



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.

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
Jose Valdes

Absent:

Cindy Beemer
Ben Kirch
Maxwell Nadar

Also Present:

Town Board Liaison Tallon
Scott Ballstadt, Planning Director
Carlin Malone, Chief Planner
Daniel Money, Town Attorney
Rhonda McCracken, IT Business Operations Supervisor
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 presented, Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Jose Valdes, Gale Schick, David Hassard, Nathan Kinney; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chairman Schick opened the meeting up for public comment on any non-agenda item.

Ryan Langin at 204 Whitney Bay Windsor, CO spoke to the Commission regarding concerns about item one on the agenda. Chairman Schick stated that this time is for any non-agenda item but that the item being spoken about is proposed to be continued tonight to the Planning Commission Meeting on October 18, 2023.

B. CONSENT CALENDAR

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

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

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

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

Planning Commissioner Reddick moved to grant a continuance to the October 18, 2023, Planning Commission Meeting 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), Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Jose Valdes, Gale Schick, David Hassard, Nathan Kinney; Nays - None; Motion Passed.

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

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.

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.

Carlin Malone, Chief Planner, presented to the Planning Commission.

Commissioners Reddick, Valdez and Hassard asked questions of staff regarding the Planned Unit Development.

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for an Ordinance Amending the Windsor Municipal Code, Planned Unit Development (PUD) District, Section 16-1-170(c) - PUD Restrictions and General Requirements, Planning Commissioner Kinney seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Jose Valdes, Gale Schick, David Hassard, Nathan Kinney; Nays - None; Motion Passed.

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

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.

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

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."

Chairman Schick opened the public hearing for the 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).

Carlin Malone, Chief Planner, presented to the Planning Commission.
Josh Savage, the applicant, stated he did not have anything further to add to the staff presentation.

Commissioners Valdez and Reddick asked questions of the applicant.
Commissioner Hassard asked questions of staff, to which Scott Ballstadt and Daniel Money answered.

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

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

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

Please refer to public item hearing item materials.

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for 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), Planning Commissioner Kinney seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Jose Valdes, Gale Schick, David Hassard, Nathan Kinney; Nays - None; Motion Passed.

D. COMMUNICATIONS

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

Town Board Liaison Tallen spoke to the Commission about the successful Windsor Harvest Festival that was held over Labor Day weekend.

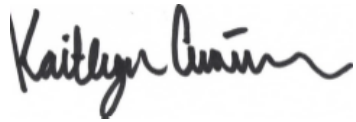
3. Communications from Staff

Daniel Money spoke briefly to the Commission regarding open meetings law.

Scott Ballstadt addressed the Planning Department's booth that was set up at the Windsor Harvest Festival for residents to visit over Labor Day weekend.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:47 p.m.

A handwritten signature in black ink, reading "Kaitlyn Cinnamon". The signature is written in a cursive, flowing style with a prominent initial "K" and a long, sweeping underline.

Kaitlyn Cinnamon, Deputy Town Clerk