



## TOWN BOARD WORK SESSION

December 9, 2013 – 5:30 PM

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

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.

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**GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.**

**Members of the public in attendance who have a question related to an agenda item are requested to allow the Town Board to discuss the topic and then be recognized by the Mayor prior to asking their question.**

### **AGENDA**

1. Community Recreation Center expansion discussion – follow up
2. Chapter 17 review – request by developer
3. Future Town Board Meetings



## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk/Assistant to Town Manager  
**Re:** Municipal and General Election information for a ballot question  
**Item #:** Work session - 1

### Background / Discussion:

The two elections scheduled for 2014 are the municipal election on April 8, 2014 and general election on November 4, 2014. Timeframes for both elections are listed; the April election will be conducted by the Town of Windsor and the November election would be a mail ballot election coordinated by Weld and Larimer County.

Voter participation has varied through the years; there was a significant increase in votes cast when municipal elections began to be held by mail ballot. Below is a breakdown of votes cast by percentage of eligible voters:

2002 TOW polling place election	17%	Trustee, CRC & DeBruce RIF
2003 General election	20%	Charter question
2004 TOW polling place election	19%	Mayor & Trustee
2006 TOW polling place election	10%	Trustee
2008 TOW mail ballot election	34%	Mayor, first election with districts
2010 TOW mail ballot election	43%	Districts 2, 4, 6 & MMJ dispensaries
2010 General election	59%	Lodging tax & MMJ
2012 TOW mail ballot election	35.5%	Mayor, Districts 1, 3, 5

### Timeline - April 2014 municipal election (Title 31)

January 27, 2014 (on or before)	TB resolution setting ballot language for TABOR issue
February 21, 2014	Last day to submit TABOR pro/con statements
February 24, 2014	Last day petition reps for TABOR measures can file comments
March 7, 2014	Last day to mail TABOR ballot issue notices
March 17, 2014	First day for ballots to be mailed
April 8, 2014	Election Day

### Timeline - November 2014 coordinated election (Title 1)

July 25, 2014 (on or before)	Must notify the County Clerk of intent to coordinate
August 25, 2014 (on or before)	TB resolution setting ballot language for TABOR issue
August 26, 2014	IGA's due to County Clerk to coordinate election
September 5, 2014	Certification of ballot content to County Clerk
September 19, 2014	Last day to submit TABOR pro/con statements
September 22, 2014	Last day petition reps for TABOR measures can file comments
October 13, 2014	First day for ballots to be mailed
November 4, 2014	Election day

Election costs vary depending on the number of ballots being sent out; based on past experience it would be reasonable to estimate that to conduct the municipal election in April with a ballot question would be approximately \$25,000 and about \$30,000 to coordinate with Weld and Larimer in November.

Attached are the CRC Scenario 5 variations for your use; they had not been included in a packet to date.

**Attachment:** CRC Scenario 5 Variations



# Community Recreation Center Expansion Scenario Details

Scenario 5

## Operations Projection Details (with debt service)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY	Current (2013) ONLY	Combined
<b>Expenses</b>			
Personnel Services	\$462,918	\$351,992	\$814,910
Operations and Maintenance	\$236,658	\$135,599	\$372,257
CIP Improvement Fund	\$29,671		\$29,671
Debt Service and Transfers		\$631,760	\$631,760
Capital			
<b>TOTAL</b>	<b>\$729,247</b>	<b>\$1,119,351</b>	<b>\$1,848,598</b>
<b>Revenues</b>			
Taxes (sales/use)		\$424,511	\$424,511
Programs / Admissions	\$310,300	\$50,000	\$360,300
General Fund Transfers (operations)		\$450,000	\$450,000
CIP Transfers (debt service)		\$0	\$0
Balance Forward (varies year to year)		\$262,529	\$262,529
<b>TOTAL</b>	<b>\$310,300</b>	<b>\$1,187,040</b>	<b>\$1,497,340</b>
<b>Surplus/Deficit</b>	<b>(\$418,947)</b>	<b>\$67,689</b>	<b>(\$351,258)</b>

**As presented 11-4-13:**

**\$5.5 M sales tax projection**  
**No GF transfer (subsidy) of \$450K**  
**No office finish**

## Subsidy Projection Details (no debt service)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY	Current (2013) ONLY	Combined
<b>Expenses</b>			
Personnel Services	\$462,918	\$351,992	\$814,910
Operations and Maintenance	\$236,628	\$135,599	\$372,227
CIP Improvement Fund	\$29,671		\$29,671
<b>TOTAL</b>	<b>\$729,217</b>	<b>\$487,591</b>	<b>\$1,216,808</b>
<b>Revenues</b>			
Programs / Admissions / Rentals	\$310,300	\$50,000	\$360,300
<b>TOTAL</b>	<b>\$310,300</b>	<b>\$50,000</b>	<b>\$360,300</b>
<b>Surplus/Deficit</b>	<b>(\$418,917)</b>	<b>(\$437,591)</b>	<b>(\$856,508)</b>
<b>Cost Recovery</b>	<b>43%</b>	<b>10%</b>	<b>30%</b>

## Project Construction Component

Scenario 5 - Aquatics/Gym Focus	
Facility Construction (building only)	\$10,258,000
Off-Site Construction (street changes, lighting, storm water, etc.)	\$0
Site Construction (1 acre all outside of building demo and new)	\$507,902
Other project costs (professional fees, water/sewer, plant investment fees, permits, testing, FF&E)	\$2,274,948
Contingency (10%)	\$1,304,085
<b>TOTAL PROJECT COSTS</b>	<b>\$14,344,935</b>
Second floor office estimate	\$300,000
<b>TOTAL w/ OFFICES</b>	<b>\$14,644,935</b>

## Revenue / Expense Details (broken down)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY
<b>Expenses</b>	
Personnel Services	\$462,918
Supplies	\$44,470
Services	\$192,158
Capital	\$29,671
<b>TOTAL</b>	<b>\$729,217</b>
<b>Revenues</b>	
Admissions	\$200,600
Facility Rentals	\$15,000
Child Care	\$4,500
Vending	\$10,000
Fitness Programming	\$30,000
Aquatics lessons/programs/parties	\$50,200
<b>TOTAL</b>	<b>\$310,300</b>

## Sales Tax to Fund Project

Scenario 5 - Aquatics/Gym Focus	
Sales Tax Increase for Construction Cost	0.65%
Sales Tax Increase for Operational Cost	0.47%
<b>TOTAL SALES TAX INCREASE FOR BOTH</b>	<b>1.12%</b>

Sales / Use Tax estimate \$5.5 million

Scenario 5a

## Project Construction Component

Scenario 5 - Aquatics/Gym Focus	
Facility Construction (building only)	\$10,258,000
Off-Site Construction (street changes, lighting, storm water, etc.)	\$0
Site Construction (1 acre all outside of building demo and new)	\$507,902
Other project costs (professional fees, water/sewer, plant investment fees, permits, testing, FF&E)	\$2,274,948
Contingency (10%)	\$1,304,085
<b>TOTAL PROJECT COSTS</b>	<b>\$14,344,935</b>

**\$5.5 M sales tax projection**  
**GF transfer (subsidy) of \$450K**  
**No office finish**

## Subsidy Projection Details (no debt service)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY	Current (2013) ONLY	Combined
<b>Expenses</b>			
Personnel Services	\$462,918	\$351,992	\$814,910
Operations and Maintenance	\$236,628	\$135,599	\$372,227
CIP Improvement Fund	\$29,671		\$29,671
<b>TOTAL</b>	<b>\$729,217</b>	<b>\$487,591</b>	<b>\$1,216,808</b>
<b>Revenues</b>			
Programs / Admissions / Rentals	\$310,300	\$50,000	\$360,300
Subsidy transfer from GF		\$450,000	\$450,000
<b>TOTAL</b>	<b>\$310,300</b>	<b>\$500,000</b>	<b>\$810,300</b>
<b>Surplus/Deficit</b>	<b>(\$418,917)</b>	<b>\$12,409</b>	<b>(\$406,508)</b>
<b>Cost Recovery</b>	<b>43%</b>	<b>103%</b>	<b>67%</b>

## Sales Tax to Fund Project

Scenario 5 - Aquatics/Gym Focus	
Sales Tax Increase for Construction Cost	0.68%
Sales Tax Increase for Operational Cost	0.23%
<b>TOTAL SALES TAX INCREASE FOR BOTH</b>	<b>0.91%</b>



# Community Recreation Center Expansion Scenario Details

Scenario 5b

## Project Construction Component

Scenario 5 - Aquatics/Gym Focus	
Facility Construction (building only)	\$10,258,000
Off-Site Construction (street changes, lighting, storm water, etc.)	\$0
Site Construction (1 acre all outside of building demo and new)	\$507,902
Other project costs (professional fees, water/sewer, plant investment fees, permits, testing, FF&E)	\$2,274,948
Contingency (10%)	\$1,304,085
<b>TOTAL PROJECT COSTS</b>	<b>\$14,344,935</b>
Second floor office estimate	\$300,000
<b>TOTAL w/ OFFICES</b>	<b>\$14,644,935</b>
<b>\$5.5 M sales tax projection</b>	
<b>GF transfer (subsidy) of \$450K</b>	
<b>Office finish</b>	

## Subsidy Projection Details (no debt service)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY	Current (2013) ONLY	Combined
<b>Expenses</b>			
Personnel Services	\$462,918	\$351,992	\$814,910
Operations and Maintenance	\$236,628	\$135,599	\$372,227
CIP Improvement Fund	\$29,671		\$29,671
<b>TOTAL</b>	<b>\$729,217</b>	<b>\$487,591</b>	<b>\$1,216,808</b>
<b>Revenues</b>			
Programs / Admissions / Rentals	\$310,300	\$50,000	\$360,300
Subsidy transfer from GF		\$450,000	\$450,000
<b>TOTAL</b>	<b>\$310,300</b>	<b>\$500,000</b>	<b>\$810,300</b>
<b>Surplus/Deficit</b>	<b>(\$418,917)</b>	<b>\$12,409</b>	<b>(\$406,508)</b>
<b>Cost Recovery</b>	<b>43%</b>	<b>103%</b>	<b>67%</b>

## Sales Tax to Fund Project

Scenario 5 - Aquatics/Gym Focus	
Sales Tax Increase for Construction Cost	0.69%
Sales Tax Increase for Operational Cost	0.23%
<b>TOTAL SALES TAX INCREASE FOR BOTH</b>	<b>0.92%</b>

Scenario 5c

## Project Construction Component

Scenario 5 - Aquatics/Gym Focus	
Facility Construction (building only)	\$10,258,000
Off-Site Construction (street changes, lighting, storm water, etc.)	\$0
Site Construction (1 acre all outside of building demo and new)	\$507,902
Other project costs (professional fees, water/sewer, plant investment fees, permits, testing, FF&E)	\$2,274,948
Contingency (10%)	\$1,304,085
<b>TOTAL PROJECT COSTS</b>	<b>\$14,344,935</b>
Second floor office estimate	\$300,000
<b>TOTAL</b>	<b>\$14,644,935</b>
<b>\$5.5 M sales tax projection</b>	
<b>No GF transfer (subsidy) of \$450K</b>	
<b>Office finish</b>	

## Subsidy Projection Details (no debt service)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY	Current (2013) ONLY	Combined
<b>Expenses</b>			
Personnel Services	\$462,918	\$351,992	\$814,910
Operations and Maintenance	\$236,628	\$135,599	\$372,227
CIP Improvement Fund	\$29,671		\$29,671
<b>TOTAL</b>	<b>\$729,217</b>	<b>\$487,591</b>	<b>\$1,216,808</b>
<b>Revenues</b>			
Programs / Admissions / Rentals	\$310,300	\$50,000	\$360,300
No subsidy transfer			
<b>TOTAL</b>	<b>\$310,300</b>	<b>\$50,000</b>	<b>\$360,300</b>
<b>Surplus/Deficit</b>	<b>(\$418,917)</b>	<b>(\$437,591)</b>	<b>(\$856,508)</b>
<b>Cost Recovery</b>	<b>43%</b>	<b>10%</b>	<b>30%</b>

## Sales Tax to Fund Project

Scenario 5 - Aquatics/Gym Focus	
Sales Tax Increase for Construction Cost	0.69%
Sales Tax Increase for Operational Cost	0.47%
<b>TOTAL SALES TAX INCREASE FOR BOTH</b>	<b>1.16%</b>

Scenario 5d

## Project Construction Component

Scenario 5 - Aquatics/Gym Focus	
Facility Construction (building only)	\$10,258,000
Off-Site Construction (street changes, lighting, storm water, etc.)	\$0
Site Construction (1 acre all outside of building demo and new)	\$507,902
Other project costs (professional fees, water/sewer, plant investment fees, permits, testing, FF&E)	\$2,274,948
Contingency (10%)	\$1,304,085
<b>TOTAL PROJECT COSTS</b>	<b>\$14,344,935</b>
<b>\$6 M sales tax projection</b>	
<b>GF transfer (subsidy) of \$450K</b>	
<b>No office finish</b>	

## Subsidy Projection Details (no debt service)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY	Current (2013) ONLY	Combined
<b>Expenses</b>			
Personnel Services	\$462,918	\$351,992	\$814,910
Operations and Maintenance	\$236,628	\$135,599	\$372,227
CIP Improvement Fund	\$29,671		\$29,671
<b>TOTAL</b>	<b>\$729,217</b>	<b>\$487,591</b>	<b>\$1,216,808</b>
<b>Revenues</b>			
Programs / Admissions / Rentals	\$310,300	\$50,000	\$360,300
Subsidy transfer from GF		\$450,000	\$450,000
<b>TOTAL</b>	<b>\$310,300</b>	<b>\$500,000</b>	<b>\$810,300</b>
<b>Surplus/Deficit</b>	<b>(\$418,917)</b>	<b>\$12,409</b>	<b>(\$406,508)</b>
<b>Cost Recovery</b>	<b>43%</b>	<b>103%</b>	<b>67%</b>

## Sales Tax to Fund Project

Scenario 5 - Aquatics/Gym Focus	
Sales Tax Increase for Construction Cost	0.63%
Sales Tax Increase for Operational Cost	0.21%
<b>TOTAL SALES TAX INCREASE FOR BOTH</b>	<b>0.84%</b>



# Community Recreation Center Expansion Scenario Details

Scenario 5e

## Project Construction Component

Scenario 5 - Aquatics/Gym Focus	
Facility Construction (building only)	\$10,258,000
Off-Site Construction (street changes, lighting, storm water, etc.)	\$0
Site Construction (1 acre all outside of building demo and new)	\$507,902
Other project costs (professional fees, water/sewer, plant investment fees, permits, testing, FF&E)	\$2,274,948
Contingency (10%)	\$1,304,085
<b>TOTAL PROJECT COSTS</b>	<b>\$14,344,935</b>
Second floor office estimate	\$300,000
<b>TOTAL</b>	<b>\$14,644,935</b>
<b>\$6 M sales tax projection</b>	
<b>GF transfer (subsidy) of \$450K</b>	
<b>Office finish</b>	

## Subsidy Projection Details (no debt service)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY	Current (2013) ONLY	Combined
<b>Expenses</b>			
Personnel Services	\$462,918	\$351,992	\$814,910
Operations and Maintenance	\$236,628	\$135,599	\$372,227
CIP Improvement Fund	\$29,671		\$29,671
<b>TOTAL</b>	<b>\$729,217</b>	<b>\$487,591</b>	<b>\$1,216,808</b>
<b>Revenues</b>			
Programs / Admissions / Rentals	\$310,300	\$50,000	\$360,300
Subsidy transfer from GF		\$450,000	\$450,000
<b>TOTAL</b>	<b>\$310,300</b>	<b>\$500,000</b>	<b>\$810,300</b>
<b>Surplus/Deficit</b>	<b>(\$418,917)</b>	<b>\$12,409</b>	<b>(\$406,508)</b>
<b>Cost Recovery</b>	<b>43%</b>	<b>103%</b>	<b>67%</b>

## Sales Tax to Fund Project

Scenario 5 - Aquatics/Gym Focus	
Sales Tax Increase for Construction Cost	0.64%
Sales Tax Increase for Operational Cost	0.21%
<b>TOTAL SALES TAX INCREASE FOR BOTH</b>	<b>0.85%</b>

Scenario 5f

## Project Construction Component

Scenario 5 - Aquatics/Gym Focus	
Facility Construction (building only)	\$10,258,000
Off-Site Construction (street changes, lighting, storm water, etc.)	\$0
Site Construction (1 acre all outside of building demo and new)	\$507,902
Other project costs (professional fees, water/sewer, plant investment fees, permits, testing, FF&E)	\$2,274,948
Contingency (10%)	\$1,304,085
<b>TOTAL PROJECT COSTS</b>	<b>\$14,344,935</b>
Second floor office estimate	\$300,000
<b>TOTAL</b>	<b>\$14,644,935</b>
<b>\$6 M sales tax projection</b>	
<b>No GF transfer (subsidy) of \$450K</b>	
<b>Office finish</b>	

## Subsidy Projection Details (no debt service)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY	Current (2013) ONLY	Combined
<b>Expenses</b>			
Personnel Services	\$462,918	\$351,992	\$814,910
Operations and Maintenance	\$236,628	\$135,599	\$372,227
CIP Improvement Fund	\$29,671		\$29,671
<b>TOTAL</b>	<b>\$729,217</b>	<b>\$487,591</b>	<b>\$1,216,808</b>
<b>Revenues</b>			
Programs / Admissions / Rentals	\$310,300	\$50,000	\$360,300
No subsidy transfer			
<b>TOTAL</b>	<b>\$310,300</b>	<b>\$50,000</b>	<b>\$360,300</b>
<b>Surplus/Deficit</b>	<b>(\$418,917)</b>	<b>(\$437,591)</b>	<b>(\$856,508)</b>
<b>Cost Recovery</b>	<b>43%</b>	<b>10%</b>	<b>30%</b>

## Sales Tax to Fund Project

Scenario 5 - Aquatics/Gym Focus	
Sales Tax Increase for Construction Cost	0.64%
Sales Tax Increase for Operational Cost	0.43%
<b>TOTAL SALES TAX INCREASE FOR BOTH</b>	<b>1.07%</b>

Scenario 5g

## Project Construction Component

Scenario 5 - Aquatics/Gym Focus	
Facility Construction (building only)	\$10,258,000
Off-Site Construction (street changes, lighting, storm water, etc.)	\$0
Site Construction (1 acre all outside of building demo and new)	\$507,902
Other project costs (professional fees, water/sewer, plant investment fees, permits, testing, FF&E)	\$2,274,948
Contingency (10%)	\$1,304,085
<b>TOTAL PROJECT COSTS</b>	<b>\$14,344,935</b>
<b>\$6 M sales tax projection</b>	

## Subsidy Projection Details (no debt service)

Scenario 5 - Aquatics/Gym Focus	Expansion ONLY	Current (2013) ONLY	Combined
<b>Expenses</b>			
Personnel Services	\$462,918	\$351,992	\$814,910
Operations and Maintenance	\$236,628	\$135,599	\$372,227
CIP Improvement Fund	\$29,671		\$29,671
<b>TOTAL</b>	<b>\$729,217</b>	<b>\$487,591</b>	<b>\$1,216,808</b>
<b>Revenues</b>			
Programs / Admissions / Rentals	\$310,300	\$50,000	\$360,300
No subsidy transfer			
<b>TOTAL</b>	<b>\$310,300</b>	<b>\$50,000</b>	<b>\$360,300</b>
<b>Surplus/Deficit</b>	<b>(\$418,917)</b>	<b>(\$437,591)</b>	<b>(\$856,508)</b>
<b>Cost Recovery</b>	<b>43%</b>	<b>10%</b>	<b>30%</b>

## Sales Tax to Fund Project

Scenario 5 - Aquatics/Gym Focus	
Sales Tax Increase for Construction Cost	0.63%
Sales Tax Increase for Operational Cost	0.43%
<b>TOTAL SALES TAX INCREASE FOR BOTH</b>	<b>1.06%</b>



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## MEMORANDUM

**Date:** December 9, 2013  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Joseph P. Plummer, AICP, Director of Planning  
**Re:** Discussion of Chapter 17 of the Windsor Municipal Code  
**Item #:** Work Session Item 2

### **Discussion Item:**

As seen in the enclosed letter, Mr. David Tschetter, Chief Executive Officer of the Qwizzle Corporation, is requesting clarification on the review procedures of Chapter 17 of the Windsor Municipal Code pertaining to:

1. The handling of previously-approved projects that have expired, are subsequently reconstituted and have preliminary approval.
2. Concurrent reviews of preliminary and final [residential] plat applications for major subdivisions.

Please note the following protocol relative to the discussion concerning these requests:

- Since these requests pertain to an interpretation of general development review processes, these are legislative in nature. Therefore, the Town Board may discuss these items, but only within the context of the generally applicable procedures under the Municipal Code.
- Also, because there are references to a specific project contained in Mr. Tschetter's letter, all such references need to be treated as quasi-judicial in nature. Therefore the Town Board should not discuss the specific project referenced in Mr. Tschetter's letter.

### **Planning Commission Review:**

Mr. Tschetter made a presentation at the December 4, 2013 planning commission work session. The Planning Commission discussed the enclosed sections of the Municipal Code relative to Mr. Tschetter's requests:

- Section 17-4-20 (d): Preliminary subdivision plat procedures.
- Section 17-4-20 (d) d.: Provisions for extensions of preliminary subdivision plat approvals prior to the expiration of a preliminary subdivision plat.
- Section 17-4-20 (e): Final subdivision plat procedures.
- Ordinance No. 1997-972: Administrative site plan reviews for qualified commercial and industrial site plans.

**Planning Commission Recommendation:**

The Planning Commission voted to recommend to the Town Board that no changes be made to any of the current policies and procedures relative to processing subdivision applications, based upon:

- The sequence of and procedures for preliminary subdivision plats being approved prior to final subdivision plats being submitted is appropriate due to the scope of details associated with each review.
- There are currently provisions for applicants to file for an extension of a preliminary plat approval prior to the expiration of the subject preliminary plat.
- If an applicant does not apply for/receive an extension of the preliminary plat prior to its expiration, the subject application expires and therefore a new application which meets all contemporary standards needs to be submitted.
- The intent of Ordinance No. 1997-972 is to assign a higher priority to commercial and industrial projects by calling out that these need to be processed administratively.
- Conversely, it was not the intent of Ordinance No. 1997-972 is to assign a high priority to residential projects and therefore preliminary and final plats should not be reviewed concurrently.

**Attachments:**

November 11, 2013 Letter from David Tschetter  
Article IV of the Windsor Municipal Code  
Ordinance No. 1997-972



November 11, 2013

Mr. Kelly Arnold  
Town Manager  
C/O Town of Windsor  
301 Walnut Street  
Windsor, Colorado 80550

The Honorable Mayor John Vazquez and Town Board Members Myles Baker, Don Thompson, Jeremy Rose, Kristie Melendez, Robert Bishop-Cotner, Ivan Adams

Re: Eastbrook / Village East Expired Plat

Dear Board Members-

Let me begin by saying that I fully appreciate the position both you and the staff have taken in regard to the issues dealing with previously approved projects that have expired and are being reconstituted, and the running of residential applications concurrently as opposed to sequentially.

It is clear that the code does not provide direction on how to deal with expired projects, with approvals, which are reconstituted. How to deal with these projects may require a change in the code; however, in the short run, I strongly believe that the opportunity exists under the current code to run residential applications concurrently. Reviewing residential projects concurrently, like commercial projects, does not seem to be prohibited under the current published code and your explanation on why this can not be accomplished seems to be based on the interpretation of the board's intent rather than the implementation of the code as written.

It is my further understanding that other developers have approached staff recently with similar requests that the town apply "fast tracking" equally to both residential and commercial projects. I understand that the town's policy for fast tracking commercial projects has been in place since the adoption of the town's ordinance No. 1997-972 and that ordinance specifically redirects staff to chapter 17 of the town's Municipal Code as it relates to the treatment of residential projects. Currently, the town does not provide equal opportunity to "fast tracking" between commercial and residential projects. Chapter 17 of the code that is designed to address major subdivision approvals does not address a procedure on expired projects with previous approvals and it leaves open the opportunity to run preliminary and final applications concurrently. I believe it is time for the town board to give direction to both developers and staff on these issues as opposed to leaving it up to interpretation by either the town or developer.

Currently, the Municipal Code for the town of Windsor, in Chapter 17, defines both the preliminary and final plat procedures that are required for a development to

receive town approval. What the code doesn't address is what the procedure should be for projects that receive preliminary approval and, for whatever reason, expire under the terms defined in Section 17-4-20(d) of the Municipal Code. When a project expires under that section of the code, it should not negate the work or money spent by the staff and the developer should the project be reconstituted at some point in the future. Currently, the town's interpretation of the code forces projects back to the beginning, ignoring the time and money invested by the staff and developer. This process is neither pro-business nor sensitive to the investment that has been made by the town and the developer. To have the town spend value time reevaluating a project from scratch is a poor use of resources on the town's behalf. My belief is that a reconstituted project that expired with preliminary approvals should be thoroughly reviewed by staff to determine necessary corrections needed to deal with changes within the code during the period the project stood dormant. That upon the required staff corrections, by the developer; the project should be moved forward as a final plat application. However because there is no direction within the code as it relates to expired projects that are reconstituted we are left to the interpretation of the code by staff which currently provides for an inefficient and costly process on both sides.

I expressly submitted a final plat application for the Eastbrook / Village East subdivision after careful review of the posted Municipal Code of Windsor and believe that code provides staff the ability to interpret it in a manner that would lead to reconstituted projects being handle in the manner describe above. After my submittal, I had several conversations with staff where we continued to disagree as to the interpretation of the code. I have carefully reviewed all of staff's correspondence as it applied to the code and I remain under the opinion that my submission for final plat approval is allowable, as defined by the code, and that staff should be directed to move forward with the review of our application. Should it be determined that the course of action is to return to the beginning and require the submittal of a preliminary application for the project, then I see no reason within the code that prohibits the preliminary and final plat reviews running concurrently just as it is allowed for commercial projects.

What I am asking for, I believe, the currently posted Municipal Code of Windsor will allow and seems to be designed to deal with these types of situations. Before I explain why I believe this to be the case, it is important that you understand that I am in complete agreement with staff's interpretation of the information that has been sent to me. I agree that under Section 17-4-20(d) of the Municipal Code that the Village East / Eastbrook preliminary approval has expired. I am also in agreement with the Town of Windsor Ordinance No. 1997-972 as it relates to staff procedures for administrative and site review of certain commercial and industrial site plans. In fact, that Ordinance under section (a) reads "The provisions of this Section, as well as the administrative site plan review procedures set forth in Section 17-93, shall not apply to multifamily residential projects or site plans, which shall remain subject to the subdivision and site plan review procedures otherwise set forth in Chapter 17 of the Windsor Municipal Code."

It is also clear that this ordinance does not apply to my situation but by interpretation of section (a) Village East / Eastbrook falls under what would be defined as a site plan and therefore staff is directed to treat my case based on the interpretation of Chapter 17 of the Municipal Code of Windsor.

I believe that when Chapter 17 is applied, not interpreted, that the code provides the opportunity to move forward with both applications concurrently. According to Windsor Municipal Code, as currently posted on-line, Article IV Sec. 17-4-20 in sub-sections (a), (b), and (c) I am not required to have a Pre-Plat completed prior to a Final Plat submittal. As we discussed earlier, Sub-section (d) is the Pre-Plat requirement and the language that defines the expiration of the Pre-Plat after one year and the renewal opportunity with written request, but in no place does it stipulate that a Pre-Plat is required prior to a Final Plat submittal. Sub-section (e) outlines the Final Plat requirements but nowhere within this section does it state that a Pre-Plat approval is a prerequisite requirement prior to Final Plat application being considered. If code does not require a Pre-Plat prior to Final Plat submittal it seems to me that you have options. You can either run both the preliminary and final concurrently or you can review the existing preliminary plat for a project being reconstituted, make adjustments and move the project into final plat review quickly. The code simply does not prohibit either of these responses. My feeling is that the board will see changing the process of dealing with projects that are being reconstituted as being more in line with a code change which leaves us with the path of running both applications concurrently.

Kelly, I believe that when administering the Code, as adopted by the Board, that steps should be taken to insure the code is not interpreted as to intent. I believe the code is crystal clear as to procedure and that each application of a major subdivision is a separate process. I believe, as I stated earlier, that a gap exists within the code as it relates to previously approved projects that expire and are reconstituted. I believe that normal procedure for a major subdivision is to submit a preliminary plat application, then work with staff through that process, and then submit a final plat application. However, because each application is a separate process as defined in code, and by the fees paid by the applicant to the town, I believe it absolutely allows for the process of running both applications concurrently.

Running concurrently, know as "fast tracking", is not uncommon in the town; in fact it occurs often for commercial projects and is clearly defined under Ordinance No. 1997-972 sited above. This practice of "fast tracking" commercial projects has centered on the perceived economic benefits that a commercial project can provide the town. I would suggest that residential development provides similar economic opportunities for the town and therefore should be afforded the same considerations that commercial projects receive. The economic attributes of a residential project to the town include, but are not limited to, application fees, development fees and permits, construction permit fees, use tax, property tax, sales tax, and in the case of this project the creation of over 600 new jobs. To extend

commercial projects the benefit of “fast tracking” while limiting residential projects the same opportunity places the town in a position of selecting winners while increasing the cost of construction for residential projects and the benefits of “fast tracking” should be applied equally.

In our case, we spent the time and the money to comply with staff’s requirements and comments to receive preliminary approval of the Eastbrook / Village East subdivision from the town of Windsor. I agree that approval has expired. What did not expire is the quality of work that was done by the staff and us to achieve the approval in the first place. In addition, staff had submitted redline comments to be completed, by the developer, for final plat approval that have now been addressed and submitted with our application. No one is suggesting that the town rubber stamp our application for final plat and it would be naive to believe that we will not have further clean up to the plat that will need to be done in order to reach final approval.

I am asking that the town board give direction on the following two items that I believe are afforded by the code in an effort to save time and money for both the town and my client, and would represent a pro-business approach by the town.

1. Direction on the handling of previously approved projects that have expired, are reconstituted and have preliminary approvals.
2. Direction on the concurrent review of preliminary and final plat applications for major subdivisions.

Thank you for your help and consideration on this matter.

Sincerely,



David Tschetter  
Qwizzle, CEO  
Registered Agent for Global Asset Recovery

## ARTICLE IV

### Major Subdivision

#### **Sec. 17-4-10. Purpose.**

The purposes of the major subdivision procedure are:

- (1) To divide or reconfigure a parcel or parcels of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.
- (2) To divide a parcel of land which is zoned MF-1, MF-2, CB, NC, GC, I-H or I-L into two (2) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.
- (3) To change an existing subdivision when the change involves rights-of-way or major easements.

#### **Sec. 17-4-20. Subdivision procedure.**

- (a) The subdivider is responsible for having a representative at all meetings where the subdivision request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.
- b) No major subdivision plat shall become effective until after a public hearing thereon, at which parties in interest and citizens shall have an opportunity to be heard.
- (c) Upon the filing of an application, petition or other document, the designated hearing authority shall set a date for a public hearing, to afford the public a full opportunity to be heard on such application, petition or document.

#### **(d) Preliminary plat.**

(1) Procedure. The subdivider shall submit to the Planning Department in electronic format as specified by the Town the preliminary plat, along with a review fee set by resolution of the Town Board and all required supportive information as set forth in this Section. Additional paper copies of any required documents may be required if deemed necessary for review purposes. Such submission shall allow the Planning Department to schedule consideration of the preliminary plat by the Planning Commission.

a. Upon the filing of the preliminary plat, the applicant or applicant's representative shall distribute copies of the preliminary plat to the following agencies and offices for review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Planning Department):

1. Gas and electric utilities;
2. Telecommunications utility;
3. Windsor-Severance Fire Rescue;
4. Cable television provider;
5. Windsor Post Office;
6. Respective school district in which the subject property is located; and
7. Water and sewer utilities.

The preliminary plat shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Planning Department within ten (10) days of the receipt of such notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Planning Department, the referral agency or office will not be contacted for comments or objections concerning the final plat. The Planning Department shall distribute application materials to referral agencies in a timely manner.

b. The subdivider shall meet with the Planning Department to review the recommendations of the referral agencies.

c. The preliminary plat and recommendations shall be reviewed by the Planning Commission as provided by planning policy.

d. The Planning Commission shall either approve or disapprove the preliminary plat. If the preliminary plat is approved, it shall be valid for a period of one (1) year from the date of approval. If a complete final plat application is received within the aforementioned one-year period, the preliminary plat approval shall remain valid during the review of the final plat unless said final plat application becomes inactive, at which time the preliminary plat shall be considered to have expired. For the purposes of this Section, an application shall be deemed inactive if the applicant does not submit required application materials as specified by the Town within one (1) year from the date requested by the Town. The applicant may submit a formal written request for reinstatement of an expired preliminary plat for a period of time not to exceed one (1) year for Planning Commission consideration within one (1) year of such expiration.

(2) Plats and data. All preliminary plats shall be made at a scale of either one (1) inch represents fifty (50) feet, with the exception of subdivisions which propose a minimum lot size of one (1) acre or greater which shall be made at a scale of one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

a. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true north.

b. The proposed name of the subdivision.

c. The legal description (lot, block, subdivision, section, township, range).

d. The names, boundaries and zoning of adjacent subdivisions, streets and property owners.

e. The names, addresses, phone numbers and fax numbers of the subdivider and firms or persons responsible for preparing the plat.

f. The location and dimensions of all existing utilities, streets, alleys, easements, rights-of-way and watercourses within and adjacent to the subdivision and the names of all such streets.

g. The location and dimensions of all proposed utilities, streets, alleys, easements, rights-of-way and watercourses within and adjacent to the subdivision and names of all such streets, alleys, easements, rights-of-way and watercourses.

h. The lot numbers, approximate dimensions and the total lots devoted to each zone district on the plat.

i. The total acreage of the parcel with a designation of the specific acreage dedicated to each zone district included in the parcel, the acreage of streets, public areas and other uses.

- j. Designation of any area subject to flooding and adequate easements for flood control.
- k. Traffic control plan.
- l. Vicinity map.
- m. Revisions block. An information block entitled "Revisions" shall be included on all preliminary plats, and all such blocks for revisions shall include entry blocks for: 1) the date of each revision, 2) the initials of the person who made the revision, and 3) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the preliminary plat.

(3) Supportive information. The following supportive information shall be submitted in electronic format as specified by the Town with the preliminary plat. Additional paper copies of any required documents may be required if deemed necessary for review purposes.

- a. A Town application form provided by the Planning Department. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.
- b. A Town general application overview form provided by the Planning Department.
- c. A deed or legal instrument identifying the applicant's interest in the property.
- d. Preliminary utility drawings. Such utility drawings shall include, but not be limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc.
- e. Traffic study prepared by a licensed engineer.
- f. Traffic control plan prepared by a licensed engineer.
- g. Proposed deed restrictions.
- h. A soil types and limitations report, if not submitted when the area was annexed.
- i. Description and location of any hazardous areas (i.e., floodplain, geological, topographic, etc.) on the subject property and proposed remedial features.
- j. Preliminary drainage plan and report.
- k. Topographical map with two-foot contour intervals.
- l. Preferred method of water rights dedication: total acreage, lot-by-lot or by phase.
- m. A landscaping plan for any public right-of-way adjacent to any arterial street.
- n. A written narrative description of special considerations requested by the developer, including but not limited to:

1. Phasing plan (24" x 36" phasing plan plat).
2. Landscaping proposal for all areas other than and in addition to the landscaping plan required for arterial streets in Subparagraph (3)n above (also to be delineated on the preliminary plat).
3. Infrastructure oversizing requirements.
4. Park land dedication (also to be delineated on the preliminary plat).
5. Design variations of required public improvements.
6. Any variations to subdivision regulations proposed in accordance with the Planned Unit Development (PUD) overlay.

**(e) Final plat.** The final plat shall be submitted in electronic format as specified by the Town. Additional paper copies of any required documents may be required if deemed necessary for review purposes.

(1) Procedure. The subdivider shall submit to the Planning Department the final plat and complete construction utility drawings, along with a fee set by resolution of the Town Board and all required supportive information as set forth in this Section. Such submission shall allow the Planning Department to schedule consideration of the final plat by the Planning Commission.

- a. Upon receipt of the final plat, the applicant or the applicant's representative shall distribute copies thereof along with accompanying notices to the agencies and offices set forth in Subsection (a) of this Section in a manner consistent with the requirements thereof.
- b. The subdivider shall meet with the Planning Department to review the recommendations of the referral agencies and offices.
- c. The final plat and recommendations shall be reviewed by the Planning Commission as provided by planning policy.
- d. The Planning Commission shall recommend approval, or recommend conditional approval or recommend disapproval of the final plat, but in all cases shall submit a written recommendation to the Board.
- e. The Planning Department shall prepare a memorandum of agreement for public improvements which shall be signed by the applicant.
- f. The final plat, recommendation of the Planning Commission and memorandum of agreement shall be reviewed by the Town Board as provided by planning policy, which shall either approve or disapprove the final plat or refer the same back to the Planning Commission for further study.
- g. Upon final approval of the Town Board, the subdivider shall submit the following to the Planning Department:

1. A certified copy of a compact disc (CD) or other electronic data storage format as approved by the Town which shall contain the information exactly as is contained within the subdivision plat as finally approved by the Town. The CD shall be: (1) formatted and certified in accordance with the Town's requirements; and (2) first approved by the Town's Geographic Information Systems (GIS) Technician. Any CD or other approved digital media submitted pursuant to this Section shall conform to all requirements of the Town's most current electronic document submittal standards, a copy of which shall be maintained by the Director of Planning and made available to the public. Incomplete or inaccurate CDs and CDs that are not certified will not be accepted.

2. Translucent original Mylars of final plats to be recorded in the office of the applicable county clerk and recorder and translucent original Mylars of complete construction utility drawings. The quantity of submittals required under this Subparagraph shall be established by the Director of Planning. Final plat Mylars shall include signatures on the appropriate certification blocks. Reproduction Mylars, dark-colored or tinted Mylars and/or sepias will not be accepted.

- h. The Town Clerk shall cause the approved final plat to be recorded in the office of the applicable county clerk and recorder.

(2) Plats and data. All final plats shall be made at a scale of either one (1) inch represents fifty (50) feet, with the exception of subdivisions which propose a minimum lot size of one (1) acre or greater which shall be made at a scale of one (1) inch represents one hundred (100) feet, shall be in electronic format of one (1) or more sheets with outer dimensions of twenty-four (24) by thirty-six (36) inches and shall conform to the preliminary plat as approved, except that the final plat may constitute only a portion of the territory covered by the preliminary plat.

- a. The final plat shall contain the following information:

1. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true north.
2. The name of the subdivision.
3. The legal description (lot, block, subdivision, section, township, range).
4. The names, boundaries and zoning of adjacent subdivisions, streets and property owners.
5. The names, addresses, phone numbers and fax numbers of the subdivider and the firms or persons responsible for preparing the plat.

6. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
7. All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.
8. The location and physical description of all monuments.
9. Identification of each lot or site by a number and designation of the area of each lot in square feet.
10. Vicinity map.
11. Revisions block. An information block entitled " Revisions" shall be included on all final plats, and all such blocks for revisions shall include entry blocks for: a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision is made to the final plat.

b. Appropriate certification blocks as required by the Town shall appear on the final plat.

(3) Supportive information. The following supportive information shall be submitted in electronic format as specified by the Town with the final plat. Paper copies shall be submitted where indicated. Additional paper copies of any required documents may be required if deemed necessary for review purposes.

a. Complete improvement plans prepared by a registered professional engineer to a scale no smaller than one (1) inch represents fifty (50) feet to include the following:

1. Complete street plans and profiles.
2. Complete storm drainage plans and profiles.
3. Complete sanitary sewer plans and profiles, and water main plans with grades and sizes indicated.
4. Complete overlot and final grading plans.

b. One (1) electronic version as specified by the Town and one (1) paper copy of final drainage plan and report.

c. One (1) electronic version as specified by the Town and one (1) paper copy of design soil test results and the corresponding location map.

d. Final subdivision plat reduced to no larger than eleven (11) by seventeen (17) inches.

e. Final boundary closure calculations for the exterior boundary of the subdivision and for each individual lot prepared by a licensed civil engineer or land surveyor.

(4) Street lighting plan shall be reviewed and approved by the Town prior to construction of electrical utilities.

TOWN OF WINDSOR

ORDINANCE NO. 1997- 972

BEING AN ORDINANCE ESTABLISHING STAFF PROCEDURES FOR ADMINISTRATIVE SITE PLAN REVIEW OF CERTAIN COMMERCIAL AND INDUSTRIAL SITE PLANS.

WHEREAS, the Windsor Planning Commission has reviewed and approved modifications of certain procedures for the administrative review of certain commercial and industrial site plans; and

WHEREAS, the Windsor Planning Commission has recommended the formal adoption of such procedures by the Board of Trustees; and

WHEREAS, the Board of Trustees hereby finds and concludes that the adoption of such procedures will promote orderly growth and development in the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

The Windsor Municipal Code is amended by the addition thereto of a new Section 17-94, which is to read as follows:

**Sec. 17-94. Administrative site plan review for qualified commercial and industrial site plans.**

(a) Commercial and industrial site plans proposed to be developed on lots that have either previously been subdivided or are presently being subdivided as part of a minor subdivision, shall qualify for administrative site plan review in accordance with the provisions of Section 17-93 and the additional requirements of this Section. The provisions of this Section, as well as the administrative site plan review procedures set forth in Section 17-93, shall not apply to multifamily residential projects or site plans, which shall remain subject to the subdivision and site plan review procedures otherwise set forth in Chapter 17 of the Windsor Municipal Code.

(b) The Planning Department of the Town shall distribute all commercial and industrial site plans qualified under this section to the Windsor Planning Commission and the Board of Trustees for preliminary review. Thereafter, the Planning Department shall make formal presentation of the site plans to the Windsor Planning Commission and Board of Trustees at regularly scheduled meetings of those bodies. The Planning Department shall receive comment from the Windsor Planning Commission and the Board of Trustees on such plans.

(c) Following its receipt of comments from the Windsor Planning Commission and Board of Trustees, the Planning Department shall review the site plans in accordance with the procedures set forth in Section 17-93 of the Windsor Municipal Code.

(d) In the event irreconcilable differences arise between the applicant and the Planning Department with regard to the administrative site plan review, the applicant may apply to the Town for further review of the site plan by the Windsor Planning Commission and the Board of Trustees. In the event such application is timely made, the site plan, together with the disputes giving rise to the application, shall be reviewed by the Windsor Planning Commission, and thereafter the Commission shall recommend to the Board of Trustees a proposed site plan for adoption. Upon its receipt of the proposed site plan, the Board of Trustees shall review the site plan and shall make a final determination regarding the approval thereof.

(e) With the exception of the commercial and industrial site plans as described herein and excluding plans which may otherwise qualify for administrative site plan review pursuant to Section 17-93 of the Windsor Municipal Code, such plans shall remain subject to the subdivision and site plan review procedures otherwise set forth in Chapter 17 of the Windsor Municipal Code.

(f) In the opinion of the Board of Trustees of the Town of Windsor, Colorado, this Ordinance is necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect immediately upon adoption.

Introduced, considered favorable on reading, and ordered published this 10th day of November, 1997.

TOWN OF WINDSOR, COLORADO

By W. Wayne Math  
Mayor

ATTEST:

Jeanne Nagarsund  
Town Clerk



## FUTURE TOWN BOARD MEETINGS

Work Sessions & Regular Meetings will be held in the Board Chambers unless otherwise noted.

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December 16, 2013 6:00 p.m.	Town Board Work Session Joint meeting with the Historic Preservation Commission Museum strategic plan
December 23, 2013	Town Board Meeting and Work Session – Cancelled
December 30, 2013	Fifth Monday
January 6, 2014 6:00 p.m.	Town Board Work Session Town oil & gas revenue for school district foundation purposes
January 13, 2014 5:30 p.m./First floor conference room	Board/Manager/Attorney Monthly Meeting
January 13, 2014 7:00 p.m.	Town Board Meeting Kern Board Meeting
January 20, 2014 5:30 p.m./CRC	Joint Work Session Fire, School & Library Districts
January 27, 2014 6:00 p.m.	Town Board Work Session Discussion of Proposed Amendment to the Zeiler Farms First and Second Annexations Master Plan and Development agreement (including amendment of Vested Property Rights per Chapter 16, Article XXVI) Discussion of Proposed Transfer of Sewer Capacity Units from the Zeiler Farms Second Annexation to Water Valley West Discussion of Proposal to Disconnect Portions of Zeiler Farms Second Annexation from the Town of Windsor
January 27, 2014 7:00 p.m.	Town Board Meeting
February 3, 2014 6:00 p.m.	Town Board Work Session
February 10, 2014 5:30 p.m./First floor conference room	Board/Manager/Attorney Monthly Meeting
February 10, 2014 7:00 p.m.	Town Board Meeting
February 17, 2014 6:00 p.m.	Town Board Work Session
February 24, 2014 6:00 p.m.	Town Board Work Session
February 24, 2014 7:00 p.m.	Town Board Meeting
March 3, 2014 6:00 p.m.	Town Board Work Session
March 10, 2014 5:30 p.m./First floor conference room	Board/Manager/Attorney Monthly Meeting
March 10, 2014 7:00 p.m.	Town Board Meeting Kern Board Meeting

March 17, 2014 6:00 p.m.	Town Board Work Session
March 24, 2014 6:00 p.m.	Town Board Work Session
March 24, 2014 7:00 p.m.	Town Board Meeting
March 31, 2014	Fifth Monday

**Additional Events**

None.

**Future Work Session Topics**

Sheep Draw Conservation Easements