



PLANNING COMMISSION REGULAR MEETING

January 17, 2024 - 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 November 1, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing - Master Plan Amendment - South Hill Annexation Master Plan, Martin Lind and Eagle Crossing Development, Inc, Owner/Applicant
 - Quasi-judicial action
 - Staff Presentation: David Eisenbraun, Senior Planner
2. Recommendation to Town Board - Master Plan Amendment - South Hill Annexation Master Plan, Martin Lind and Eagle Crossing Development, Inc, Owner/Applicant
 - Quasi-judicial
 - Staff Presentation: David Eisenbraun, Senior Planner
3. Public Hearing - An Ordinance Amending Chapters 14, 15, and 16 of the Town of Windsor Municipal Code concerning land use - Planning Department
 - Legislative action
 - Staff presentation: Carlin Malone, Chief Planner

4. Recommendation to Town Board - An Ordinance Amending Chapters 14, 15, and 16 of the Town of Windsor Municipal Code concerning land use - Planning Department

- Legislative 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: January 17, 2024
To: Planning Commission
From: Kaitlyn Cinnamon, Deputy Town Clerk
Re: Approval of the November 1, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Approval of the November 1, 2023 Planning Commission Regular Meeting Minutes

CC:

Attachments:

1. 11.01.23 Planning Commission Draft Minutes



Planning Commission Regular Meeting

November 1, 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
Cindy Beemer
Jose Valdes
Ben Kirch
Nathan Kinney
Maxwell Nader - alternate

Absent:

David Hassard

Also Present:

Town Board Liaison Tallon
Scott Ballstadt, Planning Director
Daniel Money, Town Attorney
Sandy Mezzetti, Senior Planner
Doug Roth, Civil Engineer IV - via zoom
Eric Bracke, Transportation Engineer - via zoom
Shane Hale, Town Manager
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 Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, Nathan Kinney, Ben Kirch, Maxwell Nader; 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 October 18, 2023 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

Planning Commissioner Reddick moved to approve the consent calendar as presented, Planning Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer,

Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

Victor Tallon, Town Board Liaison, 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 - Trevenna Subdivision - Final Major Subdivision - John Donaldson and Hunter Donaldson, property owners/applicants; and Kristin Turner, TB Group, applicant's representative

The applicant, Mr. John Donaldson, owner, represented by Ms. Kristin Turner of TB Group (Birdsall Group) has submitted an application for a final major subdivision for the Trevenna Subdivision located on the northeast corner of North fifteenth (15th) Street and the Jacoby Road alignment, and southwest of the Great Western Railway. The subdivision encompasses approximately seventy nine acres and is zoned Single Family Residential-Two (SF-2). The proposed subdivision includes two hundred and sixty two single family residential lots (maximum), detached, and attached dwellings (duplexes), with tracts for open space/drainage and two parks.

The Town Board will consider the request for the Final Major Subdivision at their public meeting on November 13, 2023.

Chairman Schick opened the public hearing for Trevenna Subdivision - Final Major Subdivision.

Sandra Mezzetti, Senior Planner, presented to the Planning Commission.

Kristin Turner, applicants representative with TB Group, presented to the Commission.

Chair Schick opened the meeting up for public comment. John Neal at 1072 Grand Ave, Windsor, CO 80550 addressed the Commission and spoke in favor of the item.

Commissioner Beemer asked questions of staff regarding the park within the development and if it's open to the public. Senior Planner, Sandra Mezzetti, stated that it will be open to the public. Beemer additionally asked questions of staff regarding parking and street safety concerns.

Commissioner Valdes asked questions of staff pertaining to the subdivision design, school capacities and status of Weld RE-4, to which Sandra Mezzetti and Scott Ballstadt with the Planning Department answered.

Hunter Donaldson, applicant, answered Commissioner Valdes's question regarding the estimated price point for a home in the subdivision.

Commissioner Kirch asked questions of staff regarding the park located within the subdivision and dedicated parking.

Commissioner Reddick gave a statement in regards to the developers and their detailed work on the project.

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, Jose Valdes, Cindy Beemer, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

2. Recommendation to Town Board - Trevenna Subdivision - Final Major Subdivision - John Donaldson and Hunter Donaldson, property owners/applicants; and Kristin Turner, TB Group, applicant's representative

Please refer to public hearing item materials.

Planning Commissioner Beemer moved to forward a recommendation of approval to Town Board for the Trevenna Subdivision- Final Major Subdivision, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

None

2. Communications from Town Board Liaison

Mr. Tallon stated that there was no Town Board meeting this week and that the town's budget for next year should be finalized by the end of the month. Tallon also stated to the Planning Commission that Mo Betta Gumbo in downtown Windsor has closed.

3. Communications from Staff

Kaitlyn Cinnamon, Deputy Town Clerk, spoke to the Commission regarding the Colorado Municipal Clerks Association Conference that took place in Snowmass Village. She attended with Town Clerk, Karen Frawley who received the Clerk of the Year award for a medium municipality at the conference awards dinner.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:58 p.m.

Kaitlyn Cinnamon, Deputy Town Clerk



MEMORANDUM

Date: January 17, 2024
To: Planning Commission
From: David Eisenbraun, Senior Planner
Re: Public Hearing - Master Plan Amendment - South Hill Annexation Master Plan, Martin Lind and Eagle Crossing Development, Inc, Owner/Applicant
Item #: C.1.

Background / Discussion:

Eagle Crossing Development, Inc. (owner) is requesting approval of the proposed South Hill Annexation Master Plan Amendment. The proposal is an effort by the developer to convert vacant land originally designated for general office space along 7th Street to be multifamily residential and general mixed uses in conformance with the existing Residential Mixed Use One (RMU-1) Zone District.

The amendment request is focused on the Parcel G area, approximately 9.19 acres, as illustrated on the approved South Hill Annexation Master Plan; therefore, the format for this application includes a legal description to define the pertinent associated area. All other areas outside of this amendment area will remain subject to the existing South Hill Master Plan.

This amendment is for a land use adjustment of Parcel G, including:

- Changing the designated land use from 'Office' to 'Mixed Use',
- Updating the newly proposed configuration of Parcel G,
- Modifying the buffer area to be incorporated into Parcel G and to work with the site planning considerations known in today's market, and;
- Updating the information in the Master Plan to incorporate the changes related to Parcel G.

All information related to the adjustments related to Parcel G has been updated and modified to meet the intended land use change.

Financial Impact:

Relationship to Strategic Plan:

The application is consistent with the Strategic Plan Mission Statement: The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner; and quality of life, vitality and small town feel.

- Infrastructure – Connection of trails and other infrastructure along 7th Street.
- Quality of Life – Converting vacant land into providing new housing stock options in an area bookended by Town amenities and commercial mixed uses.

Recommendation:

Staff recommends Planning Commission forward to the Town Board a recommendation of approval of the South Hill Annexation Master Plan Amendment, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Scott Ballstadt, Director of Planning

Attachments:

1. Application
2. 2006 South Hill Annexation Master Plan
3. Master Plan Amendment
4. South Hill MP Neighborhood Meeting Sign-In - 12.5.23
5. Neighborhood Meeting Summary
6. Sewer Transfer Letter
7. PC Staff Powerpoint Master Plan Amendment

Application Packet Master Plan



The following checklist is intended to provide an outline for applicants to ensure a complete submittal and to avoid processing delays due to inadequate information. Land use applications shall include all items listed in the following checklist. If an item is not checked as included in the submittal, a detailed narrative statement outlining reasons why the item has not been submitted shall be included. Lack of such statement or required item shall constitute an incomplete submittal and shall be rejected by the Town. Please review Chapter 14 of the Town of Windsor [Municipal Code](#) for complete application requirements.

	Planning Department Checklist	Applicant Checklist	
1	☐	☒	Completed checklist. Items not checked are explained in the narrative
	☐	☒	Completed Land Use Application (attached)
	☐	☒	Application fee consistent with the Town of Windsor Fee Schedule
	☐	☒	A deed or legal instrument identifying the applicant's interest in the property
	☐	☒	All required drawings and supportive information per the Municipal Code
	☐	☒	All submittals shall follow the Town's Submittal Requirements and File Naming Conventions available from the Planning Department

	Planning Department Checklist	Applicant Checklist	
2	☐	☒	Drawing dimensions shall be twenty-four by thirty-six (24x36) inches. All drawings shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet. scale varies as appropriate
	☐	☒	Date of preparation, the scale, a symbol designating true north and zoning
	☐	☒	Vicinity map
	☐	☒	Name of the master plan on all drawing sheets (<i>contact Planning</i>)
	☐	☒	Names, addresses and phone numbers of the applicant and firms or persons responsible for preparing the drawing
	☐	☒	Applicant revisions block (<i>includes fields for date, initials, description</i>)
	☐	☒	Appropriate certification blocks as provided by the Planning Department
	☐	☒	Existing and proposed easements and rights-of-way for collector and arterial streets
	☐	☒	Land use table showing: - Proposed gross and net residential densities - Proposed acreage designated for each specific land use - Proposed zoning classifications and total acreage of the parcel
	☐	☒	On each land use-specific section of the plan identify: - Acreage, minimum lot size and gross and net residential densities - Acreage designated for parks, open space and other public uses - Acreage for industrial and commercial uses

		Utility Plan Including:
	<u>X</u>	• The size and location of all existing utility lines and facilities • The approximate size and location of all proposed • A water table with estimates of peak hour and maximum day water and wastewater demands
	<u>X</u>	Drainage plan showing flow patterns, including off-site contributions, detention and retention areas and discharge areas
	<u>N/A</u>	A soils description and limitation
	<u>N/A</u>	Existing watercourses with adequate easements for flood control
	<u>X</u>	Designation of all public sites to be reserved and dedicated
	<u>X</u>	Existing two-foot contours

Application Packet

Land Use Application



1

The Town of Windsor Planning Department reserves the right to reject incomplete submittals, per the application checklist and Municipal Code requirements for all applications. Please submit completed application and materials to planningtechs@windsorgov.com. Staff will review the submittal and advise you of its completeness for processing.

2

Application type:

☐ Annexation ☐ Site Plan - Minor
☒ Master Plan ☐ Site Plan - Major
☐ Rezoning
☐ Minor Subdivision
☐ Major Subdivision – Preliminary
☐ Major Subdivision – Final

Project Name*: South Hill Annexation Master Plan Amendment

Legal Description*: See attached

Address/Location*: Generally north of the intersection of E Crossroads Blvd and 7th St

Existing Zoning: RMU-1

Proposed Zoning:

Acres/Square Feet:

Number of Dwelling Units:

3

Owner:

Name(s)*: Martin Lind

Company: Eagle Crossing Development, Inc.

Address*: 1625 Pelican Lakes Point Suite 201 Windsor, CO 80550

Phone #: (970) 686-5828 Email*: mlind@watervalley.com

Applicant (Owner or Owner's Representative):

Name*: Colton Lind

Company: The Water Valley Company

Address*: 1625 Pelican Lakes Point Windsor, CO 80550

Phone #: (970) 686-5828 Email*: clind@watervalley.com

Authorized Representative:

Name: Mitch Black

Company: Norris Design

Address: 1101 Bannock Street Denver, CO 80204

Phone #: (303) 892-1166 Email: mblack@norris-design.com

4

All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature:

(Proof of owner's authorization is required with submittal if signed by Applicant)

Print Name:

Date:

10/13/23

*Required fields

Revised 2/5/2021

Town of Windsor – Planning Department

301 Walnut Street | Windsor, Colorado | 80550 | phone 970-674-2415 | fax 970-674-2456 | www.windsorgov.com

LEGAL DESCRIPTION

LOTS 1-4, BLOCK 1,
SOUTH HILL SUBDIVISION EIGHTH FILING,
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO

SCHEDULE A

Title Report No.: 459-HS0823740-416

1. **Effective Date:** September 6, 2023 at 12:00 AM
2. The estate or interest in the land described or referred to in this Title Report is:
 Fee Simple
3. Title to the estate or interest in the land is at the Effective Date vested in:
 Eagle Crossing Development, Inc., a Colorado corporation, as to Parcel 1 and South Hill Holdings, LLC, a Colorado limited liability company, as to Parcel 2 and Poudre Tech Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado, as to Parcel 3
4. The land referred to in this Title Report is described as follows:
 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
 (for informational purposes only) Vacant land, Windsor, CO 80550

EXHIBIT "A"

Legal Description

Parcel 1:

Lot 1, Block 1, South Hill Subdivision Eighth Filing as recorded June 29, 2021 as Reception No. [4730607](#) of the Records of the Weld County Clerk and Recorder, situate in the Southeast Quarter (SE1/4) of Section Thirty-two (32), and the Southwest Quarter (SW1/4) of Section Thirty-three (33), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado

TOGETHER WITH

BEGINNING at the Northwest corner of Lot 2, Block 1, South Hill Subdivision Eighth Filing and assuming the Northwest line of said Lot 2 as bearing North 73°06'06" East, as platted, a distance of 202.79 feet and with all other bearings contained herein relative thereto;

Thence along the North and East lines of Lot 2, the following three courses:

THENCE North 73°06'06" East a distance of 202.79 feet;

THENCE North 75°30'12" East a distance of 61.42 feet;

THENCE South 57°59'06" East a distance of 90.29 feet;

THENCE South 51°12'12" West a distance of 347.45 feet to the West line of Lot 2 and to the beginning point of a curve, non-tangent to the aforesaid line;

Thence along the West lines of Lot 2 the following two courses:

THENCE along the arc of a curve concave to the Northeast a distance of 131.69 feet, having a Radius of 1135.00 feet; a Delta of 06°38'52" and is subtended by a Chord that bears North 18°21'20" West a distance of 131.61 feet to a Point of Tangency (PT);

THENCE North 15°01'54" West a distance of 68.68 feet to the POINT OF BEGINNING.

Parcel 2:

A parcel of land, being part of South Hill Subdivision Eighth Filing as recorded June 29, 2021 as Reception No. [4730607](#) of the Records of the Weld County Clerk and Recorder, situate in the Southeast Quarter (SE1/4) of Section Thirty-two (32), and the Southwest Quarter (SW1/4) of Section Thirty-three (33), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado and being more particularly described as follows:

Lots 2, 3 and 4, Block 1, South Hill Subdivision Eighth Filing.

EXCEPT:

BEGINNING at the Northwest corner of Lot 2, Block 1, South Hill Subdivision Eighth Filing and assuming the Northwest line of said Lot 2 as bearing North 73°06'06" East, as platted, a distance of 202.79 feet and with all other bearings contained herein relative thereto;

Thence along the North and East lines of Lot 2, the following three courses:

THENCE North 73°06'06" East a distance of 202.79 feet;

THENCE North 75°30'12" East a distance of 61.42 feet;

THENCE South 57°59'06" East a distance of 90.29 feet;

THENCE South 51°12'12" West a distance of 347.45 feet to the West line of Lot 2 and to the beginning point of a curve, non-tangent to the aforesaid line;

Thence along the West lines of Lot 2 the following two courses:

THENCE along the arc of a curve concave to the Northeast a distance of 131.69 feet, having a Radius of 1135.00 feet; a Delta of 06°38'52" and is subtended by a Chord that bears North 18°21'20" West a distance of 131.61 feet to a Point of Tangency (PT);

THENCE North 15°01'54" West a distance of 68.68 feet to the POINT OF BEGINNING.

EXHIBIT "A"
Legal Description

~~Parcel 3:~~

~~Tract A, Water Valley South Subdivision Twelfth Filing, Town of Windsor, County of Weld, State of Colorado~~

SCHEDULE B Exceptions

1. Reservations by the Union Pacific Railroad Company of (1) oil, coal and other minerals underlying the Land, (2) the exclusive right to prospect for, mine and remove oil, coal and other minerals, and (3) the right of ingress and egress and regress to prospect for, mine and remove oil, coal and other minerals, all as contained in Deed as set forth below, and any and all assignments thereof or interests therein:

Recording Date: May 29, 1907
Recording No: [Book 233 at Page 96](#)
(Affects SW4 Section 33)

2. Reservations by the Union Pacific Railroad Company of (1) oil, coal and other minerals underlying the Land, (2) the exclusive right to prospect for, mine and remove oil, coal and other minerals, and (3) the right of ingress and egress and regress to prospect for, mine and remove oil, coal and other minerals, all as contained in Deed as set forth below, and any and all assignments thereof or interests therein:

Recording Date: November 24, 1942
Recording No: [Book 1101 at Page 407](#)
(Affects a portion of SE4 Section 32. The exact location is undefined.)

3. Reservations contained in the Patent

From: The United States of America
Recording Date: July 17, 1959
Recording No: [Book 1536 at Page 283](#)

Which among other things recites as follows:

Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of the courts; and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and the reservation from the lands hereby granted of a right of way thereon for ditches or canals constructed by the authority of the United States.
(Affects SE4 Section 32)

4. Terms, conditions, provisions, agreements and obligations contained in the Greeley-Loveland Shareholder's Domestic Water Agreement as set forth below:

Recording Date: May 23, 1969
Recording No: [1531825](#)
(Affects Parcels 1 - 3)

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Poudre Valley Rural Electric Association, Inc.
Purpose: Electric line or system
Recording Date: November 29, 1982
Recording No: [1909902](#)
and
Recording Date: January 12, 2004
Recording No: [3143382](#)
(Affect Section 32. The exact locations are undefined.)

SCHEDULE B
Exceptions
(continued)

6. All matters shown on the Land Survey Plat recorded July 11, 2002 at Reception No. [2968413](#).
(Affects Parcels 1 - 3)
7. Terms, conditions, provisions, agreements and obligations contained in the Town of Windsor Ordinance No. 2004-1198 as set forth below:

Recording Date: March 10, 2005
Recording No: [3267270](#)

and as shown on the map of South Gate First Annexation to the Town of Windsor recorded March 10, 2005 at Reception No. [3267271](#). (Affects Parcels 1 and 2)
8. Terms, conditions, provisions, agreements and obligations contained in the Town of Windsor, Ordinance No. 2004-1199 as set forth below:

Recording Date: March 10, 2005
Recording No: [3267272](#)

and as shown on the map of South Gate Second Annexation to the Town of Windsor recorded March 10, 2005 at Reception No. [3267273](#). (Affects Parcels 1 and 2)
9. Terms, conditions, provisions, agreements and obligations contained in the Town of Windsor Ordinance No. 2004-1200 as set forth below:

Recording Date: March 10, 2005
Recording No: [3267274](#)

and as shown on the map of South Gate Third Annexation recorded March 10, 2005 at Reception No. [3267275](#). (Affects Parcels 1 and 2)
10. Terms, conditions, provisions, agreements and obligations contained in the Order for Inclusion in re: the Matter of Water Valley Metropolitan District No. 2 recorded December 16, 2008 at Reception No. [3595148](#) and July 20, 2012 at Reception No. [3860351](#). (Affects Parcels 1 - 3)
11. Terms, conditions, restrictions, provisions, notes and easements as set forth on the map of South Hill Annexation set forth below:

Recording Date: April 20, 2006
Recording No: [3380940](#)
(Affects Parcels 1 - 3)
12. Terms, conditions, provisions, agreements and obligations contained in the South Hill Annexation Agreement as set forth below:

Recording Date: April 20, 2006
Recording No: [3380941](#)
(Affects Parcels 1 - 3)
13. Terms, conditions, restrictions, provisions, notes and easements as set forth on the Plat of South Hill Subdivision set forth below:

Recording Date: June 30, 2008

SCHEDULE B
Exceptions
(continued)

Recording No: [3563934](#)
(Affects Parcels 1 - 3)

14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document

Granted to: Poudre Valley Rural Electric Association, Inc.
Purpose: Overhead and/or underground electric line or system
Recording Date: November 3, 2008
Recording No: [3587872](#)
and
Recording Date: December 6, 2016
Recording No: [4259608](#)
(Affect Section 33. The exact locations are undefined.)

15. Terms, conditions, provisions, agreements and obligations contained in the Order for Inclusion in the Water valley Metropolitan District No. 2 as set forth below:

Recording Date: December 16, 2008
Recording No: [3595148](#)

16. Terms, conditions, provisions, agreements and obligations contained in the Notice of Lease Development Agreement as set forth below:

Recording Date: October 27, 2011
Recording No: [3801798](#)
(Affects N 1/2 and SE 1/4 Section 32 - Parcels 1 - 3)

17. An oil and gas lease for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein, and any and all assignments thereof or interests therein.

Recording Date: January 3, 2012
Recording No: [3815528](#)

and Amendment to Oil and Gas Lease recorded December 20, 2012 at Reception No. [3897894](#). (Affects SE 1/4 Section 32 - Parcels 1 - 3)

18. Terms, conditions, provisions, agreements and obligations contained in the Assignment and Conveyance of Royalty Interests as set forth below:

Recording Date: July 5, 2012
Recording No: [3856785](#)
(Affects Parcels 1 - 3)

19. Terms, conditions, provisions, agreements and obligations contained in the Agreement as set forth below:

Recording Date: October 7, 2013
Recording No: [3968839](#)

and Amendments thereto recorded February 18, 2014 at Reception No. [3996726](#) and November 18, 2014 at Reception No. [4062493](#). (Affects Parcels 1 and 2)

SCHEDULE B
Exceptions
(continued)

20. Terms, conditions, provisions, agreements and obligations contained in the Water Valley Metropolitan District No. 2 Special District Public Disclosure as set forth below:
- Recording Date: December 19, 2014
Recording No: [4069858](#)
21. Undivided full interest in all oil, gas and other mineral rights reserved in the instrument set forth below, and any and all assignments thereof or interests therein:
- Reserved by: Frye Farm Investments, LLC
Recording Date: December 27, 2016
Recording No.: [4264629](#)
(Affects Parcels 1 and 2)
22. Terms, conditions, provisions, agreements and obligations contained in the Declaration of Covenants Imposing and Implementing the Water Valley Regional Project Improvement Fee as set forth below:
- Recording Date: August 14, 2019
Recording No: [4514415](#)
(Affects Parcels 1 and 2)
23. Covenants, conditions, restrictions and lien rights but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, and any and all amendments thereto, as set forth in the document
- Recording Date: October 22, 2020
Recording No: [4643230](#)
(Affects Parcels 1 and 2)
24. Terms, conditions, restrictions, provisions, notes and easements as set forth on the Plat of South Hill Subdivision Eighth Filing set forth below:
- Recording Date: June 29, 2021
Recording No: [4730607](#)
(Affects Parcels 1 and 2)
25. Terms, conditions, provisions, agreements and obligations contained in the Declaration of Use Restriction as set forth below:
- Recording Date: December 27, 2022
Recording No: [4873718](#)
(Affects Parcels 1 and 2)
- ~~26. Terms, conditions, provisions, agreements and obligations contained in the Agreement to Grant Easement as set forth below:~~
- ~~Recording Date: October 1, 2004~~
~~Recording No: [3223977](#)~~
~~(Affects Parcel 3)~~

SCHEDULE B
Exceptions
(continued)

27. ~~Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:~~

~~Granted to: Kerr McGee Gathering LLC, a Colorado limited liability company
Purpose: Pipeline
Recording Date: July 9, 2009
Recording No: [3635308](#)
(Affects Parcel 3)~~

~~Note: Partial Release of Right of Way Grant was recorded March 9, 2022 at Reception No. [4808918](#), as to Lots 3 and 4, Block 1, South Hill Subdivision Eight Filing.~~

28. ~~Terms, conditions, restrictions, provisions, notes and easements as set forth on the Plat of Water Valley South Subdivision Twelfth Filing set forth below:~~

~~Recording Date: May 10, 2011
Recording No: [3767765](#)
(Affects Parcel 3)~~

29. ~~Undivided All of grantor's interest in all water rights, storage rights, non tributary water rights, ditch and ditch rights, any minerals, mineral rights, gravel or gravel rights, all oil and gas, and oil and gas rights reserved in the instrument set forth below, and any and all assignments thereof or interests therein:~~

~~Reserved by: Frye Farm Investments, LLC, a Colorado limited liability company
Recording Date: February 21, 2023
Recording No.: [4882473](#)
(Affects Parcel 3)~~

30. ~~Terms, conditions, provisions, agreements and obligations contained in the Deed Restriction contained in Quit Claim Deed as set forth below:~~

~~Recording Date: February 21, 2023
Recording No: [4882473](#)
(Affects Parcel 3)~~

31. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$28,500,000.00
Dated: August 15, 2023
Trustor/Grantor: South Hill Holdings, LLC, a Colorado limited liability company
Trustee: Public Trustee of Weld County
Beneficiary: First National Bank
Recording Date: August 17, 2023
Recording No.: [4915825](#)
(Affects Parcel 2)

Note: Item(s) above refer to recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate.

END OF EXCEPTIONS

SCHEDULE B
Exceptions
(continued)

THIS IS A TITLE REPORT ONLY. **This is not a commitment to insure.**

The information set forth herein is based on information supplied to Heritage Title Company - NoCo Region by sources believed to be reliable and is provided for accommodation purposes only. Heritage Title Company - NoCo Region assumes no liability hereunder unless a policy or policies of title insurance are issued by Heritage Title Company - NoCo Region and fully paid for and the insured under said policy or policies and party to whom this report was issued have no knowledge of any defect in title not disclosed. Reliance on the information set forth herein is subject to the issuance of a mortgage and/or owner's policy of title insurance by Heritage Title Company - NoCo Region within six (6) months from the effective date hereof. If a title insurance policy is not issued insuring the property within such time, this title report shall be null and void as of its effective date and shall be deemed to have been furnished for informational purposes only.

EXHIBIT "B"

LIMITATION LANGUAGE FOR LIMITATION TO AMOUNT OF FEE PAID FOR SEARCH

YOU EXPRESSLY AGREE AND ACKNOWLEDGE THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REPORT. YOU RECOGNIZE THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, YOU UNDERSTAND THAT THE COMPANY WAS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REQUESTED REPORT BUT FOR YOUR AGREEMENT THAT THE COMPANY'S LIABILITY IS STRICTLY LIMITED.

YOU AGREE THAT MATTERS AFFECTING TITLE BUT WHICH DO NOT APPEAR AS A LIEN OR ENCUMBRANCE AS DEFINED IN THE CUSTOMER AGREEMENT OR APPLICATION ARE OUTSIDE THE SCOPE OF THE REPORT.

YOU AGREE, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THIS REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, OR ANY OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE, OR ANY OTHER THEORY OF RECOVERY OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT, SO THAT **THE TOTAL AGGREGATE LIABILITY OF THE COMPANY, ITS EMPLOYEES, AGENTS AND SUBCONTRACTORS SHALL NOT EXCEED THE COMPANY'S TOTAL FEE FOR THIS REPORT.**

YOU AGREE THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE YOU ARE PAYING WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO YOU WITHOUT SAID TERM. YOU RECOGNIZE THAT THE COMPANY WOULD NOT ISSUE THIS REPORT, BUT FOR YOUR AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THIS REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THIS REPORT.

THIS REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. IN PROVIDING THIS REPORT, THE COMPANY IS NOT ACTING AS AN ABTRACTOR OF TITLE. THIS REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THIS REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTIES AS TO THE REPORT, ASSUMES NO DUTIES TO YOU, DOES NOT INTEND FOR YOU TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THIS REPORT OR OTHERWISE.

IF YOU DO NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND YOU DESIRE THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, YOU MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. YOU EXPRESSLY AGREE AND ACKNOWLEDGE THAT YOU HAVE AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCTS OR SERVICES PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THIS REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

YOU AGREE THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, OR

EXHIBIT "B"

(continued)

ANY OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSES WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

THESE LIMITATIONS WILL SURVIVE THE CONTRACT.

LIMITATIONS OF LIABILITY

APPLICANT EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REPORT. APPLICANT RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, APPLICANT UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REQUESTED REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. APPLICANT AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS.

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

MATTERS AFFECTING TITLE BUT WHICH DO NOT APPEAR AS A LIEN OR ENCUMBRANCE, AS DEFINED ABOVE, AMONG THE TITLE INSTRUMENTS ARE OUTSIDE THE SCOPE OF THE REPORT.

APPLICANT AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, OR ANY OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE, OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS, AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

APPLICANT AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE APPLICANT IS PAYING WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE APPLICANT WITHOUT SAID TERM. APPLICANT RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT, BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

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LIMITATIONS OF LIABILITY

(continued)

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APPLICANT AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, OR ANY OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSES WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

Narrative

South Hill Annexation Master Plan Amendment October 17, 2023

The Water Valley Company (applicant) is requesting on behalf of Eagle Crossing Development, Inc. (owner) approval of the proposed South Hill Annexation Master Plan Amendment. The amendment request is focused on the parcel G area; therefore, the format for this application includes a legal description to define the pertinent associated area. All other areas outside of this amendment area will remain subject to the existing South Hill Master Plan.

This amendment is for a land use adjustment of parcel G, including:

- Changing the designated land use from 'Office' to 'Mixed Use',
- Updating the newly proposed configuration of parcel G,
- Modifying the buffer area to be incorporated into parcel G and to work with the site planning considerations known in today's market, and
- Updating the information in the Master Plan to incorporate the changes related to parcel G.

All information related to the adjustments related to parcel G has been updated and modified to meet the intended land use change.

Summary of Master Plan Changes/Updates:

All Sheets: The title block has been updated.

Sheet 1 of 10: A new cover sheet has been created due to needing clean signature blocks, providing an updated legal description focused on the parcel G property area, and updating the land use and density tables.

Sheet 2 of 10: Edits include depiction of parcel G and adjacent area with the consolidated parcel boundary and Mixed-Use label and associated acreage.

Sheet 3 of 10: Edits include depiction of parcel G and adjacent area with the consolidated parcel boundary and Mixed-Use label and associated acreage.

Sheet 4 of 10: Edits include depiction of parcel G and adjacent area with the consolidated parcel boundary and Mixed-Use label and associated acreage.

Sheet 5 of 10: No edits required.

Sheet 6 of 10: No edits required.

Sheet 7 of 10: Parcel G and adjacent area is depicted without indication of Office use / buildings and incorporates former enhanced ridgeline zone into the proposed parcel G boundary and layout. Photo 5a removed to eliminate any indication of the enhanced ridgeline zone from the subject property.

Sheet 8 of 10: The original Section A does not depict the actual characteristics of the parcel G land. Keeping in place the purpose and intentions, Section A has been replaced with a section depicting the

proposed vertical stepping-down design anticipated for the proposed Mixed-Use area in parcel G. Parcel G and adjacent area is depicted without indication of Office use / buildings and incorporates former enhanced ridgeline zone into the proposed parcel G boundary and layout.

Sheet 9 of 10: Master Utility Plan – Has been updated to include the Mixed-Use designation requested in this amendment. Labels, utility information, and parcel G boundary information have all been updated accordingly.

Sheet 10 of 10: Master Drainage Plan – Has been verified and updated to include the Mixed-Use designation requested in this amendment. Labels and the parcel G boundary information have all been updated accordingly.

South Hill Annexation Master Plan

A PARCEL OF LAND BEING A PART OF THE NORTH HALF (N 1/2) OF SECTION FOUR (4) AND THE NORTH ONE HALF (1/2) OF SECTION FIVE (5), TOWNSHIP FIVE NORTH (T.5N.), RANGE SIXTY-SEVEN WEST (R.67W) AND A PART OF THE SOUTH HALF (S 1/2) OF SECTION THIRTY-TWO (32) AND A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION THIRTY-THREE (33), TOWNSHIP SIX NORTH (T.6N.), RANGE SIXTY-SEVEN WEST (R.67W.), SIXTH PRINCIPAL MERIDIAN (6TH P.M.), COUNTY OF WELD, STATE OF COLORADO

OWNER'S APPROVAL

The within master plan is submitted in accordance with the Windsor Municipal Code. It is hereby acknowledged that all construction, use and development of this property will be in strict accordance with this master plan. It is further acknowledged that deviation from this master plan without the express consent of the Town of Windsor may result in revocation of the Town's approval of the master plan, denial of building permits, refusal to issue certificates of occupancy, injunctive relief prohibiting use of the property and other remedies available to the Town under the Windsor Municipal Code and other applicable laws of the State of Colorado.

Know all men by these presents, that we Frye Farm Investments, LLC being the sole owner(s) of the land described herein have caused said land to be laid out and master planned under the name of South Hill Master Plan.

In witness whereof, we have hereunto set our hands and seals this the 29 day of March 2006.

Russell B. Sanford
Manager

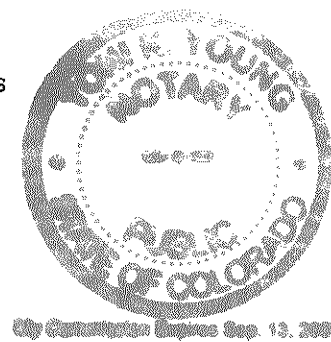
NOTARIAL CERTIFICATE

STATE OF COLORADO)
COUNTY OF WELD)

The foregoing instrument was acknowledged before me by Russell B. Sanford, this 29 day of March, 2006.

My commission expires: 9-13-2006

John R. Young
Notary Public



PREPARER'S CERTIFICATION

I certify that this master plan was prepared by me or under my direct supervision.

Cathy J. Mathis Cathy J. Mathis
Signature Print Name
Preparer of master plan Preparer of master plan

TOWN ENGINEER'S APPROVAL

Approved this the 13th day of April, 2006.

Amie L. Wagner
Town Engineer

PLANNING COMMISSION APPROVAL

Approved this the 17th day of April, 2006.

