



## PLANNING COMMISSION REGULAR MEETING

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

***NOTE: This meeting will be held virtually***

***If you wish to provide public comments during the Public Invited to be Heard (Item A.3) or on public hearing items, please email written comments to: [planning@windsorgov.com](mailto:planning@windsorgov.com) by 5:00 PM, November 18, 2020, or join virtually:***

**Join this meeting online: <https://windsorgov.zoom.us/j/91538316186>**

Or by phone: (877) 853 5247 US Toll-free / (888) 788 0099 US Toll-free

Meeting ID: 915 3831 6186

### AGENDA

#### A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission

Written materials will not be accepted during the meeting in the interest of time.

#### B. CONSENT CALENDAR\*

1. Approval of minutes of November 4, 2020

#### C. BOARD ACTION

1. Recommendation to Town Board – Land Use Code Update
  - Legislative
  - Staff presentation: Paul Hornbeck, Senior Planner

#### D. COMMUNICATIONS

1. Communications from the Planning Commission
2. Communications from the Town Board liaison
3. Communications from the staff

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.

E. ADJOURN

\* Please note that items on the Consent Calendar will not be discussed unless requested by the Planning Commissioners or by applicants who have business listed on the Consent Calendar.

Upcoming Meeting Dates

|                                     |           |                                       |
|-------------------------------------|-----------|---------------------------------------|
| <u>Wednesday, November 18, 2020</u> | 6:00 P.M. | Regular Planning Commission meeting** |
| <u>Wednesday, December 2, 2020</u>  | 6:00 P.M. | Regular Planning Commission meeting** |
| <u>Wednesday, December 16, 2020</u> | 6:00 P.M. | Regular Planning Commission meeting** |
| <u>Wednesday, January 6, 2021</u>   | 6:00 P.M. | Regular Planning Commission meeting** |

\*\* Does not include any Planning Commission work sessions which may be requested and may also be scheduled for these dates.



## PLANNING COMMISSION REGULAR MEETING

November 4, 2020 // 6:00 p.m. // Virtual Meetings Until Further Notice

***NOTE: This meeting was held virtually***

### MINUTES

A. CALL TO ORDER

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

1. Roll Call

The following Planning Commission Members were present:

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

Also present:

Barry Wilson, Town Board Liaison  
Carlin Malone, Chief Planner  
Scott Ballstadt, Planning Director  
David Eisenbraun, Senior Planner  
Paul Hornbeck, Senior Planner  
McKenzie Paine, Visual Media Coordinator  
Karen Frawley, Town Clerk  
Eric Bernhardt, Alternate Commissioner  
Roger Colonnese, Alternate Commissioner  
Morgan Kidder, Journey Homes  
Brian Williamson, TST Applicant  
Dan Spyksra, Wember, Inc.  
Kris Kazian, Windsor Severance Fire District  
Brent Allred, Allred and Associates  
Desa Blair, Civil Engineer  
Onalee Bartoszek

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

**Mr. Dennison moved to approve the agenda as presented; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:**

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

**Nays – None**

**Motion passed.**

B. CONSENT CALENDAR\*

1. Approval of minutes of October 7, 2020

**Mr. Valdez moved to approve the minutes of the meeting of October 7, 2020; Ms. Scheuerman seconded the motion. Roll call on the vote resulted as follows:**

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

**Nays – None**

**Motion passed.**

C. BOARD ACTION

1. Public Hearing – Height Modification – Cummins Annexation (WSFR Station #4) – Fire Chief Kris Kazian, applicant, / Brent Allred, Allred & Associations, applicant's representative

Mr. Wilson stated “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 non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight's proceedings influence or affect my review of this matter when it comes 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 hearing.”

Per Mr. Hornbeck, this is a height modification request from the Windsor Severance Fire Rescue District for station number four. The property is located off of New Liberty Road at the intersection of Hilltop Drive. The property is zoned estate residential E-1. The maximum allowed height in the E-1 district is thirty-five feet, the requested height is forty-two feet. The subject property is surrounded on three sides by large lot residential estate lots and the ongoing development of the RainDance development is to the West. There is significant topography on the site which plays into how the height is measured on the building. The Municipal Code does dictate that the building height is measured from the average finished grade, so using that methodology maximum height is as follows

- Eastern gable roof peak height is approximately forty-two (42) feet (actual height from adjacent grade to the south is forty (40) feet).
- Western gable roof peak height is approximately thirty-six (38) feet (actual height from adjacent grade to the south is thirty-six (36) feet).
- Integrated training tower height is approximately thirty-six (38) feet (actual height from adjacent grade to the south is thirty-six (36) feet and fifty-one (51) feet to the north).

Based on the application materials, the application does appear to meet the criteria for review. Staff recommends that Planning Commission forwards to Town Board the recommendation of approval of the building height modification as presented to allow a maximum height of forty-two feet with an allowance of a maximum height of up to forty-five feet should any modifications be needed on final design drawings.

Chief Kris Kazian stated that with the community growing, there is the need to be able to provide services to the South part of the community. This substation has

been designed with longevity needs of the life expectancy of a fire station, the functionality needed to operate.

Per Mr. Allred, the existing hill is much higher than New Liberty Drive and in order to gain apron access, a portion of the hill will be cut off.

The meeting was opened the meeting to the public comment to which there was none.

Commission Valdes asked what would be the impact on the functionality of the building of lowering the peaks to thirty-five feet? Mr. Kazian stated that the peak to the East has a mezzanine above it with functional space for storage. Mr. Allred added that while the peaks are vaulted inside, there are some training apparatus that can be attached to the tresses, as well as some mechanical equipment. Commissioner Valdes asked what the normal height of the towers and is the one on the building design a normal height or does it vary from the norm? Mr. Kazian responded that the idea for the tower is for training and one of the things is for staff to be able to repel off the top and it gives enough floors to be able to go up and extend the hose and flow water. Also in that tower, it is not a burn tower so there will not be any burns. The actual height is meant to balance out the size and give enough floors to give from the apparatus floor and go down, or to go from the apparatus floor and go up as needed. Commissioner Valdes stated that from his understanding, the open area that was shown from Hilltop, it was suggested that the area be lowered or scraped down. Will the area be scraped down more so that the building protrudes in the horizon? Mr. Allred stated that the rendering was done according to how the building will be on the site. The building will sit down as in the picture in the packet.

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

2. Recommendation to Town Board – Height Modification – Cummins Annexation (WSFR Station #4) – Fire Chief Kris Kazian, applicant, / Brent Allred, Allred & Associations, applicant's representative

**Ms. Scheuerman moved to forward a recommendation of approval to Town Board for the Height Modification as presented by staff; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:  
Yeas – Schick, Bushelman, Scheuerman, Hall, Dennison, Reddick, Valdes  
Nays – None  
Motion passed.**

3. Recommendation to Town Board – Final Site Plan – RainDance 12<sup>th</sup> Filing – David Nelson, RainDance Development, owner, Larry Buckendorf and Morgan Kidder, authorized representatives and Brian Williamson, John Meyers, TST, applicants

Per Mr. Eisenbraun, this area of land was annexed into the Town limits back in 1996 with the Windsor Highlands second annexation. In 2011, Water Valley started the subdivision process and in 2015 the RainDance subdivision started to

form. Within the PUD was the flexibility to allow residential density's to be shifted between areas as development occurred over the years. In 2017, the initial RainDance subdivision was approved and has created the basic development tracts for the whole PUD area. The most notable thing is to ensure that in the original PUD had to have a specific amount of density that they had to adhere to so they could shift those densities as long as it didn't exceed the density of the entire project. The applicant held a voluntary public neighborhood meeting in October. Regarding traffic within the area, originally in the RainDance first subdivision a master transportation impact study was submitted that outlined all the conditions, land uses, trip generation models, and distribution signal warrants. With the 12th filing, there is a change in location of where the multi-family was going to be placed in comparison to the original traffic impact study with the first filing. The Town did ask for an updated traffic impact study to ensure that things are still being done properly and that the Town understands as well as the developer any changes with the location of the multi-family changing. The results of the updated TIS was updated within the trip generator creating eighty-eight additional trips per day, however as noted, both morning and afternoon peak hour trips did decrease by a few trips each. Overall for Cherry Blossom, the most notable intersection that is adjacent to the multi-family did not meet any traffic warrant signals through the 2040 long-term forecast. However, Pear Blossom to the north, did meet one traffic warrant signal through the 2040 long-term forecast. Staff recommends the Planning Commission forwards a recommendation of the final site plan as presented subject to all other Planning Commission and staff comments being addressed.

Brian Williamson with TST provided an overview of the project to the Commission.

Commissioner Reddick thanked staff and the applicant for the information on the history of the project and stated that it was very useful when looking at the entire subdivision and where this particular project is. Commissioner Reddick asked how the neighborhood boundary was selected for notices? Mr. Williamson stated that the Town provided the typical buffering requirement of 300' for the project and mailed to that list of neighbors. Commissioner Reddick stated that because of the meeting that did occur, it sounds like there was a question with regard to availability of the amenities of the project to other folks within RainDance and would like to know what the response is as well as the general public. Mr. Williamson responded that these amenities are geared more towards the residents of this development. They are not part of the metro districts facilities and would be constructed on private property.

Alternate Commissioner Bernhardt asked about the proximity to the golf course, what provisions or allowances have been made to allow golf carts on the road? Mr. Williamson responded that he is not completely sure how it will work, but doesn't anticipate a lot of residents of this project owning golf carts as it is a for rent facility. Mr. Williamson stated that he is not sure what the regulations are in RainDance for utilizing the golf carts on public property. Mr. Eisenbraun stated that similarly to what they have in other Water Valley subdivisions and around Town, they would go through similar processing where they would work with our legal staff as well as police to determine the safety of having golf carts in this subdivision as well as how it connects to other subdivisions. The ultimate intent is to have this as a golf cart friendly community but are still working through the process.

Commissioner Valdes stated that he tried to calculate as the number of spaces allocated between the garages and outside parking for this apartment complex and asked if it averages out to be one per unit or two per unit? Mr. Williamson responded that there is one-hundred seventy-five parking spaces included in the buildings, and then forty-four parking spaces in eleven separate four-unit garages for a total of two-hundred nineteen garage total spaces and seven-hundred and seventy-five surface parking spaces. Overall, there will be an average of just under two per unit.

Commissioner Hall asked if the apartment complex residents can also use the RainDance amenities? Mr. Williamson stated that he believed they will be able to as they are renting from a property owner within the RainDance subdivision. Commissioner Hall asked if the neighborhood meeting had a virtual option to attend or if it was only in-person? Mr. Williamson responded that there was only a virtual option to attend. Commissioner Hall asked if there was any concern with the traffic study that it was done during a pandemic when people are not really driving as much as they used to? Mr. Williamson responded that there were new traffic counts generated for the updated TIS, it took the existing information that was in the mast TIS and modified the land use assumptions that had changed between the mast TIS and the new plan and distributed those trips into the background traffic.

**Ms. Scheuerman moved to forward a recommendation of approval to Town Board the Final Site Plan as presented; Mr. Valdes seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Bushelman, Scheuerman, Hall, Dennison, Reddick, Valdes  
Nays – None  
Motion passed**

D. COMMUNICATIONS

1. Communications from the Planning Commission

Chair Schick welcomed new Commissioner Valdes to the Commission as well as welcome new alternate members Roger Colonnese and Eric Bernhardt.

2. Communications from the Town Board liaison

Town Board Liaison Wilson stated that the Board has been reviewing the upcoming year's budget. The Town has not been affected by Covid like originally thought, so the Town is in a better financial position than originally thought due to sales tax and development.

3. Communications from the staff

Ms. Malone reported that there are upcoming meetings for 7<sup>th</sup> Street and Code Updates.

Mr. Hornbeck reported that there is a Work Session with the Town Board on Monday, November 9<sup>th</sup> regarding the 7<sup>th</sup> Street project.

Mr. Eisenbraun reported that Town Board wanted to see some additional projects that Urban3 have done and wanted to collect any additional feedback from the Commissioners.

Ms. Frawley reported that remote voting affirmations would be sent out to commissioners via DocuSign and requested they are returned by the following day.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:04 p.m.

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Karen Frawley, Town Clerk





## **MEMORANDUM**

### **Introduction**

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

The Town is updating the code with the intent of:

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

In March of this year Planning Commission forwarded a recommendation of approval of an ordinance updating portions of Chapters 15 and 16. Town Board subsequently requested staff conduct more outreach to stakeholders prior to adoption. Based on that outreach, some minor adjustments were made to Chapters 15 and 16; however, the overall intent remains the same. During this time staff was also able to finalize the creation of Chapter 14 (Procedures & Administration) and revisions to Chapter 17 (Subdivision).

The proposed ordinance includes certain sections that are either new or major revisions from existing code and other sections that are largely unchanged except for renumbering or reorganization. The table of contents indicates what is new content and what is existing.

### **CHAPTER 14 - ADMINISTRATION & PROCEDURES**

Chapter 14 of the Municipal Code is currently unused and is proposed to house Administration and Procedures of the Land Use Code. Criteria on administration and procedures are currently located throughout the Code and consolidating into one location should aid in ease of use. Proposed updates are focused on adding clarity, ensuring due process, and streamlining processes where appropriate. Exhibit D provides a comparison of current and proposed review bodies, neighborhood meeting requirements, public hearing requirements, etc.

#### **Public Hearing Requirements**

Public hearings are required for certain land use applications for the purpose of providing due process and receiving public comment and testimony. To inform interested members of the community, public hearings before Planning Commission, Town Board, and Board of Adjustment/Appeals all require public notification in the form of newspaper ads, sign(s) posted on the property, and for most projects, a mailed notice to property owners within a certain radius. Updates to public hearing requirements are summarized below:

- Add public hearings and associated notification to Master Plans to better engage the community early in the process;

- Add public hearings and associated notification to Preliminary Subdivision Plats to engage interested residents earlier in the process;
- Add requirement for public notification for variances to property owners within 150' to ensure their input is received (no mailed notification currently required);
- Add requirement for public notification for right-of-way and easement vacations to abutting properties (no notification currently required); and
- Increase radius of mailed notification to 500' for all projects other than the two listed above.

## **Review Body**

Commercial and industrial site plans are currently reviewed administratively by staff. The draft code makes the review of multi-family site plans administrative. This change will allow for greater consistency between project types and help streamline the review process. Additionally, having site plans reviewed administratively avoids potential politicizing of a project that is a use-by-right. The public, Planning Commission, and Town Board would still be involved, just at an earlier point in the lifecycle of a project, with annexation, master planning, and zoning all requiring public hearings.

## **Review criteria**

The draft code provides review criteria specific to each type of land use application, something the current code does not include except for a limited number of application types such as a Conditional Use Grant. These criteria should help provide clarity to applicants, staff, Planning Commission and Town Board.

## **Substantial Change**

A new section has been added that prohibits resubmittal of a project, which was not approved within one year, unless there is a substantial change to the project or circumstances surrounding the project. A public hearing would be held by Town Board to determine if there has been substantial change.

## **Lapse of Approval**

Proposed changes regarding lapses of approvals are intended to ensure projects are not left partially completed (e.g. missing documents) or that site specific approvals are acted upon within one year (similar to current site plan commencement deadlines). For example, if a subdivision plat has been approved but is not recorded in a timely manner, this may cause unnecessary delays for surrounding developments that rely on connecting roads, easements, etc. The draft code allows the decision maker on a project to approve extensions if good cause is shown.

## **CHAPTER 15 – DEVELOPMENT STANDARDS**

Chapter 15 consists mostly of existing standards that are being reorganized for make them easier to find and use. The one substantive change is the introduction of vehicular access standards that dictate how a building or site is accessed (parking lot, alley, front driveway, etc.), including more innovative solutions seen in newer development across the Front Range.

## CHAPTER 16 - ZONING

The modifications proposed to zone districts are largely focused on creating more options and flexibility in development. The draft code creates a menu of options, rather than a single standard for all situations. Exhibit E provides a comparison of existing and proposed building lot standards (height, setback, etc.).

A summary of all proposed changes is as follows:

- Creates RMU-2 Zone – allows for smaller lot sizes when additional open space and enhanced design features such as detached sidewalks, recessed garages, etc., are provided. Note earlier drafts required a minimum amount of commercial development and a minimum diversity of housing types (e.g. single-family, townhomes, apartments, etc.). Those requirements have been removed after further consideration and stakeholder input.
- Overhauls SF-2 Zone – similar to RMU-2, but at a lower intensity and no commercial allowed
- Combines Low Density (E-1) and High Density (E-2) Estate Residential zone districts into a single Estate Residential (ER) zone district (septic still prohibited)
- Combines Multifamily (MF-1) and High Density Multifamily (MF-2) into a single Multifamily (MF) zone district.
- New Agriculture Holding zone district – allows agricultural use to continue on annexed properties until development occurs
- Residential rear setbacks – increased from 5' to 10' to allow greater buffer between neighboring homes and/or new home additions
- Increased maximum building height from 35' to 40' in residential districts to allow for unique features, custom homes, etc. that are often limited by 35' height.
- Exceptions to height and setback standards more clearly defined (e.g. patios, chimneys, etc.)
- Planned Unit Development – Updated standards for PUD zoning overlays to provide clear criteria for review.
- Removed automobile sales/service from Central Business zone district to be consistent with the vision for downtown as a more pedestrian and retail-oriented environment (note: there are no longer automobile uses in CB with the recent re-use of Dutch Bros coffee (previously auto sales) and the relocation of Pike's Auto outside of the CB zone district)

## CHAPTER 17 – SUBDIVISION

The focus of updates to the Subdivision chapter are largely focused on the themes of open space, parks, and trails and connectivity of roads and pedestrian routes.

### Connectivity

The Comprehensive Plan encourages a more connected network of both roads and pedestrian routes; however, the current code does not contain standards to implement this vision. The proposed standards

address this by implementing maximum block lengths, limiting of dead-end or cul-de-sac streets, and requiring greater connectivity to adjacent properties.

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

### **Open Space**

Open space conservation is a theme throughout the Comprehensive Plan, but the current code does not generally require open space with development. The draft code addresses this by requiring 15-20% open space be set aside with most residential subdivisions. These open spaces would be owned and maintained by an HOA or metro district and would include greenbelts with trails.

| <i><b>Existing Subdivision Open Space</b></i> |                                  |
|-----------------------------------------------|----------------------------------|
| <i><b>Subdivision</b></i>                     | <i><b>Percent Open Space</b></i> |
| Village East 1 <sup>st</sup> Filing           | 31%                              |
| Winter Farm 1 <sup>st</sup> Filing            | 15%                              |
| The Ridge at Harmony Road                     | 20%                              |

### **Pocket Parks**

Pocket parks are small parks, typically around ½ acre in size, that are proposed in the draft code as a way to ensure homes in new developments are located within walking distance of recreational amenities. Pocket parks would be owned and maintained by an HOA or metro district. In 2018 the Town decided to shift away from neighborhood parks (3-6 acres in size) with a focus on buildout of community parks (30 acres in size). With the shift away from neighborhood parks, small developer-built pocket parks are a way to continue to provide park access in close proximity to residents and encourage walkability within new neighborhoods. The changes to Chapter 16 of the Municipal Code that allow higher intensity development with smaller lot sizes will result in smaller front and rear yards. Pocket parks can ensure these more intense developments still provide usable green space within close proximity for residents to enjoy.

### **Neighborhood Trails**

Town Trails are trails built in accordance with the Town's Trails Master Plan/ Transportation Master Plan and are maintained by the Town. There is currently no code requirement that new development provide connectivity to these Town Trails nor is there any requirement that trail connectivity be provided to parks, schools, or shopping areas. This update proposes requiring a new type of trails, called Neighborhood Trails, which would help ensure trail connections are provided to those locations within neighborhoods.

Neighborhood Trails were added in response to Town Board input and community desire for greater connectivity and has been refined from earlier code drafts. The refined language ensures corridors to/from parks, schools, and shopping areas are provided or preserved, and especially so in the case of connections to parks and schools in adjacent neighborhoods when the subject neighborhood does not have those facilities.

## Public Improvement Security

The code currently requires a project applicant to provide security equal to 25% of the cost of all public improvements needed to serve a development (roads, utilities, etc.). The intent of this requirement is to ensure that necessary infrastructure is completed, installed in accordance with Town standards, and not left incomplete such that the Town would have to complete work if an applicant walks away due to financial difficulties or other circumstances. The 25% security is problematic because it does not provide enough of a financial guarantee should the Town have to complete a project. The draft code proposes to increase the security amount to 100% to ensure any incomplete work does not become a burden on the Town's finances.

Town Board directed staff to solicit input from developers on the proposed increase. One consultant responded that it's a large increase and suggested 75% might be sufficient.

| <i><b>Municipality</b></i> | <i><b>Percentage of Public Improvement Security</b></i> |
|----------------------------|---------------------------------------------------------|
| Fort Collins               | 100%                                                    |
| Greeley                    | 125%                                                    |
| Longmont                   | 100%                                                    |
| Loveland                   | 100%                                                    |
| Windsor                    | 25% (current)<br><br>100% (proposed)                    |

## COMPREHENSIVE PLAN IMPLEMENTATION

One of the primary goals of updates to the Code is to better implement the Comprehensive Plan. The table below summarizes how different goals and objectives of the Comprehensive Plan are being implemented in this update.

| <b>Comprehensive Plan Implementation</b> |                                                                                                                             |                                                                                                                                                                    |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chapter 5b – Growth Framework</b>     |                                                                                                                             | <b>Staff Comment</b>                                                                                                                                               |
| <b>Goal</b>                              | Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible. | Updates allow for smaller residential lot sizes, which has been shown have both fiscal and environmental benefits related to more efficient use of infrastructure. |

| Chapter 5c – Residential Areas Framework Plan               |                                                                                                                                                                                                            | Staff Comment                                                                                                                                                                 |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal                                                        | Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.                                                                            | The draft code will allow for greater diversity of housing types and lot sizes                                                                                                |
| Objective #1                                                | Promote multi-modal connectivity to increase neighborhood access and resident mobility.                                                                                                                    | The draft code requires increased connectivity of streets and trails.                                                                                                         |
| Objective #2                                                | Utilize conservation design and traditional neighborhood design for new residential growth areas and promote overall community livability.                                                                 | Traditional neighborhood design is incorporated in the draft code, particularly in RMU-2 zone which allows a mix of uses, an active neighborhood center, and walkable design. |
| Objective #3                                                | Increase the number of affordable housing units that provide opportunities for working families and seniors.                                                                                               | Smaller lot sizes allowed in the draft code can help lower the cost of housing.                                                                                               |
| Objective #4                                                | Foster a diversity of housing types and sizes through coordinated land use planning and zoning.                                                                                                            | A diversity of housing types is encouraged in the new code.                                                                                                                   |
| Chapter 5d - Commercial and Industrial Areas Framework Plan |                                                                                                                                                                                                            | Staff Comment                                                                                                                                                                 |
| Goal                                                        | Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible                                                                                 | Updates allow for more mixed-use design, which is shown to be more environmentally and fiscally responsible.                                                                  |
| Objective 9                                                 | Pursue the use of zoning and form-based development tools that promote and encourage the type of mixed-use character the community prefers                                                                 | Mixed use is encouraged in the RMU-2 zone district.                                                                                                                           |
| Chapter 6 -Transportation                                   |                                                                                                                                                                                                            | Staff Comment                                                                                                                                                                 |
| Goal                                                        | Develop a multi-modal transportation system that accommodates new and existing development, provides safe and efficient access for all ages and abilities, and promotes public health and quality of life. | New subdivision standards require increased connectivity of trails and road networks.                                                                                         |
| Objective #1                                                | Extend roadways as development occurs to enhance the connectivity for all users and increase the capacity and mobility of the transportation network                                                       | New subdivision standards require greater extension of roadways to property boundaries to allow future connections.                                                           |
| Chapter 7 – Community Facilities and Infrastructure         |                                                                                                                                                                                                            | Staff Comment                                                                                                                                                                 |
| Goal                                                        | Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.                                                  |                                                                                                                                                                               |
| Objective #14                                               | Ensure the Town provides the services and amenities that allow seniors to age in place.                                                                                                                    |                                                                                                                                                                               |

| Chapter 8 – Open Space, Recreation & Environmental Features |                                                                                                                                                                                                                                 | Staff Comment                                                                                                                                                                                                                 |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal                                                        | Support a comprehensive park and recreation system that provides active and passive recreational opportunities while preserving Windsor’s natural assets.                                                                       | New subdivision standards require small pocket parks to serve new developments and require reservation of open space.                                                                                                         |
| Chapter 9- Image, Identity, & Community Character           |                                                                                                                                                                                                                                 | Staff Comment                                                                                                                                                                                                                 |
| Goal                                                        | Establish the Town of Windsor as the most desirable, vibrant community of its type in Northern Colorado and expand its reputation as one of the best overall communities in Colorado, serving as a model for the Mountain West. | New standards are intended to improve livability of the community through open space and trail requirements.                                                                                                                  |
| Objective #2                                                | Consider the use of a variety of development regulations and zoning techniques to generate the desired built form of the Town, particularly as part of the Town’s zoning update in future years.                                | New standards address built form of the community through a variety of techniques, such as reducing the visual impact of parking lots in commercial corridors and enhanced design requirements in more compact neighborhoods. |

## RECOMMENDATION

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

## ENCLOSURES

Link to Draft Code: <https://www.windsorgov.com/DocumentCenter/View/23747/Draft-Code>

Appendix A: Summary of Stakeholder Engagement





## **Exhibit A**

### **Stakeholder Outreach**

Staff has solicited and received input from members of the development community and worked to incorporate their input as well as input from Planning Commission and Town Board throughout numerous drafts of these Code amendments. Specific stakeholder outreach is summarized below:

- The Comprehensive Plan is the guiding document for these updates and featured extensive community outreach.
- The Town's consultant conducted interviews with stakeholders early in the process to receive feedback on needed code amendments.
- Early drafts of the code were sent to a group of developers/consultants that work most frequently in Windsor. Drafts were accompanied by memos outlining proposed changes.
- Later drafts of the code were sent to the full list of all developers/consultants that have worked in Windsor, again with summary memos.
- All developers/consultants were invited to a webinar presentation of proposed updates and Q&A held July 30, 2020.
- Input has been received by four consultants. Two consultants in particular have provided extensive input and numerous working meetings have been held with them to work through ideas, suggestions, concerns, etc. Input can be summarized as generally supportive of changes and numerous positive changes have resulted from their input. One area where two consultants wanted us to go further is in allowing smaller residential lot sizes than what is proposed. Minimum single-family lot size in the current code is 6,000 square feet. As covered later, lot sizes of 2,500 square feet – 4,000 square feet are proposed in certain zone districts. Based on feedback from Planning Commission and Town Board, staff did not sense a desire for smaller minimum lot sizes than what is proposed.
- A Work Session was held with Planning Commission on May 20, 2020 to get their input. Town Board specifically asked for input on changes proposed to procedures and review bodies. The Commission was supportive of what's proposed.



# Land Use Code Update

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*Paul Hornbeck, Senior Planner*

*Planning Commission – November 18, 2020*



# Code Update Goals

1. implement goals of the Comprehensive Plan;
2. better reflect contemporary development trends;
3. add flexibility, clarity, and ease of use; and
4. streamline reviews where feasible.



# **Chapter 14- Procedure & Administration**



# Public Hearing Requirements

1. Add requirement for public notification with Master Plans
2. Add requirement for public notification with Preliminary Subdivision Plats
3. Add requirement for public notification for variances to property owners within 150'
4. Add requirement for public notification for right-of-way and easement vacations to abutting properties (no notification currently required)
5. Increase notification radius to 500' all projects other than those noted above



# Review Body

- Commercial and industrial site plans are currently reviewed administratively
- Multifamily site plans proposed to be reviewed administratively
- Use by-right - if in conformance with applicable criteria, cannot be denied.
- The public, Planning Commission, and Town Board would still be involved, just at an earlier point in the lifecycle of a project, with annexation, master planning, and zoning all requiring public hearings.



# Substantial Change

- If an application is denied, the code does not currently place any limits on reapplying
- Updates to the code seek to avoid repeated resubmittals of project within a one-year period unless there is a substantial change in the project or related circumstances
- Town Board would be the decision maker in determining if substantial change has occurred



# Lapse of Approval

| Application Type        | Current                                                                                  | Proposed                                                                                                                                           |
|-------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Site Plan               | Building Permit required within one year                                                 | Building Permit required within one year                                                                                                           |
| Height Review           | None                                                                                     | Building Permit required within one year                                                                                                           |
| Conditional Use         | None                                                                                     | Building Permit required within one year                                                                                                           |
| Preliminary Subdivision | Lapse occurs if final plat is not submittal within one year of preliminary plat approval | Lapse occurs if final plat is not submitted within one year of preliminary plat approval                                                           |
| Final Subdivision       | None                                                                                     | Lapse occurs if applicant fails to submit any necessary documents (signed mylars, development agreements, etc.) or fees within 90 days of approval |
| Minor Subdivision       | None                                                                                     | Lapse occurs if applicant fails to submit any necessary documents or fees within 90 days of approval                                               |
| Annexation              | None                                                                                     | Lapse occurs if applicant fails to submit any necessary documents or fees within 90 days of approval                                               |
| Master Plan             | None                                                                                     | Lapse occurs if applicant fails to submit any necessary documents or fees within 90 days of approval                                               |
| Vacations               | None                                                                                     | Lapse occurs if applicant fails to submit any necessary documents or fees within 90 days of approval                                               |





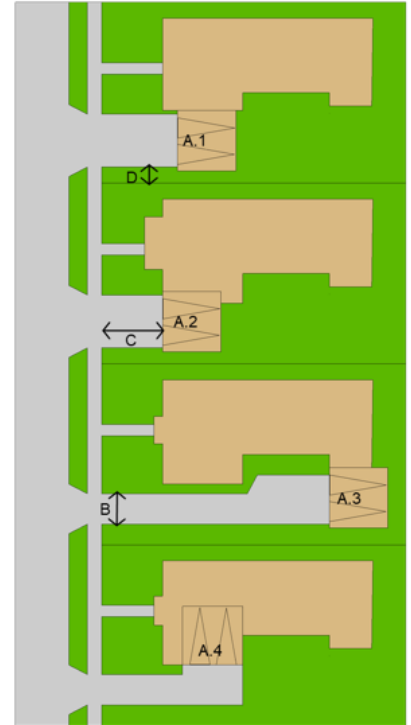
# **Chapter 15- Development Standards**

# Vehicular Access Standards



*Limited Access: recessed garage. New Windsor*

| Limited Access |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | <p><b>Parking Location and Orientation:</b></p> <p>Garages shall either be:</p> <p><b>A.1</b> Setback at least 5' from the front of the house;</p> <p><b>A.2</b> 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;</p> <p><b>A.3</b> In the rear 50% of the lot; or</p> <p><b>A.4</b> Generally perpendicular to the street.</p> |
| <b>B</b>       | <p><b>Maximum driveway width (within front setback):</b></p> <p>18' – access for a single dwelling unit.<br/>           24' – access for two or more dwelling units.<br/>           28' – access for three or more dwelling units.</p>                                                                                                                                                                                                        |
| <b>C</b>       | <p><b>Driveway Length:</b></p> <p>20' minimum between garage and sidewalk.</p>                                                                                                                                                                                                                                                                                                                                                                |
| <b>D</b>       | <p><b>Vehicle Use Area Setback</b></p> <p>5' minimum setback between driveway and side property line within the front setback of the lot.</p>                                                                                                                                                                                                                                                                                                 |





# Chapter 16- Zoning

# RMU-2

- New zone
- Allows smaller residential lot sizes
- Additional requirements for parks, pedestrian oriented design.





## SF-2

Repurposed zone similar to RMU-2 but at a lower intensity without commercial or multifamily apartments.





# Estate Zones

Combine E-1 &  
E-2 zones  
(septic still  
prohibited)





# Multifamily Zones

Combine MF-1  
& MF-2 zones







# Agriculture Holding Zone

Allows  
agricultural use  
to continue on  
annexed  
properties until  
development  
occurs

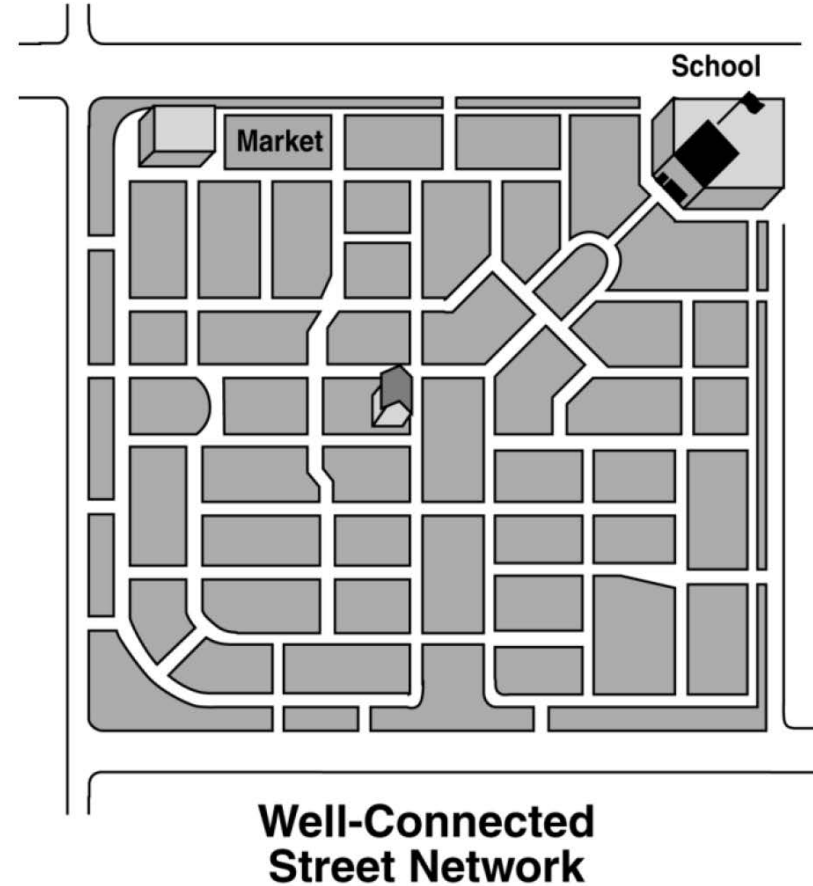
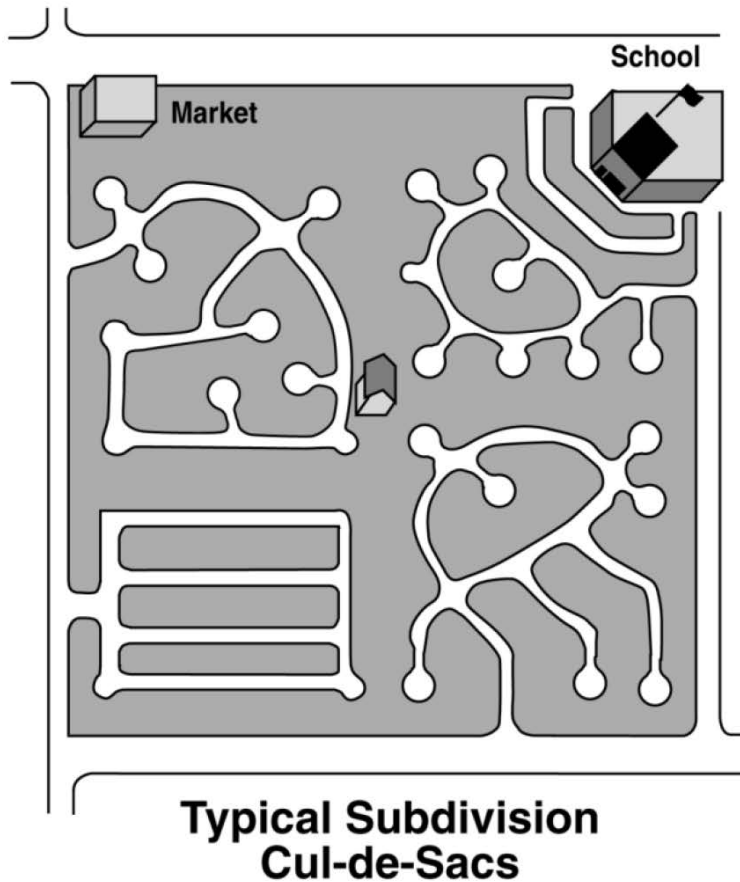






# Chapter 17- Subdivisions

# Connectivity





# Connectivity

| Street Connectivity Standards |                                                |              |                                    |                                                                                                                                                                                                                                      |
|-------------------------------|------------------------------------------------|--------------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | Zone Districts                                 | Block Length | Connections to Adjacent Properties | Cul-de-sac Limits                                                                                                                                                                                                                    |
| Current                       | All                                            | 1500' max.   | Every 1320' or less on average     | 600' maximum length                                                                                                                                                                                                                  |
| Proposed                      | LI, HI, ER                                     | 1320' max    | Every 1320' or less                | 660' maximum                                                                                                                                                                                                                         |
| Proposed                      | RMU-1, SF-1, NC, GC, MF, PUD (non-residential) | 880' max     | Every 880' or less                 | 660' maximum but should be avoided when feasible. When used the total number of lots on cul-de-sac streets, shall not exceed more than 10% of lots in subdivision unless an exception is granted in accordance with Sec. 17-1-10(g). |
| Proposed                      | CB, RMU-2, SF-2, PUD (residential)             | 660' max.    | Every 660' or less                 | Prohibited except for exceptions (listed below) 660' maximum length when exception granted.                                                                                                                                          |



# Open Space

| <i>Existing Subdivision Open Space</i> |                           |
|----------------------------------------|---------------------------|
| <i>Subdivision</i>                     | <i>Percent Open Space</i> |
| Village East 1 <sup>st</sup> Filing    | 31%                       |
| Winter Farm 1 <sup>st</sup> Filing     | 15%                       |
| The Ridge at Harmony Road              | 20%                       |

| <i>Proposed Open Space Requirements</i> |                           |
|-----------------------------------------|---------------------------|
| <i>Zone District</i>                    | <i>Percent Open Space</i> |
| ER                                      | 0%                        |
| RMU-1, SF-1                             | 15%                       |
| RMU-2, SF-2, MF                         | 20%                       |

# Pocket Parks

| Zone District | Pocket Park Requirements                                                        |
|---------------|---------------------------------------------------------------------------------|
| ER            | 50 square feet per dwelling unit<br>Required for conservation subdivisions only |
| SF-1          | 50 square feet per dwelling unit                                                |
| SF-2          | 75 square feet per dwelling unit                                                |
| RMU-1         | 50 square feet per dwelling unit                                                |
| RMU-2         | 75 square feet per dwelling unit                                                |
| MF            | 75 square feet per dwelling unit                                                |





# Neighborhood Trails





# Public Improvement Security

| <i><b>Municipality</b></i> | <i><b>Percentage of Public Improvement Security</b></i> |
|----------------------------|---------------------------------------------------------|
| Fort Collins               | 100%                                                    |
| Greeley                    | 125%                                                    |
| Longmont                   | 100%                                                    |
| Loveland                   | 100%                                                    |
| Windsor                    | 25% (current)<br>100% (proposed)                        |



# Comprehensive Plan Implementation

| Comprehensive Plan Implementation |                                                                                                                             |                                                                                                                                                                    |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chapter 5b – Growth Framework     |                                                                                                                             | Staff Comment                                                                                                                                                      |
| Goal                              | Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible. | Updates allow for smaller residential lot sizes, which has been shown have both fiscal and environmental benefits related to more efficient use of infrastructure. |





# Comprehensive Plan Implementation

| Chapter 5c – Residential Areas Framework Plan |                                                                                                                                            | Staff Comment                                                                                                                                                                 |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal                                          | Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.            | The draft code will allow for greater diversity of housing types and lot sizes                                                                                                |
| Objective #1                                  | Promote multi-modal connectivity to increase neighborhood access and resident mobility.                                                    | The draft code requires increased connectivity of streets and trails.                                                                                                         |
| Objective #2                                  | Utilize conservation design and traditional neighborhood design for new residential growth areas and promote overall community livability. | Traditional neighborhood design is incorporated in the draft code, particularly in RMU-2 zone which allows a mix of uses, an active neighborhood center, and walkable design. |
| Objective #3                                  | Increase the number of affordable housing units that provide opportunities for working families and seniors.                               | Smaller lot sizes allowed in the draft code can help lower the cost of housing.                                                                                               |
| Objective #4                                  | Foster a diversity of housing types and sizes through coordinated land use planning and zoning.                                            | A diversity of housing types is encouraged in the new code.                                                                                                                   |



# Comprehensive Plan Implementation

| Chapter 5d - Commercial and Industrial Areas Framework Plan |                                                                                                                                                                                                            | Staff Comment                                                                                                |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Goal                                                        | Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible                                                                                 | Updates allow for more mixed-use design, which is shown to be more environmentally and fiscally responsible. |
| Objective 9                                                 | Pursue the use of zoning and form-based development tools that promote and encourage the type of mixed-use character the community prefers                                                                 | Mixed use is encouraged in the RMU-2 zone district.                                                          |
| Chapter 6 -Transportation                                   |                                                                                                                                                                                                            | Staff Comment                                                                                                |
| Goal                                                        | Develop a multi-modal transportation system that accommodates new and existing development, provides safe and efficient access for all ages and abilities, and promotes public health and quality of life. | New subdivision standards require increased connectivity of trails and road networks.                        |
| Objective #1                                                | Extend roadways as development occurs to enhance the connectivity for all users and increase the capacity and mobility of the transportation network                                                       | New subdivision standards require greater extension of roadways to property                                  |



# Recommendation

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