windsor Substation have been serving this area, but they are reaching capacity. He discussed several outages that occurred over the summer that affected customers in this area. Xcel uses heat maps to illustrate system performance to check for [range of] normal conditions to conditions outside acceptable range.

Mr. Schick opened up the meeting for public comment.

Mike Mitchell 6771 Stevens Street, stated his home is located about 200 feet South of Hwy 76 between the new proposal, and the existing site application. He extended a "thank you" for all of the apparent hard work selecting this new location 1500 feet off the road. Mr. Mitchell recommended for the future considerations dedicating the property for a future substation before development begins.

Marsha Miyetta 6711 Stevens Street, stated February you voted to recommend a previous substation site to the Town Board regardless of its proximity to a long time neighboring wildlife habitat in order to meet primarily needs generated by recent development. Your concern was with landscaping, and fencing. My neighborhood asked for more, ultimately so did the Town Board. Now the applicant has made a thoughtful good faith effort to address the requests with the site, and landscape proposed tonight. The substation will still have some visual impact it's considerably less for all residence compared to the previous site. This site preserves the character of our nearly ½ century old neighborhood, and also habitat for wildlife. The shorted transmission route diminishes collision hazards for large birds. I'm hopeful that Xcel and the Planning staff will work with residence to plant screening trees along the road that doesn't obscure mountain views.

Ruth Connelly 5898 Chantry Drive, attended the February meeting they presented that several large migratory birds flying through that area to access Windsor reservoir. Birds fly at 600 feet, and magnetic fields drop at 800 feet. Ms. Connelly has a concern whether the environment is being evaluated. She stated that Poudre Valley REA Substation is less than 1 mile North which has high lines, and many of them that serve the community.

Rosalyn Leautaud 36933 County Road 15, stated she would like to thank Town of Windsor, and Xcel Energy for working with the City of Thornton to find an alternative site. Ms. Leautaud expressed concerns with 140 trees proposed will blocking the

view of the mountains, and Timnath Reservoir. She would like to see an intergovernmental agreement to help fund a bike, pedestrian trail under overhead transmission lines to connect to planned trails in the area and Harmony Ridge Parkway. She suggested a 10 – 15 foot wall for visual reasons, safety, and security before the development of Buffalo Creek in Severance, CO. Ms. Leauland had concerns regarding the landscape easements being wider on the West vs the East towards the Wetlands.

Ms. Scheuerman stated Mr. Chair can I recommend before we close the public hearing we address all fact finding questions from the commission, responses from the applicant, and questions from the public.

Mr. Chair stated what questions

Ms. Scheuerman stated the questions regarding the landscape buffer, and any commission questions.

Mr. Scott Ballstadt recommended that the applicant address any questions during public hearing.

Per Ms. Chester the difference in the easements towards the West access drive, and East are related to the underground distribution feeder. The landscape easement is proposed to be 50 feet on both sides of the access drive with the difference of the underground properties. Regarding the proposed 10 – 15 foot wall the topography, distance discussed earlier it wouldn't screen nearly as much as the trees. We understand the concern about the mountain views, and we've tried to place the trees in ornamental, deciduous, and evergreen trees to break up the view.

Ms. Chester stated regarding EMF and wildlife that's regulated by the Public Utilities Commission, and they've completed the necessary studies at the time of application. The (PUC) deemed those levels to be within the limits, and not need mitigating. Additionally the project has coordinated with Colorado Parks and Wildlife throughout the project, and they don't see any negative impacts to wildlife. Colorado Parks and Wildlife did ask that the transmission line be marked to minimize those bird collisions. There will be bird flight diverters placed on the tallest lines, which are least visible to birds from the substation to County Road 78.

Ms. Scheuerman asked Ms. Chester about what will be developed in the unincorporated property to the North of the site.

Ms. Chester stated Town of Severance had a concept planning published on their website proposed for Buffalo Creek Subdivision.

Mr. Ballstadt stated he believed that property was under dispute several years ago between Severance, and Timnath. Currently he does not know the application status.

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

2. Recommendation to Town Board – Conditional Use Grant (CUG) for a Public Utility Installation Including Transmission Lines and Substation – Avery Substation – Nicole

Korbe, Public Service Company of Colorado, applicant; Jennifer Chester, Tetra Tech, applicants representative.

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

Ms. Malone had nothing further to add.

Mr. Schick expressed his appreciation to the applicant making the changes, and listening to the public concerns.

Mr. Tallon moved to forward to the Town Board a recommendation of approval of the Conditional Use Grant following the conditions recommended by staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Hall, Bushelman, Foreman, Scheuerman; Nays – None; Motion carried.

3. Public Hearing – Final Major Subdivision – Poudre Heights 3rd Filing - Poudre Heights LP, applicant/ Spike Rumley, Poudre Heights LP, applicant's representative.

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

Mr. Schick opened up the public hearing.

Mr. Schick requested a 5-minute recess

Per Mr. Paul Hornbeck the applicant, Mr. Spike Rumley of Poudre Heights LP, has submitted a final major subdivision plat, known as Poudre Heights Subdivision 3rd Filing. The subdivision encompasses approximately 92 acres and is zoned Residential Mixed Use (RMU).

The proposal is summarized as follows:

- 266 single-family residential lots on approximately 51 acres (average lot size 8,351 square feet)
- 127 multi-family lots for 2, 3, and 4 unit buildings on approximately 8 acres
- 76 tracts (including open space, private drives, and utility & drainage easements) on approximately 14 acres;
- 1 future development tract for possible clubhouse on ½-acre;
- Approximately 19 acres of public right-of-way dedication
- Extension of the B.H. Eaton Ditch Trail from Poudre Heights Park to the Poudre River Trail

A total of four access points are provided to the subdivision. Three access points are extensions of existing dead-end streets in Poudre Heights 1st filing. Another access point is the extension of Merlin Lane from the Hilltop Subdivision. Two new streets within the development will provide possible future connections to an adjacent parcel to avoid isolating it without access.

A number of lots on the eastern portion of the subdivision fall within the 100-year floodplain. These lots will be removed from the 100-year floodplain by raising their elevation with fill and completing of a Letter Of Map Revision with the Federal Emergency Management Agency (FEMA).

The applicant held neighborhood meetings on June 24, 2015, and August 14, 2018, in accordance with Chapter 16, Article XXXI of the Municipal Code. Please see the enclosed neighborhood meeting notes for discussion topics and responses.

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:

- Prioritize new growth in areas currently served by the Town infrastructure and services.
- Incentivize infill development to complete neighborhoods and leverage existing resources.

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:

- 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 June 24, 2015. Notifications for this meeting were as follows:

- June 14, 2015 – legal ad published in the papers
- June 12, 2015 – affidavit of mailing to property owners within 300 feet of the subject property

A second neighborhood meeting was held on August 14, 2018. Notifications for this meeting were as follows:

- July 30, 2018 – affidavit of mailing to property owners within 300 feet
- July 27 & 31, 2018 – display ad published in the newspapers

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

- October 21, 2019 - property posted with a notification sign
- October 17, 2019 - legal notice posted on the Town of Windsor website
- October 25, 2019 - legal ad published in the Tribune
- October 24, 2019 – affidavit of letters mailed to the adjacent property owners

Staff recommends that the Planning Commission forward to Town Board a recommendation of approval of the final major subdivision as presented subject to the following conditions:

1. The applicant shall contribute 71% of the cost towards construction of a traffic signal at the intersection of Riverplace Drive and 7th Street with the Town paying the remaining 29%.

2. All remaining Planning Commission and staff comments shall be addressed.

Mr. Schick asked Mr. Hornbeck how many lots are located in the flood plan.

Mr. Hornbeck stated that would be a question for the applicant.

Gail (Spike) Rumley represents the applicant Poudre Heights LP stated there is a section of the property East on the BH Eaton ditch that's in a flood plain. He did receive a permit from the Army Corp of Engineers for fill in this area. None of the property is located in the flood way, and we did decrease the number of lots by approximately 10 to move the townhome lots away from the east edge to minimize affect. The townhomes will meet the requirements of the Army Corp of Engineers, and FEMA being an elevation higher than the flood plain. Additionally all the units that are affected in the flood plain will be built without basements slab on grade foundation.

Mr. Schick asked Mr. Rumley approximately how many lots will be affected by the flood plain.

Mr. Rumley stated approximately 127 lots, typically the townhome lots.

Per Mr. Rumley the project will be RMU zoning that ties into existing roadways with 4 access locations. No construction or additional projects to the east or north because they are affected by the flood plain. Open space towards the west will be a golf course part of the Raindance project.

Ms. Hall asked Mr. Rumley by adding dirt it takes the premise out of the flood plain.

Mr. Rumley stated; yes by adding fill to the area, and we receive the approval from the Army Corp of Engineers to allow for this. The lots have to be a minimum of 1 foot above the 100 year flood plain elevation. Typically these are done by a LOMR / CLOMR process, and that's typically the process we would use here.

Mr. Rumley would like to address the staff recommendation for intersection at Riverplace Drive. He stated if the intersection meets traffic warrants in the future, then we would participate in the installation of the traffic signal. If it does not meets warrants, then it would not be necessary.

Mr. Ballstadt asked Mr. Schick to clarify.

Mr. Ballstadt explained to Mr. Schick that staff recommendation is written very clearly, and is not subject to traffic warrants. Staff had forwarded the condition to the applicant earlier today, and asked for a confirmation either they were in agreement or we would continue the item to try and resolve this issue outside of the public process. If the applicant is not agreeing to the condition #1, staff would recommend the application be continued to resolve the issue.

Mr. Rumley stated to Mr. Ballstadt that he was unaware of this communication today.

Mr. Ballstadt asked Mr. Rumley whether he had read the condition of approval that was sent previously.

Mr. Rumley stated there has been a lot of correspondence ongoing.

Mr. Ballstadt read condition #1 of the staff recommendation to Mr. Rumley "The applicant shall contribute 71% of the cost towards construction of a traffic signal at the intersection of Riverplace Drive and 7th Street with the Town paying the remaining 29%".

Mr. Rumley stated he would agree to the exact language written in the staff recommendation.

Mr. Schick opened up the meeting for public comment.

Michael Payne 1763 Merlin Lane in the portion of Hilltop Estates that is adjacent to, but not connected to, the proposed Poudre Heights 3rd Filing Subdivision. I purchased my home in Hilltop Estates two years ago because of the peace and quiet in that neighborhood, and the large, open lots. The characteristics of my neighborhood are made possible by its zoning as E-1 under Windsor's Town Code.

I am here not to voice a wholesale objection to Poudre Heights LP's application for final approval of its subdivision, but to voice an objection to only one aspect of the application. Specifically, I object to the proposed connection of Merlin Lane to Poudre Heights 3rd Subdivision, which is zoned RMU (or Residential Mixed Use). For the following reasons, I ask the Planning Commission to require the applicant to revise its application to delete this connection, and then to forward a recommendation of approval of Poudre Heights, LP's revised application to the Windsor Town Board.

- Section 16-1-10 of the Town Code states, in part, that the overriding considerations of the zoning regulations contained in Chapter 16 are to: (1) promote health, safety, and general welfare; (2) "lessen congestion in the streets,"; (3) "secure safety from ... dangers,"; (4) "prevent ... undue concentration of population," and (5) "preserve the value of buildings."
- Section 16-14-10 of the Town Code states that it is the intent of Estate Residential E-1 District, in part, to create a semi-rural environment and to permit the keeping of certain large domestic animals.
- Section 16-24-10 of the Town Codes states, in part, that it is the intent of the RMU (Residential Mixed Use) district to: (1) provide for the development of mixed land uses; (2) encourage the creation of a desirable mix of residential dwelling classifications which are compatible with, complimentary to and located on the same parcel as common recreational uses, open spaces and commercial and light industrial uses; and (3) provide for improved vehicular and pedestrian traffic circulation and access.

The connection of Hilltop Estates (E-1) to Poudre Heights (RMU) by way of Merlin Lane will fundamentally change the character of Hilltop Estates by effectively eliminating the semi-rural nature of Hilltop Estates. For all intents and purposes, it will effectively, if not technically, change our zoning from E-1 to RMU, from "semi-rural" to one of greater density. Our neighborhood will go from one of 20 lots to one of 266 single family lots and 127 multi-family lots. And, based on the RMU zoning of Poudre Heights 3rd Subdivision, if the applicant or a successor one day successfully applies for an amendment of the subdivision plan, our neighborhood could be opened up to commercial and light industrial traffic. And this is to say nothing of the fact that the traffic in and out of an RMU neighborhood through an E-1 neighborhood is incompatible with the keeping of large domestic animals.

Such a connection would fly in the face of the purpose of the Town's zoning regulations, as stated in 16-1-10, because it would:

1. Fail to promote the health, safety and general welfare of Hilltop Estates' existing residents;
2. Increase congestion of the streets in Hilltop Estates (which are already in existence, as opposed to the yet-to-be constructed streets in a hypothetical Poudre Heights 3rd Subdivision)
3. Invite dangers into Hilltop Estates
4. Very likely diminish the value of the existing buildings in Hilltop Estates, since the increased traffic may diminish third-party interest in purchasing a home in this neighborhood.

While I understand that the Town's Land Use Plan indicates that due to the Town's growing population the application of E-1 zoning going forward will be limited, the E-1 zoning district does exist today, and the residents of Hilltop Estates purchased their homes in reliance on that zoning. Therefore, the intentions behind E-1 zoning can't be ignored or dismissed in order to facilitate an incompatible use of vacant land.

Section 16-14-210 of the Town Code describes the Residential E-2 District as one that will be served by "community facilities" and that will utilize urban-level services and improvements. Clearly, this type of zoning was intended to serve as a buffer between other zoning types and E-1. The proposed extension of Merlin Lane and improvements that might be made to Merlin Lane if adjoined to Poudre Heights might be permissible if Hilltop Estates were zoned E-2, but it is not. The code clearly contemplates that E-1 should not be directly connected to or adjoined to a development such as Poudre Heights.

The Developer can still develop Poudre Heights 3rd Subdivision without connecting his development to Hilltop Estates via Merlin Lane. The exiting two points of ingress and egress (Green River Drive and Riverplace Drive) are legally sufficient, and there is precedent for developing a neighborhood in Windsor of similar size with only two points of ingress and egress. Water Valley North has as many or more homes as Poudre Heights will have at full build-out, and it is only served by two points of ingress/egress provided by Water Valley Parkway. Furthermore, even assuming that this development required more than two access points, the Town should require the developer to prove that there are no other means of gaining an access point other than through Merlin Lane. From the Planning Staff's own materials, there will be two new streets within the development that will provide possible future connections out of the neighborhood. That would put the total number of connections at 4, which is twice as many as Water Valley North. One of those connections may be an existing private road that is immediately to the west of Poudre Heights 3rd and that is currently being used by oil traffic to access the Merlin drilling pad and other oil and gas facilities. Assuming a successful negotiation of a right away, or the current road owner's willingness to dedicate said road to the Town, this road could provide future residents of Poudre Heights 3rd with access to New Liberty Road.

In closing, I'm all for residential real estate development, and for letting Poudre Heights, LP obtain a final approval for their subdivision so that they can get to work building houses (or so that they can facilitate a sale of this land to another developer or builders). I am, after all, a real estate attorney. However, I'm also for preserving the character and the nature of my neighborhood, and for the Town standing by its precedent and its own zoning regulations. So, I request that the Planning Commission require Poudre Heights LP to revise its subdivision application to delete

the connection to Merlin Lane, and then to forward a recommendation of approval of the applicant's revised request to the Town Board.

Mr. Schick asked Mr. Payne whether he attended any of the neighborhood meetings. Mr. Payne stated he did not attend the meetings.

Mr. Payne stated due to the size of the lots, and distance notice his neighbors did not receive notices of the public hearing

Mr. Ballstadt stated notices were provided to the Metro District for distribution.

Mr. Ballstadt stated when Hilltop Estates was platted, Merlin Lane was developed to eventually connect to Poudre Heights.

Bob Lynch 1700 Dolores River Drive, spoke with different residents in his neighborhood that he's representing tonight. He is requesting a change in the easement from where the homes are being built or a walking trail to access the park. Our street on Dolores River Drive is going to be one of the access points to get to the west side of the subdivision. Mr. Lynch is asking for a reduction in lot sizes from 6" – up to 1 – 2 feet. Additionally the position of a proposed driveway is pointing directly into his home, and vehicle lights will shine directly into living areas.

Mr. Schick asked Mr. Rumley to take recommendations into consideration.

Mr. Rumley stated we would have to evaluate the implications, and evaluate the depth of the lots. There is a complex that has some additional fencing along that area, and an irrigation utility easement. Mr. Rumley addressed the driveway concern with planting some trees or vegetation creating a light barrier.

Ted Johnson 1363 Barn Owl Court, stated there are 4 ingress / egress access points for Poudre Heights, and he would like Merlin Lane to be emergency access only. He has concerns of the street becoming a race track. Mr. Johnson also shared concerns about RMU vs E-1 zoning in the Hilltop Estates Subdivision.

Wayne Plechaty 1698 Dolores River Drive discussed his concerns of emergency access vehicles response time with an estimated 800 – 1100 more vehicles with no additional access to 7th Street. He doesn't believe a stop light will be sufficient, and at minimum is requesting a round-a-bout. Additionally he would like to see another access point along the Northside of 7th Street. Mr. Plechaty also requested additional easement space or a walking trail.

Ralph Zrubek 1799 Dolores River Court stated concerns about the volume of traffic, and heavy commercial vehicles. He expressed concerns about whether the road were heavy duty enough to handle the weight of the commercial vehicle hauling fill, and construction materials.

Mr. Rumley stated the fire department requested Poudre Heights connect to Merlin Lane. Due to the flood plain we are unable to connect 7th Street on the Northeastern side. There are discussion about using a truck access road along the West side of the property. Additionally most of the dirt that will be hauled comes from the site itself.

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

4. Recommendation to Town Board – Final Major Subdivision – Poudre Heights 3rd Filing - Poudre Heights LP, applicant/ Spike Rumley, Poudre Heights LP, applicant's representative

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

Mr. Hornbeck had nothing further to add.

Mr. Dennison asked Mr. Hornbeck if public works, and fire department are contacted on this type of project. Additionally what input they had regarding the project.

Mr. Hornbeck stated; yes they have been involved since day 1.

Mr. Ballstadt stated the applicant has worked extensively with engineering on this project due to the flood plain.

Mr. Bushelman asked why not put a round-a-bout for flow of traffic vs a street light.

Mr. Ballstadt stated because of the flood plain, additionally that area on 7th Street has flooded in the past.

Mr. Tallon moved to forward to the Town Board a recommendation of approval of the Final Major Subdivision subject to the two conditions recommended by staff; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Hall, Bushelman, Foreman, Scheuerman; Nays – None; Motion carried.

5. Recommendation to Town Board – Final Site Plan – Poudre Heights 3rd Filing - Poudre Heights LP, applicant/ Spike Rumley, Poudre Heights LP, applicant's representative

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

Per Mr. Hornbeck the applicant, Mr. Spike Rumley of Poudre Heights LP, has submitted a final site plan, known as Poudre Heights Subdivision 3rd Filing – Site Plan. The site plan encompasses approximately 15 acres and is zoned Residential Mixed Use (RMU). A total of 127 townhomes are being proposed, along with HOA maintained open space. A mix of two-, three-, and four-unit buildings are proposed.

The proposal is summarized as follows:

- 127 townhome units in 47 buildings
- Access is provided from private drives
- 2 car garages per unit, 20 off-street guest parking spaces, and adjacent parking on public streets for up to 135 cars

Building architecture is summarized as follows:

- Maximum building height of 28 feet
- Generally two story buildings with one story elements on all buildings
- Pitched roofs with varied rooflines
- Primary finish materials of brick and stone veneer, fiber cement lap siding, and hardboard wood siding with stucco finish
- Small yards with each unit

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:

- Prioritize new growth in areas currently served by the Town infrastructure and services.
- Incentivize infill development to complete neighborhoods and leverage existing resources.

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:

- 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.

Notifications are not required with site plans.

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

Mr. Tallon moved to forward to the Town Board a recommendation of approval of the Final Major Subdivision subject to conditions recommended by staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Hall, Bushelman, Foreman, Scheuerman; Nays – None; Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission
 - None
2. Communications from the Town Board liaison
 - None
3. Communications from the staff
 - Mr. Ballstadt reminded everyone about the Coffee with the Major on November 16th with the topic Transportation Master Plan.

ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:09 p.m.

Trisha Conway, Deputy Town Clerk



MEMORANDUM

Date: December 18, 2019
To: Planning Commission
From: Paul Hornbeck, Senior Planner
Re: Recommendation to Town Board – Master Plan Amendment – Future Legends – Jeff Katofsky, Future Legends, LLC., owner/ applicant; Rob Van Uffelen, Galloway & Company, applicant's representative
Location: Northeast of the Intersection of Diamond Valley Drive and Eastman Park Drive
Items #: C.1

Background / Discussion

The owner/ applicant Mr. Jeff Katofsky of Future Legends, LLC., represented by Mr. Rob Van Uffelen of Galloway & Company, Inc., is requesting to amend a portion of the Altergott Farms Annexation Maser Plan, specifically Lot 1, Block 3 of the Diamond Valley Subdivision and Tract A of Diamond Valley Subdivision Fifth Filing for the project known as Future Legends. Tract A was transferred from the Town of Windsor to the property owner earlier in 2019, and is the former Diamond Valley Park. The site is approximately 132 acres in size and is zoned Limited Industrial (IL).

The Master Plan depicts the following uses:

- Stadium (3,400 seats)
- Two inflatable domes with multiuse sports fields (94,000 square feet each)
- 8 baseball fields
- 1 baseball miracle field
- 8 soccer/multiuse fields
- Sand volleyball
- Dormitory (30,000 square feet)
- Two hotels (270 total rooms)
- Extended stay facility (50 rooms)
- Medical office building (40,000 square feet)
- General retail uses (80,000 square feet)
- E-Gaming/ Theatre (280 seats)
- Parking (1200+/- stalls)

Other elements on the site include:

- Town master drainage channel to convey storm-water north to south through the site
- A Town trail following the general alignment of the drainage channel

- Major Greeley waterlines traversing the site

Two primary access points are proposed as follows:

- New roundabout on Eastman Park Drive
- An intersection with Diamond Valley Drive between Jackson Ct. and Logistics Dr.

Additional access points proposed include:

- Parking lot accessed from Diamond Valley Drive
- Emergency access from the Garden Drive which could serve as an additional public exit during events
- Emergency access to Eastman Park Drive via construction of Diamond Way.

A traffic study is currently being prepared for the site and subsequent site plans will need to adhere to the findings of the study.

The Master Plan shows four phases of construction:

- Phase 1 – two soccer/ multiuse fields approved by administrative site plan in November, 2019 and currently under construction
- Phase 2 – stadium, hotels, and inflatable domes
- Phase 3 – remainder of sports fields
- Phase 4 – retail uses, medical office building, e-gaming/ theatre facility, extended stay facility

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.

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

Chapter 8: Open Space, Recreation, & Environmental Features

Goal: Support a comprehensive park and recreation system that provides active and passive recreational opportunities while preserving Windsor's natural assets.

Objective: 3. Develop community partnerships to expand recreational programming and services

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly the Facilities focus of economic sustainability and vibrancy, and infrastructure.

Notification

Notification is not required with a Master Plan.

Recommendation

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

1. All outstanding staff and Planning Commission comments shall be addressed.
2. Results of the traffic study shall be incorporated into the Master Plan as needed.

Attachments

Application Materials
PowerPoint presentation

cc: Jeff Katofsky, owner/ applicant
Rob Van Uffelen, applicant's representative



Amended Master Plan

Future Legends

Paul Hornbeck, Senior Planner

Planning Commission December 18, 2019



Amended Master Plan

Article II of Chapter 15 of the Municipal Code outlines the purpose and procedures of the Amended Master Plan process, including:

Sec. 15-2-10. Purpose.

The purpose of this Article is to establish a procedure to provide for the master planning of property annexed to the Town pursuant to Article I of this Chapter. As provided in Article I of this Chapter, master planning in conjunction with the annexation of property is permissive but not required. The foregoing notwithstanding, the approval of a master plan shall be a condition precedent for the subdivision of property in the Town.