Gabe Schuck
Chairman
Windsor Planning Commission

TOWN PLANNER'S APPROVAL

Approved this the 10th day of April, 2006.

Joseph P. Plummer
Town Planner

TOWN MANAGER'S APPROVAL

Approved this the 10th day of April, 2006.

[Signature]
Town Manager

TOWN WATER AND SEWER DEPARTMENT APPROVAL

Approved this the 17th day of April, 2006.

Jimmy J. Webb
Public Works Director

MAYOR'S CERTIFICATE

This is to certify that a master plan of the above described property was approved by Resolution No. Ordinance No. 2006-15 of the Town of Windsor passed and adopted on the 15th day of March, 2006, A.D. and that the Mayor of the Town of Windsor, as authorized by said resolution on behalf of the Town of Windsor, hereby acknowledges and adopts the said master plan upon which this certificate is endorsed for all purposes indicated thereon.

Charles A. [Signature] ATTEST: [Signature]
Mayor Town Clerk

LEGAL DESCRIPTION

PROPERTY DESCRIPTION

South Hill Annexation Parcel A

A plot of a parcel of land in the TOWN OF WINDSOR, Colorado, located in the North One Half (N1/2) of Section Five (5), Township Five North (T.5N.), Range Sixty-seven West (R.67W.) and a part of the South Half (S1/2) of Section Thirty-two (32) and a part of the Southwest Quarter (SW1/4) of Section Thirty-three (33), Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.) and more particularly described as follows:

COMMENCING at the East Quarter Corner of said Section 32 and assuming the North line of the SE1/4 of said Section 32 as bearing South 89°37'45" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2380.63 feet with all other bearings contained herein relative thereto:

THENCE South 89°37'45" West along the North line of the SE1/4 of said Section 32 a distance of 645.77 feet to the Westerly line of South Gate Annexation No. 2 and the TRUE POINT OF BEGINNING;
THENCE South 49°40'46" East along the Westerly line of South Gate Annexation No. 2 a distance of 273.21 feet to the Northwest Corner of South Gate Annexation No. 3; The next Five (5) courses and distances are along the Westerly lines of said South Gate Annexation No. 3
THENCE South 49°41'58" East a distance of 900.10 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Southwest a distance of 198.14 feet, said curve has a Radius of 285.00 feet, a Delta of 38°29'03" and is subtended by a Chord bearing South 30°29'05" East a distance of 194.44 feet to a Point of Tangency;
THENCE South 11°14'33" East a distance of 1367.39;
THENCE South 04°07'26" East a distance of 391.99;
THENCE South 05°12'17" West a distance of 30.73 feet to the South Right of Way (ROW) line of Weld County Road No. 62 (WCR #62);
THENCE South 89°23'15" West along the South ROW line of WCR #62 a distance of 2732.68 feet;
THENCE South 89°23'21" West continuing along the South ROW line of WCR #62 a distance of 114.61 feet to the West line of a parcel of land described in Reception No. 3067075 of the Records of Weld County;
THENCE North 00°22'05" West along said West line and along the prolongation of said West line a distance of 2709.20 feet to the North line of the SE1/4 of said Section 32, said North line being coincident with the South line of the Hilltop Annexation to the Town of Windsor;
THENCE North 89°37'45" East along the South line of said Hilltop Annexation a distance of 1579.09 feet to the Westerly line of South Gate Annexation No. 2 and the TRUE POINT OF BEGINNING.

Said parcel contains 156,269 acres more or less (±).

PROPERTY DESCRIPTION

South Hill Annexation Parcel B

A parcel of land being a part of the North One Half (N1/2) of Section Four (4), Township Five North (T.5N.), Range Sixty-seven West (R.67W.) and a part of the South Half (S1/2) of Section Thirty-two (32) and a part of the Southwest Quarter (SW1/4) of Section Thirty-three (33), Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado and being more particularly described as follows:

BEGINNING at the East Quarter Corner of said Section 32 (said East Quarter Corner also being the Southwest corner of Water Valley Hillside Annexation) and assuming the North line of the SE1/4 of said Section 32 as bearing South 89°37'45" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2380.63 feet with all other bearings contained herein relative thereto:

The next Three (3) courses and distances are along the Southerly and Westerly lines of Water Valley Hillside Annexation recorded as Reception No. 3142790 of the Records of Weld County:

THENCE North 89°02'54" East a distance of 735.02 feet;
THENCE South 46°54'14" East a distance of 1393.06 feet;
THENCE South 75°47'45" East a distance of 1775.02 feet to the Westerly line of the Poudre Tech Center Annexation to the Town of Windsor;
The next Two (2) courses and distances are along the Westerly line of the Poudre Tech Center Annexation to the Town of Windsor:
THENCE South 14°32'41" East a distance of 1349.40 feet to the Easterly line of the SW1/4 of said Section 33;
THENCE South 07°39'07" East along said Easterly line a distance of 98.73 feet to the South line of the SW1/4 of said Section 33;
THENCE South 00°10'24" East a distance of 30.00 feet to the South Right of Way (ROW) line of Weld County Road No. 62 (WCR #62);
THENCE South 89°20'36" West along the South ROW line of WCR #62 a distance of 1288.57 feet to the Easterly line of the South Gate Annexation No. 3; The next Six (6) courses and distances are along the said South Gate Annexation No. 3:
THENCE North 04°50'29" East a distance of 60.28 feet to the North ROW line of WCR #62;
THENCE South 89°20'36" West along said North ROW line a distance of 1280.17 feet;
THENCE North 04°07'26" West a distance of 369.90 feet;
THENCE North 11°14'33" West a distance of 1371.12 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Southwest a distance of 238.44 feet, said curve has a Radius of 355.00 feet, a Delta of 38°29'03" and is subtended by a Chord bearing North 30°29'05" West a distance of 233.99 feet to a Point of Tangency;
THENCE North 49°43'36" West a distance of 900.10 feet to the Southeast corner of the South Gate Annexation No. 2;
THENCE North 49°43'36" West along the Easterly line of the South Gate Annexation No. 2 a distance of 203.58 feet to the North line of the SE1/4 of said Section 32 and the South line of the Water Valley Ridge Annexation;
THENCE North 89°37'45" East along the North line of the SE1/4 of said Section 32 and the South line of the Water Valley Ridge Annexation a distance of 554.00 feet to the West line of said Water Valley Hillside Annexation and the POINT OF BEGINNING.

Said parcel contains 120.458 acres more or less (±).

LAND USE AND DENSITY TABLES

Proposed Zoning:

RMU	248.54 Acres
General Commercial	28.16 Acres

Total	276.7 Acres
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Open Space Areas:

B Public Park	6.00 Acres
C Open Space	18.09 Acres
E Open Space	3.73 Acres
I Open Space	52.41 Acres
M Open Space	3.23 Acres

Total	83.46 Acres
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Developed Areas:

A Residential	103.99 Acres
D General Commercial	2.94 Acres
F Residential	7.32 Acres
G Office	5.96 Acres
I Residential	19.46 Acres
J General Commercial	25.22 Acres
K Residential	2.98 Acres
Dedicated ROW	25.97 Acres

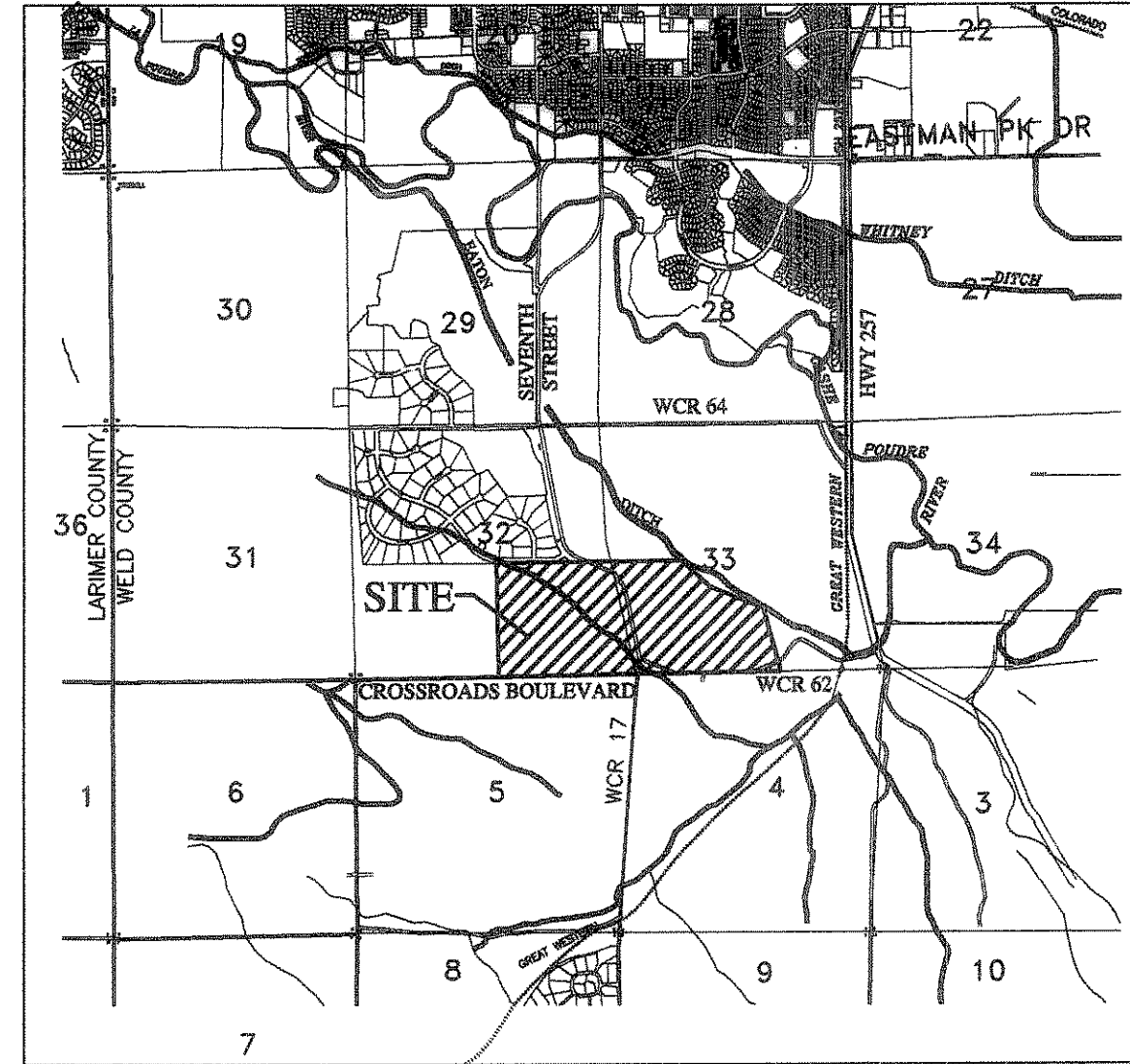
Total	193.24 Acres
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Residential Units:

Total Number of Units	315
Gross Density	315 DU / 276.7 ac = 1.14 DU/Acre
Net Density	315 DU / 250.7 ac = 1.26 DU/Acre

Proposed Developed Land:	193.24 Acres	70 %
Proposed Open Space:	83.46 Acres	30 %

Total	276.70 Acres	100 %
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VICINITY MAP
NOT TO SCALE

The subject property was previously depicted as High Density Estate Single Family Residential (E-2) on the Town's Comprehensive Plan Land Use Map, therefore, the planned E-2 density was used to design the sewer line in the Southwest Interceptor Sewer master plan. Based upon this design, the combined residential and commercial density of both the South Hill Annexation (282 acres) and the Trautman Subdivision (110 acres), shall not exceed a total of 490 equivalent residential units if the full 25 % bonus density is utilized in return for clustered open space. Proposed commercial development will be calculated as four units per gross acre of commercial development.

SHEET INDEX

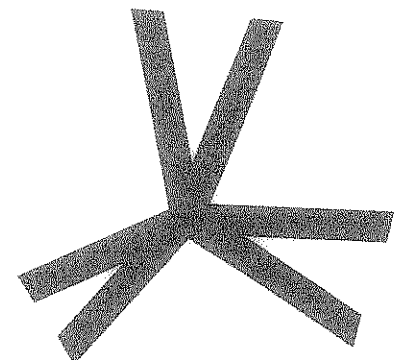
COVER SHEET	1
OVERALL MASTER PLAN (200' SCALE)	2
MASTER PLAN (100' SCALE)	3-6
RIDGELINE PROTECTION DRAWINGS	7-8

BENCHMARK:

Town of Windsor Benchmark #57, Win 66-17,1997, 3-1/2" alum. cap set in concrete, 2.5' northeast of power pole, 25' east of centerline of WCR #17, near the southeast corner of the intersection of WCR 64 and WCR 17, Elevation=4775.391 (NAVD 1988)

BASIS OF BEARING STATEMENT

CONSIDERING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 33 AS HAVING AN ASSUMED BEARING OF S89°02'58"W WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.



VFRipley
ASSOCIATES, INC.
Landscape Architecture Urban Design Planning
401 West Mountain Avenue
Suite 201
Fort Collins, CO 80521
(970) 224-5828
(970) 224-1662 (fax)

APPLICANT

FRYE FARM INVESTMENTS, LLC
1625 Pelican Lakes Point
Windsor, Colorado 80550
(970) 686-5828
(970) 686-2768 fax

OWNER

FRYE FARM INVESTMENTS, LLC
1625 Pelican Lakes Point
Windsor, Colorado 80550
(970) 686-5828
(970) 686-2768 fax

ENGINEER

TST
748 Whalers Way
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SOUTH HILL
ANNEXATION
MASTER PLAN
WINDSOR
COLORADO

COVER SHEET

DATE 09-16-05
JOB NO. R05-037.1
DRAWN CM
CHECKED FVLR
REVISED 12-22-05

South Hill Annexation Master Plan

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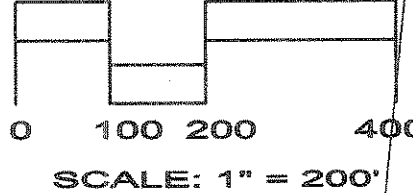
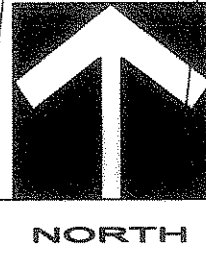
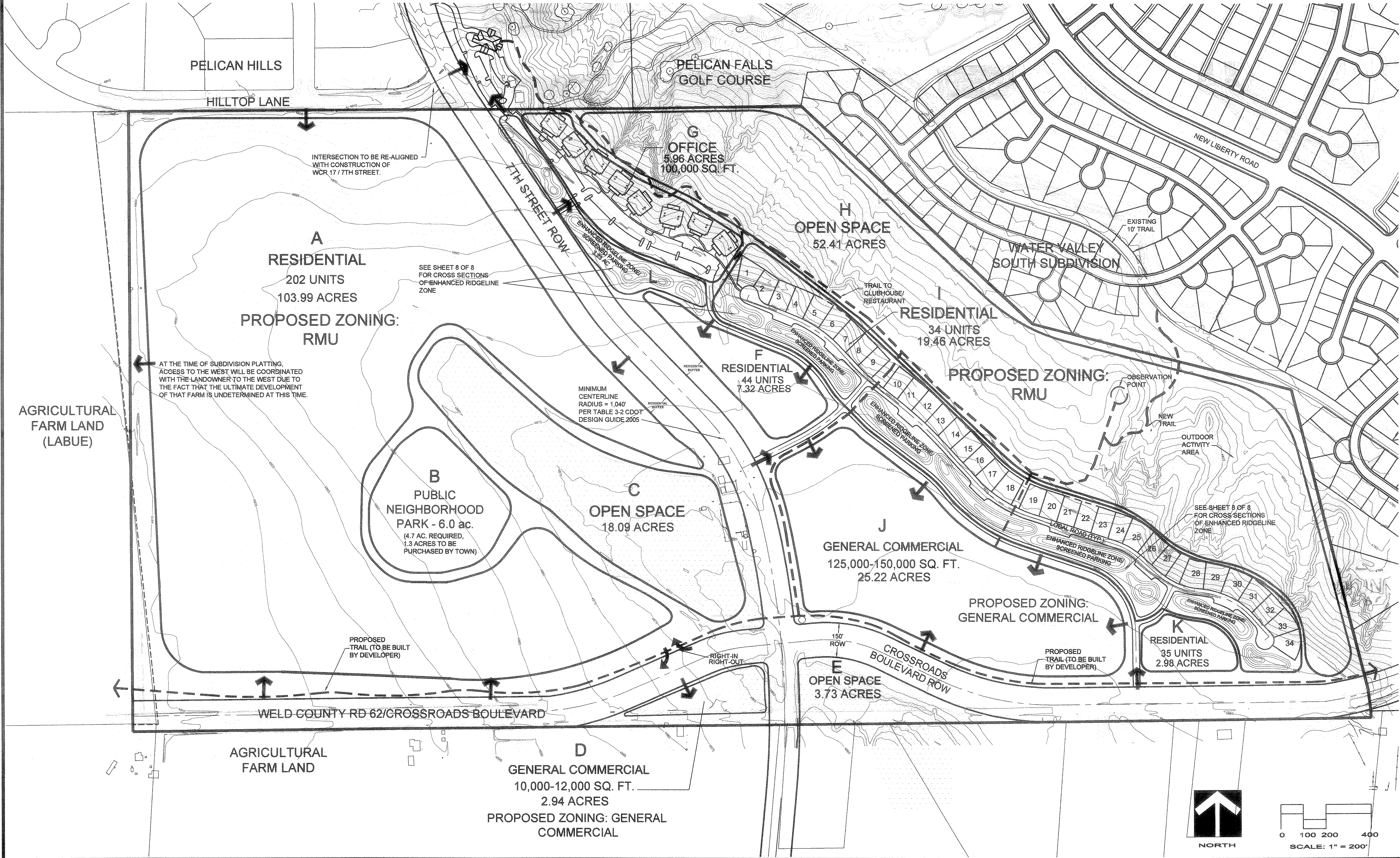
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WINDSOR

**OVERALL
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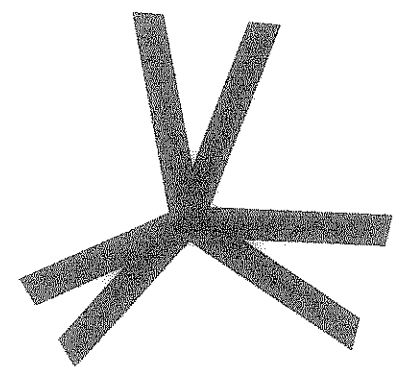
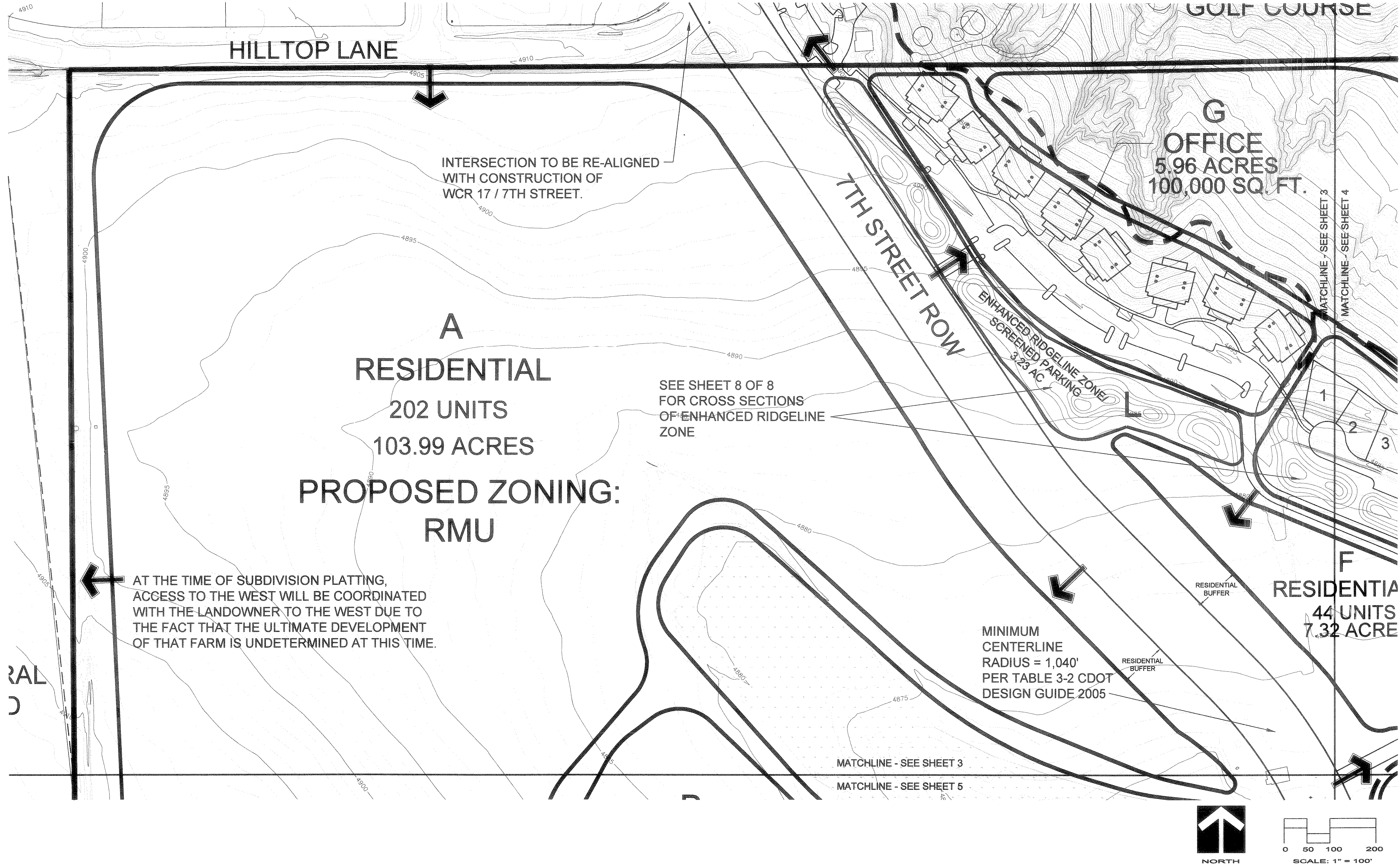


NORTH

SCALE: 1" = 200'

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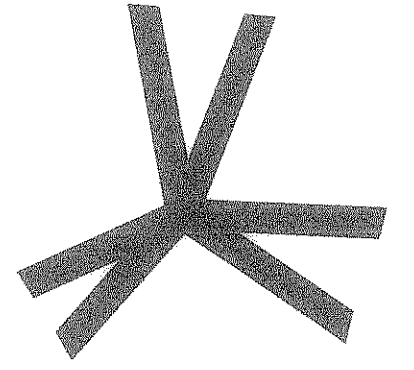
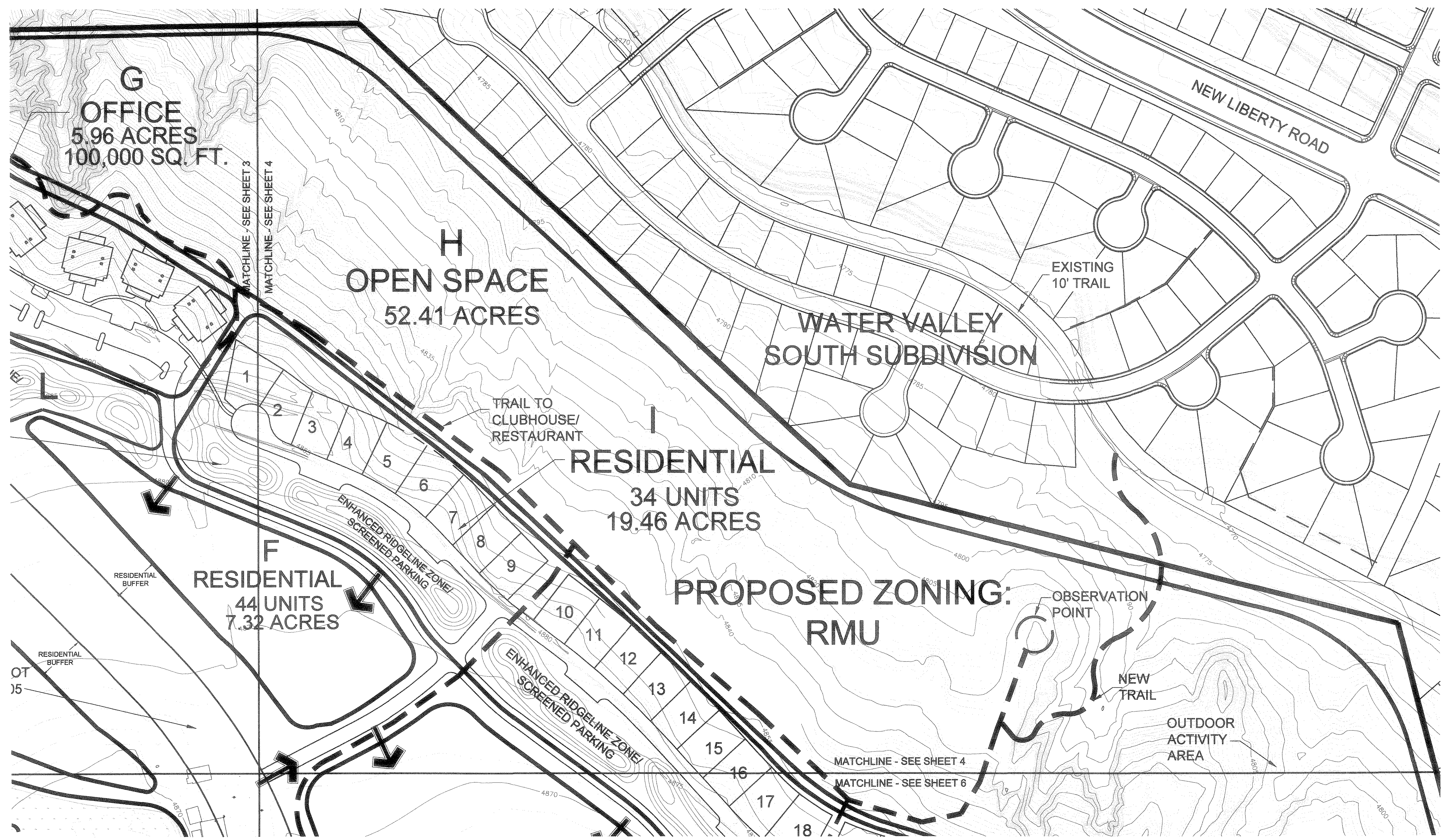
**SOUTH HILL
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COLORADO
WINDSOR

100 SCALE MASTER PLAN

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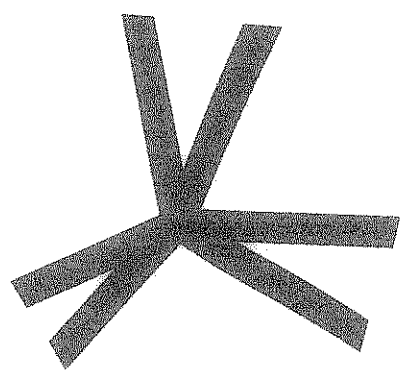
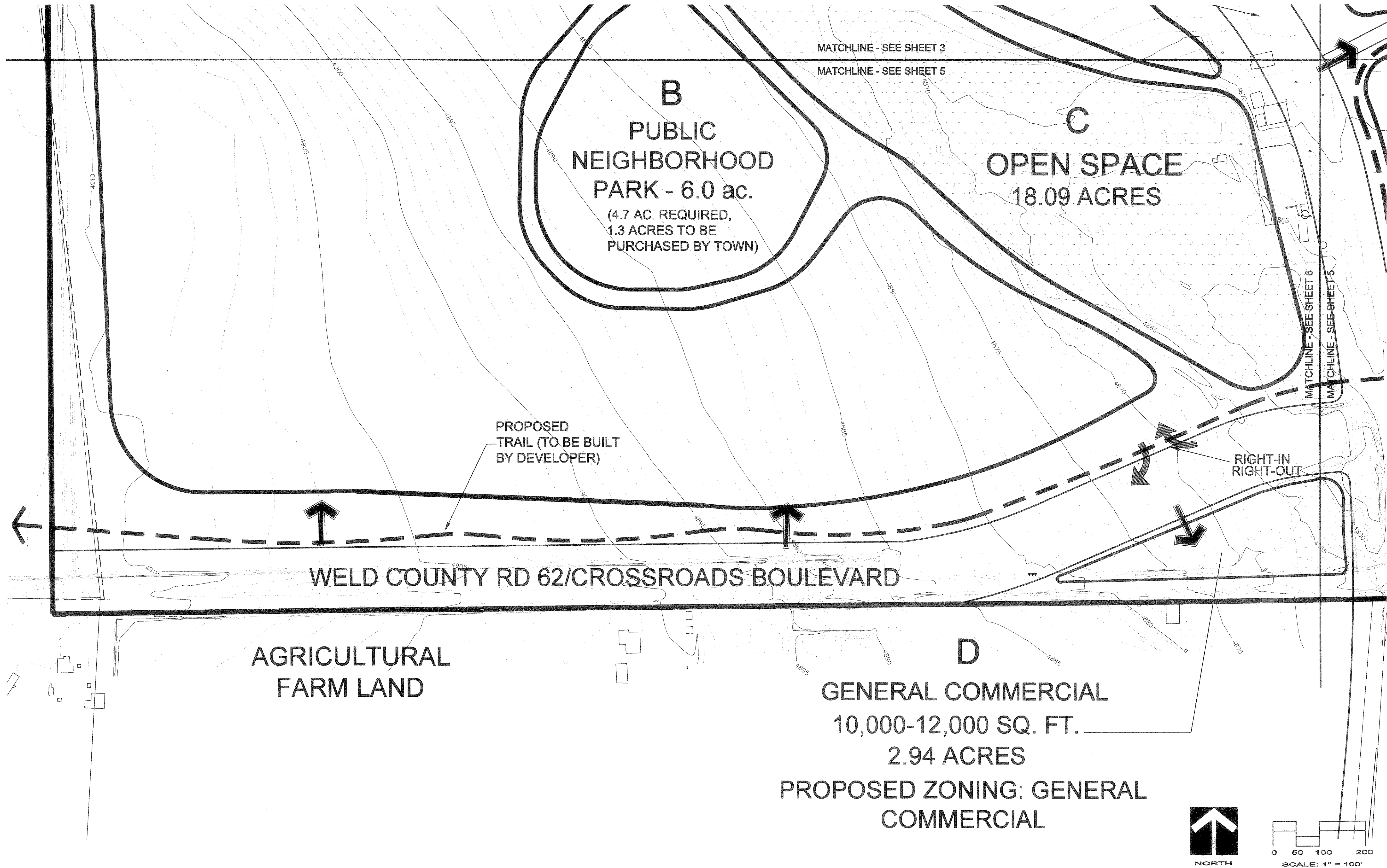
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COLORADO

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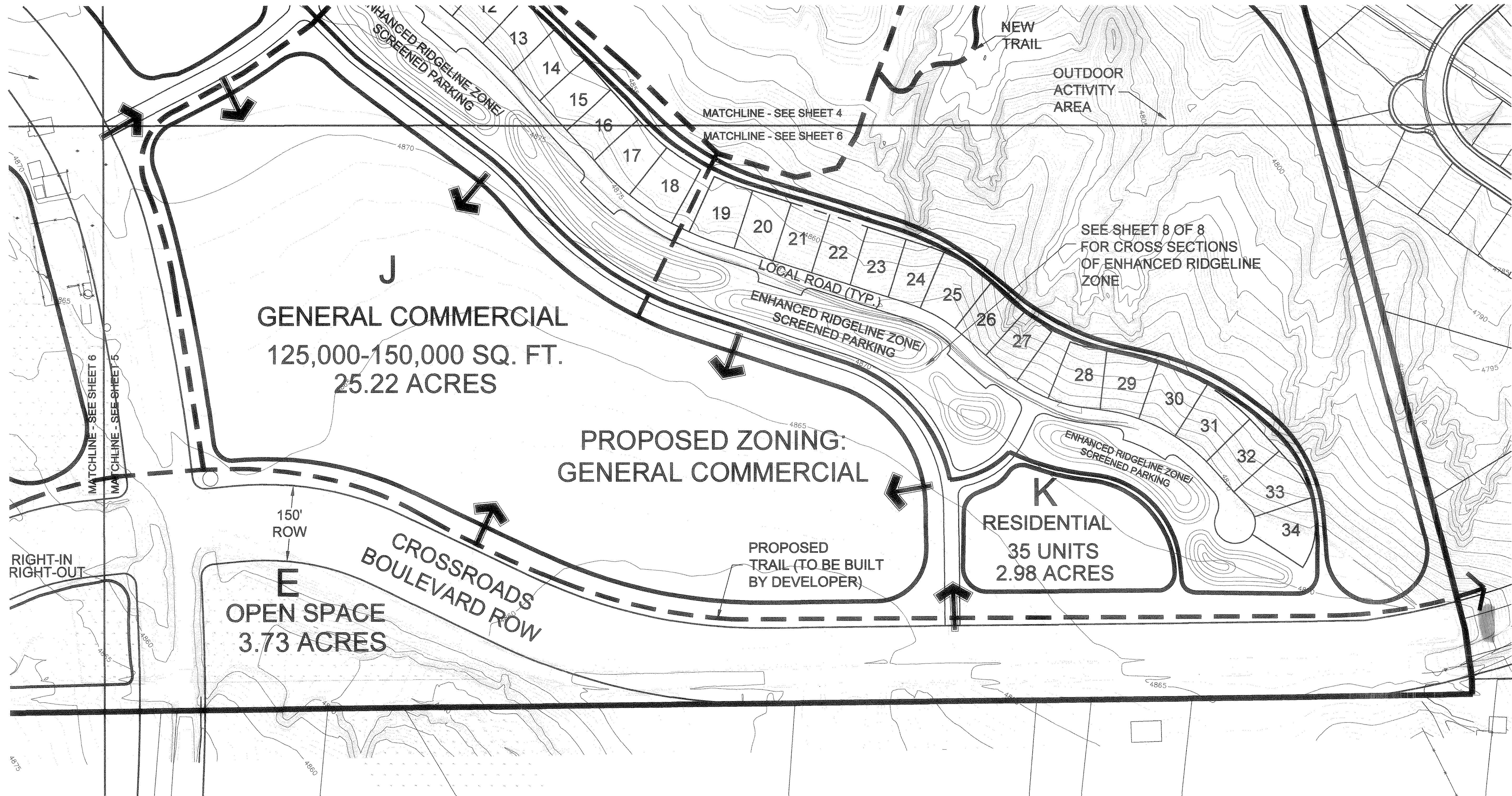
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WINDSOR

**100 SCALE
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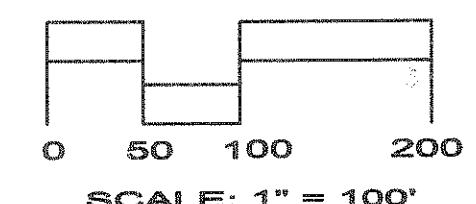
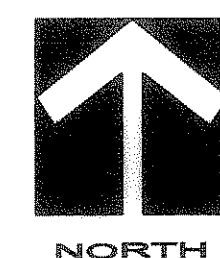
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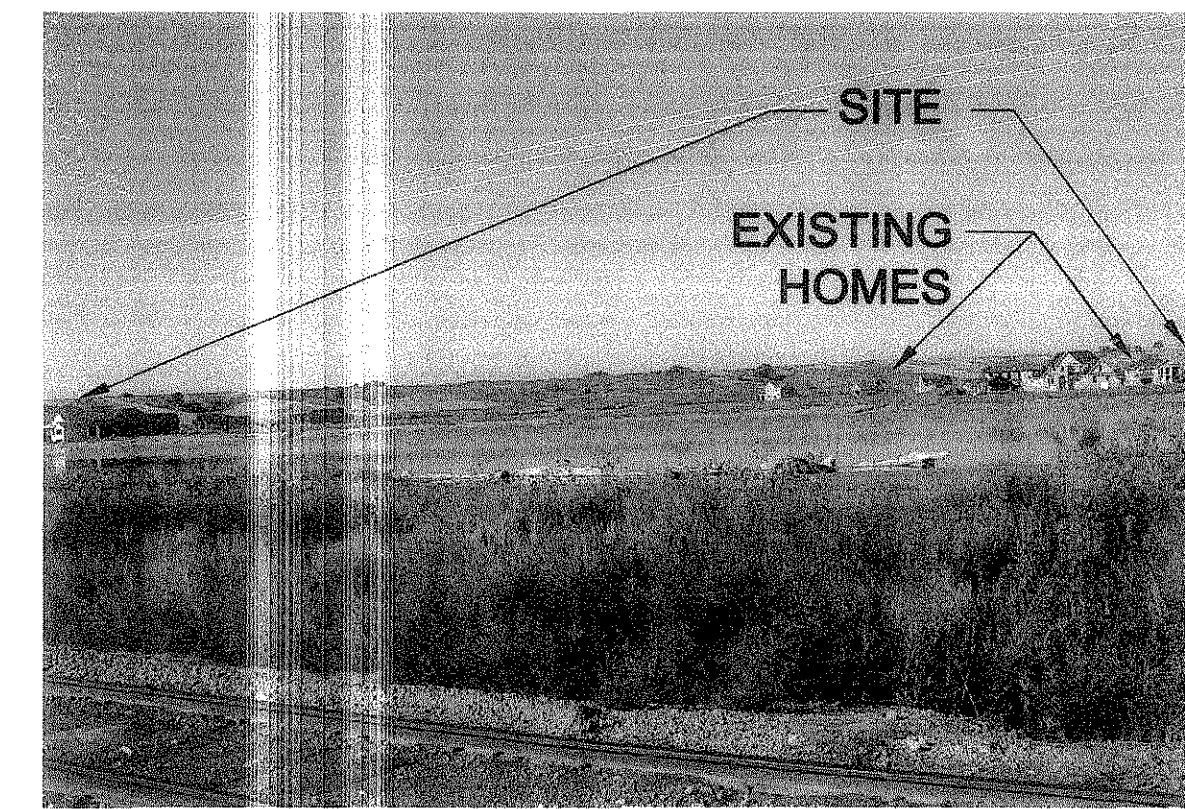
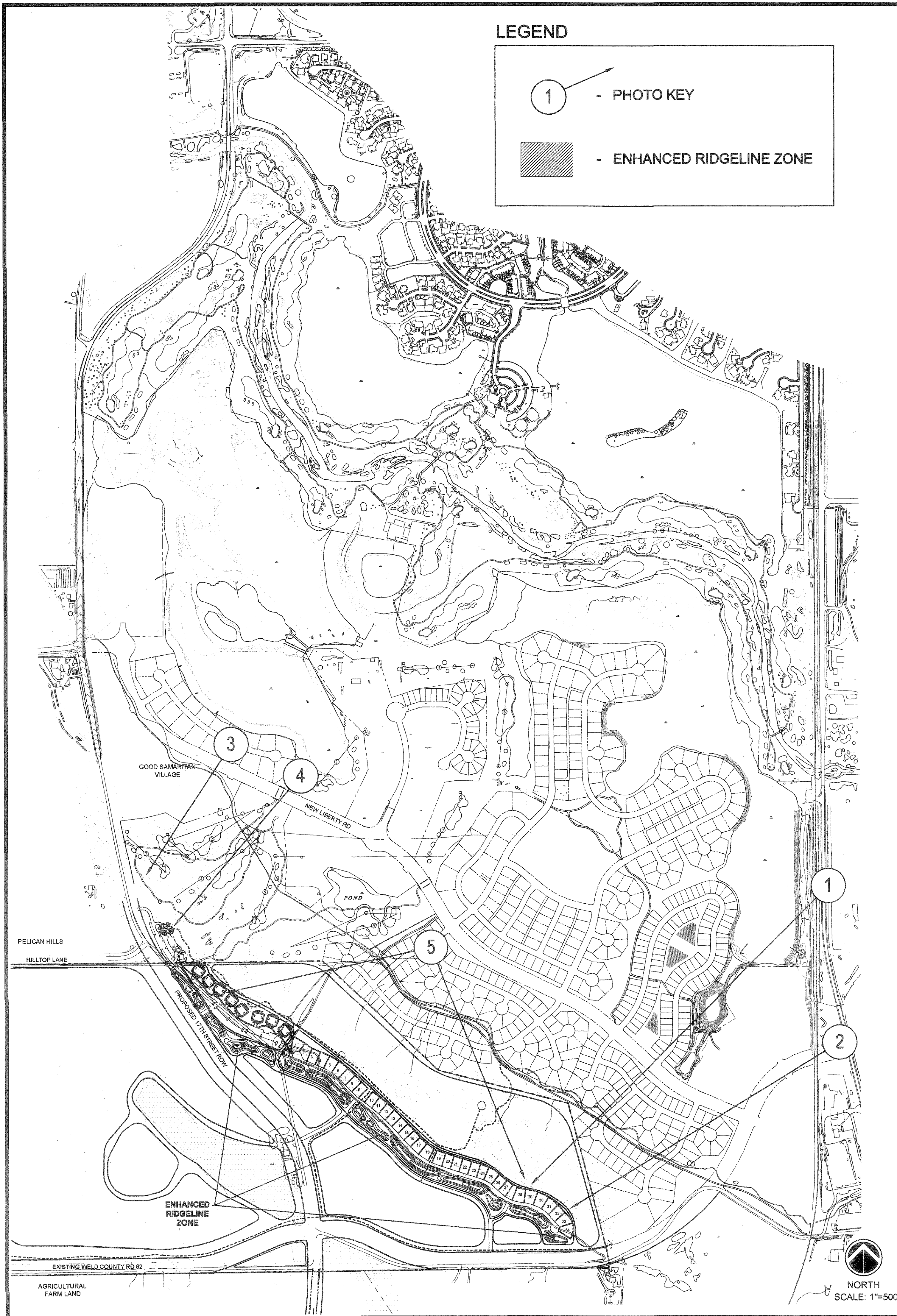
**SOUTH HILL
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MASTER PLAN**
WINDSOR COLORADO

100 SCALE MASTER PLAN

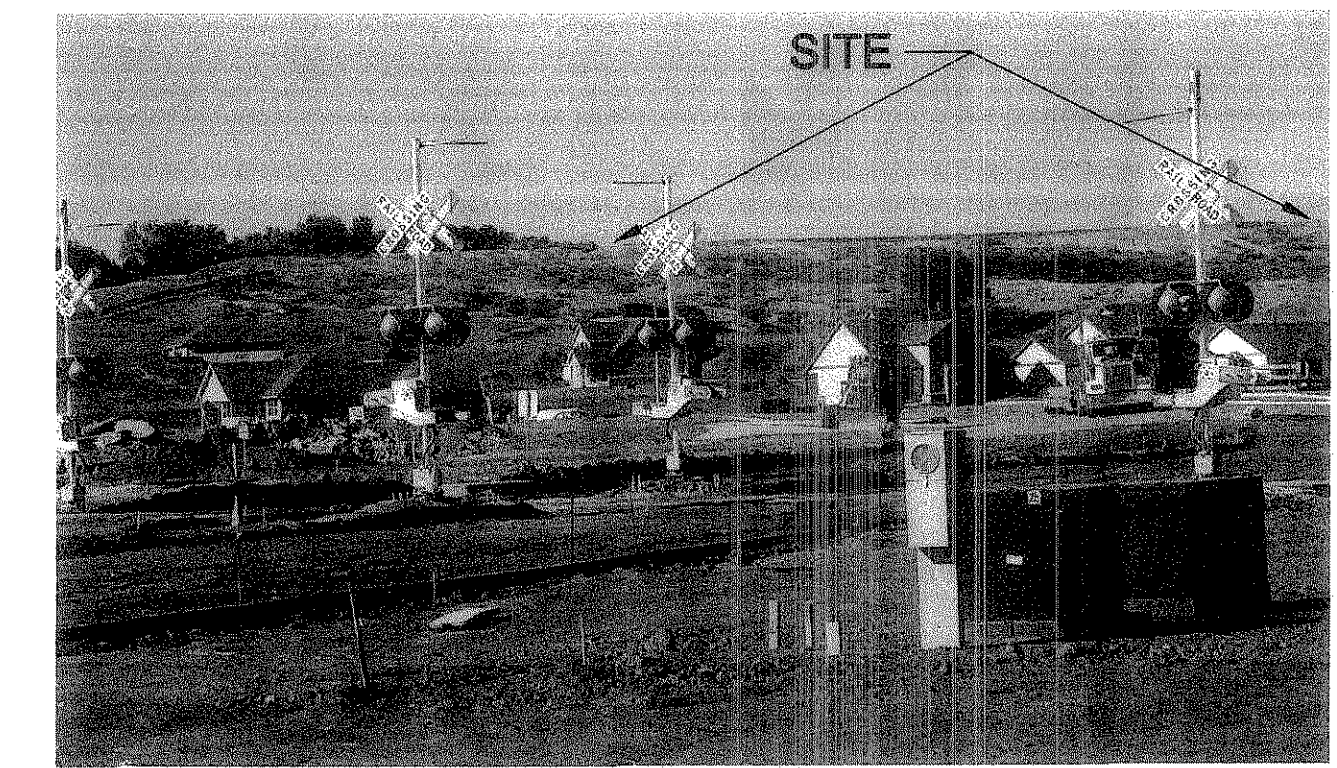
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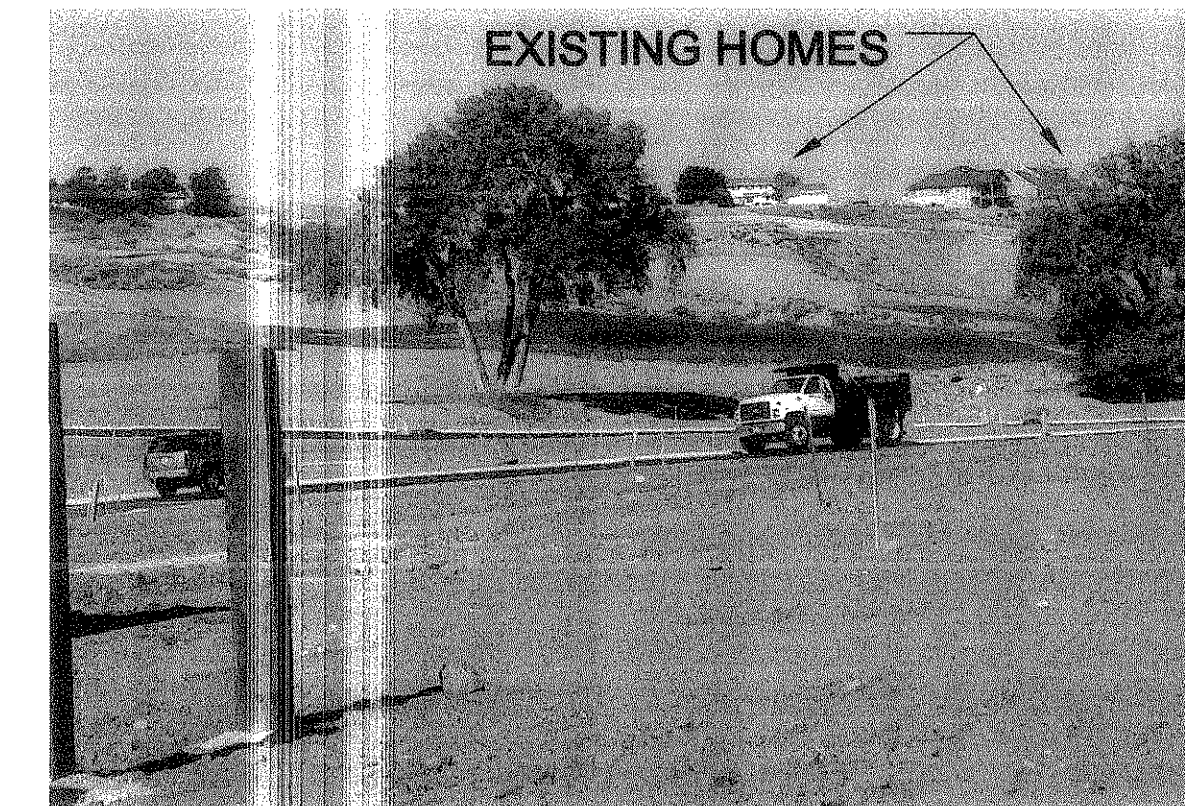




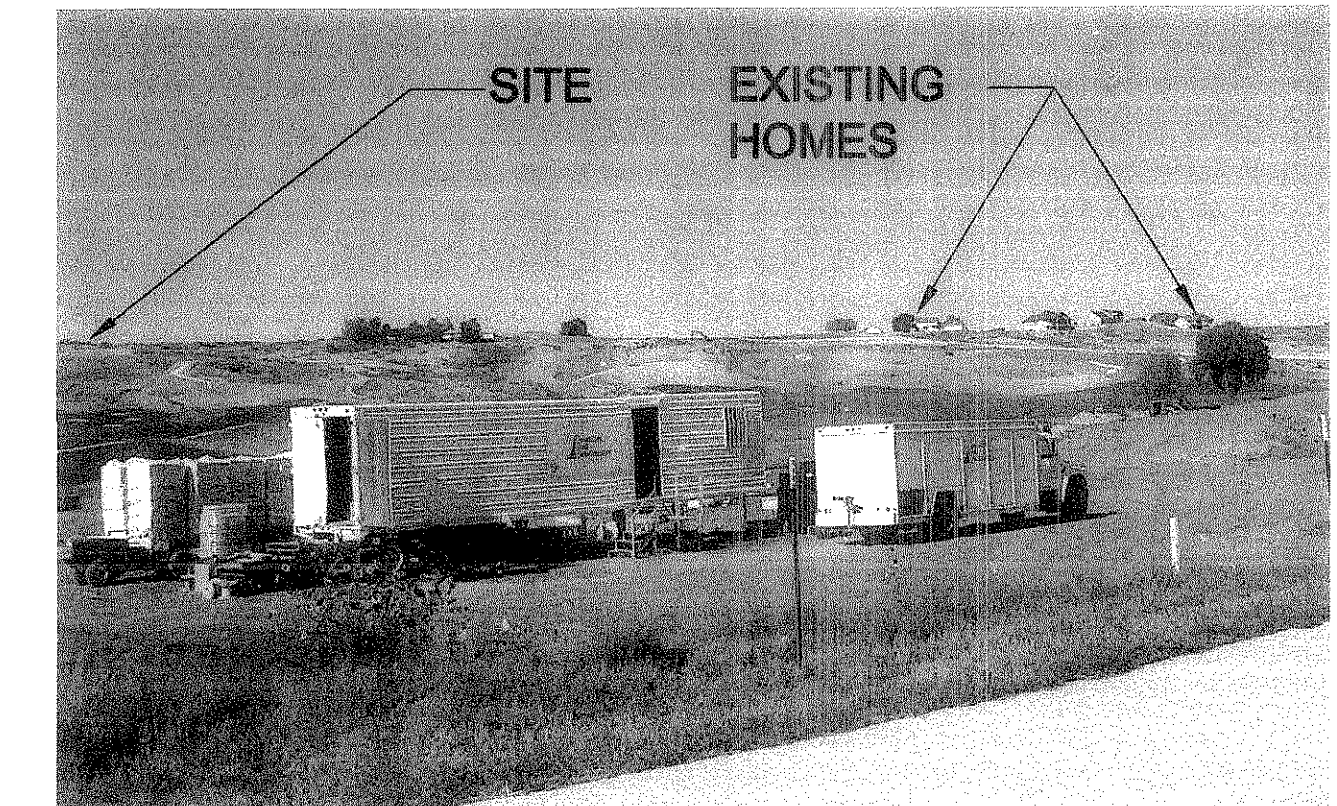
1. VIEW FROM HWY 257



2. VIEW FROM HWY 257



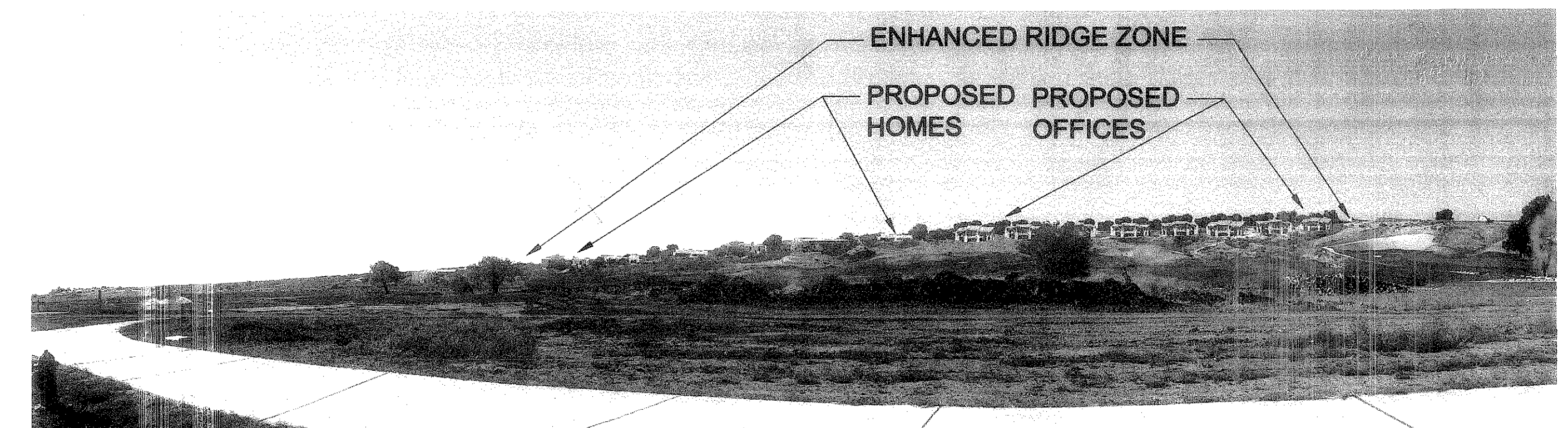
3. VIEW FROM NEW LIBERTY RD



4. VIEW FROM NEW LIBERTY RD



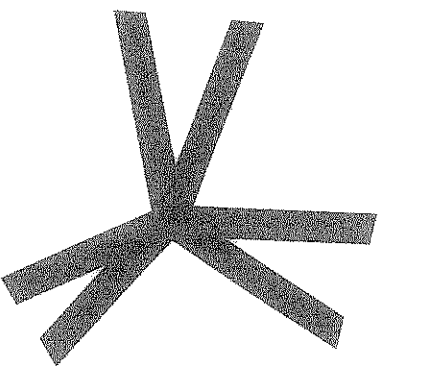
5. PANORAMIC VIEW FROM NEW LIBERTY RD



5a. PHOTO SIMULATION-PROPOSED DEVELOPMENT



5b. PHOTO SIMULATION-PROPOSED RESIDENTIAL DEVELOPMENT



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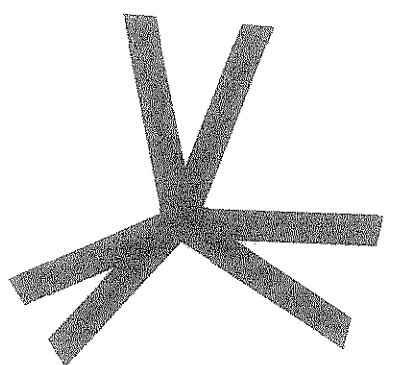
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**SOUTH HILL
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**PHOTO
EXHIBIT**

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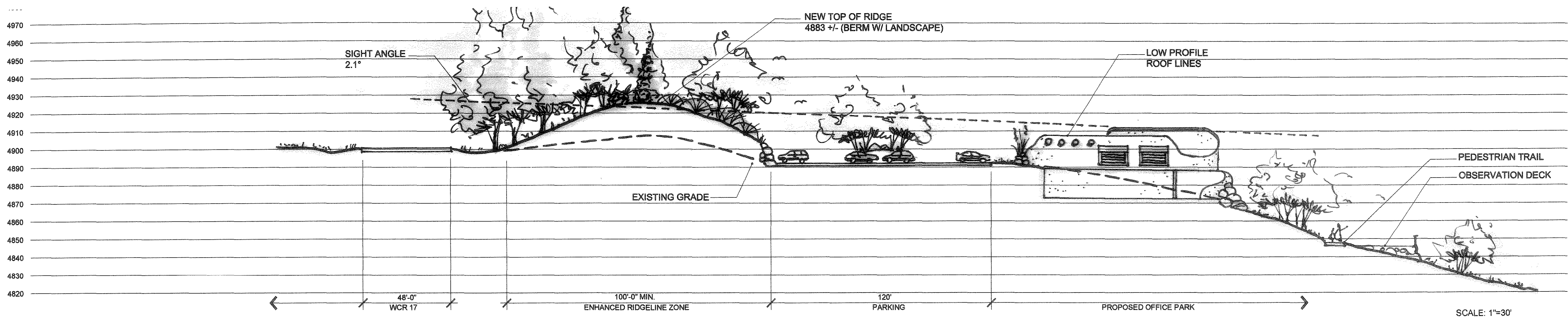
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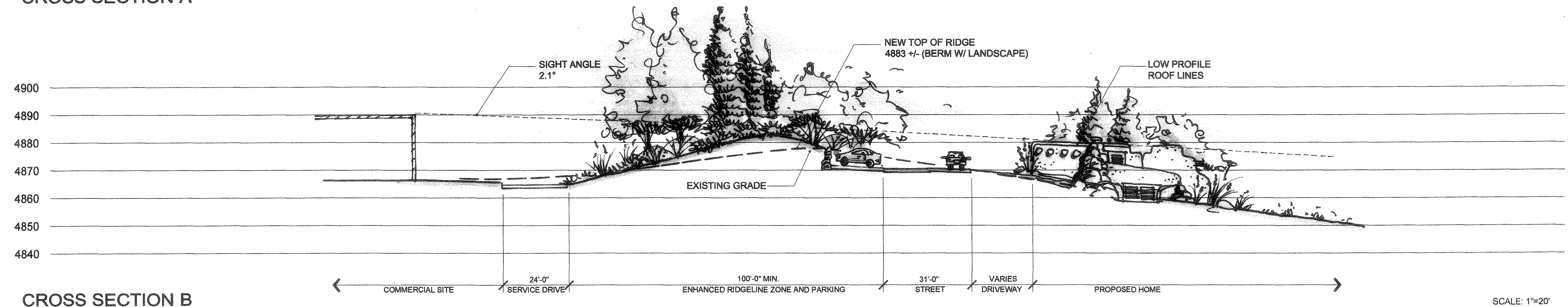
**SOUTH HILL
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**CROSS SECTION
EXHIBIT**

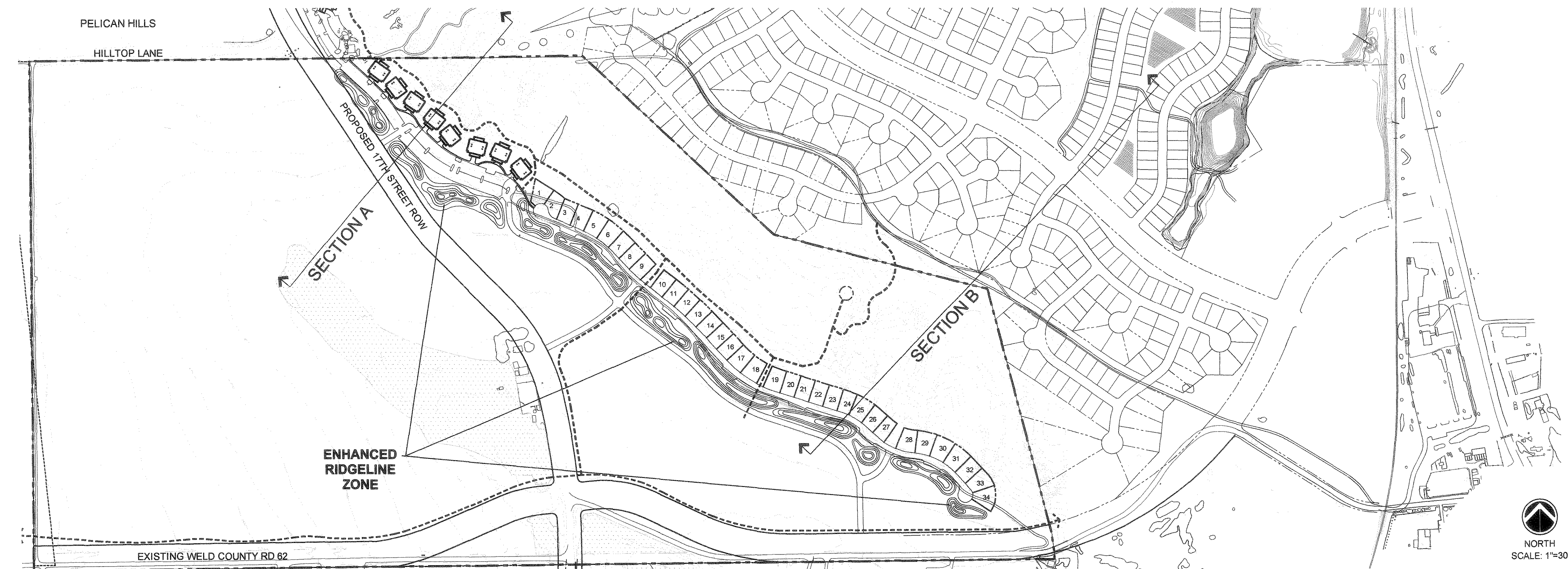
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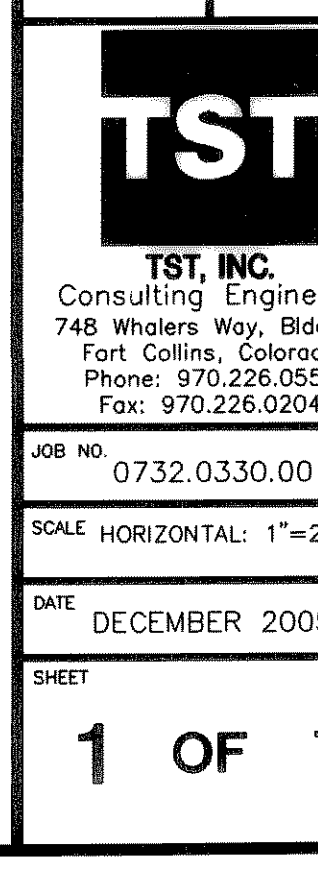
CROSS SECTION A



CROSS SECTION B



PLAN VIEW



South Hill Annexation Master Plan Amendment

LOTS 1-4, BLOCK 1, SOUTH HILL SUBDIVISION EIGHTH FILING,
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO

ACKNOWLEDGMENT OF OWNERSHIP INTEREST

THE UNDERSIGNED, being all the owners, lienholders, and holders of any ownership interest as defined by the Town of Windsor, of the land described hereon, have caused such land to be master planned as indicated on this master plan. The within master plan is submitted in accordance with the Windsor Municipal Code. It is hereby acknowledged that all construction, use and development of this property will be in strict accordance with this master plan. It is further acknowledged that deviation from this master plan without the express written consent of the Town of Windsor may result in revocation of the Town's approval of the master plan, denial of building permits, refusal to issue certificates of occupancy, injunctive relief prohibiting use of the property and other remedies available to the Town under the Windsor Municipal Code and other applicable laws of the State of Colorado. The undersigned have caused said land to be laid out and master planned under the name of South Hill Annexation Master Plan Amendment.

In witness whereof, we have hereunto set our hands and seals this the ____ day of _____, 20 ____.

[Name]

NOTARIAL CERTIFICATE

STATE OF _____)
COUNTY OF _____) ss

The foregoing instrument was acknowledged before me by _____, this ____ day of _____, 20 ____.

My commission expires: _____
(SEAL) Notary Public

ENGINEERING DEPARTMENT APPROVAL

Approved this the ____ day of _____, 20 ____.

Deputy Director of Engineering

PLANNING DEPARTMENT APPROVAL

Approved this the ____ day of _____, 20 ____.

Director of Planning

MAYOR'S CERTIFICATE

This is to certify that a master plan of the property described herein was approved by Resolution No. _____

_____ of the Town of Windsor passed and adopted on the ____ day of _____, 20 ____ A.D. and that the the Mayor of the Town of Windsor, as authorized by said resolution on behalf of the Town of Windsor, hereby acknowledges and adopts the said master plan upon which this certificate is endorsed for all purposes indicated thereon.

ATTEST:
Mayor Town Clerk

TOWN MANAGER'S APPROVAL

Approved this the ____ day of _____, 20 ____.

Town Manager

LEGAL DESCRIPTION

PROPERTY DESCRIPTION

LOTS 1-4, BLOCK 1,
SOUTH HILL SUBDIVISION EIGHTH FILING,
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO

PUBLIC WORKS DEPARTMENT APPROVAL

Approved this the ____ day of _____, 20 ____.

Director of Public Works

PREPARER'S CERTIFICATE

I certify that this (insert site plan or master plan, whichever is applicable) was prepared by me or under my direct supervision.

Print Name Signature
Preparer of Master Plan Preparer of Master Plan

NOTICE OF OTHER DOCUMENTS

All persons take notice that certain documents have been executed pertaining to this development, which create certain rights and obligations of the development, the developer and/or subsequent owners of all or portions of the development site, many of which obligations constitute promises and covenants that run with the land. These documents are of record and are on file with the director of planning of the Town of Windsor and should be closely examined by all persons interested in purchasing any portion of the development site.

OPEN SPACE PROTECTION

All areas depicted hereon as "Open Space" shall remain undeveloped, regardless of ownership and regardless of official zoning designation. No permanent structures of any kind may be erected upon areas depicted hereon as "Open Space" without the prior written consent of the Town Manager for the Town of Windsor.

LAND USE AND DENSITY TABLES

Proposed Zoning:

RMU	248.54 Acres
General Commercial	28.16 Acres
Total	276.7 Acres

Open Space Areas:

B Public Park	6.00 Acres
C Open Space	18.09 Acres
E Open Space	3.73 Acres
H Open Space	52.41 Acres
M Open Space	3.23 Acres
Total	83.46 Acres

Developed Areas:

A Residential	103.99 Acres
D General Commercial	2.94 Acres
F Residential	7.32 Acres
G Office	6.96 Acres
I Residential	19.46 Acres
J General Commercial	25.22 Acres
K Residential	2.98 Acres
Dedicated ROW	25.97 Acres

Total ~~409.24 Acres~~

Residential Units:

Total Number of Units	945
Gross Density	945 DU / 276.7 ac = 1.14 DU/Acre
Net Density	945 DU / 250.7 ac = 1.26 DU/Acre

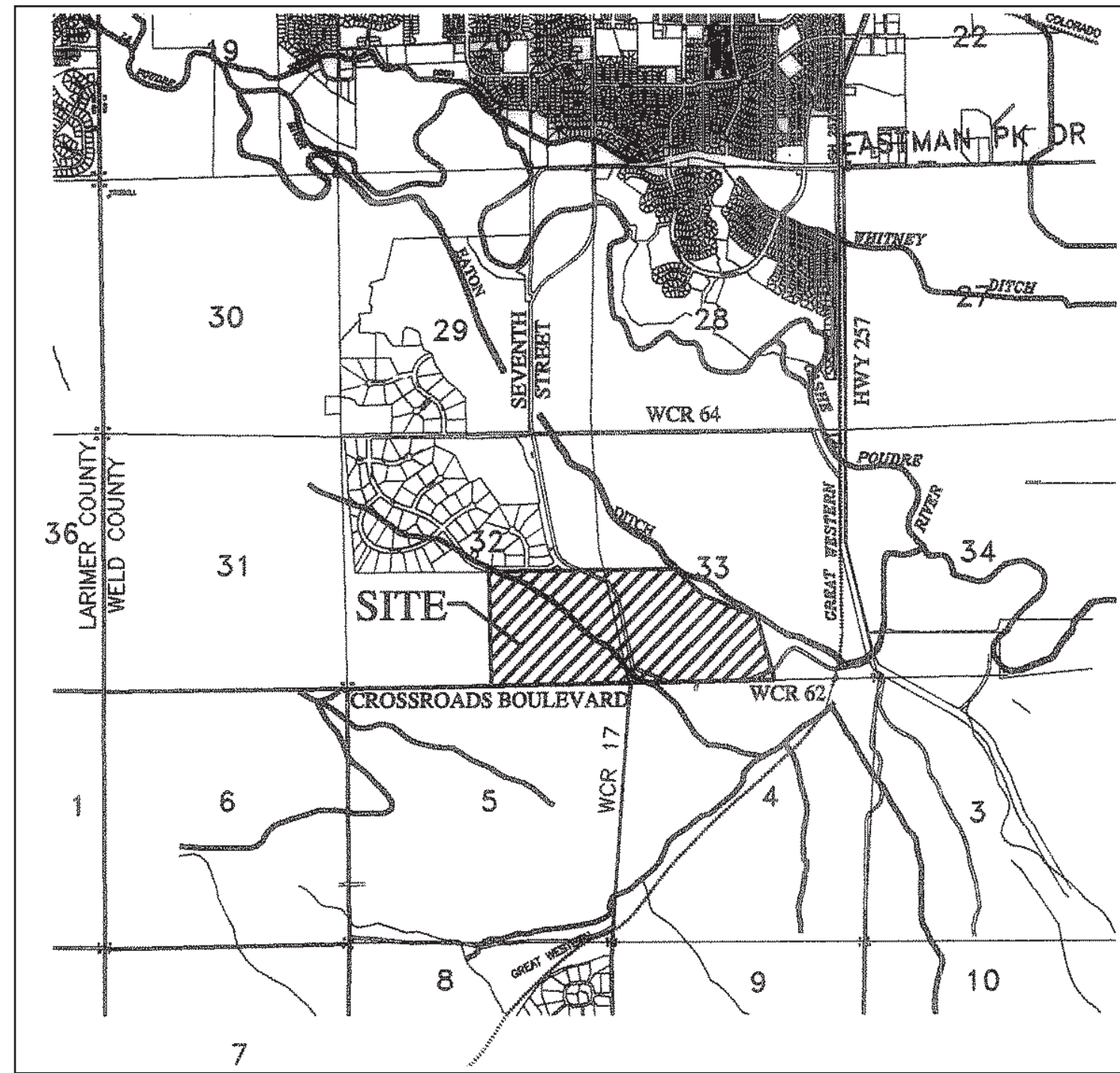
Proposed Developed Land:	193.24 Acres	70 %
Proposed Open Space:	83.46 Acres	30 %
Total	276.70 Acres	100 %

Residential	Commercial
-------------	------------

202 Units	10,000-12,000 S.F.
44 Units	
34 Units	
35 Units	125,000-150,000 S.F.

Total ~~409.24 Acres~~ ~~945 Units~~ 135,000-262,000 S.F.

VICINITY MAP



NOT TO SCALE

SHEET INDEX

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OVERALL MASTER PLAN (200' SCALE)	2
MASTER PLAN (100' SCALE)	3-6
RIDGELINE PROTECTION DRAWINGS	7-8
MASTER UTILITY PLAN	9
MASTER DRAINAGE PLAN	10

Total Number of Units	Max. 940 Units
Gross Density	940 DU / 276.7 ac = 3.40 DU/Acre
Net Density	940 DU / 250.7 ac = 3.75 DU/Acre

G Mixed Use	9.19 Acres	Max. 338 Units	Max. 15,000 S.F.
-------------	------------	----------------	------------------

Note: This Master Plan Amendment only affects Area G and resulting totals. Other land use areas remain as built/proposed and have not been updated.

Total 196.47 Acres Max. 940 Units 135,000-172,000 S.F.

**NORRIS
DESIGN**
PEOPLE + PLACEMAKING

1101 BANNOCK STREET
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P 303.892.1166

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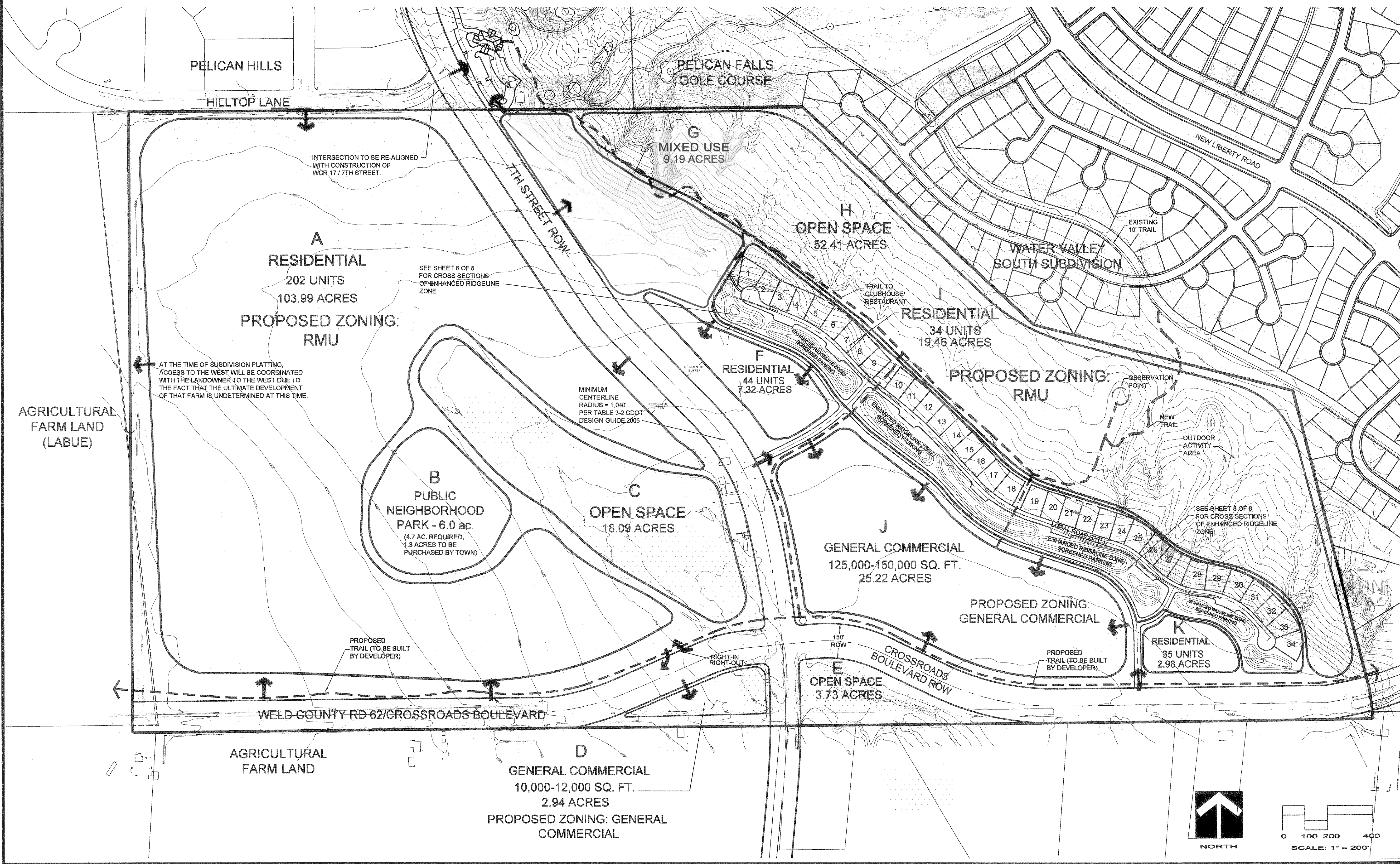
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DATE 10-17-23
REVISED

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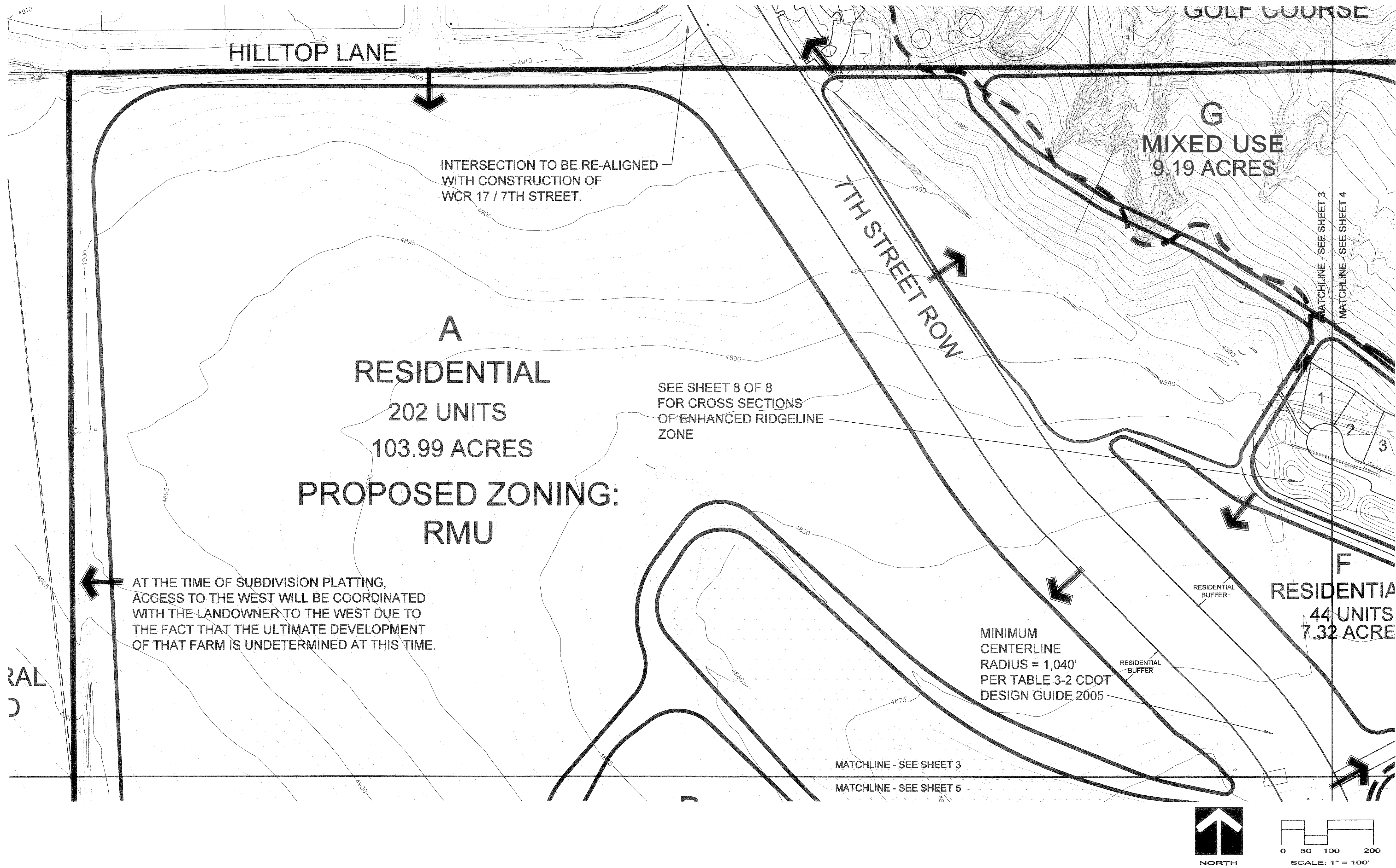
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WINDSOR

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DATE 10-17-23
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LOTS 1-4, BLOCK 1, SOUTH HILL SUBDIVISION EIGHTH FILING,
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



**NORRIS
DESIGN**
PEOPLE + PLACEMAKING

1101 BANNOCK STREET
DENVER, CO 80204
P 303.892.1166

APPLICANT

EAGLE CROSSING
DEVELOPMENT, INC.
1625 Pelican Lakes Point
Windsor, CO 80550
(970) 686-5828

PLANNER

NORRIS DESIGN
1101 Bannock Street
Denver, CO 80204
(303) 892-1166

ENGINEER

TST
748 Whalers Way Suite 200
Fort Collins, CO 80525
(970) 226-0557

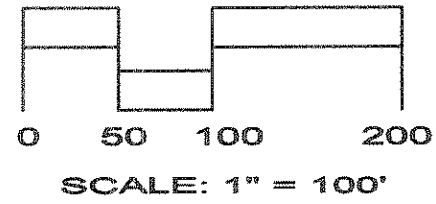
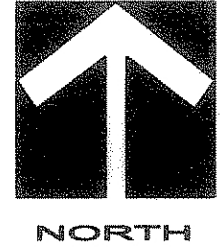
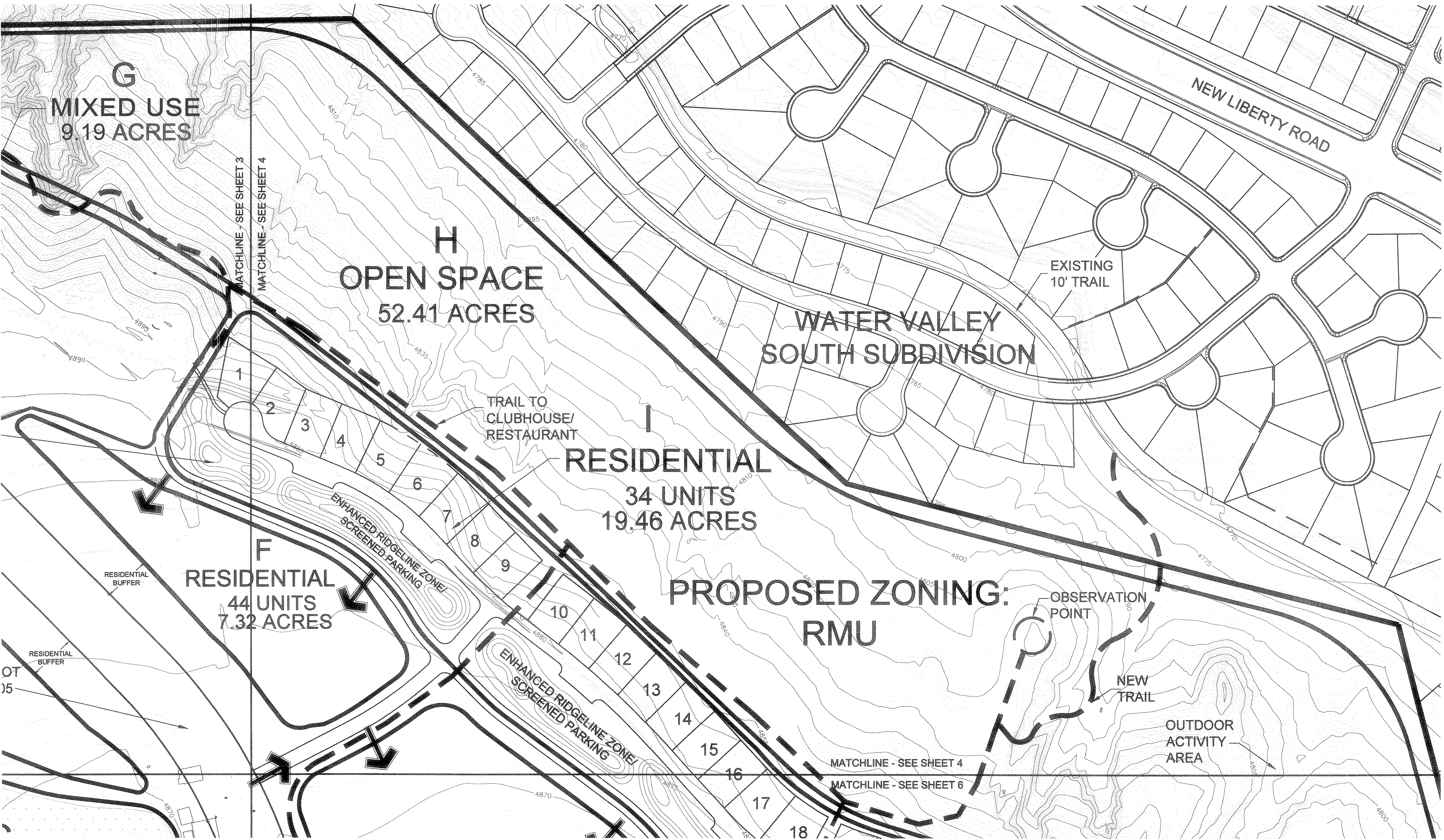
SOUTH HILL
ANNEXATION
MASTER PLAN
AMENDMENT
COLORADO
WINDSOR

100 SCALE
MASTER PLAN

DATE 10-17-23
REVISED

South Hill Annexation Master Plan Amendment

LOTS 1-4, BLOCK 1, SOUTH HILL SUBDIVISION EIGHTH FILING,
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SOUTH HILL
ANNEXATION
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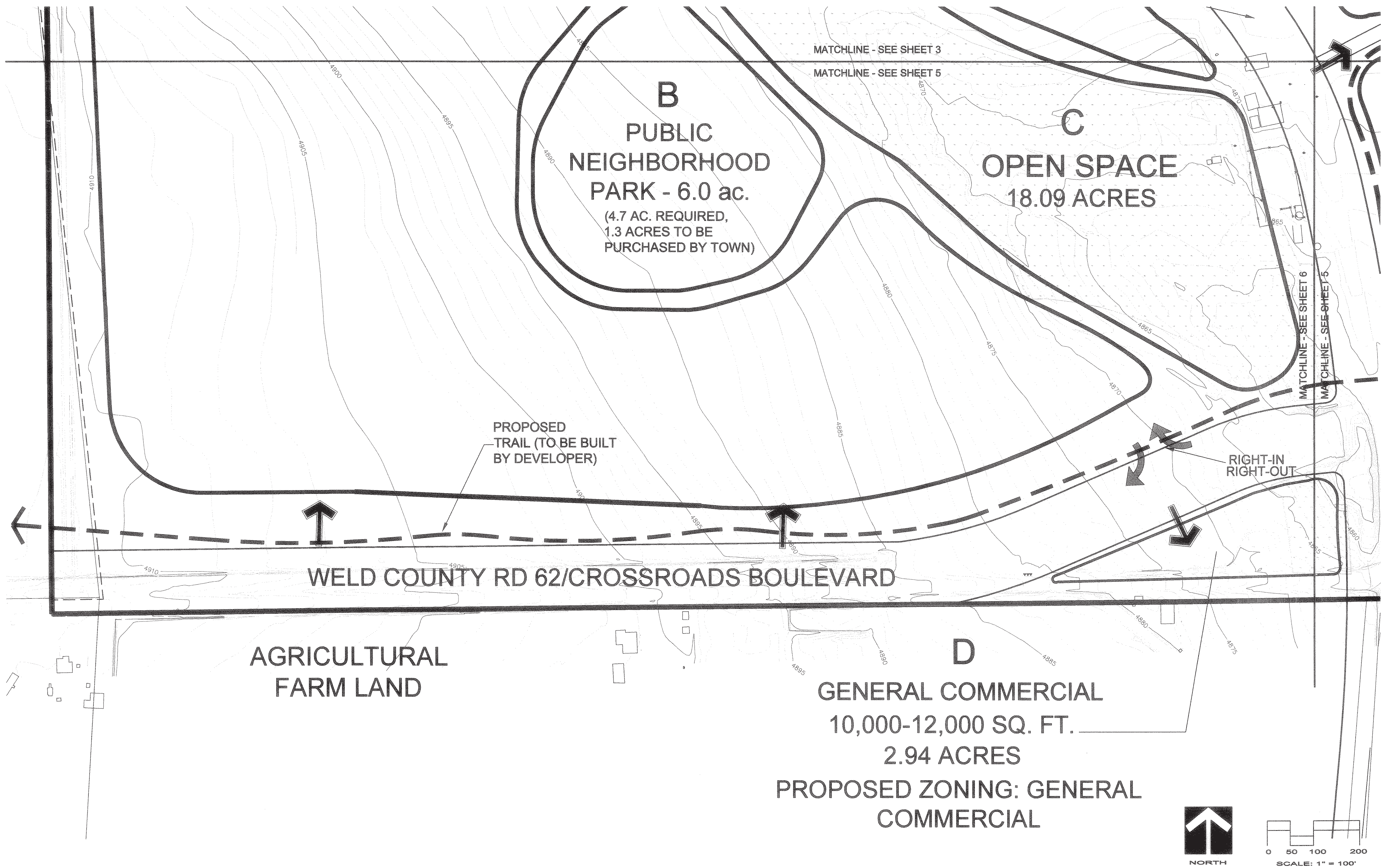
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COLORADO
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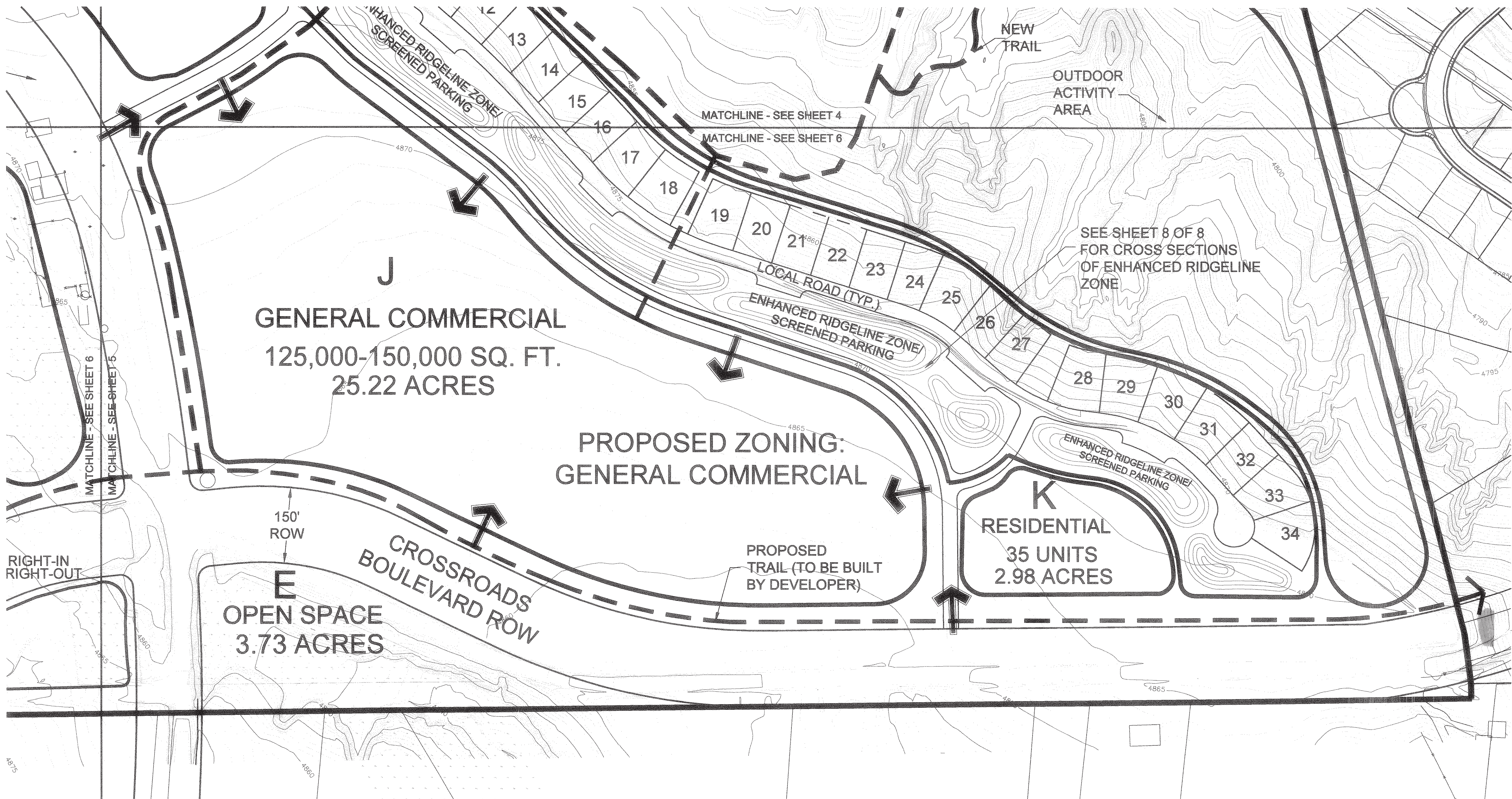
100 SCALE
MASTER PLAN

DATE 10-17-23
REVISED

5 of 10

South Hill Annexation Master Plan Amendment

LOTS 1-4, BLOCK 1, SOUTH HILL SUBDIVISION EIGHTH FILING,
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



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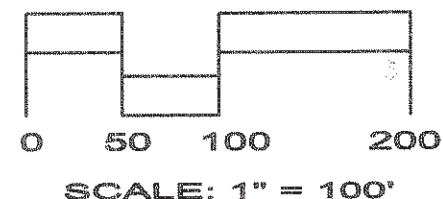
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748 Whalers Way Suite 200
Fort Collins, CO 80525
(970) 226-0557

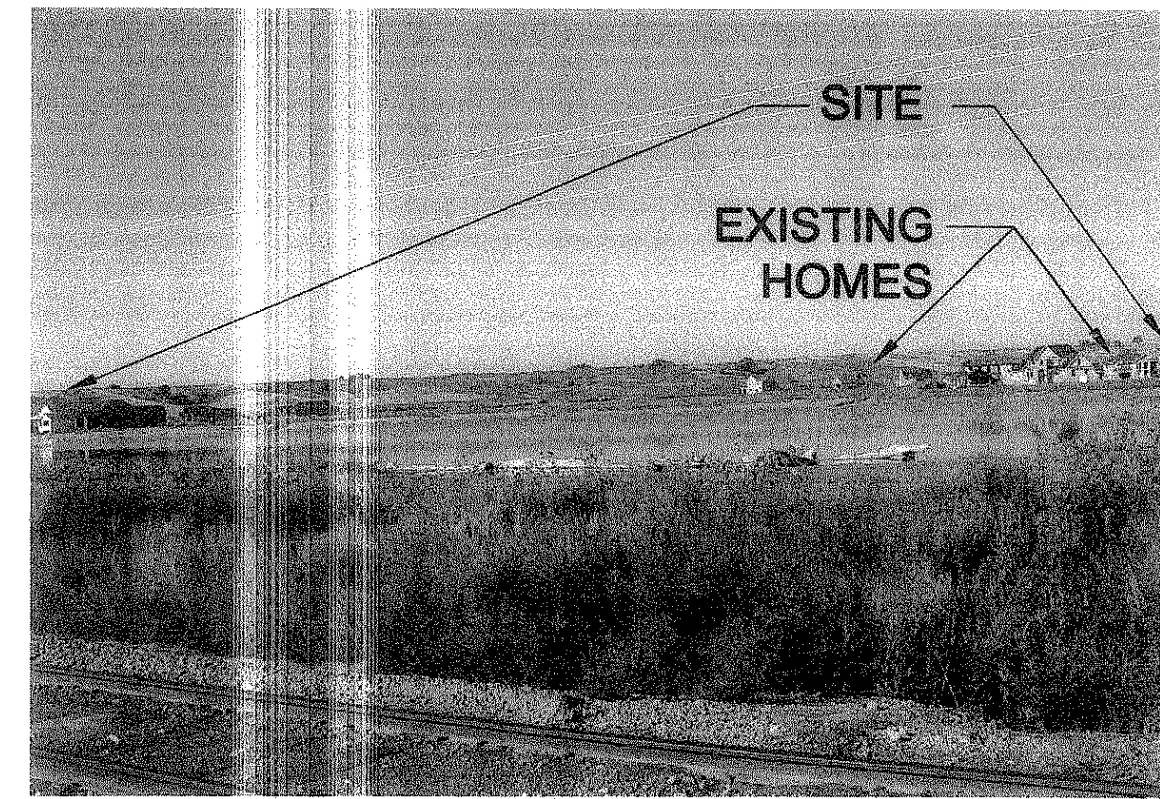
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ANNEXATION
MASTER PLAN
AMENDMENT
WINDSOR
COLORADO

100 SCALE
MASTER PLAN

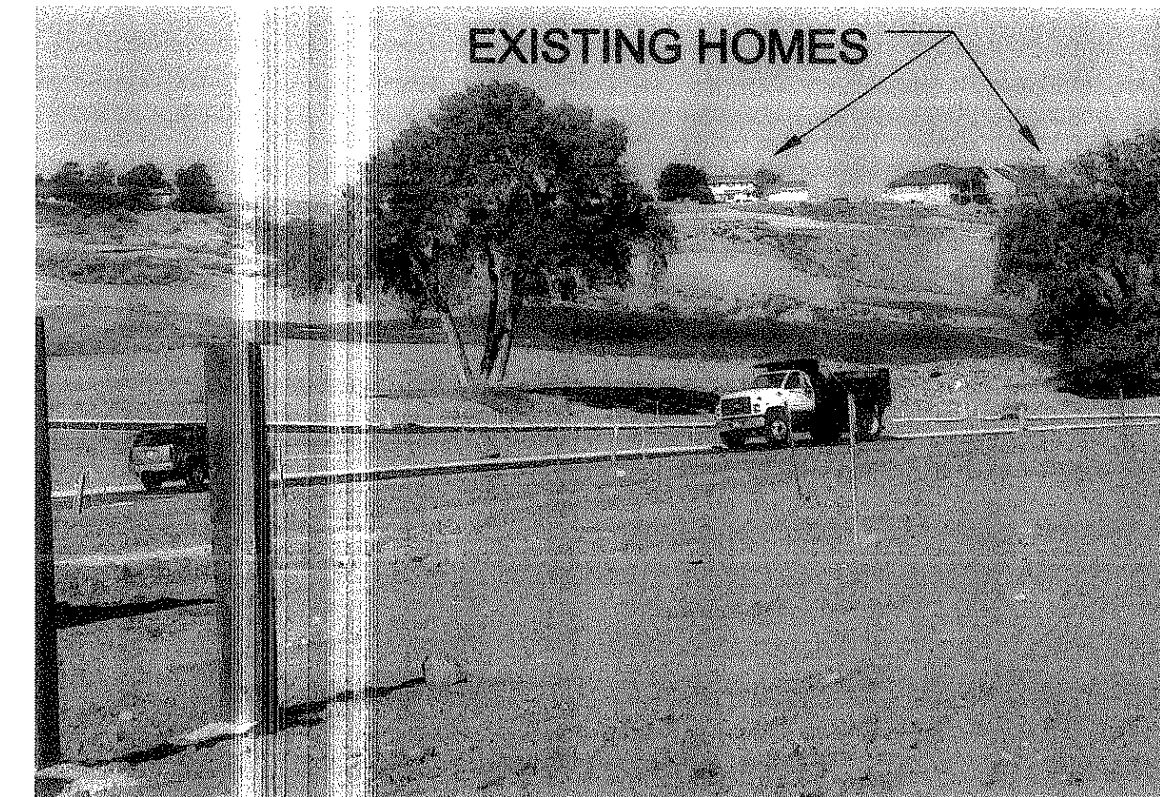
DATE 10-17-23
REVISED

6 OF 10

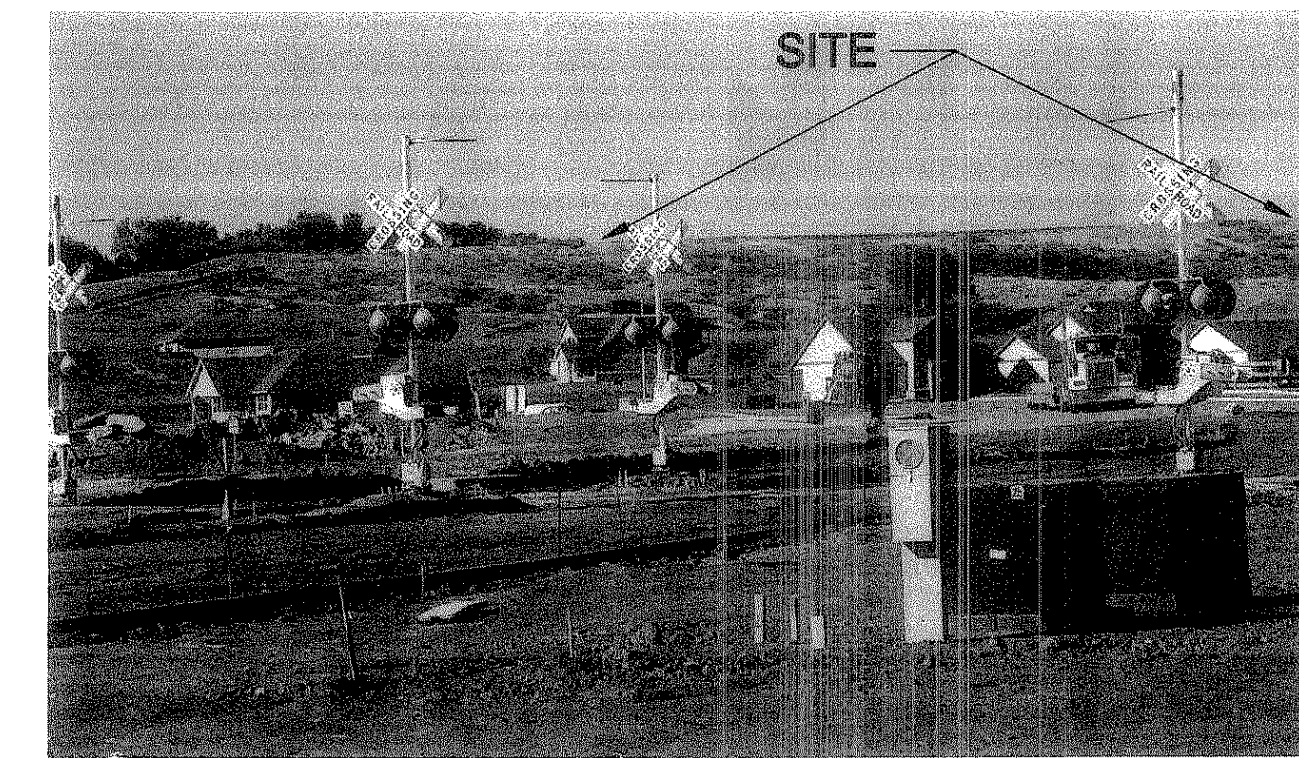




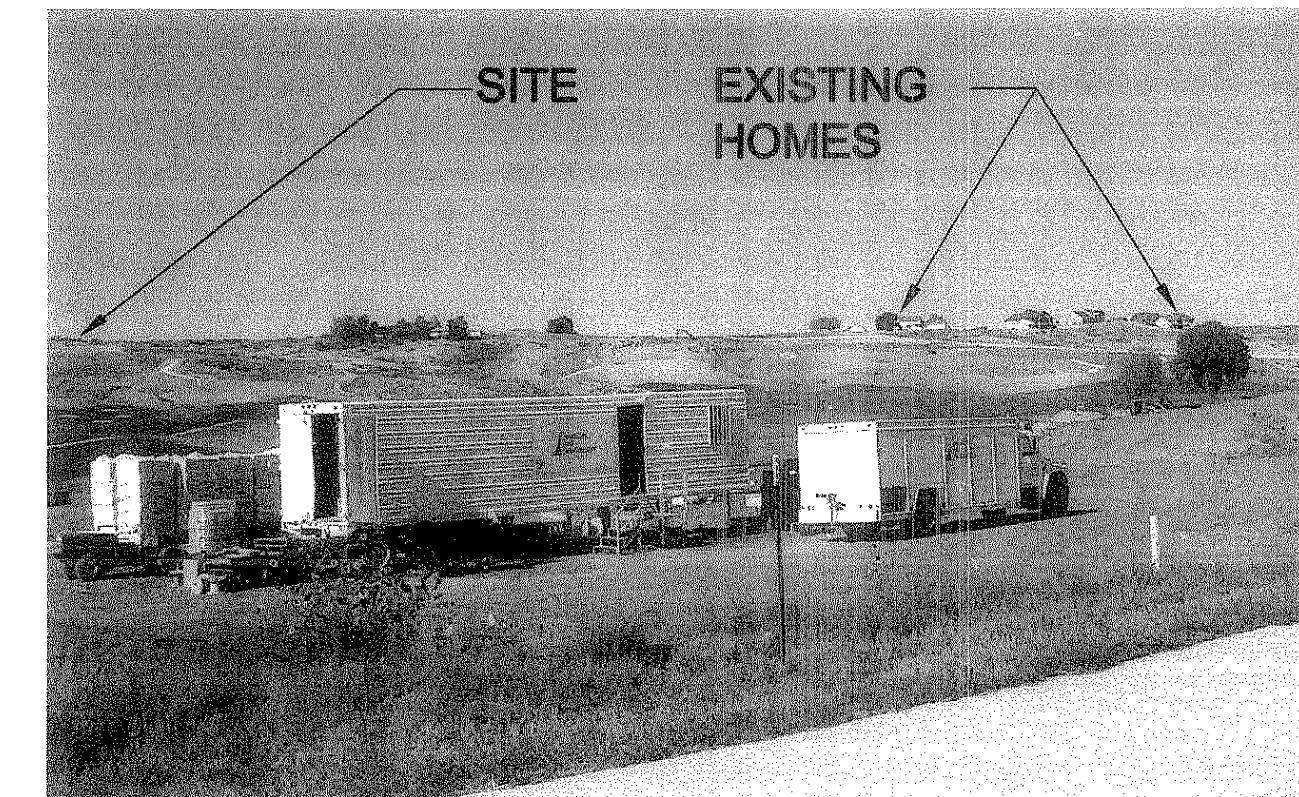
1. VIEW FROM HWY 257



3. VIEW FROM NEW LIBERTY RD



2. VIEW FROM HWY 257



4. VIEW FROM NEW LIBERTY RD



5. PANORAMIC VIEW FROM NEW LIBERTY RD



5b. PHOTO SIMULATION-PROPOSED RESIDENTIAL DEVELOPMENT

NORRIS DESIGN

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DENVER, CO 80204
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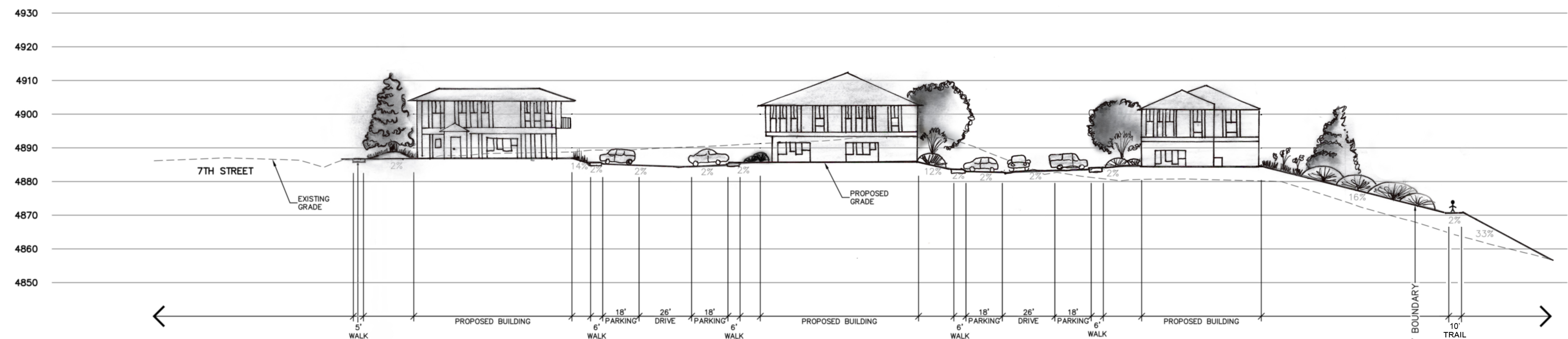
TST
748 Whalers Way Suite 200
Fort Collins, CO 80525
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SOUTH HILL ANNEXATION MASTER PLAN AMENDMENT

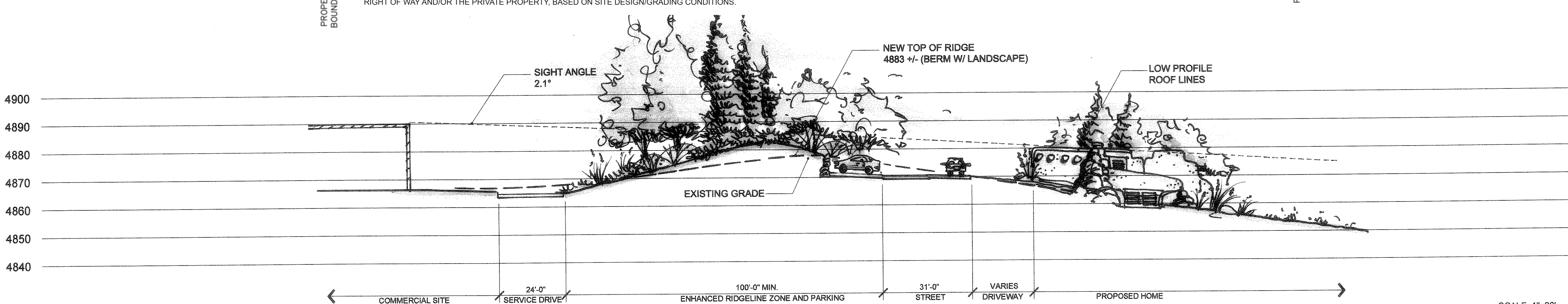
COLORADO
WINDSOR

PHOTO EXHIBIT

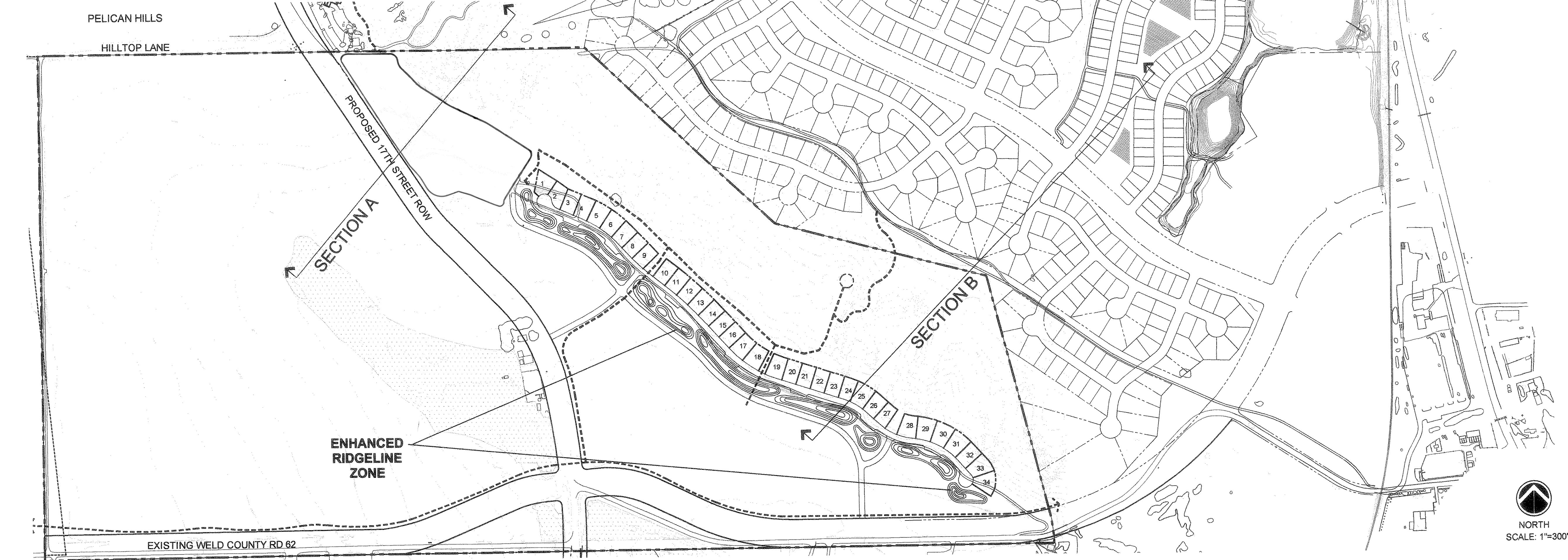
DATE 10-17-23
REVISED



CROSS SECTION A



CROSS SECTION B



PLAN VIEW

NORRIS DESIGN

PEOPLE + PLACEMAKING

1101 BANNOCK STREET
DENVER, CO 80204
P 303.892.1166

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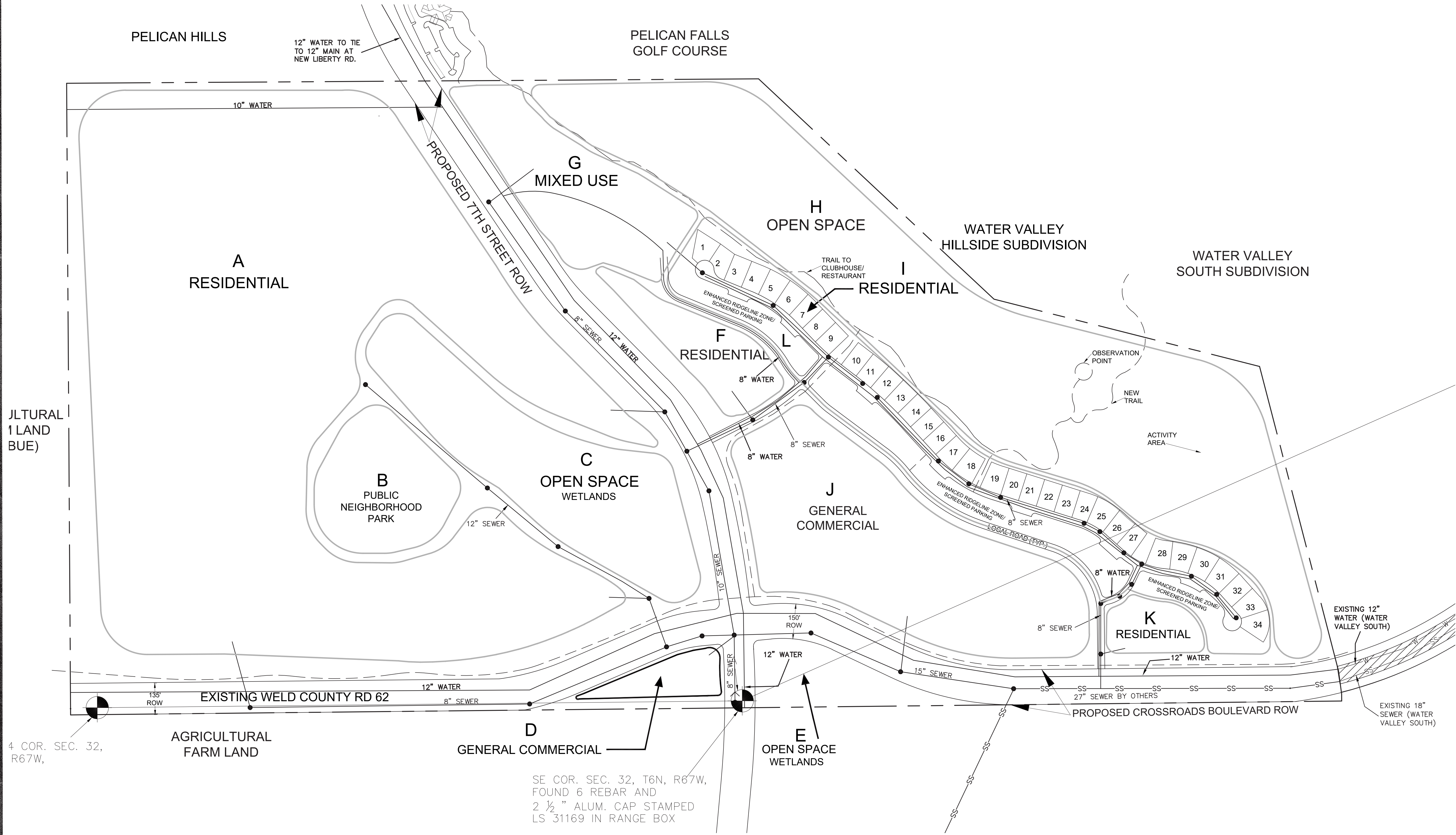
SOUTH HILL ANNEXATION MASTER PLAN AMENDMENT

COLORADO
WINDSOR

CROSS SECTION EXHIBIT

DATE 10-17-23
REVISED

8 OF 10



4 COR. SEC. 32, R67W,

SE COR. SEC. 32, T6N, R67W, FOUND 6 REBAR AND 2 1/2" ALUM. CAP STAMPED LS 31169 IN RANGE BOX

ESTIMATED RESIDENTIAL WATER DEMAND
SINGLE FAMILY UNITS = 244 DU
MAXIMUM DAY DEMAND
ZONE SF-1: (5.0 GPM/AC) / (7 DU/AC) = 0.714 GPM/DU
SINGLE FAMILY MAX DAY DEMAND: 244 DU x 0.714 GPM/DU = 174 GPM (250,871.04 GPD)
PEAK HOUR DEMAND
ZONE SF-1: (13 GPM/AC) / (7 DU/AC) = 1.857 GPM/DU
SINGLE FAMILY PEAK HOUR DEMAND: 244 DU x 1.857 GPM/DU = 453 GPM (652,525.71 GPD)
MULTI FAMILY UNITS = 546 DU
MAXIMUM DAY DEMAND
ZONE MF-1: (11 GPM/AC) / (18 DU/AC) = 0.611 GPM/DU
MULTI-FAMILY MAX DAY DEMAND: 546 DU x 0.611 GPM/DU = 334 GPM (480,480.00 GPD)
PEAK HOUR DEMAND
ZONE MF-1: (32 GPM/AC) / (18 DU/AC) = 1.778 GPM/DU
MULTI-FAMILY PEAK HOUR DEMAND: 546 DU x 1.778 GPM/DU = 971 GPM (1,397,760.00 GPD)

ESTIMATED RESIDENTIAL WASTEWATER DEMAND
AVERAGE DAY DEMAND: 626 DU x 2.76 CAP/DU x 90 GPD = 155,498.4 GPD (107.99 GPM)
MAXIMUM DAY DEMAND: 155,498.4 GPD x 4.00 = 621,993.6 GPD (431.94 GPM)
ESTIMATED COMMERCIAL AND OFFICE WATER & WASTEWATER DEMAND
AVERAGE DAY DEMAND: 21.53 x 1,500 GPD/AC = 32,295 GPD (22.43 GPM)
MAXIMUM DAY DEMAND: 21.53 x 3,000 GPD/AC = 64,590 GPD (44.85 GPM)
PEAK HOUR DEMAND: 21.53 x 3,600 GPD/AC = 77,508 GPD (53.83 GPM)

TST

TST, INC.

Consulting Engineers

748 Whalers Way, Bldg. D

Fort Collins, Colorado

Phone: 970.226.0557

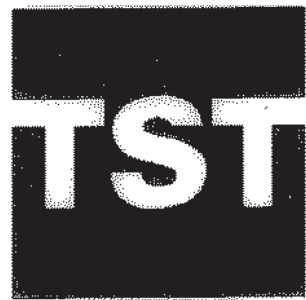
Fax: 970.226.0204

APPLICANT
EAGLE CROSSING DEVELOPMENT, INC. 1625 Pelican Lakes Point Windsor, CO 80550 (970) 686-5828
PLANNER
NORRIS DESIGN 1101 Bannock Street Denver, CO 80204 (303) 892-1166
ENGINEER
TST 748 Whalers Way Suite 200 Fort Collins, CO 80525 (970) 226-0557

SOUTH HILL ANNEXATION MASTER PLAN AMENDMENT

COLORADO WINDSOR

MASTER UTILITY PLAN
DATE 10-17-23
REVISED



TST, INC.
Consulting Engineers
748 Whalers Way, Bldg. D
Fort Collins, Colorado
Phone: 970.226.0557
Fax: 970.226.0204

APPLICANT

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Windsor, CO 80550
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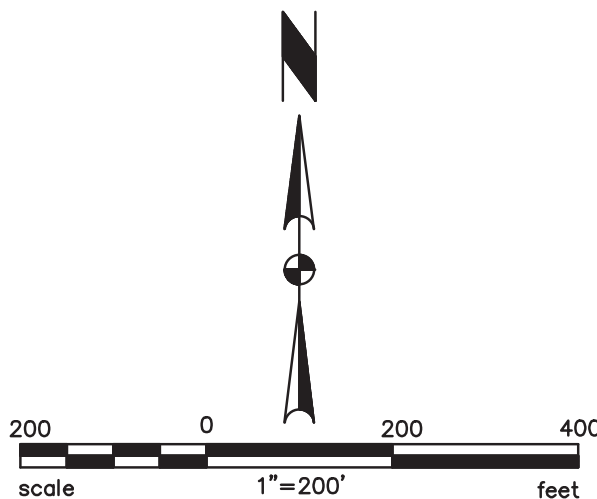
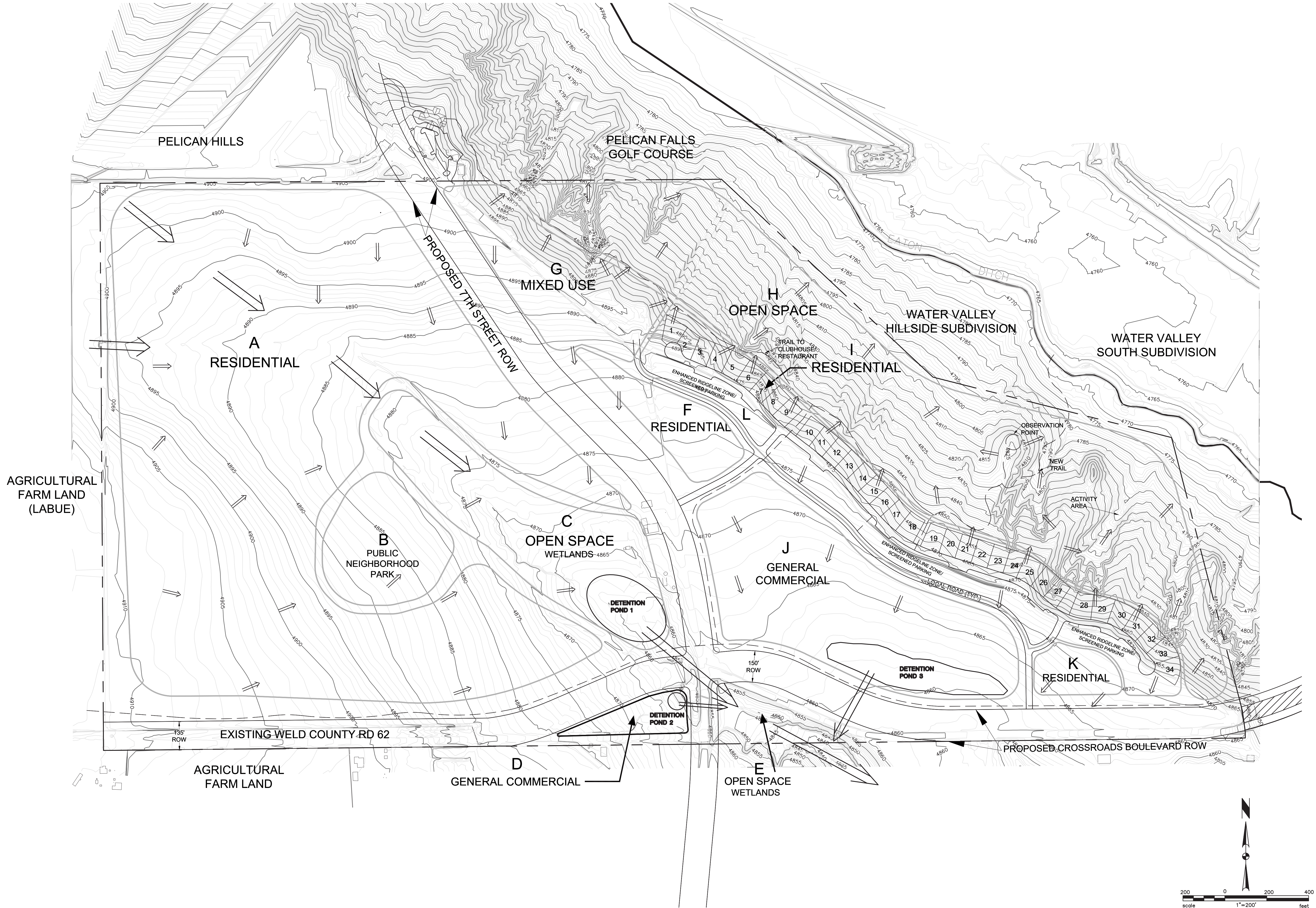
ENGINEER

TST
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Fort Collins, CO 80525
(970) 226-0557

**SOUTH HILL
ANNEXATION
MASTER PLAN
AMENDMENT**
COLORADO
WINDSOR

**MASTER
DRAINAGE PLAN**

DATE 10-17-23
REVISED



NEIGHBORHOOD MEETING SIGN IN SHEET

12/5/23

SOUTH HILL 8TH FILING - Master Plan Amendment.

NAME	ADDRESS	PHONE	EMAIL
Norm Marsh	2061 Grain Bin Dr	(303) 983-4756	hockeynorm@gmail.com
MARK SANDIFER	2190 GRAIN BIN CT	970-305-1211	—
BECKY WILLIAMSON	2051 GRAIN BIN	832-368-8546	RJSTAMPS@ME.COM
AVA SCHREINER	871 SHADE TREE	832 215 5029	AVASSTUDIO@ICLOUDS.COM
Tyler Robbins	2112 7th ST	(970) 215-2202	tyler@robbscontracting.com
RYAN CONROY	2031 Bayfront Dr	970-373-6734	rcTRAINMAN@gmail.com
CRAIG MURPHY	783 Corn Stalk CT	508 579 7343	Craig Murphy 508 @ Gmail.com
Joe Hirst	2178 Grain Bin Ct	603 978 2852	jhirst@yahoo.com
Chad Gruka	2021 Bayfront Ct	216 870 7023	chad.gruka@outlook.com
Ted & Heather	2029 Bayfront Ct	970 391 9901	khughesmt@gmail.com
Kristin Conroy	2031 Bayfront Dr	970-481-9937	rcTRAINMAN@gmail.com
Jenny Ojala	2023 Bayfront Ct.	970 370 7122	jenny.ojala@gmail.com
Garrett Scallen			
Martin Lind			
Austin Lind			
Colton Lind			
David Eisenbraun			

Neighborhood meeting summary, key discussions were thus follows:

- Q: Is the open space between South Hill and Water Valley South getting built on?
 - A: No, that parcel remains open space.
- Q: Can something be done about porch lights shining down the hill?
 - A: Yes, we can request from the builder to install light fixture shades to keep the light from shining down the hill.
- Discussion: Martin gave an overview of the project history over the last 20 years, and how our company has gone above/beyond on delivering great projects and open spaces to the community.
- Discussion: Berming was discussed and how it never really worked in the first place. There was not any push back on “ridgeline protection” items, and residents liked the gabled roofs in lieu of flat roofs.

Discussion: There was a lot of discussion around the potential product type and bookending the project with a similar product to the East end apartments.



December 8, 2023

Doug Roth
Engineering Department
Town of Windsor
301 Walnut Street
Windsor, CO 80550

Re: *Sanitary Sewer Densities – South Hill Annexation Master Plan*

Town of Windsor Development Review Team:

The purpose of this memorandum is to outline the sewer densities for the basins described in the Windsor Southwest Interceptor Sewer Master Plan as they relate to the South Hill Annexation Master Plan. The goal is to dedicate enough sewer capacity to allow for the South Hill Subdivision Fifteenth Filing to develop.

The South Hill Subdivision Fifteenth Filing is located within Basin 8, as seen in the attached Exhibit A (Windsor Southwest Interceptor Sewer Master Plan). As seen in this exhibit, Basin 8 was approved with the assumed density of 298 units.

The attached Table 1 (Basin 8 Breakout) shows a combination of the actual and projected single family equivalents (SFE's) for Basin 8. From this calculation, there are approximately 722 units (SFE's) in Basin 8. The proposed Journey Apartments (South Hill Subdivision Fifteenth Filing) accounts for 230 of the 722 units. We have decided to add an additional 16 "flex" units to this 722, to allow for some flexibility in future projects within this basin. This brings the number of needed units up to 738 for Basin 8.

Due to this increased density, we are proposing a unit transfer from the surrounding basins (as they are shown in Exhibit's A & B). Exhibit B (South Hill Master Plan Sewer Density Exhibit) shows the proposed units to be transferred from surrounding Basins 10-12, as well as the resulting densities for each basin. We are proposing the transfer of 189 units from Basin 10, 21 units from Basin 11, and 230 units from Basin 12.

We appreciate your time in consideration of this project.

Regards,

TST, INC. CONSULTING ENGINEERS

Jacob A. Zeigler, P.E.

Derek A. Patterson, P.E.

760 Whalers Way
Bldg C, Suite 200
Fort Collins, CO 80525
970.226.0557 main
303.595.9103 metro
970.226.0204 fax

ideas@tstinc.com
www.tstinc.com

TABLE 1

WINDSOR SOUTHWEST INTERCEPTOR SEWER MASTER PLAN BASIN 8 BREAKOUT

Basin 8 Breakout

																Commercial Conversion	Total SFE Equivalents
																Multi-Family Conversion = x * 0.67	1 SFE = 1500/(90*2.76)
"A" Residential (Pelican Farms)				210	Single Family Units												210
Journey Apts Existing (Pelican Bluffs)				42	Multi-Family Units		28.14	SFE									28.14
Journey Apts Existing (Pelican Bluffs)				154	Multi-Family Units		103.18	SFE									103.18
Ridgetop				34	Single Family Units												34
Proposed Journey Apts				230	Multi-Family Units		154.1	SFE									154.1
Restaurant (Commercial)				3.28	Acres								19.80792	SFE			19.80792
Proposed Commercial (SouthHill)				1	Acre								6.039	SFE			6.039
Farmers Corner			Aprox.	14.3073	Acres								86.40178	SFE			86.40178
55 Resort				120	Multi-Family Units		80.4	SFE									80.4
																	722.07

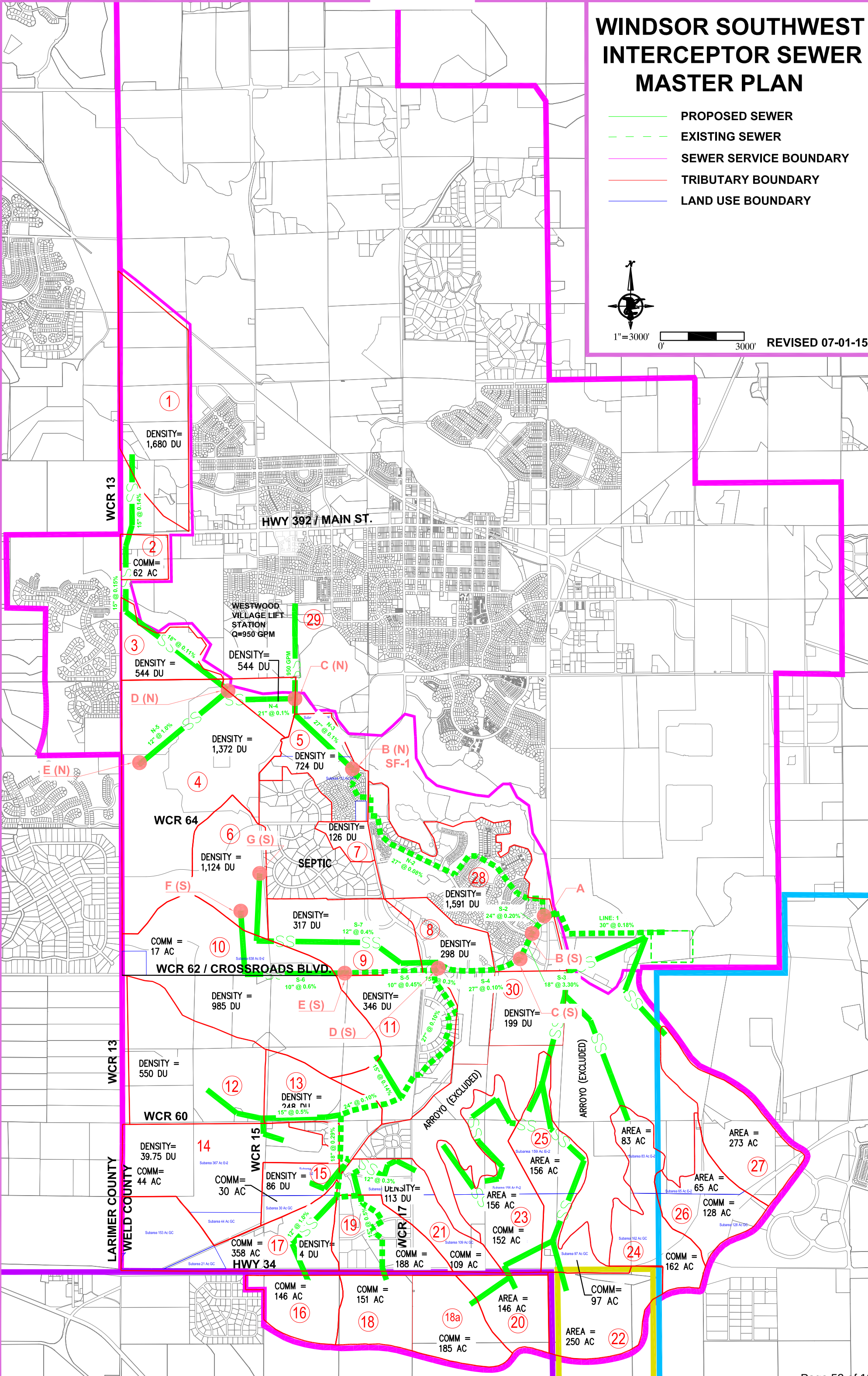
+16 DU (FLEX)
= 738 DU

WINDSOR SOUTHWEST
INTERCEPTOR SEWER
MASTER PLAN

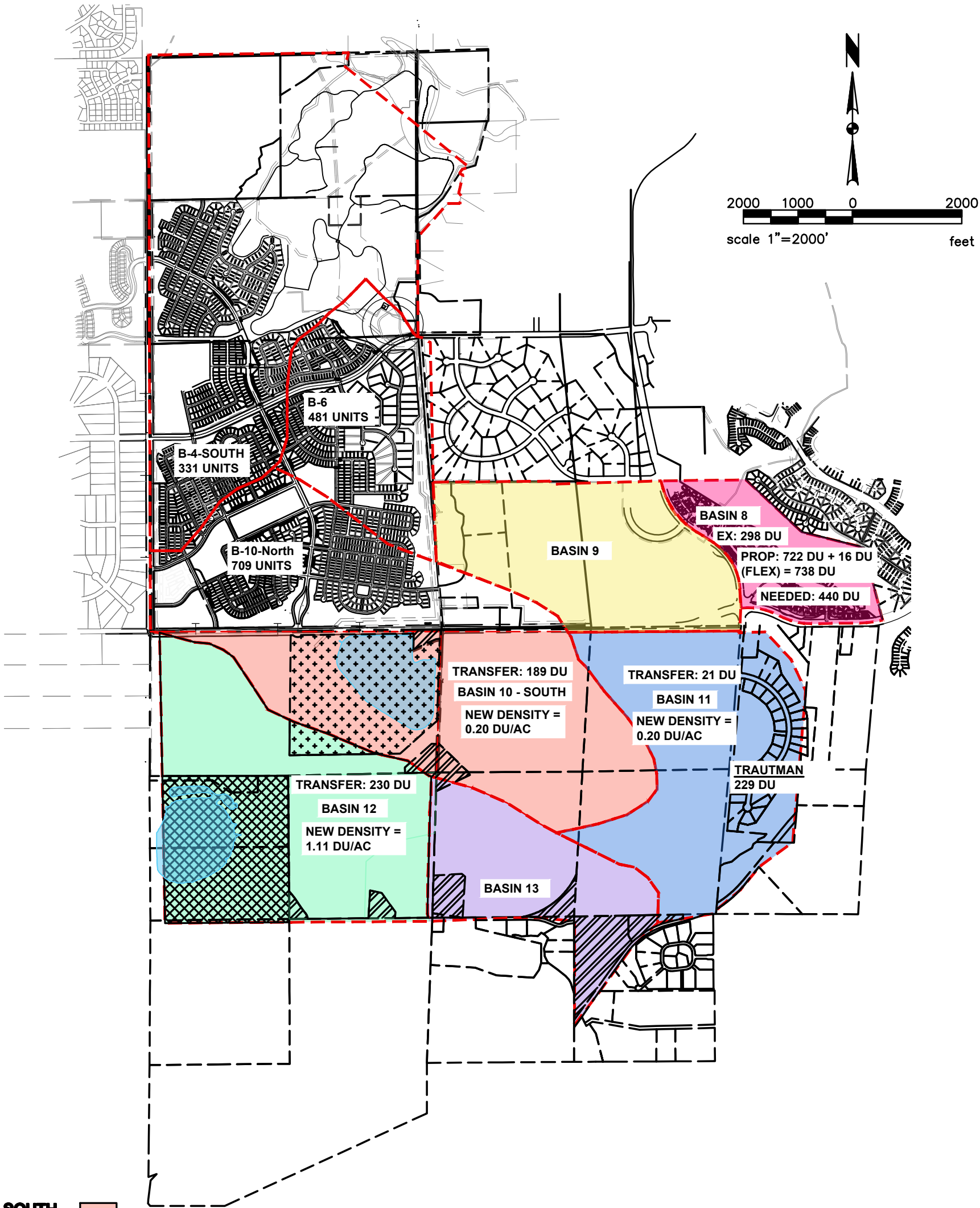
- PROPOSED SEWER
- EXISTING SEWER
- SEWER SERVICE BOUNDARY
- TRIBUTARY BOUNDARY
- LAND USE BOUNDARY



1"=3000' 0' 3000' REVISED 07-01-15



SOUTH HILL MASTER PLAN SEWER DENSITY EXHIBIT



BASIN 10 - SOUTH

TOTAL AVAILABLE UNITS	= 276
TRANSFERRED OUT	= 0
TRANSFERRED IN	= 0
NEW TOTAL AVAILABLE	= 276
REMAINING WV UNITS	= 70
OTHER UNITS	= 17
TOTAL AREA	= 418.25 AC
PLANNED DEVELOPMENT	= 345.5 AC
ORIGINAL DENSITY	= 0.80 DU/AC
REMAINING WV AREA	= 345.5 AC
REMAINING WV DENSITY	= 0.20 DU/AC
OTHER OWNERS AREA	= 14 AC
OTHER OWNERS DENSITY	= 1.25 DU/AC

AVAILABLE UNITS (FROM ABOVE): 276.4 - 17.5 = 259 DU
BRING DENSITY DOWN TO: 0.2 DU/AC
PLANNED DEVELOPMENT AREA: 345.5 AC
PROPOSED DENSITY: 345.5 ACRE x 0.2 DU/AC = 70 DU
UNITS TRANSFERRED: 259 - 70 = 189 DU

BASIN 11

TOTAL AVAILABLE UNITS	= 346
TRANSFERRED OUT	= 0
TRANSFERRED IN	= 0
NEW TOTAL AVAILABLE	= 346
TRAUTMAN UNITS	= 229
CHURCH UNITS	= 26
OTHER OWNERS UNITS	= 22
REMAINING WV UNITS	= 69
TOTAL AREA	= 356 AC
ORIGINAL DENSITY	= 1.25 DU/AC
TRAUTMAN	= 78.73 AC
TRAUTMAN DENSITY	= 2.91 DU/AC
CHURCH	= 20.45 AC
CHURCH DENSITY	= 1.27 DU/AC
OTHER OWNERS	= 17.52 AC
OTHER OWNERS DENSITY	= 1.26 DU/AC
REMAINING WV AREA	= 239.3
REMAINING WV DENSITY	= 0.29 DU/AC

REMAINING WV UNITS: 239.3 AC x 0.29 DU/AC = 69.4 DU
BRING DENSITY DOWN TO: 0.2 DU/AC
PROPOSED REMAINING WV UNITS: 239.3 AC x 0.2 DU/AC = 47.86 DU
UNITS TRANSFERRED: 69.4 DU - 47.86 DU = 21 DU

BASIN 12

TOTAL AVAILABLE UNITS	= 550
TRANSFERRED OUT	= 0
TRANSFERRED IN	= 0
NEW TOTAL AVAILABLE	= 550
OTHER UNITS	= 8
REMAINING UNITS	= 332
TOTAL AREA	= 440 AC
PLANNED DEVELOPMENT	= 299 AC
EXISTING DENSITY	= 1.3 DU/AC
REMAINING WV AREA	= 280 AC
REMAINING WV DENSITY	= 1.19 DU/AC
OTHER OWNERS AREA	= 6.35 AC
OTHER OWNERS DENSITY	= 1.25 DU/AC

REMAINING WV UNITS: 550 DU - 8 DU = 542 DU
UNITS TO TRANSFER = 440 DU - 189 DU - 21 DU = 230 DU
UNITS REMAINING: 542 DU - 230 DU = 312 DU
DENSITY REMAINING: 312 DU / 280 AC = 1.11 DU/AC

LEGEND

BASIN BOUNDARY



NO PLANNED DEVELOPMENT



OTHER PROPERTY OWNER



SOUTH HILL MASTER PLAN SEWER DENSITY EXHIBIT
DATE: DECEMBER 5, 2023
JOB NO. 1070.0016.00
SHEET 1 OF 1



748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557



South Hill Annexation Master Plan Amendment

*David Eisenbraun, Senior Planner
Planning Commission – January 17, 2024*



Master Plan

Article II of Chapter 14 of the Municipal Code outlines the purpose and procedures of the Master Plan, including:

Applicability. A Master Plan shall be required in the following situations:

- (2) Prior to or concurrent with the subdivision of any parcel of land unless the Director determines it unnecessary due to existing infrastructure already being in place.
- (3) Prior to or concurrent with a rezoning application of any parcel of land unless the Director approves submittal of a Site Plan in-lieu of a Master Plan or if the site is already fully developed and the Master Plan serves no further purpose regarding future development of the property.



Master Plan (cont.)

- (4) Any area where the Director determines that the coordination of future roads, utilities, parks, or other public investments requires more specific plans than currently available.
- (5) Any area where the Director determines that the scale of future development, presence of multiple owners with anticipated development plans, or impact on adjacent properties from potential development requires further planning and coordination.



Master Plan Request

Request: A request by the developer to :

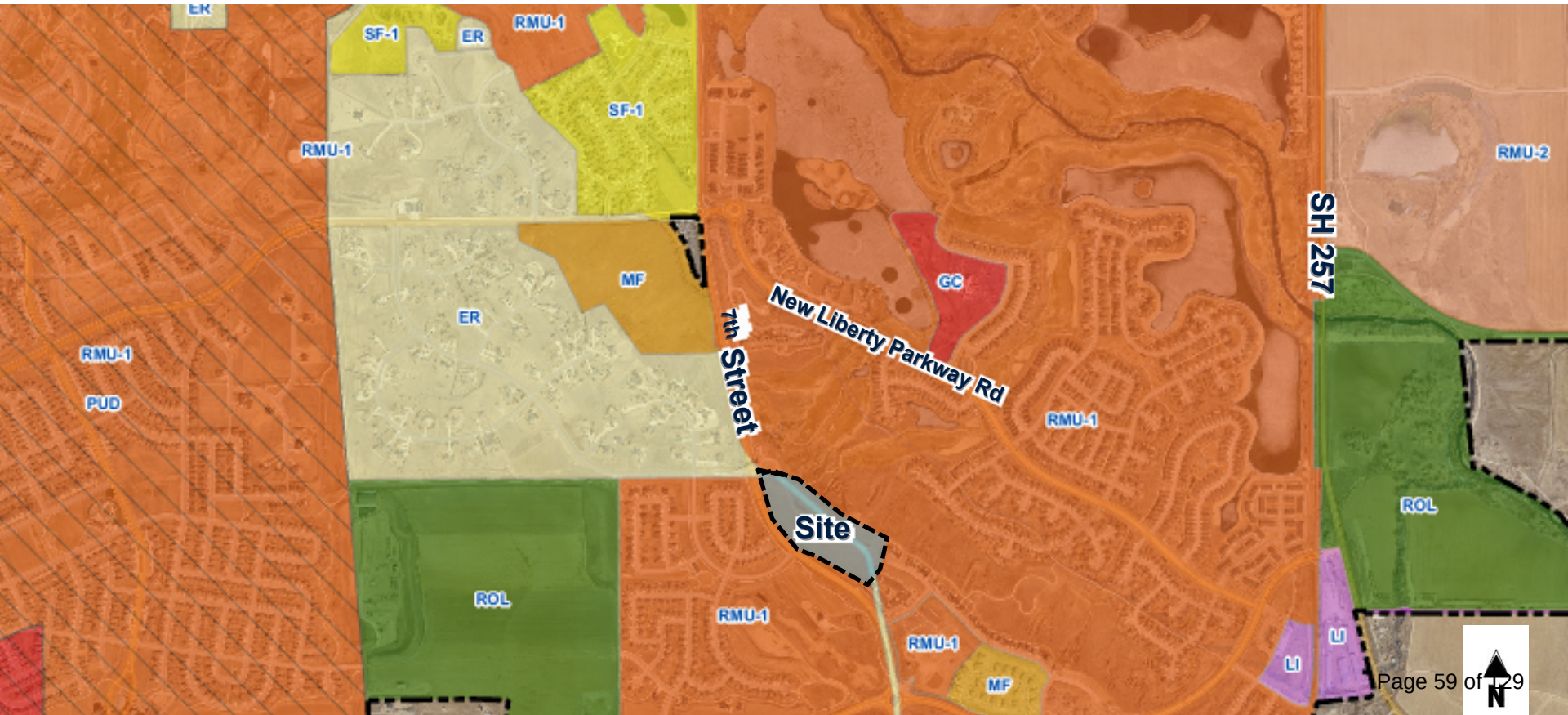
1. Convert vacant land originally designated for general office space along 7th street to be multi-family residential and general mixed uses in conformance with the existing Residential Mixed Use One (RMU-1) Zone District; and
2. Amend the landscape cross section exhibits in conformance with Town Board removing the Ridgeline protection language to better coincide with future development proposals.

Site Vicinity Map





Site Zoning Map



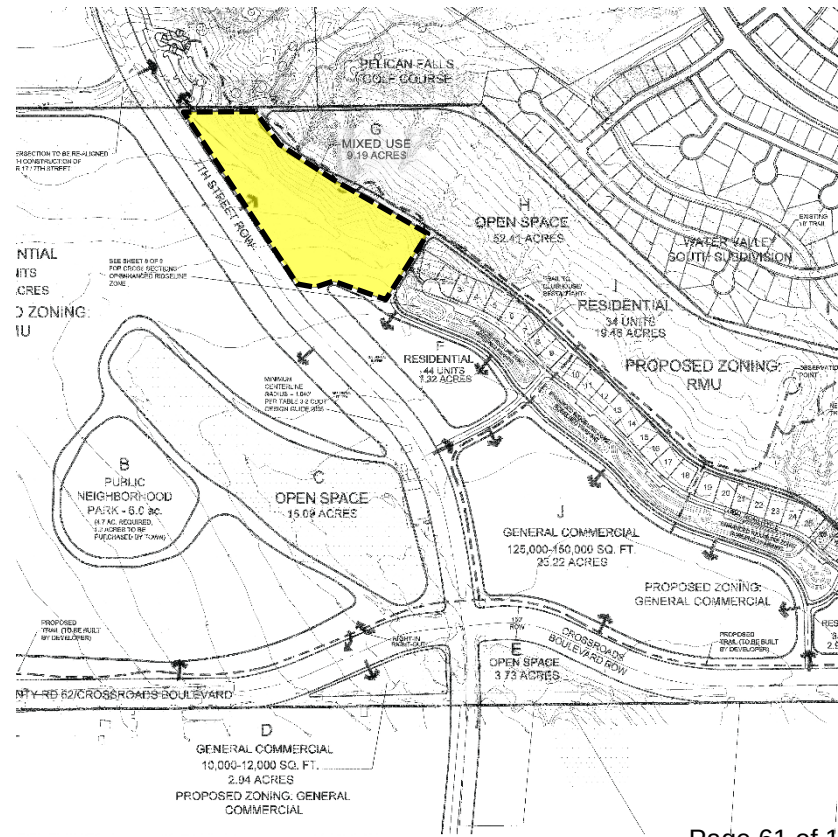


- ❖ 2006 South Hill Annexation to the Town of Windsor
- ❖ Area G Designated for Office Use
- ❖ Planned for 100,000 SF of office/commercial
- ❖ Zoned RMU-1
- ❖ Total Master Plan Area:
~ 276.70 acres

- ❖ Site specific parcel: ~9.19 acres
- ❖ Residential Units: 0 dwelling units in “G”
- ❖ **Proposed: Mixed-Use**
 - ❖ 220 Multi-family units
 - ❖ Max Density of 330 Units
 - ❖ 15,000 SF for Commercial Uses

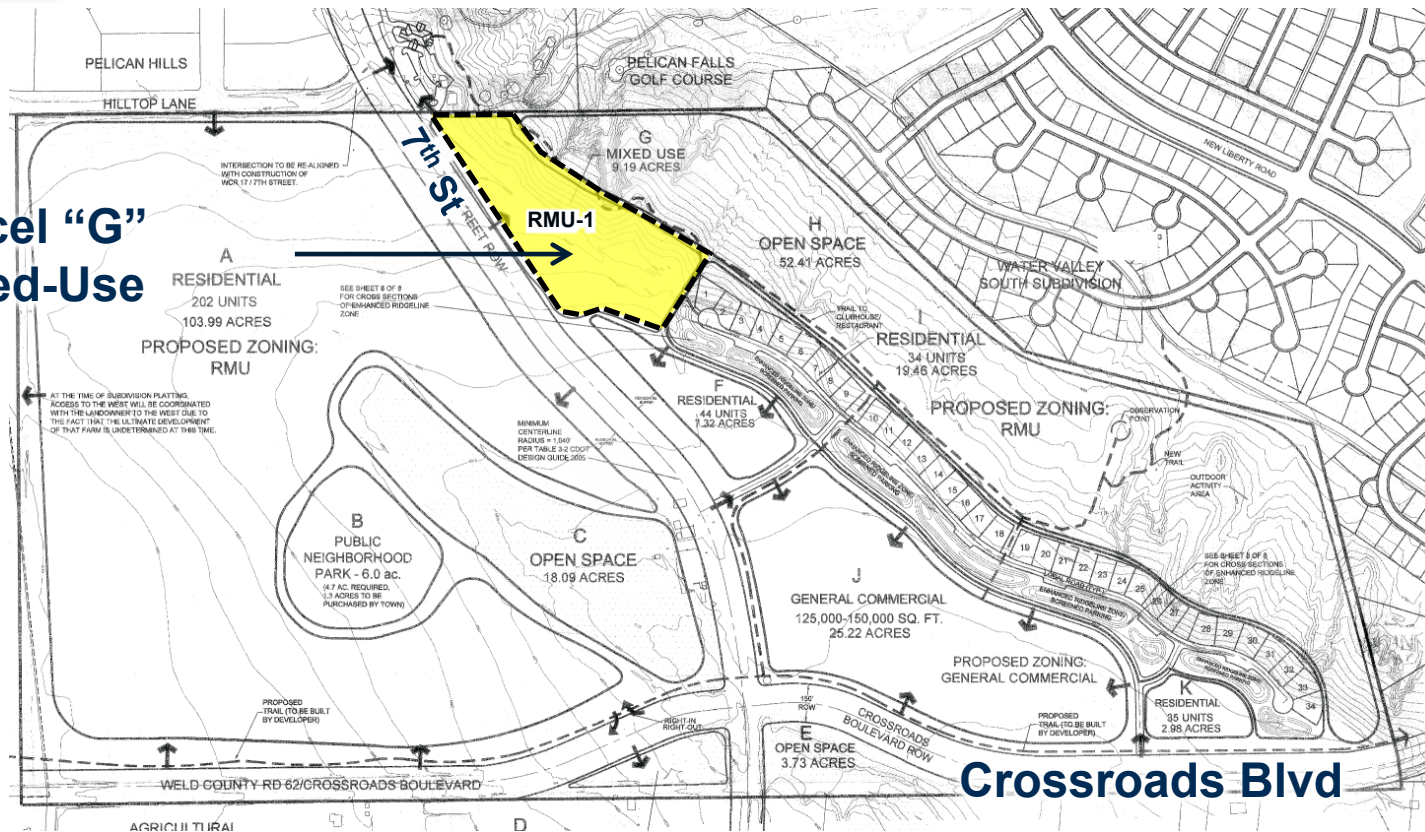
*South Hill Annexation
Master Plan Amendment*

LOTS 1-4, BLOCK 1, SOUTH HILL SUBDIVISION EIGHTH FILING,
TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



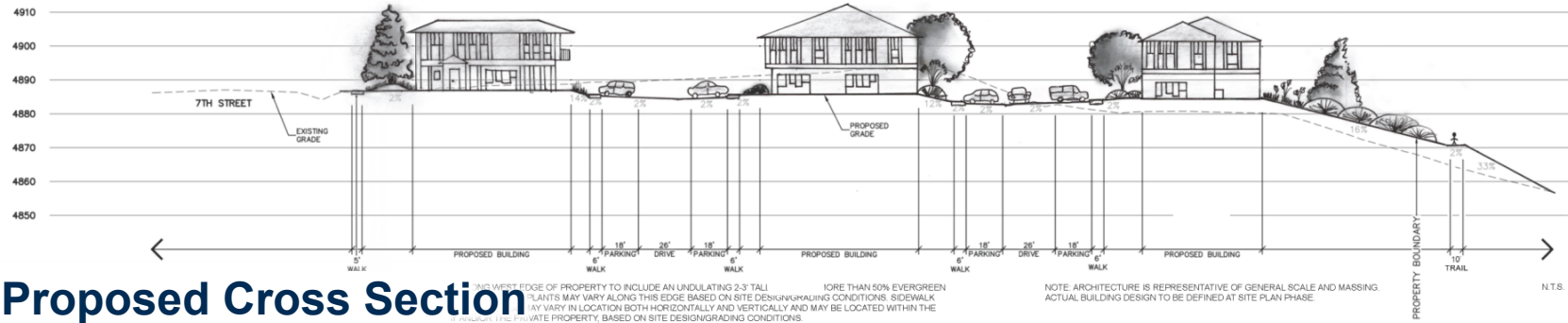
Master Plan Proposal

Parcel "G" Mixed-Use

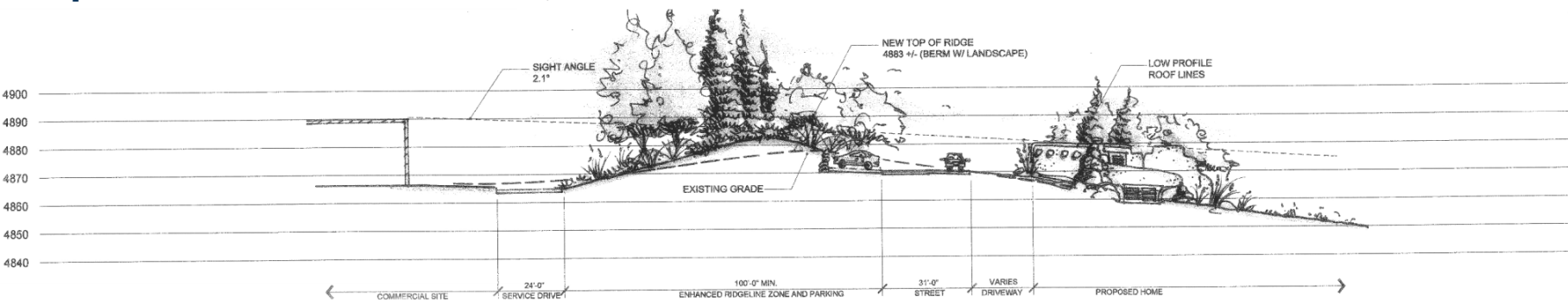




Master Plan Proposal



Proposed Cross Section



Existing Cross Section



Strategic Plan Conformance

The application is consistent with the Strategic Plan, particularly the following:

- Infrastructure – Connection of trails and other infrastructure along 7th Street.
- Quality of Life – Converting vacant land into providing new housing stock options in an area bookended by Town amenities and commercial mixed uses.



Neighborhood Meeting

As required by the Municipal Code for a master plan amendment application, the applicant held a neighborhood meeting.

- Notices were sent to property owners within 500 feet.
- A summary of the December 5, 2023, neighborhood meeting is included with the packet materials.



Neighborhood Summary

Key topics were:

- Q: Is the open space between South Hill and Water Valley South getting built on?
 - A: No, that parcel remains open space.
- Q: Can something be done about porch lights shining down the hill?
 - A: Yes, we can request from the builder to install light fixture shades to keep the light from shining down the hill.
- Discussion: Mr. Lind gave an overview of the project history over the last 20 years, and how our company has gone above/beyond on delivering great projects and open spaces to the community.
- Discussion: There was a lot of discussion around the potential product type and bookending the project with a similar product to the East end apartments. I'll leave it up to you what to share on these topics for Master Plan vs Site Plan discussions.



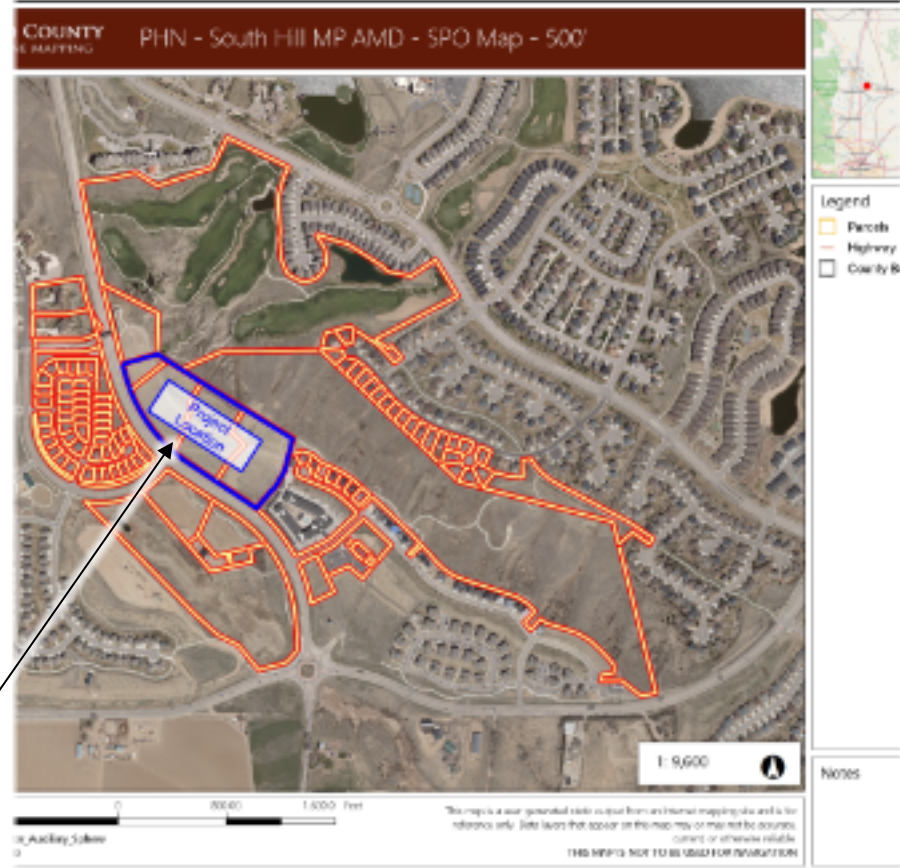
Notification of Public Meetings

Neighborhood Meeting:

- ❖ Mailing - 500'+ from property boundary, excluding right-of-way
- ❖ Ad in Greeley Tribune

Public Hearing:

- ❖ Mailing - 500'+ from property boundary, excluding right-of-way
- ❖ Ad in Greeley Tribune
- ❖ Sign posted on property





Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the South Hill Annexation Master Plan Amendment, subject to any outstanding Planning Commission and staff comments being addressed.



Record

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Testimony from public hearing
- Planning Commission Recommendation



Review Criteria - Master Plan

- 1) Consistency with Comprehensive Plan
- 2) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements
- 3) Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.
- 4) Transportation improvements are consistent with the following:
 - Roadway Improvement Plan
 - Subdivision street standards
 - Design Criteria and Construction Specifications
 - Transportation Master Plan
 - Trails Plan
 - Complete Streets Guide.
- 5) Capability of utilities to serve the development.
- 6) The proposal shall demonstrate compatibility with adjacent uses.



Review Considerations

- (1) The developer driven proposal has generally accomplished the intent of the ridge along much of the frontage.
- (2) The proposed abolishment of ridgeline protection language does not result in undue or unnecessary *burdens on the existing public infrastructure and public improvements*.
- (3) Based on other existing conditions, such as the residential homes and bridge, the ridgeline has already been compromised.
- (4) The proposal *provides future opportunities* that will help this vacant parcel fully develop.
- (5) The Town never further enforced the ridgeline standards in any ordinances or other code language, thereby limiting its effectiveness.



MEMORANDUM

Date: January 17, 2024
To: Planning Commission
From: David Eisenbraun, Senior Planner
Re: Recommendation to Town Board - Master Plan Amendment - South Hill Annexation Master Plan, Martin Lind and Eagle Crossing Development, Inc, Owner/Applicant
Item #: C.2.

Background / Discussion:

See public hearing item.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the South Hill Subdivision Master Plan Amendment, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Attachments:



MEMORANDUM

Date: January 17, 2024
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Public Hearing - An Ordinance Amending Chapters 14, 15, and 16 of the Town of Windsor Municipal Code concerning land use - Planning Department
Item #: C.3.

Background / Discussion:

Please refer to the attached memorandum, ordinance, and presentation materials.

Financial Impact:

Relationship to Strategic Plan:

The Town of Windsor promotes community and hometown pride through sustainable, excellent and equitable delivery of services in a fiscally responsible manner.

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending Chapters 14, 15 and 16, subject to any Planning Commission comments being addressed.

CC:

Scott Ballstadt, Director of Planning
Town Attorney Office

Attachments:

1. Staff Memo - Land Use Code Update
2. Ordinance Amending Chapters 14, 15, and 16
3. Staff Powerpoint - Land Use Code Update



MEMORANDUM

Date: January 17, 2024
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: An Ordinance Amending Town Land Use Codes, Chapters 14, 15, and 16

Background / Discussion

Chapters 14 through 17 of the Town's Municipal Code, which collectively make up the Town's Land Use Code, were updated in February 2021. Implementation of the code in the time since adoption has revealed some areas that were inadvertently omitted and other areas in need of minor revision. The following updates for Chapters 14-16 consist primarily of necessary corrections or clarifications, with some proposed amendments where action is needed to resolve ongoing issues with the current code.

The Planning Commission and Town Board held a work session on November 6, 2023, and received an overview of the proposed code amendments and directed staff to move forward with the public hearings for amendments, subject to striking the proposed conditional use permit criteria concerning a half-mile radius limitation between an existing carwash and a proposed carwash. Additionally, proposed changes to the temporary sign section were eliminated from this update, as a more comprehensive update of the sign code is proposed for a later date.

This memorandum summarizes the proposed changes and reasons behind those changes. The draft code sections are attached for review. Below is an overview of the sections proposed for amendments:

Section 1	§14-2-40. – Master Plan. Reinstating criteria.
Sections 2-4	§15-5-10. – Vehicular access requirements. Pavement setbacks for commercial and industrial lots.
Section 5-6	§16-1-20. – Application of individual lot regulations. Clarifications.
	Chapter 16 Pertaining to Zone Districts
Section 7	§16-1-80. – Residential Mixed Use-Two (RMU-2) district. Forty (40)-acre requirement allowances.
Section 8	§16-1-100. – Neighborhood Commercial (NC) district. Residential use clarification.
Section 9	§16-1-110. – Central Business (CB) district. Residential use clarification.
Sections 10-11	§16-1-120. – General Commercial (GC) district. Residential use clarification; Carwash as a conditional use and adding review criteria.

The above sections and their entirety, illustrating proposed deleted and added language, have been attached. A summary of the changes, along with explanation of the amendments, are included in the memorandum.

Once the Planning Commission and Town Board have had an opportunity to review the proposed amendments and discuss, staff will seek direction regarding the preparation of the land use code amendment ordinance. Public hearing dates will then be scheduled, and notification completed in accordance with the Town's Municipal Code.

.....

Section 1

§14-2-40. – Master Plans.

No change had been proposed to the seven (7) master plan land use application criteria from the previous land use code; however, the last criterion (7 of 7) was inadvertently omitted from this section with the 2021 update. The criterion is reinstated in the proposed code amendment.

.....

Section 2

§15-5-10. – Vehicle access requirements.

A purpose statement was added:

(a) Purpose. The vehicular access requirements are intended to provide safe connectivity for the community, with the intent of providing direct access for pedestrians from right-of-way to building entrances. Furthermore, it is the intent to enhance the streetscape and promote an aesthetically pleasing and safe walkable environment for the benefit of the community.

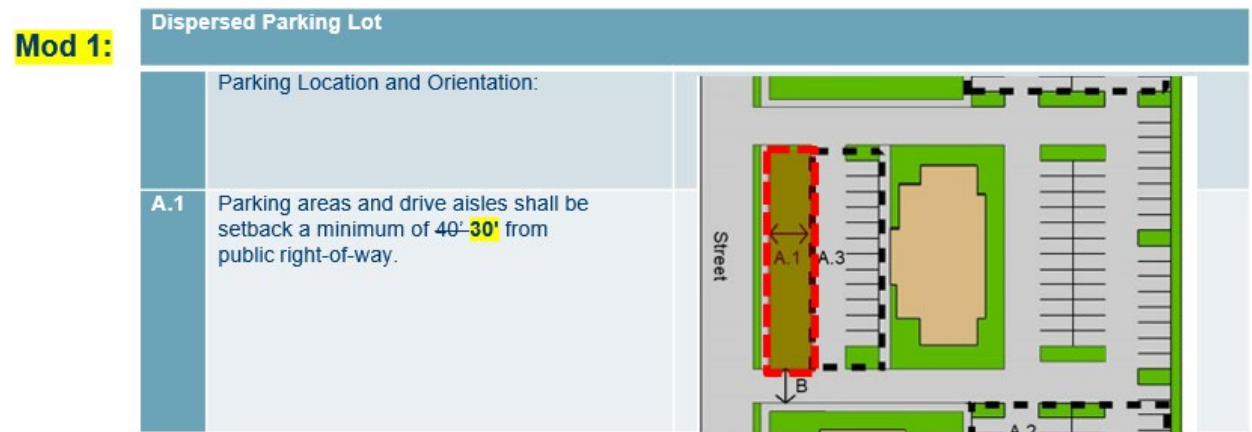
.....

Section 3

§15-5-10. – Vehicle access requirements.

Prior to code update of 2021, a *35-foot pavement setback* was required for commercial and industrial lots that abutted state highways, and *30' from all other property lines*.

A change to a 40-foot pavement setback was established in 2021 for all parking lots adjacent to public right-of-way. This has been problematic from a practical standpoint, especially as it relates to existing conditions and with uniquely shaped lots, leading to variance requests to reduce the 40-foot pavement setback. The following two (2) modifications are proposed to resolve the matter. The proposed modification will not decrease pedestrian access or safety.



Section 4

§15-5-10. – Vehicle access requirements. Modification 2:

There is an existing contextual setback section in the residential section. The purpose is to align with historic conditions and achieve an equal requirement or better resolution, dependent on the context of the existing area and proposal. This amendment will allow a contextual setback approach for commercial properties. The proposed modification will not decrease pedestrian access or safety.

(d) Contextual Parking Area and Drive Aisle Setbacks. In commercial and industrial zoning districts, the applicant has the option to use existing parking area and/or drive aisle contextual setbacks when all the following conditions exist:

- (1) The location is adjacent to existing commercial and/or industrial development with legal non-conforming parking areas and/or drive aisle setbacks.
- (2) More than fifty percent (50%) of the lots on the same block, on the same side of the street, are developed with the average setback on the same block.
- (3) Commercial/industrial lots shall be the only lots included in the average setback calculation.
- (4) The proposed parking area and/or drive aisle is not located within Commercial Corridors.

(5) Vacant lots shall be considered as having the minimum required setback by the zoning district for purposes of calculating the mean average.

.....

Section 5

§16-1-20. – Application of individual lot regulations.

The purpose of the proposed modifications is to add clarification for those reading and trying to understand the code, as well as clarity for the decision maker.

.....

Table 16-1-20(a) Setback Exceptions. Conflict with building code, the conflict highlighted below.

Stairs, at grade	May encroach into any required setback up to six feet.
Stairs, above or below grade	May encroach into any required setback up to six feet provided they are not located closer than three five feet from the property line.
Structural projections such as cantilevered bay windows,	May encroach into side setbacks up to 2'. May encroach into front or rear setbacks up to 3'

.....

Section 6

§16-1-20. – Application of individual lot regulations.

The purpose of this amendment is for clarification purposes only, as illustrated below.

- (b) Contextual Setbacks. **The decision maker may approve contextual setbacks pursuant to the following.** In **single family** residential zoning districts, the applicant has the option to ~~use~~ **propose a building setback equal to** the average of existing front setbacks of buildings located on the same ~~and facing block~~ **on the same side of the street** as a proposed development pursuant to the following:
- (1) Contextual setbacks can only be applied where ~~more than~~ **more** than fifty percent (50%) **or more** of the lots on the same block ~~face~~, on the same side of the street, are developed with **single family residential dwellings**.
 - (2) ~~Lots with similar uses as the use proposed building~~ **Single family residential dwellings** shall be the only lots ~~in~~ included in the average setback calculation.
 - (3) Vacant lots shall be considered as having the minimum front setback as required by the zoning district for purposes of calculating the mean average.

.....

Section 7

§16-1-80. – Residential Mixed Use-Two (RMU-2) district.

The additional language will add flexibility to acreage requirement, so long as intent of district is met. This language matches the PUD acreage requirement language recently updated.

- (d) Minimum Size. No lot or group of lots less than forty (40) acres in size shall be eligible for RMU-2 zoning. **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 criteria outlined in the purpose statement in subsection (a) above.**
-

Section 8

§16-1-100. – Neighborhood Commercial (NC) district.

The permitted accessory uses section will be modified to eliminate storage of vehicles in this district, as this use does not align with the intent of the neighborhood commercial district and furthermore, the lack of clarity in the language is problematic. Item (e) below clarifies the intent of including garages for businesses in this district.

Additionally, language pertaining to residential uses in this district lacks clarity and causes customer confusion and challenges interpreting the intent behind the language that exists today. The proposed language clarifies the intent of this zone district.

(2) Permitted accessory uses.

- ~~a. Garages for storage of vehicles used in conjunction with the operation of a business.~~
 - ba. Off-street parking and loading areas.
 - eb. Signs, subject to the provisions of this Code.
 - dc. Residential quarters **on upper floors of commercial buildings** for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business.
 - d. Commercial buildings with commercial uses on the main floor and residential uses on the upper floors.**
 - e. Any other structure, **including garages for storage of vehicles in conjunction with the operation of a business**, or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.
-

Section 9

§16-1-110. – Central business (CB) district.

This district is located primarily along SH 392/Main Street commercial corridor, adjacent and surrounding properties along this key corridor. This district is intended for commercial as the primary use and encouraging the transition of remaining single-family residential uses to commercial. The language in this section should be clear that existing single-family residential uses, much of which are in some of the oldest homes in the core area, can remain; however, adding new single-family residential buildings or uses in the commercial core is inconsistent with the intent and purpose of this district. Vertical commercial mixed-use buildings, with commercial on lower level(s) and residential on upper floors of buildings is permitted.

The only modification to the principal uses permitted by right list is as follows:

- o. **Existing single family** ~~One-family residential dwellings subject to the regulations of the SF-1 zone district.~~

.....

Section 10

§16-1-120. – General Commercial (GC) district.

The residential use language within the commercial districts continue to cause customer confusion. Therefore, clarification of the permitted accessory uses pertaining to residential uses in this district is proposed, aligning with intent of GC district – a zone district focused on commercial uses with higher intensity (shopping centers, entertainment venues, commercial assembly uses, fueling stations, etc.) than neighborhood commercial. Uses in this district typically have more traffic, are located along commercial corridors, and have greater building heights than neighborhood commercial. It has never been the intent to allow residential as an accessory use; however, existing language in this section regarding accessory uses, which tie back to allowing uses in the CB district and NC district (allowing residential as an accessory use), cause some to believe that residential is therefore a permitted accessory use in GC. The proposed amendment makes this section clear.

Commercial with residential is a permitted use in many other zone districts, where the commercial-residential mix is appropriate: Neighborhood Commercial, Central Business, RMU-1, RMU-2, as well as specific Planned Unit Developments (PUDs).

.....

(2) Permitted accessory uses:

- a. Any accessory use permitted in the Central Business CB District, **excluding any residential use.**

.....

Section 11

§16-1-120. – General Commercial (GC) district.

Proposed is language that would assist staff in evaluating the impacts, and proposed mitigation of those impacts, associated with proposed carwashes. Currently, there are no use-specific criteria regarding the appropriate location for such proposals. Staff recommends that carwashes are shifted to a conditional use permit (CUP) application from permitted use. The CUP application will allow for adequate review of impacts, mitigation techniques proposed, and a Town Board approval.

There are several concerns regarding carwashes as a permitted use in the GC district, related to appropriate location, as well as the high-water use. Citizens and business owners (during Comprehensive Plan sessions) have brought up the perceived oversaturation of the use along the Town's key commercial corridors. A recently approved carwash facility eliminated an existing restaurant building along Main Street, while also locating its facilities adjacent to a residential neighborhood, as well as locating vacuums along a property line shared with a hotel use. Additionally, the high-water use should be adequately evaluated, especially if the proposal is relying on Town supply.

Carwashes would not be a unique use subject to CUP approvals. Other uses that cause impacts upon surrounding properties, such as noise, light, truck traffic, are evaluated through a Conditional Use Permit (CUP) approval process: animal kennels, oil and gas facilities, mining operations, and temporary uses.

The following criteria are proposed (in **bold**):

- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use grant permit as provided in Section 14-2-130:
- a. Outdoor theater.
 - b. Non-accessory signs.
 - c. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Code.
 - e. **Carwash facilities, whether a principal use or an accessory use, shall meet minimum use-specific criteria for consideration of a conditional use permit. Carwash facilities approved prior to enactment of the conditional use permit approval requirement shall remain lawful. Any expansion of an existing carwash shall be subject to a conditional use permit and use-specific criteria.**
 1. **Site shall be outside of Commercial Corridors, Section 15-6-10, identified, defined.**
 2. **Site shall not abut residential, commercial lodging, assisted living and care facility uses, or properties zoned for residential uses.**
 3. **Adequate water supply. Applicant shall supply accurate water supply data to the Town for adequate water supply evaluation, adhere to all Town raw water dedication requirements, water efficiency policies and standards, as amended.**

Notification of Public Hearing

Notification of the land use code update was in accordance with the Town Code, requiring notification at least ten (10) days prior to the public hearing:

- Posted on the Town website ~ January 5, 2024
- Advertised in the local newspaper (Greeley Tribune) ~ January 7, 2024

Land Use Code Update Schedule

- Town Board will hold a public hearing to consider the Planning Commission recommendation and first reading of the ordinance on January 22, 2024.
- Town Board will conduct a public meeting and consider the second reading of the ordinance on February 12, 2024

TOWN OF WINDSOR

ORDINANCE NO. 2024-[##]

AN ORDINANCE AMENDING CERTAIN PORTIONS OF CHAPTER 14, ARTICLE II, CHAPTER 15, ARTICLE 5 AND CHAPTER 16, ARTICLE I OF THE WINDSOR MUNICIPAL CODE CONCERNING LAND USE APPLICATIONS AND PROCEDURES

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

WHEREAS, the Town has deemed it to be in the best interests of the health, safety, and welfare of the residents of Windsor to keep the content of the Windsor Municipal Code (“Code”) current by making certain corrections and amendments from time to time; 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 on January 14, 2020, by Ordinance No. 2020-1620; and

WHEREAS, since adoption, the Town has become aware there were certain items omitted, and other items needed clarification; and

WHEREAS, the Town intends that all previously enacted and adopted provisions pertaining to the Windsor Land Use Code shall remain intact as adopted unless expressly amended herein; and

WHEREAS, this amendment serves to promote the public health, safety, and welfare of the Town.

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

Section 1. Code § 14-2-40(b) adds paragraph (7) regarding Master Plan reviews, is hereby amended and shall read as follows:

Sec. 14-2-40. Master Plans.

- (a) Applicability. A Master Plan shall be required in the following situations:
 - (1) Concurrently with an Annexation Application if the Town determines the Master Plan is necessary to evaluate potential impacts of a proposed Annexation.
 - (2) Prior to or concurrent with the subdivision of any parcel of land unless the Director determines it unnecessary due to existing infrastructure already being in place.
 - (3) Prior to or concurrent with a rezoning application of any parcel of land unless the Director approves submittal of a Site Plan in-lieu of a Master Plan or if the site is already fully developed and the Master Plan serves no further purpose regarding future development of the property.

- (4) Any area where the Director determines that the coordination of future roads, utilities, parks, or other public investments requires more specific plans than currently available.
 - (5) Any area where the Director determines that the scale of future development, presence of multiple owners with anticipated development plans, or impact on adjacent properties from potential development requires further planning and coordination.
- (b) Review Criteria. A Master Plan shall be reviewed according to the following 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) Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and ~~the~~ applicable utility capacity studies.
 - (4) Transportation improvements are consistent with the following: Roadway Improvement Plan, Subdivision Street Standards in Chapter 17, Design Criteria and Construction Specifications, Transportation §Master Plan, Trails Plan, and Complete Streets Guide.
 - (5) Provision of utilities to serve the development shall be in accordance with Design Criteria and Construction Specifications and any other utility provider requirements.
 - (6) 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.
 - (7) **Review of the proposal shall include the following:**
 - (a) Traffic study, if warranted.**
 - (b) Soil description and limitation.**
 - (c) Preliminary utility plan.**
 - (d) Preliminary drainage plan.**
 - (e) Affidavit concerning the amount and historical use of all water rights owned within the last three (3) years.**
 - (f) Statement of community need for proposed annexation and/or zoning.**
 - (g) Statement from the school district regarding the impact of the proposal.**
 - (h) Other information necessary to demonstrate criteria have been met, which may include, but is not limited to: a floodplain study, environmental study, etc.**
- (c) Effect of Decision. All future development shall be reviewed for conformance with the Master Plan. Approval of the Master Plan does not establish any vested development rights or any other approvals required prior to development.
- (d) Recording. Once approved and all conditions are satisfied, the approved Master Plan shall be recorded by the Town, in the office of the applicable county clerk and recorder.

Section 2. Code § 14-2-60 concerning Subdivisions, is hereby amended by correcting a spelling error, and shall read as follows:

Sec. 14-2-60. - Subdivision.

(a) Applicability. Subdivision plat applications are required to establish or alter the legal boundaries of a property and to account for public facilities and services.

(1) Minor Subdivision. The following situations are specifically eligible for a minor subdivision process:

a. Lot line adjustment — the alteration of legal boundaries without creating any new lots provided the subject lots are either within the same subdivision or contiguous to one (1) another;

b. Lot merger — the consolidation of previously platted lots provided;

c. For subdivision of five (5) or fewer lots provided the property was not the subject of a minor subdivision plat approval within the previous one (1) year, unless such minor subdivision plat approval was done in accordance with subsection (a), (b), or (d); and

d. ~~Plating~~ **Platting** of commercial or industrial building lots being concurrently site planned.

(2) Major Subdivision. Any subdivision not eligible for a minor subdivision shall require a major subdivision. Final subdivision plat approval may be sought for all or a portion of the land area included in an approved preliminary subdivision plat. Review of a final subdivision plat may be done concurrently with an application for preliminary subdivision plat approval for commercial or industrial projects.

(b) Review Criteria. Minor and Major Subdivisions shall be reviewed according to the following criteria:

(1) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, the applicable Master Plan, 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) Density is consistent with the subject zone district, Comprehensive Plan Land Use Plan, and applicable the utility capacity studies.

(4) Transportation improvements are consistent with the following: Roadway Improvement Plan, Subdivision street standards in [Chapter 17](#), Design Criteria and Construction Specifications, Transportation Master Plan, Trails Plan, and Complete Streets Guide.

- (5) Provision of utilities to serve the development shall be in accordance with Design Criteria and Construction Specifications and any other utility provider requirements.
- (6) The proposal shall demonstrate compatibility with adjacent uses. Compatibility may be achieved through a number of methods, including but not limited to lot placement and orientation, transitions in density, screening, and/or landscape buffers.
- (7) A Final Major Subdivision shall be in substantial compliance with the Preliminary Major Subdivision. Substantial compliance means:
 - a. The general location, layout, and access of streets and lots are consistent with the preliminary subdivision.
 - b. Any increase in the number of lots or dwellings is limited to no more than twenty percent (20%), provided the proposal remains in compliance with the Master Plan and all supporting documents and studies, such as traffic studies, are updated accordingly.
 - c. There is no material increase in impacts on adjacent properties by altering the subdivision.
- (c) Recording. Approved minor subdivision plats and final major subdivision plats shall be recorded by the Town, in the office of the applicable county clerk and recorder.
- (d) Effect of Decision. The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes the submittal of a final plat application. The applicant may request that a denied preliminary plat be submitted to the Town Board as an appeal within fifteen (15) days of the decision, consistent with the Town's appeal procedures.
- (e) Preconstruction Meeting. Once a plat has been recorded, the applicant shall provide a request to the Director for a preconstruction meeting prior to construction of required improvements. No building permit shall be issued until the completion, inspection, and acceptance of all required improvements have been met.
- (f) Subdivision Waiver. Through the preliminary or final subdivision plat process, the Decision Maker may waive certain subdivision requirements in this Code, provided it finds the following:
 - (1) Applying the standard to the specific site and application will not meet the intent of the standard.
 - (2) Rather than meeting the standard, the applicant's proposed design and any additional designs proposed to mitigate not meeting the standard, will equally or better meet the intent of the standard.

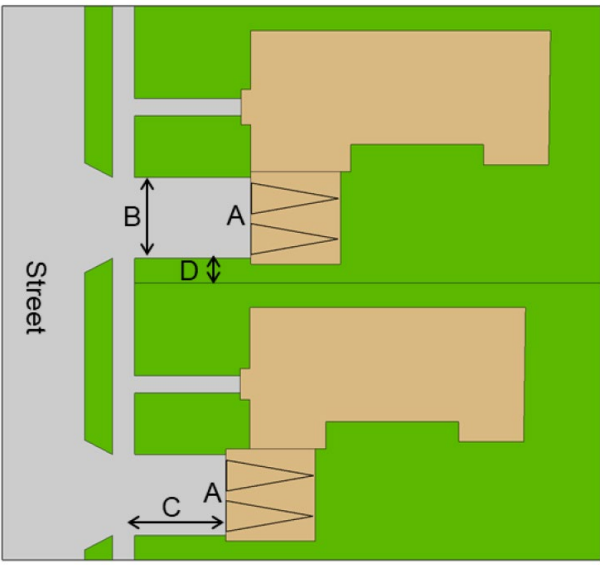
- (3) Meeting the standard is not necessary to meet any of the public goals associated with the standard when considering the application in a broader and long-range context.
- (4) Waiver of the standard will not be detrimental to any adjacent property owners or any future development opportunities on adjacent property.
- (5) Any waiver shall be specifically requested by the applicant on the application form, and shall be specifically noted on any approved preliminary or final plat.

Section 3. Code § 15-5-10 concerning Vehicular Access Requirements is hereby amended and shall read as follows:

Sec. 15-5-10. Vehicular access requirements.

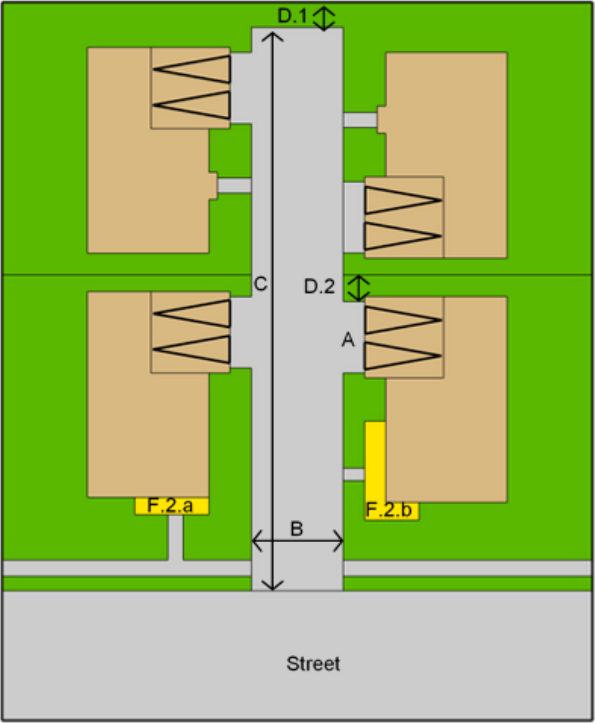
(a) Purpose. The vehicular access requirements are intended to provide safe connectivity for the community, with the intent of providing direct access for pedestrians from right-of-way to building entrances. Furthermore, it is the intent to enhance the streetscape and promote an aesthetically pleasing and safe walkable environment for the benefit of the community.

(a)(b) Vehicular Access types required for specified zones and building types in this Code shall be provided in accordance with Table 15-5-10(a)(b), which are supplemental to the Design Criteria and Construction Specifications and Fire District standards.

Table-15-5-10(a)(b): Vehicle Access Standards		
Standard Access		
	Parking Location and Orientation:	
A	Garage faces and is accessed from adjacent street.	
B	Maximum driveway width (within front setback): 50% of lot frontage except for lots on cul-de-sacs.	
C	Driveway Length: 20' minimum between garage and sidewalk.	
D	Vehicle Use Area Setback 5' minimum setback between driveway and side property line within the front setback of the lot. Lots fronting cul-de-sacs are exempt from this requirement.	

Limited Access, as per zone district		
	Parking Location and Orientation:	
A.1	Garages shall either be: Setback at least 5' from the front of the house;	
A.2	Setback at least 5' from the front of a front porch. The front porch shall have no dimension less than 5' and total square footage of at least 50 square feet;	
A.3	Generally perpendicular to the street.	
B	Maximum driveway width (within front setback): 18'	
C	Driveway Length: 20' minimum between garage and sidewalk.	
D	Vehicle Use Area Setback: 5' minimum setback between driveway and side property line within the front setback of the lot.	
Rear Access		
	Parking Location and Orientation:	
A	Garage facing and accessed from adjacent rear alley or private drive.	

	Driveway Length:	
B.1	0' permitted for dwellings accessed from a private drive with a minimum width of 24' (additional width for Fire District access may be required).	
B.2	In all other instances, driveways shall either be between 5' and 8' in length or a minimum of 20' in length.	
	Vehicle Use Area Setback	
C.1	5' minimum setback between driveway and side property line abutting perimeter of overall development.	
C.2	0' minimum between driveways for attached units/buildings.	
D	Maximum private drive width (within front setback): 28' (additional width may be allowed to accommodate turn lanes or emergency apparatus)	
E	Other Requirements 1. All dwelling units shall front onto either a street or common green space. 2. Rear Access shall only be used when adjacent to on-street parking or when visitor parking is otherwise provided. 3. Sidewalks are not required along Rear Access private drives, but sidewalks are required to all units.	

Auto Court	
	Parking Location and Orientation:
A	Garages and/or surface parking are accessed from private Auto Court and oriented to minimize their visibility from the street.
B	Auto Court Width: 20' min (additional width may be required by Fire District) 28' maximum within front setback
C	Auto Court Length 150' Maximum
	Vehicle Use Area Setback
D.1	5' from adjacent properties not accessed from same Auto Court
D.2	No setback required between other properties accessed from same Auto Court
	 The diagram illustrates an Auto Court layout. A central driveway, labeled D.1, runs vertically. A side driveway, labeled D.2, branches off to the right. The Auto Court is bounded by a green area (grass) and a grey area (street). Properties are shown as tan rectangles with hatched areas representing garages. Setbacks are indicated by arrows: A (from street to front entry), B (from street to side driveway), C (from side driveway to rear property line), D.1 (from street to front property line), and D.2 (from side driveway to rear property line). Front entry features are labeled F.2.a and F.2.b.
F	Other Requirements 1. Dwelling units adjacent to the street shall have either: a. A Front Entry Feature facing the street; b. A Front Entry Feature facing the Auto Court or common green space/Green Court (need definition) which wraps around the street-side for a length of at least 8'; or c. A Front Entry Feature facing the Auto Court or Green Court and at least two first floor windows facing the street 2. Snow storage area shall be provided and designated on plat 3. Auto Court shall be maintained by owner's association or metropolitan district. 4. Auto Court shall be located in a tract held in common and shall not be counted toward minimum lot size. 5. Side setback shall apply to lot line(s) abutting Auto Court. 6. Rear lot line may be designated as the lot line opposite the Auto Court rather than opposite the front entry. 7. Auto Court shall only be used when adjacent to on-street parking or when visitor parking is otherwise provided 8. Sidewalks are not required along Auto Court 9. Parking shall not be allowed on Auto Courts unless additional width is provided, and approval granted by Town and Fire District

General Parking Lot	
A	Parking Location and Orientation: Shall include buffering from street by landscaping and/or fencing in accordance with the landscape requirements of this Code.
B	Maximum Drive Width (within front setback): 28' generally 36' allowed for high volume driveways
C	Minimum driveway side setback (within front setback): 5' minimum setback between driveway and side property line

Dispersed Parking Lot	
	Parking Location and Orientation:
A.1	Parking areas and drive aisles shall be setback a minimum of 40' 30' from public right-of-way.
A.2	To the greatest extent practicable, parking shall be located behind the principal building(s) or, in the case of multifamily uses, behind garages designed in accordance with this Code.
A.3	In situations where it is not practicable to locate all parking behind the principal building(s), parking may be allowed to the side or front of the principal building subject to the following: 1. No more than a single row of parking may be located between the principal building and right-of-way; and

	2. A wall averaging 36" in height which compliments the building architecture and meeting sight distance requirements is provided for at least 50% of the length of the parking lot between the lot and the right-of-way.	
A.4	In areas where the wall is not used, higher density landscaping shall be provided. As an alternative to providing a wall, a Type C Bufferyard may be provided. On lots with multiple street frontages, the principal building(s) shall be oriented towards street intersections, when feasible, and between the street frontage and the parking area on at least one street frontage. Parking is permissible on all other street frontages, subject to requirements of section A.3 above.	
B	Maximum Private Drive Width (within front setback): 28' generally 36' allowed for high-volume driveways	
C	Vehicle Use Area Setback In addition to requirements A.1 - A.4, a 5' minimum setback from adjacent property is required unless cross access is provided.	

- (b)(c) The Vehicular Access type General Parking is not permitted within Commercial Corridors.
- (d) **Contextual Parking Area and Drive Aisle Setbacks.** In commercial and industrial zoning districts, the applicant has the option to use the existing parking area and/or drive aisle contextual setbacks when all the following conditions exist:
- (1) The location is adjacent to existing commercial and/or industrial development with legal non-conforming parking areas and/or drive aisle setbacks.
 - (2) More than fifty percent (50%) of the lots on the same block, on the same side of the street, are developed with the average setback on the same block.
 - (3) Commercial/industrial lots shall be the only lots included in the average setback calculation.
 - (4) The proposed parking area and/or drive aisle is not located within Commercial Corridors.

(5) Vacant lots shall be considered as having the minimum required setback by the zoning district for purposes of calculating the mean average.

~~(d)~~ (e) Alternative Compliance. Upon request by the applicant, the decision maker may approve an alternative access type not shown in Table 15-5-10 ~~(a)~~(b). When alternative compliance is approved, lot standards shall be based on the most applicable access type as determined by the decision maker. Driveway width is not eligible for alternative compliance. The following review criteria shall be used by the decision-maker to evaluate alternative compliance requests:

- (1) The proposed access minimizes conflicts between vehicles, bicycles, and pedestrians, does not inhibit safe and convenient pedestrian and bicycle access, and provides connections equally well or better than a proposal that complies with the standards for which alternative compliance is requested.
- (2) The proposed access minimizes the visibility of pavement, parking areas, and garages equally well or better than a proposal that complies with the standard for which alternative compliance is requested.
- (3) The proposed access promotes health, safety, and welfare equally well or better than a proposal that complies with the standard for which alternative compliance is requested.

Section 4. Code § 16-1-20 concerning individual lot regulations is hereby amended and shall read as follows:

Sec. 16-1-20. - Application of individual lot regulations.

- (a) Setbacks. No building or structure shall hereafter be erected, structurally altered, or relocated so that any portion thereof is closer to the setback line than the minimum setback distance specified herein by the regulations of the district in which it is located, except for the following:
- (1) Signs shall be subject to the setback requirements set forth in the sign regulations section of the Code, and not the individual zone district setbacks.
 - (2) Multifamily, commercial, or industrial use structures, where two (2) or more buildings on adjoining lots may be erected with common or directly adjoining walls, ~~provided that the requirements in compliance with the applicable building codes. Both ends of such row-type buildings shall comply with applicable side and rear setback requirements. relative to such construction are complied with and provided that, at both ends of such row-type buildings, the applicable side and rear setback requirements shall be complied with.~~
 - (3) The features listed in Table 16-1-20(a) may encroach into the required setbacks of the applicable zoning district, provided they do not extend into or over an easement, do not impede stormwater drainage, and comply with applicable building and fire codes.

Table 16-1-20(a) Setback Exceptions	
Accessibility ramps	May encroach into any setback but shall be no closer than 2' to any property line.
Accessory buildings, large (greater than 120 square feet in size or greater than 10' in height)	May encroach into side or rear setbacks up to 5', provided they are not located closer than 5' from the property line. In no case shall less than 20' of clearance be provided between an accessory garage and public sidewalk.
Accessory buildings, small (up to 120 square feet in size and up to 10' in height)	May encroach into side or rear setbacks. May encroach into a secondary front setback provided they are located behind a solid fence which is at least 5' in height.
Decks	May encroach into side or rear setbacks up to 10', provided they are not located closer than 5' from the property line.
Fences or walls, including trash enclosures, and retaining walls less than 4' in height measured from top of wall to bottom of footer.	May encroach into any setback subject to fence and wall standards.
Flagpoles	May encroach into any setback provided the flagpole is setback at least a distance equal to the height of the flagpole from property lines. Flagpoles and their related flags shall be setback sufficient distance to enable the flag to fly fully open without flying over the property of others.
Mail boxes	May encroach into front setbacks.
Mechanical equipment, ground mounted	May encroach up to five feet into side or rear setbacks provided no equipment or component of such equipment is located closer than two feet from any property line and the equipment is screened.
Patios	May encroach into any setback provided they are no more than 12 inches above grade and are not located closer than three feet from the property line.
Stairs, at grade	May encroach into any required setback up to six feet.
Stairs, above or below grade	May encroach into any required setback up to six feet provided they are not located closer than three five feet from the property line.
Structural projections such as cantilevered bay windows, balconies, chimneys, eaves, or other non-foundational overhangs or projections	May encroach into side setbacks up to 2'. May encroach into front or rear setbacks up to 3'
Swimming pools, hot tubs and/or spas	May encroach into side and rear setbacks provided they are not located closer than three feet from the property line.
Window Wells	May encroach into any setback up to two feet.

- (b) Contextual Setbacks. **The decision maker may approve contextual setbacks pursuant to the following.** In single-family residential zoning districts, the applicant has the option to ~~use~~ **propose a building setback equal to** the average of the existing front setbacks of buildings located on the same ~~and facing~~ block **on the same side of the street as a proposed development** pursuant to the following:
- (1) Contextual setbacks can only be applied where ~~more than~~ fifty percent (50%) **or more** of the lots on the same block ~~face~~, on the same side of the street; are developed with **single-family residential** dwellings.
 - (2) ~~Lots with similar uses as the use proposed building~~ **Single-family residential dwellings** shall be the only lots ~~in~~ included in the average setback calculation.
 - (3) Vacant lots shall be considered as having the minimum front setback as required by the zoning district for purposes of calculating the mean average.
- (c) Reduced Setbacks in General Commercial. The decision maker may approve reduced side and rear setbacks in the General Commercial Zone District when the following criteria are met:
- (1) A site plan shall be submitted concurrently with the request;
 - (2) The reduced setback shall be no less than ten (10) feet from all property lines;
 - (3) The reduced setback is not adjacent to a residential use or residential zoning;
 - (4) The height of the building within the reduced setback area is no more than a single story in height; and
 - (5) Required easements, landscaping, and utilities can be accommodated within the reduced setback area.
- (d) Building Height. Building height is measured from the average finished grade at the center of all walls of the building to the highest point of the building. Features listed in Table 16-1-20(b) may extend beyond the height limitations of the applicable zoning district, so long as the features are designed to be consistent with surrounding height, scale, and context to the maximum extent practicable. These exceptions apply to all zoning districts unless otherwise stated. Modification of Building Height Regulations is governed by Code § 14-2-160.

Table 16-1-20(b): Height Exceptions	
Belfries, spires, steeples, cupolas, and domes associated with places of assembly	May extend above the building roof provided they are not used for dwelling purposes.
Chimneys, cooling towers, smokestacks, ventilators, or flues	May extend up to ten (10') feet above the building roof provided that such features collectively cover no more than five percent of the horizontal surface area of the roof.
Elevator bulkheads and stairway enclosures	May extend up to ten (10') feet above the building roof provided that such features collectively cover no more than twenty (20) percent of the horizontal surface area of the roof

Parapet walls	May extend up to five feet above the building roof
Public utility and emergency service facilities	For purposes of specifying structure height and limitations, the term "structure" shall not apply to public utility or street lighting poles and appurtenances attached to them, and city-owned emergency communication facilities, including outdoor warning systems and radio and telecommunication structures necessary for the delivery of emergency services.
Rooftop mechanical equipment	May extend up to five (5') feet above the building roof provided the equipment complies with applicable screening requirements of this Code.
Roof-mounted solar energy system	On flat roofs, may extend up to five (5') feet above the building roof.
Utility poles, support structures, water towers, and fire towers	May extend up to ten (10') feet above the building roof provided that such features cover no more than five percent of the horizontal surface area of the roof.

Section 5. Code § 16-1-80(d) concerning the minimum size requirements for residential mixed use two districts is hereby amended and shall read as follows:

Sec. 16-1-80. Residential mixed use two (RMU-2) district.

- (a) Purpose. The purpose of the RMU-2 zone district is to establish and preserve compact, pedestrian-oriented neighborhoods with a variety of housing types and densities, commercial activity centers, and other public amenities or complementary uses as defined on an approved master plan.
- (b) Lot Development Standards. Development within the RMU-2 zone district shall adhere to the standards contained in Table 16-1-80(b) and this Section.

Table 16-1-80(b) RMU-2 Lot Development Standards											
Building Type	Vehicular Access	Lot Standards			Minimum Setbacks					Building Height	
			Min. Size (square feet)	Min. Width	Max. Lot Coverage	Front	Front Entry Feature	Side ¹	Rear	Rear Abutting Alley	
Single Family Dwelling	Standard	6,000	45'	60%	20'	15'	5'	10'	5'	40'	
	Limited	4,000	35'	65%	15'	10'	5'	10'	5'	40'	
	Rear or Auto Court	2,500	30'	65%	15'	10'	5'	10'	5'	40'	
Standard Duplex	Standard	4,000 ²	35' ²	65%	20'	15'	5'	10'	5'	40'	
	Limited	3,000 ²	30' ²	70%	15'	10'	5'	10'	5'	40'	
	Rear or Auto Court	2,500 ²	25' ²	70%	15'	10'	5'	10'	5'	40'	
Over-Under Duplex	Standard	7,000 ³	55' ³	60%	20'	15'	5'	10'	5'	40'	
	Limited	5,000 ³	50' ³	65%	15'	10'	5'	10'	5'	40'	
	Rear or Auto Court	4,000 ³	45' ³	65%	15'	10'	5'	10'	5'	40'	
Townhouse	Rear or Auto Court	1,400 ⁴	16'	80% ⁵	15'	10'	5'	10'	5' ⁶	40'	
Multiplex	Rear or Auto Court	2,500 ⁴	80'	70%	15'	10'	5'	10'	5'	40'	
Multifamily Apartment	Rear, Auto Court, or Dispersed Parking Lot	1,400 ⁶	100'	80% ⁵	20'	15'	½ of building height	½ of building height	5'	55'	

Commercial, Industrial, Mixed Use, or Institutional	Dispersed Parking Lot	5,000	50'	80%	20	n/a	20'	20'	5'	55'
¹ No side setback required for attached units ² Per Unit ³ Per Building ⁴ Refers to overall maximum development density on a per unit basis; however, there is no minimum lot size per individual unit ⁵ Refers to the overall site; no maximum lot coverage for individual lots or units ⁶ No rear setback is required if vehicular access is provided by abutting private drive, which is a minimum of 24' wide										

- (c) Master Plan. In addition to the Master Plan requirements of Chapter 14, and prior to approval of any subdivision plat, an approved Master Plan shall depict the approximate location and acreage of all land uses, building types, streets and alleys, open and civic Spaces, and Neighborhood Center, if provided.
 - (1) Building types and land uses shall only be allowed in accordance with an approved Master Plan.
 - (2) The Master Plan shall be recorded with the county clerk and recorder.
- (d) Minimum Size. No lot or group of lots less than forty (40) acres in size shall be eligible for RMU-2 zoning. **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 criteria outlined in the purpose statement in subsection (a) above.**
- (e) Minimum Commercial Acreage.
 - (1) Developments shall designate on an approved master plan the general location and minimum acreage for commercial development as follows:
 - a. Five (5) acres for overall developments less than two hundred (200) acres;
 - b. Ten (10) acres for overall developments over two hundred (200) acres.
 - (2) The land allocated to meet the requirements of this subsection shall be considered buildable land and shall not include any of the following:
 - a. Open spaces;
 - b. Drainage controls;
 - c. Water quality controls;
 - d. Roadways other than those providing direct access to individual lots;
 - e. Significant encumbrance by easements or agreements that render a large portion of the property unusable or result in highly restricted usage.
 - (3) Alternative Compliance. Upon request by the applicant, the decision maker may approve an alternative commercial land use allocation that does not meet the standard of Code § 16-1-80(e)(1) if in the judgment of the decision maker, commercial development is not currently viable or not likely to be viable within ten (10) years due to conditions such as, but not limited to:
 - a. Proximity to existing commercial development, provided convenient access is provided or exists from the proposed development to the existing commercial;
 - b. Limited vehicular access, such as no full movement access to a collector or arterial roadway; or
 - c. Low surrounding population or roadway traffic counts.
- (f) Maximum Commercial/Industrial Acreage. A maximum of twenty-five percent (25%) of gross development may be allocated on an approved Master Plan to commercial or industrial uses.

- (g) Roadway Design. All local residential streets shall include a detached sidewalk in accordance with the Residential Parkway street parameters contained in the Design Criteria and Construction Specifications.
- (h) Neighborhood Center. A Neighborhood Center is a mixed-use or commercial center of an RMU-2 community that may be designated on the applicable Master Plan subject to the following:
- (1) Shall not exceed twenty (20) acres in size;
 - (2) Shall not be located immediately adjacent to existing single-family dwellings outside the RMU-2 zone district;
 - (3) Land uses shall be limited to Retail, Service and Employment, Civic/ Institutional, Multifamily, Mixed Use, and Open/ Civic Space. Gas stations and drive-through restaurants are not allowed uses;
 - (4) Development shall comply with Table 16-1-80(b) and Table 16-1-80(g). When the two (2) tables conflict, Table 16-1-80(g) shall apply; and
 - (5) The standards contained within Table 16-1-80(g) shall be included on the applicable Master Plan.

Table 16-1-80(g) Neighborhood Center Development Standards	
Minimum Front Setback	
Adjacent to arterial roadways	15'
Adjacent to roadways other than arterials	0' ¹
Maximum Front Setback	
Adjacent to arterial roadways	None
Adjacent to roadways other than arterials	A minimum of 65% lot width shall include a building within 8' of front property line ¹
Minimum Side Setback	
Minimum Side Setback	0' subject to building code regulations. 5' minimum if provided.
Ground Floor Transparency	
Residential uses with a front setback less than 15'	35% of façade shall be windows or doors
Non-residential uses with a front setback less than 15'	50% of façade shall be windows or doors
Lot Coverage	
Maximum Lot Coverage	90%
Minimum Sidewalk	
Minimum sidewalk width	10'
¹ 0' Setback allowed only if alternative to front yard utility easements are approved by utility providers	

- (i) Use Regulations. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.

(1) The following uses shall be permitted in the RMU-2 zoning district:

- a. Single Family Dwelling;
- b. Duplex;
- c. Townhouse;
- d. Live/Work Dwelling;
- e. Multiplex;
- f. Multifamily;
- g. Mixed Use Dwelling;
- h. Place of Assembly - Small;
- i. Cultural and Public Service;
- j. Public open space, park, or playground;
- k. School - Public/Private;
- l. Nursing and rest homes;
- m. Medical laboratory or research;
- n. Medical or Dental Clinic;
- o. Mixed Use Building;
- p. Golf Course;
- q. Recreation/Entertainment - Indoors;
- r. Bar or nightclub;
- s. Restaurant- Drive-Through;
- t. Restaurant;
- u. Brewery, winery, or distillery with tasting room (minor);
- v. Artist Studio;
- w. Office;
- x. Personal Services;
- y. Child Care Center;
- z. Retail;
- aa. Lodging;
- bb. Vehicle Fueling - Limited;
- cc. Artisan Industry;
- dd. Light Industry.

(2) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use ~~grant~~ **permit** as provided in Code § 14-2-130:

- a. Outdoor theater.
- b. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
- c. Small group living facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.

- d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Code~~r~~.

(3) Permitted Accessory Uses.

- a. Accessory Dwelling;
- b. Accessory Home Occupation;
- c. Day Care - In-home;
- d. Mobile food vending as set forth in this Chapter.

Section 6. Code § 16-1-100 concerning individual lot regulations is hereby amended and shall read as follows:

Sec. 16-1-100. Neighborhood commercial (NC) district.

(a) Purpose. The purpose of the NC zone district is to:

- (1) Establish and preserve small areas of low-impact, neighborhood-oriented businesses that are integrated or adjacent to residential neighborhoods.
- (2) Allow for the development of infill sites or constrained sites that are not suitable for the intensity associated with the General Commercial zone district.

(b) Lot Development Standards. Development within the NC zone district shall adhere to the standards contained in Table 16-1-100(b) and this Section.

Table 16-1-100(b): NC District Lot Development Standards	
Vehicular Access Types Permitted	
Dispersed Parking	
Lot Standards	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width	75' ¹
Maximum Lot Coverage	80%
Minimum Setbacks	
Front	15'
Side	15'
Rear	15'
Maximum Building Height	
Height	40'
¹ Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.	

(c) Use Regulations. A building or lot may be used for the following purposes and no other:

- (1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set

forth in this Code, including but not limited to site planning requirements and building code compliance.

- a. Retail stores, including but not limited to the following:
 - 1. Food store, supermarket.
 - 2. Food store, convenience.
 - 3. Delicatessen.
 - 4. Bakery goods store.
 - 5. Liquor store.
 - 6. Hardware store.
 - 7. Drug store.
- b. Customer service establishments, including but not limited to the following:
 - 1. Barber and beauty shops.
 - 2. Restaurant and bar.
 - 3. Laundromat and coin-operated dry-cleaning establishment.
 - 4. Laundry and dry-cleaning pick-up station.
 - 5. Fine art studio.
- c. Business, professional or public service offices, not in excess of one thousand five hundred (1,500) square feet per establishment.
- d. Seasonal sales and farmers markets, subject to the provisions of this Chapter.
- e. Places of assembly (small).
- f. Other similar uses as defined in this Code.

(2) Permitted accessory uses.

- ~~a. Garages for storage of vehicles used in conjunction with the operation of a business.~~
- ~~b-a.~~ Off-street parking and loading areas.
- ~~e-b.~~ Signs, subject to the provisions of this Code.
- ~~d c.~~ Residential quarters **on upper floors of commercial buildings** for the owner, proprietor, commercial tenant, employee, or caretaker, located in the same building as the business.
- d. Commercial buildings with commercial uses on the main floor and residential uses on the upper floors.**
- e. Any other structure, **including garages for storage of vehicles in conjunction with the operation of a business**, or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.
- f. Temporary greenhouse structures in which growing plants are kept for sale to the public.
- g. Mobile food vending as set forth in this Chapter.

(3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use ~~grant~~ **permit** as provided in Code § 14-2-130:

- a. Gasoline service stations.
- b. Public utility installations.

- c. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
- d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

Section 7. Code § 16-1-110(c)(1)(o) concerning individual lot regulations is hereby amended and shall read as follows:

Sec. 16-1-110. Central business (CB) district.

- (a) Purpose. The Central Business CB District is intended to provide for the development of a concentration of commercial, office, recreational, cultural, entertainment, and governmental facilities serving as a center of community activity. It is the further intent of this District to conserve and enhance the existing central business area and to promote an aesthetically pleasing and safe walkable environment for the benefit of the community as a whole.
- (b) Lot Development Standards. Development within the CB zone district shall adhere to the standards contained in Table 16-1-110(b) and this Section.

Table 16-1-110(b): CB District Lot Development Standards	
Vehicular Access Types Permitted	
Rear	
Lot Standards	
Minimum Lot Area (square feet)	n/a
Minimum Lot Width	n/a
Maximum Lot Coverage	100%
Minimum Setbacks	
Front	0'
Side	0'
Rear	0'
Maximum Building Height	
Height	75'
Note: Single Family dwellings subject to SF-1 District standards per Sec. 16-1-110(c)(1)(o)	

- (c) Use regulations. A building or lot may be used for the following purposes and no other:
 - (1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.
 - a. Any principal use permitted by right in the Neighborhood Commercial District.
 - b. Retail stores, excluding the sale or rental of motor vehicles.

- c. Customer service establishments.
 - d. Business and professional offices.
 - e. Banks and saving and loan offices.
 - f. Medical and dental clinics.
 - g. Public administrative offices and service buildings.
 - h. Public utility offices and installations.
 - i. Public libraries.
 - j. Places of assembly (small).
 - k. Commercial lodging.
 - l. Theaters.
 - m. Minor repair, rental, and servicing establishments, excluding motor vehicle repair, rental, and servicing.
 - n. Passenger transportation terminals, not including truck terminals.
 - o. **Existing single-family** ~~One-family~~ residential dwellings, ~~subject to the regulations of the SF-1 zone district.~~
 - p. Plumbing and heating contractors.
 - q. Other similar uses as defined in this Code.
 - r. Residential uses on the upper floors of commercial buildings.
- (2) Permitted accessory uses.
- a. Any accessory uses permitted in the Neighborhood Commercial District.
 - b. Signs, subject to the provisions of this Code
 - c. Mobile food vending as set forth in this Chapter.
- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use ~~grant~~ **permit** as provided in Code § 14-2-130:
- a. Commercial parking facilities.
 - b. Gasoline service stations.
 - c. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Chapter.

Section 8. Code § 16-1-120(c)(1)(o) concerning individual lot regulations is hereby amended and shall read as follows:

Sec. 16-1-120. General commercial (GC) district.

- (a) Purpose. The purpose of the GC zone district is to:
- (1) Establish and preserve areas of commercial development in proximity to arterial roadways.
 - (2) Foster attractive, human scale development that positively contributes towards the Town's unique character.

- (3) Provide efficient and safe pedestrian, bicycle and automobile circulation, including direct connections to adjacent residential development.
- (4) Promote economic vitality.
- (b) Lot Development Standards. Development within the GC zone district shall adhere to the standards contained in Table 16-1-120(b) and this Section.

Table 16-1-120(b): GC District Lot Development Standards	
Vehicular Access Types Permitted	
Dispersed Parking Lot	
Lot Standards	
Minimum Lot Area (square feet)	20,000
Minimum Lot Width	100' ¹
Maximum Lot Coverage	n/a
Minimum Setbacks	
Front	20'
Side	20' ²
Rear	20' ²
Maximum Building Height	
Height	55'
¹ Reduced lot width may be approved with concurrent site plan demonstrating adequate width is provided.	
² Reduced side and rear setbacks may be approved in accordance with Sec. 16-1-20(c).	

- (c) Use Regulations.
 - (1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.
 - a. Drive-in restaurants.
 - b. Grocery stores and supermarkets.
 - c. Gasoline service stations.
 - ~~d. Car washes.~~
 - ~~e. d.~~ Commercial lodging.
 - ~~f. e.~~ Restaurants and bars.
 - ~~g. f.~~ Outdoor sales areas, such as garden shops.
 - ~~h. g.~~ Automobile sales and service establishments, including used car lots.
 - ~~i. h.~~ Lumber and building supply yards.
 - ~~j. i.~~ Public, private, commercial, and private group outdoor recreational facilities.
 - ~~k. j.~~ Bowling alleys.
 - ~~l. k.~~ Business and professional offices.
 - ~~m. l.~~ Places of assembly (small).
 - ~~n. m.~~ Places of assembly (large).

~~e.~~ **n.** Other similar uses as defined in this Code.

(2) Permitted accessory uses:

- a. Any accessory use permitted in the Central Business CB District, **excluding any residential use.**
- b. Mobile food vending as set forth in this Chapter.
- c. Accessory outdoor storage:
 1. Shall be used only for storage of materials, inventory or equipment used or offered for sale in the ordinary course of the business activity occurring on-premises, including overstock or bulk items.
 2. Outdoor storage areas shall be located in the rear or side of the building and shall not abut or face arterial or major collector streets as defined by the Town's street standards.
 3. Shall not displace any off-street parking spaces depicted on the approved site plan for the premises.
 4. Items located in outdoor storage areas shall be permanently and fully screened from adjacent residential property, public rights-of-way, and private drives by opaque structural walls, opaque fencing, and/or a combination thereof that is at least as tall as the tallest items in storage. Screening materials shall conceal all items in storage, shall be opaque and consist predominately of colors and materials generally matching the principal building on the premises. Chain link screening material, with or without slats, is prohibited.
 5. If site constraints preclude items in storage from being fully concealed as required in subsection iv above, a proposed screening plan shall be reviewed and subject to approval based on the conditional use ~~grant~~ **permit** standards and requirements applicable to the Conditional Use ~~Grant~~ **Permit** process as elsewhere provided in this Code.
- d. Outdoor display of merchandise for sale on-site:
 1. Outdoor display of merchandise shall be incidental to the primary retail use.
 2. Merchandise on outdoor display shall consist only of inventory offered for sale within the principal building on the premises.
 3. Outdoor merchandise display shall be adjacent to the principal building and shall be within forty (40) feet of a customer entrance to the principal building, while maintaining at all times no less than four (4) feet of clear width on the sidewalk for pedestrian use.
 4. Outdoor merchandise display shall not displace any off-street parking spaces depicted on the approved site plan.
- e. Seasonal sales:
 1. Outdoor display of merchandise for seasonal sales shall be located in the site plan-approved parking area for the premises.
 2. The seasonal sales outdoor display area shall not displace more than five percent (5%) of site-plan required off-street parking spaces or impede parking lot circulation.

3. All seasonal sales inventory, structures and improvements shall be removed upon the conclusion of the seasonal sale period, and the parking surface shall be restored to its former condition. For purposes of this Section, seasonal sales shall mean temporary sales of inventory or services offered for sale on a seasonal basis in the principal building for a duration of no longer than ninety (90) consecutive days for each seasonal display, whether or not such inventory or service is displayed in a temporary structure.
- (3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use ~~grant~~ **permit** as provided in Code § 14-2-130:
- a. Outdoor theater.
 - b. Non-accessory signs.
 - c. Oil and gas facilities pursuant to the conditional use regulations contained in this Chapter pertaining thereto.
 - d. Subject to the applicable requirements of this Chapter, open or surface mining operations for the development or extraction of solid materials, as defined in this Code.
 - e. **Carwash facilities, whether a principal use or an accessory use, shall meet minimum use-specific criteria for consideration of a conditional use permit. Carwash facilities approved prior to enactment of the conditional use permit approval requirement shall remain lawful. Any expansion of an existing carwash shall be subject to a conditional use permit and use-specific criteria.**
 1. **Site shall be outside of Commercial Corridors, Section 15-6-10, identified, defined.**
 2. **Site shall not abut residential, commercial lodging, assisted living and care facility uses, or properties zoned for residential uses.**
 3. **Adequate water supply. Applicant shall supply accurate water supply data to the Town for adequate water supply evaluation, adhere to all Town raw water dedication requirements, water efficiency policies and standards, as amended.**

Section 9. 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 10. 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 and passed on first reading and ordered published this January 22, 2024.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Passed on second reading, and ordered published this February 12, 2024.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]



An Ordinance Amending Land Use Codes:

**Master Plan §14-2-40,
Vehicular Access §15-5-10,
Lot Standards §16-1-2; and
Chapter 16 – Zone Districts**

Planning Commission Meeting ~ January 17, 2024

*Carlin Malone, Chief Planner
Planning / Community Development*



Overview – Land Use Code Amendments

- **§14-2-40. – Reinstating Master Plan requirements.**
- **§15-5-10. – Vehicular Access Requirements. Pavement setbacks for commercial and industrial lots.**
- **§16-1-20. – Individual Lot Standards. Clarifying setbacks.**
- **§16-1-80. – Residential Mixed Use-Two (RMU-2) – provisions for 40-acre requirement.**
- **§16-1-100. – Neighborhood Commercial (NC). Clarifying residential use.**
- **§16-1-110. – Central Business (CB). Clarifying residential use.**
- **§16-1-120. – General Commercial (GC). Clarifying residential use; adding conditional use permit (CUP) criteria for carwashes.**



Sec. 14-2-40. – Master Plans.

No change had been proposed to the seven (7) master plan land use application criteria from the previous land use code; however, the last criterion (7 of 7) was inadvertently omitted with the 2021 update. The following criterion needs to be reinstated:

(7) Review of the proposal shall include the following:

- (a) Traffic study, if warranted.**
- (b) Soils description and limitation.**
- (c) Preliminary utility plan.**
- (d) Preliminary drainage plan.**
- (e) Affidavit concerning amount and historical use of all water rights owned within the last three (3) years.**
- (f) Statement of community need for proposed annexation and/or zoning.**
- (g) Statement from school district regarding the impact of the proposal.**
- (h) Other information necessary to demonstrate criteria have been met, which may include, but is not limited to: a floodplain study, environmental study, etc.**



Overview – Land Use Code Amendments

- **§15-5-10. – Vehicular Access Requirements. Pavement setbacks for commercial and industrial lots**

- **Background:** Greater pavement setbacks (35' increased to 40') established with 2021 code updates to encourage walkability adjacent to streetscape vs. driveways and parking lots.
- **Results:** Multiple variances to achieve desired design outcomes; new standard has not resulted in achieving better pedestrian connectivity than previous code.
- **Purpose of amendments:**
 - 1) Decrease required setback from 40' to **30'** to address design challenges, particularly for irregular-shaped lots; and variance requests. Safe pedestrian access can still be achieved.
 - 2) Add *Purpose* statement to this section. This statement will provide consistency with other purpose or intent sections throughout code.
 - 3) Add *Contextual Setbacks* section for compatibility with existing conditions, allowing flexibility when existing conditions factor into the best resolution; safe pedestrian access must be achieved.

Sec. 15-5-10. – Vehicular Access Requirements.

Modification 1:

Sec. 15-5-10. Vehicular access requirements.

Adding purpose statement:

(a) Purpose. The vehicular access requirements are intended to provide safe connectivity for the community, with the intent of providing direct access for pedestrians from right-of-way to building entrances. Furthermore, it is the intent to enhance the streetscape and promote an aesthetically pleasing and safe walkable environment for the benefit of the community.



Photo credit: strongtowns.org



Credit: City of Houston public record



Photo credit: naiopmd.org



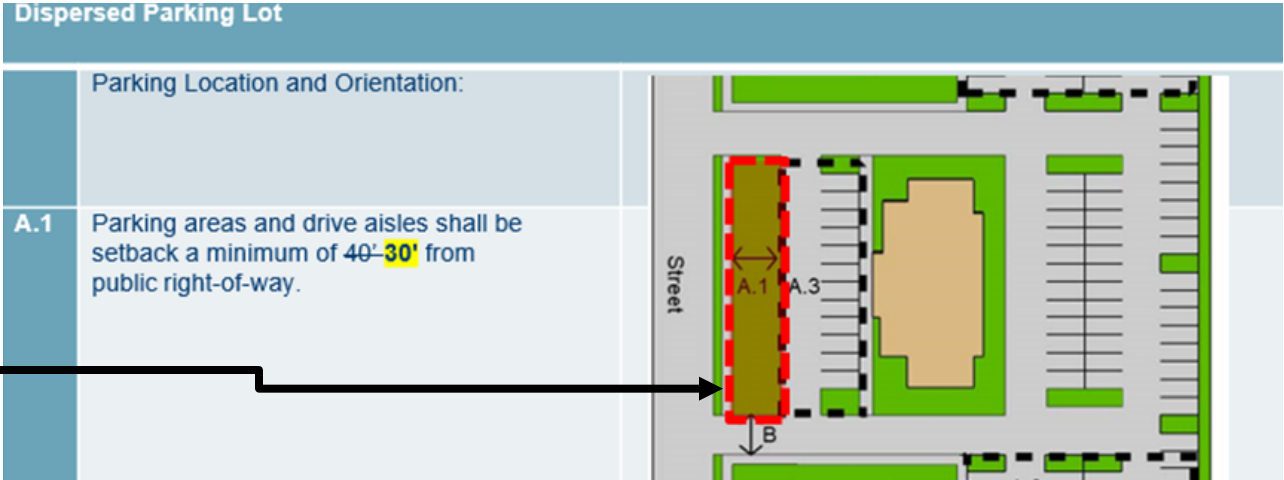
Sec. 15-5-10. – Vehicular Access Requirements.

Prior to code update of 2021, a *35-foot pavement setback* was required for commercial and industrial lots that abutted state highways, and *30' from all other property lines*.

A change to a 40-foot pavement setback was established in 2021 for all parking lots adjacent to public right-of-way. This has been problematic from a practical standpoint, especially as it relates to existing conditions and with uniquely-shaped lots, leading to variance requests to reduce the 40-foot pavement setback. The following two (2) modifications are proposed to resolve the matter.

Modification 2:

Setback area in amendment





Sec. 15-5-10. – Vehicular Access Requirements. (continued)

Modification 3:

- (d) Contextual Parking Area and Drive Aisle Setbacks.** In commercial and industrial zoning districts, the applicant has the option to use the existing parking area and/or drive aisle contextual setbacks when all the following conditions exist:
- (1)** The location is adjacent to existing commercial and/or industrial development with legal non-conforming parking areas and/or drive aisle setbacks.
 - (2)** More than fifty percent (50%) of the lots on the same block, on the same side of the street, are developed with the average setback on the same block.
 - (3)** Commercial/industrial lots shall be the only lots included in the average setback calculation.
 - (4)** The proposed parking area and/or drive aisle is not located within Commercial Corridors.
 - (5)** Vacant lots shall be considered as having the minimum required setback by the zoning district for purposes of calculating the mean average.



Sec. 16-1-20. – Application of individual lot regulations

Purpose of modifications – Conflict between land use code and building code. When there is a conflict, the building code supersedes. Exterior stairs need to be located a minimum of five feet from property line.

Reason: International Building Code (IBC) requires structures to be no closer than 5 feet from the property line unless the structure has at least a one-hour fire rating.

.....

Table 16-1-20(a) Setback Exceptions.

Stairs, at grade	May encroach into any required setback up to six feet.
Stairs, above or below grade	May encroach into any required setback up to six feet provided they are not located closer than three five feet from the property line.
Structural projections such as cantilevered bay windows,	May encroach into side setbacks up to 2'. May encroach into front or rear setbacks up to 3'



Photo credit: Salisbury Joinery



Sec. 16-1-20. – Application of individual lot regulations

Purpose of modifications – clarification. The intent of contextual setbacks is for addressing better design solutions when existing conditions are contributing factors.

(b) Contextual Setbacks. **The decision maker may approve contextual setbacks pursuant to the following.** In **single-family** residential zoning districts, the applicant has the option to ~~use~~ **propose a building setback equal to** the average of ~~the~~ existing front setbacks of buildings located on the same ~~and facing~~ block **on the same side of the street as a proposed development** pursuant to the following:

- (1) Contextual setbacks can only be applied where ~~more than~~ fifty percent (50%) **or more** of the lots on the same block ~~face~~, on the same side of the street, are developed with **single-family residential dwellings**.
- (2) ~~Lots with similar uses as the proposed building~~ **Single-family residential dwellings** shall be the only lots ~~in~~ included in the average setback calculation.
- (3) Vacant lots shall be considered as having the minimum front setback as required by the zoning district for purposes of calculating the mean average.

Overview – Land Use Code Amendments

- §16-1-100. – Neighborhood Commercial (NC). Clarifying residential use
- §16-1-110. – Central Business (CB). Clarifying residential use
- §16-1-120. – General Commercial (GC). Clarifying residential use; adding conditional use permit (CUP) criteria for carwashes





Sec. 16-1-80. – Residential Mixed Use-Two (RMU-2) district.

The additional language will add flexibility to acreage requirement, so long as intent (purpose) of district is met. This language matches the PUD acreage requirement language recently updated.

- (a) Purpose. The purpose of the RMU-2 zone district is to establish and preserve compact, pedestrian-oriented neighborhoods with a variety of housing types and densities, commercial activity centers, and other public amenities or complementary uses as defined on an approved master plan.
- (d) Minimum Size. No lot or group of lots less than forty (40) acres in size shall be eligible for RMU-2 zoning. **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 purpose statement in subsection (a) above.**

Chapter 16 – Zone Districts

Amendments to commercial zones – NC (Neighborhood Commercial), CB (Commercial Business), GC (General Commercial) purpose: restricting *new* single-family residential from commercial areas; allowing existing to remain.

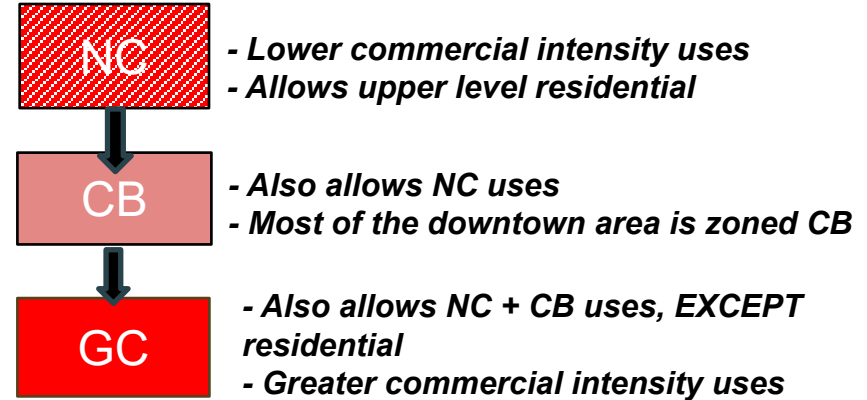


Photo credit: Google Maps



300 Block of Main Street, Windsor. Photo credit: Google Maps

Sec. 16-1-100. – Neighborhood commercial (NC) district.

(2) Permitted accessory uses.

- ~~a. Garages for storage of vehicles used in conjunction with the operation of a business.~~
- ba. Off-street parking and loading areas.
- eb. Signs, subject to the provisions of this Code.
- ec. Residential quarters **on upper floors of commercial buildings** for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business.
- d. Commercial buildings with commercial uses on the main floor and residential uses on the upper floors.**
- e. Any other structure, **including garages for storage of vehicles in conjunction with the operation of a business,** or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.



Image credit: thebealdeal.com



Sec. 16-1-110. – Central business (CB) district.

- (a) Purpose. The Central Business CB District is intended to provide for the development of a concentration of commercial, office, recreational, cultural, entertainment and governmental facilities serving as a center of community activity. It is the further intent of this District to conserve and enhance the existing central business area and to promote an aesthetically pleasing and safe walkable environment for the benefit of the community as a whole.
- (a) Lot Development Standards.
- (c) Use regulations. A building or lot may be used for the following purposes and no other:
 - (1) Principal uses permitted by right.
 - o. **Existing single family** ~~One-family residential dwellings subject to the regulations of the SF-1 zone district.~~
 - p. Plumbing and heating contractors.
 - q. Other similar uses as defined this Code.
 - r. Residential uses on the upper floors of commercial buildings.



Sec. 16-1-120. – General Commercial (GC) district.

Two (2) modifications: 1) Carwash as permitted use to conditional use permit (CUP), adding use-specific criteria for CUP, and 2) Clarification regarding accessory residential

- (a) Purpose. The purpose of the GC zone district is to:
 - (1) Establish and preserve areas of commercial development in proximity to arterial roadways.
 - (2) Foster attractive, human scale development that positively contributes towards the Town's unique character.
 - (3) Provide efficient and safe pedestrian, bicycle and automobile circulation, including direct connections to adjacent residential development.
 - (4) Promote economic vitality.
- (c) Use Regulations.
 - (1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.
 - a. Drive-in restaurants.
 - b. Grocery stores and supermarkets.
 - c. Gasoline service stations.
 - d. Car washes.
 - e. Commercial lodging.



Sec. 16-1-120. – General Commercial (GC) district. (cont.)

Modification: Conditional use in GC

Purpose/reason: Evaluate based on locational and water use criteria.

~ Compatible locations for carwashes vs. adjacent to residential and pedestrian-oriented commercial areas (downtown, adjacent to downtown), and evaluate the water use.



Photo credit: Rocky Mountain Carwash



Photo credits: City of Boulder Transportation / Pedestrian Plan



Photo credit: BHA / Wilson & Co (Town of Windsor 7th Street Corridor Plan Presentation)



Sec. 16-1-120. – General Commercial (GC) district. (cont.)

.....
(3) Conditional uses. The following uses shall be permitted in this District upon approval of a conditional use ~~grant~~ permit as provided in Section 14-2-130:

e. Carwash facilities, whether a principal use or an accessory use, shall meet minimum use-specific criteria for consideration of a conditional use permit. Carwash facilities approved prior to enactment of the conditional use permit approval requirement shall remain lawful. Any expansion of an existing carwash shall be subject to a conditional use permit and use-specific criteria.

- 1. Site shall be outside of Commercial Corridors, Section 15-6-10, identified, defined.**
- 2. Site shall not abut residential, commercial lodging, assisted living and care facility uses, or properties zoned for residential uses.**
- 3. Adequate water supply. Applicant shall supply accurate water supply data to the Town for adequate water supply evaluation, adhere to all Town raw water dedication requirements, water efficiency policies and standards, as amended.**



Sec. 16-1-120. – General Commercial (GC) district. (cont.)

Clarification ~ aligning with intent of GC district.

(2) Permitted accessory uses:

- a. Any accessory use permitted in the Central Business CB District, **excluding any residential use.**

★ *Vertical mixed use ~ commercial: **residential on upper levels** permitted in NC, CB, RMU-1, RMU-2, and specific PUD zone districts.*



Image credit: thebealdeal.com



400 Block of Main St. - Photo credits: Google Maps





Notification & Next Steps

Notification of public hearings in accordance with Town Code:

- Advertisement in Greeley Tribune on January 7, 2024.
- Posted on Town website on January 5, 2024.

Public Hearing / Meeting Schedule:

1. Planning Commission public hearing and recommendation to Town Board ~ January 17, 2024.
2. Town Board public hearing and first reading of ordinance ~ January 22, 2024.
3. Town Board public meeting and second reading of ordinance ~ February 12, 2024.



Staff Recommendation & Record

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending Chapters 14, 15 and 16, subject to any Planning Commission comments being addressed.

Staff requests that the following be entered into the record:

- Ordinance
- Staff memorandum and supporting documents
- Public testimony during the public hearing

Land Use Code Amendments proposed:

- **§14-2-40. – Reinstating Master Plan requirements.**
- **§15-5-10. – Vehicular Access Requirements. Pavement setbacks for commercial and industrial lots.**
- **§16-1-20. – Individual Lot Standards. Clarifying setbacks.**
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Questions / Thank you

*Planning Commission Meeting
January 17, 2024*



MEMORANDUM

Date: January 17, 2024
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Recommendation to Town Board - An Ordinance Amending Chapters 14, 15, and 16 of the Town of Windsor Municipal Code concerning land use - Planning Department
Item #: C.4.

Background / Discussion:

Please refer to public hearing materials, Item C.3.

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 amending Chapters 14, 15 and 16, subject to any Planning Commission comments being addressed.

CC:

Scott Ballstadt, Director of Planning
Town Attorney Office

Attachments: