



PLANNING COMMISSION REGULAR MEETING

**January 15, 2020 // 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
2. Approval of minutes of December 4, 2019
3. Approval of minutes of December 18, 2019

C. BOARD ACTION

1. Preliminary Major Subdivision – Raindance Subdivision 8th Filing – David Nelson and Martin Lind, Raindance Development LLC, owner/applicant / Garrett Scallon, Raindance Development LLC, applicant's representative
 - Quasi-judicial
 - Staff presentation: Carlin Malone, Chief Planner
2. Preliminary Major Subdivision – Raindance Subdivision 9th Filing – David Nelson and Martin Lind, Raindance Development LLC, owner/applicant / Garrett Scallon, Raindance Development LLC, applicant's representative
 - Quasi-judicial
 - Staff presentation: 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. 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

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, 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**
<u>Wednesday, February 19, 2020</u>	7:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, March 4, 2020</u>	7:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, March 18, 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
Chief Planner
Senior Planner
Deputy Town Clerk

Scott Ballstadt
Carlin Malone
Paul Hornbeck
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 Korb, 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 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. Article VIII of Chapter 16 of the Municipal Code outlines the intent of the CUG process for uses which are unique and not specifically included as uses by right in any specific zone districts. Public utilities are allowed in any zone district with a CUG approval.

The site is located northeast of the WCR 13/Latham Parkway and WCR 76 intersection. On February 6 of this year, the Planning Commission reviewed a previous CUG for this request. The proposal was closer to WCR 76 and adjacent neighborhoods to the south, near Brian Avenue. The property is zoned Residential Mixed Use (RMU).

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. August 27, 2019, the applicant submitted a new CUG application.

Prior to submitting the new CUG application, the applicant conducted outreach with the neighbors and held an open house over the summer of 2019 to receive feedback from neighbors on several prospective locations. The proposed site is further north and west of the previously proposed site.

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 is proposed for a 5-acre area.

The proposal includes a landscape buffer and berm within a 50' easement along WCR 76 to WCR 13, to be maintained by the applicant. The land will remain owned by City of Thornton. 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 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.

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.

Ms. Malone provided a summary of applicable criteria evaluated with this CUG application, per Section 16-7-50 of the Municipal Code:

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.

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

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. Ms. Malone referred to the presentation slide illustration.

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, and proposed landscaping. 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. 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.

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.

Again, 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, and proposed landscaping. 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 underground 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.

No hazardous materials are proposed to be stored in the project area.

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.

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 (this included residents of Windsor, Weld County, Larimer County, Timnath, and Severance)
- 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 open house meeting on July 9, 2019, at WSFR Station No. 1.

The applicant has provided the required notice of the pending development to all such mineral owners and or lessees. The mineral owner, City of Thornton, has waived the required notice. Additionally, they have waived the right to file an objection, per C.R.S. § 24-65.5-103(5). Furthermore, City of Thornton provided a letter to the Town of Windsor supporting the applicant's request.

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.

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).

Public comments were received and are included in the packet material. Letters received included those of support, those supporting the changes made from the previous application, and one requesting that a wall be built around the facility rather than the chain-link fence proposal.

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 one 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



PLANNING COMMISSION REGULAR MEETING

December 4, 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
Jerry Bushelman
Timothy Reddick
Cindy Scheuerman

Town Board Liaison
Community Dev. Director

David Sislowksi
John Thornhill

Also Present:

Senior Planner
Deputy Town Clerk

Paul Hornbeck
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, Bushelman, Reddick, 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*

C. BOARD ACTION

1. Public Hearing – Conditional Use Grant (CUG) to allow a temporary use not specifically included as a use by right in any zone district – Great Western Industrial Park 7th Filing, Lot 5 – Ben Goldwasser, Central Applicant; and Mark Cevaal, Redland, Applicants Representative.

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

Mr. Schick opened up the public hearing.

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.

Mr. Sislowksi 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."

Per Mr. Paul Hornbeck the applicant, Ben Goldwasser of Central Oceans, represented by Mark Cevaal of Redland, is requesting a Conditional Use Grant (CUG) to allow a temporary use not specifically included as a use by right in any zone district, located on a portion of Lot 5 of Great Western Industrial Park Subdivision 7th Filing. The requested temporary use is a shipping container storage yard. The property is zoned Heavy Industrial (IH) and is generally surrounded by undeveloped or farmland, with an existing industrial business to the west. There are two farmhouses located adjacent to the property, one of which is under the same ownership as the subject property.

The proposed use will occupy approximately 25 acres of 136 acres on lot 5. The majority of the 25 acres is dedicated to outdoor storage of approximately 2700 shipping containers housing solar equipment. The majority of containers are 40' long, 8' wide and 9'6" high. The containers are proposed to be stacked up to three high, for a total height of approximately 29'. Containers will arrive and depart the site by truck. Containers are expected to arrive at the site during the first two quarters of 2020 and would begin to be delivered to their final destination in the fourth quarter of 2020 through 2023.

The site will be enclosed by a chain link fence with three strands of barbed wire and monitored by security cameras. Landscaping is proposed along the Great Western Drive frontage, around the detention pond on the southern portion of the site, and as a buffer to the farmhouse to the east.

Mr. Hornbeck stated there were some last minute changes to a revised site plan to include the containers stacked three high verses four high. Additionally a temporary fabric building is no longer purposed.

Standards and Requirements for Conditional Use Grants

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 subject property is located within the Great Western Industrial Park and is generally surrounded by undeveloped or agricultural land, with one industrial business located to the west and two residential homes to the east. Future industrial development is possible on properties to the north, east, and west. Floodplain and the Poudre River make development to the south of the subject area unlikely. The Poudre River Trail passes within approximately ¼ mile south of the subject development. The future Crossroads Boulevard extension from State Highway 257 to O Street in Greeley is anticipated immediately south of the site, but there is no timetable for construction of the roadway at this time. There are what appear to be two farmhouses adjacent to the parcel, including one under the same ownership of the subject parcel. The farmhouse under separate ownership is located immediately

east of the site and is zoned Light Industrial in unincorporated Weld County. The remainder of the surrounding properties are zoned Heavy Industrial and are within Windsor Town Limits.

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

The use will be surrounded by a fence with slats and landscaping in certain areas to provide some ground level screening; however the stacking of containers up to 29' tall means the use will be visible from the surrounding area.

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

The temporary warehouse would be located on the northwestern portion of the lot, closest to Great Western Drive.

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

Minimal parking is needed for the use due to no full time employees being on site. Two part time employees are anticipated to be on site as needed. Provision for circulation and loading of containers is provided on site. The applicant will need to comply with any applicable requirements from the City of Greeley regarding loading adjacent to and crossing the City's water line and easement. A condition of approval addressing this item is included in staff's recommendation.

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

During the first six months of operation the applicant anticipates up to fifteen trucks per day delivering containers, meaning 30 round trips per day. As containers are shipped offsite, the applicant anticipates three to five trucks per day picking up containers for deliver, meaning up to ten trips per day. During operations, there would be one to two employees on site with no customers or other visitors anticipated.

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

The applicant will be required to coordinate with Town staff to incorporate properly sized drainage facilities at the site. The applicant will also need to comply with the Town's stormwater (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 is proposed along the Great Western Drive frontage, around the detention pond on the southern portion of the site, and as a buffer to the farmhouse to the east. Due to the stacking of containers up to 29', landscaping will not entirely screen the use.

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

No hazardous conditions or pollutants have been identified with the use.

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

The use is compatible with the heavy industrial nature of the area. Landscape buffering is proposed adjacent to the adjoining farmhouse to increase compatibility.

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

- November 20, 2019 – affidavit of letter mailed to property owners within 100 feet of site
- November 22, 2019 – property posted with a notification sign
- November 22, 2019 – legal ad published in the newspaper

The 2016 Comprehensive Plan does not specifically address this type of temporary use.

There are no relevant areas of the Strategic Plan regarding this type of temporary use.

The Municipal Code does not specifically address timeframes for temporary Conditional Use Grants; however, in the past temporary uses have typically been approved for a period of two years.

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

1. The Conditional Use Grant shall initially be valid for a period of two years. Prior to completion of the two-year term, the applicant may request a one-year extension to be reviewed by the Planning Director. If the Director determines the use is in conformance with all conditions contained herein and all other applicable code requirements, a one-year extension shall be granted administratively by staff. If the Director determines the use is not in conformance with the conditions contained herein or other applicable code requirements, the extension request shall be referred to Planning Commission and Town Board in accordance with CUG procedures per the Town's Municipal Code. A second one-year extension may be granted following the same procedure. No further extensions shall be considered.
2. Containers shall be limited to no higher than 19 feet in height except that stacking up 29 feet shall be permissible until December 31, 2021.
3. A site plan in conformance with all Municipal Code requirements, including landscaping, shall be reviewed and approved by staff prior to construction of the facility.
4. Right-of-way shall be dedicated for Great Western Drive and Crossroads Boulevard.
5. Use shall adhere to all Greeley Water requirements regarding waterline easement traversing the site.
6. All outstanding Planning Commission and staff comments shall be addressed.

Staff requests the following be entered into the record:

- Application and Supplemental Materials
- Staff Memorandum and Supporting Documents
- Testimony from Public Hearing
- Recommendation

Ms. Scheuerman stated the 2 year initial timeframe on the recommendation, when does that clock start.

Mr. Hornbeck stated it begins when they take use of the site.

Mr. Ben Goldwasser, Central Oceans, thanked the Planning Commission and Planning Department for clear communication channels, and hearing them on the desired schedule.

Mr. Goldwasser stated this project is a storage solution for renewable solar energy cargo shipping containers via foreign trade and activated space. The landowner, Great Western Industrial Park, and the engineer are present to answer additional questions.

Mr. Schick opened up the meeting for public comment.

Mr. John Manish, Windsor, who lives in close proximity to the site, asked whether the road would be paved.

Mr. Goldwasser responded a gravel fill would be placed on the road.

Mr. Manish asked if the work would be completed during normal business hours.

Mr. Goldwasser stated construction, offloading, and delivery would be during regular business hours.

Ms. Carol Weber, Windsor, stated she believed the property just southeast of the site belonged to her late brother in-law. Additionally, asked if all of the truck traffic would be coming in off of Great Western Drive or Weld County Road 23.

Mr. Hornbeck responded traffic would be coming down Great Western Drive.

Ms. Carol Weber asked whether a fence would be placed on the west, and north side of the property.

Mr. Hornbeck stated; Yes

Mr. Schick clarified there would be a fence on all (4) sides of the property.

Mr. Hornbeck stated; Yes

Mr. Timothy Reddick noted in the material about the security system, and asked about the lighting associated with the system.

Mr. Goldwasser stated the lighting was called out in the narrative package, and they did call out approximately 15 light poles. The light poles will be motion activated only, and we would have protection regarding spill over. This is a foreign trade zone customs, and border protection has a role in determining the security that necessary. If the cameras can work without the light bulbs, they will be eliminated.

Mr. Timothy Reddick asked what direction the traffic was traveling prior to Great Western Drive.

Mr. Goldwasser stated the containers will be picked up in Denver.

Mr. Schick asked for clarification on the traffic route of the containers.

Mr. Adam Bird, Central Oceans, stated they will be picking up the containers at Union Pacific Railyard in Denver, and traveling up I-25.

Mr. Schick recommended that the trucks avoid Main Street, and use Crossroads.

Mr. Bird stated it would most likely be Hwy 34.

Mr. Bushelman asked whether avoiding Main Street needed to be a condition regarding the approval.

Mr. Hornbeck responded; Yes.

Mr. Bushelman asked about the applicant taking all precautions necessary from mud getting on the roadway.

Mr. Hornbeck stated it is a requirement of the site that they cannot be tracking mud on the roadway, and has been adequately addressed.

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

2. Recommendation to Town Board – Conditional Use Grant (CUG) to allow a temporary use not specifically included as a use by right any zone district – Great Western Industrial Park 7th Filing, Lot 5 - Ben Goldwasser, Central Applicant; and Mark Cevaal, Redland, Applicants Representative.
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Mr. Tallon moved to forward to the Town Board a recommendation of approval of the Conditional Use Grant subject to the following conditions recommended by staff and adding #4 Delivery Route avoiding Main Street defining that condition with staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Tallon, Dennison, Bushelman, Reddick, Scheuerman; Nays – None; Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission
 - Ms. Scheuerman requested a map be included in the packet with the exact location of the site.
 - Jerry Bushelman and Doug Dennison will be absent at the December 18th Planning Commission meeting.
2. Communications from the Town Board liaison
 - Mr. David Sislowksi reminded everyone of the End of Year Banquet at The Big Red Barn Highland Meadows Friday, December 13th at 6:00 pm.
3. Communications from the staff
 - Mr. Hornbeck stated the Cannon Express Car Wash site plan rendering is in your packet. If you have any comments on the changes please submit those by Monday, December 9th.
 - Mr. Hornbeck asked everyone to report attendance for the Planning Commission meeting Wednesday, December 18th.
 - John Thornhill, the new Community Development Director, introduced himself to Planning Commission.

ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:31 p.m.

Trisha Conway, Deputy Town Clerk



PLANNING COMMISSION REGULAR MEETING

December 18, 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
Kelly Hall
Timothy Reddick
Jerry Bushelman
Daniel Foreman
Cindy Scheuerman

Town Board Liaison
Planning Director

David Sislowksi
Scott Ballstadt

Also Present:

Chief Planner
Deputy Town Clerk

Carlin Malone
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. Scott Ballstadt informed the Commission that they recommended postponing agenda items B.1, and C.1 for further review to the next scheduled Planning Commission meeting.

Ms. Scheuerman moved to remove items B.1 and C.1 of the agenda to the next scheduled regular Planning Commission meeting as presented; Mr. Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Bushelman, Reddick, 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*

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

Board action item C.1 was postponed for further review to the next scheduled Planning Commission meeting.

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

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."

Ms. Carlin Malone stated items C.2 and C.3 do not go before the Town Board, and Planning Commission has the final decision on a Parking Determination.

Per Ms. Malone, this request is for a parking determination for a couple uses that are not enumerated in the Town's Code, and therefore, do not have parking requirements for those uses.

This request was reviewed in accordance with the Parking Determination Section of the Town's Municipal Code.

This property is located north of Jacoby Road, west of 15th Street, and more specifically, north of Windshire Drive and south of Guardian Drive in the Windshire Subdivision, currently the 4th Filing.

The site is 8.5 acres of undeveloped land, zoned RMU (Residential Mixed Use), which allows for a number of residential uses, as well as commercial. This use is assisted living and senior housing, so this project falls under a commercial use.

The Windshire Park Master Plan was updated recently, this was the third amendment. Previously, there were 60 multifamily units approved on this site. The third amendment added the option of 123 senior housing, based on sewer capacity. In the event the senior housing does not occur, 60 units of multifamily would be allowed.

The assumption was that 1.2 people would live in these units, which is less persons per unit than the previously approved townhomes. Therefore, the parking needed with this proposal would also be less than a multifamily use.

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 unknown at this time, it is anticipated that the percentages should be similar to the first two phase's units. The minority of the units would be two-bedroom.

Ms. Malone stated the initial site plan submittal proposed 175 parking spaces and the current site plan submittal proposes 145 off-street parking spaces, including 19 handicapped parking spaces for a total of 164 parking spaces for all four phases of development. The applicant is basing the amount of proposed parking on trends from 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 proposed parking ratio is 1.33 sp/unit.

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 Windsor Housing Authority, and Loveland Housing Authority. Century III in Windsor has more 2-bedroom units and has a parking ratio of 1.15 sp/unit. Mirasol III in Loveland also has more 2-bedroom units with a parking ratio of 1.13 sp/unit.

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

- December 05, 2019 – property posted with a notification sign
- December 05, 2019 – posted on Town's website
- November 22, 2019 – legal ad published in the Greeley Tribune

Ms. Malone stated that 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. Therefore, 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 assisted living/senior living complex for Windshire Park Subdivision (Golden Meadows Senior Housing Complex) is adequate as proposed.

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

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

Dave Lingle, Development Project Manager for Loveland Housing Authority, acting as the developer in partnership with the Windsor Housing Authority, introduced himself to the Planning Commission. Mr. Lingle introduced Darcy McClure, Director of Real Estate Development for Loveland Housing Authority. Mr. Lingle wanted to point out that in their material there are a couple places that reference 124 units, but the correct number is 123 units, which is reflected in staff's material.

Ms. Scheuerman asked Ms. Malone if, due to sewer capacity, if for some reason this project were to fall through, that the capacity would revert back to standard

multifamily; therefore, it is assumed that if this reverts back to standard multifamily, this would also wipeout this parking determination?

Ms. Malone stated this is correct. This parking determination is specific to this use, clarifying that this is because the code does not include the proposed use in the permitted land use table or as a use within the parking section of the code.

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

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

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
- Staff presentation: Carlin Malone, Chief Planner

Ms. Malone had nothing further to add.

Ms. Scheuerman moved to approve the parking determination as presented by staff; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Hall, Bushelman, Reddick, 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 said he’s working weekly with staff on reviewing plan sets for the new sports park. A couple things need to be resolved prior to bringing to the Planning Commission.
 - Upcoming meeting dates:
 - Town Board Work Session meeting on January 13th, 2020, which will be a high-level discussion with the Town’s Transportation Master Plan consultant, getting Town Board direction and feedback to go into the draft, which is expected to be coming forward the first quarter.
 - Town Board Work Session meeting on January 20, 2020 – topic of locations; and on January 27, 2020 – topic of air quality. Sessions will both be oil and gas related.

ADJOURN

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

Trisha Conway, Deputy Town Clerk



MEMORANDUM

Date: January 15, 2019
To: Planning Commission
From: David Eisenbraun, Senior Planner
Re: Preliminary Major Subdivisions – Raindance Subdivision 8th & 9th Filings – David B. Nelson and Martin Lind, Raindance Land Company, LLC, owner/applicant; Martin Lind; Garrett Scallon, Raindance Development LLC, applicant's representative
Location: Northeast of New Liberty Road and WCR 13/Colorado Blvd.
Items #: C.1.C.2

Background / Discussion

The applicant, Mr. Martin Lind of Raindance Land Company, LLC, has submitted two preliminary major subdivision plats, known as Raindance Subdivision Eighth and Ninth Filings. The subdivisions encompass approximately 113.6 acres and are zoned Planned Unit Development (PUD). The remainder of the 576 acres are platted as future development tracts, largely being designated for the future golf course.

Preliminary Plat characteristics for 8th filing:

- 40.16 total acres
- 138 single-family lots
 - Lot sizes:
 - 52: 5,500 sf lots
 - 86: 6,600 sf lots
- Density: 3.4 dwelling units per acre
- Product: 1 & 2-story houses with attached garages
- Parks (owned and maintained by metropolitan district)
 - Not applicable due to location proximity of Raindance Subdivision 2nd Filing parks.
- Tracts for open space / agriculture use = ~ 3 acres
- Extension of trail system

Preliminary Plat characteristics for 9th filing:

- 73.44 total acres
- 239 single-family lots
 - Lot sizes:
 - 122: 5,500 sf lots
 - 117: 6,600 sf lots
- Density: 3.2 dwelling units per acre
- Product: 1 & 2-story houses with attached garages
- Parks (owned and maintained by metropolitan district)
 - One small pocket park with two additional pocket parks (location to be determined).
 - Limited additional parks due to location proximity of Raindance Subdivision 2nd Filing parks.
- Tracts for open space / agriculture use = ~ 16.6 acres

- Extension of trail system

The applicant held a neighborhood meeting on December 3, 2019, in accordance with Chapter 16, Article XXXI of the Municipal Code. Two neighbors attended. Please see the enclosed neighborhood meeting notes for discussion topics.

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, 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

A neighborhood meeting was held on December 3, 2019. Notifications for this meeting were as follows:

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

Recommendation

Because there are two separate preliminary subdivision applications, two separate actions will need to take place. The first action is regarding the 8th filing and is as follows:

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

The second action is regarding the 9th filing and is as follows:

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

Attachments

Application Materials
PowerPoint presentation
Neighborhood Meeting Summary

cc: David B. Nelson, owner
Martin Lind, applicant
John Meyers, applicant's representative
Tom Siegel, applicant's representative
Brock Reimer, applicant's representative

October 15, 2019

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

Re: RainDance Subdivision Major Preliminary Plat, Filing Eight

Dear Mr. Ballstadt:

On behalf of the applicant, RainDance Development LLC, please find below the narrative for the RainDance Filing Eight Major Subdivision Preliminary Plat application. We look forward to working closely with Town Staff through the Subdivision Plat approval process.

Introduction

Filing Eight is located north of New Liberty Road. Filing Eight consists of 138 single family residential lots which meet the standards of the approved RainDance Planned Unit Development, PUD, and tie into the established RainDance road network. Filing Eight encompasses approximately 616.35 acres of the RainDance PUD including approximately 22.94 acres of single family lots, 13.51 acres of right-of-way, 2.98 acres of open space, .73 acres of private drive and 576.20 acres of future development tracts. Single family lots within Filing eight are connected to the rest of the community via Covered Bridge Parkway and Autumn Moon Drive.

Single family residential lots proposed in Filing Eight include the following:

Filing Eight - Blocks 1-7

- 52 - 50'x110' lots
- 86 - 60'x110' lots

Landscape Amenities and Character

Filing Eight will continue the landscape character representative of the RainDance community. Filing Eight includes a landscape/farming tract adjacent to New Liberty Road and passive open space areas with ornamental and naturalized landscape. Filing Eight also includes an enhanced streetscape along Covered Bridge Parkway. Please refer to improvement plans for reference of specific landscape improvements.

Parks and Open Space

The location of park and open space features in RainDance are located to achieve a 1/3 radius to every resident as required by the PUD. Due to close proximity to an existing park located in Filing two, Filing Eight is compliant with park proximity requirements and contributes to cumulative open space acreage required at full buildout. Open space proposed in Filing Eight shall be owned and maintained by the Raindance Metropolitan District.

Infrastructure Improvements

Infrastructure shall be constructed as depicted in the approved improvement plans for each Filing. Filing Eight proposes infrastructure, including but is not limited to: street rights of-way, utilities, storm water improvements, and grading.



Street Names

The team anticipates the continuation of the following existing street names: COVERED BRIDGE PARKWAY, AUTUMN MOON DRIVE. Additional Street names shall be proposed in a subsequent application.

RainDance Filing Eight intends to implement the development standards of the approved RainDance PUD and seeks to build upon the community vision of RainDance. Our team looks forward to working with, and hearing feedback from Town staff to plan and develop a successful new community in the Town of Windsor. Please let us know if you have any questions regarding this application or require any additional information.

Sincerely,
Norris Design

Brock Reimer, Principal

Submittal Summary Annotated Checklist

Section 1

- Checklist – Complete
- Land Use Application – Provided to the Town
- Application Fee – Provided to the Town
- Narrative – See Above
- Deed of ownership – Included
- All Required drawings and supplemental docs per Muni Code
 - Final Plat Document per drawing regulations – Included
 - Town general application – not included as directed by Town, document is no longer in circulation
 - Complete Street plans – Included
 - Complete Storm Drainage Plans – Included
 - Complete Utility Plans – Included in civil improvement plans
 - Complete Grading Plans - Included in civil improvement plans
 - Traffic Study – Provided
 - Traffic Control plan – Included in civil improvement plans
 - Proposed Deed Restrictions - No new deed restrictions are proposed at this time or in association with this subdivision, not included
 - Soils Report – Provided
 - Description and Location of Hazardous Areas- All setbacks, geographic features, and energy operation setbacks are depicted on civil plans
 - Final Drainage Report – Included
 - Topographic Map – Included in civil improvement plans
 - Preferred method of water rights dedication – See Water Rights Memorandums submitted as a part of this application
 - Landscaping for public Right of Way – Included in civil Improvement plans
 - Written Narrative – See above
 - Soil test results and map location – See soils report provided
 - Final boundary closure calculations for exterior boundaries of subdivision and individual lots – See Plat document
 - Street Lighting Plan – Included in civil improvement plans
- Submittal per Town submittal requirements – Complete
- List of proposed street names - Proposed street names to be included in final plat application
- Agree to comply with hearing and mineral owner notifications - Yes

Section 2

- Drawing Requirement items 1-8 included on Plat – Complete
- Location of existing and proposed ROW, easements, etc. – Included in Plat
- Land Use Table – Included in Plat
- Lot numbers and information - Included in Plat
- Designation of flood areas – Included in Plat
- Traffic Study – Included
- Traffic Control Plan – Included in civil improvement plans
- Soils Report – Soils report included
- Description of hazardous areas - All setbacks, geographic features, and energy operation setbacks are depicted in civil improvement plans.
- Topographic Map – Included in civil improvement plans
- Landscaping for public Right of way – Included in civil improvement plans
- Preferred method of water rights dedication – See Water Rights Memorandums submitted as a part of this application

Section 3

Final Plat Items to be Provided with Future Submittals

Additional Submittal Items

- Lot Compliance Form – Included (Requirement of PUD per Note 9 of cover sheet)

Below are the submittal files provided Via eTRAKiT on October 15, 2019

1-MAJS-PRE-APP
1-MAJS-PRE-DR
1-MAJS-PRE-GEO
1-MAJS-PRE-IMP
1-MAJS-PRE-PLAT
1-MAJS-PRE-TIS

Additional paper copies can be provided at the request of the Town

We look forward to the Town's feedback. Please feel free to contact the development and design team for any questions.

Owner:

RainDance Development LLC
Re: David Nelson
540 W. Madison Street, Suite 2500
Chicago, IL 60661
(312) 542-3161

Engineer:

TST, INC. Consulting Engineers
Re: John Meyers
748 Whalers Way
Fort Collins, CO 80525
(970) 226-0557

Applicant:

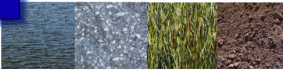
RainDance Development LLC
Re: Martin Lind
1625 Pelican Lakes Point #201
Windsor, Co 80550
(970) 686-5828

Planner / Landscape Architect:

Norris Design
Re: Brock Reimer, Julia Summers
1101 Bannock Street
Denver, CO 80211
(303) 892-1166

Authorized Representative:

RainDance Development LLC
Re: Garrett Scallon
1625 Pelican Lakes Point #201
Windsor, Co 80550
(970) 460-1692



MEMORANDUM

To: Doug Roth

From: John Meyers

Date: October 15, 2019

Subject: Water Rights – Raindance Subdivision

The purpose of this letter is to describe the plan for dedicating water rights for the 8th Filing of the Raindance Master Planned Community.

Although the Raindance property was not historically irrigated farm land, the proposed design intent includes a non-potable raw-water distribution system for all irrigated areas. The existing Raindance reservoir will serve initial phases of the development with future storage planned south of Crossroads as needed during completion of the overall project. The raw water system will greatly reduce demand on the Town's existing potable water infrastructure and water portfolio and therefore serve to preserve Town water resources.

It is our current intent to create a raw water agreement much like the existing Water Valley raw water agreement to serve the proposed subdivision. In addition to the agreement with the Raindance Metropolitan District, we anticipate a cooperative agreement between the Raindance and Water Valley Districts for the purpose of maximizing storage, delivery, and management options available afforded by the large area covered by both Districts.

For the 8th filing, we anticipate using existing water rights owned by the developer that can be delivered to Raindance reservoir for non-potable irrigation demand. For potable water, we anticipate dedicating adequate sources shares consistent with past practices.

Please feel free to contact me with questions or to discuss further.

Sincerely,

TST, INC. CONSULTING ENGINEERS

A handwritten signature in black ink, appearing to read "John Meyers Jr.", written over the printed name.

John Meyers Jr., P.E.

JMJ

November 12, 2019

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

Re: RainDance Subdivision Major Preliminary Plat, Filing Nine

Dear Mr. Ballstadt:

On behalf of the applicant, RainDance Development LLC, please find below the narrative for the RainDance Filing Nine Major Subdivision Preliminary Plat application. We look forward to working closely with Town Staff through the Subdivision Plat approval process.

Introduction

Filing Nine is located north of New Liberty Road and north of Filing Eight. Filing Nine consists of 239 single family residential lots which meet the standards of the approved RainDance Planned Unit Development, PUD. Filing Nine encompasses approximately 108.5 acres of the RainDance PUD including approximately 39.5 acres of single family lots, 16.84 acres of right-of-way, 16.6 acres of open space, .5 acres of private drive and 35.16 acres of future development tract. Single family lots within Filing Nine are connected to the existing RainDance community via Covered Bridge Parkway.

Single family residential lots proposed in Filing Nine include the following:

Filing Nine - Blocks 1-16

- 122 - 50'x110' lots
- 117 - 60'x110' lots

Landscape Amenities and Character

Filing Nine will continue the landscape character representative of the RainDance community. Filing Nine continues landscapes streetscapes along CR-13 and Covered Bridge Parkway. These landscape tracts include passive open space areas with ornamental and naturalized landscape. Please refer to improvement plans for reference of specific landscape improvements.

Parks and Open Space

The location of park and open space features in RainDance are located to achieve a 1/3 radius to every resident as required by the PUD. Filing Nine includes a park in Tract I. Tract I is compliant with park proximity requirements and contributes to cumulative open space acreage required at full buildout. Open space proposed in Filing Nine shall be owned and maintained by the Raindance Metropolitan District. Future improvements for a community amenity within Tract D will be proposed in a separate future application.

Infrastructure Improvements

Infrastructure shall be constructed as depicted in the proposed Major Infrastructure Plans and within approved improvement plans for each Filing. Filing Nine proposes infrastructure, including but is not limited to: street rights of-way, utilities, storm water improvements, and grading.



Street Names

The team anticipates the continuation of the following existing street names: COVERED BRIDGE PARKWAY and CHERRY BLOSSOM DR (from existing community west of CR-13). Additional Street names shall be proposed in the Final Platt application.

RainDance Filing Nine intends to implement the development standards of the approved RainDance PUD and seeks to build upon the community vision of RainDance. Our team looks forward to working with, and hearing feedback from Town staff to plan and develop this successful new community in the Town of Windsor. Please let us know if you have any questions regarding this application or require any additional information.

