



PLANNING COMMISSION REGULAR MEETING

July 18, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

Chairman Schick called the regular meeting of the Planning Commission to order at 7:00 p.m.

1. Roll Call

The following Planning Commission members were present:

	Gale Schick
	Doug Dennison
	Kelly Hall
	Victor Tallon
	Jerry Bushelman
	Dan Foreman
Absent	Tim Annable
Alternate	Cindy Scheuerman
Alternate-Absent	Travis Yingst
Town Board Liaison	David Sislowksi
Also Present:	Planning Director
	Chief Planner
	Senior Planner
	Senior Planner
	Deputy Town Clerk
	Scott Ballstadt
	Carlin Malone
	Paul Hornbeck
	Millissa Berry
	Amanda Mehlenbacher

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

**Mr. Tallon moved to approve the agenda as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman
Nays – None
Motion carried.**

3. Public Invited to be heard

Mr. Schick opened the meeting up for public comment to which there was none.

B. CONSENT CALENDAR*

1. Approval of minutes of June 20, 2018

**Mr. Tallon moved to approve the consent calendar as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman**

Nays – None

C. BOARD ACTION

1. Site Plan Presentation – Highlands Industrial Park Subdivision 2nd Filing, Lot 5, Block 2 (Windsor Center Flex North Building) – Mark Morrison, Schuman Companies, applicant's representative

- Staff presentation: Carlin Malone, Chief Planner

Ms. Malone introduced the applicant and presented the PowerPoint presentation included in the packet material, with the following information: The applicant, represented by Mr. Mark Morrison, is proposing a second building on the north side of a site recently developed in the Highlands Industrial Park Subdivision. The site is zoned Limited Industrial (I-L) and is surrounded by other industrial properties.

Site characteristics include:

- a new 15,200 square foot two-tenant/ industrial flex building;
- 45 off street parking spaces; and
- Approximately 22% landscaping, which meets the Town's 15% requirement.

Building and structural details include:

- building articulation through varying building elements; and
- a combination of stone and varying metal siding façade elements.

Ms. Malone indicated that there is no recommendation, as this item is for presentation purposes.

Mr. Schick asked if there were any questions or comments from the Commission. There were none.

2. Site Plan Presentation – River Valley Crossing Subdivision 2nd Filing Lot 2 (Public Service Credit Union) – Todd Rand, Baseline Engineering, applicant's representative

- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck introduced the applicant and presented the PowerPoint presentation included in the packet material, with the following information: The applicant's representative Mr. Todd Rand of Baseline Engineering is proposing a new site development in the River Valley Crossing Subdivision 2nd Filing. The site is zoned General Commercial (GC) and is located adjacent to properties other GC properties.

Overall development characteristics include:

- Total lot area of 1.6 acres
- 4,204 square foot building
- Approximately 20% landscaped area
- 34 parking stalls

Building characteristics include:

- Predominant building materials of stone veneer, stucco, and metal panels
- Maximum building height of approximately 24'
- Drive through lanes for ATMs and general banking

Mr. Hornbeck indicated that there is no recommendation, as this item is for presentation purposes.

Mr. Schick asked if there were any questions or comments from the Commission. There were none.

3. Public Hearing – Great Western 7th Annexation – GWIP, LLC, and Windsor Renewal I, LLC; owners / Craig Stith, Great Western Development/OmniTrax, applicant; Cory Rutz, Otten Johnson Robinson Neff + Ragonetti, applicant's representatives
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner

Mr. Sislowksi stated for the record, "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 non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight's proceedings influence or affect my review of this matter when it comes 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 hearing."

Ms. Berry introduced the applicant and presented the PowerPoint presentation included in the packet material, with the following information: The property owners, GWIP, LLC and Windsor Renewal I, LLC, represented by Mr. Craig Stith of Great Western Development/OmniTrax and Ms. Cory Rutz of Otten Johnson Robinson Neff + Ragonetti, have submitted a petition to annex approximately 349.108 acres to the Town of Windsor as Heavy Industrial (I-H) zoned property. The subject property is located east / southeast of the Great Western Industrial Park off Eastman Park Drive and WCR 23.

