



MINUTES

A. CALL TO ORDER

1. Roll Call

The following members were present:

Chair - Danny Horner  
Mary Ann Baak  
Jim McIntyre  
Cindy Scheuerman

Also Present: Director of Planning  
Associate Planner

Joe Plummer  
Brett Walker

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

There were no changes to the agenda.

3. Reading of the statement of the documents to be entered into the record

Chairman Horner stated that he enters into the record the Town's Comprehensive Plan, the Town's Zoning Ordinance, the staff report regarding the action items of this hearing, and all of the testimony received at this hearing.

4. Public Invited to be Heard

There was no public comment.

B. CONSENT CALENDAR

1. Approval of the minutes of January 26, 2012

**Ms. Scheuerman moved to accept the Minutes of the January 26, 2012 meeting as presented; Mr. McIntyre seconded the motion. Motion carried unanimously.**

C. BOARD ACTION

1. Public Hearing - Variance of Municipal Code Section 16-9-60(b) pertaining to the landscaping requirements of freestanding signs – Northeast corner of Crossroads Blvd and Fairgrounds Ave – Martin Lind, Eagle Crossing Windsor, LLC, property owner/Town of Windsor, applicant – B. Walker

**Mr. McIntyre moved to open the Public Hearing; Ms. Baak seconded the motion. Motion carried unanimously.**

Mr. Walker reported the Town is proposing to construct a "Welcome to Windsor" sign near the northeast corner of the intersection at Crossroads Blvd. and Fairgrounds Ave., approximately sixty-seven feet north and twenty feet east of the edge of the intersection right of way. Currently, the subject parcel is undeveloped. The Town is requesting a variance from the landscaping requirement. He added the site will be landscaped once the property is developed, and the landscaping surrounding the sign will be determined by the developer of the site in consultation with the Town. Water at this

location will be supplied by the Fort Collins-Loveland Water District, and the tap fee will be based upon the tap size required by the intensity of the development.

Ms. Baak questioned if the foundation will be large enough to prevent weeds and tall grass from blocking the sign. Mr. Plummer noted the Town can ask Public Works to include an apron at the base to facilitate mowing/maintenance of the area. Mr. Walker reported the Municipal Code requirements concerning weeds would apply to this location, and the area would be maintained accordingly. He added the variance request has been considered by the Development Review Committee, who had no comments.

In closing, Mr. Walker added, section 16-6-60(b) of the Municipal Code states that, "Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship" and that, "Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured." Staff considers the literal enforcement of the Code to result in an unnecessary hardship or a practical difficulty based upon the following findings of fact:

1. The subject parcel is currently undeveloped and has native grasses that are mowed and/or tilled;
2. There is no commercial or residential development associated with the proposed sign;
3. Currently, there is no water service to the subject parcel;
4. Upon development of the subject parcel, water service and a landscaping plan will be required; and
5. Granting of the variance does not pose any public safety or welfare concerns.

Staff recommends the Board of Adjustment approve the variance request to Section 16-9-60(b) for the construction of the "Welcome to Windsor" sign without the required landscaping. When developed, landscaping will be added around the sign base.

**Ms. Baak moved to close the Public Hearing; Ms. Scheuerman seconded the motion. Motion carried unanimously.**

There was no additional discussion.

**Ms. Scheuerman moved to approve the variance request to Section 16-9-60(b) for the construction of the "Welcome to Windsor" sign without the required landscaping; Ms. Baak seconded the motion. Motion carried unanimously.**

2. Public Hearing - Variance of Municipal Code Section 16-9-60(b) pertaining to the landscaping requirements of freestanding signs – East side of Hwy 257, north of Windsor Wastewater Treatment Plant entrance road – Town of Windsor, applicant – B. Walker

**Ms. Scheuerman moved to open the Public Hearing; Ms. Baak seconded the motion. Motion carried unanimously.**

Mr. Walker began his presentation by explaining that although the Town does not yet have property owner approval of an easement for the proposed sign negotiations are underway to obtain owner approval. In this instance, the Town is requesting a variance of Section 16-9-60(b) of the Municipal Code which states "Freestanding signs shall be incorporated into a landscape planting bed with low landscape elements placed in front of signage to soften the sign and taller landscape placed behind single-sided signs to offer a backdrop." He added the Town is proposing to construct a "Welcome to Windsor" sign on the east side of State Highway 257, approximately one-hundred fifty feet north of the Town of Windsor Waste Water Treatment Plant entrance road. This parcel is currently undeveloped. The Town is requesting a variance from the landscaping requirement.

Mr. Walker told the Board this sign will be integrated into a site plan and landscaping plan when/if the property is developed. He noted the subject parcel is zoned Recreation and Open Space (O) and the Great Western Master Plan (2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Annexations) proposes Natural Open Space/Park/Landscaping (Tract 3) for this area. This sign is located within a required landscaping buffer area, because of its proximity to SH 257. Mr. Walker also noted any future landscaping plans for the SH 257 corridor, and requirements for this area may change.

Mr. Walker continued with information regarding a variance from Section 16-9-60(a) (Board Action Item #3) which states "Freestanding, ground-mounted signs shall be constructed with a monument-type base consisting of materials that are complementary and compatible with the architectural elements of the project. The height of the monument base of any sign shall not exceed 50% of the overall height of the sign. The width and length of such base shall be at least as wide and long as the bottom edge of the sign area. He added, in this case the request is for a variance from the design criteria for the same sign as previously presented. The monument base of the proposed sign is approximately two feet, six inches wide; the length of the proposed sign face is three feet wide. The monument base would need to be at least three feet wide for code conformity.

Mr. Walker explained there are a number of easements located east of Highway 257, clarifying the intent is to fit the sign in between the Highway 257 right of way and the PVREA easement in a sewer easement located between the highway and the PVREA easement. The Town plans to locate the sign base in a location that does not interfere with the future use of the sewer easement. There is currently not a sewer line in the easement in proximity to the preferred sign location. The Town will need to secure a sign easement that overlays the sewer easement from the property owner (Broe Land Acquisitions II LLC).

Mr. Walker also added the proposed design was chosen to reflect the Town gateway location, considering the Highway 257 location to be a secondary entrance to the Town, as compared to the other sign locations (at the intersections of Crossroads Blvd. and Fairgrounds Ave., and of Highway 34 and WCR 17). A larger monument sign was deemed unnecessary due to the location and cost. The Development Review Committee has reviewed the application, and submitted no comments to the Planning Department. Since Section 16-6-60(a) of the Municipal Code states that "Variances

may be considered where, due to special conditions, a literal enforcement of the provisions of the provisions of this Chapter would result in unnecessary hardship” and that, “Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured” staff considers the literal enforcement of the Code to result in unnecessary hardship or a practical difficulty based upon the following findings of fact:

1. The subject parcel is encumbered by a number of easements;
2. The Town is attempting to locate the sign within existing easements;
3. The sign base was chosen to allow for the co-existence of the sign and a future sewer line; and
4. Granting of the variance does not appear to pose any public safety or welfare concerns.

Based upon the aforementioned findings of fact, staff recommends the Board of Adjustment approve the variance request to Sections 16-9-60(a) and 16-9-60(b) for the construction of the “Welcome to Windsor” sign subject to the following condition: The Town shall obtain any necessary easements and approvals from the property owner prior to installation of the sign.

**Ms. Baak moved to close the Public Hearing; Ms. Scheuerman seconded the motion. Motion carried unanimously.**

There was no additional discussion.

**Ms. Baak moved to approve the variance request to Sections 16-9-60(a) and 16-9-60(b); Mr. McIntyre seconded the motion. Motion carried unanimously.**

#### **D. COMMUNICATIONS**

##### 1. Communications from the Board Members

There were no communications from the Board

##### 2. Communications from staff

Mr. Plummer reported that at this time, there are no items for consideration in November. He will notify the Board if requests are filed with the Planning Department, and of any recommended changes to the November and/or December meeting schedule due to holidays.

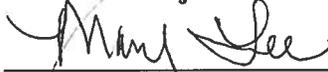
#### **E. ADJOURN**

Upon a motion dually made and seconded, the meeting was adjourned.

**CERTIFICATION**

**Approved by the Board of Adjustment on the 25<sup>th</sup> day of October, 2012.**

**Submitted By:**

  
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Mary Lee  
Secretary