



TOWN BOARD REGULAR MEETING

July 23, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

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

1. Roll Call

Mayor
Mayor Pro Tem

Kristie Melendez
Ken Bennett
Myles Baker
Barry Wilson
Paul Rennemeyer
Thomas Jones
David Sislowski

Also Present: Town Manager
Town Attorney
Communications/Assistant to Town Manager
Director of Parks, Recreation and Culture
Director of Engineering
Director of Planning
Director of Finance
Chief Planner
Senior Planner
Senior Planner
Assistant Town Attorney
Chief of Police
Town Clerk

Shane Hale
Ian McCargar
Kelly Houghteling
Eric Lucas
Dennis Wagner
Scott Ballstadt
Dean Moyer
Carlin Malone
Millissa Berry
Paul Hornbeck
Kim Emil
Rick Klimek
Krystal Eucker

2. Pledge of Allegiance

Town Board Member Jones led the pledge of allegiance.

Mayor Melendez announced that the public hearing regarding the Multi-family Residential Parking regulations that had been advertised for this evening has been removed from the agenda and will be advertised in the future.

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 Rennemeyer moved to strike item C.4 from the agenda and approve as amended, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

4. Board Liaison Reports

- Town Board Member Baker – Tree Board, Historic Preservation Commission
Town Board Member Baker had no update.
- Town Board Member Wilson – Parks, Recreation & Culture Advisory Board;
Poudre River Trail Corridor Board

Town Board Member Wilson reported the Village East Park is out to bid and it is anticipated that construction on the Windshire Neighborhood Park will commence by the end of the year. The playground equipment at Main Park is being installed and the goal is to have it all in by the Harvest Festival.

Mr. Wilson reported the temporary rerouted portion of the Poudre River Trail will open back up on August 6, 2018.

- Mayor Pro Tem Bennett – Water & Sewer Board
Mayor Pro Tem Bennett had no report.
- Town Board Member Rennemeyer – Chamber of Commerce
Town Board Member Rennemeyer had no report.
- Town Board Member Jones – Windsor Housing Authority; Great Western Trail Authority
Town Board Member Jones reported the Windsor Housing Authority has just learned that there is another purchaser for Governor's Farm with a better offer; the status of that development is undetermined.
Dr. Jones reported there are two items on this evenings agenda that are related to the Great Western Trail Authority.
- Town Board Member Sislowksi –Clearview Library Board; Planning Commission
Town Board Member Sislowksi reported there were many citizens that attended the Planning Commission meeting. There was no public hearing although due to the number of citizens that attended the meeting, comment was taken regarding a site plan.
- Mayor Melendez – Downtown Development Authority; North Front Range/MPO
Mayor Melendez reported the next North Front Range MPO meeting is August 2, 2018 and Mayor Pro Tem Bennett will be attending that meeting.
Ms. Melendez reported the Downtown Development Authority is hoping to close on the 510 Ash property by the end of August. Brinkman is moving things along regarding the back lots and they are still exploring design options.
The Mill developer has approved 90% of the construction drawing. It is anticipated that construction will commence mid-September. The building at 501 Main Street is part of the façade improvement program which will be the new home for Hayden Outdoors. A quote has been received to see what improvements might look like regarding the sidewalk and crossing safety in the downtown area.

5. Proclamation: Parks & Recreation Month

Mayor Melendez read the Parks & Recreation Month Proclamation.

Mr. Lucas appreciates the recognition of the Parks and Recreation Department. There are several free swim days in August at Chimney Park Pool. A coloring book will be available at the Recreation Center for kids to color. There will also be 30 rubber duckies through Windsor's park and trail systems and if one is found and brought to the Recreation Center, individuals can win prizes.

6. Presentation: Windsor Historical Society Maternal Statue – Eric Lucan and Austin Weishel

Mr. Lucas informed the Board that in 2017 the Windsor-Severance Historical Society did a very large fundraising effort regarding the statue that was placed at Boardwalk Park. Individuals immediately recognized that there was no maternal element. Efforts began immediately to figure out how to add the maternal element to the statue. Mr. Lucas

introduced world renowned sculpture Austin Weishel who has been working on the maternal element of the sculpture.

Mr. Weishel introduced himself to the Board and informed them that he is honored to complete the maternal piece which will be 6'9" tall and 200-300 pounds. The design presented to the Board this evening is a scaled down clay version of what the final statute will be.

Ms. Melendez inquired if the statue will be placed by the daughter.

Mr. Weishel informed the Board that she will be close to the daughter.

Mr. Rennemeyer inquired as to what is in the basket.

Mr. Weishel stated it is eggs.

Ms. Melendez inquired if the statute is true to the era.

Ms. Brug informed the Board there has been research done on hairstyles, aprons, shoes and other components to capture the elements of the era.

Ms. Melendez inquired as to the timeline moving forward.

Mr. Weishel stated it will be mid-December.

7. 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 July 9, 2018 Regular Meeting – Amanda Mehlenbacher
2. Minutes of the July 2, 2018 Special Meeting – Amanda Mehlenbacher
3. Resolution No. 2018-71 Approving the Accessioning of Items to the Town of Windsor Museum – Eric Lucas
4. Resolution No. 2018-72 – A Resolution Approving an Amendment to an Intergovernmental Agreement Between the Town of Windsor and the Colorado Department of Transportation With Respect to Improvements Being Undertaken by the Great Western Trail Corridor Authority - Ian D. McCargar
5. Resolution No. 2018-73 – A Resolution Expressing Support for and Authorizing the Town of Windsor to Serve as the Approved Local Agency for Purposes of Seeking a Colorado Division of Parks and Wildlife *Colorado The Beautiful* Grant for Completion of the Great Western Trail – Ian D. McCargar

Mayor Pro Tem Bennett moved to approve the consent calendar as presented. Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

C. BOARD ACTION

1. Public Hearing – Great Western 7th Annexation – GWIP, LLC, and Windsor Renewal I, LLC; owners / Craig Stith, Great Western Development/OmniTrax, applicant; Cory Rutz, Otten Johnson Robinson Neff + Ragonetti, applicant's representatives
 - Legislative action
 - Staff presentation: Millissa Berry, AICP, Senior Planner

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

Per Ms. Barry, the application for annexation and zoning of Great Western 7th Annexation has been processed in accordance with Article 1, Chapter 15 of the Municipal Code. The subject property contains approximately 349.108 acres and is located east / southeast of the Great Western Industrial Park off of Eastman Park Drive and WCR 23. Heavy industrial zoning designation has been requested by the applicant and there are currently no development proposals for the site.

The property is adjacent to developed and primary growth areas to the north and west. The Land Use Plan of the 2016 Comprehensive Plan designates the majority of the property for heavy industrial land uses for the northern portions of the property. The southern portion in close proximity to the Cache La Poudre has the parks, open space, mineral extraction and floodplain land use designation applied.

The annexation plat has been received by the Town of Windsor. Staff have reviewed the information and found that the plat is consistent with the annexation petition that was submitted. The property is eligible for annexation based on the contiguity and the community interest between the property owner and the Town of Windsor. There are no limitations for the annexation and an election is not required.

The Comprehensive Plan calls for the extension of Crossroads Boulevard through the annexation area. The Town has requested the dedication of right-of-way for the extension of Crossroads Boulevard as well as an additional right-of-way along WCR 23 to be dedicated to Windsor. The dedication of the Crossroads Boulevard right-of-way will occur within 60 days of the completion of the preliminary concept design for the road. The dedication of the WCR 23 right-of-way will occur via separate written instrument at the time that the annexation agreement is recorded.

The Cache la Poudre River corridor is identified as a defining feature of the Windsor community per the 2016 Comprehensive Plan. Protection of the river corridor is also conveyed in the East Side Industrial Subarea Plan. As a condition of annexation, the Town had requested that the applicant grant to the Town a perpetual river corridor preservation easement, under which the Town and its agents may enter and improve the river bed and banks within an area confined to the FEMA-defined floodplain (as amended from time to time), with the further understanding that no improvements will be undertaken unless the specifications thereof are approved in advance by the Town.

The majority of the subject property is located within the Town's Growth Management Area, within which properties are favored to annex into the Town's corporate limits. A portion (south of the Poudre River) of the property is located within the Greeley Annexation Area. Town staff and City of Greeley staff discussed the situation and agreed to prepare for Town Board and City Council consideration an amendment to the intergovernmental agreement between the two communities to address properties that lie in both growth management areas. The property is also identified in the Town's East Side Industrial Subarea.

Notifications were completed in accordance with the Municipal Code.

Staff requests the following be entered into the record:

- Application, petition and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during the public hearing
- Recommendation

At its July 18, 2018 regular meeting, the Planning Commission forwarded a recommendation to the Town Board to approve the Great Western 7th Annexation and heavy industrial (I-H) zoning designation with the condition that all outstanding staff comments on an annexation map are adequately addressed prior to recording of the annexation map.

Mr. Sislowski inquired as to dedicating a preservation easement on the property and if that will be addressed in the annexation agreement.

Ms. Barry stated the current draft of the annexation agreement does not require that an easement be placed. Once a user has been identified, they will meet with the Town to discuss options for protecting the river.

Dr. Jones inquired if the portion in the Greeley Growth Area is entirely in the floodplain.

Ms. Barry stated the portion that is in the Greeley Growth Area is a small portion and it was agreed upon to have discussion with Greeley. Greeley is in agreement with the annexation.

Mr. Baker inquired as to the recourse down the road.

Mr. McCargar stated the way the agreement has been presented to the annexing parties is that once users have been identified on the river corridor area, that discussions will take place regarding how the river corridor will be preserved. This agreement leaves open a future conversation. There are other opportunities to address site planning and approvals in annexed ground that may bring Windsor back to those conversations. The property owners don't know who will want the property and what the marketability will be until they have identified a user. That is why they do not want to commit to the corridor preservation right now.

Town Board Member Rennemeyer moved to close the public hearing. Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays-None; Motion passed.

2. Resolution No. 2018-75 – A Resolution Making Certain Findings and Conclusions of Law Pursuant to Section 31-12-110 C.R.S., Concerning the Great Western 7th Annexation to the Town of Windsor – GWIP, LLC, and Windsor Renewal I, LLC; owners / Craig Stith, Great Western Development/OmniTrax, applicant; Cory Rutz, Otten Johnson Robinson Neff + Ragonetti, applicant's representatives

- Legislative action
- Staff presentation: Millissa Berry, AICP, Senior Planner

Ms. Barry had nothing further to add.

Town Board Member Rennemeyer moved approve Resolution No. 2018-75. Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

3. Ordinance No. 2018-1564 – An Ordinance Annexing and Zoning Certain Property known as the Great Western 7th Annexation to the Town of Windsor – GWIP, LLC, and Windsor Renewal I, LLC; owners / Craig Stith, Great Western Development/OmniTrax, applicant; Cory Rutz, Otten Johnson Robinson Neff + Ragonetti, applicant’s representatives
 - First Reading
 - Legislative action
 - Staff presentation: Millissa Berry, AICP, Senior Planner

Ms. Barry had nothing further to add.

Town Board Member Rennemeyer moved approve Ordinance No. 2018-1564 - Annexing and Zoning Certain Property known as the Great Western 7th Annexation to the Town of Windsor. Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

4. Resolution No. 2018-76 – A Resolution Approving and Adopting an Intergovernmental Agreement between and among the Town of Windsor, The City of Loveland and the County of Larimer with Respect to the Fairgrounds Avenue Corridor
 - Legislative action
 - Staff presentation: Millissa Berry, AICP, Senior Planner

Item C.4 was stricken from the agenda.

5. Public Hearing – Amendments to Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure.
 - Legislative
 - Staff presentation: Millissa Berry, AICP, Senior Planner

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

Per Ms. Barry, before the Board is a proposed code amendment regarding administrative site plan reviews and site plan review procedures in regards to administrative site plan and qualified commercial and industrial site plan presentations.

As uses by right, the only time these site plans would require consideration by Planning Commission and Town Board would be those limited occasions when the review process reveals issues that cannot be resolved between the applicant and staff.

Therefore, staff recommends that, instead of a formal presentation, a general overview of commercial and industrial projects and drawings are included in Planning Commission and Town Board meeting packets as communication items for the boards' information. Elimination of the formal presentation requirement will:

- Save applicants time and money, eliminating the need for the applicant and/or their consultants from having to attend Planning Commission and Town Board meetings
- Free up Planning Commission and Town Board agendas to allow for more discussion on topics which require formal board action
- Allow the site plan information to be provided to Planning Commission and Town Board earlier in the process, as opposed to waiting until the administrative review has been partially completed
- Save staff time with regard to preparation of memos, presentation slides and meeting attendance
- Streamline review process

The process for exchanging information is as follows:

- Planning Commission or Town Board members shall convey any comments to the Planning Department at a regular or special meeting under the communications section of the agenda.
- In response to any received comments, Planning Department shall include the future revised submittal in a future Planning Commission and Town Board meeting packet under the communications section to convey how comments were addressed.
- The information provided in the packets will include:
 - A brief overview of the project
 - Site plan
 - Landscape plan
 - Building elevations

At its July 18, 2018 regular meeting, the Planning Commission recommended the Town Board approve Ordinance 2018-1565 to amend Municipal Code Sections 17-8-30 and 17-9-20 as outlined, subject to any Town Board direction.

Mr. Jones confirmed that the Board will get all the material they would usually get at the site plan review only it will be under the communications portion of the agenda.

Per Ms. Barry; yes, that is correct.

Mr. Sislowski confirmed that if there are questions from the Board, that they would be able to ask during that communications portion of the agenda.

Per Ms. Barry; that is correct.

Ms. Melendez commented that if there are questions after reviewing the packet, questions could be sent to the Town Manager prior to the meeting.

Mr. Baker inquired if Board Members will see other comments from other Board Members.

Mr. Hale stated if the Board is submitting questions, those could be compiled and communicated out.

Mayor Pro Tem Bennett moved to close the public hearing. Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker,

Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

6. Ordinance No. 2018-1565 – An Ordinance Amending Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure.

- First Reading
- Legislative
- Staff presentation: Millissa Berry, AICP, Senior Planner

Ms. Barry had nothing further to add.

Mr. Rennemeyer inquired if there is a concern with the site plan, what would the process then be.

Mr. Hale stated the Board will actually see the site plan sooner and still have the opportunity to make comments earlier. The proposed process is intended to expedite the development process and remove the requirement that applicants appear for a Town Board meeting.

Mr. Ballstadt stated these site plans will be uses by right and the applicant has an entitlement for that use already. Staff will review the site plans and if it meets all the zoning and corridor requirements, staff can pass suggestions from the Planning Commission and Town Board onto the applicant and work with them on those suggestions although the applicant will only be held to the zoning and corridor requirements.

Mr. Sislowski commented that this process may be easier on the applicant but may be more of a burden on staff.

Mr. Ballstadt stated many surrounding jurisdictions have gone away with this type of presentation as well. This is also a first step toward further administrative approvals in order for Windsor's land use review process to stay competitive with neighboring jurisdictions.

Ms. Melendez inquired as to the time line of the ordinance implementation.

Mr. McCargar informed the Board that the ordinance will be in effect 10 days after the publication which usually occurs the Friday after second reading.

Town Board Member Jones moved approve Ordinance No. 2018-1565 - Amending Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure. Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

7. Public Hearing – Rezoning Petition - Ptarmigan Business Park PUD 2nd Filing Tract A – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

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

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

Per Mr. Hornbeck, the proposed rezoning request has been reviewed in accordance with the Municipal Code. The site is located approximately ½ mile northwest of the intersection of State Highway 392 and Larimer County Road 5 and is approximately 1/3 acre in size. The request is to rezone the property from general commercial to residential mixed use. The surrounding 62 acres on three sides was previously rezoned from general commercial to residential mixed use in October of 2017. This current rezoning is necessary because the previous rezoning followed the alignment of the right-of-way for Westgate Drive. However, that alignment no longer works with the proposed subdivision which is currently under review with Windsor.

The proposal is in conformance with the Comprehensive Plan.

Notifications were completed in accordance with the Municipal Code.

At their July 18, 2018 meeting the Planning Commission forwarded to the Town Board a recommendation of approval of the rezoning ordinance.

Staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documentation
- All testimony received during the public hearing
- Recommendation

Town Board Member Rennemeyer moved to close the public hearing. Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

8. Ordinance No. 2018-1566 – An Ordinance Rezoning Ptarmigan Business Park PUD 2nd Filing Tract A – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant’s representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Town Board Member Sislowski moved approve Ordinance No. 2018-1566 - Rezoning Ptarmigan Business Park PUD 2nd Filing Tract A. Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

9. Site Plan Presentation – River Valley Crossing Subdivision 2nd Filing Lot 2 (Public Service Credit Union) – Todd Rand, Baseline Engineering, applicant’s representative
- Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck, the proposed site plan has been reviewed in accordance with the Municipal Code. The property is zoned general commercial and is located south of Main Street and east of 17th Street. The proposed development encompasses approximately 1.6 acres in size.

Overall development characteristics include:

- Total lot area of 1.6 acres
- 4,204 square foot building
- Approximately 20% landscaped area
- 34 parking stalls

Building characteristics include:

- Predominant building materials of stone veneer, stucco, and metal panels
- Maximum building height of approximately 24’
- Drive through lanes for ATMs and general banking

This presentation is intended for informational purposes as there is no formal action required.

10. Public Hearing – Rezoning Petition – Valley Center Subdivision Lots A & B– Alan Highstreet, Agrifab Colorado, LLC, applicant / Mike Maurer Olsson Associates, applicant’s representative
- Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

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

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

Per Mr. Hornbeck, the proposed rezoning request was reviewed in accordance with the Municipal Code. The site is located on Eastman Park Drive to the east of Automation

Drive. The site encompasses approximately 3.86 acres and is zoned general commercial. The purpose of the rezoning is to allow for the construction of 3 buildings to include office warehouse uses. The subject properties are currently vacant, however they were previously home to buildings destroyed in the 2018 tornado.

The applicant did submit similar application in 2017 and it was not approved at that time due to concerns of compatibility with the surrounding business. The applicant has since worked with the surrounding businesses to redesign the project into a layout that would address concerns. There has been a conceptual layout submitted for a site plan and that would be administratively approved in the future should the rezone be approved. The neighboring property owner did speak in support of the rezone application at the Planning Commission meeting.

The application is in conformance with Comprehensive Plan.

Notification was completed in accordance with the Municipal Code.

At their July 18, 2018 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval.

Staff recommends the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony received during the public hearing
- Recommendation

Mr. Sislowski inquired if the neighbors in the general commercial area are the ones that are in support of the application.

Mr. Hornbeck stated that the partial owner of Mark's Funeral Home spoke in support of the application at the Planning Commission meeting.

Chris Ruff, 311 Habitat Bay, Windsor, CO informed the Board that he is a neighboring property owner to the east; the building that houses Mark's Funeral Home. Mr. Ruff stated he was one of two opponents at the first submittal due to the orientation. At the first submittal, the overheard doors were facing the entrance of Mark's Funeral Home and it was not compatible. The applicant's current submittal is compatible with the businesses surrounding the rezoning. Mr. Ruff stated he is not opposed to the zoning change and satisfied with the use in the area.

The applicant, Alan Highstreet, 9132 Eastman Park Drive, Windsor, CO commented that he worked with neighbors in the area and feels like the buildings are aesthetically appealing.

Town Board Member Rennemeyer moved to close the public hearing. Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

11. Ordinance No. 2018-1567 – An Ordinance Rezoning Valley Center Subdivision Lots A & B– Alan Highstreet, Agrifab Colorado, LLC, applicant / Mike Maurer Olsson Associates, applicant’s representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Per Mr. Hornbeck had nothing further to add.

Town Board Member Rennemeyer moved approve Ordinance No. 2018-1567 - Rezoning Valley Center Subdivision Lots A & B. Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

12. Public Hearing – Amendment to Section 16-6-90 of the Windsor Municipal Code regarding proposed Minor Variance Process

- Legislative
- Staff presentation: Carlin Malone, Chief Planner

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

Ms. Malone informed the Board that at the June 4, 2018 work session, Section 16-6-90 of the Municipal Code which requires all variance applications be approved by the Board of Adjustment was discussed.

The code currently allows for minor modifications through the variance process; however, the narrow focus of the current language has rendered the language ineffective in most cases. For instance, a recent variance request pertained to a new home that encroached into an offset by four inches. The criteria for a variance is based on physical hardship for existing conditions and not designed for minor plan, field or as-built corrections or deviations that may occur from time to time. Variance requests such this lead the Board of Adjustment to discuss with staff the potential for approving minor code deviations through an administrative review.

In the interest of providing a streamlined approach to land use decisions pertaining to minor deviations from the code, staff recommends that Section 16-6-90 be amended to allow for minor variances in the following instances, subject to the minor variance criteria, Section 16-6-90(e):

- Setback or offset
- Maximum building height.
- Distance between structures
- Lot area.
- Lot Coverage.
- A modification is necessary to correct a legally established condition.

Staff compared minor variance or similar processes, along with similar criteria, and found that minor administrative reviews are a common practice in surrounding jurisdictions.

A notice procedure that was added since the work session which would require notification to the adjacent property owners within 300' and give the adjacent property owner 10 days to object and the applicant 10 days to resolve. If it is not a matter that cannot be resolved in that timeframe, the minor variance would go before the Board of Adjustment for a decision.

The proposed amendment will:

- Provide a process and criteria for minor deviations to plans that are a result unintended deviation that would not qualify under the standard Variance criteria.
- Eliminate the need for the Town's Board of Adjustment/Appeals to act upon an application that does not technically meet the intent or criteria of the standard Variance process.
- Save applicant, Board of Adjustment, and staff time – eliminate need for BOA meeting and public hearing, advertising and posting of public hearing notices, preparation of memos, presentation slides and meeting attendance (applicant, BOA, staff)
- Streamline the development review process

At their July 18, 2018 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the proposed amendment to the Windsor Municipal Code Section 16-6-90, replacing the administrative modification procedure with an administrative minor variance procedure as outlined, subject to any Town Board direction.

Town Board Member Wilson moved to close the public hearing. Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

13. Ordinance No. 2018-1569 – An Ordinance Amending Section 16-6-90 of the Windsor Municipal Code regarding proposed Minor Variance Process.
 - Legislative
 - Staff presentation: Carlin Malone, Chief Planner

Ms. Malone had nothing further to add.

Town Board Member Rennemeyer moved approve Ordinance No. 2018-1569 - Amending Section 16-6-90 of the Windsor Municipal Code regarding proposed Minor Variance Process. Town Board Member Bennett seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

14. Site Plan Presentation – Highlands Industrial Park Subdivision 2nd Filing, Lot 5, Block 2 (Windsor Center Flex North Building) – Mark Morrison, Schuman Companies, applicant's representative
 - Staff presentation: Carlin Malone, Chief Planner

Ms. Malone presented an administrative site plan for input and comment. The proposal was reviewed and is consistent with code requirements, the Comprehensive Plan and other regulations. The site is located in the southeast corner of Highlands Industrial Park and is zoned light industrial.

Site characteristics include:

- a new 15,200 square foot two-tenant/ industrial flex building;
- 45 off street parking spaces; and
- a total of approximately 22% landscaping, which meets the Town's 15% requirement.

Building and structural details include:

- building articulation through varying building elements; and
- a combination of stone and varying metal siding façade elements.

Mr. Baker inquired as the parking is 45 versus 35 and inquired if the volleyball facility will be able to use the parking on the weekends.

Ms. Malone stated the applicants worked with the volleyball facility and there is an parking and access agreement in place.

15. Financial Report June 2018

- Staff Presentation Dean Moyer, Director of Finance

Mr. Moyer reviewed the Financial Report that was included in packet material.

Mr. Sislowski inquired if the Construction Use Tax is paid at the time of permit issuance. Mr. Moyer stated that is when it is paid.

Ms. Melendez inquired as to the 257 round-a-bout and if that came in at budget.

Mr. Moyer stated there was about \$750,000 in the original budget so it did come in a little over budget.

16. Community Development Report

- Staff Presentation Scott Ballstadt, Director of Planning

Mr. Ballstadt reviewed the Community Development Report that was included in packet material.

Dr. Jones inquired as to the parking for multifamily and when can the Board expect to see that at a meeting.

Mr. Ballstadt stated it is expected to be back before the Board in the next month or two.

Ms. Melendez inquired as to what the status of the library is.

Mr. Ballstadt stated it is somewhat inactive at this point. There were reviews completed and it has been more than six months since the last submittal.

D. COMMUNICATIONS

1. Communications from the Town Attorney
Mr. McCargar stated it has been discussed with the Town Manager to streamline the disclosures and introductions for quasi-judicial matters. Something that has come up is issuing a disclaimer at the front end but using a different model that would make that part of the record but not necessarily eat up time during the public hearing. It has also been requested that we provide some sort of introductory statement in quasi-judicial matters particularly where there are a lot of citizens present which will get citizens thinking about why they are here and how the quasi-judicial process works.
2. Communications from Town Staff
Chief Klimek informed the Board that National Night Out is scheduled for August 7th. Once list is compiled, it will be sent to the Town Board.
3. Communications from the Town Manager
Mr. Hale gave a reminder of the Strategic Planning Community Meeting scheduled for Wednesday July 25, 2018 from 5:30-7:30 p.m. at the Community Recreation Center.
4. Communications from Town Board Members
Ms. Melendez thanked Starbucks for hosting Coffee with the Mayor. Ms. Melendez will be on vacation from July 31- August 7th.

E. ADJOURN

Town Board Member Rennemeyer moved to adjourn. Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Wilson, Bennett, Rennemeyer, Jones, Sislowski, Melendez; Nays- None; Motion passed.

The meeting was adjourned at 8:52 p.m.



Krystal Eucker, Town Clerk