



TOWN BOARD REGULAR MEETING
July 25, 2016 - 7:00 P.M.
Town Board Chambers
301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

MINUTES

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:03 p.m.

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| 1. Roll Call | Mayor
Mayor Pro Tem | Kristie Melendez
Myles Baker
Christian Morgan
Ken Bennett
Paul Rennemeyer
Brenden Boudreau
Ivan Adams |
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Also Present:	Town Manager Town Attorney Communications/Assistant to Town Manager Town Clerk/Assistant to Town Manager Chief of Police Director of Planning Senior Planner Communications Manager Director of Economic Development Town Prosecutor Deputy Town Clerk	Kelly Arnold Ian McCargar Kelly Unger Patti Garcia Rick Klimek Scott Ballstadt Josh Olhava Katie Van Meter Stacy Johnson Kim Emil Krystal Eucker
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1. Pledge of Allegiance
Town Board Member Boudreau led the Pledge of Allegiance.
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board
Town Board Member Bennett motioned to approve the agenda as presented; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.
3. Board Liaison Reports
 - Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate

- Mayor Pro Tem Baker had no update.
- Town Board Member Morgan – Water & Sewer Board; Clearview Library Board
Town Board Member Morgan had no update.
- Town Board Member Bennett – Planning Commission; Windsor Housing Authority
Town Board Member Bennett reported the Planning Commission met and the items that were discussed are on the agenda this evening.
Mr. Bennett reported the Windsor Meadows Phase 2 project through the Windsor Housing Authority is under budget and scheduled to be completed by the end of August. An open house is scheduled for September 29, 2016. There are currently 300 individuals on the waiting list for Windsor Meadows and over 300 individuals on the waiting list for senior housing. The Windsor Housing Authority is considering land purchase for additional senior housing.
- Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority
Town Board Member Rennemeyer had no update.
- Town Board Member Boudreau – Chamber of Commerce; Planning Commission alternate
Town Board Member Boudreau had no update.
- Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams had no update.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez had no update.

4. Invited to be Heard

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

B. CONSENT CALENDAR

1. Minutes of the July 11, 2016 Town Board Meeting – K. Eucker
2. Financial Report June 2016 – D. Moyer

Town Board Member Adams motioned to approve the agenda as presented; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

C. BOARD ACTION

1. Ordinance No. 2016-1522 - An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC, and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative
Super-majority vote required for adoption on second reading
 - Second reading
 - Legislative action
 - Staff presentation: Josh Olhava, Senior Planner

Per Mr. Olhava the applicants are requesting to annex approximately 155.4 acres to the Town of Windsor; the application is also known as the Labue annexation. The property will be zoned Recreation and Open Space (O) and is located adjacent to and north of Crossroads Boulevard.

The application is consistent with various goals of the 2016 Comprehensive Plan as well as the Vision 2025 document.

Ms. Melendez inquired if there have been any changes since first reading.

Mr. Olhava stated there have been no changes.

Mr. Morgan inquired if there is a section of Crossroads Boulevard that will not be in the Windsor's town limits.

Mr. Olhava stated there is a section of Crossroads that will remain in the county.

Mr. Arnold stated Weld County has recently improved the county section of Crossroads and after the approval of the annexation there will be a small section that still remains in the county.

Mr. Morgan inquired if it is possible to annex the Weld County section into the Town of Windsor.

Mr. Arnold stated the property owner has no interest in annexing into Windsor but will inquire if just the road could be annexed.

Ms. Melendez inquired if there was any comment from the public to which there was none.

Mayor Pro Tem Baker motioned to approve Ordinance No. 2016-1522 - An Ordinance Annexing and Zoning Certain Territory known as the Labue Farm Annexation to the Town of Windsor, Colorado; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

2. Resolution No. 2016-54 – A Resolution Approving an Annexation Agreement between the Town of Windsor and VIMA Partners LLC, TROLLCO Inc, and the Weld RE-4 School District with Respect to the Labue Farm Annexation to the Town of Windsor, Colorado – TROLLCO Inc., VIMA Partners LLC, and Weld RE-4 School District, applicants/ Patrick McMeekin, applicant's representative
 - Legislative action
 - Staff presentation: Josh Olhava, Senior Planner

Mr. Olhava had nothing further to add.

Staff recommends approval of Resolution No. 2016-54 as presented.

Town Board Member Morgan motioned to approve Resolution No. 2016-54; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

3. Resolution No. 2016-55 – A Resolution Appointing Representatives To The Northern Colorado Regional Tourism Authority Board Of Directors, Recommending Commercial Property Owners For Appointment To Said Board Of Directors By The Colorado Economic Development

Commission Pursuant To Section 24-46-306 Of The Colorado Revised Statutes, and Authorizing Further Funding Of The Go NoCo Entity

- Legislative action
- Staff presentation: Stacy Johnson, Director of Economic Development

Per Ms. Johnson the Go NoCO Board of Directors will be transitioning into the Northern Colorado Regional Tourism Authority (NCRTA). The State Statute for the Regional Tourism Act (RTA) dictates Windsor will have the following 4 appointees to the NCRTA Board; Kristie Melendez as the elected official, Myles Baker as the community member at large, and two commercial real estate owners. The Town was asked to submit three commercial real estate owners for the two Windsor NCRTA Board seats and there are two individuals confirmed; Chris Ruff and Tom Muth. Once the list is finalized, it will be submitted along with the other Go NoCO entities in the application to the Economic Development Commission and then the commission will chose seven of the 12 commercial property owners to sit on the board.

The City of Loveland, Larimer County, and the developer for the Stanley Film Center have been funding the Go NoCO operation through the their dissolution, current projection is September of 2016. Windsor's cost share includes an initial \$15,000 payment with a not to exceed amount of \$29,000 for 2016. The Town Board will be notified of any and all additional payments after the initial payment is made to Go NoCO.

Mr. Boudreau inquired if the Resolution will need to be amended when the third individual is chosen for the list of commercial real estate owners.

Mr. McCargar stated there are different options to include the third individual and more research will need to be done to determine the best option. The statute does not require any particular form for referring the names for the three commercial real estate owners.

Town Board Member Adams motioned to approve Resolution No. 2016-55; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

4. Site Plan Presentation – Jacoby Farm Subdivision 3rd Filing, Lot 7 – Starbucks Drive-thru, 1570 Main Street – J. Clint Jameson, CenterPointe Development Group, applicant/ Jennifer Hippisley, Point Consulting, LLC and Scott Higa, G3 Architecture Inc., applicant's representatives
 - Staff presentation: Josh Olhava, Senior Planner

Per Mr. Olhava the applicant, represented by Ms. Jennifer Hippisley and Mr. Scott Higa, is proposing a new site development in the Jacoby Farm Subdivision. The site is zoned General Commercial (GC) and surrounded by other commercial users and commercial zoned property. In addition, the site is located within the Commercial Corridor Plan area.

Site characteristics include:

- 1 new 2,200-square foot Starbucks with drive-thru;
- 21 dedicated, off-street parking spaces, including an accessible parking space;
- a dedicated drive-thru aisle that can accommodate approximately 10 cars; and

- approximately 23% of the site to be landscaped.

Building details include:

- wall and parapet articulation;
- the use of exterior insulation and finishing system (EIFS), wall cladding, aluminum framed windows, and stone veneer on the facades; and
- metal louvered sunshades.

The Town's Commercial Corridor Plan requires no more than 35% of a façade have the EIFS system and the project is currently at 43%; discussions will continue with the applicant on incorporating more stone.

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 projects review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission and Town Board for review.

The application is consistent with various goals of the Comprehensive Plan as well as the Vision 2025 document.

Mr. Arnold inquired as to how the drive thru will work.

Mr. Olhava stated individuals will enter the property via private drive and signage will point them to the drive thru along the west perimeter that wraps around to the south of the building, between the building and Main Street and then exit through the parking lot to the north or they can park in the parking lot. The drive through distance is similar to other Starbuck establishments in the area.

Mr. Arnold inquired if there is an order board.

Mr. Olhava stated there will be an order board that will be approved through a separate process through the Planning Department.

Ms. Melendez inquired if there are two parking spaces on the north side of the property.

Mr. Olhava stated there are two spaces to the north of the property. Also the trash enclosure is tucked into the site to prevent blocking circulation of traffic.

Mr. Arnold inquired as to what a private drive means and who maintains that.

Mr. Olhava stated an HOA is in place through this development for maintenance of private drives and they are part of a shared system.

Mr. Baker inquired if there is parking on the private drives.

Mr. Olhava stated there is no parking on the private drives due to space requirements and fire access.

Ms. Melendez inquired as to the size of the trees when they are planted.

Mr. Olhava stated trees need to be approximately 2" in diameter to meet minimum requirements.

Ms. Melendez inquired if a revised plan will come back before the Board.

Mr. Olhava stated if there are substantial changes it will be back before the Board but this project is not anticipated to have substantial changes.

Mr. Bennett commented that this project needs substantial changes as it is part of the entry way to Windsor's business section and is highly visible from the highway.

Mr. Olhava stated there is approximately a foot tall berm with landscaping intended to screen the vehicles in the drive thru.

Mr. Boudreau inquired as to where the maximum of 35% EIFS for façades in the Commercial Corridor Plan derived from.

Mr. Ballstadt stated the first corridor plan was adopted in the late 1990s for the west Main Street corridor and over time the Town adopted other corridors. Approximately three years ago the Town Board consolidated all the corridor plans into one user friendly document. Through the process, the Planning Commission and Town Board reviewed comparable numbers to other jurisdictions.

Mr. Rennemeyer inquired if the location is comparable in size to current Starbucks in neighboring Johnstown and believes the Windsor location could be heavily congested.

Mr. Olhava stated the parking lot at the Johnstown location is deeper and provides more parking spaces. The Johnstown location does not have an intersection to work with so that is part of the concern having the second access point being so close to the private drive entrance.

Mr. Rennemeyer inquired if there is another way to locate the building on the property.

Mr. Olhava stated if the building front was not along Main Street then there would be more views of the parking lot, dumpsters and service areas which goes against the Commercial Corridor Plan.

Jennifer Hippisley, the applicant's representative stated this is the first Starbucks that they have designed but they have not had previous issues with a drive thru cutting through the parking lot.

Mr. Rennemeyer inquired if the space size meets requirements.

Mr. Olhava stated the site meets all parking standards.

Mr. Morgan stated he agrees with Mr. Bennett that the overall appearance on Main Street does not seem as appealing as others. Mr. Morgan also stated traffic that flows east will be funneling to one exit through an already congested private property.

Mr. Arnold inquired if the lots in the area are individually owned.

Mr. Olhava stated they are individually owned.

Mr. Arnold inquired if there is a covenant on shared parking.

Mr. Olhava stated the only area that has shared parking is the eastern portion of King Soopers but the lots to the west of that site have no shared parking.

Mr. Rennemeyer stated he also agrees with Mr. Morgan's comment regarding the congestion of traffic intending to go east on Main Street.

Mr. Arnold stated the property to the north will take some of the traffic out as the site is developed. If the traffic becomes a problem, discussions can take place with the land owner to provide a short term solution.

Mr. Ballstadt stated a 4-way stop is not feasible for the area as there is a risk of vehicles stacking up.

Mr. Rennemeyer inquired if it is possible to allow individuals to go east on Main Street from intersections to the west of the site.

Mr. Ballstadt stated the access points and the medians in the vicinity are designed specifically to CDOT standards.

Mr. Baker inquired about Mr. Arnold's statement regarding fronting costs.

Mr. Arnold stated it was regarding completing the road going west.

Ms. Melendez inquired if a round-a-bout could work in the area.

Mr. Ballstadt stated a round-a-bout would take up too much space and right-of-way.

Mr. Rennemeyer inquired if the east turn lane at the intersection at 15th and Main Street could be improved to move traffic.

Mr. Arnold stated a request could be made to CDOT to evaluate the movement and lighting.

Mr. Arnold inquired if the site plan does not get approved, would the application still qualify.

Mr. Ballstadt stated if staff and the application are not able to come to a compromise that meets the Commercial Corridor Plan then it would be the applicant's option to submit either a proposal for a variance or a waiver of the corridor plan requirement which would go before the Planning Commission. If the applicant does not agree with the Planning Commission, they could file an appeal and that would go before the Town Board.

Mr. Arnold inquired if the applicant modified the EIFS down 8%, then the project would be in compliance.

Mr. Olhava stated the application would be in compliance with the Commercial Corridor Plan but there could still be aesthetic issues that need to be agreed upon. The importance of dressing up the façade was discussed at the concept meeting.

Ms. Melendez inquired if the applicant is willing to comply with the with design standards.

Mr. Olhava stated the presentation is the second step in the process so there have been modifications to the initial design that includes the parapet articulation and more stone.

Mr. Bennett commented that there is a high level of confidence in town staff to work with the applicant on the aesthetics of the building but if there is no cooperation on the applicant's behalf, to bring the site plan back before the Town Board.

Mr. Boudreau inquired if the applicant is in compliance with the corridor plan, is there anything the Town can do.

Mr. McCargar stated if the applicant meets the minimum standards under the corridor plan then they have satisfied the minimums.

Mr. Boudreau commented there is a lot of disagreement on the way that Starbucks has designed their building but the Town cannot control all aspects of the building.

Mr. Bennett commented that based on the incentives being given to the applicant, cooperation is expected.

Ms. Melendez stated the consensus of the Board is to allow the project to move forward with the recommendations of staff.

5. Community Development Report

- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Ballstadt provided an overview of the Community Development Report which includes projects that are under review, project that are under construction and infrastructure that is under construction. Single family building permits are on pace for an all-time high at 317 permits through June.

Mr. Arnold stated there may be issues regarding water at the Windsor Charter Academy and they may be beginning a request to the Town Board to make installment payments for water.

D. COMMUNICATIONS

1. Communications from the Town Attorney

Mr. McCargar reminded the Board of the executive session.

2. Communications from Town Staff

Chief of Police Rick Klimek informed the Board of the Community Night Out event scheduled for August 2, 2016. Addresses and times have been provided to Town Board Members and any updates will be forwarded as they are received.

Mr. Ballstadt stated a request has been received to amend the IGA between Windsor, Severance and Village East to allow single family residential uses into the areas that are specified as commercial and industrial.

3. Communications from the Town Manager

None

4. Communications from Town Board Members

None

E. EXECUTIVE SESSION

An executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to redevelopment of certain downtown property. (K. Arnold)

Town Board Member Rennemeyer motioned to go into executive session pursuant to Colorado Revised Statutes § 24-6-402 (4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators with respect to redevelopment of certain downtown property; Town Board Member Adams seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

Upon a motion duly made, the Town Board returned to the regular meeting at 10:18 p.m.

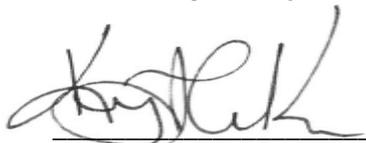
The Executive Session was closed and the Town Board returned to the Regular Meeting.

Upon returning to the regular meeting, Mayor Melendez 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 10:18 p.m.

F. ADJOURN

Town Board Member Morgan motioned to adjourn; Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Bennett, Rennemeyer, Boudreau, Adams, Melendez; Nays- None; Motion passed.

The meeting was adjourned at 10:18 p.m.



Deputy Town Clerk, Krystal Eucker