

**RESOLUTION NO. 2054-07**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
AMENDING CERTAIN CONDITIONS OF APPROVAL OF TOWN COUNCIL  
RESOLUTIONS NO. 1760-05 (USE PERMIT) AND 1761-05 (TENTATIVE MAP) FOR THE  
TOWN GREEN VILLAGE 7 PROJECT RELATED TO SHARED PARKING  
(FILE NO. UP/MJS 04-48)**

**WHEREAS**, on May 18, 2005 the Town of Windsor Town Council, by Resolutions No. 1760-05 and 1761-05, approved a Use Permit and Tentative Map for the Town Green Village 7 project. This mixed use planned development includes 15 residential condominium units constructed over 8,900 +/- square feet of commercial space on 2.87 acres located at 6114 and 6122 Old Redwood Highway (Assessor's Parcel Numbers 163-172-015, 016); and

**WHEREAS**, this approval included certain conditions related to shared parking based upon an assumption at the time that a church use was going to be developed on the northern portion of the property. These conditions restricted commercial businesses within the Town Green Village 7 development in order to accommodate peak parking demand to serve a then possible church usage, and included limitation of businesses hours to Monday thru Saturday, and further limited uses within Buildings B and C to office use only; and

**WHEREAS**, the developer has requested a reconsideration of these conditions due to a withdrawal of the church proposal on the northern portion of the site; and

**WHEREAS**, in accordance with the provisions of law, the Town of Windsor Town Council did conduct a public hearing on May 2, 2007, on said application at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Town Council makes the following findings:

1. The application for church use of the northern portion of the property has been withdrawn, and there is no longer a probability that a church will be developed at the present time.
2. Despite the availability of additional parking, the Town Council finds that business and professional office uses for Buildings B and C are more compatible with the nearby residential neighborhood than retail uses. The Council wishes to retain the existing restrictions on occupancy of these buildings.
3. Allowance of business operations on Sundays (all buildings) is acceptable.
4. Future use of the northern portion of the property will be limited to available parking at the time of consideration of any development proposal. A Shared Parking Agreement tool remains required for these parcels to enable efficient use of the northern parcel.

5. The requested modifications associated with shared parking will not result in any new significant impacts and are determined to be within the scope of the previously adopted Mitigated Negative Declaration for the project. Additional impacts associated with a change of use of the northern portion of the property will be addressed through the application review process.

**NOW THEREFORE BE IT RESOLVED that** the Town of Windsor Town Council hereby approves the following amendments to Resolution Nos. 1760-05 and 1761-05 for the Town Green Village 7 Project:

- A. Resolution No. 1760-05 (Use Permit), Condition 18-a is hereby amended to read as follows:

“18. Commercial uses shall be subject to the following limitations:

- a. Commercial uses shall be permitted operating hours of Monday through Sunday. Buildings “B” and “C” will be limited to business and professional offices, with the exception of a 650 square foot café/deli or equivalent in Building “C”, or uses consistent with a parking ratio of one space per 250 square feet of floor area. Building “A” is permitted all uses as provided in the “CC” (Community Commercial) zoning district (or other applicable district as approved by the Town), unless further restricted and enforced by the CC&Rs for the project.”

- B. Resolution No. 1761-05 (Tentative Map), Condition 26 is hereby amended to read as follows:

“26. Provisions for a Shared Parking Agreement for Lots 1 and 2 shall be included in the CC&Rs for the subdivision to be executed upon request of the Town. These provisions shall be approved by the Planning Director prior to final map approval.

A shared access and maintenance agreement shall also be provided between Lots 1 and 2, if not incorporated with the shared parking agreement. Access easements shall be shown on the final map.

The above agreements shall provide for a non-amendment clause regarding the above items unless approved by the Town. At the discretion of the Town Manager, the Town may require third party benefits with the right, but no obligation, to compel compliance to these provisions.”

- C. Resolution No. 1761-05 (Tentative Map), Conditions 27-a and 27-f are amended to read as follows:

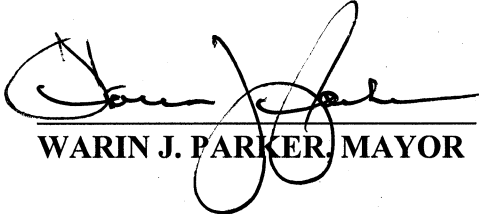
“27. Management Documents shall include an Owner’s Association for the commercial and residential properties, and include the following provisions:

- a. CC&Rs shall include provisions for a Shared Parking Agreement for Lots 1 and 2 as an attachment, or incorporate by reference if the Shared Parking Agreement is recorded separately.
- f. Commercial uses shall be permitted operating hours of Monday through Sunday. Buildings “B” and “C” will be limited to business and professional offices, with the exception of a 650 square foot café/deli or equivalent in Building “C”, or uses consistent with a parking ratio of one space per 250 square feet of floor area. Building “A” is permitted all uses as provided in the “CC” (Community Commercial) zoning district (or other applicable district as approved by the Town).”

**BE IT FURTHER RESOLVED** that all remaining conditions of Resolutions 1760-05 and 1761-05, including expiration, shall continue to apply as originally approved.

**PASSED, APPROVED AND ADOPTED** this 2nd day of May, 2007 by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, AND SALMON**  
**NOES: MAYOR PARKER**  
**ABSTAIN: COUNCILMEMBER GOBLE**  
**ABSENT: NONE**

  
**WARIN J. PARKER, MAYOR**

**ATTEST:**

  
**MARIA DE LA O, TOWN CLERK**