



## TOWN BOARD REGULAR MEETING

April 8, 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 7:02 p.m.

##### 1. Roll call

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

Also Present:

Shane Hale, Town Manager  
Ian McCargar, Town Attorney  
Dennis Wagner, Director of Engineering  
Eric Lucas, Director of Parks, Recreation and Culture  
Rick Klimek, Chief of Police  
Stacy Miller, Director of Economic Development  
Kim Emil, Assistant Town Attorney  
Jess Humphries, Director of Administrative Services  
Paul Hornbeck, Senior Planner  
Janine Hegeman, Stormwater Coordinator  
Krystal Eucker, Town Clerk

##### 2. Pledge of Allegiance

Town Board Member Rennemeyer led the pledge of allegiance.

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

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

##### 4. Proclamation

- Arbor Day Proclamation

Mayor Melendez read the Arbor Day Proclamation.

Sue Bielawski from the Windsor Tree Board addressed the Board and informed them of the Poetry and Poster Contest Open House at the Culture Center. Blue Spruce seedlings will be given to students at Tozar Elementary and Mountain View Elementary on April 19, 2019. Town residents may participate in the Tree Sale being held on April 20, 2019. Sick Tree Day is scheduled for June 25, 2019 for Windsor residents; Sick

Tree Day will provide free guidance to Windsor residents regarding their trees. Ms. Bielawski thanked the Board for their continued support.

- National Library Week

Mayor Melendez read the National Library Week Proclamation.

Ann Kling, Director of the Clearview Library Board and Ian Whittington and Katie Scherer with the Clearview Library Board addressed the Town Board and thanked them for their support. Ms. Scherer informed the Board of some upcoming events including the Book Mobile Day scheduled for May 4, 2019 and a leadership program which is a seven month course meeting once a month regarding the Library District.

## 5. Board Liaison Reports

- Town Board Member Baker - Tree Board, Historic Preservation Commission

Town Board Member Baker reported Tree Board worked on wrapping up Arbor Day Plans which include:

April 11, 2019 from 5:30-7 - Open House for the Poster Contest at the Art and Heritage Center

April 19, 2019 is Arbor Day and Arbor Day celebrations will be at Tozar Elementary from 8:30-9:15 and Mountain View Elementary from 10:00-10:30. The Mayor will be at the event as well as Smokey the Bear.

April 20, 2019 - Tree Sale

April 22, 2019 - Poster and Poetry Contest Winner Presentation

June 25, 2019 - Sick Tree Day

Mr. Baker reported the Historic Preservation Commission will meet on April 10, 2019 at 5:45.

- Town Board Member Wilson - Parks, Recreation and Culture Advisory Board; Poudre River Trail Corridor

Town Board Member Wilson - Absent

- Mayor Pro Tem Bennett - Water and Sewer Board

Mayor Pro Tem Bennett reported the Water and Sewer Board will meet on April 10, 2019.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported The Chamber conducted six interviews for the Executive Director position. After references are reviewed, a decision will be made on the next Executive Director.

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

Town Board Member Jones reported the Great Western Trail Authority is about to go to bid for completing the final portion of the Trail between Severance and Eaton. The Windsor Engineering Department is assisting in that process.

Dr. Jones reported representatives from the Windsor Housing Authority, Loveland Housing Authority and some Windsor Town Board Members will be attending the Severance Town Board Meeting to discuss forming a joint Housing Authority for Windsor and Severance.

- Town Board Member Sislowksi - Clearview Library Board; Planning Commission  
Town Board Member Sislowksi reported he spoke briefly to the Planning Commission about Senate Bill 181.
- Mayor Melendez - Downtown Development Authority; North Front Range/MPO  
Mayor Melendez reported the MPO met and looked at the Colorado 257/392 Network Feasibility Study and received some community survey results. CDOT will be bringing some recommendations to Windsor and determine if the reconfiguration of State Highways 257 and 392 is a reality.  
There was two local projects that the MPO accommodated for; Timnath's Harmony Widening and Windsor's Harmony Widening.

6. 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 March 25, 2019 Regular Town Board Meeting - K. Eucker
2. Resolution No. 2019-26 - A Resolution Approving an IGA Between the Town of Windsor and Weld County with Respect to Installation of a Real-Time Stream Data System - D. Roth
3. Resolution 2019-27 - A Resolution Vacating a Portion of a Utility Easement in Lots 1, 6, and 7 of the Water Valley South Subdivision 6th Filing - P. Hornbeck
4. Resolution No. 2019-28 - A Resolution Approving the Accessioning of Items to the Town of Windsor Museum - E. Lucas
5. Resolution No. 2019-29 - A Resolution Approving and Adopting an Amendment to the Intergovernmental Agreement Between the Town of Windsor and Town of Severance Dated July 17, 2017, Regarding Cost Sharing for Roadway Improvements Serving the East Highway 392 Corridor - I. McCargar
6. Resolution No. 2019-30 - A Resolution Approving an Amended Agreement for Certain Economic Inducements and Incentives Between the Town of Windsor and East Pointe Windsor, LLC, With Respect to Retail Activity in the East Pointe Subdivision - I. McCargar

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

C. BOARD ACTION

1. Ordinance No. 2019-1586 - An Ordinance Amending Chapter 13 of the Windsor Municipal Code With Respect to the Establishment of Municipal Separate Storm Sewer System Regulations

Per Ms. Hegeman, pursuant to the first reading held on this subject on March 25th, this is the second reading of the amendment to Chapter 13 of the Municipal code, titled "Article V, Stormwater Quality." All board members were present and voted "Yes" to pass this ordinance at the first reading.

This amendment will align the Town's Municipal Code with the requirements of the Municipal Separate Storm Sewer System (MS4) permit, which was issued to Windsor by the State of Colorado in compliance with the Colorado Water Quality Act and the Federal Water Pollution Act. Windsor's MS4 permit became effective February 1, 2017, and authorized the Town to discharge stormwater to the Cache la Poudre River, a Water of the State. Pollutant restrictions, prohibitions, regulations, reduction requirements, and other conditions must be implemented to meet the intent of the permit. It is recommended that this ordinance is in place prior to the compliance schedule deadlines (July 2019) to allow the Town to implement guidance and finish preparations to ensure compliance in an orderly manner.

Ms. Melendez inquired if the MS4 Permit information has been communicated to the development community.

Ms. Hegeman stated it has not been communicated yet as there is collaboration with the Planning and Engineering Departments to make sure all pieces are in place before presenting the information to the development community.

Ms. Melendez inquired as to when the ordinance will become effective.

Ms. Hegeman stated the compliance deadline is in July, although with the ordinance becoming effective in May which will give some time to work out any issues with the program.

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

**Town Board Member Sislowski moved to approve Ordinance No. 2019-1586, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski; Motion Passed.**

2. Resolution No. 2019-32 - A Resolution Approving a Final Multifamily Site Plan - Lake View Addition to the Town of Windsor, 4th Filing, Lot 2

Per Ms. Malone, the applicant has submitted a final site plan for a multifamily residential building including six dwelling units and covered parking located on an approximately 16,000 square-foot (.367 acres) lot. On November 7, 2018, the Planning Commission approved the preliminary site plan for the proposed development. The proposed final site plan is consistent with the approved preliminary site plan.

The property is located east of 7<sup>th</sup> Street/SH 257, north of Cedar Street, and west of Windsor Lake. A multifamily (4-plex) building to the west shares an alley with the subject property, single family residential is located to the south, and Town-owned land (Kern Reservoir and Ditch Company) is located north and east of the property. The property is zoned RMU (Residential Mixed Use) with RMU zoning to the east, west and north, and CB (Central Business) zoning to the south.

The property was previously occupied by a single-family home, built in 1957. Since 2014, the single-family building was demolished and the property has remained vacant since that time.

Proposed development characteristics include:

- six multifamily units within one, two-story 5,486-sf building
- one, two and three-bedroom units; averaging 900 sf/unit
- building heights of 28'3" (35 feet maximum height in RMU zone district)
- lot area per unit of 2,667 sf (1,400 sf required)
- livable open space per unit of 2,700 sf (1,093 sf required)

- façade colors would be compatible with the surrounding neighborhood
- asphalt shingles, painted lap siding (horizontal and vertical), synthetic stone wainscot, front covered porch entry, and rear covered patio or deck.
- 10 parking spaces (9 required) – parking ratio of 1.5 spaces per dwelling unit:
  - o 6 spaces covered, 4 spaces uncovered
- approximately 41% open space and landscaped area
- 17% building coverage; 59% lot coverage (building plus hardscape)
- access point from alley between Cedar Street and Cedar Court with an internal looped road/parking area
- alley improvements
- Adjacent to Windsor Lake and in close proximity to trail system, Boardwalk Park, downtown, services, and schools.

The application is consistent with various goals of the the Comprehensive Plan:

At their April 3, 2019 regular meeting, the Planning Commission forwarded to the Town Board a recommendation of approval for the final site plan as submitted with the following conditions:

- Planning Commission and staff comments be addressed
- The site development agreement be executed.

Staff recommends the following be entered into the record:

- Resolution
- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

**Mayor Pro Tem Bennett moved to approve Resolution No. 2019-32, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski; Motion Passed.**

3. Public Hearing – Resolution No. 2019-33 - Highland Meadows Tennis Center Modification of Building Height Regulations In Accordance With Section 16-10-50

Mr. Bennett stated he will be recusing himself from this agenda item as well as the next item due to an association with the applicant.

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 applicant is requesting approval of a proposed indoor tennis facility with a height to exceed the maximum allowed in the Residential Mixed Use (RMU) zoning district. The maximum height allowed in the RMU zoning district is thirty-five (35) feet, in accordance with Sec. 16-24-40(4). The building is proposed to have a ridge height of thirty nine (39) feet.

Section 16-10-50(c)(2) of the Municipal Code states, in part:

*a. Views. A building or structure shall not substantially alter the opportunity for, and quality of, desirable views from public places, streets and parks within the community.*

*b. Light and shadow Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property*

*c. Privacy. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be designed to avoid infringing on the privacy of adjacent public and private property, particularly adjacent residential areas and public parks.*

*d. Neighborhood scale. Any building or structure proposed to be greater than the maximum building height allowed in the respective zoning district pursuant to this Section, or by other ordinances, rules or regulations of the Town, shall be compatible with the scale of the neighborhoods in which it is situated in terms of relative height, height to mass, length to mass and building or structure scale to human scale.*

The application materials demonstrate the Municipal Code review criteria for height modifications of views, light and shadow, privacy, and neighborhood scale are not negatively impacted.

Mr. Hornbeck stated the item on the agenda is for the height review and not site plan input,

Staff recommends the following be entered into the record:

- Applications and supplemental material
- Staff memorandum and supporting documents
- All testimony presented during the public hearing
- Recommendation

Mr. Sislowski confirmed this is a use by right in the location.

Mr. Hornbeck stated that is correct as it is an allowed use.

Mr. Rennemeyer commented that the Board hasn't seen many shadow studies in the past.

Mr. Hornbeck stated it is due to the request begin related to height. .

The applicant, Dennis Fulgenzi addressed the Board and stated he has been the tennis director since 2010. The request of the additional four foot would be at the peak and would certify the building by the United States Tennis Association standards. It is a requirement to be 38 feet above the net to allow for proper clearance.

Mr. Baker inquired as to what a USTA event is.

Mr. Fulgenzi stated it would be a tournament that the facility would host.

Mr. Baker inquired if that is for amateurs

Mr. Fulgenzi stated it is for professionals.

Mr. Baker inquired if there was a way to lower the land and then build up so there wouldn't be a need for the additional height.

Mr. Turner stated the site slopes down and the building is planned for the lowest spot in the property. Also, this is the piece of property is not in the corridor plan but we put our self in it.

Mr. Rennemeyer inquired as to the height of Power to Play.

Mr. Turner stated he believed it is 40 feet and that project was on an eight month delay because it was built too low.

Ms. Melendez inquired as to an indoor tennis site that was approved in the past.

Mr. Turner stated previously the plan was for four courts and a workout facility; that project was approved in 2015 and has since expired. The current project will be 5 courts and no workout facility.

Rich Stover, 5802 Bromborough Drive, Windsor, CO 80550 addressed the Board and his

concerns regarding consistency with the Commercial Corridor Plan.

Tim Graham, 5808 Crooked Stick Drive, Windsor, CO addressed the Board and his concern regarding accordance with the I-25 Corridor Regulation. Mr. Graham is also concerned about parking and traffic safety for all residents.

Mike Schroeder, 5919 Bromborough Drive, Windsor, CO addressed the Board and agreed with Mr. Stover and Mr. Graham. Parking is also a concern as overflow from the Power to Play facility spills into the tennis facility.

Ms. Melendez asked for clarification regarding the zoning requirements.

Mr. Hornbeck stated there are a few overlapping standards could apply to this property.

The zoning is residential mixed use which has a 35 foot maximum height requirement.

With the forth filing of Highland Meadows Golf Course, the developer agreed to adhere to either the Commercial Corridor Plan or the Tract H Design Standards which is very similar. The Commercial Corridor Plan or Tract H Design Standards would apply although that would not restrict the height so the height restriction would resort back to the zoning requirements. There is also the I-25 Corridor Plan which was a regional effort that Windsor adopted and there is a recommendation on height but it does defer back to the municipality for height requirements.

Dr. Jones inquired if this will come before the Town Board again.

Mr. Hornbeck stated the site plan will be in the Town Board Packet under communications.

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

**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, Bennett, Jones, Melendez, Rennemeyer, Sislowski; Motion Passed.**

4. Resolution No. 2019-33 - Highland Meadows Tennis Center Modification of Building Height Regulations In Accordance With Section 16-10-50

Mr. Hornbeck had nothing further to add.

**Town Board Member Rennemeyer moved to approve Resolution No. 2019-33, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Jones, Melendez, Rennemeyer, Sislowski; Abstain - Bennett; Motion Passed.**

5. Resolution No. 2019-34 - A Resolution of the Windsor Town Board in Support of the "Wyland Mayor's Challenge for Water Conservation"

Per Ms. Humphries, the Town of Windsor is joining communities across the country in asking residents to make a long-term commitment to manage water resources more wisely by taking part in the annual Wyland National Mayor's Challenge for Water Conservation. The annual challenge, April 1- 30, is a non-profit national community service campaign that encourages leaders to inspire their residents to make a series of simple pledges at mywaterpledge.com to use water more efficiently, reduce pollution, and save energy.

Windsor residents would compete in the 5,000- 29,999 population category. Cities with the highest percentage of residents who take the challenge in their population category have a chance to win \$3,000 toward their Home Utility Bills, and hundreds more eco-friendly prizes including Toro Irrigation Smart Controllers, ECOS home cleaning products, and home water

fixture retrofits from EcoSystems Inc. In addition, residents can nominate a deserving charity from their city to receive a 2019 Toyota Highlander Hybrid. Plus, one lucky charity from a winning city will receive a 2019 Toyota Highlander Hybrid to serve the community. Last year, residents from over 4,800 cities in all 50 U.S. states pledged to reduce their annual consumption of freshwater by 3 billion gallons, reduce waste sent to landfills by 79.9 million pounds, and prevent more than 177,000 pounds of hazardous waste from entering our watersheds.

Staff recommends approval of Resolution No. 2019-34.

**Town Board Member Sislowski moved to approve Resolution No. 2019-34, Town Board Member Baker seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski; Motion Passed.**

#### D. COMMUNICATIONS

1. Communications from Town Attorney

Mr. McCargar reminded the Board that they are currently in recess from the special meeting and that will reconvene at the conclusion of the regular meeting.

2. Communications from Town Staff

Mr. Hornbeck informed the Board that he may have misspoke during agenda item C.3 as the Commercial Corridor Plan does extend one mile from I-25 so that site was within that area, however the Corridor Plan does refer back to the zoning for the height requirement.

a. Windsor Commons Subdivision 3rd Filing Lot 8 Block 3 - Earth X Batteries Site Plan

b. Windsor Commons Subdivision 3rd Filing Lot 5 Block 3 - Show Shine Detail - Site Plan Review

c. Hoehne Subdivision 2nd Filing, Lot 2 - Wendy's Restaurant - Site Plan Review

d. Highlands Industrial Park Subdivision Lot 6, Block 1 - Industrial Flex Building - Site Plan Review

3. Communications from Town Manager

4. Communications from Town Board

Mr. Bennett informed the Board that he has been on the Board of Bright Futures and the Executive Director Sara Rice will be presenting to the Board in the near future. Bright Futures began approximately three years ago in Weld County and they provide a small scholarship to any high school graduate from any Weld County school.

#### E. ADJOURN

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

The meeting was adjourned at 8:17 p.m.



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Krystal Eucker, Town Clerk