



PLANNING COMMISSION REGULAR MEETING

March 6, 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 January 17, 2024 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing - An Ordinance Amending Portions of Windsor Municipal Code, Chapter 14, Article II, Concerning Comprehensive Plan Adoption Procedures
 - Legislative action
 - Staff presentation: Carlin Malone, Chief Planner
2. Recommendation to Town Board - An Ordinance Amending Portions of Windsor Municipal Code, Chapter 14, Article II, Concerning Comprehensive Plan Adoption Procedures
 - Legislative action
 - Staff presentation: Carlin Malone, Chief Planner
2. Public Hearing - Conditional Use Permit to allow a temporary office trailer - Great Western Industrial Park Subdivision 10th Filing, Block 1 Lot 2, 31880 Great Western Drive - Intersand America, property owner; Joel Laroche, Intersand America, applicant
 - Quasi-judicial action
 - Staff presentation: Sandra Mezzetti, Senior Planner
3. Recommendation to Town Board - Conditional Use Permit to allow a temporary office trailer - Great Western Industrial Park 10th filing, Block 1 Lot 2, 31880 Great Western Drive - Intersand America, property owner; Joel Laroche, Intersand America, applicant
 - Quasi-judicial action
 - Staff presentation: Sandra Mezzetti, Senior Planner

4. Public Hearing - An Ordinance Amending a Portion of Town of Windsor Municipal Code, Chapter 16, Article III, Concerning Regulation of Short-Term Rentals
 - Legislative action
 - Staff presentation: Scott Ballstadt, Director of Planning
5. Recommendation to Town Board - An Ordinance Amending a Portion of Town of Windsor Municipal Code, Chapter 16, Article III, Concerning Regulation of Short-Term Rentals
 - Legislative action
 - Staff presentation: Scott Ballstadt, Director of Planning
6. Election of Officers - Election of Planning Commission Chair
 - Staff presentation: Scott Ballstadt, Director of Planning
7. Election of Officers - Election of Planning Commission Vice-Chair
 - Staff presentation: Scott Ballstadt, Director of Planning
8. Election of Officers - Election of Planning Commission Secretary
 - Staff presentation: Scott Ballstadt, Director of Planning

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: March 6, 2024
To: Planning Commission
From: Kaitlyn Cinnamon, Deputy Town Clerk
Re: Approval of the January 17, 2024 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 01.17.24 PC Draft Minutes



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.

MINUTES

A. CALL TO ORDER

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

1. Roll Call

Present:

Chairman Schick
Vice-Chair Reddick
Nathan Kinney
Ben Kirch
Jose Valdes
Cindy Beemer

Absent:

David Hassard

Also Present:

Town Board Liaison Tallon
Scott Ballstadt, Planning Director
Kim Emil, Deputy Town Attorney
Carlin Malone, Chief Planner
David Eisenbraun, Senior Planner
Rece Lampe, Digital 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 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; 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 November 1, 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; Nays - None; Motion Passed.

C. BOARD ACTION

1. Public Hearing - Master Plan Amendment - South Hill Annexation Master Plan, Martin Lind and Eagle Crossing Development, Inc. Owner/Applicant

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.

Town Board Liaison, Victor Tallon, gave a statement to the Commission.

"Mr. Chair, for the record, I would like to disclose that I am a sitting member of the Town Board and that I am here in my capacity as a nonvoting liaison to the Planning Commission. Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearings."

Chairman Schick opened the public hearing for Master Plan Amendment - South Hill Annexation Master Plan.

David Eisenbraun, Senior Planner, presented to the Planning Commission.

Garrett Scallon, applicants representative, spoke to the Planning Commission.

Chair Schick opened the meeting up for public comment and multiple residents spoke to the Commission regarding parking, overflow, building units, traffic and open space.

Mr. Scallon and David Eisenbraun addressed the comments made by residents.

Commissioner Valdes and Chair Schick asked questions of staff pertaining to the site plan and if a traffic study had been conducted. Senior Planner, David Eisenbraun, addressed the commissioners' questions.

Planning Commissioner Reddick moved to close the public hearing, Planning

Commission Member Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Jose Valdes, Cindy Beemer, Nathan Kinney, Ben Kirch; Nays - None; Motion Passed.

2. Recommendation to Town Board - Master Plan Amendment - South Hill Annexation Master Plan, Martin Lind and Eagle Crossing Development, Inc, Owner/Applicant

See public hearing item.

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for the Master Plan Amendment - South Hill Annexation Master Plan, including all information presented by staff, Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, Nathan Kinney, Ben Kirch; Nays - Jose Valdes; Motion Passed.

3. Public Hearing - An Ordinance Amending Chapters 14, 15, and 16 of the Town of Windsor Municipal Code concerning land use - Planning Department

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.

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.

Chairman Schick opened the public hearing for an Ordinance Amending Chapters 14, 15 and 16 of the Town of Windsor Municipal Code concerning land use.

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

Chair Schick opened the meeting up for public comment, to which there were none.

Commissioners Beemer, Valdes and Reddick asked questions of staff regarding car washes

and noise complaints. Commissioner Valdes referred to Section 15-5-10 and sought clarification from staff.

Kim Emil, Deputy Town Attorney, spoke to the Commission regarding noise ordinances.

Planning Commissioner Beemer moved to close the public hearing, 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; Nays - None; Motion Passed.

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

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

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for an Ordinance Amending Chapter 14, 15 and 16 of the Town of Windsor Municipal Code concerning land use, including all information presented by staff, 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; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Commissioner Reddick will be absent for the February 21, 2024, Planning Commission meeting.

Commissioner Kirch will be absent for the February 7, 2024, Planning Commission meeting.

2. Communications from Town Board Liaison

Victor Tallon, Town Board Liaison, spoke to the Planning Commission regarding Chief Rick Klimek's retirement from the Town of Windsor Police Department after thirty-eight years.

3. Communications from Staff

David Eisenbraun, Senior Planner, and Scott Ballstadt, Planning Director, addressed upcoming meetings with the Planning Commission.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:28 p.m.

Kaitlyn Cinnamon, Deputy Town Clerk



MEMORANDUM

Date: March 6, 2024
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Public Hearing - An Ordinance Amending Portions of Windsor Municipal Code, Chapter 14, Article II, Concerning Comprehensive Plan Adoption Procedures
Item #: C.1.

Background / Discussion:

Please see attached staff memorandum.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. Staff Memo - Land Use Code Update
2. Ordinance Amending Comp Plan Adoption Procedures
3. Staff Powerpoint - Land Use Code Update



MEMORANDUM

Date: February 6, 2024
To: Planning Commission
From: Carlin Malone, Chief Planner
Via: Scott Ballstadt, Director of Planning
Re: An Ordinance Amending Portions of Town of Windsor Municipal Code, Chapters 14, Article II, Concerning Comprehensive Plan Adoption Procedures

Background / Discussion

Chapter 14 of the Town's Municipal Code, is one of four chapters that make up the Town's Land Use Code (Chapters 14-17), updated in February 2021. Chapter 14, Article II, addresses land use application and comprehensive plan procedures. Historically, the Town's Planning Commission has adopted the Town's Comprehensive Plan and its subsequent updates, consistent with Colorado State Statute (C.R.S. Sec. 31-23-206) which requires a municipality's planning commission to create and adopt, as well as amend periodically, the municipality's comprehensive plan (also known as a master plan, per C.R.S). This process is also consistent with the Town's Municipal Code, Section 2-7-20, which establishes the functions and duties of the Planning Commission. This includes the creation, adoption, and periodic updates of the Town's Comprehensive Plan.

With the land use code update of 2021, the Town's Comprehensive Plan process was amended to include a recommendation from Town Board to the Planning Commission regarding the adoption of the Town's Comprehensive Plan. The amended process has proven to be problematic, as described herein.

Summary of Recommendation

Per C.R.S., a municipality's governing body (in this case, Town Board) may approve or endorse the planning commission's adoption of a comprehensive plan. As such, staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending portions of Chapter 14, Article II, which will update the procedure to the Planning Commission's adoption of the plan, followed by Town Board approval.

Additional Background

In the last few years, several land use applications proposing an amendment to the Town's Comprehensive Plan (Land Use Map) were submitted by developers under this new process. The updated process proved to be problematic or confusing for all users, as this process did not follow the standard process of a recommendation from Planning Commission, followed by Town Board action. This has been problematic because a comprehensive plan/land use map amendment application is typically accompanied by at least one other quasi-judicial land use

application (i.e., rezone and/or master plan) and cannot be processed concurrently with applications following the standard land use application process.

As such, Town Board has requested this process reflect the Planning Commission’s adoption of the Town’s Comprehensive Plan first, followed by Town Board approval. The attached ordinance reflects the update in the land use code procedures chart, as well as text. The following page illustrates the changes with strike-outs for deleted text, bold for added text, and is highlighted.

Below is an overview of the sections proposed for amendments:

Section 1 §14-2-10– Land Use Application Procedures Table 14-2-10(a)

Existing table:

ARTICLE II - Procedures

Sec. 14-2-10. - General—All applications.

(a) Applications and Fees.

(1) General. Applications and land use procedures shall be processed in accordance with Table [14-2-10\(a\)](#) and this Chapter.

EXPAND

Application Type	Code Section	Neighborhood meeting	Concept Review Meeting	Decision Maker				Vote
				Director	PC	TB	BOA	
Accessory Dwelling Unit	Sec. 14-2-100		□	D			A*	
Annexation	Sec. 14-2-30	☑	□	R	R*	D*		S
Appeals	Sec. 14-2-180			Refer to section 14-2-180				S
Code Amendment	Sec. 14-2-190			R	R*	D*		S
Comprehensive Plan Amendment	Sec. 14-2-200			R	D*	R*		M

Proposed change to table: Striking decision maker and vote area (below in yellow) and maintaining the link to the relative section addressing the comprehensive plan process:

Comprehensive Plan Amendment	Sec. 14-2-200			R	D*	R*		M
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Section 2

§14-2-200. – Comprehensive plan amendment.

The Planning Commission may amend, supplement, change or repeal the Comprehensive Plan and Land Use map boundaries set forth in this Code, after public hearing, thereon at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation. **The Comprehensive Plan and Land Use Map, and/or any amendments thereto, shall be presented to the Town Board for approval by Resolution.**

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 ~ February 20, 2024
- Advertised in the local newspaper (Greeley Tribune) ~ February 23, 2024

Land Use Code Update Schedule

- Town Board public hearing to consider the Planning Commission recommendation and first reading of the ordinance on March 18, 2024.
- Town Board public meeting and second reading of the ordinance on March 25, 2024.

