



**TOWN BOARD REGULAR MEETING**  
October 24, 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.

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AGENDA

A. CALL TO ORDER

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

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

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

B. CONSENT CALENDAR

1. Minutes of the October 10, 2016 – K. Eucker
2. Resolution No. 2016-71 – A Resolution Approving the Accessioning of Items to the Town of Windsor Museum Collection – E. Lucas
3. Resolution No. 2016-72 – A Resolution Appointing Directors To The Boards Of Directors Of The Raindance Metropolitan District Nos. 1-4 – I. McCargar

C. BOARD ACTION

1. Ordinance No. 2016-1526 Repealing and Amending Portions of Chapter 17 Article XIII of the Municipal Code regarding Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center Area (CAC)  
*Super-majority vote required for adoption on second reading*
  - Second reading
  - Legislative action
  - Staff presentation: Scott Ballstadt, Director of Planning
2. Resolution No. 2016-73 – A Resolution of the Windsor Town Board Supporting the Passage of Measures Referred to the Voters by the Weld RE-4 School District Board for Consideration on November 8, 2016
  - Legislative action
  - Presentation: Kristie Melendez, Mayor
3. Resolution No. 2016-74 - A Resolution Appointing the Presiding Judge and Associate Judge for the Town of Windsor Municipal Court, and Confirming the Term of Office for Each
  - Legislative action
  - Staff presentation: Kim Emil, Assistant Town Attorney
4. Site Plan Presentation – River Valley Crossing Subdivision, Lot 5 – Christian Brothers Automotive – Stephen Greenlee, owner/ Todd Rand, Baseline Engineering Corporation and Jonathan Wakefield, Christian Brothers Automotive Corporation, applicant’s representatives
  - Staff presentation: Josh Olhava, Senior Planner
5. Site Plan Presentation – Cornerstone Subdivision 1<sup>st</sup> Filing, Lot 1, Block 1 – Tolmar Windsor Campus – Charles Mays, Tolmar Inc., applicant/Jon Sweet, TST Inc., applicant’s representative
  - Staff presentation: Carlin Barkeen, Chief Planner
6. Economic Development Report
  - Staff presentation: Stacy Johnson, Director of Economic Development
7. Financial Report for September 2016
  - Staff presentation: Dean Moyer, Director of Finance

D. COMMUNICATIONS

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

E. ADJOURN



## PROCLAMATION

Whereas, change is constant and affects all cities, towns, counties, and other places; and

Whereas, community planning and plans can help manage change in a way that provides better choices for how citizens' work and live; and

Whereas, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

Whereas, the full benefits of planning require public officials and citizens who understand, support and demand excellence in planning and plan implementation; and

Whereas, the month of October is designated as national community planning month throughout the United States of America and its territories; and

Whereas, the celebration of national community planning month provides an opportunity to recognize the participation and dedication of members of planning commissions and other citizens who have contributed their time and expertise to the improvement of their communities;

Now, therefore, the Town of Windsor, Colorado, does hereby proclaim October 2016 as National Community Planning Month in recognition of Windsor's dedication and commitment to community planning.

Dated this 24<sup>th</sup> day of October, 2016.

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Kristie Melendez, Mayor



**TOWN BOARD REGULAR MEETING**  
October 10, 2016 - 7:00 P.M.  
Town Board Chambers  
301 Walnut Street, Windsor, CO 80550

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MINUTES

A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:0 p.m.

1. Roll Call

Mayor  
Mayor Pro Tem

Kristie Melendez  
Myles Baker  
Christian Morgan  
Ken Bennett  
Paul Rennemeyer  
Brenden Boudreau  
Ivan Adams

Also Present:

Town Manager  
Town Attorney  
Town Prosecutor  
Communications/Assistant to Town Manager  
Chief of Police  
Communications Manager  
Director of Planning  
Director of Parks, Recreation and Culture  
Parks and Open Space Manager  
Deputy Town Clerk

Kelly Arnold  
Ian McCargar  
Kim Emil  
Kelly Unger  
Rick Klimek  
Katie Van Meter  
Scott Ballstadt  
Eric Lucas  
Wade Willis  
Krystal Eucker

2. Pledge of Allegiance

Town Board Member Morgan led the Pledge of Allegiance.

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

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

4. Board Liaison Reports

- Mayor Pro Tem Baker – Parks, Recreation & Culture Advisory Board; North Front Range/MPO alternate  
Mayor Pro Tem Baker reported the Parks, Recreation and Culture Board received a presentation on the Town of Windsor Strategic Plan. A review commenced to improve marketing, communication and regional visibility with a focus on customer service and

- diversification of programs and facilities. A trail request was being brought forward and then put on hold to put more work into the request after discussions took place with staff.
- Town Board Member Morgan – Water & Sewer Board; Clearview Library Board  
Town Board Member Morgan reported the Library Board received a presentation from the school district on their bond issue and met with the engineers for the design work on the new library facility.  
Mr. Morgan reported the Water & Sewer Board will meet this October 17, 2016 and Mr. Rennemeyer will be attending the meeting.
  - Town Board Member Bennett – Planning Commission; Windsor Housing Authority  
Town Board Member Bennett had no report.
  - Town Board Member Rennemeyer – Historic Preservation Commission; Great Western Trail Authority.  
Town Board Member Rennemeyer reported the study being conducted by Colorado State University regarding historical churches in Windsor is moving forward.  
Mr. Rennemeyer reported the Great Western Trail Authority's Trail Manager is working with property owners adjacent to the trail to establish relationships.
  - Town Board Member Boudreau – Chamber of Commerce; Planning Commission alternate  
Town Board Member Boudreau reported the Chamber of Commerce will be meeting on October 12, 2016 at 7:00 and the Annual Dinner is scheduled for October 19, 2016.
  - Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board  
Town Board Member Adams reported the Tree Board discussed plans for 2017, discussed the float that was presented during the Harvest Festival and decided to use the award money from the float contest to replace a dead tree in Windsor. The Tree Board approved a motion to continue hosting the Colorado Community Forestry Conference.  
Mr. Adams reported the Poudre River Trail Corridor Board was informed of the Greenway Master Plan which contains three components; inventory of the Poudre studies, plans and documents, preparation of material for sharing and updating the corridor and a final plan for compatible land uses in the greenway corridor. A report was also given on the condition and capital needs of the trail; members shared their concerns regarding the extensive repairs needed as a result of the lifecycle of the improvements as well as the flooding that has occurred. A discussion also took place regarding the best way to provide a sustainable means to maintain and manage the corridor over time. A discussion regarding the potential donation of land by Broe to the Town of Windsor also took place.
  - Mayor Melendez – Downtown Development Authority; North Front Range/MPO  
Mayor Melendez reported the Downtown Development Authority has been working on their 2017 budget. The next meeting will be October 12, 2016 at 7:30 am and discussions will take place regarding how to evaluate the executive director position and developing a strategic plan for the upcoming year.  
Ms. Melendez reported the MPO director will be making a presentation to the Town Board in early 2017 regarding what the MPO does and what they will be working on in 2017. The MPO is looking into expanding the VanGo service to Estes Park. The MPO meeting was held in Johnstown and the opportunity was available to drive an electric fund. An electrical charging station is available at the Community Recreation Center and funding options are being considered for a second electrical charging station at the public works facility. The air quality banner was displayed at the CRC during the grand opening to remind us all to take care of our air. The MPO's call for project brought forth 17 projects for the year and 15 of those were funded. The two projects that were not funded were not funded intentionally

because they have their own funding source and will in turn be completed. Windsor received \$1 million for the interchange improvements at Highway 257 and Eastman Park Drive.

The Pell Study on Highway 34 from County Road 47 ½ to Glade Road is estimated to be an 18 month project with a budget of \$2.1 million.

The Crossroad Boulevard interchange and bridge construction is underway and the truck climbing lane at Berthoud is on schedule and expected to be completed by the end of the year.

A legislative roundup hosted by Collation I-25 is scheduled for December 7, 2016 at 6:30 in the South Weld County Office.

5. Public 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 September 26, 2016 Town Board Meeting and October 4, 2016 Special Meeting – K. Eucker
2. Advisory Board Appointments – P. Garcia
3. Report of Bills September 2016 – D. Moyer
4. Cancellation of December 26, 2016 Town Board Meeting – P. Garcia

**Town Board Member Rennemeyer moved to approve the agenda as presented; Mayor Pro Tem Baker 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. Public Hearing – Ordinance No. 2016-1526 Repealing and Amending Portions of Chapter 17 Article XIII of the Municipal Code regarding Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center Area (CAC)
  - Legislative action
  - Staff presentation: Scott Ballstadt, Director of Planning

Per Mr. Ballstadt, Ordinance No. 2016-1526 consists of enhanced design standards that would apply to new development within the Corridor Activity Center (CAC) that was established by the Town's Intergovernmental Agreement with the City of Fort Collins. The City of Fort Collins, Colorado Department of Transportation and the Town of Windsor cooperated to make the improvements to the I-25/SH 392 interchange in 2010. The Town of Windsor and the City of Fort Collins entered into an IGA and that agreement anticipated that the CAC area would be treated as a gateway to both communities and therefore the IGA required both communities to adopt acceptable design standards which were completed in 2010 and 2011. Those existing standards are in Chapter 17 of the municipal code.

In May of 2015, the Town of Windsor received a request from a property owner within the CAC to amend the IGA and add additional uses such as auto dealerships. The request prompted

discussions with Fort Collins regarding design standards. The Town Board approved Resolution No. 2016-24 on April 11, 2016 and forwarded the proposed enhanced design standards to Fort Collins. In the time since the Town forwarded that proposal to Fort Collins, the property owner has withdrawn their request to amend the IGA. Therefore in July of 2016, staff removed the references that were specific to auto dealerships and those revised design standards were submitted to the City of Fort Collins which they have approved.

The Planning Commission considered the enhanced design standards and held a public hearing on September 21, 2016. The neighbor concerns included building height which is addressed in the municipal code. Also, neighbors had concerns on the width of the buffer requirements between the existing neighborhoods and future commercial uses; the buffer width has been expanded at the request of the neighbors although the neighbors would still like a wider buffer.

Mike Downey provided differences in standards between Windsor and Fort Collins and staff have responded to those comments which were provided to Mike Downey. It is also requested the response to the standards be entered into the record.

At this time, Windsor shouldn't make changes to the design standards without further consideration and referral to Fort Collins. The Planning Commission at their regular meeting on September 21, 2016 recommended the Town Board approve the enhanced design standards.

Mr. Baker inquired as to what the buffer zones were before the enhanced design standards were proposed.

Mr. Ballstadt stated the original proposal was 20-30 feet so the distance was increased and included a sliding scale that the buffer can be reduced in size if the landscaping is increased or if the landscaping is at a minimum the distance would need to be greater.

Mr. Baker inquired if there was a landscape factor in the previous buffer requirements.

Mr. Ballstadt stated the sliding scale is new to the buffer zones. The buffer zone is unique to this area as other areas in town abide primarily by building setbacks.

Mr. Baker inquired if there is little vegetation there would need to be a 60 foot buffer.

Mr. Ballstadt stated that is correct. All commercial and industrial uses go through a site plan process so during that process staff would also be looking at things such as screening of headlights and possible fencing or screen walls.

Mr. Bennett stated, "Madam Mayor, for the record I would like to disclose 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 only on the evidence presented during this public hearing."

Mr. Adams inquired as to what the reaction of Fort Collins was to the proposed revenue amendment in the IGA.

Mr. Ballstadt stated the item presented tonight is solely design standards. The other parts of the proposal to Fort Collins are still being negotiated.

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

Russ Sizemore, 8204 Mummy Range Drive, Fort Collins, CO inquired as to what will happen with the frontage road when the improvements begin on I-25.

Mr. Arnold stated the intention is that CDOT will need that right of way for the project. Windsor has not met with CDOT but they do intend to meet with the property owners adjacent to the project. Mr. Arnold took Mr. Sizemore's information and will forward it to CDOT to contact him directly.

Elaine Burritt, 7931 Bayside Drive, Windsor, CO still has concerns with the size of the buffer zones and building heights. Ms. Burritt is asking for an 80 foot buffer and building height limits to be included in the design standards.

Diane Howell, 7919 Bayside Drive, Windsor, CO stated she is not happy with the buffer area size and fees it should be larger and feels building heights should be specified in the standards.

Mike Downey on behalf of property owner Doug Moreland commented that it is not understood why a buffer restriction is placed on this area when there are no other areas with buffer areas. Mr. Downey also stated the landscape standards and berming could restrict views of businesses from I-25.

Heidi Jahnke, 7948 Bayside Drive, Windsor, CO is concerned about the buffer zone width and feels it should be increased.

**Town Board Member Adams moved to close the public hearing; 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. Ordinance No. 2016-1526 Repealing and Amending Portions of Chapter 17 Article XIII of the Municipal Code regarding Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center Area (CAC)
  - Legislative action
  - Staff presentation: Scott Ballstadt, Director of Planning

Mr. Ballstadt stated at their September 21, 2016 regular meeting, the Planning Commission forwarded a recommendation of approval to the Town Board of the enhanced design standards.

Ms. Melendez commented that there have been several emails received in the course of the week on this topic and inquired if those emails should be entered into the record.

Per Mr. McCargar, that is appropriate and for clarity of the record, Mr. Ballstadt's presentation before the public hearing was opened should also be incorporated into the legislative history behind the ordinance.

Mr. McCargar stated it is appropriate to include emails from property owners into the record. Also for clarity of the record, Mr. Ballstadt's presentation before the public hearing was opened should also be incorporated into the legislative history behind this ordinance.

Mr. Boudreau confirmed if the amendments are removing the auto dealership as an option for development and adding the buffer zone.

Mr. Ballstadt stated that is correct and the standards that were sent to Fort Collins in April included the auto dealerships which were removed after the property owner rescinded his request.

**Mayor Pro Tem Baker moved to approve Ordinance No. 2016-1526 Repealing and Amending Portions of Chapter 17 Article XIII of the Municipal Code regarding Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center Area (CAC); Town Board Member Bennett seconded the motion.**

The majority of the Board members commented that they are in support of the design standards.

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

3. Resolution No. 2016-70 – A Resolution Approving a Donation Agreement Dated October 10, 2016, Between the Town of Windsor and Broe Land Acquisitions, II, LLC, for the Donation of Approximately 150 Acres of Land to the Town of Windsor
  - Legislative action
  - Staff presentation: Eric Lucas, Director of Parks, Recreation & Culture; I. McCargar, Town Attorney

Per Mr. Willis, Broe Land Acquisitions has approached the Town with an interest to dedicate 150 acres to the Town of Windsor. Town staff has been working closely with Broe Land Acquisitions to explore the possibility of accepting this land. The land is very valuable from an open space perspective and supports the Comprehensive Plan in regards to preservation of open space specifically along the Poudre River Corridor. The space was the Kodak Watchable Wildlife Area and on a recent trip to the location there is indication that this space might be the original homestead of Benjamin Eaton. The donation of land would also secure the Poudre Trailhead and portions of the trail that are on a 20 year easement with the landowner.

Broe is looking to retain some rights on the property which include the existing oil facilities. Broe will also pursue sand and gravel mining and in turn utilizing the gravel pits as long term water storage. The Town has asked for a date certain for the sand and gravel mining and once that commences, which has to be started by 2026, the work will need to be completed within five years and restoration of the property will also need to occur.

The site is master planned to have the Crossroads Boulevard go through the space.

An environmental study has been completed and there were no major blemishes that appeared on the property.

Mr. McCargar stated should there be any objections to the physical conditions of the property; those concerns will need to be submitted to Mr. Lucas by October 25, 2016. If there are issues to the title of the property, those would be referred back to Broe to be resolved by November 1, 2016 and then the Town Board would be asked to approve and accept the deed to the property on November 28, 2016.

Mr. Morgan inquired if the agricultural use will be leased from the Town.

Mr. Willis stated the intent is to continue farming operations as long as possible. The current lease will expire at the end of the year but the owner of the property could renew that lease for future years.

Mr. Baker inquired about the existing wildlife watch area and if that will be continued or enhanced.

Mr. Willis stated 15-20 years ago there was an area that was leased to Colorado Parks and Wildlife and was designated as a watchable wildlife area and that lease has since expired.

Ms. Melendez inquired about what Broe's expectations are for the property.

Broe Representative Erik Halverson stated the expectation is to maintain the land as open space.

Ms. Melendez inquired about the sand mining.

Mr. Halverson stated the property would be conveyed to the Town and Broe will have a certain amount of time up until 2026 to start mining operations which would be completed within five years.

M. Melendez inquired as to when the Town would be able to work with the property.

Mr. Willis stated those conversations have not taken place yet.

Mr. Morgan inquired if there are any issues with chemicals used in agriculture that could harm wildlife.

Mr. Willis stated the farmers would be held to a standard of which they would not be able to apply any chemicals that would be harmful to the environment.

Mr. Arnold stated it would likely be dictated by the Town's liability insurance company.

Mr. Arnold inquired as to the estimated value range of the property.

Mr. Lucas did not have an estimate.

Mr. McCargar stated he has communicated to Broe's lawyer that the Town does not need to be a party in how the property is valued when it involves the charitable donation aspect.

Mr. Bennett inquired as to the liability with this property or any other open space.

Mr. McCargar stated in the mining and water storage circumstances, the Town expects the gravel mining operations to be fenced to fence out intruders and signage will also be put up. Should individuals enter then the liability for the Town is significantly reduced.

**Town Board Member Morgan moved to approve Resolution No. 2016-70; 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.**

#### D. COMMUNICATIONS

1. Communications from the Town Attorney  
None
2. Communications from Town Staff  
Mr. Ballstadt stated the Colorado Oil and Gas Commission have adopted new rules and regulations regarding oil and gas operator registrations and Windsor has received four registrations.  
Mr. Lucas thanked the Town Board and staff for attending the grand opening at the Community Recreation Center (CRC) on October 8, 2016 and the CRC has been busy since the grand opening.  
Ms. Unger introduced the intern in the Town Manager's office Elizabeth Blythe.  
Ms. Van Meter stated an annual report is being worked on with an article on the Strategic Plan and its process; asked for volunteers from the Town Board to be interviewed for the article.
4. Communications from the Town Manager  
Mr. Arnold reminded the Town Board of the Municipal Judge interviews on October 17, 2016. The Retail Study Analysis will be presented on October 24, 2016 and October 31, 2016 is the 5<sup>th</sup> Monday so no meeting is scheduled although November 2, 2016 is a joint meeting with Severance and the Planning Commission to discuss an IGA amendment.  
The annual banquet is scheduled for December 9<sup>th</sup> which will include a dinner starting at 5:30 with the Colorado Eagles game to follow.
5. Communications from Town Board Members  
Mr. Adams thanked town staff with all the work that has been done in the last week and the Parks and Recreation Department for their work on the grand opening. Mr. Adams also commended the Mayor on recent speeches.  
Mr. Bennett stated he has utilized the recreation center and thanked the staff for their work on the project.  
Ms. Melendez stated Mr. Adams and herself accepted an award on behalf of the Town of Windsor at as the first Energy Partner of the Year award that was given by Energy Community Charity Organization.

#### E. ADJOURN

**Town Board Member Morgan moved to adjourn; Town Board Member Boudreau 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 8:27 p.m.



## MEMORANDUM

**Date:** October 24, 2016  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Eric Lucas, Director of Parks, Recreation & Culture  
**Re:** Museum Collections Accession  
**Item #:** B.2.

### **Background / Discussion:**

The Parks, Recreation, and Culture Advisory Board (PReCAB) will occasionally have the opportunity to review recommended accessions and deaccessions to the permanent collection of the Town of Windsor Museum, per adopted policies. PReCAB has reviewed the attached items and has recommended accessioning items at their September 13, 2016 meeting.

Museum collection items are only accessioned into the collection when they fit the following criteria:

- Object illustrates unique Windsor heritage as specified in mission statement.
- Known provenance.
- Object displays rarity as specified in collections criteria
- Collection supports object's interpretive potential for exhibition.
- Stable Condition
- Museum can adequately care for object

All items listed are items currently in the museums possession, and have been donated to the museum.

### **Financial Impact:**

Museum staff does not foresee any financial impact associated with the formal accession of these items.

### **Recommendation:**

Move to approve Resolution 2016-71, to accession museum collections items as presented by staff.

### **Attachments:**

- b. Resolution 2016-71
- c. Donation Acquisition Forms for Potential Accession (Walker, Cullison, Christian)

TOWN OF WINDSOR

RESOLUTION NO. 2016-71

A RESOLUTION OF THE WINDSOR TOWN BOARD APPROVING THE ACCESSIONING OF ITEMS TO THE TOWN OF WINDSOR MUSEUM COLLECTION

WHEREAS, the Town of Windsor owns an extensive museum collection, the purpose of which is to preserve and enhance the rich cultural history of the Town, and to educate the public accordingly; and

WHEREAS, in October, 2010, the Town Board adopted by resolution the Town's Museum Accessioning Policy, the intention of which is to assure that items proposed for addition to the Town's Museum collection are reviewed by staff and by the Parks, Recreation and Culture Advisory Board; and

WHEREAS, the Town's Parks, Recreation & Culture Director has prepared the attached lists of items which, if accessioned, will meet the purposes and mission of the Town's Museum collection; and

WHEREAS, in keeping with the Town's Museum Accessioning Policy, the Town's Parks, Recreation and Culture Advisory Board has reviewed the attached lists of items, and has recommended that the items described therein be added to the Town's Museum Collection; and

WHEREAS, the Town Board having considered the attached lists and recommendation of the Parks, Recreation, and Culture Advisory Board, finds that accessioning of the items described in the attached listing is in the public interest and promotes the essential purposes of the Town's Museum collection.

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

The items described in the attached lists, incorporated herein by this reference as if set forth fully, are hereby accepted by the Town of Windsor as part of its Museum collection.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 24th day of October, 2016.

TOWN OF WINDSOR, COLORADO

By: \_\_\_\_\_  
Kristie Melendez, Mayor

ATTEST:

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

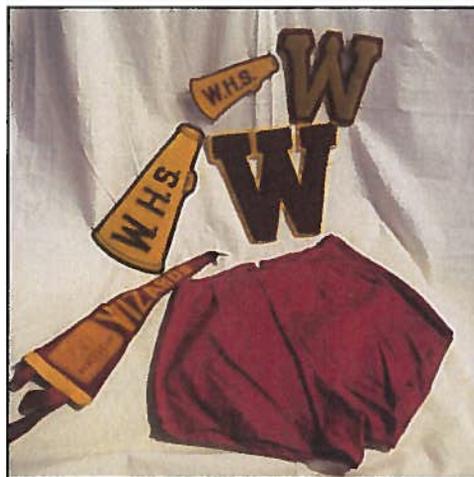


Town of Windsor  
Department of Parks, Recreation, and Culture  
Culture Division  
250 N. 11<sup>th</sup> Street \* Windsor, CO 80550

## Potential Acquisition Form

**Source:**

- Donation  
 Staff Acquired  
 Transfer / Exchange  
 Purchase



|                                    |   |
|------------------------------------|---|
| Name: <u>Bernice Walker</u>        | Date: <u>08-02-2016</u>                 |
| Address: <u>7501 County Rd. 20</u> |   |
| City: <u>Longmont</u>              | State: <u>CO</u> Zip Code: <u>80504</u> |
| Phone: _____                       | Email: _____                            |

Price: not assessed Estimated Value (for donation or transfer/exchange)

**Description and Provenance of Object(s):**

- (1) Windsor cheerleading shorts
  - (1) Windsor Wizards 1945 pennant
  - (2) Windsor "W" letterman letters, one large maroon with gold trim, one medium gold with maroon trim
  - (2) Windsor High School Cheerleading "W.H.S." letterman patch, one large and one small
- Objects belonged to Charron Kay Smith, circa 1955-1957, cheerleading memorabilia. Donor (Bernice Walker) is the niece of lola Branch, objects belonged to lola's daughter (Charron Kay Smith).

**Museum Staff Recommendation:**

Date: 08-02-216

Accept into Museum Permanent Collection:  Accept  Decline

Accept into Museum Education Collection:  Accept  Decline

Reason for Decision:

Aligns with mission

Has established provenance/story

Good Condition

Has exhibit potential

Fills gap in collection

Space to store

Other: \_\_\_\_\_

**Parks, Recreation, and Culture Advisory Board (PReCAB) Decision:**

Date: 9-13-16

Accept into Museum Permanent Collection:  Accept  Decline

Accept into Museum Education Collection:  Accept  Decline

Reason for Decision: \_\_\_\_\_

**Town Board Decision:**

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

Accept into Museum Permanent Collection:  Accept  Decline

Accept into Museum Education Collection:  Accept  Decline

Reason for Decision: \_\_\_\_\_

**Signatures:**

\_\_\_\_\_  
Art & Heritage Manager or Director of Parks, Recreation, and Culture Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor, Town of Windsor

\_\_\_\_\_  
Date



Town of Windsor

Department of Parks, Recreation, and Culture

Culture Division

250 N. 11<sup>th</sup> Street \* Windsor, CO 80550



## Potential Acquisition Form

**Source:**

- Donation  
 Staff Acquired  
 Transfer / Exchange  
 Purchase

Name: Lois Cullison Date: 08-02-2016  
Address: 3554 Westbay Dr.  
City: Columbus State: OH Zip Code: 43231  
Phone: (614) 203-7685 Email: Cullybabe9@gmail.com

Price: not assessed Estimated Value (for donation or transfer/exchange)

### Description and Provenance of Object(s):

- (7) school books used in Whitehall School
  - o Harvey's Revised English Grammar, 1878
  - o The Jones Readers by Grades book six, 1903
  - o Cyr Readers, Book one, 1891
  - o Cyr Readers, Book two, 1891
  - o The Chorus of Praise, hymnal, 1898
  - o Frye's Elements of Geography, 1898
  - o One Syllable Series: Pilgrim's Progress, no date
- Baby blanket, crocheted
- Baby sweater, crocheted
- Booties, crocheted
- 

My Cullison Grandparents and other relatives pioneered here in the 1800-1900s. My dad, Emerson Cullison was born on grandfather's farm, north of Windsor. He married Mae McLane in Windsor in 1935. Later, the schoolhouse, called Whitehall, was moved into town to the Windsor Museum Village from our farm. The teachers who taught at Whitehall school lived in those early days with my grandparents on the farm. The books I just brought in were used by my relatives at that time in that one-room school. Old school books used by students in Whitehall School.

Donor's maternal grandfather McLane moved to Windsor in 1932. The infant sweater set was worn by my mother's little sister, Kathleen McLane.

**Museum Staff Recommendation:**

Date: 08-02-216

Accept into Museum Permanent Collection:  Accept  Decline

Accept into Museum Education Collection:  Accept  Decline

Reason for Decision:

- Aligns with mission
- Has established provenance/story
- Good Condition
- Has exhibit potential
- Fills gap in collection
- Space to store
- Other: \_\_\_\_\_

**Parks, Recreation, and Culture Advisory Board (PRECAB) Decision:**

Date: 9-13-16

Accept into Museum Permanent Collection:  Accept  Decline

Accept into Museum Education Collection:  Accept  Decline

Reason for Decision: \_\_\_\_\_

**Town Board Decision:**

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

Accept into Museum Permanent Collection:  Accept  Decline

Accept into Museum Education Collection:  Accept  Decline

Reason for Decision: \_\_\_\_\_

**Signatures:**

\_\_\_\_\_  
Art & Heritage Manager or Director of Parks, Recreation, and Culture Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor, Town of Windsor

\_\_\_\_\_  
Date



Town of Windsor  
Department of Parks, Recreation, and Culture  
Culture Division  
250 N. 11<sup>th</sup> Street \* Windsor, CO 80550

## Potential Acquisition Form



**Source:**

- Donation  
 Staff Acquired  
 Transfer / Exchange  
 Purchase

|                                   |   |
|-----------------------------------|---|
| Name: <u>Stephen L. Christian</u> | Date: <u>08-02-2016</u>                 |
| Address: <u>8 Aspen Lane</u>      |   |
| City: <u>Windsor</u>              | State: <u>CO</u> Zip Code: <u>80550</u> |
| Phone: <u>970-686-5243</u>        | Email: <u>succ@q.com</u>                |

Price: not assessed Estimated Value (for donation or transfer/exchange)

**Description and Provenance of Object(s):**

- (1) Enlarging Camera, Kodak.
- (1) box with (13) blank photograph backing stock
- (1) sample photograph, black and white image of woman smelling vase of flowers on small table. Circa 1920. "Print showing the size and quality of negative made with No. 3A autographic Kodak and quality of print on Velox paper/ Mounted with Kodak dry mounting tissue/ Eastman Kodak Company Rochester, N.Y.

**Museum Staff Recommendation:**

Date: 08-02-216

Accept into Museum Permanent Collection:  Accept  Decline

Accept into Museum Education Collection:  Accept  Decline

Reason for Decision:

Aligns with mission

Has established provenance/story

Good Condition

Has exhibit potential

Fills gap in collection

Space to store

Other: \_\_\_\_\_

**Parks, Recreation, and Culture Advisory Board (PReCAB) Decision:**

Date: 9-13-16

Accept into Museum Permanent Collection:  Accept  Decline

Accept into Museum Education Collection:  Accept  Decline

Reason for Decision: \_\_\_\_\_

**Town Board Decision:**

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

Accept into Museum Permanent Collection:  Accept  Decline

Accept into Museum Education Collection:  Accept  Decline

Reason for Decision: \_\_\_\_\_

**Signatures:**

\_\_\_\_\_  
Art & Heritage Manager or Director of Parks, Recreation, and Culture Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor, Town of Windsor

\_\_\_\_\_  
Date



## MEMORANDUM

**Date:** October 24, 2016  
**To:** Mayor and Town Board  
**Via:** Regular meeting materials, October 24, 2016  
**From:** Ian D. McCargar, Town Attorney  
**Re:** Raindance Metro District director appointments  
**Item #:** B-3

### **Background / Discussion:**

Due to changes in ownership of the RainDance project, counsel for the Raindance Metropolitan Districts No. 1-4 has requested the appointment of new District Board members as follows:

- Martin Lind to a term to May 2020; and
- Justin Donahoo and Austin Lind, each to a term to May 2018.

The Districts were organized in 2014. Initially, the District's board of directors consisted of Martin Lind, Justin Donahoo Austin Lind, Donald Larrick and Andrew Larrick. The sale of the project by the Larrick corporation led to the resignations of Donald and Andrew Larrick. Inadvertently, the sale also caused the disqualification of the remaining board members. Since that time, the proposed appointees have become legally-eligible to serve on the District board via option contracts sufficient under Colorado law. According to District counsel, the proposed appointees are the only persons legally-eligible to serve as board members at this time.

Under Colorado law, the method for clearing up board appointments under these circumstances is through a Town Board appointment. The attached Resolution No. 2016-72 accomplishes this appointment.

**Financial Impact:** None.

**Relationship to Strategic Plan:** Well-planned community; supportive infrastructure

**Recommendation:** Adopt Resolution No. 2016-72 – A Resolution Appointing Directors To The Boards Of Directors Of The Raindance Metropolitan District Nos. 1-4. **Simple majority** required.

**Attachments:** Resolution No. 2016-72 – A Resolution Appointing Directors To The Boards Of Directors Of The Raindance Metropolitan District Nos. 1-4

TOWN OF WINDSOR

RESOLUTION NO. 2016 - 72

A RESOLUTION APPOINTING DIRECTORS TO THE BOARDS OF DIRECTORS  
OF THE RAINDANCE METROPOLITAN DISTRICT NOS. 1-4

WHEREAS, the RainDance Metropolitan District Nos. 1-4 (the “Districts”) are quasi-municipal corporations and political subdivisions of the State of Colorado, operating pursuant to a Service Plan approved by the Town Board of the Town of Windsor, Colorado (the “Town Board”); and

WHEREAS, the Boards of Directors of Districts (the “Boards”) are currently vacant due to a sale of the property on which the previous members of the Boards were qualified resulting in their disqualification to serve on the Boards; and

WHEREAS, in recognition of the authority conferred upon the Town Board in §32-1-905(2.5), C.R.S., the Districts have made a written request to the Town Board for appointment of directors to the Boards; and

WHEREAS, the Districts cannot proceed with the services and functions for which they were organized pursuant to Districts’ Service Plan until Boards are reconstituted, including the adoption of budgets and setting of mill levy rates are required by Colorado State law; and

WHEREAS, the Town Board desires to appoint eligible electors to the Boards so that the Districts can achieve the goals for which they were organized.

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

1. The Town Board determines that the conditions for the appointment of directors in §32-1-905(2.5), C.R.S. have been met.
2. The Town Board, in accordance with §32-1-905(2.5), C.R.S., hereby appoints Martin R. Lind to the Boards of Directors of the Districts for a term to May 2020, and hereby appoints Justin Donahoo and Austin K. Lind to the Boards of Directors of the Districts for terms to May 2018.

*[Remainder of Page Intentionally Left Blank]*

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 24<sup>th</sup> day of October, 2016.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
Kristie Melendez, Mayor

ATTEST:

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



## MEMORANDUM

**Date:** October 24, 2016  
**To:** Mayor & Town Board  
**Via:** Kelly Arnold, Town Manager  
**From:** Scott Ballstadt, Director of Planning  
**Subject:** Ordinance No. 2016-1526 – An Ordinance Repealing and Amending Portions of Chapter 17 Article XIII of the Municipal Code regarding Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center (CAC) – Second Reading  
**Items #:** C.1

### **Summary:**

This item consists of enhanced design standards that would apply to new development within the I-25/SH 392 Interchange Corridor Activity Center (CAC) in Windsor. The design standards were the subject of multiple public meetings in late 2015 and early 2016.

The Fort Collins City Council has adopted similar design standards and passed Fort Collins Resolution 2016-070 recommending to the Windsor Town Board approval of the proposed design standards.

### **Background/History:**

Windsor and Fort Collins entered into an intergovernmental agreement (IGA) pertaining to the development of the I-25/SH 392 interchange in 2010/2011 in a cooperative effort to complete improvements to the interchange. Recognizing that the I-25/SH 392 interchange is an important gateway feature for both Windsor and Fort Collins, the IGA established the Corridor Activity Center (CAC) overlay zone district (see attached map) surrounding the interchange and called for the Town and City to adopt mutually acceptable design standards that would apply to development within the CAC.

The Town and City subsequently adopted land use and gateway design standards to complement and enhance the implementation of the Northern Colorado Regional Communities I-25 Corridor Plan (Regional Plan) and the CAC was added to the Land Use Codes of each community. As part of the Intergovernmental Agreement between the City and the Town, both Land Use Codes were amended in order to implement the vision and establish a new list of permitted land uses and establish design standards for this joint planning area.

### **Discussion:**

In May of 2015, the Town Board received a request from a property owner to amend the list of allowed uses within the CAC to include automobile dealerships and related uses. This prompted the Town and City to discuss the potential for an amendment to the IGA that would amend the Permitted Use list, applicable development standards and revenue-sharing within the CAC. Based

on those discussions, the Town Board and City Council directed staff to draft additional standards for future development that would ensure high quality site, landscape and building design within the CAC gateway to both communities. The attached standards will enhance requirements for site design, landscaping, parking, building design and orientation, compatibility and lighting.

Following several work sessions and public open houses between fall of 2015 and early 2016, staff presented draft enhanced design standards at public work sessions on March 7<sup>th</sup>, March 28<sup>th</sup> and April 4<sup>th</sup>. The Town Board approved Resolution 2016-24 on April 11, 2016 and forwarded the enclosed April 21, 2016 proposal, including the design standards, to Fort Collins for consideration.

In the time since Windsor forwarded the proposal to Fort Collins, the property owner who had proposed to add automobile dealerships and related uses has since withdrawn that request. Therefore, staff removed references to auto dealerships and related standards and in July, 2016 referred to Fort Collins the revised standards. Those standards are reflected in the attached ordinance with only minor corrections.

Neighbor comments received include building heights, which are currently regulated elsewhere in the Municipal Code, and buffer yards, which were discussed at length during the public meetings earlier this year, resulting in the increased buffer widths that were proposed to Fort Collins in April and remain unchanged in the attached ordinance. Other comments called attention to differences between Windsor and Fort Collins standards and, while the language is not identical, the requirements are intended to be fundamentally the same.

At their September 6, 2016 regular meeting, the Fort Collins City Council unanimously approved the first reading of changes to the Fort Collins Land Use Code that bring their requirements up to a comparable level to Windsor. Those enhancements primarily pertain to additional landscaping and screening requirements and were approved by Fort Collins Ordinance No. 107 at second reading on September 20, 2016.

### **Legal Aspects:**

On September 6, 2016, the Fort Collins City Council adopted the attached Resolution 2016-070, which expressly consents to the Town adopting the CAC Enhanced Design Standards in the form attached to the Resolution. This version of the CAC Enhanced Design Standards is identical to that presented by the Town to Fort Collins in April, 2016, and then revised in July when the car dealerships withdrew their interest. This Resolution represents the City's official consent to modification of CAC design standards as required under our IGA with Fort Collins. This Resolution effectively confines our approval to the CAC Enhanced Design Standards as revised in July, 2016.

The IGA is a statutory Comprehensive Development Plan, mutually-binding on the parties and enforceable as to third parties. In order to preserve the integrity and enforceability of the IGA, the Town should not at this time make any modifications to the CAC Enhanced Design Standards in response to landowner or neighbor comments. If the Town strays materially from the CAC Enhanced Design Standards to which the City has consented, any proposed revisions of

substance to the CAC Enhanced Design Standards will first require referral back to the City for review before the Town takes official action on the revisions.

**Recommendation:**

Approval of ordinance on second reading.

**Notification:**

Press release issued 9/9/16

Copies of press release mailed to property owners within the CAC area 9/9/16

Public hearing notice published in the 9/16/16 Greeley Tribune

**Attachments:**

Ordinance

CAC map

City of Fort Collins Resolution No. 2016-070 recommending approval to Windsor

Excerpt from 9/21/16 Planning Commission meeting minutes

4/21/16 Windsor proposal to Fort Collins

Staff response to Downey comments

TOWN OF WINDSOR

ORDINANCE NO. 2016 - 1526

AN ORDINANCE REPEALING AND AMENDING CERTAIN PORTIONS OF CHAPTER 17 ARTICLE XIII OF THE *WINDSOR MUNICIPAL CODE* WITH RESPECT TO ENHANCED DESIGN STANDARDS WITHIN THE CORRIDOR ACTIVITY CENTER AT THE INTERSECTION OF INTERSTATE 25 AND COLORADO STATE HIGHWAY 392

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

WHEREAS, the highway interchange at Interstate 25 and State Highway 392 (“Interchange”) is a vital component to the region’s transportation network; and

WHEREAS, the Town and the City of Fort Collins (“City”) have entered into an Intergovernmental Agreement (“IGA”) that established a Corridor Activity Center (“CAC”) surrounding the Interchange on both the east and west sides of Interstate 25; and

WHEREAS, the IGA and the design standards adopted by each party to the IGA represent a Comprehensive Development Plan for all property lying within the CAC, as contemplated an authorized under § 29-20-105, C.R.S.; and

WHEREAS, the Town and the City previously agreed on permitted uses within the CAC, as well as agreed set of design standards for the development of land within the CAC, adopted by Ordinance No. 2011-1402 and codified at Chapter 17, Article XIII of the *Windsor Municipal Code*; and

WHEREAS, after comprehensive review and discussion, it was determined that an enhancement to the existing design standards was appropriate; and

WHEREAS, pursuant to the IGA, the Town and the City have each approved substantially-similar versions of the “*CAC Enhanced Design Standards*” attached hereto and incorporated herein by reference as if set forth fully; and

WHEREAS, by Resolution No. 2016-070, the City has consented to the Town adopting the *CAC Enhanced Design Standards* in the form substantially similar to the version attached hereto; and

WHEREAS, the Town Board has given due consideration to the CAC Enhanced Design Standards, and finds that these enhanced standards should be incorporated into the comprehensive development plan established under the IGA; and

WHEREAS, the Windsor Planning Commission has reviewed the CAC Enhanced Design Standards, and has recommended adoption; and

WHEREAS, by this Ordinance, the Town Board wishes to formally adopt the *CAC Enhanced Design Standards*; and

WHEREAS, the Town Board wishes to amend Sections 17-13-410, 17-13-430, 17-13-440 of the *Windsor Municipal Code* to incorporate the *CAC Enhanced Design Standards* in the form attached hereto.

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

**Section 1.** Section 17-13-410 of the Windsor Municipal Code is hereby repealed, amended and readopted to read as follows:

**Sec. 17-13-410. - Definitions.**

*Corridor Activity Center* shall mean the Interstate 25/State Highway 392 Corridor Activity Center defined in the Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange dated January 3, 2011, between the City of Fort Collins, Colorado, and Town of Windsor, Colorado, and as may, pursuant to said Intergovernmental Agreement, be amended in the future.

*Front Façade* shall mean any side of building with the primary entrance. A Front Façade may also be a Primary Façade.

*I-25 Landscape Buffer* shall mean an area of no less than eighty (80) feet, measured from the Interstate 25 right-of-way's outer boundary.

*Parking Lot* shall mean all areas used for the parking of vehicles for customers, employees, and visitors, and fleet or business vehicles.

*Primary Façade* shall mean any side of building facing toward a public or Street-like Private Drive. A Front Façade may also be a Primary Façade.

*Street-like Private Drive* shall mean any privately-owned and maintained roadway intended for public use.

**Section 2.** Section 17-13-430 of the *Windsor Municipal Code* is hereby repealed, amended and readopted to read as follows:

**Sec. 17-13-430. –Corridor Activity Center; Enhanced Design Standards, Intent and Applicability.**

- (1) The intent of these standards is to provide the tools for creating an improved quality of appearance and more integrated mix of land uses for the Windsor Corridor Activity Center (CAC). These standards apply to all development applications within the CAC other than single-family residential development and public parks or open space. These standards supplement all of the Town's adopted design standards and, to the extent that the Town's adopted standards conflict with these standards, these standards shall apply.
- (2) The Enhanced Design Standards for the Corridor Activity Center established pursuant to this Division shall apply to all building, growth and development within the Corridor Activity Center, with the exception of single-family residential development and public parks or open space. These standards supplement all of the Town's adopted design standards and, to the extent that the Town's adopted standards conflict with these standards, these standards shall apply.

**Section 3.** Section 17-13-440 of the *Windsor Municipal Code* is hereby amended by the addition of new subsections (5) – (11), which shall read as follows:

(5) **Enhanced Design Criteria –Site Design.**

To the maximum extent feasible, larger sites containing multiple buildings and uses shall be composed of a series of urban-scale blocks of development defined and formed by public streets or Street-like Private Drives that provide links to nearby streets along the perimeter of the site.

- a. In addition to a network of streets and drives, blocks shall be connected by a system of parallel tree-lined sidewalks that adjoin the streets and drives which, when combined with off-street connecting walkways, enables a fully integrated and continuous pedestrian network.
- b. To the maximum extent feasible, remote or independent pad sites, disconnected from the pedestrian sidewalk network and shared parking facilities, shall be minimized. Buildings shall be directly connected to the pedestrian sidewalk network. All parking areas shall be interconnected to provide shared parking opportunities.

(6) Enhanced Design Criteria – Landscaping.

Landscaping shall be incorporated around service areas, building entrances and throughout parking areas, vehicular and pedestrian circulation areas. All landscaping shall be in accordance with the Town of Windsor Tree and Landscape Standards, as amended, updated or replaced. The intent of these standards is to enhance the Tree and Landscape Standards in the CAC to ensure a high-quality appearance within the CAC.

- a. Site landscaping shall be twenty percent (20%) or greater, excluding the I-25 Buffer, and any applicable Buffer Yards as set forth below.
- b. Landscape designs shall strive to incorporate xeric principles.
- c. Berms and walls may also be incorporated as an element for screening.
- d. I-25 Landscape Buffer. Landscaping adjacent to Interstate 25 shall be provided in accordance with the following:
  1. Landscaping within the I-25 Landscape Buffer shall be planted predominantly with drought-tolerant grasses, interspersed with bands of shrubs and trees.
  2. A minimum of two (2) evergreen trees, two (2) shade trees, and four (4) shrubs per one-hundred (100) lineal feet of frontage shall be provided.
  3. Fences, screen walls, and Parking Lots are not allowed within the I-25 Landscape Buffer. Retaining walls should be minimized to the greatest extent possible, and shall not exceed four feet (4') in height.
  4. Parking Lots, loading and service areas shall be significantly buffered from I-25 primarily by the use of naturalistic berms and landscaping. Berm heights shall primarily be designed to provide significant buffering of Parking Lots, loading and service areas, yet allowing for some visibility of buildings and providing visual interest along I-25.
  5. Berms shall comply with the following:
    - i. Berms shall range in height from three (3) to seven (7) feet in height, dependent on the proposed finished grade of the adjacent Parking Lot, loading or service area in relation to the adjacent interstate grade. If I-25

is elevated in comparison to the grade at the edge of the proposed development, berms should be higher to achieve the same buffering effect.

- ii. Berms shall create a naturalistic appearance raising, lowering, and/or overlapping, to provide adequate buffering.
- iii. The slope of berms shall generally be no steeper than a ratio of 4:1 to allow for a naturalistic, park-like appearance, and allow for mowing.
- iv. Berms shall be located along the easternmost portion of the I-25 Landscape Buffer, while still allowing for a meandering appearance of the berms.
- v. Berms shall be predominately planted with drought-tolerant grasses, interspersed with shrubs and trees.
- vi. When berms are intended to provide significant screening of parking, loading and service areas, calling for berms greater than five feet in height, the berms and surrounding areas shall primarily be planted with drought-tolerant grasses interspersed with shrubs and a mix of shade, ornamental, evergreen trees. On average, such screening areas shall be planted with a minimum of four (4) trees and four (4) shrubs per one-hundred (100) lineal feet, requiring a minimum of 50% evergreen trees. Significant buffering of Parking Lots, loading and service areas shall be provided while allowing for some visibility of buildings.
- vii. When berms are intended to provide lower amounts of screening of Parking Lots, loading and service areas, calling for berms five feet or less in height, the berms and surrounding areas shall be planted with a higher-density mix of shade, evergreen and ornamental trees, in addition to drought-tolerant grasses and shrubs. On average, such areas shall be planted with a minimum of eight (8) trees and eight (8) shrubs per one-hundred (100) lineal feet, requiring a minimum of 50% evergreen trees. Significant buffering of Parking Lots, loading and service areas shall be provided while allowing for some visibility of buildings.
- viii. The Site Plan development review process submittals shall illustrate screening and view opportunities, including representative cross-sections and key views from adjacent streets.

e. Parking Lot Screening.

1. The perimeter of all Parking Lots shall be screened from public streets, Street-like Private Drives, public open space, and adjacent properties by at least one of the following methods for the entire perimeter length:
  - i. A berm three (3) feet high with a maximum slope of 3:1 in combination with evergreen and deciduous trees and shrubs.
  - ii. A hedge at least three (3) feet high, consisting of a double row of shrubs planted 3-feet to 5-feet on center, depending on the species, in a triangular pattern.
  - iii. A decorative fence or wall made of masonry or other high quality material between three (3) and four (4) feet high in combination with landscaping.
2. In addition to the above screening, the following landscaping is required:
  - i. Trees shall be provided at a ratio of two (2) evergreen, one (1) ornamental tree, one (1) shade tree, and four (4) shrubs per one-hundred (100) lineal feet along a public street or Street-like Private Drive.
  - ii. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right-of-way.
3. Parking Lot Landscaping:
  - i. In addition to landscape island requirements, large surface Parking Lots shall be visually and functionally segmented into smaller sections by landscape areas or islands. Each section shall contain a maximum of two hundred (200) parking spaces. The perimeter of each module shall be landscaped with a ten foot (10') wide buffer landscaped with shrubs and trees, including one tree every forty feet (40'). Each section shall contain a maximum of two hundred (200) parking spaces.
  - ii. Landscape medians and/or islands should strive to incorporate bioswales and/or raingardens throughout a site to manage runoff.
4. Buffer Yards:

- i. **Applicability.** These standards apply to all development applications within the CAC other than proposed single-family residential development and public parks or open space.
- ii. **Purpose.** The purpose of this Section is to provide standards to separate proposed non-residential development from existing single-family residential uses, in order to eliminate, mitigate or minimize potential nuisances.
- iii. **Buffer standards.** Buffer yards shall be located on the outer perimeter of a lot or parcel proposed for non-residential development abutting single-family detached uses when a common lot line is shared between the two uses.
- iv. **Only those structures used for buffering and/or screening purposes shall be located within a buffer yard.** The buffer yard shall not include any paved area, except for pedestrian sidewalks or paths. Fencing and/or walls used for buffer yard purposes shall be solid, with at least seventy-five (75) percent opacity.
- v. **Buffer yard widths are established in the chart below and specify deciduous or coniferous plants required per one hundred (100) linear feet along the affected property line, on an average basis.**

|                     |                         | <b>Plants per 100 linear feet along affected property line</b> |                         |                        |                     |
|---------------------|-------------------------|--|-------------------------|------------------------|---------------------|
| <b>Buffer Width</b> | <b>Plant Multiplier</b> | <b>Shade Trees</b>   | <b>Ornamental Trees</b> | <b>Evergreen Trees</b> | <b>Large Shrubs</b> |
| <b>40</b>           | <b>1.00</b>             | <b>4</b>   | <b>4</b>                | <b>3</b>               | <b>25</b>           |
| <b>50</b>           | <b>.90</b>              | <b>3.6</b>   | <b>3.6</b>              | <b>2.7</b>             | <b>22.5</b>         |
| <b>60</b>           | <b>.80</b>              | <b>3.2</b>   | <b>3.2</b>              | <b>2.4</b>             | <b>20.0</b>         |

- vi. **Credit for berm.** The required plant units may be reduced by 50% if a landscaped berm is provided with a minimum height of 5 feet.

5. Other landscape areas. Landscape areas outside of the I-25 Landscape Buffer, Parking Lot Screening and Buffer Yards shall consist of at least one (1) tree and five (5) shrubs for every 750 square feet of landscaped area.

(7) Enhanced Design Criteria – Parking.

- a. Applicability. These standards apply to all Parking Lots within the CAC associated with commercial, industrial, or multifamily development.
- b. Purpose. The purpose of this Section is to provide standards to enhance the physical appearance of development within the CAC by ensuring Parking Lots are designed to maintain and enhance the quality of commercial development, manage storm water runoff, reduce heat island effects, and promote a pedestrian friendly and safe environment.
- c. Standards. Parking Lots shall be located away from the Front Façade of a building to the maximum extent feasible. Such Parking Lots, if located between the Front Façade of the building and the adjacent public or Street-like Private Drive, shall be limited to no more than a single drive aisle with a single row of parking on each side. When this layout does not provide adequate parking, additional parking shall be located on sides of a building that are not a Front Façade.
- d. Parking Lots containing more than one (1) drive aisle shall include walkways that are located in places that are logical, safe and convenient for pedestrians.

(8) Enhanced Design Criteria – Building Design and Orientation.

The purpose of this Section is to provide standards to enhance the physical appearance of development within the CAC. The intent is not to limit creativity or innovation in architectural design. Applicants proposing architecture that does not comply with the following standards are encouraged to seek alternative compliance.

- a. Orientation:
  1. Primary Facades shall face an adjacent public or Street-like Private Drive.
  2. For buildings with more than one Primary Façade, facades visible from each street shall incorporate high-quality architectural materials, architectural elements and building appearance equivalent to that of the Front Façade.

3. Building details, landscaping and berming shall be combined to create a level of visual interest equivalent to that of the Front Façade for all Primary Facades on the building.
4. Service areas, loading docks, outdoor storage and mechanical equipment shall not face a public or Street-like Private Drive unless completely screened from view from all adjacent roadways and properties with combined architectural and landscape materials that complement the building.
5. To the maximum extent feasible, buildings shall be oriented to preserve intermittent views to the west.

b. Form/Façade Treatment:

1. All sides of buildings shall be of high-quality architecture and building materials.
2. Building sides facing a public street or Street-like Private Drive shall incorporate high-quality architectural materials, architectural elements and building appearance equivalent to that of the building front.
3. Entrances shall be clearly defined by architectural elements.
4. Facades shall incorporate a minimum of three (3) of the following architectural elements to emphasize building entries, doorways, walkways and window openings:
  - i. Canopies or awnings over at least thirty percent (30%) of the openings of the building; or
  - ii. Covered walkways, porticos and/or arcades covering at least thirty percent (30%) of the horizontal length of the front facade; or
  - iii. Projecting trim, ledges or similar architectural accent features between two (2) inches and six (6) inches in width around all windows and doorways; or
  - iv. Raised cornice parapets over entries; or
  - v. Some other architectural feature or treatment which adds definition to the building openings, walkways or entrances.
5. Ground floor facades that face streets or public walkways must be modulated with features such as windows, entrances, arcades, porches, pilasters, arbors, awnings,

recessed or projecting display windows along no less than 75% of the length of the façade.

6. Openings or architectural elements simulating fenestration-like features shall occupy at least twenty percent (20%) of the wall surface area of the first floor of the primary facade and walls adjacent to public rights-of-way, or visible from adjacent properties.
7. No single wall plane shall exceed 30 feet horizontal length or vertical height.
8. Wall planes shall include varying building articulation with a minimum of three feet in projection or depth from an adjacent wall plane.
9. Wall planes shall include a variety of building materials, not to exceed 75 percent of one material.
10. Facades greater than 100 feet in length shall provide a varying roofline.
11. All roof-top equipment shall be fully screened from view of adjacent roadways and properties.

c. Roof Form:

1. Buildings Less than 10,000 Square Feet.

Roofs on primary structures with a floor plate less than 10,000 square feet shall be pitched with a minimum slope of at least 5:12 or provide the appearance of 5:12 pitch through the use of a modified mansard roof. At least one of the following elements shall be incorporated into the design for each 50 lineal feet of roof:

- i. Projecting gables
- ii. Hips
- iii. Horizontal/vertical breaks
- iv. Three or more roof slope planes shall be incorporated into the overall design.

2. Buildings Larger than 10,000 Square Feet.

Roofs on structures with a floorplate of greater than 10,000 square feet shall have no less than two of the following features:

- i. Parapet walls featuring three-dimensional cornice treatment that at no point exceed one-third of the height of the supporting wall.
- ii. Overhanging eaves, extending no less than 3 feet past the supporting walls.
- iii. Sloping roofs not exceeding the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
- iv. Three or more roof slope planes.

(9) Enhanced Design Criteria – Compatibility.

*Compatibility* shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony.

*Compatibility* does not mean "identical". Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

- a. To the extent feasible, conditions may be imposed upon approval of a development project in or adjacent to an existing developed neighborhood to achieve compatibility in connection with:
  - i. a complementary or new high-quality standard of architectural character for the neighborhood, including building materials and colors which complement or create an enhanced architectural standard for the area;
  - ii. softening a building's mass and scale through building articulation, subdivision of building mass, and sensitive orientation of a building on the site;
  - iii. creating opportunities for privacy of abutting land uses; and
  - iv. limiting outdoor storage areas, mechanical equipment, loading and unloading.

(10) Enhanced Design Criteria – Lighting

- a. In addition to compliance with *Windsor Municipal Code* §16-10-100, the following lighting standards shall apply:

- i. In no event shall lighting negatively affect the safe passage of traffic on public roadways adjacent to or in proximity of the site.
- ii. Exterior building lighting and display lighting shall include fixtures with a dimming interface.
- iii. Light poles within 100 feet of a residential use or residentially-zoned property shall not exceed 20 feet in height.
- iv. Outdoor lighting shall be limited to a maximum of one thousand (1000) candela per square meter (nits).
- v. Outdoor lighting shall be L.E.D. (light emitting diode) "Dark Sky" compliant, per the International Dark Sky Association requirements for reducing light pollution and minimizing glare, sky glow, spill light and obtrusive light.
- vi. Light bulbs shall be soft-white or warm-white hues.
- vii. A photometric plan illustrating compliance shall be submitted.

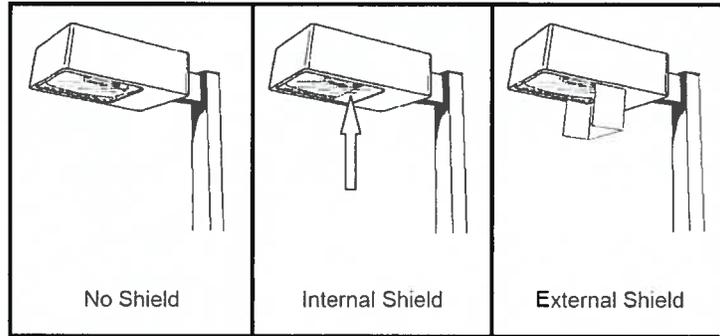
b. Lighting Time Limitations.

Parking Lot lighting shall require fixtures with a dimming interface. Lighting in and surrounding such Parking Lots shall be reduced within one hour after business closing to a level sufficient for security purposes only. All exterior illumination shall be reduced to levels sufficient for security purposes only after 10:00 p.m.

c. Shielding.

All light fixtures required to be fully shielded shall be installed to satisfy the following:

1. All outside light fixtures, including building-mounted lighting shall be fully shielded and be aimed so that the direct illumination shall be confined to the property boundaries of the source.
2. All light fixtures used on open parking garages, including those mounted to the ceilings over the parking decks, shall be fully shielded.



d. Certification.

Outdoor lighting shall be designed and certified by an engineer as conforming to all applicable restrictions of these Standards before construction commences. Further, the system shall be certified by a registered engineer following installation to verify that the installation is consistent with the certified design.

(11) Enhanced Design Criteria – Outdoor Display

Outdoor display of merchandise for sale or lease is not allowed unless specifically depicted on an approved site plan.

**Section 4.** The land use regulations set forth above shall be deemed incorporated into the comprehensive development plan established pursuant to § 29-20-105, C.R.S., for the I-25/State Highway 392 Corridor Activity Center by the City of Fort Collins and the Town of Windsor

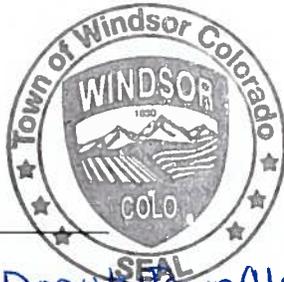
Introduced, passed on first reading, and ordered published this 10<sup>th</sup> day of October, 2016.

TOWN OF WINDSOR, COLORADO

By Kristie Melendez  
Kristie Melendez, Mayor

ATTEST:

Patti Garcia  
~~Patti Garcia, Town Clerk~~  
Krystal Eucker, Deputy Town Clerk



Introduced, passed on second reading, and ordered published this 24<sup>th</sup> day of October, 2016.

TOWN OF WINDSOR, COLORADO

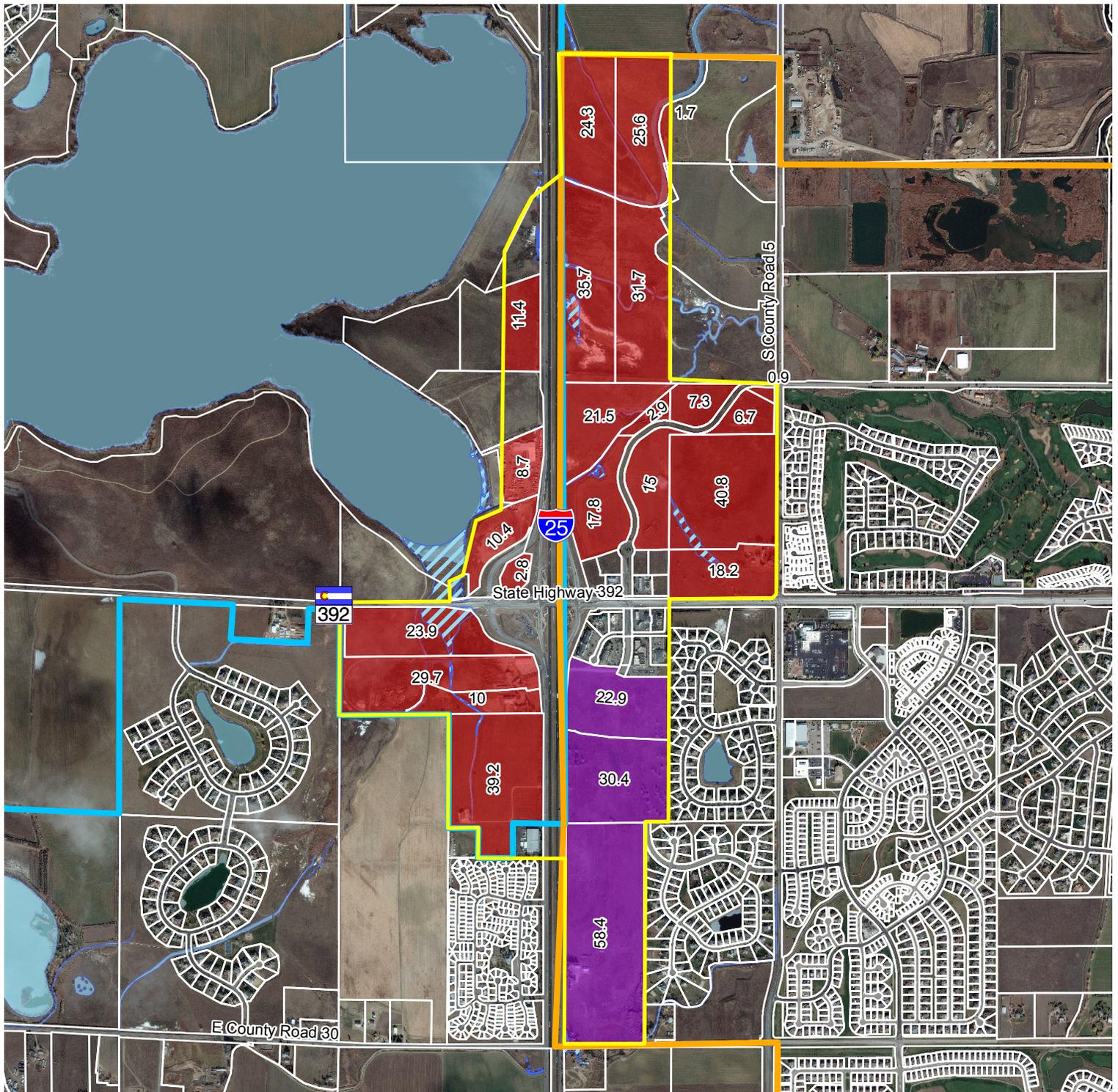
By \_\_\_\_\_  
Kristie Melendez, Mayor

ATTEST:

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

# I25 - State HWY 392 Interchange

## Corridor Activity Center



- Community Activity Center
- Windsor GMA
- Fort Collins GMA
- Wetlands
- Commercial
- Employment

City of Fort Collins      Town of Windsor  
 Gross Acres: 136.2      Gross Acres: 361.8



RESOLUTION 2016-070  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
RECOMMENDING TO THE TOWN BOARD OF WINDSOR APPROVAL OF THE  
PROPOSED CHANGES TO THE CORRIDOR ACTIVITY CENTER DESIGN STANDARDS

WHEREAS, on January 3, 2011, the City and the Town of Windsor (the "Town") entered into an Intergovernmental Agreement (the "IGA") setting forth certain understandings between the City and Town regarding development of the Interstate 25/State Highway 392 Interchange; and

WHEREAS, the IGA was subsequently amended in 2012 and 2013; and

WHEREAS, Section 3.2 of the IGA as amended in 2012 states that the City and the Town adopted standards and guidelines for the development of properties within the Corridor Activity Center (the "CAC Design Standards") and that such standards shall remain in full force and effect for a term of twenty-five years unless changes are approved by written agreement; and

WHEREAS, the City and the Town wish to codify amendments to their respective CAC design standards in order to further facilitate high quality, compatible development within the CAC; and

WHEREAS, on this date, the City Council is considering, on First Reading, Ordinance No. 107, 2016, codifying amendments to the Fort Collins Land Use Code to modify the City's CAC Design Standards; and

WHEREAS, the Town has submitted its proposed changes to the CAC design standards to the City for review and such proposed changes are attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, on May 12, 2016, the Fort Collins Planning and Zoning Board approved a recommendation to Council to approve the Town's proposed CAC design standard changes; and

WHEREAS, the Council finds that the Town's proposed CAC design standard changes are in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves of the Town's proposed CAC design standards attached hereto as Exhibit "A" and recommends that the Town codify such design standards.

Section 3. That the City Council hereby authorizes the Mayor to execute an amendment to the IGA reflecting the written agreement of the parties to the respective changes to the CAC

design standards codified by the City and the Town, with such IGA amendment being in a form that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 6th day of September, A.D. 2016.



  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

## CAC Enhanced Design Standards

### Definitions

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|                                  |  |
|----------------------------------|--|
| <b>Front Façade</b>              | Any side of building with the primary entrance. A Front Façade may also be a Primary Façade.   |
| <b>I-25 Landscape Buffer</b>     | An area of no less than eighty (80) feet, measured from the Interstate 25 right-of-way's outer boundary.   |
| <b>Parking Lot</b>               | All areas used for the parking of vehicles for customers, employees, and visitors, and fleet or business vehicles. In the case of Automobile Dealerships, Parking Lot shall not mean Vehicle Inventory Lots. |
| <b>Primary Façade</b>            | Any side of building facing toward a public or Street-like Private Drive. A Front Façade may also be a Primary Façade.   |
| <b>Street-like Private Drive</b> | Any privately-owned and maintained roadway intended for public use.  |

### General Purpose:

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The intent of these standards is to provide the tools for creating an improved quality of appearance and more integrated mix of land uses for the Windsor Corridor Activity Center (CAC). These standards apply to all development applications within the CAC other than single-family residential development and public parks or open space. These standards supplement all of the Town's adopted design standards and, to the extent that the Town's adopted standards conflict with these standards, these standards shall apply.

### Site Design:

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To the maximum extent feasible, larger sites containing multiple buildings and uses shall be composed of a series of urban-scale blocks of development defined and formed by public streets or Street-like Private Drives that provide links to nearby streets along the perimeter of the site.

1. In addition to a network of streets and drives, blocks shall be connected by a system of parallel tree-lined sidewalks that adjoin the streets and drives which, when combined with off-street connecting walkways, enables a fully integrated and continuous pedestrian network.

2. To the maximum extent feasible, remote or independent pad sites, disconnected from the pedestrian sidewalk network and shared parking facilities, shall be minimized. Buildings shall be directly connected to the pedestrian sidewalk network. All parking areas shall be interconnected to provide shared parking opportunities.

## **Landscaping:**

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Landscaping shall be incorporated around service areas, building entrances and throughout parking areas, vehicular and pedestrian circulation areas. All landscaping shall be in accordance with the Town of Windsor Tree and Landscape Standards, as amended, updated or replaced. The intent of these standards is to enhance the Tree and Landscape Standards in the CAC to ensure a high-quality appearance within the CAC.

1. Site landscaping shall be twenty percent (20%) or greater, excluding the I-25 Buffer, and any applicable Buffer Yards as set forth below.
2. Landscape designs shall strive to incorporate xeric principles.
3. Berms and walls may also be incorporated as an element for screening.
4. I-25 Landscape Buffer. Landscaping adjacent to Interstate 25 shall be provided in accordance with the following:
  - A. Landscaping within the I-25 Landscape Buffer shall be planted predominantly with drought-tolerant grasses, interspersed with bands of shrubs and trees.
  - B. A minimum of two (2) evergreen trees, two (2) shade trees, and four (4) shrubs per one-hundred (100) lineal feet of frontage shall be provided.
  - C. Fences, screen walls, and Parking Lots are not allowed within the I-25 Landscape Buffer. Retaining walls should be minimized to the greatest extent possible, and shall not exceed four feet (4') in height.
  - D. Parking Lots, loading and service areas shall be significantly buffered from I-25 primarily by the use of naturalistic berms and landscaping. Berm heights shall primarily be designed to provide significant buffering of Parking Lots, loading and service areas, yet allowing for some visibility of buildings and providing visual interest along I-25.
  - E. Berms shall comply with the following:
    1. Berms shall range in height from three (3) to seven (7) feet in height, dependent on the proposed finished grade of the adjacent Parking Lot, loading or service area in relation to the adjacent interstate grade. If I-25 is elevated in comparison to the grade at the edge of the proposed development, berms should be higher to achieve the same buffering effect.
    2. Berms shall create a naturalistic appearance raising, lowering, and/or overlapping, to provide adequate buffering.
    3. The slope of berms shall generally be no steeper than a ratio of 4:1 to allow for a naturalistic, park-like appearance, and allow for mowing.
    4. Berms shall be located along the easternmost portion of the I-25 Landscape Buffer, while still allowing for a meandering appearance of the berms.

5. Berms shall be predominately planted with drought-tolerant grasses, interspersed with shrubs and trees.
6. When berms are intended to provide significant screening of parking, loading and service areas, calling for berms greater than five feet in height, the berms and surrounding areas shall primarily be planted with drought-tolerant grasses interspersed with shrubs and a mix of shade, ornamental, evergreen trees. On average, such screening areas shall be planted with a minimum of four (4) trees and four (4) shrubs per one-hundred (100) lineal feet, requiring a minimum of 50% evergreen trees. Significant buffering of Parking Lots, loading and service areas shall be provided while allowing for some visibility of buildings.
7. When berms are intended to provide lower amounts of screening of Parking Lots, loading and service areas, calling for berms five feet or less in height, the berms and surrounding areas shall be planted with a higher-density mix of shade, evergreen and ornamental trees, in addition to drought-tolerant grasses and shrubs. On average, such areas shall be planted with a minimum of eight (8) trees and eight (8) shrubs per one-hundred (100) lineal feet, requiring a minimum of 50% evergreen trees. Significant buffering of Parking Lots, loading and service areas shall be provided while allowing for some visibility of buildings.
8. The Site Plan development review process submittals shall illustrate screening and view opportunities, including representative cross-sections and key views from adjacent streets.

5. Parking Lot Screening

- A. The perimeter of all Parking Lots shall be screened from public streets, Street-like Private Drives, public open space, and adjacent properties by at least one of the following methods for the entire perimeter length:
  1. A berm three (3) feet high with a maximum slope of 3:1 in combination with evergreen and deciduous trees and shrubs.
  2. A hedge at least three (3) feet high, consisting of a double row of shrubs planted 3-feet to 5-feet on center, depending on the species, in a triangular pattern.
  3. A decorative fence or wall made of masonry or other high quality material between three (3) and four (4) feet high in combination with landscaping.
- B. In addition to the above screening, the following landscaping is required:
  1. Trees shall be provided at a ratio of two (2) evergreen, one (1) ornamental tree, one (1) shade tree, and four (4) shrubs per one-hundred (100) lineal feet along a public street or Street-like Private Drive.
  2. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right-of-way.

6. **Parking Lot Landscaping:**

1. In addition to landscape island requirements, large surface Parking Lots be visually and functionally segmented into smaller sections by landscape areas or islands. Each section shall contain a maximum of two hundred (200) parking spaces. The perimeter of each module shall be landscaped with a ten foot (10') wide buffer landscaped with shrubs and trees, including one tree every forty feet (40'). Each section shall contain a maximum of two hundred (200) parking spaces.
2. Landscape medians and/or islands should strive to incorporate bio swales and/or raingardens throughout a site to manage runoff.

7. **Buffer Yards**

- A. **Applicability.** These standards apply to all development applications within the CAC other than proposed single-family residential development and public parks or open space.
- B. **Purpose.** The purpose of this Section is to provide standards to separate proposed non-residential development from existing single-family residential uses, in order to eliminate, mitigate or minimize potential nuisances.
- C. **Buffer standards.** Buffer yards shall be located on the outer perimeter of a lot or parcel proposed for non-residential development abutting single-family detached uses.
- D. Only those structures used for buffering and/or screening purposes shall be located within a buffer yard. The buffer yard shall not include any paved area, except for pedestrian sidewalks or paths. Fencing and/or walls used for buffer yard purposes shall be solid, with at least seventy-five (75) percent opacity.
- E. Buffer yard widths are established in the chart below and specify deciduous or coniferous plants required per one hundred (100) linear feet along the affected property line, on an average basis.

|              |                  | Plants per 100 linear feet along affected property line |                  |                 |              |
|--------------|------------------|---|------------------|-----------------|--------------|
| Buffer Width | Plant Multiplier | Shade Trees   | Ornamental Trees | Evergreen Trees | Large Shrubs |
| 40           | 1.00             | 4   | 4                | 3               | 25           |
| 50           | .90              | 3.6   | 3.6              | 2.7             | 22.5         |
| 60           | .80              | 3.2   | 3.2              | 2.4             | 20.0         |

- F. **Credit for berm.** The required plant units may be reduced by 50% if a landscaped berm is provided with a minimum height of 5 feet.
8. **Other landscape areas.** Landscape areas outside of the I-25 Landscape Buffer, Parking Lot Screening and Buffer Yards shall consist of at least one (1) tree and five (5) shrubs for every 750 square feet of landscaped area.

## **Parking:**

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1. **Applicability.** These standards apply to all Parking Lots within the CAC associated with commercial, industrial, or multifamily development.
2. **Purpose.** The purpose of this Section is to provide standards to enhance the physical appearance of development within the CAC by ensuring Parking Lots are designed to maintain and enhance the quality of commercial development, manage storm water runoff, reduce heat island effects, and promote a pedestrian friendly and safe environment.
3. **Standards.** Parking Lots shall be located away from the Front Façade of a building to the maximum extent feasible. Such Parking Lots, if located between the Front Façade of the building and the adjacent public or Street-like Private Drive, shall be limited to no more than a single drive aisle with a single row of parking on each side. When this layout does not provide adequate parking, additional parking shall be located on sides of a building that are not a Front Façade.
4. **Parking Lots containing more than one (1) drive aisle shall include walkways that are located in places that are logical, safe and convenient for pedestrians.**

## **Building Design and Orientation:**

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The purpose of this Section is to provide standards to enhance the physical appearance of development within the CAC. The intent is not to limit creativity or innovation in architectural design. Applicants proposing architecture that does not comply with the following standards are encouraged to seek alternative compliance.

### **Orientation:**

1. **Primary Facades shall face an adjacent public or Street-like Private Drive.**
2. **For buildings with more than one Primary Façade, facades visible from each street shall incorporate high-quality architectural materials, architectural elements and building appearance equivalent to that of the Front Façade.**
3. **Building details, landscaping and berming shall be combined to create a level of visual interest equivalent to that of the Front Façade for all Primary Facades on the building.**
4. **Service areas, loading docks, outdoor storage and mechanical equipment shall not face a public or Street-like Private Drive unless completely screened from view from all adjacent roadways and properties with combined architectural and landscape materials that complement the building.**
5. **To the maximum extent feasible, buildings shall be oriented to preserve intermittent views to the west.**

### **Form/Façade Treatment:**

1. **All sides of buildings shall be of high-quality architecture and building materials.**

2. Building sides facing a public street or Street-like Private Drive shall incorporate high-quality architectural materials, architectural elements and building appearance equivalent to that of the building front.
3. Entrances shall be clearly defined by architectural elements.
4. Facades shall incorporate a minimum of three (3) of the following architectural elements to emphasize building entries, doorways, walkways and window openings.
  - (a) Canopies or awnings over at least thirty percent (30%) of the openings of the building; or
  - (b) Covered walkways, porticos and/or arcades covering at least thirty percent (30%) of the horizontal length of the front facade; or
  - (c) Projecting trim, ledges or similar architectural accent features between two (2) inches and six (6) inches in width around all windows and doorways; or
  - (d) Raised cornice parapets over entries; or
  - (e) Some other architectural feature or treatment which adds definition to the building openings, walkways or entrances.
5. Ground floor facades that face streets or public walkways must be modulated with features such as windows, entrances, arcades, porches, pilasters, arbors, awnings, recessed or projecting display windows along no less than 75% of the length of the façade.
6. Openings or architectural elements simulating fenestration-like features shall occupy at least twenty percent (20%) of the wall surface area of the first floor of the primary facade and walls adjacent to public rights-of-way, or visible from adjacent properties.
7. No single wall plane shall exceed 30 feet horizontal length or vertical height.
8. Wall planes shall include varying building articulation with a minimum of three feet in projection or depth from an adjacent wall plane.
9. Wall planes shall include a variety of building materials, not to exceed 75 percent of one material.
10. Facades greater than 100 feet in length shall provide a varying roofline.
11. All roof-top equipment shall be fully screened from view of adjacent roadways and properties.

**Roof Form:**

*Buildings Less than 10,000 sq.ft.*

Roofs on primary structures with a floor plate less than 10,000 sq.ft. shall be pitched with a minimum slope of at least 5:12 or provide the appearance of 5:12 pitch through the use of a modified mansard roof. At least one of the following elements shall be incorporated into the design for each 50 lineal feet of roof:

1. Projecting gables
2. Hips
3. Horizontal/vertical breaks

Three or more roof slope planes shall be incorporated into a design.

*Buildings Larger than 10,000 sq.ft.*

Roofs on structures with a floorplate of greater than 10,000 sq.ft. shall have no less than two of the following features:

1. Parapet walls featuring three-dimensional cornice treatment that at no point exceed one-third of the height of the supporting wall.
2. Overhanging eaves, extending no less than 3 feet past the supporting walls.
3. Sloping roofs not exceeding the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
4. Three or more roof slope planes.

**Compatibility:**

---

*Compatibility* shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. *Compatibility* does not mean "identical". Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

To the extent feasible, conditions may be imposed upon approval of a development project in or adjacent to an existing developed neighborhood to achieve compatibility in connection with:

- 1) a complementary or new high-quality standard of architectural character for the neighborhood, including building materials and colors which complement or create an enhanced architectural standard for the area;
- 2) softening a building's mass and scale through building articulation, subdivision of building mass, and sensitive orientation of a building on the site;
- 3) creating opportunities for privacy of abutting land uses; and
- 4) limitations on outdoor storage areas, mechanical equipment, loading and unloading.

**Lighting:**

---

In addition to compliance with *Windsor Municipal Code §16-10-100*, the following lighting standards shall apply:

- A. In no event shall lighting negatively affect the safe passage of traffic on public roadways adjacent to or in proximity of the site.
- B. Exterior building lighting and display lighting shall include fixtures with a dimming interface.
- C. Light poles within 100 feet of a residential use or residentially-zoned property shall not exceed 20 feet in height.
- D. Outdoor lighting shall be limited to a maximum of one thousand (1000) candela per square meter (nits).

- E. Outdoor-lighting shall be L.E.D. (light emitting diode) "Dark Sky" compliant, per the International Dark Sky Association requirements for reducing light pollution and minimizing glare, sky glow, spill light and obtrusive light.
- F. Light bulbs shall be soft-white or warm-white hues.
- G. A photometric plan illustrating compliance shall be submitted.

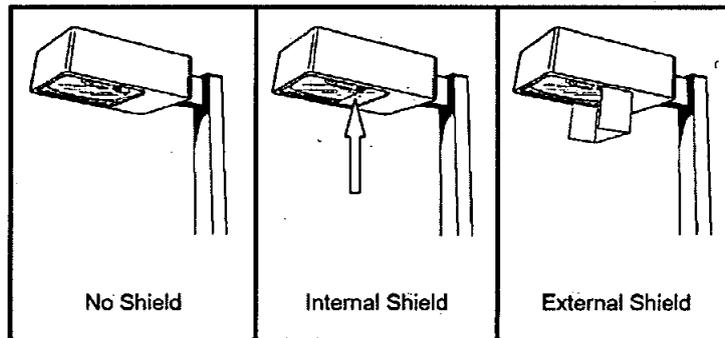
**Lighting Time Limitations**

Parking Lot lighting shall require fixtures with a dimming interface. Lighting in and surrounding such parking shall be reduced within one hour after business closing to a level sufficient for security purposes only. All exterior illumination shall be reduced to levels sufficient for security purposes only after 10:00 p.m.

**Shielding**

All light fixtures required to be fully shielded shall be installed to satisfy the following:

- 1. All outside light fixtures, including building-mounted lighting shall be fully shielded and be aimed so that the direct illumination shall be confined to the property boundaries of the source.
- 2. All light fixtures used on open parking garages, including those mounted to the ceilings over the parking decks, shall be fully shielded.



**Certification**

Outdoor lighting shall be designed and certified by an engineer as conforming to all applicable restrictions of these Standards before construction commences. Further, the system shall be certified by a registered engineer following installation to verify that the installation is consistent with the certified design.

**Outdoor Display:**

---

Outdoor display of merchandise for sale or lease is not allowed unless specifically depicted on an approved site plan.

The proposed site layout incorporates additional landscape screening along the south side of the site, screening the drive-thru, and along the perimeter of the property to screen the parking lot. These additions are consistent with the intent of the Commercial Corridor Plan, which is to convey an image of high quality development and community to residents, property owners and visitors.

3. Approval of the waiver request will not be detrimental to the public interest. Staff analysis is the public interest, public safety, and public welfare will not be detrimentally impacted by the proposed site layout. The layout proposes a pedestrian walkway in place of the landscape island on the north side of the site, which improves pedestrian safety and promotes walkability between the various commercial uses.

The application is consistent with various goals of the 2016 Comprehensive Plan and the Vision 2025 document does not address this type of request.

Staff recommends that the Planning Commission approve the waiver request, as presented and illustrated on the enclosed landscape plans.

**Mr. Tallon moved to approve the waiver request as presented; Mr. Harding seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Tallon, Dennison, Bushelman, Scheffel, Harding, Annable**

**Nays – None**

**Motion carried.**

2. Public Hearing – Adoption of Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center Area (CAC)
  - Legislative action
  - Staff presentation: Scott Ballstadt, Director of Planning

Mr. Schick opened up the public hearing.

Per Mr. Ballstadt, an intergovernmental agreement (IGA) with Fort Collins was entered into after the completion of the I-25/392 interchange improvements. When the IGA was developed, it required the Town of Windsor and the City of Fort Collins to cooperatively adopt design standards for the CAC and in 2010 Windsor and Fort Collins agreed to a list of uses and design standards.

In May of 2015, the Town of Windsor received a request from a property owner within the CAC to amend and add additional uses in the CAC which prompted discussions with Fort Collins regarding design standards as well. Since that request was made, the property owner has withdrawn their request to amend the IGA. Windsor is proposing to move forward and adopt the design standards that have been thoroughly reviewed, which has included public outreach and joint work sessions of the Windsor Town Board and the Fort Collins City Council.

Since the request to add auto dealerships was withdrawn, staff removed references to auto dealerships and related standards as can be seen in the CAC redlined draft within the packet and what remains is identical to the design standards that Windsor referred to Fort Collins in April of 2016. The City of Fort Collins Planning and Zoning Board recommended approval to their City Council which the City Council approved and forwarded a recommendation to Windsor to adopt the standards as well.

Staff recommends forwarding a recommendation of approval of the design standards as proposed to the Town Board.

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

Residents of the Country Meadows subdivision stated they still have concerns regarding the design standards to include the buffer area not being large enough, there being no restrictions on building heights and there being no quantitative limits on noise and lights on new development. The residents thanked the Planning Department for their work on the IGA and including them in the process.

Mike Downey appeared on behalf of Doug Moreland and is concerned with the landscaping and buffering on the west side of the property. Mr. Downey feels it is important for Windsor to mirror Fort Collins' design standards. Mr. Downey stated the dealership decided not to proceed in Windsor because they feel the design standards are prohibitive. Mr. Downey stated that he put together a comparison of Fort Collins standards with Windsor standards and felt that Windsor's standards were greater than Fort Collins. Mr. Downey provided an exhibit of the comparison for the Commissioners and staff.

Mr. Ballstadt stated the proposed design standards have raised the bar on the standards that are currently in the code. The two primary concerns raised by neighboring residents are the same concerns that were previously raised and a buffer space between the neighboring uses and future consumer uses has been added to the design standards. Currently the Windsor code does not require buffering but the enhanced standards will include buffer language applicable to the CAC. Height restrictions were not included in the CAC standards as the Municipal Code already includes height limitations. The standards were forwarded as part of a proposal to Fort Collins in April of 2016 and they have since reviewed and approved of them. Mr. Ballstadt commented that at this point the standards should be adopted so the area is protected by the enhanced design standards. The standards have been reviewed multiple times by the boards, property owners, neighbors and staff is comfortable moving forward with the adoption of the enhanced design standards.

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

**Yeas – Schick, Tallon, Dennison, Bushelman, Scheffel, Harding, Annable**  
**Nays – None**  
**Motion carried.**

3. Recommendation to Town Board – Adoption of Enhanced Design Standards for development within the I-25/SH 392 Interchange Corridor Activity Center Area (CAC)
  - Legislative action
  - Staff presentation: Scott Ballstadt, Director of Planning

Mr. Dennison inquired if the CAC standards are adopted and conflict with other codes would the enhanced design standards trump the code for the rest of the town.

Mr. Ballstadt stated the standards that Windsor adopts would apply to Windsor's side of the interstate and the most stringent of the requirements would need to be followed in the CAC area.

Mr. Schinner inquired about further public hearings regarding the design standards.

Mr. Ballstadt stated a public hearing is scheduled for the Town Board meeting on October 10, 2016. The design standards could be reviewed during the code update process as well.

Mr. Annable inquired as to the height requirements.

Mr. Ballstadt stated the zoning code includes maximum heights that apply according to how a property is zoned which are in chapter 16 of the municipal code.

**Mr. Tallon moved to forward a recommendation of approval of the Enhanced Design Standards for the Corridor Activity Center Area (CAC) as presented to the Town Board; Mr. Harding seconded the motion. Roll call on the vote resulted as follows:**

**Yeas – Schick, Tallon, Dennison, Bushelman, Scheffel, Harding, Annable**  
**Nays – None**  
**Motion carried.**

#### **D. COMMUNICATIONS**

1. Communications from the Planning Commission  
None
2. Communications from the Town Board liaison  
Mr. Bennett stated the Town Board went on a NISP tour and received an update on the project. If the project proceeds as planned, water will be available in 2025.
3. Communications from the staff  
Ms. Barkeen informed the Planning Commission of two separate groups working on housing that is affordable in Northern Colorado and indicated that she and Mr. Bennett have been participating, as well as the Windsor Housing Authority.



April 21, 2016

Darin Atteberry, City Manager  
City of Fort Collins  
300 LaPorte Avenue  
Fort Collins, CO 80521

Re: Proposed amendment to I-25/392 Intergovernmental Agreement

Dear Darin:

On April 11, 2016, the Windsor Town Board approved the enclosed Resolution No. 2016-24, which authorizes me to present the enclosed materials to you.

Enclosed is a proposed Amended and Restated Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange, together with the identified exhibits. These documents are presented to you for review, referral and comment. By way of introduction and explanation, the enclosed documents address the following:

1. **Additional definitions.** We have added “Automobile Dealership” and “Single-family Detached Residential” to the previous roster of definitions in Section 1.
2. **Amendment of Permitted Uses.** Section 2 refers to an amended list of permitted uses (“Exhibit B”), which includes Automobile Dealerships and Single-family Detached Residential under Windsor’s column. The Fort Collins column is identical to the list of permitted uses previously adopted by the parties.
3. **Limitations on Automobile Dealerships and Single-family Detached Residential.** Section 2 confines these uses to identified sites as depicted in the referenced exhibits. The car dealerships are limited to just over 38 acres on the northerly Moreland property. The single-family homes are limited to 45 acres on the far eastern edge of the Muth property north of Highway 392 and just west of Larimer County Road 5.
4. **Enhanced Design Standards.** The CAC Enhanced Design Standards establish a strict but workable model for quality development on the Windsor side of the CAC. Although we did not profess to set these standards for the Fort Collins side, we encourage you to consider whether the enhanced standards could be adopted by your Council. Doing so would naturally result in a modification of the text found in Section 3.31.b, which would be essentially restored to the modification language found in the current IGA (consent of both parties required). These enhanced standards in many respects track established local practices (including Fort Collins), and are the product of numerous internal and public discussions with residents, landowners and staff.
5. **Modifications to Revenue-Sharing.** The modifications to the revenue-sharing language in Section 4 reflect the Town’s desire to capture all sales and property tax increment generated by the two new permitted uses on the Windsor side of the interchange. Based on the March, 2015, BBC Study, Windsor believes that, particularly with respect to car dealerships, there

will be increased costs which will not be mitigated under the current 65/35 revenue-sharing formula. The sale of motor vehicles does not generate use tax or sales tax revenue to Windsor, and the sole source of sales tax revenue would be service and parts-related.

6. **Transit Site Identification.** Section 6.3 contains new language requiring the City to condition annexation on landowner agreements to identify (but not dedicate or reserve) a future transit site parallel to that being identified on the Windsor side. This term is tied to the vision for bus rapid transit captured in the 2008 I-25/392 Improvements Plan commissioned by the City and the Town. We feel that, if we are requiring a Windsor landowner to identify a future transit site, we should have parallel expectations on the Fort Collins side of the interchange.
7. **The Exhibits.** Exhibit A is the same CAC map incorporated into the 2011 IGA, and is attached to the proposed amendment for illustration purposes. Exhibit B is the restated List of Permitted Uses. Exhibit C is the map depicting the footprint for automobile dealerships. Exhibit D is a depiction of the single-family residential exclusion areas; Parcels 2 and 3 lie in the western and southern areas of Mr. Muth's proposed residential zone, and are off-limits to single-family detached product. I will by email provide you with a pdf of this map, so that you may magnify it for review. Exhibit E is the proposed CAC Enhanced Design Standards.

The remainder of the enclosed IGA amendment retains the ongoing terms of our understandings from the original IGA without modification. I should note that each of the landowners in question have negotiated independent agreements which align with the terms of the enclosed and, as to the Moreland properties, commit the landowner to identify a transit site and make significant street improvements serving the CAC. If you wish to review these agreements, please contact me.

The Town asks that the enclosed be reviewed by staff and council, and that we work through any concerns as to each component. I look forward to hearing from you, and welcome comments from your staff, attorneys and Council members.

Sincerely,



Kelly E. Arnold  
Town Manager, Town of Windsor

Enclosures

pc: Windsor Town Board  
Ian D. McCargar, Town Attorney  
Scott Ballstadt, Director of Planning

TOWN OF WINDSOR

RESOLUTION NO. 2016-24

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO PROPOSE TO THE CITY OF FORT COLLINS AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF WINDSOR AND CITY OF FORT COLLINS WITH RESPECT TO DEVELOPMENT IN THE INTERSTATE 25/STATE HIGHWAY 392 CORRIDOR ACTIVITY CENTER

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

WHEREAS, the highway interchange located at Interstate 25 and State Highway 392 ("Interchange") is an important regional transportation crossroads for residents of and visitors to Northern Colorado; and

WHEREAS, in association with substantial improvements to the Interchange undertaken in 2009 and 2010, the Town and the City of Fort Collins ("City") entered into that certain "Intergovernmental Agreement Pertaining to the Development of the Interstate I25/State Highway 392 Interchange" dated January 3, 2011 ("Original IGA"); and

WHEREAS, on November 27, 2012, the Town and City amended and restated the Original IGA by entering into that certain "First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange" ("Amended IGA"); and

WHEREAS, the Amended IGA represents a comprehensive development plan as authorized by Title 29, Article 20 of the Colorado Revised Statutes, the respective Charters of the Town and the City, and the Colorado Constitution; and

WHEREAS, the Amended IGA reaffirms the creation of the Corridor Activity Center ("CAC"), and reaffirms the list of permitted uses within the CAC ("Permitted Uses"); and

WHEREAS, the Amended IGA contemplates land use development and design standards which are applicable to development in the CAC ("Design Standards"); and

WHEREAS, the Amended IGA contemplates the sharing of sales tax and property tax revenue derived from the land area within the CAC; and

WHEREAS, since approval of the Amended IGA, no development or redevelopment activity has taken place on either side of the CAC; and

WHEREAS, beginning in 2015, two separate landowner groups on the east (Windsor) side of the CAC ("Windsor Landowners") have shown interest in undertaking new development on their respective parcels; and

WHEREAS, the Town and the City have determined that the uses proposed by the Windsor Landowners are inconsistent with the Permitted Uses, and are prohibited by the expressed intent of the Amended IGA; and

WHEREAS, since 2015, the Town and the City have engaged in discussions over whether the Amended IGA should be further amended to accommodate the uses proposed by the Windsor Landowners; and

WHEREAS, on February 1, 2016, the Town and the City convened and concurred that the Town would take the lead on examining the establishment of enhanced development and design standards which would apply to development on the east (Windsor) side of the CAC, including but not limited to the uses proposed by the Windsor Landowners; and

WHEREAS, both the Town and the Windsor Landowners have undertaken community outreach for the purpose of considering enhancements to the Design Standards, including neighborhood meetings, internal administrative conferences, professional consultation, public work sessions, and public comment sessions; and

WHEREAS, as a result of the foregoing efforts, the Town has arrived at an acceptable set of development and design standards ("Enhanced CAC Design Standards") for incorporation into a further amendment to the Amended IGA which would be applicable to development on the east (Windsor) side of the CAC; and

WHEREAS, the Town has considered further amendments to the Amended IGA to accommodate the uses proposed by the Windsor Landowners, including modifications to Permitted Uses allowed on the east (Windsor) side of the CAC, limitations on certain permitted uses on the east (Windsor) side of the Interchange, and modifications to the revenue-sharing formula set forth in the Amended IGA; and

WHEREAS, attached hereto and incorporated herein by this reference is the *2016 Amended and Restated Intergovernmental Agreement Pertaining to the Development of the Interstate 25/Highway 392 Interchange* ("2016 Amended IGA"), the form of which has been approved by the Windsor Town Board to serve as an offer to the City of Fort Collins to amend the Amended IGA as set forth therein; and

WHEREAS, the Town Board hereby expresses its desire to enter into the 2016 Amended IGA to encourage quality development in the CAC, promote economic health in both the Town and the City, and preserve the Interchange as an important gateway to the respective communities.

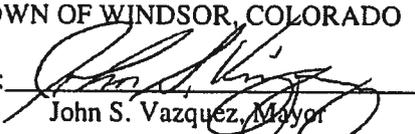
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. The Town Manager is hereby authorized to present the attached *2016 Amended and Restated Intergovernmental Agreement Pertaining to the Development of the Interstate 25/Highway 392 Interchange*, and all exhibits incorporated therein, to the City of Fort Collins as an offer to amend the prior agreements between the Town and the City in the form presented.
2. The Town invites the City to review the attached 2016 Amended IGA and, if acceptable, to notify the Town of the City's desire to formally adopt the 2016 Amended IGA.
3. The Town Manager is directed to consider and refer to the Town Board any comments, counter-offers or similar communication from the City, which communication may be presented either in public or in a lawful confidential setting.
4. Upon both Town and City approval of the form of amendments to the Amended IGA, whether in the form attached hereto or as may otherwise be negotiated, the Town will take formal action on such amendments in order to create a mutually-binding statutory comprehensive development plan for the CAC.
5. The Town reaffirms its desire to maintain the statutory comprehensive development plan for the CAC as previously approved and as may be amended by the parties.

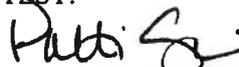
Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 11<sup>th</sup> day of April, 2016.

TOWN OF WINDSOR, COLORADO

By:

  
John S. Vazquez, Mayor

ATTEST:

  
Patti Garcia, Town Clerk



**2016 AMENDED AND RESTATED  
INTERGOVERNMENTAL AGREEMENT  
PERTAINING TO THE DEVELOPMENT OF THE  
INTERSTATE 25/STATE HIGHWAY 392 INTERCHANGE**

THIS AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT PERTAINING TO THE DEVELOPMENT OF THE INTERSTATE I25/STATE HIGHWAY 392 INTERCHANGE (“Amendment”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Fort Collins, Colorado, a Colorado home rule municipality (the “City”), and the Town of Windsor, Colorado, a Colorado home rule municipality (the “Town”), collectively referred to herein as the “Parties”.

**RECITALS**

WHEREAS, the City and the Town are situated on opposite sides of Interstate 25 and are both committed to:

- planned and orderly development;
- regulating the location and activities of development which may result in increased demand for services;
- providing for the orderly development and extension of urban services;
- simplifying governmental structure when possible;
- promoting the economic vitality of both municipalities;
- protecting the environment; and
- raising revenue sufficient to meet the needs of their citizens;

and

WHEREAS, on March 22, 2006 the City and Town entered into an intergovernmental agreement (the “2006 Agreement”) that, among other things, defined a Corridor Activity Center in the immediate vicinity of the Interchange (the “CAC”); and

WHEREAS, the 2006 Agreement also set forth the willingness of the City and the Town to work cooperatively toward developing a comprehensive development plan for the CAC and surrounding areas, to explore financing mechanisms for reconstructing the Interchange, and to evaluate potential revenue sharing alternatives; and

WHEREAS, in 2008, the City and the Town authorized the execution of two additional intergovernmental agreements, the purposes of which were to pursue funding for the Interchange and expedite its design and approval by CDOT, and also passed resolutions reaffirming their

commitment to continued cooperation in the planning, design and construction of the Interchange and approving certain basic principles related to that cooperative effort, including a commitment to long-term, equitable sharing of revenues derived from new development within the CAC; and

WHEREAS, because of the proximity of the two municipalities on either side of the Interchange, the way in which the Interchange is reconstructed and the way in which the property within the CAC is developed will affect the economic and environmental well-being of both communities; and

WHEREAS, the City and the Town worked diligently with each other, with CDOT, and with various elected federal officials, landowners, local officials, and others to promote and fund the design and construction of improvements to the Interchange; and

WHEREAS, the efforts of the City and the Town were successful, and the construction of improvements to the Interchange were completed as intended; and

WHEREAS, on January 3, 2011, the City and the Town entered into that certain Intergovernmental Agreement Pertaining To The Development Of The Interstate I25/State Highway 392 Interchange ("Agreement"); and

WHEREAS, on November 27, 2012, the City and the Town entered into the First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange ("First Amended Agreement"); and

WHEREAS, on May 9, 2013, the parties entered into that certain Intergovernmental Agreement Amending the First Amended Agreement with respect to revenue sharing within the CAC; and

WHEREAS, through these various agreements and amendments, the parties have established a comprehensive development plan for land within the CAC, providing for increased coordination of planning and managing development within the CAC, cost sharing for construction of Interchange improvements, revenue sharing, operation and maintenance of the various improvements, providing needed services in the Interchange area, and resolving any conflicts arising with regard to these topics; and

WHEREAS, the City and the Town have both adopted the Northern Colorado Regional Communities I-25 Corridor Plan, which establishes a shared vision for development of property adjacent to Interstate 25; and

WHEREAS, during the years following approval of the Agreement and its various amendments, no development or redevelopment has occurred in the CAC; and

WHEREAS, the parties have undertaken a reevaluation of the Permitted Uses set forth in Exhibit B to the Agreement, and have determined that amendment and clarification of the Agreement is appropriate; and

WHEREAS, the parties desire to amend and restate their understandings with respect to the Permitted Uses, applicable development standards and revenue-sharing within the CAC; and

WHEREAS, the Colorado Constitution, Section 29-20-101 *et seq.*, of the Colorado Revised Statutes, and the Charters of both the City and Town authorize the City and the Town to enter into mutually binding and enforceable agreements regarding the joint exercise of planning, zoning and related powers.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties hereto agree as follows.

### SECTION 1. DEFINITIONS

In this Amended and Restated Agreement, unless a different meaning clearly appears from the context, the following definitions shall apply:

1.1. "2008 Improvement Plan" means that certain I-25/SH392 Interchange Improvement Plan dated April 2, 2008, prepared by EDAW, Inc. through joint effort of the City and Town.

1.2. "Agreement" means the Intergovernmental Agreement Pertaining to the Development of The Interstate I25/State Highway 392 Interchange, and its identified Exhibits.

1.3. "Automobile Dealership" shall mean a business, the primary activity of which is defined in § 12-6-102 (13), C.R.S. "Automobile Dealership" shall not include automobile or truck painting, body or fender work, or welding. "Automobile Dealership" shall not include the sale or leasing of:

1.3.1 Any vessel used or capable of being used as a means of transportation of persons and property on the water;

1.3.2 "Recreational vehicles" as defined in § 12-6-102 (16.5), C.R.S.

1.3.3 "Snowmobiles", as defined in § 33-14-101 (11), C.R.S

1.3.4 "Off-highway vehicles", as defined in § 33-14.5-101 (3), C.R.S.

1.4. "City" means the City of Fort Collins, Colorado.

1.5. "Corridor Activity Center" or "CAC" means that joint comprehensive planning area referred to and more fully described on Exhibit A to the Agreement, a copy of which is attached hereto and incorporated herein as Exhibit A to this Amended and Restated Agreement.

1.6. "Developable Land" means that portion of each parcel of real property within the CAC upon which buildings, infrastructure or other improvements may lawfully be constructed, taking into consideration the physical characteristics of the property and all applicable state and local laws and regulations.

- 1.7. "Development Proposal" means an application for the development of a parcel of land within the CAC that will, when approved and constructed, result in an increase of traffic in the CAC.
- 1.8. "Effective Date" means the date that the last party signs this Amended and Restated Agreement, or ten days after the final approval by the governing board of the City or Town, whichever is earlier.
- 1.9. "Enhanced CAC Design Standards" means the standards set forth in Exhibit D, attached hereto and incorporated by this reference as if set forth fully.
- 1.10. "Interchange" means the Interstate 25 and State Highway 392 interchange.
- 1.11. "Party" refers to the City, the Town or in the plural, both the City and the Town.
- 1.12. "Property Owner" means and includes the fee owner of the property as well as any developer or other agent of the fee owner who, acting with the knowledge or consent of the fee owner, submits an application for approval of a Development Proposal or Redevelopment Proposal for such property.
- 1.13. "Property Tax Increment" means the net new revenue generated by property taxes on real property located within the boundaries of the CAC, using a base rate of 9.797 mils, as applied to the assessed valuation developed by Larimer County as of the Effective Date as the baseline.
- 1.14. "Redevelopment Proposal" means an application for the redevelopment of a parcel of land within the CAC that will, when approved and constructed, result in an increase in traffic in the CAC beyond that generated by the development currently in place.
- 1.15. "Sales Tax Increment" means the net new sales tax revenues generated by sales within the boundaries of the CAC, using a base rate of 2.25% and the amount of tax revenue received in the twelve (12) months immediately preceding the Effective Date as the baseline.
- 1.16. "Single-family Detached Residence" means a place of abode containing one (1) unified dwelling space not physically connected with another dwelling space or place of abode.
- 1.17. "Town" means the Town of Windsor, Colorado.
- 1.18. "Windsor CAC" means that portion of the CAC which presently lies within Windsor's corporate limits.

## **SECTION 2. PERMITTED USES/PREFERRED USES; LIMITATIONS**

2.1. Permitted uses. Land uses within the CAC shall be limited to those uses shown in the respective columns on Exhibit B, attached hereto and incorporated herein by this reference. Neither party shall accept, entertain or allow any application for land use within the CAC which is not expressly included in the uses permitted for each as described in Exhibit B. All zoning ordinances or other legislation needed to implement this Section 2 with respect to Automobile

Dealerships and Single-family Detached Residential uses shall be adopted by the Windsor Town Board no later than August 1, 2016.

2.2 Limitations on Certain Uses. Notwithstanding the foregoing reference to permitted uses, and in addition to any applicable land use limitations provided in the Town's Municipal Code, the following specific limitations shall apply:

2.2.1 Limitations on Automobile Dealerships. The following limitations shall apply to all Automobile Dealerships, any portion of which is located in the Windsor CAC:

a. Automobile Dealerships shall be subject to the Enhanced CAC Design Standards referred to in Section 3.1 below. All zoning ordinances or other legislation needed to implement the Enhanced CAC Design Standards shall be adopted by the Windsor Town Board no later than August 1, 2016.

b. The total acreage allocated to Automobile Dealerships shall not exceed thirty-eight and twenty-seven one-hundredths (38.27) acres. All zoning ordinances or other legislation needed to implement this limitation shall be adopted by the Windsor Town Board no later than August 1, 2016.

2.2.2 Limitations on Single-family Detached Residential. The following limitations shall apply to all Single-family Detached Residences, any portion of which is located in the Windsor CAC:

a. No more than forty-five (45) acres of land within the Windsor CAC may be developed for Single-family Detached Residential uses (the "Single-Family Detached Residential Acreage Cap"). The Single-Family Detached Residential Acreage Cap shall include the entire square footage of all lots upon which Single-family Detached Residential uses are constructed, rights-of-way, sidewalks, detention facilities, and open space.

b. No Single-family Detached Residential structure shall be located within Parcel 2 and Parcel 3, as such Parcels are depicted on the attached Exhibit C, incorporated herein by this reference as it set forth fully, and further subject to adjustments to the boundaries of each such Parcel made during the site plan and subdivision review and approval process. All zoning ordinances or other legislation needed to implement this limitation shall be adopted by the Windsor Town Board no later than August 1, 2016.

### **SECTION 3. DEVELOPMENT AND DESIGN STANDARDS**

3.1. Applicable Standards. The Parties have heretofore adopted standards and guidelines for development of the properties adjacent to Interstate 25, both individually and cooperatively, and have adopted various land use plans for that area, including the Northern Colorado Regional I-25 Corridor Plan (2001). In addition to these various land use plans, the parties specifically agree that all development and redevelopment within Windsor CAC shall adhere to the Enhanced CAC Design Standards.

3.2. The parties intend that the Enhanced CAC Design Standards shall be applied to assure that land uses in the Windsor CAC are undertaken in a manner that assures quality development, consistency and harmony within the CAC, and a cohesive atmosphere within a diverse spectrum of uses.

3.3. Review and Approval of Site-Specific Development Proposals.

3.3.1 In order to promote and maintain the commitments of the City and Town with regard to development within the CAC, the Parties hereby jointly agree to the following review process for Development or Redevelopment Proposals for property within the CAC.

a. Neither the City nor Town shall, without the prior written consent of the other Party, approve any use within the CAC which is not identified as permitted under Exhibit B.

b. The Town shall not approve any improvements within the CAC which are inconsistent with the Enhanced CAC Design Standards, except that the Enhanced CAC Design Standards may be modified by Town ordinance, adopted in accordance with the Town's Home Rule Charter, notice of which shall be presented to the City no less than thirty (30) days prior to ordinance introduction. Subject to this exception, the Parties reaffirm that the Enhanced CAC Design Standards shall apply to development the Windsor CAC. To the extent that the City has previously adopted design or development standards for application within the CAC, such standards shall apply unless modified by City ordinance, adopted in accordance with the City's Home Rule Charter, notice of which shall be presented to the Town no less than thirty (30) days prior to ordinance introduction.

c. Plans and specifications for any Development or Redevelopment Proposal on land located within the CAC that are received by either Party after the Effective Date shall, no later than thirty (30) business days prior to taking action, be submitted by the Party having jurisdiction over the proposal to the other Party for review and comment; provided, however, that the Parties may mutually agree to a shorter or longer review and comment period.

d. Such plans and specifications shall include a brief written description of the Development or Redevelopment Proposal and the surrounding vicinity, development maps and graphics, and renderings of all proposed improvements.

e. The receiving Party shall review the materials and respond to the other Party with written comments within the aforementioned thirty (30) business days, or such additional time as the parties may agree. Each party agrees that it shall use its best efforts to provide comments in a timely fashion. However, the Parties expressly agree that any delay in submitting comments shall not require the delay of hearings or decisions by the party having jurisdiction over the Development Proposal.

f. The Parties shall designate a single point of contact for the communication of materials and comments contemplated by this Section.

g. The review and comment provided for herein is intended to be cooperative in nature, and is not intended to be binding upon the party having jurisdiction to grant, modify, or deny a Development or Redevelopment Proposal and shall not preclude the approval of any such proposal that is consistent with Exhibit B, the Enhanced CAC Design Standards and the provisions of this Agreement.

### 3.3.2. Notice of Incentives.

In the event that either Party extends, or agrees to extend, to any applicant for approval of a Development or Redevelopment Proposal within the CAC, any financial or other incentives in connection with such Development or Redevelopment Proposal, such Party shall provide the other Party with a detailed description of such financial or other incentives prior to the formal approval of the same, excluding only such information as is proprietary in nature. The provision and funding of any such incentives shall be the sole responsibility of the Party having jurisdiction over the Development or Redevelopment Proposal, unless the Parties agree to the contrary in a written amendment to this Agreement.

## **SECTION 4. REVENUE SHARING AND NEW DEVELOPMENT**

4.1. Terms and Conditions. The Parties shall, pursuant to the following terms and conditions, share the Property Tax Increment and Sales Tax Increment generated by properties and businesses located within the boundaries of the CAC.

- 4.1.1 All tax revenues generated by the Property Tax Increment and Sales Tax Increment shall be deposited by each Party in a separate account and shall not be intermingled with any other funds of that Party.
- 4.1.2 Except as set forth in sub-sections 4.1.3 and 4.1.4 below, sixty-five percent (65%) of the Property and Sales Tax Increment revenues generated in the CAC shall be retained by each Party for use as that Party sees fit. The remaining thirty-five percent (35%) of such revenues shall be transferred to the other Party by March 1 of the following calendar year. Annual statements showing calendar year total receipts of all such revenues from each of the Property Owners and retailers within the CAC shall be shared with the other Party by February 1 of each year. The Parties agree that these statements are being disclosed solely for tax-related purposes and are therefore to remain confidential.
- 4.1.3 One-hundred percent (100%) of all Property and Sales Tax Increment generated within any property in which one or more Automobile Dealerships are located in the Town's corporate limits shall be retained by the Town.
- 4.1.4 One-hundred percent (100%) of all Property and Sales Tax Increment generated within any property in which one or more Single-family Detached Residences are located in the Town's corporate limits shall be retained by the Town.

- 4.1.5 Any interest earned on deposits in the account described in Section 4.1.1 above shall remain the property of the Party that collected the revenue upon which the interest was earned and shall not be shared.
- 4.1.6 The share distribution shall begin on the Effective Date.
- 4.1.7 Any increase or decrease in the sales or property tax rates of either the City or the Town shall not affect the Property Tax Increment or the Sales Tax Increment due from the City or the Town for the revenue sharing purposes of this Section.
- 4.1.8 In the event either the City or the Town creates one or more exemptions from sales taxes or property taxes, and such exemption(s) results in a reduction in the amount of revenue collected by such Party in the CAC, the Party creating the exemption(s) shall include the exempted amount in its calculation of the amount of Property and Sales Tax Increment revenue that is due to the other Party under this Section as if the exemption(s) had not been created.
- 4.1.9 To the extent permitted by law, this sharing of revenues shall continue in perpetuity.
- 4.2. Cooperation in Attracting New Development. The Parties acknowledge and agree that they may need to cooperate in an effort to attract desirable development. Nothing herein shall preclude the Parties from entering into a subsequent agreement modifying the within Section and creating incentives for development in the CAC beneficial to both Parties. This shall include, but shall not be limited to, an agreement to reduce or eliminate the revenue sources identified in this Section. Any such agreement shall be in writing and set forth the terms under which a modification of this Section will occur.
- 4.3. Bonding. Nothing in this Agreement is intended to restrict either Party from being able to utilize its agreed share of the Property Tax Increment revenue and Sales and Use Tax Increment revenue as collateral or use in underwriting any bond, note, debenture, or other municipal borrowing.

## **SECTION 5. INSPECTION OF RECORDS.**

The City and the Town shall each have the right to inspect and audit the tax revenue and fee collection records of the other pertaining to this Agreement. If any discrepancy is discovered, the auditing Party shall provide written notice, including a copy of the audit report, to the other Party. Any amount due must be paid within thirty (30) days following the written notice or the Parties must engage in negotiations regarding the discrepancy. If a mutual agreement is not reached in sixty (60) days, the dispute resolution provisions of Section 7 below will apply.

To the extent permitted by law, all tax and revenue collection information which is obtained by and pursuant to the inspection and audit provisions of this Agreement shall be deemed privileged, confidential and proprietary information and is being disclosed solely for tax-related purposes, including the calculation of revenue sharing payments pursuant to this Agreement.

The Parties agree that they will not disclose any information to any person not having a legitimate need-to-know for purposes authorized by this Agreement.

The period of limitation for the recovery of any funds payable under this Agreement shall be three (3) years from the date on which the payment is due. Upon the expiration of this period of limitation and any action for collection or recovery of unpaid revenue sharing funds shall be barred.

Each Party and its authorized agents may, upon thirty (30) days' advance written notice to the other, audit the other's records of those taxes and fees which are collected within the CAC and which are being shared pursuant to this Agreement.

## SECTION 6. ANNEXATION

6.1. Amendment of Growth Management Area Boundaries. In order to promote ongoing cooperation and collaboration between the Parties with respect to land use planning on both sides of Interstate 25, and to further the purposes contained in C.R.S. Section 31-12-102 of the Municipal Annexation Act of 1965, the Parties agree that Interstate 25 shall become the boundary between the Fort Collins Growth Management Area ("FCGMA") and the Windsor Growth Management Area ("WGMA"). Accordingly, after the Effective Date, neither Party shall annex, or accept any petition to annex, property within the other Party's growth management area as amended in accordance with this provision. Nor shall either Party annex, or accept any petition to annex, or include within its growth management area, the right-of-way for Interstate 25 adjacent to the other Party's growth management area without the prior written consent of the other Party. Any future amendments to the contiguous boundaries of the FCGMA and the WGMA shall be made only if agreed upon in writing by both Parties.

6.2. County Approval of GMA Boundary Amendments. Both Parties have heretofore entered into intergovernmental agreements with Larimer County that establish the growth management areas of the Parties, which agreements provide for, among other things, the way in which development applications for properties within the FCGMA and the WGMA will be processed by Larimer County. Accordingly, in order to ensure the cooperation of Larimer County in implementing the provisions of this Section, each Party shall, within one (1) year of the Effective Date, seek the approval of Larimer County to amend its agreement with Larimer County so as to reflect the amendments to the FCGMA and WGMA required hereunder. However, the failure of Larimer County to approve either or both such amendments shall not affect the obligation of the Parties to refrain from annexing territory within the FCGMA, the WGMA or the right-of-way for Interstate 25 as required in Section 7.1 above.

6.3. Identification of Potential Future Transit Facility Site. The Parties acknowledge that the 2008 Improvement Plan was adopted by the parties as a vision for the future of the Interchange. The 2008 Improvement Plan contemplated a potential future Bus Rapid Transit terminal capable of serving both sides of the Interchange. In conjunction with the expansion of Permitted Uses to include Automobile Dealerships in the Windsor CAC, the Town is requiring the identification of a potential future transit site on the east side of the Interchange. In order to provide for a parallel potential future transit site on the west side of the Interchange, the City agrees that, as a condition of annexation of property in its portion of the CAC, it will require the annexing

property owner(s) to identify a potential future transit site which generally aligns with the potential future transit site identified on the east side. Nothing herein shall obligate the City to require dedication or reservation of a potential future transit site; this Section shall only require the identification of such a site or sites for future planning purposes. Nothing herein shall require either party to acquire, by negotiation or eminent domain, any future transit site, nor require the establishment of a transit site at any time.

6.4. Effect on Prior Agreements. The provisions of this Section shall supersede and take precedence over any conflicting provisions contained in those certain agreements between the Parties entitled “Intergovernmental Agreement (Regarding Annexations East of Interstate Highway 25)” and “Intergovernmental Agreement (Regarding Annexations in the Fort Collins Cooperative Planning Area Adjacent to Fossil Creek Reservoir), both of which are dated June 28, 1999. In addition, this Agreement is intended to supersede and take precedence over both the Agreement and the First Amended Agreement.

## **SECTION 7. MEDIATION/ARBITRATION**

7.1. Enforceability of Agreement. The parties acknowledge that agreements between municipalities for the purposes set forth herein are mutually binding and enforceable. The parties likewise acknowledge that the unique nature of agreements between municipalities often require equally unique remedies to ensure compliance with the provisions of such agreements while preserving the obligations of the parties to one and other and promoting the continued existence and effectiveness of such agreements. It is the intent of the parties to this Agreement to provide enforcement remedies through a combination of alternative dispute methodologies including mediation and binding arbitration, and thereby eliminate the necessity of judicial enforcement of this Agreement. Nothing herein shall be deemed to preclude either party from seeking judicial enforcement of any mediation agreement reached between the parties or binding arbitration order entered as a result of the alternate dispute methodologies set forth herein.

7.2. Mediation/Arbitration Process in General. Should either party fail to comply with the provisions of this Agreement, the other party, after providing written notification to the non-complying party, and upon the failure of the non-complying party to achieve compliance within forty five (45) days after said notice, the issue of non-compliance shall be submitted to mediation and thereafter, assuming no resolution has been reached through the mediation process, shall be submitted to binding arbitration. The mediation and binding arbitration processes shall be in accordance with the provisions hereinafter set forth. These mediation and arbitration provisions shall be in addition to questions of non-compliance as aforesaid, apply to all disagreements or failure of the parties to reach agreement as may be required by the terms of this Agreement. This shall include, but shall not be limited to, the creation of joint land use designs and standards, approval or rejection of Development Proposals, and disputed matters concerning shared revenues.

7.3. Sharing of Costs. All costs of the mediation/binding arbitration process shall be divided equally between the Parties.

7.4. Mediation Process. The dispute resolution process shall commence with the appointment of a mediator who shall be experienced in matters of local government and the legal obligations

of local government entities. In the event the parties are unable to agree upon a mediator within fifteen (15) days of the commencement of the process, each party shall within five (5) days appoint an independent third party, and the third parties so appointed shall select a mediator within fifteen (15) days of their appointment. Mediation shall be completed no later than sixty (60) days after a mediator is selected by the parties or by the independent third parties. The procedures and methodology for mediation shall be determined by the mediator, but shall be in compliance with applicable law.

7.5. Binding Arbitration Process. In the event the parties are unable to reach agreement through the mediation process, the matter in dispute shall be submitted to binding arbitration. The parties agree that the order resulting from the arbitration process shall be deemed a final and conclusive resolution of the matter in dispute. The parties shall agree on the appointment of an arbitrator who shall be experienced in matters of local government and the legal obligations of local government entities. It is understood and agreed that the parties may agree upon the appointment of that person who conducted the mediation portion of this process as the arbitrator, but are not bound to do so. In the event the parties are unable to agree upon an arbitrator within fifteen (15) days, each party will appoint an independent third party, and the third parties so appointed shall select an arbitrator within fifteen (15) days of their appointment. Arbitration shall be completed no later than ninety (90) days after an arbitrator is selected by the parties or by the independent third parties. The procedures and methodology for binding arbitration shall be determined by the arbitrator, but shall be in compliance with applicable law.

#### **SECTION 8. CONTINGENT ON APPROPRIATIONS**

The obligations of the City and Town do not constitute an indebtedness of the City or Town within the meaning of any constitutional or statutory limitation or provision. The obligations of the City and Town for payment of the Sales Tax Increment and Property Tax Increment under this Agreement shall be from year to year only and shall not constitute a mandatory payment obligation of the City or Town in any fiscal year beyond the present fiscal year. This Agreement shall not directly or indirectly obligate the City or Town to make any payments of Sales Tax Increment or Property Tax Increment beyond those appropriated for any fiscal year in which this Agreement shall be in effect. The City and Town Manager (or any other officer or employee at the time charged with the responsibility of formulating budget proposals) is hereby directed to include in the budget proposals and appropriation ordinances submitted to the City Council and the Town Board, in each year prior to expiration of this Agreement, amounts sufficient to meet its obligations hereunder, but only if it shall have received such amounts in the form of Sales Tax Increment or Property Tax Increment, it being the intent, however, that the decision as to whether to appropriate such amounts shall be at the discretion of the City Council and Town Board.

#### **SECTION 9. FURTHER LEGISLATION**

The Parties acknowledge the mutually-binding nature of this Amended and Restated Agreement. The Parties further agree that, in order to render the comprehensive development plan set forth herein enforceable as to third parties, the within terms shall be incorporated into the municipal codes of both the Town and the City. Therefore, the parties pledge to enact amendments their respective municipal codes in conformity to this Amendment on or before August 1, 2016.

Failure of such measures shall not affect the mutually-binding character of this Amendment as between the parties.

**SECTION 10. MISCELLANEOUS**

10.1. Entire Agreement. This Amended and Restated Agreement is the entire and only agreement between the Parties regarding the delineation of permitted uses, development and design standards, and revenue disposition within the CAC boundaries. There are no promises, terms, conditions, or other obligations other than those contained in this Amended and Restated Agreement. This Amended and Restated Agreement may be further amended only in writing signed by the Parties.

10.2. Severability. Except as otherwise provided in this Amended and Restated Agreement, if any part, term, or provision of this Amended and Restated Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality or unenforceability will not affect the validity of any other part, term, or provision of this Amended and Restated Agreement and the rights of the Parties will be construed as if that part, term, or provision was never part of this Amended and Restated Agreement.

10.3. Colorado Law. This Amended and Restated Agreement is made and delivered with the State of Colorado and the laws of the State of Colorado will govern its interpretation, validity, and enforceability.

10.4. Jurisdiction of Courts. Personal jurisdiction and venue for any civil action commenced by any of the Parties to this Amended and Restated Agreement for actions arising out of or relating to it will be the District Court of Larimer County, Colorado.

10.5. Representatives and Notice. Any notice or communication required or permitted under the terms of this Amended and Restated Agreement will be in writing and may be given to the Parties or their respective legal counsel by (a) hand delivery; (b) deemed delivered three business days after being deposited in the United States mail, with adequate postage prepaid, and sent via registered or certified mail with return receipt requested; or (c) deemed delivered one business day after being deposited with an overnight courier service of national reputation have a delivery area of Northern Colorado, with the delivery charges prepaid. The representatives will be:

If to the City:                      City Manager  
   300 LaPorte Avenue  
   PO Box 580  
   Fort Collins, CO 80524

With a copy to                      City Attorney  
   300 LaPorte Avenue  
   PO Box 580  
   Fort Collins, CO 80524

If to the Town:                      Town Manager

Windsor Town Hall  
301 Walnut Street  
Windsor, CO 80550

With a copy to

Town Attorney  
Windsor Town Hall  
301 Walnut Street  
Windsor, CO 80550

10.6. Good Faith. In the performance of this Amended and Restated Agreement or in considering any requested approval, acceptance, or extension of time, the Parties agree that each will act in good faith and will not act unreasonably, arbitrarily, capriciously, or unreasonably withhold, condition or delay any approval, acceptance or extension of time required or requested pursuant to this Amended and Restated Agreement.

10.7. Authorization. The signatories to this Amended and Restated Agreement affirm and warrant that they are fully authorized to enter into and execute this Amended and Restated Agreement, and all necessary action, notices, meetings, and hearings pursuant to any law required to authorize their execution of this Amended and Restated Agreement have been made.

10.8. Assignment. Neither this Amended and Restated Agreement nor the City or Town's rights, obligations or duties may be assigned or transferred in whole or in part by either Party without the prior written consent of the other Party.

10.9. Execution in Counterparts. This Amended and Restated Agreement may be executed in multiple counterparts, each of which will be deemed an original and all of which taken together will constitute one and the same agreement.

10.10. No Third Party Beneficiary. It is expressly understood and agreed that the enforcement of the terms and conditions of this Amended and Restated Agreement, and all rights of action relating to such enforcement, are strictly reserved to the Parties and nothing in this Amended and Restated Agreement shall give or allow any claim or right or cause of action whatsoever by any other person not included in this Amended and Restated Agreement. It is the express intention of the Parties that no person or entity, other than the undersigned Parties, receiving services or benefits under this Amended and Restated Agreement shall be deemed any more than an incidental beneficiary only.

10.11. Recordation of Agreement. The City shall record a copy of this Amended and Restated Agreement in the office of the Clerk and Recorder of Larimer County, Colorado.

10.12. Execution of Other Documents. The Parties agree to execute any additional documents and to take any additional actions necessary to carry out the terms of this Amended and Restated Agreement.

CITY OF FORT COLLINS

\_\_\_\_\_  
Wade Troxel, Mayor

ATTEST:

[Seal]

\_\_\_\_\_  
Wanda Winkelmann, City Clerk

TOWN OF WINDSOR,

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

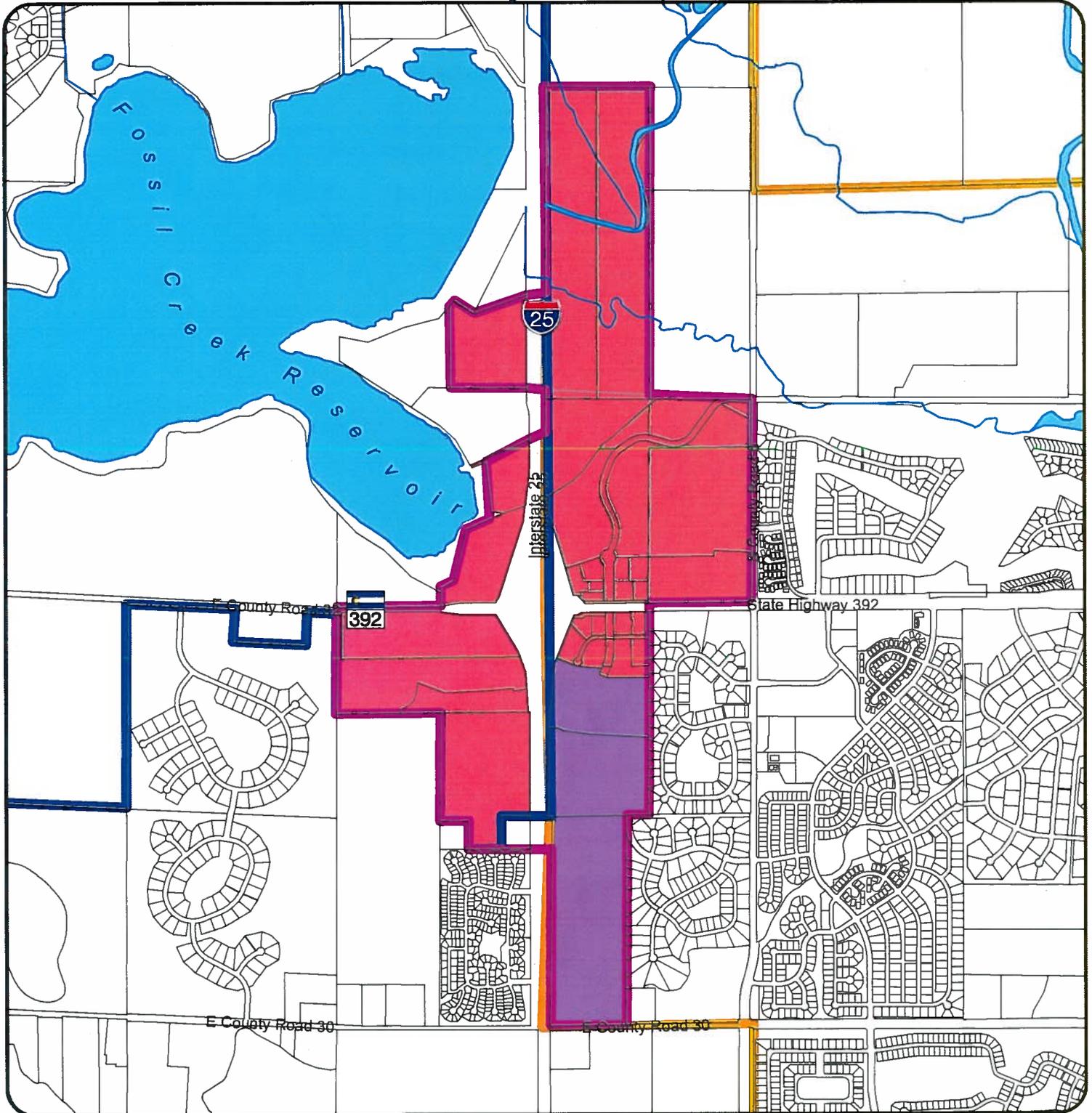
ATTEST:

[Seal]

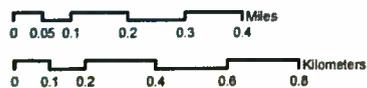
\_\_\_\_\_  
Patti Garcia, Town Clerk

DRAFT

# I25 - State HWY 392 Interchange Corridor Activity Center (Exhibit A)



Scale 1:21,327



CITY OF FORT COLLINS  
GEOGRAPHIC INFORMATION SYSTEM MAP PRODUCTS

These map products and all underlying data are developed for use by the City of Fort Collins for its internal purposes only, and were not designed or intended for general use by members of the public. The City makes no representation or warranty as to its accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement of location of any map features thereon. THE CITY OF FORT COLLINS MAKES NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR PARTICULAR PURPOSE, EXPRESSED OR IMPLIED, WITH RESPECT TO THESE MAP PRODUCTS OR THE UNDERLYING DATA. Any users of these map products, map applications, or data, accepts them AS IS, WITH ALL FAULTS, and assumes all responsibility of the use thereof, and further covenants and agrees to hold the City harmless from and against all damage, loss, or liability arising from any use of this map product. In consideration of the City's having made this information available, independent verification of all data contained herein should be obtained by any users of these products, or underlying data. The City disclaims, and shall not be held liable for any and all damage, loss, or liability, whether direct, indirect, or consequential, which arises or may arise from these map products or the use thereof by any person or entity.

## LandUse

- Commercial
- Employment

## Boundary

- CAC
- Fort Collins GMA
- Windsor GMA
- Parcels



Printed: November 17, 2010

Exhibit B  
to  
Amended and Restated Intergovernmental Agreement Pertaining to the Development of the  
Interstate 25/State Highway 392 Interchange

Permitted Uses in the Corridor Activity Center (CAC)

| <b>Permitted Uses in CAC (East Side)</b>                   | <b>Permitted Uses in CAC (West Side)</b>                   |
|--|--|
| Adult Day Care Facilities                                  | Adult Day Care Facilities                                  |
| Automobile Dealerships <sup>1</sup>                        | -----  |
| Cultural Venues  | Cultural Venues  |
| Drive-thru Restaurants                                     | Drive-thru Restaurants                                     |
| Entertainment Facilities/Theaters                          | Entertainment Facilities/Theaters                          |
| Fast Food Restaurants                                      | Fast Food Restaurants                                      |
| Fuel Sales Convenience Stores                              | Fuel Sales Convenience Stores                              |
| Grocery/Supermarket  | Grocery/Supermarket  |
| Health Club  | Health Club  |
| Hospital   | Hospital   |
| Lodging  | Lodging  |
| Long-term Care Facilities                                  | Long-term Care Facilities                                  |
| Medical Center/Clinics                                     | Medical Center/Clinics                                     |
| Mixed Use Residential                                      | Mixed Use Residential                                      |
| Multi-Family Mixed-Use                                     | Multi-Family Mixed-Use                                     |
| Offices/Financial  | Offices/Financial  |
| Personal/Business Service Shops                            | Personal/Business Service Shops                            |
| Retail Establishment/Big Box                               | Retail Establishment/Big Box                               |
| Retail Store   | Retail Store   |
| Schools – Private/Vocational Colleges                      | Schools – Private/Vocational Colleges                      |
| Single-family Detached Residential <sup>2</sup>            | -----  |
| Small Scale Recreation/Events Center                       | Small Scale Recreation/Events Center                       |
| Standard Restaurant  | Standard Restaurant  |
| Telecommunication Equipment, excluding freestanding towers | Telecommunication Equipment, excluding freestanding towers |
| Unlimited Indoor Recreation                                | Unlimited Indoor Recreation                                |

<sup>1</sup> As defined and as subject to the terms and conditions set forth in that certain Amended and Restated Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange dated [date]

<sup>2</sup> As defined and as subject to the terms and conditions set forth in that certain Amended and Restated Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange dated [date]

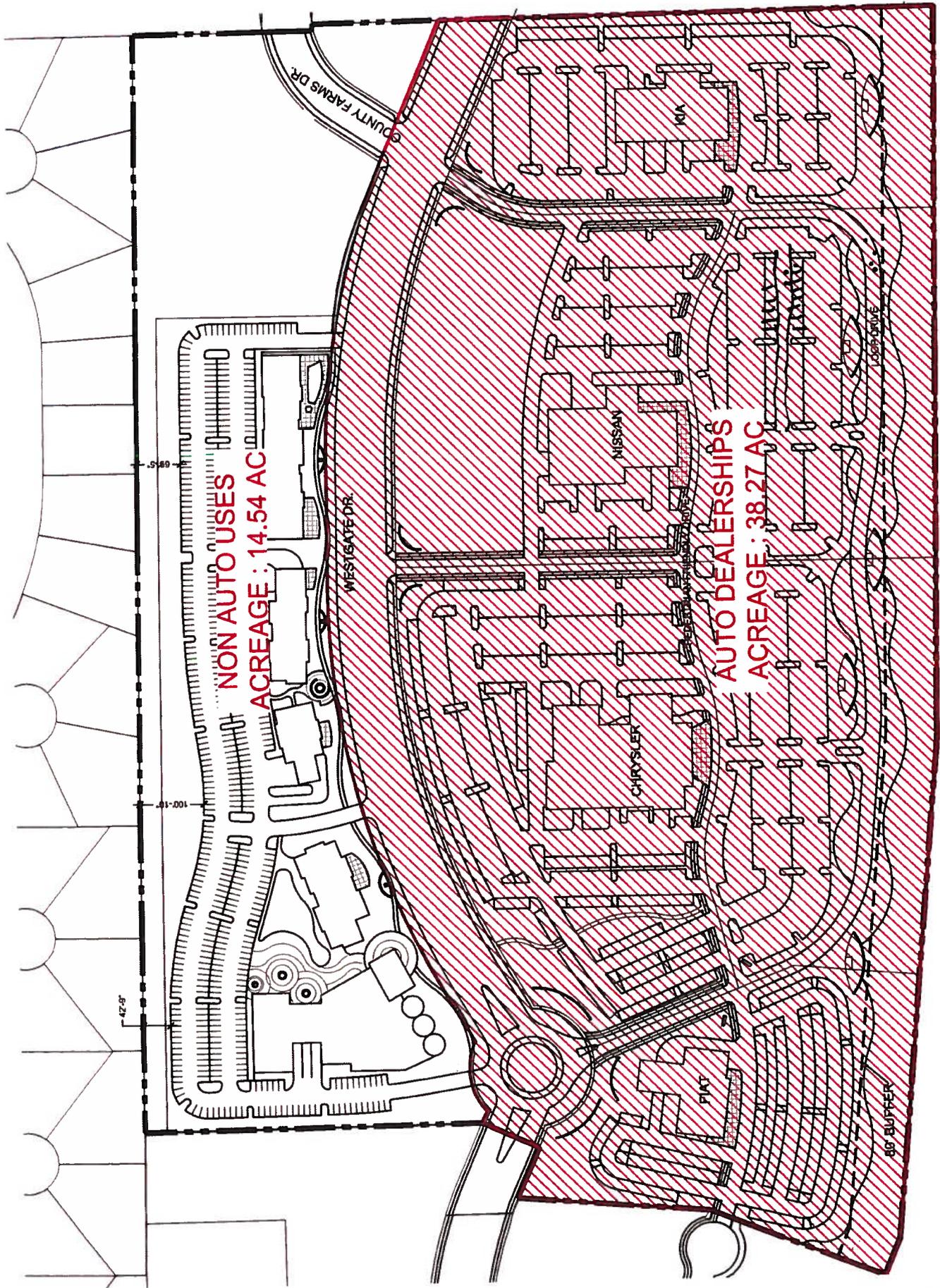


Exhibit C

# EXHIBIT D

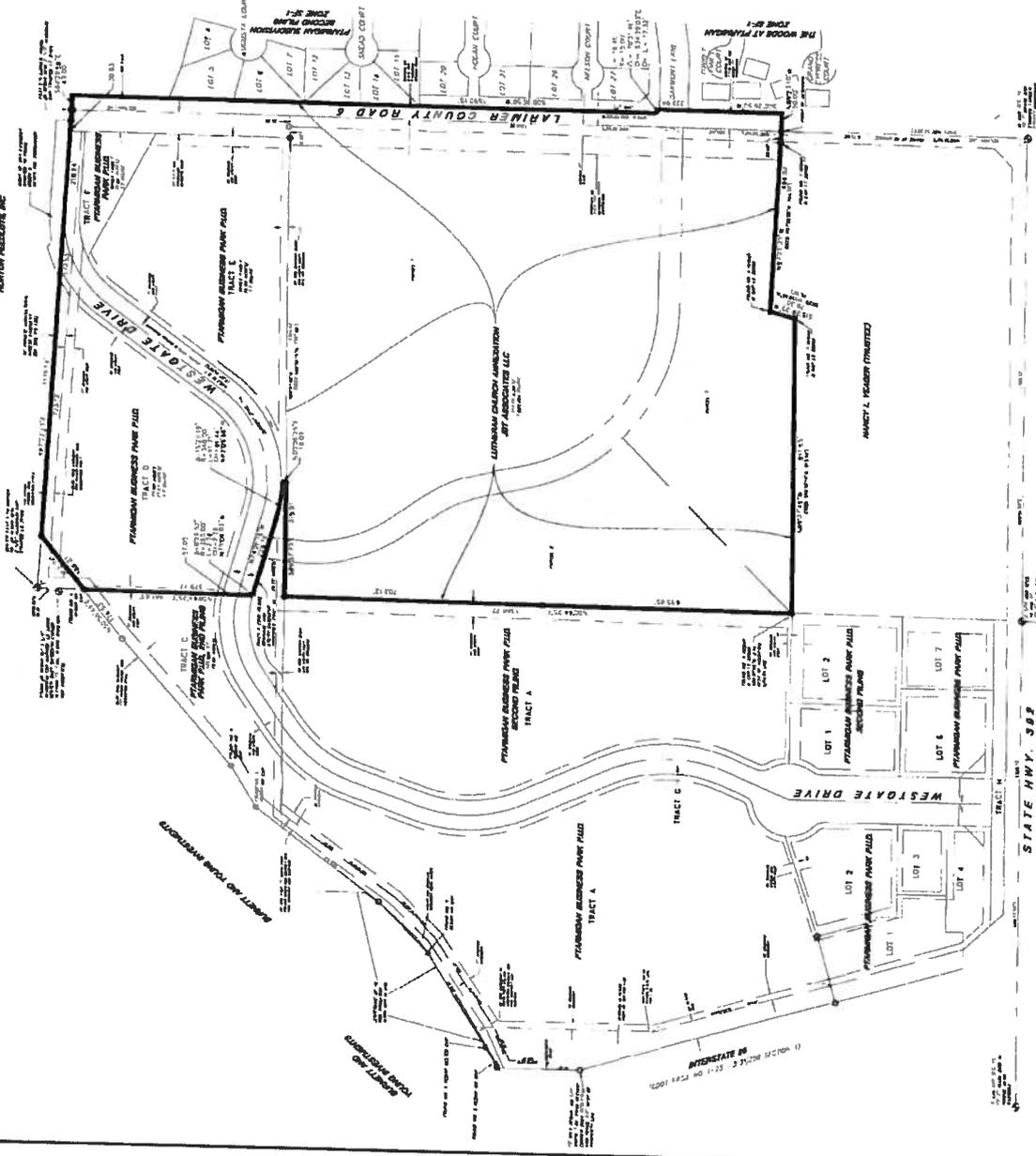
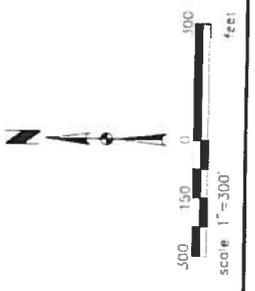


EXHIBIT C  
 DATE: APRIL 2016  
 JOB NO. 0916 0001 00  
 SHEET 3 OF 3

**TST**  
 TST, INC. CONSULTING ENGINEERS  
 748 Shreve Way, Suite 200  
 Fort Collins, Colorado  
 Phone: 970.225.2201



# CAC Enhanced Design Standards

## Definitions

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|                                  |  |
|----------------------------------|--|
| <b>Automobile Dealership</b>     | “Automobile Dealership” shall have the same meaning as defined in the Amended and Restated Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange dated [date] |
| <b>Front Façade</b>              | Any side of building with the primary entrance. A Front Façade may also be a Primary Façade.   |
| <b>I-25 Landscape Buffer</b>     | An area of no less than eighty (80) feet, measured from the Interstate 25 right-of-way’s outer boundary.   |
| <b>Parking Lot</b>               | All areas used for the parking of vehicles for customers, employees, and visitors, and fleet or business vehicles. In the case of Automobile Dealerships, Parking Lot shall not mean Vehicle Inventory Lots.         |
| <b>Primary Façade</b>            | Any side of building facing toward a public or Street-like Private Drive. A Front Façade may also be a Primary Façade.   |
| <b>Street-like Private Drive</b> | Any privately-owned and maintained roadway intended for public use.  |
| <b>Vehicle Inventory Lots</b>    | All areas used for the mass display of vehicles offered for sale or lease on any property upon which an Automobile Dealership is located. .  |
| <b>Vehicle Display Areas</b>     | An outdoor pad site, typically raised above grade, with physical design characteristics meant to showcase a limited number of vehicles in a manner that stands out from Vehicle Inventory Lots and Parking Lots.     |

## General Purpose:

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The intent of these standards is to provide the tools for creating an improved quality of appearance and more integrated mix of land uses for the Windsor Corridor Activity Center (CAC). These standards apply to all development applications within the CAC other than single-family residential development and public parks or open space. These standards supplement all of the Town’s adopted design standards

and, to the extent that the Town's adopted standards conflict with these standards, these standards shall apply.

### Site Design:

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To the maximum extent feasible, larger sites containing multiple buildings and uses shall be composed of a series of urban-scale blocks of development defined and formed by public streets or Street-like Private Drives that provide links to nearby streets along the perimeter of the site.

1. In addition to a network of streets and drives, blocks shall be connected by a system of parallel tree-lined sidewalks that adjoin the streets and drives which, when combined with off-street connecting walkways, enables a fully integrated and continuous pedestrian network.
2. To the maximum extent feasible, remote or independent pad sites, disconnected from the pedestrian sidewalk network and shared parking facilities, shall be minimized. Buildings shall be directly connected to the pedestrian sidewalk network. All parking areas shall be interconnected to provide shared parking opportunities.

### Landscaping:

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Landscaping shall be incorporated around service areas, building entrances and throughout parking areas, vehicular and pedestrian circulation areas. All landscaping shall be in accordance with the Town of Windsor Tree and Landscape Standards, as amended, updated or replaced. The intent of these standards is to enhance the Tree and Landscape Standards in the CAC to ensure a high-quality appearance within the CAC.

1. Site landscaping shall be twenty percent (20%) or greater, excluding the I-25 Buffer, and any applicable Buffer Yards as set forth below.
2. Landscape designs shall strive to incorporate xeric principles.
3. Berms and walls may also be incorporated as an element for screening.
4. I-25 Landscape Buffer. Landscaping adjacent to Interstate 25 shall be provided in accordance with the following:
  - A. Landscaping within the I-25 Landscape Buffer shall be planted predominantly with drought-tolerant grasses, interspersed with bands of shrubs and trees.
  - B. A minimum of two (2) evergreen trees, two (2) shade trees, and four (4) shrubs per one-hundred (100) lineal feet of frontage shall be provided.
  - C. Fences, screen walls, Parking Lots, Vehicle Inventory Lots and Vehicle Display Areas are not allowed within the I-25 Landscape Buffer. Retaining walls should be minimized to the greatest extent possible, and shall not exceed four feet (4') in height.
  - D. Parking Lots, loading and service areas shall be significantly buffered from I-25 primarily by the use of naturalistic berms and landscaping. Berm heights shall primarily be designed to provide significant buffering of Parking Lots, loading and service areas, yet allowing for some visibility of buildings and providing visual interest along I-25.
  - E. Berms shall comply with the following:

1. Berms shall range in height from three (3) to seven (7) feet in height, dependent on the proposed finished grade of the adjacent Parking Lot, loading or service area in relation to the adjacent interstate grade. If I-25 is elevated in comparison to the grade at the edge of the proposed development, berms should be higher to achieve the same buffering effect.
2. Berms shall create a naturalistic appearance raising, lowering, and/or overlapping, to provide adequate buffering.
3. The slope of berms shall generally be no steeper than a ratio of 4:1 to allow for a naturalistic, park-like appearance, and allow for mowing.
4. Berms shall be located along the easternmost portion of the I-25 Landscape Buffer, while still allowing for a meandering appearance of the berms.
5. Berms shall be predominately planted with drought-tolerant grasses, interspersed with shrubs and trees.
6. When berms are intended to provide significant screening of parking, loading and service areas, calling for berms greater than five feet in height, the berms and surrounding areas shall primarily be planted with drought-tolerant grasses interspersed with shrubs and a mix of shade, ornamental, evergreen trees. On average, such screening areas shall be planted with a minimum of four (4) trees and four (4) shrubs per one-hundred (100) lineal feet, requiring a minimum of 50% evergreen trees. Significant buffering of Parking Lots, loading and service areas shall be provided while allowing for some visibility of buildings.
7. When berms are intended to provide lower amounts of screening of Parking Lots, loading and service areas, calling for berms five feet or less in height, the berms and surrounding areas shall be planted with a higher-density mix of shade, evergreen and ornamental trees, in addition to drought-tolerant grasses and shrubs. On average, such areas shall be planted with a minimum of eight (8) trees and eight (8) shrubs per one-hundred (100) lineal feet, requiring a minimum of 50% evergreen trees. Significant buffering of Parking Lots, loading and service areas shall be provided while allowing for some visibility of buildings.
8. The Site Plan development review process submittals shall illustrate screening and view opportunities, including representative cross-sections and key views from adjacent streets.

5. Parking Lot Screening

- A. The perimeter of all Parking Lots and Vehicle Inventory Lots shall be screened from public streets, Street-like Private Drives, public open space, and adjacent properties by at least one of the following methods for the entire perimeter length:
  1. A berm three (3) feet high with a maximum slope of 3:1 in combination with evergreen and deciduous trees and shrubs.
  2. A hedge at least three (3) feet high, consisting of a double row of shrubs planted 3-feet to 5-feet on center, depending on the species, in a triangular pattern.

3. A decorative fence or wall made of masonry or other high quality material between three (3) and four (4) feet high in combination with landscaping.
- B. In addition to the above screening, the following landscaping is required:
  1. Trees shall be provided at a ratio of two (2) evergreen, one (1) ornamental tree, one (1) shade tree, and four (4) shrubs per one-hundred (100) lineal feet along a public street or Street-like Private Drive.
  2. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right-of-way.
6. Parking Lot and Vehicle Inventory Lot Landscaping:
  1. In addition to landscape island requirements, large surface Parking Lots and Vehicle Inventory Lots shall be visually and functionally segmented into smaller sections by landscape areas or islands. Each section shall contain a maximum of two hundred (200) parking spaces. Vehicle inventory Lots with no striping shall be broken into sections not to exceed two hundred (200) vehicles. The perimeter of each module shall be landscaped with a ten foot (10') wide buffer landscaped with shrubs and trees, including one tree every forty feet (40'). Each section shall contain a maximum of two hundred (200) parking spaces.
  2. Landscape medians and/or islands should strive to incorporate bio swales and/or raingardens throughout a site to manage runoff.
7. Buffer Yards
  - A. Applicability. These standards apply to all development applications within the CAC other than proposed single-family residential development and public parks or open space.
  - B. Purpose. The purpose of this Section is to provide standards to separate proposed non-residential development from existing single-family residential uses, in order to eliminate, mitigate or minimize potential nuisances.
  - C. Buffer standards. Buffer yards shall be located on the outer perimeter of a lot or parcel proposed for non-residential development abutting single-family detached uses.
  - D. Only those structures used for buffering and/or screening purposes shall be located within a buffer yard. The buffer yard shall not include any paved area, except for pedestrian sidewalks or paths. Fencing and/or walls used for buffer yard purposes shall be solid, with at least seventy-five (75) percent opacity.
  - E. Buffer yard widths are established in the chart below and specify deciduous or coniferous plants required per one hundred (100) linear feet along the affected property line, on an average basis.

|              |                  | Plants per 100 linear feet along affected property line |                  |                 |              |
|--------------|------------------|---|------------------|-----------------|--------------|
| Buffer Width | Plant Multiplier | Shade Trees   | Ornamental Trees | Evergreen Trees | Large Shrubs |
| 40           | 1.00             | 4   | 4                | 3               | 25           |

|    |     |     |     |     |      |
|----|-----|-----|-----|-----|------|
| 50 | .90 | 3.6 | 3.6 | 2.7 | 22.5 |
| 60 | .80 | 3.2 | 3.2 | 2.4 | 20.0 |

F. Credit for berm. The required plant units may be reduced by 50% if a landscaped berm is provided with a minimum height of 5 feet.

8. Other landscape areas. Landscape areas outside of the I-25 Landscape Buffer, Parking Lot Screening, Parking Lot and Vehicle Inventory Lot Landscaping, and Buffer Yards shall consist of at least one (1) tree and five (5) shrubs for every 750 square feet of landscaped area.

### **Parking:**

---

1. Applicability. These standards apply to all Parking Lots within the CAC associated with commercial, industrial, or multifamily development.
2. Purpose. The purpose of this Section is to provide standards to enhance the physical appearance of development within the CAC by ensuring Parking Lots are designed to maintain and enhance the quality of commercial development, manage storm water runoff, reduce heat island effects, and promote a pedestrian friendly and safe environment.
3. Standards. Parking Lots shall be located away from the Front Façade of a building to the maximum extent feasible. Such Parking Lots, if located between the Front Façade of the building and the adjacent public or Street-like Private Drive, shall be limited to no more than a single drive aisle with a single row of parking on each side. When this layout does not provide adequate parking, additional parking shall be located on sides of a building that are not a Front Façade.
4. Parking Lots containing more than one (1) drive aisle shall include walkways that are located in places that are logical, safe and convenient for pedestrians.

### **Building Design and Orientation:**

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The purpose of this Section is to provide standards to enhance the physical appearance of development within the CAC. The intent is not to limit creativity or innovation in architectural design. Applicants proposing architecture that does not comply with the following standards are encouraged to seek alternative compliance.

#### **Orientation:**

1. Primary Facades shall face an adjacent public or Street-like Private Drive.
2. For buildings with more than one Primary Façade, facades visible from each street shall incorporate high-quality architectural materials, architectural elements and building appearance equivalent to that of the Front Façade.
3. Building details, landscaping and berming shall be combined to create a level of visual interest equivalent to that of the Front Façade for all Primary Facades on the building.

4. Service areas, loading docks, outdoor storage and mechanical equipment shall not face a public or Street-like Private Drive unless completely screened from view from all adjacent roadways and properties with combined architectural and landscape materials that complement the building.
5. To the maximum extent feasible, buildings shall be oriented to preserve intermittent views to the west.

**Form/Façade Treatment:**

1. All sides of buildings shall be of high-quality architecture and building materials.
2. Building sides facing a public street or Street-like Private Drive shall incorporate high-quality architectural materials, architectural elements and building appearance equivalent to that of the building front.
3. Entrances shall be clearly defined by architectural elements.
4. Facades shall incorporate a minimum of three (3) of the following architectural elements to emphasize building entries, doorways, walkways and window openings.
  - (a) Canopies or awnings over at least thirty percent (30%) of the openings of the building; or
  - (b) Covered walkways, porticos and/or arcades covering at least thirty percent (30%) of the horizontal length of the front facade; or
  - (c) Projecting trim, ledges or similar architectural accent features between two (2) inches and six (6) inches in width around all windows and doorways; or
  - (d) Raised cornice parapets over entries; or
  - (e) Some other architectural feature or treatment which adds definition to the building openings, walkways or entrances.
5. Ground floor facades that face streets or public walkways must be modulated with features such as windows, entrances, arcades, porches, pilasters, arbors, awnings, recessed or projecting display windows along no less than 75% of the length of the façade.
6. Openings or architectural elements simulating fenestration-like features shall occupy at least twenty percent (20%) of the wall surface area of the first floor of the primary facade and walls adjacent to public rights-of-way, or visible from adjacent properties.
7. No single wall plane shall exceed 30 feet horizontal length or vertical height.
8. Wall planes shall include varying building articulation with a minimum of three feet in projection or depth from an adjacent wall plane.
9. Wall planes shall include a variety of building materials, not to exceed 75 percent of one material.
10. Facades greater than 100 feet in length shall provide a varying roofline.
11. All roof-top equipment shall be fully screened from view of adjacent roadways and properties.

**Roof Form:**

*Buildings Less than 10,000 sq.ft.*

Roofs on primary structures with a floor plate less than 10,000 sq.ft. shall be pitched with a minimum slope of at least 5:12 or provide the appearance of 5:12 pitch through the use of a modified mansard

roof. At least one of the following elements shall be incorporated into the design for each 50 lineal feet of roof:

1. Projecting gables
2. Hips
3. Horizontal/vertical breaks

Three or more roof slope planes shall be incorporated into a design.

*Buildings Larger than 10,000 sq.ft.*

Roofs on structures with a floorplate of greater than 10,000 sq.ft. shall have no less than two of the following features:

1. Parapet walls featuring three-dimensional cornice treatment that at no point exceed one-third of the height of the supporting wall.
2. Overhanging eaves, extending no less than 3 feet past the supporting walls.
3. Sloping roofs not exceeding the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
4. Three or more roof slope planes.

## **Compatibility:**

---

*Compatibility* shall mean the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. *Compatibility* does not mean "identical". Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

To the extent feasible, conditions may be imposed upon approval of a development project in or adjacent to an existing developed neighborhood to achieve compatibility in connection with:

- 1) a complementary or new high-quality standard of architectural character for the neighborhood, including building materials and colors which complement or create an enhanced architectural standard for the area;
- 2) softening a building's mass and scale through building articulation, subdivision of building mass, and sensitive orientation of a building on the site;
- 3) creating opportunities for privacy of abutting land uses; and
- 4) limitations on outdoor storage areas, mechanical equipment, loading and unloading.

## **Lighting:**

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In addition to compliance with *Windsor Municipal Code* §16-10-100, the following lighting standards shall apply:

- A. In no event shall lighting negatively affect the safe passage of traffic on public roadways adjacent to or in proximity of the site.

- B. Exterior building lighting and display lighting shall include fixtures with a dimming interface.
- C. Light poles within 100 feet of a residential use or residentially-zoned property shall not exceed 20 feet in height.
- D. Outdoor lighting shall be limited to a maximum of one thousand (1000) candela per square meter (nits).
- E. Outdoor lighting shall be L.E.D. (light emitting diode) "Dark Sky" compliant, per the International Dark Sky Association requirements for reducing light pollution and minimizing glare, sky glow, spill light and obtrusive light.
- F. Light bulbs shall be soft-white or warm-white hues.
- G. A photometric plan illustrating compliance shall be submitted.

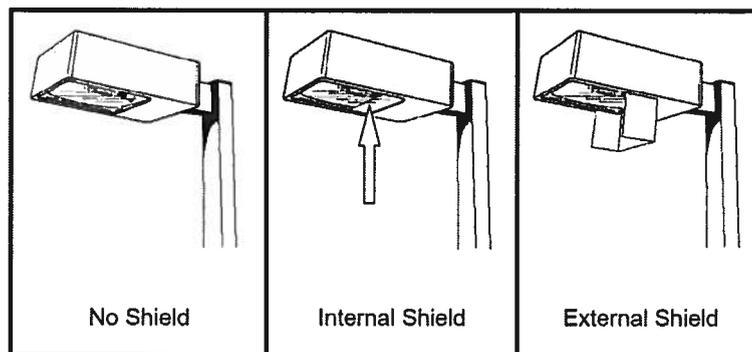
**Lighting Time Limitations**

Parking Lot, Vehicle Inventory Lot and Outdoor Vehicle Display Area lighting shall require fixtures with a dimming interface. Lighting in and surrounding such parking, inventory and display areas shall be reduced within one hour after business closing to a level sufficient for security purposes only. All exterior illumination shall be reduced to levels sufficient for security purposes only after 10:00 p.m.

**Shielding**

All light fixtures required to be fully shielded shall be installed to satisfy the following:

1. All outside light fixtures, including building-mounted lighting shall be fully shielded and be aimed so that the direct illumination shall be confined to the property boundaries of the source.
2. All light fixtures used on open parking garages, including those mounted to the ceilings over the parking decks, shall be fully shielded.



**Certification**

Outdoor lighting shall be designed and certified by an engineer as conforming to all applicable restrictions of these Standards before construction commences. Further, the system shall be certified by a registered engineer following installation to verify that the installation is consistent with the certified design.

## Noise:

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The intent of the following standards is minimize noise generated on the property and promote compatibility with surrounding land uses.

1. Amplified sound prohibited. Phones, pagers and other silent methods of communication shall be utilized for communication between employees, customers and others. Amplified speakers and similar methods of communication shall be prohibited.
2. Vehicle service shall take place within fully-enclosed buildings with closed overhead doors to minimize noise from tools, equipment or other sources.
3. With regard to the operation of motor vehicles, unreasonable noise shall include, but not be limited to:
  - a. The continuous or repetitious sound of any horn or signal device of a motor vehicle, except as a danger signal. For the purposes of these regulations, *continuous* shall mean continuing for an unnecessary or unreasonable period of time.
  - b. The operation of any motor vehicle in a manner which causes excessive noise as a result of an unlawful, defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving the engine or tire squeal.

## Outdoor Display:

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Outdoor display of merchandise for sale or lease is not allowed unless specifically depicted on an approved site plan.

Notwithstanding the foregoing, the following Vehicle Display Area standards shall apply to Automobile Dealership uses.

1. In addition to compliance with *Windsor Municipal Code* Chapter 16, Vehicle Display Areas shall be consistent with the following:
  - a. Lighting, per the CAC design standards.
  - b. Vehicle Display Areas shall be located on-site and shall not be located in any setback, buffer area, drive aisles, driveways, customer or employee parking, or interfere with any pedestrian walkways, or public right-of-way.
  - c. Vehicle Display Areas shall occur only in areas approved on the Site Plan and shall adhere to the following:
    - i. A maximum of five (5) Vehicle Display Areas shall be allowed in the CAC that front on I-25. A maximum of three (3) Vehicle Display Areas fronting Westgate Drive shall be allowed.
    - ii. No more than three (3) vehicles shall be displayed at any one Vehicle Display Area.
    - iii. Vehicle Display Areas shall be no taller than four feet (4') in height measured from the adjacent grade and shall not be installed at the top of berm areas.

- iv. The facade of a Vehicle Display Area shall be masonry or other similar high-quality material.
- v. Vehicles shall be displayed parallel to the ground.
- vi. Rotating displays are not allowed.
- d. Vehicle Display Areas shall include landscaping between the Vehicle Display Area and property line with shrubs and perennials. The Vehicle Display Area landscaping is separate from and additional to required Parking Lot landscaping requirements, landscape buffer area requirements and public right-of-way landscaping requirements.
- e. Use of balloons, inflatable devices, and any other similar active or mechanical attention-getting devices is prohibited.

### **Alternative Compliance:**

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The Planning Commission may approve alternative compliance if it finds that the granting of the alternative compliance would not be detrimental to the public interest as follows:

1. The plan as submitted will promote the general purpose of the design standards for which the alternative compliance is requested equally well or better than would a plan which complies with the standard for which alternative compliance is requested; or
2. The approval of alternative compliance would, without impairing the intent and purpose of the design standards:
  - a. , Substantially alleviate an existing, defined and described problem of Town-wide concern expressly defined and described in the Town's Comprehensive Plan or in an adopted policy, ordinance or resolution of the Town Board, and the strict application of such a standard would render the project practically infeasible; or
  - b. Would result in a substantial benefit to the Town by reason of the fact that the proposed project would substantially address an important community need specifically and expressly defined and described in the Town's Comprehensive Plan or in an adopted policy, ordinance or resolution of the Town Board, and the strict application of such a standard would render the project practically infeasible;

or

3. By reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to such property, including, but not limited to, physical conditions such as exceptional narrowness, shallowness or topography, the strict application of the design standard for which alternative compliance is sought would result in unusual and exceptional practical difficulties, or

exceptional or undue hardship upon the owner of such property, provided that such difficulties or hardship are not caused by the act or omission of the applicant or persons acting under the direction or control of the applicant; or

4. The plan as submitted will not depart from the CAC design standards except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the overall purposes of the CAC enhanced design standards as set forth herein.
5. Appeals of Planning Commission decisions with respect to Alternative Compliance may be reviewed by the Town Board. The Town Board's decision shall be deemed final.

## MEMORANDUM

**To:** Mike Downey  
**From:** Lucia Liley  
**Date:** October 6, 2016  
**Re:** Comparison of Proposed Windsor CAC Design Guidelines to Fort Collins' CAC Design Guidelines

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You have asked us to make a comparison of the proposed Windsor CAC Design Guidelines, which the Town Board will consider Monday night, to those adopted by Fort Collins as those guidelines affect visibility from I-25. Attached is a 2-page comparison of the critical guidelines affecting visibility, showing---side-by-side---what Fort Collins had adopted versus what Windsor is proposing, with applicable code citations for each.

The key differences are these:

1. I-25 BERMS IN BUFFER. Berms greater than 3 feet are PROHIBITED in Fort Collins if they block views and berms are NEVER REQUIRED UNLESS the decision-maker determines that screening of certain uses from I-25 is necessary.

**RESPONSE:** The above comparison is misleading. Berms are prohibited in Fort Collins ONLY if they block views of MOUNTAINS and OPEN LANDS. Windsor's berming and landscape standards adjacent to I-25 provide developers with more predictability than Fort Collins because the standards are not decided on a case-by-case basis. Fort Collins has the ability to require screening as needed, depending on the proposal, which could result in more requirements than Windsor (for example, there is also no upper limit to the height of berms in Fort Collins, while 7' is established as the maximum required in Windsor).

The Windsor standards make berming MANDATORY and the height of the berms must vary from 3 to 7 feet depending on grades and, with the heavy tree landscaping also required (see below), our landscape architects say that there would be little to no visibility from I-25 when the landscaping is mature.

**RESPONSE:** Windsor's berm and landscape standards adjacent to I-25 are intended to create an attractive gateway into the community and screen any adjacent parking areas, not intended to limit or block visibility of buildings. Furthermore, even in the areas with dense landscaping along I-25 adjacent to The Promenade Shops at Centerra, buildings maintain meaningful visibility. Landscaping does not have to be uniform, meaning it can be clustered, which is typically recommended by landscape architects, to allow for visibility of buildings.

2. I-25 BUFFER TREES. Although the 80 foot wide buffer is the same for both municipalities and the total trees per 100 feet is the same, the difference is that Windsor

would require that one-half of the trees be evergreens which screen year round, while Fort Collins only requires a mix of deciduous and evergreen, with no required percentage.

RESPONSE: Larger amounts of evergreens are consistent with the look at Promenade Shops at Centerra, which the Town Board indicated they liked. Again, the landscaping can be clustered to allow building visibility. The site plan review in Fort Collins could require additional evergreen trees on a case by case basis. Additionally, Windsor's proposed standards require 1/4<sup>th</sup> the number of shrubs that Fort Collins requires.

3. PARKING LOT PERIMETER LANDSCAPING. Fort Collins only requires screening of 75% of the lot's perimeter while Windsor would require screening of the entire perimeter and additionally has landscaping requirements along streets and the perimeters of each parking module within a parking lot.

RESPONSE: Fort Collins requires screening of AT LEAST 75% of the perimeter of a lot, but more could be required through the site plan review process. It is incorrect that Windsor requires screening of the entire perimeter, as *screening* requirements apply to incompatible land uses, parking lots, service areas, and areas where vehicle headlights would create a negative impact on an adjacent street or adjacent property (for example, a drive-thru lane adjacent to a street).

Currently, both Windsor and Fort Collins require screening of parking lots and landscaping within parking lots. Additionally, both communities currently have general landscaping requirements for any site and enhanced landscaping adjacent to public streets. The design standards merely enhance existing standards.

4. LANDSCAPING FOR DIFFERENT BERM HEIGHTS. Fort Collins' landscaping requirements are equal to Windsor's "lower screening" landscaping method but only apply to berms less than 5 feet, IF REQUIRED by the decision-maker to screen parking and service areas. Windsor landscaping requirements apply to ALL berms of ALL heights: either of Windsor's landscaping options (lower berms with dense landscaping or taller berms with less landscaping) effectively block visibility from I-25 according to the landscape architects we have had review these guidelines.

RESPONSE: Again, Windsor's berming and landscape standards adjacent to I-25 provide developers with more predictability than Fort Collins because the standards are not decided on a case-by-case basis. Fort Collins has the ability to require screening as needed depending on the proposal, which could result in more requirements than Windsor.

In response to the claim that the proposed standards would effectively block visibility from I-25, the proposed standards are LESS than the landscaping in place at the Promenade Shops at Centerra. Landscaping at Centerra is fairly dense; however, does allow meaningful views of buildings because clustering of landscaping has been well

designed. For example, the landscaping provided in proximity to Dick's Sporting Goods in Centerra (visible from I-25) has a ratio of approximately 6 trees per 100 lineal feet in the buffer between I-25 and the mall access road. The ratio proposed in the Windsor standards is less than that, at 4 trees per 100 lineal feet, which should provide an attractive landscape buffer while still allowing visibility to buildings.

Please see the side-by-side comparison attached to this memo for more detail. The bottom line is that, in regard to key I-25 buffer, berming and landscaping standards, Windsor's proposed standards are stricter than Fort Collins and less flexible, with the end result that developers desiring some level of meaningful visibility from I-25 will not have any certainty of being able to attain that under the Windsor standards.

**ATTACHMENT  
TO MEMORANDUM**

|  |  |
|--|--|
| Parking Lot Perimeter Landscaping  |  |
| Fort Collins I-25  | Proposed Windsor CAC   |
| LUC 3.9.4(A) requires screening of <u>75% of the perimeter</u> of parking lots from nearby streets, public ROW, public open space and nearby uses, using one of 3 methods: (1) berm with landscaping; (2) double row hedge; or (3) fence or wall with landscaping  | Landscaping, Section 5, Parking Lot Screening requires screening of the <u>entire perimeter</u> of parking lots from the same kinds of uses, using one of 3 methods that are very similar to the Fort Collins' methods ( <i>proposed new requirement</i> )   |
| Note: Fort Collins only requires screening of 75% of the lot's perimeter while Windsor requires screening of the entire perimeter; Windsor also has additional landscaping requirements for along streets and around the perimeters of each 200-space parking module within a parking lot                    |  |
| I-25 Buffer  |  |
| Fort Collins I-25  | Proposed Windsor CAC   |
| LUC 3.9.4(B)(1) requires a buffer of at least 80-foot buffer <u>between</u> I-25 ROW and nearest building or parking lot edge ( <i>existing requirement</i> )  | The I-25 Landscape Buffer is defined as an area no less than 80-feet wide, measured from the outer boundary of the I-25 ROW  |
| Per LUC 3.9.4(B)(1), required landscaping in the buffer is informal clusters of deciduous and evergreen trees and shrubs; 1 tree/25 feet and 10 shrubs/25 feet ( <i>existing requirement</i> )   | Landscaping, Section 4, I-25 Landscape Buffer requires predominantly grasses interspersed with trees and shrubs; 2 evergreens/100 feet; 2 shade trees/100 feet; 4 shrubs/100 feet  |
| Note: Tree totals per 100 feet are the same, however, Windsor requires that one-half of the trees be evergreens, which screen year-round unlike shade trees; shrub totals in Fort Collins are 4 times greater than Windsor (40/100 feet vs. 4/100 feet) but shrubs do not block visibility the way trees do. |  |
| I-25 Buffer continued  |  |
| Per LUC 3.9.4(B)(2), berms greater than 3 feet are prohibited if they block long-range views of mountains and open lands for I-25 motorists ( <i>existing requirement</i> )  | Per Landscaping, Section 4, I-25 Landscape Buffer berms are required to screen parking lots, loading and service areas; <u>berms shall range from 3 to 7 feet tall</u> depending on the relationship of the finished grade of the area being screened and I-25; higher berms are required I-25 is elevated |
| Per LUC 3.9.4(B)(2), berming greater than 3 feet <u>may be required</u> to screen parking lots, drive-thrus and service areas  |  |

|   |  |
|---|--|
| <i>(proposed new requirement)</i>   |  |
| <p>Note: Berms greater than 3 feet in Fort Collins are prohibited if they block views, and berms are never required, unless the decision-maker requires the screening of certain uses from I-25; in Windsor, berming to screen such uses is <u>mandatory</u> and the height must vary from 3 feet to 7 feet along the length of the berm. The combination of required 80-foot buffer, 3 – 7 foot berms and heavy tree landscaping means little to no visibility from I-25 when the landscaping is mature.</p> |  |
| <p>Per LUC 3.9.4(B)(3) berms that screen parking and service areas that are less than 5 feet tall shall be landscaped with 8 trees/100 feet (with 50% evergreens) and 8 shrubs/100 feet <i>(proposed new requirement)</i></p>   | <p>Landscaping, Sections 6 and 7, provide different berm heights and landscaping requirements for “significant screening” and “lower amounts of screening”;</p> <ul style="list-style-type: none"> <li>- “significant screening” requires <u>5 feet berms</u> and 4 trees (with 50% evergreens) and 4 shrubs/100 feet;</li> <li>- “lower screening” requires berms <u>less than 5 feet</u>, but higher density landscaping of 8 trees (with 50% evergreens) and shrubs/100 feet</li> </ul> |
| <p>Note: Fort Collins’ landscaping requirements are equal to Windsor’s “lower screening” method, but only apply to berms less than 5 feet, <u>if required</u> by the decision-maker to screen parking and service areas; Windsor’s landscaping requirements apply to all berms of all heights; either of Windsor’s options (lower berms with dense landscaping, or taller berms with less landscaping) effectively block visibility from I-25.</p>  |  |
| <p>Per LUC 3.9.4(B)(4) screen walls are allowed in the I-25 buffer if they meet the requirements of LUC 3.9.8 for materials, location and maximum length <i>(proposed new requirement)</i></p>  | <p>Per Landscaping, Section 4, screen walls and fences are prohibited in the I-25 Buffer; only retaining walls are permitted but should be minimized to the greatest extent possible, and have a 4-foot height limitation</p>  |

In summary, the purpose of landscaping and screening is misrepresented in this comparison. This section pertains to screening of parking areas, not buildings.

Fort Collins requires screening of **at least** 75% of perimeter but more could be required through site plan review process.

**Parking Lot Perimeter Landscaping**

| Fort Collins I-25   | Proposed Windsor CAC   |
|---|--|
| LUC 3.9.4(A) requires screening of <u>75% of the perimeter</u> of parking lots from nearby streets, public ROW, public open space and nearby uses, using one of 3 methods: (1) berm with landscaping; (2) double row hedge; or (3) fence or wall with landscaping | Landscaping, Section 5, Parking Lot Screening requires screening of the <u>entire perimeter</u> of parking lots from the same kinds of uses, using one of 3 methods that are very similar to the Fort Collins' methods ( <i>proposed new requirement</i> ) |

**Note: Fort Collins only requires screening of 75% of the lot's perimeter while Windsor requires screening of the entire perimeter; Windsor also has additional landscaping requirements for along streets and around the perimeters of each 200-space parking module within a parking lot**

**I-25 Buffer**

| Fort Collins I-25 | Proposed Windsor CAC |
|-------------------|----------------------|
|-------------------|----------------------|

|   |   |
|---|---|
| LUC 3.9.4(B)(1) requires a buffer of at least 80-foot buffer <u>between</u> I-25 ROW and nearest building or parking lot edge ( <i>existing requirement</i> ) | The I-25 Landscape Buffer is defined as an area no less than 80-feet wide, measured from the outer boundary of the I-25 ROW |
|---|---|

|  |   |
|--|---|
| Per LUC 3.9.4(B)(1), required landscaping in the buffer is informal clusters of deciduous and evergreen trees and shrubs; 1 tree/25 feet and 10 shrubs/25 feet ( <i>existing requirement</i> ) | Landscaping, Section 4, I-25 Landscape Buffer requires predominantly grasses interspersed with trees and shrubs; 2 evergreens/100 feet; 2 shade trees/100 feet; 4 shrubs/100 feet |
|--|---|

**Note: Tree totals per 100 feet are the same, however, Windsor requires that one-half of the trees be evergreens, which screen year-round unlike shade trees; shrub totals in Fort Collins are 4 times greater than Windsor (40/100 feet vs. 4/100 feet) but shrubs do not block visibility the way trees do.**

**I-25 Buffer continued**

|   |  |
|---|--|
| Per LUC 3.9.4(B)(2), berms greater than 3 feet are prohibited if they block long-range views of mountains and open lands for I-25 motorists ( <i>existing requirement</i> ) | Per Landscaping, Section 4, I-25 Landscape Buffer berms are required to screen parking lots, loading and service areas; <u>berms shall range from 3 to 7 feet tall</u> depending on the relationship of the finished grade of the area being screened and I-25; higher berms are required I-25 is elevated |
|---|--|

|   |  |
|---|--|
| Per LUC 3.9.4(B)(2), berming greater than 3 feet <u>may be required</u> to screen parking lots, drive-thrus and service areas ( <i>proposed new requirement</i> ) |  |
|---|--|

These are saying the same thing

Site plan review in FC could require additional evergreen trees. Higher amounts of evergreens is consistent

The purpose of term "interspersed" is to allow for the clustering of trees, allowing for visibility of buildings.

Windsor standard is more prescriptive and provides more certainty to developers. Developers in Fort Collins would not know if berms over 3' will be required until the site plan review process and there's no upper limit to the height of berms.

Berms over 3' are only prohibited if they block the view of mountains and open lands (not businesses)

Berms are required to screen parking lots and service areas only. They are not required or intended to screen buildings.

**Note:** Berms greater than 3 feet in Fort Collins are prohibited if they block views, and berms are never required, unless the decision-maker requires the screening of certain uses from I-25; in Windsor, berming to screen such uses is mandatory and the height must vary from 3 feet to 7 feet along the length of the berm. The combination of required 80-foot buffer, 3 – 7 foot berms and heavy tree landscaping means little to no visibility from I-25 when the landscaping is mature.

Per LUC 3.9.4(B)(3) berms that screen parking and service areas that are less than 5 feet tall shall be landscaped with 8 trees/100 feet (with 50% evergreens) and 8 shrubs/100 feet (*proposed new requirement*)

Landscaping, Sections 6 and 7, provide different berm heights and landscaping requirements for "significant screening" and "lower amounts of screening";

- "significant screening" requires 5 feet berms and 4 trees (with 50% evergreens) and 4 shrubs/100 feet;
- "lower screening" requires berms less than 5 feet, but higher density landscaping of 8 trees (with 50% evergreens) and shrubs/100 feet

The buildings at Centerra remain visible despite dense landscaping there.

**Note:** Fort Collins' landscaping requirements are equal to Windsor's "lower screening" method, but only apply to berms less than 5 feet, if required by the decision-maker to screen parking and service areas; Windsor's landscaping requirements apply to all berms of all heights; either of Windsor's options (lower berms with dense landscaping, or taller berms with less landscaping) effectively block visibility from I-25.

Per LUC 3.9.4(B)(4) screen walls are allowed in the I-25 buffer if they meet the requirements of LUC 3.9.8 for materials, location and maximum length (*proposed new requirement*)

Per Landscaping, Section 4, screen walls and fences are prohibited in the I-25 Buffer; only retaining walls are permitted but should be minimized to the greatest extent possible, and have a 4-foot height limitation

TOWN OF WINDSOR

RESOLUTION NO. 2016-73

A RESOLUTION OF THE WINDSOR TOWN BOARD SUPPORTING THE PASSAGE OF MEASURES REFERRED TO THE VOTERS BY THE WELD RE-4 SCHOOL DISTRICT BOARD FOR CONSIDERATION ON NOVEMBER 8, 2016

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

WHEREAS, a substantial portion of the Town’s corporate limits overlaps the boundaries of the Weld RE-4 School District (“District”), and many Windsor school children attend District schools; and

WHEREAS, the growth of Windsor’s school-age population has contributed to the increase in demand on the District for increased facilities and services; and

WHEREAS, the District has a proven track record of academic excellence, innovation and sound facilities planning; and

WHEREAS, the District’s Board of Education has recently approved a package of fiscal measures for consideration by the voters on November 8, 2016, which measures include:

- Bonded indebtedness of \$104,769,634.00, the proceeds of which will be applied District-wide for facilities improvements; and
- A \$3,600,000.00 Mill Levy Override to be applied to operating costs for a second high school, Charter Academy operations costs and District-wide technology improvements;

and

WHEREAS, the Town Board has consistently supported education and youth engagement through a constructive relationship with the District; and

WHEREAS, the Town Board believes that the District’s referred measures will promote the public health, safety and welfare; and

WHEREAS, the Town Board wishes to express its support for the passage of the District-referred measures.

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

1. The District's eligible voters are encouraged to inform themselves as to all matters appearing on the November 8, 2016, election ballot.
2. The District's voters are encouraged to vote in favor of Ballot Questions 3B and 3C.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 24<sup>th</sup> day of October, 2016.

TOWN OF WINDSOR, COLORADO

By: \_\_\_\_\_  
Kristie Melendez, Mayor

ATTEST:

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



## MEMORANDUM

**Date:** October 24, 2016  
**To:** Mayor and Town Board  
**Via:** Regular meeting materials, October 24, 2016  
**From:** Ian D. McCargar, Town Attorney  
**Re:** Appointment of Municipal Court Judges  
**Item #:** C-3

### **Background / Discussion:**

In anticipation of the retirement of Hon. Michael E. Manning, the Home Rule Charter requires the appointment of a new Presiding Judge. After much deliberation and fair consideration, the Town Board has directed that a Resolution be prepared under which Teresa Ablao is appointed to this position. The attached Resolution accomplishes this appointment.

Ms. Ablao currently serves as Associate Municipal Judge. Her ascendance to Presiding Judge creates a vacancy. As directed by the Town Board, the attached Resolution appoints Michelle R. Kline to serve as Associate Judge of the Windsor Municipal Court.

Judge Manning's term of office expires at the end of December, 2016. The attached Resolution authorizes the Town Clerk to administer the oath of office to Ms. Ablao and Ms. Kline before each assumes her judicial duties. The swearing-in ceremony is currently scheduled for Monday, December 12, 2016.

Charter Section 9.2.B requires a two-thirds majority vote for the appointment of judicial officers.

**Financial Impact:** The 2017 Budget for the Municipal Court is under consideration. These appointments will not affect the recommended budget.

**Relationship to Strategic Plan:** Safe community

**Recommendation:** Adopt Resolution No. 2016-74 - A Resolution Appointing the Presiding Judge and Associate Judge for the Town of Windsor Municipal Court, and Confirming the Term of Office for Each. **Super-majority required.**

### **Attachments:**

- Professional Qualifications, Teresa Ablao
- Professional Qualifications, Michelle R. Kline

- Resolution No. 2016-74 - A Resolution Appointing the Presiding Judge and Associate Judge for the Town of Windsor Municipal Court, and Confirming the Term of Office for Each

TOWN OF WINDSOR

RESOLUTION NO. 2016-74

A RESOLUTION APPOINTING THE PRESIDING JUDGE AND ASSOCIATE JUDGE FOR THE TOWN OF WINDSOR MUNICIPAL COURT, AND CONFIRMING THE TERM OF OFFICE FOR EACH

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

WHEREAS, the Town is served by its Municipal Court, a duly-qualified court of record pursuant to § 2-4-20 of the *Windsor Municipal Code*; and

WHEREAS, § 2-4-10 (a) of the *Windsor Municipal Code*, governs the term of office for the Presiding Judge and Associate Judge of the Windsor Municipal Court; and

WHEREAS, § 9.2 of the Windsor Home Rule Charter calls for the Town Board to appoint the Presiding Judge of the Windsor Municipal Court by an affirmative vote of two-thirds (2/3rds) of the Town Board Members then in office; and

WHEREAS, the Town Board has given due consideration to the qualifications and experience of interested candidates for the Presiding Judge and Associate Judge; and

WHEREAS, the Town Board has concluded that the appointment of the Presiding Judge and Associate Judge for the Windsor Municipal Court is proper at this time.

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

1. Teresa Ablao is hereby appointed to serve as the Presiding Judge of the Windsor Municipal Court, effective January 1, 2017.
2. Michelle R. Kline is hereby appointed to serve as an Associate Judge of the Windsor Municipal Court, effective January 1, 2017.
3. The term of office for the Presiding Judge and Associate Judge shall be of such duration as is provided in § 2-4-10 (a) of the *Windsor Municipal Code*, subject to the provisions of § 4.9 (E) of the Windsor Home Rule Charter.
4. The Town Clerk is hereby authorized to administer the judicial oath of office to the appointees identified above, and shall retain a signed Oath of Office for each.

Upon motion duly made, seconded and carried by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, the foregoing Resolution was adopted this 24<sup>th</sup> day of October, 2016.

TOWN OF WINDSOR, COLORADO

By \_\_\_\_\_  
Kristie Melendez, Mayor

ATTEST:

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

*Teresa Ablao*  
*Attorney at Law*

*2061 Shavano Pl. Loveland, CO 80538*  
*970-420-2049 treeab@gmail.com*

**EDUCATION and LICENSES**

- Juris Doctor, University of Colorado May 1988
- B.S. *cum laude*, Western Michigan University December 1984
- Admitted to the Colorado Bar October 1988
- Federal District Court-Colorado December 2004

**EXPERIENCE**

Municipal Judge Wellington, Colorado. May 2001 to present.

- Administer judicial operations for the Town according to the ordinances adopted by the Town Board of Trustees. Cases adjudicated include adult and juvenile civil infractions, misdemeanors, petty offenses and traffic violations.

Municipal Judge Hudson, Colorado. April 2014 to present.

- Administer judicial operations for the Town according to the ordinances adopted by the Town Board of Trustees. Cases adjudicated include adult and juvenile civil and criminal ordinance violations.

Associate Municipal Judge Fort Collins, Colorado. July 2012 to present.

- Preside over Photo Radar/Red Light trials and civil and animal infraction hearings and, in the absence of the Municipal Judge, preside over other Municipal Court proceedings according to the ordinances adopted by the City Council.

Associate Municipal Judge Windsor, Colorado. January 2011 to present.

- Administer Municipal Court proceedings for the Town according to the ordinances adopted by the Town Board of Trustees in the absence of the Municipal Judge.

Associate Municipal Judge Greeley, Colorado. September 2014 to present.

- Preside over Municipal Court proceedings and Neighborhood Code Enforcement administrative hearings as relief judge in the absence of the presiding Judge.

Liquor Licensing Authority Windsor, Colorado. June 2013 to present.

- Make all quasi-judicial and administrative determinations pertaining to the issuance, transfer, renewal, suspension and revocation of liquor licenses within the Town of Windsor corporate boundaries.

Administrative Hearing Officer Commerce City, Colorado. August 2010 to present.

- Neighborhood Services Hearing Officer-Interpret municipal and land use/development code provisions in a quasi-judicial setting; adjudicate protests of civil infractions and appeals of certain administrative decisions.

- Liquor Licensing Authority- Make all quasi-judicial and administrative determinations pertaining to the issuance, transfer, renewal, suspension and revocation of liquor licenses within the City of Commerce City boundaries.
- Marijuana Licensing Authority-Make all quasi-judicial and administrative determinations pertaining to the issuance, transfer, renewal, suspension and revocation of marijuana business licenses within the City of Commerce City boundaries.

Administrative Hearing Officer      Boulder, Colorado. August 2011 to February 2013.

- Interpreted code provisions regarding Medical Marijuana businesses in a quasi-judicial setting; adjudicated appeals of administrative decisions denying or restricting licenses.

Associate Judge      Timnath, Colorado. June 2002 to 2004.

- Administered Municipal Court proceedings for the Town according to the ordinances adopted by the Town Board of Trustees in the absence of the Municipal Judge.

Assistant City Attorney      Loveland, Colorado. April 2012 to present.

- Legal advisor to Loveland Police Department, Loveland Fire and Rescue Authority, Northern Colorado Airport Commission, Code Enforcement, Liquor Licensing Enforcement, Museum, Library and Risk Management. Draft intergovernmental agreements, contracts, policies, resolutions and ordinances for various departments. Also complete special projects for various departments and legal research as assigned by the City Attorney.

Ablao Law LLC      Fort Collins, Colorado. November 2009 to present.

- Private practice of law with a current emphasis in providing judicial and quasi-judicial services to governmental entities. Previous practice emphasis areas included family law, court appointed counsel in Dependency and Neglect cases, court appointed alternate defense counsel, business and nonprofit organization, liquor licensing, wills and trusts, and civil litigation.

Senior Assistant City Attorney      Fort Collins, Colorado. December 1994 to March 2010.

- Advised various City departments, conducted liquor license application reviews, prosecuted liquor violations before the Liquor Licensing Authority; supervised Municipal Court prosecution team; drafted ordinances, administrative rules and regulations pertaining to medical marijuana businesses, liquor licensing, administrative procedures for civil infractions and parking services violations; and drafted intergovernmental agreements, contracts, resolutions and ordinances for various city departments.

Deputy District Attorney      8th Judicial District, Colorado. 1989 to 1994.

- Prosecuted traffic, petty offense, misdemeanor and felony criminal cases in county, juvenile, and district courts in the 8<sup>th</sup> Judicial District. Other duties included general training for law enforcement and litigating civil forfeiture and appellate cases.

## **PROFESSIONAL ASSOCIATIONS, VOLUNTEER ACTIVITIES and AWARDS**

- Crime Victims Compensation Board, 8<sup>th</sup> Judicial District
- Colorado Municipal Judges Association
- Larimer County Bar Association
- Colorado Bar Association
- Colorado Women's Bar Association
- Asian Pacific American Bar Association
- 8th Judicial District Judicial Nominating Committee
- CML Juvenile Justice Committee
- Juvenile Services Planning Commission-Senate Bill 94
- National Law School Moot Court, Judge
- Colorado High School Moot Court, Judge
- Poudre School District Teen Court Program
- Poudre School District Advisory Team
- Thompson Valley Preschool, Board of Directors
- Laramie River Valley Rendezvous, Executive Board member
- Childsafe, Inc., Past Board President
- Fort Collins Police Services Meritorious Service Award 2003
- Metro Municipal Attorneys Association 2005 Outstanding Assistant City Attorney Award
- Loveland Fire Rescue Authority Citizen Service Award 2013
- Loveland Police Chief's Cornerstone Award 2014

## **PRESENTATIONS/LECTURES**

- "Plea Bargaining-Ethical, Legal and Practical Considerations". CML Prosecutor Boot Camp, Denver, 2014.
- "Department of Human Services and Law Enforcement Obligations and Liabilities". Loveland, May 2009.
- "Animal Control Enforcement". Larimer County Humane Society, Spring 2007.
- "First Amendment and Special Event Regulations", Co-presenter. CML Conference, Crested Butte, October 2008.
- "Undue Concentration and the Colorado Liquor Code". CML Conference, Winter Park, October 2006.
- "Residential Occupancy Issues". National Symposium on Best Practices in City/University Relations, Pingree Park, June 2006.
- "Legal Issues Enforcing the Fire Code". National Association of Fire Marshals Symposium, Loveland, November 2006.
- "Dealing with Nuisances Effectively". CML Conference, Vail, June 2005.
- "Code Enforcement Investigations". Colorado Association of Code Enforcement Officers, Fort Collins, September 2005.
- "Liability of Emergency Vehicle Operators". Poudre Fire Authority, Fort Collins, April 2003.

**MICHELLE R. KLINE**  
**8898 Winona Court**  
**Westminster, Colorado 80031**  
**Phone: (303) 229-0078    Email: michellerkline@gmail.com**

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**QUALIFICATIONS**

I have been a prosecutor for twelve years, conducting approximately 1,000 court trials and 100 jury trials. I routinely advise various city departments on a number of municipal issues, and have assisted in law enforcement training academies. In addition to practicing law, I have taught college level courses in the area of criminal justice, including criminal procedure, criminal law, juvenile law, and constitutional law.

**LEGAL EXPERIENCE**

**THORNTON CITY ATTORNEY'S OFFICE—February 24-2014 to Present**  
***ASSISTANT CITY ATTORNEY/MUNICIPAL PROSECUTOR***

- Try cases relating to municipal ordinance violations, including adult and juvenile criminal cases, traffic, zoning, sales tax, and animal control violations
- Responsible for trial docket, which includes preparing the case files by reviewing charges, making necessary amendments, and offering plea bargains and sentencing recommendations
- Participate daily in arraignments, bond hearings, motion hearings, and sentencings
- Prepare motions, research relevant case law, keep updated on current statutory and procedural law
- Advise Police Department, Building Department, City Development, and Finance Department
- Write ordinances related to criminal law, animal violations, and marijuana licensing and enforcement

**LAKESWOOD CITY ATTORNEY'S OFFICE—October 25, 2004 to February 21, 2014**  
***ASSISTANT CITY ATTORNEY/MUNICIPAL PROSECUTOR***

- Tried cases relating to municipal ordinance violations, including adult and juvenile criminal cases, domestic violence cases, traffic, zoning, sales tax, and animal control violations
- Responsible for heavy trial docket, which included preparing the case files by reviewing charges, making necessary amendments, and interviewing witnesses and victims
- Participated daily in arraignments, bond hearings, motion hearings, and sentencings
- Represented the City in Juvenile Mental Health Court
- Represented the City in small claims cases and in tax, zoning, and criminal appeals
- Advised City departments on various issues including immigration, contracts, zoning, housing and tax

**WESTWOOD COLLEGE—August 2008 to December 2009**

- Designed curriculum for Constitutional Law, Juvenile Law, Criminal Law, and Criminal Procedure courses
- Gave lectures, provided one-on-one opportunity for student questions, facilitated group discussions
- Graded papers, projects and exams

**ARAPAHOE COUNTY DISTRICT COURT—March 1, 2003 through October 15, 2004**  
***LAW CLERK TO JUDGE ROBERT H. RUSSELL, II***

- Conducted legal research in case types including domestic, juvenile, civil and criminal, but primarily domestic relations cases, focusing on Title 14 and its components, including the UMDA, UIFSA and UCCJEA
- Reviewed motions and prepared orders for the Court's approval in case types including domestic, juvenile, civil and criminal
- Voluntarily assisted other judges, who did not have sufficient support staff, in reviewing motions and preparing orders in civil, criminal and juvenile cases
- Performed division clerk duties, including data entry onto ICON, managing the docket, statusing all cases on the daily docket, and making and returning phone calls to attorneys and pro se litigants

### **EDUCATION**

**JURIS DOCTOR, University of Denver College of Law, Denver, Colorado (2002)**

- GPA 3.069; Advanced Trial Practice; Civil Rights Litigation

**B.S. IN CRIMINAL JUSTICE, Metropolitan State College of Denver, Denver, Colorado (1998)**

- GPA 3.72; Recipient of Presidential Gold Scholarship; Vice President's Honor Roll

### **AFFILIATIONS**

**COLROADO BAR ASSOCIATION, Member since October 2002**

**ADAMS COUNTY BAR ASSOCIATION, Member since 2014**

**MINORU YASUI INN OF COURT, Member since 2004**



## MEMORANDUM

**Date:** October 24, 2016  
**To:** Mayor and Town Board  
**Via:** Kelly Arnold, Town Manager  
Scott Ballstadt, AICP, Director of Planning  
**From:** Josh Olhava, AICP, Senior Planner  
**Subject:** Site Plan Presentation – River Valley Crossing Subdivision, Lot 5 – Christian Brothers Automotive – Stephen Greenlee, owner/ Todd Rand, Baseline Engineering Corporation and Jonathan Wakefield, Christian Brothers Automotive Corporation, applicant’s representatives  
**Location:** 1635 Main Street  
**Item #:** C.4

### **Background:**

The applicant, represented by Mr. Todd Rand and Mr. Jonathan Wakefield, is proposing a new site development in the River Valley Crossing Subdivision. The site is zoned General Commercial (GC), located within the Commercial Corridor Plan area along Main Street/SH 392 and surrounded by other commercially zoned property on all sides. The application, as submitted, is in conformance with the Commercial Corridor Plan.

Site characteristics include:

- a new 4,960-square foot automotive repair store;
- 29 dedicated, off-street parking spaces, including two accessible parking spaces; and
- over 30% of the site to be landscaped.

Building and structural details include:

- the use of brick as the primary façade element and limestone veneer as a wainscoting;
- decorative tile and architectural precast keystone integrated into the brick facade; and
- 9 overhead garage door bays facing east towards the parking lot.

Additional site details can be seen in the enclosed staff PowerPoint.

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 Planning Commission and Town Board for review.

**Conformance with Comprehensive Plan:** The application is consistent with the 2016 Comprehensive Plan, specifically the following goal(s) and objective(s):

**Chapter 5b – Growth Framework &  
Chapter 5d - Commercial & Industrial Areas Framework Plan  
Goal:**

*Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.*

**Objective:**

1. *Prioritize new growth in areas currently served by town infrastructure and services.*

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

**Recommendation:** No recommendation as this item is for presentation purposes.

**Notification:** The Municipal Code does not require notifications for as this item is for presentation purposes only.

**Enclosures:** Application materials  
Staff PowerPoint

pc: Stephen Greenlee, owner  
Todd Rand, Baseline Engineering Corp., applicant's representative  
Jonathan Wakefield, Christian Brothers Automotive Corp., applicant's representative



# APPLICATION PACKET

## LAND USE APPLICATION

**1** The Town of Windsor Planning Department reserves the right to reject incomplete submittals, per the application checklist and Municipal Code requirements for all applications. Please submit completed application and materials to [planningtechs@windsorgov.com](mailto:planningtechs@windsorgov.com). Staff will review the submittal and advise you of its completeness for processing.

**2**

|  |  |
|--|--|
| <p><b><u>APPLICATION TYPE:</u></b></p> <p><input type="checkbox"/> Annexation</p> <p><input type="checkbox"/> Master Plan</p> <p><input type="checkbox"/> Rezoning</p> <p><input type="checkbox"/> Minor Subdivision</p> <p><input type="checkbox"/> Lot Line Adjustment</p> <p><input type="checkbox"/> Major Subdivision</p> <p><input type="checkbox"/> Site Plan</p> | <p><b><u>SUBTYPE:</u></b></p> <p>(for Major Subdivisions and Site Plans only)</p> <p><input type="checkbox"/> Preliminary</p> <p><input type="checkbox"/> Final</p> <p><input type="checkbox"/> Qualified Commercial/Industrial</p> <p><input type="checkbox"/> Administrative</p> |
|--|--|

**Project Name\*:** \_\_\_\_\_

**Legal Description\*:** \_\_\_\_\_

**Address/Location\*:** \_\_\_\_\_

**Existing Zoning:** \_\_\_\_\_ **Proposed Zoning:** \_\_\_\_\_

**3**

**OWNER:**

Name(s)\*: \_\_\_\_\_

Company: \_\_\_\_\_

Address\*: \_\_\_\_\_

Phone #\*: \_\_\_\_\_ Email\*: \_\_\_\_\_

**APPLICANT (Owner or Owner's Representative):**

Name\*: \_\_\_\_\_

Company: \_\_\_\_\_

Address\*: \_\_\_\_\_

Phone #\*: \_\_\_\_\_ Email\*: \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE:**

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**4** All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

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

(Proof of owner's authorization is required with submittal if signed by Applicant)

**Print Name:** \_\_\_\_\_ \*Required fields



# APPLICATION PACKET LAND USE APPLICATION

1

The Town of Windsor Planning Department reserves the right to reject incomplete submittals, per the application checklist and Municipal Code requirements for all applications. Please submit completed application and materials to [planningtechs@windsorgov.com](mailto:planningtechs@windsorgov.com). Staff will review the submittal and advise you of its completeness for processing.

2

**APPLICATION TYPE:**

- Annexation
- Master Plan
- Rezoning
- Minor Subdivision
- Lot Line Adjustment
- Major Subdivision
- Site Plan

**SUBTYPE:**

(for Major Subdivisions and Site Plans only)

- Preliminary
- Final
- Qualified Commercial/Industrial
- Administrative

**Project Name\*:** Christian Brothers Automotive  
**Legal Description\*:** Lot 5, River Valley Crossing Subdivision  
**Address/Location\*:** 1635 Main Street  
**Existing Zoning:** GC **Proposed Zoning:** GC

3

**OWNER:**

**Name(s)\*:** Stephen C. Greenlee  
**Company:** Precept Properties, LLC  
**Address\*:** 3555 Stanford Rd., # 204  
**Phone #\*:** 970-231-2700 **Email\*:** SCgreenlee@gmail.com

**APPLICANT (Owner or Owner's Representative):**

**Name\*:** Todd Rand, PE  
**Company:** Baseline Engineering Corporation  
**Address\*:** 710 11th Avenue, Suite 105, Greeley, CO 80631  
**Phone #\*:** (970) 353-7600 **Email\*:** todd.rand@baselinecorp.com

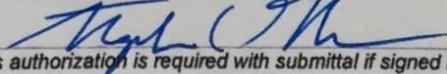
**AUTHORIZED REPRESENTATIVE:**

**Name:** Jonathan Wakefield (New Store Development Director)  
**Company:** Christian Brothers Automotive Corporation  
**Address:** 17725 Katy Freeway, Suite 200, Houston, TX 77094  
**Phone #:** (281) 675-6120 **Email:** jwakefield@cbac.com

4

All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

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:**  **Date:** 9/12/16  
*(Proof of owner's authorization is required with submittal if signed by Applicant)*

**Print Name:** Stephen C. Greenlee \*Required fields

August 25, 2016

Town of Windsor, Colorado  
Planning Department  
301 Walnut Street  
Windsor, CO 80550



**RE: Supporting Narrative  
Project Development Plan Package for Proposed Christian Brothers Automotive  
Repair Store 1635 Main Street, AKA Lot 5, River Valley Crossing Subdivision  
(Parcel ID 080719109005)**

Dear Sir or Madame:

Please find enclosed the completed Project Plan Development submittal package for the proposed Christian Brothers Automotive Repair Store to be developed on Lot 5, River Valley Crossing Subdivision. The project narrative below outlines the general components associated with the proposed development that, in conjunction with the other components of the submittal, shall indicate compliance and compatibility with the Town's Plan Principles and Policies applicable to the site.

**Existing Site Description.** The current zoning of the subject property is GC – General commercial. All adjacent properties to the north, east, south lie within the GC zoning district. Specifically, the property uses adjacent to the subject property include: North – Main Street (HWY 392); West – vacant land; South – vacant land; and East – vacant land. There is no observable detriment to the surrounding public welfare or adjacent businesses. The existing property is mostly vegetated with native vegetation and existing local asphalt streets to the north, west and south sides.

**Proposed Site Development Overview.** The development of Lot 5 as an automotive repair store entails the construction of a proposed building, parking area, driveway, storm water management features, landscaping, utilities, and related infrastructure. The site will provide adequate circulation and cross access from internal streets along the rear of the property, connecting to 16<sup>th</sup> Street.

**Table 1. Site Data Summary**

|                                    |                        |
|------------------------------------|------------------------|
| <b>Property Area</b>               | 0.808 acres (proposed) |
| <b>Proposed Building Size</b>      | 4,960 square feet      |
| <b>Floor Area Ratio</b>            | 0.14                   |
| <b>Proposed Impervious Surface</b> | 0.56 acres (69.7%)     |
| <b>Open Space</b>                  | 30.2%                  |

Proposed Impervious Surface includes north half of Private Drive

**Corporate Headquarters**  
*Downtown Golden*  
1950 Ford Street  
Golden, Colorado 80401  
Ph 303.940.9966  
Fax 303.940.9969

**High Plains**  
*Downtown Greeley*  
710 11th Avenue, Suite 105  
Greeley, Colorado 80631  
Ph 970.353.7600  
Fax 970.353.7601

**Rocky Mountains**  
*Ski Village*  
419 Oak Street, PO Box 770152  
Searbrooke Springs, Colorado 80477  
Ph 970.879.1825  
Fax 866.242.9106

**Site Plan Requirements.** The site is not at PUD; therefore a block scale model is not shown. Site access is internal; therefore CDOT permits are not required. The lot lines do not differ from the original plat, therefore a survey of the lines is not required.

**Proper Use of Mitigative Techniques.** As will be further explained in this narrative, the development of the property as an automotive repair store will not pose any observable detriment to the surrounding public welfare or adjacent businesses. Please refer to the General Operations and Landscaping and Buffer sections of this narrative.

**Hazardous Waste.** The proposed automotive repair shop floors are cleaned with a Zamboni style machine and no pollutants are ever released into the environment. All automotive fluids are contained in federal and state compliant EPA containment vessels. We have included a Hazardous Materials Impact Analysis Report for the Town's review and approval.

**Compliance with Applicable Laws and Ordinances.** The proposed development shall satisfy the setback, buffers, landscaping, lighting, traffic, and infrastructure requirements as per the Town's Plan Principles and Policies, Code of Ordinances, and Engineering and Construction Standards. Please refer to the narrative for Customers and Parking, Landscaping and Buffer, Infrastructure to Accommodate Proposed Use, Pedestrian Access, and Utility Services sections for additional details. No variances are being sought as part of this development.

**General Operations.** Unlike most other light automotive service facilities, Christian Brothers keeps a more conservative schedule, with its stores opening at 7 am and closing no later than 7 pm, Monday through Friday. Stores are open on Saturdays for the first 180 days of operation to help generate additional revenue to mitigate some of the development costs, and to allow the store to develop a steady base of clientele. Most vehicles left overnight are stored within the secure bays for customer peace of mind and insurance parameters. No tire recapping or body repair work is performed on the premises. These two activities are major noise and storage generators and are not a component of the scope of work. Additionally, work designated as Heavy Vehicle Services are not a major component of the scope of work, comprising less than 1% of all work performed. Typically this level of service is only offered if a vehicle is brought in, in an unsafe or otherwise detrimental condition. In the majority of cases, the customer will be referred to a specialist engine / transmission repair / replacement facility. The business is manned by 3 to 4 employees and the owner / franchisee. The Town of Windsor will find that the stores operate to the highest possible standards.

**Customers and Parking.** A good day for a typical store is 10 to 12 vehicles serviced, 20 to 25 is outstanding. Christian Brothers' demographic positioning creates a customer base that relies on them for virtually every level of repair. The typical client is a working professional who can't afford for a needed repair to become a catastrophic event. They simply bring the vehicle to the store, pay a fair price and get back on the road. A shuttle service is also available that can take a client to work, school or back to their home while their vehicle is being serviced or repaired. In total, an average store will see 15 to 17 cars in a day. However, the proposed Windsor, CO location is projected to be an outstanding

performer in roughly the top 90% of all the operating locations based on other Colorado stores. This particular project is proposing to have 29 parking spaces including two handicap stalls. Per Section 16-10-30 of the Town's Municipal Code, the vehicle repair use requires a maximum of 1 space per 250 square feet of Gross Leasable Area. Based on a building area of 0.11 acres (or approximately 4,960 square feet), the maximum number of parking spaces required is 20, with one handicapped space.

**Landscaping and Buffers.** The Town's Municipal Code (MC) Section 16-20-70, appropriate landscaping shall be required in accordance with this Code and any regulations adopted by the Town. All landscaping plans shall be submitted as part of the site plan herein required and shall be subject to approval by the Town. A landscape plan will be provided with the site plan submittal.

**Pedestrian Access.** The site provides pedestrian access to the proposed building from the existing sidewalk on the north side of the lot. This is achieved via a connection to the existing sidewalk adjacent to Main Street, designed in accordance with the Americans with Disabilities Act (ADA) standards. Bicycle parking is provided via a four-space bike rack.

**Utility Services.** Gas, fiber optic, electric service, sanitary sewer service and water service shall be provided to the subject property from existing infrastructure located near north and south sides of the site. A dumpster will also be provided to serve the property, at a location that does not impede pedestrian or vehicular circulation and away from any setbacks and buffers. Moreover, the dumpster will be enclosed in accordance with the requirements of MC Section 17-7-50.

**Compliance with the Town's Comprehensive Plan.** The essence of the Town of Windsor Comprehensive Plan (2016 update) is to provide guidelines and goals to promote growth in a manner that preserves history, culture, natural resources, and overall quality of life for the current and future residents and businesses of the Town of Windsor. The proposed Christian Brothers Automotive repair store adheres to the Town Planners' vision not only in terms of compliance with the Town's ordinances, but also in its values that govern its business strategy and culture.

- Community and Neighborhood Livability: The Christian Brothers Automotive store will be designed to conform to the Town's unique approach to community planning. The proposed building's prototypical design resembles a brick home—comfortable, appealing, and hospitable. It represents the identity of Christian Brothers as a business, which is to create an environment where customers can feel that they are being welcomed into the home of someone they know and trust, and have their vehicle repaired by this trusted individual. It is a business that is community oriented, and in the particular location where the Christian Brothers Automotive store is intended on being developed, would promote the desire to have a unique business community.

- Economic Health: The benefits to the Town of Windsor and its citizens as a result of this development are multiple, and include the diversification of its tax base, jobs, and the provision of goods and services from various businesses. The Town of

Windsor attracted Christian Brothers not only as a place where it can enjoy mutual economic benefits, but also because the Town values businesses that promote a positive community profile and uphold the highest consumer standards – Christian Brothers Automotive considers to be engrained in its culture.

**Legal Description of the Site.** Lot 5, River Valley Crossing Subdivision.

**Property Owner Information.** Windsor 20 LLC, 3555 Stanford Rd, Suite 204, Fort Collins, CO 80525-4593.

**General Construction Schedule.** All applicable development and construction permits will be obtained and storm water pollution prevention measures implemented. The typical construction schedule lasts 120 – 150 days from Notice to Proceed to Certificate of Occupancy. After construction is complete, it takes no more than 30 days to stock, train and open the store for business.

It is our hope that the Town of Windsor can truly appreciate the efforts and interest in making this development a reality and will find Christian Brothers to be a valued member of the community.

If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

Baseline Engineering



Todd G. Rand, PE  
Project Engineer

# Site Plan Presentation

## River Valley Crossing, Lot 5

Christian Brothers Automotive  
1635 Main Street

Josh Olhava, AICP, Senior Planner  
October 24, 2016  
Town Board



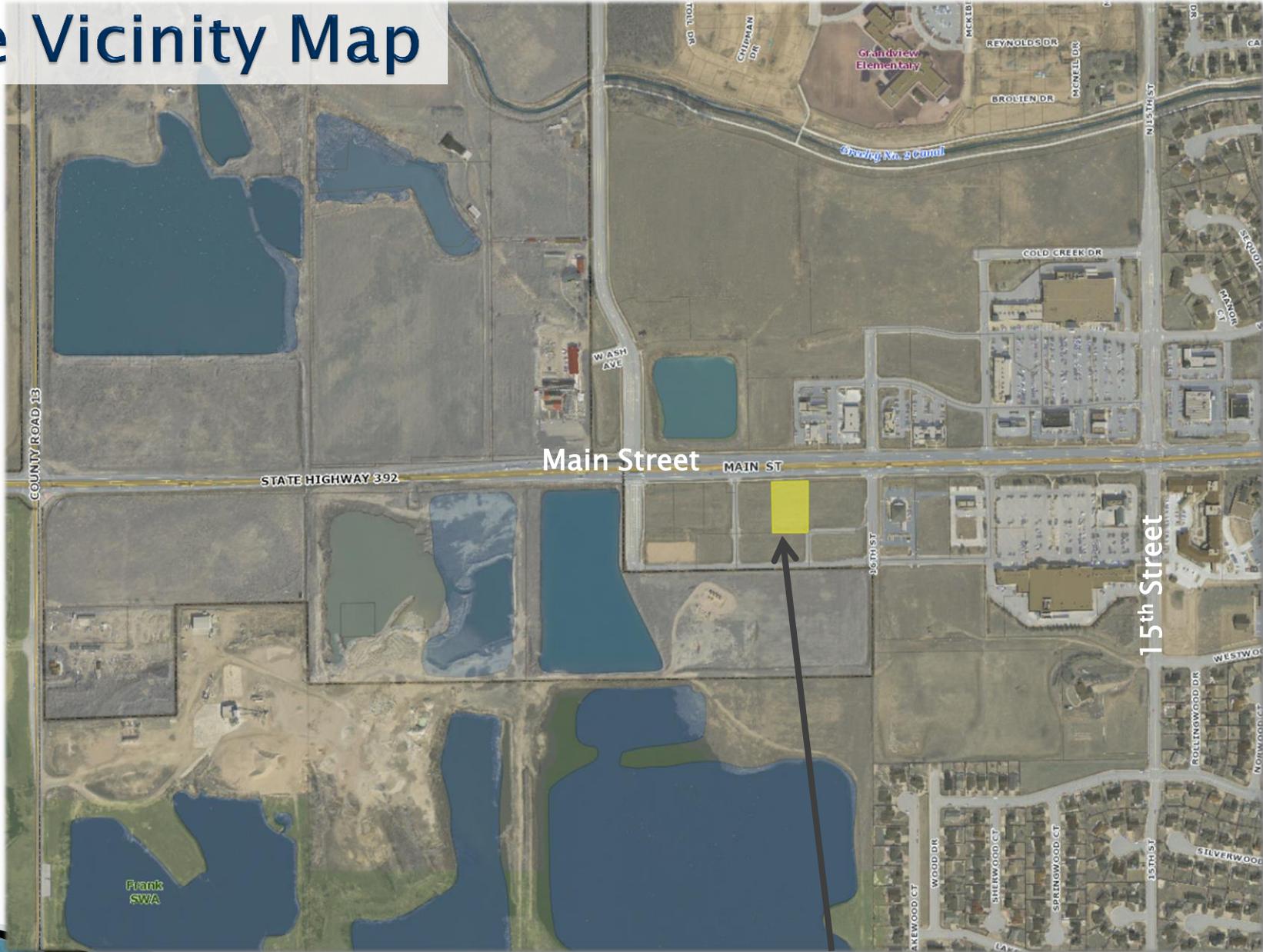
# Qualified Commercial & Industrial Site Plan

Article IX of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Qualified Commercial & Industrial Site Plan process, including:

## **Sec. 17-9-10. Purpose.**

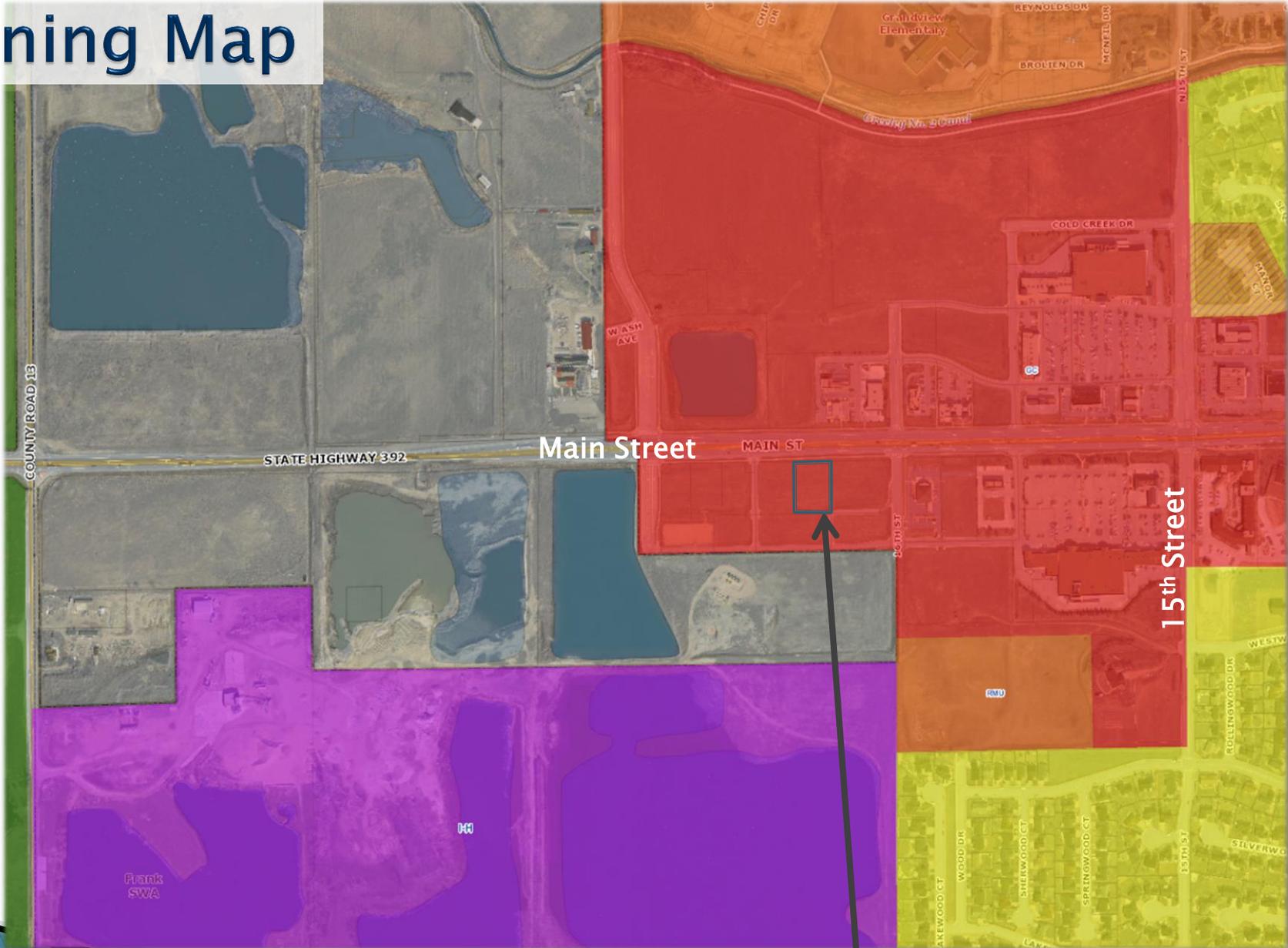
“Commercial and industrial site plans proposed to be developed on lots that have either previously been subdivided or are presently being subdivided as part of a minor subdivision shall qualify for administrative site plan review in accordance with the requirements of this Section.”

# Site Vicinity Map



Site Location

# Zoning Map



Site zoned General Commercial (GC)



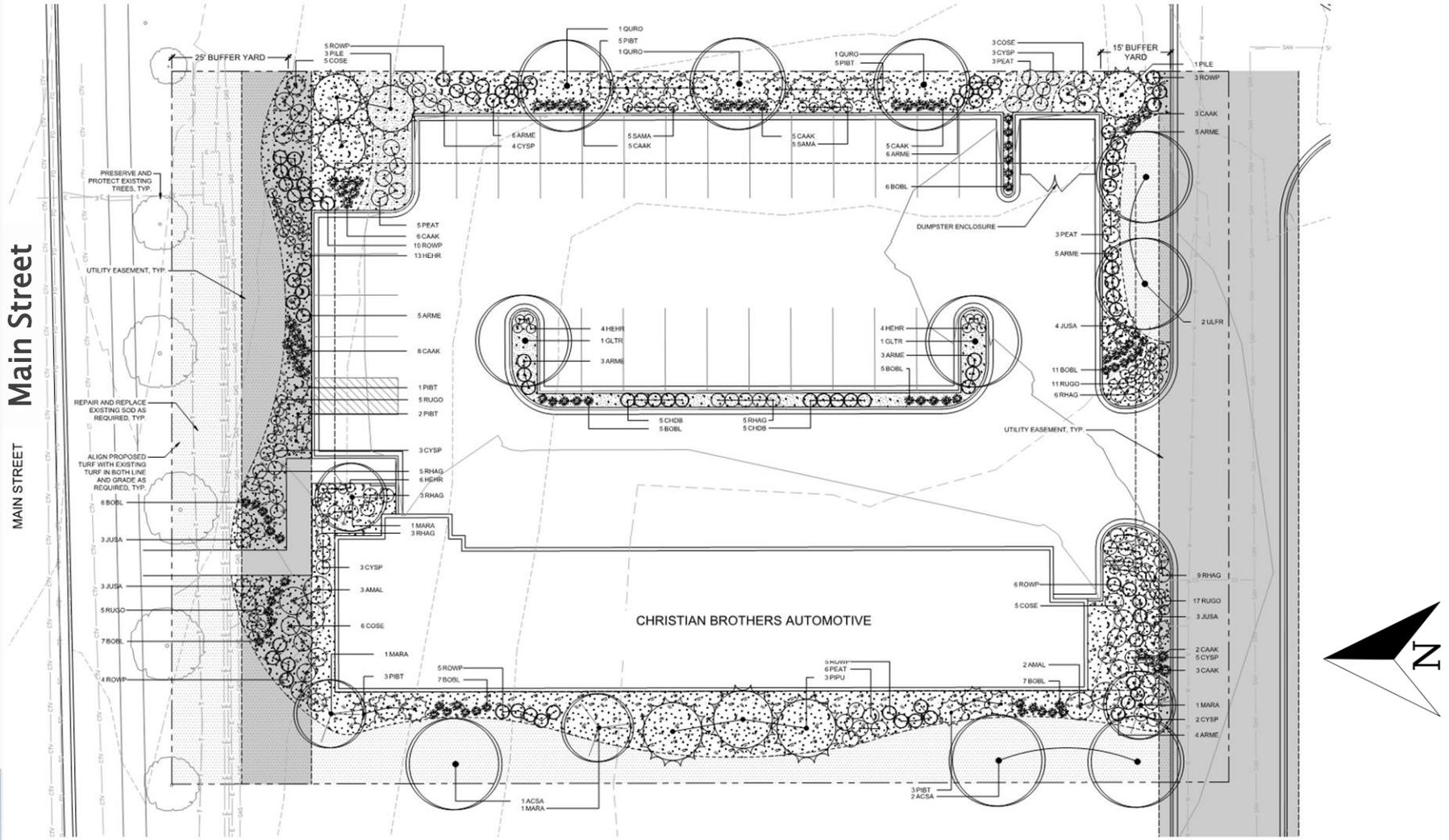
# Landscape Plan

NOT FOR CONSTRUCTION

LANDSCAPE LEGEND



CALL UTILITY NOTIFICATION  
CENTER OF COLORADO  
1.800.922.1987  
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG,  
GRADE, OR EXCAVATE FOR THE MARKING OF  
UNDERGROUND MEMBER UTILITIES.

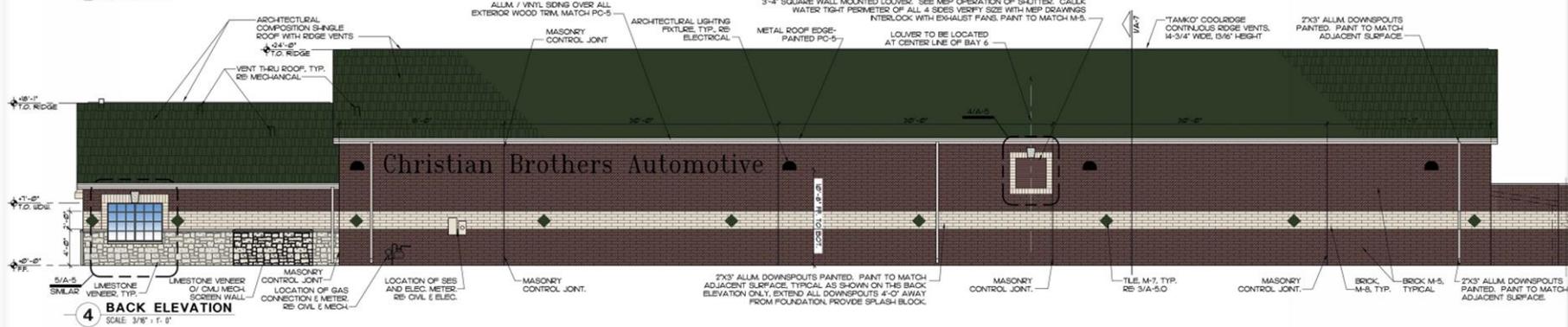


Main Street

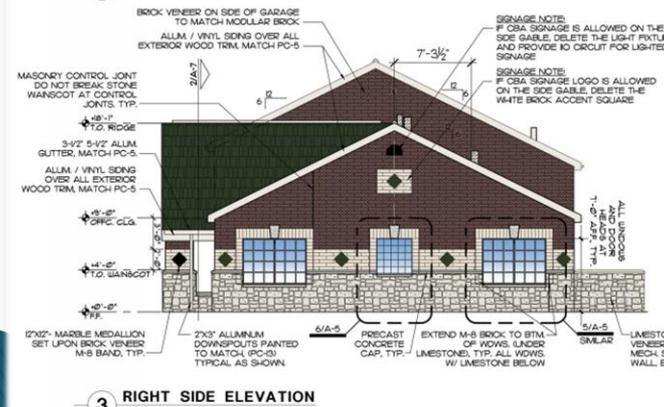
# Elevations



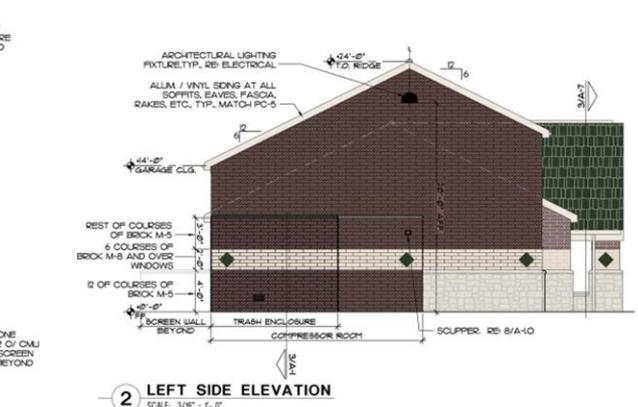
**5 FRONT ELEVATION**  
SCALE: 3/8" = 1'-0"



**4 BACK ELEVATION**  
SCALE: 3/8" = 1'-0"



**3 RIGHT SIDE ELEVATION**  
SCALE: 3/8" = 1'-0"



**2 LEFT SIDE ELEVATION**  
SCALE: 3/8" = 1'-0"



**1 TRASH ENCLOSURE ELEVATION**  
SCALE: 3/8" = 1'-0"

|     |                                  |   |
|-----|----------------------------------|---|
| M-5 | MODULAR BRICK OR VENEER BRICK    | ACME BRICK CO. #107 3 1/2" MODULAR BRICK AND VENEER COLOR: SANDWICH, PORTLAND WHITE |
| M-6 | ARCHITECTURAL COMPOSITION BRICKS | CRANFORD BRICKS, 4" X 8" VENEER, SILENT, TO BE APPROVED BY OWNER                    |
| M-7 | MARBLE TILE MEDALLION            | 3/4" x 1 1/2" x 3" (FINISH GREEN POLISHED)  |
| M-8 | MODULAR BRICK                    | ACME BRICK CO. #107 3 1/2" MODULAR BRICK COLOR: SANDWICH, PORTLAND WHITE            |

**TYPICAL NOTES FOR ALL ELEVATIONS**

- 2"-6" BAND, JAMBES, HEADS OF DOORS AND WINDOWS, AND ACCENT IN GABLES AT ENTRY AND SIDE ELEVATIONS TO BE BRICK COLOR M-8
- ALL ROOFS TO BE ASPHALT COMPOSITION SHINGLES WITH CONTINUOUS RIDGE VENTS INDICATED ON DRAWINGS COLOR M-6
- ALL SOFFIT TRIM AT SOFFITS, EAVES, PASOJA, RAKES, ETC. TO BE ALUMINUM OR VINYL SIDING OVER EXPOSED WOOD
- ALL EXTERIOR LIGHTS ARE TO BE ON PHOTO CELL, TYPICAL OF ALL ELEVATIONS
- ALL MASONRY SURFACES ARE TO BE SPRAYED WITH WATER-PROOFING SEALER, PROSOCCO INC. BLOCK GUARD AND GRAFFITI CONTROL, #60993 - PH: 800-285-4289
- ALL DOWN SPOUTS ARE TO BE PAINTED TO MATCH THE COLOR OF THE WALL MATERIAL BEHIND IT
- CONTROL JOINTS DO NOT EXTEND THROUGH BOND BEAMS, PROVIDE SURFACE CUT ONLY AT BEAMS

ALL SURFACES ARE CONSTRUCTED OF 4"x8" CMU UNITS AS MANUFACTURED BY QUIK-BRICK OR SPEC-BRICK. (SEE A-2) FOR COLORS. USE WHITE COLORED PORTLAND WITH WHITE SAND ADDITIVE AT ALL EXTERIOR LOCATIONS OF THE 4"x8" CMU UNITS AND LIMESTONE AS INDICATED. LIMESTONE VENEER AS SUPPLIED BY BALAZO QUARRY 324-733-3388. BRICK BOTS OF EXTERIOR IS FIRE RESISTANT CONST. MAX. BUILDING HEIGHT IS 24'-0".



## MEMORANDUM

**Date:** October 24, 2016  
**To:** Mayor & Town Board  
**Via:** Kelly Arnold, Town Manager  
Scott Ballstadt, AICP, Director of Planning  
**From:** Carlin Barkeen, AICP, Chief Planner  
**Subject:** Site Plan Presentation – Cornerstone Subdivision 1<sup>st</sup> Filing, Lot 1, Block 1 –  
Tolmar Windsor Campus – Charles Mays, Tolmar Inc., applicant/ Jon Sweet,  
TST Inc., applicant’s representative/consulting engineer  
**Location:** 1201 Cornerstone Drive, the northeast corner of Cornerstone Drive and  
Eastman Park Drive  
**Item #:** C.5.

### **Background:**

The applicant, represented by Charles Mays of Tolmar Inc., is proposing redevelopment of an existing commercial/industrial site and building in the Cornerstone Subdivision 1<sup>st</sup> Filing. The project site is part of a 13.35-acre lot zoned I-L (Limited Industrial).

Adjacent uses and zoning:

South: Commercial development, zoned GC (General Commercial) and a multi-family residential complex, zoned RMU (Residential Mixed Use)  
West: Church and single-family residential uses, zoned SF-1 (Single Family Residential)  
North: Single-family residential, zoned SF-1  
East: Railroad, State Highway 257, and commercial and industrial uses, zoned GC and I-L.

The northern portion of the subject property is currently undeveloped and, while the property will be developed in the future, there are no specific plans at this time.

The redevelopment of the site, including adjacent right-of-way, includes:

- Drainage improvements;
- Right-of-way improvements, including driveway/access points on Cornerstone Drive, adjacent sidewalks and accessible ramps, and landscaping;
- On-site parking lot and landscaping upgrades; and
- Screening of mechanical equipment.

Building details include:

- Existing industrial light manufacturing building of approximately 140,000 square feet
  - Building initially built with approximately 50,000 square feet of light industrial manufacturing space in 1986, with building additions in 1989 and 1992.
- Current interior work includes tenant finish for manufacturing, office and laboratory areas.

Additional site details can be seen in the enclosed staff PowerPoint.

The subject site plan was presented to the Town's Planning Commission on October 19, 2016, for information. The presentation is also 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 development 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.

**Conformance with Comprehensive Plan:** The application is consistent with the following goals and objectives of the 2016 Comprehensive Plan:

**Chapter 5d – Commercial & Industrial Areas Framework Plan**

**Goal:**

*Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.*

**Objective:**

*5. Support maintenance and investment in existing neighborhood infrastructure and services as the Town grows.*

**Chapter 6 – Transportation & Mobility**

**Goal:**

*Develop a multi-modal transportation system that accommodates new and existing development, provides safe and efficient access for all ages and abilities, and promotes public health and quality of life.*

**Objective:**

*5. Promote multi-modal connectivity and efficiency through roadway extension, sidewalk construction, and trail expansion projects.*

**Conformance with Vision 2025:** The proposed application is consistent with the Economic Vitality chapter of the Vision 2025 document.

**Recommendation:** No recommendation, as this item is for presentation purposes.

**Notification:** The Municipal Code does not require notifications for items that are for presentation purposes only.

**Enclosures:** Application materials  
Staff PowerPoint

pc: Charles Mays, Tolmar Inc., applicant  
Jon Sweet, TST Inc., applicant's representative/consulting engineer



# LAND USE APPLICATION

**1** 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 reject incomplete submittals. The application fee and all associated materials are to be provided with this form. Staff will review the submittal and advise you of its completeness for processing.

**2**

**APPLICATION TYPE:**

Annexation  
 Master Plan  
 Rezoning  
 Minor Subdivision  
 Lot Line Adjustment  
 Major Subdivision  
 Site Plan  
 Administrative Site Plan

**SUBTYPE:**  
 (for Major Subdivisions and Site Plans only)

Preliminary  
 Final  
 Qualified Commercial/Industrial

**Project Name\*:** Tolmar - Windsor Campus Improvements  
**Legal Description\*:** Southeast Quarter Section 21, Township 6 North, Range 67 West  
**Address/Location\*:** Lot 1 Block 1 Cornerstone Subdivision First Filing  
**Existing Zoning:** Limited Industrial (I-L)      **Proposed Zoning:** Limited Industrial (I-L)

**3**

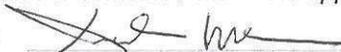
**OWNER:**  
 Name(s)\*: Joe Ippolito  
 Company: Tolmar Inc.  
 Address\*: 701 Centre Ave, Fort Collins, CO 80526  
 Phone #\*: 970.212.4500      Email\*: joe.ippolito@tolmar.com

**APPLICANT (Owner or Owner's Representative):**  
 Name\*: Jon Sweet  
 Company: TST Consulting Engineers  
 Address\*: 748 Whalers Way, Suite 200  
 Phone #\*: 970.488.2128      Email\*: jsweet@tstinc.com

**AUTHORIZED REPRESENTATIVE:**  
 Name: Joe Ippolito  
 Company: Tolmar Inc.  
 Address: 701 Centre Ave, Fort Collins, CO 80526  
 Phone #: 970.212.4500      Email: joe.ippolito@tolmar.com

**4** All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

*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:  Date: 2.29.16  
 (Proof of owner's authorization is required with submittal if signed by Applicant)  
 Print Name: Joe Ippolito

\*Required fields

**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.       |

**GENERAL APPLICATION OVERVIEW FORM**

This form is to be completed for each application type and submitted at the same time the LAND USE APPLICATION FORM is submitted.

|  |           |                  |     |
|--|-----------|------------------|-----|
| EXISTING ZONING:                           | 1-L       | PROPOSED ZONING: | 1-L |
| TOTAL ACREAGE:                             | 13.350 AC |                  |     |
| TOTAL # OF PROPOSED LOTS:                  | 1         |                  |     |
| AVERAGE LOT SIZE:                          | 13.350 AC |                  |     |
| MINIMUM LOT SIZE:                          | 13.350 AC |                  |     |
| TOTAL # OF PROPOSED PHASES:                | 1         |                  |     |
| ACREAGE PER PHASE:                         | 13.350 AC |                  |     |
| LOTS PER PHASE:                            | 1         |                  |     |
| PARKLAND (sq. ft. & acreages):             | 0         |                  |     |
| PARKLAND (public or private):              | N/A       |                  |     |
| IRRIGATION WATER (potable or non-potable): | Potable   |                  |     |

|                                     |
|-------------------------------------|
| <b>UTILITIES TO BE PROVIDED BY:</b> |
| WATER: Town of Windsor              |
| SEWER: Town of Windsor              |
| GAS: Xcel Energy, Atmos Energy      |
| ELECTRIC: PUREA                     |
| PHONE: Comcast, Century Link        |

|   |
|---|
| <b>IF THIS IS A FINAL APPLICATION, SUBMIT TOTALS OF THE FOLLOWING IN LINEAR FEET</b><br>(use separate sheets if necessary): |
| PUBLIC STREETS (break down by classification/width):  |
| PRIVATE STREETS (break down by classification/width):   |
| TOTAL STREETS (break down by classification/width):   |
| WATER LINES (break down by line sizes):   |
| SEWER LINES (break down by line sizes):   |
| CURB:   |
| GUTTER:   |
| SIDEWALK:   |
| OPEN SPACE (not to include detention areas) in sq ft & acres:   |
| TRAIL EASEMENTS (break down by width):  |
| Developed trail (break down by width, depth & material):  |
| Undeveloped trail (break down by width, depth & material):  |

|                           |                |     |
|---------------------------|----------------|-----|
| For office use only:      |                |     |
| Applicable Corridor Plan: |                |     |
| Metropolitan District:    |                |     |
| Application fee: \$       | Date received: | By: |



March 1, 2016

*Tolmar – Windsor Campus Improvements – Project Narrative*  
*Project No. 1216.0001.02*

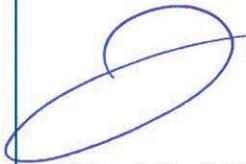
Beginning mid-summer, 2016, the applicant plans to make site improvements at their existing Windsor facility located on Lot 1, Block 1 of the Cornerstone Subdivision First Filing. A majority of the improvements are to mitigate existing drainage problems at the site. Storm water currently flows into the site off of Cornerstone Drive and there is a lack of detention storage and adequate outfall to handle current storm water flows.

We are not proposing any changes to the existing building at this time. Therefore, elevations have not been included with this submittal. At full occupancy the building is expected to have 250 employees distributed over three shifts. The primary use is for the manufacturing of pharmaceuticals.

The existing access points will remain, but the ones along Cornerstone will be raised to keep storm water from entering the site. Traffic to and from the site will consist of pick-ups and drop-offs through the use of box trucks and semis.

If there are any questions, concerns, or if additional information is required during the review of this submittal please feel free to contact me.

Sincerely,



TST, INC. CONSULTING ENGINEERS

Jon Sweet, P.E.

[jsweet@tstinc.com](mailto:jsweet@tstinc.com)

970.488.2128

# Site Plan Presentation

Cornerstone Subdivision 1<sup>st</sup> Filing, Lot 1,  
Block 1 – 1201 Cornerstone Drive  
Tolmar Windsor Campus

Carlin Barkeen, AICP, Chief Planner  
October 24, 2016  
Town Board



# Qualified Commercial & Industrial Site Plan

Article IX of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Qualified Commercial & Industrial Site Plan process, including:

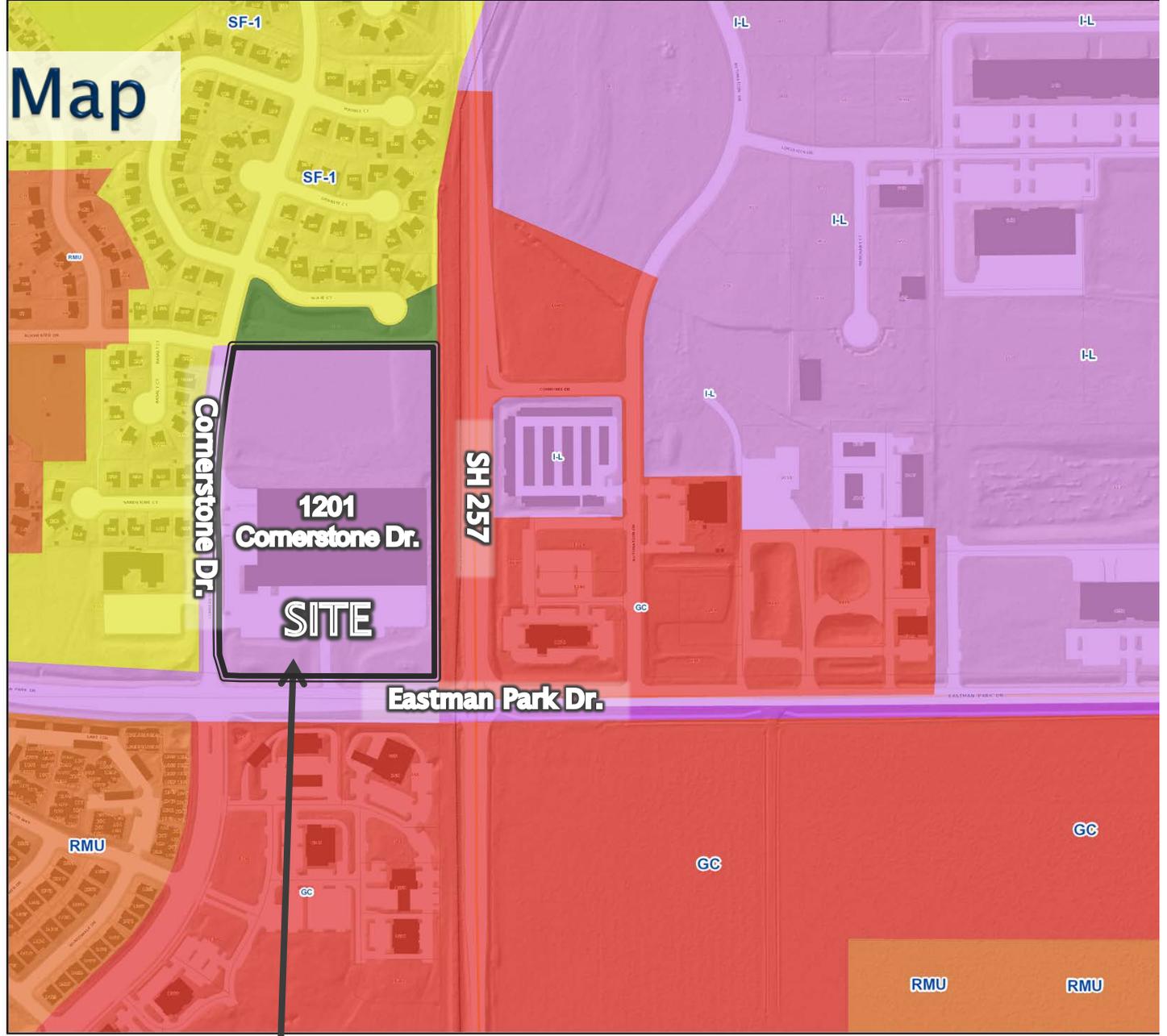
## **Sec. 17-9-10. Purpose.**

“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 Vicinity Map



# Zoning Map



Limited Industrial (I-L) Zone District



# Existing Site Conditions









### Special points of interest:

- Base Sales tax collections as well as CRC expansion sales tax collections exceeded the monthly budget requirement for September.
- Single Family Residential (SFR) building permits total 545 through September 2016. This is up from the September 2015 number of 239.
- 37 business licenses were issued in September, of which 23 were sales tax vendors.

### Inside this issue:

|                             |   |
|-----------------------------|---|
| Sales, Use and Property Tax | 2 |
| Year-to-Date Sales Tax      | 4 |
| All Fund Expenditures       | 5 |
| General Fund Expenditures   | 6 |
| Capital Project Status      | 7 |

### Highlights and Comments

- \* Sales tax collections of the 3.2% sales tax for September were \$690,237, an increase of 10.5% over September 2015. Year to date sales tax collections through September 2016 are up over September 2015 by 5.54% or \$346,130.
- \* SFR building permits have set a record at 545 issued through September. The previous annual record was 451 which was recorded in 2000 and 2005.
- \* Construction use tax through September is at 133.3% of the annual budget at \$2,350,257.



### Community Recreation Center Expansion Grand Opening

Everyone enjoyed the Grand Opening ceremonies of the Community Recreation Center Expansion on October 8th. The bond issue was approved on the November 2014 ballot raising \$17,705,289 for the new expansion to include an indoor pool, an additional gym and fitness rooms with exercise equipment. Memberships are available.

### Items of Interest

- The expanded CRC is now open. Come and see our new facility!
- You can see where all of the Town's construction is happening by visiting the Town website and choosing Maps/GIS.
- Visit us at [www.windsorgov.com](http://www.windsorgov.com) and look for live streaming of Town Board and Planning Commission meetings.

### Sales, Use and Property Tax Update

September 2016

| Benchmark = 75%               | Sales Tax   | Construction Use Tax | Property Tax | Combined     |
|-------------------------------|-------------|----------------------|--------------|--------------|
| Budget 2016                   | \$7,764,563 | \$1,763,109          | \$5,089,810  | \$14,617,482 |
| Actual 2016                   | \$6,595,712 | \$2,350,257          | \$5,018,889  | \$13,964,858 |
| % of Budget                   | 84.95%      | 133.30%              | 98.61%       | 95.54%       |
| Actual Through September 2015 | \$6,249,582 | \$1,471,169          | \$4,130,496  | \$11,851,247 |
| Change From Prior Year        | 5.54%       | 59.75%               | 21.51%       | 17.83%       |
| CRC Expansion Budget 2016     | \$1,710,843 | \$331,739            |              | \$2,042,582  |
| CRC Expansion Actual 2016     | \$1,547,140 | \$570,421            |              | \$2,117,561  |
| CRC Expansion % of Budget     | 90.43%      | 171.95%              |              | 103.67%      |

Ideally at the end of the ninth month of the year you want to see 75% collection rate on your annual budget number. We have exceeded that benchmark in all three tax categories. Driven by strong building permit numbers, we have surpassed our annual budget collections in construction use tax.

### Building Permit Chart

September 2016

|                          | SFR | Commercial | Industrial | Total   |
|--------------------------|-----|------------|------------|---------|
| Through September 2016   | 545 | 0          | 8          | 553     |
| Through September 2015   | 239 | 1          | 2          | 242     |
| % change from prior year |     |            |            | 128.51% |
| 2016 Budget Permit Total |     |            |            | 262     |
| % of 2016 Budget         |     |            |            | 211.07% |

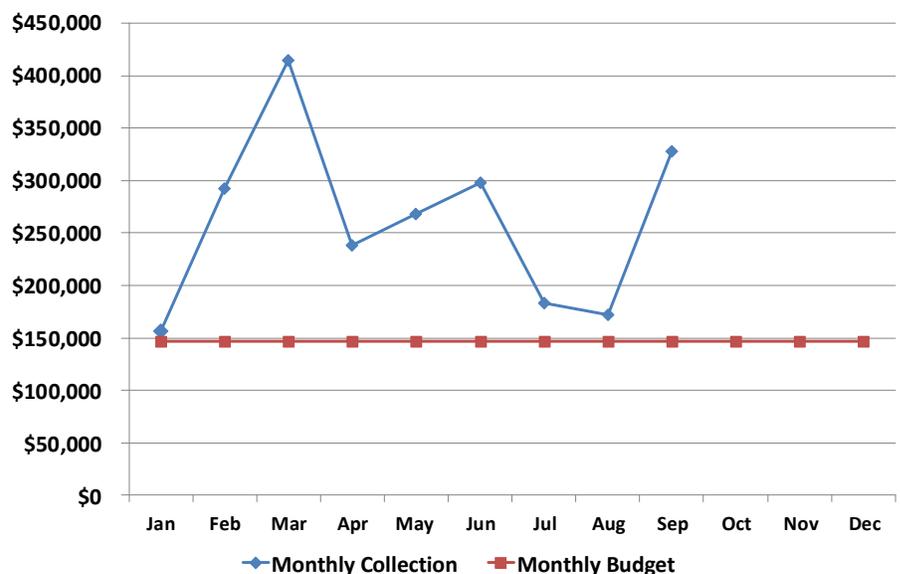
### Building Permits and Construction Use Tax

We are showing a 128.51% increase in number of permits as compared to September 2015. We issued 545 SFR permits through September 2016 as compared to 239 through September 2015.

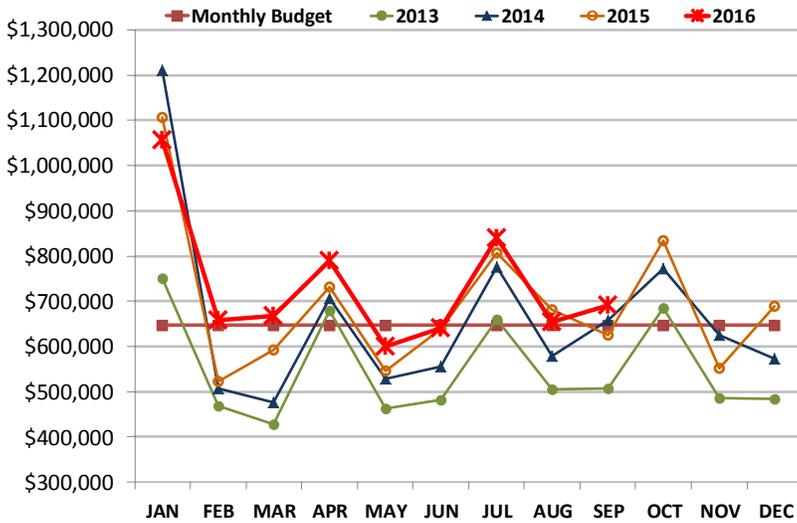
September 2016 construction use tax is above our required monthly collection.

The .75% construction use tax for the CRC expansion is at 171.95% of the annual budget.

### Construction Use Tax Collections - 3.2%



### Sales Tax Collections in Dollars - 3.2%

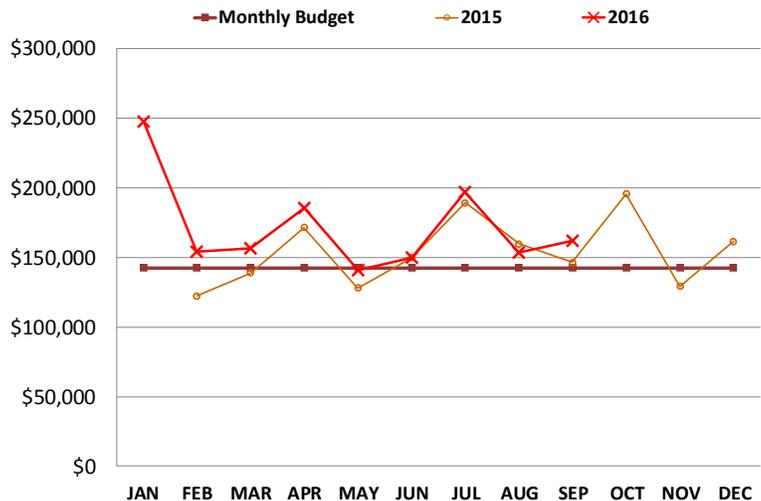


Gross sales tax collections for the month of September 2016 were \$65,591 or 10.5% higher than September 2015.

The monthly collection benchmark is \$647,047. Collections for September 2016, came in at \$690,237.

CRC Expansion sales tax collection for September 2016 was \$161,907. The benchmark monthly collection to meet the budgeted projections is \$142,570.

### Community Recreation Center Expansion Sales Tax



## September Highlights

September is a “single collection” month, meaning that the collections are for sales made in August and mostly collections of monthly filers. We did not receive any audit or payments out of the ordinary course of business. We did however issue a refund in the amount of \$85,852. This tax was mistakenly collected as Windsor sales tax in 2015 when in fact the transaction was not in our jurisdiction. Our net sales tax after this refund in September was \$604,385.

## Looking Forward

### 3.2% Collections

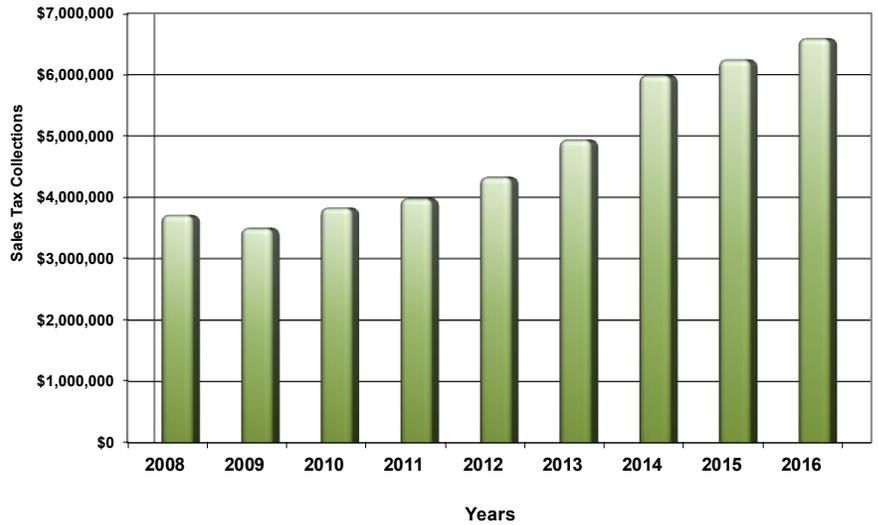
The Town budgeted \$7.7M in sales tax for 2016, making our average monthly collection requirement \$647,047. September collections were above this mark at \$690,237. At our current pace of collections, we would end the year at \$8.8M in sales tax collections.

### .75% Collections

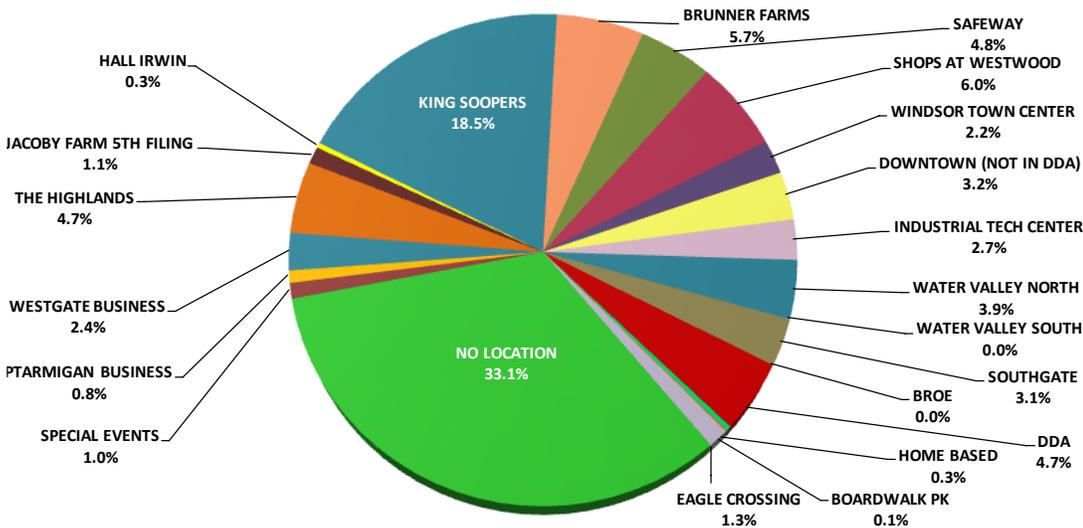
This is the second year of collecting this portion of the tax. Our monthly budget requirement is \$142,570. We collected \$161,907 in September. We are currently at \$1,547,150 in collections for 2016, equaling 90.43% of our annual budget figure. Since the inception of this tax, only one month has not met the collection requirement.

September year to date collections are up over 2015 collections by 5.54% or \$346,130.

**Year-to-Date Sales Tax Collections -3.2%**  
Through September 2008-2016



**Sales Tax Revenue by GEO Code**  
September 2016



*The King Soopers Center remains the largest local driving force in sales tax collections.*

**Year-to-Date Sales Tax**

Our sales tax base has not changed a great deal over the past decade, with groceries and utilities leading our industry sectors in sales tax collection. Some of this increase can be attributed to an overall increase in prices and cost of living, estimated at 3.0% for the first half of the year 2016 in the Denver/Boulder/Greeley area.

- All of our sectors are ahead of last year to date collections at the end of September.
- Southgate Business Park, Windsor Town Center, Ptarmigan, Downtown and DDA had the largest percentage gain over 2015.
- Between the DDA (4.7%) and the Downtown (3.2%) total of 7.9% surpassed the Safeway complex of 4.8%.

### All Funds Expense Chart

September 2016

Benchmark = 75%

*Operations expenditures are at 72% of the annual budget, under the budget target.*

*Sewer Fund operations reflect a loan payment which occurs in February, causing the sewer fund to be ahead of the benchmark 75%.*

|                                       | <u>Current</u><br><u>Month</u> | <u>YTD</u><br><u>Actual</u> | <u>2016</u><br><u>Budget</u> | <u>% of</u><br><u>Budget</u> |
|---------------------------------------|--------------------------------|-----------------------------|------------------------------|------------------------------|
| <b>General Government</b>             |                                |                             |                              |                              |
| General Fund                          | \$1,224,550                    | \$11,412,648                | \$15,012,482                 | 76%                          |
| Special Revenue (PIF, CTF, CRC, CRCX) | \$85,153                       | \$1,486,235                 | \$3,723,744                  | 40%                          |
| Internal Service                      | \$316,990                      | \$2,187,880                 | \$2,970,181                  | 74%                          |
| Other Entities (WBA, Ec Dev Inc)      | \$12,090                       | \$123,815                   | \$145,080                    | 85%                          |
| Sub Total Gen Govt Operations         | \$1,638,783                    | \$15,210,578                | \$21,851,487                 | 70%                          |
| <b>Enterprise Funds</b>               |                                |                             |                              |                              |
| Water-Operations                      | \$580,686                      | \$2,941,100                 | \$3,739,144                  | 79%                          |
| Sewer-Operations                      | \$88,275                       | \$1,435,964                 | \$1,707,267                  | 84%                          |
| Drainage-Operations                   | \$42,619                       | \$370,911                   | \$541,574                    | 68%                          |
| Sub Total Enterprise Operations       | \$711,580                      | \$4,747,975                 | \$5,987,985                  | 79%                          |
| <b>Operations Total</b>               | <b>\$2,350,363</b>             | <b>\$19,958,553</b>         | <b>\$27,839,472</b>          | <b>72%</b>                   |

*plus transfers to CIF and Non-Potable for loan*

*Through September, operating and capital expenditures combined to equal 72% of the 2016 Budget.*

|                                | <u>Current</u><br><u>Month</u> | <u>YTD</u><br><u>Actual</u> | <u>2016</u><br><u>Budget</u> | <u>% of Budget</u> |
|--------------------------------|--------------------------------|-----------------------------|------------------------------|--------------------|
| <b>General Govt Capital</b>    |                                |                             |                              |                    |
| Capital Improvement Fund       | \$1,538,488                    | \$7,051,487                 | \$11,678,171                 | 60%                |
| CRC Expansion Fund             | \$84,648                       | \$8,104,023                 | \$8,049,363                  | 101%               |
| <b>Enterprise Fund Capital</b> |                                |                             |                              |                    |
| Water                          | \$253,483                      | \$1,867,461                 | \$5,269,134                  | 35%                |
| Sewer                          | \$106,833                      | \$685,592                   | \$1,717,982                  | 40%                |
| Drainage                       | (\$18)                         | \$3,706,078                 | \$3,048,595                  | 122%               |
| Sub Total Enterprise Capital   | \$360,298                      | \$6,259,131                 | \$10,035,711                 | 62%                |
| <b>Capital Total</b>           | <b>\$1,983,434</b>             | <b>\$21,414,641</b>         | <b>\$29,763,245</b>          | <b>72%</b>         |
| <b>Total Budget</b>            | <b>\$4,333,797</b>             | <b>\$41,373,194</b>         | <b>\$57,602,717</b>          | <b>72%</b>         |

### All Funds Expenditures

With the exception of the Drainage fund capital expenses and the CRC expansion, the Town is where it should be at this time of year regarding expenditures. September brings to a close the highest part of the year regarding operating expenditures. The drainage capital expenditures and CRC expansion will need a supplemental budget later this year. When we developed the 2016 budget, we planned on doing more of the West Tributary Channel project in 2015. Instead more of the project went into 2016 than we had expected. The same situation occurred with the CRC Expansion.



### General Fund Expense Chart

| Department                           | Current Month               | YTD Actual          | 2016 Budget         | % of Budget  |        |
|--------------------------------------|-----------------------------|---------------------|---------------------|--------------|--------|
| 410                                  | Town Clerk/Customer Service | \$49,340            | \$529,393           | \$690,854    | 76.6%  |
| 411                                  | Mayor & Board               | \$66,314            | \$815,564           | \$1,103,343  | 73.9%  |
| 412                                  | Municipal Court             | \$1,539             | \$12,322            | \$19,630     | 62.8%  |
| 413                                  | Town Manager                | \$34,587            | \$344,601           | \$440,163    | 78.3%  |
| 415                                  | Finance                     | \$76,114            | \$555,621           | \$659,277    | 84.3%  |
| 416                                  | Human Resources             | \$74,575            | \$361,935           | \$442,405    | 81.8%  |
| 418                                  | Legal Services              | \$28,389            | \$286,628           | \$380,497    | 75.3%  |
| 419                                  | Planning & Zoning           | \$46,899            | \$435,511           | \$701,114    | 62.1%  |
| 420                                  | Economic Development        | \$37,722            | \$353,198           | \$431,868    | 81.8%  |
| 421                                  | Police                      | \$241,295           | \$2,543,516         | \$3,273,456  | 77.7%  |
| 428                                  | Recycling                   | \$3,036             | \$26,456            | \$50,945     | 51.9%  |
| 429                                  | Streets                     | \$82,464            | \$873,656           | \$1,217,066  | 71.8%  |
| 430                                  | Public Works                | \$26,735            | \$263,219           | \$365,326    | 72.1%  |
| 431                                  | Engineering                 | \$65,062            | \$636,868           | \$887,113    | 71.8%  |
| 432                                  | Cemetery                    | \$9,046             | \$93,693            | \$129,108    | 72.6%  |
| 433                                  | Community Events            | \$25,338            | \$63,630            | \$136,215    | 46.7%  |
| 450                                  | Forestry                    | \$25,474            | \$248,917           | \$338,963    | 73.4%  |
| 451                                  | Recreation Programs         | \$177,901           | \$1,399,616         | \$1,712,976  | 81.7%  |
| 452                                  | Pool/Aquatics               | \$13,320            | \$202,613           | \$186,332    | 108.7% |
| 454                                  | Parks                       | \$107,844           | \$999,888           | \$1,297,222  | 77.1%  |
| 455                                  | Safety/Loss Control         | \$118               | \$3,751             | \$17,460     | 21.5%  |
| 456                                  | Art & Heritage              | \$12,261            | \$182,394           | \$279,437    | 65.3%  |
| 457                                  | Town Hall                   | \$19,177            | \$179,658           | \$251,712    | 71.4%  |
| <b>Total General Fund Operations</b> | <b>\$1,224,550</b>          | <b>\$11,412,648</b> | <b>\$15,012,482</b> | <b>76.0%</b> |        |

### General Fund Expenditures

General Fund operating expenditures are slightly above the 75% budget benchmark through September at 76%. This is not uncommon for this time of year as we are at the close of our busiest time of year for daily operations. The pace should slow in October as we close the pool and mowing operations are winding down for the year.

The Finance budget reflects the final payment on the 2015 audit as well as an increase in the total collection fees charged by county treasurers to collect our monthly property taxes.

As would be expected, recreation and aquatics related programs are ahead of the budget benchmark as many of their programs are finished for the year.

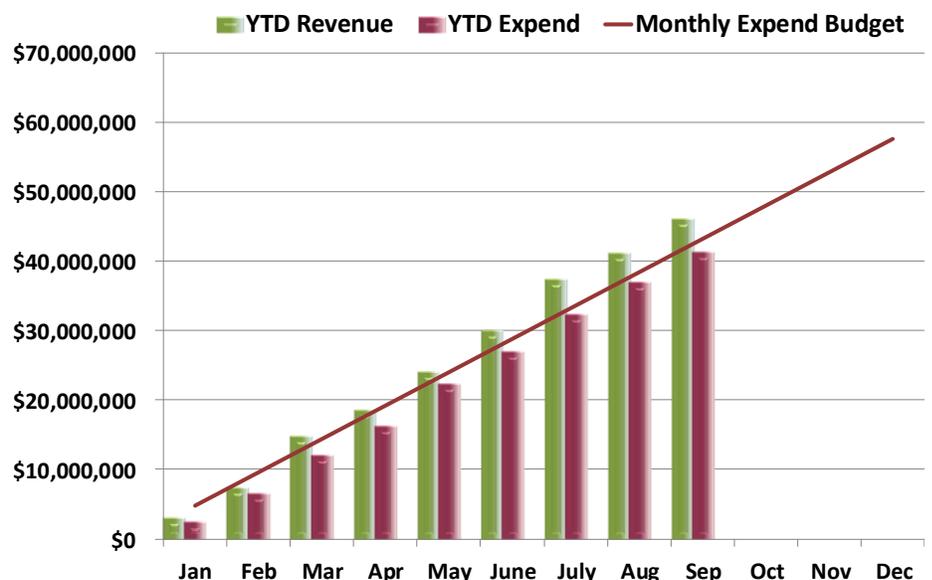
### Revenue and Expenditure

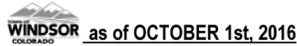
The chart on the right shows monthly revenue compared to monthly expenditure as well as a trend line showing the total 2016 budget expended equally over twelve months.

Our monthly budgeted total expenditures equal \$4,800,226. In September we collected \$4,890,927 in total revenue.

Look for the expenditure bar to get ahead of the budget pace as we near the end of the CRC expansion later this year.

### Combined Revenue and Expenditures





**TOWN OF WINDSOR 2016 MAJOR CAPITAL PROJECT STATUS**  
*arranged by reporting department*

|    | 2016 Projects   | 2016 Budget | Spent YTD   | Dept.  | Multi-Yr  | Est. Start Process | Actual Start | % Complete | Est. Complete | Actual Complete |
|----|---|-------------|-------------|--------|-----------|--------------------|--------------|------------|---------------|-----------------|
| 1  | PW/Parks Maintenance Facility Design  | 2,333,000   | \$450,307   | T Mng  | 2014-2017 | Aug-15             |              | 10%        | 2017          |                 |
| 2  | IT - Studio Equipment Upgrade   | 125,000     | \$3,000     | Fin    | 2016      | Apr 1              | Apr 1        | 95%        | end Oct       |                 |
| 3  | GIS Asset Management Software   | 150,000     | \$80,646    | Fin    | 2016      | Apr 15             | Jun-16       | 53%        | mid Dec       |                 |
| 5  | Eastman Pk/7th St Roundabout  | 1,085,320   | \$1,031,364 | Eng OH | 2015-2016 | 2015               | 2015         | 100%       | Aug 18        | 21-Aug          |
| 6  | County Line Road Mitigation design  | 50,000      | \$27,401    | Eng OH | 2016-2017 | mid Feb            | May 1        | 70%        | Dec 31        |                 |
| 7  | Walnut St / Hwy 257 Turn Lane   | 55,000      | \$0         | Eng DB | 2015-2016 | 2015               | 2015         | 85%        | mid Nov       |                 |
| 8  | 9th Street Traffic Signal   | 180,000     | \$34,553    | Eng DW | 2016      | Jun 1              | Jun-16       | 100%       | Aug 18        | 18-Aug          |
| 9  | Crossroads-CR13 traffic signal  | 340,000     | \$141,058   | Eng OH | 2016      | mid Aug            | Jul-16       | 100%       | mid Aug       | mid Aug         |
| 10 | Harmony Rd-CR15 traffic signal design   | 16,000      | \$8,539     | Eng OH | 2016-2017 | mid Apr            | Apr 15       | 70%        | Dec 31        |                 |
| 11 | New Liberty Rd Extension  | 2,000,000   | \$181,180   | DW/KB  | 2016      | Jul 25             | Aug 1        | 45%        | Dec 1         |                 |
| 12 | GW Railroad Quiet Zone w/grant  | 2,200,000   | \$2,393,731 | Eng DB | 2014-2016 | 2015               | 2015         | 95%        | Oct 1         |                 |
| 13 | Street Maintenance (overlay, crack seal, chip seal)   | 2,100,000   | \$1,653,965 | Eng CT | 2016      | Jan-15             | Mar 1        | 85%        | Oct 1         |                 |
| 14 | Poudre River Maintenance  | 75,000      | \$0         | Eng DW | 2016      | Dec                |              | 10%        | Dec           |                 |
| 15 | Water Line Replacement 16th S of Riverbend  | 798,000     | \$39,285    | Eng CT | 2015-2016 | Jul 1              |              | 45%        | mid Nov       |                 |
| 16 | Kyger Reservoir Pump Station  | 2,315,281   | \$303,746   | Eng OH | 2014-2017 | Aug 1              | Aug 1        | 50%        | Feb 2017      |                 |
| 17 | Update Storm Water Study  | 100,000     | \$0         | Eng DW | 2015-2017 | Feb                | Feb          | 30%        | Dec           |                 |
| 18 | Law Basin Master Plan Channel - construction w/ PDM Grant - 2012-2015                                   | 1,998,095   | \$2,328,220 | Eng DR | 2012-2016 | 2015               | 2015         | 98%        | Sep 30        |                 |
| 19 | Law Basin West Tributary Channel - 2013-2015  | 1,050,500   | \$1,509,943 | Eng OH | 2013-2016 | 2015               | 2015         | 99%        | Oct           |                 |
| 20 | Trail Cross 257/Grasslands; CR19/#2 Ditch; CR13   | 108,107     | \$93,305    | Eng CT | 2016      | Apr 1              | Apr 1        | 98%        | Oct           |                 |
| 21 | Main Park Shelter Replacement (2)   | 53,190      | \$108,177   | Eng OH | 2015-2016 | Nov 2015           | 1-Nov        | 100%       | Aug 1         | 1-Aug           |
| 22 | Chimney Park south parking lot slurry/stripe  | 15,000      | \$0         | Eng CT | 2016      | Aug 1              | Aug          | 99%        | Oct 1         |                 |
| 23 | Chimney Park North Shelter Replacement  | 27,310      | \$54,508    | Eng OH | 2015-2016 | Nov 2015           | 1-Nov        | 99%        | Aug 1         | 1-Aug           |
| 24 | Cemetery streetscape sidewalk constructions   | 247,500     | \$131,175   | Eng CT | 2015-2016 | Jun 13             | Jun 27       | 97%        | Oct 1         |                 |
| 25 | Boardwalk Trash Enclosure   | 40,150      | \$0         | Pks/WW | 2016      | Mar 1              |              | 0%         | Jul 10        | 2018            |
| 26 | Poudre Trail From Westwood Village /w grant   | 250,000     | \$2,137     | Pks/WW | 2015-2016 | Feb 1              |              | 0%         | Aug 1         | LT              |
| 27 | Windsor Tr Jacoby easement 13 to New Cache Ditch  | 10,000      | \$0         | Pks/WW | 2016      | Feb 1              |              | 0%         | Aug 1         | 2017            |
| 28 | Windsor Tr 392 @ Highlands Design & Underpass   | 185,000     | \$1,813     | Pks/WW | 2016      | Feb 1              | Feb 1        | 10%        | mid Nov       | LT              |
| 29 | 15th & Walnut Open Space Development  | 100,000     | \$3,976     | Pks/WW | 2016      | Aug 1              | Aug          | 15%        | mid Nov       |                 |
| 30 | Poudre River Diversion Design w/grant   | -           | \$34,013    | Pks/WW | 2016      | Oct 7              | Jun          | 100%       | EOY           | 1-Sep           |
| 31 | Main Park Irrigation design   | 9,000       | \$0         | Pks/WW | 2016-2017 | Mar 1              |              | 10%        | Nov 1         | 2018            |
| 32 | Main Park Pickle Ball Court   | 45,100      | \$630       | Pks/WW | 2016      | Sep 1              | Oct          | 40%        | Oct           |                 |
| 33 | Boardwalk Performance Venue   | 500,000     | \$244,951   | Pks/WW | 2016      | Mar 1              | Mar          | 100%       | Aug           | Aug             |
| 34 | Eaton House Structural Assess w/grant   | 15,000      | \$14,310    | Pks/TF | 2015-2016 | Jan                | Feb          | 95%        | Oct           |                 |
| 35 | Museums-Phase 3 Landscaping documents   | 37,645      | \$0         | Pks/TF | 2016      | Aug 1              |              | 0%         | Nov 1         | 2018            |
| 36 | Museums - Depot siding  | 45,000      | \$0         | Pks/TF | 2016      | Aug 1              |              | 10%        | Dec 1         |                 |
| 37 | Eaton House Master Plan w/grant   | 25,000      | \$19,519    | Pks/TF | 2016      | Jan                | Jan          | 100%       | Jul 1         | Jul 1           |
| 38 | Chimney Pk North change to Non-potable  | 99,000      | \$2,475     | Pks/WW | 2016      | Sep                |              | 15%        | Nov 1         |                 |
| 39 | Automate splitter box E of Chimney Pk design  | 33,000      | \$0         | Pks/WW | 2016-2017 | Aug 1              |              | 5%         | mid Nov       |                 |
| 40 | CRC Expansion   | 7,215,695   | \$7,818,086 | Pks/EL | 2014-2016 | 2015               | 2015         | 99%        | Oct 8         |                 |
| 41 | Railroad Impr CR15 Hwy 34- Hwy 257 by Universal   | 40,000      | \$0         | P Wks  | 2016      | Sept               |              | 30%        | mid Nov       |                 |
| 42 | CR 15 South of Crossroads   | 130,000     | \$0         | P Wks  | 2016      | Apr 1              |              | 0%         | Sep 1         |                 |
| 43 | Sewer Line Rehab  | 83,370      | \$0         | P Wks  | 2016      | Sept               |              | 25%        | Dec           |                 |
| 44 | Chemical Treatment Facility   | 35,000      | \$67,688    | P Wks  | 2016      | Aug 1              | 1-Aug        | 90%        | Sep 1         |                 |
| 45 | Sewer Nutrient Program w/grant  | 402,000     | \$442,198   | P Wks  | 2014-2016 | 2015               | 2015         | 100%       | May 2016      | Jul 1           |
| 46 | Lift Station #4 Replacement   | 515,000     | \$19,736    | P Wks  | 2016      | Oct 12             |              | 50%        | EOY           |                 |
| 47 | Repl. #1,12,14,36,70,81,82,83, leasing #35, 94, 52, 19, incl Toro - Chimney Park, incl tow behind broom | 560,000     | \$414,883   | P Wks  | 2016      | Jan-16             | Feb          | 98%        | Jul           |                 |
| 48 | 1 New Eng Vehicle/equipped #109   | 30,000      | \$27,159    | P Wks  | 2016      | Jan-16             | Mar          | 100%       | Jul           |                 |
|    | Color key for funds =   | PIF         | CTF         | CIF    | WF        | NPWF               | SF           | SDF        | FF            | ITF             |



## Our Vision:

WINDSOR is the hub of Northern Colorado;  
a safe, unique and special town that offers diverse cultural and recreation opportunities.

WINDSOR is recognized as a regional leader that demonstrates fiscal responsibility,  
environmental stewardship and strategic excellence.

A town that thinks big and embraces its hometown pride.

## Our Mission:

The Town of WINDSOR promotes community and hometown pride through sustainable,  
excellent and equitable delivery of services in a fiscally responsible manner.



### *2016 Monthly Financial Report*

Town of Windsor  
301 Walnut Street  
Windsor, CO 80550

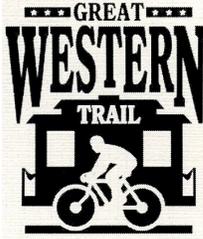
Phone: 970-674-2400  
Fax: 970-674-2456

*The Town of WINDSOR strengthens community through  
the fiscally responsible and equitable delivery of services,  
support of hometown pride, and encourages resident involvement.*

*The bottom line focus of the 2016 budget allows us to maintain our service levels and fund important long-term capital improvements. The budget also focuses on outcomes related to the Strategic Plan. **The 2016 budget guiding tenets are providing employees fair compensation, the best work tools, and a safe work place within reasonable fiscal responsibility. This along with the resources focused on customer service will continue to make Windsor a premier community not only in Northern Colorado but in all of Colorado.***

**We're on the Web**

[www.windsorgov.com](http://www.windsorgov.com)



## Great Western Trail Authority

231 W. 4th Avenue  
Severance, CO 80546  
gwtrail.com

TO: Town Board members of Windsor, Severance, and Eaton

FROM: The Great Western Trail Authority

DATE: October 17, 2016

RE: GWTA Stakeholder Report

The Great Western Trail Authority (GWTA) board presents this report on our activities in 2016 to IGA members Windsor, Severance and Eaton. We have also included our draft budget for 2017, and our annual request for your town's direct funding support.

### **2016 Highlights**

- In January, the GWTA hired an accountant who provided instructions on proper procedures for recording invoices, bills, and capital improvements. Standard report formats were set up and are available on-line for review at any time by board members.
- In July, the GWTA commissioned an aerial photographer to produce a drone video of the trail from Eaton to Windsor. This video will be valuable during the planning stages of future trail development. It can be viewed at:  
<https://www.youtube.com/watch?v=UbOrobqeM2s&feature=youtu.be>
- The GWTA had booths at Eaton Days and Severance Days this summer to promote the trail and answer questions.
- In September, we hired a part-time (0.25 FTE) trail manager. His name is Seth Bell and is a Windsor resident. Initially, he will be paid \$12,000/year plus mileage on his vehicle. He will coordinate trail safety inspections, manage the weed control activities, coordinate meetings with adjacent property owners, coordinate requests from citizens, assist with volunteer programming and work, communicate with participating towns and Weld County, and make recommendations for equipment needs and purchases, and perform other duties that the board may require.

- The GWTA applied for a 2016 Colorado State Trails grant in the amount of \$200,000 for our project. We received word that we have been funded through the National Park Service's Land and Water Conservation Fund. This grant requires a 1:1 match, which means we will have to come up with \$1.00 for every grant \$1.00. In addition, since this is a federal grant, we cannot use it as a match for our \$550,000 CDOT-TAP grant that is also federally funded. It appears that we will have to look for other match dollars for these grants.
- The developer of Village East in Windsor has completed about ¼ mile of trail adjacent to the subdivision with a crusher fine surface. As Village East expands to the east side of the trail, this portion of the trail will be replaced with concrete by the developer.

### **2017 Goals**

- The GWTA is requesting that each member town increase their annual contribution to \$10,000 to help cover the additional expense associated with the hiring of a trail manager. Also, with no other funding identified at this time, we need to accumulate cash to serve as a match for our TAP grant.
- Complete the surveying, design, and engineering of the right-of-way between Severance and Eaton in preparation for the start of construction in 2018.

### **2017 Budget Notes**

Please see the 2017 GWTA Budget spreadsheet for additional information on sources and uses of funds.

If you would like a member of the GWTA board to attend one of your budget workshops or town board meetings this year to answer questions, please let us know.

Thank you for your continued support.

Respectfully,

Tom Jones, Chr  
Great Western Trail Authority Board  
info@gwtrail.com

## Great Western Trail - 2017 Budget

| <b>Capital Reserves<br/>(Balance Forward)</b> | <b>42,681.05</b>   | <b>61,267.45</b>   | <b>38,431.50</b> | <b>76,459.20</b>   |
|---|--------------------|--------------------|------------------|--------------------|
| <b>Revenue</b>                                | <b>2015 Actual</b> | <b>2016 Budget</b> | <b>2016 YTD</b>  | <b>2017 Budget</b> |
| Town of Windsor                               | 7,500.00           | 15,000.00          | 15,000.00        | 10,000.00          |
| Town of Severance                             | 7,500.00           | 15,000.00          | 15,000.00        | 10,000.00          |
| Town of Eaton                                 | 7,500.00           | 15,000.00          | 15,000.00        | 10,000.00          |
| Interest                                      | 7.82               |                    |                  |                    |
| Grants  |                    |                    |                  |                    |
| Government Grants (Restricted)                |                    | 50,000.00          |                  | 50,000.00          |
| Corporate & Private gifts                     |                    |                    |                  |                    |
| Misc Income                                   | 1,702.00           |                    | 24.75            |                    |
| <b>Total Revenue</b>                          | <b>24,209.82</b>   | <b>95,000.00</b>   | <b>45,024.75</b> | <b>80,000.00</b>   |
| <b>Expenses</b>                               |                    |                    |                  |                    |
| Advertising & Promotions                      | 48.08              | 500.00             | 1,030.00         | 500.00             |
| Computer & Internet Hosting                   | 107.88             |                    | 119.92           |                    |
| Dues & Subscriptions                          | 100.00             | 100.00             | 100.00           | 100.00             |
| Equipment Rental                              |                    |                    |                  |                    |
| Insurance (CIRSA)                             | 1,800.75           | 2,000.00           | 1,819.75         | 1,773.00           |
| Meals & Entertainment                         | 93.68              |                    | 67.65            |                    |
| Miscellaneous Expense                         | 132.48             |                    | 100.00           |                    |
| Office Supplies                               | 119.79             |                    |                  |                    |
| Printing & Reproduction                       | 58.34              | 400.00             | 15.00            | 400.00             |
| Professional fees - legal & accounting        |                    | 1,500.00           | 410.00           | 1,100.00           |
| Public Meetings                               |                    | 200.00             |                  | 200.00             |

| <b>Expenses</b>                        | <b>2015 Actual</b> | <b>2016 Budget</b> | <b>2016 YTD</b>  | <b>2017 Budget</b> |
|--|--------------------|--------------------|------------------|--------------------|
| Trail Manager Salary & Benefits        | 0.00               | 0.00               |                  | 15,000.00          |
| Website                                | 87.42              |                    | 119.87           |                    |
| <b>Trail Maintenance Expenses</b>      |                    |                    |                  |                    |
| Bridge Maintenance                     |                    | 0.00               |                  | 0.00               |
| Crusher Fine Maintenance               |                    | 500.00             |                  | 500.00             |
| Drainage & erosion control             |                    | 0.00               |                  | 0.00               |
| Fence Installation and Maintenance     |                    | 0.00               |                  | 0.00               |
| Grading                                |                    | 0.00               |                  | 1,500.00           |
| Mowing and Trimming                    | 600.00             | 2,000.00           | 400.00           | 1,000.00           |
| Pest Management                        | 0.00               | 0.00               | 396.00           | 600.00             |
| Seeding & grass establishment          |                    | 500.00             | 280.00           | 500.00             |
| Sign Installation and Replacement      | 156.00             | 500.00             | 153.86           | 500.00             |
| Trash Removal                          | 199.00             | 100.00             | 283.00           | 100.00             |
| Tree and Shrub Maintenance             |                    | 0.00               |                  | 0.00               |
| Weed Management                        | 2,120.00           | 9,000.00           | 1,702.00         | 2,000.00           |
| <b>O &amp; M Expense Subtotal</b>      | <b>5,623.42</b>    | <b>17,300.00</b>   | <b>6,997.05</b>  | <b>25,773.00</b>   |
|  |                    |                    |                  |                    |
| <b>Net Operating Cash Flow</b>         | <b>18,586.40</b>   | <b>77,700.00</b>   | <b>38,027.70</b> | <b>54,227.00</b>   |
|  |                    |                    |                  |                    |
| <b>Trail Construction Expenses</b>     |                    |                    |                  |                    |
| Trail Construction Expense-Grant funds | 0.00               | 0.00               |                  | 0.00               |
| Trail Construction Expense-Local cash  | 0.00               | 0.00               |                  | 0.00               |
| Engineering                            |                    | 35,000.00          |                  | 35,000.00          |
| Surveyors                              |                    | 15,000.00          |                  | 15,000.00          |
| <b>Capitalized Expense</b>             | <b>0.00</b>        | <b>50,000.00</b>   |                  | <b>50,000.00</b>   |
| <b>Cash Reserve (Carryover)</b>        | <b>61,267.45</b>   | <b>88,967.45</b>   | <b>76,459.20</b> | <b>80,686.20</b>   |