



PLANNING COMMISSION REGULAR MEETING

Town Board Chambers October 6, 2021 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550 Please click this URL to join. <https://windsorgov.zoom.us/j/86823720818> OR join by telephone at (888) 788-0099 or (877) 853-5247 - Webinar ID:868 2372 0818

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 15, 2021 Planning Commission Meeting - T. Conway, Deputy Town Clerk

C. BOARD ACTION

1. Public Hearing - An Ordinance Approving the Ascent Charter School Annexation to the Town of Windsor - GRHH Performance Fort Collins, LLC, and Performance Charter School Fort Collins, LLC, Applicant
 - Legislative
 - Staff Presentation: Carlin Malone, Chief Planner
2. Recommendation to Town Board - An Ordinance Approving the Ascent Charter School Annexation to the Town of Windsor - GRHH Performance Fort Collins, LLC, and Performance Charter School Fort Collins, LLC, Applicant
 - Legislative
 - Staff Presentation: Carlin Malone, Chief Planner

D. COMMUNICATIONS

- Communications From Planning Commission
 1. Future Meetings Agenda
- From Town Board Liaison
- Communications From Staff

E. ADJOURN



MEMORANDUM

Date: October 6, 2021
To: Planning Commission
Via:
From: Trisha Conway, Deputy Town Clerk
Location:
Re:
Item #: B.1.

ATTACHMENTS:

Description

- ▢ 09.15.21 Planning Commission Minutes



PLANNING COMMISSION REGULAR MEETING

Town Board Chambers 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.

MINUTES

A. CALL TO ORDER

Chairman Schick called the meeting to order at 7:10 p.m.

1. Roll Call

Chairman Schick
Timothy Reddick
Cindy Beemer
Doug Dennison
Roger Colonnese
Eric Bernhardt
Jose Valdes

Absent

Vice-Chair Bushelman
Kelly Hall

Also Present:

Carlin Malone, Chief Planner
Scott Ballstadt, Planning Director
Barry Wilson, Town Board Liaison - Zoom
McKenzie Payne, Visual Media Coordinator
Trisha Conway, Deputy Town Clerk

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, Bernhardt, Colonnese, Dennison, 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 September 1, 2021, as presented, Timothy Reddick seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Bernhardt, Colonnese, Dennison, Reddick, Schick, Valdes.

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

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

Chairman Schick opened the public hearing.

Alternate Commissioners Colonnese, and Commissioner Bernhardt were 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."

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

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

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

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

Please refer to public hearing item materials.

Chairman Schick asked Ms. Malone whether she had anything additional.
Ms. Malone reported she had nothing further to add.

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

Doug Dennison moved to forward a recommendation of approval for the Ordinance approving the Larimer County Road 1-Kyger Annexation to the Town of Windsor, Jose Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Bernhardt, Colonnese, Dennison, Reddick, Schick, Valdes.

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

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

Chairman Schick opened the public hearing.

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

Chairman Schick opened the meeting for Commissioner questions or comment.

Commissioner Beemer asked Ms. Malone about obtaining the right-of-way for improvements.

Ms. Malone reported with this application the Town was asked to prepare an annexation agreement regarding any future maintenance.

Mr. Ballstadt reported the right-of-way isn't being expanded with this application, only annexed as it exists.

Commissioner Dennison asked Ms. Malone about the different acreage sizes from Weld and Larimer County.

Ms. Malone reported the lot located to the West is larger.

Doug Dennison moved to close the public hearing; Cindy Beemer seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Bernhardt, Colonnese, Dennison, Reddick, Schick, Valdes.

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

Please refer to public hearing item materials.

Chairman Schick asked Ms. Malone whether she had anything additional.

Ms. Malone reported she had nothing further to add.

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

Doug Dennison moved to forward a recommendation of approval for the Ordinance approving the Weld County Road 13-Kyger Annexation to the Town of Windsor, Jose Valdes seconded the motion. Roll call on the vote resulted as follows; Yeas - Beemer, Bernhardt, Colonnese, Dennison, Reddick, Schick, Valdes.

D. COMMUNICATIONS

- Communications From Planning Commission

Commissioner Beemer reported she attended the annual Colorado Planning Conference that focused on equity in a community.

Commissioner Dennison reported he will be absent on the October 6th regular Planning Commission meeting.

- From Town Board Liaison

Town Board Member Wilson reported on Town Board Work Session, and a head court preview of budget sessions. Town Board approved Raindance Subdivision 19th Filing, passed the 2nd reading of regulation of domestic cats, 2nd reading designating 423 Main Street as a historical landmark, amendment to the Municipal Code to developers for infrastructure costs.

Ordinance 2021-1630 for Prairie Song Metropolitan District large development between County Road 17, and County Road 15. The Amended and Restated Consolidated Service Plan for Greenwald Farms Metropolitan District Nos. 1 & 2, Amended and Restated Service Plan for Tacincala Metropolitan District Nos. 1-5, and Service Plan for Prairie Song Metropolitan District Nos. 8 & 9, Unified into the Consolidated Service Plan for Prairie Song Metropolitan District Nos. 1-9, and Authorizing the Execution of an Intergovernmental Agreement between the Town and the Districts.

Ordinance No. 2021-1631 Amending Certain Portions of Article II, Chapter 18 of the Windsor Municipal Code Concerning Amendments to the International Residential Code.

Commission Valdes asked Town Board Member Wilson about the Town of Windsor reimbursement of infrastructure costs, and Metropolitan Districts bonding for those costs.

Town Board Member Wilson reported some items will be reimbursed by the Metropolitan District. An example of Town of Windsor reimbursement would be the developer using a larger sewer line to handle future volumes or items outside of the standard scope of work to support the development.

Commissioner Valdes asked Town Board Member Wilson about whether the Prairie Song development had 8 different Metropolitan Districts.

Town Board Member Wilson reported Greenwald Farms Metropolitan District Nos. 1 & 2, Amended and Restated Service Plan for Tacincala Metropolitan District Nos. 1-5, and Service Plan for Prairie Song Metropolitan District Nos. 8 & 9, Unified into the Consolidated Service Plan for Prairie Song Metropolitan District Nos. 1-9.

- Communications From Staff

Ms. Malone reported we will meet in Town Hall Board Chambers for the October 6th Planning Commission meeting.

Mr. Ballstadt reported on the amendments to the residential code: Town Board adopted the Building Code – we have some standard language for these amendments.

An amendment is related to failing concrete slabs – a common complaint and an expensive project for new homeowners to correct. The proposed amendment would require wire mesh or other acceptable reinforcement to increase the likelihood that the slab will stay intact.

Another [amendment] is well/window well protection: This amendment is intended to protect against falls into window wells and similar features when located close to property lines and pedestrian paths. Bearings: When shims are used to support bearing joists, beams or girders. This amendment will require solid steel shims and limit the stacking of shims to a maximum of 2-inches.

Lap siding penetrations: This amendment requires the builder to install penetrations through lap siding in accordance with the manufacturer's recommendations, rather than simply drilling holes through the siding and finishing with caulking or similar material.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:39 p.m.

Trisha Conway, Deputy Town Clerk



MEMORANDUM

Date: October 6, 2021
To: Planning Commission
Via: Scott Ballstadt, Director of Planning
From: Carlin Malone, Chief Planner
Location: East of Larimer County Road 5 (LCR 5) and one-fourth mile north of LCR 32E
Re: Public Hearing for the Ascent Charter School Annexation to the Town of Windsor
Item #: C.1.

Background/ Discussion:

The applicant, GRHH Performance Fort Collins, LLC, and Performance Charter School Fort Collins, LLC, Applicant; represented by Mr. Ethan Mansfield, has submitted a petition to annex approximately 16.36 acres to the Town of Windsor and establishing the zoning district designation of Estate Residential (ER). The subject property is located east of LCR 5, one-fourth mile north of LCR 32E.

The subject property is currently within unincorporated Larimer County and the western boundary along LCR 5 is contiguous with the Town of Windsor Corporate Limits. The property is within the Town's Growth Management Area (GMA) and the Town's 2016 Land Use Plan identifies this area as "Estate Residential." As such, the zoning district established for this property upon annexation will be Estate Residential (ER). Under the Town's land use code, an educational facility is a permitted use in any zoning district.

Zoning and uses for abutting properties include the following:

	Zoning	Current Use
North	RR1 - Rural Residential (Larimer County)	Gravel mining, warehouse
East	RR1 (Larimer County)	Agriculture
South	RR1 (Larimer County)	Agriculture
West	RMU-1 (Residential Mixed Use), Town of Windsor	Residential neighborhood (under construction)

The property is within the boundary of an intergovernmental agreement (IGA) between the Town of Windsor and Larimer County, in which, properties eligible for annexation to the Town are to pursue annexation. Furthermore, the property will need access to a Town roadway (LCR 5) and the development will necessitate roadway improvements. The property owner has entered into a pre-annexation agreement, as amended, with the Town of Windsor. The agreement includes terms that allowed the applicant to continue through a Larimer County development review approval and site development process, while addressing access and roadway improvements for LCR 5, as well as impact fees that would typically be collected at the time of building permit issuance. The applicant received building permits through the State of Colorado, which is standard practice for schools funded through the state.

There are two phases of development proposed for this site and as such, two phases of improvements that will be implemented for LCR 5. Phase 1 includes turn lanes, a signal, and crosswalk. Phase 2, defined in the pre-annexation agreement as enrollment exceeding 500 students, requires a traffic study prior to expansion of the facility and associated transportation improvements.

At their July 12, 2021, regular meeting, Town Board accepted the petition for annexation, initiating annexation proceedings by adopting Resolution No. 2021-39 that declared certain findings of fact concerning the annexation, determining substantial compliance with Colorado Municipal Annexation Act (1965). At their August 23, 2021, regular

meeting, the Town Board adopted Resolution No. 2021-52, establishing public hearing dates before the Planning Commission and Town Board. The Town Board will hold a public hearing on the annexation on October 11, 2021.

Relationship to Comprehensive Plan

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

Chapter 7- Community Facilities and Infrastructure

Goals:

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.

Objective(s):

1. Coordinate annexation and development with community service and utility providers to ensure adequate levels of service area extended to new growth areas and maintained in existing service areas.

5. Work with other public agencies throughout the community to maintain adequate and appropriate sites and facilities for the provision of public services.

Staff comment: Annexation of the subject property has been anticipated, as the property is within the Town's GMA and contiguous with the Town of Windsor Corporate Limits. The subject property is located directly east of a residential subdivision (Fossil Creek Ranch Subdivision) under development within Windsor and in proximity to other residential areas.

Ascent Charter School is a kindergarten through 12th grade school. The school will help serve the growing population in this area by offering an educational opportunity within proximity of the newly developing neighborhoods.

Participation towards the improvements of LCR 5 are part of the terms of this annexation. The property is served by Fort Collins-Loveland Water District and South Fort Collins Sanitation District. The property is served by Poudre Valley Fire District and has petitioned to be served by Windsor-Severance Fire and Rescue.

Financial Impact:

Financial impacts to the Town associated with the annexation and development of the property are addressed in the pre-annexation agreement, which include improvements to LCR 5 and Town impact fees.

Relationship to Strategic Plan:

Infrastructure goals:

- Design and implement a well-connected, efficient, multi-modal transportation network
- Adequately maintain and ensure that infrastructure (streets, trails, water & sewer) aligns with growth
 - Annexation of the property requires participation towards LCR 5 improvements.
 - The property is not served by Windsor water or sanitation infrastructure.

Quality of Life:

- The site will provide a school in proximity to existing and newly developing neighborhoods for grades kindergarten through high school.

Notification

A neighborhood meeting was held on August 23, 2021, virtually. There were no attendees at this meeting other than the applicant and Town staff.

The following notification of neighborhood meeting was completed in accordance with the Municipal Code as follows:

- August 9, 2021 - Applicant mailed letters to surrounding property owners within 500'
- August 13, 2021 – Ad in newspaper

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

- Legal ad ran for four consecutive weeks in newspaper:
 - September 3, 2021 – first week legal ad

- September 10, 2021 – second week legal ad
 - September 17, 2021 - third week legal ad
 - September 24, 2021 – fourth week legal ad
- September 14, 2021 – development proposal sign posted on property
 - September 3, 2021 – public hearing notice published to Town website
 - September 6, 2021 – applicant mailed letters to surrounding property owners
 - September 6, 2021 – staff sent certified mailing of annexation packets to relevant taxing districts

Recommendation:

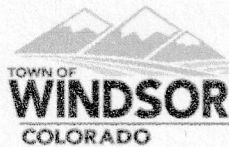
Staff recommends Planning Commission forward to Town Board a recommendation of approval of the annexation and zoning designation, subject to any outstanding Planning Commission and staff comments being addressed.

CC:

Shane Hale, Town Manager
Ian McCargar, Town Attorney

ATTACHMENTS:

	Description
▢	Application
▢	Annexation Petition
▢	Annexation Plat
▢	Annexation Impact Report
▢	Staff Presentation
▢	Ascent Pre-Annexation Agreement
▢	1st Amendment to Annexation Agreement



APPLICATION PACKET

LAND USE APPLICATION

1

The Town of Windsor Planning Department reserves the right to reject incomplete submittals, per the application checklist and Municipal Code requirements for all applications. Please submit completed application and materials to planningtechs@windsorgov.com. Staff will review the submittal and advise you of its completeness for processing.

2

APPLICATION TYPE:

- ☒ Annexation
☐ Master Plan
☐ Rezoning
☐ Minor Subdivision
☐ Lot Line Adjustment
☐ Major Subdivision
☐ Site Plan

SUBTYPE:

(for Major Subdivisions and Site Plans only)

- ☐ Preliminary
☐ Final
☐ Qualified Commercial/Industrial
☒ Administrative

Project Name*:

ASCENT CLASSICAL ACADEMY

Legal Description*: LOT 1, ASCENT CHARTER SCHOOL MLD 20 - LAND 4040 LARIMER CO**Address/Location*:** 6700 COUNTY RD 5, FT. COLLINS CO 80528**Existing Zoning:** RRI**Proposed Zoning:** RMU-1

3

OWNER:**Name(s)*:** BRIAN HUFFAKER**Company:** GRHH PERFORMANCE FT COLLINS AND PERFORMANCE CHARTER SCHOOL FT. COLLINS**Address*:** 855 W. BROAD ST, SU 300 BOISE, ID 83702**Phone #*:** 208-908-5540 **Email*:****APPLICANT (Owner or Owner's Representative):****Name*:** TAIT AND ASSOCIATES**Company:** ALEX HOIME**Address*:** 6163 E CO RD 16, LOVELAND, CO 80537**Phone #*:** 970.613.1447 **Email*:** AHOIME@TAIT.COM**AUTHORIZED REPRESENTATIVE:****Name:** KURT CONNOLLY**Company:** ANSER ADVISORY**Address:** 1703 SAND LILY DR. GOLDEN, CO 80401**Phone #:** 303-810-5054 **Email:** Kurt.Connolly@ANSERADVISORY.COM

4

All correspondence will only be sent to those listed above. It is the sole responsibility of those listed to distribute correspondence to other applicable parties.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature: Brian Huffaker

(Proof of owner's authorization is required with submittal if signed by Applicant)

Print Name: Brian Huffaker**Date:** 4/20/2021 | 2:56 PM PDT

*Required fields



APPLICATION PACKET ANNEXATION

The following checklist is intended to provide an outline for applicants to ensure a complete submittal and to avoid processing delays due to inadequate information. Land use applications shall include all items listed in the following checklist. If an item is not checked as included in the submittal, a detailed narrative statement outlining reasons why the item has not been submitted shall be included. Lack of such statement or required item shall constitute an incomplete submittal and shall be rejected by the Town. Please review Chapter 15 Article I of the [Town of Windsor Municipal Code](#) for complete application and procedural requirements.

APPLICATION SUBMITTAL REQUIREMENTS:

1

Planning Department Checklist	Applicant Checklist	
☐	☒	Completed checklist. Items not checked are explained in the narrative
☐	☒	Completed Land Use Application (attached)
☐	☒	Application fee consistent with the Town of Windsor Fee Schedule
☐	☒	Annexation petition (example attached) and statement of community need
☐	☒	All required drawings and supportive information per the Municipal Code Windsor Municipal Code Sections 15-1-30(b), 15-1-30(c), and 15-1-30(d)
☐	☒	All submittals shall follow the Town's Submittal Requirements and File Naming Conventions available from the Planning Department

ANNEXATION MAP REQUIREMENTS:

2

Planning Department Checklist	Applicant Checklist	
☐	☒	Drawing dimensions shall be twenty-four by thirty-six (24x36) inches. All drawings shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet
☐	☒	Date of preparation, the scale, a symbol designating true north and zoning
☐	☒	Name of the annexation
☐	☒	Names and contact information of applicant and firm or person preparing map
☐	☒	Vicinity map
☐	☒	Legal description (<i>township, range, section, lot, block, subdivision</i>)
☐	☒	Each ownership within and adjacent to the property
☐	☒	Length and distinction of the boundary that is contiguous to the Town
☐	☒	Applicant revisions block (<i>includes fields for date, initials, description</i>)
☐	☒	Appropriate certification blocks as provided by the Planning Department
☐	☒	Existing and requested zoning and acreage of each requested zone
☐	☒	The location and dimensions of all existing and proposed easements and rights-of-way

Revised 9/7/2016

Town of Windsor – Planning Department

301 Walnut Street | Windsor, Colorado | 80550 | phone 970-674-2415 | fax 970-674-2456 | www.windsorgov.com

ANNEXATION PETITION
C.R.S. 31-12-107(1)

(I, We) the landowner(s) of more than 50% of the territory, excluding public streets and alleys, described as ... **SEE ATTACHED DESCRIPTION** ... containing_ acres more or less, allege the following to be true and correct:

The perimeter of the proposed annexation has a distance of 7,069 feet, of which 2,644 feet are contiguous to the existing TOWN limits of the TOWN OF WINDSOR. A minimum of 1/6 of the perimeter of the proposed annexation is contiguous to the TOWN OF WINDSOR.

We further allege:

1. It is desirable and necessary that said territory be annexed to the TOWN OF WINDSOR.
2. A community of interest exists between the said territory and the TOWN OF WINDSOR.
3. Said territory is urban or will be urbanized in the near future.
4. Said territory is integrated or capable of being integrated with the TOWN OF WINDSOR.
5. No land held in identical ownership is divided into separate parcels unless the owner of said tract has consented in writing or joins in this Petition.
6. No land held in identical ownership comprises 20 acres and together with improvements had an assessed valuation in excess of \$200,000.00 in the year preceding the filing of this Petition.
7. No proceedings for annexation of the territory have been commenced for annexation to another municipality.
8. The signers hereof comprise the landowners of more than 50% of the territory proposed to be annexed exclusive of streets and alleys, and are in fact owners of 100% of the hereinafter described property.

Therefore, the undersigned hereby request that the TOWN OF WINDSOR approve the annexation of the area described above and do herewith pay the required fees.

ER (Estate

In addition to the annexation, the undersigned request the zoning of Residential for the above described property.

Date	Owners Signature	Mailing Address
<u>8/24/21</u>	_____	855 W Broad St Ste 300, Boise, ID 83702
_____	_____	_____

ASCENT CHARTER SCHOOL ANNEXATION LEGAL DESCRIPTION

LOT 1 AND TRACTS A, B, AND C, ASCENT CHARTER SCHOOL SUBDIVISION AND A PORTION OF LAND IN THE LOCATED IN THE NW^{1/4} NW^{1/4}, SECTION 14, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M, LARIMER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 AS BEARING NORTH 00°01'58" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTH 1/16 CORNER OF SAID SECTION 14; THENCE NORTH 89°24'45" EAST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°01'58" EAST A DISTANCE OF 2,643.73 FEET; THENCE SOUTH 89°28'56" EAST A DISTANCE OF 33.00 FEET; THENCE SOUTH 00°01'58" WEST A DISTANCE OF 1311.76 FEET; THENCE NORTH 88°40'59" EAST A DISTANCE OF 14.73 FEET, THENCE SOUTH 00°01'58" WEST A DISTANCE OF 478.71 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89°58'02" EAST A DISTANCE OF 745.33 FEET TO THE NORTHEAST CORNER OF LOT 1; THENCE SOUTH 00°05'17" WEST A DISTANCE OF 832.05 FEET TO THE SOUTHEAST CORNER OF LOT 1; THENCE NORTH 89°58'02" WEST A DISTANCE OF 554.80 FEET; THENCE NORTH 52°15'50" WEST A DISTANCE OF 239.81 FEET; THENCE SOUTH 00°01'58" WEST A DISTANCE OF 167.42 FEET; THENCE SOUTH 89°24'45" WEST A DISTANCE OF 47.75 FEET TO THE POINT OF BEGINNING, CONTAINING 712,741 SQUARE FEET OR 16.36 ACRES MORE OR LESS.

ASCENT CHARTER SCHOOL ANNEXATION

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO.

DESCRIPTION:

LOT 1 AND TRACTS A, B, AND C, ASCENT CHARTER SCHOOL SUBDIVISION AND A PORTION OF LAND IN THE LOCATED IN THE NW 1/4 NW 1/4 SECTION 14, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M, LARIMER COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 AS BEARING NORTH 00°01'58" EAST WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTH 1/16 CORNER OF SAID SECTION 14; THENCE NORTH 89°24'45" EAST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°01'58" EAST A DISTANCE OF 2,643.73 FEET; THENCE SOUTH 89°28'56"EAST A DISTANCE OF 33.00 FEET; THENCE SOUTH 00°01'58" WEST A DISTANCE OF 1311.76 FEET; THENCE NORTH 88°40'59" EAST A DISTANCE OF 14.73 FEET, THENCE SOUTH 00°01'58" WEST A DISTANCE OF 478.71 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89°58'02" EAST A DISTANCE OF 745.33 FEET TO THE NORTHEAST CORNER OF LOT 1; THENCE SOUTH 00°05'17" WEST A DISTANCE OF 832.05 FEET TO THE SOUTHEAST CORNER OF LOT 1; THENCE NORTH 89°58'02" WEST A DISTANCE OF 554.80 FEET; THENCE NORTH 52°15'50" WEST A DISTANCE OF 239.81 FEET; THENCE SOUTH 00°01'58" WEST A DISTANCE OF 167.42 FEET; THENCE SOUTH 89°24'45" WEST A DISTANCE OF 47.75 FEET TO THE POINT OF BEGINNING, CONTAINING 712,741 SQUARE FEET OR 16.36 ACRES MORE OF LESS.

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.

NOTES:

1. BEARINGS BASED ON THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN AS NORTH 00°01'58" EAST ACCORDING TO THE COLORADO STATE PLANE COORDINATE SYSTEM NAD83 NORTH ZONE, BETWEEN MONUMENTS SHOWN HEREON.

EXISTING LARIMER COUNTY ZONING: RR1
PROPOSED TOWN OF WINDSOR ZONING: RMU-1

2. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED 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.

3. FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 100-N0028835-010-T02 AMENDMENT NO. 5, EFFECTIVE DATE JANUARY 19, 2021, WAS RELIED UPON FOR RECORD DATA REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY.

THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THE COMMITMENT IS FEE SIMPLE AND THE TITLE IS, AT THE EFFECTIVE DATE (1/19/2021), VESTED IN: DON KEHN CONSTRUCTION, INC., A COLORADO CORPORATION BY WARRANTY DEED RECEPTION NO. 92013114, WITH THE FOLLOWING EXCEPTIONS:

LARIMER COUNTY ROAD RIGHT-OF-WAY EASEMENT, DEED OF DEDICATION RECEPTION NO. 2002070305.

PROPERTY CONVEYED TO HORTON FEEDLOTS, INC. BY SPECIAL WARRANTY DEED RECEPTION NO. 20200041916 AND FURTHER CONVEYED TO THE TOWN OF WINDSOR BY SPECIAL WARRANTY DEED RECEPTION NO. 20200077889.

4. ADDITIONAL EASEMENTS NOT SHOWN:
WYCO PIPE LINE COMPANY OIL AND GAS PIPELINE BLANKET EASEMENT, BOOK 830 PAGE 268. SOUTH FORT COLLINS SANITATION DISTRICT BLANKET EASEMENT, RECEPTION NO. 88014427. FORT COLLINS - LOVELAND WATER DISTRICT BLANKET EASEMENT, RECEPTION NO. 88014428. AMERICAN TELEPHONE AND TELEGRAPH BLANKET EASEMENT, BOOK 1382 PAGE 390. ACCESS NOT SPECIFICALLY DEFINED FOR IRRIGATION DITCHES. POUDRE VALLEY RURAL ELECTRIC ASSOCIATION BLANKET EASEMENT, BOOK 2298 PAGE 1414. POUDRE VALLEY RURAL ELECTRIC ASSOCIATION EASEMENT, LOCATION NOT SPECIFICALLY DEFINED RECEPTION NO. 97087070.

5. THE PROPERTY IS SUBJECT TO NUMEROUS OIL AND GAS LEASE AGREEMENTS.

6. TRACTS A AND B ARE PARCELS CONVEYED TO THE TOWN OF WINDSOR BY SPECIAL WARRANTY DEED RECEPTION NO. 20200077889.

7. TRACT C IS OWNED BY GRHH PERFORMANCE FORT COLLINS, LLC AND PERFORMANCE CHARTER SCHOOL FORT COLLINS, LLC AND WILL BE CONVEYED TO THE TOWN OF WINDSOR AFTER ANNEXATION IS APPROVED.

8. AS SHOWN AND DEDICATED BY THE PLAT AT RECEPTION NUMBER 20210014683 ALL OF TRACTS A, B AND C BEING THE WEST 77.74 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 IS SUBJECT TO A LARIMER COUNTY ROAD RIGHT-OF-WAY EASEMENT.

ANNEXATION DATA:

ASCENT CHARTER SCHOOL ANNEXATION
TOTAL ANNEXATION BOUNDARY PERIMETER: 7,069 SF
CONTIGUITY TO TOWN BOUNDARY: 2,644 SF OF BOUNDARY PERIMETER

OWNER – DEVELOPER

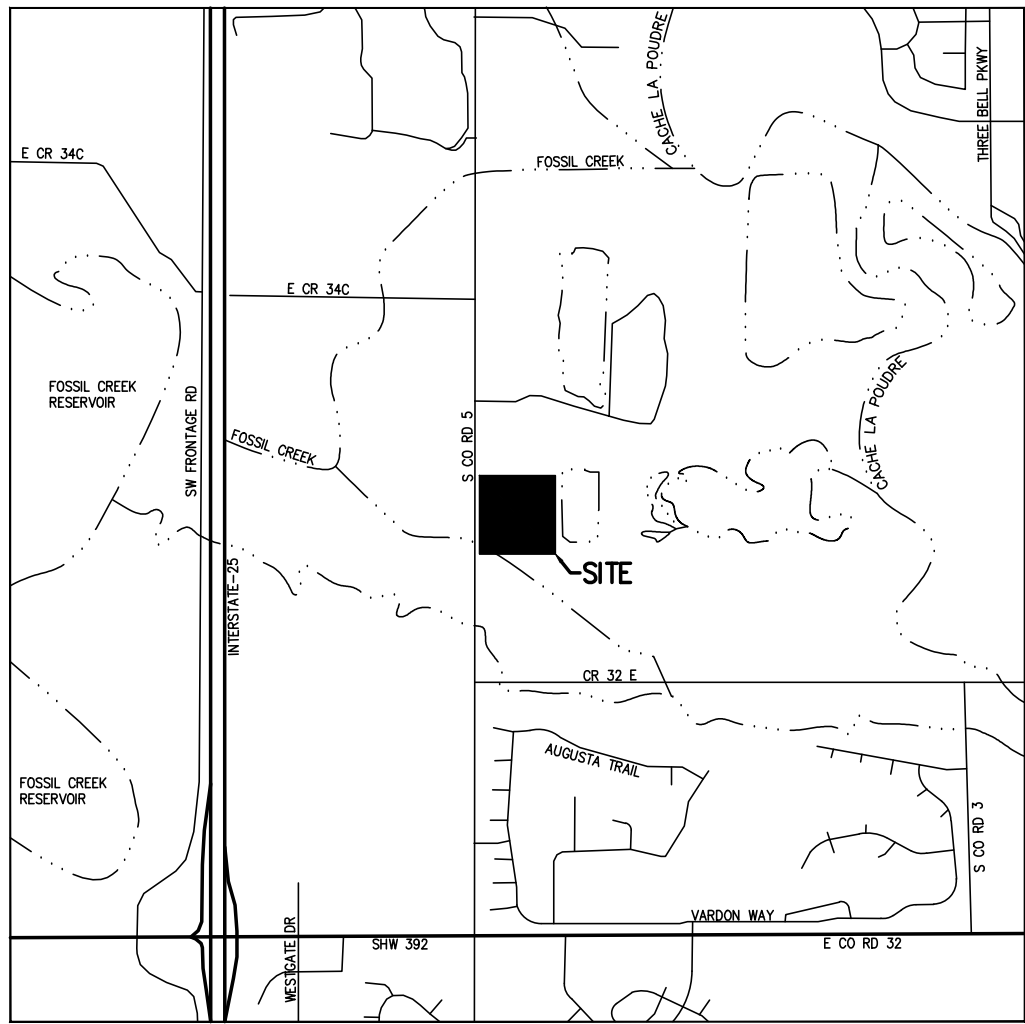
GRHH PERFORMANCE FT COLLINS
AND PERFORMANCE CHARTER
SCHOOL FT. COLLINS
855 W. BROAD ST. SU 300
BOISE, ID 83702
ATTN: BRIAN HUFFAKER
(208) 908-5540

CIVIL ENGINEER

TAIT & ASSOCIATES, INC.
6163 E. COUNTY ROAD 16
LOVELAND, CO 80537
ATTN: BRIAN CAMPBELL, PE
(970) 612-5440

SURVEYOR

TAIT & ASSOCIATES, INC.
6163 E. COUNTY ROAD 16
LOVELAND, CO 80537
ATTN: STEVE B. VARRIANO, PLS.
(970) 612-5445



VICINITY MAP:
SCALE: 1"=2000'

ACKNOWLEDGMENT OF OWNERSHIP INTREST:

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 (~~ASCENT CHARTER SCHOOL 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____.

ASCENT CLASSICAL ACADEMY CHARTER SCHOOLS, INC.

AS _____

NOTARIAL CERTIFICATE

STATE OF _____)

COUNTY OF _____)SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____, THIS _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

ENGINEERING DEPARTMENT APPROVAL:

APPROVED THIS THE _____ DAY OF _____, 20____.

DEPUTY 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

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

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

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

LS COLORADO REG. NO. 30126

NO.	DESCRIPTION	REVISIONS	BY	DATE

4163 East County Road 16
Loveland, CO 80537

6163 E. COUNTY ROAD 16
LOVELAND, CO 80537
p: 970.613.1447
www.tait.com

ENGINEERING ENVIRONMENTAL BUILDING LAND
& ASSOCIATES
Orange County
San Luis Obispo
Denver
Boulder
Dallas
Atlanta
Since 1944

TOWN OF WINDSOR ANNEXATION
NW 1/4 NW 1/4 SECTION 14, TOWNSHIP 6 NORTH, RANGE 68
WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF
LARIMER, STATE OF COLORADO.

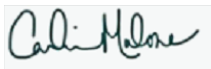
DRAWN: CSG
DATE: 02/17/2021
CHECKED: SV
DATE: 02/17/2021
REVISION # 1
DATE: 08/23/2021
JOB NO: C019590

ANNEXATION IMPACT REPORT
ASCENT CHARTER SCHOOL ANNEXATION

Please see the enclosed Annexation Plat for a full legal description on the subject property.

- 1)
 - (a) Please see the enclosed Annexation Plat and vicinity map for current and proposed municipal boundaries.
 - (b) Please see item #3 below for information regarding provision of utility services.
 - (c) Please see the enclosed Annexation Plat, Town of Windsor Land Use Plan map and the Town's Land Use Map for the proposed land use patterns.
- 2) A pre-annexation agreement was required of the Town of Windsor, as the access for the development (LCR 5) is under Windsor's jurisdiction. The development was processed through Larimer County and permitted through the State of Colorado prior to annexation proceedings through the Town of Windsor.
- 3) Municipal services will be provided as follows:
 - Water – The proposed development will be served by Fort Collins-Loveland Water District.
 - Sewage Disposal – The proposed development will be served by South Fort Collins Sanitation District.
 - Drainage Facilities – Drainage infrastructure per the Town's requirements is to be constructed by the developer solely at the developer's expense.
 - Fire Protection – The petitioner has filed a request for this development to be served by Windsor-Severance Fire and Rescue (WSFR) district. The property is currently served by Poudre Valley Fire Protection District.
 - Police Protection – Town of Windsor Police Department.
 - School – Poudre School District.
- 4) Installation and financing of any district and municipal infrastructure extensions shall be the sole responsibility of the developer.
- 5) Please find the enclosed list identifying all existing districts within the area to be annexed.

All development proposals are required to comply with the Town of Windsor Comprehensive Plan, Zoning and Subdivision Ordinances and applicable Corridor Plans.



Carlin Malone, Chief Planner

August 30, 2021

Date

ASCENT CHARTER SCHOOL ANNEXATION - TAX DISTRICTS

POUDRE R-1 GENERAL FUND

LARIMER COUNTY

POUDRE R-1 BOND PAYMENT

POUDRE VALLEY FIRE DIST

POUDRE RIVER PUBLIC LIBRARY DIST

HEALTH DIST OF NO LARIMER CTY

FT COLLINS-LOVELAND WATER

N COLO WATER CONS DIST

S FT COLLINS SAN DIST

LARIMER CO PEST CTRL DST



Ascent Charter School Annexation

Carlin Malone, Chief Planner

Planning Commission – October 6, 2021

Planning Commission Meeting - October 6, 2021

Page 20 of 49



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

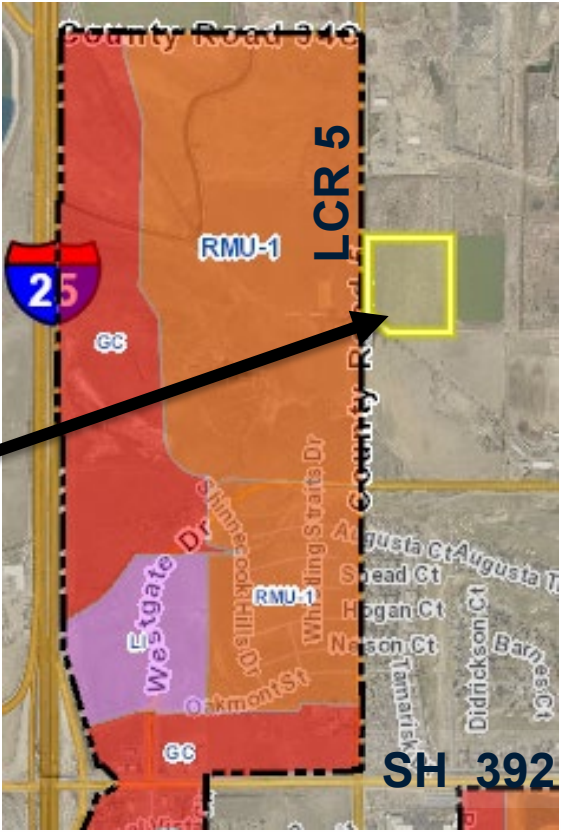
Site





Zoning Map

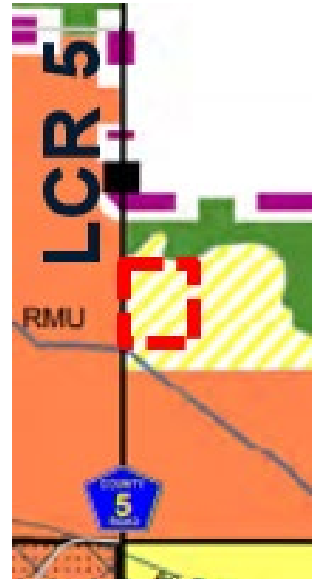
Site



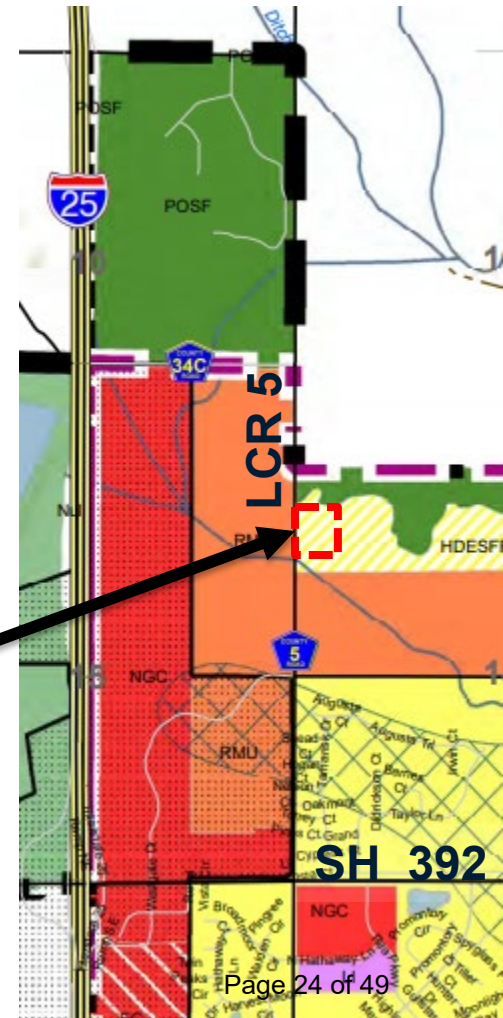
ER Estate Residential	RMU-1 Residential Mixed Use-One	GC General Commercial	HI Heavy Industrial
SF-1 Single Family Residential	CB Central Business District	PUD Planned Unit Development	ROL Recreation & Open Lands
MF Multi-Family Residential	NC Neighborhood Commercial	LI Limited Industrial	



Land Use Plan



Site



LAND USE



LandUse

Single Family Residential

Multi-Family Residential

Low Density Estate Single Family Residential

High Density Estate Single Family Residential

Residential Mixed Use

Central Business District

Employment Corridor

Neighborhood & General Commercial

Community Separator

Parks, Open Space, Mineral Extraction & Flood Plain

Other Public/Semi-Private

Schools

Light Industrial

Heavy Industrial





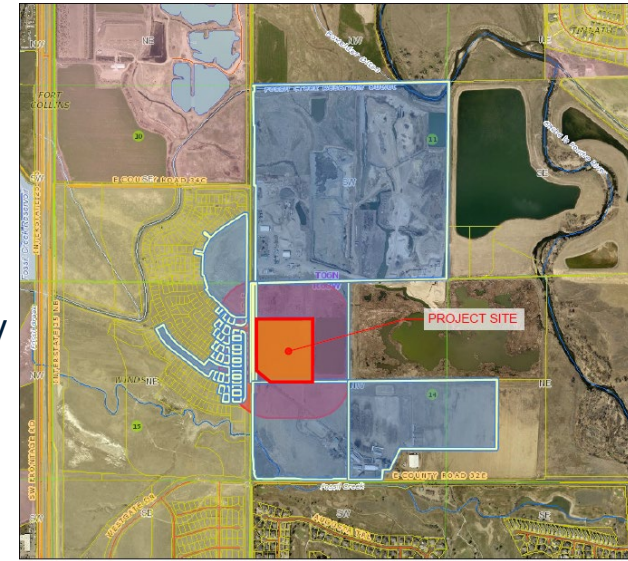
Notification Area

Neighborhood meeting was held on August 23, 2021, with notification as follows:

- August 9, 2021 – applicant mailed letters to surrounding property owners within 500'
- August 13, 2021 – ad in newspaper

Planning Commission and Town Board public hearing notifications:

- Legal ad ran for four consecutive weeks in newspaper:
 - September 3, 2021 – first week legal ad
 - September 10, 2021 – second week legal ad
 - September 17, 2021 - third week legal ad
 - September 24, 2021 – fourth week legal ad
- September 14, 2021 – development proposal sign posted on property
- September 3, 2021 – public hearing notice published to Town website
- September 6, 2021 – applicant mailed letters to surrounding property owners
- September 6, 2021 – staff sent certified mailing of annexation packets to relevant taxing districts





Findings

At their meeting of July 12, 2021, the Town Board adopted Resolution 2021-39 that declared these certain findings of fact, and at their meeting of August 23, 2021, adopted Resolution 2021-52, set hearing dates:

1. October 6, 2021 – Planning Commission
2. October 11, 2021 – 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.

Objective(s):

1. Coordinate annexation and development with community service and utility providers to ensure adequate levels of service area extended to new growth areas and maintained in existing service areas.
5. Work with other public agencies throughout the community to maintain adequate and appropriate sites and facilities for the provision of public services



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 of the property requires participation towards LCR 5 improvements.
- The property is not served by Windsor water or sanitation infrastructure.

Quality of Life:

- The site will provide a school in proximity to nearby neighborhoods for grades kindergarten through high school.



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

PRE-ANNEXATION AGREEMENT

THIS PRE-ANNEXATION AGREEMENT ("Agreement") is entered into this 4th day of February, 2021, by and between the TOWN OF WINDSOR, a Colorado home rule municipal corporation ("Town"), and GRHH PERFORMANCE FORT COLLINS LLC and PERFORMANCE CHARTER SCHOOL FORT COLLINS LLC, each an Idaho limited liability company ("Landowner").

RECITALS

WHEREAS, Landowner is the owner of the property described in **Exhibit A**, attached hereto and incorporated herein ("Property"); and

WHEREAS, Landowner has filed an application for Minor Land Division approval from Larimer County ("County") with respect to the Property; and

WHEREAS, the Town has reached certain understandings with the County that contemplate annexation of the Property to the Town following County consideration of the application for Minor Land Division approval; and

WHEREAS, the Landowner does not intend to develop the Property under building permits issued by the Town; and

WHEREAS, in order to maintain the Landowner's schedule for use of the Property as a site for educational programming, the parties desire to reaffirm the Landowner's intentions to annex the Property to the Town and provide for pre-annexation processing of the Town's development-related requirements; and

WHEREAS, by the terms and conditions of this Agreement, the parties intend to proceed with their respective processes in contemplation of annexation, understanding that the Town's land use jurisdiction does not formally apply to the Property until Landowner petitions for annexation as provided by law.

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

I. PUBLIC IMPROVEMENTS

As a condition of development of the Property, the Landowner shall at its own expense construct and maintain the public improvements identified in **Exhibit B** hereto, which is incorporated herein. This Annexation Agreement shall not limit the subject matter of any subsequent mutual agreement for provision of public improvements as required by the *Windsor Municipal Code*, and shall not be construed to prohibit or in any way limit the Town from requiring performance of reasonable requirements by the Landowner prior to approving any future development plan.

II. PAYMENT OF ESTIMATED USE TAX

In order to assure the collection of Town Construction Use Tax, the Landowner shall provide the Town with information necessary for determination of estimated Town Construction Use Tax and, upon confirmation of estimated Town Construction Use Tax by the Town, shall pay to the Town the amount so estimated.

III. STANDARDS AND REQUIREMENTS FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS

A. **Street Standards and Roadway Improvements.** The Landowner agrees that all streets, roadways and related infrastructure shall be constructed in conformity with the applicable ordinances, rules, regulations, and engineering specifications of the Town in effect at the time of Property development.

B. **Traffic Signal Improvements.** Landowner shall install a traffic signal and related infrastructure at the intersection of the main entrance to the Property and Larimer County Road 5 at no expense to the Town and in compliance with the Town's standards in effect at the time of Property development. The required traffic signal and related infrastructure shall be complete, accepted by the Town and fully-functional by August 1, 2022. To the extent required for traffic safety and traveler convenience in the interim, Landowner shall provide reasonable on-site traffic control necessary to mitigate unnecessary traffic congestion or safety concerns. Nothing herein shall prevent Landowner from entering into cost-sharing arrangements with other property owners directly benefitted by the traffic signal required under this sub-section. To the extent Landowner qualifies for reimbursement pursuant to § 17-17-10 of the *Windsor Municipal Code*, the Town will enter into one or more reimbursement agreements as provided therein.

C. **Water and Sanitary Sewer Improvements.** The Landowner agrees that all water and sanitary sewer-related infrastructure shall be constructed in conformity with the applicable rules, regulations, and engineering specifications of the Fort Collins-Loveland Water District and the Fort Collins-Loveland Sanitation District in effect at the time of Property development.

D. **Stormwater Drainage Improvements.** The Landowner agrees that all stormwater drainage-related infrastructure shall be constructed in conformity with the applicable ordinances, rules, regulations, and engineering specifications of the Town in effect at the time of Property development.

E. **Fees and Dedications.** The Landowner agrees to comply with all applicable land dedication requirements, cash in lieu of land dedication requirements, impact fees for fire and emergency services districts, parks, roads, storm drainage fees, and the Fort Collins-Loveland Water and Sanitation Districts in effect at the time of the Property development. Landowner hereby acknowledges the legality, necessity and validity of the aforesaid development requirements, and shall pay all impact fees upon determination by the Town, regardless of the Landowner's choice to secure building permits through sources other than the Town.

F. **Security for Completion of Public Improvements.** With respect to all public improvements set forth in Exhibit B intended for dedication to the Town (“Town Public Improvements”), the Landowner shall post security equal to one-hundred percent (100%) of the estimated cost of the Town Public Improvements prior to commencement of improvements. With respect to stormwater drainage improvements, the Landowner shall post security equal to one-hundred percent (100%) of the estimated cost of the Town-required stormwater drainage improvements. With respect to public improvements intended for dedication to the Fort Collins-Loveland Water District and/or Fort Collins-Loveland Sanitation District, the Landowner will post security, if any, as may be required by each or either district.

G. **Water Rights Holder Notification, Storm Water Detention and Infiltration Facility Registration.** The Landowner acknowledges that State regulations require downstream water rights holders are notified of the installation of any new storm water detention or infiltration facility. The registration is to ensure that all storm water facilities are releasing the detained runoff within the required time frame, and the water rights holders are informed of the facility’s capacity and function. Upon certification from a licensed engineer evidencing that all detention pond certifications have been fully implemented during construction, the Landowner shall register all storm water facilities constructed pursuant to the improvement plans through the Colorado Stormwater Detention and Infiltration Facility Notification portal. The Landowner shall complete a Stormwater Detention and Infiltration Design Data Sheet and include it with the Pond Certification documentation, when registering the facilities via the portal, <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

H. **Traffic Impact Study.** For the purpose of determining the nature and extent of reasonably necessary traffic mitigation measures associated with the Landowner’s use of the Property, the Landowner commissioned a competent traffic impact analysis and has made the results of such analysis available for the Town’s review, comment and supplementation. The Landowner will implement reasonable traffic impact mitigation measures as deemed necessary by the Town based on the approved traffic impact analysis.

I. **Right-of-Way and Easements.** To the extent necessary for provision of roadways, utilities and storm drainage improvements, the Landowner will dedicate easements for right-of-way and utilities as reasonably required by the Town and utility providers.

IV. STORM DRAINAGE IMPROVEMENTS

A. As a condition of development of the Property, Landowner agrees to install at its sole expense storm drainage improvements and facilities as may be reasonably required by the Town based upon the Landowner’s anticipated use of the Property, and in conformity with the applicable ordinances, rules, regulations, and engineering specifications of the Town in effect at the time of Property development. Additionally, Landowner further agrees to dedicate at its sole expense all reasonably necessary rights-of-way and unobstructed easements for stormwater drainage reasonably necessary to serve the Property or for the transmission of water through the Property, in sufficient sizes and widths for such facilities and maintenance based upon the

Landowner's anticipated use of the Property and the transmission of water at then-existing levels and amounts, in conformity with the applicable ordinances, rules, regulations, and engineering specifications of the Town in effect at the time of Property development.

B. All storm drainage improvements and facilities shall be constructed concurrently with the development of the Property in a manner that is intended to minimize flooding in developed areas. Upon review and recommendation by the Town Engineer, the Landowner shall participate in and provide for the required improvements and facilities to implement the Town's Drainage Master Plan.

C. Landowner will comply with all stormwater quality mitigation requirements imposed pursuant to any State of Colorado stormwater discharge permit(s) issued with respect to Landowner's roadway improvements in association with the Property development.

V. DREDGING, FILLING AND/OR EXCAVATING

Any work within the Property shall comply with all applicable federal, state and local regulations related to wetlands, floodway, floodplain, excavation or filling. All permits required under such regulations shall be applied for, obtained and complied with at the sole expense of Landowner.

The Landowner further understands and agrees that prior to the commencement of any excavation and/or filling activities, the Landowner shall provide the Town Engineer with copies of all such permits and/or information pertaining to any such activities. Where applicable the Landowner must receive written approval from the Town Engineer for commencement of any excavation and/or filling activities.

VI. PUBLIC TRAIL REQUIREMENTS

Landowner agrees to dedicate reasonable easements for public trails within the Property, with the scope and location of any such public trails being incorporated into the Landowner's Property development and generally guided by connectivity objectives of the Town's Trails Master Plan and Comprehensive Plan.

VII. EASEMENTS AND RIGHT-OF-WAY

Landowner shall be responsible for obtaining easements for right-of-way necessary for those public improvements described in Exhibit "B", whether or not such improvements are intended for dedication to the Town. The Town will bear no expense whatsoever for the acquisition of property rights required for Landowner's development of the Property. To the extent Landowner qualifies for reimbursement pursuant to § 17-17-10 of the *Windsor Municipal Code*, the Town will enter into one or more reimbursement agreements as provided therein.

VIII. BINDING EFFECT

This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns.

IX. GOVERNING LAW

This Agreement shall be interpreted in accordance with Colorado Law.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first written above.

TOWN OF WINDSOR, COLORADO

By:

Shane Hale, Town Manager

ATTEST:

Karen Frawley, Town Clerk



STATE OF COLORADO

)

) SS.

COUNTY OF LARIMER

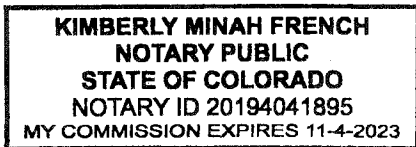
)

The foregoing instrument was acknowledged before me this 5th day of February 2021, by Shane Hale, Town Manager of the Town of Windsor, Colorado.

Witness my hand and official seal.

(SEAL)

Kimberly M French
Notary Public for the State of Colorado



LANDOWNER:

GRHH PERFORMANCE FORT COLLINS LLC,
an Idaho limited liability company

By: GRH Management LLC,
an Idaho limited liability company

Its: Manager

By: Brian Huffaker
Name: Brian Huffaker
Title: President

PERFORMANCE CHARTER SCHOOL FORT
COLLINS LLC, an Idaho limited liability company

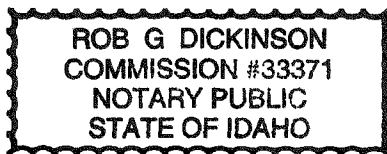
By: GRH Management LLC,
an Idaho limited liability company

Its: Manager

By: Brian Huffaker
Name: Brian Huffaker
Title: President

STATE OF IDAHO)
) ss
County of ADA)

This record was acknowledged before me on February 4th, 2021, by Brian Huffaker, President of GRH Management LLC, Manager of **GRHH Performance Fort Collins LLC** and **Performance Charter School Fort Collins LLC**, each an Idaho limited liability company.



[Signature]
Notary Public
My commission expires: 3/26/24

EXHIBIT A
LEGAL DESCRIPTION

Lot 1, Ascent Charter School MLD 20-LAND 4040, County of Larimer, State of Colorado

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EXHIBIT B
PUBLIC IMPROVEMENTS

The following Town of Windsor public improvements will be required in the initial phase of development:

- Left-turn deceleration lane for the southbound left-turn at the north access point, as per Town standards in effect at the time of the Property development
- Right-turn deceleration lane for the northbound right-turn at the south access point, as per Town standards in effect at the time of the Property development
- Traffic signal and crosswalk at the intersection of Holstein Drive and Larimer County Road 5 as per Town standards in effect at the time of the Property development

**FIRST AMENDMENT
TO
PRE-ANNEXATION AGREEMENT**

THIS FIRST AMENDMENT TO PRE-ANNEXATION AGREEMENT ("Amendment") is entered into this 9th day of July, 2021, by and between the TOWN OF WINDSOR, a Colorado home rule municipal corporation ("Town"), and GRHH PERFORMANCE FORT COLLINS LLC and PERFORMANCE CHARTER SCHOOL FORT COLLINS LLC, each an Idaho limited liability company ("Landowner").

RECITALS

WHEREAS, Landowner is the owner of Lot 1, Ascent Charter School MLD 20-LAND 4040, County of Larimer, State of Colorado ("Property"); and

WHEREAS, Landowner has received approval for Minor Land Division approval from Larimer County ("County") with respect to the Property; and

WHEREAS, the Town has reached certain understandings with the County that contemplate annexation of the Property to the Town following County approval of the Minor Land Division approval; and

WHEREAS, the Landowner recognizes that a Town access permit is required for use of the Property as a site for educational programing; and

WHEREAS, the Landowner does not intend to develop the Property under building permits issued by the Town, yet agrees that certain understandings regarding development of the Property are in the parties' mutual interests; and

WHEREAS, the Town and the Landowner entered into that certain *Pre-Annexation Agreement* dated February 4, 2021, and recorded at Reception # 20210014035 in the books and records of the Larimer County Clerk and Recorder ("Original Agreement"); and

WHEREAS, the Town and the Landowner have identified additional conditions and requirements for development of the Property to serve as a site for educational programming; and

WHEREAS, in order to maintain the Landowner's schedule for use of the Property to serve as a site for educational programming, the parties desire to reaffirm the Landowner's intentions to annex the Property to the Town and provide for further pre-annexation processing of the Town's development-related requirements; and

WHEREAS, the Landowner has filed a Petition for Annexation, and by the terms of this Amendment, the parties state their intention to proceed with annexation of the Property by the Town; and

WHEREAS, regardless of the status and outcomes of the Landowner's annexation petition, the parties nonetheless intend to be bound by the terms of this Amendment.

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:

I. PHASE 2 TRAFFIC IMPACT STUDY

In addition to the conditions for development of the Property set forth in the Original Agreement, the Landowner shall at its own expense commission a Traffic Impact Study prior to construction of Phase 2 of the Ascent Charter School campus ("Phase 2 Traffic Impact Study"). The Town reserves the authority to require the Landowner to undertake reasonable traffic mitigation measures necessary to address the traffic impacts arising out of Phase 2 of the Ascent Charter School campus as reflected in the Phase 2 Traffic Impact Study. Nothing herein shall limit the Town's authority to impose further requirements upon the Landowner to address traffic impacts as required by the *Windsor Municipal Code* in accordance with the findings and recommendations of the Phase 2 Traffic Impact Study.

II. INTERIM TRAFFIC CONTROL MEASURES

The Town and the Landowner acknowledge that the traffic signal serving the Property at the intersection of its main entrance with Larimer County Road 5 ("LCR 5 Intersection") may not be operational prior to the Ascent Charter School campus first academic year. The Landowner agrees that it will provide competent uniformed traffic control personnel at the Landowner's expense to minimize peak-hour traffic back-ups from the right-turn deceleration lane into the primary travel lane of LCR 5, and to reasonably assure traffic safety at the LCR 5 Intersection and at all entrances to and exits from the Ascent Charter School campus. The provision of uniformed traffic control personnel under this Amendment shall continue until the Town determines public safety and traffic flow are adequately assured, or until the required traffic signal(s) are operational, whichever first occurs. The Town will evaluate public safety and traffic flow at the LCR 5 Intersection and all entrances and exits serving the Ascent Charter School campus on a regular basis during the period of deployment of interim traffic control measures required under this paragraph.

III. PHASING OF ROADWAY IMPROVEMENTS

A. **Phased Roadway Improvements.** The Landowner proposes two phases of roadway improvement development for the Ascent Charter School:

- (1) Phase 1 Roadway Improvements (described as the "Interim Plan" within the Approved Drawings defined herein below), consisting of essential roadway improvements necessary to serve the Ascent Charter School campus during its initial academic years, as described in Exhibit B to the Original Agreement; and

- (2) Phase 2 Roadway Improvements (described as the “Ultimate Plan” within the Approved Drawings), consisting of all street-related improvements and right-of-way dedications depicted in the *Final Construction Drawings for Ascent Charter School (April, 2021)* prepared by Wohnrade Civil Engineers, Inc., and approved by the Town on April 22, 2021 (“Approved Drawings”).

- B. **Phase 1 Roadway Improvements.** The Landowner shall install all Phase 1 improvements as required by the Original Agreement prior to the first academic year of operation for the Ascent Charter School campus.
- C. **Phase 2 Roadway Improvements.** Prior to any expansion of student enrollment in excess of 500 students, the Landowner will notify the Town of its intention to so expand student enrollment. If required by the Town as a result of the proposed expansion of student enrollment, the Landowner shall complete the Phase 2 Roadway Improvements prior to any expansion of the Ascent Charter School campus student population in excess of 500 enrolled students.
- D. **Reimbursements for Roadway Improvements.** Nothing herein shall prevent Landowner from entering into cost-sharing arrangements with other property owners directly benefitted by the roadway improvements required herein. To the extent Landowner qualifies for reimbursement pursuant to developer reimbursement provisions of the *Windsor Municipal Code*, the Town will enter into one or more reimbursement agreements in accordance therewith.
- E. **Security for Completion of Public Improvements.** With respect to all improvements described herein that are intended for dedication to the Town (“Town Public Improvements”), the Landowner shall post security equal to one-hundred percent (100%) of the estimated cost of the Town Public Improvements prior to commencement of improvements. With respect to stormwater drainage improvements required herein, the Landowner shall post security equal to one-hundred percent (100%) of the estimated cost of the Town-required stormwater drainage improvements. With respect to right-of-way landscaping required herein, the Landowner shall post security equal to one-hundred ten (110%) of the estimated cost of the Town-required right-of-way landscaping improvements.
- F. **Right-of-Way and Easements.** To the extent necessary for provision of roadways, utilities and storm drainage improvements as required under this Amendment, the Landowner will dedicate easements for right-of-way and utilities as reasonably required by the Town and utility providers.

IV. TIMING OF IMPACT FEE AND USE TAX PAYMENTS

The Landowner acknowledges and reaffirms that the Original Agreement requires the payment of various impact fees and the Town’s Construction Use Tax. In order to assure predictability and clarity, the Landowner agrees that the impact fees and estimated Construction Use Tax for Ascent Charter School Phase 1 shall be paid prior to the issuance of the Town’s Access Permit for access to LCR 5.

V. INTEGRATION, REAFFIRMATION

The Town and the Landowner intend that this Amendment shall be read with the Original Agreement as an integrated whole. The Town and the Landowner reaffirm all terms of the Original Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first written above.

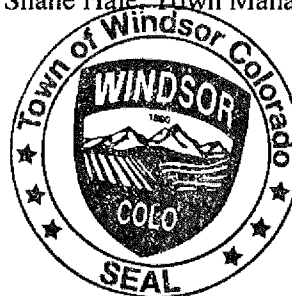
TOWN OF WINDSOR, COLORADO

By: _____

Shane Hale, Town Manager

ATTEST:

Karen Frawley, Town Clerk



[Remainder of this page intentionally left blank - - Landowner signatures on next page]

LANDOWNER:

GRHH PERFORMANCE FORT COLLINS LLC,
an Idaho limited liability company

By: GRH Management LLC,
an Idaho limited liability company
Its: Manager

By: Brian Huffaker
Name: Brian Huffaker
Title: President

PERFORMANCE CHARTER SCHOOL FORT
COLLINS LLC, an Idaho limited liability company

By: GRH Management LLC,
an Idaho limited liability company
Its: Manager

By: Brian Huffaker
Name: Brian Huffaker
Title: President

STATE OF IDAHO)
) ss.
County of Ada)

This record was acknowledged before me on July 13, 2021, by Brian Huffaker, as President of GRH Management LLC, the Manager of GRHH Performance Fort Collins LLC, an Idaho limited liability company.



Cathy L Tomlinson
Notary Public for Idaho
My commission expires: 6-11-2027

STATE OF IDAHO)
) ss.
County of Ada)

This record was acknowledged before me on July 13, 2021, by Brian Huffaker, as President of GRH Management LLC, the Manager of Performance Charter School Fort Collins LLC, an Idaho limited liability company.



Cathy L Tomlinson
Notary Public for Idaho
My commission expires: 6-11-2027



MEMORANDUM

Date: October 6, 2021
To: Planning Commission
Via: Scott Ballstadt, Director of Planning
From: Carlin Malone, Chief Planner
Location: East of Larimer County Road 5 (LCR 5) and one-fourth mile north of LCR 32E
Re: Recommendation to Town Board for the Ascent Charter School Annexation to the Town of Windsor
Item #: C.2.

Background/ Discussion:

Please refer to public hearing item materials.



MEMORANDUM

Date: October 6, 2021
To: Planning Commission
Via:
From: Trisha Conway, Deputy Town Clerk
Location:
Re:
Item #: •1.

ATTACHMENTS:

- Description
- Future Meetings Agenda



FUTURE PLANNING COMMISSION MEETINGS

October 6, 2021 7:00 p.m.	Planning Commission Regular Meeting
October 20, 2021 7:00 p.m.	Planning Commission Regular Meeting
November 3, 2021 7:00 p.m.	Planning Commission Regular Meeting
November 8, 2021 7:00 p.m.	Joint Town Board and Planning Commission Regular Meeting
November 17, 2021 7:00 p.m.	Planning Commission Regular Meeting
December 1, 2021 7:00 p.m.	Planning Commission Regular Meeting
December 15, 2021 7:00 p.m.	Planning Commission Regular Meeting