The majority of the subject property is located within the Town's Growth Management Area, within which properties are favored to annex into the Town's corporate limits. A portion (south of the Poudre River) of the property is located within the Greeley Annexation Area. Town staff and City of Greeley staff discussed the situation and agreed to prepare for Town Board and City Council consideration an amendment to the intergovernmental agreement between the two communities to address properties that lie in both growth management areas. The property is also identified in the Town's East Side Industrial Subarea.

No development is currently proposed with this annexation petition. The purpose of the annexation is to prepare the properties for future development. When a development proposal is submitted for any of the properties, the proposal will be reviewed and processed in accordance with the Municipal Code.

The Comprehensive Plan Growth Strategy includes the property within the Town's Secondary Growth Area. The property is adjacent to Developed and Primary Growth Areas to the north and west. The Land Use Plan of the 2016 Comprehensive Plan designates the majority of the property for Heavy Industrial land uses for the northern portions of the property. The southern portion in close proximity to the Cache La Poudre has the Parks, Open Space, Mineral Extraction and Flood Plain land use designation applied. The Heavy Industrial (I-H) zoning that is proposed for the property reflects the future land use for the property. The zoning for abutting properties to the north and west within Town Limits is I-H. Abutting properties that surround the subject property and are outside town limits are zoned Agriculture (A) by Weld County. The City of Greeley's land use guidance map calls for industrial uses in the vicinity.

The Comprehensive Plan calls for the extension of Crossroads Boulevard through the annexation area. The Town has requested the dedication of right-of-way for the extension of Crossroads Boulevard as well as an additional right-of-way along WCR 23 to be dedicated to Windsor.

An annexation impact report was prepared and sent to potentially impacted taxing districts as required by Colorado Revised Statutes (CRS). The report outlines details on the provision of utilities and services to the property, maintenance of infrastructure, and a finding of no impact to the school district due to the lack of a development proposal at this time and the I-H zoning proposed. Responses from the tax agencies included "no comment/conflict" or a request to review any development proposals when submitted. Tax agency responses received are included in the packet materials.

Referral agencies, including the Colorado Department of Transportation, City of Greeley, Colorado Parks and Wildlife, Poudre River Trail Corridor Inc, others, were also notified of the annexation request. City of Greeley and Poudre River Trail Corridor, Inc. did convey that associated agency plans call for the protection of the river corridor from development.

On June 7, 2018, the applicant held a neighborhood meeting. One neighbor attended. The neighbor conveyed a request to the Town to not annex enclaves created by the annexation and not to zone the properties in a manner that would allow multi-family land uses in the area (industrial was acceptable).

Staff has reviewed the application and makes the following determinations:

- The plat is consistent with the petition submitted;
- The property is eligible for annexation based on contiguity and community of interest between the proposed property and annexing municipality (ability to be urbanized);
- No limitations for annexation exist in this case;
- An election is not required.

Staff requested that the following be entered into the record:

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

Staff recommends that the Planning Commission forward a recommendation of approval of the Great Western 7th Annexation and Heavy Industrial (I-H) zoning designation to the Town Board, as presented with the condition that all outstanding staff comments on annexation map are adequately addressed prior to recording of the annexation map.

Mr. Schick asked if the applicant had any further information they wished to present.

The applicant had no further information.

Mr. Schick asked if anyone from the audience wished to speak on this matter.

There was none.

Mr. Tallon moved to close the public hearing; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

4. Recommendation to Town Board – Great Western 7th Annexation – GWIP, LLC, Broe Land Acquisitions 10, LLC; Broe Land Acquisitions 11, LLC; and Windsor Renewal 1, LLC; owners / Craig Stith, Great Western Development/OmniTrax, applicant; Cory Rutz, Otten Johnson Robinson Neff + Ragonetti, applicant's representatives

- Quasi-judicial
- Staff presentation: Millissa Berry, Senior Planner

Mr. Schick asked if Ms. Berry had anything further she wished to add.

Ms. Berry wished to clarify that there is no development proposed at this time rather just an action to prepare the site for future development.

Mr. Schick asked if there were any questions or comments from the Commission.

Mr. Tallon stated that he is pleased to see the improvements being made along Crossroads Blvd.

Mr. Tallon moved to forward a recommendation of approval to the Town Board for the Great Western 7th Annexation and Heavy Industrial zoning designation with the condition that all staff comments are adequately addressed prior to the recording of the annexation map; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

5. Public Hearing – Rezoning Petition - Ptarmigan Business Park PUD 2nd Filing Tract A – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Sislowski stated for the record, "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 non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight's proceedings influence or affect my review of this matter when it comes 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 hearing."

Mr. Hornbeck introduced the applicant and presented the PowerPoint presentation included in the packet material, with the following information: The applicant Mr. Tom Muth of Windsor Investments LTD, represented by Mr. Jon Sweet of TST Consulting Engineers, is requesting to rezone a portion of Tract A of the Ptarmigan Business Park PUD 2nd Filing Subdivision. Approximately 0.314 acres are proposed to be rezoned from General Commercial (GC) to Residential Mixed Use (RMU).

Town Board rezoned the surrounding 62 acres to the north, east and south from GC to RMU at request of the applicant on October 9, 2017. The current rezoning is necessary because the previous rezoning followed the alignment of the Westgate Drive right-of-way, which is now proposed to be modified as a part of a major subdivision (agenda item C.5 C.6). Without the proposed rezoning, this road realignment will create a peninsula of General Commercial within the Residential Mixed-Use area.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the rezoning petition.

Staff requested that the following be entered in the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received during the public hearing
- Recommendation

Mr. Schick asked if the applicant had any further information they wished to present.

The applicant had no further information.

Mr. Schick asked if anyone from the audience wished to speak on this matter.

There was none.

Mr. Tallon moved to close the public hearing; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

6. Recommendation to Town Board – Rezoning Petition - Ptarmigan Business Park PUD 2nd Filing Tract A – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative

- Quasi-judicial

- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Schick asked if Mr. Hornbeck had anything further he wished to add.
Per Mr. Hornbeck; nothing further Mr. Chairman.

Mr. Schick asked if there were any questions or comments from the Commission.
There was none.

Mr. Tallon moved to forward a recommendation of approval to the Town Board for the Rezoning Petition – Ptarmigan Business Park PUD 2nd Filing Tract A; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman
Nays – None
Motion carried.**

7. Preliminary Subdivision – Windsor Villages at Ptarmigan – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck informed the Commission of the late additions that were added to packet materials which included, public comment from a neighboring property owner's representative, neighborhood meeting summary, and letter of response to the public comment.

Mr. Hornbeck introduced the applicant and presented the PowerPoint presentation included in the packet material, with the following information: The applicant Mr. Tom Muth of Windsor Investments LTD, represented by Mr. Jon Sweet of TST Consulting Engineers, has submitted a preliminary major subdivision plat, known as Windsor Villages at Ptarmigan. The subdivision encompasses approximately 103 acres and is zoned Residential Mixed Use (RMU) and Limited Industrial (IL).

Preliminary Plat characteristics:

- 117 single-family residential lots;
- Average lot size of 7,346 square feet;
- 23 acres of public right-of-way dedication
- 48 acre future development tract master planned for commercial and multifamily uses
- Offsite improvements will include widening of CR 5 from SH 392 to CR 32E and
- roundabouts on CR 5 at Oakmont Drive and CR 32E

The applicant held a neighborhood meeting on June 14, 2018, in accordance with Chapter 16, Article XXXI of the Municipal Code. There were approximately seventeen neighbors in attendance. Please see the enclosed neighborhood meeting notes for discussion topics and responses.

Staff recommends that the Planning Commission approve the Preliminary Plat subject to the following conditions:

1. All outstanding Planning Commission and staff comments shall be addressed on the Final Plat.
2. The Final Plat shall depict the right-of-way for Oakmont Drive shifted north to ensure it is dedicated solely from property controlled by the applicant.

Staff requested that the following be entered in to the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

Jon Sweet, TST Consulting Engineers, reported on additional information concerning the commercial and residential lots and their size, the roundabout, cross section and the concerns that were raised during the neighborhood meeting.

Mr. Schick asked if there were any questions or comments from the Commission. There was none.

Mr. Tallon moved to approve the Preliminary Subdivision – Windsor Villages at Ptarmigan subject to the following conditions as stated by staff; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:

**Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman
Nays – None
Motion carried.**

Mr. Schick allowed the following public comment on agenda item C.7.

John Truesdell, 7426 Tamarisk Dr. Fort Collins, CO., expressed his concern regarding the proposed roundabout and asked if the Town would consider relocating it away from the Ptarmigan Subdivision entrance off Oakmont Ct.

Mr. Schick requested a 5-minute recess.

Mr. Schick re-opened the regular meeting at 7:49 p.m.

8. Public Hearing – Rezoning Petition – Valley Center Subdivision – Alan Highstreet, Agrifab Colorado, LLC, applicant / Mike Maurer Olsson Associates, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Sislowski stated for the record, "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 non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight's proceedings influence or affect my review of this matter when it comes 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 hearing.”

Mr. Hornbeck introduced the applicant and presented the PowerPoint presentation included in the packet material, with the following information: The applicant, Mr. Alan Highstreet of Agrifab Colorado, represented by Mr. Mike Maurer of Olsson Associates, is requesting to rezone lots A and B of the Valley Center Subdivision. The lots total approximately 3.86 acres and are requested to be rezoned from General Commercial (GC) to Limited Industrial (IL). The purpose of the rezoning is to allow for the construction of three buildings containing office/warehouse uses, a project that will require separate site plan approval.

The subject properties are vacant properties, previously home to buildings that were destroyed in the 2008 tornado. The properties to the north are zoned Limited Industrial, while the properties to the east and west are zoned General Commercial. The property to the south across Eastman Park Drive is also zoned General Commercial.

In 2017, the applicant submitted a rezoning petition for the subject properties which was considered by Town Board on September 25, 2017. Town Board did not approve the rezoning at that time due to concerns of compatibility with surrounding businesses. The applicant has since worked to redesign the project layout in consultation with the surrounding businesses. A conceptual layout has been submitted showing the garage doors and loading areas relocated from adjacent to the existing businesses to an internal portion of the site.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the rezoning petition.

Staff requested that the following be entered in to the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received during the public hearing
- Recommendation

Mr. Schick asked if anyone from the audience wished to speak on this matter.

Chris Ruff, 311 Habitat Bay Windsor, CO., addressed the Commission and expressed his support for the rezoning as he feels it will be a nice addition to the neighborhood.

Mr. Tallon moved to close the public hearing; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

9. Recommendation to Town Board – Rezoning Petition – Valley Center Subdivision – Alan Highstreet, Agrifab Colorado, LLC, applicant / Mike Maurer Olsson Associates, applicant’s representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Schick asked if Mr. Hornbeck had anything further he wished to add.
Per Mr. Hornbeck; nothing further Mr. Chairman.

Mr. Schick asked if there were any questions or comments from the Commission.

Ms. Scheuerman inquired about the access easement for the property to the north that was included in the original configuration and if the issue has been addressed.

Mike Maurer, 7812 W. Greeley, Olsson Associates, responded that they are maintaining the same easement through the site to the property to the north.

**Mr. Tallon moved to forward a recommendation of approval to the Town Board for the Rezoning Petition-Valley Center Subdivision; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman
Nays – None
Motion carried.**

10. Public Hearing – Amendments to Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure.

- Legislative
- Staff presentation: Millissa Berry, Senior Planner

Section 17-9-20 of the Code outlines an administrative approval process for commercial and industrial site plans. The process currently requires a formal staff presentation to both the Planning Commission and Town Board. While these presentations are beneficial information for the boards, the additional time and expense to the applicant are counter to the Town’s goal of streamlining the review process and may be handled more efficiently.

Section 17-8-30 of the Code outlines the administrative approval process for administrative site plans. This section includes the option of presenting an administrative site plan to the Planning Commission and Town Board if the site plan meets certain criteria such as proximity to neighboring residential properties, project is in a prominent location, extent of modifications to structure or site improvements, extent of traffic or circulation modifications.

As uses by right, the only time these site plans would require consideration by Planning Commission and Town Board would be those limited occasions when the review process reveals issues that cannot be resolved between the applicant and staff. Therefore, staff recommends that, instead of a formal presentation, a general overview of commercial and industrial projects and drawings are included in Planning Commission and Town Board meeting packets as

communication items for the boards' information. Elimination of the formal presentation requirement will:

- Save applicants time and money, eliminating the need for the applicant and/or their consultants from having to attend Planning Commission and Town Board meetings
- Free up Planning Commission and Town Board agendas to allow for more discussion on topics which require formal board action
- Allow the site plan information to be provided to Planning Commission and Town Board earlier in the process, as opposed to waiting until the administrative review has been partially completed
- Save staff time with regard to preparation of memos, presentation slides and meeting attendance
- Streamline review process

Such administrative review is already in place in many jurisdictions and is the direction toward which more jurisdictions are moving. This is also a first step toward further administrative approvals in order for Windsor's land use review process to stay competitive with neighbors.

Staff recommends that Qualified Commercial and Industrial Site Plan review procedure be amended to delete Section 17-9-20(5) and (6) and add a new Section 17-9-20(5) as follows:

~~(5) The Planning Department shall make formal presentation of all commercial and industrial site plans qualified under this Section to the Planning Commission and Town Board at regularly scheduled meetings of those bodies. The Planning Department shall receive comments from the Planning Commission and the Town Board on such plans.~~

~~6) Following its receipt of comments from the Planning Commission and Town Board, the Planning Department shall review the site plans in accordance with the procedures set forth in Section 17-8-30 of this Chapter, in addition to all requirements as set forth in this Section~~

(5) The Planning Department shall include commercial and industrial site plan information and applicable drawings in Planning Commission and Town Board meeting packets for regularly scheduled meeting of those bodies as informational communications items.

Staff recommends that the Administrative Site Plan review procedure be amended to delete Section 17- 8-30(a)(2) and add a new Section 17-8-30(a)(2) as follows:

~~(2) Upon the filing of an administrative site plan, the Planning Department shall review the nature and location of the proposal and determine whether a site plan presentation shall be scheduled before the Planning Commission and Town Board, based upon the following criteria:~~

- ~~a. Proximity to neighboring residential properties;~~
- ~~b. Whether the project will be located in a prominent location;~~
- ~~c. Extent of significant modifications to building elevations and/or additions of significant new structures; and/or~~
- ~~d. Extent of significant modifications planned or needed for parking, lighting, internal or external traffic, vehicular circulation and/or space for loading and unloading.~~

(2) Upon the filing of an administrative site plan, the Planning Department shall review the nature and location of the proposal and determine whether or not the site plan information and applicable drawings are included in Planning Commission and Town Board packets an informational communications item based upon the following criteria:

- a. Proximity to neighboring residential properties;
- b. Whether the project will be located in a prominent location;
- c. Extent of significant modifications to building elevations and/or additions of significant new structures; and/or
- d. Extent of significant modifications planned or needed for parking, lighting, internal or external traffic, vehicular circulation and/or space for loading and unloading.

For both site plans provided to the Planning Commission and Town Board as well as any administrative plans that are provided to the Planning Commission and Town Board, the process for exchanging information will be as follows:

- Planning Commission or Town Board members shall convey any comments to the Planning Department at a regular or special meeting under the communications section of the agenda.
- In response to any received comments, Planning Department shall include the future revised submittal in a future Planning Commission and Town Board meeting packet under the communications section to convey how comments were addressed.

The information provided in the packets will include:

- A brief overview of the project
- Site plan
- Landscape plan
- Building elevations

In addition to these sections, minor modifications are proposed for Section 17-9-20 (6) and (7):

- Delete section 17-9-20(6) because it is addressed in other existing sections:
Following its receipt of comments from the Planning Commission and Town Board, the Planning Department shall review the site plans in accordance with the procedures set forth in of this Chapter, in addition to all requirements as set forth in this Section.
- Modify language of Section 17-9-20(7) to add a notification of dispute action:
In the event irreconcilable differences arise a dispute arises between the applicant and the Planning Department with regard to the administrative site plan review, a Notice of Dispute shall be sent to the applicant by the Planning Department via e-mail, US Mail or both. The applicant may apply to the Town for further review of the site plan by the Planning Commission and Town Board.

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the enclosed ordinance requiring site plan

presentations be replaced with an informational communications item in respective meeting packets as outlined above, subject to any Town Board and Planning Commission direction.

Staff requested that the following be entered in to the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received during the public hearing
- Recommendation

Mr. Schick asked if anyone from the audience wished to speak on this matter.
There was none.

Mr. Tallon moved to close the public hearing; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

11. Recommendation to Town Board – An Ordinance Amending Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure.

- Legislative
- Staff presentation: Millissa Berry, Senior Planner

Mr. Schick asked if Ms. Berry had anything further she wished to add.
Per Ms. Berry Nothing, further Mr. Chairman.

Mr. Schick asked if there were any questions or comments from the Commission.

Mr. Dennison inquired about the dispute resolution process.

Ms. Berry stated that the term “irreconcilable differences” was replaced with “dispute arises” to which a notice of dispute will be sent to the applicant via U.S. mail, email or both.

Mr. Tallon moved to forward a recommendation of approval to the Town Board for An Ordinance Amending Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

12. Public Hearing – Amendment to Section 16-10-30 of the Windsor Municipal Code regarding proposed Off-Street Parking Requirements for Multifamily Residential.

- Legislative
- Staff presentation: Paul Hornbeck, Senior Planner

As discussed at the June 4, 2018 work session, the Town has experienced multifamily residential development in record numbers over the past few years and this has brought to light the need to reexamine the parking ratio required for multifamily residential uses. Code Section 16-10-30 requires 1.5 parking spaces per multifamily unit. This requirement does not appear to adequately account for visitor and overflow parking, particularly when on-street parking is not available. A shortage of parking may result in issues regarding vehicles parked in fire lanes, landscaped areas or designated bike lanes. Although these would be private parking issues, such issues result in increased calls to the Police Department and Code Enforcement and ultimately leave the residents of the complex with little recourse.

At the work session on this topic, the majority of Town Board expressed concern that the current parking ratio is insufficient and that an approach, which assigns a parking ratio based on the number of bedrooms in a unit, is preferred. There is no uniformly accepted parking ratio for multifamily projects since every project has a different context and a different mix of residents and associated travel patterns. However, a review of other regional jurisdictions parking ratios and research of parking generation rates indicate Windsor's parking ratio to be on the low side. Of particular concern are multifamily developments without adjacent on street parking to help absorb overflow parking. Given the lack of a uniform parking ratio that works for all scenarios, staff has attempted to draft a code amendment that takes into account unique development features, such as number of bedrooms and availability of on-street parking, while maintaining an easy to apply code.

Minimum off-street parking ratios are intended to ensure adequate parking is provided to prevent issues such as parking in fire lanes or landscaped areas and to prevent unduly burdening the community with excessive overflow parking on streets or surrounding properties. However, setting minimum parking ratios too high can negatively impact the community in other ways and some jurisdictions even have maximum parking ratios. Larger parking lots lead to larger storm water runoff which must be managed, contribute to the "heat island" effect, are inefficient uses of land, are typically less attractive features of sites, and are an additional cost for developers. Therefore, parking ratios should attempt to strike a balance between providing enough, but not excessive amount, of parking.

To measure the impact of the proposed amendment staff compared the parking requirements under the existing and proposed parking codes using two case studies of recent multifamily developments, Pelican Bluffs and Fossil Ridge. In both cases, the new parking ratio would have increased the minimum parking required by approximately 10%.

This amendment is primarily targeted at multifamily projects that do not have on-street parking available so a credit of up to 10% is given when on-street parking is available adjacent to the development. This credit is similar to a credit allowed for all uses within the downtown area and would largely mitigate any increase in parking requirements under the proposed amendment when on-street parking is available.

In order to avoid any future projects with possible parking shortages, staff is proposing to adopt multifamily parking requirements as follows:

- 1 Bedroom or studio 1.5
- 2 Bedroom 1.75
- 3 Bedroom 2.0
- 4+ Bedroom 3.0

Multifamily development shall receive a credit towards the requirements of this sub-section of one (1) parking space for every twenty-five (25) feet of the subject lot's frontage on a public street which is designed to accommodate on-street parking. Such credit shall not exceed 10% of the total required parking of any one development.

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the proposed amendment to Municipal Code Section 16-10-30 to modify the multifamily parking requirements as outlined.

Mr. Schick asked if anyone from the audience wished to speak on this matter.
There was none.

Mr. Tallon moved to close the public hearing; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

13. Recommendation to Town Board – An Ordinance Amending Section 16-10-30 of the Windsor Municipal Code regarding Off-Site Parking Requirements for Multifamily Residential.

- Legislative
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Schick asked if Mr. Hornbeck had anything further he wished to add.
Per Mr. Hornbeck; nothing further Mr. Chairman.

Mr. Schick asked if there were any questions or comments from the Commission.

Mr. Bushelman inquired if 100% credit is given for on-street parking and if it typical for other jurisdictions to give the same.

Mr. Hornbeck responded that for every 25 feet of frontage you can credit up to 10% of the required parking and that he has not seen other communities with this type of credit used.

Mr. Tallon moved to forward a recommendation of approval to the Town Board for an Ordinance Amending Section 16-10-30 of the Windsor Municipal Code regarding Off-Site Parking Requirements for Multifamily Residential; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman

Nays – None

Motion carried.

14. Public Hearing – Amendment to Section 16-6-90 of the Windsor Municipal Code regarding proposed Minor Variance Process

- Legislative
- Staff presentation: Carlin Malone, Chief Planner

As discussed at the June 4, 2018 Planning Commission and Town Board work session, Section 16-6-90 of the code requires all variance applications are approved by the Town's Board of Adjustment, regardless of the nature or scale of the request. The Board of Adjustment is the Town's final decision-making body for all variance applications and all require a public hearing at the Board of Adjustment meeting.

The code currently allows for minor modifications through the variance process; however, the narrow focus of the current language has rendered the language ineffective in most cases. For instance, a recent variance request pertained to a new home that encroached into an offset by four inches. The criteria for a variance is based on physical hardship for existing conditions and not designed for minor plan, field or as-built corrections or deviations that may occur from time to time. Variance requests such this lead the Board of Adjustment to discuss with staff the potential for approving minor code deviations through an administrative review.

In the interest of providing a streamlined approach to land use decisions pertaining to minor deviations from the code, staff recommends that Section 16-6-90 be amended to allow for minor administrative variances in the following instances, subject to the minor variance criteria, Section 16-6-90(e):

- Setback or offset.
- Maximum building height.
- Distance between structures
- Lot area.
- Lot Coverage.
- A modification is necessary to correct a legally established condition.

Staff compared minor variance or similar processes, along with similar criteria, and found that minor administrative reviews are a common practice in surrounding jurisdictions and those across the Colorado Front Range Urban Corridor.

At the June 4, 2018 work session, the Town Board and Planning Commission directed staff to move forward with the proposed code amendment. There was a request for staff to look into the possibility of adding more flexibility into the proposed minor variance criteria, such as an allowance to process an application through a minor variance if the request met the intent of the criteria and the rest of the code. Staff considered this option and has deemed that the variance criteria needs to remain definitive for the purpose of ensuring consistency with applications and approvals. Staff recommends that requests proposing flexibility from the code, which meet the intent of the code or providing a better outcome than allowed by the code, should be addressed through a separate section of the

code containing performance options and/or alternative compliance rather than having more subjective criteria within the variance process.

Therefore, staff recommends that Section 16-6-90 be amended to allow for minor administrative variances in the following instances, with the following criteria: Sec. 16-6-90. - Zoning officer authorized to administratively approve minor modifications variances.

- a) Purpose and intent. The purpose and intent of this Section is to allow the zoning officer to administratively grant ~~modifications~~ minor variances up to a maximum of ten percent (10%) or as noted from zoning district standards in cases where an unintended deviation therefrom exists relative to existing structures or existing lots. Relief under this Section shall not be available for the following:
 - (1) Any application for a ~~new development~~ or proposed construction.
 - (2) A building permit application.
 - (3) A plot plan application.
 - (4) An improvement location certificate.
 - (5) Any minor ~~modification~~ variance that would result in any of the following:
 - a. An increase in permitted maximum development density or intensity.
 - b. A change in permitted uses or mix of uses.
 - ~~c. An increase in the building height of principal structures.~~
 - dc. A decrease in the amount of required open space or landscaping.
 - d. A conflict with another requirement.
 - e. An additional or a subsequent minor variance request.
 - f. A lot line adjustment, minor subdivision or subdivision.
- b) Application. The applicant shall submit to the zoning officer a variance application, together with such supporting documentation as the zoning officer may require, and a ~~review~~ variance application fee, ~~the amount of which shall be set by the Town Board and modified by the Town Board from time to time.~~
- c) Appeal. The zoning officer shall review the application and initially determine whether the application ~~qualifies the applicant~~ is eligible for relief under this Section. In the event the zoning officer determines that the application should be denied, appeal of the zoning officer's decision to the Board of Adjustment shall be in accordance with the provisions of this Code.
- d) Notice. Notice of the variance request shall be provided to adjacent neighboring property owners within 300 feet of any boundary of the subject property, at the time the application is accepted by the Town. The notice shall state that any comments or objections must be received by the Planning Department within ten (10) days of the date of the Notice. If an objection is received by the Town, the applicant shall address the objection within ten (10) days of the Notice of Objection provided to the applicant by the Town. If the objection cannot be resolved within the ten (10) days, the variance request shall be forwarded to the Board of Adjustment for a decision.
- ~~de~~) Approval criteria. Upon complete submission of the application as aforesaid and approval thereof by the zoning officer, the zoning officer shall grant the ~~modification~~ minor variance unless it is in conflict with either the goals of the Comprehensive Plan or the purposes of the zoning code. Administrative approval of minor variances shall be limited as follows:

- (1) Setback or offset: A reduction in distance of 10% or one (1) foot, whichever is less.
 - (2) **Maximum building height: An increase in height of 10% or one (1) foot, whichever is less.**
 - (3) **Distance between structures: 10% or one (1) foot reduction, whichever is less, subject to requirements of the International Building Code.**
 - (4) **Lot area: 2% reduction in the minimum lot area required.**
 - (5) **Lot Coverage: 2% increase in the maximum lot coverage.**
 - (6) **A variance is necessary to correct a legally established condition.**
- ef) Effect of approval. The zoning officer shall state on the zoning certificate, and on all affected plans or plats, the nature of any minor variance and reason for approval thereof. The zoning officer shall also sign, date and, if applicable, record all such documentation.

Staff recommends that the Planning Commission recommend to the Town Board approval of the proposed amendment to Municipal Code Section 16-6-90 to replace the administrative modification procedure with an administrative minor variance procedure as outlined, subject to any Town Board and Planning Commission direction.

Mr. Schick asked if anyone from the audience wished to speak on this matter.
There was none.

**Mr. Tallon moved to close the public hearing; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman
Nays – None
Motion carried.**

15. Recommendation to Town Board – An Ordinance Amending Section 16-6-90 of the Windsor Municipal Code regarding proposed Minor Variance Process.
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Mr. Schick asked if Ms. Malone if she had anything further she wished to add.
Per Ms. Malone; nothing further Mr. Chairman.

Mr. Schick asked if there were any questions or comments from the Commission.

Ms. Bushelman inquired if it is the current standard to give notice to neighboring property owners within 300 feet.

Ms. Malone responded that a notice to adjacent neighbors would be given on a minor variance whether it was supported or not. The current variance process does not require a mailing notice.

Mr. Tallon stated that he was in favor of the proposed Minor Variance Process.

Mr. Tallon moved to forward a recommendation of approval to the Town Board for the An Ordinance Amending Section 16-6-90 of the Windsor

**Municipal Code regarding proposed Minor Variance Process; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Scheuerman
Nays – None
Motion carried.**

D. COMMUNICATIONS

1. Communications from the Planning Commission
None

2. Communications from the Town Board liaison
None

3. Communications from the staff
Mr. Ballstadt informed the Commission on the status of the code update and the upcoming APA Conference in October as well as a future Joint Work Session with the Town Board to review landscape standards.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:32 p.m.

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Deputy Town Clerk, Amanda Mehlenbacher