

**CITY OF GREELEY, COLORADO**

**ORDINANCE NO. 31, 2006**

**AN ORDINANCE AMENDING SECTION 18.40.040 OF THE GREELEY MUNICIPAL CODE CREATING AN ADDITIONAL WAIVER CRITERIA FOR PROPERTY DEVELOPMENT OUTSIDE OF THE ESTABLISHED MID-RANGE EXPECTED SERVICE AREA.**

**WHEREAS**, Article XIX, Sections 19-1d and e of the Greeley City Charter describes the powers of City Council related to adoption of development codes and handling variance applications; and,

**WHEREAS**, Chapter 18 of the Greeley Municipal Code describe the standards related to the use and development of property within the city of Greeley; and,

**WHEREAS**, the City of Greeley annually reviews matters related to land use impacts in conjunction with the establishment of the Mid-Range Expected Service Area; and,

**WHEREAS**, the Greeley City Council seeks to establish and maintain regulatory standards which balance the expectations and impacts of permitting development outside the Mid-Range Expected Service Area; and,

**WHEREAS**, various members of the development community have expressed interest in developing outside the established Mid-Range Expected service area; and,

**WHEREAS**, the City Council has determined certain Development Code waiver criteria associated with the MRESA standard will allow consideration of exceptional conditions on a case-by-case basis that achieves the intended objectives of the City's Comprehensive Plan and Development Code as it relates to the provision of adequate public facilities and community planning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:**

Section 1. Chapter 18 of the Greeley Municipal Code is hereby amended as provided for in Exhibit A, attached hereto.

Section 2. This ordinance shall become effective five (5) days following its final publication, as provided by the Greeley City Charter.

**PASSED AND ADOPTED, SIGNED AND APPROVED this 27th day of June, 2006.**

ATTEST:

THE CITY OF GREELEY, COLORADO

Betsy A. Holder  
City Clerk

By: Thomas E. Selden  
Mayor

**DEVELOPMENT CODE CHANGES RELATED TO MID-RANGE EXPECTED  
SERVICE AREA WAIVER CRITERIA ADJUSTMENTS**

Note: UPPERCASE denotes code language changes, omissions are depicted as ~~strikeouts~~.

**CHAPTER 18.40  
GENERAL PERFORMANCE STANDARDS**

18.40.040 Adequate public facilities and services standards.

To provide for the public health, safety and welfare, it is essential that development occur only when adequate municipal or public facilities and services are available or will be available concurrent with development. To assure such concurrence, the following requirements shall be met for all land use and development applications except as otherwise provided herein:

(1) Public water, sanitary and storm sewer, and transportation facilities shall be adequate to serve the development and to accommodate the system impacts caused by the development at levels of service or criteria

and/or with defined improvements as described within the City's adopted Water Master Plan, Comprehensive Storm Water Master Plan and Comprehensive Transportation Plan.

(2) Public safety facilities and services shall be adequate to serve the development and to accommodate the additional demand for services caused by the development at levels of service or criteria and/or with defined improvements as described in the City's adopted Development Fee Study.

(3) Public parks and recreation facilities and services shall be adequate to serve the additional demand caused by the development at levels of service or criteria and/or with defined improvements as described in the City's adopted Parks and Trails Master Plan and Conceptual Trails Plan.

(4) With the exception of oil and gas operations, the proposed development shall be located entirely within the City's adopted Mid-Range Expected Service Area. All properties within the Mid-Range Expected Service Area shall be determined to have met all of the concurrency requirements in Subsections (1) through (3) herein.

a. Waivers to the requirement in this Subsection (4) for being within the Mid-Range Expected Service Area may be granted by the City Council upon finding that the proposed development will meet one (1) of the following criteria and, following review of the detailed analysis as described in Subparagraph c. below, demonstrate how the project developer will assume the costs of adequate infrastructure development and service response prior to the site's inclusion in the MRESA:

1. Contain an industrial use or major employer, which may be more appropriately located on a non-MRESA site;
2. Promote the implementation of the City's Comprehensive Plan; or
3. Facilitate the acquisition and/or preservation of public open space, natural areas or regional trail corridors; OR

4. ACHIEVE DEVELOPMENT AT A SIZE THAT ACCOMPLISHES KEY COMMUNITY LAND USE OBJECTIVES AT A SIGNIFICANT LEVEL AND WHICH INCLUDES, AT A MINIMUM, THE FOLLOWING ELEMENTS:

- a. PARCEL SIZE: THE SUBJECT PROPERTY SHALL BE AT LEAST ONE SQUARE MILE IN SIZE AND CONFIGURED SUCH THAT IT INCORPORATES DEVELOPMENT LAND USE TARGETS AS DESCRIBED FOR A NEIGHBORHOOD DEVELOPMENT DISTRICT AND PROVIDES ZONING FOR ALL LAND USES, INCLUDING RESIDENTIAL, COMMERCIAL, MIXED USE, INDUSTRIAL AND/OR EMPLOYMENT CENTER, PARKS AND NATURAL AREAS AND PUBLIC USES CONSISTENT WITH COMPREHENSIVE PLAN POLICIES. A PROPERTY MAY BE LESS THAN ONE SQUARE MILE IN SIZE IF IT CAN BE DEMONSTRATED IT SUBSTANTIALLY ACCOMPLISHES THE LAND USE MIX AND CONNECTIVITY WITH ADJACENT PARCELS THAT ACHIEVES THIS SAME PURPOSE.
  - b. MASTER PLAN: A DEVELOPMENT CONCEPT MASTER PLAN (DCMP) SHALL BE PROVIDED AS DESCRIBED IN SECTION 18.30.055; FINAL APPROVAL OF THE DCMP SHALL BE ACCOMPLISHED THROUGH AND SUBJECT TO AN INDEPENDENT ZONING REVIEW PROCESS.
  - c. PRO FORMA AND MARKET ANALYSIS: IN ADDITION TO SECTION c BELOW, THE PROJECT MUST DEMONSTRATE IT WILL ACHIEVE A NET FINANCIAL GAIN TO THE CITY WITHIN A REASONABLE TIME FRAME AND INCLUDE A METHOD TO PROVIDE FOR ANY NECESSARY OFF-SITE CAPITAL IMPROVEMENTS. SAID PRO FORMA MUST DEMONSTRATE THE DEVELOPMENT WILL ADD VALUE TO THE COMMUNITY WITHOUT UNREASONABLY INTERFERING WITH THE TIMELY COMPLETION OF EXISTING DEVELOPMENTS.
  - d. COMMUNITY AMENITY/UNIQUE DEVELOPMENT FEATURE: THE DEVELOPMENT MUST INCLUDE A SUBSTANTIAL COMMUNITY AMENITY OR FEATURE NOT TYPICALLY CONTAINED IN TRADITIONAL DEVELOPMENTS, (EG. MAJOR COMMUNITY FACILITY OR FEATURE) OR A UNIQUE FORM OF DEVELOPMENT THAT IS NOT FOUND IN THE COMMUNITY PRESENTLY.
- b. Public hearings held by the Planning Commission and City Council shall comply with the provisions of Chapter 18.18, Notice.
- c. A detailed analysis showing expected costs for installation and operation for all applicable municipal or public services and facilities and how said costs will be borne shall be conducted by the applicant and reviewed by the City prior to consideration of a waiver request and shall be presented at the public hearings held by the Planning Commission and City Council. Said analysis shall address those concurrency requirements in Subsections (1) through (3) above. (Ord. 45, 2004 §1; Ord. 65, 2002 §1; Ord. 11, 2000 §1; Ord. 27, 1998 §1)

**18.30.055 Development concept master plan.**

(a) A development concept master plan may be submitted at the time of establishment of zoning, as part of a rezoning request, AS PART OF A MID-RANGE EXPECTED SERVICE AREA WAIVER CRITERIA REQUEST, or in conjunction with a subdivision action in order to provide a more comprehensive level of site and building detail for a particular use of a property. Once submitted and approved by City Council, the development concept master plan becomes binding with the land. Though optional, the submittal of a development concept master plan is strongly encouraged and will facilitate the timely review and approval of site building permits.

(b) The following items shall be required for a development concept master plan:

(1) Site analysis map as described in Section 18.16.060(1)a through l.

(2) Zoning suitability plan as described in Section 18.16.060(2)a through f.

(3) The following supplemental reports shall also be supplied as part of the development concept master plan submittal:

a. Preliminary traffic impact study;

b. Preliminary drainage report and plan;

c. Preliminary soils report;

d. Written description of setting of property (location of property with respect to compatibility with surrounding uses; location in special districts; and unique aspects of property and its setting);

e. Written description of how pedestrian access, circulation and connectivity will be addressed;

f. Written description of the relationship of the proposed design master plan to goals and policies of the City's Comprehensive Plan; and

g. Written description of proposed design concept, including identifying LAND USES; architectural styles and themes, building materials and color palette; landscaping, perimeter treatment, focal point and open space intent and theme; character sketches illustrating the basic roof forms, openings and materials; and reasons supporting these design proposals.

(c) The development concept master plan shall only be processed in conjunction with LAND USE REQUESTS, SUCH AS zoning applications, AND including uses by special review.

(d) Upon approval of a development concept master plan by the City Council, said plan shall remain effective until and unless a revised or amended development concept master plan is submitted to the City and approved using the same procedures under which the original plan was approved. Minor amendments shall be considered by the Planning Commission as long as none of the following are proposed:

(1) There is an increase in the number of lots or housing units, or increase in square footage of nonresidential uses of more than five percent (5%).

(2) There are changes in street alignment and/or access points, or other public improvements, such as drainage improvements or utility lines or facilities.

(3) There are other changes in the design master plan which make it in nonconformance with the City's Comprehensive Plan. (Ord. 65, 2002 §1)