



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.

MINUTES

A. CALL TO ORDER

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

1. Roll Call

Present: Chairman Schick
Vice-Chair Reddick
Nathan Kinney
David Hassard
Ben Kirch
Cindy Beemer
Maxwell Nader, Alternate

Absent: Jose Valdes

Also Present: Town Board Liaison Tallon
Scott Ballstadt, Planning Director
Sandra Mezzetti, Senior Planner
Mark Price, Planner I
David Eisenbraun, Long Range Planner
Daniel Money, Town Attorney
Kim Emil, Assistant Town Attorney
Carlin Malone, Chief Planner
Ben Bodiker, Creative Services Supervisor
Kyra Mckinley, Visual Media Coordinator
Kaitlyn Cinnamon, Deputy Town Clerk
Laura Richardson, Assistant Town Clerk

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

Planning Commissioner Reddick moved to approve the agenda as presented with the change of items one through nine, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chairman Schick opened the meeting up for public comment on any non-agenda item, to which there were none.

B. CONSENT CALENDAR

1. Approval of the January 17, 2024 Planning Commission Regular Meeting Minutes- K. Cinnamon, Deputy Town Clerk

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

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

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

C. BOARD ACTION

1. Public Hearing - An Ordinance Amending Portions of Windsor Municipal Code, Chapter 14, Article II, Concerning Comprehensive Plan Adoption Procedures

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.

Chairman Schick opened the public hearing for An Ordinance Amending Portions of Windsor Municipal Code, Chapter 14, Article II, Concerning Comprehensive Plan Adoption Procedures.

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

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

Planning Commissioner Reddick moved to close the public hearing, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

2. Recommendation to Town Board - An Ordinance Amending Portions of Windsor Municipal Code, Chapter 14, Article II, Concerning Comprehensive Plan Adoption Procedures

Please refer to information in the public hearing item.

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for An Ordinance Amending Portions of Windsor Municipal Code, Chapter 14, Article II, Concerning Comprehensive Plan Adoption Procedures. Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

3. 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

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.

Chairman Schick opened the public hearing for Conditional Use Permit to allow a temporary office trailer - Great Western Industrial Park Subdivision 10th Filing, Block 1 Lot 2, 31880 Great Western Drive.

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

Chairman Schick opened the meeting up for public comment, to which there was none.

Commissioner Reddick asked a question to the applicant, Joel Laroche, about the anticipated timeline.

Additionally, Reddick asked if the timeline was extended if it would be administratively processed or brought back to the Planning Commission, to which Sandra Mezzetti, Senior Planner answered.

Planning Commissioner Reddick moved to close the public hearing, Planning Commissioner Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

4. 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

Please refer to information in the public hearing item.

Planning Commissioner Beemer moved to forward a recommendation of approval to Town Board for Conditional Use Permit to allow a temporary office trailer - Great Western Industrial Park Subdivision 10th Filing, Block 1 Lot 2, 31880 Great Western Drive, with the conditional timeline outlined. Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

5. Public Hearing - An Ordinance Amending a Portion of Town of Windsor Municipal Code, Chapter 16, Article III, Concerning Regulation of Short-Term Rentals

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.

Chairman Schick opened the public hearing for An Ordinance Amending a Portion of Town of Windsor Municipal Code, Chapter 16, Article III, Concerning Regulation of Short-Term Rentals.

Scott Ballstadt, Director of Planning, presented to the Planning Commission.

Chairman Schick opened the meeting up for public comment.

Marissa Banninga at 416 Walnut Street, Tyson Archie at 8224 WCR 62, Michael Morgan at 790 3rd Street, Mark Despain at 703 4th Street, Brandon McNeil at 970 Birchdale Court and Kelsey Loucks at 329 Locust Street addressed the Planning Commission regarding concerns on parking, fire code, inspections, fire sprinklers, timeline of process, accessory dwelling units, complaints by neighbors and permit costs.

Director of Planning, Scott Ballstadt, Planner I, Mark Price and Town Attorney, Daniel Money, addressed resident concerns pertaining to the item.

Planning Commissioner Reddick moved to close the public hearing, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

6. 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

Please refer to information in the public hearing item.

Planning Commissioner Reddick moved to forward a recommendation of approval to Town Board for An Ordinance Amending a Portion of Town of Windsor Municipal Code, Chapter 16, Article III, Concerning Regulation of Short-Term Rentals with the addition of items entered into the record by Director of Planning, Scott Ballstadt. Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - Cindy Beemer; Motion Passed.

7. Election of Officers - Election of Planning Commission Chair

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.

Planning Commissioner Beemer moved to elect Commissioner Reddick to Chair of the Planning Commission effective April 3, 2024, Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

8. Election of Officers - Election of Planning Commission Vice-Chair

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.

Planning Commissioner Hassard moved to elect Commissioner Valdes to Vice Chair of the Planning Commission effective April 3, 2024, Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

9. Election of Officers - Election of Planning Commission Secretary

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.

Planning Commissioner Beemer moved to elect Commissioner Kinney to Secretary of the Planning Commission effective April 3, 2024, Planning Commissioner Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Gale Schick, Timothy Reddick, Cindy Beemer, David Hassard, Nathan Kinney, Ben Kirch, Maxwell Nader; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Commissioner Beemer spoke to staff regarding Election of Officer dates and aligning when it takes place to Planning Commission terms. Scott Ballstadt, Director of Planning, addressed the comment and stated the bylaws would have to be updated.

All Commissioners gave thanks to Chairman Schick for his years of service to the Town of Windsor. Chairman Schick's last meeting on the board will be April 3, 2024.

2. Communications from Town Board Liaison

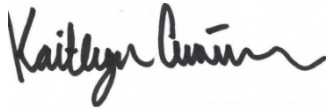
Town Board Liaison Tallon gave thanks to Chairman Schick for his years of service and noted their twenty-two years of working alongside one another.

3. Communications from Staff

Long Range Planner, David Eisenbraun spoke to the Commission regarding the Compensation Plan's redlined items and public comments received. The town's consultant, Megan Moore, presented to the Planning Commission.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:07 p.m.

A handwritten signature in black ink, appearing to read "Kaitlyn Cinnamon", with a stylized, flowing script.

Kaitlyn Cinnamon, Deputy Town Clerk