



PLANNING COMMISSION REGULAR MEETING

**July 18, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550**

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. Approval of minutes of June 20, 2018

C. BOARD ACTION

1. Site Plan Presentation – Highlands Industrial Park Subdivision 2nd Filing, Lot 5, Block 2 (Windsor Center Flex North Building) – Mark Morrison, Schuman Companies, applicant's representative
 - Staff presentation: Carlin Malone, Chief Planner
2. Site Plan Presentation – River Valley Crossing Subdivision 2nd Filing Lot 2 (Public Service Credit Union) – Todd Rand, Baseline Engineering, applicant's representative
 - Staff presentation: Paul Hornbeck, Senior Planner
3. Public Hearing – Great Western 7th Annexation – GWIP, LLC, and Windsor Renewal I, LLC; owners / Craig Stith, Great Western Development/OmniTrax,

applicant; Cory Rutz, Otten Johnson Robinson Neff + Ragonetti, applicant's representatives

- Quasi-judicial
- Staff presentation: Millissa Berry, Senior Planner

4. Recommendation to Town Board – Great Western 7th Annexation – GWIP, LLC, Broe Land Acquisitions 10, LLC; Broe Land Acquisitions 11, LLC; and Windsor Renewal 1, LLC; owners / Craig Stith, Great Western Development/OmniTrax, applicant; Cory Rutz, Otten Johnson Robinson Neff + Ragonetti, applicant's representatives
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner
5. Public Hearing – Rezoning Petition - Ptarmigan Business Park PUD 2nd Filing Tract A – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
6. Recommendation to Town Board – Rezoning Petition - Ptarmigan Business Park PUD 2nd Filing Tract A – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
7. Preliminary Subdivision – Windsor Villages at Ptarmigan – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
8. Public Hearing – Rezoning Petition – Valley Center Subdivision – Alan Highstreet, Agrifab Colorado, LLC, applicant / Mike Maurer Olsson Associates, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
9. Recommendation to Town Board – Rezoning Petition – Valley Center Subdivision – Alan Highstreet, Agrifab Colorado, LLC, applicant / Mike Maurer Olsson Associates, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
10. Public Hearing – Amendments to Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure.
 - Legislative
 - Staff presentation: Millissa Berry, Senior Planner

11. Recommendation to Town Board – An Ordinance Amending Sections 17-8-30 and 17-8-20 of the Windsor Municipal Code regarding proposed Administrative Site Plan Review and Procedure.
 - Legislative
 - Staff presentation: Millissa Berry, Senior Planner
12. Public Hearing – Amendment to Section 16-10-30 of the Windsor Municipal Code regarding proposed Off-Street Parking Requirements for Multifamily Residential.
 - Legislative
 - Staff presentation: Paul Hornbeck, Senior Planner
13. Recommendation to Town Board – An Ordinance Amending Section 16-10-30 of the Windsor Municipal Code regarding Off-Site Parking Requirements for Multifamily Residential.
 - Legislative
 - Staff presentation: Paul Hornbeck, Senior Planner
14. Public Hearing – Amendment to Section 16-6-90 of the Windsor Municipal Code regarding proposed Minor Variance Process
 - Legislative
 - Staff presentation: Carlin Malone, Chief Planner
15. Recommendation to Town Board – An Ordinance Amending Section 16-6-90 of the Windsor Municipal Code regarding proposed Minor Variance Process.
 - Legislative
 - Staff presentation: Carlin Malone, Chief Planner

D. COMMUNICATIONS

1. Communications from the Planning Commission
2. Communications from the Town Board liaison
3. Communications from the staff

E. ADJOURN

* Please note that items on the Consent Calendar will not be discussed unless requested by the Planning Commissioners or by applicants who have business listed on the Consent Calendar.

Upcoming Meeting Dates

<u>Wednesday, July 18, 2018</u>	7:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, August 1, 2018</u>	7:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, August 15, 2018</u>	7:00 P.M.	Regular Planning Commission meeting**

Wednesday, September 5, 2018 7:00 P.M. Regular Planning Commission meeting**

Wednesday, September 19, 2018 7:00 P.M. Regular Planning Commission meeting**

** Does not include any Planning Commission work sessions which may be requested and may also be scheduled for these dates.



PLANNING COMMISSION REGULAR MEETING

June 20, 2018 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

- A. CALL TO ORDER
Chairman Schick called the regular meeting of the Planning Commission to order at 7:00 p.m.
1. Roll Call
The following Planning Commission members were present:
- | | |
|--------------------|-----------------|
| | Gale Schick |
| | Doug Dennison |
| | Travis Yingst |
| | Jerry Bushelman |
| | Victor Tallon |
| | Dan Foreman |
| (Absent) | Tim Annable |
| | Kelly Hall |
| Town Board Liaison | (Absent) |
| | David Sislowksi |
- Also Present:
- | | |
|---------------------|---------------------|
| Planning Director | Scott Ballstadt |
| Senior Planner | Millissa Berry |
| Planning Technician | Devin King |
| Deputy Town Clerk | Amanda Mehlenbacher |
2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission
Mr. Tallon moved to approve the agenda as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Yingst, Tallon, Bushelman, Foreman, Hall
Nays – None
Motion carried.
3. Public Invited to be heard
Mr. Schick opened the meeting up for public comment to which there was none.
- B. CONSENT CALENDAR*
1. Approval of minutes of June 6, 2018
Mr. Tallon moved to approve the consent calendar as presented; Mr. Yingst seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Yingst, Tallon, Bushelman, Foreman, Hall
Nays – None
Motion carried.

C. BOARD ACTION

1. Request for Commercial Corridor Height and Façade Color Waiver – Town of Windsor L2-16 B 11 & Burlington Subdivision L20 - The Mill –, Steve Schroyer, Old Windsor Mil, LLC, applicant; Katy Thompson, Ripley Design Inc., applicant
 - Quasi-judicial Action
 - Staff presentation: Millissa Berry, Senior Planner

Ms. Berry introduced the applicant and presented the PowerPoint presentation included in the packet material, with the following information: The applicant, Katy Thompson of Ripley Design, Inc., is requesting a waiver from the Commercial Corridor Plan (CCP) height requirements and façade color requirements.

Section IV.A.1 of the CCP states:

Building Height. In order to allow for taller mixed use buildings with office and residential uses on upper floors, the maximum height in the Downtown Subarea shall be forty-five feet (45').

Section III.B.6 states:

Façade colors shall be earth tone colors...other colors may be used provided that they are sensitively integrated into the overall color palette.

The project is the rehabilitation of the existing building known as the Windsor Mill. The site is located at the southwest corner of 3rd and Main Streets and addressed as 301 Main Street. The property lies within the boundaries of the CCP area and is included in the CCP's Downtown Subarea. It is also in the Old Town Windsor Subarea of the Downtown Corridor Design Guidelines. The property is zoned General Commercial (GC), and is located adjacent to other GC zoned properties to the east, the Central Business district to the north and west and the Single Family Residential (SF-1) zone to the south.

The project aims to restore as much of the remaining historic Windsor Mill structure as possible with the rebuilt addition incorporating new modern elements. Overall development characteristics:

- 22,850 sf building
- Two story-building that steps down to one-story on the west, south and east ends of the building
- Reconstructed in Windsor Mill footprint (received variance in December of 2017 to do so)
- Restoration of the existing building's brick facade
- Proposed additions include architecturally diverse façades that complement the historic portion of the building
- Landscaping and patio area
- 15 parking spaces
- Variety of tenants: restaurant, bar, offices, storage, outdoor gathering space

The proposed architecture mimics the size and shape of The Mill at a two-story scale rather than the former 4-story structure. The majority of the building would

be 45 feet (44'-11") tall or less. The area above the main doors of the building is designed as a taller architectural feature (grain tower) that reflects the architecture found in that area in the former Mill structure (see image in the presentation). This portion of the building is approximately 20 feet wide and spans the depth of the building in a similar manner as seen in the original building.

The site is immediately adjacent to the Central Business district and is considered to be in the Downtown. Without the CCP height requirement, both the GC and CB zones would allow a structure of this height (55' in the GC and 75' in the CB).

Based on the justification provided by the applicant and staff review of the request, staff believes that the proposed height waiver request and waiver for façade colors is consistent with the intent of the Commercial Corridor Plan and therefore recommends approval of the waivers for height and façade color.

Mr. Schick asked if there were any questions or comments from the Commission. There were none.

The Planning Commission concurred that they were happy with the design and felt that it will be a great addition to the Town of Windsor.

**Mr. Tallon moved to approve the request for Commercial Corridor Height and Façade Color Waiver as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Dennison, Yingst, Tallon, Bushelman, Foreman, Hall
Nays – None
Motion carried.**

2. Site Plan Presentation – Water Valley South 25th Filing – Good Samaritan Society Assisted Living Facility and Memory Care Assisted Living – Greg Amble, The Evangelical Lutheran Good Samaritan Society, owner; Heather Scott, Boulder Associates Architects, authorized representative; Jon Sweet, TST, authorized representative
 - Staff presentation: Millissa Berry, Senior Planner

Ms. Berry introduced the applicant and presented the PowerPoint presentation included in the packet material, with the following information: The property owner, Mr. Greg Amble, is proposing an assisted living and memory care assisted living facility in the Water Valley South Subdivision 25th Filing. The site of the proposed assisted living facility is located on the southeast corner of the intersection of New liberty Road and 7th Street just north of the existing Good Samaritan Senior Living Resort Independent Living Facility. The site is zoned Residential Mixed Use (RMU) and is located adjacent to other RMU-zoned properties.

The original site plan was reviewed at the March 21, 2018 Planning Commission meeting. Since that meeting, there have been revisions made to the building and site grading that warrant a second view of the project.

- Originally, the air conditioner system was to be internal to the building. Due to costs, the applicant is now proposing exterior ground-mounted condensing units.
 - o 55 units
 - o The units are 2wx2dx2t
 - o Units are grouped to specific areas to avoid a continuous row of units along the building
 - o Staff is working with the applicant to use evergreen shrubs in addition to the previously
 - o proposed landscaping to screen the units from the street
- The retaining wall with railing that was originally proposed along the east side of the building is being removed and replaced with a slope.

Overall development characteristics include:

- Total lot area of 2.93 acres
- 55,000 square foot (sf) building total; 36,313 sf footprint (~31% of the site)
 - o One-story 16-bed licensed Memory Care Assisted Living at the southern portion of the building
 - o Two-story 40-bed licensed Assisted Living Facility at the northern portion of the building.
 - o Enclosed trash and utility area
- 33 parking spaces (1 stall per 2 beds required – 28 stall minimum; plus shared parking with independent living facility for employees and visitors)
 - o Applicant received a parking determination in March 2018 to allow the amount proposed
- Approximately 23% landscaped area (20% required)

Building characteristics include:

- Building materials are a mix of fiber cement board and batten siding, fiber cement lap siding, and asphalt shingles
- Building height:
 - o One-story at 28 feet (24 feet with 4 foot roof feature)
 - o Two-story at ~ 42 feet (~38 feet plus 4 foot roof feature)
 - o

Ms. Berry indicated that there is no recommendation, as this item is for presentation purposes.

Mr. Schick asked if there were any questions or comments from the Commission. There were none.

3. Public Hearing – Conditional Use Grant to allow a storage container in the Single Family Residential (SF-1) zone district – Mountain View School 1st Subdivision, Lot 2 – Clearview Library – Ann Kling, Clearview Library District, applicant

- Quasi-judicial Action
- Staff presentation: Devin King, Planning Technician

Mr. King introduced the applicant and presented the PowerPoint presentation included in the packet material, with the following information: The applicant, Clearview Library District is requesting a Conditional Use Grant (CUG) to allow

one temporary storage container in the SF-1 zone district until the library relocates to a new location. A conditional use grant is required because the proposed use is not specifically included as an accessory use or a use-by-right in the SF-1 zone district per Section 16-12-20(2) of the Town of Windsor Municipal Code.

The applicant is requesting allowance of the storage container for storage of miscellaneous items such as special event and craft supplies that are currently stored offsite at employee's homes due to insufficient storage space at the library. The container is proposed to be located on the west side of the parking lot in the last two parking stalls leaving 46 off-street parking spaces available. In 2008 when the administrative site plan was approved, the Planning Commission determined 48 off-street parking spaces met the off-street requirement, but at the time, 9 on-street spaces were going to be provided by diagonal striping on 3rd St. These 9 diagonal on-street spaces were reduced to parallel parking with the removal of striping years ago. If parking becomes an issue at the library, the Planning and Engineering Departments will re-evaluate whether or not these 9 spaces should be restriped to add parking spaces and help alleviate any parking problems.

Since library parking is not enumerated in the Code, Section 16-10-30(a)(7) states: *"Uses not enumerated. In any case where there is a question as to the parking requirements for a use or where such requirements are not specifically enumerated, the Planning Commission shall convene a public hearing to determine the appropriate application of the parking requirements to the specific situation, applying the criteria set forth above and in keeping with sound land use planning principles."* Therefore, the Planning Commission will need to make a determination on whether 46 parking spaces meets the library district's off-street parking requirement with their recommendation. Preliminary conversations with the applicant indicate that parking is only an intermittent issue during peak periods, and parking is not an issue the majority of the time.

Staff recommends that the Planning Commission determine that 46 parking stalls are adequate and, further, forward a recommendation of approval of the Conditional Use Grant application to the Town Board as presented with either of the two conditional timelines below:

- The conditional use of the storage container is permitted until the library moves to a new location; or
- The conditional use of the storage container is permitted for three (3) years, which upon the arrival of, the applicant will be required to renew via the conditional use grant process to retain the storage container on the premises for an additional allotment of time.

Staff requests that the following be entered into the record:

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

Mr. Schick asked if anyone from the audience wished to speak on this matter. There were none.

Mr. Tallon moved to close the public hearing; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Yingst, Tallon, Bushelman, Foreman, Hall

Nays – None

Motion carried.

4. Conditional Use Grant to allow a storage container in the Single Family Residential (SF-1) zone district – Mountain View School 1st Subdivision, Lot 2 – Clearview Library – Ann Kling, Clearview Library District, applicant

- Quasi-judicial Action
- Staff presentation: Devin King, Planning Technician

Mr. Schick asked if Mr. King had anything further he wished to add.

Per Mr. King; No, Mr. Chairman

Mr. Schick asked if there were any questions or comments from the Commission.

Mr. Tallon inquired how the 3 year plan was determined.

Mr. Ballstadt responded that the 3 year timeframe is consistent with timeframes approved with other temporary uses such as the gravel parking area that were approved for the Downtown Development Authority and some town park sites . One option involves more ownership and would require a renewal in the future, whereas the other is a more open ended option.

Mr. Schick inquired when the Library is scheduled to move.

Ann Kling, Director of the Clearview Library District, 720 3rd St. Windsor, CO., responded that at this time there are no plans to move unless the voters approve a new location for the Library.

Mr. Bushelman suggested that a condition be added to the 3 year plan by stating it can only be renewed if the appearance is maintained and kept in good condition.

Mr. Tallon moved to forward a recommendation of approval to the Town Board for the Conditional Use Grant with a timeline of 3 years; Mr. Yingst seconded the motion.

Mr. Ballstadt wished to verify if the motion was to include the requested condition stated by Mr. Bushelman.

Mr. Tallon responded that he did not feel that was necessary.

Roll call on the vote resulted as follows:

Yeas – Schick, Dennison, Yingst, Tallon, Bushelman, Foreman, Hall

Nays – None

Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission

Mr. Schick welcomed the new members to the Planning Commission: Ms. Kelly Hall and Cindy Scheuerman as an alternate.

2. Communications from the Town Board liaison

None

3. Communications from the staff

Mr. Ballstadt stated that the Town Board Liaison and alternate were currently at the Colorado Municipal League Conference and also wished to welcome the new Planning Commission members.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:28 p.m.

Deputy Town Clerk, Amanda Mehlenbacher



MEMORANDUM

Date: July 18, 2018
To: Planning Commission
From: Devin King, Planning Technician
Re: Site Plan Presentation – Highlands Industrial Park Subdivision
2nd Filing, Lot 5, Block 2 Site Plan – Windsor Center Flex
North Building – Windsor Center LLC, applicant/Mark
Morrison, Schuman Companies, applicant's representative
Item #: C.1.a

Background

The applicant, represented by Mr. Mark Morrison, is proposing a second building on the north side of a site recently developed in the Highlands Industrial Park Subdivision. The site is zoned Limited Industrial (I-L) and is surrounded by other industrial properties.

Site characteristics include:

- a new 15,200 square foot two-tenant/ industrial flex building;
- 45 off street parking spaces; and
- a total of approximately 22% landscaping, which meets the Town's 15% requirement.

Building and structural details include:

- building articulation through varying building elements; and
- a combination of stone and varying metal siding façade elements.

Additional site details can be seen in the enclosed staff PowerPoint.

The current presentation is intended for the Planning Commission's information. Should the Planning Commission have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project. The site plan will be reviewed and approved administratively by staff; however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission for review.

Additionally, the applicant is hereby advised via this memorandum that another similar site plan presentation by the applicant is scheduled on July 23, 2018, for the Windsor Town Board.

Conformance with Comprehensive Plan

The application is consistent with the 2016 Comprehensive Plan, specifically the following goal(s) and objective(s):

Chapter 5b – Growth Framework &

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:

1. *Prioritize new growth in areas currently served by town infrastructure and services.*

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Recommendation

No recommendation since this item is for presentation purposes

Attachments

Application materials
Staff PowerPoint

pc: Mark Morrison, applicant

Project Narrative for:
WINDSOR CENTER FLEX NORTH BUILDING
7365 Greendale Road, Windsor, CO 80550

Responsible Party for Plan:
Schuman Companies
4630 Royal Vista Cir, Unit #13
Windsor, CO 80528
markm@schumanco.com
(701) 590-0434

Property: Lot 5, Block 2 of the Highlands Industrial Park Subdivision 2nd Filing, Town of Windsor, Colorado (Larimer County, State of Colorado). Lot is 3.66 acres in size or approximately 159,429 square feet. The property is bound by Crossroads Boulevard to the south, a private drive from Greendale Road to the east, a similarly Industrial zoned property to the west, and Greendale Road to the north. This is the 2nd building being proposed, under the same ownership, for this lot. (3rd Schuman Companies building being proposed in our Greendale/Crossroads development)

Domestic and Fire Water services, as well as sanitary sewer services, were stubbed into the property with the completion of the subdivisions original infrastructure on the north end of this lot, off Greendale Rd, as well as dry utilities. Full circular fire access around the building is being proposed. Overhead doors in the rear of the building are all proposed to sit on grade (no dock-high doors). Using the same parking ratio's as the first two buildings, its been determined we will require 37 total parking spaces, but will provide 44.

Building: The proposed pre-engineered metal building is 15,200 sf in footprint, with an additional 3,000 sf of mezzanine. The building is currently being proposed to accommodate two tenants (west & east halves). The mezzanine will only be built in the west tenant space. The building is designed for a multitude of flexible uses, but with the core intention of providing an office/professional façade while providing commercial/industrial capabilities with overhead doors and warehouse space in the back of the building. The front of the building will face north, due to site constraints, and feature architectural elements at its entrances and above windows. Multiple colors will also be used on the façade as well as good amount of veneer stone masonry. The roof will be shed style, sloping back to the south. The proposed building will be fully sprinkled and built in a core and shell stage. Full circular access is being proposed around the entire building, with a minimum width of 24' and inner radius of 25'. The number of employees is anticipated to range between 20-35, based on the assumed office space use as well as the shop/warehouse use. The number of potential employees is also based off similar used buildings along the front range corridor. Sufficient paved parking for employees and customers is proposed along the building's frontage buffering between the structure and Crossroads Blvd.



Site Plan Presentation

Highlands Industrial Park
Subdivision 2nd Filing, Lot 5,
Block 2

Carlin Malone, Chief Planner

Planning Commission July 18, 2018



Qualified Commercial & Industrial Site Plan

Article IX of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Qualified Commercial & Industrial Site Plan process, including:

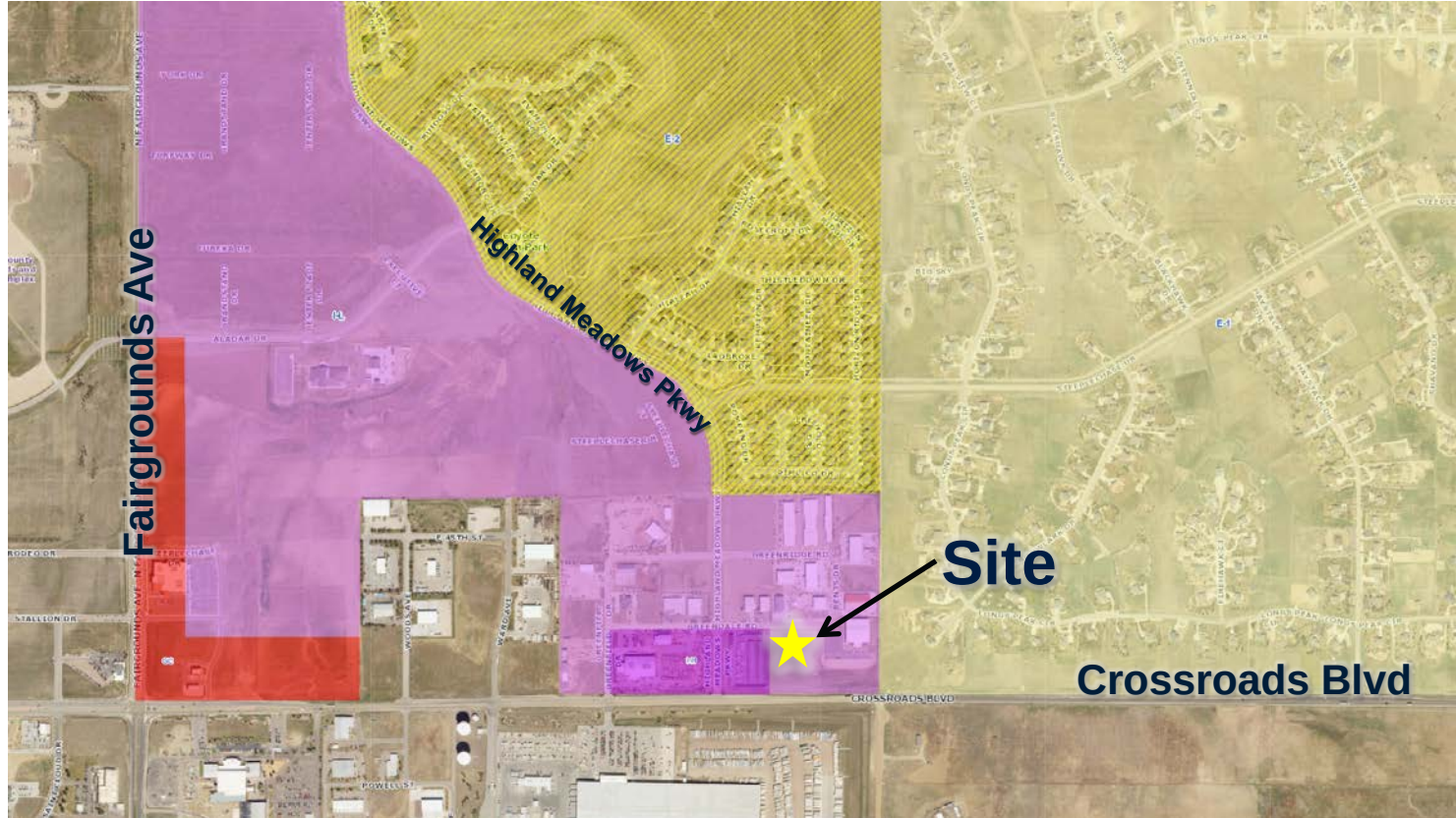
Sec. 17-9-10. Purpose.

“Commercial and industrial site plans proposed to be developed on lots that have either previously been subdivided or are presently being subdivided as part of a minor subdivision shall qualify for administrative site plan review in accordance with the requirements of this Section.”

Site Vicinity Map



Site Zoning Map





Site Plan

Site Plan characteristics:

- ~ 3.66 acres total
- industrial/office flex space building of 15,200 square feet (25% building coverage)
- approximately 22% landscaped/open area (15% required)
- 45 parking spaces (35 required)
- landscape buffers along Greendale Rd and western property boundary

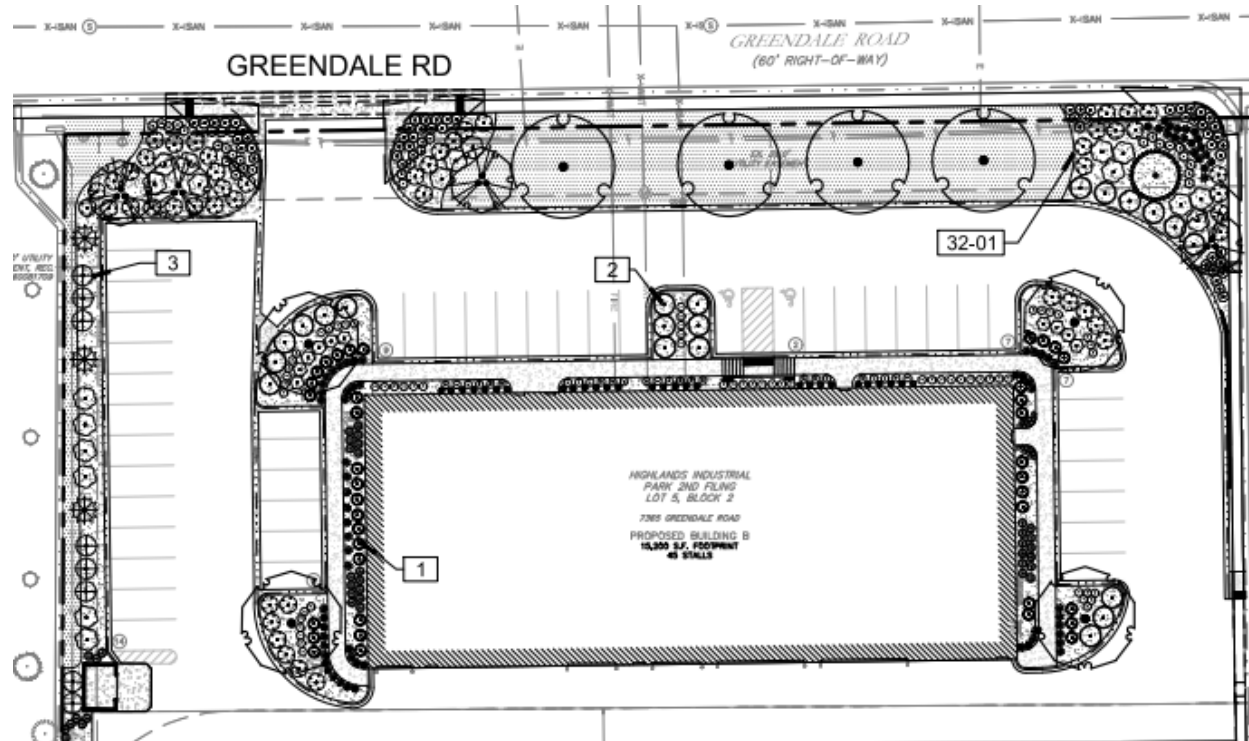
Building characteristics include:

- building articulation through varying building elements
- two-level building
- awnings over the doorways
- a combination of stone and varying metal siding façade elements
- incorporating some architectural elements and materials from the adjacent industrial flex building located on the same lot

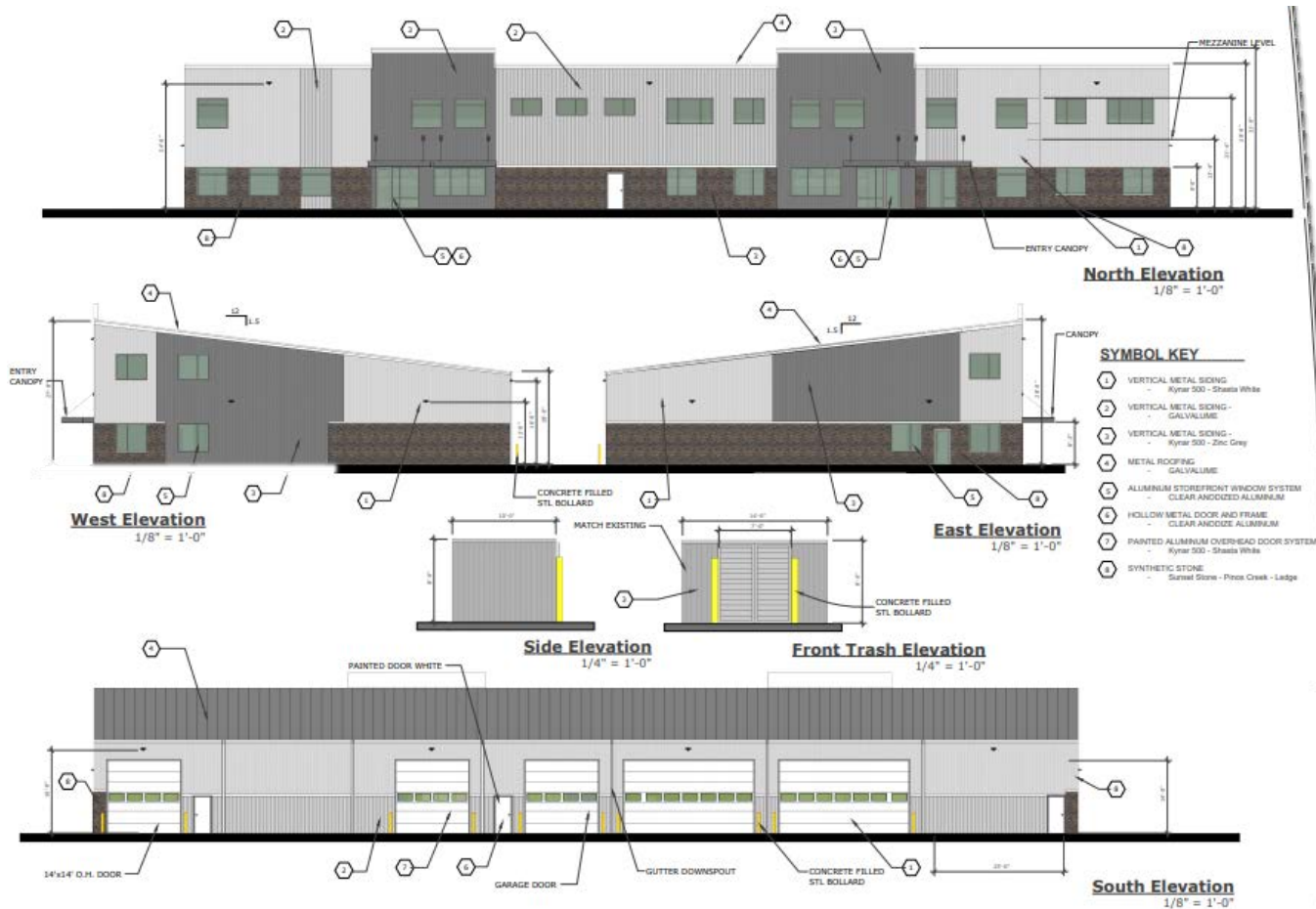


Site/Landscape Plan

SITE DATA TABLE			
ZONING		LIMITED INDUSTRIAL	
LAND USE AREAS			
AREA	SQ. FT.	ACRES	% OF TOTAL
PROPOSED BUILDING	15,200	0.35	25.0%
PROPOSED IMPERVIOUS	32,313	0.74	53.2%
PROPOSED LANDSCAPE/OPEN	13,275	0.30	21.8%
PROPOSED TOTAL SITE	60,788	1.40	38.2%
EXISTING DEVELOPED SITE	98,550	2.26	61.8%
OVERALL TOTAL SITE	159,338	3.66	100.0%
PARKING			
TYPE OF SPACE	REQUIRED	PROVIDED	
STANDARD (90' – 9' x 20')	35	43	
HANDICAP (VAN ACCESSIBLE)	2	2	
TOTAL	37	45	



Architectural Elevations





MEMORANDUM

Date: July 18, 2018
To: Planning Commission
From: Paul Hornbeck, Senior Planner
Re: Site Plan Presentation – River Valley Crossing Subdivision
2nd Filing Lot 2 (Public Service Credit Union) – Todd Rand,
Baseline Engineering, applicant's representative
Item #: C.2

Background / Discussion

The applicant's representative Mr. Todd Rand of Baseline Engineering is proposing a new site development in the River Valley Crossing Subdivision 2nd Filing. The site is zoned General Commercial (GC) and is located adjacent to properties other GC properties.

Overall development characteristics include:

- Total lot area of 1.6 acres
- 4,204 square foot building
- Approximately 20% landscaped area
- 34 parking stalls

Building characteristics include:

- Predominant building materials of stone veneer, stucco, and metal panels
- Maximum building height of approximately 24'
- Drive through lanes for ATMs and general banking

Additional site details can be seen in the enclosed staff PowerPoint.

The current presentation is intended for the Planning Commission's information. Should the Planning Commission have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff's review of the project. The site plan will be reviewed and approved administratively by staff; however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission for review.

Additionally, the applicant is hereby advised via this memorandum that another similar site plan presentation by the applicant is scheduled on July 23 for the Windsor Town Board.

Relationship to Comprehensive Plan

The application is consistent with the Comprehensive Plan, specifically the following goal(s) and objective(s):

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.

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Recommendation

No recommendation, as this item is for presentation purposes.

Attachments

Application Materials
PowerPoint Presentation

copy: Todd Rand, applicant

September 15, 2017

Town of Windsor, Colorado
Planning Department
301 Walnut Street
Windsor, CO 80550



**RE: Supporting Narrative
Project Development Plan Package for Proposed Public Service Credit Union
1635 Main Street, AKA Lot 2, River Valley Crossing Subdivision 2nd Filing
(Parcel ID 080719109005)**

Dear Sir or Madame:

Please find enclosed the completed Project Plan Development submittal package for the proposed Public Service Credit Union to be developed on Lot 2, River Valley Crossing Subdivision 2nd Filing. The project narrative below outlines the general components associated with the proposed development that, in conjunction with the other components of the submittal, shall indicate compliance and compatibility with the Town's Plan Principles and Policies applicable to the site.

Existing Site Description. The current zoning of the subject property is GC – General commercial. All adjacent properties to the north, east, south lie within the GC zoning district. Specifically, the property uses adjacent to the subject property include: North – Main Street (HWY 392); West – vacant land; South – vacant land; and East – vacant land. There is no observable detriment to the surrounding public welfare or adjacent businesses. The existing property is mostly vegetated with native vegetation and existing local asphalt streets to the north, east, south and west sides.

Proposed Site Development Overview. The development of Lot 2 as a credit union store entails the construction of a proposed building, parking area, driveway, storm water management features, landscaping, utilities, and related infrastructure. The site will provide adequate circulation and cross access from internal streets along the east side of the property, connecting to Main Street.

Table 1. Site Data Summary

Property Area	1.08 acres (proposed)
Proposed Building Size	4,204 square feet
Floor Area Ratio	0.09
Proposed Impervious Surface	0.68 acres (62.6%)
Open Space	37.4%

Corporate Headquarters
Downtown Golden
1950 Ford Street
Golden, Colorado 80401
Ph 303.940.9966
Fax 303.940.9969

High Plains
Downtown Greeley
710 11th Avenue, Suite 105
Greeley, Colorado 80631
Ph 970.353.7600
Fax 970.353.7601

Rocky Mountains
Ski Village
419 Oak Street, PO Box 770152
Steamboat Springs, Colorado 80477
Ph 970.879.1825
Fax 866.242.9106

Site Plan Requirements. The site is not a PUD; therefore a block scale model is not shown. Site access is internal; therefore CDOT permits are not required. The lot lines are different from the original plat, therefore a replat of the lot lines has been submitted.

Proper Use of Mitigative Techniques. As will be further explained in this narrative, the development of the property as a credit union store will not pose any observable detriment to the surrounding public welfare or adjacent businesses. Please refer to the General Operations and Landscaping and Buffer sections of this narrative.

Compliance with Applicable Laws and Ordinances. The proposed development shall satisfy the setback, buffers, landscaping, lighting, traffic, and infrastructure requirements as per the Town's Plan Principles and Policies, Code of Ordinances, and Engineering and Construction Standards. Please refer to the narrative for Customers and Parking, Landscaping and Buffer, Infrastructure to Accommodate Proposed Use, Pedestrian Access, and Utility Services sections for additional details. No variances are being sought as part of this development.

General Operations. Stores are open 9:00 AM to 6:00 PM Monday through Friday and 9:00 AM to 1:00 PM Saturdays. The Town of Windsor will find that the stores operate to the highest possible standards.

Customers and Parking. This particular project is proposing to have 36 parking spaces including two handicap stalls. Per Section 16-10-30 of the Town's Municipal Code, the credit union use requires a maximum of 1 space per 250 square feet of Gross Leasable Area. Based on a building area of 0.09 acres (or approximately 4,204 square feet), the maximum number of parking spaces required is 17, with one handicapped space. Four drive up ATM's are proposed for 24-hour service.

Landscaping and Buffers. The Town's Municipal Code (MC) Section 16-20-70, appropriate landscaping shall be required in accordance with this Code and any regulations adopted by the Town. All landscaping plans shall be submitted as part of the site plan herein required and shall be subject to approval by the Town. A landscape plan will be provided with the site plan submittal.

Pedestrian Access. The site provides pedestrian access to the proposed building from the existing sidewalk on the east side of the lot. This is achieved via the existing sidewalk adjacent to the internal Private Road. Bicycle parking is provided via a four-space bike rack.

Utility Services. Gas, fiber optic, electric service, sanitary sewer service and water service shall be provided to the subject property from existing infrastructure located near north and south sides of the site. A dumpster will also be provided to serve the property, at a location that does not impede pedestrian or vehicular circulation and away from any setbacks and buffers. Moreover, the dumpster will be enclosed in accordance with the requirements of MC Section 17-7-50.

Compliance with the Town's Comprehensive Plan. The essence of the Town of Windsor Comprehensive Plan (2016 update) is to provide guidelines and goals to promote growth in a manner that preserves history, culture, natural resources, and overall quality of life for the current and future residents and businesses of the Town of Windsor. The proposed Public Service Credit Union store adheres to the Town Planners' vision not only in terms of compliance with the Town's ordinances, but also in its values that govern its business strategy and culture.

- Community and Neighborhood Livability: The Public Service Credit Union store will be designed to conform to the Town's unique approach to community planning. The proposed building's prototypical design contains stone veneer, wood siding and other architectural elements. It is a business that is community oriented, and in the particular location where the store is intended on being developed, would promote the desire to have a unique business community.

- Economic Health: The benefits to the Town of Windsor and its citizens as a result of this development are multiple, and include the diversification of its tax base, jobs, and the provision of goods and services from various businesses. The Town of Windsor attracted Public Service Credit Union not only as a place where it can enjoy mutual economic benefits, but also because the Town values businesses that promote a positive community profile and uphold the highest consumer standards – Public Service Credit Union considers to be engrained in its culture.

Legal Description of the Site. Lot 2, River Valley Crossing Subdivision 2nd Filing.

Property Owner Information. Windsor 20 LLC, 3555 Stanford Rd, Suite 204, Fort Collins, CO 80525-4593.

General Construction Schedule. All applicable development and construction permits will be obtained and storm water pollution prevention measures implemented. The typical construction schedule lasts 120 – 150 days from Notice to Proceed to Certificate of Occupancy. After construction is complete, it takes no more than 30 days to train and open the store for business.

It is our hope that the Town of Windsor can truly appreciate the efforts and interest in making this development a reality and will find Public Service Credit Union to be a valued member of the community.

If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

Baseline Engineering

A handwritten signature in blue ink that reads "Todd G. Rand". The signature is written in a cursive, flowing style.

Todd G. Rand, PE
Project Engineer



Site Plan Presentation

River Valley Crossing
Subdivision 2nd Filing, Lot 2
(Public Service Credit Union)

Paul Hornbeck, Senior Planner

Planning Commission July 18, 2018



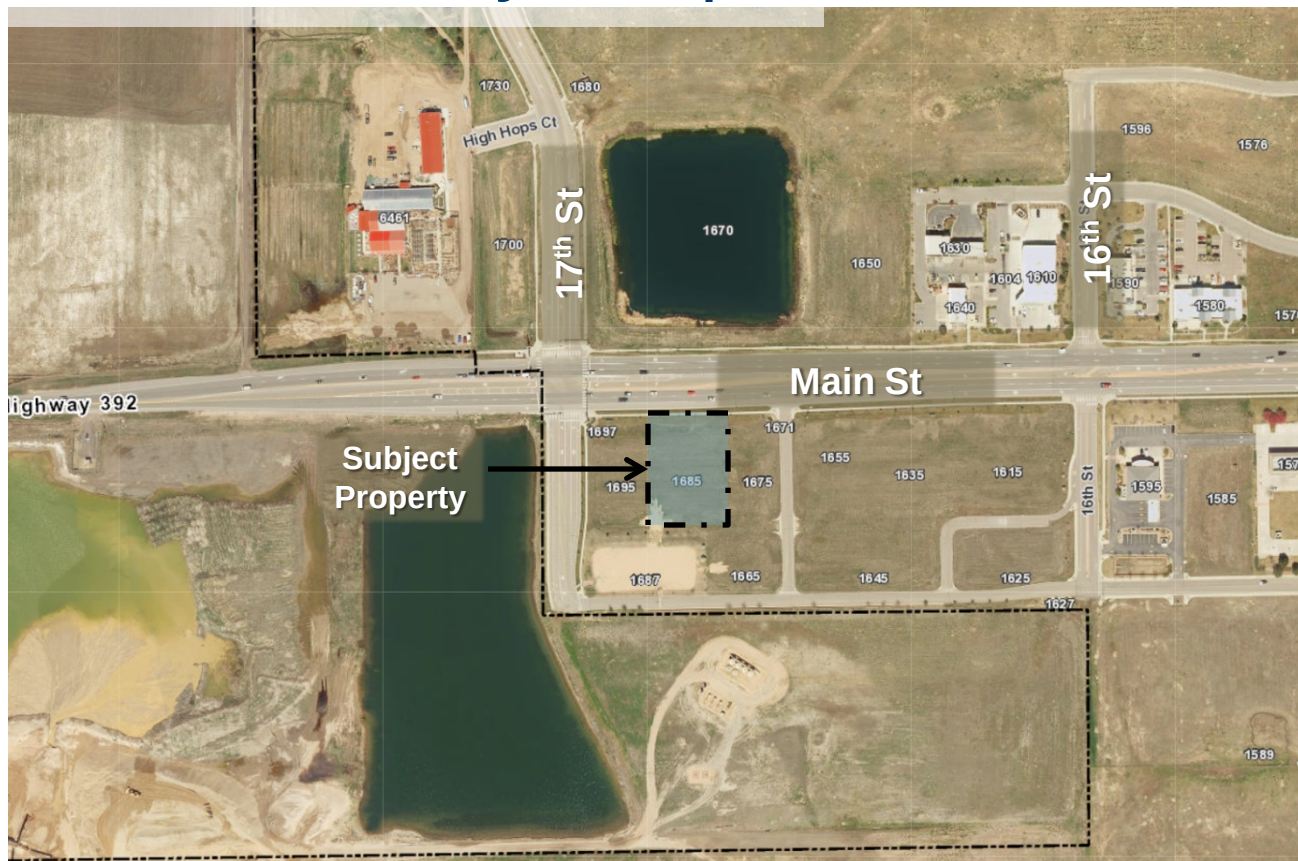
Qualified Commercial Site Plan

Article IX of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Qualified Commercial and Industrial Site Plan process, including:

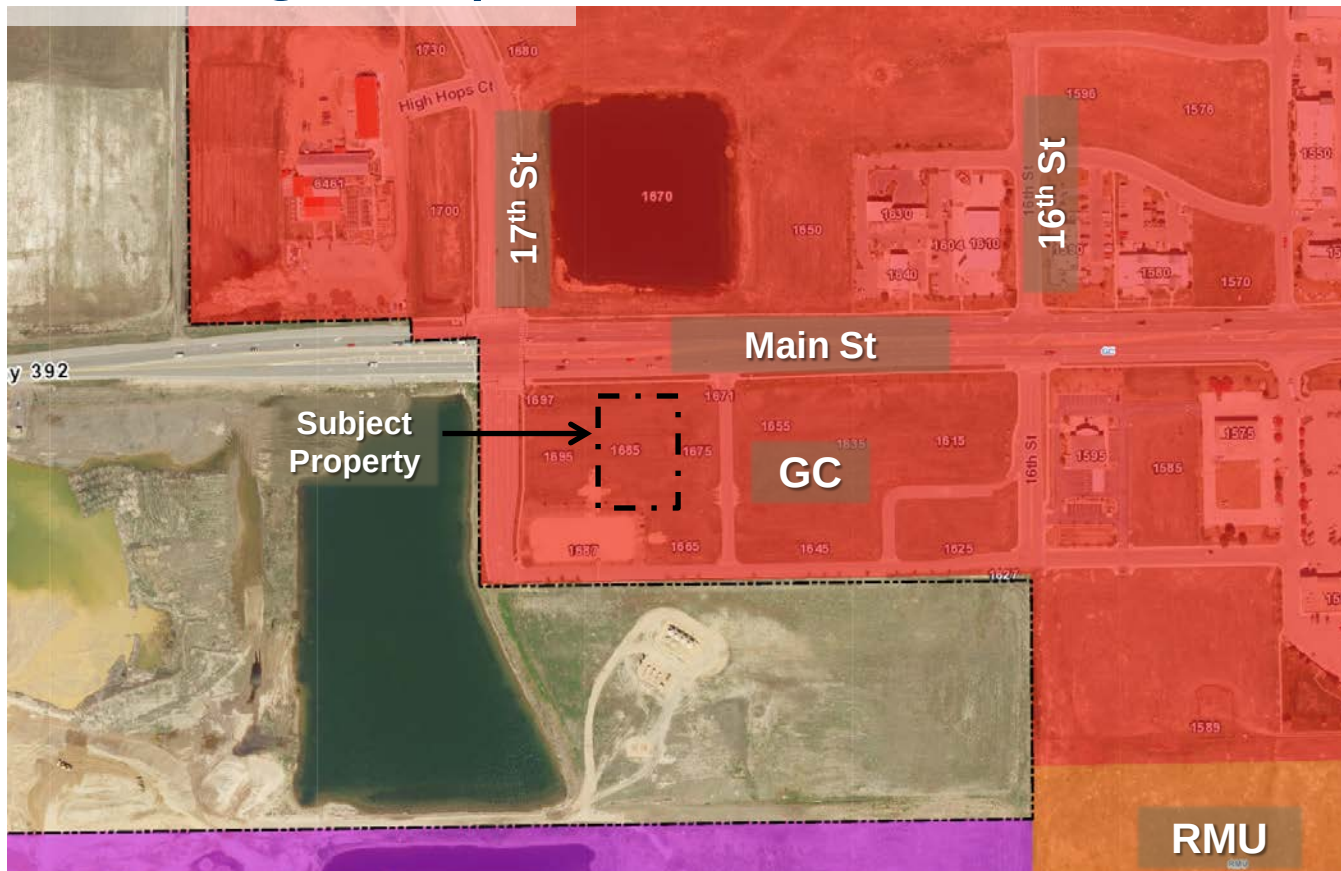
Sec. 17-9-10. Purpose.

Commercial and industrial site plans proposed to be developed on lots that have either previously been subdivided or are presently being subdivided as part of a minor subdivision shall qualify for administrative site plan review in accordance with the requirements of this Section. The provisions of this Section, as well as the administrative site plan review procedures set forth in Section 17-8-30, shall not apply to multifamily residential projects or site plans, which shall remain subject to the subdivision and site plan review procedures otherwise set forth in this Chapter.

Site Vicinity Map

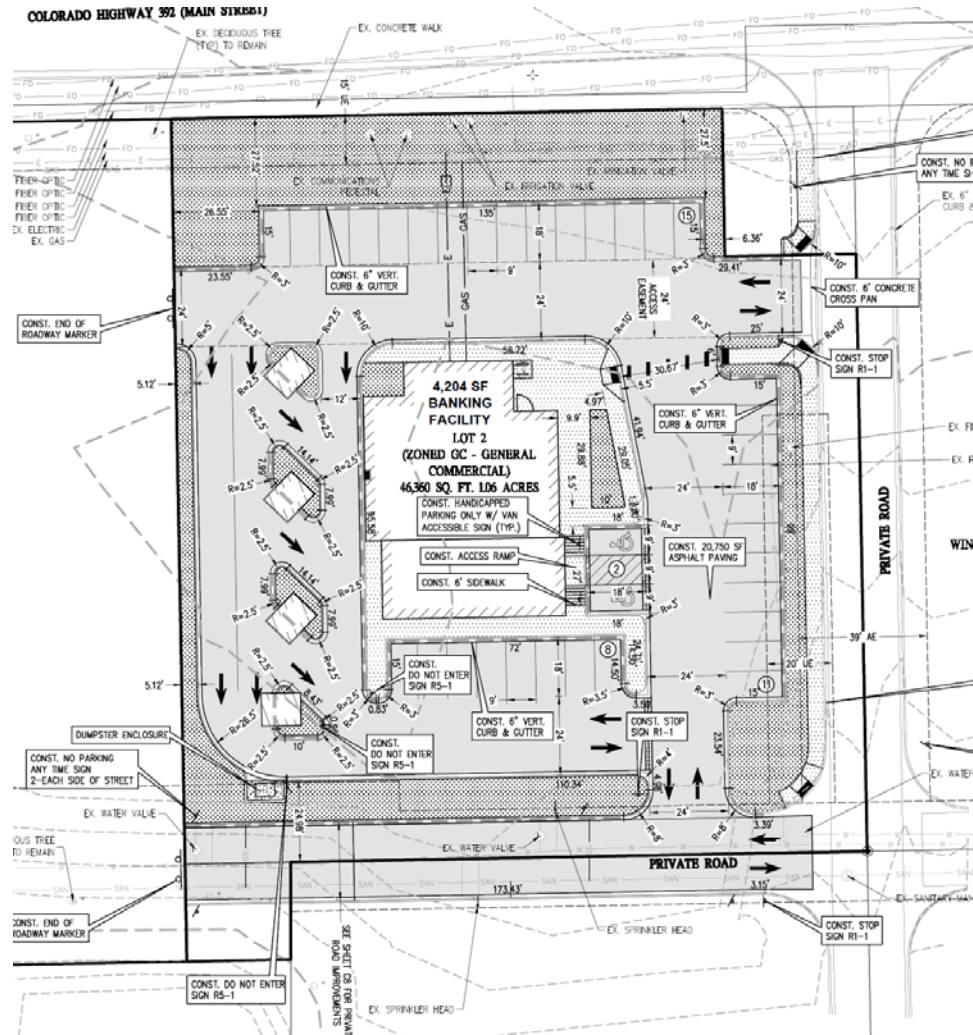


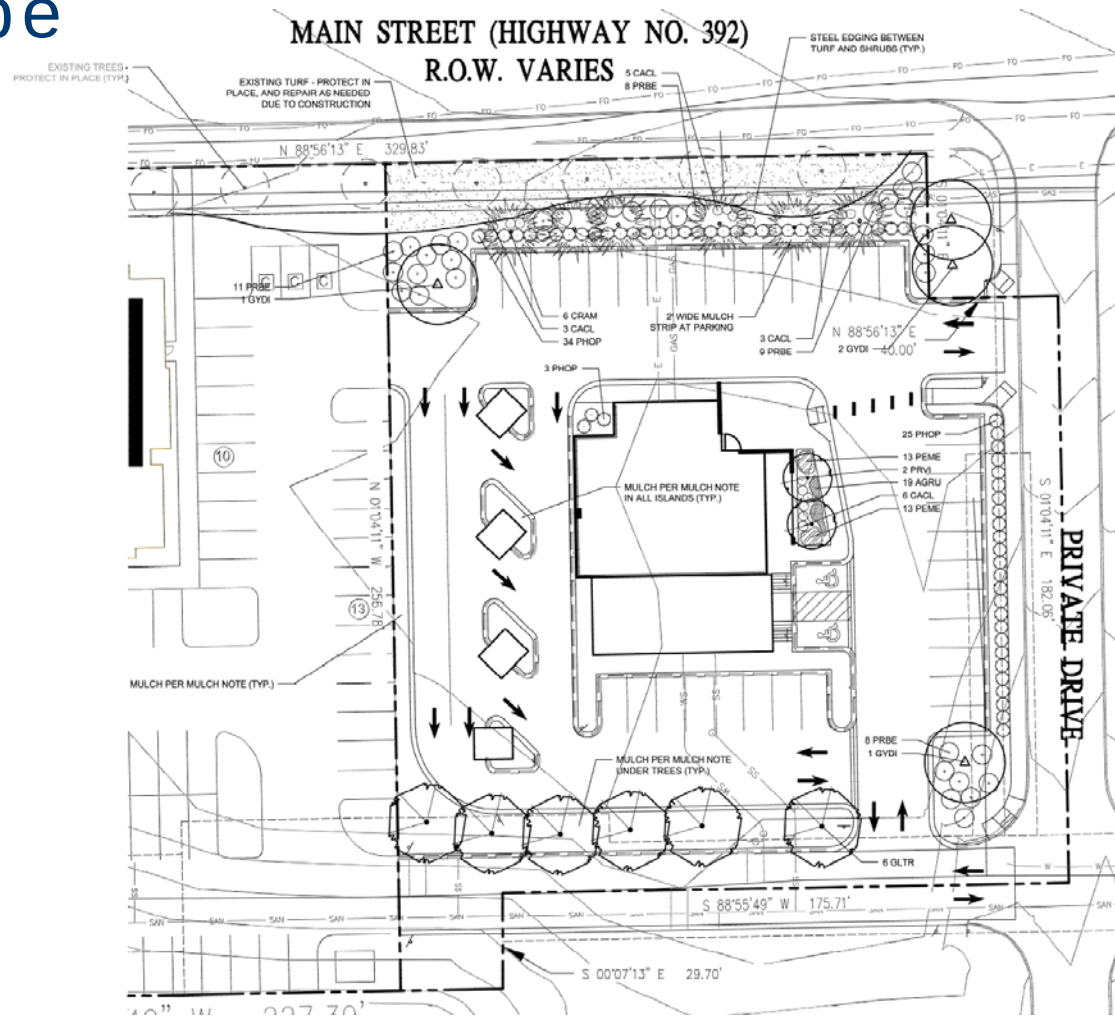
Zoning Map





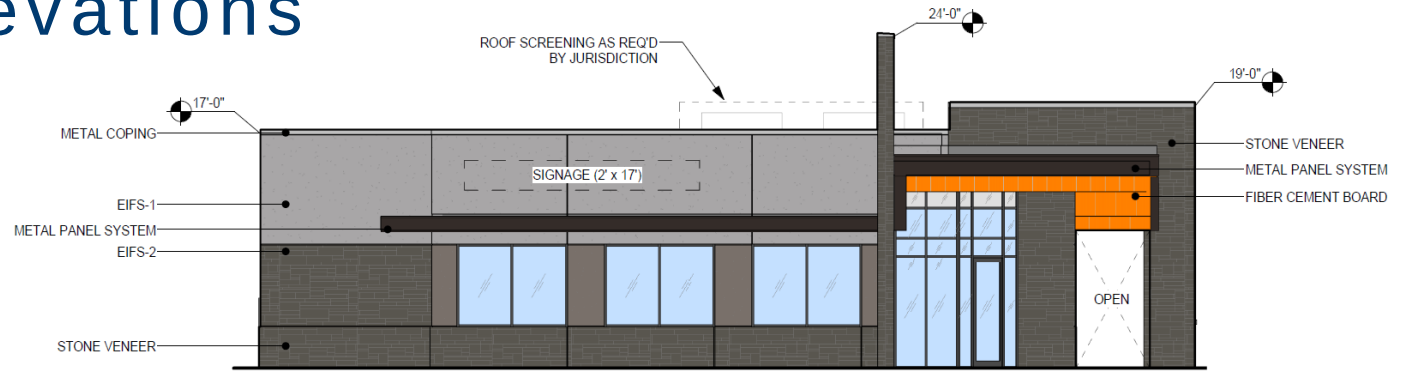
Site Plan





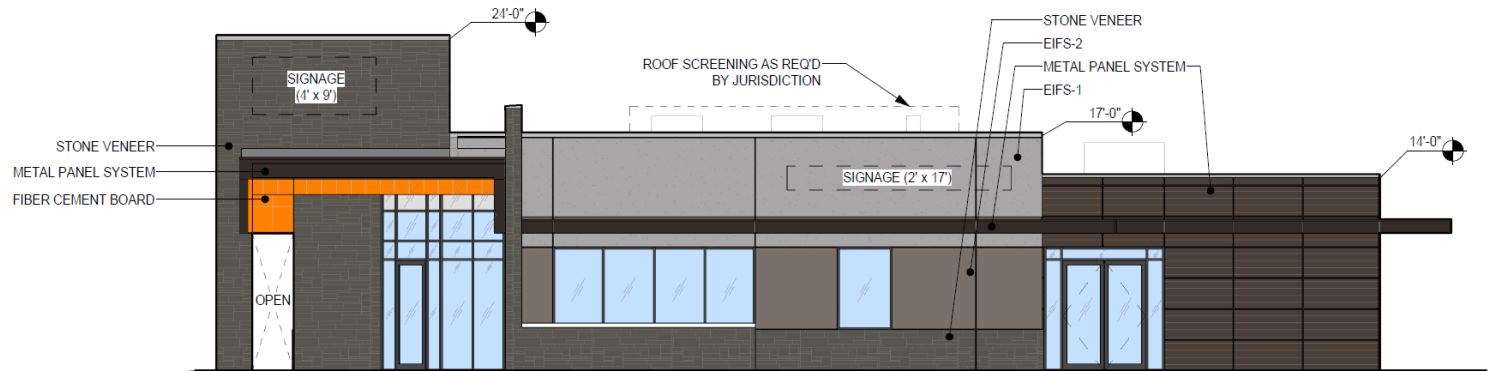


Building Elevations



Elevation 1

1/8" = 1'-0"

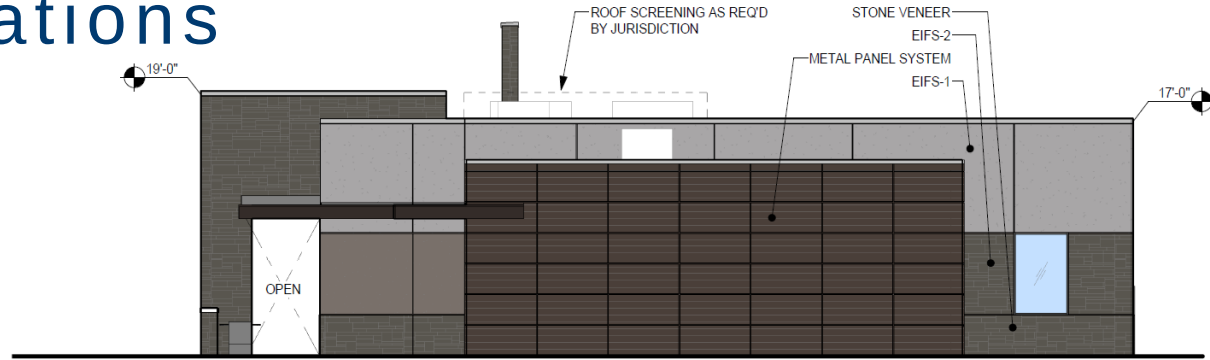


Elevation 2

Material

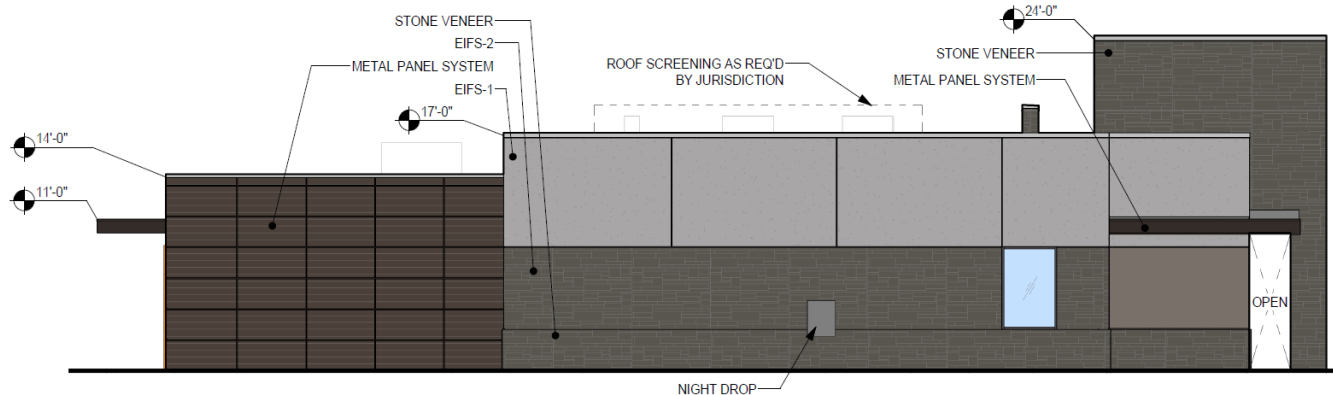


Building Elevations



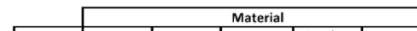
Elevation 3

1/8" = 1'-0"



Elevation 4

1/8" = 1'-0"



Building Renderings



Building Renderings



Building Renderings





MEMORANDUM

Date: July 18, 2018
To: Planning Commission
From: Millissa Berry, AICP, Senior Planner
Re: Public Hearing and Recommendation to Town Board, Concerning the Great Western 7th Annexation to the Town of Windsor – – GWIP, LLC and Windsor Renewal I, LLC, owners; Craig Stith, Great Western Development/OmniTrax, applicant; Cory Rutz, Otten Johnson Robinson Neff + Ragonetti, applicant's representatives
Item #: C.3 – C.4

Background / Discussion

The property owners, GWIP, LLC and Windsor Renewal I, LLC, represented by Mr. Craig Stith of Great Western Development/OmniTrax and Ms. Cory Rutz of Otten Johnson Robinson Neff + Ragonetti, have submitted a petition to annex approximately 349.108 acres to the Town of Windsor as Heavy Industrial (I-H) zoned property. The subject property is located east / southeast of the Great Western Industrial Park off of Eastman Park Drive and WCR 23.

The majority of the subject property is located within the Town's Growth Management Area, within which properties are favored to annex into the Town's corporate limits. A portion (south of the Poudre River) of the property is located within the Greeley Annexation Area. Town staff and City of Greeley staff discussed the situation and agreed to prepare for Town Board and City Council consideration an amendment to the intergovernmental agreement between the two communities to address properties that lie in both growth management areas. The property is also identified in the Town's East Side Industrial Subarea.

No development is currently proposed with this annexation petition. The purpose of the annexation is to prepare the properties for future development. When a development proposal is submitted for any of the properties, the proposal will be reviewed and processed in accordance with the Municipal Code.

The Comprehensive Plan Growth Strategy includes the property within in the Town's Secondary Growth Area. The property is adjacent to Developed and Primary Growth Areas to the north and west. The Land Use Plan of the 2016 Comprehensive Plan designates the majority of the property for Heavy Industrial land uses for the northern portions of the property. The southern portion in close proximity to the Cache La Poudre has the Parks, Open Space, Mineral Extraction and Flood Plain land use designation applied.

The Heavy Industrial (I-H) zoning that is proposed for the property reflects the future land use for the property. The zoning for abutting properties to the north and west within Town Limits is I-H. Abutting properties that surround the subject property and are outside town limits are zoned Agriculture (A) by Weld County. The City of Greeley's land use guidance map calls for industrial uses in the vicinity.

The Cache la Poudre River corridor is identified as a defining feature of the Windsor community per the 2016 Comprehensive Plan. Protection of the river corridor is also conveyed in the East Side Industrial Subarea Plan. As a condition of annexation, the Town had requested that the applicant grant to the Town a perpetual river corridor preservation easement, under which the Town and its agents may enter and improve the river bed and banks within an area confined to the FEMA-defined floodplain (as amended from time to time), with the further understanding that no improvements will be undertaken unless the specifications thereof are approved in advance by the Town. The intention is that this area would function as a transitional space between development and the river corridor trail / river habitat in the attempt to reduce conflicts for both trail users and property owners and to mitigate potential impacts on existing wildlife. In response, the applicant conveyed that they are not interested in an easement but would rather explore development of the property and preservation of the Poudre River after a future user is identified for the property. After identifying a future user, the applicant would discuss with the Town ways in which the needs of the future user and the desires of the Town to preserve the river corridor may best be met. This approach proposed by the applicant has been included in the annexation agreement.

The Comprehensive Plan calls for the extension of Crossroads Boulevard through the annexation area. The Town has requested the dedication of right-of-way for the extension of Crossroads Boulevard as well as an additional right-of-way along WCR 23 to be dedicated to Windsor. The dedication of the Crossroads Boulevard Right-of-Way will occur within 60 days of the completion of the preliminary concept design for the road. The dedication of the WCR 23 Right-of-Way will occur via separate written instrument at the time that the annexation agreement is recorded.

An annexation impact report (see packet materials) was prepared and sent to potentially impacted taxing districts as required by Colorado Revised Statutes (CRS). The report outlines details on the provision of utilities and services to the property, maintenance of infrastructure, and a finding of no impact to the school district due to the lack of a development proposal at this time and the I-H zoning proposed. Responses from the tax agencies included "no comment/conflict" or a request to review any development proposals when submitted. Tax agency responses received are included in the packet materials.

Referral agencies, including the Colorado Department of Transportation, City of Greeley, Colorado Parks and Wildlife, Poudre River Trail Corridor Inc, others, were also notified of the annexation request. City of Greeley and Poudre River Trail Corridor, Inc. did convey that associated agency plans call for the protection of the river corridor from development. Other referral agencies relayed no conflicts to staff. Referral agency responses are included in the packet materials.

At its April 23, 2018 regular meeting, the Town Board, by resolution, initiated annexation proceedings for the property. At its June 11, 2018 regular meeting, the Town Board adopted Resolution No. 2018-047 that declared certain findings of fact concerning the Great Western 7th Annexation; determined substantial compliance with Colorado Municipal Annexation Act (1965); and established public hearing dates before the Planning Commission and the Town Board. The

established hearing dates were July 18, 2018 for the Planning Commission and July 23, 2018 by the Town Board.

On June 7, 2018, the applicant held a neighborhood meeting. One neighbor attended. The neighbor conveyed a request to the Town to not annex enclaves created by the annexation and not to zone the properties in a manner that would allow multi-family land uses in the area (industrial was acceptable). Notes from the neighborhood meeting are included in the meeting packet (see response letter).

Staff has reviewed the application and makes the following determinations:

- The plat is consistent with the petition submitted;
- The property is eligible for annexation based on contiguity and community of interest between the proposed property and annexing municipality (ability to be urbanized);
- No limitations for annexation exist in this case;
- An election is not required.

Financial Impact

Per the Town of Windsor Municipal Code, financing and installation of any infrastructure extensions shall be the sole responsibility of the developer. At this time no development is proposed for the property. The current WCR 23 will be maintained by the Town. The future (expanded) WCR 21 and the Crossroads Boulevard rights-of-way will be maintained by the Town once they are established.

Relationship to Comprehensive Plan

Because development is not proposed at this time, many Comprehensive Plan goals and objectives do not apply to this particular situation. The main reason for the annexation is due to the property's location within the Town's Growth Management Area and the applicant's preparation for future development on the properties. The following goal and objective of the 2016 Comprehensive Plan are relative to the subject annexation.

Chapter 5b – Growth Framework

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

Objective: Work cooperatively with adjacent municipalities to coordinate future land use and development within intergovernmental planning areas...

Relationship to Strategic Plan

Because no development is proposed with this annexation request, its relationship to the Strategic Plan cannot be assessed. At this time, the applicant has no plans to develop the property. If and when any development proposals are submitted for review, the relationship to the Strategic Plan will be evaluated.

Notification

The following notifications were completed in accordance with the Municipal Code:
Public hearing notifications for Planning Commission and Town Board public hearings were as follows:

- 6/7/18 – neighborhood meeting
 - o Announcement in the Greeley Tribune and Windsor Beacon newspapers – 5/23/18
 - o Mailed notice to neighbors – 5/24/18
- 6/11/18 – TB Resolution 2018-47 setting hearing dates for July 18, 2018 (PC) & July 23, 2018 (TB)
- 6/18/18 – staff submitted legal ad to the newspaper to run four consecutive weeks
 - o 6/22/18 – 1st week legal ad
 - o 6/29/18 – 2nd week legal ad
 - o 7/6/18 – 3rd week legal ad
 - o 7/13/18 – 4th week legal ad
- 6/18/18 – staff mailed certified packets to relevant taxing districts
- 6/19/18 – annexation sign posted on property
- 6/19/18 – public hearing notice on Town website
- 7/6/18 - letters mailed to surrounding property owners

Recommendation

Staff recommends that the Planning Commission forward a recommendation of approval of the Great Western 7th Annexation and Heavy Industrial (I-H) zoning designation to the Town Board, as presented with the condition that all outstanding staff comments on annexation map are adequately addressed prior to recording of the annexation map.

Attachments

- Application materials
- Annexation petition
- Annexation plat
- Annexation impact report
- Tax agency and referral agency responses
- Applicant's response letter – includes neighborhood meeting notes
- PowerPoint presentation

cc: Craig Stith, applicant/applicant's representative
Cory Rutz, applicant's representative

OTTENJOHNSON
ROBINSON NEFF + RAGONETTI_{PC}

February 14, 2018

CORY M. RUTZ
303 575 7531
CRUTZ@OTTENJOHNSON.COM

Planning & Zoning Department
Town of Windsor
301 Walnut Street
Windsor, Colorado 80550

Attention: Scott Ballstadt

Re: Community Need for the Proposed Great Western 7th Annexation and Zoning

Dear Mr. Ballstadt:

We are submitting this statement in connection with the annexation petition for the Great Western Seventh Annexation, which respectfully requests that certain real property (the “**Property**”) be annexed to the Town of Windsor, Colorado (the “**Town**”). The purpose of this letter is to satisfy the requirement in Section 15-1-30(d)(8) of the Windsor Municipal Code (the “**Code**”), which requires that applications for annexation to the Town include a “statement on the community need for the proposed annexation and zoning.” The required statement pertaining to the proposed initial zoning of the Property is set forth in the letter submitted with the zoning application for the Property.

The Town’s 2016 Comprehensive Plan (the “**Plan**”) maps a Growth Management Area (“**GMA**”) for the purposes of identifying areas where future development should be directed and contained, as well as delineating areas for future annexation. The Plan also identifies a three-mile planning area (“**3-Mile Area**”), which includes both the entire GMA as well as certain other property outside of the GMA. As required by C.R.S. § 31-12-105, a three-mile plan must be in place prior to submission of any annexation petition to the Town. The Property lies within both the GMA and the 3-Mile Area, and has therefore identified the Property as suitable for future annexation.

The western portion of the Property is also located within the East Side Industrial Subarea, as defined in the Town’s 2006 East Side Industrial Subarea Plan, which creates a framework for the eventual annexation and development of the property located within the East Side Industrial Subarea. Consistent with the Plan and the East Side Industrial Subarea Plan, the properties adjacent to the north and to the west of the Property have both been annexed to the Town. The property adjacent to the east of the Property has been annexed to Greeley. Accordingly, the Town’s annexation of the Property will create a clear demarcation of the boundary between the Town and the City of Greeley and will be consistent with the East Side Industrial Subarea Plan.

February 14, 2018
Page 2

On behalf of the applicant, we look forward to working with the Town throughout this process. Please feel free to contact me with any questions or comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cory Rutz", with a large, stylized loop at the end.

Cory M. Rutz
for the Firm

1345084.3



DAN SEEGMILLER, SUPERINTENDENT
STEPHANIE WATSON, ASST. SUPERINTENDENT

March 30, 2018

Town of Windsor Planning Department
301 Walnut Street
Windsor, CO 80550

RE: Great Western 7th Annexation

The above referenced project is located east of Weld County Road 23 and south of Weld County Road 64 3/4. The proposed annexation would change the zoning from agriculture to heavy industrial and there will not be a student impact on the School District.

The School District respectfully requests the opportunity to respond with comments should the use of the property change. Your continuing cooperation is sincerely appreciated, as is the opportunity to comment upon issues of interest to the Town, the School District and our mutual constituents. Should you have questions or desire further information, please contact me at your convenience.

Sincerely,

Stephanie R. Watson

Stephanie R. Watson
Assistant Superintendent of Business Services

**ANNEXATION PETITION
FOR GREAT WESTERN SEVENTH ANNEXATION**

TO THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO:

The undersigned (“**Petitioner(s)**”), in accordance with the Municipal Annexation Act of 1965, Chapter 31, Article 12, of the Colorado Revised Statutes, 1973, as amended, hereby petition the Town Board of the Town of Windsor for annexation to the Town of Windsor (this “**Petition**”) of the following described unincorporated territory located in the County of Weld, State of Colorado, to wit:

**LEGAL DESCRIPTION – SEE EXHIBIT A ATTACHED HERETO AND
INCORPORATED HEREIN BY THIS REFERENCE (the “Property”)**

And in support of this Petition, Petitioner(s) allege that:

1. It is desirable and necessary that the Property be annexed to the Town of Windsor.
2. The condition set forth in section 30(1)(b) of article II of the state constitution has been met, the provisions of section 30 of article II of the state constitution have been complied with and the requirements of CRS 31-12-104 and CRS 31-12-105 exist or have been met in that:
 - a) Not less than one-sixth of the perimeter of the Property is contiguous with the existing boundaries of the Town of Windsor.
 - b) Contiguity with the Town of Windsor is not established by any boundary:
 - (i) of an area previously annexed to the Town of Windsor that, at the time of its annexation, was not contiguous at any point with the boundary of the Town of Windsor, was not otherwise in compliance with CRS 31-12-104(1)(a) and was located more than three miles from the nearest boundary of the Town of Windsor (“**Non-Contiguous Area**”); or
 - (ii) of territory subsequently annexed directly to, or indirectly connected through subsequent annexations to, a Non-Contiguous Area.
 - c) A community of interest exists between the Property and the Town of Windsor.
 - d) The Property is urban or will be urbanized in the near future.
 - e) The Property is integrated or is capable of being integrated with the Town of Windsor.
 - f) In establishing the boundaries of the Property, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

- (i) has been divided into separate parts or parcels without the written consent of the landowner(s) thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way.
 - (ii) comprising 20 acres or more, which together with the buildings and improvements situated thereon, has a valuation for assessment in excess of two-hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation, is included without the written consent of the landowner(s) thereof.
 - g) The Property is not presently a part of any incorporated city, city and county, or town; nor have any proceedings been commenced for incorporation or annexation of an area that is part or all of the Property to another municipality; nor has any election for annexation of the Property or substantially the same territory to the Town of Windsor been held within the 12 months immediately preceding the filing of this Petition.
 - h) The proposed annexation will not result in detachment of area from any school district or attachment of same to another school district.
 - i) Except to the extent necessary to avoid dividing parcels within the Property held in identical ownership, at least 50% of which are within the three mile limit, the proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of the Town of Windsor boundary in any one year.
 - j) The proposed annexation will not result in the denial of reasonable access to any landowner, owner of an easement, or owner of a franchise adjoining a platted street or alley which has been annexed by the Town of Windsor but is not bounded on both sides by the Town of Windsor.
 - k) The entire width of any platted street or alley to be annexed is included within the Property.
3. Petitioner(s) comprise more than 50% of the landowners in the Property and own more than 50% of the Property, excluding public streets and alleys and any land owned by the Town of Windsor.
 4. The legal description of the land owned by each Petitioner is set forth in Exhibit B attached hereto and incorporated herein by this reference.
 5. The mailing address of Petitioner(s) and the date of signing of each Petitioner's signature are shown on this Petition.
 6. Attached to this Petition as Exhibit C and incorporated herein by this reference is the Affidavit of the Circulator of this Petition affirming that each signature hereon is the signature of the person whose name it purports to be.

7. Accompanying this Petition are four copies of an annexation map containing the following information:
- a) A written legal description of the boundaries of the Property;
 - b) A map showing the boundary of the Property;
 - c) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
 - d) Next to the boundary of the Property, a drawing of the contiguous boundary of the Town of Windsor and the contiguous boundary of any other municipality abutting the Property.
8. Petitioner(s) have filed this Petition subject to, and the consent to annexation of the Property to the Town of Windsor is conditioned upon, satisfaction of the following conditions, any one or more of which may be waived by Petitioner(s) in Petitioner(s) sole discretion:
- a) Concurrently with the Town of Windsor's approval of annexation of the Property, the Town of Windsor approves (i) zoning for the Property that is substantially consistent with the request for zoning which Petitioner(s) submit in connection with this Petition; and (ii) execution of an annexation agreement on terms and conditions mutually acceptable to Petitioner(s) and the City ("**Annexation Agreement**").
 - b) Petitioner(s) hereby reserve for themselves the sole, exclusive and unilateral right to withdraw this Petition by so notifying the Clerk of the Town of Windsor in writing at any point prior to the latest to occur of: (i) the latest final, non-appealable approval of the final ordinance(s) or other final approval(s) approving (A) annexation of the Property; (B) zoning of the Property; and (C) the Annexation Agreement as requested by this Petition; (ii) final, non-appealable resolution of any "Legal Challenge" (defined below); or (iii) any later date as may be set forth in the Annexation Agreement. For purposes of this Petition, "**Legal Challenge**" means either: (i) any third party commences any legal proceeding or other action that directly or indirectly challenges the annexation of the Property, the Annexation Agreement, the approved zoning of the Property or any of the Town of Windsor's ordinances, resolutions or other approvals approving any of the foregoing; or (ii) any third party submits a petition for a referendum seeking to reverse or nullify any of such ordinances.
 - c) Prior to expiration of the period described in the foregoing subparagraph (b) without Petitioner(s) having withdrawn the Petition, neither Petitioner(s) nor the Town of Windsor shall cause or permit the occurrence of the conditions to effectiveness of the annexation as set forth in CRS 31-12-113(2)(b).

9. Upon the annexation of the Property becoming effective, and subject to the conditions set forth in this Petition and to be set forth in the Annexation Agreement, the Property shall become subject to the Town of Windsor Charter and all ordinances, resolutions, rules and regulations of the Town of Windsor, except as otherwise may be set forth in the Annexation Agreement, and except for general property taxes of the Town of Windsor, which shall become effective on January 1 of the next succeeding year following the date on which annexation of the Property becomes legally effective.
10. Except for the terms and conditions of this Petition and of the Annexation Agreement, which terms and conditions Petitioner(s) expressly approve and therefore do not constitute an imposition of additional terms and conditions within the meaning of CRS 31-12-107(4), -110(2), -111 or -112(1), Petitioner(s) request that no additional terms and conditions be imposed upon annexation of the Property to the Town of Windsor.

Petitioner(s) hereby request that the Town of Windsor approve the annexation of the Property pursuant to the provisions of CRS 31-12-101 *et seq.*, as amended.

[Signature Pages Follow This Page]

Respectfully submitted this 5th day of April, 2018.

Petitioner(s):

GWIP, LLC,
a Colorado limited liability company

By: [Signature]
Name: Kevin Shuba
Title: Manager, CEO

Date of Signature: 4-5-2018

Address: 252 Clayton Street
Denver, Colorado 80218

Is Petitioner a resident of the Property?: No.

NOTARY CERTIFICATE

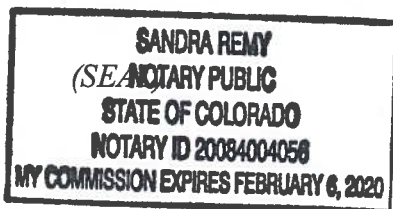
STATE OF Colorado)
) ss.
[CITY AND]COUNTY OF _____)

The foregoing instrument was acknowledged before me this 5th day of April, 2018 by Kevin Shuba as Manager, CEO of GWIP, LLC, a Colorado limited liability company.

WITNESS my hand and official seal. Notary Public:

Address:

[Signature]
252 Clayton
Denver, CO 80206
Street Number, Street Name, City, State and Zip Code



My Commission Expires: 2-6-2020

WINDSOR RENEWAL I, LLC,
a Colorado limited liability company

By: [Signature]

Name: Kevin Shuba

Title: Manager; CEO

Date of Signature: 4-5-2018

Address: 252 Clayton Street, 4th Floor
Denver, Colorado 80218

Is Petitioner a resident of the Property?: No.

NOTARY CERTIFICATE

STATE OF Colorado)
) ss.
[CITY AND]COUNTY OF Denver)

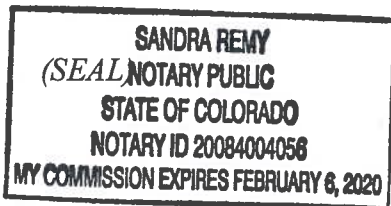
The foregoing instrument was acknowledged before me this 5th day of April,
20 18 by Kevin Shuba as Manager; CEO of WINDSOR RENEWAL I, LLC, a
Colorado limited liability company.

WITNESS my hand and official seal. Notary Public:

Address:

[Signature]
252 Clayton
Denver, CO 80206

Street Number, Street Name, City, State and Zip Code



My Commission Expires: 2-6-2020

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

A parcel of land being the Southwest Quarter of Section Twenty-five (25), a portion of the Southeast Quarter of Section Twenty-six (26), a portion of the Northwest Quarter of Section Thirty-six (36), the Easterly 30 feet of the Northeast Quarter of Section Thirty-five (35), and a portion of the Southwest Quarter of Section Thirty-six (36) lying north of the centerline of the Cache la Poudre River as defined in the ALTA survey recorded March 6, 2007 as Rec. No. 3460125, all in Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, more particularly described as follows:

BEGINNING at the West Quarter Corner of said Section 25 and assuming the North line of the Southwest Quarter of said Section 25 as bearing North 89°31'53" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2643.08 feet with all other bearings contained herein relative thereto;

THENCE North 89°31'53" East along the North line of the Southwest Quarter of said Section 25 a distance of 2643.08 feet to the Center Quarter corner of said Section 25;

THENCE South 00°15'34" East along the East line of the Southwest Quarter of said Section 25 a distance of 2634.20 feet to the South Quarter corner of said Section 25;

THENCE South 03°30'59" East along the East line of the Northwest Quarter of said Section 36 a distance of 2648.13 feet to the Center Quarter corner of said Section 36.

THENCE South 89°31'56" West along the South line of the Northwest Quarter of said Section 36 a distance of 687.85 feet to the centerline of the Cache la Poudre River as described in said ALTA survey recorded March 6, 2007 as Rec. No. 3460125;

The following 27 courses are along the centerline of the Cache la Poudre River as described in said ALTA survey recorded March 6, 2007 as Rec. No. 3460125:

THENCE South 40°17'29" West a distance of 81.86 feet;
THENCE South 42°04'07" West a distance of 139.62 feet;
THENCE South 57°32'37" West a distance of 70.01 feet;
THENCE South 74°00'06" West a distance of 106.31 feet;
THENCE North 78°47'04" West a distance of 60.23 feet;
THENCE North 58°54'54" West a distance of 35.91 feet;
THENCE North 79°15'13" West a distance of 39.26 feet;
THENCE North 85°27'19" West a distance of 71.29 feet;
THENCE North 78°24'22" West a distance of 41.11 feet;
THENCE North 80°57'59" West a distance of 195.11 feet;
THENCE North 71°05'11" West a distance of 82.69 feet;
THENCE North 60°40'54" West a distance of 74.98 feet;
THENCE North 80°24'14" West a distance of 123.58 feet;
THENCE South 72°53'39" West a distance of 46.01 feet;
THENCE South 59°17'02" West a distance of 91.96 feet;
THENCE South 50°01'58" West a distance of 81.34 feet;
THENCE South 73°40'17" West a distance of 59.23 feet;
THENCE South 58°13'46" West a distance of 32.03 feet;
THENCE South 72°13'25" West a distance of 43.67 feet;
THENCE South 44°50'44" West a distance of 67.18 feet;
THENCE South 72°33'29" West a distance of 44.82 feet;
THENCE South 52°56'31" West a distance of 45.94 feet;
THENCE South 35°41'23" West a distance of 89.11 feet;
THENCE South 55°18'57" West a distance of 47.01 feet;
THENCE South 31°10'10" West a distance of 22.55 feet;
THENCE South 06°46'35" East a distance of 107.16 feet;
THENCE South 46°09'50" West a distance of 42.27 feet;

THENCE North 36°26'43" West on a course departing from said river a distance of 116.97 feet;

THENCE North 44°51'43" West a distance of 646.18 feet to the West Quarter Corner of said Section 36;

THENCE South 89°51'43" West along the South line of the Northeast Quarter of said Section 35 a distance of 30.00 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Northeast Quarter of said Section 35;

THENCE North 00°33'37" West along said parallel line a distance of 2639.80 feet to the North line of the Northeast Quarter of said Section 35;
The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot C of RE 1245;
THENCE South 89°39'11" West a distance of 709.59 feet;
THENCE North 00°18'28" West a distance of 648.00 feet;
THENCE North 89°38'31" East a distance of 709.45 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
THENCE North 00°19'12" West along said line a distance of 1769.99 feet the Southerly line of Lot A of RE 455.
The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot A of RE 455;
THENCE South 88°02'10" West a distance of 280.65 feet;
THENCE North 01°22'02" East a distance of 195.05 feet;
THENCE North 89°40'44" East a distance of 274.79 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
THENCE North 00°19'12" West along said line a distance of 33.57 feet to the North line of the aforesaid Southeast Quarter;
THENCE North 89°41'50" East along the North line of the Southeast Quarter of said Section 26 a distance of 30.00 feet to the West Quarter Corner of said Section 25 and to the POINT OF BEGINNING.

Said parcel contains 349.108 acres, more or less.

EXHIBIT B
LEGAL DESCRIPTION OF
THE PORTION OF THE PROPERTY OWNED BY EACH PETITIONER

Legal description of the property owned by GWIP, LLC, a Colorado limited liability company:

A parcel of land being the Southwest Quarter of Section Twenty-five (25), a portion of the Southeast Quarter of Section Twenty-six (26), a portion of the Northwest Quarter of Section Thirty-six (36), the Easterly 30 feet of the Northeast Quarter of Section Thirty-five (35), and a portion of the Southwest Quarter of Section Thirty-six (36) lying north of the centerline of the Cache la Poudre River as defined in the ALTA survey recorded March 6, 2007 as Rec. No. 3460125, all in Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, more particularly described as follows:

BEGINNING at the West Quarter Corner of said Section 25 and assuming the North line of the Southwest Quarter of said Section 25 as bearing North 89°31'53" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2643.08 feet with all other bearings contained herein relative thereto;

THENCE North 89°31'53" East along the North line of the Southwest Quarter of said Section 25 a distance of 2643.08 feet to the Center Quarter corner of said Section 25;

THENCE South 00°15'34" East along the East line of the Southwest Quarter of said Section 25 a distance of 2634.20 feet to the South Quarter corner of said Section 25;

THENCE South 03°30'59" East along the East line of the Northwest Quarter of said Section 36 a distance of 2648.13 feet to the Center Quarter corner of said Section 36.

THENCE South 89°31'56" West along the South line of the Northwest Quarter of said Section 36 a distance of 687.85 feet to the centerline of the Cache la Poudre River as described in said ALTA survey recorded March 6, 2007 as Rec. No. 3460125;

The following 27 courses are along the centerline of the Cache la Poudre River as described in said ALTA survey recorded March 6, 2007 as Rec. No. 3460125:

THENCE South 40°17'29" West a distance of 81.86 feet;
THENCE South 42°04'07" West a distance of 139.62 feet;
THENCE South 57°32'37" West a distance of 70.01 feet;
THENCE South 74°00'06" West a distance of 106.31 feet;
THENCE North 78°47'04" West a distance of 60.23 feet;
THENCE North 58°54'54" West a distance of 35.91 feet;
THENCE North 79°15'13" West a distance of 39.26 feet;
THENCE North 85°27'19" West a distance of 71.29 feet;
THENCE North 78°24'22" West a distance of 41.11 feet;
THENCE North 80°57'59" West a distance of 195.11 feet;
THENCE North 71°05'11" West a distance of 82.69 feet;
THENCE North 60°40'54" West a distance of 74.98 feet;
THENCE North 80°24'14" West a distance of 123.58 feet;
THENCE South 72°53'39" West a distance of 46.01 feet;
THENCE South 59°17'02" West a distance of 91.96 feet;
THENCE South 50°01'58" West a distance of 81.34 feet;
THENCE South 73°40'17" West a distance of 59.23 feet;
THENCE South 58°13'46" West a distance of 32.03 feet;
THENCE South 72°13'25" West a distance of 43.67 feet;
THENCE South 44°50'44" West a distance of 67.18 feet;
THENCE South 72°33'29" West a distance of 44.82 feet;
THENCE South 52°56'31" West a distance of 45.94 feet;
THENCE South 35°41'23" West a distance of 89.11 feet;
THENCE South 55°18'57" West a distance of 47.01 feet;
THENCE South 31°10'10" West a distance of 22.55 feet;
THENCE South 06°46'35" East a distance of 107.16 feet;
THENCE South 46°09'50" West a distance of 42.27 feet;

THENCE North 36°26'43" West on a course departing from said river a distance of 116.97 feet;
 THENCE North 44°51'43" West a distance of 646.18 feet to the West Quarter Corner of said Section 36;
 THENCE South 89°51'43" West along the South line of the Northeast Quarter of said Section 35 a distance of 30.00 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Northeast Quarter of said Section 35;
 THENCE North 00°33'37" West along said parallel line a distance of 2639.80 feet to the North line of the Northeast Quarter of said Section 35;
 The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot C of RE 1245;
 THENCE South 89°39'11" West a distance of 709.59 feet;
 THENCE North 00°18'28" West a distance of 648.00 feet;
 THENCE North 89°38'31" East a distance of 709.45 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
 THENCE North 00°19'12" West along said line a distance of 1769.99 feet the Southerly line of Lot A of RE 455.
 The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot A of RE 455;
 THENCE South 88°02'10" West a distance of 280.65 feet;
 THENCE North 01°22'02" East a distance of 195.05 feet;
 THENCE North 89°40'44" East a distance of 274.79 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
 THENCE North 00°19'12" West along said line a distance of 33.57 feet to the North line of the aforesaid Southeast Quarter;
 THENCE North 89°41'50" East along the North line of the Southeast Quarter of said Section 26 a distance of 30.00 feet to the West Quarter Corner of said Section 25 and to the POINT OF BEGINNING.

Said parcel contains 349.108 acres, more or less.

Less and except the following:

Lot A of Recorded Exemption No. 0807-26-4-RE 455 recorded September 30 as Reception No. 1837553 of the Records of Weld County, situate in the Southeast Quarter of Section Twenty-six (26), Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado.

Said parcel contains 1.345 acres, more or less.

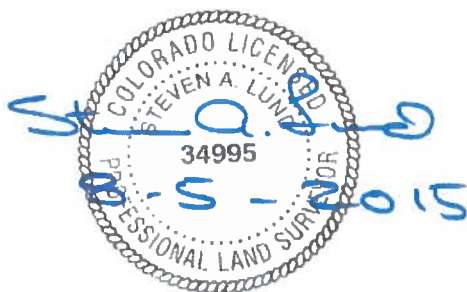
Legal description of the property owned by Windsor Renewal I, LLC, a Colorado limited liability company:

Lot A of Recorded Exemption No. 0807-26-4-RE 455 recorded September 30 as Reception No. 1837553 of the Records of Weld County, situate in the Southeast Quarter of Section Twenty-six (26), Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado.

Said parcel contains 1.345 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Steven A. Lund – on behalf of King Surveyors
Colorado Registered Professional
Land Surveyor #34995

KING SURVEYORS
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

EXHIBIT C
AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath deposes and states:

1. That the undersigned circulated the foregoing Annexation Petition, consisting of 12 pages, including this Exhibit C.
2. That the signature(s) of the Petitioner(s) on the foregoing Annexation Petition are the signatures of the persons whose name they purport to be.

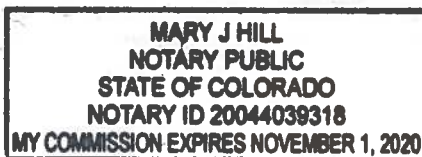
Sandra Remy
Circulator

NOTARY CERTIFICATE

STATE OF Colorado)
) ss.
[CITY AND]COUNTY OF Denver)

The foregoing Affidavit of Circulator was subscribed and sworn to before me this 5th day of April, 2018, by Sandra Remy.
(Insert Name of Circulator)

WITNESS my hand and official seal.



(SEAL)

Notary Public: Mary J Hill

Address: 252 Clayton St.

Denver, CO 80206
Street Number, Street Name, City, State, Zip Code

My Commission Expires: 11/01/2020

ANNEXATION MAP FOR
GREAT WESTERN SEVENTH ANNEXATION
To The Town Of Windsor

Situate In Sections 25, 26, 35 and 36, Township 6 North, Range 67 West Of The 6th P.M.,
County Of Weld, State Of Colorado

DESCRIPTION

A parcel of land being the Southwest Quarter of Section Twenty-five (25), a portion of the Southeast Quarter of Section Twenty-six (26), a portion of the Northwest Quarter of Section Thirty-six (36), the Easterly 30 feet of the Northeast Quarter of Section Thirty-five (35), and a portion of the Southwest Quarter of Section Thirty-six (36) lying north of the centerline of the Cache la Poudre River as defined in the ALTA survey recorded March 6, 2007 as Rec. No. 3460125, all in Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, more particularly described as follows:

BEGINNING at the West Quarter Corner of said Section 25 and assuming the North line of the Southwest Quarter of said Section 25 as bearing North 89°31'53" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2643.08 feet with all other bearings contained herein relative thereto;

THENCE North 89°31'53" East along the North line of the Southwest Quarter of said Section 25 a distance of 2643.08 feet to the Center Quarter corner of said Section 25;
THENCE South 00°15'34" East along the East line of the Southwest Quarter of said Section 25 a distance of 2634.20 feet to the South Quarter corner of said Section 25;
THENCE South 03°30'59" East along the East line of the Northwest Quarter of said Section 36 a distance of 2648.13 feet to the Center Quarter corner of said Section 36;
THENCE South 89°31'58" West along the South line of the Northwest Quarter of said Section 36 a distance of 687.85 feet to the centerline of the Cache la Poudre River as described in said ALTA survey recorded March 6, 2007 as Rec. No. 3460125;

The following 27 courses are along the centerline of the Cache la Poudre River as described in said ALTA survey recorded March 6, 2007 as Rec. No. 3460125:
THENCE South 40°17'29" West a distance of 81.86 feet;
THENCE South 42°04'07" West a distance of 139.62 feet;
THENCE South 57°32'37" West a distance of 70.01 feet;
THENCE South 74°00'06" West a distance of 106.31 feet;
THENCE North 78°47'04" West a distance of 60.23 feet;
THENCE North 58°54'54" West a distance of 35.91 feet;
THENCE North 79°15'13" West a distance of 39.26 feet;
THENCE North 85°27'19" West a distance of 71.29 feet;
THENCE North 78°24'22" West a distance of 41.11 feet;
THENCE North 80°57'59" West a distance of 195.11 feet;
THENCE North 71°05'11" West a distance of 82.69 feet;
THENCE North 60°40'54" West a distance of 74.98 feet;
THENCE North 80°24'14" West a distance of 123.58 feet;
THENCE South 72°53'39" West a distance of 46.01 feet;
THENCE South 59°17'02" West a distance of 91.96 feet;
THENCE South 50°01'58" West a distance of 81.34 feet;
THENCE South 73°40'17" West a distance of 59.23 feet;
THENCE South 58°13'46" West a distance of 32.03 feet;
THENCE South 72°13'25" West a distance of 43.67 feet;
THENCE South 44°50'44" West a distance of 67.18 feet;
THENCE South 72°33'29" West a distance of 44.82 feet;
THENCE South 52°56'31" West a distance of 45.94 feet;
THENCE South 35°41'23" West a distance of 89.11 feet;
THENCE South 58°18'57" West a distance of 47.01 feet;
THENCE South 31°10'10" West a distance of 22.55 feet;
THENCE South 06°46'35" East a distance of 107.16 feet;
THENCE South 46°09'50" West a distance of 42.27 feet;
THENCE North 36°26'43" West on a course departing from said river a distance of 116.97 feet;
THENCE North 44°51'43" West a distance of 646.18 feet to the West Quarter Corner of said Section 36;
THENCE South 89°51'43" West along the South line of the Northeast Quarter of said Section 35 a distance of 30.00 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Northeast Quarter of said Section 35;
THENCE North 00°33'37" West along said parallel line a distance of 2639.94 feet to the North line of the Northeast Quarter of said Section 35;
The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot C of RE 1245;
THENCE South 89°39'11" West a distance of 709.59 feet;
THENCE North 00°18'28" West a distance of 648.00 feet;
THENCE North 89°38'31" East a distance of 709.45 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
THENCE North 00°19'12" West along said line a distance of 1769.99 feet the Southerly line of Lot A of RE 455.
The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot A of RE 455;
THENCE South 88°02'10" West a distance of 280.65 feet;
THENCE North 01°22'02" East a distance of 195.05 feet;
THENCE North 89°40'44" East a distance of 274.79 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
THENCE North 00°19'12" West along said line a distance of 33.57 feet to the North line of the aforesaid Southeast Quarter;
THENCE North 89°41'50" East along the North line of the Southeast Quarter of said Section 26 a distance of 30.00 feet to the West Quarter Corner of said Section 25 and to the POINT OF BEGINNING.

Said parcel contains 349.108 acres, more or less.

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 herein, have caused such land to be annexed and master planned as indicated on this plat under the name of GREAT WESTERN SEVENTH ANNEXATION. In compliance with Town of Windsor regulations and by contractual agreement, the landowners shall bear all expenses involved in improvements.

OWNER: GWIP, LLC, a Colorado limited liability company

By: _____
Name: _____
As: _____

NOTARIAL CERTIFICATE

STATE OF _____)
ss _____)
COUNTY OF _____)

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

My commission expires _____ Notary Public (SEAL)

OWNER: Windsor Renewal I, LLC, a Colorado Limited Liability Company

By: _____
Name: _____
As: _____

NOTARIAL CERTIFICATE

STATE OF _____)
ss _____)
COUNTY OF _____)

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

My commission expires _____ Notary Public (SEAL)

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

SURVEYOR'S STATEMENT

I state that this plat accurately represents the results of a survey made by me or under my direct supervision.

I further state 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 Weld, State of Colorado.



PRELIMINARY

Michael Chad Dilka — on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

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

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Southwest Quarter of said Section 25 as bearing North 89°31'53" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2643.08 feet with all other bearings contained herein relative thereto.

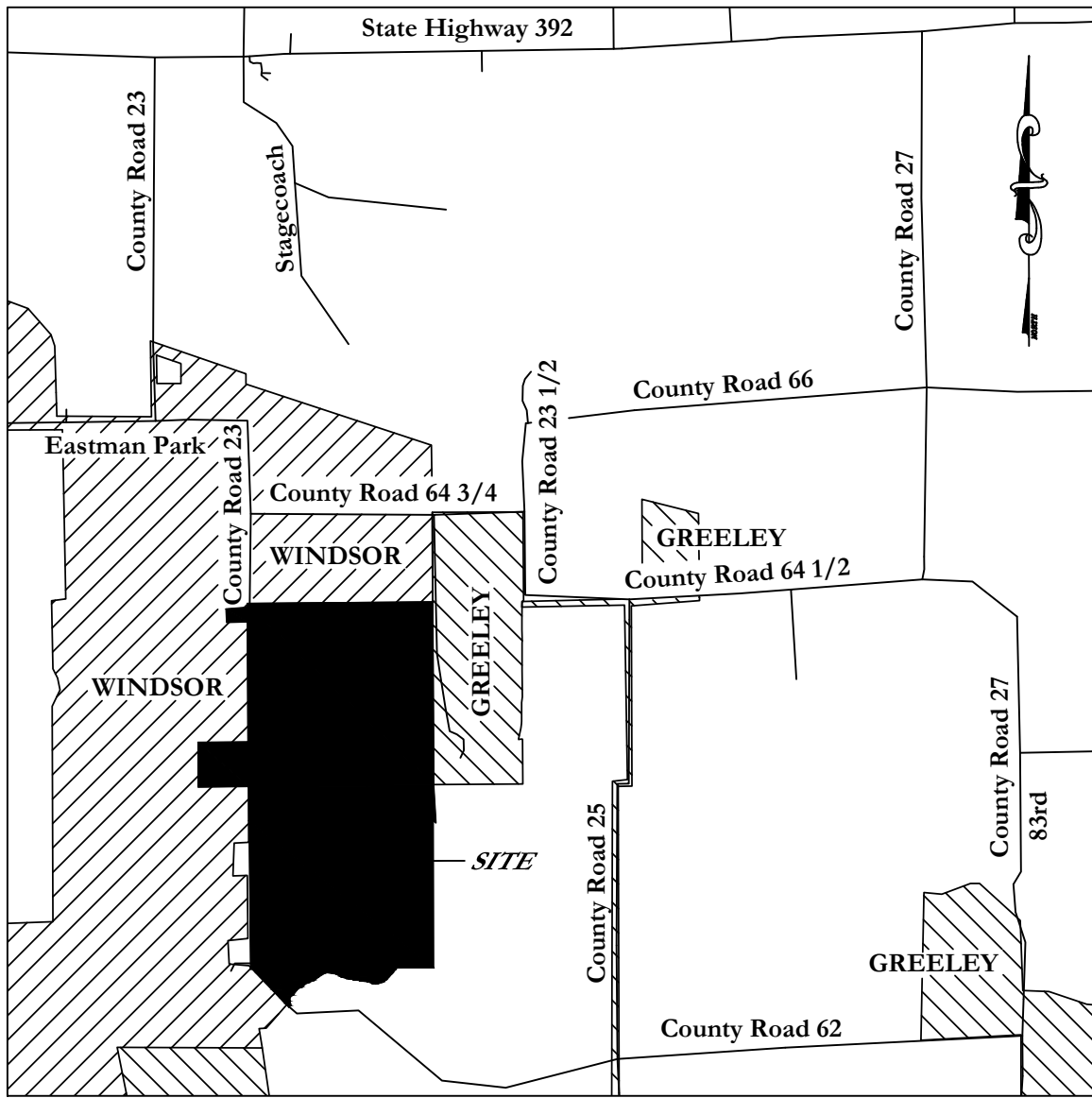
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

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.

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)



VICINITY MAP
(NOT TO SCALE)

DATE:	6/27/2018
FILE NAME:	2014830A-ANX
SCALE:	NA
DRAWN BY:	CSK & AML
CHECKED BY:	SAL/MCD

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821



REVISIONS:	DATE:
REVISED PER ATTORNEY COMMENTS	CSK 4/6/16
REVISED PER ATTORNEY COMMENTS	MCD 6/20/16
REVISED OWNERSHIP & PROP ZONING	MCD 1/29/18
REVISED OWNERSHIP	MCD 3/5/18

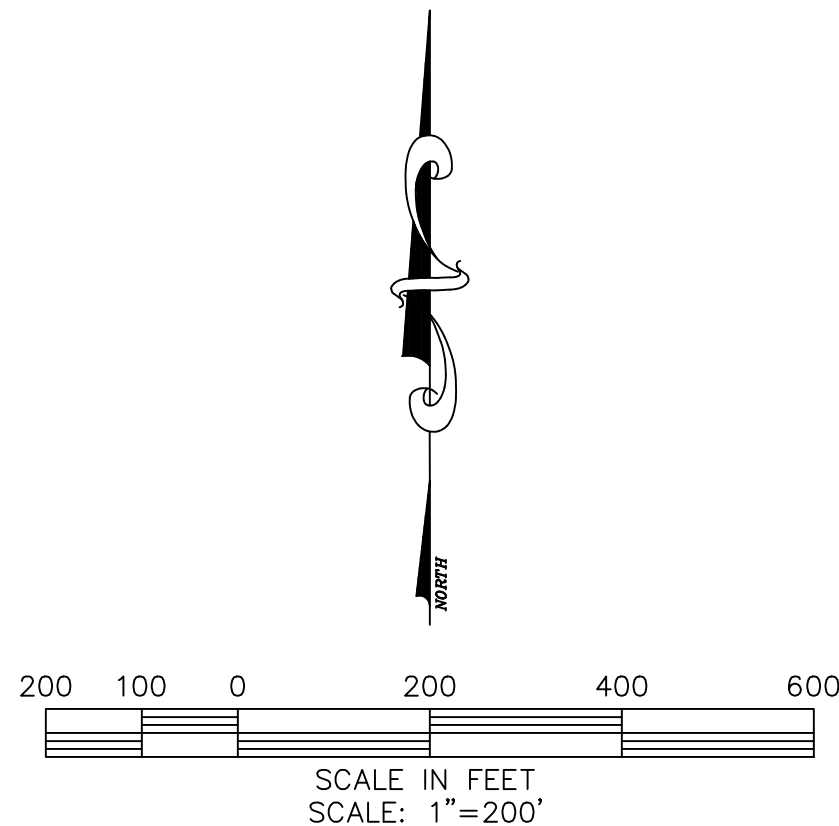
GREAT WESTERN SEVENTH ANNEXATION
FOR
GREAT WESTERN DEVELOPMENT
2005 HOWARD SMITH AVENUE
WINDSOR, CO 80550

PROJECT #:
2014830-A

1
SHEET 1 OF 3

ANNEXATION MAP FOR GREAT WESTERN SEVENTH ANNEXATION To The Town Of Windsor

Situate In Sections 25, 26, 35 and 36, Township 6 North, Range 67 West Of The 6th P.M.,
County Of Weld, State Of Colorado



LEGEND

---	ALIQUOT LINE
---	PROPERTY LINE
---	ANNEXATION BOUNDARY LINE
■	ALIQUOT CORNER AS DESCRIBED

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Southwest Quarter of said Section 25 as bearing North 89°31'53" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2643.08 feet with all other bearings contained herein relative thereto.

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

SURVEYOR'S STATEMENT

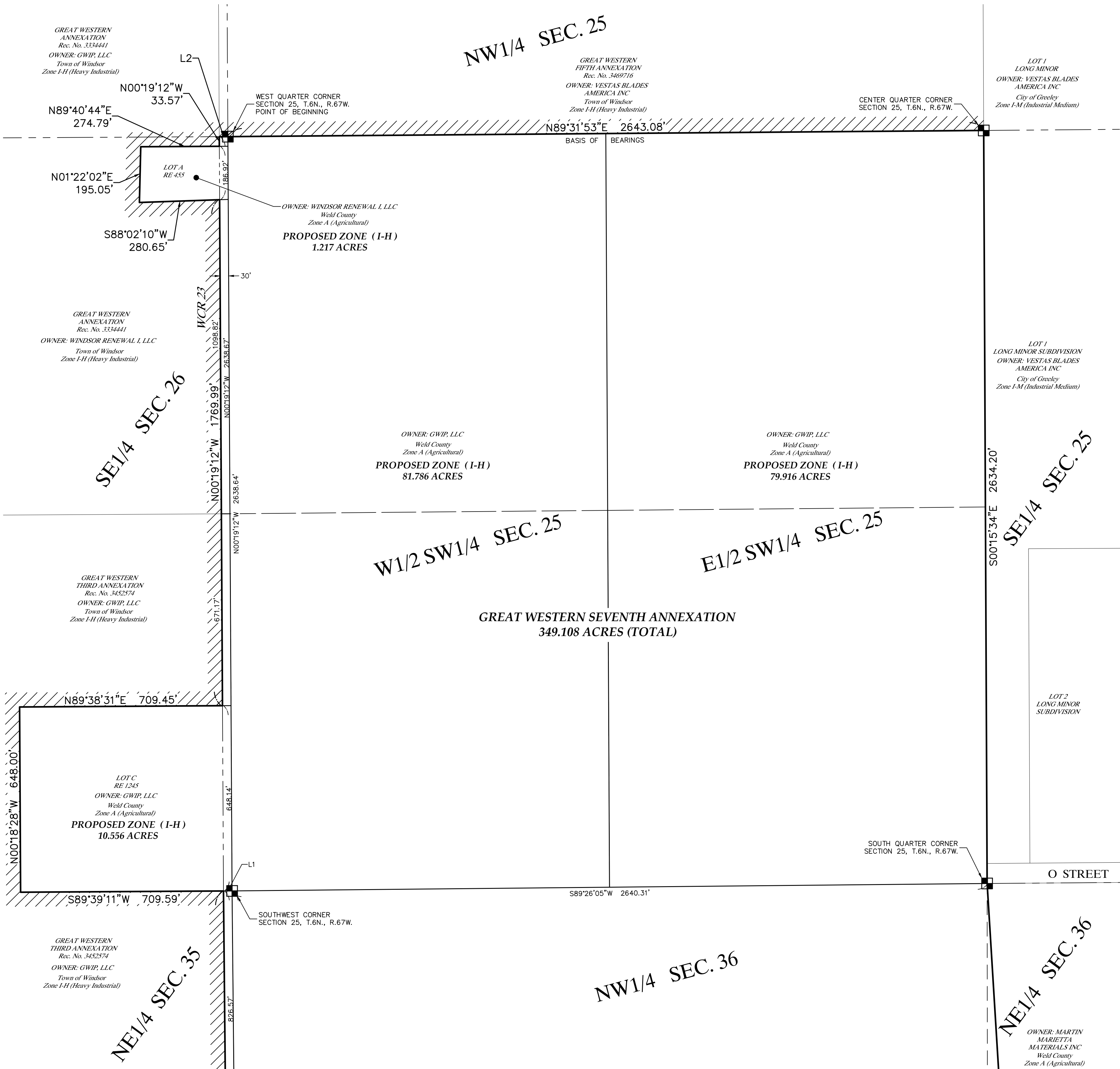
I state that this plat accurately represents the results of a survey made by me or under my direct supervision.

I further state 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 Weld, State of Colorado.



PRELIMINARY

Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°39'11"E	30.00'
L2	N89°41'50"E	30.00'
L3	S40°17'33"W	81.86'
L4	S42°04'07"W	139.62'
L5	S57°32'37"W	70.01'
L6	S74°00'06"W	106.31'
L7	N78°47'04"W	60.23'
L8	N58°54'54"W	35.91'
L9	N79°15'13"W	39.26'
L10	N85°27'19"W	71.29'
L11	N78°24'22"W	41.11'
L12	N80°57'59"W	195.11'
L13	N71°05'11"W	82.69'
L14	N60°40'54"W	74.98'
L15	N80°24'14"W	123.58'
L16	S72°53'39"W	46.01'

LINE TABLE		
LINE	BEARING	LENGTH
L17	S59°17'02"W	91.96'
L18	S50°01'58"W	81.34'
L19	S73°40'17"W	59.23'
L20	S58°13'46"W	32.03'
L21	S72°13'25"W	43.67'
L22	S44°50'44"W	67.18'
L23	S72°33'29"W	44.82'
L24	S52°56'31"W	45.94'
L25	S35°41'23"W	89.11'
L26	S55°18'57"W	47.01'
L27	S31°10'10"W	22.55'
L28	S06°46'35"E	107.16'
L29	S46°09'50"W	42.27'
L30	N36°26'43"W	59.26'
L31	N36°26'43"W	57.71'
L32	N89°32'33"E	30.00'

SEE SHEET 3 OF 3

DATE:	6/27/2018
FILE NAME:	2014830A-ANX
SCALE:	1" = 200'
DRAWN BY:	CSK & AML
CHECKED BY:	SAL/MCD

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821

REVISIONS:	DATE:
REVISED PER ATTORNEY COMMENTS	CSK 4/6/16
REVISED PER ATTORNEY COMMENTS	MCD 6/20/16
REVISED OWNERSHIP & PROP ZONING	MCD 1/29/18
REVISED OWNERSHIP	MCD 5/7/18

GREAT WESTERN SEVENTH ANNEXATION
FOR
GREAT WESTERN DEVELOPMENT
2005 HOWARD SMITH AVENUE
WINDSOR, CO 80550

PROJECT #:
2014830-A

2
SHEET 2 OF 3

ANNEXATION MAP FOR GREAT WESTERN SEVENTH ANNEXATION To The Town Of Windsor

Situate In Sections 25, 26, 35 and 36, Township 6 North, Range 67 West Of The 6th P.M.,
County Of Weld, State Of Colorado

DATE:
6/27/2018
FILE NAME:
2014830A-ANX
SCALE:
1" = 200'
DRAWN BY:
CSK & AML
CHECKED BY:
SAL/MCD

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821

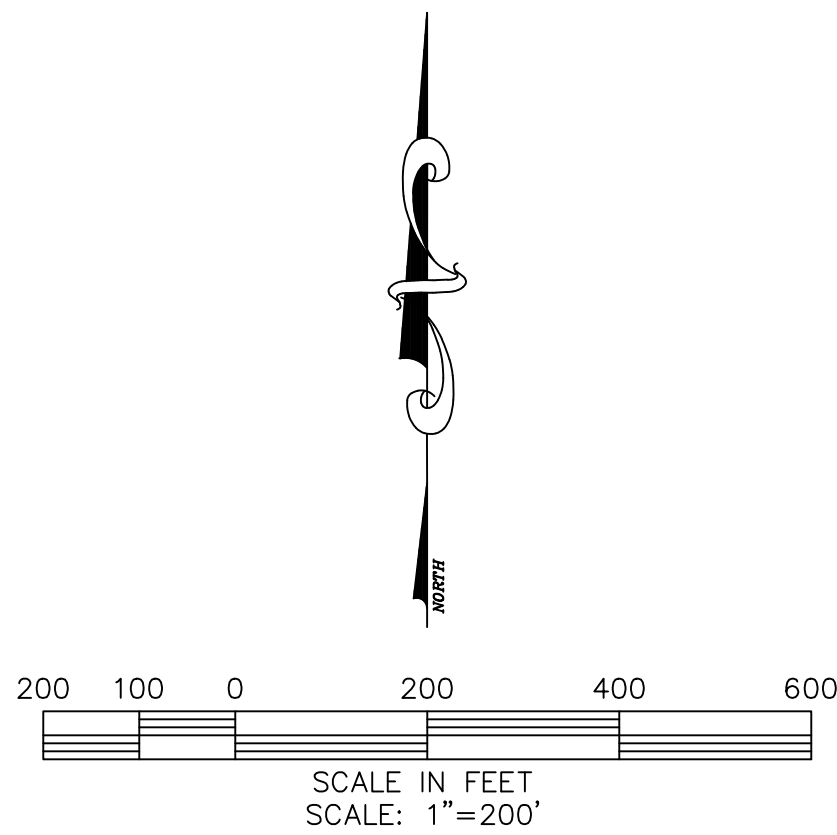


REVISIONS:	DATE:
REVISED PER ATTORNEY COMMENTS	CSK 4/6/16
REVISED PER ATTORNEY COMMENTS	MCD 6/20/16
REVISED OWNERSHIP & PROP ZONING	MCD 1/29/18
REVISED OWNERSHIP	MCD 5/9/18

GREAT WESTERN SEVENTH ANNEXATION
FOR
GREAT WESTERN DEVELOPMENT
2005 HOWARD SMITH AVENUE
WINDSOR, CO 80550

PROJECT #:
2014830-A

3
SHEET 3 OF 3



LEGEND

---	ALIQUOT LINE
---	PROPERTY LINE
---	ANNEXATION BOUNDARY LINE
■	ALIQUOT CORNER AS DESCRIBED

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Southwest Quarter of said Section 25 as bearing North 89°31'53" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2643.08 feet with all other bearings contained herein relative thereto.

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

SURVEYOR'S STATEMENT

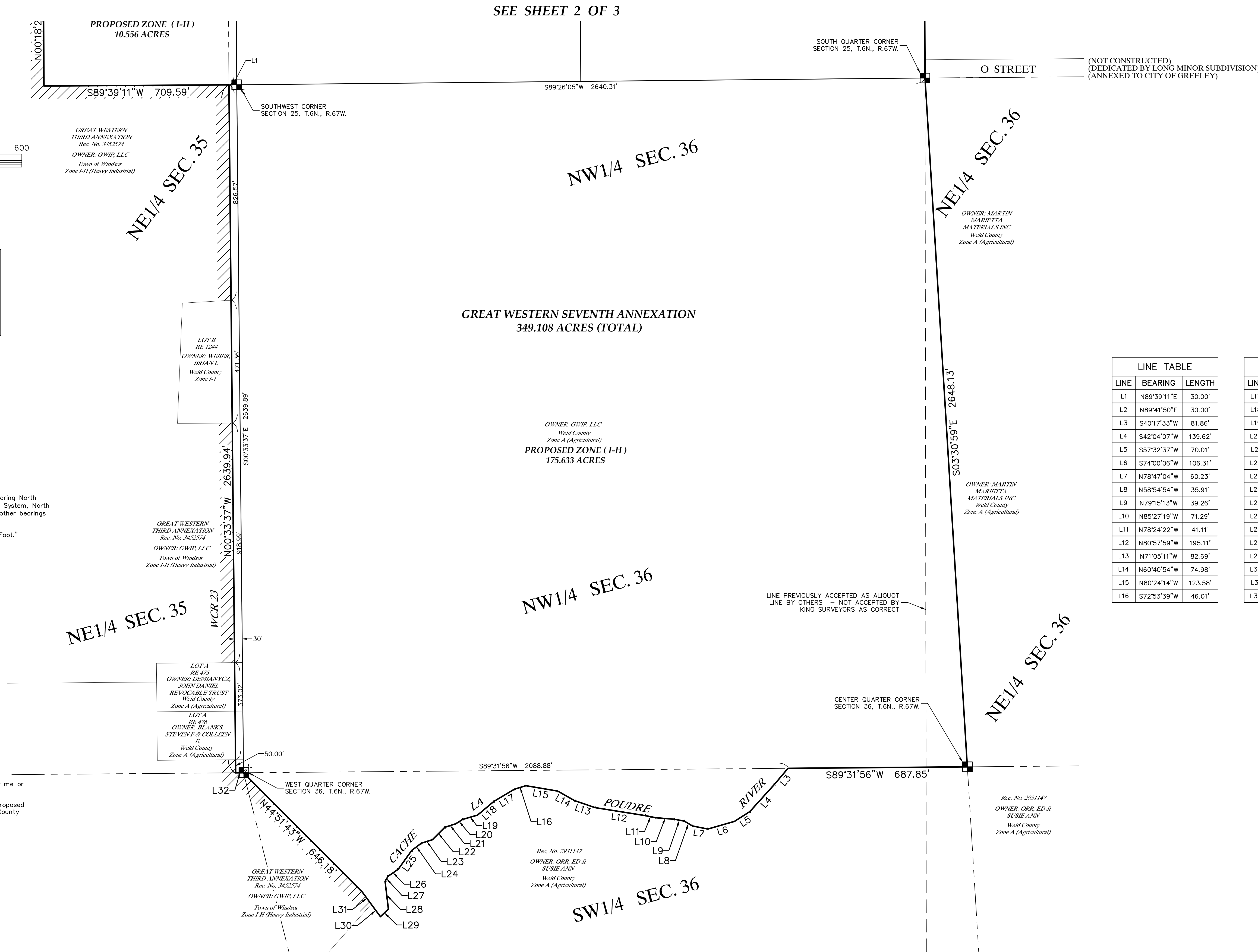
I state that this plat accurately represents the results of a survey made by me or under my direct supervision.

I further state 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 Weld, State of Colorado.



PRELIMINARY

Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°39'11"E	30.00'
L2	N89°41'50"E	30.00'
L3	S40°17'33"W	81.86'
L4	S42°04'07"W	139.62'
L5	S57°32'37"W	70.01'
L6	S74°00'06"W	106.31'
L7	N78°47'04"W	60.23'
L8	N58°54'54"W	35.91'
L9	N79°15'13"W	39.26'
L10	N85°27'19"W	71.29'
L11	N78°24'22"W	41.11'
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L14	N60°40'54"W	74.98'
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L16	S72°53'39"W	46.01'

LINE TABLE		
LINE	BEARING	LENGTH
L17	S59°17'02"W	91.96'
L18	S50°01'58"W	81.34'
L19	S73°40'17"W	59.23'
L20	S58°13'46"W	32.03'
L21	S72°13'25"W	43.67'
L22	S44°50'44"W	67.18'
L23	S72°33'29"W	44.82'
L24	S52°56'31"W	45.94'
L25	S35°41'23"W	89.11'
L26	S55°18'57"W	47.01'
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L28	S06°46'35"E	107.16'
L29	S46°09'50"W	42.27'
L30	N36°26'43"W	59.26'
L31	N36°26'43"W	57.71'
L32	N89°32'33"E	30.00'

ANNEXATION IMPACT REPORT

GREAT WESTERN 7th ANNEXATION

This Annexation Impact report includes information on the following topics:

- 1) Property location, existing infrastructure, existing and proposed land use pattern
- 2) Pre-annexation agreement
- 3) Services for the annexation area
- 4) Financing of municipal services for the annexation area
- 5) Existing districts to be annexed
- 6) Impact on school district governing the property

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

- 1) Property location, existing infrastructure, and existing and proposed land use pattern
 - (a) Annexation Map. Please see the enclosed Annexation Plat and vicinity map for current and proposed municipal boundaries.
 - (b) Existing infrastructure. Please see item #3 below for information regarding provision of utility services.
 - (c) Land Use. Please see the enclosed Annexation Plat and Town of Windsor Land Use Plan map for the current and proposed land use patterns.

The existing land uses are agricultural and residential. The future land use applied to the property is agriculture. The proposed land use for the property is industrial with a designation of Parks, Open Space, Mineral Extraction, and Floodplain along the Cache la Poudre River in the southern portion of the annexation area.

The zoning requested is Heavy Industrial (I-H). The Heavy Industrial I-H District is intended to identify and preserve land suitable for heavy industrial use and to provide for the orderly grouping of such uses in an appropriate setting. The further intent of this District is to establish such regulatory controls as are deemed necessary to promote a harmonious relationship between heavy industrial uses and the community at large.

No development is proposed at this time and, therefore, no master plan is included with this annexation proposal. When a development proposal is submitted, it will be reviewed according to the Town of Windsor's adopted zoning district standards for the I-H District.

- 2) Pre-annexation agreement. A pre-annexation agreement is not associated with this proposal. The Town of Windsor does not typically require a pre-annexation agreement unless such an agreement is determined to be necessary during the initial review.
- 3) Services for the annexation area. At this time, no development is proposed on the site. If and when any development is proposed and reviewed, the following municipal services will be provided as follows if the service is applicable:
 - Water – The property is located within an area that the Town of Windsor plans to serve. It is expected that the Town of Windsor will serve any future development.
 - Sanitary Sewage Disposal – The property is within the service area of the Town of Windsor. Future development is expected to be served by the Town of Windsor. The Town of Windsor and City of Greeley will need to work with the North Front Range Water Quality Planning Association to amend 208 boundaries in the area.

- Drainage Facilities – Drainage facilities required by future development will be developed by the developer per Town of Windsor requirements and maintained by developer after installation.
 - Fire Protection – The Windsor-Severance Fire Rescue will serve any future development.
 - Police Protection – Town of Windsor Police Department will provide police protection for any future development.
 - School – The property is within the Weld County School District RE-4. If residential development occurs in the future, the development will be served by the Weld County School District RE-4. No residential properties are proposed and would not be compatible with the I-H zone. An existing residence is located within the annexation area.
- 4) Financing of municipal services. No development is proposed at this time. At the time development is proposed and per Town of Windsor standards, installation and financing of all infrastructure (drainage, sanitation sewer, storm sewer, water, etc.) extensions is the sole responsibility of the developer.
- 5) Existing districts to be annexed. Please find the enclosed list identifying all existing districts within the area to be annexed.
- 6) Impact on school district governing the property. The Weld RE-4 School District provided the following comments in regard to the application materials:

"The above referenced project is located east of Weld County Road 23 and south of Weld County Road 64 3/4. The proposed annexation would change the zoning from agriculture to heavy industrial and there will not be a student impact on the School District."

The School District respectfully requests the opportunity to respond with comments should the use of the property change. Your continuing cooperation is sincerely appreciated, as is the opportunity to comment upon issues of interest to the Town, the School District and our mutual constituents. Should you have questions or desire further information, please contact me at your convenience."

- Stephanie R. Watson, Assistant Superintendent of Business Services, Weld RE-4 School District

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



Millissa Berry, Senior Planner

June 18, 2018

Date

ANNEXATION MAP FOR
GREAT WESTERN SEVENTH ANNEXATION
To The Town Of Windsor

Situate In Sections 25, 26, 35 and 36, Township 6 North, Range 67 West Of The 6th P.M.,
County Of Weld, State Of Colorado

DESCRIPTION

A parcel of land being the Southwest Quarter of Section Twenty-five (25), a portion of the Southeast Quarter of Section Twenty-six (26), a portion of the Northwest Quarter of Section Thirty-six (36), the Easterly 30 feet of the Northeast Quarter of Section Thirty-five (35), and a portion of the Southwest Quarter of Section Thirty-six (36) lying north of the centerline of the Cache la Poudre River as defined in the ALTA survey recorded March 6, 2007 as Rec. No. 3460125, all in Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), County of Weld, State of Colorado, more particularly described as follows:

BEGINNING at the West Quarter Corner of said Section 25 and assuming the North line of the Southwest Quarter of said Section 25 as bearing North 89°31'53" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2643.08 feet with all other bearings contained herein relative thereto;

THENCE North 89°31'53" East along the North line of the Southwest Quarter of said Section 25 a distance of 2643.08 feet to the Center Quarter corner of said Section 25;
THENCE South 00°15'34" East along the East line of the Southwest Quarter of said Section 25 a distance of 2634.20 feet to the South Quarter corner of said Section 25;
THENCE South 03°30'59" East along the East line of the Northwest Quarter of said Section 36 a distance of 2648.13 feet to the Center Quarter corner of said Section 36;
THENCE South 89°31'56" West along the South line of the Northwest Quarter of said Section 36 a distance of 687.85 feet to the centerline of the Cache la Poudre River as described in said ALTA survey recorded March 6, 2007 as Rec. No. 3460125;
The following 27 courses are along the centerline of the Cache la Poudre River as described in said ALTA survey recorded March 6, 2007 as Rec. No. 3460125:

THENCE South 40°17'29" West a distance of 81.86 feet;
THENCE South 42°04'07" West a distance of 139.62 feet;
THENCE South 57°32'37" West a distance of 70.01 feet;
THENCE South 74°00'06" West a distance of 106.31 feet;
THENCE North 78°47'04" West a distance of 60.23 feet;
THENCE North 58°54'54" West a distance of 35.91 feet;
THENCE North 79°15'13" West a distance of 39.26 feet;
THENCE North 85°27'19" West a distance of 71.29 feet;
THENCE North 78°24'22" West a distance of 41.11 feet;
THENCE North 80°57'59" West a distance of 195.11 feet;
THENCE North 71°05'11" West a distance of 82.69 feet;
THENCE North 60°40'54" West a distance of 74.98 feet;
THENCE North 80°24'14" West a distance of 123.58 feet;
THENCE South 72°53'39" West a distance of 46.01 feet;
THENCE South 59°17'02" West a distance of 91.96 feet;
THENCE South 50°01'58" West a distance of 81.34 feet;
THENCE South 73°40'17" West a distance of 59.23 feet;
THENCE South 58°13'46" West a distance of 32.03 feet;
THENCE South 72°13'25" West a distance of 43.67 feet;
THENCE South 44°50'44" West a distance of 67.18 feet;
THENCE South 72°33'29" West a distance of 44.82 feet;
THENCE South 52°56'31" West a distance of 45.94 feet;
THENCE South 35°41'23" West a distance of 89.11 feet;
THENCE South 55°18'57" West a distance of 47.01 feet;
THENCE South 31°10'10" West a distance of 22.55 feet;
THENCE South 06°46'35" East a distance of 107.16 feet;
THENCE South 46°09'50" West a distance of 42.27 feet;
THENCE North 36°26'43" West on a course departing from said river a distance of 116.97 feet;
THENCE North 44°51'43" West a distance of 646.18 feet to the West Quarter Corner of said Section 36;
THENCE South 89°51'43" West along the South line of the Northeast Quarter of said Section 35 a distance of 30.00 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Northeast Quarter of said Section 35;
THENCE North 00°33'37" West along said parallel line a distance of 2639.80 feet to the North line of the Northeast Quarter of said Section 35;
The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot C of RE 1245;
THENCE South 89°39'11" West a distance of 709.59 feet;
THENCE North 00°18'28" West a distance of 648.00 feet;
THENCE North 89°38'31" East a distance of 709.45 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
THENCE North 00°19'12" West along said line a distance of 1769.99 feet the Southerly line of Lot A of RE 455;
The following 3 courses are along the Southerly, Westerly, and Northerly lines of Lot A of RE 455;
THENCE South 88°02'10" West a distance of 280.65 feet;
THENCE North 01°22'02" East a distance of 195.05 feet;
THENCE North 89°40'44" East a distance of 274.79 feet to a line parallel with and 30.00 feet Westerly of, as measured at a right angle to the East line of the Southeast Quarter of said Section 26;
THENCE North 00°19'12" West along said line a distance of 33.57 feet to the North line of the aforesaid Southeast Quarter;
THENCE North 89°41'50" East along the North line of the Southeast Quarter of said Section 26 a distance of 30.00 feet to the West Quarter Corner of said Section 25 and to the POINT OF BEGINNING.

Said parcel contains 349.108 acres, more or less.

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 herein, have caused such land to be annexed and master planned as indicated on this plat under the name of GREAT WESTERN SEVENTH ANNEXATION. In compliance with Town of Windsor regulations and by contractual agreement, the landowners shall bear all expenses involved in improvements.

OWNER: GWP, LLC, a Colorado limited liability company

By: _____
Name: _____
As: _____

NOTARIAL CERTIFICATE

STATE OF _____)
ss _____)
COUNTY OF _____)

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

My commission expires _____ (SEAL)
Notary Public

CONTIGUITY TABLE

TOTAL BOUNDARY = 18639.78 L.F.
REQUIRED 1/6 CONTIGUOUS BOUNDARY = 3106.63 L.F.
ACTUAL CONTIGUOUS BOUNDARY = 9823.62 L.F.
RATIO = 1:1.897
AREA = 349.108 NET ACRES



DENOTES BOUNDARY CONTIGUOUS
to the Town of Windsor

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

SURVEYOR'S STATEMENT

I state that this plat accurately represents the results of a survey made by me or under my direct supervision.

I further state 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 Weld, State of Colorado.

PRELIMINARY

Michael Chad Dilka -- on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106

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

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Southwest Quarter of said Section 25 as bearing North 89°31'53" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2643.08 feet with all other bearings contained herein relative thereto.

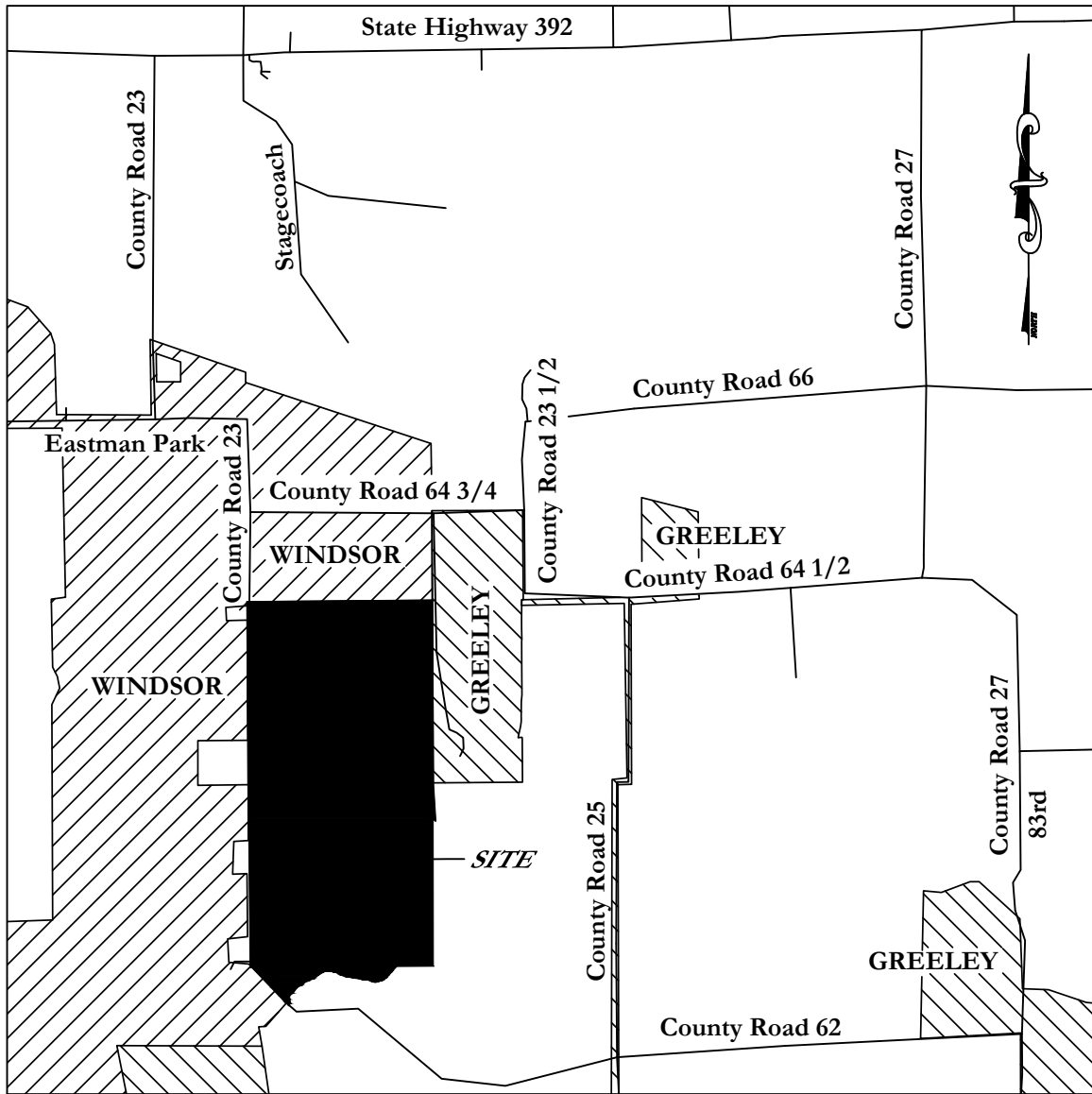
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

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.

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)



VICINITY MAP
(NOT TO SCALE)

DATE:	3/9/2018
FILE NAME:	2014830A--ANX
SCALE:	NA
DRAWN BY:	CSK & AML
CHECKED BY:	SAL/MCD

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821



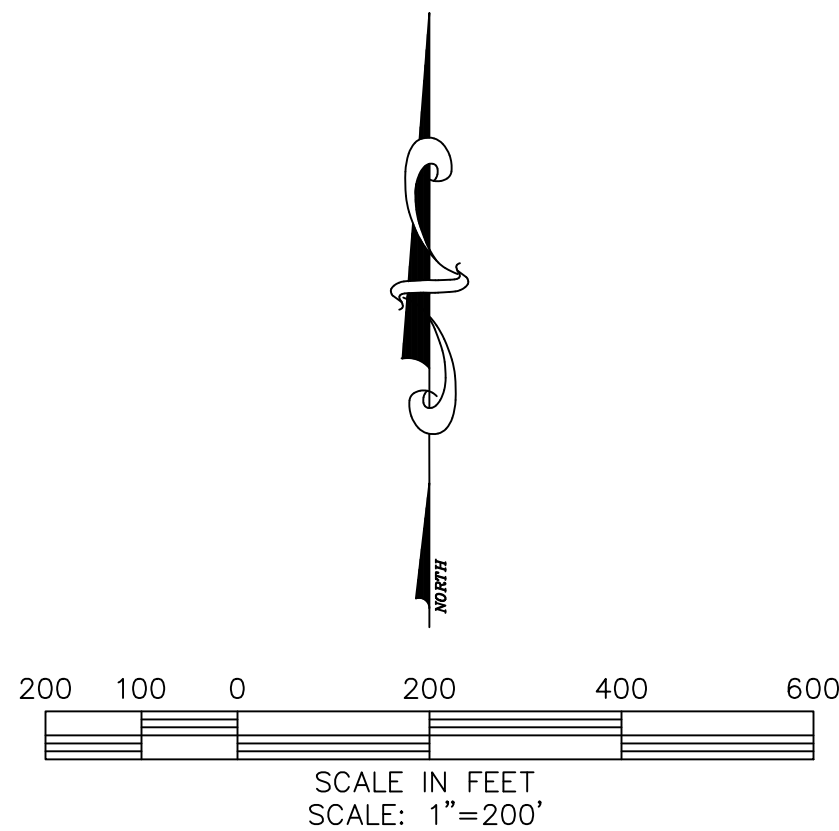
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GREAT WESTERN SEVENTH ANNEXATION
FOR
GREAT WESTERN DEVELOPMENT
2005 HOWARD SMITH AVENUE
WINDSOR, CO 80550

PROJECT #:
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ANNEXATION MAP FOR
GREAT WESTERN SEVENTH ANNEXATION
To The Town Of Windsor

Situate In Sections 25, 26, 35 and 36, Township 6 North, Range 67 West Of The 6th P.M.,
County Of Weld, State Of Colorado



LEGEND

---	ALIQUOT LINE
---	PROPERTY LINE
---	ANNEXATION BOUNDARY LINE
■	ALIQUOT CORNER AS DESCRIBED

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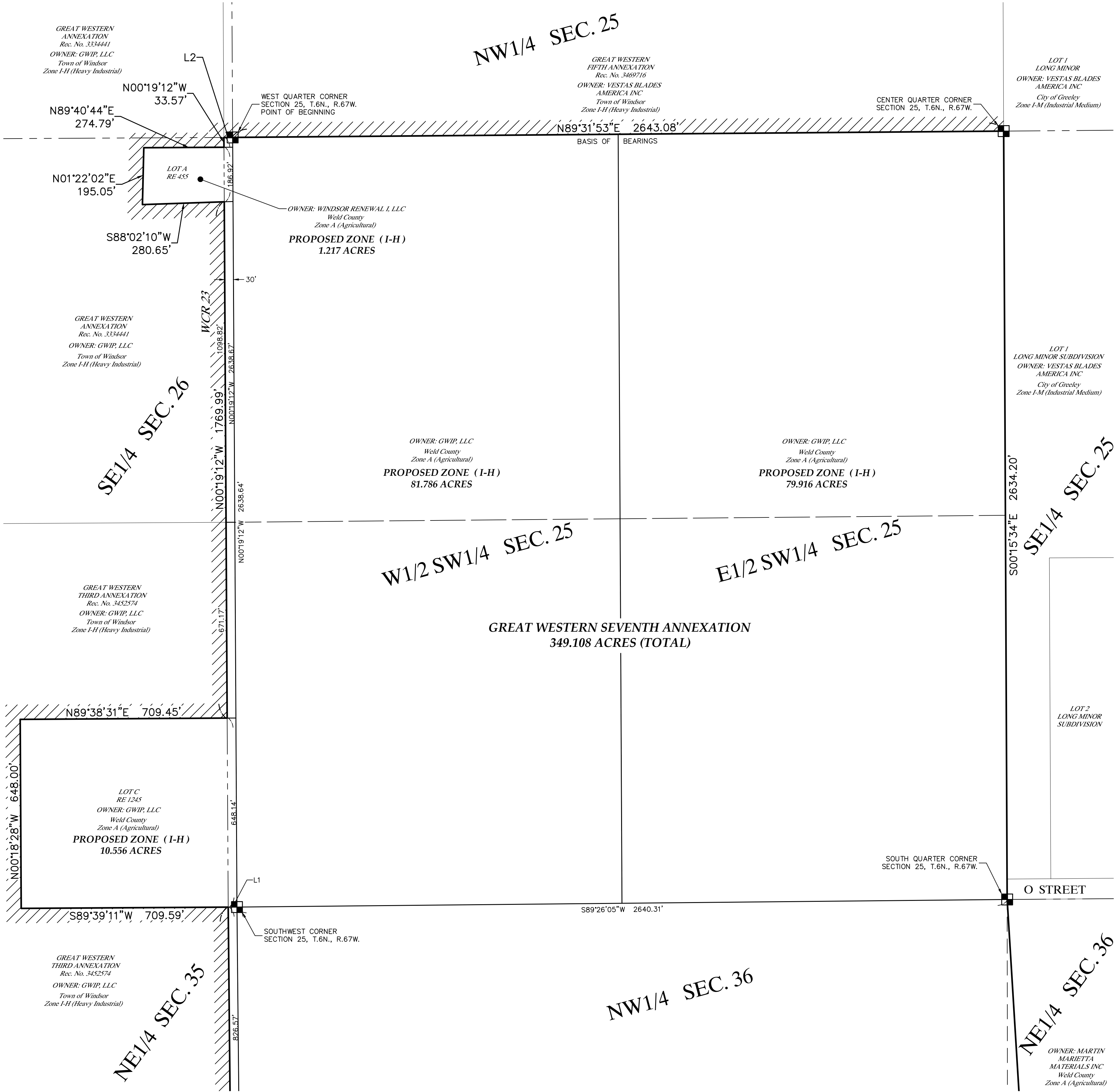
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PRELIMINARY

Michael Chad Dilka - on behalf of King Surveyors
Colorado Licensed Professional Land Surveyor #38106



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DATE:	3/9/2018
FILE NAME:	2014830A-ANX
SCALE:	1" = 200'
DRAWN BY:	CSK & AML
CHECKED BY:	SAL/MCD

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GREAT WESTERN SEVENTH ANNEXATION
FOR
GREAT WESTERN DEVELOPMENT
2005 HOWARD SMITH AVENUE
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To The Town Of Windsor*

Situate In Sections 25, 26, 35 and 36, Township 6 North, Range 67 West Of The 6th P.M.,
County Of Weld, State Of Colorado

SEE SHEET 2 OF 3

SOUTH QUARTER CORNER
SECTION 25, T.6N., R.67W.

O STREET

PROPOSED ZONE (I-H)
10.556 ACRES

*GREAT WESTERN
THIRD ANNEXATION
Rec. No. 3452574
OWNER: GWIP, LLC
Town of Windsor
Zone I-H (Heavy Industrial)*

LLC

Town of Windsor
Zone I-H (Heavy Industrial)

LOT B
RE 1244
OWNER: WEBER
BRIAN L
Weld County
Zone L1

GREAT WESTERN SEVENTH ANNEXATION
349.108 ACRES (TOTAL)

OWNER: GWIP, LLC
Weld County
Zone 4 (Agricultural)

**PROPOSED ZONE (I-H
175.633 ACRES**

GREAT WESTERN
THIRD ANNEXATION
Rec. No. 3452574
OWNER: GWIP, LLA
Town of Windsor
Zone I-H (Heavy Industrial)

NE1/4 SEC. 35

LOT A
 RE 475
 OWNER: DEMIANYC
 JOHN DANIEL
 REVOCABLE TRUS.
 Weld County
 Zone A (Agricultural)

LOTA
 RE 476
 OWNER: BLANKS,
 STEVEN F & COLLEEN
 E
 Weld County
 Zone A (Agricultural)

CENTER QUARTER CORNER
SECTION 36, T.6N., R.67W.

NE1/4 SEC. 36

Rec. No. 2931147
OWNER: ORR, ED &
SUSIE ANN
Weld County
Zone A (Agricultural)

BASIS OF BEARINGS AND LINEAL UNIT DEFINITIO

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PRELIMINARY

Michael Chad Dilka – on behalf of King Surveyors
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L12	N80°57'59"W	195.10
L13	N71°05'11"W	82.60
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DATE:
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FILE NAME:
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SCALE:
1" = 200'

DRAWN BY:
CSK & AML

CHECKED BY:
SAL/MCD

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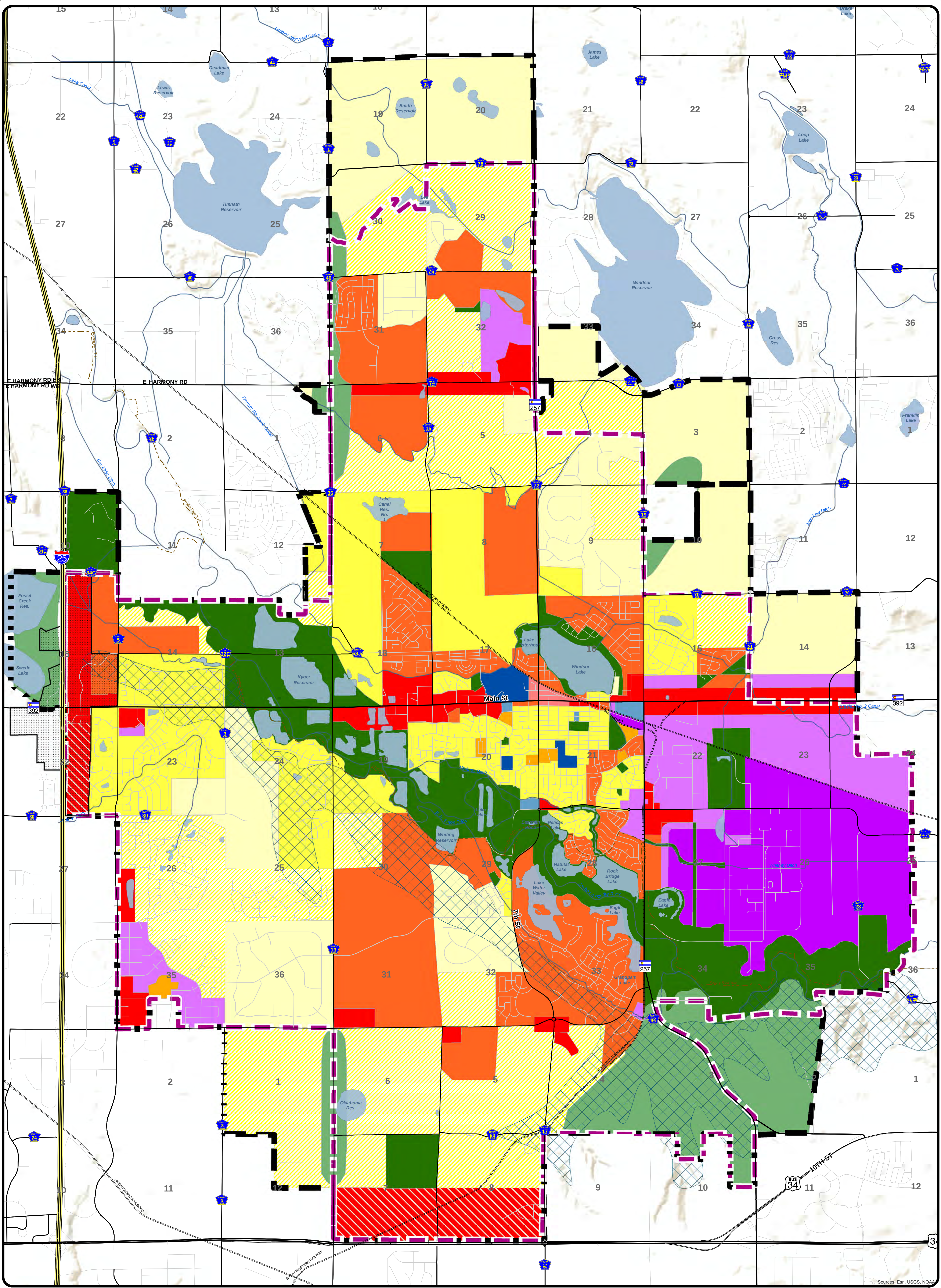
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REVISED PER ATTORNEY COMMENTS	MCD 6/20/16
REVISED OWNERSHIP & PROP ZONING	MCD 1/29/18
REVISED OWNERSHIP	MCD 3/9/18

GREAT WESTERN SEVENTH ANNEXATION
FOR
GREAT WESTERN DEVELOPMENT
2005 HOWARD SMITH AVENUE
WINDSOR, CO 80550

PROJECT #:
2014830-A

3

SHEET 3 OF 3



LAND USE



Legend

- | | | |
|---|---|---------------------------|
| Single Family Residential | Central Business District | Other Public/Semi-Private |
| Multi-Family Residential | Employment Corridor | Schools |
| Low Density Estate Single Family Residential | Neighborhood & General Commercial | Light Industrial |
| High Density Estate Single Family Residential | Community Separator | Heavy Industrial |
| Residential Mixed Use | Parks, Open Space, Mineral Extraction & Flood Plain | GMA |
| | | CIA |
| | | CAC Boundary |



1:24,000

This map was created for illustrative purposes only. Any repercussions from the misuse or misrepresentation of this map or its contents, whether intentional or not, are the sole responsibility of the user.

Updated: 4/3/2018
Updated by: dking
Created: 10/28/2009
Created by: stometich
File: LUMA2018_new

**GREAT WESTERN SEVENTH ANNEXATION
AFFECTED TAXING DISTRICTS**

AIMS JUNIOR COLLEGE

CLEARVIEW LIBRARY

WEST GREELEY CONSERVATION

NORTHERN COLORADO WATER (NCW)

SCHOOL DIST RE4-WINDSOR

WELD COUNTY

WINDSOR-SEVERANCE FIRE



Project Review Comments

Date: 5/7/18

Project Name: Great Western Industrial Park Annexation (ANNX18-004)

Location: East of County Rd 23, north of Poudre River

Reviewed By: Kim Meyer **Phone:** (970) 350-9276

Department: Community Development / Planning

Submittal: 1

Case #: WR 5:18

All code sections are from the Greeley Development Code and from the City of Greeley Design Criteria and Construction Specifications, Volumes I, II, & III. Sections of the Code or Construction Specifications are shown in brackets as part of the review comments below.

For additional information on the City Code or the Design Criteria, see the City of Greeley web site at the following location:

Planning: <http://www.greeleygov.com/CommunityDevelopment/DevelopmentCode.aspx>

Engineering: <http://greeleygov.com/CommunityDevelopment/engineering.aspx>

Thank you for the opportunity to review the proposed Annexation of approximately 349 acres to Windsor, in accordance with the Intergovernmental Agreement between the City of Greeley and the Town of Windsor regarding the Cooperative Planning and Land Use Area.

This serves as a correction to the May 4, 2018, Project Review Comments.

- o The Exhibit C that was provided with the comments on May 4th has been discovered to be incorrect. The map that was included with that 2008 IGA and recorded at the county (attached) does show the referenced 9.9 acres of property south of the Poudre River as being intended for the Greeley Annexation Area. However the 79.9 acre parcel mentioned previously appears to have been noted in a separate, mislabeled, map that was not a part of that final agreement.

The southernmost 9.9 acre portion of this property, mentioned above, does fall within the LREGA, and should be amended in both the IGA document as well as Greeley's plans. That portion of the property is located wholly within the floodway, so no development is anticipated on this parcel, regardless of the jurisdiction under which it may fall.



DEPARTMENT OF PLANNING SERVICES

1555 N. 17th Ave

Greeley, CO 80631

Website: www.weldgov.com

Email: jflesher@weldgov.com

Phone: (970) 400-3552

Fax: (970) 304-6498

Via Email

May 3, 2018

Carrie Tremblatt, Planning Technician
Town of Windsor
301 Walnut Street
Windsor, CO 80550

Subject: Great Western Industrial Park 7th Annexation

Dear Ms. Tremblatt:

The Weld County Department of Planning Services has reviewed this request and has no concerns with the proposed annexation as shown in this request.

The following comments on the annexation map are submitted for your consideration:

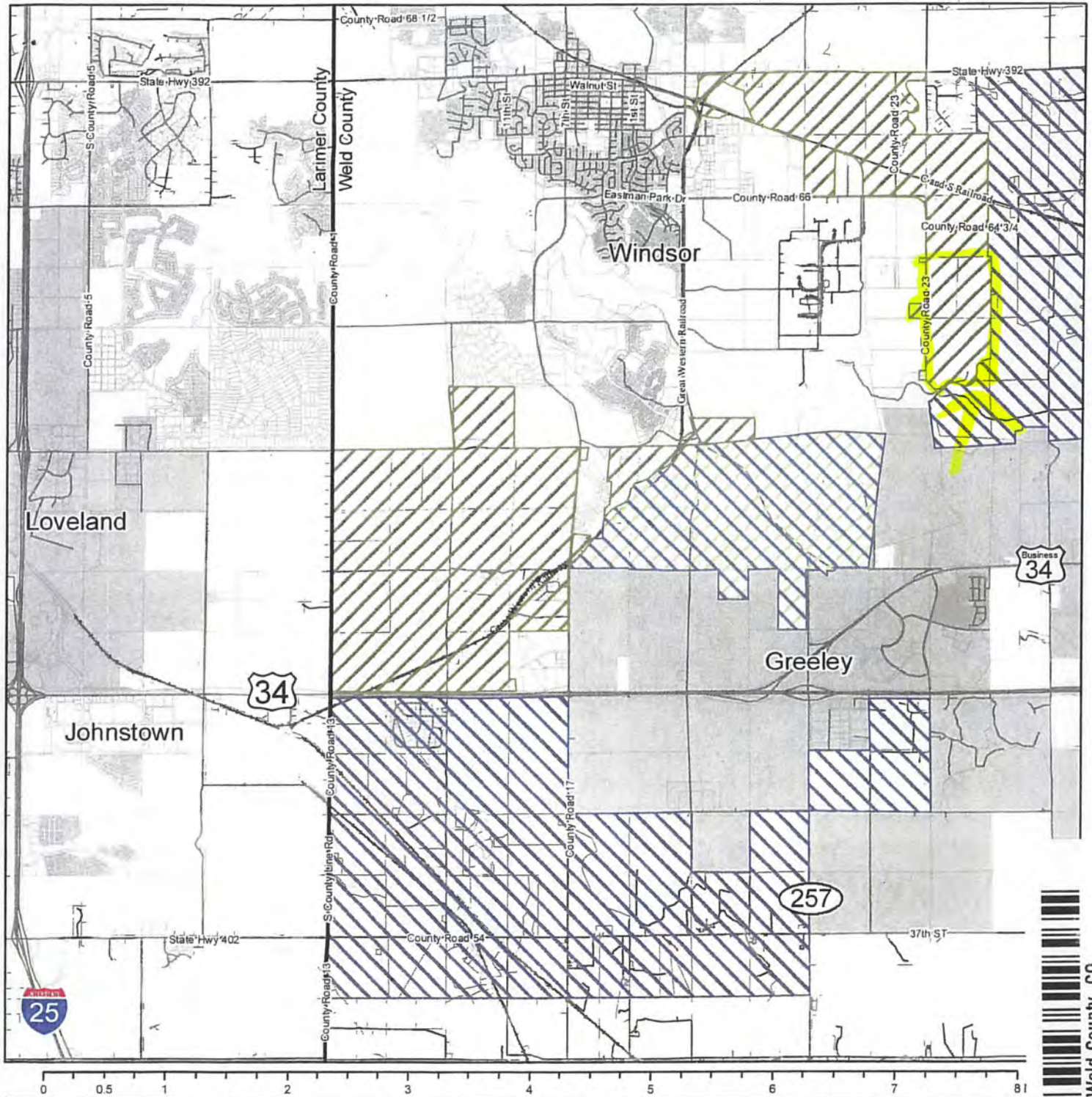
1. The two recorded exemption lots included in the annexation on page 2 are not shown as included on the vicinity map on page 1.
2. O Street on Pages 2 and 3 should indicate it is not constructed and is annexed to Greeley.

Thank you for the opportunity to comment on this proposal. This response addresses general requirements, concerns, or issues and is intended to assist in your community's decision-making process regarding this land use proposal. Weld County respectfully reserves the right to make further comment on information or issues as they are discovered.

Sincerely,

Jim Flesher, AICP
Long-Range Planner
Weld County

Exhibit C - Growth Management, Annexation and Cooperative Planning Area



Created: January 15th 2008
By: Greeley Planning, GIS

-  Cooperative Planning Area
-  Greeley Annexation Area
-  Windsor Annexation Area

 County Line

17

-  Rail
-  Street Centerline
-  Parcels
-  City Limits

3556256 05/23/2008 02:46P Weld County, CO
17 of 19 R 96.00 D 0.00 Steve Moreno Clerk & Recorder



Project Review Comments

Date: 5/4/18

Project Name: Great Western Industrial Park Annexation (ANNX18-004)
Location: East of County Rd 23, north of Poudre River,
Reviewed By: Kim Meyer **Phone:** (970) 350-9276
Department: Community Development / Planning
Submittal: 1
Case #: WR 5:18

All code sections are from the Greeley Development Code and from the City of Greeley Design Criteria and Construction Specifications, Volumes I, II, & III. Sections of the Code or Construction Specifications are shown in brackets as part of the review comments below.

For additional information on the City Code or the Design Criteria, see the City of Greeley web site at the following location:

Planning: <http://www.greeleygov.com/CommunityDevelopment/DevelopmentCode.aspx>
Engineering: <http://greeleygov.com/CommunityDevelopment/engineering.aspx>

Thank you for the opportunity to review the proposed Annexation of approximately 349 acres to Windsor, in accordance with the Intergovernmental Agreement between the City of Greeley and the Town of Windsor regarding the Cooperative Planning and Land Use Area.

- o Note that Exhibit C (attached) illustrates the 79.9 acre parcel, identified as E1/2 SW1/4 Sec 25 on the Annexation Plat, as within the Greeley Annexation Area; as well as the small corner (approx.. 9.9 ac) in the far southeast, south of the river within that same Greeley Annexation Area. *This IGA may require an amendment executed by both municipalities to allow this annexation to proceed.*

The Long Range Expected Growth Area (LREGA) recently updated and adopted in the Imagine Greeley Comprehensive Plan does exclude the aforementioned 79.9 acre parcel from the expected area for future growth and annexation for the City of Greeley, so that recommended amendment to the IGA would be consistent with the current Greeley comprehensive plan and Land Use Guidance Map.

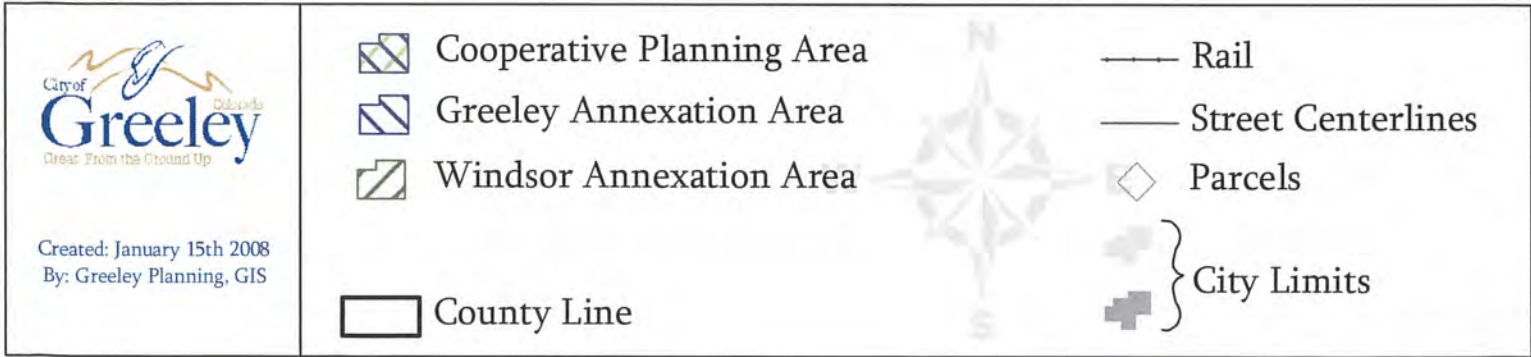
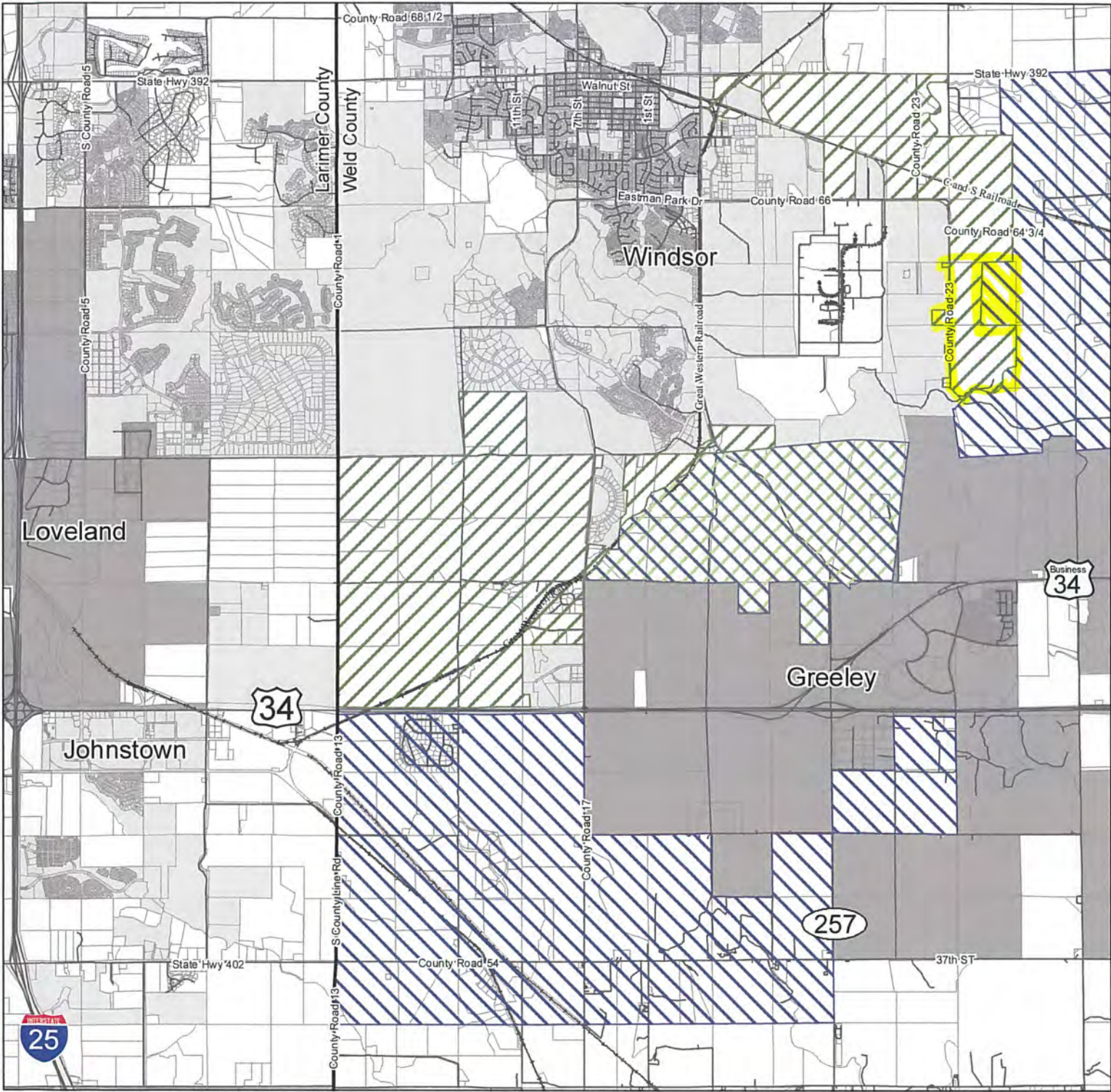
The southernmost 9.9 acre portion of this property, mentioned above, does fall within the LREGA, and should be amended in both the IGA document as well as Greeley's plans. That portion of the property is located wholly within the floodway, so no development is anticipated on this parcel, regardless of the jurisdiction under which it may fall.

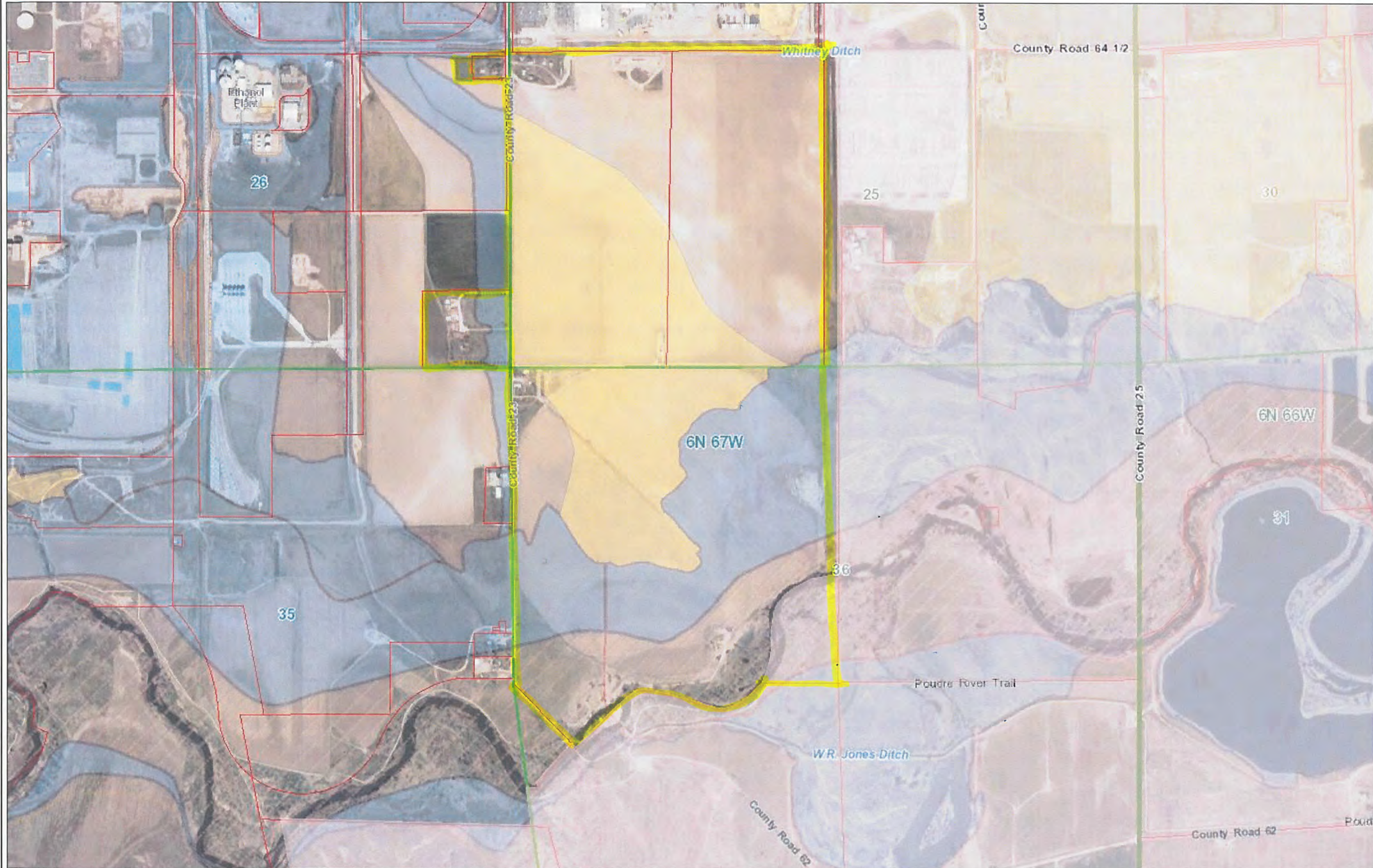
- o Clearly, much of the area is encumbered by floodway and floodplain. The area along the river, encompassing the floodway and floodplain areas within the Greeley Annexation Area and LREGA boundaries, is identified in our *Parks, Trail and Open Lands Master*

Plan (2016) as a “Priority Conservation Area.” Poudre Trail appears to just skirt the portion of the property that dips south of the river, and run along the southern bank of the river for the remainder of the boundary. Staff would recommend Windsor treat this area similarly with conservation efforts to retain the high value for floodway, passive recreation, and habitat.

- o The area is in the proposed path of the extension of Crossroads Boulevard, which is being actively discussed between the town, city, and county. Please continue to include the City of Greeley in any alignment discussions so we can ensure best coordination on that vital regional transportation connection.
- o Planning Staff has no further comments or concerns on this project at this time. Staff looks forward to reviewing more detailed subdivision and development plans, once proposed.

Exhibit C - Growth Management, Annexation and Cooperative Planning Area





Legend

ComDev.DBO.LREGA

1:9,600



Notes

0.3 0 0.15 0.3 Miles

NAD_1983_HARN_StatePlane_Colorado_North_FIPS_0501_Feet
© City of Greeley GIS 5/3/2018

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION OR SURVEY PURPOSES



1100 10th Street, Suite 202
Greeley, CO 80631
www.poudretrail.org
Phone: 970-336-4044

Board Members:

Mike Ketterling, Weld Co.

Barry Wilson, Windsor

Bill Hertmeky, Windsor

Phil Neville, Windsor

Dale Hall, Weld Co.

Julie Cozad, Weld Co.

Tom Grant, Greeley

Fred Otis, Greeley

May 3, 2018

Carrie Tremblatt
Town of Windsor
301 Walnut Street
Windsor, CO 80550

RE: ANNIX18-004 Great Western Industrial Park Annex

Dear Ms. Tremblatt:

Thank you for including the Poudre River Trail Corridor, Inc. for comment concerning the subject annexation application. As a non-profit organization providing diverse forms of recreation and educational activities for residents of Windsor, we value our partnership with property owners along the corridor. During times of transition we are hopeful that the Town and property owners will take into consideration the long term masterplan our community has developed to ensure outdoor activities, protection of scenic views, habitat, and wildlife along the corridor.

The subject property is bordered by the Poudre River to the south. Based on the masterplan it would be advantageous to have a transition space between the trail and industrial development. Based on our experience along the 21 mile Poudre Trail, fewer conflicts exist for both trail users and property owners when transitional space is well planned.

A well planned corridor can also be an important economic driver for our community, by helping to attract a strong workforce.

Our board members would be happy to meet with town officials and/or property owners to discuss appropriate options. Please feel free to contact me if you have questions or require additional information.

Sincerely,

Bob Hinderaker
Poudre Trail Manager
970-336-4044

PRTC, Inc. is a non-profit 501(c)(3) organization.



1100 10th Street, Suite 202
Greeley, CO 80631
www.poudretrail.org
Phone: 970-336-4044

Board Members:

Mike Ketterling, Weld Co.

Barry Wilson, Windsor

Bill Hertmeky, Windsor

Phil Neville, Windsor

Dale Hall, Weld Co.

Julie Cozad, Weld Co.

Tom Grant, Greeley

Fred Otis, Greeley

May 3, 2018

Carrie Tremblatt
Town of Windsor
301 Walnut Street
Windsor, CO 80550

RE: ANNIX18-004 Great Western Industrial Park Annex

Dear Ms. Tremblatt:

Thank you for including the Poudre River Trail Corridor, Inc. for comment concerning the subject annexation application. As a non-profit organization providing diverse forms of recreation and educational activities for residents of Windsor, we value our partnership with property owners along the corridor. During times of transition we are hopeful that the Town and property owners will take into consideration the long term masterplan our community has developed to ensure outdoor activities, protection of scenic views, habitat, and wildlife along the corridor.

The subject property is bordered by the Poudre River to the south. Based on the masterplan it would be advantageous to have a transition space between the trail and industrial development. Based on our experience along the 21 mile Poudre Trail, fewer conflicts exist for both trail users and property owners when transitional space is well planned.

A well planned corridor can also be an important economic driver for our community, by helping to attract a strong workforce.

Our board members would be happy to meet with town officials and/or property owners to discuss appropriate options. Please feel free to contact me if you have questions or require additional information.

Sincerely,

Bob Hinderaker
Poudre Trail Manager
970-336-4044

PRTC, Inc. is a non-profit 501(c)(3) organization.



ANNEXATION REFFERAL

TO: Northern Colorado Water
FROM: Millissa Berry, Senior Planner
PROJECT: Great Western 7th Annexation
DATE: June 18, 2018

Please review the enclosed materials pertaining to the aforementioned annexation proposal and return any comments to the Town of Windsor at the address shown below within thirty (30) days of the receipt of this memorandum. If the Town has not received comments from your agency within this 30-day period, the Town will consider the lack of a response to be a positive response to the proposal in its current form. **However, for the purposes of having a complete file on this proposal, the Town would appreciate a response from your office even if your only comment below is "no comment."** Thank you very much for your participation in this process and your input concerning this proposal.

Public Hearings: The Windsor Planning Commission will hold a public hearing at 7:00 p.m. on Wednesday, July 18, 2018 and the Windsor Town Board will hold a public hearing at 7:00 p.m. on Monday, July 23, 2018 to receive public comments on the enclosed annexation, and both of these public hearings will be held in the Board Room at Windsor Town Hall, 301 Walnut Street.

Comments:

Parcel is not included in the boundaries of the
Municipal Subdistrict, Northern Colorado Water
Conservancy District.

By: Kris Thompson

Please send your comments to:

Town of Windsor Planning Department at planningtechs@windsorgov.com or phone (970) 674-2415 or Fax (970) 674-2456 with any questions which you may have concerning this request.

NOTE: If your agency wishes additional copies of any of the enclosed materials, for a nominal fee to recover reproduction costs, the Town of Windsor will provide your agency with reproductions of any of these materials. If you wish to obtain additional copies of any of these materials or receive a copy of the recorded copy of the annexation map, please check here: At the time the planning department mails all such copies, your agency will be billed for postage and these reproduction costs.



ANNEXATION REFERRAL

TO: Windsor-Severance Fire
FROM: Millissa Berry, Senior Planner
PROJECT: Great Western 7th Annexation
DATE: June 18, 2018

Please review the enclosed materials pertaining to the aforementioned annexation proposal and return any comments to the Town of Windsor at the address shown below within thirty (30) days of the receipt of this memorandum. If the Town has not received comments from your agency within this 30-day period, the Town will consider the lack of a response to be a positive response to the proposal in its current form. **However, for the purposes of having a complete file on this proposal, the Town would appreciate a response from your office even if your only comment below is "no comment."** Thank you very much for your participation in this process and your input concerning this proposal.

Public Hearings: The Windsor Planning Commission will hold a public hearing at 7:00 p.m. on Wednesday, July 18, 2018 and the Windsor Town Board will hold a public hearing at 7:00 p.m. on Monday, July 23, 2018 to receive public comments on the enclosed annexation, and both of these public hearings will be held in the Board Room at Windsor Town Hall, 301 Walnut Street.

Comments:

*This property is already in our fire protection district
so we have no comments on annexing into the Town
of Windsor.*

By: *Handwritten Signature*

Please send your comments to:

Town of Windsor Planning Department at planningtechs@windsorgov.com or phone (970) 674-2415 or Fax (970) 674-2456 with any questions which you may have concerning this request.

NOTE: If your agency wishes additional copies of any of the enclosed materials, for a nominal fee to recover reproduction costs, the Town of Windsor will provide your agency with reproductions of any of these materials. If you wish to obtain additional copies of any of these materials or receive a copy of the recorded copy of the annexation map, please check here: At the time the planning department mails all such copies, your agency will be billed for postage and these reproduction costs.

OTTENJOHNSON
ROBINSON NEFF + RAGONETTI_{PC}

June 26, 2018

CORY M. RUTZ
303 575 7531
CRUTZ@OTTENJOHNSON.COM

Planning & Zoning Department
Town of Windsor
301 Walnut Street
Windsor, Colorado 80550

Attention: Millissa Berry

Re: Great Western Industrial Park 7th Annexation to the Town of Windsor ("**Town**")
ANNX18-004 GWIP (the "**Application**")

Dear Millissa:

As you know from our prior discussions, this firm represents GWIP, LLC, a Colorado limited liability company ("**GWIP**"), and Windsor Renewal I, LLC, a Colorado limited liability company ("**WRI**," and together with GWIP, the "**Applicant**"), with respect to the Application. The purpose of this letter is to respond in detail to the comments set forth in the Town's initial comments and redlines provided on May 21, 2018 (collectively, the "**Town Comments**"). This letter also provides the Applicant's written summary of the neighborhood meeting pertaining to the Application, which was held at 5:30 p.m. on June 7, 2018, at the Windsor-Severance Library ("**Neighborhood Meeting**").

Applicant Responses to Town Comments

The Town Comments include (a) written comments to the statement on the community need for the annexation, which was included in the Application (the "**Staff Comments**"), (b) a redlined copy of the annexation map included in the Application (the "**Redlined Map**") provided by the Town's Engineering Department, (c) written comments from Kim Meyer of the City of Greeley's Community Development and Planning Department, as well as the updated comments received from the City of Greeley following input from the Town (collectively, the "**Greeley Letter**"), (d) a comment letter from the Poudre River Trail Corridor (the "**PRTC Letter**"), and (e) comments from the Windsor-Severance Fire and Rescue District, which appear to have been since resolved by the Town.

In responding to these comments, we have submitted a revised version of the annexation map with this letter. In addition to the majority changes requested by the Redlined Map (changes not incorporated are addressed in more detail in the following paragraphs), the revised version of the annexation map will be subsequently updated to reflect the conveyance of certain real property located adjacent to the subject property from GWIP to WRI, pursuant to the special warranty deed attached hereto as Exhibit A. With respect to the remaining Town Comments, the following responses have been organized based on the subject of the comments for ease of review:

Intergovernmental Agreement

The Greeley Letter indicates that a 9.9 acre portion of the subject property is included within both (a) the “Greeley Annexation Area” under the Intergovernmental Agreement between the City of Greeley and the Town (“IGA”), and (b) the Imagine Greeley Comprehensive Plan. The Greeley Letter suggests that the IGA and the Imagine Greeley Comprehensive Plan be amended to exclude the 9.9 acre parcel.

We understand based on subsequent communications with the Town that the Town has discussed this matter with the City of Greeley, and that both municipalities are working to amend the IGA to revise its treatment of the 9.9 acre parcel consistent with the Application. The Applicant will reasonably cooperate with the Town and the City of Greeley in connection with the contemplated amendment.

Poudre River

The PRTC Letter suggested that the Applicant consider a “transition space” between the trail and industrial development along the Poudre River to the south of the subject property. Additionally, the Greeley Letter notes that Greeley’s *Parks, Trail and Open Lands Master Plan (2016)* treats certain portions of the subject property located along the Poudre River as “Priority Conservation Area,” and recommends that the Town “treat the area similarly with conservation efforts to retain the high value for floodway, passive recreation, and habitat.” Finally, the Staff comments make note of the comments set forth in the PRTC Letter and Greeley Letter, noting that the Town’s own planning documents generally look to protect the Poudre River corridor from the “impacts of development.” The Staff Letter also recognizes that the area along the Poudre River is noted as “parks, open space, mineral extraction and floodplain” in the Town’s Comprehensive Plan, which also indicates that aggregate mining and mineral extraction is expected along the Poudre River. The Staff Letter requests that the Applicant grant to the Town a “perpetual river corridor preservation easement” within the area included within the FEMA-defined floodplain, as the same may be amended from time to time. Each of the PRTC Letter, the Greeley Letter and the Staff Letter note that portions of the subject property located near the Poudre River lie within the floodplain.

The Applicant acknowledges that the floodplain and the Poudre River itself will necessarily impact the type and extent of development that may occur on the subject property. Moreover, the Applicant is committed to assisting with the Town’s efforts to preserve and maintain the Poudre River corridor, particularly where such efforts do not adversely impact the subject property. Indeed, the Applicant has previously entered into an easement agreement for the Poudre River Trail that grants the Town broad rights with respect to the maintenance of the corridor, and has subsequently worked with the Town and other parties to address the destruction to the Poudre River Trail caused by a washout a few years ago.

However, the Applicant notes that the purpose of this particular Application is not to accommodate a specific user or development plan for the subject property. Instead, the Applicant is submitting this Application to position the subject property in a way that it may be more appealing to potential development, as parties that have previously expressed interest in the subject property have requested that it be annexed to the Town as a condition to development. Given that context, the Applicant does not believe it wise to further limit the potential uses of the subject property before identifying a future user for the subject property. Instead, the Applicant would prefer to first identify a user and then begin exploring the development of the subject property and preservation of the Poudre River, such that possible limitations on development may be fully understood

during the negotiations. Once the Applicant has identified a future user, the Applicant will be willing to engage with the Town on future discussions regarding the ways in which the needs of the Applicant's user and the desires of the Town to preserve the Poudre River corridor may best be met.

Rights-of-Way

Both the Staff Letter and the Redlined Map note that additional right-of-way may be required along roadways within the subject property. The Redline Map indicates specific roadways that may require future dedications, including Crossroads Boulevard, and asks that the same be included on the annexation map submitted with the Application.

Although we have provided an updated annexation map that addresses the majority of the comments set forth in the Redlined Map, we have not indicated the locations of any future right-of-way on such revised map. The Applicant's concern with indicating the *possible* locations of future right-of-way stems from the fact that the subject property and adjacent areas are still being developed, and as such, both the parcel boundaries and the right-of-way needs may change in the future, all subject to applicable regulations. Although the Applicant remains committed to working with the Town to address right-of-way needs and concerns as they arise, it would be premature to note such tentative locations at the time of the Application. Moreover, including future right-of-way is not a requirement for inclusion in an annexation map pursuant to C.R.S., 31-12-107(1)(d), and may cause confusion as to the status of such rights-of-way. Once the Applicant has secured one or more users for the subject property and proceeds to the subdivision process, the Applicant acknowledges that the Town may require various design and dedication of rights-of-way in connection with those approvals.

Summary of Neighborhood Meeting

There was only one attendee at the Neighborhood Meeting, as indicated in the copy of the sign-in sheet attached hereto as Exhibit B. That attendee owns and resides on property adjacent to the subject property, located near the Poudre River, and was primarily concerned that he was not able to confirm from the map included with the mailed notice whether his property was included within the Application. Upon confirming that the Application does not include the attendee's property, he left the Neighborhood Meeting.

We appreciate the opportunity to provide the foregoing comments, and look forward to our continued cooperation with the Town in connection with the Application. Please feel free to contact me with any questions or comments.

Sincerely,



Cory M. Rutz
for the Firm

EXHIBIT A
COPY OF DEED FOR ADJACENT PROPERTY

4408852 06/20/2018 03:13 PM
Total Pages: 12 Rec Fee: \$68.00 Doc Fee: \$389.04
Carly Koppes - Clerk and Recorder, Weld County, CO

SPECIAL WARRANTY DEED

[STATUTORY FORM - C.R.S. § 38-30-115]

GWIP, LLC, a Colorado limited liability company ("Grantor"), whose street address is 252 Clayton Street, 4th Floor, Denver, Colorado 80206, for the consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid, hereby sells and conveys to Windsor Renewal I, LLC, a Colorado limited liability company ("Grantee"), whose street address is 252 Clayton Street, 4th Floor, Denver, Colorado 80206, the real property that is described on Exhibit A and made a part hereof (the "Land"), with all its appurtenances, and warrants the title to the same against all persons claiming under Grantor subject to those matters set forth on Exhibit B and made a part hereof. Notwithstanding the forgoing, conveyance of the Land pursuant to this Special Warranty Deed is subject to the express exclusion of any and all right, title and interest in and to Seller's water and water rights of any kind, wells and well permits and rights, ground water and groundwater rights, ditches and ditch rights, reservoirs and reservoir rights, storage rights, springs and spring rights, and ditch and water company stock, whether decreed or un-decreed, appurtenant to or historically used in connection with the Land, whether in the nature of tributary, non-tributary or not non-tributary interest.

Effective as of the 15 day of June, 2018.

GRANTOR:

GWIP, LLC,
a Colorado limited liability company

By: [Signature]
Name: Kevin Shuba
Title: Manager, CEO

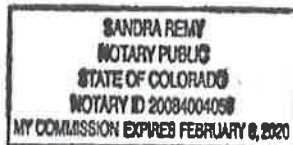
STATE OF COLORADO

[CITY AND] COUNTY OF Denver) ss.

The foregoing instrument was acknowledged before me this 15 day of June, 2018, by Kevin Shuba, as Manager, CEO of GWIP, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 2-6-2020



[Signature]
Notary Public

10016363

Recording Requested by:
FNTG-NCS Colorado

(654595)

Exhibit A
to Special Warranty Deed
Legal Description of the Land

Lot 3 of the Great Western Industrial Park Subdivision Seventh Filing pursuant to the plat thereof recorded in the real property records of Weld County, Colorado, at Reception No. 3849231 on May 30, 2012.

1654995 1

Exhibit B
to Special Warranty Deed

Permitted Exceptions

1. Water rights, claims of title to water, whether or not these matters are shown by the Public Records.
2. Taxes and assessments for the year 2018 and subsequent years, a lien, not yet due or payable.
3. Any existing leases or tenancies, and any and all parties claiming by, through or under said lessees.
4. Right of Way and rights incidental thereto for County Roads 30 feet on either side of Section and Township lines as established by the Board of County Commissioners for Weld County, as set forth in a document:

Recording Date: October 14, 1889
Recording No: Book 86 at Page 273

5. Reservations contained in the Patent

From: The United States of America
To: The parties listed below
Recording Date: as shown below
Recording No: as shown below

Which among other things recites as follows:

Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of the courts; and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and the reservation from the lands hereby granted of a right of way thereon for ditches or canals constructed by the authority of the United States.

Patent to James McGruder recorded December 16, 1886 in Book 51 at Page 52

6. Ditch right of way in favor of the Whitney Irrigating Ditch Company for the irrigation ditch, the same being a lateral or extension of the Whitney ditch over the West line of Section 25, extending thence in an Easterly direction following the winding and courses of said extension or lateral as it traverses said Section and Section 30 and as it terminates and wastes into the Cache La Poudre River, as set forth in the Quit-Claim Deed recorded March 18, 1912 in Book 359 at Page 191.

7. The reservation of the right to receive all bonus monies and the ½ share of all delay rentals and of all royalties, reserving the remaining ½ share of delay rentals and royalties to the second part, as reserved by Henry Hergert and Dave Hergert as executors of the Estate of Gotfred Hergert, deceased, as set forth in the Executor's Deed recorded January 22, 1954 in Book 1380 at Page 363. After the estate is finally settled in probate, such payments to be made to the executors shall then be divided into two parts, one part thereof to the trustees for Eva Hergert under said will, and the other part to the residuary devisees thereunder.

Note: Mineral Quit Claim Deed from the Estate of Gotfred Hergert, Et al to Ruben Hergert, Pauline Scheid and James Pivonka, Trustees for the Gotfred Hergert Family Trust recorded October 25, 1985 at Reception No. 2029917, and re-recorded November 8, 1985 at Reception No. 2031615. As further affected by Judgment and Decree recorded January 8, 1986 at Reception No. 2038470.

Note: Quitclaim Deed from the Gotfred Hergert Family Trust to Esther Ehrlich and Otto Ehrlich as to 50% of the above minerals, recorded April 2, 2002 at Reception No. 2939131.

Note: Mineral Deed from Esther Ehrlich to Broe Land Company, LLC recorded September 8, 2005 at Reception No. 3320929.

Note: Mineral Deed from Broe Land Company, LLC to Broe Land Acquisitions II, LLC recorded October 25, 2005 at Reception No. 3334333.

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: The Mountain States Telephone and Telegraph Company
Purpose: telecommunications systems and lines
Recording Date: October 3, 1969
Recording No: Reception No. 1537597

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Poudre Valley Rural Electric Association
Purpose: electrical power substation
Recording Date: May 15, 1973
Recording No: Reception No. 1613253

10. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Poudre Valley Rural Electric Association
Purpose: electric transmission or distribution lines
Recording Date: August 18, 1976
Recording No: Reception No. 1696504

11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Poudre Valley Rural Electric Association
Purpose: electric transmission or distribution lines
Recording Date: August 18, 1976
Recording No: Reception No. 1696513

12. Reservation of all oil, gas, minerals and minerals rights within the Land, together with the right to prospect for, mine, and remove the same, as reserved to Otto Ehrlich and Esther Ehrlich, by instrument(s) recorded June 26, 1985 at Reception No. 2014892.

13. Reservation of all oil, gas, minerals and minerals rights within the Land, together with the right to prospect for, mine, and remove the same, as reserved to Otto Ehrlich and Esther Ehrlich, by instrument(s) recorded June 26, 1985 at Reception No. 2014892.

14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Public Service Company of Colorado
Purpose: public utilities
Recording Date: July 6, 1989
Recording No: Reception No. 2184648

15. Subject to the effect of the Public Service Company of Colorado Ault-Fort St. Vrain-230kV R.O.W. Survey Plans recorded October 9, 1990 at Reception No. 2229626.

16. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Associated Natural gas Inc.
Purpose: gas pipelines
Recording Date: October 6, 1994
Recording No: Reception No. 2409823

17. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement in favor of Eastman Kodak Company as set forth below:

Recording Date: February 23, 2005
Recording No.: Reception No. 3263062

18. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement in favor of Broe Land Acquisitions II, LLC as set forth below:

Recording Date: February 23, 2005
Recording No.: Reception No. 3263063

19. Subject to the 30 foot emergency access easement and the centerline of ditch (no record easement exists), as shown on the Recorded Exemption No. 0807-26-4-RE-4063 recorded June 3, 2005 at Reception No. 3291873.
20. Reservations as set forth in Deed recorded June 3, 2005 at Reception No. 3291874 and recorded July 26, 2005 at Reception No. 3306181.
21. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement in favor of Front Range Energy, LLC as set forth below:

Recording Date: June 3, 2005
Recording No.: Reception No. 3291877
22. Terms, conditions, provisions, agreements and obligations contained in the Temporary Easement Agreement (Easement B) as set forth below:

Recording Date: June 3, 2005
Recording No.: Reception No. 3291878
23. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement (Easement C) as set forth below:

Recording Date: June 3, 2005
Recording No.: Reception No. 3291879
24. Subject to the effect of the Recorded Exemption No. 0807-26-4-RE-4064 recorded June 3, 2015 at Reception No. 3291882.
25. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement (Tract 2 retained Easements) as set forth below:

Recording Date: June 15, 2005
Recording No.: Reception No. 3295102
26. An oil and gas lease in favor of Great Western Oil and Gas company, LLC for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein, and any and all assignments thereof or interests therein.

Recording Date: October 25, 2005
Recording No: Reception No. 3334334

Note: Declaration of Pooling recorded February 24, 2006 at Reception No. 3365579.
27. Terms, conditions, provisions, agreements and obligations contained in the Surface Use Agreement in favor of Great Western Oil and Gas Company, LLC as set forth below:

Recording Date: October 25, 2005
Recording No.: Reception No. 3334335

Note: Second Amendment recorded January 10, 2012 at Reception No. 3816958.

28. Terms, conditions, provisions, agreements and obligations contained in the Great Western Annexation Agreement as set forth below:

Recording Date: October 26, 2005
Recording No.: Reception No. 3334442

Note: Second Amendment recorded November 8, 2009 at Reception No. 3730892.

29. Minerals and mineral rights granted to Great Western Oil and gas company, LLC, by Eastman Kodak Company, in Mineral Deed, dated November 1, 2005, recorded November 15, 2005 at Reception No. 3340226.

Note: Bargain and Sale Mineral Deed from Great Western Oil and Gas Company, LLC to Northern Colorado Royalties, LLC recorded June 2, 2006 at Reception No. 3384260.

Note: Bargain and Sale Mineral Deed from Broe Land Acquisitions II, LLC to Northern Colorado Royalties, LLC recorded June 2, 2006 at Reception No. 3384261.

Note: Amendment of Bargain and Sale Mineral Deed recorded September 5, 2013 at Reception No. 3961589.

30. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement (Water Pipeline Improvements) as set forth below:

Recording Date: January 31, 2006
Recording No.: Reception No. 3358983

31. Terms, conditions, provisions, agreements and obligations contained in the Crossing Agreement (Roadway, utility Lines and Drainage) as set forth below:

Recording Date: March 17, 2006
Recording No.: Reception No. 3371324

32. Terms, conditions, provisions, agreements and obligations contained in the Memorandum of Surface Use Agreement as set forth below:

Recording Date: July 17, 2006
Recording No.: Reception No. 3403605

33. Terms, conditions, provisions, agreements and obligations contained in the Great Western Annexation and Development Agreement as set forth below:

Recording Date: February 2, 2007
Recording No.: Reception No. 3452578

16145951

Note: Great Western Fifth Annexation and Master Plan Pre-annexation Agreement recorded March 22, 2007 at Reception No. 3463736.

Note: Town of Windsor Approval of the above recorded April 19, 2007 at Reception No. 3469715.

Note: Agreement Regarding the Great Western Annexations and Master Plan recorded August 30, 2007 at Reception No. 3500798.

Note: Approval for Great Western Sixth Annexation and Master Plan Annexation and Development Agreement recorded September 16, 2008 at Reception No. 3578320.

Note: First Amendment recorded October 2, 2009 at Reception No. 3652306.

34. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the Declaration of Covenants, Conditions, Restrictions and easements for Great Western Industrial Park

Recording Date: April 18, 2007
Recording No: Reception No. 3469860

35. Terms, conditions, provisions, agreements and obligations contained in the Reservation of Development Rights, Release of Liability and Disclosures as set forth below:

Recording Date: April 18, 2007
Recording No.: Reception No. 3469863

36. Subject to the fence line that lies 145.76 feet West of the Easterly boundary line of Tract B of Great Western Industrial Park Subdivision, Second Filing recorded August 29, 2007 at Reception No. 3500761.

Said fence appears to belong to the Unplatted tract that sits in the Northeast corner of this subdivision.

37. Terms, conditions, provisions, agreements and obligations contained in the Crossing Agreement (Utility Lines) as set forth below:

Recording Date: February 14, 2008
Recording No.: Reception No. 3535411

38. Terms, conditions, provisions, agreements and obligations contained in the Crossing Agreement (Utility Lines) as set forth below:

Recording Date: February 14, 2008
Recording No.: Reception No. 3535412

39. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement in favor of the Town of Windsor as set forth below:

Recording Date: April 4, 2008
Recording No.: Reception No. 3545732

Note: A portion of the above easement was vacated on the plat for Great Western Industrial Park Subdivision Seventh Filing recorded May 30, 2012 at Reception No. 3849231.

40. Terms, conditions, provisions, agreements and obligations contained in the Easement and Right-Of-Way Agreement for Sanitary Sewer Pipeline and Water Pipeline in favor of the Town of Windsor as set forth below:

Recording Date: April 4, 2008
Recording No.: Reception No. 3545736

41. Terms, conditions, provisions, agreements and obligations contained in the Easement and Right-Of-Way Agreement for Sanitary Sewer Pipeline in favor of the Town of Windsor as set forth below:

Recording Date: April 4, 2008
Recording No.: Reception No. 3545737

42. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement as set forth below:

Recording Date: June 5, 2008
Recording No.: Reception No. 3558944

43. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement in favor of Great Western Railway of Colorado, LLC as set forth below:

Recording Date: August 28, 2008
Recording No.: Reception No. 3575068

44. Terms, conditions, provisions, agreements and obligations contained in the Amended and Restated Surface Use Agreement between Broc Land Acquisitions II, LLC and Great Western Oil and Gas Company, LLC as set forth below:

Recording Date: October 8, 2008
Recording No.: Reception No. 3583120 and Reception No. 3583121

45. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement in favor of Great Western Oil and Gas Company, LLC as set forth below:

Recording Date: October 8, 2008
Recording No.: Reception No. 3583122

46. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement in favor of Great Western Oil and Gas Company, LLC as set forth below:

Recording Date: October 8, 2008
Recording No.: Reception No. 3583123

47. Minerals and mineral rights granted to Northern Colorado Royalties, LLC, by Broe Land Acquisitions 14, LLC, in Bargain and Sale Mineral Deed, dated June 22, 2009, recorded June 26, 2009 at Reception No. 3632897.
48. Minerals and mineral rights granted to Northern Colorado Royalties, LLC, by Broe Land Acquisitions 15, LLC, in Bargain and Sale Mineral Deed, dated June 22, 2009, recorded June 26, 2009 at Reception No. 3632898.
49. An oil and gas lease in favor of Great Western Oil and Gas Company, LLC for the term therein provided with certain covenants, conditions and provisions, together with easements, if any, as set forth therein, and any and all assignments thereof or interests therein.

Recording Date: July 24, 2009
Recording No: Reception No. 3638366

50. Minerals and mineral rights granted to Northern Colorado Royalties, LLC, by Broe Land Acquisitions II, LLC, in Bargain and Sale Mineral Deed, dated August 20, 2009, recorded August 24, 2009 at Reception No. 3644518.
51. Any tax, lien, fee, or assessment by reason of inclusion of the Land in the Northern Colorado Water Conservancy District, as evidenced by instrument(s) recorded September 29, 2010 at Reception No. 3721790.
52. Terms, conditions, provisions, agreements and obligations contained in the Declaration of Dry-Up covenant and dedication of Easement as set forth below:

Recording Date: October 21, 2011
Recording No.: Reception No. 3800633

53. Terms, conditions, provisions, agreements and obligations contained in the Railroad Easement Agreement in favor of Great Western Railway of Colorado, LLC as set forth below:

Recording Date: January 10, 2012
Recording No.: Reception No. 3816959

54. Terms, conditions, provisions, agreements and obligations contained in the Declaration of Dry-Up covenant and Dedication of Easement (BLAII) as set forth below:

1634405 1

Recording Date: March 5, 2012
Recording No.: Reception No. 3830693

55. Terms, conditions, provisions, agreements and obligations contained in the Crossing Agreement as set forth below:

Recording Date: March 9, 2012
Recording No.: Reception No. 3831000

56. Terms, conditions, provisions, agreements and obligations contained in the Great Western Subdivision, Seventh Filing Subdivision Development Agreement as set forth below:

Recording Date: May 30, 2012
Recording No.: Reception No. 3849230

57. Subject to the 15 foot irrigation easement, the 15 foot access easement for Whitney Ditch and the 16 foot utility, drainage and trail easement affecting Lot 3, the 16 foot utility, drainage and trail easement and 20 foot future right of way, affecting Lot 4, the 16 foot utility affecting Lot 1 and the 10 foot utility, 30 foot emergency access and access easement, 16 foot utility, utility and drainage easement, 41 foot drainage easement, 20 foot drainage easement, 20 foot by 60 foot easement, 16 foot utility, drainage and trail easement, and 20 foot future right of way, affecting Lot 5, all as shown on the plat for Great Western Industrial Park Subdivision Seventh Filing recorded May 30, 2012 at Reception No. 3849231.

58. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Poudre Valley Rural Electric Association, Inc.
Purpose: electric lines
Recording Date: August 21, 2012
Recording No: Reception No. 3867580

59. Terms, conditions, provisions, agreements and obligations contained in the Royalty Deed from Broe Holdings, LLC to Dynasty Royalty Company, LLC as set forth below:

Recording Date: December 19, 2012
Recording No.: Reception No. 3897362

60. Terms, conditions, provisions, agreements and obligations contained in the Easement Agreement For Water Rights Structures and Revocable License Agreement for Use of Water Rights as granted to Great Western Development Company, Inc. as set forth below:

Recording Date: July 16, 2014
Recording No.: Reception No. 4031099

16145991

61. Any tax, lien, fee, or assessment by reason of inclusion of the Land in the Great Western Metropolitan District Nos. 1-7, as evidenced by instrument(s) recorded December 23, 2014 at Reception No. 4070738.
62. Terms, conditions, provisions, agreements and obligations contained in the Memorandum of Pipeline Easement Agreement with Platte River Midstream, Inc. as set forth below:

Recording Date: August 30, 2016
Recording No.: Reception No. 4232517

EXHIBIT B
SIGN-IN SHEET FOR NEIGHBORHOOD MEETING

NEIGHBORHOOD MEETING
PROPOSED GWIP 7TH ANNEXATION

Name	Address	Email Address	Comments
John D. Demianyz	30525 WLR 23		



Great Western 7th Annexation & Zoning

Millissa Berry, Senior Planner

Planning Commission July 18, 2018



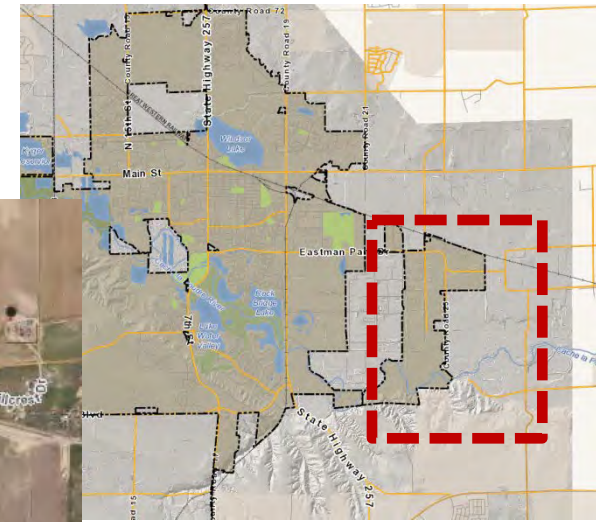
Annexation

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.

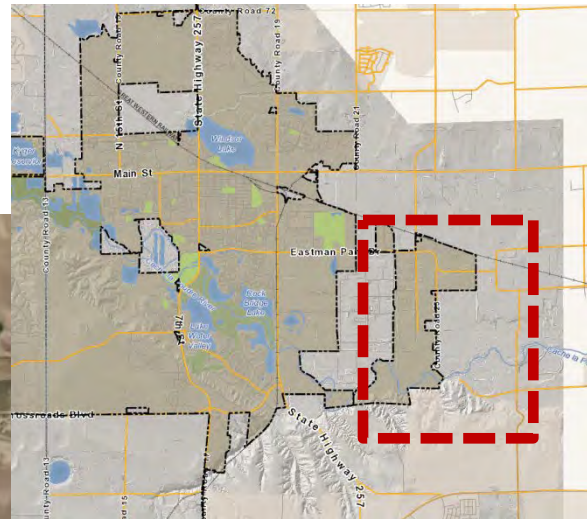
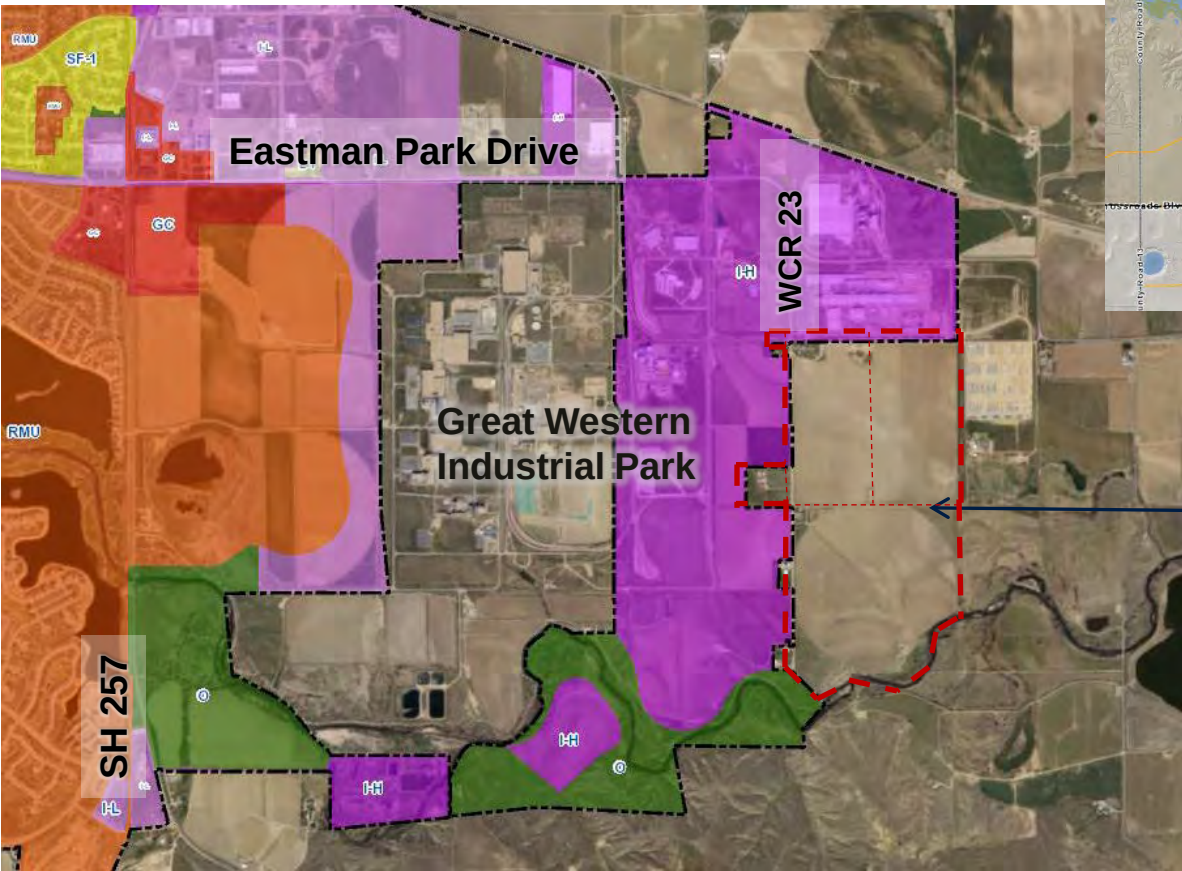
Site Vicinity Map



Subject
Properties



Area Zoning Map

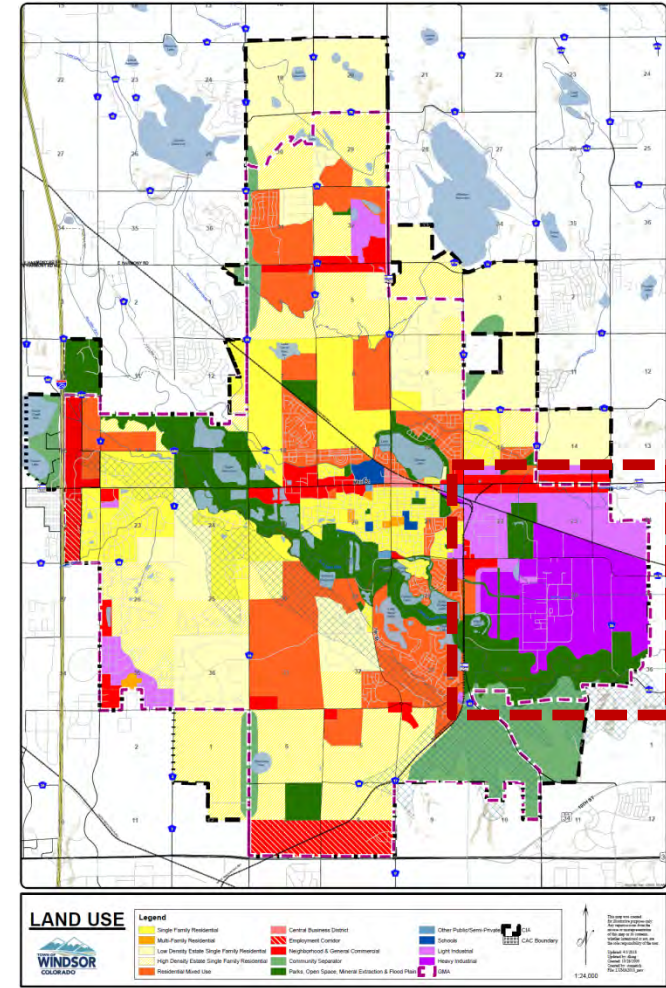
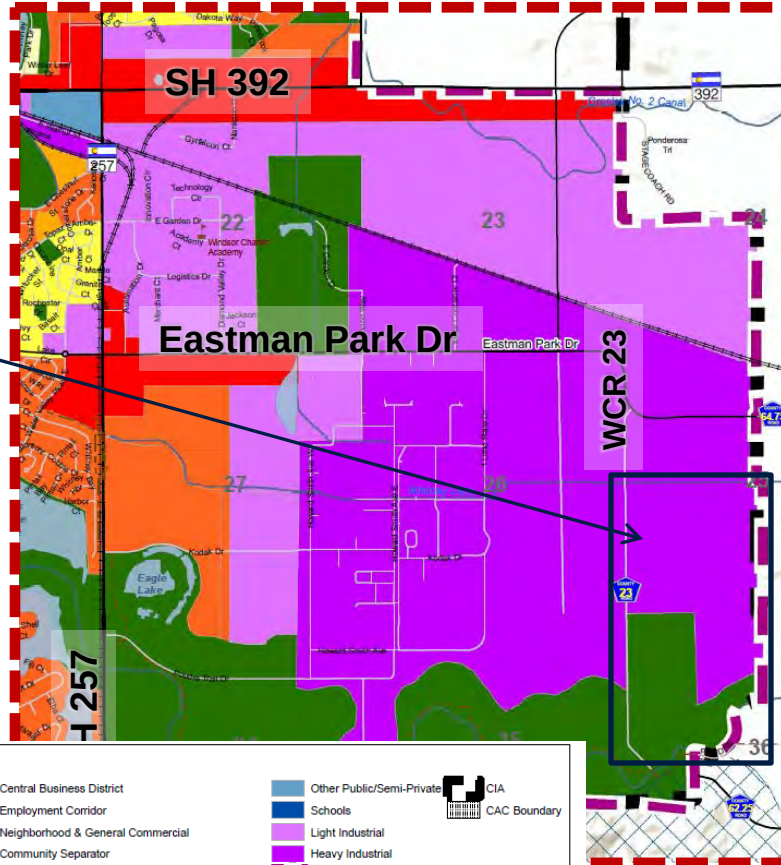


Subject Properties

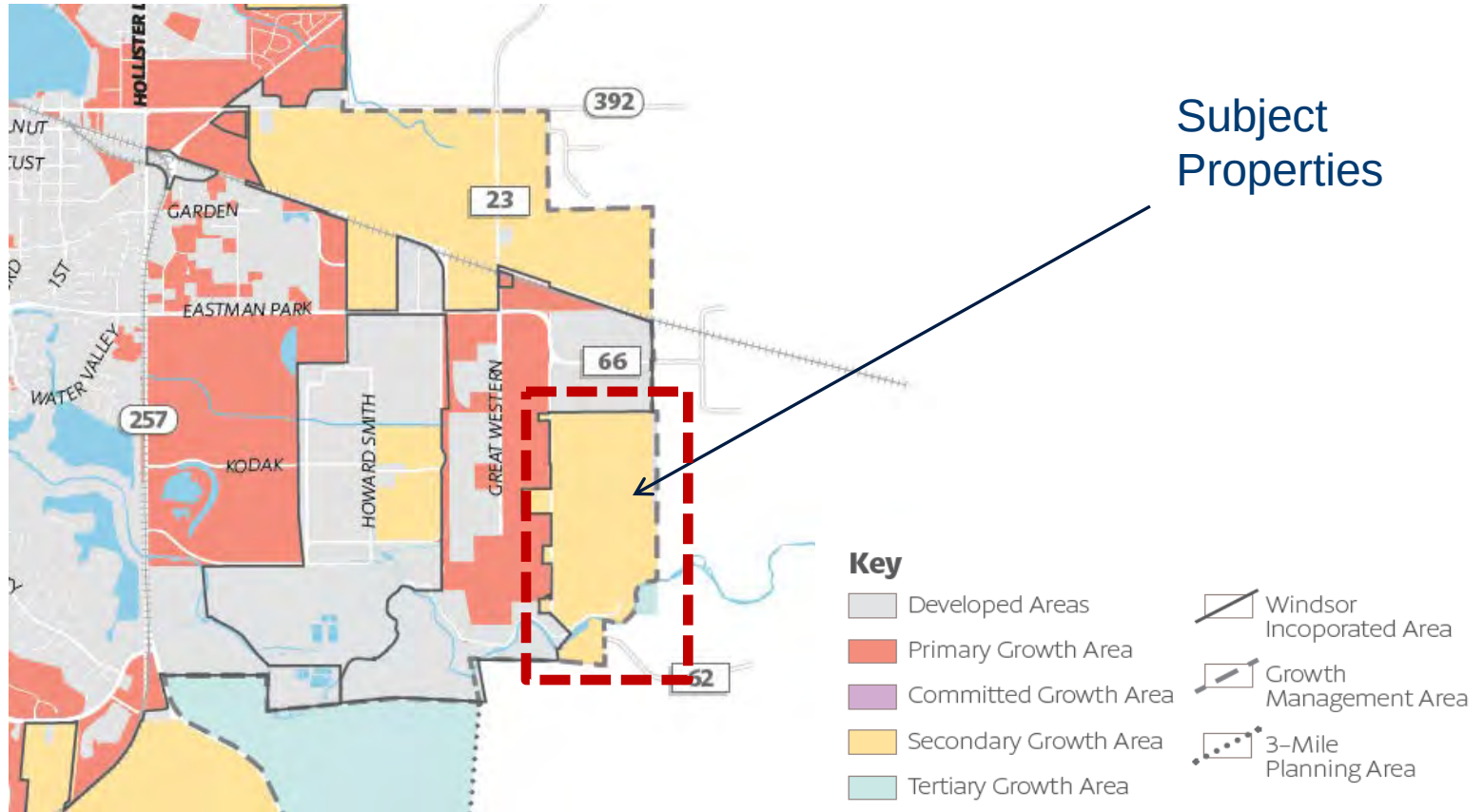


Land Use Plan

Subject Properties



Land Use Plan – Growth Strategy





Findings

Staff has determined that the requirements of applicable parts of CRS Section 31-12-104, 31-12-105, and 31-12-107 have been met:

1. Plat is consistent with the annexation petition
2. The property is eligible for annexation based on contiguity and community interest between property owner and the Town (properties can be urbanized)
3. No limitations for annexation exists
4. An election is not required



Annexation Agreement

Dedication of rights-of-way

- WCR 23
- Crossroads Boulevard

Sanitation sewer

- Amendment to Section 208 boundaries
- Existing lift station review

Protection of river corridor

- Discussions of approaches with Town, applicant and user once user is identified



Annexation Records

Staff requests that the following be entered into the record:

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



Recommendation

Staff recommends that the Planning Commission forward a recommendation of approval of the Great Western 7th Annexation and Heavy Industrial (I-H) zoning designation to the Town Board, as presented, with the condition that all outstanding staff comments on annexation map are adequately addressed prior to recording of the annexation map.



MEMORANDUM

Date: July 18, 2018
To: Planning Commission
From: Paul Hornbeck, Senior Planner
Re: Public Hearing and Recommendation to Town Board – Rezoning
Petition - Ptarmigan Business Park PUD 2nd Filing Tract A –
Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet,
TST Consulting Engineers, applicant's representative
Location: Approximately ½ mile northwest of SH 392/ CR 5 intersection
Items #: C.5 C.6

Background / Discussion

The applicant Mr. Tom Muth of Windsor Investments LTD, represented by Mr. Jon Sweet of TST Consulting Engineers, is requesting to rezone a portion of Tract A of the Ptarmigan Business Park PUD 2nd Filing Subdivision. Approximately 0.314 acres are proposed to be rezoned from General Commercial (GC) to Residential Mixed Use (RMU).

The surrounding 62 acres to the north, east, and south were rezoned from GC to RMU by Town Board at request of the applicant on October 9, 2017. The current rezoning is necessary because the previous rezoning followed the alignment of the Westgate Drive right-of-way, which is now proposed to be modified as a part of a major subdivision (agenda item C.5 C.6). Without the proposed rezoning, this road realignment will create a peninsula of General Commercial within the Residential Mixed-Use area.

Relationship to Comprehensive Plan

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.

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Notification

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

A neighborhood meeting was held on June 14, 2018 with notifications sent as follows:

- May 30, 2018 – affidavit of mailing to property owners within 300 feet
- June 3, 2018 – display ad published in the paper

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

- June 28, 2018 - property posted with a notification sign
- June 29, 2018 - legal notice posted on the Town of Windsor website
- June 29, 2018 - legal ad published in the Tribune
- June 27, 2018 – affidavit of letters mailed to the adjacent property owners

Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the rezoning petition.

Attachments

Application Materials
PowerPoint presentation

cc: Tom Muth, applicant
Jon Sweet applicant's representative

REZONING PETITION

I, Windsor Investments LTD, the undersigned, being the owner of the property described as:

**LEGAL DESCRIPTION - PTARMIGAN BUSINESS PARK P.U.D, SECOND FILING, TRACT A
- REZONE:**

A PARCEL OF LAND SITUATE IN SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER-EAST SIXTEENTH CORNER OF SECTION 15 WHENCE THE EAST SIXTEENTH CORNER OF SAID SECTION BEARS S00°44'25"W A DISTANCE OF 2982.80 FEET AND CONSIDERING ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE S00°44'25"W A DISTANCE OF 587.66 FEET TO THE POINT OF BEGINNING;

THENCE S00°44'25"W A DISTANCE OF 86.91 FEET;

THENCE N89°37'45"E A DISTANCE OF 315.51 FEET;

THENCE N00°06'25"E A DISTANCE OF 10.09 FEET;

THENCE ON A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 15°27'19", A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 91.71 FEET, AND A CHORD THAT BEARS N82°09'56"W A DISTANCE OF 91.44 FEET TO A POINT OF TANGENT;

THENCE N74°26'45"W A DISTANCE OF 232.33 FEET TO THE POINT OF BEGINNING

SAID TRACT CONTAINS 0.314 ACRES (13,679 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHT-OF-WAY, EASEMENTS AND RESTRICTIONS NOW IN USE OR OF RECORD.

Containing 0.314 acres more or less, we hereby request a change in zoning from GC (General Commercial) to RMU (Residential Mixed Use) and do hereby pay the required fee.

Date:

3/5/2018

Mailing Address:

1901 W. Kettleman Lane, Suite 102
Lodi, CA 95242

Owners Signature:

Windsor Investments LTD

By: _____


Thomas R. Muth, Manager



March 6, 2018

*Ptarmigan Business Park P.U.D., Tract A, Second Filing Rezone
Project Narrative*

Project No. 0760.0064.00

The Ptarmigan Business Park P.U.D., Tract A, Second Filing, Rezone project is located north of Hwy 392, east of I-25, and west of County Road 5. The current zoning of the Tract is General Commercial and the request with this application is to rezone approximately 0.314 of the 15 acres of Tract A to Residential Mixed Use. The request is being made to match the existing zoning on the south, east and north sides. This is a small sliver of land that is left over from the original Westgate Drive road alignment. Westgate Drive is currently being realigned with the Ptarmigan Major Subdivision Fourth Filing process. This road realignment will create a peninsula of General Commercial within the Residential Mixed-Use area. In order to make the best use of the area for GC/I-L, to the west and RMU to the east, we are requesting the rezoning of this area to create more rectangular shaped zoning boundaries.

If there are any questions, concerns, or if additional information is required please feel free to contact me.

Sincerely,

Jon Sweet, P.E.

TST, INC. CONSULTING ENGINEERS

jsweet@tstinc.com

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970.226.0557 main
303.595.9103 metro
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Rezoning

Ptarmigan Business Park
PUD 2nd Filing Tract A

Paul Hornbeck, Senior Planner

Planning Commission July 18, 2018



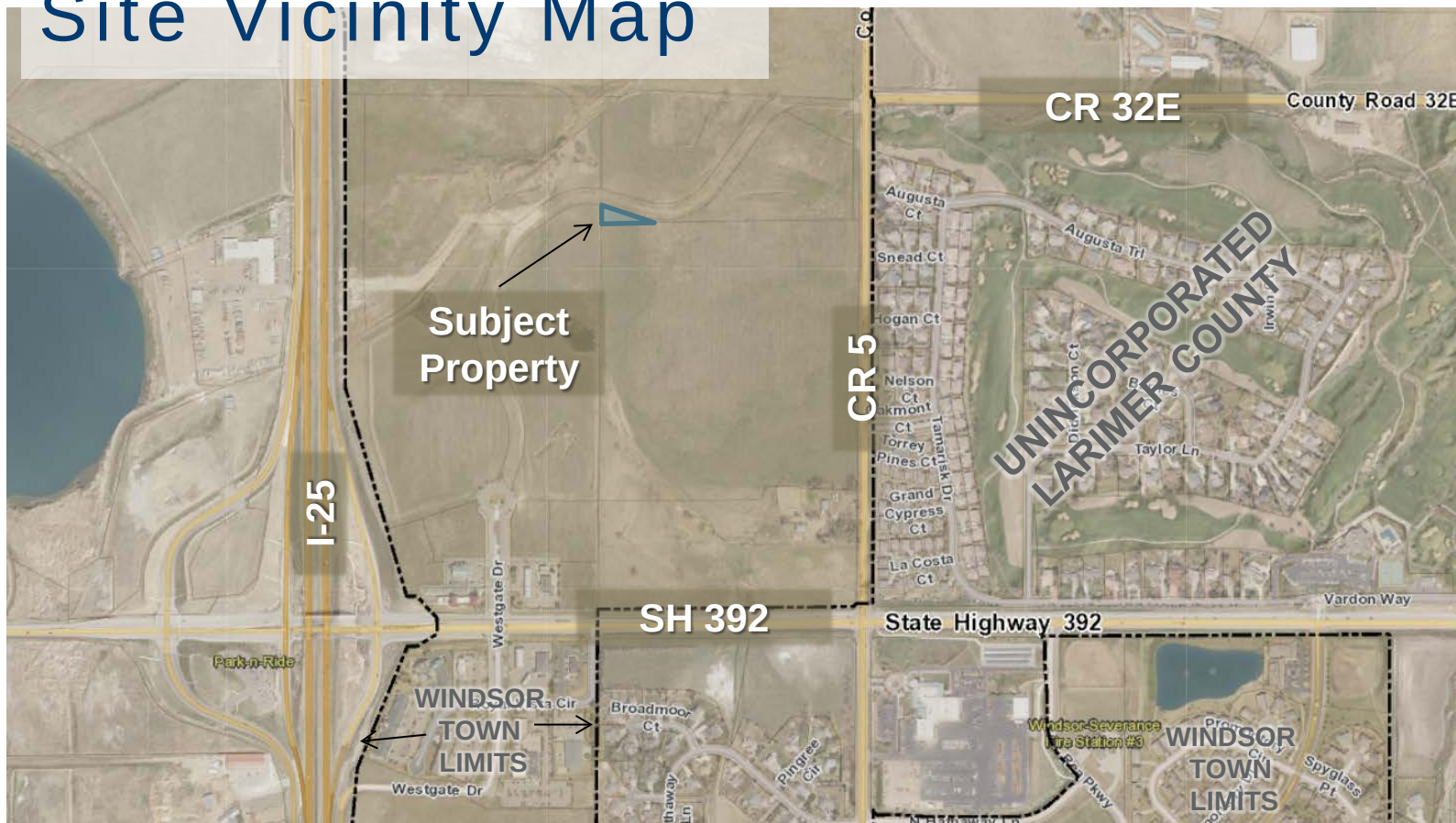
Rezoning Request

Article V of Chapter 16 of the Municipal Code outlines the amendment procedures to established zoning districts:

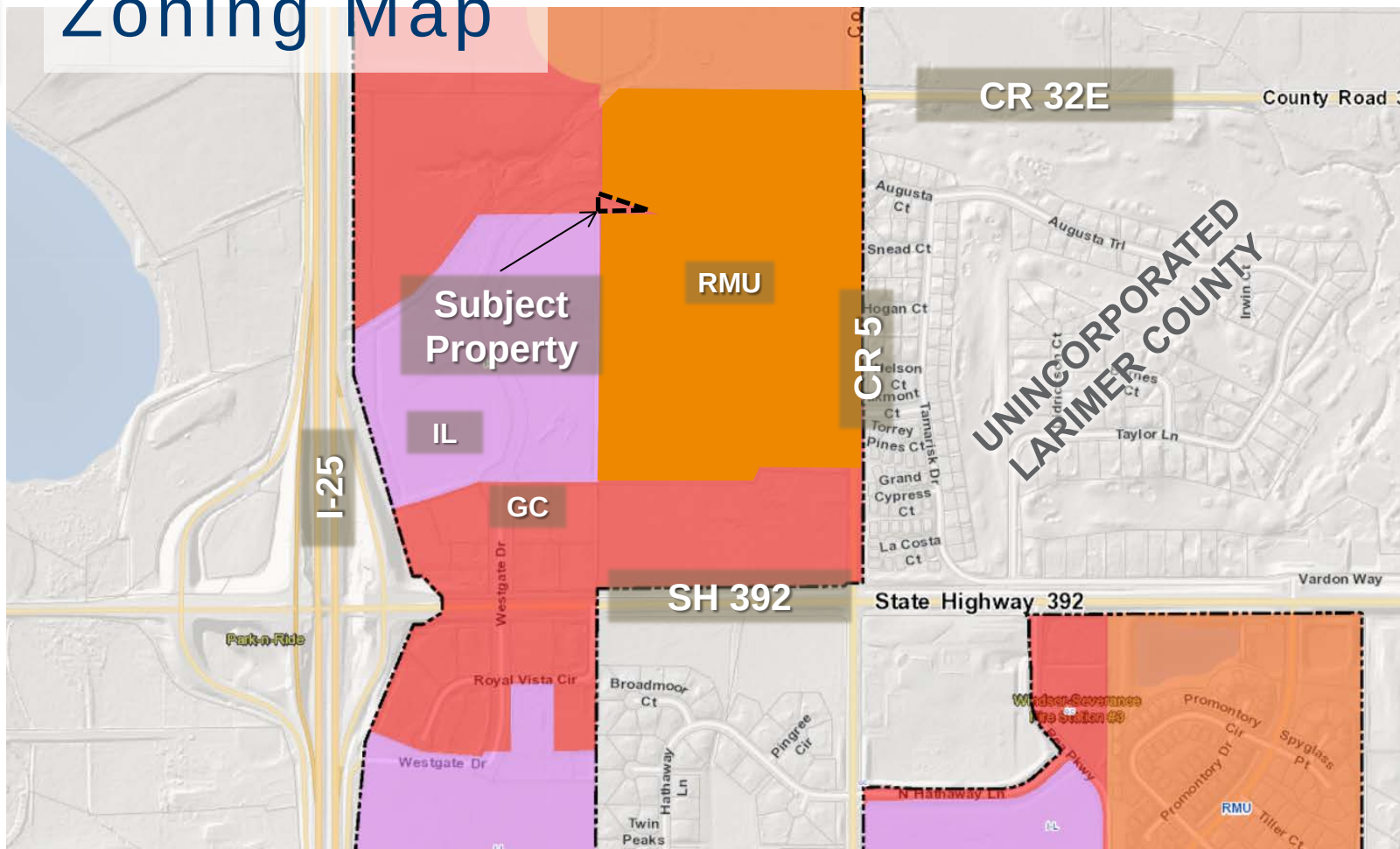
Sec. 16-5-20. Rezoning Applications

Purpose. The purpose of this Section is to provide a procedure for changing the existing zone classification of a parcel of land within the Town.

Site Vicinity Map



Zoning Map





Comprehensive Plan Conformance

Chapter 5b: Growth Framework

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



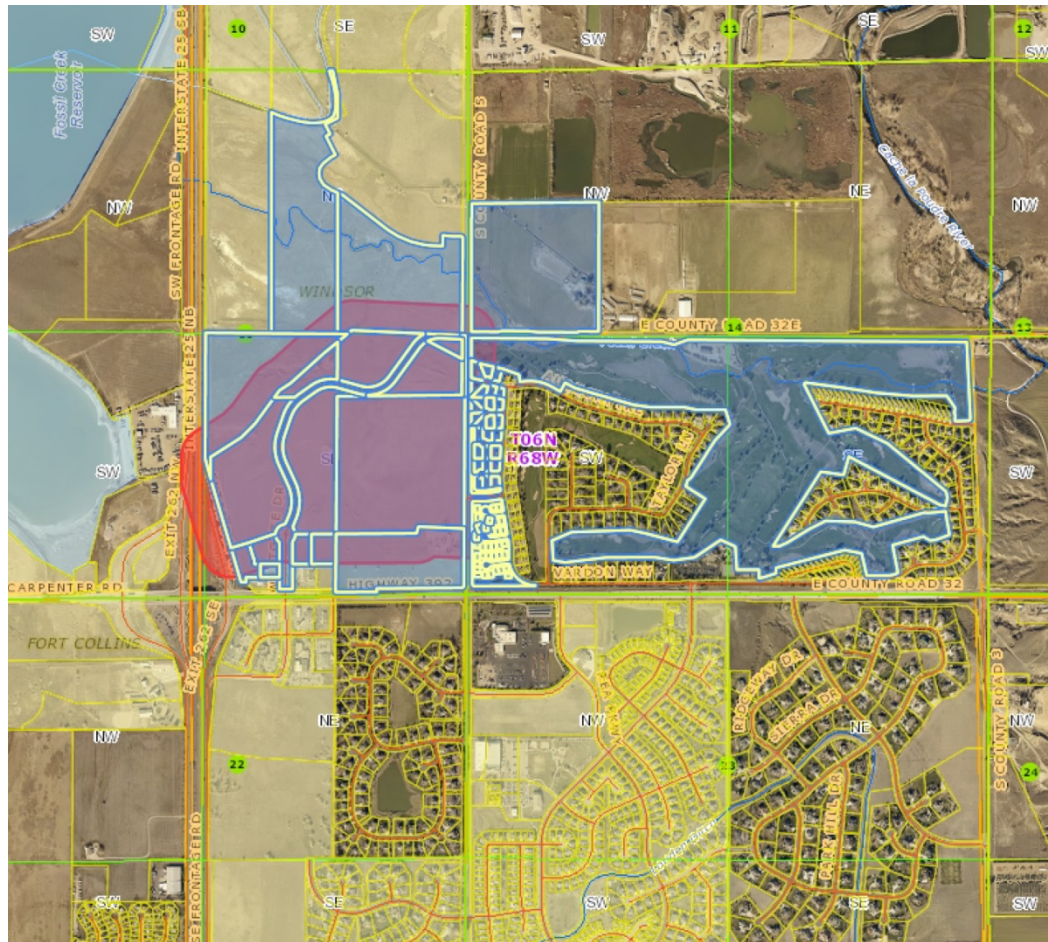
Notification

Neighborhood meeting notifications:

- May 31, 2018 – affidavit of mailing to property owners within 300 feet
- June 3, 2018 – display ad published in the paper

Public Hearing notifications:

- June 28, 2018 - property posted with a notification sign
- June 29, 2018 - legal notice posted on the Town of Windsor website
- June 29, 2018 - legal ad published in the Tribune
- July 3, 2018 – affidavit of letters mailed to the adjacent property owners





Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the rezoning petition.



Rezoning

Staff requests that the following be entered into the record:

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



MEMORANDUM

Date: July 18, 2018
To: Planning Commission
From: Paul Hornbeck, Senior Planner
Re: Preliminary Subdivision – Windsor Villages at Ptarmigan – Tom Muth, Windsor Investments LTD, applicant/ Jon Sweet, TST Consulting Engineers, applicant's representative
Location: West of the Intersection of CR 5 and Oakmont Drive
Items #: C.7

Background / Discussion

The applicant Mr. Tom Muth of Windsor Investments LTD, represented by Mr. Jon Sweet of TST Consulting Engineers, has submitted a preliminary major subdivision plat, known as Windsor Villages at Ptarmigan. The subdivision encompasses approximately 103 acres and is zoned Residential Mixed Use (RMU) and Limited Industrial (IL).

Preliminary Plat characteristics:

- 117 single-family residential lots;
- Average lot size of 7,346 square feet;
- 23 acres of public right-of-way dedication
- 48 acre future development tract master planned for commercial and multifamily uses
- Offsite improvements will include widening of CR 5 from SH 392 to CR 32E and roundabouts on CR 5 at Oakmont Drive and CR 32E

The applicant held a neighborhood meeting on June 14, 2018, in accordance with Chapter 16, Article XXXI of the Municipal Code. There were approximately seventeen neighbors in attendance. Please see the enclosed neighborhood meeting notes for discussion topics and responses.

Relationship to Comprehensive Plan

The application is consistent with the following Goals 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.

Chapter 5c Residential Areas Framework Plan:

Goal: Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Notification

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

A neighborhood meeting was held on June 14, 2018 with notifications sent as follows:

- May 30, 2018 – affidavit of mailing to property owners within 300 feet
- June 3, 2018 – display ad published in the paper

Recommendation

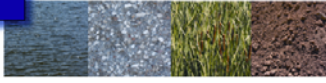
Staff recommends that the Planning Commission approve the Preliminary Plat subject to the following conditions:

1. All outstanding Planning Commission and staff comments shall be addressed on the Final Plat.
2. The Final Plat shall depict the right-of-way for Oakmont Drive shifted north to ensure it is dedicated solely from property controlled by the applicant.

Attachments

Neighborhood Meeting Summary
PowerPoint presentation

cc: Tom Muth, applicant
Jon Sweet applicant's representative



Report for Neighborhood Meeting for Windsor Villages at Ptarmigan Rezoning and Major Subdivision

Meeting Date: June 14th, 2018 at 6pm

Meeting Location: Windsor Severance Fire Station #3

Report Date: July 6th, 2018

Overview:

The June 14th Neighborhood Meeting was attended by a total of seventeen (17) people from fifteen (15) different households, all within the Ptarmigan Subdivision (the subdivision east of the project). Both sign in sheets are attached to this report. Exhibits presented to the attendees included:

- A preliminary site plan of the proposed development.
- Expanded plan views of round-a-bouts on County Road 5 and 32E and Oakmont.
- Rezoning Exhibit.
- Cross section elevations comparing existing Country Road 5 with proposed street improvements for County Road 5.

The main concerns brought to our attention were:

- Increased traffic noise and congestion.
- How project construction will impact existing traffic patterns and access to existing subdivision.
- Project installation time line.
- Potential impact on property values.
- The proposed lot sizes and density.
- Would plant material be installed to mitigate the loss of existing trees along CR 5?
- What is the ultimate cross section of CR 5, and how much green space is there?
- Will there be improvements to existing sound wall to reduce road noise?

Information conveyed to the residents in response to those concerns was the following:

- Planting material with lower canopies and evergreen species, would help mitigate some of the traffic noise, however there are areas along CR5 that may not be appropriate for additional planting.
- Additional lanes, round-a-bouts and additional left turn lanes at CR-5 / 392 would improve traffic the existing traffic condition.



- The project will fulfill town planting standards along CR 5 road improvements on the west side of the street.
- Existing sound walls would remain the responsibility of either the home owner or the Ptarmigan HOA, depending on where the sound wall was located.

Please contact me with any questions on the above information.

Thanks,



Brian Williamson
Landscape Architect / Planner
TST Consulting Engineers, Inc.





Preliminary Major Subdivision

Windsor Villages at
Ptarmigan

Paul Hornbeck, Senior Planner

Planning Commission July 18, 2018



Major Subdivision

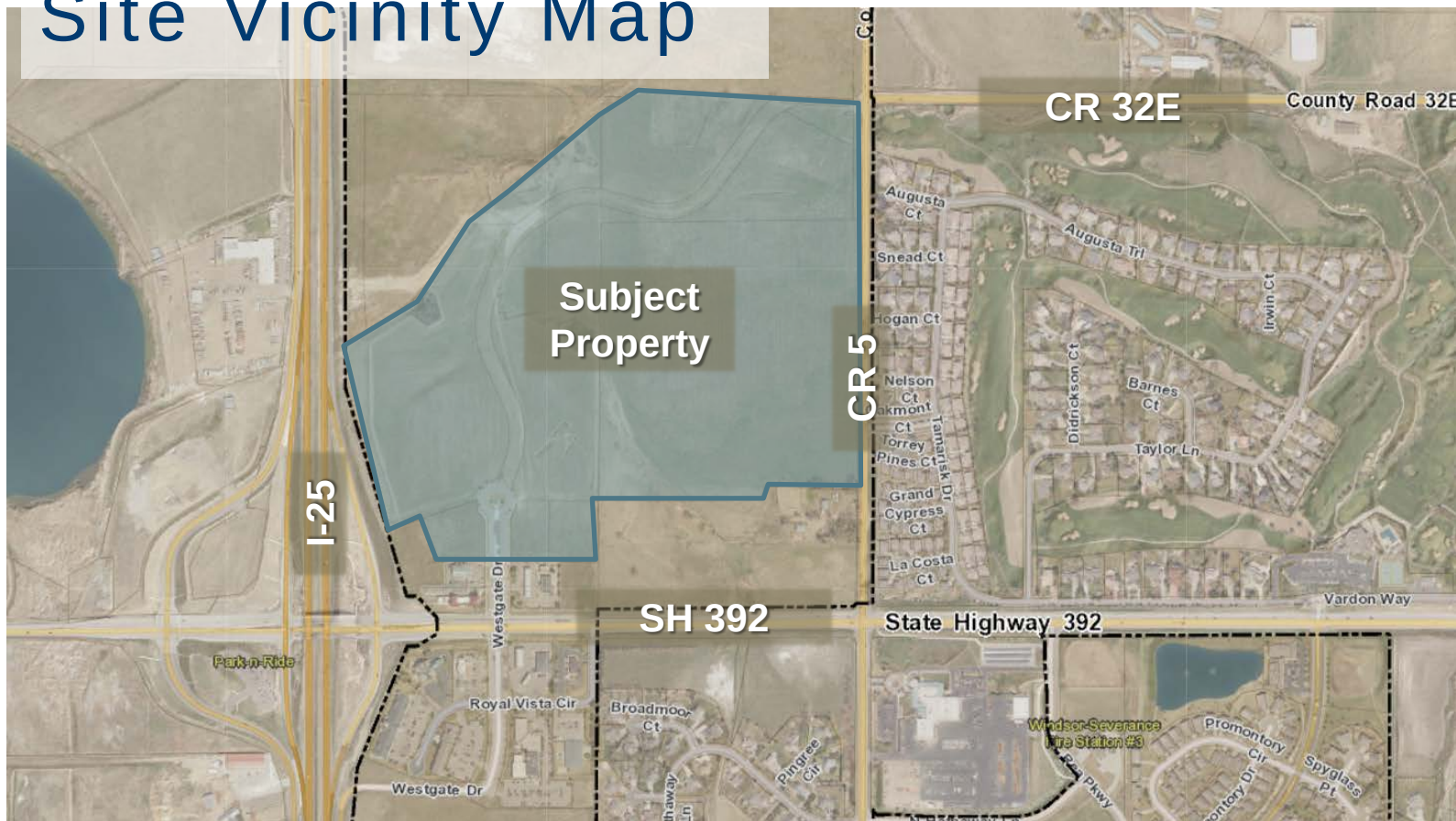
Article IV of Chapter 17 of the Municipal Code outlines the purposes of the Major Subdivision process, including:

Sec. 17-4-10. Purpose.

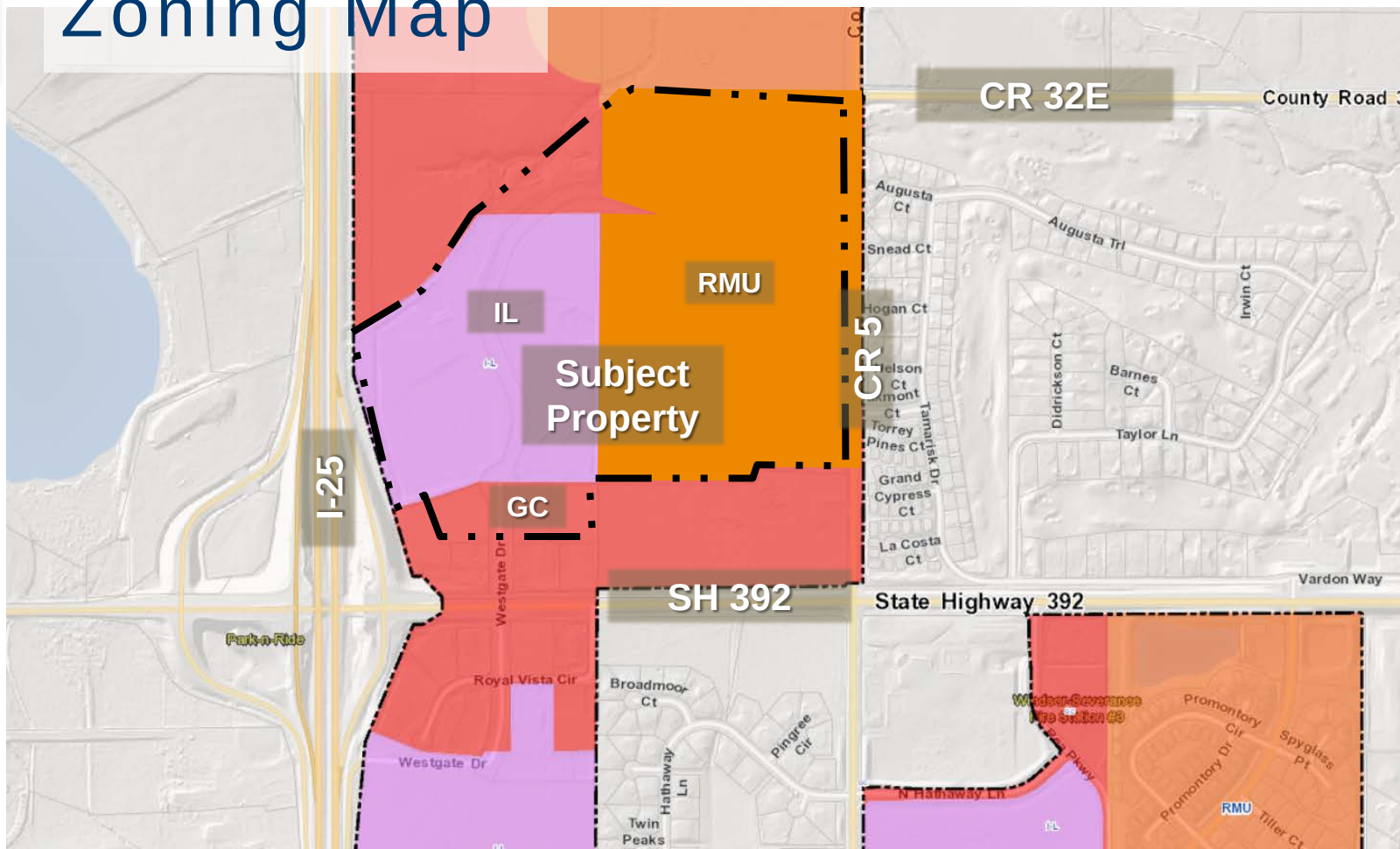
The purposes of the major subdivision procedure are:

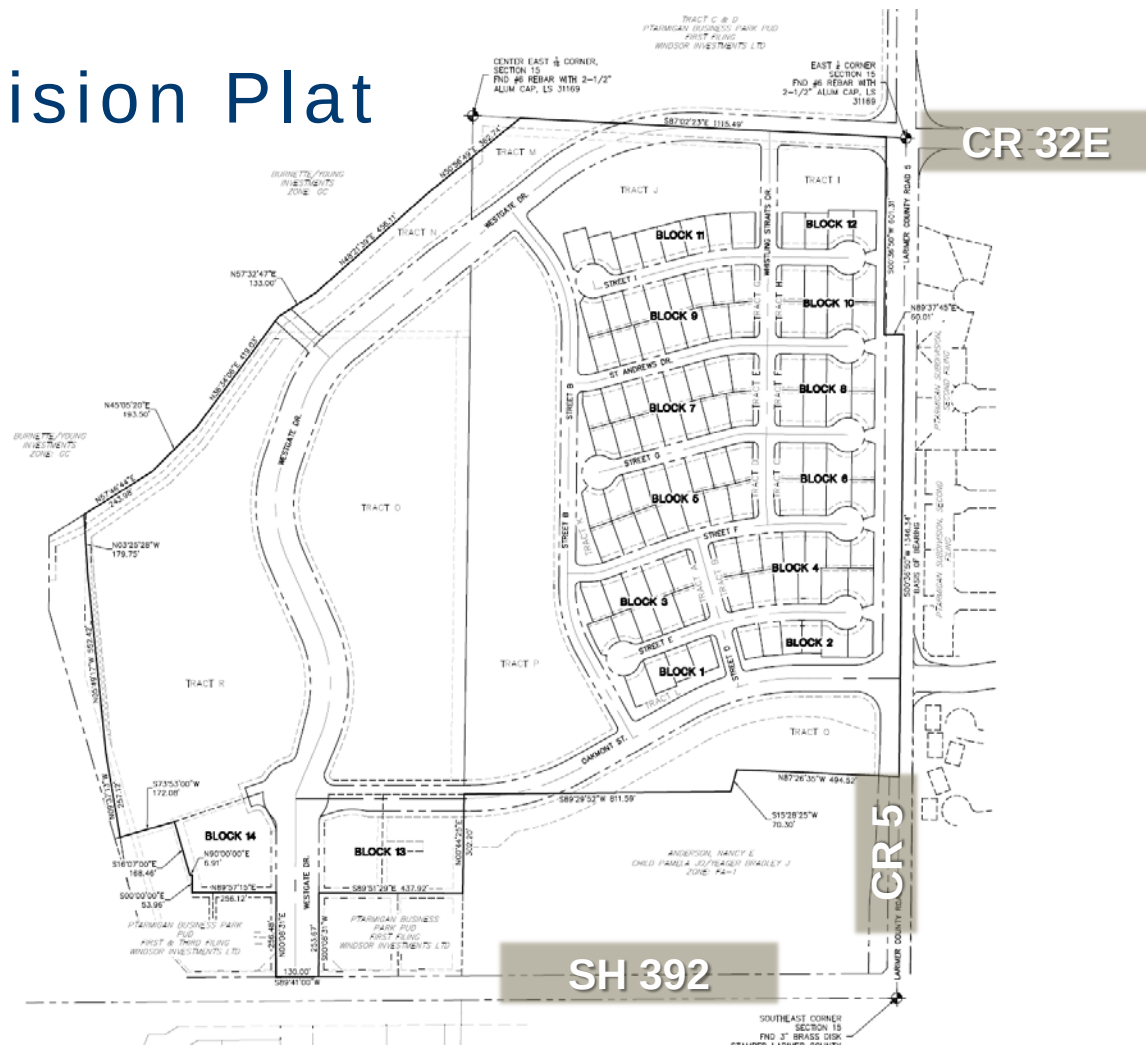
To divide or reconfigure a parcel or parcels of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.

Site Vicinity Map



Zoning Map







Comprehensive Plan Conformance

Chapter 5b: Growth Framework

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

Chapter 5c Residential Areas Framework Plan:

Goal: Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.



Comprehensive Plan Conformance

Chapter 5b: Growth Framework

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

Chapter 5c Residential Areas Framework Plan:

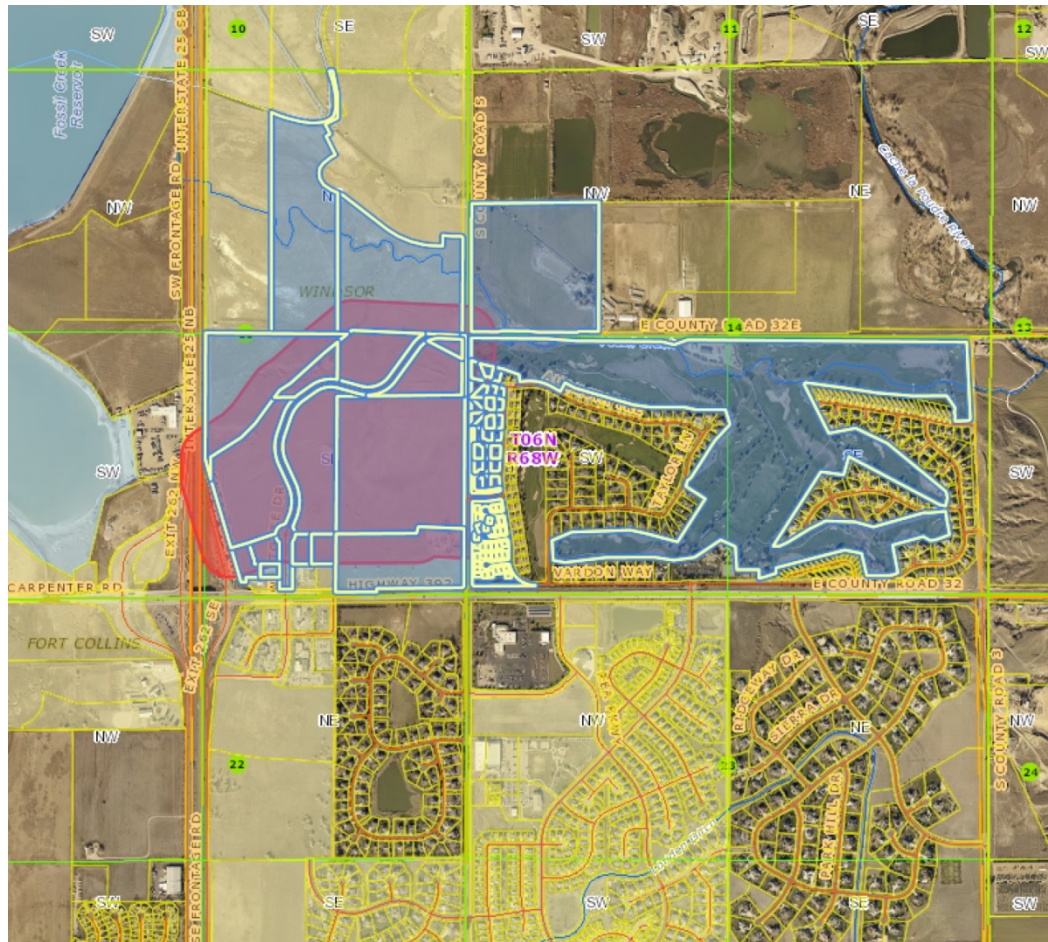
Goal: Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.



Notification

Neighborhood meeting notifications:

- May 30, 2018 – affidavit of mailing to property owners within 300 feet
- June 3, 2018 – display ad published in the paper





Recommendation

Staff recommends that the Planning Commission approve the Preliminary Plat subject to the following conditions:

1. All outstanding Planning Commission and staff comments shall be addressed on the Final Plat.
2. The Final Plat shall depict the right-of-way for Oakmont Drive shifted north to ensure it is dedicated solely from property controlled by the applicant.



Preliminary Major Subdivision

Staff requests that the following be entered into the record:

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



MEMORANDUM

Date: July 18, 2018
To: Planning Commission
From: Paul Hornbeck, Senior Planner
Re: Public Hearing and Recommendation to Town Board – Rezoning
Petition - Valley Center Subdivision Lots A & B – Alan
Highstreet, Agrifab Colorado, applicant/ Mike Maurer, Olsson
Associates, applicant's representative
Location: 9217 & 9235 Eastman Park Drive
Items #: C.8 C.9

Background / Discussion

The applicant, Mr. Alan Highstreet of Agrifab Colorado, represented by Mr. Mike Maurer of Olsson Associates, is requesting to rezone lots A and B of the Valley Center Subdivision. The lots total approximately 3.86 acres and are requested to be rezoned from General Commercial (GC) to Limited Industrial (IL). The purpose of the rezoning is to allow for the construction of three buildings containing office/warehouse uses, a project that will require separate site plan approval.

The subject properties are vacant properties, previously home to buildings that were destroyed in the 2008 tornado. The properties to the north are zoned Limited Industrial, while the properties to the east and west are zoned General Commercial. The property to the south across Eastman Park Drive is also zoned General Commercial.

In 2017, the applicant submitted a rezoning petition for the subject properties which was considered by Town Board on September 25, 2017. Town Board did not approve the rezoning at that time due to concerns of compatibility with surrounding businesses. The applicant has since worked to redesign the project layout in consultation with the surrounding businesses. A conceptual layout has been submitted showing the garage doors and loading areas relocated from adjacent to the existing businesses to an internal portion of the site.

Relationship to Comprehensive Plan

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.

Staff comment: The character of this area of the community is largely industrial and service oriented. The rezoning would be consistent with the area.

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Notification

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

A neighborhood meeting was held on May 10, 2018 with notifications sent as follows:

- April 25, 2018 – affidavit of mailing to property owners within 300 feet
- April 29, 2018 – display ad published in the paper

Public Hearing notifications for Planning Commission and Town Board public hearings were as follows:

- June 28, 2018 - property posted with a notification sign
- June 29, 2018 - legal notice posted on the Town of Windsor website
- June 29, 2018 - legal ad published in the Tribune
- June 27, 2018 – affidavit of letters mailed to the adjacent property owners

Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval.

Attachments

Application Materials
PowerPoint presentation

cc: Alan Highstreet, applicant
Mike Maurer, applicant's representative

REZONING PETITION

I the undersigned, being the owner of the property described as Lots A & B Valley Center Subdivision containing 3.86 acres more or less, hereby request a change in zoning from General Commercial (GC) to Limited Industrial (I-L) and do hereby pay the required fee.

Date

Owner Signature

Mailing Address

3/26/18



PO Box 663, Windsor, CO 80550



March 26, 2018

Town of Windsor
Planning Department
Windsor, Colorado

Re: Lot A & Lot B of Valley Center Subdivision Rezoning- Project Narrative

On behalf of our client, Agrifab, we respectfully request a change in zoning of the property described as Lots A & B Valley Center Subdivision containing 3.86 acres more or less, from General Commercial (GC) to Limited Industrial (I-L). The request is being made because of concerns with the current zoning.

The project site history reveals that the project is to be located at the former Windsor Center Office Building and Carousel Restaurant sites that were destroyed during the tornado that struck Windsor on May 22nd of 2008. The proposed project involves establishing three separate commercial/warehouse buildings:

- 1) 9217 Eastman Park is the location of the existing lot the Owner proposes to divide into two separate lots, to be known as 9217 and 9225 Eastman Park. 9217 Eastman Park would be 100 feet in length and contain a building floorplate of approximately 8,400 square feet on this south lot. This building will be a metal skinned building with some stucco panels with a stone wainscot on the front and side façades. Ample windows will be provided for natural lighting. The building is planned to be divided at 25 foot column lines with large overhead doors and man doors on the rear of the building. An approximate 25 foot by 25 foot mezzanine office or storage space in the front of the building will be offered, leaving a 55 foot rear storage or warehouse area. As a commercial warehouse building it is anticipated that standard bays in this building, as well as the other buildings will be approximately 2,100 square feet in size or 25 feet in width by 80 feet deep, with a 3 foot bump out at the front entries to break up the building's relief. Including the mezzanine each bay could consist of up to 2,800 square feet of leasable area bringing the total leasable area of this building to 11,200 rentable square feet. Tenants could lease single or multiple bays. This building could be leased to as many as 4 tenants or as few as one tenant.
- 2) 9225 Eastman Park (the proposed new lot) would contain an approximate 12,950 square foot commercial warehouse building plus mezzanine space. This 160 foot long building will be similar in architectural design, character and detail with the building to be constructed at 9217 Eastman Park Drive. The bay spacing's in this building are also anticipated to mirror that of 9217 Eastman Park or 2,100 square feet per bay, increased to 2,800 square feet when the mezzanine is added into the leasable square feet or each bay.
- 3) 9235 Eastman Park is proposed to be improved with an approximate 16,150 square foot floor plate building. It will be 80 feet deep (east to west) and 200 feet long (north to

south). This building will be similar in architectural design, character and detail with the buildings to be constructed at 9217 and 9225 Eastman Park Drive. The bay spacing's in this building are anticipated to mirror that of 9217 and 9225 Eastman Park Drive or 2,100 square feet per bay, increased to 2,800 square feet including the mezzanine space.

A majority of the parcel in this area are currently zoned L-I and we firmly believe that Limited Industrial (L-I) zoning supports this proposed project and will not adversely impact the surrounding properties. We have been through one round of SDP and Minor Subdivision reviews and they are currently resubmitted for their second review. We anticipate an approval this submittal based on the comments and our efforts to satisfy all of them. In addition, our client has agreed to screening with privacy fencing and enhanced landscaping efforts for the site.

Thank you for your consideration. If additional information is required, please feel free to contact me.

Sincerely,



Michael Maurer

Narrative Description of Project

Proposed Project Name

Windsor Center (?)

Proposed Project Addresses

9217 Eastman Park Drive (To be divided into two lots)

9225 Eastman Park Drive (Proposed new lot, the north portion of 9217 to be numbered 9225?)

9235 Eastman Park Drive

Current Owner and/or Future Owner(s) & Contact Info – collectively “Owner”

Current Owner: Agrifab Colorado, LLC

Alan Highstreet, Manager

Mailing Address:

P. O. Box 663

Windsor, CO 80550

559-280-1936

alanhighstreet@gmail.com

Street Address:

4025 St. Cloud Drive

Loveland, CO 80538

Future Owner(s): 9217 LLC

9225 LLC (Subject to obtaining this street address)

9235 LLC

Project Development Consultant & Contact Info

Fred L. Croci, Manager

Commercial Broker's Alliance, LLC

1540 Main Street #218 – PMB 330

Windsor, CO 80550

970-566-7300

fred@cba-fortcollins.com

Project Site History:

The Project is to be located at the former Windsor Center Office Building and Carousel Restaurant sites that were destroyed during the tornado that struck Windsor on May 22nd of 2008.

Current Zoning

Current zoning for this property appears to be Light Industrial.

Proposed Project: [All Dimensions Provided Are Approximate]

The Current Owner is now completing a new building at 9231 Eastman Park Drive as its company headquarters adjacent to and north of these two existing vacant lots. The Owner proposes to construct a total of three new commercial/warehouse buildings on 3 separate lots that are currently 2 lots (Lots A and B), after the Owner divides that lot currently addressed as 9217 Eastman Park Drive into 2 lots so the Proposed Project will accommodate a total of three distinct and separate properties.

The Owner is establishing three separate single purpose entities (limited liability companies) to own develop and construct the Proposed Project of three commercial/warehouse buildings.

9217 Eastman Park is the location of the existing lot the Owner proposes to divide into two separate lots, to be known as 9217 and 9225 Eastman Park. 9217 Eastman Park would be 100 feet in length and contain a building floorplate of approximately 8,400 square feet on this south lot. This building will be a metal skinned building with some stucco panels with a stone wainscot on the front and side façades. Ample windows will be provided for natural lighting. The building is planned to be divided at 25 foot column lines with large overhead doors and man doors on the rear of the building. An approximate 25 foot by 25 foot mezzanine office or storage space in the front of the building will be offered, leaving a 55 foot rear storage or warehouse area. As a commercial warehouse building it is anticipated that standard bays in this building, as well as the other buildings will be approximately 2,100 square feet

in size or 25 feet in width by 80 feet deep, with a 3 foot bump out at the front entries to break up the building's relief. Including the mezzanine each bay could consist of up to 2,800 square feet of leasable area bringing the total leasable area of this building to 11,200 rentable square feet. Tenants could lease single or multiple bays. This building could be leased to as many as 4 tenants or as few as one tenant.

9225 Eastman Park (the proposed new lot) would contain an approximate 12,950 square foot commercial warehouse building plus mezzanine space. This 160 foot long building will be similar in architectural design, character and detail with the building to be constructed at 9217 Eastman Park Drive. The bay spacing's in this building are also anticipated to mirror that of 9217 Eastman Park or 2,100 square feet per bay, increased to 2,800 square feet when the mezzanine is added into the leasable square feet of each bay.

9235 Eastman Park is proposed to be improved with an approximate 16,150 square foot floor plate building. It will be 80 feet deep (east to west) and 200 feet long (north to south). This building will be similar in architectural design, character and detail with the buildings to be constructed at 9217 and 9225 Eastman Park Drive. The bay spacing's in this building are anticipated to mirror that of 9217 and 9225 Eastman Park Drive or 2,100 square feet per bay, increased to 2,800 square feet including the mezzanine space.

Anticipated occupancies of all three buildings would indicate that approximately two employees per 1,000 square feet of building area could occupy this type of space, on average, since some of the spaces will likely be used by storage only kinds of occupants or individuals for vintage cars or other toy storage.

As commercial warehouse buildings it is anticipated that all bays in these three buildings will have a floor plate of approximately 2,100 square feet per bay, or 25 feet in width by 80 feet in depth plus bump outs. Including a mezzanine level each bay could consist of up to 2,800 square feet of leasable area. Anticipated occupancies in this light industrial zoning would indicate that approximately two (2) employees per 1,000 square feet of building area could occupy this type of space on average, since some of these units will likely be used by storage only kinds of occupants.

All on site drainage will be routed to the same detention pond that currently exists on the lot at 9235 Eastman Park Drive where it has been located since the initial development of these lots at a location just south of the former Carousel Restaurant building.

All buildings will be designed and constructed to be stand-alone properties and the Owner will set up a building owner's association to maintain the common areas and common elements shared among the three properties.

Third Party Design Professionals:

Civil Engineering and Surveying Services

Mike Maurer, PE | Land Development | Olsson Associates
5285 McWhinney Boulevard, Suite 160 | Loveland, CO 80538 |
mmaurer@olssonassociates.com
TEL 970.461.7733 | DIR 970.635.3714 | CELL 970.820.9818
FAX 970.635.3709

And/Or:

Josh Erramouspe, PE | Land Development | Olsson Associates
5285 McWhinney Boulevard, Suite 160 | Loveland, CO 80538 |
jerramouspe@olssonassociates.com
TEL 970.461.7733 | DIR 970.635.3717 | CELL 303.506.4691 | FAX
970.635.3709

Site Planning and Building Design:

Building Design

Lockwood Architects
415 East Pitkin Street
Fort Collins, CO 80524
Attn: Dana Lockwood
970.493.1023
Lockwoodar@aol.com



Rezoning

Valley Center Subdivision Lots A & B

Paul Hornbeck, Senior Planner
Planning Commission July 18, 2018



Rezoning Request

Article V of Chapter 16 of the Municipal Code outlines the amendment procedures to established zoning districts:

Sec. 16-5-20. Rezoning Applications

Purpose. The purpose of this Section is to provide a procedure for changing the existing zone classification of a parcel of land within the Town.

Site Vicinity Map



Zoning Map

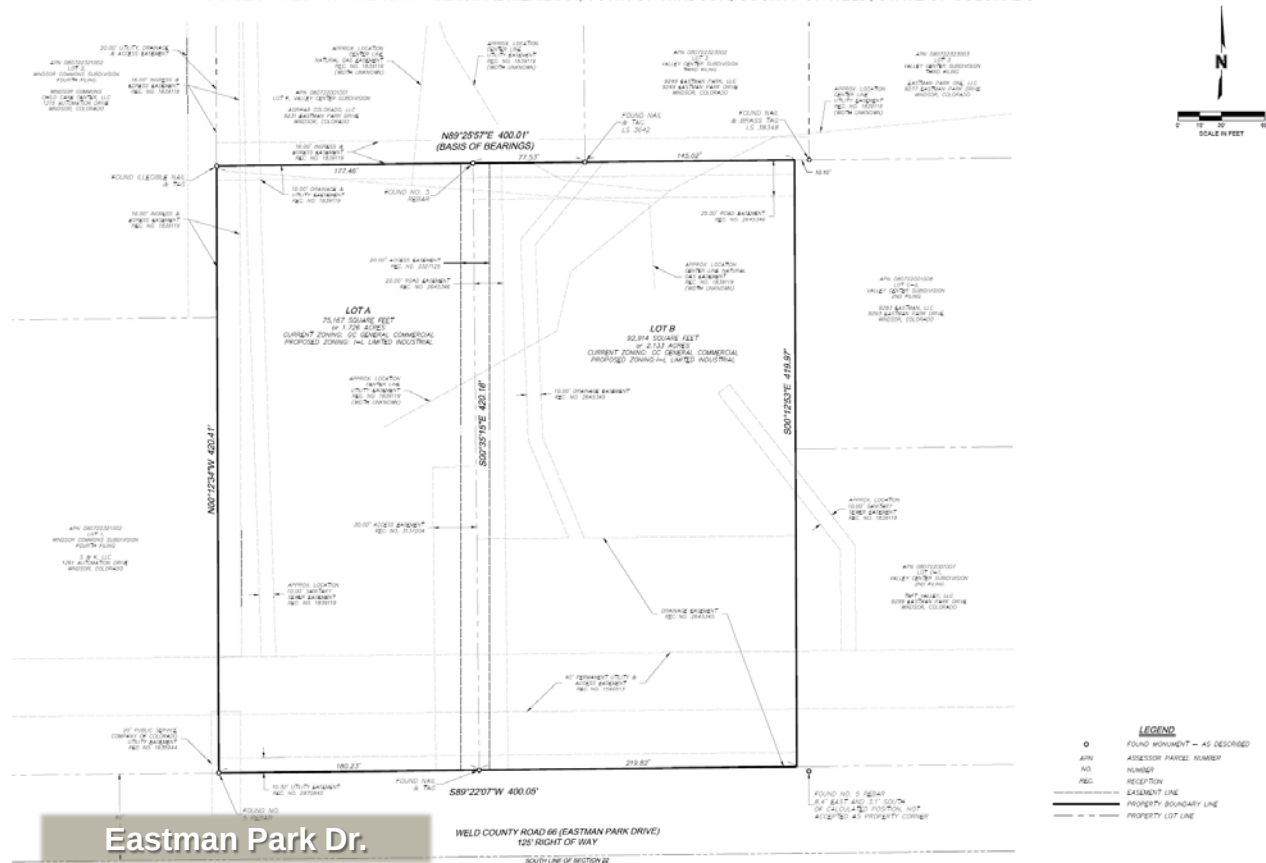


Site zoned General Commercial (G-C)



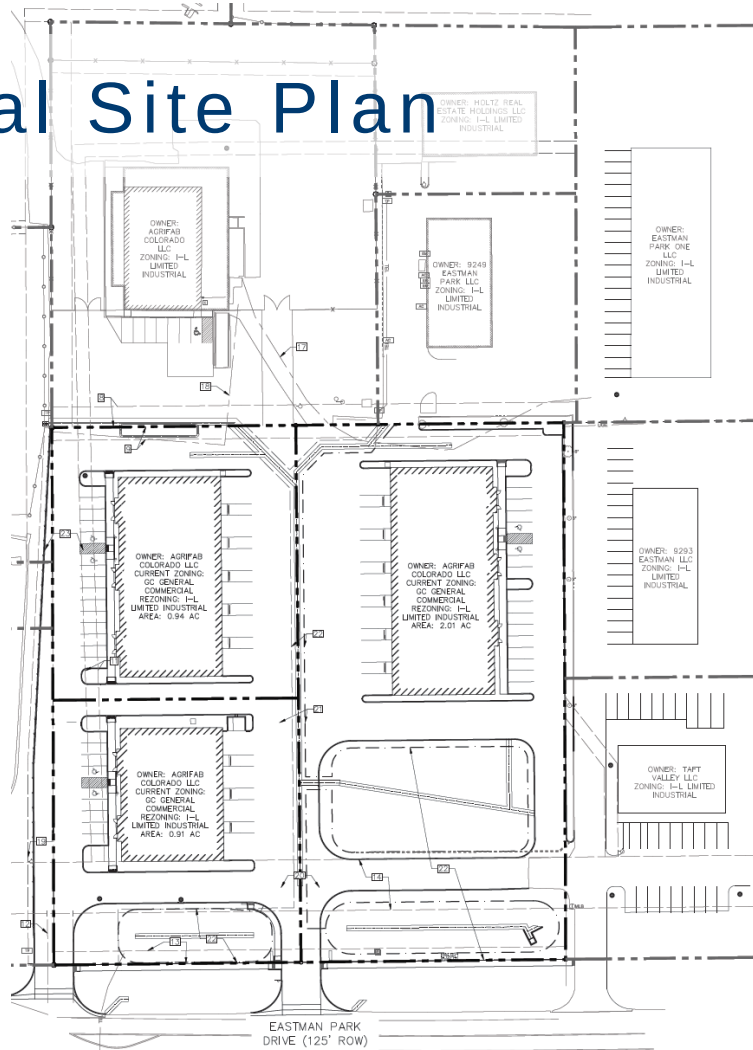
Rezoning Plat

VALLEY CENTER SUBDIVISION REZONING MAP
 LOTS A & B, VALLEY CENTER SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 6 NORTH,
 RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO





Conceptual Site Plan





Comprehensive Plan Conformance

Chapter 5b: Growth Framework

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

Notification

Neighborhood meeting notifications:

- April 25, 2018 – affidavit of mailing to property owners within 300 feet
- April 29, 2018 – display ad published in the paper

Public Hearing notifications:

- June 28, 2018 - property posted with a notification sign
- June 29, 2018 - legal notice posted on the Town of Windsor website
- June 29, 2018 - legal ad published in the Tribune
- June 27, 2018 – affidavit of letters mailed to the adjacent property owners





Recommendation

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the rezoning petition.



Rezoning

Staff requests that the following be entered into the record:

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



MEMORANDUM

Date: July 18, 2018
To: Planning Commission
From: Millissa Berry, Senior Planner
Re: Public Hearing and Recommendation to Town Board - Code Amendment to Section 17-8-30 Administrative Site Plan Review and Section 17-9-20 Site Plan Review Procedure in regard to Administrative Site Plan and Qualified Commercial and Industrial Site Plan Presentations
Item #: C.10 – C.11

Background / Discussion

Section 17-9-20 of the Code outlines an administrative approval process for commercial and industrial site plans. The process currently requires a formal staff presentation to both the Planning Commission and Town Board. While these presentations are beneficial information for the boards, the additional time and expense to the applicant are counter to the Town's goal of streamlining the review process and may be handled more efficiently.

Section 17-8-30 of the Code outlines the administrative approval process for administrative site plans. This section includes the option of presenting an administrative site plan to the Planning Commission and Town Board if the site plan meets certain criteria such as proximity to neighboring residential properties, project is in a prominent location, extent of modifications to structure or site improvements, extent of traffic or circulation modifications.

As uses by right, the only time these site plans would require consideration by Planning Commission and Town Board would be those limited occasions when the review process reveals issues that cannot be resolved between the applicant and staff. Therefore, staff recommends that, instead of a formal presentation, a general overview of commercial and industrial projects and drawings are included in Planning Commission and Town Board meeting packets as communication items for the boards' information. Elimination of the formal presentation requirement will:

- Save applicants time and money, eliminating the need for the applicant and/or their consultants from having to attend Planning Commission and Town Board meetings
- Free up Planning Commission and Town Board agendas to allow for more discussion on topics which require formal board action
- Allow the site plan information to be provided to Planning Commission and Town Board earlier in the process, as opposed to waiting until the administrative review has been partially completed
- Save staff time with regard to preparation of memos, presentation slides and meeting attendance
- Streamline review process

Such administrative review is already in place in many jurisdictions and is the direction toward which more jurisdictions are moving. This is also a first step toward further administrative approvals in order for Windsor's land use review process to stay competitive with neighbors.

Staff recommends that Qualified Commercial and Industrial Site Plan review procedure be amended to delete Section 17-9-20(5) and (6) and add a new Section 17-9-20(5) as follows:

~~(5) The Planning Department shall make formal presentation of all commercial and industrial site plans qualified under this Section to the Planning Commission and Town Board at regularly scheduled meetings of those bodies. The Planning Department shall receive comments from the Planning Commission and the Town Board on such plans.~~

~~6) Following its receipt of comments from the Planning Commission and Town Board, the Planning Department shall review the site plans in accordance with the procedures set forth in Section 17-8-30 of this Chapter, in addition to all requirements as set forth in this Section~~

(5) The Planning Department shall include commercial and industrial site plan information and applicable drawings in Planning Commission and Town Board meeting packets for regularly scheduled meeting of those bodies as informational communications items.

Staff recommends that the Administrative Site Plan review procedure be amended to delete Section 17-8-30(a)(2) and add a new Section 17-8-30(a)(2) as follows:

~~(2) Upon the filing of an administrative site plan, the Planning Department shall review the nature and location of the proposal and determine whether or not a site plan presentation shall be scheduled before the Planning Commission and Town Board, based upon the following criteria:~~

- ~~a. Proximity to neighboring residential properties;~~
- ~~b. Whether the project will be located in a prominent location;~~
- ~~c. Extent of significant modifications to building elevations and/or additions of significant new structures; and/or~~
- ~~d. Extent of significant modifications planned or needed for parking, lighting, internal or external traffic, vehicular circulation and/or space for loading and unloading.~~

(2) Upon the filing of an administrative site plan, the Planning Department shall review the nature and location of the proposal and determine whether or not the site plan information and applicable drawings are included in Planning Commission and Town Board packets as an informational communications item based upon the following criteria:

- a. Proximity to neighboring residential properties;
- b. Whether the project will be located in a prominent location;
- c. Extent of significant modifications to building elevations and/or additions of significant new structures; and/or
- d. Extent of significant modifications planned or needed for parking, lighting, internal or external traffic, vehicular circulation and/or space for loading and unloading.

For both site plans provided to the Planning Commission and Town Board as well as any administrative plans that are provided to the Planning Commission and Town Board, the process for exchanging information will be as follows:

- Planning Commission or Town Board members shall convey any comments to the Planning Department at a regular or special meeting under the communications section of the agenda.
- In response to any received comments, Planning Department shall include the future revised submittal in a future Planning Commission and Town Board meeting packet under the communications section to convey how comments were addressed.

The information provided in the packets will include:

- A brief overview of the project
- Site plan
- Landscape plan
- Building elevations

In addition to these sections, minor modifications are proposed for Section 17-9-20 (6) and (7):

- Delete section 17-9-20(6) because it is addressed in other existing sections:
Following its receipt of comments from the Planning Commission and Town Board, the Planning Department shall review the site plans in accordance with the procedures set forth in of this Chapter, in addition to all requirements as set forth in this Section.
- Modify language of Section 17-9-20(7) to add a notification of dispute action:
In the event ~~irreconcilable differences arise~~ a dispute arises between the applicant and the Planning Department with regard to the administrative site plan review, a Notice of Dispute shall be sent to the applicant by the Planning Department via e-mail, US Mail or both. The applicant may apply to the Town for further review of the site plan by the Planning Commission and Town Board...

Relationship to Strategic Plan

The application is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Recommendation

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the enclosed ordinance requiring site plan presentations be replaced with an informational communications item in respective meeting packets as outlined above, subject to any Town Board and Planning Commission direction.

Attachments

Draft ordinance
Presentation

TOWN OF WINDSOR

ORDINANCE NO. 2018 -

AN ORDINANCE AMENDING SECTIONS 17-9-20 and 17-8-30 OF THE *WINDSOR MUNICIPAL CODE* REGARDING QUALIFIED, INDUSTRIAL AND ADMINISTRATIVE SITE PLAN REVIEW PROCEDURES AND APPROVALS

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 has in place a comprehensive system of land use regulations, intended to promote the public health, safety and welfare; and

WHEREAS, the current code language requires formal site plan presentations to both the Planning Commission and Town Board without requiring any action from either body; and

WHEREAS, in the interests of utilizing Town resources and staff more efficiently, the same information can be provided to both the Planning Commission and Town Board in written communications; and

WHEREAS, the Town Board has given due consideration to the below Code amendments and concluded that their approval promotes the public health, safety and welfare while improving efficiency.

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

Section 1. Section 17-9-20 is hereby repealed, amended and re-adopted to read as follows:

Sec. 17-9-20. - Site plan review procedure.

The applicant shall submit to the Planning Department the review fee set forth by resolution of the Town Board, the site plan in electronic format as specified by the Town and all required supportive information as set forth in this Section.

(1) Upon the filing of the site plan, the Planning Department shall distribute copies of the site plan to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Planning Department):

- a. Gas and electric utilities.
- b. Telecommunications facilities.
- c. Windsor-Severance Fire Rescue.
- d. Cable television provider.
- e. Windsor Post Office.
- f. Respective school district in which the subject property is located.
- g. Water and sewer facilities.

(2) The site plan shall be accompanied by notice to the agencies and offices, and the notice shall state that any comments or objections must be received by the Planning Department within ten (10) days of the receipt of the notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Planning Department, the referral agency or office will not be contacted for comments or objections concerning the site plan.

(3) The applicant shall meet with the Planning Department to review the recommendations of the referral agencies or offices.

(4) The applicant shall make all changes required by the referral agencies.

(5) The Planning Department shall include commercial and industrial site plan information and applicable drawings in Planning Commission and Town Board meeting packets as informational communications items.

(6) In the event a dispute arises between the applicant and the Planning Department with regard to the administrative site plan review, a Notice of Dispute shall be sent to the applicant by the Planning Department via e-mail, US Mail or both. The applicant may apply to the Town for further review of the site plan by the Planning Commission and Town Board within ten (10) days of the date of the Notice of Dispute. Upon receipt of the timely application for further review, the site plan, together with the disputes giving rise to the application, shall be reviewed by the Planning Commission and, thereafter, the Planning Commission shall recommend approval, conditional approval or disapproval of the final site plan to the Town Board. Upon its receipt of the proposed site plan, the Town Board shall review the site plan and shall make a final determination regarding the approval thereof.

(7) Following final staff approval, the applicant shall comply with the document submittal requirements and standards then in effect as maintained by the Director of Planning.

Section 2. Section 17-8-30(a)(2) is hereby repealed, amended and re-adopted as follows:

(2) Upon the filing of an administrative site plan, the Planning Department shall review the nature and location of the proposal and determine whether or not the site plan information and applicable drawings are included in Planning Commission and Town Board packets as informational communications items, based upon the following criteria:

- a. Proximity to neighboring residential properties;
- b. Whether the project will be located in a prominent location;
- c. Extent of significant modifications to building elevations and/or additions of significant new structures; and/or
- d. Extent of significant modifications planned or needed for parking, lighting, internal or external traffic, vehicular circulation and/or space for loading and unloading.

Introduced, passed on first reading, and ordered published this 23rd day of July, 2018.

TOWN OF WINDSOR, COLORADO

By _____
Kristie Melendez, Mayor

ATTEST:

Amanda Mehlenbacher
Deputy Town Clerk

[Seal]

Introduced, passed on second reading, and ordered published this 13th day of August, 2018.

TOWN OF WINDSOR, COLORADO

By _____
Kristie Melendez, Mayor

ATTEST:

Amanda Mehlenbacher
Deputy Town Clerk

[Seal]



Public Hearing & Recommendation to Town Board: Windsor Municipal Code Amendment- Section 17-8-30 Administrative Site Plan Review & Section 17-9-20 Site Plan Review Procedure

Millissa Berry, Senior Planner

July 18, 2018



Municipal Code Amendment

Code Amendment to:

- Section 17-8-30 Administrative Site Plan Review and
- Section 17-9-20 Site Plan Review Procedure in regard to Administrative Site Plan and Qualified Commercial and Industrial Site Plan Presentations



Municipal Code Amendment

- Qualified Commercial & Industrial Site Plans
 - Administrative Site Plans meeting certain criteria
 - Prominent location
 - Proximity to residential properties
 - Extent of modifications, new structures
 - Extent of modifications for parking, lighting, traffic generation, vehicle circulation, loading areas
 - Current process: presentation to Planning Commission & Town Board
5. **Site Plan Presentation** – East Point Subdivision, Lot 5, Jenae Nequette, Human Bean of Northern Colorado, applicant/ Patricia Kroetch, North Star Design, Inc., applicant's representative
 - Staff presentation: Paul Hornbeck, Senior Planner
 6. **Site Plan Presentation** – Eagle Crossing Subdivision 5th Filing Lot 2 – Fuzzy's Restaurant – Martin Lind, owner; Marc Rogers, applicant; Patricia Kroetch, North Star Design, Inc., applicant's representative
 - Staff presentation : **Millissa Berry**, Senior Planner
 7. **Site Plan Presentation** – Falcon Point Subdivision 2nd Filing, Lot 1 – East Windsor Storage – Brandon Grebe, owner; Katy Thompson, Ripley Design, Inc., applicant/owner's representative; Tony Ollila, authorized representative
 - Staff presentation : **Millissa Berry**, Senior Planner
 8. **Site Plan Presentation** – Westwood Village Subdivision 8th Filing – Independent Living and Nursing Facility - 14th Street Real Estate LLC / Columbine Health Systems, owner/applicant; Cathy Mathis, TBGroup, applicant's representative
 - Staff presentation : **Millissa Berry**, Senior Planner
 9. Resolution No. 2017-111 – A Resolution Approving a Final Site Plan for Grasslands Park Subdivision 2nd Filing, Lot 1; Joseph Shrader, owner/applicant; Patricia Kroetch, North Star Design, Inc., applicant's representative
 - Quasi-judicial
 - Staff presentation: Carlin Malone, Chief Planner



Municipal Code Amendment

- Uses-by-right
- No actions made unless in limited occasions when issues need resolved between applicant and staff
- Replace formal presentation with information in meeting packets as communication item
 - General overview of project
 - Drawings



Municipal Code Amendment

Elimination of the formal presentation requirement will:

- Save applicants time and money, eliminating the need for the applicant and/or their consultants from having to attend Planning Commission and Town Board meetings
- Free up agendas to allow for more discussion on topics which require formal board action
- Allow the site plan information to be provided to earlier in the process
- Save staff time with regard to preparation of memos, presentation slides and meeting attendance
- Streamline review process



Municipal Code Amendment

Replace Section 17-9-20 (5) from presentation to:

- Remove required site plan presentation
- Require inclusion of commercial and industrial site plan information and applicable drawings in Planning Commission and Town Board meeting packets as informational communications items



Municipal Code Amendment

Staff recommends that Qualified Commercial and Industrial Site Plan review procedure be amended to delete Section 17-9-20(5) and (6) and add a new Section 17-9-20(5) as follows:

~~(5) The Planning Department shall make formal presentation of all commercial and industrial site plans qualified under this Section to the Planning Commission and Town Board at regularly scheduled meetings of those bodies. The Planning Department shall receive comments from the Planning Commission and the Town Board on such plans.~~

~~6) Following its receipt of comments from the Planning Commission and Town Board, the Planning Department shall review the site plans in accordance with the procedures set forth in Section 17-8-30 of this Chapter, in addition to all requirements as set forth in this Section~~

(5) The Planning Department shall include commercial and industrial site plan information and applicable drawings in Planning Commission and Town Board meeting packets for regularly scheduled meeting of those bodies as informational communications items.



Municipal Code Amendment

Staff recommends that the Administrative Site Plan review procedure be amended to delete Section 17-8-30(a)(2) and add a new Section 17-8-30(a)(2) as follows:

~~(2) Upon the filing of an administrative site plan, the Planning Department shall review the nature and location of the proposal and determine whether or not a site plan presentation shall be scheduled before the Planning Commission and Town Board, based upon the following criteria:~~

- ~~a. Proximity to neighboring residential properties;~~
- ~~b. Whether the project will be located in a prominent location;~~
- ~~c. Extent of significant modifications to building elevations and/or additions of significant new structures; and/or~~
- ~~d. Extent of significant modifications planned or needed for parking, lighting, internal or external traffic, vehicular circulation and/or space for loading and unloading.~~

(2) Upon the filing of an administrative site plan, the Planning Department shall review the nature and location of the proposal and determine whether or not the site plan information and applicable drawings are included in Planning Commission and Town Board packets an informational communications item based upon the following criteria:

- a. Proximity to neighboring residential properties;
- b. Whether the project will be located in a prominent location;
- c. Extent of significant modifications to building elevations and/or additions of significant new structures; and/or
- d. Extent of significant modifications planned or needed for parking, lighting, internal or external traffic, vehicular circulation and/or space for loading and unloading.



Municipal Code Amendment

Process for exchanging information is as follows:

- Planning Commission or Town Board members shall convey any comments to the Planning Department at a regular or special meeting under the communications section of the agenda.
- In response to any received comments, Planning Department shall include the future revised submittal in a future Planning Commission and Town Board meeting packet under the communications section to convey how comments were addressed.

The information provided in the packets will include:

- A brief overview of the project
- Site plan
- Landscape plan
- Building elevations



Municipal Code Amendment

Additional modifications made to 17-9-20:

- Current section 6 removed:

Following its receipt of comments from the Planning Commission and Town Board, the Planning Department shall review the site plans in accordance with the procedures set forth in of this Chapter, in addition to all requirements as set forth in this Section.



Municipal Code Amendment

Additional modifications made to 17-9-20:

- Current subsection 7 modified language:

In the event ~~irreconcilable differences arise~~ a dispute arises between the applicant and the Planning Department with regard to the administrative site plan review, a Notice of Dispute shall be sent to the applicant by the Planning Department via e-mail, US Mail or both. The applicant may apply to the Town for further review of the site plan by the Planning Commission and Town Board...



Recommendation

Staff recommends that the Planning Commission recommend to the Town Board approval of the proposed amendment to Municipal Code sections 17-8-30(a)(2) and 17-9-20 (5) to replace required site plan presentations with an informational communications item in respective meeting packets and proposed modifications to section 17-9-20 (6) and (7) as outlined, subject to any Town Board and Planning Commission direction.



MEMORANDUM

Date: July 18, 2018
To: Planning Commission
From: Paul Hornbeck, Senior Planner
Re: Public Hearing and Recommendation to Town Board – Amendment to Section 16-10-30 of the Windsor Municipal Code regarding proposed Off-Street Parking Requirements for Multifamily Residential
Item #: C.12 C.13

Background / Discussion

As discussed at the June 4, 2018 work session, the Town has experienced multifamily residential development in record numbers over the past few years and this has brought to light the need to re-examine the parking ratio required for multifamily residential uses. Code Section 16-10-30 requires 1.5 parking spaces per multifamily unit. This requirement does not appear to adequately account for visitor and overflow parking, particularly when on-street parking is not available. A shortage of parking may result in issues regarding vehicles parked in fire lanes, landscaped areas or designated bike lanes. Although these would be private parking issues, such issues result in increased calls to the Police Department and Code Enforcement and ultimately leave the residents of the complex with little recourse.

At the work session on this topic, the majority of Town Board expressed concern that the current parking ratio is insufficient and that an approach which assigns a parking ratio based on the number of bedrooms in a unit is preferred. There is no uniformly accepted parking ratio for multifamily projects since every project has a different context and a different mix of residents and associated travel patterns. However, a review of other regional jurisdictions parking ratios and research of parking generation rates indicate Windsor's parking ratio to be on the low side. Of particular concern are multifamily developments without adjacent on-street parking to help absorb overflow parking. Given the lack of a uniform parking ratio that works for all scenarios, staff has attempted to draft a code amendment that takes into account unique development features, such as number of bedrooms and availability of on-street parking, while maintaining an easy to apply code.

Minimum off-street parking ratios are intended to ensure adequate parking is provided to prevent issues such as parking in fire lanes or landscaped areas and to prevent unduly burdening the community with excessive overflow parking on streets or surrounding properties. However, setting minimum parking ratios too high can negatively impact the community in other ways and some jurisdictions even have maximum parking ratios. Larger parking lots lead to larger storm water runoff which must be managed, contribute to the "heat island" effect, are inefficient uses of land, are typically less attractive features of sites, and are an additional cost for developers. Therefore, parking ratios should attempt to strike a balance between providing enough, but not excessive amount, of parking.

To measure the impact of the proposed amendment staff compared the parking requirements under the existing and proposed parking codes using two case studies of recent multifamily developments, as shown in the tables below. In both cases, the new parking ratio would have increased the minimum parking required by approximately 10%.

Project A – Pelican Bluffs			
Unit type	# of Units	Parking Ratio (Existing/ Proposed)	Required Parking Spaces (Existing/ Proposed)
1 BR	72	1.5/ 1.5	108/ 108
2 BR	124	1.5/ 1.75	186/ 217
Total =	196	1.5/ 1.66*	294/ 325 (335 provided)

Project B – Fossil Ridge			
Unit type	# of Units	Parking Ratio (Existing/ Proposed)	Required Parking Spaces (Existing/ Proposed)
1 BR	168	1.5/ 1.5	252/ 252
2 BR	215	1.5/ 1.75	323/ 376
3 BR	24	1.5/ 2.0	36/ 48
Total =	407	1.5/ 1.66*	611/ 675 (620 to be provided)

*Total proposed parking ratio varies based bedroom/unit combination

This amendment is primarily targeted at multifamily projects that do not have on-street parking available so a credit of up to 10% is given when on-street parking is available adjacent to the development. This credit is similar to a credit allowed for all uses within the downtown area and would largely mitigate any increase in parking requirements under the proposed amendment when on-street parking is available.

In order to avoid any future projects with possible parking shortages, staff is proposing to adopt multifamily parking requirements as follows:

<i>1 Bedroom or studio</i>	<i>1.5</i>
<i>2 Bedroom</i>	<i>1.75</i>
<i>3 Bedroom</i>	<i>2.0</i>
<i>4+ Bedroom</i>	<i>3.0</i>

Multifamily development shall receive a credit towards the requirements of this sub-section of one (1) parking space for every twenty-five (25) feet of the subject lot's frontage on a public street which is designed to accommodate on-street parking. Such credit shall not exceed 10% of the total required parking of any one development.

Relationship to Strategic Plan

The proposed code amendment is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the proposed amendment to Municipal Code Section 16-10-30 to modify the multifamily parking requirements as outlined.

Attachment

Draft Ordinance for Multifamily Residential Parking Requirements
Staff PowerPoint

TOWN OF WINDSOR

ORDINANCE NO. 2018 -

AN ORDINANCE AMENDING SECTION 16-10-30 OF THE *WINDSOR MUNICIPAL CODE* CONCERNING THE PARKING RATIOS FOR MULTIFAMILY RESIDENTIAL DEVELOPMENTS

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 has in place a comprehensive system of land use regulations, intended to promote the public health, safety and welfare; and

WHEREAS, the current code language does not distinguish between the multifamily units and number of bedrooms contained within each dwelling, thereby does not account for the amount of people actually living in each unit; and

WHEREAS, this unilateral application of 1.5 parking units per dwelling, rather than by bedroom and number of residents per dwelling, does not account for existing residential, visitor, and overflow parking, particularly when on-street parking is unavailable; and

WHEREAS, the Town Board has given this proposed code amendment due consideration and concluded that its approval promotes the public health, safety and welfare while remaining consistent with achieving a safe, well planned community with spirit and pride.

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

Section 1. Section 16-10-30 (a)(6) is hereby repealed, amended and replaced as follows:

(6) Determination of need. The number of parking spaces required shall be based upon the anticipated parking demand of individual uses and shall be as designated for specific uses and situations as follows:

<i>Use</i>	<i>Parking Requirements</i>
Single-family residence	2 spaces per dwelling unit
Multifamily dwelling residence*:	1 bedroom or studio - 1.5 parking spaces 2 bedroom - 1.75 parking spaces 3 bedroom - 2.0 parking spaces 4+ bedroom - 3.0 parking spaces
Public assembly facilities, provided for seated audiences (churches, theaters, auditoriums, etc.)	1 space for every three seats
Elementary schools (If the elementary school includes an auditorium, the auditorium requirement above shall govern if it is greater.)	2 spaces for every classroom
Junior and senior high schools	Auditorium requirement above or 1 space for every 5 students of maximum occupant capacity
Hospitals	1 space for every 2 beds
Clinics	5 spaces for every practitioner on the staff
Industrial uses	1 space for every 2 employees
Commercial office	1 space for every 300 square buildings feet of Gross Leasable Area (GLA)
Retail stores, customer service establishments, shopping centers and other similar uses	1 space for every 250 square feet of GLA
Eating and drinking establishments	1 space for every 200 square feet of GLA, plus 1 space for every 2 employees, computed on the maximum service capacity
Hotel or motel	1 space for every room to be rented, plus 1 space for every 2 employees, computed on the maximum service capacity

*Multifamily development shall receive a credit towards the requirements of this sub-section on one (1) parking space for every twenty-five (25) feet of the subject lot's frontage on a public street which is designed to accommodate on-street parking. Such credit shall not exceed 10% of the total required parking of any one development.

Introduced, passed on first reading, and ordered published this 23rd day of July, 2018.

TOWN OF WINDSOR, COLORADO

By _____
Kristie Melendez, Mayor

ATTEST:

Amanda Mehlenbacher
Deputy Town Clerk

[Seal]

Introduced, passed on second reading, and ordered published this 13th day of August, 2018.

TOWN OF WINDSOR, COLORADO

By _____
Kristie Melendez, Mayor

ATTEST:

Amanda Mehlenbacher
Deputy Town Clerk

[Seal]



Public Hearing & Recommendation to Town Board:

Windsor Municipal Code
Amendment- Section 16-10-30
Multifamily Parking

Paul Hornbeck, Senior Planner

Planning Commission July 18, 2018



Municipal Code Amendment

Currently: Section 16-10-30 requires 1.5 parking spaces per multifamily unit

Proposed:

- Based on number of bedrooms
- Credit for on-street parking
- *Ratio:*
 - 1 Bedroom or studio 1.5
 - 2 Bedroom 1.75
 - 3 Bedroom 2.0
 - 4+ Bedroom 3.0



Case Studies

Project A – Pelican Bluffs			
Unit type	# of Units	Parking Ratio (Existing/ Proposed)	Required Parking Spaces (Existing/ Proposed)
1 BR	72	1.5/ 1.5	108/ 108
2 BR	124	1.5/ 1.75	186/ 217
Total =	196	1.5/ 1.66*	294/ 325 (335 provided)

Project B – Fossil Ridge			
Unit type	# of Units	Parking Ratio (Existing/ Proposed)	Required Parking Spaces (Existing/ Proposed)
1 BR	168	1.5/ 1.5	252/ 252
2 BR	215	1.5/ 1.75	323/ 376
3 BR	24	1.5/ 2.0	36/ 48
Total =	407	1.5/ 1.66*	611/ 675 (620 to be provided)

*Total proposed parking ratio varies based bedroom/unit combination



Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation of approval of the proposed amendment to Municipal Code Section 16-10-30 to modify the multifamily parking requirements as outlined.



MEMORANDUM

Date: July 18, 2018
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Public Hearing and Recommendation to Town Board – Amendment to Section 16-6-90 of the Municipal Code regarding proposed Administrative Minor Variance Process
Item #: C.14-15

Background / Discussion

As discussed at the June 4, 2018 Planning Commission and Town Board work session, Section 16-6-90 of the code requires all variance applications are approved by the Town's Board of Adjustment, regardless of the nature or scale of the request. The Board of Adjustment is the Town's final decision-making body for all variance applications and all require a public hearing at the Board of Adjustment meeting.

The code currently allows for minor modifications through the variance process; however, the narrow focus of the current language has rendered the language ineffective in most cases. For instance, a recent variance request pertained to a new home that encroached into an offset by four inches. The criteria for a variance is based on physical hardship for existing conditions and not designed for minor plan, field or as-built corrections or deviations that may occur from time to time. Variance requests such as this lead the Board of Adjustment to discuss with staff the potential for approving minor code deviations through an administrative review.

In the interest of providing a streamlined approach to land use decisions pertaining to minor deviations from the code, staff recommends that Section 16-6-90 be amended to allow for minor administrative variances in the following instances, subject to the minor variance criteria, Section 16-6-90(e):

- Setback or offset.
- Maximum building height.
- Distance between structures
- Lot area.
- Lot Coverage.
- A modification is necessary to correct a legally established condition.

Staff compared minor variance or similar processes, along with similar criteria, and found that minor administrative reviews are a common practice in surrounding jurisdictions and those across the Colorado Front Range Urban Corridor.

Minor Administrative Review	
Jurisdiction	Minor Variance or Similar Process
Fort Collins	✓
Loveland	✓
Larimer County	✓
Longmont	✓
Greeley	✓
Louisville	✓
Lafayette	✓
Golden	✓
Colorado Springs	✓
Littleton	✓
Windsor	✗

At the June 4, 2018 work session, the Town Board and Planning Commission directed staff to move forward with the proposed code amendment. There was a request for staff to look into the possibility of adding more flexibility into the proposed minor variance criteria, such as an allowance to process an application through a minor variance if the request met the intent of the criteria and the rest of the code. Staff considered this option and has deemed that the variance criteria needs to remain definitive for the purpose of ensuring consistency with applications and approvals. Staff recommends that requests proposing flexibility from the code, which meet the intent of the code or providing a better outcome than allowed by the code, should be addressed through a separate section of the code containing performance options and/or alternative compliance rather than having more subjective criteria within the variance process.

Therefore, staff recommends that Section 16-6-90 be amended to allow for minor administrative variances in the following instances, with the following criteria:

Sec. 16-6-90. - Zoning officer authorized to **administratively** approve **minor modifications** **variances**.

- (a) Purpose and intent. The purpose and intent of this Section is to allow the zoning officer to **administratively** grant ~~modifications~~ **minor variances** up to a maximum of ten percent (10%) **or as noted** from zoning district standards in cases where **an unintended** deviation therefrom exists relative to existing structures **or existing lots**. Relief under this Section shall not be available for the following:
- (1) Any application for ~~a new development or~~ proposed construction.
 - (2) A building permit application.
 - (3) A plot plan application.
 - (4) An improvement location certificate.
 - (5) Any minor ~~modification~~ **variance** that would result in any of the following:
 - a. An increase in permitted maximum development density or intensity.
 - b. A change in permitted uses or mix of uses.
 - ~~c. An increase in the building height of principal structures.~~
 - dc.** A decrease in the amount of required open space or landscaping.
 - d.** A conflict with another requirement.
 - e.** An additional or a subsequent minor variance request.
 - f.** A lot line adjustment, minor subdivision or subdivision.

- (b) Application. The applicant shall submit to the zoning officer a variance application, together with such supporting documentation as the zoning officer may require, and a ~~review~~ **variance application** fee, ~~the amount of which shall be set by the Town Board and modified by the Town Board from time to time.~~
- (c) Appeal. The zoning officer shall review the application and initially determine whether or not the application ~~qualifies the applicant~~ **is eligible** for relief under this Section. In the event the zoning officer determines that the application should be denied, appeal of the zoning officer's decision to the Board of Adjustment shall be in accordance with the provisions of this Code.
- (d) **Notice.** Notice of the variance request shall be provided to adjacent neighboring property owners within 300 feet of any boundary of the subject property, at the time the application is accepted by the Town. The notice shall state that any comments or objections must be received by the Planning Department within ten (10) days of the date of the Notice. If an objection is received by the Town, the applicant shall address the objection within ten (10) days of the Notice of Objection provided to the applicant by the Town. If the objection cannot be resolved within the ten (10) days, the variance request shall be forwarded to the Board of Adjustment for a decision.
- (~~de~~) Approval criteria. Upon complete submission of the application as aforesaid and approval thereof by the zoning officer, the zoning officer shall grant the ~~modification~~ **minor variance** unless it is in conflict with either the goals of the Comprehensive Plan or the purposes of the zoning code. **Administrative approval of minor variances shall be limited as follows:**
 - (1) **Setback or offset:** A reduction in distance of 10% or one (1) foot, whichever is less.
 - (2) **Maximum building height:** An increase in height of 10% or one (1) foot, whichever is less.
 - (3) **Distance between structures:** 10% or one (1) foot reduction, whichever is less, subject to requirements of the International Building Code.
 - (4) **Lot area:** 2% reduction in the minimum lot area required.
 - (5) **Lot Coverage:** 2% increase in the maximum lot coverage.
 - (6) **A variance is necessary to correct a legally established condition.**
- (~~ef~~) Effect of approval. The zoning officer shall state on the zoning certificate, and on all affected plans or plats, the nature of any minor **variance** and reason for approval thereof. The zoning officer shall also sign, date and, if applicable, record all such documentation.

Relationship to Strategic Plan

The proposed code amendment is consistent with the Strategic Plan, particularly Prosperous Local Economy and Safe, Well-Planned Community With Spirit And Pride.

Recommendation

Staff recommends Planning Commission forward to Town Board a recommendation to approve the proposed code amendment.

Attachments

Draft ordinance
Presentation

TOWN OF WINDSOR

ORDINANCE NO. 2018 -

AN ORDINANCE AMENDING SECTION 16-6-90 OF THE *WINDSOR MUNICIPAL CODE* REGARDING ADMINISTRATIVE APPROVALS OF MINOR VARIANCES

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 has in place a comprehensive system of land use regulations, intended to promote the public health, safety and welfare; and

WHEREAS, the current code language, although says the Zoning Officer can approve minor modifications, the practical effect is to require the Board of Adjustment to approve and conduct a public hearing for all variance applications, regardless of the nature or scale of the request; and

WHEREAS, in the interests of utilizing Town resources and staff more efficiently and streamlining the process, the Zoning Officer will be given the authority to administratively approve minor variances; and

WHEREAS, the Town Board has given due consideration to the below Code amendment and concluded that its approval promotes the public health, safety and welfare while improving efficiency.

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

Section 1. Section 16-6-90 is hereby repealed, amended and re-adopted to read as follows:

Sec. 16-6-90. - Zoning officer authorized to administratively approve minor variances.

(a) Purpose and intent. The purpose and intent of this Section is to allow the zoning officer to administratively grant minor variances up to a maximum of ten percent (10%) or as noted from zoning district standards in cases where an unintended deviation therefrom exists relative to existing structures or existing lots. Relief under this Section shall not be available for the following:

- (1) Any application for proposed construction.
- (2) A building permit application.

(3) A plot plan application.

(4) An improvement location certificate.

(5) Any minor variance that would result in any of the following:

a. An increase in permitted maximum development density or intensity.

b. A change in permitted uses or mix of uses.

c. A decrease in the amount of required open space or landscaping.

d. A conflict with another requirement.

e. An additional or subsequent minor variance request.

f. A lot line adjustment, minor subdivision or subdivision.

(b) Application. The applicant shall submit to the zoning officer a variance application, together with such supporting documentation as the zoning officer may require, and a variance application fee.

(c) Appeal. The zoning officer shall review the application and initially determine whether or not the application is eligible for relief under this Section. In the event the zoning officer determines that the application should be denied, appeal of the zoning officer's decision to the Board of Adjustment shall be in accordance with the provisions of this Code.

(d) Notice. Notice of the variance request shall be provided to adjacent neighboring property owners pursuant to within 300 feet of any boundary of the subject property, at the time the application is accepted by the Town. The notice shall state that any comments or objections must be received by the Planning Department within ten (10) days of the date of the Notice. If an objection is received by the Town, the applicant shall address the objection within ten (10) days of the Notice of Objection provided to the applicant by the Town. If the objection cannot be resolved within the ten (10) days, the variance request shall be forwarded to the Board of Adjustment for a decision.

(e) Approval criteria. Upon complete submission of the application as aforesaid and approval thereof by the zoning officer, the zoning officer shall grant the minor variance unless it is in conflict with either the goals of the Comprehensive Plan or the purposes of the zoning code. Administrative approval of minor variances shall be limited as follows:

1. Setback or offset: A reduction in distance of 10% or one (1) foot, whichever is less.

2. Maximum building height: An increase in height of 10% or one (1) foot, whichever is less.
3. Distance between structures: 10% or one (1) foot reduction, whichever is less, subject to requirements of the International Building Code.
4. Lot area: 2% reduction in the minimum lot area required.
5. Lot Coverage: 2% increase in the maximum lot coverage.
6. A variance is necessary to correct a legally established condition.

(f) Effect of approval. The zoning officer shall state on the zoning certificate, and on all affected plans or plats, the nature of any minor variance and reason for approval thereof. The zoning officer shall also sign, date and, if applicable, record all such documentation.

Introduced, passed on first reading, and ordered published this 23rd day of July, 2018.

TOWN OF WINDSOR, COLORADO

By _____
Kristie Melendez, Mayor

ATTEST:

Amanda Mehlenbacher
Deputy Town Clerk

[Seal]

Introduced, passed on second reading, and ordered published this 13th day of August, 2018.

TOWN OF WINDSOR, COLORADO

By _____
Kristie Melendez, Mayor

ATTEST:

Amanda Mehlenbacher
Deputy Town Clerk

[Seal]



Public Hearing & Recommendation to Town Board:

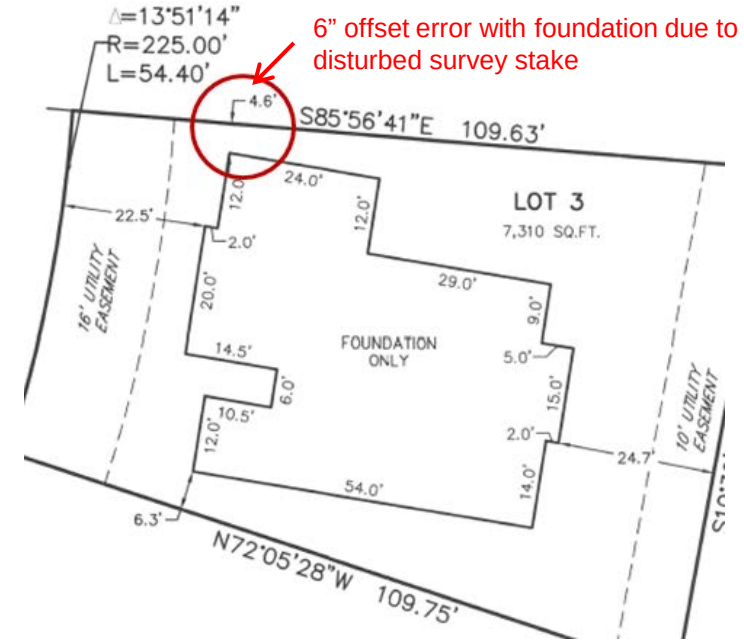
**Windsor Municipal Code Amendment-
Section 16-6-90 Administrative Minor
Variance Procedure & Criteria**

Carlin Malone, Chief Planner

July 18, 2018

Municipal Code Amendment

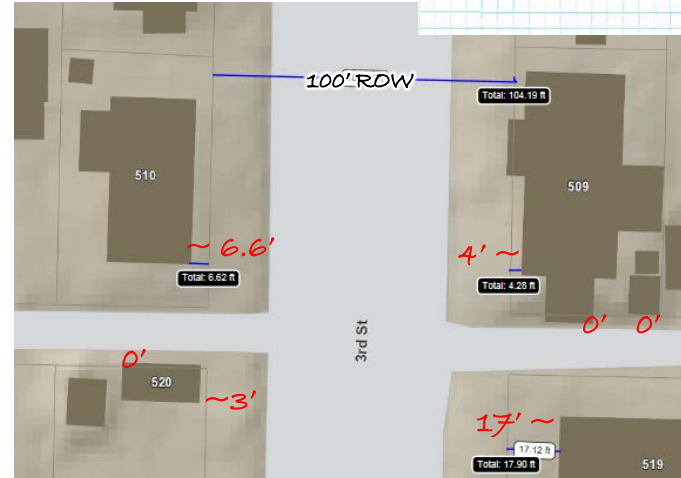
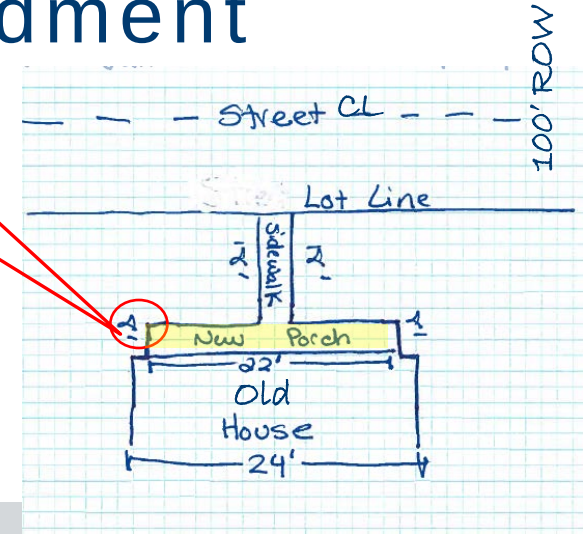
- Currently:
 - Section 16-6-90 administrative modification
- Proposed:
 - Amend Section 16-6-90 to Minor Variance procedures & criteria
 - Provides an administrative variance process for unintended minor deviations to plans



Municipal Code Amendment

- The Town's Board of Adjustment/Appeals (BOA) expressed concern regarding minor variances that could be administratively processed
- The following minor variances would be handled administratively within certain thresholds:
 - Setbacks
 - Structure height
 - Distance between structures
 - Lot area
 - Lot coverage
 - Correct a legally established condition

Setback is
20ft = 2ft
encroachment



Neighborhood
with non-
conforming
setbacks



Municipal Code Amendment

- A Minor Variance would not result in:
 - An increase in permitted maximum development density or intensity
 - A change in permitted uses or mix of uses
 - A decrease in the amount of required open space or landscaping
 - A conflict with another requirement
 - An additional or a subsequent minor variance request
 - A lot line adjustment, minor subdivision or subdivision

Minor Administrative Review	
Jurisdiction	Minor Variance or Similar Process
Fort Collins	✓
Loveland	✓
Larimer County	✓
Longmont	✓
Greeley	✓
Louisville	✓
Lafayette	✓
Golden	✓
Colorado Springs	✓
Littleton	✓
Windsor	⊘



Municipal Code Amendment

Minor Variances:

- (1) Setback or offset: A reduction in distance of 10% or one (1) foot, whichever is less.
- (2) Maximum building height: An increase in height of 10% or one (1) foot, whichever is less.
- (3) Distance between structures: 10% or one (1) foot reduction, whichever is less, subject to requirements of the International Building Code.
- (4) Lot area: 2% reduction in the minimum lot area required.
- (5) Lot Coverage: 2% increase in the maximum lot coverage.
- (6) A variance is necessary to correct a legally established condition.



Municipal Code Amendment

Minor Variance not available for:

- (1) Any application for proposed construction.
- (2) A building permit application.
- (3) A plot plan application.
- (4) An improvement location certificate.
- (5) Any minor variance that would result in any of the following:
 - a. An increase in permitted maximum development density or intensity.
 - b. A change in permitted uses or mix of uses.
 - c. A decrease in the amount of required open space or landscaping.
 - d. A conflict with another requirement.
 - e. An additional or a subsequent minor variance request.**
 - f. A lot line adjustment, minor subdivision or subdivision.



Municipal Code Amendment

Appeals (existing)

- The zoning officer shall review the application and initially determine whether or not the application is eligible for relief under this Section. In the event the zoning officer determines that the application should be denied, appeal of the zoning officer's decision to the Board of Adjustment shall be in accordance with the provisions of this Code.

Notice (proposed)

- Notice of the variance request to adjacent neighboring property owners within 300'.
- Provide a ten (10) day objection period with a ten (10) day resolution period.
- If the objection cannot be resolved within the ten (10) days, the variance request shall be forwarded to the Board of Adjustment for a decision.



Municipal Code Amendment

The proposed amendment will:

- Provide a process and criteria for minor deviations to plans that are a result unintended deviation that would not qualify under the standard Variance criteria.
- Eliminate the need for the Town's Board of Adjustment/Appeals to act upon an application that does not technically meet the intent or criteria of the standard Variance process.
- Save applicant, Board of Adjustment, and staff time – eliminate need for BOA meeting and public hearing, advertising and posting of public hearing notices, preparation of memos, presentation slides and meeting attendance (applicant, BOA, staff)
- Streamline review process



Municipal Code Amendment

Modify Section 16-6-90 to:

- Replace minor modification procedure with minor variance procedure and amend respective review criteria



Recommendation

Staff recommends that the Planning Commission recommend to the Town Board approval of the proposed amendment to Municipal Code Section 16-6-90 to replace the administrative modification procedure with an administrative minor variance procedure as outlined, subject to any Town Board and Planning Commission direction.