



TOWN BOARD REGULAR MEETING
November 10, 2014 - 7:00 P.M.
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance
3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board
4. Board Liaison Reports
 - Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate
 - Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
 - Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce
 - Town Board Member Rose – Clearview Library Board
 - Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission
 - Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
 - Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
5. Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Town Board.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Deputy Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Minutes of the October 27, 2014 Regular Town Board Meeting – B. Roome
2. Resolution 2014-65 - A Resolution Solution Confirming the Appointments of Ivan Adams and Kristie Melendez to Serve on the Clearview Library District's Interview Committee Pursuant to Section 4 of the District's Bylaws – I. McCargar
3. List of Bills October 2014 – D. Moyer

C. BOARD ACTION

1. Site Plan Presentation – Highlands Industrial Park, First Filing, Lot 2, Block 1 Site Plan (Timberline Oil Tools, 4301 Greenfield Drive) – Russell Roger, 2R Investments, applicant / Brett Abernathy, Western Skies Construction, applicant's representative
 - Staff presentation: Paul Hornbeck, Associate Planner

2. Site Plan Presentation – Highlands Meadows Golf Course Subdivision, First Filing, Tract G-1 Site Plan (Golf Training Center) Highland Meadows Golf Course LLC, applicant / Jim Birdsall, TB Group, applicant’s representative
 - Staff presentation: Paul Hornbeck, Associate Planner
3. Discussion of Referral to Planning Commission pursuant to § 16-7-40 of the Windsor Municipal Code - Conditional Use Grant for Temporary Outdoor Storage in the General Commercial (GC) zoning district – Burlington Subdivision, Lot 18 – 217 Second Street - Jeff and Joel Henderson, property owners, applicants/Suzanne and James Stewart, Arapahoe Rentals, applicants
 - Quasi-judicial action
 - Staff presentation: Josh Olhava, Associate Planner
4. Ordinance No. 2014-1484 – An Ordinance rezoning certain property known as Poudre Heights Subdivision, Second Filing, Tract I – Gail E. Rumley, President, Poudre Heights LP, applicant *Super-majority vote required for adoption on second reading*
 - Second reading
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Associate Planner
5. Ordinance No. 2014-1485 – An Ordinance Prohibiting the Operation of Internet Sweepstakes Facilities Through the use of Simulated Gambling Devices Within the Town of Windsor *Super-majority vote required for adoption on second reading*
 - Second reading
 - Legislative action
 - Staff presentation: Ian D. McCargar, Town Attorney
6. Public Hearing – An Ordinance Annexing and Zoning Certain Territory known as the Harmony Ridge Annexation to the Town of Windsor, Colorado – HR Exchange LLC., applicant; Jeff Mark, The Landhuis Company, applicant’s representative
 - Legislative action
 - Staff presentation: Josh Olhava, Associate Planner
7. Resolution No. 2014-66 – A Resolution Making Certain Findings and Conclusions Pursuant to Section 31-12-110 C.R.S., Concerning the Harmony Ridge Annexation to the Town of Windsor, Colorado – HR Exchange LLC., applicant; Jeff Mark, The Landhuis Company, applicant’s representative
 - Legislative action
 - Staff presentation: Josh Olhava, Associate Planner
8. Ordinance No. 2014-1486 – An Ordinance Annexing and Zoning Certain Territory known as the Harmony Ridge Annexation to the Town of Windsor, Colorado – HR Exchange LLC., applicant, Jeff Mark, The Landhuis Company, applicant’s representative
 - First Reading
 - Legislative action

- Staff presentation: Josh Olhava, Associate Planner
9. Public Hearing – Conditional Use Grant for an off-premise sign for temporary residential advertising on the Serfer Annexation property at the southwest corner of SH 392 and County Line Road (WCR 13) – Mike Davidson, Century Communities, applicant / Andrew Schultz, Dodge Sign Company, applicant’s representative
 - Quasi-judicial action
 - Staff presentation: Paul Hornbeck, Associate Planner
 10. Conditional Use Grant for an off-premise sign for temporary residential advertising on the Serfer Annexation property at the southwest corner of SH 392 and County Line Road (WCR 13) – Mike Davidson, Century Communities, applicant / Andrew Schultz, Dodge Sign Company, applicant’s representative
 - Quasi-judicial action
 - Staff presentation: Paul Hornbeck, Associate Planner
 11. Public Hearing – An Ordinance Amending the Design Criteria and Procedures in Article XIII, Chapter 17 of the Windsor Municipal Code for the purpose of adding language pertaining to design criteria for large entertainment establishments
 - Legislative action
 - Staff presentation: Josh Olhava, Associate Planner
 12. Ordinance No. 2014-1487 – An Ordinance Amending the Design Criteria and Procedures in Article XIII, Chapter 17 of the Windsor Municipal Code for the purpose of adding language pertaining to design criteria for large entertainment establishments
 - First reading
 - Legislative action
 - Staff presentation: Josh Olhava, Associate Planner
 13. Public Hearing – An Ordinance Amending the Sign Regulations in Article IX, Chapter 16 of the Windsor Municipal Code for the purpose of adding language pertaining to the design criteria for signs that contain electronic message centers
 - Legislative action
 - Staff presentation: Josh Olhava, Associate Planner
 14. Ordinance No. 2014-1488 – An Ordinance Amending the Sign Regulations in Article IX, Chapter 16 of the Windsor Municipal Code for the purpose of adding language pertaining to the design criteria for signs that contain electronic message centers
 - First reading
 - Legislative action
 - Staff presentation: Josh Olhava, Associate Planner
 15. Public Hearing – Request to exceed the maximum height for a structure in the Residential Mixed Use (RMU) zoning district in accordance with Section 16-10-50(c) of the Windsor Municipal Code – Highland Meadows Golf Course Subdivision, Eighth Filing, Lot 6 – Dennis Fulgenzi, applicant; Cathy Mathis, TB Group, applicant’s representative

- Quasi-judicial action
- Staff presentation: Josh Olhava, Associate Planner

16. Resolution No. 2014-67 – A Resolution approving a request to exceed the maximum height for a structure in the Residential Mixed Use (RMU) zoning district in accordance with Section 16-10-50(c) of the Windsor Municipal Code – Highland Meadows Golf Course Subdivision, Eighth Filing, Lot 6 – Dennis Fulgenzi, applicant; Cathy Mathis, TB Group, applicant’s representative

- Quasi-judicial action
- Staff presentation: Josh Olhava, Associate Planner

17. Resolution No. 2014-68 - A Resolution approving and adopting revisions to the schedule of certain development-fee related fees imposed by the Town of Windsor to include a fee for review and approval of accessory dwelling units.

- Legislative action
- Staff presentation: Joe Plummer, Director of Planning

D. COMMUNICATIONS

1. Communications from the Town Attorney
2. Communications from Town Staff
3. Communications from the Town Manager
4. Communications from Town Board Members

E. EXECUTIVE SESSION

1. An executive session pursuant to § 24-6-402 (4) (e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. - - VIMA Partners (K. Arnold)

F. ADJOURN



TOWN BOARD REGULAR MEETING

October 27, 2014 - 7:00 P.M.

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

MINUTES

A. CALL TO ORDER

1. Roll Call

Mayor Pro Tem

Myles Baker
Christian Morgan
Jeremy Rose
Kristie Melendez
Robert Bishop-Cotner
Ivan Adams

Absent:

Mayor John Vazquez

Also present:

Town Manager
Town Attorney
Chief of Police
Director of Engineering
Engineer
Director of Planning
Associate Planner
Management Assistant
Deputy Town Clerk

Kelly Arnold
Ian McCargar
John Michaels
Dennis Wagner
Doug Roth
Joe Plummer
Paul Hornbeck
Kelly Unger
Bruce Roome

2. Pledge of Allegiance

Mr. Morgan led the Pledge of Allegiance.

3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board

Mr. Bishop-Cotner motioned to approve the agenda as presented; Mr. Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.

4. Board Liaison Reports

- Mayor Pro-Tem Baker – Water & Sewer Board
Mr. Baker stated that there has been no Water and Sewer Board meeting since his last report.
- Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
Mr. Morgan reported that there have been no meetings for either. GWTA meets next on 10/30/14 and Parks, Recreation and Culture meet Tuesday next week.
- Town Board Member Melendez – Downtown Development Authority (DDA); Chamber of Commerce
Ms. Melendez reported that there have been no additional meetings since her last reports.
- Town Board Member Rose - Clearview Library Board
No report

- Town Board Member Bishop-Cotner –Historic Preservation Commission; Planning Commission
Mr. Bishop-Cotner stated no report for Historic Preservation Committee and that he had to miss Planning Commission.
- Town Board Member Adams – Poudre River Trail Corridor Board; Tree Board
Mr. Adams reported that the Tree Board meeting was cancelled.
The Poudre Trail had an interesting meeting and they are still settling easements between Greeley and Fort Collins and are making progress. Mr. Adams said that he was complimented for Windsor on the new trail from Water Valley and Pelican Trails to the Poudre Trail. Last, the GWTA is still trying to get more involved with Windsor at Hwy 257 at the Grove.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
Absent, No Report

5. Public Invitation to be Heard

Mayor Pro-Tem Baker opened the meeting for public comment, there was none.

B. CONSENT CALENDAR

1. Minutes of the October 27, 2014 Regular Town Board Meeting – B. Roome

Ms. Melendez motioned to approve the Consent Calendar as presented; Mr. Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.

C. BOARD ACTION

NOTE: The official record of this evening's proceedings shall include the application, staff memos and recommendations, packet materials and supporting documents, and all testimony received for the following Board Action items.

1. Ordinance No. 2014-1483 – An Ordinance Annexing Certain Real Property Pursuant To The Enclave Annexation Powers Granted Municipalities Under The Colorado Municipal Annexation Act Of 1965
Super-majority vote required for adoption on second reading
- Second reading
 - Legislative action
 - Staff presentation: Ian D. McCargar, Town Attorney

Mr. Adams motioned to approve Ordinance No. 2014-1483; Mr. Morgan seconded the motion.

Staff Presentation:

Mr. McCargar explained that this is for final adoption is the ordinance under which the Town will annex the statutory enclave known as the Pace Annexation to the Town of Windsor. This parcel has been surrounded by Town-annexed territory for more than three years, the key statutory

factor that allows the Town to annex the property by Town-initiated ordinance. This is a departure from the more common owner petition for annexation as the property owner is not a required party in the enclave annexation process. The statutory enclave annexation process eliminates the public hearing requirements usually applicable to annexations by owner petition. No public hearing is required for an enclave annexation, although public comment is required on second reading under the Charter. The Municipal Annexation Act of 1965 only requires that the Town publish notice in the newspaper for four consecutive weeks. With the first publication of this annexation occurring on September 25, 2014, the statutory requirements for notice have been met. The question of zoning for this parcel will be deferred, pending staff recommendation and property owner input. Zoning must be accomplished within 90 days of annexation.

Staff recommends adoption of Ordinance No. 2014-1483, An Ordinance Annexing Certain Real Property Pursuant To The Enclave Annexation Powers Granted Municipalities Under The Colorado Municipal Annexation Act of 1965.

Public Comment:

Mr. Adams stated concern for new documents given just prior to the meeting, he believes that the authors of the documents need to speak or take a break to read and catch up.

Mr. McCarger stated two of the three authors are here.

The below listed spoke in support of Ordinance 2014-1483:

Earl Pittman, 8413 Cherry Blossom Lane

Dan Johnston, 1504 Arroyo Drive

Shaundra Berry, 6341 Highland Farm Circle

Don Thompson, 1428 Folsom Drive

Rick Amble, 8435 Blackwood Drive

Fred Mitchell, 2056 Ridge West Drive

Chris Das, 8426 Blackwood Drive

Terri Richter, 2057 Arroyo Court

Bob Howard, 5856 Stone Chase Drive

William Miclean, 5154 Blackhawk Drive

For the following reasons:

- Trying to mitigate the impact of the drilling on the property
- Public hearings will provide due process in the process
- Need transparency from Great Western
- 28 super wells and 45 tanks for this property, this will be huge and loud
- Fear for effects of having the site this close to so many homes
- Great Western's CPO has stated he knows the drilling is a nuisance to the neighbors
- This is bigger than a nuisance
- Reality is this is coming to the windows of neighbors and their children
- Needs to be annexed regardless of how they want to develop it
- Pace family has had 35 years to develop the property and they aren't taking their neighbors into consideration
- This isn't an issue of disallowing the pad sites. This is an annexation question, not a use question.
- Potential for drilling up to five years per the Great Western CEO.

- An action to delay this lets the permit process move forward and we lose the chance to enforce .
- Hear and feel the wells operating. Have been awoken by them as they drill.

The below Pace Family members and representatives spoke in opposition of the Ordinance:

John McCoy, Fort Collins
Cindy Bargell, Attorney from Visani and Bargell LLC
Brad Pace, Fort Collins
Sherri McCoy, Fort Collins

For the following reasons:

- Concern about the fast rate that this annexation is happening.
- They feel left out of the loop .
- Would like more time to ensure zoning is set so they don't lose their mineral rights.
- The neighboring property owners have capitalized on the population movement to northern Colorado and the Pace family did not voice any opposition to the developments.
- They have respected their neighbors' rights to develop their private property, and did not object as the open space changed, and development surrounded their land.
- Our voice has been lost in the demands of our new neighbors who want to dictate the development of our private property.
- We let the Town know we needed more time to understand the impact of annexation.

****Letters from Pace Family and their attorney amended to meeting packet***

Ms. Melendez stated annexation is the right course of action.

Mr. Adams stated he supports the annexation.

Mr. Rose stated support for the annexation.

Mr. Morgan stated support for the annexation.

Mr. Baker stated support for the annexation..

Mr. Bishop-Cotner said he is in favor of the ordinance and will vote yes.

Roll call on the vote resulted as follows: Yeas – Baker, Rose, Morgan, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.

2. Public Hearing – Rezoning certain property known as Poudre Heights Subdivision, Second Filing, Tract I – Gail E. Rumley, President, Poudre Heights LP, applicant
 - a. Quasi-judicial
 - b. Staff presentation: Paul Hornbeck, Associate Planner

Mr. Bishop-Cotner motioned to open the public hearing; Ms. Melendez seconded the motion. Yeas – Baker, Rose, Morgan, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.

Mr. Bishop-Cotner stated:

“Mr. Mayor Pro-Tem, for the record, I would like to point out that in my capacity as Town Board liaison to the Planning Commission, I was present at the Planning Commission meeting during which this matter was previously presented. I wish to state that my participation in the Planning Commission proceedings has in no way influenced me in my capacity as a Town Board Member this evening. I will make my decision and cast my vote this evening based solely on the evidence presented during this public hearing.”

Staff Presentation:

Mr. Hornbeck reported that the applicant, Mr. Gail “Spike” Rumley of Poudre Heights, LP, has requested to rezone Tract I of Poudre Heights Subdivision, Second Filing from Single Family residential (SF-1) to Residential Mixed Use (RMU). This proposal to rezone the entire 92 acre tract would allow a multifamily component as a part of the overall development. The associated master plan that is proposed depicts 265 single family lots and 124 multifamily units in the form of two, three, and four unit buildings.

The Second Filing was approved in 2003 and included the platting and subsequent development of 163 single family lots and, as part of that approval, Tract I was designated for future development subject to the Town’s normal review process upon submittal of any development proposal. A preliminary plat for the third filing depicting single family and multifamily uses for Tract I was approved in 2006 but no approvals were received for the final plat, rezoning, or master plan amendment needed to proceed with development. The applicant recently received approval of the land use map amendment from the Planning Commission at its October 1, 2014 meeting, changing the designation from Single Family Residential and Multi-Family Residential to Residential Mixed Use. At this time the applicant is seeking approval of the rezoning and master plan amendment prior to submitting a new preliminary plat.

The Planning Commission recommends approval with the following condition:

1. All staff redlines and comments shall be addressed

Mr. Adams is concerned as we keep getting more homes. With homes comes kids. What is the process of us working with the schools and the potential impacts.

Mr. Arnold stated the school district does participate in the plan review process. They get comments of everything and can comment about the plans. They do plan for the potential impact on their schools from these subdivisions. Take into consideration the size and needs.

Mr. Hornbeck stated that he does not recall if any comments have been received from the school district.

Mr. Plummer says they will consider possible school sites, etc. In the development agreement, before any building permits are issued the applicant must submit written verification from the school district on any future proposals.

Mr. Adams asked if staff is keeping the flooding issue in mind.

Mr. Plummer stated yes, it is definitely being addressed throughout the process.

Mr. Morgan asked with steps being taken for flood prevention in this area what is the liability of the Town Board should they pass the rezoning and then it floods. This area has been overrun twice in the last two years.

Mr. McCargar spoke of the Town Board liability and states that rezoning does not make the Town liable. It falls on the developer to ensure that they have complied with all flood plain regulations at their site.

Mr. Rumley, President, Poudre Heights LP, applicant, stated that they are taking engineering steps to remove the areas that are currently affected by the 100 year storm. Any houses built will need to be at least 24" above the water level as required by FEMA.

Cole Hauber, civil engineer for the project, explained that FEMA has stated that one third of the new filing is in a flood plain so the developer will have to raise the development above the defined flood elevation.

Mr. Rumley is requesting approval of the RMU zoning.

Mr. McCargar wanted to ensure that the record is clear that Mr. Rumley is willing to accept the one condition assuming the rezoning is approved. Mr. Rumley states yes, he does accept the one condition set forth for this particular item.

Public Comment:

The below listed spoke in opposition of Agenda Item C.2.:

John Boyle, 1712 Clear Creek Court
Wayne Plechaty, 1698 Dolores River Drive
Troy Baumruk, 305 Meadow Drive
John Harrington, 1020 Arkansas River Court
Megan Spina, 1743 Platte River Court
Greg Farris, 1756 Green River Drive

For the following reasons:

- There has not been a water study completed and he has not seen any real facts about the water.
- The current neighborhood is full of children and the traffic safety is a concern.
- No one knows where the water really will go.
- Concerns of additional traffic and a single access point is a safety concern
- She now sees that neighbors cannot sell their house because no one wants to buy the flood insurance that is required.
- When they bought the house they had no idea they were in a flood plain.

Ms. Melendez asked for the record if the Planning Commission unanimously approved the rezoning.

Per Mr. Hornbeck that is correct.

Ms. Melendez motioned to close the public hearing; Mr. Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams; Nays – Rose; Motion passed.

3. Ordinance No. 2014-1484 – An Ordinance rezoning certain property known as Poudre Heights Subdivision, Second Filing, Tract I – Gail E. Rumley, President, Poudre Heights LP, applicant
 - a. First reading
 - b. Quasi-judicial
 - c. Staff presentation: Paul Hornbeck, Associate Planner

Ms. Melendez motioned to approve Ordinance 2014-1484; Mr. Bishop-Cotner seconded the motion.

Staff Presentation:

Mr. Hornbeck stated that he had nothing further to add as everything was covered in Item C.2.

Ms. Melendez asked for clarifications from the applicant as to if he agrees to the recommendation set forth by the Planning Commission for this agenda item.

Mr. Rumley stated that yes he does agree to the condition.

Mr. McCargar stated that the question of a rezoning is whether the proposed rezoning is consistent with the comprehensive plan. Although there were comments and concerns heard tonight about flooding, school traffic, and traffic issues the rezoning just asks do you want your zoning map to look differently than it does now. The Planning Commission's recommendation is quite relevant and they are saying that they don't believe that the proposed rezoning offends the comprehensive plan or land use map within the comprehensive plan.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.

4. Resolution No. 2014-64 – Ratifying, Approving and Confirming the Terms and Conditions of the Poudre Heights Subdivision, Second Filing, Tract I Amended Master Plan – Gail E. Rumley, President, Poudre Heights LP, applicant
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Associate Planner

Mr. Melendez motioned to approve Resolution No. 2014-64; Mr. Bishop-Cotner seconded the motion.

Staff Presentation:

Mr. Hornbeck stated that, Mr. Rumley, has also requested to amend the existing master plan for Tract I of the Poudre Heights Subdivision, second Filing. The master plan must be amended because of proposed changes to the location of the multifamily and single family areas within the development and changes to the number of units. The multi-family units were previously located in the center of the development with single family lots around the perimeter. The new proposal locates the multi-family lots to the east of the B.F. Eaton Ditch with the single family lots located to the west. The overall number of units proposed has decreased from 423 to 389 while the mix of units has changed from 227 single family and 190 multi-family units to 265 single family and 124 multi-family units, respectively.

The approved preliminary plat approved in 2006 shows two streets accessing the Betters/Odau property while the new proposal depicts only one access. The reduced number of access points is relevant because the property lacks any connections to adjacent public streets. Reducing the

access points from two to one would have the effect of potentially reducing the future development potential of the property. Fire codes limit an area with only one access to 25 units unless the units include fire sprinklers. There has been some confusion over this issue and a related reference to aggregate building areas over 24,000 square feet requiring two access points or sprinklers. The Fire Marshal has stated that the square footage requirement only applies to commercial uses. The 25 unit limitation is mitigated somewhat by a drainage conveyance across the property and the location of an oil/gas well easement that would likely eliminate the development potential of a portion of the property for the lifetime of the well.

The preliminary plat gave the owners of the adjacent lot, Mr. Chuck Betters and Mr. Larry Odau, an expectation that the two access points would be provided. Access to this property has been a contentious issue but the applicant has attempted to reach a consensus with the property owners to satisfy both parties. Thus far they have not agreed to any resolution. Therefore, the Planning Commission recommended the master plan be amended to show two access points.

The Planning Commission forwarded a recommendation of approval to the Town Board with the following conditions:

1. Prior to execution of the mylars the master plan shall be updated to show two access points to the adjacent property owned by Chuck Betters and Larry Odau.
2. The overall densities on the amended master plan shall not exceed 265 single-family lots and 124 multi-family townhome units, for a total density of 389 dwelling units; and
3. All staff comments and redlines shall be addressed.

Mr. Rumley and Mr. Hauber, provided the Town Board with information which explains their reasons for proposing only one access point for the development.

Mr. Rumley also asked for the density to remain at 423 units which is the amount approved in the original plat. There are still areas of the project where they don't know precisely what the end unit count will be. This higher number gives them flexibility with the RMU zoning.

Mr. Bishop-Cotner asked if the Planning Commission heard a different staff recommendation than what he is being heard tonight.

Mr. Plummer states that the Planning Commission's recommendation is as presented tonight.

Mr. Betters and Mr. Odau, owners of the property, were both present and each stated that they want two access points.

Per Mr. McCargar he requests that the record include the letter from the Windsor Severance Fire Department Fire Marshal.

**Letter from WSFR amended to meeting packet*

Mr. Adams made a motion to amend the original motion to change Condition #2 to a total density allowed of 423 dwelling units maximum and for conditions #1 and #3 to remain the same; Mr. Rose seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Adams; Nays – Bishop-Cotner; Motion passed.

Roll call on the original motion as amended resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.

5. Ordinance No. 2014-1485 – An Ordinance Prohibiting the Operation of Internet Sweepstakes Facilities Through the use of Simulated Gambling Devices Within the Town of Windsor
 - First reading
 - Legislative
 - Staff presentation: Ian D. McCargar, Town Attorney

Mr. Melendez motioned to approve Ordinance 2014-1485; Ms. Morgan seconded the motion.

Staff Presentation:

Mr. McCargar reported that on September 8, 2014, the Town Board adopted an emergency Ordinance which placed a moratorium on Town approvals for what were termed “cyber cafes”, but are also known as internet sweepstakes outlets. The Ordinance directed staff to research and formulate policy recommendations directed at regulating or, if warranted, prohibiting facilities in which internet sweepstakes games were offered.

On October 9, 2014, the Colorado Attorney General issued Opinion No. 14-03, in which the Attorney General concluded that internet sweepstakes operations are not lawful sweepstakes under existing law, and are a form of gambling not permitted under existing law. Analysis of these facilities and, in particular, the computer devices used by them, brought the Town Attorney to the same conclusion.

This ordinance contains a ban on facilities offering internet sweepstakes play. The Ordinance is closely modeled on HB 2014-1392, a measure presented to the State House during the 2013-2014 legislative session. This ordinance defines its terms, outright prohibits simulated gambling facilities, establishes penalties and remedies, and sets forth exceptions. The core of this Ordinance is based on the Attorney General’s conclusion that simulated gambling devices are unlawful.

Staff recommends adopting the attached ordinance prohibiting the operation of internet sweepstakes facilities through the use of simulated gambling devices within the Town of Windsor.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.

6. September Financial Report – Dean Moyer

Staff Presentation:

Per Mr. Arnold:

- Highest September sales tax collection on record at \$657,352
- September 2014 year-to-date gross sales tax increased 21.26% over September 2013
- Construction use tax through September is at 65.29% of the annual budget at \$1,142,369
- Single Family Residential (SFR) building permits total 192 through September. This is down from the September 2013 number of 285.
- 42 business licenses were issued in September, 22 of which were sales tax vendors

- Construction use tax through September is at 65.29% of the annual budget at \$1,142,369
- We did not receive any voluntary compliance or audit payments in September, adding strength to the positive indicator of higher collections than last year
- Through September we have collected \$6M in sales tax. This is roughly \$1,000,000 higher than through September 2013.
- Operations expenditures are on track as a whole, expending 70% of the annual budget compared to the benchmark of 75%.
- Through September, operating and capital expenditures combined to equal 67% of the 2014 Budget.

D. COMMUNICATIONS

1. Communications from the Town Attorney
Mr. McCargar reported that next Monday John Frey will be covering for Mr. McCargar.
2. Communications from Town Staff
No communications
3. Communications from the Town Manager
Mr. Arnold interesting letter from Safeway in the packet and wanted to draw the Board members attention to it.

Mr. Arnold said next week the work session is at the Police Department.
4. Communications from Town Board Members
Mr. Adams spoke of commendations for the Town staff from the Windsor Severance Fire Department.

D. ADJOURN

Mr. Bishop-Cotner made a motion to adjourn the meeting; Mr. Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams; Nays – None; Motion passed.

The Regular Meeting was adjourned at 10:21 p.m.



Bruce Roome, Deputy Town Clerk



MEMORANDUM

Date: October 27, 2014
To: Mayor and Town Board
Via: Regular meeting materials, October 27, 2014
From: Ian D. McCargar, Town Attorney
Re: Clearview Library District Interview Committee appointments
Item #: B-2

Background / Discussion:

In accordance with amendments to the Clearview Library District's Bylaws in 2009, the protocols for filling District Board vacancies require that two (2) Town Board Members be appointed to serve on the Interview Committee, and requires that the Town Board select a third Interview Committee member from the District's resident public at large. The District has notified the Town and the School District of three anticipated vacancies for 2015.

Town Board Members Adams and Melendez have volunteered to serve on the Interview Committee, and the attached Resolution simply confirms the appointment as required by the District's Bylaws. The third Town appointee has yet to be selected, and should be solicited from the public at large with the assistance of the Library Board liaison.

Financial Impact: None.

Relationship to Strategic Plan: Community Spirit and Pride.

Recommendation: Adopt the attached Resolution. Direct that the Town Board's Library Board liaison assist in the selection of a citizen at-large for the third appointment.

Attachments:

Resolution Confirming the Appointment of Ivan Adams and Kristie Melendez to Serve on the Clearview Library District's Interview Committee Pursuant to Section 4 of the District's Bylaws;

Excerpt from Clearview Library District Bylaws (2009)

TOWN OF WINDSOR, COLORADO

RESOLUTION NO. 2014-65

A RESOLUTION CONFIRMING THE APPOINTMENT OF IVAN ADAMS AND KRISTIE MELENDEZ TO SERVE ON THE CLEARVIEW LIBRARY DISTRICT'S INTERVIEW COMMITTEE PURSUANT TO SECTION 4 OF THE DISTRICT'S BYLAWS

WHEREAS, the Town of Windsor ("Town") is a Colorado home rule municipality with all powers and authority provided by Colorado law; and

WHEREAS, the Town and the Weld Re-4 School District ("School District") formed the Windsor-Severance Library District, now known as the Clearview Library District ("Library District"), in accordance with Colorado law; and

WHEREAS, the Library District's Bylaws require that an Interview Committee be formed to assist the Library District in filling Library District Board vacancies, such Interview Committee consisting of School District appointees, Town Board appointees, and one member appointed by the Library District; and

WHEREAS, the Library District has informed the Town and the School District of three (3) vacancies anticipated for 2015, and has requested the appointment of Interview Committee members; and

WHEREAS, Town Board Members Ivan Adams and Kristie Melendez have volunteered to serve on the Interview Committee, and are otherwise qualified to so serve; and

WHEREAS, historically the Town Board liaison to the Library Committee assists in the selection of a third Town Board appointee, a citizen at-large who is a resident of the District; and

WHEREAS, the Town Board wishes to formally appoint Mr. Adams and Ms. Melendez to this service, and wishes to direct that the Town Board's Library Board liaison assist in the selection of the citizen at-large.

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

1. Town Board Members Ivan Adams and Kristie Melendez are hereby appointed to serve as members of the Library District's Interview Committee pursuant to Sections 4.2 through 4.4 of the Clearview Library District Board's Bylaws.
2. Ms. Melendez and Mr. Adams shall assist in filling the three (3) Library District Board vacancies anticipated for 2015.

3. Mr. Rose is directed to assist the Town Clerk in the selection of a third Town Board appointee, a Town resident who resides within the District.
4. Upon completion of their service as described herein, this appointment shall lapse.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 27th day of October, 2014.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

EXCERPT FROM CLEARVIEW LIBRARY DISTRICT BYLAWS
(Filling vacancies)

SECTION 4: Conditions for and Method of Selection of Trustees

4.1 Trustees may be selected for the following reasons:

4.1.1 Vacancies - Expired Terms: Trustees shall be selected for the Library Board when Trustee's Term expires as defined in Section 1.1 above.

4.1.2 Vacancies- Unexpired Terms: Trustees shall be chosen to fill the unexpired Term of a departing Trustee.

4.1.3 Collectively Expired Terms and Unexpired Terms are referred to as a "Vacancy" or "Vacancies."

4.2 Upon the creation of a Vacancy, the President shall notify the Library Board, the Windsor Town Board and the RE-4 School Board that a Vacancy exists and that the Library Interview Committee (hereinafter "Interview Committee") must be formed. The Interview Committee shall be selected as follows:

4.2.1 The Library Board shall appoint one of its currently serving Trustees to serve on the Interview Committee.

4.2.2 The Windsor Town Board shall select two of its currently serving Board Members to serve on the Interview Committee and in addition shall select one person who resides in the Clearview Library District to serve on the Interview Committee.

4.2.3 The RE-4 School Board shall select two of its currently serving Members to serve on the Interview Committee and in addition shall select one person who resides in the Clearview Library District to serve on the Interview Committee.

4.3 All Vacancies shall be filled as follows:

4.3.1 The Library Board will advertise that a Vacancy exists.

4.3.2 The place of advertisement shall be the Library Board's newspaper of record and one other newspaper that serves the Library District.

4.3.3 The advertisement of the Vacancy shall occur for three (3) weeks and shall contain clear instructions as to the application process and any deadlines that are applicable to the application process.

4.3.4 Vacancies may also be posted on the Clearview Library District website and on the bulletin board at all Clearview Library District sites including the Bookmobile.

4.3.5 Interested candidates must complete a questionnaire which will be available at all Clearview Library District sites including the Bookmobile.

4.3.6 Interested candidates must submit the questionnaire and any supporting information concerning his/her qualifications for candidacy to the Information Desk of the Clearview Library District at the Windsor Library Site or at such other site as may be included in the Vacancy advertisements.

4.3.6.1 The candidate will, upon submittal of the questionnaire and supporting documentation, receive a receipt confirming the candidate's name and date and time the application was submitted.

4.3.6.2 Applications submitted after the deadline stated in the advertisement for Vacancy will not be considered by the Interview Committee.

4.4 The Interview Committee will review the applications and select the person(s) to fill the Vacancy(ies) and report its selection to the Library Board.

4.4.1 The Library Board President shall advise the Windsor Town Board and the RE-4 School Board of the Interview Committee's selection.

4.4.2 The Windsor Town Board and the RE-4 School Board shall ratify the Interview Committee's selection(s) at their next regularly scheduled meeting.

TOWN OF WINDSOR

REPORT OF BILLS

October 31, 2014

*At the regular meeting of the Town Board of the Town of Windsor,
Colorado, held in the Town Hall Board Room on November 10, 2014
the following claims were presented, examined, and approved by the Windsor Town Board.*

VENDOR	DESCRIPTION	AMOUNT
1ST BANK OF NORTHERN COLORADO	BI-WEEKLY EMPLOYEE PAYROLL DEDUCTIONS	15,872.68
4 RIVERS EQUIPMENT	CUTTING BLADES FOR GRADER/FILTERS/2 NEW BACKHOES	18,519.21
A-1 CHIPSEAL CO	CRACK/PKG LOT REPAIR/ROADWAY SEAL PJCT	14,027.38
A17 ELEVATOR INSPECTIONS	ANNUAL ELEVATOR INSPECTION	300.00
ABBCO Builders	Refund Check	11.66
AC FLAG AND BANNER	FLAG ROPE BOARDWALK PK/TOWN HALL	344.89
ACCUTEST MOUNTAIN STATES	SAMPLE TESTING	1,728.00
ADVANCED MECHANICAL SERVICES	DIAM VALLEY PUMP REPAIR PO#090914-001	7,796.81
AFLAC	EMPLOYEE PAYROLL DEDUCTIONS 2014	884.60
AGFINITY	FUEL FOR FLEET	16,260.36
AIR COMFORT	PUMP REBUILD	1,974.53
ALSCO INC	EVENT LINENS	163.02
AMERESCO	MONTHLY ENERGY MONITORING	806.00
AMERICAN PLANNING ASSOCIATION	APA MEMBERSHIPS	719.00
ANDERSON CONSULTING ENGINEERS	EATON DITCH FLOOD PROTECTION/JOHN LAW DESIGN SVCS	3,718.04
ANDERSON CONSULTING ENGINEERS	LAW BASIN W.TRIB DESIGN	106,863.53
APEX LEGAL SERVICE LLC	CREATE YOUR OWN WILL CLASS	276.00
APEX LEGAL SERVICE LLC	CLASSES	345.00
APPLIED GEOLOGICS INC	CEMETERY SOFTWARE MAINT	1,575.00
ARAPAHOE RENTAL	SOD CUTTER RENTAL/PROPANE/BLADE/BOOM LIFT	330.45
ARAPAHOE ROOFING & SHEET METAL	ROOF DAMAGE REPAIR (HAIL STORM 13)	94,451.85
ARBOR VALLEY	STREET TREE PLANTING/TREE REPLACEMENT DV	3,020.00
AT AND T MOBILITY	PD PHONE SVC	79.50
AUGUST SERVICES INC	WEED CONTROL N. LIGHTS PARK & POU DRE TRAIL/DITCH PATH	410.00
AWARD ALLIANCE LLC	SPONSOR PLAQUES	173.25
B AND G EQUIPMENT	FITTING	18.01
BALLSTADT SCOTT	MILEAGE REIMB APA CONF 10/1-10/4/14	318.08
BATES ENGINEERING INC	3-MG WATER TANK CONSTR PHASE SVCS	9,175.24
BEACON CONSTRUCTION	WATER METER RENTAL DEPOSIT REFUND	2,100.00
BERTHOUD CHAMBER OF COMMERCE	SHOW STAGE DEPOSIT RETURN	250.00
BHA DESIGN INCORPORATED	HWY 392/I-25 ID SIGNS SEPT 2014	2,810.50
BIG KAHUNA SPECIALTIES	DETAIL UNIT #02/4/11/123/18/25/98	1,180.00
BITZERS' POOL SERVICES	POOL DECK PRJCT	145,071.15
BOIVIN DAWN	ENGINEERING SVC -EP DRIVE TRAFFIC COUNTS	400.00
BOMGAARS	UNIFORM/HAMMER/TOOL CASE/BED LINER UNIT 11	137.94
BORSTAD CONSULTING SERVICES	PAVEMENT MGMT INSPECTIONS	13,700.00
BRANDENBURG AND EMIL PC	TOWN PROSECUTOR SVCS SEPT 2014	5,100.00
BREAST FRIENDS SUPPORT GROUP	DDA GRANT	3,000.00
BSN SPORTS INC	BASES	475.58
BUNTING DISPOSAL	TRASH SERVICE	895.59
Burman Living Trust Sharon	Refund Check	5.11
CAMERON SCOTT	USSSA SUMMER LEAGUE FEES	780.00
CANTEEN REFRESHMENT SERVICES	MONTHLY COFFEE SVC	514.66
CARD SERVICES	MAYOR-REIMB TAX ON COFFEE W/MAYOR	-3.58
CARD SERVICES	PD-USB MINI HUB	20.69
CARD SERVICES	AHC-FLOWERS FOR NEW EMPLOYEE	45.00
CARD SERVICES	DDA-DCI CONF REGISTRATION/P O BOX RENTAL	283.00
CARD SERVICES	EVENTS-DANCE FLOOR RENTAL/VOLGAFEST SUPP/COOKIE REFUND	409.38
CARD SERVICES	PLAN-APA CONF LODGING	710.70
CARD SERVICES	BOARD-MTG SNACKS/DINNER/PRINTING FOR HARV FEST	739.54
CARD SERVICES	ECON-MEETING MEALS/LODGING/PRKG	799.05
CARD SERVICES	CLERK-DCI CONF MEALS/TOUR/CMCA CONF REG/PENS PRINTED	829.00

VENDOR	DESCRIPTION	AMOUNT
CARD SERVICES	PW-POOL DECK BLDG PERMIT/RMWEA CONF REG/SNOW & ICE CONF REG/UNIFORMS	863.46
CARD SERVICES	HR-INTERVIEW MEALS/NCHRA CONF REGISTRATION/MEMBERSHIP/PRINTING	913.27
CARD SERVICES	PK-CPRA CONF LODGING/MTG REFRESHMENTS/REFERENCE BOOKS	1,092.69
CARD SERVICES	IT-PARKING CONF/RECEIPT PRINTER/CASH DRWR/SB TRAINING MEAL/SURFACE PRO CASE	1,219.29
CARD SERVICES	TMGR-COLORADOAN WEB ACCESS/ICMA CONF LODGING/CAB/PRKG/MAYOR LUNCH/QTR 3 STAFF MTG SUPPLIES	1,760.79
CARD SERVICES	CRC-ADP REC & SENIOR TRIP TIX/MEALS/DRVR LNCH/CONCESS/CONF LODGING/REGISTRATION/GAS/FLAGS/HARV FEST VB/CAR SHOW PRIZES/TAPE FOR GYM FLOOR/SOFTWARE/SOUND SYST/PADDELS	8,176.09
CARRIER CORPORATION	SERVICE AGREEMENT @ CRC	4,480.00
CASH-WA DISTRIBUTING CO.	SENIOR PATIO PICNIC SUPPLIES	385.09
CENTURY LINK	TELEPHONE SVC	3,433.53
Ciecior Colin & Megan	Refund Check	130.31
CITY OF FORT COLLINS	FALL SEASON YOUTH FOOTBALL LEAGUE FEES	6,950.00
CITY OF GREELEY WATER DEPARTMENT	WATER PURCHASED	122,597.07
CLEAR WATER SOLUTIONS INC	KERN/WCSD RE-4 12-120/GENERAL WATER RIGHTS	17,696.58
CMS MECHANICAL SERVICES	FURNANCE INSPECTION	398.50
CO FOUNDATION FOR WATER EDUCATION	2014-15 MEMBERSHIP DUES	50.00
COCA-COLA	CONCESSIONS/TEEN NIGHT SUPPLIES	557.92
Cody Kimberly	Refund Check	76.63
COLO DEPT OF LABOR & EMPLOYMENT	ELEVATOR INSPECTION REPORT CRC/TH	60.00
COLORADO ANALYTICAL LABORATORY	LAB TESTING	771.00
COLORADO ASPHALT SERVICES	COLD PATCH ASPHALT PO# 073114-001	920.00
COLORADO DEPARTMENT OF REVENUE	SALES TAX PAYABLE	152.00
COLORADO HEALTH MEDICAL GROUP	RANDOM BLOOD/DRUG TESTS/IMMUNIZ	300.50
COLORADO SPECIAL DISTRICT	ADD EXCESS COVERAGE FOR EVENT PURPOSES	169.75
COMCAST CABLE COMM. LLC	MONTHLY CABLE/INTERNET SVC	472.07
CONCRETE WORKS OF COLORADO	WATERLINE REPLMNT PRICT-ROAD/WATERLINE	341,672.14
COREN PRINTING	BUS/SALES TAX LICENSE STATIONARY/BUS CARDS/LETTERHEAD/STAMPS/NAME PLATES & BADGES	827.00
COUNTRY JOHNS	PORTABLE RESTRRM SVC-HARV FEST/FOOTBALL/PARKS	1,548.00
COVERMASTER	SEAMING TAPE/PARTS/CRANK HANDLE FOR GYM TARPS	372.00
Croissant John & Debra	Refund Check	2.95
CRW SYSTEMS INC	CRW SYSTEM IMPLEMENTATION-3RD PYMT	19,437.50
DALTON EDWARD N	TEEN NIGH DJ	300.00
DANA KEPNER COMPANY	FLANG/GASKET/ADAPTER/INFLATABLE PLUG/METER SETTER	1,973.66
DANNI DANCE CORP	SEPT/OCT DANCE CLASSES	1,198.75
DATAPRINT SERVICES	EPAY UTILITY TRANSACTION FEES/STMT SETUP&PRGMING	1,120.49
DBC IRRIGATION SUPPLY	SPRINKLER PARTS	1,112.22
DEAN CONTRACTING	REBALANCE AND ADJUST GATE @ PD	5,276.00
Deanda John & Kristy	Refund Check	405.51
DELL MARKETING L.P.	MONITOR	2,596.08
DITCH WITCH OF THE ROCKIES	MANUAL	85.48
DOHN CONSTRUCTION	CRC EXPANSION COST REVIEW PER TB	2,500.00
DOMINOS PIZZA	SALT VOLUNTEERS DINNER FOR EVENT	91.34
Dotson James	Refund Check	64.04
DOTTS MARIE C	SEPTEMBER/OCTOBER T'AI CHI CHI	245.00
DYER DENEICE J	AUG/SEPT BALLET	1,318.10
Dykes James & Geraldine	Refund Check	150.55
EAGLE CROSSING METRO DIST	REFUND BAL DEPOSIT	1,658.65
ECKRICH THOMAS R	PLAQUES	120.00
EHRlich TOYOTA	DEPOSIT RETURN-CRC	100.00
ELLIOTT CAROLINE I	EMBROIDER UNIFORMS	105.00
ENVIROPEST	CP CONCESSIONS PEST CONTROL	165.00
Erickson Darron	Refund Check	5.22
ERWIN EQUIPMENT SERVICES	MANUAL SWITCH HANDLES	43.80
EZ EXCAVATING	METER RENTAL DEPOSIT REFUND	2,100.00
FAMILY SUPPORT REGISTRY	WAGE ASSIGNMENTS	1,146.98
FARNSWORTH GROUP	WINDSOSR WWTP NUTRIENT STUDY	10,554.87

VENDOR	DESCRIPTION	AMOUNT
FASTENAL COMPANY	FOAMASTER CLEANING GUN/CARABEANER/EYE BOLTS	179.89
FEHR & PEERS	PARKING STUDY	5,005.93
FERGUSON ENTERPRISES	PVC SEWER CAP	9.09
FINE LINES PAVEMENT MARKING LL	NEW LAYOUT & LINE REMOVAL	1,589.00
FINE TREE SERVICE	SPRAY TREES MAIN ST	500.00
FORT COLLINS SOCCER CLUB	TRAVEL SOCCER TEAM PLAYER FEES	1,187.50
FORT COLLINS-LOVELAND WATER DISTRICT	IRRIGATION-YONKEE DR/WATER PURCHASED-WINDSOR VAULT	27,866.39
FRED PRYOR SEMINARS/CAREERTRACK	SEMINAR REGISTRATION	449.00
FREY JOHN P	CONTRACT LEGAL SVCS-OCT 2014	3,750.00
FRONT RANGE EVENT RENTAL	RENTAL LINENS	423.52
FRONTIER PRECISION INC	GPS RECEIVER	7,058.00
FULLER LANDSCAPING	MOWING AT I-25 & 392 WINDSOR EXIT	4,150.00
GALLS	HANDCUFFS/AEROSOL PROJECTOR	66.86
GARDEN VALLEY VET HOSPITAL	DAILY BOARDING/PET RECOVERY	304.51
GENERAL AIR SERVICE AND SUPPLY CO	WELDING SUPPLIES	74.86
GLH CONSTRUCTION	7TH STREET TRAIL-RAISED HYDRANT/CORNERSTONE & EASTMAN ROUNDAABOUT CONSTRUCTION SVCS/WCR 19 & HWY 392 TURN LANE	256,072.91
GOJO SPORTS OF FORT COLLINS	HIGH SCHOOL FALL BAEBALLS	420.00
GOJO SPORTS OF FORT COLLINS	HIGH SCHOOL FALL BAEBALL JERSEYS	800.00
GOLF AND SPORT SOLUTIONS	INFIELD DIRT AND LAZER GRADING; P.O. #082514-001	11,585.82
GRAINGER	FILTERS/HVAC FILTERS/BALLAST LAMPS/LIGHTS/LAMPS/BULBS	1,352.82
GREAT WESTERN RAILWAYS OF CO LLC	RIGHT OF WAY PERMIT UFP PJCT	2,250.00
GREELEY LOCK AND KEY	DOOR REPAIR & STAMPED KEYS FOR PUMP HOUSE/SVC CALL-INSTALL LEVER @ TH	439.80
GROGAN SEAN	ASB FALL STAFF MEN'S/COED TOURNY/YOUTH BASKETBALL SUPERVISORS/SCHEDULING	22,731.25
GROUND ENGINEERING CONSULTANTS	7TH STREET TRAIL TESTING/FEES FOR MATERIAL TESTING	1,694.50
GULLEY GREENHOUSE	FLOWERS FOR MAIN ST POTS	73.25
HACH ENVIRONMENTAL	LAB SUPPLIES	376.99
HARBOR FREIGHT TOOLS	PIPE THREADER & MEASURE TAPE/SCREWDRIVER SET/HEAT GUN	118.35
HARMONY GARDENS	STREET TREES	509.99
HENSLEY BATTERY LLC	BATTERIES	297.04
HEUSSER CAITLIN	MOVING EXPENSES FOR RELOCATION	500.00
HIGHLAND PARK LANES	ADAPTIVE BOWLING	218.40
HIGUERA RICHARD	REIMBURSE FOR TRIP EXPENSES PD	196.89
HIRERIGHT SOLUTIONS INC	BACKGRND CHECKS SEPT 2014	1,536.55
HOFF SHAWN	NCLPIC & CLPRC WATER SHARES AQUISION FEES	2,120.00
HOLTKAMP CHRISTOPHER	FEASIBILITY STUDY-FINAL PYMT	20,204.31
HOME DEPOT USA	TUFF SHED FOR SLIDE POOL/TRASH CAN/SCREWS/PLYWOOD	1,568.84
HORIZON DISTRIBUTORS INC	THROTTLE AND STOP CABLES	63.38
HORNBECK PAUL	MILEAGE REIMB APA CONF 10/1-10/4/14	341.44
Hupp Mick Occhiato / Wayne	Refund Check	40.59
HYDRO CONSTRUCTION COMPANY	3-MG WATER TANK CONST PYMT 7	320,183.99
INTERSTATE ALL BATTERY OF FT C	REBUILD BATTERY/BATTERIES	228.40
JAX INC.	UNIFORMS	186.97
K & B JOHNSON	UNIFORM	207.98
K AND W PRINTING	SALSA ON 5TH STREET BANNER	60.00
KENZ AND LESLIE DISTRIBUTING	ADDITIVES FOR FLEET VEHICLES	492.00
KIMBALL MIDWEST	FLANGE NUT & FAST DRY SOLVENT	243.76
KING SOOPERS	BUDGET WORK SESSION FOOD/MTG REFRESHMENTS/SENIOR COFFEE CLUB & PICNIC SUPPLIES/ADAPTIVE COOKING SUPPLIES/CONCESSION SUPPLIES/SOAP/RENTAL PARTY CAKES	383.77
KINSCO	TWILL SHIRT/JACKET/UNIFORM/EMBROIDERY FOR PD	528.67
L AND M ENTERPRISES INC	MONTHLY LANDSCAPE MAINTENANCE	1,417.16
LANDMARK MONUMENTS	MONUMENTS MOVED	1,000.00
LARIMER COUNTY	TIF STUDY/CONSULT -TOWN'S PORTION	1,000.00
LARIMER COUNTY SALES AND USE TAX	USE TAX COLLECTIONS	14,813.49
LARIMER COUNTY SOLID WASTE	HAULING	111.00
LAWRENCE JONES CUSTER GRASMICK	LEGAL FEES	5,179.50
LAWRENCE ROBERT	BLOWER REPAIR	1,085.20
LEWIS & ASSOCIATES	POS TERMINAL-CRC REPLACEMENT	423.43
LIND AND OTTENHOFF	LEGAL COUNSEL-OIL & GAS	543.25

VENDOR	DESCRIPTION	AMOUNT
LL JOHNSON DISTRIBUTING CO.	LINE PAINT/SPRING TINES/RIM	1,312.13
MAC EQUIPMENT INC.	PURCHASE WEEDEATERS/CHAINSAW/BLOWERS/ECHO TRIMMER/DEBRIS SHIELD	3,221.00
MADSON KELLY	SEPTEMBER HIT AND FIT CLASS	210.00
MAIL N COPY	POSTAGE/SHIPPING ON RTN GPS UNIT PD	31.65
MANNING MICHAEL E	MUNICIPAL COURT JUDGE SVCS-SEPT/OCT 2014	2,820.00
MANWEILER APPLIANCE	DISHWASHER REPAIR TH/OIL/CUTTING BLADE/GLOVES/PAINT/NOZZLE/BOLTS/INSECT SPRAY/WASHERS/VEHICLE & FIELD SUPPLIES/PARKS MISC CHGS/TAP & DIE/SHEERS/SAFETY GLASSES	537.56
MATHERN PAUL	WEED MOWING	85.00
MCCARGAR IAN	CML CONF LODGING/MILEAGE REIMB	317.72
MEAD ROTARY CLUB	SHOW STAGE DEPOSIT RETURN	250.00
MEDICAL CENTER OF THE ROCKIES	SECURE BLOOD DRAW	126.00
MELENDEZ KAILEE	WEBSITE/SOCIAL MEDIA MANAGEMENT	600.00
Mendt Guy & Kathy	Refund Check	240.43
Mikkelson Clifford F	Refund Check	19.15
MILLER & COHEN	WAGE ASSIGNMENTS	358.64
MINES AND ASSOCIATES PC	EMPLOYEE ASSIST PGM FEES-NOV 2014	333.72
MIRACLE RECREATION EQUIPMENT C	PLAYGROUND EQUIPMENT	45.00
MOORE KELLY DIANE	SEPT/OCT CHEER	3,853.50
MOREY'S GLASS AND METALS INC	ANGLE IRON & RECYCED METAL	12.50
MOUNTAIN CONSTRUCTORS	7TH STREET TRAIL	238,070.91
MOUNTAIN SONG MUSIC STUDIO	MUSIC CLASSES SEPT 2014	728.00
MOUNTAIN STATES EMPLOYERS COUNCIL	FMLA CLASS	175.00
NAPA WINDSOR	ANTI-SIEZE/RATCHET/SOCKET HOLDER & RAIL/WHIP HOSE/AIR FILTERS/RADIATOR CAP/SEAT COVER/SILICONE	1,280.29
Nardin Mark & Jennifer	Refund Check	98.13
NATIONAL ALLIANCE FOR YOUTH SP	NYSBA BASKETBALL COACHES	240.00
NATIONAL METER AND AUTOMATION	COMPRESSION COUPLING/METER BASES/TRANSMITTERS/YOKES/PAINT	11,652.73
NCCG-NORTHERN COLORADO COMM GR	LEGAL NOTICES/EMPLOYMENT ADS	734.95
NEAL KERRI	ENGINEERED WOOD FIBER FOR PARKS	3,052.50
NELCO	CHECK STOCK	512.50
NEVE'S UNIFORMS	BODY ARMOR	1,500.00
NEW WINDSOR METROPOLITAN DISTR	WATER USE ASSESSMENTS-PARKS	344.52
NEWEGG INC	CARD READERS/USB HUB/TONER	1,217.25
NORTH LAKE METRO DISTRICT	REFUND BAL OF DEPOSIT	1,778.65
NORTH WELD COUNTY WATER DISTRICT	WATER PURCHASED/KYGER RESV POTABLE WATER	32,252.34
NORTHERN COLORADO PAPER	CLEANING SUPPLIES/WIRE BRACKET	324.92
NORTHERN COLORADO SURREY BIKES	SEPT 6-21 BIKES	6.58
NYS CHILD SUPPORT PROCESSING C	WAGE ASSIGNMENT	317.46
O.J. WATSON EQUIPMENT	PIGTAIL CONNECTORS	303.88
OCCUPATIONAL HEALTH CENTERS OF THE SOUTHWEST	POST ACCIDENT TESTS	54.50
OFFICE DEPOT	OFFICE SUPPLIES	857.52
OFFICESCAPES	WALL PRIVACY PANEL	498.40
OLD NATIONAL BANK	ENERGY EFFICIENCY LEASE PURCHASE SEPT 2014	3,455.41
OLHAVA JOSH	MILEAGE REIMB APA CONF 10/1-10/4/14	318.08
OREILLY AUTO PARTS	SEAT COVER/WIPER BLADES/HOSE CLAMPS	431.33
PAWNEE GROUP THE	CAR WASH TOKENS	115.50
PAYFLEX SYSTEMS USA	OCT 2014 MED SPEND ACCT	266.50
PENDLETON DEAN A	SOFTWARE UPGRADE/WIRE STRIPPER	972.13
PETTY CASH	PETTY CASH REIMB/START PETTY CASH FOR COE STUDENT CRC	114.31
PIONEER SAND COMPANY	ROCK/FABRIC TREASURE ISLAND	113.89
PITNEY BOWES	POSTAGE METER RENTAL	622.95
POUDRE VALLEY COOP ASSOCIATION	GREAT WESTERN TRAIL SEED	2,500.00
POUDRE VALLEY RURAL ELECTRIC ASSOCIATION	UTILITIES	30,394.79
POWER TO PLAY SPORTS LLC	POWER TO PLAY FALL LEAGUE	2,680.00
Prati Robert & Laura	Refund Check	5.57
PUTNAM CAROL	MILEAGE REIMB CCIC CLASS/COURT	87.07
RED DOG SIGNS AND WRAPS	ALUMINUM SIGNS FOR TRAILS/SCOREBOARD SPONSOR SIGN CRC	608.00
REX OIL COMPANY	HEADLAMP & HALOGEN LAMP	94.46
ROCKY MOUNTAIN POWER GENERATIO	ANNUAL GENERATOR SERVICE	1,951.05

VENDOR	DESCRIPTION	AMOUNT
ROCKY MOUNTAIN WILDLIFE SVC	PRAIRIE DOG BURROWS FUMIGATED	385.65
ROTARY CLUB OF WINDSOR	MEMBERSHIP DUES	155.00
S AND B PORTA-BOWL RESTROOMS	PORTABLE RESTROOM SVC SALSA ON 5TH	352.00
SAFEBUILT COLORADO	SEPT 2014 PERMIT FEES REIMB	83,983.80
SAI NORTH TEAM SPORTS	VOLLEYBALLS FOR YOUTH PGMS/OPEN GYM CRC	1,110.00
SAMS CLUB DIRECT	INTERVIEW REFRESH/SENIOR COFFEE/CONCESSION SUPPLIES/LABOR DAY 5K SUPPLIES/PARADE CANDY/BREAK ROOM SUPPLIES/BUS EXPO	1,934.09
SCHINDLER ELEVATOR CORPORATION	SERVICE CALL - ELEVATOR NOT WORKING	794.18
Schwerin Barbara	Refund Check	54.18
SCOTT'S ELECTRIC AND BUCKET TRUCK SERVICE INC	SERVICE CALL TO LS#5 VACUUM PUMP/QUARZITE ELECTRICAL VAULT/SVC CALL PUMP HOUSE	655.93
Sebald Ann	Refund Check	5.84
SHADE BROTHERS PAINTING	PAINT VARIOUS BULIDINGS-HAIL STORM 2013	12,204.00
Simianer John & Maria	Refund Check	632.64
SLADE AMBER	PRIDE TIER I WINNER SEPT 2014	25.00
SMITH CHERYL	CLASS REFUND DUE TO ILLNESS	85.00
SPRADLEY BARR FORD	OIL DRAIN PLUGS/LAMP ASSEMBLY	264.34
SPRINGBROOK SOFTWARE INC	SOFTWARE IMPLEMENTATION	2,793.05
STALKER RADAR	POWER CABLES	84.00
STANDARD INSURANCE COMPANY	EMPLYR PD LONG/SHORT TERM INS NOV 14	3,443.12
STANLEY ACCESS TECHNOLOGIES	SERVICE AGREEMENT - DOOR & TOWN HALL	82.50
Stansfield David & Nichole	Refund Check	26.94
SUBURBAN PROPANE	PROPANE TANK RENTAL	67.00
SWANSON STACEY	MILEAGE REIMB BANK/P.O RUNS	32.76
SYMBOL ARTS	MERIT PINS	37.85
T AND T TIRE OF WINDSOR	MOUNT AND BALANCE 1 TIRE	633.18
TACINCALA METRO DISTRICT	REFUND BAL OF DEPOSIT	918.65
TENNANT SALES AND SERVICE COMPANY	BLADES & DETERGENT/PREV SVC AUTO SCRUBBER	415.54
THE BIRDSALL GROUP	BELMONT RIDGE PARK PJCT	1,925.00
THE BOWER'S GROUP	SALES TAX VENDOR FEE PYMT	39.24
THOMAS & MEANS LAW FIRM	SEMINAR REGISTRATION	465.00
THOMPSON RIVERS PARKS & REC	REIMB FOR SHOW STAGE DEPOSIT	250.00
THOUTT BROS CONCRETE CONTRACTORS	CONCRETE REPAIR-MISC/ROADWAY IMPROVEMENT/LAKE & PARKS ADA	212,055.97
TIMBERLINE ELECTRIC AND CONTRO	REPAIR PROBE FLOW METTER @ OUSTERHOUT RES.	1,410.00
TIRE CENTERS LLC	NEW TIRE ON UNIT 56 & 72/TURF TIRE	2,594.33
TOUCHSTONE PROPERTY MANAGEMENT	REFUND MISAPPLIED PYMT TO UTILITY BILL	45.00
TOWN OF EATON	SHOWSTAGE DEPOSIT RETURN	250.00
TOWN OF WINDSOR MUNICIPAL COURT	DEPOSIT SLIP ORDER REIMB	51.42
TRANE U.S. INC	HVAC REPAIR @ TOWN HALL	542.00
UNC	SHOWSTAGE DEPOSIT RETURN	250.00
UNGER KELLY	SCEL STREET LIGHT MTG MILEAGE/PKG REIMB	68.08
UNISOURCE WORLDWIDE INC	CAN LINERS/CLEANERS/SOAP	585.36
UNITED WAY OF WELD COUNTY	EMPLOYEE DONATION	30.00
USA BLUE BOOK	TRAINING BOOKS/CLAMP/QUICK COUPLER	423.78
UTES REAL ESTATE COMPANY	TEMP EASEMENT PURCHASE -EP DRIVE SEWER LINE	1,890.00
UTILITY NOTIFICATION CENTER OF COLORADO	LOCATE TRANSMISSIONS	526.32
VALENZUELA MARK & SUSAN	Refund Check	80.34
VALPAK OF N. COLORADO & S. WYOMING	COUPON RECRUIT NOV 2014	450.00
VARTEC TELECOM	TELEPHONE SVC FAX MACHINES	15.05
VERIZON WIRELESS SERVICES LLC	CELL PHONE SVC	1,425.50
VERMONT SYSTEMS	RECTRAC USER GROUP MEETING	50.00
VICTORY SALES	RECREATION JERSEYS/FALL CARA SWIM SHIRTS	3,730.95
VISION SERVICE PLAN	EMPLOYER'S SHARE VISION OCT 2014	1,879.79
WAGNER EQUIPMENT CO.	ALTERNATOR	175.33
Walker Mitchell	Refund Check	136.95
Ward Nichole	Refund Check	19.60
WASTE MANAGEMENT OF COLORADO	RECYCLE SITE PULLS	1,247.07
Weber J. Duane & Joyce	Refund Check	12.82
WELD CO DEPT OF PUBLIC HEALTH	TOTAL COLIFORM & E COLI SAMPLES	1,320.00
WELD COUNTY	IGA FOR PYMT OF REPORTED OIL/GAS EMPLOYEES	3,370.46
WELD COUNTY CLERK AND RECORDER	FILING FEE	26.00
WELD COUNTY DRUG TASK FORCE	MUNICIPAL COURT COLLECTIONS SEPT 2014	1,435.00

VENDOR	DESCRIPTION	AMOUNT
WELD COUNTY GOVERNMENT ACCOUNTING	MAYOR AND TOWN BOARD/TOWN MGR DINNER MEETING	75.00
WEST PUBLISHING CORPORATION	WESTLAW SUBSCRIPTION SEPT 2014	679.00
WINDSOR HARDWARE	SURVEY PAINT SUPPLIES/BULB/ROUNDUP/NET CONNECTORS/DRILL BIT/FASTENERS/HANDLES/TURF CHEMICALS/PAINT/FABRIC ROLLER/ADAPTER/CLEANING SUPPLIES/SHEETING/COUPLER/WASP SPRAY/GFCI COVERS/PRUNER/SAW BLADES	605.85
WINDSOR VALLEY AUTO WASH	CAR WASH TOKENS	100.00
WINDSOR-SEVERANCE FIRE PROTECT	FIRE DEPT BUILDING PERMIT FEES SEPT 2014/TOWN'S PORTION OF FIRE MUSEUM UTILITY BILL	6,530.72
XCEL ENERGY	UTLITIES	51,796.75
XEROX CORPORATION	XEROX LEASE PYMTS	2,941.67
ZEP SALES AND SERVICE	WASP SPRAY/SOAP/SPRAYER BOTTLES	246.75
ZEXHAGS INC.	SEPT-CONTRACT BLDG ATTEND/CRC CLEANING CONTRACT	1,125.00
	TOTAL	<u>2,547,713.92</u>
	PAYROLL (wages/ 2 pay periods)	<u>353,825.45</u>
	Grand Total	<u><u>\$2,901,539.37</u></u>



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Paul Hornbeck, Associate Planner
Subject: Site Plan Presentation – Highlands Industrial Park , First Filing, Lot 2, Block 1
– Timberline Oil Tools – Russell Roger, 2R Investments, applicant / Brett
Abernathy, Western Skies Construction, applicant’s representative
Location: 4301 Greenfield Drive
Item #s: C.1

Background:

The applicant, Mr. Russell Roger, 2R Investments, represented by Mr. Brett Abernathy of Western Skies Construction, is proposing to construct a new building in the Limited Industrial (I-L) zoning district in the Highlands Industrial Park at 4301 Greenfield Drive.

Site characteristics include:

- a property size of one acre;
- a one-story, 7,800 square foot metal building with stone wainscot;
- A 22,877 square feet outdoor storage yard;
- Six off street parking spaces, including one ADA accessible parking space; and
- a landscaped area of 7,478 square feet, approximately 17% of the total site

The current presentation is intended for the Town Board’s information. Should the Town Board have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff’s review of the project. The site plan will be reviewed and approved administratively by staff, however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Town Board for review.

Conformance with Comprehensive Plan:

The application is consistent with the following Commercial goals and policies of the Comprehensive Plan:

Goals:

1. *All commercial and industrial development should provide a safe, aesthetically-appealing and healthy environment which does not have adverse impacts on surrounding areas.*
3. *Windsor should continue to encourage and promote commercial and industrial development, redevelopment and expansions in order to strengthen its tax base, increase revenue sources, and provide high-quality employment opportunities for its residents.*

Policies:

6. *All commercial and industrial site plans should provide landscaping plans for the exterior portions of the buildings, walkways, parking lots, and street frontages;*

develop specific landscaping regulations and requirements to implement this policy.

10. *Encourage employment centers to locate in areas where traffic generation and environmental impacts will have the least impact on adjacent areas, and where connections to existing economic activity can be maximized.*

Conformance with Vision 2025:

The proposed application is consistent with various elements of the Vision 2025 document, particularly the chapter on Economic Vitality.

Notification:

The Municipal Code does not require notification as this item is for presentation purposes

Recommendation:

No recommendation as this item is for presentation purposes.

Enclosures: application materials
staff PowerPoint

pc: Russell Roger, 2R Investments, applicant
Brett Abernathy, Western Skies Construction, applicant's representative

TOWN OF WINDSOR PLANNING DEPARTMENT
301 Walnut Street, Windsor, CO 80550
Phone: 970-674-2415; Fax: 970-674-2456

For office use only:
Project ID No.

LAND USE APPLICATION FORM

Land use applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code (Code). The Town of Windsor Planning Department reserves the right to refuse to accept incomplete submittals. Please see the Code for submittal requirements.

APPLICATION TYPE:

- ANNEXATION
- MASTER PLAN
- REZONING
- MINOR SUBDIVISION
- LOT LINE ADJUSTMENT
- MAJOR SUBDIVISION
- SITE PLAN
- ADMINISTRATIVE SITE PLAN
- SITE PLAN - Qualified Commercial or Industrial (Fast Track)

STATUS:

(for MAJOR SUBDIVISIONS and SITE PLANS only)

- Preliminary
- Final

PROJECT NAME*: Timberline Oil Tools, LLC

LEGAL DESCRIPTION*: Lot 2, Block 1, Highland Industrial Park Subdivision, 1st Filing Win 2001002923

PROPERTY ADDRESS (if available): 4301 Greenfield Drive, Windsor, CO 80550

PROPERTY OWNER (APPLICANT):

Owner's Name(s)*: <u>Russell Rogers</u>
Company: <u>2R Investments</u>
Address*: <u>2118 14th Street Se Unit 3 Loveland CO 80537-8952</u>
Primary Phone #*: <u>970-215-1200</u> Secondary Phone #: <u>970-215-1200</u>
Fax #*: <u>970-215-1200</u> E-Mail*: <u>russell@tmbrlineot.com</u>

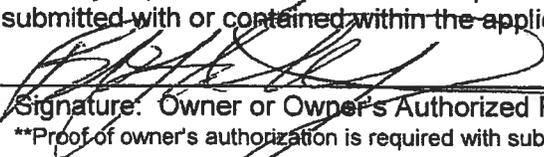
OWNER'S AUTHORIZED REPRESENTATIVE:

Representative's Name: <u>Brett Abernathy</u>
Company: <u>Western Skies Construction</u>
Address: <u>P.O. Box 452, Windsor, CO 80550</u>
Primary Phone #: <u>970-353-6244</u> Secondary Phone #: <u>970218-6317</u>
Fax #: <u>970-353-0353</u> E-Mail: <u>westernskiescon@aol.com</u>

All correspondence will only be sent to the owner's authorized representative. It is the sole responsibility of the representative to distribute correspondence to the owner and other applicable parties, i.e. engineers, architects, surveyors, attorneys, consultants, etc.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

8/01/14

Signature:  Date

****Proof of owner's authorization is required with submittal if signed by Owner's Authorized Representative.**

Brett Abernathy

Print Name(s)



SITE PLAN PRESENTATION

HIGHLANDS INDUSTRIAL PARK, FIRST FILING, LOT 2, BLOCK 1

**TIMBERLINE OIL
4301 GREENFIELD DRIVE**

**Paul Hornbeck, Associate Planner
November 10, 2014**

Town Board

Item C.1



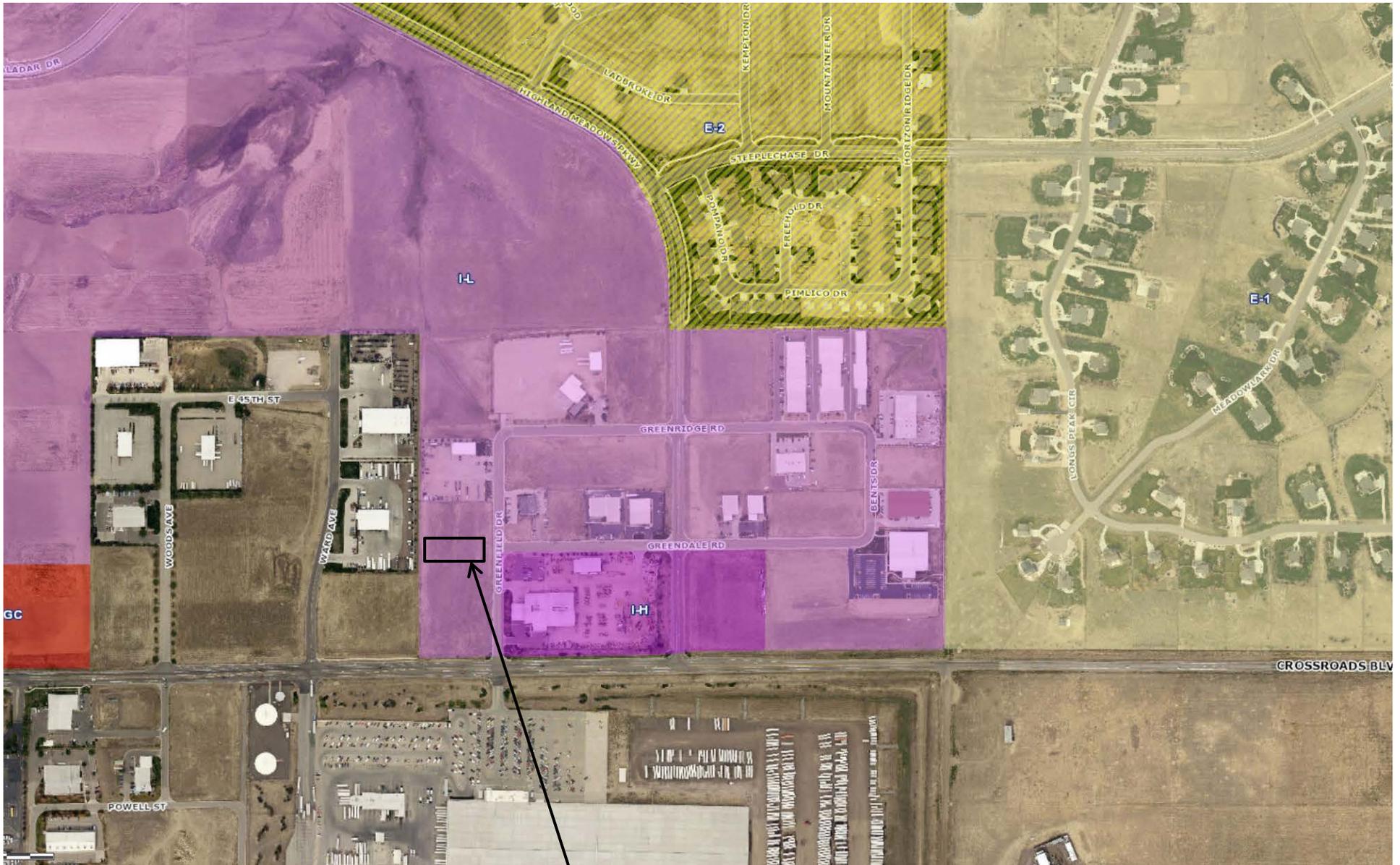
QUALIFIED COMMERCIAL & INDUSTRIAL SITE PLAN

Article IX of Chapter 17 of the Municipal Code outlines the purposes of the Qualified Commercial & Industrial Site Plan process such that:

Sec. 17-9-10. Intent and Purpose

“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 requirements of this Section.”

SITE PROXIMITY ZONING MAP



Site Location – Zoned Limited Industrial (I-L)

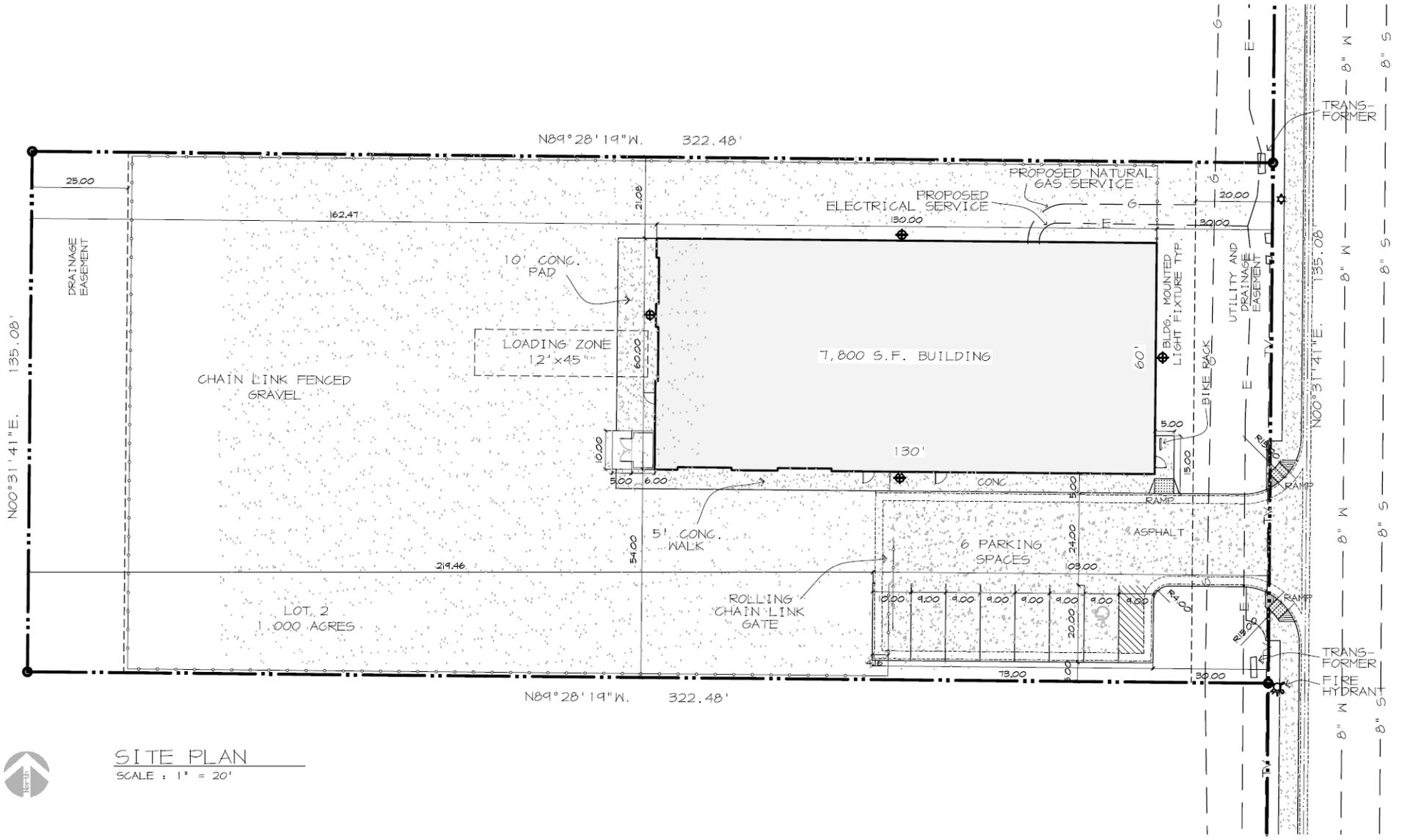


PROJECT SUMMARY

- One acre site;
- One-story, 7,800 square foot metal building with stone wainscot;
- A 22,877 square feet outdoor storage yard;
- Six off street parking spaces, including one ADA accessible parking space; and
- A landscaped area of 7,478 square feet, approximately 17% of the total site



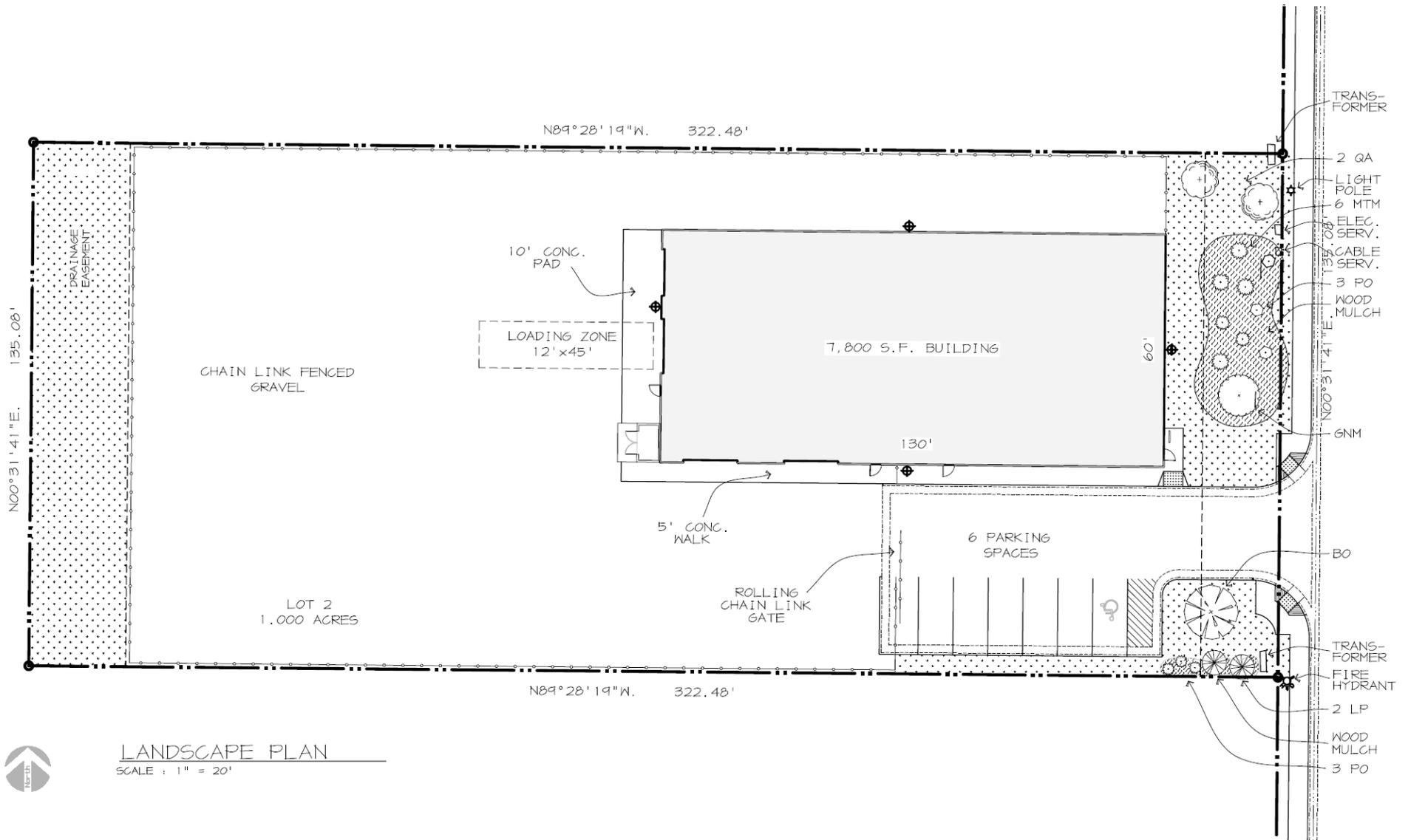
TIMBERLINE OIL TOOLS – SITE PLAN



SITE PLAN
 SCALE : 1" = 20'



TIMBERLINE OIL TOOLS – LANDSCAPE PLAN



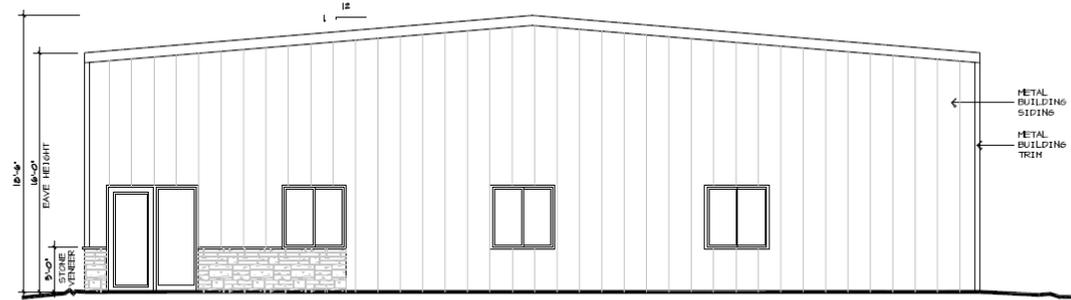
LANDSCAPE PLAN

SCALE : 1" = 20'

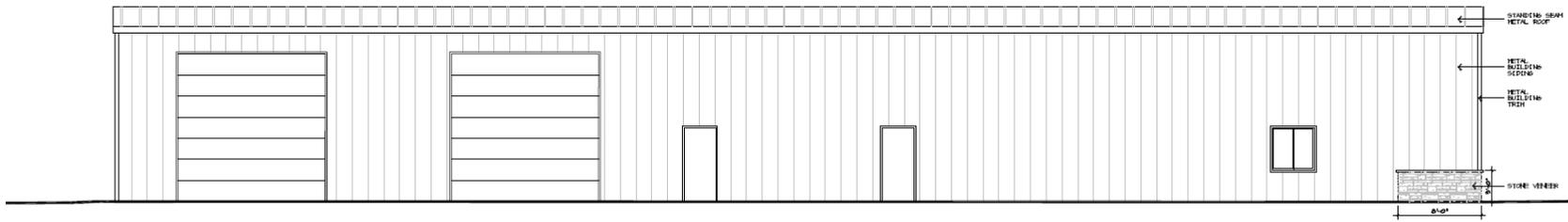




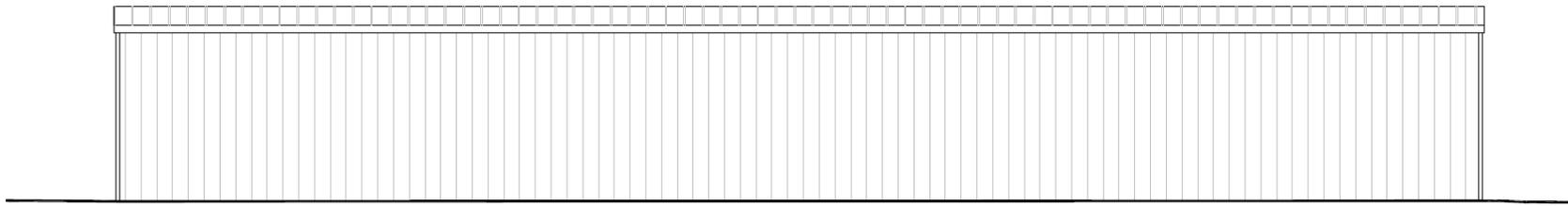
TIMBERLINE OIL TOOLS - ELEVATIONS



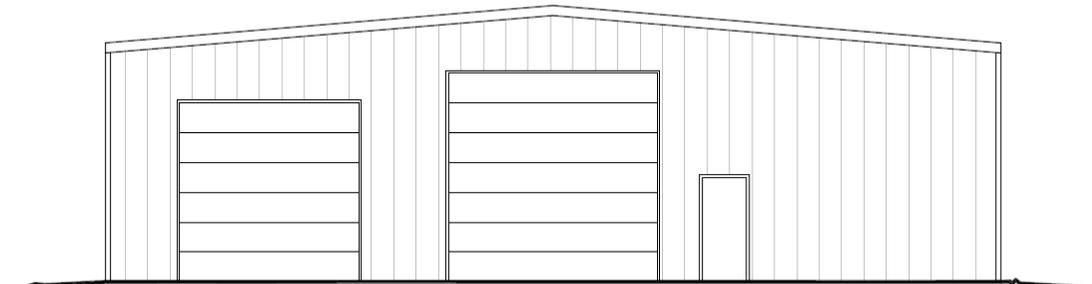
FRONT ELEVATION
SCALE: 3/16"=1'-0"



SIDE ELEVATION
SCALE: 3/16"=1'-0"



SIDE ELEVATION
SCALE: 3/16"=1'-0"



REAR ELEVATION
SCALE: 3/16"=1'-0"



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Paul Hornbeck, Associate Planner
Subject: Site Plan Presentation – Highlands Meadows Golf Course Subdivision, First Filing, Tract G-1 Site Plan (Golf Training Center) – Highland Meadows Golf Course LLC, applicant / Jim Birdsall, TB Group, applicant's representative
Location: Northwest corner of Highland Meadows Parkway and Colonial Drive
Item #s: C.2

Background:

The applicant, Highland Meadows Golf Course, LLC, represented by Mr. Jim Birdsall of the TB Group, is proposing to construct a new building in the Estate Residential (E2) zoning district at the Highland Meadows Golf Course. The building would serve as a golf training center and is located at the existing driving range facility.

Site characteristics include:

- a property size of 22 acres including 5,975 square feet of improved area;
- a one-story, 2,725 square foot building;
- building materials of rusted metal and board and batten siding;
- a landscaped area of 1,195 square feet, approximately 20% of the improved site;
- a golf cart path that links to off-site parking at the golf course clubhouse

The current presentation is intended for the Town Board's information. Should the Town Board have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project. The site plan will be reviewed and approved administratively by staff, however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Town Board for review.

Conformance with Comprehensive Plan:

The application is consistent with the following Commercial goals and policies of the Comprehensive Plan:

Goals:

1. *All commercial and industrial development should provide a safe, aesthetically-appealing and healthy environment which does not have adverse impacts on surrounding areas.*
3. *Windsor should continue to encourage and promote commercial and industrial development, redevelopment and expansions in order to strengthen its tax base, increase revenue sources, and provide high-quality employment opportunities for its residents.*

Policies:

6. *All commercial and industrial site plans should provide landscaping plans for the exterior portions of the buildings, walkways, parking lots, and street frontages; develop specific landscaping regulations and requirements to implement this policy.*

Conformance with Vision 2025:

The proposed application is consistent with various elements of the Vision 2025 document, particularly the chapter on Economic Vitality.

Notification:

The Municipal Code does not require notification as this item is for presentation purposes

Recommendation:

No recommendation as this item is for presentation purposes.

Enclosures: application materials
site plan narrative
staff PowerPoint

pc: Highlands Meadows Golf Course, LLC
Jim Birdsall, TB Group

TOWN OF WINDSOR PLANNING DEPARTMENT

301 Walnut Street, Windsor, CO 80550
Phone: 970-674-2415; Fax: 970-674-2456

For office use only:
Project ID No.

LAND USE APPLICATION FORM

Land use applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code (Code). The Town of Windsor Planning Department reserves the right to refuse to accept incomplete submittals. Please see the Code for submittal requirements.

APPLICATION TYPE:

- ANNEXATION
- MASTER PLAN
- REZONING
- MINOR SUBDIVISION
- LOT LINE ADJUSTMENT
- MAJOR SUBDIVISION
- SITE PLAN
- ADMINISTRATIVE SITE PLAN
- SITE PLAN - Qualified Commercial or Industrial (Fast Track)

STATUS:

- (for MAJOR SUBDIVISIONS and SITE PLANS only)
- Preliminary
 - Final

PROJECT NAME*: _____

LEGAL DESCRIPTION*: _____

PROPERTY ADDRESS (if available): _____

PROPERTY OWNER (APPLICANT):
Owner's Name(s)*: _____
Company: _____
Address*: _____
Primary Phone #: _____ Secondary Phone #: _____
Fax #: _____ E-Mail*: _____

OWNER'S AUTHORIZED REPRESENTATIVE:
Representative's Name: _____
Company: _____
Address: _____
Primary Phone #: _____ Secondary Phone #: _____
Fax #: _____ E-Mail: _____

All correspondence will only be sent to the owner's authorized representative. It is the sole responsibility of the representative to distribute correspondence to the owner and other applicable parties, i.e. engineers, architects, surveyors, attorneys, consultants, etc.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

 Signature: Owner or Owner's Authorized Representative** Date
 **Proof of owner's authorization is required with submittal if signed by Owner's Authorized Representative.

April 25, 2014

**Highland Meadows Golf Course Subdivision First Filing –
Tract ‘G-1’ Site Plan**

The applicant is proposing to Site Plan Tract G-1 of the First Filing of Highland Meadows Golf Course Subdivision.

The proposed use for this site is a Golf Course Training Center.

The Site Plan will consist of the following:

Golf Course Training Center. The Golf Course Training Center will be approximately 4,024 s.f. The facility will connect to existing sidewalks; as shown on plan consistent with existing neighborhood landscape. Landscape improvements will consist of foundation plantings.



SITE PLAN PRESENTATION

HIGHLAND MEADOWS GOLF COURSE

SUBDIVISION, FIRST FILING, TRACT G-1

GOLF TRAINING CENTER

Paul Hornbeck, Associate Planner
November 10, 2014

Town Board

Item C.2



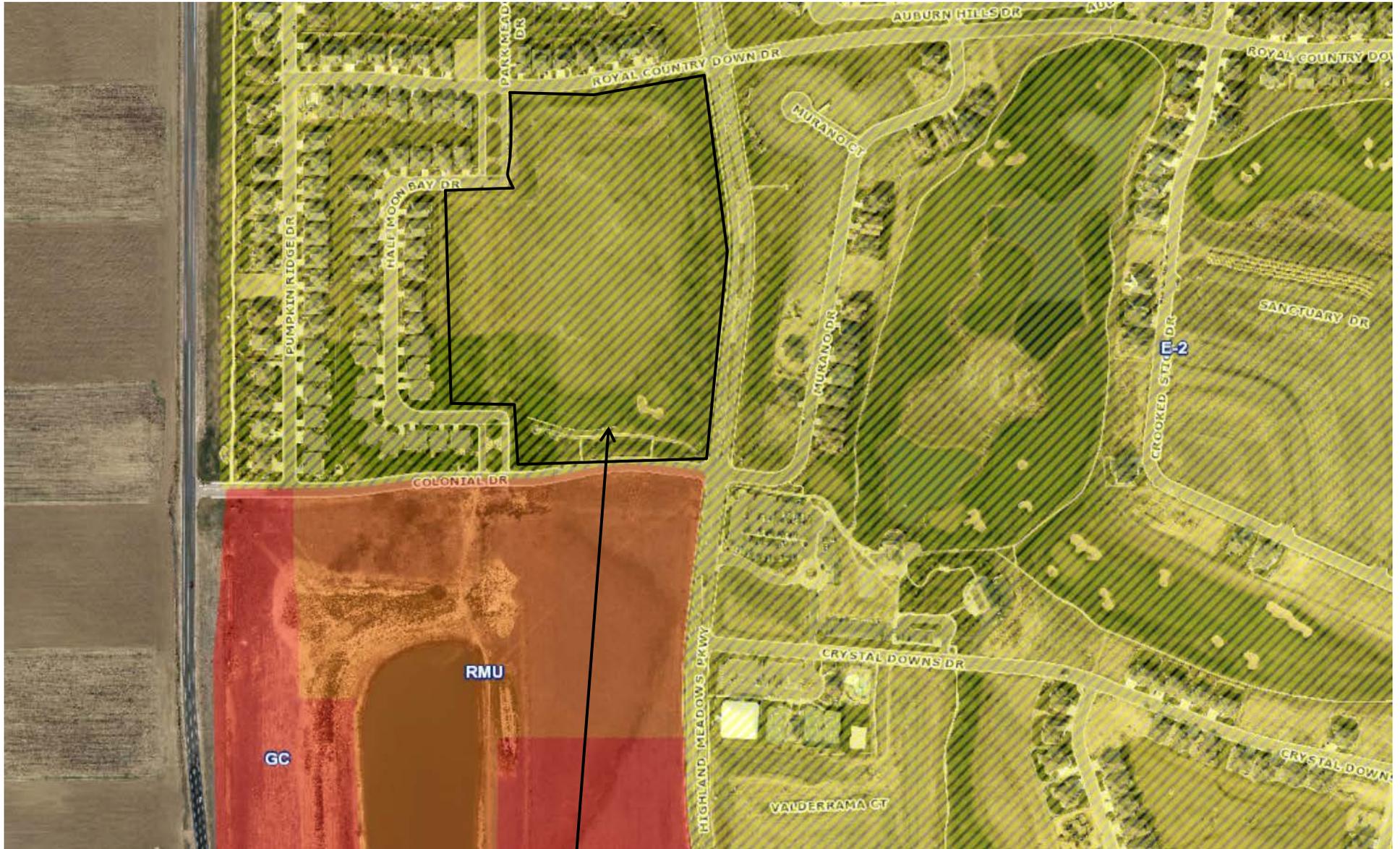
QUALIFIED COMMERCIAL & INDUSTRIAL SITE PLAN

Article IX of Chapter 17 of the Municipal Code outlines the purposes of the Qualified Commercial & Industrial Site Plan process such that:

Sec. 17-9-10. Intent and Purpose

“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 requirements of this Section.”

SITE PROXIMITY ZONING MAP



Site Location – Zoned Estate Residential (E-2)

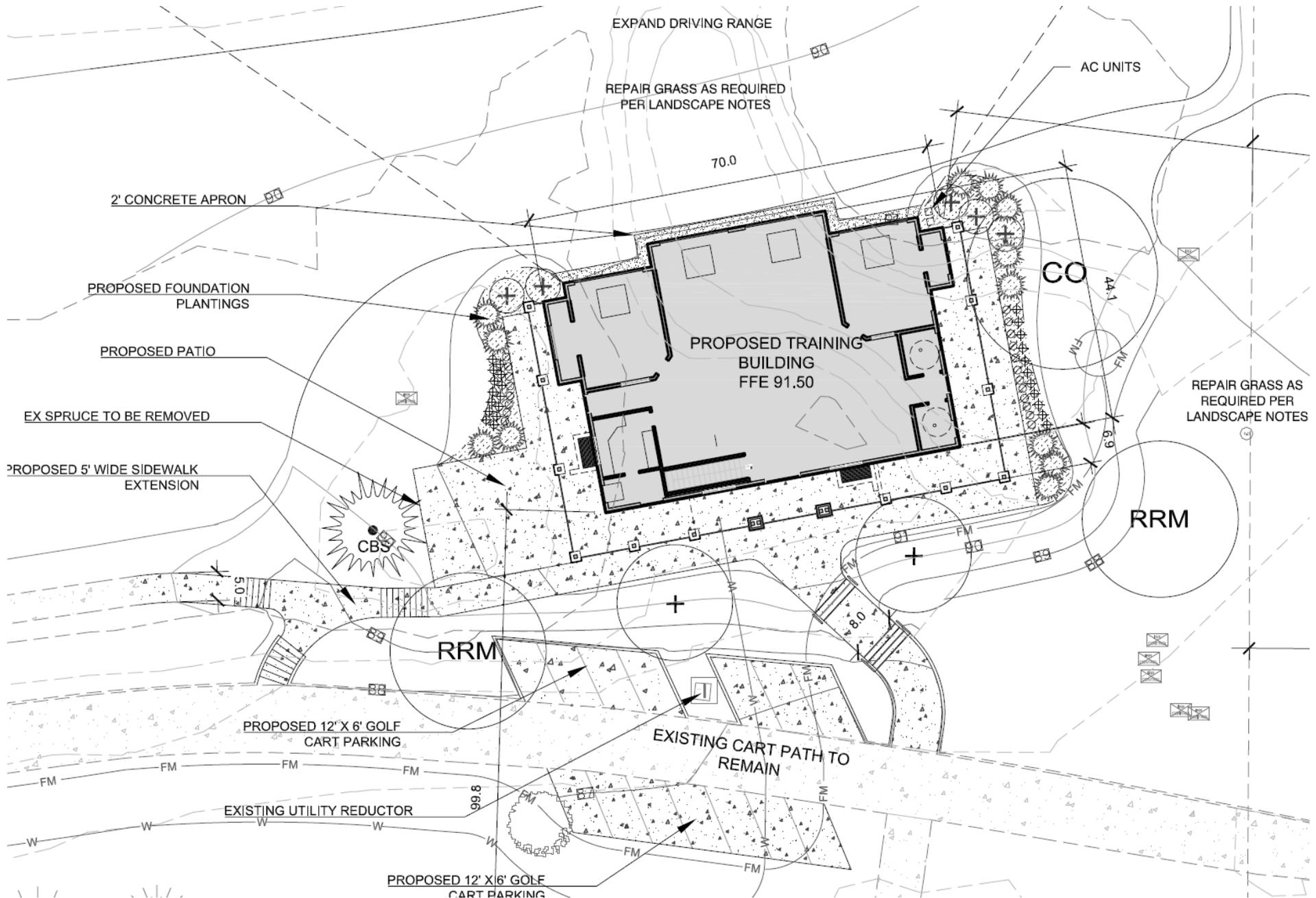


PROJECT SUMMARY

- Existing driving range
- 22 acre property
- 5,975 square feet of improved area
- Proposed one-story, 2,725 square foot building
 - Building materials of rusted metal and board and batten siding
- Landscaped area of 1,195 square feet, approximately 20% of the improved site



GOLF TRAINING CENTER – SITE PLAN



GOLF TRAINING CENTER – ELEVATIONS



1 South Elevation
1/4" = 1'-0"



2 North Elevation
1/4" = 1'-0"

GOLF TRAINING CENTER – ELEVATIONS



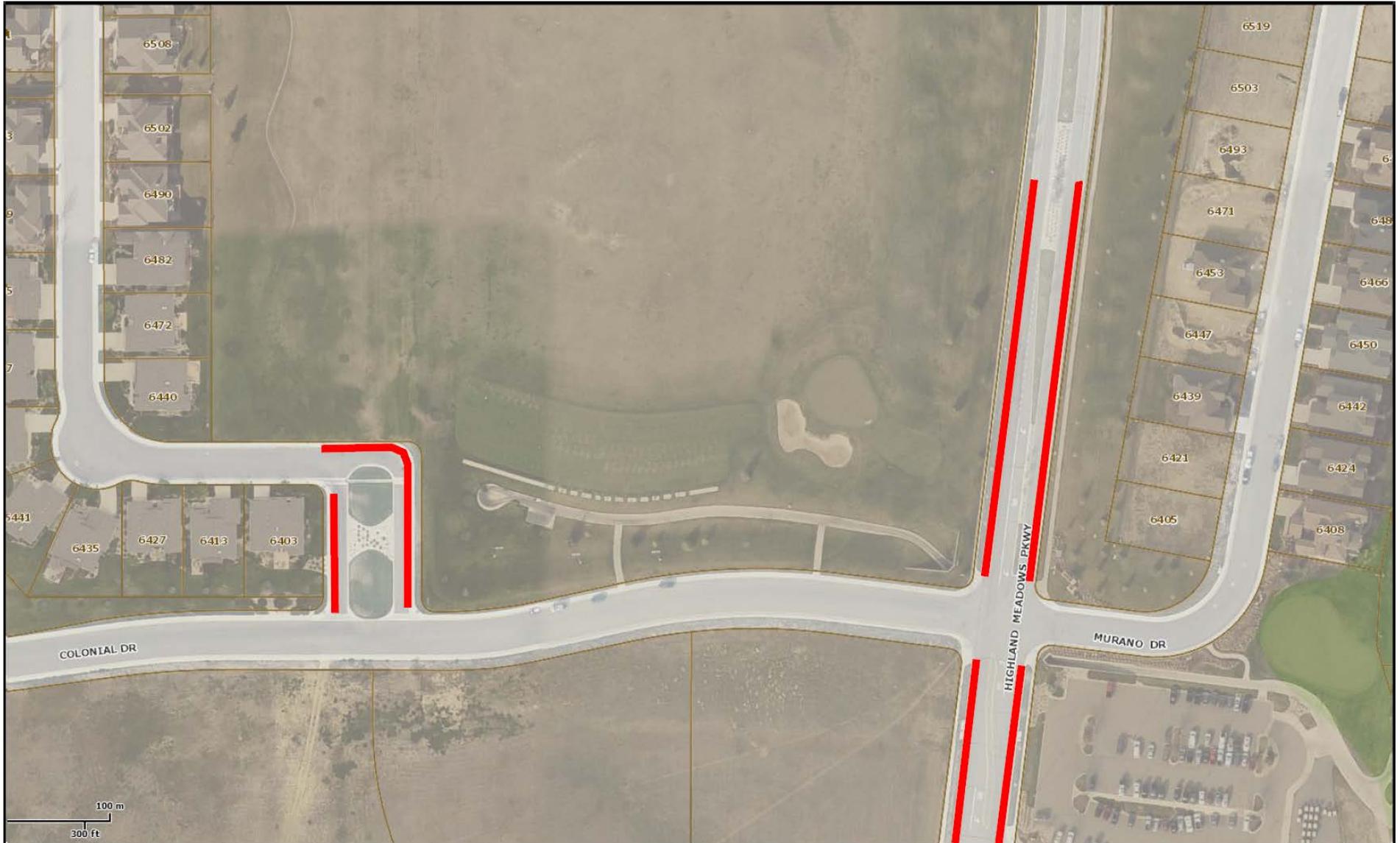
① **West Elevation**
 1/4" = 1'-0"



② **East Elevation**
 1/4" = 1'-0"



PROPOSED NO PARKING SIGNAGE





MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Josh Olhava, Associate Planner
Subject: Discussion of Referral to Planning Commission pursuant to § 16-7-40 of the Windsor Municipal Code - Conditional Use Grant for Temporary Outdoor Storage in the General Commercial (GC) zoning district – Burlington Subdivision, Lot 18 – 217 Second Street - Jeff and Joel Henderson, property owners, applicants/Suzanne and James Stewart, Arapahoe Rentals, applicants
Location: 217 Second Street
Item #s: C.3

Background:

In May 2013, the Town Board approved a conditional use grant for Lot 18, Burlington Subdivision, to continue the outdoor storage use on the vacant, unimproved property. This conditional use grant was subject to specific conditions, with set deadline dates, agreed to by the applicant. Staff has tracked these deadlines and kept the applicant's notified of upcoming deadline dates. As of today, November 10, 2014, certain conditions of approval have not been met by the established deadline date resulting in compliance issues from the 2013 Zoning Certificate conditions of approval.

Section 16-7-40 of the Windsor Municipal Code provides:

Where a permitted conditional use does not continue in conformity with the conditions of the original approval or where a use is no longer compatible with the surrounding area, the conditional use grant may be terminated by the Town Board upon referral to the Planning Commission and public hearing thereon. Such use shall thereafter be classified as a legal nonconforming use; except that, where the action is due to failure to comply with the conditions of the conditional use grant, the Town Board may require complete termination of the use. (Emphasis added)

As a matter of administrative procedure, the Town Board must first refer the matter to the Planning Commission for a recommendation. The Town Board must hold a public hearing following the Planning Commission's review. If the Town Board determines the conditions of the Conditional Use Grant have not been complied with by the applicant, the Town Board has the authority (but is not required) to terminate the approved use. Given the permissive language quoted above ("...may require complete termination of the use"), a fair reading of the Code language is that the Town Board may choose other means to address the issue of non-compliance short of termination.

To preserve the quasi-judicial due process that this item may require at a later date, staff is withholding the details on what has or has not been accomplished, and recommends that until such time as a proper public hearing is convened, no discussion of the particulars take place.

November 10, 2014

Town Board – memo on Past Due Conditions of Approval – Arapahoe Rentals

Recommendation: Staff asks that the Town Board refer the matter to the Planning Commission for public hearing and recommendation to the Town Board for action.

pc: Jeff and Joel Henderson, property owners, applicants
Suzanne and James Stewart, business owners, applicants



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Paul Hornbeck, Associate Planner
Subject: Ordinance No. 2014-1484 – An Ordinance rezoning certain property known as Poudre Heights Subdivision, Second Filing, Tract I – Gail E. Rumley, President, Poudre Heights LP, applicant
Location: West of 7th Street and north of New Liberty Road
Item #s: C.4

Background:

The applicant, Mr. Gail “Spike” Rumley of Poudre Heights, LP, has requested to rezone Tract I of Poudre Heights Subdivision, Second Filing from Single Family Residential (SF-1) to Residential Mixed Use (RMU). This proposal to rezone the entire 92 acre tract would allow a multifamily component as a part of the overall development. The associated master plan that was approved by the Town Board at its October 27, 2014 meeting allows for a total of 423 single family and multi-family units. The applicant also received approval of a land use map amendment from the Planning Commission at its October 1, 2014 meeting. The amendment changed the designation from Single Family Residential and Multi-Family Residential to Residential Mixed Use, bringing the Land Use Map into conformance with this proposed rezoning.

Conformance with Comprehensive Plan:

The application is consistent with the following goals and policies of the Comprehensive Plan:

Residential Goals:

1. Promote an adequate supply and variety of safe and economically achievable housing products to meet the current and future needs of the community.
2. Maintain housing that represents a diversity of style, density and price to meet the needs of Windsor residents.

Residential Policies:

11. Encourage and facilitate the development of housing which offers alternative choices in lifestyle such as townhouses, apartments and condominiums.

Conformance with Vision 2025:

The application is consistent with Vision 2025 Housing Quality and Diversity Goal 1: “Provide choices for housing in town, not just single family homes.”

Notification:

- Notice of October 27, 2014 Town Board public hearing published in the newspaper on October 11, 2014
- Notice of public hearing posted on Town website and bulletin board
- Signs posted on property October 9, 2014
- Applicant sent letter to property owners within 300 feet on October 16, 2014

Recommendation:

November 10, 2014
Poudre Heights 2nd, Tract I – Rezoning TB memo

The Planning Commission forwarded a recommendation of approval to the Town Board with the following condition:

1. All staff redlines and comments shall be addressed

Enclosures: Ordinance 2014-1484
application materials
rezoning petition
neighborhood meeting notes
excerpt of Planning Commission minutes
staff PowerPoint

pc: Spike Rumley, Poudre Heights LP, applicant

TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 2014-1484

AN ORDINANCE PURSUANT TO CHAPTER 16, ARTICLE V OF THE *WINDSOR MUNICIPAL CODE* APPROVING THE RE-ZONING OF THE POUFRE HEIGHTS SUBDIVISION, THIRD FILING UPON THE APPLICATION OF POUFRE HEIGHTS, LP

WHEREAS, the Town of Windsor is a home rule municipality with all powers conferred under Colorado law; and

WHEREAS, the Town has in place a comprehensive system of land use regulations, the purpose of which is to promote the public health, safety and welfare; and

WHEREAS, the Town has adopted the zoning regulations set forth in Chapter 16 of the Windsor Municipal Code (“Zoning Code”), under which parcels of land are identified and classified for regulatory purposes; and

WHEREAS, the Poudre Heights Subdivision, Third Filing (“Property”), is presently zoned “Single Family SF-1” pursuant to the regulations found in Articles XXII and XXIII of the Zoning Code; and

WHEREAS, the owner of the Property, Poudre Heights, LP, has filed a Petition (“Petition”) requesting re-zoning of the Property from its current Single Family SF-1 designation to a “Residential Mixed Use RMU” designation; and

WHEREAS, in accordance with the requirements for re-zoning found in Article V of the Zoning Code, the Petition has been reviewed by staff and referred to the Planning Commission for review and recommendation following a public hearing; and

WHEREAS, the Planning Commission has recommended that the Town Board approve the re-zoning request, subject to certain conditions; and

WHEREAS, pursuant to the requirements for re-zoning found in Article V of the Zoning Code, the Town Board has convened a public hearing and heard relevant evidence with respect to the merits of the Petition; and

WHEREAS, based upon the evidence presented at the public hearing, the Town Board concludes that the Petition should be granted, and the Property re-zoned as requested.

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

1. The Poudre Heights Subdivision, Second Filing, Tract I (“Property”) is and shall henceforth be re-zoned from Single Family SF-1 to Residential Mixed Use RMU.
2. In addition to all other applicable regulations, the use of the Property shall be subject to the regulations found in Chapter 16, Article XXIV of the *Windsor Municipal Code*.
3. Pursuant to *Windsor Municipal Code* § 16-5-20 (3), within ten (10) days of the effective date of this Ordinance, Poudre Heights, LP, shall submit to the Planning Department a certified copy of a compact disc (CD) containing all drawings that have been approved by the Town, plus two (2) translucent original Mylars of final rezoning maps to be recorded in the office of the Weld County Clerk and Recorder.

Introduced, passed upon a vote of ____ in favor and ____ opposed on first reading and ordered published this 27th day of October, 2014.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Passed on second reading upon a vote of ____ in favor and ____ opposed, and ordered published this 10th day of November, 2014.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

POUDRE HEIGHTS LP

August 13, 2014

Mr. Paul Hornbeck, Assistant Planner
Planning Department
Town of Windsor
301 Walnut Street
Windsor, Colorado 80550

re: Rezoning Application to RMU, revised
Poudre Heights Subdivision Third Filing

Dear Mr. Hornbeck:

We are submitting the Rezoning Application for the Poudre Heights Subdivision Third Filing requesting a change from Single Family (SF-1 and SF-2) to Residential Mixed Use (RMU). This is Tract "I" of the Poudre Heights Subdivision Second Filing.

The site is 92.128 acres and located northwest of Riverplace Drive, north of the Poudre Heights Park and south of the Poudre River Trail. The legal description is Poudre Heights Subdivision Second Filing, Tract "I" of Section 29, Township 6 North, Range 67 West of the 6th Principle Meridian, Town of Windsor, County of Weld, State of Colorado as recorded on August 12, 2003 as Reception No. 3094269 in the Weld County records.

The site is annexed into Windsor and is a portion of the Poudre Heights Subdivision Master Plan that was approved in 2002. The site consists of Tracts A, B, C, D, G and J of the Poudre Heights Master Plan which specify zoned areas of either SF-1 and MF-2. We request the site be re-zoned to Residential Mixed Use (RMU) with underlying zoning for single-family (SF-1 and SF-2) and multi-family (MF-1 and MF-2) areas, which is consistent with the Master Plan. This residential use is shown in the Town's Land Use Map as desired and was anticipated in the Development Agreement for the Second Filing dated August 8, 2003. The multi-family area will consist of fee-simple townhomes exhibiting two (2) to four (4) unit buildings.

RMU zoning is consistent with zoned areas near the Poudre Heights. The Water Valley South, Water Valley West and the Raindance projects located east and west of the site's boundaries are zoned RMU. RMU is also consistent with the Recreational Open-space activity adjacent to the north and northeast property line which are zoned Weld County Agriculture (A) and Parks/Open Space. Our requested zoning is consistent with the adjacent uses including residential, trails, common recreational parks, open space and light industrial uses.

Projects exhibiting a mixture of desirable, compatible, residential dwelling classifications located with open space and common recreational uses is encouraged by the Municipal Code to be facilitated utilizing the RMU zoning. Poudre Heights Subdivision Third Filing exhibits all the characteristics consistent with RMU zoning. It exhibits a mixture of single family lots, multi-family lots, open space and trails and is adjacent to community recreational uses. The design of the site encourages improved vehicular and pedestrian

traffic circulation and access and promotes the preservation of adjacent open space uses.

The single-family residential lots (SF-1) will meet the minimum lot size requirements set forth in the Municipal Code of six-thousand square feet with five-foot side offsets from property lines to buildings and a twenty-foot front setback. All zoned requirements for single-family (SF-1) and (SF-2) and multi-family residential (MF-1 and MF-2) uses shall be adhered to as set forth in Article XXIV Section 16-24 of the Municipal Code.

The site is currently used for agricultural purposes.

Approximately 22.3 acres of multi-family for townhomes
Approximately 69.7 acres for single family

We propose utilizing the south and west portions of the site as single-family lots. These lots are consistent with the land use that is adjacent to the project's south boundary, which is platted as single family lots. This project is developed and most of the lots contain single family homes. Our site reflects the same residential use and is consistent with the quality, layout and lot character of this project. We request a zoning designation for this area of RMU (SF-1 and SF-2)

The site generally slopes from the southwest to the northeast which allows for a variety of architectural styles including walk-out and garden level basements. The Poudre River runs near the northeast side of the project with detention and retention ponds located along the east edge. Running along the north edge of the project is the Poudre River Trail. The site is bisected by the B. F. Eaton Ditch. The ditch is proposed to be piped. The open space easement will exhibit a recreational trail connecting the Poudre Heights Park to the Poudre River Trail. Community use of the Poudre Trail and Poudre Heights Park will be enhanced with the installation of the connecting trail. We propose the streets be public. Landscaping will be incorporated in common areas and be consistent with the Poudre Heights Second Filing.

The portion of the site east of the B. F. Eaton Ditch is proposed to be utilized for townhomes. The ditch and trail easement will provide a natural separation of the multi-family unit from the single-family lots. Along the east edge of the site is open space exhibiting a pond and the Poudre River near the northeast boundary. We propose approximately 124 multi-family lots configured in a combination of two, three and four unit buildings. The townhomes will be constructed on single fee-simple lots with 2-car garages accessed from alley accesses. Vehicular access to the townhomes is from River Place Drive, which provides vehicle conductivity through the project. We request a zoning designation for this area of RMU (MF-1 and MF-2)

The Poudre River Trail runs along the north edge of the site. Due to flooding from the B. F. Eaton ditch some modification of the trail will be required to increase it's elevation and alignment to alleviate the problem.

The site has been identified as part of the Windsor sanitary sewer service area. We will request sanitary sewer service from the Town of Windsor. The sanitary sewer has been constructed to the site boundary and will be extended to serve the site.

Irrigation will be provided by a non-potable, gray water system. The gray water lake is in place and the water rights have been provided for this system. We will install the gray water irrigation system throughout the site for landscape watering. The pond has been certified by Terracon as meeting the requirements of the State of Colorado. The irrigation pipe has been installed to the boundary of the site.

Domestic water will be provided by the Town of Windsor. Water rights will be provided from the North Poudre Valley Irrigation Company and/or the Colorado North Conservatory (Colorado Big Thompson) in amounts to be agreed on with the Town of Windsor. Water rights are available from these providers. The domestic water system has been installed to the boundary of the site. Water service will be extended to serve the site adjacent to the northwest corner of the site as requested by the Town of Windsor.

Storm water mitigation will utilize water quality systems and be installed in accordance with the drainage requirements approved by the Town of Windsor. The pond located at the east edge of the site, north of River Place Drive and adjacent to Weld County Road 17 (7th Street), provides for the on-site detention. Controlled discharge from the pond is into the Poudre River. Added water clarity ponds will be constructed as provided for by the approved drainage study.

Poudre Heights Third Filing is anticipated to be constructed in 16 vertical construction phases. Four of the Phases will be in the multi-family area. Phases will be numbered but not necessarily built in the numbered sequence. Phases may be constructed in any order or more than one phase constructed at one time. This will allow a coordinated, systematic flow of construction through the project and not have developed areas deteriorating from lack of use. During construction we will provide systematic erosion control, emergency access and utility services. Access to adjacent parcels will be maintained for use by the adjacent property owners.

Telephone service will be provided by Century Link. Gas and electrical service will be provided by Xcel Energy Company. Both have confirmed that service is available to the site.

The site does not directly impact the adjacent County Roads and no improvement plan has been provided.

Approximately eight acres of land for public parks has previously been provided.

In summary, we request the Town of Windsor consider this rezoning. Poudre Heights Subdivision Third Filing will be a quality addition to the Town of Windsor. It is located in a beautiful and convenient location which presents us with a unique opportunity to provide a quality project for the Town.

We request approval of Residential Mixed Use (RMU) zoning.

Sincerely,

A handwritten signature in black ink, appearing to read "G. E. Rumley". The signature is written in a cursive style with a horizontal line underneath the name.

G. E. "Spike" Rumley

POUDRE HEIGHTS L.P.

REZONING PETITION

(I,We) the undersigned, being the owners of the property described as "A plat of a parcel of land in the Town of Windsor, Colorado, Tract I, Poudre Heights Subdivision Second Filing as recorded in Weld County records on August 12, 2003 as Reception No. 3094269, all being located in Section Twenty-nine(29), Township Six North (Y.6N.), Range Sixty-seven West (T.67W) of the Sixth Principle Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado," containing 92.128 acres more or less, hereby request a change in zoning from SF-1 to RMU and do hereby pay the required fee.,

Date: 21 October 2004
rev: 6 June 2014

Owner: Poudre Heights L.P.
By: LDCC Management III GP LLC (GENERAL PARTNER)
By: Land Development and Construction Consulting Ltd.
(Manager)
By: Gail E. Rumley, President



Gail E. Rumley,

POUDRE HEIGHTS LP

Neighborhood Meeting:

Location: Windsor Community Recreation Center
Date: August 14, 2014
Time: 6:00 to 8:00 P.M.
Attendees: 34 individuals

Introduction of Poudre Heights Subdivision Third Filing to attendees:

Spike Rumley introduced presenters, himself as the Developer representative, Cole Haberer of HCI Engineering (Civil Engineer) and Nathan Rumley of LDCC Developer representative.

Introductory statement included the name of the project and the purpose of the meeting was to provide project information concerning the current submission for rezoning to Residential Mixed Use (RMU) and the Amendment of the Master Plan. Additionally, Spike conveyed that we are providing additional information beyond the scope of rezoning and amending the master plan documentation which would consist of site design information. He explained the additional items being shown are site plan and design work product to date.

Additional initial presentation items covered were at the request of concerned Second Filing resident attendees and included discussion about:

- Flooding of a eastern portion of the Poudre Heights Third Filing site from recent storm events.
- Reason for the flood waters entering and affecting portions of the site.
- Requirement of Poudre Heights Third Filing to Elevate current areas located in the FEMA floodplain and submit a Letter Of Map Revision Based on Fill (LOMR-F) to FEMA for approval.
- Efforts on the part of the Town of Windsor, B.F. Eaton Ditch Company and ourselves to develop a solution to mitigate future flooding being caused by the current B.F. Eaton ditch configuration.
- Current conditions leading to the flooding of the intersection of 7th Street and Riverplace Drive.

Storm Waters & Drainage -

Cole Haberer presented the design of the civil grading and site layout. Included was the change of topography, storm water flow, street layout, interconnection with adjacent streets, and trail connections of the site as currently planned. As flooding issues were the main concern being demonstrated by attendees, Cole expanded on this issue showing how storm water flows are being designed for the Third Filing. He showed how storm water would flow from West to East across the site with the bottom 1/3 to a clarity pond and the top 2/3 to a swale in middle of site and directed to a detention pond. Cole also talked about offsite influences to the site which included street connections, B. F. Eaton Ditch, Poudre River, slopes, storm drainage, trails and detention.

Cole and Spike explained that much of flooding at the intersection of 7th Street and Riverplace Drive, which are located in the Second Filing, has been experienced partly because of the B. F. Eaton Ditch overflowing its banks during heavy storm events. It was explained that the open ditch needs additional flood control measures installed along its length and that the Town and B. F. Eaton Ditch Company are currently working with consultants for remediation solutions. The Town has hired Anderson Consulting to evaluate the problem and design a solution. Cole explained that part of the grading of the Third Filing would be to raise the elevation along the north property line to keep the flood water from entering the site and force the

waters back to the Cache La Poudre River.

Attendee asked if lot owners individually were responsible for how storm water flowed off their lots. He stated owners in the Second Filing were experiencing flooding problems from uphill neighbors living in Hilltop Estates. Cole explained that a subdivision as a whole had to have a storm water plan. Normally individual homeowner did not have retention pond requirements on individual lots. Normal storm water design directs flows through a defined drainage system of pipes and swales to retention/detention ponds. These developed excess flows then need be released at historic flow rates from a developed site to the stream or river for conveyance away from the project. Concern was expressed by a number of attendees about excess storm water drainage from off-site. Several indicated they were experiencing excess storm water flows from the Hilltop Estates project and asked what should they do about it and/or if we would be influencing their flooding issue.

Cole responded: Storm water from the Third Filing would not affect the lots in the Second Filing. All water from the Hilltop Estate that came to the Third Filing would be channeled to the detention ponds.

Attendees asked if we were the developer of Second Filing.

Spike response: We did not develop Hilltop Estates nor the Poudre Heights Second Filing. He recommended the solution to flooding from the East facing slope of Hilltop Estates will need to be accomplished by engineering design to redirect the water. He also recommended they schedule a meeting with the Town's Director of Engineering Dennis Wagner. Significant discontent was expressed by the Second Filing homeowners who were aggressive in stating they had contacted engineering and planning but had not received satisfactory response.

Attendee expressed concern about the adequacy of the designed of the Poudre Heights retention pond because it currently floods.

Cole response: The pond was designed to retain storm water only. Once water control on the B.H. Eaton ditch has been installed the flooding will be controlled and stopped. The flood water will be redirected back to the Poudre River north of the Poudre River Trail along the north edge of the Poudre Heights Third Filing. No flooding of the ponds nor 7th Street intersection should continue after the completed improvements which include changing the elevation and grading of the Poudre Heights Third Filing.

Attendee wanted to know who was going to provide electrical service to the site. They hoped it would be other than Xcel Energy as they had experience many problems with the electrical pedestals/transformers in the Second Filing.

Spike response: Electrical service is controlled by tariff and Xcel was designated to provided electrical and gas service.

Traffic Concern -

Cole presented the street layout and connection points to the existing streets. He discussed the points of connection are as provided for on the Second Filing plan and at Merlin Lane. A traffic study had been complete and the amount of additional vehicular traffic is anticipated to be less that the study allowed for. Fewer single family lots and inclusion of townhomes is projected to result in about 10 percent fewer trips per day than the study estimated.

Attendee expressed concern about how townhome product would affect traffic leaving Poudre Heights.

Spike response: The townhomes produce smaller traffic volumes than single family homes do.

Further explanation provided that the traffic study would dictate street design standards, type of usage, and parking connection characteristics.

Attendees expressed concern about traffic because they had been in touch with the Town and felt were not being providing good answers. One attendee even called out loudly, "what planning department?"

Spike responded to questions about Poudre Heights only having two exits, one to 7th Street and one to New Liberty. Merlin Lane would also be connected to the project providing a third access. (The Second Filing also allows for a future connection point at Boxelder Drive). He also indicated that he had discussed utilizing the Hilltop haul road to bring construction materials, if possible, to the site.

At this point Spike expressed sympathy with the attendees and the hardships they are experiencing but let them know that the meeting needed to focus on the Third Filing currently being designed and submitted to the Town. He recommended the attendees concerned about resolving drainage issues from the adjacent property, or concerns about flooding at the 7th Street intersection, contact their Board representative (Kristie Melendez) as she will have more direct contact with the Town's staff that can resolve the problems. Approximately 10 attending neighbors then left the meeting together. The members who left the Windsor Recreation Center Aspen Room, gathered outside the door to develop a plan to solve their issues.

Residential Mixed Use Zoning –

Spike presented the request to change the zoning to Residential Mixed Use (RMU) and showed the preliminary site plan. The location of the single family lots and multi-family lot locations were described. The separation of the two housing types at the B. F. Eaton Ditch and trail easement was described. The easement containing the piped ditch, sanitary sewer transfer main and trail system with complementary landscaping providing a natural change of use was discussed. The single-family lots exhibit generally the same lot sizes and dimensions as the Second Filing. The new single family lots will separate Poudre Heights Second Filing from the Third Filings townhome lots.

Spike presented exterior elevations of the multi-family townhomes and explained the buildings contained two, three or four units. Most of the units are ranch plans or 1st floor master designs. The location of the townhomes is separated from the single family lots by the landscaped trail easement. All have two car attached garages accessed from driveways. Garages do not face the streets. It is estimated that approximately 124 townhomes will be built.

Attendees expressed concern that the price point of the townhomes would negatively effect the value of their homes because it was not a single family home.

*Spike response: The townhomes are expected to sell at a base price around **\$275,000** which is not significantly lower than the single family homes. The units would not be rentals and would be sold to owner residents. The floor plans would be primarily ranch and 1st floor master designs. They would sell as fee-simple units constructed on individual lots. The sizes would be around 1,600 and 1,800 square feet per unit with a two car garage. The townhomes will not have basements. Exterior maintenance would be through an association.*

Attendee asked why not built single family lots.

Spike responded: Not all residents of Windsor want single family homes. Many people would like to live in Windsor but prefer to have exterior maintenance handled by others. Also people that do not want a single family home, but want something smaller after their children are gone, have an optional housing type.

After the attendees heard the units would not be priced, nor designed, to be rental or apartments units they expressed comfort with the townhome concept. They were also happy the garages would not face the streets.

An attendee asked how long construction will take.

Spike response: It depends on economy. However, we would like to have the project finished in 5 or 6 years. He explained that the Third Filing will be developed and built in stages. We will build all of the townhomes and at least 100 of the single family homes ourselves. We may sell some of the lots to others but may not.

Attendee asked what types of home architectural character was planned. He presented the Second Filing exhibited predominately Craftsman (Prairie) architecture.

Spike response: A final commitment was not given about the architectural design for the Third Filing single family homes. However, the architecture would not exhibit modern architecture design and would be complementary to the homes built in the Second Filing. The townhomes will exhibit a mid-western design as shown in the renderings.

At 8:00 the meeting was adjourned as the Community Center representative indicated the building was being closed for the day.



Minutes

3. Public Hearing - Proposed amendment to the Windsor Comprehensive Plan Land Use Plan Map - Poudre Heights Subdivision, Second Filing, Tract I – Gail E. Rumley, President, Poudre Heights LP, applicant

- Staff presentation: Joe Plummer, Director of Planning

Chairman Schick closed the Regular meeting and opened the Public Hearing

Staff Presentation:

Per Mr. Plummer:

The applicant, Mr. Gail Rumley of Poudre Heights, LP, has requested an amendment to the Comprehensive Plan Land Use Map. This is a part of three different reviews related to the development of Tract I of Poudre Heights Subdivision, Second Filing that is being reviewed.

This proposal is to develop the 92 acre Tract I of Poudre Heights Subdivision, Second Filing. The Second Filing was approved in 2003 and included the platting and subsequent development of 163 single-family lots. Tract I was designated at that time for future development, subject to the Town's normal review process upon submittal of any development proposal. A preliminary plat for the third filing depicting single-family and multi-family uses for Tract I was approved in 2006 but no approvals were received for the final plat, rezoning, or master plan amendment, all of which were needed to proceed with development.

At this time the applicant is seeking approval of three items in order to move this project forward prior to submitting a new preliminary plat. The applicant seeks to rezone the property from Single-family Residential (SF-1) to Residential Mixed Use (RMU); to amend the Town's Land Use Map of the Comprehensive Plan from Single-family Residential and Multi-Family Residential to Residential Mixed Use; and to amend the Master Plan for Poudre Heights that was approved in 2003.

The Preliminary Plat approved in 2006 shows 233 single-family lots and 190 multi-family units, while the currently proposed master plan shows 265 single-family lots and 124 multi-family units. The multi-family was previously located in the center of the development with single-family located around the perimeter. That layout has changed to locate the multi-family development on the eastern side and the single-family portion to the west with the B.F. Eaton Ditch and proposed adjacent trail separating the two. Internal street layout within the development has changed and better connectivity with fewer cul-de-sacs is now proposed.

The change from a Single-family designation to Residential Mixed Use would potentially allow for higher density. However, as previously mentioned the proposed Master Plan includes 265 single-family lots and 124 multi-family units. This is an overall density of 4.2 units per acre and a gross density of approximately 3.6 units per acre which equates to a lower density than the maximum allowed under the 6,000 square foot minimum lot size for the current Single-family SF-1 District. The Engineering department has reviewed the proposed Master Plan and sufficient sewer capacity exists to accommodate the development as proposed.

Staff recommends that the Planning Commission approve the proposed change to the land use map as presented with the follow conditions:

1. Density does not exceed the 389 units depicted on the currently proposed master plan
2. All staff comments and redlines shall be addressed

Public Comment:

The below listed all spoke in opposition to the amendment to the Land Use Plan Map from Single-family Residential and Multi-family Residential to Residential Mixed Use (RMU):

Mark Peterson, 1739 Green River Drive
Eric Moore, 1017 Dry Creek
Stacy Younger, 1678 Platte River Drive
Dennis Pohl, 1696 Dolores River Drive
Linda Iannuzzi, 1768 Green River Drive
Carla Moore, 1017 Dry Creek Court
Ravi Sharma, 1750 Green River Drive

For the following reasons:

- Traffic flow
- Significantly increased traffic
- Safety concerns
- Multi-family dwellings will affect property values
- The traffic study is too old, it was 7 years ago. Since that time there has been a roundabout constructed at Crossroads Boulevard, and a crosswalk and a walking path have been added to 7th Street.
- Flooding

Mr. Frank moved to close the public hearing. Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gale Schick, Steve Scheffel, Robert Frank, Victor Tallon, Ronald Harding, David Cox, Wayne Frelund

Nays – None

Motion carried

1. Resolution 2014-02 approving amendments to the Windsor Comprehensive Plan Land Use Plan Map - Poudre Heights Subdivision, Second Filing, Tract I – Gail E. Rumley, President, Poudre Heights LP, applicant (affirmative vote of a super majority of five members required for approval)

Super-majority vote required for adoption of Resolution

- Legislative
- Staff presentation: Joe Plummer, Director of Planning

Staff Presentation:

Per Mr. Plummer, this resolution is required by State Statute in order to amend the Town's Land Use Map of the Comprehensive Plan from Single-family Residential and Multi-Family Residential to Residential Mixed Use

Staff reiterated the recommendation for approval of Resolution 2014-02 with the following conditions:

1. Density does not exceed the 389 units depicted on the currently proposed master plan
2. All staff comments and redlines shall be addressed

Mr. Harding asked how many total homes could be built, and Mr. Plummer answered that they have not done that calculation yet because there is not a plat for single-family homes. The current proposal is for 389 total units comprised of 265 single-family lots and 124 multi-family units, which is a decrease from the 2006 plat which had 233 single-family lots and 190 multi-family units or 423 total units.

Mr. Harding asked about the increased traffic impact. The Town's Civil Engineer, Doug Roth, stated that the traffic study was prepared for the original master plan of 400-plus units. The current proposal will have less impact because there are fewer units. When asked about how the present proposal would compare to the property only being developed with single-family homes, Mr. Roth stated that this comparison has not been made since all of the proposals for the subject property have always related to a mix of single-family and multi-family homes.

Mr. Frelund asked which engineering firm completed the original traffic study, and Mr. Roth stated it was Drexel Burrell, but that an update of the traffic study relative to the current proposals was completed by Matt Delich of Delich Associates. Mr. Frelund further stated that he believes that the proposed uses going forward could be a real benefit to Windsor.

Mr. Scheffel stated that this issue is to consider modification of the area to accommodate the proposed new development. He asked if the Town changes the zoning and the current developer doesn't develop the area as planned could a new developer add rental units. Mr. Plummer answered that the proposed change in the land use depiction and the proposed zoning change to RMU does allow for rental type units such as apartments.

Mr. Frelund asked if the subdivision is sold would the purchaser be required to perform another round of traffic studies and approvals. Mr. Plummer stated that is the case.

Mr. Frank asked if this item can be deferred for a few weeks so more information can be brought forward. Mr. Plummer stated that the item before the Planning Commission is the Resolution to consider the land use map amendment, and it is the Board's decision to either postpone or act on the Resolution.

Mr. Tallon asked if there is an advantage to having an RMU land use depiction other than to allow different densities, and Mr. Plummer stated that the current land use depiction and likewise the SF-1 zoning only allows single-family homes, so in order for a developer to be able to have more than just single-family homes, the land use depiction and the zoning needs to be changed.

Mr. Schick asked the applicant if he is in agreement with the conditions as set forth by staff. Mr. Rumley stated that he is not particularly fond of the 389-unit number because it is an absolute number and he would be more comfortable with 400 units for more flexibility depending on final configuration of the site and roads. Mr. Rumley also stated that not only is he the applicant but that he will also be the developer/builder, and as such he will build all of the structures on the site. Mr. Rumley further stated that it was not his intention to sell the site to other builders. Mr. Rumley also stated that he feels that the proposed townhomes fit the Town's needs for more diverse housing as there are already quite a few single-family homes in Windsor but very few multi-family units. Mr. Rumley went on to say that the townhome products that he is proposing will provide additional opportunities relative to the Town's housing stock, especially for individuals who don't want outdoor maintenance issues but still want to live in a community environment. Mr. Rumley also said that the townhome units that he is proposing will have two-car garages and will have common walls, a front yard and back yard, and contrary to what someone had mentioned earlier, he is not proposing to build an apartment complex.

Mr. Frelund stated he has an emergency access concern. Mr. Plummer stated that there is another action item later tonight which may address this question.

Mr. Frank asked if rezoning is granted will the developer be required to replat to meet square footage requirements. Mr. Plummer stated it is required because of building code that the Town adopted.

Mr. Frelund asked Mr. Roth if the roads are classified as collectors or arterials, and Mr. Roth answered that 7th Street is an arterial and New Liberty is a collector. He also stated that Riverplace Drive is a minor collector, which is larger than a residential street.

Mr. Tallon moved to approve the Resolution to amend the land use map with staff conditions. Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gale Schick, Steve Scheffel, Robert Frank, Victor Tallon, Ronald Harding, David Cox, Wayne Frelund

Nays – None

Motion carried

5. Public Hearing – Rezoning - Poudre Heights Subdivision, Second Filing, Tract I Rezoning – Gail E. Rumley, President, Poudre Heights LP, applicant

- Staff presentation: Joe Plummer, Director of Planning

Chairman Schick closed the Regular meeting and opened the Public Hearing

Town Board Liaison Bishop-Cotner:

Stated "...for the record I would like to disclose that I am a sitting member of the Town Board, and that I am here in my capacity as non-voting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussion. I will not let tonight's proceedings influence or affect my review of this matter when it comes before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearing."

Staff Presentation:

Per Mr. Plummer:

As outlined in Item C.3., Mr. Rumley is seeking to develop Tract I of Poudre Heights Subdivision, Second Filing. In order to allow the proposed multi-family component he is seeking a rezoning from Single-family Residential (SF-1) to Residential Mixed Use (RMU). The associated master plan that is proposed depicts 124 multi-family units in the form of two, three, and four unit buildings. The master plan also shows 265 single-family lots.

Recommendation:

Staff recommends the Planning Commission approve the rezoning request as presented with the following condition:

All staff comments and redlines shall be addressed.

Town Attorney McCargar advised the Planning Commission that it would be proper to address any questions to or from the applicant during the public hearing portion of the meeting so that any questions, comments or discussion would be entered into the record as evidence.

Mr. Rumley was present to answer questions regarding rezoning request.

Mr. Frank asked about the flooding concerns that have been voiced tonight. Mr. Rumley stated that the Town has hired Anderson Consulting to work with Town Engineering staff as well. It was discussed that flooding comes from over topping the banks of the B.F. Eaton Ditch during 100 year flood events, and that proposals are being made for mitigation, including raising elevations at the north and east areas of project. An additional mitigation measure Mr. Rumley referred to is that the B.F. Eaton proposing to construct a pipe that will run through the project,

and even though this is not fool proof, it is a good way to divert the water. Lastly, the Town is proposing to construct flood gates at the north end of the project.

Mr. Cox asked the applicant if these proposed flood improvements could cause potential flooding towards the current homes and wanted to know if these improvements will stop water from reaching the current areas or would these measures be an improvement to the current conditions.

Mr. Cole Hauber, civil engineer for the project, explained that FEMA has stated that one-third of the area of the proposed project lies within the flood plain so the developer will be required to raise any structures that could be affected by the floodplain by following both FEMA regulations and the requirements in the Town's flood prevention ordinance.

Mr. Harding asked if these changes will affect homes that are already occupied as well as 7th Street. Mr. Plummer again stated that the Anderson Consulting study is currently under way to find ways to mitigate the current flood plain.

Public Comment:

The below listed all spoke in opposition to the rezoning of the area from Single-family to Residential Mixed Use (RMU):

Chuck Cummins, 31013 County Road 17
John Boyle, 1712 Clear Creek Court
Stacy Younger, 1678 Platte River Drive
David Younger, 1678 Platte River Drive
Gary Billings, 1749 Dolores River Drive
Paul Rennemeyer, 1709 Clear Creek Court
Scott Sandridge, 1005 Dry River Court
Mikaela Sandridge, 1005 Dry Creek Court
Ravi Sharma, 1750 Green River Drive
Kevin Meyer, 1748 Clear Creek Court
Frank Iannuzzi, 1768 Green River Drive
Dennis Pohl, 1696 Dolores River Drive

For the following reasons:

- Eaton ditch is an asset, Poudre River is flooding over the top of it and it is not the Eaton ditch that is flooding.
- Residents currently enjoy the neighborhood because of low traffic volume and they will lose that.
- The only access to this new development is through their neighborhood.
- There is residential mixed use directly east of them and units there are not sold. Other places in Windsor have RMU zoning, so there isn't any need to have RMU zoning in the vicinity of their houses.
- Multi-family dwellings will affect property values.
- There are too many unknowns with this proposal and there are so many questions that need to be answered.
- The entrance on Riverplace at 7th is raised up in this plan and if that entrance gets flooded and is blocked then all of the traffic goes through the neighborhood.
- There is nothing stopping this or other developers from building apartments.

Mr. Tallon moved to close the public hearing. Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gale Schick, Steve Scheffel, Robert Frank, Victor Tallon, Ronald Harding, David Cox, Wayne Frelund

Nays – None
Motion carried

6. Recommendation to Town Board – Rezoning - Poudre Heights Subdivision, Second Filing, Tract I Rezoning – Gail E. Rumley, President, Poudre Heights LP, applicant

- Quasi-judicial action
- Staff presentation: Joe Plummer, Director of Planning

Staff Presentation:

Per Mr. Plummer:

This item has been placed on the agenda in accordance with Chapter I Section E.3 of the Comprehensive Plan, and that this proposal is to rezone approximately 92 acres known as Tract I of the Poudre Heights Subdivision Second Filing from Single-family Residential to Residential Mixed Use. Mr. Plummer further stated that the applicant's proposal requires that the subject property be rezoned since the current SF-1 zoning does not allow for the proposed multi-family

units, and that the Municipal Code allows the RMU Zoning District in any location designated as such on the Land Use Map or in any area zoned or rezoned as such by the Town Board.

Therefore, this rezoning will allow for consistency between the land use depiction on the Land Use Map that was approved as the previous agenda item and the current rezoning proposal. The change from a Single-family designation to Residential Mixed Use would potentially allow for higher density. However, as previously mentioned the proposed Master Plan includes 265 single-family lots and 124 multi-family units. This is an overall density of 4.2 units per acre and a gross density of approximately 3.6 units per acre which equates to a lower density than the maximum allowed under the 6,000 square foot minimum lot size for the current Single-family SF-1 District. The Engineering department has reviewed the proposed Master Plan and sufficient sewer capacity exists to accommodate the development as proposed.

Recommendation:

Staff recommends the Planning Commission forward a recommendation of approval to the Town Board with the following condition:

1. All staff redlines and comments shall be addressed.

Mr. Tallon moved to forward to the Town Board a recommendation of approval of the rezoning with the staff condition. Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gale Schick, Steve Scheffel, Robert Frank, Victor Tallon, Ronald Harding, David Cox, Wayne Frelund

Nays – None

Motion carried

7. Recommendation to Town Board – Poudre Heights Subdivision, Second Filing, Tract I Amended Master Plan – Gail E. Rumley, President, Poudre Heights LP, applicant

- Quasi-judicial action
- Staff presentation: Joe Plummer, Director of Planning

Staff Presentation:

Per Mr. Plummer:

As outlined in the previous agenda items, Mr. Rumley is seeking to develop Tract I of Poudre Heights Subdivision, Second Filing. The current development proposal is not in conformance with the approved Master Plan so that document must be amended to reflect the land uses that are being proposed.

The preliminary plat that was approved in 2006 shows two streets accessing the adjoining property owned by Mr. Chuck Betters and Mr. Larry Odau, while the amended master plan that is being proposed shows only one access. The reduced number of access points is relevant because the property lacks any connections to adjacent public streets. Reducing the accesses from two to one would have the effect of potentially reducing the future development potential of the property. Fire codes limit an area with only one access to 25 units unless the units include fire sprinklers. The preliminary plat gave the owners an expectation that the two access points would be provided. Access to this property has not been resolved, but Mr. Rumley has indicated that he has been in conversations with Mr. Betters and Mr. Odau to try and reach a consensus with them on this issue. Thus far, however, there has not been a resolution to this issue. Mr. Plummer stated that the two access points are essential based upon the review of the fire department and because continuing to show both access points is consistent with the previously-approved preliminary plat.

Mr. Rumley and Mr. Hauber showed the Planning Commission a schematic drawing of the adjoining property and presented information pertaining to their reasons for proposing only one access point for the development.

Mr. Frank asked Mr. Rumley and Mr. Hauber why they felt that the two accesses to the adjoining property wasn't warranted, and Mr. Hauber stated that the adjoining property is zoned single-family and is encumbered by a drainage pathway and an oil well which restricts the amount of units that can be built. Mr. Hauber also stated that providing two access points to the adjoining property will cause excessive infrastructure costs to the developer, and that they had spoken with the fire department which he said was fine with the one access point that was being proposed.

Mr. Betters and Mr. Odau, owners of the adjoining property, were both present and each stated that it is still their desire to have the two access points.

Per Mr. Plummer:

Because the applicant introduced the new schematic drawing this evening with a single access point that staff has not had an opportunity to review, Mr. Plummer stated that staff stands by the present recommendation for the master plan to show the two points of access. Mr. Plummer further stated that if the amended master plan only shows the one access point to the adjoining property, staff further recommends that the recommendation on the master plan should be one of denial.

Mr. Frank stated that it doesn't plan for the future if just one access point is proposed and it assumes what you see is what you get forever. Mr. Frank also stated that there are too many unforeseen changes that could happen in the future that could not be adequately addressed with only the one access point.

Mr. Frelund stated that making land use decisions based on encumbering other properties is not a function of planning.

Recommendation:

Staff recommends the Planning Commission forward a recommendation of approval to the Town Board of the amended master plan as presented, subject to the following three conditions:

1. Prior to execution of the mylars the master plan shall be updated to show two access points to the adjacent property owned by Chuck Betters and Larry Odau.

2. The overall densities on the amended master plan shall not exceed 265 single-family lots and 124 multi-family townhome units, for a total density of 389 dwelling units; and
3. All staff comments and redlines shall be addressed.

Mr. Tallon moved to forward to the Town Board a recommendation of approval of the amended master plan with all three of the staff conditions. Mr. Frank seconded the motion.

Roll call on the vote resulted as follows:

Yeas – Gale Schick, Steve Scheffel, , Victor Tallon, Ronald Harding, David Cox, Wayne Frelund

Nay – Robert Frank

Motion carried



Poudre Heights Subdivision 2nd Filing, Tract I

Rezoning

Paul Hornbeck, Associate Planner

November 10, 2014

Town Board

C.4



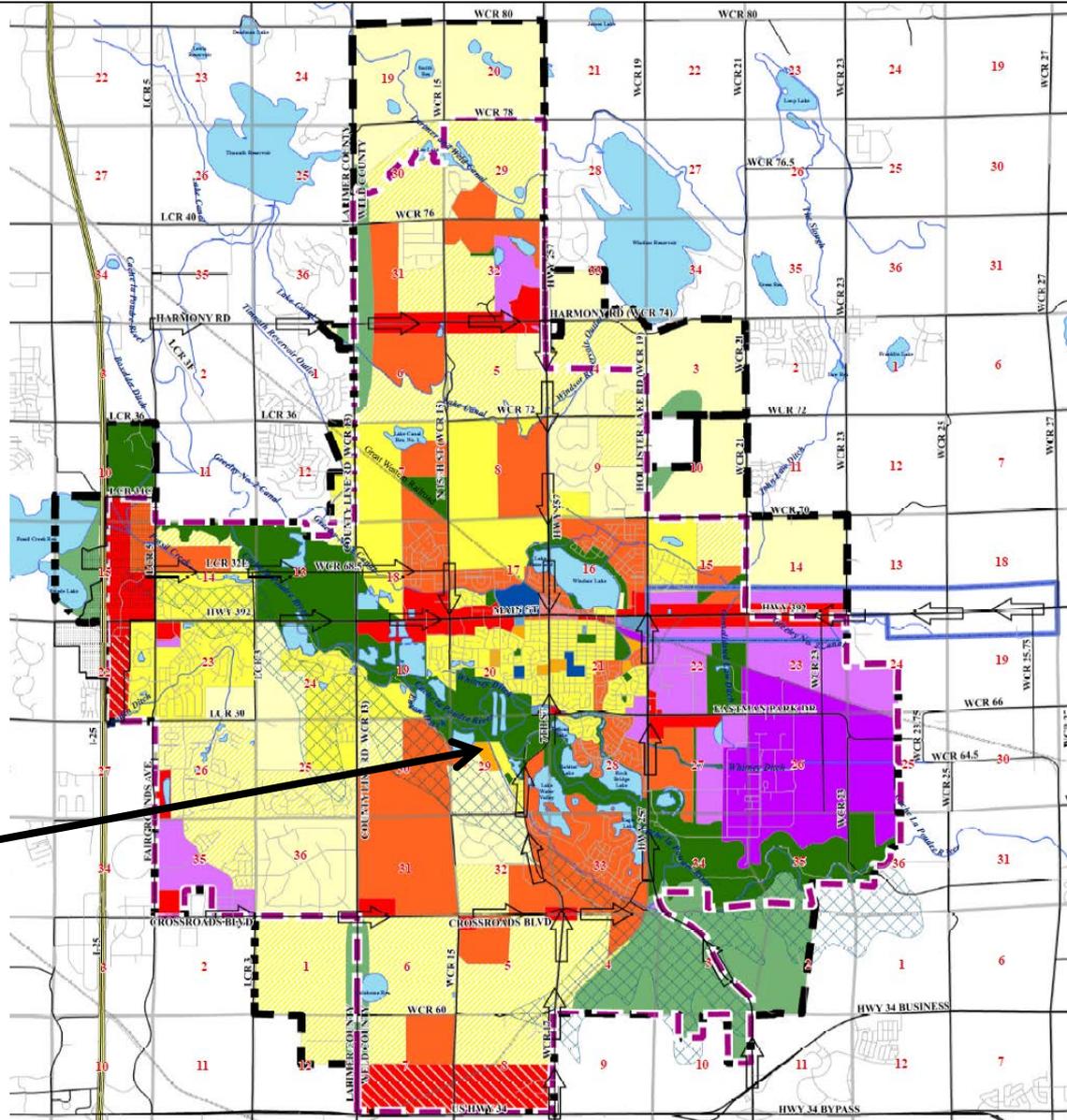
Rezoning

Article V of Chapter 16 of the Municipal Code outlines the purpose of the Rezoning process:

Sec. 16-5-20. Rezoning applications.

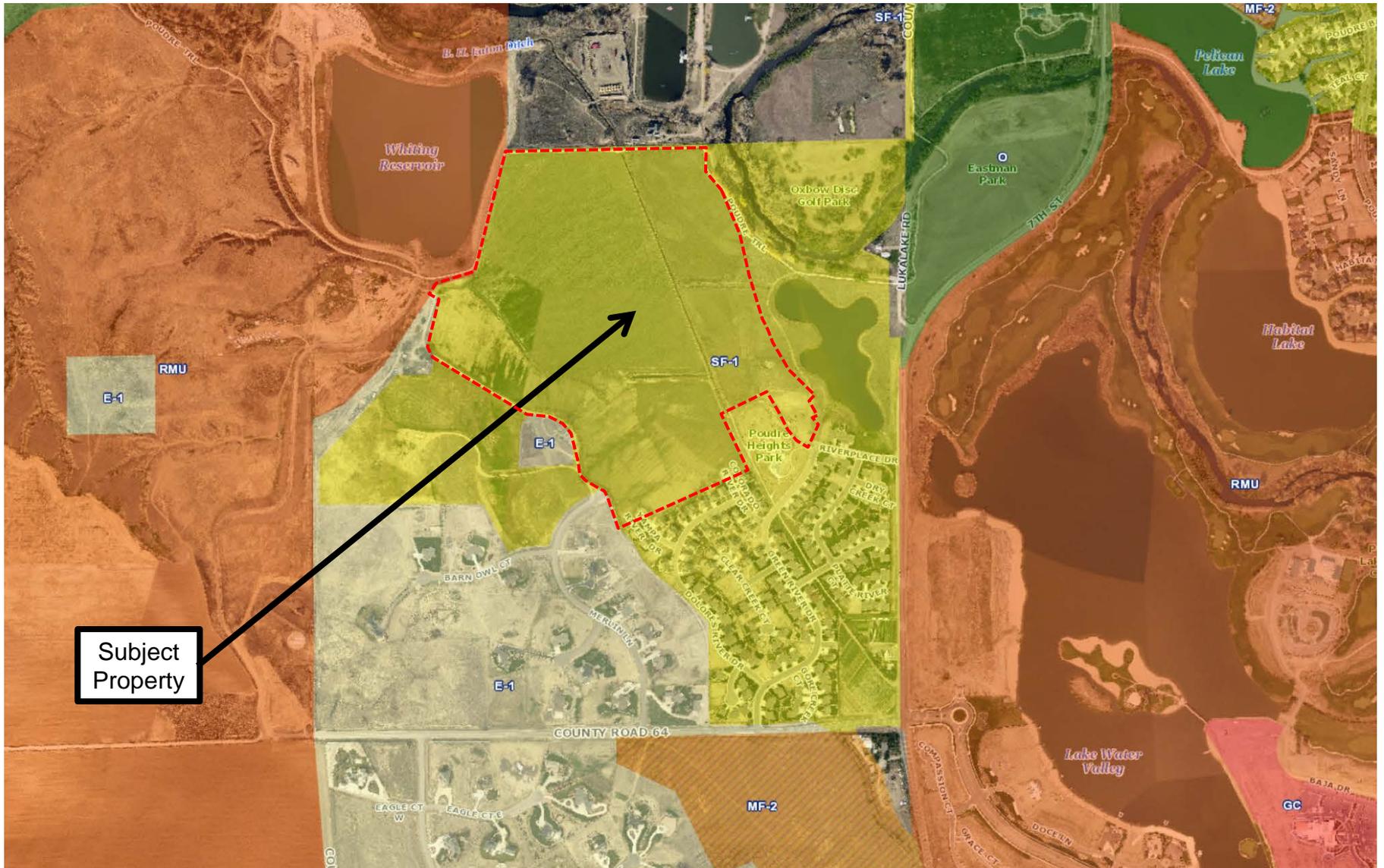
(a) Purpose. The purpose of this Section is to provide a procedure for changing the existing zone classification of parcels of land within the Town.

Site Vicinity Map

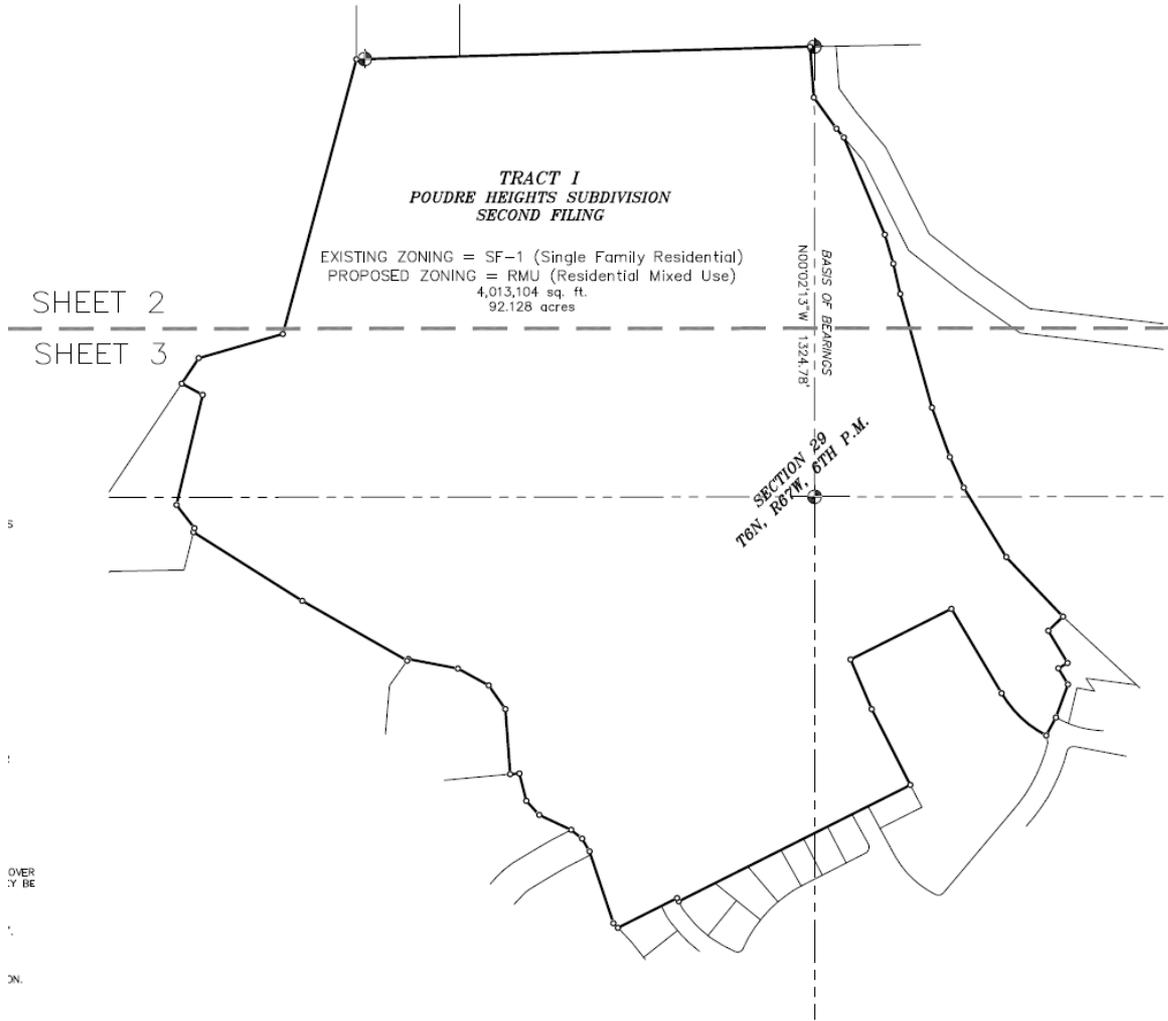


Subject Property

Zoning Map



Rezoning



**TRACT 1
 POUDRE HEIGHTS SUBDIVISION
 SECOND FILING**

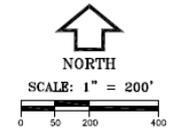
EXISTING ZONING = SF-1 (Single Family Residential)
 PROPOSED ZONING = RMU (Residential Mixed Use)
 4,013,104 sq. ft.
 92.128 acres

SHEET 2
 SHEET 3

SECTION 29
 T0N, R07W, 0TH P.M.

BASIS OF BEARINGS
 N00°02'13\"/>

- LEGEND**
-  SECTION CORNER
 -  PROPERTY CORNER
 -  PROPERTY LINE
 -  SECTION LINE
 -  EASEMENT LINE

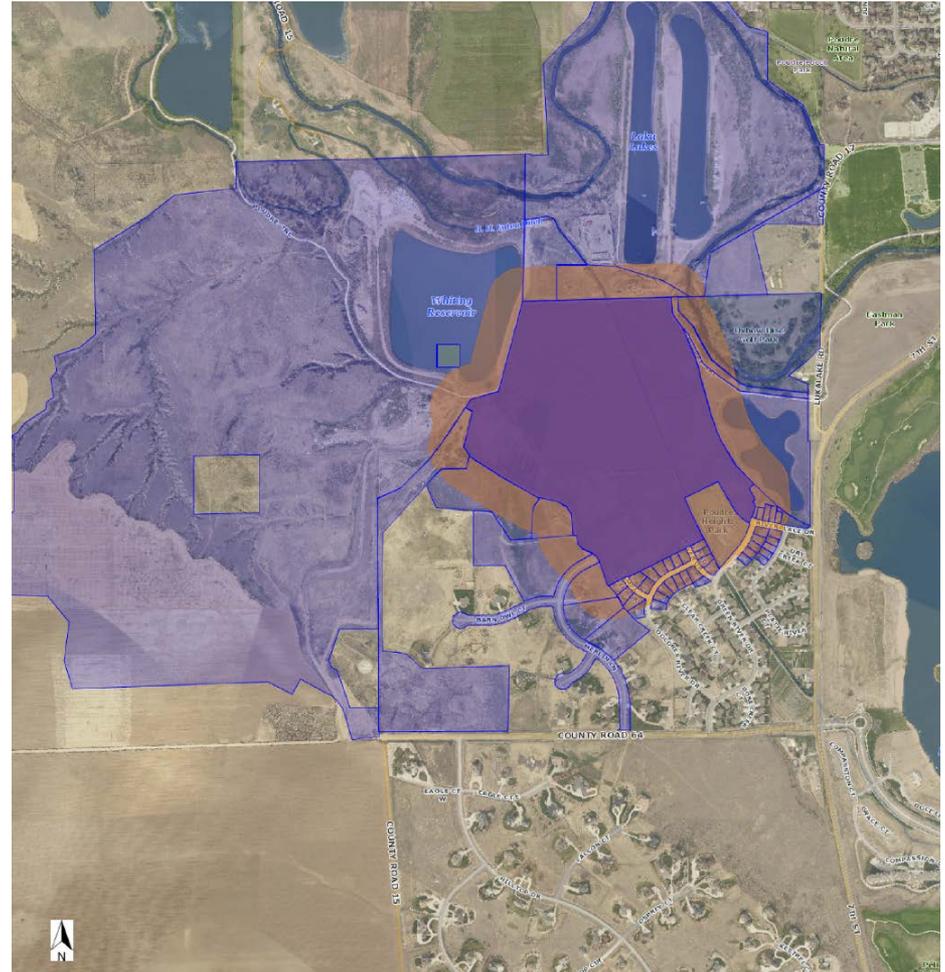


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Notification

Notification Area

- The neighborhood meeting was held on August 14, 2014
- Notice of public hearings was published in the newspaper on 10/11/14
- Signs were posted on the property on 10/09/14
- Letters were mailed to surrounding property owners within 300-feet on 10/16/14





Rezoning

Staff requests that the following be entered into the record:

- Application materials
- Staff memorandum and supporting documents
- Recommendation



Recommendation

At their October 1, 2014 meeting the Planning Commission forwarded a recommendation of approval to the Town Board with the following condition:

1. All staff redlines and comments shall be addressed



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Regular meeting materials, November 10, 2014
From: Ian D. McCargar, Town Attorney
Re: Simulated Gambling Devices; prohibition
Item #: C-5

Background / Discussion:

On October 27, 2014, the Town Board approved on first reading Ordinance No. 2014 – 1485, which if approved on second reading will prohibit the operation of internet-based simulated gambling facilities.

The Ordinance is driven by the conclusions reached by the Colorado Attorney General in Opinion No. 14-03, in which the Attorney General concluded that internet sweepstakes operations are not lawful sweepstakes under existing law, and are a form of gambling not permitted under existing law.

Ordinance No. 2014-1485 is closely modeled on HB 2014-1392, a measure presented to the State House during the 2013-2014 legislative session. This ordinance defines its terms, outright prohibits simulated gambling facilities, establishes penalties and remedies, and sets forth exceptions. The core of this Ordinance is based on the Attorney General's conclusion that simulated gambling devices are unlawful.

Financial Impact: None.

Relationship to Strategic Plan: Community spirit and pride; vibrant downtown; diversify & grow local economy.

Recommendation: Adopt on second reading the attached Ordinance Prohibiting the Operation of Internet Sweepstakes Facilities Through the use of Simulated Gambling Devices Within the Town of Windsor. Five (5) affirmative votes required, take public comment before taking action.

Attachments:

Ordinance Prohibiting the Operation of Internet Sweepstakes Facilities Through the use of Simulated Gambling Devices Within the Town of Windsor.

TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 2014 - 1485

AN ORDINANCE PROHIBITING THE OPERATION OF INTERNET SWEEPSTAKES FACILITIES THROUGH THE USE OF SIMULATED GAMBLING DEVICES WITHIN THE TOWN OF WINDSOR

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, on September 8, 2014, the Town Board adopted Ordinance No. 2014-1482, which placed an immediate moratorium on Town approvals associated with “Cyber Cafes”, as defined therein ; and

WHEREAS, the Town’s stated intention in Ordinance No. 2014-1482 was to “... research, investigate, draft and submit ... appropriate regulations governing or prohibiting Cyber Cafes within the Town of Windsor”; and

WHEREAS, following the adoption of Ordinance No. 2014-1482, Town staff undertook analysis and consideration of appropriate regulations through legal review, peer interaction and industry outreach; and

WHEREAS, on October 9, 2014, the Colorado Attorney General issued Formal Opinion No. 14-03 (“AG Opinion”); and

WHEREAS, the AG Opinion concluded that Sweepstakes Cafes, as defined therein, are not lawful sweepstakes under Colorado law, constitute unlawful gambling as defined by Colorado law and requires further voter action to amend the Colorado Constitution; and

WHEREAS, the Town Attorney has recommended that, in order to preserve the public health, safety and welfare, the Town should expressly prohibit the operation of Sweepstakes Cafes as defined by the Office of the Attorney General; and

WHEREAS, the Town Board has given due consideration to the matter, and has concluded that prohibition of Sweepstakes Cafes, as defined in the AG Opinion, is necessary to promote the public health, safety and welfare.

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

Section 1. Chapter 10 of the Windsor Municipal Code is hereby amended by the addition of a new Article X, which shall read as follows:

ARTICLE X
Regulation of Internet-based Simulated Gambling Facilities

Sec. 10-10-10. Statement of Intent and Legal Authority.

(a) **Statement of Legal Authority.** The Town of Windsor, as a Colorado home rule municipality, is authorized to exercise all powers of self-government, as set forth in Article 20, Section 6 of the Colorado Constitution. Included within these general powers of self-government are the powers necessary, requisite or proper for the government and administration of its local and municipal matters. The Town's Home Rule Charter, at Section 2.4 (B), specifically provides that the Town shall have all powers granted to municipalities under the State Statutes, as defined therein. These powers specifically include:

- i. The General Police Powers enumerated in § 31-15-401, C.R.S; and
- ii. The Powers to Regulate Businesses enumerated in § 31-15-501, CR.S.

(b) **Statement of Intent.** The intent of this Article is to prohibit the operation of simulated gambling devices, as defined herein, to provide for remedies in conjunction therewith, and to provide for the imposition of penalties for violations thereof.

Sec. 10-10-20. Definitions. As used in this Article, unless the context otherwise requires:

(a) "Electronic gaming machine" means a mechanically, electrically, or electronically operated machine or device that displays the results of a sweepstakes game entry or game outcome to a participant on a screen or other mechanism at a business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by any person conducting the sweepstakes or by that person's partners, affiliates, subsidiaries, agents, or contractors.

The term includes an electronic gaming machine or device that:

- (i) Uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries;
- (ii) Selects prizes from a predetermined, finite pool of entries;

(iii) Predetermines the prize results and stores those results for delivery at the time the sweepstakes entry is revealed;

(iv) Uses software to create a game result;

(v) Requires a deposit of any currency or token or the use of any credit card, debit card, prepaid card, or other method of payment to activate the electronic gaming machine or device;

(vi) Requires direct payment into the electronic gaming machine or device or remote activation of the electronic gaming machine or device upon payment to the person offering the sweepstakes game;

(vii) Requires purchase of a related product with legitimate value in order to participate in the sweepstakes game, or makes a related product available for no cost but under restrictive conditions;

(viii) Reveals a sweepstakes prize incrementally even though the progress of the images on the screen does not influence whether a prize is awarded or the value of any prize awarded; or

(ix) Determines and associates the prize with an entry or entries at the time the sweepstakes is entered.

(b) "Enter" or "entry" means the act or process by which a person becomes eligible to receive any prize offered in a game promotion or sweepstakes.

(c) "Prize" means any gift, award, gratuity, good, service, credit, or anything else of value that may be transferred to a person, whether or not possession of the prize is actually transferred or placed on an account or other record as evidence of the intent to transfer the prize. "Prize" does not include free or additional play or any intangible or virtual award that cannot be converted into money or merchandise.

(d) "Simulated gambling device" means a mechanically or electronically operated machine, network, system, program, or device that displays simulated gambling displays on a screen or other mechanism at a business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by any person conducting the game or by that person's partners, affiliates, subsidiaries, agents, or contractors. The term includes:

(i) A video poker game or any other kind of video card game;

(ii) A video bingo game;

(iii) A video craps game;

- (iv) A video keno game;
- (v) A video lotto game;
- (vi) A video roulette game;
- (v) A pot-of-gold;
- (vi) An eight-liner;
- (vii) A video game based on or involving the random or chance matching of different pictures, words, numbers, or symbols;
- (viii) A personal computer of any size or configuration that performs any of the functions of an electronic gaming machine or device as defined in this section;
- (ix) A slot machine, as defined by Section § 12-47.1-103 (26)(a), C.R.S.; and
- (x) A device that functions as, or simulates the play of, a slot machine.

(e) "Sweepstakes" shall have the same meaning as is set forth in § 6-1-802 (10), C.R.S.

Sec. 10-10-30. Simulated Gambling Devices Prohibited.

- (a) A person commits the crime of unlawful offering of a simulated gambling device if the person offers, facilitates, contracts for, or otherwise makes available to or for members of the public or members of an organization or club any simulated gambling device where:
 - (i) The payment of consideration is required or permitted for use of the device, for admission to premises on which the device is located, or for the purchase of any product or service associated with access to or use of the device; and
 - (ii) As a consequence of, in connection with, or after the play of the simulated gambling device, an award of a prize is expressly or implicitly made to a person using the device.

Sec. 10-10-40. Criminal Penalties.

Any person found to be in violation of this Article shall, upon conviction, be fined up to the maximum penalty permitted for municipal courts of record. Each day such violation continues shall be considered a separate offense.

Sec. 10-10-50. Other Remedies.

- (a) Without regard to any penalty imposed under Section 10-10-40, the Town may apply to a court of competent jurisdiction for appropriate additional relief, including:
 - (i) Injunctive relief to restrain and enjoin violations of this Article;
 - (ii) Such other and further relief as is available at law or in equity.
- (b) The remedies set forth in this Article shall not be exclusive, shall be cumulative, and shall be in addition to any other relief or penalty imposed upon the person in violation.

Sec. 10-10-60. Exceptions, Exemptions, Provisions Inapplicable.

- (a) Nothing in this section:
 - (i) Prohibits, limits, or otherwise affects any purchase, sale, exchange, or other transaction related to stocks, bonds, futures, options, commodities, or other similar instruments or transactions occurring on a stock or commodities exchange, brokerage house, or similar entity;
 - (ii) Limits or alters in any way the application of the requirements for sweepstakes, contests, and similar activities that are otherwise established under the laws of Colorado; or
 - (iii) Prohibits any activity authorized under Article 35 of Title 24 or Article 9, 47.1 or 60 of Title 12, C.R.S.
- (b) The provision of internet or other on-line access, transmission, routing, storage, or other communication-related services or web site design, development, storage, maintenance, billing, advertising, hypertext linking, transaction processing, or other site-related services by a telephone company, internet service provider, software developer or licensor, or other party providing similar services to customers in the normal course of its business does not violate this Article even if those customers use the services to conduct a prohibited game, contest, lottery, or other activity in violation of this article; except that this subsection (b) does not exempt from criminal prosecution or civil liability any software developer, licensor, or other party whose primary purpose in providing such service is to support the offering of simulated gambling devices.

Section 2. The Town Board finds that it is authorized to adopt this Ordinance pursuant to the following: C.R.S. §31-15-103, §31-15-401, §31-15-501, §§31-23-301, et seq., §§29-20-101, et seq., Article XX of the Colorado Constitution, and the Town of Windsor Home Rule Charter.

Introduced, passed on first reading, and ordered published this 27th day of October, 2014.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 10th day of November, 2014.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Josh Olhava, Associate Planner
Subject: Public Hearing – Ordinance No. 2014-1486 – An Ordinance Annexing and Zoning Certain Territory known as the Harmony Ridge Annexation to the Town of Windsor, Colorado – HR Exchange LLC., applicant; Jeff Mark, The Landhuis Company, applicant's representative
Resolution No. 2014-66 – A Resolution Making Certain Findings and Conclusions Pursuant to Section 31-12-110 C.R.S., Concerning the Harmony Ridge Annexation to the Town of Windsor, Colorado – HR Exchange LLC., applicant; Jeff Mark, The Landhuis Company, applicant's representative
Location: North of Harmony Road (WCR 74) & South of WCR 76, between County Line Road (WCR 13) & west of WCR 15; adjacent to Windsor North Annexation & Alexander Estates Subdivision
Item #: C.6.C.7.C.8

Background:

Public Hearing - Ordinance No. 2014-1486:

The applicant, HR Exchange, LLC, represented by Mr. Jeff Mark of the Landhuis Company, are requesting to annex approximately 181.2 acres to the Town of Windsor. The property as a whole is being zoned Residential Mixed Use (RMU). There are small areas of land being annexed as part of right-of-way adjacent to surrounding properties that reflect adjacent zoning and land use depictions from the Town of Windsor Zoning and Land Use Maps, such as General Commercial (GC) and Low-Density Estate Residential (E-1).

The applicant held a neighborhood meeting for the Annexation on June 19, 2014. Notes from that meeting are attached. On September 22, 2014, the Town Board approved Resolution No. 2014-56 Making Certain Findings of Fact and Setting Public Hearing Dates for the Harmony Ridge Annexation. On November 5, 2014, the Planning Commission held a Public Hearing and made a recommendation to the Town Board on the Harmony Ridge Annexation. Draft minutes from the November 5, 2014 Planning Commission Public Hearing on the Annexation are enclosed for reference. The final legislative step for this annexation is an ordinance declaring that the property is annexed to Windsor, which requires two readings by the Town Board.

Resolution No. 2014-66:

Section 31-12-110 of the Colorado Revised Statutes requires that upon completion of the Public Hearing and prior to the Town Board making any action on the Annexation Ordinance for Harmony Ridge, that the Town Board approves a Resolution Making Certain Findings and Conclusions concerning the Harmony Ridge Annexation to the Town of Windsor, Colorado. Please see the enclosed Resolution No. 2014-66.

Conformance with Comprehensive Plan: The proposed use is consistent with the Annexation Goals and Policies of the Comprehensive Plan:

Goal: Ensure the logical extension of the Town boundaries so that Windsor may expand in a directed, logical and fiscally responsible manner.

Conformance with Vision 2025: The proposed application is consistent with the “Growth and Land Use Management” elements of the Vision 2025 document.

Recommendation: At their November 5, 2014 Regular Meeting, the Planning Commission forwarded a recommendation of approval of the Harmony Ridge Annexation to the Town Board, subject to the applicant completing the Annexation process with the Town, and staff concurs with this recommendation.

Notification: The following notifications were completed in accordance with the Municipal Code:

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

- September 29, 2014 – public hearing notice published on the Town website
- September 29, 2014 – staff submitted legal ad to the Paper to run for 4 consecutive weeks
 - October 3, 2014 – first week legal ad
 - October 10, 2014 – second week legal ad
 - October 17, 2014 – third week legal ad
 - October 24, 2014 – fourth week legal ad
- October 1, 2014 – large annexation sign posted on the property
- October 2, 2014 – applicant mailed letters to surrounding property owners
- October 10, 2014 – staff mailed Certified Packets to relevant taxing districts

Enclosures: Ordinance No. 2014-1486
Resolution No. 2014-66
Annexation Petition
Annexation Plat
Neighborhood meeting notes from June 19, 2014
Draft Minutes from the November 5, 2014 Planning Commission Public Hearing
Staff PowerPoint

pc: HR Exchange LLC, applicant
Jeff Mark, The Landhuis Company, applicant’s representative

TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 2014-1486

AN ORDINANCE ANNEXING CERTAIN TERRITORY KNOWN AS THE “HARMONY RIDGE ANNEXATION” TO THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority attendant thereto; and

WHEREAS, pursuant to the Municipal Annexation Act of 1965 and the *Windsor Municipal Code*, an annexation petition has been filed with the Town Clerk requesting the annexation of certain territory more particularly described herein; and

WHEREAS, the Town Board has found and concluded that the aforementioned annexation petition meets the requirements set forth in § 31-12-104 and § 31-12-105, C.R.S.; and

WHEREAS, pursuant to the requirements of law, public hearings on the aforementioned annexation petition were held before the Windsor Planning Commission on November 5, 2014, and before the Windsor Town Board on November 10, 2014; and

WHEREAS, a community of interest exists between the territory to be annexed and the Town; and

WHEREAS, not less than one-sixth of the perimeter of the area to be annexed is contiguous to the Town’s existing corporate limits; and

WHEREAS, the territory to be annexed is urban or will be urbanized in the near-future, and has been integrated or is capable of being integrated within the Town; and

WHEREAS, the Town Board finds that all requirements of the Municipal Annexation Act of 1965 have been complied with; and

WHEREAS, the petitioner has agreed to comply with all of the ordinances of the Town and to pay all fees set out in those ordinances in connection with this annexation.

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

Section 1. The territory to be annexed is located in the County of Weld, State of Colorado, and is precisely described in “Exhibit A” attached hereto and incorporated herein by this reference as if set forth fully.

Section 2. The property described in Exhibit A is hereby annexed to the Town of Windsor, and shall henceforth be referred to as the “Harmony Ridge Annexation to the Town of Windsor, Colorado”.

Section 3. The annexation of the aforesaid territory shall be deemed complete on the effective date of this Ordinance, except for the purposes of general property taxes pursuant to § 31-12-113, C.R.S.

Section 4. The territory to be annexed shall be zoned with a Residential Mixed Use-RMU zoning district classification, with such zoning classification thereafter being shown on the Official Annexation Map on file in the office of the Director of Planning for the Town.

Section 5. The Town’s Official Zoning District Map shall be changed in accordance with this Ordinance and in accordance with the zoning classification assigned to the subject property following the effective date of this annexation on said Official Annexation Map, and entries shall be made thereon noting the annexation of the aforementioned territory. Such entries, together with a brief description of the nature of the change, shall be signed by the Mayor, attested to by the Town Clerk, and properly filed with the Weld County Clerk and Recorder.

Section 6. The Annexor is directed to comply with the requirements of *Windsor Municipal Code* Section 15-1-60 within 30 days of the effective date of this Ordinance.

Introduced, passed on first reading, and ordered published this 10th day of November, 2014.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 24th day of November, 2014.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

EXHIBIT A
Harmony Ridge Annexation

Property Description



ANNEXATION PARCEL 1 AND ZONING AREA 1: RMU

A tract of land located in the Southwest Quarter of Section 31, Township 7 North, Range 67 West of the 6th Principal Meridian, County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 31 as bearing North 88°44'25" East and with all bearings contained herein relative thereto:

Commencing at the South Quarter corner of said Section 31; thence, along the East line of the Southwest Quarter of said Section 31, North 00°27'55" East, 30.01 feet to a point on the North right-of-way line of Weld County Road No. 74; thence, along said North right-of-way line, South 88°44'25" West, 931.19 feet to the **POINT OF BEGINNING**; thence, continuing along said North right-of-way line, South 88°44'25" West, 1160.54 feet to a point on the West line of Lot A, Recorded Exemption No. 0705-31-3-RE 612 on file at the Office of the Clerk and Recorder of Weld County; thence, along said West line and along the North and East lines of said Lot A by the following four (4) courses and distances, North 01°15'33" West, 169.71 feet; thence, North 21°45'27" East, 250.06 feet; thence, North 88°44'27" East, 1062.77 feet; thence, South 01°15'33" East, 399.85 feet to the Point of Beginning.

The above described tract of land contains 452,802 square feet or 10.395 acres more or less and is subject to all easements and rights-of-way now on record or existing.

Total perimeter of area to be annexed = 3,043 feet
One-sixth of total perimeter = 507 feet
Perimeter adjacent to existing town limits = 3,043 feet

ANNEXATION PARCEL 2 AND ZONING AREA 2: RMU

A tract of land being Weld County Right-of-Way located in the Northwest Quarter of Section 31 and the Southwest Quarter of Section 30, Township 7 North, Range 67 West of the 6th Principal Meridian, County of Weld, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of said Section 31 as bearing North 86°01'18" East and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of said Section 31; thence, along the North line of the Northwest Quarter of said Section 31, North 86°01'18" East, 30.12 feet to a point on the East right-of-way line of Weld County Road No. 13, said point being the **POINT OF BEGINNING**; thence, along said East right-of-way line, North 00°16'31" West, 30.06 feet to a point on the

North right-of-way line of Weld County Road No. 76; thence, along said North right-of-way line, North 86°01'18" East, 2369.86 feet to a point on the East line of the Southwest Quarter of Section 30; thence, along said East line, South 00°27'38" West, 30.09 feet to the North Quarter corner of said Section 31; thence, along the East line of the Northwest Quarter of said Section 31, South 00°27'38" West, 30.09 feet to a point on the South right-of-way line of Weld County Road No. 76; thence, along said South line, South 86°01'18" West, 2369.08 feet to a point on the East right-of-way line of Weld County Road No. 13; thence, North 00°16'31" West, 30.06 feet to the Point of Beginning.

The above described tract of land contains 142,168 square feet or 3.263 acres more or less and is subject to all easements and rights-of-way now on record or existing.

Total perimeter of area to be annexed = 4,859 feet

One-sixth of total perimeter = 810 feet

Perimeter adjacent to existing town limits = 2,429 feet

ANNEXATION PARCEL 3

A tract of land located in the East Half of Section 31 and the West Half of Section 32, Township 7 North, Range 67 West, and in the Northwest Quarter of Section 5, Township 6 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 31 as bearing South 88°44'24" West and with all bearings contained herein relative thereto:

Commencing at the South Quarter corner of said Section 31; thence, along the North/South Centerline of said Section 31, North 00°27'55" East, 30.01 feet to the **POINT OF BEGINNING**; thence, continuing along said North/South Centerline, North 00°27'55" East, 2,668.68 feet to the Center Quarter Corner of said Section 31; thence, North 00°33'14" East, 120.64 feet to a point on the Southerly line of Alexander Estates Subdivision; thence along said Southerly line the following fourteen (14) courses and distances: South 79°01'12" East, 253.35 feet; thence, North 89°21'36" East, 150.94 feet; thence, North 69°53'38" East, 158.38 feet; thence, North 86°58'51" East, 160.29 feet; thence, North 76°14'54" East, 97.59 feet; thence, North 67°09'54" East, 157.66 feet; thence, North 85°31'34" East, 266.63 feet; thence, South 82°52'47" East, 137.47 feet; thence, South 79°57'10" East, 257.15 feet; thence, North 71°08'24" East, 105.69 feet; thence, North 55°30'38" East, 241.98 feet; thence, North 71°26'30" East, 209.16 feet; thence, North 53°44'56" East, 99.46 feet; thence, North 42°59'28" East, 309.14 feet to a point on the West right-of-way line of Weld County Road 15; thence along said West line, North 00°37'58" West, 614.67 feet; thence, North 89°43'32" West, 20.00 feet; thence, North 00°37'58" West, 1494.07 feet; thence, departing said West right-of-way line, North 86°01'08" East, 50.09 feet to a point on the East line of Section 31; thence along said East line, South



00°37'58" East, 1327.31 feet; thence, North 89°52'35" East, 30.00 feet to a point on the East right-of-way line of Weld County Road No. 15; thence along said East right-of-way line by the following nine (9) courses and distances: South 00°37'58" East, 1376.71 feet; thence, South 00°38'14" East, 2411.09 feet; thence North 89°24'09" East, 20.31 feet; thence, South 00°35'51" East, 83.32 feet; thence, South 12°26'06" East, 165.13 feet; thence, South 06°11'38" East, 149.47 feet; thence, South 21°04'39" West, 124.61 feet; thence, South 01°27'21" East, 480.86 feet; thence, South 00°18'45" East, 695.64 feet; thence, South 89°41'15" West, 6.08 feet to a point on the East line of Harmony Third Annexation as described in Ordinance No. 2009-1346; thence along said East line, North 01°27'21" West, 1342.42 feet; thence, North 01°27'07" West, 99.90 feet to a point on the North right-of-way line of Weld County Road No. 74; thence along said North right-of-way line the following six (6) courses and distances: South 88°44'24" West, 166.23 feet; thence, South 83°55'32" West, 483.65 feet; thence, South 85°59'28" West, 258.73 feet; thence, South 88°44'24" West, 150.94 feet; South 20°05'03" East, 17.96 feet; thence, South 88°44'24" West, 1460.65 feet to the Point of Beginning.

The above described tract of land contains 7,297,071 square feet or 167.518 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

Total perimeter of area to be annexed = 18,424 feet
One-sixth of total perimeter = 3,071 feet
Perimeter adjacent to existing town limits = 11,417 feet

ZONING AREA 3: RMU

A tract of land located in the East Half of Section 31 and the West Half of Section 32, Township 7 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 31 as bearing South 88°44'24" West and with all bearings contained herein relative thereto:

Commencing at the South Quarter corner of said Section 31; thence, along the North/South Centerline of said Section 31, North 00°27'55" East, 30.01 feet to the **POINT OF BEGINNING**; thence, continuing along said North/South Centerline, North 00°27'55" East, 2,668.68 feet to the Center Quarter Corner of said Section 31; thence, North 00°33'14" East, 120.64 feet to a point on the Southerly line of Alexander Estates Subdivision; thence along said Southerly line the following fourteen (14) courses and distances: South 79°01'12" East, 253.35 feet; thence, North 89°21'36" East, 150.94 feet; thence, North 69°53'38" East, 158.38 feet; thence, North 86°58'51" East, 160.29 feet; thence, North 76°14'54" East, 97.59 feet; thence, North 67°09'54" East, 157.66 feet; thence, North 85°31'34" East, 266.63 feet; thence, South 82°52'47" East, 137.47 feet; thence, South 79°57'10" East, 257.15 feet; thence, North 71°08'24" East, 105.69 feet; thence, North 55°30'38" East, 241.98 feet; thence, North 71°26'30" East,

209.16 feet; thence, North 53°44'56" East, 99.46 feet; thence, North 42°59'28" East, 309.14 feet; thence, North 89°22'02" East, 60.00 feet to a point on the East right-of-way line of Weld County Road 15; thence along said East right-of-way line by the following six (6) courses and distances: South 00°37'58" East, 592.31 feet; thence, South 00°38'14" East, 2411.09 feet; thence, North 89°24'09" East, 20.31 feet; thence, South 00°35'51" East, 83.32 feet; thence, South 12°26'06" East, 165.13 feet to a point on the North right-of-way line of Weld County Road No. 74; thence along said North right-of-way line the following seven (7) courses and distances: North 89°21'44" West, 55.40 feet; thence, South 88°44'24" West, 166.23 feet; thence, South 83°55'32" West, 483.65 feet; thence, South 85°59'28" West, 258.73 feet; thence, South 88°44'24" West, 150.94 feet; South 20°05'03" East, 17.96 feet; thence, South 88°44'24" West, 1460.65 feet to the Point of Beginning.

The above described tract of land contains 7,147,375 square feet or 164.081 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

ZONING AREA 4: E-1

A tract of land located in the East Half of Section 31 and the West Half of Section 32, Township 7 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 31 as bearing South 00°37'58" East and with all bearings contained herein relative thereto:

Commencing at the Northeast Corner of said Section 31; thence along said East line, South 00°37'58" East, 50.09 feet to the **POINT OF BEGINNING**; thence along said East line, South 00°37'58" East, 1327.31 feet; thence, North 89°52'35" East, 30.00 feet to a point on the East right-of-way line of Weld County Road No. 15; thence along said East right-of-way line, South 00°37'58" East, 784.40 feet; thence, South 89°22'02" West, 60.00 feet to the West right-of-way line of Weld County Road 15, said point being the southeast corner of Lot 9, Alexander Estates Subdivision; thence along said West right-of-way line, North 00°37'58" West, 614.67 feet; thence, North 89°43'32" West, 20.00 feet; thence, North 00°37'58" West, 1494.07 feet; thence, departing said West right-of-way line, North 86°01'08" East, 50.09 feet to the Point of Beginning.

The above described tract of land contains 116,776 square feet or 2.681 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

ZONING AREA 5: GC

A tract of land located in the Southwest Quarter of Section 32, Township 7 North, Range 67 West, and the Northwest Quarter of Section 5, Township 6 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the West line of the Northwest Quarter of said Section 5 as bearing South 01°27'21" East and with all bearings contained herein relative thereto:

Commencing at the Southwest corner of Section 32, Township 7 North, Range 67 West; thence along the West line of said Section 32, North 00°38'14" East, 100.00 feet to a point on the North right-of-way line of Weld County Road 74; thence along said right-of-way line, North 88°44'24" East, 28.63 feet to the **POINT OF BEGINNING**; thence, South 89°21'44" East, 55.40 feet; thence, South 06°11'38" East, 149.47 feet; thence, South 21°04'39" West, 124.61 feet; thence, South 01°27'21" East, 480.86 feet; thence, South 00°18'45" East, 258.29 feet; thence, South 89°21'02" West, 14.81 feet to a point on the East line of Harmony Third Annexation; thence along said line, North 01°27'21" West, 905.07 feet; thence, North 01°27'07" West, 99.90 feet to the Point of Beginning.

The above described tract of land contains 28,353 square feet or 0.651 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

ZONING AREA 6: RMU

A tract of land located in the Northwest Quarter of Section 5, Township 6 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the West line of the Northwest Quarter of said Section 5 as bearing South 01°27'21" East and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of Section 5, Township 6 North, Range 67 West; thence along the West line of said Section 5, South 01°27'21" East, 904.65 feet; thence departing said line, North 89°21'02" East, 30.05 feet to the **POINT OF BEGINNING**; thence, North 89°21'02" East, 14.81 feet; thence, South 00°18'45" East, 437.35 feet; thence, South 89°41'15" West, 6.08 feet; thence, North 01°27'21" West, 437.35 feet to the Point of Beginning.

The above described tract of land contains 4567 square feet or 0.105 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

TOWN OF WINDSOR

RESOLUTION NO. 2014-66

A RESOLUTION MAKING CERTAIN FINDINGS AND CONCLUSIONS PURSUANT TO SECTION 31-12-110 C.R.S., CONCERNING THE HARMONY RIDGE ANNEXATION TO THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town Clerk has received a petition seeking annexation of certain real property proposed as the “Harmony Ridge Annexation”; and

WHEREAS, pursuant to The Municipal Annexation Act of 1965, the Town Board has previously made certain findings of fact as to whether or not the aforesaid petition is in substantial compliance with the requirements of said Act; and

WHEREAS, on November 10, 2014, the Town Board conducted a public hearing in compliance with Section 13-12-109, C.R.S.; and

WHEREAS, having concluded the public hearing required by Section 13-12-109, C.R.S., the Town Board is prepared to make findings of fact and conclusions with respect to the matters set forth in Section 31-12-110 (1) and (2), C.R.S.

NOW, THEREFORE, IT IS FOUND AND RESOLVED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. The filing of the petition satisfies Section 30 of Article II of the Colorado Constitution is not required.
2. The eligibility requirements for annexation set forth in Section 31-12-104, C.R.S., have been satisfied.
3. The limitations set forth in Section 13-12-105, C.R.S., have been satisfied.
4. The filing of the petition renders unnecessary an election pursuant to the requirements of Section 30(1)(a) of Article II of the Colorado Constitution.
5. No elector petition pursuant to Section 31-12-107 (2), C.R.S., is required.
6. To the extent that additional conditions are necessary or advisable, such conditions shall be set forth in an annexation agreement between the Town and the petition signatories.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 10th day of November, 2014.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

ANNEXATION PETITION

Annexation Parcel 1 and Zoning Area 1 : RMU – Residential Mixed Use

(I, We) the landowner(s) of more than 50% of the territory, excluding public streets and alleys, described as:

A tract of land located in the Southwest Quarter of Section 31, Township 7 North, Range 67 West of the 6th Principal Meridian, County of Weld, State of Colorado being more particularly described as follows: Considering the South line of the Southwest Quarter of said Section 31 as bearing North 88°44'25" East and with all bearings contained herein relative thereto: Commencing at the South Quarter corner of said Section 31; thence, along the East line of the Southwest Quarter of said Section 31, North 00°27'55" East, 30.01 feet to a point on the North right-of-way line of Weld County Road No. 74; thence, along said North right-of-way line, South 88°44'25" West, 931.19 feet to the POINT OF BEGINNING; thence, continuing along said North right-of-way line, South 88°44'25" West, 1160.54 feet to a point on the West line of Lot A, Recorded Exemption No. 0705-31-3-RE 612 on file at the Office of the Clerk and Recorder of Weld County; thence, along said West line and along the North and East lines of said Lot A by the following four (4) courses and distances, North 01°15'33" West, 169.71 feet; thence, North 21°45'27" East, 250.06 feet; thence, North 88°44'27" East, 1062.77 feet; thence, South 01°15'33" East, 399.85 feet to the Point of Beginning.

containing 10.395 acres more or less, allege the following to be true and correct:

The perimeter of the proposed annexation has a distance of 3,043 feet, of which 3,043 feet are contiguous to the existing TOWN limits of the TOWN OF WINDSOR. A minimum of 1/6 of the perimeter of the proposed annexation is contiguous to the TOWN OF WINDSOR.

Annexation Parcel 2

(I, We) the landowner(s) of more than 50% of the territory, excluding public streets and alleys, described as:

A tract of land being Weld County Right-of-Way located in the Northwest Quarter of Section 31 and the Southwest Quarter of Section 30, Township 7 North, Range 67 West of the 6th Principal Meridian, County of Weld, State of Colorado being more particularly described as follows: Considering the North line of the Northwest Quarter of said Section 31 as bearing North 86°01'18" East and with all bearings contained herein relative thereto: Commencing at the Northwest corner of said Section 31; thence, along the North line of the Northwest Quarter of said Section 31, North 86°01'18" East, 30.12 feet to a point on the East right-of-way line of Weld County Road No. 13, said point being the POINT OF BEGINNING; thence, along said East right-of-way line, North 00°16'31" West, 30.06 feet to a point on the North right-of-way line of Weld County Road No. 76; thence, along said North right-of-way line, North 86°01'18" East, 2369.86 feet to a point on the East line of the Southwest Quarter of Section 30; thence, along said East line, South 00°27'38" West, 30.09 feet to the North Quarter corner of said Section 31; thence, along the East line of the Northwest Quarter of said Section 31, South 00°27'38" West, 30.09 feet to a point on the South right-of-way line of Weld County Road No. 76; thence, along said South line, South 86°01'18" West, 2369.08 feet to a point on the East right-of-way line of Weld County Road No. 13; thence, North 00°16'31" West, 30.06 feet to the Point of Beginning.

containing 3.263 acres more or less, allege the following to be true and correct:

The perimeter of the proposed annexation has a distance of 4,859 feet, of which 2,429 feet are contiguous to the existing TOWN limits of the TOWN OF WINDSOR. A minimum of 1/6 of the perimeter of the proposed annexation is contiguous to the TOWN OF WINDSOR.

Annexation Parcel 3:

(I, We) the landowner(s) of more than 50% of the territory, excluding public streets and alleys, described as:

A tract of land located in the East Half of Section 31 and the West Half of Section 32, Township 7 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows: Considering the South line of the Southeast Quarter of said Section 31 as bearing South 88°44'24" West and with all bearings contained herein relative thereto: Commencing at the South Quarter corner of said Section 31; thence, along the North/South Centerline of said Section 31, North 00°27'55" East, 30.01 feet to the POINT OF BEGINNING; thence, continuing along said North/South Centerline, North 00°27'55" East, 2,668.54 feet to the Center Quarter Corner of said Section 31; thence, along the East/West Centerline of said Section 31, North 87°23'08" East, 1,217.04 feet to the East line of the West Half of the Southeast Quarter of said Section 31; thence along said East line, North 00°04'50" West, 186.62 feet to a point on the Southerly line of Alexander Estates Subdivision; thence along said Southerly line the following six (6) courses and distances: South 82°52'47" East, 137.47 feet; thence, South 79°57'10" East, 257.15 feet; thence, North 71°08'24" East, 105.69 feet; thence, North 55°30'38" East, 241.98 feet; thence, North 71°26'30" East, 209.16 feet; thence, North 53°44'56" East, 99.46 feet; thence, North 42°59'28" East, 309.14 feet; thence, North 89°22'02" East, 60.00 feet to a point on the East right-of-way line of Weld County Road No. 15; thence, along said East right-of-way by the following five (5) courses and distances: South 00°37'58" East, 592.31 feet; thence, South 00°38'14" East, 2411.09 feet; thence North 89°24'09" East, 20.31 feet; thence, South 00°35'51" East, 83.32 feet; thence, South 12°27'51" East, 165.26 feet to a point on the North right-of-way line of Weld County Road No. 74; thence, along said North right-of-way line the following seven (7) courses and distances, North 89°03'42" West, 54.14 feet; thence South 88°44'24" West, 167.64 feet; thence, South 83°55'32" West, 483.65 feet; thence, South 85°59'28" West, 258.73 feet; thence, South 88°44'24" West, 150.94 feet; South 20°05'03" East, 17.96 feet; thence, South 88°44'24" West, 1460.62 feet to the Point of Beginning.

containing 160.834 acres more or less, allege the following to be true and correct:

The perimeter of the proposed annexation has a distance of 11,358 feet, of which 6,622 feet are contiguous to the existing TOWN limits of the TOWN OF WINDSOR. A minimum of 1/6 of the perimeter of the proposed annexation is contiguous to the TOWN OF WINDSOR.

We further allege:

1. It is desirable and necessary that said territory be annexed to the TOWN OF WINDSOR.
2. A community of interest exists between the said territory and the TOWN OF WINDSOR.
3. Said territory is urban or will be urbanized in the near future.
4. Said territory is integrated or capable of being integrated with the TOWN OF WINDSOR.
5. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.
6. No land in identical ownership comprises 20 acres and together with improvements had an assessed valuation in excess of \$200,000 in the year preceding the filing of this Petition.
7. No proceedings for annexation of the territory have been commenced for annexation to another municipality.
8. The singers hereof comprise the landowners of more than 50% of the territory proposed to be annexed exclusive of streets and alleys, and are in fact owners of 100% of the hereinafter described property.

Therefore, the undersigned hereby request that the TOWN OF WINDSOR approve the annexation of the area described above and do herewith pay the required fees.

In addition to the annexation, the undersigned request the zoning of RMU and GC for the above described property.

Date

10/17/13

Owners Signature



Mailing Address

212 N. Wabatch Ave., Suite 301
Colorado Springs, CO 80903

HARMONY RIDGE ANNEXATION

TRACTS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, SECTION 31 AND THE WEST HALF OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 67 WEST, AND IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M., COUNTY OF WELD, STATE OF COLORADO

DESCRIPTION

ANNEXATION PARCEL 1 AND ZONING AREA 1: RMU

A tract of land located in the Southwest Quarter of Section 31, Township 7 North, Range 67 West of the 6th Principal Meridian, County of Weld, State of Colorado being more particularly described as follows:

Considering the South line of the Southwest Quarter of said Section 31 as bearing North 88°44'25" East and with all bearings contained herein relative thereto:

Commencing at the South Quarter corner of said Section 31, thence, along the East line of the Southwest Quarter of said Section 31, North 00°27'55" East, 30.01 feet to a point on the East right-of-way line of Weld County Road No. 74, thence, along said North right-of-way line, South 88°44'25" West, 931.19 feet to the **POINT OF BEGINNING**, thence, continuing along said North right-of-way line, South 88°44'25" West, 1160.54 feet to a point on the West line of Lot A, Recorded Exemption No. 0705-31-B&E-612 of file at the Office of the Clerk and Recorder of Weld County; thence, along said West line and along the North and East lines of Lot A by the following front (4) courses and distances: North 01°15'33" West, 169.71 feet; thence, North 21°42'27" East, 250.06 feet; thence, North 88°44'27" East, 1062.77 feet; thence, South 01°15'33" West, 399.85 feet to the Point of Beginning.

The above described tract of land contains 452,802 square feet or 10,395 acres more or less and is subject to all easements and rights-of-way now on record or existing.

Total perimeter of area to be annexed = 3,043 feet
One-sixth of total perimeter = 507 feet
Perimeter adjacent to existing town limits = 1,043 feet

ANNEXATION PARCEL 2 AND ZONING AREA 2: RMU

A tract of land being Weld County Right-of-Way located in the Northwest Quarter of Section 31 and the Southwest Quarter of Section 30, Township 7 North, Range 67 West of the 6th Principal Meridian, County of Weld, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of said Section 31 as bearing North 86°01'18" East and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of said Section 31, thence, along the North line of the Northwest Quarter of said Section 31, North 86°01'18" East, 30.06 feet to a point on the East right-of-way line of Weld County Road No. 13, said point being the **POINT OF BEGINNING**; thence, along said East right-of-way line, North 00°16'31" West, 30.06 feet to a point on the North right-of-way line of Weld County Road No. 76, thence, along said North right-of-way line, North 86°01'18" East, 2369.86 feet to a point on the East line of the Southwest Quarter of Section 30, thence, along said East line, South 00°27'38" West, 30.09 feet to the North Quarter corner of said Section 31; thence, along the East line of the Southwest Quarter of said Section 31, South 00°27'38" West, 149.09 feet to a point on the South right-of-way line of Weld County Road No. 76; thence, along said South right-of-way line, South 86°01'18" West, 2369.08 feet to a point on the East right-of-way line of Weld County Road No. 13; thence, North 00°16'31" West, 30.06 feet to the Point of Beginning.

The above described tract of land contains 142,168 square feet or 3.263 acres more or less and is subject to all easements and rights-of-way now on record or existing.

Total perimeter of area to be annexed = 4,859 feet
One-sixth of total perimeter = 810 feet
Perimeter adjacent to existing town limits = 2,429 feet

ANNEXATION PARCEL 3

A tract of land located in the East Half of Section 31 and the West Half of Section 32, Township 7 North, Range 67 West, and in the Northwest Quarter of Section 5, Township 6 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 31 as bearing South 88°44'24" West and with all bearings contained herein relative thereto:

Commencing at the South Quarter corner of said Section 31, thence, along the North-South Centerline of said Section 31, North 00°27'55" East, 30.01 feet to the **POINT OF BEGINNING**; thence, continuing along said North-South Centerline, North 00°27'55" East, 2,668.68 feet to the Center Quarter Corner of said Section 31; thence, North 00°33'14" East, 120.64 feet to a point on the Southerly line of Alexander Estates Subdivision; thence, along said Southerly line, the following fourteen (14) courses and distances: South 79°01'12" East, 253.35 feet; thence, North 89°21'36" East, 150.94 feet; thence, North 69°53'38" East, 158.38 feet; thence, North 86°58'51" East, 160.29 feet; thence, North 76°14'54" East, 97.59 feet; thence, North 67°09'54" East, 157.66 feet; thence, North 88°13'14" East, 266.63 feet; thence, South 82°52'47" East, 137.47 feet; thence, South 79°37'10" East, 257.15 feet; thence, North 71°08'24" East, 105.69 feet; thence, North 55°10'38" East, 241.98 feet; thence, North 71°29'00" East, 209.16 feet; thence, North 53°44'56" East, 99.46 feet; thence, North 42°59'28" East, 309.14 feet to a point on the West right-of-way line of Weld County Road 15; thence, along said West line, North 00°37'38" West, 614.67 feet; thence, North 89°42'32" East, 20.00 feet; thence, North 00°37'38" East, 1494.07 feet; thence, departing said West right-of-way line, North 86°01'18" East, 50.09 feet to a point on the East line of Section 31; thence, along said East line, South 00°37'38" East, 1327.31 feet; thence, North 89°25'23" East, 30.00 feet to a point on the East right-of-way line of Weld County Road No. 15; thence, along said East right-of-way line by the following nine (9) courses and distances: South 00°37'38" East, 1376.71 feet; thence, South 00°38'14" East, 2411.09 feet; thence, North 89°40'49" East, 20.31 feet; thence, South 00°35'51" East, 83.32 feet; thence, South 12°20'06" East, 165.13 feet; thence, South 00°11'33" East, 1494.87 feet; thence, North 21°04'39" West, 124.61 feet; thence, South 01°27'21" East, 480.86 feet; thence, South 00°18'45" East, 695.64 feet; thence, South 89°41'18" West, 6.08 feet to a point on the East line of Harmony Third Annexation as described in Ordinance No. 2009-1346, thence, along said East line, North 01°27'21" West, 1342.42 feet; thence, North 01°27'07" West, 99.90 feet to a point on the North right-of-way line of said Section 31, thence, along said North right-of-way line, the following six (6) courses and distances: South 88°44'24" West, 166.23 feet; thence, South 83°55'32" West, 483.65 feet; thence, South 85°59'28" West, 258.73 feet; thence, South 88°44'24" West, 150.94 feet; thence, South 20°09'30" East, 17.96 feet; thence, South 88°44'24" West, 1460.65 feet to the Point of Beginning.

The above described tract of land contains 7,297,071 square feet or 167.518 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

Total perimeter of area to be annexed = 18,424 feet
One-sixth of total perimeter = 3,071 feet
Perimeter adjacent to existing town limits = 11,417 feet

ZONING AREA 3: RMU

A tract of land located in the East Half of Section 31 and the West Half of Section 32, Township 7 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 31 as bearing South 88°44'24" West and with all bearings contained herein relative thereto:

Commencing at the South Quarter corner of said Section 31, thence, along the North-South Centerline of said Section 31, North 00°27'55" East, 30.01 feet to the **POINT OF BEGINNING**; thence, continuing along said North-South Centerline, North 00°27'55" East, 2,668.68 feet to the Center Quarter Corner of said Section 31; thence, North 00°33'14" East, 120.64 feet to a point on the Southerly line of Alexander Estates Subdivision; thence, along said Southerly line, the following fourteen (14) courses and distances: South 79°01'12" East, 253.35 feet; thence, North 89°21'36" East, 150.94 feet; thence, North 69°53'38" East, 158.38 feet; thence, North 86°58'51" East, 160.29 feet; thence, North 76°14'54" East, 97.59 feet; thence, North 67°09'54" East, 157.66 feet; thence, North 88°13'14" East, 266.63 feet; thence, South 82°52'47" East, 137.47 feet; thence, South 79°37'10" East, 257.15 feet; thence, North 71°08'24" East, 105.69 feet; thence, North 55°10'38" East, 241.98 feet; thence, North 71°29'00" East, 209.16 feet; thence, North 53°44'56" East, 99.46 feet; thence, North 42°59'28" East, 309.14 feet to a point on the West right-of-way line of Weld County Road 15; thence, along said West line, North 00°37'38" West, 614.67 feet; thence, North 89°42'32" East, 20.00 feet to a point on the East right-of-way line of Weld County Road No. 15; thence, along said East right-of-way line by the following six (6) courses and distances: South 00°37'38" East, 1327.31 feet; thence, North 89°25'23" East, 30.00 feet to a point on the East right-of-way line of the following six (6) courses and distances: South 00°37'38" East, 1376.71 feet; thence, South 00°38'14" East, 2411.09 feet; thence, North 89°40'49" East, 20.31 feet; thence, South 00°35'51" East, 83.32 feet; thence, South 12°20'06" East, 165.13 feet; thence, South 00°11'33" East, 1494.87 feet; thence, North 21°04'39" West, 124.61 feet; thence, South 01°27'21" East, 480.86 feet; thence, South 00°18'45" East, 695.64 feet; thence, South 89°41'18" West, 6.08 feet to a point on the East line of Harmony Third Annexation as described in Ordinance No. 2009-1346, thence, along said East line, North 01°27'21" West, 1342.42 feet; thence, North 01°27'07" West, 99.90 feet to a point on the North right-of-way line of said Section 31, thence, along said North right-of-way line, the following six (6) courses and distances: South 88°44'24" West, 166.23 feet; thence, South 83°55'32" West, 483.65 feet; thence, South 85°59'28" West, 258.73 feet; thence, South 88°44'24" West, 150.94 feet; thence, South 20°09'30" East, 17.96 feet; thence, South 88°44'24" West, 1460.65 feet to the Point of Beginning.

The above described tract of land contains 7,147,375 square feet or 164.081 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

ZONING AREA 4: E-I

A tract of land located in the East Half of Section 31 and the West Half of Section 32, Township 7 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 31 as bearing South 00°37'38" East and with all bearings contained herein relative thereto:

Commencing at the Northeast Corner of said Section 31; thence, along said East line, South 00°37'38" East, 50.09 feet to the **POINT OF BEGINNING**; thence, along said East line, South 00°37'38" East, 1327.31 feet; thence, North 89°25'23" East, 30.00 feet to a point on the East right-of-way line of Weld County Road No. 15; thence, along said East right-of-way line, South 00°37'38" East, 784.40 feet; thence, South 89°22'02" West, 60.00 feet to the West right-of-way line of Weld County Road 15, said point being the southeast corner of Lot A, Alexander Estates Subdivision; thence, along said West right-of-way line, North 00°37'38" East, 614.67 feet; thence, North 89°43'22" West, 20.00 feet; thence, North 00°37'38" West, 1494.07 feet; thence, departing said West right-of-way line, North 86°01'18" East, 50.09 feet to the Point of Beginning.

The above described tract of land contains 116,776 square feet or 2.681 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

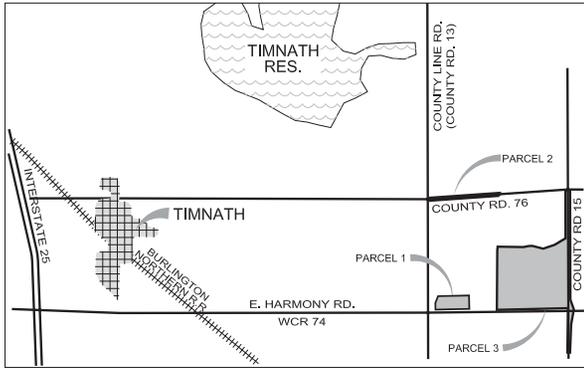
ZONING AREA 5: GC

A tract of land located in the Southwest Quarter of Section 32, Township 7 North, Range 67 West, and the Northwest Quarter of Section 5, Township 6 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the West line of the Northwest Quarter of said Section 5 as bearing South 01°27'21" East and with all bearings contained herein relative thereto:

Commencing at the Southwest corner of Section 32, Township 7 North, Range 67 West, thence along the West line of said Section 32, North 00°38'14" East, 100.00 feet to a point on the North right-of-way line of Weld County Road 74, thence, along said right-of-way line, North 88°44'24" East, 28.63 feet to the **POINT OF BEGINNING**; thence, South 89°31'40" East, 25.40 feet; thence, South 00°11'33" East, 149.47 feet; thence, South 21°08'07" West, 124.61 feet; thence, South 01°27'21" East, 480.86 feet; thence, South 00°18'45" East, 258.29 feet; thence, South 89°21'02" West, 14.81 feet to a point on the East line of Harmony Third Annexation; thence, along said line, North 01°27'21" West, 985.07 feet; thence, North 01°27'07" West, 99.90 feet to the Point of Beginning.

The above described tract of land contains 28,353 square feet or 0.651 acres, more or less and is subject to all easements and rights-of-way now on record or existing.



SURVEYOR
GERALD D. GILLIAND, PLS
NORTHERN ENGINEERING SERVICES, INC.
200 S. COLLEGE AVE., SUITE 10
FORT COLLINS, CO 80524
(970) 221-4358

OWNER
H.R. EXCHANGE, LLC
LAUNDUS COMPANY
212 N. WASHINGTON AVENUE, SUITE 301
COLORADO SPRINGS, CO 80903
719-635-3200
719-635-3244 FAX

OWNER
ROTH, ALBERT E., HARVEY A.
6911 RODNEY STREET
WINDSOR, CO 80550

VICINITY MAP
1" = 2000'

ZONING AREA 6: RMU

A tract of land located in the Northwest Quarter of Section 5, Township 6 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado, and being more particularly described as follows:

Considering the West line of the Northwest Quarter of said Section 5 as bearing South 01°27'21" East and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of Section 5, Township 6 North, Range 67 West, thence along the West line of said Section 5, South 01°27'21" East, 904.65 feet; thence departing said line, North 89°21'02" East, 30.05 feet to the **POINT OF BEGINNING**; thence, North 89°21'02" East, 14.81 feet; thence, South 00°18'45" East, 473.25 feet; thence, South 89°41'15" West, 6.08 feet; thence, North 01°27'21" West, 437.35 feet to the Point of Beginning.

The above described tract of land contains 4567 square feet or 0.105 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

Know all men by these presents that the undersigned, being all the owners, lienholders, and holders of any ownership interest as defined by the Town of Windsor, of the land described herein, have caused such land to be annexed and master planned as indicated on this plat under the name of HARMONY RIDGE ANNEXATION. In compliance with Town of Windsor regulations and by contractual agreement, the landowners shall bear all expenses involved in improvements.

In witness whereof, we have hereunto set our hands and seals this ____ day of _____, 20__.

Owner: H.R. Exchange, LLC

NOTARIAL CERTIFICATE (To be used in conjunction with all owner's signatures)

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me by (owner name), this ____ day of _____, 20__.

My commission expires: _____

Notary Public

ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

Know all men by these presents that the undersigned, being all the owners, lienholders, and holders of any ownership interest as defined by the Town of Windsor, of the land described herein, have caused such land to be annexed and master planned as indicated on this plat under the name of HARMONY RIDGE ANNEXATION. In compliance with Town of Windsor regulations and by contractual agreement, the landowners shall bear all expenses involved in improvements.

In witness whereof, we have hereunto set our hands and seals this ____ day of _____, 20__.

Owner: Albert E. Roth

Owner: Harvey A. Roth

NOTARIAL CERTIFICATE (To be used in conjunction with all owner's signatures)

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me by (owner name), this ____ day of _____, 20__.

My commission expires: _____

Notary Public

SURVEYOR'S CERTIFICATION

I certify that this plat accurately represents the results of a survey made by me or under my direct supervision.

Gerald D. Gilliland
I.S. Colorado Reg. No. 14823

NOTICE:

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of certificate shown herein.

ENGINEERING DEPARTMENT APPROVAL

Approved this ____ day of _____, 20__.

Director of Engineering

PLANNING COMMISSION APPROVAL

Approved this ____ day of _____, 20__.

Chairman,
Windsor Planning Commission

PLANNING DEPARTMENT APPROVAL

Approved this ____ day of _____, 20__.

Director of Planning

MAYOR'S CERTIFICATE

This is to certify that an annexation map of the property described herein was approved by Ordinance No. ____ of the Town of Windsor passed and adopted on the ____ day of _____, 20__ A.D. and that the Mayor of the Town of Windsor, as authorized by said ordinance, on behalf of the Town of Windsor, hereby acknowledges and adopts the said annexation map upon which this certificate is endorsed for all purposes indicated therein.

_____, ATTEST: _____
Mayor Town Clerk

TOWN MANAGER'S APPROVAL

Approved this ____ day of _____, 20__.

Town Manager

PUBLIC WORKS DEPARTMENT APPROVAL

Approved this ____ day of _____, 20__.

Director of Public Works

NOTICE OF OTHER DOCUMENTS

All parties take notice that certain documents have been submitted pertaining to this development, which create certain rights and obligations of the development, the developer and/or subsequent owners of all or portions of the development site, many of which obligations constitute promises and covenants that run with the land. These documents are of record and are on file with the director of planning of the Town of Windsor and should be closely examined by all persons interested in purchasing any portion of the development site.

NOTES

- Bearings are based on the assumption that the South line of the Southeast Quarter of Section 31 bears South 88°44'24" West between monuments shown and described herein.
- The monument land is contiguous to the Town of Windsor and meets the requirements set forth in Colorado Revised Statutes 1973, 31-2-104(1)(a) that one-sixth or more of the perimeter to be annexed is contiguous with annexing municipality.
- Annexation Parcel 1 description is based on the written description of Windsor North Annexation Map. The drawing on Sheet 5 of Windsor North Annexation is in discrepancy with written description.
- Annexation Parcel 3 description includes a portion of Weld County Road No. 15 right-of-way lying South of Weld County Road No. 74. This area was shown on Harmony Third Annexation Map to be annexed, but was omitted in Ordinance No. 2009-1346 description.
- Additional right-of-way shown to be dedicated with subdivision plat. No right-of-way will be dedicated with the Harmony Ridge Annexation.

By:	Date:

Revised:

SECTION 30, 31 & 32
TOWNSHIP 7N
RANGE 67W of the 6th PM

NORTHERN ENGINEERING
101 South Lincoln Street, Suite 100
Fort Collins, Colorado 80526
Phone: (970) 221-4358
Fax: (970) 221-4358
www.northernengineering.com

NE
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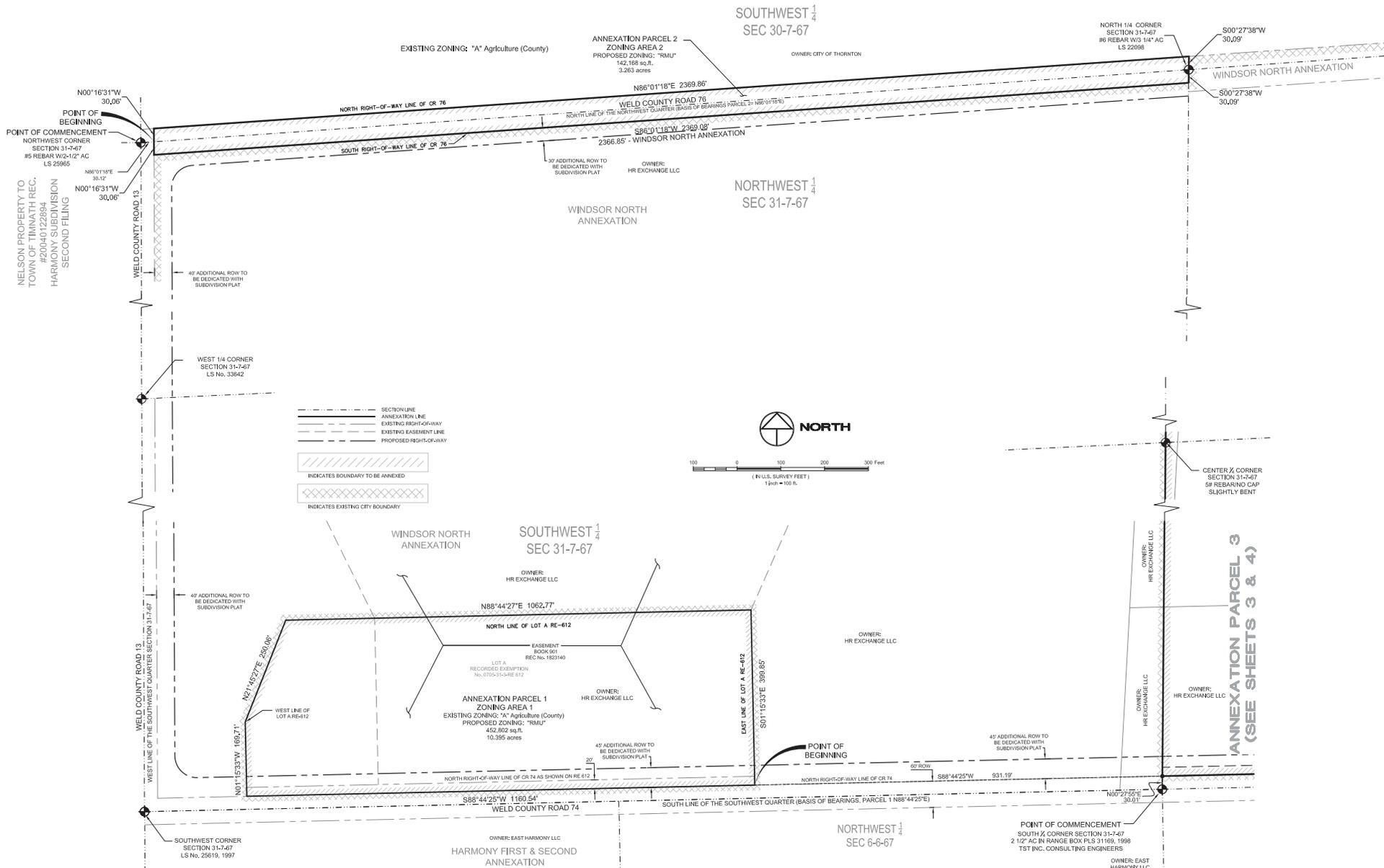
DATE: 06/27/14
SCALE: N.A.
PROJECT: 991-001
CLIENT: Landmark
DRAWN BY: G. Gilliland
CHECKED BY: G. Gilliland

**HARMONY RIDGE ANNEXATION
LOCATED IN SECTIONS 30, 31 & 32, T7N, R67 W,
& SECTION 5, T6N, R67 W,
WELD COUNTY, COLORADO**

Sheet
1
Of 5 Sheets

HARMONY RIDGE ANNEXATION

TRACTS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, SECTION 31 AND THE WEST HALF OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 67 WEST, AND IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M., COUNTY OF WELD, STATE OF COLORADO



- SECTION LINE
 - - - ANNEXATION LINE
 - - - EXISTING RIGHT-OF-WAY
 - - - EXISTING EASEMENT LINE
 - - - PROPOSED RIGHT-OF-WAY
- [Hatched Box] INDICATES BOUNDARY TO BE ANNEXED
 - [Cross-hatched Box] INDICATES EXISTING CITY BOUNDARY

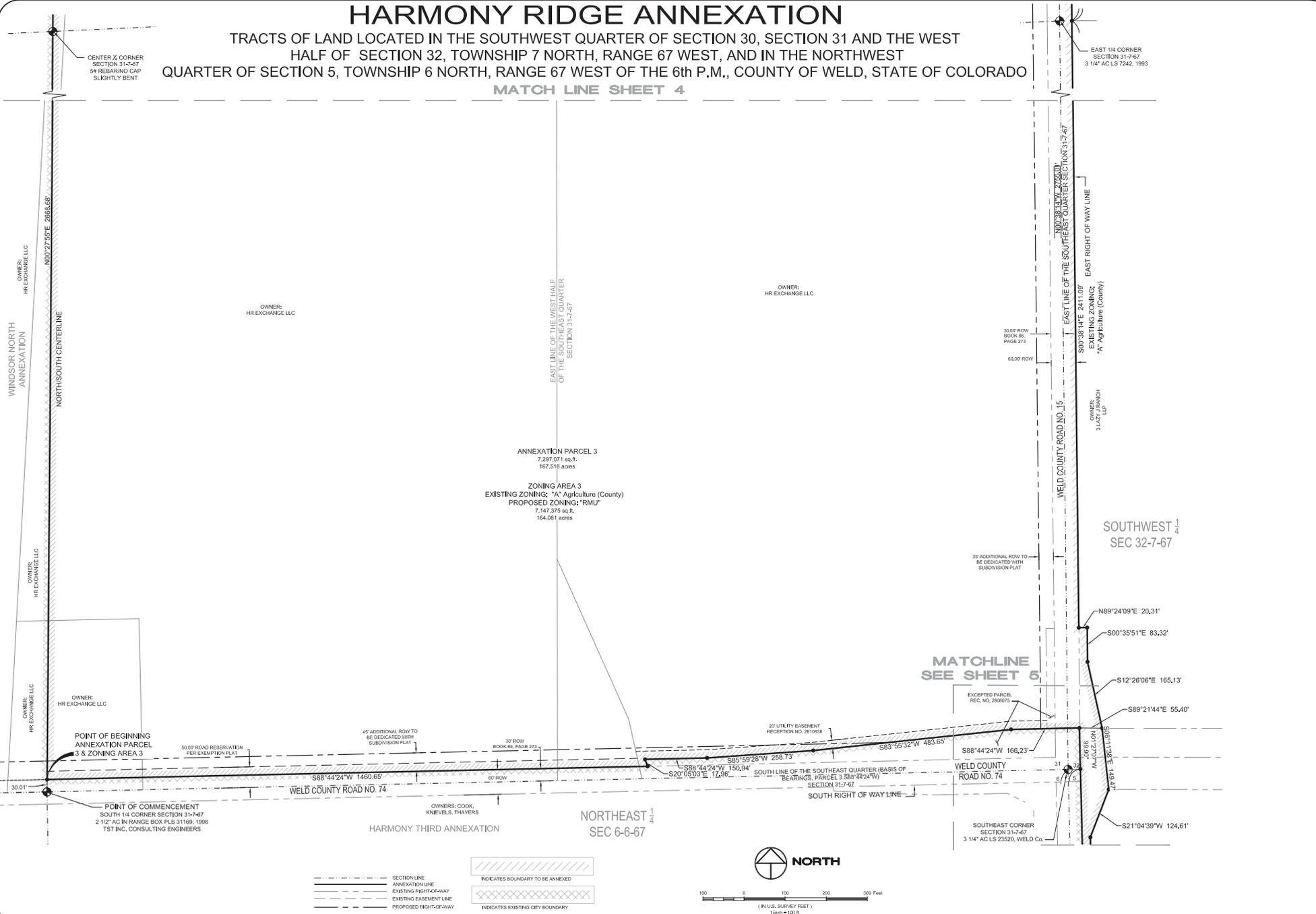


DATE: 09/27/14	SCALE: 1"=100'	REVIEWED BY: G. Gilliland	BY:																				
PROJECT: 911-001	CLIENT: Lomaha	DRAWN BY: M. Kocourek	REVISIONS:																				
<p style="text-align: center;">N</p> <p style="text-align: center;">NORTHERN ENGINEERING</p> <p style="text-align: center;">PHOTO: MICHAEL J. FINE INFO: MICHAEL@NE.COM 1000 South Main Street, Suite 100 www.northerneng.com Fort Collins, Colorado 80521</p>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td></tr> </table>																				
<p style="text-align: center;">SECTION: 30, 31 & 32</p> <p style="text-align: center;">TOWNSHIP: 7N</p> <p style="text-align: center;">RANGE: 67W</p> <p style="text-align: center;">City of the 6th PM</p>			<p style="text-align: center;">SECTION 30, 31 & 32</p> <p style="text-align: center;">TOWNSHIP 7N</p> <p style="text-align: center;">RANGE 67W</p> <p style="text-align: center;">City of the 6th PM</p>																				
<p>HARMONY RIDGE ANNEXATION</p> <p>LOCATED IN SECTIONS 30, 31 & 32, T7N, R67 W,</p> <p>& SECTION 5, T6N, R67 W</p> <p>WELD COUNTY, COLORADO</p>																							
<p>Sheet</p> <p style="font-size: 2em; font-weight: bold;">2</p> <p>Of 5 Sheets</p>																							

HARMONY RIDGE ANNEXATION

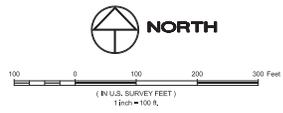
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MATCH LINE SHEET 4



- SECTION LINE
- ANNEXATION LINE
- EXISTING RIGHT-OF-WAY
- EXISTING EASEMENT LINE
- PROPOSED RIGHT-OF-WAY

- [Hatched Box] INDICATES BOUNDARY TO BE ANNEXED
- [Cross-hatched Box] INDICATES EXISTING CITY BOUNDARY



By:	
Date:	
Revisions:	

SECTION:	SAC. 31 & 32
TOWNSHIP:	7N
RANGE:	67 W of the 6th P.M.

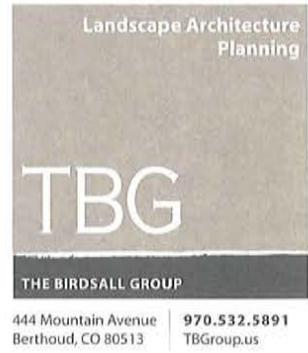
NORTHERN ENGINEERING
 303 North Inland Blvd., Suite 100
 Fort Collins, CO 80501
 PHONE: 970.233.4408 FAX: 970.233.4409
 www.northerneng.com

PROJECT:	DATE:	SCALE:	BY:
CLIENT:	09/27/14	AS SHOWN	C. Williams
DRAWN BY:			

HARMONY RIDGE ANNEXATION
 LOCATED IN SECTIONS 30, 31 & 32, T7N, R67 W,
 & SECTION 5, T6N, R67 W
 WELD COUNTY, COLORADO

Meeting Minutes

Project: Harmony Ridge Minutes Taken By: _____
 Location: _____ Future Meetings: _____
 Date: 6.19.14



Neighborhood Mtg

Attendees:

Item	Issue:	Action
-	What are traffic counts for Harmony?	
-	What is the traffic plan / requirements?	
-	RAB's more more traffic, safer, less air pollution.	
-	Who is responsible for traffic laws, traffic + lights? Windsor	
-	Will road improvements be made before building begins	
-	Traffic on 15 - some houses driveways back directly to it. No one is taking responsibility for it.	
-	The speeds on 15 are too fast - 50 mph or worse - huge concern	
-	76 + 15 - 2-3 way intersections very close to each other (just to the east) will be impacted by more traffic	
-	How many house - Windsor - 1137 / weld - slightly more	
-	Will septic be allowed - No / will we force Roth on to sewer - No	
-	Where does H ₂ O come from (NWH ₂ O). H ₂ O pressure problems in this area.	
-	Appreciate buffers + greenspace. Show least density all the way around existing neighborhood.	
-	Buffer - ranges from 30-80'. Buffer looks smaller on weld plan	
-	Prop. S. of Harmony brings irrigation H ₂ O thru the property. No non-pbt. @ this time.	
-	Roth subdivision - animals are allowed. Big buffer would help.	
-	Will 'rights' of existing neighbors be affected. No.	
-	Alexander is in town of Windsor. Roth is in weld.	
-	IF an enclave is created Windsor could force annex.	
-	area N. of Roth is outside Windsor's growth body.	
-	Alexander estates was developed as a Windsor proj.	
-	Phased? yes - maybe 200 lots. SE quarter section Development range. Summer 2015 to end of 2016	
-	School impact? Elem. school planned. Middle + HS need to be evaluated as well.	
-	Sewer could be implemented in 90 days. line would come down from 76 + turn. may need 2 lift stations.	
-	When does Harmony + 15 road improvements happen? probably some improvements immediately.	

- Who determines traffic req? Weld Co engineer.
- Req. to widen 74? At some point. E of 13 Weld will do 4 lane improvements. W - Timnath will improve. Eventually - 257 to Interstate (^{most likely})
- What's the history of HR Exchange? Private real estate developer. most operations in CO. Conservative, christian based company. Build schools, orphanages etc. in Africa. Primarily SF residential, finance a home builder.
- Would like to see 'dark skys' as part of covenants.
 - ↳ xcel will provide spacing req.
 - ↳ we will meet req. for full-cut-off etc.
- Electrical boxes @ 13 - Why are they set so high? → There will be grading on-site.
- Want to keep views - ∅ want berms to create walk-out basements.
- We will move as little dirt as possible.
- Avg cost - lots → \$80k - 100k / lot
homes \$350 - 500
- Smallest lots 5500 - 6000 \$ 2 car garage
7000 \$ 3 car garage home
1500 - 2800 - 3200 \$ finished
- What areas are most similar in density.
Timnath Ranch - S. of Bethke
Serranoga Falls
Hidden Valley - Severance
- can't imagine being in a house so close to another
- What type of commercial?
- Is there oil/gas exploration? HR is partial owner. other owner ∅ permitted to drill from our property.

The current presentation is intended for the Planning Commission's information. Should the Planning Commission have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project. The site plan will be reviewed and approved administratively by staff, however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission for review. Additionally, the applicant is hereby advised via this memorandum that another similar site plan presentation by the applicant is scheduled on Monday, November 10th, 2014 for the Windsor Town Board.

Staff has no recommendation as this item is for presentation purposes.

3. Site Plan Presentation – Highlands Meadows Golf Course Subdivision, First Filing, Tract G-1 Site Plan (Golf Training Center) Highland Meadows Golf Course LLC, applicant / Jim Birdsall, TB Group, applicant's representative
 - Staff presentation: Paul Hornbeck, Associate Planner

Staff Presentation:

Per Mr. Hornbeck, the applicant, Highland Meadows Golf Course, LLC, represented by Mr. Jim Birdsall of the TB Group, is proposing to construct a new building in the Estate Residential (E2) zoning district at the Highland Meadows Golf Course. The building would serve as a golf training center and is located at the existing driving range facility. Site characteristics include:

- a property size of 22 acres including 5,975 square feet of improved area;
- a one-story, 2,725 square foot building;
- building materials of rusted metal and board and batten siding;
- a landscaped area of 1,195 square feet, approximately 20% of the improved site;

The current presentation is intended for the Planning Commission's information. Should the Planning Commission have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project. The site plan will be reviewed and approved administratively by staff, however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission for review. Additionally, the applicant is hereby advised via this memorandum that another similar site plan presentation by the applicant is scheduled on Monday, November 10th, 2014 for the Windsor Town Board.

Staff has no recommendation as this item is for presentation purposes.

4. Public Hearing – Annexation Petition to Annex and Zone certain Territory known as the Harmony Ridge Annexation to the Town of Windsor, Colorado – HR Exchange LLC / Jeff Mark, The Landhuis Company, applicant / Jim Birdsall, TB Group, applicant's representative
 - Staff presentation: Josh Olhava, Associate Planner

Chairman Schick closed the Regular meeting and opened the Public Hearing

Staff Presentation:

Per Mr. Olhava, the applicant, HR Exchange, LLC and Mr. Jeff Mark, of the Landhuis Company, represented by Mr. Jim Birdsall are requesting to annex approximately 181.2 acres to the Town of Windsor. As it may be seen from the enclosed Annexation Plat, the applicant is requesting Residential Mixed Use (RMU) zoning for the property. On June 19, 2014, the applicant held a neighborhood meeting at the Community Recreation Center. Notes from that meeting are enclosed for the Commission's review. On September 22, 2014, the Town Board adopted Resolution No. 2014-56 Making Certain Findings of Fact and Setting the Public Hearing Dates

for the Harmony Ridge Annexation (see enclosed Resolution No. 2014-56). A Master Plan for Harmony Ridge is currently under review by staff and will be presented to the Planning Commission for their review and recommendation at a future date to be determined. In addition, the applicant is requesting a Land Use Map Amendment, which was continued from the October 15, 2014 Planning Commission meeting and will follow this annexation action item. Please reference staff's land use map amendment memo for the primary areas of concern raised by the Town of Timnath and local residents during the "public testimony" for the public hearing portion of the annexation recommendation.

Staff recommends that the Planning Commission forward a recommendation of approval of the Harmony Ridge Annexation to the Town Board, subject to the applicant completing the Annexation process with the Town.

Public Comment:

Jeff Mark, Landhuis Company, stated that at the last Planning Commission meeting there was much discussion which carried over to a homeowner meeting this Monday. At the last Planning Commission meeting comments were received regarding the developers proposal which showed seven (7) lots abutting a single estate lot in the existing residential developments. The new concept plan was shown to the homeowners which reduced that number down to two (2) to five (5) new lots per existing lot frontage. This has reduced abutting lots along the western edges of Roth and Alexander Estates from thirty-two (32) lots down to twenty-four (24) lots. Mr. Mark also stated that their abutting lots conform to High-Density Estate (E-2) lot sizes, which is what the homeowners were seeking. The property to the west is currently zoned RMU and the new proposed annexation will be zoned RMU as well.

Cheryl Van Ackern, 36746 Brian Avenue, still believes more work needs to be done. Ms. Van Ackern acknowledges the new lot sizes and width increase but in exchange for that the once proposed buffer zone is lost. She wants restrictions on the developer restricting the amount of abutting lots or adjacent to existing development. The buffer is still a critical element and she hopes it won't become a wasteland. The developer suggested at the neighborhood meeting for the Master Plan on Monday to place building conditions on adjacent lots and Ms. Van Ackern supports this. There is concern about developing a dense urban neighborhood in the rural parts of Windsor and that this will have a significantly negative impact on current neighborhoods.

Rosalind Liotto, 36933 County Road 15, spoke of concerns regarding CR 15, CR76 and CR74 and the current traffic issues. She believes that before the annexation goes through it needs to be decided as to who will be taking care of CR 15, whether it is Weld County or the Town of Windsor. Ms. Liotto referred to the annexation map and inquired if all of CR 15 would be annexed. She spoke of concerns with traffic on CR76 and CR15 due to the initial traffic study that was submitted. Those roads were left off of the study and she requested to have a traffic study done on CR15 and CR76.

Patrick Milinazzo, 36746 Brian Ave, concurred with Ms. Van Ackern's points. He wants to encourage the Planning Commission and Planning Department to look at the annexation agreement regarding the traffic and traffic standards and road classifications that will be set. With increased traffic there will be increased traffic to the side roads.

Phil Goldstein, Timnath, Chair of Timnath Planning Commission, reiterated the request that was sent in a letter to the commissioners a couple of weeks ago from the Timnath Town Council. He asked to consider a compromise on the density given the amount of traffic that this additional development will add.

Denise Hazard, 6740 Alexander Drive, agreed with what everyone had said. Referenced the traffic study done in October 16, 2013 and did not understand how the report could state that there would be 7,600 fewer trips per day with an additional 1,650 homes added to the area.

Mike Mitchell, Stevens Street, Roth subdivision. Spoke regarding the Master Traffic Study from June/July of last year. The report showed ten cars per new home which seems reasonable. He spoke of concerns regarding outlying communities and traffic coming from those on Harmony Road.

Jean McCreary, 36699 Brian Ave, reiterated what has already been said of the importance of maintaining lower density and keeping the country feel.

Natalie Mascarenas, 37189 Northwest Drive, attended the neighborhood meeting on Monday evening and believes that this is the first time that Windsor has had to deal with this type of situation. She would like this to set precedence for future situations with this situation. For the new developments there needs to be respect to build according to what the current development is. She would like consideration to those who will have homes built outside of their yards.

Rick Charles, 36917 Weld County Road 15, appreciates the space between neighbors and a good, quiet neighborhood is going to be taken away by a high density development. He believes that this type of development does not fit into this situation at all. He spoke about the sewer that is to be maintained by lift stations to pump the sewer up north. He doesn't feel like this will work and wants to know why the developers can't hook into the sewer in Windsor.

Mr. Tallon moved to close the public hearing. Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gale Schick, Steve Scheffel, Robert Frank, Victor Tallon, Andrew Vissers, David Cox, Wayne Frelund

Nays – None

Motion carried

5. Recommendation to Town Board – Annexation Petition to Annex and Zone certain Territory known as the Harmony Ridge Annexation to the Town of Windsor, Colorado – HR Exchange LLC / Jeff Mark, The Landhuis Company, applicant / Jim Birdsall, TB Group, applicant's representative
 - Legislative action
 - Staff presentation: Josh Olhava, Associate Planner

Staff Presentation:

Per Mr. Olhava, there is nothing further to add as all the details were covered during agenda item #C.4.

Mr. Tallon moved to forward to the Town Board a recommendation of approval of the Harmony Ridge Annexation, subject to the applicant completing the Annexation process with the Town. Mr. Frelund seconded the motion.

Mr. Frank asked about the zoning which was not part of the motion.

Mr. Olhava stated that the zoning will be RMU which is how the annexation plat is currently written. The RMU zoning is consistent with the property owned by the applicant that is already annexed into Windsor. The applicant will ask for a Land Use Map revision later this evening to reflect the RMU zoning in the annexation.

Mr. Frank wanted to know if the traffic has been addressed.

Mr. Olhava answered that an amendment has been completed and will be included in the master plan phase of the development which staff is currently reviewing.

Mr. Frelund wants to know why he doesn't see the zoning addressed in the resolution.

Mr. Olhava answered that the current land use map depiction shows predominantly E-2 in the proposed annexation area and that the zoning is tied to the annexation. A Land Use Map revision will be addressed in a later agenda item.

Mr. Plummer stated that there might be some confusion as to if there has been a request that the annexation petition carry with it a zoning classification of Residential Mixed Use (RMU) zoning.

Per Mr. Olhava it does and that means the area to be annexed will be zoned RMU, per staff's memo.

Roll call on the vote resulted as follows:

Yeas – Gale Schick, Steve Scheffel, Robert Frank, Victor Tallon, David Cox, Wayne Frelund

Nays – Andrew Vissers

Motion carried

6. Continued from October 15, 2014 regular meeting - Resolution No. 2014-03 approving an amendment to the Windsor Comprehensive Plan Land Use Map for Harmony Ridge – HR Exchange, LLC / Jeff Mark, The Landhuis Company, applicant / Jim Birdsall, TB Group, applicant's representative
(affirmative vote of a super majority of five members required for approval)
 - Legislative action
 - Staff presentation: Josh Olhava, Associate Planner

Staff Presentation:

Per Mr. Olhava, Mr. Jeff Mark, of The Landhuis Company, has requested an amendment to the Comprehensive Plan Land Use Map. The Planning Commission took public testimony during a public hearing at the October 15, 2014 regular meeting and tabled action on the item until November 5, 2014 to allow time for consideration of last minute testimony from neighbors and the Town of Timnath.

The applicant is proposing to change the land use depictions within the subject property from High Density Estate (E-2) and General Commercial (GC) to Residential Mixed Use (RMU). In addition, the applicant is proposing to adjust the Community Separator boundary along the western property line. The Harmony Ridge Master Plan is currently under staff review and will be presented at a later date for action by the Planning Commission. The Harmony Ridge Master Plan area will be served by the Boxelder Sanitation District and North Weld County Water District which provide enough capacity for the proposed RMU depiction and zoning. Future development of the Harmony Ridge Master Plan will be subject to the Town's zoning and subdivision development requirements such as lot sizes, open space, setbacks, offsets, etc. Any development along the WCR 74/Harmony Road corridor will be subject to the Commercial Corridor Plan standards.

The Residential Mixed Use (RMU) zoning allows for up to twenty-five percent (25%) commercial use of the property and, with the proposed removal of the General Commercial land use depiction, staff has worked with the applicant to specify in the annexation agreement and master plan that a minimum of ten (10) acres of commercial development will be preserved along WCR 74/Harmony Road. The proposed land use map amendment is consistent with the annexation plat.



HARMONY RIDGE ANNEXATION

Josh Olhava, Associate Planner
November 10, 2014

Town Board

Item C.6.C.7.C.8



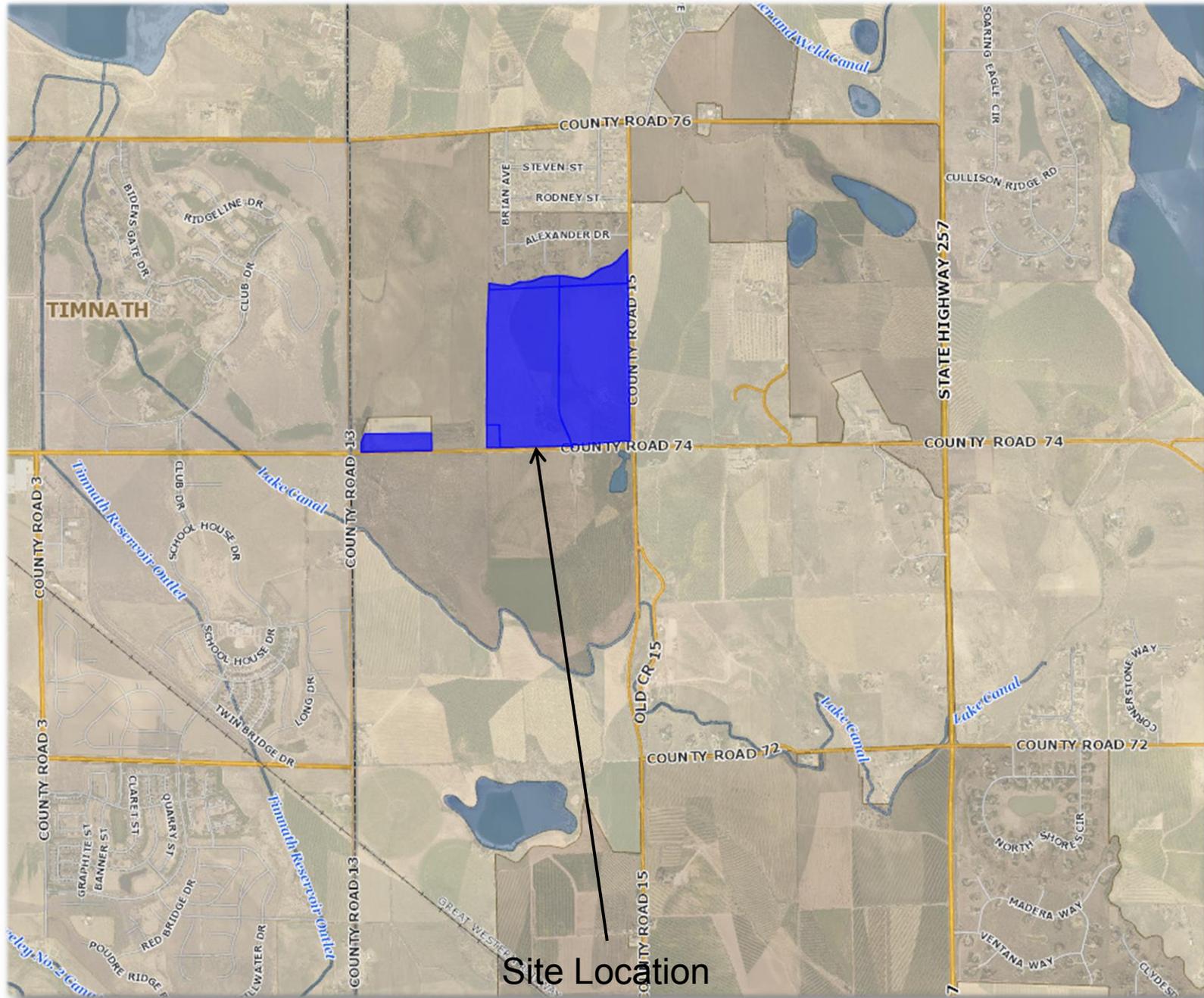
ANNEXATION

Article I of Chapter 15 of the Municipal Code outlines the purposes of the Annexation process, including:

Sec. 15-1-10. Purpose.

The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965, as amended.

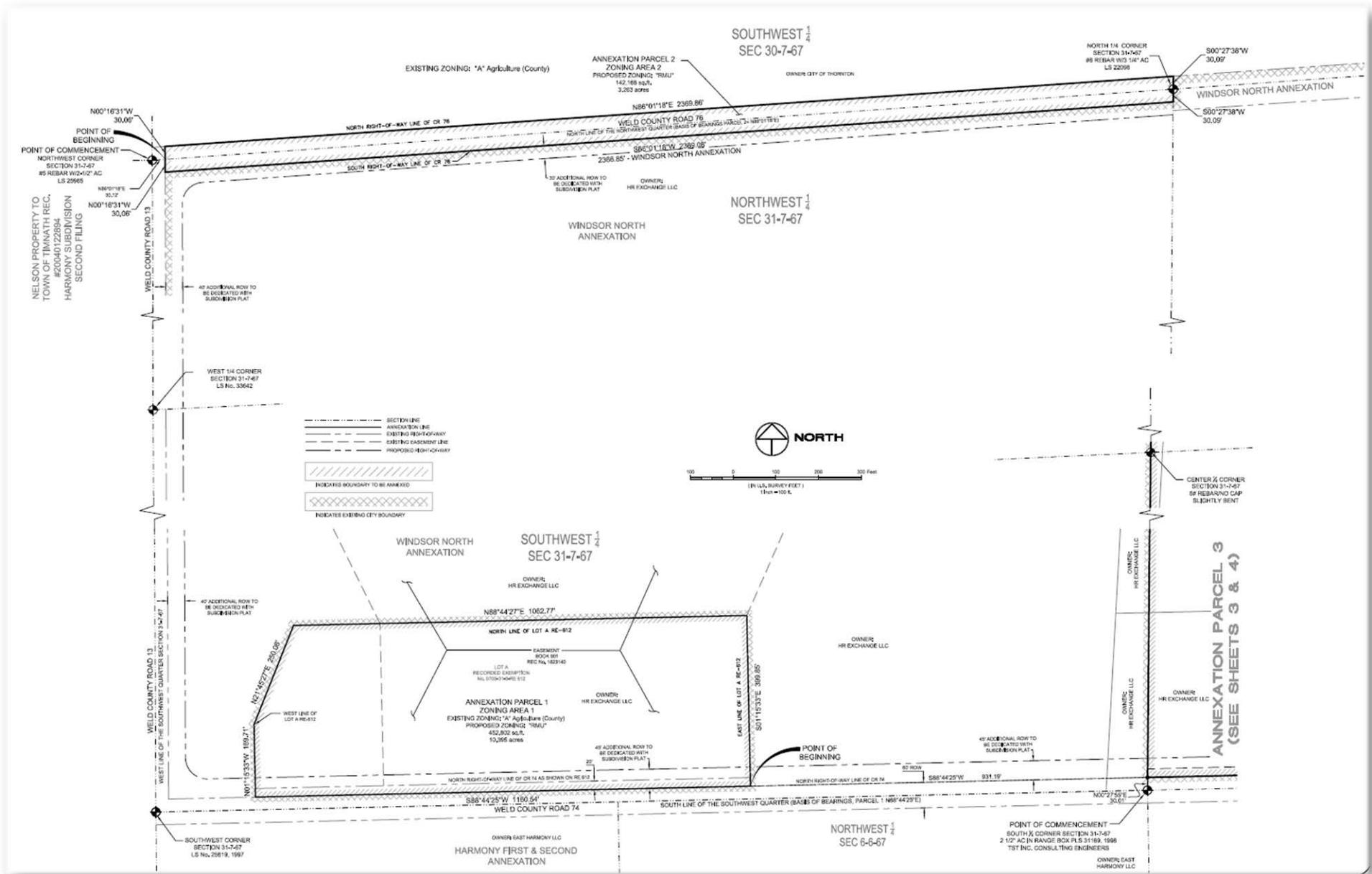
SITE VICINITY MAP



Site Location



ANNEXATION PLAT (1 OF 4)



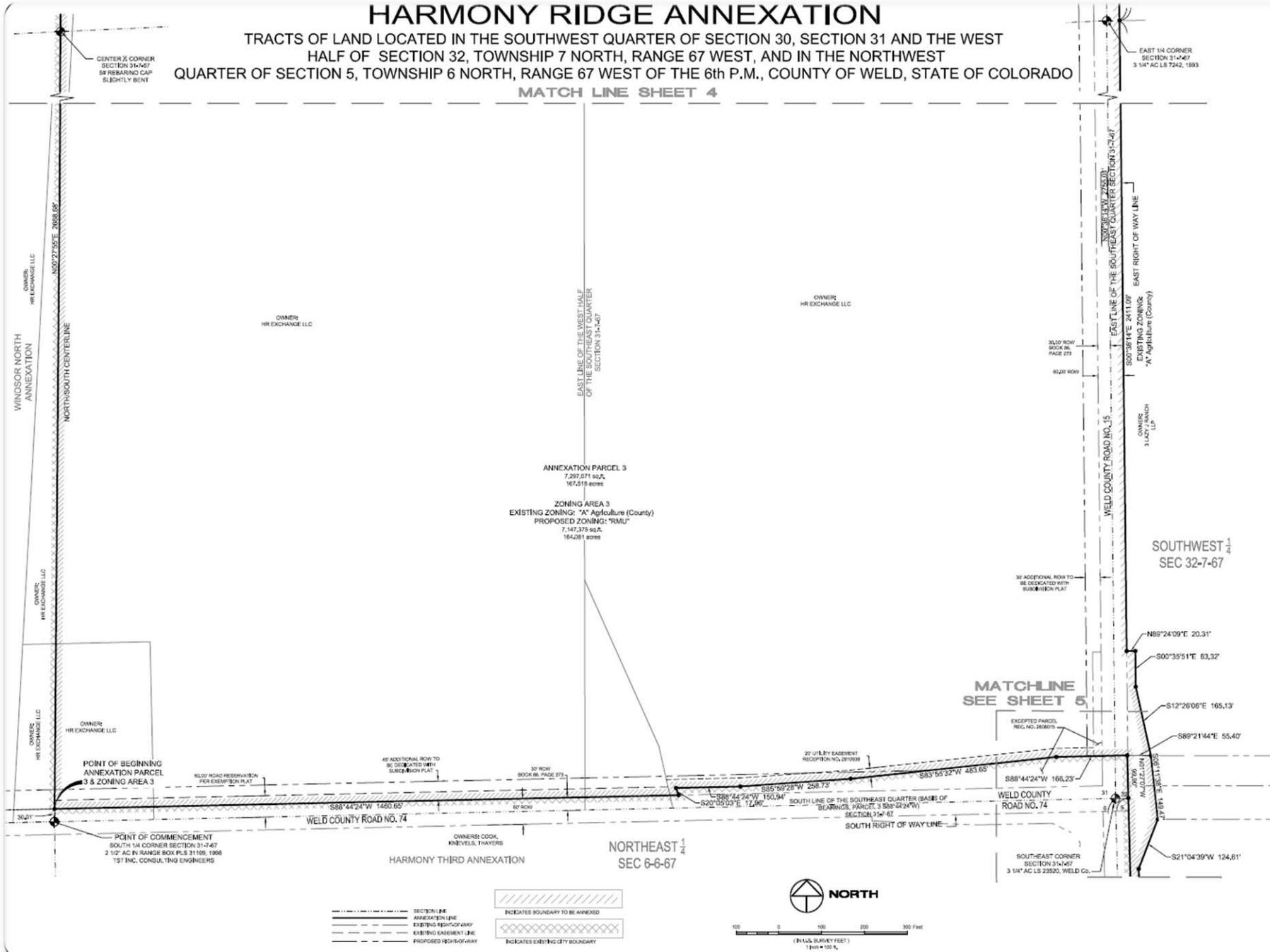


ANNEXATION PLAT (2 OF 4)

HARMONY RIDGE ANNEXATION

TRACTS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, SECTION 31 AND THE WEST HALF OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 67 WEST, AND IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M., COUNTY OF WELD, STATE OF COLORADO

MATCH LINE SHEET 4



	SECTION LINE
	ANNEXATION LINE
	EXISTING RIGHT-OF-WAY
	EXISTING EASEMENT LINE
	PROPOSED RIGHT-OF-WAY
	INDICATES BOUNDARY TO BE ANNEXED
	INDICATES EXISTING CITY BOUNDARY

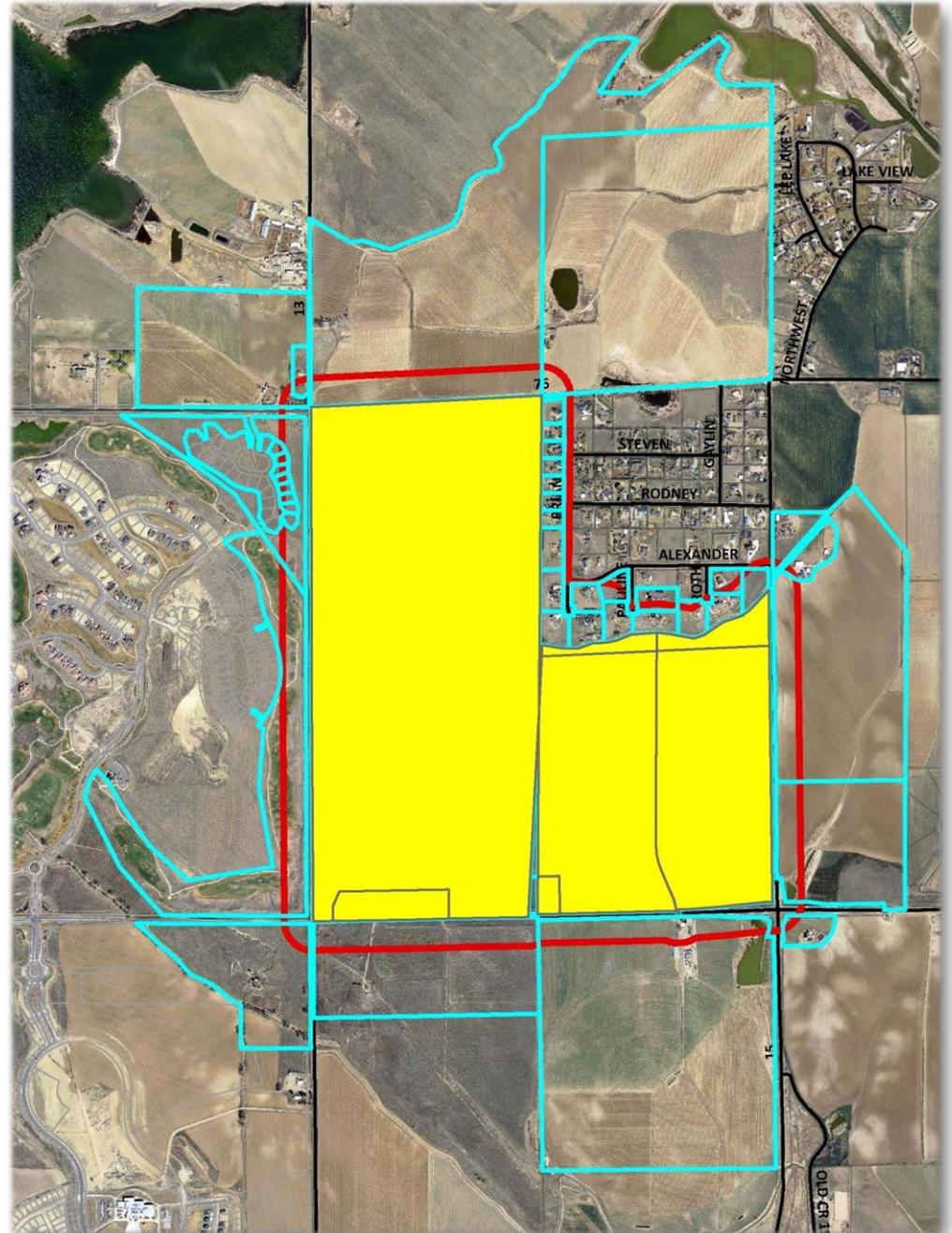


NOTIFICATION AREA

Notification:

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

- September 29, 2014 – public hearing notice published on the Town website
- September 29, 2014 – staff submitted legal ad to the Paper to run for 4 consecutive weeks
 - October 3, 2014 – first week legal ad
 - October 10, 2014 – second week legal ad
 - October 17, 2014 – third week legal ad
 - October 24, 2014 – fourth week legal ad
- October 1, 2014 – large annexation sign posted on the property
- October 2, 2014 – applicant mailed letters to surrounding property owners
- October 10, 2014 – staff mailed Certified Packets to relevant taxing districts





ANNEXATION RECOMMENDATION

At their November 5, 2014 Regular Meeting, the Planning Commission forwarded a recommendation of approval of the Harmony Ridge Annexation to the Town Board, subject to the applicant completing the Annexation process with the Town, and staff concurs with this recommendation.



ANNEXATION

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the Public Hearing
- Recommendation



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Paul Hornbeck, Associate Planner
Subject: Public Hearing and Recommendation to Town Board – Conditional Use Grant for an off-premise sign for temporary residential advertising on the Serfer Annexation property – Mike Davidson, Century Communities, applicant; Andrew Schultz, Dodge Sign Company, applicant's representative
Location: Southwest corner of Highway 392 and County Line Road (Weld County Road 13)
Item #: C.9 & C.10

Background:

The applicant, Mr. Mike Davidson of Century Communities, represented by Mr. Andrew Schultz of Dodge Sign Company, is requesting a Conditional Use Grant (CUG) for an off-premise sign to be located on the Serfer Annexation property located at the southwest corner of Highway 392 and County Line Road (Weld County Road 13). The property is zoned Recreation and Open Space (O). The sign would advertise and direct motorists to homes for sale within the Highpointe Subdivision, also known as the Reserve at Highpointe Estates. The subdivision is located approximately 1.7 miles south of the intersection of Highway 392 and Weld County Road 13. According to the applicant the sign is needed to direct traffic from Highway 392 to the subdivision. The Windsor Municipal Code does address subdivision-wide real estate promotional signage but does not permit such signage to be located off-premise.

Subdivision Wide Real Estate Signs

Section 16-9-131(3) states the following:

- a) *Subdivision-wide real estate promotional signage is for the advertisement of a subdivision under construction. Subdivision-wide real estate promotional signage is subject to all the temporary sign requirements regarding sign materials, mounting and location contained in Section 16-9-130 above and shall adhere to the following requirements:*
 1. *Notwithstanding any other requirements of this Section, no sign pertaining to subdivision-wide real estate promotional signage shall exceed sixty-four (64) square feet in sign area and a maximum of ten (10) feet in height and shall be mounted on durable posts that are secured in the ground. Such signs shall be limited to one (1) sign per street frontage. Such signs shall be removed immediately at the time the last available home is sold.*
 2. *Subdivision-wide real estate promotional signage shall be allowed to locate only on land within the boundaries of said subdivision*

The proposed sign is 48 square feet and therefore complies with the maximum of 64 square feet. The sign dimensions are six feet in width and eight feet in height but the overall height has not

been determined. The applicant has indicated the bottom of the sign would likely be set four to six feet from grade, for an overall height of twelve to fourteen feet. Therefore, the sign would not be in compliance with the ten foot maximum outlined above. Because the sign would not be located on land within the boundaries of the subdivision, a Conditional Use Grant would be required, as outlined below.

Setbacks

Section 16-9-50 addresses sign setbacks:

- a) *Any freestanding sign that is located adjacent to an arterial street shall be set back and offset a minimum distance of fifteen (15) feet from the property line.*
- b) *Any freestanding sign that is located adjacent to a collector or local street shall be set back and offset a minimum distance of ten (10) feet from the property line.*

Highway 392 is classified as an arterial street and County Road 13 is classified as a collector, therefore setbacks of 15 feet and 10 feet are required from the respective property lines. The applicant would need to amend the current site plan as it reflects setbacks of 10 feet from both property lines.

Conditional Use Grant Review

Because the sign is located off-premise, a conditional use grant is required pursuant to Windsor Municipal Code Section 16-9-70 (h), which states:

Off-premises signs. No outdoor advertising sign, billboard or other advertising media not directly related to the use of the premises on which it is located shall be permitted in any district except as a conditional use in such districts as are hereinafter provided. Any off-premises sign permitted as a conditional use shall be in harmony with the spirit and intent of these regulations. Temporary signs advertising open houses shall be allowed in accordance with Paragraph 16-9-131(2) below.

The Municipal Code describes the intent of the sign regulations in Section 16-9-10:

The regulations contained in this Article are intended to protect property values, create a more attractive business climate, enhance and protect the physical appearance of commercial and industrial areas, prevent the deterioration of areas of scenic and natural beauty and, in general, promote a desirable community environment through the regulation of existing and proposed outdoor signs.

The factors conditional use grants are to be evaluated by in section 16-7-50 are listed below along with staff's analysis:

- a. *The character and quality of the area in which the use will be located.*
The immediate vicinity around the proposal is largely undeveloped with the exception of gravel operations. The property is zoned Recreation and Open Space and the Land Use Plan Map in the Comprehensive Plan depicts most of the surrounding area as Parks, Open Space, Mineral Extraction & Floodplains. Highway 392 is one of the primary entrances to town and in this location provides views of open spaces and the mountains. The proliferation of off-site residential advertising may create visual clutter and detract from the character of the area.
- b. *The physical appearance of the use, including suitability of architectural and landscaping treatment.*

See the attachments for the physical appearance of the sign. No landscaping is proposed.

- c. *Appropriate location of the building or buildings on the lot.*
Not applicable.
- d. *Adequate provision of parking, loading and circulation facilities.*
Not applicable.
- e. *Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.*
Not applicable.
- f. *Potential effect of the use on storm drainage in the area.*
Not applicable
- g. *Adequacy of planting screens where necessary.*
No plantings are proposed.
- h. *Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.*
Not applicable.
- i. *The general compatibility of the proposed use with the area in which it is to be located.*
Staff does not view the use as compatible with the area given the undeveloped nature of the area and the impact on the view corridor along Highway 392.

Conformance with Comprehensive Plan:

The Comprehensive Plan does not address conditional use grants.

Conformance with Vision 2025:

The Vision 2025 document does not address conditional use grants.

Recommendation:

The Planning Commission forwarded a recommendation of denial to the Town Board at their November 5, 2014 meeting with the following findings of fact:

1. Off-premise residential signs including the proposed sign are not in significant compliance with the intent of the sign regulations as described in Section 16-9-10 of the Municipal Code.
2. Off-premise signs including the proposed sign detract from the physical appearance of the Town of Windsor.

Notification: October 1, 2014 – Conditional Use Grant Sign Posted on the Property
October 24, 2014 – Public Hearing Legal Ad Published
October 15, 2014 – Affidavit of Mailing to property owners within 100 feet

CUG Off-Premise Sign TB memo 11-10-2014

Enclosures: Application materials
CUG Narrative
Presentation Slides

Pc: Mike Davidson, Century Communities, applicant
Andrew Schultz, Dodge Sign Company, applicant's representative



APPLICATION FOR CONDITIONAL USE

TOWN OF WINDSOR
301 Walnut Street
Windsor, CO 80550

(Please see Town of Windsor Fee Schedule for Application Fees)

Office: (970) 674-2415
Fax: (970) 674-2456

www.windsorgov.com

TO BE COMPLETED BY APPLICANT

(Type or print in black ink)

Schedule R0333352

Street Address*: S. County Road 1 Parcel 86240-00-001 Lot: _____ Block: _____

Subdivision: S24 T06 R68 / 240668

*****Conditional Use Grant approval is only valid for the applicant(s) who receive the original approval and is not transferable to subsequent occupants of the property.*****

*Describe the non conforming use or home occupation. Include activity description, average number of clients, need for parking, hours of operation, size of area to be used, justification of continuance of non conforming use and result of any communication with neighbors. (use back or additional sheets if necessary)

Sign installation [please see supporting documents] Property owner has agreed to use of land. all property information was received by the Larimer County Assesor office.

Windsor Municipal Code Section 16-7 and Section 16-31 <http://www.colocode.com/windsorpdf16.html>

- Legible, accurate drawings (drawn to an appropriate scale, which cannot be smaller than 1"=30') and specifications necessary for the property consideration of this grant shall be submitted with this application.
- Conditional use grant evaluation criteria are detailed in Windsor Municipal Code Section 16-7-50.
- Notification requirements are detailed in Windsor Municipal Code Section 16-31.

*Present use of land: _____ Size: _____
*Present use of structure: _____ Size: _____
*Proposed use of land: sign installation - Size: 8'x8'
*Proposed use of structure: _____ Size: _____

If granted this conditional use grant, I/We the undersigned, agree to comply with the Code of the Town of Windsor, Colorado and any other stipulations as determined by the Town Board. I hereby depose and state under penalties of perjury that all statements and proposal submitted within this application are true and correct to the best of my knowledge.

Submitted this 8 day of September, 20 14

MIKE DAVIDSON Mike Davidson
Applicant (please print)
[Signature]
Applicant's Signature
303.268.8362 Phone - 303-268-8362
Phone (daytime) Fax

SERBOUSEK HOMES VENTURES LLC
Property Owner (please print)
[Signature]
Property Owner's Signature
303419-6781 Phone - 303-419-6781
Phone* (daytime) Fax*

MIKE@CENTURYCOMMUNITIES.COM
Email Mike@Centurycommunities.com

SERBOUSEK HOMES @ MSN.COM
Email* Chris Serbousek - serbousekhomes@msn.com

Applicant's Representative (if any) Name Dodge Sign Co. [Andrew Schultz]
Phone 303-457-9872 Fax _____ Email andy@dodgesignco.com

Town of Windsor review per 16-9-70(h)
Applicant: Century Communities
Community: Reserve at Highpointe Estates

Century Communities is requesting approval of the offsite sign request [19-9-70(h)] for the following reasons: The Community "Reserve at Highpointe Estates" is located between Hwy 392 and CR 62 along CR13 [please see attached map]. Hwy 392 [Main Street] and CR 62 are the main roads into the Town of Windsor with vehicles traveling approximately 45 – 50mph. Century Communities has noticed comments from customers regarding the location of "Reserve at Highpointe Estates" and difficulty finding the community from Hwy 392 because there is not a sign telling the customer where to turn. The customer traffic passes CR 13 without noticing the CR 13 turn to "Reserve at Highpoint Estates". Century Communities believes the new sign located at Hwy 392 and CR 13, on the Serfer Land Ventures LLC property [Please see attached map], will increase sales traffic, Home sales and additional revenue to the Town of Windsor over time.

Sincerely,

Andrew Schultz
Dodge Sign Co.
2100 E. 112th Ave. #4
Northglenn, CO 80233
303-457-3008
Andy@dodgesignco.com



CONDITIONAL USE GRANT OFF-PREMISE SIGN

SERFER ANNEXATION

**SOUTHWEST CORNER OF HWY 392 & COUNTY LINE ROAD
(LCR 13)**

**Paul Hornbeck, Associate Planner
November 10, 2014**

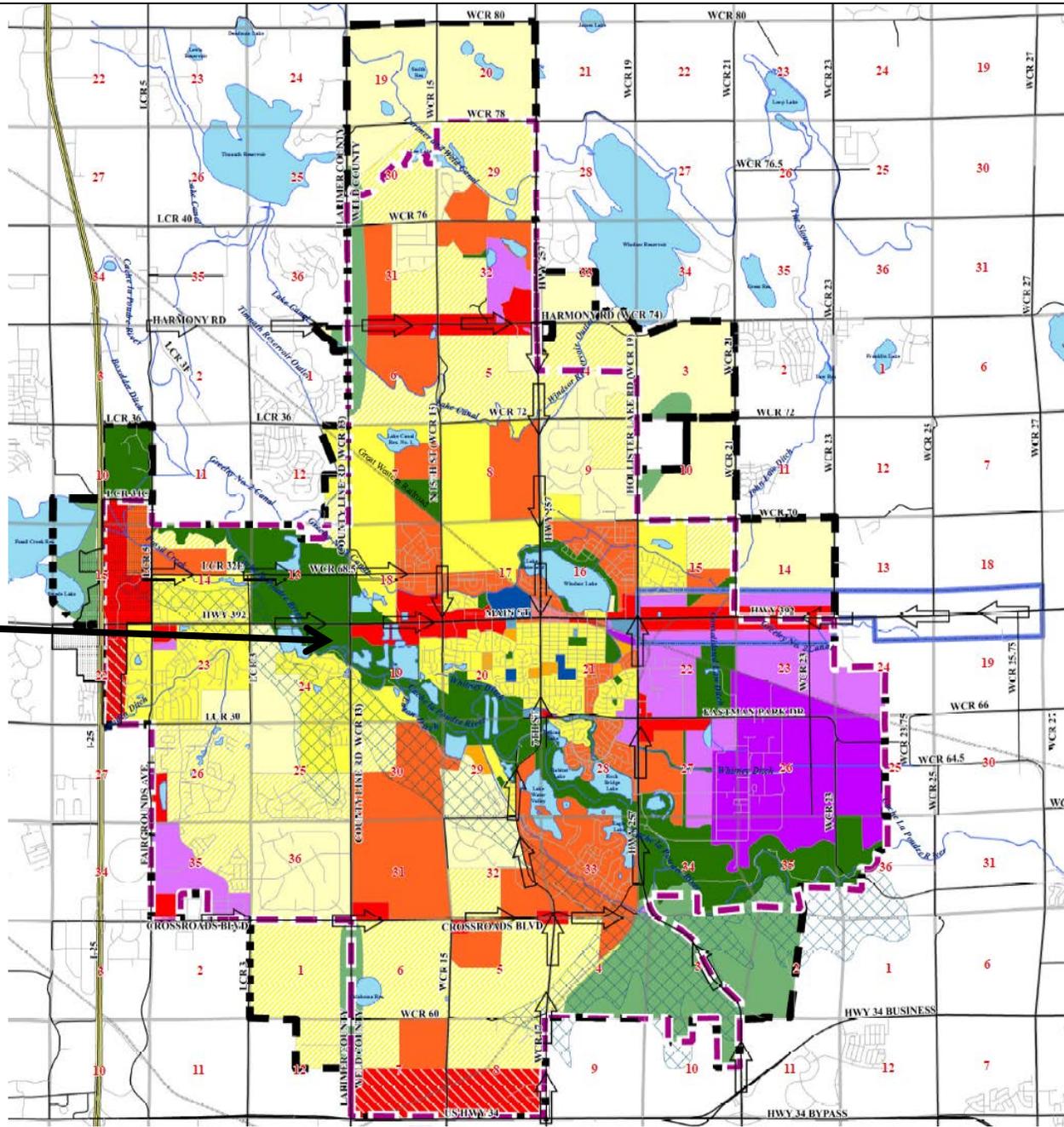
Town Board

Item C.9 & C.10



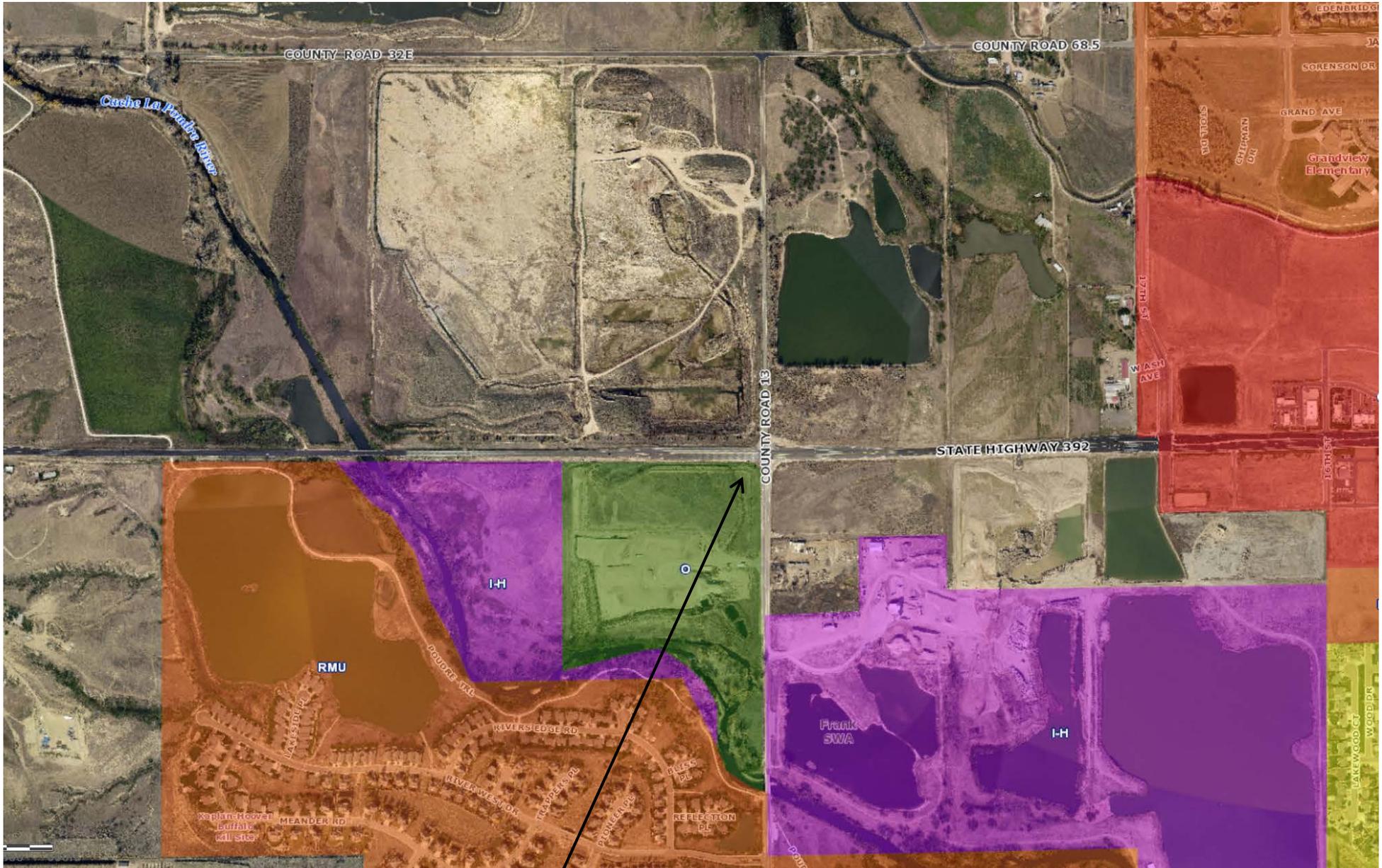
SITE VICINITY MAP

Site Location





SITE PROXIMITY ZONING MAP



Site Location – Zoned Recreation and Open Space (O)

AREA MAP

Proposed Sign Location



Highpointe Subdivision



SITE IMAGES

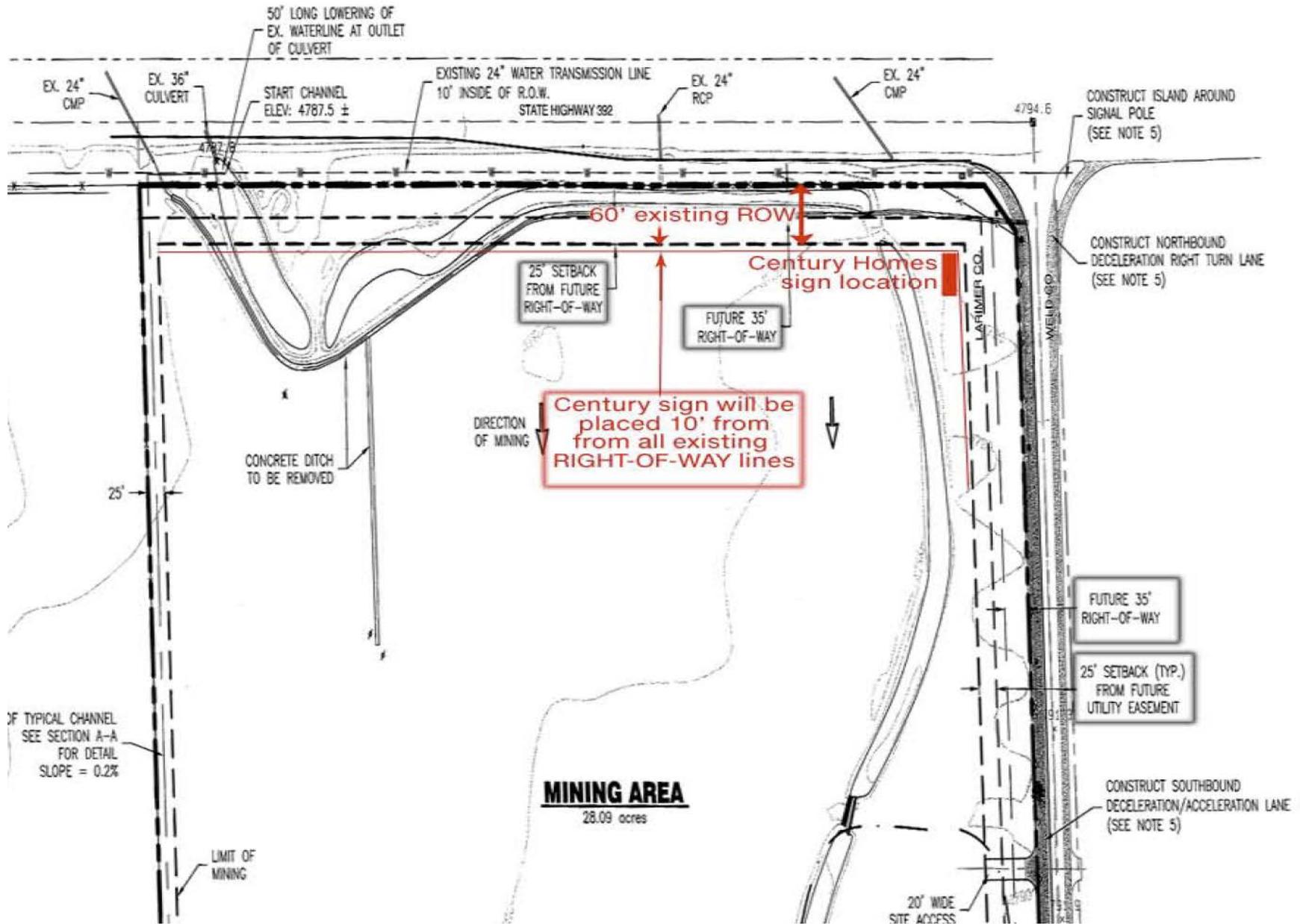


SITE IMAGES





SIGN SITE PLAN



SIGN DESIGN





SUBDIVISION WIDE REAL ESTATE SIGNS

Municipal Code Section 16-9-131(3) states the following:

- a. Subdivision-wide real estate promotional signage is for the advertisement of a subdivision under construction. Subdivision-wide real estate promotional signage is subject to all the temporary sign requirements regarding sign materials, mounting and location contained in Section 16-9-130 above and shall adhere to the following requirements:
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 2. Subdivision-wide real estate promotional signage shall be allowed to locate only on land within the boundaries of said subdivision



SIGN SETBACKS

Section 16-9-50 addresses sign setbacks:

Any freestanding sign that is located adjacent to an arterial street shall be set back and offset a minimum distance of fifteen (15) feet from the property line.

Any freestanding sign that is located adjacent to a collector or local street shall be set back and offset a minimum distance of ten (10) feet from the property line.



OFF-PREMISE SIGNS

Municipal Code Section 16-9-70 (h) states:

Off-premises signs. No outdoor advertising sign, billboard or other advertising media not directly related to the use of the premises on which it is located shall be permitted in any district except as a conditional use in such districts as are hereinafter provided. Any off-premises sign permitted as a conditional use shall be in harmony with the spirit and intent of these regulations. Temporary signs advertising open houses shall be allowed in accordance with Paragraph 16-9-131(2) below.

The Municipal Code describes the intent of the sign regulations in Section 16-9-10:

The regulations contained in this Article are intended to protect property values, create a more attractive business climate, enhance and protect the physical appearance of commercial and industrial areas, prevent the deterioration of areas of scenic and natural beauty and, in general, promote a desirable community environment through the regulation of existing and proposed outdoor signs.



CONDITIONAL USE GRANT CRITERIA

- a) *The character and quality of the area in which the use will be located.*
- b) *The physical appearance of the use, including suitability of architectural and landscaping treatment.*
- c) *Appropriate location of the building or buildings on the lot.*
- d) *Adequate provision of parking, loading and circulation facilities.*
- e) *Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.*
- f) *Potential effect of the use on storm drainage in the area.*
- g) *Adequacy of planting screens where necessary.*
- h) *Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.*
- i) *The general compatibility of the proposed use with the area in which it is to be located.*



RECOMMENDATION

The Planning Commission forwarded a recommendation of denial to the Town Board at their November 5, 2014 meeting with the following findings of fact:

1. Off-premise residential signs including the proposed sign are not in significant compliance with the intent of the sign regulations as described in Section 16-9-10 of the Municipal Code.
2. Off-premise signs including the proposed sign detract from the physical appearance of the Town of Windsor.



CONDITIONAL USE GRANT

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation
- All testimony presented during the Public Hearing



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Josh Olhava, Associate Planner
Subject: Public Hearing and Ordinance No. 2014-1487 – Proposed amendments to Sec. 17-13-10 through 17-13-370 of the Windsor Municipal Code to add language and requirements differentiating between large retail establishments and large entertainment establishments
Item #: C.11.C.12

Discussion:

During the evolution and review of the Summit Entertainment Center project, it was determined that the project was primarily an “entertainment” establishment as opposed to a retail establishment and would be more appropriately reviewed in accordance with the Commercial Corridor Plan and I-25 Corridor Plan standards, rather than the Design Criteria and Procedures for Large Retail Establishments found in Chapter 17, Article XIII, Division 2 of the Municipal Code.

Also discussed during the Summit project was the use of tilt up concrete panels. The Commercial Corridor Plan permits tilt up concrete panels as an allowable building material but Section 17-13-280(2)b does not allow the use of tilt up concrete panels for use in large retail establishments. The Town has numerous examples of high quality projects which utilize tilt up concrete panels and the proposed language would eliminate the aforementioned prohibition.

Following the September 17th Planning Commission and October 20th Town Board work sessions, and in anticipation of future entertainment establishments, staff has prepared the enclosed Ordinance No. 2014-1487 and received the Planning Commission’s recommendation. There were no comments or discussion on the proposed code amendment language during the November 5, 2014 Planning Commission meeting.

Notification: The following notifications were completed in accordance with the Municipal Code:

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

- October 21, 2014 – legal notices posted on the Town of Windsor website
- October 24, 2014 – legal ad published in the paper

Recommendation:

At their November 5, 2014 Regular Meeting, the Planning Commission forwarded a recommendation of approval to the Town Board of the proposed code amendment language and Ordinance No. 2014-1487, and staff concurs with this recommendation.

November 10, 2014
Town Board – memo on proposed Large Entertainment Code Language

Attachments: Ordinance No. 2014-1487

pc: Windsor Town staff

TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 2014 - 1487

AN ORDINANCE AMENDING CHAPTER 17, ARTICLE XIII OF THE *WINDSOR MUNICIPAL CODE* WITH RESPECT TO LARGE RETAIL FACILITIES AND LARGE ENTERTAINMENT FACILITIES

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, the Town has in place a comprehensive system of land use regulations, including regulations applicable to retail facilities having more than 50,000 square feet of gross leasable area; and

WHEREAS, the Town’s regulations applicable to large retail establishments do not necessarily fit neatly into large entertainment-based establishments that do not emphasize the sale of tangible goods at retail; and

WHEREAS, the Town believes that regulations should be tailored to address unique characteristics where reasonable and practical; and

WHEREAS, the current restrictions on tilt-up concrete panels do not reflect the evolution of concrete panel technology; and

WHEREAS, the Town’s Planning Commission has undertaken a review of Chapter 17, Article XIII of the Windsor Municipal Code, and has recommended the revisions set forth herein; and

WHEREAS, the Town Board has given due consideration to the recommendations of the Planning Commission; and

WHEREAS, the within Ordinance promotes the public health, safety and welfare.

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

Section 1. Section 17-13-210 of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

Sec. 17-13-210. Supplementary regulations.

No large retail establishment occupying more than fifty thousand (50,000) square feet of gross leasable area (GLA), as defined in Section 16-2-20 of this Code, shall be approved for construction or occupancy unless such establishment has been determined by the Town Board to be in compliance with this Division, including subsequent amendments thereto. In addition to the foregoing, no large retail establishment occupying more than fifty thousand (50,000) square feet of GLA shall be approved for construction or occupancy unless such establishment has obtained approval of a qualified commercial site plan approval by the Town Board in accordance with the requirements and standards set forth in this Code.

The Design Criteria and Procedures set forth in this Division 2 of Article XIII of Chapter 17, shall not apply to Large Entertainment Establishments located within a Commercial Corridor Plan area, or governed by design standards contained within any Intergovernmental Agreement or any area governed by specific site plan development standards.

For the purposes of this section, *Large Entertainment Establishments* shall be defined as any facility, the primary purpose of which is devoted to recreational or entertainment uses, such as showing motion pictures or the presentation of dramatic, musical or live performances or containing amusement facilities such as bowling, billiards, and video arcades.

Section 2. Section 17-13-280 (2) of the *Windsor Municipal Code* is hereby repealed, amended and re-adopted to read as follows:

(2) Prohibited materials. Predominant exterior building materials shall not include:

- a. Smooth-faced concrete block.
- b. Prefabricated steel or other metal panels.

Section 3. Section 17-13-320 (1) of the *Windsor Municipal Code* is hereby repealed, amended and re-adopted to read as follows:

(1) No more than eighty-five percent (85%) of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade and the abutting streets, or "front parking area." If the applicant proposes more than eighty-five percent (85%) of the parking to be located in the front parking area and,

in the determination of the Planning Commission and Town Board, the applicant's proposal is equal to or better than the parking lot configuration which meets the eighty-five-percent standard, the Planning Commission may make a recommendation regarding the alternative proposal to the Town Board for final determination.

Introduced, passed on first reading, and ordered published this 10th day of November, 2014.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 24th day of November, 2014.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Josh Olhava, Associate Planner
Subject: Public Hearing and Ordinance No. 2014-1488 – Proposed amendment to Sec. 16-9-60 of the Windsor Municipal Code to add language and requirements for electronic message center signage
Item #: C.13.C.14

Discussion:

Section 16-9-70(b) of the municipal code prohibits signs that contain flashing or moving lights as follows:

(b) No sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. The only exception shall be signs which provide a legitimate public service, such as the giving of time and temperature.

On January 21, 2004, the Planning Commission ratified an interpretation of this section of the code for electronic reader board or message center signs that the message on the sign could change once per day or 24 hours. Please see the enclosed excerpt from the January 21, 2004 Planning Commission minutes and staff memo from the January 21, 2004 Planning Commission meeting.

Staff has received inquiries and interest in recent years from businesses to allow electronic reader boards to change more frequently to make better use of their investment. Following the September 17th Planning Commission and October 20th Town Board work sessions, staff has prepared the enclosed Ordinance No. 2014-1488 and received the Planning Commission's recommendation (please see the enclosed Ordinance No. 2014-1488). There were no comments or discussions during the November 5, 2014 Planning Commission meeting.

Notification: The following notifications were completed in accordance with the Municipal Code:

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

- October 21, 2014 – legal notices posted on the Town of Windsor website
- October 24, 2014 – legal ad published in the paper

Recommendation:

At their November 5, 2014 Regular Meeting, the Planning Commission forwarded a recommendation of approval to the Town Board of the proposed code amendment language and Ordinance No. 2014-1488, and staff concurs with this recommendation.

November 10, 2014

Town Board – memo on proposed Electronic Reader Board Code Language

Attachments:

Ordinance No. 2014-1488
excerpt from the January 21, 2004 Planning Commission minutes
memo from the January 21, 2004 Planning Commission meeting

pc: Windsor Town staff

TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 2014 - 1488

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE IX OF THE *WINDSOR MUNICIPAL CODE* WITH RESPECT TO ELECTRONIC READER BOARD SIGNS WITHIN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, the Town has in place a comprehensive system of land use regulations, including regulations applicable to outdoor advertising and signage; and

WHEREAS, Chapter 16, Article IX of the *Windsor Municipal Code* (“Sign Code”) contains all regulations applicable to signage; and

WHEREAS, the evolution of technology in the advertising world has led to increased demand for signage capable of displaying electronically-changing text and images; and

WHEREAS, the current Sign Code prohibits any sign “...illuminated by or contain flashing, intermittent rotating or moving light or lights”, with the exception of signs “...which provide a legitimate public service, such as the giving of time and temperature”; and

WHEREAS, the changing landscape of electronic advertising has brought about a review of the Town’s prohibited sign regulations by the Planning Commission, and such review has resulted in recommendations by the Planning Commission for revisions to the Sign Code; and

WHEREAS, the Town Board has given due consideration to the Planning Commission’s recommendations and the needs of commerce within a growing community; and

WHEREAS, the Town Board finds that this Ordinance promotes the public health, safety and welfare; and

WHEREAS, the Town Board, by adoption of this Ordinance, wishes to amend the Sign Code to allow for electronic reader board signage, subject to the requirements set forth herein.

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

Section 1. Section 16-9-60 of the *Windsor Municipal Code* is hereby amended by the addition of a new sub-section (f), which shall read as follows:

(f) **Electronic Message Centers.** The provisions and limitations of this sub-section are adopted to minimize driver distraction, protect corridor and community aesthetics, and protect the public health, safety and welfare.

For the purposes of this section, *electronic message center* shall mean the portion of an on-premise freestanding sign capable of displaying words or images that can be electronically changed by remote or automatic means. *Electronic message center* shall not include temporary Town-owned messaging facilities. Permanent Town-owned messaging facilities shall be subject to the limitations set forth herein.

Signs containing an electronic message center shall be subject to the following limitations:

1. Electronic message center signs shall be permitted in the following zoning districts only: General Commercial (GC), Neighborhood Commercial (NC), Limited Industrial (I-L), Heavy Industrial (I-H), and the commercial portions of Residential Mixed Use (RMU).
2. The maximum allowed size of an electronic message center in a freestanding sign shall be no greater than fifty percent (50%) of the total allowed sign area.
3. The electronic message center must be programmed so that the displayed message does not change more frequently than once every two (2) minutes from one (1) static display to another instantaneously and without the use of scrolling, flashing, fading or other similar effects. The message or image displayed must be complete without continuation in content to the next message.
4. The electronic message center:
 - A. Shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare;
 - B. Shall not have moving text, images or varying light intensity;

- C. Shall not exceed 600 candelas per square meter between dusk to dawn and 800 candelas per square meter during all other times, as measured at the sign's face;
 - D. Shall contain a mechanism for the sign to revert to a black screen if the sign malfunctions;
 - E. Shall be integrated harmoniously into the design of the larger sign face and structure;
 - F. Shall not be the predominant element of the sign and, if located at the top of a sign, must include a substantial cap feature above the electronic message center consisting of the same material, form, color and texture as is found on the sign face or structure.
5. No temporary signs as provided in Section 16-9-130 shall be permitted for any business for which a freestanding electronic message center has been approved by the Town.
6. The electronic message center must be provided with automatic dimming software, solar sensors or a comparable method as approved by the Town to control brightness for nighttime viewing and variations in daytime light conditions. Each application for electronic message center approval shall include the manufacturer's specifications programmed to meet this requirement, along with a description of the proposed dimming method.
7. In no event shall a freestanding electronic message center sign be allowed within one-hundred-fifty (150) feet of the nearest residential district or development, with this distance being measured from the nearest portion of the sign to the nearest property line contained within any such residential district or development.
8. Building-mounted electronic message centers shall only be permitted when displaying time and temperature or when displaying fuel pricing on a fueling station canopy, and shall remain subject to the size limitations of Section 16-9-100 (b) for building-mounted signs, or not to exceed twenty (20) square feet, whichever is less.

Section 2. Section 16-9-70 (b) of the *Windsor Municipal Code* is hereby repealed, amended and re-adopted to read as follows:

(b) Except as provided in sub-section 16-9-60 (f) of this Code and in this sub-section, no sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. Signs displaying time and temperature are permitted.

Introduced, passed on first reading, and ordered published this 10th day of November, 2014.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 24th day of November, 2014.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

RECOMMENDATION TO TOWN BOARD – PROPOSED ALIGNMENT OF THE INTERSECTION OF GREENSPIRE DRIVE AND MAIN STREET (SH392) IN THE GREENSPIRE SUBDIVISION – JULIE COZAD, HALL-IRWIN CORPORATION, APPLICANT (CONT'D)

Mr. Wagner noted that part of the purpose of Greenspire Drive is to allow drivers a second option to CR 19, to travel to the north or into Greenspire Subdivision and reduce stacking at Hwy 392 and CR 19.

Mr. Plummer requested that any motion on a recommendation to the Town Board for either the 2nd or 3rd alternative include language to inform the Town Board of the change of traffic flow direction for the cemetery drive.

Mr. Tallon made a motion to forward a recommendation to Town Board for the 3rd alternative presented by Hall-Irwin, with changes to the median width design per staff, Planning Commission, CDOT, and applicant's discussion, further noting that the 3rd alternative design would require a change in direction of the cemetery access and traffic flow. Mr. Moore seconded the motion. Roll call vote resulted as follows:

Ayes: Gale Schick, Victor Tallon, Paul L. Ehrlich, Jr., Colleen Berens, and Doug Moore.

Nays: Matthew O'Neill.

Motion carried.

DISCUSSION REGARDING ELECTRONIC READER BOARD SIGNS AND SECTION 16-126 SIGN REGULATIONS OF ARTICLE IX OF THE TOWN OF WINDSOR MUNICIPAL CODE

Mr. Ballstadt directed the members' attention to the memo concerning the reader board sign interpretation by staff. Mr. Ballstadt noted that the intent of the regulation seems to address moving or flashing signs that could distract motorists and only allowing the sign to change once per day seemed to meet the intent. Mr. Ballstadt also stated that the language also addresses subdued lighting levels. Mr. Ballstadt stated that staff viewed this type of sign as similar to the LED changeable gas prices at the nearby gas station. Mr. Ballstadt asked if the Planning Commission members concur with this interpretation and, if so, would the Planning Commission want staff to propose additional language for an amendment to the sign code.

Chairman Schick noted that staff has done an excellent job interpreting the code.

Mr. Moore agreed and noted that in talking to Mr. Haws, he got the impression that Mr. Haws' concern was about the intensity of the lights, rather than the use of the reader sign.

DISCUSSION REGARDING ELECTRONIC READER BOARD SIGNS AND SECTION 16-126 SIGN REGULATIONS OF ARTICLE IX OF THE TOWN OF WINDSOR MUNICIPAL CODE (CONT'D)

Mr. Ballstadt noted that the requirement and sign permit do state a requirement for a subdued level of lighting. Mr. O'Neill noted he sees the sign on a regular basis and does not feel the sign is especially bright. Mr. Ehrlich noted that he thinks the sign is very bright. Mr. O'Neill noted that when buildings are in place on the corner with lighting, for example the future bank at that corner, that the intensity of the sign might be less noticeable.

Mr. Ballstadt asked the members if the lighting level continues to be a distraction that they bring their concerns to staff to address with the property owners.

Mr. Ballstadt further noted that it is staff's interpretation that any such signs shall only be incorporated into freestanding monument signs and shall not be installed or mounted on a building or structure as the corridor plans require that a high level of quality architecture and overall site aesthetics is maintained and such a building mounted sign would most likely detract from the building and would not be consistent with the intent of the corridor plan.

The Planning Commission consensus was that the current language is adequate and staff's interpretation of the code regarding the reader board signs is correct.

COMMUNICATIONS FROM THE PLANNING COMMISSION

Mr. O'Neill noted that he works with the Windsor Habitat for Humanity and that they are looking for people interested in helping interview applicants for the three homes they will be building this year. Mr. Ehrlich stated that he would be interested in this endeavor.

There were no further communications from the Planning Commission.

COMMUNICATIONS FROM STAFF

Mr. Plummer reminded the members of the February 5th deadline to submit their applications for the APA conference to make the earlier registration deadline.

Mr. Ballstadt noted that the Grand Tree Larimer County referral has been scheduled for the February 5, 2004 Planning Commission meeting rather than this meeting in accordance with the applicant's request.

TO: Town of Windsor Planning Commission
FROM: Scott Ballstadt, AICP, Senior Planner 
VIA: Joseph P. Plummer, AICP, Director of Planning 
DATE: January 15, 2004
SUBJECT: **DISCUSSION REGARDING ELECTRONIC READER BOARD SIGNS AND SECTION 16-126 SIGN REGULATIONS OF ARTICLE IX OF THE TOWN OF WINDSOR MUNICIPAL CODE**

DISCUSSION:

Staff has placed this item on the agenda for discussion purposes as a question was recently raised by the Planning Commission regarding the new Walgreens "reader board" sign. Staff recently approved the subject Walgreens sign with specific conditions regarding animation and lighting levels to ensure that the sign maintains compliance with Section 16-126(c)(2) of the Municipal Code which states, "No sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. The only exception shall be signs which provide a legitimate public service, such as the giving of time and temperature."

This section appears to be primarily intended to prohibit gaudy animated signs as opposed to motionless message boards. Therefore, consistent with previous discussions concerning an electronic reader element that the Planning Commission approved for Schrader's Country Store at the Westgate Commercial Center Subdivision, and in an effort to work with the business community, staff developed standard conditions of approval to attach to the approval of any such reader board signs as follows: "The message center reader board shall not change more than one (1) time per day. No flashing, scrolling or other animation or movement shall be allowed. Message center reader board lighting level shall be reviewed and approved by the Town of Windsor. Lighting shall be of a subdued level. These conditions shall apply to all current and future property owners."

Signs such as the Safeway sign that advertises gas prices that don't change more than once per day are similar in nature and staff does not consider such signs to be animated. Furthermore, such signs may also be considered to serve a purpose for the general public. Additionally, such signs will provide another option for the business community to utilize in lieu of temporary banners and similar temporary signs located in the landscape areas of the Main Street Corridor.

Staff has further recommended that any such signs shall only be incorporated into freestanding monument signs and shall not be installed or mounted on a building or structure as such signs are intended to alleviate the need for temporary signage such as banners, A-frame signs and other signs that previously cluttered the landscape area along Main Street. During the review of commercial site plans, careful consideration is taken to ensure that a high level of quality architecture and overall site aesthetics is maintained and such a building mounted sign would most likely detract from the building and would not be consistent with the intent of the corridor plan.

Should the Planning Commission concur with these interpretations and determine that it is necessary and appropriate to incorporate such conditions into the Municipal Code, staff will prepare such an amendment for consideration on a future Planning Commission agenda.

pc: Rod Wensing, Town Manager
John Frey, Town Attorney



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Josh Olhava, Associate Planner
Subject: Public Hearing and Resolution No. 2014-67 – Height Review – Highland Meadows Golf Course Subdivision, Eighth Filing, Lot 6 – Dennis Fulgenzi, applicant; Cathy Mathis, TB Group, applicant’s representative
Location: Northwest corner of the intersection of Crooked Stick Drive and Highland Meadows Parkway
Item #s: C.15.C.16

Background:

Mr. Dennis Fulgenzi, represented by Ms. Cathy Mathis, is requesting approval of their proposed fitness and tennis facility height to exceed the maximum allowed in the Residential Mixed Use (RMU) zoning district in accordance with Sec. 16-10-50(c) of the Municipal Code.

Section 16-10-50(c)(1)b of the Municipal Code states:

“Any building or structure proposed to exceed the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be subject to review and recommendation by the Planning Commission, and thereafter to approval or disapproval by the Town Board pursuant to the provisions of this Section.”

The maximum height allowed in the RMU zoning district is thirty-five (35) feet, in accordance with Sec. 16-24-40(4). The building is proposed to have a maximum ridge height of thirty-seven (39) feet (please see the enclosed height review request and narrative and staff’s PowerPoint). The shadow analysis indicates that there are no adverse impacts to neighboring properties with the proposed height exceeding thirty-five feet. In addition, the renderings illustrate the western viewshed from thirty-five feet and thirty-eight feet building heights. To the west and north of the subject property, parcels are zoned General Commercial, which allows structures up to fifty-five (55) feet in height. Based on this analysis, staff believes the proposed height waiver request is consistent with the spirit of the Municipal Code and Commercial Corridor Plan. No concerns were raised by the Planning Commission or the public during the November 5, 2014 Planning Commission public hearing.

Conformance with Comprehensive Plan: The application is consistent with the following Commercial and Industrial goal of the Comprehensive Plan:

Goals:

1. *All commercial and industrial development should provide a safe, aesthetically-appealing and healthy environment which does not have adverse impacts on surrounding areas.*

November 10, 2014

Town Board - memo for HMGC 8th Filing, Lot 6 – Fitness & Tennis Facility height review

Conformance with Vision 2025: The Vision 2025 document does not address site specific level detail such as building height.

Notification: The following notifications were completed in accordance with the Municipal Code:

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

- October 1, 2014 – development review sign posted on the property
- October 21, 2014 – legal notices posted on the Town of Windsor website
- October 24, 2014 – legal ad published in the paper

Recommendation: At their November 5, 2014 Regular Meeting, the Planning Commission forwarded a recommendation of approval to the Town Board for the proposed height to not exceed forty (40) feet to allow for minor variations in the field during construction, subject to compliance with all building and fire code requirements, and staff concurs with this recommendation.

Enclosures: Resolution No. 2014-67
height review request letter and narrative
staff PowerPoint

pc: Dennis Fulgenzi, applicant
Cathy Mathis, TB Group, applicant's representative

TOWN OF WINDSOR

RESOLUTION NO. 2014-67

A RESOLUTION APPROVING A REQUEST FROM COLORADO 80 HOLDINGS, LLC, IN ACCORDANCE WITH SECTION 16-10-50 OF THE *WINDSOR MUNICIPAL CODE* TO EXCEED THE MAXIMUM BUILDING HEIGHT FOR A STRUCTURE IN THE RESIDENTIAL MIXED USE – RMU ZONING DISTRICT, LOT 6, HIGHLAND MEADOWS GOLF COURSE SUBDIVISION, EIGHTH FILING IN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Windsor Town Board has received a request from Colorado 80 Holdings, LLC, to allow a fitness and tennis structure to exceed the maximum allowed building height of thirty-five (35) feet in the Residential Mixed Use – RMU zoning district, Lot 6, Highland Meadows Golf Course Subdivision, Eighth Filing; and

WHEREAS, Colorado 80 Holdings, LLC, has requested that it be permitted during construction to exceed the thirty-five foot height limitation by five (5) feet, subject to compliance with all building and fire code requirements; and

WHEREAS, Section 16-10-50 (c) (1) b of the *Windsor Municipal Code* states that any building or structure proposed to exceed the maximum building height allowed in the respective zoning district, shall be subject to review and recommendation by the Planning Commission, and thereafter presented for approval or disapproval by the Town Board; and

WHEREAS, on November 5, 2014, the Windsor Planning Commission held a public hearing and on November 10, 2014, the Windsor Town Board held a public hearing to receive evidence and comment on the within-described request from Colorado 80 Holdings, LLC; and

WHEREAS, Section 16-10-50 (c) (2) of the *Windsor Municipal Code* requires that any building or structure proposed to be constructed at a height that would exceed the maximum building height allowed for any respective zoning district be reviewed and approved with respect to the following criteria: views, light and shadow, privacy and neighborhood scale; and

WHEREAS, in accordance with the terms and conditions outlined in Section 16-10-50 (c) (2) of the *Windsor Municipal Code*, said request has been reviewed by the Windsor Planning Commission and Windsor Town Board with respect to the required criteria; and

WHEREAS, the Town Board believes that the criteria for modification of the otherwise-applicable height limitations for the construction in question have been met by Colorado 80 Holdings, LLC.

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

Section 1. The request of Colorado 80 Holdings, LLC, for the construction of structures exceeding the maximum allowed building height is granted, subject to compliance with all applicable building and fire code requirements. Specifically, the thirty-five foot height limitation may be exceeded by five (5) feet for the fitness and tennis facility proposed for the site.

Section 2. Colorado 80 Holdings, LLC, shall comply with all of the height allowances granted above in Section 1 as well as all site planning regulations of the Town of Windsor pertaining to the development of the Colorado 80 Holdings, LLC, site.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 10th day of November, 2014.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

September 16, 2014

Planning Commission
c/o Town of Windsor
301 Walnut Street
Windsor CO 80550

Re: Highland Meadows Fitness and Tennis

Please accept this request for a Modification of Building Height Regulations pursuant to **Section 16-10-50(c)** of the Municipal Code.

Background

The proposed project consists of a new tennis and fitness facility to be constructed on Lot 6 of the Highland Meadows Golf Course Subdivision Eighth Filing. The 6.5-acre site is located at the northwest corner of Crooked Stick Drive and Highland Meadows Parkway. The site is zoned RMU, Residential Mixed Use. The project will contain one 48,840 sq. ft. building which will house a reception area, pro shop, fitness and work out facilities, four indoor tennis courts, offices, a pro shop and locker rooms on the first floor. There will also be a second floor mezzanine containing viewing areas, a lounge, and multi-purpose rooms. In addition, the site will have 5 outdoor courts and a kid's court.

The building materials on the south facade will consist of 4 feet of stone masonry, 8' of stucco and 6' of architectural grade metal siding. In addition, the building entry is two-story and is enhanced with storefront windows. The east side of the building will be similar, with the same stone, stucco and siding treatment. The north and west sides of the building are proposed to be standard metal building panels. The roof will be standing seam metal in a complimentary color. The building will have an average overall height of 37 feet.

The development agreement for the Highland Meadows Golf Course 8th Filing references compliance with the Town's adopted Commercial Corridor Plan (CCP) Design Standards. Further, the CCP also refers back to the Municipal Code building height regulations when the property is within the I-25 Subarea Map of the I-25 Subarea. This project lies within the boundaries of the I-25 Corridor Plan. Therefore, utilizing the CCP height regulations for the I-25 subarea, the maximum building height on an RMU parcel is 35 feet.

Modification to Section 16-24-40 (4)

Code Language: Section 16-24-40. Lot, area and height requirements.

"The lot, area and height requirements in the RMU Zoning District shall be as follows:

(4) Maximum height requirements. Except as otherwise provided for in this Code, the maximum height of any building in an RMU zoning district shall not exceed thirty-five (35) feet in height. Appurtenances such as clock towers or cupolas which are an integral part of any principal structure shall not exceed forty-five (45) feet in height.”

Requested Modification

We request that the proposed building have a ridge height of 37 feet.

Modification Criteria and Justification

The following addresses the Standards for review per Section 16-10-50(c)(2)(a-d):

- a. Views. A building or structure shall not substantially alter the opportunity for, and quality of, desirable views from public places, streets and parks within the community. Techniques to preserve views may include, but are not limited to, reducing building or structure mass, changing the orientation of buildings or other structures and increasing open space setbacks.

Justification: As shown in the View Analysis, the views to the mountains will not be adversely impacted from the existing neighborhood and public streets. The building is set back a distance from the streets and is oriented on the site in order to preserve views and allow for future expansion. The visual impacts of the mass of the building are greatly reduced by the use of enhanced landscaping along the frontages of Highland Meadows Parkway and Crooked Stick Drive.

- b. Light and shadow. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Adverse impacts include, but are not limited to, casting of shadows on adjacent property sufficient to preclude the functional use of solar energy technology; creating glare, such as reflecting sunlight or artificial lighting at night, that contributes to the accumulation of snow and ice during the winter on adjacent property; and shading of windows or gardens for more than three (3) months of the year. Techniques to reduce the shadow impacts of a building may include, but are not limited to, repositioning of a structure on the lot, increasing the setbacks, reducing building or structure mass, or redesigning a building or structure's shape.

Justification: The shadows cast by the proposed 37' tall building will be predominantly located on the commercially-zoned lot to the north and the parking spaces located on the east side of the proposed building. We feel that the shadows cast on the adjacent property will not have an adverse impact due to the fact that the shadow reaches into the lot approximately 35 – 40 feet, which would most likely, be building and landscape setback for future development. In addition the increase of the building height from 35 to 37 feet is negligible.

- c. Privacy. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas and public parks. Techniques to improve the level of privacy in a neighborhood may include, but are not limited to, providing landscaping, fencing and open space, and changing building or structure orientation away from adjacent residential development.

Justification: The proposed structure, being 2 feet taller than what would be allowed, will not infringe on the adjacent properties. The lot to the north is zoned commercial and the lot to the west is zoned RMU but future development will be away from the building that it won't be affected. The building is set back far enough so the privacy and shadowing is not an issue on the public right of way or residential properties across Highland Meadows Parkway.

- d. Neighborhood scale. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be compatible with the scale of the neighborhoods in which it is situated in terms of relative height, height to mass, length to mass and building or structure scale to human scale.

Justification: The proposed recreational use will provide a transition in scale from the industrially-zoned land to the south and the residential and commercial uses planned for Tract H. The location is appropriate for a building of this type as the RMU zone district encourage a mix of land uses.

The visual impacts of the building have been reduced by placing the parking predominantly to the east and south sides of the building and locating the building back on the site.

This is a unique building to Windsor and will be a good fit with the neighborhood. The new building has been designed to be sensitive to the surrounding existing development. The health club and office portion of the building fronts Crooked Stick Drive with a large portion of the south elevation addressing the street to create a strong entry and presence. The main entrance is defined by a projecting connector element which further assists in reducing the overall mass of the south elevation. The east and west sides utilize a break in the wall plane that creates the look of two smaller buildings instead one large building.

The core issue of this modification revolves around whether or not it would be more desirable to have the building be the requested 37 feet or a 35 foot tall building that meets the strict application of the code. The higher clearance heights required for an indoor tennis facility is critical for USTA events.



HIGHLAND MEADOWS GOLF COURSE SUBDIVISION EIGHTH FILING, LOT 6

HEIGHT REVIEW (FITNESS & TENNIS FACILITY)

**Josh Olhava, Associate Planner
November 10, 2014**

Town Board

Item C.15.C.16



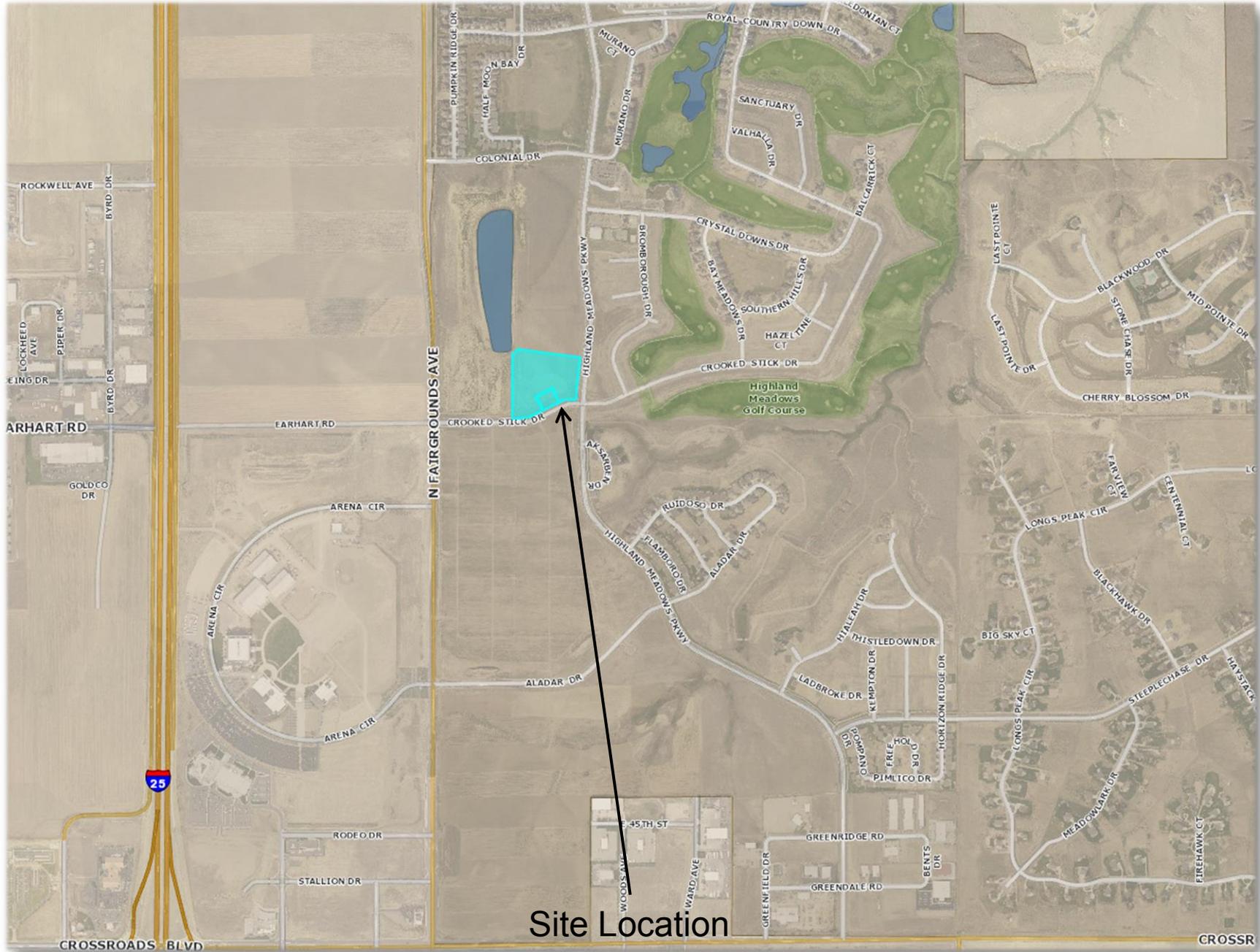
HEIGHT REVIEW

Article X of Chapter 16 of the Municipal Code outlines the procedures of the Height Review process, as follows:

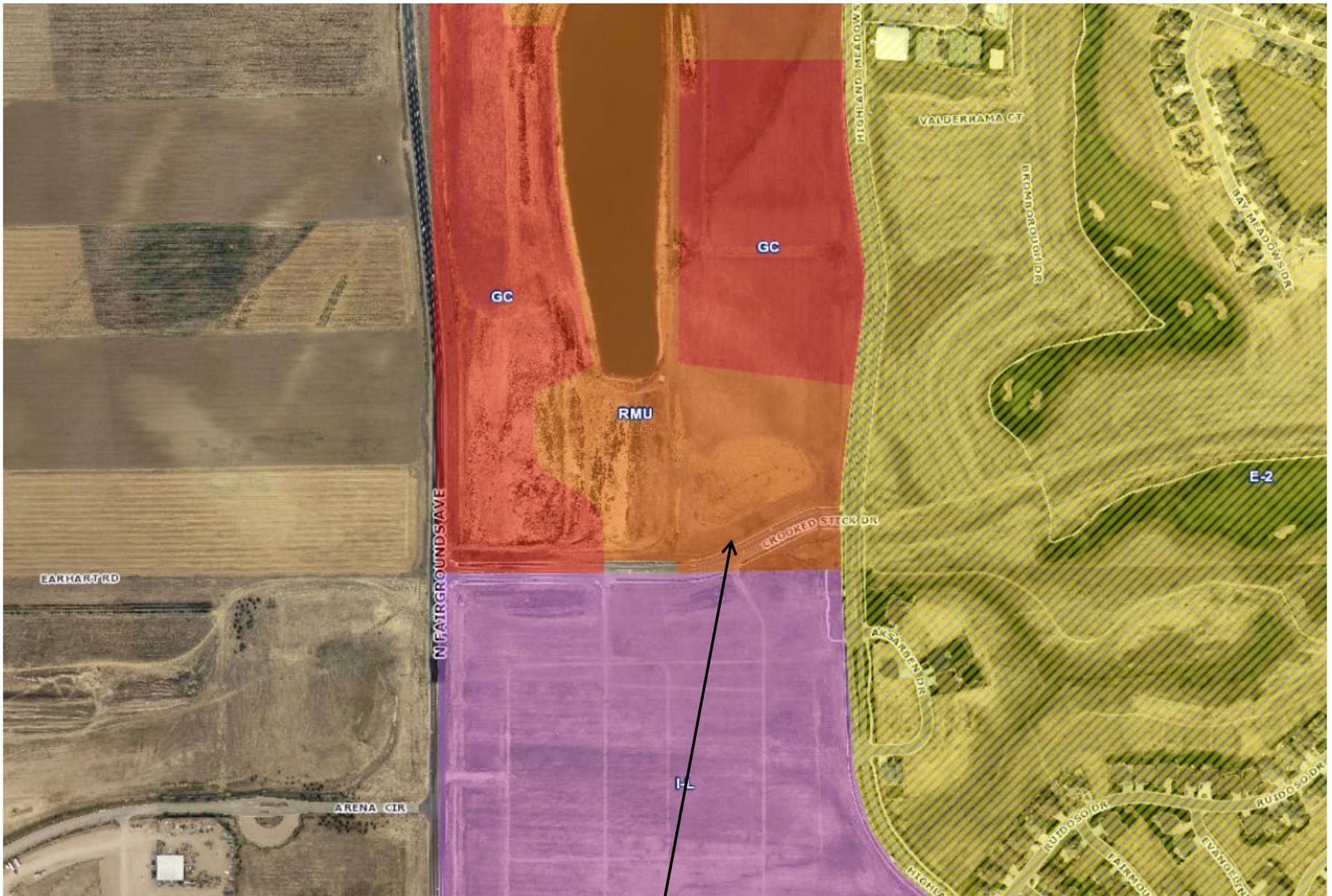
Sec. 16-10-50(c)(1)b.

- *“Any building or structure proposed to exceed the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be subject to review and recommendation by the Planning Commission, and thereafter to approval or disapproval by the Town Board pursuant to the provisions of this Section.”*

SITE VICINITY MAP

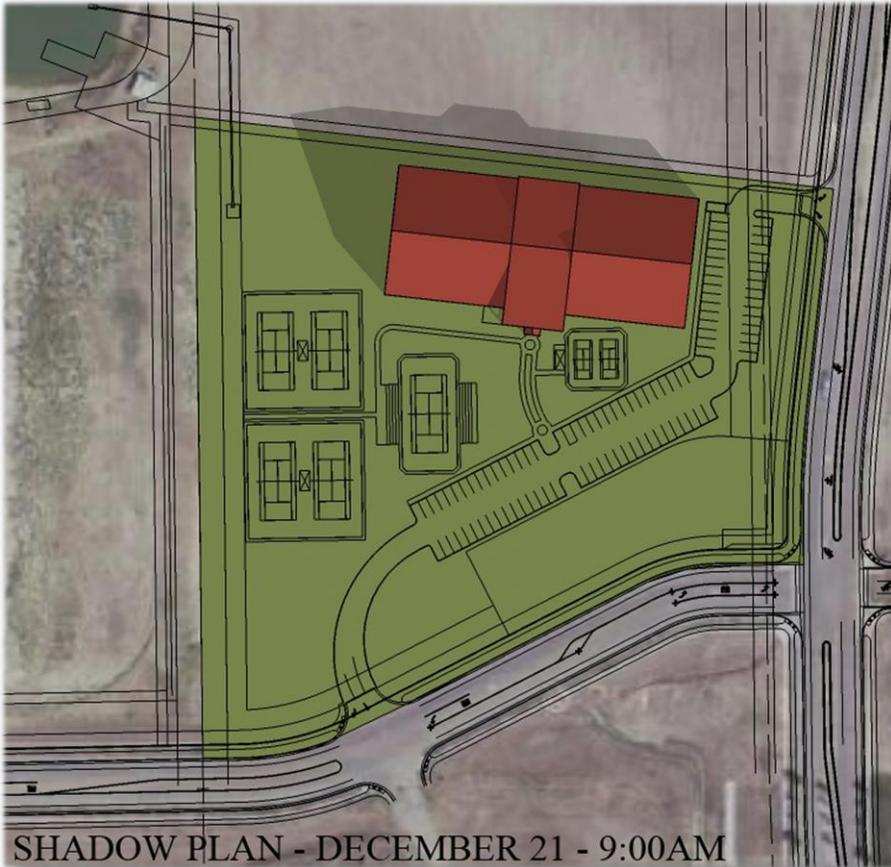


SITE PROXIMITY ZONING MAP



Site Location – Zoned Residential Mixed Use (RMU)

SHADOW PLAN



SHADOW PLAN - DECEMBER 21 - 9:00AM



SHADOW PLAN - DECEMBER 21 - 3:00PM

EXISTING VIEW WEST



VIEW TO WEST - EXISTING

VIEW WEST w/ 35' HEIGHT



VIEW TO WEST - 35'-0" HEIGHT

VIEW WEST w/ 38' HEIGHT



VIEW TO WEST - 38'-0" HEIGHT



RECOMMENDATION

At their November 5, 2014 Regular Meeting, the Planning Commission forwarded a recommendation of approval to the Town Board for the proposed height to not exceed forty (40) feet to allow for minor variations in the field during construction, subject to compliance with all building and fire code requirements, and staff concurs with this recommendation.



HEIGHT REVIEW

Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the Public Hearing
- Recommendation



MEMORANDUM

Date: November 10, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Re: Resolution No. 2014-68 - A Resolution approving and adopting revisions to the schedule of certain development-fee related fees imposed by the Town of Windsor to include a fee for review and approval of accessory dwelling units.
Item #: C-17

Discussion

At the October 23, 2014 meeting, the Town Board approved Ordinance No. 2014-1481 authorizing the use of accessory dwelling units (ADUs). Since this is the first time ADUs have been allowed in Windsor, there hasn't been a development review fee established for the review of these types of site plans. Staff has analyzed the approximate amount of staff time that will be required to review these site plans and has determined that the staff time that will be associated with these reviews will be similar to the staff time associated with reviewing conditional use grant (CUG) applications.

On March 10, 2014 the Town Board approved a new schedule of fees similar to the Supplemental Fee Schedule entitled Exhibit "A" which is part of the enclosed Resolution. Since the fee schedule that was adopted on March 10th did not include an ADU review fee, Exhibit "A" of the enclosed Resolution has been updated to include this proposed new fee which is shown in the third row from the bottom of Exhibit "A".

Therefore, for consistency and because the staff review time for ADU applications will be similar to the review time for CUG applications, staff is recommending that the ADU review fee be \$207 initially and increase incrementally in accordance with the phasing schedule outlined on Exhibit "A".

Recommendation: Adoption of Resolution 2014-68 as presented.

Attachments: Resolution 2014-68 with Supplemental Fee Schedule.

TOWN OF WINDSOR

RESOLUTION NO. 2014-68

A RESOLUTION APPROVING AND ADOPTING REVISIONS TO THE SCHEDULE OF CERTAIN DEVELOPMENT-RELATED FEES IMPOSED BY THE TOWN OF WINDSOR TO INCLUDE A FEE FOR REVIEW AND APPROVAL OF ACCESSORY DWELLING UNITS

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority conferred pursuant to law; and

WHEREAS, the Town has in place a comprehensive system of land use regulations, including a schedule of development-related fees necessary for the administration of the Town’s land use regulations; and

WHEREAS, the Town’s Planning Department is largely responsible for the administration of land use reviews and approvals; and

WHEREAS, in March, 2014, the Town Board approved a schedule of development fees, with a phase-in period over 2014, 2015 and 2016; and

WHEREAS, on October 13, 2014, the Town Board approved Ordinance No. 2014-1481, under which Accessory Dwelling Units (ADU’s) were approved as accessory uses in residential zoning districts, subject to Planning Department review; and

WHEREAS, in order to defray the costs of administrative review of ADU applications, the Director of Planning has recommended an amendment to the Town’s development fees schedule to include a fee for ADU application review and approval; and

WHEREAS, in keeping with the previous development fee approval, the Town Board wishes to implement the ADU application fee consistently with the phasing of fee increases for other approvals; and

WHEREAS, the within Resolution promotes the public health, safety and welfare.

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

1. The Town Board hereby adopts the attached revised Town of Windsor Supplemental Fee Schedule, which is identical to that approved in March, 2014, but includes a newly-established fee for all applications associated with Accessory Dwelling Unit approvals submitted on and after the date set forth below.
2. The Town Board directs that the Accessory Dwelling Unit application fee shall be phased as set forth in the attached revised Windsor Supplemental Fee Schedule.
3. Notwithstanding the graduated schedule of fee increases set forth above, nothing herein shall be deemed to deny or restrain the Town Board in the establishment or amendment of development-related fees, including fees for Accessory Dwelling Unit approvals, at any time.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 10th day of November, 2014.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

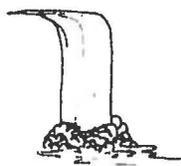
Patti Garcia, Town Clerk

Exhibit "A"			
Town of Windsor Supplemental Fee Schedule			
Revised November 10, 2014			
DESCRIPTION	Fee	Fee	Fee
	3/11/14 - 12/31/14	1/1/15 - 12/31/15	1/1/16 - 12/31/18*
Annexation Only	\$843	\$1,686	\$2,529
Annexation With Master Plan	\$953	\$1,906	\$2,859
Master Plan Only	\$290	\$580	\$870
Preliminary Major Subdivision	\$724	\$1,448	\$2,172
Final Major Subdivision	\$363	\$726	\$1,089
Minor Subdivision	\$312	\$624	\$936
Preliminary Site Plan	\$635	\$1,270	\$1,905
Final Site Plan	\$587	\$1,174	\$1,761
Administrative Site Plan	\$587	\$1,174	\$1,761
Conditional Use Grant	\$207	\$414	\$621
Accessory Dwelling Unit	\$207	\$414	\$621
Rezoning	\$298	\$596	\$894
Wireless Telecommunications	\$205	\$410	\$615

* Unless the Windsor Town Board shall take affirmative official action to further adjust the fees in the interim. If by 12/31/18 the Windsor Town Board has not taken affirmative official action to adjust these fees, these fees will remain in full force and effect indefinitely.

THE NEW CACHE LA POUFRE IRRIGATING COMPANY
THE CACHE LA POUFRE RESERVOIR COMPANY

(970) 352-0222



Kern Ditch & Reservoir Co.
c/o Town Of Windsor
301 Walnut
Windsor, CO 80550

October 31, 2014

Dear Kern Ditch & Reservoir Co.,

IMPORTANT NOTICE: This letter requires a response from each shareholder in the New Cache La Poudre Irrigating Company. **Do not disregard this letter.**

DEADLINE TO COMMIT IS NOVEMBER 20, 2014 to participate in 2014.

The Board of Directors of the New Cache La Poudre Irrigating Company is pleased to announce the Cornish Plains Reservoir Rental Water Program. This is a new rental water program that will generate rental water income for each shareholder that participates. Participating in this program in 2014 will **NOT** impact your water balances for 2015. You will be paid for rental water leased out in 2014 on your behalf.

Background:

The Company is facilitating this program to lease certain storage rights in Cornish Plains Reservoir for oil & gas purposes. Certain water stored in Cornish Plains Reservoir can be used for irrigation purposes and/or for oil and gas development. You as shareholders have the opportunity to 1) keep your pro-rata amount in your account and irrigate or 2) lease your pro-rata amount to users who pay to lease and utilize that water. The Company negotiates the terms of the lease and operates the rental program on behalf of the participating shareholders. It is the intent of the Company to renegotiate a new agreement annually. The amount of rental and other terms of that agreement are subject to those negotiations. No one can predict what rental rates may be in the future or what the future demand for these types of leases may be.

THE NEW CACHE LA POUDDRE IRRIGATING COMPANY
THE CACHE LA POUDDRE RESERVOIR COMPANY

(970) 352-0222

The current agreement will expire at the end of November 2014. The amount of money paid to each shareholder will depend on the number of shareholders committing by the deadline, and will be reduced by costs including expenses and fees for the Company to manage, facilitate and operate the lease, as well as delivery and accounting.

Participation:

- 1) If you choose not to participate please return the signed form with the "NO" choice marked. You will not lose your pro-rata share of water stored in Cornish Plains Reservoir, but you will also NOT receive any funds from this rental program during the term of the current lease.
- 2) If you choose to participate in the rental program for 2014, mark the "YES" choice, sign and return the enclosed agreement by the DEADLINE TO COMMIT (November 20, 2014). **We need signatures from everyone who is listed on the face of the certificate.** The Company will be required to file an IRS Form 1099-MISC and provide the Shareholder with the form as well. Therefore, a Tax Identification Number is required. Incomplete forms cannot be processed.

Please return the executed commitment form to:
P.O. Box 104
Lucerne, CO 80646

If we receive no response then you will be excluded from the rental program.

Payments:

Payments to shareholders will be made at the end of November 2014. The estimated amount of the payment is \$320.00 per share.

If you have questions please contact the office at (970) 352-0222 or email Paul Ackerman at paul@newcache.com.

Sincerely,



Dale Trowbridge
General Manager

Cornish Plains Reservoir 2014 Rental Program Lease Commitment

(Shareholder fill in blank sections, Print please)

Shareholder Name(s): _____

(as indicated on certificate) _____

Address: _____ Phone: _____

_____ E-Mail: _____

CHOOSE ONE OPTION:

_____ NO, I/we choose to NOT participate in the rental program. Sign the document and return this form to the Company office.

_____ YES, I/we choose to participate in the rental program. Please provide the Tax ID Number, sign and return this form to the Company office by November 20, 2014.

Tax Identification No: _____

The Shareholder(s) named above authorizes the New Cache La Poudre Irrigating Company to negotiate a lease in their discretion, and on my behalf, for the rental of water derived from storage rights in the Cornish Plains Reservoir for the shares listed above. The Shareholder also authorizes and instructs the Company to process payments received pursuant to the lease, to be distributed pro-rata to the rental program shareholder participants. The Shareholder understands the program requirements as described by the Company and agrees to abide by the procedures and requirements determined by the Company for participation. The Shareholder further releases and holds the Company harmless from any and all claims related to the leasing of said shares and my participation in the program. The Shareholder understands and agrees that the Company will retain a portion of the payments received as agent for the Shareholders for the management of this program and to defray related costs to the Company. The Company is required to provide the Shareholder with Internal Revenue Form 1099-MISC. The Shareholder commits the shares owned to the rental program for a period ending November 30, 2014:

Signed: _____ Date _____

Signed: _____ Date _____

{Please return to NCLPIC no later than November 20, 2014}



Windsor Neighbors for Responsible Drilling, LLC

PO Box 323, Timnath, CO 80547

November 10, 2014

Dear Windsor Town Board:

Thank you for the leadership you have shown in annexing the "Pace property" enclave last week. We now ask the Town to request the COGCC hold a public hearing in Windsor on the Great Western proposal so the very real concerns of neighbors to the Pace property can be heard by the COGCC.

Windsor Neighbors for Responsible Drilling, LLC is a coalition of home owners living in Windsor neighborhoods either adjacent to, or close by, the Pace property, who are concerned about residential drilling in Windsor. We believe that drilling can be done responsibly, even within a city, but more intense analysis, possibly additional setbacks and more extensive mitigations would be required. Unfortunately those protections are not currently required by the COGCC. The "Governor's Task Force on Oil and Gas Development" is planning to address these issues, but its recommendations may be too late to affect this proposed development along County Road 13 unless you intervene.

We request the public have an opportunity to address the decision-making body on this proposal – the COGCC. What Great Western has proposed is a major industrial operation with all the accompanying ramifications. Approving such an industrial area next to two, and close to several other, neighborhoods in Windsor would typically require at least two public hearings (planning commission and Town Board). In this case, the Town cannot turn down the proposal once it has been approved by the COGCC. Since the final decision will be made by the COGCC, basic due process should allow the neighbors of the proposed multi-well industrial area the chance for a public hearing before that decision-making body. Information presented at such a hearing may well be informative to the Town, the operator, the COGCC and the neighborhoods as final decisions on this proposed project are made. The community will not have the opportunity to have their voices heard on this matter unless such a public hearing is requested by the Town of Windsor.

A hearing on a Form 2A (location assessment) may only be requested by the operator, the land owner, or the "relevant local government". (COGCC Rule 503.b.(7)C.) Now that the property has been annexed, the Town of Windsor is the relevant local government.

To request a hearing, the local government has to assert that 1) the request is based on potential impacts to public health, safety, or welfare, 2) the location permit does not adequately deal with the impacts, and 3) the rules and regulations were either not followed or are not adequate to deal with the potential impacts. (COGCC Rule 508.j.) The COGCC rules also state that the hearing will be held in the region impacted by the COGCC decision.

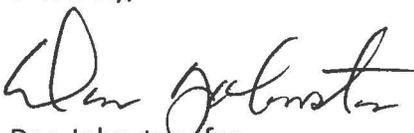
Your constituents deserve an opportunity to have a local public hearing on this proposal before the COGCC. We trust you will allow that to happen.

On an associated matter, but nevertheless a very important one, Windsor Neighborhoods for Responsible Drilling, LLC, contends the permit applications filed by Great Western for operations on the Pace property are incomplete, and therefore, defective. We further ask the Town to address this matter with the COGCC, and to request the COGCC require the existing permit applications be withdrawn and new applications be filed only when all required information is available and contained in, or attached to, the new applications. Once that information is made available for public review, we request a new open comment period be allowed for the public to review and comment on full, complete permit applications.

The proposed development of the Pace property by Great Western is a major undertaking, which will have long-lasting, wide-spread ramifications to property owners in the vicinity, and may, indeed, impact future development in that area. By requiring full disclosure of all pertinent information, and seeking a full open hearing in Windsor, the Town can ensure the best decisions are made regarding that proposed development.

We truly appreciate the leadership you have already shown on this issue. Thank you for supporting Windsor neighborhoods.

Sincerely,



Dan Johnston, for

Windsor Neighbors for Responsible Drilling, LLC

Nov. 10th, 2014

William C. Yeagle, Jr
36656 Brian Ave.
Windsor, CO 80550

Members of Winsor Town Board:

I am writing this letter to voice my concern over the proposed annexation and zoning change to parcel 3 of the Harmony Ridge development.

Although I am in agreement with the town annexing the land, I do not approve of the change of the zoning from E-2 to RMU.

My family and I moved to Alexander Estates Sept of 2010. Prior to moving here we lived in Loveland, in a high density sub-division close to an airport, railroad, and a C.A.F.O. (Concentrated Animal Feeding Operation). All of these conditions made us aware that if we wanted to have the large family we desired, and the home we dreamed of, we needed to move.

Before we committed to making the move here to Alexander Estates we did our due diligence to be sure that the existing neighborhood was what we wanted. We also made inquiries to the undeveloped land to the south of our home, finding that it was zoned E-2. We felt that a neighborhood with E-2 zoning would compliment Alexander Estates, as well as this area of Windsor. So we bought our home and turned it into the home we always dreamed of, investing almost \$200,000 in repairs and improvements.

My family loves where we live! We have 2 boys ages 6 and 4, a girl 2, and another child on the way. This is where we will live for a very long time. We knew that when we purchased this home and turned it into the home we always dreamed of. I ask you to please help us maintain what this area currently is, and what it is currently zoned to be.

Thank you for your time regarding this matter.

Sincerely:

William, Sarah, Luke, Cooper, Ava, and ?? Yeagle

"Windsor has experienced unprecedented growth since 2000 and continues to attract families with its small town charm and quality of life. Windsor has managed to balance its growth while maintaining the small-town feeling its residents are proud to call home."

What you just read is an excerpt off of the town of Windsor website describing the town's history and explanation of why people move here. I urge you to keep this in your mind as you go into upcoming hearings on how to use the land surrounding my home here in Alexander Estates.

I moved from Fort Collins out here "to the country" to my current home 14 years ago to escape the very thing the planning commission is looking to create surrounding our home. I grew up on a farm in central Nebraska and had a dream to move back to the country since leaving Nebraska 31 years ago. When we lived in Fort Collins I used to drive over to Windsor and let my kids play in the town park and get ice cream cones and swim at the pool as I loved the country feel of Windsor. So, I was ecstatic that my dream was full-filled when we built our home on 2.5 acres 14 years ago, I felt like I moved back home.

I am extremely opposed to the proposed land use of the Annexation known as Harmony Ridge and also the plans of HR Exchange to develop the area with such high density. I am shocked the town would consider such high density around our country atmosphere. It certainly is not cohesive and/or harmonious with the properties that currently exist out here.

I hope also that you consider greatly that whatever type of land use you decide on, which I hope is more consistent with homes on acreages, that you require that whomever the developer is to have them pay for any infrastructure needed to handle the extra traffic, water, sewer, electrical, etc in and around the Windsor community. As I can assure you that people will be using County Rd 76 as an alternate route home and I can't even imagine how that will impact those in and around that road. Not to even mention how that will impact the town of Timnath and those living on County Road 15.

Please consider the town's history as described on your website and keep our country homes in the country rather than surrounded by high-density cookie cutter homes with congested roadways and eroded quality of life for those of us who moved out here to escape that very thing.

As a side note, I just got on the town's website and viewed all the photos that you have posted to showcase our way of life here in Windsor. Not one photo was of a cookie-cutter subdivision surrounding country lots or congested traffic on Harmony Road or the brown cloud of pollution up against the foothills. Rather it was of open skies and the Twin peaks, horses in pastures full of snow, trails along the Poudre, pelicans on Windsor Lake and the color of autumn on the trees of a downtown street. The very thing that drew me to Windsor. I urge you to set a precedence of how you handle the growth around my country home for any future development to come so when others view those beautiful photos they know Windsor does truly care about the small-town feeling its residents are proud to call home.

Sincerely,

Denise Hazzard
6740 Alexander Drive
Windsor, CO

November 10, 2014

Windsor Town Board and Windsor Planning Commission

As residents of the Roth Subdivision for over 30 years, we are concerned about the negative affect of a high density and mixed residential development which is planned for Harmony Ridge Subdivision. At this time, there are no high density housings in our immediate area.

When Roth Subdivision was established in 1969, all lots were 1 acre in size and when Alexander Estates was established in 1994, all lots were about 3 acres. We are not opposed to the development of Harmony Ridge subdivision, but we are opposed to the high density development which is proposed.

This would have a negative affect on our way of life as well as our property values. We were hoping that when the area around Roth Subdivision and Alexander Estates was developed that it would follow the same footprint that was established in 1969 when the Roth Subdivision was developed as a rural subdivision.

When Alexander Estates was in the planning stages, I attended several meetings and I was impressed with the Planning Commission and the Town Board for asking pertinent questions of the developer concerning the affect on the existing Roth Subdivision. We hope our concerns will be taken into consideration as they were then.

 Ronald C. Hoffman

 Carol Hoffman

6900 Rodney St.
Windsor, CO 80550

Jeanne McCreery
36699 Brian Ave, Windsor, CO

November 10, 2014

Comments to the Windsor Town Board regarding Harmony Ridge Development

The crux of my comments tonight is to encourage the board to provide guidance to the developer for responsible development that is respectful of the surrounding neighborhoods.

My husband and I spent over 3 years literally window shopping for a house with of view of Longs Peak. The panoramic view of Longs and the Front Range is nigh on to sacred to me, both sides of my family have been enjoying this scene since the mid 1800s. Imagine our horror and sense of helplessness this past spring when we first saw a plat that had 7 postage stamp houses adjacent to the western property line of our 2.8 acre lot. Our peaceful, scenic view shattered. That said, the developer did reduce the number of cramped lots from 7 down to 5, and at the recommendation of the planning commission this was reduced further down to 4 lots along our western property boundary. In conjunction with the reduction to 4 lots adjacent to each estate lot, the open space to the west of everyone's perimeter property was stripped out of the plat. This somewhat lower density housing plat is applied only to the strip of houses immediately adjacent to estate properties, with homes across the street from these lots jumping back to the 6000ft² postage stamps. This does provide some limited consolation, but the agrarian and pastoral setting of our neighborhood, nonetheless, is about to be stripped away from us.

The planned development of 1600 housing units, at a rate of 2.5 persons per household per the Colorado Census Bureau, essentially plunks a small town of 4000 people between the rural enclaves of Roth and Alexander Estates and Timnath's Harmony subdivision. These neighborhoods as well as the Town of Timnath have requested consideration for significantly less density, but who will take ownership to review this? You, as Stewards of the town of Windsor, have the opportunity to examine these requests and consider the ramifications of such a development in this region. There are many beautiful rural subdivisions within Windsor's jurisdiction; the manner in which this situation is treated will set precedence regarding other future proposed high density developments adjacent to other tranquil rural subdivisions. I respectfully request you take the time to educate yourselves on our rural neighborhoods and establish a vision for how you would shape development to enhance the existing neighborhoods and their surroundings. At the very least, please recognize the appeal from your citizens, neighbors and the Town of Windsor requesting much lower density for this development.

We request:

- Significantly lower density in the development, perhaps down to 500-800 units.
- Maintaining some part of our 'dark skies' neighborhood
- An open space buffer immediately West of our subdivisions, in addition to a single story house restriction beyond the buffer zone.
- Upgrading road classification and considering more immediate improvements to this area which is already a high safety concern for the residents in the area.

My husband and I spent over 3 years daily window shopping for a house with a view of Long Peak. The panoramic view of Long and the Front Range is right on (I asked for no other of my family have been enjoying this scene since the mid 1800s. Imagine a 1/2 acre lot and some of the best views in the area. I saw a plot that had 3 postage stamp houses adjacent to the western property line of our 1/2 acre lot. Our personal scenic view situation. That said, the developer did reduce the number of annual lots from 7 down to 5, and at the recommendation of the planning commission the lot was reduced further down to 4 lots along our western property boundary. In conjunction with the reduction to 4 lots adjacent to each estate lot, the open space to the west of everyone's property was stripped out of the plot. This somewhat lower density housing plot is applied only to the strip of houses immediately adjacent to estate properties, with homes across the street from these lots jumping back to the 6000's postage stamp. This does provide some limited consolation, but the gain and potential setting of our neighborhood, nonetheless, is about to be stripped away from us.

The planned development of 1800 housing units at a rate of 2.5 persons per household per the Colorado Census Bureau, essentially plunk a small town of 4500 people between the rural enclaves of Roth and Alexander Estates and Timoth's Harmony subdivision. These neighborhoods as well as the Town of Timoth's have requested consideration for significantly less density, but will take ownership to review this. You, as stewards of the town of Windsor, have the opportunity to examine these requests and consider the ramifications of such a development in the region. There are many beautiful rural subdivisions within Windsor's jurisdiction; the manner in which this situation is treated will set precedence regarding other future proposed high density developments adjacent to other rural subdivisions. I respectfully request you take the time to educate yourselves on our rural neighborhoods and establish a vision for how you would shape development to enhance the existing neighborhoods and their surroundings. At the very least, please recognize the appeal from your citizens, neighbors and the Town of Windsor requesting much lower density for the development.