

RESOLUTION 2017-039
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF THE THIRD AMENDMENT
TO FIRST AMENDED INTERGOVERNMENTAL AGREEMENT PERTAINING TO THE
DEVELOPMENT OF THE INTERSTATE 25/STATE HIGHWAY 392 INTERCHANGE

WHEREAS, pursuant to Resolution 2010-077 adopted by the Fort Collins City Council on December 21, 2010, the City and the Town of Windsor (the "Town") entered into an Intergovernmental Agreement (the "Original Agreement") dated January 3, 2011 setting forth certain understandings between the City and Town regarding development of the Interstate 25/State Highway 392 Interchange; and

WHEREAS, pursuant to Ordinance No.118, 2012 adopted by the Fort Collins City Council on second reading November 6, 2012, the City and the Town entered into the First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange dated November 13, 2012 (the "IGA"), which superseded the Original Agreement; and

WHEREAS, on May 7, 2013, City Council adopted Ordinance No. 62, 2013, approving that certain Intergovernmental Agreement Amending Certain Provisions of the First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange dated May 9, 2013 (the "First Amendment"); and

WHEREAS, on September 6, 2016, City Council adopted Resolution 2016-070 authorizing a further amendment of the IGA as set forth in that certain Second Amendment to First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange dated November 14, 2016 (the "Second Amendment"); and

WHEREAS, the IGA, as amended by the First Amendment and the Second Amendment is referred to herein collectively, the "IGA"; and

WHEREAS, the IGA establishes permitted uses and development standards for the Interstate 25/State Highway 392 Corridor Activity Center, referred to therein as the "CAC" a portion of which is in Windsor and a portion of which is in Fort Collins; and

WHEREAS, the Town received a request to allow a limited amount of single-family residential use within the Town's portion of the CAC on east side of Interstate 25 (the "Windsor CAC") and proposed amending the IGA to permit such uses; and

WHEREAS, on March 27, 2017, the Windsor Town Board approved Resolution No. 2017-27, which authorized the Town Manager to propose to the City a Third Amendment to the IGA incorporating the requested changes, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (the "Third Amendment"); and

WHEREAS, the City and the Town are authorized to enter into intergovernmental agreements to provide any function, service or facility, as provided in Article II, Section 16 of the Charter of the City of Fort Collins and Section 29-1-203, C.R.S.; and

WHEREAS, the City Council has determined that the Third Amendment is in the best interests of the City and desires to approve and authorize the Mayor to execute the Third Amendment on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Council hereby approves and authorizes the Mayor to execute the Third Amendment to the IGA in the form attached as Exhibit "A" hereto, with such changes that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 2nd day of May, A.D. 2017.




Mayor

ATTEST:


City Clerk

**THIRD AMENDMENT TO FIRST AMENDED INTERGOVERNMENTAL
AGREEMENT PERTAINING TO THE DEVELOPMENT OF THE INTERSTATE
25/STATE HIGHWAY 392 INTERCHANGE
(Single-family Detached Residential)**

THIS THIRD AMENDMENT TO THE FIRST AMENDED INTERGOVERNMENTAL AGREEMENT PERTAINING TO THE DEVELOPMENT OF THE INTERSTATE 25/STATE HIGHWAY 392 INTERCHANGE ("Amendment") is entered into this 15th day of April, 2017, by and between the City of Fort Collins, Colorado, a Colorado home rule municipality (the "City"), and the Town of Windsor, Colorado, a Colorado home rule municipality (the "Town"), collectively referred to herein as the "Parties".

RECITALS

WHEREAS, on January 3, 2011, the City and the Town entered into that certain Intergovernmental Agreement Pertaining To The Development Of The Interstate 125/State Highway 392 Interchange ("Original Agreement"); and

WHEREAS, on November 13, 2012, the City and the Town entered into the First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange, which superseded the Agreement, and was amended by that certain Intergovernmental Agreement Amending Certain Provisions of the First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange dated May 9, 2013 and that certain Second Amendment to First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange (Enhanced Design Standards) (collectively, the "First Amended Agreement"); and

WHEREAS, the First Amended Agreement established certain Permitted Uses within the land area known as the Corridor Activity Center ("CAC"), which did not include single-family detached residential uses; and

WHEREAS, the Town has received a request to allow a limited amount of single-family residential uses on property owned by a landowner within the Town's (east side) portion of the CAC ("Windsor CAC"); and

WHEREAS, the parties have considered the landowner's request, have conferred as to its propriety and have concluded that the First Amended Agreement should be further amended to allow a limited amount and location of single-family residential uses as set forth herein; and

WHEREAS, the Colorado Constitution, Section 29-20-101 et seq., of the Colorado Revised Statutes, and the Charters of both the City and Town authorize the City and the Town to enter into mutually binding and enforceable agreements regarding the joint exercise of planning, zoning and related powers.

NOW, THEREFORE, the parties agree as follows:

1. That Section 3.1 of the First Amended Agreement is hereby deleted in its entirety and the following is substituted in lieu thereof:

Section 3.1. Permitted uses.

3.1.1 Pursuant to the Original Agreement, the Parties have by ordinance adopted approved land uses within the CAC. The Parties agree that the approved land uses within the CAC are hereby amended by the addition of Single Family Detached Residential land use in the Windsor CAC, subject to the limitations set forth in Section 3.1.2 below, and that from and after this amendment, the approved land uses within the CAC shall be as shown in the respective columns on Exhibit A, attached hereto and incorporated herein by this reference. Neither Party shall approve any application for land use within the CAC which is not expressly included in the uses permitted for each as described in Exhibit A. All zoning ordinances or other legislation needed to implement this Section 3.1.1 with respect to Single-family Detached Residential uses shall be adopted by the Windsor Town Board no later than July 31, 2017.

3.1.2 The following definitions and limitations shall apply to all Single-family Detached Residential use, any portion of which is located in the Windsor CAC:

- a. For purposes of this First Amended Agreement, "Single-Family Detached Residential use" shall mean a place of abode containing one (1) unified dwelling space not physically connected with another dwelling space or place of abode.
- b. No more than forty-five (45) acres of land within the Windsor CAC may be developed for Single-family Detached Residential uses (the "Single-Family Detached Residential Acreage Cap"). The Single-Family Detached Residential Acreage Cap shall include the entire square footage of all lots upon which Single-family Detached Residential units and associated rights-of-way, sidewalks, detention facilities, and open space are constructed.
- c. No more than one-hundred-sixteen (116) Single-family Detached Residential units shall be constructed in the Windsor CAC, subject in aggregate to the Single-Family Detached Residential Acreage Cap; provided, however, that up to an additional 10% of Single-family Detached Residential units may be constructed in the Windsor CAC to accommodate adjustments made during the site plan and subdivision review and approval process.
- d. No Single-family Detached Residential unit shall be located outside of the land area depicted as "SFR" on the attached Exhibit B, incorporated herein by this reference as if set forth fully herein, and further subject to adjustments to the boundaries of each the area depicted as "SFR" made during the subdivision review and approval process. All zoning ordinances or other legislation needed to

implement this limitation shall be adopted by the Windsor Town Board no later than July 31, 2017.

Except as specifically set forth herein, the First Amended Agreement and all prior Amendments duly adopted by the parties shall remain in full force and effect.

WHEREFORE, the duly-appointed representatives of the parties have executed this Third Amended Intergovernmental Agreement on the date first appearing above.

CITY OF FORT COLLINS

Wade Troxel, Mayor

ATTEST:

[Seal]

Wanda Winkelmann, City Clerk

TOWN OF WINDSOR

Kristie Melendez

Kristie Melendez, Mayor

ATTEST:

Patti Garcia

Patti Garcia, Town Clerk



[Seal]

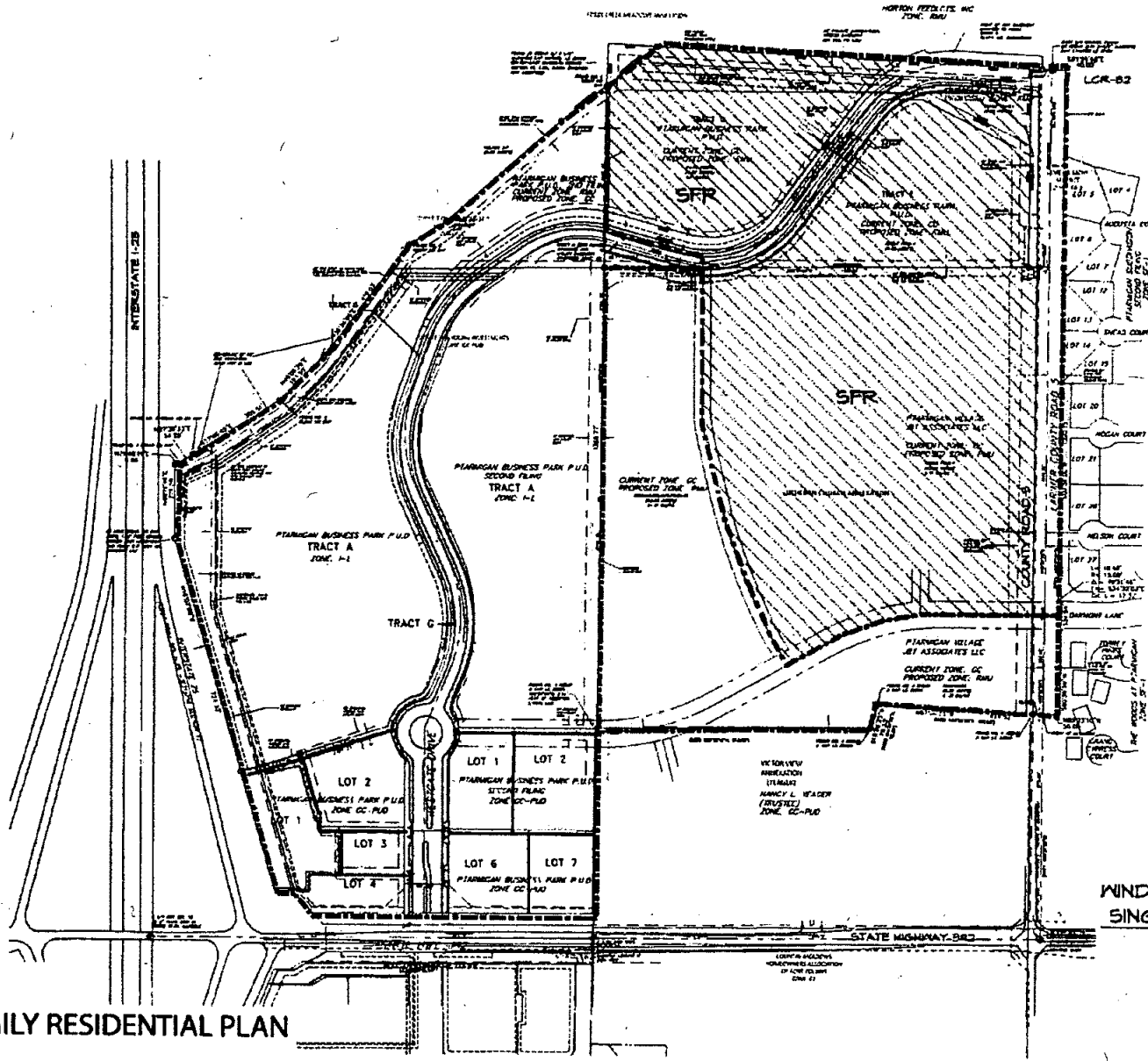
Exhibit A
to
Third Amendment to First Amended Intergovernmental Agreement Pertaining to the
Development of the Interstate 25/State Highway 392 Interchange

Permitted Uses in the Corridor Activity Center (CAC)


| Permitted Uses in CAC (East Side) | Permitted Uses in CAC (West Side) |
|--|--|
| Adult Day Care Facilities | Adult Day Care Facilities |
| Cultural Venues | Cultural Venues |
| Drive-thru Restaurants | Drive-thru Restaurants |
| Entertainment Facilities/Theaters | Entertainment Facilities/Theaters |
| Fast Food Restaurants | Fast Food Restaurants |
| Fuel Sales Convenience Stores | Fuel Sales Convenience Stores |
| Grocery/Supermarket | Grocery/Supermarket |
| Health Club | Health Club |
| Hospital | Hospital |
| Lodging | Lodging |
| Long-term Care Facilities | Long-term Care Facilities |
| Medical Center/Clinics | Medical Center/Clinics |
| Mixed Use Residential | Mixed Use Residential |
| Multi-Family Mixed-Use | Multi-Family Mixed-Use |
| Offices/Financial | Offices/Financial |
| Personal/Business Service Shops | Personal/Business Service Shops |
| Retail Establishment/Big Box | Retail Establishment/Big Box |
| Retail Store | Retail Store |
| Schools – Private/Vocational Colleges | Schools – Private/Vocational Colleges |
| Single-family Detached Residential | ----- |
| Small Scale Recreation/Events Center | Small Scale Recreation/Events Center |
| Standard Restaurant | Standard Restaurant |
| Telecommunication Equipment, excluding freestanding towers | Telecommunication Equipment, excluding freestanding towers |
| Unlimited Indoor Recreation | Unlimited Indoor Recreation |

* Subject to the limitations set forth in Section 2.2 of that certain Third Amendment to First Amended Intergovernmental Agreement Pertaining to the Development of the Interstate 25/State Highway 392 Interchange dated April 1, 2017

SINGLE FAMILY RESIDENTIAL PLAN



LEGEND

 SINGLE-FAMILY DETACHED RESIDENTIAL USES PERMITTED

THE SIZE, SHAPE, DESIGN AND BOUNDARIES OF THE SINGLE-FAMILY DETACHED RESIDENTIAL USES AREA DEPICTED ON THIS EXHIBIT ARE APPROXIMATE AND ARE SUBJECT TO ADJUSTMENTS MADE DURING THE SITE PLAN AND SUBDIVISION REVIEW AND APPROVAL PROCESS.

**WINDSOR VILLAGES AT PTARMIGAN
SINGLE FAMILY RESIDENTIAL PLAN
WINDSOR, COLORADO**

2.23.17



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