



**TOWN OF WELLINGTON  
PLANNING COMMISSION  
December 5, 2022**

**MINUTES  
REGULAR MEETING – 6:30 PM**

1. CALL REGULAR MEETING TO ORDER – 6:30 p.m.

The Planning Commission for the Town of Wellington, Colorado, met on December 5, 2022, at the Wilson Leeper Center, 3800 Wilson Avenue, Wellington, Colorado at 6:30 p.m.

2. ROLL CALL

Commissioners Present:

Eric Sartor, Chairperson  
Lisa Chollet  
Lowrey Moyer  
Tim Whitehouse  
Bert McCaffrey  
Linda Knaack

Absent:

Gary Dicenta

Town Staff Present:

Cody Bird, Planning Director  
Paul Whalen, Planner III  
Patty Lundy, Planning Analyst

3. ADDITIONS TO OR DELECTIONS FROM THE AGENDA

None

4. PUBLIC FORUM

None

5. CONSIDERATION OF MINUTES

A. Meeting Minutes of November 7, 2022

Commissioner Moyer moved to approve the meeting minutes of November 7, 2022.  
Commissioner Whitehouse seconded.

**Yeas – Whitehouse, Moyer, Sartor, Chollet**

**Nays – None**

**Abstains – Knaack, McCaffrey**

**Motion carried**

## 6. NEW BUSINESS

### A. Public Hearing: Consider Adoption of the Zoning Map

Cody Bird, Planning Director presented the staff report and introduced a proposed draft of updates to the Town's Official Zoning Map. The Zoning Map is the legal document that identifies which zoning district standards are applicable to properties within the Town limits. Updates to the Official Zoning Map are needed to align with updates made to the Town's Comprehensive Plan and Land Use Codes. The Planning Commission has met in four work sessions between May and September 2022 to consider possible updates to the map. Based on the discussions, Town staff has drafted the proposed Zoning Map dated December 5, 2022.

Bird explained that the Town mailed 815 individually addressed notices to owners of properties that would be affected. Regular notifications in the Fort Collins Coloradoan and the Town's official posting locations were also provided. There will be another hearing in January or February at the Board of Trustees meeting.

Bird highlighted the following proposed changes reflected on the draft zoning map:

- Properties currently zoned Transitional Zone District are proposed to have different zoning district designations because of eliminating the Transitional Zone District from the updated Land Use Code. These areas are classified based on the suitability of existing uses and compatibility of surrounding zoning districts.
- The newly created R-4 Downtown Neighborhoods Zone District is generally between Washington Avenue and Kennedy Avenue and First Street to Sixth Street that are currently zoned R-2 Single-Family Residential.
- Residential properties along Harrison Avenue and McKinley Avenue that are currently zoned Transitional are proposed to be zoned newly created R-4 Downtown Neighborhoods Zone District.
- Updates to the titles of some zoning districts like C-3 Highway Commercial is now titled C-3 Mixed Use Commercial.
- Properties previously zoned R-4 Residential Multi-Family District on the map are now identified as R-3 Residential Medium Density.

Chairman Sartor opened the Public Hearing portion of the meeting.

Scott Flowers, Sixth Street, shared that he preferred his property that he lives at to be zoned R-4 Downtown Neighborhood rather than the proposed C-1 zoning on the draft map. He also asked about repairing/rebuilding his home if damaged/destroyed and asked about insurance for a residential structure on a property zoned commercial. He asked when the current Transitional Zoning was established. He restated that he would like his property zoned residential and if the property is sold and a future owner wants it to be commercial they could make the request at that time.

Dave Bockman, Sixth Street, agreed with Mr. Flowers' comments and shared that his property is adjacent and is a neighbor. He also would like to be zoned residential.

Seeing no more public comments, Chairman Sartor closed the public hearing portion of the meeting.

Bird responded to the public comments. He stated that the west side of Sixth Street had been discussed at prior work session meetings. There were comments from the Commissioners that since there was commercial on the east side of the road, it made sense to allow commercial on the west side as well. Chairman Sartor added that there are also existing and proposed industrial sites north along Sixth Street and it seems the corridor is likely to be transitioning to commercial.

Bird shared that the prior Land Use Code provisions were adopted around 2007 when the Town adopted a model Land Use Code prepared by the Department of Local Affairs (DOLA). The Town's adoption of the model Land Use Code was a change to a more urban set of zoning standards. Prior to the model code, the Town had relied upon the County's O – Open zoning classification. Current staff had not found much background as to why some properties were identified and zoned as Transitional at that time.

Bird encouraged everyone to review Article 7 of the Land Use Code that addresses nonconformities and vested property rights. The section on "Continuation of Nonconforming Structures" states "[...] the right to continue a nonconforming structure shall cease and such use contained therein shall conform to the provisions of this Code under any of the following circumstances: If a nonconforming structure is destroyed by any means to the extent of more than 50 percent of its fair market value, it may not be re-established except in compliance with all regulations applicable to the zoning district in which it is located. This provision shall not apply to single-family dwelling units in residential zoning districts, which may be reconstructed with substantially the same floor area, provided there is no increase in any other nonconformity. If the nonconforming structure is partially destroyed, where the damage does not exceed 50 percent of its fair market value, the nonconforming structure may be rebuilt but not enlarged upon approval of a building permit." Bird explained this excerpt is just part of the Article 7 provisions that addresses structures being damaged. There are other provisions with other protections that he encouraged everyone to read.

Bird said that as far as insurance, he recommended that they speak to their insurance agent.

Commissioner Chollet explained that Commissioners drove around town several times to look at and consider properties to see what zoning made sense for different areas of Town.

Commissioner Whitehouse commented that the zoning of the properties of the individuals that spoke during public comment may not need to change to commercial.

Commissioners discussed and agreed that the two properties of the individuals that commented during public comment should be changed to R-4 zoning instead of C-1 zoning. Commissioners commented that zoning adjacent to the west of these properties was proposed to be R-4 already, so the zoning would be compatible.

Bird also brought up that the owner of 3731 Harrison Avenue contacted Town staff and requested that his property be considered for C-2 Downtown Commercial zoning. The draft map identifies the property as R-4 Downtown Neighborhoods. The owner was not able to attend tonight, but asked that staff share his request to consider C-2 zoning.

The Commissioners discussed the C-2 zoning for 3731 Harrison Avenue and the surrounding properties. The Commission agreed that there were C-2 zoning properties adjacent to the south and the corner lot was in proximity to the Cleveland Ave. corridor so the C-2 zoning was suitable for the property.

Melissa Whitehouse asked if she could address the Commissioners. Chairman Sartor allowed comments. She expressed a concern that if the address at 3731 Harrison Avenue was to change zoning from what was on the draft map that there may need to be notice of the change for surrounding neighbors.

Bird commented that this was not the final meeting on the zoning map changes and that there will be more opportunity for comments. When the Commission's recommendation and the draft map is presented to the Board of Trustees for consideration, staff would be providing additional notices. Bird offered that the draft zoning map could be updated with notes reflecting the couple of recommended changes discussed tonight so there was a record available to the public with the changes identified.

Paul Whalen, Senior Planner shared that he had spoken with the owner of the property at 3709 McKinley Avenue. The property is currently in the Transitional Zone and is proposed to be changed to R-4 Downtown Neighborhood. The owner expressed that he was concerned about selling his house when he learned that childcare facilities could be a use allowed next door and that was stated as a reason for a potential purchaser to back out of an offer. Staff shared some code provisions about different processes if a childcare was proposed next door and the owner seemed to understand. The owner did not have any specific request as to what other zoning district he might propose for the property.

Commissioner Whitehouse moved to forward a recommendation to the Board of Trustees to approve the Official Zoning Map with the changes including 8311 Sixth Street and 8317 Sixth Street to be R-4 and 3731 Harrison Avenue to C-2.

Motion seconded by Commissioner McCaffrey.

There was discussion about a third property on Sixth Street in the same block and adjacent to the two that were proposed to be changed to R-4. Since the owner of the third property in that block was not at the meeting, the Commission directed staff to reach out to the owner and inquire if he would like the same R-4 zoning that his neighbors had requested.

Commissioner Whitehouse moved to amend his original motion to approve the recommendation to the Board of Trustees to approve the Official Zoning Map with the changes including 8311 Sixth Street and 8317 Sixth Street to R-4, 3731 Harrison Avenue to C-2 and 8321 Sixth Street to also include the desires of the property owner pending conversation with Town staff.

Commissioner McCaffrey amended his second.

**Yeas – Whitehouse, McCaffrey, Moyer, Chollet, Knaack, Sartor**

**Nays – None**

**Motion carried.**

B. Adopt 2023 Meeting Schedule and Submission Dates

Commissioner Moyer moved to adopt the schedule of Planning Commission meeting and submission dates for the 2023 calendar year.

Motion seconded by Commissioner Chollet.

**Yeas – Whitehouse, McCaffrey, Moyer, Chollet, Knaack, Sartor**

**Nays – None**

**Motion carried.**

7. ANNOUNCEMENTS

Bird announced the Town was awarded a grant for affordable housing planning programs for \$52,500 which will fund 75% of the project for that application. The Town will match the remaining 25% amount of \$17,500 which will come out of the 2023 budget. The project will conduct a housing needs assessment to identify gaps in the housing market for Wellington and will include analysis of existing codes and recommendations for code changes to increase opportunities for housing affordability.

Bird also mentioned that other staff are applying for a grant to install a landscape demonstration garden at the new Town office building on Third Street. A landscape design was prepared by a qualified landscape designer and if the grant funds are awarded, it is contemplated the installation would take place in the spring. There is an administrative review and approval process in the Land Use Code for modifications to an approved site plan and Town staff is using the administrative procedures to document the changes for the demonstration garden.

Commissioner Moyer thanked staff for helping get these grants.

8. ADJOURNMENT

Chairman Sartor adjourned the regular meeting at 8:40 PM.

Approved this 9th day of January, 2023

  
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Recording Secretary