



**TOWN OF WELLINGTON
PLANNING COMMISSION
April 4, 2022**

**MINUTES
REGULAR MEETING – 6:30pm**

1. CALL REGULAR MEETING TO ORDER – 6:30pm

The Planning Commission for the Town of Wellington, Colorado, met on April 4, 2022, at the Wilson Leeper Center, 3800 Wilson Avenue, Wellington, Colorado at 6:30 p.m.

2. ROLL CALL

Commissioners Present:

Eric Sartor, Chairperson
Tim Whitehouse
Rebekka Kinney
Linda Knaack
Bert McCaffrey
Barry Friedrichs

Absent:

Troy Hamman

Town Staff Present:

Cody Bird, Planning Director
Patty Lundy, Development Coordinator
Dan Sapienza, March & Olive, LLC,
Town Attorney

ADDITIONS TO OR DELETIONS FROM THE AGENDA None

3. PUBLIC FORUM

None

4. CONSIDERATION OF MINUTES

a. Meeting Minutes of March 7, 2022

Moved by Commissioner McCaffrey, seconded by Commissioner Whitehouse to approve the minutes as presented.

Yeas – McCaffrey, Sartor, Knaack, Whitehouse, Kinney

Nays – None

Abstains - Friedrichs

Motion carried.

5. NEW BUSINESS

a. Public Hearing: Zone Change Request from C-1 Community commercial to C-3 Highway Commercial at the northwest corner of Jefferson Ave. and Sixth Street

Cody Bird, Planning Director explained the public hearing procedures, including ex parte communications and conflicts of interest. No Commissioners reported any ex parte communications or conflicts.

Bird introduced the staff report. The applicant has requested to change the zoning district classification of the property from C- 1 Community Commercial District to C-3 Highway Commercial District. The property proposed to be rezoned consists of two parcels – Lot 20, Parkview Manor Subdivision and an unplatted parcel described by metes and bounds. The two parcels combined total 1.29 acres. The parcels may be considered together as one development property. The contract purchaser desires to rezone the property to allow for more intensive highway commercial uses for future development. The zone change request requires public hearings by the Planning Commission and Board of Trustees. The notice of the public hearings was published in the Coloradoan as prescribed by State law, a sign advertising the public hearings has been continuously displayed on the property and notices were mailed to surrounding property owners as prescribed by State law. Town staff had not received any written or verbal communications regarding the rezone request prior to the time of the public hearing.

Chris Hawkins, with Alpine Planning, LLC presented a slide show explaining why his client desired to change the zoning of the property from C-1 Community Commercial District to C-3 Highway Commercial District. The presentation showed zoning of adjacent and surrounding properties. A comment was made that there are only 12-20 multi-family townhouses and that the road is underutilized for a commercial zoned area. On one of the slides, it was stated that they will also provide any needed improvements along the roadways abutting the property. There was a slide with the commercial zoning requirements and that the only difference between C-1 and C-3 was the maximum building height. They are willing to keep the lower building height if that was a concern. They are willing to comply with Town requirements.

Trevor McGarvey, Counsel for 6th Street Well LLC, asked the Commission to treat this property like all the surrounding properties and would like fair consideration. The property has been vacant for some time and the applicant is willing to work with the Town on conditions that are requested.

Chairman Sartor requested staff present the findings of fact identified in the staff report.

Bird mentioned that in the applicant's presentation it might have been misstated and the impression given that C-1 currently allows fast food restaurants, drive thrus and fuel sales. That is not the case. That is a very clear distinction between the C-1 and C-3 zoning districts.

Bird presented the findings from the written packet. Staff's recommendation is that the C-1 Community Commercial District is an appropriate zoning designation for the property based upon the factors and in particular, written Finding 1, Finding 4 and Finding 5.

Hawkins asked if the findings were in the municipal code.

Bird replied that they are not in the municipal code, but these are the findings that the Town has used for the last four years as the standard of review for zoning cases.

Commissioner Whitehouse commented that there does not seem to be enough space to meet setbacks between intersections. It does not seem like there is enough room to have an additional access to Jefferson Ave.

Bird said that the roadway in this area is tapering down, and Sveta Lane and Jefferson Avenue does not leave much room. This is something that we would look at during the site plan process. There would be a traffic study during that time that the Town engineers would look at.

Commissioner Whitehouse also asked if there are any floodplain impacts.

Bird said there are some existing floodplains that would need to be addressed for development of the property.

Commissioner Knaack asked for clarification on another request for a vet clinic property north of this site that came before the Commission recently. She asked what the zoning district was for that property.

Bird showed on the map that the vet clinic is at the north end of their property. The owner was requesting a lot split. In that case, they were able to demonstrate that they had enough room to construct a commercial building and not impact the floodplain. The property is zoned C-1.

Chairman Sartor opened the public hearing.

Kathy Wydallis commented that the size of the sign on site advertising the public hearing was not large enough. She commented that she believes traffic will be a problem. The biggest issue is the green electrical box on the corner that limits visibility.

Melissa Whitehouse referred to a prior conditional use approval on a nearby site zoned C-1. At that time, the Planning Commission made specific requirements to limit the impacts of vehicle traffic and to protect residential properties. Allowing C-3 at this location would allow a drive thru at this location that would again bring concerns for the residents if the business will be open at night because of the car headlights. C-3 zoned properties would be likely to have more semi-truck traffic than the C-1. She pointed out that the existing zoning was very consistent along Sixth Street with C-1 on one side and C-3 on the other.

Karen Eifert expressed that she was concerned about traffic in the area. The big green electrical box is in the way at the intersection affecting visibility. She was also concerned about truck deliveries and noise from loading and unloading activities.

Tom Donnelly identified that he was representing a property owner of 7840 Sixth Street. He pointed out that the requested C-3 zoning would allow marijuana sales and the contract purchaser on the application owns several marijuana businesses. He stated that C-3 would not be an appropriate zoning for this property. He also expressed that the Town allowing a change to C-3 on this property would be contrary to what the voters approved and expected when they voted to allow marijuana sales in the C-3 zone district.

Ralph Houdeshell expressed concern about where floodwaters would go if development was approved to bring in fill. He said his property already has flooding problems. He is also concerned with traffic increasing. He said there is too much traffic on Sixth Street to allow direct access for a proposed business at this location.

Chairman Sartor, seeing no more public comments, closed the public hearing.

Hawkins said the applicant has no response to public comments.

Bird acknowledged that there were several similar comments regarding a transformer location at the intersection of Jefferson Ave. and Sixth St. The location will be looked at during development of the property to make sure the sight triangle requirements are met. There were also concerns brought up about past flooding and drainage topics. Drainage will also be a consideration of the development process and will be evaluated at the time of site plan review for the property.

Commissioner McCaffrey commented that turn lanes would need to be considered.

Commissioner Kinney addressed the public comment about the advertisement sign. The sign is just one of the tools used to advertise public hearings. The advertisement is also in the newspaper and letters are sent to adjacent owners.

Commissioner Kinney commented that she wants to see the property develop and improve the appearance at this location and other beneficial improvements. The road impacts would need to be mitigated. She pointed out that the C-3 zoning district allows gas stations as a permitted use. Allowing C-3 zoning would have the same effect as allowing a gas station, and a gas station is not a good fit at this location.

Commissioner Knaack commented that there is consistency in the existing zoning districts along this corridor. There has also been consistency when considering and approving other applications across town. She did not feel that semi-trucks would be a factor. There are semi-trucks going to all commercial districts for deliveries, so that should not be a factor. She noted that there will be other properties brought into Town in the future that would be in areas suitable for C-3 zoning. She agreed that drainage would need to be addressed.

Chairman Sarter asked to review the findings. The Commission summarized findings as follows:

- Safety and access at intersections would be impacted by higher traffic volumes if C-3 zoning is allowed;
- Uses allowed in C-3 such as drive-thrus and gas stations are not appropriate for the location;
- Impacts of increased traffic on local streets;
- Development of the property would be beneficial to address needed improvements to the property and adjacent infrastructure;

- Existing residential uses in the area need to be protected;
- Buffers, setbacks and screening would be ineffective at addressing increased traffic impacts to residential properties; and
- Consistency of zoning along Sixth Street and consistency of development approvals along Sixth Street.

Commissioner McCaffrey moved to forward a recommendation to the Board of Trustees to retain the C-1 Community Commercial District for the described property based on the findings of fact.

Motion seconded by Commissioner Kinney.

Yeas – McCaffrey, Sartor, Knaack, Whitehouse, Kinney, Friedrichs

Nays – None

Motion carried.

B. Site Plan Review – Light Industrial Development on Lot 7, Boxelder Business Park

Bird introduced the staff report. The applicant is seeking approval of a site plan to allow construction of a 10,320 square foot industrial building on Lot 7, Boxelder Business Park Subdivision. He noted that the Fire Department provided comments that included the need for the building to have an automatic sprinkler system, and desired additional information for location of fire route and building height. The applicant acknowledges that there are some elements of a typical site plan that are missing, but has requested approval in order to proceed with getting a metal building ordered. Long lead times on construction materials in this market is creating significant delays and cost implications. Due to the nature and character of the existing subdivision, it is reasonable to proceed with the site plan review, understanding that the proposed development is a metal building that will be compatible with the surrounding buildings. Staff suggests that some of the site and building element requirements can be deferred to an administrative review and approval at the time building plans are submitted.

Bird commented that there are no sidewalks existing throughout the subdivision, so the typical requirement to provide sidewalks on site to connect to public sidewalks would not be appropriate and the Commission could decide to waive the requirement.

Joshua Griffin, applicant, explained that it was important to him that his business stay in this community as he has been here for over 22 years. He has currently outgrown his current location. He intends to make sure his landscape plans are designed to conserve water.

Bird said that the new landscaping standards should be considered for the landscape design.

Commissioners agreed that the new building should be designed to be of a consistent character and materials as other existing building within the subdivision.

Commissioner Kinney moved to approve the site plans for Lot 7, Boxelder Business Park subject to staff report comments, waive the sidewalk requirements, and authorize staff to administratively review and approve building architecture, site lighting, signage, and final landscaping.

Motion seconded by Commissioner Whitehouse.

Yeas – McCaffrey, Sartor, Knaack, Whitehouse, Kinney, Friedrichs

Nays – None

Motion carried.

6. ANNOUNCEMENTS

Cody Bird, Planning Director announced that the next meeting will be May 2, 2022. There are currently no action items scheduled. A work session is planned to begin considering updates to the zoning map.

Commissioner Friedrichs announced that the May meeting will be his last meeting. He is moving out of town, and would no longer be eligible to serve.

7. ADJOURNMENT

Chairman Sartor adjourned the meeting at 8:30 PM.

Approved this 6 day of June, 2022


Recording Secretary