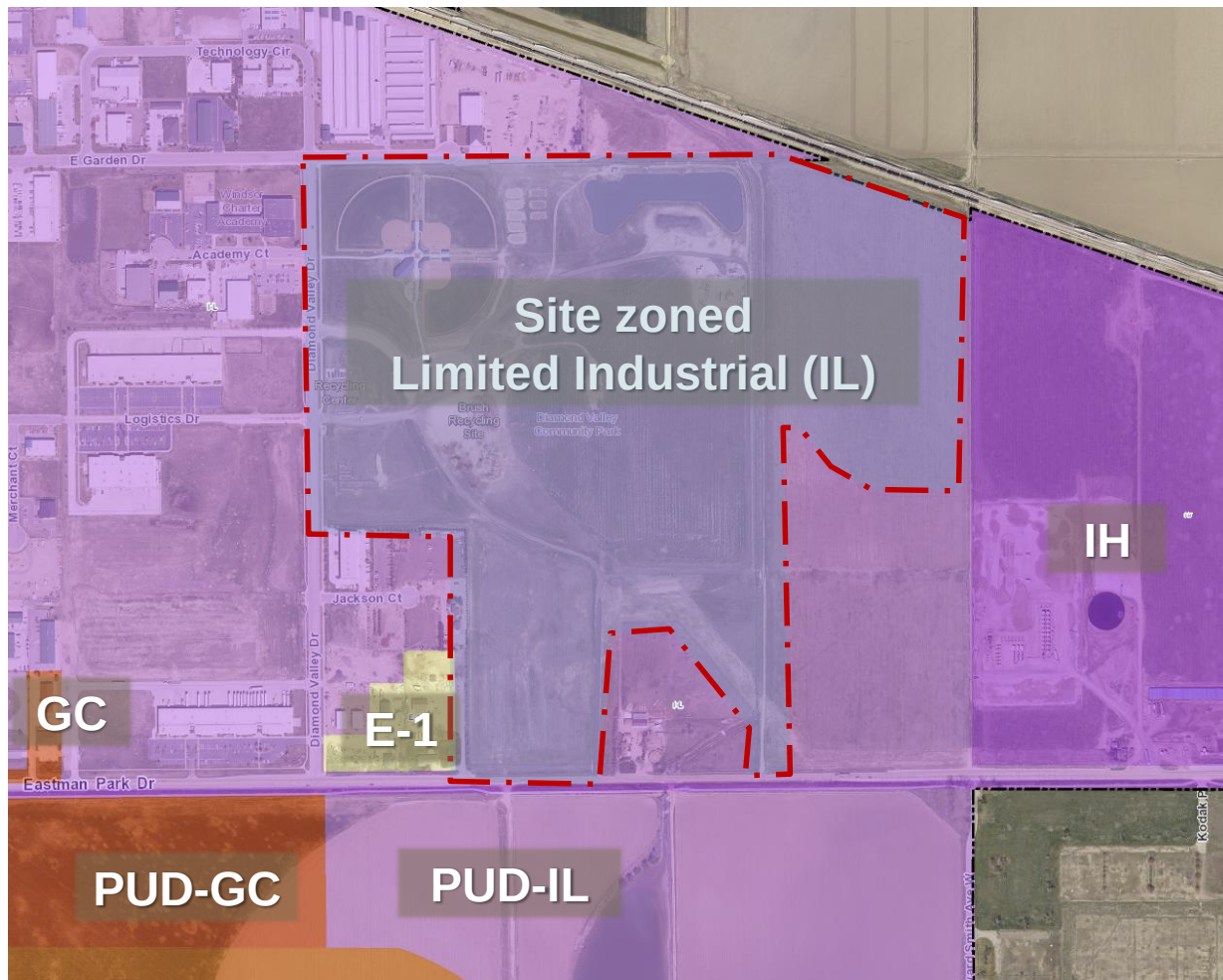


Vicinity Map



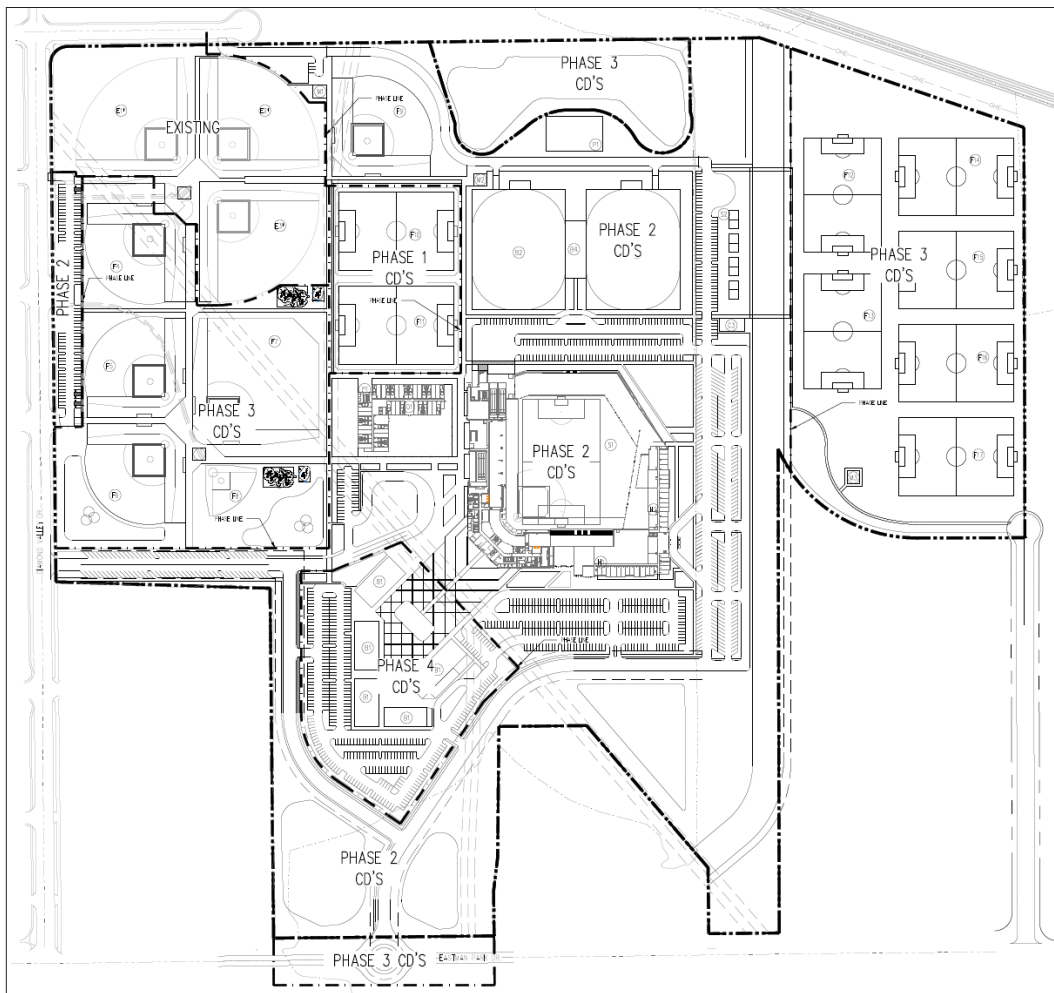


Zoning Map





Amended Master Plan Overview

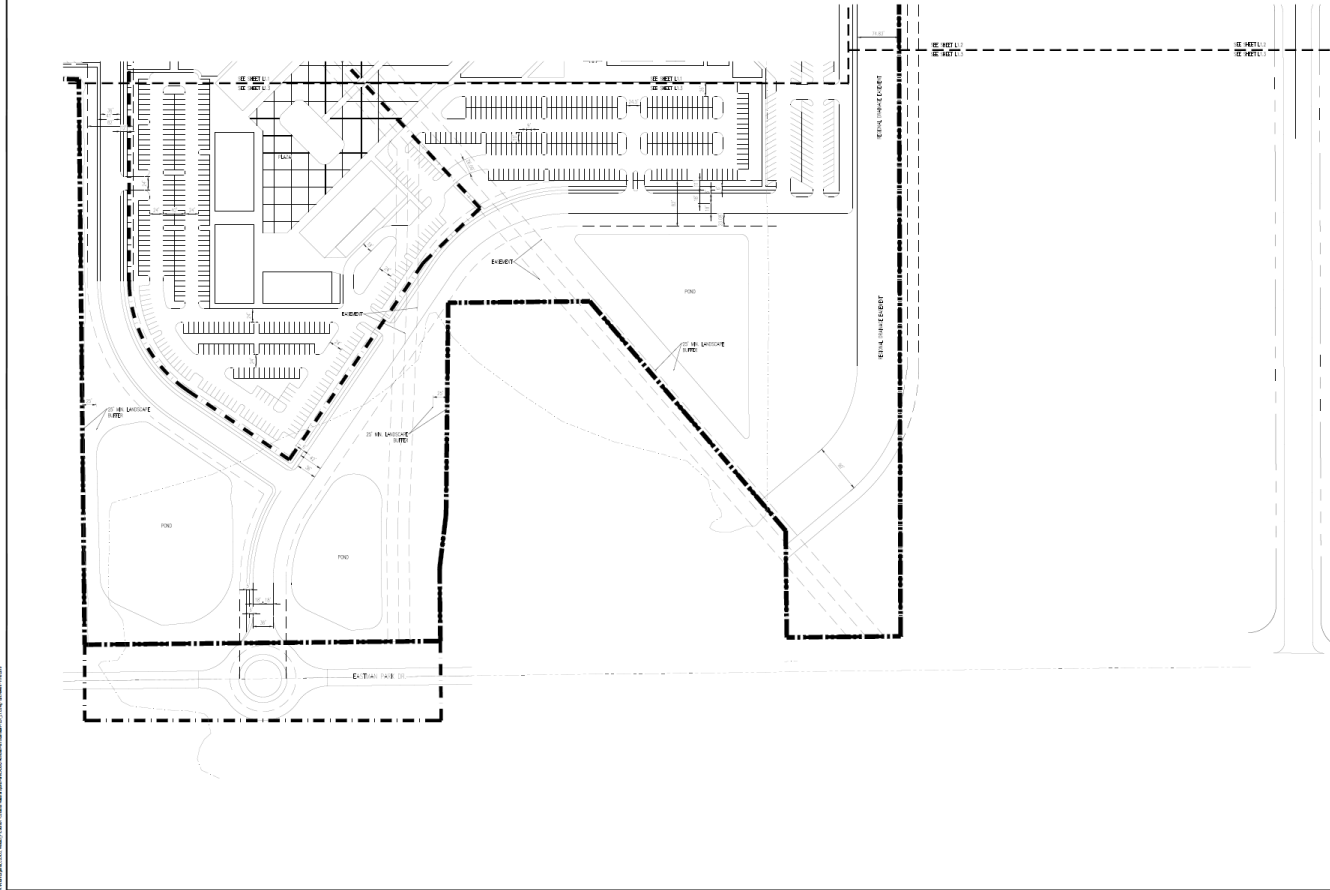




Amended Master Plan (South)

FUTURE LEGENDS MASTER PLAN WINDSOR, CO

TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO, LOCATED IN
THE SOUTH HALF OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 67 WEST OF
THE 6TH PRINCIPLE MERIDIAN



NOT FOR
CONSTRUCTION

COMPONENT
THIS PLAN IS A COMPONENT OF SERVICE
AND NOT A STAND-ALONE DOCUMENT. IT IS NOT
TO BE REPRODUCED, COPIED, OR REPRODUCED
WITHOUT THE WRITTEN CONSENT OF GALLOWAY
ENGINEERING AND ARCHITECTURE, P.C.



FUTURE LEGENDS
MULTI-USE FIELDS
FUTURE LEGENDS, LLC
EASTMAN PARK DR & DIAMOND VALLEY DRIVE
WINDSOR, CO

#	Date	Issue / Description	By
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Project No.	PL000001
Owner	EDM
Drawn by	TYN
Date	11.18.18



Comprehensive Plan Conformance

Chapter 5b: Growth Framework

Goal:

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

Objective(s):

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



Comprehensive Plan Conformance

Chapter 8: Open Space, Recreation, & Environmental Features

Goal:

Support a comprehensive park and recreation system that provides active and passive recreational opportunities while preserving Windsor's natural assets.

Objective(s):

Develop community partnerships to expand recreational programming and services



Strategic Plan Conformance

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly the Facilities focus of economic sustainability and vibrancy, and infrastructure.



Recommendation

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

1. All outstanding staff and Planning Commission comments shall be addressed.
2. Results of the traffic study shall be incorporated into the Master Plan as needed.



Master Plan Amendment

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Any testimony received during the public meeting
- Recommendation



MEMORANDUM

Date: December 18, 2019
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Determination of Off-street Parking Requirement in Accordance with Section 16-10-30(7) of the Municipal Code – Windshire Park Subdivision 4th Filing (Golden Meadows Senior Housing Complex) – Jeff Feneis, Loveland Housing Authority on behalf of Windsor Housing Authority, owner/applicant; Jim Doyle, TB Group, applicant's representative
Items #: C.2.C.3

Background / Discussion

The applicant, Jeff Feneis of the Loveland Housing Authority, on behalf of the Windsor Housing Authority, represented by Jim Doyle, TB Group, has submitted a site plan for an assisted living/senior housing complex located on the Windshire Park Subdivision 4th Filing property. The applicant has requested the review and determination of the off-street parking requirements for this site during the site plan review.

The site is currently vacant, undeveloped land, zoned RMU (Residential Mixed Use). The Windshire Park Master Plan designates the use for this site as assisted living/senior housing or multifamily residential. Both "assisted living" and "senior housing" are uses not enumerated in the Town's parking requirements.

The applicant proposes 124 senior living units consisting of mostly one-bedroom units. There will be four phases of development. Phase one and two include 90 units, consisting of 78 one-bedroom units and 12 two-bedroom units or 87% one-bedroom units and 13% two-bedroom units. While the number of one and two-bedroom units for phases three and four are not known at this time, it is anticipated that the percentages should be similar to the first two phases units.

The initial site plan submittal proposed 175 parking spaces and the current site plan submittal proposes 164 parking spaces for a reduction in eleven spaces. The applicant is basing the proposed parking amount based on trends with the population demographic who will reside in the complex, most of the units will have one occupant, and some occupants will not own vehicles. The applicant has based these findings from other similar developments in Windsor and Loveland.

Therefore, the applicant is requesting a Planning Commission determination for the parking requirement for the assisted living/senior housing use. This request is done in accordance with Section 16-10-30(a)(7) of the Municipal Code, which states:

Uses not enumerated. In any case where there is a question as to the parking requirements for a use or where such requirements are not specifically enumerated, the Planning Commission shall determine the appropriate application of the parking requirements to the specific situation.

To assess whether the proposed parking is sufficient to meet the parking demands of the use, staff evaluated the parking demand associated within similar nearby developments provided by Loveland Housing Authority.

Please see the applicant narrative of comparable examples.

Based on existing conditions from other developed properties with the same use, the parking proposed by the applicant appears to be adequate to meet the parking demand anticipated.

Relationship to Comprehensive Plan

The Town's Comprehensive Plan does not address parking determinations.

Notifications

In accordance with the Municipal Code notification requirements for a public hearing, the property was posted with a sign and notice was published in the local newspaper ten (10) days prior to the public hearing.

Recommendation

In accordance with Section 16-10-30(a)(7) of the Municipal Code and the aforementioned justification, staff recommends that the Planning Commission determine that the parking for the proposed senior housing complex for Windshire Park Subdivision (Golden Meadows Senior Housing Complex) is adequate as proposed.

Attachments

Application materials
Presentation

cc: Windsor Housing Authority, owner/applicant
Jim Doyle, applicant's representative

TO: Carlin Malone,
Chief Planner
Town of Windsor

FROM: Jim Doyle,
Landscape Architect
TB Group

DATE: November 25, 2019
RE: Golden Meadows Senior Housing Project –
Parking Space Memo

Dear Carlin,

This memo is a request on behalf of the Windsor & Loveland Housing Authority to reduce the original number of parking spaces proposed for the Golden Meadows Senior Housing Project in Windsor. The project site is located west of Weld County Road 15 and approximately 2.5 miles north of Weld County Road 68-1/2. The existing zoning is RMU, residential mixed use. Existing uses adjacent to the project site include the Windshire Subdivision to the north, and west, Agricultural land to the east and the Windsor Meadows Apartments to the south. The project is proposed to be built in 4 phases and will include 124 units at full buildout. Anticipated construction phases and unit counts are shown below.

Golden Meadows, Windsor CO

Phase I = 52 units

- (44) 1-bedroom units
- (8) 2-bedroom units

Phase II = 38 units

- (34) 1-bedroom units
- (4) 2-bedroom units

Phase III = 30 units

- (5) 6 unit buildings

Phase IV = 4 units

- 4 unit building

Total Units Proposed = 124 units

The original Site Plan presented to the Town Board and Planning Commission last year proposed 175 parking spaces. Since then the overall site plan has undergone some minor revisions. The new site layout now has 164 parking spaces, which is an 11 space reduction from the original design. The main reasons for the reduction are as follows:

1. Senior Citizens typically utilize public transportation more and tend to drive less than other population demographics. Most units have one occupant and many seniors do not own a vehicle.
2. Minor revisions were made to the site plan to create a more aesthetically pleasing central/gathering and community space at the entrance to the main building rather than a large asphalt parking area.
3. Less parking equals an increased amount of available open space and landscaping.

Similar Windsor and Loveland Housing Authority projects have been included as examples to illustrate the need for less parking. The Century III, Senior Housing project in Windsor and the Mirasol III, Senior Housing project in Loveland are two examples of successful projects that have less parking than most multi-family projects and they still provide their residents with adequate parking availability.

Century III Affordable Housing in Windsor consists of:

1. (48) 1-bedroom units
(24) 2-bedroom units

Total Units = 72 units with 83 Parking Spaces

4. Mirasol III Senior Housing in Loveland consists of:

1. (40) 1-bedroom units
(20) 2-bedroom units

Total Units = 60 units with 68 Parking Spaces

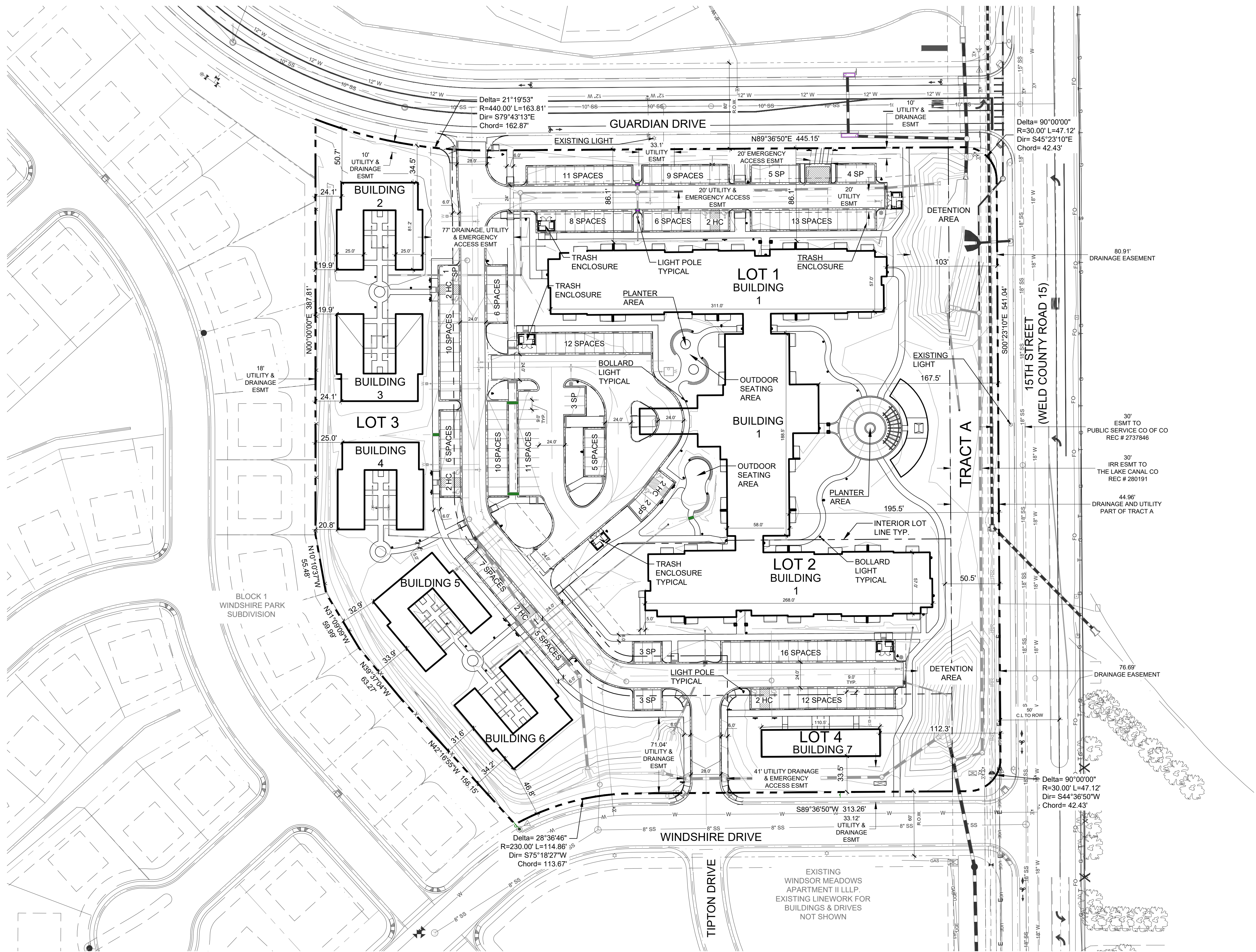
Thank you for your consideration in reducing the parking counts for Golden Meadows.

Sincerely,

Jim Doyle, PLA, Partner
TB Group

WINDSHIRE PARK SUBDIVISION SIXTH FILING
SITE PLAN

A REPLAT OF WINDSHIRE PARK SUBDIVISION FOURTH FILING,
LOCATED IN THE NORTHEAST CORNER OF SECTION 18,
TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



LAND-USE STATISTICS

GROSS AREA COVERAGE			
	SQUARE FEET	ACRES	
BUILDING FOOTPRINTS			
BUILDING 1	57,954	1.33	
BUILDINGS 2-6	23,101	0.53	
BUILDING 7	2,763	0.06	
TOTAL BUILDING FOOT PRINT AREAS	83,818	1.92	23%
LANDSCAPE AREA			
PAVED DRIVES AND PARKING	166,887	3.83	45%
SIDEWALKS	90,337	2.07	24%
	29,404	0.68	8%
TOTAL AREA:	370,446	8.5	100%
1-BEDROOM UNITS = 96			
2-BEDROOM UNITS = 27			
TOTAL # OF UNITS = 123			

PARKING COUNT			
OFF-STREET PARKING SPACES (INCLUDING 12 HANDICAPPED PARKING SPACES)	180		
TOTAL PARKING SPACES:		180	
EXISTING ZONING: RMU - RESIDENTIAL MIXED-USE			
GROSS LAND AREA:	370,000 SF ±	8.5 AC ±	

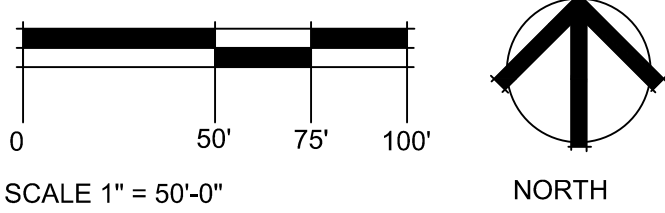
SITE LEGEND:

---	PROJECT BOUNDARY
---	LOT LINE BOUNDARY
---	CENTER LINE
---	FLOW LINE
---	LIGHT POLE
---	BOLLARD LIGHT

NOTE:

ALL SIGNS REQUIRE APPROVAL OF THE TOWN BY SEPARATE DOCUMENT.

SITE PLAN



TOWN OF WINDSOR
DRAWING REVIEW
REVIEW IS FOR GENERAL COMPLIANCE WITH
TOWN STANDARDS. NO RESPONSIBILITY IS
ASSUMED FOR CORRECTNESS OF DESIGN
DATE: _____ BY: _____
TOWN ENGINEER

SEAL

PROJECT TITLE

WINDSHIRE PARK
SUBDIVISION
SIXTH FILING
SITE PLAN

Windsor, Colorado

PREPARED FOR

WINDSOR HOUSING
AUTHORITY
1027 Walnut Street,
Windsor, Colorado
80550

Phone: 970.686.5576

REVISIONS DATE
COMMENTS 12-11-18

DATE

10-10-18

SHEET TITLE

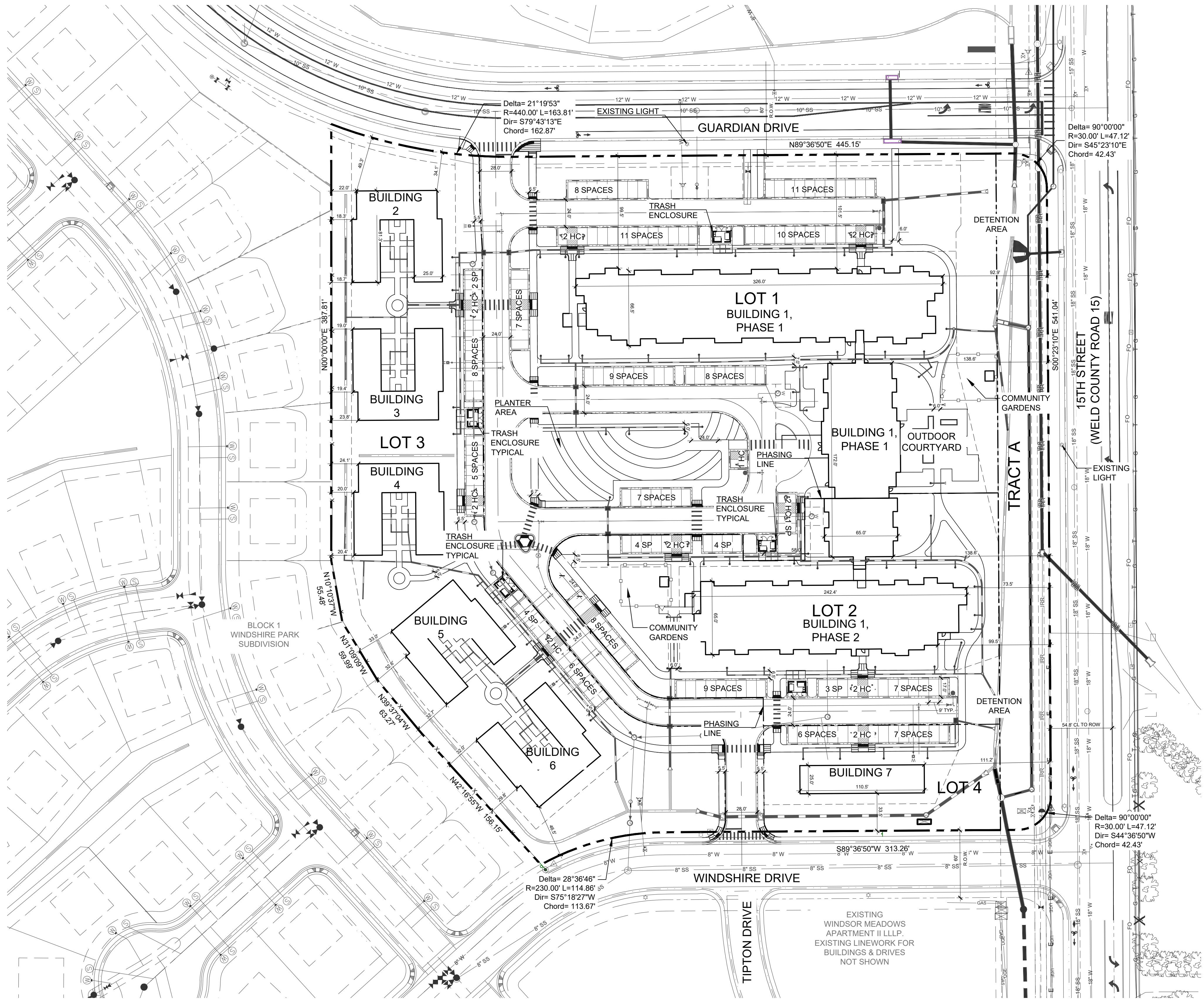
SITE PLAN

SHEET INFORMATION

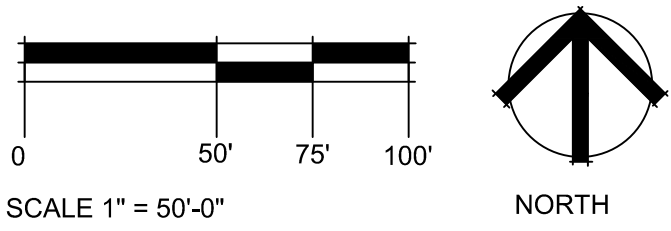
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of 39

WINDSHIRE PARK SUBDIVISION SIXTH FILING
SITE PLAN

A REPLAT OF WINDSHIRE PARK SUBDIVISION FOURTH FILING,
LOCATED IN THE NORTHEAST CORNER OF SECTION 18,
TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



SITE PLAN



OVERALL LAND-USE STATISTICS

EXISTING ZONING:	RMU - RESIDENTIAL MIXED-USE		
GROSS LAND AREA:	370,000 SF±	8.5 AC±	
	SQUARE FEET	ACRES	RATIO
TOTAL BUILDING FOOTPRINT AREAS	69,362	1.59	18.7%
OVERALL LANDSCAPE AREA	194,310	4.46	52.5%
OVERALL SIDEWALKS	28,891	0.66	7.8%
OVERALL PAVED DRIVES AND PARKING	77,883	1.79	21.1%
OVERALL SITE AREA	370,446	8.50	100%
PARKING COUNT			
OFF-STREET PARKING SPACES (INCLUDING 19 HANDICAPPED PARKING SPACES)	145		
TOTAL PARKING SPACES:	164		

LAND-USE STATISTICS - PHASE 1

	SQUARE FEET	ACRES	RATIO
BUILDING FOOTPRINTS			
BUILDING 1	26,361	0.61	13.6%
LANDSCAPE AREA			
PAVED DRIVES AND PARKING	59,989	1.38	30.7%
SIDEWALKS	19,376	0.44	9.8%
TOTAL AREA:	195,990	4.50	100%
1-BEDROOM UNITS = 44			
2-BEDROOM UNITS = 8			
TOTAL # OF UNITS = 52			
PARKING COUNT			
PARKING SPACES (INCLUDING 7 HANDICAPPED PARKING SPACES)	79		
TOTAL PARKING SPACES:	79		

LAND-USE STATISTICS - PHASE 2

GROSS AREA COVERAGE			
	SQUARE FEET	ACRES	RATIO
BUILDING FOOTPRINTS			
BUILDING 1	17,138	0.39	
BUILDINGS 2-6	23,100	0.53	
BUILDING 7	2,763	0.06	
TOTAL BUILDING FOOT PRINT AREAS	43,001	0.99	24.8%
LANDSCAPE AREA			
PAVED DRIVES AND PARKING	104,046	2.39	59.8%
SIDEWALKS	17,894	0.41	10.2%
	9,515	0.22	5.5%
TOTAL AREA:	174,456	4.0	100%
1-BEDROOM UNITS =	34		
2-BEDROOM UNITS =	4		
TOTAL # OF UNITS =	38		
PARKING COUNT			
OFF-STREET PARKING SPACES (INCLUDING 12 HANDICAPPED PARKING SPACES)	73		
TOTAL PARKING SPACES:	85		

SITE LEGEND:

---	PROJECT BOUNDARY
---	LOT LINE BOUNDARY
---	CENTER LINE
---	FLOW LINE
---	PHASING LINE
☆	LIGHT POLE BOLLARD LIGHT

NOTE:

ALL SIGNS REQUIRE APPROVAL OF THE TOWN
BY SEPARATE DOCUMENT.

TOWN OF WINDSOR
DRAWING REVIEW

REVIEW IS FOR GENERAL COMPLIANCE WITH
TOWN STANDARDS. NO RESPONSIBILITY IS
ASSUMED FOR CORRECTNESS OF DESIGN

DATE: _____ BY: _____
TOWN ENGINEER

REVISIONS	DATE
Preliminary	11-22-19
Submittal	



Determination of Off-Street Parking Requirement

Windshire Park 4th Filing -
Golden Meadows Senior Housing
Complex

Carlin Malone, Chief Planner

Planning Commission December 18, 2019

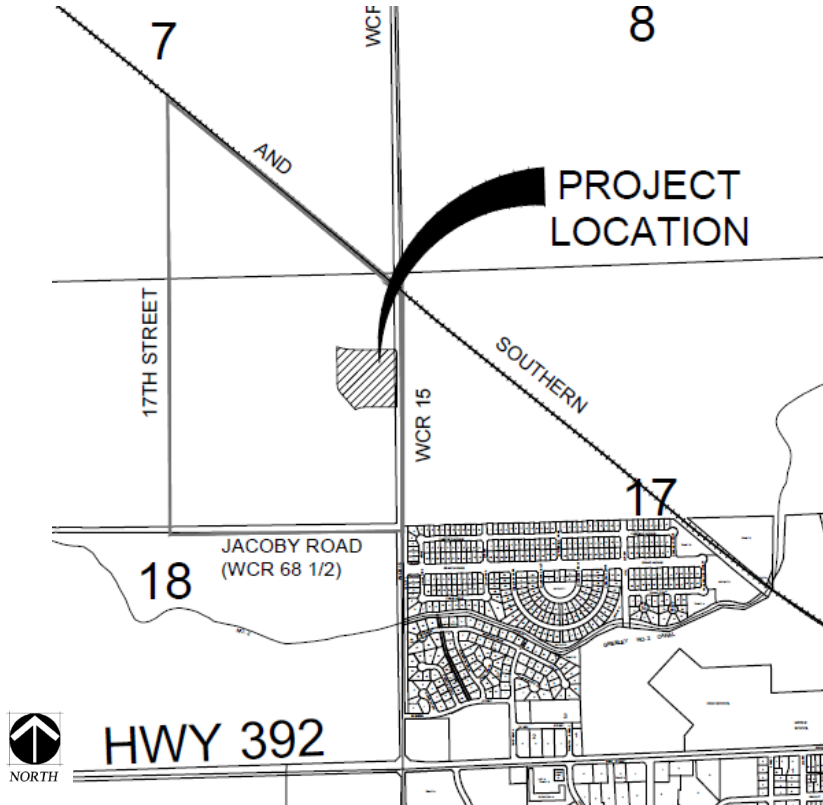


Parking Determination

Section 16-10-30(a)(7)

Uses not enumerated. In any case where there is a question as to the parking requirements for a use or where such requirements are not specifically enumerated, the Planning Commission shall determine the appropriate application of the parking requirements to the specific situation

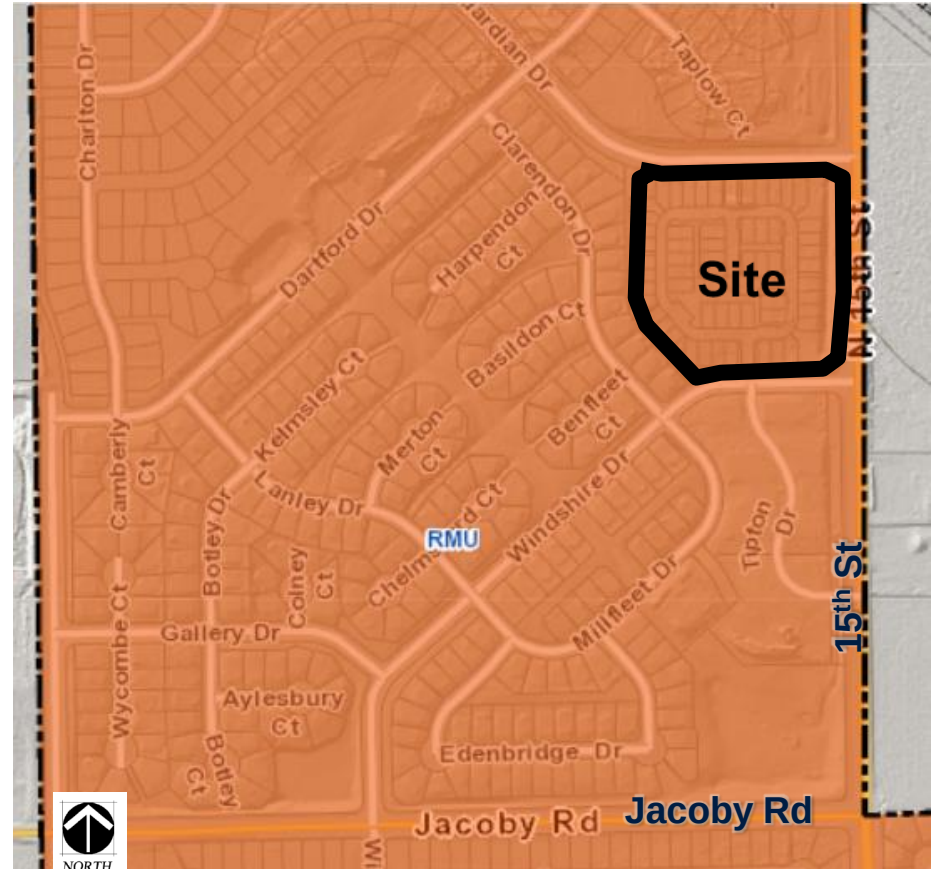
Site Vicinity





Zoning Map

**Site zoned RMU
(Residential Mixed Use)**



Master Plan

Land Use Table:

PARCEL	GROSS ACREAGE	LAND USE	MIN. LOT SIZE	GROSS DENSITY	PROPOSED UNITS	EQUIV. UNITS	ZONING
A	0.99	COMMUNITY CLUBHOUSE/POOL	N/A	-	-		RMU
B	4.01	OPEN SPACE	N/A	-	-		RMU
C	2.40	MULTI-FAMILY (PROPOSED)	N/A	15.0 D.U./AC.	36		RMU
D	3.99	MULTI-FAMILY (PROPOSED)	N/A	11.0 D.U./AC.	44		RMU
E	8.50	MULTI-FAMILY (PROPOSED)	N/A	14.5 D.U./AC.	123 *		RMU
F	65.09	SINGLE FAMILY (PROPOSED)	6,000 SF	3.2 D.U./AC.	215		RMU
G	2.99	NEIGHBORHOOD PARK	N/A	-	-		RMU
H	24.84	SINGLE FAMILY (PROPOSED)	6,000 SF	3.3 D.U./AC.	86		RMU
I	75.08	SINGLE FAMILY (EXISTING)	N/A	3.2 D.U./AC.	241		RMU
NET TOTAL 188.91 ACRES				3.94 D.U./AC.	745	NET UNITS	



* SENIOR HOUSING IS ASSUMED TO HAVE 1.2 PEOPLE PER UNIT.
ANY RESIDENTIAL USE OTHER THAN SENIOR HOUSING IS LIMITED TO 60 UNITS.



Site Plan

OVERALL LAND-USE STATISTICS

EXISTING ZONING: RMU - RESIDENTIAL MIXED-USE

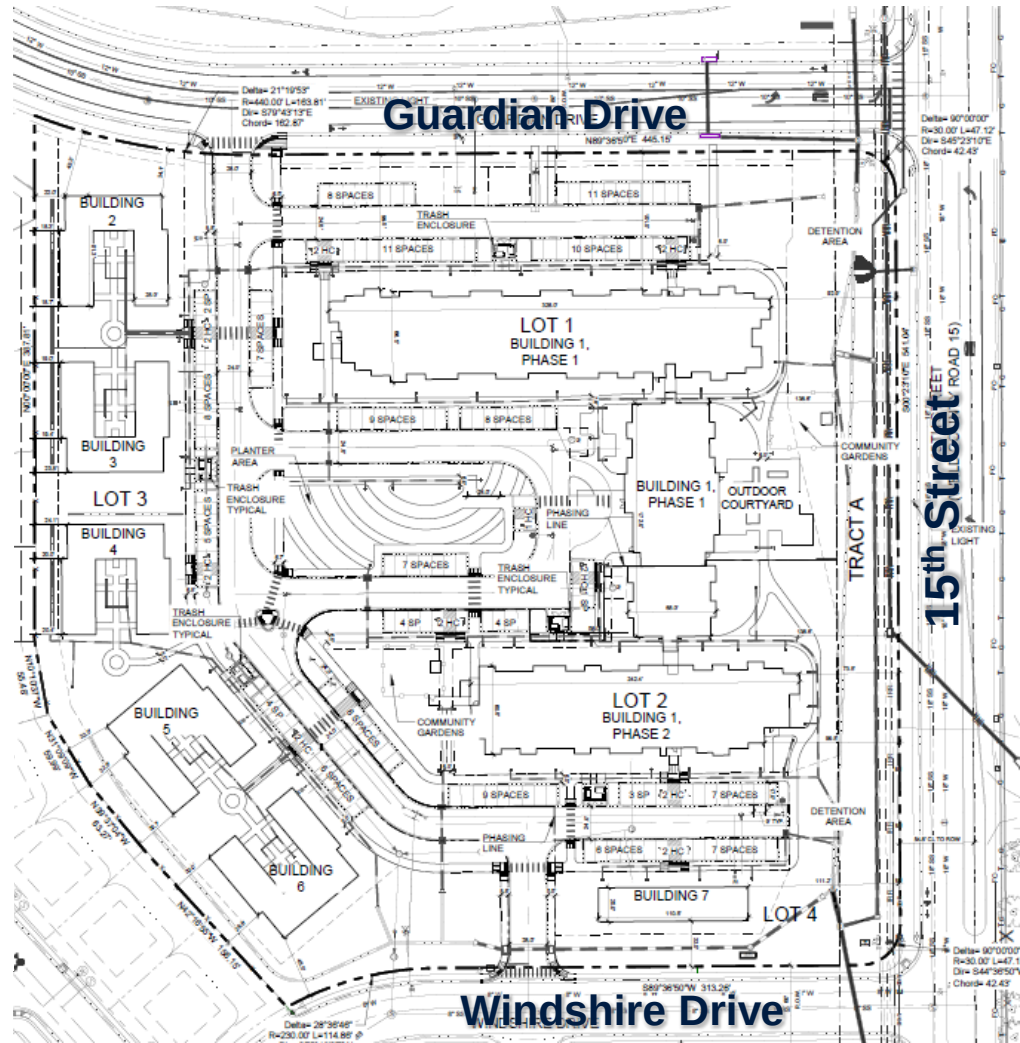
GROSS LAND AREA: 370,000 SF± 8.5 AC±

	SQUARE FEET	ACRES	RATIO
TOTAL BUILDING FOOTPRINT AREAS	69,362	1.59	18.7%
OVERALL LANDSCAPE AREA	194,310	4.46	52.5%
OVERALL SIDEWALKS	28,891	0.66	7.8%
OVERALL PAVED DRIVES AND PARKING	77,883	1.79	21.1%
OVERALL SITE AREA	370,446	8.50	100%

PARKING COUNT

OFF-STREET PARKING SPACES
(INCLUDING 19 HANDICAPPED PARKING SPACES) 145

TOTAL PARKING SPACES: 164





Site Plan

Municipal Code Category: General Commercial Zone District

Site Plan:

Phase I – 52 units

- 44 one-bedroom (85%)
- 8 two-bedroom (15%)

Phase II – 38 units

- 34 one-bedroom (89%)
- 4 two-bedroom (11%)

Phase III & 4 – 34 units

- Similar percentage of one and two-bedroom units

Total units allowed: 123

Parking Requirements by Use:

Senior Housing – non-enumerated

Assisted Living – non-enumerated

Site Plan:

Total = 123 dwelling units

Total = 164 parking spaces

Proposed parking ratio = 1.33 sp/du

Master Plan:

Assumes 1.2 people/du = 148 people

Proposed parking ratio = 1.1 sp/person



Similar Sites

Comparable Built Uses:

Century III, Windsor

- 48 one-bedroom units (67%)
- 24 two-bedroom units (33%)

Total units = 72; parking spaces = 83

Parking ratio = 1.15 sp/unit

Mirasol III, Loveland

- 40 one-bedroom units (67%)
- 20 two-bedroom units (33%)

Total units = 60; parking spaces = 68

Parking ratio = 1.13 sp/unit

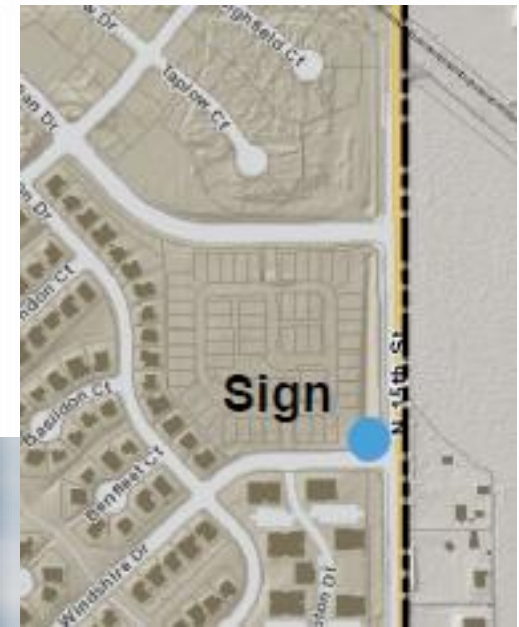




Notification

Notifications for this meeting were as follows:

- 12-5-19 – property posted with a notification sign
- 12-6-19 – legal ad published in the Greeley Tribune
- 12-5-19 – posted on Town's website





Recommendation

In accordance with Section 16-10-30(a)(7) of the Municipal Code and the aforementioned justification, staff recommends that the Planning Commission determine that the parking is adequate as proposed.



Parking Determination

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Any testimony received during the public hearing
- Staff recommendation