



PLANNING COMMISSION REGULAR MEETING

August 3, 2022 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
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 Town Board.

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. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Minutes of the July 20, 2022 Planning Commission Regular Meeting

C. BOARD ACTION

1. Public Hearing - Conditional Use Grant (CUG) for Temporary Outdoor Storage of RVs/Boats in the Limited Industrial (LI) zone district - Falcon Point Subdivision 2nd Filing, Lot 1 - Tony Ollila, Applicant
 - Quasi-judicial action
 - Staff presentation: Kimberly Lambrecht, Planner II
2. Recommendation to Town Board - Conditional Use Grant (CUG) for Temporary Outdoor Storage of RVs/Boats in the Limited Industrial zone district - Falcon Point Subdivision 2nd Filing, Lot 1 - Tony Ollila, Applicant
 - Quasi-judicial action
 - Staff presentation: Kimberly Lambrecht, Planner II
3. Public Hearing - Request to Rezone from General Commercial (GC) zone district to Limited Industrial (LI) zone district - East Pointe Subdivision, Lot 1 - Chris Ruff, Manager, East Pointe Windsor LLC, Owner's Representative
 - Quasi-judicial action
 - Staff presentation: Kimberly Lambrecht, Planner II
4. Recommendation to Town Board - Request to Rezone from General Commercial (GC) zone district to Limited Industrial (LI) zone district - East Point Subdivision, Lot 1 - Chris Ruff, Manager, East Pointe Windsor LLC, Owner's Representative
 - Quasi-judicial action

- Staff presentation: Kimberly Lambrecht, Planner II

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison
3. Communications from Staff

E. ADJOURN

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.



MEMORANDUM

Date: August 3, 2022
To: Planning Commission
From: Karen Frawley, Town Clerk
Re: Minutes of the July 20, 2022 Planning Commission Regular Meeting
Item #: B.1.

Background / Discussion:

Meeting minutes from the July 20, 2022 Planning Commission Meeting

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 07.20.22 Draft Planning Commission Regular Meeting Minutes



Planning Commission Regular Meeting

July 20, 2022 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chairman Schick called the meeting to order at 7:00 p.m.

1. Roll Call

Present:

Gale Schick, Chair
Jerry Bushelman, Vice-Chair
Cindy Beemer
Roger Colonnese
Jose Valdes
Timothy Reddick
Doug Dennison

Also Present:

David Hassard, Alternate Planning Commissioner
Kim Emil, Assistant Town Attorney
Sandra Mezzetti, Senior Planner
David Eisenbraun, Senior Planner
Kimberly Lambrecht, Planner II
Ben Bodiker, Visual Media Coordinator
Kaitlyn Cinnamon, Administrative Assistant

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

Commissioner Beemer moved to approve the agenda as presented, Vice-chair Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

3. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the July 6, 2022 Planning Commission Meeting - T. Conway - Deputy Town Clerk

Vice-Chair Bushelman moved to approve the consent calendar, Commissioner Colonnese seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

C. BOARD ACTION

1. Public Hearing - Request to Rezone from RMU-1 (Residential Mixed Use One) to RMU-2 (Residential Mixed Use Two), amend a PUD (Planned Unit Development) Overlay, and a

Master Plan Amendment for the Overland 368 Annexation - Bryan Reid, applicant, Forestar Group Inc., and Shelley LaMastra, applicant's representative, Russell+Mills Studios

The applicant, Mr. Bryan Reid, of Forestar Group, Inc., represented by Ms. Shelley LaMastra of Russell+Mills Studios, has submitted a rezoning application to rezone the existing RMU-1 (Residential Mixed Use One) zone district to RMU-2 (Residential Mixed Use Two) zone district and amend a Planned Unit Development (PUD) zoning overlay for 172.86 acres. The applicant has also submitted the Overland 368 Master Plan Amendment, concurrent with the rezone request.

Chair Schick opened the hearing for public comment, to which there was none.

Commissioners asked clarifying questions that the staff and the applicant answered.

Vice-Chair Bushelman moved to close the public hearing, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

2. Recommendation to Town Board - Request to Rezone from RMU-1 (Residential Mixed Use One) zone district to RMU-2 (Residential Mixed Use Two) zone district and create a Planned Unit Development (PUD) Overlay - Overland 368 Subdivision - Bryan Reid, Forestar Group Inc., applicant, Shelley LaMastra, applicant's representative, Russell+Mills Studios

Vice-Chair Bushelman moved to forward a recommendation to town board - request to rezone from RMU-1 (Residential Mixed Use One) zone district to RMU-2 (Residential Mixed Use Two) zone district and create a planned unit development (PUD) overlay - Overland 368 Subdivision, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

3. Recommendation to Town Board - A request for a Master Plan Amendment - Overland 368 Annexation - Bryan Reid, applicant, Forestar Group Inc., and Shelley LaMastra, applicant's representative, Russell+Mills Studios

Please refer to public hearing materials.

Commissioner Dennison moved to forward a recommendation to Town Board of a Master Plan amendment for Overland 368 Annexation subject to the conditions suggested by staff, Vice-Chair Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

4. Public Hearing - Request to Amend the Town Comprehensive Plan Land Use Map from Estate Residential to Single Family Residential - Trautman 5th Filing - Martin Lind, Owner, Vima Partners

The subject area, now known as Trautman 5th Filing, is part of the South Gate 5th Annexation in 2005.

2007 – Trautman 2nd filing subdivided a total of 110 acres, including additional General Commercial area and residential lots along Crossroads.

2017 – The GC area, about 20 acres on the north side, was sold to Timberline Church.

Chair Schick opened the hearing for public comment, to which there was none.

Commissioner Dennison moved to close the public hearing, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

5. Resolution PC 2022-02 - Request to Amend the Town Comprehensive Plan Land Use Map from Estate Residential to Single Family Residential - Trautman 5th Filing - Martin Lind, Owner, Vima Partners

The subject area, now known as Trautman 5th Filing, is part of the South Gate 5th Annexation in 2005.

2007 – Trautman 2nd filing subdivided a total of 110 acres, including additional General Commercial area and residential lots along Crossroads. 2017 – The GC area, about 20 acres on the north side, was sold to Timberline Church.

Commissioner Beemer moved to approve resolution PC2022-02, Commissioner Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

6. Public Hearing - Request to Amend the Town Comprehensive Plan Land Use Map from Neighborhood and General Commercial to Light Industrial - East Point Subdivision Lot 1 - Chris Ruff, Manager, East Pointe Windsor LLC, owner's representative

The owner / applicant, Mr. Chris Ruff, of East Pointe LLC, is requesting an amendment to the Town's Comprehensive Plan Land Use Map. The subject area is located within the East Pointe Subdivision, southeast of the intersection of State Highway 392 and State Highway 257 (more particularly, south of Pointe Plaza Drive, approximately 700 feet east of State Highway 257). The applicant is proposing to change the land use designation of "Neighborhood and General Commercial" to "Light Industrial" for the purpose of rezoning a portion of the existing General Commercial (GC) zone district to the Limited Industrial (LI) zone district, subdividing the Lot, and developing flex commercial/industrial spaces. The proposed amendment is shown in the staff presentation and in the draft resolution.

Chair Schick opened the hearing for public comment, to which there was none.

Commissioners asked clarifying questions to staff which were answered.

Commissioner Beemer moved to close the public hearing, Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

7. Resolution No PC2022-03 - Amendment of the Town Comprehensive Plan Land Use Map from Neighborhood and General Commercial to Light Industrial - East Point Subdivision Lot 1 - Chris Ruff, Manager, East Pointe Windsor LLC, owner's representative

Please refer to public hearing item materials.

Vice-Chair Bushelman moved to approve resolution no. PC2022-03, Commissioner

Dennison seconded the motion. Roll call on the vote resulted as follows; Yeas - Doug Dennison, Roger Colonnese, Jerry Bushelman, Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Commissioner Beemer reported that she would not be in attendance at the next meeting.

2. Communications from Town Board Liaison

3. Communications from Staff

E. ADJOURN

UPON A MOTION DULY MADE, THE MEETING WAS ADJOURNED AT 8:31 P.M.

Karen Frawley, Town Clerk



MEMORANDUM

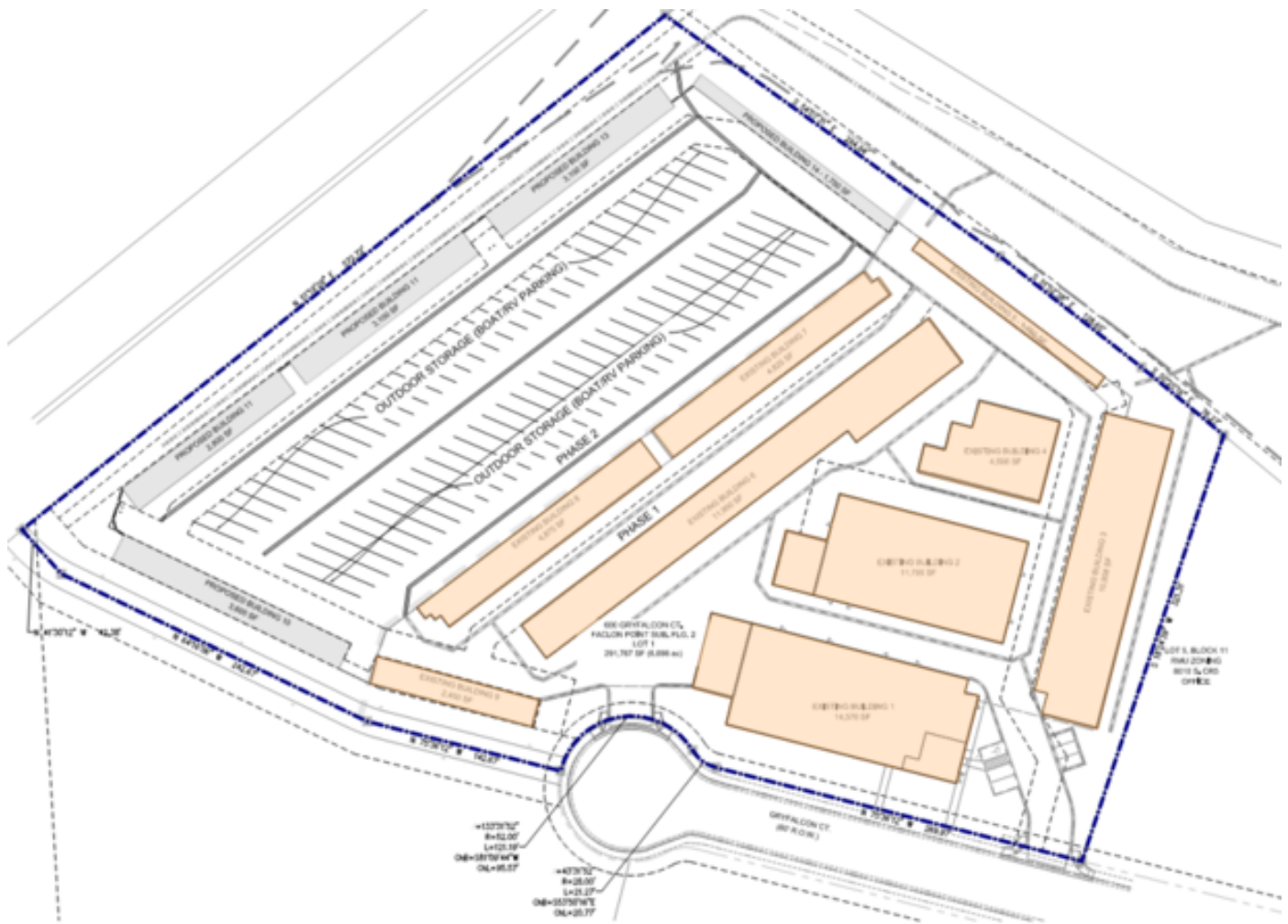
Date: August 3, 2022
To: Planning Commission
From: Kimberly Lambrecht
Planner II
Re: Public Hearing - Conditional Use Grant (CUG) for Temporary Outdoor Storage of RVs/Boats in the Limited Industrial (LI) zone district - Falcon Point Subdivision 2nd Filing, Lot 1 - Tony Ollila, Applicant
Item #: C.1.

Background / Discussion:

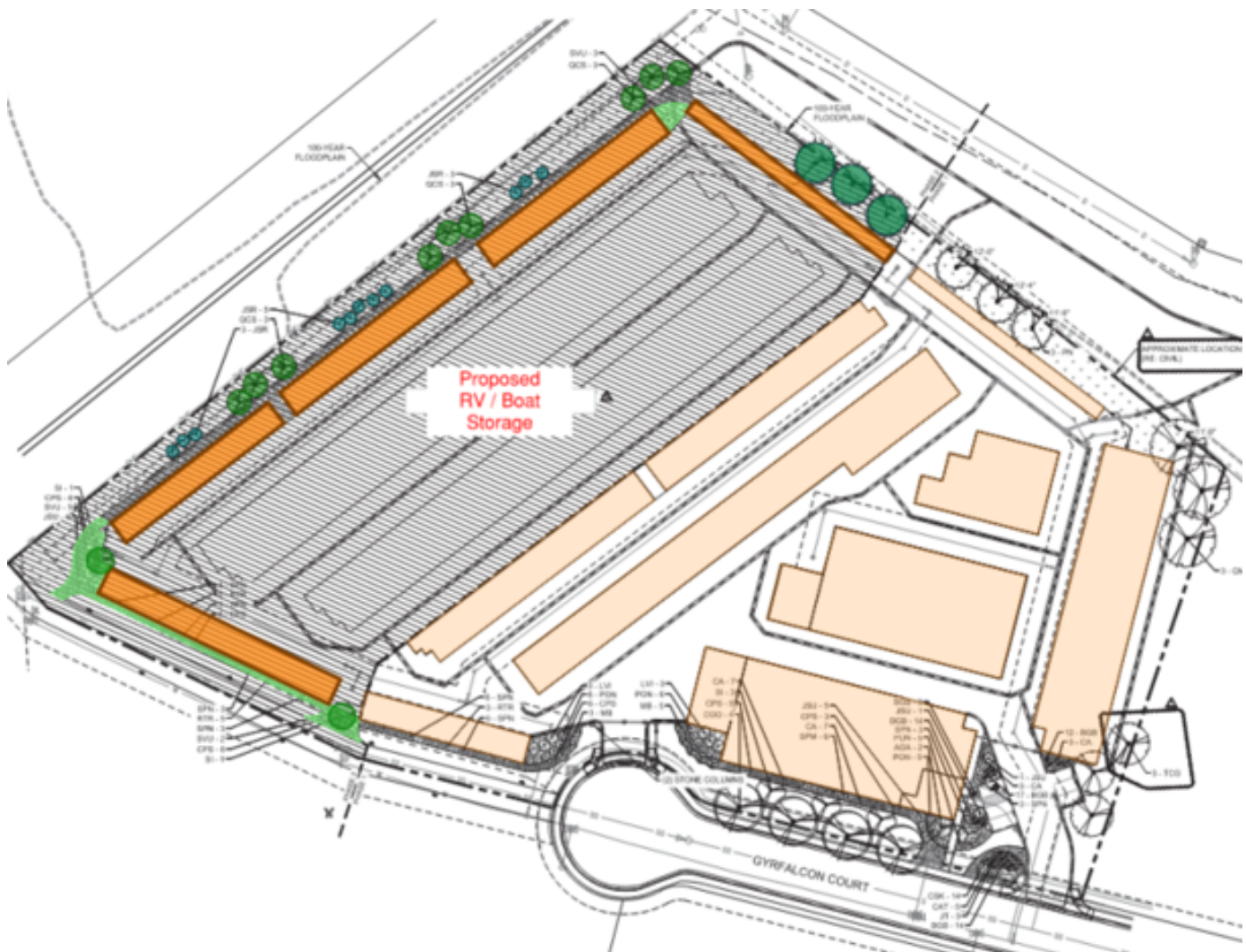
The applicant, Tony Ollila, GYS Development LLC is requesting approval of a Conditional Use Grant (CUG) for outdoor storage of RVs and Boats at the Falcon Point Self Storage located at 600 Gyr Falcon Court (Lot 2, Falcon Point Subdivision 2nd Filing). The proposed exterior storage of RVs/Boats is not specifically included as a permitted use or permitted accessory use in the Limited Industrial (LI) zone district per Section 16-1-130 of the Town of Windsor Municipal Code, thus a Conditional Use Grant will be required.

The applicant is requesting the proposed use be allowed as a temporary and interim option prior to completing a build out of phase two of the approved Site Plan, which would include build out of the remaining enclosed storage units. The RVs/Boats will be stored internal to the site, with the perimeter storage unit buildings being constructed, along with the perimeter fencing and landscaping.

Site Plan



Landscape Plan



Conditional Use Permits Review Criteria

Section 14-2-130(c) of the Municipal Code outlines the factors to be evaluated prior to the granting of a conditional use.

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

While the 2016 Comprehensive Plan does not specifically address exterior storage, providing diverse industrial business opportunities supports the goals of the Comp Plan

2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.

The temporary storage of RVs/Boats does not require any additional public infrastructure or public improvements beyond what is already shown on the approved Site Plan.

3. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.

- Compatibility with adjacent uses will be achieved by creating a perimeter buffer as shown on the approved Site Plan, including construction of the perimeter storage buildings and the associated

perimeter landscaping.

- Proposed use is consistent with other industrial uses that currently exist.

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

- July 18, 2022 – Letters mailed to surrounding property owners
- July 20, 2022 – Legal notice posted on the Town of Windsor website
- July 20, 2022 – Property posted with a notification sign
- July 22, 2022 – Legal ad published in the Tribune

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff requests that the Planning Commission forward a recommendation of approval of the Conditional Use Grant to the Town Board, subject to the following conditions:

1. Per the approved Site Plan, the perimeter storage buildings, and associated fencing and landscaping shall be installed prior to the storage of any vehicles.
2. The exterior storage of RVs/Boats shall be allowed for a maximum duration of two (2) years, at such time all vehicles shall be removed and exterior storage operations shall cease.
3. RV dump stations and/or wash down stations shall not be allowed.

CC:

Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner

Attachments:

1. CUG Application Package - Falcon Point Storage
2. Falcon Point CUG - Staff Presentation

Application for Conditional Use



(Please see Town of Windsor [Fee Schedule](#) for Application Fees)
To Be Completed by Applicant

(Type or print in black ink)

Street Address: 600 Gryfalcon Court

Lot: 1 Block: _____

Subdivision: Falcon Point Subdivision 2nd Filing

Conditional Use Grant approval is only valid for the applicant(s) who receive the original approval and is not transferable to subsequent occupants of the property.

Describe the non conforming use or home occupation. Include activity description, average number of clients, need for parking, hours of operation, size of area to be used, justification of continuance of non-conforming use and result of any communication with neighbors. (use back or additional sheets if necessary).

Outdoor Storage interior to an existing, phased self-storage project. Approximate size of 50,523 sf as part of 131,570 sf Phase 2 area. Use will be screened from public and neighboring view by proposed self-storage buildings, landscape and fencing.

Windsor Municipal Code Section 14-2-130.

- Legible, accurate drawings (drawn to an appropriate scale, which cannot be smaller than 1"=30') and specifications necessary for the proper consideration of this grant shall be submitted with this application.
- Conditional Use Grant evaluation criteria are detailed in Windsor Municipal Code Section 14-2-130.
- Notification requirements are detailed in Windsor Municipal Code Section 14-2-10(h).

Present use of land: <u>Vacant (Phase 2)</u>	Size: <u>131,570 sf</u>
Present use of structure: <u>na</u>	Size: _____
Proposed use of land: <u>Outdoor Storage</u>	Size: <u>50,523 sf</u>
Proposed use of structure: <u>na</u>	Size: _____

If this Conditional Use Grant is approved, I/We the undersigned, agree to comply with the Code of the Town of Windsor, Colorado and any other stipulations as determined by the Town Board. I hereby depose and state under penalties of perjury that the statements and information submitted herein and pertaining to this application are true and correct to the best of my knowledge.

Submitted this 17th day of May, 20 22

GYS Development, LLC

Applicant (please print)

Applicant's Signature

970-420-1521

Phone (daytime)

Fax

tony@gysdev.com

Email

East Windsor Self Storage Group LLC

Property Owner (please print)

Brandon Grebe

Property Owner's Signature

Digitally signed by Brandon Grebe
DN: C=US, E=bgrebe85@gmail.com, CN=Brandon Grebe
Date: 2022.05.17 14:32:50-06'00'

970-420-1521

Phone (daytime)

Fax

tony@gysdev.com

Email

Applicant's Representative (if any):

Name: Aperio Property Consultants, LLC, attn: Aaron Thompson

Phone: 303-317-3000

Fax: _____

Email: aaron@aperiopc.com

Application for Conditional Use

Project Description:

East Windsor Self Storage Site Plan was previously approved in 2018 as a two-phase project for self-storage. Phase 1 has been constructed with a combined building area of 67,107 sf. Phase 2 currently has a proposed building area of 50,975 sf. This Conditional Use Grant (CUG) proposal would reduce the Phase 2 building sf to 14,350 sf in five (5) proposed buildings at the perimeter of the project site which will also provide screening for 50,523+/- sf of outdoor storage, interior to the project. Additional landscaping and fencing will also provide visual mitigation for the proposed CUG Outdoor Storage Use. No additional utility or drainage impacts will be realized with this CUG. Additionally, because self-storage and outdoor storage have like-kind trip generation characteristics, traffic impacts will remain projected as per the traffic study approved with the Site Plan for East Windsor Self Storage.

Similar CUGs have been approved on self-storage projects to add Outdoor Storage within the Limited Industrial (LI) zone district utilizing the same building screening configuration.

Revised March 2021



Warranty Deed
(Pursuant to 38-30-113 C.R.S.)

State Documentary Fee
Date: April 26, 2018
\$ 90.00

THIS DEED, made on April 26, 2018 by **EAST POINTE WINDSOR LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantor(s), of the County of **WELD** and State of **COLORADO** for the consideration of **(\$900,000.00) *** Nine Hundred Thousand and 00/100 ***** dollars in hand paid, hereby sells and conveys to **EAST WINDSOR SELF STORAGE GROUP, LLC, A COLORADO LIMITED LIABILITY COMPANY** Grantee(s), whose street address is **719 COPPER CENTER PKWY COLORADO SPRINGS, CO 80921**, County of **EL PASO**, and State of **COLORADO**, the following real property in the County of **Weld**, and State of **Colorado**, to wit:

LOT 1, FALCON POINT SUBDIVISION SECOND FILING, TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO
also known by street and number as: **600 GYRFALCON COURT WINDSOR CO 80550**

with all its appurtenances and warrants the title to the same, subject to **THE MATTERS DISCLOSED ON EXHIBIT A**

EAST POINTE WINDSOR LLC, A COLORADO LIMITED LIABILITY COMPANY

CHRISTOPHER D. RUFF, MANAGER

State of **COLORADO**
County of **WELD**

)
) ss.
)

The foregoing instrument was acknowledged before me on this day of **April 26, 2018**
by **CHRISTOPHER D. RUFF AS MANAGER FOR EAST POINTE WINDSOR LLC, A COLORADO LIMITED LIABILITY COMPANY**

Notary Public
My commission expires **5-3-20**

HEATHER M. STERLING
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20804007161
My Commission Expires May 3, 2020

When Recorded Return to: **EAST WINDSOR SELF STORAGE GROUP, LLC, A COLORADO LIMITED LIABILITY COMPANY**
719 Copper Center Pkwy Colorado Springs, CO 80921



EXHIBIT A

1. TAXES FOR 2018 DUE AND PAYABLE IN 2019.
2. MAP OF DAVIS SEEPAGE DITCH RECORDED MARCH 29, 1901 AT RECEPTION NO. 78518 AND QUIT CLAIM DEED RECORDED APRIL 30, 1902 IN BOOK 190 AT PAGE 357.
3. TERMS, CONDITIONS AND PROVISIONS OF RESERVATIONS IN DEED RECORDED APRIL 12, 1921 IN BOOK 612 AT PAGE 482.
4. RIGHT OF WAY EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED JUNE 21, 1988, UNDER RECEPTION NO. 2145536 IN BOOK 1200.
5. RIGHT OF WAY EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED MAY 23, 1989, UNDER RECEPTION NO. 2180453 IN BOOK 1233.
6. OIL AND GAS LEASE RECORDED JULY 13, 1970 UNDER RECEPTION NO. 1551203 IN BOOK 629 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
7. OIL AND GAS LEASE RECORDED APRIL 29, 1986 UNDER RECEPTION NO. 2051602 IN BOOK 1110 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
8. TERMS, CONDITIONS AND PROVISIONS OF RESERVATION IN DEED RECORDED SEPTEMBER 21, 1989 AT RECEPTION NO. 2192527.
9. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED APRIL 13, 1995 AT RECEPTION NO. 2433991.
10. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED SEPTEMBER 19, 1996 AT RECEPTION NO. 2511606.
11. OIL AND GAS LEASE RECORDED OCTOBER 13, 2010 UNDER RECEPTION NO. 3724988 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
12. TERMS, CONDITIONS AND PROVISIONS OF PAD SITE AGREEMENT RECORDED MAY 11, 2011 AT RECEPTION NO. 3767948.

Exhibit A to Warranty Deed
Lot 1, Falcon Point Subdivision Second Filing,
Town of Windsor, County of Weld, State of Colorado

13. RIGHT OF WAY EASEMENT AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO IN INSTRUMENT RECORDED MARCH 28, 2012, UNDER RECEPTION NO. 3834927.
14. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF FALCON POINT SUBDIVISION RECORDED MARCH 13, 2015 AT RECEPTION NO. 4090150.
15. TERMS, CONDITIONS AND PROVISIONS OF SUBDIVISION DEVELOPMENT AGREEMENT RECORDED MARCH 13, 2015 AT RECEPTION NO. 4090151.
16. UNDIVIDED INTEREST IN ALL OIL, GAS AND OTHER MINERALS LYING IN, ON OR UNDER SUBJECT PROPERTY AS CONVEYED IN INSTRUMENT RECORDED JULY 07, 2015 UNDER RECEPTION NO. 4122004, AND ANY AND ALL INTERESTS THEREIN OR RIGHTS THEREUNDER.
17. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF FALCON POINT SUBDIVISION SECOND FILING RECORDED DECEMBER 02, 2016 UNDER RECEPTION NO. 4258376.
18. UNDIVIDED INTEREST IN ALL OIL, GAS AND OTHER MINERALS LYING IN, ON OR UNDER SUBJECT PROPERTY AS CONVEYED IN DEED RECORDED FEBRUARY 06, 2018 UNDER RECEPTION NO. 4373486 AND CORRECTION DEED RECORDED FEBRUARY 20, 2018 AT RECEPTION NO. 4376395.
19. RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED MARCH 06, 2018, UNDER RECEPTION NO. 4380203.

Exhibit A to Warranty Deed
Lot 1, Falcon Point Subdivision Second Filing,
Town of Windsor, County of Weld, State of Colorado

**Exhibit A to Warranty Deed
Lot 1, Falcon Point Subdivision Second Filing,
Town of Windsor, County of Weld, State of Colorado**

May 13, 2022

Town of Windsor
Planning Department
301 Walnut St.
Windsor, CO 80550

**RE: East Windsor Self Storage – 600 Gryfalcon Ct.
Conditional Use Grant (C.U.G.) Narrative**

East Windsor Self Storage Site Plan was previously approved in 2018 as a two-phase project for self-storage. Phase 1 has been constructed with a combined building area of 67,107 sf. Phase 2 currently has a proposed building area of 50,975 sf. This Conditional Use Grant (CUG) proposal would reduce the Phase 2 building sf to 14,350 sf in five (5) buildings at the perimeter of the project site which will also provide screening for 50,523 +/- sf of outdoor storage, interior to the project. Additional landscaping and fencing will also provide visual mitigation for the proposed CUG Outdoor Storage Use. No additional utility or drainage impacts will be realized with this CUG. Additionally, because self-storage and outdoor storage have like-kind trip generation characteristics, traffic impacts will remain projected as per the traffic study approved with the Site Plan for East Windsor Self Storage.

Similar CUGs have been approved on self-storage projects to add Outdoor Storage within the Limited Industrial (LI) zone district utilizing the same building screening configuration.

If you should have any questions or need any additional information, please don't hesitate to call me at (303) 317-3000, email me at aaron@aperiopc.com.

We appreciate your attention to this project and look forward to its success in the Town of Windsor.

Sincerely,



Aaron Thompson
Aperio Property Consultants

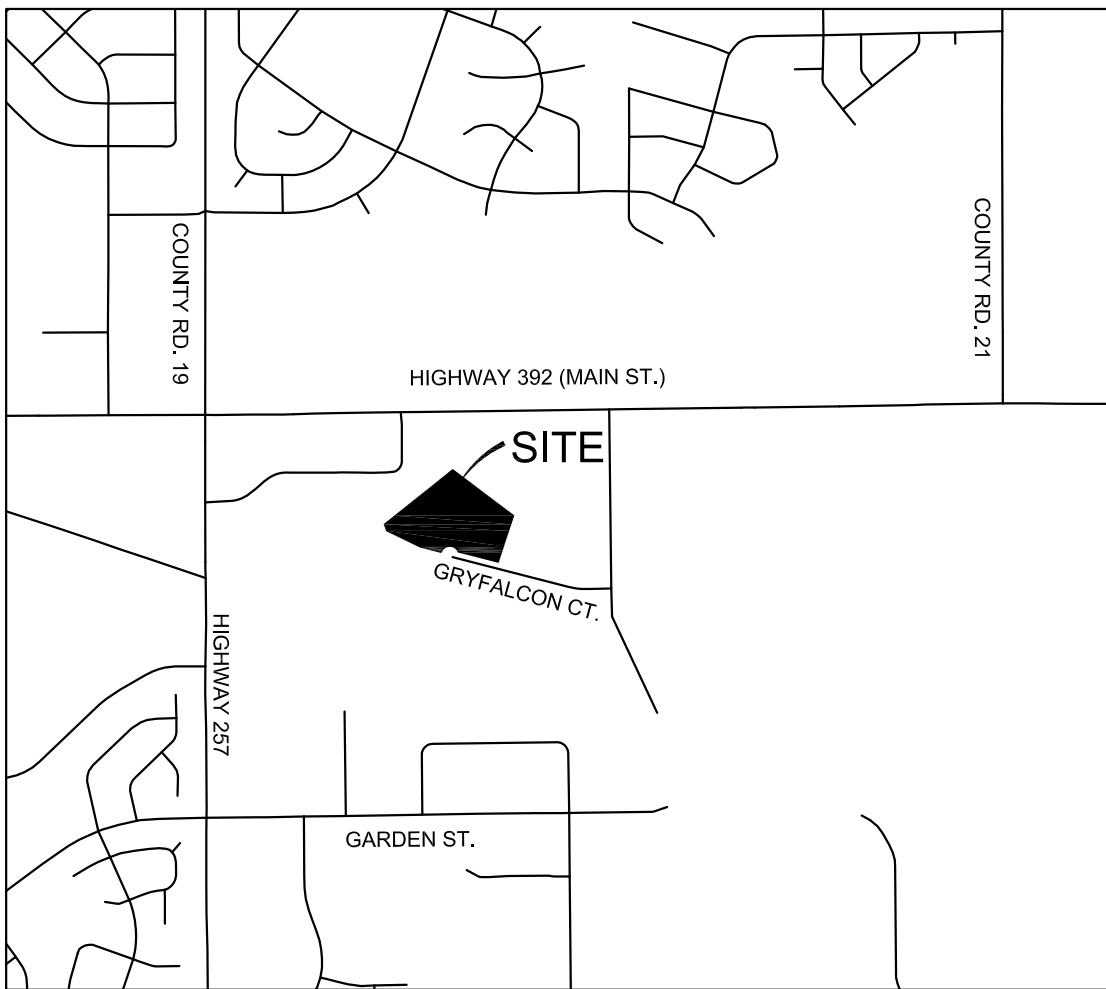
Cc: Tony Ollila, GYS Development, LLC

FALCON POINT SUBDIVISION 2ND FILING, LOT 1, CONDITIONAL USE GRANT

EAST WINDSOR SELF STORAGE

600 GRYFALCON CT.

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



VICINITY MAP
SCALE: 1" = 2000'

LEGAL DESCRIPTION:
LOT 1, FALCON POINT SUBDIVISION SECOND FILING, COUNTY OF WELD, STATE OF COLORADO.

PROJECT BASIS OF BEARING:
BEARINGS ARE BASED UPON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 22, AS SHOWN ON THE RECORDED PLAT OF FALCON POINT SECOND FILING, BEING MONUMENTED AS SHOWN ON SAID PLAT. SAID NORTH LINE BEARS S89°00'02"W.

ZONING:
INDUSTRIAL LIGHT (IL)

BENCHMARK:
TOWN OF WINDSOR "66-257". ELEVATION = 4778.93 NAVD(1988).

SHEET INDEX
1 COVER SHEET
2 OVERALL SITE PLAN
3 PHASE 2 SITE PLAN

LAND USE TABLE

TOTAL PROPERTY AREA	6.698 AC (291,767 SF)	
STORAGE BUILDING GROSS FLOOR AREA (GFA) EXISTING (PHASE 1) PROPOSED (PHASE 2)	(S-1 OCCUPANCY, TYPE II-B CONSTRUCTION, NON-SPRINKLERED) 67,107 S.F. 14,350 S.F.	
OFFICE BUILDING GROSS FLOOR AREA (GFA) EXISTING (PHASE 1)	(B OCCUPANCY, TYPE II-B CONSTRUCTION, NON-SPRINKLERED) 1,000 S.F.	
TOTAL BUILDING AREA, PHASE 1 AND 2	82,457 S.F. (27.9%)	
PARKING AREA	1,228 S.F. (0.4%)	
OUTDOOR STORAGE AREA	50,523 S.F. (17.3%)	
PRIVATE DRIVE AREA	98,617 S.F. (33.8%)	
SIDEWALK AREA	685 S.F. (0.2%)	
LANDSCAPE/OPEN SPACE AREA	58,260 S.F. (20.0%)	
ZONING CLASSIFICATION	LIMITED INDUSTRIAL LIGHT (LI)	
PROPOSED USES	SELF STORAGE, OUTDOOR STORAGE, OFFICE	
PARKING	REQUIRED	PROVIDED
TOTAL SPACES (1 PER 2 EMPLOYEES)	2	6
ACCESSIBLE PARKING SPACES (VAN ACCESSIBLE)	1	1
BICYCLE SPACES	0	0
MAXIMUM ALLOWABLE BUILDING HEIGHT	75'-0"	
ACTUAL BUILDING HEIGHT	TBD	
BUILDING SETBACKS	REQUIRED	PROVIDED
SOUTH (FRONT)	30'	32'
NORTH (REAR)	20'	23'
EAST (SIDE)	20'	21'
WEST (SIDE)	20'	22'
PAVING SETBACKS	REQUIRED	PROVIDED
LOCAL STREET	25'	31'
PRIVATE DRIVE	5'	19'
INTERNAL PROPERTY LINES	5'	21'

PROJECT NARRATIVE:
TO ALLOW A CONDITIONAL USE GRANT FOR APPROXIMATELY 50,523 SF OF OUTDOOR STORAGE AS PART OF PROPOSED IMPROVEMENTS BEING PHASE 2 OF THE OVERALL SITE DEVELOPMENT FOR EAST WINDSOR SELF STORAGE. NORMAL HOURS OF OPERATION WILL BE 8 A.M. TO 5 P.M. WEEKDAYS. EXISTING PARKING CONSTRUCTED IN PHASE 1 WILL REMAIN AND SATISFIES THE PARKING REQUIREMENTS FOR THE PROJECT.

PROJECT CONTACTS

OWNER: EAST WINDSOR SELF STORAGE GROUP LLC
P.O. BOX 153607
LUFKIN, TX 75915
PH: (970) 420-1521

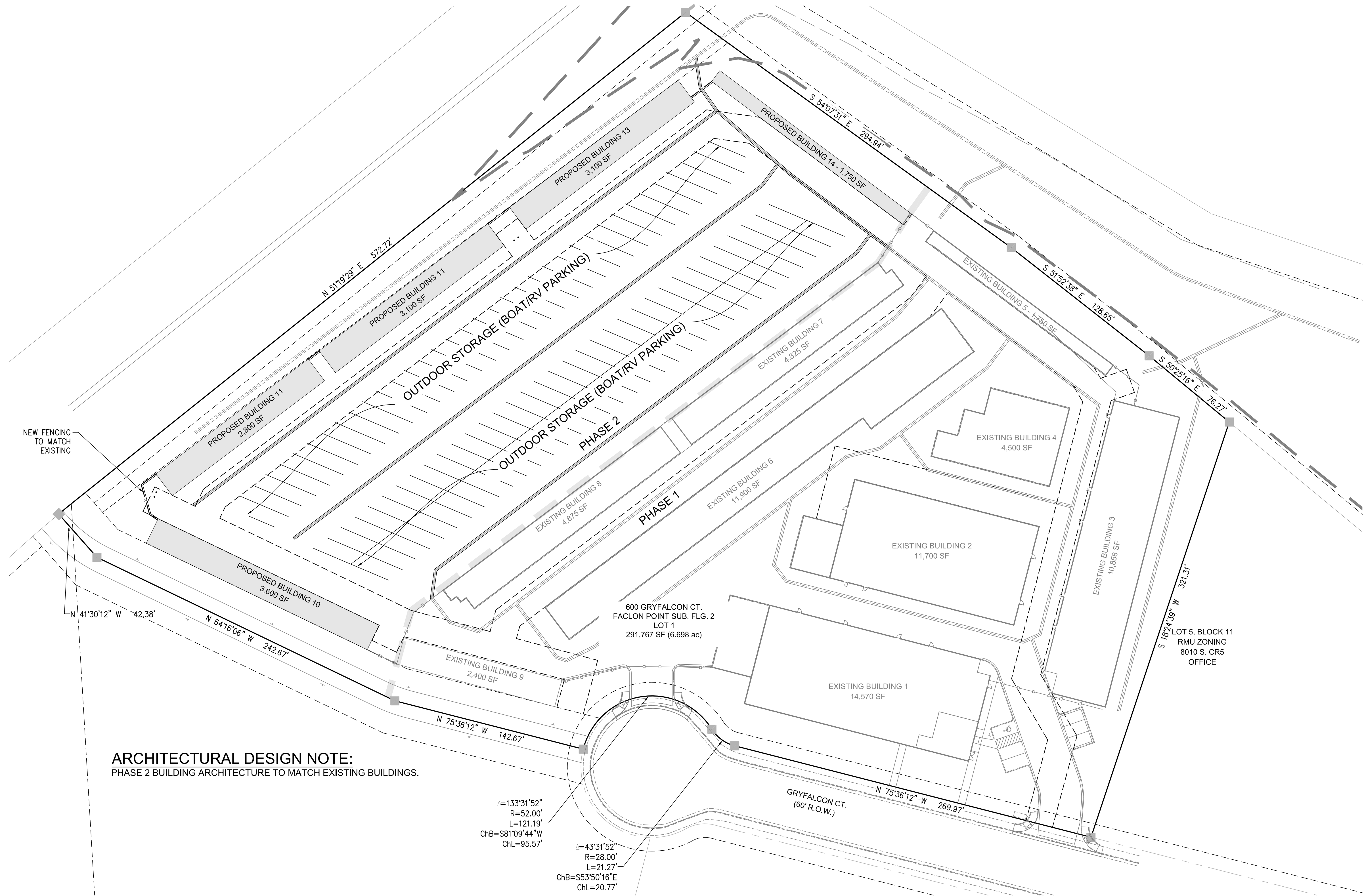
DEVELOPER / APPLICANT: GYS DEVELOPMENT, LLC
600 GYRFALCON CT.
WINDSOR, CO 80550
ATTN: TONY OLILLA
PH: (970) 420-1521
EMAIL: tony@gysdev.com

PLANNER: APERIO PROPERTY CONSULTANTS, LLC
4032 DEFOE ST.
STRASBURG, CO 80136
ATTN: AARON THOMPSON
PH: (303) 317-3000
EMAIL: Aaron@aperiopc.com

Aperio
Property Consultants, llc
4032 DEFOE ST.
STRASBURG, CO 80136
PHONE 303.317.3000

FALCON POINT SUBDIVISION 2ND FILING, LOT 1, CONDITIONAL USE GRANT
EAST WINDSOR SELF STORAGE
600 GRYFALCON CT.

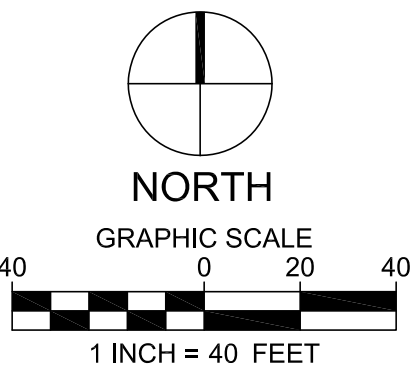
A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



ARCHITECTURAL DESIGN NOTE:
PHASE 2 BUILDING ARCHITECTURE TO MATCH EXISTING BUILDINGS.

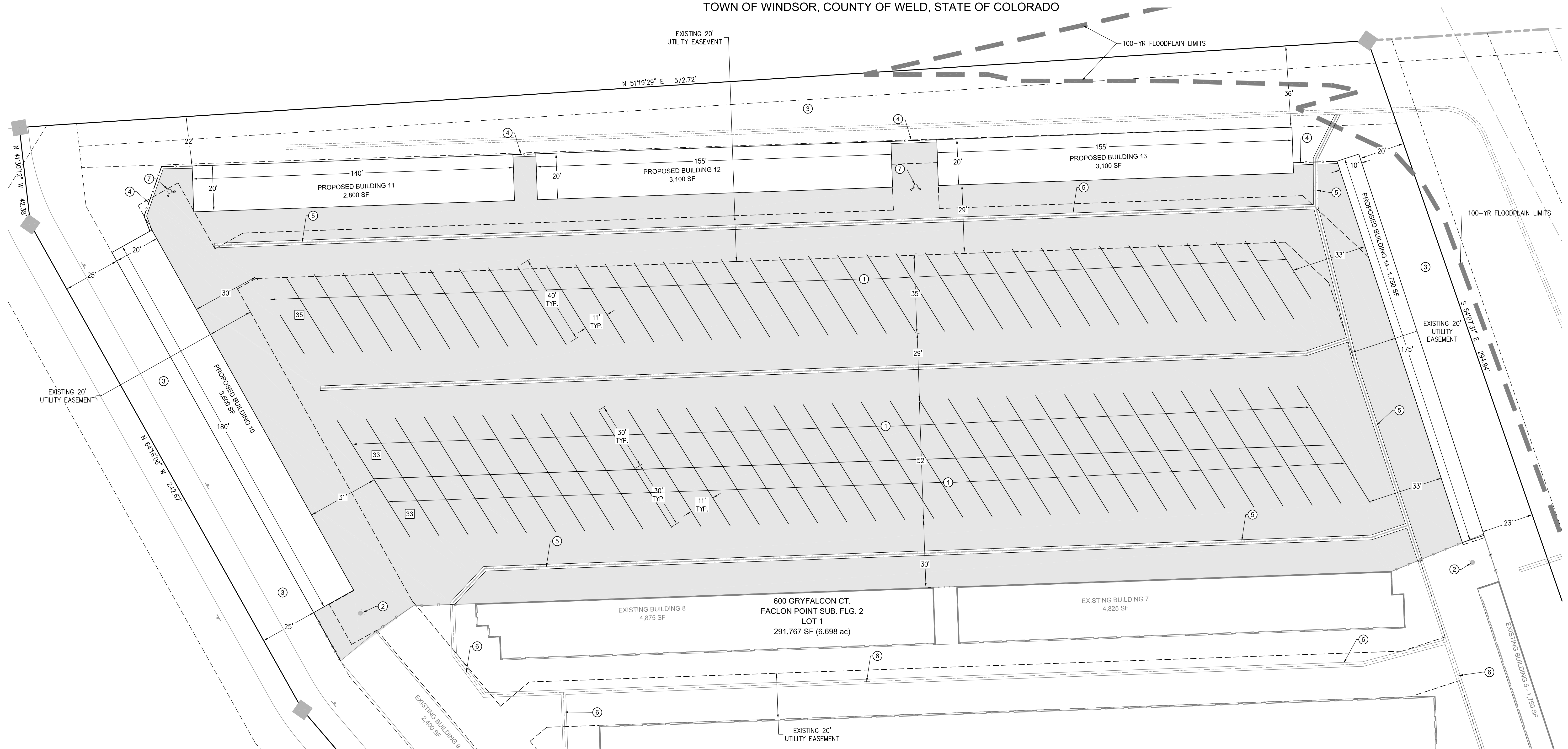
1=133°31'52"
R=52.00'
L=121.19'
ChB=S81°09'44"W
ChL=95.57'

1=43°31'52"
R=28.00'
L=21.27'
ChB=S53°50'16"E
ChL=20.77'



FALCON POINT SUBDIVISION 2ND FILING, LOT 1, CONDITIONAL USE GRANT
EAST WINDSOR SELF STORAGE
600 GRYFALCON CT.

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO

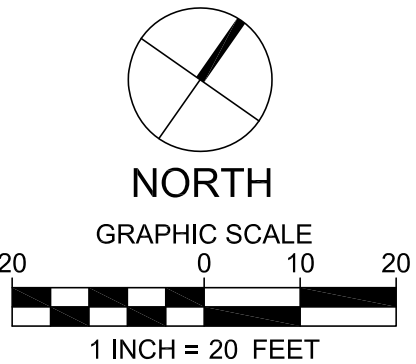


SITE PLAN KEYNOTES

- ① RV/BOAT PARKING STALL
- ② EXISTING FIRE HYDRANT
- ③ LANDSCAPE AREA
- ④ WROUGHT IRON FENCE (MATCH EXISTING)
- ⑤ CONCRETE DRAIN PAN
- ⑥ EXISTING CONCRETE DRAIN PAN
- ⑦ FIRE HYDRANT

PAVING LEGEND

RECYCLED ASPHALT PAVING



PLANT SCHEDULE PHASE 1

EVERGREEN TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
JT	3	JUNIPERUS VIRGINIANA 'TAYLOR' / TAYLOR EASTERN REDCEDAR	B & B		6' HT.
PN	3	PINUS NIGRA / AUSTRIAN BLACK PINE	B & B		6' HT.
ORNAMENTAL TREE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
AGA	2	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE' / AUTUMN BRILLIANCE SERVICEBERRY (SINGLE)	B & B	1.5"	-
MB	8	MALUS X 'RED BARRON' / RED BARRON CRAB APPLE	B & B	1.5"	-
SI	3	SYRINGA RETICULATA 'IVORY SILK' / IVORY SILK JAPANESE TREE LILAC	B & B	1.5"	-
SHADE TREE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
QM	3	QUERCUS MACROCARPA / BURR OAK	B & B	2"	-
TCG	3	TILIA CORDATA 'GREENSPIRE' / GREENSPIRE LINDEN	B & B	2"	-
STREET TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
COO	4	CELTIS OCCIDENTALIS / WESTERN HACKBERRY	B & B	2"	-
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE		
CSK	14	CORNUS SERICEA 'KELSEY' / KELSEY DWARF DOGWOOD	5 GAL		
CA	20	CORNUS STOLONIFERA 'ARCTIC FIRE' / ARCTIC FIRE DOGWOOD	5 GAL		
CAT	5	COTONEASTER ADPRESSUS 'TOM THUMB' / TOM THUMB COTONEASTER	5 GAL		
CPS	14	CYTISUS PURGANS 'SPANISH GOLD' / SPANISH GOLD BROOM	5 GAL		
LVI	6	LIGUSTRUM X VICARYI / GOLDEN VICARYI PRIVET	5 GAL		
PON	22	PHYSOCARPUS OPULIFOLIUS 'NANUS' / DWARF NINEBARK	5 GAL		
RTR	3	RHUS TRILOBATA / THREE-LEAF SUMAC	5 GAL		
SPN	18	SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	5 GAL		
SPM	6	SYRINGA PATULA 'MISS KIM' / MISS KIM DWARF LILAC (PALE LAVENDER)	5 GAL		
ORNAMENTAL GRASS	QTY	BOTANICAL NAME / COMMON NAME	SIZE		
BGB	60	BOUTELOUA GRACILIS 'BLONDE AMBITION' / BLONDE AMBITION GRAMA GRASS	1 GAL		
SPREADING JUNIPER	QTY	BOTANICAL NAME / COMMON NAME	SIZE		
JSU	7	JUNIPERUS SABINA 'BUFFALO' / BUFFALO JUNIPER	5 GAL		

PLANT SCHEDULE PHASE 2

EVERGREEN TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
JSR	11	JUNIPERUS SCOPULORUM / ROCKY MOUNTAIN JUNIPER	B & B		6' HT.
PN	3	PINUS NIGRA / AUSTRIAN BLACK PINE	B & B		6' HT.
ORNAMENTAL TREE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
SI	2	SYRINGA RETICULATA 'IVORY SILK' / IVORY SILK JAPANESE TREE LILAC	B & B	1.5"	-
SHADE TREE	QTY	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE
QCS	9	QUERCUS 'CRIMSON SPIRE' / CRIMSON SPIRE OAK	B & B	2"	-
SHRUBS	QTY	BOTANICAL NAME / COMMON NAME	SIZE		
CPS	17	CYTISUS PURGANS 'SPANISH GOLD' / SPANISH GOLD BROOM	5 GAL		
RTR	10	RHUS TRILOBATA / THREE-LEAF SUMAC	5 GAL		
SPN	12	SALIX PURPUREA 'NANA' / DWARF ARCTIC WILLOW	5 GAL		
SVU	10	SYRINGA VULGARIS / COMMON LILAC (PURPLE)	5 GAL		
SPREADING JUNIPER	QTY	BOTANICAL NAME / COMMON NAME	SIZE		
JSU	4	JUNIPERUS SABINA 'BUFFALO' / BUFFALO JUNIPER	5 GAL		

TREE SCHEDULE

SYMBOL	DESCRIPTION
	STREET TREES
	SHADE TREE
	EVERGREEN TREE
	ORNAMENTAL TREE

NOTE: ALL NATIVE SEED AREAS
MUST BE IRRIGATED UNTIL
FULLY ESTABLISHED.

MATERIALS SCHEDULE

SYMBOL	DESCRIPTION
	IRRIGATED TURF
	NATIVE SEED
	COBBLE
	BARK MULCH

LEGEND

SYMBOL	DESCRIPTION
	1/2 TON SANDSTONE BOULDER
	1/2 TON SANDSTONE BOULDER
	3/4 - 1 TON SANDSTONE BOULDER
	= PROPERTY BOUNDARY
	= FIBER OPTIC UTILITY
	= GAS UTILITY
	= STORM DRAIN UTILITY
	= SANITARY SEWER UTILITY
	= TELEPHONE UTILITY
	= UNDERGROUND ELECTRIC UTILITY
	= WATER LINE UTILITY
	= SITE FENCING
	= EMERGENCY ACCESS EASEMENT
	= DRAINAGE EASEMENT
	= UTILITY EASEMENT
	= PLANTING AREA

TOWN OF WINDSOR
DRAWING REVIEW

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

DATE: _____ BY: _____
DIRECTOR OF ENGINEERING

FALCON POINT
SUBDIVISION SECOND
FILING - LOT 1, SITE
PLAN

(EAST WINDSOR
SELF-STORAGE)

WINDSOR, CO

PREPARED BY:



■ land planning ■ landscape architecture ■
■ urban design ■ entitlement ■

419 Canyon Ave. Suite 200 Fort Collins, CO 80521
phone 970.224.5828 | fax 970.225.6657 | www.ripleydesigninc.com

APPLICANT

RIPLEY DESIGN INC.
Katy Thompson
419 Canyon Ave. Suite 200
Fort Collins, CO 80521
p. 970.224.5828
f. 970.225.6657

OWNER

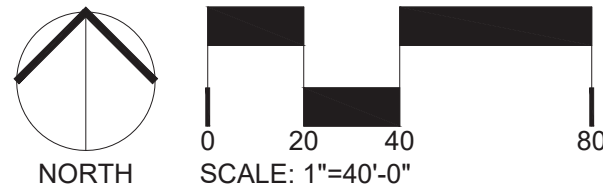
GROW YOUR STORAGE, LLC.
Brandon Grebe
791 Copper Center Pkwy
Colorado Springs, CO 80921
p. 970.556.9111

ARCHITECT

VAUGHT FRYE LARSON ARCHITECTS
Chris Aronson
419 Canyon Ave. Suite 200
Fort Collins, CO 80521
p. 970.224.1191

ENGINEER

NORTH STAR DESIGN, INC.
Patricia Kroetch
p. 970.686.6939



ORIGINAL SIZE 24X36

ISSUED

No.	DESCRIPTION	DATE
01	SITE PLAN REVIEW	10/04/17
02	SITE PLAN REVIEW	12/06/17
03	SITE PLAN REVIEW	01/10/18
04	BID/PERMIT SET	01/10/18
05	MYLARS	02/15/18

REVISIONS

No.	DESCRIPTION	DATE
1	ISSUED FOR CONSTRUCTION	3/9/18
2	ISSUED FOR CONSTRUCTION	5/28/18

LANDSCAPE PLAN

SEAL:

ENTITLEMENT
DRAWINGS
NOT FOR
CONSTRUCTION

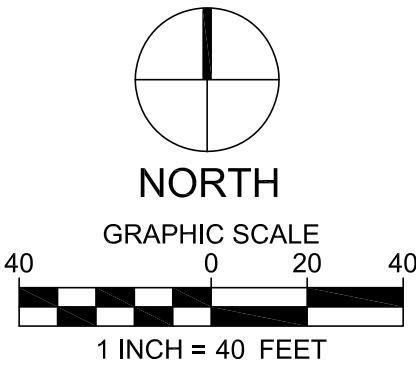
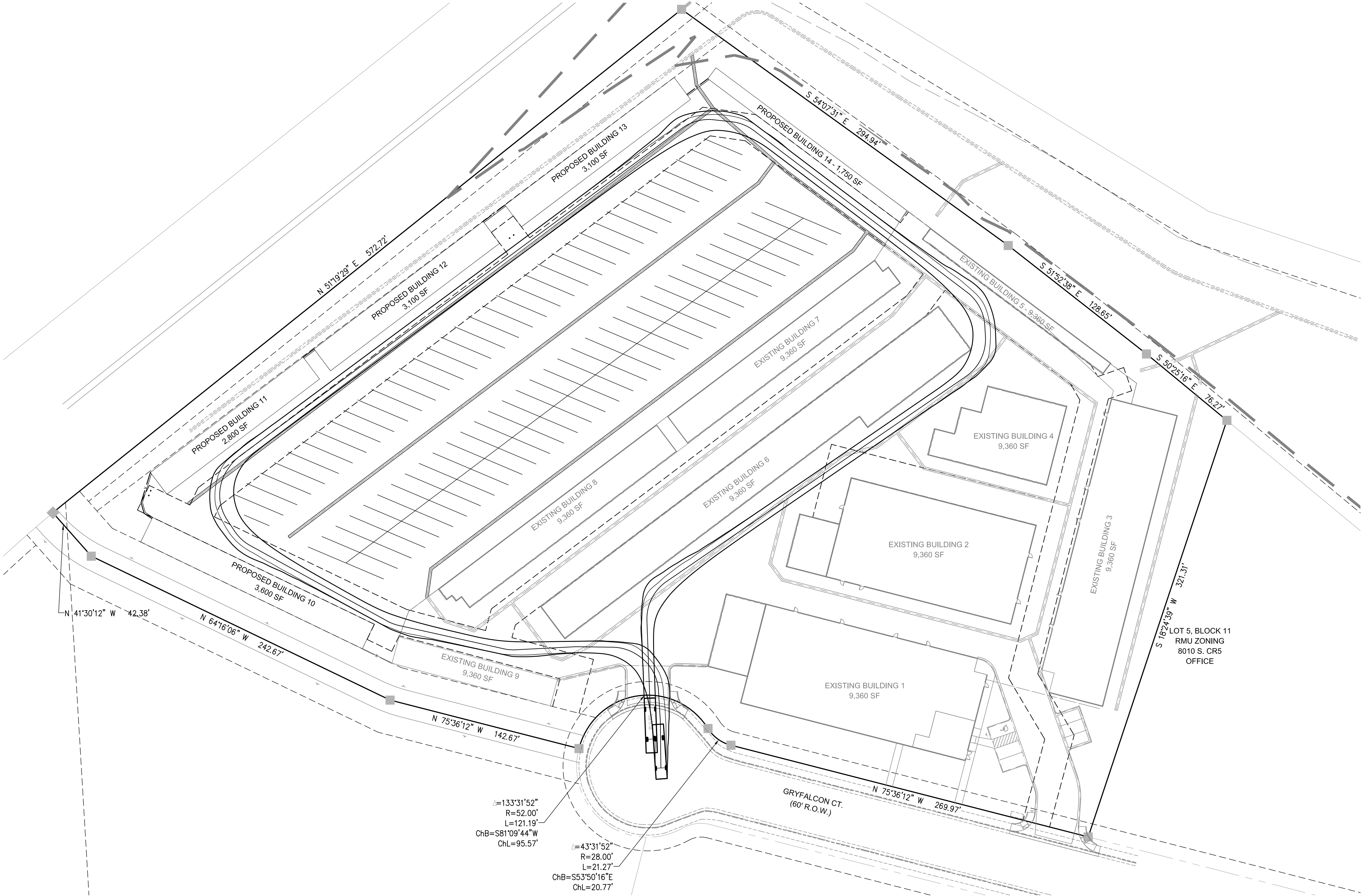
PROJECT No.:	R17-048
DRAWN BY:	KT
REVIEWED BY:	RL

DRAWING NUMBER:

L2

FALCON POINT SUBDIVISION 2ND FILING, LOT 1, CONDITIONAL USE GRANT
EAST WINDSOR SELF STORAGE
600 GRYFALCON CT.

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO





Falcon Point Self Storage Conditional Use Grant (Temporary RV / Boat Storage)

*Kimberly Lambrecht, Planner II
August 3, 2022 – Planning Commission*



Conditional Use Grant

Chapter 14, Article II of the Municipal Code outlines the intent of conditional use grants:

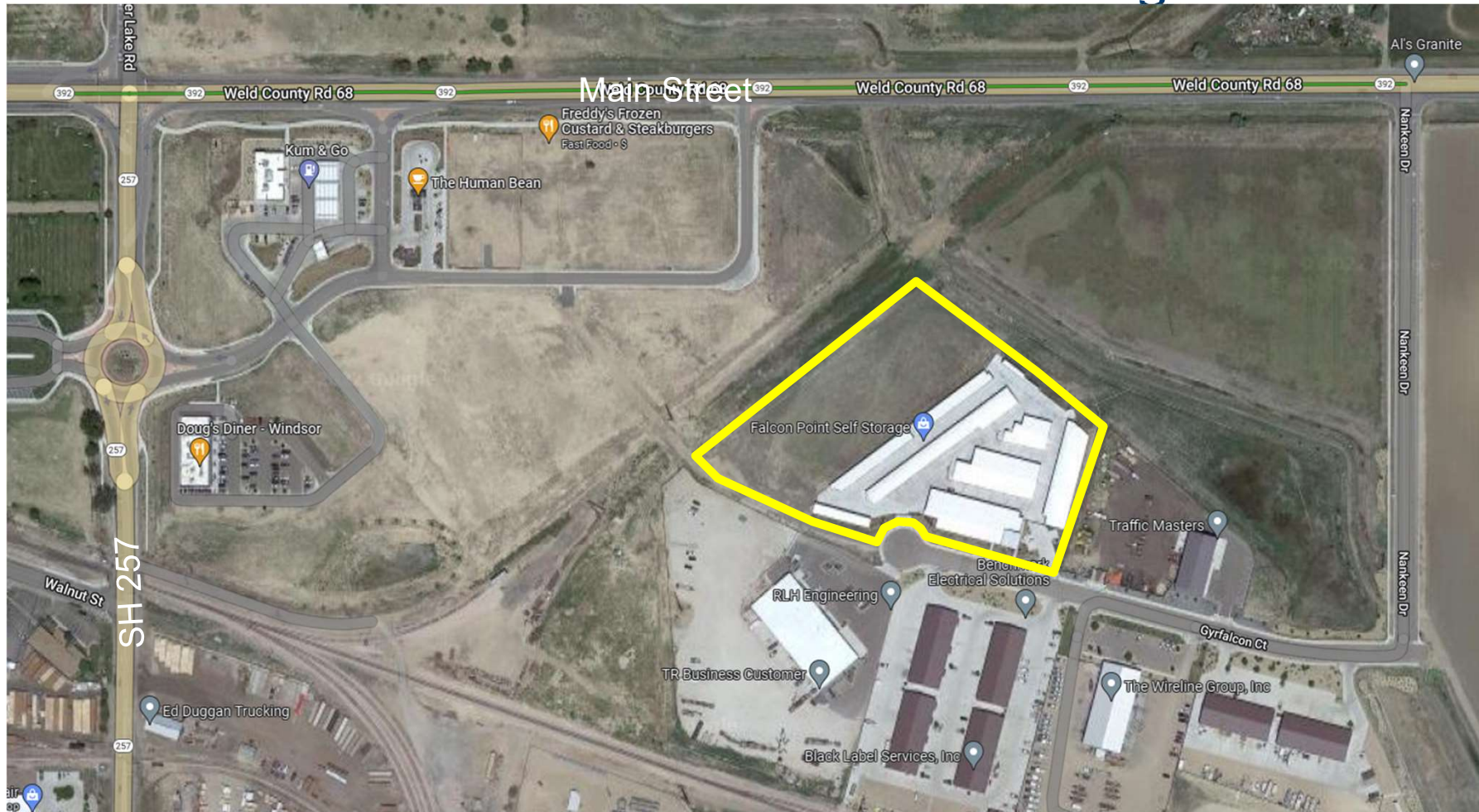
Sec. 14-2-130 - Intent of conditional use permits.

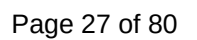
The conditional use classification is intended to allow consideration of uses which are unique in nature or character and, except as otherwise specifically provided in this Code, not specifically included as uses by right in any specific zoning districts. It is the specific intent of this Article, except as otherwise specifically provided in this Code, to prohibit the granting of conditional uses in any zone when such use is allowed as a use by right in any other zone.



Site Location

Falcon Point Subdivision 2nd Filing

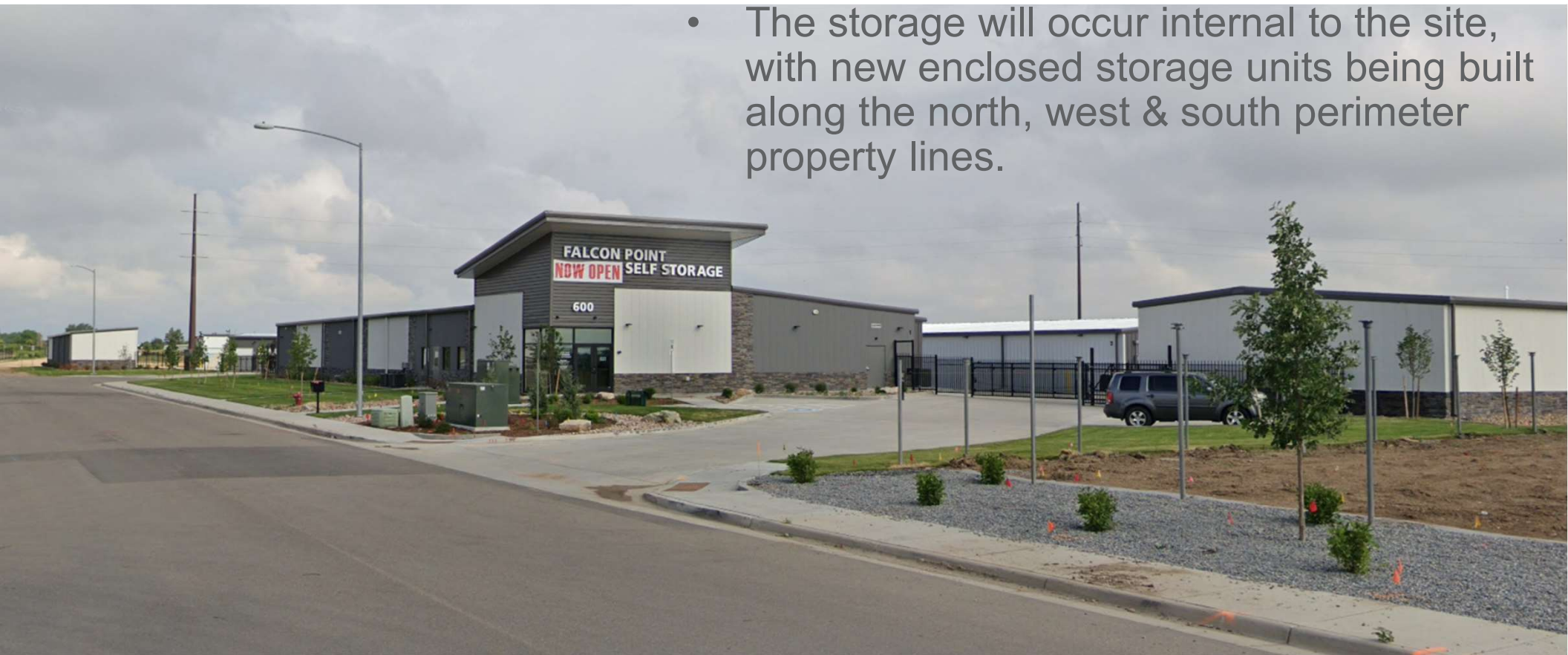






Proposal

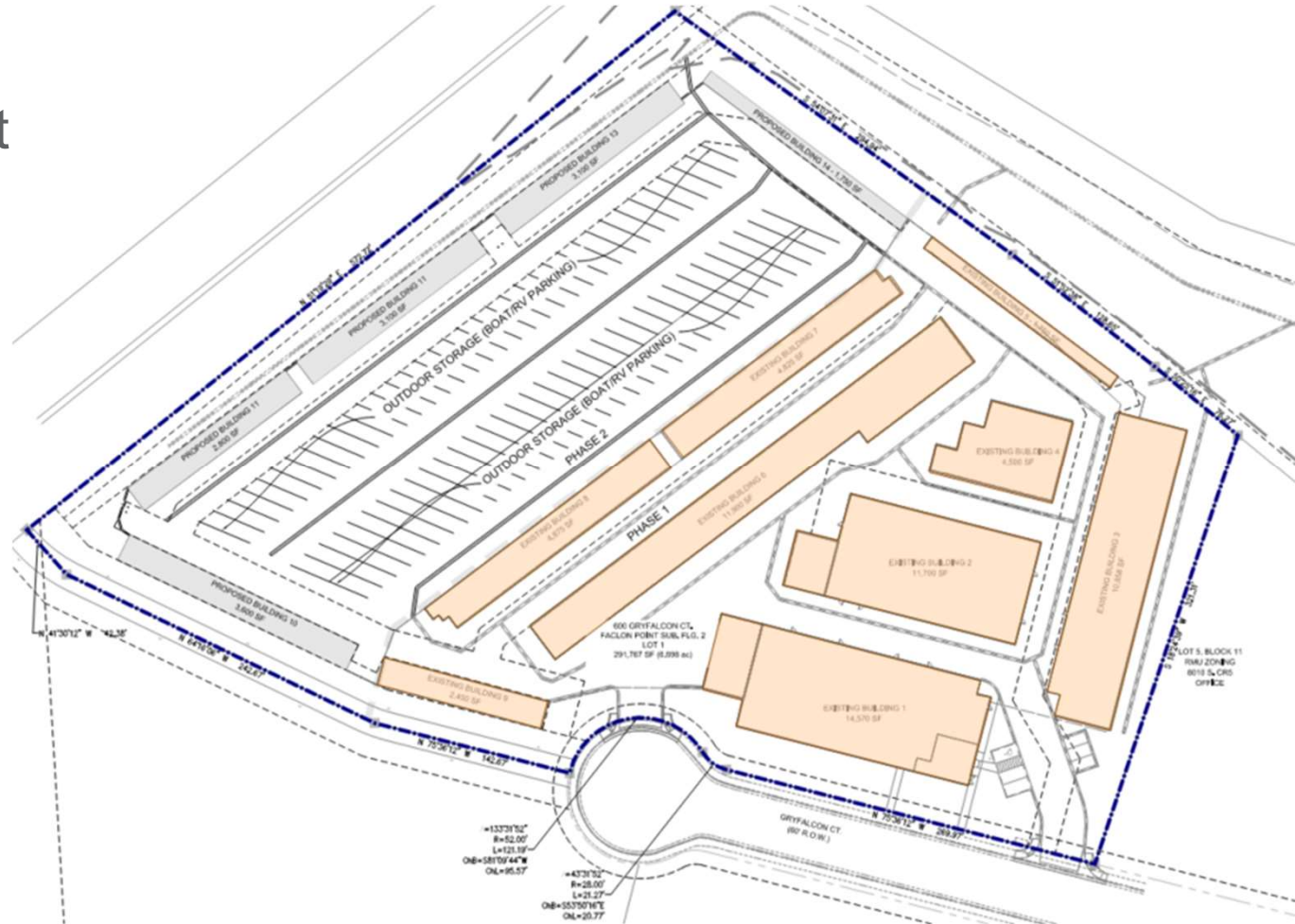
- Falcon Point Self Storage is requesting a conditional use grant to allow for the temporary exterior storage of RVs/Boats in the Limited Industrial (LI) zone district.
- The storage will occur internal to the site, with new enclosed storage units being built along the north, west & south perimeter property lines.





Site Plan

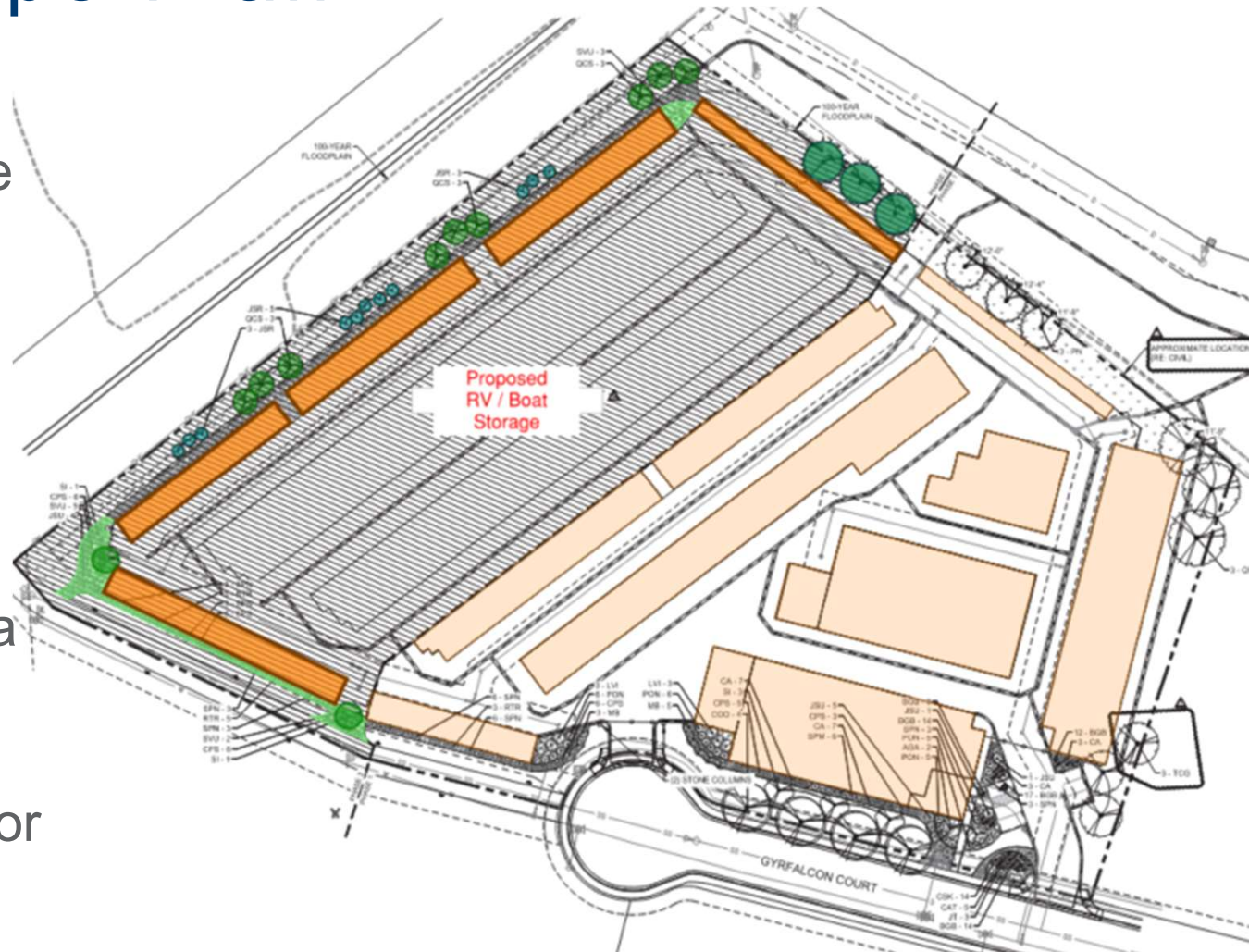
- The proposed RV/Boat Storage is planned to occur in the Phase 2 development area





Landscape Plan

- After construction of the **perimeter enclosed storage** units and prior to any exterior storage occurring, **landscape and fencing** will be installed. These elements will serve as a **physical and visual buffer** to the surface storage occurring interior to the property.





Conformance with the Comprehensive Plan

The proposed use is consistent with the **Commercial and Industrial Land Use Goals and Policies** of the Comprehensive Plan:

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

- *By encouraging this industrial use to locate in an area beyond downtown, in an industrial zone that is already developed, the impact on the downtown area of Windsor is reduced, while meeting a need of the community.*



Conditional Use Grant Review Criteria

Section 14-2-130(c) of the Municipal Code outlines the factors to be evaluated prior to granting of a conditional use.

- 1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.***

While the 2016 Comprehensive Plan does not specifically address exterior storage, providing diverse industrial business opportunities supports the goals of the Comp Plan

- 2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.***

The proposed temporary exterior RV/Boat storage does not require any additional public infrastructure or public improvements beyond what is already shown on the approved Site Plan.



Conditional Use Permit Review Criteria

3. *The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.*

- Compatibility with adjacent uses will be achieved by creating a perimeter buffer as shown on the approved Site Plan, including construction of the perimeter storage buildings and the associated perimeter landscaping.
- Proposed use is consistent with other industrial uses that currently exist in the area.





Notifications

In accordance with the Municipal Code, notifications for this meeting were as follows:

- ▶ July 18, 2022 – letters mailed to surrounding property owners
- ▶ July 20, 2022 – legal notice posted on the Town of Windsor website
- ▶ July 20, 2022 – property posted with a notification sign
- ▶ July 22, 2022 – legal ad published in the Greeley Tribune





Recommendation

Staff requests the Planning Commission forward a recommendation of approval of the Conditional Use Grant to the Town Board, subject to the following conditions:

1. Per the approved Site Plan, the perimeter storage buildings and associated fencing and landscaping shall be installed prior to the storage of any RVs/Boats.
2. The exterior storage of RVs/Boats shall be allowed for a maximum duration of two (2) years, at such time all vehicles shall be removed, and exterior storage operations shall cease.
3. RV dump stations and/or wash down stations shall not be allowed.



Conditional Use Permit

Staff requests that the following be entered into the record:

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



MEMORANDUM

Date: August 3, 2022
To: Planning Commission
From: Kimberly Lambrecht
Planner II
Re: Recommendation to Town Board - Conditional Use Grant (CUG) for Temporary Outdoor Storage of RVs/Boats in the Limited Industrial zone district - Falcon Point Subdivision 2nd Filing, Lot 1 - Tony Ollila, Applicant
Item #: C.2.

Background / Discussion:

Please refer to public hearing materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner

Attachments:



MEMORANDUM

Date: August 3, 2022
To: Planning Commission
From: Kimberly Lambrecht
Planner II
Re: Public Hearing - Request to Rezone from General Commercial (GC) zone district to Limited Industrial (LI) zone district - East Pointe Subdivision, Lot 1 - Chris Ruff, Manager, East Pointe Windsor LLC, Owner's Representative
Item #: C.3.

Background / Discussion:

The owner / applicant, Mr. Chris Ruff, of East Pointe LLC, has submitted a rezoning application to rezone 7.214 acres from General Commercial (GC) to Limited Industrial (LI). The proposed rezoning is located within the East Pointe Subdivision, southeast of the intersection of State Highway 392 and State Highway 257 (more particularly, south of Pointe Plaza Drive, approximately 700 feet east of State Highway 257).

The property is currently an undeveloped lot within the East Pointe Subdivision, and is surrounded by the following zoning and land uses:

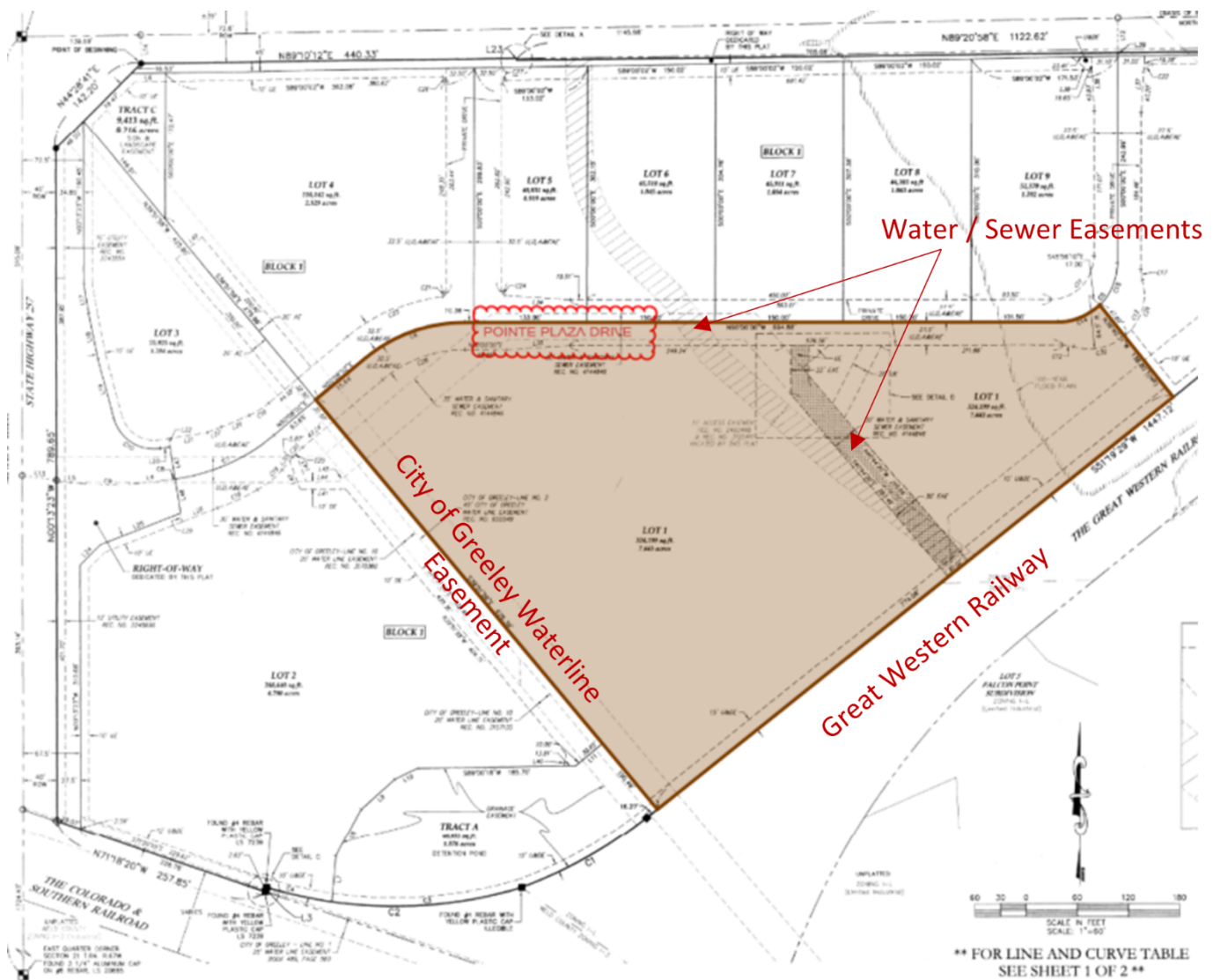
- North: General Commercial (GC) – Kum & Go Convenience Store, Human Bean, Freddy's
- South: Limited Industrial (LI) – Great Western Railway and Universal Forest Products
- East: Limited Industrial (LI) – Falcon Point Self Storage and other similar businesses.
- West: General Commercial (GC) – Doug's Day Diner, and other businesses.

The subject area, now known as Lot 1, Block 1, East Pointe Subdivision, is part of the Ruff Third Annexation, annexed in 2006. With the annexation, the property was master planned for 24.42 acres of commercial and industrial zoning (General Commercial (GC) and Limited Industrial (LI)). The annexation, zoning and platting for this property has the following timeline (note: this does not include the Windsor-Severance IGA and IGA amendments, which are highlighted later).

- In 2006, the Ruff Third Annexation and Master Plan were approved, which zoned 18.67 acres as General Commercial (GC) and 4.76 acres as Limited Industrial. The Master Plan is consistent with the annexation.
- In 2017, the property was subdivided, with 26.70 acres being divided to create nine (9) lots along with supporting tracts and right-of-way – all zoned General Commercial (GC).
- In 2017, the first of several projects (Kum & Go) were approved, with the Human Bean (2018), Doug's Day Diner (2018) and Freddy's following (2021).
- 2022 has brought additional commercial projects that are currently under review.

Additionally, the site has several constraints impacting the development of the parcel: water/sewer easements bisecting the property; a City of Greeley waterline easement along the easterly boundary; and the Great Western Railway along the southern property line. These elements are proving to be a negative impact in attracting the types of end users that might otherwise be drawn to this location.

SITE CONSTRAINTS



The proposed rezone application is also part of an Intergovernmental Agreement (IGA) between the Town of Windsor and the Town of Severance. This agreement includes a cooperative planning area (“CPA”) outlining permitted land uses, design standards, and revenue sharing. The proposed East Pointe development will be required to comply with the criteria of the IGA. The Windsor-Severance IGA was first adopted in 2000, amended in 2004, 2014, and 2017. The proposed rezone has been referred to the Town of Severance. In preliminary discussions with Severance, no issues were found with the proposal. Future development proposals for this project site will also be referred to Severance.

Review Criteria

The Municipal Code outlines the criteria from which to review a rezone proposal.

1. The proposal complies with the **Comprehensive Plan** goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies.
2. The proposed development does not result in undue or unnecessary burdens on the existing **public infrastructure and public improvements**, or that arrangements are made to mitigate such impacts.
3. Density is consistent with the Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
4. The proposal serves a **community need** or amenity that was not considered at the time of

- the initial zoning of the property.
5. The proposal shall be accompanied by a Master Plan or **Site Plan** that demonstrates compatibility with adjacent uses.

The applicant provided a narrative outlining the background of the existing uses, and how the success of those businesses is providing an opportunity to seek other business types that might be a better fit for the location (behind already established commercial / retail, and adjacent to the railroad). The narrative begins to address the Comprehensive Plan and Municipal Code criteria, as outlined below. (see attached narrative)

1. Comprehensive Plan goals and objectives

Chapter 5d – Commercial & Industrial Areas Framework Plan

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

- Commercial property is fiscally responsible by providing opportunities for increased tax revenue, jobs and services that fill a needed void.
- The rezone of General Commercial (GC) property to the Limited Industrial (LI) zone will provide expanded opportunities for diverse business development while creating a buffered transition between established Limited Industrial (LI) zone and the less intense General Commercial (GC) zone.

2. Public infrastructure and public improvements

- It is not anticipated that the proposal would create detrimental impacts to the planned transportation system.
- The area under consideration would have similar traffic patterns.
- The proposal would not change the road network from what has already been planned.
- Town Engineering staff has reviewed the request and the site has adequate sanitary sewer capacity.
- It is anticipated that water will be available. The applicant would be responsible for bringing raw water for the project, if necessary.
- If public improvements become necessary as a result of the proposed project, the applicant would be responsible for those improvements.

3. Comprehensive Plan Land Use Plan

- The uses allowed with the Limited Industrial (LI) zone are compatible and supportive of the allowed uses within the General Commercial (GC) zone
- Limited Industrial (LI) serves as a land use transition / buffer to the more intense types of industrial developments (including the railroad line) found nearby

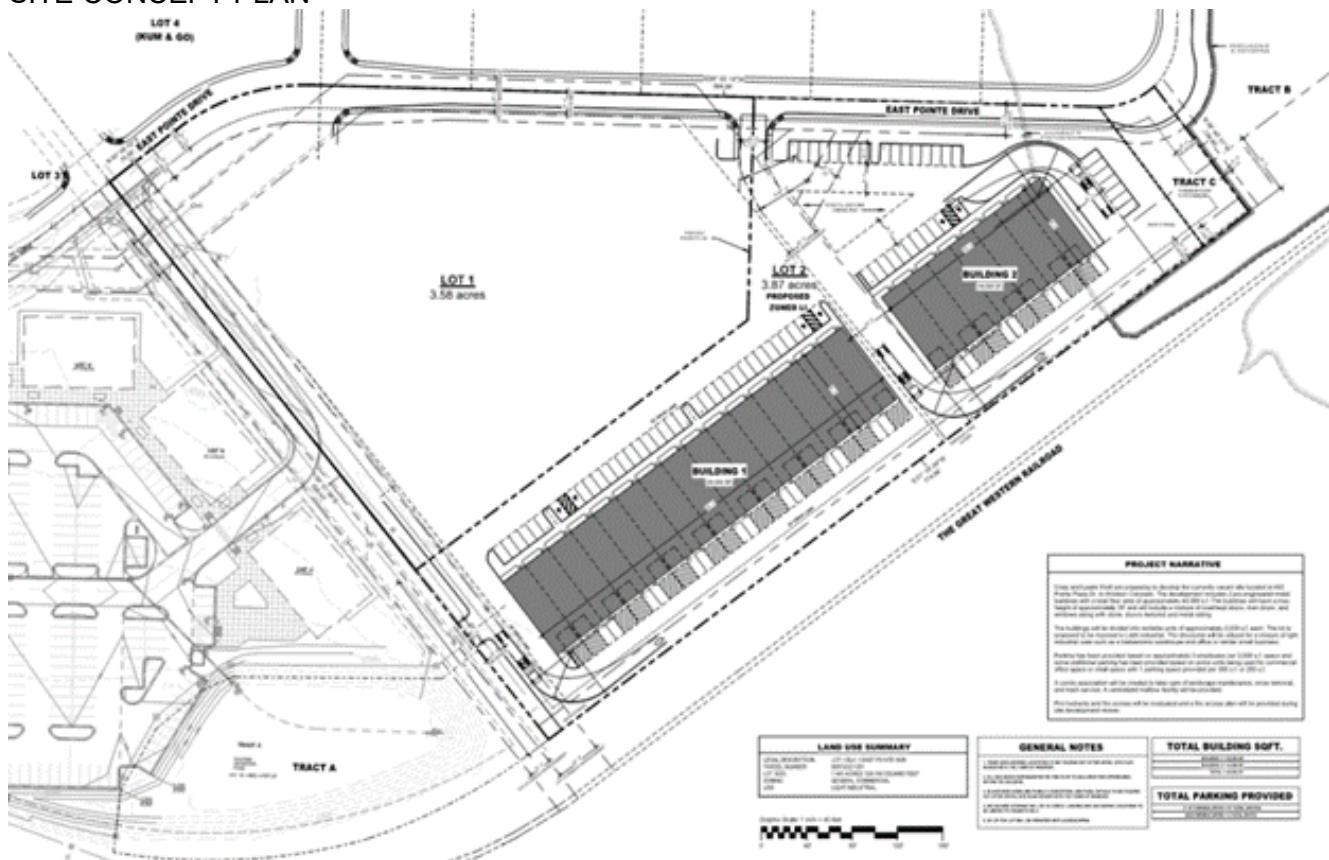
4. Community need

Although the proposed rezone is a request which will eliminate approximately 4.2 acres of General Commercial (GC) zoning, it is important to note that the uses allowed with General Commercial (GC) zoning are not eliminated with the Limited Industrial (LI) zone. Rather, the Limited Industrial (LI) zone expands to include those allowed uses. Additionally, our economic development team continues to see a demand for the type of flex office/warehouse space this project will bring to the Town.

5. Site Plan

- The applicant submitted a Concept Plan, outlining the proposed configuration of the site area along with the building type and preliminary architecture. The original proposal was to fully develop all 7.4 acres of Lot 1 with office/warehouse flex-style buildings. Finding that many of the uses associated with flex buildings are industrial in nature and would not comply with the zoning, Staff worked with East Pointe to find a solution that would continue to support the principals of the Comprehensive Plan, while providing additional/expanded development opportunities and would also serve the interests of the commercial corridor. The resulting concept outlines a plan for more traditional commercial uses along the north half of the parcel, while allowing a more industrial style of building at the south side of the parcel – leading to the proposal to subdivide and rezone the south portion of Lot 1.
- Due to the Development Plan associated with the IGA, and the Town's commercial corridor standards, the flex buildings will develop as typical 'office/storefront' architecture on the front, with a warehouse/overhead garage door configuration at the rear. Because of the site constraints, there will be very limited – if any – outdoor storage associated with this development.
- This type of use and architecture will serve as a good transition from the RR and industrial uses to the south, to the general commercial development to the north.

SITE CONCEPT PLAN



CONCEPT PLAN ELEVATIONS



Notifications

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

The applicant held a neighborhood meeting on July 19, 2022:

- July 8, 2022 – display ad published in paper
- June 29, 2022 – affidavit of mailing to property owners within 500 feet

Planning Commission and Town Board public hearing notifications:

- June 28, 2022 – sign posted on property
- July 13, 2022 – applicant mailed letters to surrounding property owners
- July 13, 2022 – public hearing notice published to Town website
- July 15, 2022 – ad in newspaper

Financial Impact:

Relationship to Strategic Plan:

The application is consistent with the following:

- **Vibrant & Healthy Economy** – This land use designation will support the goal of providing a viable, stable, diverse, and strategic economic base which supports the needs and enhances

the lifestyles of those living and working in our community.

- **Infrastructure** – The Town's Engineering staff have reviewed the request and adequate capacity is available for light industrial development in this area.

- **Goals:**

- Promote business diversification in the community
- Attract balanced commercial development that will sustain the future of Windsor
- The priorities in this area are economic sustainability and vibrancy, and infrastructure.

Recommendation:

Staff requests that the Planning Commission forward a recommendation of approval of the Rezone petition and ordinance to the Town Board subject to all Planning Commission and staff comments being addressed.

CC:

Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner

Attachments:

1. East Point Rezone - Application
2. East Pointe Rezone - Petition_July-2022
3. East Point Rezone - DRAFT Ordinance
4. East Pointe Rezone - Proposed Site Plan
5. East Pointe - NHM Summary
6. East Point Rezone - Staff Presentation

Application Packet

Land Use Application



1

The Town of Windsor Planning Department reserves the right to reject incomplete submittals, per the application checklist and Municipal Code requirements for all applications. Please submit completed application and materials to planningtechs@windsorgov.com. Staff will review the submittal and advise you of its completeness for processing.

2

Application type:

☐ Annexation	☐ Site Plan - Minor
☐ Master Plan	☐ Site Plan - Major
☒ Rezoning	
☐ Minor Subdivision	
☐ Major Subdivision – Preliminary	
☐ Major Subdivision – Final	

Project Name*: East Pointe Subdivision Third Filing -- Replat Lot 1

Legal Description*: Lot 1 Block 1 East Pointe Subdivision

Address/Location*: 443 Pointe Plaza Drive, Windsor CO

Existing Zoning: GC **Proposed Zoning:** GC and LI

Acres/Square Feet: 7.443 **Number of Dwelling Units:**

3

Owner:

Name(s)*: East Pointe Windsor LLC

Company: East Pointe Windsor LLC

Address*: PO Box 99, Windsor CO 80550

Phone #: 9702277868 Email*: cdmuff@drmmrealestate.com

Applicant (Owner or Owner's Representative):

Name*: Chris Ruff

Company: East Pointe Windsor LLC

Address*: PO Box 99, Windsor CO 80550

Phone #: 9702277868 Email*: cdmuff@drmmrealestate.com

Authorized Representative:

Name:

Company:

Address:

Phone #:

Email:

4

All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature:

Date: 4/14/2022

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

Print Name: Chris Ruff Mgr

*Required fields

Revised 2/5/2021

Town of Windsor – Planning Department
301 Walnut Street | Windsor, Colorado | 80550 | phone 970-674-2415 | fax 970-674-2456 | www.windsorgov.com

Application Packet

Rezoning



The following checklist is intended to provide an outline for applicants to ensure a complete submittal and to avoid processing delays due to inadequate information. Land use applications shall include all items listed in the following checklist. If an item is not checked as included in the submittal, a detailed narrative statement outlining reasons why the item has not been submitted shall be included. Lack of such statement or required item shall constitute an incomplete submittal and shall be rejected by the Town. Please review Chapter 14 of the Town of Windsor Municipal Code for complete application and procedural requirements.

Application Submittal Requirements:		
Planning Department Checklist	Applicant Checklist	
1	☒	Completed checklist. Items not checked are explained in the narrative
	☒	Completed Land Use Application (attached)
	☒	Application fee consistent with the Town of Windsor <u>Fee Schedule</u>
	☒	A completed rezoning petition and justification statement
	☒	A deed or legal instrument identifying the applicant's interest in the property
	☒	All required drawings and supportive information per the Municipal Code
	☒	All submittals shall follow the Town's <u>Submittal Requirements</u> and <u>File Naming Conventions</u> available from the Planning Department

Rezoning Map Requirements:		
Planning Department Checklist	Applicant Checklist	
2	☒	Drawing dimensions shall be twenty-four by thirty-six (24x36) inches. All drawings shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet
	☒	Date of preparation, the scale, a symbol designating true north and zoning
	☒	Vicinity map
	☒	Legal description (<i>township, range, section, lot, block, subdivision</i>)
	☒	Each ownership within and adjacent to the property
	☒	Existing and proposed zoning classification
	☒	Applicant revisions block (<i>includes fields for date, initials, description</i>)
	☒	Appropriate <u>certification blocks</u> as provided by the Planning Department
	☒	A description of all developed on-site property, including its use and total acreage
	☒	The location and dimensions of all existing and proposed easements and rights-of-way

EAST POINTE WINDSOR LLC

PO Box 99
Windsor CO 80550
970-227-7868

6-June-2022

Carlin Malone
Planning Department
Town of Windsor
301 Walnut Street
Windsor CO 80550

RE: Narrative Description: East Pointe Lot 1—Minor Sub and Re-Zone

Ms. Malone,

East Pointe Windsor LLC desires to replat Lot 1 of East Pointe Subdivision to create two lots via the Minor Subdivision process and rezone the eastern portion of that lot as LI Limited Industrial.

Background

Lot 1 East Pointe is the large (7.443-Acres) interior lot in the G-C zoned 25-acre East Pointe Subdivision at Highway 257/East Main (Highway 392). We developed East Pointe in 2018 and have populated much of the frontage with existing/planned sales tax generators including Kum & Go, Human Bean, Freddy's, Doug's Diner, Windsor Craft Cooler. Additional retail/restaurant uses are in planning along the frontage lots.

East Pointe Subdivision has met its goal to generate extensive sales tax and property taxes for the Town of Windsor and Town of Severance (as provided in the Windsor/Severance joint planning area IGA). With just 4 users (Kum & Go store sales, Human Bean, Doug's and Windsor Craft Cooler) contributing in 2020 and 2021, the project generated over \$210,000 each year in sales taxes. Freddy's will likely generate another \$45,000+, and several new retailers will likely push sales tax generation in excess of \$400,000 annually in those frontage lots.

Interior Lot 1, with its large size and non-frontage location, has not met with market success/appeal just as the interior lots in the Safeway development, King Soopers, and Water Valley north have sat vacant nearly two decades. Absent attracting a small grocery store or big-box user, large interior lots are very difficult to get users. Exacerbating Lot 1's large size and location is that it 1) is negatively impacted by water/sewer easements that divide the site on their way to East Pointe lots and the Windsor cemetery, 2) is impacted by the City of Greeley water line easements that form its western boundary, and 3) backs to the railroad tracks and industrial uses/rear yards in Falcon Point and Universal Forest Products.

In extensive correspondence and discussion with Planning Staff (Scott Ballstadt, Paul Hornbeck, and yourself) in January-March 2022, we developed an agreeable concept to split that lot into two lots and also create a visual barrier from East Pointe to the existing industrial uses.

This application seeks to create two lots in East Pointe Subdivision Third Filing—Lot 1 at 3.228-Acres and Lot 2 at 4.214-Acres. As the plat shows, Lot 1 will be bounded by Pointe Plaza Drive and the private entry drive to East Pointe Plaza (Doug's, etc.). Lot 2 will be an elongated "y-

shaped” lot that fronts onto Pointe Plaza Drive and lines the entire 774-foot eastern Great Western Railroad frontage of existing Lot 1.

Like all of East Pointe, existing Lot 1 is currently zoned G-C General Commercial. In this replat, proposed Lot 1 3rd Filing will stay zoned G-C, but Lot 2 3rd Filing will re-zoned to LI Light Industrial and be the new interface between East Pointe’s commercial uses and industrial. However, Lot 2 3rd Filing will then be developed with a long pair of 2-story office-warehouse condos that then forms the visual barrier between East Pointe commercial and the east. Architectural features of the front elevations of the proposed buildings will provide an attractive view and will buffer the area between the parking uses on the frontage lots as well as future Lot 1 3rd Filing users.

Positive impacts of the Minor Subdivision:

1. The new, smaller Lot 1 3rd Filing creates a better opportunity to find a sales tax generator.
2. The new Lot 2 3rd Filing project will generate extensive property taxes.
3. The Lot 2 3rd Filing project may also generate some sales taxes from some secondary commercial users.
4. The Lot 2 3rd Filing project will generate new small service business uses/users and create jobs.
5. The new Lot 2 3rd Filing will create a visual barrier between commercial users in East Pointe and adjacent industrial uses.
6. Lots 1 & 2, 3rd Filing will be subject to Site Plan and Dev Agreement approval and restrictions on user types and restricted outside storage
7. It will further improve the aesthetics of the East Main corridor with additional screening.
8. It will not negatively impact water or sewer infrastructure and service demands in the East Point Subdivision.
9. It will enhance the fire department/emergency access linkage between East Pointe and Falcon Point across the Great Western railroad tracks.
10. It will reduce water consumption due to lesser landscape requirements in the LI zone.

We request approval of the proposed Minor Subdivision and Re-Zone of Lot 1 East Pointe Subdivision.

Respectfully submitted
East Pointe Windsor LLC



Christopher D. Ruff
Manager

Atch

- | | |
|--|-----------------------|
| 1. Minor Sub Application | 2. ReZone Application |
| 3. Plat—East Pointe Subdivision 3 rd Filing | 4. Re-Zone Map |
| 5. Re-Zone Color Sketch | |

Account: R8951995
April 15, 2022

Account Information

Account	Parcel	Space	Account Type	Tax Year	Buildings	Actual Value	Assessed Value
R8951995	080722221001		Commercial	2022	0	1,538,648	446,210

Legal

Lot 1 BLK 1 EAST POINTE SUB

Subdivision	Block	Lot	Land Economic Area
EAST POINTE SUB	1	1	EAST POINTE RETAIL

Property Address	Property City	Zip	Section	Township	Range
443 POINTE PLAZA DR	WINDSOR		22	06	67

Owner(s)

Account	Owner Name	Address
R8951995	EAST POINTE WINDSOR LLC	311 HABITAT BAY WINDSOR, CO 805506131

Document History

Reception	Rec Date	Type	Grantor	Grantee	Doc Fee	Sale Date	Sale Price
4347574	10-27-2017	PLT	EAST POINTE SUB	EAST POINTE SUB	0.00	09-15-2017	0
4412526	07-03-2018	OTH	SURVEY	SURVEY	0.00	07-03-2018	0

*If the hyperlink for the reception number does not work, try a manual search in the [Clerk and Recorder records](#). Use the Grantor or Grantee in your search.

After Recording Return to:
Christopher D. Ruff
311 Habitat Bay
Windsor, CO 80550

WARRANTY DEED

This Deed, made May 29, 2014

Between Interstate Land Holdings LLC, a Colorado limited liability company of the County Weld, State of Colorado, grantor(s) and Christopher D. Ruff, a Tenant in Severalty whose legal address is 311 Habitat Bay, Windsor, Co 80550, County of Weld, and State of Colorado, grantee.

WITNESS, That the grantor, for and in the consideration of the sum of NINE HUNDRED FIFTY THOUSAND DOLLARS AND NO/100'S (\$950,000.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, their heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Weld, State of Colorado described as follows:

State Doc Fee: \$

Lots A and B of Amended Recorded Exemption No. 0807-22-2 AmRe-358, recorded November 4, 2004 at Reception No. 3233208, a parcel of land located in the West half of Section 22, Township 6 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado.

also known by street and number as 9050 State Highway 392, Windsor, CO 80550-3109

TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind of nature so ever, except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 (Title Review) of the contract dated February 7, 2014, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee, his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLERS:

Interstate Land Holdings LLC, a Colorado limited liability company

BY: Curt W. Burgener, Member

STATE OF COLORADO
COUNTY OF WELD

}ss:

The foregoing instrument was acknowledged, subscribed and sworn to before me May 29, 2014 by Interstate Land Holdings LLC, a Colorado limited liability company by Curt W. Burgener, member.

Witness my hand and official seal.

Notary Public
My Commission expires:



EAST POINTE SUBDIVISION - REZONE MAP

Being a Rezone of a portion of Lot 1, Block 1, East Pointe Subdivision,
Situate in the Northwest Quarter of Section 22, Township 6 North, Range 67 West of the 6th P.M.,
Town of Windsor, County of Weld, State of Colorado

DESCRIPTION

A plot of a parcel of land in the TOWN OF WINDSOR, County of Weld, Colorado, located in the Northwest Quarter (NW 1/4) of Section Twenty-two (22), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.) and more particularly described as follows:

Being a portion of Lot 1, Block 1, East Pointe Subdivision recorded October 27, 2017 at Reception No. 4347574 of the Records of Weld County Recorder, located in the Northwest Quarter (NW 1/4) of Section Twenty-two (22), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Northwest corner of said Lot 1 and assuming the North line of said Lot 1 as bearing North 90°00'00" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 694.88 feet with all other bearings contained herein relative thereto;

THENCE North 90°00'00" East along the North line of said Lot 1 a distance of 391.78 feet to the POINT OF BEGINNING;

The following Five (5) courses and distances are along the Northerly, Easterly, Southerly and Westerly lines of said Lot 1;
THENCE North 90°00'00" East a distance of 303.09 feet;
THENCE along the arc of a curve concave to the Northwest a distance of 54.98 feet, said curve has a Radius of 70.00 feet, a Delta of 45°00'00" and is subtended by a Chord that bears North 67°30'00" East a distance of 53.58 feet to a line non-tangent to this curve;
THENCE South 38°40'31" East along a line non-tangent to the aforesaid curve a distance of 138.80 feet;
THENCE South 51°19'29" West a distance of 774.06 feet;
THENCE North 39°51'58" West a distance of 230.05 feet;
THENCE North 51°19'29" East a distance of 400.05 feet;
THENCE North 00°02'58" East a distance of 145.01 feet to the POINT OF BEGINNING.

Containing 4.214 acres more or less.

ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

THE UNDERSIGNED, being all the owners, lienholders, and holders of any ownership interest as defined by the Town of Windsor, of the land described hereon, have caused such land to be rezoned as indicated on this plat. The within rezoning plat is submitted in accordance with the Windsor Municipal Code. It is hereby acknowledged that all construction, use and development of this property will be in strict accordance with this rezoning plat. It is further acknowledged that deviation from this rezoning plat without the express written consent of the Town of Windsor may result in revocation of the Town's approval of the rezoning plat, denial of building permits, refusal to issue certificates of occupancy, injunctive relief prohibiting use of the property and other remedies available to the Town under the Windsor Municipal Code and other applicable laws of the State of Colorado. The undersigned have caused said land to be laid out and rezoned under the name of EAST POINTE SUBDIVISION - REZONE MAP.

In witness whereof, we have hereunto set our hands and seals this the _____ day of _____, 20____.

By: _____ As: _____

NOTARIAL CERTIFICATE

STATE OF _____)

COUNTY OF _____ ss)

The foregoing instrument was acknowledged before me by _____, this _____ day of _____, 20____.

My commission expires _____ Notary Public (SEAL)

ENGINEERING DEPARTMENT APPROVAL

Approved this the _____ day of _____, 20____.

Deputy Director of Engineering

PLANNING COMMISSION APPROVAL

Approved this the _____ day of _____, 20____.

Chairman,
Windsor Planning Commission

PLANNING DEPARTMENT APPROVAL

Approved this the _____ day of _____, 20____.

Director of Planning

NOTICE OF OTHER DOCUMENTS

All persons take notice that certain documents have been executed pertaining to this development, which create certain rights and obligations of the development, the developer and/or subsequent owners of all or portions of the development site, many of which obligations constitute promises and covenants that run with the land. These documents are of record and are on file with the director of planning of the Town of Windsor and should be closely examined by all persons interested in purchasing any portion of the development site.

MAYOR'S CERTIFICATE

This is to certify that a rezoning map of the property described herein was approved by Ordinance No. _____ of the Town of Windsor passed and adopted on the _____ day of _____, 20____, A.D. and that the Mayor of the Town of Windsor, as

authorized by said ordinance, hereby acknowledges and adopts the said rezoning map upon which this certificate is endorsed for all purposes indicated thereon.

Mayor _____ ATTEST: _____ Town Clerk

TOWN MANAGER'S APPROVAL

Approved this the _____ day of _____, 20____.

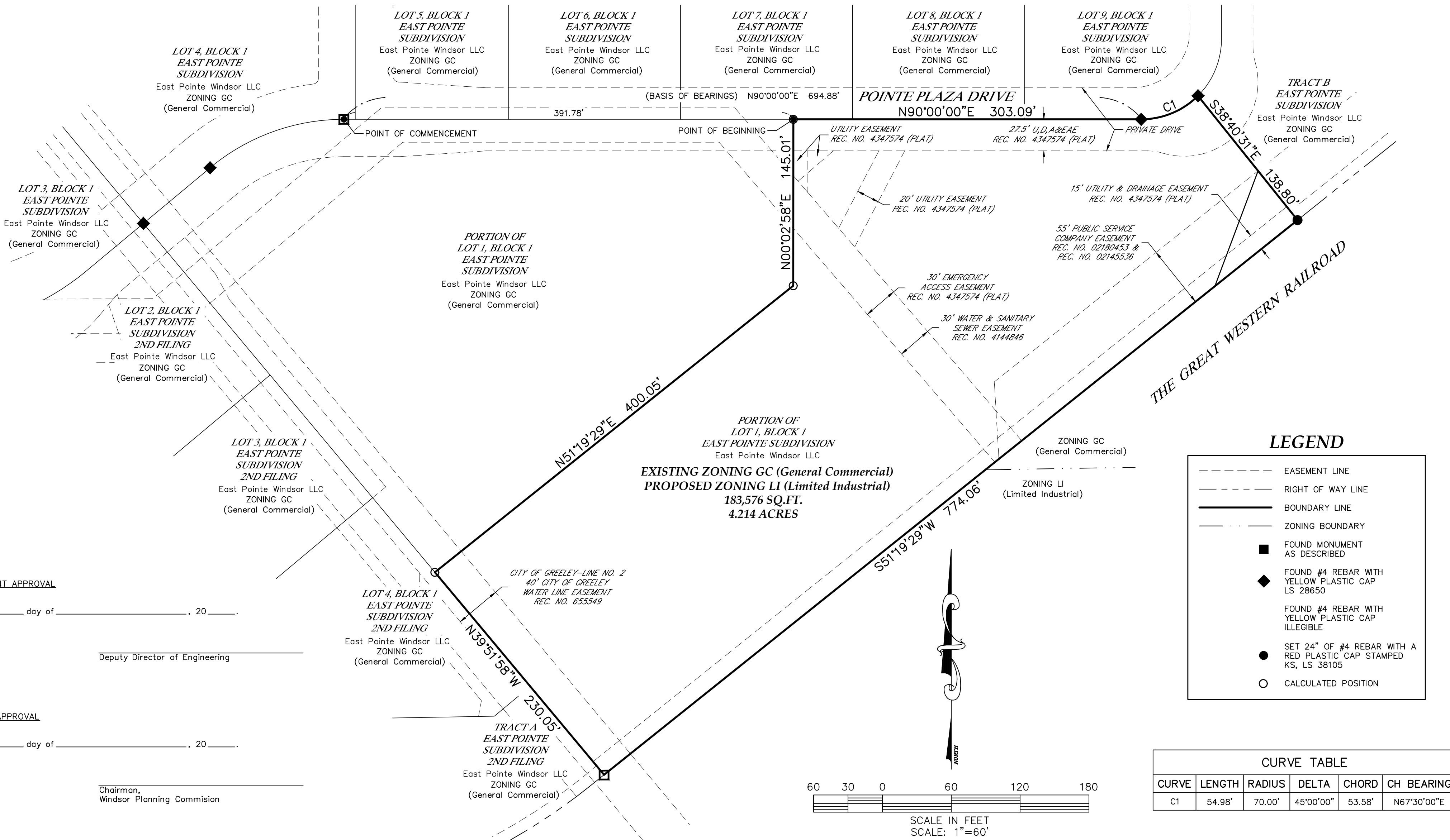
Town Manager

SURVEYOR'S CERTIFICATE

I certify that this plat accurately represents the results of a survey made by me or under my direct supervision.

PRELIMINARY

Christopher A. DePaulis — On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38105



BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of Lot 1, Block 1, East Pointe Subdivision, as bearing North 90°00'00" West, as monumented as shown on this plat, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 694.88 feet with all other bearings contained herein relative thereto.

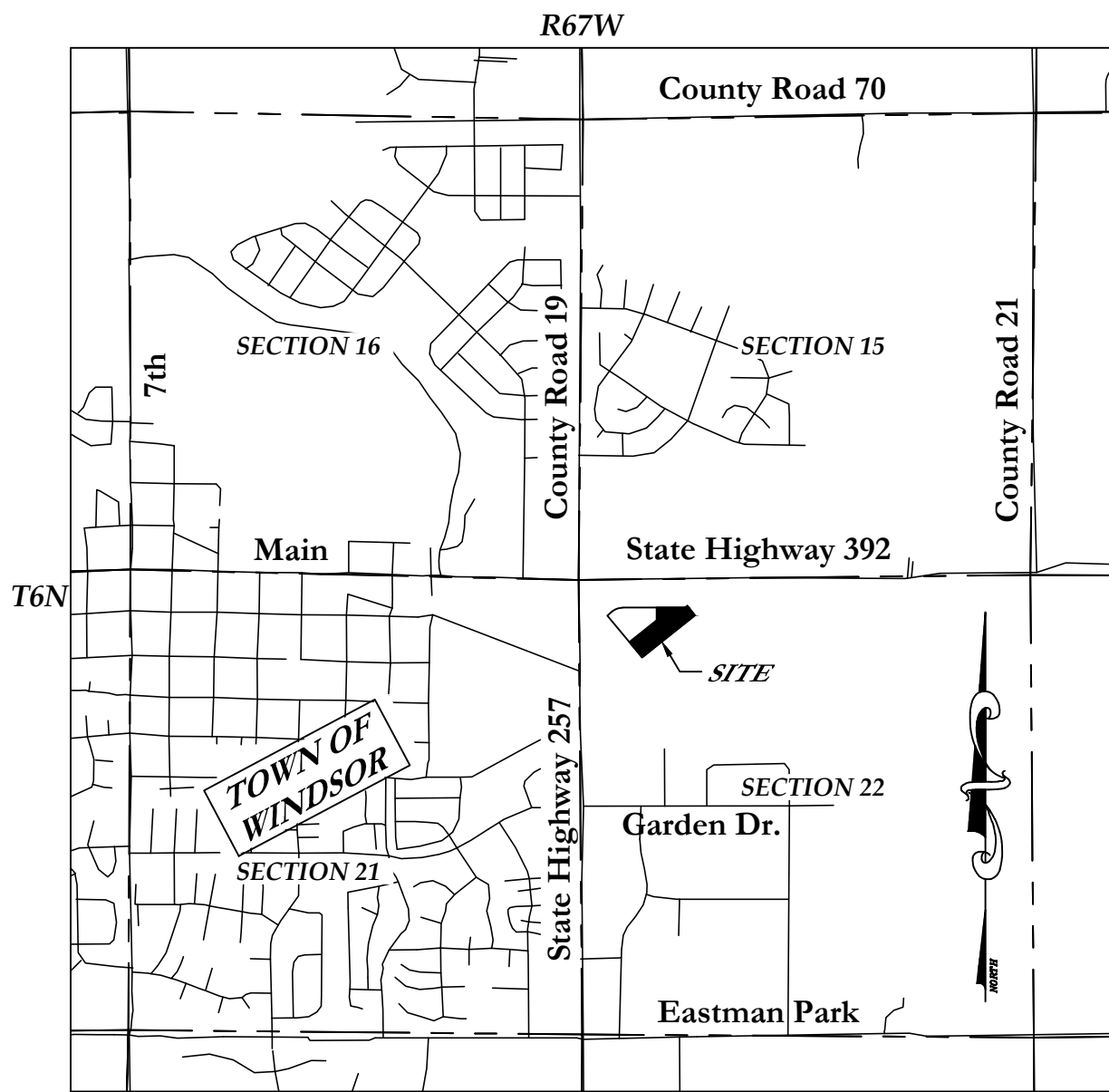
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

TITLE COMMITMENT NOTE

This survey does not constitute a title search by King Surveyors to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, King Surveyors relied upon Title Commitment Number FC025194662, dated December 7, 2021 as prepared by Land Title Guarantee Company to delineate the aforesaid information.



VICINITY MAP
SCALE: 1" = 2000'

DATE: 4/6/2022

FILE NAME: 20220140ZON

SCALE: 1"=60'

DRAWN BY: CSK

CHECKED BY: CAD

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@KingSurveyors.com



DATE:					

EAST POINTE SUBDIVISION - REZONE MAP
FOR
DRM REAL ESTATE ADVISORS
628 MAIN STREET
WINDSOR, CO 80550

PROJECT #: 20220140

1
SHEET 1 OF 1

REZONING PETITION

I, Christopher D Ruff Mer, the undersigned, being the owner of the property described as see attached DESCRIPTION containing 4.214 acres more or less, hereby request a change in zoning from General Commercial (GC) to Limited Industrial (LI) and do hereby pay the required fee.



Christopher D. Ruff, Manager

East Pointe Windsor LLC

DESCRIPTION

A plat of a parcel of land in the TOWN OF WINDSOR, County of Weld, Colorado, located in the Northwest Quarter (NW 1/4) of Section Twenty-two (22), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.) and more particularly described as follows:

Being a portion of Lot 1, Block 1, East Pointe Subdivision recorded October 27, 2017 at Reception No. 4347574 of the Records of Weld County Recorder, located in the Northwest Quarter (NW 1/4) of Section Twenty-two (22), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado and being more particularly described as follows:

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THENCE North 90°00'00" East along the North line of said Lot 1 a distance of 391.78 feet to the POINT OF BEGINNING;

The following Five (5) courses and distances are along the Northerly, Easterly, Southerly and Westerly lines of said Lot 1;

THENCE North 90°00'00" East a distance of 303.09 feet;

THENCE along the arc of a curve concave to the Northwest a distance of 54.98 feet, said curve has a Radius of 70.00 feet, a Delta of 45°00'00" and is subtended by a Chord that bears North 67°30'00" East a distance of 53.58 feet to a line non-tangent to this curve;

THENCE South 38°40'31" East along a line non-tangent to the aforesaid curve a distance of 138.80 feet;

THENCE South 51°19'29" West a distance of 774.06 feet;

THENCE North 39°51'58" West a distance of 230.05 feet;

THENCE North 51°19'29" East a distance of 400.05 feet;

THENCE North 00°02'58" East a distance of 145.01 feet to the POINT OF BEGINNING.

Containing 4.214 acres more or less.

TOWN OF WINDSOR

ORDINANCE NO. 2022-

AN ORDINANCE PURSUANT TO CHAPTER 14, ARTICLE II OF THE *WINDSOR MUNICIPAL CODE* APPROVING THE REZONING OF A PORTION OF LOT 1 WITHIN THE EAST POINTE SUBDIVISION FROM GENERAL COMMERCIAL (“GC”) TO LIMITED INDUSTRIAL (“LI”)

WHEREAS, the Town of Windsor is a home rule municipality with all powers conferred under Colorado law; and

WHEREAS, the Town has in place a comprehensive system of land use regulations, the purpose of which is to promote the public health, safety, and welfare; and

WHEREAS, the Town has adopted the zoning regulations set forth in Chapter 16 of the *Windsor Municipal Code* (“Zoning Code”), under which parcels of land are identified and classified for regulatory purposes; and

WHEREAS, a portion of Lot 1, within the East Pointe Subdivision, formerly incorporated from parts of both the *Champion Annexation* and *Ruff Third Annexation* (“Property”), are presently zoned “General Commercial (GC)”, pursuant to the regulations found in Article 1 of the Zoning Code; and

WHEREAS, the owner of the Property has filed a Petition (“Petition”) requesting re-zoning of the Property from its current designation to a “Limited Industrial (LI)” designation; and

WHEREAS, in accordance with the requirements for re-zoning found in Section 14-2-70 of the Windsor Municipal Code, the Petition has been reviewed by staff and referred to the Planning Commission for review and recommendation following a public hearing; and

WHEREAS, the Planning Commission has recommended that the Town Board approve the re-zoning request, subject to certain conditions; and

WHEREAS, pursuant to the requirements for re-zoning found in Chapter 14, Article II of the Windsor Municipal Code, the Town Board has convened a public hearing and heard relevant evidence with respect to the merits of the Petition; and

WHEREAS, based upon the evidence presented at the public hearing, the Town Board concludes that the Petition should be granted, and the Property re-zoned as requested.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. The portion of Lot 1 within the East Pointe Subdivision, formerly part of the *Champion Annexation* and *Ruff Third Annexation*, as depicted in the East Pointe

Rezone Plat, attached hereto and incorporated herein by reference, is hereby approved for the rezoning from GC to LI.

2. All outstanding Planning Commission and staff comments, if any, shall be addressed prior to recordation of the East Pointe Subdivision Rezone Plat.

Introduced, passed on first reading and ordered published this 8th day of August, 2022.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading and ordered published this 22th day of August, 2022.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

EAST POINTE SUBDIVISION - REZONE MAP

Being a Rezone of a portion of Lot 1, Block 1, East Pointe Subdivision,
Situate in the Northwest Quarter of Section 22, Township 6 North, Range 67 West of the 6th P.M.,
Town of Windsor, County of Weld, State of Colorado

DESCRIPTION

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COMMENCING at the Northwest corner of said Lot 1 and assuming the North line of said Lot 1 as bearing North 90°00'00" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 694.88 feet with all other bearings contained herein relative thereto;

THENCE North 90°00'00" East along the North line of said Lot 1 a distance of 391.78 feet to the POINT OF BEGINNING;

The following Five (5) courses and distances are along the Northerly, Easterly, Southerly and Westerly lines of said Lot 1:

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THENCE South 38°40'31" East along a line non-tangent to the aforesaid curve a distance of 138.80 feet;

THENCE South 51°19'29" West a distance of 774.06 feet;

THENCE North 38°51'58" West a distance of 230.05 feet;

THENCE North 51°19'29" East a distance of 400.05 feet;

THENCE North 00°02'58" East a distance of 145.01 feet to the POINT OF BEGINNING.

Containing 4.214 acres more or less.

ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

The undersigned, being of the owners, lessors, and holders of any ownership interest as defined by the Town of Windsor, of the land described herein, have caused said land to be rezoned as indicated on this plat. The within rezoning plat is submitted in accordance with the Windsor Municipal Code. It is hereby acknowledged that all construction, use and development of this property will be in strict accordance with this rezoning plat. It is further acknowledged that deviation from this rezoning plat without the express written consent of the Town of Windsor may result in revocation of the Town's approval of this rezoning plat, denial of building permits, refusal to issue certificates of occupancy, injunctive relief prohibiting use of the property and other remedies available to the Town under the Windsor Municipal Code and other applicable laws of the State of Colorado. The undersigned have caused said land to be sold out and rezoned under the name of EAST POINTE SUBDIVISION - REZONE MAP.

In witness whereof, we have hereunto set our hands and seals this _____ day of _____, 20____.

By: _____ As: _____

NOTARIAL CERTIFICATE

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by this _____ day of _____, 20____.

My commission expires _____ (SEAL)
Notary Public

ENGINEERING DEPARTMENT APPROVAL

Approved this _____ day of _____, 20____.

Deputy Director of Engineering

PLANNING COMMISSION APPROVAL

Approved this _____ day of _____, 20____.

Chairman,
Windsor Planning Commission

PLANNING DEPARTMENT APPROVAL

Approved this _____ day of _____, 20____.

Director of Planning

TOWN MANAGER'S APPROVAL

Approved this _____ day of _____, 20____.

Town Manager

NOTICE OF OTHER DOCUMENTS

All persons take notice that certain documents have been executed pertaining to this development, which create certain rights and obligations of the development, the developer and/or subsequent owners of all or portions of the development, many of which obligations constitute promises and covenants that run with the land. These documents are of record and are on file with the Director of Planning of the Town of Windsor and should be closely examined by all persons interested in purchasing any portion of the development site.

MAYOR'S CERTIFICATE

This is to certify that a rezoning map of the property described herein was approved by Ordinance No. _____ of the Town of Windsor passed and adopted on the _____ day of _____, 20____ A.D. and that the Mayor of the Town of Windsor, as authorized by said ordinance, hereby acknowledges and adopts the said rezoning map upon which this certificate is endorsed for all purposes indicated thereon.

Mayor _____ ATTEST: _____ Town Clerk

SURVEYOR'S CERTIFICATE

I certify that this plat accurately represents the results of a survey made by me or under my direct supervision.

PRELIMINARY

Christopher A. DePaulis - On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38105

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of Lot 1, Block 1, East Pointe Subdivision, as bearing North 90°00'00" West, as monumented as shown on this plat, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 694.88 feet with all other bearings contained herein relative thereto.

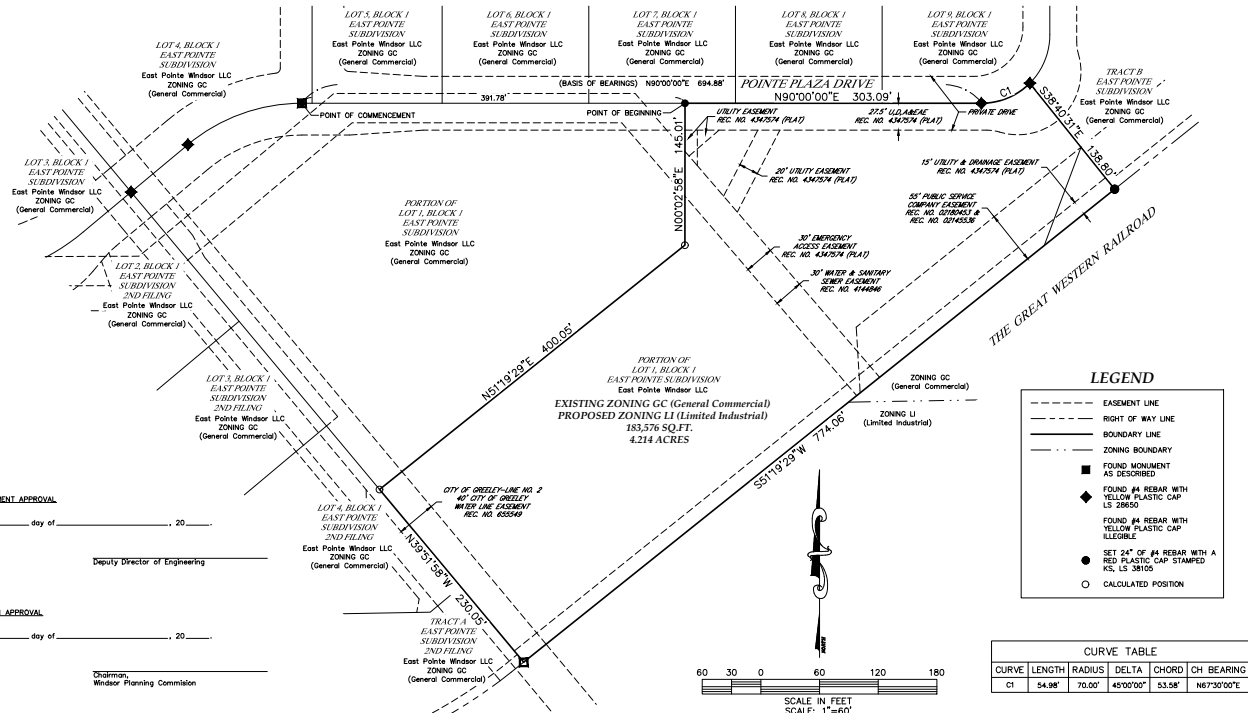
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

TITLE COMMITMENT NOTE

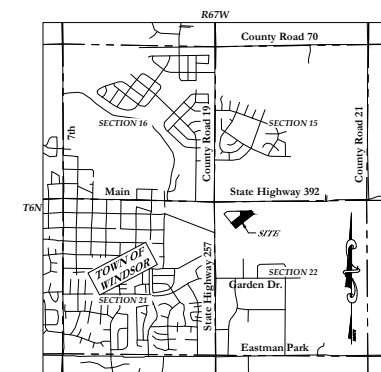
This survey does not constitute a title search by King Surveyors to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, King Surveyors relied upon Title Commitment Number FCC2594652, dated December 7, 2021 as prepared by Land Title Guarantee Company to delineate the aforesaid information.



LEGEND

- EASEMENT LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE
- ZONING BOUNDARY
- FOUND MONUMENT AS DESCRIBED
- ◆ FOUND #4 REBAR WITH YELLOW PLASTIC CAP LS 28650
- ◆ FOUND #4 REBAR WITH YELLOW PLASTIC CAP ILLEGIBLE
- SET 24" OF #4 REBAR WITH A RED PLASTIC CAP STAMPED KS, LS 38105
- CALCULATED POSITION

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	54.98'	70.00'	45°00'00"	53.58'	N67°30'00"E



VICINITY MAP
SCALE: 1" = 200'

DATE: 4/6/2022
FILE NAME: 20220140ZON
SCALE: 1"=60'
DRAWN BY: CSK
CHECKED BY: CAD

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@Kingsurveyors.com

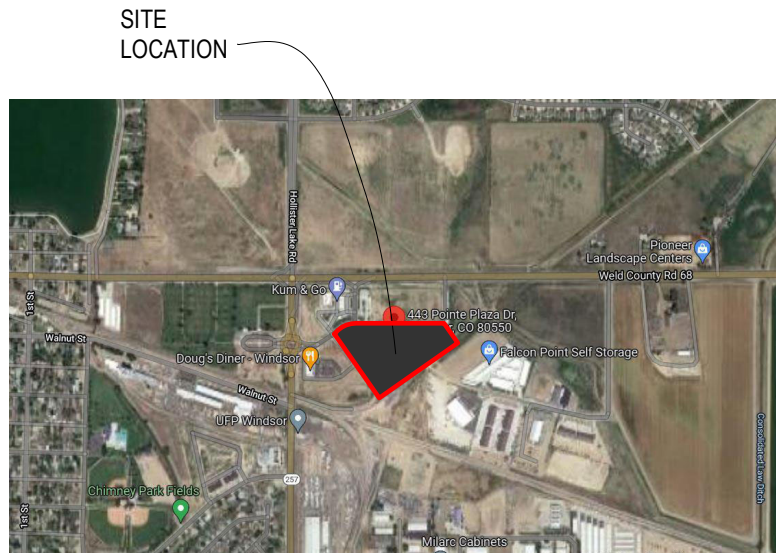


DATE: _____
REVISIONS: _____

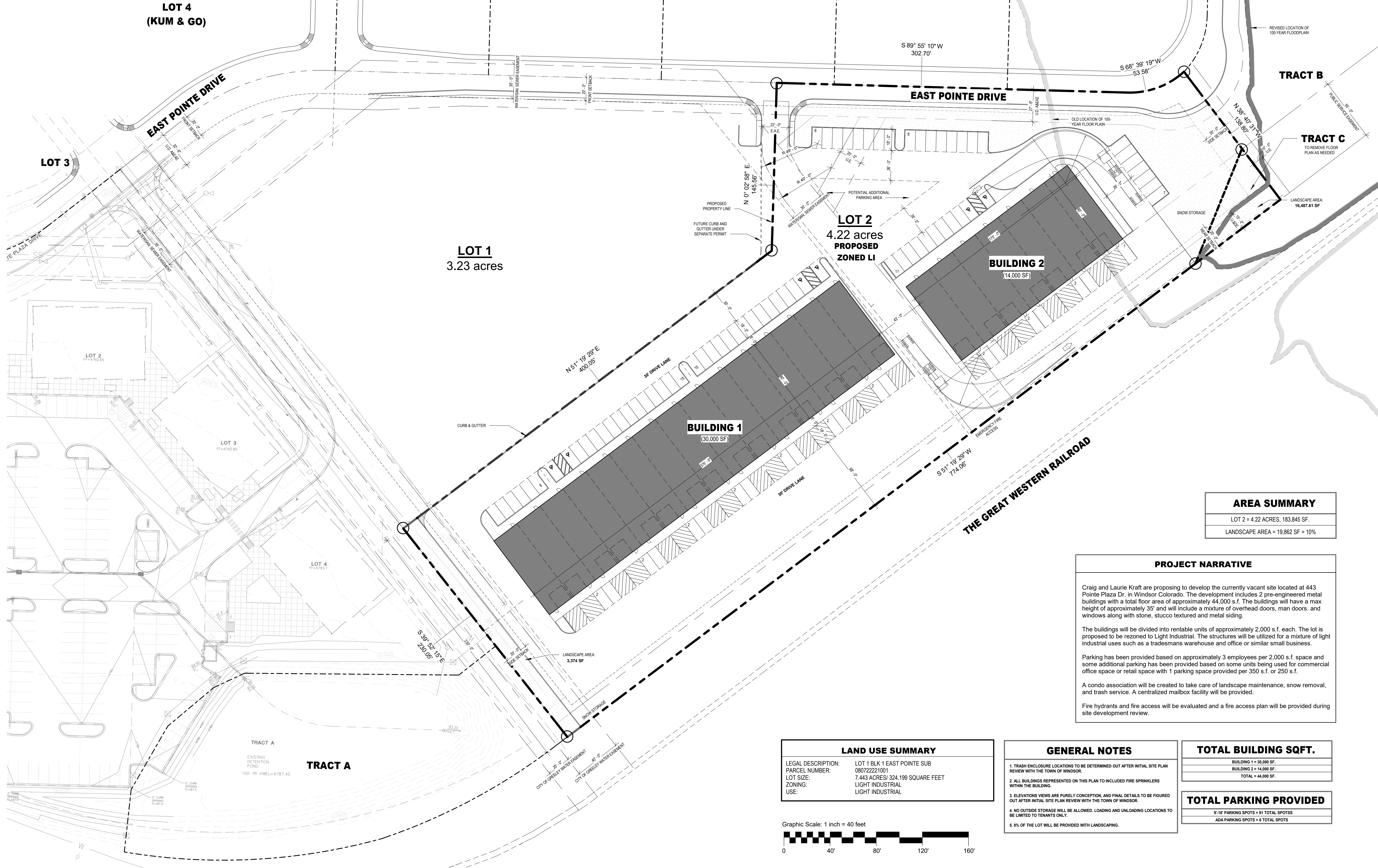
EAST POINTE SUBDIVISION - REZONE MAP
DRM REAL ESTATE ADVISORS
628 MAIN STREET
WINDSOR, CO 80550

PROJECT #: 20220140

1
SHEET 1 OF 1

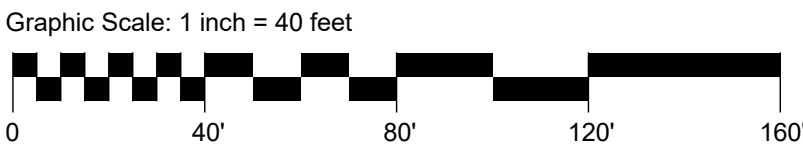


2 VICINITY PLAN
SCALE: 1/16" = 1'-0"



1 SITE PLAN SPLIT LOTS
SCALE: 1" = 40'-0"

LAND USE SUMMARY	
LEGAL DESCRIPTION:	LOT 1 BLK 1 EAST POINTE SUB
PARCEL NUMBER:	08072221001
LOT SIZE:	7.443 ACRES/ 324,199 SQUARE FEET
ZONING:	LIGHT INDUSTRIAL
USE:	LIGHT INDUSTRIAL



GENERAL NOTES	
1. TRASH ENCLOSURE LOCATIONS TO BE DETERMINED OUT AFTER INITIAL SITE PLAN REVIEW WITH THE TOWN OF WINDSOR.	
2. ALL BUILDINGS REPRESENTED ON THIS PLAN TO INCLUDED FIRE SPRINKLERS WITHIN THE BUILDING.	
3. ELEVATIONS VIEWS ARE PURELY CONCEPTION, AND FINAL DETAILS TO BE FIGURED OUT AFTER INITIAL SITE PLAN REVIEW WITH THE TOWN OF WINDSOR.	
4. NO OUTSIDE STORAGE WILL BE ALLOWED. LOADING AND UNLOADING LOCATIONS TO BE LIMITED TO TENANTS ONLY.	
5. 6% OF THE LOT WILL BE PROVIDED WITH LANDSCAPING.	

TOTAL BUILDING SQFT.	
BUILDING 1 = 30,000 SF.	
BUILDING 2 = 14,000 SF.	
TOTAL = 44,000 SF.	

TOTAL PARKING PROVIDED	
9'-18' PARKING SPOTS = 91 TOTAL SPOTS	
ADA PARKING SPOTS = 6 TOTAL SPOTS	

AREA SUMMARY	
LOT 2 = 4.22 ACRES, 183,845 SF.	
LANDSCAPE AREA = 19,862 SF = 10%	

PROJECT NARRATIVE	
Craig and Laurie Kraft are proposing to develop the currently vacant site located at 443 Pointe Plaza Dr. in Windsor Colorado. The development includes 2 pre-engineered metal buildings with a total floor area of approximately 44,000 s.f. The buildings will have a max height of approximately 35' and will include a mixture of overhead doors, man doors, and windows along with stone, stucco textured and metal siding.	
The buildings will be divided into rentable units of approximately 2,000 s.f. each. The lot is proposed to be rezoned to Light Industrial. The structures will be utilized for a mixture of light industrial uses such as a tradesmans warehouse and office or similar small business.	
Parking has been provided based on approximately 3 employees per 2,000 s.f. space and some additional parking has been provided based on some units being used for commercial office space or retail space with 1 parking space provided per 350 s.f. or 250 s.f.	
A condo association will be created to take care of landscape maintenance, snow removal, and trash service. A centralized mailbox facility will be provided.	
Fire hydrants and fire access will be evaluated and a fire access plan will be provided during site development review.	

REVIEW SET
NOT FOR
CONSTRUCTION

Approver
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ASHER
ARCHITECTS

a: 512 5th St.
BERTHOUD CO. 80513
p: 970-532-9970
w: AsherArch.com
e: David@AsherArch.com

KRAFT SITE
DEVELOPMENT PLAN
443 Pointe Plaza Dr.
Windsor, CO 80550

PROJECT INFORMATION:
21-C30
DOCUMENT DATE:
3/4/2022 2:37:45 PM
DOCUMENT PHASE:
CONCEPT SITE PLAN

DRAWN BY:	DATE:
SAM	03/04/22
CHECKED BY:	DATE:
DAVID	03/04/22
REV.#	DATE
	COMMENTS

SITE PLAN

1.0

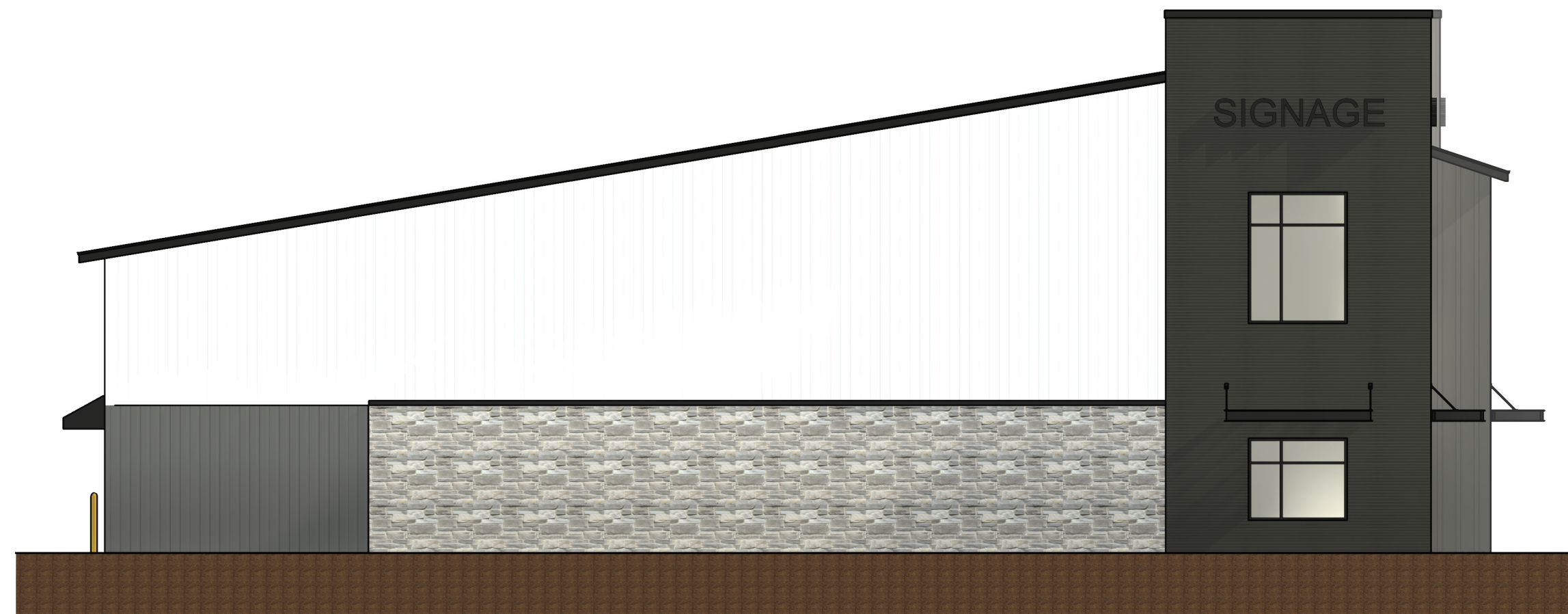
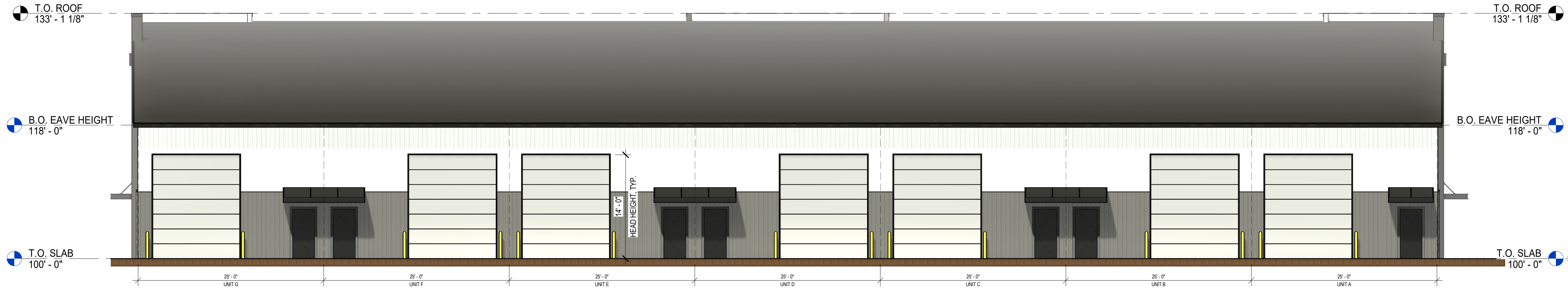


REVIEW SET
NOT FOR
CONSTRUCTION

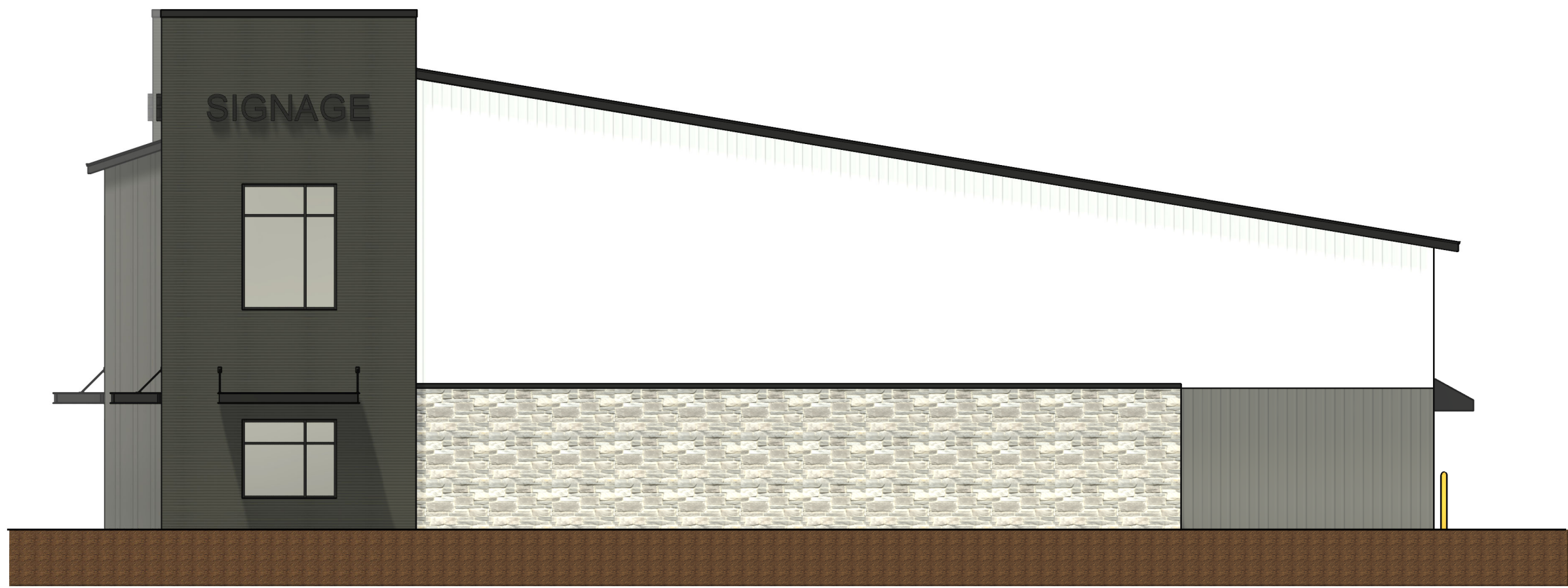
Approver
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e: David@AsherArch.com



2 TYPICAL SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3 TYPICAL SIDE ELEVATION
SCALE: 1/8" = 1'-0"



443 POINTE PLAZA

443 Pointe Plaza Dr.
Windsor, CO 80550

PROJECT INFORMATION:
21-C30
DOCUMENT DATE:
12/7/2021 11:43:03 AM
DOCUMENT PHASE:
CONCEPT SITE PLAN

DRAWN BY	DATE	CHECKED BY	DATE	REV.#	COMMENTS
JOHANNA	05/16/21	SAM	05/16/21		

ELEVATIONS

4.1



East Point Subdivision Lot 1 Rezone

Neighborhood Meeting Summary

Meeting Date: July 19, 2022
Meeting Time: 5:30 pm
Meeting Location: Windsor Community Recreation Center – Oak Room

Attendees: Chris Ruff, Manager, East Pointe Windsor LLC
Kim Lambrecht, Planner, Town of Windsor

Claudia S., Top Shelf Organix

Discussion:

- Reviewed the course of action for the project – Land Use Map Amendment, Rezone, Minor Subdivision
- Discussed access points to the site, and if any connection would be made to the Doug's Diner lots
- Reviewed the preliminary site plan and architectural elevations.



East Point Subdivision 2nd Filing, Lot 1 Rezoning

Kimberly Lambrecht, Planner II

Planning Commission – August 3, 2022



Rezoning Request

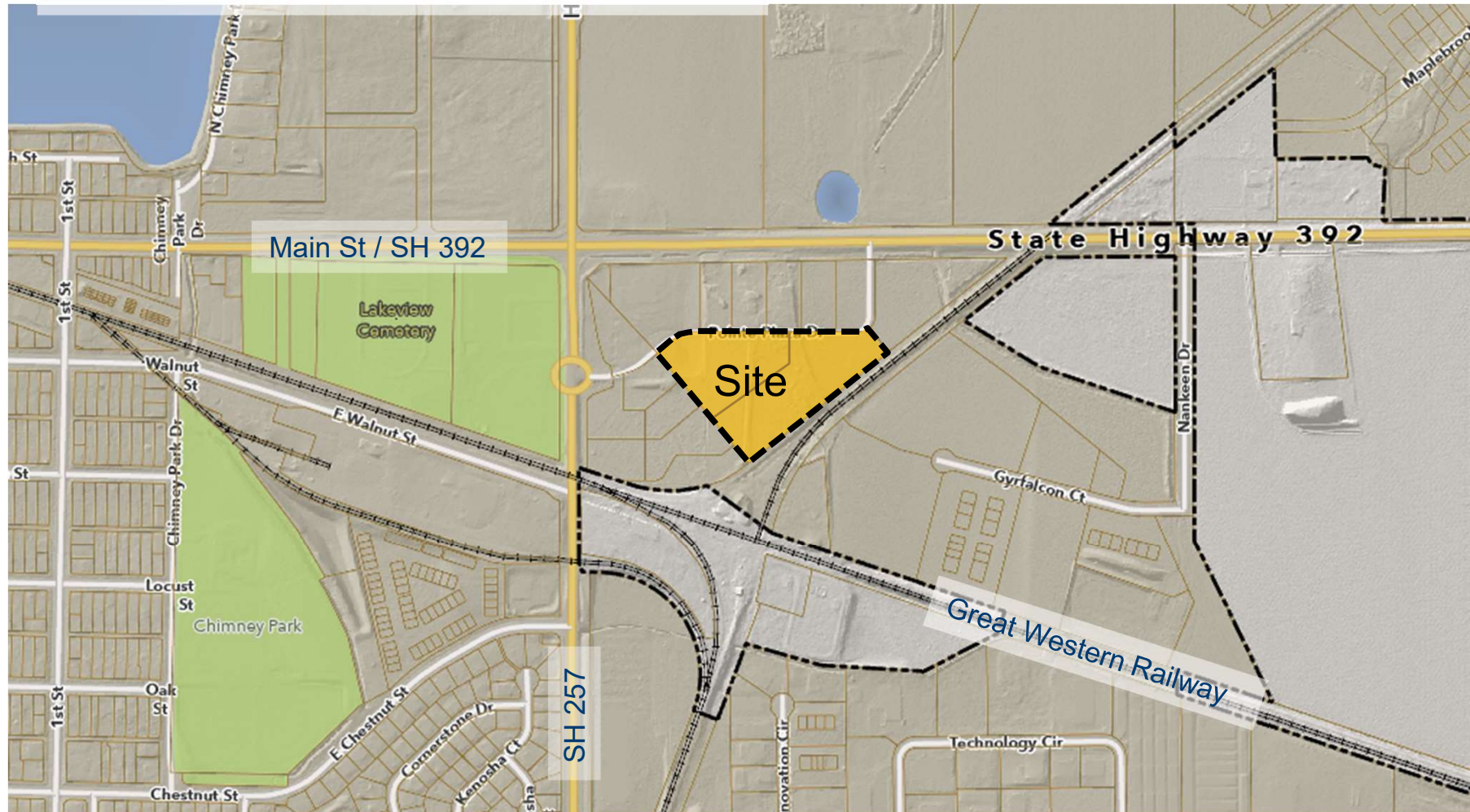
Chapter 16, Article II of the Municipal Code outlines the amendment procedures to established zoning districts:

Sec. 14-2-70. Rezoning

The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in public policies with respect to future development.

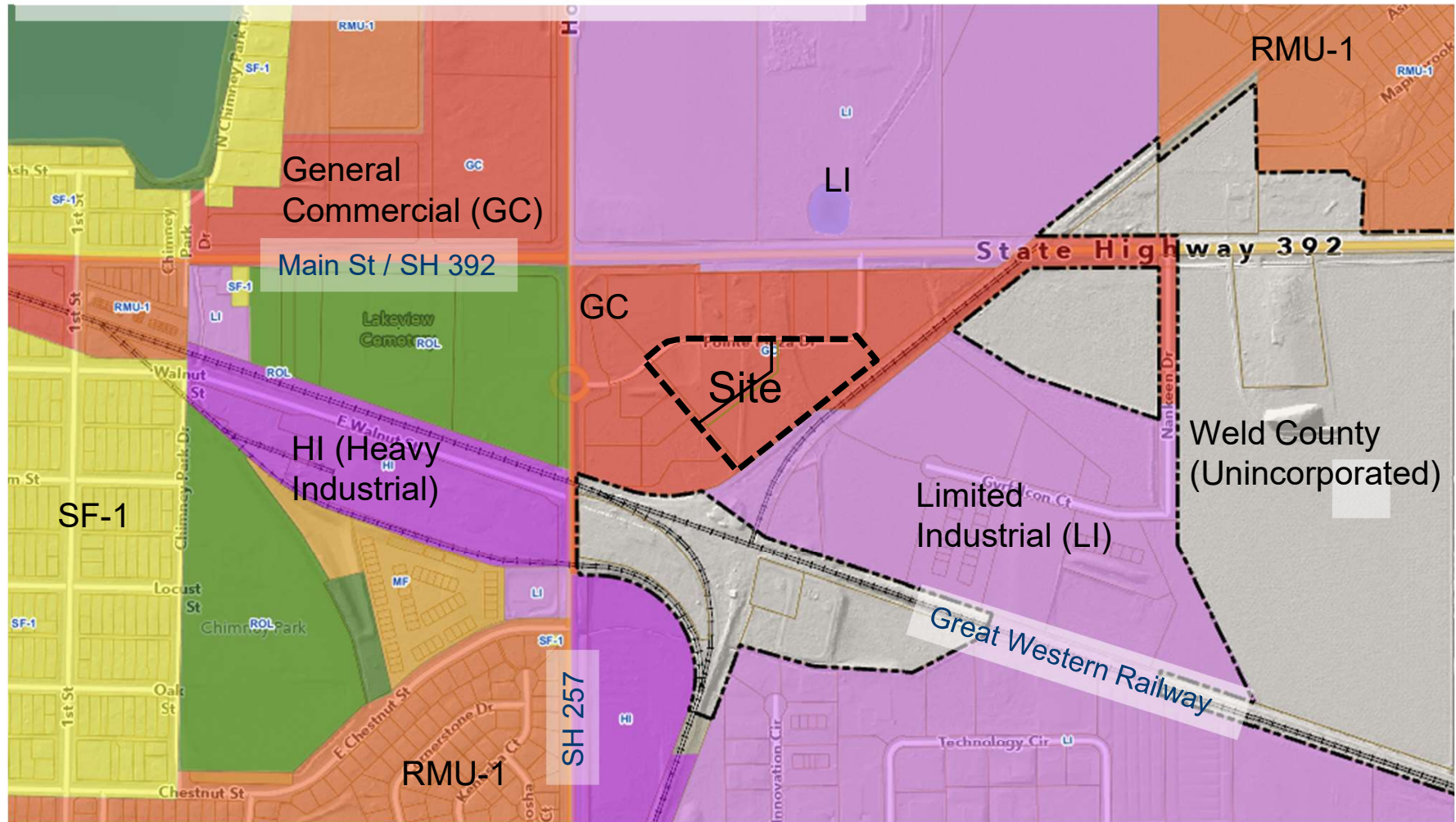


Site Vicinity Map





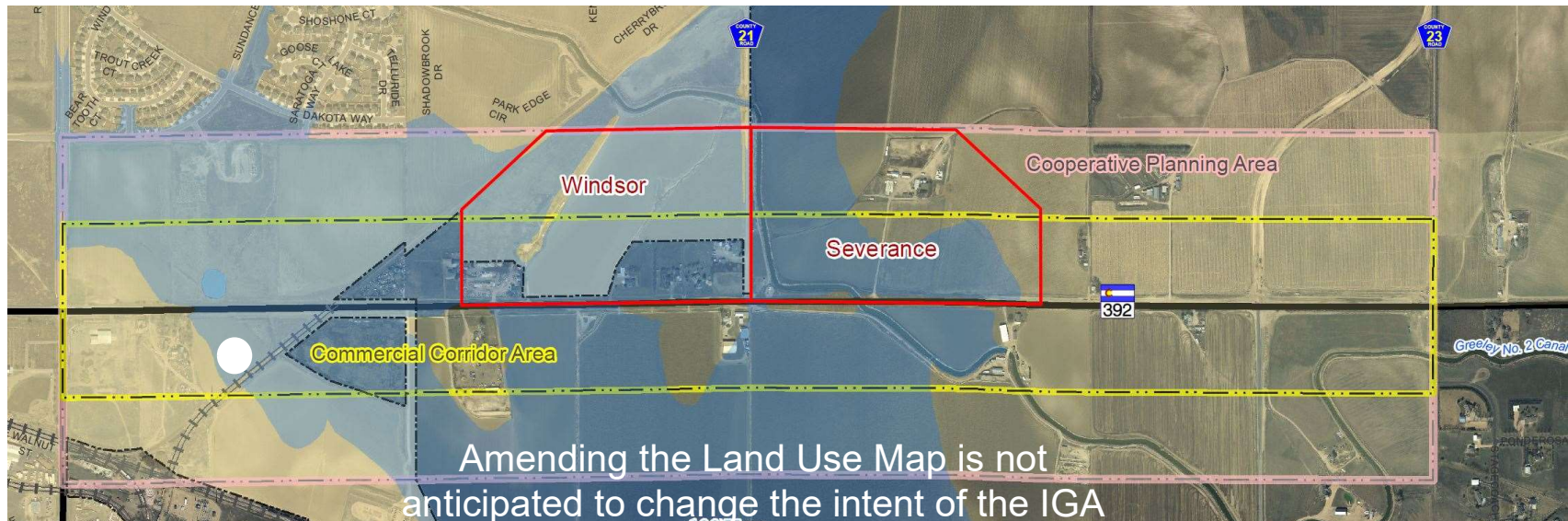
Surrounding Zoning





Windsor – Severance Intergovernmental Agreement (IGA)

The proposed land use plan amendment is part of the Intergovernmental Agreement (IGA) between the Town of Windsor and the Town of Severance. This agreement includes a cooperative planning area (“CPA”) outlining ***permitted land uses, design standards, and revenue sharing***. The Windsor-Severance IGA was first adopted in 2000, amended in 2004, 2014, and 2017.

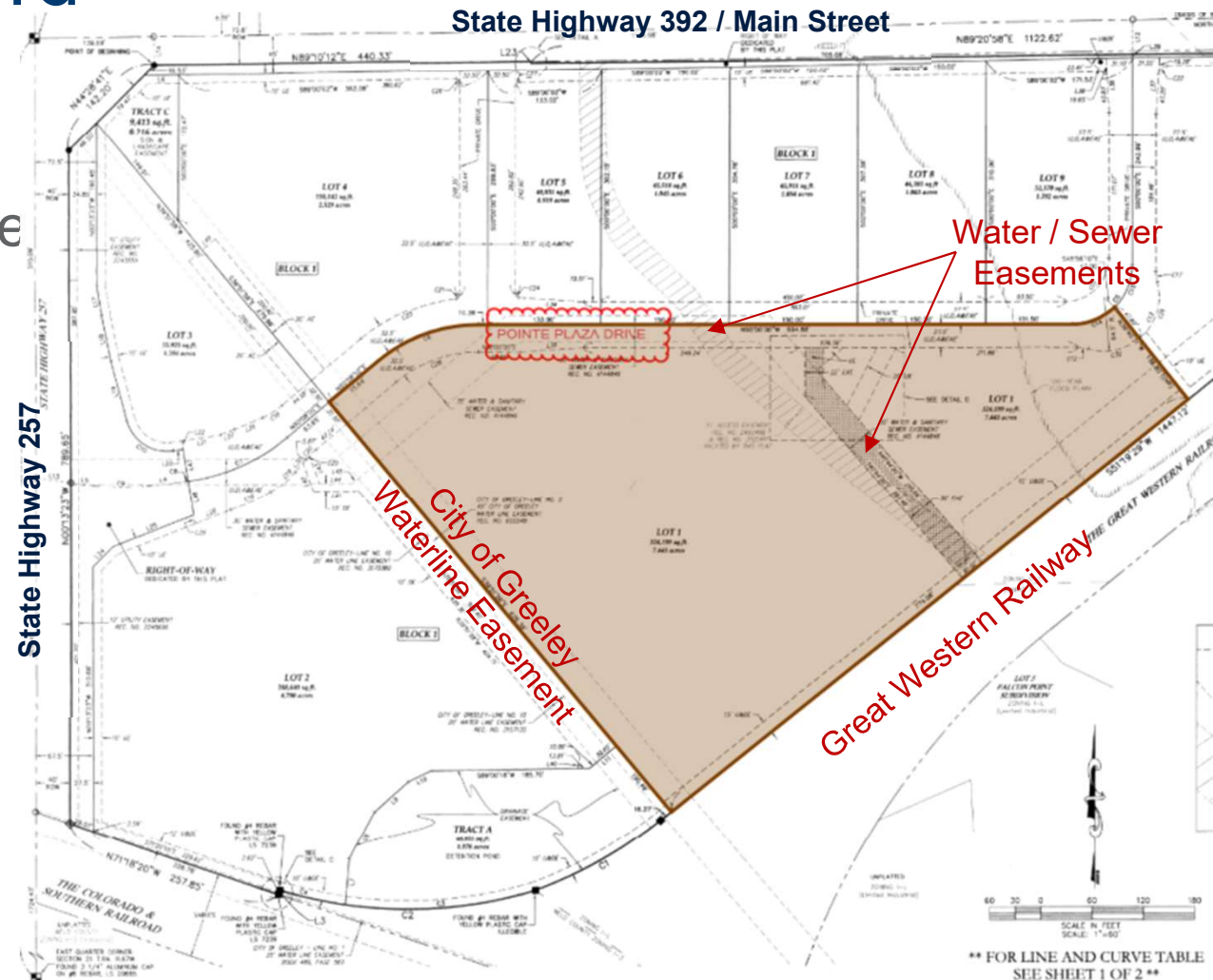




Background

Lot 1 Constraints:

- Not a main street frontage lot
- Water/sewer easements
- City of Greeley waterline easement
- Great Western Railway line





Review Criteria

- (1) The proposal complies with the **Comprehensive Plan** goals and objectives, this Code, the applicable Master Plan, and all other applicable adopted plans or policies.
- (2) The proposed development does not result in undue or unnecessary *burdens on the existing public infrastructure and public improvements*, or that arrangements are made to mitigate such impacts.
- (3) Density is consistent with the **Comprehensive Plan Land Use Plan**, and applicable the utility capacity studies.
- (4) The proposal *serves a community need* or amenity that was not considered at the time of the initial zoning of the property.
- (5) The proposal shall be accompanied by a Master Plan or **Site Plan** that demonstrates compatibility with adjacent uses.



Comprehensive Plan

Chapter 5d – Commercial & Industrial Areas Framework Plan

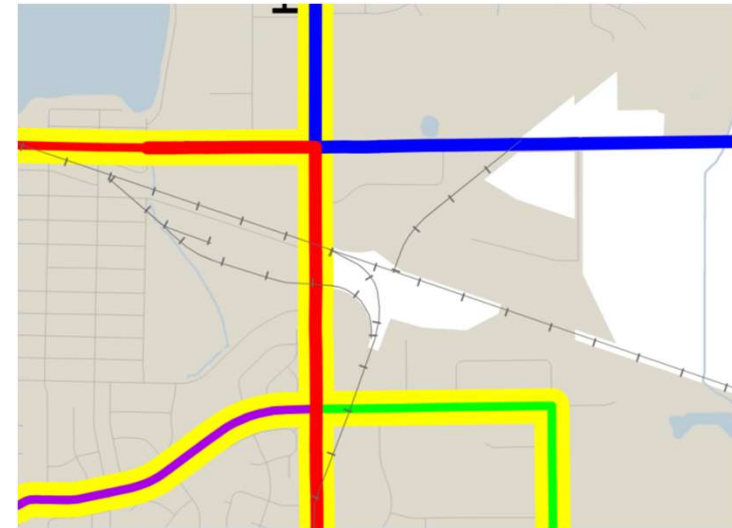
Goal: *Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.*

- Commercial property is fiscally responsible by providing opportunities for increased tax revenue, jobs and services that fill a needed void.
- The rezone of General Commercial (GC) property to the Limited Industrial (LI) zone will provide expanded opportunities for ***diverse business development*** while creating a buffered transition between established Limited Industrial (LI) zone and the less intense General Commercial (GC) zone.



Infrastructure

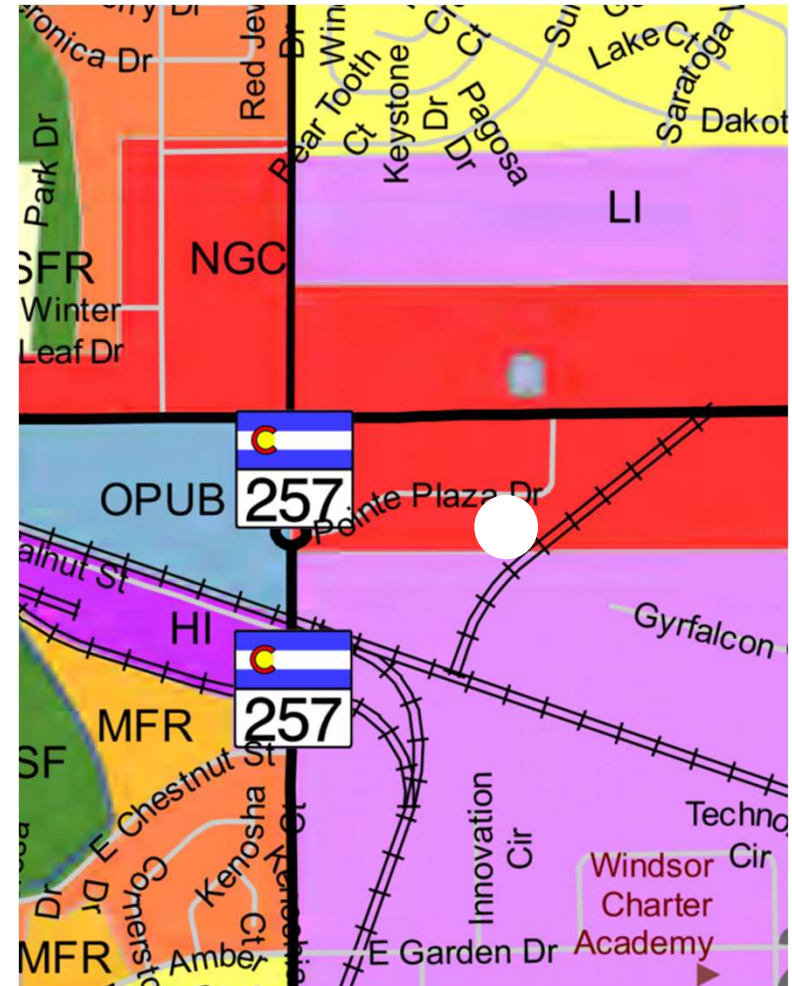
- It is not anticipated that the proposal would create detrimental impacts to the planned transportation system.
- The area under consideration would have similar traffic patterns
- The proposal would not change the road network from what has already been planned.
- Town Engineering staff has reviewed the request and the site has adequate sanitary sewer capacity.
- It is anticipated that water would be available. The applicant would be responsible for bringing raw water for the project, if necessary.
- If public improvements become necessary as a result of the proposed project, the applicant would be responsible for those improvements.





Comprehensive Plan Land Use Map

- The uses allowed with the Limited Industrial (LI) zone are compatible and supportive of the allowed uses within the General Commercial (GC) zone
- Limited Industrial (LI) serves as a land use transition / buffer to the more intense types of industrial developments (including the railroad line) found nearby.





Community Need

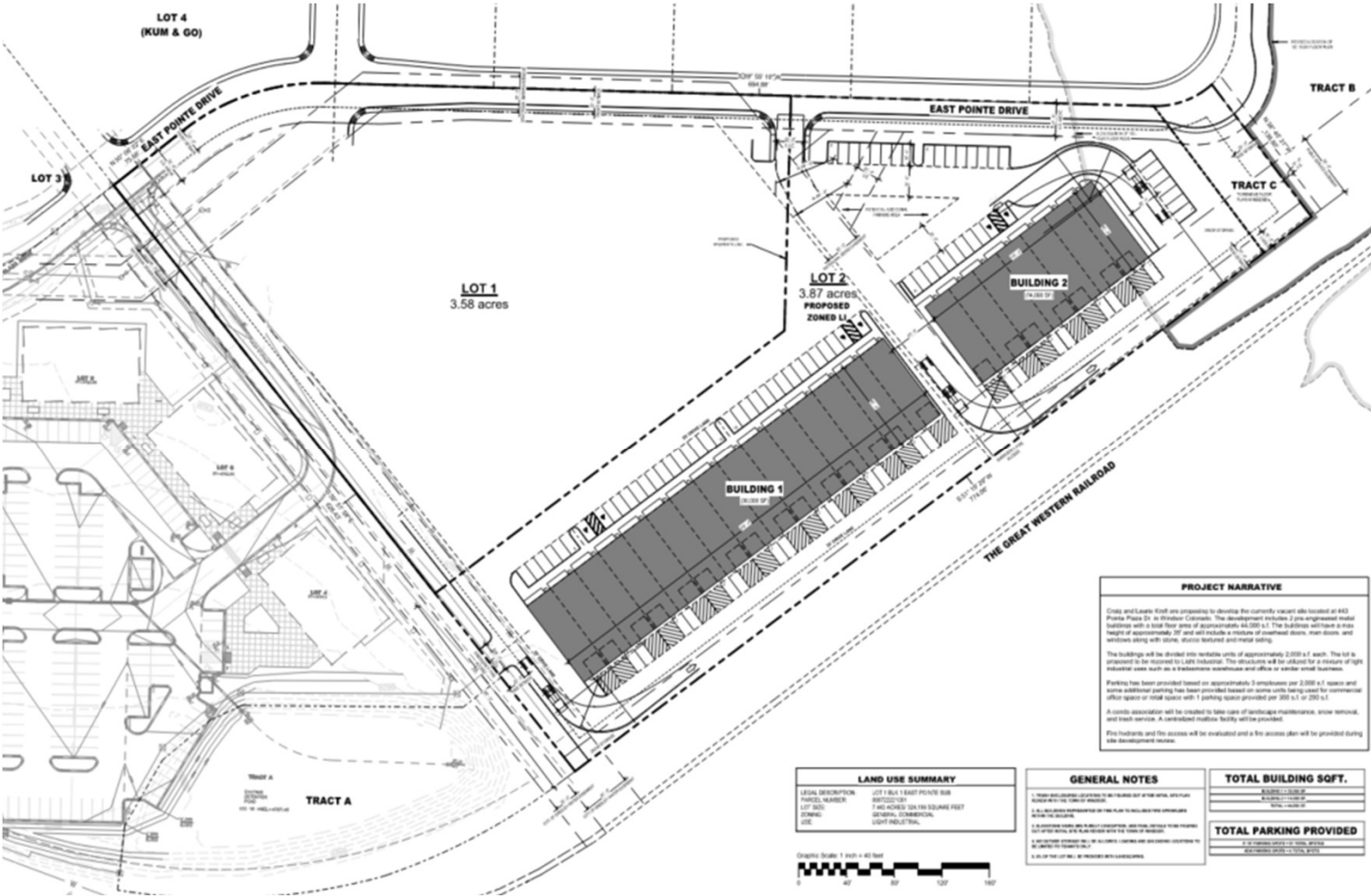
- The Limited Industrial (LI) zone expands to include the allowed uses found in the General Commercial (GC).
- The Town continues to see a demand for the type of flex office/warehouse space this project is proposing.





Site Plan

Concept Plan





Site Plan

Concept Elevations





Summary

The application is consistent with the following elements of the Strategic Plan:

- **Vibrant & Healthy Economy** – This land use designation will support the goal of providing a *viable, stable, diverse, and strategic* economic base which supports the needs and enhances the lifestyles of those living and working in our community.
- **Infrastructure** – The Town’s Engineering staff have reviewed the request and *adequate capacity* is available for light industrial development in this area.
- **Goals:**
 - Promotes *business diversification* in the community
 - Attracts *balanced commercial development* that will sustain the future of Windsor
 - Support the priorities in this area - *economic sustainability and vibrancy, infrastructure*.



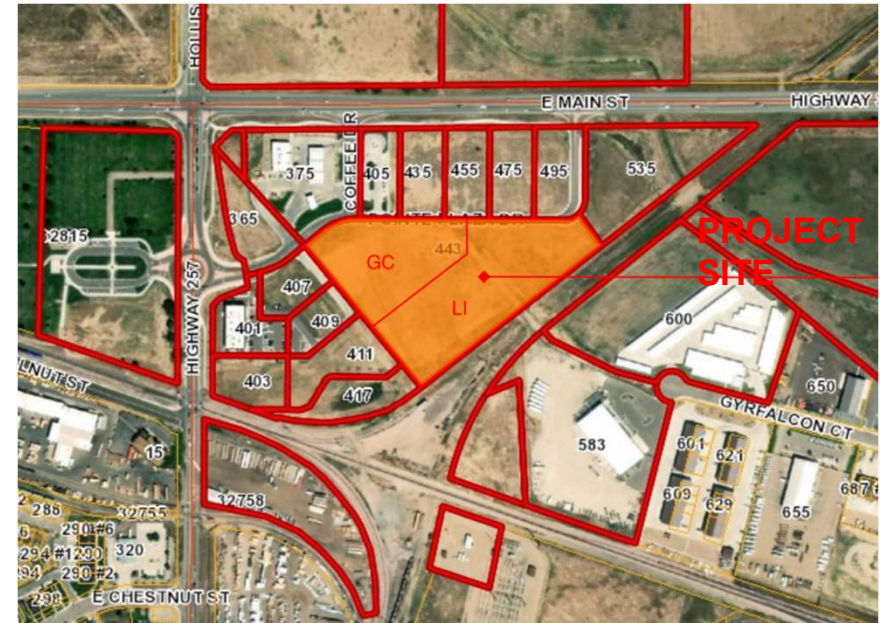
Notification

The applicant held a ***neighborhood meeting*** on July 19, 2022:

- July 8, 2022 – display ad published in paper
- June 29, 2022 – affidavit of mailing to property owners within 500 feet

Planning Commission and Town Board ***public hearing notifications:***

- June 28, 2022 – sign posted on property
- July 13, 2022 – applicant mailed letters to surrounding property owners
- July 13, 2022 – public hearing notice published to Town website
- July 15, 2022 – ad in newspaper





Recommendation

Staff requests that the Planning Commission forward to the Town Board a recommendation of ***approval*** of the rezoning petition and ordinance, subject to any outstanding Planning Commission and staff comments being addressed.



Rezone Records

Staff requests that the following be entered into the record:

- Application, petition and supplemental materials
- Any testimony received during the public hearing
- Staff memorandum and supporting documents
- Draft Ordinance
- Recommendation



MEMORANDUM

Date: August 3, 2022
To: Planning Commission
From: Kimberly Lambrecht
Planner II
Re: Recommendation to Town Board - Request to Rezone from General Commercial (GC) zone district to Limited Industrial (LI) zone district - East Point Subdivision, Lot 1 - Chris Ruff, Manager, East Pointe Windsor LLC, Owner's Representative
Item #: C.4.

Background / Discussion:

Please refer to public hearing materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Scott Ballstadt, Director of Planning
Carlin Malone, Chief Planner

Attachments: