



TOWN BOARD REGULAR MEETING

November 9, 2020 - 7:00 PM

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

<https://windsorgov.zoom.us/j/99944153622> OR join by telephone at (888) 788-0099 or (877) 853-5247 - Webinar ID:999 4415 3622

MINUTES

A. CALL TO ORDER

Mayor Rennemeyer called the meeting to order at 7:01 p.m.

1. Roll call

Mayor Paul Rennemeyer
Mayor Pro Tem Ken Bennett
Scott Charpentier
Barry Wilson
Julie Cline
Victor Talm
David Sislowski

Also Present:

Shane Hale, Town Manager
Ian McCargar, Town Attorney
Jessica Humphries, Admin Services Director
Carlin Malone, Chief Planner
Paul Hornbeck, Senior Planner
David Eisenbraun, Senior Planner
Scott Ballstadt, Director of Planning
John Thornhill, Community Development Director
Eric Lucas, Public Services Director
Dean Moyer, Director of Finance
Chief Kris Kazian, Fire Chief
Brent Allred, Engineer
Brian Williamson
Morgan Kidder, Journey Homes
Rick Klimek, Chief of Police
Aaron Lopez, Commander
David O'Leary, District General Council
Carolyn Steffi, Town Special Council
McKenzie Payne, Visual Media Coordinator
Karen Frawley, Town Clerk

2. Pledge of Allegiance

Mayor Rennemeyer asked that all rise for 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 Tallon moved to approve the agenda, Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

4. Outside Agency Report

Larimer County Community Report- Tom Donnelly, Larimer County Commissioner

Mayor Rennemeyer reported the Community Report will be rescheduled for a later date.

5. Board Liaison Reports

- Town Board Member Charpentier - Chamber of Commerce, Clearview Library Board

Town Board Member Charpentier reported we are working on the Clearview Library's 2021 budget, we will discuss at November 19th Work Session.

Windsor Chamber of Commerce continue to host open houses reaching out to local businesses, looking for members to fill the empty Board of Director vacancies.

- Town Board Member Wilson - Planning Commission, Larimer County Behavioral Health Policy Council

Town Board Member Wilson reported on Behavioral Health Policy Council the new facility has finalized it's conceptual design phase moving forward to discuss budgets. The groundbreaking is scheduled for Wednesday, December 16th which will be streamed online with the facility estimated to open fall of 2022. The 998 Suicide Hotline recently was approved by Colorado Senator Cory Gardner.

- Mayor Pro Tern Bennett-Water and Sewer Board, 34, and 1-25 Coalition's

Mayor Pro Tern Bennett reported progress is ongoing with the 1-25 Coalition.

- Town Board Member Cline - Tree Board, Poudre River Trail Corridor Authority, Historic Preservation Commission

Town Board Member Cline reported the Tree Board has 2 vacancies on the Commission. We are working on donations for the 2021 calendar, and prizes for the artwork recipients collected for the calendar.

The Poudre River Trail Corridor subcommittee met to discuss mission statements for the each subcommittee. We are reevaluating the role of the Trail Manager to Director position that will be discussed at future mee tings.

- Town Board Member Tallon - Parks, Recreation and Culture Advisory Board, Great Western Trail Authority

Town Board Member Tallon reported Parks, Recreation, and Culture discussed the 2021 budget.

The Great Western Trail Authority summary of the current financial accounts is \$44,797 .30, money market account is \$182,054 .58 already committed to projects. We completed the seeding straw mulch project, but the winds were detrimental to the success of that project. We are undergoing an application for a State of Colorado grant for fencing along the trestles at Windsor Lake. CIRSA recently toured that location suggesting some signage around the Lake, and Irrigation lateral.

- Town Board Member Sislowksi - Windsor Housing Authority, Windsor Severance Fire District

Town Board Member Sislowksi reported Housing Authority has 1 vacancy on the Board, and accepting applications.

- Mayor Rennemeyer- Downtown DevelopmentAuthority, North Front Range MPO

Mayor Rennemeyer reported North Front Range MPO Heather Paddock regional director of COOT gave a report segments 7 and 8 the MPO, and municipalities promised to meet a deficit Federal funding in the amount of \$2 million dollars in addition to the \$52 million dollars that was pledged from the Northern Colorado Municipalities.

6. Public Invited to be Heard

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

B. CONSENTCALENDAR

1. Minutes of the October 12, 2020 Town Board Regular Meeting

2. Report of Bills October 2020

3. Resolution No. 2020-81 A Resolution Vacating a Portion of a Utility Easement in Lot 12, Block 6 and Lot 9, Block 7 in The Raindance Subdivision Eighth Filing, within the Town of Windsor, Colorado

The Town has been asked to vacate a portion of a platted easement in the Raindance 8th filing. The platted easement is a standard 10-foot wide easement for utilities. The two lots that have this easement on them are accidental, prompting the property owner's request to vacate these portions of the 10 foot easement located along the boundaries of Lot 12, Block 6, and Lot 9, Block 7 Raindance Subdivision Eighth Filing. The Petition to Vacate Easement and Exhibit A reflecting the legal description and exterior plot plan are attached and incorporated by reference.

The legal descriptions and depictions have been reviewed by both Public Works and Town Planning and Engineering staff.

4. Resolution No. 2020-82 A Resolution Vacating a Portion of a Utility Easement in Lot 4, Block 7 in the Raindance Subdivision Ninth Filing, within the Town of Windsor, Colorado

The Town has been asked to vacate a portion of a platted easement in the Raindance 9th filing. The platted easement is a standard 10-foot wide easement for utilities. The lot that has this easement on it is accidental, prompting the property owner's request to vacate this portion of the 10 foot easement located along the boundary of Lot 4, Block 7 Raindance Subdivision Ninth Filing. The Petition to Vacate Easement and Exhibit A reflecting the legal description and exterior plot plan are attached and incorporated by reference.

The legal descriptions and depictions have been reviewed by both Public Works and Town Planning and Engineering staff.

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

C. BOARD ACTION

1. Public Hearing, Ordinance No. 2020-1617 -An Ordinance Approving the First Amendment to the Amended Service Plan for the Great Western Metropolitan District Nos. 1-7

The Great Western Metropolitan District No.'s 1-7 is requesting approval of a service plan amendment to allow refunding (refinance) of bonds issued in 2009 through 2012. The new bonds would have a maturity date that extends beyond the 30-year limitation set forth in the existing Service Plan. Although it could be argued that the existing Service Plan could be read to allow this refunding without a formal amendment, counsel have determined that this approach

will satisfy the requirements of bond counsel.

A legislative public hearing is required by statute.

District General Counsel David O'Leary will be on-hand to walk Town Board through the proposed amendment, and Town Special Counsel Carolyn Steffi will be attending as well. The back-up material is presented for the record and has been provided for your review in advance.

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

Per Mr. Ian Mccargar reported the request by the districts general council David O'Leary is present this evening to provide more detail on the service plan request. Town Special Counsel Carolyn Steffi will give her analyst, and answer additional questions.

David O'Leary, Spencer and Fane Law Firm reported he represent the proponents for the Service Plan Amendment for the Great Western Metropolitan Districts. The language in the service plan had indicated their term of debt is inclusive of refunding's. This district was formed in 2006, and the bonds were issued in 2009, 2010, restructured in 2012. We would not be able to refund existing bonds with the current language with the new term. Today's market with the interest rates we have the ability to refund the existing bonds. This applies only to the Commercial districts 5, 6, and 7 corresponding with the Great Western Industrial Park.

Ms. Carolyn Steffl, Special Counsel reported this amendment trying to allow for the simple refund of the existing debt. Under the Special District Act a modification of the service plan there is an amendment required. Any outside of the mature modification is classified an amendment looking at present value savings for the refinancing for the Commercial Industrial districts . They are restricted in refinancing these bonds to a term that would expire in 2039 or 2040 limited to 30 years from when the bonds were originally issued . The plan is to refinance the bonds for 30 years and debt would extend to 2050 with a substantially low interest rate. It's consistent with the Town's policy to have a maximum mill levy in position of 30 years, allowing that term limit to be exceeded in the event of present value savings.

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

2. Ordinance No. 2020-1617 -An Ordinance Approving the First Amendment to the Amended Service Plan for the Great Western Metropolitan District Nos. 1-7

The Great Western Metropolitan District No.'s 1-7 is requesting approval of a service plan amendment to allow refunding (refinance) of bonds issued in 2009 through 2012. The new bonds would have a maturity date that extends beyond the 30-year limitation set forth in the existing Service Plan. Although it could be argued that the existing Service Plan could be read to allow this refunding without a formal amendment, counsel have determined that this approach will satisfy the requirements of bond counsel.

A legislative public hearing is required by statute.

District General Counsel David O'Leary will be on-hand to walk Town Board through the proposed amendment, and Town Special Counsel Carolyn Steffi will be attending as well. The back-up material will be in the record and has been provided for your review .

Town Board Member Sislowski commented many of the service plans allow for refinancing at a net savings to the residence of the district.

Town Board Member Sislowski moved to approve Ordinance No. 2020-1617 as presented, Board Member Cline seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

3. Public Hearing - Cummins Annexation (Windsor Severance Fire Rescue Station No. 4)
Modification of Building Height

Mr. Brent Allred, representing Windsor Severance Fire Rescue, is requesting approval of a height modification in order to exceed the maximum building height allowed in the Estate Residential (E-1) zoning district. The maximum height allowed in the E-1 zoning district is thirty-five (35) feet, in accordance with Municipal Code Section 16-10-50(b)(1). The proposed fire station includes a maximum height of forty-two (42) feet from the average finished grade.

Windsor Severance Fire Rescue Station #4 is proposed to be located north of the intersection of New Liberty Road and Hilltop Drive . The property is surrounded by large lot estate residential homes on three sides with the developing Raindance neighborhood and future golf course located to the west. The site has significant topography, with grades dropping to the north and east. A walkout basement on the northeast part of the building takes advantage of the topography and has a finished grade approximately 15' below the finished grade of the rest of the site.

The building features two gable peak roofs that exceed the maximum allowed height. A second story mezzanine level for storage is located under the eastern gable. A training tower attached to the building also exceeds the maximum allowed height. The tower will be used for a variety of training exercises such as carrying hoses up stairs and rappelling down the side of the building .

The municipal code dictates that building height is measured from the average finished grade . Using that methodology, the following portions of the building exceeding the maximum height as follows:

- Eastern gable roof peak height is approximately forty-two (42) feet (actual height from adjacent grade to the south is forty (40) feet).
- Western gable roof peak height is approximately thirty-six (38) feet (actual height from adjacent grade to the south is thirty-six (36) feet).
- Integrated training tower height is approximately thirty-six (38) feet (actual height from adjacent grade to the south is thirty-six (36) feet and fifty-one (51) feet to the north).

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

- Viel/16. A building or structure shall not substantially alter the opportunity for, and quality of, desirable viel/16 from public places, streets and parks within the community.*
- Light and shadow Any building or structure proposed to be greater than the maximum building height allotted 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*
- Privacy. Any building or structure proposed to be greater than the maximum building height allotted 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.*
- Neighborhood scale. Any building or structure proposed to be greater than the maximum building height allotted 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 .

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

Town Board Member Wilson stated "Mr. Mayor, in my capacity as the Town Board Liaison to the Planning Commission, that my participation in the Planning Commission proceedings have no way influenced me in my capacity as a Town Board Member. I will make her decision and cast my vote as a Town Board Member based solely on the evidence presented during this public hearing."

Per Mr. Hornbeck public notification was provided to the surrounding property owners within 300' feet. The Planning Commission did forward a recommendation of approval at their November 4, 2020 meeting of the building height modification as presented. Allowing a maximum height of forty-two (42) feet with an allowance for a maximum height up to forty-five (45) feet should any modifications be needed on the final design drawings.

Chief Kris Kazian commented our district is growing; its the fire district responsibility to provide fire, and EMT services to the community. This location will give us an opportunity to respond to the whole fire district, and response times are critical for our ability to ensure the districts safety. The height and variance request is an operational request for your consideration .

Mr. Sislowski asked about public notification, and feedback from the community.

Mr. Hornbeck stated public notification was sent 300' feet radius, and we did receive support from the Water Valley Land Company.

Ms. Malone stated we did receive a late email this evening.

Mr. Mccargar commented we may read the email into the record .

Per Ms. Malone email stated "This email is from Mr. Ted Johnson, I have a couple questions relative to light, noise pollution given the variance, and the size of the proposed fire station in this Estate zone area overlooking the entire neighborhood. What can be expected here? Second, I assume some sort of screening landscaping would be proposed to the North since this looks directly into our yard 1363 Barn Owl Court, and adjacent to 1395 Barn Owl Court."

Mr. Ballstadt stated Mr. Johnson was having trouble logging into the meeting .

Mr. Johnson 1363 Barn Owl Court stated his residence is located North of the proposed Fire Station. He asked about the neighborhood impact for light, and noise pollution.

Mr. Hornbeck responded lighting this property is subject to Municipal Code requirements which is intended to minimize light pollution. Operationally for Emergency Equipment leaving the site that information is deferred to Chief Kris Kazian.

Chief Kazian commented there are times where noises will occur however it's not our intention to be disruptive. There will be times checking equipment; no sound studies have been completed to know what you will hear. A multitude of the lighting points down to eliminate unnecessary light pollution. We currently don't have any plans for screening, that will be considered. Due to the topography we are leveling the bluff so we won't be sitting as high as you currently see the parcel.

Brent Allred commented the parcel will be 10-15 feet lower from the tip of the hill to New Liberty to the apron. The photometrics of the site, and lights that will be used at the site . We will not be using light standards, but light bollards that are 3-3.5' foot high.

Town Board Member Charpentier asked about protocol for the sirens, and when they are turned on. Secondly are there any other recent denials for height variations.

Mr. Ballstadt commented he doesn't believe any of the height variances have been denied.

Chief Kazian stated the siren protocol is driven a lot by the traffic. We prioritize our calls, and certain types of incidents might not be an emergency requiring the lights, and sirens.

Town Board Member Charpentier asked whether the sirens are used inside the subdivision leaving the fire station.

Chief Kazian responded our apron length is 30-40 feet and there has been a discussion about signs to notify the public. We do not have a protocol about opening the station door, and turning on the sirens. Station 3 located adjacent to a residential area has never had any complaints, and Station 1 located in Severance across the street from homes has never received any complaints.

Mr. Allred commented the apron is 60' feet, and it allow for a fire truck to sit on the apron without blocking the sidewalk. The apparatus discharged to the South they don't discharge to the North. The lights would primarily be South of the station bays, and the return is on the North.

Town Board Member Sislowski asked whether a landscape screening design **will** be considered on this project.

Mr. Hornbeck stated the site plan is being reviewed administratively, and there would not be a public hearing regarding landscape screening.

Mayor Rennemeyer asked how much will the fire station protrude over New Liberty.

Mr. Allred commented zooming in the South apron the base of the station to New Liberty is 1-2' foot with the bays being streetlevel.

Town Board Member Tallon moved to close the public hearing, Mayor Pro Tern Bennett seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

4. Resolution No. 2020-83 -A Resolution Regarding Cummins Annexation (Windsor Severance Fire Rescue Station No. 4) Modification of Building Height

Please refer to the previous agenda item for discussion and recommendation .

Town Board Member Wilson moved to to approve Resolution No. 2020-83, Town Board Member Tallon seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

5. Resolution No. 2020-84 Consideration of the Final Site Plan- RainDance Subdivision 12th Filing

History: RainDance PUD:

- In 1996, the subject property was annexed with the Windsor Highlands Second Annexation.
- In 2011, the Water Valley West Subdivision, which identified the future alignment of New Liberty Road, was approved.
- In 2015, the RainDance Master Plan and RainDance Planned Unit Development (PUD) was approved. Key elements of these documents include:
 - o An overall area of approximately 1,130 acres
 - 399 acres open space, 734 acres develop areas
 - o 2,792 dwelling units
 - 2.46 du/ac gross (includes open space)
 - 3.8 d/u net (developed areas, excluding open space)
 - o The approval of the Master Plan and PUD included flexibility to allow residential densities to be shifted between areas on the property as development occurs.
 - o Per this zoning approval, land uses can be transferred at the time of Final Plat, as long as the density does not exceed the total for the entire project.
- In 2017, RainDance Subdivision, which created the tracts that would become future filings of RainDance, was approved.

Raindance Subdivision 12th Filing was created from the RainDance Subdivision 8th Filing.

Specifically, Tract H was reserved and designated with the 8th Filing as future multifamily residential development. On April 13th, 2020, Town Board approved this major subdivision, which included Tract H.

The timeline for this Final Site Plan for 12th filing is as follows:

- April 13, 2020 - Preliminary Site Plan application submittal to the Town
- July 1, 2020- Planning Commission approval of Preliminary Site Plan, allowing the proposal to move forward to the next step of approvals, Final Site Plan Page
- August 2020- Final Site Plan application submittal to the Town
- October 27, 2020- Voluntary neighborhood meeting
- November 4, 2020- Planning Commission meeting and recommendation to Town Board
- November 9, 2020- Town Board Meeting

Regarding the traffic around this site, a master traffic impact study was submitted for the RainDance development with the Raindance Subdivision's first filing. That TIS outlined all of the existing conditions , the proposed land uses , trip generation and distribution, signal warrants and geometry for the project. An updated TIS Memo to the master report was required by the Town as part of the submittal process for the subject application.

The updated traffic memo showed a slight increase overall of 88 trips per day. Cherry Blossom and Colorado Blvd will not meet traffic warrants for a signalized intersection in the 2040 long-term forecast. Pear Blossom and Colorado Blvd may meet one peak hour signal warrant in the 2040 long- term forecast. This update accounts for all land use changes to date, and determines any new impacts based on those changes.

Discussion: The applicant, Mr. Brian Williamson, has submitted, on behalf of the owner Mr. David Nelson, a final site plan for a multifamily residential development known as RainDance Subdivision Twelfth Filing. The site plan encompass approximately 31.85 acres and is zoned Planned Unit Development (PUD).

The project intent is to construct 25 multi-family buildings with 11 stand-alone garages, a club house with pool, and one maintenance building on the combined 31.85-acre site. The proposal consists of 25 threestory apartment buildings with 21 units per building. Each building consists of 10 one- bedroom apartments, 9 two-bedroom apartments and two three-bedroom apartments. Each building also contains seven garaged parking spaces . There is a total of 525 units with an overall density of

16.48 dwelling units per acre.

The 525 units consist of 250 one-bedroom, 225 two-bedroom, and 50 three-bedroom units. Based on the current site plan, the total parking required, based on the current Town of Windsor Municipal Code, would require 875 spaces (see site plan for parking calculation tables). The total parking provided for the 525units is 946 spaces, including 727 surface spots, 175 spaces of in-building garage parking, and an additional 44 spaces of stand-alone garage parking. This tract is part of the RainDance Planned Unit Development, which provides the zoning standards for this parcel.

Site amenities include two dog parks, a central planting/gardening space, a central gathering court with pavilion and bocce ball courts, along with a clubhouse and pool facilities. Access to the site will be provided from Cherry Blossom Drive, Abundance Drive, Sunset Vista Drive and New Liberty Road (see site plan).

Final Site Plan characteristics:

31.85 total acres

525 apartment units

25 - three-story buildings (17%)

21 units per building

Product Type:

1-3-bedroom units with a variety of parking options; 35 spaces per building, 875 required

727 surface spaces, 175 attached garage and 44 detached garage spaces ; 946 provided

Two building color schemes, plus a clubhouse

Painted board and batten siding, stone veneer, and cementitious siding

Asphalt shingles (primary roof), standing seam metal roof

Covered porches and balconies

Building height- 43'-8"

Density: 16.48 du/ac

Total open space including drainage: - 16.21 acres (51%)

Parks: Not applicable due to location proximity of RainDance Subdivision 7th Filing, RainDance Community Park (Owned and maintained by metropolitan district). Site does have open space amenities such as orchards, dog parks and a pool.

Notifications: A neighborhood meeting and public hearing are not required with a final site plan; however, a voluntary neighborhood meeting was conducted virtually on October 27th. There was one attendee, who lived in RainDance, who did not have any outstanding concerns, but inquired about the shared amenities within the subdivision. The notice was sent out to property owners within 300' of the subject property boundary and to the adjacent neighborhood metro districts.

Per Mr. Eisenbraun Phase 1 of the development will start on the Southside towards New Liberty including the clubhouse. Phase 2 will follow along Colorado Blvd, final Phase along Cherry Blossom. The color scheme earth tones grey, and red colors with garages built into the buildings to allow for more aesthetics.

The application is consistent with the following goals and objectives of the Comprehensive Plan: Chapter 5b - Growth Framework ; Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible . Prioritize new growth in areas currently served by Town infrastructure and services.

Planning Commission made a recommendation of approval at their November 4th meeting that the Town Board approve the final site plan as presented, subject to all remaining Town Board and staff comments being addresses .

Brian Williamson presented that Raindance is generally capped on the maximum number of units. The maximum number of unit on the entire project is 2,792. Prior to this project 1,563 units have been approved, including this project 2,088 units or 75% of the project consumed. There are some additional areas shown on the site plan to be development. The unit summary consists of 25 residential buildings, each building contains 21 units (10) 1 bedroom, (9) 2 bedroom, (2) 3 bedroom for a total of 525 units.

The active amenities are focused into the center of the project, dispersing passive amenities around the outside . Central spine amenities; pool house, outdoor kitchen, sport court for basketball, pickle ball, tennis, mail kiosk, play equipment, pavilion with courtyard seating , and dog park. The clubhouse will feature a pool, workout equipment, checkout for equipment to use for the sport court.

Preparation for the meeting was to develop a couple of cross sections, preliminary preparation had concerns about the adjacent Estate community on the westside of Colorado Blvd. We increased the amount of screening landscape buffer along our project, 1st at the intersection at Cherry Blossom , 2nd at the closest residence to the project, and 3rd just North of the New Liberty roundabout.

The right-a-way is 130' feet from Colorado Blvd, and the setback is 126' feet to the closest building in this development. The 10' foot regional trail is located in the 126' foot setback, and a drainage swale that we are trying to place passive buffer between the two components. The required setback from the PUD from major arterial is 20' feet. Lots north of Steeplechase on Long's Peak Circle the closest residential building is 320' feet with an additional 130' feet right-a-way then another 118' feet from the right-a-way back to the closest building. The section north of New Liberty the same 130' foot right-a-way, and 136' feet back from the closest building to the right-a-way.

Raindance has dedicated enough Right of Way to the Town to accommodate either traffic signals or a Round a Bout at Cherry Blossom, Pear Blossom locations similar to New Liberty should the Town determine that those improvements are warranted in the future.

Town Board Member Sislowski commented that Mr. Eisenbraun suggested the Multi-family use designated the 8th Filing which was approved in April 2020. Prior to the 8th Filing back in 2017 what would it have shown in Tract H in Filing 12.

Mr. Eisenbraun responded the 8th Filing was approved in April 2020, and the original Filing in 2017 Master Plan showed Tract H north of New Liberty as single family residence detached homes. The multi-family was closer to Colorado Blvd, and Crossroads Blvd.

Town Board Member Sislowski asked when the homes located along Abundance Drive would have been sold.

Mr. Williamson responded all of those houses were approved with the 8th Filing at the same time Tract H was designated multi-family.

Morgan Kidder Journey Homes commented the homes along Abundance Drive are currently under construction, they have been noticed by the sales team Tract H will be apartments.

Town Board Member Sislowski commented about the homes located on Twilight Glow, and whether any homes adjacent to Tract H would have shown this area to be developed multi-family.

Mr. Kidder responded all of the homes under construction in the 8th Filing have not closed to a new buyer North of New Liberty.

Town Board Member Wilson commented this project doesn't warrant a traffic light, but how does that affect the whole Raindance development. High Pointe Estates only has the 2 exits onto Colorado Blvd. When was the most recent transportation study completed? How does it change with 525 new apartments, 50 bedrooms, and 965 parking spaces?

Mr. Williamson responded full disclosure he's not an engineer but the transportation impact study update that was completed did include all of the changes that happened to Raindance north of New Liberty. We took the initial impact study changing the land uses distribution north and south of New Liberty. Engineers use a book to show traffic patterns to determine decreases in traffic during peak hours for both residential, and commercial use. The number of trips generated from a multi-family development is lower around 7 than the number of trips for single family around 10.

Mr. Williamson commented he's not sure what was originally incorporated into the TIS to the current total of renovations. The areas north of the golf course are intended to be larger lots with changes to the overall density to Raindance.

Town Board Member Wilson commented this meeting is quasi judicial not giving us the opportunity to have conversations with the builder, developer prior making our decision based on the information provided at the meeting. This isn't a public hearing; Mayor Rennemeyer wanted to give the individuals on the call time to speak.

Mayor Pro Tem Bennett asked how much the road impact fees would this development bring in?

Mr. Eisenbraun responded he doesn't have that information available.

Mayor Rennemeyer asked how would road impacts fees be based upon this phase of the master development?

Mr. Eisenbraun responded the building permits are calculated, and paid upfront.

Mayor Rennemeyer commented are the building permits fees assessed per unit. 525 units estimating 1.5 cars per unit, 1,050 cars being added to Windsor roads. I would like to

understand the methodology of how those fees are calculated.

Mr. Ballstadt commented the road impact fee for a multi-family dwelling unit is \$2,768 . dollars per unit. You take that number multiply by the number of units, and that determines the road impact fee.

Mayor Rennemeyer commented the Round-A- Bout at County Road 13 and Steeplechase cost \$1.4 million dollars

Town Board Member Wilson commented on how the road impacts fees compare to a multiple family home with money available for future road impact requirements.

Mr. Mccargar explained why there wasn't an official public hearing for this Resolution. The requirement for a public hearing in quasi-judicial matters is usually set forth in the Municipal Code for each quasi-judicial decision supposed to make there specific requirements for a public hearing. Multi-family site plans does not have a specific public hearing requirement, but its clearly a criteria driven decision that is built into the approval process which tilts towards a quasi-judicial matter. In quasi-judicial matters the applicant bears the burden of proof, notice including an opportunity to be heard. The applicant, and Town Board staff have had an opportunity to be heard tonight. While there isn't a public hearing requirement its not inappropriate for Mayor Rennemeyer to open for the public process. Questions from the public that are relevant to the criteria that appears on page 153 of the total Town Board packet. Questions should apply to the comprehensive plan, infrastructure, and other topics discussed tonight. The public should have the opportunity to ask those questions and answers for the record .

Dale Agan 5973 Woodcliffe Drive commented he lives on the east end of High Pointe Estates. The Raindance development eventually will contain 2,800 housing units. Mr. Agan explained his challenges with accessing Colorado Blvd from High Pointe Estates with traffic patterns, adding additional infrastructure will only make the problem worse. The Master Plan Filing from 2015 this parcel was identified as residential mixed use with no indication of multi-family units or apartments.

Mr. Agan doesn't know anyone that was notified of the neighborhood meeting scheduled for October 27th, and he did not receive a notice. He is requesting Town Board postpone this issue until the public can better understand the impact, and infrastructure needs along with the large apartment complex.

Karen Speed 8310 Cherry Blossom Drive commented as a residence of High Pointe Estates she did not receive a notice from the Town or the developer regarding the neighborhood meeting on October 27th. It's my understanding there were attempts to acquire personal email addresses, but our privacy was retained. What methods did the developer use to notify residence?

Ms. Speed commented the math of the traffic study doesn't seem accurate, and expressed concern regarding the intersection at Colorado Blvd, and Cherry Blossom. All of the neighborhoods on the west side of Colorado Blvd do not have egress towards the East requiring access onto Colorado Blvd.

Ms. Speed asked Mayor Rennemeyer what builder has been designated for the apartment complex?

Mayor Rennemeyer responded Journey Homes is the builder.

Analeigh Barboza Cherry Blossom commented when we initially purchased our home we were told there would be a golf course. As of July 23rd Journey Homes posted that homes would be built into Tract H, and all of the people purchasing homes are unaware of the apartment complex under review. We never received a neighborhood notice of the meeting on October 27th, and heard it was moved last minute from October 24th to October 27th. Ms. Barboza expressed concern about the Filing number being changed or added, and requested a compromise from a

3-story to a 2-story apartment complex. She is proposing signs about the new apartment complex development to be posted on New, Liberty, Colorado Blvd, Cherry Blossom, and Pear Blossom to notify new and existing residence .

Mayor Pro Tern Bennett commented as our Town continues to grow transportation continues to be a challenge. What is the threshold for determining when we would install a traffic signal or roundabout?

Mr. Eisenbraun responded part of this larger development we wanted to double check the numbers the developer was issuing for the 12th Filing. We worked with a 3rd party group Apex Design, and they studied Colorado Blvd from Crossroad Blvd to HWY392 reviewing all of the intersections, and impacts. The original transportation impact study from 2017, and the updated TIS. March 6, 2020 was when the updated TIS was submitted for this Filing, reviewing all of the Capital Improvement projects. Levels of service are turning movements, and traffic studies, analyzing each intersection using trip counts.

Town Board Member Sislowski commented Raindance is adding 4 new exits points onto Colorado Blvd. Mr. Sislowski asked for the Town Board to review the Traffic Study's in more detail to postpone in the context of a quasi-judicial hearing for Filing 12.

Mr. Mccargar responded the question is whether the Town Board has received enough information to support a finding that the criteria for infrastructure is necessary to serve this the proposal is adequate or not. If you feel you don't have adequate information on the sufficiency of the infrastructure to serve this development one or more of you can move to postpone to another date to allow time to receive more information on question of the sufficiency of the infrastructure that serves it. I don't recommend that this gets postponed to just gather information about the sufficiency of infrastructure generally. If the Town Board feels there is insufficient information a postponement happens by motion. If you feel that you have enough information and you don't like what your hearing then that's a matter for discussion on the next agenda item. The public process, and the purpose behind it you can postpone making a decision until you get more information.

Town Board Member Sislowski commented based on your review of the ordinance there was no public hearing required, and no community meeting that was distributed to residence. Could we request a public hearing or community meeting be redistributed to patrons for attendance?

Mr. Mccargar responded you can not impose a public hearing requirement when the Code doesn't allow for it. You can have an opportunity for the applicant, and other to be heard which is what's taking place tonight. Under the Windsor Municipal Code this is a criteria based decision, and if the evidence to help you apply the criteria is not sufficient tonight you can deny the application, or ask the public process to remain open to gather more information.

Mr. Williamson commented on the public comment that we had asked for there private email address. We did not request emails, but asked the Metropolitan district to forward our notice out via their distribution list. The Metropolitan district were uncooperative with assisting us in forwarding those notices, and convince them that was in the best interest of their residents.

We have not seen the traffic study, and it had came in after the packet was released. I wonder whether that had recommendations that weren't being met in conformance with the TIS memo that the developer had provided.

Mr. Eisenbraun commented the Traffic study that Apex completed for the Town for Colorado Blvd did affirm both the original TIS, and the updated memo. The trip counts, level of service, warrant matched with no anomaly or discrepancies between the Raindance developer Engineer, and the Town's 3rd party group.

Mayor Rennemeyer commented the quasi-judicial hearing does meet all of the criteria for the presentation on the final site plan, seeking a motion to approve.

Mr. Mccargar asked that staff and the commission have everything they need for the record .

Mr. Eisenbraun presented the most recent excerpt regarding Apex Raindance 12th Filing from Jeff Ream Traffic Engineer with Apex Design. He stated "The deluge associates the updated TIS memo completed March 6, 2020 indicates the apartments will generate 231 peak hour trips in the evening, given the apartments location between Cherry Blossom Drive, and New Liberty Road it's reasonable to assume that half of those trips would use Cherry Blossom intersection, and half of those trips would use the New Liberty intersection. Therefore the apartments contribute 115 trips to the Cherry Blossom intersection, our study indicated that a total of 1,470 used at Cherry Blossom intersection during the evening, and peak hour in 2025. When the intersection begins to experience a level of service conditions for the side streets, left turns, and a roundabout would be required for mitigate the poor traffic operations. Therefore apartment traffic represents 115 divide 1,470 equals 7.8% of the total traffic at that intersection . A roundabout at that location would cost approximately \$1 million dollars, applying the apartment share of traffic would yield a contribution of \$1.078 million equaling \$78,000 . towards the roundabout."

Mayor Pro Tern Bennett commented he agrees we have met the legal requirement for this quasi-judicial process, and understands the cumulative effect reviewing this resolution as Raindance 12th Filing. Mr. Bennett was prepared to make a motion to postpone the issue due to transportation concerns missing the 3rd party transportation report that was provided into the record by Mr. Eisenbraun.

Town Board Member Sislowski commented about the motion to adopt this resolution. If the resolution is denied can the applicant reapply with modified requirements? What if the motion is postponed?

Mr. Mccargar responded the result of a no vote on the merits of the application is a denial of the application, and a motion to postpone, postpones the determination . My recommendation would be to find the purpose to postponement to specific areas of information that you don't feel have been provided, not reopening a public process taking in allot of information that isn't surgically focused.

Town Board Member Sislowski asked if the application is denied; can the applicant reapply? Is there a waiting period to reapply?

Mr. Ballstadt commented we recently discussed the Code update about a substantial change requiring an applicant to make a substantial change to the application before they could resubmit after previously being denied. There is no time frame spelled out in the Municipal Code by which they would have to wait before resubmitting, and currently the Code does not have a substantial change requirement. Allowing the applicant to resubmit the same application without any changes. However I would strongly recommend against a denial due to zoning Residential Mixed Use of which this project is a use-by-right per the underlining zoning.

Town Board Member Sislowski asked about presenting a motion to postpone.

Mr. Mccargar commented will a motion of approval already submitted we can't have a motion to postpone before you receive a second or the motion dies not in want of a second.

Mr. Kidder commented this meets all warrants set forth with the Municipal Code for approval, and the approval criteria. The traffic impact study was review by the engineering staff from Town, and an independent 3rd party.

Town Board Member Tallon asked staff was this traffic concern covered under the preliminary plot plan?

Mr. Ballstadt commented the traffic was reviewed in the preliminary application, and recently received more detailed information what Mr. Eisenbraun read into the record . The Apex Design study is the most recent information provided .

Mayor Rennemeyer asked whether staff would change there recommendation based off of the

traffic study we became aware of last week.

Mr. Ballstadt commented the recommendation would remain the same.

Town Board Member Tallon moved to approve Resolution No. 2020-84, Town Board Member Charpentier seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon; Nays - Wilson; Motion Passed.

6. Ordinance No. 2020-2018 -An Ordinance Amending Section 8-2-10 of the Windsor Municipal Code Regarding Parking of Certain Vehicles in Specified Areas

Opportunities for improvement to the Town of Windsor Municipal Code Section 8-2-10 have been identified by the Windsor Police Department and Town of Windsor Legal staff, concerning the parking of recreational vehicles and trailers. As currently written, this section of the ordinance the ordinance is somewhat vague regarding the application of the timeframes . This ordinance expands the timeframes from 24 hours to 48 hours, specifying the period of time separating each 48 hour period .

By adding to the timeframes that parking is permitted, but also including a specified break between permitted periods, the ordinance will offer greater flexibility to recreational vehicle owners, and also put the specificity in place to limit the situations that have created citizen complaints.

Per Mayor Rennemeyer, this is the first reading of the designation ordinance.

Aaron Lopez commented trailer owners currently have the ability to park for up to four consecutive days per month, and up to eight days if carried over from one month to another. Not intent, leaves room for abuse, which has been a contributing factor to citizens complaints. The update allows for citizens to retain flexibility in trailer parking, but will discourage long-term parking to reduce inconvenience for citizens who live near those who park trailers. Violations and complaints will still occur, but the update will be an improvement of the code.

Town Board Member Tallon moved to approve Ordinance No. 2020-2018 as presented, Town Board Member Sislowski seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowski, Tallon, Wilson; Motion Passed.

D. COMMUNICATIONS

1. Communications from Town Attorney

2. Communications from Town Staff

Per Chief Klimek, we just launched a secure street project that communication helped with for the community to check out.

Ms. Frawley commented for those that attended virtually I will be sending the voter affirmation forms tomorrow, if we could get those back as soon as possible.

a. Financial Report September 2020

Per Dean Moyer, the September Financial report appears in the packet. This reflects our operations and capital through the 3rd quarter. We talked about our progress in budget meetings concerned we would not meet our revenue requirements . We had a better year for revenue, and on the expenditure we made some adjustments to push back some projects to another year.

3. Communications from Town Manager

Per Shane Hale, page 215 of the packet we have our monthly report outlining our new 2021-2025 strategic plan. Issue 3A our lodging tax did not pass, agitating Weld and Larimer Counties voters together unofficially it lost with a margin of 45-55% which is opposite of where it polled. Upcoming meetings with Economic development, and the Windsor Chamber of Commerce later this week to debrief as to why it wasn't successful. We will be having our annual Veterans Day lunch this Friday at public services to allow for social distancing, and thank our Veterans for their service.

a. Monthly Board Report

4. Communications from TownBoard

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:32 p.m.

Town Board Member Tallon moved to Motion, Town Board Member Wilson seconded the motion. Roll call on the vote resulted as follows; Yeas - Bennett, Charpentier, Cline, Rennemeyer, Sislowksi, Tallon, Wilson; Motion Passed.



Karen Frawley, Town Clerk