



**PLANNING COMMISSION
REGULAR MEETING**

November 18, 2020 // 6:00 p.m. // Virtual Meetings Until Further Notice

NOTE: This meeting was held virtually

MINUTES

A. CALL TO ORDER

Chairman Schick called the regular meeting of the Planning Commission to order at 6:00 p.m.

1. Roll Call

The following Planning Commission Members were present:

Chair Gale Schick
Vice-Chair Jerry Bushelman
Cindy Scheuerman
Kelly Hall
Doug Dennison
Timothy Reddick
Jose Valdes

Also present:

Barry Wilson, Town Board Liaison
Carlin Malone, Chief Planner
Scott Ballstadt, Planning Director
Paul Hornbeck, Senior Planner
Kim Lambrecht, Planner
McKenzie Paine, Visual Media Coordinator
Karen Frawley, Town Clerk
Eric Bernhardt, Alternate Commissioner
Roger Colonnese, Alternate Commissioner

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

B. CONSENT CALENDAR*

1. Approval of minutes of November 4, 2020

**Ms. Scheuerman moved to approve the minutes of the meeting of November 4, 2020; Mr. Valdes seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Bushelman, Scheuerman, Hall, Dennison, Reddick, Valdes
Nays – None
Motion passed.**

The Town of Windsor will make reasonable accommodations for access to town services, programs, and activities, and will make special communication arrangements for persons with disabilities. Please call 970-674-2400 by noon on the Thursday prior to the meeting to make arrangements.

C. BOARD ACTION

1. Recommendation to Town Board – Land Use Code Update

Per Mr. Hornbeck, the purpose of this agenda item is to make a formal recommendation to Town Board on adoption of an ordinance updating the Windsor Land Use Code, currently Chapters 15-17 of the Municipal Code.

The Town is updating the code with the intent of:

- implementing the goals of the Comprehensive Plan;
- better reflecting contemporary development trends;
- adding flexibility, clarity, and ease of use; and
- streamlining reviews where feasible.

In March of this year Planning Commission forwarded a recommendation of approval of an ordinance updating portions of Chapters 15 and 16. Town Board subsequently requested staff conduct more outreach to stakeholders prior to adoption. Based on that outreach, some minor adjustments were made to Chapters 15 and 16; however, the overall intent remains the same. During this time staff was also able to finalize the creation of Chapter 14 (Procedures & Administration) and revisions to Chapter 17 (Subdivision. The proposed ordinance includes certain sections that are either new or major revisions from existing code and other sections that are largely unchanged except for renumbering or reorganization

Revision of requirements for Chapter 14 of the Municipal Code is currently unused and is proposed to house Administration and Procedures of the Land Use Code. Criteria on administration and procedures are currently located throughout the Code and consolidating into one location should aid in ease of use. Proposed updates are focused on adding clarity, ensuring due process, and streamlining processes where appropriate. Adding requirements for public notification with Master Plans, Preliminary Subdivision Plats, variances to property owners within 150', right-of-way and easement vacations to abutting properties. Additionally increasing the notification radius to 500' feet on all project other than those noted above.

The review body commercial, industrial, site plans reviewed administratively with multi-family being proposed to be reviewed administratively. Use by-right in conformance with applicable criteria, cannot be denied. Annexation, Master Plans, and zoning all require public hearings, Planning Commission, and Town Board would be involved at an earlier stage in the lifecycle of the project.

If an application is denied an update to the Code would seek to avoid repeated resubmittals of a project within a one-year period unless there's a substantial change in the project to be determined by Town Board. Applications types for site plans, height reviews, and conditional use would require a building permit within one year. Preliminary subdivisions lapse occurs if a final plat is not submitted within one year of preliminary plat approval. Final subdivision lapse occurs if applicant fails to submit necessary documents (signed mylars, development agreements, etc.) within 90 days. Minor Subdivision, annexations, master plan, and vacations lapse occurs if an applicant fails to submit any necessary documents or fees within 90 days of approval.

Mr. Bushelman asked Mr. Hornbeck referencing the lapse timeframe will an applicant be eligible to apply for an extension.

Mr. Hornbeck stated the applicant can apply for an extension if they show good cause, and the responsible commission would make that determination.

Mr. Valdes asked Mr. Hornbeck what is the terminology, and data in contemporary development trends to inform us what input was obtained.

Mr. Hornbeck stated the contemporary development trend reference the changing housing market, and the increase of market value along the Front Range. Developers are trying to be more innovative, and deliver product that's affordable by getting creative on how they are delivering that product. Auto quartz is a collective term describing 4-5 homes clustered around a shared driveway maintain privately by a homeowners association sharing cost vs building a cul-de-sac.

Mr. Valdes asked whether the bulk of contemporary development trend had come from developers, and other interest in the ongoing development in Windsor.

Mr. Hornbeck responded we are trying to implement goals of the comprehensive plan, and the development community. It involves diversity in all types of housing.

Mr. Valdes read a section of Chapter 14 "politicizing of project that is use by right" what does that mean regards in this type of project "use by right".

Mr. Hornbeck stated that's in reference to multi-family site plans being use by right with the appropriate zoning. Those type of projects often see public comment by surrounding property owners.

Mr. Valdes stated therefore making it an administrative process your suggesting that criteria would make the decision, and reduce the potential for political issues that may surface with Town Board involvement.

Mr. Hornbeck stated; correct.

Chairman Schick stated it takes some of the emotion out of the decision making if the developer has completed their due diligence.

Mr. Valdes asked Mr. Hornbeck in a situation with negative feedback from the public how would that situation be handled.

Mr. Hornbeck stated the appropriate time for that feedback would be during master plan, and zoning.

Mr. Valdes stated distance requirements can effect a neighboring community; is there is a notification process for rezoning.

Mr. Hornbeck commented yes using radius notification.

Ms. Malone stated we require public hearings for the final subdivision, and technical aspects that need to be addressed.

Mr. Hornbeck summarized that Planning Commission has already given a recommendation, but wanted to review the highlights. Chapter 15 consists mostly of existing standards that are being reorganized for make them easier to find and use. The one substantive change is the introduction of vehicular access

standards that dictate how a building or site is accessed (parking lot, alley, front driveway, etc.), including more innovative solutions seen in newer development across the Front Range.

Chairman Schick asked whether the commission had any questions.

Mr. Ballstadt discussed the change in development trends, and we assessed a lot of the changes from recent experience with PUD submittals. Those planned unit developments needed approval, because the Code would not allow for those types of housing developments. We are incorporating some of those options, eliminating the need for a PUD, and process those use by right.

Mr. Hornbeck stated Chapter 16 was reviewed in March by the Planning Commission. The modifications proposed to zone districts are largely focused on creating more options and flexibility in development. The draft code creates a menu of options, rather than a single standard for all situations.

The RMU district currently allows for a mix of uses, neighborhoods to serve commercial, and Water Valley is the best example for Windsor. We are proposing an RMU-2 district, allowing for smaller residential lot sizes providing more park, and pedestrian space. SF-2 is an existing zone being restructured mimicking RMU-2 with a lower intensity with no option for commercial or multi-family apartments. Estate zones combines E-1 and E-2 would be combined into a single estate district, and the prohibition on septic systems would continue. Multi-family zones MF-1 and MF-2 would be combined. Agriculture holding zone intended for properties that are annexed that wish to continue with agriculture use. The code currently doesn't allow for agriculture for annexed properties, and this would allow for continuation.

Ms. Scheuerman asked Mr. Hornbeck on the RMU zoning is there a Code that requires a certain percentage of this district to be commercial.

Mr. Hornbeck stated the commercial is just an optional component, and it's hard to force commercial where its not viable.

Ms. Scheuerman stated creating this new district RMU-2 allowing for smaller lot sizes would need some sort of provision for commercial requirements giving the expectation of having a commercial community space.

Mr. Hornbeck commented that was a similar line of thinking initially, but the market might not support that viability.

Mr. Valdes stated the neighborhood sounds to be high density, and patrons would need another mode of transportation to access a grocery store making access congested similar to downtown Windsor with the smaller lots, and commercial space.

Mr. Valdes asked Mr. Hornbeck how many commercial developments with be approved, where will they be located, and how will they be executed for vehicular congestion.

Mr. Ballstadt stated that's something we can include in the Planning Commission discussion, and recommendation to Town Board. We currently have areas Water Valley Villages 13th Filing where commercial business reside they are having a difficult time to market that area not allowing for enough density to support the commercial space.

Mr. Valdes commented commercial companies won't come into Windsor unless there are an estimated number of 60,000.00 residents.

Mr. Valdes asked Mr. Hornbeck about E-1 and E-2 being combined where no septic systems will be allowed. Is there a grandfather clause for existing residence; will there be a provision to provide sewer service to those areas.

Mr. Hornbeck stated existing residence will be grandfathered, and be allowed to continue.

Mr. Valdes asked Mr. Hornbeck about Section 16 regarding height allowing for 35-40 feet, what type of structure does this apply to.

Mr. Hornbeck stated the 35-40 feet allows for any type of structure in those residential zones. The development community stated that 35 feet could be difficult to meet for new products they are trying to offer.

Ms. Scheuerman asked Mr. Hornbeck RMU-1 and RMU-2 with a large number of areas zoned as RMU with this division would those properties default to RMU-1. Would those properties have to undergo a rezoning process to get the RMU-2 designation.

Mr. Hornbeck stated; yes.

Chairman Schick asked Mr. Hornbeck about putting some type of minimum commercial requirements for the RMU zoning requirements.

Mr. Hornbeck stated that would need to be part of the recommendation, potentially as a tiered approach for property size or number of units allowing the use to request a waiver.

Ms. Scheuerman discussed the possibility of a scaled approach with an exemption for properties under a certain size.

Mr. Ballstadt asked Mr. Hornbeck to elaborate on RMU-2 regarding access, and architecture benefits.

Mr. Hornbeck explained a potential benefit to the Town with smaller lot sizes relatively speaking would allow for more affordable housing. The higher standards that apply the vehicular standards require 5 foot garage setbacks from the front of the house with detached sidewalks. Increased amount of park space with an additional square footage required for pocket parks. The last component would be in the connectivity with a maximum block length of 660 feet, and cul-de-sacs aren't allowed in this development type.

Mr. Valdes asked Mr. Ballstadt have developers walked away due to the high cost to develop in Windsor.

Mr. Ballstadt commented no, not using that specific reason.

Mr. Valdes asked Mr. Ballstadt RMU-2 how affordable would real estate become in these consolidated communities.

Mr. Ballstadt stated; it's pending on the market, and developer are maximizing development in streets, water, and infrastructure with the smaller lots. The benefit to the Town would be lower water usage, and the development trend still requiring a quality enhanced neighborhood.

Mr. Valdes asked Mr. Hornbeck whether there is an RMU-2 development that has submitted interest for Windsor indicating the market value of homes.

Mr. Hornbeck stated the RMU-2 was mainly based on the Rain Dance development, but they standardized most of the lots.

Mr. Colonnese asked Mr. Hornbeck about the strip of land North of the retention pond, and North of Power to Play Sports. As to whether that land was still projected to be developed commercial retail.

Mr. Hornbeck stated the property is zoned commercial retail, and waiting on roofs to support the infrastructure.

Ms. Malone commented the Highland Meadows 16th Filing for retail development just West of Power to Play is currently under development.

Mr. Ballstadt stated that particular property has been rezoned multiple times over the last 15-20 years, because they didn't know whether they could make retail work at that location.

Ms. Hall asked Mr. Hornbeck why Rain Dance didn't pursue the RMU-2 zoning for smaller lot sizes.

Mr. Hornbeck stated Rain Dance envisioned some smaller lot sizes, but it hasn't developed.

Mr. Bernhardt commented one way to look at these zoning requirements, would be to allow more of these small density areas in higher commercial areas.

Mr. Hornbeck stated when an application is being considered for rezoning RMU-2 we could consider that criteria.

Mr. Ballstadt stated staff might be able to review preliminary criteria for the RMU-2 zoning.

Per Mr. Hornbeck, Chapter 17 the focus of updates to the Subdivision chapter are largely focused on the themes of open space, parks, and trails and connectivity of roads and pedestrian routes. Allowing for better access traffic will be dispersed, adventitious to pedestrians walking, and biking with more direct routes.

Smaller lots with shorten block sizes allowing for better access with a maximum 880 foot block. The industrial type uses in the residential section would be a maximum of 1,320 feet. Similarly we would have connections to adjacent properties, and the cul-de-sac limits would be 660 feet written as a current standard. The new code is 10% maximum lots on a cul-de-sac, and prohibited in the bottom row. There can be expectations due to topography or existing roads.

Open space is part of the comprehensive plan, and we don't currently have a requirement for subdivisions. We would be including that requirement in the update, and propose the quality of open space. Pocket parks would be funded by the developer to serve residents on a smaller neighborhood scale. The Town has moved away from building neighborhood parks with more focus on the regional areas. Neighborhood trails concept that will be provided by a developer, and maintained by a homeowners association. Providing routes to parks, schools, and more of the regional trails.

Public improvement security requires a developer to provide a bond or a letter of credit to insure the improvements will be built, and completed to the appropriate standard. Windsor currently only allows for 25% of the cost, but has proposed an increase to 100%.

Ms. Hall asked Mr. Hornbeck whether Windsor has a definition of Open Space, and whether unusable space would qualify.

Mr. Hornbeck stated there's detailed criteria on what would qualify as Open Space. The general idea is preserved natural areas, greenbelts, and instances where storm detention could be counted.

Mr. Bernhardt asked Mr. Hornbeck how open space is designated, and what are the developer requirements.

Mr. Hornbeck stated balancing the requirement, but not being descriptive on how it's provided. There's language that discourages unusable remnant parcels from being used, and encourages a connected network.

Ms. Scheuerman asked Mr. Hornbeck whether open space concerns are addressed, and dispersed on the Master Plan.

Mr. Hornbeck stated it would be apart of the master plan, and subdivision process.

The Comprehensive Plan encourages a more connected network of both roads and pedestrian routes; however, the current code does not contain standards to implement this vision. The proposed standards address this by implementing maximum block lengths, limiting of dead-end or cul-de-sac streets, and requiring greater connectivity to adjacent properties.

Exceptions to the above standards can be approved on the basis of unique physical conditions such as topography, existing buildings or development, conflicts with existing streets, to avoid inefficient street layout or inefficient use of land, or when necessary for unique land uses.

Chapter 5b – Growth Framework

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

Objectives

- 1. Prioritize new growth in areas currently served by Town infrastructure and services.

Chapter 5c – Residential Areas Framework

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

Objectives

- Promote multi-modal connectivity to increase neighborhood access and resident mobility.
- Utilize conservation design and traditional neighborhood design for new residential growth areas and promote overall community livability.

- Increase the number of affordable housing units that provide opportunities for working families and seniors.
- Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Chapter 5d – Commercial and Industrial Framework

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

Objectives

- Pursue the use of zoning and form-based development tools that promote and encourage the type of mixed-use character the community prefers.

Chapter 6 – Transportation

Goal: Develop a multi-modal transportation system that accommodates new and existing development, provides safe and efficient access for all ages and abilities, and promotes public health and quality of life.

Objectives

- Extend roadways as development occurs to enhance the connectivity for all users and increase the capacity and mobility of the transportation network.

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the ordinance updating the land use code.

Mr. Valdes commented about the term affordable housing that generally doesn't come with a description or framework mentioning its based on meridian income of Windsor, Additionally talking about homeowners associations or metropolitan districts there's an inherent cost some long term for the purchase of these affordable homes. Keeping pocket parks, and other things operational costs homeowners high dollars in revenue.

Mr. Hornbeck stated in the context in tonight's discussion about affordability making housing more obtainable not a formula for meridian income. Allowing developers a range of smaller lot sizes that can lower the projected price point.

Mr. Ballstadt stated Windsor has a Workforce Housing Policy, and affordable housing was defined by meridian household income.

Ms. Malone commented about the Work Session scheduled for December 7th at 6:00pm to discuss 2015 housing study and affordable housing.

Ms. Scheuerman requested Mr. Ballstadt to send an email to Planning Commission with a copy of the December 7th Work Session packet.

Ms. Scheuerman moved to forward a recommendation of approval to Town Board Ordinance Land Use Code subject to a commercial requirement for

the RMU-2; Mr. Valdes seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Bushelman, Scheuerman, Hall, Dennison, Reddick, Valdes

Nays – None

Motion passed

D. COMMUNICATIONS

1. Communications from the Planning Commission
 - None
2. Communications from the Town Board liaison
 - Mr. Wilson reported the Town Board approved the fire station height requirement, and the Rain Dance 12th Filing for 525 apartment units. Ongoing discussions about traffic, and traffic patterns around Colorado Blvd. Town Board met with Downtown Development Authority (DDA) on Monday moving forward with the Alley-way project behind Boardwalk Park. Discussion about wayfinding identifying different attributes around the Town of Windsor.
3. Communications from the staff
 - Ms. Malone reported staff is putting together a Work Sessions regarding transportation 101 items, and reviewing the traffic study. Additionally introduced the new planner Kim Lambrecht that filled the vacancy.
 - Mr. Ballstadt reported the transportation master plan Work Session will review traffic impact studies, data collected, analyst that a traffic engineer completes, and a review of the Transportation Master Plan that was adopted earlier this year. We will discuss more of the details of Colorado Blvd, and the 7th Street project.
 - Ms. Frawley reported that remote voting affirmations would be sent out to commissioners via DocuSign and requested they are returned by the following day.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:24 p.m.



Karen Frawley, Town Clerk