



PLANNING COMMISSION REGULAR MEETING

Public Works September 15, 2021 - 7:00 PM

Public Works Conference Room, Public Services Facility, 922 North 15th Street, Windsor, CO 80550 Please click this URL to join. <https://windsorgov.zoom.us/j/81227405594> OR join by telephone at (888) 788-0099 or (877) 853-5247 - Webinar ID:812 2740 55

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission
3. Public Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Planning Commission.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Public Comments are expected to be constructive. Written comments are welcome and should be given to the Secretary prior to the start of the meeting. Written materials will not be accepted during the meeting in the interest of time.

B. CONSENT CALENDAR

1. Minutes of the September 1, 2021 Planning Commission Meeting - T. Conway, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing - An Ordinance Approving the Larimer County Road 1-Kyger Annexation to the Town of Windsor - Town of Windsor, Applicant
 - Quasi-judicial
 - Staff Presentation: Carlin Malone, Chief Planner
2. Recommendation to Town Board - An Ordinance Approving the Larimer County Road 1-Kyger Annexation to the Town of Windsor - Town of Windsor, Applicant
 - Quasi-judicial
 - Staff Presentation: Carlin Malone, Chief Planner
3. Public Hearing - An Ordinance Approving the Weld County Road 13-Kyger Annexation to the Town of Windsor - Weld County, Applicant
 - Quasi-judicial
 - Staff Presentation: Carlin Malone, Chief Planner
4. Recommendation to Town Board - An Ordinance Approving the Weld County Road 13-Kyger Annexation to the Town of Windsor - Weld County, Applicant
 - Quasi-judicial
 - Staff Presentation: Carlin Malone, Chief Planner

D. COMMUNICATIONS

- Communications From Planning Commission
- From Town Board Liaison
- Communications From Staff

E. ADJOURN



MEMORANDUM

Date: September 15, 2021
To: Planning Commission
Via:
From: Trisha Conway, Deputy Town Clerk
Location:
Re:
Item #: B.1.

ATTACHMENTS:

Description

- ▢ 09.01.21 Planning Commission Minutes



PLANNING COMMISSION REGULAR MEETING

Town Board Chambers September 1, 2021 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550 Please click this URL to join. <https://windsorgov.zoom.us/j/85382527463> OR join by telephone at (888) 788- 0099 or (877) 853-5247 - Webinar ID:853 8252 7463

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MINUTES

A. CALL TO ORDER

Chairman Schick called the meeting to order at 7:02 p.m.

1. Roll Call

Chairman Schick
Timothy Reddick
Cindy Beemer
Kelly Hall
Roger Colonnese
Jose Valdes

Absent

Vice-Chair Bushelman
Doug Dennison
Eric Bernhardt

Also Present:

David Eisenbraun, Senior Planner
Desa Blair, Civil Engineer - Zoom
Barry Wilson, Town Board Liaison - Zoom
McKenzie Payne, Visual Media Coordinator
Trisha Conway Deputy Town Clerk
Brian Williamson, TST Engineers

2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission

Cindy Beemer moved to approve the agenda as presented, Timothy Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Colonnese, Hall, Reddick, Schick, Valdes;

3. Public Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Planning Commission.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Public Comments are expected to be constructive. Written comments are welcome and should be given to the Secretary prior to the start of the meeting. Written materials will not be accepted during the meeting in the interest of time.

Chairman Schick opened the meeting up for public comment to which there was none.

B. CONSENT CALENDAR

Cindy Beemer moved to approve the minutes of the meeting of August 18, 2021 as presented, Jose Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Hall, Reddick, Schick, Valdes; Abstain - Colonnese;

C. BOARD ACTION

1. Public Hearing - Final Major Subdivision - Raindance Subdivision 19th Filing - David Nelson/Martin Lind, owner/applicants, and Morgan Kidder, applicant's representative

- Quasi-judicial
- David Eisenbraun, Senior Planner

The applicant, Mr. Lind, has submitted, on behalf of the owner Mr. David Nelson, a final major subdivision plat known as RainDance Subdivision Nineteenth Filing. The Raindance Subdivision Nineteenth Filing continues the character and patterns of Raindance development. Continuation of pedestrian walks allow for connection of regional trails and tie into the overall Raindance project.

The project is located on Lot 2 of the Raindance Subdivision Eighteenth Filing, on the southeastern side of Iron Wheel Drive, the northeastern side of Falling Leaf Drive and the southwestern side of Long Shadow Drive. The project intent is to construct 1 and 2-story, single family, buildings on the 3.62-acre site. The site consists of 18 total lots with an overall density of 4.97 DU/AC. Based on the current site plan, total parking required at 2.0/DU would be 36 spaces. Each lot provides 1-2 garage parking spaces, with parking also provided in the driveway. Additionally, on-street parking will be provided on Long Shadow Drive. A loop lane will be constructed along Falling Leaf Dr. where more parking will be available. The current zoning of the site is RMU with P.U.D. overlay. This project meets all P.U.D. standards.

Access to the site is provided through proposed streets in the 18th Filing. Falling Leaf Drive on the southwestern side and the existing Long Shadow Drive on the northeastern side. No new water or sewer utility main lines will be installed with this project, however utility services for the buildings along Long Shadow Drive will be installed.

Chairman Schick opened the public hearing.

Alternate Commissioners Colonnese, was seated as voting member during this item to fill in for absent regular members.

Town Board Member Wilson stated, "Mr. Chair, for the record I would like to disclose that I am a sitting member of the Town Board, and that I am here in my capacity as a nonvoting liaison to the Planning Commission. Although I will be present during this public hearing, I will not be giving my opinion or participating in the discussions. I will not let tonight's proceedings influence or affect my review of this matter when it comes before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearing."

Mr. Eisenbraun reported Chapter 14 of the Municipal Code outlines the purpose and procedures of the Major Subdivision process including:

Section 14-2-60. - Subdivision

(a) Applicability. Subdivision plat applications are required to establish or alter the legal boundaries of property and to account for public facilities and services.

The new Municipal Code requires a public hearing notification for a Final major subdivision.

Notifications for this meeting were as follows:

August 20, 2021 - legal notice posted on the Town of Windsor website

August 20, 2021 - legal ad published in the paper

August 14, 2021 - development review sign posted on the property
August 10, 2021 - affidavit of letters mailed to property owners within 500 ft.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the final major subdivision as presented, subject to all remaining Planning Commission and staff comments being addressed.

Chairman Schick opened the meeting for public questions or comment to which there was none.

Chairman Schick opened the meeting for the applicants presentation to which there was none.

Chairman Schick opened the meeting for Commissioner questions or comment.

Commissioner Valdes asked Mr. Eisenbraun about the 19th Filing, and where in relation the 20th Filing will be located.

Mr. Eisenbraun reported the 20th Filing is located directly West on the corner of the 19th Filing. This Filing is classified Multi-family, and will not be presented to the Board. The process for Multi-family is now administrative action from all of the code updates.

Timothy Reddick moved to close the public hearing, Jose Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Colonnese, Hall, Reddick, Schick, Valdes;

2. Recommendation to Town Board - Final Major Subdivision - Raindance Subdivision 19th Filing - David Nelson/ Martin Lind, owners/applicants, and Morgan Kidder, applicant's representative

- Quasi-judicial
- David Eisenbraun, Senior Planner

See public hearing item.

Chairman Schick asked Mr. Eisenbraun whether he had anything additional.

Mr. Eisenbraun reported he had nothing further to add.

Chairman Schick opened the meeting for commissioner comment to which there was none.

Cindy Beemer moved to forward a recommendation of approval for the Final Major Subdivision Raindance Subdivision 19th Filing, Timothy Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Colonnese, Hall, Reddick, Schick, Valdes;

3. Public Hearing - Preliminary Major Subdivision - South Gate Business Park Subdivision 11th Filing - Tract D of South Gate Business Park Subdivision 1st Filing and Tract A South Gate Business Park Subdivision 9th Filing - Martin Lind, Windsor South Gate Development LLC; Owner/Applicant and Derek Patterson, TST Engineering, Owner's Representative, Garrett Scallon, Windsor South Gate Development LLC, Owner's Representative

- Quasi-judicial
- David Eisenbraun, Senior Planner

The Major Subdivision South Gate Business Park Subdivision, Eleventh Filing, will replat the South Gate Business Park Subdivision, Ninth Filing Tract A, into an additional 6 lots, plat the private roadway as a tract and re-plat the regional detention pond located on the west side of the property. No infrastructure is proposed with the Major Subdivision, only a replat.

This will be the third part of a 4-step process being done for this property. The first being a rezone which was recently approved by Town Board, the second being a Minor Subdivision, submitted concurrently with the Major Subdivision, and the last being site plans for the newly created lots, to be submitted in the future. Site Plans will be provided as lots develop, and may be individual lots or groups of 2-3 lots. Landscape plans will be provided at time of Site Plan submittals.

Previous South Gate Filings and Rezone Context:

The South Gate Business Park Rezone has been approved via the Town to rezone from GC (General Commercial) to I-L (Limited Industrial). The intent of the rezoning is to create more flexible development parcels than the General Commercial district would allow. The intended users of the property are looking for building showroom and office space, with flexible areas, interior and exterior, for the material storage and manufacturing. The I-L zoning provides the flexibility for these uses, as well as all of the uses currently in the GC zoning district.

The Minor Subdivision (South Gate Business Park, Ninth Filing) will create (4) lots and (1) large tract. Private roadway and utilities plans will be submitted with the Minor Subdivision to show how the new and future lots are serviced.

Chairman Schick opened the public hearing.

Mr. Eisenbraun reported Chapter 14 of the Municipal Code outlines the purpose and procedures of the Major Subdivision process including:

Section 14-2-60. - Subdivision

(a) Applicability. Subdivision plat applications are required to establish or alter the legal boundaries of property and to account for public facilities and services.

The application is consistent with the following goals and objectives of the Comprehensive Plan:

Chapter 5b – Growth Framework Goal: Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

Objective: • 1. Prioritize new growth in areas currently served by Town infrastructure and services.

Chapter 5d – Commercial & Industrial Areas Framework Plan

• Goal: Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.

• Objective 6: Work cooperatively with adjacent municipalities to coordinate future land use and development within Intergovernmental Planning Areas and amend intergovernmental agreements to meet evolving community needs and land use demand.

• Objective 9: Pursue the use of zoning and form-based development tools that promote and encourage the type of mixed use character the community prefers.

The new Municipal Code requires a public hearing notification for a Final major subdivision.

Notifications for this meeting were as follows:

August 20, 2021 - legal ad published in the paper

August 16, 2021 - legal notice posted on the Town of Windsor website

August 16, 2021 - development review sign posted on the property

August 16, 2021 - affidavit of letters mailed to property owners within 500 ft.

Mr. Eisenbraun reported the Planning Department did receive public comment regarding concerns of drainage from adjacent properties, especially from the Oil & Gas site. The Plans that are approved should not negatively impact or affect the neighbors property.

Staff recommends that the Planning Commission approve the preliminary major subdivision as presented, subject to all remaining Planning Commission and staff comments being addressed on the final major subdivision plat.

Chairman Schick opened the meeting for the applicants presentation.

Mr. Williamson, TST Consulting Engineers reported on South Gate project timeline. The Rezoning application was approved by Town Board on August 23rd, 2021, in-process Minor Subdivision (administrative approval), tonight's Major Subdivision Preliminary, future Major Subdivision Final

Approvals, and 3 Site Plans in development. The Minor Subdivision was taken, and subdivided into 5 tracts which is the maximum requirement for Minor Preliminary Subdivision review.

Chairman Schick opened the meeting for Commissioner questions or comment.

Commissioner Valdes asked Mr. Williamson about the infrastructure phase of the site.

Mr. Williamson reported infrastructure is part of the Minor Subdivision along the Southern lot line of the larger parcel is an access easement private drive.

Commissioner Valdes asked Mr. Williamson about the utilities, and water infrastructure.

Mr. Williamson reported utilities and water are part of the road-way plan. The water, sewer are both located in the road, and the Town of Windsor will be providing those services.

Chairman Schick opened the meeting for public questions or comment to which there was none.

Timothy Reddick moved to close the public hearing, Jose Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Colonnese, Hall, Reddick, Schick, Valdes;

4. Recommendation to Approve - Preliminary Major Subdivision - South Gate Business Park Subdivision 11th Filing - Tract D of South Gate Business Park Subdivision 1st Filing and Tract A South Gate Business Park Subdivision 9th Filing - Martin Lind, Windsor South Gate Development LLC; Owner/Applicant and Derek Patterson, TST Engineering, Owner's Representative, Garrett Scallon, Windsor South Gate Development LLC, Owner's Representative

- Quasi-judicial
- David Eisenbraun, Senior Planner

Please see public hearing item.

Chairman Schick asked Mr. Eisenbraun whether he had anything additional.

Mr. Eisenbraun reported he had nothing further to add.

Chairman Schick opened the meeting for commissioner comment.

Commissioner Valdes asked Mr. Eisenbraun about whether the Board will approve the Site Plans for these parcels.

Mr. Eisenbraun reported all of the Site Plans will be Limited Industrial reviewed, and approved administratively.

Mr. Eisenbraun reported on some of the misinformation regarding a meat processing plant would not be allowed in a limited industrial zone district.

Commissioner Valdes asked Mr. Eisenbraun for examples of limited industrial uses.

Mr. Eisenbraun reported on the Eastman Park area that's a great example of limited industrial use area. Other examples would be flex commercial, land use options sign shops, car detailing, and warehouse storage.

Commissioner Valdes asked Mr. Eisenbraun about large lighting requirements for these sites.

Mr. Eisenbraun reported heavy light output, odor, noise, sound emissions typically doesn't fall within a use-by-right in an Limited Industrial area.

Commissioner Hall asked Mr. Eisenbraun about a previous staff comment at the public hearing allowing the public to review the Limited Industrial Site Plan uses.

Mr. Eisenbraun reported when the rezoning is approved those Limited Industrial uses become a use-by-right, which are reviewed and approved administratively. The Site Plans can be provided as a Communication item to the Board, but will not be available as a public hearing item.

Commissioner Beemer reported on the previous staff comment allowing public review of the Limited Industrial Zone district referenced Town Board, and tonight's Public hearing for the approval of the Preliminary Major Subdivision.

Commissioner Reddick asked Mr. Eisenbraun whether public notice was provided to neighbors about tonight's meeting.

Mr. Eisenbraun reported yes, public notice was provided for tonight's meeting. The property owner of the Cozy Cow that's adjacent to this property had concerns about the drainage on his property, but nothing related to use.

Commissioner Valdes asked Mr. Eisenbraun about whether the Subdivision located North of the Cozy Cow received notification of tonight's public hearing.

Mr. Eisenbraun reported Cozy Cow is the border of the 500 ft. radius, and the neighborhood to the North did not receive notification.

Cindy Beemer moved to approve Preliminary Major Subdivision South Gate Business Park Subdivision 11th Filing, as presented by staff;

Timothy Reddick moved to amend the approved Preliminary Major Subdivision South Gate Business Park Subdivision 11th Filing, include the Site Plans as a Communication item on the agendas for Planning Commission, and Town Board as presented, Kelly Hall seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Colonnese, Hall, Reddick, Schick, Valdes;

D. COMMUNICATIONS

- Communications From Planning Commission
- From Town Board Liaison

Town Board Member Wilson reported on the Revenue projections for 2022 close to 80 million dollars, projecting a continued increase in Sales Tax Revenue. Property tax projected flat with a decline in oil and gas property tax, and development fees are projected to decline in 2022. Town Board designated 423 Main Street as a local historical landmark, approved re-zoning of the South Gate Business park, and a Ballot issue on the Ballot in November 2nd, 2021 affirming the Town to provide high speed internet. The Town will be opting out of Senate Bill 152 giving the Town of Windsor the ability to provide broadband options. Town Board approved regulation of cats, and authorized the purchase of Axon Body Cam equipment for the Police department.

- Communications From Staff

Mr. Eisenbraun reported Planning will be presenting to Town Board on September 27th, 2021 on a Communication item with Urban 3 to provide summary slides of the overall economic impact to Windsor, and Northern Colorado. We will be coming together on October 11th in a joint Work Session to amend the Downtown Master Plan, specifically one code that relates to height districts.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:38 p.m.

Trisha Conway, Deputy Town Clerk



MEMORANDUM

Date: September 15, 2021
To: Planning Commission
Via: Scott Ballstadt, Director of Planning
From: Carlin Malone, Chief Planner
Location: LCR 1, between SH 392 and Jacoby Road
Re: Public Hearing – An Ordinance Approving Annexation of LCR 1 to the Town of Windsor
Item #: C.1.

Background/ Discussion:

The applicant, the Town of Windsor has submitted a petition to annex approximately 3.479 acres to the Town of Windsor and establishing the zoning district designation of Recreation and Open Lands (ROL). The subject property is located between State Highway (SH) 392 and Jacoby Road, east of Kyger Reservoir.

The Town of Windsor annexed the Kyger property that borders State Highway 392 and Colorado Boulevard, otherwise known as Larimer County Road 1 ("LCR1")/ Weld County Road 13 ("WCR 13"). The roadway/right-of-way is the subject of this annexation. The Town of Windsor owns the west half of the roadway (LCR 1), which is currently within unincorporated Larimer County. The east half of the roadway (WCR 13) is within unincorporated Weld County. Weld County also has filed a Petition to Annex the east half of the roadway (WCR 13) to the Town and the Town Board accepted the petition for both annexations on May 10, 2021.

This is Part 1 of a "serial annexation" where the Town is annexing the west half of the county line road that borders the Kyger property between Highway 392 and Jacoby Road, which is currently unincorporated Larimer County. Part 2 of the "serial annexation" is the east half of the county line road, situated in unincorporated Weld County. Once both annexations occur, the entire county line road from Highway 392 to Jacoby Road, bordering the Kyger property will be in the Town of Windsor Corporate Limits.

CRS 31-12-105(f) states that if a jurisdiction is annexing a portion of a street or alley, the entire width of the roadway must be annexed. Thus, the two annexations must proceed in the order presented, to meet the contiguity requirements in CRS 31-12-104 (1)(a), which allows the annexations to be completed simultaneously and considered together for the purposes of the public hearing requirements in sections 31-12-108 and 31-12-109.

At their May 10, 2021, regular meeting, Town Board accepted the petition for annexation, initiating annexation proceedings by adopting Resolution No. 2021-25 that declared certain findings of fact concerning the annexation, determining substantial compliance with Colorado Municipal Annexation Act (1965). At their July 26, 2021, regular meeting, the Town Board adopted Resolution No. 2021-45, establishing public hearing dates before the Planning Commission and the Town Board. At their August 9, 2021, regular meeting, the Town Board adopted Resolution No. 2021-48, which corrected the Planning Commission hearing date. The Town Board will hold a public hearing on the annexation on September 27, 2021.

Relationship to Comprehensive Plan

The application is consistent with the Comprehensive Plan, particularly the following:

Chapter 7- Community Facilities and Infrastructure

Goal:

Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.

Staff comment: Annexation of LCR 1 in the area has been anticipated, as the property is owned by the Town of Windsor, serves as an access point to a Town of Windsor natural area and trail (Kyger Reservoir and Kyger Trail), and provides a logical extension of Colorado Boulevard. The Town has also planned for improving this segment of roadway.

The Land Use Plan of the 2016 Comprehensive Plan designates this property as Recreation and Open Lands, consistent with the proposed zoning. Zoning and uses for abutting properties include the following:

	Zoning	Current Use
North	Agriculture (Larimer County)	Undeveloped agricultural land
East	Agriculture (Weld County)	Undeveloped agricultural land
South	Recreation and Open Lands (ROL) and Agriculture (Weld County)	Recreational/open space (Windsor) and gravel mining (Weld County)
West	Recreation and Open Lands (ROL)	Kyger Reservoir, trail, natural area parking lot

Financial Impact:

The Town has planned on annexing this roadway for making future improvements to the Colorado Boulevard alignment.

Relationship to Strategic Plan:

Sustainable Infrastructure Goals:

- Design and implement a well-connected, efficient, multi-modal transportation network
- Establish pedestrian and bicycle connectivity throughout Windsor
- Adequately maintain and ensure that infrastructure (streets, trails, water & sewer) aligns with growth

Notification

The following notifications were completed in accordance with the Municipal Code as follows:

- Legal ad ran for four consecutive weeks in newspaper:
 - August 20, 2021 – first week legal ad
 - August 27, 2021 – second week legal ad
 - September 3, 2021 - third week legal ad
 - September 10, 2021 – fourth week legal ad
- August 16, 2021 – annexation sign posted on property
- August 16, 2021 – public hearing notice published to Town website
- August 16, 2021 – applicant mailed letters to surrounding property owners
- August 16, 2021 – staff mailed Certified Packets to relevant taxing districts

Recommendation:

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the annexation and zoning designation, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Shane Hale, Town Manager
Kim Emil, Assistant Town Attorney
Omar Herrera, Deputy Director of Engineering

ATTACHMENTS:

Description

- ▢ Ordinance - LCR 1-Kyger Annex
- ▢ Annexation Map - LCR 1-Kyger
- ▢ Staff Presentation - LCR 1-Kyger Annex

TOWN OF WINDSOR

ORDINANCE NO. 2021 -

AN ORDINANCE APPROVING THE LARIMER COUNTY ROAD 1-KYGER
ANNEXATION TO THE TOWN OF WINDSOR PURSUANT TO THE COLORADO
MUNICIPAL ANNEXATION ACT OF 1965

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, the Town Clerk has received an Annexation Petition dated April 30, 2021, seeking annexation of certain real property described therein and proposed as the “Larimer County Road 1-Kyger Annexation” to the Town of Windsor; and

WHEREAS, the Town has complied in all respects with the requirements of law, including conducting required public hearings pursuant to statutory notice and making required findings of fact, which findings are incorporated herein by this reference; and

WHEREAS, following public hearing, the Planning Commission has recommended the approval of the Larimer County Road 1-Kyger Annexation to the Town of Windsor; and

WHEREAS, based upon the record and the findings of fact previously made, the Town Board has determined that no election is required for annexation; and

WHEREAS, the proposed Larimer County Road 1-Kyger Annexation to the Town of Windsor is depicted and legally-described in the Larimer County Road 1-Kyger Annexation Map, a true and accurate reduced copy is attached and incorporated herein by this reference; and

WHEREAS, the Town Board is prepared to approve the Larimer County Road 1-Kyger Annexation as provided in Title 31, Article 12 of the Colorado Revised Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. The Larimer County Road 1-Kyger Annexation to the Town of Windsor, as depicted and legally-described in Exhibit A hereto, is hereby approved.

Section 2. The property within the Larimer County Road 1-Kyger Annexation to the Town of Windsor is hereby given a zoning designation of Recreation Open Lands (ROL), in accordance with Article I of Chapter 16 of the *Windsor Municipal Code*.

Section 3. The Town Clerk shall comply with the requirements of § 31-12-113 (2) (a), C.R.S.

Introduced, passed on first reading, and ordered published this 27th day of September, 2021.

TOWN OF WINDSOR, COLORADO

By _____
Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

Introduced, passed on second reading, and ordered published this 11th day of October, 2021.

TOWN OF WINDSOR, COLORADO

By _____
Paul Rennemeyer, Mayor

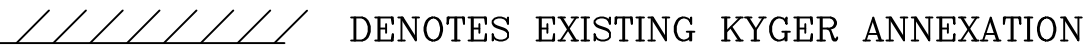
ATTEST:

Karen Frawley, Town Clerk

Of Larimer County Road 1 (a.k.a. Weld County Road 13),
Situates in the Southeast Quarter of Section 13, Township 6 North, Range 68 West of the 6th P.M.,
County of Larimer, State of Colorado

1

SHEET 1 OF 1



ATTEST: _____
Town Clerk



Larimer County Road 1 (LCR 1)- Kyger Annexation

Carlin Malone, Chief Planner

Planning Commission September 15, 2021



Annexation

Article I of Chapter 15 of the Municipal Code outlines the purpose and procedures of the annexation process, including:

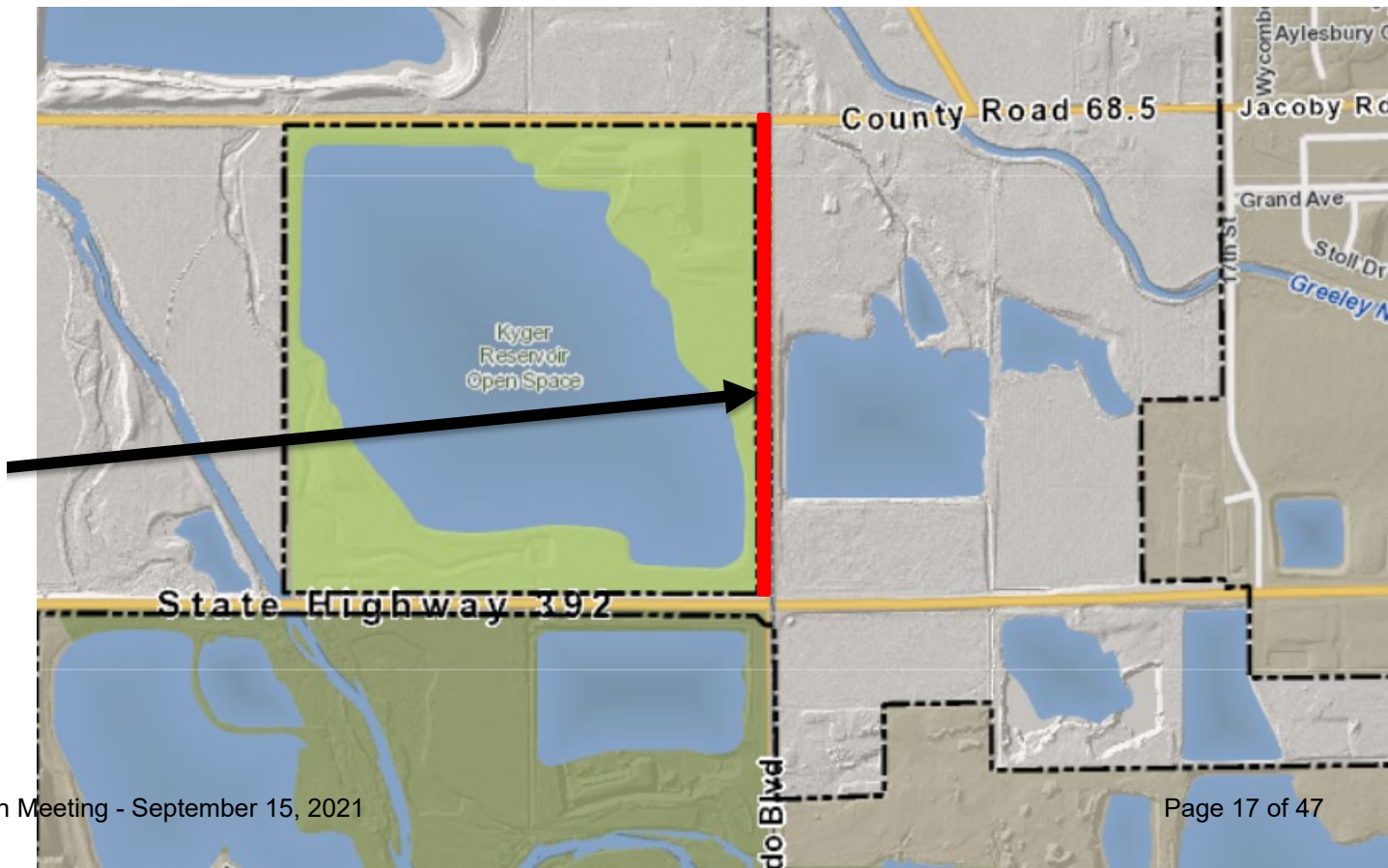
Sec. 15-1-10. Purpose.

The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the town in compliance with the Colorado Municipal Annexation Act of 1965, as amended.



Vicinity Map

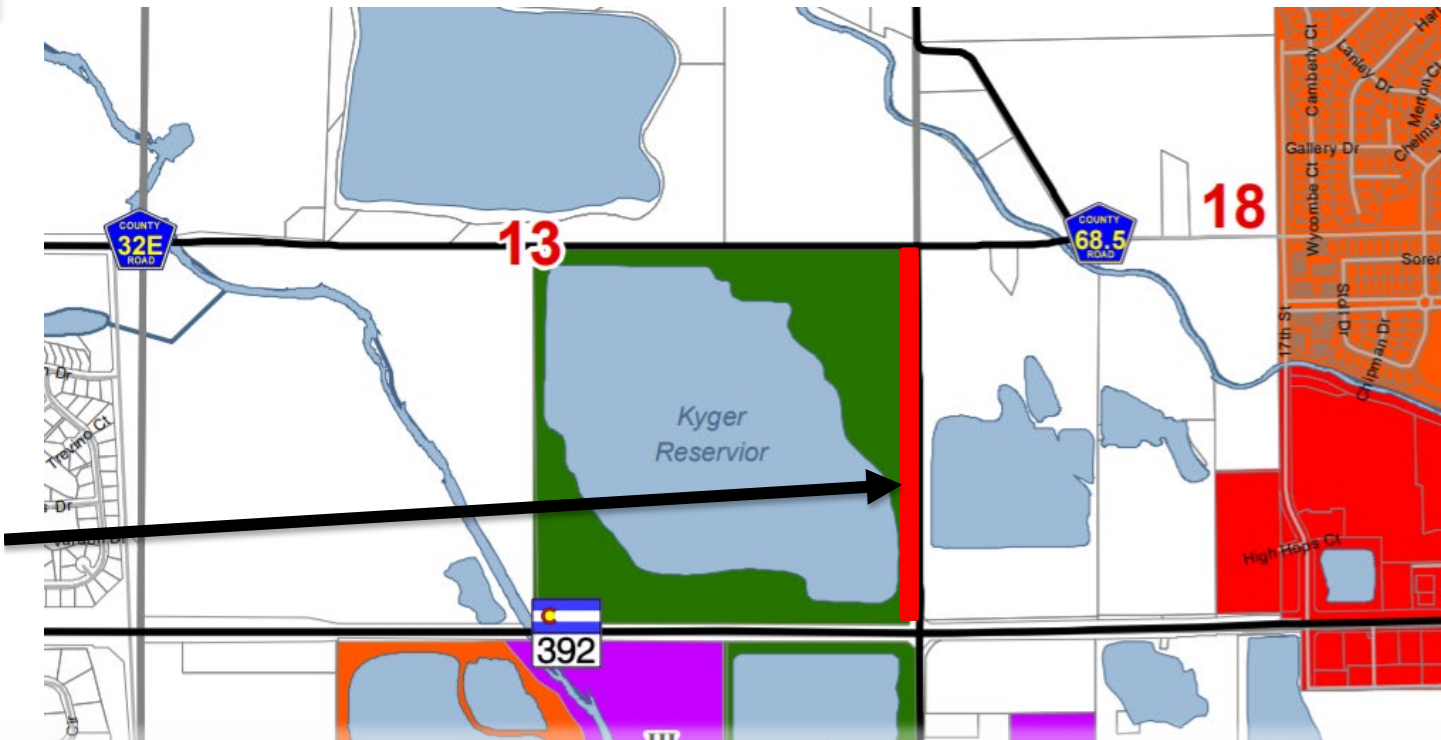
Site





Zoning Map

Site

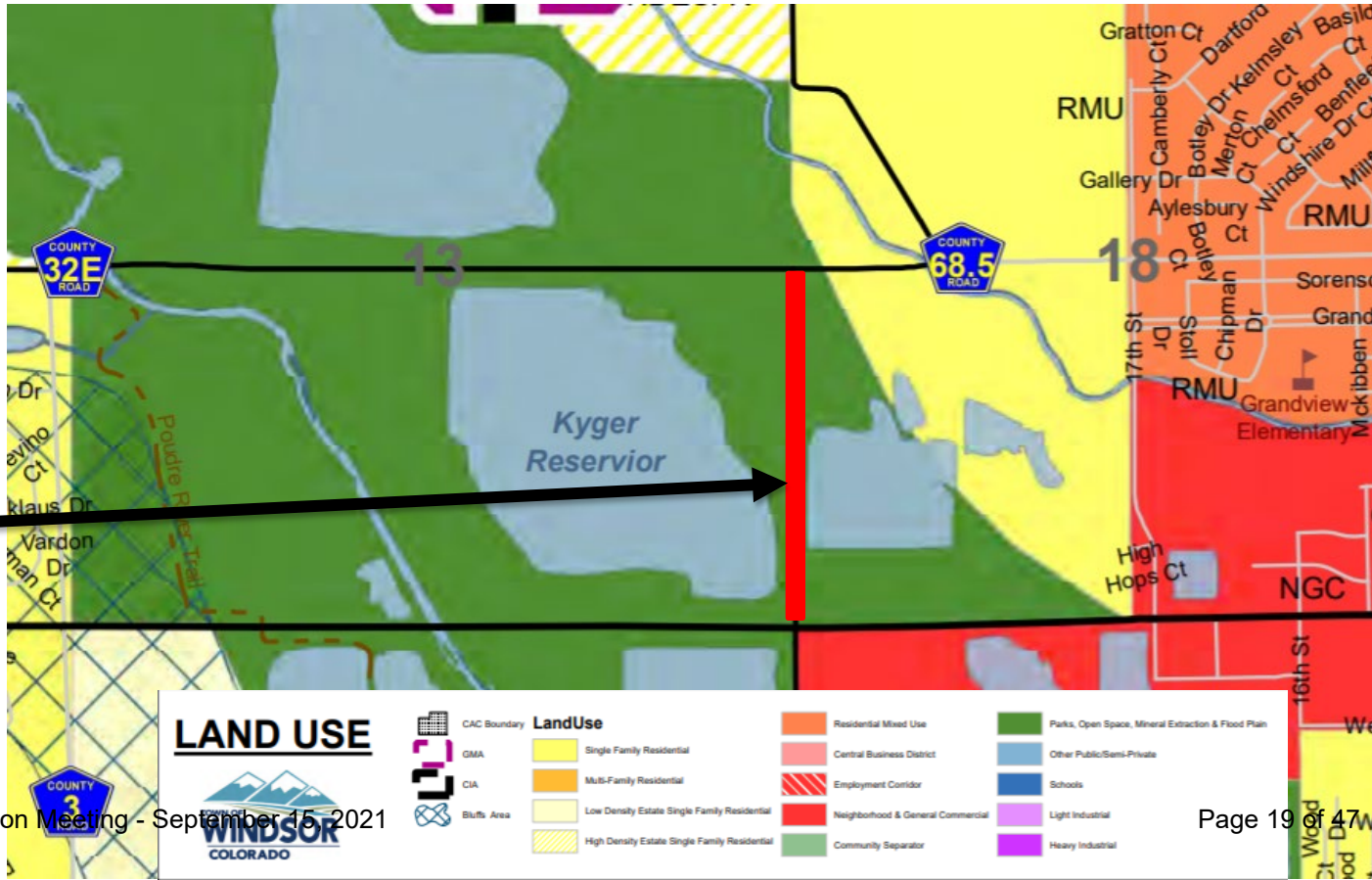


- | | | | |
|--------------------------------|---------------------------------|------------------------------|-----------------------------|
| ER Estate Residential | RMU-1 Residential Mixed Use-One | GC General Commercial | HI Heavy Industrial |
| SF-1 Single Family Residential | CB Central Business District | PUD Planned Unit Development | ROL Recreation & Open Lands |
| MF Multi-Family Residential | NC Neighborhood Commercial | LI Limited Industrial | |



Land Use Plan

Site





TO THE TOWN OF WINDSOR

A grant of a parcel of land in the County of Larimer, State of Colorado, located in the Southeast Quarter (SE1/4) of Section Thirteen (13), Township 10 North (10N), Range Sixty-eight West (R68W), of the Sixth Principal Meridian (6th P.M.), being more particularly described as follows:

The East 1/2 of 1/2 of said SE1/4 of the Southeast Quarter (SE1/4) of said Section 13 lying Northerly of the Northern Right-of-way line of State Highway 302, established by Special Warranty Deed recorded February 3, 1959 in Book 1055 at Page 352 of the records of the Larimer County Clerk and Recorder.

Containing 3.479 acres more or less.

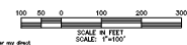
Assuming the East line of the Southeast Quarter of Section 15, T4N, R48E, as bearing South 01°21'28"E, 2017', as monumented by a #1 rebar with a 2" steel swivel on top stamped "012128E, 2017" in a monument box at the North end and by a #1 rebar with a 2" steel swivel on top stamped "030020E, 2012" in a monument box at the South end, being a 514 bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2622.77 feet, with all other bearings contained herein relative thereto.

All the request of our client, recorded rights-of-way and easements were not researched and only those easements that were discovered during research to delineate the property boundary are shown herein. (78-75-106 O.R.C. 1004)



	DATE:

PROJECT # 2000044
2000
1



CONTIGUOUS BOUNDARY = 2522.25 DB
 TOTAL BOUNDARY = 5201.21 L.F.
 RATIO = 1 : 2.062
 AREA = 3.470 ACRES

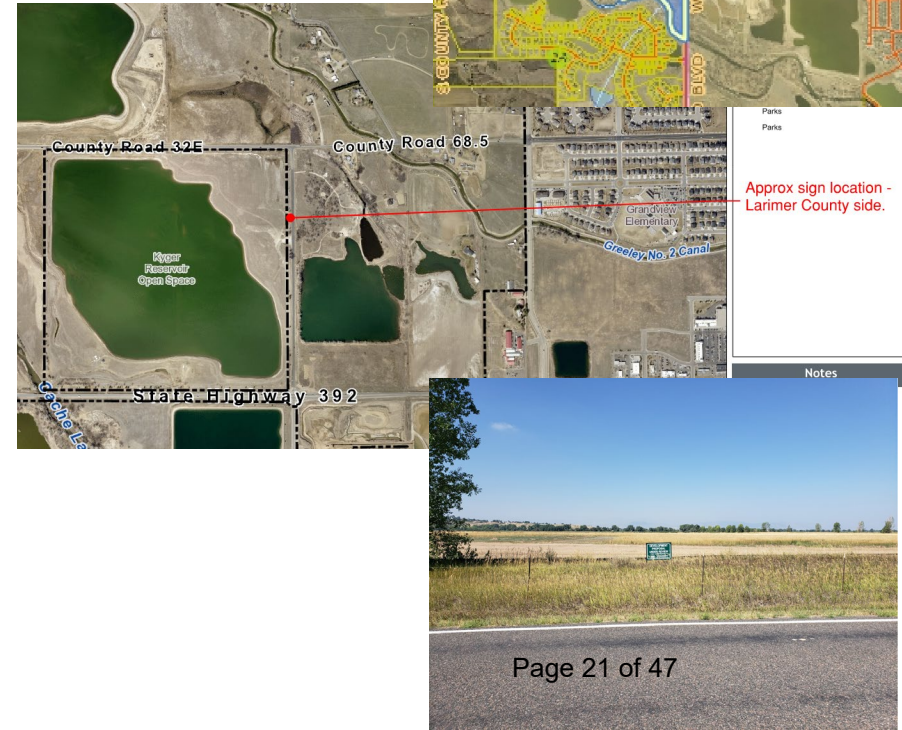


Notification Area

Planning Commission and Town Board public hearing notifications:

- Legal ad ran for four consecutive weeks in newspaper:
 - August 20, 2021 – first week legal ad
 - August 27, 2021 – second week legal ad
 - September 3, 2021 - third week legal ad
 - September 10, 2021 – fourth week legal ad
- August 16, 2021 – annexation sign posted on property
- August 16, 2021 – public hearing notice published to Town website
- August 16, 2021 - applicant mailed letters to surrounding property owners
- August 16, 2021 – staff mailed Certified Packets to relevant taxing districts

Planning Commission Meeting - September 15, 2021





Findings

At their May 10, 2021 meeting, the Town Board adopted Resolution 2021-25 that declared these certain findings of fact, and at their July 26, 2021 meeting adopted Resolution 2021-45, and August 9, 2021 meeting, adopted Resolution 2021-48, set hearing dates:

1. September 15, 2021 for Planning Commission
2. September 27, 2021 for Town Board



Relationship to Comprehensive Plan

Chapter 7- Community Facilities and Infrastructure

Goal:

Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.

Staff Comment: Annexation of LCR 1 in the area has been anticipated, as the property is owned by the Town of Windsor, serves as an access point to a Town of Windsor natural area and trail (Kyger Reservoir and Kyger Trail), and provides a logical extension of Colorado Boulevard. The Town has also planned for improving this segment of roadway.



Relationship to Strategic Plan

Sustainable Infrastructure Goals:

- *Design and implement a well-connected, efficient, multi-modal transportation network*
- *Establish pedestrian and bicycle connectivity throughout Windsor*
- *Adequately maintain and ensure that infrastructure (streets, trails, water & sewer) aligns with growth*



Annexation Records

Staff requests that the following be entered into the record:

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



Annexation Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the annexation and zoning designation, subject to any outstanding Planning Commission and staff comments being addressed.



Annexation Review Considerations

- Annexation is a discretionary act by Town Board
- Compliance with Annexation Act of 1965
- Consistency with Comprehensive Plan



MEMORANDUM

Date: September 15, 2021
To: Planning Commission
Via: Scott Ballstadt, Director of Planning
From: Carlin Malone, Chief Planner
Location: LCR 1, between SH 392 and Jacoby Road
Re: Recommendation to Town Board - An Ordinance Approving Annexation of LCR 1 to the Town of Windsor
Item #: C.2.

Background/ Discussion:

Please refer to public hearing item materials.



MEMORANDUM

Date: September 15, 2021
To: Planning Commission
Via: Scott Ballstadt, Director of Planning
From: Carlin Malone, Chief Planner
Location: WCR 13, between SH 392 and Jacoby Road
Re: Public Hearing - An Ordinance Approving Annexation of WCR 13 to the Town of Windsor
Item #: C.3.

Background/ Discussion:

The applicant, Weld County, represented by Mr. Bruce Barker, Weld County Attorney, has submitted a petition to annex approximately 1.71 acres to the Town of Windsor and establishing the zoning district designation of Recreation and Open Lands (ROL). The subject property is located between State Highway (SH) 392 and Jacoby Road, east of Kyger Reservoir.

The Town of Windsor annexed the Kyger property that borders State Highway 392 and Colorado Boulevard, otherwise known as Larimer County Road 1 ("LCR1")/ Weld County Road 13 ("WCR 13"). The roadway/right-of-way is the subject of this annexation. The Town of Windsor owns the west half of the roadway (LCR 1), which is currently within unincorporated Larimer County. Weld County owns the east half of the roadway (WCR 13), which is currently within unincorporated Weld County.

This is Part 2 of a "serial annexation" for the roadway. Once both annexations occur, the entire county line road from Highway 392 to Jacoby Road, bordering the Kyger property will be in the Town of Windsor Corporate Limits.

CRS 31-12-105(f) states that if a jurisdiction is annexing a portion of a street or alley, the entire width of the roadway must be annexed. Thus, the two annexations must proceed in the order presented, to meet the contiguity requirements in CRS 31-12-104 (1)(a), which allows the annexations to be completed simultaneously and considered together for the purposes of the public hearing requirements in sections 31-12-108 and 31-12-109.

At their May 10, 2021, regular meeting, Town Board accepted the petition for annexation, initiating annexation proceedings by adopting Resolution No. 2021-26 that declared certain findings of fact concerning the annexation, determining substantial compliance with Colorado Municipal Annexation Act (1965). At their July 26, 2021, regular meeting, the Town Board adopted Resolution No. 2021-44, establishing public hearing dates before the Planning Commission and the Town Board. At their August 9, 2021, regular meeting, the Town Board adopted Resolution No. 2021-47, which corrected the Planning Commission hearing date. The Town Board will hold a public hearing on the annexation on September 27, 2021.

Relationship to Comprehensive Plan

The application is consistent with the Comprehensive Plan, particularly the following:

Chapter 7- Community Facilities and Infrastructure

Goal:

Maintain and enhance Windsor as a safe and healthy community that is served by quality facilities and infrastructure that support a high quality of life.

Staff comment: Annexation of WCR 13 in the area has been anticipated, as the roadway serves as an access point to the Kyger Reservoir and provides a logical extension of Colorado Boulevard. The Town has also planned for improving this segment of roadway.

The Land Use Plan of the 2016 Comprehensive Plan designates this property as Recreation and Open Lands, consistent with the proposed zoning. Zoning and uses for abutting properties include the following:

	Zoning	Current Use
North	Agriculture (Larimer County)	Undeveloped agricultural land
East	Agriculture (Weld County)	Undeveloped agricultural land
South	Recreation and Open Lands (ROL) and Agriculture (Weld County)	Recreational/open space (Windsor) and gravel mining (Weld County)
West	Recreation and Open Lands (ROL)	Kyger Reservoir, trail, natural area parking lot

Financial Impact:

The Town has planned on annexing this roadway for making future improvements to the Colorado Boulevard alignment.

Relationship to Strategic Plan:

Sustainable Infrastructure Goals:

- Design and implement a well-connected, efficient, multi-modal transportation network
- Establish pedestrian and bicycle connectivity throughout Windsor
- Adequately maintain and ensure that infrastructure (streets, trails, water & sewer) aligns with growth

Notification

The following notifications were completed in accordance with the Municipal Code as follows:

- Legal ad ran for four consecutive weeks in newspaper:
 - August 20, 2021 – first week legal ad
 - August 27, 2021 – second week legal ad
 - September 3, 2021 - third week legal ad
 - September 10, 2021 – fourth week legal ad
- August 16, 2021 – annexation sign posted on property
- August 16, 2021 – public hearing notice published to Town website
- August 16, 2021 – staff mailed letters to surrounding property owners
- August 16, 2021 – staff mailed Certified Packets to relevant taxing districts

Recommendation:

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the annexation and zoning designation, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Shane Hale, Town Manager
 Kim Emil, Assistant Town Attorney
 Omar Herrera, Deputy Director of Engineering

ATTACHMENTS:

Description

- ▢ Ordinance - WCR 13-Kyger Annex
- ▢ Annexation Map - WCR 1-Kyger
- ▢ Staff Presentation - WCR 13-Kyger Annex

TOWN OF WINDSOR

ORDINANCE NO. 2021 -

AN ORDINANCE APPROVING THE WELD COUNTY ROAD 13-KYGER ANNEXATION TO THE TOWN OF WINDSOR PURSUANT TO THE COLORADO MUNICIPAL ANNEXATION ACT OF 1965

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers and authority vested under Colorado law; and

WHEREAS, the Town Clerk has received an Annexation Petition dated April 6, 2021, seeking annexation of certain real property described therein and proposed as the “Weld County Road 13-Kyger Annexation” to the Town of Windsor; and

WHEREAS, the Town has complied in all respects with the requirements of law, including conducting required public hearings pursuant to statutory notice and making required findings of fact, which findings are incorporated herein by this reference; and

WHEREAS, following public hearing, the Planning Commission has recommended the approval of the Weld County Road 13-Kyger Annexation to the Town of Windsor; and

WHEREAS, based upon the record and the findings of fact previously made, the Town Board has determined that no election is required for annexation; and

WHEREAS, the proposed Weld County Road 13-Kyger Annexation to the Town of Windsor is depicted and legally-described in the Weld County Road 13-Kyger Annexation Map, a true and accurate reduced copy is attached and incorporated herein by this reference; and

WHEREAS, the Town Board is prepared to approve the Weld County Road 13-Kyger Annexation as provided in Title 31, Article 12 of the Colorado Revised Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. The Weld County Road 13-Kyger Annexation to the Town of Windsor, as depicted and legally-described in Exhibit A hereto, is hereby approved.

Section 2. The property within the Weld County Road 13-Kyger Annexation to the Town of Windsor is hereby given a zoning designation of Recreation Open Lands (ROL), in accordance with Article I of Chapter 16 of the *Windsor Municipal Code*.

Section 3. The Town Clerk shall comply with the requirements of § 31-12-113 (2) (a), C.R.S.

Introduced, passed on first reading, and ordered published this 27th day of September, 2021.

TOWN OF WINDSOR, COLORADO

By _____
Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

Introduced, passed on second reading, and ordered published this 11th day of October, 2021.

TOWN OF WINDSOR, COLORADO

By _____
Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

LARIMER COUNTY ROAD 1 ANNEXATION
TO THE TOWN OF WINDSOR

Of Larimer County Road 1 (a.k.a. Weld County Road 13),
Situate in the Southeast Quarter of Section 13, Township 6 North, Range 68 West of the 6th P.M.,
County of Larimer, State of Colorado

DESCRIPTION

A plot of a parcel of land in the County of Larimer, State of Colorado, located in the Southeast Quarter (SE1/4) of Section Thirteen (13), Township Six North (T.6N), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.) being more particularly described as follows:

The East Sixty (60) feet of the Southeast Quarter (SE2) of said Section 13 lying Northerly of the Northernly Right-of-way lines of State Highway 392 established by that Special Warranty Deed recorded February 3, 1959 in Book 1085 at Page 552 of the records of the Larimer County Clerk and Recorder.

Containing 3.479 acres more or less.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the East line of the Southeast Quarter of Section 13, T.6N., R.68W., as bearing South 00°22'19" East, as monumentized by a #6 rebar with a 2-1/2" diameter aluminum cap stamped "PLS28285, 2018" in a monument box at the North end and by a #6 rebar with a 2-1/2" diameter aluminum cap stamped "LS30120, 2012" in a monument box at the South end, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2622.77 feet, with all other bearings contained herein relative thereto.

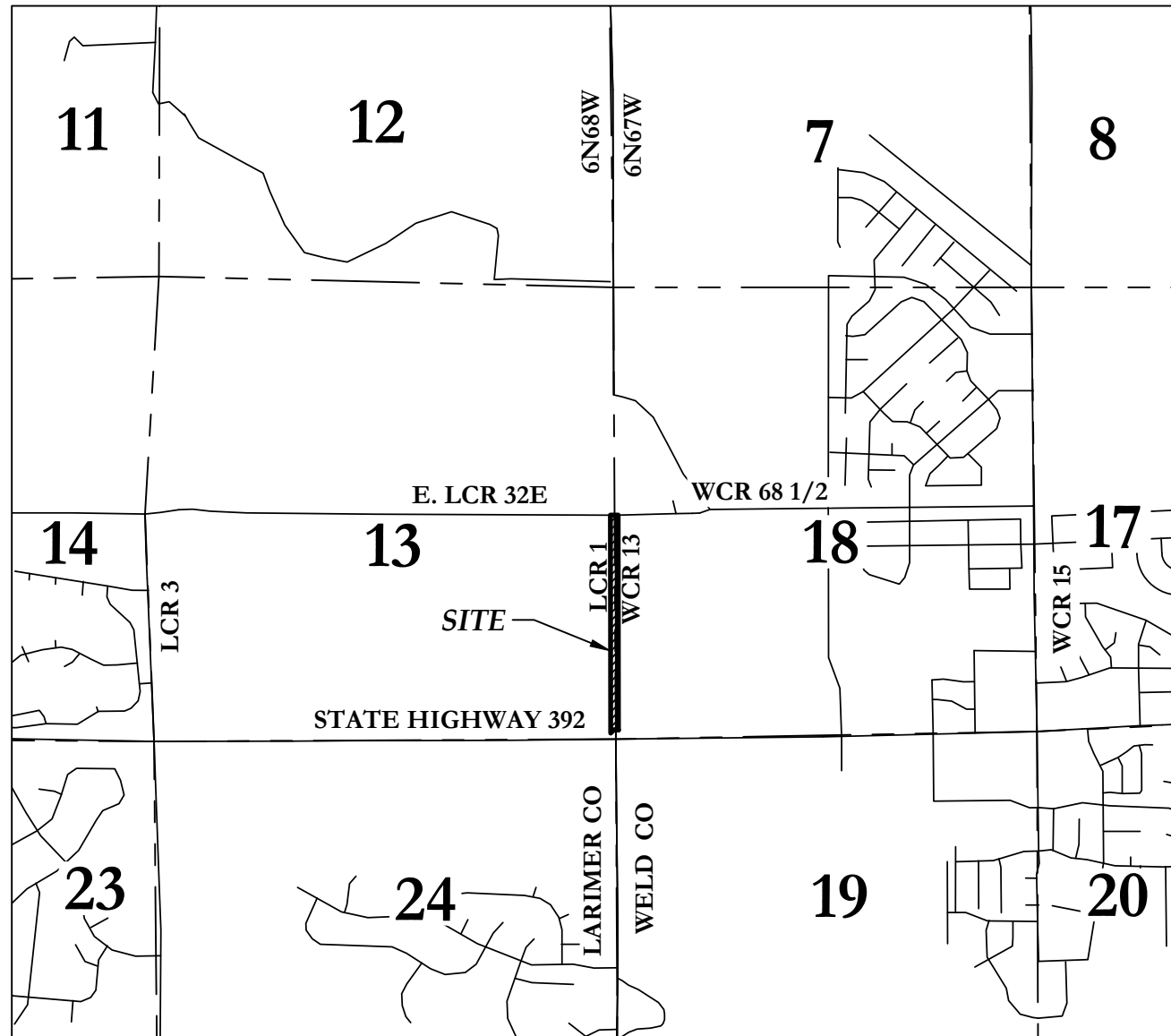
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

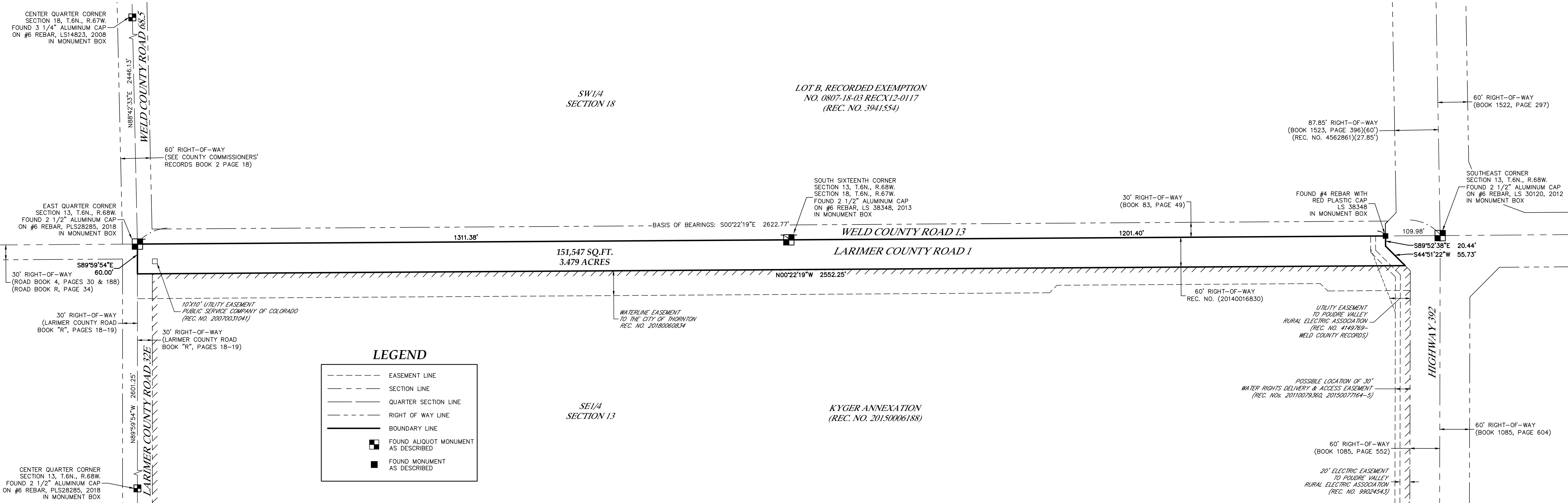
TITLE COMMITMENT NOTE

At the request of our client, recorded rights-of-way and easements were not researched and only those easements that were discovered during research to determine the property boundary are shown hereon. (38-51-106 C.R.S. 1994)



VICINITY MAP

SCALE: 1"=2000'



ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

Know all men by these presents that the undersigned, being all the owners, lienholders, and holders of any ownership interest as defined by the Town of Windsor, of the land described hereon, have caused such land to be annexed and master planned as indicated on this plat under the name of LARIMER COUNTY ROAD 1 ANNEXATION, in compliance with Town of Windsor regulations and by contractual agreement, the landowners shall bear all expenses involved in improvements.

In witness whereof, we have hereunto set our hands and seals this the _____ day of _____, 20____.

OWNER

By: _____ As: _____

NOTARIAL CERTIFICATE

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ as _____

Witness my hand and official seal.

(SEAL)

My commission expires _____

Notary Public

ENGINEERING DEPARTMENT APPROVAL

Approved this the _____ day of _____, 20____.

Director of Engineering

PLANNING COMMISSION APPROVAL

Approved this the _____ day of _____, 20____.

Chairman,
Windsor Planning Commission

PLANNING DEPARTMENT APPROVAL

Approved this the _____ day of _____, 20____.

Director of Planning

TOWN MANAGER'S APPROVAL

Approved this the _____ day of _____, 20____.

Town Manager

PUBLIC WORKS DEPARTMENT APPROVAL

Approved this the _____ day of _____, 20____.

Director of Public Works

MAYOR'S CERTIFICATE

This is to certify that an annexation map of the property described herein was approved by Ordinance No. _____ of the Town of Windsor passed and adopted on the _____ day of _____, 20____, A.D. and that the Mayor of the Town of Windsor, as authorized by said ordinance, on behalf of the Town of Windsor, hereby acknowledges and adopts the said annexation map upon which this certificate is endorsed for all purposes indicated thereon.

Mayor

ATTEST: Town Clerk

NOTICE OF OTHER DOCUMENTS

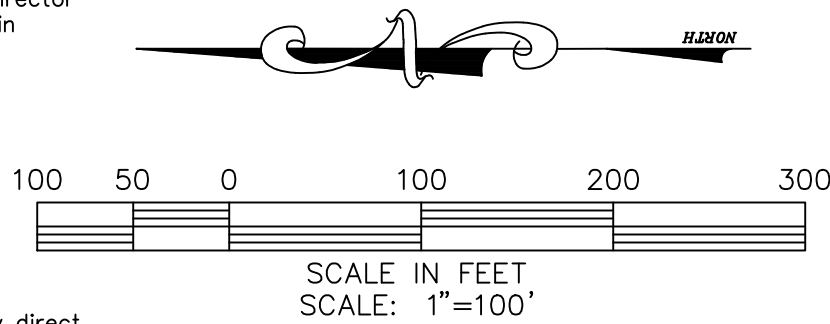
All persons take notice that certain documents have been executed pertaining to this development, which create certain rights and obligations of the development, the developer and/or subsequent owners of all or portions of the development site, many of which obligations constitute promises and covenants that run with the land. These documents are of record and are on file with the director of planning of the Town of Windsor and should be closely examined by all persons interested in purchasing any portion of the development site.

SURVEYOR'S STATEMENT

I state that this plat accurately represents the results of a survey made by me or under my direct supervision and that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Windsor, County of Larimer, State of Colorado.



Michael Chad Dilko-On Behalf of King Surveyors
Colorado Registered Professional and Surveyor #38106



CONTIGUOUS BOUNDARY = 2522.25 L.F.
TOTAL BOUNDARY = 5201.21 L.F.
RATIO = 1 : 2.062
AREA = 3.479 ACRES

////////// DENOTES EXISTING KYGER ANNEXATION

DATE: 2/8/2021
FILE NAME: 20210044ANX_LC
SCALE: 1"=100'
DRAWN BY: SMF
CHECKED BY: MCD
KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@KingSurveyors.com



DATE: _____
REVISIONS: _____

LARIMER COUNTY ROAD 1 ANNEXATION
FOR
TOWN OF WINDSOR
501 WALNUT STREET
WINDSOR, CO 80550

PROJECT #:
20210044

1
SHEET 1 OF 1



Weld County Road 13 (WCR 13)-Kyger Annexation

Carlin Malone, Chief Planner

Planning Commission September 15, 2021



Annexation

Article I of Chapter 15 of the Municipal Code outlines the purpose and procedures of the annexation process, including:

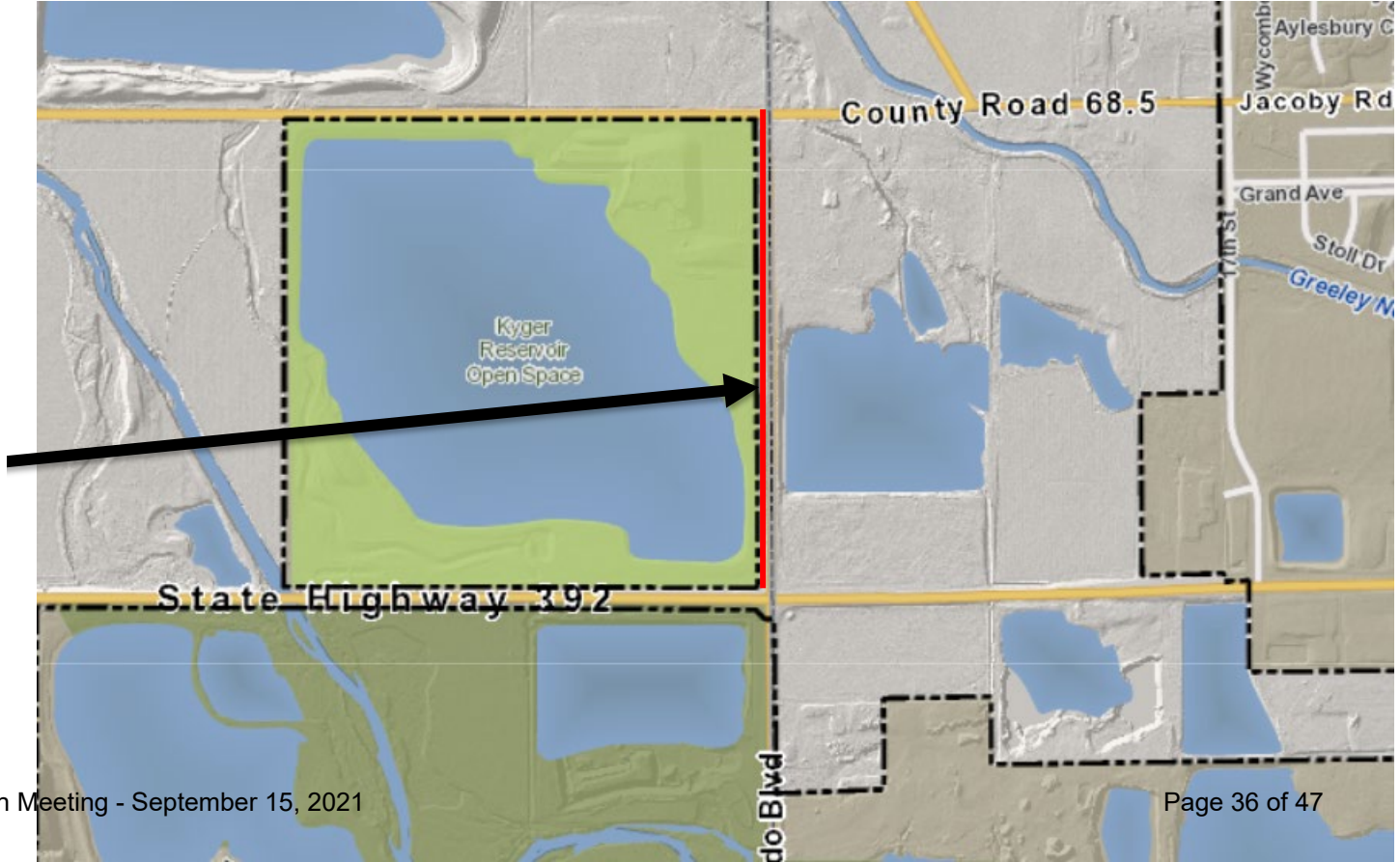
Sec. 15-1-10. Purpose.

The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the town in compliance with the Colorado Municipal Annexation Act of 1965, as amended.



Vicinity Map

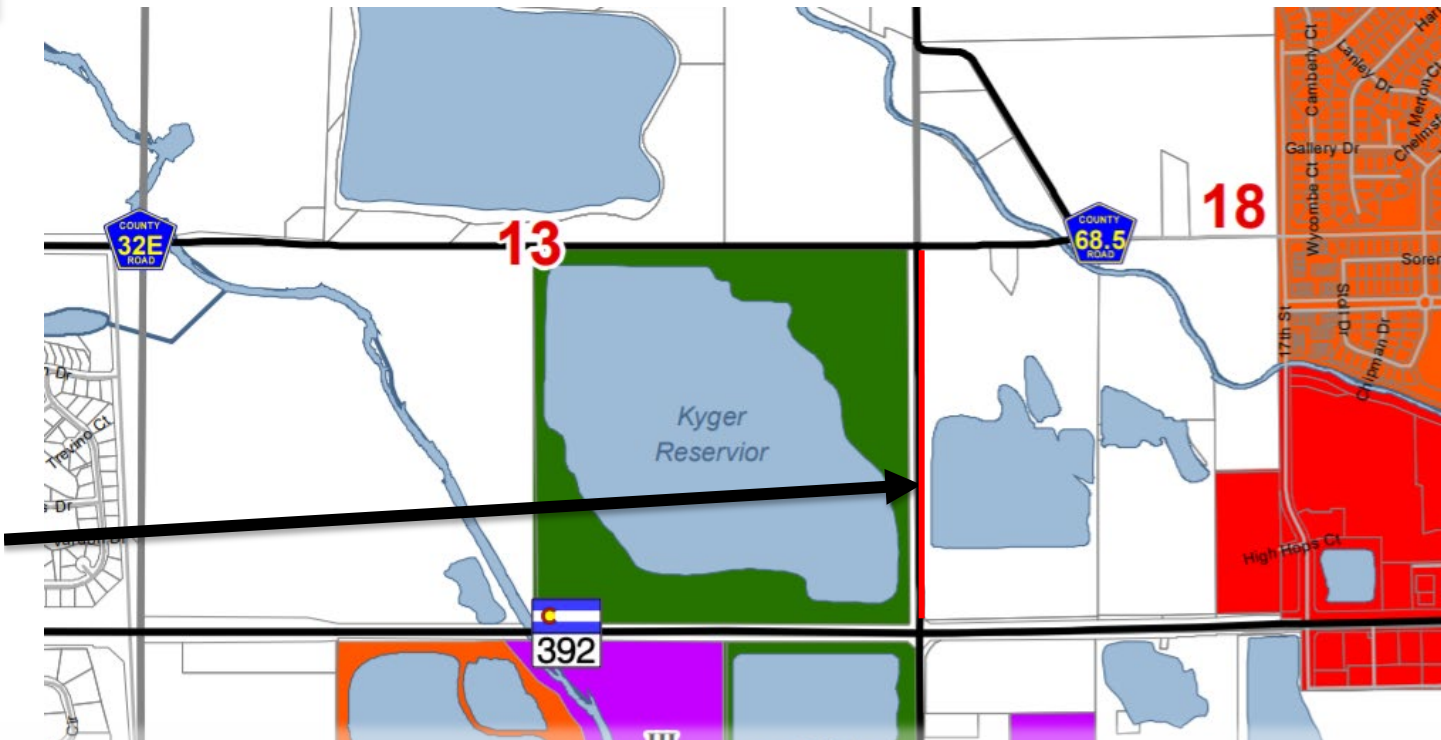
Site





Zoning Map

Site

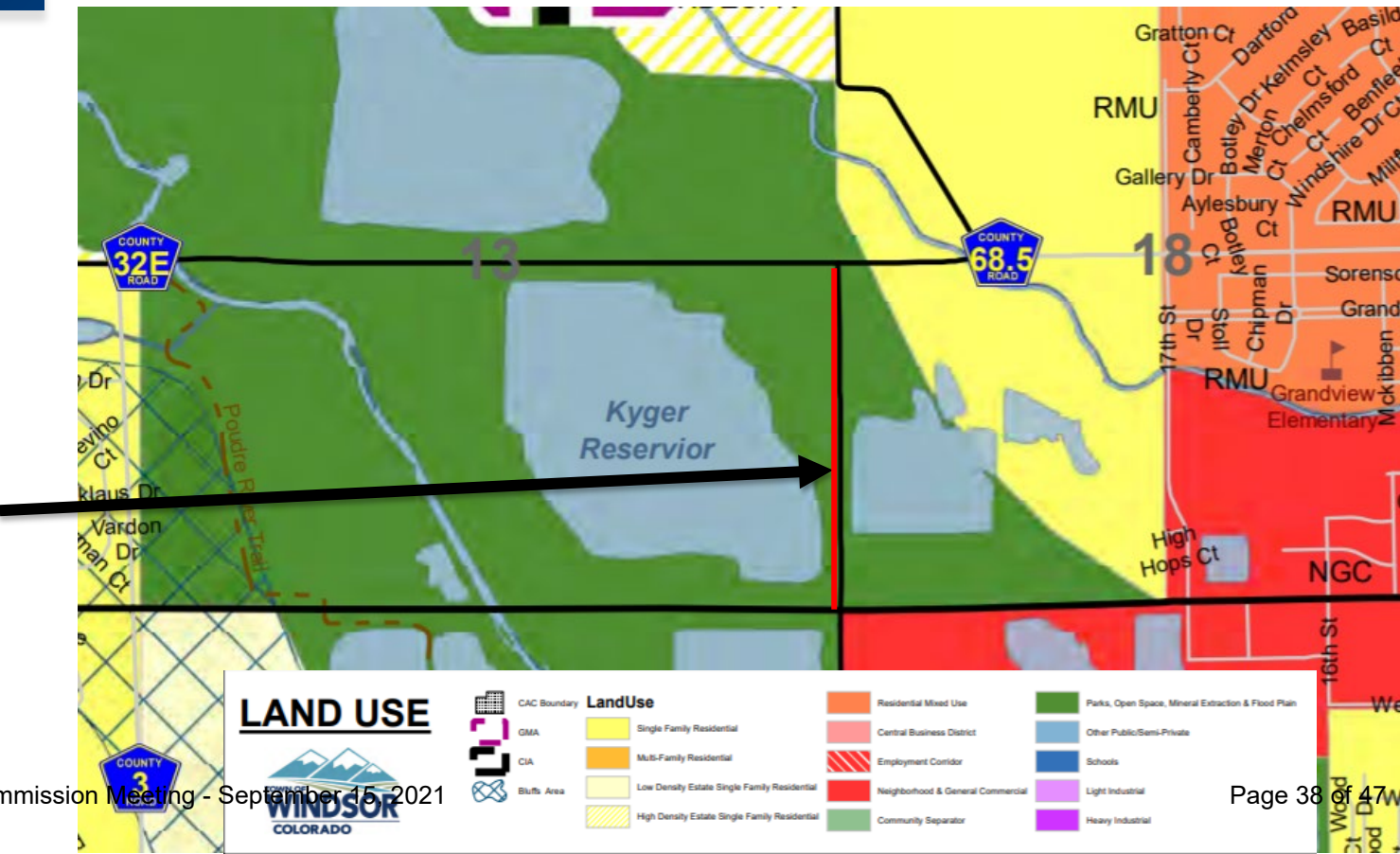


- | | | | |
|--------------------------------|---------------------------------|------------------------------|-----------------------------|
| ER Estate Residential | RMU-1 Residential Mixed Use-One | GC General Commercial | HI Heavy Industrial |
| SF-1 Single Family Residential | CB Central Business District | PUD Planned Unit Development | ROL Recreation & Open Lands |
| MF Multi-Family Residential | NC Neighborhood Commercial | LI Limited Industrial | |



Land Use Plan

Site





Of Weld County Road 13 (a.k.a. Larimer County Road 1),
Situate in the Southwest Quarter of Section 18, Township 6 North, Range 67 West of the 6th P.M.,
County of Weld, State of Colorado

A plot of a parcel of land in the County of Weld, State of Colorado, located in the Southwest Quarter (SW¼) of Section Eighteen (18), Township 36 North (T.36N), Range Sixty-seven West (R.67W) of the Sixth Principal Meridian (6th P.M.) being more particularly described as follows:

The West Thirty (30) feet of the Southwest Quarter (SW¼) of said Section 18 lying Northwesterly of the Northwesterly right-of-way line of State Highway 392 established by Weld County and recorded January 21, 2020 as Reception No. 4052561 of the records of the Larimer County Clerk and

The North Thirty (30) feet of the Southwest Quarter (SW¹) of said Section 18, Containing 1,750 acres more or less.

Anchoring the West End of the Southwest Quarter of Section 18, T4N, R7W, as bearing North 00°22'19" West, as monumented by a #6 rebar with a 2"-F diameter shrouns cap stamped "1250520, 2014" is a monument bar of the South and with a #6 rebar with a 2"-F diameter shrouns cap stamped "9122828, 2013" is a monument bar of the North and, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2622.77 feet, with all other bearings enclosed north relative thereto.

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereto. (33-80-106 C.R.S. 2012)

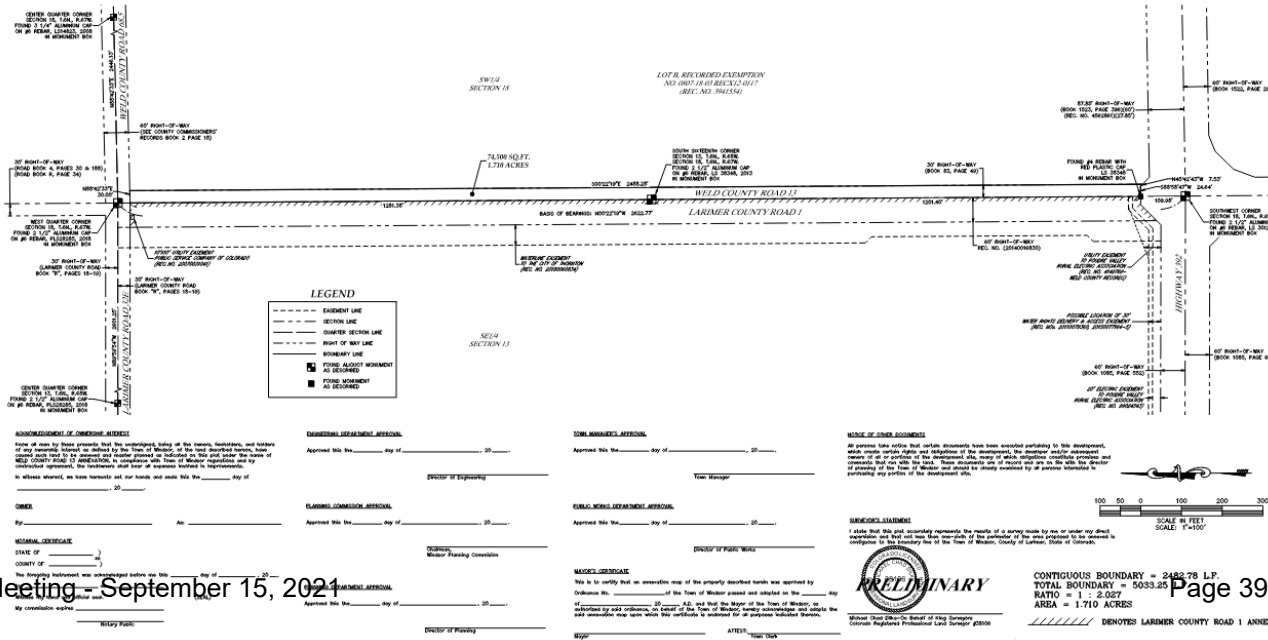
All the request of our client, recorded rights-of-way and easements were not researched and only those easements that were discovered during research to determine the property boundary are shown herein. (58-51-100 O.R.S. 1004)

LOT B, RECORDED EXEMPTION
NO. 0807-18-03 REC-12-0117
(REC. NO. 3941554)

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@KingSurveyors.com

WELD COUNTY ROAD 13 ANNEXATION	REVISION:	DATE:
FOR		
TOWN OF WINDSOR		
301 WALNUT STREET		
WINDSOR, CO 80550		

PROJECT # 00000044
47
1
SHEET 1 OF 1





Notification Area

Planning Commission and Town Board public hearing notifications:

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Date: September 15, 2021
To: Planning Commission
Via: Scott Ballstadt, Director of Planning
From: Carlin Malone, Chief Planner
Location: WCR 13, between SH 392 and Jacoby Road
Re: Recommendation to Town Board - An Ordinance Approving Annexation of WCR 13 to the Town of Windsor
Item #: C.4.

Background/ Discussion:

Please refer to public hearing item materials.