



## TOWN BOARD REGULAR MEETING

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

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

### MINUTES

#### A. CALL TO ORDER

Mayor Vazquez called the meeting to order at 6:03 p.m.

1. Roll Call

Mayor  
Mayor Pro Tem

John Vazquez  
Myles Baker  
Christian Morgan  
Jeremy Rose  
Kristie Melendez  
Robert Bishop-Cotner  
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 Engineering  
Associate Planner  
Associate Planner

Kelly Arnold  
Ian McCargar  
Patti Garcia  
Kelly Unger  
John Michaels  
Dennis Wagner  
Josh Olhava  
Paul Hornbeck

#### 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)

**Town Board Member Melendez motioned to go into 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; 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.**

The meeting moved to Executive Session at 6:05 p.m.

**Upon a motion duly made, the Town Board returned to the Regular Meeting at 7:08 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.

Upon returning to the regular meeting, Mayor Vazquez advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in

violation of the Open Meetings Law, such concerns should now be stated. Hearing none, the Regular Meeting resumed at 7:08 p.m.

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  
No report – no meeting.
- Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority  
No report – no meeting.
- Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce  
Chamber of Commerce - no report.  
Board Member Melendez reported the DDA had scheduled a Developer Broker event on February 18, 2015 from 4-6 pm at Chimney Park Bistro in order to pitch the concept plans for the DDA owned lots and the Mill Feasibility Study. The DDA will be holding their first retreat on February 4 from 7:30 to 11:30 am and the Marketing Committee will be meeting at 7:30 am on Wednesday to review the 2015 Farmer’s Market and the 125<sup>th</sup> Anniversary plans and how the DDA can tie into events. Ms. Melendez also noted that the Town had retained Carlos Hernandez of Fox, Tuttle and Hernandez to work with Town on a parking program for the DDA area.
- Town Board Member Rose – Clearview Library Board  
No report; the Library Board will meet at 5:30 pm on Thursday.
- Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission  
Town Board Member Bishop-Cotner reported that the Historic Preservation Commission placed a recommendation related to the Eaton House on the Town Board agenda. Many of the items discussed at Planning Commission are also included on the current Town Board agenda.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board (PRTR)  
No report; the Tree Board will meet tomorrow at 5 pm and PRTR will meet a week from Friday.
- Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO  
Mayor Vazquez noted that Windsor Housing Authority is at 100% occupancy; they are moving forward with Phase 2 and have finalized the Phase 1 financial structure. MPO meets the first Thursday of each month.

5. Invited to be Heard

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

C. CONSENT CALENDAR

1. Minutes of the January 12, 2015 Regular Town Board Meeting – P. Garcia
2. Advisory Board Appointments – P. Garcia  
**Town Board Member Adams motioned to approve the Consent Calendar as presented; 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.**

D. 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. 2014-1486 – 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

**Town Board Member Adams motioned to approve Ordinance No. 2014-1486, An Ordinance Annexing and Zoning Certain Territory known as the Harmony Ridge Annexation to the Town of Windsor, Colorado on Second Reading; Town Board Member Bishop-Cotner seconded the motion.**

Associate Planner Olhava provided an overview of the agenda item and noted that the project had been reviewed in accordance of Article 1, Chapter 15 which provides the purposes and procedures for annexation projects. The applicant, HR Exchange, LLC, represented by Mr. Jeff Mark of the Landhuis Company, has requested 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 displayed the site plan and annexation plats noting the 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 and notes from the meeting are included in the packet materials. 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.

Mr. Olhava stated that the applicant’s representative was present for questions.

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. 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

**Town Board Member Melendez motioned to approve Resolution No. 2015-04; Town Board Member Baker seconded the motion.**

Associate Planner Olhava stated the resolution is to approve the annexation agreement for the Harmony Ridge Annexation which was included in the Town Board packet for review. Per statute, the resolution takes place after second reading of the ordinance. Staff recommended approval of the resolution as presented.

Town Attorney McCargar stated that the goal was to reach an agreement to unify development concepts with Harmony Ridge Annexation and Windsor North Annexation that was approved in 1985. Mr. McCargar noted that HR Exchange would not only be developing Harmony Ridge but also a large portion of the Windsor North Annexation. It was noted that those involved have worked very hard on the agreement.

Town Board Member Melendez inquired if the concerns from the Town of Timnath had been addressed.

Mr. McCargar stated that an agreement had been reached with Timnath on maintenance of Harmony Road and a cost sharing agreement and noted that law enforcement have been in discussions regarding responsibilities. Mr. Arnold also referred to the buffer zone which will be included in the Master Plan agreement which will be discussed in the following agenda item.

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

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

**Town Board Member Melendez motioned to open 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.**

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 noted the Master Plan was reviewed in accordance with Article 2, Chapter 15 which outlines the purposes and procedures of a Master Plan. Mr. Olhava went on noting the applicant, HR Exchange, LLC and Mr. Jeff Mark, of the Landhuis Company, represented by Mr. Jim Birdsall, requested to Master Plan approximately 426 acres in the Town of Windsor. 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.

On Monday, November 3, 2014, the applicants and their representatives held a neighborhood meeting at the Community Recreation Center. 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 directly adjacent to the existing subdivision, 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. Mr. Olhava provided images of the Master Plan noting the grading on the site, proposed detention ponds/areas, and the proposed school site in the center parcel with an adjacent park site.

In addition to comments at the meetings, neighbors have written staff letters and emails regarding their concerns for the project. Staff also received a letter from the Town of Timnath during the review of the Land Use Map Amendment for Harmony Ridge which included concerns regarding the community separator land use depiction; Mr. Olhava stated the intent was to emphasize there needs to be a buffer. Staff has talked to the applicant regarding the buffer noting it is to be similar as to the buffer along Fairgrounds Avenue between Highland Meadows and Fairgrounds Avenue which is about a 100 foot buffer. The applicant is working on a buffer along the western edge that will move with the proposed lots. It was noted that the 100 foot buffer was simply an example as that is what is currently existing in Town; it is something that will be worked out during the subdivision phase.

Pursuant to an inquiry from Mayor Vazquez, Mr. Olhava stated that the land use map has always shown a community separator along the western edge and in working with the developer part of the annexation agreement was to focus the commercial on Harmony Road.

Mr. Olhava also noted that an additional concern from the residents and Town of Timnath was the increase in traffic along Harmony Road. As development increases along Harmony Road, it will be the responsibility of the developer to improve those areas with their developments.

Mayor Pro Tem Baker asked if there was anything that compels the developer to improve the roadways.

Mr. Olhava stated that topic will be addressed during the subdivision development based; he believes some of the improvements are included in the annexation agreement.

Associate Planner Olhava reported that the applicant had not submitted a subdivision plat for review at this time. During the subdivision process, a development agreement will be worked on to address all off-site and on-site infrastructure improvements, among other items.

Mr. Olhava stated that 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 the recommendation. It was noted the applicant was present to address questions or comments.

Mayor Vazquez asked if anyone had reached out to the school district regarding the proposed site for the school and, based on other dedicated school sites that have remained vacant, if there needed to be a discussion regarding a fee in lieu.

Mr. Olhava stated that the area is warranted by the school district for an elementary school site and they believe that the development alone will almost fill the need for a school in the area; it was noted the site location is due to the fact it would be centrally located in the development. Mr. Olhava noted that there is flexibility in the process if the location needs to change and referenced Water Valley South as an example.

Jeff Mark, Landhuis Properties, noted that the school site will probably change as it is on the five to seven year plan which will give time to determine the appropriate location; it will happen as the school district is animate about the addition of a 10-acre elementary school site provided the community gets built out at some point in time.

Mr. Mark noted the lengthy process of the Master Plan. He stated they outlined the best they could do in writing within the annexation agreement which holds everyone accountable and lines out their responsibilities including traffic. Mr. Mark stated they have met with the neighborhood on two occasions and noted that their biggest concerns were the lots abutting their properties; the 6,000 to 10,000 square foot lots did not work for the property owners on the westerly section which included the buffer. At the neighborhood meeting there was discussion for larger lots in lieu of the buffer. The lots range in width from 80-140 feet to 180-250 feet deep which generate 14,000-15,000 square foot lots on the north end and get bigger going south on the property up to 29,000 square feet. This effort was to meet the property owners request of E2 zoning as a buffer around their property. They are maxed on capacity due to sewer capacity at around 1,600 units. If they stay with single family homes they will be at about the 1,200 unit range which would be under three per acre. Mr. Mark noted that property had been zoned RMU since the 1990's; 40% of the abutting lots were built after the section in question was zoned RMU. The Planning Commission approved the land use map amendment and provided a recommendation of approval of Master Plan with the condition that there are no more than four lots abutting each adjacent property owners lot.

Town Board Member Adams asked to see the proposed school site on the map.

Mr. Mark stated it is actually further south than what was depicted on the map and noted the current placement could change as it is a 5-7 year outlook.

Mayor Vazquez referenced the Parcel B Exhibit and asked what the open space was along the west.

Mr. Mark referred to the road network from CR 13 and south off of 76 and noted there is a gas line that runs through the west side of road. In order to meet overall open space requirements the way they want it planned, they have planned open space on both sides of the road which is a collector road.

Mayor Vazquez asked if the buffer and open space could be adjacent to the existing lots instead of adjacent to the roadway and having the density nearby to the roadway.

Mr. Mark stated that there are drainage requirements to be met. He noted the detention facilities on the map. He noted there had been a buffer abutting adjacent property owners, which due to negotiations, went away in lieu of the larger lots.

Mayor Vazquez stated he wants the project to be successful and asked if there was a way to incorporate the Town's landscape buffer requirements to get Mr. Marks where he needs to be and still enhance the separator.

Mr. Marks stated there is always a varying opinion through the neighborhood meetings. He noted that they could discuss adjusting the setback requirements as the lots are very deep.

Mayor Vazquez opened the meeting for public comment.

Cheryl Van Ackern, 36476 Brian Avenue, Windsor stated that HR Exchange is not from Windsor and noted they do not know what Windsor citizens want and does not appreciate the character and value of the agrarian estate living based on the Master Plan that was submitted. The neighbors have voiced concern about the proposed density of Harmony Ridge and have attended meetings and met with individual regarding their concerns. A petition with 83 signatures was submitted to the Planning Commission requesting lower density and transitional density development. Ms. Van Ackern requested that the Town Board reject the proposed Master Plan and redirect a Master Plan that is consistent and compatible with the current neighborhood which does not encourage urban sprawl. Ms. Van Ackern provided suggestions for the number of lots that should be permitted to abut the current lots and limiting the number of single family home residential lots and multi-family units. She noted that the developer is not looking at density related to the E2 zoning, only lot sizes. The higher density areas in Windsor are built around the community corridor and placing urban development in the middle of estate lots has not been the norm. Ms. VanAckern noted it was not what they expected when they purchased their property and requested that those in audience that agreed with her comments to stand. A majority of the room stood in support.

Denise Hazzard, 6740 Alexander Drive, Windsor provided a visual which showed the Windshire and New Windsor developments. Based on information she gathered from the Weld County Assessor website, she found there were 645 homes on 425 acres. In comparison, Harmony Ridge is 426 acres with an estimated 1,200 homes. Ms. Hazzard stated they had moved to Alexander Estates to escape urban sprawl and enjoy a country atmosphere and is concerned with Harmony Ridge bordering the current properties. Ms. Hazzard also noted the wildlife that are located in the area.

Tim Troyer, 6735 Alexander Drive, Windsor, concurred with comments provided by Ms. Van Ackern, particularly related to transitional density. Mr. Troyer believes that lots abutting their 2

acre lots should be 1½ to 2 acre lot sizes. He understands there will be development but believes it should be done responsibly. He also noted he had recommended at the meeting at the recreation center several months ago that the school location should be flipped to the southwest side of the road as he does not believe anyone that lives in Alexander Estates thought there would be an elementary school near them.

Rosalind Liotto, 36933 CR 15, Windsor, has attended several meetings at the Towns of Windsor, Timnath and Weld County and questioned if the proposed high density development is appropriate for the area. She noted the other local developments in the area that are less dense and also reported on other areas within a few miles with proposed development up to 3,500 homes. Ms. Liotto stated that if open space is not preserved the communities along Harmony Road will become a suburb of Fort Collins. She recommended the Town of Windsor make sure this development is done correctly as there are no “do overs” on subdivisions.

Patrick Milinazzo, 36746 Brian Ave, Windsor, is opposed to the high density, particularly the lots nearest to the acreage lots. He requested that the Master Plan be rejected and requested the developer bring back something much lower in density. The imposition of the restriction of four abutting lots per existing lot does not lower the density of the plan. He addressed concerns regarding having a large population of Windsor outside of the city center. Mr. Milinazzo stated he did not want to trade the buffer zone for the larger lots; the property owners asked for larger lots and the developer made the choice to take away the buffer zone. They currently enjoy the benefits of having larger lots, with substantial buffers between neighbors, mountain views, etc. and the high density would remove that.

Sunny Raniere, 36714 Brian Avenue, Windsor, does not feel this is a responsible choice given Windsor’s long term vision. Ms. Raniere noted the estate lots and the choice to live in that particular area. She is also concerned regarding the busy roadways; Harmony Road is already very busy. She requested the builder be proactive with the safety of the roadways as that is her biggest concern including the density with the hope that they can work with the builder to come up with something that is more realistic.

Ted Raniere, 36714 Brian Avenue, Windsor, is not opposed to the development but stated he is against the density. He is against the density, the transitional density, against the lack of consideration to the adjacent landowners in Roth and Alexander Estates. He spoke of concerns regarding the current traffic volume.

Jean McCreery, 36699 Brian Avenue, Windsor, requested the Town Board encourage less density for the development. She stated that the additional number of potential homes is overwhelming; the current plat denotes four properties abutting her property. She noted the small, 5,000 square foot lots across the street and the transition from their rural subdivision to high density is sad for those who appreciate their views and open spaces. She noted the buffer zone and larger lots was what she had wanted. Pursuant to a question from Mayor Vazquez, Ms. McCreery stated that one of her largest concerns is the proximity of the buildings to her property line. The property owners had asked the developer why the buffer along the main arterial line hadn’t been flip-flopped to be adjacent to Alexander and Roth Estates.

Rocky Caivano, 6856 Alexander Drive, Windsor, stated the developer is appeasing Timnath property owners through a right of way and buffer but noted it would be beneficial if the buffer was flipped to run the border of the current Windsor development.

Brett Johnson, 37673 Brian Avenue, Windsor, agreed that the proposed density for the adjacent development is too high. He noted concerns regarding the proximity of buildings to his property along with the destruction of the atmosphere of the estate zoning. Mr. Johnson noted his concern when the plat changed from having the buffer zone to the larger lots. He understands the land will be developed, but wants it done responsibly and coherent with the current density.

Town Board Member Melendez inquired how many homes are in the current Alexander and Roth Estate area.

The public responded there are currently 78 homes.

Mayor Vazquez noted that the concern is the compatibility of RMU zoning, which is considered high density, next to E1 or E2 Estate zoning. Staff noted that 5-6 residential units are allowed per acre in areas zone single-family.

Nick Zenzen, 36682 Pauline Place, Windsor, inquired how many square miles are in Windsor.

Mayor Vazquez responded 24.6.

Mr. Zenzen asked why the Town would be 20% of its population in less than one square mile; he believes having that many lots in a small area lends itself to having issues with infrastructure, roads, and sewer.

Jerry Kuyper, 6650 Alexander Drive, Windsor, stated his concerns regarding the high density and amount of traffic on Harmony Road. He requested the traffic issue be addressed by the developer prior to any development and that the developer be included as part of the funding solution. He requested the Town of Windsor be responsible and hold others responsible for related growth.

Ron Miller, 36656 Roth Place, Windsor, stated he expected continuity based on other developments in Windsor. He appreciates the view and does not want to see a string of property fences along his back lot.

Mary Zenzen, 36682 Pauline Place, Windsor, stated that she concurred with her neighbors to keep the density down. Ms. Zenzen brought forward ideas on how to develop and items that should be thought about as Windsor moves forward, she recommended emulating development in Fort Collins. She inquired about a scenario analysis which Windsor does not do for residential development. Ms. Zenzen stated she would like to see a scenario analysis to see how growth will be funded.

Maria Troyer, 6735 Alexander Drive, Windsor, noted the current issues related to traffic which will only increase. She stated concern with there being only a piecemeal plan for addressing the transportation issues. Ms. Troyer noted she rides her horses and accesses the riding trails and areas in the surrounding community while on her horse. She hopes she can maintain a buffer

area so she can exit her home on her horse.

Holly William, 36901 Brian Avenue, Windsor, has a lot that abuts to the proposed subdivision. She noted that the properties in Alexander Estates are 2½ acres and those in the Roth Subdivision are about one acre. She would like to have in writing that there will be no more than two lots adjacent to the acres in the Roth Subdivision as that would allow her to see between the two homes and not lose her view. Ms. William noted the loss of buffer was a discussion they had with the developer; it was nothing that had been agreed to.

Ann Mascarenas, 37189 Northwest Drive, Windsor, noted that this is only one piece of this development which will likely move east. She would like to have a precedence set for when this type of action comes up again. The proposed development and density takes away the country feel; she would like to reach an agreement that would make the area a good place for everyone to live. Ms. Mascarenas stated she had brought up the buffer with Mr. Mark at a meeting and took responsibility for the idea that moving the buffer would probably eliminate a lot of their problems if they would make the area conducive to what they have now and gradually move the density out

Victor Sellers, 36687 Roth Place, Windsor, stated that he moved to this area as it was in the country. He noted that this development will be five miles outside of Windsor and doubted if anyone will go into Windsor, they will be going to Fort Collins. He inquired what type of community this will become as the property and residence will be \$275,000; he is hoping this to be an upscale area.

Karen Worden, 37285 Lee Lake Avenue, Windsor, stated that she has always looked at this area as the gateway into the northwest section of Windsor. She inquired what the Town Board's vision is for that corridor. She stated she would prefer to retain the buffer and then start with estate zoned lots and move out to higher density going east.

Patricia Kuyper, 6650 Alexander Drive, Windsor, asked Mayor Vazquez his thoughts regarding the development and buffer. Mr. Vazquez engaged in the conversation and acknowledged his job is to protect all landowner rights. He acknowledged that the Harmony corridor has changed tremendously over the years. He supports a developer who can meet the code requirements and be a good neighbor and perform based on the development agreement. Ms. Kuyper stated she wants the developer to build responsibly; wants the traffic issues taken care of prior to development.

Stephanie Thomas, Northern Engineering, reviewed the Master Plan and the flip-flopping of the open space brought up by Mayor Vazquez during the public comment. Ms. Thomas reviewed the slope of the site and the location of the detention ponds and drainage and noted they had to grade everything towards the gas line which goes with the existing topography. She explained that is why the open space is where it is. Mayor Vazquez did not agree with the assessment of why the open space was on the west side as opposed to the east side. Ms. Thomas and Mr. Vazquez discussed drainage based on information related to the site.

Mr. Marks stated that, putting drainage aside, that they are 18 months into the project and they are putting their best foot forward. He stated they have already agreed to the open space and it is a nice buffer.

Mayor Pro Tem Baker noted confusion regarding the greenbelt or bigger lots; if the greenbelt could be added back in it would be maintained by the metropolitan district. It would be more of a solution of creating a buffer zone and then potentially bigger lots transitioning to more dense lots.

Mr. Marks provided the following comments:

- Regarding maximum density, Mr. Marks stated the property has sewer capacity for 1,600 homes and does not believe they will achieve 1,200-1,300 unless they build multi-family units.
- It was clarified that the open space that is used by the current property owners is actually private property; Mr. Marks stated they would be happy to share their land for those who want to hike and ride their horses on the property.
- The property itself was purchased for \$10M; they do not feel it was a fire sale purchase.
- They are being proactive regarding traffic/roadways and will build out traffic improvements both internal and external; many of the improvements are stipulated in their annexation agreement. They will determine the impact they bring to the neighborhood and will build it out to that impact. They are being proactive, along with the Town of Windsor. Multiple traffic studies have been completed; actions will be taken based on triggers at certain feature dates based on build out.
- He feels they have been responsible developers thus far.
- Mr. Marks stated that RMU zoning does not allow for 5,000 square foot lots.
- Regarding a comment regarding emulating Fort Collins, he noted that Fort Collins encourages single family with much higher density.
- Regarding the concerns regarding view from current property owners, they surveyed the adjacent properties and there is a 4-6 foot fall from the Roth and Alexander Estates to the houses they will be building. The grading should preserve the view.
- The buffer was removed as they thought that was what the residents wanted. The notes from the community meeting regarding the buffer discussion were included in the Town Board packet.
- Mr. Marks stated that they would accept installation of a 42" split rail fence.

Mayor Vazquez asked about the setback; he noted that the minimum setback is 20 feet from the back of the lot and asked Mr. Marks if he would be willing to increase the setback for the development which would include all structures including workshops, etc.

Mr. Marks stated their lots range from 180 to 250 feet deep and noted that they would need to fit a house on it. Mr. Vazquez noted his concern is with the back of the lot. Mr. Marks is willing to discuss requirements.

It was noted that the area that abuts the current residents is 44 acres.

Mayor Pro Tem Baker asked if there was a way to guarantee the density.

The Master Plan will include a cap on the number of units which can't be increased.

There was further discussion regarding the difference in covenants between Roth and Alexander Estates along with improvement of Harmony Road.

**Town Board Member Bishop-Cotner motioned to close 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.**

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

**Board Member Bishop-Cotner motioned to approve Resolution No. 2015-05; Town Board Member Adams seconded the motion.**

Associate Planner Olhava had nothing further to add.

Town Board Member Melendez asked what would happen if the resolution was not approved at the meeting. Town Attorney McCargar advised that the subdivision process cannot proceed without a Master Plan; if the Master Plan is not approved it may have to be amended and resubmitted which could take several months.

Mr. Olhava noted that the Planning Commission recommended approval and stated that during the platting there will be more detail on the improvements and take into account the setback of a structure from the rear of the lots and incorporate some of the buffer concerns.

Mayor Pro Tem Baker stated he still was not clear on the buffer issue.

Associate Planner Olhava explained that early discussions included a buffer between the existing estate lots and the proposed lots; it is something that staff would look to see in creating a transition area based on what they have capability of doing in their review. The developer had discussed this at the neighborhood meeting, whether to keep or move the buffer, increase the lot size, concerns regarding people walking back and forth as well as trash being left there. The developer was taking into account the various concerns when establishing the buffer.

Mr. Marks stated they are willing to discuss the buffer, or have a common area that would be maintained by the metropolitan district or personal property that would be maintained by the property owner.

Mayor Pro Tem Baker asked if there could be a conservation easement or a park put in to act as a buffer and also asked if green space could be shifted to create more of a buffer.

Associate Planner Olhava stated that park requirements are standard for new developments along with location requirements. He has understood from the developer that they cannot shift the road geometry as the lots are in place based on gas easement, drainage,

etc. An option discussed was including a buffer along a separate tract and maintained by the metropolitan district; staff does not know what that would look like, ie, trees or open space.

Town Manager Arnold stated that if the Town Board was not ready to make a decision, they could set up an informal session with the developer and staff to continue evaluation of the project.

Town Board Member Morgan stated that he has lived in a location where there was a buffer and it just gathered trash. He stated there are higher densities near the proposed development such as Timnath Ranch. It is up to the developer to market the project.

Associate Planner Olhava stated that his notes include the rear setback and split rail fence requirements. Town Attorney McCargar noted the items will be included in the subdivision agreement which will be recorded.

Town Board Member Rose stated that he understands the feel of where they live and the environment. It is also a fact of life; developers have the right to develop land. Mr. Rose stated that there needs to be a compromise that takes into account the rights of the current property owners and the developer. He stated that the process is missing the transition phase and thinks the Town can find a better way to do it and will be voting against the Master Plan as presented.

Town Board Member Melendez stated that there are two groups that both have rights. The piece that is missing is more of a promising compromise and does not believe it is there yet.

Mayor Vazquez stated that he thought they were coming to a good compromise and that progress had been made until the end of the discussion; he is prepared to support the Master Plan with the compromises.

Town Attorney McCargar stated the Master Plan as presented did not include any conditions but staff understands the Town Board's expectations for the development review when it comes to the building zone and the split rail fence; the motion does not need to be amended. The details will be added during the subdivision process.

**Roll call on the vote resulted as follows: Yeas – Morgan, Bishop-Cotner, Adams, Vazquez; Nays – Baker, Rose, Melendez; Motion passed.**

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

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2015-06; Mayor Pro Tem Baker seconded the motion.**

Town Attorney McCargar addressed the Board noting the resolution was a housekeeping matter as when the Windsor North Annexation was approved it was under unified ownership; a portion

of the Harmony Ridge (HR Exchange property) that had been discussed during the meeting, falls within the Windsor North Annexation. The agreement recognizes that the two property owners (HR Exchange and Christopher J. Frye) may pursue development approval separately by the Town.

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

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

**Town Board Member Melendez 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 second reading; Town Board Member Morgan seconded the motion.**

Director of Planning Plummer noted the ordinance had been presented and approved on first reading by the Town Board on January 12, 2015. The Planning Commission recommended approval with SF1 zoning for the Pace Property which is located on the west side of County Line Road between SH392 and Crossroads Boulevard. There have been no changes since first reading and staff recommended approval.

Mayor Vazquez opened the meeting for public comment.

John McCoy, property owner's representative, stated it was the wish of the family for the property to be zoned RMU.

Mayor Vazquez stated that the applicant has made the request for RMU zoning but under the current conditions there is uncertainty related to infrastructure and sewer; he noted that as that information becomes clearer he would be willing to entertain a rezoning request at a later date.

**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 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

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

Associate Planner Olhava stated that this was second reading of an ordinance to rezone approximately eight acres from General Commercial to Residential Mixed Use. 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.

There was no further information conveyed from the applicant.

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.**

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

**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; Town Board Member Adams seconded the motion.**

Town Attorney McCargar stated this is second reading of the ordinance fixing the compensation of the Municipal Court Judge and Clerk; adoption will bring the Town into compliance with state statute. The compensation has been incorporated into the 2015 Town of Windsor budget.

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.**

9. Public Hearing – 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
  - Staff presentation: Josh Olhava, Associate Planner

**Town Board Member Adams motioned to open 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.**

Associate Planner Olhava presented the agenda item to the Town Board and provided an overview of the nomination to designate the Eaton House as a historic landmark. Mr. Olhava stated that Article XXVIII of Chapter 16 of the Windsor Municipal Code outlines the purposes of the Historic Preservation Ordinance and the process for landmark designations. The property is located at 130 N. 5th Street adjacent to Boardwalk Park and is zoned Central Business and Open Space. 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. The home was built by Mr. Eaton for his workers and remained with the Eaton family until Mr. Eaton's passing in 1904. The designation and recommendation is for the preservation of the central portion of the home.

Mr. Olhava went over the criteria for designation noting that proposed landmarks must be at least 50 years old and meet one or more of the criteria for architectural, social, or geographical/environmental significance. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria. It was noted that the Eaton House does not meet any of the architectural criteria but Mr. Olhava explained that it did meet the social criteria of exemplifying cultural, political, economic or social heritage of the community and association with a notable person or the work of a notable person. It met the geographical/environmental criteria through enhancing sense of identity of the community. Staff comments were included in the packet materials.

Mr. Olhava went on to explain that the physical integrity of the proposed landmark would also be evaluated based on the following criteria; it was noted that a property did not have to meet all of the criteria. The criteria met includes: the property shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, State or nation; retains original design features, materials and/or character, and original or same historic context after having been removed.

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.

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.

Town Board Member Melendez asked about the financial liability once the structure is designated.

Mr. Olhava stated that part of the landmark designation process is to make the structure more competitive on grant applications. The Parks Department is working on a grant application for a historic structural assessment which will provide information as to what the costs could be to remove the additions on the building and determine what the other impacts on the structure are. Once the historic structural assessment is completed, the Parks Department can then determine how to move forward.

Mayor Vazquez inquired what the purpose of the designation was; he is leery of state programs as they are easier to get into than get out of.

Mr. Olhava stated there are no ties with the structural assessment grant. Town Board Member Bishop-Cotner stated that this would simply be a local designation so the Town can apply for the grants and determine the best direction.

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

**Town Board Member Melendez motioned to close the public hearing; Mayor Pro Tem Baker seconded the motion.**

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

**Town Board Member Adams motioned to approve Ordinance No. 2015-1493, An Ordinance Designating the Eaton House building, 130 N. 5<sup>th</sup> Street, as a Local Historic Landmark on first reading; Town Board Member Bishop-Cotner seconded the motion.**

Associate Planner Olhava had no further information and stated that the Historic Preservation Commission recommended approval of the Ordinance.

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

11. Public Hearing – Final Major Subdivision - Falcon Point Subdivision – Chris Ruff, applicant

- Quasi-judicial action
- Staff presentation: Paul Hornbeck, 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 Hornbeck stated that this is an application for a preliminary and final subdivision for Falcon Point; the subdivision as a whole encompasses approximately 40 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.

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.

Chris Ruff, applicant, addressed the Town Board and noted that Falcon Point is a small industrial park and a precursor to developing the entire corridor from 257 east along SH392. The intent is to develop the industrial portion with a retail project to be seen by the Town Board this summer or early fall.

Mayor Vazquez opened the meeting for public comment.

Open for public comment.

Rosalind Liotto, 36933 CR 15, Windsor asked if this would create a plan to get around the train traffic on 257 and go on 392 and drop down in the area to get to the ballfields.

Mayor Vazquez stated that the Public Utilities Commission won't allow any crossings from the north side to the south side.

**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.**

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

**Town Board Member Bishop-Cotner motioned to approve Resolution No. 2015-07; Mayor Pro-Tem Baker seconded the motion.**

Associate Planner Hornbeck had no further information related to the agenda item.

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

13. Site Plan Presentation – Falcon Point Subdivision, Lot 3 – Cutters Wireline – Chris Ruff, applicant

- Staff presentation: Paul Hornbeck, Associate Planner

Associate Planner Hornbeck stated 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 which was just approved by the Town Board. Outdoor storage will be limited to 65% based on the zoning.

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;
- stone wainscot along front and wrapping around the sides.

Pursuant to discussions between Mayor Vazquez and Director of Planning Plummer regarding wainscot requirements, Chris Ruff, applicant, stated that the spirit, if not the Code, has always been that you have brick or stone wainscot across the front and wrapped around the sides. He never knew realized it was not a requirement in the Windsor Municipal Code. He stated that this will be a nice looking building in the industrial park with landscaping and a privacy fence to hide the storage of the work vehicles; it will be a nice attribute to the Town. Mr. Ruff envisions approximately 50 employees.

## 5. COMMUNICATIONS

1. Communications from the Town Attorney  
Town Attorney McCargar stated John Frey wanted to extend his thanks to the Town and the community regarding his retirement party.
2. Communications from Town Staff  
None.
3. Communications from the Town Manager

Town Manager Arnold stated the work session the following week would be at the Community Recreation Center; it will be a joint meeting with the Parks, Recreation & Culture Advisory Board and followed by a discussion regarding enclaves.

4. Communications from Town Board Members  
None.

6. ADJOURN

**Town Board Member Bishop-Cotner motioned to adjourn the regular meeting; Town Board Member Adams seconded the motion.**

The meeting was adjourned at 10:32 p.m.

A handwritten signature in black ink that reads "Patti Garcia". The signature is written in a cursive, flowing style.

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Patti Garcia, Town Clerk