

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF A USE PERMIT, TENTATIVE MAP AND SITE PLAN AND DESIGN REVIEW FOR THE MILL CREEK DEVELOPMENT PROJECT LOCATED AT 8703 BELL ROAD (APNs: 164-010-020, 164-020-005, 164-020-006, 164-020-007, 164-020-008, 164-020-041, 066-170-013, and 066-170-033) (FILE NO. UP/DRR/MJS 14-09)

WHEREAS, the Town of Windsor received an application submitted by Peter Stanley on behalf of Windsor Mill Community, LLC (“Applicant”) requesting approval of a Use Permit, Tentative Map, and Site Plan and Design Review for a 360-unit development project consisting of 16 three-story buildings and 2 two-story buildings, a spa, a club room with leasing office, parking facilities, creekside improvements along Windsor Creek including a pedestrian pathway and pedestrian bridge crossing to Windsor Creek Elementary School, and extension of Bell Road and Bill Beedie Way (the “Project”) on a 20.3-acre site located at 8703 Bell Road (APNs: 164-010-020, 164-020-005, 164-020-006, 164-020-007, 164-020-008, 164-020-041, 066-170-013, and 066-170-033). General Plan land use designations: High Density Residential (16 to 32 units per acre), Medium Density Residential (8 to 16 units per acre), and Low Density Residential (5 to 8 units per acre); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on February 26, 2019, on said application at which time all interested persons were given an opportunity to be heard; and,

WHEREAS, at its February 26, 2019 meeting, the Planning Commission voted 4-0-1 to adopt the Initial Study and Mitigated Negative Declaration for the Project and a motion to approve the land use entitlements for the Project failed on a 1-3-1 vote of the Planning Commission; and,

WHEREAS, on March 4, 2019, the project applicant duly filed an appeal of the Planning Commission denial of the land use entitlements and on March 7, 2019, Councilmember Sam Salmon duly filed an appeal of the Planning Commission’s adoption of the Initial Study and Mitigated Negative Declaration for the Project; and,

WHEREAS, the Town Council conducted a duly noticed public hearing on June 26, 2019, on said application at which time all interested persons were given an opportunity to be heard; and,

[INSERT IF CEQA APPEAL GRANTED] WHEREAS, by Resolution No. _____ the Town Council approved the appeal of the Planning Commission’s adoption of the Mitigated Negative Declaration for the proposed Project; and

WHEREAS, the Town Council makes the following findings for denial of the **[INSERT APPLICATION(S) DENIED e.g.**

Based on a preponderance of the evidence in the record, the Project will have the following specific, adverse impacts on public health and safety:

Use Permit to allow multi-family dwellings in the Village Residential Zone and/or Use Permit to allow a reduction in the number of onsite parking spaces as required by Zoning Ordinance Section 27.42.050(F)]:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Ordinance and the Town Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
5. Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

The Project does not meet these requirements because:

...; and

[INSERT IF TENTATIVE MAP DENIED] WHEREAS, the Town of Windsor Town Council finds that the Project does not meet the following criteria for Tentative Map approval as required by Subdivision Ordinance Section 16-8-400(f)(3)(A) and denies the Tentative Map:

1. The tentative map and improvement plans, as conditioned, are consistent with the provisions of the Town of Windsor General Plan and any applicable specific plans or area plans.
2. The tentative map and improvement plans, as conditioned, are consistent with Town's Design Standards.
3. The tentative map and improvement plans, as conditioned, are consistent with the Zoning Ordinance.
4. The tentative map and improvement plans, as conditioned, are consistent with the Town of Windsor Municipal Code, including but not limited to, the Growth Control Ordinance.

The Project does not meet these requirements because:

and;

WHEREAS, the Town Council denies the Site Plan and Design of the Project finding that the Project does not meet the following criteria as required by Zoning Ordinance Section 27.34.030(H):

1. The design and layout of the proposed development are consistent with the General Plan, the development standards of the applicable zoning district, design standards/guidelines, and architectural criteria for special areas.
2. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments and will not create traffic or pedestrian hazards.
3. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood.
4. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and will remain aesthetically appealing and be appropriately maintained.
5. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The Project does not meet these requirements because:

NOW, THEREFORE BE IT RESOLVED that based on the findings enumerated above, the Town Council hereby denies the [INSERT APPLICABLE APPLICATION(S) e.g. Use Permit, Tentative Map, Site Plan and Design Review] for the Project.

PASSED, APPROVED AND ADOPTED this 26th day of June 2019, by the following vote:

AYES:

NOES:

ABSTAIN: FOPPOLI

ABSENT:

VICE MAYOR FUDGE