



PLANNING COMMISSION REGULAR MEETING

July 3, 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 Planning Commission.

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 June 5, 2024, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

C. BOARD ACTION

1. Public Hearing - An Ordinance Amending Certain Sections of the Town Municipal Code Regarding Minor Variances, Section 14-2-140; and Vehicular Access Requirements, Section 15-5-10 - Town of Windsor Planning, applicant.
 - Quasi-judicial action
 - Staff presentation: David Eisenbraun, Long Range Planner
2. Recommendation to Town Board - An Ordinance Amending Certain Sections of the Town Municipal Code Regarding Minor Variances, Section 14-2-140; and Vehicular Access Requirements, Section 15-5-10 - Town of Windsor Planning, applicant.
 - Quasi-judicial action
 - Staff presentation: David Eisenbraun, Long Range Planner

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison
3. Communications from Staff

E. ADJOURN

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



MEMORANDUM

Date: July 3, 2024
To: Planning Commission
From:
Re: Approval of the June 5, 2024, Planning Commission Regular Meeting Minutes - L. Richardson,
Assistant Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 06.05.24 PC Draft Minutes



Planning Commission Regular Meeting

June 5, 2024 - 7:00 PM

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

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MINUTES

A. CALL TO ORDER

Chairman Reddick called the meeting to order at 7:01 p.m.

1. Roll Call

Present:

Chairman Reddick
Nathan Kinney
Ben Kirch
Maxwell Nader
Jordan Spight
John Neal

Absent:

David Hassard

Also Present:

Town Board Liaison Hallett
Scott Ballstadt, Planning Director
Kim Emil, Deputy Town Attorney
Laura Richardson, Assistant Town Clerk
Kaitlyn Cinnamon, Deputy Town Clerk
Kyra McKinley, Visual Media Coordinator
Sandra Mezzetti, Senior Planner
Kim Lambrecht, Senior Planner
Dough Roth, Civil Engineer IV

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

Planning Commission Chairman Reddick moved to accept the agenda with the amendment to add Item 5 under Section C: Board Action to include Election of Officer: Election of Planning Commission Vice Chair, Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

3. Public Invited to be Heard

Jason Hallett, 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."

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

B. CONSENT CALENDAR

1. Approval of the April 17, 2024, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

Planning Commissioner Kinney moved to approve the consent calendar including the modification of Kim Emil's title from Assistant Town Attorney to Deputy Town Attorney, Planning Commissioner Nader seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

C. BOARD ACTION

1. Public Hearing - An Ordinance Amending Certain Sections of the Town Municipal Code Concerning Mobile Food Vending, Section 16-4-10 - Town of Windsor Planning

Executive Summary

Chapters 14 through 17 of the Town's Municipal Code collectively make up the Town's Land Use Code. Section 16-4-10, Mobile Food Vending, was approved by Town Board on July 27, 2015 (Ord. 2015-1503). Recent special event permits submitted to the Town Park and Recreation department have included the request to allow mobile food vending on public right-of-way (public roadways). The Town land use code currently does not permit mobile food vending on public right-of-way, even if included with a "Special Activity Permit" or "Special Event Liquor Permit".

- The amendment includes criteria for mobile food vending when using public right-of-way only.
- The amendment will not impact the Special Activity Permit or Special Event Liquor Permit section of the code.
- The only section impacted by the amendment are references within the sales tax license section, included herein for reference.

Staff is requesting the Planning Commission forward to the Town Board a recommendation of approval of the ordinance, subject to any outstanding Planning Commission comments that must be addressed prior to the Town Board public hearing and first reading of the ordinance on June 10, 2024.

The Town Attorney's Office, in coordination with Community Development, have prepared a draft land use code amendment establishing criteria for allowing for mobile food vending on public right-of-way when part of the above referenced special permits, as described herein.

References to mobile food vending within the business license section of the Municipal Code, Chapter 6, would need to be updated with the proposed changes, as illustrated herein. Chapter 6 modifications do not require public hearings (updated administratively).

The Town Board held a work session on May 20, 2024, to discuss the proposed amendment and directed staff to move forward with the land use code update. One criterion presented to the Town Board that was removed since the work session was a requirement to have the applicant mail notification of the event. Notification of the event via signage in the event area is coordinated through the Town's Parks and Recreation Department.

Chairman Reddick opened the public hearing for An Ordinance Amending Certain Sections of the Town Municipal Code Concerning Mobile Food Vending, Section 16-4-10 and noted that this was a legislative action not a quasi-judicial action as reflected on the agenda.

