



PLANNING COMMISSION REGULAR MEETING

September 6, 2023 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
3. Public Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Town Board.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Approval of the August 2, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

C. BOARD ACTION

1. Continuance of a Public Hearing for a Rezoning - A PUD (Planned Unit Development) Overlay to the GC (General Commercial) Zoning District - Water Valley Subdivision 13th Filing, Lots 5, 6 and 7 (The Lofts at Water Valley Village) - Garrett Scallon and Austin Lind, applicant, The Water Valley Company, LLC, on behalf of Eagle Crossing Inc., property owner; and Brian Williamson, applicant's representative, TST Inc. Consulting Engineers
 - Quasi-judicial action
 - Staff presentation: David Eisenbraun, Senior Planner
2. An Ordinance Amending the Windsor Municipal Code, Planned Unit Development (PUD) District, Section 16-1-170(c) - PUD Restrictions and General Requirements - C. Malone, Chief Planner
 - Quasi-judicial action
 - Staff presentation: Carlin Malone, Chief Planner
3. Public Hearing - Conditional Use Permit to allow a temporary modular classroom in the Residential Mixed Use-One (RMU-1) Zone District - Water Valley South Subdivision 6th Filing, Lot 2 (360 Crossroads Boulevard) - Josh Savage, Timberline Church, Applicant
 - Quasi-judicial action
 - Staff presentation: Carlin Malone, Chief Planner

4. Recommendation to Town Board - Conditional Use Permit to allow a temporary modular classroom in the Residential Mixed Use-One (RMU-1) Zone District - Water Valley South Subdivision 6th Filing, Lot 2 (360 Crossroads Boulevard) - Josh Savage, Timberline Church, Applicant

- Quasi-judicial action
- Staff presentation: Carlin Malone, Chief Planner

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison
3. Communications from Staff

E. ADJOURN

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.



MEMORANDUM

Date: September 6, 2023
To: Planning Commission
From:
Re: Approval of the August 2, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon,
Deputy Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 08.02.23 Planning Commission Draft Minutes



Planning Commission Regular Meeting

August 2, 2023 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chairman Schick called the meeting to order at 7:00 p.m.

1. Roll Call

Present:

Chairman Schick
Vice-Chair Reddick
Nathan Kinney
David Hassard
Ben Kirch
Cindy Beemer

Absent:

Jose Valdes

Also Present:

Town Board Liaison Tallon
Scott Ballstadt, Planning Director
Kim Lambrecht, Senior Planner
Kim Emil, Deputy Town Attorney
Dan Money, Town Attorney
Ben Bodiker, Visual Media Coordinator
Kaitlyn Cinnamon, Deputy Town Clerk

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

Planning Commissioner Reddick moved to approve the agenda as written, Planning Commissioner Kinney seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chairman Schick opened the meeting up for public comment on any non-agenda item, to which there were none.

B. CONSENT CALENDAR

1. Approval of the July 5, 2023 Planning Commission Regular Meeting Minutes- K. Frawley, Town Clerk

Planning Commissioner Reddick moved to approve the consent calendar as presented, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

Town Board Liaison Tallon gave a statement to the Commission.

"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 a nonvoting liaison to the Planning Commission. Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come 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 hearings."

C. BOARD ACTION

1. Public Hearing – Haas Annexation to the Town of Windsor and Establishment of Zoning – Harland Haas, Owner/Applicant; JKP Consulting, LLC (Kris Pickett), Applicant's Representative

Harland Haas (Owner/Applicant), represented by Kris Pickett with JKP Consulting, LLC (Applicant's Representative), has submitted:

- A petition to annex approximately 15.85 acres to the Town of Windsor as Residential Mixed Use One (RMU-1) zoned property.
- A Master Plan for the subject property

These two applications require two separate public hearings before the Planning Commission and, therefore, two separate Planning Commission action items. Staff has included the following recommendations for the Planning Commission's consideration, to forward to the Town Board:

A recommendation of approval for the annexation and establishment of zoning, subject to any outstanding Planning Commission and Staff comments being addressed;

A recommendation of approval for the master plan, subject to any outstanding Planning Commission comments being addressed, and approval of the annexation and master plan.

The Town Board will hold a public hearing and consider the two applications on August 14, 2023. This date is the first reading of annexation and establishment of zoning ordinance. Provided the Town Board approves the first reading of the ordinance, the Town Board will consider the second reading of the ordinance on August 28, 2023. Therefore, the master plan approval is subject to the approval of the second reading of the ordinance.

The subject property is approximately 15.85 acres and is located adjacent to and immediately west of 17th Street, and immediately south of Weld County Road 68.5. The property is contiguous with the Town of Windsor Corporate Limits, bordering 17th Street and is within the Town's Growth Management Area (GMA), meaning the Town has anticipated this area would be annexed to the Town. Per Colorado Revised Statutes (C.R.S.), the perimeter of the proposed annexation meets the 1/6 contiguity requirement to the existing Town limits.

The Land Use Map of the 2016 Comprehensive Plan is the guiding document used to assess the appropriate zoning for the property. This map has designated the property as Single Family Residential. The proposed zoning for the property is Residential Mixed Use One (RMU-1), which allows for a wider range of residential uses than only single-family and proportionately limited commercial uses. The Town's RMU zoning districts have been designed to encourage a neighborhood with housing options and commercial services.

While RMU-1 is not in direct alignment with the Single Family Residential land use depiction on the Town's Land Use Map, RMU-1 zoning is complimentary to and compatible with the single family land use designation, as well as single family zoning. RMU-1 offers flexibility in permitted uses to promote a complete neighborhood - one with a variety of housing types and neighborhood services. Therefore, the proposed RMU-1 zoning is in alignment with the goals and objectives of the Comprehensive Plan. The proposed RMU-1 zoning will provide continuity and compatibility with the existing adjacent Town land uses and zoning to the east, and is appropriate zoning for the size, configuration and location of the subject property.

Zoning and land uses for the adjacent properties include the following:

	Zoning	Current Land Uses
North	Weld County – Agriculture	Agriculture and Self & RV Storage
East	RMU-1	Multi-family and Single Family Residential
South	Weld County – Agriculture	Undeveloped agricultural land
West	Weld County – Agriculture	Undeveloped agricultural land

The Master Plan characteristics are summarized as follows:

- 182 dwelling units (maximum), over a net of 10.35 acres, based on density allowed by the RMU-1 zone district. The actual developed amount will depend on the applicable lot development standards such as maximum lot coverage, parking, and open space required by the RMU-1 zone district.
- A variety of housing types will be allowed, per the RMU-1 zoning designation.
- A minimum of 1.25 acres of commercial located at the corner of 17th Street and WCR 68.5 (Jacoby Road) will be required. This could increase to approximately 3 acres, the maximum allowed by the RMU-1 zone.
- Approximately 1.4 acres of public right-of-way will connect the property to Weld County Road 68.5 (Jacoby Road) and to 17th Street.
- Approximately 1.2 acres are set aside for the extension of the Greeley No. 2 Canal Trail from 17th Street to the west.
- Approximately 1.02 acres of open space, encompassing the 50-foot Sinclair Pipeline Easement which bisects the property. No building is allowed over the easement, and minimal road crossings will be allowed.

Note, these are the development parameters that will be allowed by the Master Plan. There is not a site-specific development proposal for the property currently. Site-specific proposals require further steps in the planning/engineering process, including subdivision, improvement plan, and site plan approvals.

The site is not currently served by Windsor water or sewer services, so future development will require extension of these utilities. Although sewer is near the site, this sewer line may not be in the ideal sewer basin for any future development. Extension of the utilities, regardless of the location, would be the responsibility of the developer with the possibility of Town reimbursement for any oversizing which adds system capacity. Based on the land use designation of single family residential, the project can support a sewer capacity for approximately 52 units. The applicant has provided a study outlining opportunities for a greater capacity. Refer to the Hass Property Utility Report for more information regarding the water and sewer capacity discussion. Additionally, the Town is undergoing a Town Master Sewer Study which may provide opportunities for additional sewer capacities within the existing system. Specific sewer availability and capacity will be determined at the time of site-specific development.

An Annexation Impact Statement has been prepared (attached), outlining the provisions for utilities and services to the property, maintenance of infrastructure, and a statement from the Weld RE-4 School District. This statement, along with supporting information, has been sent to the applicable taxing authorities. At the time of publication of this memo, Staff has not received any concerns regarding the annexation from those entities.

Relationship to the Comprehensive Plan

The application is consistent with the following goals and objectives of the 2016 Comprehensive Plan:

Chapter 5b – Growth Framework

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

Staff comment: The Master Plan proposes development consistent in character with the community by providing a mix of housing types, opportunities for commercial development, and open space/trail development. The Master Plan is fiscally and environmentally responsible by proposing compact development, known to create less of a fiscal burden on municipalities by having less utility and road infrastructure to maintain, as well as less water use, on a per unit basis. Similarly, compact development has been shown to be more environmentally responsible, as it takes less resources to construct and maintain, and it can provide more viable accessibility to alternative forms of transportation such as walking, biking, and transit due to the compact layout. Additionally, the Master Plan proposes an area of commercial development, thus providing opportunities for neighborhood conveniences, services, and/or employment, in addition to opportunities for tax revenue.

Objectives:

Develop new neighborhoods adjacent to the Town core.

Staff comment: The development is adjacent to arterial/collector roads, providing connections to the Town street/bike lane network leading to the Town core. The development will also provide an additional segment of the Greeley No. 2 Ditch trail system, providing connectivity to a key piece of the Northern Colorado trails system, providing pedestrian and bicycle connections throughout the Town open space and parks.

Chapter 5c – Residential Areas Framework

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

Staff comment: Residential Mixed Use-One (RMU-1) zoning and associated Master Plan allow for a diverse style of housing types including multifamily dwellings, which can help meet the needs of varying family sizes, lifestyles, and income levels.

Objectives:

Promote multi-modal connectivity to increase neighborhood access and resident mobility.

Staff comment: Future development of the property will provide increased multi-modal connectivity within the neighborhood via a connection to the surrounding trail network.

Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Staff comment: Residential Mixed Use One (RMU-1) lends itself to a diversity of housing types and densities to provide transitions between lower densities and higher intensity uses.

Chapter 7 – Community Facilities and Infrastructure

Goal: Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.

Objectives:

Coordinate annexation and development with community service and utility providers to ensure adequate levels of service area are extended to new growth areas and maintained in existing service areas.

Staff comment: Improvements to adjacent streets, extension of water and sewer utilities and extension of the Greeley No. 2 Ditch Trail will be part of the developer's obligations specific to the subject property at the time of development.

Annexation and Review Considerations:

- Annexation is a discretionary act by the Town Board
- Compliance with the C.R.S. Annexation Act of 1965
- Consistency with Comprehensive Plan

Staff has found the submitted applications for the Haas Annexation and Master Plan to be in conformance with the review criteria as outlined in the Municipal Code.

Project Timeline:

On November 28, 2022, the Town Board Accepted the Petition for Annexation to the Town of Windsor, initiating the annexation proceedings (Resolution No. 2022-69). On July 10, 2023, the Town Board adopted Resolution No. 2023-30 that declared certain findings of fact concerning the annexation, determined substantial compliance with the Colorado Municipal Annexation Act (1965) and established the dates for the public hearings before the Planning Commission and the Town Board. The dates set were:

- August 2, 2023 – Planning Commission Public Hearing
- August 14, 2023 – Town Board Public Hearing and Annexation Ordinance First Reading
- August 28, 2023 – Town Board Second Reading

Neighborhood Meeting

A neighborhood meeting was held on June 13, 2023, at the Community Recreation Center. Notifications for this meeting were as follows:

- May 30, 2023 – letters mailed to property owners within 500 ft.
- May 31, 2023 – ad published in the newspaper

Eight (8) households attended at the neighborhood meeting. The discussion included topics related to the land uses allowed in the RMU-1 zone, maximum height allowed, the trail extension along the Greeley No. 2 Canal, and the project timeline. No major concerns were voiced, and attendees were informed that there would be future mailings of upcoming public hearings.

Notifications

The following notifications for the public hearings were completed in accordance with the Municipal Code as follows:

- Legal ad ran for four consecutive weeks in the Greeley Tribune newspaper:
 - July 14, 2023 – first week legal ad
 - July 21, 2023 – second week legal ad
 - July 28, 2023 – third week legal ad
 - August 4, 2023 – fourth week legal ad
- July 12, 2023 – Two (2) Development Under Review signs posted on property.
- July 14, 2023 – public hearing notice published on the Town's website
- July 14, 2023 – letters mailed to surrounding property owners within 500 ft.
- July 14, 2023 – Staff mailed Certified Packets to relevant taxing districts.

Chairman Schick opened the public hearing for Haas Annexation to the Town of Windsor and Establishment of Zoning.

Kimberly Lambrecht, Senior Planner, presented to the Planning Commission.

Kris Pickett with JKP Consulting, LLC spoke to the Planning Commission and added to the staff presentation.

Chairman Schick opened the meeting up for public questions or comments, to which there were none.

Commissioners Beemer, Hassard, Reddick and Kirch asked questions to staff and the applicants representative regarding trails, sewer capacity, commercial use and zoning.

Planning Commissioner Reddick moved to close the public hearing, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

2. Recommendation to Town Board – Haas Annexation to the Town of Windsor and Establishment of Zoning – Harland Haas, Owner/Applicant; JKP Consulting, LLC (Kris Pickett), Applicant's Representative

Please refer to information provided in the previous agenda item.

Planning Commissioner Beemer moved to forward a recommendation of approval to Town Board for Haas Annexation to the Town of Windsor and Establishment of Zoning, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

3. Public Hearing – Haas Master Plan – Harland Haas, Owner/Applicant; JKP Consulting, LLC (Kris Pickett), Applicant's Representative

Please refer to information provided in the previous agenda item.

Chairman Schick opened the public hearing for the Haas Master Plan.

Chairman Schick opened the meeting up for public questions or comments, to which there were none.

Planning Commissioner Beemer moved to close the public hearing, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

4. Recommendation to Town Board – Haas Master Plan – Harland Haas, Owner/Applicant; JKP Consulting, LLC (Kris Pickett), Applicant's Representative

Please refer to information provided in the previous agenda item.

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for the Haas Master Plan, Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Commissioner Beemer will be absent during the two September meetings.
Commissioner Hassard will be absent during the August 16, 2023 meeting.

2. Communications from Town Board Liaison

3. Communications from Staff

Kim Lambrecht, Senior Planner, spoke to the Planning Commission about being a staff liaison for the Historic Preservation Commission.

Scott Ballstadt introduced Dan Money, the town's new Town Attorney. Mr. Ballstadt stated that ground breaking for the new Police Department will be on Friday August 11, 2023 at 10:00 a.m.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:49 p.m.

Kaitlyn Cinnamon, Deputy Town Clerk



MEMORANDUM

Date: September 6, 2023
To: Planning Commission
From: David Eisenbraun, Senior Planner
Re: Continuance of a Public Hearing for a Rezoning - A PUD (Planned Unit Development) Overlay to the GC (General Commercial) Zoning District - Water Valley Subdivision 13th Filing, Lots 5, 6 and 7 (The Lofts at Water Valley Village) - Garrett Scallon and Austin Lind, applicant, The Water Valley Company, LLC, on behalf of Eagle Crossing Inc., property owner; and Brian Williamson, applicant's representative, TST Inc. Consulting Engineers

Item #: C.1.

Background / Discussion:

Staff is requesting that the public hearing is continued to the Planning Commission's regular meeting of October 18, 2023.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Continuance of the public hearing to the regular Planning Commission meeting of October 18, 2023.

CC:

Attachments:



MEMORANDUM

Date: September 6, 2023
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: An Ordinance Amending the Windsor Municipal Code, Planned Unit Development (PUD) District, Section 16-1-170(c) - PUD Restrictions and General Requirements - C. Malone, Chief Planner
Item #: C.2.

Background / Discussion:

Staff proposes an amendment to the PUD Restrictions and General Requirements as it pertains to a 40-acre minimum acreage requirement for a PUD zoning overlay. This 40-acre figure was an arbitrary number included in the latest land use code update which is proving to prevent appropriate use of a PUD for property under 40 acres. The original intent behind the 40-acre minimum requirement was to limit the use of PUD overlays to the larger master-planned projects that specifically met the PUD intent statement. Furthermore, the acreage requirement ensured that PUD overlays were not created to simply circumvent land use code requirements on a lot-by-lot basis.

The unintended consequence of the acreage requirement has been appropriate PUD overlay concepts merely infeasible due to the acreage requirement. For example, this section of the code currently precludes the opportunity for a lesser acreage mixed-use PUD proposal, although consistent with the intent of the PUD section. Additionally, this requirement prevents innovative approaches to infill or redevelopment for properties of lesser acreage. The proposed modification would be consistent with the intent of the PUD section, while continuing to support the goals and objectives of the Town's Comprehensive Plan, allowing for a variety of uses and mixed-use through high-quality design.

As such, staff proposes allowing the Community Development Director or their designee to review and adjust this requirement when a proposal is consistent with the PUD criteria outlined within the subject land use code section's intent statement, Section 16-1-170(c) PUD Restrictions and General Requirements.

The modification, in bold red italics, would appear as follows in this section of the code:

(c) PUD Restrictions and General Requirements. Properties utilizing the PUD shall be subject to the following:

(1) All PUD applications shall include a gross land area of not less than forty (40) acres. ***The Community Development Director or his designee shall have the power to adjust this requirement to a lesser acreage, so long as the proposal is consistent with the criteria outlined in the intent statement in subsection (a) above.***

The land use code section in its entirety is included below, with the proposed language in red italics:

Sec. 16-1-170. Planned unit development (PUD) district.

(a) Intent. The Planned Unit Development Overlay District (PUD) is enacted pursuant to the Planned Unit Development Act of 1972 as amended (C.R.S. § 24- 67-101, et. seq.). The PUD is an overlay zone district that supplements the underlying standard zone district. A PUD is expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include

exceptional design, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. The intent and purpose of this district is:

- (1) To permit and encourage innovative design and high quality, master planned developments on large parcels of land.
- (2) To allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood.
- (3) To permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community.

(b) Permitted Uses. Uses permitted in the PUD shall be those uses permitted in the underlying standard zone district for the property. An applicant for a PUD may request modifications to the permitted uses of the underlying zone district to remove those uses that may be deemed incompatible or inappropriate for the overall PUD development or add uses necessary to meet the foregoing statement of Intent for PUDs.

(c) PUD Restrictions and General Requirements. Properties utilizing the PUD shall be subject to the following:

- (1) All PUD applications shall include a gross land area of not less than forty (40) acres. ***The Community Development Director or his designee shall have the power to adjust this requirement to a lesser acreage, so long as the proposal is consistent with the criteria outlined in the intent statement in subsection (a) above.***
- (2) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern unless explicitly otherwise approved in the PUD.
- (3) No PUD may be approved by the Town without the written consent of the landowner whose property is included within the PUD.
- (4) A proposed PUD shall be in conformance with an approved Master Plan or a Master Plan shall be concurrently submitted and reviewed.

(d) Minimum Standards. The following standards are considered minimum standards and are not eligible for modification:

- (1) Town standards for bicycle and pedestrian facilities.
- (2) Street connectivity standards.
- (3) Subdivision open space standards.
- (4) Density. Overall density shall be in accordance with the Comprehensive Plan Land Use Map and Town sanitary sewer capacity determinations.

(e) Amendments to Approved PUD.

- (1) Minor changes to an approved PUD may be authorized administratively by the Director. Such changes may be authorized without additional public hearings and shall be reviewed on the basis of conformance with the Town's Comprehensive Plan and this Code. The Director may refer the decision regarding proposed changes to an approved PUD to the Planning Commission and, if so referred, the decision by the Planning Commission shall constitute a final decision which may be appealed to the Town Board pursuant to the provisions of this Code.
- (2) Major changes to an approved PUD shall be treated as a new PUD application under the provisions of this Section. Major changes to an approved PUD shall be reviewed in the same manner as the review process required for approval of a PUD and shall demonstrate proof of a material change of circumstances that renders the prior approval inconsistent with the objectives of the Section. Major changes shall be defined as meeting any one (1) or more of the following:
 - a. A change in the land uses allowed under the PUD;
 - b. A change in the character of the development which would result in a change in the outward appearance of the development as a whole, or increase impacts on the surrounding area;
 - c. An increase in the impacts to traffic and/or public utilities;

- d. A change which would result in the development no longer meeting the standards of this Chapter under which the project was approved;
- e. An increase in the approved gross leasable floor areas of commercial or industrial developments;
- f. An increase in the approved number of residential dwelling units;
- g. Removal of a recreational amenity; or
- h. A modification to any dimensional standard.

(3) In order for the Town to consider a proposed PUD amendment, the applicant shall provide written approval of the proposed amendment by not less than seventy-five percent (75%) of the owners of not less than seventy-five percent (75%) of the land area for PUD plans approved after the effective date of this Section. The applicant may submit at the time of initial PUD application, and the Town may (but shall not be required to) approve, a provision which permits less than seventy-five percent (75%) of the owners of not less than seventy-five percent (75%) of the land area in a PUD to approve of a proposed PUD amendment. In no event shall an amendment be permitted which has less than fifty-one percent (51%) of the owners of less than fifty-one percent (51%) of the land area giving written approval for the proposed amendment.

(f) Development Control Committee.

(1) Internal Governance. Developer shall be responsible for the creation of a private internal development control committee (DCC) for any PUD development to review site plan and building permit applications for new buildings within the subdivision.

(2) Applicability. Any person or entity applying to the Town for approval of a site plan or building permit to construct a new building, excluding accessory buildings, shall be subject to review and written recommendation by the DCC to the Town.

(3) Review. The DCC shall review the application and forward to the Planning Department a recommendation of approval or denial based solely with the applicable lot development standards contained within the PUD.

(4) Private Covenants. The DCC may review and enforce private covenants, conditions, and restrictions, but such review shall be separate from and independent from the recommendation to the Town.

(5) Timely Review. The DCC shall review all such applications in a timely manner in accordance with established schedules.

(6) DCC Composition. Among other potential members, the DCC may include: the developer or designee of the subdivision, an outside architect or design professional, a property owner within the subdivision.

(7) Waivers. The Director may waive the requirement for the establishment of the DCC or review by the DCC if it is determined it is unnecessary to implement the requirements of the zone district.

(Ord. 2020-1620 §3)

Staff held a work session with the Town Board on August 21, 2023, to receive feedback and direction from the board on the proposed land use code amendment. As such, staff was directed to process the attached ordinance, forwarding to the Planning Commission for recommendation to the Town Board.

The Town Board will consider the ordinance on September 11, with the second reading of the ordinance on September 25, 2023.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance, subject to any Planning Commission comments.

CC:

Town Attorney Office
Scott Ballstadt, Director of Planning

Attachments:

1. Draft Ordinance Amending PUD Code 16-1-170
2. PUD Code Amend - Staff Presentation

TOWN OF WINDSOR

ORDINANCE NO. 2023-

AN ORDINANCE AMENDING WINDSOR MUNICIPAL CODE SECTION 16-1-170(c)(1) CONCERNING PUD RESTRICTIONS AND GENERAL REQUIREMENTS

WHEREAS, the Town of Windsor is a home rule municipality with all powers conferred under Colorado law; and

WHEREAS, the Town created and adopted the Windsor Land Use Code consisting of Chapters 14, 15, 16 and 17 of the Windsor Municipal Code (“Code”) on January 14, 2020, by Ordinance No. 2020-1620; and

WHEREAS, Code Section 16-1-170 addresses Planned Unit Development Districts (PUD), an overlay district designed to allow and encourage flexibility and compatibility of varying zoning uses; and

WHEREAS, Code Section 16-1-170(c)(1) requires that all PUD applications shall include a gross land area of not less than forty acres; and

WHEREAS, the Town of Windsor desires to amend Section 16-1-170(c)(1) to provide discretion to the Community Development Director, or designee, the ability to reduce the acreage requirement as long as the PUD still meets the intent of the overlay district; and

WHEREAS, this amendment serves to promote the public health, safety and welfare of the Town and will allow the Town greater flexibility in accepting and approving development applications that meet the intent and criteria of the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, THAT:

Section 1. Code Section 16-1-170(c)(1) of the Town Code of the Town of Windsor, Colorado, is hereby amended to allow the Community Development Director, or designee, discretion to accept a PUD application for less than 40 acres in size. This amendment shall read as follows:

Sec. 16-1-170. - Planned unit development (PUD) district.

- (a) Intent. The Planned Unit Development Overlay District (PUD) is enacted pursuant to the Planned Unit Development Act of 1972 as amended (C.R.S. § 24- 67-101, et. seq.). The PUD is an overlay zone district that supplements the underlying standard zone district. A PUD is expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. The intent and purpose of this district is:

- (1) To permit and encourage innovative design and high quality, master planned developments on large parcels of land.
- (2) To allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood.
- (3) To permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community.

.....

(c) PUD Restrictions and General Requirements. Properties utilizing the PUD shall be subject to the following:

- (1) All PUD applications shall include a gross land area of not less than forty (40) acres. **The Community Development Director, or their designee, shall have the power to adjust this requirement to a lesser acreage, so long as the proposal is consistent with the intent of subsection (a) above.**

.....

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance are hereby repealed, only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Introduced, passed on first reading and ordered published this 11th day of September, 2023.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading and ordered published this 25th day of September, 2023.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

DRAFT



Municipal Code Amendment: Sec. 16-1-170(c) – Planned unit development (PUD) district restrictions and general requirements

Planning Commission – September 6, 2023

Carlin Malone, Chief Planner



Section 16-1-170(c) - PUD Restrictions and Requirements

(c) Properties utilizing the PUD shall be subject to the following:

- (1) All PUD applications shall include a gross land area of not less than forty (40) acres.

Proposed addition: **The Community Development Director, or their designee, shall have the power to adjust this requirement to a lesser acreage, so long as the proposal is consistent with the intent of subsection (a) above.**



Section 16-1-170(c) - PUD Restrictions and Requirements

Background

Original intent: Limit the use of PUD overlays with 40-acre requirement; focus on larger projects vs. lot-by-lot PUD proposals.

Unintended consequences: Appropriate PUD overlay proposals for smaller properties ineligible; Prevents innovative approaches to development for smaller parcels, including mixed-use projects, and/or infill and redevelopment projects.



Section 16-1-170(c) - PUD Restrictions and Requirements

Benefits to the modification:

- Application must still meet intent of PUD section
- Continues to support the goals and objectives of the Comprehensive Plan – allowing for a mix of uses and unique development opportunities
- Allows for mixed-use development proposals under 40 acres
- Allows appropriate use of PUD section for proposals under 40 acres
- Allows creative approaches to infill or redevelopment properties, or innovative proposals, such as mixed-use developments, under 40 acres
- Allows administrative review and consideration of properties under 40 acres for a PUD proposal



Section 16-1-170(c) - PUD Restrictions and Requirements

(a) Intent. The Planned Unit Development Overlay District (PUD) is enacted pursuant to the Planned Unit Development Act of 1972 as amended (C.R.S. § 24- 67-101, et. seq.). *The PUD is an overlay zone district that supplements the underlying standard zone district. A PUD is expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure. The intent and purpose of this district is:*



Section 16-1-170(c) - PUD Restrictions and Requirements.

- (1) To permit and encourage innovative design and high quality, master planned developments on large parcels of land.*
- (2) To allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood.*
- (3) To permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community.*



Section 16-1-170(c) - PUD Restrictions and Requirements.

(c) PUD Restrictions and General Requirements. Properties utilizing the PUD shall be subject to the following:

(1) All PUD applications shall include a gross land area of not less than forty (40) acres. The Community Development Director, or their designee, shall have the power to adjust this requirement to a lesser acreage, so long as the proposal is consistent with the intent of subsection (a) above.



Section 16-1-170(c) - PUD Restrictions and Requirements

Summary of benefits to the modification:

- Applications will meet intent of PUD section
- Continues to support the goals and objectives of the Comprehensive Plan – allowing for a mix of uses and innovative development opportunities for properties less than 40 acres



Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance, subject to any Planning Commission comments.



Thank You



MEMORANDUM

Date: September 6, 2023
To: Planning Commission
From: Mark Price, Planner 1
Re: Public Hearing - Conditional Use Permit to allow a temporary modular classroom in the Residential Mixed Use-One (RMU-1) Zone District - Water Valley South Subdivision 6th Filing, Lot 2 (360 Crossroads Boulevard) - Josh Savage, Timberline Church, Applicant
Item #: C.3.

Background / Discussion:

The applicant, Timberline Church, represented by Mr. Josh Savage, is requesting a Conditional Use Permit (CUP) to allow one temporary modular classroom in the RMU-1 zone district for a three-year period.

A conditional use permit is required because the proposed temporary use is not specifically included as a use-by-right in any zoning district per Section 14-2-130(a) of the Town's Municipal Code, Conditional Use Permit Applicability. The applicant is requesting allowance for a mobile classroom for Timberline Church while the church prepares to relocate to another site. The same CUG request was approved on March 27, 2017, and expired on March 27, 2020. The same CUG request, processed via a new CUG application, was approved for three (3) years on October 12, 2020. Therefore, the existing CUG (now referred to as a Conditional Use Permit) will expire on October, 12, 2023.

Staff is recommending the Planning Commission forward to the Town Board a recommendation of approval of the CUP, as reflected in the staff recommendation section of the memorandum.

Review Criteria for Conditional Use Permits

Section 14-2-130(c) of the Municipal Code outlines the review criteria to be evaluated prior to granting of a conditional use:

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

The proposal of a temporary modular classroom is not specifically addressed as it relates to or complies with the Comprehensive Plan's goals and objectives and the Strategic Plan.

2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.

The proposal does not create any undue or unnecessary burdens on existing public infrastructure or public improvements. No additional infrastructure is required with this proposal. The proposal is an existing temporary modular classroom, which has been in place for nearly six years.

3. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.

The areas surrounding the use are developed and part of a master-planned community. The applicant

has stated that the temporary use is for accommodating an existing use during a period of transition to another site. The number of available parking spaces will not change from existing, access will not be altered, traffic should not change due to this request, and the modular should not impact adjacent properties. No changes are proposed to the overall site layout (parking and access), main building (seating), operations, sound, or lighting. Children will access the main entrance and be led to and from the main building and the modular classroom.

The modular classroom is located adjacent to the eastern side of the building and between the building and existing parking, which will be less visible from the public street than other locations on the site. There are no plans to landscape around the modular since the use will likely be used for either parking lot or loading/unloading area in the future.

The proposal indicates that there will be no impact to storm drainage with the temporary use. The modular will be located outside of any utility/drainage easements. A utility/drainage easement traverses the southern parking lot area. The proposed location would have the least impact on the adjacent neighborhood visually and was one of the few areas not impacted by utility/drainage easements or the temporary reduction of parking spaces.

Conditions of Approval and Time Limits for Conditional Use Permits

Section 14-2-130(d) of the Town's Municipal Code allows the decision-making body to impose conditions on a proposed condition use to ensure compatibility with surrounding uses, properties, public health, safety and the environment, and that the impacts of a CUP are substantially mitigated. Section 14-2-130(e) of the Town's Code allows the decision-making body to impose time limits on conditional uses and require regularly scheduled reviews of approved conditional uses.

Relationship to Comprehensive Plan

The Comprehensive Plan does not specifically address temporary modular classroom use.

Notification

The Municipal Code requires a public hearing notification for a conditional use permit. Notifications were provided as follows:

- September 22, 2023 – legal notices posted on the Town of Windsor website
- September 25, 2023 – development review sign posted on the property
- September 25, 2023 – legal ad published in the local newspaper
- September 25, 2023 – affidavit of letters mailed to property owners within 500 feet

Financial Impact:

Relationship to Strategic Plan:

There are no relevant areas of the Town's Strategic Plan pertaining to modular classroom use.

Recommendation:

Staff recommends that the Planning Commission forward a recommendation of approval to the Town Board of the Conditional Use Permit application, for a period of three (3) years from the approval date.

CC:

Scott Ballstadt, Director of Planning

Attachments:

1. Application Materials
2. CUG Approval 2020
3. CUP - Staff Presentation

Application for Conditional Use



(Please see Town of Windsor [Fee Schedule](#) for Application Fees)
To Be Completed by Applicant

(Type or print in black ink)

Street Address: 360 Crossroads Blvd

Lot: 2 Block: _____

Subdivision: 6th Filing

Conditional Use Grant approval is only valid for the applicant(s) who receive the original approval and is not transferable to subsequent occupants of the property.

Describe the non-conforming use or home occupation. Include activity description, average number of clients, need for parking, hours of operation, size of area to be used, justification of continuance of non-conforming use and result of any communication with neighbors. (Use back or additional sheets if necessary).

[Please see additional sheet.](#)

[Windsor Municipal Code](#) Section 14-2-130.

- Legible, accurate drawings (drawn to an appropriate scale, which cannot be smaller than 1" = 30') and specifications necessary for the proper consideration of this grant shall be submitted with this application.
- Conditional Use Grant evaluation criteria are detailed in Windsor Municipal Code Section 14-2-130.
- Notification requirements are detailed in Windsor Municipal Code Section 14-2-10(h).

Present use of land: _____	Size: _____
Present use of structure: <u>Modular Classroom</u>	Size: <u>60' x 24'</u>
Proposed use of land: _____	Size: _____
Proposed use of structure: _____	Size: _____

If this Conditional Use Grant is approved, I/We the undersigned, agree to comply with the Code of the Town of Windsor, Colorado and any other stipulations as determined by the Town Board. I hereby depose and state under penalties of perjury that the statements and information submitted herein and pertaining to this application are true and correct to the best of my knowledge.

Submitted this First day of June, 2023

Joshua Savage
Applicant (please print)

DARY NORTHROP
Property Owner (please print)

Josh Savage
Applicant's Signature

DARY NORTHROP
Property Owner's Signature

970.405.4078
Phone (daytime) Fax _____

970.482.4387
Phone (daytime) Fax _____

Josh@timberline-windsor.org
Email

Dm@timberlinechurch.org
Email

Applicant's Representative (if any):

Name: _____

Phone: _____ Fax: _____ Email: _____

Application for Conditional Use

Project Description:

This modular classroom is used on a weekly basis for our "Timberkids" program. It has also been utilized by the Water Valley community for HOA meetings, by various local outreach and support entities for kids programs, etc. Use is typically limited to working hours, but when third parties request to use it, we are flexible to accommodate their schedules. Parking for the classroom is the same parking as around the church.

Please provide a justification statement here for the extension, which is the purpose of this application.

- Provide a reason for the temporary classrooms and how long they need to be here.
- Modular buildings are not permanent buildings under the Town's Code, nor are they permitted on a site on a permanent basis.
- Will a permanent building or addition be built here in the future? If so, when will it be built?
- A previous narrative said another facility was being built and made it sound like it would soon be under construction, then the church would move and the modulares would then no longer be needed. Is this no longer the case?
- How long are you requesting the extension?

Thank you. You are correct that we have plans and intentions of moving into another facility. In 2019 we purchased land a mile up the road (at CR17 and Crossroads Blvd) and intended to build a new church up there. The modular buildings were intended to hold us over as we experienced growth in the meantime. COVID happened, and our ability to move was put on hold. It is still our intention to move up there, and in fact the neighborhood being built to the immediate south of our new property by Water Valley is somewhat advancing the issue (since we need to share in some of the utility and infrastructure costs).

With all the variables of a construction plan, our ability to raise funds, etc., it is difficult to predict exactly when we will be up there, but I will say in three-years time for the purposes of this application, and that is how long I will request the extension for.

Once we move up the hill and sell this location, I do not believe anything permanent will take the place of the modular buildings. We own two of the buildings and lease the third, so the two could be sold, but I understand there will be the same issue then as now.

I do understand that these are intended to be temporary units, as such we appreciate the Town's patience and consideration as we navigate towards our future.

Revised August 2022



PLANNING COMMISSION AND TOWN BOARD ZONING CERTIFICATE

This certificate is evidence that on October 7, 2020, the Windsor Planning Commission recommended approval and on October 12, 2020, the Windsor Town Board granted a Conditional Use Grant for a period of three (3) years to:

**Timberline Church of Windsor
Represented by Mr. Joe Luethmers**

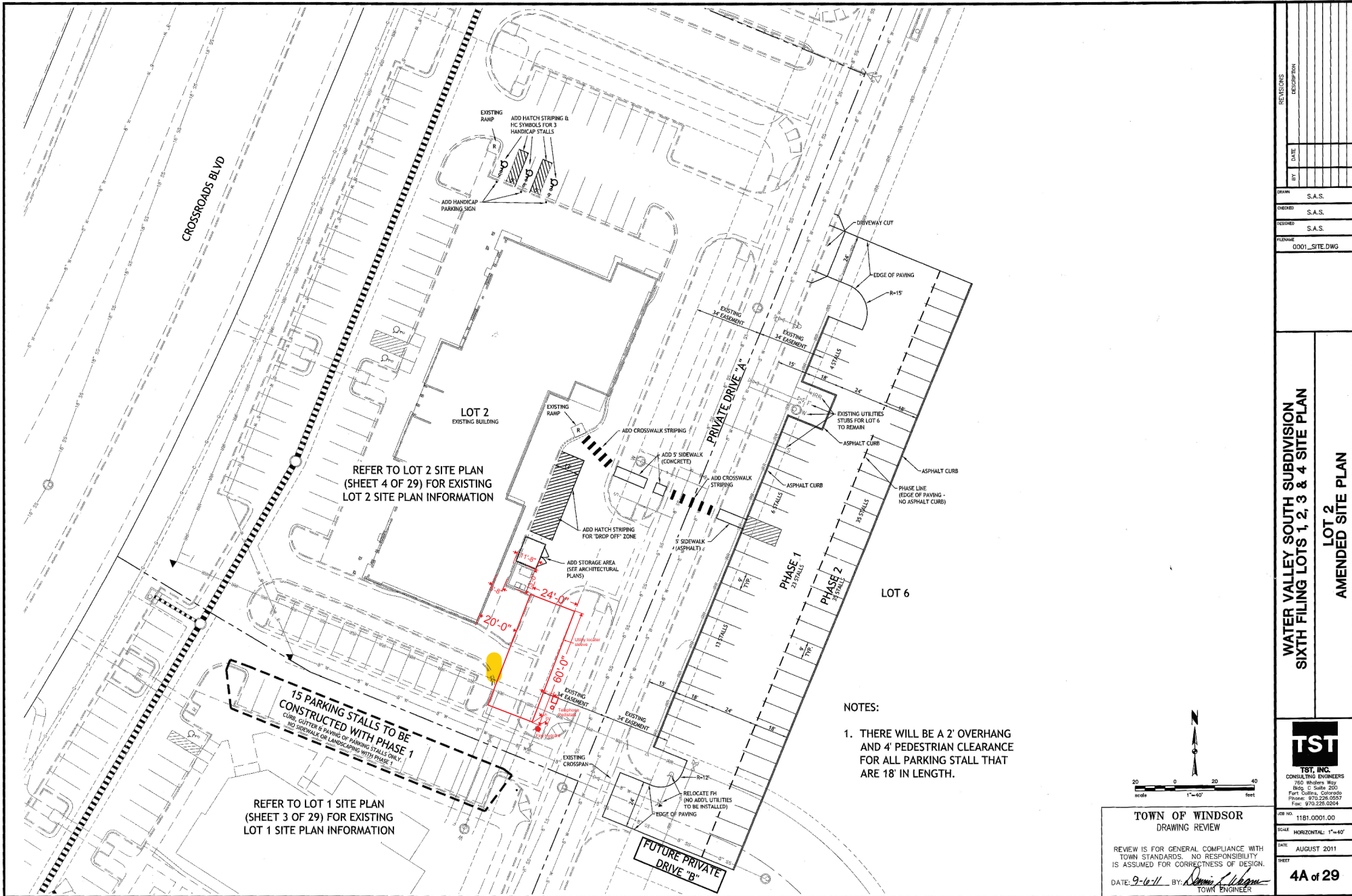
For the property described as and located as follows:

**360 Crossroads Boulevard
Water Valley South Subdivision 6th Filing, Lot 2**

A Conditional Use Grant for a temporary modular classroom for Windsor Timberline Church located on the property at 360 Crossroads Boulevard in the RMU (Residential Mixed Use) zone district.

Town of Windsor Planning Department

pc: Planning Department staff



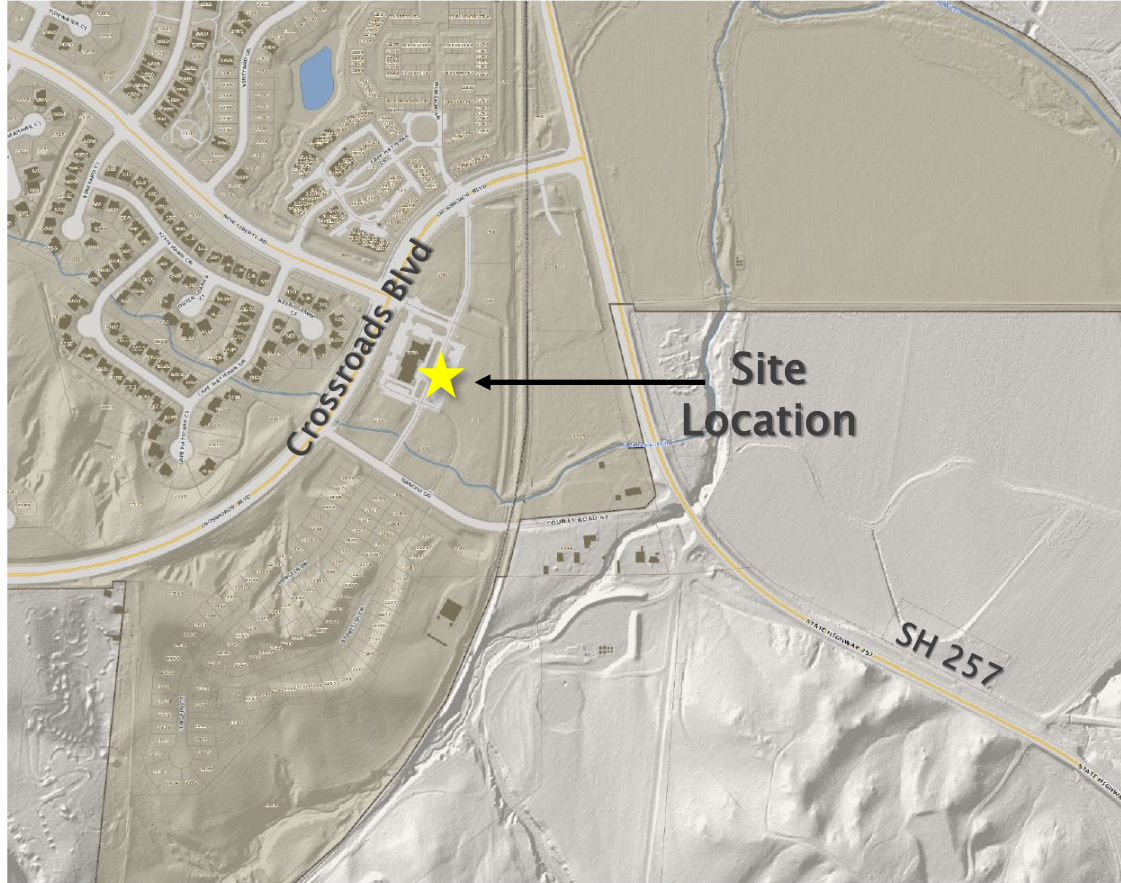


**Public Hearing and
Recommendation to Town Board
Conditional Use Permit
Water Valley South Subdivision 6th
Filing, Lot 2
Temporary Modular Classroom**

Carlin Malone, Chief Planner

Planning Commission - September 6, 2023

Site Vicinity Map

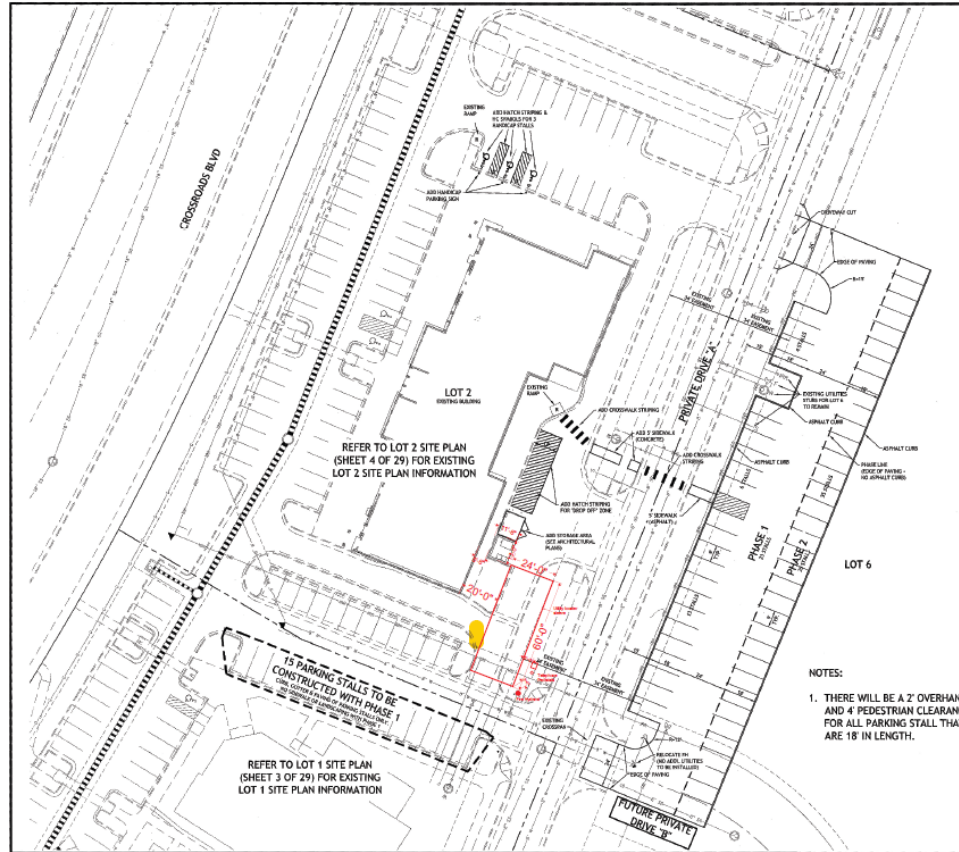


Zoning Map

Residential
Mixed Use
(RMU)



Site Plan & Temp Modular





Analysis

Section 14-2-130(c) of the Municipal Code outlines the review criteria to be evaluated prior to granting of a conditional use permit:

1. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

The proposal of a temporary modular classroom is not specifically addressed as it relates to or complies with the Comprehensive Plan's goals and objectives and the Strategic Plan.

2. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.

- No additional infrastructure is required with this proposal.
- Existing temporary modular classroom – has been in place for nearly six years.



Analysis

3. The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.

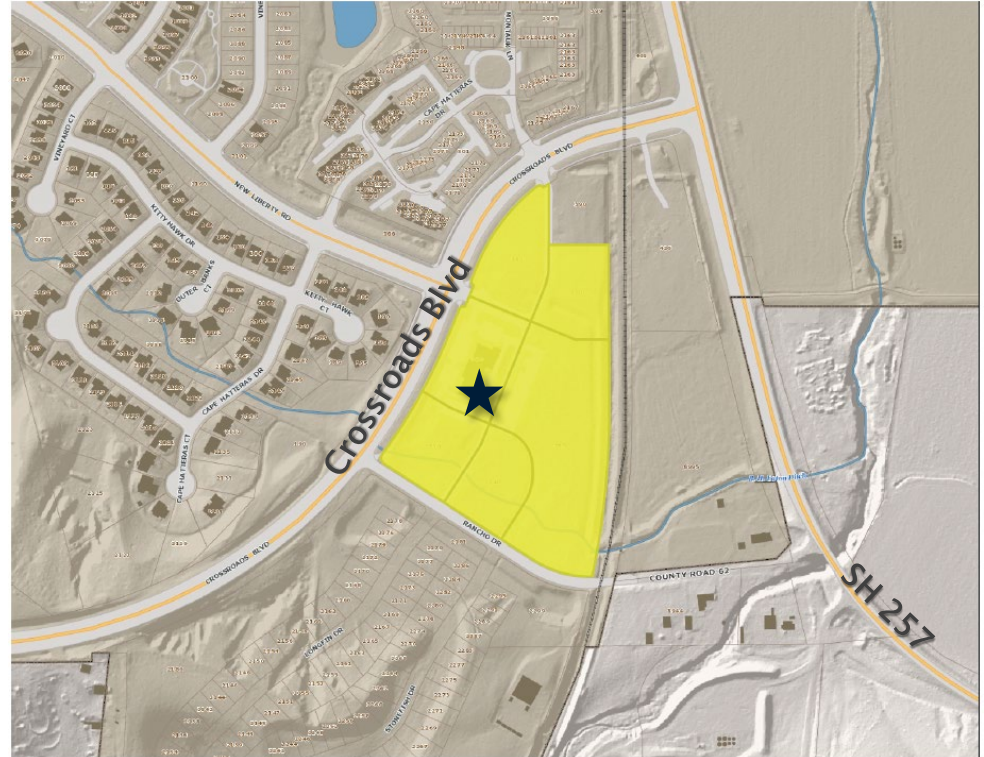
- Temporary use for accommodating an existing use during a period of transition to another site.
- Number of available parking spaces, access, and traffic patterns or volume are not changing from existing.
- No changes to overall site layout (parking and access), main building (seating), operations, sound, or lighting.
- No landscape plans.
- Located outside of any utility/drainage easements.
- The proposed location has the least impact on the adjacent neighborhood visually.

Notification

Notification:

Notifications for this meeting were as follows:

- ▶ September 22, 2020 - legal notice posted on the Town of Windsor website
- ▶ September 25, 2023 – property posted with a notification sign
- ▶ September 25, 2020 – affidavit of letters mailed to adjacent property owners
- ▶ September 25, 2020 - legal ad published in the Tribune





Recommendation

Staff recommends the Planning Commission forward a recommendation of approval to the Town Board of the Conditional Use Permit application, as presented, for a period of three years from the approval date.



Conditional Use Permit

Staff requests that the following be entered into the record:

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



Review Criteria, Conditions of Approval & Time Limits

(c) Review Criteria.

- (1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.
- (2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
- (3) The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to: building placement and orientation, transitions in density or height, screening, and/or landscape buffers.

(d) Conditions of Approval. The decision-making body may impose conditions on a proposed conditional use to ensure compatibility and to ensure that potential adverse impacts on surrounding uses, properties, public health or safety, the environment, or the district will be substantially mitigated. Conditions of approval shall be binding on the applicant, the applicant's successors and assigns, and shall run with the land.

(e) Conditions for Time Limits/Review. The decision-making body may impose time limits on conditional uses and require regularly scheduled reviews of approved conditional uses.



MEMORANDUM

Date: September 6, 2023
To: Planning Commission
From: Mark Price, Planner 1
Re: Recommendation to Town Board - Conditional Use Permit to allow a temporary modular classroom in the Residential Mixed Use-One (RMU-1) Zone District - Water Valley South Subdivision 6th Filing, Lot 2 (360 Crossroads Boulevard) - Josh Savage, Timberline Church, Applicant
Item #: C.4.

Background / Discussion:

Please refer to public item hearing item materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the CUP for a period of three (3) years, subject to any Planning Commission conditions.

CC:

Scott Ballstadt, Director of Planning

Attachments: