



TOWN BOARD REGULAR MEETING
March 9, 2020 - 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 7:00 p.m.

1. Roll call

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

Also Present:

Shane Hale, Town Manager
Ian McCargar, Town Attorney
Rick Klimek, Chief of Police
Aaron Lopez, Commander
Eric Lucas, Director of Parks, Recreation and Culture
Tara Fotsch - Manager of Recreation
Jessica Humphries - Administrative Services Director
John Thornhill, Director of Community Development
Dean Moyer, Director of Finance
Kim Emil, Town Prosecutor/Assistant Town Attorney
Carlin Malone, Chief Planner
Krystal Eucker, Town Clerk

2. Pledge of Allegiance

Former Town Board Member Ivan Adams 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 Sislowski moved to amend the agenda by switching the order of items C.3 and C.4, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

4. Proclamation

- Mayoral Proclamation - Windsor Day of Champions

Mayor Melendez read the Windsor Day of Champions Day proclamation and acknowledged the Windsor Wizards High School Wrestling Team on their State Title.

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 encouraged individuals to sign up for the Poudre River Trail newsletter.

Mr. Wilson reported the Parks, Recreation and Culture Board received a tour of the new Parks Facility. The Board also reviewed the Strategic Plan as well as the Public Art Master Plan. There was also a brief update on the Future Legends Sports Park.

- Mayor Pro Tem Bennett - Water and Sewer Board

Mayor Pro Tem Bennett reported the Water and Sewer Board will meet this Wednesday morning.

- Town Board Member Rennemeyer - Chamber of Commerce

Town Board Member Rennemeyer reported the Chamber President resigned last Thursday although his final day has not been determined.

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

Town Board Member Jones reported the Windsor Housing Authority will meet next week.

Dr. Jones reported the Great Western Trail Authority will be advertising for bid to complete the Trail.

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

Town Board Member Sislowksi reported the Planning Commission met and the items are on this evenings agenda.

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

Mayor Melendez reported the MPO approved funding for two projects; adding the expansion of the mobility program project with \$600,000 and \$125,000 for the North Front Range Transit analysis.

A one time funding source of \$5.5 million to fund some multi-modal projects was received.

6. Public Invited to be Heard

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

B. CONSENT CALENDAR

1. Report of Bills February 2020 - D. Moyer
2. Resolution No. 2020-17 - A Resolution Approving the Adoption of the Public Art Master Plan - E. Lucas

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, Sislowksi, Wilson; Motion Passed.

C. BOARD ACTION

1. Resolution No. 2020-18 - A Resolution Approving The "W" Entertainment District

Per Ms. Humphries, Patrick Weakland, President of the Windsor Entertainment District, Inc. has submitted an application to create an entertainment district within the Town of Windsor. The proposed entertainment district contains approximately 23,000 square feet of licensed premise space between Heart Distillery and High Hops Brewery. The total size of the proposed entertainment district will be approximately 10 acres. Since the original submittal of the application, the name of the entertainment district has been updated to The "W" Entertainment District.

In accordance with Chapter 6, Article V of the Municipal Code, the Town Board shall review each application for an entertainment district and authorize its creation by Resolution, which shall be subject to annual review and is revocable at the will of the Town Board.

After the entertainment district has been created, the Town Board delegates to the Local Licensing Authority all decisions relating to Promotional Associations, Common Consumption Areas and the regulation of attached premises to Common Consumption Areas, as these relate to location, size, security, and hours of operation, pursuant to Colorado law.

Pat Weakland addressed the Board and offered to answer any questions.

Dr. Jones inquired about the house being surrounded by the entertainment district.
Dr Weakland stated the house will not be included in the entertainment district.

Dr. Jones inquired if the entertainment district will require additional restrooms.
Dr. Weakland stated for larger events, there will be portable restrooms placed on the property.

Mr. Sislowski inquired if the western edge of the map is the western edge of the current facility.
Dr. Weakland stated the red line indicated the property boundary. The goal is to create an area in the facility where individuals from the Heart Distillery and High Hops Brewery can co-mingle together with their drinks. The facility gets questions every night as to why they cannot cross the lines with their drinks.

Ms. Melendez inquired as to the length of the application once it is granted.
Mr. McCargar stated assuming the Resolution is approved, the application will then go to the Liquor Authority. The Liquor Authority will really get into the details of the common consumption area and the other requirements under the statute and from there, there is an annual review of the entity that is required to run the common consumption area. The application is potentially permanent but there is an annual review by the Liquor Authority to ensure that the criteria are being met year to year.

Staff recommends approval of Resolution No. 2020-18, creating the "W" Entertainment District.

Town Board Member Jones moved to approve Resolution No. 2020-18, 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.

2. Public Hearing - Ordinance No. 2020-1602 - An Ordinance Approving the Overland 368 Annexation to the Town of Windsor

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

Per Mr. Hornbeck, the applicant, Mr. Eric Steidl, represented by Ms. Julia Malisos and Mr. Todd Learner of WHA (William Hezmalhalch Architects) has submitted a petition to annex approximately 173 acres to the Town of Windsor as Residential Mixed Use (RMU) zoned

property.

The subject property is located between State Highway (SH) 257 and 15th Street to the northwest of Windsor Lake and Lake Osterhout. The Land Use Plan of the 2016 Comprehensive Plan designates this property as Single Family Residential, consistent with the proposed zoning.

The Master Plan is summarized as follows:

- 691 dwelling units maximum (consistent with the Land Use Plan designation of Single Family Residential density of 4 units/acre)
- A mix of single family detached and single family attached units
- 12-acre school site
- 7.5 acres of roads/ miscellaneous
- Extension of WCR 70 from SH 257 to 15th Street
- 44 acres of open space/drainage areas, including an open space corridor running southeast through the site which will accommodate drainage and a trail corridor Town trail connecting SH 257 and 15th Street

The site is not currently served by Windsor water or sewer services so future development will require extension of those utilities. Extension of utilities would be the responsibility of the developer with the possibility of Town reimbursement for any oversizing that adds system capacity. An Annexation Report has been prepared (attached) that details the provision of utilities and services to the property, maintenance of infrastructure, and a statement from the school district.

The applicant held a neighborhood meeting on February 28, 2019 (please refer to attached the neighborhood meeting summary).

At their January 27, 2020 regular meeting, Town Board adopted Resolution No. 2020-007 that declared certain findings of fact concerning the annexation, determined substantial compliance with Colorado Municipal Annexation Act (1965), and established public hearing dates before the Planning Commission and the Town Board. The established hearing dates were March 4, 2020 or the Planning Commission and March 9, 2020 by the Town Board.

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

Staff requests the following be entered into the record:

- Application, petition and supplemental material
- Any testimony received during the public hearing
- Staff memorandum and supporting documents
- Recommendation

At their March 4, 2020 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the annexation and zoning designation subject to any outstanding Planning Commission and Staff comments being addressed.

Dr. Jones inquired as to the right of way for County Road 70 and inquired if that has been dedicated.

Mr. Hornbeck stated he did not believe the right of way has been dedicated yet.

Dr. Jones inquired about the water service and if that will be the City of Greeley.

Mr. Thornhill stated the Town will provide water service to the annexation.

Dr. Jones inquired if the trail will go through the adjacent property owner's land.

Mr. Hornbeck stated the Trails Master Plan shows a trail paralleling the railroad tracks so the Number 2 Ditch is in close proximity but there is no plan to connect directly to the Ditch.

Ms. Melendez opened the meeting up for public comment.

Mr. Schnell inquired as to how this proposal will affect his surface water rights.

Mr. Steidl stated he believed he is concerned with the discharge and the plan does not increase that run off but that water will flow into Lake Osterhout.

Jerry Windsor, 33745 Highway 257, Windsor, CO inquired about the traffic and if there will be any stop lights.

Mr. Steidl stated in terms of traffic, there will be a traffic study completed when the property is platted.

Town Board Member Rennemeyer moved to close the public hearing, 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.

3. Resolution No. 2020-19 - A Resolution Making Certain Findings of Fact Pursuant To Section 31-12-110 C.R.S., Concerning the Overland 368 Annexation to the Town of Windsor, Colorado

Attached is Resolution No. 2020-19 Making Certain Findings of Fact Pursuant To Section 31-12-110 C.R.S., Concerning the Overland Annexation to the Town of Windsor, Colorado.

Mr. Hornbeck stated this Resolution is establishing findings of fact, that the proposal is in conformance with State Statutes regarding annexation.

Town Board Member Sislowski moved to approve Resolution No. 2020-19, Town Board Member Rennemeyer seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

4. Ordinance No. 2020-1602 - An Ordinance Approving the Overland 368 Annexation to the Town of Windsor

Please refer to previous agenda item for discussion.

Mr. Hornbeck had nothing further to add.

Town Board Member Rennemeyer moved to approve Ordinance 2020-1602, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski, Wilson; Motion Passed.

5. Resolution No. 2020-20 - A Resolution Approving the Overland Master Plan

Mr. Hornbeck had nothing further to add regarding the master plan.

Town Board Member Jones moved to approve Resolution No. 2020-20, 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.

6. Public Hearing - Ordinance No. 2020-1603 - An Ordinance Approving the Overland PUD Overlay Rezoning

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

Mr. Sislowski stated, "Madam Mayor, in my capacity as the Town Board liaison for the Planning Commission I was present at the 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, Mr. Eric Steidl, represented by Ms. Julia Malisos and Mr. Todd Learner of WHA (William Hezmalhalch Architects) has submitted a rezoning application

to create a Planned Unit Development (PUD) zoning overlay on a 173-acre tract of land.

The subject rezoning application will create a PUD overlay district which constitutes an amendment to the Town's Official Zoning District Map, and the development standards approved with the PUD will be applied to future land use applications within the PUD district. In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, to:

provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.

The PUD allows for more intense residential development than is allowed under the municipal code by providing for reduced lot sizes and reduced building setbacks. Despite the higher intensity allowed by the PUD, the overall density of the subject property will not exceed the four units per acre maximum allowed by the Single Family Residential designation on the Comprehensive Plan Land Use Map. The higher intensity development will allow for clustering density while preserving approximately 45 acres for open space and drainage and providing a 12-acre school site.

The PUD includes design standards that exceed standard zoning requirements with an intent of creating a high quality public realm and streetscape. Key requirements include open space standards, front porches on homes, garage placement that minimizes their visual impact, a variety of home models to avoid monotony, and staggered massing of homes to create visual interest.

The proposal is in conformance with the objectives of the PUD zoning laid out in the Municipal Code.

The proposal is also consistent with the 2016 Comprehensive Plan as well as the Strategic Plan.

Notifications were completed in accordance with the Municipal Code.

At their March 4, 2020 meeting, the Planning Commission forwarded to the Town Board a recommendation of approval of the PUD Zoning Overlay subject to all outstanding Planning Commission and staff comments being addressed.

Staff requests the following be entered into the record:

- Application, petition and supplemental materials
- Testimony received during the public hearing
- Staff memorandum and supporting documents
- Recommendation

Dr. Jones inquired as to if the water and sewer will connect from County Road 15.

Mr. Hornbeck stated water would come off of both Highway 257 and 15th Street and sewer would be extended from the Greenspire area.

Mr. Sislowski inquired as to the maximum housing units.

Mr. Hornbeck stated the maximum would be 691 units; four units per acre.

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

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

7. Ordinance No. 2020-1603 - An Ordinance Approving the Overland PUD Overlay Rezoning
Please refer to the previous agenda item for discussion.

Mr. Hornbeck had nothing further to add.

Mr. Bennett inquired as to the timeline of development.

Mr. Steidl stated there is currently not a specific answer to the timeline

Town Board Member Rennemeyer moved to approve Ordinance 2020-1603, 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.

8. Public Hearing - Ordinance No. 2020-1604 - An Ordinance Amending Certain Sections of Chapter 16 of the Municipal Code

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

Per Mr. Hornbeck, the enclosed ordinance is an update to various sections of Chapter 16 of the Municipal Code, and is a part of a larger overhaul of Chapters 15 through 17, collectively known as the Land Use Code. The primary focus of this ordinance is to update the Town's zoning districts and associated lot development standards. Work Sessions on the contents of this ordinance were held with Town Board and Planning Commission were held on March 25, 2019 and November 4, 2019. Staff has solicited input from the Windsor development community throughout the process and worked to incorporate their suggestions. The intent of the Land Use Code update is to update existing zoning and subdivision regulations to more appropriately reflect contemporary development practices, while providing options and flexibility in land development, thereby implementing the goals and policies of the Comprehensive Plan. Major changes introduced by the enclosed ordinance are summarized as follows:

- Creates a menu of options for most zone districts based on lot size, building type, and type of vehicular access provide
- Vehicular access standards outline how a building or site is accessed (parking lot, alley, front driveway, etc.)
- Creates RMU-2 Zone – allows for smaller lot sizes when additional open space and enhanced design features such as detached sidewalks, recessed garages, minimum commercial component, etc., are provided.

Overhauls SF-2 Zone – similar to RMU-2, but at a lower intensity

Combines Low Density (E-1) and High Density (E-2) Estate Residential zone districts into a single Estate Residential (ER) zone district (septic still prohibited)

Combines Multifamily (MF-1) and High Density Multifamily (MF-2) into a single Multifamily (MF) zone district.

New Agriculture Holding zone district – allows agricultural use to continue on annexed properties until development occurs

Residential rear setbacks – increased from 5' to 10' to allow greater buffer between homes and additions

Exceptions to height and setback standards more clearly defined (e.g. patios, chimneys, etc.)

Planned Unit Development – Updated standards for PUD zoning overlays to provide clear criteria for review.

Parking surfaces – for single family/ duplex uses added a prohibition on parking on unpaved surfaces except for limited supplemental gravel parking

Removed automobile sales/service from Central Business zone district to be consistent with the vision for downtown as a more pedestrian and retail oriented environment (note: there are no longer automobile uses in CB with the recent re-use of Dutch Bros coffee (previously auto sales) and the relocation of Pike's Auto outside of the CB zone district)

Added definitions for new terms and for items lacking definitions

Please note there are portions of the ordinance which remain largely unchanged from current code requirements, particularly allowed uses and parking standards. A future update will address changes to these sections.

At their March 4, 2020 meeting Planning Commission forwarded to Town Board a recommendation of approval of the enclosed ordinance.

Mr. Baker inquired as to the RMU 2 zone, oil and gas facilities are a conditional use so oil and gas facilities could be near child care centers and nursing care centers.

Mr. Hornbeck stated the uses for RMU 2 were largely copied from RMU 1 and as mentioned, the intent wasn't to change the uses at this time.

Mr. Baker inquired as to the conditional use of open or surface mining operations; the development or extraction of solid materials as defined; what would that be.

Mr. Hornbeck stated it would essentially be gravel mining.

Mr. Sislowski commented that he would like to have more time to review the proposed changes as he has a number of questions and that a developer feels like he didn't have adequate opportunity to provide input. Mr. Sislowski would like to propose continuing the public hearing to a date undetermined.

Mr. Hale would like staff to continue with the presentation and allow for any public comment and then postpone the public hearing if the Board chooses to do so.

Mr. Wilson inquired if staff discussed the ordinance with the development community.

Mr. Hale stated he believed there was a disconnect there as there was outreach but it may not have been as hands on as it should have been.

Ms. Melendez commented that this proposed ordinance in front of the Board is 342 pages long, a developer may not read all the pages, a memo that highlights the changes may be useful for the development community.

Mr. Hornbeck stated the initial draft was shared with the development community that works with the Town on a frequent basis early last year. Norris Design did have comments which were worked into the draft. Changes to the drafts were then again sent out to the development community.

Mr. Bennett inquired as to the advantage of combining MF1 and MF2.

Mr. Hornbeck stated the thought was that there is not a good reason to have the two zone districts as there was not clear distinction between the two.

Mr. Rennemyer asked that when something like this proposed changes comes before the Board, to include how and when the development community was notified.

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

Town Board Member Sislowski moved to to postpone the public hearing to a date undetermined, 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.

9. Ordinance No. 2020-1604 - An Ordinance Amending Certain Sections of Chapter 16 of the Municipal Code

Town Board Member Rennemeyer moved to to postpone Ordinance 2020-1604 to a date undetermined, Town Board Member Jones seconded the motion. Roll call on the vote resulted as follows; Yeas - Baker, Bennett, Jones, Melendez, Rennemeyer, Sislowski; Nays - Wilson; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney
Mr. McCargar reminded the Board of the executive session this evening.
2. Communications from Town Staff
 - a. Site Plan Review - Windshire Park Subdivision 6th Filing (Golden Meadows Senior Complex - Windsor Housing Authority)
Please see attached memorandum.
3. Communications from Town Manager
 - a. Monthly Envisio Report
4. Communications from Town Board
Ms. Melendez gave a reminder of the Candidate forum on March 17, 2020 from 5:30-7:30.

E. EXECUTIVE SESSION

1. An executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney for the purpose of receiving legal advice on specific legal questions concerning Brinkman Exclusive Negotiation Agreement (Ian D. McCargar)

Town Board Member Rennemeyer moved to go into executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney for the purpose of receiving legal advice on specific legal questions concerning Brinkman Exclusive Negotiation Agreement, 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.

Upon a motion duly made, the Town Board returned to the Regular Meeting at 9:21 p.m.

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

Upon returning to the Special Meeting, Mayor Melendez advised that if any participants in the Executive Session believed the session contained any substantial discussion of any matters not included in the motion to convene the Executive Session, or believed any improper action occurred during the Session in violation of the Open Meetings Law; such concerns should now be stated. Hearing none, the Regular Meeting resumed at 9:21 p.m.

F. ADJOURN

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

The meeting was adjourned at 9:21 p.m.



Krystal Eucker, Town Clerk