



Planning Commission Regular Meeting

August 21, 2024 - 7:00 PM

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

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MINUTES

A. CALL TO ORDER

Chairman Reddick called the meeting to order at 7:03 p.m.

1. Roll Call

Present:

Chairman Reddick
Vice-Chair Nader
Nathan Kinney
David Hassard
Ben Kirch
Jordan Spight
John Neal

Also Present:

Town Board Liaison Hallett
Scott Ballstadt, Planning Director
Daniel Money, Town Attorney
Carlin Malone, Chief Planner
Sandra Mezzetti, Senior Planner
Kim Lambrecht, Senior Planner
Scott Pearson, Transportation Engineer - via Zoom
Benjamin Bodiker, Creative Services Supervisor
Laura Richardson, Assistant Town Clerk

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

Planning Commissioner Kirch moved to approve the agenda as presented, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chairman Reddick opened the meeting up for public comment on any non-agenda item, to which there were none.

B. CONSENT CALENDAR

1. Approval of the August 7, 2024, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

Chairman Reddick moved the approval of the August 7, 2024 Minutes to the next Planning Commission Regular meeting due to required edits to the minutes.

Jason Hallett, Town Board Liaison, gave a statement to the Commission.

"Mr. Chair, for the record, I would like to disclose that I am a sitting member of the Town Board and that I am here in my capacity as a nonvoting liaison to the Planning Commission. Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearings."

C. BOARD ACTION

1. Public Hearing - Wireless Telecommunication Facility (Tower) Site location within the General (GC) Commercial Zone District, Municipal Code Section 16-5-40(k)(3) - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street - Cary St Onge, Windsor CAS1 LLC, property owner; and Tom Wilderson, Tower Engineering Professionals, applicant

Executive Summary

The applicant, Mr. Thomas Wilkerson, on behalf of Vertical Bridge, future tower owner, has submitted two applications to the Town:

1. Telecommunication tower location (site plan)
2. Conditional Use Permit – to exceed the fifty-foot (50') height limit for a telecommunications tower.

Staff has reviewed the two applications in accordance with review criteria set forth in Section 16-5-40 of the Town's Municipal Code for the telecommunications facility location and review criteria set forth in Section 14-2-130 of the Town's Municipal Code for a Conditional Use Permit concerning the telecommunication height of a seventy-five-foot (75') telecommunications tower, which exceeds the fifty-foot (50') height limit. Both applications comply with the requirements set forth in the Land Use Code.

Therefore, staff is recommending the Planning Commission forward to the Town Board the following recommendations, also included in the recommendation section at the conclusion of this memorandum.

1. Approval of the telecommunications tower location based on the application satisfying all applicable telecommunications review criteria requirements set forth in Section 16-5-40 of the Town's Municipal Code.
2. Approval of the Conditional Use Permit based on the application satisfying all applicable conditional use permit criteria requirements set forth in Section 14-2-130 of the Town's Municipal Code, subject to the telecommunications tower location approval.

Under federal law, a local government may not "materially inhibit" the provision of wireless service, including the ability of providers to improve service or densify their network. Local governments are preempted from regulating wireless facilities based on the environmental or health effects of EMF (Electromagnet Field) or RMF (Radio Frequency) emissions. Items for review and consideration include:

- Location – Where the facility is located
- Aesthetic – What it looks like
- Height – How tall is necessary

Sandra Mezzetti, Senior Planner, and Craig Schuenemann, Applicant Representative, presented to the Planning Commission. Chairman Reddick put Craig Schuenemann on reserve for further comments or questions.

Brandon Ditman, Attorney with Wilson Williams Feldman Ditman, presented to the Planning Commission.

Chairman Reddick opened the meeting for public comment.

Karen Argys, 1669 Stoll Drive, spoke against the item, on the topics of the applicants' diligence of notification to the public, the great horned owls and the quality of reception in the area. Stormy Kuik and Dan Kuik, 1637 Stoll Drive, requested the Planning Commission vote against the item and asked that the Planning Commission consider the Comprehensive Plan for Windsor when looking at the location of the cell tower and spoke about the property values, health concerns and current cell phone coverage. Kristine Jopski, 371 Stoll Drive, spoke against the item and referenced the Town's written code section 16-5-40. Sara Twombly, 1675 Stoll Drive, spoke against the item and noted health risks and concern for wildlife.

Chairman Reddick opened the meeting for Planning Commission discussion. Commissioner Hassard inquired about property ownership, to which Nicholas Constatine and Craig Schuenemann, Applicant Representatives, addressed. Commissioner Hassard also spoke about the landscape of the location, the proposed fencing of the site and set back requirements. Craig Schuenemann and Nicholas Constatine responded to Commissioner Hassard's questions and comments.

Chairman Reddick asked questions regarding the aesthetics of the tower, to which Craig Schuenemann and Nicholas Constatine answered.

Planning Commissioner Kirch moved to close the public hearing, Planning Commissioner Neal seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

2. Recommendation to Town Board - Wireless Telecommunications Facility (Tower) Site Location within the General Commercial (GC) Zone District, Municipal Code Section 16-5-40(k)(3) - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street - Cary St Onge, Windsor CAS1 LLC, property owner; Tom Wilkerson, Tower Engineering Professionals, applicant

Please refer to information included with the public hearing item.

Sandra Mezzetti, Senior Planner, addressed the Planning Commission.

Planning Commissioner Nader moved to forward a recommendation of approval to the Town Board of the Wireless Telecommunications Facility (Tower) Site Location within the General Commercial (GC) Zone District, Municipal Code Section 16-5-40(k)(3) - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street, Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - David Hassard; Motion Passed.

3. Public Hearing - Request for a Conditional Use Permit (Height), Municipal Code Section 14-2-130, to allow a seventy-five-foot (75') high Wireless Telecommunication Tower within the General Commercial (GC) Zone District - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street - Cary St Onge, Windsor CAS1 LLC, property owner; and Tom Wilkerson, Town Engineering Professionals, applicant

Please refer to information included with the public hearing item for the Wireless Telecommunication Facility (Tower) Site Location

No additional presentation was given on this item.

Chairman Reddick opened the meeting up for public comment. Karen Argys, 1669 Stoll Drive, asked the Planning Commission to deny the cell phone tower and spoke about the great horned owls and trail usage. Stormy Kuik, 1637 Stoll Drive, spoke against the item and noted the current height requirements and cell phone coverage. Heidi Schreck, 364 Windshire Drive, spoke about the great horned owls.

Chairman Reddick opened the meeting for Planning Commission discussion. Commissioner Spight requested clarification on the setback requirement and inquired about the Verizon cell tower height, to which Scott Ballstadt, Director of Planning, Sandra Mezzetti, Senior Planner and Craig Schuenemann and Nicholas Constantine, Applicant Representatives, answered. Commissioner Kirch asked about additional carriers using the cell tower, to which Craig Schuenemann answered. Commissioner Neal inquired about radio frequency levels, to which Chairman Reddick responded. Commissioner Hassard asked questions about the height and co-locating of the tower, to which Craig Schuenemann responded.

Planning Commissioner Kirch moved to close the public hearing , Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight; Nays - John Neal; Motion Passed.

4. Recommendation to Town Board - Request for a Conditional Use Permit (Height), Municipal Code Section 14-2-130, to allow a seventy-five-foot (75') high Wireless Telecommunication Tower within the General Commercial (GC) Zone District - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street - Cary St Onge, Windsor CAS1 LLC, property owner; Tom Wilkerson, Town Engineering Professionals, applicant

Please refer to information included with the public hearing item for the Wireless Telecommunication Facility (Tower) Site Location

Planning Commissioner Nader moved to forward a recommendation of approval to the Town Board for the Request for a Conditional Use Permit (Height), Municipal Code Section 14-2-130, to allow a seventy-five-foot (75') high Wireless Telecommunication Tower within the General Commercial (GC) Zone District - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street, Planning Commissioner Kinney seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - David Hassard; Motion Passed.

5. Public Hearing - Lone Tree Annexation to the Town of Windsor and Establishment of Zoning - Kevin S. Woods (City Manager, City of Thornton), Owner: Jason Pierce (Thornton Water Project Director), Applicant/Representative

Executive Summary

Kevin S. Woods, City Manager, City of Thornton, owner/petitioner/applicant, represented by Jason Pierce, Thornton Water Project Director, filed a Petition to Annex 51.389 acres of property (known as the Lone Tree property) to the Town of Windsor. The subject property is the topic of the 2023 Second Intergovernmental Agreement (IGA) between the City of Thornton and the Town of Windsor, which was implemented to coordinate future waterline and road improvements within the Town's Growth Management Area. The IGA set conditions and criteria for the annexation of the property, which Thornton has complied with. The designation of Recreation and Open Lands (ROL) zoning was also part of the IGA.

On May 23, 2023, the Town Clerk accepted the subject annexation petition. On June 12, 2023, the Town Board approved Resolution 2023-23 concerning the acceptance of the annexation petition, initiating the annexation proceedings (attached for reference), per Colorado Revised Statutes (C.R.S.). Subsequently, after reviewing the annexation petition, map and supporting information, and determining the application was complete, Staff forwarded a resolution to the Town Board setting public hearing dates for Planning Commission and Town Board meetings, for the annexation and establishment of zoning. Resolution 2024-46 was approved on July 8, 2024 (attached for reference).

Staff is recommending that the Planning Commission forward to the Town Board a recommendation of approval of the annexation and establishment of zoning, subject to any Planning Commission and Staff comments being addressed.

Kim Lambrecht, Senior Planner, presented to the Planning Commission.

Chairman Reddick opened the meeting up for public comment. Karen Reynolds, 33673 County Road 13, and Kurt Hartshorn, 33681 County 13, spoke about future road development. Kate Graves, 6649 County Road 1, questioned the need of the annexation and asked that road construction be separate.

Chairman Reddick opened the meeting up for Planning Commission discussion. Commissioner Spight inquired about the future road location, to which Scott Ballstadt, Director of Planning, answered. Commissioner Nader commented that the road development was necessary. Commissioner Neal asked for clarification on what would happen if the annexation was not approved, to which Scott Ballstadt responded. Chairman Reddick inquired about the IGAs and zoning, to which Scott Ballstadt and Kim Lambrecht, Senior Planner, responded. Commissioner Nader inquired about the right of way process, to which Scott Ballstadt answered.

Planning Commissioner Kirch moved to close the public hearing, Planning Commissioner Neal seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

6. Recommendation to Town Board - Lone Tree Annexation to the Town of Windsor and Establishment of Zoning - Kevin S. Woods (City Manager, City of Thornton), Owner; Jason Pierce (Thornton Water Project Director), Applicant/Representative

Please refer to the information and attachments found in the previous Public Hearing item.

Planning Commissioner Kirch moved to forward a recommendation of approval to the Town Board for the Lone Tree Annexation to the Town of Windsor and Establishment of Zoning. Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Chairman Reddick asked if work sessions were still able to be considered, to which Scott Ballstadt, Director of Planning, responded.

2. Communications from Town Board Liaison

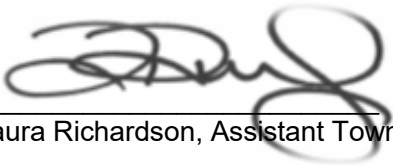
Jason Hallett, Town Board Liaison, updated the Planning Commission on the Harvest Festival, Senate Bill 24-1-31, the ad hoc charter committee progress and the budget.

3. Communications from Staff

Sandra Mazzetti, Senior Planner, provided an update that the Windsor Housing Authority broke ground on the Jacoby Meadows Senior Housing Apartments. Daniel Money, Town Attorney, commended the Planning Commission on how the meeting was ran.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:25 pm.



Laura Richardson, Assistant Town Clerk