Kim Lambrecht, Senior Planner, presented on behalf of Carlin Malone, Chief Planner, to the Planning Commission.

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

Chairman Reddick opened the meeting up for Planning Commission comments and questions. Commissioner Neal asked for an example of a right-of-way and to clarify the event type, to which Kim Lambrecht, Senior Planner, responded. Commissioner Kirch inquired about permit requirements for the food trucks, to which Kim Lambrecht answered. Chairman Reddick asked that technical typos within the item be corrected prior to it being written into the code, to which Kim Lambrecht agreed.

Planning Commissioner Kirch moved to close the public hearing, Planning Commissioner Kinney seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

2. Recommendation to Town Board - An Ordinance Amending Certain Sections of the Town Municipal Code Concerning Mobile Food Vending, Section 16-4-10 - Town of Windsor Planning

Please refer to public hearing item materials.

Planning Commissioner Kirch moved to forward a recommendation of approval to the Town Board for An Ordinance Amending Certain Sections of the Town Municipal Code Concerning Mobile Food Vending, Section 16-4-10, Planning Commissioner Nader seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

3. Public Hearing - Final Major Subdivision, Tacincala Subdivision 2nd Filing - Prairie Song Development LLC, Owner, Patrick McMeekin, Hartford Acquisitions LLC, applicant; Ryan McBreen, Norris Design, applicant's representative

Executive Summary

The applicant's representative, Mr. Ryan McBreen of Norris Design, has submitted an application on behalf of the property owner, Prairie Song Development, LLC, represented by Mr. Pat McMeekin, Hartford Acquisitions, for a final major subdivision plat for the Tacincala Subdivision 2nd filing (also known as Prairie Song), located south of Weld County Road (WCR) 72 and west of State Highway (SH) 257, in the Town of Windsor.

The application has been reviewed in accordance with Article II of Chapter 14 of the Municipal Code, specifically Sec. 14-2-60, which outlines the purpose, procedure, and criteria for a final major subdivision. The final subdivision application complies with the following criteria outlined in the Municipal Code:

- The Comprehensive Plan's goals and policies, the approved 2022 Tacincala Master Plan, and the Town's Municipal Code
- The development does not result in undue or unnecessary burdens on existing

infrastructure. The developer has secured water from the Town for the Tacincala Subdivision 2nd filing by paying a cash-in-lieu fee. Non-potable water is being negotiated with Lake Canal Company. A copy of the executive agreement will be required prior to the recordation of the plat and development agreement.

- The density is consistent with the zone district (SF-2) and the PUD overlay, the Comprehensive Plan Land Use Plan and applicable utility capacity studies.
- Transportation improvements are consistent with the Town's Roadway Improvement Plan, Subdivision Street Standards, the Town's Design Criteria and Construction Specification, Transportation Master Plan, Trail System Master Plan, and the Complete Streets Guide.
- Provision of utilities to serve the development shall be in accordance with Design Criteria & Construction Specifications and any other utility provider requirements.
- The proposal demonstrates compatibility with adjacent uses to the east by providing a large landscape buffer adjacent to SH 257 and transitioning from large one acre lots to more traditional single family residential lots, continuing the overall development pattern and theme as the Tacincala Subdivision 1st Filing neighborhood to the south.
- The Final Major Subdivision is in substantial compliance with the Preliminary Major Subdivision.

Staff is recommending the Planning Commission forward a recommendation of approval to the Town Board with conditions as noted below in the recommendation section.

Background / Previous Approvals

The annexation and master plan (718 acres - "Tacincala Master Plan") for the subject property and larger surrounding area was originally approved in 2006. The Windsor Town Board approved a subsequent amendment to a portion (295 acres) of the master plan area in 2011. This amendment included a rezone from Single Family Residential-One (SF-1) to Residential Mixed Use One (RMU-1). Additionally, the Windsor Town Board approved a second master plan amendment to a portion (572 acres) of the master plan on June 13, 2022. This amendment included a rezone from SF-1 and RMU-1 (excluding Tacincala 1st filing) to Single Family Residential-Two (SF-2) with a Planned Unit Development overlay. The Tacincala Subdivision 2nd Filing is located within the northeast portion of this second amended master plan, encompassing 127 acres.

The second amended master plan has a few unique requirements carried over from the 2011 master plan amendment that were based upon resident input at the time of approval, including a large landscape buffer along SH 257 and minimum lot sizes of one acre adjacent to the landscape buffer. The proposed development is in conformance with these requirements.

Sandra Mezzetti, Senior Planner, provided documents regarding the non-potable water to be entered into the record and presented to the Planning Commission. Ryan McBreen of Norris Design, the applicant's representative, presented to the Planning Commission.

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

Chairman Reddick opened the meeting up for Planning Commission comments and questions. Commissioner Neal asked questions of the applicant's representatives regarding the non-potable water, to which Patrick McMeekin, the applicant, answered. Chairman Reddick, Commissioner Kirch and Commissioner Nader requested clarification and asked questions regarding trail connections, properties adjacent to the subdivision and roadways, to

which Sandra Mezzetti, Senior Planner, and Scott Ballstadt, Planning Director, answered. Commissioner Neal inquired about home price points, to which Patrick McMeekin, the applicant, answered. Commissioner Nader asked questions regarding agreements with adjacent property owners, to which Patrick McMeekin and Scott Ballstadt addressed.

Planning Commissioner Kirch moved to close the public hearing, Planning Commissioner Nader seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

4. Recommendation to Town Board - Final Major Subdivision, Tacincala Subdivision 2nd Filing, Prairie Song Development LLC, owner; Patrick McMeekin, Hartford Acquisitions, LLC, applicant; Ryan McBreen, Norris Design, applicant's representative

Please refer to information included with the public hearing item.

Planning Commissioner Kirch moved to forward a recommendation of approval to the Town Board regarding the Final Major Subdivision, Tacincala Subdivision 2nd Filing, including all information submitted by staff and including documents submitted regarding non-potable water supply, Planning Commissioner Kinney seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

5. Election of Officer - Election of Planning Commission Vice Chair

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

Planning Commission Chairman Reddick moved to elect Commissioner Nader to the position of Planning Commission Vice Chair, Planning Commissioner Kirch seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Nathan Kinney, Ben Kirch, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Vice Chair Nader expressed appreciation to have been elected as Vice Chair of the Planning Commission. Commissioner Kinney congratulated Vice Chair Nader on position.

2. Communications from Town Board Liaison

Town Board Liaison, Jason Hallett, provided an update on recent Town Board actions and the status of the District 2 Representative seat.

3. Communications from Staff

Scott Ballstadt, Planning Director, inquired about the anticipated attendance of the July 3, 2024 meeting and reminded the Planning Commission members about the upcoming conference.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:06 p.m.

Laura Richardson, Assistant Town Clerk



MEMORANDUM

Date: July 3, 2024
To: Planning Commission
From: David Eisenbraun, Senior Planner
Re: Public Hearing - An Ordinance Amending Certain Sections of the Town Municipal Code Regarding Minor Variances, Section 14-2-140; and Vehicular Access Requirements, Section 15-5-10 - Town of Windsor Planning, applicant.
Item #: C.1.

Background / Discussion:

The Town Board held a work session on June 17, 2024, to discuss the proposed amendment and directed staff to move forward with the land use code updates.

The two topics of discussion are:

Code Sec. 14-2-140 provides that the Director may administratively grant minor variances where an unintended deviation from zoning district standards exists relative to existing structures or existing lots in certain circumstances, up to 10% of the requirement. Portions of this language restrict it to one foot and not for new construction which has proved to be overly restrictive and not meeting the intent.

Code Sec. 15-5-10 addresses vehicular access requirements and how to navigate the parking of a vehicle on their property. In particular, there is an overly burdensome requirement where it states that only one row of parking shall exist between the building and any public right-of-way. This amendment includes language clarifying that no more than a single row of parking may be located between the principal building and right-of-way along arterials and commercial corridors only, as this has proved to be impractical on smaller local streets and should only apply to our primary commercial corridors and arterials.

Additionally, public hearing notifications were completed in accordance with the Town's Municipal Code.

Lastly, the sections below in their entirety, illustrating proposed deleted and added language, have been attached. Additions are shown in bold text and eliminated text is shown with strikethrough text.

Sec. 14-2-140. - Minor variance

(a) Applicability. The Director may administratively grant minor variances up to a maximum of ten percent (10%) or as noted from zoning district standards in cases where an unintended deviation therefrom exists relative to existing structures or existing lots in the following situations:

- (1) Setback or offset: A reduction in distance of ten percent (10%) ~~or one (1) foot, whichever is less.~~
- (2) Maximum building height: An increase in height of ten percent (10%) ~~or one (1) foot, whichever is less.~~
- (3) Distance between structures: ten percent (10%) or one (1) foot reduction, whichever is less, subject to requirements of the International Building Code.
- (4) Lot area: two percent (2%) reduction in the minimum lot area required.
- (5) Lot Coverage: two percent (2%) increase in the maximum lot coverage.
- (6) A variance is necessary to correct a legally established condition.

(b) Prohibitions. Relief under this Section shall not be available for the following:

- (1) A variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of this development code for the applicable zoning district.
- (2) ~~Any application for proposed construction.~~

- (3) A building permit application.
- (4) A plot plan application.
- (5) An improvement location certificate.
- (6) Any minor variance that would result in any of the following:
 - a. An increase in permitted maximum development density or intensity.
 - b. A change in permitted uses or mix of uses.
 - c. A decrease in the amount of required open space or landscaping.
 - d. A conflict with another requirement.
 - e. An additional or subsequent minor variance request.
 - f. A lot line adjustment, minor subdivision or subdivision.

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

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

Dispersed Parking Lot

A.3 In situations where it is not practicable to locate all parking behind the principal building(s), parking may be allowed to the side or front of the principal building subject to the following:

- 1. No more than a single row of parking may be located between the principal building and right-of-way **along arterials and commercial corridors only**; and*
- 2. A wall averaging 36" in height which compliments the building architecture and meeting sight distance requirements is provided for at least 50% of the length of the parking lot between the lot and the right-of-way.*

The Town Board will consider the Planning Commission recommendation at their public hearing and first reading of the ordinance on July 8, 2024.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff is requesting the Planning Commission forward to the Town Board a recommendation of approval of the ordinance, subject to any outstanding Planning Commission comments being addressed.

CC:

Attachments:

- 1. Draft Ordinance Amending Minor Variance and Vehicular Access Requirements
- 2. Staff Presentation

TOWN OF WINDSOR
ORDINANCE NO. 2024-XX

AN ORDINANCE AMENDING SECTIONS 14-2-140 AND 15-5-10 OF THE WINDSOR MUNICIPAL CODE CONCERNING MINOR VARIANCES AND VEHICULAR ACCESS REQUIREMENTS

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

WHEREAS, Chapters 14 through 17 of the Windsor Municipal Code (“Code”) collectively make up the Town’s Land Use Code; and

WHEREAS, Code Sec. 14-2-140 provides that the Director may administratively grant minor variances where an unintended deviation from zoning district standards exists relative to existing structures or existing lots in certain circumstances; and

WHEREAS, Code Sec. 14-2-140(a)(1) allows for a reduction in distance of ten percent (10%) or one (1’) foot in setbacks or offsets, whichever is less, and in Code Sec. 14-2-140(a)(2) allows for an increase in height of ten percent (10%) or one (1’) foot in maximum building height, whichever is less; and

WHEREAS, Code Sec. 14-2-140(b) currently does not allow relief to be available for any application for a variety of matters, including, but not limited to: prohibited uses, applications for proposed construction, building permits, plot plans, improvement location certificates, or if it would result in an increase in density or intensity, change in permitted uses, decrease in amount of required open space or landscaping, conflict or another requirement, additional or subsequent minor variance request, or a lot line adjustment; and

WHEREAS, the below Code amendment removes the one (1’) foot whichever is less limiting language, as the Town is observing larger setbacks or other planning related distances that do not meet the intent nor be of sufficient practical use rendering the minor variance process useless, in certain circumstances that is required in Sec. 14-2-140 (a); and

WHEREAS, additionally, the Code amendment removes the language from Sec. 14-2-140 (b), specifying that relief shall not be available for any application for proposed construction, which is impractical, since most cases filing for relief are for proposed construction; and

WHEREAS, Code Sec. 15-5-10 addresses vehicular access requirements and how to navigate the parking of a vehicle on their property; and

WHEREAS, this amendment includes language clarifying that no more than a single row of parking may be located between the principal building and right-of-way along arterials and commercial corridors only, as this has proved to be impractical on smaller local streets and should only apply to our primary commercial corridors and arterials as described in Sec. 15-5-10 (a); and

WHEREAS, these Code amendments serve 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. Sec. 14-2-140 of the Code is hereby amended and shall read as follows:

Sec. 14-2-140. - Minor variance.

(a) Applicability. The Director may administratively grant minor variances up to a maximum of ten percent (10%) or as noted from zoning district standards in cases where an unintended deviation therefrom exists relative to existing structures or existing lots in the following situations:

(1) Setback or offset: A reduction in distance of ten percent (10%). ~~or one (1) foot, whichever is less.~~

(2) Maximum building height: An increase in height of ten percent (10%). ~~or one (1) foot, whichever is less.~~

(3) Distance between structures: ten percent (10%) or one (1) foot reduction, whichever is less, subject to requirements of the International Building Code.

(4) Lot area: two percent (2%) reduction in the minimum lot area required.

(5) Lot Coverage: two percent (2%) increase in the maximum lot coverage.

(6) A variance is necessary to correct a legally established condition.

(b) Prohibitions. Relief under this Section shall not be available for the following:

(1) A variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of this development code for the applicable zoning district.

~~(2) Any application for proposed construction.~~

~~(3)~~(2) A building permit application.

~~(4)~~(3) A plot plan application.

~~(5)~~(4) An improvement location certificate.

~~(6)~~(5) Any minor variance that would result in any of the following:

a. An increase in permitted maximum development density or intensity.

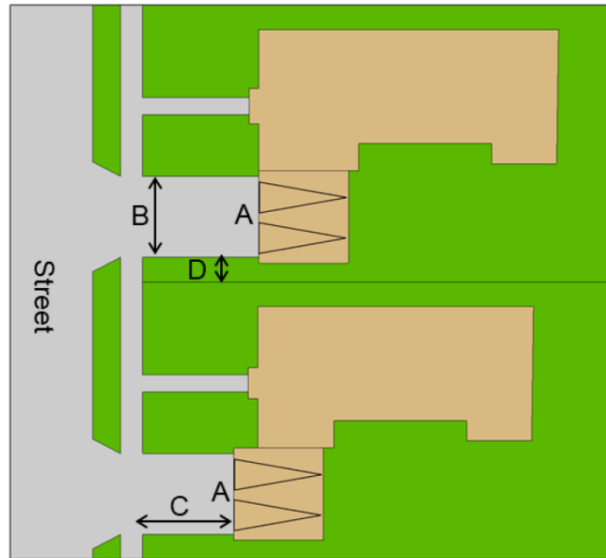
- b. A change in permitted uses or mix of uses.
- c. A decrease in the amount of required open space or landscaping.
- d. A conflict with another requirement.
- e. An additional or subsequent minor variance request.
- f. A lot line adjustment, minor subdivision or subdivision.

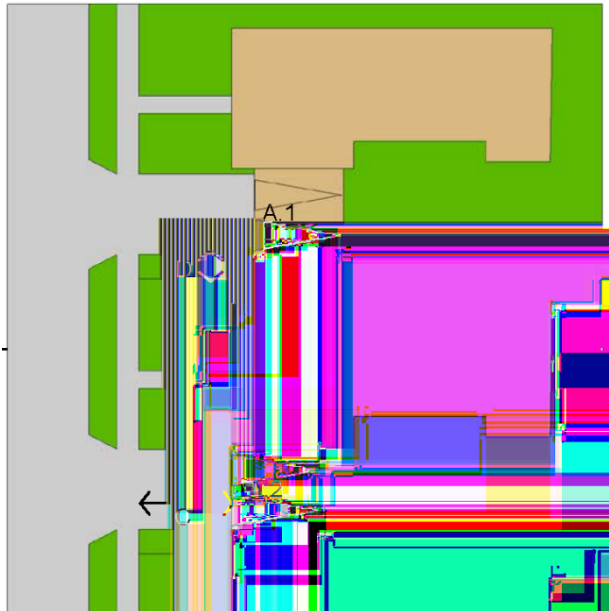
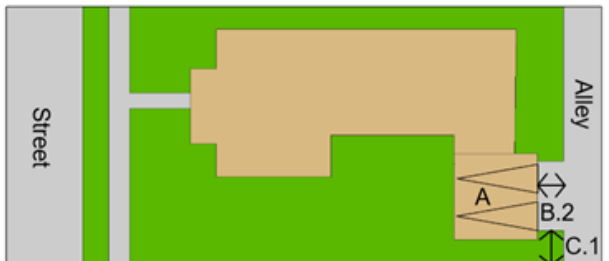
Section 2. Sec. 15-5-10 of the Code is hereby amended by amending a portion of Table 15-5-10(a), A.3, concerning Dispersed Parking Lot, and shall read as follows:

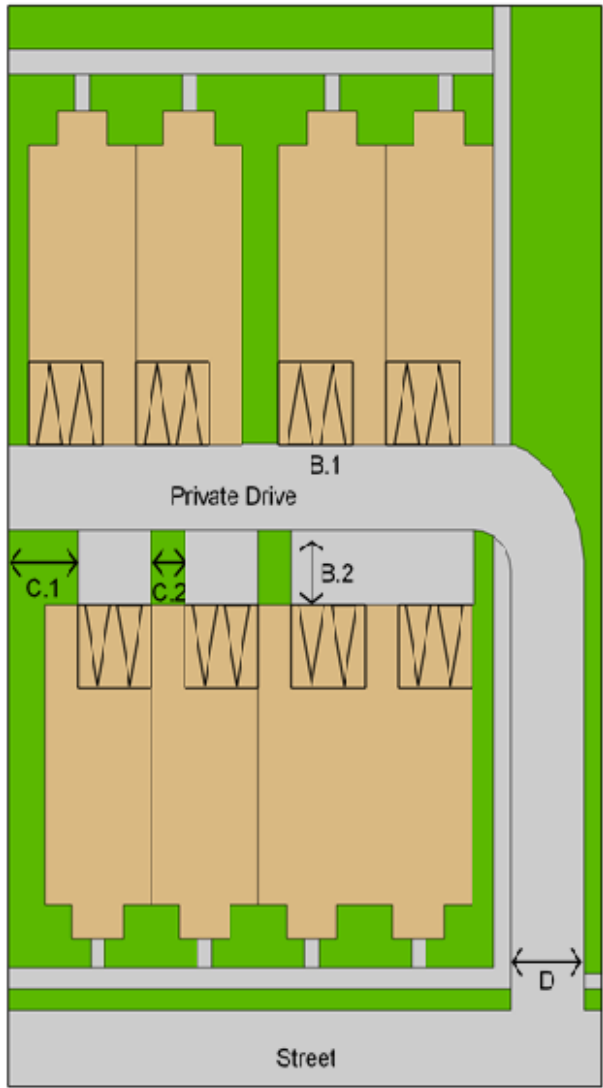
Sec. 15-5-10– Vehicular access requirements

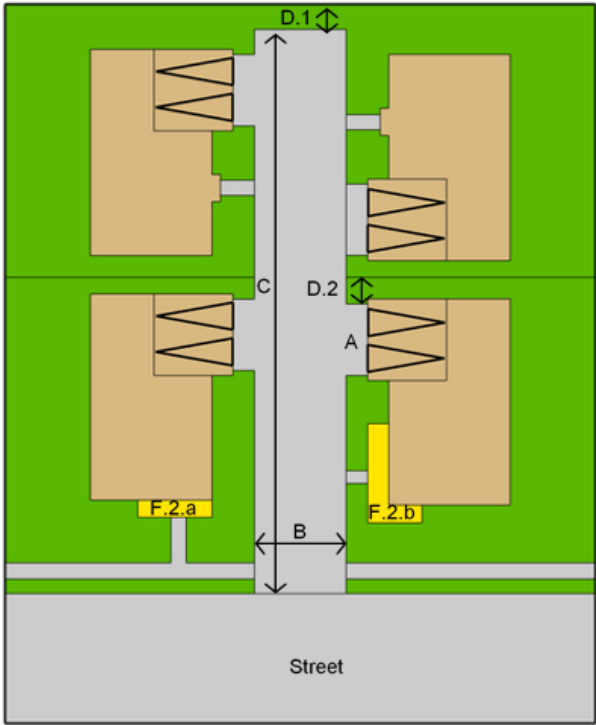
(a) Vehicular Access types required for specified zones and building types in this Code shall be provided in accordance with Table 15-5-10(a), which are supplemental to the Design Criteria and Construction Specifications and Fire District standards.

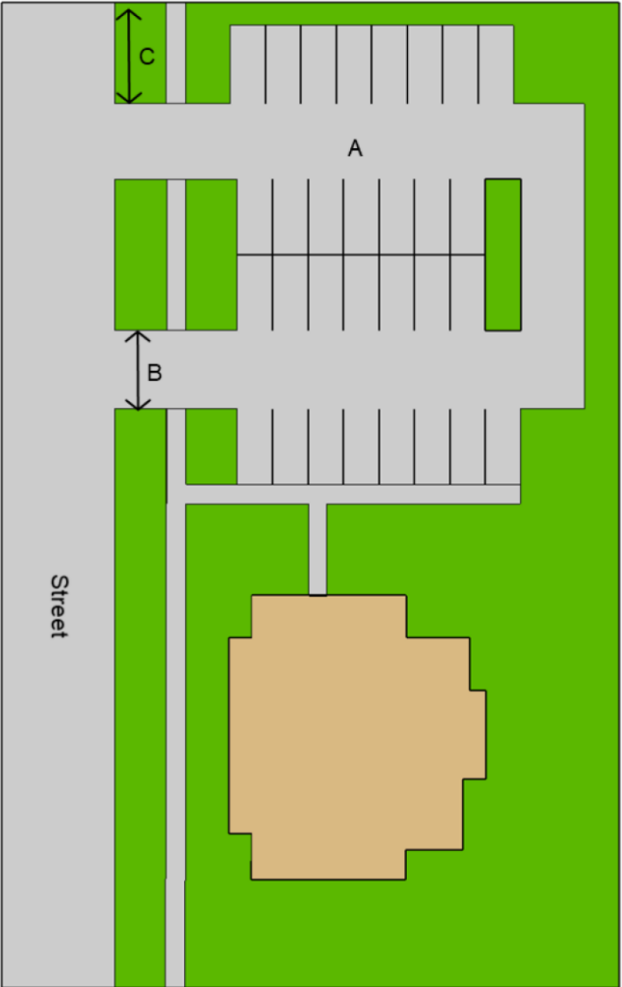
Table-15-5-10(a): Vehicle Access Standards	
Standard Access	
	Parking Location and Orientation:
A	Garage faces and is accessed from adjacent street.
B	Maximum driveway width (within front setback): 50% of lot frontage except for lots on cul-de-sacs.
C	Driveway Length: 20' minimum between garage and sidewalk.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



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

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

	and oriented to minimize their visibility from the street.	
B	Auto Court Width: 20' min (additional width may be required by Fire District) 28' maximum within front setback	
C	Auto Court Length 150' Maximum	
	Vehicle Use Area Setback	
D.1	5' from adjacent properties not accessed from same Auto Court	
D.2	No setback required between other properties accessed from same Auto Court	
F	Other Requirements 1. Dwelling units adjacent to the street shall have either: a. A Front Entry Feature facing the street; b. A Front Entry Feature facing the Auto Court or common green space/Green Court (need definition) which wraps around the street-side for a length of at least 8'; or c. A Front Entry Feature facing the Auto Court or Green Court and at least two first floor windows facing the street 2. Snow storage area shall be provided and designated on plat 3. Auto Court shall be maintained by owner's association or metropolitan district. 4. Auto Court shall be located in a tract held in common and shall not be counted toward minimum lot size. 5. Side setback shall apply to lot line(s) abutting Auto Court. 6. Rear lot line may be designated as the lot line opposite the Auto Court rather than opposite the front entry. 7. Auto Court shall only be used when adjacent to on-street parking or when visitor parking is otherwise provided 8. Sidewalks are not required along Auto Court 9. Parking shall not be allowed on Auto Courts unless additional width is provided and approval granted by Town and Fire District	
General Parking Lot		

A	Parking Location and Orientation: Shall include buffering from street by landscaping and/or fencing in accordance with the landscape requirements of this Code.	
B	Maximum Drive Width (within front setback): 28' generally 36' allowed for high volume driveways	
C	Minimum driveway side setback (within front setback): 5' minimum setback between driveway and side property line	
Dispersed Parking Lot		
	Parking Location and Orientation:	
A.1	Parking areas and drive aisles shall be setback a minimum of 40' from public right-of-way.	
A.2	To the greatest extent practicable, parking shall be located behind the principal building(s) or, in the case of multifamily uses, behind garages designed in accordance with this Code.	

A.3	In situations where it is not practicable to locate all parking behind the principal building(s), parking may be allowed to the side or front of the principal building subject to the following: 1. Along arterials and commercial corridors, no more than a single row of parking may be located between the principal building and right-of-way; and 2. A wall averaging 36" in height which compliments the building architecture and meeting sight distance requirements is provided for at least 50% of the length of the parking lot between the lot and the right-of-way.	
A.4	In areas where the wall is not used, higher density landscaping shall be provided. As an alternative to providing a wall, a Type C Bufferyard may be provided. On lots with multiple street frontages, the principal building(s) shall be oriented towards street intersections, when feasible, and between the street frontage and the parking area on at least one street frontage. Parking is permissible on all other street frontages, subject to requirements of section A.3 above.	
B	Maximum Private Drive Width (within front setback): 28' generally 36' allowed for high volume driveways	
C	Vehicle Use Area Setback In addition to requirements A.1 -	

	A.4, a 5' minimum setback from adjacent property is required, unless cross access is provided.	
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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, passed on first reading, and ordered published this ____ day of ____ 2024.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading, and ordered published this ____ day of ____ 2024.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]



Amendment to the Municipal Code

Sec. 14-2-140– Minor Variance

Sec. 15-5-10 – Vehicle Access

*David Eisenbraun, Long Range Planner
Planning Commission, July 3, 2024*



Summary

Chapters 14 through 17 of the Town of Windsor Municipal Code collectively make up the Town's ***Land Use Code***.

Section 14-2-140 – Minor Variance, The Director may administratively grant minor variances up to a maximum of ten percent (10%).

The code section vacillates between 10% or 1', which is inconsistent with the stated intent above. Additionally, recent code updates have created large planning setbacks where the 10% is more practical vs the 1' maximum restriction. This request is to strike out the 1' max and leave it at 10%. It also strikes out the prohibition language of not being applicable for new construction.



Summary

Chapters 14 through 17 of the Town of Windsor Municipal Code collectively make up the Town's ***Land Use Code***.

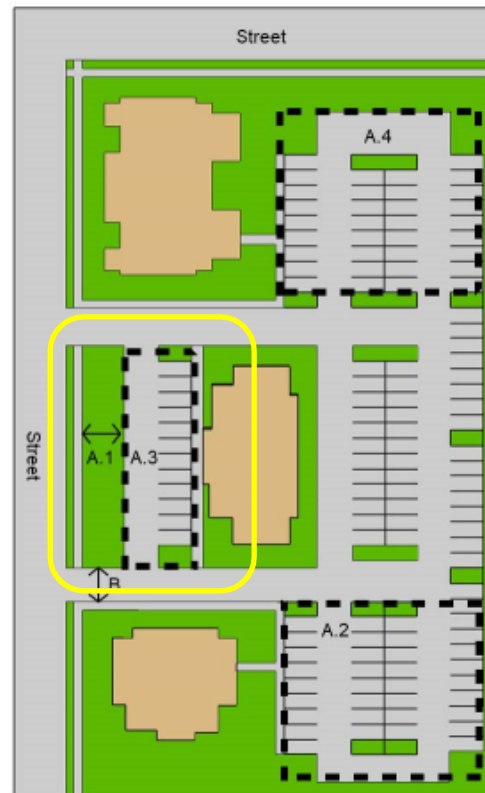
Section 15-5-10 – Vehicle Access Requirements, was a part of the new code updates created in 2019 and 2020.

Recent developments have found sections of this challenging, with other code amendments being processed already. This additional modification is to clarify where the Town wants to enforce a single row of parking between the building and right-of-way to commercial corridors and arterials.

Clarity Added

Section 15-5-10 – Vehicle Access Requirements

- The amendment includes clarity for where one row of parking applies: ***Commercial corridors and arterials*** only.
- The amendment will remove the one row requirement between buildings and rights-of-way on ***private, local or collector streets***.





Summary

The Town Attorney's Office, in coordination with Community Development, have prepared a draft land use code amendment establishing a more uniform 10% discretion for the Director as intended for new and existing projects and clarity around where parking aisles are allowed related to street classifications.

Chapter 14 and 15 modifications do require public hearings.



Recommendation

Staff is requesting the Planning Commission forward to the Town Board a recommendation of approval of the ordinance, subject to any outstanding Planning Commission comments being addressed.



Thank You



MEMORANDUM

Date: July 3, 2024
To: Planning Commission
From: David Eisenbraun, Senior Planner
Re: Recommendation to Town Board - An Ordinance Amending Certain Sections of the Town Municipal Code Regarding Minor Variances, Section 14-2-140; and Vehicular Access Requirements, Section 15-5-10 - Town of Windsor Planning, applicant.
Item #: C.2.

Background / Discussion:

See public hearing item.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance, subject to any Planning Commission comments being addressed.

CC:

Attachments: