

**RESOLUTION NO. 2829-11**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF WINDSOR  
DETERMINING THE APPLICATION FOR  
THE OAKS AT WINDSOR VILLAGE, PHASE II  
AS WITHDRAWN**

**WHEREAS**, the Oaks at Windsor Village, Phase II participated in the 2006 Merit Presentation; and

**WHEREAS**, in December 2006, the Town Council amended the Growth Control Ordinance to create an allocation waiver category of "Pilot Program for Mixed Use/Mixed Income Projects" and assigned 24 allocations waivers to this category for 2007; and

**WHEREAS**, the Oaks at Windsor Village, Phase II application was submitted to the Town with a written request for the Council to consider allocation waivers for the project under the "Pilot Program for Mixed Use/Mixed Income Projects" for 2007; and

**WHEREAS**, the Town Council considered the request at a Joint Meeting with the Planning Commission in August 2007; and

**WHEREAS**, The Town Council adopted Resolution No. 2110-07 on August 15, 2007 reserving Growth Control Allocation Waivers to the Oaks at Windsor Village, Phase II project under the "Pilot Program for Mixed Use/Mixed Income Projects" for 2007; and

**WHEREAS**, Resolution 2110-07 specifically reserved allocation waivers for the Oaks as Windsor Village, Phase II with a specific limitation that the reservations were to be held for the project for a two year period from the date of the resolution for completion of the entitlement process associated with the application, unless extended by the Town Council based on substantial progress:

**WHEREAS**, the applicant submitted the application in July 2007, received an incomplete letter for the project in August 2007, participated in a Preliminary Planning Commission in November 2007, and has not completed any processing on the application since 2007; and

**WHEREAS**, during the Annual Growth Control review in November 2010 Town Council directed staff to contact all project applicants that are currently in the Town's application pipeline to determine if the applicant intends to proceed with the project, the timeline for the next submittal, or to determine if the project should be withdrawn. The purpose of the contact was to determine if the infrastructure capacity that had been reserved for the project was still needed or if the reserved infrastructure capacity can be released for new development consideration; and

**WHEREAS**, the Oaks at Windsor Village, Phase II applicant provided an incomplete response to the survey indicating the project is for sale; and

**WHEREAS**, subsequent letters to the Oaks at Windsor Village, Phase II applicant requested have not been responded to including a letter requesting a response, letting the applicant know the survey responses would go to Council in April and that based on the inactivity since 2007 and a lack of response related to the project, staff would be recommending to the Town Council that the project be deemed withdrawn; and

**WHEREAS**, the applicant of the Oaks at Windsor Village, Phase II applicant has been notified of the Town Council meeting on this item on April 20, 2011.

**NOW THEREFORE, BE IT RESOLVED** that the Town Council has reviewed the background information provided on the Oaks at Windsor Village, Phase II project and have determined that based on over three years of inactivity on the project and a lack of response to staff's request for information, the project is deemed withdrawn and no further processing will take place.

**BE IT FURTHER RESOLVED**, that the Allocation Waivers reserved for the Oaks at Windsor Village, Phase II through Resolution 2110-07 are null and void.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of August 2011, by the following vote:

**AYES: COUNCILMEMBERS FUDGE, GOBLE, SALMON, SCHOLAR AND  
MAYOR ALLEN**

**NOES: NONE**

**ABSTAIN: NONE**

**ABSENT: NONE**

  
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**STEVE ALLEN, MAYOR**

**ATTEST:**

  
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**MARIA DE LA O, TOWN CLERK**