



PLANNING COMMISSION REGULAR MEETING

**November 7, 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 October 17, 2018

C. BOARD ACTION

1. Public Hearing – A Zoning proposal to create a Planned Unit Development (PUD) overlay district on approximately 57 acres known as Brands East PUD – Martin Lind, Eagle Crossing Windsor, LLC, owner/ Mitch Black, Norris Design, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner
2. Recommendation to Town Board – A Zoning proposal to create a Planned Unit Development (PUD) overlay district on approximately 57 acres known as Brands East PUD – Martin Lind, Eagle Crossing Windsor, LLC, owner/ Mitch Black, Norris Design, applicant's representative
 - Quasi-judicial
 - Staff presentation: Paul Hornbeck, Senior Planner

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

3. Public Hearing – Rezoning Petition – Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner
4. Recommendation to Town Board – Rezoning Petition – Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner
5. Public Hearing – Land Use Map Amendment – Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner
6. Resolution 2018-03 – Land Use Map Amendment – Portion of Eastbrook Annexation No 1 and Eastbrook Annexation No. 2 and No. 3 – Global Asset Recovery LLC, owner; David Tschetter, applicant
 - Quasi-judicial
 - Staff presentation: Millissa Berry, Senior Planner
7. Preliminary Site Plan – Lake View Multifamily (610 Cedar Street) – Lake View Addition to the Town of Windsor, 4th Filing, Lot 2 – Joe Shrader, owner/applicant
 - Quasi-judicial
 - 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
 - a. Site Plan: Southgate Business Park Subdivision

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

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

<u>Wednesday, November 21, 2018</u>	7:00 P.M.	CANCELLED due to Thanksgiving holiday
<u>Wednesday, December 5, 2018</u>	7:00 P.M.	Regular Planning Commission meeting**
<u>Wednesday, December 19, 2018</u>	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

October 17, 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
Kelly Hall
Victor Tallon
Jerry Bushelman
Dan Foreman
Travis Yingst
Cindy Scheuerman

Alternate

Town Board Liaison

David Sislowski

Also Present:

Planning Director	Scott Ballstadt
Chief Planner	Carlin Malone
Senior Planner	Paul Hornbeck
Senior Planner	Millissa Berry
Engineering Director	Dennis Wagner
Civil Engineer	Doug Roth
Town Attorney	Ian McCargar
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. Bushelman seconded the motion. Roll call on the vote resulted as follows; Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; 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 September 19, 2018

Mr. Tallon moved to approve the consent calendar as presented; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows;

Yeas - Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None Motion carried.

C. BOARD ACTION

1. Public Hearing – Final Major 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

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

Mr. Hornbeck reported that the applicant Mr. Tom Muth of Windsor Investments LTD, represented by Mr. Jon Sweet of TST Consulting Engineers, has submitted a major subdivision application 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 LCR 5 from SH 392 to LCR 32E and roundabouts on LCR 5 at Oakmont Drive and LCR 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. The applicant subsequently coordinated an additional follow-up neighborhood meeting on September 13, 2018. Approximately 50 neighbors attended this meeting to discuss and address neighbor concerns regarding LCR 5 improvements.

The Planning Commission approved the preliminary major subdivision on July 18, 2018, 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 [west] to ensure it is dedicated solely from property controlled by the applicant.

The applicant has continued to address the remaining comments and has since shifted the LCR 5 right-of-way at Oakmont Drive further to the west to reduce impacts to the Ptarmigan Subdivision. Furthermore, the applicant has made an effort to shift the majority of the right-of-way impact to his own property to the west, while also minimizing negative impacts to the adjacent Yeager property to the southwest of the Oakmont Drive intersection.

Staff recommends that the Planning Commission forward a recommendation of approval of the final major subdivision to the Town Board subject to the following conditions:

1. To the extent the approved plans for improvements to LCR 5 require construction of improvements within right-of-way not yet owned by the Developer or not otherwise acquired by the Town, all such right-of-way shall be acquired and dedicated by the Developer to the Town prior to commencement of any such improvements within said right-of-way.
2. All improvements to the intersection of LCR 5 and Oakmont Drive shall be completed and approved by the Town prior to the issuance of any building permits for single family residential development.
3. Street trees shall be incorporated into the landscape plan on both east and west sides of LCR 5 in order to mitigate the loss of any existing trees.
4. All remaining Planning Commission and staff comments shall be addressed prior to recording the subdivision plat.
5. The subdivision development agreement shall be executed prior to recording the subdivision plat.

Staff requests that the following be entered into the record:

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

Brian Williamson with TST Consulting Engineers provided a brief presentation on the Windsor Villages at Ptarmigan project.

Mr. Schick asked if anyone from the audience wished to speak on this matter.

Mr. Stewart Olive, Attorney hired by the Ptarmigan Villas HOA, approached the Board and stated that the residents within the Ptarmigan subdivision do not object to the rezoning but rather the taking of a certain common area property that belongs to the association. The Association requires under its covenants a vote of approximately 80% affirmative to take the property. Without that vote the property would have to be condemned at which point the Board would have to fight it. If the roundabout is moved approximately 30 feet further to the west or a traffic light was to be installed, there would be no taking of property; however, if the Town of Windsor decided to take the property it would be a contradiction to the existing annexation agreement.

Several members of the audience made it clear that they do not object to the rezoning but rather have many reservations regarding the details of the project.

Items of concern included; disclosure of the development agreement, timeframe, landscape and lighting specifications, noise impact, increased traffic and location of the roundabouts. Many residents requested the roundabouts be moved 30 to 40 feet further west.

Those who gave public comment include:

- Doug Williams, 7208 Tamarisk Dr., Fort Collins, CO 80528, Secretary/Treasurer of the Ptarmigan Villas HOA
- John Truesdell, 7426 Tamarisk Dr., Fort Collins, CO 80528
- Stewart Olive, Attorney hired by the Ptarmigan Master Association
- Jay Gould, 5110 Hogan Ct., Fort Collins, CO 80528
- Mary Kay Sommers, 5101 Nelson Ct., Fort Collins, CO 80528
- Lee Sommers, 5101 Nelson Ct., Fort Collins, CO 80528
- Mark Earley, 5857 Crestwood Dr., Fort Collins, CO 80528
- Emily Benight, 5132 Augusta Ct., Fort Collins, CO 80528
- Peter Klismet, 5100 Nelson Ct., Fort Collins, CO 80528

Mr. Williamson once again approached the Board to address and bring clarity to the comments made by residents.

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

Several comments and questions were made from the Commission members which were directed to Mr. Williamson. The Commission inquired about the impact of shifting the roundabouts further to the west, noise impact studies, location of sidewalks, and correspondence with the Larimer County Engineer to which Mr. Williamson responded back.

Mr. Tallon moved to close the public hearing; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.

2. Recommendation to Town Board – Final Major 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

Mr. Hornbeck had nothing further to add.

Mr. Tallon moved to forward a recommendation of approval to the Town Board for the Final Major Subdivision of Windsor Villages at Ptarmigan subject to the conditions stated by staff and also adding a condition to move the roundabout an additional 10 feet to the west if capable; Mr. Foreman seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.

Mr. Schick requested a 5 minute recess at 8:01 p.m.

The Planning Commission returned to the regular meeting at 8:06 p.m.

3. Public Hearing – A zoning proposal to create The Brands East Planned Unit Development Overlay District – Martin Lind, Manager, Eagle Crossing Windsor, LLC, owner / Mitch Black, Norris Design, owner's representative.

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck stated the applicant requested items C.3 and C.4 be removed from the agenda; therefore, staff requests the items be continued to the November 7th Planning Commission meeting.

Mr. Tallon moved continue items C.3 and C.4 to the November 7th Planning Commission meeting; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.

4. Recommendation to Town Board – A Zoning proposal to create The Brands East Planned Unit Development Overlay District – Martin Lind, Manager, Eagle Crossing Windsor, LLC, owner / Mitch Black, Norris Design, owner's representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

5. Preliminary Site Plan – Eagle Crossing Subdivision 4th Filing, Lot 4 Site Plan (Apartment Complex) – Larry Buckendorf/Morgan Kidder, Fossil Ridge Holdings, LLC, owner / Daniel Hull, LandOne Engineering, LLC, owner's representative

- Quasi-judicial
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck reported that the applicant, Mr. Larry Buckendorf of Fossil Ridge Holdings, LLC, represented by Mr. Daniel Hull of LandOne Engineering, has submitted a preliminary site plan, known as Eagle Crossing Subdivision 4th Filing, Lots 3 and 4. Lot 3 previously received site plan approval of four multifamily buildings containing 93 units as a part of a larger 18 building, 407 unit development. Lot 3 was not site planned at that time due to an oil and gas window preventing development. That restriction has since been removed, allowing the proposed development to proceed. Lot 3 and Lot 4 will be combined as a part of an administrative minor subdivision.

Site plan characteristics include:

- An additional 5 buildings and 111 units;
- parking provided at a ratio of 1.5 spaces per unit, in accordance with the code requirements in place at the time the site plan application was received
- site building coverage of 27%; and
- landscaped area of 34%.

Building characteristics will match the previously approved buildings and include:

- three story buildings with 5:12 roof pitches

- horizontal fiber cement lap siding as the predominant façade material;
- stone treatment around the base of buildings and around external stairways;
- covered decks and porches.

Staff recommends that the Planning Commission approve the Preliminary Site Plan, subject to all remaining Planning Commission and staff comments being addressed on the Final Site Plan.

Staff requests that the following be entered into the record:

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

Ms. Hall inquired as to what an oil and gas window preventing development is. Mr. Hornbeck responded that it was an agreement with the mineral rights owner that a certain portion of the property be reserved for development of the mineral rights. The applicant has negotiated with the mineral rights holder to relocate the window.

Ms. Hall inquired about the structural differences between the 21 and 24 plex units.

Mr. Kidder of Fossil Ridge Holdings stated the 21 plex allows for 3 bedroom units in the center of the building while the 24 plex has 1 bedroom units.

Mr. Bushelman inquired if this site plan is in conformance with the original master plan.

Per Mr. Hornbeck; Yes.

Mr. Tallon moved to approve the Preliminary Site Plan subject to all remaining Planning Commission and staff comments being addressed on the Final Site Plan; Mr. Yingst seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.

6. Preliminary Major Subdivision – The Ridge at Harmony Road, 3rd Filing – Jeff Mark, The Landhuis Company, applicant

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

Ms. Berry reported that the applicant, Mr. Jeff Mark of The Landhuis Company, has submitted a preliminary major subdivision plat, known as The Ridge at Harmony Road Subdivision 3rd Filing. The subdivision encompasses approximately 148 acres and is zoned Residential Mixed Use (RMU).

Preliminary Plat characteristics:

- 301 single-family lots
- Most lots are between 7,000 and 9,000 sf
- Larger lots (9,000 – 30,000 sf) adjacent to Alexander Estates Subdivision

- Product: 1 & 2-story houses with attached 2-3 car garages
- Tracts for open space (34 acres), commercial (7 acres), multi-family (7.5 acres), and other (10 acres) future development
- Connections to school site through neighborhood, intersection bulb-outs, widened sidewalk along north side of Harmony Ridge Parkway (to school site in Phase 2)
- Trail along Harmony Road & CR 15
- Park sites = 0.76 acres (large park site in Phase 2)
- Offsite improvements will include widening of Harmony Road to four lanes with a landscaped median

The applicant held a neighborhood meeting on March 8, 2018, in accordance with Chapter 16, Article XXXI of the Municipal Code. There were approximately eight neighbors in attendance.

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

Staff requests that the following be entered into the record:

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

Jeff Mark with the Landhuis Company, provided a brief presentation of the Ridge at Harmony Road major subdivision project.

Mr. Dennison inquired if any improvements to County Road 15 are anticipated with this project.

Mr. Mark responded that the traffic study requires them to widen County Road 15 and add a trail east of CR 15 off Harmony and north where the property ends.

Mr. Tallon moved to approve the Preliminary Major Subdivision subject to all remaining Planning Commission and staff comments being addressed with the Final Major Subdivision plat ; Mr. Bushelman seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.

7. Public Hearing – An Ordinance Amending Section 17 of the Town of Windsor Municipal Code regarding Landscape Requirements

- Legislative
- Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck reported, the enclosed draft ordinance is a comprehensive update to the Town's landscape standards, which have been in place since 2006. The update is based on the premise that the existing landscape standards have been successful in strengthening the character and quality of development; however, are in need of updates to achieve the following:

1. Reorganization to be easier to understand and apply
2. Better address water conservation in landscaping

3. Expand and refine buffer yard requirements
4. Other minor clarifications and modifications

Reorganization

The current landscape standards have requirements for different components of a site, such as detention ponds or parking lots, listed in different subsections. This makes it easy for applicants or other users of the code to overlook certain landscape requirements. To address this issue, the draft code lists all required landscape components in a single table. Supplemental information not easily contained within the table is located in individual subsections for each landscape component.

The current standards do not adequately address how overlapping requirements are to be applied so administrative determination is often required. The proposed reorganization is intended to clearly define all required landscape components and eliminate the need for administrative determination. The draft code specifies that when there is overlap of two components, the more stringent standard will apply.

Water Wise Requirement

The existing landscape standards state landscaping plans shall be designed to incorporate water conservation materials and techniques; however, compliance is simply encouraged rather than mandatory as there are no specific requirements that must be followed. Given the increased growth of the region and continued limited water supply, enhanced water conservation through landscaping requirements are proposed as follows:

1. A minimum of 65% of shrubs shall be very low or low water use.
2. A maximum of 15% of shrubs and trees shall be high water use.
3. Medium and high water grass turf areas are limited to high use or high visibility areas with no restriction on irrigated low water grasses.
4. Sites over 3 acres shall use hydrozones (groupings of plants based on water needs to prevent overwatering).
5. Rain shutoff sensors are required.
6. Allowing rock beds for up to 20% of the landscaped area and not to exceed 3000 square feet individually provided visual interest is provided by some combination of boulders, shrubs, western collectibles, etc. (note: this allowance is in response to work session comments).

Appendix A classifies approved plant materials by water use: very low, low, medium or high. Property owners and landscape designers seem generally aware of the value of native or low water use plants as anecdotal review of a few recent site plans show that most sites are being designed with a considerable amount of low water plants. The proposed code would ensure continued and expanded use of water wise landscaping.

Bufferyards

Bufferyards are landscaped areas intended to buffer incompatible uses. The current landscape standards require industrial or commercial uses adjacent to residential uses to provide a standard bufferyard of 15' wide, 25' wide when buildings are larger than 25,000 square feet, and 50' wide for service areas. The

draft landscape code refines and expands the bufferyard concept and the major changes are summarized as follows:

1. Use of tables to convey requirements.
2. Expanded use of bufferyards between incompatible uses, such as multifamily adjacent to single family.
3. Four standardized bufferyard types specify width and plant density (Table 7-8) which are assigned based degree of incompatible zone districts (Table 7-7)
4. Alternative standards for constrained sites that cannot accommodate standard bufferyards.
5. Eliminating the requirement for bufferyards in the Central Business (CB) zone district.
6. Requires a mix of shade, ornamental, and evergreen trees to ensure year-round buffering and seasonal interest.

Other Changes

A number of minor change have been made in order to try to clarify and simplify standards while creating high quality landscaping similar to the current standards. Further language has been added to clarify maintenance responsibility and responsibility for ongoing compliance.

Another modification proposed is a reduction in the amount of landscaped area required with larger industrial sites. Currently all industrial sites are required to provide 15% landscape area. This standard has been problematic because it places a burden on large sites to provide a tremendous amount of landscaping when much of the site is often unused. An administrative interpretation has been made in the past that such sites are only required to provide 15% landscaped area based on the developed area of the site. Rather than continue to rely on administrative interpretation, the draft landscape code includes tiered standards for industrial sites: 15% landscaping for site under three acres, 8% landscaping for sites between three and ten acres, and 5% for sites over 10 acres. The percentages listed are minimums; however, in order to provide all individual landscape components required, landscaping in excess of the minimums may be required in some cases. However, the intent is large sites would focus landscaping where it's most impactful, such as adjacent to right-of-way.

Stakeholder Input

Input from stakeholders was received during the Comprehensive Plan update and is enclosed. The draft standards attempt to address common concerns from stakeholders.

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

Staff requests the following be entered into the record:

- Staff memorandum
- Packet materials
- Public testimony
- Staff recommendation

Mr. Schick asked if anyone from the audience wished to speak on this matter.

There was none.

Mr. Dennison inquired if the code specifies the setback requirements for trees and shrubs from the street.

Mr. Hornbeck stated that it is mentioned in the code.

Mr. Schick commented that the switch from the text format to the table format is a huge improvement.

Mr. Tallon moved to close the public hearing; Mr. Yingst seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.

8. Recommendation to Town Board – An Ordinance Amending Section 17 of the Town of Windsor Municipal Code regarding Landscape Requirements
 - Legislative
 - Staff presentation: Paul Hornbeck, Senior Planner

Mr. Hornbeck had nothing further to add.

Mr. Tallon moved to forward to the Town Board a recommendation of approval Amending Section 17 of the Municipal Code regarding Landscape Requirements; Mr. Dennison seconded the motion. Roll call on the vote resulted as follows: Yeas – Schick, Dennison, Hall, Tallon, Bushelman, Foreman, Yingst; Nays – None; Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission
None
2. Communications from the Town Board liaison
None
3. Communications from the staff
 - a. Site Plan Summary – Windsor Commons Subdivision 3rd Filing Lot 5 Block 2 – Total Directional Services

Ms. Berry reported that the plan will be reviewed and approved administratively by staff; however, if there are any comments to please forward them to the Director of Planning by October 25, 2018 either by email or at a regular meeting under the communications section of the agenda.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:34 p.m.

Deputy Town Clerk, Amanda Mehlenbacher



MEMORANDUM

Date: November 7, 2018
To: Planning Commission
From: Paul Hornbeck, Senior Planner
Re: Public Hearing and Recommendation to Town Board – A Zoning proposal to create a Planned Unit Development (PUD) overlay district on approximately 57 acres known as Brands East PUD – Martin Lind, Eagle Crossing Windsor, LLC, owner/ Mitch Black, Norris Design, applicant's representative
Item #: C.1 C.2

Background / Discussion

The applicant, Mr. Martin Lind of Eagle Crossing Windsor, LLC, represented by Mr. Mitch Black of Norris Design, is proposing to create a Planned Unit Development (PUD) overlay zoning district on approximately 57 acres known as Brands East PUD.

In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, to "provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design." A complete copy of the Article XXIII PUD regulations is attached for further reference.

The subject rezoning application will create a PUD overlay district which constitutes an amendment to the Town's Official Zoning District Map and the development standards approved with the PUD will be applied to future land use applications within the PUD district. This PUD proposes variations to allowed uses; site, architectural, and landscape design standards; and development review processes. The tables below provide a comparison of all proposed changes in those categories, followed by staff analysis below each table.

Permitted Uses	
Existing	Proposed
General Commercial (GC) Allowed Uses: (1) Drive-in restaurants. (2) Grocery stores and supermarkets. (3) Gasoline service stations. (4) Car washes. (5) Commercial lodging. (6) Restaurants and bars. (7) Outdoor sales areas, such as garden shops. (8) Automobile sales and service establishments, including used car lots. (9) Lumber and building supply yards.	<i>Note: The uses proposed in the PUD are generally consistent with GC zoning with a few exceptions. Notable exceptions are listed below. A full list of allowed uses can be found in the attached Brands East PUD.</i> Artisan and/or craft foundry, manufacturing, warehousing, and/or retail sales. (entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.). Limited outdoor fabrication of products may be permitted subject to a conditional use grant.

(10) Public, private, commercial and private group outdoor recreational facilities. (11) Bowling alleys. (12) Business and professional offices. (13) Places of assembly (small). (14) Places of assembly (large). (15) Other similar uses as defined in Section 16-2-20 of this Chapter	Art gallery, studio, and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to a conditional use grant. Educational facility incorporated into another structure or site plan. Manufacture and preparation of food products; with on-site retail sales Manufacture of electronic instruments and services, including repairs and limited assembly. Multiple-family dwelling, possibly including but not limited to apartments, condos, townhomes, row homes, paired homes (duplexes), which may or may not be a part of a mixed-use building. Paired homes may not make up more than 20% of the units in any given site plan. Warehouses, distribution, and wholesale uses associated with retail and pick-up sales.
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The Business Assistance Agreement approved by Town Board for this development stated that the “developers proposes to build (or cause to be built) approximately 1.2 million square feet of high-end, mixed-use, master-planned development consisting of major and minor retail anchor stores, mixed-use retail, multi-family apartment facilities, Class “A” offices spaces, a limited-service hotel, a full service hotel, pad sites for nationally recognized retailers and restaurants and a light industrial space...” The land uses listed in the PUD are generally consistent with the vision contained in the Agreement and with the vision of a mixed use neighborhood center.

Residential uses integrated into the development can be a vital part of creating a vibrant, mixed use neighborhood center. In order to ensure that a certain level of commercial development occurs prior to or concurrent with residential development, the applicant has agreed to the following restriction:

Residential development shall be limited to a maximum of four hundred (400) dwelling units until commercial development or building permit issuance equaling either a minimum of 50,000 square feet or commercial development with sales or forecasted sales in excess of \$25 million in gross annual sales.

Development Standards Comparison		
	Existing Standard	Proposed PUD Standard
Building Setbacks		
Adjacent to Crossroads &	25'	25'

Fairgrounds		
Front Setback	25'	20' (0' for pedestrian oriented development)
Side and Rear Setback	20'	15' (0' for pedestrian oriented development)
Building Height		
Height	55' General Commercial 30' Commercial Corridor Plan	130' for office, residential, and hotels. 55' for all other uses
Density		
Maximum Dwelling Units	0	400
Floor Area Ratio (FAR)	Not stated	0.5 gross FAR for PUD
Landscape Buffers		
Fairgrounds Buffer Width	25'	20'
All other buffers	Per Municipal Code	Per Municipal Code
Exceptions	None	Reductions allowed for pedestrian oriented development
Non-Residential Lot Size		
Minimum Lot Area	20,000 sf.	No minimum
Residential Development Standards		
Residential Lot Area	1400 s.f. per unit	700 s.f. per unit
Livable Open Space Per Dwelling Unit	450 s.f. per unit	225 s.f. per unit
Open Space		
Required Percentage	20%	10%
Parking		
Shared Parking	Not allowed	Parking reductions allowed based on shared uses with differing peak parking demands
Design Standards		
Architectural, site design, and landscape standards.	Commercial Corridor Plan	PUD Architectural Design Guidelines (Note: Proposed standards are generally consistent with or exceed current Town Standards so they are not listed here)

The development standards proposed with the PUD are generally in keeping with the expressed goals of the Brands East development and are minor modifications from current code requirements. A few of the modifications are more considerable and are worth highlighting:

- Building heights up to 130' for office, residential, and hotels and 55' for all other uses (30' maximum allowed by Commercial Corridor Plan currently)
- A 0' setback for pedestrian oriented development interior to the site
- Allowance for reductions in required parking based on shared parking between uses at off-peak times (e.g. residential parking demand is highest overnight while office parking demand is highest during the day, allowing for some shared parking)
- Reduced livable open space required for multifamily development (e.g. recreation amenities or areas, clubhouse, etc.)

Process Comparison		
	Existing Standard	Proposed PUD Standard
Variance to Standards		
Process for approval	Variance to Municipal Code requires Board of Adjustment approval. Waiver to Commercial Corridor Plan requires Planning Commission Approval.	Director of Planning may administratively approve alternative standards if alternative is substantially-equivalent to standard at issue. Decision may be appealed to Planning Commission.
Review Timelines		
Project review	Current practice is 1 st submittal is reviewed in 3-6 weeks. Subsequent submittals are typically reviewed faster.	Two week review period required for all submittals.
Review Process		
Subdivision	Dedication of right-of-way or subdivision of more than 5 lots requires major subdivision application with Planning Commission recommendation to Town Board action.	All subdivisions shall be minor subdivisions administratively reviewed unless dedicating or vacating right-of-way. No Planning Commission or Town Board action.
Qualified Commercial/ Industrial Site Plan	Administratively reviewed with project information included as communications item to Town Board.	Administratively reviewed with no communication to Town Board.
Site Plan (typically multifamily development)	Requires Planning Commission recommendation and Town Board action.	Administrative review only.
Signage		
Master Sign Plan	Master Sign Plan is only used by property owner to impose more restrictive	Master Sign Plan, to be reviewed by Planning Commission, may allow for signs that vary from Municipal Code requirements.

A number of variations to land use application reviews are proposed by the PUD. Such changes may be considered under the Municipal Code's PUD standards, which are "intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development."

Review Timeframes

One proposed PUD standard which varies from current practice is a mandated land use review time period for Town reviews of two weeks for site plans. The applicant has indicated the two week review timeframe is necessary in order to achieve parity with the Loveland Brands project in attracting development. Staff is committed to meeting these deadlines given the commercial mixed use priority of the Brands and the unique context of being a project that crosses jurisdictional lines with Loveland.

Administrative Approval of All Subdivisions

The PUD proposes simplifying land use reviews in a number of ways, including making future subdivision applications and standard site plans administrative reviews. Under the current municipal code requirements, a major subdivision is classified as any subdivision involving six or more lots and requires public notification and public hearings before Planning Commission and Town Board. Standard site plans (i.e. those other than commercial/ industrial) currently require Planning Commission and Town Board approval.

Master Sign Plans

Another simplification is allowing Planning Commission to review and approve a Master Sign Plan, which could allow signs to exceed Municipal Code requirements. Currently signs exceeding Code requirements require variance approval by the Board of Adjustment based on a finding of a hardship unique to the property. This is similar to the recently approved amendment to the RainDance PUD to allow for signage that may vary from Municipal Code requirements.

Public Comments

The applicant's representatives held a neighborhood meeting on August 7, 2018. There was one neighbor in attendance. Please refer to the enclosed meeting summary for topics discussed at the meeting.

Relationship to Comprehensive Plan

The application is consistent with the following Goals and Objectives of the Comprehensive Plan:

Chapter 5.d Commercial and Industrial Areas Framework Plan:

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.

Objective 4 Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Relationship to Strategic Plan

Priorities include economic sustainability and vitality, infrastructure, quality of life, safety and small town feel.

Notification

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

Notifications for the August 7, 2018 neighborhood meeting were as follows :

- July 20, 2018 – affidavit of mailing to property owners within 300 feet
- July 22, 2018 – display ad published in the paper

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

- October 2, 2018 - property posted with a notification sign

- October 2, 2018 - legal notice posted on the Town of Windsor website
- October 5, 2018 - legal ad published in the Tribune
- September 27, 2018 – affidavit of letters mailed to the adjacent property owners

Recommendation

Staff recommends that Planning Commission forward to Town Board a recommendation of approval of the Planned Unit Development subject to all outstanding Planning Commission and staff comments being addressed.

Attachments

Municipal Code PUD Standards
Application Materials
Neighborhood Meeting Summary
Brands East PUD
Staff PowerPoint

copy: Martin Lind, applicant
Mitch Black, applicant's representative
Dave Thorpe, applicant's representative
Stewart Loewenstein, applicant's representative

ARTICLE XXIII - Planned Unit Development Regulations

Sec. 16-23-10. - Intent.

- (a) The planned unit development (hereinafter called PUD) provisions contained herein are intended to provide for the planning and development of substantial tracts of land, suitable in location and character for the uses proposed, as unified and integrated entities in accordance with detailed development plans.
- (b) Such planned unit developments are to be permitted as amendments to the Official Zoning District Map upon approval of a specific development proposal which complies with the requirements and standards set forth in this Chapter.
- (c) The regulations contained herein, which are based on sound comprehensive planning principles, are adapted to unified planning and development and are intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development.
- (d) Specifically, the PUD provisions are intended to further the following objectives:
 - (1) To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.
 - (2) To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.
 - (3) To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.
 - (4) To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.
 - (5) To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.
 - (6) To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.

Sec. 16-23-20. - General location and planning requirements.

- (a) Relation to major transportation system. Planned development districts shall be so located with respect to major streets and highways or other transportation facilities as to be directly accessible without creating traffic on minor streets in residential areas outside such districts.
- (b) Relation to public utilities and community facilities. Planned development districts shall be so located in relation to public utilities and community facilities and services, either existing or to be available by the time development reaches the stage where they will be required, that such facilities can be provided at reasonable public cost.
- (c) Relation to general pattern of urban development. Planned development districts shall be planned and located in general compliance with the Comprehensive Development Plan and shall relate the major elements of the urban pattern, including housing, commercial facilities and principal places of employment, by physical proximity of major streets so as to provide for the convenience and amenity of residents of the community and reduce general traffic congestion by a close relationship between origins and destinations.

Sec. 16-23-30. - Physical character of site.

The site shall be suitable for the development proposed without hazards to structures, occupants or any property from probability of flooding on the site or on adjacent lands, erosion or deposition of eroded material on adjacent lands, subsidence of the soil or other dangerous conditions. Soil, groundwater level, drainage and topography shall be appropriate to both kind and pattern of use intended.

Sec. 16-23-40. - Site planning; external relationships.

- (a) Vehicular access. Entrances and exits for vehicles shall be designed to encourage smooth traffic flow with minimum hazards to passing traffic or to traffic entering or leaving the development. Merging or turnout lanes may be required where anticipated traffic flows from or to the planned development indicate the need for such lanes. In no case shall streets within a planned development district connect to streets outside the district in such a way as to encourage use of any minor streets for through traffic.
- (b) Perimeter setback and screening. If topographical or other barriers do not provide adequate buffer between the planned development and adjacent uses, structures on the perimeter of the planned development shall be set back a distance equal to the minimum setback requirement of the adjoining district or shall be permanently screened by fences, walls or plantings as required to sufficiently protect the privacy and amenity of adjacent uses, to protect the planned development from potentially adverse external influences, such as a major street or highway and as necessary to make transition from adjoining districts.

Sec. 16-23-50. - Modifications of subdivision regulations.

- (a) The improvements required under Article X of Chapter 17, including streets, storm drainage, sanitary sewerage and potable water systems, shall be provided in each type of planned unit development.
- (b) The requirements and standards for the construction of streets and utilities set forth in the subdivision regulations shall be subject to modification where the plan and program for a PUD make adequate provision for vehicular and pedestrian access and circulation, recreation, utility and service needs of the tract when fully developed and occupied and which also provide such covenants, easements or other legal documents and provisions as will assume conformity to and successful implementation of the plan.



APPLICATION PACKET REZONING

The following checklist is intended to provide an outline for applicants to ensure a complete submittal and to avoid processing delays due to inadequate information. Land use applications shall include all items listed in the following checklist. If an item is not checked as included in the submittal, a detailed narrative statement outlining reasons why the item has not been submitted shall be included. Lack of such statement or required item shall constitute an incomplete submittal and shall be rejected by the Town. Please review Chapter 16 Article V of the Town of Windsor Municipal Code for complete application and procedural requirements.

APPLICATION SUBMITTAL REQUIREMENTS:

1

Planning
Department
Checklist

Applicant
Checklist

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Completed checklist. Items not checked are explained in the narrative

Completed Land Use Application (attached)

Application fee consistent with the Town of Windsor Fee Schedule

A completed rezoning petition and justification statement

A deed or legal instrument identifying the applicant's interest in the property

All required drawings and supportive information per the Municipal Code

All submittals shall follow the Town's Submittal Requirements and File Naming Conventions available from the Planning Department

REZONING MAP REQUIREMENTS:

2

Planning
Department
Checklist

Applicant
Checklist

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Drawing dimensions shall be twenty-four by thirty-six (24x36) inches. All drawings shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet

Date of preparation, the scale, a symbol designating true north and zoning

Vicinity map

Legal description (*township, range, section, lot, block, subdivision*)

Each ownership within and adjacent to the property

Existing and proposed zoning classification

Applicant revisions block (*includes fields for date, initials, description*)

Appropriate certification blocks as provided by the Planning Department

A description of all developed on-site property, including its use and total acreage

The location and dimensions of all existing and proposed easements and rights-of-way

Revised 8/1/2016



APPLICATION PACKET LAND USE APPLICATION

1

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

2

APPLICATION TYPE:

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

SUBTYPE:

(for Major Subdivisions and Site Plans only)

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

Project Name*: Brands East PUD Overlay

Legal Description*: See PUD Overlay Cover Sheet

Address/Location*: Northeast Corner of Fairgrounds Ave. and Crossroads Blvd. in Windsor, CO

Existing Zoning: Proposed Zoning:

3

OWNER:

Name(s)*: Martin Lind, Manager

Company: Eagle Crossing Windsor, LLC

Address*: 1625 Pelican Lakes Pt. Suite 201, Windsor, CO 80550

Phone #: (970) 686-5828

Email*: mlind@watervalley.com

APPLICANT (Owner or Owner's Representative):

Name*: Mitch Black

Company: Norris Design

Address*: 1101 Bannock Street, Denver, CO 80204

Phone #: (303) 892-1166

Email*: mblack@norris-design.com

AUTHORIZED REPRESENTATIVE:

Name:

Company:

Address:

Phone #:

Email:

4

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

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

Signature:

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

Date: 08/07/17

Print Name: Martin Lind, Manager of Eagle Crossing Windsor, LLC

*Required fields

Land Title Guarantee Company
CUSTOMER DISTRIBUTION

Date: July 27, 2017

Our Order Number: FCIF25151292

Property Address: EAGLE CROSSING FOURTH FILING, WINDSOR, CO 80550

WATER VALLEY LAND COMPANY LLC/TROLLCO

Attn: LARA WYNN

1625 PELICAN LAKES POINT #201

WINDSOR, CO 80550

lwynn@watervalley.com

If you have any inquiries or require further assistance, please contact [Ft. Collins Customer Care](#)

Phone: 970-282-3649

Email Address: customercare@ltgc.com

Property Information Binder

CONDITIONS AND STIPULATIONS

1. Definition of Terms

The following terms when used in this Binder mean:

- (a) "Land": The land described, specifically or by reference, in this Binder and improvements affixed thereto which by law constitute real property;
- (b) "Public Records": those records which impart constructive notice of matters relating to said land;
- (c) "Date": the effective date;
- (d) "the Assured": the party or parties named as the Assured in this Binder, or in a supplemental writing executed by the Company;
- (e) "the Company" means Old Republic National Title Insurance Company, a Minnesota stock company.

2. Exclusions from Coverage of this Binder

The company assumes no liability including cost of defense by reason of the following:

- (a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; taxes and assessments not yet due or payable and special assessments not yet certified to the Treasurer's office.
- (b) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- (c) Title to any property beyond the lines of the Land, or title to streets, roads, avenues, lanes, ways or waterways on which such land abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
- (d) Mechanic's lien(s), judgment(s) or other lien(s).
- (e) Defects, liens, encumbrances, adverse claims or other matters: (a) created, suffered or agreed to by the Assured; (b) not known to the Company, not recorded in the Public Records as of the Date, but known to the Assured as of the Date; or (c) attaching or creating subsequent to the Date.

3. Prosecution of Actions

- (a) The Company shall have the right at its own costs to institute and prosecute any action or proceeding or do any other act which in its opinion may be necessary or desirable to establish or confirm the matters herein assured; and the Company may take any appropriate action under the terms of this Binder, whether or not it shall be liable thereunder and shall not thereby concede liability or waive any provision hereof.
- (b) In all cases where the Company does not institute and prosecute any action or proceeding, the Assured shall permit the Company to use, at its option, the name of the Assured for this purpose. Whenever requested by the Company, the Assured shall give the Company all reasonable aid in prosecuting such action or proceeding, and the Company shall reimburse the Assured for any expense so incurred.

4. Notice of Loss - Limitation of Action

A statement in writing of any loss or damage for which it is claimed the Company is liable under this Binder shall be furnished to the Company within sixty days after such loss or damage shall have been determined, and no right of action shall accrue to the Assured under this Binder until thirty days after such statement shall have been furnished, and no recovery shall be had by the Assured under this Binder unless action shall be commenced thereon with two years after expiration of the thirty day period. Failure to furnish the statement of loss or damage or to commence the action within the time hereinbefore specified, shall be conclusive bar against maintenance by the Assured of any action under this Binder.

5. Option to Pay, Settle or Compromise Claims

The Company shall have the option to pay, settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Binder, or to pay the full amount of this Binder. Such payment or tender of payment of the full amount of the Binder shall terminate all liability of the Company hereunder.

6. Limitation of Liability - Payment of Loss

(a) The liability of the Company under this Binder shall be limited to the amount of actual loss sustained by the Assured because

of reliance upon the assurances herein set forth, but in no event shall the liability exceed the amount of the liability stated on the face page hereof.

(b) The Company will pay all costs imposed upon the Assured in litigation carried on by the Company for the Assured, and all costs and attorneys' fees in litigation carried on by the Assured with the written authorization of the Company.

(c) No claim for loss or damages shall arise or be maintainable under this Binder (1) if the Company after having received notice of any alleged defect, lien or encumbrance not shown as an Exception or excluded herein removes such defect, lien or encumbrance within a reasonable time after receipt of such notice, or (2) for liability voluntarily assumed by the Assured in settling any claim or suit without written consent of the Company.

(d) All payments under this Binder, except for attorney's fees as provided for in paragraph 6(b) thereof, shall reduce the amount of the liability hereunder pro tanto, and no payment shall be made without producing this Binder or an acceptable copy thereof for endorsement of the payment unless the Binder be lost or destroyed, in which case proof of the loss or destruction shall be furnished to the satisfaction of the Company.

(e) When liability has been definitely fixed in accordance with the conditions of this Binder, the loss or damage shall be payable within thirty days thereafter.

7. Subrogation Upon Payment or Settlement

Whenever the Company shall have settled a claim under this Binder, all right of subrogation shall vest in the Company unaffected by any act of the Assured, and it shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Binder not been issued. If the payment does not cover the loss of the Assured, the Company shall be subrogated to the rights and remedies in the proportion which the payment bears to the amount of said loss. The Assured, if requested by the Company, shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect the right of subrogation, and shall permit the Company to use the name of the Assured in any transaction or litigation involving the rights or remedies.

8. Binder Entire Contract

Any action or actions or rights of action that the Assured may have or may bring against the Company arising out of the subject matter hereof must be based on the provisions of this Binder. No provision or condition of this Binder can be waived or changed except by a writing endorsed or attached hereto signed by the President, a Vice President, the Secretary, an Assistant Secretary or other validating officer of the Company.

9. Notices. Where Sent

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at 400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111.

10. Arbitration

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association.

ANTI-FRAUD STATEMENT: Pursuant to CRS 10-1-128(6)(a), it is unlawful to knowingly provide false, incomplete or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

This anti-fraud statement is affixed and made a part of this policy.

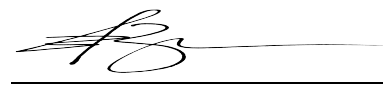
Issued through the Office of:
LAND TITLE GUARANTEE COMPANY
3033 E 1ST AVE #600
DENVER, CO 80206
303-850-4165

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
a Stock Company
400 Second Avenue South
Minneapolis, Minnesota 55401
612) 371-1111


John E. Freyer, Jr., President




Mark Bilbrey, President


Rande Yeager, Secretary

Land Title Guarantee Company Representing Old Republic National Title Insurance Company

PROPERTY INFORMATION BINDER

Order Number: FCIF 25151292

Policy Number: PIB25151292.2397022

Liability: \$25,000.00

Fee: \$500.00

Subject to the exclusions from coverage, the limits of liability and other provisions of the Conditions and Stipulations hereto annexed and made a part of this Binder,

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
a Corporation, herein called the Company,**

GUARANTEES

EAGLE CROSSING WINDSOR, LLC, A COLORADO LIMITED LIABILITY COMPANY

Herein called the Assured, against loss, not exceeding the liability amount stated above, which the assured shall sustain by reason of any incorrectness in the assurance which the Company hereby gives that, according to the public records as of July 21, 2017 at 5:00 P.M.

1. Title to said estate or interest at the date hereof is vested in:

EAGLE CROSSING WINDSOR, LLC, A COLORADO LIMITED LIABILITY COMPANY

2. The estate or interest in the land hereinafter described or referred to covered by this Binder is:

A FEE SIMPLE

3. The land referred to in this Binder is situated in the State of Colorado, County of Larimer, described as follows:

NOTE: THE FOLLOWING LEGAL DESCRIPTION IS PRELIMINARY AND IS SUBJECT TO CHANGE .

A PORTION OF TRACT B; EAGLE CROSSING SUBDIVISION SECOND FILING, TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO

TRACT A AND A PORTION OF TRACT B, EAGLE CROSSING THIRD FILING, TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO

4. The following documents affect the land:

Land Title Guarantee Company Representing Old Republic National Title Insurance Company

PROPERTY INFORMATION BINDER

Order Number: FCIF 25151292

Policy Number: PIB25151292.2397022

- 1) EXISTING LEASES OR TENANCIES, IF ANY.
- 2) RIGHT OF WAY EASEMENT AS GRANTED TO BOARD OF COUNTY COMMISSIONERS IN INSTRUMENT RECORDED APRIL 12, 1879, IN BOOK L AT PAGE [44](#).
- 3) RESERVATIONS BY THE UNION PACIFIC RAILROAD COMPANY OF:
 - (1) ALL COAL AND OTHER MINERALS UNDERLYING SUBJECT PROPERTY,
 - (2) THE EXCLUSIVE RIGHT TO PROSPECT FOR, MINE AND REMOVE COAL AND OTHER MINERALS, AND
 - (3) THE RIGHT OF INGRESS AND EGRESS AND REGRESS TO PROSPECT FOR, MINE AND REMOVE COAL AND OTHER MINERALS, AND RIGHT OF MAINTAIN RAILWAY AS ESTABLISHED ALL AS CONTAINED IN DEED RECORDED JULY 16, 1907, IN BOOK 150 AT PAGE [86](#).
- 4) RIGHT OF WAY EASEMENT AS GRANTED TO WYCO PIPE LINE CO IN INSTRUMENT RECORDED MARCH 10, 1947, IN BOOK 830 AT PAGE [273](#).
- 5) TERMS, CONDITIONS AND PROVISIONS OF SURFACE OWNERS AGREEMENT RECORDED MAY 01, 1958 IN BOOK 1065 AT PAGE [548](#).
- 6) RIGHT OF WAY EASEMENT AS GRANTED TO AMERICAN TELEPHONE AND TELEGRAPH CO IN INSTRUMENT RECORDED MARCH 29, 1968, IN BOOK 1382 AT PAGE [398](#).
- 7) RIGHT OF WAY EASEMENT AS GRANTED TO POUDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC. IN INSTRUMENT RECORDED AUGUST 25, 1975, IN BOOK 1660 AT PAGE [293](#).
- 8) TERMS, CONDITIONS AND PROVISIONS OF NOTICE RECORDED NOVEMBER 10, 1984 IN BOOK 2298 AT PAGE [1414](#).
- 9) RIGHT OF WAY EASEMENT AS GRANTED TO CITY OF LOVELAND IN INSTRUMENT RECORDED OCTOBER 06, 1989, UNDER RECEPTION NO. [89046234](#).
- 10) RIGHT OF WAY EASEMENT AS GRANTED TO CITY OF LOVELAND IN INSTRUMENT RECORDED DECEMBER 07, 1989, UNDER RECEPTION NO. [89056293](#).
- 11) TERMS, CONDITIONS AND PROVISIONS OF ANNEXATION AGREEMENT RECORDED APRIL 23, 2003 AT RECEPTION NO. [2003-0049766](#).
- 12) RIGHT OF WAY EASEMENT AS GRANTED TO TOWN OF WINDSOR IN INSTRUMENT RECORDED DECEMBER 17, 2003, UNDER RECEPTION NO. [2003-0157945](#).
- 13) TERMS, CONDITIONS AND PROVISIONS OF SURFACE USE AGREEMENT RECORDED DECEMBER 23, 2004 AT RECEPTION NO. [2004-0122867](#).
- 14) MATTERS AS SET FORTH ON ANNEXATION MAP RECORDED APRIL 23, 2003 AT RECEPTION NO. [2003-049765](#)

Land Title Guarantee Company Representing Old Republic National Title Insurance Company

PROPERTY INFORMATION BINDER

Order Number: FCIF 25151292

Policy Number: PIB25151292.2397022

- 15) TERMS, CONDITIONS AND PROVISIONS OF ANNEXATION AGREEMENT RECORDED APRIL 23, 2003 AT RECEPTION NO. [20030049766](#) AND APRIL 30, 2013 AT RECEPTION NO. [20130032447](#).
- 16) TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AGREEMENT RECORDED APRIL 19, 2006 AT RECEPTION NO. [20060028632](#).
- 17) TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AGREEMENT RECORDED APRIL 19, 2006 AT RECEPTION NO. [20060028633](#).
- 18) TERMS, CONDITIONS AND PROVISIONS OF BLANKET EASEMENT AGREEMENT RECORDED JULY 10, 2006 AT RECEPTION NO. [2006-0051348](#).
- 19) RESERVATIONS AS CONTAINED IN WARRANTY DEED RECORDED JULY 19, 2006 UNDER RECEPTION NO. [2006-0054238](#).
- 20) RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED MARCH 04, 2011, UNDER RECEPTION NO. [20110014614](#).
- 21) RIGHT OF WAY EASEMENT AS GRANTED TO TOWN OF WINDSOR IN INSTRUMENT RECORDED OCTOBER 24, 2012, UNDER RECEPTION NO. [20120074695](#).
- 22) TERMS, CONDITIONS AND PROVISIONS OF DEVELOPMENT AGREEMENT RECORDED JULY 31, 2013 AT RECEPTION NO. [20130058742](#).
- 23) EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EAGLE CROSSING SUBDIVISION SECOND FILING RECORDED JULY 31, 2013 UNDER RECEPTION NO. [20130058743](#).
- 24) RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED SEPTEMBER 09, 2013, UNDER RECEPTION NO. [20130069272](#).
- 25) TERMS, CONDITIONS AND PROVISIONS OF COVENANT NOT TO COMPETE RECORDED SEPTEMBER 09, 2013 AT RECEPTION NO. [20130069273](#).

Land Title Guarantee Company Representing Old Republic National Title Insurance Company

PROPERTY INFORMATION BINDER

Order Number: FCIF 25151292

Policy Number: PIB25151292.2397022

26) TERMS, CONDITIONS AND PROVISIONS OF ACCESS, TEMPORARY CONSTRUCTION AND REIMBURSEMENT AGREEMENT RECORDED SEPTEMBER 09, 2013 AT RECEPTION NO. [20130069365](#).

27) TERMS, CONDITIONS AND PROVISIONS OF MEMORANDUM OF AGREEMENT RECORDED SEPTEMBER 09, 2013 AT RECEPTION NO. [20130069366](#).

28) TERMS, CONDITIONS AND PROVISIONS OF EXCLUSIVE AGREEMENT RECORDED OCTOBER 01, 2013 AT RECEPTION NO. [20130074966](#).

29) RIGHT OF WAY EASEMENT AS GRANTED TO POUDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC. IN INSTRUMENT RECORDED NOVEMBER 01, 2013, UNDER RECEPTION NO. [20130081785](#).

30) TERMS, CONDITIONS AND PROVISIONS OF ORDER RECORDED FEBRUARY 05, 2015 AT RECEPTION NO. [20150006994](#) AND [20150006995](#) AND [20150006996](#).

31) TERMS, CONDITIONS AND PROVISIONS OF GRANT OF EASEMENT RECORDED DECEMBER 14, 2015 AT RECEPTION NO. [20150083743](#).

32) TERMS, CONDITIONS AND PROVISIONS OF MATTERS AS SET FORTH ON SURVEY RECORDED OCTOBER 21, 2016 AT RECEPTION NO. [20160072136](#).

33) EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF EAGLE CROSSING SUBDIVISION THIRD FILING RECORDED MAY 09, 2017 UNDER RECEPTION NO. [30383](#).

34) DEED OF TRUST DATED JUNE 17, 2016, FROM EAGLE CROSSING WINDSOR, LLC, A COLORADO LIMITED LIABILITY COMPANY TO THE PUBLIC TRUSTEE OF LARIMER COUNTY FOR THE USE OF NORTHSTAR BANK OF COLORADO TO SECURE THE SUM OF \$21,400,000.00 RECORDED JUNE 21, 2016, UNDER RECEPTION NO. [20160039625](#).

ASSIGNMENT OF RENTS, LEASES AND OTHER INCOME RECORDED JUNE 21, 2016 AT RECEPTION NO. [20160039626](#)
AND COLLATERAL ASSIGNMENT OF DECLARATIONS OF COVENANTS IMPOSING AND IMPLEMENTING A PROJECT IMPROVEMENT FEE

Eagle Crossing Windsor, LLC
1625 Pelican Lakes Point, Suite 201
Windsor, CO 80550

REZONING PETITION

I, the undersigned, being President of Eagle Crossing Windsor, LLC and the owner of the property described as Tracts A through G of Eagle Crossing Subdivision, Fourth Filing, situate in Section 35, Township 6 North, Range 68 West, of the 6th Principal Meridian; Town of Windsor, County of Larimer, State of Colorado, containing 67.7 acres more or less, hereby request a change in zoning from Light Industrial (LI) to General Commercial (GC), and do hereby pay the required fee.

Date

August 7, 2017

Owners Signature



Martin Lind, President

Mailing Address

1625 Pelican Lakes Point,
Suite 201
Windsor, CO 80550

August 9, 2017

Mr. Scott Ballstadt
Planning Director
Town of Windsor
301 Walnut Street
Windsor, CO 80550

Re: The Brands East Planned Unit Development Overlay District

Dear Mr. Ballstadt,

On behalf of our client, we are pleased to submit this Planned Unit Development (PUD) Overlay application for the Brands East project.

The following list of consultants comprise the development team on this project:

Applicant

Water Valley Land Company
Martin Lind
1625 Pelican Lakes Point, Ste. 201
Windsor, CO 80550
970.686.5828
mlind@watervalley.com

Architect:

Yaeger Architecture
Chaz Prunte
7780 West 119th Street
Overland Park, KS 66213
913.742.8000
rprunte@yainc.com

Entitlements/Landscape Architecture:

Norris Design
Mitch Black
1101 Bannock Street
Denver, CO 80204
303.892.1166
mblack@norris-design.com

Civil Engineer:

TST Inc.
John Meyers
748 Whalers Way, Ste. 200
Fort Collins, CO 80525
970.226.0557
jmeyers@tstinc.com

Project Introduction:

Per the approved Business Assistance Agreement, the Brands East is envisioned as a +/- 1,2 million sf neighborhood mixed-use, master planned development .

The Brands East site, located north of crossroads boulevard and east of Fairgrounds Avenue, is planned to have a variety of land uses and densities, possibly including but not limited to major and minor anchors, mixed-use retail, multi-family apartment facilities, class "A" office spaces, limited service hotel, a full-service hotels, pad sites for nationally recognized retailers and restaurants, and a light industrial space.

This Planned Unit Development (PUD) Overlay applies to a portion of the area included in the Business Assistance Agreement. The boundaries of the PUD Overlay are shown on sheet 3 of the PUD.

Located across Fairgrounds Ave. From the Brands site in the City of Loveland, the project leverages existing investments in The Ranch, the Fort Collins - Loveland Airport, I-25, and other public projects to further activate the I-25 Corridor, creating unique and identifiable environments to live, work, and play in Windsor.

The current underlying zoning for The Brands East is Light Industrial, which is in the process of being rezoned to General Commercial. This PUD Overlay proposes modifications to the underlying zoning to bring the Brands East zoning into general alignment with the Brands and Brands West, as well as into alignment with the above stated vision for the site

Written Explanation of the Community Benefit

.

The Brands East project is fundamentally consistent with the objectives cited in the Town of Windsor Municipal Code Section 16-23-10(d) for PUD Overlays as outlined below:

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

The Brands East will be designed to incorporate a flexible mixture of uses, which will be integrated to create contextually appropriate building and pedestrian relationships.

2. *To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.*

The Brands East is envisioned to be the eastern portion of the all three Brands properties. As such, the PUD includes design standards to bring it into an appropriate degree of alignment with the two other Brands projects located to the west, while still maintaining a unique Brands East character and form.

3. *To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.*

A Major Subdivision is currently under review for the Brands East, including portions of the Brands East beyond the limits of this PUD Overlay. This PUD Overlay has been developed to provide additional or revised development standards for portions of the site so that they may form a harmonious eastern edge of the Brands properties.

4. *To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.*

Landscape standards are included in this PUD Overlay. Various streetscapes will be enhanced and incorporated into the overall site design.

5. *To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.*

The Brands East PUD Overlay provides standards and criteria which relate to the standards applied to The Brands and Brands West projects in Loveland to the Brands East site in Windsor. These have been designed to be contextually appropriate standards for the project vision, ensuring an appropriate degree of flexibility for the Brands East as it develops.

6. *To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.*

The Brands East PUD Overlay has been designed to ensure an appropriate level of design and site planning standards are used at the property. The PUD area does not abut any existing residential areas, but is instead bordered by various commercial or industrial uses, as well as vacant land.

We look forward to continue working with the Town of Windsor during the review and approval process for this application. Please contact me if you have any questions or if you need additional information.

Sincerely,
Norris Design



Mitch Black
Principal

August 8, 2018

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

Re: The Brands East Planned Unit Development Neighborhood Meeting Summary

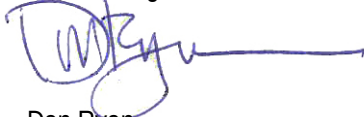
Dear Mr. Hornbeck,

A Neighborhood Meeting was held the evening of August 7th at 5:30 at the Pelican Lakes Golf Clubhouse, as advertised. One local individual attended (please see attached sign-in sheet). Representatives of the applicant, the Town, the planner, and the architect were also present.

Mr. Lowenstein of Water Valley summarized key points of the PUD application, as well as other Water Valley projects outside of the PUD boundary.

We look forward to working with the Town during the review and approval process for this application. Please contact me or Dave Thorpe if you have any questions or if you need additional information.

Sincerely,
Norris Design



Don Ryan
Senior Associate

THE BRANDS EAST

PLANNED UNIT DEVELOPMENT

BEING A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 6 NORTH,
RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN;
TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO

SHEET INDEX:

- SHEET 1: COVER SHEET
- SHEET 2: NOTES
- SHEET 3: PUD REZONING MAP
- SHEET 4: CONCEPTUAL MASTER PLAN
- SHEET 5: CONCEPTUAL MASTER PLAN
- SHEET 6: MODIFICATIONS TO CODE
- SHEET 7: LANDSCAPE STANDARDS
- SHEET 8: ARCHITECTURAL STANDARDS
- SHEET 9: ARCHITECTURAL STANDARDS
- SHEET 10: PERMITTED USES

LEGAL DESCRIPTION:

A PLAT OF A PARCEL OF LAND LOCATED IN THE TOWN OF WINDSOR, COUNTY OF LARIMER, STATE OF COLORADO; BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EAGLE CROSSING SUBDIVISION 4TH FILING, LOTS 5-9, 12, TRACT A, AND TRACT C. EAGLE CROSSING 6TH FILING, LOT 2.

SAID TRACT CONTAINS 56.63 ACRES (2,466,737 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHT-OF-WAY, EASEMENTS AND RESTRICTIONS NOW IN USE OR OF RECORD.

OWNER'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING ALL THE OWNERS, LIENHOLDERS, AND HOLDERS OF ANY OWNERSHIP INTEREST AS DEFINED BY THE TOWN OF WINDSOR, OF THE LAND DESCRIBED HEREON, HAVE CAUSED SUCH LAND TO BE REZONED AS INDICATED ON THIS PLAT. THE WITHIN REZONING PLAT IS SUBMITTED IN ACCORDANCE WITH THE WINDSOR MUNICIPAL CODE. IT IS HEREBY ACKNOWLEDGED THAT ALL CONSTRUCTION, USE AND DEVELOPMENT OF THIS PROPERTY WILL BE IN STRICT ACCORDANCE WITH THIS REZONING PLAT. IT IS FURTHER ACKNOWLEDGED THAT DEVIATION FROM THIS REZONING PLAT WITHOUT THE EXPRESS WRITTEN CONSENT OF THE TOWN OF WINDSOR MAY RESULT IN REVOCATION OF THE TOWN'S APPROVAL OF THE REZONING PLAT, DENIAL OF BUILDING PERMITS, REFUSAL TO ISSUE CERTIFICATES OF OCCUPANCY, INJUNCTIVE RELIEF PROHIBITING USE OF THE PROPERTY AND OTHER REMEDIES AVAILABLE TO THE TOWN UNDER THE WINDSOR MUNICIPAL CODE AND OTHER APPLICABLE LAWS OF THE STATE OF COLORADO. KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HAVE CAUSED SAID LAND TO BE LAID OUT AND REZONED UNDER THE NAME OF **THE BRANDS EAST**.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE ____ DAY OF _____, 20 ____.

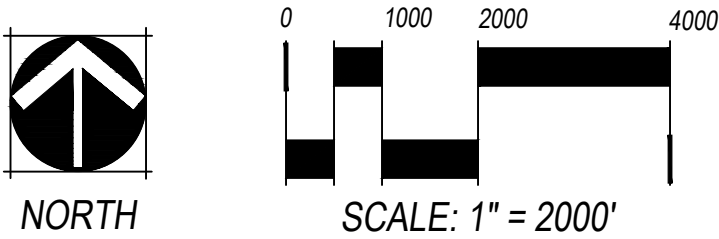
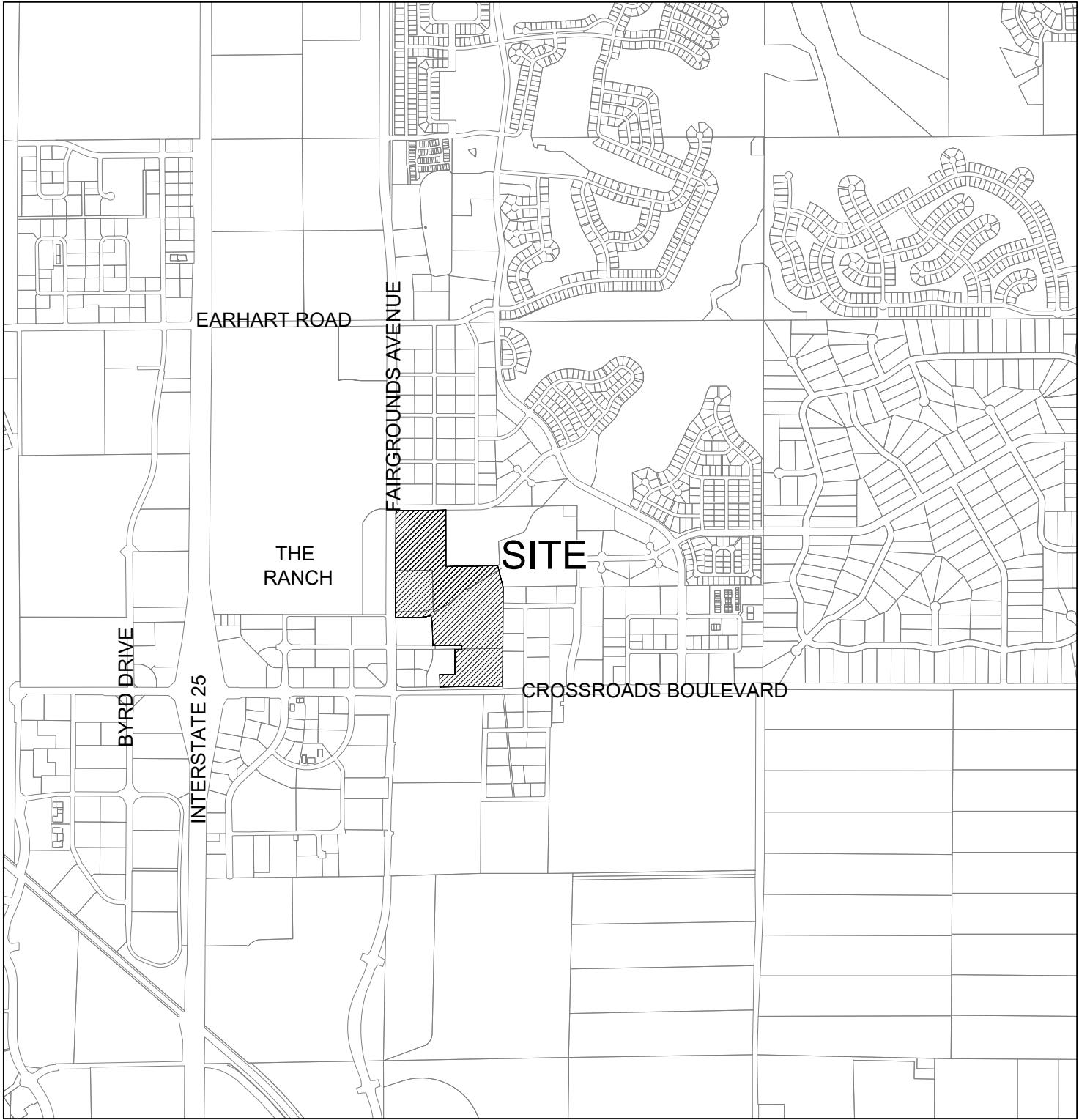
NOTARIAL CERTIFICATE

STATE OF COLORADO
COUNTY OF WELD JSS

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

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

VICINITY MAP

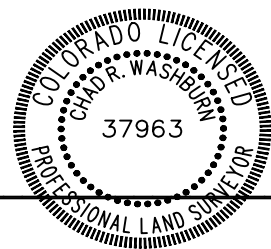


SURVEYOR CERTIFICATE

I, CHAD R. WASHBURN, CERTIFY THAT THIS MAP OF LAND PROPOSED TO BE REZONED WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION FROM EXISTING DOCUMENTS OF RECORD, AND THAT THE SAME IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

LS. COLORADO REG. NO. _____

CHAD R. WASHBURN
COLORADO PROFESSIONAL
LAND SURVEYOR PLS#37963



BASIS OF BEARING STATEMENT

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4 AS BEARING N89°20'51" A DISTANCE OF 1,285.51 FEET, BEING MONUMENTED ON THE WEST BY A 2 1/2" ALUMINUM CAP, PLS NO. 31169, ON THE EAST BY A 2 3/4" ALUMINUM CAP, PLS NO. 31169, AND CONSIDERING ALL BEARINGS HEREIN RELATIVE THERETO.

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.

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT A REZONING 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, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID REZONING MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

MAYOR

ATTEST: _____
TOWN CLERK

PLANNING COMMISSION APPROVAL

APPROVED THIS THE __DAY OF _____, 20__.

CHAIRMAN,
WINDSOR PLANNING COMMISSION

TOWN MANAGER'S APPROVAL

APPROVED THIS THE __DAY OF _____, 20__.

TOWN MANAGER

ENGINEERING DEPARTMENT APPROVAL

APPROVED THIS THE __DAY OF _____, 20__.

DIRECTOR OF ENGINEERING

PLANNING DEPARTMENT APPROVAL

APPROVED THIS THE __DAY OF _____, 20__.

DIRECTOR OF PLANNING

OWNER:

EAGLE CROSSING
WINDSOR, LLC
1625 PELICAN LAKES PT
SUITE 201
WINDSOR, CO 80550

ARCHITECT:



YAEGER
ARCHITECTURE
7780 W. 119TH ST
OVERLAND PARK, KS
66213
913.742.8000

ENGINEER:



TST, INC.
748 WHALERS WAY
SUITE 200
FORT COLLINS, CO
80525
970.226.0557

DATE:

08/09/17 SUB-01
05/08/18 SUB-02
07/17/18 SUB-03
09/18/18 SUB-04
09/20/18 SUB-05
10/10/18 SUB-06
10/29/18 SUB-07
10/31/18 SUB-08

SHEET TITLE:

COVER
SHEET

CHECKED BY: MB & DR
DRAWN BY: DT & ML & DJ

PROJECT VISION:

PER THE APPROVED BUSINESS ASSISTANCE AGREEMENT, THE BRANDS EAST IS ENVISIONED AS A +/- 1.2 MILLION SF NEIGHBORHOOD MIXED-USE, MASTER PLANNED DEVELOPMENT .

THE BRANDS EAST SITE, LOCATED NORTH OF CROSSROADS BOULEVARD AND EAST OF FAIRGROUNDS AVENUE, IS PLANNED TO HAVE A VARIETY OF LAND USES AND DENSITIES, POSSIBLY INCLUDING BUT NOT LIMITED TO MAJOR AND MINOR ANCHORS, MIXED-USE RETAIL, MULTI-FAMILY APARTMENT FACILITIES, CLASS "A" OFFICE SPACES, A LIMITED SERVICE HOTEL, A FULL-SERVICE HOTEL, PAD SITES FOR NATIONALLY RECOGNIZED RETAILERS AND RESTAURANTS, AND A LIGHT INDUSTRIAL SPACE.

THIS PLANNED UNIT DEVELOPMENT (PUD) OVERLAY APPLIES TO A PORTION OF THE AREA INCLUDED IN THE BUSINESS ASSISTANCE AGREEMENT. THE BOUNDARIES OF THE PUD OVERLAY ARE SHOWN ON SHEETS 3 AND 4 OF THIS PUD.

LOCATED ACROSS FAIRGROUNDS AVE. FROM THE BRANDS SITE IN THE CITY OF LOVELAND, THE PROJECT LEVERAGES EXISTING INVESTMENTS IN THE RANCH, THE FORT COLLINS - LOVELAND AIRPORT, I-25, AND OTHER PUBLIC PROJECTS TO FURTHER ACTIVATE THE I-25 CORRIDOR, CREATING UNIQUE AND IDENTIFIABLE ENVIRONMENTS TO LIVE, WORK, AND PLAY IN WINDSOR.

STATEMENT OF APPLICABLE CODES AND GUIDELINES:

IN ANY CASE WHERE THIS PUD OVERLAY IS INCONSISTENT WITH THE COMMERCIAL CORRIDOR PLAN, WINDSOR MUNICIPAL CODE, OR OTHER STANDARDS OR REGULATIONS ADOPTED OR APPROVED BY THE TOWN IN CHAPTERS 16 AND 17 OF THE WINDSOR MUNICIPAL CODE, THIS PUD OVERLAY SHALL CONTROL. THIS PUD SHALL NOT BE DEEMED AN AMENDMENT OF ANY INTERGOVERNMENTAL AGREEMENTS ADDRESSING DEVELOPMENT OF THE PROPERTY. THIS PROPERTY IS NOT SUBJECT TO THE DESIGN STANDARDS FOR THE I-25 CORRIDOR.

AT THE TIME OF PLAT/SITE PLAN THE DEVELOPER(S) MAY, AT THEIR SOLE DISCRETION, FOLLOW THE STANDARDS HEREIN OR MAY FOLLOW THE THEN CURRENT TOWN CODE.

FLEXIBILITY IN INTERPRETATION OF DEVELOPMENT STANDARDS:

THE DIRECTOR OF PLANNING MAY ADMINISTRATIVELY APPROVE AN ALTERNATIVE STANDARD THAT DIFFERS FROM THE PUD OVERLAY STANDARDS IF THE DIRECTOR OF PLANNING DETERMINES THAT THE APPLICANT'S PROPOSED ALTERNATIVE IS SUBSTANTIALLY-EQUIVALENT TO THE STANDARD AT ISSUE. THE BURDEN OF PROVING ELIGIBILITY FOR APPROVAL SHALL BE UPON THE APPLICANT. THE PUD STANDARD SHALL BE PRESUMED APPLICABLE UNLESS AND UNTIL OVERCOME BY THE APPLICANT.

THE APPLICANT SHALL PROVIDE THE TOWN A NARRATIVE OF THE REQUESTED CHANGE, INCLUDING AN EXPLANATION OF WHY THE CHANGE IS NECESSARY AND HOW IT IS CONSISTENT WITH THE LARGER VISION FOR THE BRANDS EAST. THE APPLICANT SHALL ALSO SUBMIT PROPOSED FINDINGS OF FACT SUPPORTING THE CHANGE.

IN MAKING A DETERMINATION, THE DIRECTOR OF PLANNING SHALL RENDER A WRITTEN DECISION, CONTAINING A STATEMENT OF FINDINGS AND CONCLUSIONS WHICH SHALL BE PROVIDED TO THE APPLICANT AND RETAINED IN THE PERMANENT DEVELOPMENT APPLICATION FILE.

ANY DECISION OF THE DIRECTOR OF PLANNING UNDER THIS PROVISION MAY BE APPEALED BY THE APPLICANT TO THE PLANNING COMMISSION BY THE FILING OF A NOTICE OF APPEAL WITHIN TWENTY-EIGHT (28) DAYS OF THE DIRECTOR OF PLANNING'S WRITTEN DECISION. FAILURE TO OBSERVE THE 28-DAY DEADLINE WILL BE DEEMED A WAIVER OF ALL OBJECTIONS TO THE DIRECTOR OF PLANNING'S DECISION. THE APPEAL WILL BE SCHEDULED BY THE PLANNING DEPARTMENT WITHIN 90 DAYS OF THE NOTICE OF APPEAL. THE SOLE QUESTION FOR THE PLANNING COMMISSION ON APPEAL SHALL BE WHETHER THE DIRECTOR OF PLANNING ABUSED HIS/HER DISCRETION IN REACHING THE DECISION.

REVIEW TIMELINES:

- THIS PROJECT IS SUBJECT TO THE FOLLOWING PROCESSES:
1. TWO (2) WEEK REVIEW PERIODS FOR EACH SUBSEQUENT SITE DEVELOPMENT PLAN (SDP) SUBMITTAL, WITH AN ANTICIPATED THREE (3) ROUNDS OF REVIEW PER SITE DEVELOPMENT PLAN (SDP) OR SUBDIVISION APPLICATION.
 2. A SDP APPLICATION MAY BE REVIEWED IN LESS TIME OR HAVE FEWER ROUNDS OF REVIEW IF THE FULL PROCESS IS NOT REQUIRED, AS DETERMINED BY THE TOWN OF WINDSOR. DEVELOPMENT APPLICATIONS THAT CONTAIN MASTER LEVEL STUDIES SHALL BE SUBJECT TO A THREE (3) WEEK REVIEW PERIOD FOR THE FIRST ROUND OF REVIEW.
 3. THIRD PARTY REFERRAL AGENCY REVIEW TURNAROUND TIMES ARE OUTSIDE OF WINDSOR'S CONTROL
 4. ANY SUBMITTAL THAT IS INCOMPLETE SUCH AS NEGLECTING TO PROVIDE REQUESTED STUDIES, DRAWINGS OR OTHER INFORMATION IS NOT SUBJECT TO REVIEW TIMELINES. THE SUBMITTAL MAY BE REJECTED OR PUT ON HOLD UNTIL REQUESTED DOCUMENTS ARE PROVIDED AND TIMELINE RESTARTS.

ADMINISTRATIVE REVIEW OF SITE PLAN AND PLATS:

- AFTER THE INITIAL MAJOR SUBDIVISION FOR THE BRANDS EAST, ALL SUBSEQUENT SUBDIVISIONS WITHIN PUD BOUNDARY THAT DO NOT DEDICATE OR VACATE RIGHT OF WAY TO OR FROM THE TOWN ARE SUBJECT TO THE PROCESS FOR A MINOR SUBDIVISION REVIEW, EXCEPT AS MODIFIED BY THIS PUD OVERLAY BELOW:
- ALL SITE PLANS GENERALLY CONSISTENT WITH THIS PUD OVERLAY SHALL BE SUBJECT TO ADMINISTRATIVE SITE PLAN OR QUALIFIED COMMERCIAL/INDUSTRIAL SITE PLAN REVIEW AND DO NOT REQUIRE PLANNING COMMISSION OR TOWN BOARD APPROVALS.
 - EASEMENTS, TRACTS, OR LOTS MAY BE DEDICATED TO THE TOWN OR OTHER ENTITIES THROUGH A MINOR SUBDIVISION PLAT.
 - THERE SHALL BE NO LIMIT TO THE NUMBER OF LOTS CREATED THROUGH THE MINOR SUBDIVISION PROCESS.
 - THERE SHALL BE NO TIME LIMITATIONS ON THE FREQUENCY OF SUBDIVIDING PROPERTY THROUGH THE MINOR SUBDIVISION PROCESS.

MASTER SIGN PLAN:

ALL SIGNS WITHIN THE PROPERTY OTHER THAN THOSE REQUIRED BY TOWN TRAFFIC CONTROL STANDARDS SHALL COMPLY WITH THE MUNICIPAL CODE, UNLESS OTHERWISE SPECIFIED IN THIS PUD OVERLAY. PRIOR TO THE ERECTION OF ANY SIGN WITHIN THE DEVELOPMENT THAT IS NOT OTHERWISE SPECIFIED IN THIS PUD OVERLAY, A MASTER SIGN PLAN SHALL FIRST RECEIVE APPROVAL BY THE TOWN'S PLANNING COMMISSION TO CREATE A GENERALLY CONSISTENT IMAGE VISIBLE FROM PUBLIC ROADWAYS. SIGNAGE ALLOWED UNDER THE MASTER SIGN PLAN MAY VARY FROM THE MUNICIPAL CODE SIGN REGULATIONS, WHICH STATES "THE REGULATIONS CONTAINED IN THIS ARTICLE ARE INTENDED TO PROTECT PROPERTY VALUES, CREATE A MORE ATTRACTIVE BUSINESS CLIMATE, ENHANCE AND PROTECT THE PHYSICAL APPEARANCE OF COMMERCIAL AND INDUSTRIAL AREAS, PREVENT THE DETERIORATION OF AREAS OF SCENIC AND NATURAL BEAUTY AND, IN GENERAL, PROMOTE A DESIRABLE COMMUNITY ENVIRONMENT THROUGH THE REGULATION OF EXISTING AND PROPOSED OUTDOOR SIGNS. THESE REGULATIONS ARE FURTHER INTENDED TO REDUCE POTENTIAL TRAFFIC HAZARDS FROM DISTRACTING AND OBSTRUCTING SIGNS AND TO REDUCE HAZARDS THAT MAY BE CAUSED BY SIGNS PROJECTING OVER PUBLIC RIGHTS-OF-WAY," AND SHOULD STRIVE TO CREATE A CONSISTENT BRAND AND THEME BETWEEN THE BRANDS AND THE BRANDS EAST SITES BUT SHALL BE CONSISTENT WITH THE INTENT OF THE MUNICIPAL CODE SIGN REGULATIONS. IN NO CASE SHALL POLE MOUNTED SIGNS BE PERMITTED.

TRANSPORTATION:

PRIOR TO THE ESTABLISHMENT OF ANY LAND USE THAT DEVIATES MATERIALLY FROM THE ASSUMPTIONS IN THE TRAFFIC STUDY PREPARED BY DELICH ASSOCIATES DATED JUNE 2018, THE DEVELOPER WILL AT ITS SOLE EXPENSE PRESENT AN UPDATED TRAFFIC STUDY OR COMPETENT SUPPLEMENTAL MATERIAL THAT INCORPORATES THE PROPOSED LAND USE.

RIGHT OF WAY IMPROVEMENTS:

ANY ENCROACHMENTS, IMPROVEMENTS OR FEATURES (INCLUDING BUT NOT LIMITED TO LIGHTING, SIGNAGE, PEDESTRIAN FURNITURE, ENHANCED PAVING AT CROSSWALKS / INTERSECTIONS, AND OTHER ELEMENTS) SHALL BE SUBJECT TO TOWN-ISSUED PERMIT(S).

VESTING:

THE BUSINESS ASSISTANCE AGREEMENT APPLICABLE TO THIS PROJECT IS VESTED THROUGH DECEMBER 31, 2047. THE PROVISIONS IN THIS PUD OVERLAY SHALL COINCIDE WITH THE BUSINESS ASSISTANCE AGREEMENT AND SHALL BE VESTED THROUGH DECEMBER 31, 2047.



1101 Bannock Street
Denver, Colorado 80204
P 303.892.1166
F 303.892.1186
www.norris-design.com

THE BRANDS EAST
PLANNED UNIT DEVELOPMENT
WINDSOR, COLORADO

OWNER:
EAGLE CROSSING
WINDSOR, LLC
1625 PELICAN LAKES PT
SUITE 201
WINDSOR, CO 80550

ARCHITECT:

YAEGER
ARCHITECTURE
7780 W. 119TH ST
OVERLAND PARK, KS
66213
913.742.8000

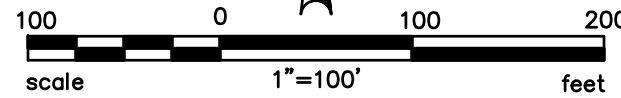
ENGINEER:

TST, INC.
748 WHALERS WAY
SUITE 200
FORT COLLINS, CO
80525
970.226.0557

DATE:
08/09/17 SUB-01
05/08/18 SUB-02
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09/18/18 SUB-04
09/20/18 SUB-05
10/10/18 SUB-06
10/29/18 SUB-07
10/31/18 SUB-08

SHEET TITLE:
NOTES

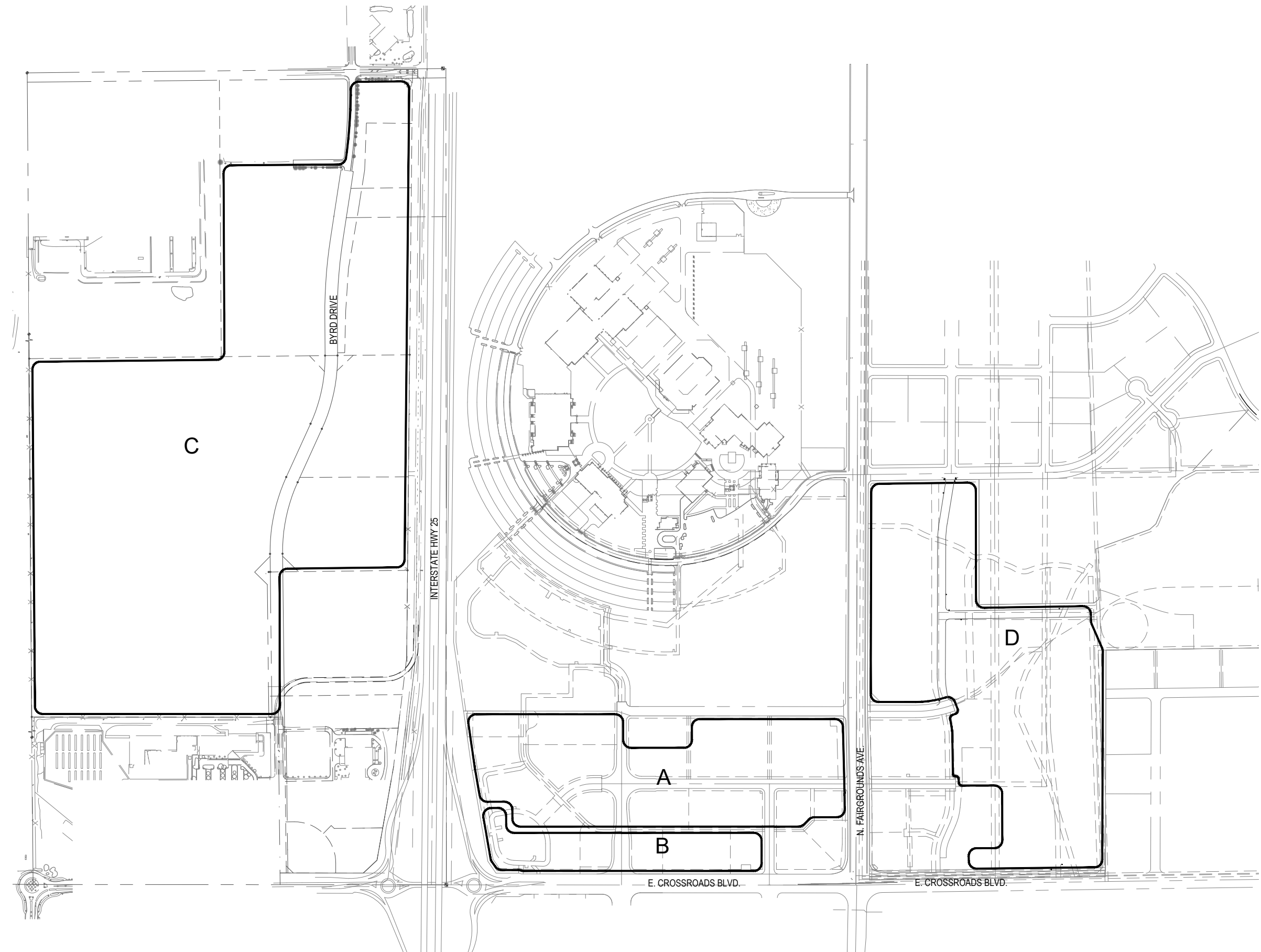
NOT FOR CONSTRUCTION



DRAWN	JMJ
CHECKED	CRW
DESIGNED	JMJ
FILENAME	PUD_SURVEY

PUD REZONING MAP

VICINITY MAP



REFER TO NOTE 1 BELOW FOR ADDITIONAL INFORMATION.

N.T.S.

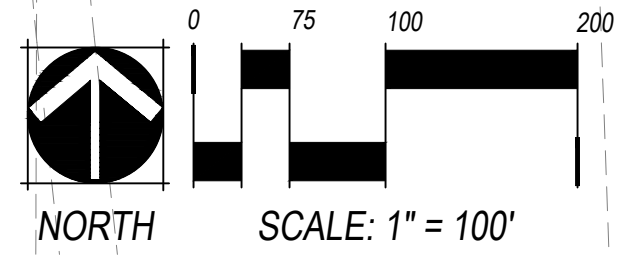
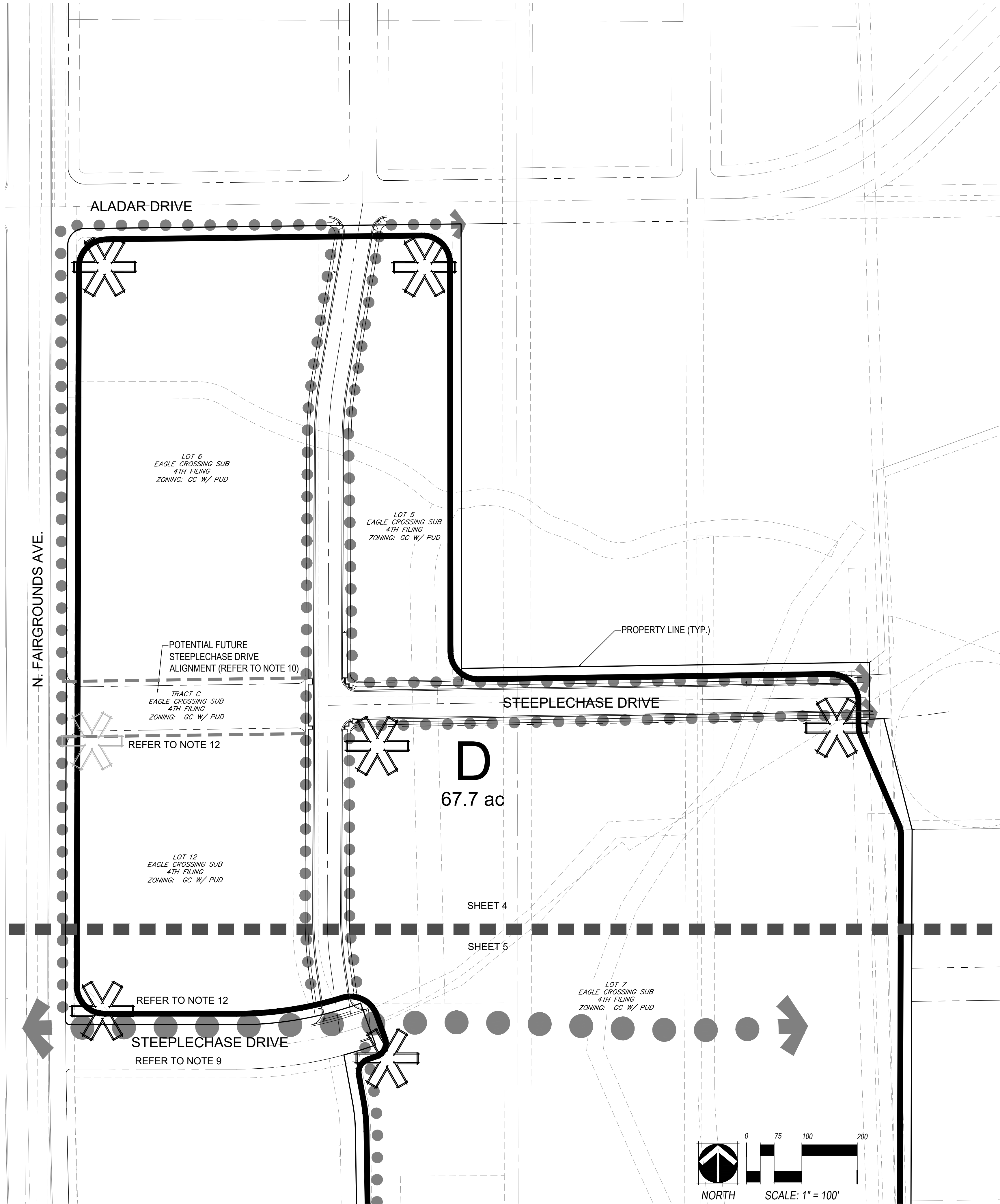
LEGEND

- PRIMARY PEDESTRIAN CORRIDOR (REFER TO NOTE 8)
- SECONDARY PEDESTRIAN CORRIDOR (REFER TO NOTE 8)
- PLANNING AREA BOUNDARY
- BRANDS EAST FREESTANDING SIGNS
- SIGN LOCATION IF STEEPLCHASE DRIVE IS VACATED

NOTES

- THE BRANDS EAST IS ENVISIONED AS A UNIQUE BUT CONNECTED PROJECT TO THE BRANDS AND THE BRANDS WEST PROJECTS IN THE CITY OF LOVELAND. PLANNING AREAS A, B, AND C SHOWN ABOVE ARE WITHIN THE BRANDS AND THE BRANDS WEST FLEXIBLE ZONING OVERLAY DISTRICT (FZOD) IN THE CITY OF LOVELAND. PLEASE REFER TO THAT DOCUMENT FOR ADDITIONAL INFORMATION ON PLANNING AREAS A, B, AND C. FOR OVERALL PROJECT CONTINUITY, THE PLANNING AREAS IN THIS PUD OVERLAY HAVE BEEN DESIGNATED TO FUNCTION IN CONCERT WITH THOSE IN THE BRANDS AND BRANDS WEST FZOD.
- PHASING WILL BE COMPLETED IN A LOGICAL MANNER WITH THE EXTENSION OF INFRASTRUCTURE AS DEVELOPMENT OCCURS OVER TIME.
- EXISTING INTERIOR LOT LINES WILL BE REPLACED AS NECESSARY WITH FUTURE PLATS.
- CLASSIFICATION OF ALL ROADS INTERNAL TO THIS PUD OVERLAY WILL BE DETERMINED WITH FUTURE LAND USE APPLICATIONS.
- THE LOCATION AND TYPE OF FREESTANDING SIGNS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE WITH A FUTURE MASTER SIGN PLAN AND/OR SITE PLAN. NO LESS THAN THE NUMBER OF SIGNS SHOWN ON THIS PUD SHALL BE PERMITTED.
- ANY OFF-SITE SIGNS WILL BE SUBJECT TO A CONDITIONAL USE GRANT.
- ALL SIGNS ARE SUBJECT TO A SIGN PERMIT.
- THE PRIMARY PEDESTRIAN CORRIDORS AND SECONDARY PEDESTRIAN CORRIDORS IDENTIFIED ON THE MAP WILL BE CONSISTENT WITH THE CHARACTER ESTABLISHED ON PAGE 6.
- IF STEEPLCHASE DRIVE IS REALIGNED, THE PORTION OF STEEPLCHASE DRIVE THAT CURRENTLY INTERSECTS FAIRGROUNDS AVENUE WILL CONCURRENTLY BE RENAMED TO RODEO DRIVE THROUGH THE APPROPRIATE TOWN PROCESS.
- IF STEEPLCHASE DRIVE IS REALIGNED TO THIS CONFIGURATION, PEDESTRIAN CORRIDORS WILL APPROPRIATELY ADJUST.
- AT FULL BUILDOUT OF THE BRANDS EAST SITE, THERE WILL BE ENHANCED PEDESTRIAN CROSSINGS BETWEEN THE BRANDS EAST AND THE BRANDS SITES AT THE INTERSECTIONS OF FAIRGROUNDS AVENUE AND CROSSROADS BOULEVARD AND THE INTERSECTION OF FAIRGROUNDS AVENUE AND RODEO DRIVE, WHICH WILL BE CONSTRUCTED WITH THE LOGICAL EXTENSION OF INFRASTRUCTURE AND ASSOCIATED IMPROVEMENTS TO ADJACENT RIGHT-OF-WAY. FINAL DESIGN OF IMPROVEMENTS WILL BE DETERMINED AT TIME OF FINAL PLAT AND/OR SITE PLAN. IF STEEPLCHASE DRIVE IS VACATED AT THE INTERSECTION OF FAIRGROUNDS AVENUE AND RODEO DRIVE, THE ENHANCED CROSSING SHOWN AT THIS LOCATION MAY APPROPRIATELY ADJUST AS NEEDED.
- IF THE PORTION OF STEEPLCHASE DRIVE THAT CURRENTLY INTERSECTS FAIRGROUNDS AVENUE AT RODEO DRIVE IS VACATED, AND IF THE REMAINDER OF STEEPLCHASE DRIVE IS REALIGNED TO EXTEND TO FAIRGROUNDS AVENUE, THE SIGN CURRENTLY SHOWN AT THE NORTHEAST CORNER OF FAIRGROUNDS AVENUE AND STEEPLCHASE DRIVE MAY BE RELOCATED TO THE CORNER OF FAIRGROUNDS AVENUE AND THE POTENTIAL FUTURE STEEPLCHASE DRIVE REALIGNMENT (EITHER THE NORTH OR SOUTH SIDE OF STEEPLCHASE DRIVE).
- IF STEEPLCHASE DRIVE IS VACATED, THESE PUD STANDARDS SHALL APPLY TO ANY OR ALL PORTIONS OF THE VACATED ROW WITHIN OR ADJACENT TO THE BRANDS EAST SITE.

BRANDS EAST - AREA D



THE BRANDS EAST
PLANNED UNIT DEVELOPMENT
WINDSOR, COLORADO

OWNER:
EAGLE CROSSING
WINDSOR, LLC
1625 PELICAN LAKES PT
SUITE 201
WINDSOR, CO 80550

ARCHITECT:
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ARCHITECTURE
YAEGER
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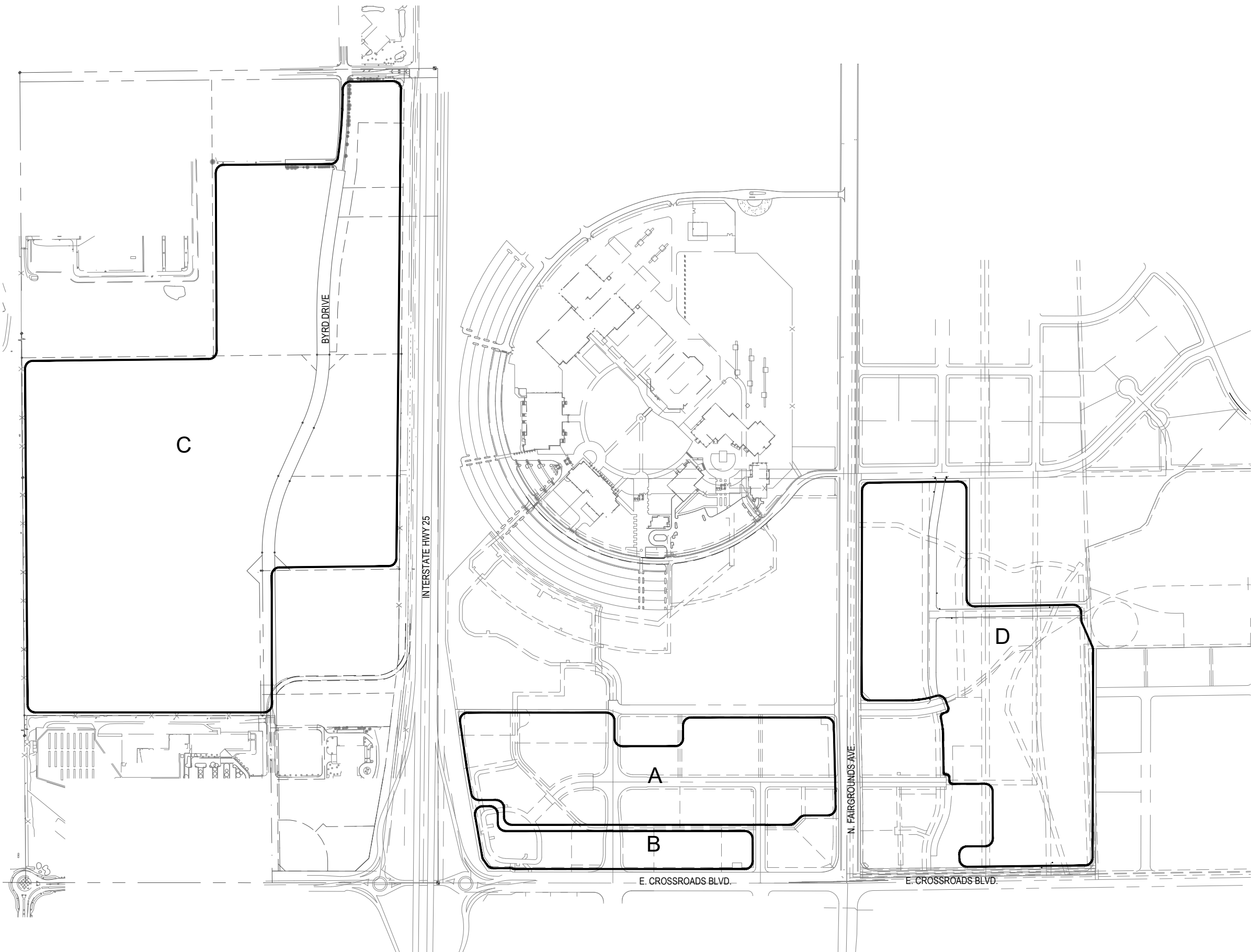
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TST

TST, INC.
748 WHALERS WAY
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DATE:
08/09/17 SUB-01
05/08/18 SUB-02
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09/20/18 SUB-05
10/10/18 SUB-06
10/29/18 SUB-07
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SHEET TITLE:
CONCEPTUAL
MASTER PLAN

VICINITY MAP



REFER TO NOTE 1 BELOW FOR ADDITIONAL INFORMATION.

N.T.S.

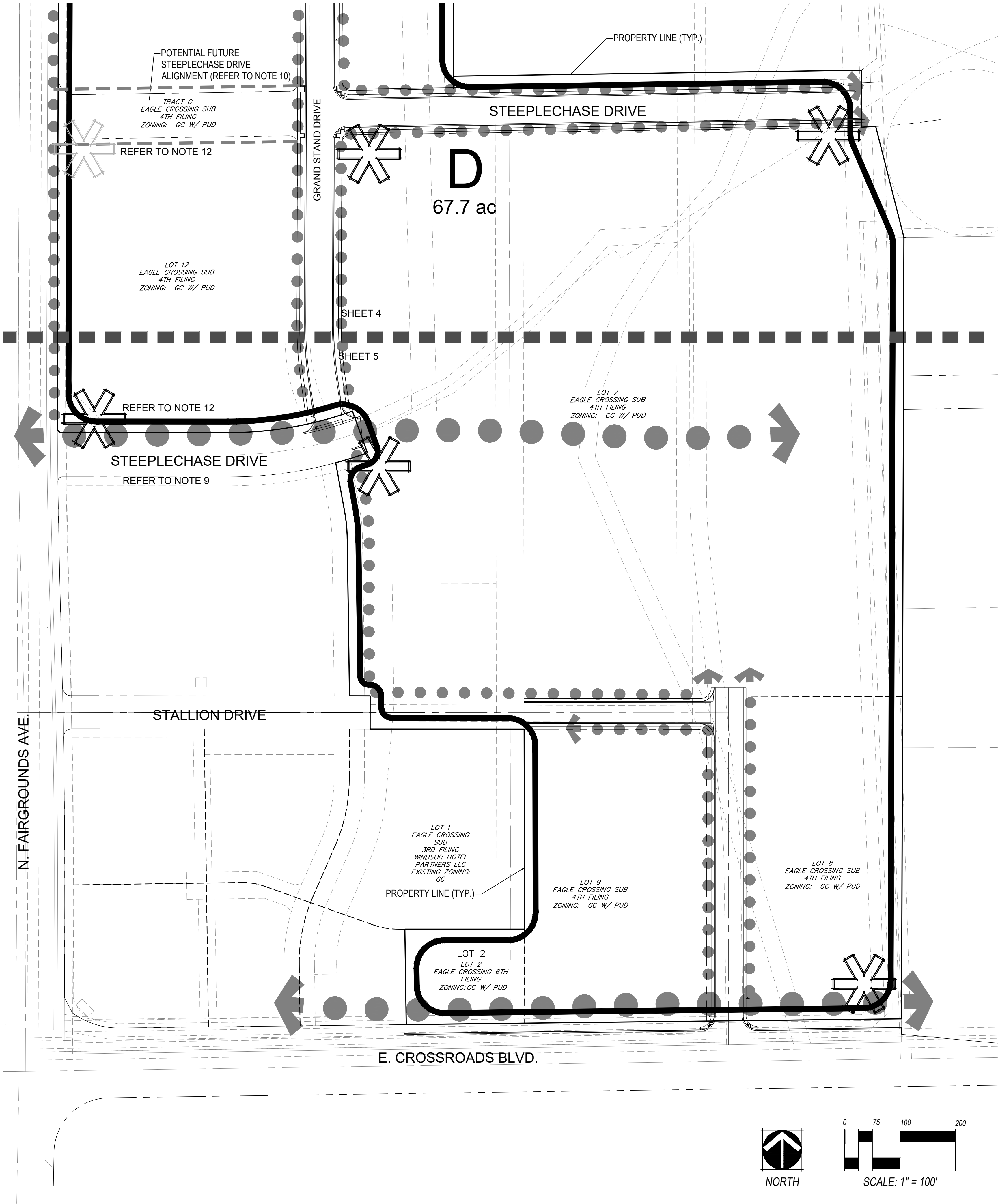
LEGEND

- PRIMARY PEDESTRIAN CORRIDOR (REFER TO NOTE 8)
- SECONDARY PEDESTRIAN CORRIDOR (REFER TO NOTE 8)
- PLANNING AREA BOUNDARY
- BRANDS EAST FREESTANDING SIGNS
- SIGN LOCATION IF STEEPLECHASE DRIVE IS VACATED

NOTES

- THE BRANDS EAST IS ENVISIONED AS A UNIQUE BUT CONNECTED PROJECT TO THE BRANDS AND THE BRANDS WEST PROJECTS IN THE CITY OF LOVELAND. PLANNING AREAS A, B, AND C SHOWN ABOVE ARE WITHIN THE BRANDS AND THE BRANDS WEST FLEXIBLE ZONING OVERLAY DISTRICT (FZOD) IN THE CITY OF LOVELAND. PLEASE REFER TO THAT DOCUMENT FOR ADDITIONAL INFORMATION ON PLANNING AREAS A, B, AND C. FOR OVERALL PROJECT CONTINUITY, THE PLANNING AREAS IN THIS PUD OVERLAY HAVE BEEN DESIGNATED TO FUNCTION IN CONCERT WITH THOSE IN THE BRANDS AND BRANDS WEST FZOD.
- PHASING WILL BE COMPLETED IN A LOGICAL MANNER WITH THE EXTENSION OF INFRASTRUCTURE AS DEVELOPMENT OCCURS OVER TIME.
- EXISTING INTERIOR LOT LINES WILL BE REPLACED AS NECESSARY WITH FUTURE PLATS.
- CLASSIFICATION OF ALL ROADS INTERNAL TO THIS PUD OVERLAY WILL BE DETERMINED WITH FUTURE LAND USE APPLICATIONS.
- THE LOCATION AND TYPE OF FREESTANDING SIGNS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE WITH A FUTURE MASTER SIGN PLAN AND/OR PLATS/SITE PLANS. NO LESS THAN THE NUMBER OF SIGNS SHOWN ON THIS PUD SHALL BE PERMITTED.
- ANY OFF-SITE SIGNS WILL BE SUBJECT TO A CONDITIONAL USE GRANT.
- ALL SIGNS ARE SUBJECT TO A SIGN PERMIT.
- THE PRIMARY PEDESTRIAN CORRIDORS AND SECONDARY PEDESTRIAN CORRIDORS IDENTIFIED ON THE MAP WILL BE CONSISTENT WITH THE CHARACTER ESTABLISHED ON PAGE 6.
- IF STEEPLECHASE DRIVE IS REALIGNED, THE PORTION OF STEEPLECHASE DRIVE THAT CURRENTLY INTERSECTS FAIRGROUNDS AVENUE WILL CONCURRENTLY BE RENAMED TO RODEO DRIVE THROUGH THE APPROPRIATE TOWN PROCESS.
- IF STEEPLECHASE DRIVE IS REALIGNED TO THIS CONFIGURATION, PEDESTRIAN CORRIDORS WILL APPROPRIATELY ADJUST.
- AT FULL BUILDOUT OF THE BRANDS EAST SITE, THERE WILL BE ENHANCED PEDESTRIAN CROSSINGS BETWEEN THE BRANDS EAST AND THE BRANDS SITES AT THE INTERSECTIONS OF FAIRGROUNDS AVENUE AND CROSSROADS BOULEVARD AND THE INTERSECTION OF FAIRGROUNDS AVENUE AND RODEO DRIVE, WHICH WILL BE CONSTRUCTED WITH THE LOGICAL EXTENSION OF INFRASTRUCTURE AND ASSOCIATED IMPROVEMENTS TO ADJACENT RIGHT-OF-WAY. FINAL DESIGN OF IMPROVEMENTS WILL BE DETERMINED AT TIME OF FINAL PLAT AND/OR SITE PLAN. IF STEEPLECHASE DRIVE IS VACATED AT THE INTERSECTION OF FAIRGROUNDS AVENUE AND RODEO DRIVE, THE ENHANCED CROSSING SHOWN AT THIS LOCATION MAY APPROPRIATELY ADJUST AS NEEDED.
- IF THE PORTION OF STEEPLECHASE DRIVE THAT CURRENTLY INTERSECTS FAIRGROUNDS AVENUE AT RODEO DRIVE IS VACATED, AND IF THE REMAINDER OF STEEPLECHASE DRIVE IS REALIGNED TO EXTEND TO FAIRGROUNDS AVENUE, THE SIGN CURRENTLY SHOWN AT THE NORTHEAST CORNER OF FAIRGROUNDS AVENUE AND STEEPLECHASE DRIVE MAY BE RELOCATED TO THE CORNER OF FAIRGROUNDS AVENUE AND THE POTENTIAL FUTURE STEEPLECHASE DRIVE REALIGNMENT (EITHER THE NORTH OR SOUTH SIDE OF STEEPLECHASE DRIVE).
- IF STEEPLECHASE DRIVE IS VACATED, THESE PUD STANDARDS SHALL APPLY TO ANY OR ALL PORTIONS OF THE VACATED ROW WITHIN OR ADJACENT TO THE BRANDS EAST SITE.

BRANDS EAST - AREA D



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SHEET TITLE:
CONCEPTUAL
MASTER PLAN

NOT FOR CONSTRUCTION

MODIFICATIONS TO TOWN OF WINDSOR CODES AND DESIGN STANDARDS:

EXISTING STANDARD		PROPOSED STANDARD		JUSTIFICATION
SETBACKS AND OFFSETS				
LOCAL OR COLLECTOR RIGHT-OF-WAY	25'	20' (0' FOR PEDESTRIAN ORIENTED DEVELOPMENT)		SETBACKS ON FAIRGROUNDS AVE WILL BE CONSISTENT WITH THOSE ESTABLISHED IN THE BRANDS AND BRANDS WEST FLEXIBLE ZONING OVERLAY DISTRICT. IN CONDITIONS WHERE A 0' SETBACK OCCURS, ADEQUATE ALTERNATIVE UTILITY EASEMENTS WILL BE PROVIDED AT THE TIME OF THE SITE PLAN OR FINAL PLAT. PEDESTRIAN-ORIENTED DEVELOPMENTS INCLUDE BUT ARE NOT LIMITED TO: PEDESTRIAN PATHWAYS, DECKS, PATIOS, CAFE SEATING AREAS, TREE GRATES, PERGOLAS OR SHADE STRUCTURES. PEDESTRIAN-ORIENTED DEVELOPMENTS GENERALLY ENTAIL MORE URBAN DEVELOPMENT PATTERNS WHERE BUILDINGS ARE TYPICALLY LOCATED CLOSER TO THE STREET. WHERE NECESSARY, UTILITIES ARE TO BE LOCATED IN THE REAR OF THE LOT WHEN 0' LOT LINES ARE USED.
SIDE AND REAR PROPERTY LINE	20'	15' (0' FOR PEDESTRIAN ORIENTED DEVELOPMENT)		
FAIRGROUNDS AVE	25'	20'		
CROSSROADS BLVD	25'	30'		SETBACKS ON CROSSROADS BLVD WILL BE CONSISTENT WITH THOSE ESTABLISHED IN THE BRANDS AND BRANDS WEST FLEXIBLE ZONING OVERLAY DISTRICT. IN CONDITIONS WHERE A 0' SETBACK OCCURS, ADEQUATE ALTERNATIVE UTILITY EASEMENTS WILL BE PROVIDED AT THE TIME OF THE SITE PLAN OR FINAL PLAT.
HEIGHT				
HEIGHT	55' (GENERAL COMMERCIAL/ 30' (COMMERCIAL CORRIDOR PLAN)	130' FOR OFFICE, RESIDENTIAL, AND HOTELS, UP TO A MAXIMUM ELEVATION OF 5165', WHICHEVER IS GREATER. ALL OTHER USES SHALL BE A MAXIMUM OF 55'.		THE CHARACTER ENVISIONED FOR PLANNING AREA D REQUIRES A HIGHER LEVEL OF DENSITY THAN IS PERMITTED UNDER THE CURRENT ZONING. TO ACHIEVE THIS DENSITY, IN SOME CASES BUILDINGS WILL NEED TO BE TALLER AND ARE PROPOSED TO BE PERMITTED UP TO THE FAA FLIGHT CEILING.
DENSITY				
MAXIMUM DWELLING UNITS	NOT STATED IN CODE	1,000 DWELLING UNITS		CURRENTLY, NO ADDITIONAL SEWER CAPACITY TO SUPPORT RESIDENTIAL USE NOR OTHER ADDITIONAL UTILITIES EXIST FOR THE BRANDS EAST SITE. SHOULD CAPACITY BE ADDED AT ANY TIME IN THE FUTURE, MULTIFAMILY RESIDENTIAL USES ARE PERMITTED AT THE SHOWN DENSITY.
FLOOR AREA RATIO (FAR)	NOT STATED IN CODE	0.5 GROSS FAR FOR THE PUD OVERLAY AS A WHOLE		THE CURRENT OVERLAY ZONING ENVISIONED THE BRANDS EAST AS AN INDUSTRIAL PROPERTY. THE INCREASE IN DENSITY IS NECESSARY TO CREATE THE MIXED USE DENSITY AS SHOWN IN THE PROJECT VISION.
BUFFER YARDS				
SIZE OF BUFFER YARDS	VARIES	BUFFER YARDS SHALL BE DEFINED AS A LANDSCAPED AREA BETWEEN INCOMPATIBLE USES, AS WELL AS LANDSCAPED AREA BETWEEN A USE AND AN ARTERIAL, COLLECTOR, LOCAL, AND/OR PRIVATE ROAD THAT FUNCTIONS AS A LOCAL ROAD. BUFFER YARDS SHALL BE PROVIDED IN ACCORDANCE WITH THE CURRENT TOWN STANDARDS AND ANY SUBSEQUENT AMENDMENTS EXCEPT THAT THE FAIRGROUNDS AVE. BUFFER YARDS MAY BE REDUCED TO 20' WHERE A BUFFER YARD IS REQUIRED BETWEEN INCOMPATIBLE USES. THE RESPONSIBILITY FOR PROVIDING THE BUFFER YARD WILL FALL TO THE INCOMING/ DEVELOPING INCOMPATIBLE USE. THE SIZE OF THE BUFFER YARD AND THE REQUIRED AMOUNT OF BUFFER YARD LANDSCAPING MAY BE ADMINISTRATIVELY REDUCED OR WAIVED FOR PEDESTRIAN-ORIENTED DEVELOPMENT.		THIS STANDARD WILL ALLOW NECESSARY FLEXIBILITY FOR CONFIGURATION OF PARKING FIELDS, PAD SITES, VEHICULAR CIRCULATION, AND OTHER ELEMENTS THROUGHOUT THE BRANDS EAST.
USES				
PERMITTED USES	GENERAL COMMERCIAL ZONE	SEE SHEET 10		THE CHARACTER ENVISIONED FOR PLANNING AREA D REQUIRES A MIX OF USES INCLUDING RESIDENTIAL AND RECREATIONAL USES.
NON-RESIDENTIAL LOT SIZE				
MINIMUM LOT AREA	20,000 SF	NO MINIMUM LOT SIZE		THE ALLOWANCE OF THE REGULATION FOR NO MINIMUM LOT SIZE IS NECESSARY AS SMALLER LOT USERS MAY DESIRE A VARIETY OF INDIVIDUAL SITE SIZES WITHIN THE BRANDS EAST.
RESIDENTIAL DEVELOPMENT STANDARDS				
RESIDENTIAL LOT AREA	NOT INCLUDED IN UNDERLYING GC ZONING	RESIDENTIAL DEVELOPMENT WITHIN THE BRANDS EAST WILL GENERALLY FOLLOW THE STANDARDS FOR MF-2, HOWEVER MINIMUM LOT AREA PER DWELLING SHALL BE SEVEN HUNDRED (700) SQUARE FEET.		THIS IS NECESSARY IN ORDER TO ACCOMMODATE A VARIETY OF RESIDENTIAL DEVELOPMENT FORMS, WHICH MAY TAKE A MORE DENSE AND URBAN FORM THAN CURRENT TOWN CODE ENVISIONS. HEIGHT AND SETBACK STANDARDS ALSO VARY FROM THE UNDERLYING GC ZONE AND ARE INCLUDED ABOVE.
LIVEABLE OPEN SPACE PER DWELLING UNIT	NOT INCLUDED IN UNDERLYING GC ZONING	RESIDENTIAL DEVELOPMENT WITHIN THE BRANDS EAST WILL GENERALLY FOLLOW THE STANDARDS FOR MF-2, HOWEVER MINIMUM LIVABLE OPEN SPACE PER DWELLING UNIT SHALL BE TWO HUNDRED TWENTY FIVE (225) SQUARE FEET. TO BE CONSIDERED USABLE, LIVABLE OPEN SPACE SHALL BE READILY ACCESSIBLE AND OF A SIZE AND SHAPE WHICH CAN BE REASONABLY CONSIDERED TO PROVIDE AMENITIES AND THE NECESSITIES OF LIGHT, AIR, PLAY SPACE, YARD AREA, GARDEN, ETC., BUT SHALL NOT INCLUDE PARKING AREA AND DRIVES. AMENITIES AND POOL DECKS, INCLUDING ROOFTOP DECKS AND OPEN SPACES, SHALL BE INCLUDED IN THE TOTAL USABLE OPEN SPACE CALCULATION. MINIMUM LIVABLE OPEN SPACE MAY BE ADMINISTRATIVELY REDUCED FOR PEDESTRIAN-ORIENTED DEVELOPMENT, AS DEFINED ON SHEET 5 OF THIS PUD.		
OPEN SPACE				
REQUIRED PERCENTAGE	20%	10%		A REDUCTION IN THE PERCENTAGE OF OPEN SPACE REQUIRED IS NECESSARY IN ORDER TO MATCH THE UNDERLYING ZONING FOR THE BRANDS/BRANDS WEST FZ0D. THE OPEN SPACE IN THE PUD AREA, EXCLUSIVE OF STREETS AND OFF-STREET PARKING AREAS, SHOULD NOT BE LESS THAN 10% OF THE TOTAL GROSS PROPERTY AREA. OPEN SPACE MAY INCLUDE LANDSCAPE AREAS WITHIN THE ADJACENT PUBLIC RIGHT OF WAY.
ARCHITECTURE				
COLORS	FAÇADE COLORS SHALL BE EARTH TONE COLORS WITH A LOW REFLECTANCE. HIGH INTENSITY, METALLIC, OR FLUORESCENT COLORS ARE PROHIBITED. OTHER COLORS MAY BE USED FOR ACCENT OR TO EMPHASIZE FOCAL AREAS PROVIDED THAT THEY ARE SENSITIVELY INTEGRATED INTO THE OVERALL COLOR PALETTE.	COLORS SHALL BE GENERALLY CONSISTENT WITH THE CHARACTER OF THE CONCEPTUAL ARCHITECTURE CONTAINED WITHIN THIS PUD OVERLAY.		THE DYNAMIC DEVELOPMENT ENVISIONED FOR THE BRANDS EAST WILL REQUIRE ADDITIONAL FLEXIBILITY FOR COLOR PALETTE TO MAKE THE DEVELOPMENT DISTINCTIVE AND INTERNALLY CONSISTENT. NATIONAL BRAND TENANTS ARE PERMITTED TO USE THEIR BRAND COLORS. REFER TO ARCHITECTURAL STANDARDS IN THIS PUD FOR ADDITIONAL INFORMATION.
MATERIALS	VARIES. VERTICAL RIBBED METAL SIDING SHALL BE PROHIBITED. ONLY ARCHITECTURAL GRADE METAL PANELS WILL BE ALLOWED ON NON-PROMINENT FAÇADES.	ACCENT METAL PANELS ARE ALLOWED THROUGHOUT THE PROJECT. REFER TO ARCHITECTURAL STANDARDS FOR ADDITIONAL INFORMATION.		THE "CONTEMPORARY COLORADO" ARCHITECTURAL STYLE PROPOSED FOR THE BRANDS EAST MAY INCLUDE METAL AS ONE OF MANY POTENTIAL BUILDING MATERIALS. REFER TO ARCHITECTURAL STANDARDS FOR ADDITIONAL INFORMATION.
LIGHTING, SIGNAGE, AND OTHER ELEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY	VARIES. PVREA'S STANDARD STREET LIGHT SHALL BE USED	SUBJECT TO TOWN APPROVAL A UNIQUE STREET LIGHT MAY BE USED AT THE BRANDS EAST WITHIN THE PUBLIC RIGHT-OF-WAY. THIS MAY INCLUDE XCEL'S STANDARD LIGHT IN AN ALTERNATE COLOR, PVREA'S STANDARD LIGHT IN AN ALTERNATE COLOR, LOVELAND'S NEW STANDARD DOWNTOWN AREA LIGHT, ANY WINDSOR APPROVED CUSTOM OR STANDARD LIGHT, OR ANOTHER YET TO BE DETERMINED FIXTURE. ADDITIONALLY, WAYFINDING SIGNAGE, PEDESTRIAN FURNITURE, ENHANCED PAVING AT CROSSWALKS / INTERSECTIONS, AND OTHER ELEMENTS MAY BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY. ANY IMPROVEMENTS THAT DO NOT MEET TOWN OR LCUASS STANDARDS WILL BE MAINTAINED BY THE DISTRICT.		THE FINAL DESIGN CHARACTER FOR THE BRANDS EAST HAS NOT YET BEEN DETERMINED. HOWEVER, IT WILL BE CRITICAL THAT THE CHARACTER OF PEDESTRIAN AREAS SEAMLESSLY INTERFACE WITH THE PUBLIC RIGHT-OF-WAY SO THAT THE PROJECT HAS ONE CONSISTENT CHARACTER AND FEEL. MAINTENANCE OF ENHANCED PAVING AT CROSSWALKS / INTERSECTIONS, PEDESTRIAN FURNITURE, AND OTHER ELEMENTS WILL BE THE RESPONSIBILITY OF THE METROPOLITAN DISTRICT. STREET LIGHT MAINTENANCE WILL BE DETERMINED BY SEPARATE DOCUMENT AT THE TIME OF FINAL DESIGN.

PARKING		EXISTING STANDARD		PROPOSED STANDARD		JUSTIFICATION	
RATIO		VARIES. THE TOWN'S STANDARD PARKING REQUIREMENTS SHALL BE USED.		TOWN OF WINDSOR MUNICIPAL CODE, SEC. 16-10-30.(A)(6) OFF-STREET PARKING REQUIREMENTS: <u>MULTIFAMILY DWELLING RESIDENCE</u> : 1.5 SPACE PER UNIT <u>INDUSTRIAL USES</u> : 1 SPACE PER 2 EMPLOYEES <u>RETAIL</u> : 1 SPACE PER 250 SF OF GROSS LEASABLE AREA (GLA) <u>COMMERCIAL OFFICE</u> : 1 SPACE PER 300 SF OF GROSS LEASABLE AREA (GLA) <u>EATING OR DRINKING ESTABLISHMENTS</u> : 1 SPACE PER 200 SF + 1 SPACE PER 2 EMPLOYEES <u>HOTEL/MOTEL</u> : 1 SPACE PER ROOM + 1 SPACE PER 2 EMPLOYEES, COMPUTED ON THE MAXIMUM SERVICE CAPACITY TOWN OF WINDSOR MUNICIPAL CODE, SEC. 17-13-330.(B)(3) – PARKING LOT SCREENING AND MITIGATION: THE TOTAL NUMBER OF PARKING STALLS MAY NOT EXCEED THE TOWN'S MINIMUM PARKING STALL REQUIREMENT BY MORE THAN TWENTY PERCENT (20%).		TOWN OF WINDSOR STANDARDS (AS CURRENT IN 2018) ALLOW THE FLEXIBILITY NEEDED FOR PARKING RATIO, LOCATION AND DESIGN.	
LOCATION AND DESIGN		VARIES. THE TOWN'S COMMERCIAL CORRIDOR PLAN PARKING REQUIREMENTS SHALL BE USED.		TOWN OF WINDSOR MUNICIPAL CODE, SEC. 16-10-30.(A)(2) OFF-STREET PARKING REQUIREMENTS: PARKING AREAS SHALL BE PROVIDED UPON THE SAME LOT CONTAINING THE USE FOR WHICH THEY ARE REQUIRED OR ON SEPARATE LOTS OR STRUCTURES LOCATED WITHIN A ONE-THOUSAND-FOOT RADIUS OF THE LOT CONTAINING THE USE FOR WHICH THEY ARE REQUIRED. A TOWN-APPROVED PARKING AGREEMENT IS REQUIRED FOR ALL OFF-SITE PARKING. THIS AGREEMENT SHALL BE RECORDED WITH THE COUNTY CLERK AND RECORDER, AND SHALL BE A COVENANT RUNNING WITH THE LAND UPON WHICH PARKING IS PROVIDED. ALL SHARED PARKING LOTS MUST BE PAVED. ALL SHARED PARKING LOTS AND SHARED PARKING STRUCTURES SHALL HAVE SIDEWALK CONNECTIONS TO THE SUBJECT PROPERTY. TOWN OF WINDSOR MUNICIPAL CODE, SEC. 17-13-320.(1) - PARKING LOT ORIENTATION: NO MORE THAN EIGHTY-FIVE PERCENT (85%) OF THE OFF-STREET PARKING AREA FOR THE LOT, TRACT OR AREA OF LAND DEVOTED TO THE LARGE RETAIL ESTABLISHMENT SHALL BE LOCATED BETWEEN THE FRONT FACADE AND THE ABUTTING STREETS, OR FRONT PARKING AREA. ON-STREET PARKING THAT IS DIRECTLY ADJACENT TO THE LOT FRONTAGE MAY BE COUNTED AS PART OF THE PARKING PROVISION.		TOWN OF WINDSOR STANDARDS (AS CURRENT IN 2018) ALLOW THE FLEXIBILITY NEEDED FOR PARKING RATIO, LOCATION AND DESIGN.	
SHARED PARKING		NOT STATED IN CODE		1. THE STANDARD PARKING REQUIREMENTS FOR THIS DEVELOPMENT MAY BE REDUCED BY CALCULATING THE SHARED PARKING REQUIREMENTS, UTILIZING AN ACCUMULATION FACTOR BASED UPON THE PROPORTIONS CONTAINED IN THE FOLLOWING TABLE TO ASSESS THE PEAK PERIOD PARKING REQUIREMENT. 2. THE TOTAL AGGREGATE REDUCTION IN THE MINIMUM PARKING REQUIREMENT FOR USES SHALL NOT EXCEED 20 PERCENT OF THE STANDARD CONVENTIONAL PARKING REQUIREMENT OR AS APPROVED BY THE PLANNING DIRECTOR. DESIGNATED PARKING SPACES SHALL NOT BE INCLUDED IN ANY SHARED PARKING CALCULATION. 3. ON-STREET PARKING THAT IS DIRECTLY ADJACENT TO THE LOT FRONTAGE MAY BE COUNTED AS PART OF THE PARKING PROVISION. REFER TO TABLE A. AND THE SHARED PARKING CALCULATION EXAMPLE BELOW.		THIS STANDARD WILL ALLOW NECESSARY FLEXIBILITY TO SHARE PARKING BETWEEN USES BASED ON THE DEMAND DENOTED IN THE SHARED PARKING CALCULATION TABLE.	
LIGHTING							
BULBS		COMPACT FLUORESCENT BULBS (C.F.B.) ARE ENCOURAGED.		L.E.D. LIGHTING IS PERMITTED.		L.E.D. LIGHTING IS MORE EFFICIENT THAN C.F.B. LIGHTING. THE INCORPORATION OF L.E.D. LIGHTS INTO THE BRANDS EAST DESIGN WILL PROMOTE ENERGY EFFICIENCY THROUGHOUT THE SITE.	
NOTES							
1. PLAZAS MAY ENCR OACH INTO BUILDINGS SETBACKS.							

TABLE A

USE	WEEKDAY	EVENING	NIGHT	WEEKEND
RETAIL	95%	100%	5%	100%
RESTAURANT	100%	100%	15%	100%
HOTEL/LODGING	95%	75%	100%	100%
COMMERCIAL OFFICE	100%	40%	5%	10%
INDUSTRIAL	100%	40%	5%	10%
MULTIFAMILY RESIDENTIAL	45%	75%	100%	100%

NOTE: TABLE A IS USED TO CALCULATE THE DEMAND BASED ON THE APPROPRIATE PERCENTAGE OF THE CONVENTIONAL PARKING REQUIREMENT AT SPECIFIED PERIODS OF THE DAY. THE HIGHEST RESULTANT ACCUMULATION IS USED TO DETERMINE THE MAXIMUM SHARED PARKING DEMAND.

SHARED PARKING CALCULATION EXAMPLE

THE EXAMPLE DESCRIBED HERE CALCULATES THE SHARED PARKING REQUIREMENT FOR A MIXED-USE DEVELOPMENT THAT COMPRISES OF THE FOLLOWING:
50,000 SF OF RETAIL SPACE (PEAK PARKING DEMAND PRIMARILY AT WEEKEND, WEEKDAY AND EVENING);
8,000 SF RESTAURANT (PEAK PARKING DEMAND PRIMARILY AT WEEKEND AND EVENING);
100 BED HOTEL (PEAK PARKING AT NIGHT AND WEEKEND);
15,000 SF OF OFFICE SPACE (PEAK PARKING DEMAND PRIMARILY AT WEEKDAY);
15,000 SF OF INDUSTRIAL SPACE (PEAK PARKING DEMAND PRIMARILY AT WEEKDAY).

USES	UNIT	STANDARD	WEEKDAY	EVENING	NIGHT	WEEKEND
RETAIL	50,000 SF	200	190	200	10	200
RESTAURANT	8,000 SF	50	50	50	8	50
HOTEL/LODGING	100 ROOMS	110	105	83	110	110
COMMERCIAL OFFICE	15,000 SF	50	50	20	3	5
INDUSTRIAL	50,000 SF	40	40	16	3	5
TOTALS:		450	435	369	134	370

THE SHARED PARKING CALCULATION TAKES INTO ACCOUNT THE PEAK PARKING REQUIRED FOR A COMBINATION OF USES AT ANY ONE TIME. IN THIS EXAMPLE WE CAN SEE THAT THE PEAK PARKING REQUIREMENT IS DURING THE WEEKDAY (435 SPACES). IN NORMAL PARKING CODE CIRCUMSTANCES EACH USE WOULD BE CALCULATED SEPARATELY, GIVING A PARKING REQUIREMENT OF 450 SPACES. THE SHARED PARKING STANDARD ALLOWS A MAXIMUM REDUCTION OF 20% (OR AS APPROVED BY THE PLANNING DIRECTOR). IN THIS CASE THE PEAK PARKING REQUIREMENT SHOWS A 3.4% REDUCTION FROM STANDARD REQUIREMENTS.

LANDSCAPE DESIGN GUIDELINES:

OVERALL CONCEPT

THE OVERALL THEMING AND DESIGN WILL ESTABLISH A HIGH QUALITY NEIGHBORHOOD CENTER DEVELOPMENT THROUGH THE STRATEGIC SITE LAYOUT AND ENHANCED LANDSCAPE TREATMENTS. THE DESIGN WILL FOCUS ON ESTABLISHING DESIRABLE VIEWS ALONG PROMINENT PEDESTRIAN AND VEHICULAR CORRIDORS, HIGHLIGHTING KEY OUTDOOR AREAS WITH AN INTENSITY AND REFINEMENT OF MATERIALS, COMPLEMENTING ARCHITECTURAL FEATURES WITH ENHANCED LANDSCAPING TREATMENT, BUFFERING VISUALLY LESS DESIRABLE AREAS, AND RELATING TO THE SURROUNDING ENVIRONMENTAL CONTEXT THROUGHOUT THE SITE.

THROUGHOUT THE PROJECT, CERTAIN ELEMENTS WILL REPEAT SIMILAR OR COMPLIMENTARY MATERIALS AND THEMES POSSIBLY INCLUDING, BUT NOT LIMITED TO, LIGHTING, BENCHES, WASTE RECEPTACLES, OTHER PEDESTRIAN AMENITIES, TREE SPECIES, POTS, AND THE MASONRY OR ROCK MATERIAL UTILIZED IN PLANTERS, MONUMENTS, AND PAVING TREATMENTS. FOR EXAMPLE, THEMATIC PEDESTRIAN STREET LIGHTING FIXTURES SHOULD BE CONSISTENT OR COMPATIBLE THROUGHOUT THE DEVELOPMENT AND SHALL BE INCORPORATED INTO EACH SITE DEVELOPMENT PLAN. INNOVATIVE LIGHTING SHOULD BE CONSIDERED WHERE APPROPRIATE. WHERE VARIETY IN DESIGN OCCURS, SIMILAR OR COMPATIBLE ELEMENTS SHOULD BE USED.

THE FOLLOWING LANDSCAPE ELEMENTS SHALL BE INCORPORATED THROUGHOUT THE SITE:

- STREET TREES: ORGANIZED IN A REGULAR SPACING ALONG VEHICULAR CORRIDORS THEY WILL DEFINE THE STREETScape AND PROVIDE SUMMER SHADE FOR PEDESTRIANS.
- ARCHITECTURAL LANDSCAPING: TO PROVIDE VISUAL INTEREST THAT COMPLIMENTS THE STRUCTURES AND GUIDES THE USERS TO THE MAIN ENTRIES AND IMPORTANT FEATURES AS WELL AS BUFFERING LESS DESIRABLE AREAS OF THE STRUCTURES.
- PLANT CONTAINERS AND PLANTERS: CLAY OR CONCRETE PLANT CONTAINERS MAY BE USED TO DEFINE OUTDOOR SPACES, ACCENT BUILDING ENTRANCES AND PROVIDE VISUAL INTEREST ALONG THE STREET AND PEDESTRIAN CORRIDORS.
- OTHER SITE AMENITIES: ITEMS SUCH AS ENHANCED PAVING, LIGHTING, BENCHES, BIKE RACKS, AND TRASH RECEPTACLES SHALL BE INCLUDED WHERE APPROPRIATE AND SHALL BE CONSISTENT WITH THE DESIGN THEME AND QUALITY OF THE DEVELOPMENT.
- PARKING LOT LANDSCAPING: LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH TOWN CODE, EXCEPT AS MODIFIED IN PARTICULAR INSTANCES AT THE TIME OF SITE PLAN.



SIGNAGE

SIGNS SHALL BE IN ACCORDANCE WITH THE WINDSOR MUNICIPAL CODE WITH REGARD TO SIZE, LOCATION AND HEIGHT, AND OTHER APPLICABLE STANDARDS, OR AS STATED ON SHEET 3 OF THE PUD PLAN, IN ACCORDANCE WITH A FUTURE PLANNED SIGN PROGRAM FOR THE BRANDS EAST WHICH WILL BE PREPARED AND REVIEWED AS AN ADDITION TO THIS PUD. CHARACTER OF SIGNS SHOULD GENERALLY RELATE TO THE ARCHITECTURE OF THE BRANDS EAST, INCLUDING BUT NOT LIMITED TO MATERIALS, COLORS, AND OTHER DESIGN FEATURES. APPLICATIONS FOR SIGN PERMITS SHALL BE SUBMITTED PRIOR TO SIGN CONSTRUCTION.

ENTRY FEATURES

MAJOR VEHICULAR ENTRIES TO THE BRANDS EAST SHALL HAVE ENHANCED LANDSCAPING IN ORDER TO SET THE STYLISTIC AND/OR DESIGN TONE FOR THE REST OF THE PROJECT. SUCH ENHANCEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO MONUMENTATION, SIGNAGE, INCREASED DENSITY OF PLANT MATERIAL, SCULPTURES, AND PEDESTRIAN GATHERING AREAS. ORNAMENTAL TREES AT THESE KEY POINTS ARE PERMITTED TO HIGHLIGHT THE AREA AND CREATE SEASONAL INTEREST. ANNUAL PLANTS AND FLOWERS FOR ADDITIONAL SEASONAL COLOR MAY ALSO BE INCORPORATED, ESPECIALLY AROUND MONUMENT SIGNAGE. THE INTENSITY AND SCALE OF LANDSCAPE SHOULD BE ITS GREATEST AT PRIMARY ENTRIES; A REDUCTION IN THE LEVEL OF LANDSCAPING IS PERMITTED FOR SECONDARY AND TERTIARY ENTRANCES, AS WELL AS FOR PEDESTRIAN-ONLY ENTRANCES TO THE DEVELOPMENT.

EDGE AND PERIMETER TREATMENTS

THE EDGES OF THE BRANDS EAST SHALL BE DESIGNED TO BE GENERALLY COMPATIBLE WITH SURROUNDING DEVELOPMENTS. THIS MAY INCLUDE VARIOUS COMBINATIONS OF LANDSCAPE TREATMENTS, GENERALLY CONSISTENT WITH THE TOWN'S LANDSCAPE DESIGN STANDARDS UNLESS MODIFIED AT THE TIME OF SITE PLAN. LANDSCAPE BUFFERS ALONG CROSSROADS BLVD, AND FAIRGROUNDS AVE SHOULD MEET THE MINIMUM STANDARDS ESTABLISHED WITHIN THIS PUD OVERLAY.

THE LANDSCAPE ALONG ROAD FRONTAGES WILL PROMOTE AND ENHANCE THE EXPERIENCE OF BOTH PEDESTRIAN AND VEHICULAR TRAFFIC AS WELL AS PROVIDE YEAR-ROUND INTEREST. TREES WILL BE USED TO CAPTURE VIEW CORRIDORS AND PROVIDE SCREENING FROM VEHICLES. THE STREETScape WILL PROVIDE UNITY AND STRUCTURE WITHIN THE DEVELOPMENT THROUGH THE USE OF PLANT MATERIALS AND PEDESTRIAN FRIENDLY, GENERALLY DETACHED, SIDEWALKS.

EDGE SCREENING OF PARKING AREAS WILL BE ENHANCED AND DESIGNED IN GENERAL CONFORMANCE WITH THE TOWN'S LANDSCAPE DESIGN STANDARDS. SUCH AREAS ARE INTENDED TO SOFTEN THE VISUAL IMPACT OF PARKING AREAS ON ADJACENT ROADWAY CORRIDORS AND MAY BE DESIGNED WITH A COMBINATION PLANT MATERIALS AND BERMING WHERE FEASIBLE, AS WELL AS OTHER POTENTIAL LANDSCAPE TREATMENTS, TO SCREEN PARKING LOTS.

IT IS ANTICIPATED THAT THE PROJECT WILL HAVE A HIGHER LEVEL OF LANDSCAPE BUFFER TREATMENTS ALONG CROSSROADS BLVD, WHICH WILL DECREASE AS APPROPRIATE FOR LOWER CLASSIFICATION ROADS AND FOR INTERNAL DRIVES.

INTERNAL ROADWAY STREETScape TREATMENTS

THE LANDSCAPE ALONG INTERNAL ROADWAYS SHALL REFLECT THE OVERALL LANDSCAPE THEME BUT WILL HAVE MORE FORMAL TREE SPACING AND WILL BLEND WITH THE LANDSCAPE IN ADJACENT PARCELS. PARKING LOTS WILL BE SCREENED WHILE HIGHLIGHTING VIEW CORRIDORS TO ANY RELEVANT PUBLIC ART, ARCHITECTURE, AND OFF SITE VIEWS. THE LANDSCAPE WILL ENHANCE CIRCULATION AND SAFETY AND CREATE A STRONG VISUAL EXPERIENCE FOR PEDESTRIANS AND BICYCLISTS. LOCAL ROADWAYS WILL PROVIDE STRUCTURE AND OVERALL UNITY WITH DETACHED SIDEWALKS AND TREE LAWNS TO CREATE SEPARATION BETWEEN VEHICULAR AND PEDESTRIAN TRAFFIC. DECIDUOUS TREES WILL BE USED PRIMARILY TO PROVIDE WINTER EXPOSURE AND SUMMER SHADE. PLANT MATERIALS SHALL BE ARRANGED TO HIGHLIGHT STRONG ARCHITECTURAL ELEMENTS OF THE BUILDINGS WHILE SCREENING AREAS WHERE THERE IS POTENTIAL FOR MORE VISUAL CLUTTER.



PARKING LOT SCREENING ALONG ROADS AND DRIVES INTERNAL TO THE SITE WILL BE DESIGNED IN GENERAL CONFORMANCE TO THE TOWN'S LANDSCAPE DESIGN STANDARDS. ANY NECESSARY SITE-SPECIFIC DEPARTURES FROM THE LANDSCAPE DESIGN STANDARDS WILL BE ADDRESSED AT THE TIME OF SITE PLAN.

LANDSCAPE STANDARDS IN COMMERCIAL AND PUBLIC GATHERING AREAS

THE PROJECT MAY INCLUDE VARIOUS OUTDOOR ELEMENTS SUCH AS GATHERING SPACES, LAWNS, OR SCULPTURE PARKS. WHERE APPROPRIATE AND FEASIBLE, PEDESTRIAN CONNECTIONS SHOULD BE PROVIDED THROUGH SUCH SPACES, CREATING AN INTEGRATED PEDESTRIAN NETWORK THROUGHOUT THE PROJECT. SMALL, DIFFERENTIATED SEATING AREAS ARE ENCOURAGED THROUGHOUT THE PROJECT, AS ARE OTHER PEDESTRIAN AMENITIES INCLUDING BUT NOT LIMITED TO BENCHES, SEAT WALLS, BIKE RACKS, AND WASTE RECEPTACLES. GATHERING AREAS SHOULD INCLUDE VARYING MIXTURES OF SOFT- AND HARD-SCAPE ELEMENTS, WHICH MAY INCLUDE ELEMENTS SUCH AS LANDSCAPE BEDS, TURF AREAS, PLANTERS, PERGOLAS OR TRELLISES, WALLS OR OTHER GROUNDPLANE VARIATION.

TREE GRATES WILL NOT BE PERMITTED. OPEN TREE PITS ARE ENCOURAGED AS TREES ESTABLISH MUCH BETTER IN AMENDED SOIL THAT RECEIVES PRECIPITATION AND AIR TO ALLOW FOR ROOTS TO BREATHE AND ESTABLISH. WHERE NECESSARY IN PEDESTRIAN AREAS OR PROMENADES, TREE PITS MAY BE OVERLAID BY A FRAME AND PAVER SYSTEM THAT COMES UP TO THE TRUNK. THESE INSTALLATIONS OPEN UP TIGHT SPACES BY PROVIDING SAFE PEDESTRIAN MOVEMENT UNDER THE TREES WITHOUT COMPACTING THE SOIL OVER THE ROOTS, AND CAN BE EASILY SCALED AS THE TREE TRUNK GROWS LARGER, AND MAY REDUCE THE ACCUMULATION OF WEEDS AND TRASH.

A VARIETY OF RAISED PLANTERS AND PLANTER POTS WILL BE USED IN KEY AREAS SUCH AS BUILDING ENTRANCES AND PEDESTRIAN CORRIDORS FOR AESTHETICS AND TO AID CIRCULATION. FLOWER BEDS WITH ENHANCED PERENNIAL AND ANNUAL COLOR WILL BE USED AT KEY PEDESTRIAN AND VEHICULAR INTERSECTIONS.

LOW LANDSCAPE WALLS SHALL BE MADE OF INDIGENOUS STONE OR STONE VENEER WITH STRONG HORIZONTAL LINES. THEY MAY INCLUDE STONE, CONCRETE, OR WOODEN CAPS. NATURAL STONE BOULDERS AND SLABS MAY BE INCORPORATED AS SEATING AND VISUAL STRUCTURE.



PEDESTRIAN NETWORK AND CONNECTIONS

A PEDESTRIAN SIDEWALK NETWORK WILL BE PROVIDED ALONG ALL PUBLIC AND PRIVATE ROADS INTERNAL TO THE PROJECT, AND ALONG ALL EDGE ROADWAYS SUCH AS FAIRGROUNDS AVE AND CROSSROADS BLVD. MID-BLOCK CROSSINGS ARE PERMITTED, SUBJECT TO TOWN STANDARDS. WAYFINDING SIGNAGE, PEDESTRIAN FURNITURE, ENHANCED PAVING AT CROSSWALKS / INTERSECTIONS, AND OTHER ELEMENTS MAY BE LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY. ANY IMPROVEMENTS THAT DO NOT MEET TOWN STANDARDS WILL BE MAINTAINED BY THE METRO DISTRICT.

SCREEN WALLS/TRASH ENCLOSURES

TRASH ENCLOSURES, LOADING AREAS, AND OTHER SIMILARLY UNATTRACTIVE LAND USES SHALL BE GENERALLY LOCATED IN AN UNOBTRUSIVE LOCATION. WHEN SCREENED WITH PLANT MATERIAL, SUCH PLANTS SHOULD GENERALLY BE CONIFEROUS. A VARIETY OF OTHER SCREENING METHODS MAY BE ALLOWED AS APPROPRIATE, INCLUDING BUT NOT LIMITED TO BERMING OR WALLS.



OVERALL LANDSCAPE CONCEPT AND PALETTE OF PLANT MATERIALS USED TO CARRY IT OUT

THE OVERALL LANDSCAPE CONCEPT SHALL UTILIZE NATIVE AND ADAPTED PLANTS IN A UNIQUE WAY TO CREATE A PROJECT-SPECIFIC DISTINCTIVE MASSING OF NATIVE SHRUBS, GRASSES, PERENNIALS, ANNUALS AND HARDSCAPE ELEMENTS IN STRONG CONFIGURATION TO HELP AUGMENT THE FORMS AND LINES OF THE DEVELOPMENT.



THE LANDSCAPE WILL CONNECT THE OVERALL DEVELOPMENT THROUGH THE USE OF SIGNATURE PLANTS AND A SPECIFIC PLANT LIST. SIGNATURE SPECIES ARE ICONIC TO THE OVERALL THEME AND SHOULD BE HIGHLIGHTED AND UTILIZED IN EACH OF THE PARCELS, WHILE UTILIZING THE OTHER PLANT SPECIES IN ORDER TO CREATE AN ORGANIC, NATURAL LOOK. APPROXIMATELY 50% OF ALL TREES SHALL BE EVERGREEN TO ENSURE FOUR SEASON INTEREST. LOW WATER USE NATIVE PLANTS SHALL BE USED FOR THE MAJORITY OF THE LANDSCAPE. HIGH WATER PLANTS WILL ONLY BE PERMITTED IN AREAS WHERE THERE IS NATURAL RUNOFF OR LOW SWALES WHICH HAVE READILY AVAILABLE GROUND WATER. PLANTINGS SHALL BE GROUPED INTO ZONES BY SIMILAR WATER NEEDS.

THE ULTIMATE DESIGN FOR PLANTING AND HARDSCAPE SHOULD APPROPRIATELY COMPLIMENT THE PROJECT ARCHITECTURE AND MONUMENTATION. WHERE FEASIBLE, THE USE OF LOW WATER PLANT MATERIAL IS ENCOURAGED. REFER TO TOWN OF WINDSOR MUNICIPAL CODE FOR ADDITIONAL INFORMATION ON LOW WATER USE LANDSCAPE DESIGN.



THE PROVISIONS OF THESE GUIDELINES ARE INTENDED TO FUNCTION AS A SUPPLEMENT TO THE COMMERCIAL AND ARCHITECTURAL STANDARDS INCLUDED IN THE WINDSOR MUNICIPAL CODE, AS AMENDED. SPECIFICALLY, COMMERCIAL ARCHITECTURAL STANDARDS. ANY REQUIREMENTS OF ANY SECTION OF THE WINDSOR MUNICIPAL CODE DEALING WITH ARCHITECTURAL STANDARDS SHALL CONTINUE TO APPLY TO THIS PROJECT. IN CASES WHERE THE STANDARDS IN THESE GUIDELINES CONTRADICT THE STANDARDS IN ANY SECTION OF WINDSOR'S MUNICIPAL CODE, THE STANDARDS INCLUDED IN THESE GUIDELINES SHALL GOVERN. IN CASES WHERE THESE GUIDELINES ARE SILENT, ANY APPLICABLE SECTION OF WINDSOR'S MUNICIPAL CODE SHALL GOVERN. THESE STANDARDS ARE INTENDED TO CREATE A UNIQUE AND DISTINCTIVE BUILT ENVIRONMENT WITHIN THE PROJECT.

THE ARCHITECTURE SHOULD BE ONE THAT IS GROUNDED IN ITS SITE, BOTH FROM A LOCAL AND REGIONAL PERSPECTIVE. THE ARCHITECTURE SHOULD BE OF A MODERN EXPRESSION OF COLORADO ARCHITECTURE STYLES OF THE FRONT RANGE AND ROCKY MOUNTAIN REGION. THIS SHOULD MANIFEST ITSELF IN THE USE OF QUALITY MATERIALS, ARTICULATION OF THE PLAN, AND ARTICULATION OF THE BUILDING FACADES. KEY THEMES TO BE CONSIDERED TO ACHIEVE THIS VERNACULAR COLORADO IMAGE INCLUDE: RUSTIC, RANCH, AGRICULTURAL, AGRARIAN, FOLK, PRAIRIE, MOUNTAIN, WESTERN INDUSTRIAL, WITH MODERN INTERPRETATIONS OF THESE AUTHENTIC STYLES WITH NATIVE MATERIALS FOR THIS SITE.

SOME FLEXIBILITY IN THESE GUIDELINES WILL BE CONSIDERED TO ALLOW FOR ARCHITECTURAL VARIETY AND FRANCHISE ARCHITECTURE. THESE GUIDELINES RECOGNIZE THAT CERTAIN ELEMENTS OF A BUILDING DESIGN MAY BE ASSOCIATED SPECIFICALLY WITH A NATIONAL BRAND IDENTITY. IT IS THE INTENT OF THESE GUIDELINES NOT TO PROHIBIT DESIGN THAT SUPPORTS BRAND IDENTITY, BUT RATHER TO GUIDE THE FRANCHISE TO MINOR ADJUSTMENTS IN DESIGN TO ALLOW THE BRAND IDENTITY TO INTEGRATE INTO THE DEVELOPMENT. CHANGES TO PROTOTYPICAL FRANCHISE STYLES TO MEET THESE STANDARDS MAY INCLUDE, BUT ARE NOT LIMITED TO, MODIFICATIONS TO ROOFS, WINDOWS, DOORS, BUILDING MASS, MATERIALS, COLORS, PLACEMENT OF ARCHITECTURAL FEATURES AND DETAILS, ETC. FRANCHISE ARCHITECTURAL STYLES FOUND TO MEET THESE STANDARDS WILL NOT REQUIRE ANY MODIFICATION. NATIONAL FRANCHISE BUILDINGS SHALL BE ALLOWED TO RETAIN THE ELEMENTS REQUIRED TO CONVEY THEIR NATIONAL IDENTITY AND BRAND.

DESIGN CONSIDERATIONS SHALL INCLUDE CREATING VISUAL INTEREST USING A VARIETY OF BUILDING TYPES IN EACH DEVELOPMENT AREA. THE AREAS SHALL BE DEVELOPED WITH CONSISTENT AND COMPLEMENTARY STYLES OF ARCHITECTURE REFLECTED ON ALL SIDES OF THE BUILDING. THE GUIDELINES REQUIRE THAT CAREFUL DESIGN ATTENTION BE PAID TO MATERIAL SELECTION, MASSING, PROPORTIONS, AND DETAILING. DESIGN THAT EXPEDIENTLY SATISFIES ONLY THE FUNCTIONAL REQUIREMENTS OF A BUILDING'S PROGRAM, WITHOUT REGARD TO A HIGHER SENSE OF REFINEMENT, IS NOT ACCEPTABLE.

WHERE THERE IS NO ESTABLISHED OR CONSISTENT NEIGHBORHOOD OR AREA CHARACTER OR UNIFYING THEME, OR WHERE IT IS NOT DESIRABLE TO CONTINUE THE EXISTING CHARACTER BECAUSE IT DOES NOT REFLECT A DESIGN THEME CONSISTENT WITH THE ARCHITECTURAL STANDARDS AS DESCRIBED HEREIN, THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO ESTABLISH AN ATTRACTIVE IMAGE AND SET A STANDARD OF QUALITY FOR FUTURE DEVELOPMENTS AND BUILDINGS WITHIN THE AREA.

AREA "D"

THE INTENDED DESIGN FOR AREA "D" IS HIGH-QUALITY BUILDINGS AT LOWER DENSITIES WITH ABUNDANT LANDSCAPING. THIS AREA IS MORE AUTOMOBILE ORIENTED AND MUST ADDRESS THE ISSUE OF THE INTERACTION BETWEEN THE AUTOMOBILE AND THE PEDESTRIAN. NATIONAL BRAND TENANTS SHALL BE ALLOWED TO MAINTAIN THE ELEMENTS REQUIRED FOR THEIR NATIONAL BRAND IDENTITY BUT SHALL STILL INTEGRATE INTO THE DEVELOPMENT.

1. BUILDING ORIENTATION

REVERSE MODE DESIGN SHALL BE UTILIZED WITHIN AREA D FOR BUILDINGS
FRONTING CROSSROADS BLVD. AND FAIRGROUNDS AVE.

NO DELIVERY, LOADING, DOCK OR TRASH REMOVAL DOOR OR FACILITY SHALL BE LOCATED ON THE MAIN STREET FACING FACADE OF THE BUILDING. ANY SUCH DOOR OR FACILITY LOCATED ON THE SIDE OR REAR WALL OF THE BUILDING SHALL BE SCREENED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERFORMANCE STANDARDS AND GUIDELINES, AS AMENDED. FOR SITES THAT HAVE ROAD FRONTAGE ON MULTIPLE SIDES, THESE FACILITIES SHALL BE LOCATED IN THE LEAST OBTRUSIVE MANNER, PREFERABLY ON A NON-ROAD FACING SIDE OF THE BUILDING, OR THE ROAD FRONTAGE THAT HAS THE LEAST PUBLIC VISIBILITY.

WITHIN THE OVERALL VOLUME OF A BUILDING, STRATEGIES SHOULD BE EMPLOYED TO FURTHER BREAK DOWN THE MASSING AND SCALE TO CREATE MORE VISUALLY INTERESTING BUILDINGS. ADDING OR SUBTRACTING ELEMENTS SHOULD BE USED TO CREATE DEPTH AND SHADOWS, AND LEND BUILDINGS A MORE HUMAN SCALE.

- ADDITIVE: INCORPORATE PROJECTING BAYS, DORMERS, PORCHES, BALCONIES, AWNINGS, AND SUN SCREENING. THESE ELEMENTS SHOULD BE SCALED AND DETAILED TO BLEND WITH THE OVERALL AESTHETIC OF BUILDINGS.
- SUBTRACTIVE: INCLUDE RECESSED PORCHES, TERRACES, AND OTHER STEP-BACKS THAT SERVE TO PUNCTUATE THE FACADE AND CREATE DEPTH USING SHADOWS.

FACADES, AND ANY WALL OF THE BUILDING FACING ANY ROAD OR PUBLIC OR PRIVATE SERVICE DRIVE, GREATER THAN ONE HUNDRED FEET IN LENGTH, MEASURED HORIZONTALLY, SHALL INCORPORATE WALL PLANE PROJECTIONS OR RECESSES HAVING A DEPTH OF AT LEAST TWO PERCENT OF THE LENGTH OF THE FACADE, EXTENDING AT LEAST FIFTEEN PERCENT OF THE LENGTH OF THE FACADE. NO UNINTERRUPTED LENGTH OF ANY FACADE SHALL EXCEED ONE HUNDRED HORIZONTAL FEET.

VARY THE ROOF HEIGHT, FACADE PLANE, SETBACKS, AND FLOOR-TO-FLOOR HEIGHT. LARGE, MONOTONOUS BUILDINGS SHOULD BE MADE TO APPEAR AS A COLLECTION OF DISCREET ONES THAT ARE MORE PEDESTRIAN APPROPRIATE IN THEIR SCALE. DEVELOPMENTS WITH MULTIPLE BUILDINGS SHALL INCLUDE PREDOMINANT CHARACTERISTICS IN EACH BUILDING SO THAT THE BUILDINGS WITHIN THE DEVELOPMENT APPEAR TO BE PART OF A COHESIVE, PLANNED AREA, YET ARE NOT MONOTONOUS IN DESIGN. PREDOMINANT CHARACTERISTICS MAY INCLUDE USE OF THE SAME OR SIMILAR ARCHITECTURAL STYLE, MATERIALS AND COLORS.

BUILDINGS LOCATED AT CORNERS SHOULD INCLUDE HIGHER INTENSITY OR DISTINCT MASSING SUCH AS A TOWER ELEMENT OR CURVED FACADE. AT THE PRIMARY CORNERS OF THE BUILDING ADJACENT TO PUBLIC AREAS OR STREETS, CREATE MULTI-STORY FACETS, VERTICAL CORNER ELEMENTS, BAYS, OR SUBTRACTIONS TO HELP PUNCTUATE THE CORNERS. INCREASED HEIGHT MAY BE APPROPRIATE TO FURTHER EMPHASIZE THE IMPORTANCE OF A CRITICAL CORNER OF BUILDINGS.

CONSISTENT ROOF FORMS SHOULD BE USED THROUGHOUT THE PROJECT TO CREATE A UNIFIED APPEARANCE. ROOF FORMS SHOULD TAKE INTO CONSIDERATION THE LOCATION OF THE BUILDING RELATIVE TO SURROUNDING GRADE, THE EFFECT OF THE BUILDING ON VIEWS FROM SURROUNDING PLAZAS AND GREEN SPACES, THE ABILITY TO ADEQUATELY SCREEN ROOF TOP MOUNTED MECHANICAL EQUIPMENT, AND THE REQUIREMENT THAT THE BUILDING DESIGN FULFILL THE INTENT OF THESE ARCHITECTURAL DESIGN GUIDELINES.

ALL PRIMARY STRUCTURES SHALL HAVE A RECOGNIZABLE TOP CONSISTING OF EITHER A CORNICE OR PEAKED/ PITCHED ROOF.

SLOPED ROOFS SUCH AS SHED ROOFS, GABLED ROOFS OR OTHER ROOF FORMS CAN BE USED TO PROVIDE EMPHASIS TO IMPORTANT BUILDING ELEMENTS SUCH AS ENTRANCES, BUILDING TERMINUS, CORNERS, OR OTHER BUILDING ELEMENTS.

WHERE APPROPRIATE TO THE ARCHITECTURAL STYLE, OVERHANGING EAVES SHOULD INCLUDE BRACKETS TO PROVIDE VISUAL SUPPORT TO THE EAVE.

PARAPET WALLS SHALL HAVE A THREE-DIMENSIONAL CORNICE TREATMENT THAT IS DIFFERENTIATED FROM THE WALL MATERIAL BY COLOR, MATERIAL, OR TEXTURE IN ADDITION TO BEING THREE DIMENSIONAL. COLORED BANDING ABSENT OF A CHANGE IN PLANE SHALL NOT BE SUFFICIENT.

ROOFTOP MECHANICAL UNITS AND OTHER MISCELLANEOUS ROOFTOP EQUIPMENT SHALL BE SUBSTANTIALLY SCREENED FROM VIEW FROM PUBLIC RIGHTS-OF-WAY AND OTHER PUBLIC PLACES. SCREENING MATERIALS SHALL BE OF THE SAME OR COMPARABLE MATERIAL, TEXTURE AND COLOR AS THE MATERIALS USED ON THE BUILDING. ROOF-MOUNTED EQUIPMENT SCREENING SHALL BE CONSTRUCTED AS AN ENCOMPASSING MONOLITHIC UNIT, RATHER THAN AS SEVERAL INDIVIDUAL SCREENS (I.E., MULTIPLE EQUIPMENT SCREENS, OR "HATS," SURROUNDING INDIVIDUAL ELEMENTS SHALL NOT BE PERMITTED). FOR BUILDINGS UNDER 75,000 SQUARE FEET, BUILDINGS OVER 75,000 SQUARE FEET ARE PERMITTED MULTIPLE SCREENS. THE HEIGHT OF THE SCREENING ELEMENT SHALL EQUAL OR EXCEED THE HEIGHT OF THE STRUCTURE'S TALLEST PIECE OF INSTALLED EQUIPMENT.

- BIG BOXES WITH MONOTONOUS BUILDING ELEVATIONS;
- LARGE BLOCKS WITH FEW CONNECTIONS BETWEEN BUILDINGS;
- BUILDING CLUSTERS HAVING AN IDENTICAL LOOK AND DESIGN.

THE MAXIMUM HEIGHT OF BUILDINGS FOR THIS DEVELOPMENT WILL BE DETERMINED BY THE FLIGHT CEILING OF THE NEARBY FORT COLLINS-LOVELAND AIRPORT. GROUND FLOOR LEVELS SHOULD BE DESIGNED WITH A GREATER FLOOR-TO-FLOOR HEIGHT FOR RETAIL USES. WHERE APPROPRIATE, EFFORTS SHOULD BE MADE TO ACKNOWLEDGE OR REFERENCE THE HEIGHTS OF ADJACENT BUILDINGS TO FOSTER GREATER VISUAL HARMONY BETWEEN NEW PROJECTS AND THE EXISTING FABRIC. CORRELATING FLOOR HEIGHTS, CORNICES, LINTELS, AND STEP-BACKS IS ENCOURAGED.

THE HEIGHT OF LARGE BUILDINGS SHOULD VARY TO ADD VARIETY AND VISUAL INTEREST, AS WELL AS TO BREAK DOWN BUILDING MASSING. IN SMALLER BUILDINGS, THE DEGREE OF VARIETY MAY BE LESS, SUCH AS VARYING THE HEIGHT OF PARAPETS OR EXPRESSING VERTICAL CIRCULATION ELEMENTS. ADDITIONAL HEIGHT MAY BE WARRANTED IN THE FOLLOWING CASES:

- AT IMPORTANT INTERSECTIONS/SQUARES;
- AT BUILDING CORNERS (SEE BUILDING MASSING ABOVE);
- WHEN ALIGNED WITH OR TERMINATING IMPORTANT VIEW CORRIDORS.

CHOOSE HIGH-QUALITY MATERIALS TO ENSURE THAT BUILDINGS LAST, AND MATERIALS THAT ARE APPROPRIATE TO THE ARCHITECTURAL STYLE PROPOSED. LOCALLY SOURCED MATERIALS OFFER ADDITIONAL LAYERS OF BENEFIT IN THE FORM OF STIMULATING THE LOCAL ECONOMY, REDUCING THE ENERGY INVOLVED IN TRANSPORTATION, AND BEING A PRODUCT OF THE AREA. EXTERIOR CLADDING AND DETAILING SHOULD BE CHOSEN FOR ITS ABILITY TO WORK WITH THE LOCAL CLIMATE AND RESIST DEGRADATION. CHOOSE ENVIRONMENTALLY AND HISTORICALLY APPROPRIATE MATERIALS. MATERIALS SHOULD BE CHOSEN THAT ARE DURABLE, RESILIENT, EASILY SOURCED AND REPAIRED, RESIST AGING POORLY, AND ARE NATURAL AND SUSTAINABLE.

ALLOWED EXTERIOR MATERIALS INCLUDE BRICK, STONE (NATIVE OR CULTURED), STUCCO OR EFIS (LIMIT TO 50% OF FACADE), ARCHITECTURAL PRECAST CONCRETE, COLOR TINTED THROUGH CMU SO THAT THE COLOR IS CONSISTANT THROUGHOUT THE ENTIRE UNIT, AND TEXTURED CMU, WOOD, GLASS, ARCHITECTURALLY INTEGRATED METAL WALL PANELS PER RESTRICTIONS BELOW, OR OTHER SIMILAR HIGH QUALITY MATERIALS. AT LEAST TWO KINDS OF MATERIALS DISTINCTLY DIFFERENT IN TEXTURE OR PATTERN SHOULD BE USED ON EACH APPROPRIATE FACADE BASED ON THE DESIGN AREA REQUIREMENTS THAT THE BUILDING IS LOCATED IN, ESPECIALLY FACADES VISIBLE FROM PUBLIC ROADS OR GATHERING AREAS.

METAL SIDING MAY BE USED AS AN EXTERIOR FINISH MATERIAL AS LONG AS THE AMOUNT USED DOES NOT EXCEED THIRTY PERCENT OF THE AREA OF ANY SINGLE WALL, EXCLUSIVE OF THE ROOF, AND PROVIDED IT MATCHES OR COMPLEMENTS THE BUILDING COLOR AND/OR MATERIAL SCHEME. FURTHER, SUCH METAL SIDING SHALL BE AN ARCHITECTURAL PANEL OR EQUAL QUALITY, NOT A "CORRUGATED" TYPE. ARCHITECTURAL METALS, SUCH AS BRONZE, BRASS, COPPER AND WROUGHT IRON, MAY BE USED AND MAY EXCEED THE THIRTY PERCENT AREA LIMIT.

COLORS SHALL BE USED TO BLEND BUILDINGS INTO AN AREA AND TO UNIFY ELEMENTS OF A DEVELOPMENT. COLOR SHOULD BE DRAWN FROM THE SURROUNDING AREA AND, IF IN A NEW DEVELOPMENT AREA, SHALL BE SELECTED TO ESTABLISH AN ATTRACTIVE IMAGE AND SET A STANDARD OF QUALITY FOR FUTURE DEVELOPMENTS AND BUILDINGS WITHIN THE AREA. MONOTONOUS OR MONOCHROMATIC COLOR PALETTES ARE STRONGLY DISCOURAGED. ACCENT COLORS USED TO CALL ATTENTION TO A PARTICULAR FEATURE OR PORTION OF A BUILDING, OR TO FORM A PARTICULAR PATTERN, SHALL BE COMPATIBLE WITH PREDOMINANT BUILDING BASE COLORS AND MAY BE INCORPORATED USING SUCH ELEMENTS AS SHUTTERS, WINDOW MULLIONS, BUILDING TRIM AND AWNINGS.

ACCENT COLORS SHALL COVER NO MORE THAN TEN PERCENT OF A BUILDING FACADE.

- FLAT, REPETITIVE FACADES;
- VINYL SIDING, LARGE PANELS, AND INEXPENSIVE MATERIALS;
- HISTORICAL FACSIMILES OR FAUX-HISTORICAL TREATMENTS.

IN HIGH DENSITY DESIGN AREAS THE USE OF FREQUENT ENTRANCES, LARGE AREAS OF GROUND-LEVEL TRANSPARENCY, BUILDING PERMEABILITY, AND HIGH-QUALITY MATERIALS SHOULD BE USED WHEN FEASIBLE TO CREATE AN ENGAGING PEDESTRIAN EXPERIENCE. THE GROUND LEVELS OF BUILDINGS SHOULD RECEIVE THE HIGHEST DEGREE OF DETAILING TO ENLIVEN THE PUBLIC REALM AND CREATE A UNIQUE SENSE OF PLACE.

FACADES SHALL HAVE A RECOGNIZABLE BASE TREATMENT CONSISTING OF INTEGRALLY TEXTURED MATERIALS SUCH AS STONE, STONE VENEER OR MASONRY PLUS THICKER WALLS, LEDGES, OR SILLS.

PLUS, NO LESS THAN TWO OF THE FOLLOWING:

- LIGHTER OR DARKER COLORED MATERIALS, MULLIONS OR PANELS AS COMPARED TO THE UPPER FACADE;
- MATERIAL SCORING AND REVEALS;
- MODULAR STORE FRONT ON FIRST FLOOR;
- CHANGE IN WINDOW PATTERN ON FIRST FLOOR AS COMPARED TO UPPER FLOORS;
- SENSORY MATERIALS ON THE FIRST FLOOR;
- RAISED PLANTERS ATTACHED TO OR CLOSELY RELATED TO THE BUILDING.

ARCHITECTURAL DESIGN GUIDELINES CONTINUED:

BUILDING ENTRANCES

HAVE FREQUENT ENTRANCES ALONG PUBLIC WAYS TO CREATE A LIVELY AND MORE INTERESTING PEDESTRIAN EXPERIENCE. ENTRANCES AND GROUND FLOOR WINDOWS SHOULD:

- BE AT GRADE, EASILY PERCEIVED AND NAVIGABLE, AND THEY SHOULD AID IN PEDESTRIAN COMFORT, SAFETY AND ORIENTATION;
- BE ACCESSIBLE TO PERSONS WITH DISABILITIES. THE PUBLIC REALM/ PROJECT INTERFACE SHOULD BE GUIDED BY THE PRINCIPLES OF UNIVERSAL DESIGN TO ACCOMMODATE THE WIDEST RANGE OF USERS.

PRIMARY BUILDING ENTRANCES SHALL BE CLEARLY DEFINED AND RECESSED AND PROJECTED OR FRAMED BY ELEMENTS SUCH AS AWNINGS, ARCADES, PORTICOS OR OTHER ARCHITECTURAL FEATURES.

ADDITIONALLY, PRIMARY BUILDING ENTRANCES, WHEN FEASIBLE, SHOULD USE NO LESS THAN THREE OF THE FOLLOWING:

- RECESSES / PROJECTIONS;
- ARCADES, PORTICOS;
- RAISED CORNICE PARAPET OVER THE DOOR;
- PEAKED ROOF FORM AT ENTRYWAY;
- ARCHES;
- COLOR CHANGE;
- TEXTURE CHANGE;
- MATERIAL CHANGE;
- DOOR(S) WHICH PROVIDE A FOCAL ELEMENT AT THE ENTRANCE;
- FUNCTIONAL OUTDOOR PATIOS;
- DISTINCTIVE GROUND PLANE TREATMENT TO PROVIDE EMPHASIS TO THE ENTRYWAY;
- ARCHITECTURAL DETAILS THAT PROVIDE DETAIL AND INTEREST AT THE HUMAN SCALE;
- PEDESTRIAN AMENITIES SUCH AS SEATING AREAS, LANDSCAPE WALLS, ARTWORK, AND/ OR GARDENS.

TRANSPARENCY AT GROUND LEVEL

ENCOURAGE LARGE AREAS OF GLAZING AT GROUND LEVEL TO DISSOLVE THE VISUAL BARRIER BETWEEN THE INTERIOR AND EXTERIOR, ALLOWING THE SIDEWALK TO BENEFIT FROM THE ADJACENT ACTIVITY. PROVIDE LARGE SECTIONS OF GLAZING TO ALLOW USES TO VISUALLY SPILL OUT INTO THE SIDEWALKS AND STREETS, ACTIVATING THEM AND ENHANCING THE PEDESTRIAN EXPERIENCE. RETRACTABLE WINDOWS ARE ENCOURAGED.

FACADE WINDOWS AND OPENINGS

ALL FACADES THAT FACE PUBLIC STREETS, PEDESTRIAN WALKWAYS, PLAZAS, OPEN SPACES, SHALL HAVE WINDOWS OR SIMULATED WINDOWS.

ALL BUILDINGS MAY HAVE ONE FACADE DESIGNATED AS THE REAR OF THE BUILDING THAT DOES NOT HAVE TO MEET TRANSPARENCY REQUIREMENTS. IF THAT FAÇADE DOES NOT FACE UPON A PUBLIC STREET, SIDEWALK, PARKING LOT, PLAZA, OR OPEN SPACE. REAR FACADES MUST BE SCREENED PER TOWN CODE.

EXCEPTIONS. THE DIRECTOR MAY WAIVE THE APPLICATION OF THE STANDARDS SET FORTH IN THIS PUD OVERLAY IN CASES WHERE THE VISIBILITY OF SIDE OR REAR WALLS OF THE BUILDING IS SUBSTANTIALLY DIMINISHED BY LANDSCAPING, OR BY A DECORATIVE SCREENING WALL OR EARTHEN BERM COMBINED WITH LANDSCAPING, LOCATED BETWEEN THE BUILDING WALL AND ANY SUCH RIGHT-OF-WAY OR ADJACENT PROPERTY. A WAIVER MAY ALSO BE CONSIDERED IN CASES WHERE FLEXIBILITY IN THE INTERPRETATION OF THESE STANDARDS IS APPLICABLE, AS STATED ON SHEET 1 OF THIS PUD OVERLAY. LANDSCAPE SCREENING SHALL BE DESIGNED TO BE AT LEAST SIXTY PERCENT OPAQUE TO A HEIGHT OF SIX FEET UPON INSTALLATION AND A MINIMUM OF EIGHTY PERCENT OPAQUE TO A HEIGHT OF SIX FEET WITHIN FIVE YEARS OF PLANTING. SUCH LANDSCAPING SHALL CONSIST OF PRIMARILY EVERGREEN PLANT MATERIAL TO PROVIDE YEAR-ROUND SCREENING. THE REQUIRED LANDSCAPING SHALL BE MAINTAINED IN HEALTHY CONDITION BY THE CURRENT OWNER. IN THE EVENT ANY REQUIRED LANDSCAPING MATERIAL DIES OR IS DESTROYED, IT SHALL BE REPLACED BY THE OWNER WITHIN SIX MONTHS. REPLACEMENT MATERIAL SHALL CONFORM TO THE ORIGINAL INTENT OF THE LANDSCAPE PLAN.

BREAKING UP BUILDING LINES

BREAK UP VERTICAL AND HORIZONTAL BUILDING LINES, SO THAT LARGE MASSES APPEAR COMPOSED OF SMALLER, DISCRETE VOLUMES. CONSIDER VARIATIONS IN DEPTH, CHANGES IN MATERIAL, AND AGGREGATING ARCHITECTURAL ELEMENTS.

CANOPIES AND AWNINGS

UTILIZE EXTERIOR OVERHANGS AND PROJECTIONS TO PROTECT PEDESTRIANS FROM THE WEATHER, CREATE A THRESHOLD AT THE ENTRANCES TO SHOPS AND RESTAURANTS, AND VISUALLY COMPLETE THE OVERHEAD ELEMENTS OF THE PUBLIC REALM. BACK LIGHTED TRANSLUCENT AWNINGS INTENDED TO FUNCTION AS SIGNAGE, SHALL NOT BE PERMITTED AS PART OF A BUILDING DESIGN.

BALCONIES AND TERRACES

INCORPORATE BALCONIES AND TERRACES TO CREATE DEPTH IN THE FACADE THROUGH THE INTERPLAY OF LIGHT AND SHADOW, AS WELL AS VISUALLY BREAKING DOWN THE MASSING.

OUTDOOR SEATING AREAS

CREATE SETBACKS ALONG THE PRIMARY FRONTAGE OF A BUILDING, SO SPACE CAN BE RESERVED FOR OUTDOOR SEATING AREAS AND DISPLAYS FOR SHOPS. AREAS WITH EVEN GREATER SETBACKS CAN BE USED TO ACCOMMODATE LANDSCAPING THAT SERVES TO BREAK UP THE MONOTONOUS CHARACTER OF LONG BUILDING FACADES.

DISCOURAGE:

- CHEAP EXTERIOR FINISHES;
- MONOLITHIC FACADE TREATMENTS;
- LONG, UNINTERRUPTED ELEVATIONS;
- MIRRORRED OR HIGHLY REFLECTIVE GLASS;
- FLAT, BLANK WALLS.

ILLUMINATION

ILLUMINATION HIGHLIGHTING THE ENTIRE FACADE OF A BUILDING, OR A SIGNIFICANT PORTION OF THE BUILDING, SHALL NOT BE PERMITTED AS PART OF A BUILDING DESIGN. THIS STANDARD IS NOT INTENDED TO PRECLUDE THE USE OF LIGHTING (INCLUDING NEON LIGHTING) TO ACCENT LIMITED PORTIONS OF THE BUILDING FACADE.

BUILDING DESIGN ELEMENTS.

ALL BUILDINGS SHALL BE DESIGNED AND MAINTAINED USING THE FOLLOWING BUILDING ELEMENTS, WITH A MINIMUM OF ONE ITEM EACH SELECTED FROM FOUR OF THE FIVE GROUPS BELOW:

GROUP 1 - EXTERIOR WALL ARTICULATION.

1. OPENINGS OR ELEMENTS SIMULATING OPENINGS THAT OCCUPY AT LEAST TWENTY PERCENT OF THE WALL SURFACE AREA (EXCLUDING OVERHEAD OR DOCK DOORS); OR
2. BUILDING BAYS CREATED BY COLUMNS, RIBS, PILASTERS OR PIERS OR AN EQUIVALENT ELEMENT THAT DIVIDES A WALL INTO SMALLER PROPORTIONS OR SEGMENTS WITH ELEMENTS BEING AT LEAST ONE FOOT IN WIDTH, A MINIMUM DEPTH OF EIGHT INCHES, AND SPACED AT INTERVALS OF NO MORE THAN TWENTY FIVE PERCENT OF THE EXTERIOR BUILDING WALLS. FOR BUILDINGS OVER TWENTY THOUSAND SQUARE FEET IN FLOOR AREA, SUCH ELEMENTS SHALL BE AT LEAST EIGHTEEN INCHES IN WIDTH, WITH A MINIMUM DEPTH OF TWELVE INCHES, AND SPACED AT INTERVALS OF NO MORE THAN TWENTY PERCENT OF THE EXTERIOR BUILDING WALLS; OR
3. A RECOGNIZABLE BASE TREATMENT OF THE WALL CONSISTING OF THICKER WALLS, LEDGES OR SILLS USING INTEGRALLY TEXTURED AND COLORED MATERIALS SUCH AS STONE, MASONRY, OR A DECORATIVE CONCRETE;
4. OR SOME OTHER ARCHITECTURAL FEATURE THAT BREAKS UP THE EXTERIOR HORIZONTAL AND VERTICAL MASS OF THE WALL IN A MANNER EQUIVALENT TO (1), (2), OR (3) ABOVE.

GROUP 2 - ROOF ARTICULATION.

1. CHANGES IN ROOF LINES, INCLUDING THE USE OF STEPPED CORNICE PARAPETS, A COMBINATION OF FLAT AND SLOPED ROOFS, OR PITCHED ROOFS WITH AT LEAST TWO ROOF LINE ELEVATION CHANGES; OR
2. SOME OTHER ARCHITECTURAL FEATURE OR TREATMENT WHICH BREAKS UP THE EXTERIOR HORIZONTAL AND VERTICAL MASS OF THE ROOF IN A MANNER EQUIVALENT TO (1) ABOVE.

GROUP 3 - BUILDING OPENINGS, WALKWAYS AND ENTRANCES.

1. CANOPIES OR AWNINGS OVER AT LEAST THIRTY PERCENT OF THE OPENINGS OF THE BUILDING; OR
2. COVERED WALKWAYS, PORTICOS AND/OR ARCADES COVERING AT LEAST TWENTY PERCENT OF THE HORIZONTAL LENGTH OF THE FRONT FACADE; OR
3. RAISED CORNICE PARAPETS OVER ENTRIES; OR
4. SOME OTHER ARCHITECTURAL FEATURE OR TREATMENT WHICH ADDS DEFINITION TO THE BUILDING OPENINGS, WALKWAYS OR ENTRANCES IN A MANNER EQUIVALENT TO (1), (2), OR (3) ABOVE

GROUP 4 - BUILDING MATERIALS. (THE AREA OF WINDOWS AND DOORS, INCLUDING OVERHEARD DOORS, SHALL BE EXCLUDED FROM THE WALL AREA CALCULATION FOR THE FOLLOWING STANDARDS.)

1. AT LEAST TWO KINDS OF MATERIALS DISTINCTIVELY DIFFERENT IN TEXTURE OR MASONRY PATTERN, AT LEAST ONE OF WHICH IS DECORATIVE BLOCK, BRICK OR STONE, WITH EACH OF THE REQUIRED MATERIALS COVERING AT LEAST TWENTY PERCENT OF THE EXTERIOR WALLS OF THE BUILDING; OR
2. BRICK OR STONE (INCLUDING SYNTHETIC STONE) COVERING AT LEAST FORTY PERCENT OF THE EXTERIOR WALLS OF THE BUILDING.

GROUP 5 - OTHER ARCHITECTURAL DEFINITION.

1. OVERHANGING EAVES EXTENDING AT LEAST TWENTY-FOUR INCHES PAST THE SUPPORTING WALLS, OR WITH FLAT ROOFS, CORNICE PARAPETS OR CAPSTONE FINISH; OR
2. ORNAMENTAL LIGHTING FIXTURES (EXCLUDING NEON) FOR ALL EXTERIOR BUILDING LIGHTING; OR
3. A FEATURE THAT ADDS ARCHITECTURAL DEFINITION TO THE BUILDING, IN A MANNER EQUIVALENT TO (1) OR (2) ABOVE.

UNIFIED DESIGN AGREEMENT

AN ARCHITECTURAL REVIEW BOARD WILL BE IN PLACE TO REVIEW EACH PROJECT WITHIN THE DEVELOPMENT. AN APPROVAL FROM THE ARCHITECTURAL REVIEW BOARD SHALL BE REQUIRED PRIOR TO THE SUBMISSION OF SITE DEVELOPMENT PLANS. A LETTER OF APPROVAL FROM THE ARCHITECTURAL REVIEW BOARD SHALL BE REQUIRED PRIOR TO PLAT SUBMITTALS.

ADDITIONAL SUBMITTAL REQUIREMENTS

IN ADDITION TO THE ITEMS REQUIRED IN THE SUBMITTAL CHECKLISTS, THE FOLLOWING ITEMS SHALL BE INCLUDED:

1. LETTER OF APPROVAL FROM THE ARCHITECTURAL REVIEW BOARD SHALL BE SUBMITTED WITH AN APPLICATION FOR A SITE PLAN.

DEFINITIONS

SECTION 1:

- a) REVERSE MODE - BUILDINGS LAID OUT SO THAT THEY FRONT THE ROAD PROVIDING INTEREST AND REDUCE THE VISUAL IMPACT OF THE PARKING LOT. PARKING WILL BE DEVELOPED TO THE REAR AND SIDES OF THE BUILDINGS.
- b) MODULAR STOREFRONT ON FIRST FLOOR - STOREFRONT THAT IS MADE UP OF A SERIES OF PIECES AND PARTS (MODULES) THAT BREAK DOWN THE SCALE OF THE STOREFRONT INTO THE HUMAN SCALE.
- c) SENSORY MATERIALS - MATERIALS THAT ALLOW PEOPLE TO USE THEIR SENSES OF SIGHT, TOUCH, AND EVEN HEARING, THROUGH DIFFERENT TEXTURES AND PATTERNS, CREATING A STIMULATING AND INTERESTING PLACE TO BE A PART OF.



PERMITTED USES:

THE INTENT OF THE BELOW LIST OF PERMITTED USES IS TO PROVIDE A COMPARABLE LEVEL OF USES FOR THE BRANDS EAST AS ARE PROVIDED IN THE BRANDS AND THE BRANDS WEST FZOD IN THE CITY OF LOVELAND. THE BRANDS AND BRANDS WEST FZOD HAS SUBSTANTIALLY MORE LISTED PERMITTED USES THAN ARE PROVIDED IN THE WINDSOR MUNICIPAL CODE. USES ADDED OR MODIFIED FROM THE BRANDS AND BRANDS WEST FZOD HAVE BEEN COMPILED INTO A SINGLE ALPHABETICAL LIST BELOW. A FEW MINOR MODIFICATIONS HAVE ALSO BEEN MADE TO THE TOWN'S STANDARD GC USES, WHICH ARE SHOWN IN THEIR OWN SECTION BELOW.

ARTICLE XIX - GENERAL COMMERCIAL GC DISTRICT

SEC. 16-19-10. - USE REGULATIONS.

- (a) PRINCIPAL USES PERMITTED BY RIGHT. ALL USES BY RIGHT AS HEREINAFTER SET FORTH MAY BE SUBJECT TO APPROVAL OF APPROPRIATE PLANS PURSUANT TO THE SITE PLAN REGULATIONS OF THE TOWN AS ARE OTHERWISE SET FORTH IN THIS CODE.
- (1) DRIVE-IN RESTAURANTS.
 - (2) GROCERY STORES AND SUPERMARKETS.
 - (3) GASOLINE SERVICE STATIONS.
 - (4) CAR WASHES.
 - (5) COMMERCIAL LODGING.
 - (6) RESTAURANTS AND BARS.
 - (7) OUTDOOR SALES AREAS, SUCH AS GARDEN SHOPS.
 - (8) AUTOMOBILE SALES AND SERVICE ESTABLISHMENTS, INCLUDING USED CAR LOTS, NOT TO EXCEED 5 ACRES AND WHICH MAY INCLUDE THE VERTICAL OR STACKED STORAGE OF MERCHANDISE.
 - (9) PUBLIC, PRIVATE, COMMERCIAL AND PRIVATE GROUP OUTDOOR RECREATIONAL FACILITIES.
 - (10) BOWLING ALLEYS.
 - (11) BUSINESS AND PROFESSIONAL OFFICES.
 - (12) PLACES OF ASSEMBLY (SMALL).
 - (13) PLACES OF ASSEMBLY (LARGE).

- (b) PERMITTED ACCESSORY USES:
- (1) ANY ACCESSORY USE PERMITTED IN THE CENTRAL BUSINESS CB DISTRICT.
 - (2) MOBILE FOOD VENDING AS SET FORTH IN SECTION 16-10-110.
- (c) CONDITIONAL USES. THE FOLLOWING USES SHALL BE PERMITTED IN THIS DISTRICT UPON APPROVAL OF A CONDITIONAL USE GRANT AS PROVIDED IN ARTICLE VII OF THIS CHAPTER:
- (1) OUTDOOR THEATER.
 - (2) NONACCESSORY SIGNS.
 - (3) OIL AND GAS FACILITIES PURSUANT TO THE CONDITIONAL USE REGULATIONS CONTAINED IN ARTICLE VII OF THIS CHAPTER PERTAINING THERETO.
 - (4) SUBJECT TO THE APPLICABLE REQUIREMENTS OF SECTION 16-7-70 OF THIS CHAPTER, OPEN OR SURFACE MINING OPERATIONS FOR THE DEVELOPMENT OR EXTRACTION OF SOLID MATERIALS, AS DEFINED IN THIS CHAPTER.

USES ADDED OR MODIFIED FROM THE BRANDS AND BRANDS WEST FZOD

- ABOVEGROUND PUBLIC UTILITY AND PUBLIC SERVICE INSTALLATIONS AND FACILITIES, ESSENTIAL PUBLIC UTILITY USES, FACILITIES, SERVICES, AND STRUCTURES (ABOVE GROUND);
- ACCESSORY BUILDINGS AND USES;
- ACCESSORY BUILDINGS AND USES INCLUDING COMMERCIAL CHILD DAY CARE CENTERS WHEN INCORPORATED AS PART OF A DEVELOPMENT PROJECT AND COMPATIBLE WITH SURROUNDING USES;
- ACCESSORY MANUFACTURING OF ELECTRONIC INSTRUMENTS AND SERVICES, INCLUDING REPAIRS AND LIMITED ASSEMBLY, RELATED TO A PRINCIPAL USE;
- ACCESSORY USES WHICH ARE REASONABLY REQUIRED TO PROVIDE NECESSARY MAINTENANCE OR SECURITY OF THE PRINCIPAL USE, INCLUDING, A DWELLING UNIT FOR OCCUPANCY AS A CARETAKER'S QUARTERS OR FOR OCCUPANCY BY THE BUSINESS OR PROPERTY OWNER;
- ADMINISTRATIVE, INSURANCE AND RESEARCH FACILITIES;
- ANTENNAS, AS DEFINED AND REGULATED BY THE WINDSOR MUNICIPAL CODE;
- ARTISAN AND/OR CRAFT FOUNDRY, MANUFACTURING, WAREHOUSING, AND/OR RETAIL SALES. (ENTIRELY ENCLOSED WITHIN A BUILDING AND PROVIDED THERE IS NO EXCESSIVE ODOR, GLARE, SMOKE, HEAT, VIBRATION, ETC.). LIMITED OUTDOOR FABRICATION OF PRODUCTS MAY BE PERMITTED SUBJECT TO A CONDITIONAL USE GRANT.
- ART GALLERY, STUDIO, AND WORKSHOP INCLUDING LIVE/WORK STUDIO AND WORKSHOP. SUCH FACILITIES MAY INCLUDE THE DISPLAY, SALE, FABRICATION OR PRODUCTION OF PAINTINGS, SCULPTURES, CERAMICS AND OTHER ART MEDIA. LIMITED OUTDOOR FABRICATION OF ART WORK MAY BE PERMITTED SUBJECT TO A CONDITIONAL USE GRANT.
- BAR OR TAVERN;
- CAR WASH;
- CLUBS AND LODGES;
- COMBINED USE (OR MIXED-USE) DEVELOPMENTS
- COMMERCIAL CHILD DAY CARE CENTER LICENSED ACCORDING TO THE STATUTES OF THE STATE;
- COMMUNITY FACILITY;
- CONVENTION AND CONFERENCE CENTER;
- CONVENIENCE STORE;
- EDUCATIONAL FACILITY INCORPORATED INTO ANOTHER STRUCTURE OR SITE PLAN.
- ESSENTIAL PUBLIC UTILITY USES, FACILITIES, SERVICES, AND STRUCTURES (ABOVE GROUND AND UNDERGROUND);

- FINANCIAL SERVICES;
- FIRING RANGE, INDOOR.
- FOOD CATERING;
- GARDEN SUPPLY;
- GAS STATION WITH OR WITHOUT CONVENIENCE GOODS
- GREENHOUSE;
- GROCERY;
- GROUP CARE, MULTIPLE-FAMILY DWELLINGS FOR THE ELDERLY. AND/OR LONG-TERM CARE FACILITY (NO MORE THAN 15% OF THE PUD AREA)
- HEALTH CARE SERVICE FACILITY;
- HOME IMPROVEMENT CENTER, INCLUDING FULLY SCREENED ACCESSORY OUTDOOR STORAGE
- HOSPITAL;
- INDOOR ENTERTAINMENT FACILITY, WITH OR WITHOUT THEATER;
- INDOOR RECREATION;
- LODGING ESTABLISHMENTS (HOTEL AND MOTEL);
- MANUFACTURE AND PREPARATION OF FOOD PRODUCTS; WITH ON-SITE RETAIL SALES.
- MASSAGE PARLORS (MASSAGE THERAPY INCLUDED IN DEFINITION OF HEALTH CARE SERVICE FACILITY);
- MEDICAL, DENTAL, OR PROFESSIONAL OFFICE OR CLINIC;
- MULTIPLE-FAMILY DWELLING, POSSIBLY INCLUDING BUT NOT LIMITED TO APARTMENTS, CONDOS, TOWNHOMES, ROW HOMES, PAIRED HOMES (DUPLEXES), WHICH MAY OR MAY NOT BE A PART OF A MIXED-USE BUILDING. PAIRED HOMES MAY NOT MAKE UP MORE THAN 20% OF THE UNITS IN ANY GIVEN SITE PLAN.
- NIGHTCLUB;
- OFFICE, GENERAL ADMINISTRATIVE;
- OPEN-AIR FARMERS MARKET;
- OUTDOOR RECREATION FACILITY;
- PARKING GARAGE AND PARKING LOT;
- PARKS AND RECREATION AREAS;
- PASSENGER VEHICLE AND LIGHT TRUCK MINOR AND MAJOR REPAIR, SERVICING, AND MAINTENANCE LIMITED TO 1.5 ACRES AND WITH NO OUTDOOR STORAGE;
- PERSONAL AND BUSINESS SERVICE SHOP;
- PERSONAL WIRELESS SERVICE FACILITY, AS REGULATED BY THE WINDSOR MUNICIPAL CODE.
- PET STORE AND VETERINARY CLINIC SMALL ANIMAL HOSPITALS;
- PLACE OF WORSHIP OR ASSEMBLY;
- PLANT NURSERY;
- PRINTING SHOP

- PRIVATE RECREATIONAL USES, OUTDOOR;
- RESEARCH LABORATORY;
- RESTAURANTS AND OTHER EATING AND DRINKING PLACES, OUTDOOR;
- RESTAURANT, DRIVE-IN OR FAST FOOD;
- RESTAURANT, STANDARD;
- RETAIL LAUNDRY;
- RETAIL STORE;
- RETAIL STORE, INCLUDING DRIVE-THROUGH,
- SAFETY TRAINING FACILITY.
- SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE, SUBJECT TO THE WINDSOR MUNICIPAL CODE.
- VEHICLE RENTALS FOR CARS, LIGHT TRUCKS AND LIGHT EQUIPMENT; NOT TO EXCEED 5 ACRES AND WHICH MAY INCLUDE THE VERTICAL OR STACKED STORAGE OR MERCHANDISE.
- VEHICLE SALES AND LEASING OF FARM EQUIPMENT, RECREATIONAL VEHICLES, AND BOATS WITH OUTDOOR STORAGE; NOT TO EXCEED 5 ACRES AND WHICH MAY INCLUDE THE VERTICAL OR STACKED STORAGE OR MERCHANDISE.
- VEHICLE SALES AND LEASING FOR CARS AND LIGHT TRUCKS; NOT TO EXCEED 5 ACRES AND WHICH MAY INCLUDE THE VERTICAL OR STACKED STORAGE OR MERCHANDISE.
- VETERINARY FACILITY, CLINIC, OR HOSPITAL; WITHOUT THE BOARDING OF ANIMALS AS A PRIMARY USE.
- WAREHOUSES, DISTRIBUTION, AND WHOLESALE USES ASSOCIATED WITH RETAIL AND PICK-UP SALES.

OTHER USES

THE DIRECTOR OF PLANNING (DIRECTOR) MAY APPROVE OTHER SIMILAR USES THAT ARE NOT ENUMERATED IN THE PUD IF THEY ARE DETERMINED TO BE SIMILAR IN NATURE, CHARACTERISTIC AND IMPACT TO THOSE USES LISTED. IF, IN THE OPINION OF THE DIRECTOR, ANY SUCH OTHER SIMILAR USE AS DEFINED HEREIN HAS THE POTENTIAL OF CAUSING IMMINENT HARM TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC, PUBLIC HEARINGS SHALL BE ADVERTISED AND SCHEDULED BEFORE THE PLANNING COMMISSION AND THE TOWN BOARD. THE PURPOSE OF SUCH PUBLIC HEARINGS SHALL BE CONSIDERATION OF ANY REASONABLE CONDITIONS NECESSARY TO MITIGATE ANY POTENTIAL IMMINENT HARM TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC IMPLICATED BY SUCH USE.

NOTE ON RESIDENTIAL DEVELOPMENT

RESIDENTIAL DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF FOUR HUNDRED (400) DWELLING UNITS UNTIL COMMERCIAL DEVELOPMENT OR BUILDING PERMIT ISSUANCE EQUALING EITHER A MINIMUM OF 50,000 SQUARE FEET OR COMMERCIAL DEVELOPMENT WITH SALES OR FORECASTED SALES IN EXCESS OF \$25 MILLION IN GROSS ANNUAL SALES.

Planning | Landscape Architecture | Project Promotion

NORRIS DESIGN

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THE BRANDS EAST

PLANNED UNIT DEVELOPMENT
WINDSOR, COLORADO

OWNER:

EAGLE CROSSING
WINDSOR, LLC
1625 PELICAN LAKES PT
SUITE 201
WINDSOR, CO 80550

ARCHITECT:

Y

YAEGER

ARCHITECTURE

YAEGER
ARCHITECTURE
7780 W. 119TH ST
OVERLAND PARK, KS
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ENGINEER:

TST

TST, INC.
748 WHALERS WAY
SUITE 200
FORT COLLINS, CO
80525
970.226.0557

DATE:

08/09/17 SUB-01
05/08/18 SUB-02
07/17/18 SUB-03
09/18/18 SUB-04
09/20/18 SUB-05
10/10/18 SUB-06
10/29/18 SUB-07
10/31/18 SUB-08

SHEET TITLE:

PERMITTED
USES

10 OF 10

CHECKED BY: MB & DR
DRAWN BY: DT & ML & DJ

NOT FOR CONSTRUCTION



PUD Overlay Rezoning

Brands East PUD

Paul Hornbeck, Senior Planner

Planning Commission November 7, 2018

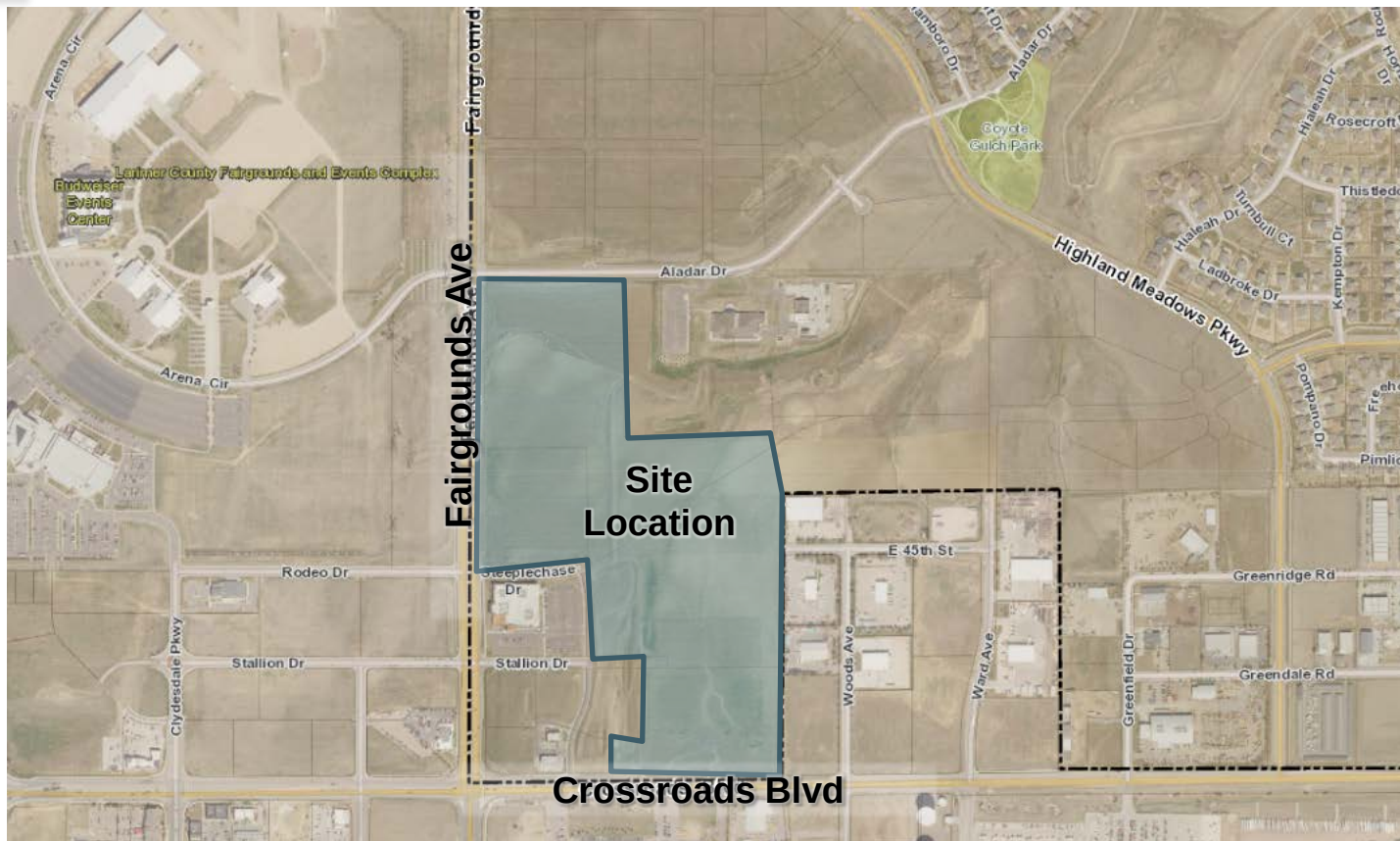


Planned Unit Development

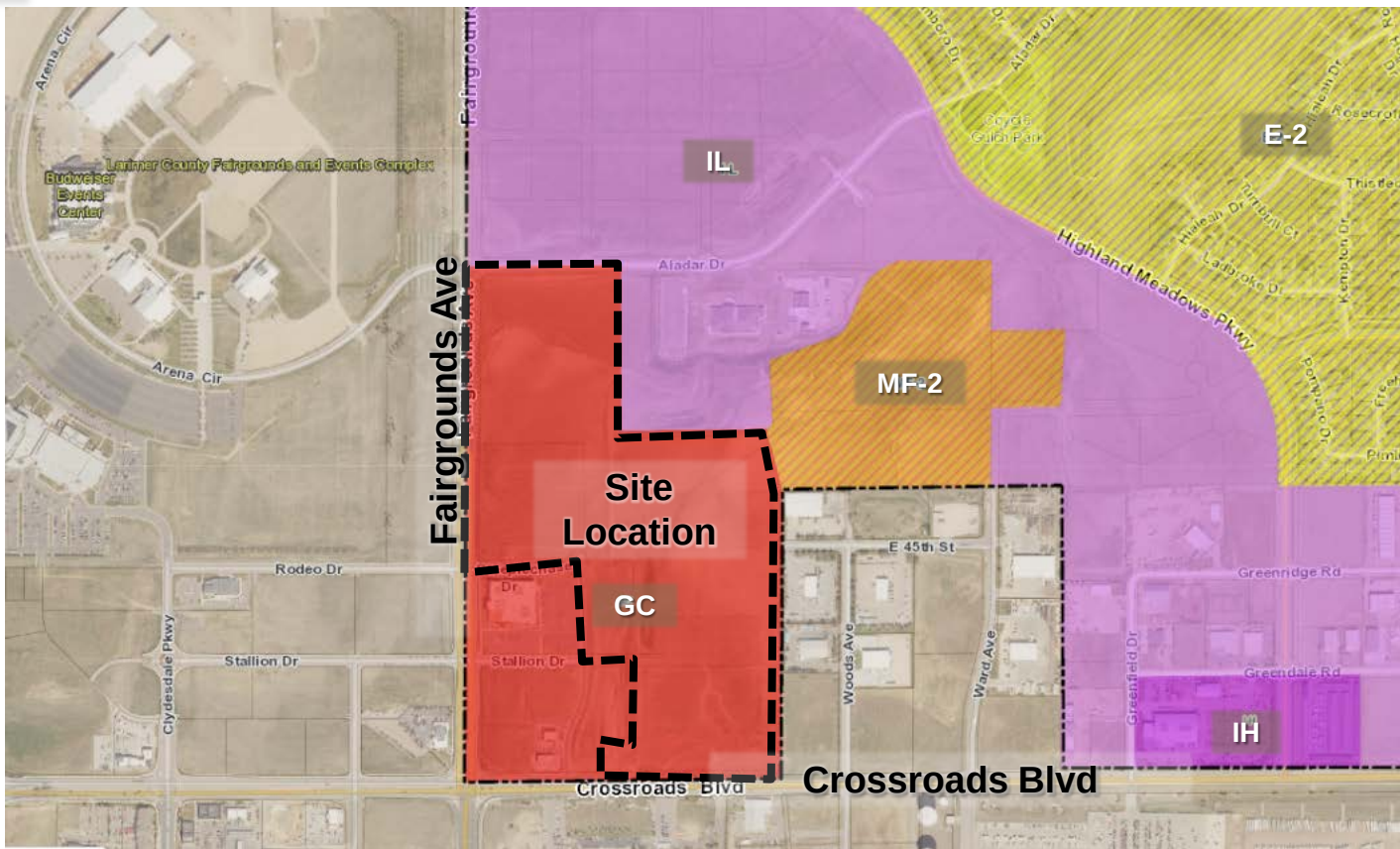
In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, intended:

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

Site Vicinity Map

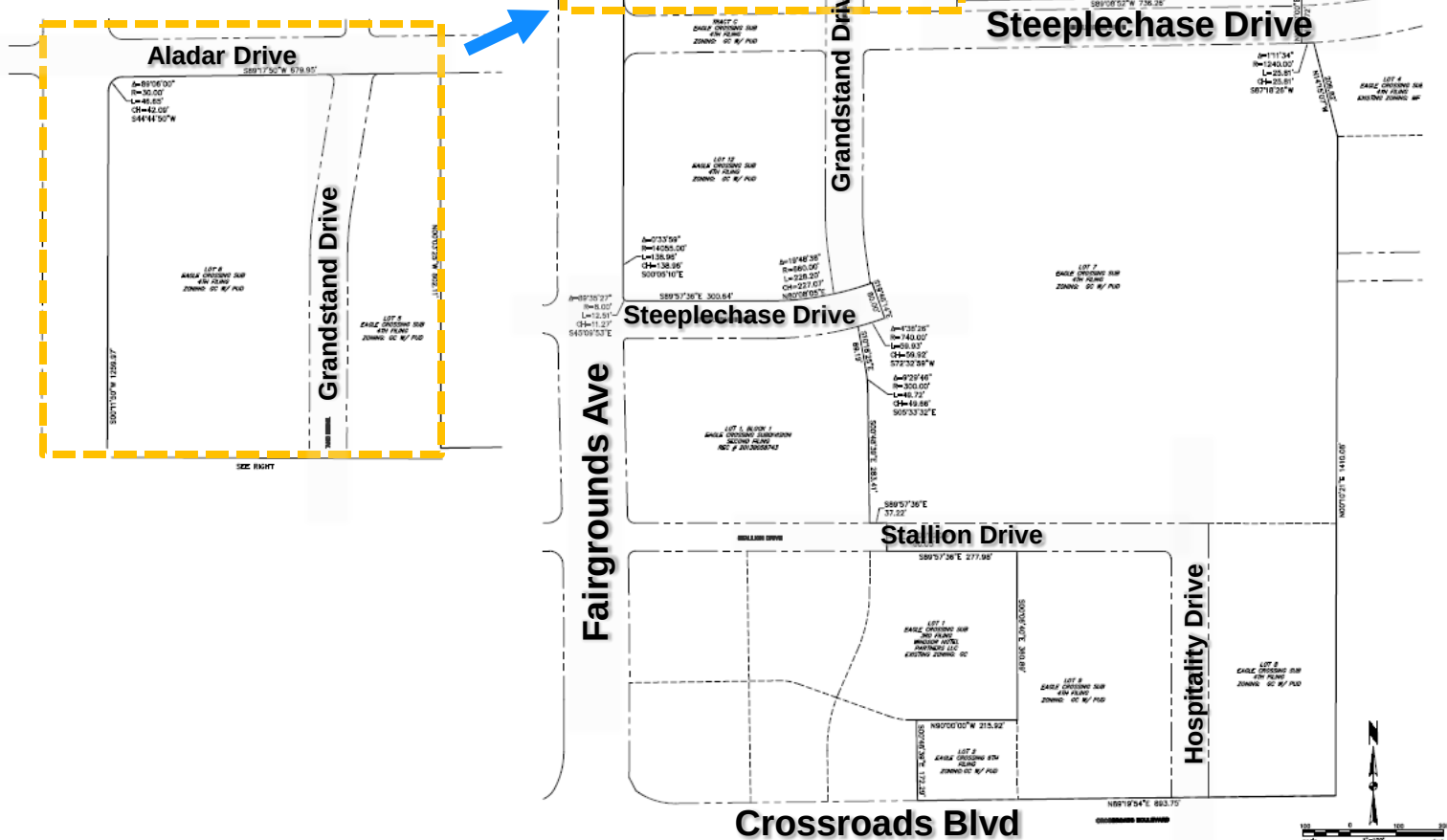


Site Zoning Map



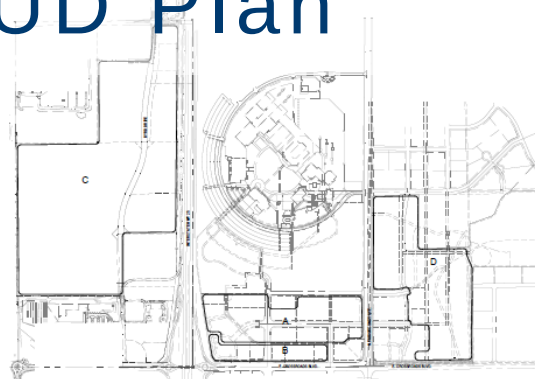


PUD Plat



PUD Plan

VICINITY MAP



REFER TO NOTE 1 BELOW FOR ADDITIONAL INFORMATION.

N.T.S.

LEGEND

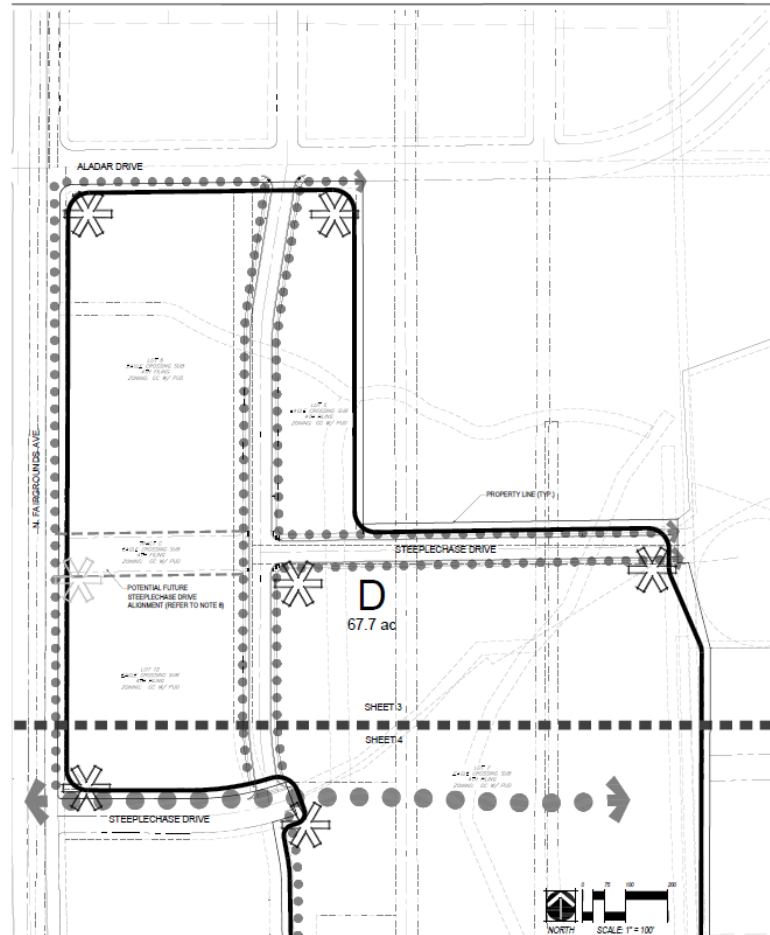
-  PRIMARY PEDESTRIAN CORRIDOR (REFER TO NOTE 7)
-  SECONDARY PEDESTRIAN CORRIDOR (REFER TO NOTE 7)
-  PLANNING AREA BOUNDARY
-  BRANDS EAST FREESTANDING SIGNS
-  SIGN LOCATION IF STEEPLCHASE DRIVE IS VACATED

NOTES

- THE BRANDS EAST IS ENVISIONED AS A UNIQUE BUT CONNECTED PROJECT TO THE BRANDS AND THE BRANDS WEST PROJECTS IN THE CITY OF LOVELAND. PLANNING AREAS A, B, AND C SHOWN ABOVE ARE WITHIN THE BRANDS AND THE BRANDS WEST FLEXIBLE ZONING OVERLAY DISTRICT (FZOD) IN THE CITY OF LOVELAND. PLEASE REFER TO THAT DOCUMENT FOR ADDITIONAL INFORMATION ON PLANNING AREAS A, B, AND C. FOR OVERALL PROJECT CONTINUITY, THE PLANNING AREAS IN THIS PUD OVERLAY HAVE BEEN DESIGNATED TO FUNCTION IN CONJUNCTION WITH THOSE IN THE BRANDS AND BRANDS WEST FZOD.
- PLANNING WILL BE COMPLETED IN A LOGICAL MANNER WITH THE EXTENSION OF INFRASTRUCTURE AS DEVELOPMENT OCCURS OVER TIME.
- EXISTING INTERIOR LOT LINES WILL BE REPLACED AS NECESSARY WITH FUTURE PLATS.
- CLASSIFICATION OF ALL ROADS INTERNAL TO THIS PUD OVERLAY WILL BE DETERMINED WITH FUTURE LAND USE APPLICATIONS.
- THE LOCATION AND TYPE OF FREESTANDING SIGNS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE WITH A FUTURE MASTER SIGN PLAN AND/OR PLAT/DEED PLANS. NO LESS THAN THE NUMBER OF SIGNS SHOWN ON THIS PUD SHALL BE PERMITTED.
- ANY OFF-SITE SIGNS WILL BE SUBJECT TO A CONDITIONAL USE GRANT.
- TO BE CONSISTENT WITH THE CHARACTER ESTABLISHED ON PAGE 6.
- IF STEEPLCHASE DRIVE IS REALIGNED TO THIS CONFIGURATION, PEDESTRIAN CORRIDORS WILL APPROPRIATELY ADJUST.
- AT FULL BUILDOUT OF THE BRANDS EAST SITE, THERE WILL BE ENHANCED PEDESTRIAN CROSSINGS BETWEEN THE BRANDS EAST AND THE BRANDS SITES AT THE INTERSECTIONS OF FAIRGROUNDS AVE AND CROSSROADS BLVD AND THE INTERSECTION OF FAIRGROUNDS AVE AND RODEO DR., WHICH WILL BE CONSTRUCTED WITH THE LOGICAL EXTENSION OF INFRASTRUCTURE AND ASSOCIATED IMPROVEMENTS TO ADJACENT RIGHT-OF-WAY. FINAL DESIGN OF IMPROVEMENTS WILL BE DETERMINED AT TIME OF FINAL PLAT AND/OR SITE PLAN. IF STEEPLCHASE DR. IS VACATED AT THE INTERSECTION OF FAIRGROUNDS AVE. AND RODEO DR., THE ENHANCED CROSSING SHOWN AT THIS LOCATION MAY APPROPRIATELY ADJUST AS NEEDED.
- IF THE PORTION OF STEEPLCHASE DR. THAT CURRENTLY INTERSECTS FAIRGROUNDS AVE. AT RODEO DR. IS VACATED, AND IF THE REMAINDER OF STEEPLCHASE DR. IS REALIGNED TO EXTEND TO FAIRGROUNDS AVE. THE SIGN CURRENTLY SHOWN AT THE NORTHEAST CORNER OF FAIRGROUNDS AVE. AND STEEPLCHASE DR. MAY BE RELOCATED TO THE CORNER OF FAIRGROUNDS AVE. AND THE POTENTIAL FUTURE STEEPLCHASE DR. REALIGNMENT (EITHER THE NORTH OR SOUTH SIDE OF STEEPLCHASE DR.).
- IF STEEPLCHASE DR. IS VACATED, THESE PUD STANDARDS SHALL APPLY TO ANY OR ALL PORTIONS OF THE VACATED ROW WITHIN OR ADJACENT TO THE BRANDS EAST SITE.

CHECKED: M. L. LEE
DRAWN: J. T. M. LEE

BRANDS EAST - AREA D



THE BRANDS EAST PLANNED UNIT DEVELOPMENT WINDSOR, COLORADO

OWNER:
EAGLE CROSSING
WINDSOR, LLC
1625 PELICAN LAKES PT
SUITE 201
WINDSOR, CO 80550

ARCHITECT:
YAEGER
ARCHITECTURE
7760 W. 115TH ST
OVERLAND PARK, KS
66213
913.742.8000

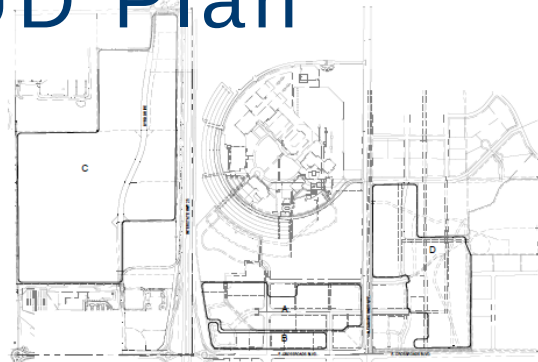
ENGINEER:
TST
TST, INC.
748 WHALERS WAY
SUITE 200
FORT COLLINS, CO
80526
970.228.0567

DATE:
08/07/17 SUB-01
08/07/17 SUB-02
07/17/18 SUB-03
07/17/18 SUB-04
08/07/18 SUB-05

SHEET TITLE:
CONCEPTUAL
MASTER PLAN

PUD Plan

VICINITY MAP



REFER TO NOTE 1 BELOW FOR ADDITIONAL INFORMATION.

N.T.S.

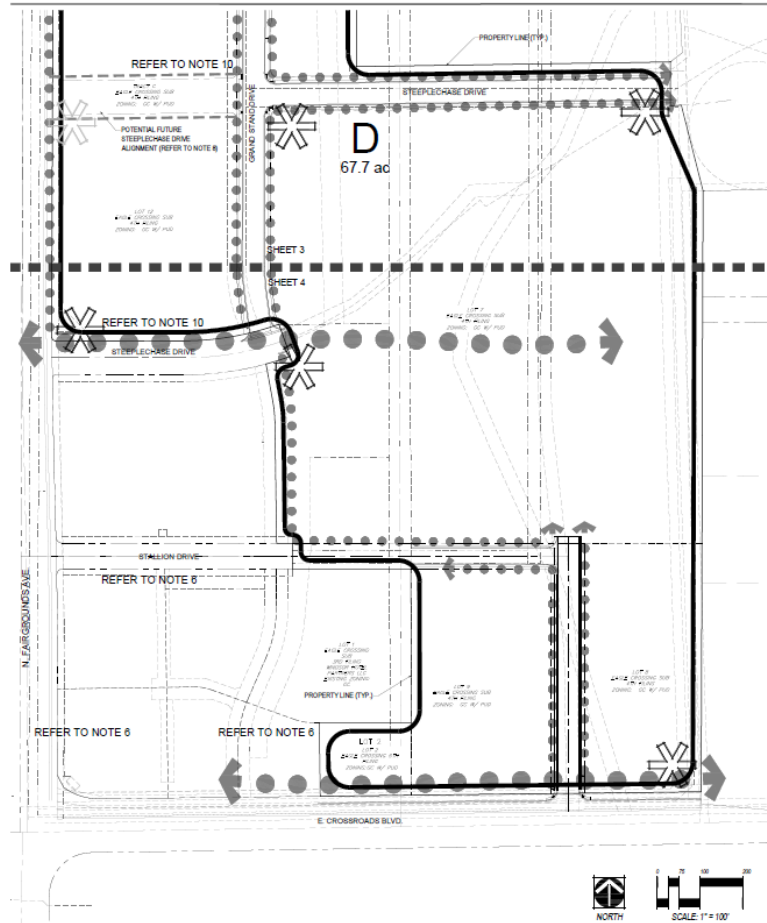
LEGEND

- PRIMARY PEDESTRIAN CORRIDOR (REFER TO NOTE 7)
- SECONDARY PEDESTRIAN CORRIDOR (REFER TO NOTE 7)
- PLANNING AREA BOUNDARY
- BRANDS EAST FREESTANDING SIGNS
- SIGN LOCATION IF STEEPLCHASE DRIVE IS VACATED

NOTES

- THE BRANDS EAST IS ENVISIONED AS A UNIQUE BUT CONNECTED PROJECT TO THE BRANDS AND THE BRANDS WEST PROJECTS IN THE CITY OF LOVELAND. PLANNING AREAS A, B, AND C SHOWN ABOVE ARE WITHIN THE BRANDS AND THE BRANDS WEST FLEXIBLE ZONING OVERLAY DISTRICT (FZOD) IN THE CITY OF LOVELAND. PLEASE REFER TO THAT DOCUMENT FOR ADDITIONAL INFORMATION ON PLANNING AREAS A, B, AND C. FOR OVERALL PROJECT CONTINUITY, THE PLANNING AREAS IN THIS PUD OVERLAY HAVE BEEN DESIGNATED TO FUNCTION IN CONCERT WITH THOSE IN THE BRANDS AND BRANDS WEST FZOD.
- PHASING WILL BE COMPLETED IN A LOGICAL MANNER WITH THE EXTENSION OF INFRASTRUCTURE AS DEVELOPMENT OCCURS OVER TIME.
- EXISTING INTERIOR LOT LINES WILL BE REPLACED AS NECESSARY WITH FUTURE PLATS.
- CLASSIFICATION OF ALL ROADS INTERNAL TO THIS PUD OVERLAY WILL BE DETERMINED WITH FUTURE LAND USE APPLICATIONS.
- THE LOCATION AND TYPE OF FREESTANDING SIGNS SHOWN ARE CONCEPTUAL AND SUBJECT TO CHANGE WITH A FUTURE MASTER SIGN PLAN AND/OR PLATS/SITE PLANS. NO LESS THAN THE NUMBER OF SIGNS SHOWN ON THIS PUD SHALL BE PERMITTED.
- ANY OFF-SITE SIGNS WILL BE SUBJECT TO A CONDITIONAL USE GRANT.
- TO BE CONSISTENT WITH THE CHARACTER ESTABLISHED ON PAGE 8.
- IF STEEPLCHASE DRIVE IS REALIGNED TO THIS CONFIGURATION, PEDESTRIAN CORRIDORS WILL APPROPRIATELY ADJUST.
- AT FULL BUILDOUT OF THE BRANDS EAST SITE, THERE WILL BE ENHANCED PEDESTRIAN CROSSINGS BETWEEN THE BRANDS EAST AND THE BRANDS WEST AT THE INTERSECTIONS OF FAIRGROUNDS AVE AND CROSSROADS BLVD AND THE INTERSECTION OF FAIRGROUNDS AVE AND RODEO DR. WHICH WILL BE CONSTRUCTED WITH THE LOGICAL EXTENSION OF INFRASTRUCTURE AND ASSOCIATED IMPROVEMENTS TO ADJACENT RIGHT-OF-WAY. FINAL DESIGN OF IMPROVEMENTS WILL BE DETERMINED AT TIME OF FINAL PLAT AND/OR SITE PLAN. IF STEEPLCHASE DR. IS VACATED AT THE INTERSECTION OF FAIRGROUNDS AVE AND RODEO DR., THE ENHANCED CROSSING SHOWN AT THIS LOCATION MAY APPROPRIATELY ADJUST AS NEEDED.
- IF THE PORTION OF STEEPLCHASE DR. THAT CURRENTLY INTERSECTS FAIRGROUNDS AVE AT RODEO DR. IS VACATED, AND IF THE REMAINDER OF STEEPLCHASE DR. IS REALIGNED TO EXTEND TO FAIRGROUNDS AVE, THE SIGN CURRENTLY SHOWN AT THE NORTHEAST CORNER OF FAIRGROUNDS AVE AND STEEPLCHASE DR. MAY BE RELOCATED TO THE CORNER OF FAIRGROUNDS AVE AND THE POTENTIAL FUTURE STEEPLCHASE DR. REALIGNMENT (EITHER THE NORTH OR SOUTH SIDE OF STEEPLCHASE DR.).
- IF STEEPLCHASE DR. IS VACATED, THESE PUD STANDARDS SHALL APPLY TO ANY OR ALL PORTIONS OF THE VACATED ROW WITHIN OR ADJACENT TO THE BRANDS EAST SITE.

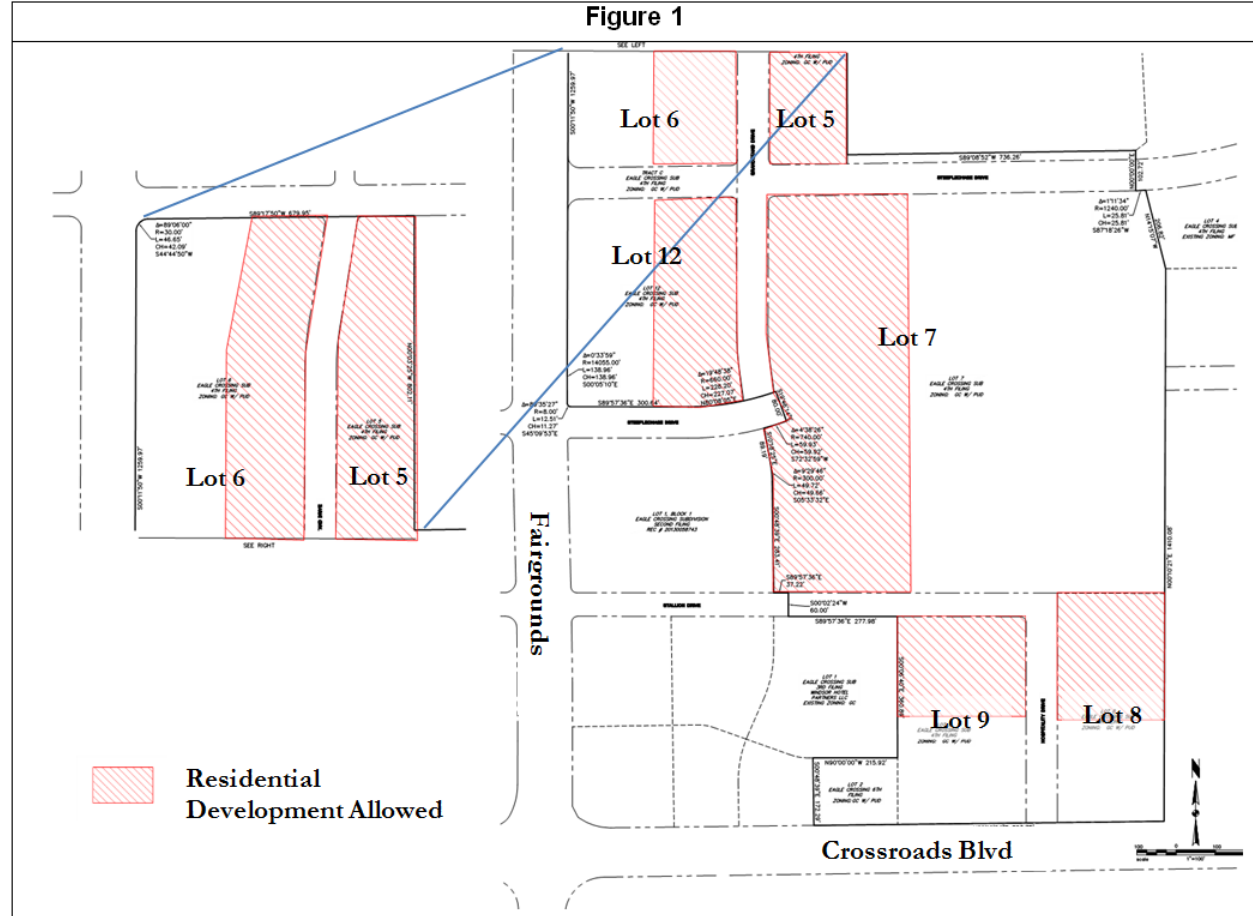
BRANDS EAST - AREA D





Permitted Uses Comparison

Existing	Proposed
General Commercial (GC) Allowed Uses: (1) Drive-in restaurants. (2) Grocery stores and supermarkets. (3) Gasoline service stations. (4) Car washes. (5) Commercial lodging. (6) Restaurants and bars. (7) Outdoor sales areas, such as garden shops. (8) Automobile sales and service establishments, including used car lots. (9) Lumber and building supply yards. (10) Public, private, commercial and private group outdoor recreational facilities. (11) Bowling alleys. (12) Business and professional offices. (13) Places of assembly (small). (14) Places of assembly (large). (15) Other similar uses as defined in Section 16-2-20 of this Chapter	Note: The uses proposed in the PUD are generally consistent with GC zoning with a few exceptions. Notable exceptions are listed below. A full list of allowed uses can be found in the attached Brands East PUD. Artisan and/or craft foundry, manufacturing, warehousing, and/or retail sales. (entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.). Limited outdoor fabrication of products may be permitted subject to a conditional use grant. Art gallery, studio, and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to a conditional use grant. Educational facility incorporated into another structure or site plan. Manufacture and preparation of food products; with on-site retail sales Manufacture of electronic instruments and services, including repairs and limited assembly. Multiple-family dwelling, possibly including but not limited to apartments, condos, townhomes, row homes, paired homes (duplexes), which may or may not be a part of a mixed-use building. Paired homes may not make up more than 20% of the units in any given site plan. Multiple-family dwelling projects shall provide at the time of site plan and/or plat, 12.5 square feet of non-residential uses per dwelling unit integrated into the multiple-family dwelling development. In no event will the non-residential use within a multiple-family dwelling development be less than 2,500 square feet. Warehouses, distribution, and wholesale uses associated with retail and pick-up sales.





Development Standards Comparison (1 of 2)

Development Standards Comparison		
	Existing Standard	Proposed PUD Standard
Building Setbacks		
Adjacent to Crossroads & Fairgrounds	25'	25'
Front Setback	25'	20' (0' for pedestrian oriented development)
Side and Rear Setback	20'	15' (0' for pedestrian oriented development)
Building Height		
Height	55' General Commercial 30' Commercial Corridor Plan	130' for office, residential, and hotels. 55' for all other uses
Density		
Maximum Dwelling Units	0	400
Floor Area Ratio (FAR)	Not stated	0.5 gross FAR for PUD
Landscape Buffers		
Fairgrounds Buffer Width	25'	20'
All other buffers	Per Municipal Code	Per Municipal Code
Exceptions	None	Reductions allowed for pedestrian oriented development



Development Standards Comparison (2 of 2)

Development Standards Comparison		
	Existing Standard	Proposed PUD Standard
Non-Residential Lot Size		
Minimum Lot Area	20,000 sf.	No minimum
Residential Development Standards		
Residential Lot Area	1400 s.f. per unit	700 s.f. per unit
Livable Open Space Per Dwelling Unit	450 s.f. per unit	225 s.f. per unit
Open Space		
Required Percentage	20%	10%
Parking		
Shared Parking	Not allowed	Parking reductions allowed based on shared uses with differing peak parking demands
Design Standards		
Architectural, site design, and landscape standards.	Commercial Corridor Plan	PUD Architectural Design Guidelines (Note: Proposed standards are generally consistent with or exceed current Town Standards so they are not listed here)



Process Comparison

Process Comparison		
	Existing Standard	Proposed PUD Standard
Variance to Standards		
Process for approval	Variance to Municipal Code requires Board of Adjustment approval. Waiver to Commercial Corridor Plan requires Planning Commission Approval.	Director of Planning may administratively approve alternative standards if alternative is substantially-equivalent to standard at issue. Decision may be appealed by Planning Commission
Review Timelines		
Project review	Current practice is 1 st submittal is reviewed in 3-6 weeks. Subsequent submittals are typically reviewed faster.	Two week review period required for all submittals.
Review Process		
Subdivision	Dedication of right-of-way or subdivision of more than 5 lots requires major subdivision application with Planning Commission recommendation to Town Board action.	All subdivisions shall be minor subdivisions administratively reviewed unless dedicating or vacating right-of-way. No Planning Commission or Town Board action.
Qualified Commercial/ Industrial Site Plan	Administratively reviewed with project information included as communications item to Town Board.	Administratively reviewed with no communication to Town Board.
Site Plan (typically multifamily development)	Requires Planning Commission recommendation and Town Board action.	Administrative review only.
Signage		
Master Sign Plan	Master Sign Plan is only used by property owner to impose more restrictive	Master Sign Plan, to be reviewed by Planning Commission, may allow for signs that vary from Municipal Code requirements.



Relationship to Comprehensive Plan

Chapter 5b: Growth Framework

Goal:

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



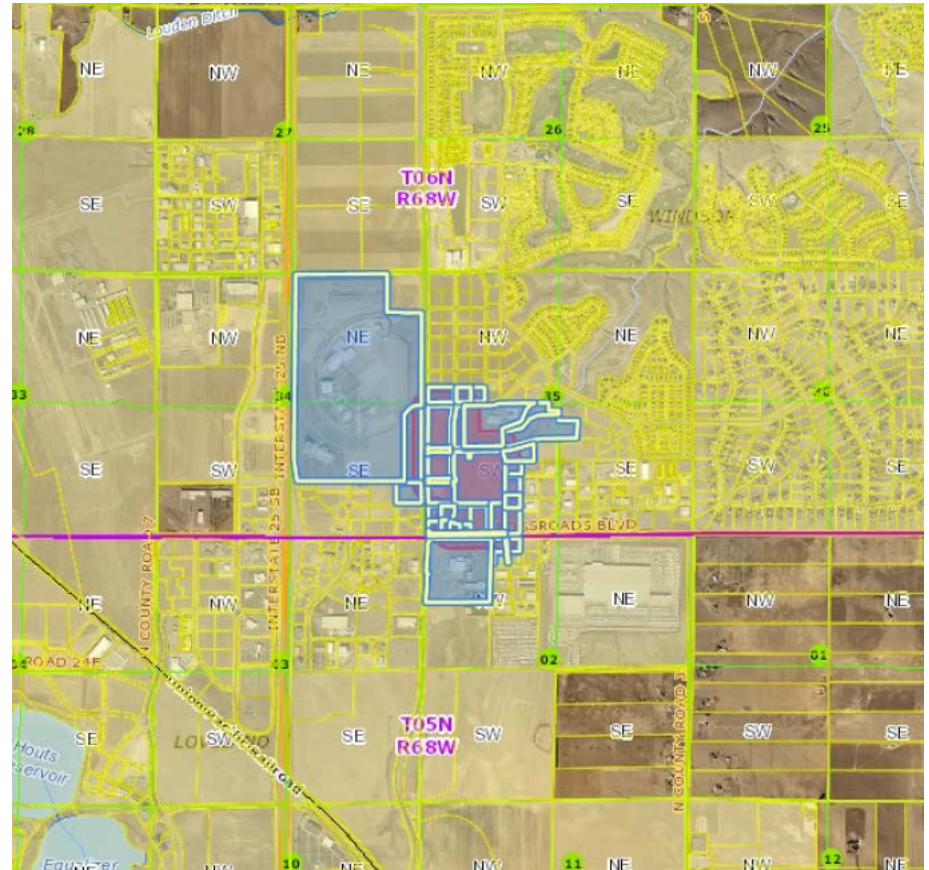
Notification

Notifications for the December 22, 2015 neighborhood meeting were as follows :

- July 20, 2018 – affidavit of mailing to property owners within 300 feet
- July 22,, 2018 – display ad published in the paper

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

- October 2, 2018 - property posted with a notification sign
- October 2, 2018 - legal notice posted on the Town of Windsor website
- October 5, 2018 - legal ad published in the Tribune
- September 27, 2018 – affidavit of letters mailed to the adjacent property owners





Recommendation

Staff recommends that Planning Commission forward to Town Board a recommendation of approval of the Planned Unit Development subject to all outstanding Planning Commission and staff comments being addressed.



PUD

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: November 7, 2018
To: Planning Commission
From: Millissa Berry, AICP, Senior Planner
Re: Public Hearing and Recommendation to Town Board – Rezone
Petition – Eastbrook Annexation No.1, No. 2, and No. 3; Global
Asset Recovery, LLC, Owner; David Tschetter, applicant
Item #: C.3 - C.4

Background / Discussion

The applicant, Mr. David Tschetter of Global Asset Recovery, LLC, is requesting to rezone approximately 65 acres within a portion of Eastbrook Annexation No. 1, a portion of the Eastbrook Annexation No. 2, and the entirety of the Eastbrook Annexation No. 3. Approximately 5 acres of the property (Eastbrook Annexation No. 2) would not be rezoned but retain its existing zoning designation. The property is located northwest of the intersection of SH 392 and WCR 21.

The rezone request is shown in the table below. A map of the rezone areas can be found in the staff presentation.

Approximate Area in Acres	Current Zoning	Proposed Zoning
11	Single Family 2 (SF-2)	Residential Mixed Use (RMU)
23	General Commercial (GC)	RMU
22	Limited-Industrial (I-L)	RMU
4	I-L	GC
5*	GC	GC
Total acres = 65		

* area retaining existing zoning designation

The following table shows the amount of land in each zone if the rezone proposal is approved.

Proposed Zoning	Approximate Area in Acres
RMU	56
GC	9
Total acres = 65	

The existing zoning of General Commercial and Limited Industrial south of the Greeley No. 2 Canal reflect the vision of those uses along the SH 392 corridor. This area is a cooperative planning area for Windsor and Severance and, in 2000, the two communities entered into an

Intergovernmental Agreement (IGA) to set the desired commercial and industrial uses for the corridor. However, in 2017, the two communities agreed to amend the IGA to allow for residential uses in portions of the cooperative planning area. This decision was partially based on a concept plan presented for the Eastbrook Annexation No. 1, No. 2, and No. 3 (a.k.a. Village East) properties. The concept plan (which can be found on slide 7 of the staff presentation) shows a continuation of the Village East Subdivision eastward with single family lots immediately east of the Village East Subdivision and a general commercial / neighborhood commercial area east of the John Law Ditch. A multi-family component is also proposed in the southwest portion of the plan. The proposed rezone would allow the concept plan to be realized. The rezone petition is also consistent with the proposed land use map amendment also on the November 7, 2018 Planning Commission agenda.

The applicant held a neighborhood meeting on September 27, 2018. Approximately 10 neighbors attended the meeting. Please refer to the enclosed meeting summary for topics discussed at the meeting. The main topic of discussion was the projected traffic in the area, particularly additional traffic on WCR 21, due to any development that is planned.

Conformance with the Comprehensive Plan

The rezone petition is consistent with the following comprehensive plan goals and objectives:

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.

Objective 4: Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Objective 5: Support high density residential development near Downtown, commercial centers, and mixed-use nodes.

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 3: Develop new neighborhoods adjacent to existing neighborhoods and urbanized areas.

Notification

The applicant held a neighborhood meeting on September 27, 2017, at the Windsor Community Recreation Center. Notifications for this meeting were as follows:

- September 12, 2018- display ad published in papers
- September 14, 2018 – affidavit of mailing to property owners within 300 feet

Public Hearing notifications for the Planning Commission and Town Board meetings were as follows:

- October 24, 2018 - property posted with a notification sign
- October 24, 2018 - legal notice posted on the Town of Windsor website
- October 24, 2018 – affidavit of letters mailed to the adjacent property owners
- October 26, 2018 - legal ad published in the papers

Recommendation

Staff recommends that the Planning Commission forward a recommendation of approval of the rezone petition and ordinance to the Town Board subject to all Planning Commission and staff comments being addressed.

Enclosures

application materials
rezone plat
neighborhood meeting summary
Windsor-Severance 2000 IGA
2017 amendment to the Windsor-Severance 2000 IGA
staff presentation

cc: David Tschetter, applicant



CONSILIUM DESIGN

LAND PLANNING | LANDSCAPE ARCHITECTURE | URBAN DESIGN

REZONING PETITION

(I, We) the undersigned, being the owners of the property described as located in Section 15 and a portion of the west half of Section 14, Township 6 North, Range 67 West of the 6th P.M. Town of Windsor, County of Weld, and State of Colorado containing 63.3 acres more or less, hereby request a change in zoning from SF-2 (Single Family attached), I-L (Limited Industrial), and GC to RMU and change in zoning from I-L (Limited Industrial) to GC (General Commercial) and do hereby pay the required fee.

Date

8/28/18

Owner Signature

Paul T. Tuttle

Mailing Address

9 White Fir Ct. Littleton, Co. 80127

JUSTIFICATION STATEMENT

The justification for the rezoning request is based on extensive studies which indicate:

1. The changes in flood plain impacts influenced how the site could be feasibly developed
2. The physical design restraints do not favor commercial development to the north of the John Law Ditch
3. Limitation on access for commercial uses
4. More compatible uses are more appropriately suited for the portion of the site to the north of the John Law Ditch



CONSILIUM DESIGN

Date: 8.28.2018

Subject: Village East, Windsor Co. – Rezoning Narrative

Applicant: Consilium Design

7353 S. Alton Way STE. A135

Centennial, CO. 80112

Phone: 303-224-9520

Email: clkarn@consiliumdesign.com

Planning Department: Town of Windsor Planning Dept.

301 Walnut St.

Windsor, Co. 80550

Phone: 970-674-2415

Website: www.windsorgov.com

Rezoning Narrative

The following describes the justification criteria for changing the zoning from SF-2 (Single Family attached), I-L (Light Industrial), and GC (General Commercial) to RMU (Residential Mixed Use) for the portion of the site located north of the John Law Ditch within the Village East proposed subdivision located at the intersection of Highway 392 and Country Road 21 in Windsor, Colorado.

Project Description:

Village East is a proposed subdivision located at the intersection of Highway 392 and County road 21 in Windsor, Colorado. The site is a total of approximately 63 acres. On the site, it is anticipated to include 133 single-family lots totaling approximately 31.5 acres of the site. These will be single family lots approximately 60' x 110' in size. The future General Commercial at the southeast portion of the property, which is a total of 5.9 acres, is anticipated to have approximately 39,300 square feet of commercial space. The southwest most portion of the site, approximately 7 acres, is currently illustrated as multi-family development of townhomes with an anticipated 105 units. The area encompassing the Greeley Canal, which bisects the northern portion of the site, and the John Law Ditch, which runs from midway along the eastern property boarder to the middle of the southern border, includes addition open space and recreation totaling approximately 19 acres. The total proposed open space is approximately 30% of the total project. The gross density (excluding well site open space) is 44.4 acres, a maximum of 238 dwelling units, and is anticipated to be 5.4 DU/AC.

Existing Zoning:

According to the Town of Windsor Planning Commission this site is currently zoned General Commercial (GC) on the southern portion, Limited Industrial (L-I) in the center of the site below the Greeley Ditch, and Single-Family 2 (SF-2) to the north.

Description of Request:

We are requesting:

- Change the zoning for the majority of the site to Residential Mixed Use (RMU). This includes the entire areas to the north of the John Law Ditch.

1. Request to change the SF-2 (Single Family Attached) zoning to RMU (Residential Mixed Use) zoning in the northern portion of the site to allow the development to match or be more compatible with the existing land use to the North, which is single family detached homes.
2. Request to change the I-L (Limited Industrial) zoning to RMU (Residential Mixed Use) zoning to allow more diversity in housing types. Additionally, access north of the John Law Ditch and flood plain issues make this portion of the site not feasible for commercial development.
3. Request to change to GC (General Commercial) zoning to RMU (Residential Mixed Use) at the southern portion of the site, northwest of the John Law Ditch, to allow more diversity in housing types, such as the multi-family units which are being proposed, appealing to a wider variety of family sizes and incomes.
4. No change is being requested for the I-L (Limited Industrial) zoning between the John Law Ditch and Weld County Road 21 as the current zoning allows for the proposed enclosed Storage Facility and serves as a good transition from residential to commercial.
5. No change is being requested for the GC (General Commercial) zoning between the John Law Ditch and Weld County Road 21, as we are proposing to create commercial uses adjacent to the residential development.

Please refer to the Rezoning Drawing for more clarification on these items.

This request is being placed because extensive studies and numerous iterations have been conducted for zoning on the site and it was found that General Commercial use, as it is currently zoned, is not feasible north of the John Law Ditch due to access and flood plain issues.

Respectfully submitted,

Craig Karn
Principle and Owner, Consilium Design

EASTBROOK ANNEXATION NO. 1, NO. 2 AND NO. 3 REZONE

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15 AND THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH,
RANGE 67 WEST OF THE 6TH P.M., TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO

DESCRIPTION

Proposed RMU Zone:

A parcel of land situate in the Southeast Quarter (SE1/4) of Section Fifteen (15) and the Southwest Quarter (SW1/4) of Section Fourteen (14), both in Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado, and more particularly described as follows:

COMMENCING at the Southeast Corner of said Section 15 and assuming the East line of the Southeast Quarter of Section 15 to bear North 00° 03' 21" West a distance of 2644.65 feet with all other bearings contained herein relative thereto.

THENCE North 00° 03' 21" West along said East line of the Southeast Quarter of Section 15 a distance of 100.00 feet to the Easterly prolongation of the Northerly Right of Way line of Highway 392;
THENCE North 89° 11' 09" East along said Easterly prolongation of the Northerly Right of Way line of Highway 392 a distance of 30.00 feet to the Easterly Right of Way line of Weld County Road 21;
THENCE North 00° 03' 21" West along said Easterly Right of Way line a distance of 1211.21 feet to the POINT OF BEGINNING.

THENCE South 63° 05' 24" West a distance of 201.70 feet;
THENCE South 45° 30' 08" West a distance of 428.81 feet;
THENCE South 53° 52' 51" West a distance of 57.41 feet;
THENCE South 53° 52' 51" West a distance of 49.61 feet;
THENCE South 45° 12' 42" West a distance of 170.21 feet;
THENCE South 41° 38' 49" West a distance of 324.76 feet to an angle point of Lot B, Recorded Exemption No. 0807-15-4-RE2371 recorded March 19, 1999 as Reception No. 2681026 of the Records of Weld County;
The following three (3) courses are along the Easterly and Southerly lines of said Lot B, Recorded Exemption No. 0807-15-4-RE2371.

THENCE South 32° 51' 19" West a distance of 224.00 feet;
THENCE South 16° 51' 35" West a distance of 231.07 feet to the Northerly Right of Way line of Highway 392;
THENCE South 89° 11' 09" West along said Northerly Right of Way line a distance of 645.66 feet to the Westerly line of the SE Lot, Subdivision Exemption SE-735, recorded March 19, 1999 as Reception No. 2681025 of the Records of Weld County;
The following seven (7) courses are along the Southerly, Southwesterly and Northwesterly lines of said SE Lot, Subdivision Exemption SE-735.

THENCE North 02° 40' 38" East a distance of 224.99 feet;
THENCE North 73° 12' 25" West a distance of 57.41 feet;
THENCE North 53° 19' 46" West a distance of 20.98 feet;
THENCE North 28° 40' 56" West a distance of 20.38 feet;
THENCE South 89° 04' 06" West a distance of 397.22 feet;
THENCE North 01° 01' 54" West a distance of 391.89 feet;
THENCE North 51° 18' 07" East a distance of 2833.26 feet to a line parallel with and 30.00 feet Easterly of the East line of the Southeast Quarter of said Section 15 and to the Easterly Right of Way line of Weld County Road 21;
THENCE South 00° 03' 21" East along said parallel line and Easterly Right of Way line a distance of 1190.76 feet to the POINT OF BEGINNING.

Said described parcel of land contains 56.04 acres, more or less.

Proposed GC Zone:

A parcel of land situate in the Southeast Quarter (SE1/4) of Section Fifteen (15) and the Southwest Quarter (SW1/4) of Section Fourteen (14), both in Township Six North (T.6N.), Range Sixty-seven West (R.67W.), Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado, and more particularly described as follows:

COMMENCING at the Southeast Corner of said Section 15 and assuming the East line of the Southeast Quarter of Section 15 to bear North 00° 03' 21" West a distance of 2644.65 feet with all other bearings contained herein relative thereto.

THENCE North 00° 03' 21" West along said East line of the Southeast Quarter of Section 15 a distance of 100.00 feet to the Easterly prolongation of the Northerly Right of Way line of Highway 392 and to the POINT OF BEGINNING.

THENCE South 89° 11' 09" West along said Easterly prolongation of the Northerly Right of Way line of Highway 392 a distance of 30.00 feet to the Westerly Right of Way line of Weld County Road 21;
THENCE North 00° 03' 21" West along said Westerly Right of Way line a distance of 409.82 feet to the most Easterly Southerly line of Lot B, Recorded Exemption No. 0807-15-4-RE2371 recorded March 19, 1999 as Reception No. 2681026 of the Records of Weld County;
THENCE South 88° 58' 14" West along said Southerly line of Lot B a distance of 849.71 feet;
THENCE North 41° 38' 49" East a distance of 324.76 feet;
THENCE North 45° 12' 42" East a distance of 170.21 feet;
THENCE North 53° 52' 51" East a distance of 107.02 feet;
THENCE North 45° 30' 08" East a distance of 428.81 feet;
THENCE North 63° 05' 24" East a distance of 201.70 feet to a line parallel with and 30.00 feet Easterly of the East line of the Southeast Quarter of said Section 15 and to the Easterly Right of Way line of Weld County Road 21;
THENCE South 00° 03' 21" East along said parallel line and Easterly Right of Way line a distance of 1211.21 feet to the Easterly prolongation of the Northerly Right of Way line of Highway 392;
THENCE South 89° 11' 09" West along said Easterly prolongation a distance of 30.00 feet to the POINT OF BEGINNING.

Said described parcel of land contains 9.86 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 hereon, have caused such land to be rezoned as indicated on this plat. The within rezoning plat is submitted in accordance with the Windsor Municipal Code. It is hereby acknowledged that all construction, use and development of this property will be in strict accordance with this rezoning plat. It is further acknowledged that deviation from this rezoning plat without the express written consent of the Town of Windsor may result in revocation of the Town's approval of the rezoning plat, denial of building permits, refusal to issue certificates of occupancy, injunctive relief prohibiting use of the property and other remedies available to the Town under the Windsor Municipal Code and other applicable laws of the State of Colorado. Know all men by these presents that the undersigned have caused said land to be laid out and rezoned under the name of EASTBROOK ANNEXATION NO. 1, NO. 2 AND NO. 3 REZONE.

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

Global Asset Recovery, LLC

David Tschetter

NOTARIAL CERTIFICATE

STATE OF COLORADO)
ss.
COUNTY OF WELD)

The foregoing instrument was acknowledged before me by (John Doe, Mary Doe & Jane Doe), this ____ day of _____, 20____.

My commission expires: _____

Notary Public

(SEAL)

ENGINEERING DEPARTMENT APPROVAL

Approved this the ____ day of _____, 20____.

PLANNING COMMISSION APPROVAL

Approved this the ____ day of _____, 20____.

PLANNING DEPARMENT APPROVAL

Approved this the ____ day of _____, 20____.

MAYOR'S CERTIFICATE

This is to certify that a rezoning 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, hereby acknowledges and adopts the said rezoning map upon which this certificate is endorsed for all purposes indicated thereon.

Mayor

ATTEST: _____
Town Clerk

TOWN MANAGER'S APPROVAL

Approved this the ____ day of _____, 20____.

Town Manager

SURVEYOR'S CERTIFICATE

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

For and on behalf of Northern Engineering Services, Inc.
Steven A. Lund
Registered Professional Land Surveyor LS 34995

DEVELOPER/APPLICANT

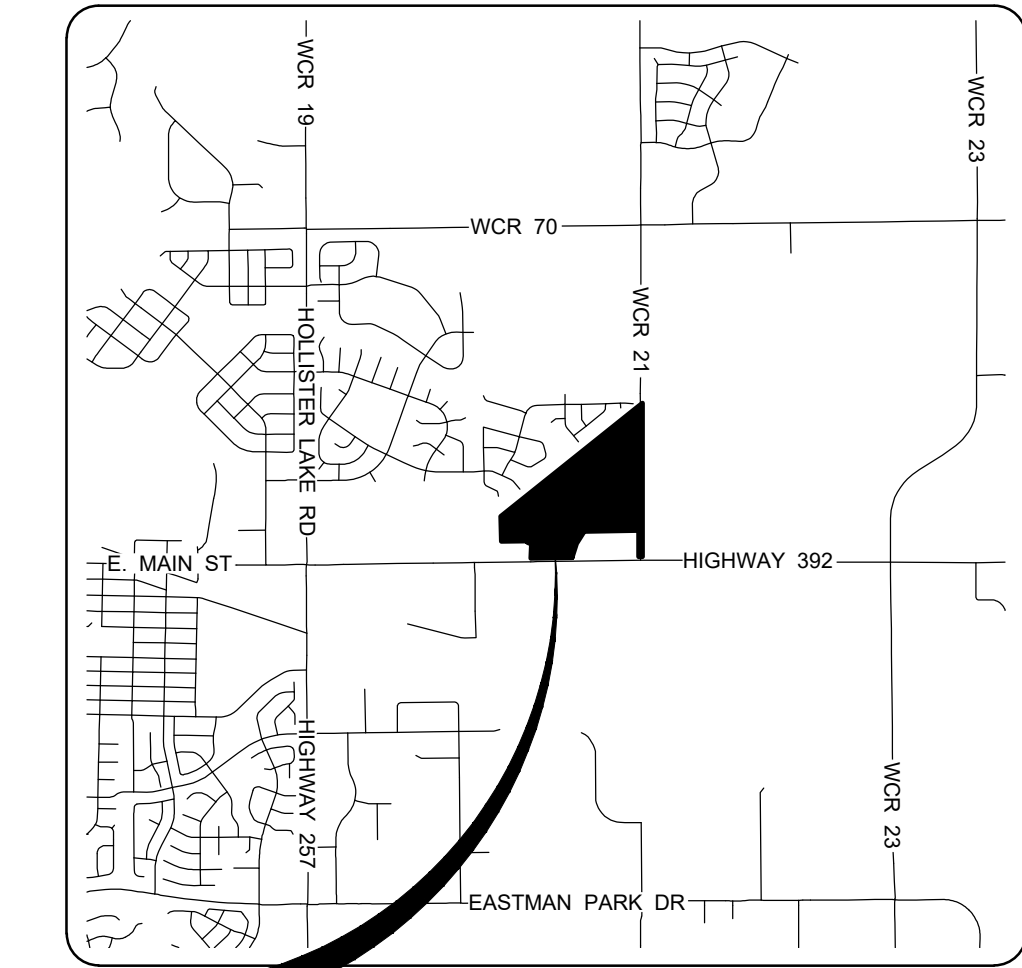
Global Asset Recovery, LLC
David Tschetter - CEO
9 White Fir Court
Littleton, Colorado 80127
(720)-675-7422

SITE ENGINEER

Northern Engineering Services, Inc.
Stephanie Thomas, PE
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158

SURVEYOR

Northern Engineering Services, Inc.
Steve Lund, PLS
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158



SITE



VICINITY MAP

1"=3000'

SYMBOL LEGEND

- FOUND PROPERTY MONUMENT
- ⊕ FOUND SECTION CORNER
- CALCULATED POSITION

LINE LEGEND

- — — — RIGHT OF WAY LINE
- — — — REZONE BOUNDARY
- — — — ZONING BOUNDARY
- — — — EASEMENT LINE
- — — — EXISTING REZONE LINE
- — — — EXISTING LOT LINES
- — — — SECTION LINE
- — — — ROAD CENTERLINE

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00'	S89° 11' 09"W
L2	51.32'	N73° 12' 25"W
L3	20.98'	N53° 19' 46"W
L4	20.38'	N28° 40' 56"W
L5	30.00'	S89° 11' 09"W
L6	107.02'	N53° 52' 51"E
L7	201.70'	N63° 05' 24"E

NOTES:

1) This survey does not constitute a title search by Northern Engineering to determine ownership or easements of record. For all information regarding easements, rights-of-way and title, Land Title Guarantee Company, Order Number: FCC25159409, dated July 11, 2018 at 5:00 p.m. and Land Title Guarantee Company, Order Number: FCC25159409-2, dated July 11, 2018 at 5:00 p.m. were used in the process of this survey.

2) Gross land area is 2,870,394 square feet, or 65.895 acres, more or less.

3) The lineal unit of measurement for this survey is U. S. Survey Feet.

4) The Basis of Bearings is the East line of the Southeast Quarter of Section 15 as bearing North 00° 03' 21" West, and monumented as shown on drawing.

5) Current Zoning: Single Family Attached Residential "SF-2", Limited Industrial "I-L" and General Commercial "GC" as depicted by "EASTBROOK ANNEXATION NO. 1 (A PORTION OF) AND ALL OF EASTBROOK ANNEXATION NO. 2 AND NO. 3 REZONING MAP". Proposed Zoning: Residential Mixed Use "RMU" and General Commercial "GC" for the described parcels hereon.

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 promised 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.

REZONE MAP

Revisions:		By:	Date:
1.	ADDRESS PLAN REVIEW COMMENTS	AML	2018-10-10

SECTION: 14 & 15	TOWNSHIP: 6 N	RANGE: 67 W of the 6th PM
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NORTHERN
ENGINEERING

FORT COLLINS, 301 North Howes Street, Suite 100, 80521
GREELEY, 820 8th Street, 80633
970.221.4158
northernengineering.com

DATE: 08/24/2018	SCALE: AS SHOWN	REVIEWED BY: S. LUND
PROJECT: 1220-002	DESIGNED BY: A. Lund	DRAWN BY: A. Lund

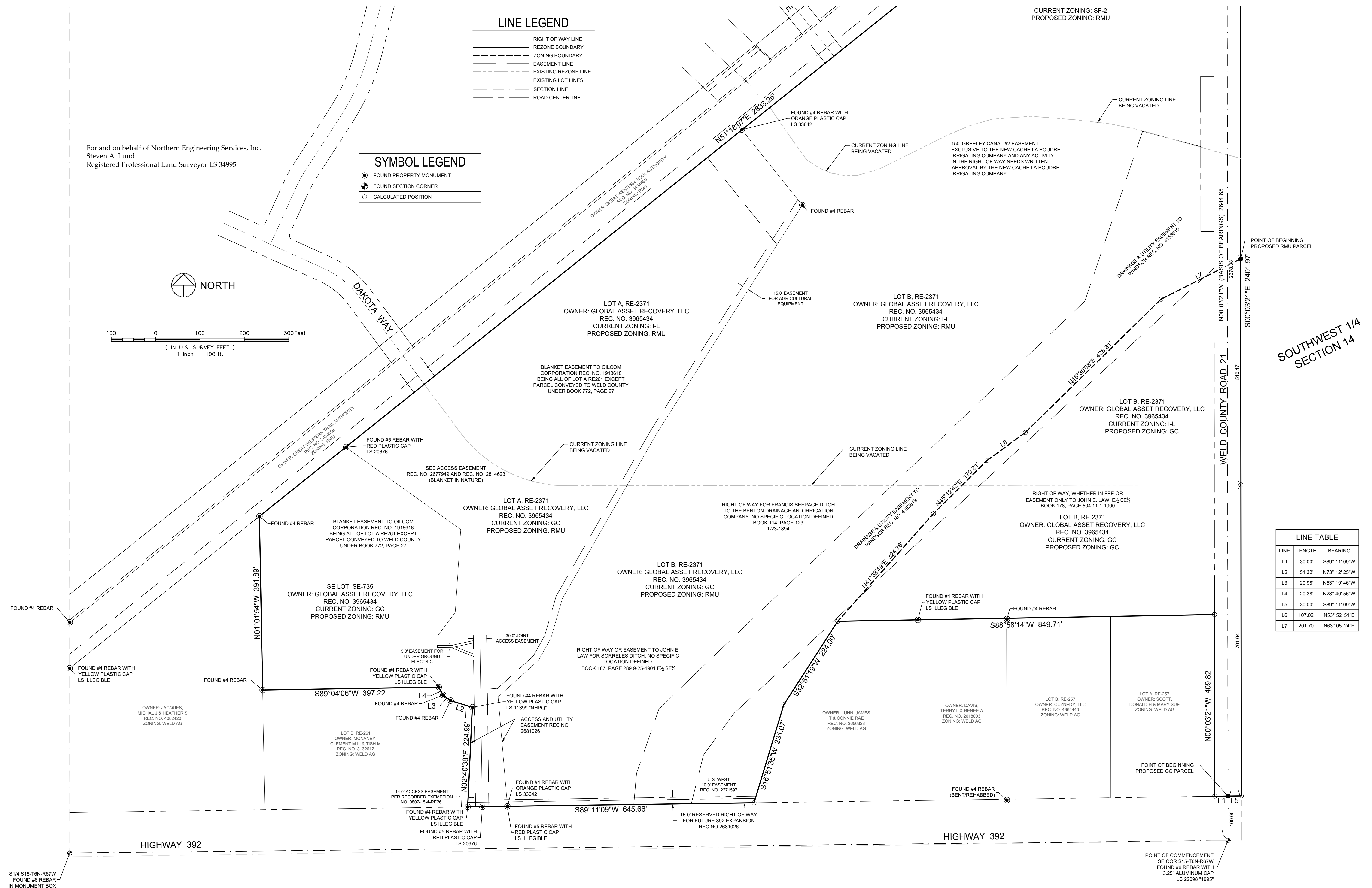
REZONE MAP

EASTBROOK ANNEXATION NO.1,NO.2 & NO.3
WINDSOR, WELD COUNTY, COLORADO

Sheet 1 Of 3 Sheets

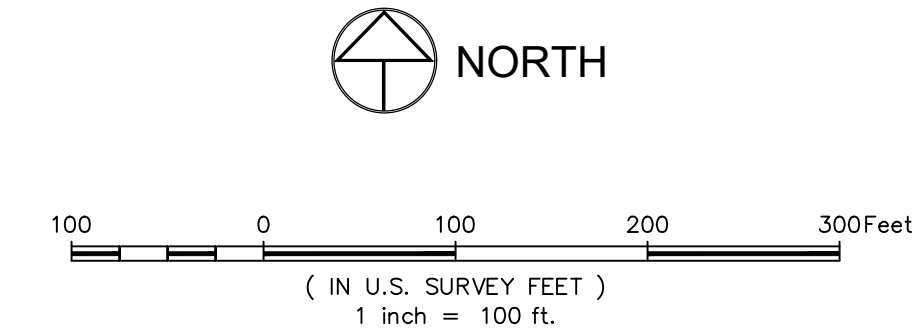
REZONE MAP

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15 AND THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH,
RANGE 67 WEST OF THE 6TH P.M., TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO



EASTBROOK ANNEXATION NO. 1, NO. 2 AND NO. 3 REZONE

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15 AND THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH,
RANGE 67 WEST OF THE 6TH P.M., TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO

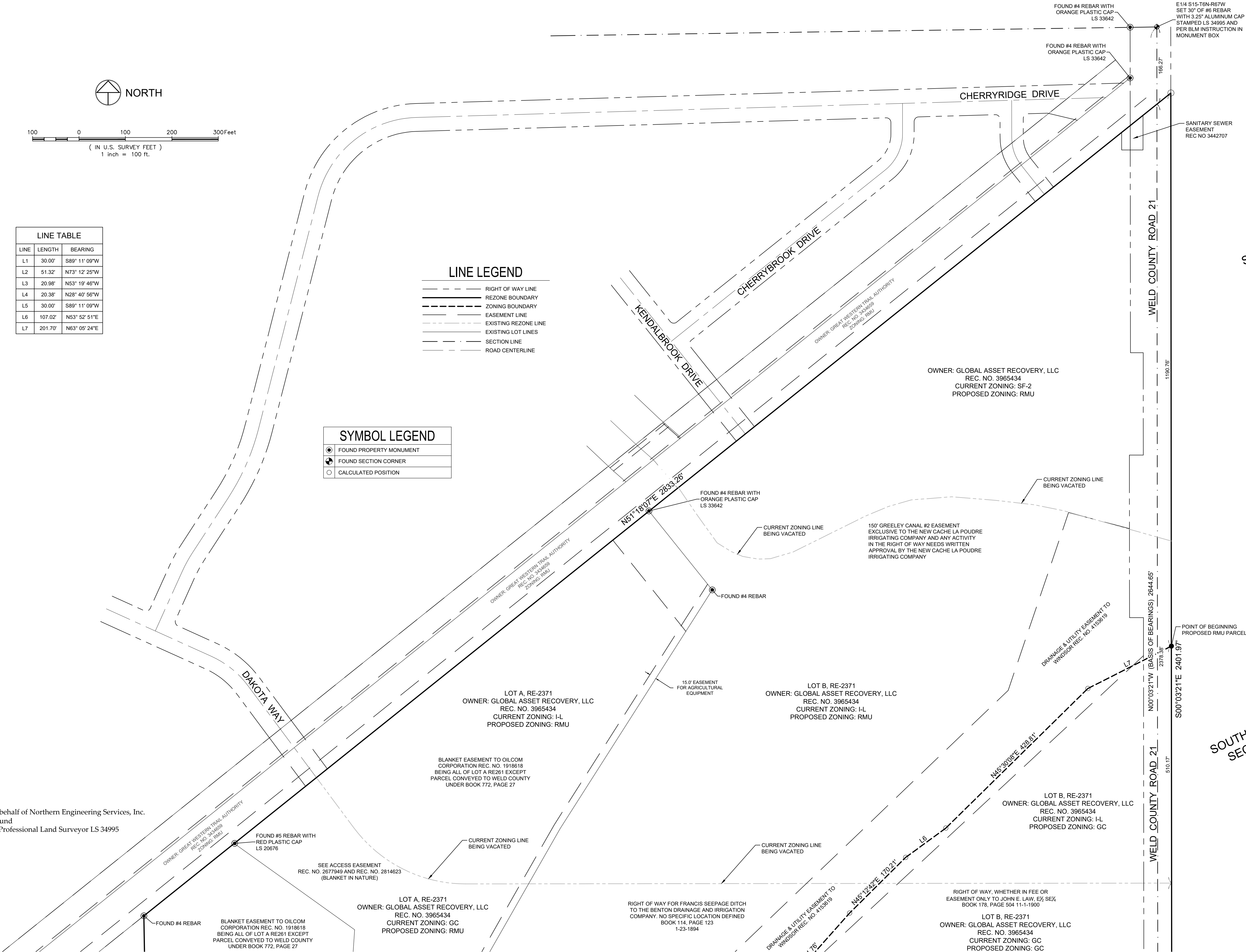


LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00'	S89° 11' 09"W
L2	51.32'	N73° 12' 25"W
L3	20.98'	N53° 19' 46"W
L4	20.38'	N28° 40' 56"W
L5	30.00'	S89° 11' 09"W
L6	107.02'	N53° 52' 51"E
L7	201.70'	N63° 05' 24"E

- LINE LEGEND**
- RIGHT OF WAY LINE
 - REZONE BOUNDARY
 - ZONING BOUNDARY
 - EASEMENT LINE
 - EXISTING REZONE LINE
 - EXISTING LOT LINES
 - SECTION LINE
 - ROAD CENTERLINE

- SYMBOL LEGEND**
- FOUND PROPERTY MONUMENT
 - ⬮ FOUND SECTION CORNER
 - CALCULATED POSITION

For and on behalf of Northern Engineering Services, Inc.
Steven A. Lund
Registered Professional Land Surveyor LS 34995



SOUTHWEST 1/4
SECTION 14

SOUTHWEST 1/4
SECTION 14

Revisions:		By:	Date:
1.	ADDRESS PLAN REVIEW COMMENTS	AML	2018-10-10

SECTION: 14 & 15	TOWNSHIP: 6 N	RANGE: 67 W of the 6th PM
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**NORTHERN
ENGINEERING**

FORT COLLINS 301 North Hoad Street, Suite 100, 80521
GREELEY 820 8th Street, 80633
970.220.4198
northernengr.com

PROJECT: 1220-002	DATE: 08/24/2018	SCALE: 1" = 100'	REVIEWED BY: S. LUND
DESIGNED BY: A. Lund	DRAWN BY: A. Lund		

REZONE MAP

**EASTBROOK ANNEXATION NO.1, NO.2 & NO.3
WINDSOR, WELD COUNTY, COLORADO**

NEIGHBORHOOD MEETING SUMMERY

Meeting Date: September 27, 2018 from 5:30 pm – 6:30 pm

Meeting Location: Windsor Community Recreation Center (Cedar Room/Spruce Room)

Number of attendees: 10 neighborhood participants plus Millissa Berry with the Town of Windsor, David Tschetter with Global Assets, and Katie Laughlin with Consilium Design

Summary of Meeting:

David started the meeting explaining the history of the project, including the process of exploring a large retail center with a potential super market, examining the FEMA flood plain requirements and regulations, the completion and success of the development to the north, and how water/flood mitigation drove the design for this project. He explained the extensive need for culverts and other obstacles which made virtually any other use unfeasible for this site.

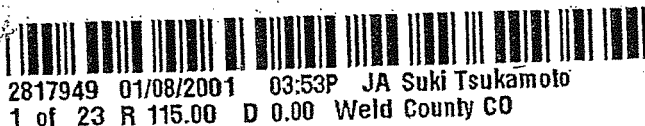
The community expressed concern with traffic at CR 21 and HWY 392, David explained that extensive traffic impact studies have been conducted which illustrate a nominal change to existing traffic patterns. It was also explained that this is a Town or County issue and David can not control/influence the existing street network and speed limits. David has done his best to mitigate traffic through the site by eliminating any straight shots across the sight, adding curved roads, and proposing more narrow streets to encourage slower driving habits.

Q: What is the distance from HWY 392 to the first street entrance along CR 21? A. David said he would get back to them with that measurement. Q. What is the width of the buffer between the existing residence along HWY 392 and the proposed commercial area? A. A general number was given, but David said he would follow-up with an exact measurement.

There was expressed concern about run-off and water mitigation. Many of the community members vocalized not being concerned about water, but rather traffic.

One comment about more attractive foliage/landscaping within the landscape buffer was mentioned, referring to the large reeds found on the development to the north.

Traffic, traffic, and traffic was the main topic to repeatedly be brought up.



INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into this 11th day of December, 2000, by and between THE TOWN OF WINDSOR, a statutory town and political subdivision of the State of Colorado, hereinafter referred to as "Windsor," and THE TOWN OF SEVERANCE, a statutory town and political subdivision of the State of Colorado, hereinafter referred to as "Severance." The parties hereto, when referring to both, may also be referred to hereinafter as "municipalities" or "parties." Either party hereto may also be referred to as "municipality" or "party."

WITNESSETH:

WHEREAS, the Windsor Town Board and the Severance Town Board have recently participated in extensive discussions concerning the potential benefits to each of the municipalities resulting from a cooperative agreement regarding land use and development along certain portions of Highway 392 in Weld County, Colorado; and

WHEREAS, the Town of Severance now has under consideration the annexation of a parcel of property adjacent to Highway 392; and

WHEREAS, Highway 392 forms a natural boundary between Windsor and Severance and their present and future growth areas; and

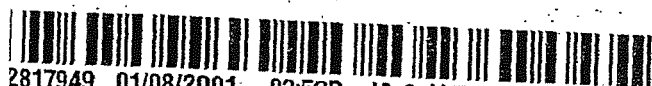
WHEREAS, growth and development pressures and demands for municipal services exist and will continue to exist in both municipalities; and

WHEREAS, the urban growth boundaries (UGB) of the municipalities conflict in part, creating difficulties for both municipalities, the result of which could lead to incompatible and inconsistent growth and development in both municipalities; and

WHEREAS, Windsor and Severance are both committed to planned and orderly growth; to regulating the location and activities of development which may result in increased demands for services; to providing for the orderly development and extension of urban services, facilities, and regulations; to avoiding unnecessary duplication of governmental services; to simplifying governmental structure when possible; to promoting economic viability of both municipalities; and to raising revenue sufficient to meet the needs of the citizens of both municipalities; and

WHEREAS, because of the proximity of the municipalities, the nature and quality of development within each of the municipalities, and along the affected portions of Highway 392 will affect the nature and quality of development in the other municipality and the revenues of each; and

WHEREAS, increased coordination and cooperation between the two municipalities, including planning for and managing growth and development of land, the resolution of conflict



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regarding urban growth boundaries, the coordination of annexation policies and procedure, and coordination of the extension of services to areas of joint concern, will enhance the ability of the two municipalities to achieve their respective and common goals; and

WHEREAS, applicable provisions of the Colorado Constitution authorize municipalities to enter into agreements with one another concerning matters such as those set forth in this Agreement; and

WHEREAS, the statutes of the State of Colorado, specifically the Local Government Land Use Enabling Act, *Colorado Revised Statutes, 29-20-101 et seq.*, further authorizes statutory towns to enter into mutually binding and enforceable agreements regarding the joint exercise of planning, zoning and related powers; and

WHEREAS, this Agreement is entered into by Windsor and Severance pursuant to the aforesaid constitutional and statutory authority as well as other powers inherently granted to statutory municipalities by the State of Colorado;

NOW, THEREFORE, in consideration of the covenants and obligations expressed herein, it is hereby agreed by and between Windsor and Severance as follows:

1. **Preamble.** Both municipalities hereby acknowledge that the recitals set forth above are true and correct, and those recitals are incorporated into the body of this Intergovernmental Agreement.

2. **Definitions.**

(a) **Geographic Area.** *Geographic Area* shall refer to all lands depicted on "Exhibit A," which is attached hereto and incorporated herein by this reference.

(b) **Cooperative Planning Area.** *Cooperative Planning Area* (CPA) is a portion of Exhibit A and is specifically depicted thereon. The Cooperative Planning Area is a corridor defined as one-quarter ($\frac{1}{4}$) mile north and south of Colorado State Highway 392, bound on the west by Colorado State Highway 257/Weld County Road 19, and on the east by Weld County Road 23.

(c) **392 Corridor.** For purposes of this Agreement, references to *392 Corridor* shall be construed as references to the Cooperative Planning Area.

(d) **Commercial Corridor Area.** *Commercial Corridor Area* is a portion of the Cooperative Planning Area and is specifically depicted within the Cooperative Planning Area on Exhibit A. The Commercial Corridor Area is a corridor defined as one-eighth ($\frac{1}{8}$) mile north and south of Colorado State Highway 392, bound on the west by Colorado State Highway 257/Weld County Road 19, and on the east by Weld County Road 23.



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3. Comprehensive Development Plan for the Cooperative Planning Area.

(a) Within twelve (12) months of their adoption of this Agreement, Windsor and Severance agree that they shall develop and implement a mutually acceptable comprehensive development plan, to be known as the Corridor Development Plan, for the development of land and for the provision of urban services and facilities within the CPA. It is anticipated that in the preparation of the Corridor Development Plan, the parties will consult with all other affected entities, including but not limited to, Weld County and all property owners within and adjacent to the CPA. It is understood and agreed that it may be necessary for the parties to elicit the assistance of outside consultants or other experts skilled in the preparation of such plans. The hiring of such consultants or other experts shall be subject to the approval of the board of trustees of each of the municipalities. In the event consultants or other experts are hired, all such outside costs will be borne by each of the parties on a per-capita basis.

It is further understood and agreed that the Corridor Development Plan, as prepared and adopted by Windsor and Severance, may address a wide variety of issues relating to cooperation between the municipalities; and, as such, the Corridor Development Plan may be adopted by the parties in stages. At a minimum, it is agreed that the Corridor Development Plan shall include provisions addressing the following:

(1) Resolution of conflicts between the municipalities and the establishment of consistent UGBs.

(2) Land use restrictions in the CPA, specifically including the prohibition of residential zoning within the CPA, unless such residential zoning is specifically agreed upon by both municipalities.

(3) The location, design, construction, maintenance, and financing of streets and highways within the CPA.

(4) The issuance, approval, and review of building permits within the CPA.

(5) Provisions for government services within the CPA, including but not limited to, utility services, law enforcement, fire and emergency services, and code enforcement.

(6) A drainage master plan for the CPA including the planning, design, construction, maintenance and financing of drainage improvements and facilities.

(7) Provisions for the development and maintenance of parks, recreation services, and open space within the CPA.

(8) Provisions for setbacks, design standards, landscaping, and

maintenance of rights-of-way within the CPA.

(b) Upon the adoption of the Corridor Development Plan, in whole or in part, no development proposals, which for purposes of this Agreement shall include conditional use grants, shall be approved by either of the parties which are inconsistent with the plan adopted by the municipalities without the specific written consent of the board of trustees of each of the municipalities. It is understood and agreed that upon the adoption of this Intergovernmental Agreement, all plans and specifications for any development proposal within the boundaries of the CPA, received by either of the parties after the effective date of this Agreement, shall be forwarded to the other party for review and comment at least thirty (30) days prior to any action being taken on said development proposal. The review and comment period provided for herein may be shortened or extended by the parties by mutual agreement.

4. **Amendment of the Cooperative Planning Area Boundaries.** The parties recognize that the boundaries of the CPA as established by this Agreement are reflective of current and projected land uses within the Geographic Area. The parties intend that the area to be contained within the CPA be limited to commercial and industrial development and that such development not be divided by the artificial boundaries established by this Agreement. The parties recognize that as annexations occur, and developments are proposed within the Geographic Area, it may be necessary to amend this Agreement to modify the boundaries of the CPA to include additional land that may be developed as commercial or industrial or to exclude land which will not be so developed. The parties agree that they shall fully cooperate with one another in adopting such amendments to this Agreement as may be necessary to effectuate the intentions of the parties as expressed in this paragraph.

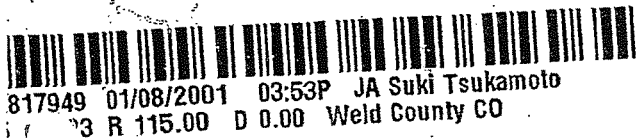
5. **Urban Growth Boundaries and Annexation.**

(a) The parties agree that upon the adoption of this Agreement, they shall forthwith make such adjustments to their respective comprehensive plans or other official documents to reflect the UGBs as set forth in the Geographic Area.

(b) Windsor shall have exclusive authority to exercise its annexation powers and to provide services within its UGBs as described on Exhibit A.

(c) Severance shall have exclusive authority to exercise its annexation powers and to provide services within its UGBs as described on Exhibit A, except as modified by the provisions for water and sewer services set forth in paragraph 6 of this Agreement.

(d) Both parties specifically agree that upon the receipt or preparation by either of them of any documents proposing annexation within the CPA, copies of all such documents shall



be submitted to the other party for review and comment at least thirty (30) days prior to any intended action thereon.

(e) In the event either Windsor or Severance elects not to exercise annexation powers or to extend services pursuant to this paragraph, the declining municipality shall notify the other party within thirty (30) days of that decision. Upon receipt of such notice, the other party may thereafter, in its sole discretion, exercise its annexation powers and/or extend services to such property.

(f) With the exception of the specific recitals contained herein, nothing in this Agreement shall otherwise be construed as limiting or otherwise restricting the annexation powers of the respective municipalities within each municipality's UGB as defined by this Agreement and reflected on Exhibit A.

6. **Adoption of the East Main Street Corridor Plan.** Windsor has adopted certain planning and design guidelines for portions of the 392 Corridor presently annexed to Windsor. These guidelines are collectively known as the East Main Street Corridor Plan. Those portions of the East Main Street Corridor Plan relevant to this Agreement are attached hereto and incorporated herein as "Exhibit B." The parties agree that it is in the best interest of both municipalities to extend the relevant portions of the East Main Street Corridor Plan to the Commercial Corridor Area as set forth in Exhibit B. Accordingly, the parties agree that the East Main Street Corridor Plan as set forth in Exhibit B shall be applicable to the Commercial Corridor Area of the CPA. Upon the adoption of this Agreement, development proposals not in compliance with these planning and design guidelines shall not be approved by either of the parties.

7. **Water and Sewer Service in the CPA.**

(a) It is specifically understood and agreed that no development proposing the use of septic systems in the CPA shall be approved by either municipality. Because of the location of their facilities and the topographical difficulties presented, the parties recognize that the CPA will most efficiently be served by the water and sewer services of Windsor. Accordingly, the parties agree that water and sewer service in the area identified as the CPA on Exhibit A shall be made available by Windsor, regardless of whether or not portions of that area are annexed to Windsor or to Severance. Such service shall be made available in accordance with the development standards and policies of Windsor. For those portions of the CPA annexed to Windsor, all customers therein will be charged in accordance with the water and sewer fees and charges in effect for other customers within the corporate limits of Windsor. The parties agree that for those portions of the CPA subsequently annexed to Severance, Windsor's fees and charges shall be determined after appropriate consultations with Severance, and unless the parties otherwise agree, Windsor's water and sewer fees and charges shall not exceed such fees and charges imposed upon regular customers located within Windsor's corporate limits. Nothing herein shall be construed as preventing the parties from entering into additional agreements which modify the provisions of this paragraph with regard to water and



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sewer service fees and charges. As is reflected elsewhere in this Agreement, both municipalities agree that in the absence of mutual written consent, no water and sewer service will be provided to any residentially zoned property within the CPA. This Agreement shall not affect current residential development which may exist in the CPA at the time of annexation by either of the municipalities. Windsor agrees that it shall make water and sewer service available to such existing residential development, in accordance with the development standards and policies of Windsor.

(b) Windsor has in design a plan which will expand Windsor's Eastside Sewer Interceptor to the north, thereby enabling Windsor to serve certain areas of the CPA before the end of calendar year 2001. Windsor acknowledges that it has sufficient funds to complete this expansion in 2001 and has specifically appropriated funds therefor.

8. **Regional Sewer Treatment Facility.** As is reflected elsewhere in this Agreement, Windsor and Severance recognize their mutual obligation to the citizens of the Geographic Area to cooperate with one another in providing efficient and cost effective utility services. Windsor currently operates a sewer treatment facility with capacity for expansion. Current and projected growth in Severance will require additional sewer service. Sound planning dictates that Severance join with Windsor in the expansion of Windsor's treatment facility to include discharge from Severance. The parties agree to commence negotiations forthwith to expand the capacity of Windsor's sewer treatment facility to transform the facility to a regional facility which will serve the present and future needs of the Severance.

9. **Utility Easements and Rights-of-Way.** Within their respective jurisdictions in the CPA, each party shall provide the other, utility easements and rights-of-way, without charge if previously granted to the providing party without charge, which are required to make water and sewer service available within their respective jurisdictions, and rights-of-way for necessary storm drainage improvements.

10. **Shared Revenues.**

(a) It is understood and agreed by the parties hereto that the implementation of this Agreement, and the achievement of its purposes, including planning for and regulating the use of land and the provision of urban services, facilities, rights-of-way, and other requirements, will require significant time and effort on the part of both parties, as well as the expenditure of substantial revenues. Accordingly, the parties agree that it is in the best interest of each that certain tax revenues generated within the CPA be shared between them. It is understood and agreed that all sales, use and property tax revenues collected by each of the municipalities within the CPA shall be shared and distributed between the municipalities, two thirds (2/3) to the collecting municipality and one third (1/3) to the other municipality.

(b) At the time of the execution of this Agreement, the sales and use tax rates in Windsor are fixed at 3%, while those in Severance are fixed at 2%. The parties recognize that the equalization of these rates is important to the continued viability of this Agreement. It is the present intention of the Board of Trustees of Severance to place a proposal to increase sales and use tax rates by 1% before the electors of the Town at the next lawful election following the execution of this Agreement. The Board of Trustees agrees to use its best efforts to encourage the passage of this proposal by the citizens of Severance.

(c) At the time of the execution of this Agreement, neither of the municipalities has in effect an accommodations or lodging tax or a hotel/motel occupancy tax. In the event either of the municipalities adopts any such tax, all revenues generated thereby shall be retained by the taxing municipality. In the event both municipalities subsequently adopt any such tax in an equal amount, the revenues therefrom shall be shared by the parties in proportions provided for herein for sales, use and property taxes.

(d) All tax revenues subject to sharing pursuant to this Agreement shall be distributed between the two municipalities no later than thirty (30) calendar days following the end of the calendar quarter during which the revenue was collected or received.

(e) Each of the municipalities shall make every effort to standardize with the other municipality the procedures, ordinances and regulations applicable to the taxes to be shared pursuant to this Agreement.

(f) Each party and its authorized agents may, upon thirty (30) days' advance written notice to the other, audit the other's records of those taxes which are collected within the CPA and which are being shared pursuant to this Agreement.

(g) Neither of the municipalities shall impair the rights under this paragraph of the other municipality, without the other's consent, to share in the revenues as described in this paragraph.

(h) Notwithstanding anything herein to the contrary, the obligations of the parties hereunder shall be subject to and subordinate the parties' obligations, covenants, and representations contained in or incorporated in any ordinance, resolution, indenture, underwriting agreement, or other document pertaining to the authorization, issuance, payment, or sale of any bonds, notes, certificates, indentures, or other evidences of borrowing (except as may be specifically provided otherwise in any such document), whether now or heretofore in existence, executed, issued, or incurred, the intent being that such obligations, covenants, and representations have and will take precedence over those set forth herein, and will be met, complied with, satisfied, and discharged in accordance with such documents prior to any distribution of moneys hereunder.



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Neither party shall pledge or subordinate the revenues contemplated by this Agreement to any other person or entity, nor shall any party incur any obligation, debt, underwriting or adopt any resolution or ordinance subsequent to this Agreement which would impair such party's obligations created by this Agreement.

(i) In the event of a significant change in the Colorado tax structure, this Agreement shall be modified so as to accomplish its intended purpose of continuing the revenue sharing provisions of this Agreement in a manner that resembles those provisions as closely as possible.

(j) It is understood and agreed that for purposes of the application of the revenue limitations contained in Article X, Section 20, of the Colorado Constitution, commonly known as TABOR, all revenues collected and thereafter distributed to the other municipality, shall be deemed revenues collected solely for the purpose of passing those revenues through to the receiving municipality, and the receiving municipality shall be obligated to count and include such revenues for TABOR purposes.

11. **Parties to Exercise Good Faith.** Windsor and Severance agree to devote their best efforts and to exercise good faith in implementing and adhering to the provisions of this Agreement throughout its term.

12. **Intent of Agreement.** This Agreement is intended to describe rights and responsibilities only as between the named parties hereto. It is not intended to and shall not be deemed to confer rights to any persons or entities not named as parties hereto nor to require Windsor or Severance to annex any property or to provide any services to any land. This Agreement is not intended to limit in any way the powers or responsibilities of Weld County or of any other political subdivision of the State of Colorado not a party hereto.

13. **Rights upon Default and Mediation provisions.** The Local Government Land Use Enabling Act, earlier referred to in this Agreement, provides that agreements between municipalities for the purposes set forth herein, are mutually binding and enforceable. Both parties hereby acknowledge the binding and enforceable nature of this Agreement. Should either party fail to comply with the provisions of this Agreement, the other party, after providing written notification to the non-complying party, and upon the failure of the non-complying party to achieve compliance within ninety (90) days after said notice, may at its option, either terminate this Agreement or maintain an action in a court of competent jurisdiction for specific performance, injunctive, or other appropriate relief. In the event of such litigation, each party shall be responsible for its own costs, including attorney fees. It shall be the obligation of the parties to submit to mediation any issue of non-compliance prior to declaring this Agreement terminated or prior to commencing an action in court as aforesaid. The parties shall agree on the appointment of a mediator who shall be experienced in matters of local government and the legal obligations of local government entities. In the event the parties are unable to agree upon a mediator, each party shall appoint an independent third party,



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and the third parties so appointed shall select a single mediator. The procedures and methodology for mediation shall be determined by the mediator. Appointment of the mediator shall take place no later than thirty (30) days following written notification as provided in this paragraph, and mediation shall be completed no later than sixty (60) days thereafter.

By the provisions of this paragraph it is the express intention of the parties to establish fully enforceable consequences upon the breach of this Agreement, while not in any way limiting the ability of the parties to freely exercise legislative discretion.

14. **Effective Date.** This Agreement shall be presented to the board of trustees of the respective municipalities for adoption by resolution, following notice and public hearing. This Agreement shall become effective upon its adoption by both municipalities.

15. **Term.** The Parties intend this Agreement to remain in full force and effect in perpetuity. To the extent allowable by law, both parties further intend to be bound by the provisions hereof in perpetuity.

16. **Annual Appropriation of Funds.** While it is the clear intention of the parties that this Agreement continue in perpetuity, it is understood and agreed that with regard to the financial obligations imposed upon Windsor and Severance by the terms of this Agreement, it is specifically understood and agreed that those obligations are specifically subject to the annual appropriation of monies by the respective municipalities to fund those obligations. It is the intent of the parties to plan to appropriate monies to fulfill each party's obligations under this Agreement in perpetuity.

17. **Amendment.** All amendments to this Agreement must be made in writing and approved by the governing bodies of both municipalities by resolution.

18. **Notices.** Requirements of notice hereunder shall be deemed satisfied upon mailing to the parties as follows:

Town Administrator
Town of Windsor
301 Walnut Street
Windsor, CO 80550

copy to: John P. Frey, Esq.
P. O. Box 2283
Fort Collins, CO 80522-2283

Town Clerk
Town of Severance
336 1st Street
P.O. Box 122
Severance, CO 80546

copy to: Don Hoff, Esq.
1025 9th Avenue, #309
Greeley, CO 80631



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19. **Effect of Invalidity.** If any portion of any paragraph of this Agreement is held invalid or unenforceable by a court of competent jurisdiction as to either party or as to both parties, such invalidity or unenforceability shall not affect the other paragraph(s) of this Agreement except that if a requirement or limitation in such paragraph(s) is declared invalid as to one party, any corresponding requirements or limitation shall be deemed invalid as to the other party.

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



ATTEST:

Cathy M. Kennedy
Town Clerk

APPROVED AS TO FORM:

[Signature]
Town Attorney

APPROVED FOR CONTENT:

[Signature]
Town Administrator

TOWN OF WINDSOR

By: W. Wayne Miller
W. Wayne Miller, Mayor

TOWN OF SEVERANCE

By: Cherice Blehm
Cherice Blehm, Mayor

ATTEST:

[Signature]
Town Clerk

APPROVED AS TO FORM:

[Signature]
Town Attorney

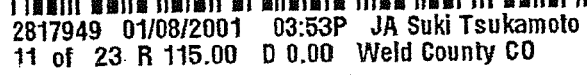
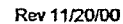


EXHIBIT "A"



Rev 11/20/00



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Exhibit "B"

East Main Street Corridor Plan

I. INTRODUCTION

A. Purpose and Scope:

The East Main Street Corridor (Corridor) holds many unique opportunities. Perhaps the most important one is that this Corridor is the eastern "gateway" to the Town of Windsor and the southwestern "gateway" to the Town of Severance. The visual quality of this gateway is directly related to both communities' images, and positive community images are essential for economic development and the ability to attract quality developments.

The location and scope of the Corridor is shown as the "Commercial Corridor Area" in Exhibit "A" of this Agreement.

B. Intent:

These standards and guidelines have been prepared in an effort to accomplish the following:

- To protect and enhance property values within the area.
- To increase the opportunity for development and expansion of business and industry within the area.

II. PROCEDURE

A. Application of Standards:

These standards and guidelines shall apply to (a) all new development within the Corridor, and (b) the remodeled portions of, or additions to, existing properties within the Corridor. "Standards" denoted by (S) are mandatory; "Guidelines" denoted by (G) are not mandatory, but are provided in order to provide assistance to planners, design consultants, developers, and the staff from both Towns concerning the design objectives of the Plan.

It is not intended that this document replace or supplant the existing requirements of either of the Towns, but merely supplement current requirements. Furthermore, all pertinent requirements of both Towns shall be followed in the development of a specific building site and shall be approved in accordance with all of the terms and conditions of this Agreement.

All zoning ordinances, building codes and regulations, and all other governmental codes, regulations, restrictions, and requirements shall be observed. In the event conflicts arise between this document and any other governmental codes, regulations, restrictions, and/or requirements, the more restrictive standard shall apply.

B. Submittal Requirements:

1. SITE PLAN drawn to an appropriate scale on a 24" x 36" sheet containing the following information:
 - a. The location of existing and proposed structures with the location of the entries noted.
 - b. The location and dimensions of all driveways, parking areas, loading areas, and pedestrian walkways.
 - c. The location and type of all outdoor storage or trash facilities with a description and/or indication of screening materials proposed.
 - d. The type and location of any ground signs.
 - e. The type and location of any accessory appurtenances such as scales, satellite dishes, antennae, gas pumps, etc.
 - f. The type and location of proposed site lighting.
 - g. A land use breakdown indicating total site area, total building area, building coverage area, parking and driveway coverage area and open space area.
 - h. The location of temporary model homes, sales office, and/or construction facilities, including temporary signs and parking lots.
2. LANDSCAPING PLAN drawn to an appropriate scale on a 24" x 36" sheet containing the following information:
 - a. Streetscape treatment.
 - b. General level of planting proposed, including an indication of planting beds, lawn areas and other proposed ground covers. All proposed plant materials should be drawn to scale at a size equivalent to ten (10) years maturity.
 - c. A plant material schedule indicating species, size and quantity of all plant material proposed. Plant material must be identified by direct labeling or by a clearly understandable legend.
 - d. A complete description of all proposed landscape accessory materials such as edging, planters, and mulches.
 - e. Planting details and/or specifications demonstrative proper planting technique, staking and mulching.

- f. A note indicating that all landscaped areas, including parking lot islands shall be irrigated by a fully automatic underground sprinkler system.
 - g. A note indicating that the owner shall be responsible for the maintenance of all landscape elements.
 - h. The position of existing trees on the site, if any, and a detailed plan for how these trees will be protected during construction.
- 3. SIGNAGE DETAILS drawn to scale containing the following:
 - a. An indication and description of all materials to be used and the means of sign illumination as well as the dimensions of the sign.
 - b. An indication and description of all wordage and/or logos to be included on the sign.
- 4. BUILDING ELEVATIONS drawn to an appropriate scale on a 24" x 36" sheet containing the following information:
 - a. An indication and description of all materials to be used on all sides of the buildings.
 - b. An indication of signage locations.
 - c. The height of the buildings and any appurtenances.
- 5. BUILDING COLOR AND MATERIAL SAMPLES of the actual materials to be used on the building including the following:
 - a. Roofing materials and color.
 - b. Exterior wall materials and colors.
 - c. Trim materials and colors.
 - d. Window and door materials and colors.

III. SITE PLANNING

The following minimum standards and guidelines shall be used as criteria for development within the Corridor.



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A Setbacks and Coverage:

1. All property line setbacks as established by the Windsor Municipal Code shall remain in full force and effect. In addition thereto, there shall be a thirty-five foot (35') minimum setback where sites adjoin Colorado State Highway 392. (S)
2. To allow for landscape buffers, all paving shall be setback from the property lines a minimum of twenty-five feet (25') where abutting Colorado State Highway 392, fifteen feet (15') abutting all other streets, and five feet (5') from all other property lines which do not abut streets. (S)
3. Building coverage on any given site shall not exceed forty percent (40%) of the site area. (S)
4. Building coverage on any given site shall preferably cover less than thirty-three percent (33%) of the site area. (G)
5. Open landscape area on any site shall be twenty percent (20%) or greater. (S)
6. All building elements and landscaping should be oriented to minimize visual impact of parking areas. (G)
7. All fences located on the street side of any site shall be recessed a minimum of two feet (2') beyond the plane of the building facing such street. Such fences shall be designed to be compatible with the styles, materials, and colors of nearby buildings. No chain link fences shall be visible from Colorado State Highway 392. (S)

B. Parking & Loading:

1. All parking and drive areas shall be paved with asphalt or concrete and shall have concrete curbs with appropriately radiused corners. (S)
2. Bicycle parking should be provided near building entries, but shall not encroach into pedestrian walkways. (G)
3. Parking area should be minimized between the street or driveway and building entries. (G)
4. All offstreet loading and refuse areas shall be designed to include adequate space for ingress, egress and maneuvering and shall be screened from view with appropriate landscape elements or with screenwalls constructed of materials which are compatible with the building. (S)
5. All storage or equipment areas shall be screened from view with appropriate landscape elements or with screenwalls constructed of materials which are compatible with the building. (S)

6. Each site entrance drive shall not serve as direct vehicular access to individual parking spaces for a minimum distance, from right-of-way line, or forty-five feet (45') where abutting Main Street and thirty-five feet (35') where abutting all other streets. (S)
7. Landscape islands a minimum of fifteen feet (15') in length and eight feet (8') in width shall occur at ends of all parking rows. (S)
8. Parking lot areas shall be broken into sections of two hundred (200) parking spaces maximum, separated by landscaped buffers ten feet (10') wide or greater. (S)
9. All utility services to facilities shall be installed underground. (S)

C. Site Lighting:

1. The style of light fixtures shall be compatible with the style and character of buildings proposed on the site. If a precedent has been established within the district, it should be followed for any subsequent light fixtures that are used in corresponding or similar situations. (S)
2. Light poles shall not exceed thirty feet (30) in height. (S)
3. Lighting shall be designed to retain light within the property lines of a given building site and shall not spill any light outside said property lines. (S)
4. The face of a building or a ground mounted sign may be flood lit from above the ground provided that the fixture is not more than eighteen inches (18") above grade and is screened by law planting materials or other architectural elements. (S)
5. All exterior and security lighting shall have underground service. (S)

D. Site Amenities:

All building sites are encouraged to incorporate pedestrian amenities such as benches, fountains, courtyards, works of art, etc., especially at the entry locations.

IV. ARCHITECTURAL

The following architectural standards and guidelines shall be established as a minimum for development in the Corridor:

1. Building walls should be subdivided and proportioned to the size of a person, using offsets, projects, overhangs, and recesses, in order to add architectural interest and variety and avoid the effect of a single, massive wall with no relation to human size. (G)

2. Ground floor facades that face streets or public walkways must be modulated with animating features such as windows, entrance areas, arcades, porches, pilasters, arbors, awnings, recessed or projecting display windows, and/or trellised vines along no less than 50% of the façade.
3. No blank wall that faces a public street or walkway shall exceed fifty feet in length. (S)
4. The predominant portion of any building shall not exceed thirty feet (30') in height. Ornamental architectural elements or appurtenances such as clock towers or cupolas shall not exceed forty feet (40') in height. (S)
5. Sloped "residential" type roofs over building masses and at covered walkways are encouraged. (G) Where roofs are sloped, roofs shall slope at a minimum of 5 in 12. (S)
6. Architectural elements that add interest to roofs such as dormers, cupolas, clock towers, and other similar elements are encouraged. (G)
7. Flat rooflines should be avoided on low one story buildings, and where utilized on taller buildings they should feature a three dimensional cornice treatment on all walls facing streets or public walkways. (G)
8. A relatively wide variety of building materials shall be permitted. However, it is intended that a basic harmony of architecture prevail.
9. Building materials should consist of textured unit masonry such as brick, stone and architectural grade concrete masonry units, as well as wood siding, used in repeating patterns throughout the building fabric of the area as much as possible. (G)
10. Any materials other than those encouraged in #9 above, if used, should be used as integral parts of the overall building fabric in repeating modules, proportioned both horizontally and vertically to relate to human scale, and with enough depth at joints between architectural elements and materials to cast shadows. (G)
11. Metal siding panels shall be prohibited on prominent facades, and only architectural grade metal panels will be allowed on non-prominent facades. Vertical ribbed metal siding panels shall be prohibited. (S)
12. Predominate exterior colors shall be of low reflectance, muted, neutral or earth tone colors. Other colors may be used for accent or to emphasize focal areas provided that they are sensitively integrated. (S)
13. Mechanical equipment and service functions associated with a building must be incorporated into the overall design theme of the building and the landscape so that these functions are screened from view from public ways and adjacent properties. (S)

14. Wherever possible, conduits, meters and vents which are visible on buildings should be painted to match the respective building surfaces. (G)

V. LANDSCAPE

In addition to the landscape guidelines in effect for the Town, the following shall constitute additional minimum guidelines for landscaping within the Corridor:

1. The density of landscaping need not be so dense as to completely cover or mask the building site, but will not be so sparse as to be perceived as a minimum or superficial effort at landscaping. (G)
2. Landscape materials shall be of long living varieties, and shall be permanent in nature. All plant material shall be vigorous and free from disease and insect infestation, in accordance with specifications outlined by the American Association of Nurseries (AAN) for number one grade, and will adapted to the Windsor area climate zone. Plants must be sized according to the following table: (S)

TYPE	SIZE
Standard deciduous	2" caliper measured 6" above ground
Small ornamental flowering trees	1 ½ to 1 ¾" caliper measured 6" above ground
Evergreen Trees	6 foot in height
Shrubs and hedges	Five gallon or adequate size consistent with design intent

3. Short lived materials, such as annual flowers, are encouraged to be used to accent or supplement the basic permanent landscape plan. Such flowers are encouraged to be utilized in a bed or planter at project entries. (G)
4. No plant material with invasive roots shall be used. (S)
5. Artificial plant materials shall be prohibited. (S)
6. Landscape elements should relate to the building's structural elements and be used to interrupt extensive building surfaces. (G)
7. All parking lot islands shall be landscaped with at least one shade tree and some low ground cover and/or shrubbery. (S)
8. Street trees: Along the Main Street Corridor, continuity is required to connect the diverse land use areas and provide an appealing "corridor" feel to the entrance of Town. The use of trees along the Corridor can create this unifying effect. The following standards shall be used to create this effect:



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- a. Trees planted along Main Street shall be planted at a spacing of forty feet (40') and in straight rows to create a continuous street edge. (S)
- b. Trees of varying species shall be planted to avoid drastic loss from insect or disease infestation. Different species with similar characteristics such as growth habit or color could be used to avoid over-use by one tree species yet maintain the desired look. (G)
- c. In all new development projects the inclusion of a 5 foot (5') detached walk and a 10 foot (10') designated tree lawn, between the walk and the street, shall be required. Where such projects meet existing projects, new sidewalks shall be required. In the case of a redevelopment of an existing site which has a narrow frontage, the developer shall be required to post a bond equivalent to 110% of the value of such sidewalk and landscape improvements. Such bond will be utilized to construct the sidewalk improvements at the time there is enough adjacent redevelopment to allow for a substantial portion of new sidewalk to be constructed. (S)
- d. Large size shade trees recommended along Main Street include the following. (G)

Hackberry: *Celtis occidentalis*

Burr Oak: *Quercus macrocarpa*

American Elm: *Ulmus americana* (recommended only when varieties resistant to Dutch elm disease are available)

American Linden: *Tilia americana*

Northern Catalpa: *Catalpa speciosa*

Norway Maple: *Acer platanoides*

Ginkgo: *Ginkgo biloba*

English Oak: *Quercus robur*

Green Ash*: *Fraxinus pennsylvanica* (seedless varieties only such as 'Patmore' and 'Marshall Seedless')

White or American Ash: *Fraxinus americana*

Thornless Honeylocust*: *Gleditsia triacanthos inermis*

* Acceptable species but not recommended for planting in Windsor because of the large number of these tree species already planted. Over-planting of one species leaves the forest vulnerable to disease infestation.

- e. Medium size shade trees recommended along Main Street include the following: (G)

Littleleaf Linden: *Tilia cordata*

Ohio Buckeye: *Esculus glabra*

- f. Small size trees recommended under power lines or where planting area width is only 5 to 6 feet include the following: (G)



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Schubert Chokecherry: *Prunes Virginian* 'Schubert'
Japanese Lilac Tree: *Syringe reticulate*
Mayday Tree: *Prunes pads committee*
Serviceberry: *Amelanchier species*
Amur Maple: *Acer ginnala*
Crabapple: *Malus species*
Hawthorne species: *Crataegus species* (thornless varieties)
Tatarian Maple: *Acer tataricum*
Japanese Pagoda Tree: *Sophora japonica*

g. Trees not recommended along Main Street include the following: (G)

Evergreen Trees

Aspen: *Pupulus tremuloides*
Silver Maple: *Acer saccharinum*
Russian Olive: *Eleagnkus angustafolia*
Boxelder: *Acer negundo*
Mountain Ash: *Sorbus aucuparia*
Willows: *Salix species*
Birches: *Betula species*
Cottonwoods: *Populus species*
Siberian Elm: *Ulmus pumila*
Sunburst Honeylocust: *G. 'Sunburst' variety*
Hopa Crabapple: *Malus x Hopa*

h. Street trees should be planted in the center of the tree lawn equidistant between the curb and sidewalk. (S)

9. Trees planted in areas of high pedestrian traffic shall be at least 3 inch caliper and be high branching. This size is required so that adequate branching height is achievable without severe pruning. (S)
10. All trees and shrubs must be maintained in healthy condition or be replaced at the expense of the owner. (S)
11. All visible areas which are not put to use as planting or tree beds, as parking or walkways or as building area shall be seeded or sodded with bluegrass or other high quality turf blend. Planting or tree beds shall be sized such that, at the time the plant material they contain is mature, a minimal amount of mulch area is visible. (S)
12. All landscaped areas, including parking lot islands shall be irrigated by a fully automatic underground sprinkler system. (S)
13. Planting beds are encouraged around the perimeter of all buildings. (G)



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14. The owner or developer shall, to the greatest extent possible, incorporate existing healthy, mature trees and shrubs into the landscape design. Existing trees and other plants in reasonable condition may be removed only if the owner or developer has satisfactorily demonstrated to the Town that site design restrictions necessitate their removal. Upon such demonstration, all removed trees or shrubs shall be replaced with new trees and shrubs in a quantity and size reasonably equivalent to those removed. An evaluation of the existing landscape proposed to be removed may be required. (S)
15. Existing plant material that is to remain as part of the permanent development or redevelopment of a property shall be protected during construction. Existing trees and shrubs shall be protected with a sturdy three foot (3') high construction fence that is placed at a distance from the tree equal to 40% of the height of the tree. If work is required closer than the construction fence, all work shall be done by hand with special care being given to minimizing disturbance to tree roots, and protecting the tree trunk from damage. (S)

VI. SIGNAGE

The following signage guidelines shall be established as a minimum for development in the Corridor:

1. All signs shall conform to the design criteria set forth herein as well as the criteria set forth in the Windsor Municipal Code. (S)
2. Project identification signage:
 - a. Each development, complex of buildings or large building complex shall be permitted to have one freestanding development identification sign. Such sign shall primarily identify the name of the development. Secondly, such sign may contain smaller signage for individual tenants which are housed within the development or complex. (S)
 - b. Each major tenant or building occupant may have the following signage:

One building mounted sign for each street frontage the property abuts; and

Either one freestanding sign for each street frontage which the property abuts or one sign which is a part of a development identification sign. (S)
 - c. Each minor tenant may have the following signage:

One building mounted sign and

One sign which is a part of the development identification sign. (S)



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- d. Signs shall identify only the name of the building site, or the primary business or company on the premises or the company logo. A single additional signage entity such as a corporate sponsorship sign or signage advertising gasoline pricing shall be allowed only when such signage is a critical aspect of the business. (S)
- e. Freestanding signs may not be located closer than fifteen feet (15') from any property line, unless it is more than forty-two inches (42') high. (S)
- f. Building mounted signage shall consist of individual letters with thirty inches (30") being the maximum height of the copy area which can exist. Cabinet type signs may be used provided that they are properly integrated into the architecture of the building. If cabinet signs are utilized on multiple tenant buildings, written criteria describing uniform sign size, background color and general quality level is to be submitted, for approval, by the owner/landlord prior to the submittal of any tenant signage plans. Each tenant will be required to conform to such criteria. (S)
- g. Freestanding signs shall be "monument" type signs set on bases made of materials which are compatible with the architectural elements of the project. Pole mounted signs are prohibited. (S)
- h. Freestanding signs are encouraged to be incorporated into a landscape planting bed with low landscape elements placed in front of signage to soften the sign and taller landscape placed behind single-sided signs to offer a backdrop. (G)
- i. Development Identification Signs. In addition to all of the general signage requirements outlined herein and also relative to the criteria outlined in Section VI.2.a. above pertaining to development identification signs, all development identification signs shall also comply with both of the following requirements:
 - (a) No such sign shall exceed sixteen feet (16') in height, including the monument base; and
 - (b) The maximum advertising area of all such signs shall not exceed fifty (50) square feet per side for each one hundred feet (100') of street frontage of the lot upon which the use is located, but no greater than one hundred (100) square feet per side. Such area shall be exclusive of the sign base. (S)
- j. Individual Major Tenant or Major Building Occupant Signs. In addition to all of the general signage requirements outlined herein and also relative to the criteria outlined in Section VI.2.b. above pertaining to major tenant or major building occupant signs, all major tenant or major building occupant signs shall also comply with both of the following requirements:



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- (a) No such sign shall exceed six feet (6') in height, including the monument base; and
 - (b) The maximum advertising area of all such signs shall not exceed twenty-four (24) square feet per side. Such area shall be exclusive of the sign base. (S)
 - k. Signs may be illuminated, but shall not be moving, flashing, blinking or fluctuating. (S)
 - l. While canvas awnings are considered perfectly acceptable, acrylic or plastic awnings are discouraged. Interior illuminated awnings are also discouraged. (G)
3. Traffic Control and Directional Signage:
- a. Traffic control and directional signage shall be allowed as needed. Such signage shall be of a uniform character within each development. (S)
 - b. Such signage shall be constructed of steel, aluminum or alucabond, and shall not be larger than four (4) square feet in area. (S)

**FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF WINDSOR AND TOWN OF SEVERANCE
DATED DECEMBER 11, 2000, REGARDING RESIDENTIAL LAND USE
IN THE COOPERATIVE PLANNING AREA**

THIS FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF WINDSOR AND TOWN OF SEVERANCE DATED DECEMBER 11, 2000, REGARDING RESIDENTIAL LAND USE IN THE COOPERATIVE PLANNING AREA ("Amendment") is entered into this 6 day of FEB, 2017, by and between THE TOWN OF WINDSOR, a home rule municipality and political subdivision of the State of Colorado ("Windsor") and THE TOWN OF SEVERANCE, a statutory town and political subdivision of the State of Colorado ("Severance"). The parties hereto, when referring to both, may also be referred to herein as "municipalities" or "parties." Either party may also be referred to as "municipality" or "party."

RECITALS

WHEREAS, the Windsor Town Board and the Severance Town Board have a long history of intergovernmental cooperation; and

WHEREAS, in 2000, the parties entered into an Intergovernmental Agreement dated December 11, 2000 ("2000 Agreement"), wherein development along a defined corridor lying on the north and south sides of State Highway 392 between Weld County Road (WCR) 19 and WCR 23 Windsor would be governed by a statutory Comprehensive Development Plan to be later adopted; and

WHEREAS, the parties adopted the Comprehensive Development Plan (2004 Development Plan) on January 12, 2004, where the parties expressed their understandings concerning development expected to occur within the Cooperative Planning Area ("CPA") established under the 2000 Agreement; and

WHEREAS, both the 2000 Agreement and 2004 Development Plan prohibit residential development in the CPA; and

WHEREAS, Windsor has seen significant residential development occurring in the first filing of a subdivision known as "Village East Subdivision", which lies north and outside of the CPA in Windsor; and

WHEREAS, the developer of Village East has requested that residential development be allowed to occur in a portion of the CPA, on the grounds that commercial and industrial development are not economically feasible under current market conditions; and

WHEREAS, Windsor desires to allow for more flexibility in the defined development areas depicted by the map in Exhibit "A" and approve limited residential development in a portion of the CPA, and Severance is willing to amend the Agreement to allow for more flexibility within the defined development area, to include allowing limited residential development as generally proposed by the developer of Village East; and

WHEREAS, in exchange, Severance shall be entitled to the same consideration by Windsor allowing for a flexible development area in a portion of the CPA for the identical portion of the property as reflected on the east side of WCR 21, and depicted by the map in Exhibit "A"; and

WHEREAS, the parties acknowledge that residential development carries a greater net cost to municipalities in terms of municipal services and infrastructure maintenance; and

WHEREAS, the statutes of the State of Colorado, specifically the Local Government Land Use Control Enabling Act, Colorado Revised Statutes, 29-20-101, *et seq.*, authorize the parties to enter into mutually binding and enforceable agreements regarding land use and the sharing of revenue under these circumstances; and

WHEREAS, this Amendment is entered into by Windsor and Severance pursuant to the aforesaid constitutional and statutory authority as well as other powers inherently granted to statutory and home rule municipalities by the State of Colorado;

NOW, THEREFORE, in consideration of the covenants and obligations expressed herein, it is hereby agreed by and between Windsor and Severance as follows:

1. **Preamble.** Both municipalities hereby acknowledge that the recitals set forth above are true and correct, and those recitals are incorporated into the body of this Amendment. Both municipalities, further, acknowledge and reaffirm the 2000 Agreement and the 2004 Development Plan adopted in accordance therewith.

2. **Residential Development within the CPA.** Attached and incorporated into this agreement is Exhibit A, that defines the flexible development land area within the CPA allowing for residential development to occur under this Amendment. Except as described in Exhibit A, no residential development shall be approved by either party in the CPA unless the parties specifically agree in writing.

3. The parties reaffirm the Intergovernmental Agreement (Sanitary Sewer Line Cost

Recovery) dated December 7, 2015, the requirements for revenue sharing under the 2000 Agreement, shall remain in full force and effect.

- (a) Nothing herein shall preclude the parties from reaching other agreements with respect to infrastructure cost-sharing, revenue sharing and other items of cooperation available under Colorado law.

4. **Parties to Exercise Good Faith.** Windsor and Severance agree to devote their best efforts and to exercise good faith in implementing and adhering to the provisions of this Amendment throughout its term.

5. **Intent of Amendment.** This Amendment is intended to describe rights and responsibilities only as between the above-named parties. It is not intended to and shall not be deemed to confer rights to any persons or entities not specifically named as parties nor to require Windsor or Severance to approve development of any property or to provide any services to any land within the CPA or otherwise. This Agreement is not intended to limit in any way the powers or responsibilities of Weld County or of any other political subdivision of the State of Colorado.

6. **Rights upon Default and Mediation provisions.** The Local Government Land Use Enabling Act, earlier referred to in this Amendment, provides that agreements between municipalities for the purposes set forth are mutually binding and enforceable. Both parties acknowledge the binding and enforceable nature of this Agreement. Should either party fail to comply with the provisions of this Amendment, the other party, after providing written notification to the non-complying party, and upon the failure of the non-complying party to achieve compliance within ninety (90) days after notice, may at its option, either terminate this Amendment or maintain an action in a court of competent jurisdiction for specific performance, injunctive, or other appropriate relief. In the event of such litigation, each party shall be responsible for its own costs, including attorney fees. It shall be the obligation of the parties to submit to mediation any issue of non-compliance prior to declaring this Amendment terminated or prior to commencing an action in court. The parties shall agree on the appointment of a mediator who shall be experienced in matters of local government and the legal obligations of local government entities. In the event the parties are unable to agree upon a mediator, each party shall appoint an independent third party, and the third parties so appointed shall select a single mediator. The procedures and methodology for mediation shall be determined by the mediator. Appointment of the mediator shall take place no later than thirty (30) days following written notification as provided in this paragraph, and mediation shall be completed no later than sixty (60) days thereafter.

By the provisions of this paragraph it is the express intention of the parties to establish fully enforceable consequences upon the breach of this Amendment, while not in any way limiting the ability of the parties to freely exercise legislative discretion.

7. **Effective Date.** This Amendment shall be presented to the governing board of the respective municipalities for adoption by resolution, following notice as required by the Colorado Open Meetings Law, § 24-6-401, *et. seq.* This Amendment shall become effective upon its adoption by both municipalities.

8. **Term.** The parties intend this Amendment to remain in full force and effect indefinitely.

9. **Modification.** All modifications to this Amendment must be made in writing and approved by the governing bodies of both municipalities by resolution.

10. **Notices.** Requirements of notice shall be deemed satisfied upon mailing to the parties as follows:

To Windsor:
Town Manager
301 Walnut Street
Windsor, CO 80550

Copy to:
Town Attorney
301 Walnut Street
Windsor, CO 80550

To Severance:
Town Administrator
3 South Timber Ridge Parkway
PO Box 339
Severance, CO 80546

Copy to:
Severance Town Attorney
Gregory Bell, Esq.
Bell, Gould, Linder & Scott, P.C.
322 East Oak Street
Fort Collins, CO 80524

11. **Effect of Invalidity.** If any portion of this Amendment is held invalid or unenforceable by a court of competent jurisdiction as to either party or as to both parties, such invalidity or unenforceability shall not affect the remainder of this Amendment, except that if a requirement or limitation is declared invalid as to one party, any corresponding requirements or limitation shall be deemed invalid as to the other party.

IN WITNESS WHEREOF, the above parties hereto have caused this Amendment to be executed the day and year first above written.

[Remainder of this page intentionally left blank - - signature page to follow]

TOWN OF WINDSOR

By: _____
Kristie Melendez, Mayor

ATTEST:

Patti Garcia, Town Clerk

APPROVED AS TO FORM:

Ian D. McCargar, Town Attorney

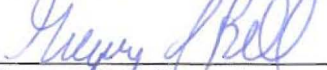
TOWN OF SEVERANCE

By:  _____
Donald Brookshire, Mayor

ATTEST:

 _____
Betty Mauch, Town Clerk

APPROVED AS TO FORM:

 _____
Gregory Bell, Town Attorney



 Windsor/Severance Areas Proposed For Flexibility
 Intergovernmental Growth Agreement Boundary

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: 1/17/2017
Updated by: sunoand
Created: 1/11/2016
Created by: sunoand



Rezoning

Portion of Eastbrook
Annexation No. 1 and
Eastbrook Annexation No. 2
and No. 3

Millissa Berry, Senior Planner

Planning Commission November 7, 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

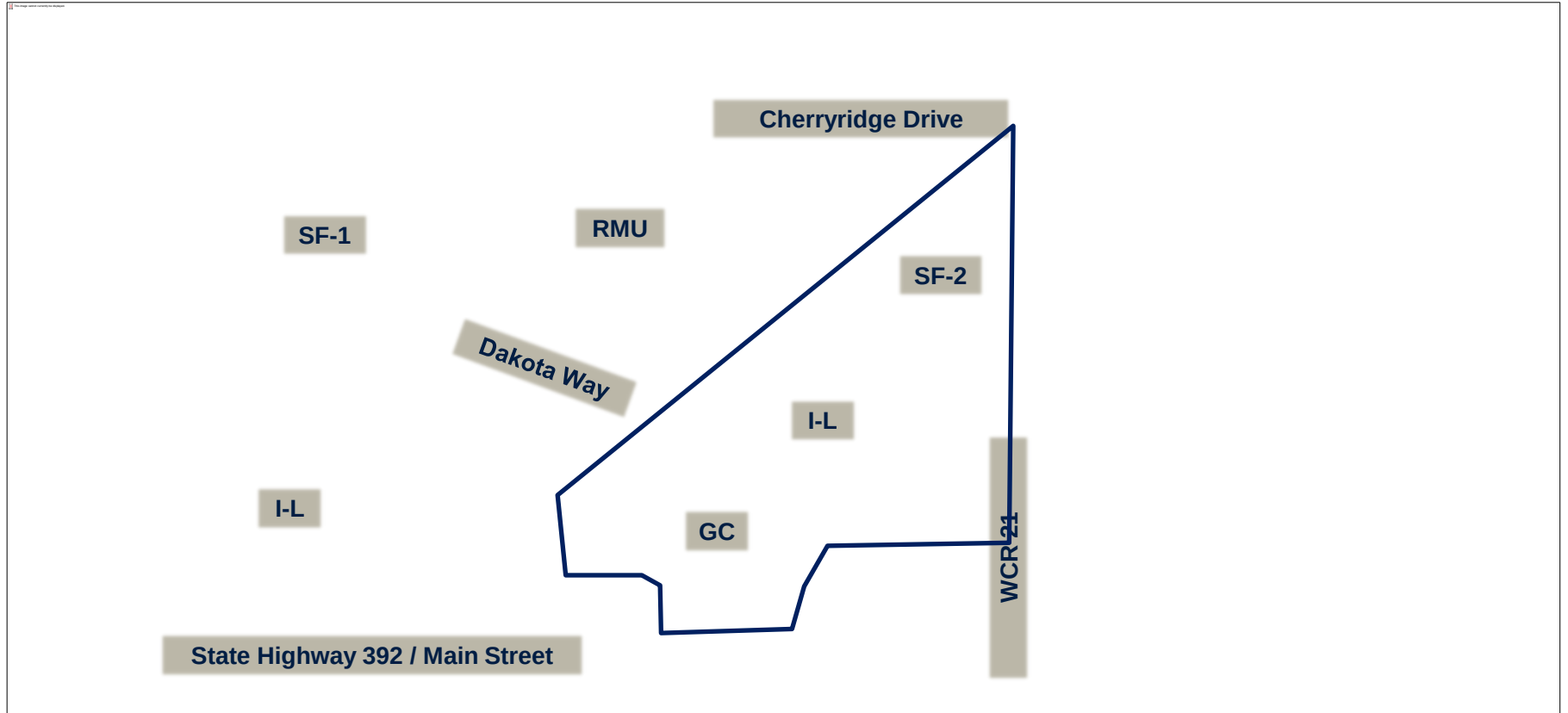
Purpose. The purpose of this Section is to provide a procedure for changing the existing zone classification of a parcel of land within the Town.

Site Vicinity Map





Zoning Map





Land Use Map

VILLAGE EAST/ EASTBROOK ANNEXATION NO.2

LAND USE MAP AMENDMENT

Located in Section 15 and a Portion of The West Half of Section 14, Township 6 North, Range 67 West of The 6th P.M.
Town of Windsor, County of Weld, State of Colorado



Consistum Design
LAND PLANNING AND
LANDSCAPE ARCHITECTURE
1383 SOUTH ALTON WAY,
SUITE 10
CENTENNIAL, CO 80112
TEL: 303.554.4800
FAX: 303.554.8024
WWW.CONSISTUMDESIGN.COM

VILLAGE EAST/ EASTBROOK
ANNEXATION NO.2
LAND USE MAP AMENDMENT

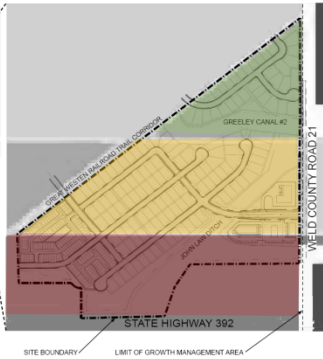
LAND USE
AMENDMENT
L1.00



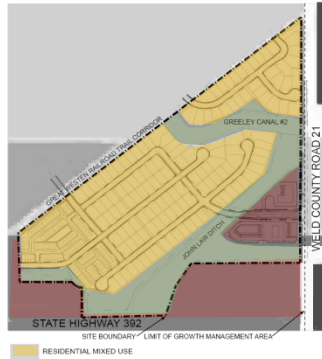
OVERALL LAND USE MAP



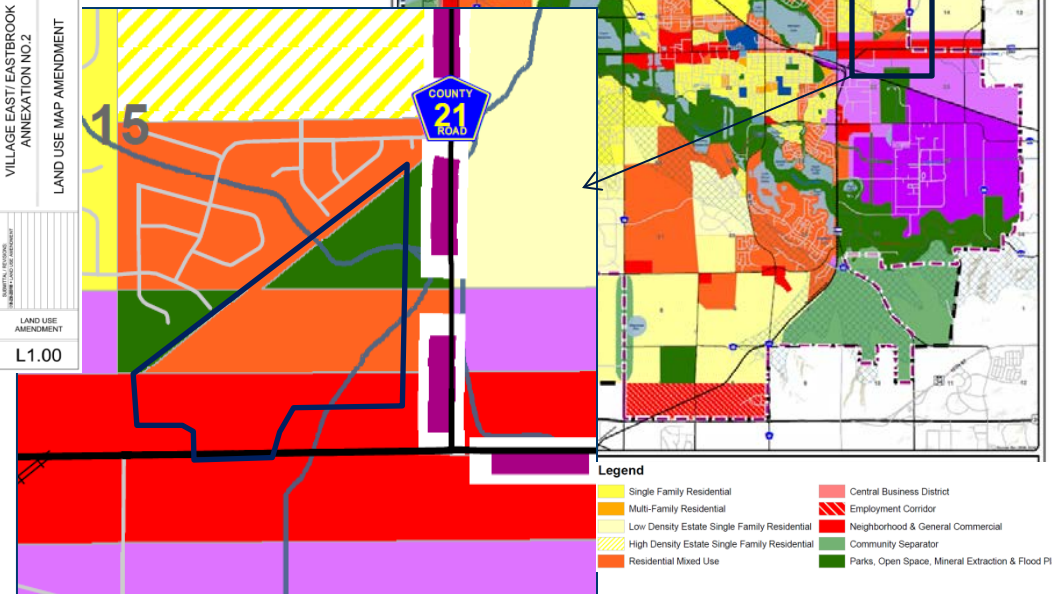
EXISTING LAND USE DESIGNATION



PROPOSED LAND USE

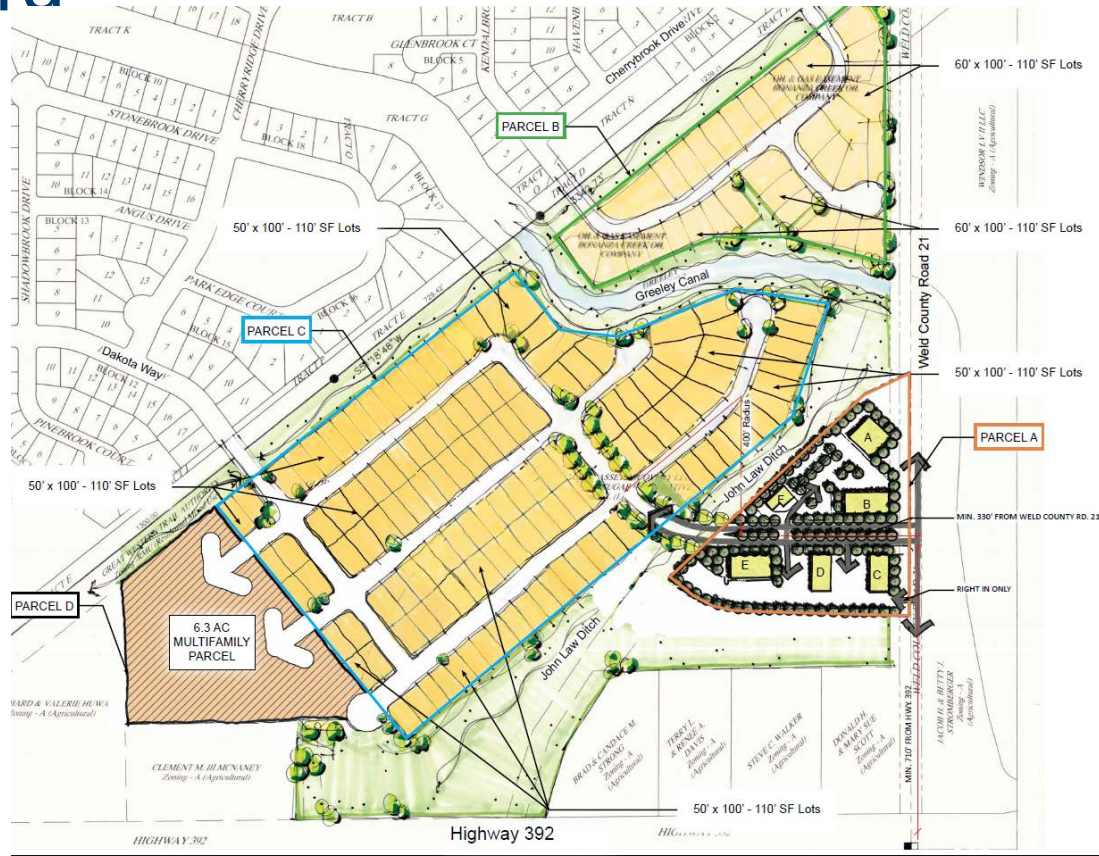


- RESIDENTIAL MIXED USE
- NEIGHBORHOOD AND GENERAL COMMERCIAL
- PARKS, OPEN SPACE, MINERAL EXTRACTION, AND FLOOD PLAIN



Background

- **2016 – Discussions on changing uses on site** with concept plan showing residential uses and neighborhood / general commercial uses
- **2017 – Amendment of Windsor – Severance Intergovernmental Agreement** to allow residential uses in portion of cooperative planning area
- **2018 – Preparation for rezone and land use map amendment**
- **2019 – Major subdivision**
- **2019+ - construction of residential, commercial site plans**



Village East Concept Plan



Comprehensive Plan Conformance

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.
- Objective 4** Foster a diversity of housing types and sizes through coordinated land use planning and zoning.
- Objective 5** Support high density residential development near Downtown, commercial centers, and mixed-use nodes.



Comprehensive Plan Conformance

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 3 Develop new neighborhoods adjacent to existing neighborhoods and urbanized areas.

Notification

Neighborhood meeting notifications:

- September 12, 2018 – display ad published in the papers
- September 14, 2018 – affidavit of mailing to property owners within 300 feet
- September 27, 2018 – neighborhood meeting

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

- October 24, 2018 - property posted with a notification sign
- October 24, 2017 - legal notice posted on the Town of Windsor website
- October 24, 2018 – affidavit of letters mailed to the adjacent property owners
- October 26, 2017 - legal ad published in the papers





Recommendation

Staff recommends that the Planning Commission forward a recommendation of approval of the rezoning petition and ordinance to the Town Board subject to all remaining Planning Commission and staff comments being addressed.

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



Rezoning Request

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: November 7, 2018
To: Planning Commission
From: Millissa Berry, AICP, Senior Planner
Re: Public Hearing and Resolution No. 2018-03 – Proposed Land Use Map Amendment – Village East / Eastbrook Annexation No.1, No. 2, and No. 3; Global Asset Recovery, LLC, Owner; David Tschetter, applicant
Item #: C.5 - C.6

Background / Discussion

The applicant, Mr. David Tschetter of Global Asset Recovery, LLC, is requesting an amendment to the Comprehensive Plan Land Use Map. The applicant is proposing to change the land use within the subject properties, located northwest of the intersection of SH 392 and WCR 21, from the existing land uses of General Commercial (GC), Residential Mixed Use (RMU), and Parks, Open Space, Mineral Extraction, and Floodplain (OS) to RMU and GC. The proposed amendment can be seen in Exhibit A of Resolution 2018-03 and in the staff presentation for the proposal.

The land use amendment is consistent with the rezone petition also on the November 7, 2018 agenda and is consistent with a development concept plan for the site. The concept plan shows a continuation of the Village East Subdivision eastward with single family lots immediately east of the Village East Subdivision and a general commercial / neighborhood commercial area east of the John Law Ditch. A multi-family component is also proposed in the southwest portion of the plan. This concept plan was a factor on which the 2017 First Amendment to the Intergovernmental Agreement (IGA) with the Town of Severance was based. The IGA amendment resulted in the allowance of residential uses in a portion of the Windsor – Severance cooperative planning area that flanks SH 392 from SH 257 to WCR 23.

The following criteria have been considered in regard to the proposed amendment to the Comprehensive Plan Land Use Map.

- Conformance with the Comprehensive Plan: The proposal is in conformance with the Comprehensive Plan. The proposed land uses, RMU and GC, are currently applied to the subject properties in a different pattern than what is proposed. The proposal is also consistent with the following comprehensive plan goals and objectives:
 - o **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.
 - Objective 4:** Foster a diversity of housing types and sizes through coordinated land use planning and zoning.
 - Objective 5:** Support high density residential development near Downtown, commercial centers, and mixed-use nodes.

- o **Chapter 5d – Commercial & Industrial Areas Framework Plan**
Goal: Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.
- o **Objective 3:** Develop new neighborhoods adjacent to existing neighborhoods and urbanized areas.
- Compatibility with Existing and Planned Land Uses: As mentioned above, the proposed land uses are a different configuration of what is currently seen on the Land Use Map. The RMU area is compatible to the properties to the west which are designated as RMU and Single Family Residential (SF-1). The GC area will be located north of an area currently designated as GC.
- Minimizing Detrimental Impacts to Existing or Planned Transportation System: The traffic counts for the proposed land use mix is estimated to be comparable to the land use mix shown in the existing land use map. The current zoning of the subject properties consist of GC, Single Family 2 (SF-2), and Limited Industrial (I-L). A traffic study, prepared for the concept plan, conveyed that a similar traffic generation would occur for both land use mixes based on the current zoning. Road connections would extend from stubs in the adjacent Village East Subdivision at Dakota Way, Cherryridge Drive, and Kendlebrook Drive. Dakota Way would continue to an intersection with WCR 21. The traffic study determined the appropriate location of the intersection with WCR 21 to ensure proper spacing between the WCR 21 and SH 392 intersection and the bridge crossing the Greeley No. 2 Canal.
- Adequacy of Existing or Planned Service Capabilities (sanitary sewer, water, etc.): Sanitary sewer and water are available in the immediate area and can be extended with the expansion of the road system. Water and sewer are also located in the great Western railroad right-of-way. Both systems are adequate to support the proposed land use designations.

Notification

Public Hearing notifications for the Planning Commission meeting were as follows:

- October 24, 2018 - property posted with a notification sign
- October 24, 2018 - legal notice posted on the Town of Windsor website
- October 24, 2018 - affidavit of letters mailed to the adjacent property owners
- October 26, 2018 - legal ad published in the papers

Recommendation

Staff recommends that the Planning Commission approve Resolution No. 2018-03 as presented with the condition that the Town Board approve the rezone petition for the property.

Enclosures

application materials
 Resolution No. 2018-03 and Exhibit A
 presentation

cc: David Tschetter, applicant



CONSILIUM DESIGN

Date: 8.28.2018

Subject: Village East, Windsor Co. – Land Use Amendment Narrative

Applicant: Consilium Design

7353 S. Alton Way STE. A135

Centennial, CO. 80112

Phone: 303-224-9520

Email: clkarn@consiliumdesign.com

Planning Department: Town of Windsor Planning Dept.

301 Walnut St.

Windsor, Co. 80550

Phone: 970-674-2415

Website: www.windsorgov.com

Land Use Amendment Narrative

The following describes the justification criteria for changing the configuration of the existing uses already identified on the Land Use Map.

These uses include:

- Parks, Open Space, Mineral Extraction, and Flood Plain
- Residential Mixed Use
- Neighborhood and General Commercial

ITEM 1. The proposed Land Use Amendment meet the following criteria and conforms with the following goals and policies outlined in the Town of Windsor, Colorado Comprehensive Plan from March 2016:

Overall Land Use Goals and Policies from the *Town of Windsor, Colorado Comprehensive Plan, March 2016:*

GOALS:

1. *Maintain the character of the community while accommodating future growth that is fiscally and environmentally responsible.* (Land Use and Development section pg. 5.15 and 5.29)
2. *Develop a land use pattern that provides a range and mix of housing options, commercial centers, and employment areas that contribute to a diverse and vibrant economy and high quality of life.* (Land Use and Development section pg. 5.3)
3. *Support diverse housing and residential neighborhoods to meet the needs of varying family sizes, lifestyles, and income levels.* (Land Use and Development section pg. 5.21)

4. *Support a comprehensive park and recreation system that provides active and passive recreational opportunities while preserving Windsor's natural assets. (Open Space, Recreation and Environmental Features section pg. 8.2)*

POLICIES:

1. *Well-managed growth strategy that accommodates future populations while limiting adverse impacts associated with growth. (Land Use and Development section pg. 5.16)*
2. *New development is required to be adjacent to existing developed areas. (Land Use and Development section pg. 5.18 #1)*
3. *Future development should be prioritized within the Primary Growth Area to utilize existing infrastructure and services and include a mix of land uses. (Land Use and Development section pg. 5.17)*
4. *Residential growth within the Primary Growth Area should prioritize the completion of existing subdivisions. (Land Use and Development section pg. 5.21)*
5. *Work cooperatively with adjacent municipalities to coordinate future land use and development within intergovernmental Planning Areas and amend intergovernmental agreements to meet evolving community needs and land use demand. (Land Use and Development section pg. 5.15 #6)*

The intent of the RMU zoning classification is to provide for and encourage the creation of a desirable mix of residential dwelling types and light commercial use which are compatible with, and complementary to adjacent residential uses, common recreational uses, open spaces, and other uses. The proposed development will promote the development of Windsor in an orderly manner that will provide a high quality residential and small commercial development within an underutilized parcel of land that serves a population that has been identified as being important in the Comprehensive Plan.

ITEM 2. Compatibility with existing and planned land uses:

The proposed residential and commercial development will be compatible with adjacent land uses within the Primary Growth Area.

- The proposed zoning and residential development will integrate well with the existing residential subdivision to the North.
- The Single-family uses generally abuts the Great Western Railway Company to the Northwest with single family homes abutting on the other side.
- The proposed multi-family residential development provides an appropriate transition in land use from the multi-family development of townhomes to the south portion of the site to the adjacent commercial use to the Southwest.

ITEM 3. Minimizing detrimental impacts to the existing or planned transportation system:

The proposed development will minimize detrimental impacts to the existing or planned transportation system. The applicant has and continues to work with the Town of Windsor's staff to create an appropriate interconnected street system for the development including:

- Points of Access
- Connectivity
- Mitigate traffic impacts on the existing neighborhood

ITEM 4. Adequacy of existing or planned service capabilities:

The Town of Windsor Design Criteria and Construction Specifications Division II Water and Sewer Systems were utilized to conduct a comparison of conceptual water and sewer demand.

This property is proposing a zoning change from 12.12 acres of SF-2, 28.15 acres of I-L, and 25.65 acres of GC to 55.14 acres of RMU, 2.57 acres of I-L, and 6.25 acres of GC. This zoning will net a change of 25.58 acres of I-L to RMU, 19.4 acres of GC to RMU, and 12.12 acres of SF-2 to RMU. As the net change results in areas being rezoned as RMU, this comparison only compares the existing zonings to the proposed zoning of RMU.

As the RMU zoning allows for a mix of residential, commercial, light industrial and open spaces, it is assumed that the water and sewer demand may be similar to that of the existing zoning of SF-2, I-L, and GC. Additionally, since industrial and commercial developments vary widely in terms of their water and sewer demands based on their proposed use (restaurant, warehouse, manufacturing, retail, etc.), the sewer and water demands should be evaluated at the time that the use is known.

Based on the Town of Windsor criteria, the RMU zoning allows for an estimated average sanitary sewer demand of 1,490 gpd/acre. The SF-2, I-L, and GC zonings assumes sanitary sewer demands of 2,100 gpd/acre, 1,500 gpd/acre (min.) and 1,500 gpd/acre (min.), respectively. All of the existing zonings (SF-2, I-L, and GC) assume higher sanitary sewer demands than the proposed RMU zoning. This comparison shows that the sewer demand may decrease with this rezoning.

As the indoor potable water use is directly correlated with sewer demand, it is assumed that this change in zoning may produce lower indoor water use as well. Irrigation is the other factor associated with water use. The total amount of irrigated acreage cannot be determined at this time but will need to be evaluated as the property develops. Options for non-potable irrigation and low water landscaping can further reduce water use associated with irrigation. At this time, there is no reason to believe that this rezoning will produce substantially higher water demands than the existing zoning.

Based on this information, the potable water demand and sanitary sewer demand associated with the proposed RMU zoning is not expected to increase or decrease substantially from the existing zoning of SF-2, I-L and GC.

Water and Sanitary Sewer Infrastructure

This property will be served by the Town of Windsor sewer network. An existing 21" sanitary sewer is located along the property's northern boundary. This sewer is deep enough to service the entire property. A pressurized system may be required to service the portion of the property south of the John Law Ditch.

This property will be served by the Town of Windsor waterline network. An existing 12" waterline is located at the northeast corner of the property, an existing 8" waterline is located along the northern boundary, an existing 10" stub is located at the end of Dakota

Way, and an existing 2" waterline is located along the southern boundary. The development of this property will have multiple points of connection to the existing water line network. The property will generally be served from the northern boundary connections. As future development occurs to the south and southeast of the property, the Town of Windsor waterline network will be further built out by others.

Respectfully submitted,

Craig Karn
Principle and Owner, Consilium Design

**TOWN OF WINDSOR
PLANNING COMMISSION**

RESOLUTION NO. 2018 – 03

A RESOLUTION APPROVING AND ADOPTING AMENDMENTS TO THE 2016 UPDATE OF THE TOWN OF WINDSOR COMPREHENSIVE PLAN

IT IS HEREBY RESOLVED BY THE WINDSOR PLANNING COMMISSION AS FOLLOWS:

1. The Windsor Planning Commission hereby approves and adopts the amendment to the 2016 Update to the Town of Windsor Comprehensive Plan to amend the land use depictions of the areas as depicted on Exhibit A, attached hereto and incorporated herein by this reference.
2. The Windsor Planning Commission hereby authorizes its Chair to execute this Resolution, and its Vice-Chair to attest thereto.

UPON MOTION DULY MADE, SECONDED, AND CARRIED, the foregoing Resolution was adopted by not less than five (5) sitting members of the Windsor Planning Commission this 7th day of November, 2018.

TOWN OF WINDSOR PLANNING COMMISSION

By: _____
Gale Schick, Chair

ATTEST:

Victor Tallon, Vice-Chair

VILLAGE EAST/ EASTBROOK ANNEXATION NO.2

LAND USE MAP AMENDMENT

Located in Section 15 and a Portion of The West Half of Section 14, Township 6 North, Range 67 West of The 6th P.M.

Town of Windsor, County of Weld, State of Colorado



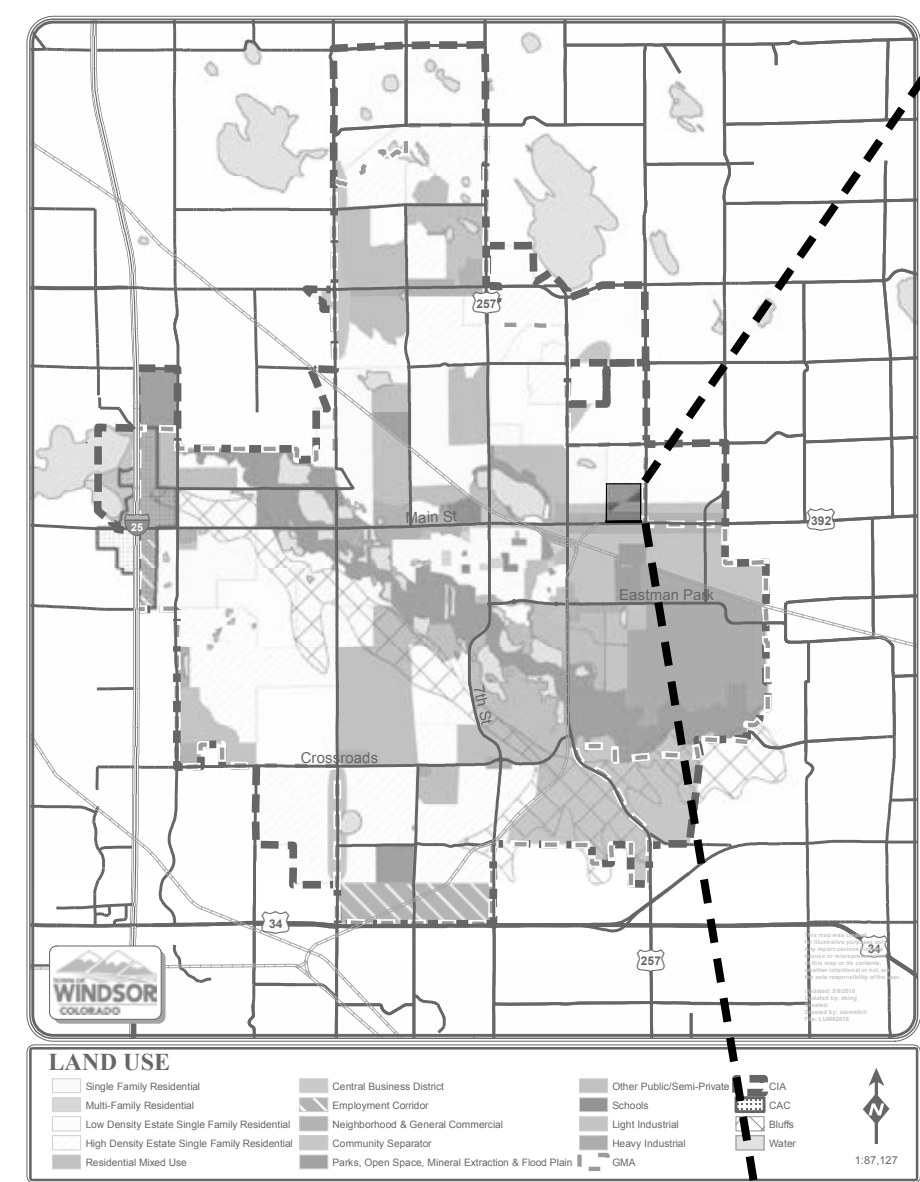
Consilium Design

LAND PLANNING AND
LANDSCAPE ARCHITECTURE

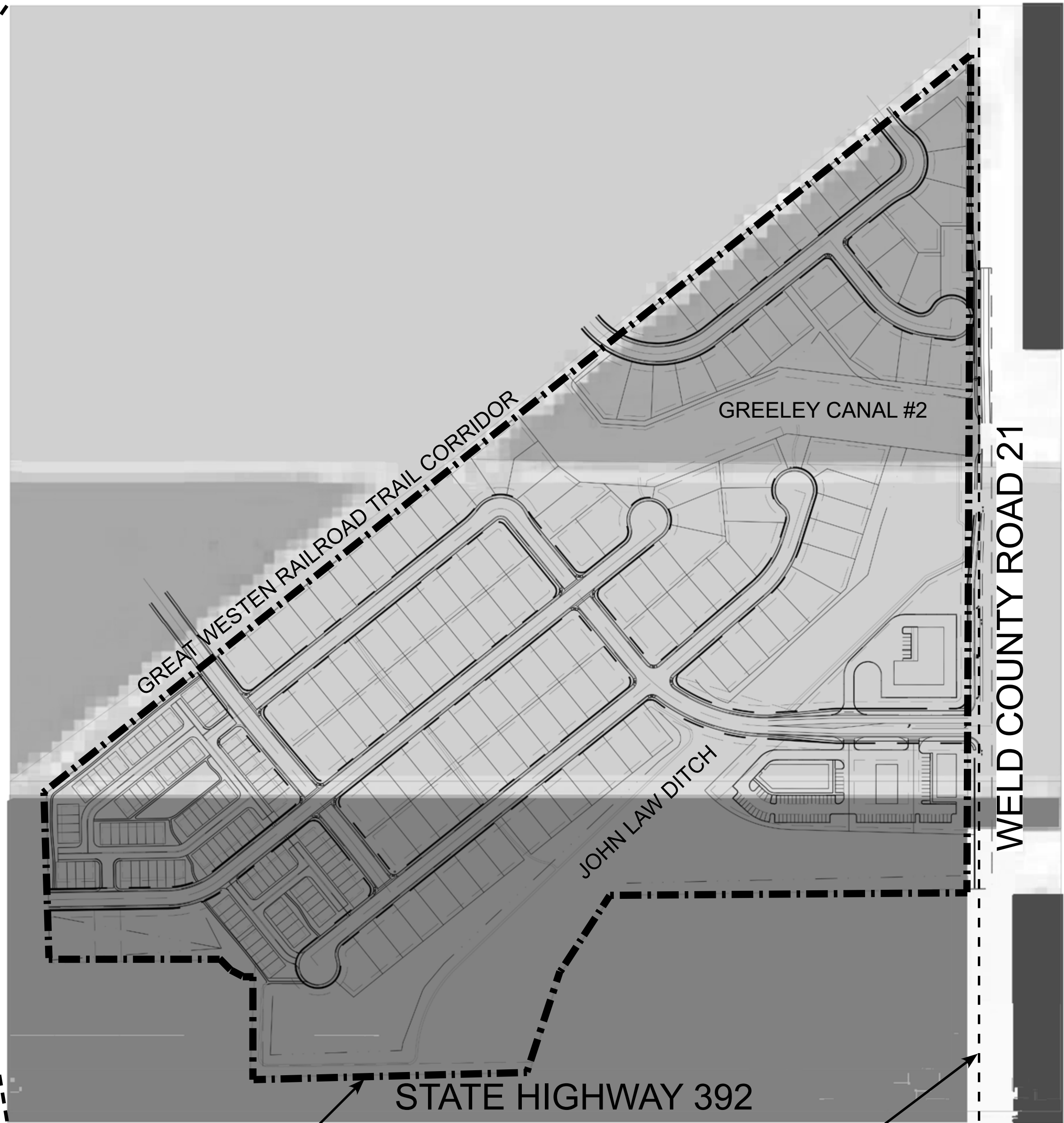
7353 SOUTH ALTON WAY,
SUITE 135
CENTENNIAL, CO 80112
TEL 303.224.9520
FAX 303.224.9524
www.consiliumdesign.com

COPYRIGHT © BY CONSILIUM DESIGN. THESE PLANS ARE AN INSTRUMENT OF SERVICE AND ARE THE PROPERTY OF THE LANDSCAPE ARCHITECT AND TO BE USED SOLELY FOR THE PROJECT SHOWN. AND MAY NOT BE DUPLICATED, DISCLOSED OR REPRODUCED WITHOUT THE WRITTEN CONSENT OF CONSILIUM DESIGN.

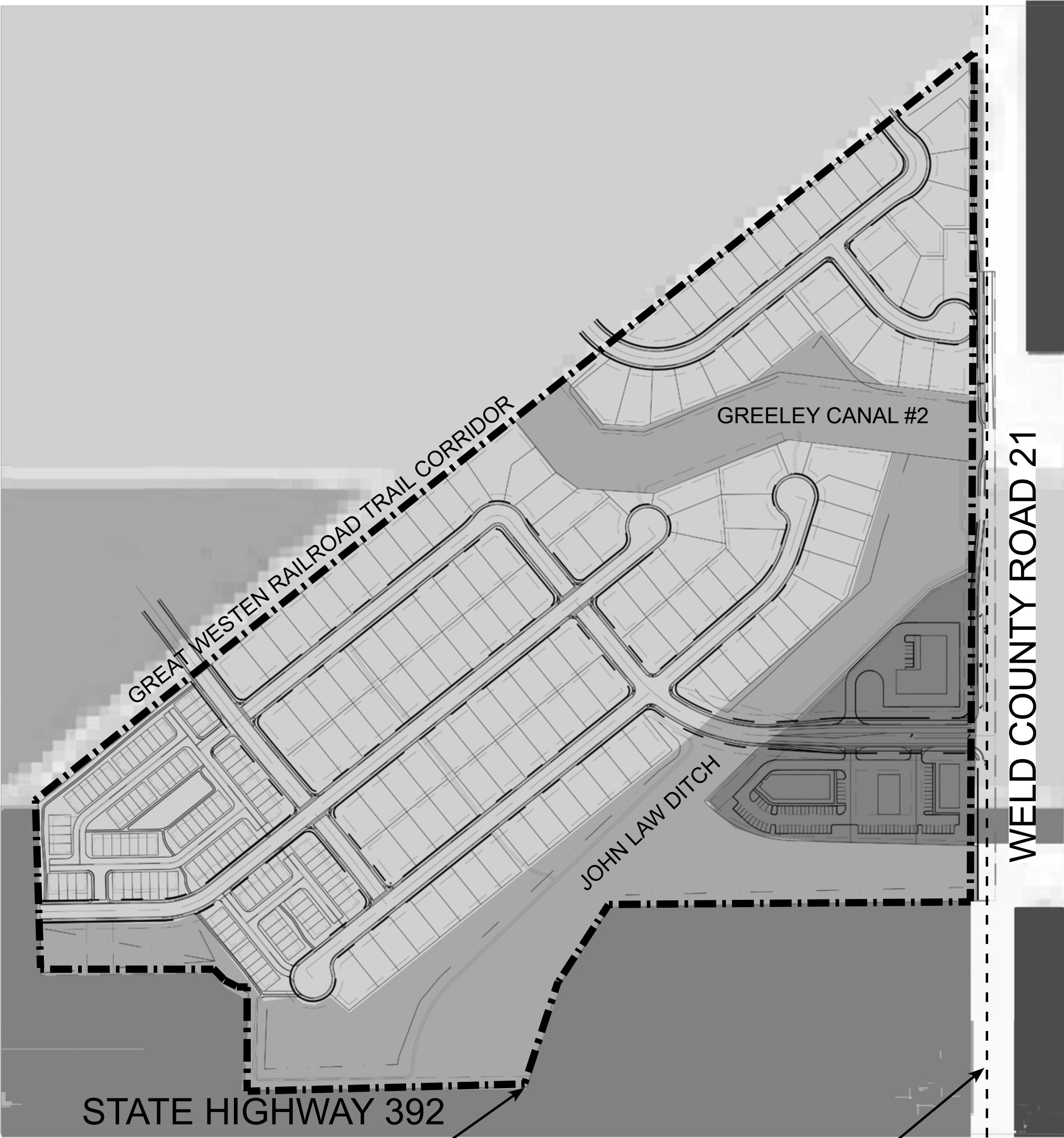
OVERALL LAND USE MAP



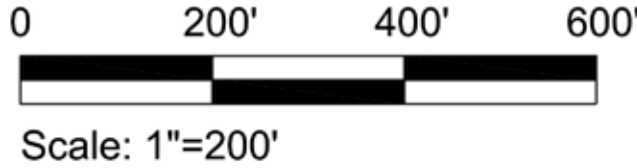
EXISTING LAND USE DESIGNATION



PROPOSED LAND USE



- RESIDENTIAL MIXED USE
- NEIGHBORHOOD AND GENERAL COMMERCIAL
- PARKS, OPEN SPACE, MINERAL EXTRACTION, AND FLOOD PLAIN



VILLAGE EAST/ EASTBROOK
ANNEXATION NO.2

LAND USE MAP AMENDMENT

SUBMITTAL / REVISIONS:

09-22-2018 • LAND USE AMENDMENT

LAND USE
AMENDMENT

L1.00



Land Use Map Amendment & Resolution 2018-03

Portion of Eastbrook Annexation
No. 1 and Eastbrook Annexation
No. 2 and No. 3

Millissa Berry, Senior Planner

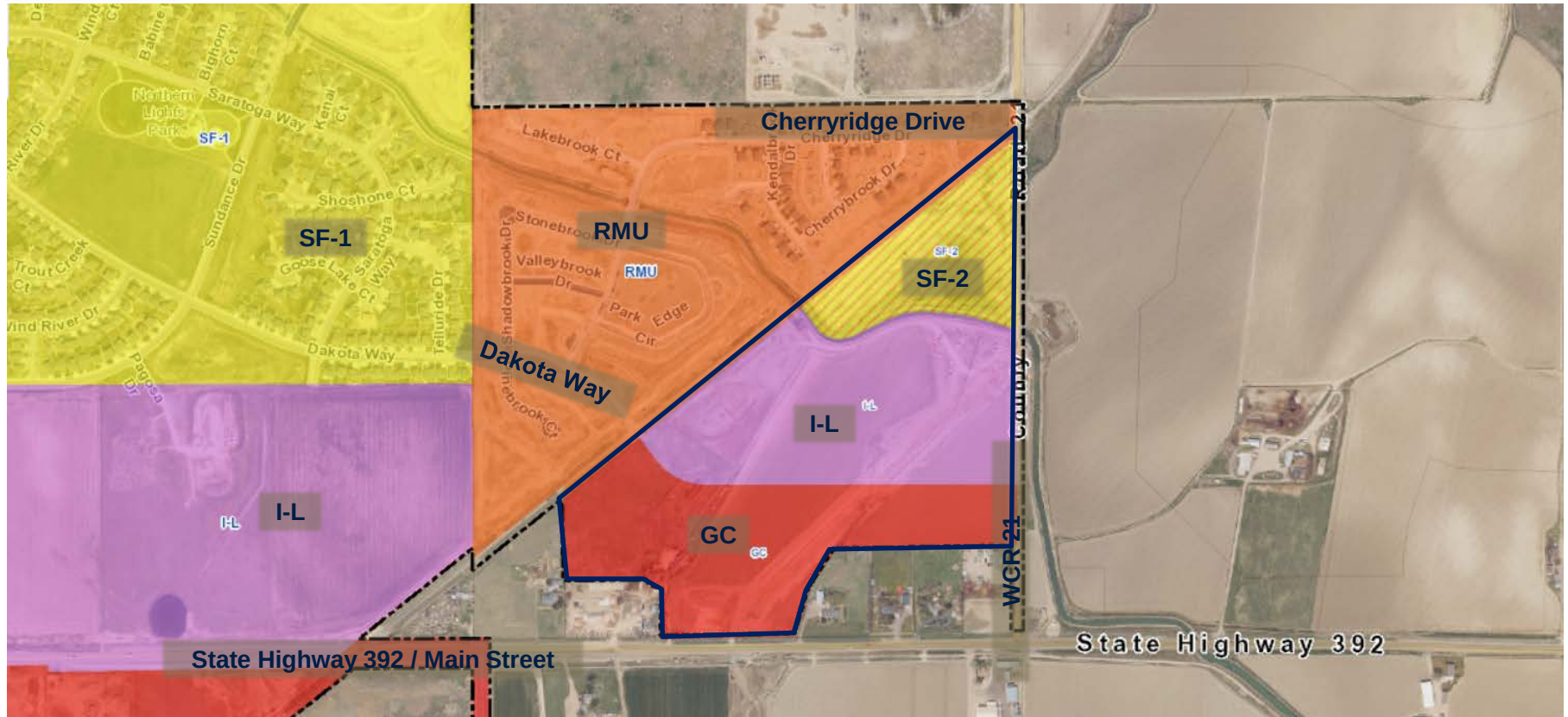
Planning Commission November 7, 2018

Site Vicinity Map

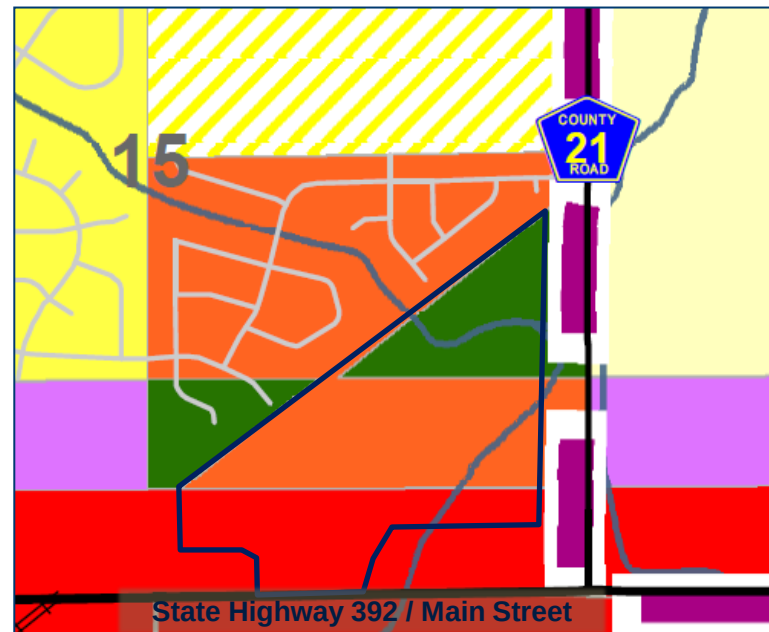
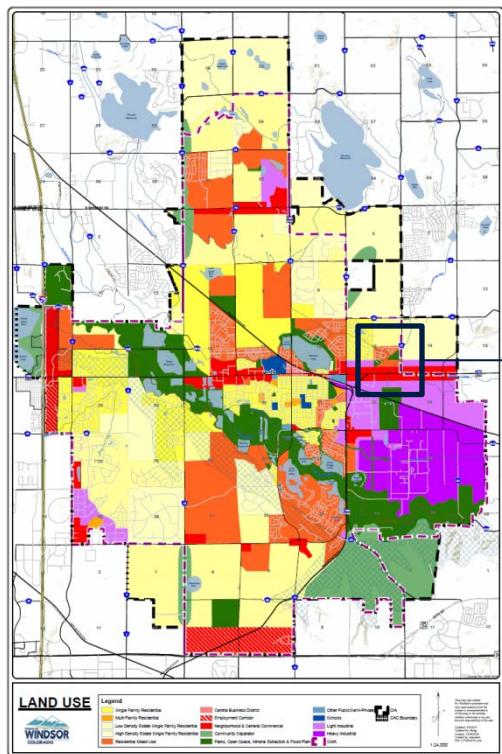




Zoning Map



Current Land Use Map



LAND USE



Legend

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

Existing vs. Proposed Land Use

VILLAGE EAST/ EASTBROOK ANNEXATION NO.2 **LAND USE MAP AMENDMENT**

Located in Section 15 and a Portion of The West Half of Section 14, Township 6 North, Range 67 West of The 6th P.M.
Town of Windsor, County of Weld, State of Colorado

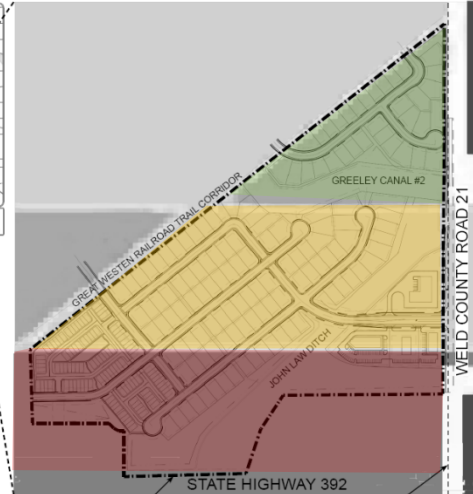


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OVERALL LAND USE MAP

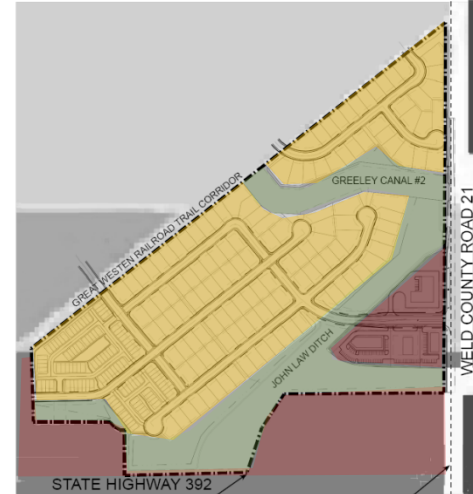


EXISTING LAND USE DESIGNATION

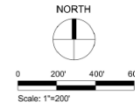


SITE BOUNDARY LIMIT OF GROWTH MANAGEMENT AREA

PROPOSED LAND USE



- RESIDENTIAL MIXED USE
- NEIGHBORHOOD AND GENERAL COMMERCIAL
- PARKS, OPEN SPACE, MINERAL EXTRACTION, AND FLOOD PLAIN



VILLAGE EAST/ EASTBROOK
ANNEXATION NO.2
LAND USE MAP AMENDMENT

SUBMITTAL REVISIONS

NO.	DATE	DESCRIPTION

LAND USE
AMENDMENT

L1.00

Background

- **2016 – Discussions on changing uses on site** with concept plan showing residential uses and neighborhood / general commercial uses
- **2017 – Amendment of Windsor – Severance Intergovernmental Agreement** to allow residential uses in portion of cooperative planning area
- **2018 – Preparation for rezone and land use map amendment**
- **2019 – Major subdivision**
- **2019+ - construction of residential, commercial site plans**





Land Use Map Amendment Criteria

- Conformance with the Comprehensive Plan
- Compatibility with Existing and Planned Land Uses
- Minimizing Detrimental Impacts to Existing or Planned Transportation System
- Adequacy of Existing or Planned Service Capabilities (sanitary sewer, water, etc.)



Land Use Map Amendment Criteria

Comprehensive Plan Conformance

- Different mix of same land uses

- **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.

Objective 4: Foster a diversity of housing types and sizes through coordinated land use planning and zoning.

Objective 5: Support high density residential development near Downtown, commercial centers, and mixed-use nodes.

- **Chapter 5d – Commercial & Industrial Areas Framework Plan**

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

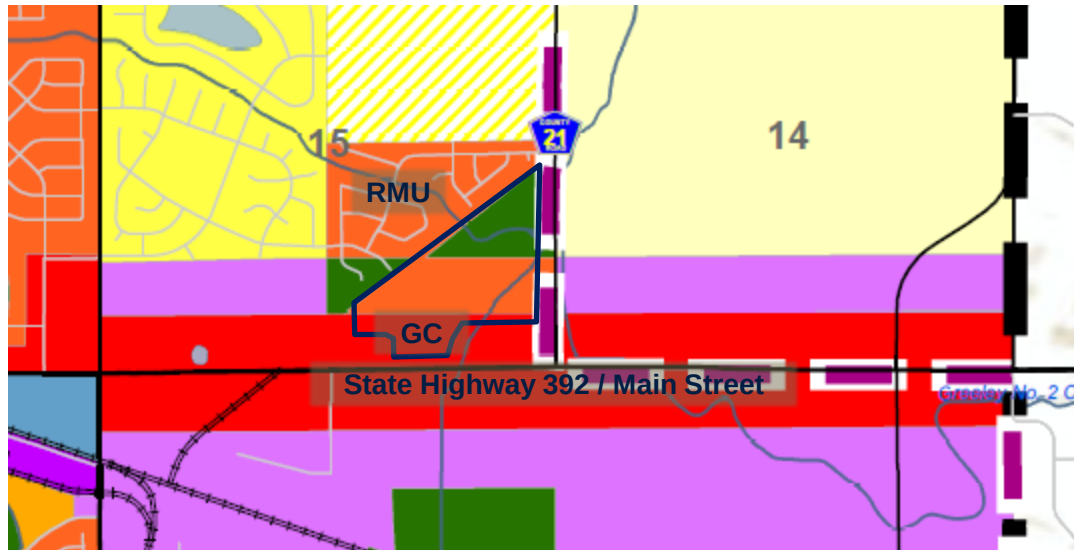
Objective 3: Develop new neighborhoods adjacent to existing neighborhoods and urbanized areas.



Land Use Map Amendment Criteria

Compatibility with Existing and Planned Land Uses

- Land uses are a different configuration of what is currently seen in the Land Use Map
- RMU area is compatible to the properties to the west: RMU and Single Family Residential (SF-1)
- GC area will be located north of an area currently designated as GC



Land Use Map Amendment Criteria

Minimizing Detrimental Impacts to Existing or Planned Transportation System

- Extension of Village East road system
- Traffic study for count and location of Dakota Way intersection with WCR 21

Adequacy of Existing or Planned Service Capabilities (sanitary sewer, water, etc.)

- Sanitary sewer, water are available in the immediate area; capacity; can be extended with the expansion of the road system. Water and sewer are also located in the Great Western railroad right-of-way.



Notification

Public Hearing notifications for Planning Commission public hearing:

- October 24, 2018 - property posted with a notification sign
- October 24, 2017 - legal notice posted on the Town of Windsor website
- October 24, 2018 – affidavit of letters mailed to the adjacent property owners
- October 26, 2017 - legal ad published in the papers





Recommendation

Staff recommends that the Planning Commission approve Resolution 2018-03 for the proposed land use map amendment with the condition that the Town Board approves the rezone petition for the property.

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: November 7, 2018
To: Planning Commission
From: Carlin Malone, AICP, Chief Planner
Re: Preliminary Site Plan – Lake View Addition Multifamily Residential (610 Cedar Street) – Lake View Addition to the Town of Windsor, 4th Filing, Lot 2 – Joe Shrader, owner/applicant
Item #: C.7

Background / Discussion

The applicant, Mr. Shrader, has submitted a preliminary site plan for a multifamily residential building including six dwelling units and covered parking located on an approximately 16,000 square-foot (.367 acres) lot.

The property is located east of 7th Street/SH 257, north of Cedar Street, and west of Windsor Lake. A multifamily (4-plex) building to the west shares an alley with the subject property, single family residential is located to the south, and Town-owned land (Kern Reservoir and Ditch Company) is located north and east of the property. The property is zoned RMU (Residential Mixed Use) with RMU zoning to the east, west and north, and CB (Central Business) zoning to the south.

The property previously had a single-family home, built in 1957. Since 2014, the single-family building was demolished and the property has remained vacant since this time.

Proposed development characteristics include:

- six multifamily units within one, 5,486 sf building
- the applicant anticipates one, two and three-bedroom units
- building heights of 23'3" (35 feet maximum height in RMU zone district)
- façade colors would be compatible with the surrounding neighborhood
- asphalt shingles, painted lap siding (horizontal and vertical), synthetic stone wainscot, front covered porch entry, and rear covered patio or deck.
- 10 parking spaces (9 required) – parking ratio of 1.5 spaces per dwelling unit:
 - 6 spaces covered, 4 spaces uncovered
- approximately 41% open space and landscaped area
- 17% building coverage; 59% lot coverage
- access point from alley between Cedar Street and Cedar Court with an internal looped road/parking area
- Adjacent to Windsor Lake and in close proximity to trail system, Boardwalk Park, downtown, services, and schools.

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

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.

Objectives:

1. *Prioritize new growth in areas currently served by Town infrastructure and services.*
2. *Incentivize infill development to complete neighborhoods and leverage existing resources.*
3. *Develop new neighborhoods adjacent to the Town core.*

Chapter 5c – Residential Areas Framework

Goal:

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

Objectives:

4. *Foster a diversity of housing types and sizes through coordinated land use planning and zoning.*
5. *Support high density residential development near Downtown, commercial centers, and mixed-use nodes.*

Recommendation

Staff recommends that the Planning Commission approve the preliminary site plan, subject to the following conditions:

1. All remaining Planning Commission and staff comments shall be addressed on the final site plan.

Attachments

Application Materials
PowerPoint presentation

copy: Joe Shrader, owner/applicant

LAKE VIEW ADDITION TO THE TOWN OF WINDSOR
FOURTH FILING, LOT 2, PRELIMINARY SITE PLAN
A PART OF THE SOUTH WEST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 678 WEST
OF THE 6TH P.M., TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO.

PLANTING NOTES

- All plant materials shall be in accordance with American Association of Nursermen specification for number one grade.
- All turf areas to be irrigated with automatic pop-up irrigation system. All shrub beds and trees to be irrigated with an automatic drip (trickle) irrigation system or acceptable alternative. The irrigation system is to be adjusted to meet the water requirements of the individual plant material.
- All trees to be balled & burlapped, root control bag, or containerized.
- All shrub beds to be mulched with wood mulch (3" average depth) on top of filter fabric.
- Edging between grass and shrub beds shall be 1/8" x 4" steel set level with top of sod.
- Mirror charges in species and plant locations may be made during construction as required by site conditions. Overall quantity and species shall be approved by the Town of Windsor prior to construction with the quantities included in the plant list, species and quantities shall be provided.
- NA
- The Homeowner's Association will be responsible for landscape maintenance including the plantings in public street, rights-of-way.
- Street and ornamental trees shall be planted no closer than 40' and 15' respectively from street lights. No trees shall be planted within 10' from water and sewer lines, 4' from gas, telephone and electric utilities, and 10' from any driveway.
- Minimum clearance of 3' on each side of fire department connection (FDC). No vegetation other than turf or ground covers planted in front of FDC.
- The irrigation system shall be reviewed and approved by the Town's Water Department prior to issuance of a building permit. The irrigation system must be installed or secured with a financial instrument deposited with the Town prior to issuance of a certificate of occupancy for the building.
- Developer shall ensure that the landscape plan is coordinated with the plans done by other consultants so the proposed grading, storm drainage, and other site improvements do not conflict with or preclude installation and maintenance of landscape elements on this plan.
- Prior to installation of plant materials, areas that have been compacted shall be thoroughly loosed. Organic amendments such as compost, peat, or aged manure shall be thoroughly incorporated at a rate of at least 3 cubic yards per 1,000 square feet.
- Turf grass will be seeded or sodded with drought tolerant blend.
- To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use on areas requiring revegetation and landscaping.
- Foundation shrubs, beds to be designed and installed after completion of each building.
- Contact Town of Windsor Parks and Recreation Department prior to planting in order for Town to verify proper planting.
- No substantial impediment to visibility between the heights of three (3) feet and eight (8) feet shall be created or maintained at street intersections within a site triangle described as follows: beginning at the point of intersection of the edges of the driving surface, then to the left (40) feet along both intersecting edges and then along a transverse line connecting these points.
- Irrigation connection or non-potable water source connection.

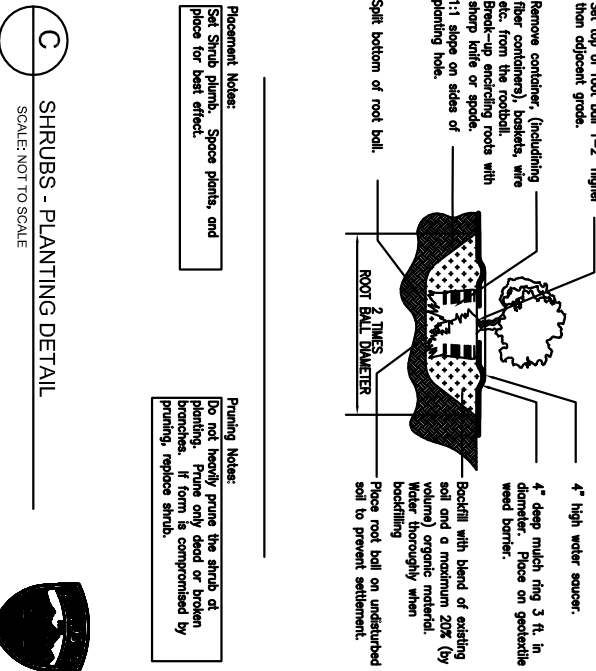
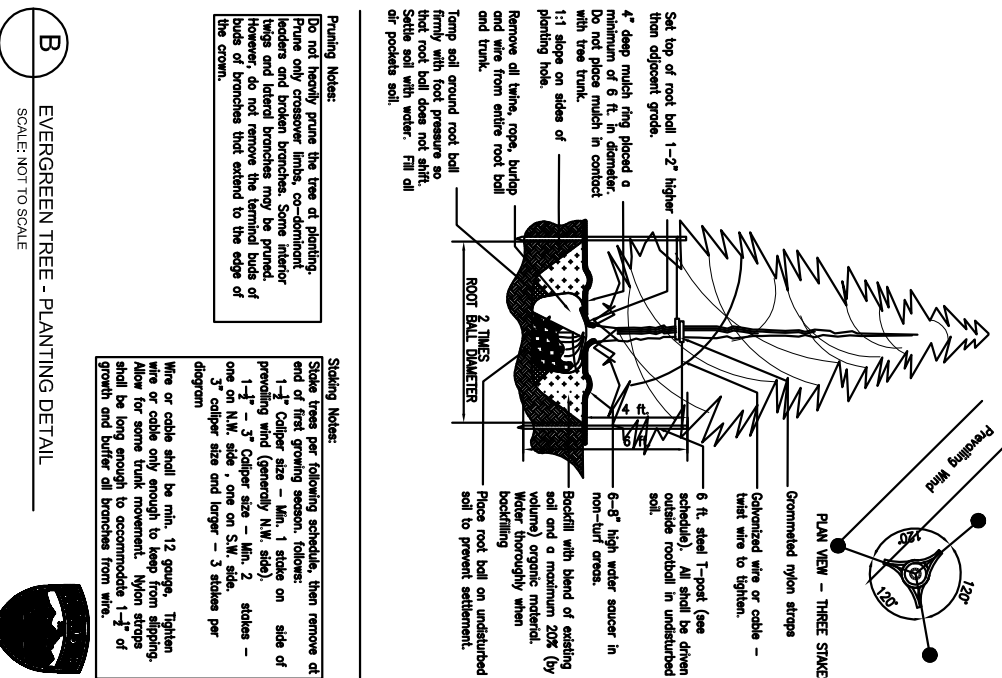
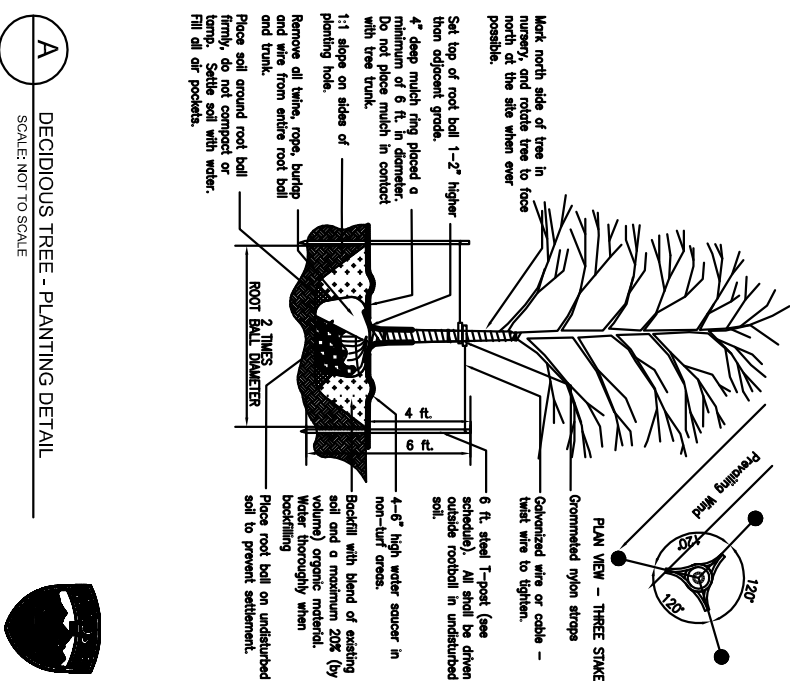
PLANT SCHEDULE

DECIDUOUS TREES			
Code Name	Quantity	Scientific Name	Common Name
QRT	1	Quercus macrocarpa	White Oak
QRT	7	Quercus macrocarpa	White Oak
PERMANENT TREES			
Code Name	Quantity	Scientific Name	Common Name
MNS	1	Malus sp. 'Spring Snow'	Spring Snow Malus
EVERGREEN TREES			
Code Name	Quantity	Scientific Name	Common Name
PE	2	Pinus edulis	Pinus edulis
PE	1	Pinus edulis	Pinus edulis
DECIDUOUS SHRUBS			
Code Name	Quantity	Scientific Name	Common Name
CA	9	Cornus alba 'Argentea marginal'	Varietal Dogwood
ETC	7	Berberis lumbago 'Crimson Pyram'	Crimson Pyram
EVERGREEN SHRUBS			
Code Name	Quantity	Scientific Name	Common Name
JHW	9	Juniperus horizontalis 'Widow'	White Carpet Juniper
JSM	4	Juniperus stricta 'Blue Spire'	Blue Spire Juniper
ORNAMENTALS			
Code Name	Quantity	Scientific Name	Common Name
SC	9	Swytch Grass	Swytch Grass

TOWN OF WINDSOR DRAWING REVIEW

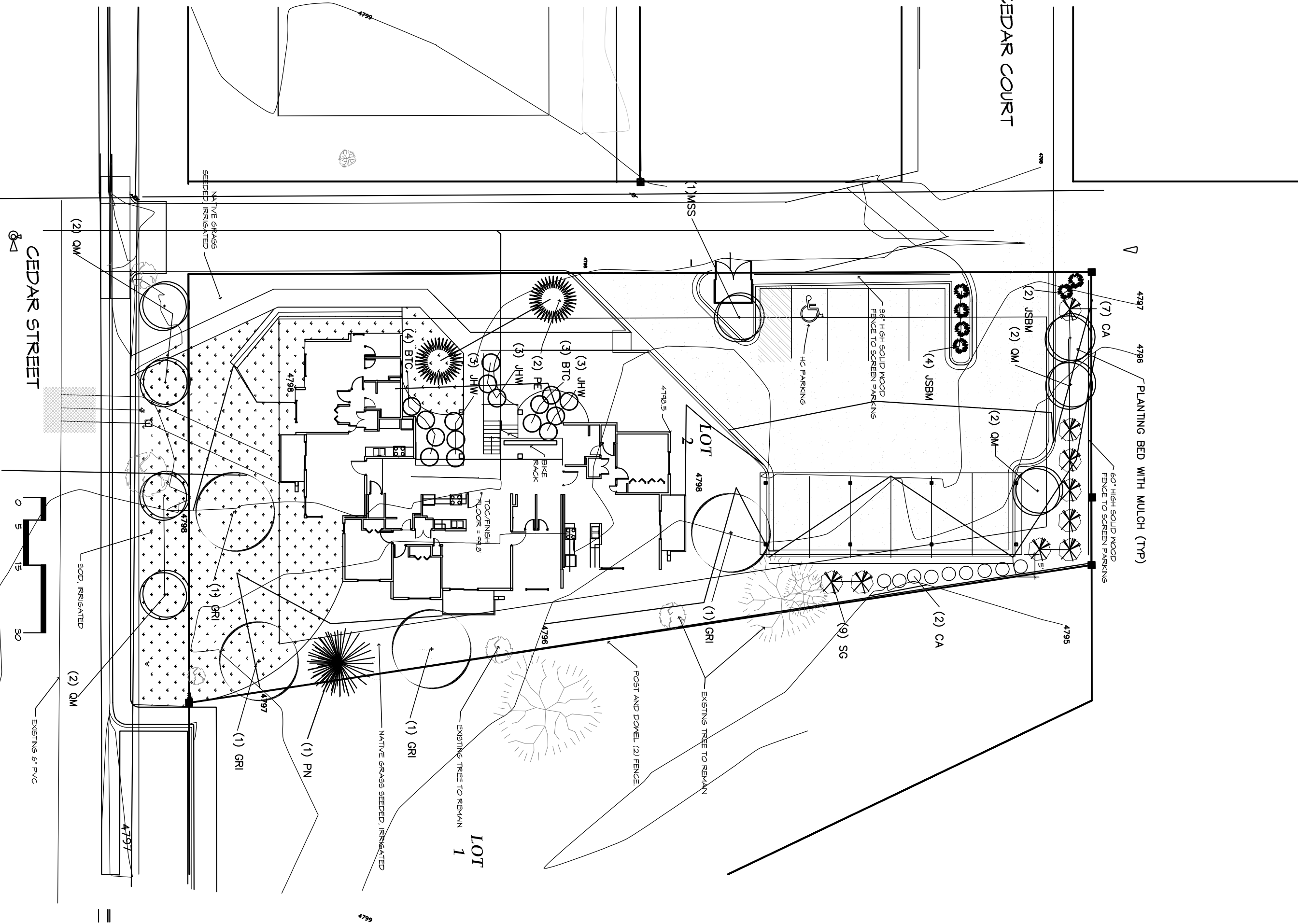
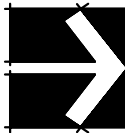
REVIEW IS FOR GENERAL COMPLIANCE WITH TOWN STANDARDS. NO RESPONSIBILITY IS ASSUMED FOR CORRECTNESS OF DESIGN

DATE _____ BY _____
Director of Engineering



1 LANDSCAPE PLAN

SCALE 1" = 20'

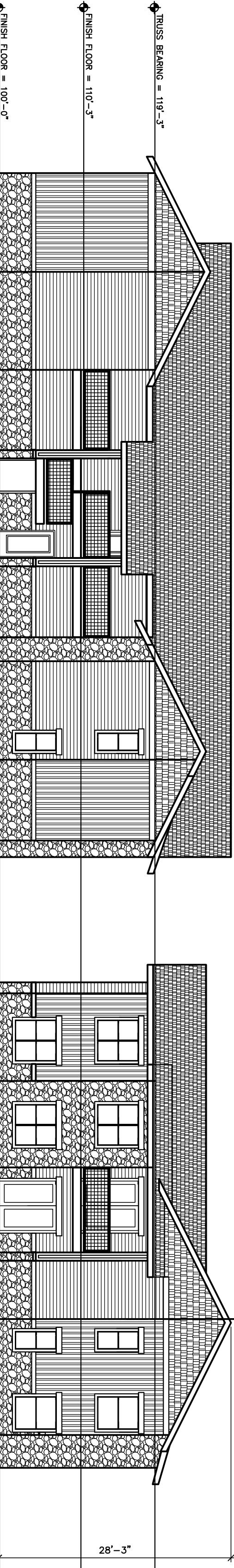
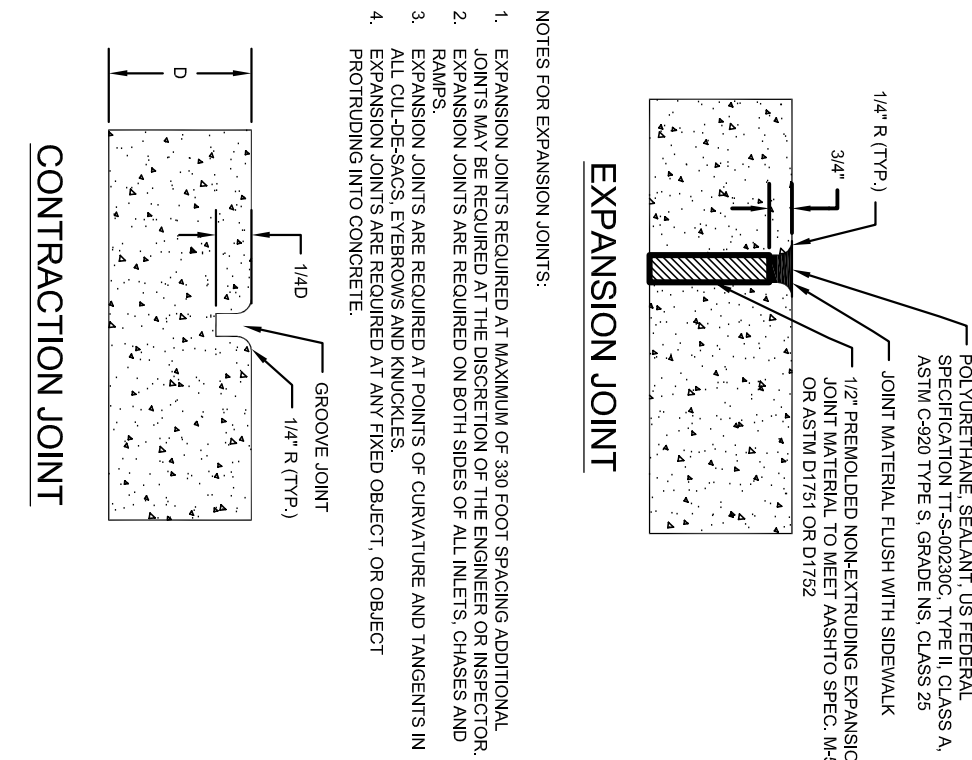
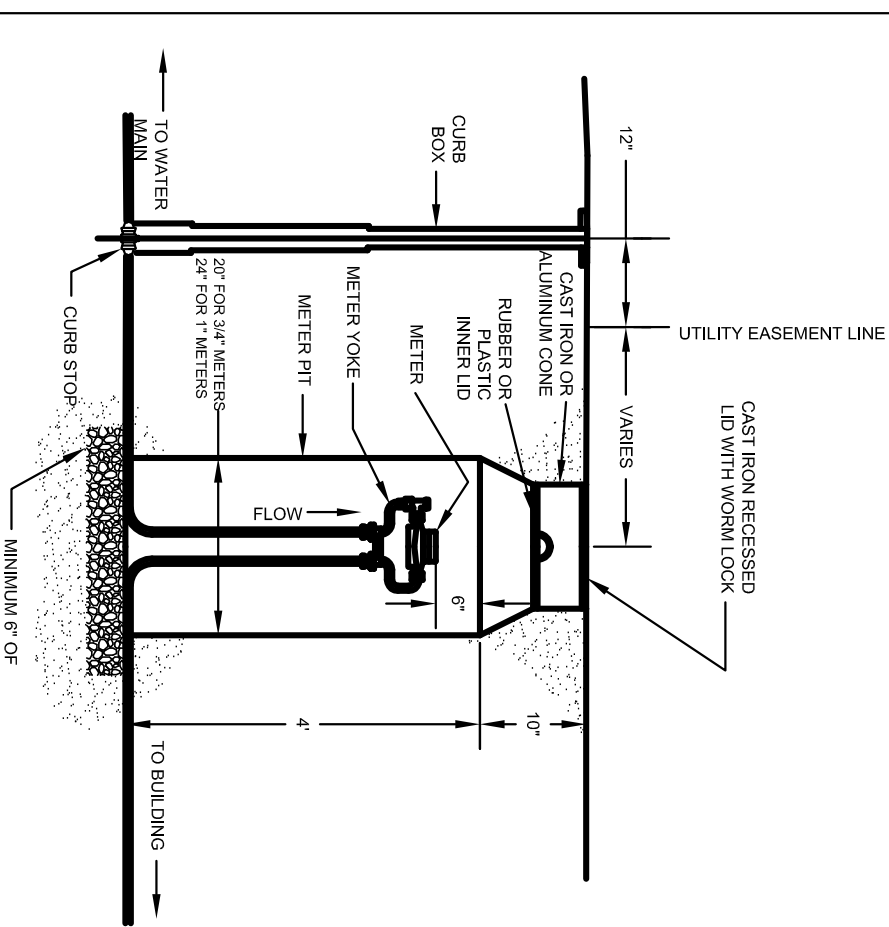


LANDSCAPE PLAN

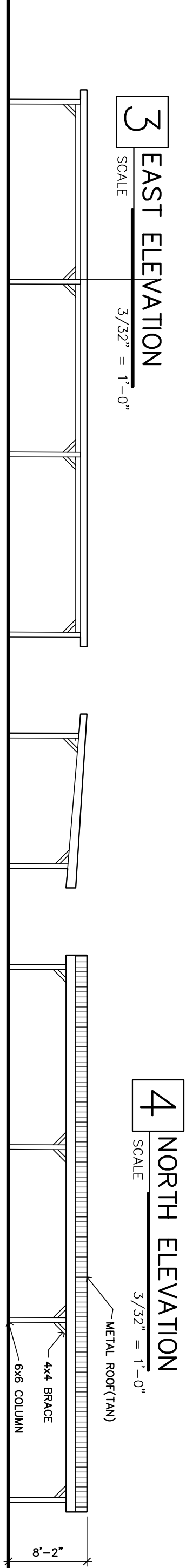
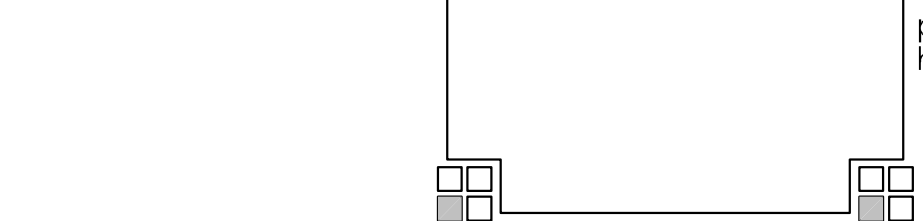
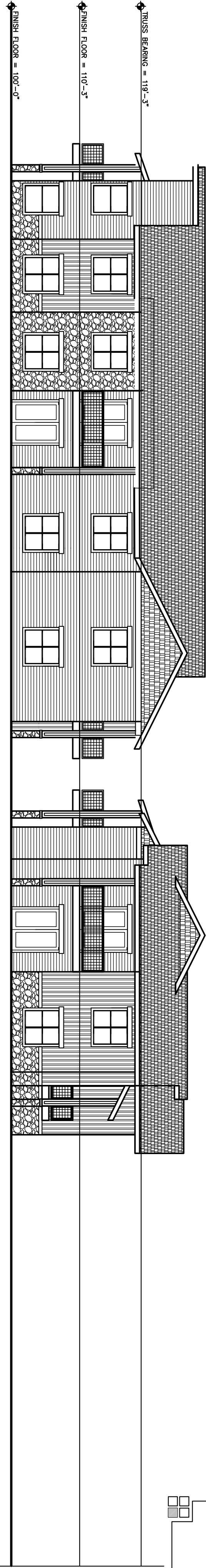
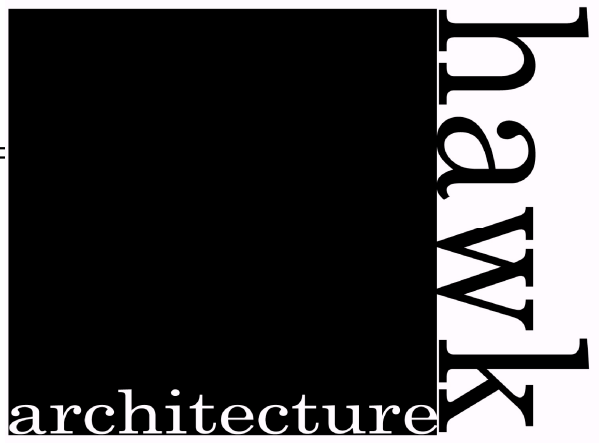
LAKE VIEW ADDITION TO THE TOWN OF WINDSOR
FOURTH FILING, LOT 2, SITE PLAN
Cedar Street Townhomes, Windsor, Colorado

site plan final	10.30.18
site plan revision	08.24.18
site plan revision	07.15.18
site plan revision	06.12.18
site plan revision	05.05.18
site plan	00.00.00

LAKE VIEW ADDITION TO THE TOWN OF WINDSOR
FOURTH FILING, LOT 2, SITE PLAN
A PART OF THE SOUTH WEST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 678 WEST
OF THE 6TH P.M., TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO.



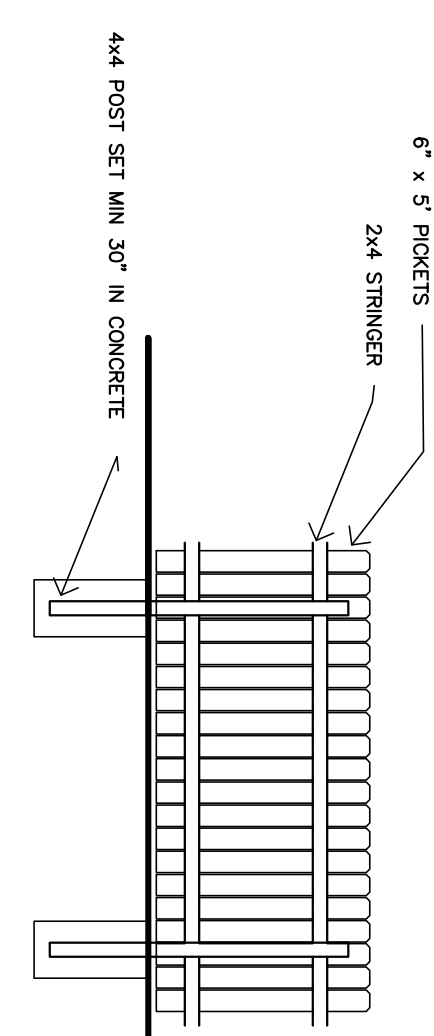
architecture + planning
2637 brookwood drive
fort collins, colorado 80525
p 970.213.5197
hawkarchitecture@comcast.net



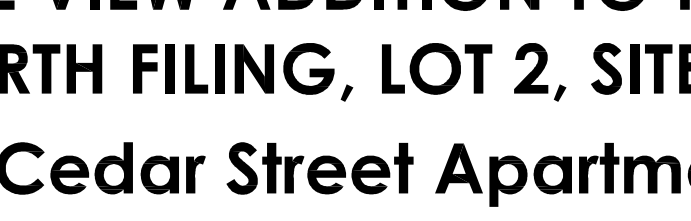
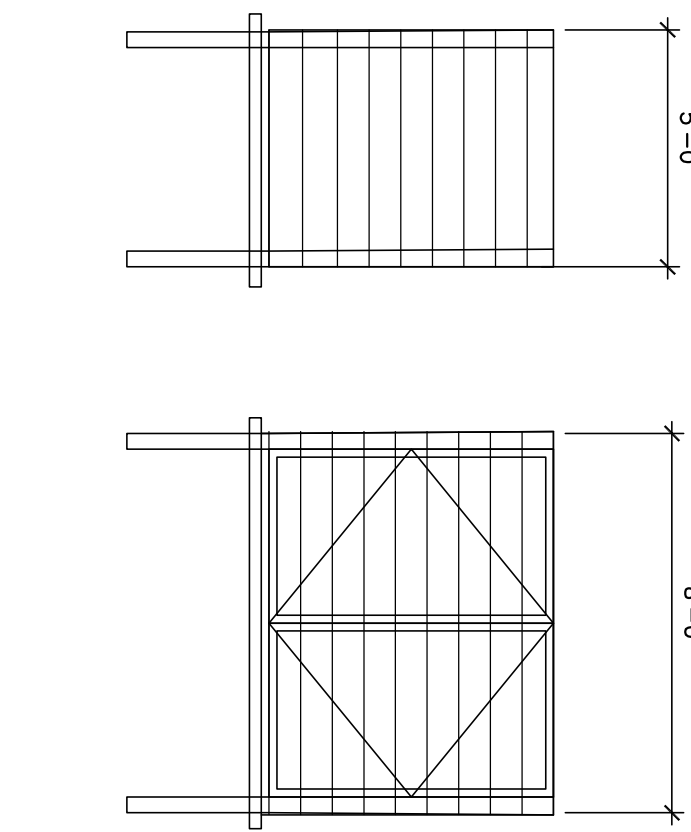
3 EAST ELEVATION
SCALE 3/32" = 1'-0"

6 SOUTH ELEVATION
SCALE 3/32" = 1'-0"

3 EAST ELEVATION
SCALE 3/32" = 1'-0"



18 TRASH ENCLOSURE
SCALE 1/4\"/>



2 DOWEL BARRIER FENCE (MATCH CITY STANDARD)
SCALE NTS

20 DECO LIGHTING FULL CUT OFF
SCALE NTS

BUILDING ELEVATIONS AND SITE DETAILS

LAKE VIEW ADDITION TO THE TOWN OF WINDSOR
FOURTH FILING, LOT 2, SITE PLAN
610 Cedar Street Apartments, Windsor, Colorado

TOWN OF WINDSOR DRAWING REVIEW
REVIEW IS FOR GENERAL COMPLAINTS WITH TOWN
STANDARDS. NO RESPONSIBILITY IS ASSUMED FOR
CORRECTNESS OF DESIGN
DATE 02.05.18 BY Director of Engineering

site plan revision 10.30.18
site plan revision 07.13.18
site plan revision 07.15.18
site plan revision 06.12.18
site plan revision 03.05.18
site plan 02.05.18

LAKE VIEW ADDITION TO THE TOWN OF WINDSOR
FOURTH FILING, LOT 2, PRELIMINARY SITE PLAN
A PART OF THE SOUTH WEST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 678 WEST
OF THE 6TH P.M., TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO.

Revised 05/05/17

Standard General Notes for Construction Plans

- All street, sanitary sewer, storm sewer and waterline construction shall conform to the Town of Windsor Standards and Specifications current at the date of execution of the Development Agreement pertaining to this development. Any construction occurring three years or more after the execution of the Development Agreement shall require re-examination of the plans by the Town Engineer, who may require that they be made to conform to standards and specifications current at that time.
- Street paving shall not begin until subgrade compaction tests are taken and the Town Engineer approves the results.
- The contractor shall comply with all requirements of the soils report prepared for this project and approved by the Town Engineer.
- The contractor shall be responsible for contacting the Utility Notification Center of Colorado (Call before you dig), 811. Call two business days prior (not including the day of the call) to digging, grading or excavating for the marking of underground member utilities.
- Prior to commencement of any construction, the contractor shall provide the Town Engineer 24 hours advanced notice. Phone (970) 674-2400.
- Temporary erosion control measures shall be provided by the contractor during construction as identified on the Erosion Control Plan. Maintenance of onsite drainage and erosion control facilities during construction shall be the responsibility of the Contractor.
- Prior to commencement of any construction, the contractor shall contact all utilities to coordinate schedules.
- Prior to commencement of any construction that will affect traffic signs of any type, the contractor shall contact the Town Engineer. Phone (970) 674-2400.
- The contractor shall be responsible for all traffic control during construction:
 - All signs, striping and traffic control device shall conform to, and placement shall be performed in accordance with, the *Manual on Uniform Traffic Control Devices (MUTCD)*, latest edition and *CDOT M&S Standards*, latest edition.
 - The contractor shall be responsible for maintenance and cleaning of traffic control devices.
 - The contractor shall maintain existing pavement markings during construction operations, in conformance with construction documents.
 - Removal of existing pavement markings shall be accomplished by a method that does not materially damage the surface or texture of the pavement or existing surfacing. The pavement markings shall be removed to the extent that they are not visible under day or night conditions.
- The contractor shall contact the Town of Windsor Construction Inspector prior to any street cut. The existing street condition shall be documented by the Town of Windsor Construction Inspector before any cuts are made. Any street patching shown on the drawings is approximate. Actual Patching shall be done in conformance with Town of Windsor Division, Streets Design Criteria and Construction Specifications (Section 0255). All large patches shall be paved with asphalt lay-down machine. In streets where more than one cut is made, an overlay of the entire street width including the patched area, may be required. In accordance with the referenced specifications, the Town Engineer shall make the determination of the need for a complete overlay.
- The contractor shall restore any disturbed areas to equal or better condition than existed before construction. Drainage ditches or watercourses that are disturbed by construction shall be restored to the grades and cross-sections that existed before construction, unless otherwise shown on the construction documents.
- The contractor shall carefully preserve benchmarks, property corners, reference points, stakes and other survey reference monuments or markers. In case of willful or careless destruction, the contractor shall be responsible for restorations. Resetting of markers shall be performed under the direction of a Colorado licensed Professional Land Surveyor.
- The contractor shall immediately remove any construction debris and mud tracked onto existing roadways. The contractor shall repair any excavation or pavement failures caused by the construction.
- All damaged existing curb, gutter, and sidewalk shall be repaired prior to acceptance of completed improvements.
- The type, size, location and number of all known underground utilities are approximate when shown on these construction drawings. It shall be the responsibility of the contractor to verify the existence and location of all underground utilities along the route of the work prior to commencing any new construction. The contractor shall be responsible of any unknown underground utilities.
- The contractor shall notify the Town of Windsor Public Works Department at (970) 674-2400 at least 48 hours prior to installing a new sewer service.
- The contractor shall notify the Town of Windsor Public Works Department at (970) 674-2400 at least 48 hours prior to installing a new water service or abandoning an existing water service.
- The Town of Windsor shall not be responsible for operation, maintenance or repair of storm drainage facilities located on private property.
- The Contractor shall be responsible for obtaining the services of a qualified testing laboratory to perform all compaction testing, asphalt testing, concrete testing and any other testing as may be required to complete the work. Quality Control test results must be submitted for all phases of this project per the Town's requirements.
- The Contractor shall maintain one (1) set of "redlined" prints of the construction plans. The "redlined" prints shall be kept current to accurately represent the dimensions and locations of all work performed by the Contractor. Prior to final payment, the Contractor must present the "redlined" prints to the Owner's engineer for preparation of a set of reproducible. Record Drawings, which shall be submitted to the Town within 30 days of construction acceptance of the project by the Town.
- The Owner/Developer shall be responsible for providing all required lot staking and construction staking. The Contractor shall coordinate through the Owner's designated representative to assure

that the surveyor is given adequate notice and instruction in order to complete the survey requirements for the various phases of work. The Contractor shall be responsible for the cost of re-surveying required due to the Contractor's, or subcontractor's, activities. The Contractor shall be responsible for the costs associated with rescheduling the surveyor to accommodate the Contractor's requests for unscheduled staking.

- The Contractor shall provide and implement a "Traffic Control Plan" related to all construction activities for this project.

- The Contractor shall perform all work according to all Town, County, State and Federal safety and health regulations. In particular, the trenching and open excavation operations shall comply with all current O.S.H.A. regulatory requirements.

- All construction activities must comply with the State of Colorado permitting process for "Stormwater Discharges Associated with Construction Activity." For information contact the Colorado Department of Health, Water Quality Control Division, WQCD-PE-B2, 4300 Cherry Creek Drive South, Denver, Colorado, 80246. Attention: Permits and Enforcement Section. Phone (303) 692-3500.

- When discharging groundwater, all dewatering methods shall be in conformance with all laws and regulations of the State -- including a Colorado Discharge Permit System for Construction Dewatering Wastewater Discharge. The contractor shall take all necessary and proper precautions to protect adjacent properties from any and all damage that may occur from stormwater runoff and /or deposition of debris resulting from any and all work.

- The engineer who has prepared these plans, by execution and/or seal hereon, does hereby affirm responsibility to the Town of Windsor, as a beneficiary of said engineer's work, for any errors and omissions contained in these plans, and approval of these plans shall not relieve the engineer who has prepared these plans of any such responsibility.

- The contractor shall have a registered land surveyor tie out and reset any property corners or section corners planned to be disturbed by construction of this project, and shall have a registered land surveyor reestablish any property corners or section corners inadvertently disturbed during construction of this project.

- Owner hereby affirms that it has complied with the notification requirements of Section 37-92-602 (8), C.R.S., and shall indemnify and hold harmless the Town of Windsor for any claims by water rights holders with respect to the storm drainage facilities approved herein.

Show benchmark information separate from general notes. Use and call out NAMD 1988 datum.

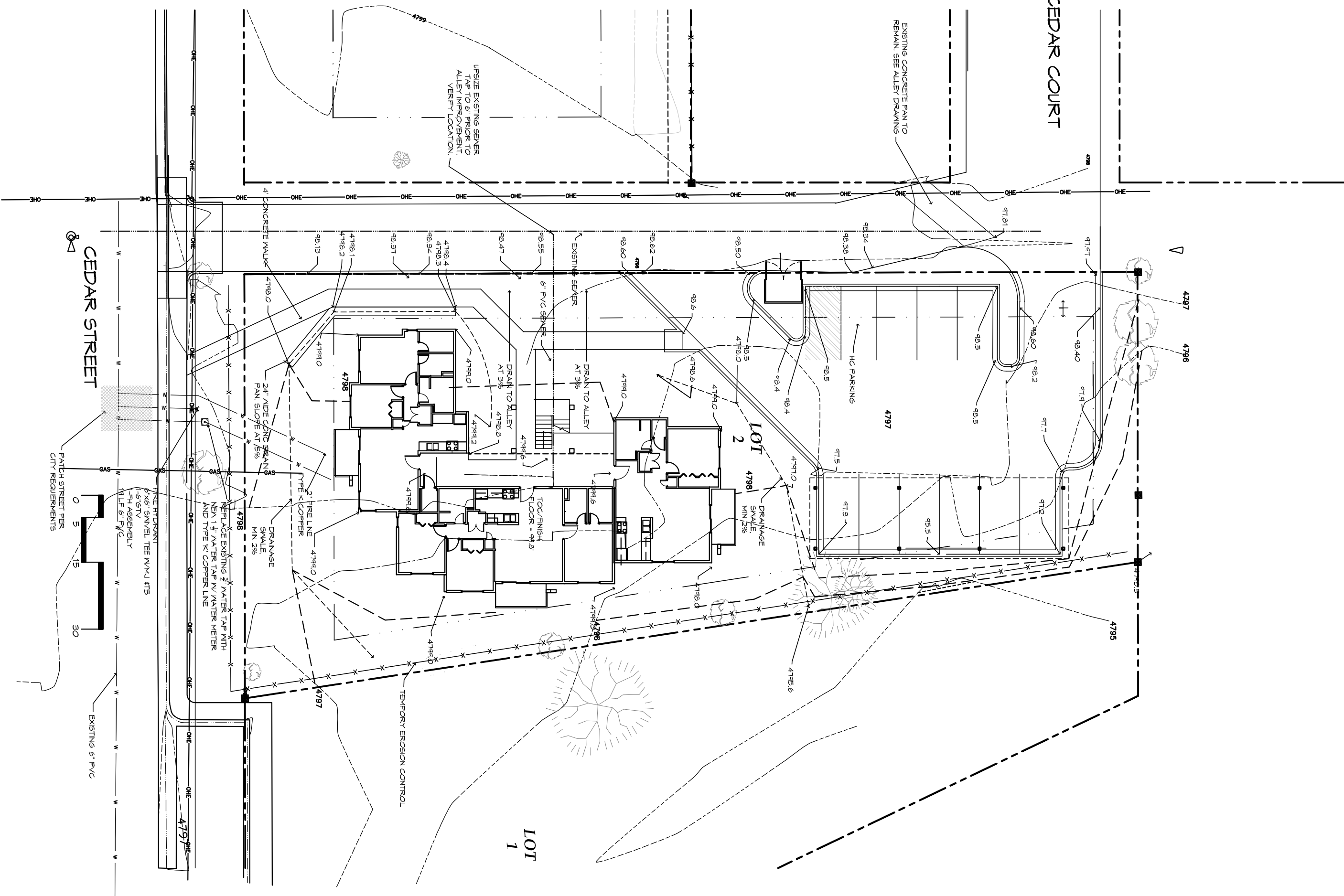
Utility Plan Notes

- All waterlines shall be C900, DR 18 PVC pipe with a minimum 12 gauge insulated tracer wire.
 - All waterlines shall be buried a minimum of 5 feet below finished grade.
 - The contractor shall maintain a minimum of 10 feet of horizontal separation and 18 inches of vertical separation between all sewer and water lines.
 - All existing utilities are approximately shown and locations need to be verified by the contractor prior to construction.
 - No tree(s) shall be located within 10 feet of facilities.
 - All gate valves shall have valve boxes.
 - Fire sprinkler services shall be mechanically restrained PVC with valve boxes labeled "Fire."
 - Fire hydrant branch lines shall be 6 inch mechanically restrained PVC unless otherwise noted and approved. No horizontal bends or offsets shall be used when installing fire hydrant branch lines.
 - Water service shall be ¾ inch Type K copper unless otherwise noted.
 - All fittings shall be mechanically restrained along with thrust block installation.
 - Where non-potable irrigation lines cross above or below potable waterlines, the non-potable line shall be incased with a C900 sleeve per Town of Windsor standards.
 - All storm drains crossing above waterlines shall be encased per Town of Windsor standards.
 - Sanitary sewer services shall be 4" SDR 35 PVC unless otherwise noted.
 - Sanitary sewer manholes shall be 48" diameter unless otherwise noted.
 - All manholes shall be air tight and vacuum tested in accordance with Town requirements.
 - All sanitary sewer lines shall be SDR 35 PVC unless otherwise noted.
- Additional Standard General Notes (as they pertain)**
- All waterline construction shall conform to the Fort Collins-Loveland Water District Standard Construction Specifications current at the date of construction.
 - All waterline construction shall conform to the North Weld County Water District Standards and Specifications current at the date of construction.

TOWN OF WINDSOR DRAWING REVIEW

REVIEW IS FOR GENERAL COMPLIANCE WITH TOWN STANDARDS. NO RESPONSIBILITY IS ASSUMED FOR CORRECTNESS OF DESIGN.

DATE _____ BY _____
Director of Engineering



1 UTILITY AND GRADING PLAN
SCALE 1" = 20'



Preliminary Site Plan

Lake View Add 4th Filing
Lot 2

Carlin Malone, Chief Planner

Planning Commission November 7, 2018



Site Plan

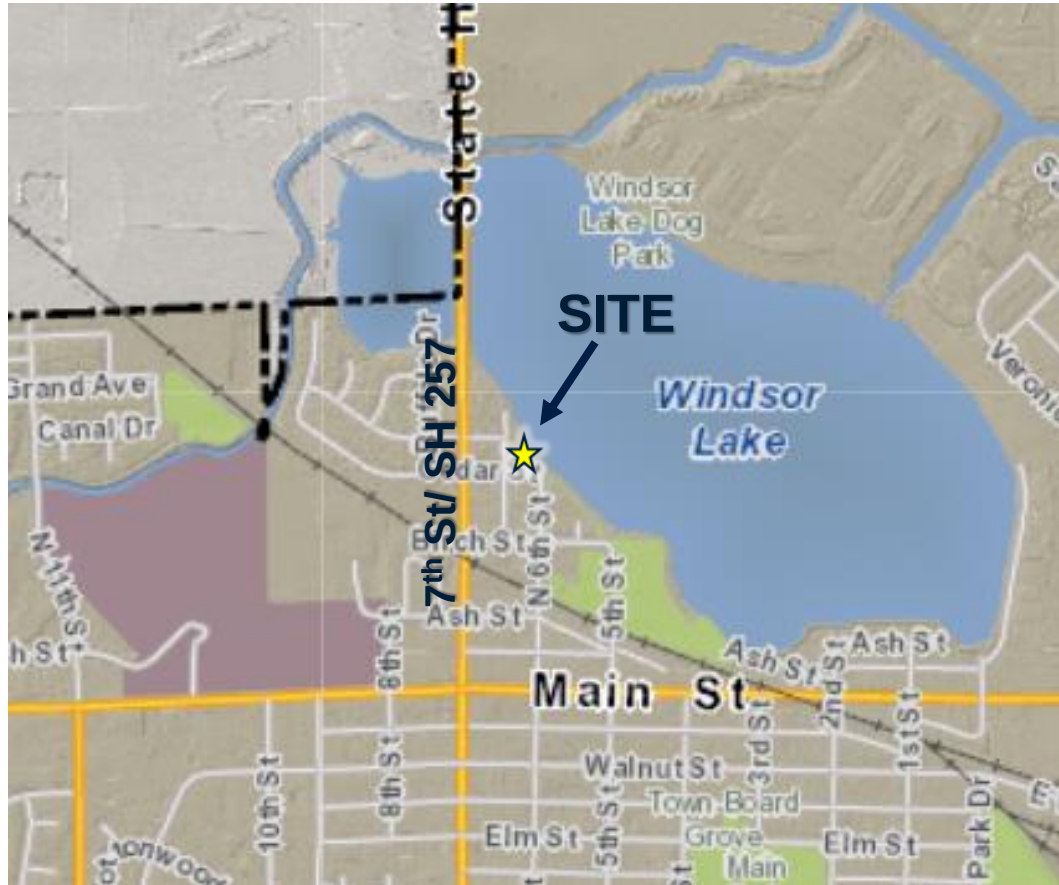
Article VII of Chapter 17 of the Municipal Code outlines the purpose and procedures of the Site Plan process, including:

Sec. 17-7-20. Purpose.

The purpose of the site plan procedure is to:

- 1) Develop land as a unit development.*
- 2) Develop land zoned for multifamily, commercial or industrial uses.*
- 3) Develop land which, in the opinion of the Town Planner, could have an adverse environmental impact upon the surrounding area or would have a major community land use impact.*
- 4) To amend an approved site plan when the change involves additional land use...*

Site Vicinity Map



Site Zoning Map





Previous & Existing Conditions



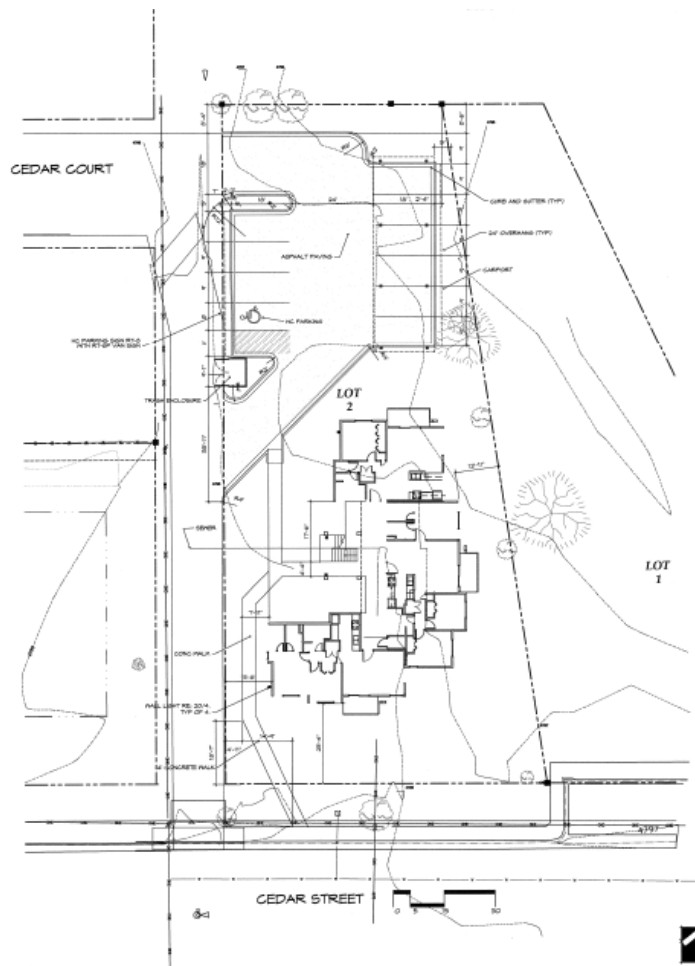


Site Plan

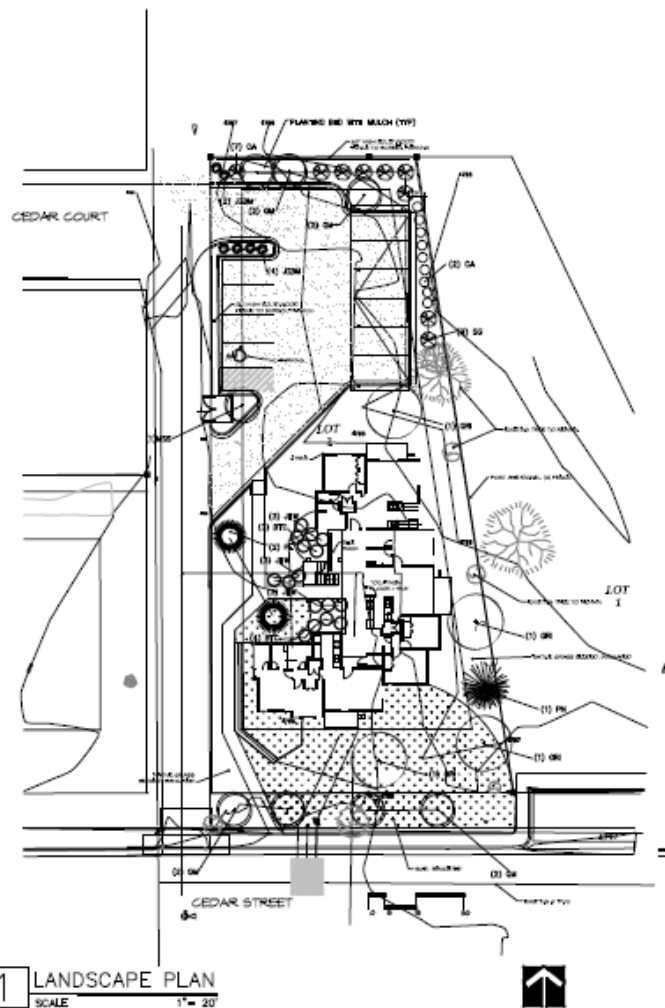
Site Plan characteristics:

- ~ 16,000 sf (.367 acres)
 - 6 dwelling units – one building, 5,486 sf:
 - One, two, three-bedroom units
 - Building height – 23'3" (35' max. RMU zone district)
 - Painted lap siding (horizontal and vertical), synthetic stone wainscot, front covered porch entry, rear covered patio or deck.
 - 10 parking spaces (9 required) – 1.5 spaces/unit:
 - 6 covered spaces, 4 uncovered spaces
 - 41% open space/landscape; 17% building coverage; 59% lot coverage

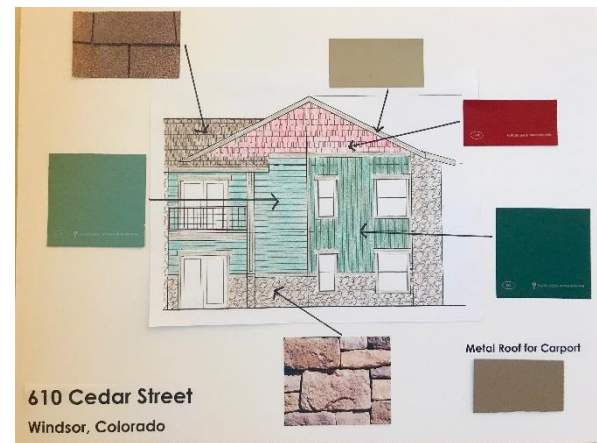
Site Plan



Landscape Plan



Architectural Elevations





Comprehensive Plan Conformance

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.

Objectives:

- 1. Prioritize new growth in areas currently served by Town infrastructure and services.*
- 2. Incentivize infill development to complete neighborhoods and leverage existing resources.*
- 3. Develop new neighborhoods adjacent to the Town core.*



Comprehensive Plan Conformance

(Continued)

Chapter 5c – Residential Areas Framework

Goal:

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

Objectives:

- 4. Foster a diversity of housing types and sizes through coordinated land use planning and zoning.*
- 5. Support high density residential development near Downtown, commercial centers, and mixed-use nodes.*



Recommendation

Staff recommends that the Planning Commission approve the preliminary site plan as presented subject to the following condition:

- 1) All remaining Planning Commission and staff comments shall be addressed with the final site plan application.



Preliminary Site Plan

Staff requests that the following be entered into the record:

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



MEMORANDUM

Date: November 7, 2018
To: Planning Commission
From: Carlin Malone, Chief Planner / Paul Hornbeck, Senior Planner
Re: Site Plan Summary – Southgate Business Park Subdivision–
Southgate Oil and Gas Office Building

Site Plan Summary

Applicant: Martin Lind, Windsor Southgate Development, LLC, Property Owner

Applicant's Representative: Stewart Loewenstein, Water Valley Land Company

Business: Oil and Gas Company Office Building

Location: 650 Southgate Drive

Subdivision / Lot-Block: (Currently) Southgate Business Park 4th Filing, Lot 4

Zoning: GC (General Commercial) with CUG (Conditional Use Grant) for outdoor storage associated with an oil and gas facility.

Adjacent Zoning: GC south and west, A (Agriculture, Weld County) north and east

Special Planning Area: IGA (Intergovernmental Agreement) with City of Greeley; Southgate Annexation Design Criteria and Development Standards

Overall development characteristics:

- lot area = 9.28 acres
- +/- 69,750 square foot (sf) building total
 - two stories
 - +/- 39,850 sf office space (includes both floors)
 - +/- 29,900 sf warehouse (one story)
- building to accommodate 160 employees with roughly 115 offices
- 237 parking spaces
- landscape buffers and berming along Weld County Road 17, Southgate Drive and the proposed extension of Performance Drive; significant landscaping along WCR 17 to help mitigate the large-scale building façade (440' in length)
- access from Southgate Drive
- loading area on west side of building

Building characteristics include:

- pre-engineered building with metal siding, precast and boardform walls; steel window shades/building accents, and flashings
- light gray, dark gray, off-white, white and black walls and architectural elements

- covered entry with outdoor pedestrian area; second floor outdoor patio with seating area, pergola covering pedestrian walkway around the front of the building – southeast portion of building
- generally flat with parapets, panels, and architectural elements to mitigate the roofline
- average building height: 30' with architectural features or mechanical unit screening extending beyond building height from 2'-6'

The site plan follows an administrative approval process. The site plan was submitted after the Planning Commission's October 17, 2018, regular meeting, with an expedited review schedule (staff comment due date of October 26, 2018). The Town Board received the same enclosed material at their regular meeting of October 22, 2018. Comments from staff and referral agencies were forwarded to the applicant on October 26, 2018, and staff met with the applicant's team on November 1, 2018, discussing and addressing remaining comments. The applicant anticipates submitting the revised plans in approximately two weeks.

Attachments

Project narrative
Site/Landscape plan
Building elevations

October 16, 2018

Mr. Scott Ballstadt
Planning Director
Town of Windsor
301 Walnut Street
Windsor, CO 80550

Re: South Gate Business Park Subdivision Fifth Filing – Lot 1 Site Plan

Dear Mr. Ballstadt,

On behalf of our client, we are pleased to submit this Site Development Plan (SPD) application for an oil and gas company office and warehouse building at the South Gate Business Park Subdivision.

The following list of consultants comprise the development team on this project:

Applicant

Windsor Southgate Development, LLC
Martin Lind
1625 Pelican Lakes Point, Ste. 201
Windsor, CO 80550
970.686.5828
mlind@watervalley.com

Architect:

Vaught Frye Larson Aronson
Chris Aronson
419 Canyon Avenue, Suite 200
Fort Collins, CO 80521
970.224.1191
chris@vfla.com

Entitlements/Landscape Architecture:

Norris Design
Brock Reimer
1101 Bannock Street
Denver, CO 80204
303.892.1166
breimer@norris-design.com

Civil Engineer:

TST Inc.
John Meyers
748 Whalers Way, Ste. 200
Fort Collins, CO 80525
970.226.0557
jmeyers@tstinc.com

Project Introduction:

The proposed office and warehouse is located on Lot 1 within the South Gate Business Park Subdivision Fifth Filing at the northwest corner of South Gate Drive and Weld County Road 17. The site is roughly 9 acres and is proposed to include an office and warehouse building, as well as an associate outdoor storage and staging area, parking, and landscaping.

The proposed office building is +/- 69,750 square feet and is the planned northern Colorado headquarters of an oil and gas company. When complete, the office building is expected to accommodate approximately 160 company employees. The southern half of the building will provide approximately +/- 39,850 SF of office space between two floors and feature roughly 115 offices. The facility will also include training facilities for field employees, who will regularly cycle through the facility for training.

The main pedestrian entrance is on the west side of the building and is surrounded by a small arrival plaza. Adjacent to the entrance is a patio space for employee outdoor dining, designed to maximize view of the mountains.

The northern half of the building will serve as a +/- 29,900 SF one-story warehouse. To the west and the north of the warehouse is an outdoor storage and staging area, which is consistent with the vision established in the approved Conditional Use Grant for the property. The outdoor yard will be screened with landscape buffers and a screen wall or fence that will extend around the perimeter of the entire storage area, per the Conditional Use Agreement.

The proposed architecture is consistent with the themes established elsewhere within the South Gate Business Park and will be a complimentary addition to the emerging commercial area that makes up the southern gateway to the Town of Windsor. Building articulation, color, texture, and appearances have been used in the architecture to break up the larger planes within the building and to add visual interest to the structure.

The project is planned to be completed in one phase.

Access & Circulation

Vehicle access to the site will come from the South Gate Drive via a private drive shown as a continuation of Performance Drive, as well as an access point connecting directly to South Gate Drive. Vehicles entering the outdoor yard are primarily anticipated to use Performance Drive, though a secondary access point has been provided adjacent to the proposed warehouse. Both access points will have Windsor Severance Fire Rescue-approved gates and may be used by WSFR for access into the storage yard.

Sidewalks will be constructed along South Gate Drive and Weld County Road 17 for pedestrian circulation. Additionally, a sidewalk connection from the building to the proposed sidewalk network along Weld County Road 17 has been designed to support pedestrian circulation, per the standards established in the Annexation Agreement.

The parking lot contains 237 parking spaces, which is slightly above the requirements of the Windsor Municipal Code but is necessary to accommodate field employees attending trainings at the building. A trash enclosure including two 5-yard dumpsters will be located on the eastern end of the northernmost east-west row of parking. This will allow easy access both from the building for disposal and for local trash service pickup.

Per the Town of Windsor Roadway Improvement Plan, the portion of Weld County Road 17 adjacent to the site will be widened from two (2) to four (4) lanes. Per the included traffic impact study compliance letter for the South Gate Business Park, the roadway capacity is sufficient for the planned uses of the property. For further information please refer to the traffic impact study compliance letter included in the application.

Landscape buffers have been designed along Weld County Road 17, South Gate Drive and the proposed extension of Performance Drive as appropriate. Landscaping and significant berming have been used to create a naturalized, native character along the Weld County Road 17 frontage to help soften the architecture from the perimeter. Enhanced naturalized plantings are grouped at the vehicular entry to improve the visual character from South Gate Drive and continue to the main pedestrian entrance.

Consistency with Land Use Code and Comprehensive Plan

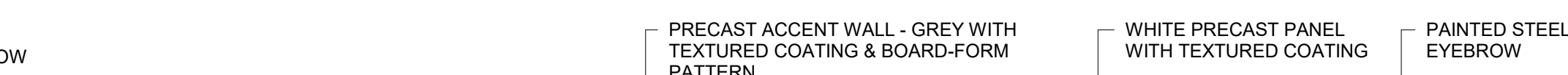
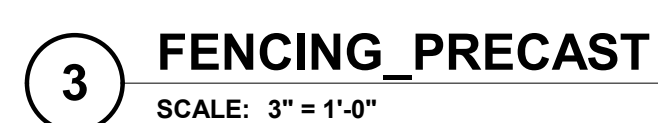
The site plan is in accordance the General Commercial zoning for the site and the Conditional Use Grant. The project is also consistent with the Town of Windsor's Comprehensive Plan, which designates the area as an Employment Corridor, as well as the requirements within the Intergovernmental Agreement between the City of Greeley and the Town of Windsor regarding the US-34 corridor.

We look forward to working with the Town during the review and approval process for this application. Please refer to the Transmittal for a complete listing of all attached files and please contact us if you have any questions or if you need additional information.

Sincerely,
Norris Design



Dave Thorpe
Senior Associate



DATE: _____ BY: _____
TOWN ENGINEER

EXTERIOR FINISH SCHEDULE	
GENERAL NOTE: ALL EXTERIOR WALL MOUNTED LIGHTS TO BE FULL CUT-OFF.	
METAL SIDING (CONCEALED FASTENERS)	LIGHT GRAY
TPO ROOF	WHITE
PRECAST WALLS	WHITE & DARK GRAY - SEE ELEVATION
PRECAST BOARDFORM WALLS	DARK GRAY
STOREFRONT	BLACK
GLAZING	CLEAR
STEEL & FLASHINGS	BLACK

[illegible]

DRAWN BBE / DC

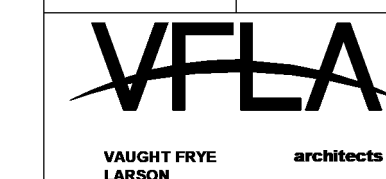
CHECKED CA

DESIGNED CA

FILENAME

SOUTH GATE BUSINESS PARK SUBDIVISION
FIFTH FILING

EXTERIOR ELEVATIONS



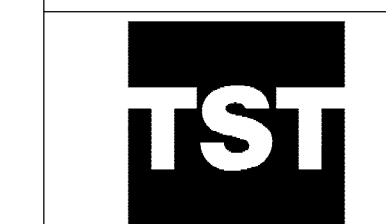
Strength in design. Strength in partners.
Strength in community.

419 Canyon Avenue, Suite 200 Fort Collins, CO 80521

doi:10.224/1191/www.vp-ia.com



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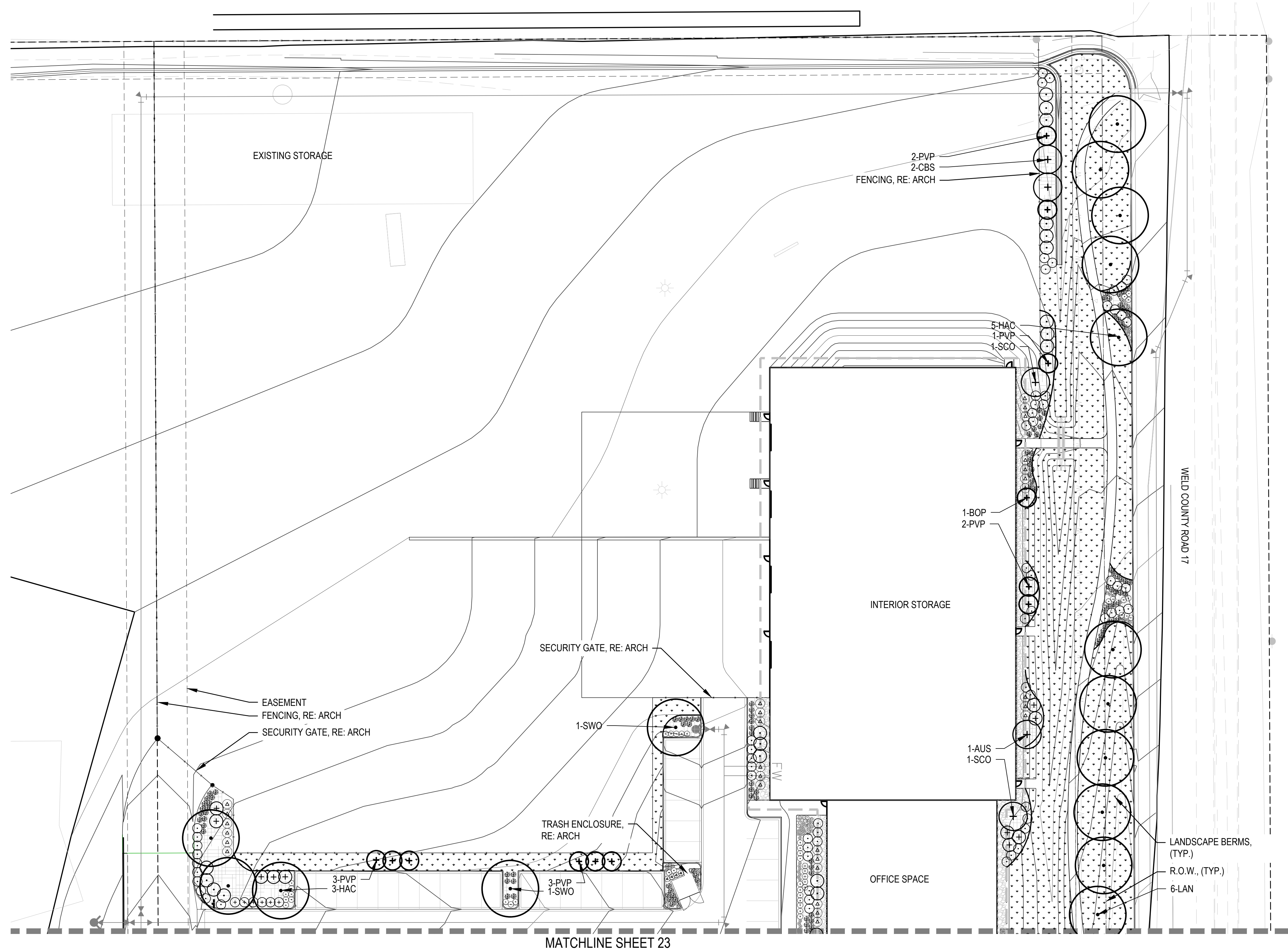
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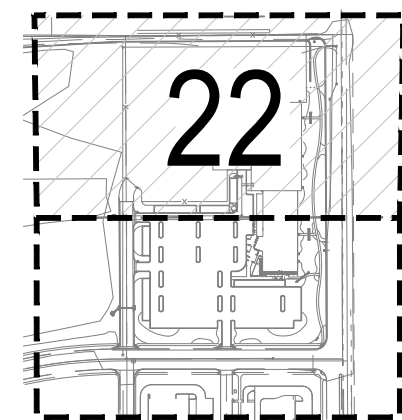
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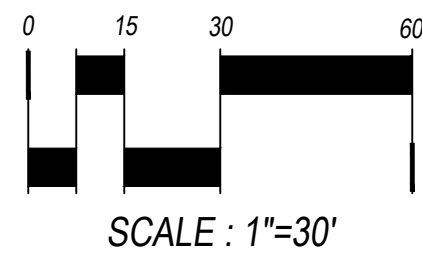


KEY MAP - N.T.S



LEGEND

- DECIDUOUS CANOPY TREE
- ORNAMENTAL DECIDUOUS TREE
- EVERGREEN TREE
- EVERGREEN SHRUB
- DECIDUOUS SHRUB
- UPRIGHT EVERGREEN SHRUB
- ORNAMENTAL GRASS
- PERENNIALS
- IRRIGATED NATIVE SEED
- WOOD MULCH
- IRRIGATED MANICURED TURF
- ENHANCED PAVING TYPE A
- ENHANCED PAVING TYPE B
- RIGHT-OF-WAY
- MATCHLINE
- 5' NO IRRIGATION ZONE
- METAL EDGER
- STREET LIGHT



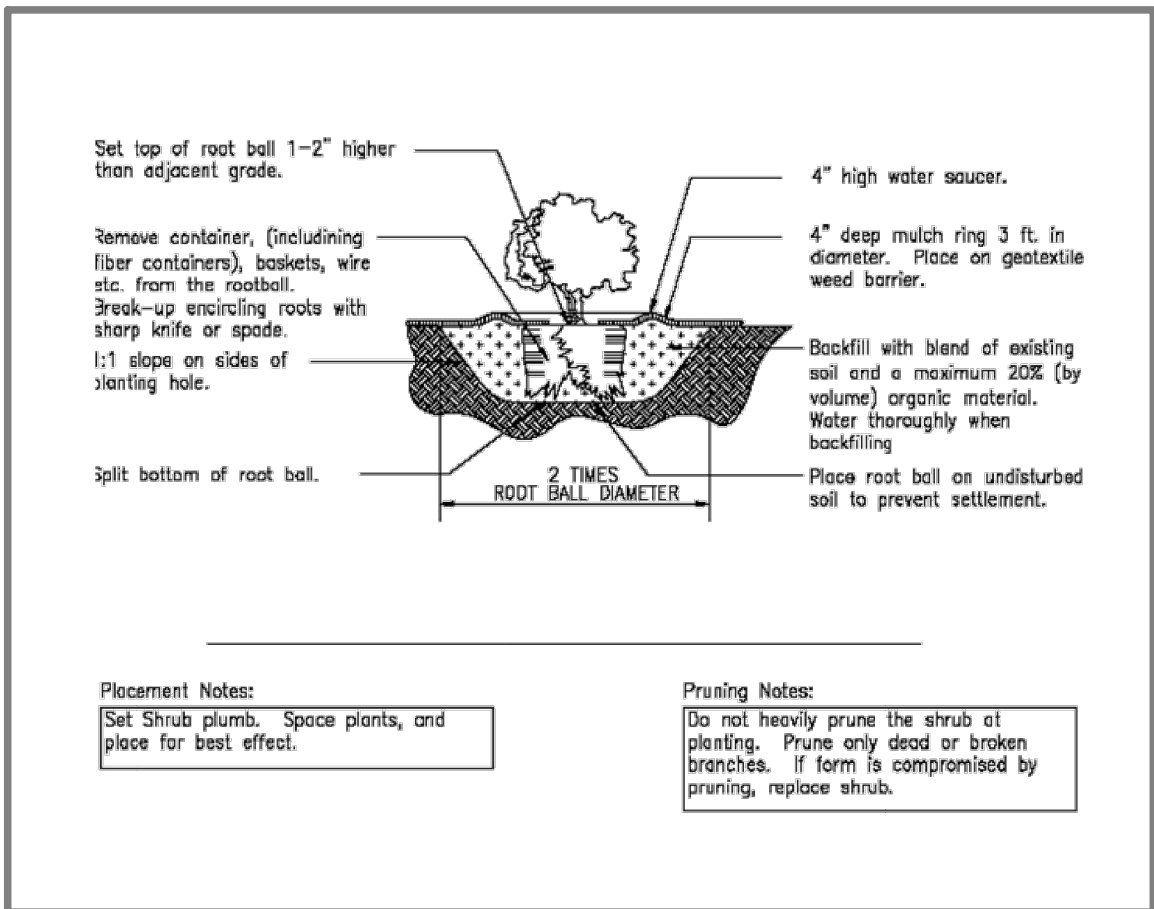
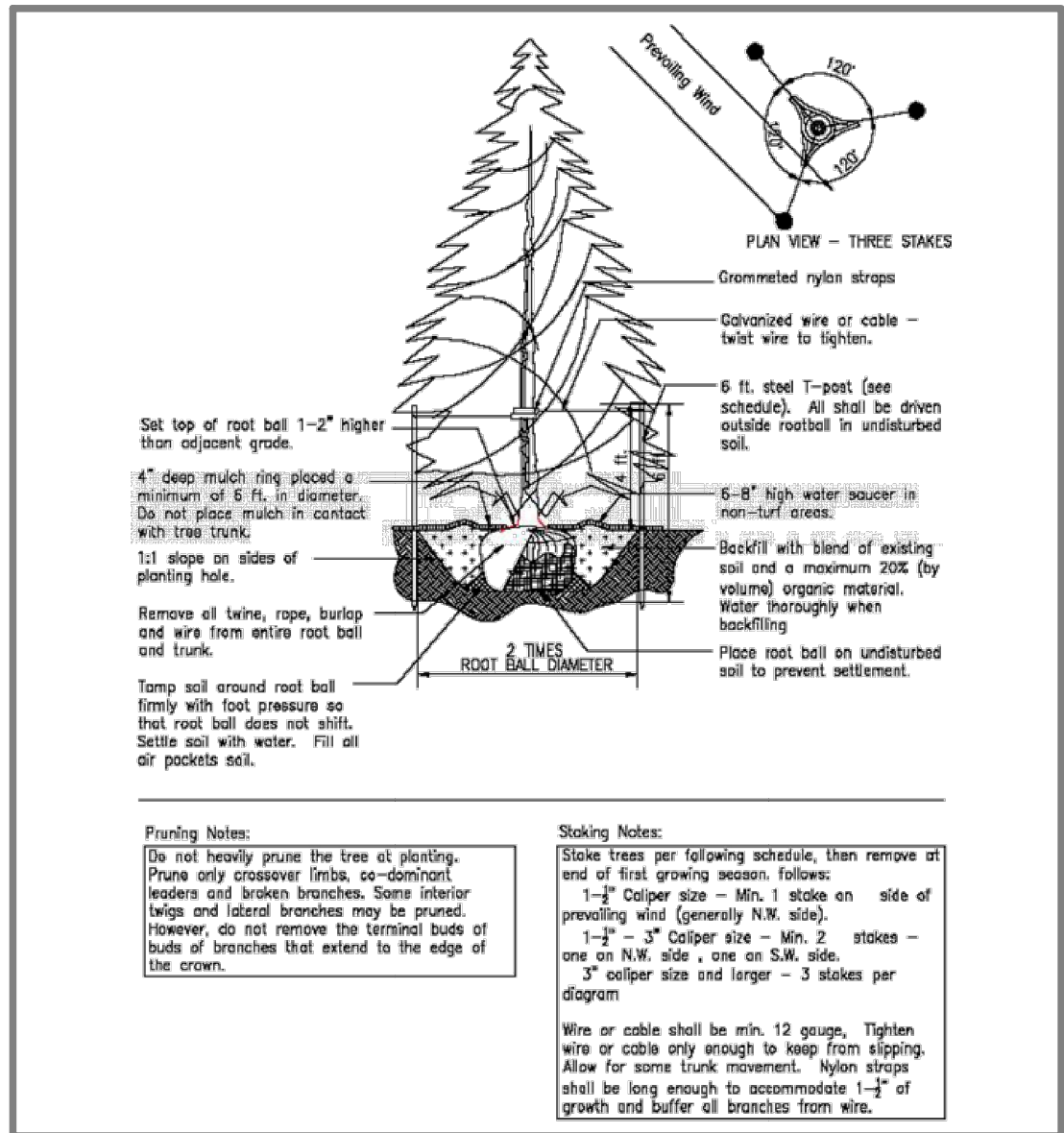
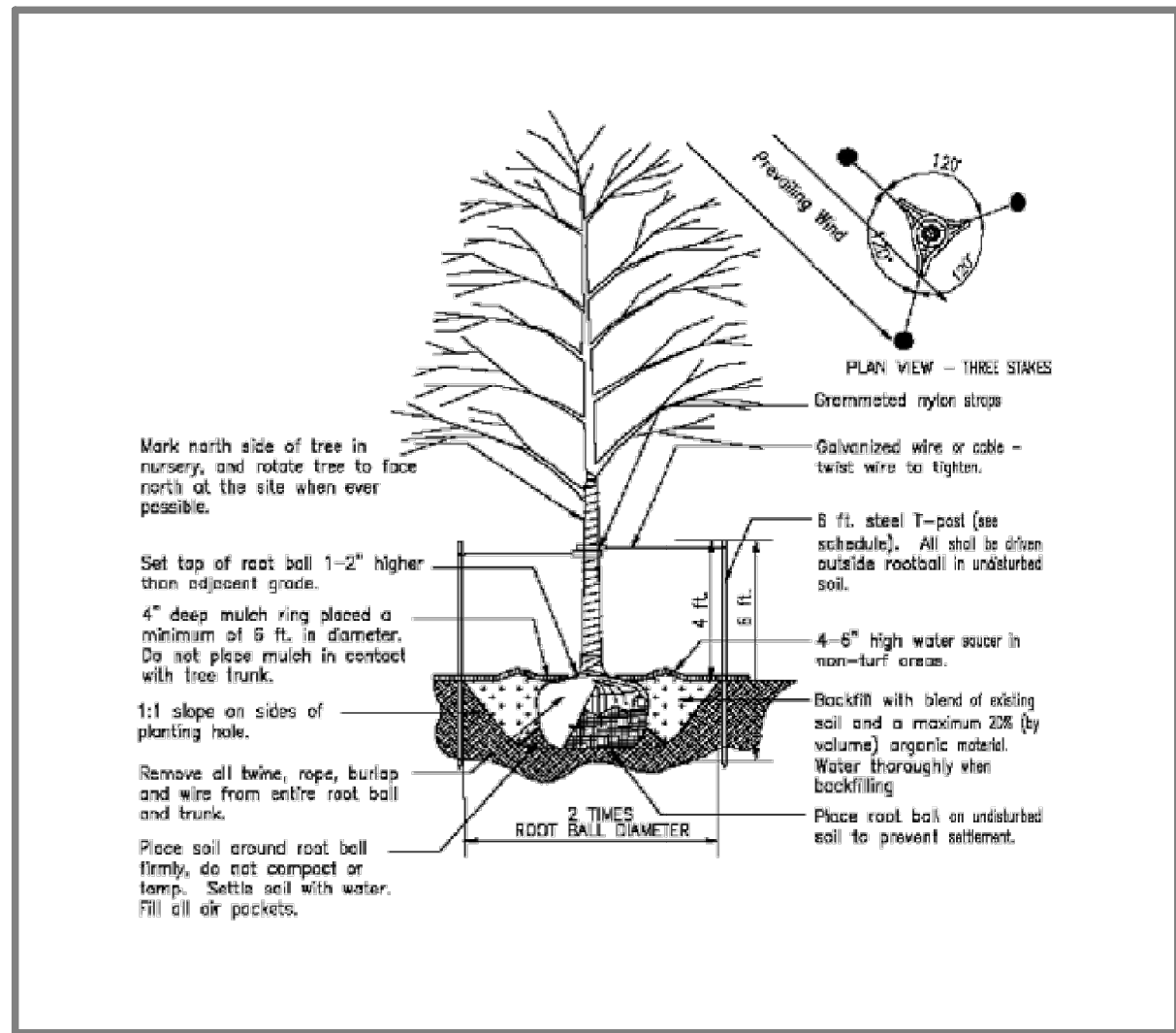
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FIFTH FILING—LOT 1 SITE PLAN

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1 DECIDUOUS TREE PLANTING DETAIL

DETAIL PROVIDED BY TOWN OF WINDSOR LANDSCAPE STANDARDS

SCALE: NTS

2 EVERGREEN TREE PLANTING DETAIL

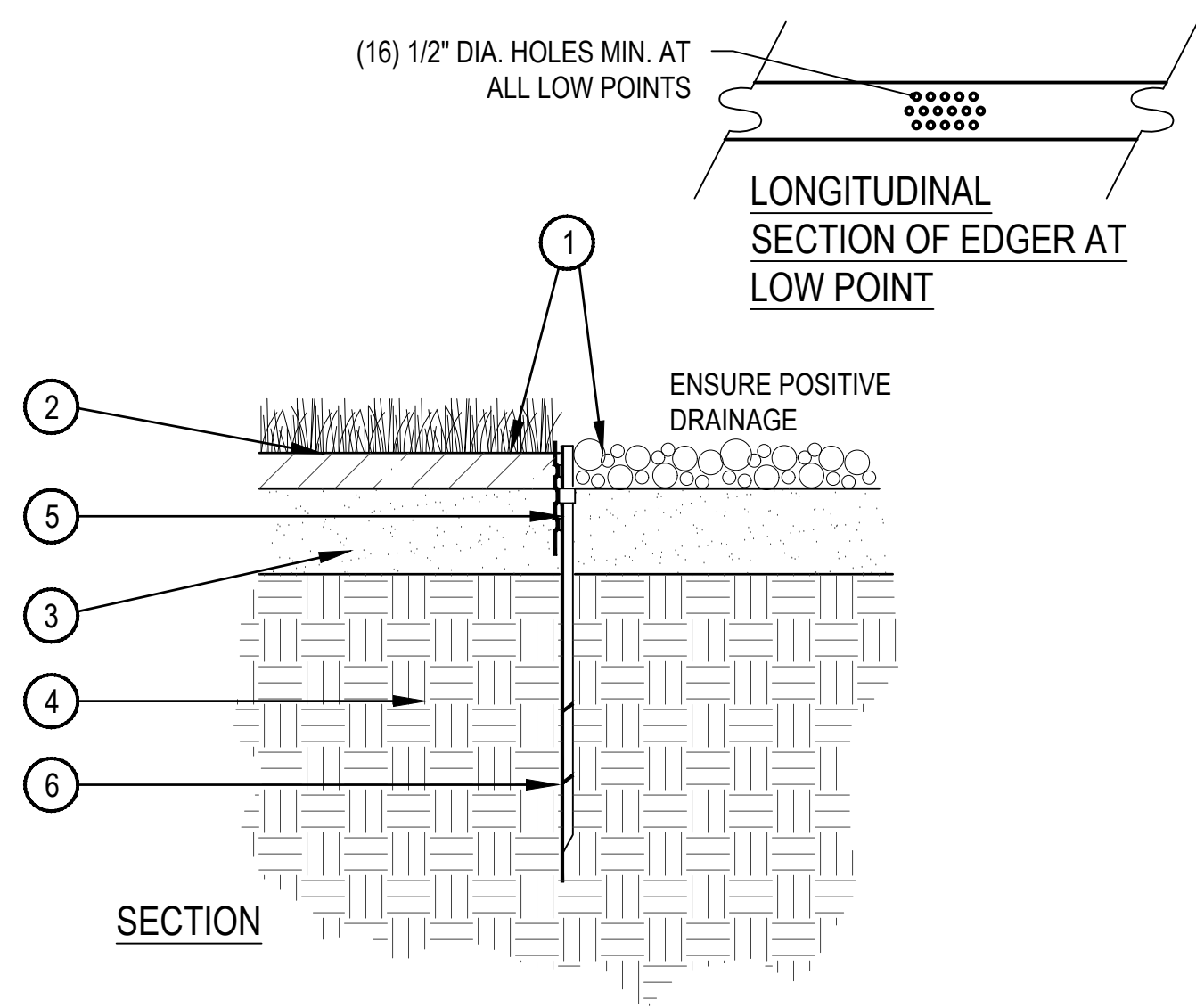
DETAIL PROVIDED BY TOWN OF WINDSOR LANDSCAPE STANDARDS

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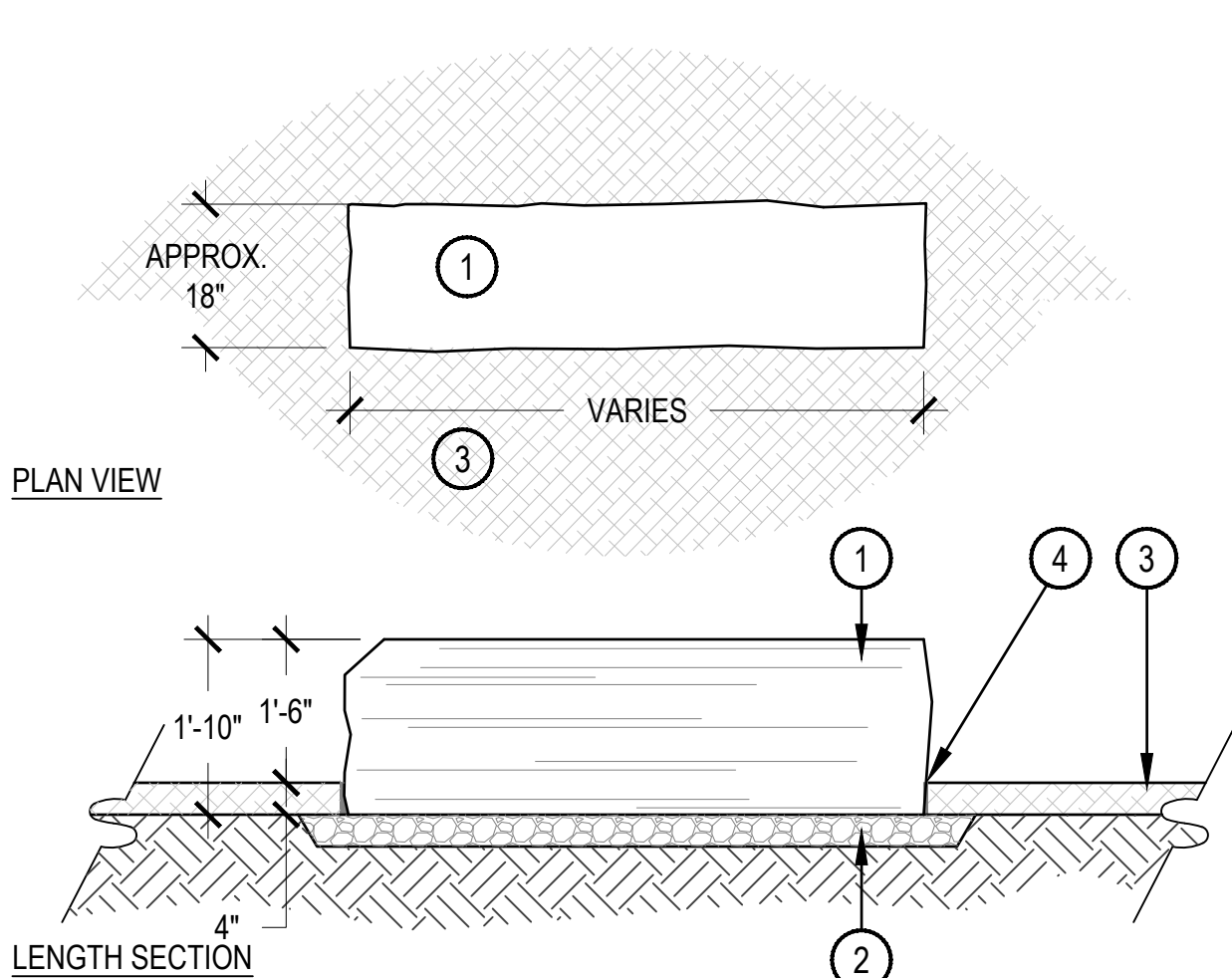
3 SHRUB PLANTING DETAIL

DETAIL PROVIDED BY TOWN OF WINDSOR LANDSCAPE STANDARDS

SCALE: NTS



- 1 FINISHED GRADE - TOP OF SOD THATCH LAYER AND TOP OF MULCH OR NATIVE SEED SHALL BE FLUSH WITH TOP OF EDGER
 - 2 TURF THATCH
 - 3 AMENDED SOIL PER SPECIFICATIONS
 - 4 SUBGRADE
 - 5 STEEL EDGER - DRILL (16) 1/2" DIA. HOLES 1" O.C. MIN. AT ALL LOW POINTS OR POORLY DRAINING AREAS IN ORDER TO ENSURE ADEQUATE DRAINAGE
 - 6 EDGER STAKE
- NOTES:**
1. THERE SHALL BE NO EXPOSED SHARP / JAGGED EDGES.
2. CONTRACTOR SHALL INSTALL STAKES AS REQUIRED BY THE MANUFACTURER.



- 1 COLORADO BUFF SANDSTONE BOULDER SELECTED BY OWNER'S REPRESENTATIVE
- 2 COMPACTED ROAD BASE UNDER ENTIRE SLAB UNLESS ON CONCRETE BASE
- 3 ADJACENT CONCRETE FLATWORK OR LANDSCAPE, RE: LANDSCAPE PLANS
- 4 EXPANSION JOINT WHERE SLAB MEETS CONCRETE FLATWORK.

NOTE
1. FENCE STYLE SHOWN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE. FINAL DESIGN TO BE APPROVED BY OWNER'S REPRESENTATIVE.



4 STEEL EDGER

SCALE: 1" = 1'-0"

5 SANDSTONE BOULDER

SCALE: 1/2" = 1'-0"

6 6' HT. PATIO FENCE

NTS

REVISIONS	DESCRIPTION
DATE	
BY	

DRAWN	MD
CHECKED	BR
DESIGNED	BR, MD
FILENAME	LANDSCAPE PLAN

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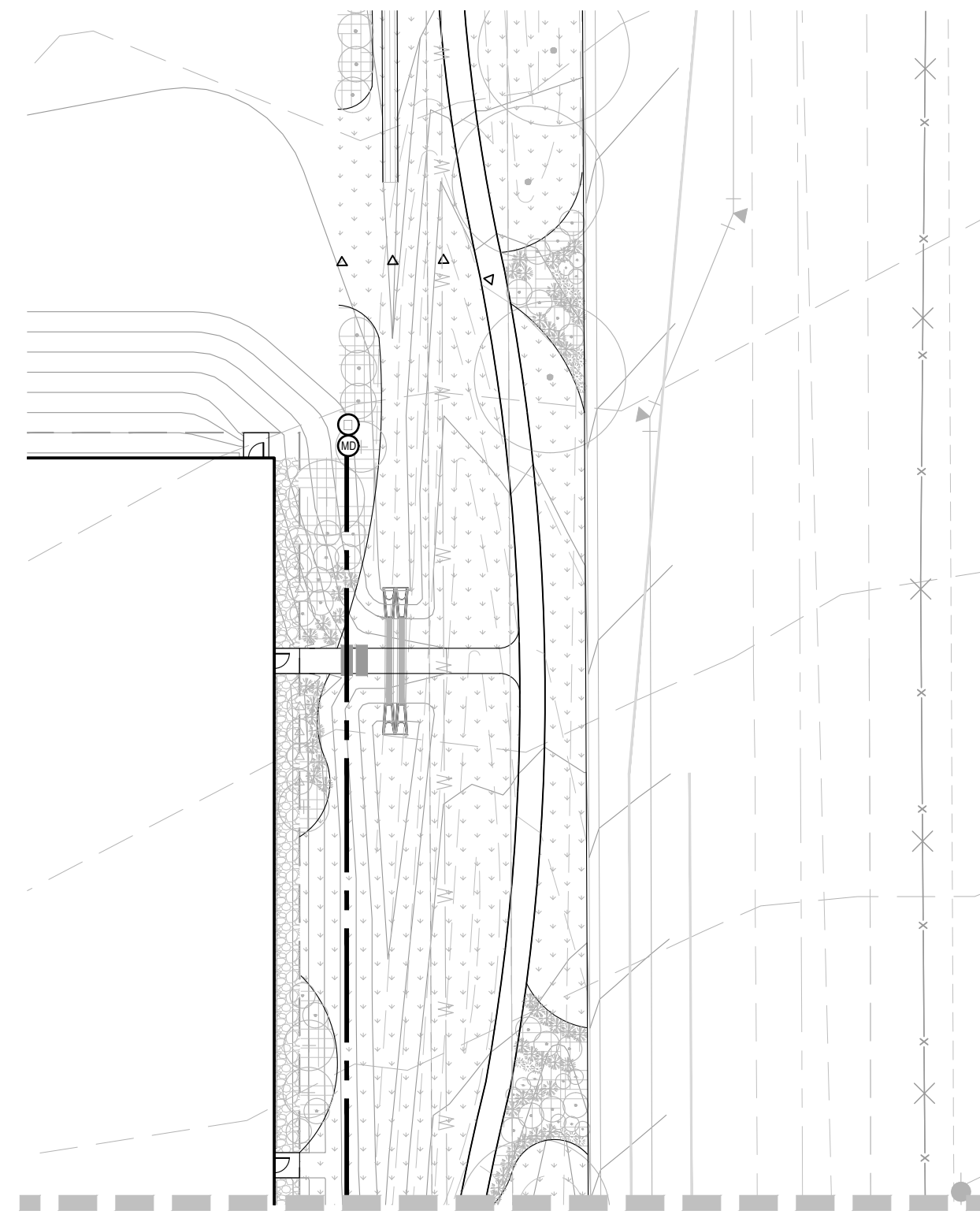
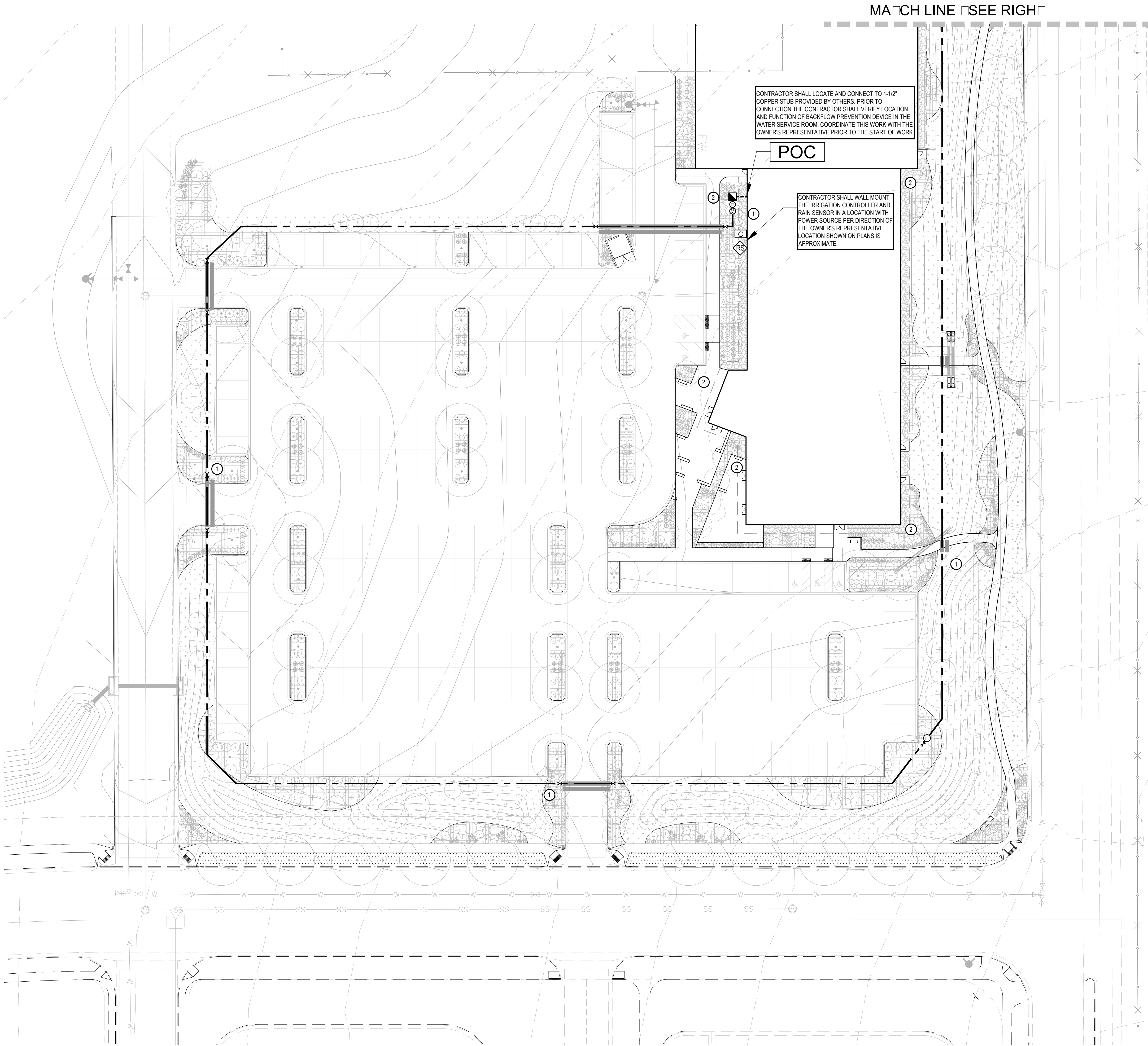
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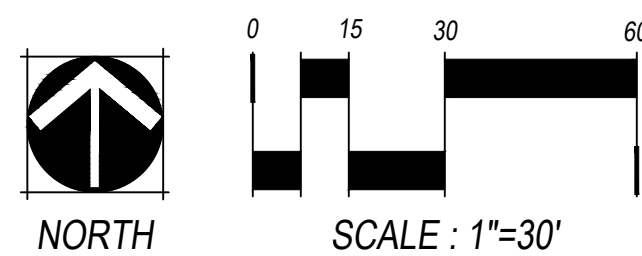
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- IRRIGATION KEY NOTES**
- 1 IRRIGATION EQUIPMENT IS SHOWN FOR GRAPHIC CLARITY. ALL MAINLINES, LATERALS, VALVES ETC. SHALL BE LOCATED WITHIN PLANTING AREAS.
 - 2 ALL IRRIGATION EQUIPMENT SHALL REMAIN A MINIMUM OF 5' FROM BUILDING FOUNDATIONS OR AS STIPULATED IN THE GEOTECH REPORT, WHICHEVER IS GREATER. IN AREAS WHERE IT IS UNAVOIDABLE TO LOCATED IRRIGATION EQUIPMENT WITHIN SAID DISTANCE, WATERPROOFING OF THE FOUNDATION WALL SHALL BE NECESSARY. COORDINATE WITH OWNER'S REPRESENTATIVE AND ARCHITECTURE PLANS FOR WATERPROOFING REQUIREMENTS.

IRRIGATION SCHEDULE	
SYMBOL	DESCRIPTION
POC	POINT OF CONNECTION
Backflow Preventer Symbol	BACKFLOW PREVENTER
IC1	IRRIGATION CONTROLLER WALL MOUNT
RS	RAIN SENSOR WALL MOUNT
Manual Drain Valve Symbol	MANUAL DRAIN VALVE
Gate Valve Symbol	GATE VALVE
Quick Coupler Symbol	QUICK COUPLER
Master Valve Symbol	MASTER VALVE
Flow Meter Symbol	FLOW METER
Sleeving Symbol	SLEEVING SCH. 40 PVC
Service Line Symbol	SERVICE LINE
PVC Mainline Symbol	PVC MAINLINE CL 200 PVC



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