



# TOWN OF WELLINGTON

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TOWN HALL (970) 568-3381  
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## PLANNING COMMISSION

March 7, 2016 MEETING  
7:00 P.M.

**WORK SESSION 6:30 – Residential uses in Commercial Districts and  
Repair of Non-conforming Structures**

**Leeper Center, 3800 Wilson Ave., Wellington**

### AGENDA

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CALL TO ORDER / ROLL CALL

ADDITIONS OR DELETIONS FROM THE AGENDA

PUBLIC COMMENT

Public invited to be heard on (items not on Agenda)

PRESENTATIONS

CONSENT AGENDA

Planning Commission Meeting Minutes from January 4, 2016

NEW BUSINESS

1. Interview Candidates for Vacant Commissioner Seat
2. Conditional Use – Learning Center & Multifamily Residential – Outlot A, The Knolls
3. Recommendations to Town Board on Code Changes

TOWN ADMINISTRATOR UPDATE

SCHEDULE WORK SESSION

OTHER

ADJOURN

**AGENDA ITEM SUMMARY SHEET**  
**Planning Commission Meeting – February 1, 2016**

**ITEM#: Worksession**

**1) Code Modifications Residential Uses in Commercial Districts**

The Wellington Municipal outlines principle uses (uses by right) and conditional uses for the various zoning districts. In general the as you go from residential to commercial to industrial zoning each zone becomes less restrictive allowing all the uses in more restrictive zone as well as new uses. From the issues with multifamily in the Wellington Down's project is has become apparent the residents would like commercial zones to be more restrictive in the allowance for multifamily.

Following are the portions of the commercial zones which deal with for residential uses.

***Sec. 16-5-90. C-1 – Community Commercial District.***

*(a) Intent. The Community Commercial District is intended to provide for a mixture of uses that will strengthen and expand the core community.*

*(4) Residential uses:*

*a. All permitted principal uses in the R-4 District (i.e. Multifamily), except single-family residential and accessory dwellings.*

*b. Residential lofts above ground-level retail or office space.*

*c. Group homes.*

*(7) Commercial/retail uses.*

*i. Mixed-use dwelling units.*

*(c) Conditional uses. Permitted conditional uses in the C-1 District shall be as follows:*

*(1) Residential uses.*

*a Single-family residential and accessory dwellings when associated with a principal use.*

**Sec. 16-5-100. C-2 – Downtown Commercial District.**

(a) *Intent.* The Downtown Commercial District is intended to preserve the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community.

(b) *Principal uses.* Permitted principal uses in the C-2 District shall be as follows:

(1) *Residential uses:*

a. Residential lofts above ground-level retail or office space.

(3) *Commercial/retail uses.*

i. Mixed-use dwelling units.

(c) *Conditional uses.* Permitted conditional uses in the C-2 District shall be as follows:

(1) *Residential uses.*

a. Single-family residential and accessory dwelling when associated with a principal use.

**Sec. 16-5-110. C-3 – Highway Commercial District.**

(a) *Intent.*

(1) The Highway Commercial Use District is intended to be a setting for development of a wide range of community and regional retail uses, offices and personal and business services, and it is intended to accommodate a wide range of other uses, including multi-family housing and mixed-use dwelling units. The C-3 District should integrate various commercial and multi-family uses while transitioning from the highway to adjacent lower density neighborhoods.

(b) *Permitted uses.* Permitted principal uses in the C-3 District are as follows:

(2) *Residential uses.*

a. Group homes.

b. Multiple-family dwellings.

(4) *Commercial/retail uses.*

n. Mixed-use dwelling units.

© *Conditional uses.* Permitted conditional uses in the C-2 District include the following:

(1) *Residential uses.*

- a. *Single-family attached dwellings.*
- b. *Two-family dwellings.*

One option would be to simply take all residential uses allowed as principle uses (uses by right) in the commercial zones and make them conditional uses.

## **2) Repair on non-conforming structures.**

The recent appeal/variance request and lawsuit on the replacement of a water damaged trailer in the non-conforming "trailer court" at 8417 Fourth Street indicates our current code is inadequate in doing what it is intended to do in eliminating old non-conforming uses over time as they become obsolete.

Attached is a redline recommendation for amending the portion of the non-conforming uses and structures portion of the municipal code. This language replaces the current language which allows a non-conforming structure to be repaired or reconstructed based on the cause of damage, to one which states no matter the cause of the damage, if the structure is damaged by more than 50% of its value it cannot be repaired or reconstructed.

## ARTICLE 4

### Nonconforming Uses and Nonconforming Buildings

#### Sec. 16-4-10. Continuation of use.

A nonconforming use may be continued and a nonconforming building or structure may continue to be occupied or used, except as otherwise provided in this Article. (Ord. 11-2007 §1)

#### Sec. 16-4-20. Change of use.

A nonconforming use may only be changed to a conforming use. (Ord. 11-2007 §1)

#### Sec. 16-4-30. Abandonment of use.

If active operation of a nonconforming use activity is not carried on as part of the operation of a nonconforming use or nonconforming building during a period of twelve (12) consecutive months, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing. A nonconforming use home occupation business activity shall be considered to be abandoned if the occupants of the dwelling who were conducting such nonconforming use home occupation business discontinue either their occupancy of the dwelling or the nonconforming use home occupation. (Ord. 11-2007 §1)

#### ~~Sec. 16-4-40. Reconstruction.~~

~~A nonconforming building or structure or a building or structure containing a nonconforming use which has been taken by governmental acquisition or damaged by fire or other accidental cause or natural catastrophe may be reconstructed, provided that such work is started within six (6) months of the date of occurrence iff such damage and completed within one (1) year of the time the reconstruction is commenced, and provided that, to the extent reasonably feasible, such restoration complies with the standards contained in this Chapter. (Ord. 11-2007 §1)~~

#### Sec. 16-4-40. Alteration or repair of building.

A nonconforming building may not be structurally altered or repaired in any way except as specifically permitted by this article. Any building or other structure containing a nonconforming use or any nonconforming building or portion declared unsafe by the Building Permits and Inspections Administrator may be strengthened or restored to a safe condition. (Ord. 11-2007 §1)

The following changes or alterations may be made to a nonconforming building or to a conforming building housing a nonconforming use:

- a. Maintenance repairs that are needed to maintain the good conditions of a building, except that if a building has been officially condemned by the Town, it may not be restored under this provision.
- b. Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use.

1.11.103. Restoration or Replacement.

a. If a nonconforming use is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty ( 50%) percent of the cost of reconstructing the entire use, it shall be restored only if such use complies with the requirements of this Code.

b. If a nonconforming structure is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty ( 50%) percent of the cost of reconstructing the entire structure, it shall be restored only if such use complies with the requirements of this Code.

c. Where a conforming structure devoted to a nonconforming use is damaged less than fifty (50%) percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than fifty (50%) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve ( 12) months and is completed within eighteen (18) months from the date of partial destruction.

d. When a non-conforming structure is removed from a premises, it shall be replaced only if such structure or its use is in full conformance with this Code.

e. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration or any structure or activity devoted to a nonconforming use.

**Sec. 16-4-~~5045~~. Enlargement of building and expansion of facilities, equipment or structures.**

(a) A proposal for the enlargement or expansion of a building containing a nonconforming use, a proposal for an expansion of existing facilities and equipment which are located on the lot and associated with the nonconforming use (such as expanding the number of fuel pumps at a gas station) and a proposal for adding facilities or structures to the lot which are associated with the nonconforming use (such as a new canopy over a fuel pump island), shall require the approval of the Board of Trustees after review by the Planning Commission. In considering such proposals, the Board of Trustees after review by the Planning Commission shall make a finding as to whether or not the enlargement, expansion or addition would adversely affect the surrounding properties. In making such determination, the Board of Trustees and the applicant shall be governed by the following limitations:

(1) The nonconforming use shall not be changed (except to a conforming use) as a result of enlargement, expansion or construction.

(2) The enlargement, expansion or construction shall not result in the conversion of the nonconforming use of a seasonal to a year-round operation.

(3) The nonconforming use shall not be expanded beyond the limits of the parcel of property upon which such use existed at the time it became nonconforming.

- (4) Additional traffic generated by an enlargement, expansion or construction must be incorporated into the neighborhood and community transportation network without creating safety problems, or causing or increasing level of service standard deficiencies.
  - (5) The noise and vibration levels that may be generated by the nonconforming use shall not be increased beyond the levels that existed prior to the enlargement, expansion or construction that is under consideration.
  - (6) The outdoor storage areas shall not be expanded or located any closer to an adjoining residential development as a result of the enlargement, expansion or construction.
  - (7) The proposed enlargement, expansion or construction shall not add more than twenty-five percent (25%) of new floor area to existing buildings on the site.
  - (8) The enlargement, expansion or construction shall not exceed the building height requirements of the zone district in which the property is located.
  - (9) The enlargement, expansion or construction shall not further encroach upon any nonconforming setback.
  - (10) The enlargement, expansion or construction shall not increase or amplify any inconsistency with the parking standards contained within the Land Use Code.
  - (11) The enlargement, expansion or construction shall not hinder the future development of surrounding properties in accordance with the Land Use Code.
  - (12) The enlargement, expansion or construction shall not present a threat to the health, safety or welfare of the Town or its residents.
- (b) Where a building, facility, equipment or structure is enlarged, expanded or added pursuant to this Section, the parcel of ground upon which the building, facility, equipment or structure is located shall be brought into compliance with the applicable general development standards contained in Article 3 and the applicable district standards contained in Article 5 of this Chapter. Any new structure that is added to said parcel of ground shall also comply with the applicable general development standards and district standards referenced above. (Ord. 11-2007 §1)

**Sec. 16-4-60. Alteration or repair of building.**

A nonconforming building may not be structurally altered or repaired in any way except as specifically permitted by the Land Use Code. Any building or other structure containing a nonconforming use or any nonconforming building or portion declared unsafe by the Building Permits and Inspections Administrator may be strengthened or restored to a safe condition. (Ord. 11-2007 §1)

The following changes or alterations may be made to a nonconforming building or to a conforming building housing a nonconforming use: a. Maintenance repairs that are needed to maintain the good conditions of a building, except that if a building has been officially condemned by the Town, it may not be restored under this provision. b. Any structural alteration that would reduce the degree of nonconformance or change the use to a conforming use.

1.11.103. Restoration or Replacement.

- a. If a nonconforming use is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty ( 50%) percent of the cost of reconstructing the entire use, it shall be restored only if such use complies with the requirements of this Code.
- b. If a nonconforming structure is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty ( 50%) percent of the cost of reconstructing the entire structure, it shall be restored only if such use complies with the requirements of this Code.
- c. Where a conforming structure devoted to a nonconforming use is damaged less than fifty (50%) percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than fifty (50%) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve ( 12) months and is completed within eighteen (18) months from the date of partial destruction.
- d. When a non-conforming structure is removed from a premises, it shall be replaced only if such structure or its use is in full conformance with this Code.
- e. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration or any structure or activity devoted to a nonconforming use.

PLANNING COMMISSION  
REGULAR MEETING  
January 4, 2016

The Planning Commission for the Town of Wellington, Colorado, met on January 4, 2016 at the Leeper Center, 3800 Wilson Ave., Wellington, Colorado at 7:02 p.m.

COMMISSIONERS PRESENT: LARRY NOEL, JACK BRINKHOFF, BERT MCCAFFREY, BARRY FRIEDRICHS, ERIC KESELBURG and MATT MICHEL (arrived at 7:04pm)

COMMISSIONERS ABSENT: NONE

PRESIDING: BERT MCCAFFREY, CHAIRMAN

ALSO PRESENT: LARRY LORENTZEN, TOWN ADMINISTRATOR  
CYNTHIA SULLIVAN, DEPUTY CLERK

Additions or Deletions from the Agenda

None

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Public to be heard on non-agenda items

Becky Riley, of 7703 Fox Chase Lane, asked that the Planning Commission to postpone all major developments in the Town of Wellington until you revisit the Planned Unit Development (PUD) criteria.

Chairman McCaffrey asked if this would go to the Board of Trustees. Mr. Lorentzen said that the Planning Commission could recommend changes to the zoning code in regard to PUD's or the overall code. Mr. Lorentzen gave a history on the code. This could be addressed in a work session.

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Presentations

None

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Consent Agenda:

- Planning Commission Meeting Minutes from December 7, 2015.

COMMISSIONER BRINKHOFF MOVED AND COMMISSIONER FRIEDRICHS SECONDED to approve the consent agenda. Roll call was taken and the motion passed unanimously.

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OLD BUSINESS

1. Preliminary Plat Wellington Downs PUD

*Applicant J & J Construction represented by Andrew Gerk*

*Recommendation from Staff:*

- 1) *The PUD Plan include restrictions on Tract A to commercial uses (no residential)*

- 2) *A trail system connection between Tract C and Tract F, and between Tract F and Tract E be accomplished with a modified street section with a combination of a detached 5 foot wide sidewalk and street bicycle lanes.*
- 3) *A Traffic Study and CDOT access permit application be completed prior to submitting for final plat.*
- 4) *A trail system be shown on the PUD Plan and run through and connect Tracts A, B and C and the pocket park.*
- 5) *A Traffic Study and CDOT access permit application be completed prior to submitting for final plan.*

Mr. Gerk addressed the changes that were made to the subdivision from public comment and the work session on December 14, 2015. The following are the changes that were made.

- Reduction in multifamily from 80 to 70 units.
- Relocation of the property for future fire station so it is next to the commercial lots.
- All the multi family has single family between it and the other subdivisions.
- Location of park and trail system including bicycle lane.
- Open space on south side of subdivision was taken out.

The following public spoke regarding this item: Ron Goldberg, Becky Riley, Don Coty, Chuck Cross, Jason Meyers, Juliann Harvey, Jim Curwood, Mark Smith, Rob MacNaughton, Jim Dawdy, Ted Gantek, Scott Sampson, Lou Kinzli, Kathy Thornton, Paul Cox, and Bonnie Dawdy.

Mr. Lorentzen explained the process for the development of the property. He addressed the issue of the overpass and said other highway interchanges are being upgraded with the addition of developer moneys. Addition of traffic lights on the overpass would probably be the next step to relieve traffic.

#### *Main Issues*

- Multi-Family – Eliminate
- Commercial – Increase size
- Fire Station - location
- Traffic – Widen McClellan and Jefferson
- Drainage Plan – Off the south side of the subdivision – Make sure not to interfere with homes south of development. Town would be responsible for maintenance after warrantee period.
- Drainage across Jefferson
- Water issues
- Overpass Traffic issues
- Single family lot size
- Suggestions for use of commercial or multi-family area.

Mr. Gerk said they have no current plans for the commercial lots. With regard to the multi-family they want to diversify the use of the property. He addressed the lot size question and said they did increase from the minimum 5500 square feet (sq. ft.) to 5804 sq. ft. and the average lot size was increased from 6400 sq. ft. to 6835 sq. ft.

Commissioner Brinkhoff asked that Mr. Lorentzen explain the impact fees. Mr. Lorentzen said we have impact fees for Water, Sewer, Road, Library, Park, Trails and Storm Drainage that are assessed for each building permit.

Commissioner Brinkhoff asked what would warrant traffic lights. Mr. Lorentzen said traffic lights on the overpass are warranted. There is a minimum count in peak hours to warrant a traffic light. That will be looked at as part of the traffic study. He gave a comparison of the commercial property to those properties already developed on the west side.

There was a question as to who would own the multi-family homes. Journey Homes would rent the multi-family. There was concern about section 8 housing. Commissioner Friedrichs asked for a description of the multi-family units. Mr. Gerk said there would be 6 and 8 plex buildings that would be no taller than the 2-story homes. They would be 1 & 2 bedroom units.

COMMISSIONER BRINKHOFF MOVED AND COMMISSIONER NOEL SECONDED to approve the preliminary subdivision for Wellington Downs. Roll call was taken and the motion passed Commissioner Keselburg voted against.

Mr. Lorentzen said this is a recommendation to the Board of Trustees and would be heard at the January 26<sup>th</sup> Board of Trustees meeting.

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## NEW BUSINESS

### 1 Election of Officers

COMMISSIONER BRINKHOFF NOMINATED AND COMMISSIONER KESSELBURG SECONDED to appoint Bert McCaffrey as chairman and Barry Friedrichs as Chair Pro-tem. Roll call was taken and the motion passed unanimously.

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### 2 Conditional Use / Site Plan Lots 5 & 6 Block 2 Bonfire 2<sup>nd</sup> - storage

*Applicant: Doug Walker*

*Recommendation from Staff:*

- 1) No building permit shall be issued prior to construction acceptance of the on-site and off-site public infrastructure and paving of at least the portion of Bonfire Drive accessing the property.
- 2) All stored vehicles to have current license plates/tags, and be operable. The standard rental agreement must contain language that failure of the vehicle owner to maintain this status will be considered a default.
- 3) Design requirements, sewer tap and service fees for a proposed RV dump station will have to be separately negotiated and approved by the Town.
- 4) A photometric lighting plan and landscape plan indicating type and number of plantings complying with town standards be submitted for approval by staff prior to building permit for storage units or use of outdoor storage spaces.

Commissioner Brinkhoff asked about fencing requirements. Mr. Lorentzen said the property for the storage was not adjacent to County road 7. Mr. Walker said the enclosed units would be a buffer between the road and the outdoor storage. There would be a gate at the entrance.

COMMISSIONER BRINKHOFF MOVED AND COMMISSIONER NOEL SECONDED to approve Conditional use/site plan lots 5 & 6, Block 2 Bonfire 2nd. Roll call was taken and the motion passed unanimously.

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3 Temporary use Bonfire Lot - concrete

*Applicant: Doug Walker*

Mr. Walker said the plant would be temporary for use on site and to see if there is a need in the community. They are requesting use for one year.

Dwayne Hodges, of 9507 NCR 7, had concern about dust from the plant and traffic on the roads north of town. Commissioner Brinkhoff said we do have dust mitigation requirements in place. The town would limit the traffic to for deliveries only. Most of the traffic would exit I-25 at Owl Canyon and come down County Road 7.

Mr. Hodges, asked what would happen after the first year. Commission Brinkhoff said if they feel there is a need in the town they would look at locating a plant in an industrial zone.

Pam Marshall, of 9217 NCR 7, asked why they would not put the temporary plant on the industrial property. Chairman McCaffrey said that the major portion of the work they would be supplied on site. Mr. Walker explained that by processing and using the concrete on site it would reduce the amount of traffic compared to bringing mixed concrete onto the site from other plants or an offsite plant.

Josh Blackett, of 8431 6<sup>th</sup> St., was concerned about road conditions in the future. Commissioner Brinkhoff said when a portion of land is added into the town the road must meet our standards. This item would be reviewed by the town attorney and sent to the Board of Trustees.

COMMISSIONER BRINKHOFF MOVED AND COMMISSIONER FRIEDRICHS SECONDED to recommend temporary use of Bonfire lot for concrete plant. Roll call was taken and the motion passed unanimously.

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4 Minor Subdivision – Replat Lots 4, 5, 9 & 10 Block 9 Boxelder Commons Filing 2

*Applicant: Harvest Village Holdings – represented by Craig Russell*

Mr. Russell explained that they want to take these four lots and convert them into one lot for the construction of a subdivision pool. He described how it would look and would include a clubhouse.

COMMISSIONER BRINKHOFF MOVED AND COMMISSIONER FRIEDRICHS SECONDED to approve Minor Subdivision Replat lots 4, 5, 9 and 10 Block 9 of Boxelder Commons Filing 2. Roll call was taken and the motion passed unanimously.

### 5 Conditional Use/Site Plan for Subdivision Pool

Mr. Russell gave the details of the facility including parking, bicycle racks, fencing and landscaping.

Commissioner Noel asked if the pool would be a membership. Mr. Russell said their intent was for subdivision residents only. Once it is transferred to the Homeowners Association it will be up to them on how it is run.

Commissioner Keselburg asked if there would be off street parking. Mr. Russell said all the parking would be on the street.

COMMISSIONER BRINKHOFF MOVED AND COMMISSIONER FRIEDRICHS SECONDED to approve the conditional use/site plan for Subdivision Pool – Replat lots 4, 5, 9 and 10 Block 0 Boxelder Commons Filing 2. Roll call was taken and the motion passed unanimously.

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### 6 Conditional Use/Site Plan – Redmon Storage

*Applicant Travis Redmon*

Mr. Redmon explained how the property would be developed.

*Recommendation from Staff:*

- 1) The driveway be paved with asphalt or concrete through the gate to keep from tracking onto Washington Ave.
- 2) The fence along Washington and CR 9 be straightened with wood or steel posts other than the existing t-posts.
- 3) On-site Stormwater detention be designed and constructed as approved by the Town Engineer.
- 4) Photometric plan be approved by staff before units would go in.

Commissioner Brinkhoff asked if the leach field for the septic system failed would they have to tie into the town's sewer. Mr. Redmon said he did not know where the closest sewer line is. They are proposing to move the current leach field and the containers are movable.

Mr. McNaughton, said the bushes along County Road 9 block the view around the corner. There was discussion about removing the bushes 50 feet back from the intersection.

Mr. McNaughton, asked if they have permission to drain into the ditch. Commissioner Brinkhoff said as long as it is not more than historical and provide a drainage pond. Mr. Redmon said they would be doing drainage design for a detention pond.

Ms. Bustos asked why the town was allowing so many storage facilities. Chairman McCaffrey said there is a market for storage. Commissioner said some HOA's don't allow the storage of RV's and Boats within the subdivision.

Commissioner Friedrichs asked about the distance from the corner of trees and plants. Mr. Lorentzen said the trees and bushes need to be trimmed.

Commissioner Friedrichs was concerned that if they decided to expand would they stack the containers. Mr. Lorentzen said that they are only showing one layer of containers, but we could put that as a condition.

COMMISSIONER FRIEDRICHS MOVED AND COMMISSIONER BRINKHOFF SECONDED to approve with staff recommendations and only one container high. Roll call was taken and the motion passed unanimously.

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TOWN ADMINISTRATOR UPDATE

Mr. Lorentzen updated the Commission on the following:

- Sage Meadows
- Bonfire 2nd
- Application for Outlot A in the Knolls for March.

Commissioner Friedrichs asked about the NAPA. Mr. Lorentzen said we are waiting for them to get final inspection from Safebuilt.

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SCHEDULE WORK SESSION

Work session was scheduled to review the language for multi-family in commercial districts at 6:30pm.

COMMISSIONER NOEL MOVED AND COMMISSIONER BRINKHOFF SECONDED to adjourn the meeting. Roll call was taken and the motion passed unanimously. Meeting adjourned at 9:19pm.

Respectfully Submitted by:

Cynthia Sullivan, CMC  
Deputy Town Clerk

**AGENDA ITEM SUMMARY SHEET**  
**Planning Commission Meeting – February 1, 2016**

**ITEM#: 1**

**SUBJECT: Applications for Planning Commission Membership Vacancy**

The vacancy on the Planning Commission Board was advertised and posted asking for interested individuals to apply. We have received three applications:

- Donald Cody, 6912 McClellan Road
- Jonathon Woodworth, 4469 Woodlake Lane
- Bonnie Dawdy, 6848 McClellan Road

Section 2-10-30 of the Municipal Code on membership states:

*The Planning Commission shall consist of seven (7) voting members as follows:*

*(1) Four (4) appointed citizens of the Town who shall be residents of the Town and shall be appointed by the Board of Trustees.*

*(2) The Mayor.*

*(3) One (1) Trustee appointed by the Board of Trustees.*

*(4) One (1) Trustee selected by the Mayor.*

The only requirement for the eligibility is the citizen must be a Town Resident, but the Town Board has typically asked for a residency of at least one year.

Staff has requested the three applicants be at this Planning Commission to be interviewed by the Commission prior to making recommendation to the Town Board for appointment..



**APPLICATION FOR BOARD OR COMMISSION VACANCY**

**ELIGIBILITY REQUIREMENTS:**

- \* Boards/Commissions that require 1 year residency
- Must be a registered voter – Board of Trustees

Which Board or Commission would you like to be appointed to? Please select from the following:

\*Board of Trustees    \*Planning Commission    \*Board of Adjustment

Community Activities Commission    Wellington Housing Authority    Park Advisory Board

Name Donald R Cody Jr

Address 6912 McLellan Rd

Mailing Address \_\_\_\_\_

Email Address dcody74@gmail.com

Home Phone# \_\_\_\_\_ Cell Phone# 217-827-7926 Work Phone# \_\_\_\_\_

Wellington Resident - Years 5 Months \_\_\_\_\_

Current Occupation Physical Therapist Assistant

Please list any relevant education, employment or volunteer experience you have.

BA. in Psychology; various certifications in Ergonomics which can be helpful in looking at issues

Are you currently serving on any other Board or Commission? Yes \_\_\_\_\_ No

Have you attended a meeting of the board or commission you are applying to? Yes  No

Why do you want become a member of this particular board or commission? To become an active resident of Wellington and to learn the ins/outs of the way the village is managed. I'd like to help the residents & be a voice

What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?

- Housing growth & development
- Infrastructure to keep up with exponential growth
- Incoming business partnerships

Please specify any activities you're involved in that may create a conflict of interest should you be appointed to this board or commission:

N/A

LAWFUL PRESENCE AFFIDAVIT

I, Dow Eddy

swear or affirm under penalty of perjury under the laws of the State of Colorado that

I am a United States citizen, or

I am a Permanent Resident of the United States, or

I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.



Signature

12/22/15

Date

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below I swear and/or affirm that to best of my knowledge, the information I have provided in this application is true and correct.



Signature of Applicant

12/22/15

Date

Date of Appointment

Expiration Date

Print

Application for Board or Commission Vacancy - Submission #120

Date Submitted: 1/4/2016

Eligibility Requirements

- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?

- Board of Adjustment
- Park Advisory Board
- Wellington Housing Authority
- Community Activities Commission
- Planning Commission
- Board of Trustees

Name

Jonathan Woodworth

Address

4469 Woodlake Lane

City

Wellington

State

CO

Zip Code

80549

Home Phone Number

9702372007

Work Phone Number

Cell Phone Number

Email Address

jonathan.d.woodworth@gmail.com

Wellington Resident (Number of Years/Months)

1.5 years

Current Occupation

Engineer

Please list any relevant education, employment, or volunteer experience you have.

Masters of Science in Atmospheric Science - Colorado State University  
 Bachelors of Science in Mechanical Engineering - Colorado State University  
 Have worked in the energy sector (nuclear, onsite power, oil and gas) as well as environmental consulting (current)

Are you currently serving on any other board or commission?

Yes  No

Have you attended a meeting of the board or commission you are applying to?

Yes  No

Why do you want to become a member of this particular board or commission?

I would like to have a say in the community that I now call home.

What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?

- 1) Handling rapid growth
- 2) Ensuring affordable housing
- 3) Enticing commercial ventures to want to come to Wellington

Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.

I have a 8-5 job M-F so as long as it doesn't interfere with that, I am able to participate

Please submit this application along with a [Lawful Presence Affidavit \(DOC\)](#).

#### Signature

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

**Signature of Applicant**

Jonathan Woodworth

**Date**

1/4/2016

Print

Application for Board or Commission Vacancy - Submission #122

Date Submitted: 1/8/2016

Eligibility Requirements

- Board/Commissions that require 1-year residency

Which board or commission would you like to be appointed to?

- Board of Adjustment
- Park Advisory Board
- Wellington Housing Authority
- Community Activities Commission
- Planning Commission
- Board of Trustees

Name

Bonnie Davis Dawdy

Address

6848 McClellan Road

City

Wellington

State

CO

Zip Code

80549

Home Phone Number

(970) 484-0973

Work Phone Number

(970) 305-6205

Cell Phone Number

(970) 305-6205

Email Address

bondawdy@msn.com

Wellington Resident (Number of Years/Months)

3 1/2 years

Current Occupation

Health Technician, PSD

Please list any relevant education, employment, or volunteer experience you have.

I have served as a board member on 3 different HOA's (Terry Shores, Terry Point Townhomes, and The Meadows). I was active in numerous volunteer activities in PSD (1985 to 1995), at Tavelli Elementary School and Poudre High School. I chaired the Boundary Committee at Tavelli Elementary School (working with the middle schools), served on the District Boundary Committee and also served on the Parent Advisory Board. I created and chaired the first drug prevention program at Tavelli, which received state and national recognition. I am currently an active member in the Fort Collins Breakfast Rotary Club.

Are you currently serving on any other board or commission?

Yes

No

Have you attended a meeting of the board or commission you are applying to?

Yes

No

Why do you want to become a member of this particular board or commission?

I want to participate in managing the residential and commercial growth in the Wellington community, to help insure balance and effectiveness of that growth, so every neighborhood feels they are effectively represented as part of the entire Wellington community.

What do you believe are the 3 most important issues that this board or commission have now or will have in the next few years?

1. Traffic management
2. Bringing in needed/desired commercial interests
3. Zoning for balance to make Wellington a desirable and welcoming community

Please specify any activities you are involved in that may create a conflict of interest should you be appointed to this board or commission.

None

Please submit this application along with a [Lawful Presence Affidavit \(DOC\)](#).

#### Signature

Upon application for and acceptance of appointment, board and/or commission members demonstrate their intention and ability to attend meetings. If appointed, frequent non-attendance may result in termination of appointment.

I hereby declare, that if appointed, I will accept the appointment assigned to me by the Town of Wellington Board of Trustees.

By signing below, I swear and/or affirm that to the best of my knowledge, the information I have provided in this application is true and correct.

**Signature of Applicant**

Bonnie Davis Dawdy

**Date**

1/8/2016

**AGENDA ITEM SUMMARY SHEET**  
**Planning Commission Meeting – March 7, 2016**

**ITEM# : 2**

**SUBJECT:** Conditional Use –Mixed Use- Commercial “Learning Center” and Multifamily Residential

**General Information**

Location: Southwest corner of Ron Reagan Avenue and Third Street  
Current Land Use: Vacant  
Current Zoning: TR - Transitional  
Surrounding Use: Medium density residential/ Boxelder Creek Open Space/Rice Elementary School.

**Proposal**

The applicant, Fauad Fauor, 7759 Kit Fox Dr., is requesting conditional use approval for a mixed residential/commercial use of this 2.9 acre parcel which is currently owned by Travis Redmon. He is requesting a 5,000 sq. ft. learning center and 19 multifamily townhouse units in three buildings accessed with privately maintained streets. .

Two new access points are being requested from Third Street.

**Issues**

This Outlot was shown on the original Wellington South Development Plan as future commercial or multifamily development, with a note on a plat stating any development of the outlot would require Town Approval as a Major Land Use Change. In 2007 when the town adopted a new zoning code the property was zoned TR -Transitional. Private Schools and Multifamily are allowed as conditional uses in the Transitional Zone.

The Knolls Homeowners Association has taken the position any commercial or residential use of the property has to be approved by the HOA.

The proposal does not include subdivision of the lot, so with no interior lot lines there are no applicable front or rear yard setbacks required, but staff would suggest a minimum of 15 feet of front yard setback from the back of sidewalk to meet the intent of the code and the architectural elevations submitted.. This would likely require reduction of the total number of multifamily units that can be placed on the lot..

The submitted site plan is not adequate to approve the multifamily site and the layout will likely change based on traffic study and drainage plans as well as space needed for minimum 15 feet deep front yards.

**RECOMMENDATION:**

Staff recommends Conditional Use Approval for mixed use Learning Center and multifamily with the following conditions:

- 1) A traffic study, grading & drainage plan and photometric plan be completed prior to a comprehensive site plan being submitted for Planning Commission approval.
- 2) On-site stormwater detention be designed and constructed as approved by the Town Engineer.
- 3) A minimum of 15 foot front yards from back of sidewalk on multifamily units.

TOWN OF WELLINGTON

LAND USE CODE

Land Use Application Form

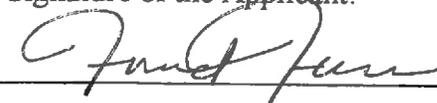
APPLICATION AND DECISION RECORD

FOR A CONDITIONAL USE

A. Conceptual Plan Submission Requirements.

1. Applicant's name, address, mailing address, email and telephone number:  
EQUAD FAOUR, 7759 KIT FOR DR, WELLINGTON, faours@hotmail.com,
2. Legal description of the property proposed for the land use change:  
OUTLOT A, KNOLLS AT WELLINGTON SOUTH, WGL (2002131947)  
970-443-3898
3. Existing Zoning District \_\_\_\_\_  
Proposed Zoning District \_\_\_\_\_
4. Give a brief nonlegal description of the existing land use of the site and of the general character of the use of adjacent lands.  
Mixed multifamily units and Learning center.  
Adjacent to Rice Elementary.
5. Give a brief nonlegal description of the proposed land use.  
Mixed multifamily units and learning center.
6. Provide a sketch plan of the proposed land use change, including a site analysis consisting of a map, plot plan or diagram showing the total acreage, abutting landowners and land uses, streets, highways, utilities that will service the proposed development; and major physical features, including drainage and the location of natural hazards. [attach maps and sketches as necessary]
7. Provide an elevation drawing of the propose structure(s) showing height and describing the exterior materials. [attach drawings as necessary]
8. Describe how this proposed change would fit with the current zoning.
9. Provide other information that the applicant believes will assist the Planning Commission and the Board of Trustees in making a fair decision. [attach additional sheets as necessary]

Signature of the Applicant:



Date Dec 29, 2015

TOWN OF WELLINGTON

LAND USE CODE

Form D-5

AGREEMENT

FOR PAYMENT OF REVIEW EXPENSES

THIS AGREEMENT, made and entered into this 29 day of Dec, A.D. 2015 by and between the TOWN OF WELLINGTON, COLORADO, a municipal Corporation, hereinafter referred to as 'the Town,' and FOUAD FACUR hereinafter, referred to as 'the Applicant,'

WITNESSETH:

WHEREAS, the Applicant is the owner of certain property situated in the County of Larimer, State of Colorado, and legally described as follows, to-wit:

WHEREAS, the Applicant desires to develop said property and has made application to the Board of Trustees of the Town of Wellington for approval of Development Proposal  
Per OUTWTA, KNOLLS AT WELLINGTON SOUTH, WEL (2012131947) and

WHEREAS, the Parties hereto recognize that the land use fees as specified by the Municipal Code of the Town of Wellington may not be adequate to fully cover the Town's expenses in considering the referenced application, including, but not limited to, legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. FULL AND SEPARATE ACCOUNTING OF REVIEW EXPENSES.

The Town will maintain separate accounts of all monies expended as a result of the review of the above referenced application. Statements of expenses incurred will be made available to the Applicant monthly throughout the time the application is being reviewed by the Town. Expenses charged to the applicant's account shall include, but shall not be limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

2. EXPENDITURE OF FEES PAID BY THE APPLICANT.

The Town shall expend the monies collected from the Applicant in the form of land use fees, in the payment of expenses incurred in the review of the Applicants request, including, but not limited to, fees charged to the Town for legal publications, engineering services, attorney services, consultant services,

reproduction of material and public hearing expenses. Only after all expenses incurred in the review of the Applicant's request have been paid, may these monies be used for other purposes as determined by the Town.

3. PAYMENT OF REVIEW COSTS BY THE APPLICANT.

In the event that the Town incurs expenses for the review of the Applicant's request greater than the monies collected from the Applicant in the form of land use fees, the Applicant shall reimburse the Town for the additional expenses. Said reimbursement shall be made within ten (10) days of the Town submitting an invoice for the expenses. Failure by the Applicant to pay within the specified time shall be cause for the Town to cease processing the application and/or deny approval of the application.

4. APPLICATION TERMINATION.

Except where the law or an agreement with the Town provides otherwise, the Applicant may terminate his application at any time by giving written notice to the Town. The Town shall immediately take all reasonable steps necessary to terminate the accrual of costs to the applicant. e.g. notify newspapers to cancel publications, etc. The Applicant will continue to be liable for all costs reasonably incurred by the Town prior to, and after, submitting a notice of termination.

5. COLLECTION OF FEES AND COSTS.

If the Applicant fails to pay the fees required herein when due, the Town may take those steps necessary and authorized by law to collect the fees due. The Town shall also be entitled to all court and attorneys fees, other costs incurred in collection and interest on the amount due at the rate of 18% per annum.

IN WITNESS WHEREOF, the Town and the Applicant have caused this Agreement to be duly executed on the day and year first above written.

THE APPLICANT

Signature 

TOWN OF WELLINGTON

Signature \_\_\_\_\_

ATTEST:  
Town Clerk

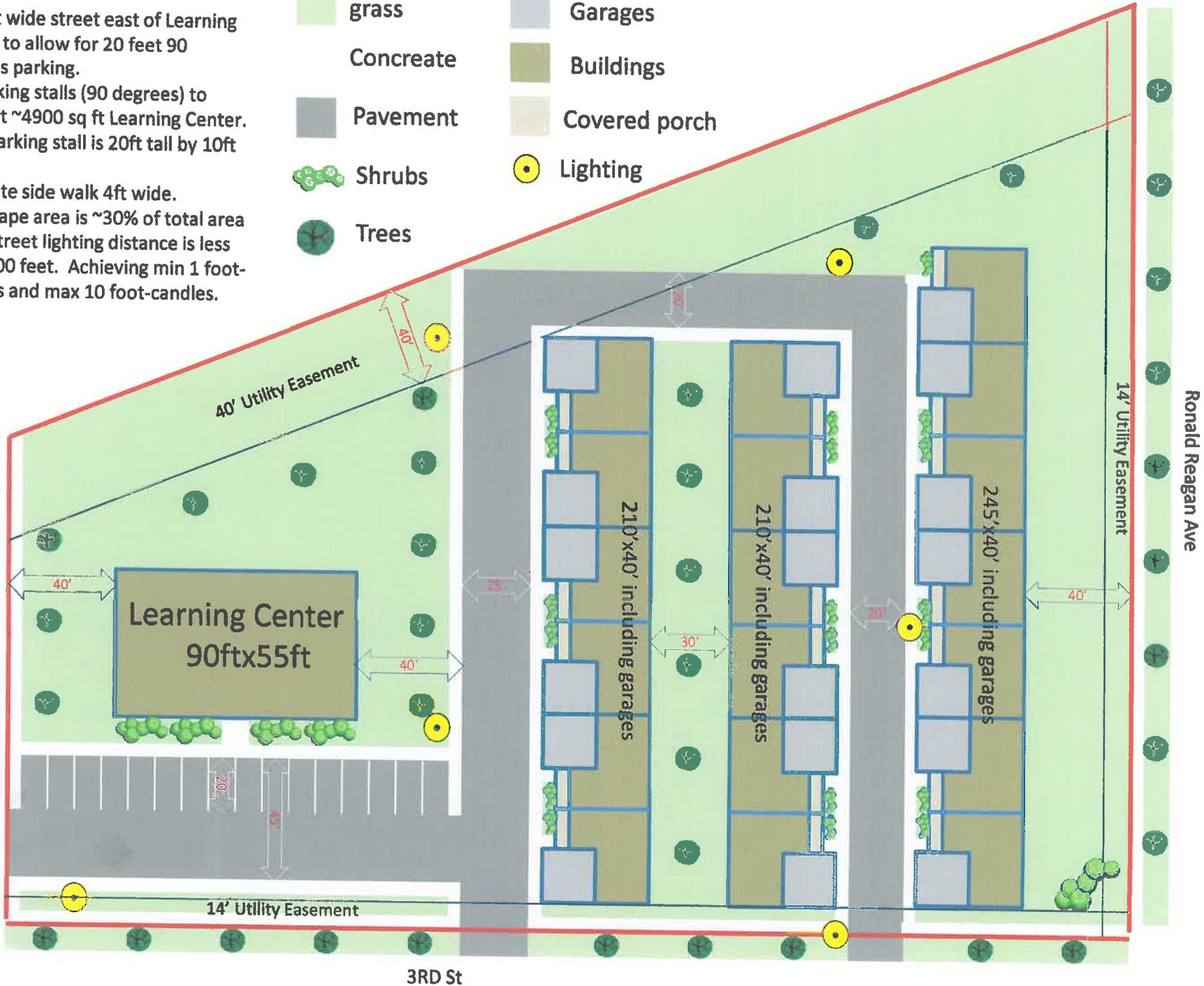
# Preliminary Development Proposal for

OUTLOT A, KNOLLS AT WELLINGTON SOUTH, WEL (2002131947)

- Mixed multifamily units and learning center development proposal.
- Learning center serves multifamily units and the Wellington community.
- Learning center services include:
  - After schools group tutoring and lessons.
  - One-on-one tutoring
  - Day care for ages 3 and above
  - Classes for students and adults
  - Academic subjects (e.g. Math, writing, science, etc.)
  - College entrance test preparation
  - Theatre, music, art, etc.

- 45 feet wide street east of Learning Center to allow for 20 feet 90 degrees parking.
- 16 parking stalls (90 degrees) to support ~4900 sq ft Learning Center. Each parking stall is 20ft tall by 10ft wide.
- Concrete side walk 4ft wide.
- Landscape area is ~30% of total area
- Local street lighting distance is less than 200 feet. Achieving min 1 foot-candles and max 10 foot-candles.

	grass		Garages
	Concrete		Buildings
	Pavement		Covered porch
	Shrubs		Lighting
	Trees		



3RD St

Ronald Reagan Ave

RONALD REAGAN AVE

3RD ST

# PROPOSED DEVELOPMENT OUTLOT A

8804433001

8804432904

8804432012

3800	8804419002	8804419004	8804419006	8804419008
8804419001	3822 3844	3856 3868	3888 3900	
	8804419003	8804419005	8804419007	

MOUNT BAKER ST

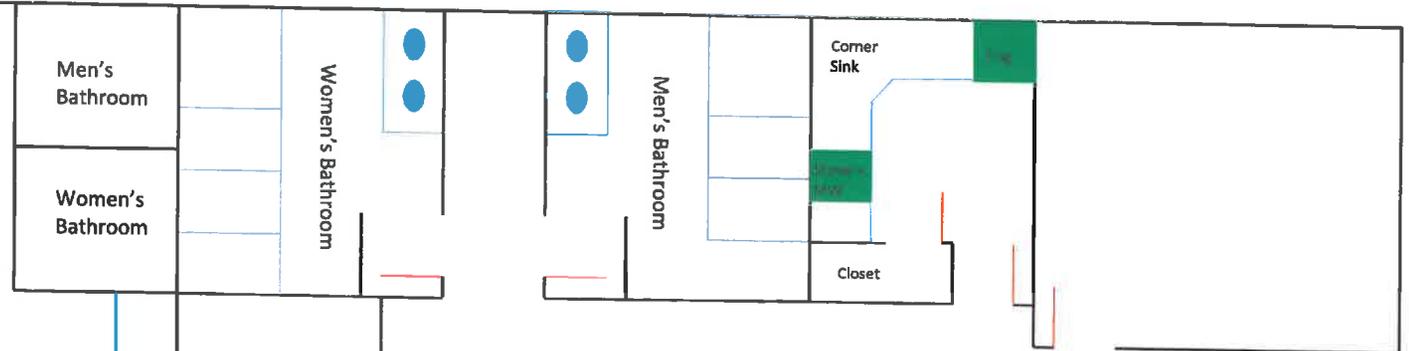
	8804420002	8804420005	8804420008	8804420011
3801	8804420003	3869	3881	3901 3921
8804420001	3823	8804420004	8804420006	
8804420012	8804420014	8804420016	8804420018	8804420020
3802 3824	3846 3858	3870 3882	3902	
8804420013	8804420015	8804420017	8804420019	

MOUNT OXFORD ST

		8804421003	8804421006	8804421009
3803 3825		3847	3859 3871	3883 3903
8804421001		8804421005	8804421007	

RICE ELEMENTARY

# Learning Center

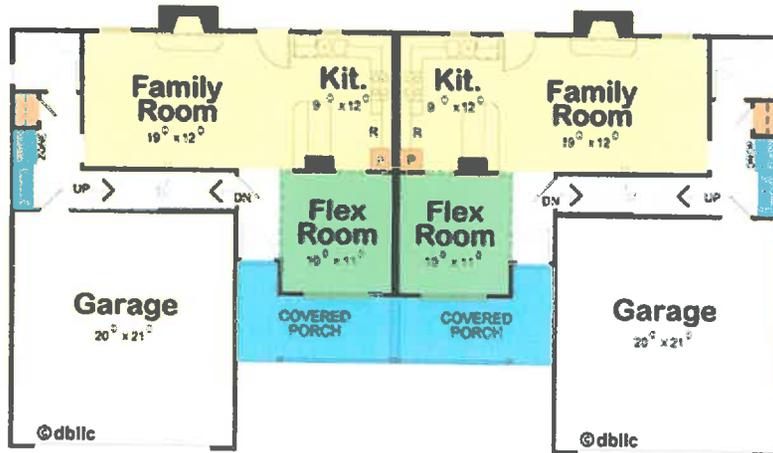


- **One building**
- **Building Information:**
  - **Max Width: 96'-0"** Wide
  - **Max Depth: 52'-0"** Deep
  - **Total Finished Sq. Ft.: 4,992**
  - **Main Level Ceiling Ht: 10' 0"**



# Multi-family Units

- Three buildings
- One building consists of 7 units and two buildings consists of 6 units each
- Building Information:
  - 7 Unit building
    - Max Width: 245' 0" Wide
  - 6 Unit buildings:
    - Max Width: 210' 0" Wide
  - Max Depth: 40' 0" Deep for each building
  - Max Ridge Height: 29' 1"
- Unit Information:
  - 3 Bedrooms
  - 2.5 Bathrooms
  - Main Level Sq. Ft.: 679
  - Upper Level Sq. Ft.: 788
  - Total Finished Sq. Ft.: 1,467
  - Main Level Ceiling Ht: 9' 0"
  - Upper Level Ceiling Ht: 8' 0"



**Sec. 16-7-10. Purpose.**

(a) In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use. Specific conditional uses for each zone district are listed in Article 6.

(b) Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Article is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied. (Ord. 11-2007 §1)

**Sec. 16-7-20. Conditional use review process.**

(a) Step 1: Optional preapplication conference. The applicant may attend a preapplication conference with the Town Administrator/Clerk. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.

(b) Step 2: Conditional use application submittal. The applicant shall submit one (1) copy (twenty [20] copies of all plans and maps which are larger than 11" x 17") of the complete conditional use application package to the Town Administrator/Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. Conditional use requests shall include:

(1) A land use application form.

(2) A conditional use/technical criteria form.

(3) Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of conditional use application submittal.

(4) A written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.

(5) A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.

(6) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.

(7) Such additional material as the Town Administrator/Clerk may prescribe or the applicant may submit pertinent to the application.

(8) A surrounding and interested property ownership report. Provide a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

**Zoning — Conditional Uses**

§16-7-20

(9) A public hearing notification envelope. One (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address, and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies.

(c) Step 3: Conditional use application certification of completion and report to Planning Commission. Within a reasonable period of time, The Town staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the conditional use technical criteria form). The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, the Town staff shall prepare a report to the Planning Commission explaining how the application is or is not consistent with the conditional use application review criteria.

(d) Step 4: Planning Commission review of the conditional use application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the conditional use review criteria. The Planning Commission will then recommend to the Board of Trustees approval, approval with conditions or denial.

(e) Step 5: Set conditional use public hearing date and notify public of hearing. The Town Administrator/Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies no less than thirty (30) days before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. The Town Administrator/Clerk shall also publish notice of the hearing in a newspaper of general circulation. The Town Administrator/Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the conditional use request is accompanying another application which is scheduled for public hearing before the Board of Trustees, one (1) public hearing may be held on both applications.

(f) Step 6: Board of Trustees public hearing and action on the conditional use. The Board of Trustees shall hold a public hearing on the conditional use application. Following the public hearing, the Board of Trustees may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria. A conditional use permit may be revocable, may be granted for a limited time period or may be granted subject to conditions as the Board of Trustees may prescribe. Conditions may include, but shall not be limited to, requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds and prescription of development schedules.

(g) Step 7: Record conditional use map. The Town Administrator/Clerk shall record one (1) original Mylar of the conditional use map in the office of the County Clerk and Recorder. The recording fee shall be paid by the applicant. (Ord. 11-2007 §1)

**Sec. 16-7-30. Conditional use review criteria.**

The Town shall use the following criteria to evaluate the applicant's request: