



PLANNING COMMISSION REGULAR MEETING

May 17, 2023 - 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. Approval of the April 19, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing - Conditional Use Permit (CUP) for a Public Services Office (Windsor Police Facility) in the Recreation Open Lands (ROL) Zone District (34429A Weld County Road 15) - Rick Klimek, Windsor Chief of Police, on behalf of the Town of Windsor, applicant and property owner
 - Quasi-judicial action
 - Staff presentation: Carlin Malone, Chief Planner
2. Recommendation to Town Board - Conditional Use Permt (CUP) for a Public Services Office (Windsor Police Facility) in the Recreation Open Lands (ROL) Zone District (34429A Weld County Road 15) - Rick Klimek, Windsor Chief of Police, on behalf of the Town of Windsor, applicant and property owner
 - Quasi-judicial action
 - Staff presentation: Carlin Malone, Chief Planner
3. Public Hearing - Conditional Use Grant (CUG) to amend the Raindance Oil and Gas Pad Site CUG to allow for a 40-foot communications tower - Tisa Juanicorea, PDC Energy Inc., Applicant; and Martin Lind, Raindance Aquatic Investments, LLC, Property Owner
 - Quasi-judicial action
 - Staff presentation: Carlin Malone, Chief Planner

4. Recommendation to Town Board - Conditional Use Grant (CUG) to amend the Raindance Oil and Gas Pad Site CUG to allow for a 40-foot communications tower - Tisa Juanicorea, PDC Energy Inc., Applicant; and Martin Lind, Raindance Aquatic Investments, LLC, Property Owner

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

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: May 17, 2023
To: Planning Commission
From:
Re: Approval of the April 19, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon,
Deputy Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 04.19.23 Planning Commission Draft Minutes



Planning Commission Regular Meeting

April 19, 2023 - 7:00 PM

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

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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:

Chairman Schick
Timothy Reddick
Roger Colonnese
Cindy Beemer
Nathan Kinney
Ben Kirch
David Hassard

Absent:

Jose Valdes
Maxwell Nader

Also Present:

Town Board Liaison Tallon
Scott Ballstadt, Planning Director
Kim Emil, Assistant Town Attorney
Carlin Malone, Chief Planner
Kim Lambrecht, Planner II
Rece Lampe, Digital Media Coordinator
Kaitlyn Cinnamon, Deputy Town Clerk

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

Planning Commissioner Reddick moved to approve the agenda as presented, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Roger Colonnese, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chairman Schick opened the meeting up for public comment for non-agenda items, to which there were none.

B. CONSENT CALENDAR

1. Approval of the December 7, 2022 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

Planning Commissioner Beemer moved to approve the consent calendar as presented, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Roger Colonnese, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

Town Board Liaison Tallon gave a statement to the Board.

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 - Preliminary Major Subdivision, Tacincala Subdivision 2nd filing - Patrick McMeekin, applicant, Hartford Acquisitions, LLC; and Ryan McBreen, applicant's representative, Norris Design

The applicant, Mr. Ryan McBreen of Norris Design, has submitted an application on behalf of the property owner, Mr. Pat McMeekin, of Hartford Land, for a preliminary major subdivision plat for the Tacincala Subdivision 2nd Filing (also known as Prairie Song), located south of Weld County Road 72 and west of State Highway 257, in the Town of Windsor. The annexation and master plan ("Tacincala Master Plan") for the subject property and larger surrounding area was originally approved in 2006. The Windsor Town Board approved a subsequent amendment to a portion (572 acres) of the Tacincala Master Plan on June 13, 2022 (Resolution 2022-29). The Tacincala Subdivision 2nd Filing is located in the northeast portion of the master plan, encompassing 127 acres.

The subject subdivision is zoned Single Family Residential-Two (SF-2), with a Planned Unit Development (PUD) overlay. The proposed subdivision includes 327 single family residential lots with tracts for future development, open space, and open space/drainage and a metropolitan district-owned and maintained park.

Zoning and uses for abutting properties include the following:

	Zoning	Current Use
North	AG (Agriculture) – unincorporated Weld County	Agricultural land and rural residential (Weld County)
East	ER (Estate Residential) – Town of Windsor	Ventana Subdivision (Windsor)
South	RMU-1 (Residential Mixed Use-One)	Single-family residential (Tacincala Subdivision 1 st Filing), under construction
West	SF-2 with a PUD overlay	Undeveloped (Tacincala Master Plan)

Development characteristics:

- 127 total acres
- 59 acres of landscape, open space, and parks
- 20 acres of road right-of-way
- 327 residential units (varying lot sizes and types)
- Single-family residential lots – single-family detached and attached homes, both front-loaded and alley-loaded; cottage-style homes

- Primary access points: Prairie Winds Way at WCR 72 and Prairie Song Road at SH 257
- Two metro district-owned and maintained parks

A school site is not a part of this particular subdivision filing, but is a part of the Tacincala Master Plan. The master plan identifies a potential school site located to the southwest of this property, south of the future alignment of WCR 70.

Infrastructure.

A number of unique items have either been addressed through preliminary designs and will carry over into the final designs or are in progress and/or will need to be further refined with the final major subdivision submittal. These items include, but are not limited to: conformance with a ditch agreement (Springer Ditch), conformance with an existing groundwater agreement (which may require an addendum), CDOT approval of SH 257 improvements and related permits; potential reimbursement agreements for oversizing of utilities; determining the developer's proportionate share of costs for any traffic signals, including pedestrian signals; and the final design for WCR 72. Additionally, the applicant will need to provide evidence of adequate water supply to serve the development prior to final subdivision submittal.

Extension of public utilities will be the responsibility of the applicant, subject to potential reimbursement for oversizing that adds to the system capacity. Overhead utility lines on the south side of WCR 72 will be installed underground at the time this roadway is improved.

Relation to major transportation system.

The subject subdivision transportation network and internal connectivity is consistent with the approved Tacincala Master Plan (2022), which depicts connections to SH 257 on the east, WCR 72 on the north. Future subdivision(s) to the west will provide connectivity from the subject subdivision to North 15th Street (WCR 15) from SH 257, per the approved Tacincala Master Plan. Regional trail will parallel SH 257, consistent with the Tacincala Master Plan, and the Town's Master Open Space and Trails Plan. There will be bicycle lanes along SH 257 and WCR 72. A ten-foot regional trail traversing to the south of unincorporated Weld County properties south of CR 72 (connecting from SH 257 to Prairie Wind Way) was explored. Further evaluation revealed that the design would not be able to meet ADA (Americans with Disabilities) requirements.

The proposed development surrounds several estate lots in unincorporated Weld County, west of SH 257 and south of WCR 72. As part of the required improvements associated with this development, WCR 72 will need to be improved between SH 257 and Prairie Wind Way, which includes the area adjacent to unincorporated Weld County properties (see presentation slides). Weld Country Road 72 is a major collector and an urban cross-section (south side) is proposed in this location, consistent with the Town's Master Transportation Plan. The design for CR 72 includes bicycle lanes on both sides of the roadway, and curb, gutter and sidewalk along the south side. The north side of the roadway is not proposed to have curb, gutter or sidewalk at this time and would be a requirement at the time the properties on the north side of WCR 72 develop. The proposed design, as included in the preliminary subdivision improvement drawings, meets town standards. Future improvements to WCR 72 will adjust the vertical and horizontal alignment to improve the roadway geometry. With these efforts, overhead powerlines will be undergrounded. Roadway improvements along this corridor will have some impacts on adjacent properties, and therefore, there have been a series of meetings with neighbors regarding those impacts, as discussed herein.

In addition to separate meetings and discussions the applicant has had with neighbors, two meetings were held at Windsor Town Hall with approximately eight neighbors with properties adjacent to WCR 72, the applicant, and Town staff in March and on April 3 of 2023.

After the discussions from this meeting, this group met again on April 12, 2023, on location (WCR 72), along with the Town Forester. The primary concerns expressed by neighbors and topics discussed at these meetings were:

- proposed right-of-way width
- proposed five-foot sidewalk along the southern side of roadway (existing conditions, maintenance that would become adjacent property owners' responsibility, context of surrounding area)
- associated limits of construction, which could impact existing tree roots on trees located on private property
- proposed roadway vertical and horizontal alignment, and roadway geometry in general; and how it relates to adjacent driveways and other existing conditions
- improvements to drainage and irrigation channels

The limits of construction for installing the proposed roadway design would be approximately ten feet or less from some existing trees located on private property/outside of the proposed right-of-way. A six-foot-wide bicycle lane with an additional two-foot-wide apron (eight-foot clearance between drive lane and curb), curb and gutter is proposed in the design of this portion of the roadway. Planning and Engineering staff are discussing and evaluating any potential design alternatives that would have less impact on adjacent properties, then will present to the applicant and will continue to coordinate with the neighbors.

Cul-de-sac Exception

Municipal Code Section 17-1-10(g), Streets and blocks – Exceptions to Connectivity, Block Length, and Cul-de-sac Standards. Upon written request outlining the rationale in accordance with the criteria below, the decision maker may grant exceptions to connectivity, block length, and cul-de-sac standards contained in the following circumstances:

1. To preserve or minimize impact to unique physical conditions such as topography or natural resources.
2. When compliance is impractical due to buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels
3. When compliance is impractical due to conflicting existing or planned street alignment or layout
4. When necessary to avoid creating inefficient use of land, such as when needed to avoid creating lots of a size or layout that cannot reasonably be developed
5. When necessary to avoid creating inefficient street layouts, including but not limited to block lengths less than four hundred (400) feet.
6. When necessary to accommodate unique land uses which require a campus layout without through traffic.

The applicant has provided rationale in accordance with this criteria regarding two proposed cul-de-sacs where there are physical constraints, as illustrated on the plans in the staff presentation. As shown, one exception is adjacent to an existing ditch and significant slope and one exception is adjacent to an estate lot and landscape buffer area adjacent to SH 257.

Review Criteria

The application is consistent with the following review criteria in Municipal Code Sec. 14-2-60(b) for preliminary major subdivisions:

1. The proposal complies with the Comprehensive Plan's 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 subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
4. Transportation improvements are consistent with the following: Roadway Improvement Plan, Subdivision street standards in Chapter 17, Design Criteria & Construction Specifications, Transportation Master Plan, Trails Plan, and Complete Streets Guide.
5. Provision of utilities to serve the development shall be in accordance with Design Criteria & Construction Specifications and any other utility provider requirements.
6. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: lot placement and orientation, transitions in density, screening, and/or landscape buffers.

Relationship to Comprehensive Plan

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

Chapter 5b – Growth Framework

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

Staff comment: The type of more compact development proposed with the subdivision, consistent with the approved PUD and Master Plan, has been shown to create less of a fiscal burden on municipalities by having less utility and road infrastructure to maintain on a per unit basis. Similarly, compact development has been shown to be more environmentally responsible, as it takes less resources to construct and maintain, and it can also make alternative forms of transportation such as walking, biking, and transit more viable due to the compact layout.

Chapter 5c – Residential Areas Framework

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

Staff comment: The preliminary subdivision is consistent with the PUD and Master Plan standards. These standards allow for diverse housing types and styles, including, single-family detached, and cottage-style homes (detached and attached) single-family residential blocks (see attached applicant and presentation materials). Some single-family residential lots will also allow for accessory dwelling units (ADUs), adding another housing opportunity. Such variety can help meet the needs of varying family sizes, lifestyles, and income levels.

Objective(s):

1. *Promote multi-modal connectivity to increase neighborhood access and resident mobility.*

Staff comment: The preliminary subdivision is consistent with the approved PUD and Master Plan, which promote multi-modal connectivity by providing trails, additional road connections, and a focus on pedestrian-friendly design.

2. Utilize conservation design and traditional neighborhood design for new residential growth areas and promote overall community livability.

Staff comment: The preliminary subdivision is consistent with the approved PUD and Master Plan. The neighborhood can be described as one with a traditional neighborhood design, focusing on the public realm and streetscape. Key elements include pedestrian and bicycle connectivity internal to the development, as well as adjacent to the development, creating additional connections to and from the town core.

The design of the development will include front porches, garage placement to minimize visual impact, a variety of lot layouts and home types and home models to avoid monotony, and staggered massing of homes to create visual interest. Architectural exhibits/examples will be provided with the final major subdivision, ensuring that the requirements and expectations illustrated within the PUD and Master Plan are honored by future developers and builders.

4. Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Staff comment: The proposed preliminary subdivision is consistent with the PUD and Master Plan planning area uses, range of dwelling units per acre, housing types, and designated buffer areas along SH 257 and WCR 72.

The west side of SH 257 contains a landscape buffer area and an average of one-acre lots, providing a buffer between the estate lots to the east (Ventana Subdivision) and lots under one-acre as Tacincala 2nd Filing transitions in density from lower (east) to higher (west). The landscape and one-acre lot buffer was part of the Tacincala Annexation agreement and has been illustrated on the subsequent PUD and Master Plans. The Tacincala Subdivision 2nd Filing will plat the landscape buffer in a tract and one-acre lots along SH 257.

A neighborhood meeting is a requirement of the annexation, zoning, and master plan applications, not the preliminary major subdivision. A neighborhood meeting was held in May of 2021, and subsequent meetings with neighbors have been held between the applicant and neighbors, as well as three meetings with neighbors, the applicant, and staff as noted herein.

Notifications for this public hearing were as follows:

- April 7, 2023 – Legal ad published in newspaper
- April 3, 2023 - Signs posted on the property
- April 4, 2023 - Affidavit of mailing to property owners within 500 feet
- April 6, 2023 – Notice posted to Town's website

Chairman Schick opened the public hearing for item number one on the agenda.

Carlin Malone, Chief Planner, filled in for Sandra Mezzetti on the Staff Presentation.

Ryan McBreen, applicant's representative, presented to the Commission.

Chairman Schick opened the meeting for public questions or comments.

Evette Rougell, addressed the Commission regarding growth, sidewalk, widening of the road, and tree concerns.

Patrick McMeekin, applicant, addressed the public comment regarding the sidewalk and spoke about the Master Trail Loop.

Commissioners asked questions to staff and the applicant. Scott Ballstadt, Planning Director, addressed trail standards.

Planning Commissioner Reddick moved to close the public hearing, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Roger Colonnese, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

Commissioner Hassard had additional questions for staff and the applicant.

Planning Commissioner Reddick moved to re open the public hearing, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Roger Colonnese, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

Commissioner Hassard requested clarification from the applicant and staff regarding his question, which he received.

Planning Commissioner Reddick moved to close the public hearing, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Roger Colonnese, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

2. Approval - Preliminary Major Subdivision, Tacincala Subdivision 2nd filing - Patrick McMeekin, applicant, Hartford Acquisitions, LLC; and Ryan McBreen, applicant's representative, Norris Design
Please refer to information provided with the public hearing item.

Chairman Schick asked if the applicant agreed to the conditions outlined, which he agreed.

Planning Commissioner Reddick moved to approve the Preliminary Major Subdivision, Tacincala Subdivision 2nd filing, conditional on recordation and CDOT approval, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Roger Colonnese, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

3. Public Hearing - Conditional Use Permit for a Telecommunications Tower - Jacoby Farm Subdivision 5th filing, Tract A - 301 17th Street - Windsor RSO LLC, Cary St. Onge, property owner, Vertical Bridge, Richard Gaito, Tower Engineering Professionals, applicant

Background / Discussion

The applicant, Mr. Richard Gaito, on behalf of Vertical Bridge, is requesting a Conditional Use Permit (CUP) to allow a wireless telecommunications tower to be located at 301 17th Street within Tract A, Jacoby Farm 5th filing. Town's Municipal Code allows for the establishment of wireless telecommunication towers for the purpose and intent of accommodating the communication needs of the Town's residents and businesses.

Approval of the CUP request, along with an approved site plan, would allow for the construction of a one hundred (100) foot monopole wireless communications tower, with a seven (7) foot lighting rod, and associated equipment yard. The tower is designed to locate a total of three wireless carriers on it. The tower's anchor tenant will be T-Mobile, with Dish Wireless LLC and a third wireless also to be located on the tower as tenants. Staff is concurrently reviewing a site plan submitted by the applicant.

Review Criteria for Conditional Use Permits

Section 14-2-130 of the Municipal Code outlines the review criteria 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.

The proposal generally complies with the Comprehensive Plan's goals and objectives and the Strategic Plan as noted below.

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 proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. This proposal does not require water or sewer connections.

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.

The exact location of the monopole and fenced equipment yard on the property has been determined by a collaborative effort between Dish Network, Tower Engineering Professionals and the Town of Windsor Engineering, Planning, Parks and Open Space to minimize the project footprint to preserve and protect the existing trees on site. The proposed tower and supporting equipment area will be located approximately one hundred ten (110) feet south of the Greeley No. 2 Canal and approximately fifty-two (52) feet from the right-of-way of 17th Street.

Relationship to Comprehensive Plan

Chapter 7 –

Community Facilities & Infrastructure

Goal: *Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.*

Objectives:

- *10 – Coordinate with private utility providers to identify coordinated/synergistic project opportunities.*

Notification

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

- April 4, 2023 -- affidavit of letters mailed to property owners within 500 feet
- April 3, 2023 – development review sign posted on the property
- April 6, 2023 – legal notices posted on the Town of Windsor website
- April 7, 2023 – legal ad published in the paper

Chairman Schick opened the public hearing for item number three on the agenda.

Kim Lambrecht, Planner II, filled in for Sandra Mezzetti on the Staff Presentation.

Richard Gaito, applicant, presented to the Commission.

Chairman Schick opened the meeting for public questions or comments.

Ten individuals from the public addressed the Commission regarding concerns regarding health and safety, property value, location and appearance of the tower, animal habitats, Windsor's trail system, and tower proximity to Grandview Elementary School.

Richard Gaito, applicant, addressed public comments and concerns regarding the tower. Mr. Gaito spoke to there not being a generator located at the site and no generator sounds would be present due to there not being one present. He addressed environmental surveys conducted by Colorado Parks and Wildlife regarding the Red Tail Hawks around the site. Gaito also spoke to different locations researched for telecommunications and the tower.

Planning Commissioner Reddick moved to close the public hearing, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Roger Colonnese, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

4. Recommendation to Town Board - Conditional Use Permit for a Telecommunications Tower - Jacoby Farm Subdivision 5th Filing, Tract A - 301 17th Street - Windsor RSO LLC, Cary St. Onge, property owner, Vertical Bridge, Richard Gaito, Tower Engineering Professionals, applicant

Please see materials submitted with the public hearing item.

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for Conditional Use Permit for a Telecommunications Tower- Jacoby Farm Subdivision 5th Filing, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Ben Kirch; Nays - Gale Schick, Roger Colonnese, Cindy Beemer, David Hassard, Nathan Kinney; Motion Failed.

Planning Commissioner Beemer moved to forward a recommendation of denial to Town Board for Conditional Use Permit for a Telecommunications Tower- Jacoby Farm Subdivision 5th Filing based on concerns from the Planning Commission regarding the location and height of the tower. Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Roger Colonnese, Cindy Beemer, David Hassard, Nathan Kinney; Nays - Timothy Reddick, Ben Kirch; Motion Passed.

A five-minute recess was called by Chairman Schick.

5. Public Hearing - Final Major Subdivision - Windshire Park Subdivision 6th Filing - Jeff Feneis, Executive Director Loveland Housing Authority, applicant; James Doyle, TB Group, applicant's representative

The applicant, Mr. Jeff Feneis, Executive Director of the Loveland Housing Authority, on behalf of Windsor Housing Authority (WHA), has submitted a final major subdivision plat, known as Windshire Park Subdivision 6th Filing. The proposal is a replat of Windshire Park Subdivision 4th Filing (approved on July 24, 2017, for 57 townhome lots). The subject 8.5-acre subdivision is zoned Residential Mixed Use-One (RMU-1). The replatting will vacate the existing townhome lots and private drives and create two lots to accommodate two senior apartment buildings and internal drives. The property is currently owned by Windsor Housing Authority (WHA) and, once developed, will remain owned, operated, and maintained by WHA.

On December 18, 2019, the Planning Commission approved a parking determination request to reduce the required parking from 191 parking spaces to 164 parking spaces. The current site plan proposes a total of 164 parking spaces, 83 parking spaces in phase one and 82 parking spaces in phase two, which is in accordance with the approved parking determination.

On February 22, 2021, the Town Board approved a resolution, 2021-10 approving the Final Major Subdivision Windshire Park Subdivision 6th filing. However, the project did not receive the required funding. Therefore, the project did not move forward and the approval has since expired. The current Final Major Subdivision is in general compliance with the Preliminary Major Subdivision although it has been slightly modified. The main change is a reduction in the number of lots from four to two. This change allows for a larger landscape buffer between the existing Windshire Park Subdivision, along the west property line, and the senior apartment buildings. Access points along Windshire Drive and Guardian Drive remain in the same location as shown on the preliminary plat, as well as the primary access through the site.

The site plan has been redesigned to include two three-story buildings with the same number of dwelling units as previously proposed. In addition, the project includes additional landscaping and buffering adjacent to the Windshire Park subdivision along the west property line and walking trails and site amenities such as gathering and seating areas. The project is proposed to be constructed in two phases.

Zoning and uses for abutting properties include the following:

	Zoning	Current Use
North	RMU-1 (Residential Mixed Use-One)	Single family residential (Windshire Park Subdivision)
East	SF-2 (Single Family Residential-Two) AG (Agriculture) - unincorporated Weld County	Single family residential (Trevenna Subdivision) Single family residential. (Weld County agricultural land)
South	RMU-1 (Residential Mixed Use-One)	Multi-family residential (WHA - Windsor Meadows Apartments-income qualified housing)
West	RMU-1 (Residential Mixed Use-One)	Single-family Residential (Windshire Park Subdivision)

Plat characteristics:

Generally consistent with the Windshire Park 6th Filing Preliminary Plat, approved by the Planning Commission on February 6, 2019.

- 8.5 acres
- 2 lots for buildings, private drives and parking lots; one tract for drainage detention area and landscaping
- Two access points: one on Windshire Park Drive and one on Guardian Drive

Site Plan Characteristics:

- 123 senior housing units: To be built in two phases; phase 1 - 62 units, phase 2 - 61 units
- 2 three-story buildings
- 164 parking spaces: phase 1 – 83, phase 2 - 81
- Internal walks/trails throughout the development
- ~1.55 acres of public right-of-way/ miscellaneous (27.9%)
- ~4.44 acres open space/landscaped areas (52.2%)
- ~0.59 acres drainage (7.0%)
- ~1.10 acres of building coverage (12.9%)

Relationship to Comprehensive Plan:

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

- Chapter 5b – Growth Framework Goal: Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

1. Objectives:

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

The proposed subdivision is surrounded on the north and west sides by the existing Windshire Park Subdivision and on the south by Windsor Meadows Apartments, income qualified units. All adjacent streets are fully developed. Municipal water and sanitary sewer utilities exist in all of the adjacent streets, and have adequate capacity for both of the planned Jacoby Meadows development phases. Stormwater detention improvements for the entire subdivision were designed and constructed with earlier phases of the subdivision.

- Chapter 5c – Residential Areas Framework Goal:

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

1. Objectives:

- *Foster a diversity of housing types and sizes through coordinated land use planning and zoning.*
- *Support high density residential development near Downtown, commercial centers, and mixed-use nodes.*

Jacoby Meadows proposes two three-story senior apartment buildings. The subdivision is in close proximity (less than one-half mile) to crucial services such as grocery stores, pharmacies, medical and dental offices and a newly established transit route with direct connections to the neighboring communities of Fort Collins to the west and Greeley to the east. The project is also in close proximity, approximately six hundred (600) feet, to the Windshire neighborhood park.

Review Criteria

A Final Major Subdivision shall be in substantial compliance with the Preliminary Major Subdivision. Substantial compliance means:

1. The general location, layout, and access of streets and lots is consistent with the preliminary subdivision.
2. Any increase in the number of lots or dwellings is limited to no more than twenty percent (20%), provided the proposal remains in compliance with the Master Plan and all supporting documents and studies, such as traffic studies, are updated accordingly.
3. There is no material increase in impacts on adjacent properties by altering the subdivision.

Neighborhood Meeting:

Although 2 neighborhood meetings were held with previous applications, the applicant held another neighborhood meeting on November 17, 2022 to update the neighbors on the revised site plan changes. There were 6 attendees, excluding staff and the design team. Residents in attendance were pleased with revisions, particularly the larger buffer and open space planned between the neighborhood and the two apartment buildings. The previous buildings proposed were two-stories. Neighbors did not express concern with the height increase to three-stories.

Notifications:

Public hearing notifications for this meeting were as follows:

- April 3, 2023 – sign posted on property
- April 6, 2023 – notice posted on Town's website
- April 7, 2023 – affidavit of mailing to property owners within 300 feet
- April 7, 2023 – display ad published in newspapers

Commissioner Colonnese exited the meeting due to an emergency.

Chairman Schick opened the public hearing for item number five on the agenda.

Carlin Malone, Chief Planner, filled in for Sandra Mezzetti on the Staff Presentation.

Chairman Schick opened the meeting for public questions or comments, to which there were none.

Eric Hull, representing Loveland Housing Authority and in partnership with Windsor Housing Authority, answered questions from the Planning Commission regarding the two phases.

Planning Commissioner Beemer moved to close the public hearing, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

6. Recommendation to Town Board - Final Major Subdivision - Windshire Park Subdivision 6th Filing - Jeff Feneis, Executive Director, Loveland Housing Authority, applicant; James Doyle, TB Group, applicant's representative

Please see information submitted with the public hearing.

Planning Commissioner Beemer moved to forward a recommendation of approval to Town Board for Final Major Subdivision - Windshire Park Subdivision 6th Filing, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

7. Election of Officers - Election of Planning Commission Vice-Chairperson

In accordance with the Planning Commission By-laws, each calendar year the Planning Commission shall elect its Chair, Vice-Chair and the Secretary for that respective year.

At this time, the Planning Commission needs to fill the recently vacated Vice-Chair position for the remainder of 2023. Chairman Schick asked for any volunteers interested in the Vice Chair position and Commissioner Reddick volunteered.

Planning Commissioner Beemer moved to elect Commissioner Reddick as Vice Chair, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Chairman Schick welcomed new Board Members Nathan Kinney and Ben Kirch.

2. Communications from Town Board Liaison

Town Board Liaison Tallon spoke to the Board regarding the Town Board's tour of the OEM facility located at 4872 Endeavor Dr, Johnstown, CO 80534. The tour took place on Monday April 17, 2023.

3. Communications from Staff

Carlin Malone, Chief Planner, thanked the Planning Commission for attending the Comprehensive Plan Meetings.

Scott Ballstadt, Planning Director, welcomed new Planning Commissioners Nathan Kinney and Ben Kirch. Mr. Ballstadt spoke regarding Senate Bill 23-2-13 and that the Town Board passed a Resolution in opposition, voting unanimously. Staff is monitoring the situation closely.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:54 p.m.

Kaitlyn Cinnamon, Deputy Town Clerk



MEMORANDUM

Date: May 17, 2023
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Public Hearing - Conditional Use Permit (CUP) for a Public Services Office (Windsor Police Facility) in the Recreation Open Lands (ROL) Zone District (34429A Weld County Road 15) - Rick Klimek, Windsor Chief of Police, on behalf of the Town of Windsor, applicant and property owner
Item #: C.1.

Background / Discussion:

The applicant, the Town of Windsor, is requesting a Conditional Use Permit (CUP) to allow a public service office (police facility) in the Recreation and Open Lands (ROL) zone district. This proposal is to construct a new facility to house the Town of Windsor Police Department headquarters, consisting of administrative offices and complimentary uses. Staff is recommending Planning Commission forward a recommendation of approval of the CUP, with conditions, as included in the recommendation.

Per Town Municipal Code, Section 16-1-150(c)(3)(a), public administrative offices and services buildings service offices shall be permitted in the ROL zone district upon approval of a conditional use permit, as provided in Section 14-2-130 – Conditional Use Permit.

A major site plan has been submitted concurrently with the conditional use permit application, which is under Town staff review and applicable referral agencies. Additionally, a master plan amendment was submitted for this site, also under review. This site is part of the 2007 Tacincala Master Plan, which depicts “open space” for this area. The master plan amendment requires a separate public hearing and recommendation by the Planning Commission prior to a public hearing and approval by the Town Board.

There are site-specific items that will need to be addressed with the refinement of the site plan design and a portion of the Tacincala Master Plan will need to be amended prior to approval of the subject CUP. Therefore, these conditions of approval are reflected in the recommendation to Town Board.

The proposed use will be located on a site of approximately 15.35 acres within a 138-acre property. The Town purchased the property in 2021. The property was once known as the Beethe Farm and was annexed in 2006, with the zoning and master planned approved in 2007 (Tacincala Annexation and Tacincala Master Plan).

Review Criteria for Conditional Use Permits

Section 14-2-130 of the Municipal Code outlines the review criteria 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.

The proposal generally complies with the Comprehensive Plan's goals and objectives and the Strategic Plan as noted below.

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 proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. The Town's Land Use Plan had depicted the area to the north as RMU (Residential Mixed Use), anticipating a residential neighborhood with approximately 500 homes (based on a density of four dwelling units per acre). With the Town's purchase of this property, the proposed use has changed from residential neighborhood to a public facilities campus including: the police facility (15 acres), Weld RE-4 middle school (48 acres), Town parks (72 acres), and the existing Town of Windsor Public Services facility.

As stated, a site plan for the facility was submitted concurrently with the CUP application and is under review with Town staff, also known as the DRC (Development Review Committee) and applicable referral agencies. The DRC consists of Town staff and Windsor-Severance Fire and Rescue (WSFR). Referral agencies for both the CUP application and site plan include the utility providers, City of Greeley Water, Lake Canal, Weld County, and CDOT (Colorado Department of Transportation). There are no concerns from staff or referral agencies regarding the public service office use in this location.

The site is north of existing public facilities, an existing neighborhood (Windshire Park Subdivision), and northwest of planned neighborhoods of Overland and Trevenna Subdivisions. The site is west of the planned subdivision of Tacincala (Prairie Song). These properties are within the Town of Windsor. The proposal is south and shares a property line with the existing Beethe property (one acre), located in unincorporated Weld County. The Town and the Beethes have been coordinating and will continue to coordinate as plans develop.

Weld County Road 15 will be improved with development of this public facilities campus, including undergrounding the existing overhead power lines, as well as extending the 10' trail along the west side of 15th Street/WCR 15.

There will be two access points to the facility: one southern access point from WCR 15, with a temporary secondary access point on WCR 15 (north) until a future access point to the northwest is constructed with development of the middle school. The northwestern access point will be a local roadway stemming from a roundabout from a major collector roadway, west of WCR 15. This intersection is in the design stage (please see illustration in staff presentation).

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.

The appearance of the use from WCR 15 will include enhanced architecture and the site will be screened with landscaping, where safety is not an issue. Parking lot landscaping and buffering along WCR 15 will be provided. Plant materials within the parking lot area and surrounding the foundation of the building will be chosen with the safety of the police personnel and visitors in mind.

Adequate parking and an area designed for future parking on the site has been shown in the site plan.

Operations will be conducted seven days a week, 24 hours per day. With few customers visiting the site, the use will generate relatively minimal traffic. Traffic generated by the site will primarily consist of employees. Visitor traffic will enter from WCR 15 and into the parking lot on the south side of the site. With the development of the middle school, a permanent access point from WCR 70 will reduce left turns from WCR 15 into the site. The sidewalk/trail along 15th Street will continue from the south along this site and will continue north when the school is developed.

Storm drainage will be properly accommodated through the site plan process.

Relationship to Comprehensive Plan

Chapter 7 – Community Facilities & Infrastructure

Goal: *Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.*

Objectives:

1. *Coordinate annexation and development plans with community service and utility providers to ensure adequate levels of service are extended to new growth areas and maintained in existing service areas.*
4. *Work with the Windsor Police Department and Windsor-Severance Fire Rescue to maintain and enhance Windsor as a safe community.*
5. *Work with other public agencies throughout the community to maintain adequate and appropriate sites and facilities for the provision of public services.*

Notification

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

- May 5, 2023 – affidavit of letters mailed to property owners within 500 feet of the subject property boundary
- May 5, 2023 – development review sign posted on the property (west side of CR 15)
- May 5, 2023 – legal notices posted on the Town of Windsor website
- May 7, 2023 – legal ad published in the local newspaper (Greeley Tribune)

Financial Impact:

Relationship to Strategic Plan:

The application is consistent with the Strategic Plan Mission Statement: *The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small town feel.*

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Conditional Use Permit (CUP) application, with the following conditions:

1. Any Planning Commission comments shall be addressed;
2. An amendment to the Tacinaca Master Plan shall be approved, including public administrative offices and services uses for the subject area; and

3. Approval of the Major Site Plan.

CC:

Shane Hale, Town Manager
Rick Klimek, Chief of Police
Scott Ballstadt, Director of Planning
Angela Milewski, BHA Design, Inc.

Attachments:

1. 1-CUG-APP
2. Staff Powerpoint_PD CUP

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: 34429^A County Road 15 Lot: _____ Block: _____

Subdivision: none - south portion of Weld County Parcel Number 080707100002

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).

The south portion of this overall parcel owned by the Town of Windsor is planned for a public services building as allowed as a Conditional Use in the ROL district. This new 42,748 s.f. Windsor Police Services facility will provide 24/7 police services as part of an overall community services campus including the existing Public Works and Parks Services facilities, a future community park and a future WCSD4 middle school. See concurrent Site Development Plan application for details of the proposed police facility.

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>undeveloped</u>	Size: <u>15.35 acres</u>
Present use of structure: <u>n/a</u>	Size: <u>n/a</u>
Proposed use of land: _____	Size: _____
Proposed use of structure: _____	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 11th day of April, 20 23

Rick Klimek, Town of Windsor

Applicant (please print)

Rick Klimek

Applicant's Signature

Rick Klimek, Town of Windsor

Property Owner (please print)

Rick Klimek

Property Owner's Signature

970.674.6400
Phone (daytime) **Fax**

rklimek@windsorgov.com
Email

970.674.6400
Phone (daytime) **Fax**

rklimek@windsorgov.com
Email

Applicant's Representative (if any):

Name: Angela Milewski, BHA Design

Phone: 970.305.3937 Fax: _____ Email: amilewski@bhadesign.com

Application for Conditional Use

Project Description:

Project Description:

This request for Conditional Use is regarding the south portion of an overall parcel owned by the Town of Windsor. This portion of the larger parcel is planned for a public services building as allowed as a Conditional Use in the ROL district. The new 42,748 s.f. Windsor Police Services facility will provide 24/7 police services as part of an overall community services campus including the existing Public Works and Parks Services facilities, a future community park and a future WCSD4 middle school.

See concurrent Site Development Plan application for details of the proposed police facility, and the concurrent Master Plan Amendment for the larger overall campus.

Review Criteria.

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

Public services use is allowed as a Conditional Use in the ROL district.

(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.

Granting the Conditional Use does not result in any additional burdens on existing public infrastructure than uses allowed by right. Any development shall be reviewed by the Town of Windsor for compliance with infrastructure requirements through a Site Development 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.

The requested use is compatible with adjacent uses and part of an overall planned community services campus. Adjacent uses include similar public services uses to the south, and undeveloped property to the north and west. These undeveloped properties are master planned as community services with uses allowed within the existing ROL zone district.

Revised August 2022



Conditional Use Permit

To allow a Public Service Office
(Windsor Police Facility) in the
ROL (Recreation and Open
Lands) Zone District – 34429A
County Road 15

Carlin Malone, Chief Planner

Planning Commission – May 17, 2023



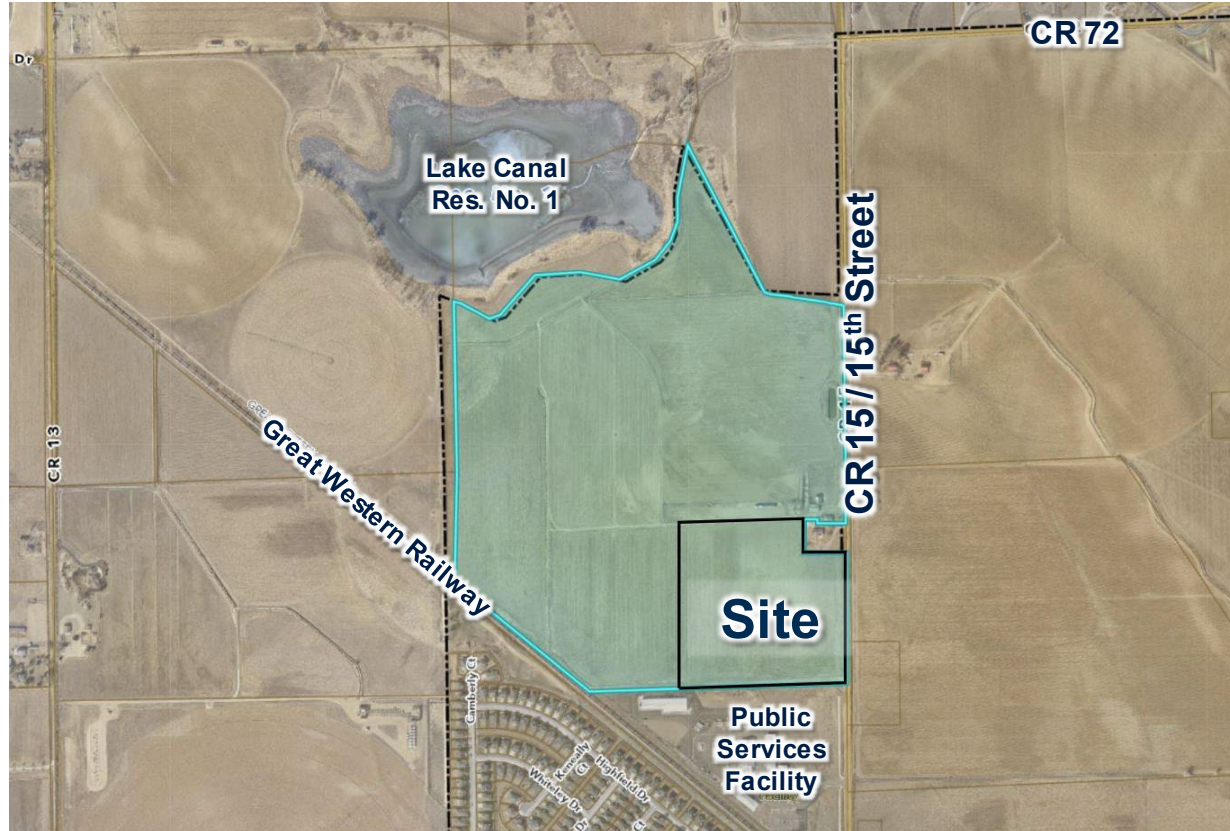
Conditional Use Permit

Article II, Chapter 14 of the Municipal Code outlines the intent of the Conditional Use Permit process, including:

Section 14-2-130 – Conditional Use Permit

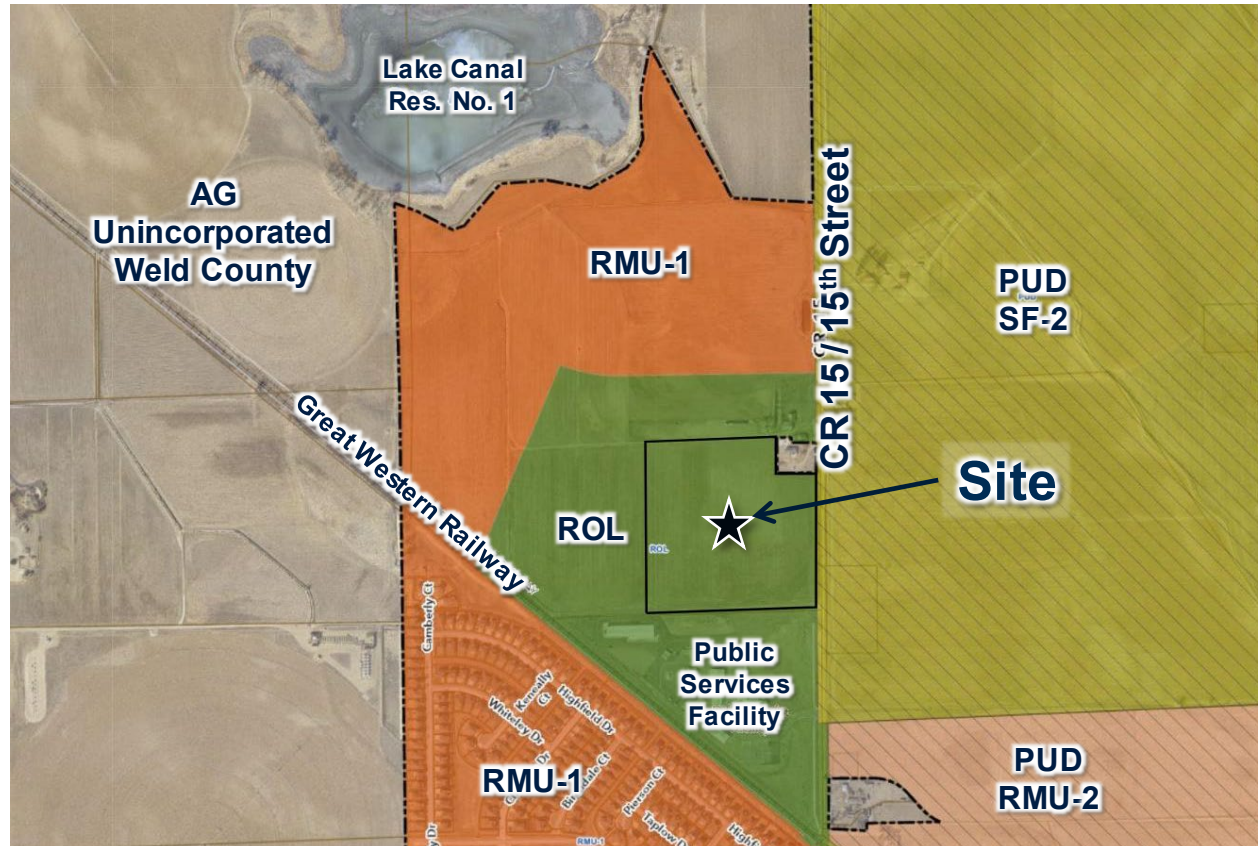
The *conditional use* classification is intended to allow consideration of *uses* which are unique in nature or character and, except as otherwise specifically provided in this Chapter, not specifically included as *uses* by right in any specific zoning districts. It is the specific intent of this Article, except as otherwise specifically provided in this Chapter, 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 Vicinity Map





Site Zoning Map





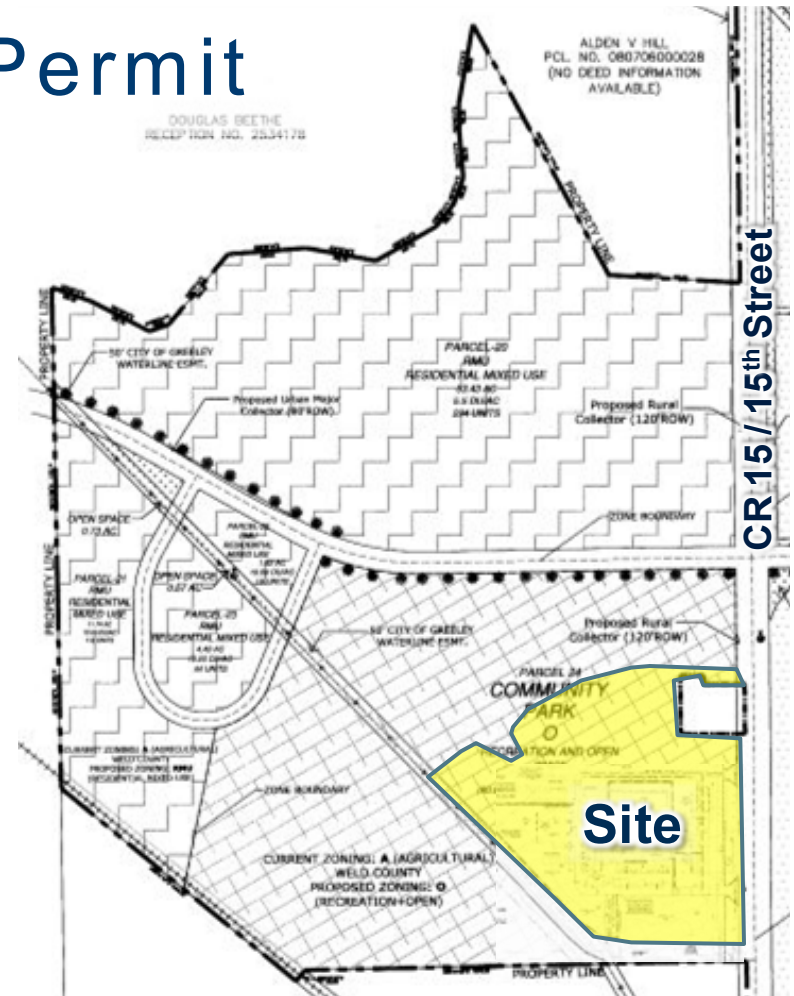




Conditional Use Permit

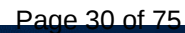
Background / site characteristics:

- ❖ 2007 Tacincala Master Plan Approval
- ❖ Total Tacincala Property:
~ 718.12 acres
- ❖ Site specific parcel: ~138 acres
- ❖ Proposed Police Facility
 - 15.35 acre site, 668,700 s.f. (west side of CR 15 / 15th St)
 - 43,330 s.f. building
 - 78.4% (524,380 s.f.) landscaping
 - Connectivity from CR 15 / 15th St; future connection to northwest



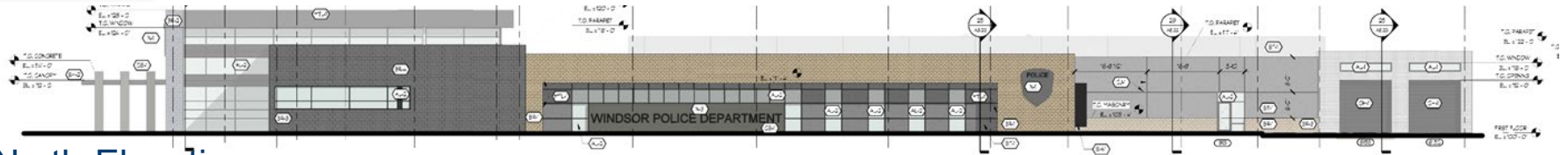


Future connection

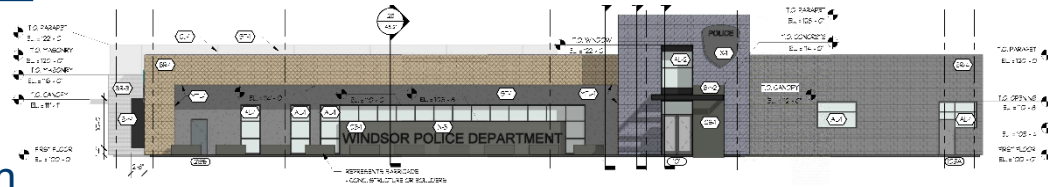




Elevations



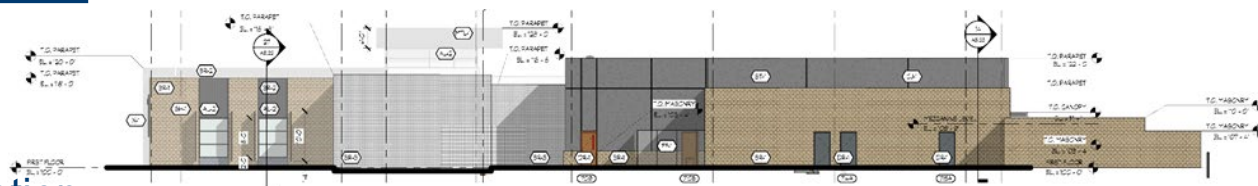
North Elevation



East Elevation



South Elevation



West Elevation

Analysis

Section 14-2-130 of the Municipal Code outlines the review criteria 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.***

The proposal complies with the Comprehensive Plan's goals and objectives.

- 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 proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. The proposal will tie into existing or planned infrastructure improvements.



Analysis

- 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.***

The facility is part of a public facilities campus, which includes the existing Windsor Public Services building, future park, and future Weld RE-4 Middle School. There will be two access points to the facility – one on CR 15, with a temporary secondary access point on CR 15 until a future intersection (northwest) is constructed with development of the school.

The site will be screened with landscaping, where safety is not an issue.

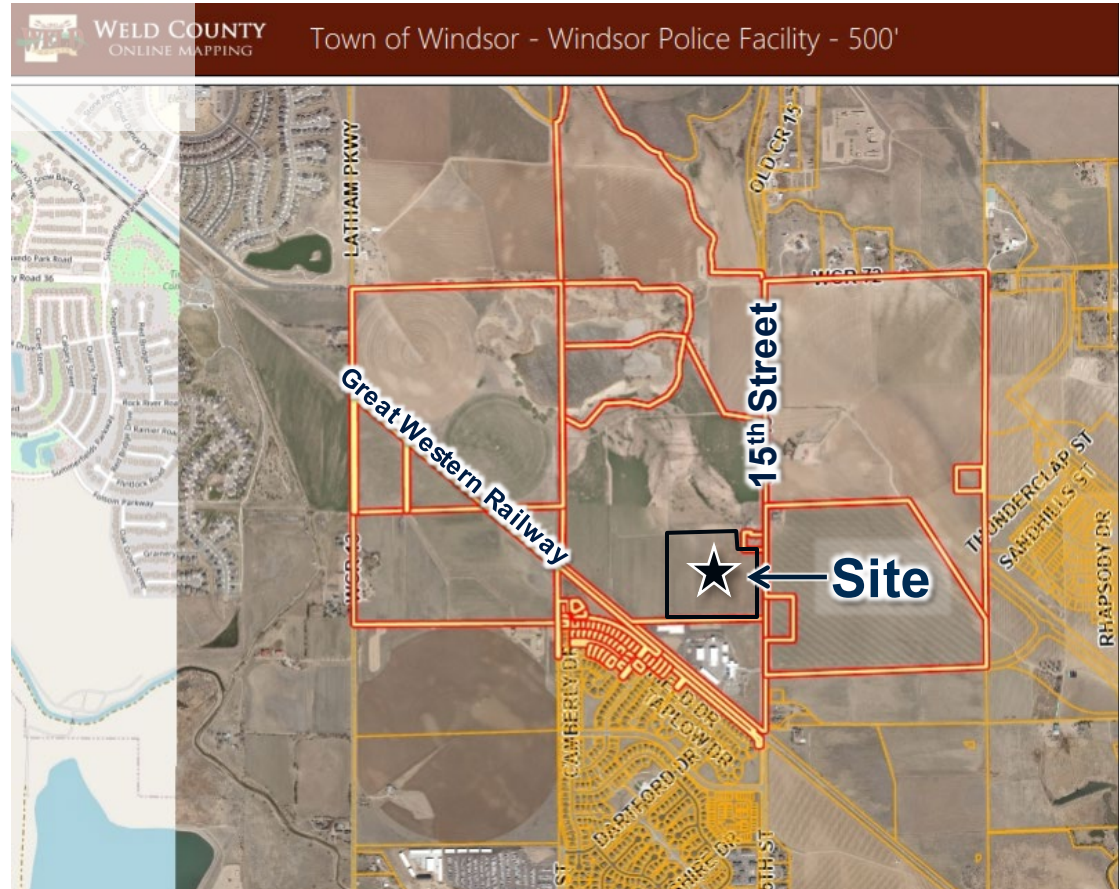
The site plan and master plan amendment currently under administrative review.



Notification Area

Notifications for this public hearing were as follows:

- May 5, 2023 – affidavit of mailing to property owners within 500 feet & adjacent homeowner associations; Town Board Member Bennett
- May 5, 2023 – sign posted on property
- May 5, 2023 – published in the paper
- May 5, 2023 – posted to Town website





Recommendation

That the Planning Commission forwarded to the Town Board a recommendation of approval of the conditional use permit to allow the public services office in the ROL zone district, with the following conditions:

1. Any Planning Commission comments be addressed;
2. An amendment to the Tacincala Master Plan be approved, including public administrative offices and services for subject area; and
3. Approval of the Major Site Plan.



Record

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Testimony from public hearing
- Recommendation

Approval Criteria

Sec. 14-2-130. – Review criteria for conditional use permits.

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, 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. 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.



Thank You



MEMORANDUM

Date: May 17, 2023
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Recommendation to Town Board - Conditional Use Permt (CUP) for a Public Services Office (Windsor Police Facility) in the Recreation Open Lands (ROL) Zone District (34429A Weld County Road 15) - Rick Klimek, Windsor Chief of Police, on behalf of the Town of Windsor, applicant and property owner
Item #: C.2.

Background / Discussion:

Please refer to public hearing item materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:



MEMORANDUM

Date: May 17, 2023
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Public Hearing - Conditional Use Grant (CUG) to amend the Raindance Oil and Gas Pad Site CUG to allow for a 40-foot communications tower - Tisa Juanicorea, PDC Energy Inc., Applicant; and Martin Lind, Raindance Aquatic Investments, LLC, Property Owner
Item #: C.3.

Background / Discussion:

The applicant, PDC Energy, Inc., is requesting a Conditional Use Grants (CUG) to amend an existing CUG, approved on June 12, 2017, and amended on June 28, 2021, to allow oil and gas facilities in the RMU zone district for a site known as the Raindance Pad. Oil and gas facilities are allowed as a conditional use in all zoning districts, per Section 16-7-60 of the Town's Municipal Code, Oil and Gas Facilities.

The approved CUG for this site allows 36 oil and gas wells. The subject CUG requests the addition of a 40-foot communication tower only. No other change is proposed with this request.

Staff requests that the Planning Commission forward to the Town Board a recommendation of approval of the CUG for the communications tower addition, retaining the 2021 CUG conditions of approval (attached).

The property was previously Lot 5 of Water Valley West Subdivision, which was subdivided into Raindance Subdivision 8th Filing, Tract J. The property has been further subdivided and is now Raindance 21st Filing. The site area includes approximately 78 acres and is situated between New Liberty Road and the Cache La Poudre River, with the drilling pad located approximately 800 feet south of the river. The pad is surrounded by berming and landscaping, installed with the Raindance Golf Course (west and south of pad). The property is adjacent to the Poudre Trail to the north, a residence along the eastern boundary of the property, as well as undeveloped and developed single-family residential lots to the east and south. The site area of the Raindance Drill Pad is approximately 5.5 acres.

Section 14-2-130 of the Municipal Code outlines the review criteria 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.

The proposal generally complies with the Comprehensive Plan's goals and objectives.

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 proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. This proposal has no change / no impact.

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.

The communication tower will be located internal to the oil and gas pad. As demonstrated within the submittal application materials, there will be little impact to the surrounding area. The existing pad site includes berming and landscaping, which is also incorporated into the surrounding golf course.

Neighborhood Meeting Notice

A neighborhood meeting is required by the Town's Municipal Code for an oil and gas CUG. On April 18, 2023, the applicant's representatives held a neighborhood meeting at the Water Valley Company Office Banquet Room, 1600 Pelican Lakes Point, at 6:00 p.m. No neighbors attended this meeting or have had inquiries about the meeting.

Notice of the neighborhood meeting was provided in accordance with the Town's Municipal Code, as follows:

- April 7, 2023 - Mailing to surrounding property owners within 500 feet of the subject site property boundary
- April 7, 2023 - Advertisement in the local newspaper (Greeley Tribune)

Public Hearing Notice

Notification of this public hearing was completed in accordance with the Town's Municipal Code as follows:

- May 5, 2023 - Affidavit of mailing to surrounding property owners within 500 feet of the subject site property boundary + Town Board Member Wilson
- May 5, 2023 - Advertisement in local newspaper (Greeley Tribune)
- May 4, 2023 - Sign posted on property (adjacent to New Liberty Road)
- May 4, 2021 - Posted on Town website

Financial Impact:

Relationship to Strategic Plan:

The Strategic Plan does not specifically address oil and gas facilities.

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the conditional use grant to add the communications tower to the existing CUG. All previously approved CUG site-specific conditions shall remain.

CC:

PDC Energy, Inc., Applicant
Scott Ballstadt, Director of Planning

Attachments:

1. Raindance O&G Pad - CUG Application & Narrative
2. Raindance O&G Pad - CUG Site Plan

3. Zoning Certificate - O&G Raindance Pad (GWP) 2021
4. Staff Powerpoint_Raindance Pad CUG

Application for Conditional Use Oil & Gas Facilities and Mineral Extraction



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

(Type or print in black ink)

*Location of Project: Raindance 6N67W30 NESE

If approved, the Conditional Use Grant will be effective on the property regardless of transfer of ownership

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).

State Permit Number: 451100

Type of wells or facilities proposed: N/A

Number of wells proposed: N/A

Total land area to be used: existing DA

Present use of land: Oil and Gas Production Pad

Present zoning of land: Town of Windsor

Nearest existing structure(s): oil & gas

Nearest residential structure(s): 1680 Merlin Lane

Are any of these locations within a flood plain? Check one: Yes ☐ No ☒ Parcel #: 080730163002

Is there existing vehicular access? Check one: Yes ☒ No ☐ If no, show proposed new access roads on drawings.

If yes, from what road(s): private access road along east side of production pad

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 12th day of January, 20 23

PDC Energy Inc - Tisa Juanicorena

Applicant (please print)

Tisa Juanicorena

Applicant's Signature

970.506.9272

Phone (daytime)

Fax

Tisa.Juanicorena@pdce.com

Email

Raindance Aquatic Investments, LLC

Property Owner (please print)

[Signature]

Property Owner's Signature

970.460.1715

Phone (daytime)

Fax

mlind@watervalley.com

Email

Applicant's Representative (if any):

Name: _____

Phone: _____

Fax: _____

Email: _____

Application for Conditional Use

Oil & Gas Facilities and Mineral Extraction

Project Description:

PDC Energy, Inc. (PDC) submits this application for a Conditional Use Grant (CUG) for the Raindance Production Facility, located in the NESE of Section 30, Township 6 North, Range 67 West of the 6th P.M. within the Town of Windsor limits. The Facility is currently online.

PDC respectfully requests approval to add one (1) communication tower to support required SCADA and telemetry for the safe operations of PDC facilities and information gathering required by the State of Colorado and for the surveillance and broadband services for security and connectivity of PDC's remote workforce. Further information on the tower is as follows: The tower will not be lighted, and we will visit the tower monthly for visual inspection. The height of the tower is 40 feet tall and is a ROHN 45G self-support unit, completely hotdipped galvanized. It is built on a 16 ¾" equilateral triangle design, high strength tubular legs joined by zig-zag cross members, continuous solid round steel bracing antennas and mounts assumed symmetrically placed at the tower apex. In addition, this tower has a Mimosa N5 antenna, Mimosa B5, Mimosa B24 antenna, Mimosa C5X antenna, 12 VDC Battery Box, 12 VDC Solar Panel, 900 MHz Omni Antenna and a Verkada Camera on it. These tower designs are in accordance with approved national standard ANSI/EIA-222-F and ANSU/TIA-222G, Structure Class I, Exposures B and C, Topographic Category I. With the installation of this tower, PDC is able to gather valuable data from its oil and gas location including tank pressures and levels, vessel pressure, pipeline pressure, tubing/casing pressure, sales/transfer rates (of oil, gas and water), combustion rates, fired vessel temperatures, the status of valves, equipment, relays and permissives. Understanding these parameters allows PDC to confirm the following:

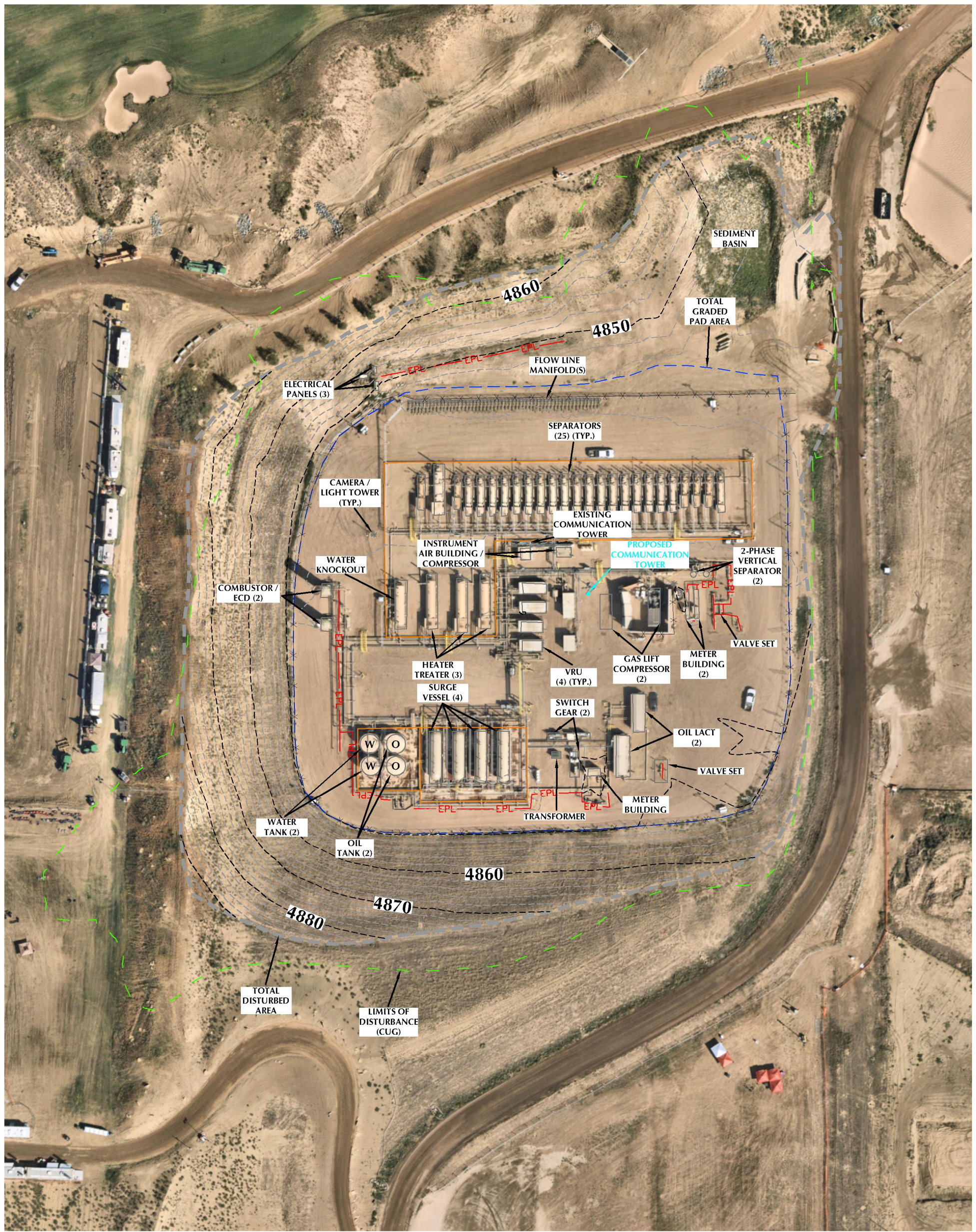
- ☐ All equipment is operating in its allowable pressure range
- ☐ All equipment is operating as intended (level control in vessels is functioning properly, rotating equipment online, gas fired heaters being controlled adequately, no flow restrictions, etc.)
- ☐ If any equipment has tripped and requires restart or troubleshooting
- ☐ If tanks are not venting from excessive pressure
- ☐ Combustors are online and tank emissions are being controlled
- ☐ Pressure controls on combustors are functioning as to not cause smoking
- ☐ No vents are left open
- ☐ Rotating equipment uptime (for permitting purposes)
- ☐ Any additional, unexpected operational upsets

In addition, this tower allows PDC to monitor Bradenhead psi before the start of completions operations and bring in high res data for off-site frac monitors.

Landscaping, grading and drainage will not be changed or impacted.

PDC inherited this location with the acquisition of Great Western and has audited and is updating the equipment to meet/exceed COGCC requirements. Please see equipment list for a detailed explanation of the changes for your records.

Revised August 2022



RAINDANCE FD OFF-SITE TANK PAD 20-202HNX - AS-BUILT SUMMARY

AS-BUILT AREAS
LIMITS OF DISTURBANCE (CUG) = 7.21 ACRES
TOTAL DISTURBED AREA = 6.37 ACRES
TOTAL GRADED PAD AREA = 3.36 ACRES

WELL PAD LEGEND

- EXISTING CONTOURS (2' INTERVAL)
- OIL AND GAS LOCATION
- EDGE OF GRADED PAD AREA
- EDGE OF DISTURBANCE
- EPL EXISTING PIPELINE
- EXISTING FENCE
- SECONDARY CONTAINMENT

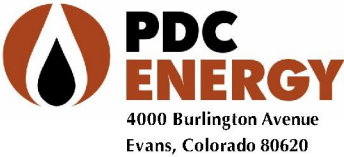


HORIZONTAL 0 40' 80' 1" = 80'
2' CONTOURS

SCALE: 1"=80' DATE: 1/3/23 SHEET NO: 1 OF 1
REVISED: JFE 1/4/23

RAINDANCE FD OFF-SITE TANK PAD 20-202HNX

AS-BUILT
LOCATED IN SECTION 30
T6N, R67W, 6TH P.M.
WELD COUNTY, COLORADO



4000 Burlington Avenue
Evans, Colorado 80620



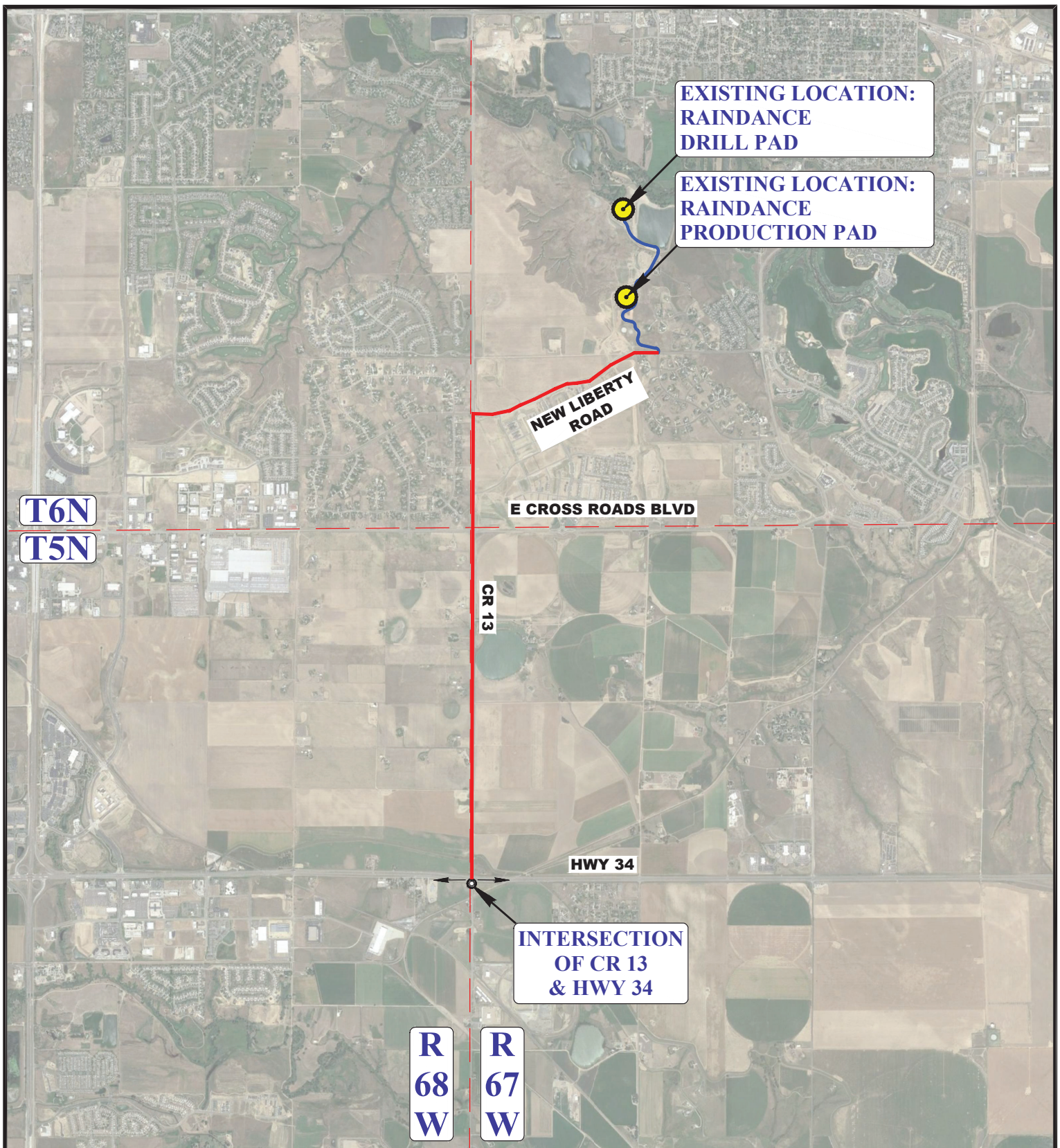
CONSULTING, LLC

LOVELAND OFFICE
6706 North Franklin Avenue
Loveland, Colorado 80538
Phone 970-776-4331
SHERIDAN OFFICE
1095 Saberton Avenue
Sheridan, Wyoming 82801
Phone 307-674-0609

Equipment List

Location: **Raindance**
 Description: **Section 30, Township 6N, Range 67 W**

Tank Battery Equipment		COGCC	Town of Windsor Permits		
		2A Location ID: 451100	CUG 2017	CUG 2021 E=Existing F=Future	Current Design NEW 2023 CUG Permit
500 bbl Tanks for Oil		10	10	6	2
400 bbl Tanks for Water		2	2	2	2
Separator		25	25	14E/16F	25
ECD/VOC Combustor/Burner		4	4	2E/1F	2
VRU				3E/1F	4
Compressors		3	2		
Water Knockout		1	1	F1	1
Knockout Drum				5E/4F	
Water Pump		1	2	2	
Heater Treater		5	5	2E/2F	3
Flow Line Manifolds			yes	yes	yes
Surge Vessel				2E/2F	4
Two Phase Vertical Separators				3	2
Automation System/RTU				1F	
Communication Tower - 30'					1
Communication Tower - 40'					1
Instrument Air				1	2
Generator/Transformer**					1
Camera/Light Tower					1
Electrical Panels				1	3
LACT		2	2	3E/1F	2
Meters		2	2	2	3
Valve Set					2
Switch Gear					2
Gas Lift				1	2



LEGEND:

- EXISTING LOCATIONS
- TRUCK HAUL ROUTE

GREAT WESTERN OPERATING COMPANY

RAINDANCE PRODUCTION AND DRILL PAD
NE 1/4 SE 1/4, SECTION 30, T6N, R67W, 6th P.M.
WELD COUNTY, COLORADO



DRAWN BY: S.L.N.	DATE DRAWN: 01-26-21
SCALE: 1 : 4,000	REVISED: SLN 02-11-21
TRUCK ROUTE MAP	



UELS, LLC
Corporate Office * 85 South 200 East
Vernal, UT 84078 * (435) 789-1017

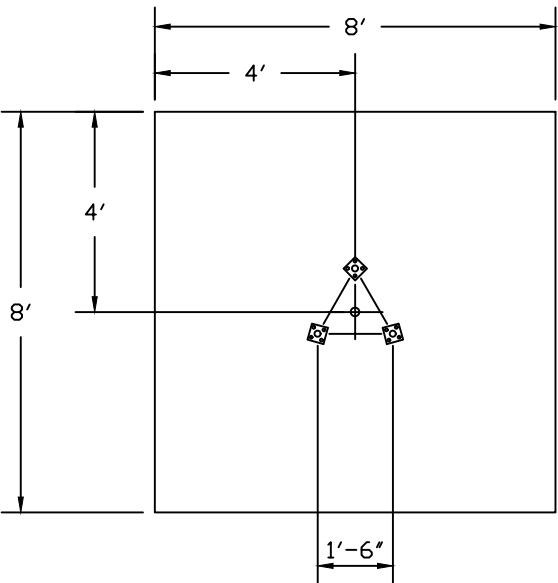
*** USE FOR CONSTRUCTION ***

LOADS

ELEV.	ITEM	FEEDLINE
40'	LIGHTNING ROD	NA
40'	LAIRD 900 MHZ 2' OMNI	LMR400
39'	MIMOSA C5X-BD3 N5-X25	BELDEN 7919A
39'	FORTINET AP U422EV ODU	BELDEN 7919A
38'	YZ NET PTZ CAMERA	BELDEN 7919A
10'	YZ NET PTZ CAMERA	BELDEN 7919A

MEMBER SIZES

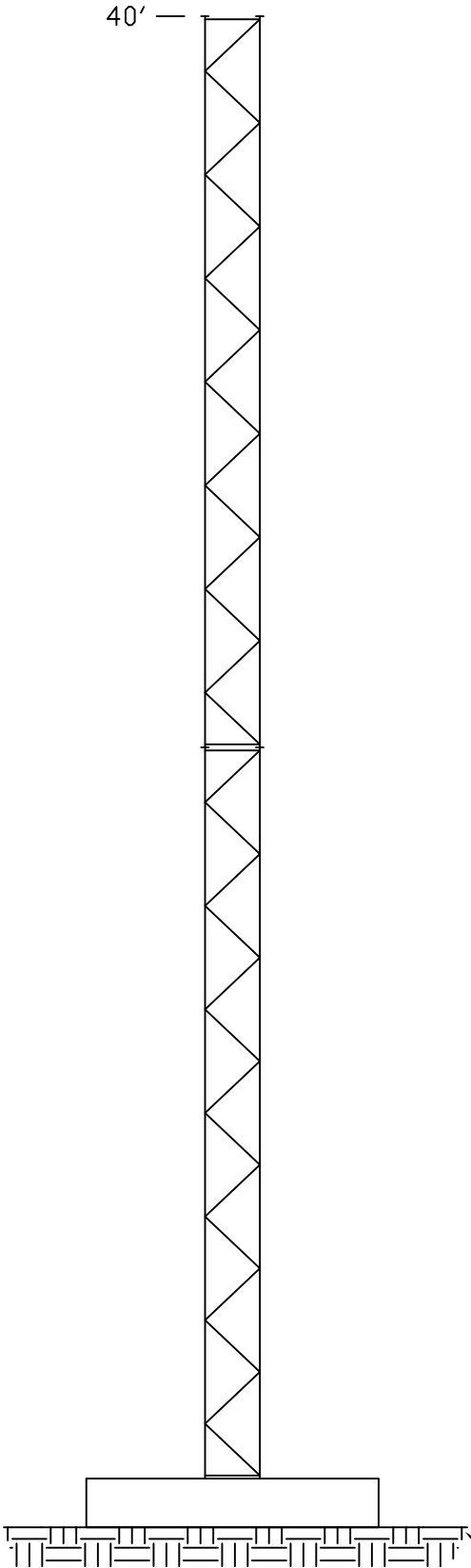
ELEVATION	TOP WIDTH	BOTTOM WIDTH	LEG SIZE	DIAGONAL SIZE	HORIZONTAL SIZE
40'-0'	18"	18"	1 1/2"Ø S.R.	5/8"Ø S.R.	1"Ø S.R.



PLOT VIEW

FACTORED REACTION FORCES

TOTAL FORCES
O.T.M. = 19.8 KIP-FT (5.5 KIP-FT W/ICE)
AXIAL (TOTAL) = 1.5 KIPS (1.8 KIPS W/ICE)
SHEAR (TOTAL) = 0.7 KIPS (0.2 KIPS W/ICE)



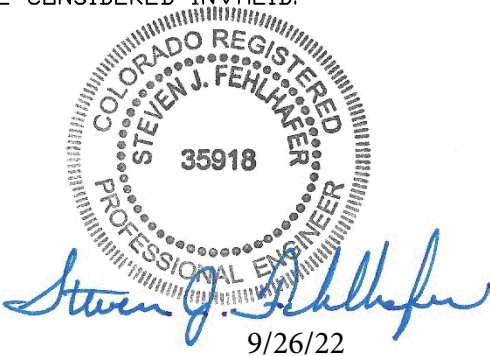
ELEVATION VIEW

GREAT PLAINS TOWERS ABOVE GRADE BASE
8' X 8' X 16" BALLAST TRAY
FILLED WITH CONCRETE (APPROX. 3.2 C.Y.)
PREPARED GROUND SURFACE SHALL BE LEVEL AND BARE GROUND

SITE:	RAINDANCE, WELD CO., CO
HEIGHT:	40' GPT BALLAST TOWER
DESIGN CODE:	IBC-2018/TIA-222-H
WIND:	110 MPH NO ICE 50 MPH 1/4" ICE
EXPOSURE CATEGORY:	C
TOPOGRAPHIC CATEGORY:	1
RISK CATEGORY:	2
REVISION:	

NOTES

- DESIGN MEETS THE BUILDING CODE AND TOWER STANDARD LISTED ABOVE.
- SOLID ROD STEEL SHALL BE ASTM A572-50. ALL OTHER STEEL SHALL BE ASTM A36 (36 KSI YIELD STRENGTH).
- ALL STEEL SHALL BE HOT DIPPED GALVANIZED PER ASTM A123/A153.
- ALL CONNECTIONS SHALL BE DESIGN TO CARRY THE CAPACITY OF THE CONNECTING MEMBERS.
- ALL CONNECTIONS (WELDED AND BOLTED) SHALL CONFORM TO THE AISC "MANUAL OF STEEL CONSTRUCTION" LATEST EDITION.
- IF ANY ITEM OF THE COMPLETED STRUCTURE VARIES FROM WHAT IS SHOWN ON THIS DRAWING, THE CERTIFICATION BY TOWERKRAFT ENGINEERING SHALL BE CONSIDERED INVALID.



THIN AIR COMMUNICATIONS		
5357 HIGHWAY 86, UNIT 2 ELIZABETH, CO 80107		
TOWERKRAFT PROJECT NO.	9500	
TITLE: TOWER DATA SHEET		
TOWERKRAFT ENGINEERING 4423 ALVO ROAD UTICA, NE 68456 (402) 646-0031	BY: SJF	DATE: 9/26/22
DWG. NO.	9500-DS	PAGE 1 OF 1



**DECISION OF
THE WINDSOR PLANNING COMMISSION AND
THE WINDSOR TOWN BOARD
ZONING CERTIFICATE**

This certificate is evidence that on June 16, 2021, the Windsor Planning Commission and on June 28, 2021, the Windsor Town Board granted to:

**Great Western Petroleum
Applicant
and
Martin Lind
Raindance Aquatic Investments, LLC**

owner(s) of property interests described as follows:

**Raindance Subdivision 8th Filing, Tract J
Windsor, Colorado 80550**

A Conditional Use Grant for oil and gas facilities for thirty-six (36) oil and gas wells located on two pads known as the Raindance Drilling and Production Pads, Tract J of Raindance Subdivision 8th Filing (formally known as, Water Valley West Subdivision, Lot 5), approximately one mile west of 7th Street and approximately ¾ mile north of New Liberty Road in the Residential Mixed Use (RMU-1) / PUD (Planned Unit Development) zoning district.

Approval of the Conditional Use Grant is subject to the following conditions:

1. All Town Board and staff comments be addressed.
2. The truck hauling route shall remain in accordance with Exhibit A attached hereto, unless otherwise approved by the Town.
3. During the applicable months and periods school is in session, truck hauling periods shall avoid before and after school traffic (7:30 a.m. – 8:15 a.m. and 2:45 p.m. - 3:30 p.m.), and avoid peak times of commuter traffic (7:00 a.m. – 8:30 a.m. and 4:30 – 6:00 p.m.).
4. All landscape screening shown on plan shall be completed no later than 60 days after the initial drilling phase and shall not be postponed until development of the golf course. Irrigation shall be included to ensure establishment of all plant materials.
5. Sound walls shall be setback a minimum of 30 feet from the Poudre Trail temporary and permanent trails.
6. The Town's standard conditions of approval for oil and gas facilities, with amendments, as noted:
 1. Prior to the commencement of drilling, the applicant shall submit comprehensive "Drilling and Site Improvement Plans" for review and approval by the Town. Such plans

shall address initial drilling activities, initial installation of site improvements and details, and on-going perpetual maintenance of the subject site including, but not limited to, the following:

- a. Site access plan. The Drilling and Site Improvement Plans and supplemental information shall address site access points and haul routes for review and approval.
- b. Public street clean-up and tracking prevention. The Drilling and Site Improvement Plans and supplemental information shall include a tracking pad for review and approval.
- c. Site grading. The Drilling and Site Improvement Plans and supplemental information shall address site grading, including any earth berms for emergency containment.
- d. Site lighting. The Drilling and Site Improvement Plans and supplemental information shall include details regarding site lighting fixtures and locations. Security and other site lighting shall utilize full cutoff light fixtures to mitigate light pollution.
- e. Temporary screening. The applicant shall install a buffer to screen the initial drilling activities and installation of site improvements from surrounding neighborhoods and streets. The temporary buffer/sound walls shall enclose the drilling operations to provide screening and noise mitigation barriers in the direction of nearby homes, as appropriate.
- f. Permanent screening. Given the close proximity to residential neighbors, the Drilling and Site Improvement Plans shall depict proposed long-term screening materials including landscaping, earth berms and any other screening methods to mitigate visual impacts.
- g. Fencing. The Drilling and Site Improvement Plans shall depict fencing of the perimeter of the site. Fencing materials shall be reviewed for approval by the Town based upon the character of the surrounding neighborhood.
- h. Oil and gas equipment.
 - (1) The applicant shall utilize electric motors in order to mitigate the noise impacts to the neighboring properties. The applicant shall utilize noise dampening methods consistent with the best management practices (BMPs) utilized in the basin. Such methods include, but are not limited to, sound walls, blankets, and other noise mitigation installed at the source of any equipment creating such noise. Noise mitigation methods known as "Quite Fleet Technology," utilized by Liberty Oilfield Services, shall be used as examples of BMPs to be replicated.
 - (2) The applicant shall ensure that the wells and tanks are of the minimum size required to satisfy present and future functional requirements to mitigate visual impacts.
 - (3) Low profile tanks shall be utilized and shall be installed in the least visible manner possible.

- (4) All tanks and equipment shall be painted to blend-in with the surrounding landscape.
- i. Air quality.
 - (1) The applicant shall participate in any required Environmental Protection Agency (EPA) air quality monitoring and/or testing by allowing EPA to install equipment on site for said monitoring and testing.
 - (2) The applicant shall install and operate an emissions control device (ECD) capable of reducing Volatile Organic Compound (VOC) emissions on the subject oil and gas equipment in accordance with Colorado Oil and Gas Conservation Commission (COGCC) and/or the Colorado Department of Public Health and Environment (CDPHE) rules and regulations.
 - (3) The applicant shall submit to the Town copies of all air emissions reporting as required by the COGCC and/or the CDPHE's Air Pollution Control Division.
- j. Water quality.
 - (1) The applicant shall ensure that any hydrocarbon discharges from the site comply with all state and federal water quality requirements. Any hydrocarbon discharges shall be properly reported to COGCC, and remediated according to COGCC requirements in all cases. Reportable hydrocarbon discharges shall also be reported to the Windsor Local Government Designee (LGD).
 - (2) The applicant shall provide test results from Groundwater Baseline Sampling and Monitoring required by COGCC Rule 318A.e(4) to the Town. (condition updated 10/28/13 to reflect updated COGCC rule)
- k. Emergency containment. The secondary containment berm surrounding all storage vessels shall be designed and constructed to contain a minimum of 110% of the volume of the largest vessel located within the containment area or to State of Colorado standards, whichever requirements are more stringent.
- l. Waste disposal. The applicant shall submit to the Town copies of all waste management reports as required by the COGCC and/or the CDPHE rules and regulations.
- m. The following certification blocks shall be included on the Drilling and Site Improvement Plans:
 - (1) A signed owner's acknowledgement certification block.
 - (2) A signed drilling operator's acknowledgement certification block.
- n. The following notes shall be included on the Drilling and Site Improvement Plans:
 - (1) The applicant shall comply with all rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC).
 - (2) The applicant shall comply with all rules and regulations of the Colorado Department of Public Health and Environment (CDPHE).
 - (3) The applicant shall maintain on-going compliance with all conditions of the Town and Windsor-Severance Fire Rescue.

- (4) The facilities shall be kept clean and otherwise properly maintained at all times.
 - (5) If access to the site is proposed from a Town of Windsor street, such access point(s) shall require approval from the Town of Windsor Engineering Department and any required access improvements, street clean-up, tracking pads, etc., shall be addressed accordingly.
2. The applicant shall address and comply with the conditions of Windsor-Severance Fire Rescue.
3. All trucks and equipment that are used by primary contractors of Great Western Oil and Gas Company (e.g. drilling, completions, roustabout services) exclusively on the location during drilling and completion activities will be equipped with white noise backup alarms. As per OSHA regulations, in cases where rear view cameras and/or spotters are used 100% of the time, the truck or equipment will not have a backup alarm.

Attachments:

Drilling and Site Improvement Plan
Hauling Route

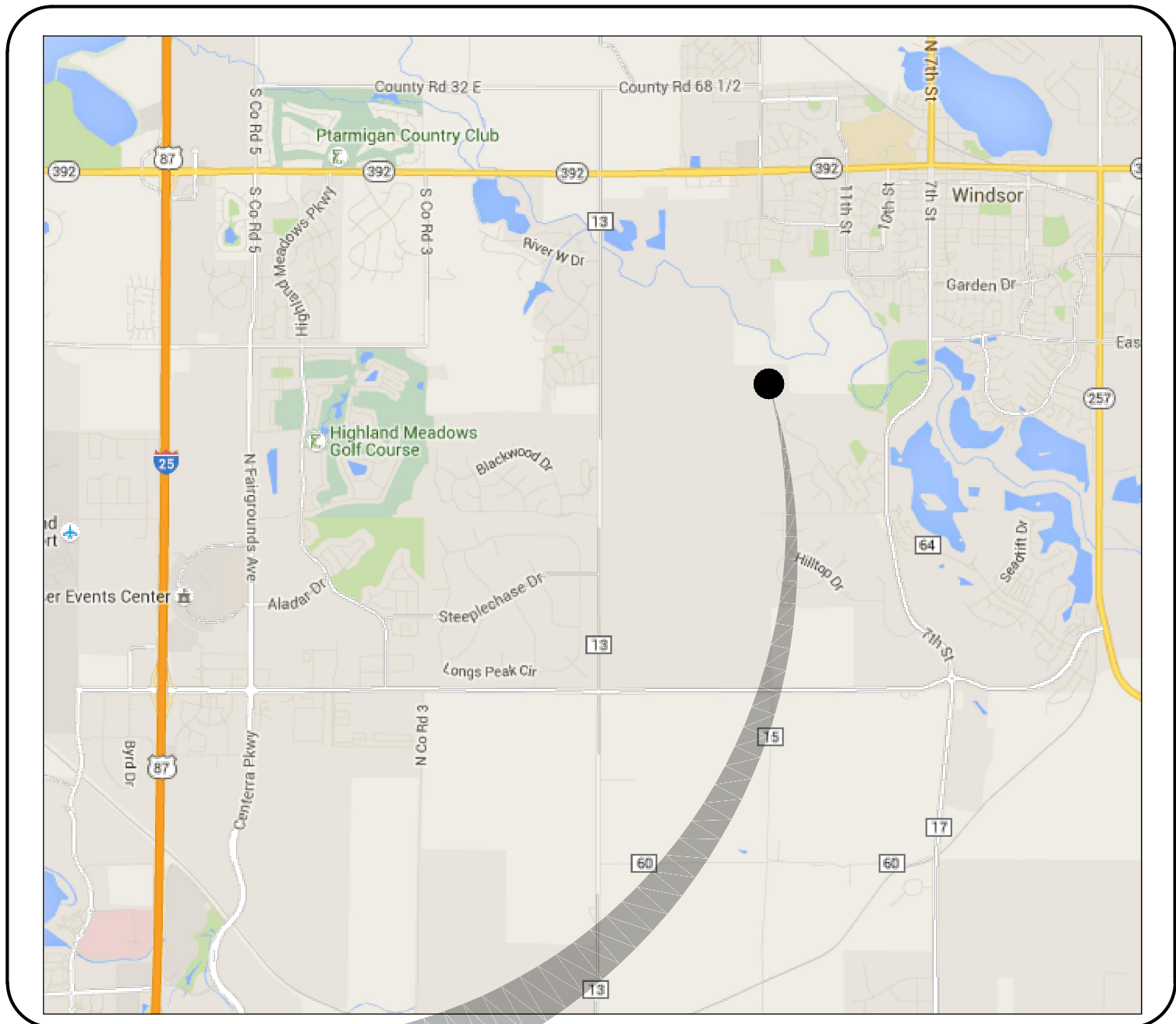
pc: Mayor Paul Rennemeyer
Gale Schick, Chairman, Windsor Planning Commission
Shane Hale, Town Manager
Community Development Department, Planning and Engineering staff
Philip Hancock, Great Western Petroleum, Applicant/Surface Land Manager
Susan Fakharzadeh, Great Western Petroleum, Applicant Representative/VP, Corporate Communications & Government Affairs
Martin Lind, Raindance Aquatics Investments, LLC, Property Owner

DRILLING AND SITE IMPROVEMENT PLANS

GREAT WESTERN OPERATING COMPANY

RAINDANCE PADS

LOCATED IN THE EAST HALF OF SECTION 30, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M.
PART OF TRACT J OF THE RAINDANCE 8TH FILING
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



PROJECT
LOCATION

VICINITY MAP

CONTACT INFORMATION

PROPERTY OWNER

Raindance Aquatic Investments, LLC
1625 Pelican Lakes PT, Suite 201
Windsor, Colorado 80550

APPLICANT / OPERATOR

Great Western Operating Company
1001 17th Street, Suite 2000
Denver, Colorado 80202
(303) 398-0302

CIVIL ENGINEER / SURVEYOR

Uintah Engineering & Land Surveying, LLC
Headquarters
85 South 200 East
Vernal, Utah 84078
(435) 789-1017

Colorado Branch
3313 35th Ave. #B
Evans, CO 80620
(970) 506-1544



PREPARER'S CERTIFICATE

I CERTIFY THAT THIS SITE PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

CHRISTOPHER J. CLARK, PE
PREPARER OF SITE PLAN

REGISTERED PROFESSIONAL ENGINEER
REGISTRATION NO. 45606
STATE OF COLORADO

DESCRIPTION

A PLAT OF A PARCEL OF LAND IN THE TOWN OF WINDSOR, COUNTY OF WELD, COLORADO, LOCATED IN THE EAST 1/2, SECTION 30, T6N, R67W, OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT J, SUBDIVISION RAINDANCE 8TH FILING, RECORDED IN THE COUNTY OF WELD, COLORADO, ON MAY 15, 2020, UNDER BOOK _____, PAGE _____, RECEPTION NUMBER 4590846.

SURFACE PROPERTY OWNER

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, HEREBY ACKNOWLEDGE THAT THE SUBJECT PROPERTY HAS BEEN PLANNED FOR MINERAL EXTRACTION UNDER THE NAME OF: RAINDANCE PADS DRILLING AND SITE IMPROVEMENTS PLAN.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE _____ DAY OF _____, 2021.

OWNER: RAINDANCE AQUATIC INVESTMENTS, L.L.C., A COLORADO LIMITED LIABILITY COMPANY

MARTIN LIND, MANAGER

NOTARIAL CERTIFICATE:

STATE OF _____)

COUNTY OF _____)SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MARTIN LIND, THIS _____ DAY OF _____, 2021.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

(SEAL)

MINERAL EXTRACTION OPERATOR

IT IS HEREBY ACKNOWLEDGED THAT ALL MINERAL EXTRACTION/DEVELOPMENT OF THIS PROPERTY WILL BE IN STRICT ACCORDANCE WITH THESE PLANS. IT IS FURTHER ACKNOWLEDGED THAT DEVIATION FROM THESE PLANS WITHOUT THE EXPRESS WRITTEN CONSENT OF THE TOWN OF WINDSOR MAY RESULT IN REVOCATION OF THE TOWNS APPROVAL OF THESE PLANS, INJUNCTIVE RELIEF PROHIBITING USE OF THE SUBJECT OIL AND GAS SITE, AND OTHER REMEDIES AVAILABLE TO THE TOWN UNDER THE WINDSOR MUNICIPAL CODE AND OTHER APPLICABLE LAWS OF THE STATE OF COLORADO

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HAVE CAUSED THE SUBJECT PROPERTY TO BE PLANNED FOR MINERAL EXTRACTION AND HAVE A LEGAL RIGHT TO EXTRACT THE MINERALS UNDER THE NAME OF THE RAINDANCE PADS DRILLING AND SITE IMPROVEMENTS PLAN.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE _____ DAY OF _____, 2021.

SIGNATURE OF OPERATOR

NOTARIAL CERTIFICATE:

STATE OF _____)

COUNTY OF _____)SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____

THIS _____ DAY OF _____, 2021.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

(SEAL)

BENCHMARKS

Coordinate Control

VERTICAL DATUM:
PROJECT DATUM: NAVD88

BENCHMARK #54: 3 1/4" Aluminum cap set in concrete marked "WIN 66.5-13, 1997", in the vicinity of 42-feet east of the centerline on Weld County Road 13 and 1.5-feet southwest of the gas valve guard fence, 1/2 mile south of Weld County Road 66 in the vicinity of 1/4 corner section 30.

NAVD 1988 Elevation: 4956.197
NGVD 1929 Elevation: 4953.142

BENCHMARK #56: 3 1/4" Brass cap set in concrete marked "WAGNER, 1996, NGS", in the vicinity of the southeast corner of Section 29, T6N, R67W, 31-feet north of center line Weld County Road 64, 27-feet south southeast of southwest fence corner and approximately 500' south southeast of the water tank.

NAVD 1988 Elevation: 4971.756
NGVD 1929 Elevation: 4968.699

NOTE: THIS PLAN SET IS USING NAVD 88 FOR A VERTICAL DATUM.

CALL UTILITY NOTIFICATION CENTER OF COLORADO



Know what's below.
Call before you dig.

CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

GREAT WESTERN OPERATING COMPANY
RAINDANCE PADS - TRACT J - RAINDANCE 8TH FILING
DRILLING AND SITE IMPROVEMENTS PLAN
E 1/2 Section 30, T6N, R67W, 6th P.M.
WELD COUNTY, COLORADO

REV	DATE	BY	REVISIONS
1	04/21/2021	CJC	REVISED PER BLOCKS ON COVER
2	06/21/2021	CJC	REVISED CUG PLAN SET 2021
3	06/26/2021	CJC	UPDATE COMPANY NAME AND PHONE NUMBER

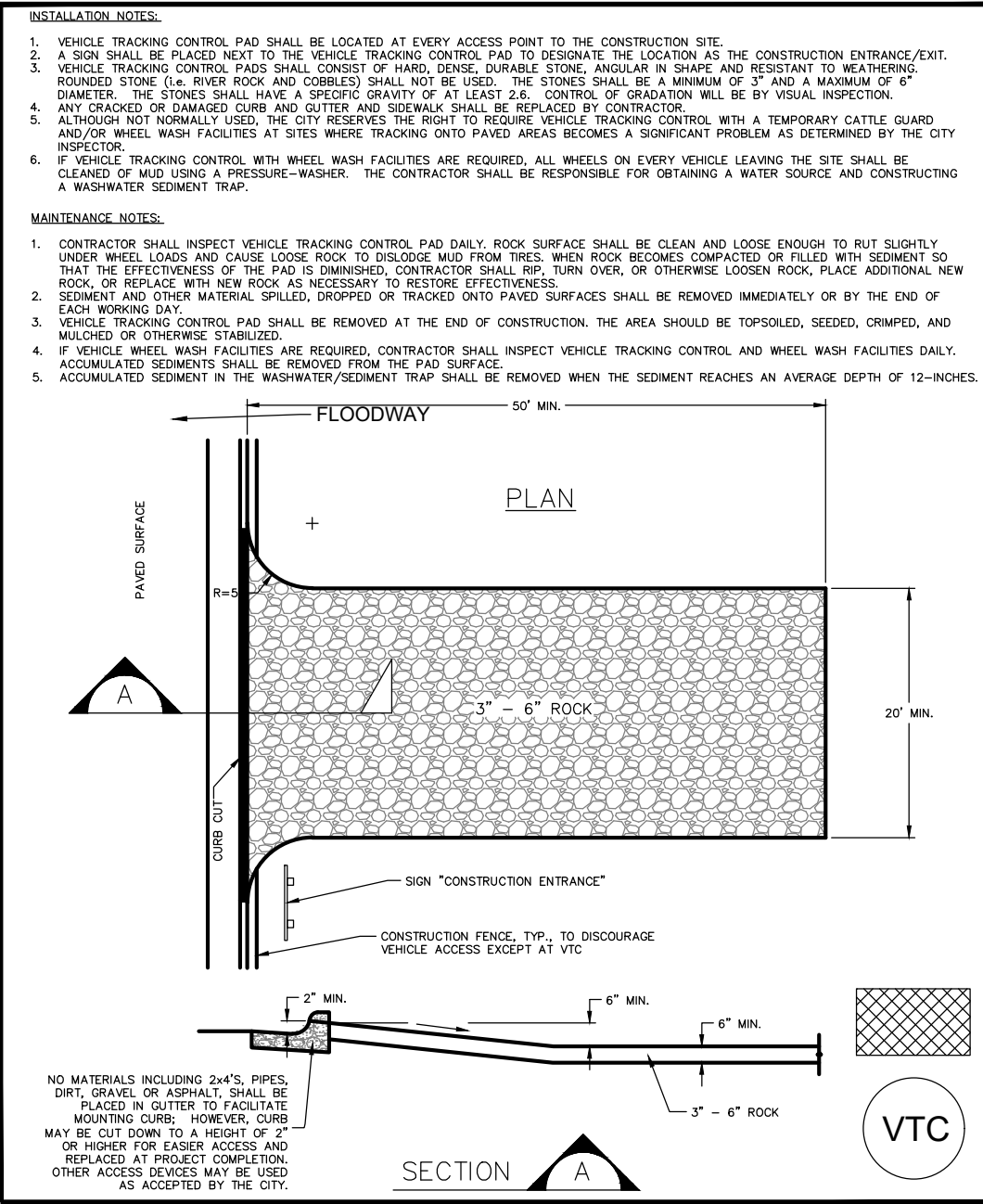
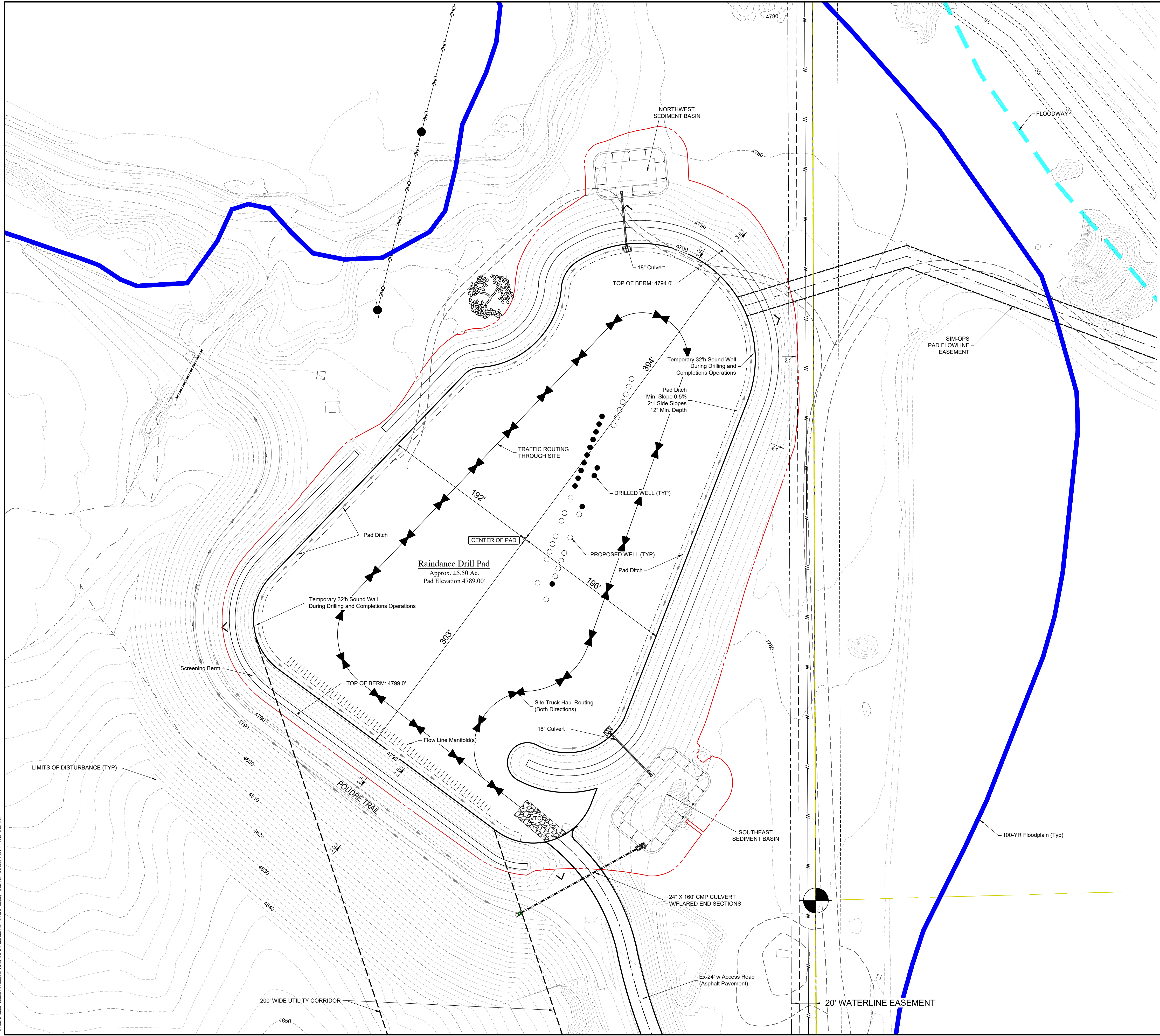
RESPONSIBLE ENGINEER:

COVER SHEET

SCALE: NTS
DRAWN BY: CJC
DATE DRAWN: 04-21-2021
UTLS FILE NO: G - 1 2 8 9
PROJ NO: GR004-19-0282
FILE: 2 4 8 0 3

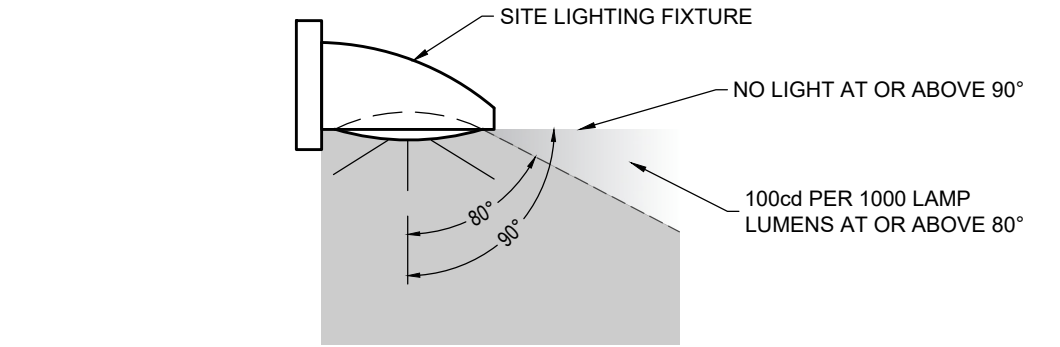
SHEET

C1



VEHICLE CONTROL TRACKING PAD

NOT TO SCALE



UINTAH
ENGINEERING & LAND SURVEYING
CIVIL AND STRUCTURAL
ENGINEERING AND
LAND SURVEYING SERVICES

85 South 200 East, Vernal, UT 84078
O: 435.789.1017
www.uintahgroup.com

- SINCE 1964 -

GREAT WESTERN OPERATING COMPANY

RAINDANCE PADS - TRACT J - RAINDANCE 8TH FILING

DRILLING AND SITE IMPROVEMENTS PLAN

E 1/2 Section 30, T6N, R67W, 6th P.M.

WELD COUNTY, COLORADO

REV	DATE	BY	REASON FOR CHANGE	REVISIONS
1	04/21/2021	C.J.C.	REVISED EIR, BLOCKS ON COVER	
2	04/21/2021	C.J.C.	REVISED CUG PLAN SET 2021	
3	06/02/2021	C.J.C.	UPDATE COMPANY NAME AND PHONE NUMBER	

RESPONSIBLE ENGINEER:

DRILLING PHASE - DRILL PAD

SCALE: 1" = 60'

DRAWN BY: C.J.C.

DATE DRAWN: 04-21-2021

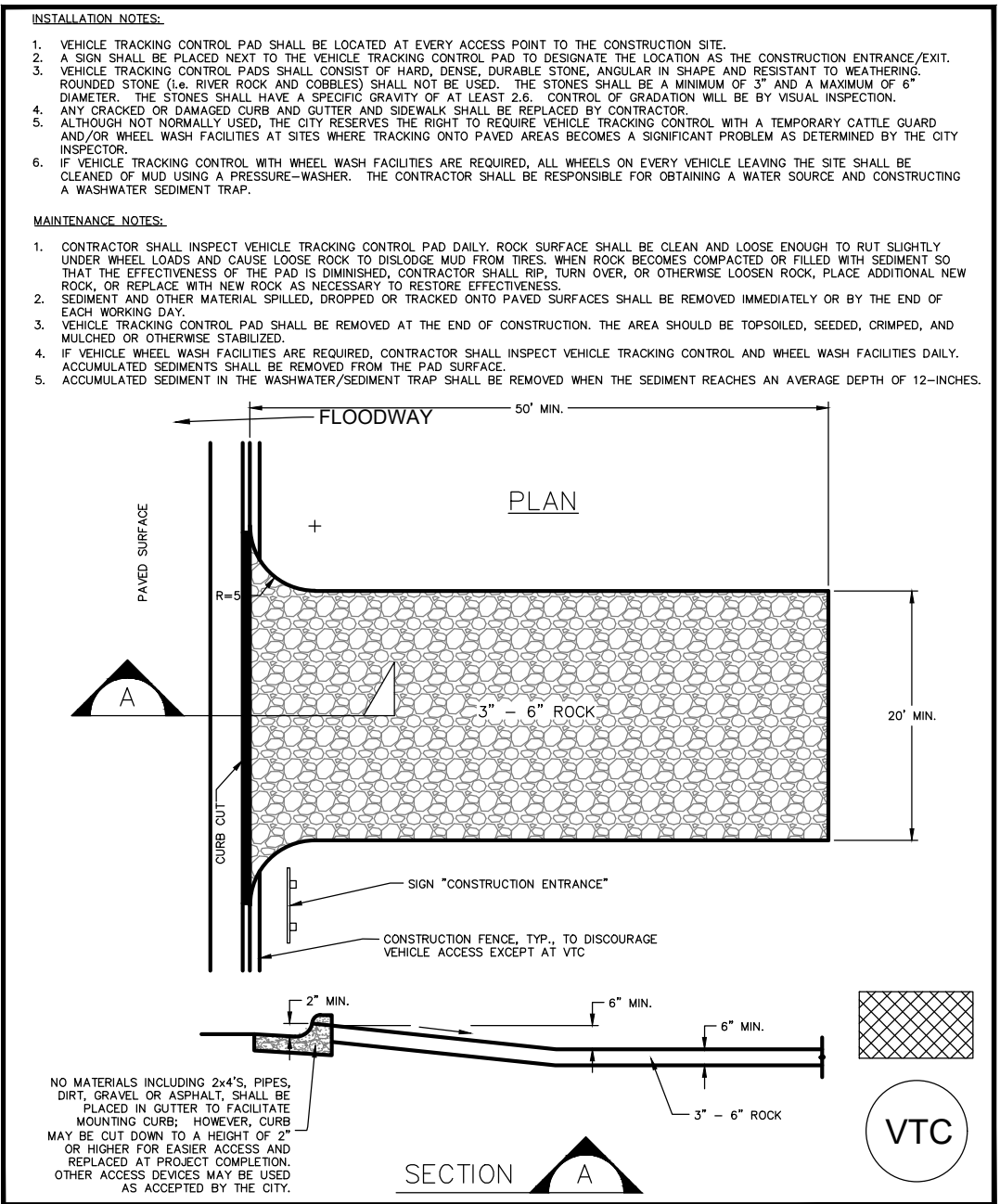
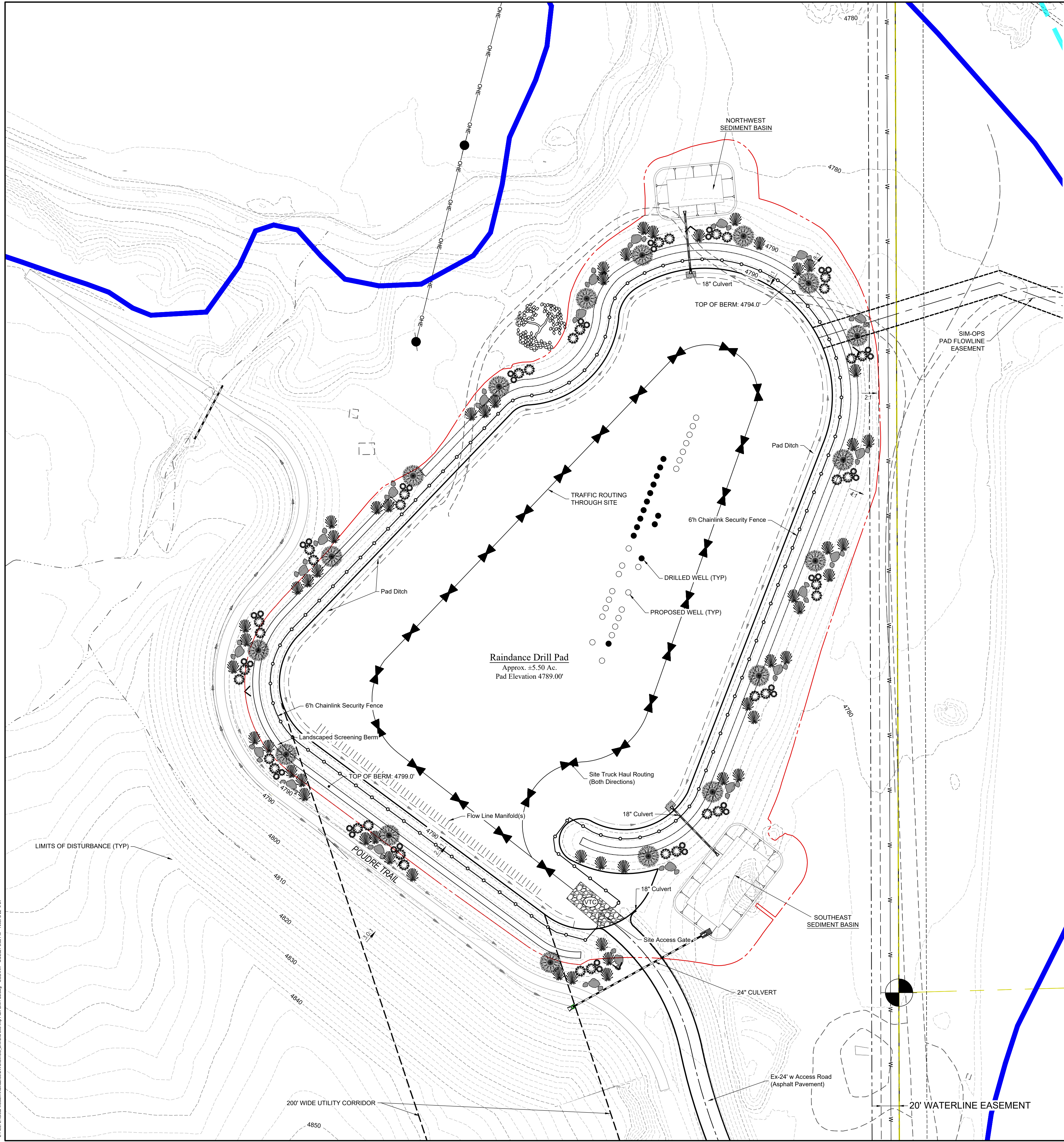
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PROJ. NO: GRE04-19-0282

FILE: 2 4 8 0 3

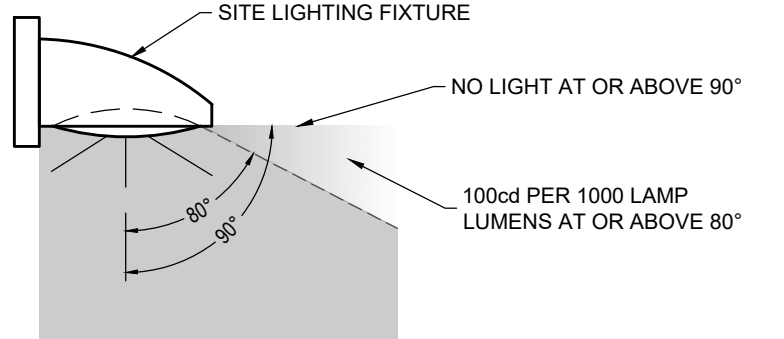
SHEET

C2



VEHICLE CONTROL TRACKING PAD 

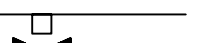
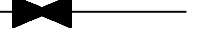
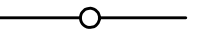
NOT TO SCALE



FULL CUT-OFF SITE LIGHTING DETAIL

NOT TO SCALE

- NOTES:**
- THE APPLICANT SHALL COMPLY WITH ALL RULES AND REGULATIONS OF THE COLORADO OIL AND GAS CONSERVATION COMMISSION (COGCC).
 - THE APPLICANT SHALL COMPLY WITH ALL RULES AND REGULATIONS OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE).
 - THE APPLICANT SHALL MAINTAIN ON-GOING COMPLIANCE WITH ALL CONDITIONS OF THE TOWN AND WINDSOR-SEVERANCE FIRE RESCUE.
 - THE FACILITIES SHALL BE KEPT CLEAN AND OTHERWISE PROPERLY MAINTAINED AT ALL TIMES.
 - IF ACCESS TO THE SITE IS PROPOSED FROM A TOWN OF WINDSOR STREET, SUCH ACCESS POINT(S) SHALL REQUIRE APPROVAL FROM THE TOWN OF WINDSOR ENGINEERING DEPARTMENT AND ANY REQUIRED ACCESS IMPROVEMENTS, STREET CLEAN-UP, TRACKING PADS, ETC., SHALL BE ADDRESSED ACCORDINGLY.
 - ALL TRUCKS AND EQUIPMENT SHALL BE EQUIPPED WITH AND UTILIZE WHITE NOISE BACKUP ALARMS.
 - ALL TANKS AND EQUIPMENT SHALL BE PAINTED TO BLEND-IN WITH THE SURROUNDING LANDSCAPE.
 - LOW PROFILE TANKS SHALL BE UTILIZED.
 - SECURITY AND OTHER SITE LIGHTING SHALL UTILIZE FULL CUTOFF LIGHT FIXTURES TO MITIGATE LIGHT POLLUTION.
 - PAD WILL BE SURFACED WITH A LAYER OF AGGREGATE BASE FOR PAD STABILIZATION AND ALL-WEATHER TRAFFIC.
 - SECONDARY CONTAINMENT FOR STORAGE VESSELS WILL BE CONSTRUCTED USING A LINER AND METAL PERIMETER DIKE. CONTRACTOR TO DESIGN SECONDARY CONTAINMENT VOLUME TO CONTAIN A MINIMUM OF 110% OF THE VOLUME OF THE LARGEST VESSEL LOCATED WITHIN THE CONTAINMENT AREA OR TO STATE OF COLORADO STANDARDS, WHICHEVER REQUIREMENTS ARE MORE STRINGENT.
 - LANDSCAPING SHALL BE INSTALLED WITHIN 60 DAYS OF THE COMPLETION OF DRILLING ACTIVITIES.
 - LANDSCAPING SHOWN IS SCHEMATIC. FINAL LAYOUT, TREE, SHRUB, AND GRASSES SPECIES SELECTION, AND SPACING SHALL BE APPROVED BY LAND OWNER, MARTIN LIND. COORDINATION OF FINAL LANDSCAPING DESIGN WITH TOWN OF WINDSOR IS REQUIRED.
 - BERMS AND SLOPES SHALL BE VEGETATED WITH A JACKLIN IRISH LINKS GRASSES SEED MIX AT A SPREAD RATE OF 75 LBS/ACRE, PER LAND OWNER.
 - A LANDSCAPE IRRIGATION SYSTEM SHALL BE INSTALLED TO PROVIDE ONGOING WATERING. THE LANDSCAPING SHALL BE MAINTAINED BY GREAT WESTERN OIL & GAS OR BY A CONTRACTED LANDSCAPING COMPANY FOR A MINIMUM OF ONE YEAR FROM INSTALLATION.

- LEGEND:**
-  PROPOSED PAD EDGE
 -  LIMITS OF DISTURBANCE
 -  TEMPORARY SOUND WALL
 -  TRAFFIC ROUTING THROUGH SITE
 -  CHAINLINK FENCE
 -   VEHICLE TRACKING PADS
 -  EVERGREEN TREE
 -  SHRUB GROUPING (SPECIES COMMON TO LOCALITY)
 -  LANDSCAPING ROCK GROUPING - 3 FT TO 6 FT DIAMETER
 -  FOUNTAIN GRASSES (COMMON TO LOCALITY)

UINTAH
ENGINEERING & LAND SURVEYING
CIVIL AND STRUCTURAL
ENGINEERING AND
LAND SURVEYING SERVICES
85 South 200 East, Vernal, UT 84078
O: 435.789.1017
www.uintahgroup.com
-SINCE 1964-

GREAT WESTERN OPERATING COMPANY
RAINDANCE PADS - TRACT J - RAINDANCE 8TH FILING
DRILLING AND SITE IMPROVEMENTS PLAN
E 1/2 Section 30, T6N, R67W, 6th P.M.
WELD COUNTY, COLORADO

REV	DATE	BY	REVISIONS
1	04/21/2021	C.J.C.	REVISION: ERE BLOCKS ON COVER
2	04/21/2021	C.J.C.	REVISION: CUG PLAN SET 2021
3	04/28/2021	C.J.C.	UPDATE COMPANY NAME AND PHONE NUMBER

RESPONSIBLE ENGINEER:

PRODUCTION PHASE -
DRILL PAD

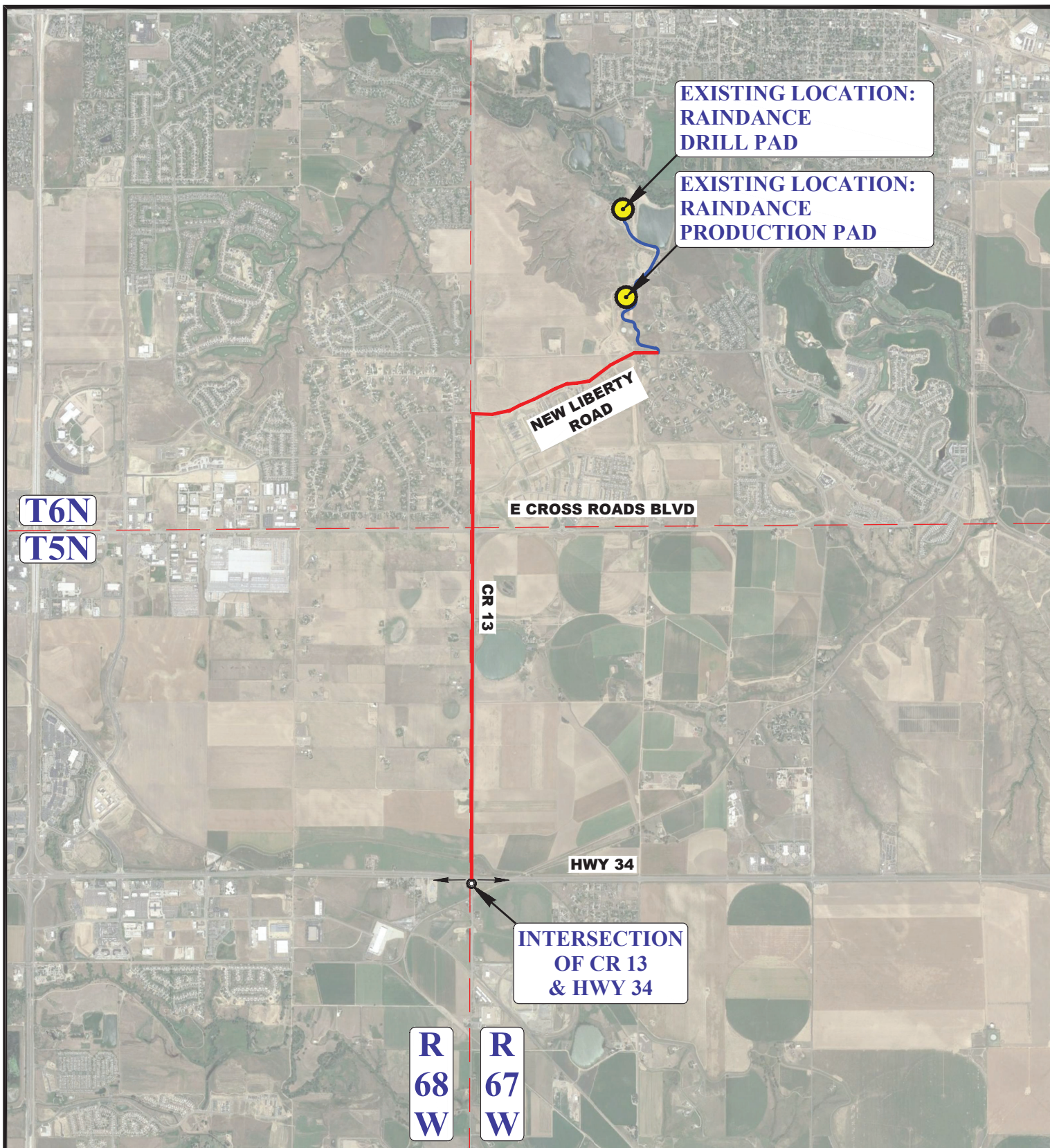
SCALE: 1" = 60'
DRAWN BY: C.J.C.
DATE DRAWN: 04-21-2021
UELS FILE NO: G - 1 2 8 9
PROJ NO: GRE04-19-0282
FILE: 2 4 8 0 3

SHEET
C3



3313 35th Ave., Suite B
Evans, CO 80620
☎: 435.789.1017
www.uintahgroup.com

Appendix A – Haul Route Map



LEGEND:



EXISTING LOCATIONS
TRUCK HAUL ROUTE

GREAT WESTERN OPERATING COMPANY

RAINANCE PRODUCTION AND DRILL PAD
NE 1/4 SE 1/4, SECTION 30, T6N, R67W, 6th P.M.
WELD COUNTY, COLORADO



DRAWN BY: S.L.N.	DATE DRAWN: 01-26-21
SCALE: 1 : 4,000	REVISED: SLN 02-11-21
TRUCK ROUTE MAP	



UELS, LLC
Corporate Office * 85 South 200 East
Vernal, UT 84078 * (435) 789-1017



Conditional Use Grant

For Oil & Gas Facilities

Raindance Pad – Raindance
Subdivision 21st Filing

Carlin Malone, Chief Planner

Planning Commission – May 17, 2023



Conditional Use Grant

Article II, Chapter 14 of the Municipal Code outlines the intent of the Conditional Use Grant process, including:

Section 14-2-130 – Conditional Use Permit

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 Chapter, 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 Chapter, to prohibit the granting of *conditional uses* in any zone when such *use* is allowed as a *use* by right in any other zone.

Conditional Use Grant

Sec. 16-5-20. Oil and gas facilities.

- a) Oil and gas facilities, as defined in this Chapter, shall be permitted as a conditional use in all zoning districts.*
- b) Oil and gas facilities as conditional uses shall be subject to approval by the Town Board of the conditions hereinafter specifically set forth in lieu of those conditions applicable to conditional uses generally, as set forth in this Code.*
- c) Based upon specific site characteristics, which shall include but shall not be limited to nature and proximity of adjacent development; prevailing weather patterns, including wind direction; vegetative cover on or adjacent to the site; and topography of the site, the Town Board may, as a condition of approval of any conditional use grant, require any or all of the following methods to mitigate adverse impacts on surrounding properties:*

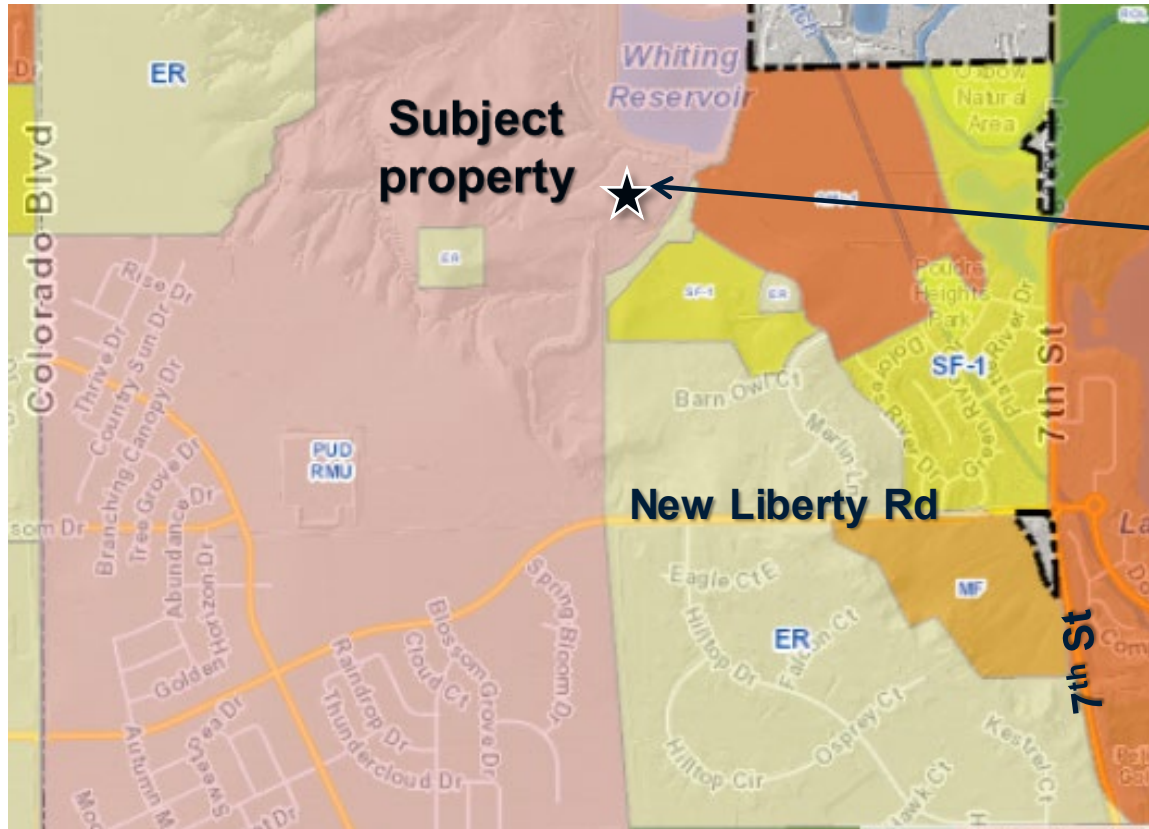
- 1) Visual requirements*
- 2) Landscape requirements*
- 3) Floodplain requirements*



Site Vicinity Map

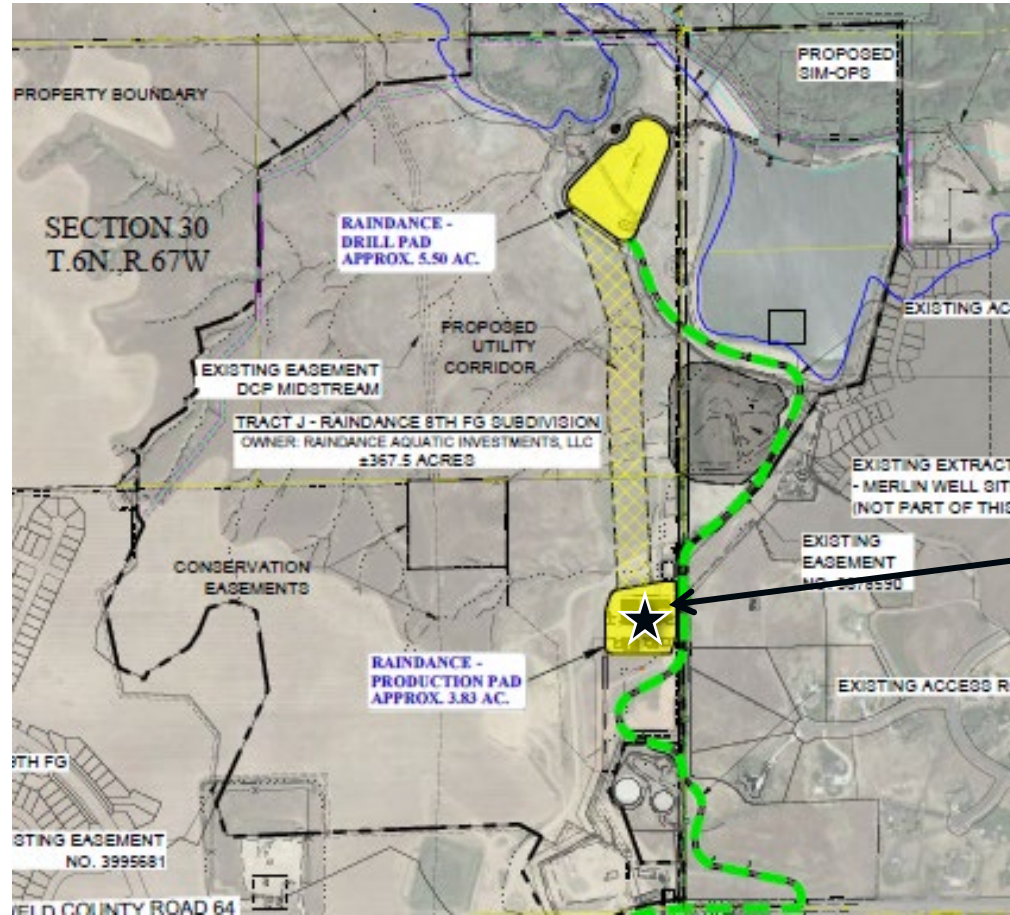


Site Zoning Map



**pad
location**

Site Overview



site



Existing Conditional Use Grant

Background / site characteristics:

- 2017 CUG approval for 59 wells:
- 2022 CUG approval to modify for 36 wells and update hauling route
- 2023 CUG request to add 40-foot communications tower

- Property 367.5 acres / area ~ 78 acres
 - 5.5-acre pad site
 - Distance between property boundary and closest occupied structure: ~ 867 feet
 - Distance between property boundary and closest residence: ~ 1,000 feet
 - No changes to haul route



Proposal Overview

Proposed communication tower

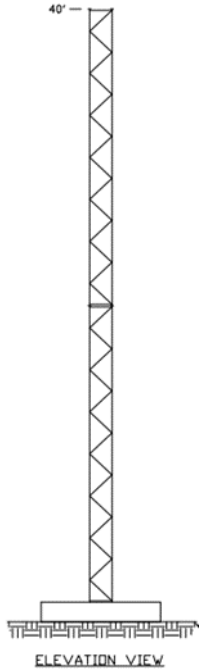
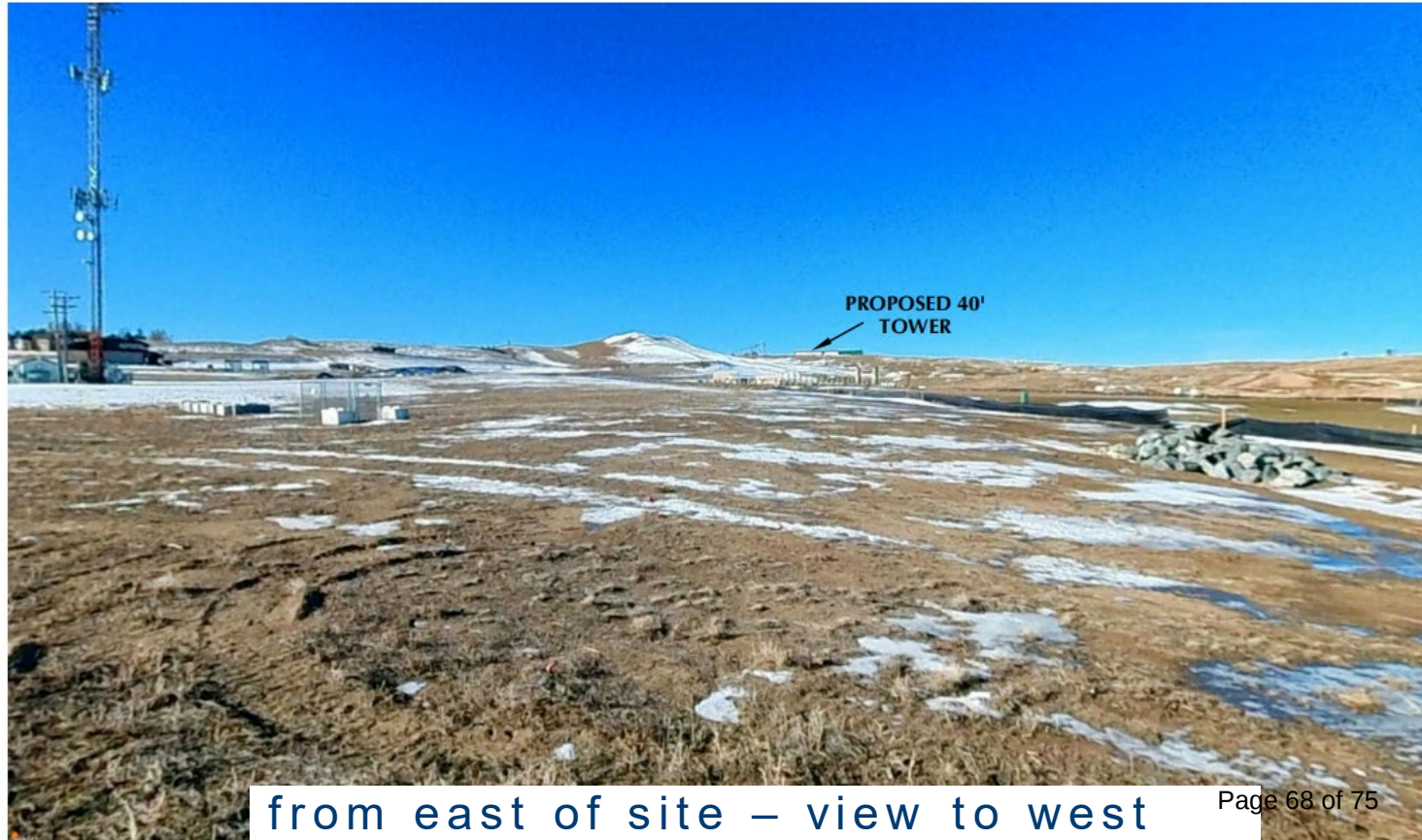




Photo Simulation



from east of site – view to west

Analysis

Section 14-2-130 of the Municipal Code outlines the review criteria 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.***

The proposal generally complies with the Comprehensive Plan's goals and objectives.

- 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 proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. This proposal has no change / no impact.

Analysis

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.***

The communication tower will be located internal to the oil and gas pad. As demonstrated within the submittal application materials, there will be little impact to the surrounding area. The existing pad site includes berming and landscaping, which was incorporated into the surrounding golf course design.



Notification Area

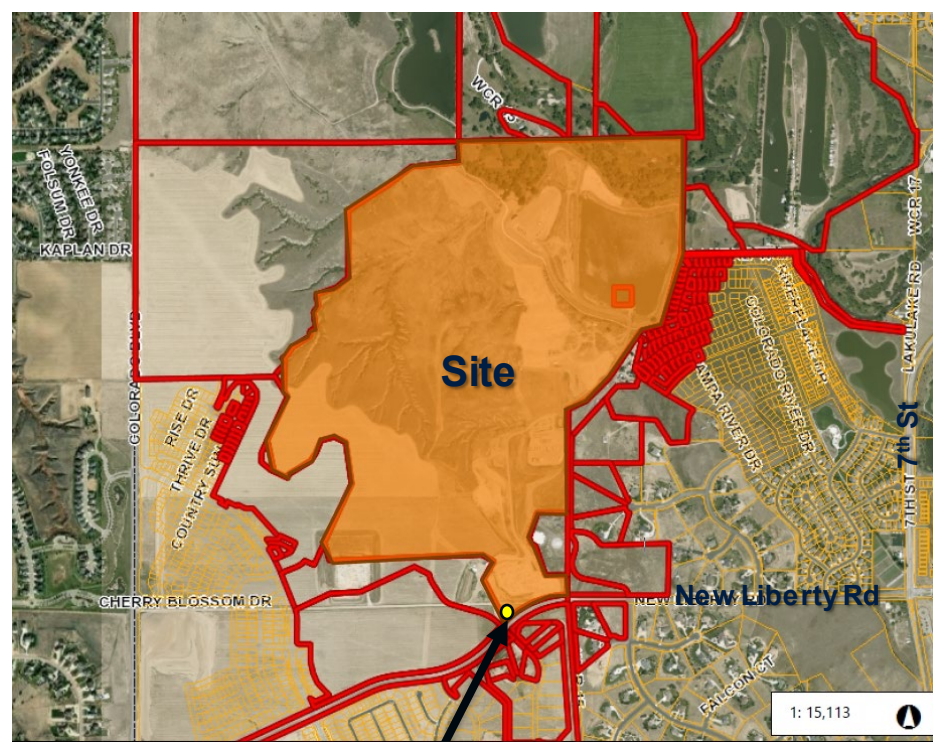
A neighborhood meeting was held on April 18, 2023.

Notifications for this meeting were as follows:

- April 7, 2023 - affidavit of mailing to property owners within 500 feet
- April 7, 2023 – display ad in Greeley Tribune

Notifications for this public hearing were as follows:

- May 5, 2023 – affidavit of mailing to property owners within 500 feet & adjacent homeowner associations; Town Board Member Wilson
- May 4, 2023 – sign posted on property
- May 5, 2023 – published in the paper
- May 4, 2023 – posted to Town website





Recommendation

That the Planning Commission forwarded to the Town Board a recommendation of approval of the conditional use grant to add the communications tower to the existing CUG. All previously approved CUG site-specific conditions shall remain.



Conditional Use Grant

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Testimony from public hearing
- Recommendation



Approval Criteria

Sec. 14-2-130. – Review criteria for conditional use grants.

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, 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. 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.



MEMORANDUM

Date: May 17, 2023
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Recommendation to Town Board - Conditional Use Grant (CUG) to amend the Raindance Oil and Gas Pad Site CUG to allow for a 40-foot communications tower - Tisa Juanicorea, PDC Energy Inc., Applicant; and Martin Lind, Raindance Aquatic Investments, LLC, Property Owner
Item #: C.4.

Background / Discussion:

Please refer to public hearing item materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments: