



TOWN BOARD WORK SESSION

January 27, 2014 – 6:00 PM

Town Board Room, 301 Walnut Street, 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.

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

- 6:00 1. 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) – S. Ballstadt
- 6:10 2. Discussion of Proposed Transfer of Sewer Capacity Units from the Zeiler Farms Second Annexation to Water Valley West – S. Ballstadt
- 6:20 3. Discussion of Proposal to Disconnect Portions of Zeiler Farms Second Annexation from the Town of Windsor – S. Ballstadt
- 6:30 4. Development Fee Review
- 6:40 5. Notification requirement discussion
- 6:50 6. Future Town Board Meetings



MEMORANDUM

Date: January 27, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Scott Ballstadt, AICP, Chief Planner
Subject: Discussion regarding proposal to de-annex a portion of the Zeiler Farms Second Annexation and transfer density to Water Valley West
Item #s: Work Session Items 1, 2 & 3

Discussion:

Mr. Martin Lind has the northern portion of the Zeiler Farms Second Annexation under contract and, assuming he takes title, is proposing to disconnect ("de-annex") the property from the Town. This property was annexed into Town in 2009 as part of the Zeiler Farms First and Second Annexations.

Mr. Lind has indicated that, consistent with the agricultural nature of the surrounding area, he plans to continue agricultural use of the Zeiler property. He, therefore, prefers to de-annex so that agricultural uses such as livestock, crop spraying and hunting are not in potential conflict with Town codes. Mr. Lind has indicated a willingness to place a recorded deed restriction on the property to ensure that the property remains in agriculture.

Mr. Lind also is proposing to transfer the approved sanitary sewer capacity previously allocated to property to his proposed development one mile to the north, known as Water Valley West. If the sanitary sewer capacity density transfer approved, this portion of the Zeiler property would be rendered undevelopable, because the sanitary sewer capacity in this area is limited by the facilities already in place to serve it.

Although the Town does not have an established formal process for transferring sanitary sewer capacity from one parcel to another, it can be accomplished in this situation through a series of steps:

- Planning Commission public hearing and consideration of a resolution amending the Windsor Comprehensive Plan Land Use Map changing the land use depiction of the property from Residential Mixed Use to Open Space. This would require the property owner to submit an application and letter proposing such a change.
- Town Board public hearing and consideration of an ordinance amending the Zeiler Farms First and Second Annexations Master Plan and Development Agreement and rescinding certain previously approved vested property rights. This amendment would address the transfer of sewer capacity units, restrictions on development of the Zeiler property, vested property rights, deed restriction and other related items.
- Town Board consideration of a resolution regarding the transfer of sewer capacity units from the Zeiler Farms Second Annexation to Water Valley West. This action would address the receipt of the sewer capacity by the developer of Water Valley West.

- Town Board consideration of an ordinance approving a petition to disconnect portions of the Zeiler Farms Second Annexation from the Town of Windsor. This is a statutory procedure requiring the property owner to submit a petition to disconnect/de-annex.
- Town Attorney approval of deed restriction language and recordation of said deed restriction. This step may be accomplished within the amendment to the Zeiler Farms First and Second Annexations Master Plan and Development Agreement

The Planning Commission will be reviewing the proposal at its February 5th work session prior to scheduling a formal hearing and action on the proposed amendment to the Town's Comprehensive Plan Land Use Map.

It should be noted that at this time, no formal requests for any of the foregoing have been presented by Mr. Lind to the Town. The discussions are conceptual only at this time.

Conformance with Comprehensive Plan: The Annexation Goals and Policies of the Comprehensive Plan generally anticipate that the Town will annex all of the properties within the Town's Growth Management Area; however, the subject proposal is unique in that the property is proposed to remain in agricultural production in perpetuity.

Conformance with Vision 2025: The Vision 2025 document does not address this topic.

Relationship to Strategic Plan: The Strategic Plan does not address this topic.

Recommendation:

Staff recommends that the Town Board provide staff with direction regarding the proposed de-annexation and transfer of density so that staff may proceed accordingly.

Attachments: Zeiler Farms Second Annexation plat
Map depicting Zeiler and Water Valley West properties
October 23, 2013 letter from Conrad Zeiler

pc: Martin Lind, property purchaser
Conrad Zeiler, President, Zeiler Farms, Inc., property owner

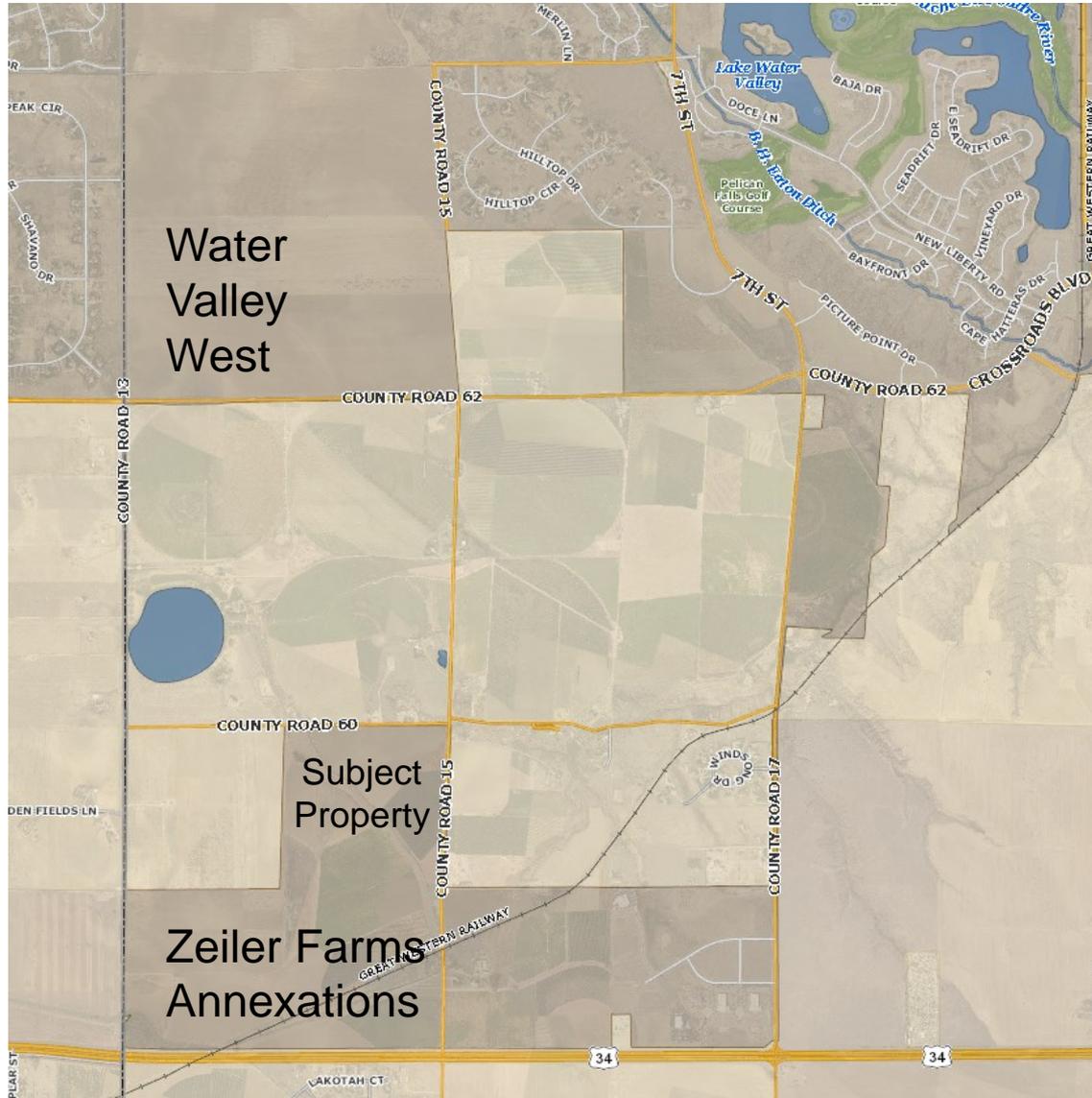


Discuss Proposal to De-Annex a portion of Zeiler Farms Second Annexation and Transfer Density to Water Valley West

Scott Ballstadt, AICP

January 27, 2014

Location





Zeiler Farms 2nd Annexation



CITY OF GREELEY NOTES:

- UTILITY, EASEMENT AND RIGHTS-OF-WAY CROSSINGS OF THE GREELEY WATERLINE SHALL TO THE EXTENT POSSIBLE BE AT RIGHT ANGLES TO THE GREELEY WATERLINE.
- THERE SHALL BE NO PERMANENT STRUCTURES, CONCRETE SLABS, DETENTION PONDS, FENCES, WALLS, TREES, OR OTHER LANDSCAPING OR BERMS GREATER THAN 3 FEET AT MATURE GROWTH, OR OTHER OBSTRUCTIONS WITHIN THE CURRENT AREA OF OPERATION OF THE GREELEY WATERLINE THAT MAY NEGATIVELY IMPACT THE OPERATION OR MAINTENANCE OF THE GREELEY WATERLINE.
- DEVELOPMENT ADJACENT TO THE GREELEY WATERLINE SHALL NOT PREVENT REASONABLE ACCESS TO THE GREELEY WATERLINE FOR OPERATION AND MAINTENANCE PURPOSES.
- FUTURE PLANS FOR DEVELOPMENT OF THE PROPERTY SHALL BE SUBMITTED TO THE CITY OF GREELEY FOR REVIEW PRIOR TO APPROVAL.

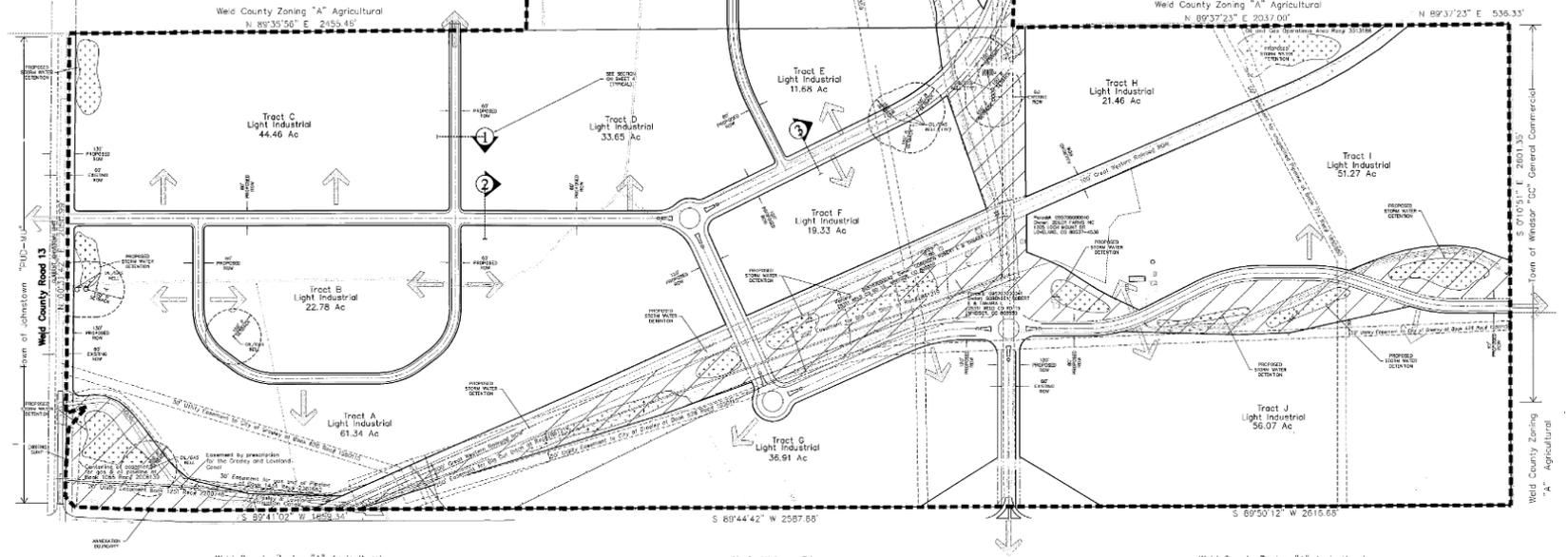
GREELEY LOVELAND IRRIGATION CANAL NOTES:

- THE EASEMENT BY PRESCRIPTION FOR THE GREELEY AND LOVELAND CANAL DEPICTED ON THE MASTER PLAN INCLUDES ANY RIGHTS OBTAINED THEREWITH FOR MAINTENANCE AND OPERATIONAL ACCESS. ALL CROSSINGS OF THE CANAL MUST BE APPROVED BY THE GREELEY AND LOVELAND IRRIGATION COMPANY.



Tract	Zoning	Light Use	Commercial	Maximum Floor Area (SQ. FT. of sub area)	Gross	Net	Number of Units
K	RMU	Residential Mixed Use (SF-3)	Duplexes	21,600	51,500	54,300	120
L	RMU	Residential Mixed Use (SF-2)	Duplexes	10,800	25,750	27,150	60
M	RMU	Residential Mixed Use (SF-2)	Duplexes	10,800	25,750	27,150	60
N	RMU	Residential Mixed Use (SF-2)	Single Family Detached	19,330	19,330	19,330	190
O	RMU	Residential Mixed Use (SF-2)	Single Family Detached	24,450	24,450	24,450	120
P	RMU	Park		12,470	12,470	12,470	
	RMU	PCU		12,470	12,470	12,470	
	RMU	Drainage		18,700	18,700	18,700	
Land Use Summary					480,000	368,000	418
					400,000	118,000	418
					60,000	60,000	
					10,000	10,000	
					70,000	70,000	
					400,000	428,000	418

- LIGHT INDUSTRIAL NOTES:**
- THE USE AND ZONING DESIGNATION CONTAINED IN THIS MUNICIPAL CODE SHALL APPLY TO ALL DEVELOPMENT PROPOSED WITHIN THE LIGHT ZONING DISTRICT. THE BUILDING AND STRUCTURE STANDARDS CONTAINED IN SECTION 16.02 OF THE "ZONING ORDINANCE" SHALL APPLY TO THE DEVELOPMENT PROPOSED TO BE LOCATED IN THE LIGHT ZONING DISTRICT. THE ZONING DISTRICT SHALL BE SUBJECT TO THE MUNICIPAL CODE REGARDING BUILDING ORIENTATION AND BUILDING AND STRUCTURE SETBACKS WITHIN THE LIGHT ZONING DISTRICT.
 - DEVELOPMENT PROPOSED WITHIN THE LIGHT ZONING DISTRICT SHALL BE SUBJECT TO SECTION 16.02 (ALTERED LAND USES FOR THE LIGHT ZONING DISTRICT).
 - DEVELOPMENT PROPOSED WITHIN THE LIGHT ZONING DISTRICT SHALL BE SUBJECT TO SECTION 16.02 (ALTERED LAND USES FOR THE LIGHT ZONING DISTRICT).
 - DEVELOPMENT PROPOSED WITHIN THE LIGHT ZONING DISTRICT SHALL BE SUBJECT TO SECTION 16.02 (ALTERED LAND USES FOR THE LIGHT ZONING DISTRICT).
- GENERAL NOTES:**
- OTHER THAN USE NOTED IN ALL SECTIONS, RIGHTS-OF-WAY ALIGNMENTS ARE CONCEPTUALLY DEPICTED TO ILLUSTRATE CONCEPTS WITHIN THE MASTER PLAN. THE EXACT LOCATION AND ALIGNMENT OF RIGHTS-OF-WAY SHALL BE DETERMINED BY THE CITY OF GREELEY AND APPROVED IN ACCORDANCE WITH THE GREELEY WATERLINE EASEMENT BY PRESCRIPTION.
 - THE LAND USE TABLE ABOVE DESCRIBES THE ANTICIPATED USES FOR EACH MASTER PLAN TRACT WITHIN A ZONING DISTRICT. THE ACTUAL USES AND THE EXACT LOCATION AND ALIGNMENT OF RIGHTS-OF-WAY SHALL BE DETERMINED BY THE CITY OF GREELEY AND APPROVED IN ACCORDANCE WITH THE GREELEY WATERLINE EASEMENT BY PRESCRIPTION.
 - THE LAND USE TABLE ABOVE ESTABLISHES A TOTAL MAXIMUM NUMBER OF DWELLING UNITS AND A TOTAL MAXIMUM AMOUNT OF COMMERCIAL FLOOR SPACE. THE ESTIMATED NUMBER OF DWELLING UNITS OR COMMERCIAL FLOOR AREA FOR EACH MASTER PLAN TRACT INCLUDING UNITS OF COMMERCIAL FLOOR SPACE, AND MAY ALSO BE DETERMINED BY THE DEVELOPER. THE DEVELOPER SHALL OBTAIN A PERMISSIBLE FLOOR AREA AND LOCATION TO BE DETERMINED BY THE APPLICANT IN CONSULTATION WITH THE TOWN AT THE TIME OF FUTURE PLATINGS OF THE PROPERTY. THE EXACT LOCATION AND ALIGNMENT OF RIGHTS-OF-WAY SHALL BE DETERMINED BY THE CITY OF GREELEY AND APPROVED IN ACCORDANCE WITH THE GREELEY WATERLINE EASEMENT BY PRESCRIPTION.
 - THE ZONING DISTRICT BOUNDARIES ARE SHOWN IN LOCATION AND ANY PROPOSED CHANGES REGARDING THE TOWN APPROVAL OF A RECEIVING APPLICATION.
 - ANY PARKING/LODRS SPACE TO BE DEDICATED TO THE TOWN SHALL BE REVIEWED AND APPROVED DURING THE PLATINGS PROCESS ON A CASE-BY-CASE BASIS REGARDING FEES-RELEVANT OF PARK SPACE DEDICATIONS.
 - THE SITE SHOWN FOR A PLAT ON THE MASTER PLAN IS CONCEPTUAL IN NATURE. DEVELOPER SHALL OBTAIN A PERMISSIBLE FLOOR AREA AND LOCATION TO BE DETERMINED BY THE APPLICANT IN CONSULTATION WITH THE TOWN AT THE TIME OF FUTURE PLATINGS OF THE PROPERTY. THE EXACT LOCATION AND ALIGNMENT OF RIGHTS-OF-WAY SHALL BE DETERMINED BY THE CITY OF GREELEY AND APPROVED IN ACCORDANCE WITH THE GREELEY WATERLINE EASEMENT BY PRESCRIPTION.
 - ALL REFERENCES TO MASTER PLAN TRACTS CONTAINED HEREIN ARE FOR MASTER PLAN REFERENCE PURPOSES. THE LOCATION OF TRACTS AND/OR PLATING DETERMINED IN CONFORMANCE WITH THE REVIEW AND APPROVAL OF PERMISSIBLE FLOOR SPACE WITHIN THE PROPERTY.
 - THE REALIGNMENT OF THE OR IS CROSSING OF THE RAIL LINE IS CONCEPTUALLY DEPICTED ON THE MASTER PLAN. NOTWITHSTANDING ANY SUCH CROSSING REALIGNMENT SHALL BE SUBJECT TO THE EXECUTION OF A CROSSING AGREEMENT WITH THE OWNER OF THE RAIL LINE.



Weid County Zoning "A" Agricultural

U. S. Highway 34

Weid County Zoning "A" Agricultural

October 23, 2013

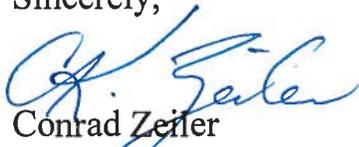
Water Valley LLC
Martin Lind, President
1625 Pelican Lake Point, Suite 201
Windsor, CO 80550

TO: Attention of Scott Ballstadt, Windsor Town Planner

Dear Martin;

On behalf of the signed Buy/Sell Agreement between Zeiler Farms, Inc. (ZFI) and Water Valley LLC, dated October, 5, 2013, herein is ZFI's consent for you to represent both parties to this agreement to pursue, with the Windsor City planning staff and the Windsor Board necessary work, to transfer all annexation lot allocation from the NE ¼ of Section 7, Township 5 N, Range 67W, 6 P.M. in Weld County to a location you and the City of Windsor agree is an appropriate location. As designated authority to negotiate and facilitate this transfer, it is also your responsibility to ensure that all planned and future annexation parameters plans for ZFI's other three quarter sections (S ½ of Section 7 and the SW ¼ of Section 8) remain as planned with the City of Windsor and as documented in the previous annexation work between city planners and ZFI now recorded.

Sincerely,



Conrad Zeiler
Zeiler Farms, Inc., President
1205 Loch Mount Drive
Loveland, Co 80537-4536



MEMORANDUM

Date: January 27, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Re: Development Fee Review
Item #: Work Session 4

Discussion:

At the December 2, 2013 town board work session, staff presented the enclosed Exhibit 1 which (a) compared Windsor's development fees with those of our neighboring communities, and (b) included a proposal to increase our fees to bring them into alignment with the fees being charged by the other jurisdictions.

The Town Board felt that even though our development fees are quite a bit lower than those of our neighboring communities, the fee increases that were proposed (shown with the green stripes on Exhibit 1) were higher than the Town Board wished to implement. Additionally, there was a consensus that any increases in these development fees should be phased in over time, with an opportunity by the development community to comment on any such fee increase proposal.

The Town Board concluded the following and staff recommends proceeding with these criteria:

- ✓ In order to still remain competitive, development fees should be adjusted to ultimately only be at 80 percent (80%) of the average fees being charged by the other jurisdictions (shown with the red stripes on Exhibit 1); and
- ✓ That starting this year these adjustments should be phased in three (3) equal amounts during for the time period of 2014 – 2016, with the last adjustment remaining constant between the years of 2016 through 2018, all of which are reflected in the enclosed spreadsheet.
- ✓ These actions of course do not preclude the Town Board from reviewing and/or making further adjustments to development fees at any time in the future.

The following concept was also discussed relative to the Town collecting a deposit whenever an independent flood study review needs to be conducted, and staff recommends proceeding with following criteria:

- ✓ The Town will enter into a contract with a consulting firm to review all such proposals, and the contract shall prohibit the consultant from preparing any flood review studies that are to be submitted to the Town; and

- ✓ The Town will collect a \$6,000 deposit from applicants anytime the engineering department determines that the Town will need to forward a floodplain proposal to the contract-consulting firm for the flood study review. Upon completion of the flood study review, any balance remaining of the \$6,000 deposit that was not used for the consulting firm's review will be refunded to the applicant.

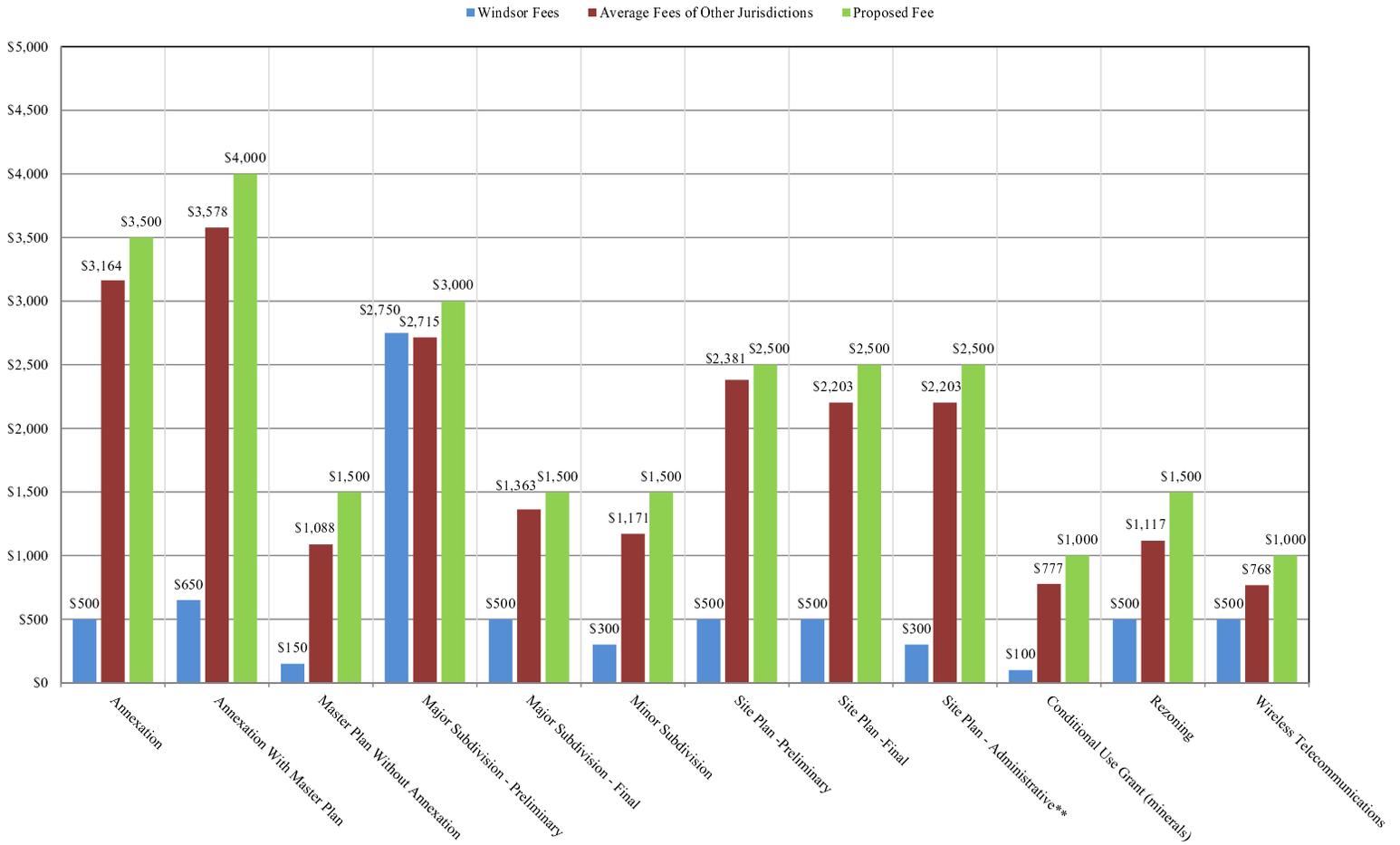
Staff further recommends that upon a consensus by the Town Board to proceed with the above recommendations, staff will share these proposals with the development community and will report the outcome to the Town Board.

Enclosures: Exhibit 1: Bar Graph on Development Fees
Spreadsheet: Proposed Amendments to Development Fees



EXHIBIT 1

WINDSOR'S DEVELOPMENT FEES VS. OTHER JURISDICTIONS & PROPOSED FEE INCREASES



** Other jurisdictions did not list administrative site plans as a separate category so the fee for a final site plan has been applied in this example.

Proposed Amendments to Development Fees						
2014 - 2018						
January 27, 2014						
				2014 Fees	2015 Fees	2016 - 2018 Fees
				First	Second	Remaining
				1/3 of	1/3 of	1/3 of
				80% of	80% of	80% of
Type of Application	Windsor's Current Fees	Average Fees of Other Jurisdictions	80% of Average Fees*	80% of Average Fees	80% of Average Fees	80% of Average Fees
Annexation Only	\$500	\$3,164	\$2,529	\$843	\$1,686	\$2,529
Annexation With Master Plan	\$650	\$3,578	\$2,859	\$953	\$1,906	\$2,859
Master Plan Only	\$150	\$1,088	\$870	\$290	\$580	\$870
Preliminary Major Subdivision	\$2,750	\$2,715	\$2,172	\$724	\$1,448	\$2,172
Final Major Subdivision	\$500	\$1,363	\$1,089	\$363	\$726	\$1,089
Minor Subdivision	\$300	\$1,171	\$936	\$312	\$624	\$936
Preliminary Site Plan	\$500	\$2,381	\$1,905	\$635	\$1,270	\$1,905
Final Site Plan	\$500	\$2,203	\$1,761	\$587	\$1,174	\$1,761
Administrative Site Plan	\$300	\$2,203	\$1,761	\$587	\$1,174	\$1,761
Conditional Use Grant	\$100	\$777	\$621	\$207	\$414	\$621
Rezoning	\$500	\$1,117	\$894	\$298	\$596	\$894
Wireless Telecommunications	\$500	\$768	\$615	\$205	\$410	\$615

*Amounts rounded to allow for three (3) for equal installments.

Note: Staff is proposing that a \$6,000 deposit be collected anytime the engineering department determines that the Town will need to contract with a consultant for an independent flood study review. Upon completion of the flood study review, any balance remaining of the \$6,000 deposit that was not used for the review will be refunded to the applicant.

Five year fee proposal spreadsheet



MEMORANDUM

Date: January 27, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Re: Notification Requirement Discussion
Item #: Work Session 5

Discussion:

Last year there were inquiries from citizens about not being notified of land use proposals that were being proposed in their neighborhoods.

As a follow-up to these inquiries, there has been a request to review the distance requirements for notifying property owners of land use proposals that are being considered in their neighborhoods.

Enclosed please find the notification table which outlines the notification distances for public hearings and neighborhood meetings relative to each type of land use proposal.

Recommendation: The Town Board to reach a consensus and provide staff with direction

Enclosure: Notification Table

pc: Gale Schick, Planning Commission Chairman

Notification Requirements by Land Use Process – Windsor							
REV 4/2011	Public Hearing				Neighborhood Meeting		
	Newspaper	Mailing Timeframe	Mailing Area	Posting of Property	Newspaper	Mailing Timeframe	Mailing Area
Annexation	Statutory Requirements	Statutory Requirements	300-feet	10 days prior to hearing	Display Ad 10 days prior to meeting	10 days prior to neighborhood meeting	300-feet
Major Subdivision	Legal Ad 10 days prior to hearing	n/a	n/a	10 days prior to hearing	Display Ad 10 days prior to meeting	10 days prior to neighborhood meeting	300-feet
Rezoning	Legal Ad 10 days prior to hearing	10 days prior to hearing	300-feet	10 days prior to hearing	Display Ad 10 days prior to meeting	10 days prior to neighborhood meeting	300-feet
Variance	Legal Ad 10 days prior to hearing	n/a	n/a	10 days prior to hearing	n/a	n/a	n/a
Conditional Use Grant regular	Legal Ad 10 days prior to hearing	10 days prior to hearing	100-feet	10 days prior to hearing	n/a	n/a	n/a
Conditional Use Grant-O & G and mining	Legal Ad 10 days prior to hearing	10 days prior to hearing	500-feet	10 days prior to hearing	Display Ad 10 days prior to meeting	10 days prior to neighborhood meeting	500-feet
Modification of Building Height	Legal Ad 10 days prior to hearing	10 days prior to hearing	300-feet	10 days prior to hearing	n/a	n/a	n/a
Land Use Map Amendment	Legal Ad 10 days prior to hearing	10 days prior to hearing	300-feet	10 days prior to hearing	n/a	n/a	n/a



FUTURE TOWN BOARD MEETINGS

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

February 3, 2014 6:00 p.m.	Town Board Work Session Introduction to Conservation Easement Strategies Sheep Draw Conservation Easement Overview of Proposed Harmony Ridge Metro District
February 10, 2014 5:30 p.m./1st 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.	President's Day Town Board Work Session
February 24, 2014 6:00 p.m.	Town Board Work Session Municipal Court Fines
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./1st 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
April 7, 2014 6:00 p.m.	Town Board Work Session
April 14, 2014 5:30 p.m./1st floor conference room	Board/Manager/Attorney Monthly Meeting
April 14, 2014 7:00 p.m.	Town Board Meeting
April 21, 2014 6:00 p.m.	Town Board Work Session
April 28, 2014 6:00 p.m.	Town Board Work Session
April 28, 2014 7:00 p.m.	Town Board Meeting

Additional Events

February 5, 2014
February 13, 2014

NCEDC Annual Meeting/registrations due by February 3 – Attending: Adams, Melendez
2014 CML Legislative Workshop/registrations due by February 5 – Attending: Adams

Future Work Session Topics

Expansion of notification area discussion?