Sincerely,
Norris Design

Brock Reimer, Principal

Submittal Summary Annotated Checklist

Section 1

- Checklist – Complete
- Land Use Application – Included
- Application Fee – Provided to the Town
- Narrative – See Above
- Deed of ownership – Included
- All Required drawings and supplemental docs per Muni Code
 - Final Plat Document per drawing regulations – Included
 - Complete Street plans – Included
 - Complete Storm Drainage Plans – Included
 - Complete Utility Plans – Included in civil improvement plans
 - Complete Grading Plans - Included in civil improvement plans
 - Traffic Study – Provided
 - Traffic Control plan – Included in civil improvement plans
 - Proposed Deed Restrictions - No new deed restrictions are proposed at this time or in association with this subdivision, not included
 - Soils Report – Provided
 - Description and Location of Hazardous Areas- All setbacks, geographic features, and energy operation setbacks are depicted on civil plans
 - Final Drainage Report – Included
 - Topographic Map – Included in civil improvement plans
 - Preferred method of water rights dedication – Not Applicable
 - Landscaping for public Right of Way – Included in civil improvement plans
 - Written Narrative – See above
 - Soil test results and map location – See soils report provided
 - Final boundary closure calculations for exterior boundaries of subdivision and individual lots – See Plat document
 - Street Lighting Plan – Included in civil improvement plans
- Submittal per Town submittal requirements – Complete
- List of proposed street names - Proposed street names to be included in final plat application
- Agree to comply with hearing and mineral owner notifications - Yes

Section 2

- Drawing Requirement items 1-8 included on Plat – Complete
- Location of existing and proposed ROW, easements, etc. – Included in Plat
- Land Use Table – Included in Plat
- Lot numbers and information - Included in Plat
- Designation of flood areas – Included in Plat
- Traffic Study – Included
- Traffic Control Plan – Included in civil improvement plans
- Soils Report – Soils report included
- Description of hazardous areas - All setbacks, geographic features, and energy operation setbacks are depicted in civil improvement plans.
- Topographic Map – Included in civil improvement plans
- Landscaping for public Right of way – Included in civil improvement plans
- Preferred method of water rights dedication – See Water Rights Memorandums submitted as a part of this application

Section 3

Final Plat Items to be Provided with Future Submittals

Additional Submittal Items

- Lot Compliance Form – Included (Requirement of PUD per Note 9 of cover sheet)

Below are the submittal files provided Via eTRAKiT on November 12, 2019

1-MAJS-PRE-APP
1-MAJS-PRE-DR
1-MAJS-PRE-GEO
1-MAJS-PRE-IMP
1-MAJS-PRE-PLAT
1-MAJS-PRE-TIS

Additional paper copies can be provided at the request of the Town

We look forward to the Town's feedback. Please feel free to contact the development and design team for any questions.

Owner:
RainDance Development LLC
Re: David Nelson
540 W. Madison Street, Suite 2500
Chicago, IL 60661
(312) 542-3161

Engineer:
TST, INC. Consulting Engineers
Re: John Meyers
748 Whalers Way
Fort Collins, CO 80525
(970) 226-0557

Applicant:
RainDance Development LLC
Re: Martin Lind
1625 Pelican Lakes Point #201
Windsor, Co 80550
(970) 686-5828

Planner / Landscape Architect:
Norris Design
Re: Brock Reimer, Julia Summers
1101 Bannock Street
Denver, CO 80211
(303) 892-1166

Authorized Representative:
RainDance Development LLC
Re: Garrett Scallon
1625 Pelican Lakes Point #201
Windsor, Co 80550
(970) 460-1692



Preliminary Major Subdivision

Raindance Subdivision
8th & 9th Filings

David Eisenbraun, Senior Planner

Planning Commission January 15, 2020



Subdivision

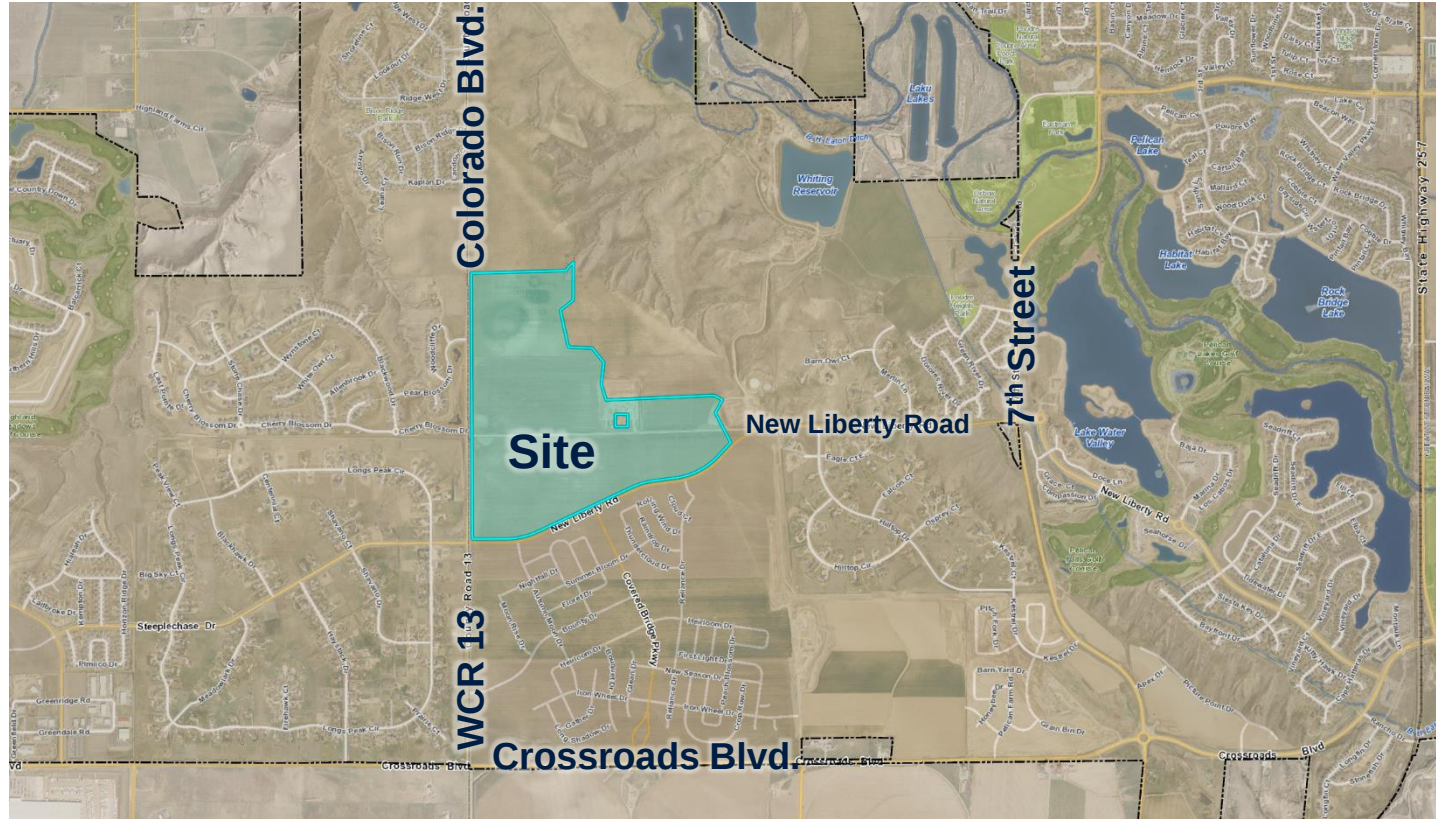
Article IV of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Major Subdivision process, including:

Sec. 17-4-10. Purpose.

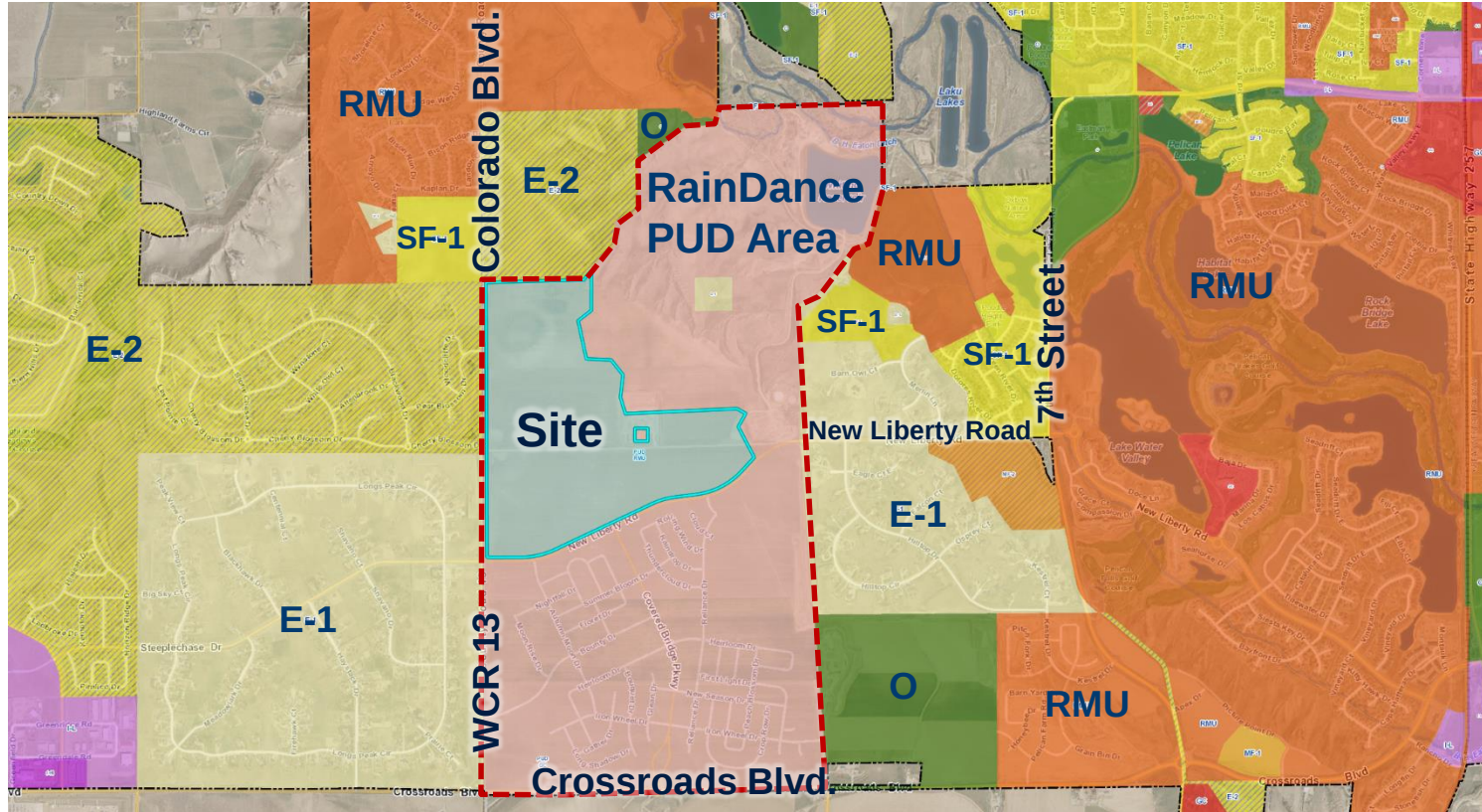
The purposes of the major subdivision procedure are:

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

Site Vicinity Map



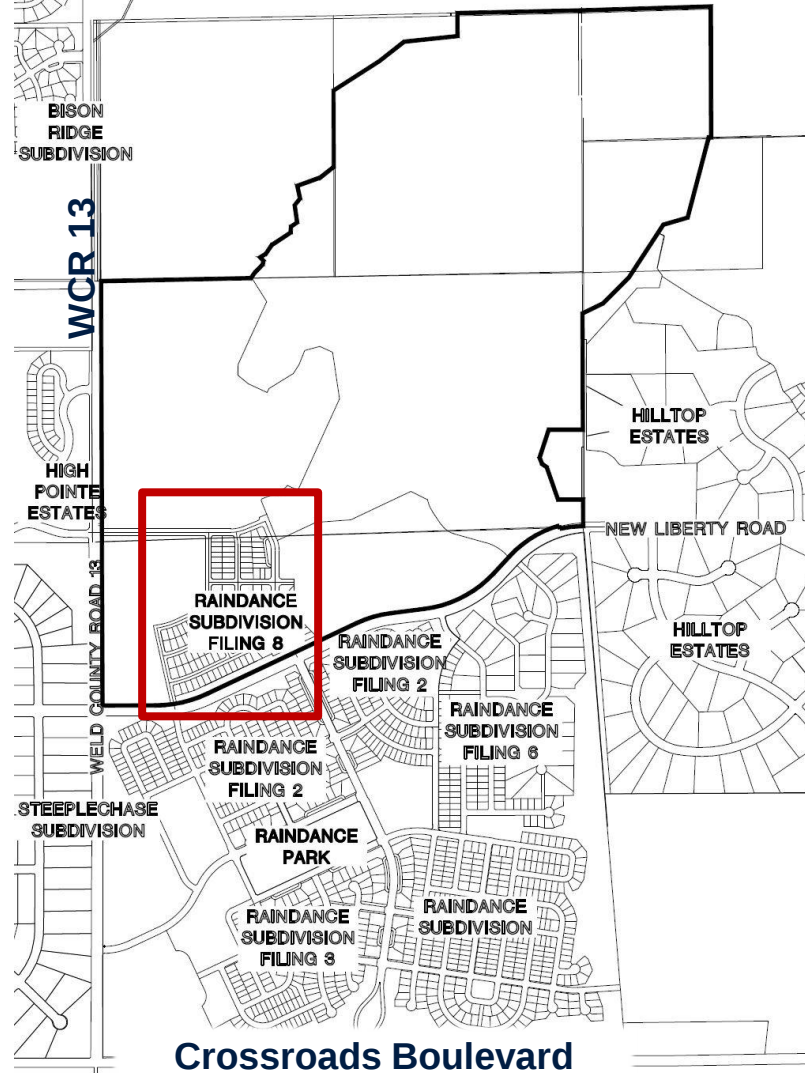
Zoning Map





Preliminary Plat 8th

Builds on overall RainDance
Master Plan.

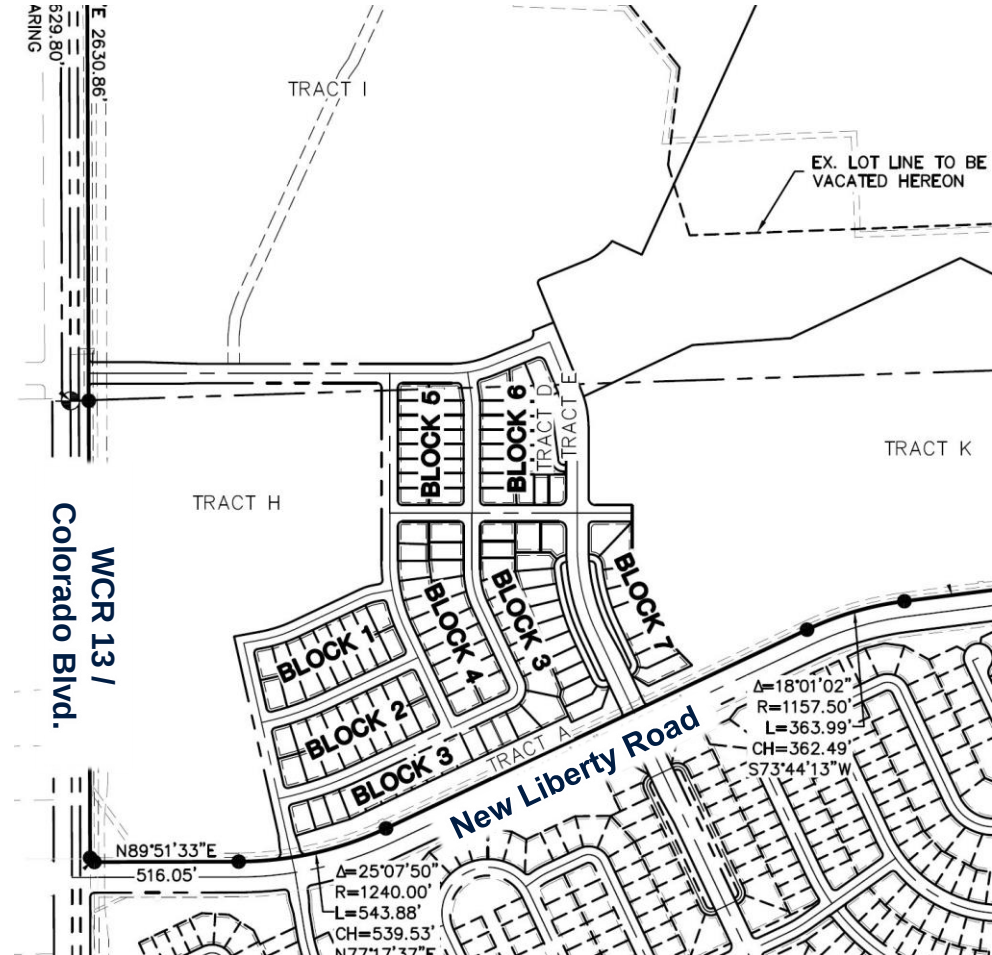




Preliminary Plat 8th

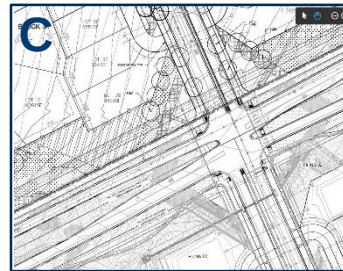
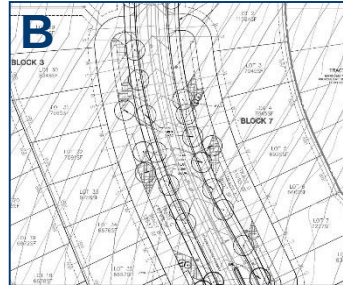
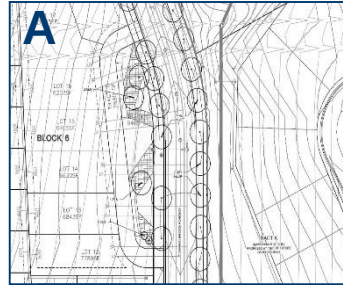
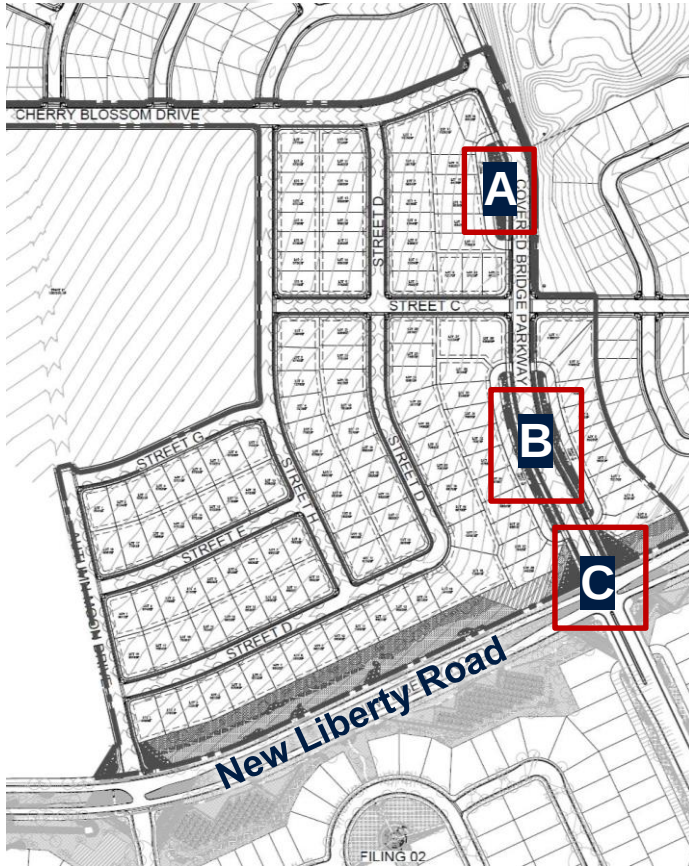
Plat characteristics:

- ~ 40.16 acres total
- Overall density ~ 3.4 dwelling units/acre
- 138 single-family lots
 - 52: 5,500 sf lots
 - 86: 6,600 sf lots
- 1 & 2-story houses with attached garages



Landscaping & Improvements 8th

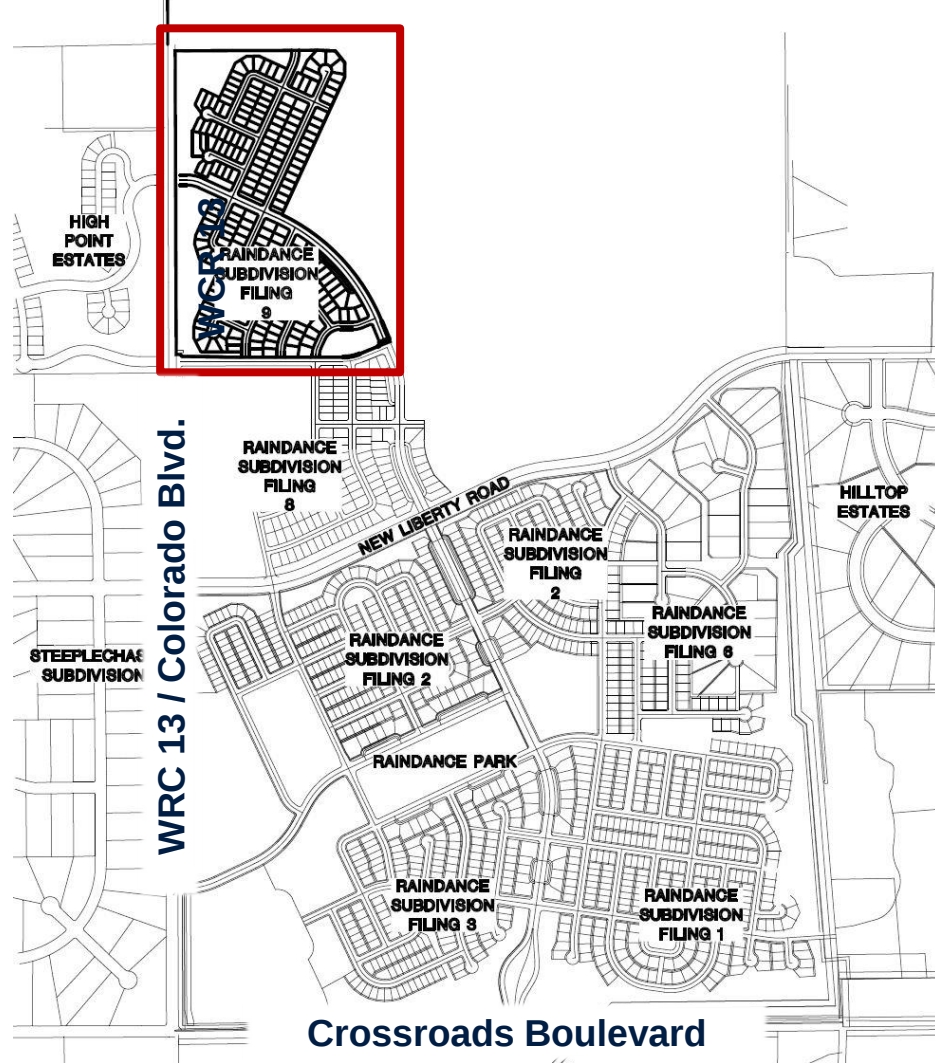
- Open space / ag use = ~ 3 acres
- Due to close proximity to an existing park located in Filing two, Filing Eight is compliant with park proximity requirements and contributes to cumulative open space acreage required at full buildout.





Preliminary Plat 9th

Builds on overall RainDance
Master Plan.

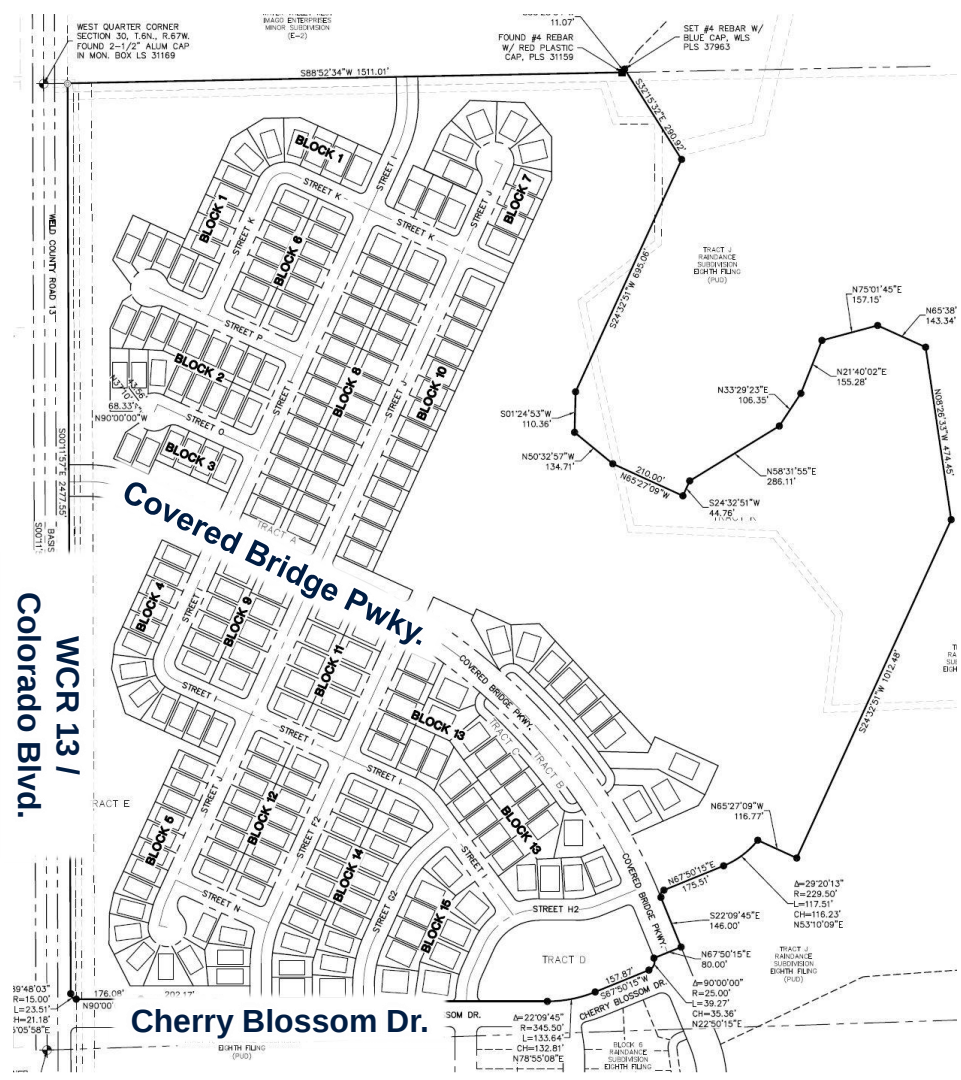




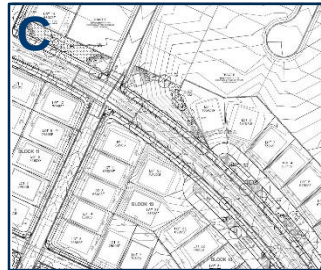
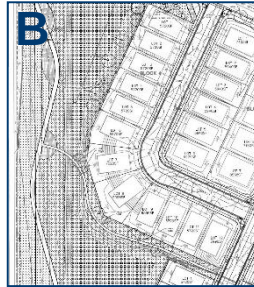
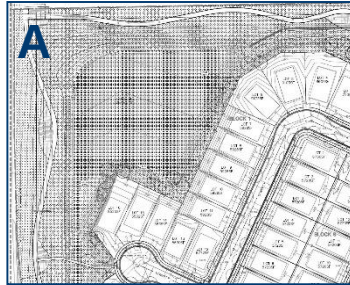
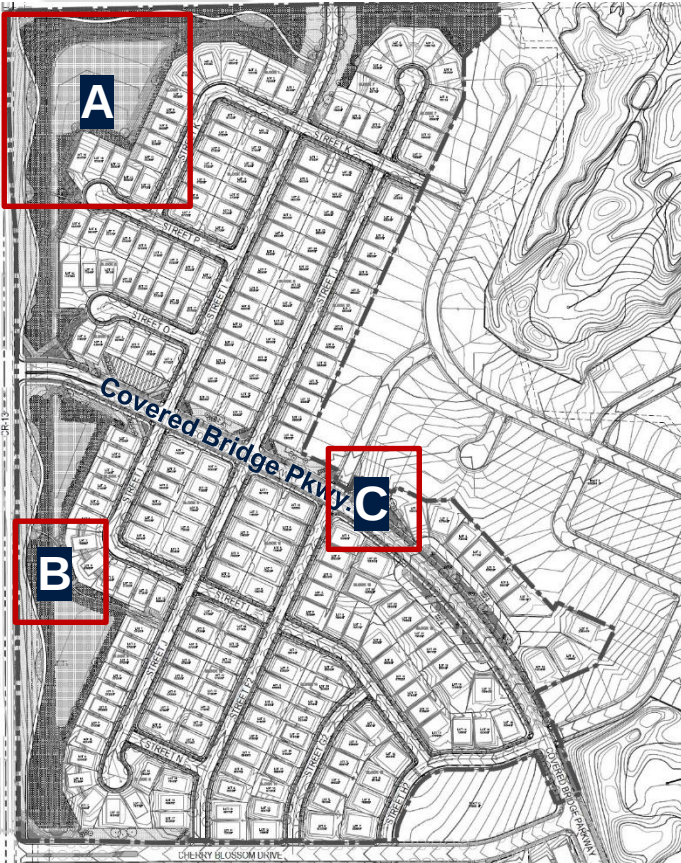
Preliminary Plat 9th

Plat characteristics:

- ~ 73.44 acres total
- Overall density ~ 3.2 dwelling units/acre
- 239 single-family lots
 - 122: 5,500 sf lots
 - 117: 6,600 sf lots
- 1 & 2-story houses with attached garages



Landscaping & Improvements 9th



- Open space / ag use = ~ 17 acres
- Due to close proximity to an existing park located in Filing two, Filing Nine is mainly compliant, however per the Master Plan, two additional pocket parks are still required. Locations TBD.



Comprehensive Plan Conformance

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

Chapter 5b – Growth Framework

Goal:

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

Chapter 5c – Residential Areas Framework

Goal:

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



Notification Area 8th & 9th Filings

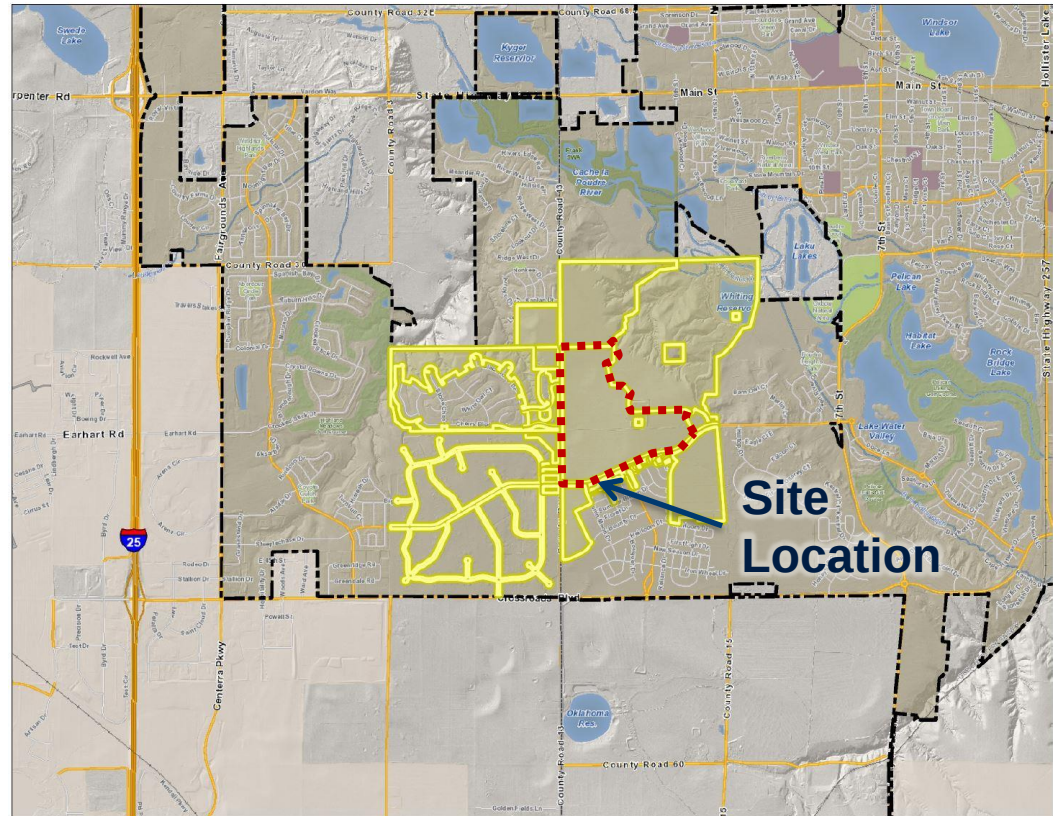
A neighborhood meeting was held on December 3, 2019

Notifications for this meeting were as follows:

- November 13, 2019 - Affidavit of mailing to property owners within 300 feet
- November 15 & 17, 2019 – published ads in newspapers



Windsor Map





Recommendation – 8th Filing

Because there are two subdivision applications under consideration, two separate actions will need to take place. The first action is regarding the 8th filing and is as follows:

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

Staff requests that the following be entered into the record:

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



Recommendation – 9th Filing

The second action is regarding the 9th filing and is as follows:

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

Staff requests that the following be entered into the record:

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



Subdivision Considerations

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

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



MEMORANDUM

Date: January 15, 2020
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.3

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
- Town trail following the general alignment of the drainage channel

- Major Greeley waterlines traversing the site

Two primary access points are proposed as follows:

- An intersection 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

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. Master Plan approval shall not be deemed to release any portion of the Property from the requirements and limitations of the *First Amended and Restated Agreement for Cooperative Development and Use of Diamond Valley Property* dated January 28, 2019. Release of any such requirements and restrictions shall be effective only upon official action of the Windsor Town Board taken at a regular or special meeting in accordance with the Town's Home Rule Charter.
3. Due to the absence in the record of a transportation impact study (TIS), the type and extent of access improvements to the property from Eastman Park Drive shall be determined based upon the Town's transportation consultant review of the applicant's forthcoming TIS. All other traffic study findings as determined by the Town's transportation consultation review shall be incorporated into the Master Plan as recommended.
4. Permanent structures shall be setback from plugged and abandoned oil and gas wells in accordance with any such setback requirement in place at the time of site plan submittal.
5. As a condition of the first subdivision approval for the Property, the portion of "Area E" providing east-west access to the site as depicted in this Master Plan shall be dedicated as a privately-maintained permanent public access easement to remain open for street and parking purposes associated with Town of Windsor Parks and Recreation-related uses.
6. A 20-foot-wide easement for a future Town-owned 12-inch water line along the eastern property boundary of Area D shall be dedicated to the Town as a condition of the first subdivision approval for the Property. The water line, if installed, shall be installed at the expense of the Town or parties benefitted by the water line.

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 January 15, 2020



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.

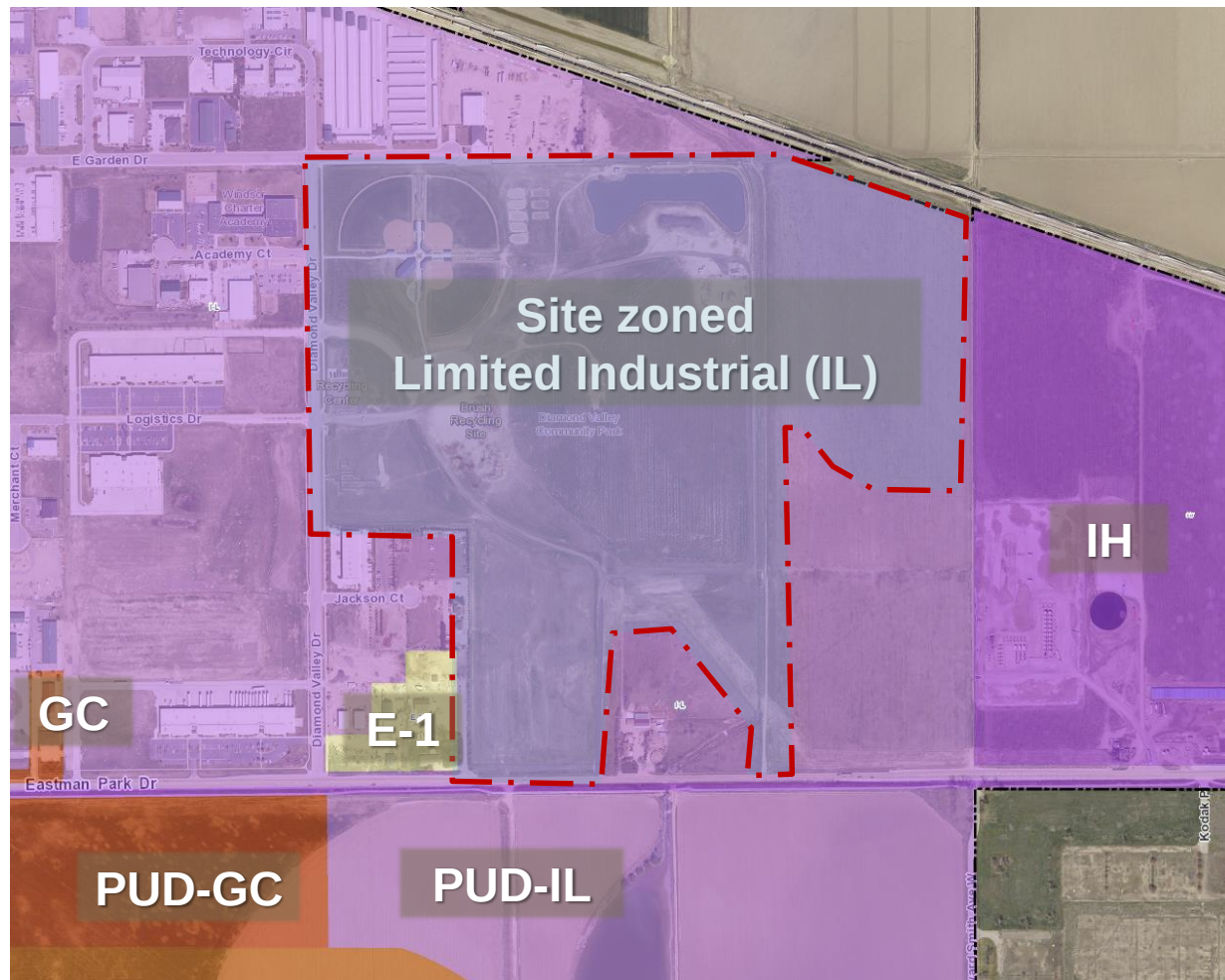


Vicinity Map



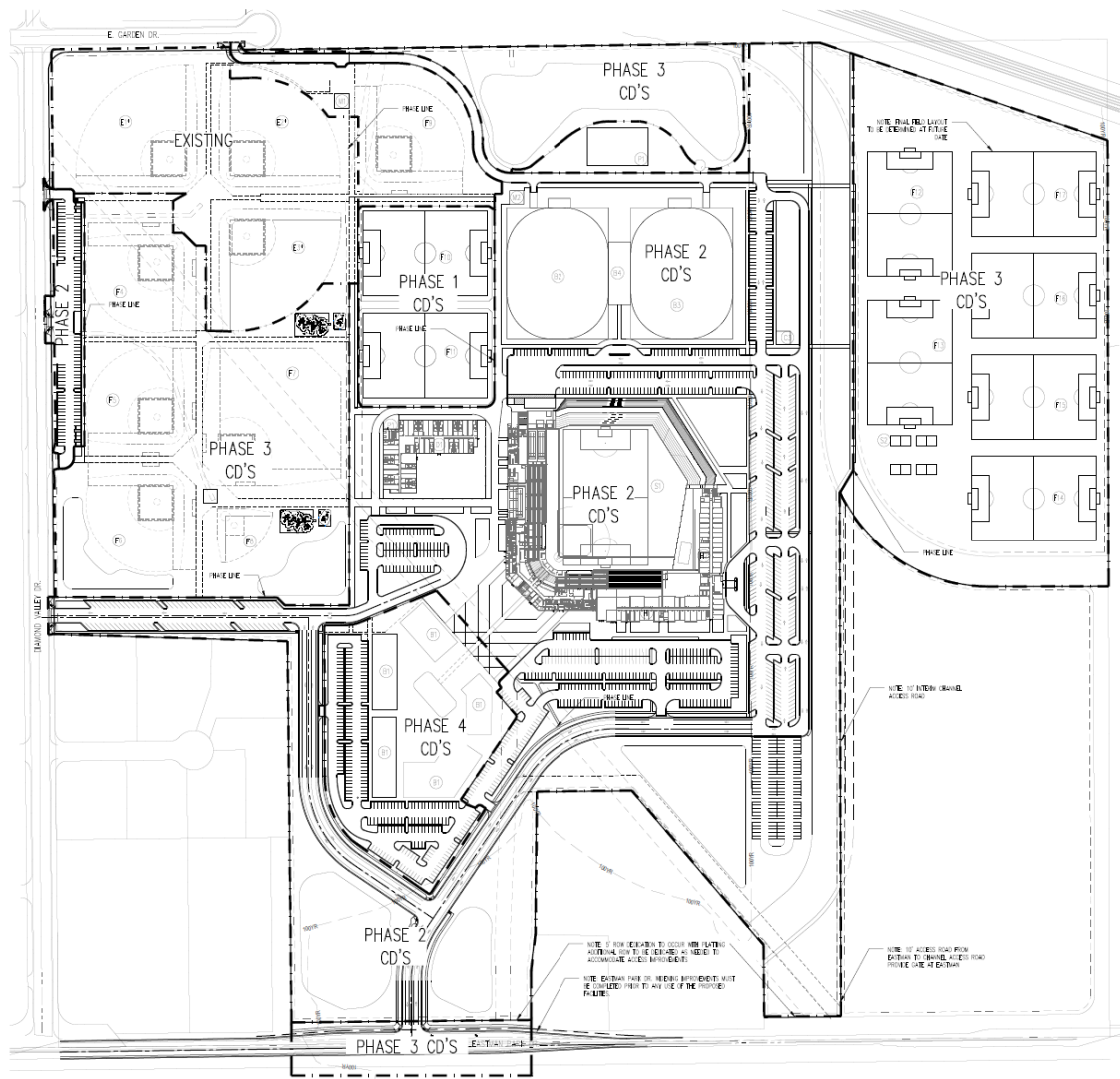


Zoning Map





Amended Master Plan Overview





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

5255 Ronald Reagan Blvd., Suite 210
Johnstown, CO 80534
970.860.3000
Go www.USA.com

NOT FOR
CONSTRUCTION

COPYRIGHT
THESE PLANS ARE AN INSTRUMENT OF SERVICE
AND ARE THE PROPERTY OF DALLOWAY, AND MAY
NOT BE DUPLICATED, DISCLOSED, OR REPRODUCED
WITHOUT THE WRITTEN CONSENT OF DALLOWAY.
COPYRIGHTS AND INFRINGEMENTS WILL BE
ENFORCED AND PROSECUTED.



**FUTURE LEGENDS MASTER PLAN (AMENDMENT TO
ALTEGOTT FARMS ANNEXATION MASTER PLAN)**

EASTMAN PARK DR & DIAMOND VALLEY DRIVE
WINDSOR, CO

[illegible]

Project No:	PTL000001
Drawn By:	BDN
Checked By:	TTN
Date:	01.03.01

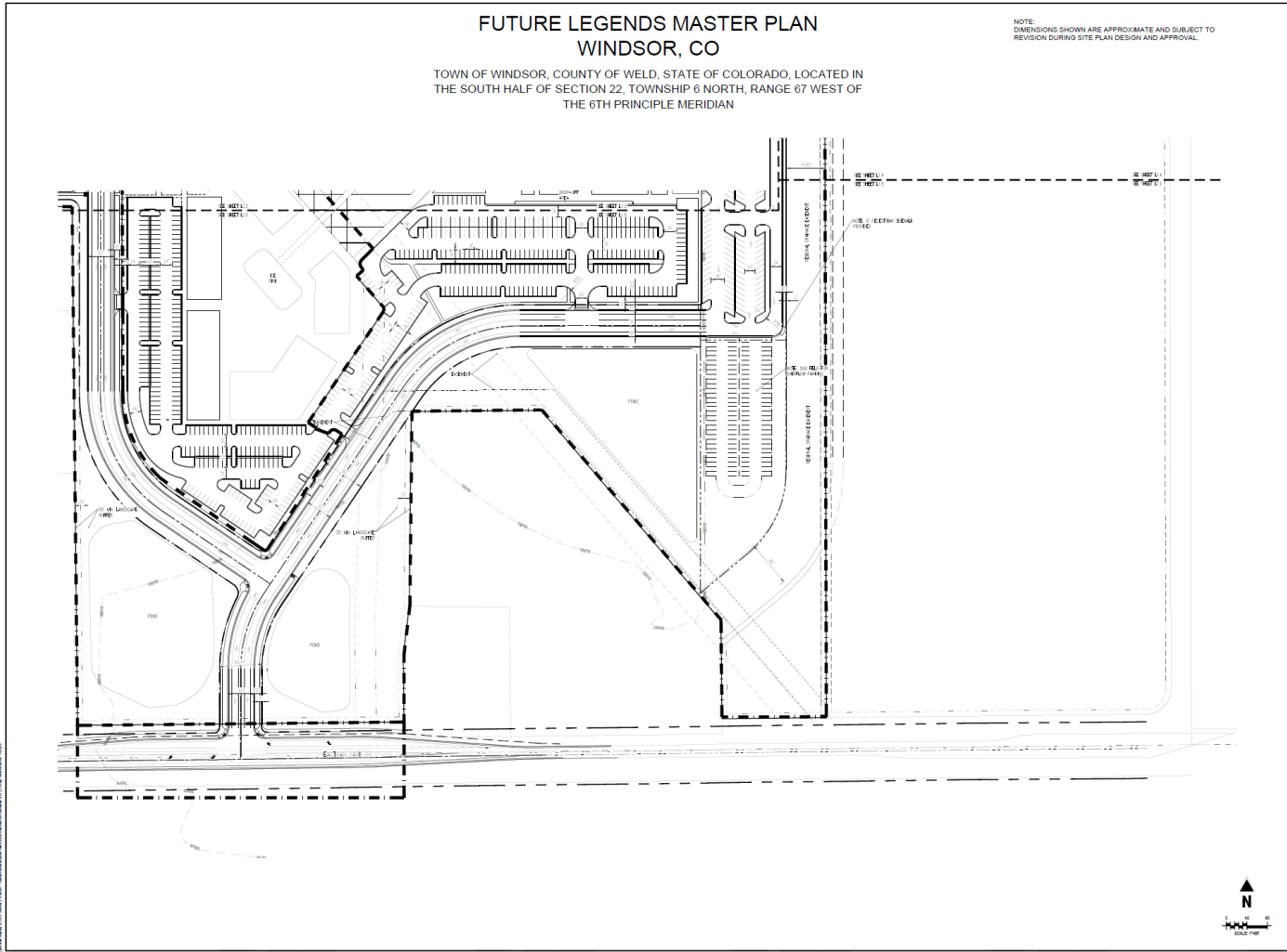
OVERALL SITE PLAN

L1.3

04874-000



Amended Master Plan (South)



Galloway

5000 North Meade Blvd., Suite 210
Aurora, CO 80015
781.461.1100
www.gallowayinc.com

NOT FOR CONSTRUCTION

COPYRIGHT
THIS PLAN IS THE PROPERTY OF GALLOWAY & ASSOCIATES, INC. AND MAY NOT BE REPRODUCED, COPIED, OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF GALLOWAY & ASSOCIATES, INC.

**FUTURE LEGENDS MASTER PLAN (AMENDMENT TO
ALTERGOTT FARMS ANNEXATION MASTER PLAN)
FUTURE LEGENDS, LLC**

EASTMAN PARK DR & DIAMOND VALLEY DRIVE
WINDSOR, CO

Date Issue Description Rev

#	Date	Issue Description	Rev
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			
60			
61			
62			
63			
64			
65			
66			
67			
68			
69			
70			
71			
72			
73			
74			
75			
76			
77			
78			
79			
80			
81			
82			
83			
84			
85			
86			
87			
88			
89			
90			
91			
92			
93			
94			
95			
96			
97			
98			
99			
100			

Project No: F110000
Drawn By: GDA
Checked By: TTA
Date: 11-11-11
OVERALL SITE PLAN

L1.5

Sheet 1 of 1



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

5255 Ronald Reagan Blvd., Suite 212
Johnstown, CO 80534
970.803.3000
GoWayUS.com

NOT FOR
CONSTRUCTION

COPYRIGHT
THESE PLANS ARE AN INSTRUMENT OF SERVICE
AND ARE THE PROPERTY OF GALLOWAY, AND
NOT BE DUPLICATED, DISCLOSED, OR REPRODUCED
WITHOUT THE WRITTEN CONSENT OF GALLOWAY.
COPYRIGHTS AND IMPROVEMENTS WILL BE
ENFORCED AND PROSECUTED.

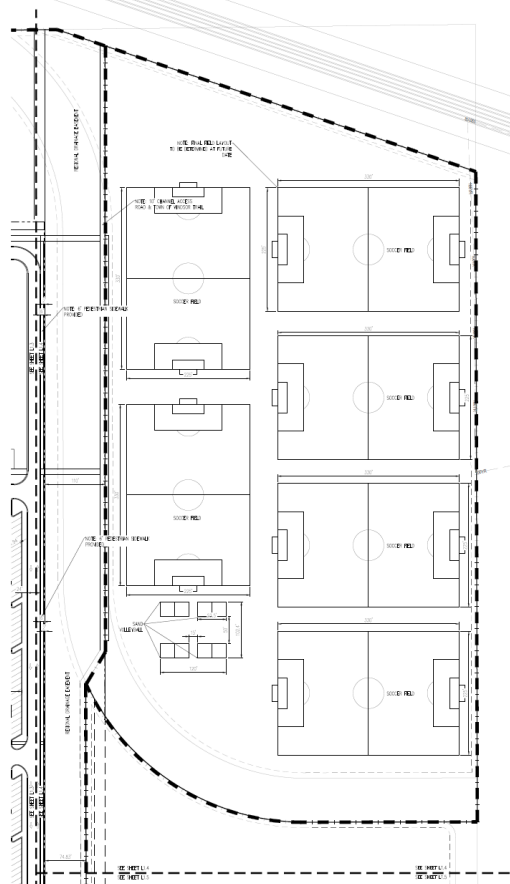
FUTURE LEGENDS MASTER PLAN (AMENDMENT TO
ALTEGOTT FARMS ANNEXATION MASTER PLAN)EASTMAN PARK DR & DIAMOND VALLEY DRIVE
WINDSOR CO

#	Date	Issue / Description
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		

Project No:	FTL00
Drawn By:	ED
Checked By:	TT
Date:	01.0

OVERALL SITE PLAN

L1.4





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 (1 of 2)

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. Master Plan approval shall not be deemed to release any portion of the Property from the requirements and limitations of the *First Amended and Restated Agreement for Cooperative Development and Use of Diamond Valley Property* dated January 28, 2019. Release of any such requirements and restrictions shall be effective only upon official action of the Windsor Town Board taken at a regular or special meeting in accordance with the Town's Home Rule Charter.
3. Due to the absence in the record of a transportation impact study (TIS), the type and extent of access improvements to the property from Eastman Park Drive shall be determined based upon the Town's transportation consultant review of the applicant's forthcoming TIS. All other traffic study findings as determined by the Town's transportation consultation review shall be incorporated into the Master Plan as recommended.



Recommendation (2 of 2)

4. Permanent structures shall be setback from plugged and abandoned oil and gas wells in accordance with any such setback requirement in place at the time of site plan submittal.
5. As a condition of the first subdivision approval for the Property, the portion of “Area E” providing east-west access to the site as depicted in this Master Plan shall be dedicated as a privately-maintained permanent public access easement to remain open for street and parking purposes associated with Town of Windsor Parks and Recreation-related uses.
6. A 20-foot-wide easement for a future Town-owned 12-inch water line along the eastern property boundary of Area D shall be dedicated to the Town as a condition of the first subdivision approval for the Property. The water line, if installed, shall be installed at the expense of the Town or parties benefitted by the water line.



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