



## TOWN BOARD REGULAR MEETING

March 11, 2019 - 7:00 PM

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

### MINUTES

#### A. CALL TO ORDER

Mayor Melendez called the meeting to order at 7:09 p.m.

##### 1. Roll call

Mayor Kristie Melendez  
Mayor Pro Tem Ken Bennett  
Myles Baker  
Barry Wilson  
Paul Rennemeyer  
Tom Jones  
David Sislowksi

Also Present:

Shane Hale, Town Manager  
Kim Emil, Assistant Town Attorney  
Richard Zeigler, Windsor Police Lieutenant  
Aaron Lopez, Windsor Police Sergeant  
Adora Shumar, Windsor Police Officer  
Aaron Krause, Windsor Police Detective  
Dennis Wagner, Director of Engineering  
Scott Ballstadt, Director of Planning  
Carlin Malone, Chief Planner  
Krystal Eucker, Town Clerk

##### 2. Pledge of Allegiance

Town Board Member Sislowksi led the pledge of allegiance.

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

**Mayor Pro Tem Bennett moved to moved to approve the agenda as amended by removing agenda item C.1, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowksi, Wilson; Motion Passed.**

##### 4. Presentation

- Windsor Police Department Awards Presentation

Lieutenant Ziegler addressed the Board and presented Officer Adora Shumar and Sergeant Aaron Lopez with the Windsor Police Department Life Saving Award. Officer Shumar and Sergeant Lopez were first on a scene and found an unresponsive male laying on the floor. The male was observed to be unresponsive, unconscious and not breathing. Drug paraphernalia was also observed nearby. After completing a medical assessment, Sergeant Lopez and Officer Shumar administered CCR as well as a dose of Narcan. CCR was continued until emergency medical staff arrived on-scene to

continue life-saving treatment efforts. The male party eventually regained breathing and consciousness and was transported to an area hospital, where he was able to make a full recovery.

If not for Officer Shumar and Sergeant Lopez's ability to quickly assess the situation and make critical decisions prior to EMS arrival, the male party in the case would likely have died. Officer Shumar and Sergeant Lopez demonstrated attentiveness, courage, honor, initiative, nobility, prudence, respect, situational awareness and thoughtfulness. Their conduct exemplifies the mission of the Windsor Police Department to "Make a Difference Every Day."

Lieutenant Ziegler addressed the Board and presented Detective Aaron Krause with the Windsor Police Department Meritorious Service Award. Detective Krause was on patrol when he observed a suspicious male near a vehicle behind a local convenience store and discovered that the vehicle was possibly reported as stolen.

Detective Krause followed the male inside the business and approached the male to speak with him. The male turned quickly toward Detective Krause in a threatening manner, with a knife in hand. Detective Krause reacted to the male and ordered him to drop the knife. The male ignored the commands and took several steps towards Detective Krause with the knife still in hand. Detective Krause maintained his stance until the male discarded the knife.

Detective Krause showed extreme calm and restraint during this incident, which could easily have ended with tragic results for all involved. Detective Krause's professionalism, composure and exemplary conduct in the face of adversity stand as an example to all and demonstrate his commitment to the Windsor Police Department's mission to "Make a Difference Every Day."

Mayor Melendez thanked all the officers for what they do every day.

#### 5. 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 and Culture Advisory Board; Poudre River Trail Corridor

Town Board Member Wilson reported Parks, Recreation and Culture is going through the process of reviewing rules for the parks, open spaces and trails. There was a survey that has gone out regarding smoking and vaping in parks which has generated over 800 responses. The Recycling Center has been reopened; there has been some issues with the compactor but staff has worked around that issue.

Mr. Wilson reported the Poudre River Trail had their retreat and Wade Willis represented Windsor.

- Mayor Pro Tem Bennett - Water and Sewer Board

Town Board Member Bennett reported the Water and Sewer Board received the same presentation regarding hydrology and the Colorado River that was presented to the Town Board at this evening's work session.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported The Chamber lost their Executive Director due to the passing of Michal Conners. Several individuals attended her memorial service. The Chamber appointed Connie Rutz as the Interim Executive Director. The next regular meeting has been moved back and will be held on Wednesday, March 20, 2019.

- Town Board Member Jones - Windsor Housing Authority; Great Western Trail Authority

Town Board Member Jones reported the Great Western Trail Authority has received all clearances they need to proceed with the construction of the Trail from Severance to Eaton. The final design needs to be approved by CDOT and they should be reviewing that soon. A meeting with County Commissioners took place and one of the reasons was to discuss the design of the trail at the county road crossings; there are six crossing and some of them have speed limits of 55 miles per hour. It was requested the County participate in the maintenance of the trail and they have given a favorable response but will need to budget for that next year.

Dr. Jones reported the Windsor Housing Authority will be meeting with Town Board representatives to discuss the option of forming a joint Housing Authority with Severance.

- Town Board Member Sislowski - Clearview Library Board; Planning Commission

Town Board Member Sislowski reported the Planning Commission met and two items from that meeting are on tonight's agenda.

Mr. Sislowski reported the Clearview Library Board had their meeting and the three new directors were sworn in. The Library is looking to add a business library to assist businesses in the community which would be housed at The Chamber.

- Mayor Melendez - Downtown Development Authority; North Front Range/MPO

Town Board Member Melendez reported CDOT will be at Fire Station #1 on Wednesday, March 28, 2019 from 4:00-6:30 p.m. to gather input on Highways 257 and 392. Highway 402 is going to be closed from May to October; individuals can enter and exit but there will be no crossing there.

#### 6. Public Invited to be Heard

Mayor Melendez opened the meeting up for public comment.

Ian Wittington, Clearview Library District Board Member addressed the Town Board and informed them that there are 250 events scheduled in the next month and encouraged citizens and Board Members to attend. Police Officer Story Time is scheduled for March 19th and March 21st. The Better Angels Workshop is scheduled for March 23rd which focuses on building strong communities despite differences in political opinions.

### B. CONSENT CALENDAR

1. Minutes of the February 28, 2019 Regular Meeting - K. Eucker
2. Resolution No. 2019-20 - A Resolution Approving an Exclusive Negotiation Agreement and Non-Binding Term Sheet Between and Among the Town of Windsor, Windsor the Downtown Development Authority 215 E 4th Street, LLC, and Brinkman Capital, LLC

**Town Board Member Rennemeyer moved to approve the consent calendar as presented, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

### C. BOARD ACTION

1. Resolution No. 2019-21 - A Resolution Pursuant to Section 16.8 of the Windsor Home Rule Charter Authorizing the Acquisition of Certain Property Rights by Negotiation and, if Necessary, by Eminent Domain for the Windsor LCR5/SH392 Roadway Improvements Project

Item C.1 was removed from the agenda.

2. Public Hearing - Conditional Use Grant (CUG) for Agricultural Uses in the General Commercial Zone District and Residential Mixed Use Zone District - Harmony First Annex - Chris Serbousek, Owner/Applicant, Harmony Gardens; Kristin Turner, TB Group, Applicant Representative

**Town Board Member Jones moved to open the public hearing, Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; 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 Ms. Malone, the applicant is requesting a Conditional Use Grant (CUG) to allow a retail garden center with supporting nursery and greenhouses on the Harmony Annex property, a 121-acre property located on the southeast corner of WCR 13 and Harmony Road. The property is zoned GC (General Commercial) and RMU (Residential Mixed Use) which allows garden centers as a commercial use; however the Town's Municipal Code does not address the agricultural uses that may be associated with a garden center.

The applicant has submitted a site plan application, which has been reviewed concurrently with the CUG request. The site plan information is included with this CUG request.

The property has been master planned for a commercial area within a neighborhood. The proposed uses are intended to be long-term interim uses until the time the market demands higher intensity commercial use of the property, as anticipated and planned with the existing zoning and approved master plan. The proposed CUG would allow the proposed uses, as well as provide a mechanism for the long-term interim use on the property. This conditional use grant considers the uses as well as the design of the greenhouse structures proposed, as the design standards for this area include those of the Town's Commercial Corridor Plan, which does not address greenhouse structures.

An existing tree farm is located on the northwest portion of the site, located directly southeast of the WCR 13/Harmony Road intersection. The garden center, nursery, and greenhouses would be located east of the tree farm and the site will be accessed from Harmony Road on the northeastern corner of the property, with a road (to be named in the future) extending south from Harmony Road along the eastern boundary of the property, leading to the driveway of the site. The proposed roadway is consistent with the road alignment approved with the master plan for the property and will only serve this property in the interim. If approved, the applicant's intention is to move his existing business, Harmony Gardens, currently located in Fort Collins on the southwest corner of Harmony Road and Interstate 25, to the subject property.

The conditional use would not have an expiration date. Harmony Gardens is planned to operate for the long-term until the market demands a higher intensity commercial use.

Standards and Requirements for Conditional Use Grants Section 16-7-50 of the Municipal Code outlines the factors to be evaluated prior to the granting of a conditional use.

1. **The character and the quality of the area in which the use will be located.**

The Harmony Annex property includes 121 acres. It currently has an agriculture use

(tree farm), which will continue, as well as new agricultural uses to support the retail garden center. The property is surrounded by existing agricultural uses and developing residential and future commercial north of Harmony Road. No development is currently proposed to the east of the property and it is not anticipated that development will occur in the near future.

**2. The physical appearance of the use, including suitability of architectural and landscaping treatment.**

The proposed use and structures are consistent with the surrounding agricultural uses and the compatible with the developing neighborhood to the north

- Proposed garden center will provide landscape buffer along Harmony Road, eastern boundary of the property and adjacent to parking lot area, as well as plant material adjacent to the structures.
- Variety of plant material and garden areas will be located throughout the site as buffering/screening, as well as display.
- Garden center building and greenhouses designed with architectural wainscot along the base of the buildings and architectural columns on the corners of the buildings to provide different building material on the façades.
- Existing tree farm will remain on the property.

**3. Appropriate location of the building or buildings on the lot.**

The buildings would be located around the proposed parking area and the garden center would be located closest to Harmony Road. The site has a lower elevation than Harmony Road, so will be visible from the roadway. Buildings have been designed for compatibility with the commercial corridor, while keeping the agricultural nature of the business and the agricultural feel of the area.

**4. Adequate provision of parking, loading and circulation facilities.**

The parking meets the retail parking requirements for a garden center. The proposed roadway leading into the driveway of the business is consistent with the proposed roadway alignment shown on the approved master plan.

**5. Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.**

In 2018, the applicant dedicated right-of-way for the future buildout of Harmony Road and will be adding a right turn lane on the south side of Harmony Road leading to the site. Improvements will be consistent with the future design of Harmony Road and the approved master plan for the property.

**6. Potential effect of the use on storm drainage in the area.**

Construction of the portion of the site will comply with the Town's standards and is not expected to create run off in excess of previous site levels and would not change existing topography or drainage patterns.

**7. Adequacy of planting screens where necessary.**

Landscaping on the site includes the existing tree farm, buffer along Harmony Road, and screening adjacent to buildings visible from Harmony Road and screening of the proposed parking area.

**8. Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.**

Enclosed containment would be provided for all trash. The proposal does not include use or storage of hazardous or noxious material.

**9. The general compatibility of the proposed use with the area in which it is to be located.**

The layout and general compatibility of the proposed use is consistent with the surrounding area uses. The general use of a garden center is permitted in the GC

and RMU zone districts; however, the supporting greenhouse, plant nursery, and agricultural uses are not included within these districts and greenhouse structures were not included in the commercial corridor standards. The CUG would allow these uses and greenhouse structures with the garden center use. The existing and proposed agricultural uses on the property are consistent with surrounding agricultural uses.

A neighborhood meeting is not required for this CUG application; however, a public hearing is a requirement of a CUG and notices were sent to surrounding property owners within 100 feet of the property. No comments on the proposal have been received.

The 2016 Comprehensive Plan does not specifically address the proposed use; however, it does discuss the importance of maintaining and enhancing quality facilities and infrastructure to support the community. The development would continue improvements along Harmony Road and provide a business that would support and compliment new development in the area.

At their March 6, 2019 regular meeting, the Planning Commission forwarded a recommendation of approval to the Town Board with the condition that the final site plan and development agreement be approved by town staff prior to building permit issuance.

Staff requests the following be entered into the record:

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

Dr. Jones inquired if the road to the east will be paved initially.  
Per Ms. Malone; yes.

Mr. Wilson inquired if this will be in addition to or if the business is moving.  
Ms. Malone stated the business is moving.

Ms. Melendez inquired if there will be multiple buildings on the property.  
Ms. Malone stated there will be multiple buildings.

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

**Town Board Member Rennemeyer moved to close public hearing, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

3. Conditional Use Grant (CUG) for Agricultural Uses in the General Commercial Zone District and Residential Mixed Use Zone District - Harmony First Annex - Chris Serbousek, Owner/Applicant, Harmony Gardens; Kristin Turner, TB Group, Applicant Representative

Ms. Malone had nothing further to add.

**Town Board Member Rennemeyer moved to approve the Conditional Use Grant, Mayor Pro Tem Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.**

#### D. COMMUNICATIONS

1. Communications from Town Attorney  
None.
2. Communications from Town Staff  
None.

3. Communications from Town Manager

None.

4. Communications from Town Board

Ms. Melendez reminded citizens of Coffee with the Mayor this Saturday.

E. ADJOURN

**Town Board Member Rennemeyer moved to adjourn, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowksi, Wilson; Motion Passed.**

The meeting was adjourned at 7:47 p.m.

A handwritten signature in black ink, appearing to read 'Krystal Eucker', written in a cursive style. The signature is positioned above a horizontal line.

Krystal Eucker, Town Clerk