



Board of Adjustment/Appeals Regular Meeting

June 22, 2023 - 7:00 PM

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

MINUTES

A. CALL TO ORDER

Chair Shea called the meeting to order at 7:20 p.m.

1. Roll Call

Present: Chair Stacey Shea
Vice-Chair Don Threewitt
Secretary James Penfold
Jeremy Benintende - Virtual

Absent: Jeffrey Gelvin
Hunter Rivera
Dan Evans

Also Present: Scott Ballstadt, Planning Director
David Eisenbraun, Senior Planner
Karen Frawley, Town Clerk

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

Board of Adjustment/Appeals Board Member Penfold moved to approve the agenda, Board of Adjustment/Appeals Board Member Threewitt seconded the motion. Roll call on the vote resulted as follows; Yeas - Don Threewitt, Stacey Shea, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

3. Reading of the Statement of the documents to be entered into the record:

I enter into the record the Town's Comprehensive Plan, the Town's Zoning Ordinance, the staff report regarding the action items of this hearing, and all of the testimony received at this hearing.

4. Public Invited to be Heard

Chair Shea opened the meeting up for public comment, to which there was none.

B. CONSENT CALENDAR

1. Approval of the April 27, 2023 Board of Adjustment/ Appeals Regular Meeting Minutes - K. Cinnamon, Deputy Town Clerk

Board of Adjustment/Appeals Board Member Threewitt moved to approve the consent calendar, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Don Threewitt, Stacey Shea, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

C. BOARD ACTION

1. Public Hearing – Variance from Municipal Code Sections 15-3-30(b)(3) - Parking Lot Exterior (screening), Sec.15-3-30(b)(4) - Parking Lot Interior (islands), Sec. 15-3-30(b)(5) Standards for Landscaping in Developed Areas (foundation plantings); and 15-12-20 - Site Lighting, General Regulations for 550 Sundance Drive, all pertaining to the minimum landscape and lighting requirements in the SF-1 (Single Family Residential) Zone District. Michael McCullar, Weld RE-4 Schools, Owner/Applicant.

Located on Tract B of the Second Filing of Winter Farm Subdivision, the proposed Peakview Elementary School site consists of 10-acres within Windsor, Colorado. The site is bounded by Sundance Drive to the east, Dakota Way to the south, existing residential properties to the west and the existing Northern Lights Park to the north.

The project will consist of a new 74,000 square foot elementary school along with associated site improvements. The north staff parking lot provides 44 parking stalls including 2 ADA compliant stalls. The south guest parking lot provides 84 parking stalls, including 4 ADA compliant stalls. Town Municipal Code, Section 15-5-20 requires 2 parking spaces for every classroom or 1 space for every 3 seats in an auditorium. There are 26 classrooms within the proposed building and no auditorium is provided. Per this information, the site provides more parking than required onsite. Additionally, both Dakota Way and Sundance Drive allow on-street parking.

Based on the school's needs, safety and efficiency are paramount and driving the request for this variance. The islands within the proposed parking lots make clearing snow difficult and, during heavy snow events, results in damaged or destroyed equipment. Foundation plantings around a school will not last due to the nature of activities around a school and the missing parking lot landscape screening is adjacent to an existing park. The District currently has four (4) full-time groundskeepers for the entire District. We are requesting a variance to the height of the lightpoles from 15' to 25'. The requirement would dictate almost double the number of light fixtures and the additional height does not impact any adjacent residential properties. Board members asked questions of staff and the applicant. Senior Planner David Eisenbraun and applicant, Michael McCullar with Weld RE-4 Schools addressed the board and answered their questions about parking, landscaping, and fencing.

Chair Shea opened the hearing up for public comment.

Adriana Wagner from 2027 Reliance Drive addressed the board with concerns regarding fencing and lighting for the surrounding properties.

Board of Adjustment/Appeals Board Member Threewitt moved to close the public hearing, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Don Threewitt, Stacey Shea, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

2. Variance from Municipal Code Sections 15-3-30(b)(3) - Parking Lot Exterior (screening), Sec.15-3-30(b)(4) - Parking Lot Interior (islands), Sec. 15-3-30(b)(5) Standards for Landscaping in Developed Areas (foundation plantings); and 15-12-20 - Site Lighting, General Regulations for 550 Sundance Drive, all pertaining to the minimum landscape and lighting requirements in the SF-1 (Single Family Residential) Zone District. Michael McCullar, Weld RE-4 Schools, Owner/Applicant.

See public hearing item.

Board of Adjustment/Appeals Board Member Threewitt moved to approve a variance from municipal code section 15-3-30(b)(3) for parking lot exterior (screening) as it relates to 550 Sundance Drive, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Stacey Shea, James Penfold, Jeremy Benintende; Nays - Don Threewitt; Motion Failed.

Board of Adjustment/Appeals Board Member Penfold moved to approve a variance from municipal code section 15-3-30(b)(4) for parking lot interior (islands) as it relates to 550 Sundance Drive, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Stacey Shea, Don Threewitt, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

Board of Adjustment/Appeals Board Member Benintende moved to approve a variance from municipal code section 15-3-30(b)(5) for standards for landscaping in developed areas (foundation plantings) as it relates to 550 Sundance Drive, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Stacey Shea, Don Threewitt, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

Board of Adjustment/Appeals Board Member Threewitt moved to approve a variance from municipal code section 15-12-20 for site lighting as it relates to 550 Sundance Drive, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Stacey Shea, Don Threewitt, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

3. Public Hearing – Variance from Municipal Code Sections 15-3-30(b)(3) - Parking Lot Exterior (screening), Sec.15-3-30(b)(4) - Parking Lot Interior (islands), Sec. 15-3-30(b)(5) Standards for Landscaping in Developed Areas (foundation plantings); and 15-12-20 - Site Lighting, General Regulations for 2015 Covered Bridge Parkway, all pertaining to the minimum landscape and lighting requirements in the RMU-1 (Residential Mixed-Use) Zone District. Michael McCullar, Weld RE-4 Schools, Owner/Applicant.

Chair Shea opened the hearing up for public comment, to which there was none.

Board of Adjustment/Appeals Board Member Benintende moved to close the public hearing, Board of Adjustment/Appeals Board Member Threewitt seconded the motion. Roll call on the vote resulted as follows; Yeas - Don Threewitt, Stacey Shea, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

4. Variance from Municipal Code Sections 15-3-30(b)(3) - Parking Lot Exterior (screening), Sec.15-3-30(b)(4) - Parking Lot Interior (islands), Sec. 15-3-30(b)(5) Standards for Landscaping in Developed Areas (foundation plantings); and 15-12-20 - Site Lighting, General Regulations for 2015 Covered Bridge Parkway, all pertaining to the minimum landscape and

lighting requirements in the RMU-1 (Residential Mixed-Use) Zone District. Michael McCullar, Weld RE-4 Schools, Owner/Applicant.

See public hearing item.

Board of Adjustment/Appeals Board Member Threewitt moved to approve a variance from municipal code section 15-3-30(b)(3) for parking lot exterior (screening) as it relates to 2015 Covered Bridge Parkway, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - James Penfold; Nays - Stacey Shea, Jeremy Benintende; Motion Failed.

Board of Adjustment/Appeals Board Member Benintende moved to approve a variance from municipal code section 15-3-30(b)(4) for parking lot interior (islands) as it relates to 2015 Covered Bridge Parkway, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Stacey Shea, Don Threewitt, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

Board of Adjustment/Appeals Board Member Penfold moved to approve a variance from municipal code section 15-3-30(b)(5) for standards for landscaping in developed areas (foundation plantings) as it relates to 2015 Covered Bridge Parkway, Board of Adjustment/Appeals Board Member Benintende seconded the motion. Roll call on the vote resulted as follows; Yeas - Stacey Shea, Don Threewitt, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

Board of Adjustment/Appeals Board Member Threewitt moved to approve a variance from municipal code section 15-12-20 for site lighting as it relates to 2015 Covered Bridge Parkway, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Stacey Shea, Don Threewitt, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

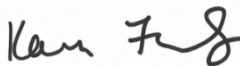
D. COMMUNICATIONS

1. Communications from Board of Adjustments/Appeals
2. Communications from Staff

E. ADJOURN

Board of Adjustment/Appeals Board Member Threewitt moved to adjourn, Board of Adjustment/Appeals Board Member Penfold seconded the motion. Roll call on the vote resulted as follows; Yeas - Don Threewitt, Stacey Shea, James Penfold, Jeremy Benintende; Nays - None; Motion Passed.

Upon a motion duly made, the meeting was adjourned at 8:19 p.m.



Karen Frawley, Town Clerk