



## TOWN BOARD REGULAR MEETING

January 26, 2015 - 6:00 P.M.

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

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### AGENDA

#### A. CALL TO ORDER

A. Roll Call

#### B. EXECUTIVE SESSION

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 – Economic Development Prospect (Stacy Johnson)

B. Pledge of Allegiance

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

D. 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 Town Clerk prior to the start of the meeting.*

#### C. CONSENT CALENDAR

1. Minutes of the January 12, 2015 Regular Town Board Meeting – P. Garcia
2. Advisory Board Appointments – P. Garcia

#### D. BOARD ACTION

1. 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  
*Super-majority vote required for adoption on second reading*
  - Second Reading
  - Legislative action
  - Staff presentation: Josh Olhava, Associate Planner
2. Resolution No. 2015-04 – A Resolution Approving an Annexation Agreement between the Town of Windsor and Harmony Exchange, LLC, with Respect to 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
3. Public Hearing – Resolution No. 2015-05 – A Resolution Approving the Harmony Ridge Master Plan Pursuant to Chapter 15, Article II of the Windsor Municipal Code – HR Exchange LLC/ Jeff Mark, The Landhuis Company, applicant/ Jim Birdsall, TB Group, applicant’s representative
  - Staff presentation: Josh Olhava, Associate Planner
4. Resolution No. 2015-05 – A Resolution Approving the Harmony Ridge Master Plan Pursuant to Chapter 15, Article II of the Windsor Municipal Code – HR Exchange LLC/ Jeff Mark, The Landhuis Company, applicant/ Jim Birdsall, TB Group, applicant’s representative
  - Legislative action
  - Staff presentation: Josh Olhava, Associate Planner
5. Resolution No. 2015-06 – A Resolution Approving an Amendment to the Windsor North Annexation Agreement Between the Town of Windsor and Christopher J. Frye, and Authorizing the Mayor to Execute Same
  - Legislative action
  - Staff presentation: Ian D. McCargar, Town Attorney
6. Ordinance No. 2015-1490 - An Ordinance Pursuant to Chapter 16 of the Windsor Municipal Code Approving a Zoning Designation for the Pace Annexation to the Town of Windsor  
*Super-majority vote required for adoption on second reading*
  - Second reading
  - Legislative action
  - Staff presentation: Joe Plummer, Director of Planning
7. Ordinance No. 2015-1491 – An Ordinance Re-zoning certain property known as Westwood Village Subdivision Fourth Filing, Tract A and Lot 4 – 14th Street Real Estate LLC., applicant/ Cathy Mathis, TB Group, applicant’s representative  
*Super-majority vote required for adoption on second reading*
  - Second reading
  - Quasi-judicial action

- Staff presentation: Josh Olhava, Associate Planner
8. Ordinance No. 2015-1492 - An Ordinance Fixing The Compensation of The Municipal Court Judge and Municipal Court Clerk for The Town Of Windsor in Compliance With Sections 13-10-107 and 13-10-108, C.R.S., and Section 2-4-90 of the *Windsor Municipal Code*  
*Super-majority vote required for adoption on second reading*
    - Second reading
    - Legislative action
    - Staff presentation: Ian D. McCargar, Town Attorney
  9. Public Hearing – Ordinance No. 2015-1492 – An Ordinance Designating the Eaton House building, 130 N. 5<sup>th</sup> Street, as a Local Historic Landmark – Rachel Kline, Chairperson of the Historic Preservation Commission, applicant
    - Staff presentation: Josh Olhava, Associate Planner
  10. Ordinance No. 2015-1493 – An Ordinance Designating the Eaton House building, 130 N. 5<sup>th</sup> Street, as a Local Historic Landmark – Rachel Kline, Chairperson of the Historic Preservation Commission, applicant
    - First reading
    - Legislative action
    - Staff presentation: Josh Olhava, Associate Planner
  11. Public Hearing – Final Major Subdivision - Falcon Point Subdivision – Chris Ruff, applicant
    1. Quasi-judicial action
    2. Staff presentation: Paul Hornbeck, Associate Planner
  12. Resolution No. 2015-07– A resolution of the Windsor Town Board approving the final plat for the Falcon Point Subdivision in the Town of Windsor, Colorado – Chris Ruff, applicant
    - Quasi-judicial action
    - Staff presentation: Paul Hornbeck, Associate Planner
  13. Site Plan Presentation – Falcon Point Subdivision, Lot 3 – Cutters Wireline – Chris Ruff, applicant
    - Staff presentation: Paul Hornbeck, Associate Planner

#### E. COMMUNICATIONS

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

#### F. ADJOURN



**TOWN BOARD REGULAR MEETING**  
January 12, 2015 - 7:00 P.M.  
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

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MINUTES

Mayor Vazquez called the meeting to order at 7:04 p.m.

- |                     |                        |  |
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| 1. <u>Roll Call</u> | Mayor<br>Mayor Pro Tem | John Vazquez<br>Myles Baker<br>Christian Morgan<br>Jeremy Rose<br>Kristie Melendez<br>Robert Bishop-Cotner<br>Ivan Adams |
|---------------------|------------------------|--|

Also present:	Town Manager Town Attorney Town Clerk/Assistant to the Town Manager Communications/Assistant to the Town Manager Chief of Police Director of Economic Development Director of Engineering Director of Finance Chief Planner Associate Planner Associate Planner	Kelly Arnold Ian McCargar Patti Garcia Kelly Unger John Michaels Stacy Johnson Dennis Wagner Dean Moyer Scott Ballstadt Josh Olhava Paul Hornbeck
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2. Pledge of Allegiance  
Town Board Member Melendez 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  
**Town Board Member Melendez motioned to approve the agenda as presented; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**
4. Board Liaison Reports
  - Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate  
Mayor Pro Tem Baker stated that there had not been a meeting of the Water & Sewer Board since his last update; they will be holding a work session on January 21, 2015.

Mr. Baker attended the NFRMPO meeting last week at which appointments to subcommittees were made. Items of note included a presentation from CDOT on the TIGER grant, discussion of the Bustang Service from Northern Colorado to Union Station, the widening of Highway 34 which was approved by CDOT, along with the future widening of I-25 is under discussion.

- Town Board Member Morgan – Parks, Recreation & Culture (PReCAB); Great Western Trail Authority

Town Board Member Morgan reported on the January 6, 2015 PreCAB meeting and noted items of discussion included ideas for the 125<sup>th</sup> anniversary celebration and signage regarding banning of smoking in certain areas and whether there should be an ordinance which would establish a penalty. Board consensus regarding an ordinance was that it will first be tried with signage only; Weld County Health has committed \$2,000 towards the effort.

Mr. Morgan also attended the Great Western Trail Authority meeting on January 8, 2015 and reported on a variety of items: seeding had been done although some of it had to be suspended due to wind; the Youth Conservation Corp had done a lot of work on the trail in the location where there were an abundance of weeds; the Authority is a recipient of a CDOT TAP grant in the amount of \$550,000 and they have additionally submitted an application for a Colorado State Trails grant in the amount of \$250,000 which requires matching to take place for funding. He also noted that there had been work done near County Road 31 towards Severance.

- Town Board Member Melendez – Downtown Development Authority (DDA); Chamber of Commerce  
Town Board Member Melendez stated the last meeting of the DDA was held on December 17, 2014 and that the next meeting would be held January 21, 2015 at 7:30 a.m. One of the discussion items at the December 17 meeting was code enforcement in the DDA area which was brought to the attention of the DDA board by the Town Board. DDA members have talked to the property owners who have volunteered to clean up their properties; the DDA board will monitor and assure that clean up is completed. The DDA board will have their first retreat on February 4, 2015 from 7:30 a.m. to noon. Additionally, the Parking Committee will be meeting with a parking consultant on Wednesday to look at challenge and opportunities in the DDA area.

Ms. Melendez also reported out on the Chamber of Commerce which met on January 7, 2015. The Chamber is up to 372 members with a great retention rate. Ms. Melendez noted there are two new board members; Jenni Stanford, Great Western Development Company and Tom Prenger, Bank of Colorado. Business After Hours will be held for tomorrow evening at the CU Health-Poudre Fitness Center. February 4-6, 2015, Executive Director Michal Connor and a board member will be attending the Western Association of Chamber Executives in Disneyland. Due to the conference, the regular Chamber meeting will be postponed to 7 a.m. on February 11, 2015 at the Egg & I at which members will hear about the conference and ideas that will be brought back. Sales for the new member directory are up and running. January 22, 2015 will be an opportunity to network through Networking at Noon which will be held at the Windsor Charter Academy.

- Town Board Member Rose – Clearview Library Board  
No report.

- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission  
Town Board Member Bishop-Cotner stated that the Historic Preservation Commission would be meeting on Wednesday. Mr. Bishop-Cotner noted that items discussed at the Planning Commission meeting were on the current Town Board agenda.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board  
Mr. Adams reported the last meeting of the Tree Board had been cancelled. Mr. Adams attended the Poudre River Trail Corridor Board meeting and reported on items of discussion including past flooding and how to rectify it; work with the City of Greeley and the Town regarding solutions for the railroad and trail access; marker repairs are being taken care of.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO  
Mayor Vazquez reported that the Windsor Housing Authority would be meeting this week.

5. Presentation to Town of Windsor from Broe Family Foundation

Jenni Stanford, representing the Broe Family Foundation, presented the Town of Windsor and the Parks, Recreation & Culture Department with a check for \$25,000 for the creation of The Broe Family Foundation Windsor Scholarship. This will be a scholarship program for qualifying children to participate in town recreation services. Mayor Vazquez thanked the Broe Family and their investment in the children of Windsor.

6. Invited to be Heard

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*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 Town Clerk prior to the start of the meeting.*

Mike Mitchell, 6771 Stevens Street, Windsor, spoke to the Town Board regarding a Denver Post article that stated that there was to be 28 oil wells proposed and he read that they were too big and too close to homes. He lives in the area where the wells are proposed and there is an estimated 16,000 trips down CR 74 for well transportation and is concerned regarding traffic as this is an area where there are 1,600 homes proposed to be built. He stated that he has not seen a plan in place for what is going to happen to traffic due to the increase in oil & gas traffic and new commuters due to the homes. Mayor Vazquez stated that they would follow up with his comments.

Dale Agen, 5973 Woodcliff Drive, Windsor reported to the Town Board his concerns regarding the seismic testing that is scheduled to be done. Mr. Agen has been in touch with many residents in his area who are very concerned as the environment is already charged to the oil and gas activity. He has understood that residents have reported damage to their homes and roads related to past seismic testing. He stated that he does not have a lot of details but has a

lot of questions; he would like to know more about when and where the testing will take place. Mr. Agen requested that the Town not approve any seismic testing until more information is brought forward; he requested there be public meeting in order to learn more. Mr. Agen thanked the Town Board for what they do and hoped that they can continue to work with the Board on this issue.

Town Manager Arnold responded to his concerns and stated that the Town has talked to the company about public input and public relations; they have also been instructed to use the small trucks for their work. Mr. Arnold provided Mr. Agen with his card and requested that he contact him in order to provide up to date information on the process.

#### B. CONSENT CALENDAR

1. Minutes of the December 8, 2014 Regular Town Board Meeting – P. Garcia
2. Resolution No. 2015-01 – A Resolution Designating a Public Place for the Posting of Notices Concerning Public Meetings – P. Garcia
3. Resolution No. 2015-02 - A Resolution Approving An Intergovernmental Agreement Between The Town Of Windsor, Colorado, And Larimer County Law Enforcement Agencies For The Purpose Of Coordinated Law Enforcement Services, And Authorizing The Mayor To Execute Same – I. McCargar & J. Michaels
4. Resolution No. 2015-03 – A Resolution Approving an Amendment to the Town’s Contract with Safebuilt Colorado with Respect to Building Inspection Services – J. Plummer
5. Letter of Intent - Larimer County Multi-Jurisdictional Hazard Mitigation Plan – J. Michaels
6. Report of Bills for December 2014 – D. Moyer
7. Acceptance of Demographics and Housing Study – J. Plummer

**Mayor Pro-Tem Baker motioned to approve the Consent Calendar as presented; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; 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. 2014-1489 - Ordinance Annexing Certain Municipally-owned Land Pursuant to the Provisions of § 31-12-106, C.R.S.

*Super-majority vote required for adoption on second reading*

- Second reading
- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney

**Board Member Melendez motioned to adopt Ordinance No. 2014-1489 – An Ordinance Annexing Certain Municipally-Owned Land Pursuant to the Provisions of § 31-12-106, C.R.S. on second reading; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney McCargar addressed the Town Board and reported that the ordinance is permitted by statute to annex municipally owned land. Once adopted, this Ordinance will bring

the Kyger property into Windsor under the statutes which allow for annexation of municipally-owned land. Town Manager Arnold has urged that this property be brought into the Town's corporate limits to assure Town law enforcement authority within the property and to subject the property to the Town's oil and gas CUG regulatory authority, if necessary. No public hearings or publication is required. The legal description approved on first reading contained portions of roadways included in the full Kyger property legal description. With the assistance of staff, the property description has been reduced to not include any county road rights-of-way; the annexation of the Kyger property is that property that is inside the county road rights-of-way.

Mayor Vazquez opened the meeting for public comment, to which there was none.

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

2. Public Hearing - Compliance with a Conditional Use Grant approved in 2013 for the property located at 217 2<sup>nd</sup> Street, Lot 17, Burlington Subdivision – Continued from December 8, 2014 Regular Town Board Meeting

- Staff presentation: Josh Olhava, Associate Planner

**Town Board Member Adams motioned to open the Public Hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

Town Board Member Bishop-Cotner stated:

“Mr. Mayor, 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.”

Associate Planner Olhava addressed the Town Board and provided an overview of the agenda item. In May 2013, the Planning Commission and Town Board approved a conditional use grant for Lot 17, 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 as follows:

1. Site Plan requirements:
  - a. A complete Site Plan shall be submitted by May 13, 2015 – not completed
2. Alley requirements and improvements:
  - a. A public use perpetual non-exclusive alleyway easement for public access shall be dedicated by November 13, 2013 – completed
  - b. Alley shall be paved to Town standards along Lot 17 by October 31, 2014 – not completed & past due
3. Replace dead or dying planting materials by June 12, 2013 – partially complete

Mr. Olhava stated that staff had tracked deadlines and kept the applicants notified of upcoming deadline dates. In addition, staff has discussed the applicable processes and requirements in emails, letters and meetings with the current business owners.

The Conditional Use Grant on the property began in 2005, with extensions in 2007, 2010 and a new Conditional Use Grant in 2013 based on new business owners. Henderson Brothers Real Estate still owns both properties and is separate from the current business owners.

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. These conditions were agreed to by the applicant's during the May 13, 2013 Town Board meeting.

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.

At the December 8, 2014 public hearing, the Town Board moved to continue the public hearing to the January 12, 2015 meeting date to allow for a recommendation from the Planning Commission. The Planning Commission held their continued public hearing on January 7, 2015 and recommended the Town Board extend the outstanding and incomplete 2013 Zoning Certificate conditions as follows:

1. The complete Site Plan application shall be completed by May 13, 2015, per the 2013 Zoning Certificate;
2. The applicant shall pave the alley along the length of Burlington Subdivision Lot 17, using concrete pavement in accordance with Town of Windsor Design Criteria and Construction Specifications by May 13, 2015. A grading plan and proposed pavement section and schedule shall be provided to the Town Engineering Department for approval prior to commencing work. Approval of the grading plan shall be conditioned upon sufficient evidence of insurance and indemnification for the Town's benefit;
3. Any dead or dying planting materials shall be replaced by May 13, 2015; and
4. If any remaining conditions are not met by the established deadlines, resulting in compliance issues, the Town has the authority to impose fines for each day the property is not in compliance. The fines should be set by the Town Board following its review of all relevant factors, and may be in differing daily amounts for the property owner and property occupants. Regardless of the amount(s) established by the Town Board, the fines should be expressly enforceable by court action and by imposition of a lien on the subject property.

Mr. Olhava stated that staff supports the recommendation and noted that neither the applicants nor the property owners were present.

Mayor Pro Tem Baker asked who was ultimately responsible.

Town Attorney McCargar stated the use of the property falls to the property owners; both the property owner and the occupant have requested the Conditional Use Grant and extension.

Town Board Member Adams noted the chronology of events and inquired what impact the recession had on the process

Mr. Olhava noted that review of the files and information provided that most of the issue had to do with the site plan process and ultimately the building of a structure for storage as outdoor storage is not a use in the General Commercial zoning district.

Town Board Member Melendez asked what assurance from the applicant that the Town would have that the conditions would be met.

Mr. Olhava stated that the applicants and the property owners were both present at the Planning Commission meeting at which they agreed to the conditions of the paving of the alley way completed to town standards done this spring and landscaping done, weather permitting. The dates are consistent with the site plan which falls on the May 13, 2015 date. As the concept plan was received after the October deadline it has not been reviewed for completeness; staff wanted to receive feedback from the Planning Commission and Town Board for direction on the non-compliance issues before moving forward.

Town Board Member Melendez also inquired if the applicants/property owners have paid or been issued any late penalties to date.

Mr. Olhava stated none that he was aware of.

Ms. Melendez went on to ask what happens if May 13, 2015 arrives and the conditions have not been met or they are just partially completed.

Town Attorney McCargar stated that it is up to the Town Board to impose any conditions they deem appropriate. If fines are established, they could start as of May 14, 2015 if nothing gets done. Mr. McCargar provided several options for the Town Board to achieve the purpose of the Code as it relates to the Conditional Use Grant and any underlying requirements.

Mayor Vazquez voiced concern with the timeframe being set as he does not believe that May 13, 2015 will provide enough time to get the site plan approved.

Mr. Olhava stated that the May 13, 2015 date is for the site plan application to be filed with the Town; the site plan does not need to be approved by May 13, 2015.

Town Board Member Melendez stated that years have gone by during which this could have been taken care of. Mayor Vazquez agreed, but also wanted to assure that the timeline recommended would be achievable.

Ms. Melendez inquired why the applicants or the property owners were not in attendance.

Mr. Olhava stated that they had received notification and had been told about the meeting while before the Planning Commission last Wednesday. Mr. Olhava additionally sent an email and reached out by phone call as a reminder to which he has not received any reply. Mr. McCargar stated that the record should reflect that at the December 8, 2014 Town Board

meeting that the applicants were notified at the meeting that public hearing would reconvene on January 12, 2015.

Mayor Pro Tem Baker asked as long as a site plan application is submitted, that they are in compliance.

Mr. Olhava stated that submitting of the site plan will put it through the review process; it is within the Town's commercial corridor, staff had talked to the applicant about the building being of similar design as the existing building. Design issues are discussed with the applicant during the concept review process to get questions answers and to assist the applicant in heading the right direction for their site plan. Mr. Olhava believes that the site plan expires one year after issues, so within one year of site plan approval, the applicant would be required to pull a building permit.

Town Board Member Rose noted the applicant has stated several times that it is not prudent for them to construct the building but we are requiring them to submit a site plan that says that a building will be constructed. The applicants have stated that it is not economical for them to construct the building.

Mr. Olhava stated that the applicants could come in and request an extension for the site plan if there is an issue with the timing. The business owners who plan to purchase the property have expressed that they want to expand their business and constructing a building on the site in order to meet code standards.

Mr. Rose stated that the problem is that they own the business, they keep storage on an adjacent lot which happens to be separated by a street so that makes it a separate parcel and therefore it does not comply with outdoor storage requirements.

Mayor Vazquez opened the meeting for public comment to which there was none.

Town Attorney McCargar stated that information has been received and the applicant has had fair opportunity to be heard.

**Town Board Member Melendez motioned to close the Public Hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

3. Compliance with a Conditional Use Grant approved in 2013 for the property located at 217 2nd Street, Lot 17, Burlington Subdivision

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

**Town Board Member Melendez moved to approve extension of the Conditional Use Grant with the conditions recommended by the Planning Commission; Town Board Member Bishop-Cotner seconded the motion.**

Town Attorney McCargar addressed the Town Board noting that part of the recommendation from the Planning Commission was a fine; either a uniform fine as to what the owner or occupant would owe or a fine that is different level for the owner as opposed to the occupant.

If a fine is the direction of the Town Board, a reasonable fine and formula would need to be established so the record is clear and could be passed on to the property owner and occupant. The recommendation from the Planning Commission states:

If any remaining conditions are not met by the established deadlines, resulting in compliance issues, the Town has the authority to impose fines for each day the property is not in compliance. The fines should be set by the Town Board following its review of all relevant factors, and may be in differing daily amounts for the property owner and property occupants. Regardless of the amount(s) established by the Town Board, the fines should be expressly enforceable by court action and by imposition of a lien on the subject property.

Mr. McCargar stated that any action would not come through municipal court.

Town Board Member Melendez noted that this is the fifth time the Town Board has gone through this process with this applicant; she does not want to tie up Planning Commission and Town Board time if they don't want to move forward with this.

Mayor Vazquez expressed that he hopes the applicants are not using this as another vehicle to delay and extend for another ten years; the Conditional Use Grant process started in 2005.

Ms. Melendez also stated that she was very disappointed that the applicants or the property owners were present on a matter of such great importance; it gave her cause to be more unsure as to what their true purpose is.

Town Board Member Morgan stated that potential fines had not been discussed in the past and assumed that the applicant was aware this was being discussed tonight. Mr. Morgan completely agrees with the comments made and believes setting a firm deadline with potential fines may have some effect on the applicant. He was greatly concerned with the amount of time and effort that has been spent by staff to continually review this.

Town Board Member Bishop-Cotner concurred with the recommendation from the Planning Commission of putting all three items into a deadline of May 13, 2015. Mr. Bishop-Cotner also agreed there should be fine; potentially a minimum of \$1,000 per day from both parties starting on May 14, 2015. His frustration was heightened due to the fact the applicants were not in attendance.

The Town Board discussed the applicability of fines and how they could be assessed and the lien process.

Town Board Member Adams asked if the property owners have been the same since 2005.

Mr. Olhava stated the property owners are the original property owners since 2005; the business owners are different.

Town Board Member Morgan stated that he doesn't see how a fine can be established; it would be an arbitrary number. Mayor Vazquez concurred, and suggested that a future work session would be required to discuss the fine amount and formula.

Town Attorney McCargar stated that because the agenda item is a quasi-judicial action; there can be no work session. Additionally, Mr. McCargar reported that the Town Board, based on the evidence presented during the public hearing, needs to try to derive an amount of money per day, per month, etc., that you feel would be a sufficient incentive to the applicant to meet the requirements by May 13, 2015.

Mayor Vazquez offered that if the conditions aren't met then they can no longer conduct business. Mr. McCargar responded that the Planning Commission had looked at that idea but didn't want to shut a business down; if that option is what has presented itself based on the evidence supplied then if the conditions aren't met then occupancy of the building would be terminated. The municipal code provides for termination of a CUG but the Planning Commission wanted to give the Town Board other avenues through a fine structure to try to reach compliance.

Town Board Member Rose stated that the comment was made that the CUG could be terminated and they would be out of business. The business itself, in the formal structure, would still exist. This would be the secondary use of the offsite storage.

Associate Planner Olhava stated that information was correct; the existing building and its outdoor use is in compliance, the outdoor use on the lot to the east is what is not in compliance which is what the CUG is for. By revoking the CUG they could no longer use the lot to the east.

Mr. Rose asked if the applicants could forfeit their rights under the CUG as they have stated numerous times that they don't have the financial capacity to build the structure.

Town Attorney McCargar stated that the applicants could forfeit their rights under the CUG and terminate the use of the property of the open lot.

Mr. Rose asked what the mechanism would be so they could continue as they do now, without it being enclosed.

Mr. Olhava stated that it would be the Conditional Use Grant process that they are going through now. The zoning that they have does not allow for it and they cannot rezone because Windsor does not allow Heavy Industrial zoning on Main Street.

Mr. Rose stated that he sees CUG compliance as an exercise in futility and recommended revocation of the CUG if the conditions are not met.

The Town Board discussed revoking the CUG for outdoor storage and how to determine compliance.

The Town Board reviewed the four conditions with Town Board Member Adams voicing concern with number 4:

1. The complete Site Plan application shall be completed by May 13, 2015, per the 2013 Zoning Certificate;
2. The applicant shall pave the alley along the length of Burlington Subdivision Lot 17, using concrete pavement in accordance with Town of Windsor Design Criteria and Construction Specifications by May 13, 2015. A grading plan and proposed pavement section and schedule shall be provided to the Town Engineering Department for approval prior to commencing work. Approval of the grading plan shall be conditioned upon sufficient evidence of insurance and indemnification for the Town's benefit;
3. Any dead or dying planting materials shall be replaced by May 13, 2015; and
4. If any remaining conditions are not met by the established deadlines, resulting in compliance issues, the Town has the authority to impose fines for each day the property is not in compliance. The fines should be set by the Town Board following its review of all relevant factors, and may be in differing daily amounts for the property owner and property occupants. Regardless of the amount(s) established by the Town Board, the fines should be expressly enforceable by court action and by imposition of a lien on the subject property.

Town Board Members Melendez and Bishop-Cotner concurred with Mr. Rose's recommendation of revocation.

Mayor Vazquez recommended to keep the first three conditions and to modify the fourth condition as it related to fines.

Town Attorney McCargar provided that a bright line would be easier to enforce than having staff determine what is considered as substantial compliance. Town Manager Arnold noted that a Town Board meeting is scheduled for May 11, 2015 at which time it could be determined if they were in substantial compliance.

Mr. McCargar stated that the black and white version of the discussion would be that all three conditions would be met by a date certain and if any of them are not met, then the CUG for the storage lot would be terminated.

Director of Planning Plummer requested there be a date certain for equipment to be moved off the lot in the case of revocation.

**Town Board Member Adams moved to approve extension of the Conditional Use Grant, subject to Conditions 1, 2, and 3 as presented by the Planning Commission and with the amendment of Condition 4 to include that all conditions shall be met by May 13, 2015 and should all conditions not be met by that date, the Conditional Use Grant for Lot 17 will terminate on May 14, 2015. Removal of all equipment and inventory will be required by July 1, 2015; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

4. Public Hearing – Zoning of Certain Property Known as the Pace Annexation –Sherry J. McCoy, applicant / John McCoy, property owner's representative
  - Staff presentation: Joe Plummer, Director of Planning

**Town Board Member Melendez motioned to open the public hearing; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

Director of Planning Plummer reported that the Town Board approved Ordinance No. 2014-1483 in October 2014, annexing approximately forty-acres known as the “Pace Annexation. The subject property is located along the west side of County Line Road (WCR 13) approximately halfway between State Highway 392 and Crossroads Boulevard. The Town Board deferred zoning of the property until staff had an opportunity to meet with the property owner to obtain input on proposed zoning for the property and formulate a recommendation on how the property should be zoned; 90 days are allowed in order to zone a property once it is annexed.

Mr. Plummer stated that staff had met with John McCoy, property owner’s representative, in December and discussed the land use depictions on the land use plan map; the capability of the property being served by sanitary sewer; which sewer provider could serve the property (and from which direction); and potential zoning scenarios for the property.

Mr. McCoy was informed at a December 1, 2014 meeting with staff that the land use depiction on the land use plan map calls for the future use of the property to be single-family residential. Mr. McCoy then submitted an application requesting that the single-family residential depiction on the land use plan map be amended to show the future use of the property as residential mixed use to be consistent with the proposed zoning request.

Following the December meeting, Mr. McCoy conferred with the property owners who have requested that the property be zoned RMU.

Mr. Plummer reported on information relative to the land use plan and zoning map. He also provided information pertaining to the applicant’s request for the property to be zoned RMU:

- Single-family (SF-1) zoning only allows single-family detached homes to be developed;
- Residential Mixed Use (RMU) zoning allows all types of residential development, including single-family detached homes, duplexes, and multi-family developments to be developed;
- RMU zoning allows up to 25 percent (25%) of commercial development to be developed on the property;
- The zoning classifications for the adjacent subdivisions are RMU zoning to the west, north and southeast, and High-density Single-family (E-2) Residential to the southeast and northeast;
- All of the existing developments to the south, west and north, however, have been developed as single-family subdivisions without the inclusion of any multi-family or commercial developments; and
- The capability of the property being served by sanitary sewer, which sewer provider will be able to serve the property, and from which direction the sewer services will be provided, are still unknown variables at this time.

At the January 7, 2015 planning commission meeting and based upon all of the findings outlined in staff's analysis, the Planning Commission voted to recommend to the Town Board that the Pace Annexation be zoned as Single-family (SF-1), and staff concurs with this recommendation.

Mayor Pro Tem Baker asked when the sewer density will be known.

Mr. Plummer stated that it will be analyzed when there is development proposed.

John McCoy, 1900 S. Shields Street, Fort Collins, was present as the owners representative for the property. Mr. McCoy stated that RMU zoning is what they have requested for the property. Mr. McCoy stated the following:

1. In reviewing the zoning map, RMU is consistent with and compatible with the current land use in the Town of Windsor. It is the zoning of their nearest neighbor.
2. Since the compatibility to serve the property with sanitary sewer is uncertain and the probability of offset expenses for the sanitary sewer would be expensive, the opportunity to spread the expense over the potential for more units through multi-family dwellings through RMU zoning would be beneficial.
3. At the October Planning Commission meeting when the first annexation was written, a staff member had suggested RMU zoning for that property.
4. The applicants believe that RMU is the appropriate zoning for the property.

Mayor Vazquez opened the meeting to public comment to which there was none.

Town Board Member Baker wanted to confirm with SF-1 zoning that there is no opportunity for any other type of housing other than single family detached.

Mr. Plummer confirmed the statement.

Mayor Vazquez reviewed the various types of zoning stating the RMU is a preferred zoning for large parcels such as Water Valley West. He also stated that the Planning Commission has recommended RMU based on existing development not future development. Mr. Plummer stated that if the Planning Commission recommendation is followed, it would not preclude a future rezoning application to come before the Planning Commission and Town Board if the situations change.

Town Board Member Morgan stated had the land owner decided to annex at the same time as the other properties did that it would more than likely be RMU. Now it is different and it is completely surrounded by SF-1.

Mayor Vazquez inquired how this application would have been handled if it had gone to Larimer County first.

Director of Planning Plummer explained that had the applicants gone to Larimer County first; the Town of Windsor gets the first right of refusal for consideration before anything would be done with a land use application pursuant to the Intergovernmental Agreement with the County. If the Town doesn't do anything with the petition then written notice has to be sent to the Larimer County stating why we didn't do anything with it.

**Town Board Member Bishop-Cotner motioned to close the Public Hearing; Mayor Pro Tem Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

5. Ordinance No. 2015-1490 - An Ordinance Pursuant to Chapter 16 of the Windsor Municipal Code Approving a Zoning Designation for the Pace Annexation to the Town of Windsor
- First reading
  - Legislative action
  - Staff presentation: Joe Plummer, Director of Planning

**Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2015-1490 - An Ordinance Pursuant to Chapter 16 of the Windsor Municipal Code Approving a Zoning Designation for the Pace Annexation to the Town of Windsor on first reading; Town Board Member Adams seconded the motion.**

Staff had nothing further to add.

Mayor Pro Tem Baker stated that he is okay with SF-1 and understands that the applicants can come back and request rezoning at a later date. Mr. Morgan, Mr. Bishop-Cotner and Mr. Vazquez concurred with Mr. Baker.

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

6. Public Hearing – Rezoning certain property known as Westwood Village Subdivision Fourth Filing, Tract A and Lot 4 – 14th Street Real Estate LLC., applicant/ Cathy Mathis, TB Group, applicant’s representative
- Staff presentation: Josh Olhava, Associate Planner

**Town Board Member Melendez motioned to open the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

Town Board Member Bishop-Cotner stated:

“Mr. Mayor, 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.”

Associate Planner Olhava presented the agenda item. The applicants, represented by Ms. Cathy Mathis, are requesting to rezone approximately 8.281 acres which includes half of the 14<sup>th</sup> Street and Westwood Drive rights-of-way from General Commercial (GC) to Residential Mixed Use (RMU) zoning. 14<sup>th</sup> Street Real Estate LLC is intending to develop approximately 36 residential living units with the objective of creating a synergy with the recently-opened

Columbine Commons and to create a campus for an aging in-place senior community. Staff has received a preliminary site plan and preliminary major subdivision for this project.

On Thursday, October 30, 2014, the applicant's representatives held a neighborhood meeting in the Activity Room at the Columbine Commons Assisted Living Center. There were approximately 20-30 residents in attendance. The neighbors were not concerned with the type of product that is being proposed; the biggest concerns raised involved drainage and erosion control. On January 7, 2015, the Planning Commission held a public hearing prior to providing the Town Board with a recommendation. The applicant's representative was present to answer any questions from the Planning Commission and public. No public were present and the Commission did not have any questions. The Planning Commission has forwarded a recommendation of approval of Ordinance No. 2015-1491 to the Town Board, and staff concurs with this recommendation.

Cathy Mathis, 444 Mountain Avenue, Berthoud, CO stated, on behalf of Columbine Health Systems they are very excited to continue their presence in Windsor for much needed housing for the senior housing population. The site plan may be coming to the Town Board as early as next month. Ted Davis from Columbine Health systems was present to address any questions.

Town Board Member Adams asked what type of housing it would be.

Ms. Mathis replied that they will be duplexes and triplexes; a total of 34 units which will be within walking distance of Columbine Health. Ms. Mathis also noted that the units will be rentals; they will not be for sale.

Mayor Vazquez opened the meeting for public comment.

Joey Markham, 1231 Westwood Drive, Windsor addressed the Town Board regarding the lack of upkeep at the current Columbine location; sidewalks have not been shoveled and the retention wall has fallen since the flooding. Her concern is for safety. Mayor Vazquez requested Mr. Arnold to follow up on the retention wall damage. Ms. Mathis stated that they will look at the damage to the wall and get it fixed.

**Town Board Member Adams motioned to close the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

7. Ordinance No. 2015-1491 – An Ordinance Rezoning certain property known as Westwood Village Subdivision Fourth Filing, Tract A and Lot 4 – 14th Street Real Estate LLC., applicant/ Cathy Mathis, TB Group, applicant's representative
  - First reading
  - Quasi-judicial action
  - Staff presentation: Josh Olhava, Associate Planner

**Town Board Member Melendez motioned to approve Ordinance No. 2015-1491 - An Ordinance Rezoning certain property known as Westwood Village Subdivision Fourth Filing, Tract A and Lot 4 on first reading; Town Board Member Bishop-Cotner seconded the motion.**

Staff had nothing further to add.

Town Board Member Melendez stated that as an advocate for senior housing, she is excited for this to be moving forward; Mayor Vazquez voiced agreement. Town Board Member Morgan noted that pedestrian traffic across 15<sup>th</sup> will need to be looked at as there are already problems with people crossing mid-street to the Safeway Parking center.

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

8. Site Plan Presentation – Highland Meadows Golf Course Eighth Filing, Lot 6 – Fitness and Tennis Center – Jon Turner, applicant/ Dennis Fulgenzi, applicant’s representative

- Staff presentation: Josh Olhava, Associate Planner

Associate Planner Olhava provided the site plan presentation noting it is proposing a new building in the Residential Mixed Use (RMU) zoning district in the Highland Meadows Golf Course Subdivision, Eighth Filing, located at 6516 Crooked Stick Drive. The new building is being planned as a fitness and tennis center. Mr. Olhava noted the landscape plan and the pedestrian walkways around the different courts as well as leading to the entrance of the building.

Site characteristics include:

- approximately 39,000 square foot building;
- Includes indoor tennis courts and fitness equipment;
- 5 lighted outdoor tennis courts;
- 2 non-lighted outdoor tennis courts; and
- 88 off street parking spaces, including accessible parking spaces.

On November 5, 2014, the Planning Commission granted a waiver of the Commercial Corridor Design Guidelines to allow the building to have architectural grade metal panels on the prominent building facades. On November 10, 2014, the Town Board approved Resolution No. 2014-67 allowing the maximum height of the structure to exceed the thirty-five foot height requirement in the RMU zoning district by five feet.

Mayor Pro Tem Baker stated the facility looks great and it is a great addition to the community.

Mr. Baker asked if there had been any thought to putting stone on all four sides due to the exposure on the north and west side of the building to the other properties.

Mr. Olhava stated it had been discussed early on. The applicants were to meet the vast majority of the commercial corridor requirements which were imposed on the site but due to costs that is where things were changed. Additionally, the western side of the building the wall may be expanded as a hitting wall and they may also expand to the north.

Town Board Member Melendez inquired about outfitting any of the courts with pickle ball as it has been a request during Coffee with the Mayor.

Cathy Mathis, representing the applicant, reported that it is something that they can ask the tennis facility people about.

Town Manager Arnold asked about the hours of operation and other purposes for the building.

Ms. Mathis did not have the answer and believes it may have been answered with the site plan package. Ms. Arnold requested that they be cognizant of the neighborhood and lights on the tennis courts. Ms. Mathis reported that the current plan for the building is for tennis, work out facility, offices and restrooms.

9. Determination regarding administrative site plan review in accordance with Section 17-9-20(7) – Bill Thomas, Schlumberger Lift Solutions, LLC, applicant/ Jason Jacobowski, DCB Construction Company, applicant’s representative

- Quasi-judicial action
- Staff presentation: Paul Hornbeck, Associate Planner

Associate Planner Hornbeck provided an overview of the agenda item. The applicant, Mr. Bill Thomas of Schlumberger Lift Solutions, LLC, represented by Mr. Jason Jacobowski, DCB Construction Company, is requesting further review of the proposed site plan by the Planning Commission and Town Board in light of irreconcilable differences between the applicant and the Planning Department. At issue is the request by the Planning Department for the applicant to add some form of architectural embellishment to the proposed metal building.

The applicant has requested further review of the project in accordance with Municipal Code Section 17-9-20(7):

*In the event irreconcilable differences arise between the applicant and the Planning Department with regard to the administrative site plan review, the applicant may apply to the Town for further review of the site plan by the Planning Commission and Town Board.*

The project was before the Planning Commission and Town Board in September 2014 as a Qualified Commercial/Industrial Site Plan. As a Qualified Site Plan it was presented for informational purposes with the opportunity for any comments from the boards. As was outlined at that time, the proposal is to construct a new building in the Heavy Industrial (I-H) zoning district in the Great Western Industrial Park Subdivision, located at 31660 Great Western Drive.

Site characteristics include:

- 17.8 acre property;
- approximately 14,440 square foot metal building;
- approximately 13 acre outdoor storage yard;
- 34 off street parking spaces, including 2 ADA accessible parking spaces; and
- an irrigated landscaped area of approximately 6% of the total site (23% of the developed portion of the site)

During the review process staff requested that the applicant use some form of architectural embellishment on the office portion of the metal building, such as a stone wainscot along the base of the structure. It was asked this be provided on the office portion of the building which is the north and portion of the west elevation. The landscape plan shows some landscaping along the building area.

The Town has historically required a basic level of architectural embellishment on metal buildings in the form of a wainscot, awnings, or other methods. These architectural features help to maintain nearby property values and protect the investment made by adjacent property owners. The Town has required such features throughout the Great Western Industrial Park and other areas in Town, including the Windsor Tech, Windsor Commons, and Highlands Industrial Park subdivisions.

Mr. Hornbeck stated the application was not in conformance with the following goal of the comprehensive plan: All commercial and industrial development should provide a safe, aesthetically-appealing and healthy environment which does not have adverse impacts on surrounding areas.

Mr. Hornbeck went on to report the application was consistent with several commercial goals and policies of the comprehensive plan including encouraging and promoting commercial and industrial development, provisional landscaping and employment centers in the Town.

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

1. The applicant shall add a stone wainscot or similar architectural embellishment around the office portion of the building.
2. All staff redlines and comments shall be addressed.

Mr. Hornbeck noted that the applicants were present to address the Town Board.

Greg Blye, 215 Pinon Drive, Erie, CO and Bill Thomas came before the Town Board and noted that they chose this property and did so carefully. The designers spent time looking at the property and noted that the properties adjacent to it did not have wainscot. Mr. Thomas said they were not aware of the architectural embellishment requirement as it was not called out in the code for a stone or embellishment. The code does call out having to provide for some architectural relief which they felt were taken up by the transitions of the rooflines and landscaping.

Mr. Thomas stated that the client has already earmarked funds for this job in a declining market. He said that if it was imperative to meet this request, if they could do so with a material less costly than stone. They are looking for solutions that would make the Town happy. Mr. Thomas stated they had done a lot of work on this project and suggested the requirement would be forgiven.

Mayor Vazquez asked what other options the Town has accepted. He understands that there have been others that have gone through the process who have held to the requirement.

Mr. Plummer noted the Cargill project which is an adjacent structure but not on a public right of way. Mr. Hornbeck stated the project was approved without a stone wainscot as there is a parcel between it and the public right of way which provided a large portion of the justification of why it was not required. The Schlumberger project fronts directly on the public right of way.

Town Board Member Bishop-Cotner inquired about the cost of the building and the cost for the wainscot.

Mr. Blye stated that the cost for the building, including site work, was \$4.1M; the wainscot is approximately \$8,000. Mr. Thomas stated that they could use a different type or color of metal for the trim piece; the Windsor Municipal Code does not specifically call out for the type of material to be used for wainscot. He also felt that landscaping would suffice.

Town Board Member Baker stated that the Town had provided incentives of \$144,000 of fee waivers and reimbursements; the request is small compared to what has been given to Schlumberger and Mr. Baker feels it is important to maintain our standards.

Town Board Member Melendez stated that the code requirements were not spelled out. Ms. Melendez suggested allowing them to move forward with what they thought they were agreeing to and the Town could look at amending the Code for future applications to provide the specifics.

Mr. Hornbeck stated that the Code does not specify a stone wainscot; it is something the Town has required on similar industrial projects.

Mayor Vazquez asked if the building meets the Town's requirements; does it meet the policy as defined. If yes, then he agrees with the recommendation made by Ms. Melendez.

Mr. Plummer stated yes, it doesn't in practice and theory but does meet the requirements of the Code.

Town Manager Arnold stated that the developer of the industrial park would like to see the wainscot as they believe it is better for the park.

**Town Board Member Bishop-Cotner motioned to approve the site plan with the Planning Commission recommendations of requiring wainscot on the building; Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Bishop-Cotner; Nays – Rose, Melendez, Adams, Vazquez; Motion failed.**

10. Ordinance No. 2015-1492 - An Ordinance Fixing The Compensation of The Municipal Court Judge and Municipal Court Clerk for The Town Of Windsor in Compliance With Sections 13-10-107 and 13-10-108, C.R.S., and Section 2-4-90 of the *Windsor Municipal Code*

- First reading
- Legislative action
- Staff presentation: Ian D. McCargar, Town Attorney

**Town Board Member Melendez motioned to approve Ordinance No. 2015-1492, An Ordinance Fixing The Compensation of The Municipal Court Judge and Municipal Court Clerk for The Town Of Windsor in Compliance With Sections 13-10-107 and 13-10-108, C.R.S., and Section 2-4-90 of the Windsor Municipal Code on first reading; Town Board Member Adams seconded the motion.**

Town Attorney McCargar stated that the statutes require that the compensation of the municipal judge and municipal clerk be set by ordinance each year. The ordinance is incorporating the appropriations made for the municipal judge and municipal court clerk.

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

11. November 2014 Financial Report – Dean Moyer, Director of Finance

Director of Finance Moyer provided an overview of the financial report included in the packet. It was noted that sales tax collections in November were the highest for that month on record. Mr. Moyer reported on the revenue and expenses to date noting that 92% of the budgeted revenue had been collected and expenditures were at 91%. It was also noted that at this time Costco has not affected Windsor sales tax collections.

Town Board Member Melendez stated that she liked the new format for the report of bills and asked if the vendors could be alphabetized on the list. Mr. Moyer will check with staff to see if that can be done.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Town Attorney McCargar stated that John Frey's retirement party would be held on January 22, 2015 from 5-7 pm at the Community Recreation Center.

2. Communications from Town Staff

No communications.

3. Communications from the Town Manager

No communications.

4. Communications from Town Board Members

No communications.

E. EXECUTIVE SESSION

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 – Economic Development Prospect (Stacy Johnson)

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

The meeting moved to Executive Session at 10:11 p.m.

**Upon a motion duly made, the Town Board closed the Executive Session at 11:37 p.m. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

The Executive Session was closed and the Town Board returned to the Regular Meeting.

F. ADJOURN

**Town Board Member Melendez motioned to adjourn the meeting at 11:37 p.m.; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

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Patti Garcia  
Town Clerk/Assistant to the Town Manager



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## MEMORANDUM

**Date:** January 28, 2015  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Patti Garcia, Town Clerk/Assistant to Town Manager  
**Re:** Advisory Board Appointment  
**Item #:** C.2.

**Background / Discussion:**

School District, Library Board and Town Board members conducted interviews for the Clearview Library Board on Saturday, January 10, 2015. Pursuant to those interviews, the following individuals have been recommended for appointment:

Clearview Library Board – all are three year terms; January 2015 – December 2017

Joann Perko (full member)  
Bev Menke (full member)  
Catherine Davis (alternate member)

**Relationship to Strategic Plan:**

1.B. Provide opportunities for residents to be involved and informed in town governance and in community service.

**Recommendation:**

Approve the recommended appointments.

**Attachments:**

None.



## MEMORANDUM

**Date:** January 26, 2015  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Joseph P. Plummer, AICP, Director of Planning  
Josh Olhava, Associate Planner  
**Subject:** 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. 2015-04 – A Resolution Approving an Annexation Agreement between the Town of Windsor and Harmony Exchange, LLC, with Respect to 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 #:** D.1.D.2

### **Background:**

#### **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. On November 10, 2014, the Town Board held a public hearing on Ordinance No. 2014-1486. An excerpt of those minutes is enclosed for reference.

#### **Resolution No. 2015-04:**

Following the Town Board's action on Ordinance No. 2014-1486, the Town Board may review Action Item C.2, which is Resolution No. 2015-04, approving an Annexation Agreement between the Town of Windsor and Harmony Exchange, LLC, for the Harmony Ridge Annexation.

**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:** *Ordinance No. 2014-1486:*  
At their November 5, 2014 Regular Meeting, the Planning Commission forwarded a recommendation of approval of Ordinance No. 2014-1486 for the Harmony Ridge Annexation to the Town Board, and staff concurs with this recommendation.

*Resolution No. 2015-04:*  
Staff recommends approval of Resolution No. 2015-04 as presented.

**Enclosures:** Ordinance No. 2014-1486  
Resolution No. 2015-04  
Annexation Petition  
Annexation Plat  
Neighborhood meeting notes from June 19, 2014  
Minutes from the November 5, 2014 Planning Commission Public Hearing  
Minutes from the November 10, 2014 Town Board Public Hearing  
PowerPoint

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

TOWN OF WINDSOR

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 10<sup>th</sup> 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 26<sup>th</sup> day of January, 2015.

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. 2015-04

A RESOLUTION APPROVING AN ANNEXATION AGREEMENT BETWEEN THE TOWN OF WINDSOR AND HARMONY EXCHANGE, LLC, WITH RESPECT TO THE HARMONY RIDGE ANNEXATION TO THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Windsor Town Board has approved for final adoption Ordinance No. 2014-1486, under which the annexation of certain real property proposed as the “Harmony Ridge Annexation” has been accomplished; and

WHEREAS, pursuant to longstanding policy, the Town has entered into the attached Harmony Ridge Annexation Agreement and Second Amendment to Windsor North Annexation Agreement as Applied to Property Held by HR Exchange, LLC (“Agreement”), the terms of which are incorporated herein by this reference as if set forth fully; and

WHEREAS, the Town Board finds that it has the statutory authority to require the terms set forth in the Agreement as a condition of annexation; and

WHEREAS, the Town Board wishes to approve the Agreement in order that future development of the property is achieved through sound land use planning.

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

1. The attached Harmony Ridge Annexation Agreement is hereby approved.
2. The Mayor is hereby authorized to execute the said Agreement on the Town’s behalf.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 26<sup>th</sup> day of January, 2015.

TOWN OF WINDSOR, COLORADO

\_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

**HARMONY RIDGE ANNEXATION AGREEMENT  
and  
SECOND AMENDMENT TO WINDSOR NORTH ANNEXATION AGREEMENT AS  
APPLIED TO PROPERTY HELD BY HR EXCHANGE, LLC**

THIS HARMONY RIDGE ANNEXATION AGREEMENT and SECOND AMENDMENT TO WINDSOR NORTH ANNEXATION AGREEMENT AS APPLIED TO PROPERTY HELD BY HR EXCHANGE, LLC (“Agreement”) is made and entered into this 6<sup>th</sup> day of January, 2015, by and between the TOWN OF WINDSOR, COLORADO, a Colorado home rule municipal corporation (“Town”), and HR Exchange, LLC, a limited liability company organized under the laws of the State of Colorado (“Annexor”).

WITNESSETH:

WHEREAS, Annexor is the owner of the property more fully described in Exhibit “A”, attached hereto and incorporated herein by this reference, and shall be known as the Harmony Ridge Annexation to the Town of Windsor, Colorado (“Property”); and

WHEREAS, Annexor has filed an annexation petition for the annexation of the Property; and

WHEREAS, the Town has approved and accepted the petition for annexation of the Property to the Town; and

WHEREAS, the parties acknowledge that the Property lies adjacent to property previously annexed to the Town as the Windsor North Annexation (“Windsor North”); and

WHEREAS, the terms of annexation for Windsor North are captured within two (2) agreements, dated January 20, 1985 and November 26, 1997, respectively (collectively, “Prior Agreement”); and

WHEREAS, the Annexor owns a portion of the property annexed as Windsor North, and intends to develop the Property and Annexor’s property within Windsor North as a unified development; and

WHEREAS, the parties desire to address future development of both the Property and Annexor’s property within Windsor North in this Agreement and to amend the Prior Agreement as it applies only to Annexor’s property within Windsor North; and

WHEREAS, the owner of all other portions of Windsor North has consented in writing to the amendment of the Prior Agreements as provided herein, but only to the extent that such amendments apply to Annexor’s property within Windsor North; and

WHEREAS, by the terms and conditions of this Annexation Agreement, the parties have provided for zoning of the property consistent with the comprehensive plan of the Town and have provided for certain requirements for the subsequent development of the Property; and

NOW, THEREFORE, for the benefits to be derived by each, and in exchange of the mutual covenants and performances of the parties hereto, it is agreed between the parties as follows:

### I. PREAMBLE

The parties agree that the recitals contained in the preamble set forth above are true and correct and that those recitals are hereby incorporated into the body of this Annexation Agreement.

### II. ZONING

The Town agrees that upon annexation, the Property shall be zoned Residential Mixed Use - RMU in conformance with the designations set forth on the approved Land Use Maps filed and maintained in the office of the Director of Planning, with said zoning designations, annexation maps and annexation petition for the Harmony Ridge Annexation and Annexor's property within Windsor North being incorporated herein by this reference. It is further understood and agreed that the aforesaid zoning designations do not waive the authority of the Annexor or the Town to initiate rezoning of the land in accordance with the ordinances of the Town and the laws of the State of Colorado.

### III. SUBDIVISION PREREQUISITES

The Annexor acknowledges that the approval of the Annexation and approval of this Agreement alone does not result in approval for any Master Plan or subdivision within the Property or Annexor's property within Windsor North. Annexor acknowledges and agrees that subdivision of any portion of the Property and/or Annexor's property within Windsor North will require a Town-approved Master Plan in conformance with Chapter 15, Article II of the Windsor Municipal Code. Future development within the Property and Annexor's property within Windsor North will be implemented in accordance with the Town-approved Master Plan, and any subdivision plats must adhere to the provisions of the Town-approved Master Plan. The parties acknowledge that Town approval of a Master Plan for the Property and Annexor's property within Windsor North is a condition for the annexation of the Property to take effect as required by the Colorado Municipal Annexation Act of 1965. Specifically, the Town will not comply with the requirements of § 31-12-113 (2) (a) (I) and (II), C.R.S., until the Master Plan has received final Town approval.

Prior to subdivision of the Property, Annexor acknowledges that it will be required to enter into an agreement for the construction and maintenance of public improvements. The terms and conditions of this Annexation Agreement shall not limit the subject matter of any subsequent agreement for public improvements and shall not be construed to prohibit or in any way limit the Town from requiring performance of reasonable requirements by the Annexor prior to approving any development plan.

#### IV. STREETS

Annexor understands and agrees that concurrently with subdivision of the Property or of Annexor's property within Windsor North, the Annexor shall be solely responsible for dedicating to the Town all necessary rights-of-way for the full width of all proposed streets within the Property or Annexor's property within Windsor North on the exterior boundaries of the Property and Annexor's property within Windsor North, without cost to the Town. The Annexor shall be solely responsible for the cost to install all streets within the Property and Annexor's property within Windsor North. The Annexor further understands and agrees to fully construct and improve, at its sole expense, all such streets in conformity with the applicable ordinances, rules, regulations, and engineering specifications of the Town and the Town of Timnath, where applicable, in effect at the time of any development proposal.

Annexor agrees that upon development of the Property and Annexor's property within Windsor North, adjacent portions of Weld County Road 76 will require improvements reasonably proportional in nature and extent to the impact of the proposed development, including but not limited to paving, street standards, traffic control devices, islands, additional travel lanes, turn lanes, acceleration lanes and deceleration lanes. Such improvements shall, at a minimum, comply with the Town's standards for rural collector streets without sidewalks or curb or gutter. Any improvements to Weld County Road 76 shall be in accordance with the Town's standards for rural collector streets and shall be supported by a competent traffic study or studies obtained at Annexor's expense. To the extent that such improvements are or become eligible for reimbursement in accordance with the *Windsor Municipal Code*, the Town will entertain such agreements. Annexor agrees that, to the extent the Town constructs any such improvements, Annexor will fully reimburse the Town for the Annexor's proportional share of the costs at such time as Annexor completes development which accesses Weld County Road 76 from the Property and/or Annexor's property within Windsor North.

Annexor agrees that upon development of the Property and Annexor's property within Windsor North, adjacent portions of Weld County Road 74 ("Harmony Road") will require improvements reasonably proportional in nature and extent to the impact of the proposed development, including but not limited to paving, street standards, traffic control devices, additional travel lanes, turn lanes, acceleration lanes and deceleration lanes. Such improvements shall, at a minimum, comply with the Town's standards for rural major arterial streets. Any improvements to Weld County Road 74 shall be in accordance with the Town's standards for rural major arterial streets and shall be supported by a competent traffic study or studies obtained at Annexor's expense. To the extent that such improvements are or become eligible for

reimbursement in accordance with the *Windsor Municipal Code*, the Town will entertain such agreements. Annexor agrees that, to the extent the Town constructs any such improvements, Annexor will fully reimburse the Town for the Annexor's proportional share of the costs at such time as Annexor undertakes development which accesses Harmony Road from the Property and/or Annexor's property within Windsor North. To the extent that the Town of Timnath exercises jurisdiction over any portion of Harmony Road which may require improvement in accordance with this paragraph, Annexor will satisfy all Timnath requirements.

Annexor agrees that upon development of the Property and Annexor's property within Windsor North, adjacent portions of Weld County Road 13 will require improvements reasonably proportional in nature and extent to the impact of the proposed development, including but not limited to paving, street standards, traffic control devices, additional travel lanes, turn lanes, acceleration lanes and deceleration lanes. Such improvements shall, at a minimum, comply with the Town's standards for rural minor arterial streets. Any improvements to Weld County Road 13 shall be in accordance with the Town's standards for rural minor arterial streets and shall be supported by a competent traffic study or studies obtained at Annexor's expense. To the extent that such improvements are or become eligible for reimbursement in accordance with the *Windsor Municipal Code*, the Town will entertain such agreements. Annexor agrees that, to the extent the Town constructs any such improvements, Annexor will fully reimburse the Town for the Annexor's proportional share of the costs at such time as Annexor undertakes development which accesses Weld County Road 13 from the Property and/or Annexor's property within Windsor North. To the extent that the Town of Timnath exercises jurisdiction over any portion of Weld County Road 13 which may require improvement in accordance with this paragraph, Annexor will satisfy all Timnath requirements. All intersections accessing Weld County Road 13 shall adhere to the Town of Timnath's half-mile spacing requirement, but quarter-mile intersections are permitted with the understanding that signalized intersections shall only be permitted at half-mile intervals.

Annexor agrees that upon development of the Property and Annexor's property within Windsor North, adjacent portions of Weld County Road 15 will require improvements reasonably proportional in nature and extent to the impact of the proposed development, including but not limited to paving, street standards, traffic control devices, islands, additional travel lanes, turn lanes, acceleration lanes and deceleration lanes. Such improvements shall, at a minimum, comply with the Town's standards for rural collector streets. Any improvements to Weld County Road 15 shall be in accordance with the Town's standards for rural collector streets and shall be supported by a competent traffic study or studies obtained at Annexor's expense. To the extent that such improvements are or become eligible for reimbursement in accordance with the *Windsor Municipal Code*, the Town will entertain such agreements. Annexor agrees that, to the extent the Town constructs any such improvements, Annexor will fully reimburse the Town for the Annexor's proportional share of the costs at such time as Annexor completes development which accesses Weld County Road 15 from the Property and/or Annexor's property within Windsor North.

## V. FEES

As part of subdivision of the Property or Annexor's property within Windsor North, or concurrent with the application for any building permit for improvements on the Property or Annexor's property within Windsor North, Annexor agrees to comply with all of the development and/or construction requirements of the Town in effect at the time subdivision occurs or building permits are requested including, but not limited to, all applicable land dedication requirements, cash-in-lieu of land dedication requirements, all building permit fees in effect at the time the building permit application is deemed complete, all impact fees, including but not limited to, fees for schools, parks, roads and storm drainage fees. Annexor hereby acknowledges the legality, necessity and validity of the aforesaid development requirements.

## VI. WATER SERVICES

A. **Amendment of Prior Agreement.** The parties acknowledge that the Prior Agreement specifically required that Windsor North be served by the Town's treated water system. The parties hereby amend such requirements by the terms set forth below with respect to service by North Weld.

B. **North Weld.** Annexor understands that the Property is presently located in the service area of North Weld. In conjunction with any subdivision of the Property or Annexor's property within Windsor North, Annexor agrees to install, at its sole expense, such water lines and facilities as may be required by North Weld. Additionally, and as agreed to by the parties either through the subdivision platting process or by a separate agreement, Annexor further agrees to obtain and dedicate at its sole expense all necessary unobstructed rights-of-ways for utility easements needed for water lines and facilities to allow service to the Property and Annexor's property within Windsor North, or for transmission through the Property and Annexor's property within Windsor North, in sizes and capacities as prescribed by North Weld.

C. Upon subdivision of the Property or Annexor's property within Windsor North, Annexor shall design and install, at its sole expense, water lines, fire hydrants and related appurtenances within the Property and Annexor's property within Windsor North in accordance with all of the requirements and specifications of the Windsor-Severance Fire Protection District, and the Annexor shall provide evidence of compliance to the Town prior to the issuance of any building permits for the Property or for Annexor's property within Windsor North.

## VII. WATER RIGHTS

Annexor agrees that, prior to the issuance of any residential building permits for the Property or Annexor's property within Windsor North, Annexor shall provide the Town with written evidence confirming that Annexor has satisfied all North Weld requirements for the dedication of raw water rights.

## VIII. SANITARY SEWER SERVICES

A. **Amendment of Prior Agreement.** The parties acknowledge that the Prior Agreement specifically required that Windsor North be served by the Town's sanitary sewer system. The parties hereby amend such requirements by the terms set forth below with respect to service by the Boxelder Sanitation District.

B. **Boxelder Sanitation District.** The Annexor acknowledges that pursuant to that certain Intergovernmental Agreement ("IGA") between the Town and the Boxelder Sanitation District ("Boxelder") dated May 16, 2013, it was intended that Boxelder would provide the Property and Annexor's property within Windsor North with sanitary sewer service until such time as the Town's sanitary sewer facilities were available. However, in consideration of the undertakings of the parties herein, the Town and Boxelder have extinguished and terminated the IGA, with the intention that Boxelder will permanently and irrevocably provide sanitary sewer service to the Property and Annexor's property within Windsor North indefinitely. The Annexor agrees that the specific requirements for the provision of sanitary sewer service to the Property and Annexor's property within Windsor North shall be established and enforced by Boxelder, including but not limited to development density, standards for infrastructure design and construction. All such requirements established and enforced by Boxelder shall be deemed incorporated herein by this reference, and shall be conditions of the Town hereunder.

## IX. STORM DRAINAGE

A. As part of any building permit issued within the Property, Annexor agrees to install, at its sole expense, storm drainage improvements and facilities necessary to serve the Property and Annexor's property within Windsor North as may be required by the Town. Additionally, and as agreed to by the parties either through the subdivision platting process or by a separate agreement, Annexor further agrees to obtain and dedicate at its sole expense all necessary unobstructed rights-of-way and easements for storm sewer to serve the Property and Annexor's property within Windsor North, or for transmission of historic storm water flows through the Property and Annexor's property within Windsor North, in sufficient sizes and widths for such facilities and maintenance as prescribed by the Town.

B. All storm drainage improvements and facilities shall be constructed concurrently with any development of the Property and Annexor's property within Windsor North in a manner that shall minimize flooding in developed areas. Upon review and recommendation by the Town Engineer, the Annexor shall participate in and provide for the required improvements and facilities within the Property and Annexor's property within Windsor North to implement the Town's Drainage Master Plan.

## X. WATER TRANSMISSION LINE

Annexor agrees that in conjunction with the progress of development within the Property and Annexor's property within Windsor North, Annexor shall construct a 24-inch water line ("Transmission Line"), the northern terminus of which shall be the North Weld County Water

District ("North Weld") main under Weld County Road 76, and the southern terminus of which shall be immediately south of the Town-acquired full right of way width of Weld County Road 74 ("Harmony Road"). Construction of the Transmission Line may occur in segments coinciding with the progress of development within the Property and Annexor's property within Windsor North.

Prior to future development of the Property or Annexor's property within Windsor North, Annexor shall dedicate to North Weld right-of-way for construction, maintenance, replacement and use of the Transmission Line in a form acceptable to North Weld.

The Annexor agrees that it will obtain design approval, including approval of all Transmission Line locations, from both the Town and North Weld before undertaking construction of the Transmission Line. Upon completion of the Transmission Line and satisfactory inspection by both the Town and North Weld, the Transmission Line will be dedicated to North Weld in accordance with North Weld's dedication procedures.

The parties agree that Annexor may be eligible for reimbursement of that portion of the cost associated with the Transmission Line which is not required to serve development within the Property and Annexor's property within Windsor North, the specific terms of which will be captured in a separate reimbursement agreement governed by the requirements of Chapter 17, Article XVII of the *Windsor Municipal Code*.

Notwithstanding the foregoing provisions for segmented construction by the Annexor, the Town and North Weld reserve the right to complete all or any portions of the Transmission Line in their sole discretion. In the event that the Town or North Weld undertakes completion of all or any portion of the Transmission Line before the Annexor completes all segments of the Transmission Line, the Annexor shall reimburse the Town for that portion of the completion costs required to serve development within the Property and Annexor's property within Windsor North.

In order to assure that completion of the Transmission Line is coordinated with the Town's plans for water infrastructure in the vicinity, the parties agree that the Town will notify the Annexor of the Town's intention to complete the Town's water transmission line and master meter facility ("Town Water Facilities") by no later than January 1 of the year in which such Town Water Facilities are to be completed. Upon receipt of such notice from the Town, Annexor will be under an obligation to complete construction of the Transmission Line during the construction season of the year immediately following issuance of such notice.

#### XI. FLOOD PLAIN, DREDGING, FILLING AND/OR EXCAVATING

In the event any work within the boundaries of the Property or Annexor's property within Windsor North requires any excavations related to dredging and/or filling activities, whether temporary or permanent, and which will be associated with the waters or wetlands within the Property or Annexor's property within Windsor North, the Annexor agrees to contact the United States Department of the Army Corps of Engineers for proper permits and/or to ascertain

information pertaining to changes in permit requirements pursuant to § 404 of the United States Clean Water Act. Such contact and permit compliance shall be undertaken by Annexor as part of the first development proposal for the Property or Annexor's property within Windsor North and solely at Annexor's expense.

The Annexor further understands and agrees that prior to the commencement of any such dredging and/or filling activities the Annexor shall provide the Town Engineer with copies of all such permits and/or information pertaining to any such activities, and, where applicable and when deemed appropriate by the Town Engineer, the Annexor must receive written approval from the Town Engineer for commencement of any applicable dredging and/or filling activities.

## XII. SCHOOL DISTRICT REQUIREMENTS

As part of the subdivision of the Property and Annexor's property within Windsor North, and in accordance with all of the terms and conditions of the Intergovernmental Agreement between the Town and the Weld County RE-4 School District ("School District"), the Annexor agrees to provide a written statement from the School District to the Town's Director of Planning which acknowledges that all of the requirements for dedication of a school site or payment of cash in lieu of land dedication have been met to the satisfaction of the School District. Moreover, for purposes of calculating any cash payments in lieu of land dedication under this Section XII, the size of all such future school sites shall be measured in net acres, with this net acreage being exclusive of any other land to be dedicated for any street rights-of-way, railroad rights-of-way, detention areas, trail easements, etc., as determined by the School District and the Town.

## XIII. PUBLIC PARK SITE REQUIREMENTS

As a condition of the subdivision of the Property and Annexor's property within Windsor North, the Annexor agrees at its own expense to satisfy Town requirements for cash-in-lieu payments or the donation of one or more public park sites, the sizes and locations of which shall be determined based upon (a) the amount of residential lots, sites and housing types that will be platted on the preliminary plat for the proposed development, (b) the usability of all such park land, and (c) the Developer's compliance with all park land dedication criteria, ordinances and land use requirements in effect at the time the proposal for development is submitted for the Property or Annexor's property within Windsor North. Moreover, for all purposes under this Section XIII, the size of all such future park sites shall be measured in net acres, with this net acreage being exclusive of any other land to be dedicated for any street rights-of-way, railroad rights-of-way, detention areas, trail easements, community garden space, etc., as determined by the Town.

The Annexor further understands and agrees that as a condition of approval of the subdivision of the Property or Annexor's property within Windsor North, the Annexor shall enter into an agreement with the Town concerning the delivery of non-potable water to any public park sites within the Property or Annexor's property within Windsor North at no cost to the Town for the irrigation of grass and all other vegetation on all such public park sites.

#### XIV. AGRICULTURAL USE

The parties recognize that portions of the Property and Annexor's property within Windsor North may be currently in use for agricultural purposes. Annexors may continue such agricultural activities, so long as such activities are consistent with the agricultural uses are not enlarged, supplemented or expanded in number or degree.

With respect to agricultural activities within the Property and Annexor's property within Windsor North, it is further understood that subdivision of the Property or Annexor's property within Windsor North may result in additional restrictions or the elimination of agricultural activities upon the lots or tracts created by said subdivision. Accordingly, notwithstanding any zoning designation applied with respect to the portions of the Property or Annexor's property within Windsor North being used for agricultural purposes in accordance with this Section XIV, said uses shall be deemed a legally non-conforming use under *Windsor Municipal Code* § 16-8-50(4).

If at any time, and in its sole discretion, the Windsor Town Board concludes that agricultural uses within any portion of the Property or Annexor's property within Windsor North are contrary to the health, safety or welfare of the public, the Town Board reserves the right to order that all such agricultural activities cease and desist.

#### XV. HUNTING

It is understood and agreed that pursuant to the *Windsor Municipal Code*, the Town Board may allow waterfowl hunting by shotgun in the Town subject to the regulations of the Colorado Division of Wildlife. Waterfowl hunting by shotgun shall be allowed on the Property and Annexor's property within Windsor North until such time as the Property or Annexor's property within Windsor North is subdivided and a building permit is issued within the Property or Annexor's property within Windsor North, at which time all hunting shall be discontinued within the Property and Annexor's property within Windsor North. Notwithstanding any approval to the contrary, if at any time and in its sole discretion the Windsor Town Board concludes that hunting upon the Property or Annexor's property within Windsor North is contrary to the health, safety or welfare of the public, the Town Board reserves the right to order that all such hunting activities cease and desist.

#### XVI. PUBLIC TRAILS

As part of any development proposal for the Property or Annexor's property within Windsor North, and solely at its expense, Annexor agrees to dedicate to the Town all easements necessary for one or more public trails within the Property and Annexor's property within Windsor North, with the scope and location of any such public trails being determined by the Town's Trails Master Plan in effect at the time of development. The size, location, scope, and dedication of any such public trail easements shall be exclusive of any of the land being dedicated for either

any of the School District Requirements in Article XII above or for any of the Public Park Site Requirements in Article XIII above.

#### XVII. BRIDGE POLICY

The parties agree that as of the date of this Agreement, the Annexor does not plan to develop water courses within the Property or Annexor's property within Windsor North. However, if the development plans for the Property or Annexor's property within Windsor North include water courses, the Annexor agrees that one or more bridges may be required to serve pedestrian and/or vehicular traffic crossing any of the water courses within the Property or Annexor's property within Windsor North. In such event, Annexor shall at its sole expense provide for the costs and construction thereof. Such bridge construction shall meet all of the Town's requirements for bridge construction.

#### XVIII. OTHER PUBLIC LAND DEDICATIONS

As part of the subdivision of the Property or Annexor's property within Windsor North, and solely at its expense, the Annexor agrees to dedicate to the Town such other public lands within the Property and Annexor's property within Windsor North in addition to all School District Requirements and Public Trail Requirements outlined above in Sections XII and XVI, respectively, which may be necessary to service the Property and Annexor's property within Windsor North for other open space and other public improvements including, but not limited to, easements or conveyances for storm water drainage ways, water lines and facilities, and sewer lines and facilities.

Upon dedication and conveyance of the land as aforesaid, Annexor shall be deemed to have fully satisfied all land dedication requirements under the Town's proposed land dedication ordinance as may then be in effect. It is further understood and agreed that the land dedication required herein is a condition of annexation and, should no land dedication ordinance be in effect at the time Annexor proposes development, this condition of annexation shall nonetheless be deemed fully enforceable.

#### XIX. CONDITIONS FOR COMMERCIAL DEVELOPMENT

The parties acknowledge that the Prior Agreement prohibits residential development of Windsor North until a specific level of commercial development has occurred within portions of the Windsor North Annexation not under Annexor's ownership. The parties affirm the intent enforceability of those provisions, but wish to amend and re-state conditions for commercial development within both the Property and Annexor's property within Windsor North. Accordingly, the parties agree that residential development within the Property or Annexor's property within Windsor North may proceed without the commercial development required under the Prior Agreement. In consideration of this Amendment, Annexor agrees that it will undertake commercial development of not less than ten (10) acres, with said 10 acres being measured in net acres, exclusive of any other land being dedicated to public or private school sites, street rights-of-way, railroad rights-of-way, detention areas, easements, etc., as determined

by the Town. Said net 10 acres shall be located along the north side of Harmony Road within the Property and/or Annexor's property within Windsor North pursuant to a Town-approved site plan and site plan agreement at such time as the market for commercial uses supports such development.

Annexor understands and agrees that all commercial development adjacent to Harmony Road and within the Property and Annexor's property within Windsor North shall comply with the Town's Commercial Corridor Plan Design Criteria and Procedures in effect at the time of site plan approval. This requirement shall extend to any non-commercial structures and development which may arise adjacent to Harmony Road.

**XX. NOTICE TO MINERAL ESTATE OWNERS  
AND CERTIFICATION THEREOF**

Annexor acknowledges that as a condition of approval of any application for subdivision of the Property or Annexor's property within Windsor North, Annexor must comply with the notification requirements of §10-11-123, C.R.S., as amended, by providing notification to mineral estate owners, and by thereafter certifying to the Town, pursuant to § 24-65.5-103, C.R.S., as amended, that such notice has been provided.

**XXI. MINERAL EXTRACTION, OIL AND GAS ACTIVITY**

Annexor agrees that, prior to any mineral extraction or oil and gas exploration activity, Annexor will comply with all Town requirements for Conditional Use Grant approval for such activity.

**XXII. MYLAR DRAWINGS AND ELECTRONIC COPY OF DRAWINGS**

Prior to the Annexation Ordinance for the Property being placed on a Town Board agenda for consideration of approval on second reading, the Annexor shall comply in full with both of the following conditions:

A. Mylar Drawings: The Annexor shall provide to the Director of Planning the required number of copies of the translucent original mylar drawings of the Annexation map pursuant to the Windsor Municipal Code to be recorded in the office of the County Clerk and Recorder. The mylars shall include signatures as required. Reproduction mylars, dark-colored or tinted mylars and sepias will not be accepted.

B. Electronic Copy of Drawings: The Developer shall provide to the Director of Planning a certified copy of a compact disc (CD) or other electronic data storage format as approved by the Town which shall contain the information exactly as is contained within the Annexation map as finally approved by the Town. The CD shall be (1) formatted and certified in accordance with the Town's requirements, and (2) first approved by the Town's Geographic Information Systems (GIS) technician. Any Compact Disc (CD) or other approved digital media submitted pursuant to this Article shall conform to all requirements of the Town's then-current

Electronic Document Submittal Standards, a copy of which are maintained by the Director of Planning. Incomplete or inaccurate CDs and CDs that are not certified will not be accepted.

XXIII. EXTINGUISHMENT OF PRIOR AGREEMENTS

In consideration of the undertakings set forth in this Agreement, the parties hereby agree that the Prior Agreements are hereby extinguished, but only with respect to Annexor's property within Windsor North.

XXIV. JUDICIAL REVIEW

In the event any persons or entities seek judicial review of the annexation of the Property pursuant to § 31-12-116, C.R.S., as amended, Annexor agrees that it shall assume, pay and be responsible for all of the Town's costs in connection with the defense of such petition including, but not limited to, attorney fees and costs.

XXV. BINDING EFFECT

This Annexation Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns. This Annexation Agreement shall be deemed a covenant running with the land lying within the Property and Annexor's property within Windsor North.

XXVI. GOVERNING LAW

This Annexation Agreement shall be interpreted in accordance with Colorado Law.

IN WITNESS WHEREOF, the parties hereto have executed this Annexation Agreement the day and year first written above.

TOWN OF WINDSOR, COLORADO

HR EXCHANGE, LLC

By: \_\_\_\_\_  
John S. Vazquez, Mayor

  
By: Dave Cocolin, Manager

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 Exception 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 07°09'54" East, 157.66 feet; thence, North 88°13'14" East, 206.63 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°24'09" 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 07°09'54" East, 157.66 feet; thence, North 88°13'14" East, 206.63 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 six (6) courses and distances: South 00°37'38" 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°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-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°37'38" 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" East, 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.

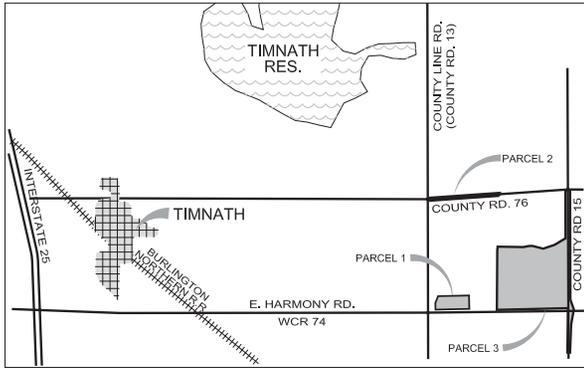
**ZONING AREA 5: GC**

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, 473.35 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.

**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 Avenue, Suite 300  
Fort Collins, Colorado 80526  
Phone: (970) 221-4358  
Fax: (970) 221-4358

**NE**  
101 South Lincoln Avenue, Suite 300  
Fort Collins, Colorado 80526  
Phone: (970) 221-4358  
Fax: (970) 221-4358

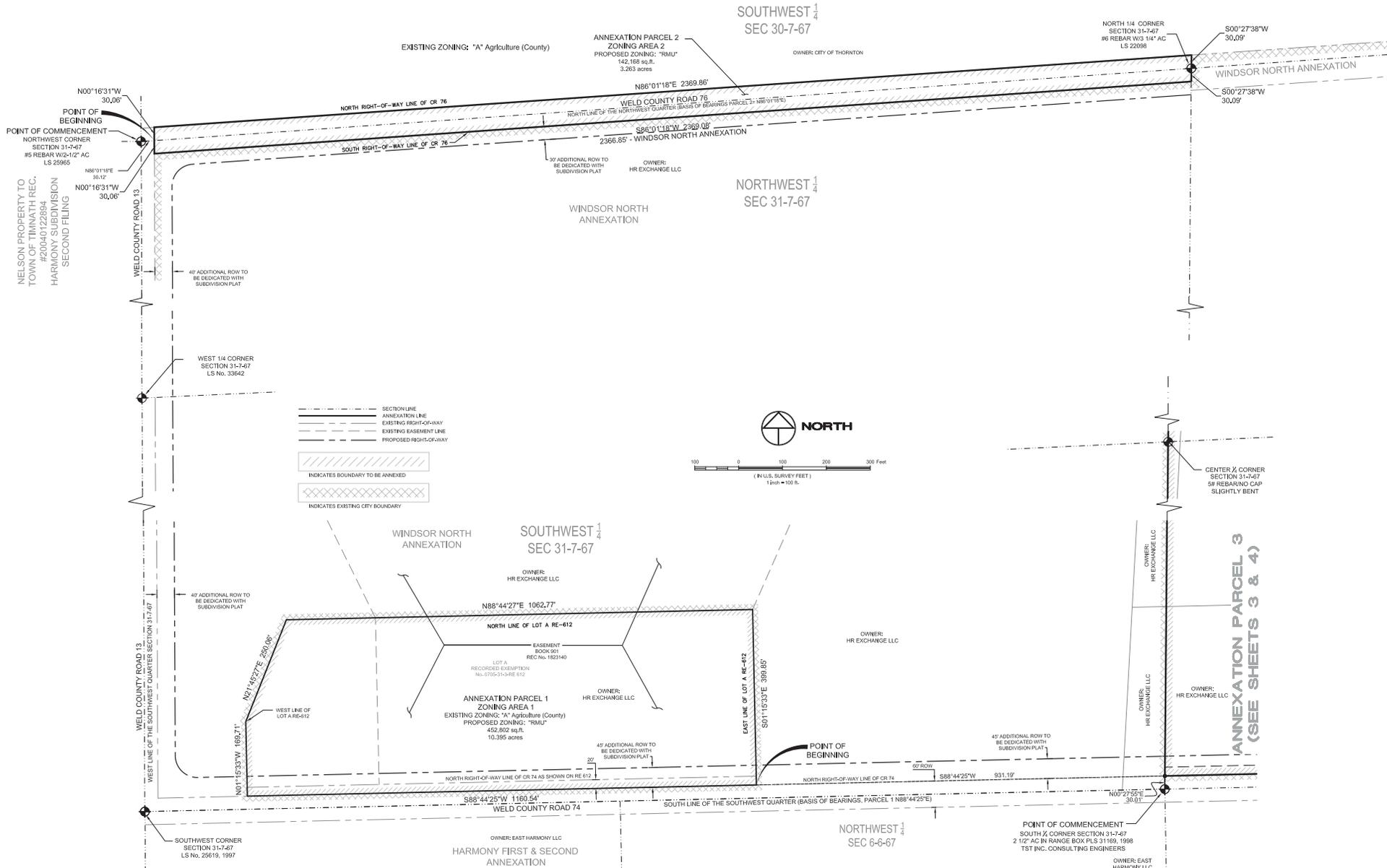
DATE: 04/27/14  
SCALE: N/A  
PROJECT: 991-001  
CLIENT: Landmark  
DRAWN BY: G. Gilliland  
CHECKED BY: G. Gilliland

**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



By: \_\_\_\_\_

Date: \_\_\_\_\_

Revisions:


SECTION: 30, 31 & 32	TOWNSHIP: 7N	RANGE: 67W
DATE: 08/27/14		
SCALE: 1"=100'		
REVIEWED BY: G. Gilliland		

**NORTHERN ENGINEERING**

PHOTO: MICHAEL J. FINE | MICHAEL@NORTHERNENGINEERING.COM

1000 North Lincoln Street, Suite 100  
Fort Collins, Colorado 80521

PROJECT: 911-001

CLIENT: Lomaha

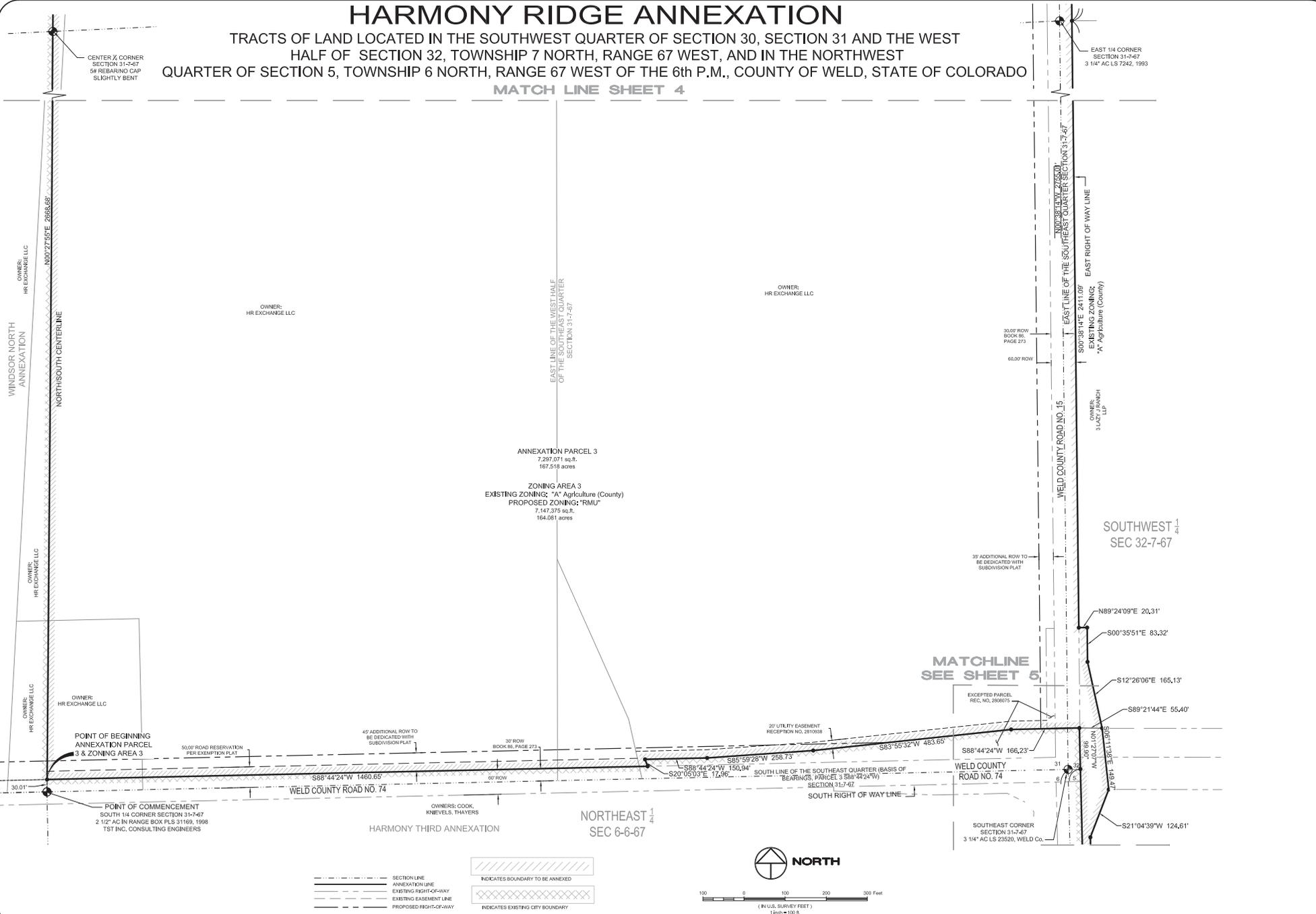
DRAWN BY: M. Gonsky

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

# HARMONY RIDGE ANNEXATION

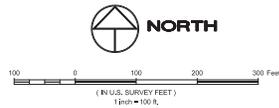
TRACTS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, SECTION 31 AND THE WEST HALF OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 67 WEST, AND IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 67 WEST OF THE 6th P.M., COUNTY OF WELD, STATE OF COLORADO

MATCH LINE SHEET 4



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

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



By:	
Date:	
Revisions:	

SECTION:	SAC. 31 & 32
TOWNSHIP:	T7N
RANGE:	R67W
DATE:	07/27/14

**NORTHERN ENGINEERING**

303 North Inland Blvd., Suite 100  
 Fort Collins, CO 80501  
 (970) 221-4599  
 www.northerneng.com

DATE:	07/27/14
SCALE:	AS SHOWN
BY:	C. GIBSON
CHECKED BY:	M. WOODRUFF

HARMONY RIDGE ANNEXATION  
 LOCATED IN SECTIONS 30, 31 & 32, T7N, R67W,  
 & SECTION 5, T6N, R67W  
 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 <sub>2</sub> O come from (NWH <sub>2</sub> O). H <sub>2</sub> 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 <sub>2</sub> 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.

Staff Presentation:

Mr. McCargar presented staff report C.5.a. 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. This ordinance was approved on first reading on October 27, 2014. The Ordinance follows the attorney general opinion that concluded that the use of simulated gaming is unlawful gambling and would require a constitutional amendment to move forward. This activity has the elements of gaming which are a wager, an element of chance and the possibility of a payout. The ordinance is modeled on a House Bill that was brought forward during the last State legislative session. There have been no changes from first reading.

Mayor Vazquez opened the meeting for public comment to which there was none.

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

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

**Town Board Member Melendez motioned to open the public hearing; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

Staff Presentation:

Mr. Olhava presented staff report Item C.6.7.8.a.

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). Mr. Olhava stated 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.

Jeff Mark was present to answer questions from the Town Board. Mayor Vazquez confirmed with the applicant that adding additional acres RMU zoning in the west.

Mayor Vazquez asked where is the master plan for this proposed development.

Mr. Olhava stated that this will be coming forward at a later date. Mr. McCargar added that there will be a public hearing for the master plan.

Mayor Vazquez confirmed that tonight is just about the annexation.

Mr. Mark added that the last submittal of the master plan has been submitted to the Town of Windsor.

Public Comment

Cheryl Van Ackern, 36746 Brian Avenue, stated that the annexation application also includes zoning of the property. From what she understands no adjustments can be made since things have already been set. The Planning Commission and the Town Board hear a lot from neighbors that they don't want development. Ms. Van Ackern is not against development but is concerned about the effects that this will have on the density and traffic in the area. She is also concerned about the future impact and road improvement standards that are set. The developers want higher density by 604% if it is zoned RMU versus E-2. Wants the Town Board to impose lower density across the other areas of the development.

Rosalind Lioto, 36933 County Road 15 has concerns about traffic in the area. There are issues with speeding on road and residents on CR 6 and CR 74 have drive ways that have access to CR 15. Ms. Lioto stated concerns regarding traffic counts and speed issues.

Mayor Vazquez noted the 80% rule used by CDOT which is how the speed limit is set. Per Ms. Lioto the developer hired a traffic engineer to do a traffic study and they didn't include CR 15 and CR 76.

Mayor Vazquez said there are various factors that are considered in the study. He also stated this should be discussed during the master plan.

Per Ms. Lioto there are 25,000 in the Town of Windsor now and if this subdivision comes in it will add 5,000 more to the population which brings 20% of the population outside of town.

Ms. Van Ackern was allowed to address the Town Board one more time by Mayor Vazquez. She stated that the residents and developer have had some conversations. At the last meeting the master plan was presented and they were told that a lot of the "roads are already set" and many things have already been set that the residents will have a difficult time going forward trying to get anything changed. The current residents would like to have that dialogue and continue the dialogue as their opinion about the density compared of the developer are very different. They feel that the Boxelder sewer and its ability to serve an additional 1,650 residents is driving the development.

Jeanne McCreery, 36699 Brian Avenue, wants to encourage the board to provide guidance to the developer for responsible development that is respectful of the surrounding neighborhoods. Ms. McCreery requested significantly lower density in the development, perhaps down to 500-800 units; maintaining some part of their 'dark skies' neighborhood; an open space buffer immediately West of their 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.

Mayor Vazquez explained that her comments are more for the master plan phase. This is not what is up for consideration tonight.

Sharon Offenbacher, 36883 CR15, agrees to what everyone else said.

Mr. Mark stated that they are going into further discussion to future meetings. They are trying to be fair and equitable to both parties. Mr. Mark noted that the area is already zoned to RMU and if they maxed that out they could build 1,800 units. They have chosen 1,650 units which is the number that the sewer will be able to serve.

Mayor Vazquez stated these will be discussions during master planning.

**Town Board Member Melendez motioned to close the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**

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

**Town Board Member Melendez motioned to approve Resolution No. 2014-66; Town Board Member Bishop-Cotner seconded the motion.**

Staff Presentation:

Mr. Olhava reviewed the resolution language.

Mr. McCargar noted that this is a required statutory step.

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

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

**Town Board Member Bishop-Cotner motioned to approve Ordinance No. 2014-1486; Town Board Member Melendez seconded the motion.**

Staff Presentation:

Mr. Olhava stated he had nothing further to add from Agenda Item 6.

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

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

**Town Board Member Adams motioned to open the public hearing; Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None; Motion passed.**



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# HARMONY RIDGE ANNEXATION

Josh Olhava, Associate Planner  
January 26, 2015

Town Board

Item D.1.D.2



# ANNEXATION

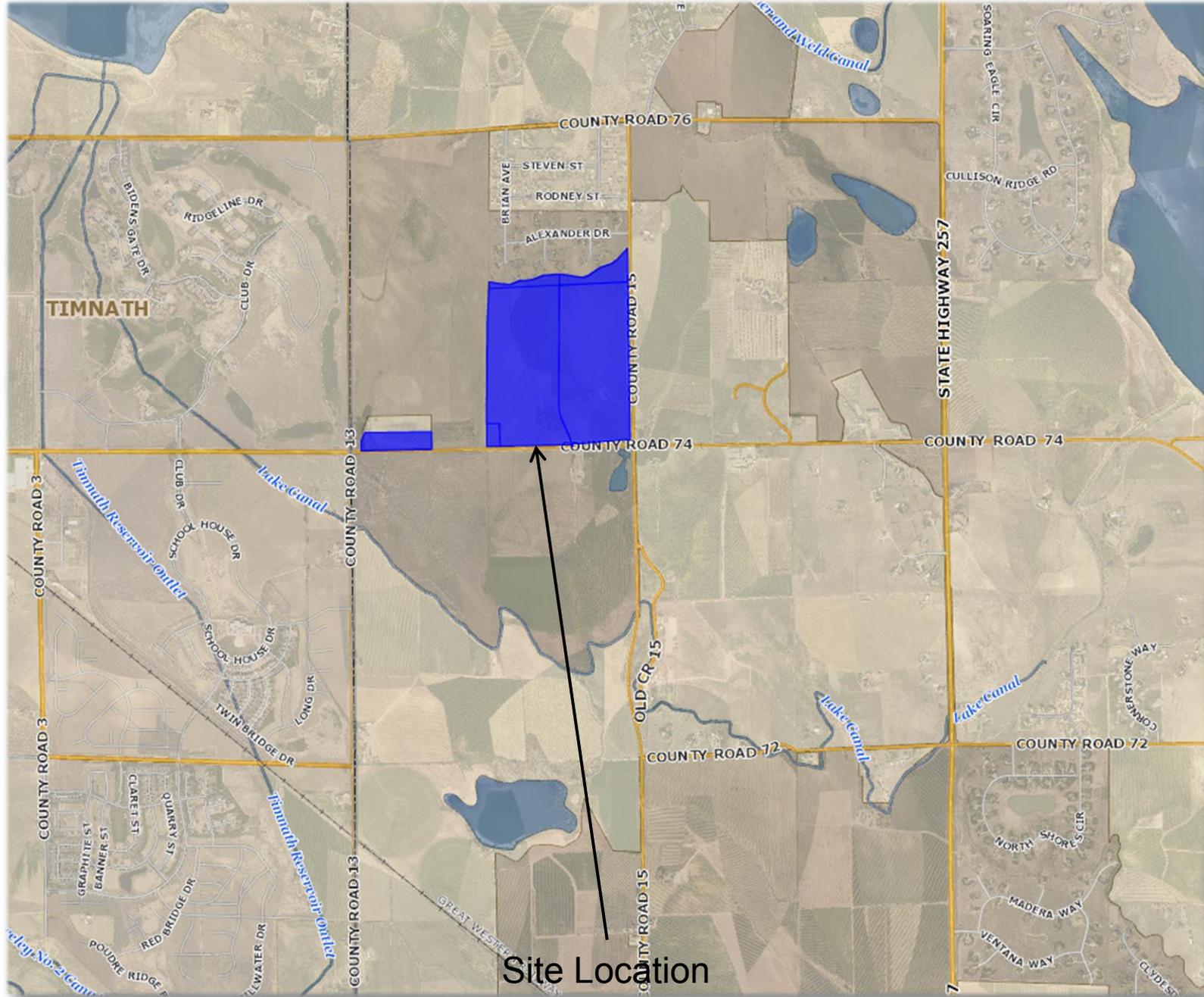
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Article I of Chapter 15 of the Municipal Code outlines the purposes of the Annexation process, including:

**Sec. 15-1-10. Purpose.**

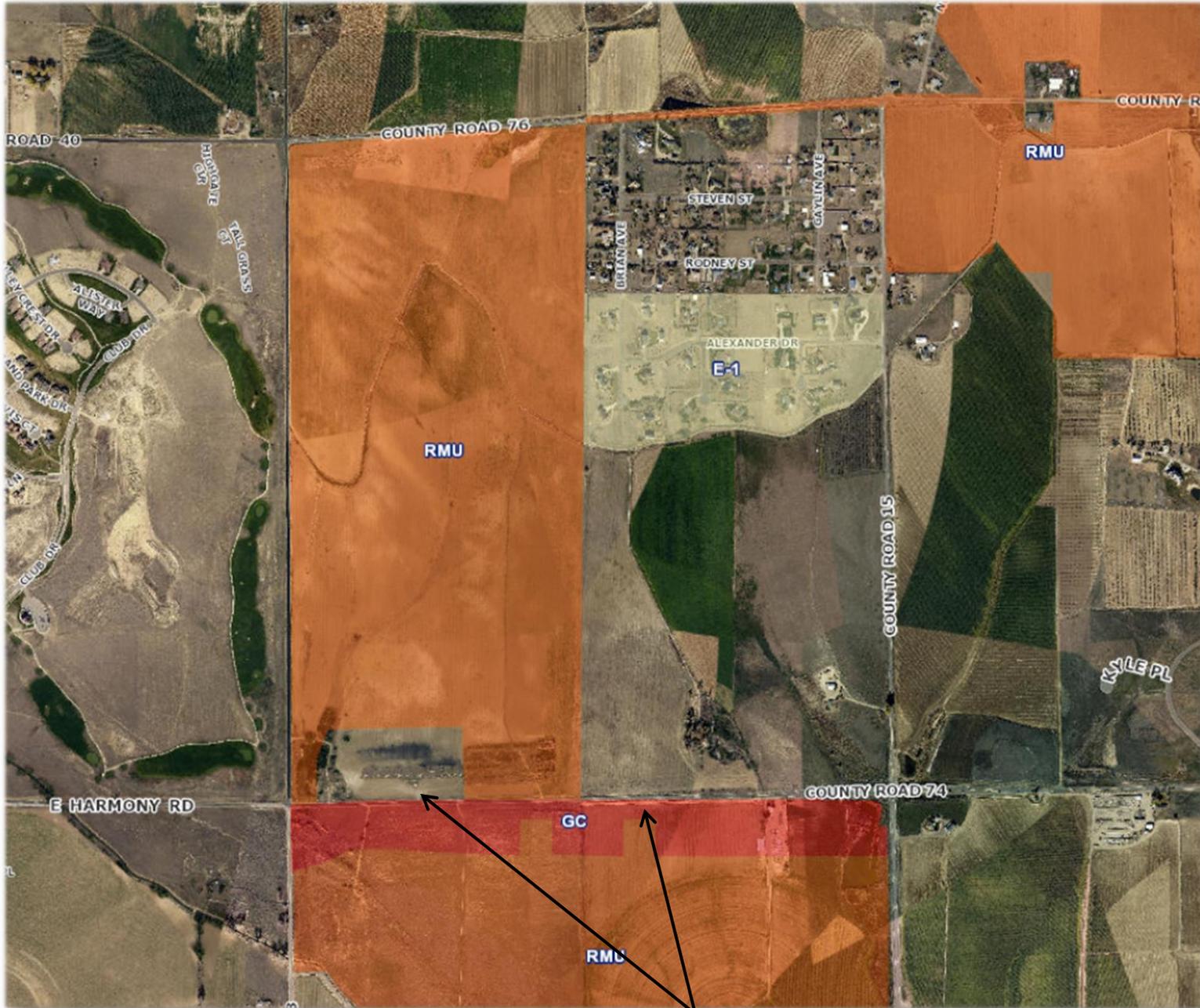
*The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965, as amended.*

# SITE VICINITY MAP



Site Location

# SITE PROXIMITY ZONING MAP



Site Location – Proposed Residential Mixed Use (RMU) zoning



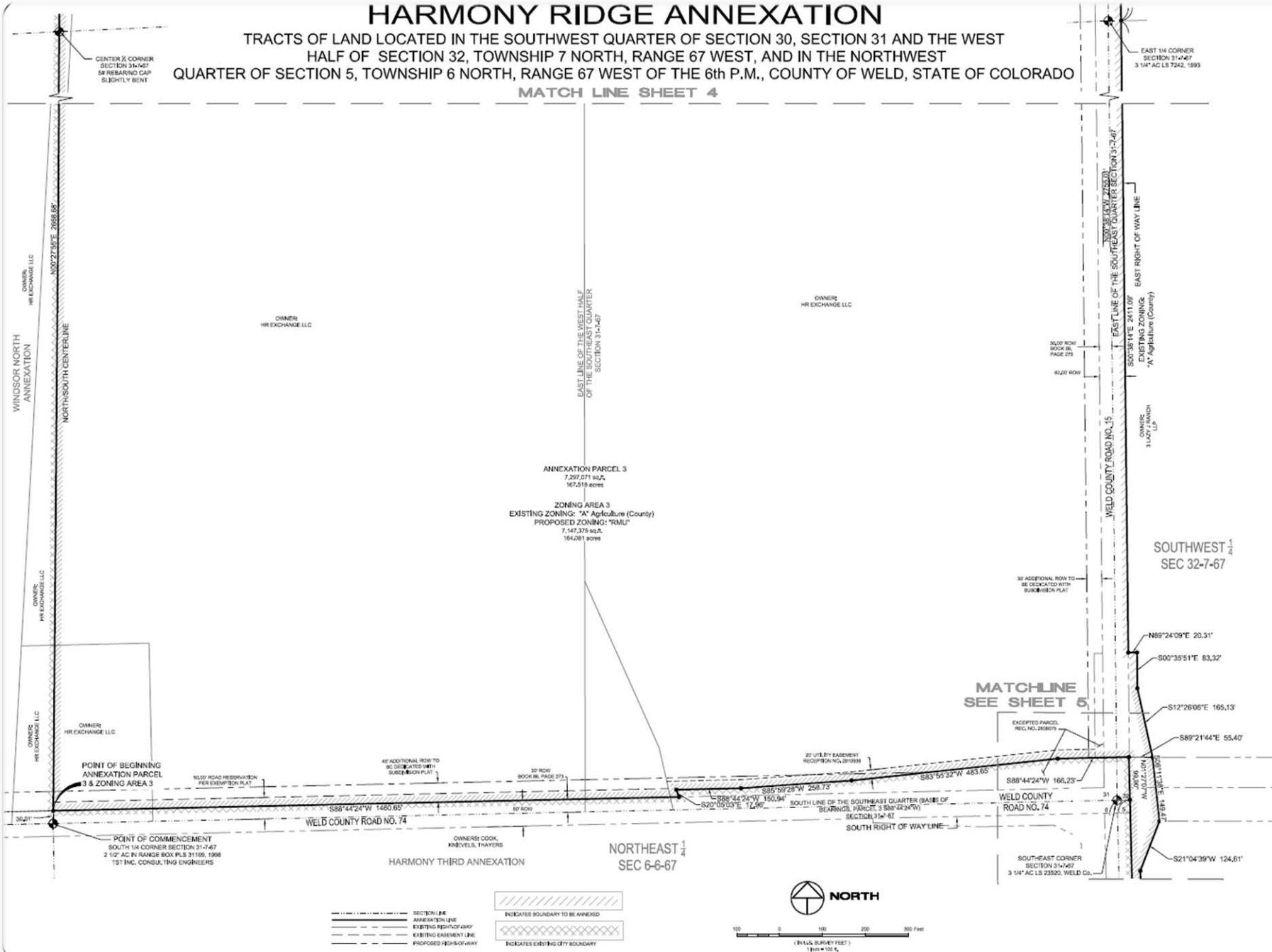


# ANNEXATION PLAT (2 OF 4)

## 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

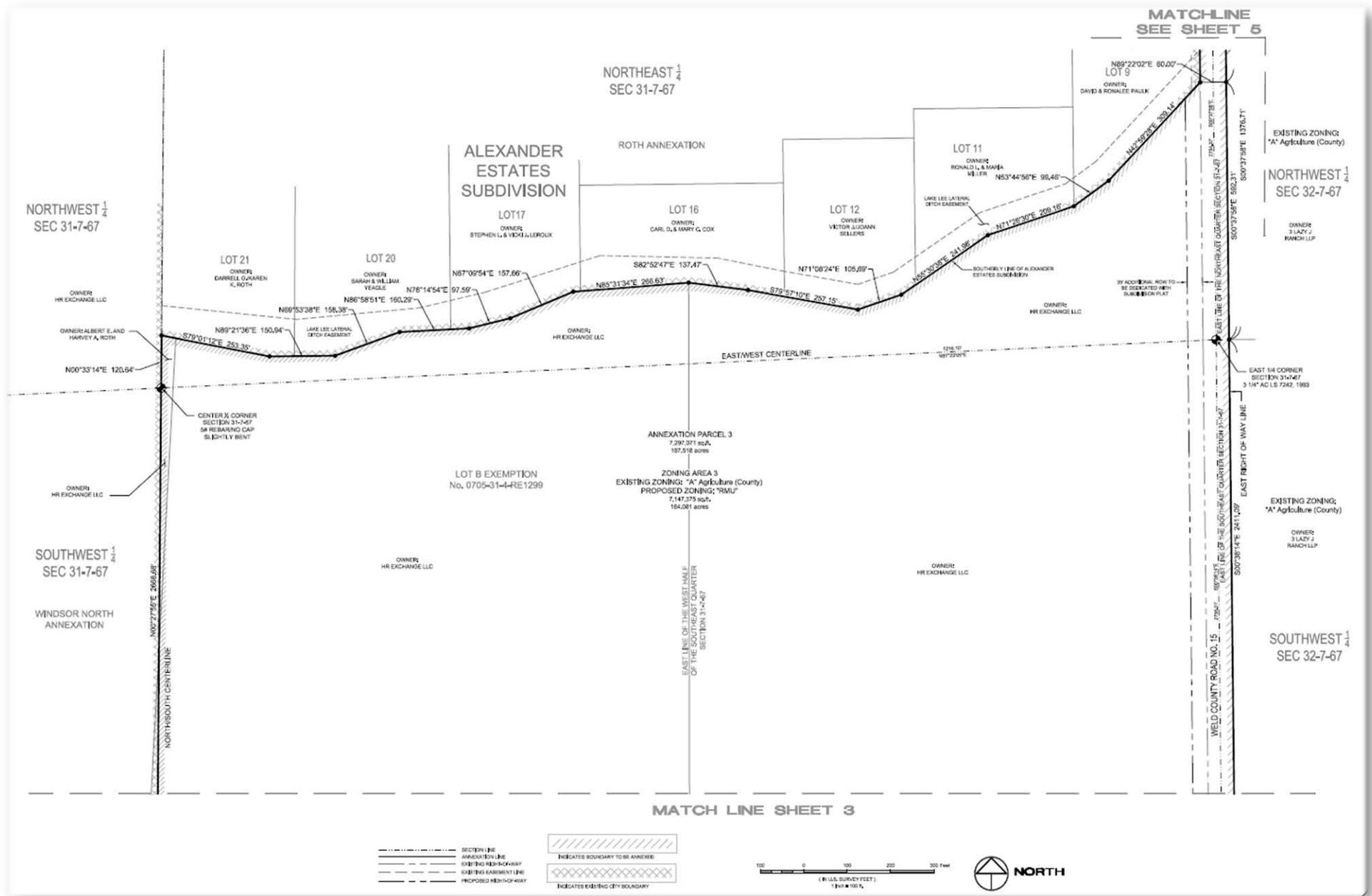


	SECTION LINE
	ANNEXATION LINE
	EXISTING RIGHT-OF-WAY
	EXISTING EASEMENT LINE
	PROPOSED RIGHT-OF-WAY
	INDICATES BOUNDARY TO BE ANNEXED
	INDICATES EXISTING CITY BOUNDARY



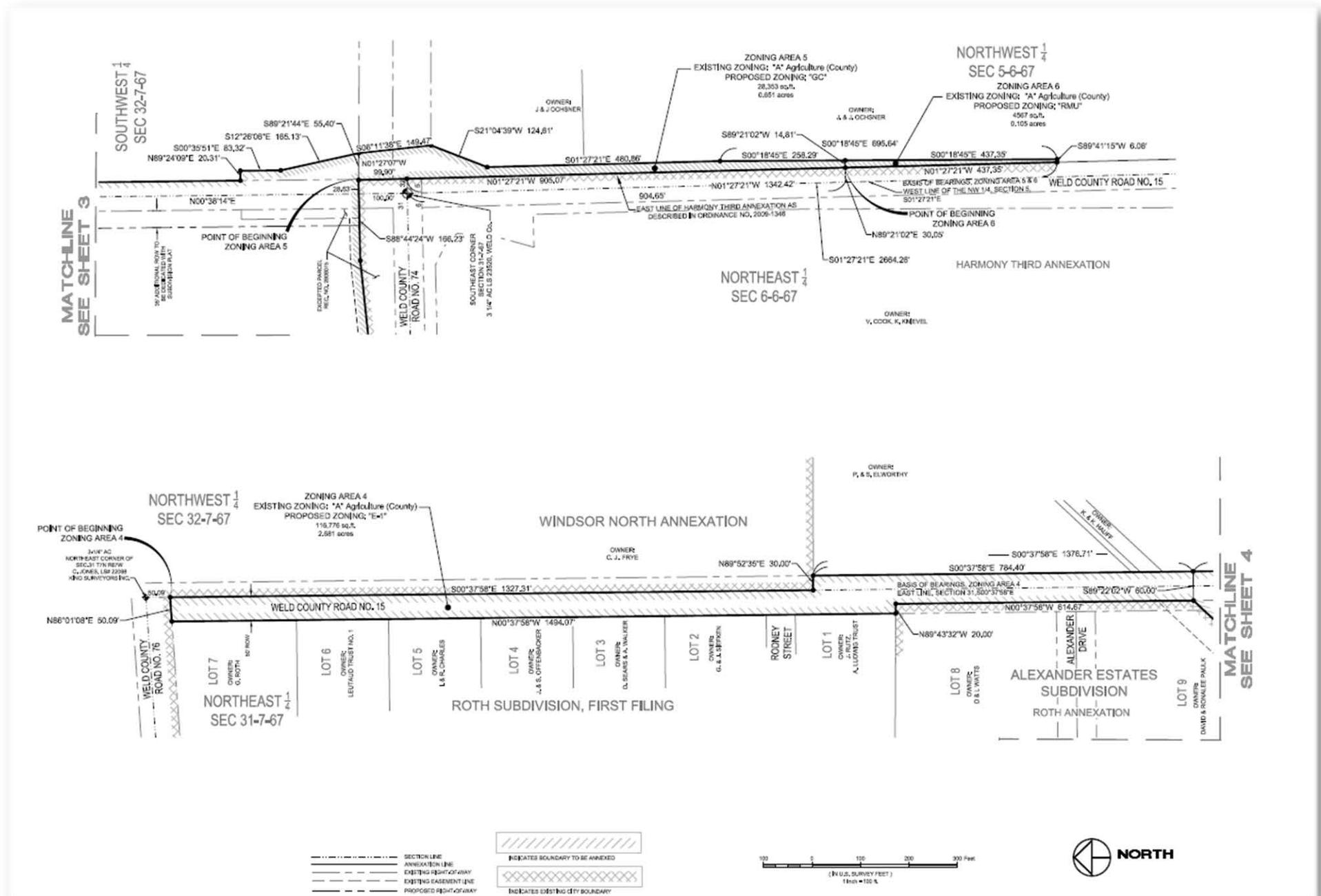


# ANNEXATION PLAT (3 OF 4)





# ANNEXATION PLAT (4 OF 4)





# ANNEXATION RECOMMENDATION

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At their November 5, 2014 Regular Meeting, the Planning Commission forwarded a recommendation of approval of Ordinance No. 2014-1486 for the Harmony Ridge Annexation to the Town Board, and staff concurs with this recommendation.



# ANNEXATION

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Staff requests that the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation



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## MEMORANDUM

**Date:** January 26, 2015  
**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 & Resolution No. 2015-05 – A Resolution Approving the Harmony Ridge Master Plan Pursuant to Chapter 15, Article II of the Windsor Municipal Code – HR Exchange LLC / Jeff Mark, The Landhuis Company, applicant / Jim Birdsall, TB Group, 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 #s:** D.2.D.3

**Background:**

The applicant, HR Exchange, LLC and Mr. Jeff Mark, of the Landhuis Company, represented by Mr. Jim Birdsall, are requesting to master plan approximately 426 acres in the Town of Windsor. Please reference the enclosed Resolution No. 2015-05 for an exhibit of the Master Plan. The proposed master plan is consistent with the Harmony Ridge Annexation zoning classification and Land Use Map Amendment Resolution No. 2014-03, approved by the Planning Commission on November 5, 2014 (enclosed for reference).

On Monday, November 3, 2014, the applicants and their representatives held a neighborhood meeting at the Community Recreation Center. There were approximately 30-40 neighbors in attendance. Please see the enclosed neighborhood meeting notes. Much of the discussion revolved around the proposed lots adjacent to the existing estate lots in Roth and Alexander Estates and the increased traffic in the area. Based on discussions prior to the neighborhood meeting, the applicant incorporated a landscape buffer between the existing and proposed lots. On the current Master Plan submittal, this has been removed in favor of larger estate lots, reflecting the sentiment from the November 3, 2014 neighborhood meeting and direction from the Planning Commission as part of the approval of the Land Use Map Amendment. Please see the enclosed conceptual lot layout for reference.

In addition, neighbors have written staff letters and emails regarding their concerns for the project. Please see the enclosed neighbor letters for reference. Staff also received a letter from the Town of Timnath during the review of the Land Use Map Amendment for Harmony Ridge. Please see the enclosed letter from Timnath and staff's memo from the November 5, 2014 Planning Commission Land Use Map Amendment public hearing.

The applicant has not submitted a subdivision plat for review at this time. Once submitted, the applicant will be required to hold a neighborhood meeting on the preliminary plat, prior to the preliminary plat being reviewed by the Planning Commission. Therefore, staff does not have specific details on lot configuration or traffic patterns. During the subdivision process, a development agreement will be worked on to address all off-site and on-site infrastructure improvements, among other items.

**Conformance with Comprehensive Plan:** The application is consistent with the following Overall Land Use policy of the Comprehensive Plan:

**Policy 1:** Growth will be directed to areas within the Town of Windsor’s GMA. This growth will occur in accordance with the land use depiction and the growth management guidelines of the Town’s Comprehensive Plan.

**Conformance with Vision 2025 document:** The application is consistent with the Growth and Land Use Management Goals of the Vision 2025 document.

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

A neighborhood meeting was held on Monday, November 3, 2014 at 6:00 PM at the Community Recreation Center. Notifications for this meeting were as follows:

- October 20, 2014 – affidavit of mailing to property owners within 300 feet
- October 17, 2014 – legal ad published in the paper

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

- January 6, 2015 - property posted with a notification sign
- January 9, 2015 - legal notice posted on the Town of Windsor website
- January 9, 2015 - legal ad published in the Tribune
- January 8, 2015 - affidavit of letters mailed to the adjacent property owners

**Recommendation:** At their January 21, 2015 regular meeting, the Planning Commission forwarded a recommendation of approval of the master plan to the Town Board, as presented, and staff concurs with this recommendation.

**Enclosures:** Resolution No. 2015-05  
Planning Commission Resolution No. 2014-03 – Land Use Map Amendment  
Application materials  
Neighborhood meeting notes from November 3, 2014  
Neighbor letters received by staff  
Town of Timnath concerns letter  
Conceptual lot layout  
November 5, 2015 Planning Commission Land Use Map Amendment public hearing – staff memo  
Staff PowerPoint

pc: Jeff Mark, The Landhuis Company, applicant  
Jim Birdsall, TB Group, applicant’s representative

TOWN OF WINDSOR

RESOLUTION NO. 2015-05

A RESOLUTION APPROVING THE HARMONY RIDGE MASTER PLAN PURSUANT TO CHAPTER 15, ARTICLE II OF THE *WINDSOR MUNICIPAL CODE*

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 has in place a comprehensive system of land use regulations, including regulations pertaining to annexations and master planning of annexed property; and

WHEREAS, the Harmony Ridge Annexation (“Harmony Ridge”) has been approved and, in conjunction therewith, master planning of land within both Harmony Ridge and portions of the Windsor North Annexation has been undertaken by the owner of Harmony Ridge; and

WHEREAS, the proposed Harmony Ridge Master Plan, a reduced copy of which is attached hereto for reference purposes and is incorporated herein as if set forth fully, has been reviewed by staff in accordance with the requirements of the *Windsor Municipal Code*; and

WHEREAS, the proposed Harmony Ridge Master Plan has been reviewed by the Planning Commission in accordance with the requirements of the *Windsor Municipal Code*, as a result of which the Planning Commission has recommended Town Board approval; and

WHEREAS, the Town Board has considered the matter and is prepared to approve the Harmony Ridge Master Plan in substantially the form attached hereto; and

WHEREAS, the Town Board finds that the Harmony Ridge Master Plan 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 Harmony Ridge Master Plan, depicted in the attached reduced copy, is hereby approved.
2. To the extent required by law, the Mayor and other Town officials are authorized to execute the Harmony Ridge Master Plan prior to finalization.
3. The proponent of the Harmony Ridge Master Plan is hereby directed to comply with the requirements of *Windsor Municipal Code* Section 15-2-50 (1), as a condition of its recording by the Town.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 26<sup>th</sup> day of January, 2015.

TOWN OF WINDSOR, COLORADO

By: \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk



**TOWN OF WINDSOR  
PLANNING COMMISSION**

**RESOLUTION NO. 2014 – 03**

**BEING A PLANNING COMMISSION RESOLUTION APPROVING AND ADOPTING AMENDMENTS TO THE 2006 UPDATE OF THE 2002 WINDSOR COMPREHENSIVE PLAN.**

IT IS HEREBY RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. That the Town of Windsor Planning Commission hereby approves and adopts the following amendment to the **2006 Update of the 2002 Windsor Comprehensive Plan** to change the land use depictions of the areas shown on Exhibit "A", attached hereto and incorporated herein by this reference.
  
2. That the Town of Windsor Planning Commission hereby authorizes the Chairman of the Windsor Planning Commission to execute this Resolution and the Secretary of the Windsor Planning Commission to attest thereto.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted by not less than five (5) sitting members of the Windsor Planning Commission this 5<sup>th</sup> day of November, 2014.

TOWN OF WINDSOR, COLORADO

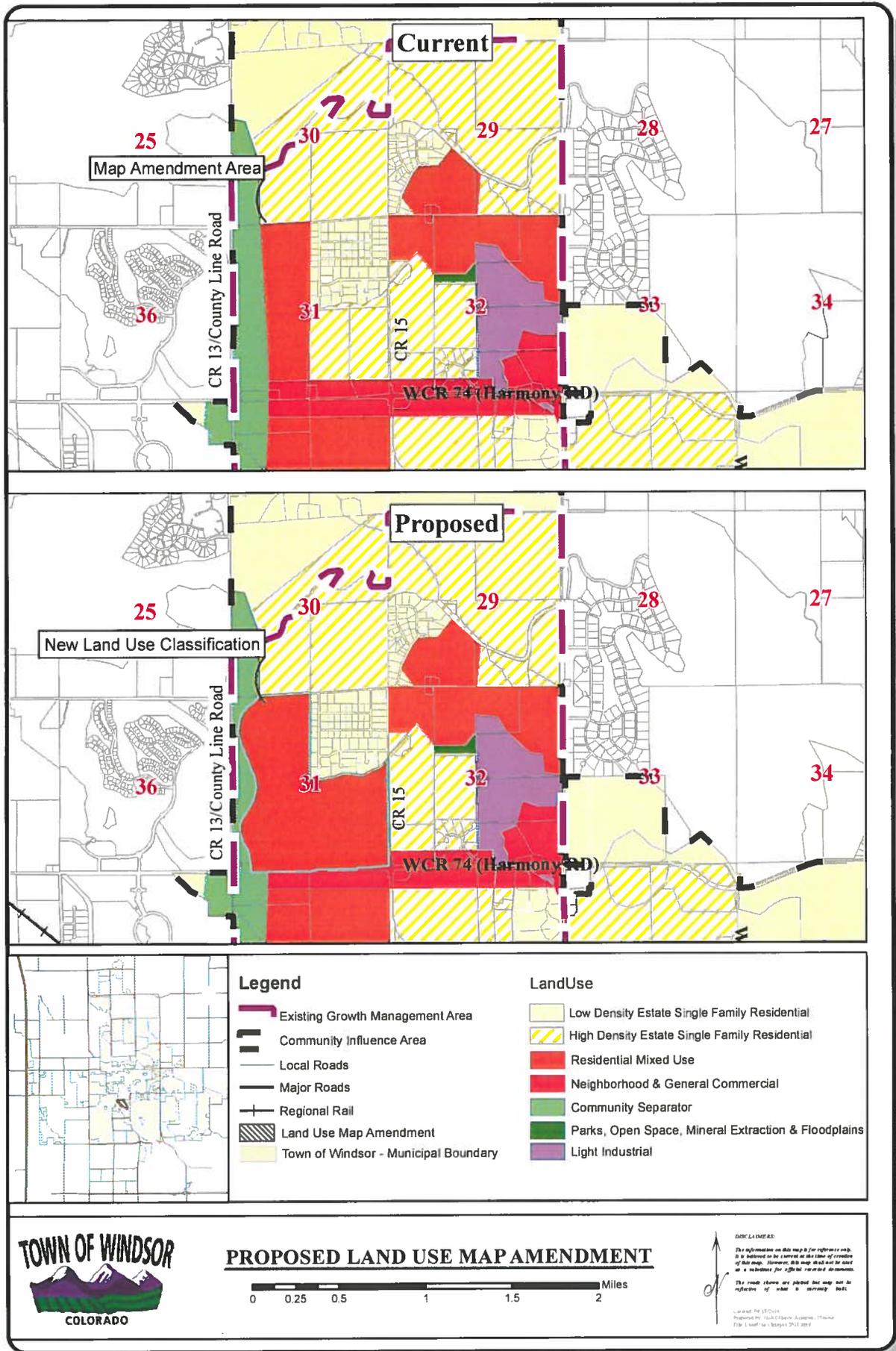
By: \_\_\_\_\_

  
Chairman

ATTEST:

  
Secretary

# Exhibit A





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. The Town of Windsor Planning Department reserves the right to refuse to accept incomplete submittals. Please see the Town's Municipal Code (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\*:** Harmony Ridge

**LEGAL DESCRIPTION\*:** See Attached

**PROPERTY ADDRESS (if available):** \_\_\_\_\_

<b>PROPERTY OWNER (APPLICANT):</b>	
Owner's Name(s)*: <u>HR Exchange, LLC</u>	
Company: <u>The Landhuis Company</u>	
Address*: <u>212 N. Wahsatch Ave., Suite 301 Colorado Springs, CO 80903</u>	
Primary Phone #*: <u>719.635.3200</u>	Secondary Phone #: _____
Fax #*: <u>719.635.3244</u>	E-Mail*: _____

<b>OWNER'S AUTHORIZED REPRESENTATIVE:</b>	
Representative's Name: <u>Jeff Mark</u>	
Company: <u>The Landhuis Company</u>	
Address: <u>212 N. Wahsatch Ave., Suite 301 Colorado Springs, CO 80903</u>	
Primary Phone #: <u>719.635.3200</u>	Secondary Phone #: _____
Fax #: <u>719.635.3244</u>	E-Mail: <u>jmark@landhuisco.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.

Jeff Mark 10/2/13  
Signature: Owner or Owner's Authorized Representative\*\* Date

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

Jeff Mark  
Print Name(s)

\*Required fields

Neighborhood Meeting notes continued.

**What:** Harmony Ridge – Master Plan Neighborhood Meeting

**When:** November 3, 2014 @ 6:00 PM

**Where:** Community Recreation Center

*Q: Question; A: Answer; C: Comment*

**Neighborhood Meeting Notes:**

Q. What size are the homes? And will they be 1-story or 2-story?

A. The homes will be a mix of 1 and 2 story units throughout the majority of the property.

Q. Can the homes adjacent to ours be 1-story to preserve our views?

A. We will have a mix throughout the subdivision and can look into the 1-story vs 2-story idea along the adjacent lots.

Q. Why is there a buffer along the north/south collector? And why is that collector located here?

A. There is a gas easement that runs north and south which has certain development requirements for what can and cannot be built over the top. In addition, the Town has specific street geometry standards that dictate street spacing requirements. The road and gas easement align together well.

C. There appears to be 2-3 lots per Roth Estate lot.

A. It will vary based on the final subdivision process with the Town.

Q. There are electrical/power line easements within the proposed buffer between the existing subdivisions and the proposed lots. Will there be above grade power lines here?

A. We are not aware of any easements along here.

Q. What can you tell us about the revised density?

A. 1,650 units is the max density that could be built on this property (which includes multi-family).

Q. How will this property be served by sewer?

A. We have an agreement with Box-elder Sanitation Services and will have 2 lift stations within the property to help with sewer flow.

Q. Can you implement more cul-de-sacs?

A. We will determine final platting during the subdivision process. Certain areas are not conducive to cul-de-sacs. Through streets create more connections and opportunities/choices for travel.

Q. Will the increased density impact traffic safety?

A. There will be improvements associated with the build out of this property. Those will be fully determined through the subdivision process which will also determine the timing of those improvements.

C. Who is managing the open space buffer between our properties and the new lots? .

A. It will be HOA or Metro District maintained.

C. We would rather see the buffer disappear because people will be throwing their lawn clippings over the fence and that area will become a dump site.

A. During previous discussions it was stated that a buffer is what was wanted in this area by the neighbors. That is why we incorporated that this time and adjusted our lot configuration and roadway geometry.

Neighborhood Meeting notes continued.

- Q. Can we get rid of the buffer and reduce the number of lots adjacent to our larger lots?  
A. We can look to incorporate larger lots and remove the buffer if that is what is wanted by the neighbors. The buffer was added due to input from the neighbors.
- Q. Can you also add in your covenants that all rear fencing on these adjacent lots have shorter fencing?  
A. We will have covenants and can look into that language. Currently most of the existing homes will sit at a higher elevation than these new lots. That will help with views.
- Q. Can you restrict the placement of the homes so that all of our view corridors are preserved?  
A. This is not possible at this time.
- C. If you incorporate fewer lots adjacent to our existing estate lots and remove the buffer, this will be a win-win situation I believe. *Nearly all residents in attendance agreed.*  
A. We will work to incorporate this into our final subdivision drawings to the Town.

**Town Concluding Comment:**

Please remember that this is only one development component the Town requires. There will be opportunities for further input at upcoming meetings. There will be public hearings for the Master Plan at a date yet to be determined. Following the Annexation and Master Plan processes the applicant will submit a Major Subdivision which requires another neighborhood meeting and public hearings before the Planning Commission and Town Board. The Major Subdivision will show all details of lot layout, street geometry and open spaces. You will receive notification letters for the Major Subdivision neighborhood meeting if you are within the set buffer range, and notifications will be posted to the Town website and in the local paper.

To the Windsor Planning Commission

My name is Ed Schwindt and I live at 6781 Rodney St., Windsor, in Roth subdivision. My house was the first one built in this subdivision in 1969. I have lived here for 45 years. I am strongly opposed to the high density development that is scheduled for our area. The planning board needs to take into consideration the people who have lived here for years and keep the housing on large lots to match the existing housing development.

Ed Schwindt *Edward C. Schwindt 11/10/14*

 RECEIVED NOV 10 2014

TO: Windsor Town Planning Commision

FROM: Wade Clements

6856 Rodney Street

Windsor, CO. 80550

Hello, I'am writing to you to voice my opposition to the proposed developement of Harmony Ridge. The planned density of homes is far too great and will most definately have a negative impact on the people who live in this area. When I moved out here many years ago I always knew that future developement would occur, but I would have never thought it would been high density housing. The proposed density may very well fit withing the confines of Windsor but not out here in the rural county. I thank you in advance to take some time to look at the surrounding neighbor hoods and see that the proposed density does not fit.

Sincerely,



Wade Clements

TO: THE WINDSOR PLANNING COMMISSION

FROM: Mark Huntley  
6906 Rodney St.  
Windsor, CO 80550

RE: Harmony Ridge Subdivision

DATE: November 10, 2014

Due to my work schedule, I am unable to attend this meeting concerning the Harmony Ridge Subdivision annex. I would like to voice my objection to the high density housing proposed for this new subdivision. I would encourage the planning commission to have the developer follow the example of the existing homes in the immediate area which are a minimum of 1 to 3 acres per home.

Thank you for your consideration.

A handwritten signature in black ink that reads "Mark Huntley". The signature is written in a cursive style with a large, sweeping initial "M".

Mark Huntley

To: **Windsor Planning Commission**

From: Klindt Nelson, resident of 36871 Gaylin Ave., Roth Subdivision, Windsor since 1998.

Topic: **Harmony Ridge Subdivision**

To the point: I was in attendance of the Windsor Town Council meeting on November 10<sup>th</sup> 2014. I am **in agreement** with the council's recommendation to annex the additional 181.2 acres for the purpose of developing the entire 420 acres to Windsor's standards.

I **am not** in favor of maximizing the density of this development based upon the maximum available capacity of Boxelder Sanitation District.

The master plan I've seen of this development lacks balance, imagination, and continuity. I've not seen open space or foot paths on the entire 420 acres in the master plan. High density does not make sense where common areas, goods, and services are absent. I would prefer to see development consistent with the existing properties on this section.

Summary: Developing this property to Windsor's standards makes good sense. I welcome the experience and good sense of the Windsor Planning Commission and Town Council to help create a cohesive community that will be convenient and comfortable for all who will live in it.

Sincerely,



Klindt Nelson

December 1, 2014

Planning Commission  
301 Walnut Street  
Windsor, CO 80550

Subject: Harmony Ridge Subdivision

Dear Commission:

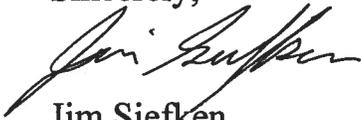
I would like to comment on the proposed Harmony Ridge Subdivision. First I have no problem with people wanting to move to this area as it is a prime location for access to a multitude of services. I have not been able to attend the last couple of meetings but would like address some concerns I have.

- 1) My understanding is that from 1300 to 1500 homes are proposed. I believe this is too high a density for this area. I have been in my home for 30 years and the reason I moved here is for the rural lifestyle. That is also the main reason most people have moved to this area. A high density subdivision will diminish this life style and create more congestion in an already congested byway, Harmony road. If you look to your neighbor, Timnath, they have already proclaimed that a rural lifestyle is important to the culture of an area. They have requested that the current developer lower their density in order to maintain that culture.
- 2) The concern for light pollution is also a major concern. When I first moved out here I could see the Milky Way solar system. Now just the brightest stars show through. Light pollution is becoming more of an issue as areas grow throughout the US.
- 3) I have heard that the developer's representative made a comment at one of the meetings "This isn't our first rodeo and it is a done deal". If this is true this disturbs me in several ways.
  - a. It tells me that they will try to bully their way in
  - b. They don't have a vested interest in bringing in a quality product
  - c. They do not want to listen to the people it will affect the most
  - d. Their only concern is the bottom line. I have no problem with someone making a fair profit but this comes across as wanting more to the detriment of the community

- 4) I have done some research on the developer of record and am concerned. They have only been incorporated since May of 2013. I could not find anything on their background except a mailing address in Tempe, AZ. I wonder what they may be hiding. It doesn't show me they are being transparent in their negotiations. They are registered in Colorado and in good standing. All this says to me is that they have paid the application fees and nothing about them as a quality developer.

I know Windsor to be a good neighbor and believe that you will take into consideration your neighbors' concerns in creating a positive relationship and enhancing the lives of those around.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Siefken". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jim Siefken  
6967 Rodney  
Windsor, CO  
Roth Subdivision  
970-686-2759



October 15, 2014

Town of Windsor Planning Commission  
301 Walnut Street  
Windsor, CO 80550

Re: Public Hearing regarding a proposed change to the Windsor Comprehensive Plan Land Use Map

Dear Chairman Schick and Commission Members,

Thank you for the opportunity to review the proposed changes to the Town of Windsor Comprehensive Plan Land Use Map. Our Town Council discussed these changes at our regularly scheduled meeting on October 14<sup>th</sup>, and we have two significant concerns with the proposal. The focus of our council's concern is the decrease in the Community Buffer area to the west and the increased density associated with the Residential Mixed Use.

Our preference would be to have the Community Separator remain as originally shown on the current map, as we feel that it is an important buffer between our two communities, and maintains a more agrarian look to the area. The current width of approximately a quarter mile promotes that rural feel that the significant reduction of the buffer would not achieve for either party, and potentially sets a poor precedent for future developments.

The second area of concern is the increase in the density from the High Density Estate Single Family Residential to Residential Mixed Use, again reducing the more rural feel and the additional burden this would place on our infrastructure. The increased traffic on Harmony Road that the additional density would indicate will increase maintenance needs on the Harmony corridor and exacerbate the already challenging traffic that both of our residents face on Harmony.

For these reasons, we, the Town Council for the Town of Timnath, on behalf of our staff and residents, ask that you do not approve these changes to the Windsor Comprehensive Plan Land Use Map.

Sincerely,

Jill Grossman-Belisle  
Mayor  
Town of Timnath





---

## MEMORANDUM

**Date:** November 5, 2014  
**To:** Windsor Planning Commission  
**Via:** Joseph P. Plummer, AICP, Director of Planning  
**From:** Josh Olhava, Associate Planner  
**Subject:** Continued from October 15, 2014 regular meeting - Resolution No. 2014-03 - Proposed 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

**Location:** North of WCR 74/Harmony Road, south of WCR 76, east of WCR 13/County Line Road and west of WCR 15; adjacent to Alexander Estates and Roth Subdivision

**Item #s:** C.6

### **Background:**

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.

As can be seen in Exhibit A to the attached Resolution No. 2014-03, 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.

### **Public Testimony:**

Prior to and during the October 15, 2014 Planning Commission public hearing regarding Resolution No. 2014-03, staff and the commission received letters and public testimony raising concerns with the future development of the property (please see the enclosed minutes excerpt

from the October 15, 2014 Planning Commission meeting, as well as the letters and emails from adjacent property owners and the Town of Timnath). The primary areas of concern included:

High Density Development Adjacent to Existing Estate Subdivisions:

Many of the neighbors voiced concerns regarding the proposed density adjacent to the existing estate lot subdivisions. Staff had also raised this issue during the review process. In response to these concerns, the applicant is proposing in the Harmony Ridge Master Plan a landscaped neighborhood buffer between Harmony Ridge and Roth and Alexander Estates. This buffer is proposed to vary in width with a minimum of thirty (30) feet and an average of fifty (50) feet. In addition to the landscape buffer, the applicant is proposing to plat the largest lots in Harmony Ridge adjacent to Roth and Alexander Estates. Working with the developer, staff has included a condition of approval that states *“there shall be no more than three (3) new residential lots abutting an existing estate lot along Roth and Alexander Estates Subdivisions.”*

Community Separator Land Use Depiction:

The Comprehensive Plan states that the Community Separator land use depiction, “Provides for areas of open space or open lands held in *either* public *or* private ownership which (a) generally have little or no development, with the exception of agricultural activities; (b) generally provide unrestricted views across the horizon; and (c) are established through due process and negotiations and discussions with the respective property owners.” The Town has historically worked with property owners as development occurs in an attempt to preserve community separators and landscape buffers where feasible. In this case, the applicant is proposing a landscape buffer of approximately one-hundred (100) feet in width on average.

The Town of Timnath letter indicates that they would prefer that the Community Separator remain as currently depicted. However, it should be noted that the Community Separator land use depictions on the Comprehensive Plan Land Use Map are conceptual and are intentionally exaggerated graphically to compensate for the scale of the map. The current depiction of the subject separator, if taken literally, would occupy almost one quarter (¼) mile of the property for the entire one mile length of the western property boundary.

Increased Density and Traffic:

The Town of Timnath and neighbors also raised concerns regarding the proposed change from High Density Estate Single Family Residential to Residential Mixed Use and the resulting increase in traffic. One reason for the change is to allow for a better transition of residential density between the future commercial uses and surrounding residential uses, as well as the transition from higher density residential lots to the existing neighboring estate lots.

With regard to traffic on Harmony Road, the Town’s Roadway Classifications Map depicts Harmony Road as a Rural Major Arterial road and the road serves as a major thoroughfare between Fort Collins, Timnath, Windsor, Severance and Eaton. As development occurs along the corridor and infrastructure improvements are warranted, it is the responsibility of the developers to build the necessary improvements to meet current standards. Additionally, any development along WCR 13, WCR 15 or WCR 76 that warrant infrastructure improvements, will be built as part of the development by the developer to meet current standards.

**Conformance with Comprehensive Plan:** Chapter I Section E.3 of the 2006 Update of the 2002 Comprehensive Plan states, in part, that the Land Use Map should be reviewed by the Planning Commission and Town staff to determine what revisions, if any, may need to be made to the Land Use Map.

**Conformance with Vision 2025:** The application is consistent with the Growth and Land Use Management element of the Vision 2025 document.

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

Public Hearing notifications for the Planning Commission meeting were as follows:

- September 30, 2014 – legal notice posted on the Town of Windsor website
- October 01, 2014 – property posted with a notification sign
- October 02, 2014 – affidavit of letters mailed to the adjacent property owners
- October 03, 2014 – legal ad published in the Tribune

**Recommendation:** Staff recommends that the Planning Commission approve Resolution No. 2014-03 with the understanding that the Annexation Agreement requires a minimum ten (10) acres of commercial development to be located along WCR 74/Harmony Road, and subject to the following conditions:

1. Any residential development along and adjacent to the WCR 74/Harmony Road corridor will be reviewed as multi-family residential and serve as a transition into single-family residential;
2. All development along WCR74/Harmony Road shall be subject to the Commercial Corridor Plan standards;
3. During subdivision platting, there shall be no more than three (3) new residential lots abutting an existing estate lot along Roth and Alexander Estates Subdivisions.

**Enclosures:** application  
Resolution No. 2014-03  
Planning Commission minutes from October 15, 2014 public hearing  
Town of Timnath letter dated October 15, 2014  
emails and letters presented for the October 15, 2014 public hearing

pc: Kelly Arnold, Town Manager  
Ian McCargar, Town Attorney  
Jeff Mark, The Landhuis Company  
Brian Williamson, Town of Timnath



# HARMONY RIDGE MASTER PLAN

Josh Olhava, Associate Planner  
January 26, 2015

Town Board

Item D.3.D.4



# MASTER PLAN

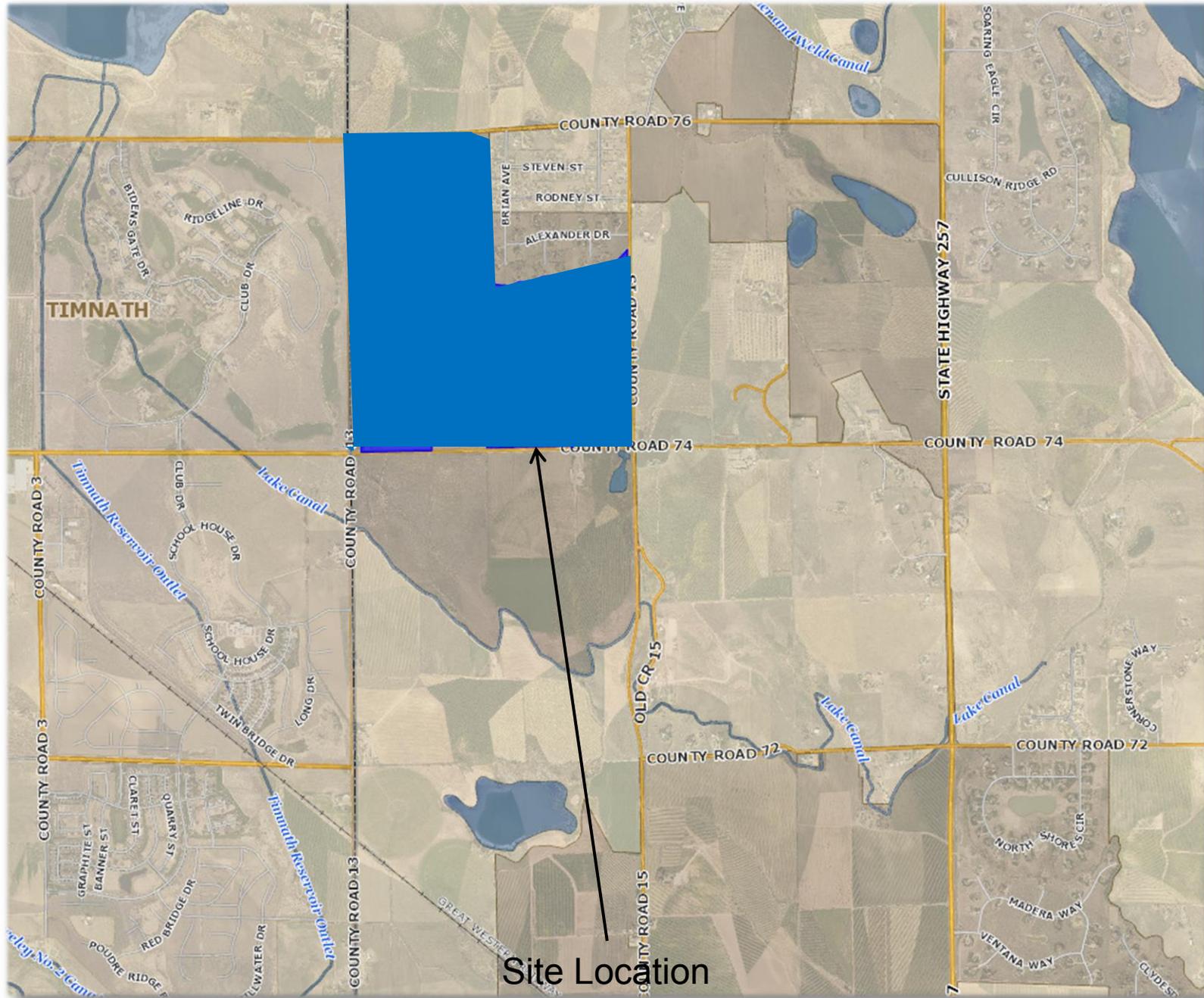
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Article II of Chapter 15 of the Municipal Code outlines the purposes of the Master Plan process, including:

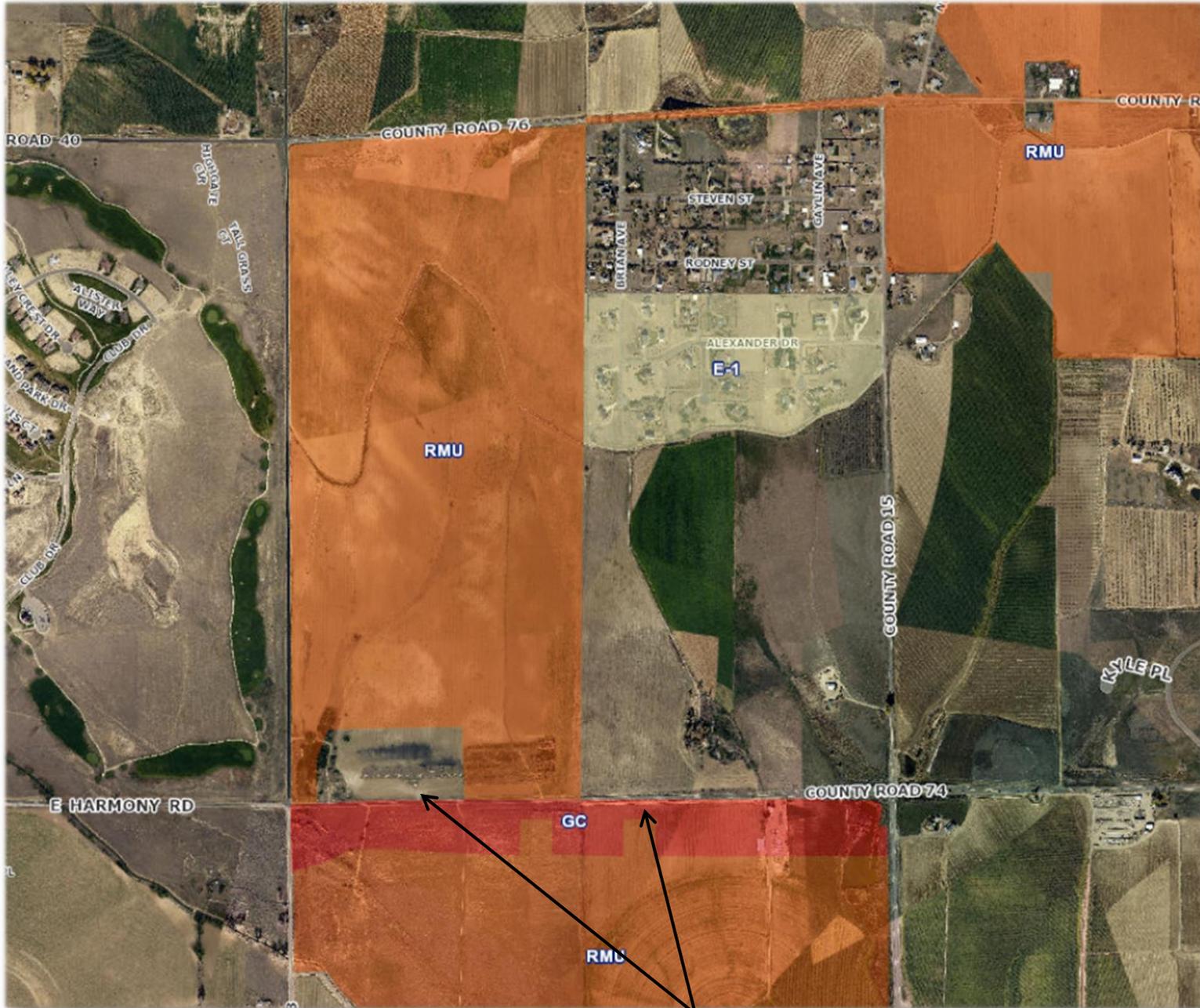
**Sec. 15-2-10. Purpose.**

*The purpose of this Article is to establish a procedure to provide for the master planning of property annexed to the Town pursuant to Article I of this Chapter. As provided in Article I of this Chapter, master planning in conjunction with the annexation of property is permissive but not required. The foregoing notwithstanding, the approval of a master plan shall be a condition precedent for the subdivision of property in the Town.*

# SITE VICINITY MAP

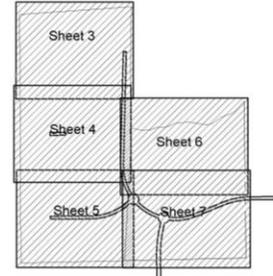
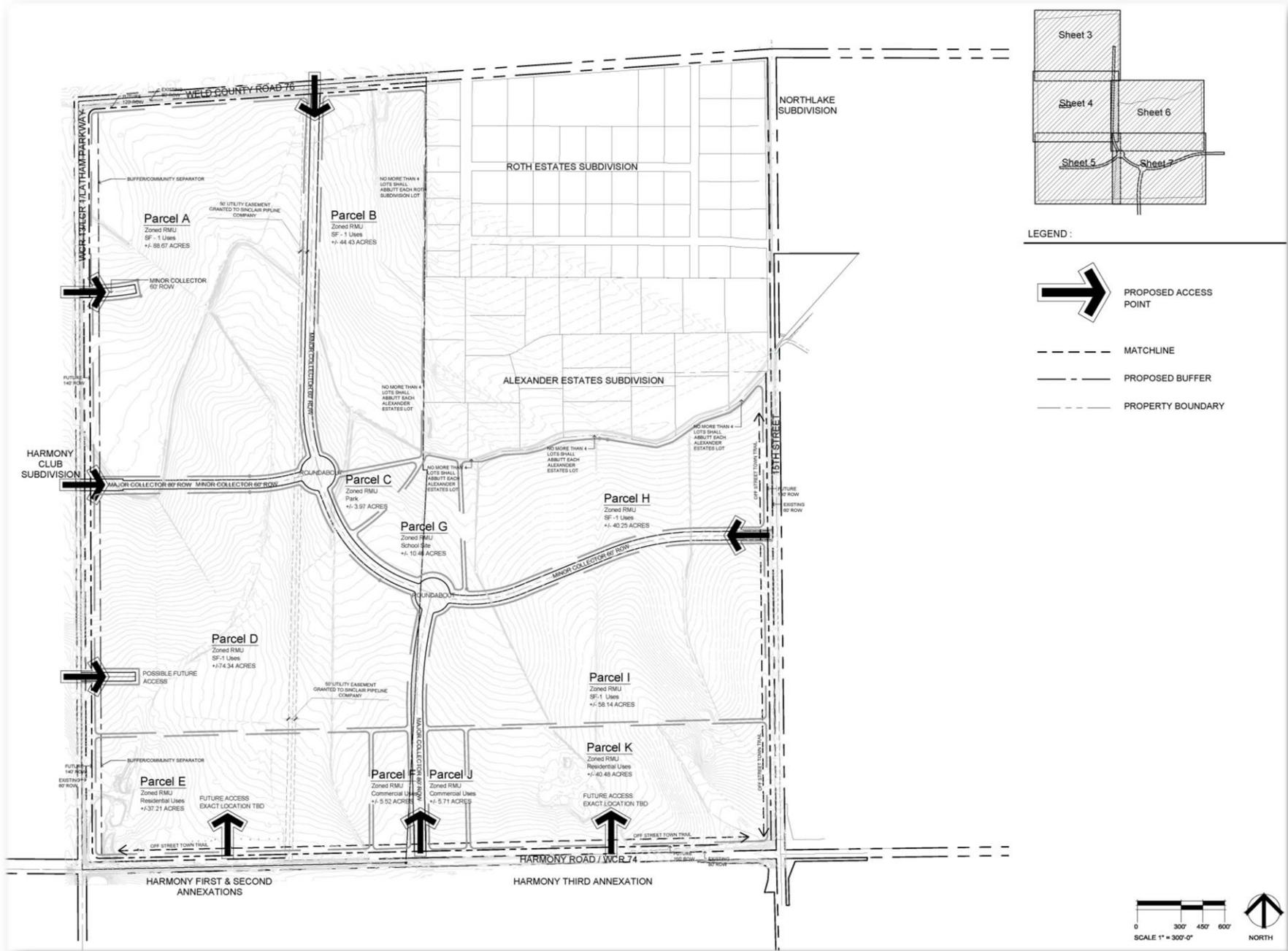


# SITE PROXIMITY ZONING MAP



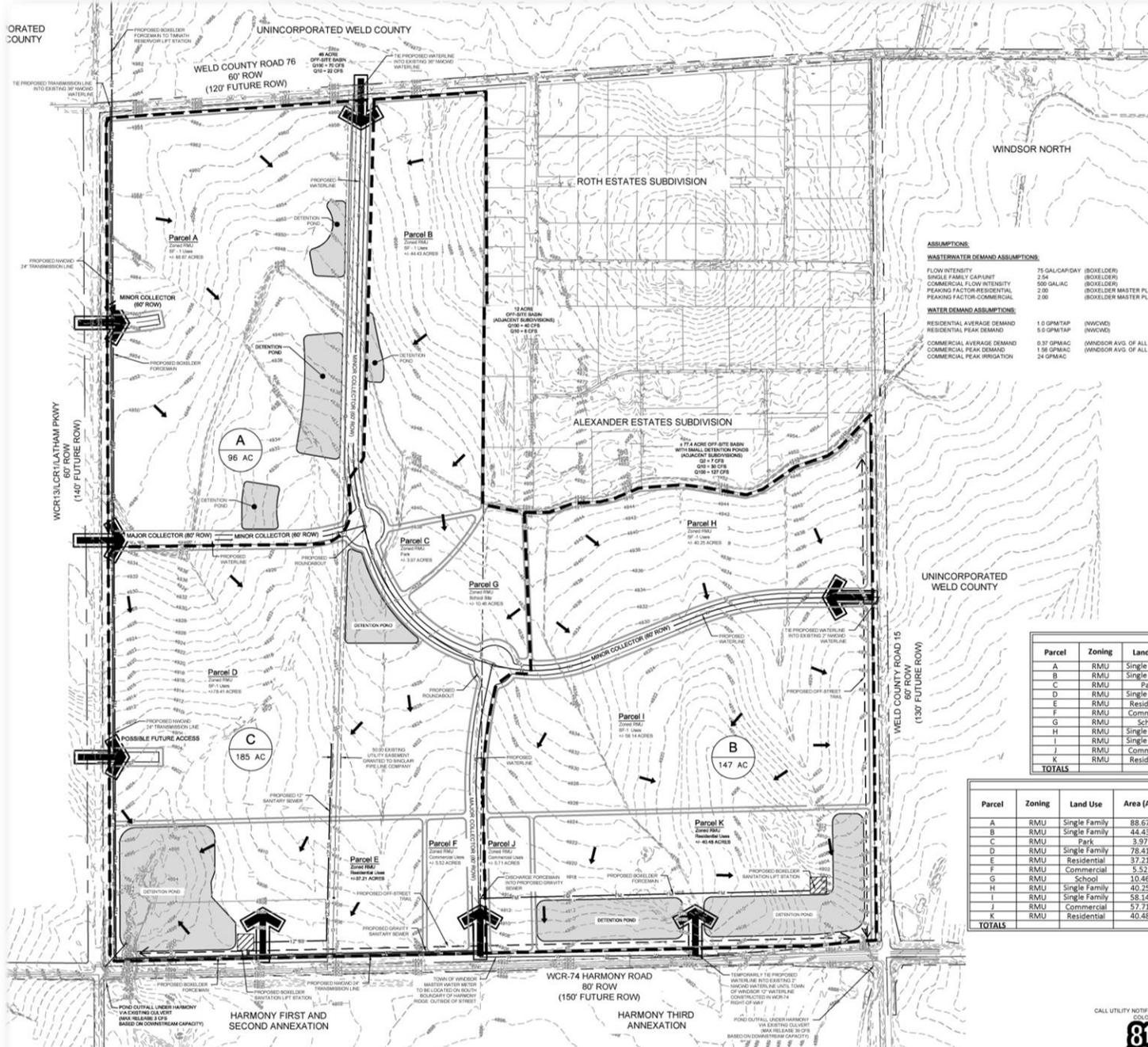
Site Location – Proposed Residential Mixed Use (RMU) zoning

# MASTER PLAN (1 OF 2)



- LEGEND:**
-  PROPOSED ACCESS POINT
  -  MATCHLINE
  -  PROPOSED BUFFER
  -  PROPERTY BOUNDARY

# MASTER PLAN (2 OF 2)



**LEGEND:**

- PROPERTY BOUNDARY
- - - - - EXISTING CONTOUR
- FLOW ARROW
- - - - - DRAINAGE/SEWER BASIN BOUNDARY
- - - - - MASTER PLAN PARCELS
- PROPOSED WATER MAIN
- EXISTING WATER MAIN
- FUTURE SEWER MAIN
- UNDERGROUND ELECTRIC
- UNDERGROUND GAS LINES
- ➔ PROPOSED ACCESS POINT
- ➔ APPROXIMATE INTERNAL ACCESS POINT LOCATION TO BE DETERMINED AT PRELIMINARY PLAT
- ⊗ XX AC MAJOR DRAINAGE/SEWER BASIN

**NOTES:**

- SANITARY SERVICE WILL BE PROVIDED BY THE BOXELDER SANITATION DISTRICT. TWO LIFT STATIONS ARE EXPECTED TO SERVICE THE HARMONY RIDGE DEVELOPMENT. SIZE OF GRAVITY SEWER AND FORCE MAINS MAY CHANGE WITH FURTHER ENGINEERING DESIGN OF SANITARY SYSTEM.
- POTABLE WATER SERVICE WILL BE PROVIDED BY THE NORTH WELD COUNTY WATER DISTRICT (NWWCW).
- DWELLING UNITS AND COMMERCIAL AREAS ESTIMATES MAY CHANGE FROM MASTER PLAN TO FINAL PLATING.
- ALL OVERHEAD UTILITIES WITHIN THE SITE WILL BE RELOCATED UNDERGROUND.

**ASSUMPTIONS:**

**WASTEWATER DEMAND ASSUMPTIONS:**

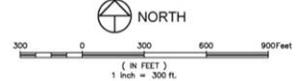
FLOW INTENSITY: 0.50 GAL/IN<sup>2</sup>/DAY (BOXELDER)  
 SINGLE FAMILY GARINUT: 2.54 500 GAL/AC (BOXELDER)  
 COMMERCIAL FLOW INTENSITY: 2.00 (BOXELDER MASTER PLAN)  
 PEAKING FACTOR: RESIDENTIAL: 2.00 (BOXELDER MASTER PLAN)  
 COMMERCIAL: 2.00

**WATER DEMAND ASSUMPTIONS:**

RESIDENTIAL AVERAGE DEMAND: 1.0 GPM/TAP (NWWCW)  
 RESIDENTIAL PEAK DEMAND: 5.0 GPM/TAP (NWWCW)  
 COMMERCIAL AVERAGE DEMAND: 0.37 GPM/AC (WINDSOR AVG. OF ALL COMMERCIAL USES)  
 COMMERCIAL PEAK DEMAND: 1.58 GPM/AC (WINDSOR AVG. OF ALL COMMERCIAL USES)  
 COMMERCIAL PEAK IRRIGATION: 2.4 GPM/AC

ESTIMATED WASTEWATER DEMAND							
Parcel	Zoning	Land Use	Area (Ac)	Residential Units	Commercial Acres	Average Daily Demand (GPD)	Peak Hour Demand (GPD)
A	RMU	Single Family	88.67	300		57,150	114,219
B	RMU	Single Family	44.43	143		27,242	54,484
C	RMU	Park	3.97		3.97	1,985	3,970
D	RMU	Single Family	78.41	179		34,100	68,200
E	RMU	Residential	37.21	254		48,387	96,774
F	RMU	Commercial	5.52		5.52	2,760	5,520
G	RMU	School	10.46		10.46	5,230	10,460
H	RMU	Single Family	40.25	126		24,063	47,972
I	RMU	Single Family	58.14	266		50,673	101,274
J	RMU	Commercial	5.13		5.13	2,565	5,130
K	RMU	Residential	40.48	382		72,771	145,439
<b>TOTALS</b>					<b>25.08</b>	<b>326,865</b>	<b>653,785</b>

ESTIMATED WATER DEMAND								
Parcel	Zoning	Land Use	Area (Ac)	Residential Units	Commercial Acres	Average Hourly Demand (GPM)	Peak Hour Demand (GPM)	Peak Hour Seasonal Demand (GPM)
A	RMU	Single Family	88.67	300		300	1,500	1,500
B	RMU	Single Family	44.43	143		143	715	715
C	RMU	Park	3.97		3.97	1	6	101
D	RMU	Single Family	78.41	179		179	895	895
E	RMU	Residential	37.21	254		254	1,270	1,270
F	RMU	Commercial	5.52		5.52	2	9	141
G	RMU	School	10.46		10.46	4	16	267
H	RMU	Single Family	40.25	126		126	630	630
I	RMU	Single Family	58.14	266		266	1,330	1,330
J	RMU	Commercial	5.13		5.13	2	9	131
K	RMU	Residential	40.48	382		382	1,910	1,910
<b>TOTALS</b>				<b>1650</b>	<b>25.08</b>	<b>1,659</b>	<b>8,289</b>	<b>8,891</b>



CALL UTILITY NOTIFICATION CENTER OF COLORADO



**TOWN OF WINDSOR, COLORADO**  
DRAWING APPROVAL

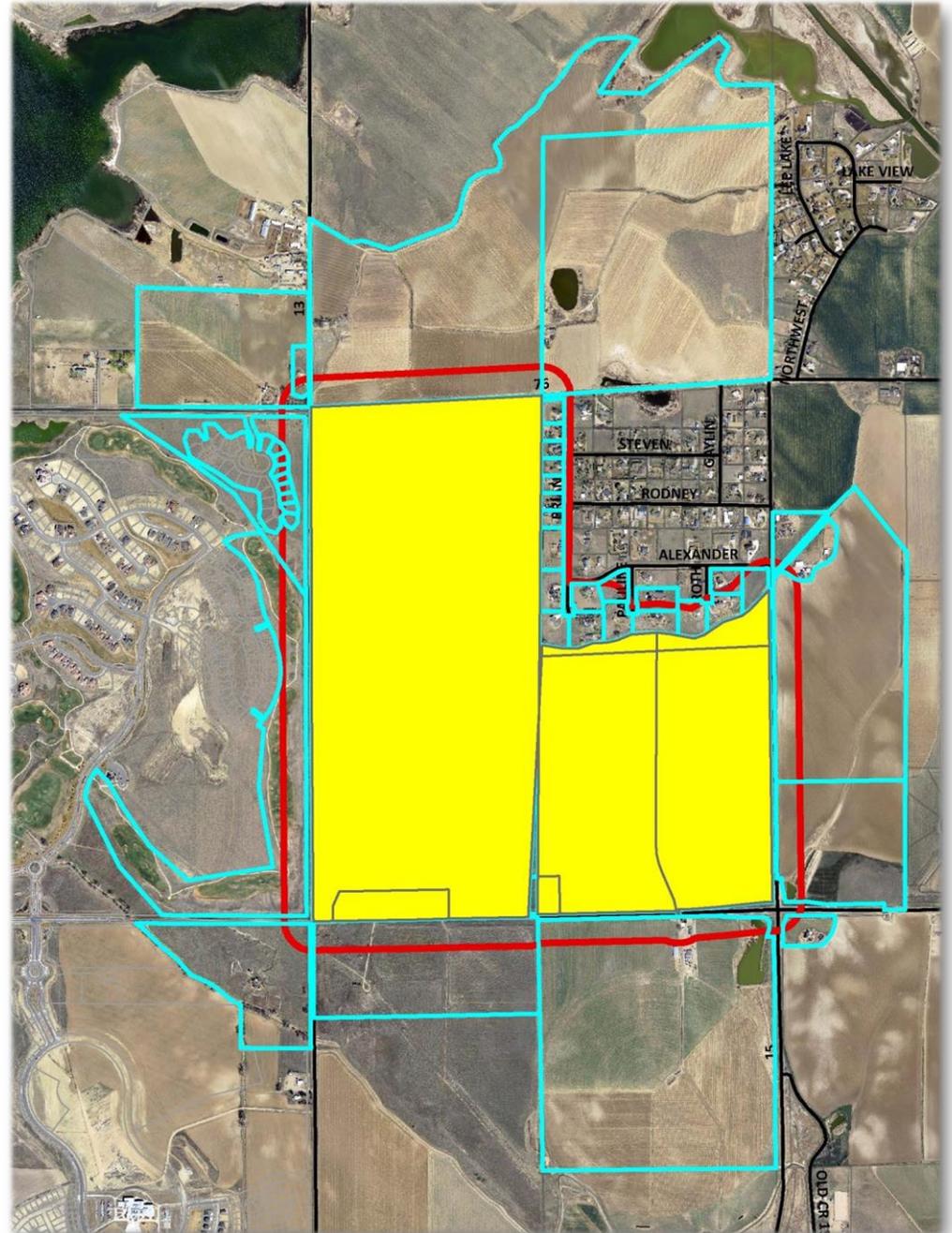
REVIEW IS FOR GENERAL COMPLIANCE WITH TOWN ENGINEERING DEPARTMENT. REVIEWER IS ASSUMED TO BE RESPONSIBLE FOR COMPLETENESS OF DESIGN.

# NOTIFICATION AREA

## Notification:

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

- January 6, 2015 – property posted with a notification sign
- January 8, 2015 – applicant mailed letters to surrounding property owners
- January 9, 2015 – legal notice posted on the Town of Windsor website
- January 9, 2015 – legal ad published in the Tribune





# MASTER PLAN RECOMMENDATION

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At their January 21, 2015 regular meeting, the Planning Commission forwarded a recommendation of approval of the master plan to the Town Board, as presented, and staff concurs with this recommendation.



# MASTER PLAN

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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



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## MEMORANDUM

**Date:** January 26, 2015  
**To:** Mayor and Town Board  
**Via:** Regular Meeting materials, January 26, 2015  
**From:** Ian D. McCargar, Town Attorney  
**Re:** Resolution approving amendment to Windsor North Annexation Agreement  
**Item #:** D.5.

**Background / Discussion:**

Included in your Board Action Agenda is a Resolution approving a 2014 amendment to the Windsor North Annexation Agreement. This Amendment is between the Town and the owners of that portion of Windsor North not controlled by Harmony Ridge. The Amendment acknowledges that Windsor North is now controlled by unrelated two ownership groups who will undergo separate development processes. Harmony Ridge is proceeding to develop its holdings in Windsor North at this time, and the remaining portions of Windsor North will develop at some point. The Amendment also confirms that the requirements for commercial development of the original Windsor North Annexation Agreement have been met.

**Financial Impact:** None.

**Relationship to Strategic Plan:** Community Spirit and Pride.

**Recommendation:** Approve Resolution No. 2015-06; simple majority required.

**Attachments:**

Resolution No. 2015-06 – A Resolution Approving an Amendment to the Windsor North Annexation Agreement Between the Town of Windsor and Christopher J. Frye, and Authorizing the Mayor to Execute Same

2014 Amendment to Windsor North Annexation Agreement

1985 and 1997 Windsor North Annexation Agreements (single document)

TOWN OF WINDSOR

RESOLUTION NO. 2015-06

A RESOLUTION APPROVING AN AMENDMENT TO THE WINDSOR NORTH ANNEXATION AGREEMENT BETWEEN THE TOWN OF WINDSOR AND CHRISTOPHER J. FRYE, AND AUTHORIZING THE MAYOR TO EXECUTE SAME

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

WHEREAS, 1985, the Town annexed property which at that time was known as the *Windsor North Annexation to the Town of Windsor* (“Annexation”), generally located at the northwest corner of State Highway 257 and Weld County Road 74; and

WHEREAS, at the time of annexation, the Town entered into the Windsor North Annexation Agreement with the then-property owners, which Annexation Agreement was amended in 1997; and

WHEREAS, since the original annexation, the annexed property has undergone a change of ownership, such that property within the Annexation is now owned by two separate ownership groups:

- Harmony Exchange, LLC; and
- Christopher J. Frye;

and

WHEREAS, Harmony Exchange, LLC, is proposing development on its portion of the Annexation; and

WHEREAS, the Town Attorney has recommended that there be a written understanding that the development of the two ownership parcels will be addressed in separate written undertakings between the Town and the ownership groups, and that each owner acknowledges the separate nature of the Annexation as development occurs; and

WHEREAS, the Town Attorney has negotiated the attached 2014 Amendment to Windsor North Annexation Agreement (“Amendment”), which bears the signature of Christopher J. Frye, the property owner; and

WHEREAS, the Town Board has reviewed the Amendment, giving due consideration to its terms; and

WHEREAS, the Town Board desires to approve the Amendment and authorize the Mayor to execute it on the Town's behalf.

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

1. The attached 2014 Amendment to Windsor North Annexation Agreement is hereby approved.
2. The Mayor is authorized to execute the said Amendment on the Town's behalf.
3. The Town Attorney is authorized to make such revisions and modifications as are necessary to assure compliance with this Resolution.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 26<sup>th</sup> day of January, 2015.

TOWN OF WINDSOR, COLORADO

By: \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

## 2014 AMENDMENT TO WINDSOR NORTH ANNEXATION AGREEMENT

THIS 2014 AMENDMENT TO WINDSOR NORTH ANNEXATION AGREEMENT (“Amendment”) is made and entered into this 29th day of October, 2014, by and between the TOWN OF WINDSOR, COLORADO, a Colorado home rule municipal corporation (“Town”), and CHRISTOPHER J. FRYE (“Owner”), who shall collectively be referred to herein as “the Parties”.

### WITNESSETH:

WHEREAS, the Owner is the owner of the property more fully described in Exhibit “A”, attached hereto and incorporated herein by this reference (“Owner’s Property”), located within the Windsor North Annexation to the Town of Windsor, Colorado (“Windsor North”); and

WHEREAS, Owner’s Property is only a portion of Windsor North, it being acknowledged that HR Exchange, LLC, a Colorado limited liability company (“HR”), is the owner of the real property described in Exhibit “B” attached hereto and incorporated herein by this reference as if set forth fully; and

WHEREAS, the Town has or in the near-term will enter into an agreement (“HR Agreement”) with HR to address future development of not only HR’s holdings within Windsor North, but also land contiguous to Windsor North owned by HR proposed for annexation to the Town as the “Harmony Ridge Annexation”; and

WHEREAS, the terms of annexation for Windsor North are captured within two (2) agreements, dated January 20, 1985 and November 26, 1997, respectively (individually, “Prior Agreement” and collectively, “Prior Agreements”); and

WHEREAS, by entering into the HR Agreement, the Town is amending the Prior Agreement as to HR’s holdings, *and only HR’s holdings*, within Windsor North; and

WHEREAS, the Parties acknowledge that without Owner’s participation in the HR Agreement, the terms of the HR Agreement cannot be construed to apply to Owner’s Property; and

WHEREAS, the Parties desire to herein expressly limit the effect of the HR Agreement only to HR’s holdings in Windsor North; and

WHEREAS, by the terms and conditions of this Amendment, the Parties wish to affirm that, except as specifically stated herein, the terms of the Prior Agreements continue to apply to Owner’s Property until such time as Parties reach other and further agreements affecting Owner’s Property.

NOW, THEREFORE, for the benefits to be derived by each, and in exchange of the mutual covenants and performances of the Parties, the Parties agree as follows:

## I. PREAMBLE

The Parties agree that the recitals contained in the preamble set forth above are true and correct and that those recitals are hereby incorporated into the body of this Amendment.

## II. CONSENT TO HR AGREEMENT

The Property Owner hereby consents to the amendment of the Prior Agreements by means of the HR Agreement, but only as to those portions of Windsor North owned by HR. The terms of the HR Agreement, to the extent they amend or modify the terms of the Prior Agreements, shall apply only to property held or controlled by HR.

## III. FUTURE AGREEMENTS

The Parties recognize that the Prior Agreements, although valid and binding covenants running with the Owner's Property, were entered into nearly thirty years ago, and in some respects may not fit current circumstances, needs and requirements. In light of the passage of time and the need for updates to the Prior Agreements with respect to Owner's Property, the Parties agree that further negotiations and agreements may be entered into to address future development of Owner's Property.

## IV. MODIFICATION AND AFFIRMATION OF PRIOR AGREEMENTS

The parties agree that, with respect to Owner's Property, the Owner has met the requirements for commercial development as set forth in Section 1 of the January 20, 1985, Prior Agreement, as modified by Sections 3 and 4 of the November 26, 1997, Prior Agreement, such that residential development shall not be henceforth affected by such terms.

Except as expressly stated herein, and unless and until otherwise modified in writing by the Parties in the future, the terms of the Prior Agreements shall remain in full force and effect with respect to Owner's Property. Owner's consent to the HR Agreement shall not be construed as an amendment of the Prior Agreements with respect to Owner's Property.

## V. BINDING EFFECT

This Amendment shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns. This Amendment shall be deemed a covenant running with the Owner's Property.

## VI. GOVERNING LAW

This Amendment shall be interpreted in accordance with Colorado Law.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and year first written above.

TOWN OF WINDSOR, COLORADO

By: \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

[seal]

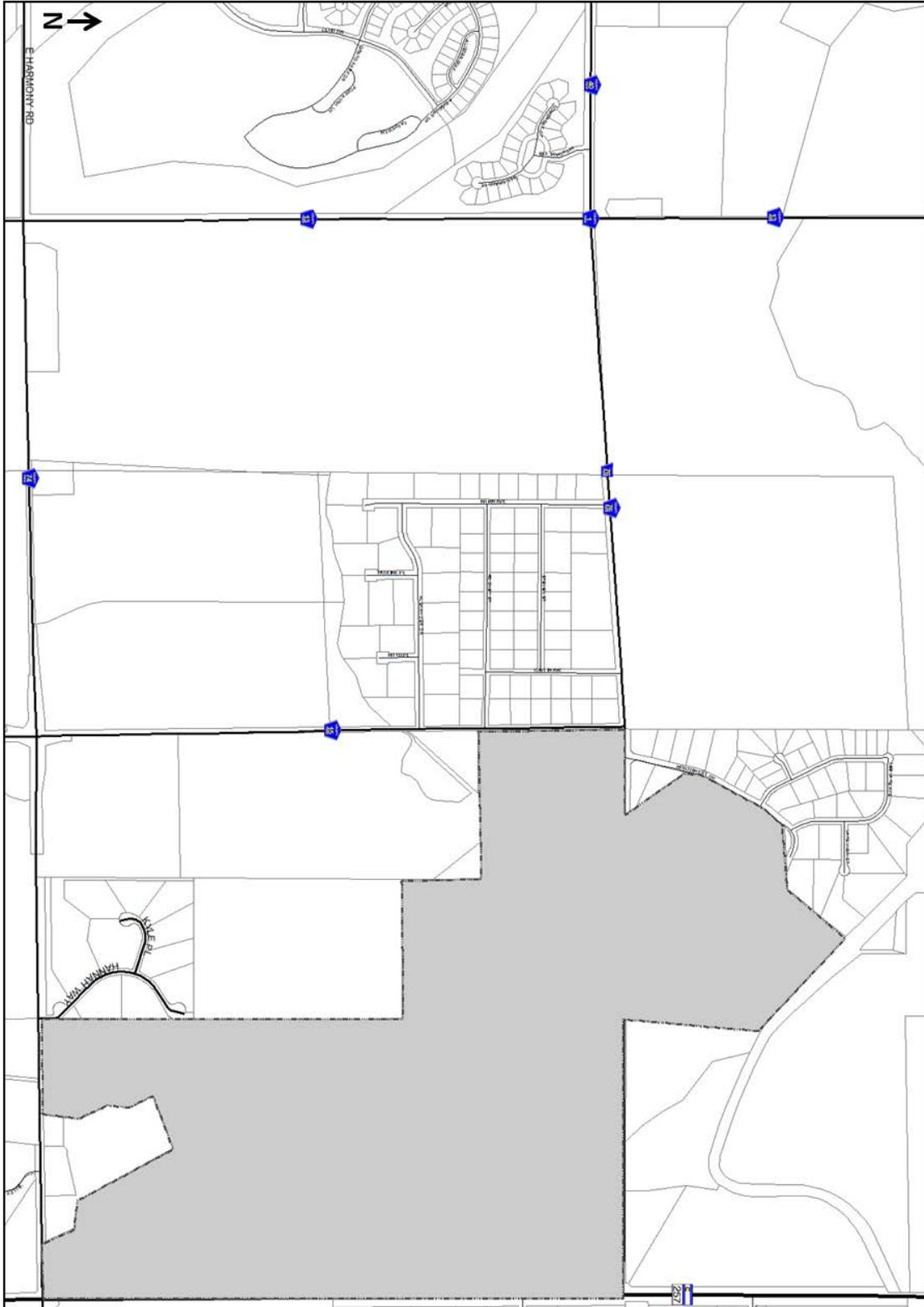
\_\_\_\_\_  
Patti Garcia, Town Clerk

CHRISTOPHER J. FRYE

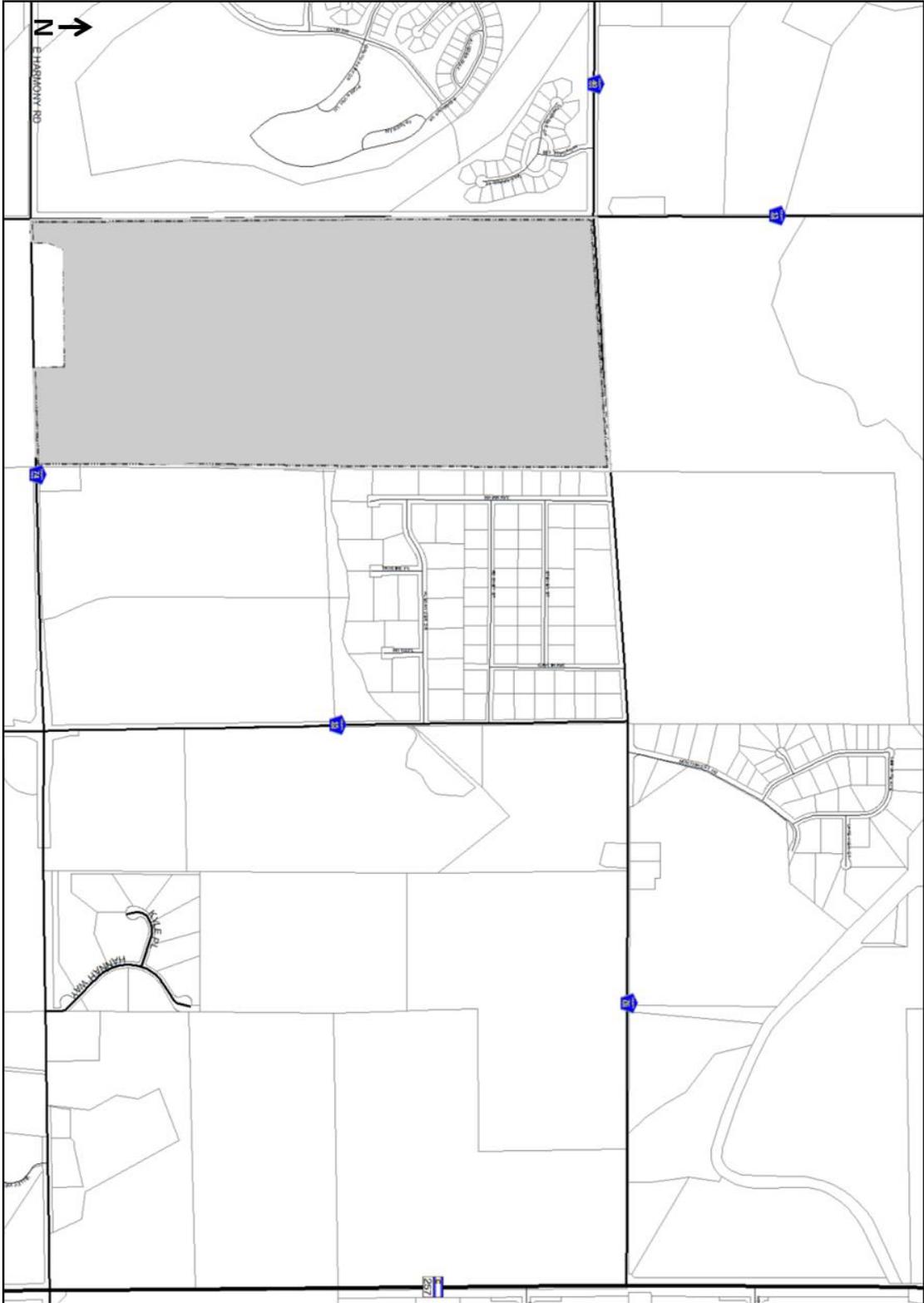
*Chris Frye*

\_\_\_\_\_

**EXHIBIT "A"**  
**OWNER'S PROPERTY LEGAL DESCRIPTION**



**EXHIBIT B  
HR EXCHANGE, LLC  
PROPERTY DESCRIPTION**



## 2014 AMENDMENT TO WINDSOR NORTH ANNEXATION AGREEMENT

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WHEREAS, the Owner is the owner of the property more fully described in Exhibit “A”, attached hereto and incorporated herein by this reference (“Owner’s Property”), located within the Windsor North Annexation to the Town of Windsor, Colorado (“Windsor North”); and

WHEREAS, Owner’s Property is only a portion of Windsor North, it being acknowledged that HR Exchange, LLC, a Colorado limited liability company (“HR”), is the owner of the real property described in Exhibit “B” attached hereto and incorporated herein by this reference as if set forth fully; and

WHEREAS, the Town has or in the near-term will enter into an agreement (“HR Agreement”) with HR to address future development of not only HR’s holdings within Windsor North, but also land contiguous to Windsor North owned by HR proposed for annexation to the Town as the “Harmony Ridge Annexation”; and

WHEREAS, the terms of annexation for Windsor North are captured within two (2) agreements, dated January 20, 1985 and November 26, 1997, respectively (individually, “Prior Agreement” and collectively, “Prior Agreements”); and

WHEREAS, by entering into the HR Agreement, the Town is amending the Prior Agreement as to HR’s holdings, *and only HR’s holdings*, within Windsor North; and

WHEREAS, the Parties acknowledge that without Owner’s participation in the HR Agreement, the terms of the HR Agreement cannot be construed to apply to Owner’s Property; and

WHEREAS, the Parties desire to herein expressly limit the effect of the HR Agreement only to HR’s holdings in Windsor North; and

WHEREAS, by the terms and conditions of this Amendment, the Parties wish to affirm that, except as specifically stated herein, the terms of the Prior Agreements continue to apply to Owner’s Property until such time as Parties reach other and further agreements affecting Owner’s Property.

NOW, THEREFORE, for the benefits to be derived by each, and in exchange of the mutual covenants and performances of the Parties, the Parties agree as follows:

## I. PREAMBLE

The Parties agree that the recitals contained in the preamble set forth above are true and correct and that those recitals are hereby incorporated into the body of this Amendment.

## II. CONSENT TO HR AGREEMENT

The Property Owner hereby consents to the amendment of the Prior Agreements by means of the HR Agreement, but only as to those portions of Windsor North owned by HR. The terms of the HR Agreement, to the extent they amend or modify the terms of the Prior Agreements, shall apply only to property held or controlled by HR.

## III. FUTURE AGREEMENTS

The Parties recognize that the Prior Agreements, although valid and binding covenants running with the Owner's Property, were entered into nearly thirty years ago, and in some respects may not fit current circumstances, needs and requirements. In light of the passage of time and the need for updates to the Prior Agreements with respect to Owner's Property, the Parties agree that further negotiations and agreements may be entered into to address future development of Owner's Property.

## IV. MODIFICATION AND AFFIRMATION OF PRIOR AGREEMENTS

The parties agree that, with respect to Owner's Property, the Owner has met the requirements for commercial development as set forth in Section 1 of the January 20, 1985, Prior Agreement, as modified by Sections 3 and 4 of the November 26, 1997, Prior Agreement, such that residential development shall not be henceforth affected by such terms.

Except as expressly stated herein, and unless and until otherwise modified in writing by the Parties in the future, the terms of the Prior Agreements shall remain in full force and effect with respect to Owner's Property. Owner's consent to the HR Agreement shall not be construed as an amendment of the Prior Agreements with respect to Owner's Property.

## V. BINDING EFFECT

This Amendment shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns. This Amendment shall be deemed a covenant running with the Owner's Property.

## VI. GOVERNING LAW

This Amendment shall be interpreted in accordance with Colorado Law.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and year first written above.

TOWN OF WINDSOR, COLORADO

By: \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

[seal]

\_\_\_\_\_  
Patti Garcia, Town Clerk

CHRISTOPHER J. FRYE



Chris Frye

\_\_\_\_\_

**EXHIBIT "A"**  
**OWNER'S PROPERTY LEGAL DESCRIPTION**

**EXHIBIT B  
HR EXCHANGE, LLC  
PROPERTY DESCRIPTION**

**AGREEMENT AMENDING CERTAIN PORTIONS  
OF AN ANNEXATION AGREEMENT**

THIS AGREEMENT is made and entered into this 26 day of Nov., 1997, by and between the TOWN OF WINDSOR, COLORADO, a Colorado statutory town, hereinafter referred to as "the Town," and AMIGO FARMS, INC., a Colorado corporation; NORTHERN FRONT RANGE FARMS, INC., a Colorado corporation; and WINDSOR CENTER, INC., a Colorado corporation, hereinafter referred to as "the Property Owners";

**WITNESSETH:**

WHEREAS, the Property Owners entered into an agreement with the Town dated January 20, 1985, concerning Windsor North Annexation, which agreement was adopted by resolution of the Board of Trustees of the Town of Windsor on May 13, 1985; and

WHEREAS, by the terms of this Agreement the parties wish to amend and modify certain provisions of the agreement of January 20, 1985;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND PERFORMANCES OF AND BY THE PARTIES HERETO, IT IS AGREED AS FOLLOWS:

1. **Preamble.** Both parties acknowledge that the recitals set forth above are true and correct, and those recitals are hereby incorporated into the body of this Agreement.

2. **Ownership.** The Property Owners warrant that they are the owners in fee simple of that certain property known as the Windsor North Annexation which was the subject of the agreement dated January 20, 1985, between the Town of Windsor and Amigo Farms, Inc., Northern Front Range Farms, Inc., and Robert E. Ehrlich.

3. **Condition Precedent to Residential Development.** The agreement of January 20, 1985, between the Town and the Property Owners required that as a condition precedent to any residential development in the Windsor North Annexation, a minimum of ten percent (10%) of that parcel identified as Tract A of the Windsor North Annexation be developed for commercial/industrial use.

The parties acknowledge that the agreement of January 20, 1985, requires that such commercial/industrial use be developed prior to any request for approval of residential development in the Windsor North Annexation.

The parties agree that this 10-percent requirement is equal to 29.3382 acres, and further agree, for purposes of the January 20, 1985, agreement and this amendment, that the required acreage for commercial/industrial development should be reduced by 8.3382 acres to 21 acres.

4. **Transfer of Commercial/Industrial Development Requirement.** The Property Owners are or may subsequently become the owners of or maintain a complete ownership interest in an entity which owns certain tracts of land located elsewhere in the Town.

The Town agrees that the commercial/industrial development requirement as set forth in the agreement of January 20, 1985, may be satisfied upon the Property Owners' presentation of adequate evidence to the Town as follows:

a. The Property Owners own or maintain a full ownership interest in an entity owning 21 acres of land located within the boundaries of the Town of Windsor, and such land is zoned commercial and/or industrial.

b. The subject property has been fully developed for commercial and/or industrial use in accordance with the requirements of the Town.

c. The subject property has been finally inspected, and certificates of occupancy have been issued by the Town.

Upon satisfaction of all of the aforesaid conditions, the Town agrees that the conditions set forth in paragraph 1 of the agreement of January 20, 1985, shall be deemed satisfied, and the Town shall consider appropriate applications from the Property Owners for residential development in the Windsor North Annexation.

5. **Limited Effect.** This amendment is specifically limited to the recitals contained herein and unless specifically modified by this amendment, the agreement of January 20, 1985, shall remain in full force and effect.

6. **Recordation.** Upon approval by the Board of Trustees this amendment shall become a part of the agreement of January 20, 1985, referred to herein, and both shall be properly recorded with the Weld County Clerk and Recorder and shall be considered covenants running with the land.

7. **Applicable Law.** This Agreement shall be interpreted in accordance with Colorado law.

8. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement the day and year first above written.

TOWN OF WINDSOR, COLORADO

By W. Wayne Melh  
Mayor

ATTEST:  
Gleanna Nagaricus  
Town Clerk

AMIGO FARMS, INC.

By Robert E. Ehrlich, Pres.  
President  
Robert E. Ehrlich  
[Print Name]

ATTEST:  
[Signature]  
Assistant Secretary

NORTHERN FRONT RANGE FARMS, INC.

By Robert E. Ehrlich, Pres.  
President  
Robert E. Ehrlich  
[Print Name]

ATTEST:  
[Signature]  
Secretary

WINDSOR CENTER, INC.

By Robert E. Ehrlich, Pres.  
President  
Robert E. Ehrlich  
[Print Name]

ATTEST:  
Alta M. Lemaire  
Secretary

A G R E E M E N T

THIS AGREEMENT is made and entered into this 30<sup>th</sup> day of JANUARY, 1985, by and between the TOWN OF WINDSOR, an incorporated Colorado municipality, hereinafter referred to as "the Town," and AMIGO FARMS INC., NORTHERN FRONT RANGE FARMS INC., and ROBERT E. EHRLICH, hereinafter referred to as "Property Owners" or "Developers";

WITNESSETH:

WHEREAS, the Property Owners have submitted a petition for the annexation of certain property to the Town, and such annexation has been designated as the Windsor North Annexation; and

WHEREAS, the Town expressed its intent to annex that certain real property known as the Windsor North Annexation by resolution passed by the Board of Trustees of the Town of Windsor on May 13, 1985; and

WHEREAS, the proposed annexation complies in all respects with the Colorado Municipal Annexation Act of 1965; and

WHEREAS, the Town desires to approve and accept the petition for annexation and to annex the Property Owners' land to the Town of Windsor; and

WHEREAS, by the terms and conditions of this Agreement, the parties desire to establish zoning districts and requirements for the subsequent subdivision and development of the property;

NOW, THEREFORE, for the benefits to be derived by each and in exchange of the mutual covenants and performances of the parties hereto,

IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. The Town agrees that, upon the annexation of the property, Tract A thereof comprising 293.382 acres of the Windsor North Annexation shall be zoned Planned Unit Development (~~Commercial/~~ Industrial) in accordance with any present or subsequently adopted land use plan of the Town, and that Tract B comprising 448.244 acres of the Windsor North Annexation shall be zoned Planned Residential Development (PD-R). The Developers agree that they shall not seek the approval of, and the Town shall not approve, any residential development in the Windsor North Annexation until at least ten per cent (10%) of the PUD (~~Commercial/~~ Industrial) portion of the annexation, referred to above as Tract A, has been fully developed.

The term "developed" shall be defined as public improvements required by the Town pursuant to applicable ordinances and resolutions, together with

completed construction of improvements for the uses permitted within the PUD (Commercial/Industrial) Zone. Parking area in excess of the minimum required by the Town for any completed improvement shall not be included as developed property.

2. The Town agrees that, subject to the provisions of this paragraph, the Windsor North Annexation may continue to be used for hunting purposes. The term "hunting" shall be defined as the present level of such activity existing upon the ground known as the Windsor North Annexation, and any modification thereof shall cause this right to be immediately extinguished in the sole discretion of the Town.

It is understood that the Windsor North Annexation is divided into four separate parcels numbered 1 through 4. Upon the issuance of the first building permit for any development upon the Annexation, the hunting rights on the parcel for which the building permit has been issued shall be immediately and absolutely extinguished. In addition, should the application for a building permit call for the location of a structure within a 600-yard radius of an adjoining parcel, hunting shall likewise be extinguished upon that portion of the adjoining parcel within the 600-yard radius.

3. Prior to or contemporaneously with any application for the development of the Windsor North Annexation, the Developers shall comply with each of the following specific requirements:

a. Submit and obtain approval of a master plan in conformance with the applicable provisions of the Code of the Town of Windsor.

b. Submit and obtain approval of a utility plan which shall include the exclusive utilization of Town water and sewer services for all development.

4. Prior to the submission and approval of any subdivision development in the Windsor North Annexation, the Developers agree that they shall, at their expense, cause a petition for annexation to be filed with the Town to annex those portions of County Roads 13, 15, 74, and 76 and State Highway 257 as may be impacted by the proposed subdivision development. The determination of which roads shall be impacted, thereby requiring annexation, shall be within the sole discretion of the Town.

5. This Agreement shall be a covenant which runs with the land.

IN WITNESS WHEREOF, and that this Agreement shall be binding upon the parties hereto, their heirs, personal

representatives, successors, and assigns, the same is made.  
and entered into the day and year first written above.

TOWN OF WINDSOR, COLORADO

ATTEST: *Deanna Bracken*  
Town Clerk

BY *W. Wayne Miller*  
Mayor

AMIGO FARMS INC

ATTEST: \_\_\_\_\_  
Secretary

BY *Robert Thibault, President*  
President

NORTHERN FRONT RANGE  
FARMS INC.

ATTEST: \_\_\_\_\_  
Secretary

BY *Robert Thibault, President*  
President



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## MEMORANDUM

Date: January 26, 2015  
To: Mayor and Town Board  
Via: Kelly Arnold, Town Manager  
From: Joseph P. Plummer, AICP, Director of Planning  
Re: Ordinance 2015-1490 - An Ordinance Approving a Zoning Designation for the Pace Annexation in the Town of Windsor  
Item #: D.6.

**Background:**

On October 27, 2014, Town Board approved Ordinance No. 2014-1483 annexing approximately forty-acres known as the "Pace Annexation," with the subject property being located along the west side of County Line Road (WCR 13) approximately halfway between State Highway 392 and Crossroads Boulevard.

Given the fact that an analysis had not been performed at the time of annexation as to what the most appropriate zoning classification should be for the property, the Town Board deferred zoning the property at that time. Since the annexation the Planning Commission and staff have performed the analysis of the zoning and have recommended that the property be zoned as SF-1, Single-family Residential.

Concurring with the Planning Commission's recommendation, at the January 12, 2015 town board meeting, the Town Board approved SF-1 zoning for the property on first reading.

**Recommendation:** Approval of Ordinance No. 2015-1490 as presented.

**Attachment:** Ordinance No. 2015-1490

**pc:** John McCoy, applicants' representative

TOWN OF WINDSOR

ORDINANCE NO. 2015-1490

AN ORDINANCE PURSUANT TO CHAPTER 16 OF THE *WINDSOR MUNICIPAL CODE* APPROVING A ZONING DESIGNATION FOR THE PACE ANNEXATION TO THE TOWN OF WINDSOR, COLORADO

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 Pace Annexation to the Town of Windsor (“Annexation”) was approved by Ordinance No. 2014-1483 on October 27, 2014, pursuant to the Chapter 15 of the *Windsor Municipal Code*; and

WHEREAS, the Colorado Municipal Annexation Act of 1965 requires that a zoning designation be adopted for the Annexation within ninety (90) days of annexation; and

WHEREAS, the Town’s Planning Department has recommended that the property within the Pace Annexation be zoned Single Family SF-1; and

WHEREAS, in accordance with the requirements of the Zoning Code, the Planning Commission has tendered a recommendation for a Single Family SF-1 zoning designation for the Annexation; and

WHEREAS, following a public hearing and proper deliberation, the Town has considered the relevant evidence and has concluded that a Single Family SF-1 zoning designation is appropriate for the Annexation; and

WHEREAS, based upon the evidence presented, the Town Board concludes that the Annexation should be zoned as recommended by staff and the Planning Commission.

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

1. The Pace Annexation to the Town of Windsor is and shall henceforth be zoned as Single Family SF-1 in accordance with the provisions of the Zoning Code.
2. In addition to all other applicable regulations, the use of the Property shall be subject to the regulations found in Chapter 16, Article XXII of the *Windsor Municipal Code*.
3. The zoning designation set forth herein shall be incorporated into the Town's Official Zoning Map as maintained by the Director of Planning in accordance with Chapter 16, Article III of the *Windsor Municipal Code*.

Introduced, passed on first reading and ordered published this 12<sup>th</sup> day of January, 2015.

TOWN OF WINDSOR, COLORADO

\_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

Passed on second reading this 26<sup>th</sup> day of January, 2015.

TOWN OF WINDSOR, COLORADO

\_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk



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## MEMORANDUM

**Date:** January 26, 2015  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Joseph P. Plummer, AICP, Director of Planning  
Josh Olhava, Associate Planner  
**Subject:** Ordinance No. 2015-1491 – An Ordinance re-zoning certain property known as Westwood Village Subdivision 4<sup>th</sup> Filing, Tract A and Lot 4 – 14<sup>th</sup> Street Real Estate LLC, applicants/Cathy Mathis, TB Group, applicant's representative  
*Super-majority vote required for adoption on second reading*  
**Location:** 325 14<sup>th</sup> Street  
**Item #s:** D.7

**Background:**

The applicants, represented by Ms. Cathy Mathis, are requesting to rezone approximately 8.281 acres from General Commercial (GC) to Residential Mixed Use (RMU) zoning (please see the enclosed rezoning plat).

On January 7, 2015, the Planning Commission held a public hearing. No public were present and the Commission did not have any questions. On January 12, 2015, the Town Board held a public hearing. One neighbor was present and voiced concerns over the current maintenance of the property, including snow removal on sidewalks and fixing the detention pond. Those concerns were conveyed to the applicant and applicant's representative during the meeting.

**Conformance with Comprehensive Plan:** The application is consistent with the following Overall Land Use goal and policy of the Comprehensive Plan:

**Goal:** Promote the development of Windsor in an orderly manner that will provide a well-balanced land use pattern which will provide for the efficient and effective ongoing extension of public services and facilities.

**Policy:** Infill development of all types of land uses should be encouraged, to ensure more efficient use of infrastructure, strengthen existing neighborhood connections, preserve the economic viability of the Town Center, and meet all Town Development Standards.

**Recommendation:** Approval of Ordinance No. 2015-1491 on second reading.

**Enclosures:** Ordinance No. 2015-1491  
application materials  
rezoning plat

pc: 14<sup>th</sup> Street Real Estate LLC, applicant  
Cathy Mathis, TB Group, applicant's representative

TOWN OF WINDSOR

ORDINANCE NO. 2015-1491

AN ORDINANCE PURSUANT TO CHAPTER 16, ARTICLE V OF THE *WINDSOR MUNICIPAL CODE* APPROVING THE RE-ZONING OF TRACT A AND LOT 4 OF THE WESTWOOD VILLAGE SUBDIVISION, FOURTH FILING, IN THE TOWN OF WINDSOR, COLORADO

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, Tract A and Lot 4 of the Westwood Village Subdivision, Fourth Filing (“Property”), are presently zoned “General Commercial GC”, pursuant to the regulations found in Article XIX of the Zoning Code; and

WHEREAS, the owner of the Property, 14<sup>th</sup> Street Real Estate, LLC, has filed a Petition (“Petition”) requesting re-zoning of the Property from its current General Commercial GC 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. Tract A and Lot 4 of the Westwood Village Subdivision, Fourth Filing (“Property”) is and shall henceforth be re-zoned from General Commercial GC 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, 14<sup>th</sup> Street Real Estate, LLC, 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 12<sup>th</sup> day of January, 2015.

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 26<sup>th</sup> day of January, 2015.

TOWN OF WINDSOR, COLORADO

\_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

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\*:** WESTWOOD VILLAGE REZONE

**LEGAL DESCRIPTION\*:** TRACT B WESTWOOD VILLAGE, LOCATED IN THE W. 1/2 OF THE NW 1/4 OF SECTION 20, T6N, R67W OF THE 6TH P.M., TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO

**PROPERTY ADDRESS (if available):** 325 14TH STREET

**PROPERTY OWNER (APPLICANT):**

Owner's Name(s)\*: 14th Street Real Estate LLC

Company:

Address\*: 947 Worthington Circle, Fort Collins CO 80526

Primary Phone #: 970.482.0198 Secondary Phone #:

Fax #: 970.482.9148 E-Mail\*: theodavis1@yahoo.com

**OWNER'S AUTHORIZED REPRESENTATIVE:**

Representative's Name: Cathy Mathis

Company: TB Group

Address: 444 Mountain Avenue, Berthoud CO 80513

Primary Phone #: 970-532.5891 Secondary Phone #:

Fax #: 970.532.5759 E-Mail: cathy@tbgroup.us

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.

Print Name(s)

Rezoning Application and Checklist  
Page 3

\*Required fields  
Revised 12/23/2013

## Westwood Village Duplexes Rezone Justification Narrative

14<sup>th</sup> Street Real Estate LLC is proposing to rezone 8.281 acres also known as Lot 4, Westwood Village 4<sup>th</sup> Filing. The property for the intended rezoning is currently classified as GC – General Commercial. We are proposing to rezone the property to RMU-Residential Mixed Use.

The intent is to develop 36 residential living units in 17 buildings with the objective of creating a synergy with the recently-opened Columbine Commons and to create a campus for an aging-in place senior community.

The duplex and triplex homes will be targeted towards 55-65 year olds, with full services available such as nurse calls and home health care services provided by Columbine Health Care Systems. In addition, the units will be owned and maintained by Columbine. The units will consist of 1 and 2 bedrooms with attached 1 and 2 car garages. 23 guest parking spaces will be available. A central park / gathering area will be accessed by walkable pathways throughout the development.

The proposed zoning and residential development will integrate well with the existing residential subdivision to the south and the existing Vineyard Church to the west.

Although there may be some concern regarding the loss of commercially-zoned land, we feel that the rezoning from GC to RMU is appropriate for the following reasons:

- It provides for a high quality residential development in an underutilized partially-constructed office park which allows for more flexibility in land planning which will result in more creative design
- It provides an appropriate transition in land use from Main Street to the single family homes to the south
- It encourages diversity in land development and allows for more variety in housing opportunities
- It serves a growing population by providing much-needed housing for older adults
- It has no negative impacts on public infrastructure
- The architecture of the homes will be compatible with the surrounding developments and will be consistent with the Town's Commercial Corridor Plan.

We feel the proposed rezoning designations are in the best interests of the property and the Town of Windsor.

REZONING PETITION

(I, We) the undersigned, being the owners of the property described as:

A parcel of land being Tract A and Lot 4 of the Westwood Village, Fourth Filing and the portions Westwood Drive and 14<sup>th</sup> Street adjoining to said Tract A and Lot 4, all being situate in the Northwest Quarter of Section Twenty (20), Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado, more particularly described as follows:

**BEGINNING** at the Northeast corner of said Lot 4 and assuming the East line of said Lot 4 as bearing South 00°12'49" East a distance of 605.42 feet with all other bearings contained herein relative thereto:

THENCE South 00°12'49" East along the East line of said Westwood Village, Fourth Filing a distance of 739.38 feet to the centerline of Westwood Drive;

The next Five (5) courses are along the centerlines of Westwood Drive and 14<sup>th</sup> Street:

THENCE South 89°47'11" West a distance of 328.94 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northeast a distance of 26.39 feet, said curve has a Radius of 250.00 feet, a Delta of 06°02'56" and is subtended by a Chord bearing North 87°11'21" West a distance of 26.38 feet to a Point of Tangency;

THENCE North 84°09'53" West a distance of 208.30 feet to the intersection of Westwood Drive and 14<sup>th</sup> Street;

THENCE North 00°16'46" West a distance of 265.94 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 198.42 feet, said curve has a Radius of 500.00 feet, a Delta of 22°44'15" and is subtended by a Chord bearing North 11°38'53" West a distance of 197.12 feet to the intersection with the Southwesterly prolongation of the Northwesterly line of said Lot 4;

The next Six (6) courses are along the Northerly lines of said Lot 4:

THENCE North 65°45'43" East a distance of 270.71 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 42.61 feet, said curve has a Radius of 150.00 feet, a Delta of 16°16'29" and is subtended by a Chord bearing North 57°37'28" East a distance of 42.46 feet to a Point of Tangency;

THENCE North 49°29'14" East a distance of 77.47 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 93.50 feet, said curve has a radius of 200.00 feet, a Delta of 26°47'12" and is subtended by a Chord bearing North 62°52'50" East a distance of 92.65 feet to the end point of said curve;

THENCE North 00°12'49" West a distance of 25.96 feet;

THENCE North 87°49'10" East a distance of 177.00 feet to the **POINT OF BEGINNING**;

**TOTAL REZONED AREA** is 8.281 acres, more or less (±).

containing 8.281 acres more or less, hereby request a change in zoning from GC to RMU and do hereby pay the required fee.

Date

9/5/14

Owner's Signature

[Handwritten Signature]

Mailing Address

947 Worthington Cir  
Fort Collins, CO 80526

# WESTWOOD VILLAGE SUBDIVISION, FOURTH FILING REZONING

Tract A and Lot 4 of the Westwood Village, Fourth Filing And A Portion Of Westwood Drive And 14th Street,  
Town Of Windsor, County Of Weld, State Of Colorado

(For Recording Purposes: Part Of The Northwest Quarter of Section 20, Township 6 North, Range 67 West of The 6th P.M.)

**DESCRIPTION**

A plat of a parcel of land in the TOWN OF WINDSOR, County of Weld, Colorado, located in the Northwest Quarter of Section Twenty (20), Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.) and more particularly described as follows:

A parcel of land being Tract A and Lot 4 of the Westwood Village, Fourth Filing and the portions Westwood Drive and 14th Street adjoining to said Tract A and Lot 4, more particularly described as follows:

BEGINNING at the Northeast corner of said Lot 4 and assuming the East line of said Lot 4 as bearing South 00°12'49" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 605.42 feet with all other bearings contained herein relative thereto:

THENCE South 00°12'49" East along the East line of said Westwood Village, Fourth Filing a distance of 739.38 feet to the centerline of Westwood Drive;  
The next Five (5) courses are along the centerlines of Westwood Drive and 14th Street:  
THENCE South 89°47'11" West a distance of 328.94 feet to a Point of Curvature;  
THENCE along the arc of a curve concave to the Northeast a distance of 26.39 feet, said curve has a Radius of 250.00 feet, a Delta of 06°02'56" and is subtended by a Chord bearing North 87°11'21" West a distance of 26.38 feet to a Point of Tangency;  
THENCE North 84°09'53" West a distance of 208.30 feet to the intersection of Westwood Drive and 14th Street;  
THENCE North 00°16'46" West a distance of 265.94 feet to a Point of Curvature;  
THENCE along the arc of a curve concave to the Southwest a distance of 198.42 feet, said curve has a Radius of 500.00 feet, a Delta of 22°44'15" and is subtended by a Chord bearing North 11°38'53" West a distance of 197.12 feet to the intersection with the Southwesterly prolongation of the Northwesterly line of said Lot 4;  
The next Six (6) courses are along the Northerly lines of said Lot 4:  
THENCE North 65°45'43" East a distance of 270.71 feet to a Point of Curvature;  
THENCE along the arc of a curve concave to the Northwest a distance of 42.61 feet, said curve has a Radius of 150.00 feet, a Delta of 16°16'29" and is subtended by a Chord bearing North 57°37'28" East a distance of 42.46 feet to a Point of Tangency;  
THENCE North 49°29'14" East a distance of 77.47 feet to a Point of Curvature;  
THENCE along the arc of a curve concave to the Southeast a distance of 93.50 feet, said curve has a radius of 200.00 feet, a Delta of 26°47'12" and is subtended by a Chord bearing North 62°52'50" East a distance of 92.65 feet to the end point of said curve;  
THENCE North 00°12'49" West a distance of 25.96 feet;  
THENCE North 87°49'10" East a distance of 177.00 feet to the POINT OF BEGINNING;

TOTAL REZONED AREA is 8.281 acres, more or less (±).

**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 said land to be rezoned as indicated on this plat. The within rezoning plat is submitted in accordance with the Windsor Municipal Code. It is hereby acknowledged that all construction, use and development of this property will be in strict accordance with this rezoning plat. It is further acknowledged that deviation from this rezoning plat without the express written consent of the Town of Windsor may result in revocation of the Town's approval of the rezoning plat, denial of building permits, refusal to issue certificates of occupancy, injunctive relief prohibiting use of the property and other remedies available to the Town under the Windsor Municipal Code and other applicable laws of the State of Colorado. Know all men by these presents that the undersigned have caused said land to be laid out and rezoned under the name of WESTWOOD VILLAGE SUBDIVISION, FOURTH FILING REZONING.

In witness whereof, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

OWNER: Touchstone Business Center Association

By: \_\_\_\_\_ As: \_\_\_\_\_

**NOTARIAL CERTIFICATE**

STATE OF \_\_\_\_\_ )  
                                  ) ss  
COUNTY OF \_\_\_\_\_ )  
The foregoing instrument was acknowledged before me by \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
My commission expires \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
Notary Public

OWNER: 14 Street Real Estate LLC

By: \_\_\_\_\_ As: \_\_\_\_\_

**NOTARIAL CERTIFICATE**

STATE OF \_\_\_\_\_ )  
                                  ) ss  
COUNTY OF \_\_\_\_\_ )  
The foregoing instrument was acknowledged before me by \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
My commission expires \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
Notary Public

**SURVEYOR'S CERTIFICATE**

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

**PRELIMINARY**

Steven A. Lund - on behalf of King Surveyors  
Colorado Registered Professional  
Land Surveyor #34995

**TITLE COMMITMENT NOTE**

At the request of our client, recorded rights-of-way and easements were not researched and only those easements that were discovered during research to determine the property boundary are shown herein. (38-51-106 C.R.S. 1994)

**ENGINEERING DEPARTMENT APPROVAL**

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Director of Engineering

**PLANNING COMMISSION APPROVAL**

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman,  
Windsor Planning Commission

**PLANNING DEPARTMENT APPROVAL**

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Director of Planning

**TOWN MANAGER'S APPROVAL**

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Town Manager

**NOTICE OF OTHER DOCUMENTS**

All persons take notice that certain documents have been executed 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.

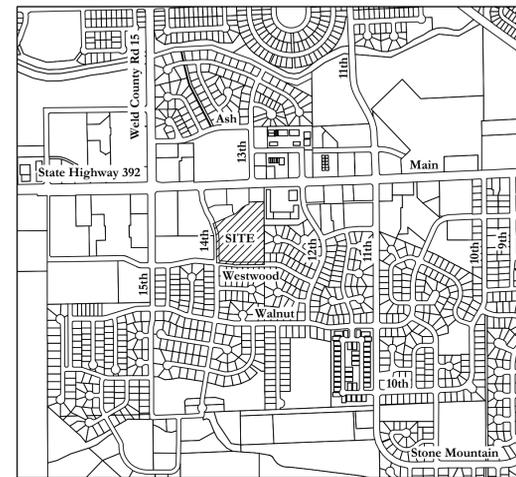
**BASIS OF BEARINGS AND LINEAL UNIT DEFINITION**

Assuming the East line of said Lot 4 as bearing South 00°12'49" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 605.42 feet with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

**NOTICE**

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect, in no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)



VICINITY MAP  
SCALE: 1"=1000'

**MAYOR'S CERTIFICATE**

This is to certify that a rezoning 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, hereby acknowledges and adopts the said rezoning map upon which this certificate is endorsed for all purposes indicated thereon.

Mayor \_\_\_\_\_ ATTEST: \_\_\_\_\_ Town Clerk

**LEGEND**

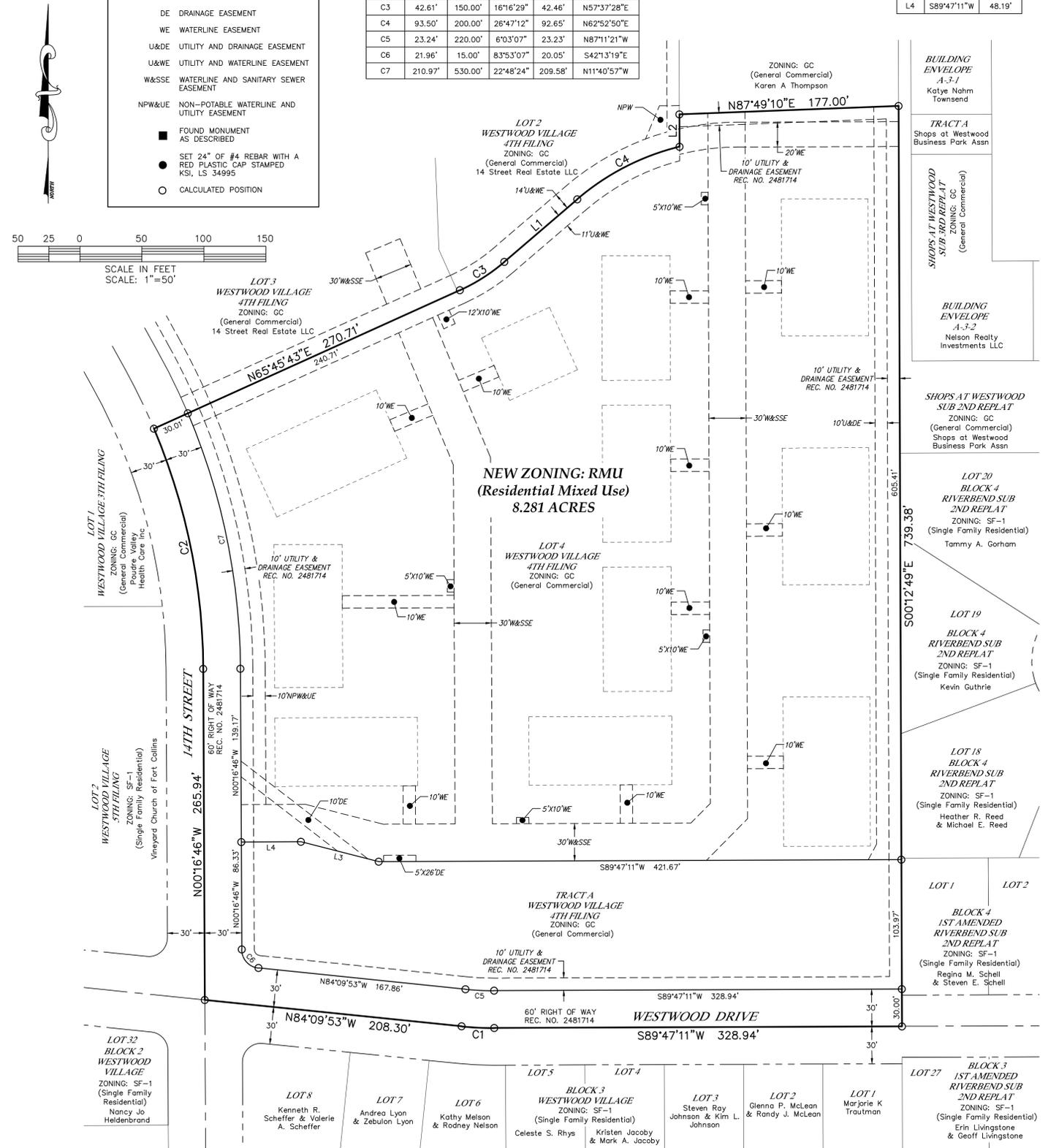
- EASEMENT LINE
- BUILDING ENVELOPE
- RIGHT-OF-WAY LINE
- PROPERTY LINE
- DE DRAINAGE EASEMENT
- WE WATERLINE EASEMENT
- U&DE UTILITY AND DRAINAGE EASEMENT
- U&WE UTILITY AND WATERLINE EASEMENT
- W&SSE WATERLINE AND SANITARY SEWER EASEMENT
- NPW&UE NON-POTABLE WATERLINE AND UTILITY EASEMENT
- FOUND MONUMENT AS DESCRIBED
- SET 24" OF #4 REBAR WITH A RED PLASTIC CAP STAMPED KSL LS 34995
- CALCULATED POSITION

**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	26.39'	250.00'	6°02'56"	26.38'	N87°11'21"W
C2	198.42'	500.00'	22°44'15"	197.12'	N11°38'53"W
C3	42.61'	150.00'	16°16'29"	42.46'	N57°37'28"E
C4	93.50'	200.00'	26°47'12"	92.65'	N62°52'50"E
C5	23.24'	220.00'	6°03'07"	23.23'	N87°11'21"W
C6	21.96'	15.00'	83°53'07"	20.05'	S42°31'19"E
C7	210.97'	530.00'	22°48'24"	209.58'	N11°40'57"W

**LINE TABLE**

LINE	BEARING	LENGTH
L1	N49°29'14"E	77.47'
L2	N00°12'49"W	25.96'
L3	N75°45'17"W	64.76'
L4	S89°47'11"W	48.19'



DATE: 8/29/2014  
FILE NAME: 2014528REZ  
SCALE: 1"=50'  
DRAWN BY: CSK  
CHECKED BY: SAL

**KING SURVEYORS**  
650 E. Garden Drive | Windsor, Colorado 80550  
phone: (970) 686-5011 | fax: (970) 686-5821

DATE: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_  
PROJECT #: 2014528

WESTWOOD VILLAGE SUBDIVISION,  
FOURTH FILING REZONING  
FOR  
INTEREST CONSULTING GROUP  
P.O. BOX 18330, BOULDER, CO 80308

**1**  
SHEET 1 OF 1



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## MEMORANDUM

**Date:** January 26, 2015  
**To:** Mayor and Town Board  
**Via:** Regular meeting packets, January 26, 2015  
**From:** Ian D. McCargar, Town Attorney  
**Re:** Compensation of Municipal Judge and Municipal Court Clerk  
**Item #:** D.8.

**Background / Discussion:**

The statutes governing qualified municipal courts of record require that the compensation of the Municipal Judge and Office of the Municipal Court Clerk be set by ordinance. This requirement has also been incorporated into the Town's Municipal Code. The Town Board has previously approved the 2015 Annual Budget, within which compensation for the Municipal Judge and Municipal Court Clerk's Office has been fixed. However, in order to comply with the requirements of state law and the Code, an Ordinance approving those appropriations is required.

The attached Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk incorporates the appropriations for these offices from the 2015 Annual Budget, thus satisfying the requirements of law.

**Financial Impact:** Already budgeted for 2015

**Relationship to Strategic Plan:** Safety and security

**Recommendation:** Adopt on second reading the attached Ordinance; super majority vote required.

**Attachments:**

Ordinance Fixing the Compensation of the Municipal Court Judge and Municipal Court Clerk for the Town of Windsor in Compliance with Sections 13-10-107 and 13-10-108, C.R.S., and Section 2-4-90 of the Windsor Municipal Code

TOWN OF WINDSOR

ORDINANCE NO. 2015-1492

AN ORDINANCE FIXING THE COMPENSATION OF THE MUNICIPAL COURT JUDGE AND MUNICIPAL COURT CLERK FOR THE TOWN OF WINDSOR IN COMPLIANCE WITH SECTIONS 13-10-107 AND 13-10-108, C.R.S., AND SECTION 2-4-90 OF THE WINDSOR MUNICIPAL CODE

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

WHEREAS, the Town's Home Rule Charter, at Section 9.2, provides for the establishment of the Windsor Municipal Court (hereinafter, "Court") and the office of Municipal Judge (hereinafter, "Judge"); and

WHEREAS, by Ordinance No. 2010-1392, the Town Board established the Court as a statutory "court of record", subject to the requirements of the Colorado Revised Statutes; and

WHEREAS, § 13-10-107, C.R.S., requires that the compensation of the Municipal Judge and Municipal Court Clerk be fixed by ordinance; and

WHEREAS, Windsor Municipal Code Section 2-4-90 provides:

In conjunction with the annual budgeting process, the Town Board shall on an annual basis by ordinance budget and appropriate such moneys as may be necessary for the proper operation of the Municipal Court. Such appropriations shall include the fixing of compensation for the Municipal Court Judge and any Assistant Judge assigned to the Municipal Court, with due regard for the limitations established in Section 9.2(D) of the Home Rule Charter. Such appropriations shall include the fixing of compensation for the office of the Municipal Court Clerk.

and

WHEREAS, the Town Board has approved the annual budget for fiscal year 2015, in which the compensation for the Judge and Municipal Court Clerk have been approved; and

WHEREAS, the Town Board wishes by this Ordinance to incorporate by reference the previously-budgeted annual compensation for both the Judge and the Municipal Court Clerk in compliance with the within-referenced Code and statutory requirements.

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

**Section 1.** The compensation of the Municipal Court Judge and Municipal Court Clerk for the 2015 fiscal year shall be as stated in the 2015 Annual Budget previously approved by the Town Board.

**Section 2.** Nothing herein shall be deemed a waiver or modification of the provisions of Section 9.2 (D) of the Town of Windsor Home Rule Charter.

Introduced, passed on first reading, and ordered published this 12<sup>th</sup> day of January, 2015.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 26<sup>th</sup> day of January, 2015.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
John S. Vazquez, Mayor

ATTEST:

\_\_\_\_\_  
Patti Garcia, Town Clerk



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## MEMORANDUM

**Date:** January 26, 2015  
**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. 2015-1492 – An Ordinance Designating the Eaton House building, 130 N. 5th Street, as a Local Historic Landmark – Rachel Kline, Chairperson of the Historic Preservation Commission, applicant  
**Location:** 130 N. 5<sup>th</sup> Street  
**Item #:** D.9.D.10

### **Background:**

Chairperson Kline, on behalf of the Windsor Historic Preservation Commission, has submitted a nomination to designate the Eaton House as a historic landmark. Located at 130 N. 5th Street, the Eaton House was originally built in 1902 by one of the earliest settlers and prominent leaders in the Windsor area, Mr. Benjamin H. Eaton. A visionary, civic leader, and agriculturalist, Eaton served Northern Colorado as an early irrigation investor and developer who helped to shape the Windsor community and build its identity as an agricultural center. As fourth territorial governor, he instrumentally shaped the Colorado landscape into a viable and bountiful agricultural region, harnessing the power of Colorado's rivers, both physically and politically, to establish modern agricultural farming. The home was built by Mr. Eaton for his workers and remained with the Eaton family until Mr. Eaton's passing in 1904. For additional background information and history on Mr. Eaton, please refer to the Historical Narrative in the enclosed application.

The Historic Preservation Commission held a public hearing on January 14, 2015. There were no concerns raised during the meeting. In the next couple of months, staff will be working on a grant application for funds to analyze the historical structure assessment and determine next steps. A designated structure makes a grant application more competitive with the State.

### **Criteria for Designation:**

Proposed Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social, or geographical/environmental significance hereinafter described. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.

#### ***Architectural***

- a. Exemplifies specific elements of an architectural style or period.  
*Staff Comment: N/A*
- b. Example of the work of an architect or builder who is recognized for expertise nationally statewide, regionally or locally.  
*Staff Comment: N/A*
- c. Demonstrates superior craftsmanship or high artistic value.

Staff Comment: N/A

- d. Represents an innovation in construction, materials or design.  
Staff Comment: N/A
- e. Pattern or grouping of elements representing at least one (1) of the above criteria.  
Staff Comment: N/A
- f. Significant historic remodel.  
Staff Comment: N/A

**Social**

- a. Site of historical event that had an effect upon society.  
Staff Comment: N/A
- b. Exemplifies cultural, political, economic or social heritage of the community.  
Staff Comment: *Staff agrees with the applicant that the Eaton House is eligible for its social/cultural significance in the construction of the Kerns Reservoir. The building served as housing for the reservoir project's laborers. For additional information, please refer to the Historical Narrative and Statement of Significance in the enclosed application.*
- c. An association with a notable person or the work of a notable person.  
Staff Comment: *Staff agrees with the applicant that the Eaton House is directly associated with Benjamin Eaton. Mr. Eaton built the house for his workers on the Kerns Reservoir. For additional information, please refer to the Historical Narrative and Statement of Significance in the enclosed application.*

**Geographic/Environmental**

- a. Enhances sense of identity of the community.  
Staff Comment: *Staff agrees with the applicant that the Eaton House is a well-known building directly adjacent to and associated with the Kerns Reservoir, a body of water the Eaton House helped serve to construct; directly associated with Windsor's significant water and agricultural history; and directly associated with a prominent Windsor resident, Benjamin Eaton. For additional information, please refer to the Historical Narrative and Statement of Significance in the enclosed application.*
- b. An established and familiar natural setting or visual feature of the community.  
Staff Comment: N/A

The physical integrity of the proposed landmarks will also be evaluated using the following criteria (a property need not meet all of the following criteria):

- a. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, State or nation.  
Staff Comment: *The Eaton House is directly associated with Benjamin Eaton and the development of the Kerns Reservoir. For additional information, please refer to "Criteria for Designation Item #2 'Social', above" and the Historical Narrative and Statement of Significance in the enclosed application.*
- b. Retains original design features, materials and/or character.

*Staff Comment: The structure has retained many original design features and materials. As recommended, the removal of the non-contributing additions will reveal the original character of the home. For additional information, please refer to the Architectural Description in the enclosed application.*

c. *Original location or same historic context after having being moved.*

*Staff Comment: The Eaton House remains in its' original location*

d. *Has been accurately reconstructed or restored based on documentation.*

*Staff Comment: This section is not applicable to the Eaton House at present. Work is needed to restore the structure back to its' period of significance following the Secretary of Interiors Standards.*

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

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

- December 19, 2014 - property posted with a notification sign
- December 19, 2014 - legal notice posted on the Town of Windsor website
- December 19, 2014 - legal ad published in the paper

**Recommendation:** At their January 14, 2015 regular meeting, the Historic Preservation Commission forwarded a recommendation of approval of Ordinance No. 2015-1492 to the Town Board, based on the following findings of fact, and staff concurs with this recommendation:

That the Eaton House building as nominated and presented:

1. Exemplifies the cultural, economic and social heritage of the community;
2. Is associated with a notable person; and
3. Enhances the sense of identity of the community.

**Enclosures:** Ordinance No. 2015-1492  
application  
staff PowerPoint

TOWN OF WINDSOR

ORDINANCE NO. 2015-1493

AN ORDINANCE DESIGNATING THE EATON HOUSE BUILDING AS A LOCAL HISTORIC LANDMARK PURSUANT TO THE REQUIREMENTS OF ARTICLE XXVIII OF CHAPTER SIXTEEN OF THE *WINDSOR MUNICIPAL CODE*

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

WHEREAS, the Town's citizens have consistently voiced their support for the preservation of historically-significant properties and features within the Town, in order that the Town's heritage remains a source of education, community culture and pride; and

WHEREAS, under Article XXVIII, Chapter 16 of the *Windsor Municipal Code* ("Historic Preservation Code"), the Town has the authority to designate historic landmarks in accordance with the requirements of the Historic Preservation Code; and

WHEREAS, the Town, as owner of the historic Eaton House building, located at 130 N. 5<sup>th</sup> Street, Windsor, Colorado, has requested historic landmark designation pursuant to the Historic Preservation Code; and

WHEREAS, the location and legal description of the Eaton House building is depicted in Exhibit A hereto, incorporated herein by this reference as if set forth fully; and

WHEREAS, the Windsor Historic Preservation Commission has held the required public hearing on the Town's application for historic designation, and has recommended that the Eaton House building be designated as a historic landmark; and

WHEREAS, the Town Board has conducted a public hearing, notice of which was duly posted in accordance with the requirements of the Historic Preservation Code; and

WHEREAS, the Town Board, in accordance with the requirements of the Historic Preservation Code, hereby finds that the characteristics of the Eaton House building justifying its historic landmark designation are as set forth in Exhibit B hereto, the contents of which are incorporated herein by this reference as if set forth fully; and

WHEREAS, the particular features of the Eaton House building that should be preserved are as set forth in Exhibit C hereto, the contents of which are incorporated herein by this reference as if set forth fully.

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

**Section 1.** The Town Board does hereby designate the Eaton House building as a historic landmark, as that term is used in the Historic Preservation Code.

**Section 2.** This designation shall subject the Eaton House building to all regulations, controls and standards set forth in the Historic Preservation Code.

Introduced, passed on first reading and ordered published this 26<sup>th</sup> day of January 2015.

TOWN OF WINDSOR, COLORADO

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John S. Vazquez, Mayor

ATTEST:

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Patti Garcia, Town Clerk

Introduced, passed on second reading and ordered published this 9<sup>th</sup> day of February 2015.

TOWN OF WINDSOR, COLORADO

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John S. Vazquez, Mayor

ATTEST:

---

Patti Garcia, Town Clerk

**“EXHIBIT A”**

**Legal Description**  
*(Eaton House)*

**Legal Description:**

Lot 5, Block 4, Lake View Addition  
Section 16; Township 06; Range 67

## "EXHIBIT B"

### Criteria for Designation (Eaton House)

#### 1. Architectural – n/a

#### 2. Social

- b. *Exemplifies cultural, political, economic or social heritage of the community.*

The building is associated with the construction of the Kerns Reservoir, an influential water works project that provided water for area agricultural irrigation and the town of Windsor. The building served as housing for the reservoir project's laborers.

- c. *An association with a notable person or the work of a notable person.*

The Eaton House is directly associated with Benjamin Eaton, a Windsor resident and influential Coloradoan who worked as a Governor and developer to make Weld and Larimer counties a viable agricultural landscape and Windsor a livable town by harnessing the region's rivers for necessary irrigation.

#### 3. Geographic/Environmental

- a. *Enhances the sense of identity of the community.*

The Eaton House enhances a sense of identity within the community as a well-known building directly adjacent to and associated with the Kerns Reservoir, a body of water the Eaton House helped serve to construct; directly associated with Windsor's significant water and agricultural history; and directly associated with a prominent Windsor resident, Benjamin Eaton.

The physical integrity was evaluated using the following criteria:

- a. *Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, State or nation.*

See Criteria for Designation Item #2 'Social', above.

- b. *Retains original design features, materials and/or character.*

The structure has retained many original design features and materials. The removal of the non-contributing additions will reveal the original character of the home.

- c. *Original location or same historic context after having being moved.*

The Eaton House building remains in its' original location.

- d. *Has been accurately reconstructed or restored based on documentation.*

Work is needed to restore the structure back to its' period of significance following the Secretary of Interior's Standards.

## **“EXHIBIT C”**

### **Architectural Features to be Preserved (*Eaton House*)**

Built between 1902 and 1903, the Eaton House is a two-story, rectangular-shaped, east-facing gable-front national-style structure of brick construction. The brick walls are painted white, the roof is finished with asphalt shakes and the foundation consists of sandstone.

The Eaton House has a total of approximately 1,000 square feet, split between the main and second floors. The building features a gable-front roof covered with asphalt shingles, which replaced the original roofing material, and has slight overhanging boxed eaves and rakes with a wide frieze board. A brick chimney flue is centered on the building ridge. The building is primarily clad with brick painted white and features wood shingle gables painted white.

The Eaton House has two original entrances, one off-center main entrance on the eastern elevation and a secondary off-center entrance on the southern elevation. The inset doorways are topped with relieving arches with brick voisoirs. The main entrance is a three-light wood door (not original) with wood trim. The southern entrance is an original wood paneled door with original hardware.

The original building has a total of nine windows. The eastern elevation features two windows, one on each floor. The main floor window is a modern fixed, single-paned window with wood trim, while the second floor window is an original double-hung sash with a relieving arch of brick voisoirs over a flat arch. The original wood board sill is covered by the eastern addition roof. The southern elevation contains a modern fixed, single-paned window with two single-hung aluminum flankers over a wood sill. It appears the brick over the window and the window opening have been modified. The western elevation consists of four original windows; two shorter double-hung sashes with relieving arches and downward sloping stone sills on the main floor and two long double-hung sashes with relieving arches and wood board sills. Additional exterior features include gutters.

It is recommended that the mid-20<sup>th</sup> Century additions be removed, as they were constructed after the building's period of significance.



## Application for Designation of a Historic Landmark

### SECTION I

#### HISTORIC PROPERTY

Name: Eaton House  
Address: 130 N. 5<sup>th</sup> Street, Windsor, CO 80550  
Historic Use: Domestic, Exact use unknown  
Current or Proposed Use: TBD  
Legal Description: WIN 22729 L5 & 6, BLK4, Lake View Addition  
SW ¼ of Section 16; Township 06N; Range 67W

#### PROPERTY OWNER

Name: Town of Windsor  
Address: 301 Walnut Street, Windsor, CO 80550  
Telephone: (970) 674-2400  
Email Address: karnold@windsorgov.com

I certify that I am the owner of the above described property and I hereby give my written consent and approval for the nomination for designation to be a Windsor Historic Landmark.

[Signature] \_\_\_\_\_ Date 1-9-2015

#### PREPARER OF NOMINATION

Name: Rachel D. Kline, Chairperson  
\*on behalf of the Windsor Historic Preservation Commission  
Address: 301 Walnut Street, Windsor, CO 80550  
Telephone: (970) 674-2400  
Email Address: racheld.kline@gmail.com

I nominate the above named property for recognition as a Windsor Historic Landmark. I have:

- Obtained the property owner's approval as verified above.  
 Not been able to obtain the property owner's approval (*include documented attempts to secure owner approval*).

[Signature] \_\_\_\_\_ Date 1/7/2015

**SECTION II**

Has the property received other historic designation?

- No                       Yes

Date Designated: \_\_\_\_\_

Designated by:             State                       National

Location of the Historic Property

- In Original Location  
 Not in Original Location; Moved on: \_\_\_\_\_  
If Moved, Address of Original Location: \_\_\_\_\_

Information on the Historic Property

Name or Original Owner: Benjamin H. Eaton

Source of Information: Publishing staff. "Lakeview Addition." *The Poudre Valley*  
11 Aug. 1938: 1. Print.

Name of Original Architect: unknown

Source of Information: \_\_\_\_\_

Name of Original Builder/Contractor: unknown – overseen by Benjamin H. Eaton

Source of Information: Publishing staff. "Lakeview Addition." *The Poudre Valley*  
11 Aug. 1938: 1. Print.

Year of Construction: c. 1902-1903

Source of Information: Publishing staff. "Lakeview Addition." *The Poudre Valley*  
11 Aug. 1938: 1. Print.

Year(s) of Remodeling: unknown – mid. 1900's

Source of Information: Town of Windsor

**SECTION III**

**SUBMITTAL REQUIREMENTS**

- Historical Narrative
- Statement of Significance (*explain the significance of the property based on one or more of the criteria listed in Section IV*)
- Architectural Description (*include the condition of the property and if there are any structures associated with the subject property that are not under the ownership of this applicant*)
- Current Photographs (*in color and of all sides of the structure(s)*)
- Historical Photographs (*if available*)
- Bibliography (*cite all books, articles and other sources used in preparing this form*)

**SECTION IV**

**SIGNIFICANCE OF PROPERTY (check all that apply)**

Architectural

- Exemplifies specific elements of an architectural style or period
- Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide or locally
- Demonstrates superior craftsmanship of high artistic value
- Represents innovation in construction, materials or design
- Represents a built environment of a group of people in an era of history
- Exhibits a pattern or grouping of elements representing at least one of the above criteria
- Is a significant historic model

Social/Cultural

- Is a site of an historic event that has an effect upon society
- Exemplifies the cultural, political, economic or social heritage of the community
- Is associated with a notable person(s) or the work of a notable person(s)

Geographical/Environmental

- Enhances sense of identity in the community
- Is an established and familiar natural setting or visual feature of the community

**SECTION V**

**OPTIONAL INFORMATION**

You may provide other information which might be helpful in determining the eligibility of the property; however such information must be submitted in addition to all the required information on this form. Optional materials may include copies of newspaper clippings, brochures and pamphlets. All materials submitted will become part of the nomination property files and will not be returned.

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Completed nomination forms and supporting materials should be submitted to:

Historic Preservation Commission  
c/o Director of Planning  
Town of Windsor  
301 Walnut Street  
Windsor, CO 80550

If you have any questions or require assistance, please call the Windsor Planning Department at (970) 674-2415.

## **Eaton House Narrative**

The Eaton House located at 130 N. 5th Street in Windsor, CO is most notable for being built in 1902 by one of the earliest settlers and prominent leaders in the Windsor area, Mr. Benjamin H. Eaton (December 15, 1833 – October 29, 1904). A visionary, civic leader, and agriculturalist, Eaton served Northern Colorado as an early irrigation investor and developer who helped to shape the Windsor community and build its identity as an agricultural center. As fourth territorial governor, he instrumentally shaped the Colorado landscape into a viable and bountiful agricultural region, harnessing the power of Colorado's rivers, both physically and politically, to establish modern agricultural farming.

Eaton was born in Coshocton, Ohio, the second of eight children. After living in Ohio and Iowa, Eaton came to Colorado in the 1859 Colorado Gold Rush, prospecting in both Colorado and New Mexico. After serving in the Civil War as part of the New Mexico Volunteers, he returned to Colorado in 1864 with his wife to settle near the border of Weld and Larimer Counties as a founding officer of the Union Colony, a joint-stock colonization company of hopeful farmers led by *New York Tribune* agricultural editor Nathan Cook Meeker. Among his fellow land-owners, Eaton recognized that irrigation is what would make Northeastern Colorado, and specifically Windsor, livable, allowing farmers to settle and reap fruitful crops in contrast to the semi-arid climate unsuitable for the plow. Having learnt ancient irrigation methods from Hispanic farmers in the San Luis Valley, Eaton brought his education to Northeastern Colorado to build numerous irrigation ditches and canals, diverting the Cache la Poudre and the South Platte Rivers to capitalize its resources. Whitney Ditch served as the first Windsor ditch in 1861, followed shortly by Benjamin Eaton's B. H. Eaton Ditch in 1864, diverting water from the Cache la Poudre River to provide water for fields and agricultural stock. As one of the largest land owners in Weld and Larimer Counties, Eaton at one time owned over ninety 160-acre-parcels, all watered from canals and reservoirs of his own construction.

Soon after settling in the Windsor area, Eaton became the fourth territorial governor in the Colorado Territorial Legislature in 1884. Known as the "farmer governor," in office Eaton passed some of Colorado's first water rights laws, making it possible for Colorado farmers to harness the bloodline of the rivers to the plains. He served in office from January 1885 to January 1887.

Upon leaving office, Eaton continued to transform the Colorado landscape by helping to turn the South Platte River Valley into an important agricultural region within the state through various water works projects. He did the same for Weld and Larimer Counties in Northeastern Colorado. Trading in his farming operations, Eaton began an irrigation business he heavily promoted as a means of bringing area growth and wealth by building numerous irrigation canals and reservoirs throughout the region. In association with John C. Abbott, in 1873 Eaton built the Larimer County Canal No. 2, which watered large areas of land west, south, and southwest of Fort Collins. In 1878 he began construction of the Larimer and Weld Canal, once known as the Eaton Ditch, which at the time was the largest and longest irrigation canal in the state. In 1879 he built the High Line Canal in Denver. In May of 1890, Eaton incorporated the Kerns Reservoir and Canal Company and constructed the Kerns Reservoir. Eaton is credited as having invested in several more irrigation projects throughout the area. Because of forward thinking leaders such as Benjamin Eaton, irrigation made life possible in a part of the state once known as "The Great American Desert."

A civic-figure of such prominence, Benjamin Eaton influenced most of Northeastern Colorado through his water works projects and as a leader, being a charter member of the Fort Collins Masonic Lodge, serving as Fort Collins Justice of Peace and a county commissioner, and being the namesake for Eaton in Weld County. Eaton spent his last days in Windsor and passed away on October 29, 1904. The brick

home he built within the Lakeview Addition still remains in present-day Boardwalk Park, on the edge of the lake reservoir which he helped to build.

**Ownership Timeline:**

1902-1904 – Built by Benjamin H. Eaton for his workers and remained with the Eaton family until Mr. Eaton’s passing in 1904.

1905-1906 – C.A. Yancey

1906~1920 – W.W. Kennedy

1920-1923 – Windsor Mercantile Company

1923-1925 – George Hilterman

1925-1949 – Mary H. Simon

1949-1954 – Linda L. Graves

1954-1957 – Conrad & Helen Kerbel

1957~2003 – Daniel & Marie Mueller

2003 – present – Conveyed to the Town of Windsor in 2003. Operated by the Town of Windsor Art & Heritage program. Has sat mostly empty or used for storage since.

**Statement of Significance**

The Eaton House is eligible for its social/cultural significance within the Windsor community. The building is associated with the construction of the Kerns Reservoir, an influential water works project that provided water for area agricultural irrigation and the town of Windsor. The building served as housing for the reservoir project’s laborers.

The Eaton House is also directly associated with Benjamin Eaton, a Windsor resident and influential Coloradoan who worked as a Governor and developer to make Weld and Larimer counties a viable agricultural landscape and Windsor a livable town by harnessing the region’s rivers for necessary irrigation.

The Eaton House is also eligible for its geographical/environmental significance as it enhances a sense of identity within the community as a well-known building directly adjacent to and associated with the Kerns Reservoir, a body of water the Eaton House helped serve to construct; directly associated with Windsor’s significant water and agricultural history; and directly associated with a prominent Windsor resident, Benjamin Eaton.

**Architectural Description**

Built between 1902 and 1903, the Eaton House is a two-story, rectangular-shaped, east-facing gable-front national-style structure of brick construction. The brick walls are painted white, the roof is finished with asphalt shakes and the foundation consists of sandstone. The building is situated on the southwest corner of Birch and N. 5<sup>th</sup> Streets amidst residential properties and the Town of Windsor’s Boardwalk Park interpretive museum. Windsor Lake sits just to the north/northeast of the property. The site contains non-historic structures, such as a garage and sheds located to the west and southwest of the building. The building is in fair condition with a preponderance of integrity for the main structure that features minor alterations such as materials like roofing, windows, and repointing. In the mid-twentieth century, three single-story, wood construction additions were added to the northern, eastern, and southern elevations. In 2014, re-roofing work included flashing and counter-flashing screwed into the main brick structure from the addition roofs. Removing the three additions and flashing and correctly repointing the original structure according to the Secretary of Interior’s Standards will improve the integrity of the building.

The Eaton House has a total of approximately 1,000 square feet, split between the main and second floors. The building features a gable-front roof covered with asphalt shingles, which replaced the original roofing material, and has slight overhanging boxed eaves and rakes with a wide frieze board painted green. A brick chimney flue is centered on the building ridge. The chimney has been capped with metal and is trimmed with metal flashing, both not original. The building is primarily clad with brick painted white and features wood shingle gables painted white. A wood board belt course divides the two stories on the western and southern elevations, which is not original to the building.

The Eaton House has two original entrances, one off-center main entrance on the eastern elevation and a secondary off-center entrance on the southern elevation. The inset doorways are topped with relieving arches with brick voisoirs. The main entrance is a three-light wood door (not original) with wood trim. The southern entrance is an original wood paneled door with original hardware. Current entrances to the building include a modern entrance on the southern elevation of the eastern addition and a modern entrance centered on the southern addition.

The original building has a total of nine windows. The eastern elevation features two windows, one on each floor. The main floor window is a modern fixed, single-paned window with wood trim, while the second floor window is an original double-hung sash with a relieving arch of brick voisoirs over a flat arch. The original wood board sill is covered by the eastern addition roof. The southern elevation contains a modern fixed, single-paned window with two single-hung aluminum flankers over a wood sill. It appears the brick over the window and the window opening have been modified. The western elevation consists of four original windows; two shorter double-hung sashes with relieving arches and downward sloping stone sills on the main floor and two long double-hung sashes with relieving arches and wood board sills. Additional exterior features include gutters.

The southern and northern additions are clad with simple drop siding painted white, while the eastern elevation is clad with clapboard below and plywood above, all painted white. The southern elevation features a gable roof below the principal roof of the original building, while the eastern and northern additions feature shed roofs. All three addition roofs are covered with asphalt shingles. As well as the already aforementioned entrances, the additions feature three single-hung aluminum sashes on the southern addition, two multi-light, single-hung sashes on the eastern addition, and four multi-light, casement windows on the northern addition. The additions appear to have undergone several modifications as siding covers apparent former windows and doors. These additions are in poor condition and continue to place stress on the original brick structure. It is recommended that these additions be removed, as they were constructed after the building's period of significance.

### **Bibliography**

Art & Heritage Center, 116 5<sup>th</sup> Street, Windsor, CO 80550

Kline, Rachel. *Eaton House*. 2014. Photographs

Kline, Rachel and the Windsor-Severance Historical Society. *Windsor*. South Carolina: Arcadia Publishing, 2012.

Publishing staff. "Lakeview Addition." *The Poudre Valley* 11 Aug. 1938: 1. Print.

Ray, Roy. *Highlights in the History of Windsor Colorado*. 1940.

Watrous, Ansel. *History of Larimer County, Colorado*. 1911.

**Current Photographs**



Eaton House, Windsor, CO – Eastern and northern elevations. Rachel Kline, 2014.



Eaton House, Windsor, CO – Southern and eastern elevations. Rachel Kline, 2014.

Eaton House Local Landmark Designation Application



Eaton House, Windsor, CO – Western elevation. Rachel Kline, 2014.



Eaton House, Windsor, CO – Interior showing eastern main entrance. Town Hall, 2014.



Eaton House, Windsor, CO – Southern elevation of original building. Town Hall, 2014.



# **HISTORIC LOCAL LANDMARK DESIGNATION**

## **EATON HOUSE**

**Josh Olhava, Associate Planner  
January 26, 2015**

Town Board

Items D.9.D.10



# HISTORIC LANDMARK DESIGNATION

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Article XXVIII of Chapter 16 of the Municipal Code outlines the purposes of the Historic Preservation Ordinance and process for Landmark Designations, including:

**Sec. 16-28-10. Purpose and intent.**

*It is the purpose and intent of this Article to provide for the protection and preservation of the Town's historic and cultural heritage through the designation of historic landmarks and districts.*

**Sec. 16-28-30. Designation of landmarks and historic districts.**

**Sec. 16-28-40. Procedures for designating structures and districts for preservation.**

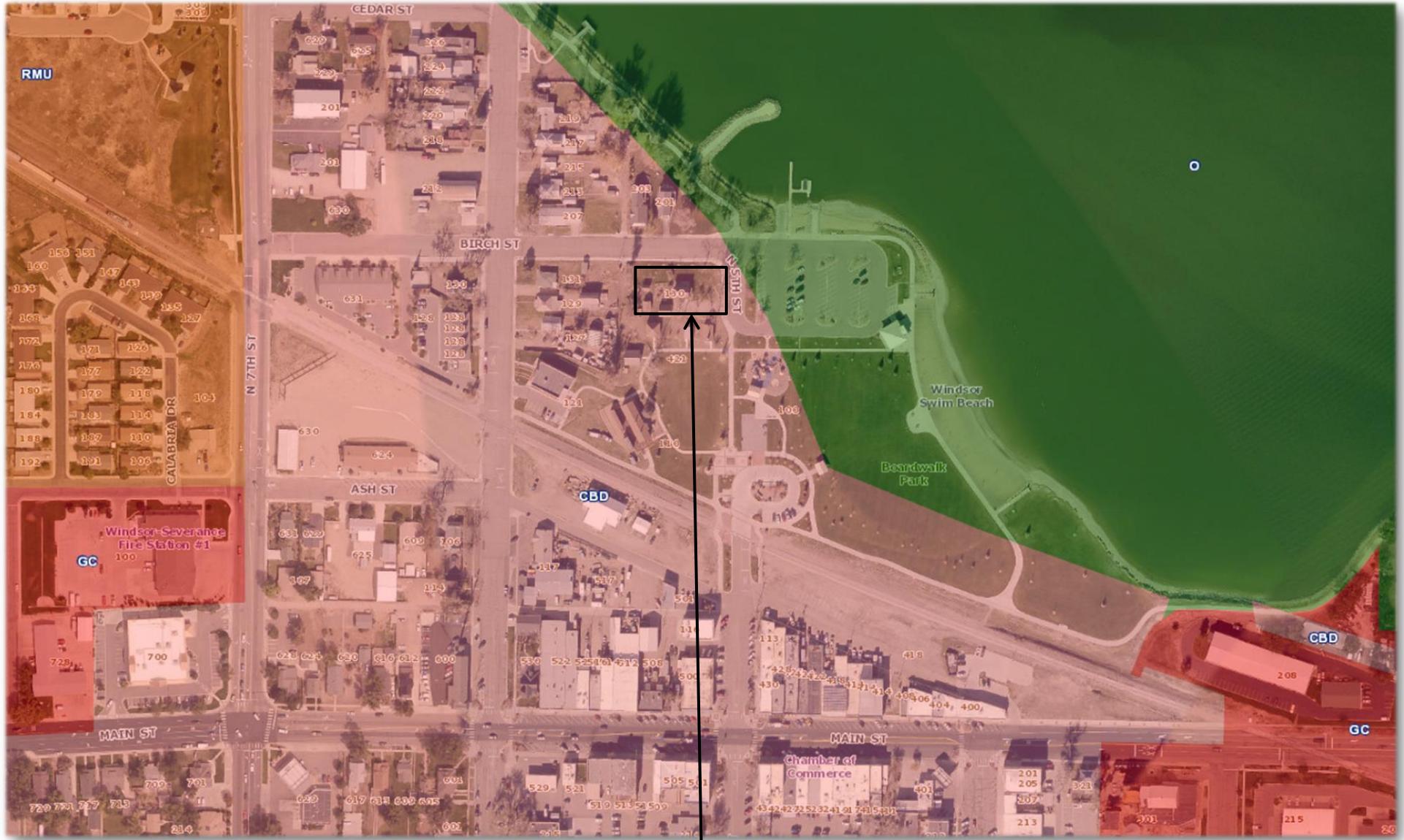
**Sec. 16-28-60. Criteria for designation.**

# SITE VICINITY MAP



Site Location

# ZONING



Zoned - Central Business (CB)

# PRESENT DAY – EATON HOUSE





# CRITERIA FOR DESIGNATION

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## 1. Architectural

- a. N/A

## 2. Social

- b. *Exemplifies cultural, political, economic or social heritage of the community.*

The building is associated with the construction of the Kerns Reservoir, an influential water works project that provided water for area agricultural irrigation and the town of Windsor. The building served as housing for the reservoir project's laborers.

- c. *Is associated with a notable person(s) or the work of a notable person(s).*

The Eaton House is also directly associated with Benjamin Eaton, a Windsor resident and influential Coloradoan who worked as a Governor and developer to make Weld and Larimer counties a viable agricultural landscape and Windsor a livable town by harnessing the region's rivers for necessary irrigation.



# CRITERIA FOR DESIGNATION CONT....

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## 3. Geographic/Environmental

a. *Enhances the sense of identity of the community.*

The Eaton House is also eligible for its geographical/environmental significance as it enhances a sense of identity within the community as a well-known building directly adjacent to and associated with the Kerns Reservoir, a body of water the Eaton House helped serve to construct; directly associated with Windsor's significant water and agricultural history; and directly associated with a prominent Windsor resident, Benjamin Eaton.



# EVALUATION OF THE PHYSICAL INTEGRITY

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- a. *Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, State or nation.*
  - See Criteria for Designation Item #2 'Social', above.
- b. *Retains original design features, materials and/or character.*
  - See the Architectural Description found within the Eaton House Designation Application. The structure has retained many original design features and materials. As recommended, the removal of the non-contributing additions will reveal the original character of the home.
- c. *Original location or same historic context after having being moved.*
  - The Eaton House remains in its' original location.
- d. *Has been accurately reconstructed or restored based on documentation.*
  - N/A. Work is needed to restore the structure back to its' period of significance following the Secretary of Interiors Standards.



# RECOMMENDATION

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At their January 14, 2015 regular meeting, the Historic Preservation Commission forwarded a recommendation of approval of Ordinance No. 2015-1492 to the Town Board, based on the following findings of fact, and staff concurs with this recommendation:

That the Eaton House building as nominated and presented:

1. Exemplifies the cultural, economic and social heritage of the community;
2. Is associated with a notable person; and
3. Enhances the sense of identity of the community.



# LOCAL LANDMARK DESIGNATION

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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:** January 26, 2015  
**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 Resolution No. 2015-07 – Major Subdivision - Falcon Point Subdivision – Chris Ruff, 392 Ventures, LLC, applicant  
**Location:** South of Highway 392 and east of Highway 257  
**Item #s:** D.11 - D.12

### **Background:**

The applicant, Mr. Chris Ruff, 392 Ventures, LLC, has submitted a preliminary/final major subdivision plat, known as the Falcon Point Subdivision. The subdivision as a whole encompasses approximately 41 acres and is zoned Limited Industrial (I-L). The applicant is proposing a total of seven lots and two tracts. The industrial lot sizes range from approximately 2.7 acres to 6.1 acres.

The subject property is bound by the railroad on two sides with undeveloped land and farmland on the other sides. The property itself is largely undeveloped with the exception of an oil and gas pad site. The pad site will be located on a lot of its own, leaving six lots available for immediate development. The two tracts in the subdivision will accommodate drainage and common landscaped areas. The subdivision will take access from Highway 392 and improvements to the highway will be required in accordance with the Colorado Department of Transportation requirements. Such improvements will include acceleration and deceleration lanes and a left turn lane. An on-site improvement to be constructed in the future by the Town is the Law West Tributary Project. This stormwater project will cross a portion of the property, though it is not associated with the current subdivision review other than dedication of easements to accommodate the future construction.

### **Conformance with Comprehensive Plan:**

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

### **Goals:**

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:**

4. Encourage compatible industries to locate in and annex to Windsor, with general, heavy industrial activities locating in the eastern and southeastern portions of the GMA.
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 application is consistent with the Vision 2025 document, particularly the section on Economic Vitality.

**Conformance with the Windsor–Severance-Greeley IGA:**

The application is consistent with the Windsor-Severance-Greeley Intergovernmental Agreement. Both the Town of Severance and City of Greeley were provided with referrals. The Town of Severance commented that they had no concerns. The City of Greeley commented that the submittal complies with the agreement.

**Notification:**

The following notifications were completed in accordance with the Municipal Code for the January 21, 2015 Planning Commission and January 26, 2015 Town Board Meeting:

- January 9, 2015 - affidavit of notification letters mailed to the adjacent property owners
- January 9, 2015 - notice published in the newspaper
- January 9, 2015 – notice posted on property

**Recommendation:**

At their January 21, 2015 meeting the Planning Commission forwarded a recommendation of approval with the following condition:

1. All Planning Commission and staff comments shall be addressed.

**Enclosures:** resolution no. 2015-07  
application materials  
neighborhood meeting notes  
staff PowerPoint

pc: Chris Ruff, 392 Ventures, LLC, applicant

TOWN OF WINDSOR

RESOLUTION NO. 2015-07

A RESOLUTION OF THE WINDSOR TOWN BOARD APPROVING THE FINAL PLAT FOR THE FALCON POINT SUBDIVISION IN THE TOWN OF WINDSOR, COLORADO

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

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

WHEREAS, the Falcon Point Subdivision (“Subdivision”) proposes to subdivide land located within the Town; and

WHEREAS, the owner/developer of the Subdivision has presented the Town with the Falcon Point Subdivision Final Subdivision Plat (“Subdivision Plat”), a reduced copy of which is attached hereto for reference purposes, and is designated “Exhibit A”; and

WHEREAS, the proposed Subdivision Plat has been presented to the Windsor Planning Commission, and has received a written recommendation for approval by the Town Board; and

WHEREAS, the proposed Subdivision Plat and has been the subject of a public hearing and has been reviewed by the Town Board in accordance with applicable planning criteria.

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

1. Pursuant to *Windsor Municipal Code* Section 17-4-20 (e), the Subdivision Plat for the Falcon Point Subdivision is hereby approved.
2. The owner/developer is hereby instructed to comply with all post-approval requirements of Chapter 17, Article IV of the *Windsor Municipal Code* within thirty (30) days.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 26<sup>th</sup> day of January, 2015.

TOWN OF WINDSOR, COLORADO

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John S. Vazquez, Mayor

ATTEST:

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Patti Garcia, Town Clerk

# Exhibit A

DATE: 6/9/2014  
 FILE NAME: 201402SUB  
 SCALE: 1"=50'  
 DRAWN BY: CSK  
 CHECKED BY: SAL

KING SURVEYORS  
 650 E. Garden Drive | Windsor, Colorado 80550  
 Phone: (970) 686-5011 | email: info@kingsurveyors.com

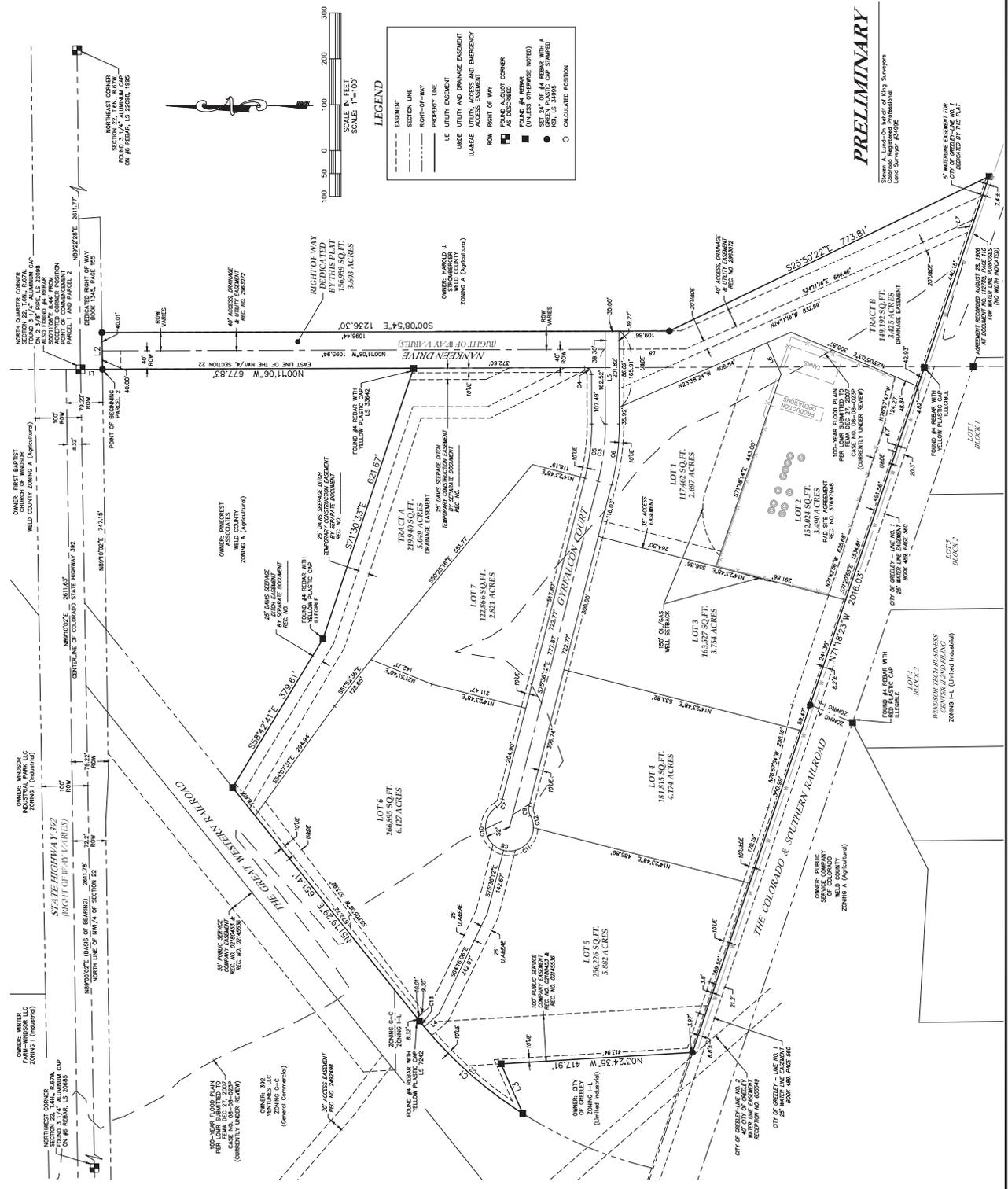


DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_

FALCON POINT SUBDIVISION  
 392 VENTURES LLC  
 WINDSOR, CO 80550

PROJECT # 201402  
 SHEET 2 OF 2

## FALCON POINT SUBDIVISION



**LEGEND**

- EASEMENT
- SECTION LINE
- RIGHT-OF-WAY
- PROPERTY LINE
- UTILITY EASEMENT
- UTILITY, ACCESS AND EMERGENCY EASEMENT
- ROW RIGHT OF WAY
- FOUND ALREADY CORNER
- FOUND # REBAR (NOT SET)
- SET # REBAR WITH A GREEN PLASTIC CAP STAMPED AS DESCRIBED
- CALCULATED POSITION

**PRELIMINARY**  
 Shows a Unit-On behalf of King Surveyors  
 392 VENTURES LLC  
 WINDSOR, CO 80550  
 6/9/2014

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S071°08'15"W	47.97
L2	S071°08'15"W	119.82
L3	S071°08'15"W	119.82
L4	S41°03'02"E	62.98
L5	S80°05'00"W	201.82
L6	S02°21'04"E	75.17
L7	S71°18'23"E	27.29
L8	N00°11'03"W	144.17

**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	303.58'	911.69'	182°20'	562.19'	N15°31'E
C2	298.85'	911.69'	175°00'	562.70'	S41°22'00"W
C3	18.83'	500.00'	1°32'42"	18.83'	S82°52'52"E
C4	23.97'	150.00'	1°02'12"	23.97'	S45°02'00"W
C5	23.97'	150.00'	1°02'12"	23.97'	S45°02'00"W
C6	124.44'	500.00'	1°32'42"	124.44'	S82°52'52"E
C7	21.27'	28.00'	4°33'50"	20.37'	N45°00'00"W
C8	242.38'	52.00'	80°30'44"	76.40'	S45°00'00"W
C9	21.27'	28.00'	4°33'50"	20.37'	N82°52'52"E
C10	16.19'	52.00'	1°33'52"	16.19'	S81°04'00"W
C11	84.83'	52.00'	10°39'59"	84.84'	S71°11'11"E
C12	27.66'	52.00'	3°02'53"	27.24'	N89°02'52"E
C13	16.71'	91.69'	1°02'19"	16.70'	S50°48'19"W

## **FALCON POINT NARRATIVE FINAL SUBDIVISION**

July 2, 2014

The proposed site is approximately 55.5 acres and is located in east Windsor, east of Highway 257. Approximately 37.5 acres of this subdivision (the area south of the railroad storage spur) is being platted into lots at this time and the remaining 14.6 acres (north of the railroad storage spur) is being platted into a tract with the intention that it will be replatted in the future for commercial lots. The proposed lots range in size from 3 to 6.65 acres.

The site that is being subdivided into lots at this time is located south of the existing Highway 392 and is currently zoned IL (Light Industrial). It is proposed to subdivide this site into 7 lots and 2 tracts. It is intended that the site be developed in one phase. The proposed uses will be primarily industrial and office. The Tract C lot is zoned GC (General Commercial) and is intended for future commercial and retail uses.

Access to the site will be provided at one location from Highway 392 and a second emergency access across the rail storage spur. In the future, there will be a connection from Highway 392 into the Commercial area (Tract C) and a future connection to the west to Highway 257. A full turn access is indicated for the main access (Nankeen Drive) in the CDOT access plan for Highway 392 with a future stop light. A future restricted access is planned for the commercial area (Tract C). The proposed internal roadway locations are shown in the utility plans and they are intended to be platted as public streets conforming to the Town criteria. It is the intent to maintain the existing crossing of the existing railroad with an emergency only road.

Water and sewer will be provided by the Town of Windsor. Water rights are being dedicated on a lot by lot basis at the time of building permit. The water and sewer mains are being extended west to Highway 257 to allow for use by future development and the existing Cemetery.

Landscaping along Highway 392 will be provided with the Tract C subdivision improvements, no landscaping is proposed along Highway 392 with this subdivision development. The detention ponds will also be landscaped with the overall subdivision improvements. All other landscaping on site will be completed with each individual site development. Each lot owner will be responsible for submitting a landscape plan and installing landscaping that complies with the Town of Windsor requirements.

No park land dedications are being proposed with this development.

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\*:** Falcon Point Subdivision

**LEGAL DESCRIPTION\*:** \_\_\_\_\_

**PROPERTY ADDRESS (if available):** \_\_\_\_\_

**PROPERTY OWNER (APPLICANT):**

Owner's Name(s)\*: Christopher Ruff

Company: 392 Ventures, LLC

Address\*: P.O. Box 99, Windsor, CO

Primary Phone #\*: 970-227-7868

Secondary Phone #: \_\_\_\_\_

Fax #\*: \_\_\_\_\_

E-Mail\*: cdruff@drmrealestate.com

**OWNER'S AUTHORIZED REPRESENTATIVE:**

Representative's Name: Patricia Kroetch

Company: North Star Design, Inc.

Address: 700 Automation Drive, Unit I, Windsor, CO

Primary Phone #: 970-686-6939

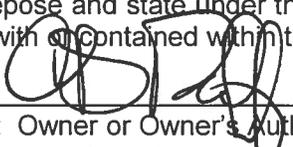
Secondary Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

E-Mail: tricia@northstardesigninc.com

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 and contained within the application are true and correct to the best of my knowledge.

Signature:  Owner or Owner's Authorized Representative\*\*

Date 7/2/14

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

Christopher Ruff

Print Name(s)

Major Subdivision Application and Checklist  
Page 6

\*Required fields

Revised 11/8/2013

**Falcon Point**  
**Neighborhood Meeting Minutes**  
**June 18, 2009**

The neighborhood meeting for Falcon Point was held on June 18, 2009 at the Community Center in Windsor, Colorado. Attendance was as follows:

Chris Ruff, Ownership Representative  
Joseph Plummer, Town Representative  
Patricia Kroetch, Project Engineer  
Dick Huwa, interested citizen

Chris explained the project intent and gave factual information about the project then asked if there were any questions or clarifications. Dick asked about potential schedule to which Chris responded that the project would proceed to final after the preliminary was completed. With the uncertain economy, a user would be desired prior to commencing construction.

The meeting concluded with no other attendees.



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# **FALCON POINT SUBDIVISION**

## **PRELIMINARY/FINAL MAJOR SUBDIVISION**

Paul Hornbeck, Associate Planner  
January 26, 2015

Town Board

Item D.11 - D.12



# MAJOR SUBDIVISION

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Article IV of Chapter 17 of the Municipal Code outlines the purposes of the Major Subdivision process, including:

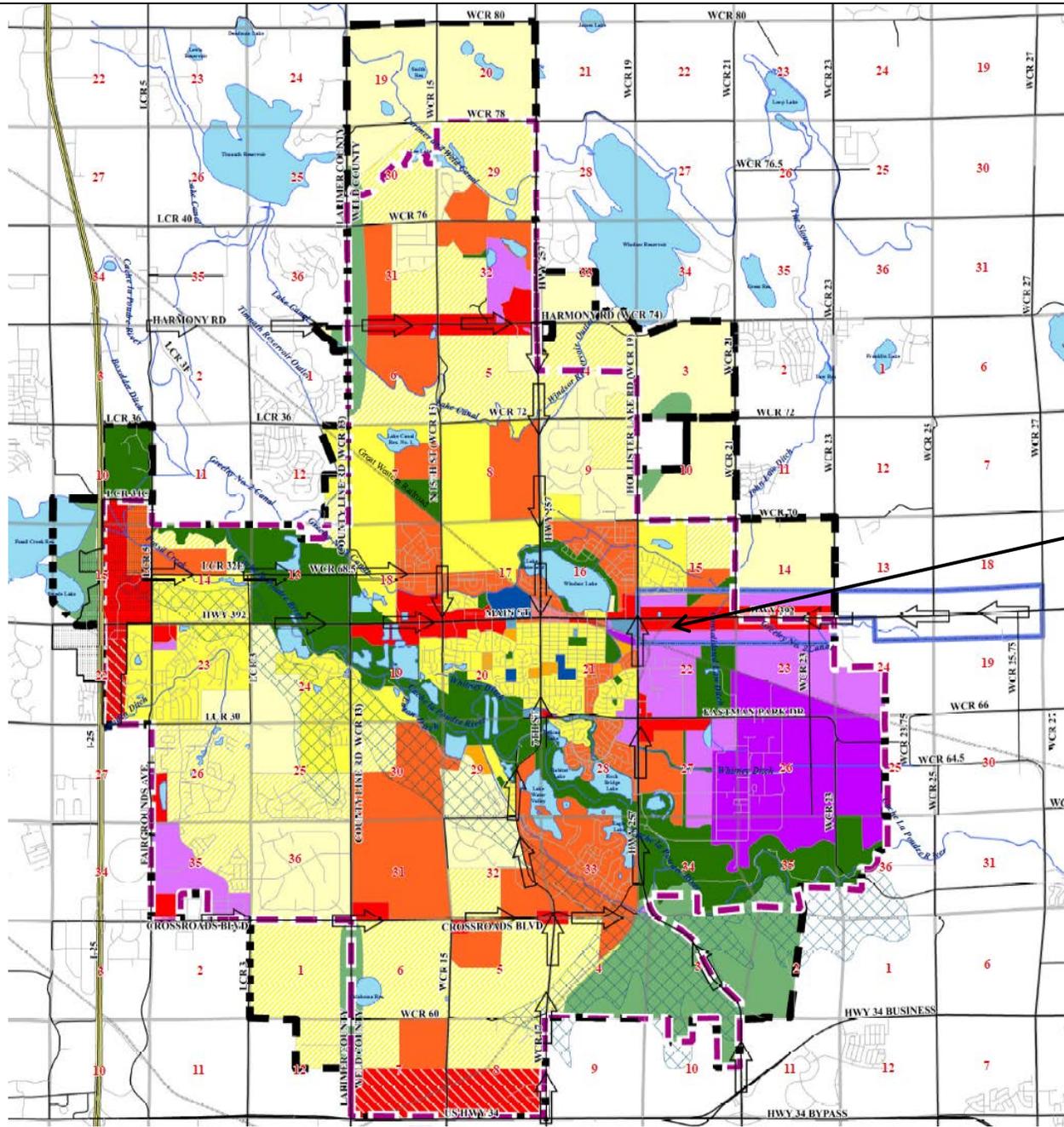
## **Sec. 17-4-10. Purpose.**

*The purposes of the major subdivision procedure are:*

- 1) *To divide or reconfigure a parcel or parcels of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.*



# SITE VICINITY MAP



Site Location



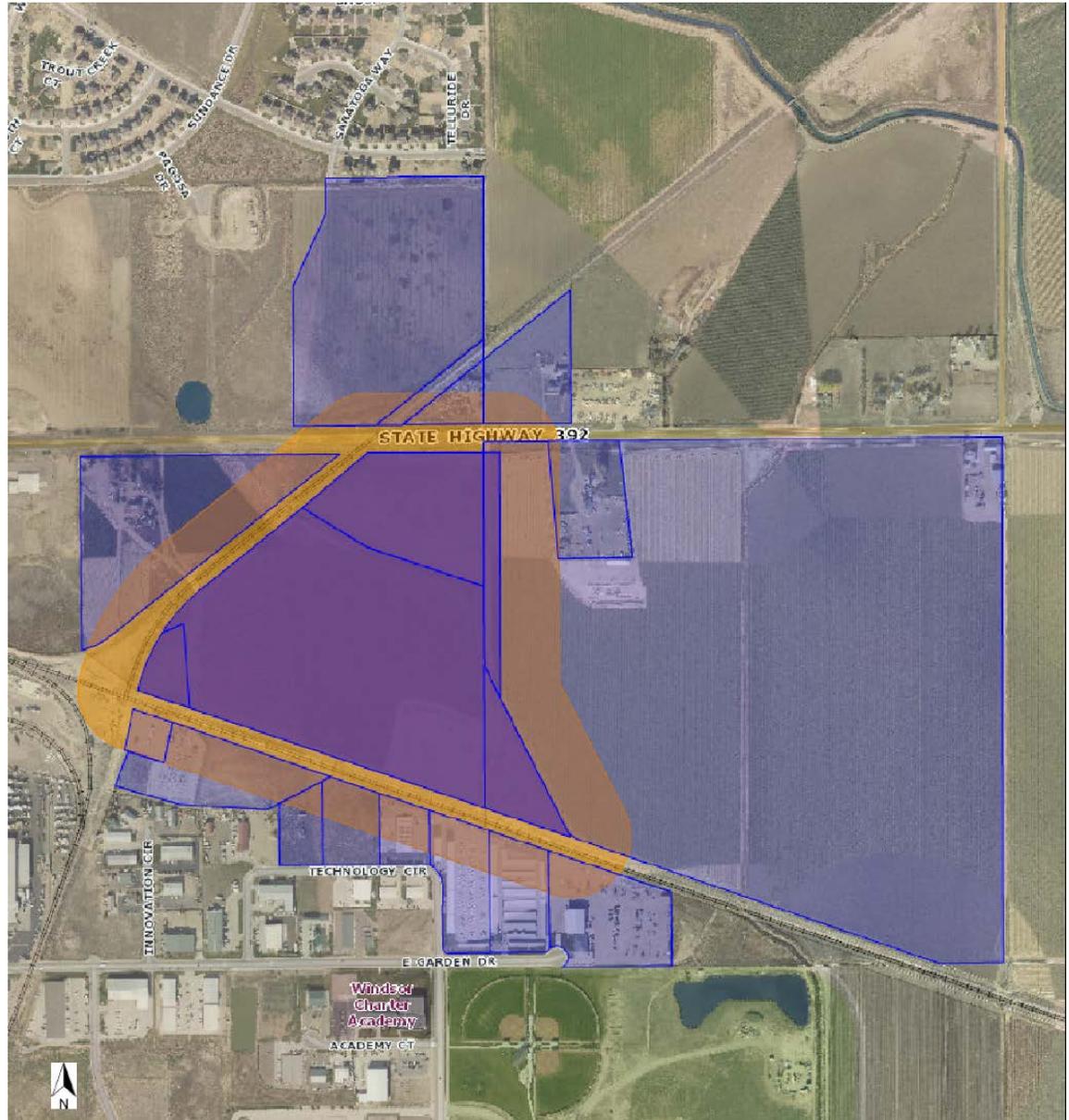


# NOTIFICATION AREA

## Notification:

The following notifications were completed in accordance with the Municipal Code for the January 21, 2015 Planning Commission and January 26, 2015 Town Board Meeting:

- January 9, 2015 - affidavit of notification letters mailed to the adjacent property owners
- January 9, 2015 - notice published in the newspaper
- January 9, 2015 - notice posted on property





# CONFORMANCE WITH THE COMPREHENSIVE PLAN

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The application is consistent with the following Commercial and Industrial Land Use Goals and Policies of the Comprehensive Plan:

**Goals:**

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:**

4. Encourage compatible industries to locate in and annex to Windsor, with general, heavy industrial activities locating in the eastern and southeastern portions of the GMA.

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.



# RECOMMENDATION

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At their January 21, 2015 meeting the Planning Commission forwarded a recommendation of approval with the following condition:

1. All Planning Commission and staff comments shall be addressed.



# FINAL PLAT

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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:** January 26, 2015  
**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 – Falcon Point Subdivision, Lot 3 – Chris Ruff, 392 Ventures, LLC, applicant  
**Location:** Falcon Point Subdivision (south of Highway 392 and east of Highway 257)  
**Item #s:** D.13

### **Background:**

The applicant, Mr. Chris Ruff, 392 Ventures, LLC, is proposing to construct a new building in the Limited Industrial (I-L) zoning district in the Falcon Point Subdivision.

Site characteristics include:

- 3.75 acres property;
- 14,440 square foot metal building;
- 2.4 acre outdoor storage area;
- 27 off street parking spaces, including 2 ADA accessible parking spaces; and
- landscaped area of 11,552 square feet.

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.

**Conformance with the Windsor-Severance-Greeley IGA:**

The application is consistent with the Windsor-Severance-Greeley Intergovernmental Agreement. Both the Town of Severance and City of Greeley were provided with referrals. The Town of Severance commented that they had no concerns. The City of Greeley commented that the submittal complies with the agreement.

**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: Chris Ruff, 392 Ventures, LLC, applicant

# **PROJECT NARRATIVE**

## **FALCON POINT SUBDIVISION, LOT 3**

July 2, 2014

The proposed site is approximately 3.75 acres and is located in Falcon Point Subdivision in east Windsor, east of Highway 257. The site is located adjacent to and south of the existing Gyrfalcon Drive and is currently zoned IL (Light Industrial). The intended user is Cutter Wireline, a company involved in gas and oil industry. It is intended that the site be developed in one phase. The proposed use will be primarily office, vehicle maintenance and warehouse with outdoor storage in the southern portion of the site. The outdoor storage will be screened with a fence conforming to the Town of Windsor Standards.

The intended user has approximately 50 employees. The only traffic generated by this site will be from the employees and occasional deliveries; there will be no retail or 'walk in' traffic associated with this user. The anticipated traffic generation is approximately 155 trips per day.

There are 29 parking stalls provided in the paved portion of the site and any employee vehicles in excess of that number will be parked in the recycled asphalt 'outdoor storage' area of the site. All material deliveries will be unloaded in the 'outdoor storage' area of the site.

The building will be a single story (80'x180'=14,400 square foot footprint) with an office mezzanine (2400 sf) in the front 30' of the building with a total building floor area of 16,800 square feet. The building will be a wood frame construction with a tan metal wall panels. A 3' brick wainscot will be located on the front of the building. The main entrance will be located in the center of the north face of the building with a canopy covering and there will be six overhead doors located on the east and west sides of the building. All site lighting will be building mounted, down directional and shielded to prevent light spillage from the site. Refer to the building elevations for additional information regarding building colors and materials.

Access to the site will be provided at two locations from Gyrfalcon Drive. Water and sewer will be provided by the Town of Windsor. Detention is being provided offsite in the detention pond constructed with the overall subdivision improvements.

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\*: Butter Wireline

LEGAL DESCRIPTION\*: Falcon Point Subdivision, Lot 3

PROPERTY ADDRESS (if available): \_\_\_\_\_

**PROPERTY OWNER (APPLICANT):**

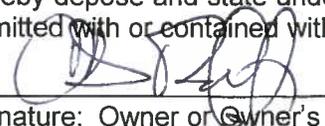
Owner's Name(s)\*: Christopher Ruff  
Company: 392 Ventures. LLC  
Address\*: P.O. Box 99, Windsor, CO  
Primary Phone #: 970-227-7868 Secondary Phone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_ E-Mail\*: cdruff@drmrealestate.com

**OWNER'S AUTHORIZED REPRESENTATIVE:**

Representative's Name: Patricia Kroetch  
Company: North Star Design, Inc.  
Address: 700 Automation Drive, Unit I, Windsor, CO  
Primary Phone #: 970-686-6939 Secondary Phone #: \_\_\_\_\_  
Fax #: \_\_\_\_\_ E-Mail: tricia@northstardesigninc.com

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 6/26/14

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

Christopher Ruff

Print Name(s)

Fast Track Site Plan Application and Checklist  
Page 4

\*Required fields  
Revised 11/15/2013



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# **SITE PLAN PRESENTATION**

## **FALCON POINT SUBDIVISION**

### **LOT 3**

**Paul Hornbeck, Associate Planner**  
**January 26, 2015**

Town Board

Item D.13



# QUALIFIED COMMERCIAL & INDUSTRIAL SITE PLAN

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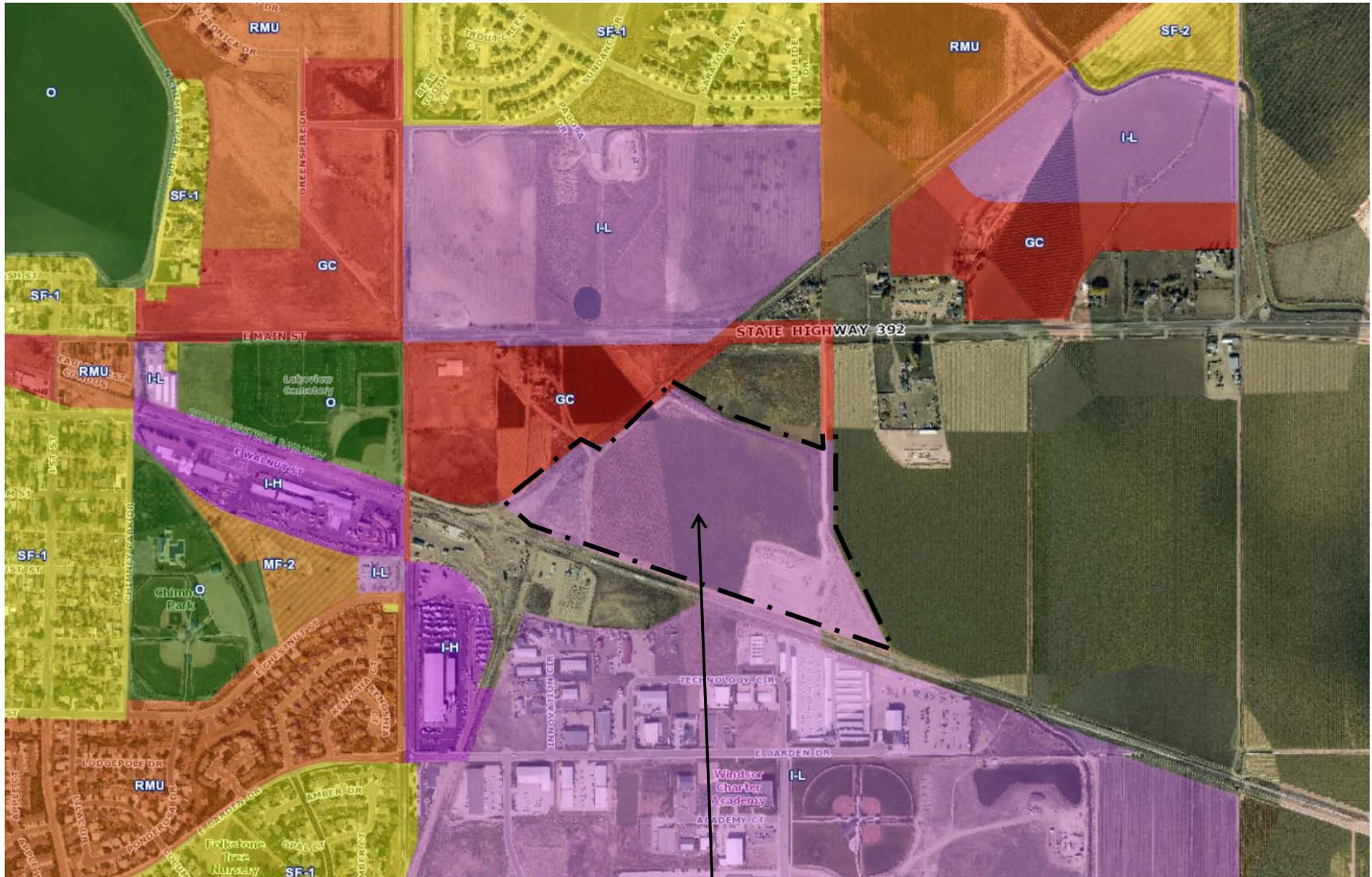
Article IX of Chapter 17 of the Municipal Code outlines the purposes of the Qualified Commercial & Industrial Site Plan process such that:

## **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)





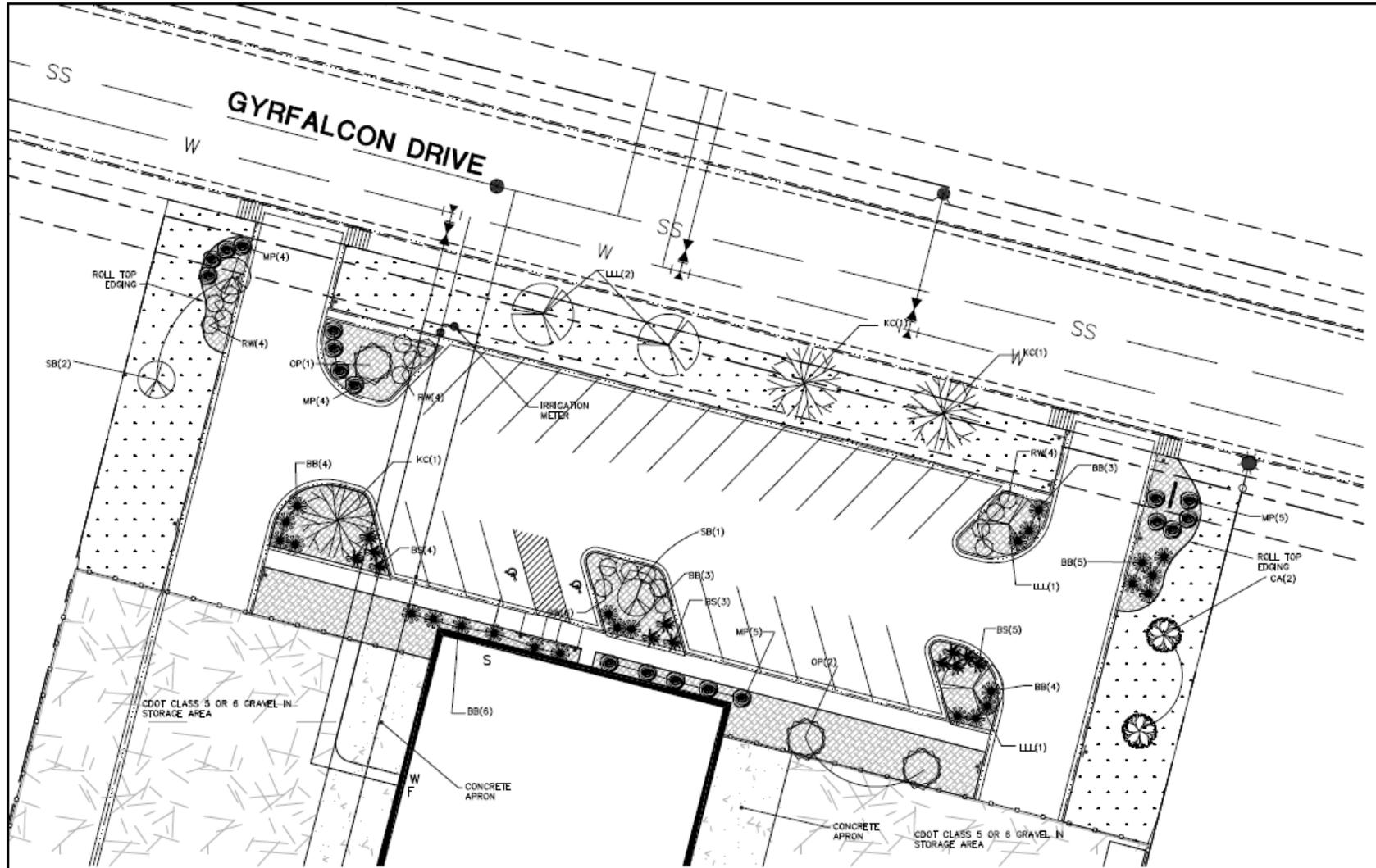
# PROJECT SUMMARY

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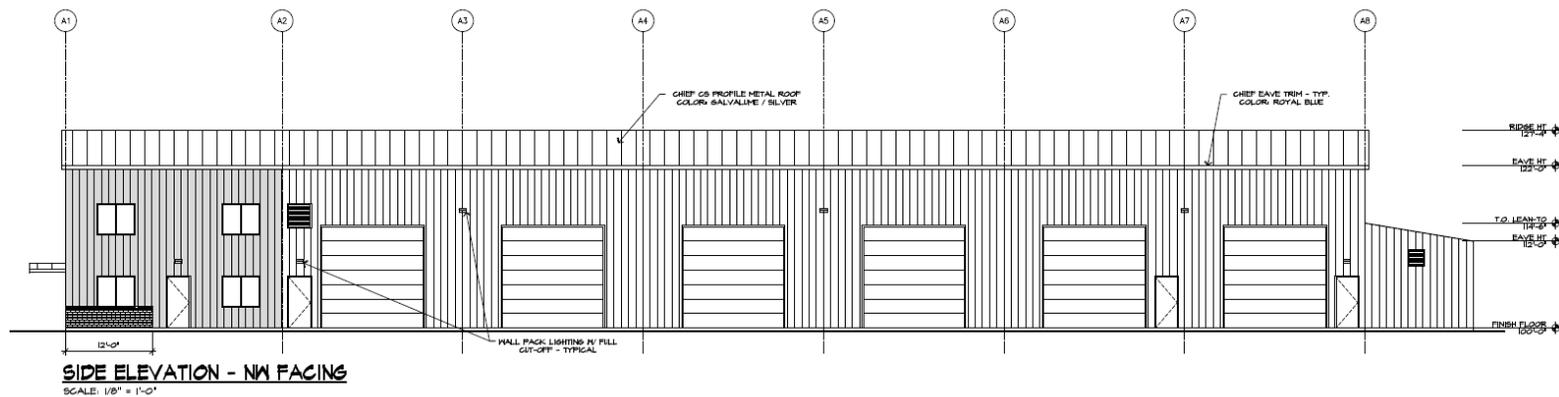
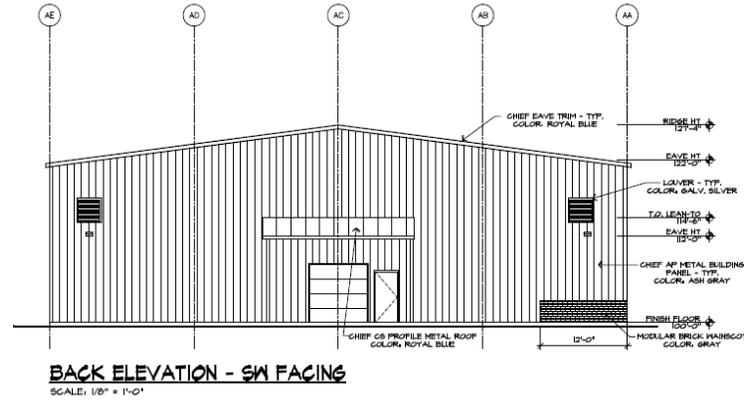
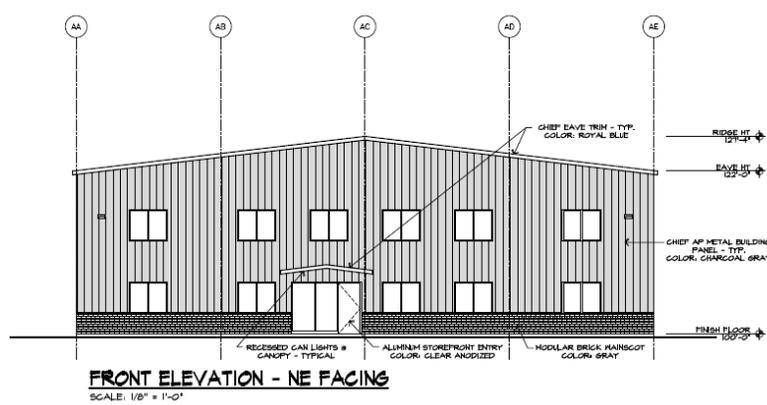
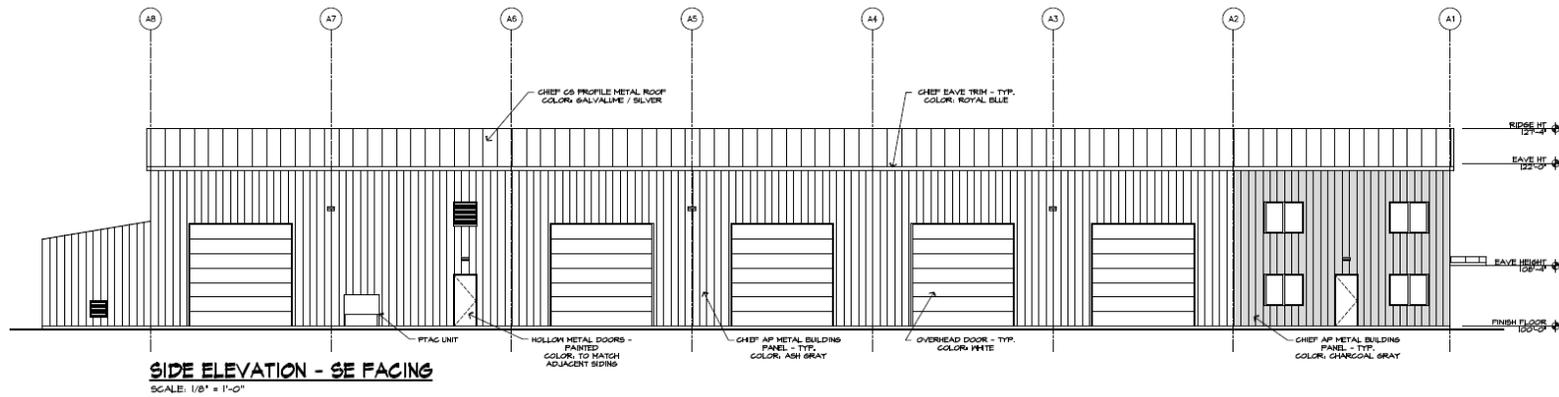
# LANDSCAPE PLAN



**LOT FRONTAGE LANDSCAPE PLAN**



# BUILDING ELEVATIONS





## FUTURE TOWN BOARD MEETINGS

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

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February 2, 2015 6:00 p.m. Community Rec Center	Town Board Work Session Joint Town Board and PReCAB work session Enclave Discussion
February 9, 2015 5:30 p.m./1 <sup>st</sup> floor conference room	Board/Manager/Attorney Monthly Meeting
February 9, 2015 7:00 p.m.	Town Board Meeting
February 16, 2015	Town Board Work Session – Cancelled/President’s Day
February 23, 2015 6:00 p.m.	Town Board Work Session Oil & Gas - Royalty Funds Lassy Project
February 23, 2015 7:00 p.m.	Town Board Meeting
March 2, 2015 6:00 p.m.	Town Board Work Session Metropolitan District Policy Discussion
March 9, 2015 5:30 p.m./1 <sup>st</sup> floor conference room	Board/Manager/Attorney Monthly Meeting
March 9, 2015 7:00 p.m.	Town Board Meeting Kern Board Meeting
March 16, 2015 6:00 p.m.	Town Board Work Session Joint meeting with Fire District, School District & Library District
March 23, 2015 6:00 p.m.	Town Board Work Session
March 23, 2015 7:00 p.m.	Town Board Meeting
March 30, 2015	Fifth Monday
April 6, 2015 6:00 p.m.	Town Board Work Session
April 13, 2015 5:30 p.m./1 <sup>st</sup> floor conference room	Board/Manager/Attorney Monthly Meeting
April 13, 2015 7:00 p.m.	Town Board Meeting
April 20, 2015 6:00 p.m.	Town Board Work Session

April 27, 2015                      Town Board Work Session  
6:00 p.m.

April 27, 2015                      Town Board Meeting  
7:00 p.m.

**Additional Events**

February 12, 2015                      CML Legislative Workshop - attending: Ivan Adams  
RSVP's due no later than January 23, 2015

**Future Work Session Topics**

Town Board Compensation



*Stepping Stones  
of Windsor  
503 Walnut St.  
Windsor, CO, 80550*

December 1, 2014

Dear Community Leaders,

We are writing to you on behalf of Stepping Stones of Windsor (SSW), an all-volunteer, nonprofit 501(c) 3 corporation, operating in the Windsor/Severance School District since 2004. Our focus is helping to keep our neighbors in housing by providing eviction and/or utility shut-off prevention. Our wonderful town of Windsor is not immune to homelessness or the threat of being without a place to stay. This year, we have 655 students covered by free lunches and 216 students with reduced lunch fees. 23 students qualify as homeless. For every dollar spent in keeping a family in their home, at least \$20 is saved in attempting to get them re-established in a home, not to mention the reduction in stress and minimizing the disruption in schooling. Last year that amounted to over \$400,360 in potential savings. Stepping Stones of Windsor is extremely proud to say that less than 1% of all monies received is spent on administrative costs. Everything else goes directly to serve our clients.

From January 1, 2013 to December 31, 2013, Stepping Stones of Windsor assisted 62 families with over \$20,000 for rental or utility needs. This amount far exceeds the funding we receive from grants for the year. Included in the families were 83 children under the age of 18, 3 Senior Citizens, 4 Veterans, and 19 households dealing with domestic violence. Again this year, we are seeing increased needs for assistance. The oil boom which benefits some leaves the poorest with increasing living costs.

When people apply for aid to SSW, they provide us with evidence of impending eviction or utility shut-off. Our guidelines allow us to give help up to a total of \$450 to \$550 depending on family size paid directly to the renting agency or utility company. A client is not eligible for additional aid for one year from the date they received assistance once the maximum allotment has been reached. During the interview process, we work with the client to assure that the funds spent will truly make a difference and that the upcoming months will be better for them financially. We also contact the landlord and/or utility company to make sure that the client will be able to remain in the housing.

How do we get our money? We have received generous donations from local churches, businesses, and individuals, and some government funds. The Town of

Windsor has assisted SSW in the past when qualified clients were in jeopardy of receiving no funds due to lack of money as we have experienced in earlier years. In addition, board members have spearheaded fundraising efforts including soup lunches and suppers, silent auctions, and collaboration with other local nonprofit agencies.

As we move closer to the Holidays, our need for funds increases. Imagine that in addition to all the expectations of the holidays, you have to worry about losing your home or having your utilities shut off. It is a humbling experience to meet with many families who face these situations often due to a huge medical bill, a major car repair, or changes in job hours. We would like to ask the amazing business and Church leaders of Windsor to recognize how blessed most of us are, and to make a donation, no matter how small or large, for families in our town who are struggling. **Donations can be mailed to: Stepping Stones of Windsor, PO Box 105, Windsor, CO 80550.** Your donations are completely tax deductible. In addition, we are able to accept **services/items for the silent auctions.** Please call Barbara at 970-388-5381 if you need more information. If you are interested in having a Board Member contact you or speak with your group, please call SSW at 970- 686-2368.

Stepping Stones of Windsor is only the ink on the check that serves our neighbors. Your generosity makes that ink able to flow. We graciously appreciate your support.

Thank you in Advance,

The Board of Stepping Stones

Linda Baldwin, Susan Carey, Janet Deason, Barbara Goff,  
Dianna Pollman, William Pratt, Isabell Porth, Eldon  
Schmidt