



MINUTES

A. CALL TO ORDER

1. Roll Call

The following members were present:

Chair - Danny Horner  
Mary Ann Baak  
Jim Fanning  
Cindy Scheuerman  
Richard Conard

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 September 27, 2012

**Ms. Baak moved to accept the Minutes of the September 27, 2012 meeting as presented; Ms. Scheuerman 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

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

Mr. Dennis Wagner, Director of Engineering, stated that the Town would like to create a Gateway to Windsor sign. Mr. Wagner talked briefly about the improvements to the interchange at Hwy 392 and I25 and how the proposed sign will fit into these improvements. Mr. Wagner stated that if the sign were to be set back according to the sign code the sign would sit in easements, detention ponds and would obstruct visibility

and the sign to Arby's. Mr. Wagner stated that the location of the sign is the best solution.

Mr. Walker reported the Town is proposing to construct a "Windsor" gateway sign on the south side of State Highway 392, approximately fifty (50) feet west of Westgate Drive. The site is located approximately four-hundred seventy-five (475) feet east of the I-25 on/off ramps.

Mr. Walker continued explaining that according to the applicant, the highway right-of-way (property line) is 12-15 feet south of the sidewalk. Tract D, which borders the highway right-of-way, is a storm drainage detention/conveyance pond. Mr. Walker continued stating that locating a sign so that it meets the fifteen (15) foot setback would place the sign in a telecommunications easement and in the lowest portion of the detention pond, thus impeding storm water flow. Mr. Walker stated that locating the sign to the south of these easements would place the sign approximately eighty (80) feet from the southerly eastbound thru lane on Hwy 392, resulting in little or no effectiveness as a gateway sign. The proposed sign meets all other code requirements.

Mr. Walker stated that the application materials were submitted to the Development Review Committee for their review, and there were no comments.

In closing, Mr. Walker added, 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 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 encumbered by a number of easements adjacent to the right-of-way;
2. Placing the sign fifteen feet from the property line would significantly impact the easements; and
3. Granting of the variance does not appear to pose any public safety or welfare concerns.

Therefore, based upon the aforementioned findings of fact, staff recommends that the Board of Adjustment make a motion to approve the variance request to Section 16-9-50(a) for the construction of the "Windsor" gateway sign without the required fifteen (15) foot minimum setback, 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 asked who the Town needs to get approval from.

Mr. Wagner stated that the sign will be place in the Hwy 392 right of way (ROW) and that he had been in contact with the Colorado Department of Transportation (CDOT) regarding the location of this sign. At this time CDOT does not have any concerns with

the location of the sign and Mr. Wagner is in the process of completing the permit application for CDOT. Mr. Wagner stated that he has also contacted the Commercial Association regarding the signs location.

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

There was no additional discussion.

**Ms. Baak moved to approve the variance request to Section 16-9-50(a) for the construction of the "Windsor" gateway sign; Ms. Schuerman 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. Walker stated that staff did received a variance request for the November/December meeting. Mr. Walker asked if November 29<sup>th</sup> or December 5<sup>th</sup> would work for the Board members.

After the board and staff discussed this item, it was decided that the meeting would be on Wednesday December 5, 2012.

Mr. Plummer introduced Josh Olhava as the new associate planner.

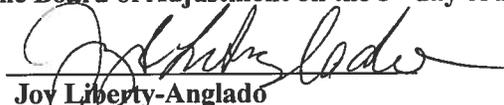
Mr. Plummer added that there are two new Welcome to Windsor signs that were designed by a committee made up of staff, Town Board and members of the community. Mr. Plummer noted that one of the signs is located at the South Gate Iron Mountain complex and the other is located at Crossroads and Fairgrounds Ave.

#### **E. ADJOURN**

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

#### **CERTIFICATION**

**Approved by the Board of Adjustment on the 5<sup>th</sup> day of December, 2012.**

Submitted By: 

Joy Liberty-Anglado  
Secretary