TOWN OF WINDSOR

ORDINANCE NO. 2024-XX

AN ORDINANCE AMENDING PORTIONS OF WINDSOR MUNICIPAL CODE, CHAPTER 14, ARTICLE II, CONCERNING COMPREHENSIVE PLAN ADOPTION 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, Colorado Revised Statute Sec. 31-23-206 requires the Planning Commission to make and adopt a master plan for the physical development of the municipality, subject to the approval of the Town Board; and

WHEREAS, Code Sec. 2-7-20 establishes the functions and duties of the Planning Commission, including the preparation and maintenance, subject to periodic revisions, a master plan, otherwise known within the Town as the “Comprehensive Plan”; 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. Table 14-2-10(a) within Code Sec. 14-2-10(a) concerning Comprehensive Plan Amendment is hereby amended and shall read as follows:

.....

Compre- hensive Plan Amend- ment	Sec. 14-2-200			R	D [*]	R [*]		M
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.....

Section 2. Code Sec. 14-2-200 concerning Comprehensive Plan Amendment is hereby amended and shall read as follows:

14-2-200. - Comprehensive plan amendment.

The Planning Commission may amend, supplement, change or repeal the Comprehensive Plan and Land Use map boundaries set forth in this Code, after public hearing, thereon at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation. **The Comprehensive Plan and Land Use Map, and/or any amendments thereto, shall be presented to the Town Board for approval by Resolution.**

Section 3. 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 4. 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 March 18, 2024.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Passed on second reading, and ordered published this March 25, 2024.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]



An Ordinance Amending Land Use Code:

Comprehensive Plan Adoption Procedures §14-2-10(a) & §14-2-200

Planning Commission ~ March 6, 2024

*Carlin Malone, Chief Planner
Planning / Community Development*



Land Use Code Update – Background

February 2021 – Land Use Code Update (Chapters 14-17)

- **Subsequent updates**

Prior to 2021: Planning Commission adopted Comprehensive Plan

With 2021 update and modification of procedures:

- **Town Board recommendation to Planning Commission concerning adoption of Comprehensive Plan**

Amendment: Planning Commission adoption, followed by Town Board approval



§14-2-10(a) – Land Use Application Procedures Table.

ARTICLE II - Procedures

Sec. 14-2-10. - General—All applications.

- (a) Applications and Fees.
- (1) General. Applications and land use procedures shall be processed in accordance with Table [14-2-10\(a\)](#) and this Chapter.

EXPAND

Table 14-2-10(a) Land Use Application Procedures								
Application Type	Code Section	Neighbor-hood meeting	Concept Review Meeting	Decision Maker				Vote
				Director	PC	TB	BOA	
Accessory Dwelling Unit	Sec. 14-2-100		☐	D			A*	
Annexation	Sec. 14-2-30	☑	☐	R	R*	D*		S
Appeals	Sec. 14-2-180			Refer to section 14-2-180				S
Code Amend-ment	Sec. 14-2-190			R	R*	D*		S
Compre-hensive Plan Amend-ment	Sec. 14-2-200			R	D*	D*		M





§14-2-200. – Comprehensive plan amendment.

The Planning Commission may amend, supplement, change or repeal the Comprehensive Plan and Land Use map boundaries set forth in this Code, after public hearing, thereon at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation. **The Comprehensive Plan and Land Use Map, and/or any amendments thereto, shall be presented to the Town Board for approval by Resolution.**



Notification & Public Hearings

Notification of public hearings in accordance with Town Code:

- **Advertisement in Greeley Tribune on February 23, 2024.**
- **Posted on Town website on February 20, 2024.**

Public Hearing / Meeting Schedule:

1. **Planning Commission public hearing and recommendation to Town Board ~ March 6, 2024.**
2. **Town Board public hearing and first reading of ordinance ~ March 18, 2024.**
3. **Town Board public meeting and second reading of ordinance ~ March 25, 2024.**



Planning Commission Recommendation & Record

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending Chapter 14 concerning Comprehensive Plan adoption procedures.

Staff requests that the following be entered into the record:

- **Ordinance**
- **Staff memorandum**
- **Public testimony during the public hearing**

Land Use Code Amendments proposed:

- §14-2-10(a) – Land Use Applications Procedures Table.
- §12-2-200. – Comprehensive plan amendment.



Questions / Thank you

Planning Commission

March 6, 2024



MEMORANDUM

Date: March 6, 2024
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Recommendation to Town Board - An Ordinance Amending Portions of Windsor Municipal Code, Chapter 14, Article II, Concerning Comprehensive Plan Adoption Procedures
Item #: C.2.

Background / Discussion:

Please refer to public hearing item material.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending portions of Town of Windsor Municipal Code, Chapter 14, Article II, concerning Comprehensive Plan adoption procedures.

CC:

Attachments:



MEMORANDUM

Date: March 6, 2024
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Public Hearing - Conditional Use Permit to allow a temporary office trailer - Great Western Industrial Park Subdivision 10th Filing, Block 1 Lot 2, 31880 Great Western Drive - Intersand America, property owner; Joel Laroche, Intersand America, applicant
Item #: C.2.

Background / Discussion:

The applicant, Intersand America, represented by Mr. Joel Laroche, is requesting a Conditional Use Permit (CUP) to allow one temporary office trailer in the Heavy Industrial (HI) zone district for one (1) year with the ability to extend one (1) additional year.

A conditional use permit is required because the proposed temporary use is not specifically included as a use-by-right in any zoning district per Section 14-2-130(a) of the Town's Municipal Code, Conditional Use Permit Applicability. The applicant is requesting allowance for a temporary office trailer while the company implements new Enterprise Resources Planning software. The implementation process requires an additional 8–9 people and the current office is not large enough to accommodate the additional people.

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

Conditional Use Permit Review Criteria

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

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

The 2016 Comprehensive Plan does not address temporary office trailers.

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

The proposed temporary office trailer does not require any public infrastructure or public improvements. The temporary office trailer will temporarily be using power from the existing facility. No other utilities will be required. Restroom facilities are located in the existing facility.

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

The proposed temporary office trailer will be located approximately twenty-five feet east of the existing office and is setback approximately 520' from Eastman Park Drive. The proposed location will have a minimal visual impact when viewed from Eastman Park Drive.

Notifications

The following Planning Commission and Town Board public hearing notifications were completed in accordance with the Municipal Code:

- February 23, 2024 – property posted with a notification sign
- February 23, 2024 – legal notice posted on Town of Windsor website

- February 23, 2024 – affidavit of letter mailed to property owners within five hundred (500) feet
- February 23, 2024 – legal ad published in the newspaper

Financial Impact:

None

Relationship to Strategic Plan:

There are no relevant areas of the Strategic Plan regarding this type of temporary use.

Recommendation:

Staff recommends that the Planning Commission forward a recommendation of approval of the Conditional Use Permit application to the Town Board as presented with the conditional timeline below:

- The conditional use of the temporary office trailer is permitted for one (1) year with the option to extend for one (1) additional year, which upon the arrival of, the applicant will be required to remove the trailer from the site.

CC:

Joel Laroche, Plant Manager, Intersand America, Windsor, Colorado

Attachments:

1. GWIP 10th-Application Materials
2. PH - CUG GWIP 10th - PC Staff Presentation

Application for Conditional Use Permit



(Please see Town of Windsor Fee Schedule for Application Fees)

To Be Completed by Applicant

(Type or print in black ink)

Street Address: 31880 GREAT WESTERN DR, WINDSOR, CO 80550

Lot: 2 Block: 1

Subdivision: _____

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

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

SEE APPENDIX 1

Windsor Municipal Code Section 14-2-130.

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

Present use of land: <u>MANUFACTURING</u>	Size: <u>284,659 SF</u>
Present use of structure: <u>MANUFACTURING</u>	Size: <u>48,300 SF</u>
Proposed use of land: <u>MANUFACTURING</u>	Size: <u>284,659 SF</u>
Proposed use of structure: <u>ADDING TEMPORARY 12'X60' OFFICE TRAILER</u>	Size: <u>720 SF</u>

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

Submitted this _____ day of _____, 20____

JOEL LAROCHE
Applicant (please print)

Joel Laroché
Applicant's Signature

Property Owner (please print)

[Signature]
Property Owner's Signature

205-864-2063
Phone (daytime) Fax _____

Phone (daytime) Fax _____

JLAROCHE@INTERSAND.COM
Email

Email

Applicant's Representative (if any)

Name: JOEL LAROCHE

Phone: _____ Fax: _____ Email: _____

Application for Conditional Use Permit

Project Description:

SEE ATTACHED DRAWINGS:

APPENDIX 2: APPROVED SITE PLAN

APPENDIX 3: LOCATION OF TEMPORARY OFFICE
TRAILER ON PROPERTY

APPENDIX 4: LAYOUT OF TRAILER

Revised August 2022

APPENDIX 1



Date: February 6, 2024

RE: Application for Conditional Use Permit

Description of the project

Intersand is implementing a new Enterprise Resources Planning software (ERP), namely SAP, in the entire company. This implementation will require a group of 8-9 people to work at our Windsor facility for a few weeks. Our current office is too small to accommodate this many people. Therefore, we need to rent a temporary 12'x60' office trailer that will be located next to our current office at 31880 Great Western Drive in Windsor, CO. See attached drawings.

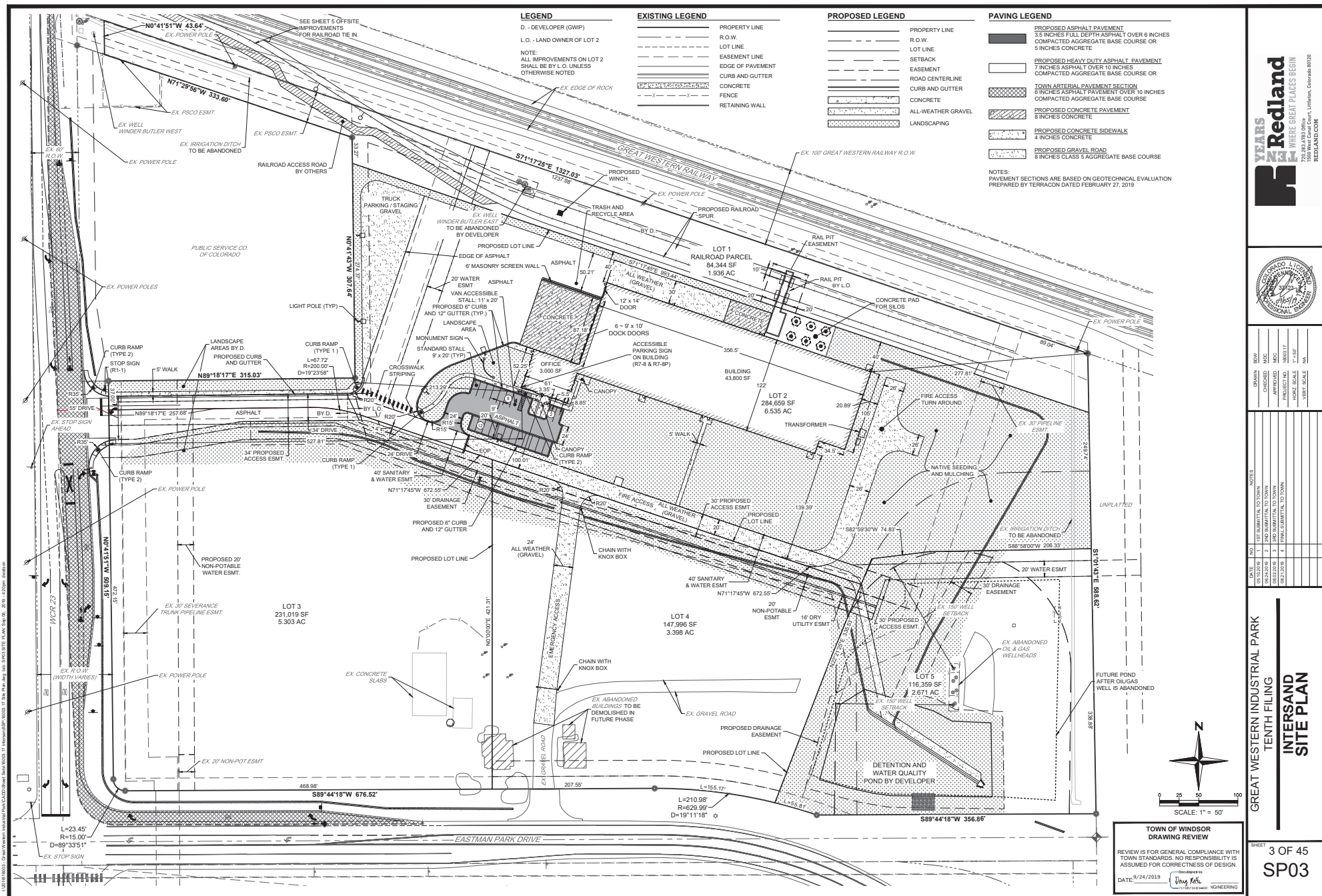
We plan on having this trailer at our facility from March 1 to June 15, 2024. The trailer will be using power from our manufacturing facility and no other utilities will be needed i.e. no water/sewer connections. The electrical work will be conducted by a licensed electrical contractor.

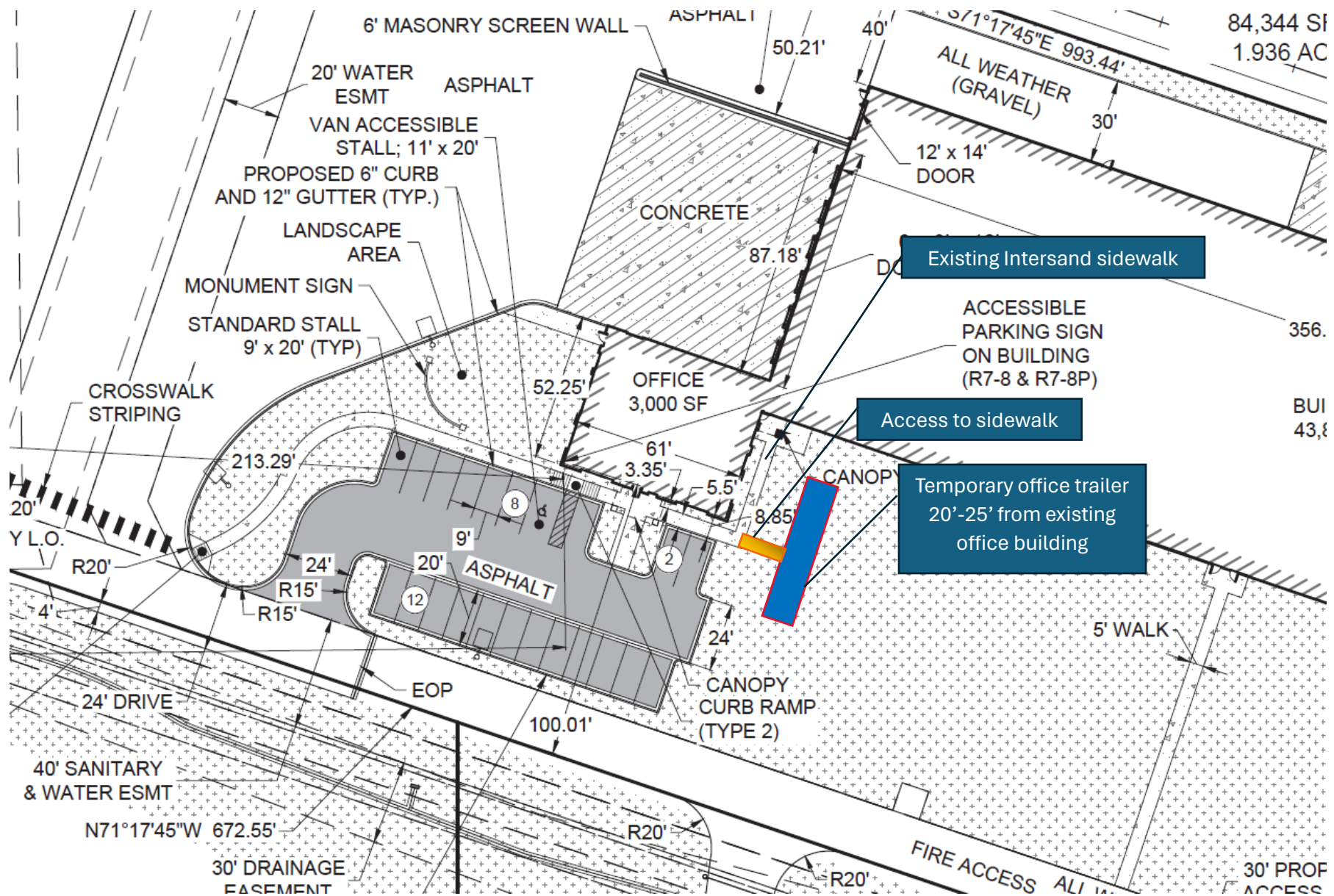
Please let me know if you have any questions.

Respectfully,

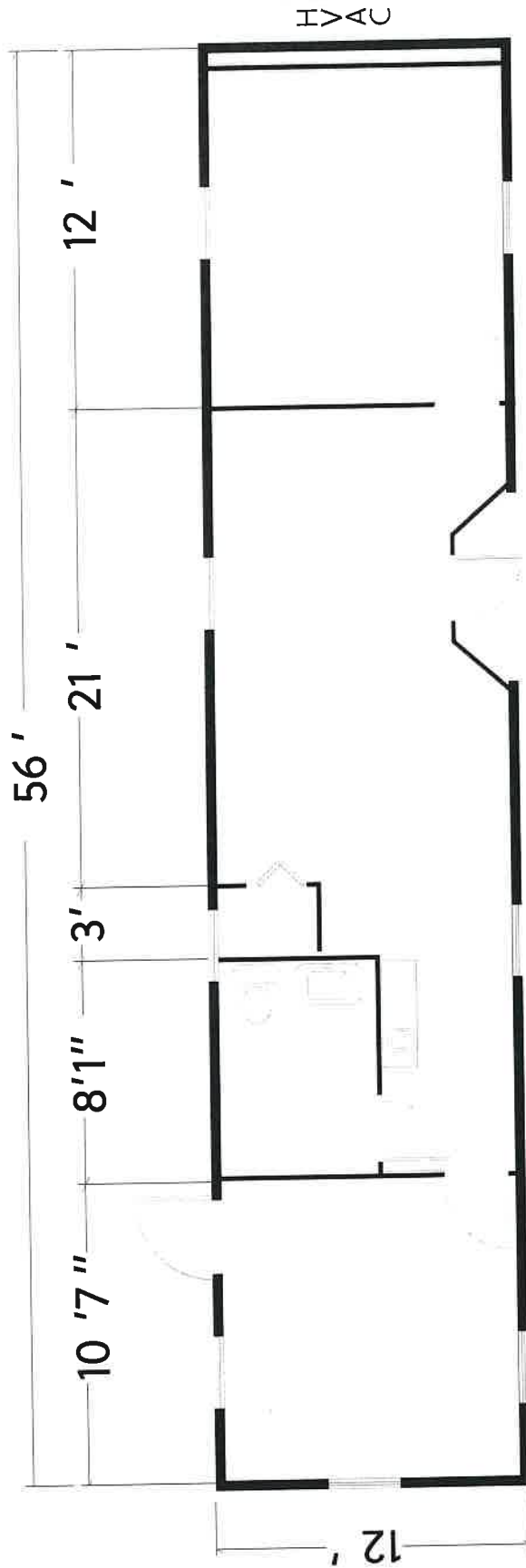
A handwritten signature in black ink that reads "Joel Laroche".

Mr. Joel Laroche
Plant Manager
(205-864-2063)





APPENDIX 4



- 12'x56' (672 sq. ft.)
- Allow 4' for nose (hitch)
- 2 private offices 1 common area
- 125 amp electrical service 120/240 volt, single phase, 3 wire, 60 hz
- Central heating and air conditioning
- Mansard roof
- 7/16" smart panel siding
- Commercial carpeting
- 1/2" vinyl covered gypsum walls
- 2-drawer locking filing cabinet
- Recessed commercial front door
- Rear exterior door with deadbolt and latch guard
- Vertical sliding windows with insect screens
- Mini blinds

Floor plans are not drawn to scale. There may be slight variations in floor plans, furnishings, and dimensions. Please call to confirm availability.



Conditional Use Permit

Temporary Office Trailer

Sandra Mezzetti, Senior Planner

Planning Commission March 06, 2024



Conditional Use Permit

Article II of Chapter 14 of the Municipal Code outlines applicability of the Conditional Use Permit process:

Section 14-2-130:

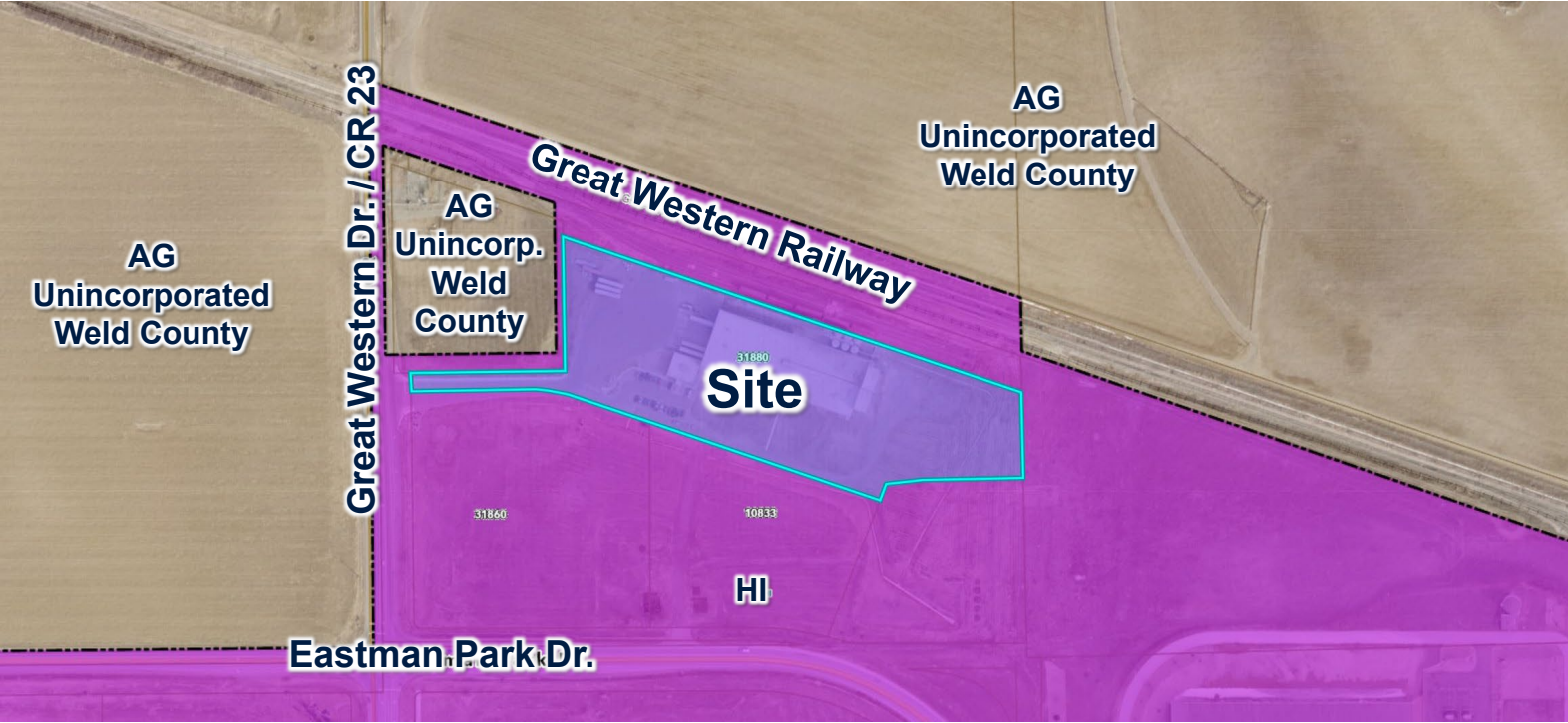
The conditional use classification is intended to allow consideration of uses which are unique in nature or character and, except as otherwise specifically provided in this Code, not specifically included as uses by right in any specific zoning districts.

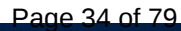
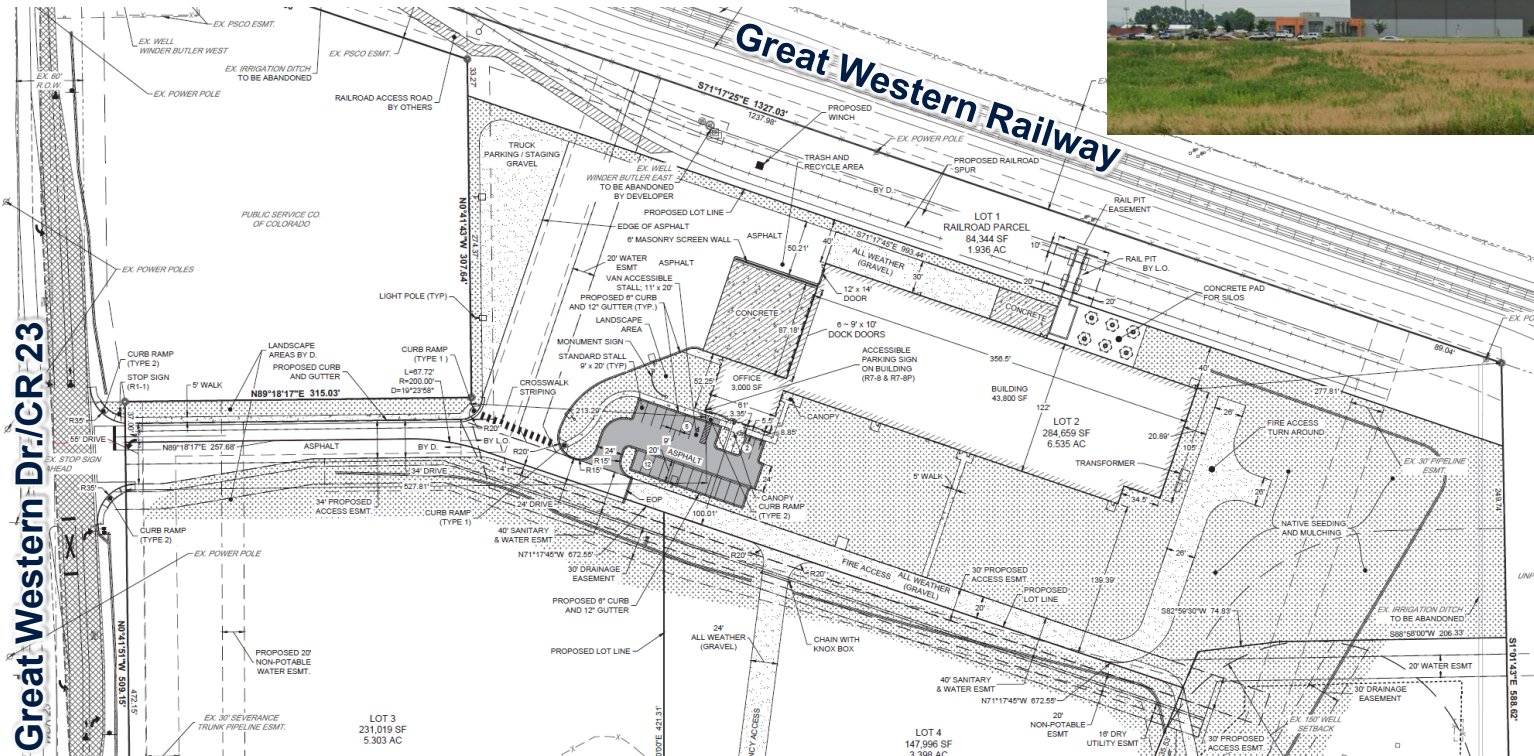
Site Vicinity Map





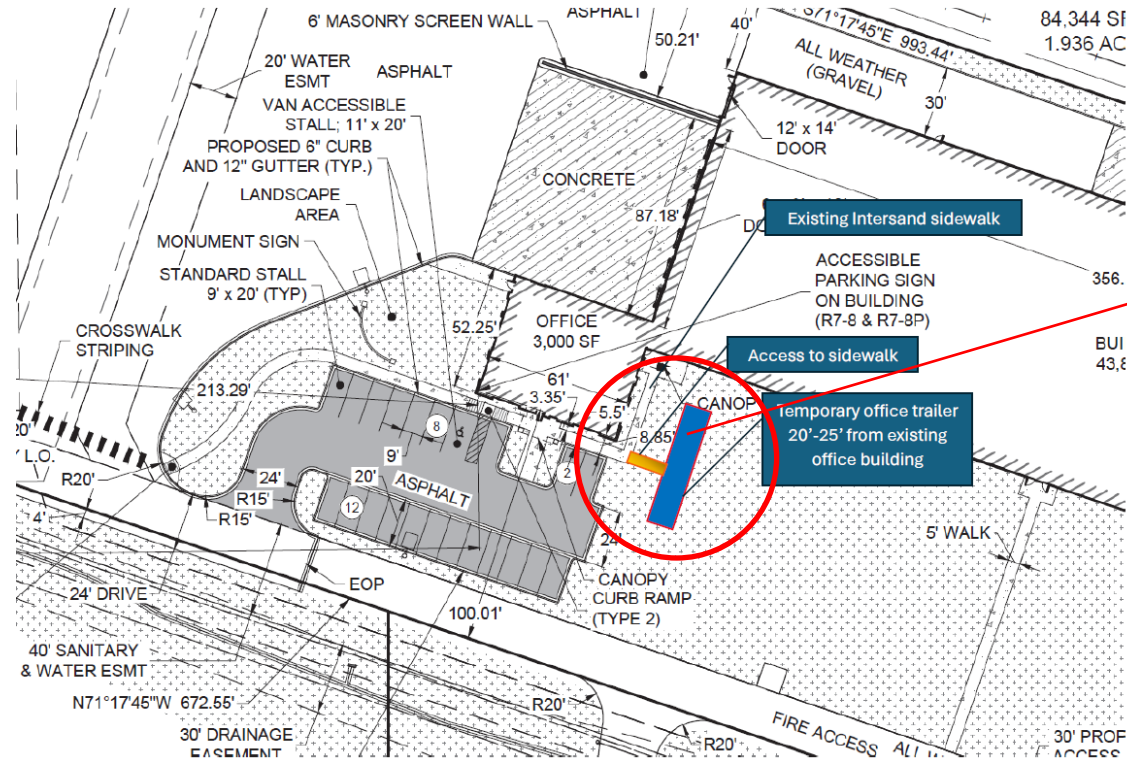
Zoning Map







Enlarged Site Plan – Proposed Location





Analysis

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

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

The 2016 Comprehensive Plan does not address temporary office trailers.

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

The proposed temporary office trailer does not require any public infrastructure or public improvements. The temporary office trailer will temporally be using power from the existing facility. No other utilities will be required.

Analysis

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

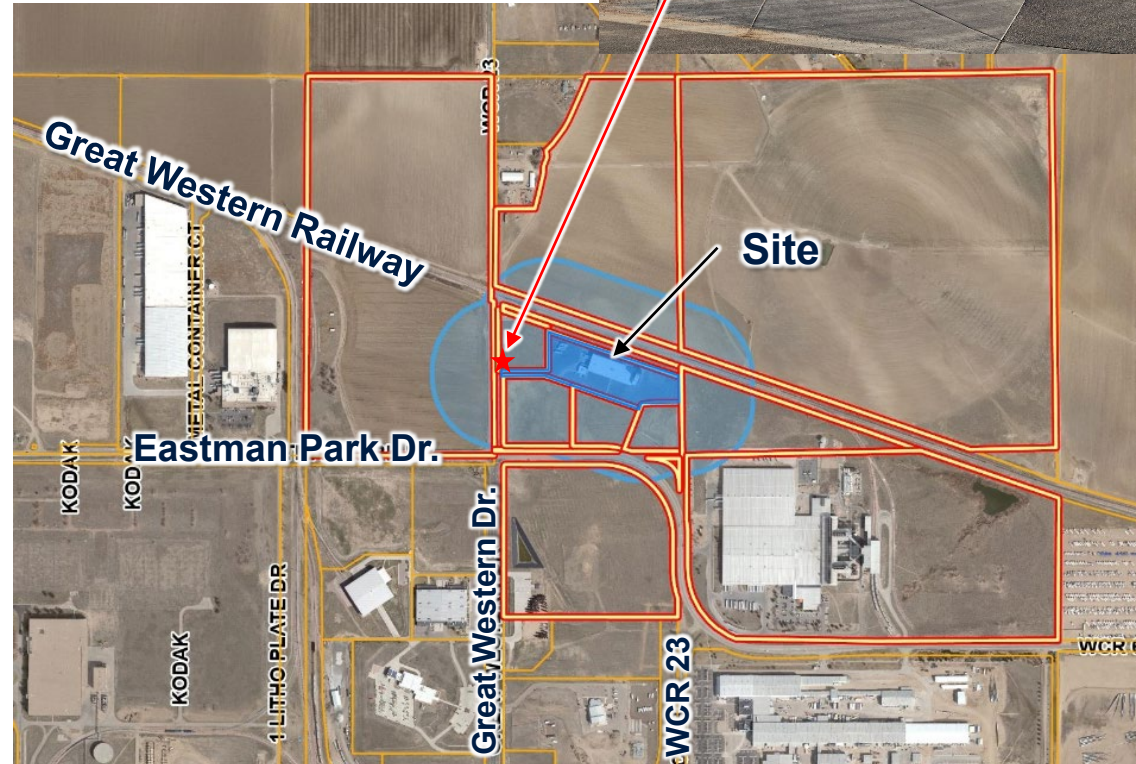
The proposed temporary office trailer will be placed approximately twenty-five feet east of the existing office and is setback approximately 520' from Eastman Park Drive. The proposed location will have a minimal visual impact when viewed from Eastman Park Drive.



Notification Area

Notifications for this meeting were as follows:

- February 23, 2024 – sign posted on property
- February 23, 2024 - Affidavit of mailing to property owners within 500 feet
- February 23, 2024 – posted on Town's website
- February 23, 2024 – published ad in newspaper





Recommendation

Staff recommends that the Planning Commission forward a recommendation of approval of the Conditional Use Permit application to the Town Board as presented with the conditional timeline below:

- The conditional use of the temporary office trailer is permitted for one (1) year with the option to extend for one (1) additional year



Record

Staff requests that the following be entered into the record:

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



Approval Criteria

Sec. 14-2-130. – Review criteria for conditional use grants.

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



Conditional Use Permit Questions

Thank you



MEMORANDUM

Date: March 6, 2024
To: Planning Commission
From: Sandra Mezzetti, Senior Planner
Re: Recommendation to Town Board - Conditional Use Permit to allow a temporary office trailer - Great Western Industrial Park 10th filing, Block 1 Lot 2, 31880 Great Western Drive - Intersand America, property owner; Joel Laroche, Intersand America, applicant
Item #: C.3.

Background / Discussion:

Please refer to information and documents included in the public hearing item.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends that the Planning Commission forward a recommendation of approval of the Conditional Use Permit application to the Town Board as presented with the conditional timeline below:

- The conditional use of the temporary office trailer is permitted for one (1) year with the option to extend for one (1) additional year, which upon the arrival of, the applicant will be required to remove the trailer from the site.

CC:

Attachments:



MEMORANDUM

Date: March 6, 2024
To: Planning Commission
From: Scott Ballstadt, Planning Director
Re: Public Hearing - An Ordinance Amending a Portion of Town of Windsor Municipal Code, Chapter 16, Article III, Concerning Regulation of Short-Term Rentals
Item #: C.4.

Background / Discussion:

Short-Term Rentals (STRs) have become a popular housing option for vacationers, business travelers, and people seeking a weekend get-a-way. Unfortunately, STRs can also have impacts on neighborhoods, community character and the availability of affordable housing. While STRs may have a positive impact on the local economy, particularly if a lodging tax were implemented, they can also have a negative impact on the affordable housing supply. The challenge is to strike a balance between reasonable regulations to preserve local housing markets, limit neighborhood impacts, boost tourism economies, and provide opportunities for homeowners to supplement their income.

Currently, the Town does not regulate the operation of STRs. Rather, any property owner operating an STR was simply required to obtain a business/sales tax license through the Finance Department. However, in recent months, it came to the attention of the Town Board that the operation of STRs may be impacting adjacent property owners and neighborhoods, and Town Board instructed staff to amend Chapter 16 of the Municipal Code to implement regulations governing Short-Term Rentals. Over the course of several months, Planning Staff and the Town Attorney's office researched regulations and procedures found in several Colorado communities. After reviewing a variety of different levels of regulation, staff developed talking points to review with the Town Board.

Staff met with the Town Board at work sessions on August 21, 2023 and September 25, 2023 to outline the key concerns regarding STRs in Town and incorporated into a draft ordinance. The Planning Commission and Town Board then held joint work sessions on December 11, 2023, and February 6, 2024, to review and discuss the ordinance (proposed code amendment). At the February 6th meeting, Town Board determined the proposed ordinance had satisfied their initial request and directed staff to move forward with public hearings and schedule the amendment to the Municipal Code for consideration.

Letters with copies of the draft ordinance were mailed February 23rd to the fifteen STR hosts having business licenses on file with the Finance Department, and emails with the same information were sent to the VRBO and Airbnb platforms. It should be noted that the total number of Windsor STRs advertised online is estimated to be closer to 130 units; however, mailing information is not readily available without actually booking each STR or paying a third party service to "scrub" the internet for address and contact information. As of the time of this memo, no responses have been received from hosts or platforms.

Financial Impact:

An application fee will be charged to off-set review time required by Staff to ensure the proposed STR is in compliance with the Municipal Code. Inspection Fees will be charged by SAFEbuilt and Windsor Severance Fire Rescue for their work to ensure compliance with the Building and Fire Codes.

Relationship to Strategic Plan:

N/A

Recommendation:

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the Ordinance, amending a portion of Municipal Code, Chapter 16, Article III, concerning Regulation of Short-Term Rentals.

CC:

Planning Department
Town Attorney's Office

Attachments:

1. 2-23-24 STR Ordinance FINAL DRAFT
2. 2023 STR Application Template DRAFT
3. PC - Staff Presentation - Short-Term Rental_3.6.2024

TOWN OF WINDSOR
ORDINANCE NO. 2024-

AN ORDINANCE AMENDING CHAPTER 16 OF THE WINDSOR MUNICIPAL CODE TO
ALLOW SHORT-TERM RENTALS AS A RESIDENTIAL USE

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

WHEREAS, the Town created and adopted the Windsor Municipal Code (“Code”) Chapters 14, 15, 16 and 17, known as the Windsor Land Use Code (“Land Use Code”); and

WHEREAS, Short-Term Rental (“STR”) properties are utilized by homeowners throughout the Town; and

WHEREAS, the Town has not yet adopted code requirements for the licensure and regulation of Short-Term Rentals; and

WHEREAS, for the purposes of health and safety of the inhabitants of Short-Term Rentals, the protection of surrounding neighboring properties and the protection of community character, the Town seeks to regulate this residential use; and

WHEREAS, the Town finds that the adoption of this Ordinance is necessary for the health, safety, and welfare of the residents.

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

Section 1. Article 3 of Chapter 16 of the Land Use Code, is hereby amended to add a new section allowing and regulating Short-Term Rentals in Town limits. The new section shall read as follows:

Sec. 16-3-60.-Short-Term Rentals.

- (a) Intent. The intent of this article is to provide procedural requirements, regulations and fee schedule for a Short-Term Rental property. This article ensures that Short-Term Rentals, also known as STRs, are operated in a manner that is compliant with all applicable rules, laws, and regulations, as well as to ensure it is compatible with the surrounding neighborhood and protects the overall community character.
- (b) The provisions set forth in this article shall only apply to Short-Term Rental properties, as defined within the Land Use Code. This article shall not apply to the furnishing of lodging services in hotels, motels, resort lodge cottages, bed and breakfast establishments, timeshares/fractional ownership units within a building or to properties with leases that exceed thirty (30) days or more.
- (c) Definition. Short-Term Rental means a dwelling unit, within a residentially zoned property, that is rented for a period of twenty-nine (29) days or less.

- (1) Short-Term Rentals, that are owned in fee-simple by an individual property owner or corporate entity, shall be allowed in the following dwelling types (as defined by the Land Use Code), and are subject to fire and building code compliance: (a) single-family detached and attached residences; (b) multi-family condominiums; and (c) accessory dwelling units.
- (d) General Provisions. Short-Term Rentals are only allowed in the following residential zone districts: Single Family (SF-1) zone district and within residentially defined areas in the Residential Mixed Use One (RMU-1) zone district, subject to the following conditions:
- (1) Business License and Short-Term Rental Permit Required. It shall be unlawful to offer, provide, or operate a Short-Term Rental in the Town of Windsor without obtaining a business license and a Short-Term Rental Permit from the Town, through the department(s) tasked with oversight and enforcement. A Short-Term Rental Permit shall only be issued to a natural person, whose name appears on the property deed or a corporate entity.
 - (2) Application. Before any permit under this article is issued, an application for Business License and Short-Term Rental Permit shall be submitted to the Finance Department and Community Development Department – Planning. All applications shall be made upon forms provided by the Community Development Department. The Community Development Department may require additional documentation associated with the application as necessary to enforce the requirements of this article.
 - (3) Short-Term Rental Permit Application Fee. Before any permit under this article is issued, an applicant for a Short-Term Rental Permit must pay a Short-Term Rental application fee which has been determined necessary by the Town to offset costs associated with Short-Term Rental regulation. This fee may be reasonably adjusted by the Director of Finance or their designee.
 - (4) Compliance with Restrictive Covenants. If the parcel upon which a Short-Term Rental is proposed falls within the jurisdiction of a homeowners' association or similar covenant-based property owners' association, the requirements of this Section shall be considered minimum requirements. Any such association shall have the right to lawfully adopt more stringent standards for Short-Term Rentals, including the outright prohibition of Short-Term Rentals, for any parcel within the regulatory authority of such association.
 - (5) Compliance with State and Federal Laws. All Short-Term Rentals must comply with applicable state and federal laws.
 - (6) Insurance Required. It shall be unlawful to operate a Short-Term Rental without fire, hazard and liability insurance coverages, which limits are set by the Town. Proof of insurance will be required prior to issuance of the permit. The Town shall not be held liable.

- (7) Owner or Property Management Information for Emergency Contact. The owner or property manager shall have access and authority to assume management of the Short-Term Rental, take remedial measures, and to accept service on behalf of the owner. The owner or property manager shall be available twenty-four (24) hours per day, seven (7) days per week to respond to complaints, issues of concern, and violations related to this article. The owner or property manager must be able to affirmatively respond to complaints within an hour of notification of such complaint. Failure by the owner or property manager to affirmatively respond to a complaint shall be considered a violation of this article.

(e) Requirements.

- (1) Development Standards. All Short-Term Rentals must meet the applicable Town development standards, building, residential and fire codes adopted by the Town. These requirements include, but are not limited to, properly installed and functioning smoke detector(s), carbon monoxide detector(s) and fire extinguisher(s) on the properties.
- (2) Total Occupancy. Two (2) occupants per each bedroom or sleeping room (as defined by the International Building Code), within the unit are allowed to reside in a Short-Term Rental. (Example: 2 bedrooms = 4 occupants).
 - (a) A bedroom is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of the International Residential Code, as adopted, and amended from time to time. Living rooms, family rooms and other similar areas that are so situated and designed as so to clearly indicate these intended uses, shall not be interpreted as bedroom rooms.
- (3) Site plan depicting off-street parking stalls and trash facility locations.
 - (a) Parking. The Short-Term Rental shall have one (1) off-street parking space per bedroom in the unit. (Example: 2 bedrooms = 2 off-street parking spaces)
 - (b) Trash Removal. Trash shall be contained in an appropriate manner to prevent litter dispersion to adjacent neighbors.
- (4) Application.
 - (a) Proof of property and liability insurance must be provided upon acceptance of application.
 - (b) Street side emergency address numbers are displayed in accordance with 911 regulations.
 - (c) Smoke alarms and carbon monoxide detectors are in correct working order and that the correct number of devices are installed per the International Residential Code. (Include date of device).

- (d) Working fire extinguishers are located at each cooking area and are in close proximity to each open flame source.
 - (e) Trash containers are of sufficient size to accommodate the maximum occupancy allowed and that a collection plan is in place.
 - (f) Notification to tenants of noise and parking regulations in accordance with the applicable Code.
 - (g) Number bedrooms in the rental unit.
 - (h) Number of full bathrooms in the rental unit.
 - (i) Number of off-street parking spaces available.
 - (j) Property complies with the Code.
- (5) The owner or property manager shall be responsible to provide their contact information to all neighbors adjacent to the Short-Term Rental. Proof of such shall be provided to the Town within ten (10) days of Community Development approval and/or following any change in information.
- (6) Existing Short-Term Rentals. Existing Short-Term Rentals will be required to submit a formal Short-Term Rental application within ninety (90) days of implementation of this ordinance.
- (7) Renewal Application. Renewal application and fee payment is required biannually upon notification by the Town. Failure to complete and resubmit the renewal application form to the Town shall be cause for consideration or revocation of approval.
- (8) Change in Ownership. Any change in ownership shall require a new application, license, and permit. Business licenses and Short-Term Rental Permits are not transferable.
- (9) Inspection and Reinspection. Short-Term Rentals shall be inspected for initial licensure, then reinspected by the Town Building Official and the Windsor Severance Fire Rescue every two (2) years accompanying the renewal every other year to ensure continued compliance with the applicable building and fire codes.

(10) Advertising. Any advertising shall contain the Town permit number. (Ex.: STR24-001)

(f) Neighborhood Complaints.

- (1) Complaints concerning a Short-Term Rental shall first be directed to the owner or property manager. The owner or property manager shall respond to the complaint, including visiting the site, if necessary, within one (1) hour of notification. Failure to

affirmatively respond to a complaint and attempt to resolve such complaint shall be considered a violation of this article.

- (2) The Town may investigate any complaint received, to determine if it is a substantiated complaint that represents a documented violation of any provision(s) of this article.
 - (3) Violations of this article shall be subject to the enforcement provisions set forth herein. If violation(s) are not corrected or if there are repeat offenses, the Town may pursue action as provided for herein.
 - (4) If upon review at any time, the Town determines the owner has failed to comply with any of the requirements, performance standards, conditions or restrictions imposed by this article, the Town may take such action as is deemed necessary to remedy the non-compliance, including but not limited to, suspension or revocation of the approval as set forth in section (g) below.
- (g) Any person who violates a provision of this Article may be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the applicable provisions of this Code. Each day of operation of a Short-Term Rental in violation of this Article shall constitute a separate offense. In addition to the foregoing, the Town shall be entitled to seek all other available relief at law or in equity with regard to any violation of the provisions of this Article, including but not limited to injunctive relief.

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

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

Introduced, passed on first reading and ordered published this 18th day of March, 2024.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading, and ordered published this 25th day of March, 2024.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]



Short Term Rental (STR) License Application

Application and Information Packet

New Permit:	☐	\$162 Application Fee* (Non-refundable)
Inspection Fees:	☐	\$100 Per Inspection for Fire Code & Building Code** (Non-refundable)
Renewal Permit:	☐	\$54 Renewal Processing Fee** (Non-refundable)

Please Provide All Required Information:

<u>Applicant Name or Business Name (DBA):</u>					
Mailing Address:					
City:		State:		Zip Code:	
Phone:	() -	Contact Email:			
<u>Short-Term Rental Type:</u>		Full Home _____ Single Room _____ ADU _____			
Property Address:					
City:	Windsor	State:	Colorado	Zip Code:	
<u>Legal Description of Property (Lot and Block, Subdivision):</u>					
<u>Property Owner Information:</u>		Prefix _____ Suffix _____ Pronouns _____			
<u>Full Name:</u>					
Primary Residence Address:					
City:		State:		Zip Code:	
Phone:	() -	Email:			
<u>Local 24/7 Contact:</u>		Phone:	() -		
Address:		Email:			

*New Permit Application Fee: A one-time, non-refundable fee to process new applications or STR Permits that are past-due or revoked.

**Inspection Fees: Applicants are required to schedule inspections with Windsor Severance Fire Rescue and SAFEbuilt during New Permit Applications and Renewal Permits. \$100 shall be paid to WSFR and SAFEbuilt, separately, prior to inspection.

301 Walnut St.
Windsor, CO 80550

Office: 970-674-2400
Fax: 970-674-2496

windsorgov.com

Page | 1 of 8



Short Term Rental (STR)

Application and Information Packet

Checklist and Certification for Application (Please initial all that apply):

____ I certify I have notification from an insurance company acknowledging the property is used as a short-term rental.

____ I certify street side emergency address numbers are displayed in accordance with 911 regulations.

____ I certify all smoke alarms and carbon monoxide detectors are in correct working order and that the correct number of devices are installed per the Building Code. (Include date of device).

____ I certify a working fire extinguisher is located in each cooking area and in close proximity to each open flame source.

____ I certify all chimney flues have been cleaned during the last 12 months.

____ I certify the trash containers are of sufficient size to accommodate the maximum occupancy allowed and that a collection plan is in place.

____ I certify I will notify tenants of noise and parking regulations in accordance with the applicable Town of Windsor Ordinance.

____ I certify there are (#) ____ bedrooms in the rental unit.

____ I certify there are (#) ____ full bathrooms and (#) ____ ½ baths in the rental unit.

____ I certify there are ____ on-site parking spaces available. (One Allowed On Premises)

____ Owner supplied advertisement for unit being considered for short-term rental.

____ I certify the property complies with the Town of Windsor Zoning Code.

____ I certify that the property is registered with Town of Windsor's Finance Department.

I, _____ (print name), certify that the Short-Term Rental Permit for which I am applying meets all the criteria described above. I acknowledge that failure to comply with the short-term rental requirements may result in revocation of the Short-Term Rental Permit.

Signature: _____

Date: _____



Short Term Rental (STR)

Application and Information Packet

Checklist for Submittals to Planning/Engineering Review:

Item #	Checklist	Requirements for Planning/Engineering Review.
1.		Short Term Rental Site Plan/Plot Plan/Floor Plan Identifying the Following Information: Trash enclosures, square footage of lot, home and STR unit, and on-premises parking location.
2.		Completed STR application with acknowledgement of regulations.
3.		Contact Information. 24-hour contact information (i.e., name, address, and telephone numbers) for the Property Manager and the Owner.
4.		Site Plan/Plot Plan/Floor Plan: <u>See Plot Plan/Floor Plan Examples</u> A. Aerial Image of Existing and proposed buildings on the site: • Size (outer dimensions and area in square feet). • Uses of all buildings. • Structures Parking Areas Vehicular access and drives including widths. B. For new construction you will need a site plan drawn to scale that is NOT an aerial. Please include information noted in A. above in addition to the information noted on the attached Plot Plan Handout. • Distance between property lines and all existing and proposed buildings & structures. • Project boundary annotated with distances. • Setbacks (building, parking and etc.). C. A floor plan for each level of the home, drawn to a common scale or include all dimensions. Label all rooms including bedroom, bathrooms, common areas, mechanical rooms, decks, porches, stairs, doors, windows and attached garages. All bedrooms must have egress windows or doors, smoke and CO alarms, and meet other code requirements. You may draw the floor plan yourself or have a draftsman or architect prepare it. The plan must be complete, legible and accurate.



Short Term Rental (STR)

Application and Information Packet

Plot Plan Information:

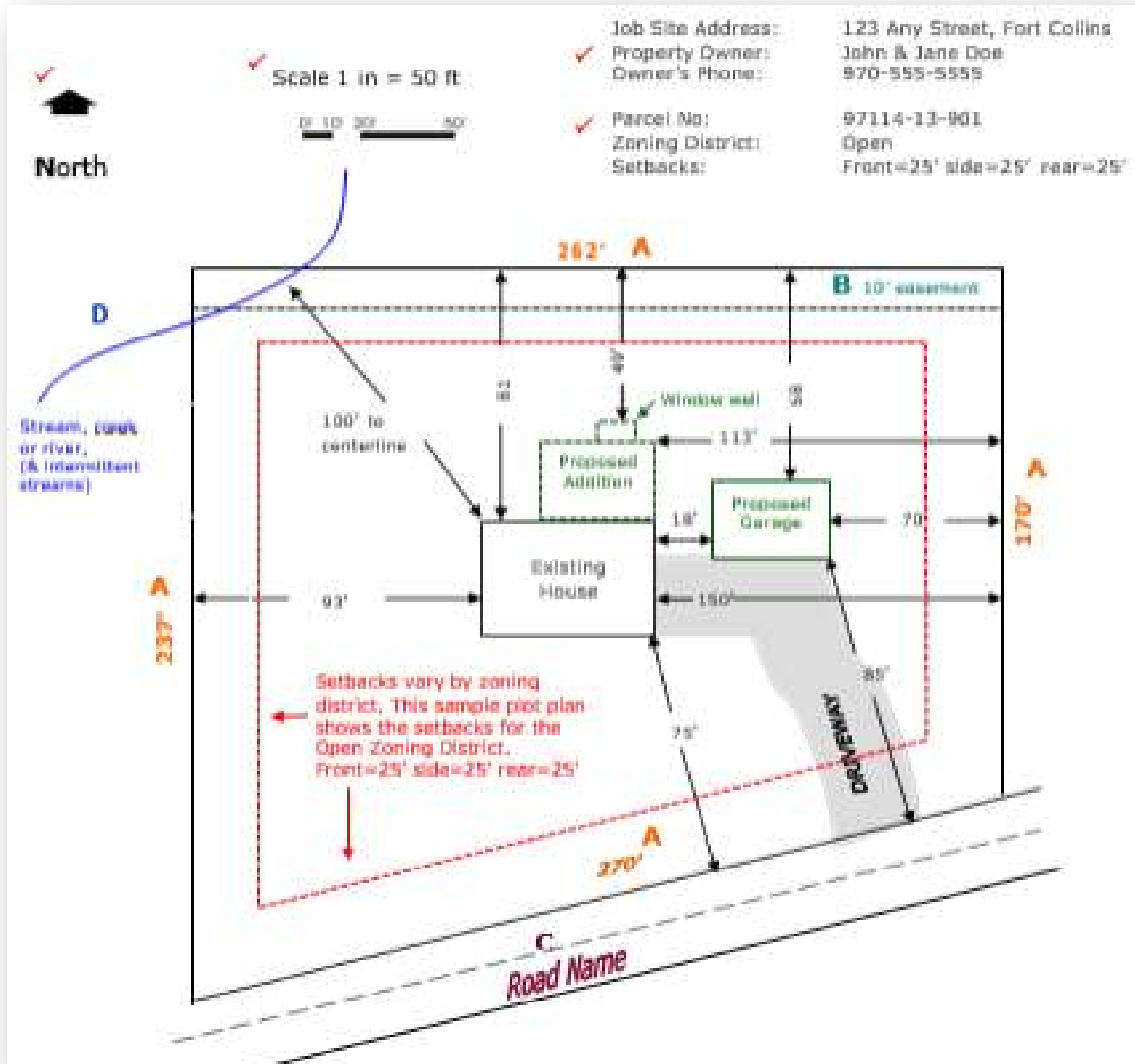
What is a Plot Plan	What is required to be on a Plot Plan
A plot plan is an accurate, scaled drawing illustrating the following: • Property's dimension and shape. • Location of roads. • The relationship and precise location of man-made features on the property (buildings, structures, driveways). • Natural water features (creeks, streams, rivers, lakes). • Architectural features (cornices, canopies, eaves, awnings, bay windows, window wells, cantilevered walls, chimneys). -Plot plans show what currently exists on the site and the physical changes you plan to make to the site. -See example plot plan.	Plot Plan Basics Note: Aerial photos will not be accepted 1. DRAWN TO SCALE -Like a map that depicts a 10-mile stretch of highway with a 1 inch line, a scaled plot plan represents the relationship between the actual property and its size on paper. -Common measures of scale for plot plans: Scale 1" = 10' 0" ----- 10 ft Scale 1" = 100' 0" ----- 100 ft • North Arrow 2. PLOT PLAN PAPER • Minimum Size 8½" x 11" • Maximum Size 24" x 36" • Larger parcels of land may require multiple sheets of paper. 3. PROPERTY DIMENSIONS • Draw and label property lines and length • Indicate if property is a corner lot and label all roads 4. EASEMENTS and RIGHT of WAY • Show easements, e.g., utility, drainage landscape, access. • Structures cannot be built in, over or under ANY easement or right-of-way including architectural features such as eaves and window wells. 5. ROADS, STREETS, ACCESS • Named and unnamed roads (public, private, county roads & state highways) • Driveways, existing and proposed • Vehicle parking area
A Plot Plan is required when submitting a building permit application for:	
• Residential Buildings • Accessory Buildings • Decks, porches, gazebos & awnings • Garages (attached and detached) • Pole Barns • Storage Buildings larger than 120 sq ft	



Short Term Rental (STR)

Application and Information Packet

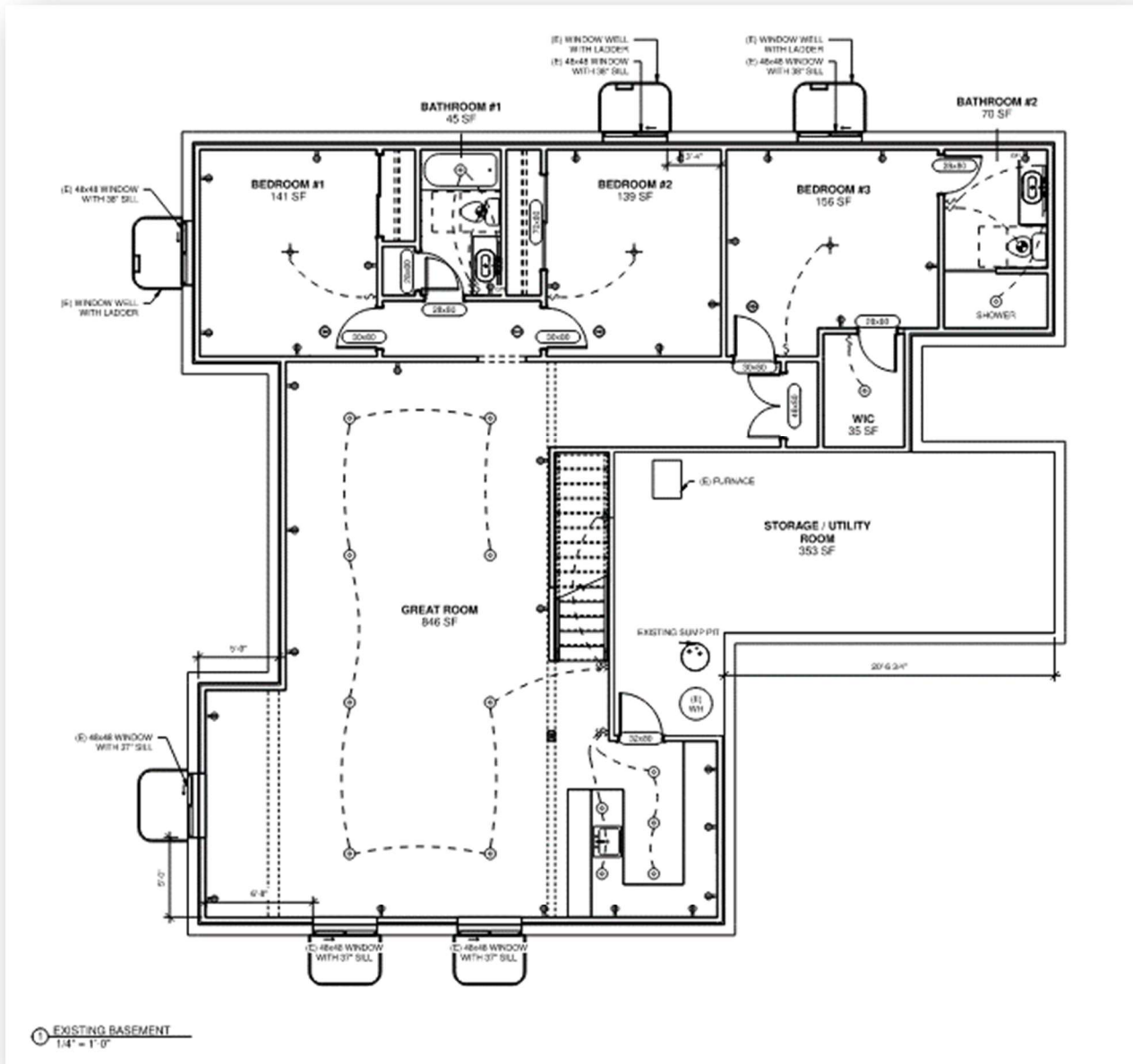
Example Plot Plan:



Short Term Rental (STR)

Application and Information Packet

Example Floor Plan:





Short Term Rental (STR)

Application and Information Packet

Operations Manual (Details to be posted within the STR Unit):

Completed Y/N	Please include in your STR Operations Manual the following information.
	Quiet Hours. Restrictions on after-hour noise and good neighbor interaction.
	Contact Information. 24-hour contact information (i.e., name, address and telephone numbers) for the Property Manager and the Owner.
	Address. The address, GPS coordinates and phone number of the STR. If no phone, then use the phone number of the property owner.
	Property map. A map showing the location of property lines and instructions to prevent trespass onto neighboring properties.
	Maximum Occupancy Limits. The maximum number of occupants allowed to occupy the STR.
	Parking Instructions. Where vehicles are allowed to park on the property shall be clearly indicated. Vehicles must park on the property. On-street parking or parking on neighboring properties is not allowed.
	Egress Map. A map showing how to exit each habitable room in the STR.
	Escape Routes. A map of escape/evacuation routes from the STR/neighborhood to a public road.
	Emergency 911. Contact information for, and a copy of, current registration with the Windsor Severance Fire District, as well as contact information for Police/Sheriff and ambulance service.
	Emergency Shut Off Information. The location of, and instructions for, emergency shutoff of water, gas and electrical systems.
	Fire Extinguisher Information. Location and instructions on how to operate fire extinguishers.
	Stove-top fire stop Information. Instructions from the manufacturer regarding the stove-top fire stop should be included.
	Garbage Removal. Information regarding the plan for garbage storage and removal shall be provided.
	Fire-pit and/or fire ban information. Information regarding whether a fire-pit is allowed, the Wildfire Hazard Area restrictions and the dangers of fires in Colorado.



Short Term Rental (STR)

Application and Information Packet

Planning Staff Form Completion Checklist:

STR License Number: STR _____ - _____	STR ADDRESS: _____		
PARCEL NUMBER:	_____ - _____ - _____	LOT SIZE: _____ sqft	
LEGAL DESCRIPTION:	LOT: _____ / BLOCK: _____ / SUB: _____		
ZONING/SUBAREA:	_____		
SETBACKS:	FRONT _____ ft	SIDE _____ ft	REAR _____ ft
ADDITIONAL INFO:	Type of STR: _____ Plot Plan Approved: _____ Date: _____ Inspections Scheduled or Completed: _____ Signed Certification: _____ Date: _____		
PLANNER NAME:			DATE:



Short-Term Rental Ordinance

Planning Commission
March 6, 2024





Overview

- Currently, the Town does not regulate Short-Term Rentals (STRs)
 - Only require a Business License
- Town Board Members have heard concerns from property owners
 - Operation of STRs may be impacting adjacent property owners and neighborhoods
- Town Board directed the Town Attorney's office and the Planning Department to amend Chapter 16 of the Municipal Code to implement regulations governing STRs



Work Sessions

Several Work Sessions were held to outline key items to address with the Ordinance.

- Town Board Work Sessions: August 21, 2023, September 25, 2023
- Town Board / Planning Commission Joint Work Session: December 11, 2023
- Town Board / Planning Commission Joint Work Session: February 6, 2024



Short-Term Rental Ordinance

Overview:

- Purpose and Intent
- Definitions
- Application (Permit), Licensing, and Fees (N/A - Lodging or Excise Tax)
- Owner/Property Management and Notice Maps
- Life-Safety Requirements and Inspections
- Complaints and Violations



Purpose and Intent

- To identify procedural requirements, for regulating and approving short-term rental properties (applicants).
- To establish an annual adoption of fees, terms and manner for issuing, and regulating STRs.
- ***To ensure that short-term rentals are operated in a manner that is compliant with all applicable rules, laws and regulations, health-safety and welfare, as well as to ensure it is compatible with the surrounding neighborhood and protects the overall community character.***



Definitions

- Short-term rental means a dwelling unit, within a residentially zoned property that is rented for a period of twenty-nine (29) consecutive days or less.
 - *Short-term rental units that are owned in fee-simple by an individual property owner or corporate entity, shall be allowed in the following dwelling types (as defined by the Land Use Code), and are subject to fire and building code compliance: (a) single-family detached and attached residences; (b) multi-family condominiums; and (c) accessory dwelling units.*



Applications (Permit), Licensing and Fees

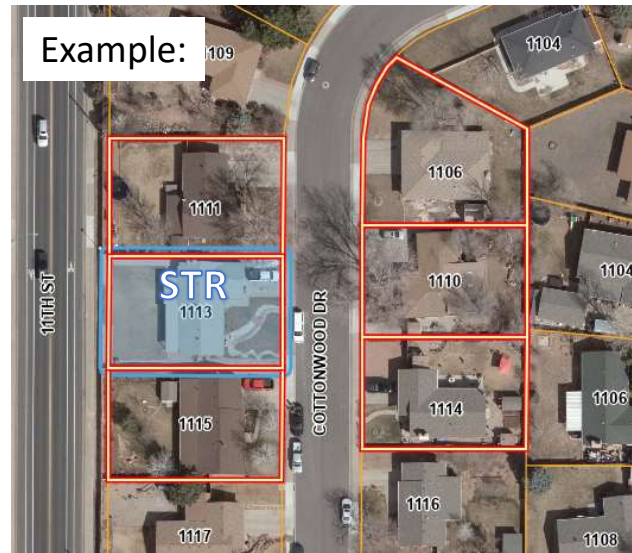
- Business License and Short-Term Rental Permit required, with applicable fees paid.
- It shall be unlawful to operate without a license and permit.
- An application for a short-term rental permit shall be reviewed by Community Development, in accordance with the applicable criteria.
- Business License and Permit will be issued by the Finance Department after Community Development approves application.
- Approvals shall be issued in accordance with the Land Use Code, as well as building codes and inspection approvals

Notifications

Property Owner and/or Manager:

- *shall be responsible to provide their contact information to all neighbors adjacent to the short-term rental property.*

Example:



Includes all properties adjacent to the STR as well as those properties across the street.

- for parking and noise considerations

Cul-de-sac Example:



Includes all properties within the cul-de-sac as well as adjacent rear neighbors.

- for parking considerations



Life Safety / Inspection Requirements

- All short-term rentals shall be inspected for code compliance prior to approval of a license.
- Re-inspection every two years for renewal.
 - Renewals must be submitted to Finance a month prior to license expiration date.
- The fee for this re-inspection shall be \$100 for WSFR & \$100 for SAFEbuilt .
- Any advertising shall contain the Town of Windsor approval number.
 - Example: STR23-003





Complaints / Violations

- Neighbor complaints first directed to the owner/property manager.
 - To resolve outside of a Town investigation
- Town investigation of complaints may result in the issuance of violation notices.



Outreach to Existing Hosts

- Letter providing an overview, draft ordinance and public hearing notice was sent / emailed to business license holders and host websites (Airbnb & Vrbo) .
- Existing STR operators shall renew licenses under the new regulations at the time of their business license renewal.



Staff Resources and Associated Fees:

- Rates for staff time (Initial Application)
 - 2 Hours for Planning Staff - \$108*
 - 1 Hour for Filing/Admin - \$54*
 - WSFR inspection - \$100**
 - SAFEbuilt inspection - \$100**
- Rates for staff time (Renewal)
(Renewal Period – every 2 years)
 - 1 Hour for Processing - \$54*
 - WSFR Inspection - \$100**
 - SAFEbuilt inspection - \$100**

TOWN OF WINDSOR COLORADO

Short Term Rental (STR) License Application
Application and Information Packet

New Permit:	☐	\$162 Application Fee* (Non-refundable)
Inspection Fees:	☐	\$100 Per Inspection for Fire Code & Building Code** (Non-refundable)
Renewal Permit:	☐	\$54 Renewal Processing Fee** (Non-refundable)

Please Provide All Required Information:

Applicant Name or Business Name (DBA):			
Mailing Address:			
City:		State:	Zip Code:
Phone:	() -	Contact Email:	
Short-Term Rental Type:	Full Home _____ Single Room _____ ADU _____		
Property Address:			
City:	Windsor	State:	Colorado
Zip Code:			
Legal Description of Property (Lot and Block, Subdivision):			

*Rates Calculated in conjunction with Finance Department

**Rates Determined by WSFR and SAFEbuilt



Notification – Public Hearing

The Municipal Code requires a public hearing notification for an amendment to the Code.

Notifications for this public hearing were as follows:

- February 23, 2024 – legal notice posted on the Town of Windsor website
- February 23, 2024 – legal ad published in the newspaper
- February 23, 2024 – letters mailed to all STRs registered with the Town.
- February 23, 2024 – letters emailed to the host websites



Recommendation

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the Ordinance, amending a portion of Town of Windsor Municipal Code, Chapter 16, Article III, concerning Regulation of Short-Term Rentals.



Record

Staff requests that the following be entered into the record:

- Staff memorandum and supporting documents
- Testimony received during the public hearing
- Ordinance
- Recommendation



Thank you!



MEMORANDUM

Date: March 6, 2024
To: Planning Commission
From: Scott Ballstadt, Planning Director
Re: Recommendation to Town Board - An Ordinance Amending a Portion of Town of Windsor Municipal Code, Chapter 16, Article III, Concerning Regulation of Short-Term Rentals
Item #: C.5.

Background / Discussion:

Please refer to the previous Public Hearing item for background information.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the Ordinance, amending a portion of Municipal Code, Chapter 16, Article III, concerning Regulation of Short-Term Rentals.

CC:

Planning Department
Town Attorney's Office

Attachments:



MEMORANDUM

Date: March 6, 2024
To: Planning Commission
From:
Re: Election of Officers - Election of Planning Commission Chair
Item #: C.6.

Background / Discussion:

This item has been included on the agenda for the election of officers for the 2024 calendar year. In accordance with the Planning Commission By-laws, each calendar year the Planning Commission shall elect the officers of chairman, vice-chairman and the secretary for that respective year.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

A motion to nominate, followed by a second and vote to approve the appointment of an officer.

CC:

Attachments:



MEMORANDUM

Date: March 6, 2024
To: Planning Commission
From:
Re: Election of Officers - Election of Planning Commission Vice-Chair
Item #: C.7.

Background / Discussion:

This item has been included on the agenda for the election of officers for the 2024 calendar year. In accordance with the Planning Commission By-laws, each calendar year the Planning Commission shall elect the officers of chairman, vice-chairman and the secretary for that respective year.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

A motion to nominate, followed by a second and vote to approve the appointment of an officer.

CC:

Attachments:



MEMORANDUM

Date: March 6, 2024
To: Planning Commission
From:
Re: Election of Officers - Election of Planning Commission Secretary
Item #: C.8.

Background / Discussion:

This item has been included on the agenda for the election of officers for the 2024 calendar year. In accordance with the Planning Commission By-laws, each calendar year the Planning Commission shall elect the officers of chairman, vice-chairman and the secretary for that respective year.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

A motion to nominate, followed by a second and vote to approve the appointment of an officer.

CC:

Attachments: