



PLANNING COMMISSION REGULAR MEETING

August 7, 2024 - 7:00 PM

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

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
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. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Approval of the July 17, 2024, Planning Commission Regular Meeting Minutes - K. Frawley, Town Clerk

C. BOARD ACTION

1. Public Hearing - South Gate 8th (Aims Windsor) Annexation to the Town of Windsor - Michael Millsapps, Aims Community College, owner representative/applicant; Megan Walter, Sunny Civil, applicant's engineer/representative
 - Quasi-judicial action
 - Staff presentation: Carlin Malone, Chief Planner
2. Recommendation to Town Board - South Gate 8th (Aims Windsor) Annexation to the Town of Windsor - Michael Millsapps, Aims Community College, owner representative/applicant; Megan Walter, Sunny Civil, applicant's engineer/representative
 - Quasi-judicial action
 - Staff presentation: Carlin Malone, Chief Planner

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison
3. Communications from Staff

E. ADJOURN

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.



MEMORANDUM

Date: August 7, 2024
To: Planning Commission
From:
Re: Approval of the July 17, 2024, Planning Commission Regular Meeting Minutes - K. Frawley, Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 07.17.24 PC Draft Minutes



Planning Commission Regular Meeting

July 17, 2024 - 7:00 PM

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

To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chair Reddick called the meeting to order at 7:02 p.m.

1. Roll Call

Present:

Chairman Reddick
Vice-Chair Nader
Nathan Kinney
David Hassard
Jordan Spight
John Neal

Absent:

Ben Kirch

Also Present:

Town Board Liaison Hallett
Larry Pakowski, Alternate
Scott Ballstadt, Planning Director
Kim Emil, Deputy Town Attorney
Sandra Mezzetti, Senior Planner
Kimberly Lambrecht, Senior Planner
Ben Bodiker, Visual Media Supervisor
Karen Frawley, Town Clerk

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

Planning Commissioner Hassard moved to approve the agenda as presented, Planning Commissioner Neal seconded the motion. Motion Passed.

3. Public Invited to be Heard

Commissioner Reddick opened the meeting up for public comment, to which there was none.

B. CONSENT CALENDAR

1. Approval of the July 3, 2024, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

Planning Commissioner Neal moved to approve the consent calendar as presented, Planning Commissioner Nader seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

C. BOARD ACTION

1. Request for Continuance - Public Hearing - Wireless Telecommunications Facility (Tower) Site location within the General Commercial Zone District, Municipal Code Section 16-5-40(k)(3) - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street - Windsor RSO LLC.

Cary St Onge, property owner, Tom Wilkerson, Tower Engineering Professionals, applicant

The applicant failed to mail the public hearing notification, as required by the Municipal Code. As such, the public hearings must be rescheduled. Continuing the public hearing to a new specific date serves as notification to those in attendance.

If the Planning Commission recommends a continuance to the Town Board for the public hearings, staff requests the following dates are included in the recommendation:

- Planning Commission public hearing on August 21, 2024
- Town Board public hearing on September 9, 2024

Chair Reddick opened the public hearing.

Town Board Member Hallett stated, "Mr. Chair, for the record, I would like to disclose that I am a sitting member of the Town Board and that I am here in my capacity as a nonvoting liaison to the Planning Commission. Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come 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 hearings."

Chair Reddick opened the hearing up for public comment, to which there was none.

Planning Commissioner Nader moved to close the public hearing, Planning Commissioner Spight seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

2. Request for Continuance - Recommendation to Town Board - Wireless Telecommunications Facility (Tower) Site location within the General Commercial Zone District, Municipal Code Section 16-5-40(k)(3) - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street - Windsor RSO LLC., Cary St Onge, property owner; Tom Wilkerson, Tower Engineering Professionals, applicant.

Planning Commissioner Nader moved to forward to Town Board a recommendation for continuance to a date certain of August 21, 2024, Planning Commissioner Kinney seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

3. Request for Continuance - Public Hearing - Request for a Conditional Use Permit (Height), Municipal Code Section 14-2-130, to allow a seventy-five (75) foot high Wireless Telecommunications Tower - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street - Windsor RSO LLC., Cary St Onge, property owner; Tom Wilkerson, Tower Engineering Professionals, applicant.

The applicant failed to mail the public hearing notification, as required by the Municipal Code. As such, the public hearings must be rescheduled. Continuing the public hearing to a new specific date serves as notification to those in attendance.

If the Planning Commission recommends a continuance to the Town Board for the public

hearings, staff requests the following dates are included in the recommendation:

- Planning Commission public hearing on August 21, 2024
- Town Board public hearing on September 9, 2024

Chair Reddick opened the public hearing.

Chair Reddick opened the hearing for public comment, to which there was none.

Planning Commissioner Nader moved to close the public hearing, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

4. Request for Continuance - Recommendation to Town Board - Request for a Conditional Use Permit (Height), Municipal Code Section 14-2-130, to allow a seventy-five (75) foot high Wireless Telecommunications Tower - Jacoby Farm Subdivision 5th Filing, Tract A, 301 17th Street - Windsor RSO LLC., Cary St Onge, property owner; Tom Wilkerson, Tower Engineering Professionals, applicant.

Planning Commissioner Nader moved to forward a recommendation to Town Board of continuance to a date certain of August 21, 2024, Planning Commissioner Kinney seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Nathan Kinney, Maxwell Nader, Jordan Spight, John Neal; Nays - None; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

Per Commissioner Hassard, encourage all commissioners to review the municipal code 16-5-40 specifically subsections c, d, and e in preparation for the meeting on August 21st.

2. Communications from Town Board Liaison

Town Board Member Hallett reported that Ken Symsack was appointed to fill the District 4 vacancy on Monday night. The Police Chief selection was announced: Stephen Garrison, who will be joining the Police Department soon. The Town Board heard a presentation from staff regarding the backlots.

3. Communications from Staff

- a. Site Plan - Human Bean Coffee - Jacoby Farm Subdivision 5th Filing, Tract E (1700 Main Street) - K. Lambrecht, Senior Planner

The owner/applicant, Mr. Frank Sherman (SS Blue Sky 2.0 Properties, LLC), and the applicant's representative, Ms. Rachel Delventhal (Arete Design Group) have submitted a Major Site Plan application for a new drive-thru and walk-up coffee shop to be located on Tract E, Jacoby Farm Subdivision 5th Filing (1700 Main Street). The Major Site Plan is currently under review. The subject property is located on the northwest corner of 17th Street and Highway 392 (Main Street), directly to the east of

High Hops Brewery.

- b. Site Plan - Front Range Energy - GWIP Subdivision 2nd Filing, Lot 1 (31375 Great Western Drive) - K. Lambrecht, Senior Planner

The owner/applicant, Mr. Dan Sanders (Front Range Energy, LLC), has submitted a Major Site Plan application to amend the previously approved site plans for the existing industrial site.

- c. Site Plan - Orchard Hill Elementary School (formally "Raindance Elementary") - Raindance 23rd Filing, Block 1, Lot 1 (2015 Covered Bridge Parkway) - C. Malone, Chief Planner

The applicant and property owner, Weld RE-4 School District, has submitted a Major Site Plan for a new elementary school located on Lot 1, Block 1 of Raindance Subdivision 23rd Filing. The lot was replatted through the Town's Minor Subdivision and previously Tract AA of Raindance 3rd Filing. The subject property is centrally located in the Raindance Subdivision – east of Covered Bridge Parkway and north of Heirloom Drive, adjacent to the recreational center of the neighborhood. The site is one-quarter mile south of New Liberty Road and one-half mile from Crossroads Boulevard.

- d. Site Plan - Hollister Lake Elementary School (formally "Peakview Elementary") - Winter Farm Subdivision 8th Filing, Lot 1 - S. Mezzetti, Senior Planner

The applicant and property owner, Weld RE-4 School District, has submitted a Major Site Plan for a new elementary school, Hollister Lake Elementary (formally "Peakview Elementary"), located on Lot 1 of Winter Farm Subdivision 8th Filing. The lot was replatted through the Town's Minor Subdivision and was previously known as Tract B of Winter Farm Subdivision 2nd Filing. The subject property is located at 550 Sundance Drive, adjacent to Northern Lights Park.

Per Mr. Ballstadt, the four site plans that were included in the packet are just for informational purposes due to the administrative approval process. Commission Hassard suggested that due to some of these projects being almost complete, it would be more beneficial for these to be included prior to the start of projects. Mr. Ballstadt reported that since it is just for informational purposes and there is no recommendation needed, they are included as they are able.

E. ADJOURN

Planning Commissioner Nader moved to adjourn.

Upon a motion duly made, the meeting was adjourned at 7:26 p.m.

Karen Frawley, Town Clerk



MEMORANDUM

Date: August 7, 2024
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Public Hearing - South Gate 8th (Aims Windsor) Annexation to the Town of Windsor and Establishment of Zoning - Michael Millsapps, Aims Community College, owner representative/applicant; Megan Walter, Sunny Civil, applicant's engineer/representative
Item #: C.1.

Background / Discussion:

Executive Summary

Mike Millsapps of Aims Community College, owner/petitioner/applicant, represented by Megan Walter of Sunny Civil, filed a Petition to Annex 4.13 acres of property to the Town of Windsor and establish zoning of GC (General Commercial). The subject property is the last portion of unincorporated Weld County within the South Gate Business Park Subdivision area, located north of US Highway 34, south of South Gate Drive. The annexation is a logical extension of the Town Limits because it is within the Town's GMA (Growth Management Area), consistent with Colorado Revised Statutes, the Town's Comprehensive Plan with its Future Land Use Plan, including the Future Land Use US Highway 34 Area Plan, and Goals and Policies; as well as the Town's Municipal Code.

Staff is recommending that the Planning Commission forward to the Town Board a recommendation of approval of the annexation and establishment of zoning, subject to any Planning Commission and staff comments being addressed.

Annexation Petition / Land Use Application Summary

The properties included in the annexation are both owned by Aims and are currently within unincorporated Weld County. The properties include one parcel, referred to as Weld County Recorded Exemption (RE) 1042, and a portion of Lot 5, Block 1, South Gate Business Park Subdivision 2nd Filing. The annexation boundary is contiguous with Windsor Corporate Limits on three sides. The property is immediately adjacent to and north of US Highway 34, south and west of South Gate Business Park Subdivision 2nd Filing (South Gate 6th Annexation), and east of the Zeiler Farms First Annexation, in Windsor. The property is within the Town's Growth Management Area (GMA), meaning, the Town has anticipated this area being annexed to the Town. The property has access from an improved private drive to South Gate Drive and is adjacent to the Aims Windsor Campus, as well as existing businesses within South Gate Business Park Subdivision.

The portion of Lot 5, Block 1, South Gate Business Park Subdivision 2nd Filing, is included in this annexation due to a surveying error that occurred with the South Gate 6th Annexation. This annexation will correct this discrepancy.

On March 18, 2024, the Town Clerk accepted the subject annexation petition. On April 8, 2024, the Town Board approved Resolution 2024-25 concerning the acceptance of the annexation petition, initiating the annexation proceedings, per Colorado Revised Statutes (CRS). On June 24, 2024, the Town Board approved Resolution 2024-45, deeming substantial compliance with CRS concerning annexation to the Town and establishing public hearing dates for Planning Commission and Town Board. The following hearing dates were established:

- Planning Commission public hearing date of August 7, 2024.

- Town Board public hearing date of August 12, 2024.

The Town Board second reading of annexation is scheduled for August 26, 2024.

After the Town Board initiated the annexation proceedings, the staff reviewed the petition for annexation. Upon staff review, a discrepancy was found with the Southgate 6th Annexation boundary, which impacted the legal description of this site. This was discussed with the applicant and the applicant's consultant modified the subject annexation boundary. As such, the acreage and linear feet of property boundary contiguity, legal description and annexation plat were updated between the initiation of proceedings and setting the public hearing dates.

Due to the relatively small parcel (4.13 acres), as well as a master plan in place for the adjacent South Gate Business Park to the north and east, which includes the street connections to this site, a Master Plan was not required. Additionally, there is not a site-specific development proposal for the property at this time.

The site previously utilized a domestic water tap for a single-family home from the City of Greeley. The home has since been demolished and the site is currently vacant land, except for an Aims College freestanding sign, which was permitted by Weld County. Town of Windsor water and sewer services are available. Future development will require tying into these utilities.

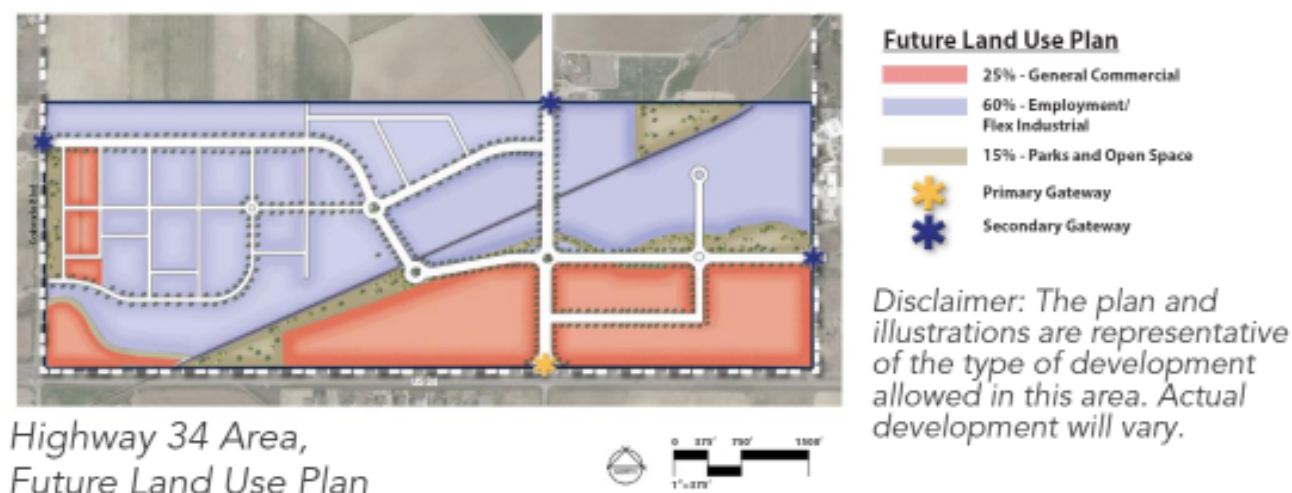
In accordance with Section 14-2-30 of the Municipal Code, (c) Review Criteria, the annexation was reviewed in accordance with the following criteria:

1. The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. § 31-12-101 et seq.).

Staff comment: Per C.R.S., the perimeter of the proposed annexation meets the one-sixth contiguity to the existing Town limits requirement. The one-sixth linear feet contiguity requirement for this parcel is 300.0 linear feet. The subject parcel has 1,500.00 linear feet contiguous with the Windsor Corporate Limits and is within the Towns Growth Management Area (GMA). Town services about the property and upon future development, the property will be able to tie into existing Town services.

2. The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.

Staff comment: The 2024 Comprehensive Plan with its Future Land Use Plan is the guiding document used to assess the appropriate zoning for the property. This Plan depicts the subject area as General Commercial, as well as the focus area within the Comprehensive Plan, the Future Land Use US Highway 34 Area Plan, as depicted below. The proposed zoning for the property is General Commercial (GC), consistent with both future land use plans.



Goal 1. Manage new development to be fiscally responsible and environmentally sensitive.

Policy 3. Consider strategic annexations on a case-by-case basis, taking into consideration alignment with Town objectives, fiscal impacts, viability of municipal services, availability of infrastructure and utilities, connectivity between new developments, and environmental impacts.

3. The proposed zoning complies with the Rezoning Review Criteria in Section 14-2-70(b).

Staff comment: The proposed zoning is the same as the adjacent zoning of GC within the South Gate Business Park, Town of Windsor, to the north and east. The existing zoning to the west is LI (Limited Industrial) with future land use designation of General Commercial (Town's 2024 Comprehensive Plan Future Land Use Plan and the Future Land Use Highway 34 Area Plan). The criteria for the rezoning section are the same as #2 above and #4 below.

4. The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.

Staff comment: The site will be able to tie into existing Town services, existing in the South Gate Business Park Subdivision. No site-specific plan is proposed at this time. Future development will not result in undue or unnecessary burdens on the existing public infrastructure or improvements.

5. The applicant shall demonstrate that the proposed annexation of land is in compliance with all pertinent intergovernmental agreements to which the Town is a party.

Staff comment: The site is within the 2008 Greeley-Windsor IGA, as amended. This IGA includes site-specific standards including setbacks, building design (materials, architecture, etc.) and the requirement for both jurisdictions to send referrals to one another when a development application within this boundary is proposed, allowing review and comment of those development applications. Future development shall comply with this IGA.

6. All existing and proposed streets in newly annexed territory shall be constructed in compliance with all current Town standards unless the Town determines that the existing streets will provide appropriate access during all seasons of the year to all lots fronting on each street; and that the curbs, gutters, sidewalks, bike lanes, culverts, drains, and other structures necessary to the use of such streets or highways are satisfactory or not necessary to promote public safety.

Staff comment: The site is adjacent to an existing street, South Gate Drive, within the Town Limits. No

additional proposed streets are planned for this site. Future development will comply with Town standards.

7. The annexation shall comply with the water rights requirements of the Town.

Staff comment: Future development shall comply with water rights requirements of the Town.

8. The property is within the Growth Management Area. No property outside of the Growth Management Area shall be considered for annexation unless the Town Board finds that, consistent with the comprehensive plan, the best interests of the Town would be served by annexation of such property, and a land use plan for the area proposed to be annexed is submitted together with the annexation application.

Staff comment: The site is within the Town's Growth Management Area (GMA).

9. The annexation will not limit the ability to integrate surrounding land into the Town or cause variances or exceptions to be granted if the adjacent land is annexed or developed.

Staff comment: The annexation is the last property to be annexed in this area to complete the South Gate Business Park Subdivision. Annexation of this property encourages the integration of surrounding land in the Town.

10. Unless otherwise agreed to by the Town, the landowner has waived in writing any preexisting vested property rights as a condition of such annexation.

Staff comment: The applicant has not waived in writing any preexisting vested property rights as a condition of this annexation.

11. Town-initiated annexations shall conform to C.R.S. § 31-12-106 and the annexation ordinance shall include an annexation map meeting the requirements of C.R.S. § 31-12-107(1)(d).

Staff comment: This criterion is not applicable. The annexation was initiated by the landowner.

A neighborhood meeting was held on May 6, 2024, 6:00 p.m., at the Aims Windsor Campus. There were no attendees from the public and no comments were received from the public to staff or the applicant.

Public Hearing notifications, per CRS, require legal notice in the local newspaper (Greeley Tribune) for four consecutive weeks, the first notice being 30 days prior to first public hearing:

- July 5, 2024 - first consecutive legal in newspaper
- July 12, 2024 - second consecutive legal in newspaper
- July 18, 2024 - third consecutive legal in newspaper
- July 26, 2024 - fourth consecutive legal in newspaper

There have been no comments received by the Town or the applicant from the public on the proposal.

Financial Impact:

Relationship to Strategic Plan:

Areas of Focus: Strategic Growth

- Windsor is committed to responsible and purposeful growth of our community through a connected transportation system, land use policies, open space preservation, and services and amenities that reflect the needs of the Town.

Recommendation:

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the South Gate 8th (Aims Windsor) Annexation and Establishment of Zoning, subject to any outstanding Planning Commission and Staff comments being addressed.

CC:

Kim Emil, Deputy Town Attorney
Scott Ballstadt, Director of Planning
Doug Roth, Civil Engineer IV

Attachments:

1. Draft Ordinance - South Gate 8th (Aims Windsor) Annexation
2. Petition to Annex - South Gate 8th (Aims Windsor)
3. Resolution No. 2024-25 - Annexation Proceedings for South Gate 8th (Aims Windsor) Annexation
4. Resolution No. 2024-45 - Findings of Fact Regarding the South Gate 8th (Aims Windsor) Annexation
5. Staff Presentation - South Gate 8th (Aims Windsor) Annexation

TOWN OF WINDSOR

ORDINANCE NO. 2024 – XXXX

AN ORDINANCE APPROVING THE SOUTH GATE 8TH (AIMS WINDSOR) ANNEXATION TO THE TOWN OF WINDSOR PURSUANT TO THE COLORADO MUNICIPAL ANNEXATION ACT OF 1965

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

WHEREAS, the Town Clerk has received a final amended Annexation Petition dated March 18, 2024, seeking annexation of certain real property described therein and proposed as the “South Gate 8th (Aims Windsor) Annexation to the Town of Windsor”; and

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

WHEREAS, following public hearing, the Planning Commission has recommended the approval of the South Gate 8th (Aims Windsor) Annexation to the Town of Windsor; and

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

WHEREAS, the proposed South Gate 8th (Aims Windsor) Annexation to the Town of Windsor is depicted and legally described in the South Gate 8th (Aims Windsor) Annexation to the Town of Windsor Map, a reduced copy is attached and incorporated herein by this reference as Exhibit A; and

WHEREAS, the Town Board is prepared to approve the Smith Farm Annexation to the Town of Windsor as provided in Title 31, Article 12 of the Colorado Revised Statutes (“C.R.S.”).

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

Section 1. The South Gate 8th (Aims Windsor) Annexation to the Town of Windsor, as depicted and legally described in Exhibit A hereto, is hereby approved.

Section 2. The property within the South Gate 8th (Aims Windsor) Annexation to the Town of Windsor is hereby given a zoning designation of General Commercial (GC), in accordance with Article I of Chapter 16 of the Windsor Municipal Code.

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

Introduced, passed on first reading, and ordered published this ____ day of _____, 2024.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading, and ordered published this ____ day of _____, 2024.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

ANNEXATION PETITION

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

(I, We) the landowner(s) of more than 50% of the territory, excluding public streets and alleys, described as Lot 1 RE 1042 containing 4.13 acres more or less, allege the following to be true and correct:

The perimeter of the proposed annexation has a distance of 1,800 feet, of which 1,500 feet are contiguous to the existing TOWN limits of the TOWN OF WINDSOR. A minimum of 1/6 of the perimeter of the proposed annexation is contiguous to the TOWN OF WINDSOR.

We further allege:

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

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

In addition to the annexation, the undersigned request the zoning of General Commercial (GC) for the above-described property.

Date

5 20 2024

Owners Signature

Michael Millsapps

Mailing Address

5401 W 20th Street
Greeley, CO 80632

PROPERTY DESCRIPTION

SOUTH GATE 8TH (AIMS WINDSOR) ANNEXATION

AN AREA OF LAND BEING LOT ONE (1), RECORDED EXEMPTION NO. 0957-8-4-RE 1042 RECORDED AUGUST 27, 1987 AT RECEPTION NO. 2112008, **TOGETHER WITH** A PORTION OF LOT 5, BLOCK 1, SOUTH GATE BUSINESS PARK SUBDIVISION, SECOND FILING RECORDED OCTOBER 17, 2008 AT RECEPTION NO. 3585004 IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, BEING SITUATE IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION EIGHT (8), TOWNSHIP FIVE NORTH (T.5N.), RANGE SIXTY-SEVEN WEST (R.67W.) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), COUNTY OF WELD, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 8 AND ASSUMING THE WEST LINE OF THE SE1/4 OF SAID SECTION 8, AS MONUMENTED BY A 2.5" PIPE WITH A 3.25" ILLEGIBLE ALUMINUM CAP AT THE SOUTH END AND BY A #6 REBAR WITH A 2.5" ALUMINUM CAP LS 38479 AT THE NORTH END, AS BEARING NORTH 00°11'28" WEST BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983, A DISTANCE OF 2651.16 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

THE LINEAL DIMENSIONS AS CONTAINED HEREIN ARE BASED UPON THE "U.S. SURVEY FOOT."

THENCE NORTH 00°11'28" WEST ALONG THE WEST LINE OF THE SE1/4 OF SAID SECTION 8 A DISTANCE OF 50.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 34 AND TO THE **POINT OF BEGINNING**;

THENCE CONTINUING NORTH 00°11'28" WEST ALONG SAID WEST LINE A DISTANCE OF 600.00 FEET TO THE SOUTHERLY LINE OF SOUTH GATE SIXTH ANNEXATION RECORDED MARCH 10TH, 2005 AT RECEPTION NO. 3267281 IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER;

THENCE ALONG THE SOUTHERLY LINE OF SAID SOUTH GATE ANNEXATION BY THE

FOLLOWING TWO (2) COURSES AND DISTANCES:

THENCE NORTH 89°54'31" EAST A DISTANCE OF 300.00 FEET;

THENCE SOUTH 00°11'28" EAST A DISTANCE OF 600.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 34;

THENCE SOUTH 89°54'31" WEST ALONG SAID NORTHERLY A DISTANCE OF 300.00 FEET TO THE **POINT OF BEGINNING**.

SAID DESCRIBED AREA OF LAND CONTAINS 4.13 ACRES (±180,000 SQ. FT.) MORE OR LESS (+/-), AND IS SUBJECT TO ANY RIGHTS-OF-WAY OR OTHER EASEMENTS OF RECORD AS NOW EXISTING ON SAID DESCRIBED AREA OF LAND.

TOWN OF WINDSOR

RESOLUTION NO. 2024-25

A RESOLUTION INITIATING ANNEXATION PROCEEDINGS FOR THE SOUTH GATE 8TH
(AIMS WINDSOR) ANNEXATION TO THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town Clerk has received an Annexation Petition dated March 18, 2024 ("Petition"), and an Annexation Plat ("Plat"), both attached hereto and incorporated herein by reference, seeking annexation of certain real property described therein and proposed as the "South Gate 8th (Aims Windsor) Annexation to the Town of Windsor"; and

WHEREAS, the Town Board desires to accept the Petition and initiate annexation proceedings in accordance with the requirements of the Windsor Municipal Code and the Municipal Annexation Act of 1965.

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

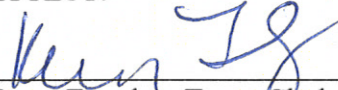
Section 1. The filing of the aforementioned Petition is hereby accepted, and annexation proceedings for the Aims Windsor Annexation to the Town of Windsor are hereby initiated.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 8th day of April, 2024.

TOWN OF WINDSOR, COLORADO

Paul Renne Meyer, Mayor

ATTEST:


Karen Frawley, Town Clerk

[Seal]



TOWN OF WINDSOR

RESOLUTION NO. 2024-45

A RESOLUTION MAKING CERTAIN FINDINGS OF FACT CONCERNING THE SOUTH GATE 8TH (AIMS WINDSOR) ANNEXATION TO THE TOWN OF WINDSOR, COLORADO; DETERMINING SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-101, *ET SEQ.*, C.R.S., "THE MUNICIPAL ANNEXATION ACT OF 1965"; AND ESTABLISHING DATES FOR PUBLIC HEARINGS BEFORE THE PLANNING COMMISSION AND THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town Clerk has received an Annexation Petition dated March 18, 2024 ("Petition"), a copy of which is attached hereto and incorporated herein, seeking annexation of certain real property described therein and proposed as the "South Gate 8th (Aims Windsor) Annexation"; and

WHEREAS, pursuant to the Municipal Annexation Act of 1965 ("Act"), the Town Board is required to determine whether or not the Petition is in substantial compliance with the requirements of the Act; and

WHEREAS, The Town Board found substantial compliance with Section 31-12-107(1), C.R.S. when annexation proceedings were initiated on April 8, 2024 by Resolution No. 2024-25; and

WHEREAS, upon such determination, the Town Board is required to set public hearing dates in accordance with the requirements of the Act.

NOW, THEREFORE, IT IS FOUND AND RESOLVED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

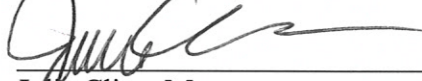
- Section 1. Pursuant to Section 31-12-107, Colorado Revised Statutes ("C.R.S."), the Petition has been filed with the Town Clerk for the annexation of certain real property known as the "[South Gate 8th (Aims Windsor) Annexation]", more fully and particularly described within the Petition.
- Section 2. The Town Board finds that the Petition is in substantial compliance with Section 31-12-107(1), C.R.S.
- Section 3. In accordance with the Town Board's determination, public hearings shall be held before the Planning Commission and the Town Board to determine if the proposed annexation complies with Section 30 of article II of the state constitution and Sections 31-12-104 and 105, C.R.S.
- Section 4. A public hearing is hereby set before the Planning Commission at 7:00 p.m. on August 7, 2024, at Windsor Town Hall, 301 Walnut Street, Windsor, Colorado.

Section 5. A public hearing is hereby set before the Town Board at 7:00 p.m. on Monday, August 12, 2024, at Windsor Town Hall, 301 Walnut Street, Windsor, Colorado.

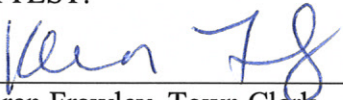
Section 6. The Town Clerk, or her designee, shall give notice of the aforesaid hearings in compliance with the Act.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 24th day of June, 2024.

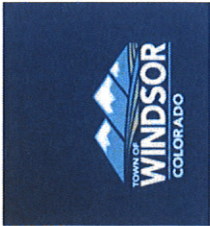
TOWN OF WINDSOR, COLORADO


Julie Cline, Mayor

ATTEST:


Karen Frawley, Town Clerk





Vicinity Map

South Gate 8th Annexation





South Gate 8th (Aims Windsor) Annexation and Establishment of Zoning

To the Town of Windsor

Carlin Malone, Chief Planner

Planning Commission – August 7, 2024



Annexation

Chapter 14, Article II of the Municipal Code outlines the purpose and procedures of the annexation process, including:

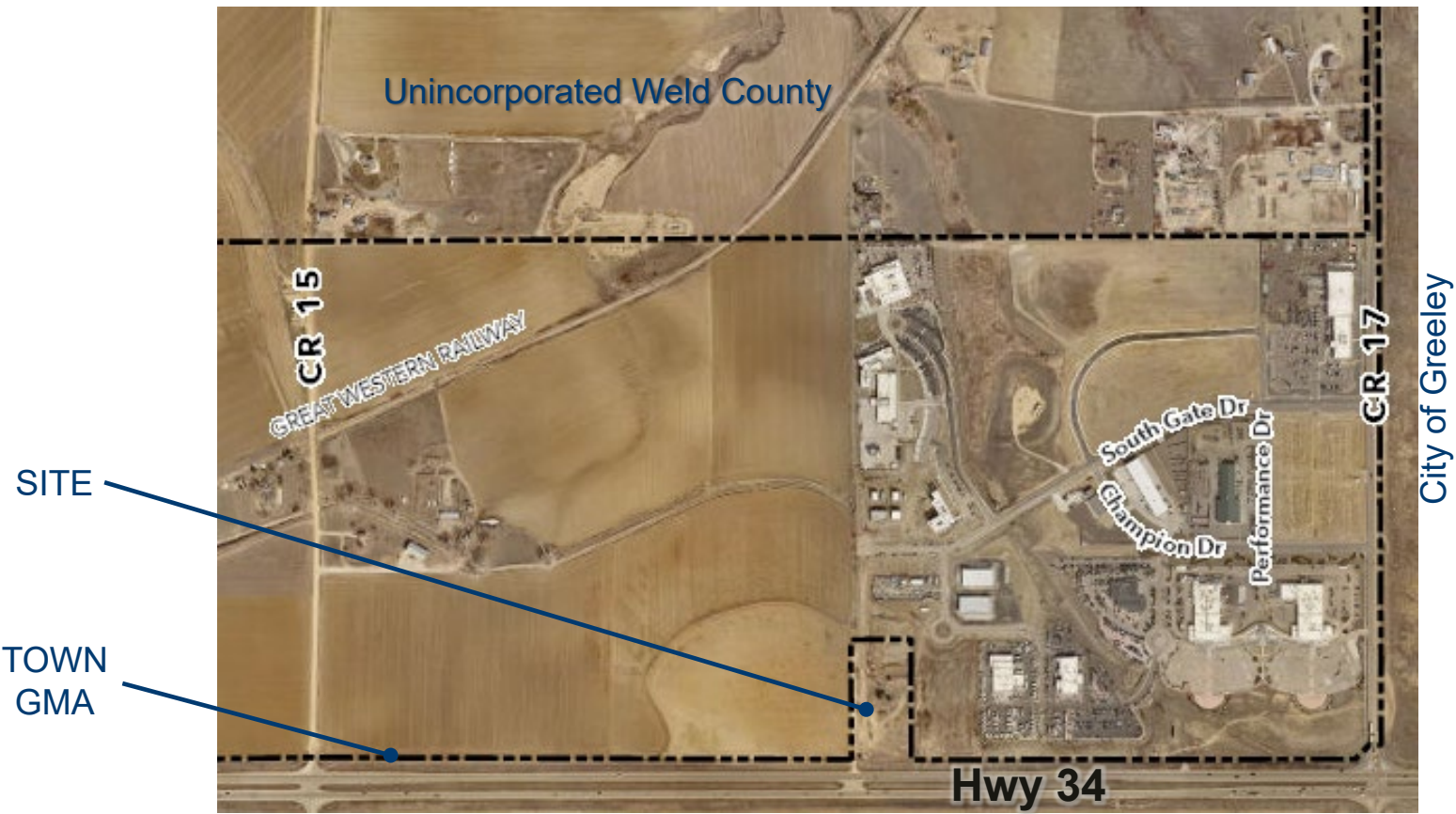
Sec. 14-2-30. Annexation.

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



Vicinity Map

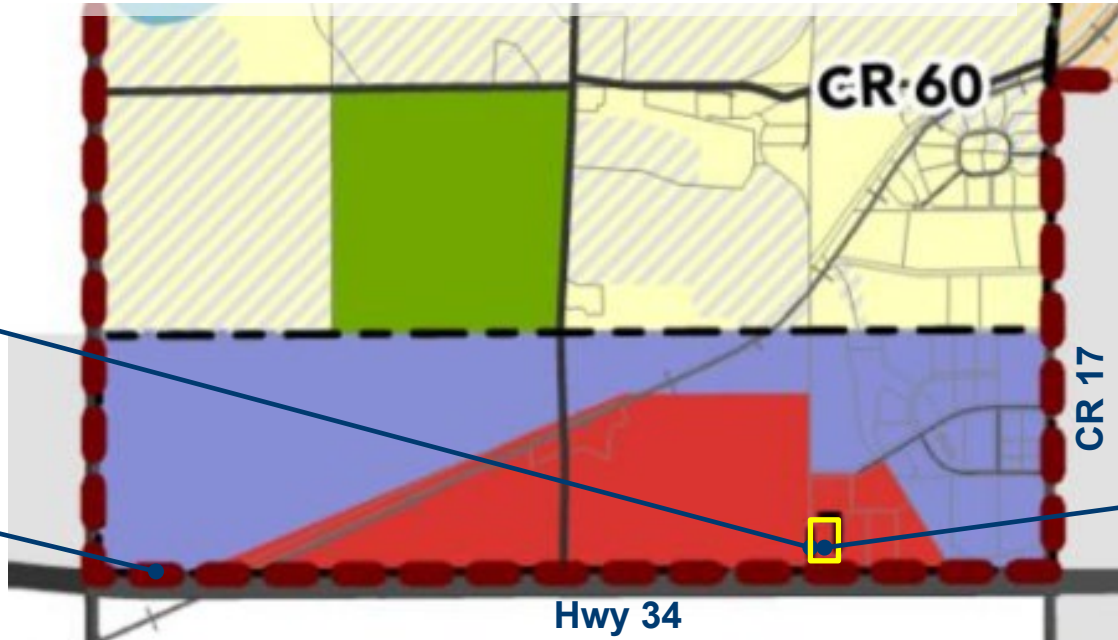
South Gate 8th (Aims Windsor)
Annexation



Future Land Use Plan

TOWN
LIMITS

TOWN
GMA



SITE

 Growth Management Area
 Town Boundary
 Water Bodies
 Rivers & Streams

 Downtown Study Area
 Potential Natural Areas and Open Space Overlay

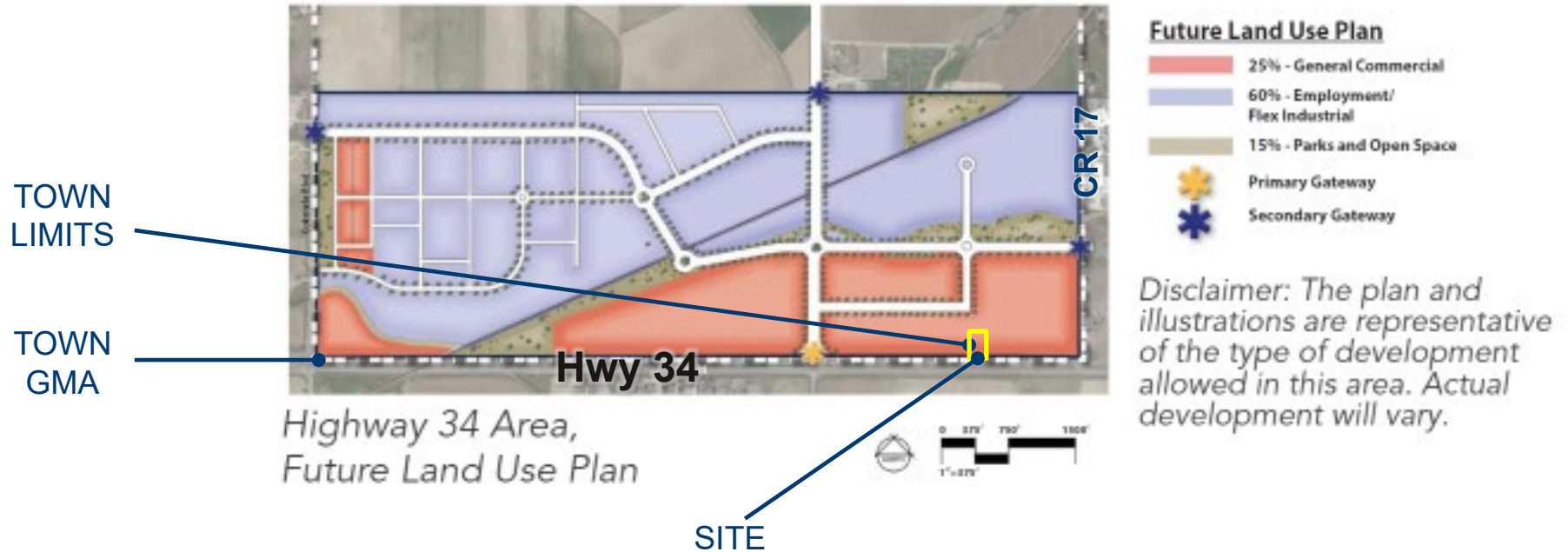
Future Land Uses
 Employment/Flex Industrial
 Heavy Industrial

 Low Density/Clustered Residential
 Medium Density Residential
 Mixed Residential

 Commercial Mixed Use
 General Commercial
 Parks and Open Space
 Public/Semi-Public



Future Land Use Plan- Focus Area

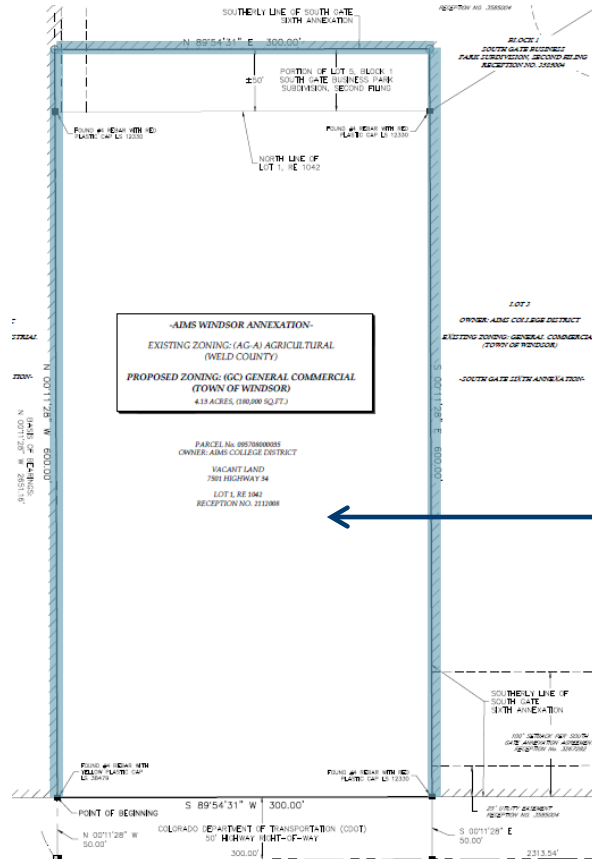




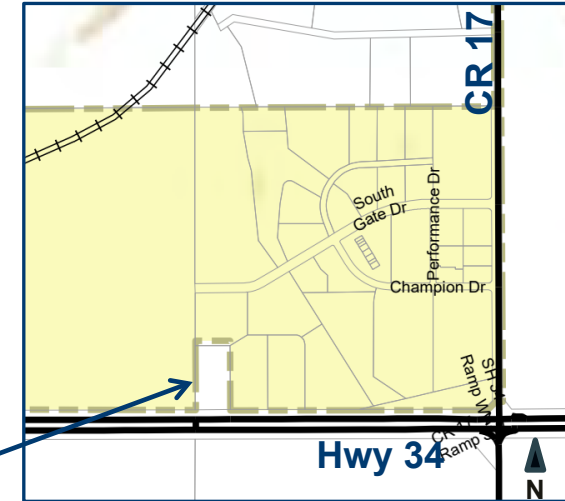
Annexation Map

Vicinity Map

Proposed Zoning:
General
Commercial (GC)



Town
Limits



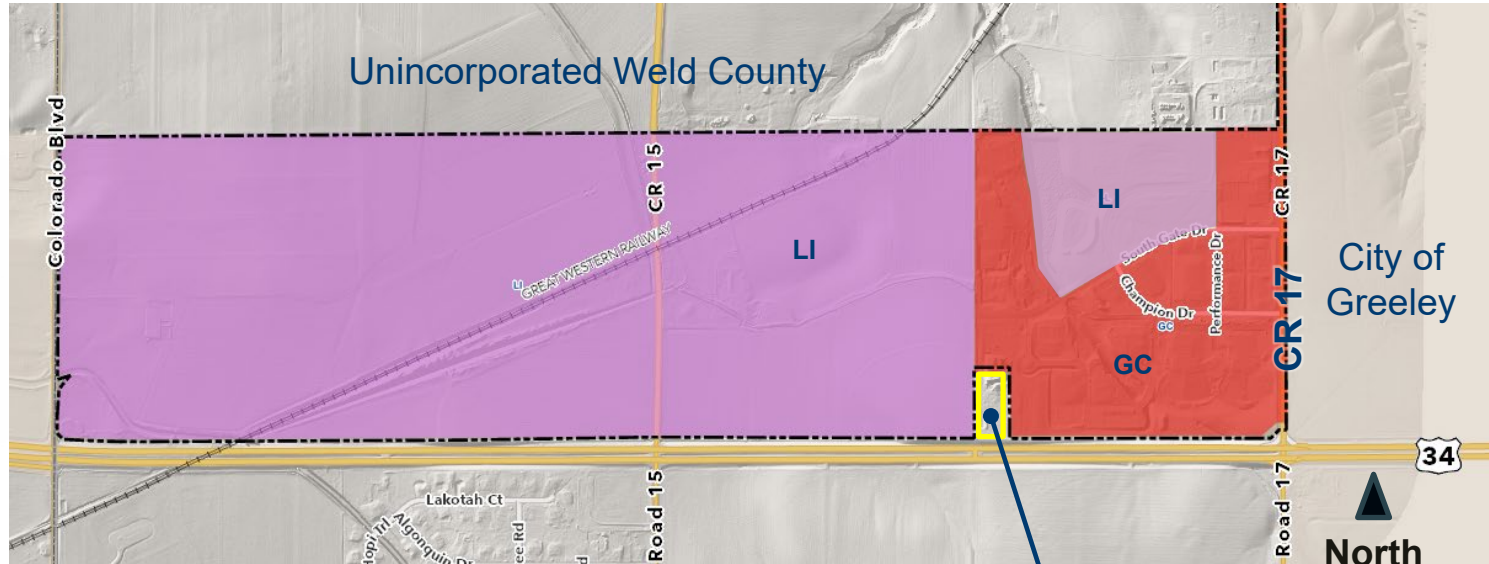
ANNEXATION TABLE	
CONTIGUOUS BOUNDARY (L.F.)	1500.00
TOTAL BOUNDARY PERIMETER (L.F.)	1800.00
1/6 OF PERIMETER (L.F.)	300.00
ANNEXATION RATIO (1 to X)	1.200
TOTAL LAND AREA (Acres)	4.13





Zoning Map

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



SITE



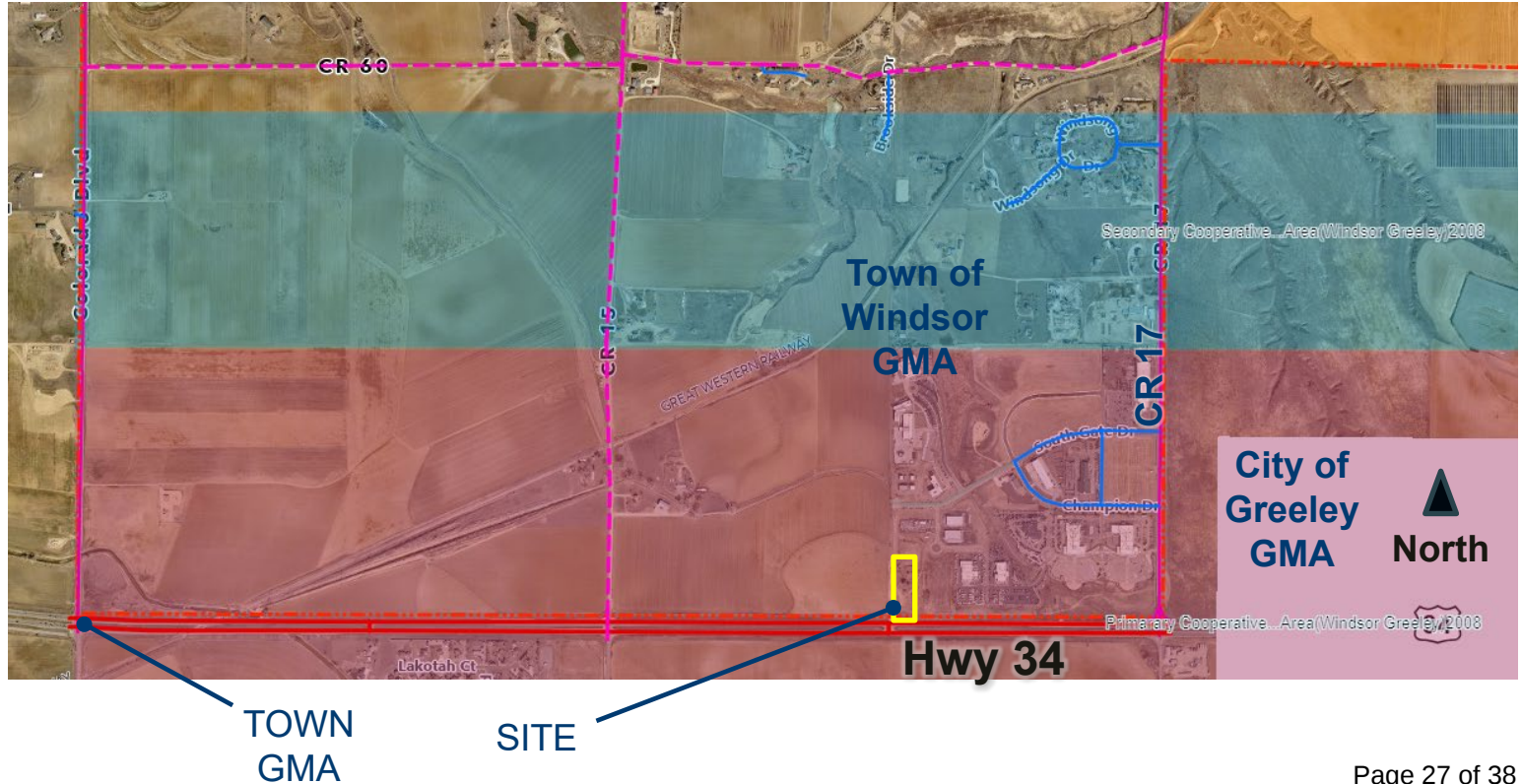
Intergovernmental Agreement (IGA)

2008 Greeley-Windsor IGA

Site-specific
development
standards

Development
Proposal
Referral
Requirement

Property shall
comply with
IGA





Regulations & Policies

The application is consistent with:

- the Colorado Municipal Annexation Act of 1965, as amended
- the Town's Comprehensive Plan goals and objectives; the Future Land Use Plan, and Future Land Use Plan – US Highway 34 Focus Area
- the Town's Strategic Plan
- the Town's Municipal Code concerning annexation review and rezoning criteria

as described within the staff memorandum.



Findings

At their meeting of April 8, 2024, the Town Board adopted Resolution 2024-25 that accepted the Annexation Petition, thus initiating annexation proceedings.

At their meeting of June 24, 2024, the Town Board adopted Resolution 2024-45 that declared these certain ***findings of fact*** and set public hearing dates for the annexation:

1. August 7, 2023 – Planning Commission
2. August 12, 2023 – Town Board (1st Reading)

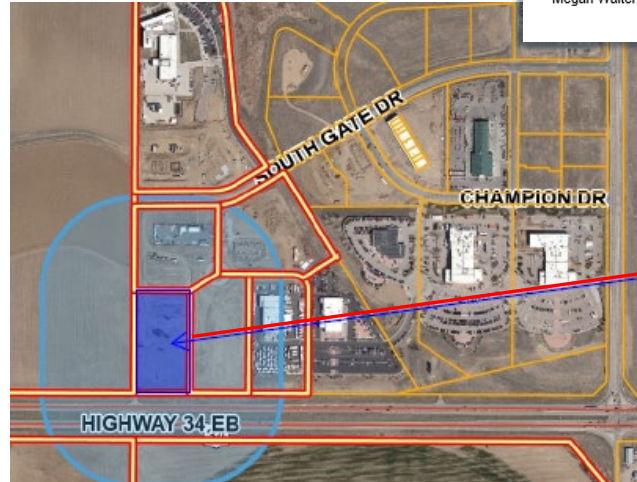


Neighborhood Meeting

A Neighborhood Meeting was held on May 9, 2024, at the Aims Windsor Campus Business Park:

- April 25, 2024 – Letters sent to surrounding property owners
- April 26, 2024 – Ad published in the newspaper

No public attendance or comment.



Notice of Neighborhood Meeting
Presentation of:

The South Gate 8th (Aims Windsor) Annexation to the Town of Windsor

3.79 acres located at 7501 Highway 34; north of US Highway 34, one half mile west of CR 17, south of South Gate Drive

The meeting will be held at the Aims Windsor Campus Public Safety Institute (PSI) Building, Room 225
1130 Southgate Drive
Windsor, CO 80550

Thursday, May 9th, 2024
6:00 P.M.

The public is invited to attend, receive information, and provide comments on the proposal.

*Please be advised that in addition to this neighborhood meeting which is being conducted by the property owner/applciant of this specific land use application, the Town of Windsor will also hold two public hearings on this land use proposal, the time and date of which shall be posted on the Town's website at www.windsorgov.com in the future.

For information call:
Megan Walter, Sunny Civil at 913-709-5579 or mwalter@sunnycivil.com

**PROJECT
SITE**



Notification Area

Planning Commission and Town Board public hearing notifications:

- Legal ad ran for four consecutive weeks in newspaper:
 - July 5, 2024 – first week legal ad
 - July 12, 2024 – second week legal ad
 - July 18, 2024 – third week legal ad
 - July 26, 2024 – fourth week legal ad
- July 5, 2024– (1) Development Under Review sign posted on property
- July 5, 2024 – public hearing notice published to Town website
- July 24, 2024 – applicant mailed letters to surrounding property owners





Recommendation: Annexation

Staff recommends that the Planning Commission forward a recommendation of ***approval*** to the Town Board for the South Gate 8th (Aims Windsor) Annexation and Establishment of Zoning, subject to any outstanding Planning Commission and Staff comments being addressed.



Record

Staff requests that the following be entered into the record:

- Staff memorandum
- Application and supplemental materials
- Annexation petition
- Testimony received at the public hearing
- Recommendation



Annexation & Establishment of Zoning Review Considerations

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



Annexation Review Criteria

- (1) The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. § 31-12-101 et seq.).
- (2) The proposal complies with the Comprehensive Plan's goals and objectives, this Code, and all other applicable adopted plans or policies.
- (3) The proposed zoning complies with the Rezoning Review Criteria in Section 14-2-70(b).
- (4) The proposed development does not result in undue or unnecessary burdens on the existing public infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
- (5) The applicant shall demonstrate that the proposed annexation of land is in compliance with all pertinent intergovernmental agreements to which the Town is a party.
- (6) All existing and proposed streets in newly annexed territory shall be constructed in compliance with all current Town standards unless the Town determines that the existing streets will provide appropriate access during all seasons of the year to all lots fronting on each street; and that the curbs, gutters, sidewalks, bike lanes, culverts, drains, and other structures necessary to the use of such streets or highways are satisfactory or not necessary to promote public safety.



Annexation Review Criteria

- (7) The annexation shall comply with the water rights requirements of the Town.
- (8) The property is within the Growth Management Area. No property outside of the Growth Management Area shall be considered for annexation unless the Town Board finds that, consistent with the comprehensive plan, the best interests of the Town would be served by annexation of such property, and a land use plan for the area proposed to be annexed is submitted together with the annexation application.
- (9) The annexation will not limit the ability to integrate surrounding land into the Town or cause variances or exceptions to be granted if the adjacent land is annexed or developed.
- (10) Unless otherwise agreed to by the Town, the landowner has waived in writing any preexisting vested property rights as a condition of such annexation.
- (11) Town-initiated annexations shall conform to C.R.S. § 31-12-106 and the annexation ordinance shall include an annexation map meeting the requirements of C.R.S. § 31-12-107(1)(d).



South Gate 8th (Aims Windsor) Annexation and Establishment of Zoning To the Town of Windsor

Thank you



MEMORANDUM

Date: August 7, 2024
To: Planning Commission
From: Carlin Malone, Chief Planner
Re: Recommendation to Town Board - South Gate 8th (Aims Windsor) Annexation to the Town of Windsor and Establishment of Zoning - Michael Millsapps, Aims Community College, owner representative/applicant; Megan Walter, Sunny Civil, applicant's engineer/representative
Item #: C.2.

Background / Discussion:

Please refer to public hearing item material.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments: