



**Mayor**  
Tom Norton

**Councilmembers**

Rochelle Galindo  
Ward I

Brett Payton  
Ward II

John Gates  
Ward III

Michael Finn  
Ward IV

Sandi Elder  
At-Large

Robb Casseday  
At-Large

**A City Achieving  
Community Excellence**

Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

# City Council Agenda

## Regular Meeting

**August 15, 2017 at 6:30 p.m.**

**School District Six Board of Education Meeting Room**

**1025 9<sup>th</sup> Avenue, Greeley Colorado**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Recognitions and Proclamations
5. Citizen Input
6. Approval of Agenda
7. Reports from Mayor and Councilmembers
8. Petitions from Mayor and Councilmembers

### **Consent Agenda**

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Council or staff may request an item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

9. Acceptance of the Proceedings of the August 1, 2017 City Council Meeting
10. Approval of the Report of the August 8, 2017 City Council Worksession
11. Consideration of a Resolution of The City of Greeley Council authorizing the City to enter into a memorandum of agreement for transportation planning and programing between North Front Range Metropolitan Planning Organization, Transfort, Greeley Evans Transit, and The Colorado Department of Transportation

12. Consideration of a Resolution of the City of Greeley Council authorizing the City to enter into an intergovernmental agreement for the provision of supplemental transit services by the City of Greeley, Colorado to the City of Fort Collins, Colorado for Colorado State Football game day service
13. Consideration of a Resolution of the Greeley City Council Authorizing Entry into an Intergovernmental Agreement with the Central Colorado Water Conservancy District for Use of the Ogilvy Ditch Bypass Structure
14. Consideration of a Resolution approving a reimbursement agreement with the Federal Aviation Administration for work undertaken to complete an update of the Greeley-Weld County Airport master plan

|                              |
|------------------------------|
| <b>End of Consent Agenda</b> |
|------------------------------|

15. Pulled consent agenda items
16. Public hearing to consider a change of zone from R-L (Residential Low Density) and C-H (Commercial High Intensity) zone districts to R-H (Residential High Density) zoning for approximately 8.728 acres of property known as Alpine Flats, located at 5002 and 5030 20th Street, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same
17. Appointment of applicants to the following Boards and Commissions: Civil Service Commission, Commission on Disabilities, Human Relations Commission, and Rodarte Center Advisory Board
18. Scheduling of meetings, other events
19. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
20. Adjournment

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 1-3**

### Title

1. Call to Order
2. Pledge of Allegiance
3. Roll Call

Mayor Norton  
Councilmember Galindo  
Councilmember Payton  
Councilmember Gates  
Councilmember Casseday  
Councilmember Elder  
Councilmember Finn

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 4**

### Title

Recognitions and Proclamations

### Summary

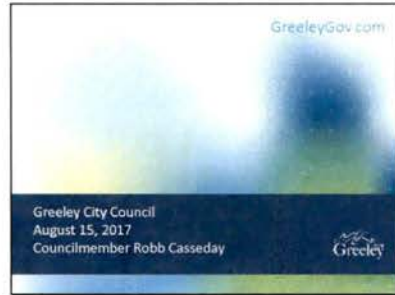
Councilmember Casseday will present the What's Great About Greeley Report.

### Attachments

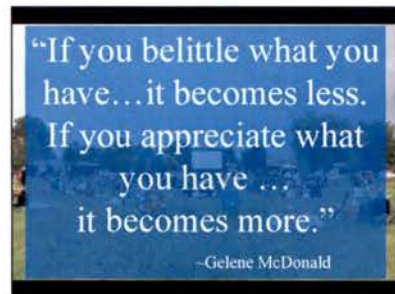
August 15, 2017 What's Great About Greeley Report



Slide 1

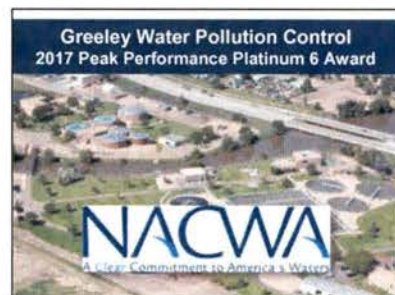


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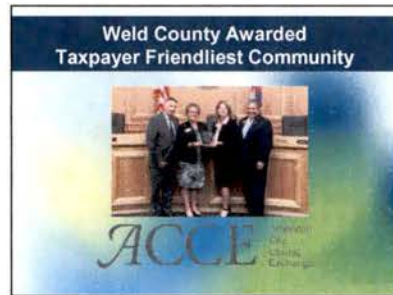
**At each Council Meeting, we recognize the people, organizations and businesses that make Greeley Great.** Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging everyone to share the word that Greeley is Great.

Slide 3



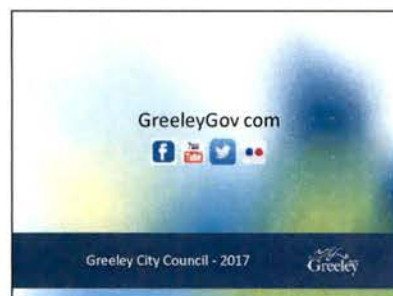
The Greeley Water Pollution Control Facility staff are the proud recipients of a 2017 National Association of Clean Water Agencies Peak Performance Platinum 6 award. The honor recognizes the wastewater treatment plant's operations and maintenance excellence including a perfect environmental compliance record for the last six consecutive years.

Slide 4

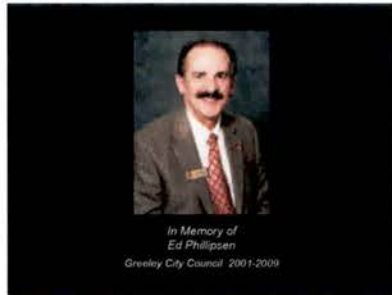


Weld County has received the first-ever award for being the Taxpayer Friendliest Community in the country from the American City County Exchange. ACCE began requesting documents from Weld County government almost 12 months ago as part of the nation-wide research conducted to find possible recipients for the award. The information included Weld County's financial status, mill-levy rate, retirement plan status, and more

Slide 5



Slide 6



In Memory of former Greeley City Council member Ed Phillipsen who passed away on Tuesday, August 8, 2017.

Ed was a resident of Ward II and a representative of that ward on the Greeley City Council from 2001-2009; serving two full terms as well as four years as mayor pro-tem.

During his time on Council, he was the Chair of the Greeley Human Relations Commission, hosted a monthly TV show on GTV8 called "Images" and served on the Finance and Public Works committees as well as the Union Colony Fire Rescue Authority Board, the Greeley-Weld County Airport Authority Board, Greeley Downtown Development Authority, and the Upstate Colorado Economic Development board.

Public service beyond his elected position included serving on the board of directors for the Boys & Girls Club, and the Governor's Advisory Commission on Diabetes. He was also an active member of the Community Holocaust Memorial Committee, Colorado Department of Human Services, Society of Addiction Counselors of Colorado, and the Weld County Community Corrections Board. He worked closely with the Weld County Coalition Against Domestic Violence, and served as a member of the Parish Council at St. Peters Catholic Church in Greeley.

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 5**

### Title

Citizen Input

### Summary

During this portion of the meeting, anyone may address the Council on any item of City business appropriate for Council's consideration that is not already listed on this evening's agenda.

Individual speakers will be limited to 3 minutes each. Council and staff will respond tonight, if possible, to questions or requests. If further time or discussion is needed, a staff member will contact you within the next couple of days. Some items may need to be scheduled for a future meeting.

# Council Agenda Summary

August 15, 2017

**Agenda Item Number 6**

Title

Approval of the Agenda



# Council Agenda Summary

August 15, 2017

## Agenda Item Number 7

### Title

Reports from Mayor and Councilmembers

### Summary

During this portion of the meeting any Councilmember may offer announcements or reports on recent events and happenings. These reports should be a summary of the Councilmember's attendance at assigned board/commission meetings and should include key highlights and points that may require additional decision and discussion by the full Council at a future time.

\*\*\* Council will notice that newly appointed Ward II Councilmember Brett Payton has been assigned to those positions formerly occupied by Randy Sleight. Unless otherwise directed by City Council at the August 15, 2017 meeting, these assignments will be effective immediately and until new appointments are made after the November 7, 2017 election. \*\*\*

| Board/Commission                            | Meeting Day/Time              | Councilmember Assigned     |
|---|-------------------------------|----------------------------|
| --Team of 2-- Board/Commission Interviews   | Monthly as Needed             | Rotation                   |
| Water & Sewer Board                         | 3 <sup>rd</sup> Wed, 2:00 pm  | Norton                     |
| Youth Commission Liaison                    | 4 <sup>th</sup> Mon, 6:30 pm  | Payton                     |
| Historic Preservation Loan                  | As Needed                     | Galindo                    |
| Police Pension Board                        | Quarterly                     | Galindo                    |
| Employee Health Board                       | As Needed                     | Galindo                    |
| Airport Authority                           | 3 <sup>rd</sup> Thur, 3:30 pm | Elder/Finn                 |
| Visit Greeley                               | 3 <sup>rd</sup> Tues, 7:30 am | Finn                       |
| Upstate Colorado Economic Development       | Last Wed, 7:00 am             | Norton/Finn                |
| Greeley Chamber of Commerce                 | 4 <sup>th</sup> Mon, 11:30 am | Gates                      |
| Island Grove Advisory Board                 | 1 <sup>st</sup> Thur, 3:30 pm | Gates                      |
| Weld Project Connect Committee (United Way) | As Needed                     | Gates                      |
| Downtown Development Authority              | 3 <sup>rd</sup> Thur, 7:30 am | Elder/Casseday             |
| Transportation/Air Quality MPO              | 1 <sup>st</sup> Thur, 6:00 pm | Casseday/Norton, Alternate |
| Poudre River Trail                          | 1 <sup>st</sup> Thur, 7:00 am | Finn                       |
| Highway 85 Coalition                        | As Needed                     | Payton                     |
| Highway 34 Coalition                        | As Needed                     | Payton                     |
| CML Policy Committee (Council or Staff)     | As Needed                     | Norton/Payton, Alternate   |
| CML Executive Board opportunity             |                               | Casseday                   |
| CML - Other opportunities                   | As Available/Desired          | All                        |

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 8**

### Title

Petitions from Mayor and Councilmembers

### Summary

During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Petitions will generally fall into three categories:

- 1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting,
- 2) A request to the City Manager for information or research,
- 3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

### Attachments

Status Report of Council Petitions and Related Information

Greeley City Council

**Status Report of Council Petitions**  
August 15, 2017

| <b>Council Request</b> |               | <b>Council Meeting,<br/>Worksession, or<br/>Committee<br/>Meeting Date<br/>Requested</b> | <b>Status or Disposition</b><br>(After completion, item is<br>shown one time as<br>completed and then<br>removed.) | <b>Assigned to:</b> |
|------------------------|---------------|--|--|---------------------|
|                        | None pending. |  |  |                     |

# Consent Agenda

August 15, 2017

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Once the Clerk has read each Consent Agenda item into the record, along with Council's recommended action, Council or staff may request the item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed

*The Consent Agenda includes Items No 9 through 14 and their recommended actions.*

## *Council's Recommended Action*

To approve Items No \_\_\_\_ through \_\_\_\_ or

To approve Items No \_\_\_\_ through \_\_\_\_ with the exceptions of No (s) \_\_\_\_

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 9**

Key Staff Contact Betsy Holder, City Clerk, 350-9742

### Title

Approval of the City Council Proceedings of August 1, 2017

### Summary

A meeting of the City Council was held on August 1, 2017, in the School District Six Board of Education Meeting Room 1025 9th Avenue, Greeley, Colorado

### Decision Options

- 1) To approve the proceedings as presented, or
- 2) Amend the proceedings if amendments or corrections are needed, and approve as amended

### Council's Recommended Action

A motion to approve the City Council proceedings as presented

### Attachments

August 1, 2017 Proceedings



City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
August 1, 2017

**1. Call to Order**

Mayor Tom Norton called the meeting to order at 6.30 p.m., in the School District Six Board of Education Meeting Room, 1025 9<sup>th</sup> Avenue.

**2. Pledge of Allegiance**

Mayor Norton led the Pledge of Allegiance to the American Flag

**3. Roll Call**

Cheryl Aragon, Deputy City Clerk, called the roll. Those present were Mayor Tom Norton and Councilmembers Robb Casseday, Sandi Elder, Mike Finn, Rochelle Galindo, and John Gates. There is currently a Ward II vacancy on the City Council.

**4. Recognitions and Proclamations**

Councilmember Galindo presented the What's Great about Greeley Report.

City staff, chaperones and students who traveled to Moriya, Japan, the City's Sister City, in June provided a presentation highlighting their exchange trip and thanked the Council for the opportunity

**5. Citizen Input**

There was no citizen input offered.

**6. Approval of Agenda**

The agenda was approved as presented.

**7. Reports from Mayor and Councilmembers**

Mayor Norton reported on the Starburst Award presented by the Colorado Lottery to Aven's Village and spoke of the numerous people and organizations who gave donations to help make it happen. Councilmember Galindo spoke of the great turnout at her recent town hall and spoke of her upcoming town hall, last Saturday of every month at 10:00 a.m. at Molina Art Gallery, the great turnout at Arts Picnic, and wished Colorado a happy birthday. Councilmember Elder reported on the Habitat for Humanity event, the successful Arts Picnic, and the individuals who are doing their residency in Greeley at North Colorado Medical Center. Councilmember Casseday expressed condolences to the family of Mike Geile and spoke of his humble, quiet but inspiring nature and his time as a Weld County Commissioner.

**8. Petitions from Mayor and Councilmembers**

There were no petitions offered from Councilmembers.

**\*\*\*\* Consent Agenda \*\*\*\***

**9. Acceptance of the July 17, 2017, City Council/City Manager Session**

The Council action recommended was to accept the Report.

**10. Approval of the City Council Proceedings of July 18, 2017**

The Council action recommended was to approve the Proceedings.

**11. Acceptance of the Report of the July 25, 2017 City Council Worksession**

The Council action recommended was to accept the Report.

**12. Consideration of a Resolution of the Greeley City Council adopting and Entering into a Trust Agreement for the Colorado Firefighter Heart and Cancer Benefits Trust**

The Council action recommended was to adopt the resolution. (Resolution No. 64, 2017)

**13. Introduction and First Reading of an Ordinance Changing the Official Zoning Map of the City of Greeley, Colorado, from R-L (Residential Low Density) and C-H (Commercial High Intensity) to R-H (Residential High Density) zoning for approximately 8.78 Acres of Property Known as the Alpine Flats Rezone**

This item was pulled from the Consent Agenda.

**\*\*\* End of Consent Agenda \*\*\***

Councilmember Gates moved, seconded by Councilmember Galindo to approve the items on the Consent Agenda and their recommended actions. The motion carried. 6-0 (Council Vacancy)

**14. Pulled Consent Agenda Items**

**(13.) Introduction and First Reading of an Ordinance Changing the Official Zoning Map of the City of Greeley, Colorado, from R-L (Residential Low Density) and C-H (Commercial High Intensity) to R-H (Residential High Density) zoning for approximately 8.78 Acres of Property Known as the Alpine Flats Rezone**

Councilmember Casseday noted that he pulled this item to disclose a potential conflict of interest and will therefore be excusing himself from this and all future discussions on this item.

Mayor Norton reported that a number of people have been calling and emailing Council on this item, and advised that this is a quasi-judicial matter so all calls and emails are being forwarded to the Community Development Director for inclusion in Council's next agenda packet and will be considered at a public hearing on August 15<sup>th</sup> which would be the appropriate time to come and be heard on this matter.

Councilmember Elder moved, seconded by Councilmember Finn to introduce the ordinance and schedule the public hearing and final reading for August 15, 2017 The motion carried. 5-0 (Council Vacancy and Casseday excused)

**15. Public Hearing and Final Reading of an Ordinance of the City of Greeley Amending Title 11 of the Greeley Municipal Code to Add a New Section Regarding Unattended Motor Vehicle**

Jerry Garner, Police Chief, reported that in accordance with recent State law changes, this ordinance proposes that the City of Greeley limit the time that a vehicle will be allowed to idle after started via a remote start device.

Mayor Norton opened the public hearing at 7:08 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Elder to adopt the ordinance and publish it by reference to title only. The motion carried. 6-0 (Councilmember Vacancy) **(Ordinance No. 28, 2017)**

#### **16. Council Ward II Appointment – Candidate Interviews**

The Council conducted interviews for the Council Ward II vacancy. Eight applicants were interviewed including Matthew Brinton, Jediah Cummins; Carl Erickson, Lavonna Longwell, Brett Payton, Jack Schneider; Linde Thompson, and Aaron Wooten.

After some discussion and public deliberation, the City Council voted paper ballots revealed that Brett Payton was the successful applicant receiving four votes from the Council.

Councilmember Casseday moved, seconded by Councilmember Elder to appoint Brett Payton to the vacant Ward II City Council seat. The motion carried. 5-1 (Galindo opposed, Council Vacancy)

#### **17. Scheduling of Meetings, Other Events**

No additional meetings or events were scheduled.

#### **18. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances**

Councilmember Galindo moved, seconded by Councilmember Elder to approve the above authorizations, and the motion carried. 6-0 (Council Vacancy)

#### **19. Adjournment**

There being no further business to come before the Council, Mayor Tom Norton adjourned the meeting at 9:12 p.m.

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Thomas E. Norton, Mayor

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Cheryl Aragon, Deputy City Clerk

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 10**

Key Staff Contact Betsy Holder, City Clerk, 350-9742

### Title

Acceptance of the Report of the August 8, 2017 City Council Worksession

### Summary

A City Council Worksession was held on August 8, 2017, in the School District Six Board of Education Meeting Room, 1025 9<sup>th</sup> Avenue, Greeley, Colorado.

### Decision Options

- 1) To accept the Report as presented, or
- 2) Amend the Report if amendments or corrections are needed, and accept as amended

### Council's Recommended Action

A motion to accept the Report as presented

### Attachments

August 8, 2017 Report

City of Greeley, Colorado  
**COUNCIL WORKSESSION REPORT**  
 August 8, 2017

The meeting was called to order at 5:04 p.m. by Mayor Tom Norton, in the School District Six Board of Education Meeting Room, 1025 9<sup>th</sup> Avenue.

Those present were Mayor Tom Norton and Councilmembers Sandi Elder, Michael Finn, and Rochelle Galindo. Councilmembers Gates and Casseday were excused. The Ward II position is vacant.

Mayor Norton led the Pledge of Allegiance to the American Flag

#### **4. OVERVIEW OF METROPOLITAN DISTRICTS AND OTHER TITLE 32 DISTRICTS**

Brad Mueller, Director of Community Development, overviewed that metropolitan districts are a specific type of special district, which is a governmental entity enabled by State law, and organized to provide certain limited types of services. Greeley only has a few metropolitan districts, which are only reviewed by Council at the time they are proposed. After established, they perpetuate as an independent governmental entity

Mr. Mueller went on to state that developers and other landowners have recently approached Councilmembers and staff about the City's position on metropolitan districts. Because there is the possibility of metropolitan district applications being submitted, staff felt it would be useful for Council to review and discuss metropolitan districts, and hear from a neutral statewide operator and potential local development interests.

Tim Flynn, an attorney from Collins, Cockrel & Cole, serves as an independent voice on the subject, and made a presentation to the Council about how metropolitan districts and other Title 32 districts function as a financing tool and described their governing functions.

Gary White, also an attorney who has worked with metropolitan districts for many years, addressed City Council. He expressed his opinion that Greeley loses development because of the lack of metropolitan opportunities.

David O'Leary, another attorney that has worked with metropolitan districts for many years, echoed Mr. White's comments and expressed his opinion on the financial obligations and the benefit of the public fully understanding what they are buying into.

Chad Rockwell discussed the complexities of metropolitan districts and presented his opinion that metropolitan districts are a necessity to obtaining attainable housing. He went on to say that, with costs of development today, these special districts are a helpful tool for making that happen.

Andy Gerk, of Journey Homes and J&J Construction, expressed his interest in discussing this with staff and Council again in the future. He discussed the benefit to sellers and homebuyers when a metropolitan district is involved in development.

Mayor Norton advised that Council will be discussing this again and asked that staff host a roundtable discussion with those in attendance and others interested.



## **5. PRESENTATION OF THE 2018 STORM WATER BUDGETS, CAPITAL PLANS AND RATE RECOMMENDATIONS**

Joel Hemesath, Director of Public Works, discussed the 2018 Stormwater budgets, capital plans and rate recommendations. He detailed the proposed rate increase of 7.8% for all customers by discussing the factors that will affect the 2018 budget. These include changes to the 27<sup>th</sup> Avenue outfall, downtown projects, and the creation of a storm drainage master plan for Sharktooth Bluffs in Northwest Greeley. He also discussed the revenue and expenditure budgets, operating funds, projects within the capital funds, and vehicle replacements for 2018 to 2022.

## **6. PRESENTATION OF THE 2018 WATER AND SEWER BUDGETS, CAPITAL PLANS AND RATE RECOMMENDATIONS**

Erik Dial, Budget Analyst for the Water and Sewer Department, discussed the factors that are driving the proposed 2018 rate increases for the various customer classes for both water and sewer services. He overviewed the expenditure and revenue projections, and the projected operating cash flow.

Burt Knight, Director of Water and Sewer, advised that there are no new positions or programs being considered in 2018, but the department will be continuing with succession planning efforts. He went on to discuss specific 2018 water and sewer budget drivers and the rate impact of new capital projects and ongoing projects. The rate increases proposed for 2018 are 3.5% for water and 3% for sewer.

## **7. SCHEDULING OF MEETINGS, AND OTHER EVENTS**

Roy Otto, City Manager, stated that there were no additional meetings or events were scheduled, but he reminded Council of the upcoming Archibeque Park dedication.

There being no further business to come before the Council, Mayor Norton adjourned the meeting at 7:18 p.m.

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Lory Stephens, Assistant City Clerk

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 11**

Key Staff Contact Joel Hemesath, Public Works Director, 970-350-9795

### Title

Consideration of a Resolution of The City of Greeley Council Authorizing the City to enter into a memorandum of agreement for transportation planning and programing between North Front Range Metropolitan Planning Organization, City of Fort Collins, City of Loveland, City of Greeley, and The Colorado Department of Transportation

### Summary

The adoption of this resolution documents that the City of Greeley, and more specifically Greeley Evans Transit (GET), will continue to cooperatively carry out multimodal transportation planning and programing with both the North Front Range Metropolitan Planning Organization (NFRMPO) and the Colorado Department of Transportation (CDOT). This agreement is pursuant to the requirements outlined in 23 United States Code (USC) Section 134 and 135 and 49 USC 5303, which was outlined within Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21). Although the approval of this resolution has no direct costs associated with it, and does not add any new requirements to what staff currently does, it does ensure compliance with federal regulations. This compliance helps to ensure GET continues to receive federal transit dollars for both operations and capital.

### Fiscal Impact

|   |     |
|---|-----|
| Does this item create a fiscal impact on the City of Greeley?   | No  |
| If yes, what is the initial or onetime impact?  | N/A |
| What is the annual impact?  | N/A |
| What fund of the City will provide funding?   | N/A |
| What is the source of revenue within the fund?  | N/A |
| Is there grant funding for this item?   | N/A |
| If yes, does this grant require a match?  | N/A |
| Is this grant onetime or ongoing?   | N/A |
| Additional Comments The City of Greeley receives over 2 million dollars annually in federal grant funding associated to transit |     |

### Legal Issues

This Agreement has been reviewed by the City Attorney's Office

### Other Issues and Considerations

None

### Applicable Council Goal or Objective

Infrastructure & Growth, Public Facilities & Equipment  
Image, Quality of Life

Decision Options

- 1 Adopt the resolution as presented, or
2. Amend the resolution and adopt as amended, or
- 3 Deny the resolution, or
- 4 Continue consideration of the resolution to a date certain

Council's Recommended Action

A motion to adopt the Resolution.

Attachments

Resolution

Metropolitan Planning Agreement NFRMPO

MOA Implementation Guidance NFRMPO

## **THE CITY OF GREELEY, COLORADO**

### **RESOLUTION \_\_\_\_\_, 2017**

A RESOLUTION OF THE CITY OF GREELEY COUNCIL AUTHORIZING THE CITY TO ENTER INTO A MEMORANDUM OF AGREEMENT FOR TRANSPORTATION PLANNING AND PROGRAMMING BETWEEN NORTH FRONT RANGE METROPOLITAN PLANNING ORGANIZATION, TRANSFORT, GREELEY-EVANS TRANSIT, AND THE COLORADO DEPARTMENT OF TRANSPORTATION

WHEREAS, the North Front Range Metropolitan Planning Organization (NFRMPO), the Colorado Department of Transportation (CDOT), City of Fort Collins Transit (Transfort), City of Loveland Transit (COLT), and Greeley Evans Transit (GET) desire to enter into a Memorandum of Agreement (MOA) as a requirement to obtain federal transportation funds, and

WHEREAS, federal regulations require an agreement between each Metropolitan Planning Organization, public transit providers, and CDOT that specifies the responsibilities of each for cooperatively carrying out transportation planning and programming, including activities related to transportation system performance; and

WHEREAS, the parties intend to fulfill the pertinent federal requirements for the NFRMPO pursuant to this MOA, while recognizing and preserving the policies and statutory responsibilities of CDOT under its enabling legislation, and

WHEREAS, the Counties and Municipal Corporations in the NFRMPO Area exercise the powers set forth in Article XIV, Section 18(2) of the Colorado Constitution and Part 2 of Article 1 of Title 29, C.R.S., as amended, and the NFRMPO promotes regional transportation and transportation related air quality planning, cooperation and coordination among federal, state and local governments and between levels of government within the metropolitan planning organizations, and

WHEREAS, the NFRMPO is responsible for regional transportation and air quality planning on behalf of its member governments within a geographic area boundary that includes 13 cities and towns and portions of Larimer and Weld counties, and

WHEREAS, the MOA has been established to define the specific roles and responsibilities of the NFRMPO, Transfort, COLT, GET, and CDOT for metropolitan transportation planning and programming within the boundaries of the metropolitan planning area, to implement applicable statutes and regulations, and to ensure that a cooperative transportation planning and programming process is established between the NFRMPO, Transfort, COLT, GET, and CDOT in the North Front Range metropolitan planning area, and

WHEREAS, it is in the best interest of the citizens of the City of Greeley for Council to enter into this Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO

Section 1. The City Council hereby authorizes the City to enter into a “Memorandum of Agreement for Transportation Planning and Programming,” a copy of which is attached hereto and incorporated herein as Exhibit A.

Section 2. City staff is hereby authorized to make changes and modifications to the Agreement, so long as the substance of the Agreement remains unchanged.

Section 3 This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 15<sup>TH</sup> DAY OF AUGUST, 2017

ATTEST

THE CITY OF GREELEY, COLORADO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



# Contents

|   |    |
|---|----|
| WITNESS THAT  | 2  |
| A. PARTIES  | 3  |
| B. APPLICABILITY  | 4  |
| C. PURPOSE  | 4  |
| D. PARTICIPANT RESPONSIBILITIES   | 4  |
| E. GENERAL RESPONSIBILITIES AND PRODUCTS OF THE PLANNING PROCESS                                    | 4  |
| 1. Unified Planning Work Program (UPWP)   | 5  |
| 2. Regional Transportation Plan (RTP)   | 6  |
| 3. Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) | 7  |
| 4. Annual Listing of Obligated Projects   | 8  |
| 5. Air Quality Conformity Determinations  | 8  |
| 6. Title VI, Public Involvement, and Limited English Proficiency (LEP) Plans.                       | 9  |
| 7. Americans with Disabilities Act (ADA)  | 9  |
| F. PERFORMANCE REGULATIONS  | 9  |
| G. AMENDMENT, TERMINATION, AND SUPERSESSION OF AGREEMENT  | 10 |
| H. DISPUTE RESOLUTION   | 10 |

12/22/16

# MEMORANDUM OF AGREEMENT FOR TRANSPORTATION PLANNING AND PROGRAMMING

## BY AND BETWEEN

**The North Front Range Metropolitan Planning Organization (NFRMPO), City of Fort Collins , City of Loveland , City of Greeley and the Colorado Department of Transportation**

This Memorandum of Agreement (MOA or Agreement) is made this \_\_\_\_\_ DATE \_\_\_\_\_ by and between the North Front Range Transportation & Air Quality Planning Council (MPO), the Colorado Department of Transportation (CDOT), the City of Fort Collins (which operates its transit service known as "Transfort"), City of Loveland (which operates City of Loveland Transit Service known as "COLT"), and City of Greeley (which operates Greeley Evans Transit known as "GET"), and shall serve as the Metropolitan Planning Agreement (MPA) in accordance with 23 CFR 450

The City of Fort Collins, City of Loveland, and the City of Greeley may be referred to collectively as the "Cities" The Cities, the MPO and the CDOT may be referred to collectively as the "Parties" or individually as a "Party"

## WITNESS THAT

WHEREAS, pursuant to federal statutes, and as a requirement for obtaining federal transportation funds, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have established regulations requiring each metropolitan area to utilize a continuing, cooperative, and comprehensive performance based multimodal transportation planning process to engage the citizens and support metropolitan community development, and

WHEREAS, federal statute and regulations require that the state and metropolitan planning organizations (MPO) have fully coordinated transportation planning processes with a minimum twenty-year planning horizon, and

WHEREAS, state statutes establish a coordinated statewide and regional transportation planning process that requires a minimum twenty-year transportation plan for each transportation planning region that includes the metropolitan area of an MPO; and

WHEREAS, the NFRMPO is the designated MPO and TMA pursuant to 23 USC 134 and 135 and 49 USC 5303 et seq. and continues to carry out its responsibilities in accordance with 23 CFR 450, 420 and 490, and 43-1 Part 11, C.R.S., and

WHEREAS, the NFRMPO is responsible for regional transportation and air quality planning on behalf of its member governments within a geographic area boundary that includes 13 cities and towns and portions of Larimer and Weld counties; and

WHEREAS, the Counties and Municipal Corporations in the North Front Range Metropolitan Planning Organization (NFRMPO) Area exercise the powers set forth in Article XIV, Section 18(2) of the Colorado Constitution and Part 2 of Article 1 of Title 29, C.R.S., as amended, the NFRMPO shall promote regional transportation and transportation related air quality planning, cooperation and coordination among federal, state and local governments and between levels of government within the MPO

WHEREAS, pursuant to Title 43-1-106, C.R.S., as amended, the powers and duties of the Colorado Transportation Commission include formulating general policy with respect to the management, construction, and maintenance of public highways and other transportation systems in the state, advising and making recommendations to the Governor and the General Assembly relative to transportation policy, promulgating and adopting the CDOT's budgets and programs, including construction priorities, and nothing contained in this MOA shall be construed to abrogate or delete the exercise of the statutory powers and duties of the Colorado Transportation Commission as the appropriate state agency under state and federal law to review and take action on all matters within the scope of its statutory responsibilities, and

WHEREAS, the Colorado Transportation Commission has authorized the CDOT to implement Colorado Transportation Commission policy and direction and enter into all contracts and agreements with other units of government and to take such other actions as may be necessary to comply with federal laws and regulations; and

WHEREAS, the pertinent federal regulations require an agreement between each MPO, public transit providers, and CDOT that specifies the responsibilities for cooperatively carrying out transportation planning and programming, including activities related to transportation system performance, and

WHEREAS, it is the desire and intent of the parties to fulfill the pertinent federal requirements for the NFRMPO pursuant to this MOA, while recognizing and preserving the policies and statutory responsibilities of the CDOT under its enabling legislation; and

NOW, THEREFORE, BE IT RESOLVED THAT the Parties hereto do mutually agree as follows

#### A. PARTIES

The Parties to this Agreement are the NFRMPO or MPO, governed by the North Front Range Transportation & Air Quality Planning Council (NFRT&AQPC) the Cities, each of which operate public transit services, and the Colorado DOT, governed by the Colorado Transportation Commission

## B. APPLICABILITY

This MOA applies to the continuing, cooperative, and comprehensive performance based multimodal metropolitan transportation planning and programming process required for the NFRMPO by 23 USC Section 134 and 135 and 49 USC 5303, et seq and 43-1 Part 11, C.R.S , as implemented by the applicable regulations in order for the region to qualify for federal transportation funds and meet state regional transportation planning requirements.

## C. PURPOSE

This MOA is established to define the specific roles and responsibilities of the NFRMPO, the Cities' public transit services (Transfort, COLT, and GET), and the CDOT for metropolitan transportation planning and programming within the boundaries of the metropolitan planning area, to implement applicable statutes and regulations, and to ensure that a cooperative transportation planning and programming process is established between the NFRMPO, the Cities' public transit services (Transfort, COLT, and GET), and the CDOT in the North Front Range metropolitan planning area

## D. PARTICIPANT RESPONSIBILITIES

The NFRMPO, in cooperation with the CDOT and the Cities as operators of publicly owned transit services, is responsible for the metropolitan transportation planning and programming process within the boundaries of the NFRMPO. This responsibility includes preparing and adopting, in a manner consistent with this MOA, all required Regional Transportation Plans (RTPs), Transportation Improvement Programs (TIPs), Unified Planning Work Programs (UPWPs) and documents of the metropolitan transportation planning and programming process.

The NFRMPO, the Cities, on behalf of their respective public transit services Transfort, COLT, and GET, and the CDOT hereby agree to carry out and actively participate in the continuing, cooperative, and comprehensive performance based multimodal metropolitan transportation planning and programming process in accordance with applicable federal and state law and regulations. The Parties to this MOA also agree to cooperate to establish effective mechanisms to meet the needs of the metropolitan transportation planning and programming process and to fulfill commitments established pursuant to this MOA. While it is recognized that the Parties are ultimately bound by the actions of their respective governing bodies, they commit to present within their organizations the recommendations resulting from the metropolitan transportation planning and programming process.

The Parties agree that metropolitan transportation planning and programming processes leading to the development and adoption of RTPs and TIPs, may change to respond to changes in the law, restructuring within their respective organizations, or to reflect prior experience

## E. GENERAL RESPONSIBILITIES AND PRODUCTS OF THE PLANNING PROCESS

The Colorado Transportation Commission and the CDOT have a continuing duty of performance based multimodal planning for the statewide transportation system, promulgating rules and regulations for the statewide transportation planning process, identifying potential transportation issues of statewide interest, reconciling conflicts between regional transportation plans and transportation improvement

programs, and consolidating regional plans and programs into a comprehensive statewide plan and statewide transportation improvement program (STIP) In carrying out its duties, the CDOT will coordinate and partner with the NFRMPO on activities within the North Front Range planning region

The NFRMPO is the agency responsible for performance based multimodal metropolitan transportation planning and programming for the North Front Range planning region pursuant to state and federal law and regulation The NFRMPO will carry out its responsibilities with a process deemed appropriate by the NFRT&AQPC and consistent with applicable laws and regulations In carrying out its duties, the NFRMPO will coordinate and partner with the Cities as operators of their public transit services Transfort, COLT, GET, and CDOT on transportation planning and programming activities.

The MPO and the CDOT will coordinate on performance data, measures, targets, and reporting mechanisms within the North Front Range planning region that are necessary to meet the requirements of federal statute and regulations as outlined in Section F of this MOA below

The NFRMPO and the CDOT will coordinate, as appropriate, public involvement for regional and statewide transportation plans and TIPs. The CDOT will coordinate its project prioritization and programming process with the NFRMPO RTP and TIP development process to ensure that the CDOT projects identified for the TIP are consistent with the adopted NFRMPO RTP and have met Air Quality conformity if necessary

#### 1 Unified Planning Work Program (UPWP)

The NFRMPO, in cooperation with the CDOT and Cities as operators of publicly owned transit services, shall develop UPWPs that meet the requirements of 23 CFR Part 420, subpart A. The UPWP documents the transportation planning activities to be performed within the metropolitan planning areas. The UPWP includes various tasks with descriptions, cost estimates, sources of funding, schedules, deliverables, identification of the lead agency, and the federal, State, and matching funds sources. The UPWP is the basis for the Consolidated Planning Grant (CPG) that provides the FHWA and FTA funds for planning activities and is implemented through a contract between the CDOT and the MPO The UPWP may also include the planning related work that will be accomplished using other funds outside of CPG funds.

Once the UPWP is approved by the policy body of the MPO it is submitted to the CDOT for review, along with an assurance of Title VI compliance and a certification regarding federal lobbying. The UPWP is approved by the FHWA and FTA upon CDOT's recommendation Amendments are subject to review and approval and will include reasons for changes, scope revisions, and funding revisions The CDOT will review and comment on draft UPWPs and amendments to determine eligibility of proposed expenditures. The CDOT will also review and comment on progress, status of expenditures, and reports as appropriate

See the MOA Implementation Guidance document for a more detailed UPWP timeline

## 2 Regional Transportation Plan (RTP)

The NFRMPO will develop and approve the fiscally constrained RTP at least every four years and will establish a schedule and framework for its development in cooperation with the CDOT and the Cities as public transit operators. The NFRMPO will develop the RTP in consultation with federal, state, and local officials responsible for planning affected by transportation. For the purpose of developing the RTP, the NFRMPO, the CDOT, and the Cities as public transit providers shall cooperatively develop funding estimates that are reasonably expected to be available to support RTP implementation. The Parties to this MOA shall also cooperatively make recommendations on assumptions used in long-range revenue projections and in the allocation of those revenues in program distribution to the Colorado Transportation Commission. For the RTP, the NFRMPO will use the jointly developed Colorado Transportation Commission approved revenue projections and program distribution for federal and state transportation funds administered by CDOT. The NFRMPO in conjunction with local communities and transit providers will project local funds available for transportation to ensure adequate match. The CDOT will review and provide written comments, addressing at least fiscal constraint and air quality conformity on the draft RTP in time for the comments to be evaluated and acted upon prior to the draft RTPs being released to the public for comment.

The Parties to this MOA will collaborate so that all federal or state funded transportation projects and/or programs in the North Front Range Transportation Planning Region are included in NFRMPO's RTP. Some agency programs will be addressed in the RTP as a pool or pools. The Parties agree that all Parties requires flexibility to respond to program needs (such as maintenance, operations, and asset management) as they arise and so that CDOT, in cooperation with its planning partners, can balance system performance levels on a statewide basis. Inclusion of these program funds in the RTP will be considered planning estimates, not a guarantee or specific commitment of dollars to be spent in the North Front Range region or by the Cities.

The NFRMPO will develop the process and timeline for project prioritization and selection for each RTP. The CDOT will participate in the development, review and approval of the project prioritization and selection process. The NFRMPO Planning Council will approve projects to be included in its RTP and follow the air quality conformity determination procedures outlined in Section 5 Air Quality Conformity Determinations.

When amending a RTP, the NFRMPO will ensure fiscal constraint and air quality conformity are maintained. The CDOT also will review and comment on RTP amendments for fiscal constraint and any potential conformity or transportation issues. The NFRMPO will also complete the federally required Environmental Justice and Environmental Mitigation review.

The Parties will report events that may significantly impact RTPs as soon as they become known. These events or conditions include additional funding, problems, delays, or adverse conditions that will materially affect the revenue, schedule, or scope of a project. This

disclosure will be accompanied by a statement of the action contemplated to resolve the situation

3 Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP)

The NFRMPO will develop and approve its TIP in cooperation with the Cities as public transit service providers through Transfort, COLT, and GET, and the CDOT. The NFRMPO will develop the TIP financial plan in cooperation with the CDOT, the Cities as public transit providers and local communities and consistent with Colorado Transportation Commission approved revenue projections and program distribution of federal and state funds.

The NFRMPO, in cooperation with the CDOT, the Cities as public transit providers and local communities, shall establish the TIP development schedule. The CDOT and the NFRMPO will work cooperatively to synchronize the TIP, the STIP, and the RTP as much as possible.

The CDOT will ensure all federally or state funded state transportation projects are included in the NFRMPO TIP. Some CDOT programs will be identified in the TIP as a pool or pools. Inclusion of these program funds in the TIP will be considered planning estimates, not a guarantee or specific commitment of dollars to be spent in the NFRMPO region or by the Cities. The CDOT shall provide projects with project improvements and limits that make up the pool and update them when they change with the understanding that they may change as an Administrative Modification.

The NFRMPO will ensure its TIP is fiscally constrained, meets air quality requirements, and projects in it are consistent with the RTP and with the required Environmental Justice analysis. The CDOT will review and provide written comments, addressing fiscal constraint and air quality conformity on the draft TIP in time for the comments to be evaluated and acted upon prior to public release of the draft TIP for comment.

Federal regulations require the Governor to approve all TIPs. When the TIP is ready for approval of the Governor, the NFRMPO submits its TIP to the CDOT for review of fiscal constraint and adherence to planning regulations. Once fiscal constraint and adherence to planning regulations are verified, the CDOT will prepare a packet for the Governor's review and signature to approve the TIP and transmit such approval to FHWA and FTA. The submittal of the TIP to the CDOT should include a resolution of the MPO Council adopting the TIP, an Air Quality Control Commission (AQCC) conformity determination concurrence if required, and a signed statement self-certifying that the planning process was conducted in accordance with all applicable requirements. Once TIPs are approved by the MPO and the Governor, they are incorporated into the draft STIP without change, either directly or by reference.

The CDOT relies on the NFRMPO TIP public involvement process to ensure the public has been provided timely and adequate notification of programming changes to TIP projects. FHWA and FTA have agreed that the MPO public involvement process for developing and amending the

TIP may be used as the public process for adopting said changes into the STIP. Once projects are included in an MPO approved TIP amendment, the CDOT will verify fiscal constraint. Any amendments requiring air quality conformity findings should include a confirmation from the AQCC and the Colorado Department of Public Health and Environment (CDPHE) Air Pollution Control Division (APCD).

Federal regulations require the Governor, or designee, approve TIP Amendments. TIP amendments should be forwarded to the CDOT Region and the CDOT Headquarters STIP Manager, where a packet is prepared for the Executive Director's signature as the Governor's designee. Once the signature is obtained, a copy of the approval and packet is forwarded to FHWA/FTA for their concurrence.

The CDOT, in cooperation with the NFRMPO, will ensure all contract scopes of work for all projects using federal funds carried out within the boundaries of the NFRMPO are consistent with the NFRMPO's TIP.

Please see the attached MOA Implementation Guidance document, which outlines the agreed upon process for TIP and STIP Amendments specific to NFRMPO.

#### 4 Annual Listing of Obligated Projects

In cooperation with the CDOT and the Cities as public transit providers, the NFRMPO, no later than 90 calendar days following the end of the program year, shall develop an annual listing of obligated projects for which funds under 23 USC or 49 USC Chapter 53 were obligated in the preceding program year, in accordance with 23 CFR 450.332. The listing shall be consistent with information contained in the TIP. See the MOA Implementation Guidance document for a more detailed timeline.

#### 5 Air Quality Conformity Determinations

The NFRMPO is subject to the conformity determination procedures as outlined in the Colorado AQCC's Regulation No. 10 (Criteria for Analysis of Conformity, as amended), federal regulations 40 CFR 93 that set forth policy, criteria, and procedures for demonstration and assuring conformity of transportation related activities, and the most recent MOAs regarding air quality conformity determination procedures between the NFRMPO and DRCOG, CDPHE, Regional Air Quality Council (RAQC) and U.S. Environmental Protection Agency (EPA).

The NFRMPO will run the regional travel demand model when preparing a new RTP and TIP, or amendment to the RTP and TIP that affects air quality conformity. Results will be provided to the CDPHE Air Pollution Control Division (APCD), or their designee, to run a regional air quality emissions model.

The NFRMPO will coordinate with an interagency consultation group (ICG) composed of staff from the CDOT, FHWA, FTA, CDPHE, EPA, RAQC, and DRCOG to perform technical reviews of



air quality information. Once the ICG is satisfied with the technical results, the NFRMPO Planning Council will make the regional air quality conformity determinations.

Upon adoption or amendment of the RTP or TIP, the NFRMPO will transmit the conformity finding documents to AQCC for their concurrence. Once the AQCC has concurred with the conformity, NFRMPO will transmit the conformity finding and RTP or TIP documents to the FHWA and FTA. The FHWA and the FTA issue the U.S. Department of Transportation conformity determination on the NFRMPO RTP and TIP with concurrence from the EPA.

The Parties will report events that might have significant impact on conformity determinations as soon as they become known. These events or conditions include problems, delays, or adverse conditions that will materially affect the revenue, schedule or scope of a project and assumptions used in transportation demand and air emissions models. This disclosure will be accompanied by a statement of the action contemplated to resolve the situation.

6 Title VI, Public Involvement, and Limited English Proficiency (LEP) Plans

As a steward of federal funds, the CDOT is required to monitor MPOs in Colorado for compliance with Title VI of the Civil Rights Act of 1964. The NFRMPO is subject to the FHWA Title VI program requirements, including the development of Title VI Plans, Public Involvement Plans, and LEP Plans, as described in Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1972, 23 CFR Part 200, FTA Circular 4702.1B and LEP Executive Order 13166.

7 Americans with Disabilities Act (ADA)

The NFRMPO and the CDOT shall comply with the ADA requirements in both transit and highway planning programs, Section 504 and 28 CFR §35. The NFRMPO, the Cities, as operators of Transfort, COLT, and GET and the CDOT shall coordinate in regards to ADA Transition Plan monitoring and identify the access and mobility needs of ADA populations in the planning process. The NFRMPO and the CDOT shall analyze the impacts to ADA populations when considering multimodal access and mobility performance improvements in regional and statewide transportation plans, TIP, and STIP.

## F PERFORMANCE REGULATIONS

The performance based planning process established in Moving Ahead for Progress in the 21st Century Act (MAP-21) and continued in Fixing America's Surface Transportation Act (FAST Act) (23 U.S.C. 119) requires that the NFRMPO and the CDOT develop transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning. 23 USC 150(c) establishes requirements for performance measures and targets for safety, infrastructure condition, system performance, freight, and air quality. The CDOT, NFRMPO, and the Cities as operators of Transfort, COLT, and GET, shall jointly agree upon and develop specific targets related to transportation performance data. The NFRMPO and the CDOT transportation plans shall include

performance targets that address performance measures and standards and a System Performance Report. Plans requiring performance reporting include:

- Long-Range Metropolitan transportation plans (RTP),
- Metropolitan Transportation Improvement Program (TIP),
- Statewide Transportation Improvement Program (STIP), and
- State asset management plans under the National Highway Performance Program (NHPP)

The NFRMPO and the CDOT will report to USDOT progress toward attainment of performance targets and critical outcomes, as established in 23 USC and requirements specified in 23 CFR 450 and 23 CFR 490.

#### G AMENDMENT, TERMINATION, AND SUPERSESSION OF AGREEMENT

This MOA will be reviewed at least every four years. It may be amended whenever deemed appropriate by written agreement of all Parties.

Any Party to this MOA may terminate it by a 60-day written notice to the other Parties. If this occurs, the Parties agree to consult further to determine whether the issues can be resolved and the agreement re-implemented in an amended form.

This agreement supersedes the MOA between the NFRMPO and the CDOT dated April 4, 2013, and the MOA between the NFRMPO and the CDOT titled Concurrence on Public Involvement for TIP and STIP Amendments dated September 2, 2008.

#### H DISPUTE RESOLUTION

The Parties to this MOA, along with FHWA and FTA staff, will make every attempt to resolve differences at the lowest staff level possible and in a timely manner. Differences not resolved at the staff level will be addressed at the Executive Director level. Policy issues not settled at the Executive Director level will be taken to the NFRMPO Planning Council and the Colorado Transportation Commission for resolution.

Attachment MOA Implementation Guidance

# MOA Implementation Guidance

## NFRMPO - DRAFT

Participation in and organization of the planning process

The following groups are part of the North Front Range Metropolitan Planning Organization's planning process.

- Colorado Transportation Commission <https://www.codot.gov/about/transportation-commission>
- Colorado Statewide Transportation Advisory Committee <https://www.codot.gov/programs/planning/planning-partners/stac.html>
- NFRMPO Planning Council <http://nfrmpo.org/planning-council/>, <http://nfrmpo.org/regional-profile/>
- NFRMPO Technical Advisory Committee <http://nfrmpo.org/tac/>
- NFRMPO Mobility Committees: <http://nfrmpo.org/mobility/committees/>
- VanGo™ <http://nfrmpo.org/vango/>
- Transfort: <http://www.ridettransfort.com/abouttransfort/contact--overview>
- City of Loveland Transit (COLT) <http://www.ci.loveland.co.us/departments/public-works/transit-colt>
- Greeley Evans Transit (GET) <http://greeleygov.com/services/greeley-evans-transit>
- FHWA Colorado Division <https://www.fhwa.dot.gov/codiv/>
- FTA Region 8. <https://www.transit.dot.gov/about/regional-offices/region-8/region-8>

## Unified Planning Work Program (UPWP) Timeline

The parties of the MOA are committed to working together to streamline the UPWP process. The streamlined UPWP timeline, as described below, allows CDOT to contract with the NFRMPO for federal metropolitan planning funds that support the work contained in the UPWP as soon as possible

- January: CDOT provides the Program Distribution estimates if not already available
- Feb-April: UPWP Mid-Year Reviews with the NFRMPO, CDOT, FHWA and FTA
- Feb-March: CDOT, Transit Agencies provide the NFRMPO with work items for inclusion in the UPWP
- May: MPOs submit UPWP and contract Scope of Work (SOW) for FHWA and FTA Metropolitan Planning Funds. CDOT consolidates the FHWA and FTA Metropolitan Planning funds into one Consolidated Planning Grant (CPG)
  - If UPWPs are not yet approved by MPO Board, MPOs will submit UPWP once approved, but will still submit the SOW in May so CDOT can begin the CPG contracting process.
  - Program Distribution estimates for the federal metropolitan planning funds should be used for UPWP development.

- The actual FHWA and FTA metropolitan planning funds that CDOT has available to contract to each MPO for that year will vary slightly from Program Distribution estimates. In April or May, CDOT will notify the MPOs of the actual amounts. The SOW should use this amount and MPO should not submit SOW until CPG amount is provided
- May/June CDOT DTD creates projects for FHWA approval and attaches MPO SOW
- June 15 CDOT OFMB and Business Office budgets projects with FHWA and FTA approvals.
- June 31. CDOT DTD initiates procurement process.
- July 31. CDOT Procurement sends out contracts for MPO signature
- Sept. 1 MPOs return signed contracts to CDOT by this date
- Sept. 30 (or before) FHWA and FTA send CDOT letter approving UPWPs for funding beginning on Oct 1 with copy to MPO
- Oct. 1 Contracts executed
- By December 31<sup>st</sup> MPOs submit UPWP Year-End Reports for the federal fiscal year ending Sept. 30<sup>th</sup>

## NFRMPO Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) Amendment Process

More information about the NFR TIP Amendment procedures can be found on the NFRMPO website <http://nfrmpo.org/tip/>

More information about the CDOT STIP Amendment procedures can be found on the CDOT website <https://www.codot.gov/business/budget/statewide-transportation-improvement-program-stip-reports-information>

## Annual Listing of Federally Obligated Projects

CDOT will provide each MPO with obligation data within 30 days (October 31) of the closed Federal Fiscal Year. The highway obligation numbers will be provided by CDOT's Office of Financial Management & Budget (within the Division of Administration and Finance), the transit obligation numbers will be provided by CDOT's Division of Transit and Rail. This is consistent with the requirements in 23 CFR 134

The MPO will post the Annual Listing of Federally Obligated projects no later than December 31 following the end of the federal fiscal year.

The NFRMPO Annual Listing of Federally Obligated projects for FFY 2016 can be found here <http://nfrmpo.org/wp-content/uploads/fy2016-annual-listing-of-federally-obligated-projects.pdf>

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 12**

Key Staff Contact Joel Hemesath, Public Works Director, 970-350-9795

### Title

Consideration of a Resolution of the City of Greeley Council authorizing the City to enter into an intergovernmental agreement for the provision of supplemental transit services by the City of Greeley, Colorado to the City of Fort Collins, Colorado for Colorado State Football game day service

### Summary

Regional cooperation, be it through police, fire, economic development or other areas, is an important element to Northern Colorado's continued growth and success. Transit is no different. Be it their willingness to share information or operational procedures with us, or the fact that they provide CDL testing to our new operators for free, Transfort (City of Fort Collins's bus system) has been a partner to Greeley Evans Transit (GET) for years. Therefore, it is the intent of staff to continue this partnership through assisting Transfort in providing service to Colorado State University (CSU) during home football games.

As you may or may not be aware, CSU has built an on campus stadium for which Transfort has agreed to provide enhanced game day service. The purpose of this service is to minimize traffic disruption and protect the health, safety and welfare of the Citizens of Fort Collins. Unfortunately though, Transfort does not have the vehicles or employees to facilitate this extra service in addition to their Saturday routes and hence the request. Therefore, it is the intention of GET to provide up to five (5) buses and one (1) supervisor to provide shuttle service from a defined parking lot south of campus to the stadium for all CSU home football games (6 home games in 2017). All expenses will be covered through an hourly charge of \$89 per service hour, which includes travel time to and from Fort Collins. In addition to this charge and in an effort to limit our liability, the City of Fort Collins has agreed to name the City of Greeley as an additional insured on their insurance policy.

### Fiscal Impact

|   |                                |
|---|--------------------------------|
| Does this item create a fiscal impact on the City of Greeley? | Yes                            |
| If yes, what is the initial or onetime impact?                | Approximately \$4,000 per game |
| What is the annual impact?                                    | Approximately \$24,000         |
| What fund of the City will provide funding?                   | General                        |
| What is the source of revenue within the fund?                | Revenue from IGA               |
| Is there grant funding for this item?                         | No                             |
| If yes, does this grant require a match?                      | N/A                            |
| Is this grant onetime or ongoing?                             | N/A                            |

Additional Comments. Doug Clark, City of Greeley Risk Manager, is good with this agreement. Additionally, staff has followed Federal Transit Administration's (FTA) Charter Regulations to ensure compliance.

Legal Issues

This Agreement has been reviewed by the City Attorney's Office

Other Issues and Considerations

None

Applicable Council Goal or Objective

Economic Health & Development; Engaged business and industry relationships  
Image; Community promotion & marketing

Decision Options

1. Adopt the resolution as presented, or
2. Amend the resolution and adopt as amended, or
3. Deny the resolution, or
4. Continue consideration of the resolution to a date certain

Council's Recommended Action

A motion to adopt the Resolution

Attachments

Resolution  
Transfort-GET IGA Finalized  
Greeley Exhibit A and B  
South Campus Shuttle-CF

**THE CITY OF GREELEY, COLORADO**

**RESOLUTION \_\_\_\_\_, 2017**

A RESOLUTION OF THE CITY OF GREELEY COUNCIL AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF SUPPLEMENTAL TRANSIT SERVICES BY THE CITY OF GREELEY, COLORADO TO THE CITY OF FORT COLLINS, COLORADO FOR COLORADO STATE UNIVERSITY FOOTBALL GAME DAY SERVICE

WHEREAS, pursuant to Section 29-1-203, C.R.S , governments may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units of government; and

WHEREAS, the City of Fort Collins bus system, Transfort, is committed to providing enhanced game day transit service for Colorado State University home football games, and

WHEREAS, Transfort does not have the necessary rolling stock that will be required to provide the level of transit service necessary for Colorado State University home football games, and

WHEREAS, in order to provide cost-effective and efficient enhanced game day transit services, the City of Fort Collins, and City of Greeley/Greeley-Evans Transit (GET), desire to enter into an agreement to utilize GET's employees and vehicles to supplement Transfort game day transit services, and

WHEREAS, it is in the best interest of the citizens of the City of Greeley for Council to enter into this Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO

Section 1. The City Council hereby authorizes the City to enter into an "Intergovernmental Agreement for the Provision of Supplemental Transit Services," a copy of which is attached hereto and incorporated herein as Exhibit A.

Section 2. City staff is hereby authorized to make changes and modifications to the Agreement, so long as the substance of the Agreement remains unchanged.

Section 3 This Resolution shall become effective immediately upon its passage

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 15<sup>TH</sup> AUGUST, 2017

ATTEST

THE CITY OF GREELEY, COLORADO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**INTERGOVERNMENTAL AGREEMENT  
FOR THE PROVISION OF SUPPLEMENTAL TRANSIT SERVICES BY THE CITY OF  
GREELEY, COLORADO TO THE CITY OF FORT COLLINS, COLORADO  
FOR COLORADO STATE UNIVERSITY FOOTBALL GAME DAY SERVICE**

THIS INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF SUPPLEMENTAL TRANSIT SERVICES FOR COLORADO STATE UNIVERSITY FOOTBALL GAME DAY SERVICE ("IGA") is made and entered into as of \_\_\_\_\_, 2017, by and between THE CITY OF FORT COLLINS, COLORADO, a Colorado home rule municipality ("Fort Collins"), and THE CITY OF GREELEY, COLORADO, a Colorado home rule municipality ("Greeley"), each, and all will be collectively referred to as the "Municipality" or the "Municipalities."

**WITNESSETH:**

WHEREAS, the Municipalities are authorized to enter intergovernmental agreements to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units of government as provided in C.R.S. 29-1-203 and, as to Fort Collins, in Article II, Section 16 of the Charter of the City of Fort Collins, and

WHEREAS, Fort Collins operates its own fixed-route bus system ("Transfort"), which provides transit service within the City of Fort Collins, including certain transit service to Colorado State University, its students, faculty and staff; and

WHEREAS, Greeley also operates its own fixed-route bus system ("Greeley-Evans Transit"), which provides transit service within the City of Greeley and certain surrounding areas, and

WHEREAS, the Fort Collins bus system, Transfort, is committed to providing enhanced game day transit service for Colorado State University home football games in order to minimize traffic disruption and protect the health, safety, and welfares of the citizens of Fort Collins, and

WHEREAS, Transfort does not have the necessary rolling stock and personnel that will be required to provide the level of transit service necessary for Colorado State University home football games, and

WHEREAS, in order to provide cost-effective and efficient enhanced game day transit services, the Fort Collins desires to enter into this IGA with the Greeley by and through Greeley-Evans Transit pursuant to which Greeley-Evans Transit will provide transit services utilizing Greeley employees and vehicles to supplement Transfort game day transit services as set forth herein, and



WHEREAS, by Resolution 2017-\_\_\_\_ the Greeley City Council has approved this IGA pursuant to which Greeley employees and vehicles will be made available to provide enhanced transit services to be used for Colorado State University home football game day transit services in Fort Collins.

NOW, THEREFORE, in consideration of the covenants contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Municipalities agree as follows

1 Provision of Colorado State University Game Day Transit Services.

- a. The Municipalities agree to enter into this IGA for the utilization of Greeley employees and vehicles in order to supplement Transfort's Colorado State University game day transit services as described on Exhibit A attached hereto and incorporated by this reference (the "Transit Services").

Greeley shall provide the Transit Services to Fort Collins on each day on which a Colorado State University home football game is scheduled as set forth on Exhibit B attached hereto and incorporated herein by this reference ("Game Days") On Game Days, the Greeley assistance period for Transit Services shall begin when personnel and/or equipment depart the Greeley-Evans Transit facility and will end when Greeley's employees and equipment have returned to the Greeley-Evans transit facility (the "Assistance Period") The Assistance Period shall include all mandated US Department of Transportation (DOT) rest time resulting from the provision of Transit Services in Fort Collins and a reasonable period of time required to prepare the equipment for return to normal service in Greeley.

2 Personnel

- a. All Greeley-Evans Transit employees providing any portion of the Transit Services under this IGA ("GET Personnel") shall be in good standing as regular employees of the Greeley Evans Transit system and shall have, at a minimum, a valid "Class B" commercial driver's license ("CDL") with a passenger endorsement and any other CDL certifications required for the type of commercial motor vehicle ("CMV") they are driving.
- b. GET Personnel shall consist of Greeley employees that operate Greeley vehicles ("Operators") and Greeley employees that will supervise the Operators

(“Supervisors”) Greeley shall provide up to five Operators during Transit Services and one Supervisor during Transit Services.

- c. Fort Collins will designate a Game Day Manager that will be the Fort Collins point of contact for all communications, coordination, and discussion of topics related to Transit Services under this IGA for each Game Day.
- d. The Game Day Manager may direct the day-to-day operational tasks of GET Personnel related to the Transit Service by communicating with the Supervisors, however, the Game Day Manager will have no supervisory authority over GET Personnel, nor will the Game Day Manager take any employment action related to the GET Personnel.
- e. Supervisors will communicate any issues or concerns related to the Transit Services to the Game Day Manager for further direction or resolution.
- f. Throughout the delivery of Transit Services, GET Personnel shall continue to be employed solely by the City of Greeley/Greeley-Evans Transit.
- g. GET Personnel shall be competent and qualified to provide transportation services and other services in accordance with the requirements of this IGA. Greeley shall ensure that all GET Personnel assigned to perform Transit Services meet all applicable qualifications established by federal, state, and local laws and regulations.

3. Safety: Greeley-Evans Transit safety rules shall apply to all work done by GET Personnel providing Transit Services under this IGA. Any questions or concerns arising about any safety rules and/or procedures should be brought by the employee to their supervisor for prompt resolution between management of Greeley-Evans Transit and the Game Day Manager

4. Compensation: Fort Collins agrees to compensate Greeley Evans Transit in the amount of \$89.00 an hour during the Assistance Period for each Game Day under this IGA. Payment shall be made within thirty (30) days of the date of receipt of any billing therefor

5. Workers' Compensation Insurance. If any GET Personnel are injured, become disabled or die while providing Transit Services to Fort Collins under this IGA as an employee and on behalf of Greeley, said individual shall remain covered by, and

eligible for, the workers compensation and other benefits to which said individual would otherwise be entitled if the injury, disability or death had occurred while not performing services to Fort Collins under this IGA.

- 6 Independent Contractor In the performance of Greeley's obligations under this IGA, it is understood, acknowledged and agreed between the parties that Greeley is at all times acting and performing as an Independent Contractor, and Fort Collins shall neither have nor exercise any control or direction over the manner and means by which Greeley performs Greeley's obligations under this IGA, except as otherwise stated within the IGA's terms. Greeley understands and agrees that Greeley and Greeley's employees, agents, or other personnel are not Fort Collins employees. Greeley shall be solely responsible for payment of salaries, wages, payroll taxes, unemployment benefits or any other form of compensation or benefit to Greeley or any of Greeley's employees, agents or other personnel performing services or work under this IGA, whether it be of a direct or indirect nature. Further in that regard, it is expressly understood and agreed that for such purposes neither Greeley nor Greeley's employees, agents or other personnel shall be entitled to any Fort Collins payroll, insurance, unemployment, workers compensation, retirement or any other benefits whatsoever

- 7 National Transit Database Reporting: Greeley will report all ridership, revenue service hours, and revenue service miles allowable under National Transit Database policies:

- 8 Governing Law This IGA shall be governed by and enforced in accordance with the laws of the State of Colorado. In addition, the Municipalities acknowledge that there are legal constraints imposed upon them by the constitutions, statutes, rules and regulations of the State of Colorado and of the United States, and by their respective charters and codes and that, subject to such constraints, the Municipalities intend to carry out the terms and conditions of this IGA. Whenever possible, each provision of this IGA shall be interpreted in such a manner so as to be effective and valid under applicable law. Venue for any judicial proceeding concerning this IGA shall only be in the District Court for Weld County, Colorado

- 9     Insurance Requirements.     Fort Collins will provide an insurance policy (the “Policy”) on which Greeley shall be named an additional insured, and which shall insure Greeley against any and all liability, claims, and damages as set forth in the Policy. The Policy is attached hereto, and incorporated into this IGA as Exhibit C and shall remain in effect at all times during the duration of this IGA including any renewal term. Any changes to the Policy must be agreed to in writing by the Municipalities in advance. Fort Collins shall be responsible for any costs associated with the Policy.
- 10    Consistency with Federal Regulations. The Municipalities agree this IGA is to be construed in accordance with 49 U.S.C. §5333(b) and nothing in this IGA is meant to, or will be construed to, displace mass transit employees in either Greeley or Fort Collins.
- 11    Liability and Governmental Immunity. Subject to the Policy identified in Paragraph 9
- a. Fort Collins shall be responsible for any and all claims, damages, liability and court awards, including costs, expenses, and attorney fees incurred, as a result of any action or omission of Fort Collins or its officers, employees, and agents, in connection with the performance of this IGA.
  - b. Greeley shall be responsible for any and all claims, damages, liability and court awards, including costs, expenses, and attorney fees incurred, as a result of any action or omission of Greeley or its officers, employees, and agents, in connection with the performance of this IGA.
  - c. All liabilities, claims and demands shall be subject to any notice requirements, defenses, immunities or limitations to liability under the Colorado Governmental Immunity Act (Section 24-10-101, C.R.S., et seq.) and to any other defenses, immunities or limitations to liability available under state and federal law. Nothing in this IGA will be construed as a waiver of immunity under the Colorado Governmental Immunity Act.
- 12    Obligations Subject to Appropriation. The financial obligations of the Municipalities under this IGA in subsequent fiscal years are subject to the appropriation of funds sufficient and intended for such purposes by each party’s City Council in its discretion.

13. Term. The term of this IGA shall continue through December 31, 2018. Any party may withdraw from this IGA at any time by giving written notice of termination to the other Municipality not less than thirty (30) days prior to the date of withdrawal. Fort Collins may request continued performance by Greeley for a period of five (5) one-year terms within the limits and the rates mutually agreed upon by the Municipalities. Fort Collins may exercise the option for such Renewal Term(s) by written notice to Greeley. Greeley may reject the Fort Collins Option to Renew by sending written notice to Fort Collins.
14. No Third Party Beneficiary. It is expressly understood and agreed that enforcement of the terms and conditions of this IGA, and all rights of action relating to such enforcement, shall be strictly reserved to the Municipalities, and nothing contained in the IGA shall give or allow any such claim or right of action by any other or third person or entity on such IGA. It is the express intention of the Municipalities that any person or entity, other than the parties to this IGA, receiving service or benefits under this IGA shall be deemed incidental beneficiaries only.
15. Counterpart and Electronic Signatures. This IGA may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute the same document. This IGA may be executed and delivered by electronic signature by any of the parties and all parties consent to the use of electronic signatures.

IN WITNESS WHEREOF, the Municipalities have executed this IGA the day and year first above written.

*[Signature pages follow]*

CITY OF FORT COLLINS, COLORADO  
a municipal corporation

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Darin A. Atteberry, City Manager

ATTEST

---

City Clerk

APPROVED AS TO FORM.

---

Assistant City Attorney

A large, faint, and illegible handwritten signature or stamp, possibly in blue ink, is visible in the lower right quadrant of the page. It appears to be a signature, but the characters are too light and scattered to be read accurately.

CITY OF GREELEY, COLORADO

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Thomas E Norton, Mayor

ATTEST.

\_\_\_\_\_  
City Clerk

Approved as to Substance:

\_\_\_\_\_  
Roy Otto

Approved as to Availability of Funds.

\_\_\_\_\_  
Victoria Runkle

APPROVED AS TO FORM.

\_\_\_\_\_  
Doug Marek

**EXHIBIT A TO INTERGOVERNMENTAL AGREEMENT  
FOR THE PROVISION OF SUPPLEMENTAL TRANSIT SERVICES BY THE CITY OF  
GREELEY, COLORADO TO THE CITY OF FORT COLLINS, COLORADO  
FOR COLORADO STATE UNIVERSITY FOOTBALL GAME DAY SERVICE**

Transfort will be responsible for providing a “Game Day Manager”, hereinafter referred to as GDO, and will be charged with coordinating and communicating to all staff. The GDO will communicate directly with the “Greeley Road Supervisor”, hereinafter referred to as GRS. City of Fort Collins staff hereinafter referred to as “Transfort” will not direct or otherwise communicate with hereinafter referred to as “GET”, bus operators.

Transfort will operate multiple supplemental fixed routes and shuttle services in support of game day operations. The south side shuttle, hereinafter referred to as “Shuttle” will be operated by five (5) bus operators from GET, using five (5) GET transit buses. Service shall begin up to two (2) hours before commencement of games and up to one (1) hour after the end of games. GET will provide service along the Shuttle throughout this time period. The Shuttle route for pre-game and post-game are attached hereto and will be followed by all GET drivers unless instructed otherwise. In the event of operational hardships or other emergent situations, the GDO will communicate with the GRS to coordinate Shuttle drivers to proceed to higher demand areas in order to provide service coverage.

GET drivers will be expected to safely operate vehicles within the scope of their training and applicable local, state and federal, laws and regulations. GET drivers will be expected to provide service in a courteous manner consistent with GET policies and procedures. GET drivers will be expected to operate vehicles along the defined Shuttle route and service prescribed stops along the route. In the event that the GDO requests assistance from the GRS to re-route GET drivers, GET drivers will be expected to perform service along the new assignments as directed. GET drivers will be expected to report any collisions or injuries to the GRS as soon as any such incidents occur within a practicable time span. The GRS will be expected to communicate any such incidents immediately to the GDO.

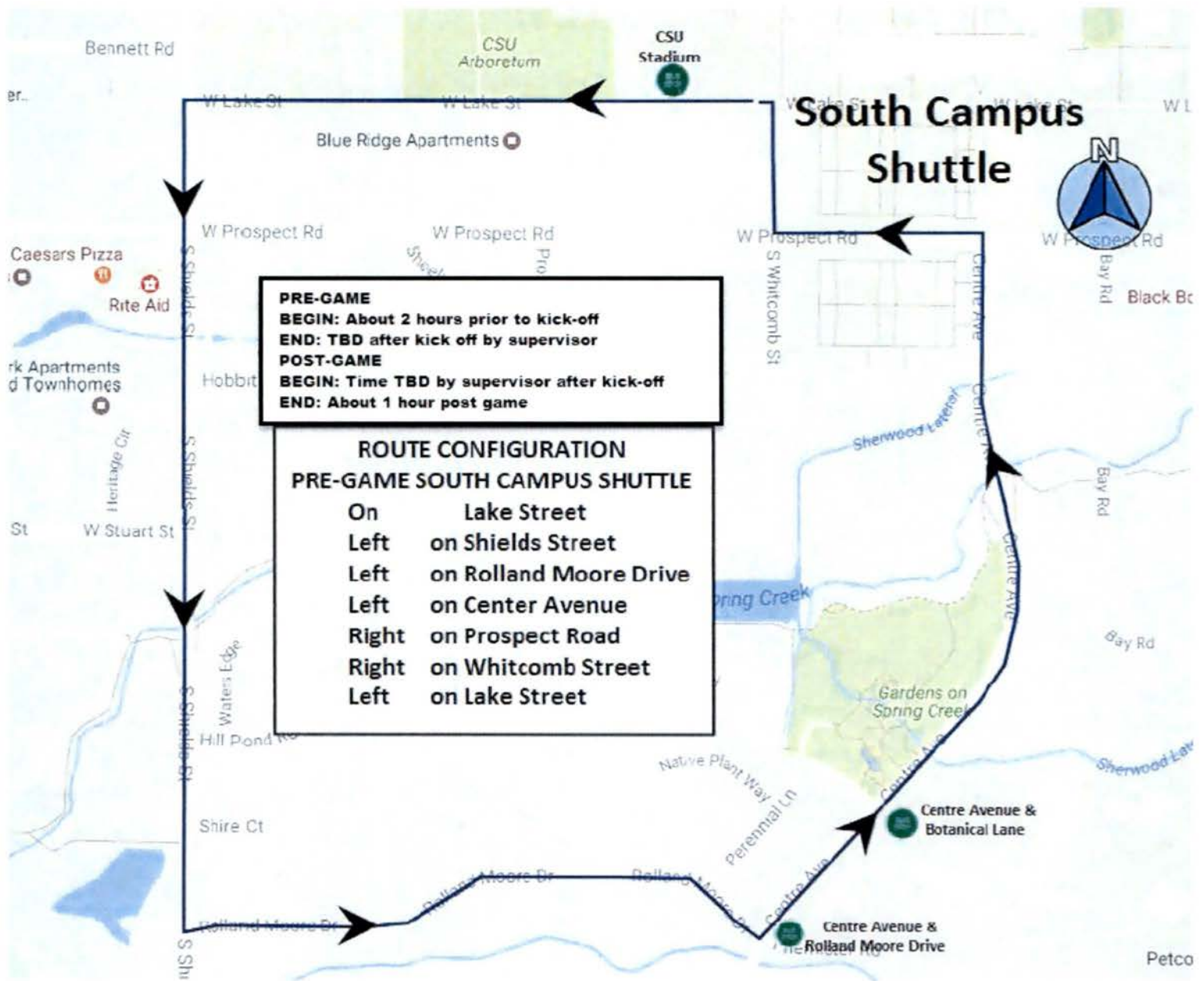
When service is complete, the GDO will communicate this to the GRS so that GET drivers can be released once this confirmation has been made.



**EXHIBIT B TO INTERGOVERNMENTAL AGREEMENT  
FOR THE PROVISION OF SUPPLEMENTAL TRANSIT SERVICES BY THE CITY OF  
GREELEY, COLORADO TO THE CITY OF FORT COLLINS, COLORADO  
FOR COLORADO STATE UNIVERSITY FOOTBALL GAME DAY SERVICE**

**2017 Football Game Day Schedule as of date of the IGA**

| Date  | Game Commencement |
|---|-------------------|
| 8/26/17   | 12.30 pm          |
| 9/9/17  | TBA               |
| 10/14/17  | TBA               |
| 10/28/17  | 1:00 pm           |
| 11/11/17  | 8.30 pm           |
| 11/18/17  | 1.30 pm           |
| This is a placeholder Game Day<br>In the event CSU is in the finals. The date of this<br>Game Day is to be determined but would likely<br>Be after 11/18/17 | TBA               |



# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 13**

Key Staff Contact: Burt Knight, Director of Water & Sewer 336-4095

### Title

Consideration of a Resolution of the Greeley City Council authorizing entry into an Intergovernmental Agreement with the Central Colorado Water Conservancy District for Use of the Ogilvy Ditch Bypass Structure

### Summary

At times, Greeley needs to bypass flows in the Cache la Poudre River past the Ogilvy Ditch headgate in order to meet downstream depletions, per water court decrees and as required by the State Engineer's Office. The Central Colorado Water Conservancy District owns a bypass structure just downstream of the Ogilvy Ditch headgate and has agreed to let Greeley use the structure under certain terms and conditions, as outlined in the attached Agreement Regarding Use of Bypass Structures.

### Fiscal Impact

|   |  |
|---|--|
| Does this item create a fiscal impact on the City of Greeley? | Yes  |
| If yes, what is the initial or onetime impact?                | \$500.00                                       |
| What is the annual impact?                                    | Maximum of \$5,500.00 per year for three years |
| What fund of the City will provide funding?                   | Water Operating Fund                           |
| What is the source of revenue within the fund?                | Water Rates                                    |
| Is there grant funding for this item?                         | No   |
| If yes, does this grant require a match?                      |  |
| Is this grant onetime or ongoing?                             |  |
| Additional Comments   |  |

### Legal Issues

This intergovernmental agreement has been reviewed by the City Attorney's Office.

### Other Issues and Considerations

The Water & Sewer Board approved this agreement during its July 19, 2017 meeting, and recommended approval of the same by City Council.

### Applicable Council Goal or Objective

Provide a framework of public services and facilities that support a safe, pleasing and successful community.

### Decision Options

1. Adopt the resolution as presented; or

2. Amend the resolution and adopt as amended, or
3. Deny the resolution; or
4. Continue consideration of the resolution to a date certain.

Council's Recommended Action

A motion to adopt the Resolution

Attachments

Resolution

Agreement Regarding Use of Bypass Structures

**THE CITY OF GREELEY, COLORADO**

**RESOLUTION \_\_\_\_, 2017**

**A RESOLUTION OF THE GREELEY CITY COUNCIL AUTHORIZING ENTRY INTO  
AN INTERGOVERNMENTAL AGREEMENT WITH THE CENTRAL COLORADO  
WATER CONSERVANCY DISTRICT FOR THE USE OF BYPASS STRUCTURES**

WHEREAS, pursuant to C.R.S. §29-1-203, governments may cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the following cooperating units of government; and

WHEREAS, §2 07 040 of the Greeley Municipal Code allows the City to enter into contracts with other governmental bodies to furnish governmental services or enter into cooperative or joint activities with other governmental bodies, and

WHEREAS, the City of Greeley (“Greeley”) owns or controls wholly-consumable water supplies that need to be delivered, from time to time, down the Cache la Poudre River to its confluence with the South Platte River; and

WHEREAS, the Central Colorado Water Conservancy District, the Ground Water Management Subdistrict of the Central Colorado Water Conservancy District, and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (collectively “Central”) own, control, and hold interest in or rights to use capacity in certain bypass structures that can facilitate the aforementioned delivery of Greeley water supplies during periods of low flow on the Cache la Poudre River; and

WHEREAS, the City of Greeley and Central entered into an intergovernmental agreement on July 7, 2014, as authorized by Resolution 34, 2014, to set forth the terms and conditions by which Central would deliver Greeley water supplies through its bypass structure at the Ogilvy Ditch headgate (“2014 IGA”), and

WHEREAS, the term of the 2014 IGA has expired and the parties wish to enter into another intergovernmental agreement to facilitate delivery of Greeley water supplies through the bypass structure at the Ogilvy Ditch headgate; and

WHEREAS, the Greeley Water and Sewer Board reviewed and approved the Agreement Regarding Use of Bypass Structures attached hereto as Exhibit A on July 19, 2017, and recommended approval by the City Council of the same, and

WHEREAS, it is in the best interest of the citizens of the City of Greeley for the City Council to authorize entry into this agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO

Section 1 The City Council hereby authorizes the City to enter into the Agreement Regarding Use of Bypass Structures with the Central Colorado Water Conservancy District, a copy of which is attached hereto as Exhibit A.

Section 2. The City Council hereby authorizes City staff to make minor modifications to the Agreement Regarding Use of Bypass Structures, so long as the agreement remains substantively unchanged, and to take all necessary and appropriate action in performance of the terms and conditions of the agreement.

Section 3 This Resolution shall become effective immediately upon its passage

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 15<sup>TH</sup> DAY OF AUGUST, 2017

ATTEST

THE CITY OF GREELEY, COLORADO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

## AGREEMENT REGARDING USE OF BYPASS STRUCTURES

This Agreement Regarding Use of Bypass Structure ("Agreement") is made this 20<sup>th</sup> day of June 2017, by and between Central Colorado Water Conservancy District/the Ground Water Management Subdistrict of the Central Colorado Water Conservancy District/the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (collectively, "CCWCD") and the City of Greeley ("Greeley").

### BACKGROUND

1. Central Colorado Water Conservancy District ("CCWCD") is a quasi-municipal corporation and political subdivision of the State of Colorado organized and existing as a water conservancy district pursuant to §37-45-101, et. seq. C.R.S. and is authorized and empowered thereby to furnish water to lands within its boundaries.
2. The Ground Water Management Subdistrict of the Central Colorado Water Conservancy District ("GMS") is a quasi-municipal corporation and political subdivision of the State of Colorado organized and existing as a water conservancy district pursuant to §37-45-101, et. seq. C.R. S. and is authorized and empowered thereby to furnish water to lands within its boundaries.
3. The Well Augmentation Subdistrict of the Central Colorado Water Conservancy District ("WAS") is a quasi-municipal corporation and political subdivision of the State of Colorado organized and existing as a water conservancy district pursuant so § 37-45-101, et seq C.R.S. and is authorized and empowered thereby to furnish water to lands within its boundaries.
4. CCWCD, GMS and/or WAS (collectively "CCWCD") owns, controls, has an interest in or otherwise has rights to use certain bypass structures on the South Platte River and its tributaries that it uses to carry water past dry up points on these rivers.
5. Greeley is a Colorado home rule municipal corporation.
6. Greeley owns or controls wholly consumable water supplies that need to be delivered down the Cache la Poudre River from Poudre Ponds, the Greeley Wastewater Treatment Plant, or the GIC #3 Ditch to the confluence of the Poudre and South Platte Rivers. In order to accomplish this delivery in times of low flow, Greeley needs to run water through the CCWCD bypass structures located at the Ogilvy Ditch.
7. CCWCD and Greeley desire to enter into an agreement setting forth the terms and conditions upon which Greeley's wholly consumable water supplies may be delivered through the Bypass Structures.

## AGREEMENT

1. **Deliveries.** CCWCD agrees to deliver Greeley water through the Ogilvy Ditch bypass structures, subject to the terms and conditions set forth in this Agreement. Deliveries of Greeley's water through the Bypass Structures shall not exceed 500 AF in a calendar year or 10 CFS in instantaneous delivery. Greeley's anticipated schedule of deliveries is attached hereto as Exhibit "A".
2. **Term.** The term of this agreement is for 3 years, April to March, from the date of execution.
3. **Consideration.** Greeley agrees to pay CCWCD \$500 as a "buy-in" fee, and a running fee of \$10/AF. The buy-in fee and the running fee for the first year are due upon signing of this Agreement, and CCWCD acknowledges receipt of same. Subsequent running fees shall be due annually on the date the Agreement was executed.
4. **Terms and Conditions.** The following terms and conditions shall apply to the delivery of Greeley water through the Bypass Structures.
  - a. CCWCD shall have the primary right to use the Bypass Structures at all times. To the extent that, for whatever reason, water actually passed through the structure is less than the amount required to services CCWCD and all of the other parties, the CCWCD requirement shall be satisfied first, and the remaining water divided between the non-CCWCD parties that have bypass agreements with CCWCD in proportion to their total flow requirements.
  - b. Any changes in requested bypass amounts must be made no less than 48 hours in advance.
  - c. Deliveries through the bypass structure are made using the CCWCD's best efforts, but it is not possible to set the structures to deliver precisely the necessary amount of water at all times. Greeley acknowledges the potential for this variability, accepts this risk, and agrees not to hold CCWCD liable for variations in delivery.
  - d. Central shall not be liable for any claim, suit or damages of any kind arising out of or related to Greeley's use of the Bypass Structures.
5. **Integration.** This Agreement represents the entire agreement between the parties regarding the subject matter addressed. It supersedes all previous communications, representations or agreements, verbal or written. No alterations to this Agreement, with



the exception of changes in the requested delivery amounts within the maximums set in ¶1, shall be valid unless in writing and signed by both parties.

6. **Default-remedies.** A default of this agreement shall occur if either party breaches its obligations hereunder and fails to remedy the breach within 30 days of written notice by the non-breaching party. Failure to notice any breach or default shall not be construed as waiver of continuing or additional defaults. In addition to all other remedies available, the non-breaching party shall be entitled to cancel this agreement if the breaching party fails to respond to the notice of default within 30 days. In such event, the non-breaching party shall provide written notice of cancellation to the breaching party.

7. **Notices and Payments.** Notices and payments shall be delivered to the following:

|          |  |
|----------|--|
| CCWCD    | CCWCD<br>3209 W. 28 <sup>th</sup> Street<br>Greeley, CO 80634  |
| Copy To: | Kim Lawrence, Esq<br>Lawrence Jones Custer Grasmick LLP<br>5245 Ronald Reagan Blvd., Suite 1<br>Johnstown, CO 80534                                |
| Greeley: | John Thornhill<br>City of Greeley<br>Water and Sewer Department<br>1100 10 <sup>th</sup> Street, Suite 300<br>Greeley, CO 80631                    |
| Copy To. | Greeley City Attorney's Office<br>Environmental and Water Resources Practice Group<br>1100 10 <sup>th</sup> Street, Suite 401<br>Greeley, Co 80634 |

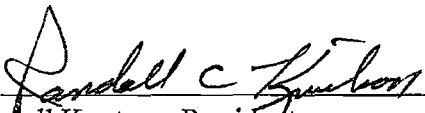
- 8 **No Beneficiaries.** This agreement is for the sole benefit of the parties and not for the benefit of any third party.
- 9 **Governmental Immunity.** Neither CCWCD nor Greeley intends to waive its sovereign immunity by the execution of this agreement, and it shall not be so construed.
10. **Governing Law.** Colorado Law shall govern this agreement. In the event of litigation, jurisdiction and venue shall be proper and exclusive in the District Court for Weld County, Colorado

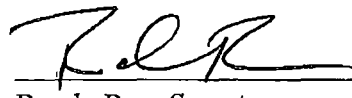
11. **Counterparts.** This Agreement may be executed in counterparts.

12. **Authority.** The parties to this agreement warrant that they have taken all actions necessary to authorize the signatories to sign this agreement and bind the parties to its terms.

CENTRAL COLORADO WATER CONSERVANCY DISTRICT  
GROUND WATER MANAGEMENT DISTRICT OF THE CENTRAL COLORADO  
WATER CONSERVANCY DISTRICT  
WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER  
CONSERVANCY DISTRICT

Attest

By:   
Randall Knutson, President

  
Randy Ray, Secretary

Dated this 20<sup>th</sup> day of June, 2017

**THE CITY OF GREELEY, COLORADO**

APPROVED.

By: \_\_\_\_\_  
Tom Norton, Mayor

By: \_\_\_\_\_  
Harold Evans, Board Chairman

ATTEST.

AS TO SUBSTANCE:

By: \_\_\_\_\_  
Betsy Holder, City Clerk

By: \_\_\_\_\_  
Roy Otto, City Manager

AS TO AVAILABILITY OF FUNDS.

AS TO LEGAL FORM.

By: \_\_\_\_\_  
Victoria Runkle, Director of Finance

By: \_\_\_\_\_  
Doug Marek, City Attorney

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 14**

Key Staff Contact Becky Safarik, Assistant City Manager, 350-9785

### Title

Consideration of a resolution approving a reimbursement agreement with the Federal Aviation Administration for work undertaken to complete an update of the Greeley-Weld County Airport master plan

### Summary

The Greeley-Weld County Airport Authority has, from time to time, developed, adopted and updated its airport master plan to guide the future use and expansion of the airport in a well-planned and orderly manner. Further, the adoption of an acceptable master plan is also a pre-requisite to enable the Greeley-Weld County Airport Authority to apply for planning and capital improvements grants from the Federal Aviation Administration ("FAA") in order to implement its master plan.

In concert with direction from the FAA, the Greeley-Weld County Airport Authority updated its master plan in 2017. This action was undertaken with a commitment from the FAA to reimburse the Airport Authority for a substantial portion of the costs of that update.

The update is now complete and the Airport Authority and FAA have come to terms on a reimbursement agreement. This agreement also requires the approval of the City of Greeley and Weld County Government.

### Fiscal Impact

|   |   |
|---|---|
| Does this item create a fiscal impact on the City of Greeley? | Not directly; however the FAA reimbursement of \$270,000 represents 90% of the costs of the master plan project and retains the Airport's eligibility for future improvement grants, thus lessening this potential future financial challenge to local government partners. |
| If yes, what is the initial or onetime impact?                | NA  |
| What is the annual impact?                                    | NA  |
| What fund of the City will provide funding?                   | NA  |
| What is the source of revenue within the fund?                | NA  |
| Is there grant funding for this item?                         | yes   |
| If yes, does this grant require a match?                      | yes   |
| Is this grant onetime or ongoing?                             | One time  |
| Additional Comments:  |   |

Legal Issues

Intergovernmental Agreements must be approved by Council Resolution

Other Issues and Considerations

None

Applicable Council Goal or Objective

Civic Infrastructure

Decision Options

1. Approve the resolution as presented ,
2. Amend the resolution and approve as amended,
3. Continue consideration of the resolution to a date certain.

Council's Recommended Action

A motion to approve the resolution

Attachments

Resolution

Exhibit A

**CITY OF GREELEY, COLORADO**  
**RESOLUTION \_\_\_\_\_, 2017**

**A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT WITH THE  
FEDERAL AVIATION ADMINISTRATION FOR WORK UNDERTAKEN TO  
COMPLETE AN UPDATE TO THE GREELEY-WELD COUNTY AIRPORT MASTER  
PLAN**

**WHEREAS**, in 1978, by joint resolution, the City of Greeley and Weld County Government created the Greeley-Weld County Airport Authority under the provisions of the Colorado Public Airport Authority Act; and,

**WHEREAS**, the Greeley-Weld County Airport Authority has, from time to time, developed, adopted and updated its airport master plan to guide the future use and expansion of the airport in a well-planned and orderly manner; and

**WHEREAS**, the adoption of an acceptable master plan is also a pre-requisite to enable the Greeley-Weld County Airport Authority to apply for planning and capital improvement grants from the Federal Aviation Administration ("FAA") in order to implement its master plan, and,

**WHEREAS**, periodically, the Greeley-Weld County Airport Authority has been required by the Federal Aviation Administration to update its master plan to retain the Authority's eligibility to apply for capital improvement funding and planning grants; and,

**WHEREAS**, in response to from the FAA, the Greeley-Weld County Airport Authority completed an update to its master plan in 2017 and the FAA agreed to reimburse the Airport Authority for a substantial amount of the costs for the completion of that plan, which is subject to approval by the City of Greeley and Weld County Government.

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

Section 1. The Federal Aviation Administration Agreement with the Greeley-Weld County Airport related to partial funding reimbursement for the completion of an airport master plan, attached hereto as Exhibit A and incorporated by reference, is hereby approved.

Section 2. This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED, SIGNED, APPROVED AND IN EFFECT THIS 15th day of  
August, 2017.**

**ATTEST:**

**GREELEY, COLORADO**

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor



U.S. Department  
of Transportation  
Federal Aviation  
Administration

## GRANT AGREEMENT

### PART I – OFFER

|                       |   |
|-----------------------|---|
| Date of Offer         | <u>August 11, 2017</u>                                  |
| Airport/Planning Area | <u>Greeley-Weld County Airport</u>                      |
| AIP Grant Number      | <u>3-08-0028-026-2017 (Contract No DOT-FA17NM-1034)</u> |
| DUNS Number           | <u>16-500-2726</u>                                      |

**TO:** City of Greeley and County of Weld, Colorado and the Greeley-Weld County Airport Authority  
(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)

**FROM:** **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

**WHEREAS**, the Sponsor has submitted to the FAA a Project Application dated May 8, 2017, for a grant of Federal funds for a project at or associated with the Greeley-Weld County Airport, which is included as part of this Grant Agreement; and

**WHEREAS**, the FAA has approved a project for the Greeley-Weld County Airport (herein called the "Project") consisting of the following:

#### **Conduct Airport Master Plan Study**

which is more fully described in the Project Application.

**NOW THEREFORE**, according to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. § 40101, et seq , and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. § 47101, et seq , (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, and the Sponsor's acceptance of this Offer; and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay 90 percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.**

### **CONDITIONS**

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$270,000  
The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b)  
  
\$270,000 for planning
2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor  
The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309) Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343)  
The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable
4. **Indirect Costs – Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies, and procedures of the Secretary Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies, and procedures of the Secretary The Sponsor also agrees to comply with the assurances which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 1, 2017, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary The Sponsor must

furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary

10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
11. **System for Award Management (SAM) Registration And Universal Identifier.**
  - A. Requirement for System for Award Management (SAM) Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>)
  - B. Data Universal Numbering System DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5771) or on the web (currently at <http://fedgov.dnb.com/webform>).
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.  

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.
14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.
15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
16. **Maximum Obligation Increase for Nonprimary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
  - A. May not be increased for a planning project;
  - B. May be increased by not more than 15 percent for development projects,
  - C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.



- 17. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program specific audit in accordance with 2 CFR part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Provide one copy of the completed audit to the FAA if requested.
- 18. Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
- A. Verify the non-federal entity is eligible to participate in this Federal program by:
    - 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-federal entity is excluded or disqualified, or
    - 2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
    - 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
  - B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts)
  - C. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity
- 19. Ban on Texting When Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
    - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
    - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
      - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
      - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
  - B. The Sponsor must insert the substance of this clause on banning texting when driving in all subgrants, contracts and subcontracts
- 20. Exhibit "A" Property Map.** The Exhibit "A" Property Map dated December 2016, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.
- 21. Employee Protection from Reprisal.**
- A. Prohibition of Reprisals –
    - 1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
      - a. Gross mismanagement of a Federal grant;
      - b. Gross waste of Federal funds,
      - c. An abuse of authority relating to implementation or use of Federal funds;
      - d. A substantial and specific danger to public health or safety; or
      - e. A violation of law, rule, or regulation related to a Federal grant.

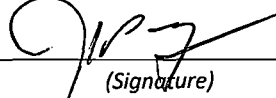
2. **Persons and bodies covered** The persons and bodies to which a disclosure by an employee is covered are as follows:
  - a A member of Congress or a representative of a committee of Congress,
  - b An Inspector General,
  - c The Government Accountability Office,
  - d A Federal office or employee responsible for oversight of a grant program,
  - e A court or grand jury;
  - f A management office of the grantee or subgrantee, or
  - g. A Federal or State regulatory enforcement agency
3. **Submission of Complaint** – A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation
- 4 **Time Limitation for Submittal of a Complaint** - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place
- 5 **Required Actions of the Inspector General** – Actions, limitations and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b)
- 6 **Assumption of Rights to Civil Remedy** - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c)

22. **Current FAA Advisory Circulars for AIP Projects.** The sponsor will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the *Current FAA Advisory Circulars Required For Use In AIP Funded and PFC Approved Projects*, dated January 24, 2017, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary
23. **Assurances.** The Sponsor agrees to comply with the Assurances attached to this offer, which replaces the assurances that accompanied the Application for Federal Assistance
24. **Final Project Documentation.** The Sponsor understands and agrees that in accordance with 49 USC 47111, and the Airport District Office's concurrence, that no payments totaling more than 97.5 percent of United States Government's share of the project's estimated allowable cost may be made before the project is determined to be satisfactorily completed Satisfactorily complete means the following: (1) The project results in a complete, usable unit of work as defined in the grant agreement; and (2) The sponsor submits necessary documents showing that the project is substantially complete per the contract requirements, or has a plan (that FAA agrees with) that addresses all elements contained on the punch list.
25. **AGIS Requirements.** Airports GIS requirements, as specified in Advisory Circular 150/5300-18, apply to the project included in this grant offer Final construction as-built information or planning deliverables must be collected according to these specifications and submitted to the FAA. The submittal must be reviewed and accepted by the FAA before the grant can be administratively closed

#

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**

  
\_\_\_\_\_  
(Signature)  
**John P. Bauer**  
\_\_\_\_\_  
(Typed Name)  
**Manager, Denver Airports District Office**  
\_\_\_\_\_  
(Title of FAA Official)

**PART II - ACCEPTANCE**

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.<sup>1</sup>

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**City of Greeley, CO**

\_\_\_\_\_  
(Name of Sponsor)

\_\_\_\_\_  
(Signature of Sponsor's Authorized Official)

**By:**

\_\_\_\_\_  
(Printed Name of Sponsor's Authorized Official)

**Title:**

\_\_\_\_\_  
(Title of Sponsor's Authorized Official)

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof

Dated at \_\_\_\_\_ (location) this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
(Signature of Sponsor's Attorney)

<sup>1</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.<sup>2</sup>

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**County of Weld, CO**

\_\_\_\_\_  
(Name of Sponsor)

\_\_\_\_\_  
(Signature of Sponsor's Authorized Official)

**By:**

\_\_\_\_\_  
(Printed Name of Sponsor's Authorized Official)

**Title:**

\_\_\_\_\_  
(Title of Sponsor's Authorized Official)

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Dated at \_\_\_\_\_ (location) this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

By \_\_\_\_\_  
(Signature of Sponsor's Attorney)

<sup>2</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines; imprisonment, or both.

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.<sup>3</sup>

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**Greeley-Weld County Airport Authority, CO**

\_\_\_\_\_  
(Name of Sponsor)

\_\_\_\_\_  
(Signature of Sponsor's Authorized Official)

**By:**

\_\_\_\_\_  
(Printed Name of Sponsor's Authorized Official)

**Title:**

\_\_\_\_\_  
(Title of Sponsor's Authorized Official)

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Dated at \_\_\_\_\_ (location) this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
(Signature of Sponsor's Attorney)

<sup>3</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.



## FAA Airports

# Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 1/24/2017

View the most current versions of these ACs and any associated changes at:  
[http://www.faa.gov/airports/resources/advisory\\_circulars](http://www.faa.gov/airports/resources/advisory_circulars) and  
[http://www.faa.gov/regulations\\_policies/advisory\\_circulars/](http://www.faa.gov/regulations_policies/advisory_circulars/)

| NUMBER                        | TITLE  |
|-------------------------------|--|
| 70/7460-1L<br>Change 1        | Obstruction Marking and Lighting                                 |
| 150/5020-1                    | Noise Control and Compatibility Planning for Airports            |
| 150/5070-6B<br>Changes 1 - 2  | Airport Master Plans   |
| 150/5070-7<br>Change 1        | The Airport System Planning Process                              |
| 150/5100-13B                  | Development of State Standards for Nonprimary Airports           |
| 150/5200-28F                  | Notices to Airmen (NOTAMs) for Airport Operators                 |
| 150/5200-30D                  | Airport Field Condition Assessments and Winter Operations Safety |
| 150/5200-31C<br>Changes 1 - 2 | Airport Emergency Plan   |
| 150/5210-5D                   | Painting, Marking, and Lighting of Vehicles Used on an Airport   |
| 150/5210-7D                   | Aircraft Rescue and Fire Fighting Communications                 |
| 150/5210-13C                  | Airport Water Rescue Plans and Equipment                         |
| 150/5210-14B                  | Aircraft Rescue Fire Fighting Equipment, Tools and Clothing      |
| 150/5210-15A                  | Aircraft Rescue and Firefighting Station Building Design         |

| <b>NUMBER</b>                 | <b>TITLE</b>   |
|-------------------------------|--|
| 150/5210-18A                  | Systems for Interactive Training of Airport Personnel  |
| 150/5210-19A                  | Driver's Enhanced Vision System (DEVs)   |
| 150/5220-10E                  | Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles  |
| 150/5220-16D                  | Automated Weather Observing Systems (AWOS) for Non-Federal Applications  |
| 150/5220-17B                  | Aircraft Rescue and Fire Fighting (ARFF) Training Facilities   |
| 150/5220-18A                  | Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials  |
| 150/5220-20A                  | Airport Snow and Ice Control Equipment   |
| 150/5220-21C                  | Aircraft Boarding Equipment  |
| 150/5220-22B                  | Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns  |
| 150/5220-23                   | Frangible Connections  |
| 150/5220-24                   | Foreign Object Debris Detection Equipment  |
| 150/5220-25                   | Airport Avian Radar Systems  |
| 150/5220-26,<br>Changes 1 - 2 | Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment   |
| 150/5300-7B                   | FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes   |
| 150/5300-13A,<br>Change 1     | Airport Design   |
| 150/5300-14C                  | Design of Aircraft Deicing Facilities  |
| 150/5300-16A                  | General Guidance and Specifications for Aeronautical Surveys. Establishment of Geodetic Control and Submission to the National Geodetic Survey |
| 150/5300-17C                  | Standards for Using Remote Sensing Technologies in Airport Surveys   |
| 150/5300-18B<br>Change 1      | Survey and Data Standards for Submission of Aeronautical Data Using Airports GIS   |
| 150/5320-5D                   | Airport Drainage Design  |
| 150/5320-6F                   | Airport Pavement Design and Evaluation   |

| <b>NUMBER</b>                  | <b>TITLE</b>  |
|--------------------------------|---|
| 150/5320-12C,<br>Changes 1 - 8 | Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces                  |
| 150/5320-15A                   | Management of Airport Industrial Waste  |
| 150/5325-4B                    | Runway Length Requirements for Airport Design   |
| 150/5335-5C                    | Standardized Method of Reporting Airport Pavement Strength - PCN  |
| 150/5340-1L                    | Standards for Airport Markings  |
| 150/5340-5D                    | Segmented Circle Airport Marker System  |
| 150/5340-18F                   | Standards for Airport Sign Systems  |
| 150/5340-26C                   | Maintenance of Airport Visual Aid Facilities  |
| 150/5340-30H                   | Design and Installation Details for Airport Visual Aids   |
| 150/5345-3G                    | Specification for L-821, Panels for the Control of Airport Lighting                                     |
| 150/5345-5B                    | Circuit Selector Switch   |
| 150/5345-7F                    | Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits                      |
| 150/5345-10H                   | Specification for Constant Current Regulators and Regulator Monitors                                    |
| 150/5345-12F                   | Specification for Airport and Heliport Beacons  |
| 150/5345-13B                   | Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits |
| 150/5345-26D                   | FAA Specification For L-823 Plug and Receptacle, Cable Connectors                                       |
| 150/5345-27E                   | Specification for Wind Cone Assemblies  |
| 150/5345-28G                   | Precision Approach Path Indicator (PAPI) Systems  |
| 150/5345-39D                   | Specification for L-853, Runway and Taxiway Retroreflective Markers                                     |
| 150/5345-42H                   | Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories            |
| 150/5345-43H                   | Specification for Obstruction Lighting Equipment  |
| 150/5345-44K                   | Specification for Runway and Taxiway Signs  |
| 150/5345-45C                   | Low-Impact Resistant (LIR) Structures   |



| <b>NUMBER</b>           | <b>TITLE</b>   |
|-------------------------|--|
| 150/5345-46E            | Specification for Runway and Taxiway Light Fixtures                                      |
| 150/5345-47C            | Specification for Series to Series Isolation Transformers for Airport Lighting Systems   |
| 150/5345-49C            | Specification L-854, Radio Control Equipment   |
| 150/5345-50B            | Specification for Portable Runway and Taxiway Lights                                     |
| 150/5345-51B            | Specification for Discharge-Type Flashing Light Equipment                                |
| 150/5345-52A            | Generic Visual Glideslope Indicators (GVGI)  |
| 150/5345-53D            | Airport Lighting Equipment Certification Program   |
| 150/5345-54B            | Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems |
| 150/5345-55A            | Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure         |
| 150/5345-56B            | Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)           |
| 150/5360-12F            | Airport Signing and Graphics   |
| 150/5360-13<br>Change 1 | Planning and Design Guidelines for Airport Terminal Facilities                           |
| 150/5360-14             | Access to Airports By Individuals With Disabilities                                      |
| 150/5370-2F             | Operational Safety on Airports During Construction                                       |
| 150/5370-10G            | Standards for Specifying Construction of Airports  |
| 150/5370-11B            | Use of Nondestructive Testing in the Evaluation of Airport Pavements                     |
| 150/5370-13A            | Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt                         |
| 150/5370-15B            | Airside Applications for Artificial Turf   |
| 150/5370-16             | Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements                |
| 150/5370-17             | Airside Use of Heated Pavement Systems   |
| 150/5390-2C             | Heliport Design  |
| 150/5395-1A             | Seaplane Bases   |

## THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 1/24/2017

| NUMBER                        | TITLE  |
|-------------------------------|--|
| 150/5100-14E,<br>Change 1     | Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects      |
| 150/5100-17,<br>Changes 1 - 6 | Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects |
| 150/5300-15A                  | Use of Value Engineering for Engineering and Design of Airport Grant Projects                |
| 150/5320-17A                  | Airfield Pavement Surface Evaluation and Rating Manuals                                      |
| 150/5370-12B                  | Quality Management for Federally Funded Airport Construction Projects                        |
| 150/5380-6C                   | Guidelines and Procedures for Maintenance of Airport Pavements                               |
| 150/5380-7B                   | Airport Pavement Management Program  |
| 150/5380-9                    | Guidelines and Procedures for Measuring Airfield Pavement Roughness                          |



**FAA  
Airports**

## **ASSURANCES**

### **Airport Sponsors**

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#### **A. General.**

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

#### **B. Duration and Applicability.**

##### **1 Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.**

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

##### **2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.**

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

### 3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Airport Revenue so long as the airport is used as an airport.

## C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

### 1 General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

#### Federal Legislation

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- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.<sup>1</sup>
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act - 5 U.S.C. 1501, et seq.<sup>2</sup>
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.<sup>1 2</sup>
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f) <sup>1</sup>
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c. <sup>1</sup>
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a. <sup>1</sup>
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin),
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq.<sup>1</sup>
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373 <sup>1</sup>
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.<sup>1</sup>
- u. Copeland Anti-kickback Act - 18 U.S.C. 874 <sup>1</sup>
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.<sup>1</sup>
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.<sup>2</sup>
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706

- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub L. 110-252)

#### **Executive Orders**

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- a. Executive Order 11246 - Equal Employment Opportunity<sup>1</sup>
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction<sup>1</sup>
- f. Executive Order 12898 - Environmental Justice

#### **Federal Regulations**

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- a. 2 CFR Part-180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations]<sup>4, 5, 6</sup>
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.<sup>1</sup>
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.<sup>1</sup>
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).<sup>1</sup>
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).<sup>1</sup>
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.<sup>3</sup>
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.

- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.<sup>1 2</sup>
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.<sup>1</sup>
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA)
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

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### **Specific Assurances**

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

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### **Footnotes to Assurance C.1.**

<sup>1</sup> These laws do not apply to airport planning sponsors.

<sup>2</sup> These laws do not apply to private sponsors.

<sup>3</sup> 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

<sup>4</sup> On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

<sup>5</sup> Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.

<sup>6</sup> Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

## **2. Responsibility and Authority of the Sponsor.**

### **a. Public Agency Sponsor**

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

### **b. Private Sponsor**

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein, to act in connection with this application; and to provide such additional information as may be required.

## **3. Sponsor Fund Availability.**

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

## **4. Good Title.**

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

## **5. Preserving Rights and Powers.**

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.



**6 Consistency with Local Plans.**

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

**7. Consideration of Local Interest.**

It has given fair consideration to the interest of communities in or near where the project may be located.

**8 Consultation with Users.**

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

**9 Public Hearings.**

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

**10 Metropolitan Planning Organization.**

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

**11. Pavement Preventive Maintenance.**

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

**12. Terminal Development Prerequisites.**

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and

has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

**13 Accounting System, Audit, and Record Keeping Requirements.**

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

**14 Minimum Wage Rates.**

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

**15. Veteran's Preference.**

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

**16 Conformity to Plans and Specifications.**

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans,

specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

**17 Construction Inspection and Approval.**

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

**18 Planning Projects.**

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

**19 Operation and Maintenance.**

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal,

state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required,
  - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions, and
  - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor
- b It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

## **20 Hazard Removal and Mitigation.**

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

## **21. Compatible Land Use.**

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

## **22. Economic Nondiscrimination.**

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or

to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-

- 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
  - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
  - d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
  - e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
  - f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
  - g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
  - h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
  - i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

### **23 Exclusive Rights.**

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

### **24. Fee and Rental Structure.**

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

### **25. Airport Revenues.**

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph.
  - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or

operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply

- 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996
- 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

## **26 Reports and Inspections.**

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and

- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail.
  - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
  - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

#### **27 Use by Government Aircraft.**

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto, or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

#### **28 Land for Federal Facilities.**

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary

#### **29. Airport Layout Plan.**

- a. It will keep up to date at all times an airport layout plan of the airport showing
  - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto,
  - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and



roads), including all proposed extensions and reductions of existing airport facilities,

- 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
  - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor

### **30 Civil Rights.**

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
  - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
  - 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.

- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods.

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
  - 2) So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

“The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U S C §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

e Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a

covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties.

- a) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program, and
  - b) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

### **31 Disposal of Land.**

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another

eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.

- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

### **32 Engineering and Design Services.**

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

### **33 Foreign Market Restrictions.**

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

### **34 Policies, Standards, and Specifications.**

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated \_\_\_\_\_ (the latest approved version as of this grant offer) and included in this grant, and in accordance

with applicable state policies, standards, and specifications approved by the Secretary.

**35 Relocation and Real Property Acquisition.**

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

**36 Access By Intercity Buses.**

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

**37 Disadvantaged Business Enterprises.**

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

**38. Hangar Construction.**

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

### **39 Competitive Access.**

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
  - 1) Describes the requests,
  - 2) Provides an explanation as to why the requests could not be accommodated, and
  - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

# Council Agenda Summary

August 15, 2017

**Agenda Item Number 15**

Title

Pulled Consent Agenda Items

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 16**

Key Staff Contact Brad Mueller, Community Development Director, 350-9786

### Title

Public hearing to consider a change of zone from R-L (Residential Low Density) and C-H (Commercial High Intensity) zone districts to R-H (Residential High Density) zoning for approximately 8 728 acres of property known as Alpine Flats, located at 5002 and 5030 20<sup>th</sup> Street, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same

### Summary

The City is considering request by RH.1 Alpine at Highland, LLC, on behalf of Richmark Real Estate Partners, LLC to rezone approximately 8 728 acres of land from R-L (Residential Low Density) and C-H (Commercial High Intensity) to R-H (Residential High Density) zone district to allow for a multi-family establishment on properties located at 5002 and 5030 20<sup>th</sup> Street

The Planning Commission considered this request on July 25, 2017, at a regularly-scheduled public hearing, and recommended approved to the Council by a vote of 6 – 1

If the rezoning is approved, this item includes a request to change the official zoning map to reflect the established zone district City Council approved this element on first reading on August 1, 2017

### Fiscal Impact

|   |   |
|---|---|
| Does this item create a fiscal impact on the City of Greeley? | No, or minimal possible, due to increased density     |
| If yes, what is the initial or onetime impact?                | Varies based on build-out                             |
| What is the annual impact?                                    | Varies based on build-out                             |
| What fund of the City will provide funding?                   | Development impact fees, then general revenue sources |
| What is the source of revenue within the fund?                | Development impact fees, then general revenue sources |
| Is there grant funding for this item?                         | N/A   |
| If yes, does this grant require a match?                      |   |
| Is this grant onetime or ongoing?                             |   |
| Additional Comments   |   |

### Legal Issues

Consideration of this matter is a quasi-judicial process which includes:

- (1) City staff presentation
- (2) Council questions of staff
- (3) Applicant presentation



- (4) Council questions of applicant
- (5) Public input (hearing opened, testimony received, hearing closed)
- (6) Rebuttal, if requested
- (7) Council discussion
- (8) Council decision

Other Issues and Considerations

None noted

Applicable Council Goal or Objective

Consistency with Comprehensive Plan and Development Code standards

Decision Options

Regarding the zone request:

- 1 Adopt the zoning as presented, or
2. Amend the zoning and adopt as amended, or
- 3 Deny the zoning, or
- 4 Continue consideration of the ordinance to a date certain

Regarding the map change request:

- 1 Adopt the ordinance as presented, or
2. Amend the ordinance and adopt as amended, or
- 3 Deny the ordinance, or
- 4 Continue consideration of the ordinance to a date certain

Council's Recommended Action

- A) A motion that, based on the project summary and accompanying analysis, the proposed rezoning from R-L (Residential Low Density) and C-H (Commercial High Intensity) zone districts to R-H (Residential High Density) zoning, with an associated Development Concept Master Plan, meets Development Code Section 18.30 050(c)(3) a, b, f, g and h, and Sections 18.30 055 and 18.38 140; and, therefore, approves the rezone
- B) A motion to adopt the map change ordinance and publish with reference to title only

Attachments

Ordinance

Draft Planning Commission Minutes (July 25, 2017)

Planning Commission Summary (Staff Report) (July 25, 2017)

Correspondence received since the Planning Commission Meeting

CITY OF GREELEY, COLORADO

ORDINANCE NO. \_\_\_\_, 2017

CASE NO. Z 3:17

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM R-L (RESIDENTIAL LOW DENSITY) AND C-H (COMMERCIAL HIGH INTENSITY) TO R-H (RESIDENTIAL HIGH DENSITY) ZONING FOR APPROXIMATELY 8 728 ACRES OF PROPERTY KNOWN AS THE ALPINE FLATS REZONE, LOCATED AT 5002 AND 5030 20<sup>TH</sup> STREET

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

Section 1 The following described property located in the City of Greeley is hereby changed from the zoning district referred to as R-L (Residential Low Density) and C-H (Commercial High Intensity) to R-H (Residential High Density) zoning in the City of Greeley, County of Weld, State of Colorado:

See attached legal description

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3 This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 15<sup>TH</sup> DAY OF AUGUST, 2017

ATTEST

THE CITY OF GREELEY

-----  
City Clerk

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Mayor

Legal Description

A PARCEL OF LAND LOCATED IN LOTS 1, 2 & 3, CORRECTION TO THE AMENDED VACATION AND REDEDICATION OF A PART OF HIGHLAND HILLS TRACT 'B', LOT 3, BLOCK 12, HIGHLAND HILLS AND LOTS 6-11, BLOCK 13, HIGHLAND HILLS ALL SITUATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 15, BEING MONUMENTED BY A 3.25" ALUMINUM CAP IN MONUMENT BOX STAMPED "LS38209", FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 15, BEING MONUMENTED BY A 3.25" ALUMINUM CAP IN MONUMENT BOX "WESNITZER LS 34990 2006 KING SURVEYOR INC", BEARS S89°53'31"E, A DISTANCE OF 2621.04 FEET (BASIS OF BEARINGS) FROM WHICH ALL BEARINGS CONTAINED HEREIN ARE RELATIVE THERETO; THENCE S89°53'31"E, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 15, A DISTANCE OF 607.17 FEET TO THE POINT OF BEGINNING;

THENCE S89°53'31"E, CONTINUING ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 15, A DISTANCE OF 752.18 FEET TO THE CENTERLINE OF 50TH AVENUE EXTENDED;

THENCE S01°25'47"W, ALONG SAID CENTERLINE OF 50TH AVENUE AND SAID EXTENSION, A DISTANCE OF 531.02 FEET TO THE SOUTH LINE OF LOT 3, CORRECTION TO THE AMENDED VACATION AND REDEDICATION OF A PART OF HIGHLAND HILLS TRACT 'B' EXTENDED AS DEPICTED IN PLAT RECORDED OCTOBER 5, 1971 AS RECEPTION NUMBER 1805455 IN THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER,

THENCE ALONG THE SOUTH LINE OF SAID LOT 3 AND THE SOUTH LINE AND ITS EXTENSION OF LOT 3, BLOCK 12, HIGHLAND HILLS AS DEPICTED IN PLAT RECORDED JANUARY 13, 1961 AS RECEPTION NUMBER 1346042 IN SAID RECORDS OF THE WELD COUNTY CLERK AND RECORDER, THE FOLLOWING FIVE (5) COURSES:

- 1) N88°34'13"W, A DISTANCE OF 280.00 FEET TO A NON-TANGENT POINT OF CURVE TO THE LEFT,
- 2) 64.35 FEET ALONG THE ARC OF SAID CURVE, SAID ARC HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 73°44'23" AND BEING SUBTENDED BY A CHORD WHICH BEARS N88°34'13"W, A DISTANCE OF 60.00 FEET TO A POINT OF NON-TANGENCY,

- 3) N88°34'13"W, A DISTANCE OF 120 00 FEET,
- 4) N62°45'03"W, A DISTANCE OF 91.86 FEET,
- 5) N88°34'13"W, A DISTANCE OF 200 22 FEET TO THE CENTERLINE OF 51ST AVENUE,

THENCE N00°19'57"E, ALONG SAID CENTERLINE OF 51ST AVENUE AND ITS EXTENSION, A DISTANCE OF 473 75 FEET TO THE POINT OF BEGINNING.

CONTAINING 680,211 SQUARE FEET OR 8 728 ACRES, MORE OR LESS.



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## **PLANNING COMMISSION**

### **Proceedings**

**July 25, 2017**

**1025 9<sup>th</sup> Avenue  
District 6 Administration Building  
School Board Meeting Room  
1:15 p.m.**

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#### **I. Call to Order**

Chair Hall called the meeting to order at 1:15 p.m. Commissioners Schulte, Rarick, Andersen, Weaver, Yeater and Mirick were present.

#### **II. Approval of minutes for meeting held on June 27, 2017**

Commissioner Andersen moved to approve the minutes for the meeting held on June 27, 2017. Commissioner Weaver seconded the motion. The motion carried 7-0.

#### **III. A public hearing to consider a request to rezone parcels of property from R-L (Residential Low Density) and C-H (Commercial High Intensity) to R-H (Residential High Density) to allow for a multi-family establishment. The site is comprised of three parcels totaling approximately 8.728 acres.**

|              |  |
|--------------|--|
| Project Name | Alpine Flats Rezone  |
| Case No      | Z 3-17   |
| Applicant:   | RH 1 Alpine at Highland, LLC on behalf of Richmark Real Estate Partners, LLC |
| Location:    | 5002 and 5030 20 <sup>th</sup> Street  |
| Presenter:   | Marian Duran, Planner II   |

Marian Duran addressed the Commission and entered the staff report into the record with the addition of several letters from citizens submitted after packets were prepared. Ms. Duran presented a map and aerial photograph showing the location of the site and identified the existing zoning. She noted that the applicant is proposing three zones with a Development Concept Master Plan (DCMP), with Zone 1 having a 40-foot height.

restriction, Zone 2 having a 30-foot height restriction, and Zone 3 being a no-build zone except for things such as trails and mail kiosks. Upon question by Commissioner Mirick, Ms. Duran stated that a 30-foot structure would likely be two stories and a 40-foot structure would be three stories. Ms. Duran reported that the DCMP includes a maximum of 200 units with a buffer yard along the south side of the site. She added that if City Council approves the DCMP, the applicant would be required to develop the property in accordance with the DCMP plan. Ms. Duran presented renderings of the proposed buffer yards along the south, east and west boundaries as well as renderings of the site sections. She also presented a proposed density study. Several photographs were displayed showing the site from different directions.

Ms. Duran described the rezone criteria found in Development Code Section 18.30 050 and discussed the evaluation of the application based upon the criteria. She noted potential impacts such as noise, parking, and landscape maintenance, stating that those issues would be regulated according to the provisions of the Municipal Code. She added that the Public Works Department has determined that the road system is designed to accommodate additional traffic. Ms. Duran stated that the proposal is consistent with the Comprehensive Plan.

The Administrative Review Team reviewed the application and all comments were addressed. A neighborhood meeting was conducted on May 17, 2017. Homeowners within 500 feet of the project were notified of the hearing by letter dated July 6<sup>th</sup> and signs were posted on the site on July 12<sup>th</sup>. Ms. Duran pointed out Attachment K containing copies of letters in support and against the project. Staff determined that the application complies with the requirements of Sections 18.30 050(c)(3) a, b, f, g and h, 18.30 055 and 18.38 140 and recommended approval of the rezone as presented.

Referring to the conceptual layout, Commissioner Mirick asked who would be responsible for oversight of any changes made to the conceptual plan. He asked whether the matter would come back to Planning Commission for consideration. Ms. Duran advised that a site plan is not required as part of a rezone request and added that, if approved by City Council, the project would go through an administrative process and be reviewed in accordance with the Development Code. Commissioner Weaver asked what types of changes could be made. Ms. Duran reported that density could change, but could only be less than what is stated in the DCMP. Additionally, she noted that building height could not exceed 40 feet. Upon further question from Commissioner Weaver about the number of stories in various units, Ms. Duran deferred to the applicant for a response.

Commissioner Andersen stated that in her reading of the Development Code, a DCMP may be submitted at the time of establishment of zoning with an applicant providing more detailed information. Ms. Duran advised that a DCMP is encouraged, but is not required to be submitted by an applicant. Commissioner Schulte asked whether a DCMP could be added between the time of Planning Commission and City Council. Ms. Duran advised that if there were any changes to the DCMP, the applicant would need to resubmit it to the Planning Division for review and the matter would go through the hearing process again.

In response to a question by Commissioner Rarick as to whether a shadow study had been conducted, Ms. Duran reported that it was not part of this application. Commissioner Weaver asked several questions about density and how staff arrived at 10 to 20 units per acre. Ms. Duran stated that the DCMP becomes a regulatory document, restricting the maximum density to 200 units, and added that the applicant could go with less units. Planning Manager, Mike Garrott, addressed the Commission and noted that 10 to 20 units per acre in the Development Code is a range and is not meant to be regulatory. He added that regulatory items include things such as the amount of open space or number of parking spaces.

Commissioner Mirick posed questions about the traffic analysis as well as staff's comment about the project being within walking distance of schools and shopping. Chair Hall stated that he also had questions about traffic. Ms. Duran advised that adverse weather conditions were not considered in the analysis of the proximity of the project to various amenities.

T. J. Heupel, staff engineer, addressed the Commission and reported that he had been the reviewer of this portion of the rezone request. Chair Hall asked what outside, independent study of traffic along 20<sup>th</sup> Street justified the applicant's study. Mr. Heupel advised that current traffic counts on 20<sup>th</sup> Street were considered. Chair Hall mentioned warrants and asked about the process for determining the necessity of adding a traffic signal at 50<sup>th</sup> Avenue. Mr. Heupel agreed that it is a substantial process and invited Joel Hemesath to provide a response.

Joel Hemesath, Public Works Director, addressed the Commission on behalf of the former traffic engineer who had previously reviewed the application. He acknowledged the issues on 20<sup>th</sup> Street in general and advised that arterial roads are monitored. Mr. Hemesath pointed out the recent improvements at the intersection of 20<sup>th</sup> Street and 47<sup>th</sup> Avenue. He added that 20<sup>th</sup> Street has capacity for 30,000 vehicles per day and is currently at approximately 20,300 vehicles per day. Mr. Hemesath stated that Public Works will continue to monitor this corridor and referenced a proposal to move curbs and add a turn lane in the future. He noted that the area currently does not meet any of the eight criteria or warrants to add a traffic light, but it is on their radar to continue to monitor. Public Works is also monitoring the volume of traffic coming out of Aims Community College.

Commissioner Yeater asked whether the project will present a negative impact on any of the road work already done at 20<sup>th</sup> Street and 47<sup>th</sup> Avenue. Mr. Hemesath stated that he did not foresee any negative impact. Commissioner Andersen noted the traffic light at Clubhouse Drive and asked whether the applicant proposed westbound vehicles to turn at Clubhouse. Mr. Hemesath advised that they had considered moving the signal from Clubhouse to 50<sup>th</sup> Avenue, but it was not feasible due to the location of the school. He agreed that there could be backups during peak times and noted that it was a normal expectation.

Amy Boyd, 12690 Shiloh Road, Greeley, addressed the Commission on behalf of the applicant. She began by clarifying Richmark's intentions regarding the proposed rezone and stated that the decision had been a deliberate one. She added that the principals of Richmark were born and raised in Greeley and have chosen to remain in the community. She expressed the opinion that the application offered something needed in Greeley and

hoped that the Planning Commission would be pleased with the amended proposal. Ms. Boyd stated that a vote against this application would be a vote for commercial high density which would require no public input, adding that the proposal would result in traffic reduction as opposed to a commercial facility on the site. She felt that the proposal would serve to beautify the existing site.

Stephanie Hanson from Ripley Design addressed the Commission on behalf of the applicant. Ms. Hanson provided her credentials as a land planner and landscape architect and noted that the offices of the owner/developer are located near the site. She acknowledged that many of the homes located south of the project are approximately 50 years old, many of which are occupied by the original owners. Ms. Hanson also stated that this is an area of transition with the next generation beginning to move in.

Ms. Hanson noted that the commercial high intensity portion of the property has been vacant for over 11 years and that the residential low density portion was never developed with the exception of one single-family home which was used by the former nursery for storage. She stated that multiple revisions were made to the proposal since originally presented to the Planning Commission in 2015. Since that time, Ms. Hanson reported that the applicant has received unsolicited interest in developing the commercial site for businesses that include a convenience store, a drive-through restaurant and a drive-through bank. She added that the applicant needs to decide whether to sell the property to an interested party or develop the site. Ms. Hanson stated that the site is beneficial for multi-family use since it is located near bus stops, schools and jobs. She provided a description of the types of business that could be placed on the site without requiring public input.

Ms. Hanson explained the rationale for multi-family in this location, and noted that there was an evident need for more housing in Greeley. She stated that the applicant is proposing to take a vacant infill site that has gone unused for several years and change the zoning from a high intensity commercial use to a residential use. She added that the applicant is providing a DCMF and will abide by its regulations. Ms. Hanson concurred with staff that the applicant had met the criteria of the rezoning request, adding that the applicant would work with staff on the details of the site plan. She also noted that the applicant was proposing to include more buffering than what is required.

Ms. Hanson responded to some of the concerns brought up during the earlier neighborhood meeting, including traffic, increased crime, and decrease in property values. She advised that the applicant intends to place high end living units on the site that would rent for approximately \$1500 per month or sell in the \$300,000 range. She also noted that many millennials are looking to live in places that offer various amenities while empty nesters are looking for places with less upkeep. In response to comments that the applicant does not contribute to the local economy, Ms. Hanson stated those concerns were unfounded.

Some changes since the list proposal noted by Ms. Hanson included a reduction in the maximum number of units, provision for a no-build zone, an enhanced buffer yard and self-imposed building height restrictions. She stated that the proposed zoning would have less of an impact than the existing use by right, stating that it contributes to an infill site, helps resolve the housing shortage and eliminates high intensity commercial uses.



Referring to the previous application, Commissioner Rarick mentioned that one concern was the shadow effect along 20<sup>th</sup> Street during winter months due to building height. He asked how close buildings would be to the north property line. Ms. Hanson reported that there is a no-build zone on the north along 20<sup>th</sup> Street. Ms. Duran added that the 25-foot setback would be required. Upon question by Commissioner Schulte as to whether the no-build zone corresponds with the 25-foot setback, Ms. Duran represented that it did.

Commissioner Schulte asked how many stories were possible with the current height limits. Ms. Hanson stated that it depended upon the design of a building, adding that it was difficult to determine how many stories fit within a certain height. Commissioner Schulte also noted concerns expressed about appropriate parking spaces. Ms. Hanson stated that parking spaces were typically not addressed in a rezone application. She added that the applicant would follow the requirements of the Development Code to provide adequate parking. Commissioner Schulte noted another citizen concern that less information seemed to be provided with this application as opposed to the prior one. Ms. Hanson conceded that perhaps too much information was provided up front at the time of the prior application. She advised that the first step is the rezone rather than discussion about a site plan. Upon question by Commissioner Schulte, Ms. Hanson reported that some of the differences from the first application were a reduction in the total number of units, a no-build zone, an enhanced buffer yard, and height restrictions. Chair Hall referred to the minutes from the 2015 hearing and noted that the height request had been for up to 50 feet.

Referring to citizen comments that adding some residential medium density units could make the proposal amenable, Ms. Hanson reported that it had been considered, but the applicant did not proceed with that option.

Dan Hall from Olsson & Associates, the civil engineer on the project, addressed the Commission and confirmed that one option considered was to provide a strip of medium density units between the existing neighborhood and the high density area. He stated the result was a more intense plan with a row house effect along the southern boundary. The applicant concluded that the current site plan created less of an impact.

Upon question by Commissioner Andersen about preservation of the existing trees, Ms. Hanson responded that it was always her intent to retain as many trees as possible. Mr. Hall added that a shadow study had not been addressed by the applicant since the current use by right would allow for the same building height.

Commissioner Andersen asked whether mixed use development had been considered. Ms. Duran stated that it had not been considered and added that staff would look into it at the request of the applicant.

Chair Hall opened the public hearing at 2.29 p.m. and provided instructions for making comments.

Richard Bartels, 2131 62<sup>nd</sup> Avenue Court, communicated his support for the zoning change. He stated that he is a third generation Greeley native whose home and business are close to the site. He noted that the current site is an eyesore. He added that there is a need

for more housing in Greeley, noting that proximity to Aims made it a desirable site. He expressed the opinion that he would rather see the site become a residential use as opposed to a commercial one

Colleen Frost, 2010 50<sup>th</sup> Avenue, provided additional information for the record. She stated that she had attended the neighborhood meeting and asked the applicant not to rezone to residential high density. She stated that more single-family homes were needed in Greeley. Ms. Frost added that Richmark has the best interest of the neighborhood in mind, but felt that this is not the right project for this site and asked the Commission to deny the rezone request.

Jeff Wenaas, 420 6<sup>th</sup> Avenue, President and CEO of Hensel Phelps, stated that his company has done business in Greeley for 80 years. Mr. Wenaas stated that Hensel Phelps employs approximately 200 people in Greeley, but less than half of them live in Greeley. He added that housing is a problem and that many of the young professionals hired by Hensel Phelps move to Fort Collins, Loveland and Windsor for lack of this type of housing in Greeley. He expressed support for the rezone.

Tim Clancy, 3805 Homestead Road, stated that he lives approximately one mile from the property and works near 47<sup>th</sup> Avenue and 20<sup>th</sup> Street. He stated that he frequently passes the property on his way to work or when taking his children to school. Mr. Clancy echoed the statements of Mr. Bartels and Mr. Wenaas about the importance of bringing employees to Greeley who reside in Greeley. He noted that the property is a blight and that an upper end residential project would make the area attractive to young professionals. He expressed strong support for the project.

Lynne Zoyiopoulos, 2201 51<sup>st</sup> Avenue, stated that she was unclear about the plan for the project and did not understand how traffic would be reduced. She stated that traffic at 20<sup>th</sup> Street and 47<sup>th</sup> Avenue often backs up. She was concerned about increased traffic and inadequate parking which could increase the amount of on street parking, becoming a safety issue for pedestrians. She noted that the existence of the wall on the site allows snow and ice to accumulate along 20<sup>th</sup> Street during the winter months. She welcomed responsible development of the site as it would impact more than the current residents.

Justin Davenport, 385 61<sup>st</sup> Avenue, stated that he understood the desire to have a good neighborhood. He encouraged the opportunity for others to provide a good neighborhood and stated that he was in favor of the rezone.

Lisa Roquet, 2059 50<sup>th</sup> Avenue Court, presented a PowerPoint and provided a history of the area. She disagreed with the applicant's expressed desire to be a good neighbor. Ms. Roquet also provided a shadow map showing the impacts of building height.

Ron Worley, 413 Horizon Circle, stated that Greeley is short on housing inventory. He noted that it is difficult to sell a home and find another place to live in Greeley, adding that the city needs more places to live.

Jeff Corriveau, 2042 51<sup>st</sup> Avenue, stated that his property shares a contiguous boundary with the south side of the project. He did not trust that the project would move forward with the best interests of the City and the neighborhood in mind. He expressed the opinion that money was the reason for proposing high density residential as opposed to low density. Referring to the apartments on 83<sup>rd</sup> Avenue and 20<sup>th</sup> Street, Mr. Corriveau noted several vehicles and trailers parked on the street. He also felt that apartment buildings could become places with higher crime. He read a quote from the Greeley Tribune that Greeley needs housing that is well planned and in the best interest of the community. He asked the Commission to do what is right by the community and suggested that this may be the right project in the wrong spot.

Richard Stephens, 2350 50<sup>th</sup> Avenue, pointed out the proximity of the proposed project to a college. He added that several students living together could afford the rent and expressed concern about illicit activities that could take place. He asked why the applicant had not cleaned up the existing site. Mr. Stephens noted that Highland Hills is a quiet golf course community and added that increased traffic will change that. He urged the Commission to vote against the rezone.

George Ottenhoff, 2113 51<sup>st</sup> Avenue, stated that he moved to Greeley for 35 years. He added that the application to rezone does not provide an opportunity to consider the plan for the site. He pointed out the comprehensive zoning plan adopted by Greeley and stated that the property can be developed without changing the zoning. He asked that the Commission reject the proposal.

Chuck Rehmer, 520 N. 71<sup>st</sup> Avenue, stated that as a home builder and realtor, he respects all opinions. Also expressed concern about shade along 20<sup>th</sup> Street, and added that many problems can be solved during the planning process. Mr. Rehmer stated that this is a plan for rezoning, adding that the site plan details can be worked out. He envisioned a successful project to come from collaboration with staff. He stated that he currently owns two lots adjacent to this site and is not concerned about building homes in the area. He encouraged the Commission to look to the future.

Ryan Andre, 5704 W. 5<sup>th</sup> Street Road, reported that he is a realtor with Sears Real Estate. Mr. Andre stated that this was a good project for Greeley and expressed a need for housing in this market. He felt that apartments would alleviate some of the housing needs and expressed support for the project. He added that it was favorable to have a local owner.

Kelsey Klein, 5031 W. 21<sup>st</sup> Street Road, purchased her parents' home located approximately two blocks from the site. She added that she plays volleyball at Monfort and walks around the neighborhood. Ms. Klein said that when she moved to Greeley three years ago, she wished there had been this type of project available. She felt that the proposed project was a good one, noting that any commercial use was unknown, and was in favor of the rezone.

Rich Harris, 2207 50<sup>th</sup> Avenue, reported witnessing traffic volumes in the area. He read comments from Planning Commissioners reported by the Greeley Tribune after the request to rezone at a hearing in 2015. Mr. Harris asked what had changed enough to change a vote from last time until now.

Marla DeJohn, 1814 Montview Boulevard, addressed the Commission and stated that she works near 20<sup>th</sup> Street & 71<sup>st</sup> Avenue. She agreed that traffic is a nightmare, but said that it is the same everywhere. Ms. DeJohn described herself as an empty nester looking for a place to buy or rent that is closer to work and thought that this project might accommodate that. She stated that she had researched other projects maintained by the applicant and would be in the market for apartments like this.

Frank Hummel, 2332 51<sup>st</sup> Avenue, stated that he has lived here since 1964. He stated that he was the first golf pro for Highland Hills and had built and designed much of golf course. He expressed concern about the absence of sidewalks on 50<sup>th</sup> and 51<sup>st</sup> Avenues, noting problems for pedestrians as on street parking increases. He was also concerned about problems created by increased traffic. He asked the Planning Commission not to approve the project.

Linda Underwood, 2609 50<sup>th</sup> Avenue, asked the Commission to take into consideration that those in favor of the rezone are not residents of the neighborhood.

Adam Frazier, 4155 W 16<sup>th</sup> Street Drive, indicated that he lives less than a mile from the site and drives past it every day. He stated that he had no problem with the application for the reasons already stated.

The public hearing was closed at 3:09 p.m.

Chair Hall invited the applicant to address anything that was brought up during the public hearing. Tyler Richardson, 3951 W 18<sup>th</sup> Street Lane, addressed the Commission. Mr. Richardson stated that he lives near the site and also drives past it every day as his office and childrens' school are nearby. He added that this is an important project for himself and his family and stated that this is a pivotal moment in Greeley. He asked whether the City was open for business and reported that Greeley is a couple of years behind its sister cities in delivering an affordable housing product for employees in northern Colorado. Mr. Richardson asked about the direction of Greeley with the growth experienced in the State of Colorado. He reported that infill sights are desirable because the cost to develop raw land is out of reach, making it impossible to deliver an affordable product. Mr. Richardson stated that his company would respect the decision of the Planning Commission and City Council. He acknowledged that it would take thought on the part of the Planning Commission and that it would be difficult to change the prior decision. He asked that the Commission vote in favor of the rezone.

Commissioner Rarick made a motion that, based on the application received and the accompanying analysis, the Planning Commission finds that the proposed rezone from R-L (Residential Low Density) and C-H (Commercial High Intensity) zone district to R-H (Residential High Density) zone district, with an associated Development Concept Master Plan, meets the applicable Development Code criteria, Section 18.30 050(c)(3) a, b, f, g and h, and Sections 18.30 055 and 18.38 140 and, therefore, recommends approval of the rezone to the City Council. Commissioner Yeater seconded the motion.

Chair Hall stated that he was present at the hearing in 2015 and voted against the prior application. He noted that the application being presented is considerably different and improved and was happy to see that the applicant made concessions with the DCMP. Chair Hall felt that the limits placed by the applicant make the project more sensible and that the changes have a positive effect and stated that he would support the motion.

Commissioner Rarick noted that it is the responsibility of the City to ensure responsible development if the rezone is approved, adding that a balance is necessary between need and density. He felt that two years ago, the building height and proposed density was too great, adding that what is shown today represents a 20% reduction in building height and a 17% reduction in density. He felt that the applicant was trying to do what was right and expressed support for the proposal.

Commissioner Schulte noted that it was important to take into consideration the amount of opposition to the project. He also stated that it is not feasible for growth to continue to move outward. He expressed confidence in the City's professional staff to ensure that the project would meet the requirements of the Development Code. He acknowledged that it was a difficult decision, but indicated that he would support the application.

Commissioner Andersen commented that it seems parking is inadequate despite City staff indicating that there is adequate parking at a site. She asked whether staff should revisit the Code regarding parking requirements. She stated that she was inclined to support the application, but disinclined to trust staff estimates on parking.

Commissioner Weaver agreed that it was a difficult issue with some unknown factors, indicating that responsible growth and development means higher density. She expressed a desire to see lower density, but felt that overall this is a good use for the site.

The motion carried 6-1, with Commissioner Mirick voting against the motion.

## **V. Staff Report**

Brad Mueller, Community Development Director, invited those in attendance to one of two events scheduled as a continuation of the Comprehensive Plan discussions. The identical workshops will be held August 2<sup>nd</sup> from 5:00-6:30 p.m. at Northridge High School and August 3<sup>rd</sup> from 5:00-6:30 p.m. at the Rodarte Center.

He reported the adoption of legislation regarding cell providers and third party providers and indicated that staff would be looking at the regulations for cell towers in a broader sense.

Commissioner Yeater suggested that for future hearings where traffic is an issue, it might be helpful to have traffic comparisons included in staff reports.

**VI. Adjournment**

The meeting was adjourned at 3 45 p.m.

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Dale Hall, Chair

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Brad Mueller, Secretary



### **Planning Commission Hearing Memo**

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**TO:** Planning Commission Board

**ITEM:** Alpine Flats Rezone with DCMF

**CASE NUMBER:** Z 3 17

**LOCATION:** 5030 and 5002 20<sup>th</sup> Street

**APPLICANT:** Richmark Real Estate Partners, LLC

**PLANNER:** Marian Duran, Planner II

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The hearing packet for the July 25<sup>th</sup> Planning Commission hearing was sent on July 19, 2017 approximately around 3:30 p.m. Many letters and responses have were received after the packet was sent on July 19, 2017. Attached are neighborhood and community responses that planning staff received regarding the proposed Alpine Flats rezone. The additional letters will be added to the record and will be added with the City Council hearing packet.

Attachment (Response Letters)



Date: 5-25-15

To: City Of Greeley Planning Commission  
c/o Marian Duran

RE: Re-Zoning of 20<sup>th</sup> and 50<sup>th</sup> Street from C-H & R-L to R-H

City of Greeley Planning Commission,

I am reaching out to express my support of the application to Re-Zone the vacant property at 20<sup>th</sup> and 50<sup>th</sup> street in Greeley, Colorado. Having been a local home builder in Greeley for over 13 years, I have a different perspective than others due to my profession.

Home building costs in Northern Colorado and more importantly in Greeley have skyrocketed in the past 5 years. There are many variables and or reasons for this including: Land Costs, raw water costs, permit fees increasing, material costs increasing, labor costs and shortages (raising the price even higher), new code adoptions and inspections. Our company primarily builds Single Family homes. The problem that we have right now and are going to have going forward in Greeley is available affordable land to build homes on. The supply cannot keep up with the demand we have in this area. Prices have risen so fast that many buyers are forced to rent as they cannot afford a new home. Greeley used to be a great value where I could sell people on a nicer home for a better price than our neighbors to the west. This has changed and has really hurt the people moving to our community or first time home buyers. There basically are not good options as many single family homes rent for over \$2,000 per month.

Re-Zoning the site at 50<sup>th</sup> and 20<sup>th</sup> street to High Density Residential will benefit the city and the neighbors. The site has been vacant for some time and has been an eye sore. Having a professional managed property in this area will add much needed value and aesthetics to a main artery into our city. This area is in need of more good affordable housing. Another reason this proposal makes sense for our city is the location directly across the street from Aims Community College. I feel this is a great spot for many students to choose to live, as they will not need to commute using vehicles. Promoting more green projects with more people using bikes and walking



will make our city more pleasant, healthy and desirable. Most new building like this that is proposed, has been built out west. There are not many options for new affordable housing in a more central location to hospitals, shopping and work. Having another commercial property (so many unknowns) could negatively impact this area and the surrounding neighbors. I also feel that if designed with the appropriate landscaping and or fencing buffers, this project could really fit nicely into this proposed area.

Regards

Andrew Martin  
Owner Martin Homes, LLC  
27128 Coyote Ridge Ln  
Johnstown CO 80534  
amartin@martinhomesllc.com

**Marian Duran**

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**From:** Andrew Slaughter <andyslaughter@me.com>  
**Sent:** Friday, July 21, 2017 7:40 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats Project

Dear Planning Commission Members, City Council Members and Mr Mayor,

My family lives on Clubhouse Dr here in Greeley and I am writing this email in OPPOSITION to the Alpine Flats Project and the rezoning of that area. This project would drastically effect the residents who live near and around this proposed area. New apartments have already been built on 20th and 83rd ave and the increase in traffic, safety, noise, and light pollution has already been noticed.

This is the wrong project for this area. We are in favor of developing that area with homes that would compliment the already established neighborhood but NOT rezoning that area for a high density residential.

Thank you for your consideration,

Andy Slaughter  
2120 Clubhouse Dr.  
Greeley, CO 80634  
andyslaughter@me.com

**Marian Duran**

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**From:** Bill Sheel <william.sheel@gmail.com>  
**Sent:** Wednesday, July 19, 2017 3:46 PM  
**To:** Marian Duran  
**Subject:** rezoning of 50th and 20th

Ms. Duran,

Because I am unable to attend the public hearing on the 25<sup>th</sup>, I am writing this email to support the change in zoning at 20<sup>th</sup> St. and 50<sup>th</sup> Ave. As you are aware we need more housing in Greeley This would be a great place for housing as it is near AIMS. We do not need a convenience store there which would increase traffic. It will also be nice to get rid of the landscape wall at 51<sup>st</sup> Ave.

Feel free to call if you have any questions,

Bill Sheel  
9109 35<sup>th</sup> Ave. A104  
Greeley, CO 80634  
970-396-6365  
William.sheel@gmail.com

**Marian Duran**

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**From:** Bob & Cindy Huber <huberrealty96@gmail.com>  
**Sent:** Saturday, July 22, 2017 2:49 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats Rezone Request

Dear Planning Commission:

We live on the ~~cul-de-sac~~ adjacent to the above subject property site and would like to **VOICE OUR OPPOSITION** to the proposed rezoning.

Current residences would be faced with a **TRAFFIC NIGHTMARE!!!** It's frightening to imagine how 200 additional households and their vehicles would impact the surrounding area. Our peaceful neighborhood would experience increased traffic and congested side-street parking. It would also increase the danger to pedestrians and bicyclists.

In addition to the traffic problems, nearby residents would surely see a **DECLINE IN THEIR PROPERTY VALUES**. Despite what the developer may say, perspective home buyers do not want a 200 unit apartment complex next door! For most people in the area, the value of their home is the largest component of their net worth. Any reduction in the value of their home would be devastating to their future security

Finally, all decisions come with **BENEFITS AND COSTS**. The question here is benefits and costs for whom. If this rezone is approved, all the benefits go to the developer and all the costs are passed on to the current residents. When this is the case, it is the government's responsibility to step-up and protect the public's interests for whom the government serves.

We urge you to **VOTE NO** on the proposed rezone for Alpine Flats.

Thank You,  
Bob and Cindy Huber  
2055 50th Ave. Court  
Greeley, CO 80634

July 24, 2017

Greeley Planning & Zoning Commission  
Attn. Marian Duran

To the members of the Planning & Zoning Commission,

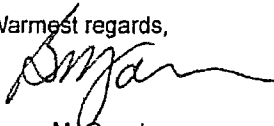
My name is Bryan Guest and I reside at 4018 W 16<sup>th</sup> St. Ln. in Greeley, and am employed by Great Western Bank, located at 2015 Clubhouse Dr., Suite 100, Greeley currently serving as Market President for both Greeley and Loveland markets. I am sending this letter to express my personal support for the proposed Richmark DCMP for the 50<sup>th</sup> Ave & 20<sup>th</sup> Street property

I have lived in Greeley for 45+ years, and feel that the proposed project would be of great benefit to the City for the following reasons:

- Current permitted uses for the property include: Pawn Shops, Gas Station, Convenience Store, Brew Pubs, Bars, Auto Rental, Bingo Halls, Motels, etc. The proposed permitted uses under R-H include: Two Family Dwellings, Multi-family dwellings, townhouses, and single family dwellings. The currently approved uses would not fit within the surrounding neighborhoods and I am sure any potential users would be met with significant resistance (i.e. if a motel were to be proposed on the site).
- Additional housing for the City of Greeley: Greeley had a 3.7% vacancy rate as of the end of 4Q2016 which is extremely tight. The rezoning and eventual use of the site would provide some needed relief to the tight rental market. I have employees who work in our Greeley branch but are having extreme difficulty in finding a quality project to live in. They have to go to outside communities (Evans, Windsor) to find housing. I have also heard several of our customers complain that their employees are facing the same housing dilemma.
- The proposed sight is currently an eyesore for the City. The project is directly across from the wonderful Aims Campus which has added some great new buildings (Physical Education Building, Ed Beaty Hall, Allied Health and Sciences Building). The proposed project would provide both a quality housing option for both Aims employees and students but would also convert what is currently a vacant eyesore on the west side of Greeley into a project that will fit well with the surrounding neighborhood.
- The property's landscaping, which is to be professionally managed, will be a buffer for the entire property sight, and especially to that of the neighborhood on the southern boundary of the property

I appreciate your time, and please feel free to contact me at (970) 616-2384 if I could be of further assistance or answer any questions that may have arisen from this letter.

Warmest regards,



Bryan M. Guest

## **Marian Duran**

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**From:** Bryan Stern <bstern@echelonpg.com>  
**Sent:** Thursday, July 20, 2017 2:28 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats (50th & 20th Street) Rezone Application

Marian

I would like to indicate my strong support for the Alpine Flats (50<sup>th</sup> and 20<sup>th</sup> Street) rezoning application being considered by the Planning and Zoning Commission next week. I believe it is important for the Greeley community to continue to have new housing alternatives to meet the demand for young and move up homeowners and families moving to Greeley. This vacant abandoned site will be developed into a new residential community that will increase nearby housing values and will be developed with significant landscape buffers benefiting neighbors and adjacent owners/uses. Quality new housing developments such as Alpine Flats is a much better use of the site versus a potential convenient store or other unknown use.

The community will be professionally managed and will be a wonderful asset to the community

Thank you and please call me with any questions you may have. Have a nice day!

Bryan F Stern  
Principal

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Echelon Property Group, LLC  
7600 E. Orchard Road Suite 200N  
Greenwood Village, CO 80111  
(tel) 720-236-1403 | (fax) 720-236-1440  
[bstern@echelonpg.com](mailto:bstern@echelonpg.com) | [www.echelonrents.com](http://www.echelonrents.com)

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## Marian Duran

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**From:** Charlie Shoop <cshoop@pfccollects.com>  
**Sent:** Thursday, July 20, 2017 10:16 AM  
**To:** Marian Duran  
**Subject:** Rezone at 50th and 20th

Ms. Duran:

I am writing to support the application before the Planning & Zoning Commission to rezone 5002 and 5030 20<sup>th</sup> Street to R-H. I've lived in Greeley nearly my entire life and am involved in a wide range of efforts to make our community a better place to live for current and future residents. I write in that capacity.

One particular area that concerns me as our community grows is the lack of affordable housing. Just this Spring, the Greeley Tribune reported that Weld County was the 4<sup>th</sup> least affordable county in the United States. As a business owner and Board President for a local non-profit organization, I have experienced the negative consequences of our housing dilemma first-hand. Earlier this summer, an employment candidate specifically cited housing costs as a primary factor in not being able to relocate to our community for a vacant position. Simply put, our community would benefit from more affordable yet quality housing. I believe this application advances that worthy goal.

I also believe this application coincides with the rising value of technical and career-focused education in our country- supporting the great work AIMS is doing in our community by providing nearby affordable housing for its students. Finally, these lots are one of the few undeveloped but now centrally-located parcels in Greeley. Since Alpine Gardens moved out, the space has been a blight. I imagine the current zoning has something to do with why a parcel smack in the middle of Greeley has gone undeveloped for so long.

Regards,

Charlie Shoop

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IMPORTANT NOTICE: The email and/or attachments contained herein are confidential and legally privileged. The information is intended for the use of the individual or entity named within. If you are not the intended recipient or have received this in error, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this emailed information is strictly prohibited. If you have received this email in error, please contact us immediately by telephone or email and arrange for the return of any and all documents. Thank you for your cooperation.

**Marian Duran**

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**From:** clayton richard <clayton@newco-inc.com>  
**Sent:** Friday, July 21, 2017 11:58 PM  
**To:** Marian Duran  
**Subject:** case Z 3:17

I own two properties on 50th ave right now it is a race track. If you approve the rezoning then our street will turn into a drag strip. With Center Place down the street everyone will drive down 50th to get there.

The low level zoning is right for this area, it should be some nice patio homes. I know money talks but please consider the people that live in the neighborhood. The rezoning will make my street look like the 23rd Avenue eyesore where no one cares about their front yards. I hope you care about the people that have made Highland Hills their home and vote no on the rezoning.

Sincerely

Clayton Richard



**Marian Duran**

---

**From:** Cristi Jo <CristiJo10@hotmail.com>  
**Sent:** Friday, July 21, 2017 2:22 PM  
**To:** Marian Duran  
**Cc:** angelv33@outlook.com  
**Subject:** Re-zone at 50th and 20th

Good Afternoon,

My name is Cristi Villamil. My husband and I recently relocated to Northern Colorado to accept a job with Kinetic industry. We met in Greeley 20 years ago and were surprised at the tremendous growth. However we have had such a difficult time finding a long term housing solution. I just found out about the rezoning proposal at 50th and 20th that would offer many growth benefits, including residential construction. I find it hard to believe there is any issue against this proposal. I am submitting this letter to you today in support of this rezoning in hopes that as the city continues to develop and grow, residential living will be included. It's a wonderful thing to be able to live in the city you love.

Thank you,  
Cristi Villamil  
3411 Northpoint Dr  
Evans CO 80620

*In essentials unity, in opinions liberty, in all things love. ♥*

## **Marian Duran**

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**From:** Weaver, Daniel <daniel.weaver@unco.edu>  
**Sent:** Monday, July 24, 2017 1:06 PM  
**To:** Marian Duran  
**Subject:** Support for re-zoning @ 50th & 20th

Dear Marian,

I would like to share with you my support for the re-zoning efforts that are being made on the property at 50<sup>th</sup> & 20<sup>th</sup> in Greeley. As part of my job with the University of Northern Colorado I work closely with the community and see the need for more housing that this proposal would help fill. Housing that will benefit Aims but also the University and the whole community. Housing is far better than the alternative uses that have been suggested or doing nothing at all. In addition re-zoning to allow for housing to go up will help increase the value of nearby properties which is good for everyone. I would strongly urge the commission to support the re-zoning proposal and help Greeley grow the right way.

Best, Dan

Dan Weaver  
5503 West 23rd Street  
Greeley, CO 80634

Dan Weaver  
Vice President  
External & University Relations



UNIVERSITY OF  
**NORTHERN  
COLORADO**

University of Northern Colorado  
Carter Hall 4000  
Campus Box 29  
Greeley, CO 80639

O: 970-351-2032  
C: 720-987-3200  
[unco.edu](http://unco.edu)

## **Marian Duran**

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**From:** Mike Garrott  
**Sent:** Friday, July 21, 2017 1:37 PM  
**To:** Marian Duran  
**Subject:** FW: 20th St and 50th Ave

For you.

Thanks,

Mike Garrott, AICP  
Planning Manager  
City of Greeley  
Community Development Department  
1100 10th Street, Suite 202  
Greeley, Colorado 80631  
(970) 350-9784

**From:** David Broyles [mailto:david.broyles.tij1@statefarm.com]  
**Sent:** Friday, July 21, 2017 1:22 PM  
**To:** Mike Garrott <Mike.Garrott@Greeleygov.com>  
**Subject:** 20th St and 50th Ave

Mr. Garrott,

Please add me to the list of concerned citizens in the neighborhood about the proposal for 200 units being resubmitted to your commission. While I understand the desire to develop this parcel of land, the neighborhood cannot support the consequences of a 200 unit development.

20<sup>th</sup> St is already an extremely busy street, and without any turn lanes it is already nearing its max capacity. As someone who lives directly on 20<sup>th</sup> St, I have personally witnessed multiple accidents in which people have been rear ended trying to turn left off 20<sup>th</sup> St, not to mention the current headaches of many trying to turn left on the 20<sup>th</sup> St. The proposed units and its added traffic, would make 20<sup>th</sup> a dangerous place for citizens of Greeley.

I believe there are better options for the property, such as single family units, that would be more compatible with neighborhood.

Please forward these concerns to others in the commission, and I very much appreciate your time.

David Broyles

## Marian Duran

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**From:** don roquet <roquetd2007@yahoo.com>  
**Sent:** Sunday, July 23, 2017 7:35 PM  
**To:** Marian Duran  
**Cc:** Don Roquet  
**Subject:** Rezoning of area south of 20th st. between 50th & 51st ave.

To: Marian Duran (for Zoning Meeting on Tues.)

From: Don & Suzanne Roquet, 636 54th Ave., Greeley, CO 80634 (West Point Subdivn)

Re: Rezoning on the Highland Hills area called Alpine Area

We are against the rezoning of the area to multi-use/high density (But not against zoning for duplexes, town homes, or patio homes with adequate parking per unit.)

### REASONS

1. High density first and foremost IS NOT compatible with this area called Highland Hills Subdivision.
2. Any high density, according to the Richmark vague plan, will bring 200-350 families with at least 200 vehicles but more likely 400-700 vehicles to this four block area.
  - a. This will definitely cause parking problems for the existing area & surrounding streets.
  - b. This will definitely cause additional traffic problems for 20th st., 50th ave., & 51st ave. (We travel these streets daily thru 47th ave & 20th st. & it is over crowded now (summer) and especially bad when the public schools are in session (Aug-May).
  - c. It is a safety issue for walkers, bicycles, autos, and young school children on 20th st.(40MPH)
3. The vague Richmark Plan is suspiciously open to maximizing the number of buildings, & businesses that could be constructed on this small area. Also the large number of citizens that would frequently travel in and out this small area.

Finally, the Highland Hills area ( homes from 47th ave to 59th ave including the golf course) is well-kept up subdivision. This zoning change WILL NOT add to the quality of life for the Greeley residential citizens of the H.H. subdivision.

**Marian Duran**

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**From:** Ferguson Barb <bjimferg123@gmail.com>  
**Sent:** Monday, July 24, 2017 10:29 AM  
**To:** Marian Duran  
**Subject:** Highland Hills rezoning

We are almost 15 year residents of HH and want you to know we are strongly opposed to the proposed rezoning proposal.

Sincerely,  
Jim and Barb Ferguson

**Marian Duran**

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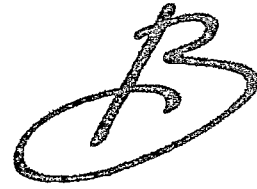
**From:** heidi swanson <hswanson63@gmail.com>  
**Sent:** Wednesday, July 19, 2017 3:07 PM  
**To:** Marian Duran  
**Subject:** Zoning change

I am writing to express my concern about the request to change the zoning in the highland hill neighborhood to a high density residential from the current low density

I do not understand why this request was denied less than two years ago and is being requested again. The traffic on 20th street is just as bad or even heavier than when the request was first submitted.

I live in the neighborhood that would be impacted the most by the addition of the proposed high density housing. The additional people, cars and traffic in the area would have a seriously negative impact in Highland Hills as well as the 20th street corridor. I thought this was the reason the planning commission denied the zone change request.

Thank you ,  
Heidi Swanson  
5022 22nd st rd



BAESSLER  
H O M E S

July 24, 2017

Dear Ms. Duran:

I would like to voice my support for re-zoning sites C-H & R-L to R-H for 50<sup>th</sup> Ave and 20<sup>th</sup> Street. As a home builder, we see everyday the need for affordable housing in Greeley. Homes are only sitting on the market for 38 days making it extremely hard for Greeley residents and new families moving to Greeley to find available housing. If we do not provide affordable housing in Greeley, people will move to other locations that provide for their needs.

As you are aware, neighboring property values will go up with new housing in place. It will bring new life to the area. Since this area of land is located so close to AIMS, it would make a perfect place to live for young professionals returning to school. This is a perfect piece of residential land with Monfort Elementary, Union Colony Preparatory, and AIMS nearby combined with the benefit of Monfort park, this location would be ideal for young families look for a long-term place to raise their family

This area of town already has a convenience store, and has ample office space with multiple buildings on 20<sup>th</sup> and the College Green buildings. Residential property brings less traffic and less crime than opening up the land for a convenience store.

Please consider re-zoning this area of land to help support Roy Otto's plan to bring more affordable housing to the Greeley area. Homes, not convenience stores, build community, a sense of pride, belonging and peace of mind.

Sincerely,

Jami Baessler, President

www.BaesslerHomes.com  
Company Headquarters: 970.353.1492  
Sales: 970.661.6610

3780 W. 10th Street  
Suite 200  
Greeley, CO 80634

## Marian Duran

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**From:** Tyler Richardson <tyler@mineralresourcesinc.com>  
**Sent:** Monday, July 24, 2017 3:05 PM  
**To:** Marian Duran  
**Cc:** JMcMillan@FloodPeterson.com  
**Subject:** FW: 50th & 20th Street Rezoning - Richmark

Marian,

Please see below from Jason.

**From:** McMillan, Jason [mailto:JMcMillan@FloodPeterson.com]  
**Sent:** Monday, July 24, 2017 3:02 PM  
**To:** Tyler Richardson <tyler@richmarkcompanies.com>  
**Subject:** FW: 50th & 20th Street Rezoning - Richmark

Tyler,

My email has bounced back a couple times to Marian. Do you have a different contact to send it to??

**Jason McMillan**  
Vice President  
Direct: 720.977.6011 | Cell: 720.660.5344  
[JMcMillan@FloodPeterson.com](mailto:JMcMillan@FloodPeterson.com)



**Flood and Peterson**

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**From:** McMillan, Jason  
**Sent:** Monday, July 24, 2017 3:01 PM  
**To:** 'Duranmarian.duran@greeleygov.com'  
**Subject:** FW: 50th & 20th Street Rezoning - Richmark

Good Afternoon Marian:

I wrote this email in support of the Design concept Master Plan for 50<sup>th</sup> & 20<sup>th</sup> Street that Richmark is presenting on Tuesday afternoon. I lived in Greeley for many years attending University of Northern Colorado as well as worked for Flood and Peterson for the last 11 years. Flood and Peterson's Greeley office is next to the proposed site and this development will be a great thing for the City of Greeley as well as it's residents. The rezoning and subsequent master development plan would be a better alternative than the current zoning for commercial high density use in my opinion. Any community should be concerned with population expansion and how that can positively or negatively affect the community at large. The proposal that will be presented takes into consideration the need for additional housing for the community at the same time the proposal responsibly addresses the removal of a current abandoned location as well as a desirable impact on the traffic in the area. I would hope that full consideration would be given to the positive options that this plan presents to further responsible growth in the Greeley area.

Thank you,

**Jason McMillan**  
Vice President



Direct: 720.977.6011 | Cell: 720.660.5344

[JMcMillan@FloodPeterson.com](mailto:JMcMillan@FloodPeterson.com)



**Flood and Peterson**

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## Marian Duran

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**From:** Joseph Thompson DDS <joe@greeleysmiles.com>  
**Sent:** Sunday, July 23, 2017 10:59 PM  
**To:** Marian Duran  
**Subject:** Rezone Request at 50th Ave and 20th Streetons

Marian,

My name is Dr. Joseph Thompson and I am writing to support the rezone request at 20<sup>th</sup> Street and 50<sup>th</sup> Avenue to Residential-High Density for the construction of a multi-family establishment. I currently own the business, Thompson Advanced Dentistry, and building at 5150 West 20<sup>th</sup> Street. Since the construction of my building in 2013, there has not been new construction in our business park and the empty property at the proposed development continues to be an eyesore for the area. Richmark Companies' proposal will not only improve the area esthetically, but will provide a valuable asset to the area; including housing for AIMS Community College and the growing population in Greeley. I also hope that it will help with the development of the business park my office is located in just west of the proposed location. With the recent improvements of the intersection at 47<sup>th</sup> Avenue and 20<sup>th</sup> Street, traffic congestion has been much less of an issue on 20<sup>th</sup> Street. I can only imagine that other possible developments, such as a convenience store in addition to other residential properties, would add more traffic congestion than the proposed establishment.

My opinion is that when a local company with their headquarters in the adjacent property is willing to develop an area of this caliber, it would be a mistake for the city to deny the rezone request. Richmark Companies will develop the property to its fullest potential, with keeping the neighboring property owners best interest in mind. I can vouch for this, as I have owned property next to their corporate office for the last four years. I look forward to having a high-end property built to compliment what our business park has the capability of becoming.

Sincerely,

Joseph S. Thompson, DDS

Thompson Advanced Dentistry  
5150 W. 20<sup>th</sup> Street  
Greeley, CO 80634



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

**Marian Duran**

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**From:** Kathy Moore <kathlmor10@outlook.com>  
**Sent:** Friday, July 21, 2017 5:15 PM  
**To:** Marian Duran  
**Subject:** Rezoning

Dear Planning Commission Members, City Council Members and Mr. Mayor;

Please do not rezone the property at 5002 & 530 20th Street from low density to high density. We have so much traffic that cuts through on 23rd Street Road already, especially when Aims & Union Colony are in session.

Adding possibly 400 hundred people to the area and that many vehicles will considerably increase the traffic cutting through our neighborhood to get to Hwy 34. We already have a lot of problems with people speeding

on this angled street of ours. If the traffic increases by as much as a 200 unit apartment complex will generate, we , as a neighborhood, will be petitioning for speed-bumps.

Thank you for your consideration,

Kathy L. Moore  
4911 23rd St Rd

July 25, 2017

TO: Members of the City of Greeley Planning Commission:

This is to voice our opinion on the proposed multiple dwelling plan for the Highland Hills property located on the corner of 50<sup>th</sup> Avenue and 20<sup>th</sup> Street.

We are very much opposed to the idea of building multiple dwellings (Apartments) on that property. It would be a disaster to the existing neighborhood itself, parents and the children attending Monfort School as well as many others that travel 20<sup>th</sup> street which already becomes jammed up certain times of the day. It would be just too many people, too much traffic for 20<sup>th</sup> Street and surrounding area.

We would not be opposed to single family dwellings and patio homes that would fit in just fine with the existing neighborhood and not create the havoc and consequences for all of West Greeley that apartments would do.

Please consider the differences it would make for all of us that live in Highland Hills and think of it as if it were going to happen in your own neighborhoods.

We continue to try to get you to listen but feel we are not heard, as this is much like the same proposal approximately a year ago that we all got together and fought against. We are still here and we still feel the same!

Please hear us!

Handwritten signatures of Ken and Sharon Kniffen. The signature on the left is 'Ken Kniffen' and the signature on the right is 'Sharon Kniffen'.

Ken and Sharon Kniffen

5016 2nd street  
Greeley CO 80634

**Marian Duran**

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**From:** Kline, Kevin <kkline2@su.edu>  
**Sent:** Thursday, July 20, 2017 1:28 PM  
**To:** Marian Duran  
**Subject:** Re-Zoning at 50th and 20th Street in Greeley

Ms. Duran,

My name is Kevin Kline, I currently live right near the intersection of 50th and 20th where a potential re-zone application has been made aware to the public. My address is 5031 W 21st Street Road so just the second street down from where the re-zone would occur. I have been keeping up with the previous meetings and hoping to attend one in the future. I support the re-zone application and to further show my support, I wanted to reach out to you to explain the reasons why it is important to not just my family living in the area but others in the same neighborhood that may not reach out in a positive manner.

First and foremost, the re-zoning and future development would remove the current eye sore our neighborhood currently faces with the vacant building on the corner of 50th and 20th. I am originally from Pennsylvania and when my friends and family visit, they always ask me that awkward question of what the building on the corner is. The future development of this area would solve the need for more housing in the coveted area near Monfort Park and AIMS and would much rather see housing locations rather than convenience store such as a Wal-Mart or even Car Dealerships, etc.

One thing our neighborhood would greatly lose from would be if the 50th Avenue Court ever opened. The cul-de-sac should remain closed off and not extend, the threat of that would not only anger home owners in that area but make it feel as if the whole neighborhood, homes and yards were connected. It would seem like a small difference to open it up northbound however it would be a huge difference losing that comfort level of the cul-de-sac in the street over from me and I believe others would agree.

I also believe with the creation of more homes, it would only make the neighboring property values increase where again if a Wal-Mart, Car Dealership, Gas stations or even a Marijuana Dispensary shop could all vitally decrease the neighboring housing market substantially and cause more internal neighborhood issues.

I appreciate your time on this matter, reading my lengthy email but it further shows my support of the re-zoning and I hope, along with others in the neighborhood that is gets approved.

Greatly appreciate your time again,

Kevin Kline

**Gayle****Updated Contact info found**Gayle Nielsen 2516 5... update...

I am asking a favor  
since you are on the  
planning  
commission.  
PLEASE do not  
approve the Alpine  
Flats project. I as, a  
former landlord, will  
tell you the traffic  
will be three times  
as bad as the  
Richardson's predict  
a d they will not have  
enough off street  
parking. We had 24  
units on 1.25 acres a  
d they are proposing  
200 more or less on





Gayle

**Updated Contact info found**Gayle Nielsen 2516 5... update...

units on 1.25 acres and they are proposing 200 more or less on 8+ acres. The traffic and parking will be a nightmare for the 20th street neighborhood. Think of it as adding an additional 700 cars on the side streets and 20th! Thanks. 🙄

Your name please.  
And please come to  
the hearing. No  
response would be



**Gayle****Updated Contact info found**Gayle Nielsen 2516 5... update...

format. Please do  
not contact me  
again at this private  
unpublished  
number. Thank you.  
--Louisa Andersen

Hi Louisa, it's Gayle  
(Kathie 's sister) I  
am going to try to go  
to the meeting but  
can't guarantee I can  
make it. Sorry I  
didn't identify  
myself, I thought you  
probably had my  
number in you  
phone. 🙄





**Gayle****Updated Contact info found**Gayle Nielsen 2516 5... update...

Hey! Hello! I'll register your remarks in tomorrow's minutes. Could you send your address in this thread so I can do it right? Thanks for understanding.

Our address is 2516 52nd Avenue Court, 80634. I will also see if some of my other neighbors can go on Tuesday.



**Marian Duran**

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**From:** cbambach@aol.com  
**Sent:** Friday, July 21, 2017 4:11 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats zoning change proposal

As a resident of the Highland Hills neighborhood, we are writing to express our opposition to the proposed zoning change from low to high density in order to develop the former Highland Hills nursery area.

We do not believe this is a good project for this area as we already experience difficulty leaving the neighborhood daily due to the high volume of traffic that is on 20th.

In addition, the neighborhood is currently quiet and a walking friendly area for its residents. It does not have sidewalks so many current residents walk with their pets or with fellow neighbors along the side of the roads. If the Alpine Flats rezone is approved, we fear that as it is already difficult to access 20th, more traffic will travel through the Highland Hills neighborhood and like the cars to and from Union Colony school, they will not travel at a safe speed, nor look out for pedestrians.

It is also a concern that there will need for 'overflow' parking which is already an issue on soccer weekends in the neighborhood. Walking the neighborhood but having to negotiate around additional vehicles street parked could be potentially dangerous and we would not like the added risk it poses. Particularly with children walking to and from school in a neighborhood with no sidewalks already

Thank you and we appreciate your consideration of our concerns.

Mark and Cathy McKay

Sent from my LG G Pad 7.0 LTE, an AT&T 4G LTE tablet

## **Marian Duran**

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**From:** Marla DeJohn <marla@bartelscpa.com>  
**Sent:** Thursday, July 20, 2017 4:20 PM  
**To:** Marian Duran  
**Subject:** Rezoning application 50th Avenue & 20th Street

Hello! I just want to voice my support of the proposed apartment project at 50<sup>th</sup> Avenue and 20<sup>th</sup> Street across the street from Aims College.

That fact alone is a good reason why they should be allowed to change the zoning to R-H and build the apartment buildings there. With the growth of Aims College and the fact that apartments are in short supply in Greeley (and especially in this area) we really need to have more units within walking distance and right on the public transportation route. It would be a very good location for students and also those of us that work West of 35<sup>th</sup> Avenue to live.

Housing is a better fit there than more retail development in my opinion.

And, way better than what we have to look at as we drive past to work now! It has been sitting there vacant and a mess for a very long time.

Thanks!

*Marla DeJohn*  
*Office Manager*  
Bartels & Company, LLC  
7251 W 20<sup>th</sup> Street, D-1  
Greeley, CO 80634

Phone- 970-352-7500  
FAX: 970-352-2281  
Bartelscpa.com

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## **Marian Duran**

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**From:** Cole, Mary <MCole@FloodPeterson.com>  
**Sent:** Monday, July 24, 2017 2:16 PM  
**To:** Marian Duran  
**Subject:** FW: 50th & 20th Street Rezoning Application

Good Afternoon: I would like to write an email in support of the Design concept Master Plan for 50<sup>th</sup> & 20<sup>th</sup> Street that Richmark is presenting on Tuesday afternoon. It appears that the rezoning and subsequent master development plan would be a better alternative than the current zoning for commercial high density use. Any community should be concerned with population expansion and how that can positively or negatively affect the community at large. The proposal that will be presented takes into consideration the need for additional housing for the community at the same time the proposal responsibly addresses the removal of a current abandoned location as well as a desirable impact on the traffic in the area. I would hope that full consideration would be given to the positive options that this plan presents to further responsible growth in the Greeley area. Thank you for taking the time to read my email.

**Mary Cole, CIC**  
Account Executive  
Direct: 720.977.6004 | Cell: 720.401.8022  
[MCole@FloodPeterson.com](mailto:MCole@FloodPeterson.com)



**Flood and Peterson**

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**Marian Duran**

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**From:** Richbartels <richbartels@aol.com>  
**Sent:** Thursday, July 20, 2017 1:52 PM  
**To:** Marian Duran  
**Subject:** Highland Nursery Rezoning

Dear Ms. Duran.

I am writing to you regarding the property located at 50th Ave. and 20th St. in Greeley

I support the zoning change from C-H and R-L to R-H.

The current property is an eyesore and needs to be properly developed. I support the change to allow for more housing; there is a housing shortage in Greeley and this zoning change will help with that problem.

The location, being near AIMS College, is ideal for housing.

I would much prefer a zoning change to allow multi-family housing than to keep the current zoning which allows more convenience stores or the unknown.

My family and I live near 59th Avenue and 20th Street and I own a small business at 20th Street and 71st Avenue therefore I support the zoning change as proposed above. It will improve my neighborhood.

Please feel free to contact me if you have any questions.

Sincerely,

Richard Bartels

Sent from my iPhone

## **Marian Duran**

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**From:** Scot Rendall <scotrendall@hotmail.com>  
**Sent:** Monday, July 24, 2017 11:38 AM  
**To:** Marian Duran  
**Subject:** Proposed Re-zone at 50th Avenue and 20th Street

Hello:

I would like to voice support for the proposed re-zone of the site located at 50<sup>th</sup> Avenue and 20<sup>th</sup> Street in Greeley, the former Highland Nursery/Alpine Gardens property. I live in west Greeley, and for years, we have seen this property deteriorate and become an eyesore visible to a main thoroughfare on the west end of town. The re-zone to Residential High Density would enable re-development of this abandoned location and put new housing in an area where multi-family housing is needed. The proximity to Aims Community College would be a benefit to those who work or attend courses at the expanding campus. New housing and tasteful landscaping will certainly enhance property values in the immediate area vs. what residents have to look at as they drive by today.

I encourage the city Planning Commission to approve the request for re-zone.

Scot Rendall  
6600 W. 20<sup>th</sup> Street #41  
Greeley, Colorado 80634

I am a sole proprietor based in Greeley. I do business consulting for several companies located in northern Colorado.

## Marian Duran

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**From:** Todd Bale <tbale96@gmail.com>  
**Sent:** Friday, July 21, 2017 4:08 PM  
**To:** Marian Duran  
**Cc:** Roy.Otto@greeley.com; John D Gates; Tom Norton  
**Subject:** Support for the upcoming proposed Re-zone application at 50th and 20th...

Good Afternoon Marian,

My name is Todd Bale, I am not a Greeley resident. I currently reside at 688 Shoshone Court in Windsor. However, I did recently work for nearly four years there on the East and North sides of the City serving some of the Community's most vulnerable and challenged youth & families at the Boys & Girls Clubs. I invested a large portion of my life and career over that time in the Greeley community for the very same reason that the applying social entrepreneurs and community leaders are asking for you to grant their rezoning request. They sincerely care about the City and they compassionately care about those who reside within its limits. I may have limited qualifications and credibility on this specific matter, but the case to approve their request seems pretty overwhelmingly obvious:

- It does away with another abandoned, dilapidated commercial property, on the border of blight status and replaces it with some badly needed modern, multi-family housing to relieve pressure on the local rental market.
- The proposal would generate less traffic as proposed vs. the use by right if fully developed.
- The proposal provides a significant landscape buffer on the southern boundary of the property
- 50th Ave. Ct. will not continue north which would be a possibility with the current zoning.
- Great location for expanded student housing near AIMS, lack of available, affordable housing can limit with the campus's growth without on-campus resident halls.
- Multi-family/HD housing is a better option than a potential liquor store or smoke shop that could attract unsavory commercial activity and foot traffic.
- Housing will be a good buffer to the arterial street
- The property and landscaping will be professionally managed vs individually managed under R-L zoning, and in reality, it looks like there is virtually zero investment in property aesthetics by the current ownership.
- **Most importantly** - it continues to stimulate and encourage social, entrepreneurialism that seamlessly partners with local government to multiply the value and positive impacts for the local economy and residents.

I fully understand as the Community public stewards in this process; the difficulty of thoughtfully and carefully weighing the utilitarian good for all residents as well as local traffic, infrastructure and environmental impacts to those are closest to the proposed new structures. As Roy and I have often discussed over lunch downtown, I do hope the Commission will continue to foster and forge a true culture of authentic and innovative public service in order to effectively expand economic growth and the continued improvement of the quality of life for all Greeley residents and businesses.

Thank you for your time and attention, please give their request careful and positive consideration. I do hope that you and your family have a wonderful, Summer weekend!

Respectfully,

Todd H. Bale

(970) 978-3266  
[tbale96@gmail.com](mailto:tbale96@gmail.com)

**Marian Duran**

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**From:** Troy Peterson <troy@flagstonepartners.com>  
**Sent:** Tuesday, July 25, 2017 11:10 AM  
**To:** Marian Duran  
**Subject:** Support for Richmark project at 50th & 20th

Marian,

I am writing to offer my support for Richmark's request to rezone the former Alpine property at 50<sup>th</sup> Ave and 20<sup>th</sup> St in Greeley to Residential High Density. I have experience with numerous commercial and residential development projects throughout northern Colorado.

Multifamily is an appropriate use for the redevelopment of the property and the project will have a positive impact on the community by offering additional residential options for the neighborhood. I am confident Richmark will deliver a quality project that will be built to last. In my experience working with Richmark, I know they genuinely care about their community and strive to deliver projects that make a positive impact on the local landscape.

Regards,

**Troy Peterson**

Peakstone Development  
970-567-9770  
[troy@flagstonepartners.com](mailto:troy@flagstonepartners.com)



## Marian Duran

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**From:** Tyler Richardson <tyler@richmarkcompanies.com>  
**Sent:** Tuesday, July 25, 2017 11:06 AM  
**To:** Marian Duran  
**Cc:** Ad-Jac/ Terry  
**Subject:** Fwd: Richmark proposed re-zoning at 50th ave and 20th st

Here is one more letter that wouldn't go through

Tyler Richardson  
Principal  
Richmark  
970-590-7500

Begin forwarded message

**From:** "Ad-jac" <[ad-jac@comcast.net](mailto:ad-jac@comcast.net)>  
**Date:** July 25, 2017 at 10:48:25 AM MDT  
**To:** "'Tyler Richardson'" <tyler@richmarkcompanies.com>  
**Subject:** FW: Richmark proposed re-zoning at 50th ave and 20th st

Tyler,  
I've tried sending this to the attached e-mail address and it will not send. Is this the correct address? My office person will be in soon and she may be able to help.

**From:** Ad-jac [<mailto:ad-jac@comcast.net>]  
**Sent:** Tuesday, July 25, 2017 10:36 AM  
**To:** [Duranmarian.duran@greeleygov.com](mailto:Duranmarian.duran@greeleygov.com)  
**Subject:** Richmark proposed re-zoning at 50th ave and 20th st

Marian Duran,

I would like to express my support for the proposed re-zoning of the Richmark project located at 50<sup>th</sup> Ave and 20<sup>th</sup> St in Greeley.

Currently, the site is a vacant, run-down, weed patch, and deteriorating piece of property that is an eye sore for the neighborhood.

Richmark is a locally owned company that has chosen to invest in their home community.

I am of the opinion, the city of Greeley and local residents, should take advantage of the opportunity to have a well planned, development of this caliber, at this location, as opposed to another less suitable option.

Having been a Greeley resident for nearly 50 years and in the construction business for more than 40 years, I have seen numerous projects, good and no so good. I would suggest that the city of Greeley would be well served by approving the Richmark proposal.

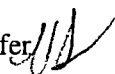
Thank You,



Community Development Department  
Planning Division

## MEMORANDUM

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TO: Brad Mueller  
FROM: Valerie Scheffer   
RE: Materials Received at Planning Commission Hearing  
DATE: August 7, 2017

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The materials that follow this memorandum were provided by citizens attending the Planning Commission hearing held on July 25, 2017

Colleen & Brad Frost  
2010 50<sup>th</sup> Ave Greeley, CO

"For the purpose of establishing and maintaining sound, stable and desirable development within the City, the **rezoning of land is to be discouraged** and allowed only under circumstances provided for in this Section. This policy is based on the opinion of the City Council that the City's zoning map is the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other zoning considerations and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general. The City Council may, from time to time, amend by ordinance the number, shape or area of districts on the zoning map, as well as any part of the written regulations set forth within the text of this Code)

**The Community Development Director shall use the following review criteria to evaluate the zoning amendment application:**

**Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?** No, the area has not changed to the degree that a rezone would be needed to encourage development. The property in question, 5002 and 5003 20<sup>th</sup> Street, located in Highland Hills has been a golfing and family community since the first homes were built in 1961. Family homes have been built in this community up into the late 90's when there was no more land to build except for this property, which has not been available for homes to be built. This is a popular family neighborhood and houses that do go up for sale, sell quickly. This property can easily be developed with the zoning that is in place. The developers could build homes where the property is zoned Low Density Residential and a business on the 2 acres on the corner that are zoned High Density Commercial. An article in the Greeley Tribune dated 2/11/2017. They talked with Chalice Springfield, CEO of Sears Real Estate in Greeley about home prices in Greeley being at record high due to growth of population and the lack of single family home available for sale. The article went on to say that the current rate of raw water, which has increased significantly could be a large part of the reason, the current rate is \$34,000.00 per acre lot. The "several years ago, that was a lot smaller of a number". It also states that even with the prices increasing, the demand for single family homes has only increased. They state "The lack of inventory will remain a challenge in 2017, though, which frustrates buyers, who have typically put in multiple offers for their dream home".

**Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?** Yes, the zoning has been in place for more than 15 years, but that can be said about many of the older communities in Greeley. Development trends in Greeley include houses as well as apartment complexes. The zoning map was established so that there would be a place for everything. It was put in place so that there is a flow to how properties are developed. Any reasonable person could look at the property in question and see that the surrounding zoning is Low Density Residential and Low Density Commercial,

with a small area of Medium Density Residential and see that changing the zoning to High Density Residential in on this property is not reasonable and does not fit with the existing community

**Are there clerical or technical errors to correct?** No

**Are there detrimental environmental conditions, such as flood plains, presence of irrigation ditches, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?** No

**Is the proposed rezoning necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?** No

**What is the potential impact of the proposed rezoning upon the immediate neighborhood and the City as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, street and pedestrian systems and parks and recreation facilities)?** This zoning change would have a negative impact on the neighborhood, and on this area of the city. This is a Low Density Residential area. All of the buildings are either one story or two story family homes. How could building a 200+ apartment complex, with 40' buildings on a small 8+ acre lot in the middle of this small, quiet, family community be positive? I live within 500' feet of the property. My home is right across from the proposed entrance. Two hundred apartments, equals 300+ cars. Forty foot buildings mean noise that can carry through our quiet community. Four hundred+ new people means more trash, the park already has a problem with parking for events held there. With this complex there will be cars parked up and down our streets, blocking our driveways. Renters do not have the pride of ownership, so garbage in the parks and on the streets. There are so many more reasons why this zoning is bad for this area.

**Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with applicable zoning overlay requirements?** No, the proposed zoning is adding High Density Residential, right up against Low Density Residential. It is my understanding that the different levels of residential zoning are in place to keep things like this from taking place. I have read all the information on the City of Greeley webpage many times and did research including consulting a lawyer that specializes in land use.

**What is the potential impact of the proposed rezoning upon an approved zoning suitability plan for the property?** This zoning is not suitable for this property. It is less than 9 acres and surrounded by Low Density Residential, Low Density Commercial and a couple of Medium Density Lots. None of the houses or buildings are even close to the 40' buildings that this developer wants to build. 20<sup>th</sup> Street will be overshadowed and covered with ice and snow all winter. This year we had two incidents of flooding in Greeley, we all had water in our basements, I am sure this developers plan would make that even worse. This plan would have a huge negative impact on the surrounding properties. In the

# Home prices in Greeley at record-high due to growth of population, lack of inventory

February 11, 2017

Home values are still on the rise in northern Colorado, but a lack of inventory is still affecting buyers and sellers in Greeley

Year-end data collected by Sears Real Estate shows the Greeley/Evans median housing sales price at \$250,000 — a 13.6 percent increase from the end of 2015, and a new all-time high for the area

By the numbers, there are 267 homes actively for sale on the market — but that's deceiving. There are really only 122 homes available, if houses with first contracts down are taken out of the picture. And 30 of those homes will be new construction and are probably not move-in ready.

The bottom line? Only 90 homes in the area are up for grabs to ready buyers, said Chalice Springfield, CEO of Sears Real Estate in Greeley.

A normal, balanced market in an area such as Greeley/Evans with a population over 100,000 typically has 900 to 1,000 homes, she said. These numbers only apply to detached, individual houses, not apartment or condominium complexes.

Springfield said it's all about supply and demand, but there's some pent-up demand in the area. This means there is a large pool of buyers who want to buy a home in Greeley/Evans due to a growing population, but not many homes for them to choose from. That jacks up prices.

"We see multiple offers in certain price ranges because buyers are competing," she said. "For example, if there's one shampoo bottle left at 7 Eleven, and 10 people want it, that'll push the price of that bottle up. Same thing here — there's sort of a bidding war, if you will."

Data from Sears Real Estate showed the average amount of time a home will stay on the market in Greeley/Evans is 66 days. In 2012, that number was 97 days. According to the National Association of Realtors, the national average was 52 days in December

"It's interesting because in this inventory crunch that we're in, we've still been able to provide housing units for people in the last five years, and a lot of it was through new

construction," she said

According to the International Real Estate Service, 244 single-family permits were issued in Greeley/Evans in 2016, down almost half from 2015 when 449 permits were issued. This is for new home development in Greeley, and Springfield said the high price of water could be affecting developers' desire and ability to build more single-family, detached homes.

The current rate for raw water is \$34,000 per acre-foot, Greeley's Water and Sewer website states. Springfield said several years ago, that was a lot smaller of a number

"Developers have to pay for water in order to bring their development out of the ground because they have to provide water for their subdivision," she said. "With these water prices, (home) prices are going to have to increase in order for the developers to factor that number in."

Home prices have increased 92.3 percent since 2011, when the median price was \$130,000, according to the IRES. Springfield said this is obviously good for sellers, who make some more bang for their buck, and residents who recently bought a home, as their home's value has drastically gone up.

It still isn't too intimidating for future buyers, too, as Greeley remains one of the most affordable cities to live in the Front Range. Livability placed the city seventh in its list of top 10 best affordable places to live in 2016, citing residents spend just over 27 percent of their annual incomes on housing.

According to RealtyTrac, Loveland/Berthoud's median housing sales price was the second lowest in the area at \$329,900. Next was Windsor with a median of \$337,500, Fort Collins at \$379,000 and Boulder substantially higher than the rest at \$798,500. Nationally, the median list pricing was \$225,000, up from \$219,000 in November 2015.

The lack of inventory will remain a challenge in 2017, though, which frustrates buyers who have to typically put in multiple offers to find their dream home, and sellers, who have to find those dream homes in a small market, Springfield said.

"There is an impact for inventory challenges in the market, and I don't know what the solution is," she said. "I'm really happy that the market has swung back, but it's still really difficult."

## Fundamental Reasons to OPPOSE the rezoning of the land formally known as Highland Nursery

Facts that support the denial of rezoning  
By: Lisa Roquet  
A resident, a productive citizen of Greeley, and a concerned community member.

## History 101

- Why were the founding fathers declaring independence from England?
- THEY WERE ESCAPING TYRANNY AND THE ABSOLUTE AND UNYIELDING POWER OF THE KING AND THE RICH LANDOWNERS.
- RICH LANDOWNERS!
- Does this sound familiar?



## History 102

IN CONGRESS, JULY 4, 1776  
A DECLARATION  
BY THE REPRESENTATIVES OF THE  
UNITED STATES OF AMERICA,  
In GENERAL CONGRESS ASSEMBLED.

WE hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. — That to secure these rights, Governments are instituted among men, deriving from their JUST powers from the consent of the governed."

"WE HOLD THESE TRUTHS TO BE SELF-EVIDENT, THAT ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS, THAT AMONG THESE ARE LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS. — That to secure these rights, Government are instituted among men, derived from their JUST powers from the consent of the governed."

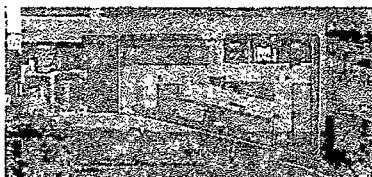
## Local History



Highland Nursery occupied the site of the proposed development for over FIFTY YEARS.

- Most homeowners purchased their homes during the time when Glenn Bechtold ran his successful, community-minded business.
- NO ONE would have predicted that a HUGE majority would be looking down on our homes and impeding on our quality of life when we bought homes in a single-family, low density neighborhood.

## More Facts about the Area



Pinnacle Office Park sits adjacent to Alpine Flats

- Property is already zoned Commercial C-1 (was R-4)
- Developed in 2013, yet only partially completed.
- 9 more commercial pads are available for future office buildings

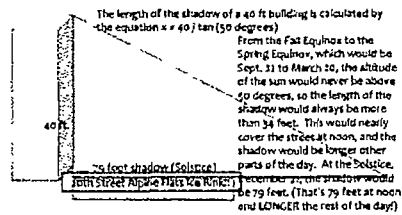
What happens to the neighborhood when this area is completely developed?

## W. 20<sup>th</sup> Street Road



Richmark representatives are making assurances that because they are neighbors, they will make sure the property is maintained. Yet they are unable to cut weeds & remove snow.

## Calculating a VERY ICY 20<sup>th</sup> Street



Calculations by Karen Robinson, Professor of Math, Alms CC

## Benevolent?

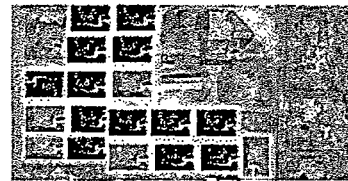
- \* Richmark Real Estate Partners, LLC is a corporation
  - \* They have NO filings as a 501 (3) (c) thus they are NOT a non-profit organization
  - \* Richmark's sole intention is to make as much profit as possible with a zoning change to R-H
- Based on the definition of benevolent, which is "doing good or giving aid to others, rather than making profit," Richmark is anything but benevolent
- They are merely bettering their own bottom line while causing hardship to Greeley residents! In zoning cases, courts refer to this as 'Spot Zoning'

## Huh?



- 13 houses and one vacant lot = 29 houses in roughly the same area!
- In order for the traffic study to work, they used 29 houses for comparison.
  - That's more than 2 houses per lot
  - How is that even possible?

## How's that Again?



Only about 18-19 houses the same size as mine will fit in the R-L area. How do they get 29 without roads? Simple scare tactics?

## Stop the Bullying!



By allowing Richmark to keep asking for a rezoning, it is akin to bullying the entire neighborhood of Highland Hills! Every time it feels like getting beat up and getting our lunch money stolen, but it's worse because they are threatening our quality of life and home investments!

## Blank Check



- Allowing a rezoning without a master plan is the same as writing Richmark a blank check.
- Once the property is rezoned, they will do whatever they want with no regards to the neighborhood or the impact on Greeley.



### Conclusion

- \* ORDINARY CITIZENS HAVE RIGHTS FOUNDED ON THE PRINCIPLES OF THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION OF THE UNITED STATES THAT PROTECT THEM FROM TYRANNY AND THE POWER OF THE WEALTHY!
- \* THE GOVERNMENT CREATED TO UPHOLD THE RIGHTS OF ORDINARY CITIZENS, USED ERRONEOUS INFORMATION TO HARM SUCH CITIZENS.
- \* 40 FOOT BUILDINGS CAST LONG SHADOWS CREATING ICY STREETS IN THE WINTER

### Conclusion

- \* EVERYTHING THE DEVELOPER HAS DONE SCREAMS SMOKE SCREEN and UNETHICAL!
  - \* Just because the project is attractive, doesn't make it right for the area
- \* THE DEVELOPER HAS SHOWN NO SIGNS OF EXHIBITING ANY FORM OF ALTRUISM.
- \* ADJACENT PROPERTY IS ALREADY ZONED YET NOT FULLY DEVELOPED.

### CONCLUSION

- \* THE HISTORY AND SENSE OF COMMUNITY OF THE HIGHLAND HILLS NEIGHBORHOOD IS BEING IGNORED!
- \* THE NEIGHBORS DID NOT RUN ALPINE GARDENS INTO THE GROUND THUS SHOULD NOT BE MADE TO SUFFER THE CONSEQUENCES!

### VOCABULARY

- \* TYRANNY: Unjust or oppressive governmental power
- \* DEMOCRACY: Government by the people, exercised either directly or through elected representatives
- \* SMOKE SCREEN: An action or statement used to conceal actual plans or intentions
- \* UNETHICAL: Not conforming to approved standards of social or professional behavior
- \* ALTRUISM: Unselfish concern for the welfare of others
- \* MUTUAL BENEFIT: a form of benefit that is reciprocated

thefreeDictionary.com

### THE BIG QUESTION?

- \* Why is my city giving the developer the right to inflict their corporate values upon my neighbors and I?
- \* I, LIKE MY NEIGHBORS, DO VALUE OUR QUALITY OF LIFE, OUR SAFETY, OUR ABILITY TO MOVE FREELY AND UNINCUMBERED, OUR HEALTH, OUR HOMES' VALUE, OUR PRIVACY, OUR INVESTMENT IN OUR FUTURES, AND OUR NEIGHBORHOOD.
- \* What gives the Richardson family the right to take away the very things that our founding fathers fought to protect?

## PLANNING COMMISSION SUMMARY

**ITEMS:** Rezone from R-L (Residential Low Density) and C-H (Commercial High Intensity) Zone District to R-H (Residential High Density) Zone District with a DCMP (Development Concept Master Plan)

**FILE NUMBER:** Z 3 17

**PROJECT:** Alpine Flats Rezone with DCMP

**LOCATION:** South of 20<sup>th</sup> Street, East of 51<sup>st</sup> Avenue, West of 50<sup>th</sup> Avenue, Specifically, at 5030 and 5002 20<sup>th</sup> Street

**APPLICANT:** Richmark Real Estate Partners, LLC

**CASE PLANNER:** Marian Duran, Planner II

**PLANNING COMMISSION HEARING DATE:** July 25, 2017

### PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 18.30 050(c)(3) and 18.30 055 of the Development Code.

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### EXECUTIVE SUMMARY

The City of Greeley is considering a request by Richmark Real Estate Partners, LLC, to rezone approximately 8 728 acres from R-L (Residential Low Density) (5.26 Acres) and C-H (Commercial High Intensity) (1 97 Acres) zoning to the R-H (Residential High Density) zone district, for a multi-family development (*see Attachments C & D*) The rezone includes 1 498 acres of right-of-way adjacent to the subject site The applicant has submitted a DCMP (Development Concept Master Plan) as part of the rezone request (*see Attachments C, E, F, & G & Section D for DCMP details*). The subject site is located south of 20<sup>th</sup> Street, east of 51<sup>st</sup> Avenue, west of 50<sup>th</sup> Avenue; specifically, at 5030 and 5002 20<sup>th</sup> Street (*see Attachment A - Existing Zoning Map & Attachment B – Aerial/Vicinity Map*)

#### A. REQUEST

The applicant is requesting approval of a rezone with a DCMP to allow for a multi-family development (*see Attachments C thru H*)

#### B. STAFF RECOMMENDATION

Approval

## C. LOCATION

### Abutting Zoning:

North. R-L (Residential Low Density)  
South. R-L  
East: R-L  
West: C-L (Commercial Low Intensity)

### Site Characteristics:

The subject site has several structures from a former landscape nursery. The single-family residential structure located at 5030 20<sup>th</sup> Street is occupied with tenants. All the other structures on the subject site are currently vacant. A good portion of the southern part of the property is undeveloped. The southern portion of the site was previously used to store landscape materials and associated business equipment.

### Surrounding Land Uses:

North. 20<sup>th</sup> Street/Aims Community College  
South. Single-Family Residential Homes  
East: 50<sup>th</sup> Avenue/Single-Family Residential  
West: 51<sup>st</sup> Avenue/Commercial Office Park

## D. BACKGROUND

The subject site was zoned R-1 and C-3 when it annexed in 1984 (File No. Z 8 84). The zoning classifications changed in 1998, when the Development Code revised. The former R-1 and C-3 zoning districts are equivalent to the R-L and C-H zoning districts under the current Development Code, respectively. When the subject site annexed, a garden nursery was already in existence. The nursery closed around 2006. The southwest portion of the subject site was used to store landscaping materials associated with the nursery business. Although the site is no longer used as a nursery, tenants currently occupy the single-family residential structure on the northwest side of the property (*see Section C above under Site Characteristics*). The applicant is requesting to rezone the site to allow for a multi-family development.

The applicants previously submitted a land use process for these three same parcels in 2014 requesting to rezone the properties to R-H (Residential High Density). At that time, members of the public expressed concerns about traffic and density. The Planning Commission recommended denial on November 10, 2015. The applicant formally withdrew their land use application on November 20, 2015.

Currently, the applicant has submitted a Development Concept Master Plan (DCMP) in conjunction with the rezone request (*see Attachment F – Development Concept Master Plan*). The proposed DCMP would apply restrictions and requirements within three zones on the property (Zone 1, 2, and 3). Zone 1 would allow the construction of buildings, but the height would be restricted to 40 feet. Zone 2 would restrict the height of any buildings to 30 feet and limit the overall buildable areas. The DCMP states that no more than 75% building frontage

would be allowed in this area (*see item 2 a. in the DCMP for details*) In other words, the area would not be allowed to have one contiguous large building covering the entire frontage of Zone 2, as proposed, this zone would be developed with multiple buildings. Accessory buildings such as detached garages would be allowed in Zone 2. Zone 3 would be a no-build zone, with the exception of retaining walls, trails, mail kiosks, fences, and curbs. Additionally, the DCMP would allow up to 200 units, as well as require a buffer yard as shown on the Buffer Yard Exhibit attached (*see items 4 and 5 in the DCMP for details, and Attachment G – Buffer Yard Exhibit*)

The intent of the limits and restrictions proposed through the DCMP is to ensure a compatible transition of building heights from adjacent single-family dwellings to the south and east of the subject site, with sufficient landscape screening (*see Attachment G, H, & I*) The applicant proposes to develop the majority of the site towards the northern portion of the property, away from the existing single-family uses located to the south and east of the subject site. The DCMP would ensure that only such a design would be allowed.

A specific layout or design is not part of this rezoning application, rather, the zoning and DCMP set the “ground rules” for allowed uses. Any specific design would be reviewed separately through a site planning process. Architectural standards are not being reviewed at this time with this rezone request. No architectural building elevations or site layouts have been submitted with this application. The typical height allowance in the R-H zone district is 40 feet.

If the rezoning and DCMP are approved, the property must be developed in conformance with the DCMP Plan. If the applicant chooses to have any other use or major layout change, the DCMP would require to be amended through this same process. Any future applicant will be required to submit a Site Plan review (SPR) application for the establishment of the use. Site improvements and building elements such as architectural, parking, and landscape standards for the proposed use are reviewed administratively.

It is anticipated that, if the rezoning is approved, the applicants would seek to remove or adjust the existing lot lines on the site. Minor subdivisions are reviewed and approved administratively.

## **E. APPROVAL CRITERIA**

### **Development Code Section 18.30.050 Rezoning Procedures**

*For the purpose of establishing and maintaining sound, stable and desirable development within the City, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this Section [of the Code]. This policy is based on the opinion of the City Council that the City's zoning map is a result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other zoning considerations, and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.*

The review criteria found in Section 18.30 050(c)(3) of the Development Code shall be used to evaluate the zoning amendment application.

- a) **Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?**

Staff Comment: The subject site was zoned R-1 and C-3 when it was annexed in 1984 (File No Z 8 84) The zoning classifications were changed in 1998, when the Development Code was revised. The R-1 and C-3 zoning districts are the equivalent to the R-L and C-H zoning districts under the current Development Code. When the subject site was annexed, the garden nursery was already in existence. The nursery has since closed and has not been utilized for the commercial nursery for approximately 11 years. Most recently, the northwestern part of the subject site was used as a storage area for landscaping materials for a landscaping business. Currently the single-family structure is occupied by tenants.

The most notable development in the area has been some redevelopment and expansions of new buildings on the Aims Community College campus. For the past several years, the college has been upgrading existing buildings and providing new buildings for their campus, as needed. To the west of the subject site, Pinnacle Office Park has been developing, and currently has three office buildings within their office park. Otherwise, the area and the subject site have remained unchanged.

The request for the rezone is to accommodate a multi-family development. The current R-L zone district does not permit multi-family uses. To develop multi-family units on the portion of the site in the C-H zone district, a USR (Use by Special Review) would be required. Rather than have a small area under a USR and the rest of the multi-family development as a permitted use, the applicant chose to seek to rezone the C-H area to match the remainder of the rezone request of R-H.

Because the site has remained unused for many years, the site has fallen into disrepair. Planning staff concludes that it is in the public's interest to rezone the subject property to R-H to encourage redevelopment.

This request complies with this criterion.

- b) Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?**

Staff Comment: The existing zoning has been in place for more than fifteen (15) years without development resulting. As stated above, the subject site was zoned residential and commercial when it was annexed, in 1998 the zoning classifications changed when the Development Code was revised. See Section E, item A for details.

The existing zoning is not necessarily obsolete. The subject area could develop in accordance with the existing zoning. The reason for the rezone is to allow the applicant to develop the site with a multi-family use. Development trends in Greeley have shown that multi-family dwellings are in high demand, and, based on vacancy data, additional multi-family housing is needed in the city. The rezone request would allow for the possibility for additional multi-family dwelling units in the area, which would alleviate some of needs and demand for multi-family within the City.

Although the current zoning district is not obsolete, the R-H zoning may address current multi-family housing, and there has been no substantial development on the site for over fifteen (15) years.

This request complies with this criterion.

- c) Are there clerical or technical errors to correct?**

Staff Comment: There are no clerical or technical errors to correct. This criterion is not applicable to this request.

- d) Are there detrimental environmental impacts, such as flood plains, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?**

Staff Comment: There are no detrimental environmental impacts on the property. This criterion is not applicable to this request.

- e) Is the proposed rezoning necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?**

Staff Comment: The proposed rezoning is not necessary in order to provide land for a community related use. This criterion is not applicable to this request.

- f) What is the potential impact of the proposed rezoning upon the immediate neighborhood and the city as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, and pedestrian systems and parks and recreational facilities)?**

Staff Comment: The area is primarily residential in character to the south and east, and commercial to the west. Aims Community College is located to the north of the subject site. The impacts on the immediate neighborhood and city as a whole should be minimal. Any potential noise created by future development will be regulated by the Municipal Code. The appropriate buffering and building setbacks must be provided, which lessens any potential visual impacts. City services should not be impacted, since the surrounding area is already served by municipal services such as water and sewer. Police and Fire are already serving this area since it is within the City of Greeley. Fire Station #5 is approximately one-half mile south of the subject site along 47<sup>th</sup> Avenue. Public sidewalks, which are not available within the subdivision to the south, would be provided adjacent to the subject site along 51<sup>st</sup> and 50<sup>th</sup> Avenue. If developed as housing, the site would be required to provide internal pedestrian walkways that connect to the public sidewalks, which would address connectivity goals. Vehicular access to the site would be from 51<sup>st</sup> and 50<sup>th</sup> Avenue. Public transportation is currently available, there is an existing bus stop at the northeastern part of the subject site.

The Public Works Department and the Engineering Development Review Division have reviewed the proposed rezone and determined that the roadway system is designed to accommodate any anticipated additional traffic from the multi-family residential development proposed. Additional analysis regarding traffic can be found in Section F, Item 6 of this report.

The proposal complies with this criterion.

- g) Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with the applicable zoning overlay requirements?**

There are no zoning overlay requirements for the subject property. The following City of Greeley 2060 Comprehensive Plan policies apply to this request:

Comprehensive Plan Policy LU2A7d. (items i thru viii, minus vii)

*High-density residential should be located in areas that are adjacent to or within walking distance from schools, parks and neighborhood or community-level commercial retail and service uses*

Staff Comment: The subject property is located within walking distance to Monfort Elementary School, Union Colony Preparatory School, Aims Community College, Pinnacle Office Park, Work Out West and Highland Park Lanes. General commercial, retail and recreational uses are within less than a mile walking distance for the site. Monfort Park is located southeast of the subject site. Centerplace Shopping Center is located approximately one-mile to the southeast of the subject site and has a grocery, restaurant, and retail services. There is a small commercial node at the northeast corner of 47<sup>th</sup> Avenue and 20<sup>th</sup> Street that has a gas station and other small office and retail uses. In addition, there is an undeveloped commercial node on the northwest corner of 47<sup>th</sup> Avenue and 20<sup>th</sup> Street that is zoned for commercial uses, which might include office, retail, restaurants, and personal service types of uses in the future.

The proposal complies with this policy

*ii. Proximate to employment centers or regional activity centers,*

Staff Comment: The subject site is near retail, office, and personal service uses. Centerplace Shopping Center is approximately one mile to the southeast of the subject site. Pinnacle Office Park is located within approximately 100 feet of the site. The office park has not been built out. Currently, there are only three buildings within the office park at this time, though additional office buildings are anticipated to be built sometime in the future. As mentioned above, Aims Community College is directly across the street to the north of the subject site.

The proposal complies with this policy

*iii. Adjacent to arterial streets or major collector streets or accessible to them without passing through less intensive land uses,*

Staff Comment: Twentieth Street, located north of and adjacent to the subject site, is considered a minor arterial roadway, and 50<sup>th</sup> and 51<sup>st</sup> Avenue are considered a local roadway according to the Greeley 2035 Comprehensive Transportation Plan. The subject site, if developed, would have access to both 50<sup>th</sup> and 51<sup>st</sup> Avenue. The impact to the residential subdivision to the south should be minimal.



The proposal complies with this policy

*iv Where high-intensity residential is compatible with the surrounding neighborhood,*

Staff Comment: The proposed rezoning of the subject property should not negatively impact the surrounding land uses, provided there is an adequate transition of intensity of uses. If the rezone request is approved, the DCMP would be the regulatory document that would restrict the heights and the amount of buildings on the site (*see Attachment F- Development Concept Master Plan*) The intent of the restrictions is to have a more compatible transition of building heights and density from the adjacent single-family dwellings to the south and east of the subject site The property must have the proper setbacks, buffering, and compatible architecture to meet the intent of the Development Code

The proposal complies with this policy

*v Served by public transportation,*

Staff Comment: There is an existing bus stop, currently located northeast of the subject site

The proposal complies with this policy

*vi. Where high-density residential will not adversely impact or create congestion in existing and planned utilities,*

Staff Comment: The proposed rezone to allow additional multi-family dwellings to the area should not adversely impact or create congestion to existing and planned utilities. The Public Works Department has reviewed the proposed rezone request and determined that additional traffic to the roadway system would not be a significant issue. Please see traffic comments, which can be found in Section F, Item 6

The proposal complies with this policy

*viii. Which are targeted for infill development and for which a higher density residential land use is a specific objective and functions appropriately as a transitional land use, provided all other redevelopment criteria are met,*

Staff Comment: The subject site is considered an infill development and anticipated to be high-density residential development. Typical, transition of

land use would be single-family to two-family and then to multi-family. Because multi-family developments are typically found to be more appropriate along arterial roadways, staff finds that multi-family uses are appropriate for this site. The applicant would be required, with the DCMP, to provide building height transition from the single-family uses along the south.

This proposal complies with this policy

**h) What is the potential impact of the proposed rezoning upon an approved Zoning Suitability Plan for the property?**

Staff Summary: Currently, there is not an approved Zoning Suitability Plan for the subject property. The proposed Zoning Suitability Plan submitted with this application demonstrates on a conceptual level that the site should be able to develop in accordance with the Development Code under the proposed zoning (*see Attachment E – Zoning Suitability Map and Site Analysis Map*)

This criterion is not applicable to this request.

**F. PHYSICAL SITE CHARACTERISTICS**

**1. SUBDIVISION HISTORY**

Currently, the subject site is part of the Tract B of the Highland Hills Subdivision (Record No. 1805455 File number #2632, Approved September 18, 1979 and signed on September 26, 1979, platted in Weld County)

**2. HAZARDS**

Staff is unaware of any potential hazards that presently exist on the site

**3. WILDLIFE**

The site is not located in an area identified for moderate or high wildlife impacts

**4. FLOODPLAIN**

The property is not located within the 100-year floodplain or floodway, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

**5. DRAINAGE AND EROSION**

A conceptual drainage report was required for this rezone request. Historically, the site drains from the west to the east to an existing inlet located southwest of the intersection of 20<sup>th</sup> Street and 50<sup>th</sup> Avenue. If the rezone is approved, a final drainage report would be required to be completed and submitted to the City of Greeley for review and approval with the Site Plan Review. It is anticipated that the site would have an on-site detention pond as shown on the Zoning Suitability Plan and Site Analysis Map (*see Attachment E – Zoning Suitability Map and Site Analysis Map*)

## 6. TRANSPORTATION

In their review, the Public Works Department and the Engineering Development Review Division found that the traffic conditions represented by the submitted Traffic Impact Study for the proposed residential-high use were accurate and could reasonably be accommodated by the surrounding road network. If rezoned to R-H, the two key intersections (50th and 51st Avenues at 20th Street) would continue to operate at an acceptable level of service (LOS A) (LOS D for the intersection as a whole is the standard) per City and industry standards. Also, the peak hour trips under the proposed rezoned conditions would be considered acceptable and could be absorbed by the surrounding roadway network. Traffic improvements, including a controlled light, would not be warranted by any proposed development allowed by this proposal. Currently, 20th Street carries approximately 20,300 vehicles per day with the capacity to carry 30k-35k per day. The proposed development would add an additional 1,300 trips per day to 20th Street.

The intersection of 20th Street and 50th Ave is proposed to be a signalized intersection in the future. The City traffic engineering staff conducted a traffic signal warrant analysis consistent with the Manual on Uniform Traffic Control devices. There are eight specific warrants that can be met that would legally justify the installation of a traffic signal. Based on the analysis, no signal warrants are met at this time or when the proposed project would be constructed.

The northbound left turns from 50th Ave and 51st Ave are relatively minor movements since a traffic signal is available for this maneuver at Clubhouse Drive. The folks that do try to make a left turn at these locations during the peak hours do experience LOS F. However, virtually all local streets at arterials experience this problem and it is considered a normal urban condition. There is some degradation to the LOS with the development but it still remains a very minor movement.

The applicants argue that there is similar (or less) intensity of traffic under potential uses per the current zoning versus that proposed. The existing zoning on the subject property would allow the properties to develop into single-family houses in the (R-L) Residential Low Density zoning district on the northwest and southern areas of the subject site, and a combination of commercial uses within the (C-H) Commercial High Intensity zoning district on the northeast corner of the subject site. The tables below show site-generated traffic assuming that 29 single-family homes would be built, a 3,000 square foot drive-up/sit-down coffee shop and a 12-position gas station with convenience store as potential developments for the subject property. The following tables below are the analyses performed to compare the site-generated traffic for the proposed development on the subject property with development that could occur under the proposed zoning.

**Existing Zoning Site Generated Traffic**

| <i>Use</i>                 | <i>Size</i>  | <i>Daily Trips</i> | <i>AM Peak Hour Trips</i> | <i>PM Peak Hour Trips</i> |
|----------------------------|--------------|--------------------|---------------------------|---------------------------|
| Single Family              | 29 D U       | 276                | 22                        | 29                        |
| Coffee Shop with Drive-Up  | 3,000 SF     | 2,454              | 301                       | 128                       |
| Convenience Store with Gas | 12 Positions | 1,834              | 142                       | 166                       |
| TOTAL                      |              |                    | 465                       | 323                       |

**Proposed Zoning Site Generated Traffic**

| <i>Use</i> | <i>Size</i> | <i>Daily</i> |       | <i>AM Peak Hour</i> |    |     | <i>PM Peak Hour</i> |    |     |
|------------|-------------|--------------|-------|---------------------|----|-----|---------------------|----|-----|
|            |             | Rate         | Trips | Rate                | In | Out | Rate                | In | Out |
| Apartment  | 200 D U     | 6 65         | 1,330 | 51                  | 20 | 82  | 62                  | 81 | 44  |

### Level of Service – Current and Long-Term

| CURRENT OPERATING CONDITIONS                      |         |                        |                  |           |
|---|---------|------------------------|------------------|-----------|
| Intersection                                      | Control | Movement/<br>Direction | Level of Service |           |
|   |         |                        | AM Pk Hr         | PM Pk Hr. |
| 20 <sup>th</sup> Street – 50 <sup>th</sup> Avenue | Stop    | EB L                   | B                | B         |
|   |         | WB L                   | B                | B         |
|   |         | NB L                   | F                | F         |
|   |         | NB TR                  | C                | C         |
|   |         | SB L                   | F                | F         |
|   |         | SB TR                  | B                | D         |
| 20 <sup>th</sup> Street – 51 <sup>st</sup> Avenue | Stop    | WB LT                  | B                | B         |
|   |         | NB L                   | E                | F         |
|   |         | NB R                   | B                | B         |
| 20 <sup>th</sup> Street – 47 <sup>th</sup> Avenue | Signal  | EB L                   | B                | B         |
|   |         | EB T                   | C                | C         |
|   |         | EB R                   | C                | C         |
|   |         | WB L                   | B                | C         |
|   |         | WB T                   | C                | C         |
|   |         | WB R                   | C                | C         |
|   |         | NB L                   | B                | B         |
|   |         | NB T                   | B                | B         |
|   |         | NB R                   | B                | B         |
|   |         | SB L                   | B                | B         |
|   |         | SB T                   | C                | C         |
|   |         | SB R                   | C                | C         |
|   |         | Overall                | B                | C         |

| LONG TERM OPERATING CONDITIONS (With Project)   |         |                        |                  |          |
|---|---------|------------------------|------------------|----------|
| Intersection  | Control | Movement/<br>Direction | Level of Service |          |
|   |         |                        | AM Pk Hr         | PM Pk Hr |
| 20 <sup>th</sup> Street – 50 <sup>th</sup> Avenue   | Stop(1) | EB L                   | B                | A        |
|   |         | WB L                   | B                | C        |
|   |         | NB L                   | F                | F        |
|   |         | NB TR                  | E                | D        |
|   |         | SB L                   | F                | F        |
|   |         | SB TR                  | F                | C        |
| 20 <sup>th</sup> Street – 51 <sup>st</sup> Avenue   | Stop    | WB LT                  | B                | C        |
|   |         | NB L                   | F                | F        |
|   |         | NB R                   | C                | C        |
| 50 <sup>th</sup> Avenue – Drive   | Stop    | NB LT                  | A                | A        |
|   |         | EB LR                  | A                | A        |
| 51 <sup>st</sup> Avenue – Drive   | Stop    | SB LT                  | A                | A        |
|   |         | WB LR                  | A                | A        |
| 20th Street – 47 <sup>th</sup> Avenue   | Signal  | EB L                   | B                | B        |
|   |         | EB T                   | C                | C        |
|   |         | EB R                   | C                | C        |
|   |         | WB L                   | B                | C        |
|   |         | WB T                   | C                | C        |
|   |         | WB R                   | C                | C        |
|   |         | NB L                   | B                | B        |
|   |         | NB T                   | B                | B        |
|   |         | NB R                   | B                | B        |
|   |         | SB L                   | B                | B        |
|   |         | SB T                   | C                | C        |
|   |         | SB R                   | C                | C        |
|   |         | Overall                | B                | C        |
| (1) When traffic signals are warranted and installed, all traffic movements will operate at LOS 'D' or better during both peak hours. |         |                        |                  |          |

## **SERVICES**

### **1. WATER**

Water services are available and can adequately serve the subject property. Additional comments were addressed earlier in the report (*see Section E, item f*).

### **2. SANITATION**

Sanitation services are available and can adequately serve the subject property. Additional comments were addressed earlier in the report (*see Section E, item f*).

### **3. EMERGENCY SERVICES**

The subject site is currently and will continue to be served by the City of Greeley Police Department and the City of Greeley Fire Department. Fire Station #5 is located approximately one-half mile to the south of the subject site. Additional comments regarding fire and police services are found in Section E, item f.

### **4. PARKS/OPEN SPACES**

No parks or regional open space areas are proposed with this rezone. The site, if the rezone is approved, must have on-site open space and amenities per Development Code requirements.

### **5. SCHOOLS**

No schools are proposed or located within the site. Monfort Elementary School is approximately 1,300 feet to the east of the subject site. Union Colony Preparatory School (Grades 7<sup>th</sup> through 12<sup>th</sup>) is approximately 1,000 feet to the west of the subject site. Aims Community College is directly across the street to the north of the subject site.

## **G. NEIGHBORHOOD IMPACTS**

### **1. VISUAL**

Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts. Additional visual comments are addressed earlier in the report and can be found in Section 3, item f.

### **2. NOISE**

Any potential noise created by future development will be regulated by the Municipal Code. Additional noise comments are addressed earlier in the report and can be found in Section E, item f.

## **H. PUBLIC NOTICE AND COMMENT**

Neighborhood notices were mailed to surrounding property owners on July 6, 2017 per Development Code requirements (*see Attachment J – Neighborhood Notification Boundary Area*). Three signs were posted on the site on July 12, 2017. One sign was posted on 20<sup>th</sup> Street, 51<sup>st</sup> Avenue, and 50<sup>th</sup> Avenue.

There were several emails, hand delivered letters, post office mail, and phone calls received. The neighborhood responses are attached (*see Attachment K – Neighborhood Response*).

Residents expressed concerns with existing traffic conditions, along with concerns regarding future traffic conditions, if this rezone were to be approved. In addition, residents expressed concerns with compatibility issues with existing single-family homes. Noted concerns included noise impacts, property value depreciation, visual impacts, lack of sidewalks in the existing neighborhood, lack of a traffic light at 50<sup>th</sup> Avenue and 20<sup>th</sup> Street, increased crime, cut-through traffic through the Highland Hills area, and privacy concerns. There was one letter in support of the proposal.

A neighborhood meeting was held on May 17, 2017, and property owners within 500 feet were notified of the meeting. There were approximately 45 people in attendance, not including city staff, the applicant/property owner, or the applicant's consultants. Concerns expressed at the neighborhood meeting are similar to those expressed in the submitted correspondence

**I. MINERAL ESTATE OWNER NOTIFICATION**

Mineral notice is not required for a rezone request.

**J. PLANNING COMMISSION RECOMMENDED MOTION**

Based on the application received and the Project Summary and accompanying analysis, the Planning Commission find that the proposed rezone from R-L (Residential Low Density) and C-H (Commercial High Intensity) zone district to R-H (Residential High Density) zone district, with an associated Development Concept Master Plan, meets the applicable Development Code criteria, Section 18.30 050(c)(3) a, b, f, g and h, and, Section 18.30 055 and, and Section 18.38 140, and therefore, recommend approval of the rezone to the City Council

**K. ATTACHMENTS**

- Attachment A – Aerial/Vicinity Map
- Attachment B – Existing Zoning Map
- Attachment C – Project Narrative
- Attachment D – Rezone Boundary Map
- Attachment E – Zoning Suitability Map and Site Analysis Map
- Attachment F – Development Concept Master Plan
- Attachment G – Buffer Yard Exhibit
- Attachment H – Site Sections
- Attachment I – Density Study
- Attachment J – Neighborhood Notification Boundary Area
- Attachment K – Neighborhood Response







0 50 100 200  
Feet

Created May 3, 2017  
By duranm, CD  
File: AlpineFlats.mxd

## Alpine Flats Rezone Request R-L & C-H to R-H

Residential-Low & Commercial High-Intensity to  
Residential-High  
Subject Site Located at  
5002 and 5030 20th Street

### Legend

-  Subject\_Site
-  Greeley Parcels

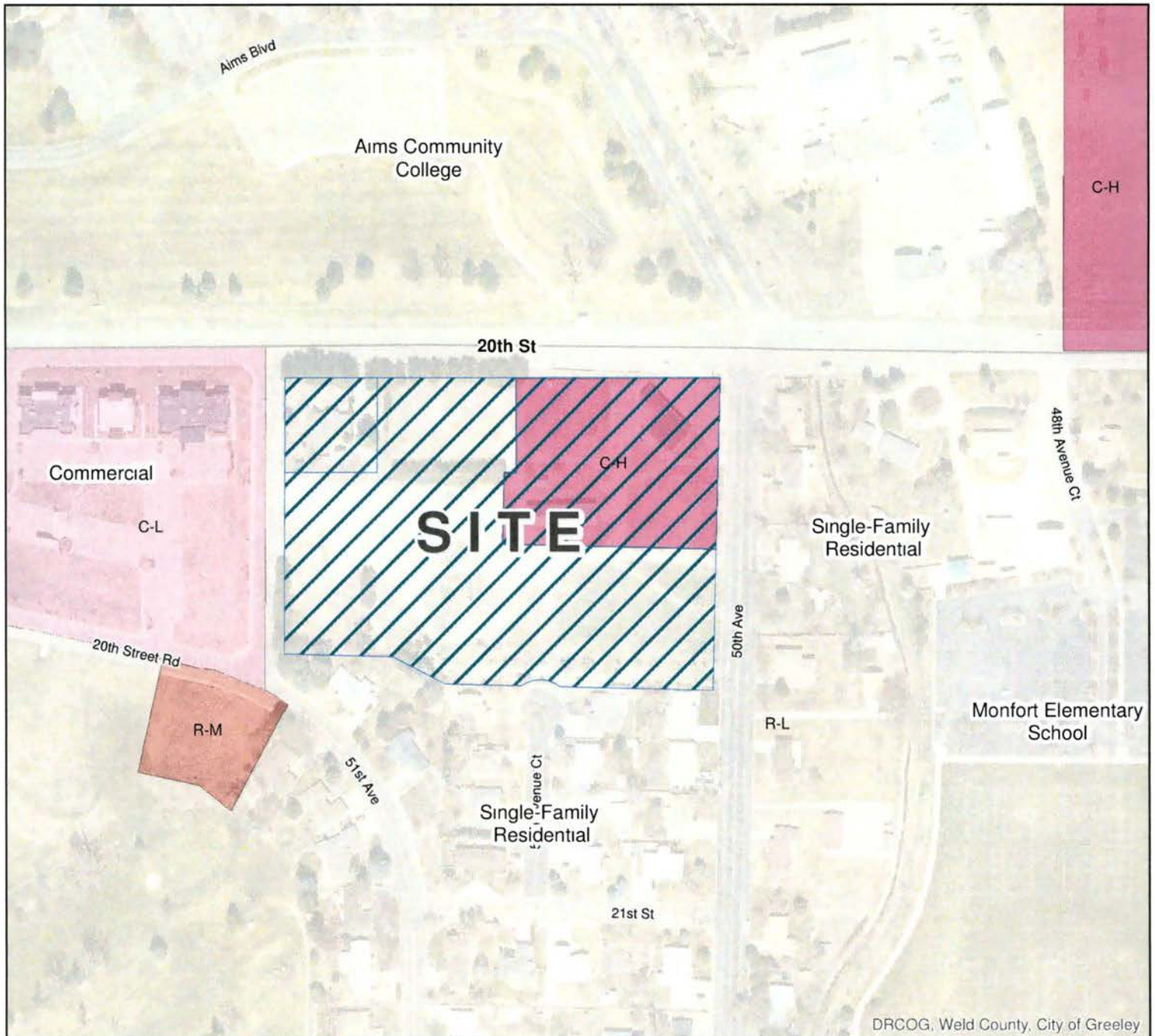
### Notes

All planimetric data was digitized from aerial photographs dated 1987, 1992, 1995, 2000, 2005 and 2014. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMAAS). The information contained within this document is not intended to be used for the preparation of construction documents.

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DRCOG, Weld County, City of Greeley



0 50 100 200  
Feet

## Alpine Flats Rezone Request R-L & C-H to R-H

Residential-Low & Commercial High-Intensity to  
Residential-High Located at 5002 and 5030 20th Street

### Legend

- |                                 |                                  |
|---------------------------------|----------------------------------|
| Subject_Site                    | Residential Low Density (R-L)    |
| Commercial Low Intensity (C-L)  | Residential Medium Density (R-M) |
| Commercial High Intensity (C-H) | Residential High Density (R-H)   |
|                                 | Greeley Parcels                  |

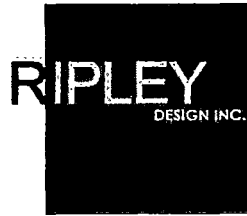
Created June3, 2017  
By duranm, CD  
File AlpineFlats.mxd

### Notes

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land planning ■ landscape architecture ■ urban design ■ entitlement

# Alpine Flats

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## Re-zoning Submittal

Project location  
5002 & 5030 20<sup>th</sup> Street in Greeley, CO

Owner  
Richmark Real Estate Partners, LLC  
RH11 Alpine Flats, LLC

April 10, 2017

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Thinking outside of the box for over two decades

419 Canyon Ave. Suite 200 ■ Fort Collins, CO 80521 ■ tel. 970.224 5828 ■ fax 970.224 1662  
[www.ripleydesigninc.com](http://www.ripleydesigninc.com)

# Project Narrative

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## **Description of Current Proposal:**

This submittal is for the rezoning of a 7.23 acre property located at 5002 and 5030 20<sup>th</sup> Street in Greeley, Colorado. Aims Community College is located directly to the north across 20<sup>th</sup> Street, and Pinnacle Office Park is adjacent to the site on the west. The property is currently zoned Residential Low Density (R-L) and Commercial High Intensity (C-H). This submittal proposes the rezoning of the entire project area to Residential High Density (R-H), allowing for a multi-family housing development. The multi-family housing would buffer the Highland Hills neighborhood to the south from the arterial street, adjacent commercial and the community college.

The proposed development includes 200 high end, multi-family housing units, common open space and parking for residents and guests. A minimum of three amenities will be provided. Parking will include under podium, surface and covered parking. Buffering, landscaping and reduced building heights, along with a maximum building frontage restriction of 75%, are proposed where the development is adjacent to existing single family residential to the south and east of the property. The 75% max building frontage will consist of multiple buildings rather than one continuous building face. The development shall also provide a minimum of 30% of open space.

The development is composed of three (3) zones. All three of the zones are designated to be Residential High Density Districts with the restrictions outlined below:

- Zone 1: Residential High Density, with restrictions as Land Use Code allows.
- Zone 2: Residential High Density, with a maximum building height of 30 feet, and to include building frontage restriction.
- Zone 3: No build zone.

An enhanced buffer yard ranging from 20'-30' in width (see DCMP map for specific locations) is proposed along the south property boundary with plantings as follows.

- 20 foot buffer yard "D" shall contain a minimum of the following plants per 100 linear feet: 4 shade trees, 4 ornamental trees or Type 3 shrubs, 3 evergreen trees, 25 Type 3 shrubs.
- 30 foot buffer yard "E" shall contain a minimum of the following plants per 100 linear feet: 5 shade trees, 6 ornamental trees or Type 3 shrubs, 4 evergreen trees, 30 Type 3 shrubs.

A buffer yard "C" is proposed for along the west property boundary as follows.

- 15 foot buffer yard shall contain a minimum of the following plants per 100 linear feet: 4 shade trees, 3 ornamental trees/type 3 shrubs, 4 evergreen trees, 8 Type 2 shrubs, and 11 Type 1 shrubs.

A buffer yard "A" is proposed for along the east property boundary as follows.

- 15 foot buffer yard shall contain a minimum of the following plants per 100 linear feet: 1 shade tree, 1 ornamental tree/Type 3 shrub, and 5 Type 1 shrubs.

In summary, this proposal includes a Development Concept Master Plan (DCMP) which specifies height restrictions, no build zones and buffer yards in response to residents' concerns heard during the last submittal process. Upon approval by City Council, a Site Plan will be submitted with a detailed site layout.

### **Project History**

Alpine Flats was originally submitted for rezoning in January 2015. The January 2015 submittal followed current zoning codes which allow multi-family buildings with a density between ten and twenty dwelling units per acre. Included was the submittal of an Alternative Compliance to allow for a 50' building height with buildings along 20<sup>th</sup> Street. In response to City comments and neighbor's concern's four revised submittals were completed which investigated various options including

- Height restriction of 2-stories for parts of buildings that were closest to the existing single family residential adjacent to the property to the south.
- Adding Residential Medium Density (R-M) zoning to the southern portion of the site closest to the Highland Hills Neighborhood
- Dividing the site in thirds with the northern portion being four stories (and an additional level for podium parking), middle being three stories, and southern being two stories
- Adding a privacy wall
- Combining the multiple smaller buildings into one larger building on the north side of the site with less building frontage on the southern portion of the site dramatically increasing the amount of open space on the south

There is a strong pride of ownership in the adjacent residential areas, with many property owners residing in their homes for many years. Two neighborhood meetings were held, the first on January 23<sup>rd</sup>, 2015 and a second on April 30<sup>th</sup>, 2015. There were several concerns that were raised by adjacent neighbors including traffic impacts, parking, noise from a swimming pool, sanitary sewer system capacity, pets, lighting, overcrowded schools, decreased property values, trash pickup, lack of city wide public transportation, loss of privacy and safety.

This current submittal will not only address these concerns but also city-wide concerns and issues. The City of Greeley currently has a 3.7% vacancy rate on rental units. Healthy levels are considered 5%, showing that there is a City wide need for more housing. According to a recent Northern Colorado Real Estate Conference it was mentioned that there are 332,844 new people per year in Larimer County and Weld County is expected to grow faster than that. There are 85 new multi-family units under construction currently in Greeley according to the Greeley Tribune article from February 5<sup>th</sup>, 2017, titled "Greeley Rental Prices Increase as Market Tightens". It is basic economics, the supply is low and therefore prices are increasing. By increasing the supply of rental units in Greeley by up to 200, we can work towards decreasing rental costs for residents. This property is adjacent to an arterial road and has been vacant for 3 years making it a logical place for multi-family housing.

With increased population there is increased traffic. This is understood and mitigated by various City requirements. The existing intersections are equipped to handle the traffic volume anticipated through this development, and does not warrant additional street lights or signal improvements as shown in the traffic study. In fact, if this site was developed within the current zoning a gas station and drive-through coffee shop could fit within the C-H zone district area. Approximately 29 single family homes could be constructed within the R-L zone district area. With both zoning districts, this would potentially generate 379.33 peak morning trips and 242.97 evening trips. The proposed multi-family development would generate 101 peak morning trips and 123 peak evening trips, significantly lower than a site plan that follows the current zoning. The traffic study shows that if rezoned, the two key intersections would continue to operate at an acceptable level of service per City and industry standards. In addition, there is a bus stop on the northeast corner of this site to aid those who want to use public transportation.

The proposed rezone would have an overall less impact than current zoning allows. Traffic, noise, lighting, decreased property values, loss of privacy and safety would still be concerns if a gas station with convenience store were to be built on this site. The other items that neighbors voiced can be mitigated through the development process with landscape, adequate parking, and thorough operation and maintenance by a professional property management company, all which would be reviewed at the administrative level, if the rezone is approved.

# Development Code & Comprehensive Plan Questions

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**Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?**

The initial reason for C-H zoning was because of the existing landscape nursery. That nursery has been closed for several years now and the site has not been used since Aims Community College which is across 20th street to the north has been adding and renovating buildings for several years now. While the college is within the R-L Zone District, its use is more intense than typical single family homes, as students are typically coming and going to and from the campus multiple times per day. This proposal provides a buffer yard that will screen an arterial road and the community college from the residential neighborhood located to the south.

Development and growth in Greeley as a whole is increasing. This increase in development and growth creates a need for a housing market that is diverse, including multi-family housing that is nearby schools, employment and shopping. Greeley and surrounding communities have seen a change in the type of housing needed by the community, especially in the last 3 years, to more multi-family units. The Colorado Multi-family Housing Vacancy and Rental Survey from Colorado Department of Local Affairs identifies the rental vacancy of Greeley at the end of 2016 at 3.7%. As this low vacancy rating shows, rental units in Northern Colorado including the Greeley area are highly sought after and development of such projects is important to meet the demand of multi-family residences for those living in and moving to Greeley.

**Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting, and does the existing zoning appear to be obsolete, given development trends?**

The zoning of the property has been in place for more than 15 years. Use of the site has been low in intensity, including a past plant nursery, and small office space. These uses have since left and the site remains vacant and undeveloped.

The existing zoning of R-L allows for development of single family homes, which is the majority of the residential development in the general vicinity. Diversification of home types in the area is more in-line with current housing needs. In addition, locating single family homes along an arterial street, such as 20th street, is not as desirable as multi-family housing in the same location. Multi-family housing along an arterial street buffers the less intense single family use from the arterial and it also utilizes services such as public transportation to a better degree.

**Are there clerical or technical errors to correct?**

There are no technical errors to correct.

**Are there detrimental environmental impacts, such as flood plains, presence of irrigation ditches, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?**

The site is not located in a flood plain. A soils report is included with this submittal. There are no other known detrimental environmental impacts on the property.

**Is the proposed rezoning necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the City's Comprehensive Plan, or have the policies of the City changed to the extent that a rezoning is warranted?**

The proposed rezoning will not provide land for a community-related use.

**What is the potential impact of the proposed rezoning upon the immediate neighborhood and the City as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water sewer, streets and pedestrian systems and parks and recreational facilities)?**

#### **Environmental Impacts**

It is anticipated that the proposed zoning will not have any increased adverse environmental impacts than current zoning. The site has been used previously as a plant nursery and small office/commercial building and does not contain natural areas for conservation. By removing the commercial zoning we are also removing the likelihood of oil, gas, or fertilizer sales. Tree mitigation will take place as required by the City of Greeley at the time of the Site Plan Review application.

#### **Visual Impacts**

It is anticipated that the proposed zoning will not have any increased adverse visual impacts than current zoning. While site designs and elevations have not been determined for the Project, it is the developer's intent to work with the surrounding neighbors to minimize potential visual impacts on existing homes to the south and east of the property. The applicant is proposing to hold a hands-on neighborhood meeting that will allow neighbors to have a role in the development by physically moving scaled buildings to the locations they would like them on site. By creating no-build zones and setting the buildings away from south and east property lines, the perception of large building scale is reduced. There are four homes to the east of the project that already have obstructed views due to the existing buildings on-site. Those views will be improved with the addition of landscaping. The abandoned building, cracking concrete, and blighted fencing will be replaced with new construction, maintained hardscape and irrigated landscape.

#### **Traffic Impacts**

An increase of traffic is inevitable for any new development. The City has created the Greeley 2035 Comprehensive Transportation Plan which addresses future growth and traffic strategies. The plan anticipates Greeley's population to reach 163,100 by 2035 which is almost double the 2005 population of 84,400. A recent Greeley Tribune article "Weld County tops state in population growth, rank No. 4 in nation" supports this growth projection stating Weld County has a 3.5 % growth rate while Fort Collins, Denver and surrounding cities are around 1.6%. The Transportation Plan addresses the added population with strategies to mitigate the traffic impacts. Those strategies include street light timing, street widening and adding signals based on computer traffic models. The City has recently adjusted the street light timing at the intersection



of 20<sup>th</sup> Street and 47<sup>th</sup> Avenue to relieve existing congestion. The same computer models were used for this project to determine if any intersection improvements would be warranted and it was determined that the existing infrastructure can absorb the proposed zoning.

The existing commercial and low density residential zoning would have greater impact to traffic than the proposed multi-family zoning by potentially 371 trips per day. Therefore, this project as a whole is mitigating potential traffic impacts. Further mitigation to traffic will occur due to the close proximity to AIMS Community College, shared bike lane, and bus stops providing alternative means of transportation.

### **Noise Impacts**

It is anticipated that the proposed zoning will not have any increased adverse noise impacts than current zoning. Noise impacts will be studied in-depth throughout the design process of the proposed development. Clubhouse and pool locations, if proposed, will be located away from existing single family homes. Enhanced buffer yards, solid privacy walls, and arrangement of buildings are all elements that will be explored during the Site Plan Application, which is to follow the approval of the re-zone for this property.

### **Property Values**

There are a multitude of factors that come into play when determining how existing property values can be affected by a new development. While there is little evidence to support the claims that multi-family housing will reduce property values of neighboring single-family homes, we will work with the existing communities to a feasible extent to ensure that the development is aesthetically pleasing, high-functioning, and well maintained in order to avoid any such negative impacts in property values. Two studies have taken place that look at home values and house appreciation near multifamily housing: "America's Working Communities and the Impact of Multifamily Housing," Cambridge MA. Joint Center for Housing Studies, compared house values in those communities with and without multifamily housing and concluded that communities with multifamily dwellings actually have higher property values than other types of working communities. The value of owner-occupied houses was highest in working communities with multifamily housing. The same was true for home appreciation.

In order to access Highland Hills neighborhood residents and potential home buyers currently drive past an abandoned and dilapidated nursery. With the new multifamily development the entry to the single family neighborhood will be improved and therefore property values may increase.

### **Crime**

It is anticipated that the proposed zoning will not have any increased adverse crime impacts than current zoning. A commercial use such as convenience store typically has higher rates of police calls than multifamily communities. Therefore, the existing zoning may have more adverse effects of crime than the proposed zoning.

### **City Services**

**Police:** No impact to Police Services is anticipated. The developer will ensure that all safety issues are met per City of Greeley Standards.

**Fire:** The developer will work to ensure all requirements are met in complying in regards to fire safety standards for this project. The nearest fire station, Department Number 5, is located less than a mile away from the site.

**Water:** The developer will ensure that all water requirements are met for this project.

**Sewer:** The developer will ensure that all sewer requirements are met for this project.

**Streets and Pedestrian Systems:** The developer will install sidewalks and other required improvements along 50<sup>th</sup> and 51<sup>st</sup> Avenues per current City of Greeley Street Standards.

The ROW along 20<sup>th</sup> Street is sufficient but the sidewalk will be constructed to current City of Greeley Standards (5' minimum detached)

**Parks and Recreational Amenities:** The development will contain usable open space for its residents, per the City of Greeley development standards. A minimum of three additional amenity areas will be provided on the project site for residents

**Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with any applicable zoning overlay requirements?**

No existing overlay is present; however a DCMP is included with this proposal.

## **Comprehensive Plan Policies and Goals**

### **Community Development Goals**

*"Varied and compact community design"*

The development of this project allows for a compact design that is in line with current housing needs in the area. The addition of multi-family to a predominantly single family area creates variety of housing types that does not currently exist. With the site being across from AIMS community college having multi-family in the area is important

**CD.1.D.3.** – *"Encourage the "infill" and redevelopment of the community to achieve a compact, efficient, pedestrian friendly and attractive community form (see also GR3A1bv, PS1A4a, E2B2, RE2C3, TR1A3 and TR1B2)"*

This project is an infill development that utilizes existing City services and enhances the area by completing pedestrian connections along 51<sup>st</sup> and 50<sup>th</sup> avenues and 20<sup>th</sup> street

### **Growth chapter – "summary"**

*"Population density has decreased over time, as a result of the emphasis on building single-family homes during the past several decades. If a suburban style of development continues, population density would not be expected to reach a level that is high enough to support, among other things, an efficient transit service, with half-hour headways."*

*"In Colorado, smart growth was outlined in a state-wide plan in 1995, which resulted in the Office of Smart Growth being created in 2000. The principles of smart growth include such things as creating a wide range of housing opportunities; using a mix of land uses and compact building design, "*

*"Greeley is predominantly a community of single-family detached homes and traditionally, this form of housing has been at a much lower density than may be desirable for the delivery of utility and transportation services"*

**GR.3.A.1.b.v.** *"A compact urban form is desirable to linear physical growth or development patterns which promote sprawl or leap-frog development that results in less efficient use of capital improvements or municipal services."*

Community Development Goals within the Growth Chapter of the City of Greeley Comprehensive Plan in the paragraphs listed above, relate to maintaining efficient public services, such as public transportation through denser development, infill, and providing a range of housing types.

This project meets the goals for growth in the City of Greeley as it pertains to services, density and housing diversification. The inclusion of multi-family in this area will help maintain better service intervals for public transportation, develop a vacant property, and utilize existing as well as enhance pedestrian connections along adjacent roadways.

**LU.1.A.9.c.** *"Land use approvals should accommodate a diversity of housing types within each neighborhood area"*

*The proposed project provides a multi-family development that diversifies the housing in the area. The current mix of housing surrounding the site and in the near vicinity is single family attached and single family detached housing.*

**LU2.A.7.d.i.** *Adjacent to or within walking distance from schools, parks and neighborhood or community-level commercial retail and service uses:*

The proposed high density residential, located in the northwest portion of the property, will be located within walking distance of the following:

- o Aims Community College
- o Monfort Elementary School
- o Offices on 20<sup>th</sup> Street and 51<sup>st</sup> Avenue (Southwest corner)
- o Offices on 20<sup>th</sup> Street and 47<sup>th</sup> Avenue (Northeast and Southeast corners)
- o Union Colony Preparatory School
- o Monfort Park
- o Centerplace Shopping Center
- o Sheep Draw Regional Trail
- o Twin River Park and Funplex
- o Highland Hills Municipal Golf Course
- o Youth Sports Complex

**LU2.A.7.d.ii.** *The subject site is near retail, office, and personal service uses:*

- o Centerplace Shopping Center is approximately one mile to the southeast
- o Aims Community College is directly across the street to the north
- o Pinnacle Office Park is located west

**LU2.A.7.d.iii.** *Adjacent to arterial streets or major collector streets or accessible to them without passing through less intensive land uses:*

20<sup>th</sup> Street, located north of and adjacent to the subject site, is considered a minor arterial roadway, and 50<sup>th</sup> and 51<sup>st</sup> Avenue are considered a local roadway according to the Greeley 2035 Comprehensive Transportation Plan. The subject site will access both 50<sup>th</sup> and 51<sup>st</sup> Avenue. 50<sup>th</sup> and 51<sup>st</sup> Avenue lead to 20<sup>th</sup> Street.

**LU2.A.7.d.iv.** *Where high-intensity residential is compatible with the surrounding neighborhood:*

The proposed rezoning would not negatively impact the surrounding land uses since a Development Concept Master Plan, DCMP, is being provided. The DCMP contains areas that would restrict buildings (no build zone) and areas that would restrict heights of buildings. The intent of such restrictions is to maintain a compatible transition of building heights from the adjacent single-family dwellings to the south and east of the subject site. This transition of building heights includes a maximum of 30 feet where the project is adjacent to single family dwellings. This 30' maximum height, which equates to a building of 3 stories or under, is the same height permitted in the R-L zoning district.

**LU2.A.7 d.v** Served by public transportation,

There is an existing bus stop, currently located northeast of the subject site.

**LU2.A.7 d.vi.** *Where high-density residential will not adversely impact or create congestion in existing and planned utilities;*

The proposed rezone would not adversely impact or create congestion to existing and planned utilities. Any utility upsizing determined to be needed would be completed to serve the project as part of the site plan approval process.

**LU2.A.7 d.vii.** *Slated for mixed-use development, of which the high-density residential is a planned component.*

This site is not proposed for mixed-use development. This policy is not applicable to this request.

**LU2.A.7.d.viii.** *Which are targeted for infill development and for which a higher density residential land use is a specific objective and functions appropriately as a transitional land use, provided all other redevelopment criteria are met.*

The project should be considered an infill development and is anticipated for high density development. The typical transition of land use would be single-family to two-family and then to multi-family. Multi-family developments are typically found to be more appropriate along arterial roadways. Since there is a need for a transition from the arterial road to the north to the single family to the south, a DCMP is being provided with the rezone to define the transition beyond the normal requirement of the development code.

In addition, the proposed zoning request of R-H would permit rental housing providing housing options for all residents of the community, consistently aligning with the housing goals of the Comprehensive Plan. As previously stated, the City of Greeley is experiencing a housing shortage as the rental vacancy rates have dropped significantly in recent years. Rezoning this property to R-H would expand the housing options alleviating the shortage of quality rental housing within the city. Additionally this rezone request would promote redevelopment within the established Alpine Hills neighborhood providing new housing options that otherwise would be not be available under the current zoning. The project will satisfy these additional goals.

**HS5.B** Promote a comprehensive continuum of housing options and services in the community that supports the needs of all residents.

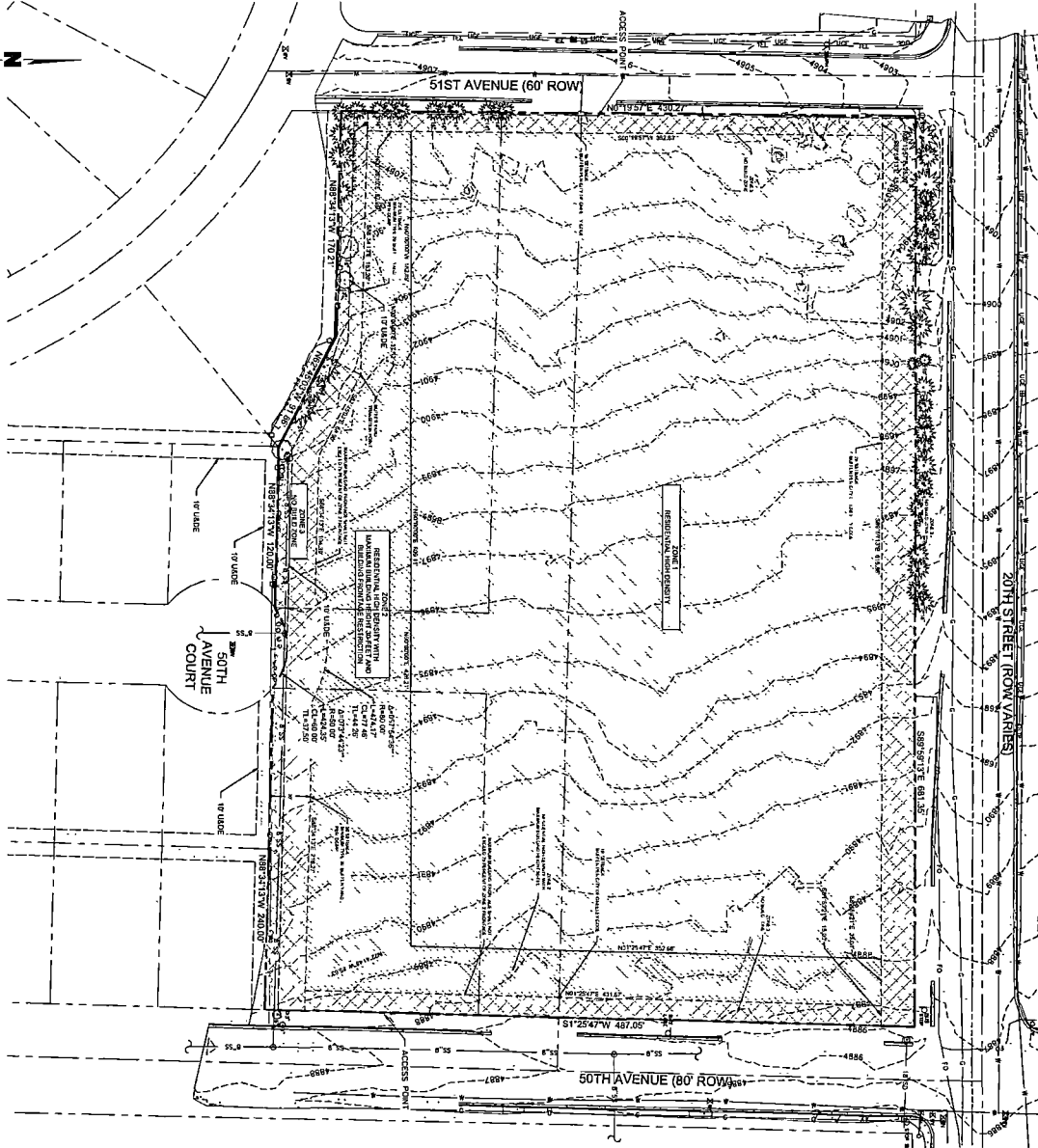
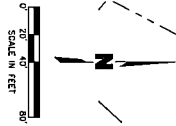
**HS5.B.2** Foster the development of attractive, safe and well-maintained rental properties for those who do not qualify for or desire to own property.

**HS5.B.4** Promote the stability of established neighborhoods through infill and redevelopment opportunities to maintain the viability of these areas and provide new housing options.

**What is the potential impact of the proposed rezoning upon an approved zoning suitability plan for the property?**

A Zoning Suitability Plan is being submitted with this rezone request





ALPINE FLATS ZONING SUITABILITY MAP

Attachment E

**Land Use Information Table**

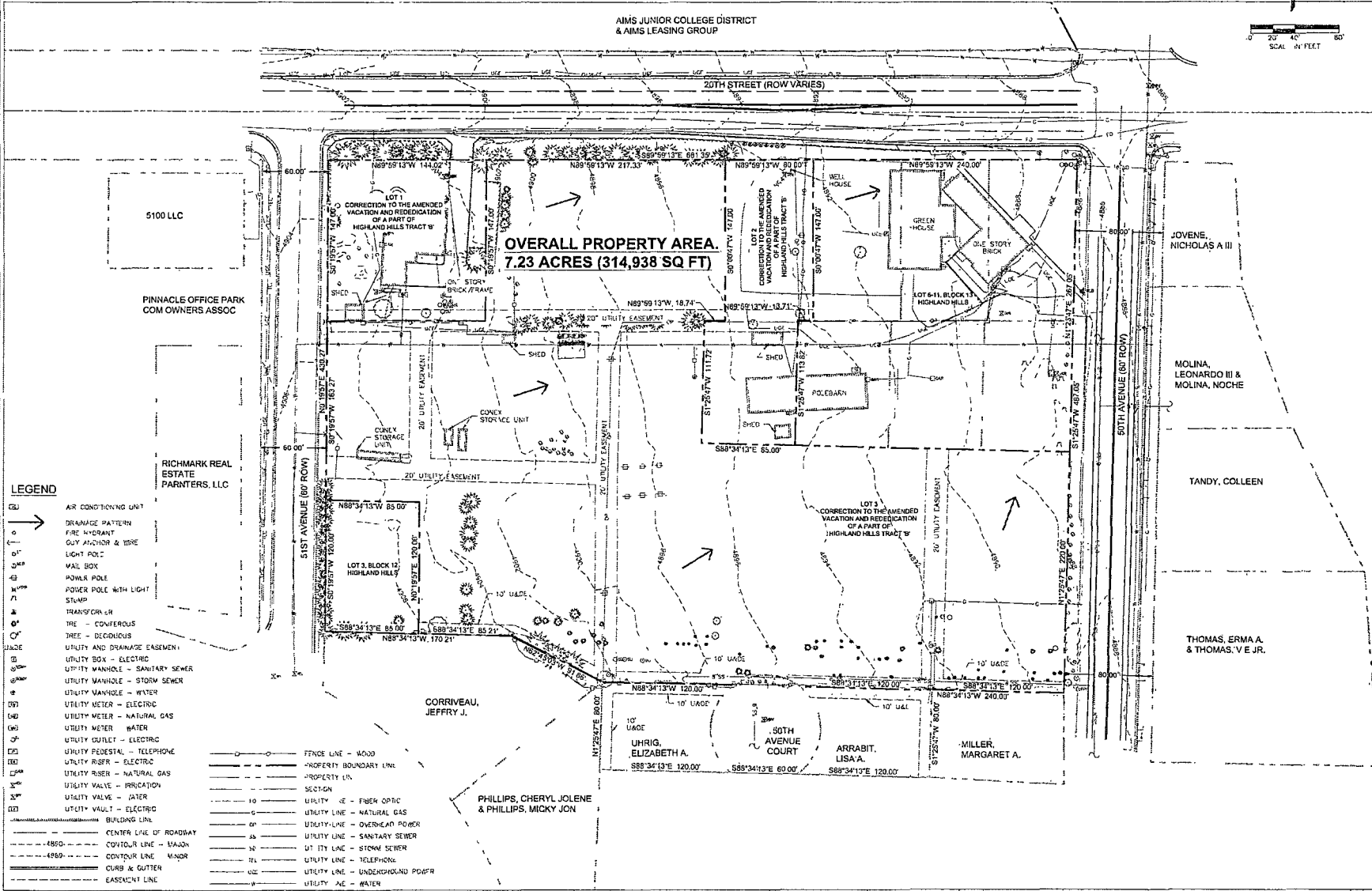
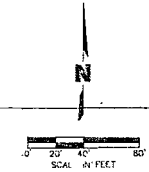
| Zone  | Zone Description                 | Area (sq. ft.) | Area (sq. ft.) | Area (sq. ft.) |
|-------|----------------------------------|----------------|----------------|----------------|
| R-1   | Single-Family Residential        | 25             | 15             | 10             |
| R-2   | Two-Family Residential           | 15             | 10             | 5              |
| R-3   | Three-Family Residential         | 10             | 5              | 5              |
| R-4   | Four-Family Residential          | 5              | 5              | 5              |
| R-5   | Five-Family Residential          | 5              | 5              | 5              |
| R-6   | Six-Family Residential           | 5              | 5              | 5              |
| R-7   | Seven-Family Residential         | 5              | 5              | 5              |
| R-8   | Eight-Family Residential         | 5              | 5              | 5              |
| R-9   | Nine-Family Residential          | 5              | 5              | 5              |
| R-10  | Ten-Family Residential           | 5              | 5              | 5              |
| R-11  | Eleven-Family Residential        | 5              | 5              | 5              |
| R-12  | Twelve-Family Residential        | 5              | 5              | 5              |
| R-13  | Thirteen-Family Residential      | 5              | 5              | 5              |
| R-14  | Fourteen-Family Residential      | 5              | 5              | 5              |
| R-15  | Fifteen-Family Residential       | 5              | 5              | 5              |
| R-16  | Sixteen-Family Residential       | 5              | 5              | 5              |
| R-17  | Seventeen-Family Residential     | 5              | 5              | 5              |
| R-18  | Eighteen-Family Residential      | 5              | 5              | 5              |
| R-19  | Nineteen-Family Residential      | 5              | 5              | 5              |
| R-20  | Twenty-Family Residential        | 5              | 5              | 5              |
| R-21  | Twenty-One-Family Residential    | 5              | 5              | 5              |
| R-22  | Twenty-Two-Family Residential    | 5              | 5              | 5              |
| R-23  | Twenty-Three-Family Residential  | 5              | 5              | 5              |
| R-24  | Twenty-Four-Family Residential   | 5              | 5              | 5              |
| R-25  | Twenty-Five-Family Residential   | 5              | 5              | 5              |
| R-26  | Twenty-Six-Family Residential    | 5              | 5              | 5              |
| R-27  | Twenty-Seven-Family Residential  | 5              | 5              | 5              |
| R-28  | Twenty-Eight-Family Residential  | 5              | 5              | 5              |
| R-29  | Twenty-Nine-Family Residential   | 5              | 5              | 5              |
| R-30  | Thirty-Family Residential        | 5              | 5              | 5              |
| R-31  | Thirty-One-Family Residential    | 5              | 5              | 5              |
| R-32  | Thirty-Two-Family Residential    | 5              | 5              | 5              |
| R-33  | Thirty-Three-Family Residential  | 5              | 5              | 5              |
| R-34  | Thirty-Four-Family Residential   | 5              | 5              | 5              |
| R-35  | Thirty-Five-Family Residential   | 5              | 5              | 5              |
| R-36  | Thirty-Six-Family Residential    | 5              | 5              | 5              |
| R-37  | Thirty-Seven-Family Residential  | 5              | 5              | 5              |
| R-38  | Thirty-Eight-Family Residential  | 5              | 5              | 5              |
| R-39  | Thirty-Nine-Family Residential   | 5              | 5              | 5              |
| R-40  | Forty-Family Residential         | 5              | 5              | 5              |
| R-41  | Forty-One-Family Residential     | 5              | 5              | 5              |
| R-42  | Forty-Two-Family Residential     | 5              | 5              | 5              |
| R-43  | Forty-Three-Family Residential   | 5              | 5              | 5              |
| R-44  | Forty-Four-Family Residential    | 5              | 5              | 5              |
| R-45  | Forty-Five-Family Residential    | 5              | 5              | 5              |
| R-46  | Forty-Six-Family Residential     | 5              | 5              | 5              |
| R-47  | Forty-Seven-Family Residential   | 5              | 5              | 5              |
| R-48  | Forty-Eight-Family Residential   | 5              | 5              | 5              |
| R-49  | Forty-Nine-Family Residential    | 5              | 5              | 5              |
| R-50  | Fifty-Family Residential         | 5              | 5              | 5              |
| R-51  | Fifty-One-Family Residential     | 5              | 5              | 5              |
| R-52  | Fifty-Two-Family Residential     | 5              | 5              | 5              |
| R-53  | Fifty-Three-Family Residential   | 5              | 5              | 5              |
| R-54  | Fifty-Four-Family Residential    | 5              | 5              | 5              |
| R-55  | Fifty-Five-Family Residential    | 5              | 5              | 5              |
| R-56  | Fifty-Six-Family Residential     | 5              | 5              | 5              |
| R-57  | Fifty-Seven-Family Residential   | 5              | 5              | 5              |
| R-58  | Fifty-Eight-Family Residential   | 5              | 5              | 5              |
| R-59  | Fifty-Nine-Family Residential    | 5              | 5              | 5              |
| R-60  | Sixty-Family Residential         | 5              | 5              | 5              |
| R-61  | Sixty-One-Family Residential     | 5              | 5              | 5              |
| R-62  | Sixty-Two-Family Residential     | 5              | 5              | 5              |
| R-63  | Sixty-Three-Family Residential   | 5              | 5              | 5              |
| R-64  | Sixty-Four-Family Residential    | 5              | 5              | 5              |
| R-65  | Sixty-Five-Family Residential    | 5              | 5              | 5              |
| R-66  | Sixty-Six-Family Residential     | 5              | 5              | 5              |
| R-67  | Sixty-Seven-Family Residential   | 5              | 5              | 5              |
| R-68  | Sixty-Eight-Family Residential   | 5              | 5              | 5              |
| R-69  | Sixty-Nine-Family Residential    | 5              | 5              | 5              |
| R-70  | Seventy-Family Residential       | 5              | 5              | 5              |
| R-71  | Seventy-One-Family Residential   | 5              | 5              | 5              |
| R-72  | Seventy-Two-Family Residential   | 5              | 5              | 5              |
| R-73  | Seventy-Three-Family Residential | 5              | 5              | 5              |
| R-74  | Seventy-Four-Family Residential  | 5              | 5              | 5              |
| R-75  | Seventy-Five-Family Residential  | 5              | 5              | 5              |
| R-76  | Seventy-Six-Family Residential   | 5              | 5              | 5              |
| R-77  | Seventy-Seven-Family Residential | 5              | 5              | 5              |
| R-78  | Seventy-Eight-Family Residential | 5              | 5              | 5              |
| R-79  | Seventy-Nine-Family Residential  | 5              | 5              | 5              |
| R-80  | Eighty-Family Residential        | 5              | 5              | 5              |
| R-81  | Eighty-One-Family Residential    | 5              | 5              | 5              |
| R-82  | Eighty-Two-Family Residential    | 5              | 5              | 5              |
| R-83  | Eighty-Three-Family Residential  | 5              | 5              | 5              |
| R-84  | Eighty-Four-Family Residential   | 5              | 5              | 5              |
| R-85  | Eighty-Five-Family Residential   | 5              | 5              | 5              |
| R-86  | Eighty-Six-Family Residential    | 5              | 5              | 5              |
| R-87  | Eighty-Seven-Family Residential  | 5              | 5              | 5              |
| R-88  | Eighty-Eight-Family Residential  | 5              | 5              | 5              |
| R-89  | Eighty-Nine-Family Residential   | 5              | 5              | 5              |
| R-90  | Ninety-Family Residential        | 5              | 5              | 5              |
| R-91  | Ninety-One-Family Residential    | 5              | 5              | 5              |
| R-92  | Ninety-Two-Family Residential    | 5              | 5              | 5              |
| R-93  | Ninety-Three-Family Residential  | 5              | 5              | 5              |
| R-94  | Ninety-Four-Family Residential   | 5              | 5              | 5              |
| R-95  | Ninety-Five-Family Residential   | 5              | 5              | 5              |
| R-96  | Ninety-Six-Family Residential    | 5              | 5              | 5              |
| R-97  | Ninety-Seven-Family Residential  | 5              | 5              | 5              |
| R-98  | Ninety-Eight-Family Residential  | 5              | 5              | 5              |
| R-99  | Hundred-Family Residential       | 5              | 5              | 5              |
| R-100 | Other                            | 5              | 5              | 5              |

|   |  |  |
|---|--|--|
| ALPINE FLATS DCMP<br>R-H ZONING<br>ZONING SUITABILITY MAP<br>5002 AND 5030 20TH STREET<br>GREELEY, CO |  | REV NO.<br>1<br>DATE<br>03/20/2017<br>03/22/2017<br>03/23/2017<br>03/24/2017<br>03/25/2017<br>03/26/2017<br>03/27/2017<br>03/28/2017<br>03/29/2017<br>03/30/2017<br>03/31/2017<br>04/01/2017<br>04/02/2017<br>04/03/2017<br>04/04/2017<br>04/05/2017<br>04/06/2017<br>04/07/2017<br>04/08/2017<br>04/09/2017<br>04/10/2017<br>04/11/2017<br>04/12/2017<br>04/13/2017<br>04/14/2017<br>04/15/2017<br>04/16/2017<br>04/17/2017<br>04/18/2017<br>04/19/2017<br>04/20/2017<br>04/21/2017<br>04/22/2017<br>04/23/2017<br>04/24/2017<br>04/25/2017<br>04/26/2017<br>04/27/2017<br>04/28/2017<br>04/29/2017<br>04/30/2017<br>05/01/2017<br>05/02/2017<br>05/03/2017<br>05/04/2017<br>05/05/2017<br>05/06/2017<br>05/07/2017<br>05/08/2017<br>05/09/2017<br>05/10/2017<br>05/11/2017<br>05/12/2017<br>05/13/2017<br>05/14/2017<br>05/15/2017<br>05/16/2017<br>05/17/2017<br>05/18/2017<br>05/19/2017<br>05/20/2017<br>05/21/2017<br>05/22/2017<br>05/23/2017<br>05/24/2017<br>05/25/2017<br>05/26/2017<br>05/27/2017<br>05/28/2017<br>05/29/2017<br>05/30/2017<br>05/31/2017<br>06/01/2017<br>06/02/2017<br>06/03/2017<br>06/04/2017<br>06/05/2017<br>06/06/2017<br>06/07/2017<br>06/08/2017<br>06/09/2017<br>06/10/2017<br>06/11/2017<br>06/12/2017<br>06/13/2017<br>06/14/2017<br>06/15/2017<br>06/16/2017<br>06/17/2017<br>06/18/2017<br>06/19/2017<br>06/20/2017<br>06/21/2017<br>06/22/2017<br>06/23/2017<br>06/24/2017<br>06/25/2017<br>06/26/2017<br>06/27/2017<br>06/28/2017<br>06/29/2017<br>06/30/2017<br>07/01/2017<br>07/02/2017<br>07/03/2017<br>07/04/2017<br>07/05/2017<br>07/06/2017<br>07/07/2017<br>07/08/2017<br>07/09/2017<br>07/10/2017<br>07/11/2017<br>07/12/2017<br>07/13/2017<br>07/14/2017<br>07/15/2017<br>07/16/2017<br>07/17/2017<br>07/18/2017<br>07/19/2017<br>07/20/2017<br>07/21/2017<br>07/22/2017<br>07/23/2017<br>07/24/2017<br>07/25/2017<br>07/26/2017<br>07/27/2017<br>07/28/2017<br>07/29/2017<br>07/30/2017<br>07/31/2017<br>08/01/2017<br>08/02/2017<br>08/03/2017<br>08/04/2017<br>08/05/2017<br>08/06/2017<br>08/07/2017<br>08/08/2017<br>08/09/2017<br>08/10/2017<br>08/11/2017<br>08/12/2017<br>08/13/2017<br>08/14/2017<br>08/15/2017<br>08/16/2017<br>08/17/2017<br>08/18/2017<br>08/19/2017<br>08/20/2017<br>08/21/2017<br>08/22/2017<br>08/23/2017<br>08/24/2017<br>08/25/2017<br>08/26/2017<br>08/27/2017<br>08/28/2017<br>08/29/2017<br>08/30/2017<br>08/31/2017<br>09/01/2017<br>09/02/2017<br>09/03/2017<br>09/04/2017<br>09/05/2017<br>09/06/2017<br>09/07/2017<br>09/08/2017<br>09/09/2017<br>09/10/2017<br>09/11/2017<br>09/12/2017<br>09/13/2017<br>09/14/2017<br>09/15/2017<br>09/16/2017<br>09/17/2017<br>09/18/2017<br>09/19/2017<br>09/20/2017<br>09/21/2017<br>09/22/2017<br>09/23/2017<br>09/24/2017<br>09/25/2017<br>09/26/2017<br>09/27/2017<br>09/28/2017<br>09/29/2017<br>09/30/2017<br>10/01/2017<br>10/02/2017<br>10/03/2017<br>10/04/2017<br>10/05/2017<br>10/06/2017<br>10/07/2017<br>10/08/2017<br>10/09/2017<br>10/10/2017<br>10/11/2017<br>10/12/2017<br>10/13/2017<br>10/14/2017<br>10/15/2017<br>10/16/2017<br>10/17/2017<br>10/18/2017<br>10/19/2017<br>10/20/2017<br>10/21/2017<br>10/22/2017<br>10/23/2017<br>10/24/2017<br>10/25/2017<br>10/26/2017<br>10/27/2017<br>10/28/2017<br>10/29/2017<br>10/30/2017<br>10/31/2017<br>11/01/2017<br>11/02/2017<br>11/03/2017<br>11/04/2017<br>11/05/2017<br>11/06/2017<br>11/07/2017<br>11/08/2017<br>11/09/2017<br>11/10/2017<br>11/11/2017<br>11/12/2017<br>11/13/2017<br>11/14/2017<br>11/15/2017<br>11/16/2017<br>11/17/2017<br>11/18/2017<br>11/19/2017<br>11/20/2017<br>11/21/2017<br>11/22/2017<br>11/23/2017<br>11/24/2017<br>11/25/2017<br>11/26/2017<br>11/27/2017<br>11/28/2017<br>11/29/2017<br>11/30/2017<br>12/01/2017<br>12/02/2017<br>12/03/2017<br>12/04/2017<br>12/05/2017<br>12/06/2017<br>12/07/2017<br>12/08/2017<br>12/09/2017<br>12/10/2017<br>12/11/2017<br>12/12/2017<br>12/13/2017<br>12/14/2017<br>12/15/2017<br>12/16/2017<br>12/17/2017<br>12/18/2017<br>12/19/2017<br>12/20/2017<br>12/21/2017<br>12/22/2017<br>12/23/2017<br>12/24/2017<br>12/25/2017<br>12/26/2017<br>12/27/2017<br>12/28/2017<br>12/29/2017<br>12/30/2017<br>12/31/2017 |
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**MOLSSON ASSOCIATES**

3303 Northshore Boulevard Suite 100  
 Loveland, CO 80538  
 TEL: 970.441.7733 www.dreammollson.com

**ALPINE FLATS SITE ANALYSIS MAP**  
 LOTS 1, 2 & 3, CORRECTION TO THE AMENDED VACATION AND REDEDICATION OF A PART OF HIGHLAND HILLS TRACT 'B' (T)  
 LOT 3, BLOCK 12, HIGHLAND HILLS AND LOTS 6-11, BLOCK 13, HIGHLAND HILLS  
 ALL SITUATED IN THE NORTH HALF OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
 CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO



**LEGEND**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>→ AIR CONDITIONING UNIT</li> <li>--- DRAINAGE PATTERN</li> <li>--- FIRE HYDRANT</li> <li>--- GUY ANCHOR &amp; YARD</li> <li>--- LIGHT POLE</li> <li>--- MAIL BOX</li> <li>--- POWER POLE</li> <li>--- POWER POLE WITH LIGHT</li> <li>--- SLUMP</li> <li>--- TRANSFORMER</li> <li>--- TREE - CONIFEROUS</li> <li>--- TREE - DECIDUOUS</li> <li>--- UTILITY AND DRAINAGE EASEMENT</li> <li>--- UTILITY BOX - ELECTRIC</li> <li>--- UTILITY MANHOLE - SANITARY SEWER</li> <li>--- UTILITY MANHOLE - STORM SEWER</li> <li>--- UTILITY MANHOLE - WATER</li> <li>--- UTILITY METER - ELECTRIC</li> <li>--- UTILITY METER - NATURAL GAS</li> <li>--- UTILITY METER - WATER</li> <li>--- UTILITY OUTLET - ELECTRIC</li> <li>--- UTILITY FEDESTAL - TELEPHONE</li> <li>--- UTILITY RISER - ELECTRIC</li> <li>--- UTILITY RISER - NATURAL GAS</li> <li>--- UTILITY VALVE - IRRIGATION</li> <li>--- UTILITY VALVE - WATER</li> <li>--- UTILITY VAULT - ELECTRIC</li> <li>--- BUILDING LINE</li> <li>--- CENTER LINE OF ROADWAY</li> <li>--- 4850' - COUNTRY LINE - MAJOR</li> <li>--- 4950' - COUNTRY LINE - MINOR</li> <li>--- CURB &amp; GUTTER</li> <li>--- EASEMENT LINE</li> </ul> | <ul style="list-style-type: none"> <li>--- FENCE LINE - WOOD</li> <li>--- PROPERTY BOUNDARY LINE</li> <li>--- PROPERTY LN.</li> <li>--- SECTION</li> <li>--- UTILITY - FIBER OPTIC</li> <li>--- UTILITY LINE - NATURAL GAS</li> <li>--- UTILITY LINE - OVERHEAD POWER</li> <li>--- UTILITY LINE - SANITARY SEWER</li> <li>--- UTILITY LINE - STORM SEWER</li> <li>--- UTILITY LINE - TELEPHONE</li> <li>--- UTILITY LINE - UNDERGROUND POWER</li> <li>--- UTILITY - WATER</li> </ul> |
|---|--|

**MOLSSON ASSOCIATES**  
 1500 W. 10TH STREET, SUITE 100  
 GREELEY, CO 80639  
 TEL: 970-441-7773 FAX: 970-441-7774  
 WWW.MOLSSONASSOCIATES.COM

NOTE: THIS DOCUMENT HAS BEEN RELEASED BY ORDER OF THE COURT. IT IS HEREBY ORDERED THAT THE LOCATION OF ALL UTILITIES SHOWN ON THIS MAP BE SUBJECT TO CHANGE, THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION.

ALL UTILITIES SHOWN ON THIS MAP ARE BASED ON THE BEST AVAILABLE INFORMATION. IT IS HEREBY ORDERED THAT THE LOCATION OF ALL UTILITIES SHOWN ON THIS MAP BE SUBJECT TO CHANGE, THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION.



Call before you dig.  
 811  
 1-800-4-A-DIG  
 1-800-4-ADIG

| REV. | DATE       | DESCRIPTION          |
|------|------------|----------------------|
| 1    | 12/22/2016 | REVISED PER COMMENTS |

| REV. | DATE       | DESCRIPTION          |
|------|------------|----------------------|
| 1    | 12/22/2016 | REVISED PER COMMENTS |

| REV. | DATE       | DESCRIPTION          |
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| 1    | 12/22/2016 | REVISED PER COMMENTS |

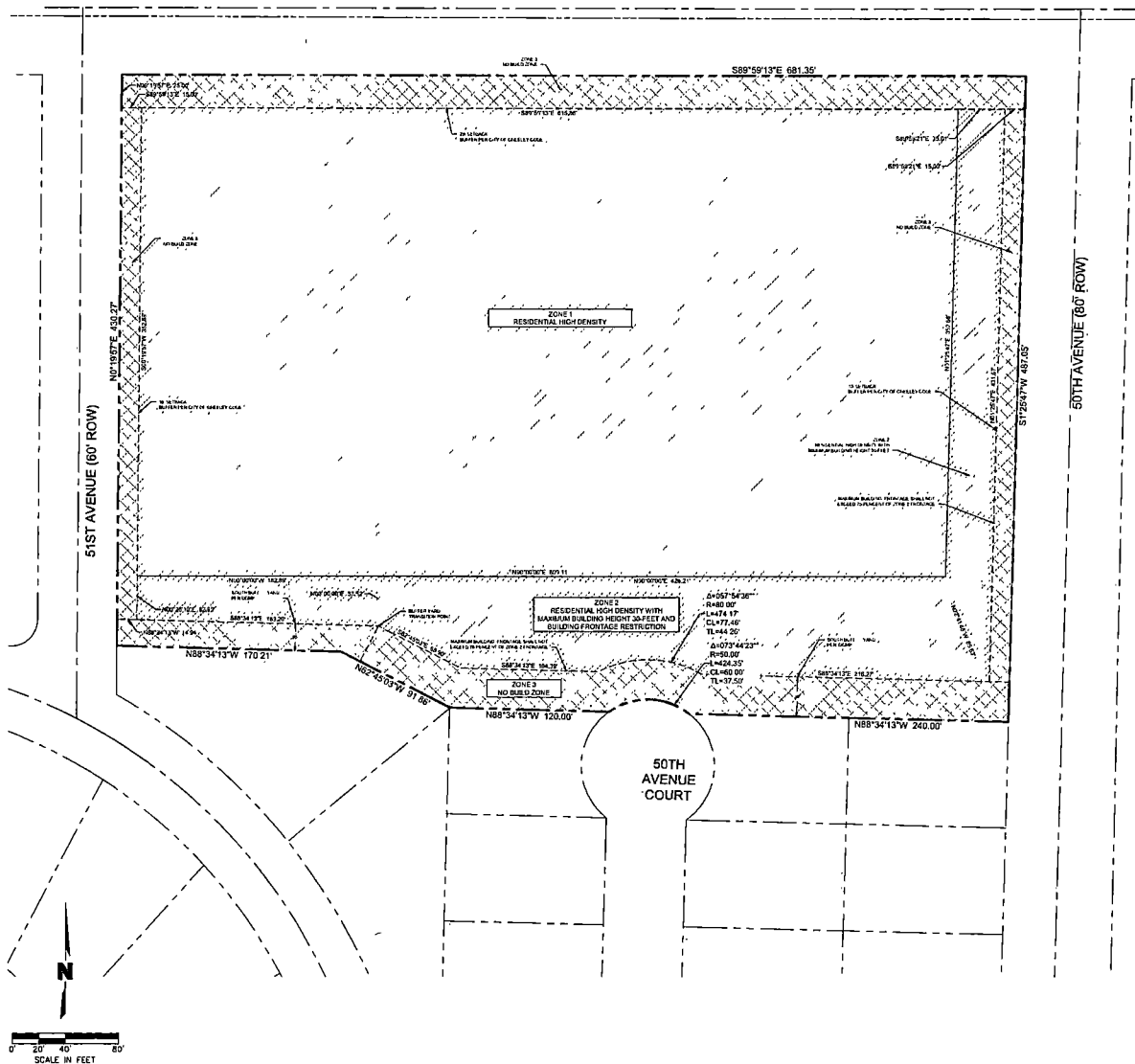
| REV. | DATE       | DESCRIPTION          |
|------|------------|----------------------|
| 1    | 12/22/2016 | REVISED PER COMMENTS |

| REV. | DATE       | DESCRIPTION          |
|------|------------|----------------------|
| 1    | 12/22/2016 | REVISED PER COMMENTS |

DWG: P:\Projects\014-1527\1527.dwg  
 DATE: Dec 12, 2016 7:27am  
 USER: chul



50TH AVENUE (80' ROW)



1. Zone 1:

- a. Area shall be designated Residential High Density District (RH-H) per Chapter 18.35 - Zoning District Development Standards of the City of Greeley, CO.

2. Zone 2:

- a. Area shall be designated Residential High Density District (RH-H) per Chapter 18.35 - Zoning District Development Standards of the City of Greeley, CO.
- b. Building Height Restriction: Building height in this zone per the Development Concept Master Plan shall have a maximum height of 30'-0".
- c. Building Footprint Restrictions: Building footprint in this zone per this Development Concept Master Plan shall have a maximum of 75% per lot per the Development Concept Master Plan and not re-configure and make use of multiple buildings. The zone footprint shall be not re-configure and make use of multiple buildings.
- d. Building footprint shall include parking garages, storage yards, and maintenance buildings are permitted in this zone.

3. Zone 2:

- a. Area shall be designated Residential High Density District (RH-H) per Chapter 18.35 - Zoning District Development Standards of the City of Greeley, CO.
- b. Land Use Restriction: No other land use in this zone per the Development Concept Master Plan shall be permitted.
- c. Accessory buildings are not permitted in this zone.
- d. Structures including but not limited to: fireproofing walls, curbs, walls, metal fences, and fences are permitted in this zone.

4. Buffer Zones

- a. Buffer Zones shall be provided along the perimeter of the property per the City of Greeley Development Code unless specifically noted otherwise within the Development Concept Master Plan.
- b. Buffer Zones shall be provided along the south boundary as noted on the plan. The buffer area shall provide buffering through the use of setbacks, landscaping, fences, plantings, walls or a combination thereof per the City of Greeley Code and as stated below.
- c. South Buffer: The south buffer yard shall contain a minimum of the following per 100 linear feet: 4 shade trees, 4 ornamental trees or Type 3 shrubs, 3 evergreen trees or 3 shrubs.
- d. Reductions in plantings if applicable shall be subject to the plantings requirements by the City of Greeley Development Code and fencing, hedges, or screening or combination thereof is incorporated within the buffer yards.

5. Density

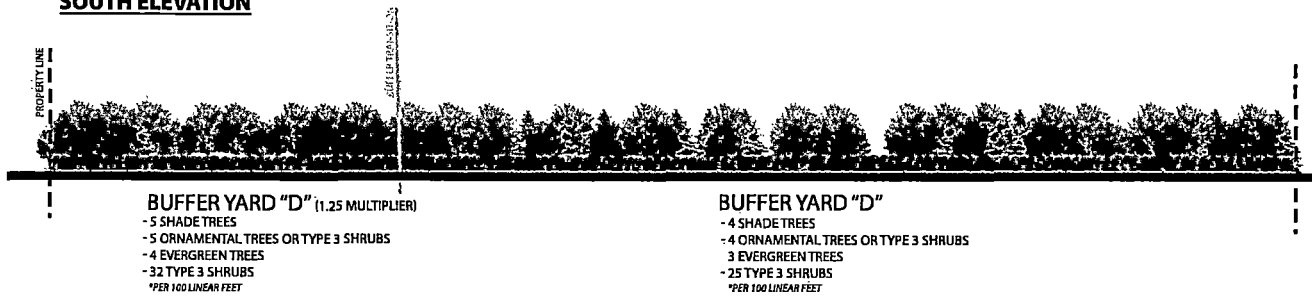
- a. Unit density shall be 200 units/acre.

6. Definitions:

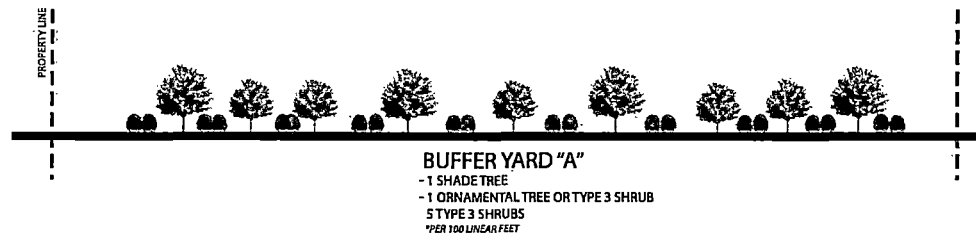
- a. Principal Structure shall mean anything constructed or erected on the ground to be used as the primary residence.
- b. Accessory Building or structure shall mean a detached building of structure located upon the same lot as the principal building or structure to which it is related and which is subordinate to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

DWG: F:\Projects\014-1627\L0VP\Final\_Plans\Zoning\141627\_DCMP.dwg USER: Daniel Hull  
DATE: Jun 02, 2017 4:47pm XREFS 08-30-2015 CONCEPT 141627\_XBASE 141627\_PBASE

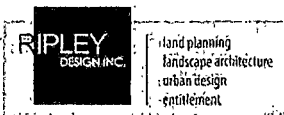
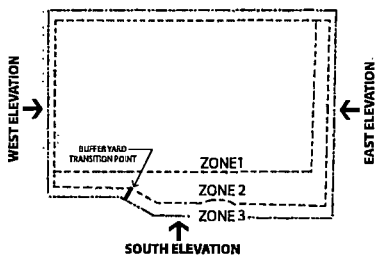
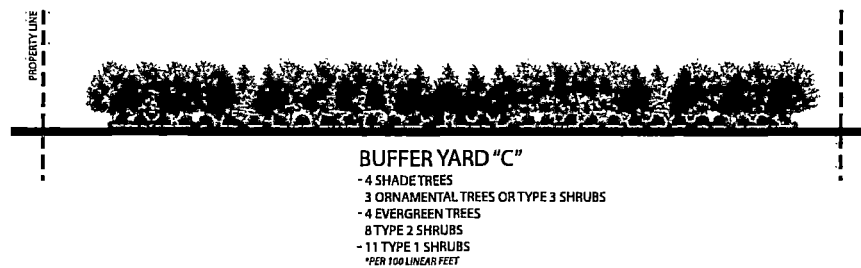
**SOUTH ELEVATION**



**EAST ELEVATION**

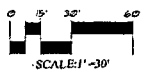
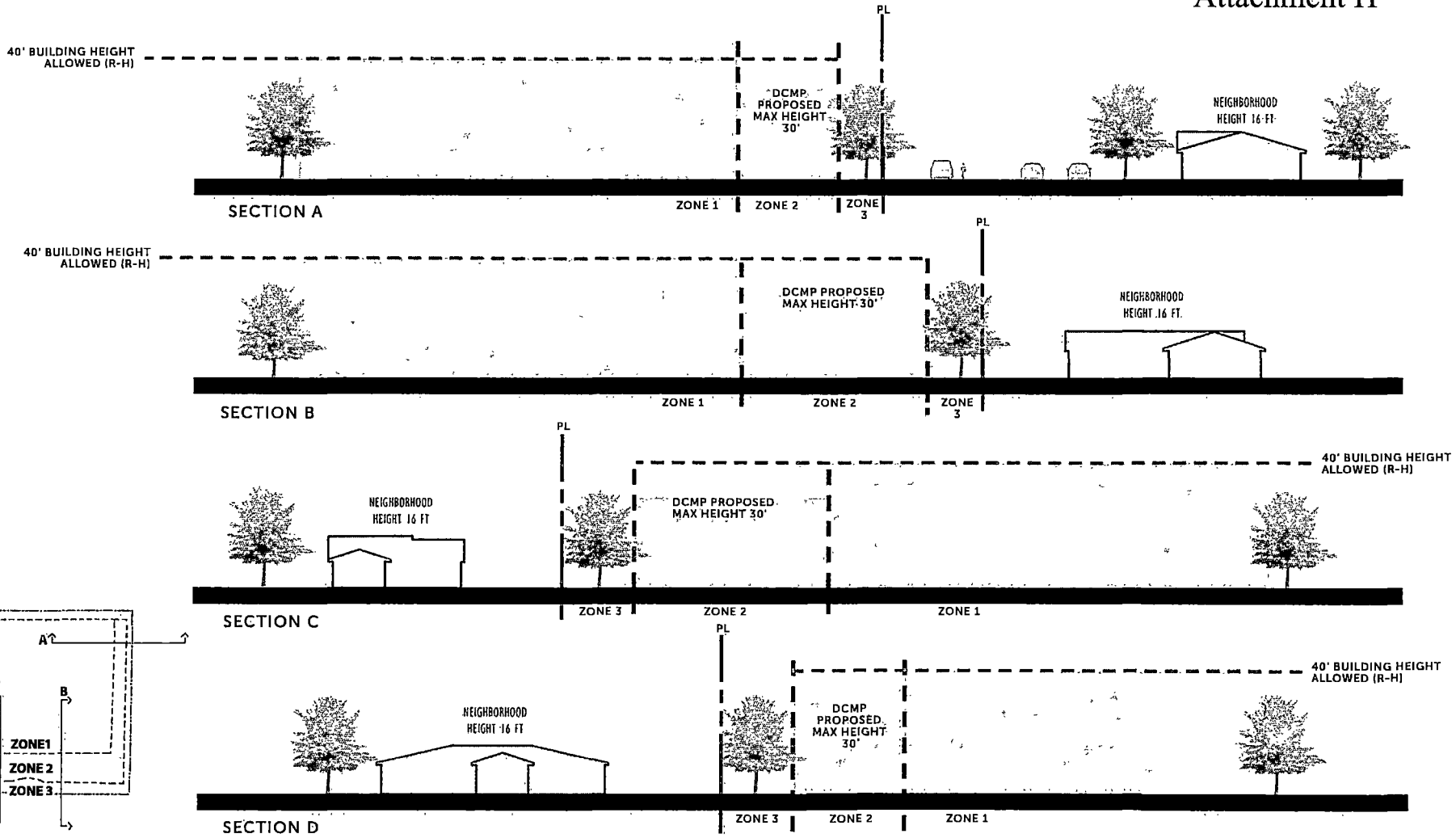


**WEST ELEVATION**



**ALPINE FLATS - BUFFER YARDS**  
07/11/2017

419 Canyon Ave., Suite 200  
Fort Collins, Colorado 80521  
970.224.5824  
www.ripleydesigninc.com



**RIPLEY**  
DESIGN INC.

land planning  
landscape architecture  
urban design  
entitlement

# ALPINE FLATS - PROPOSED/ALLOWED BUILDING HEIGHTS

04/10/2017

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Fort Collins, Colorado 80521  
970.224.5828  
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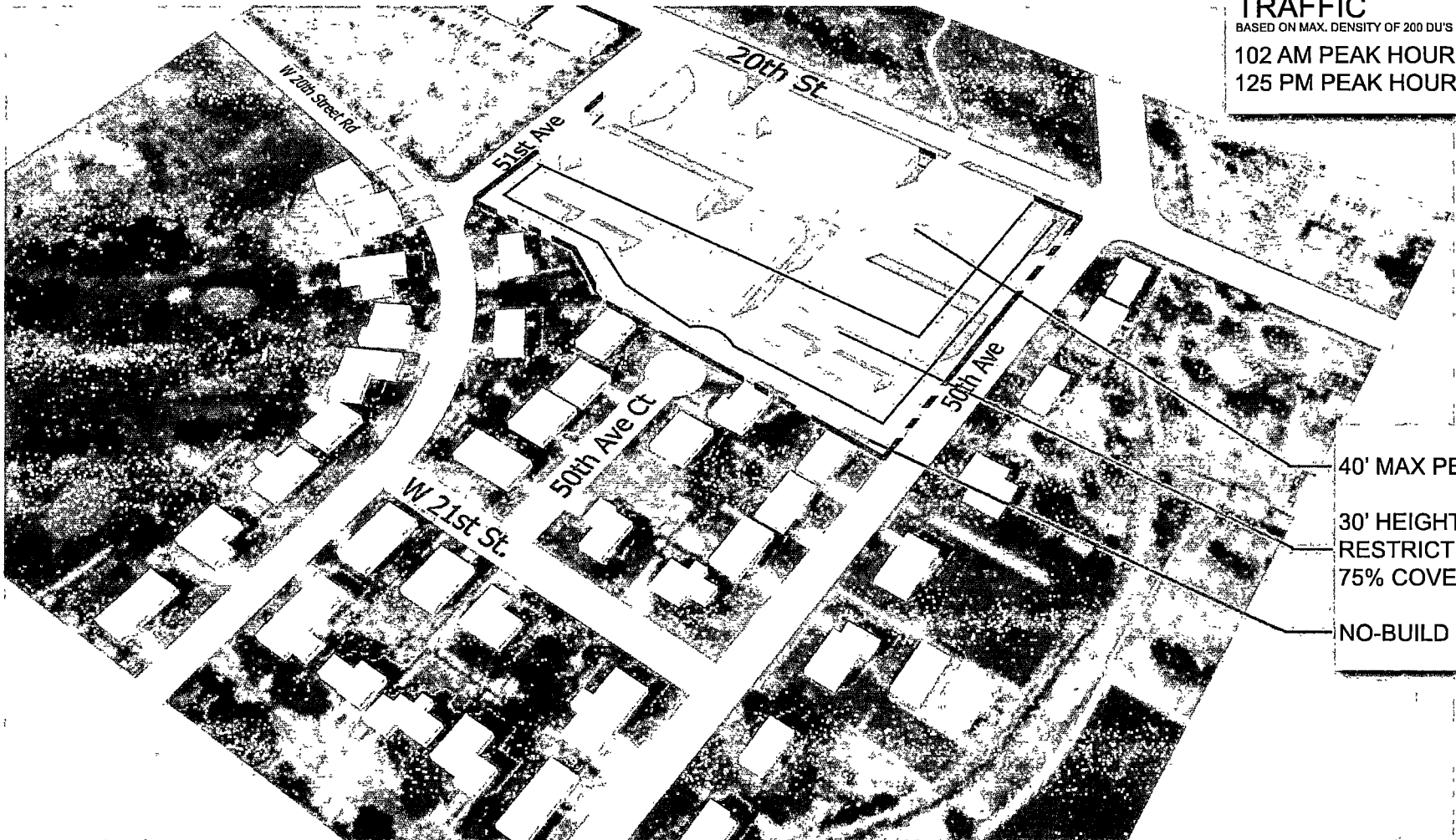
# Attachment I

## TRAFFIC

BASED ON MAX. DENSITY OF 200 DU'S

102 AM PEAK HOUR TRIPS

125 PM PEAK HOUR TRIPS



40' MAX PER CODE

30' HEIGHT  
RESTRICTION, MAX.  
75% COVERAGE

NO-BUILD ZONE

LAYOUT IS CONCEPTUAL, ACTUAL SITE PLAN LAYOUT MAY CHANGE THROUGH PLANNING PROCESS

## ALPINE FLATS - PROPOSED

04/10/17

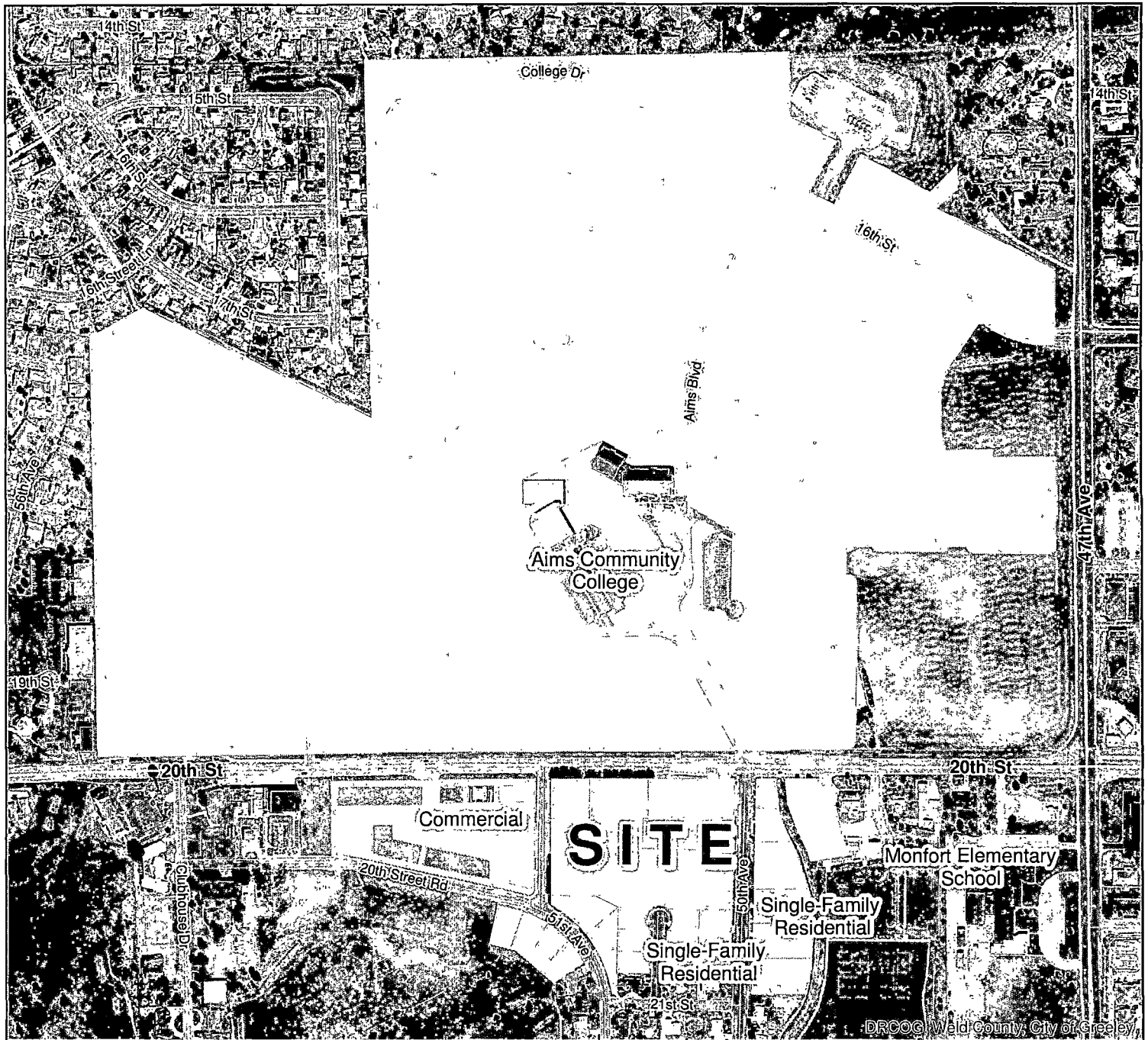
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AERIAL DATE: 2017 © GOOGLE EARTH

# Neighborhood Notification Boundary Map Attachment J



0 125 250 500  
Feet

## Alpine Flats Rezone Request R-L & C-H to R-H

Residential-Low & Commercial High-Intensity to  
Residential-High  
Located at

5002 and 5030 20th Street

### Legend

- Subject Site
- Greeley Parcels
- Neighborhood Notification Boundary

Created: June3, 2017  
By: duranm, CD  
File: AlpineFlats.mxd

### Notes:

All planimetric data was digitized from aerial photographs dated 1987, 1992, 1995, 2000, 2005, and 2014. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMAAS). The information contained within this document is not intended to be used for the preparation of construction documents.

Information contained on this document remains the property of the City of Greeley. Copying any portion of this map without the written permission of the City of Greeley is strictly prohibited.

City of  
**Greeley**  
Colorado

## Marian Duran

---

**From:** Sarah Lukemire <sarah@brindledigital.com>  
**Sent:** Tuesday, July 18, 2017 9:11 PM  
**To:** Marian Duran  
**Subject:** rezoning of property on 50th ave & 20th st.

Hello,

I have attended the neighborhood meeting and have been following the rezoning of the vacant lot on 50th and 20th st. I am in favor of the rezone and think the development of this property provides several benefits getting rid of the eyesore the vacant lot brings, bring a luxury multi-family development to Greeley, and result in the best option for the land vs a commercial building, gas station, drive-thru, etc

Thank you,  
Sarah Lukemire  
1425 63rd Ave Ct.  
Brindle Digital

# Alpine Flats

Neighborhood Meeting 5/18/17

## Comments

- Nothing has changed from 2 years ago, so why??
- Traffic!! Congestion!!
- No zoning change! / No High-Density-Res!
- No High-Density Res
- Leave as Low Density!!!!
- Business on corner okay
- Exit only on 20<sup>th</sup>
- No exit on 50<sup>th</sup> or 51<sup>st</sup>
- Rather see a park constructed
- Safety of schools
- Snow removal
- Adequate parking
- Zone to R-M
- Owner occupied
- Right turn only out onto 20<sup>th</sup>
- Do no re-zone x2
- Another neighborhood meeting prior to rezone
- Too dense for retirement community
- No traffic lights in proximity
- Icy roads along 20<sup>th</sup>
- Want 2 parking spots per bed
- Why not build a small gated community of \$1 million homes instead of high density res? Same outcome, different way to accomplish the goal
- Nothing has changed, we do NOT want any part of it (no way)
- I live on 51<sup>st</sup>, tell me how you will cut down traffic?
- Do you know the meaning of NO! From the first time?
- Where are you going to park all these autos-pickups??
- Trash traffic traffic trash no way
- Traffic accidents due to no new traffic lights
- Value of my home due to zoo rentals in my backyards
- Transient nature of renters vs. stable home owners
- Noise pollution, light pollution, crime, loss of privacy
- Why not family friendly housing, townhouse
- Go away
- Develop the property with the current zoning no change is needed
- Where are your morals???
- Making a profit on the backs of established homeowners is reprehensible!

## Marian Duran

---

**From:** Bill Hurt <billhurt@comcast.net>  
**Sent:** Tuesday, July 18, 2017 8:59 PM  
**To:** Marian Duran  
**Subject:** Zoning for 5002 and 5030 20th St.

Hello Marian Very quick, I request that you keep the zoning of the old Highland Hills Nursery property as low density residential and to not approve the proposed 200 + unit four-story apartment complex.

I live at 5630 W 24<sup>th</sup> Street, and travel on 20<sup>th</sup> Street an average of 4 to 6 times a day 20<sup>th</sup> Street is already overcrowded and the traffic is horrendous at times (especially when Monfort Elementary School is dismissing students in the afternoon) The corner of 47<sup>th</sup> Avenue and 20<sup>th</sup> Street gets backlogged for five or six blocks at times.

The proposed 200 + unit four-story apartment complex will not only add more traffic that 20<sup>th</sup> Street can't handle, it would also become dangerous for the children at Monfort Elementary School

So, PLEASE NO to the rezoning of 20<sup>th</sup> Street property

Thank you

William E. Hurt  
5630 W 24<sup>th</sup> Street  
Greeley, CO  
970-330-8902  
[billhurt@comcast.net](mailto:billhurt@comcast.net)



## Marian Duran

---

**From:** Blake Burnita Walters <bbb.onthego@gmail.com>  
**Sent:** Sunday, June 04, 2017 5:00 PM  
**To:** Marian Duran  
**Subject:** Rezoning property located at 5002 and 5030 20th Street

Dear Ms Duran,

I am writing this to formally voice my objection to the purposed rezoning of the property located at 5002 and 5030 20th Street from R-L and C-H to R-H. The property in question is located next to a quiet older neighborhood and multiple schools. It is not appropriate area for a multifamily establishment. There are many safety concerns including the adverse effects of the increased traffic in our neighborhood. Two years ago this proposal was addressed and rejected by the City of Greeley for similar concerns. Nothing has changed! Please reject this application and encourage the owners to develop these lots as currently zoned. Thank you.

Burnita Walters  
2041 51st Ave  
970-405-2858

## Marian Duran

---

**From:** Blake WALTERS <bbsathome@msn.com>  
**Sent:** Sunday, June 04, 2017 5.29 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats - rezoning - opposed

Dear Ms Duran,

I'm writing you today concerning the rezoning of the lot previously known as Highland Hills nursery/ Alpine gardens from residential to high-density. I am opposed to rezoning this area to a residential-high-density redevelopment as proposed by the landowners. I'm also including some suggestions to alleviate some of my concerns.

We've known about this proposed rezoning for a few years now – and I know that the current Plans have not been shown and this point and I've decided that the owners will likely build the exact same structures as previously shown, once they've gotten a go-ahead from the city, since they've spent some money on the plans already; therefore, I'm writing with the assumption the plan has not changed.

Initially I couldn't figure out what the one thing that bothered me so much about it. I knew it wasn't right for the neighborhood, but why. After reading the article in the Denver Post it occurred to me – except for their new clubhouse, which is only partly available during the year, there is nothing for these folks to do but get into their car and go someplace else – the article's headline echoed my concern quite well.

**“Millennials, however, won't be satisfied with the suburbs of their grandparents' era. They want a walkable, amenity-rich and more urban-style feel with alternative transportation options.”** — Denver Post Sunday March 8<sup>th</sup> 2015 page 18A.”

**Too Big** - Our neighborhood is “an absolutely delightful mix of long-time residents” – we have no sidewalks on our streets. We have single story homes (for the most-part) – the architecture firm did not take that into consideration when designing this “Urban Dwelling Unit”. Good architecture considers the surroundings, this designer only considered the architectural design of the existing three businesses west but not the impact on the neighborhood. If they had considered the neighborhood this proposed structure would only be two stories high with adequate set-backs from the existing homes. This huge monstrosity belongs next to other large existing structures where amenities exist such as Saint Michael's and T-Bone where the designed size blends in better with the local surroundings, includes amenities, and already zoned. There isn't anything for these apartment dwellers to do in the Highland Hills area, the homeowners living across the street off of 50<sup>th</sup> Avenue won't see another western sunset (or the sun) ever again. Another Denver Post article on March 25<sup>th</sup>, 2015 “if vertical growth is necessary to accommodate the increase of population, then the council should influence developers to make their buildings blend in better with their surroundings and to protect neighbor's views by requiring terraced structures with set-back heights” – litigation is pending on this rezoning.

The proposed residential rezoning will take the Highlands Hills neighborhood, one of the oldest gems in Greeley, and **transform our forever homes into simple real-estate transactions** (since all of my neighbors have spoken about leaving) An alternate plan, and much more appropriate, would be the **City of Greeley purchasing the property** (or the new owners could) turn it into a park with grow areas for herbs, roses, and vegetables that the current neighborhood could share with an abundance of trees lining walkways, to remind us of our past pleasant neighbor Highland Hills Nursery, where we can sit on the grass and simply enjoy Alternatively, develop the north half with a park on the south-side facing the neighborhood lessening most of the visual and audible disruptions.

**Not Zoned that way** – when we purchased our homes the current zoning helped make the sale while elevating a huge concern. The owners admitted they only want to make a profit and that the owners do not care about the neighborhood at all. The owners have **No Right** to have this property rezoned it is up to the neighborhood and city We plan to fight! The owners can make a profit by building single family homes, as it is currently zoned, but **simply refuse to do so out of pure greed**. Not a big enough profit, they said, so they've decided to ruin the neighborhood instead – astute the owners are not.

**Parking and Traffic** – these new residents will be forced to park on the existing streets and the additional traffic will adversely affect the area. Since the expansion of the Union Colony School, and BOCES, and the car dealerships traveling at great speeds through our neighborhood the additional street traffic has caused our streets to become unsafe Since the easiest way to the only stoplight on 20<sup>th</sup> Street in our area is at the Union Colony School everyone now drives down our street to exit onto 20<sup>th</sup> street. They also feel that they own our street – so they travel in excess of the posted 30 mile an hour limit which I think should be lowered to 20 during school hours At one point a parent-driver late dropping off their student got out of his truck and yelled at my spouse for attempting to back onto the street. Only weekends and summer is there a notable decrease in the volume of cars traveling through the neighborhood.

If memory serves me correctly there were 142 proposed units with an estimated 177 bedrooms so my math is  $142 \times 2$  (two people sharing the master) = 284 + 35 (for each additional bedroom) which totals 319 parking spots needed, far short of the proposed parking by the developer - this must be addressed! They'll need 142 more spots or the dwellers will be forced to park on the existing surface streets directly in-front of our homes Remember my math above doesn't include visitors to this new 'place'

**No additional Street Lights on 20<sup>th</sup> Street** – there were no plans to install a new street light at either intersection at 20<sup>th</sup> Street (50<sup>th</sup> Avenue or 51<sup>st</sup> Avenue) **This is just plain stupid**. 50<sup>th</sup> Avenue at 20<sup>th</sup> Street has needed a stoplight for years Without a stoplight, our proposed alternate plan is that all traffic into and out of the proposed area must happen using 20<sup>th</sup> Street directly There should not be side entrances on either 50<sup>th</sup> or 51<sup>st</sup> Avenues The city needs to manage the existing problem not force the additional traffic down our neighborhood streets by forcing additional cars into an already dangerous situation. The intersection of 47<sup>th</sup> Avenue and 20<sup>th</sup> Street has been slightly corrected however it is too late to stop folks already in the habit of going down our street since you still haven't corrected the issue on 20<sup>th</sup> Street left turn onto Clubhouse Dr to avoid the city caused traffic jam which has ultimately forced drivers to seek alternate routes through neighborhoods

**Summary** - if this rezoning is forced down the neighborhoods throats we've come up with some additional thoughts to guide this development process

- 1) Provide parking for each bedroom on site, without headlight emission into neighborhood Estimated 320 parking spots (minimum 142x2 + 35)
- 2) Add no apartment parking zones along all streets 50<sup>th</sup>, 51<sup>st</sup>, 21<sup>st</sup> St, 50<sup>th</sup> Ave Ct.
- 3) Developer should split the cost with the City of Greeley to provide one 4-way and one 3-way traffic light at each intersection.
  - a) 50<sup>th</sup> Ave @ 20<sup>th</sup> Street Greeley, CO
  - b) 51<sup>st</sup> Ave @ 20<sup>th</sup> Street Greeley, CO
  - c) City to close the intersection of 51<sup>st</sup> Ave and 20<sup>th</sup> St Rd (into the neighborhood)
- 4) Provide (forever) annually pre-funded snow removal and ice buildup mitigation from all sidewalks within the new area within 10 hours along all three affected streets including 20th street, 50<sup>th</sup> and 51<sup>st</sup> Avenues.

Concerning environmental impact:

5) Lighting:

- 1 Pole structures not to exceed 12 feet - yellow sodium vapor lights only!
  - 2 Exterior wall mounted not to exceed 12 feet – yellow sodium vapor lights only!
  - 3 Balcony's – no wall mounted lighting visible from the existing neighborhood
- 6) If desired by the homeowner; where each section may differ with each individual home-owners approval. an aesthetically pleasing barrier at a height not to exceed \_\_\_\_\_ (advice 10) feet.
- 7) Air Conditioning units placed on the North sides of all neighbor facing structures with standard. Maximum Efficiency / minimum rating of 26 00 SEER – also happens to be the quietest available
- 8) Garbage collection bin to be placed on the North sides of all neighbor facing structure with pickup hours between 7am – 10pm.
- 9) Parking violation to park on any adjoining city street.
- 10) Limit building height to 20' maximum with adequate setbacks including a tiered design so that structures near the neighborhood are only 1 story high 10' maximum.

Thank you for your consideration,

Blake Walters

2041 51<sup>st</sup> Ave.

Greeley, CO 80634

**PS: Other related items** (from the City of Greeley zoning web site)

6 What is the potential impact of the proposed rezoning upon the immediate neighborhood (a) and the City as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, streets and pedestrian systems and parks and recreational facilities)?

Thoughts concerning potential noise, environmental, pedestrian system, and city services

- 1) Tranquility of neighbor grossly affected by increased volume of residents within 500' radius by 300+ i.e. Noise – 300 more cars down our streets, air conditioning unit sound, trash dumpster noise – general and specifically pickup, light emission, traffic congestion.
- 2) Parking not adequate to support the addition traffic and residents living in the facility (visitors) – will result in parking along residential streets and existing business lots because they need 145 more parking spots.
- 3) Pedestrian safety – there are no existing sidewalks in the neighborhood.
- 4) Visual impacts – too big, too tall, lower each buildings' height to 20' maximum above the current ground level.
- 5) Recreational facilities – None within a mile – except proposed club house area.

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Bob and Margaret Sandry  
2031 51st Ave  
Greeley, CO

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To: Greeley Planning Department

We are writing this letter in objection to the rezoning of the property at 5002 and 5030 20th Street.

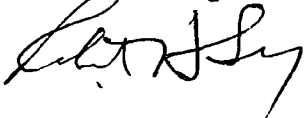
We already went through this rezoning once and it was turned down. Why again? Nothing has changed. (the traffic noise and everything that goes along with rental property) We have lived here 40 years and nothing has been built that tall. Even Aims has no buildings that come close to that height. The nursery had no tall buildings.

Most homes in the area are ranch. This just seems unreal that the people owning the property have no concern for the residents that own their homes.

We definitely hope the planning board has some concern for home owners. It would really seem unfair if our voices are not heard and the rezoning is approved. We know you have heard our comments before but hope you will take our concerns seriously. Life always seems like the little guy vs the giant.

Thank your for your time,

Bob and Margaret Sandry



July 18, 2017

City of Greeley Planning Department  
1100 10th Street  
Greeley, CO 80631

RE: Alpine Flats rezoning

To Whom It May Concern

I am a homeowner in Highland Hills.

I am also a Colorado native and homesteaders' descendent on both my mother's side and my father's side – one of 6 generations born in this state. The reason I bring this up is that I am not so naïve as to believe that I can halt growth or keep people from moving to our beautiful state because I have decided no one else should live here. I have never railed against development or complained about the natural changes that happen with population growth. I have been realistic enough to know that it is an inevitable progression of any desirable region and beyond my control. I have never felt that my family's choice to settle in our fine state prior to the turn of the last century entitled me to "close the door" on anyone new coming in.

That being said, I believe there is a way to accommodate growth in a smart way. The addition of 200+ housing units on 7.361 acres, accessed by a street that no longer meets the definition of "arterial" according to the City of Greeley, and that will abut established homes in this highly desirable low-density residential neighborhood of larger-than-average lots, is not smart growth.

My husband and I have worked very hard our whole lives and we have made enough good choices and sacrifices so that we can proudly say we live in a beautiful neighborhood that we love. And the real beauty of our neighborhood is that everyone else feels the same way. There is a real sense of ownership, beyond our individual homes, and there is a sense of community you won't find in every PUD. Some of the most beautiful yards and stunning displays of flowers are found in Highland Hills and there is no HOA telling the homeowners to do that. There are young families buying homes that are being offered for the first time in 40+ years and turning them into their own version of an American dream so that they can raise another generation in this safe, inviting, wonderful area. Most neighborhoods go through periods of decline and

rejuvenation but Highland Hills has maintained its appeal and its standard of living since the roads were dirt, the water came from wells, and the homes had individual septic systems.

There are development opportunities in every direction around the Greeley area and Northern Colorado that would lend themselves to the appropriate infrastructure needed to support something like the apartments being proposed at 50<sup>th</sup> Avenue and 20<sup>th</sup> Street. Look around and you'll see the fruits of the labors of developers who have successfully done so –Creekview and St. Michael for example, both of which have a greater acreage per housing unit than Alpine Flats can accommodate, and both only 3 stories tall. There are areas able to support the size and scope of a complex that will house the number of people this project would propose to do, and would allow for the types and sizes of roads and parking areas needed to safely and efficiently move traffic in and around the units, and they would allow the appropriate conservation space and drainage area that the Alpine Flats 7.361 acre area will not. Trying to shoehorn this behemoth into our cozy little neighborhood makes most of us feel bullied.

I hope that serious consideration will lead to denial for the rezoning needed to make these apartments a reality. I am encouraged by the following, found on the City website:

*For the purpose of establishing and maintaining sound, stable and desirable development within the City, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this Section. This policy is based on the opinion of the City Council that the City's zoning map is the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other zoning considerations and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.*

Thank you for your time.

Sincerely,

**Charlotte Tillotson**

2511 50<sup>th</sup> Ave

Greeley, CO 80634

970-481-4410



Mrs. Cheryl J. Phillips  
2048 51<sup>st</sup> Avenue  
Greeley, CO 80634

July 19, 2017

**HAND DELIVERED**

Planning Commission  
c/o Planning Department  
1100 10<sup>th</sup> Street, Suite 202  
Greeley, CO 80631

Re: Alpine Flats  
5002 and 5030 20<sup>th</sup> Street Rezone, Z 3:17

Dear Commissioners:

Other than a different planning and design firm for Alpine Flats and Richmark Real Estate Partners, LLC, nothing has changed since the first rezoning hearing in the fall of 2015.

According to the Rezoning Submittal, Project Narrative, the proposed multi-family housing (apartment complex) would buffer the Highland Hills neighborhood to the south from the arterial street, adjacent commercial and the community college. This is the first paragraph of the proposal and also the first non-truth. From our front porch and yard, the commercial property is highly visible. From our back porch and yard, the multi-family housing will loom over us and be invasive.

There are published studies showing the risk of property crime is lower on streets where most of the homes are owner-occupied. The lower property crime rate on streets dominated by owner-occupied homes is due to several factors: (1) residents know their neighbors in areas where most homes are owner-occupied; (2) a stronger sense of community which makes it more likely neighbors will look out for one another; (3) in these communities strangers stand out more distinctly; and, (4) residents are more likely to challenge and/or report suspicious activity. The same studies show property maintenance is better in owner-occupied neighborhoods. Well-maintained properties sends a message that the owners care about their residences.

The current property crime we endure, mostly since the presence of Union Colony Prep School, is more than enough. We do not need to double that statistic with an apartment complex. This does not include all the trash that blows onto our property from the Pinnacle Office Park area. Winds from the north send everything into our yard. These crimes did not exist when we had our house built and for several years thereafter.

The Rezoning Submittal also states there will be no impact on police services. This is not true. There are numerous studies published that show if development substantially increases the volume of traffic on a residential street then crime rates rise. And if increases in population are not matched by an equivalent increase in the number of police officers, then response times slow considerably.

An apartment complex just DOES NOT fit with the style and community of Highland Hills. The neighborhood has suggested patio homes, townhomes, or condos, such as the ones currently around this area. These would fit in. But this suggestion has been shot down numerous times. The reason given by the Richardsons is they will not make enough money off those styles of housing. (Directly quoted from the Richardsons at prior neighborhood meetings.)

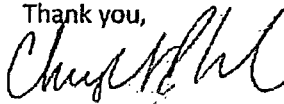
For the first six years of marriage, we owned a home located by an apartment complex, not quite as close as the Alpine Flats complex, but close enough. The crime (including a criminal running through our back yard that was fenced with a six-foot privacy fence), additional and constant police presence, and the speeding traffic made us decide to move. Since we would be moving, we decided to build our "dream" home. I've always been told that you build your home so you do not need a vacation. We have accomplished this and have lived here for 24 years. We know all our neighbors and their pets. The majority of home owners along 51<sup>st</sup> Avenue are retired and/or work from home, so we are always here.

We can honestly state about living behind an apartment complex: "We have been there, done that, and WON'T EVER do that again."

The extreme emotional stress that the Richardson Family (a/k/a Richmark Real Estate Partners, LLC and Alpine Flats) has caused is almost too great for any one person to take. The only reasons for "beating a dead horse" is the arrogance and greed of the Richardson Family

Please continue the unanimous NO vote of rezoning and save our happy, peaceful, quiet, "retirement" neighborhood.

Thank you,



Cheryl J. Phillips

/cjp

7/16/2017

To whom it may concern,

My Husband Brad and I live at 2010 50<sup>th</sup> Ave, so we are within 500' of the property in question. I know you have received many letters and emails from my neighbors. I know this because I have spent countless hours with many of them discussing this issue. I could go through all the reasons why this zoning change should not be approved, but I won't, the bottom line is that it is just wrong.

When I took business law classes in college my professor was a practicing lawyer. In his classes he asked the same question during all of his lectures, and that was, what would a "reasonable person" do in the same situation?" This is relevant here because I believe any reasonable person would be able to see that changing zoning from Low Density Residential is not only unreasonable, but also unfair to the residents that own the property within 500' and in the neighborhood where said property is located.

I believe that is reasonable for the owners of the surrounding property to expect that a request like this, for a zoning change that is completely unnecessary to develop the property should be denied. This property can be developed with the zoning in place, the last meeting proved this. We were asked for our ideas and told that the property in question could be developed with houses and a business on the corner, or town houses if the community would agree to meet the developers half way and agree to a change to Medium density, which actually would be a reasonable request.

The people of this community are reasonable people. We expect the land to be developed, but we want it done the right way. It can be developed with the zoning in place, a request to change to Medium would have been reasonable. This request, for a High Density is wrong, it is not reasonable, it is not fair to the surrounding community. If there had been a reasonable request from the developers, this would have been over in 2015 and the property would be developed now.

I humbly ask that this request be denied and that the Richardson family do what they said they would do on November 26, 2015 in a letter that Tyler Richardson wrote to the Greeley Tribune, he said *"We have the opportunity to take our time with this property, so we are taking advantage of that," he wrote. "This is the neighboring property to our corporate office, in our hometown. Whatever we do here, we want to do it right"*. What they are planning is not right. There are no compelling reasons or urgent need for such a drastic change.

Thank you for your time and consideration

Sincerely,  
Colleen Frost  
2010 50th Ave, Greeley CO  
720-737-0038

Notes (please see my answers in Green) – “For the purpose of establishing and maintaining sound, stable and desirable development within the City, the **rezoning of land is to be discouraged** and allowed only under circumstances provided for in this Section. This policy is based on the opinion of the City Council that the City's zoning map is the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other zoning considerations and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general. The City Council may, from time to time, amend by ordinance the number, shape or area of districts on the zoning map, as well as any part of the written regulations set forth within the text of this Code.)

**The Community Development Director shall use the following review criteria to evaluate the zoning amendment application:**

**Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?** No, the area has not changed to the degree that a rezone would be needed to encourage development. The property in question, 5002 and 5003 20<sup>th</sup> Street, located in Highland Hills has been a golfing and family community since the first homes were built in 1961. Family homes have been built in this community up into the late 90's when there was no more land to build except for this property, which has not been available for homes to be built. This is a popular family neighborhood and houses that do go up for sale, sell quickly. This property can easily be developed with the zoning that is in place. The developers could build homes where the property is zoned Low Density Residential and a business on the 2 acres on the corner that are zoned High Density Commercial.

**Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?** Yes, the zoning has been in place for more than 15 years, but that can be said about many of the older communities in Greeley. Development trends in Greeley include houses as well as apartment complexes. The zoning map was established so that there would be a place for everything. It was put in place so that there is a flow to how properties are developed. Any reasonable person could look at the property in question and see that the surrounding zoning is Low Density Residential and Low Density Commercial, with a small area of Medium Density Residential and see that changing the zoning to High Density Residential in on this property is no reasonable and does not fit with the existing community.

**Are there clerical or technical errors to correct?** No.

**Are there detrimental environmental conditions, such as flood plains, presence of irrigation ditches, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?** No.

**Is the proposed rezoning necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?** No.

**What is the potential impact of the proposed rezoning upon the immediate neighborhood and the City as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, street and pedestrian systems and parks and recreation facilities)?** This zoning change would have a negative impact on the neighborhood, and on this area of the city. This is a Low Density Residential area. All of the buildings are either one story or two story family homes. How could building a 200+ apartment complex, with 40' buildings on a small 8+ acre lot in the middle of this small, quiet, family community be positive? I live within 500' feet of the property. My home is right across from the proposed entrance. Two hundred apartments equals 300+ cars. Forty foot buildings means noise that can carry through our quiet community. Four hundred+ new people means more trash, the park already has a problem with parking for events held there. With this complex there will be cars parked up and down our streets, blocking our driveways. Renters do not have the pride of ownership, so garbage in the parks and on the streets. There are so many more reasons why this zoning is bad for this area.

**Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with applicable zoning overlay requirements?**

No, the proposed zoning is adding High Density Residential, right up against Low Density Residential. It is my understanding that the different levels of residential zoning are in place to keep things like this from taking place. I have read all the information on the City of Greeley webpage many times and did research including consulting a lawyer that specializes in land use.

**What is the potential impact of the proposed rezoning upon an approved zoning suitability plan for the property?** This zoning is not suitable for this property. It is less than 9 acres and surrounded by Low Density Residential, Low Density Commercial and a couple of Medium Density Lots. None of the houses or buildings are even close to the 40' buildings that this developer wants to build. 20<sup>th</sup> Street will be overshadowed and covered with ice all winter. This year we had two incidents of flooding in Greeley, we all had water in our basements, I am sure this developers plan would make that even worse. This plan would have a huge negative impact on the surrounding properties.



**From:** [Colleen Frost](#)  
**To:** [Marian Duran](#)  
**Cc:** [stephanie@ripleydesignin.com](mailto:stephanie@ripleydesignin.com)  
**Subject:** Alpine Flats, 20th Street, Greeley CO  
**Date:** Wednesday, June 14, 2017 8 27 41 AM

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Good Moring Ms Duran,,

My next door neighbor, Erma Thomas let me know you are the planner handling the zoning change request by the Richardson family for "Alpine Flats". **Please let me know by email when the meeting date is set.**

First, in reading through the process I think it is horrible that a zoning change can be denied, as this one was, for good reason, and with no considerable changes or possibility to change the reasons the zoning change was denied, and the applicant can just try again, and again, and again for the same change. There is absolutely nothing that could justify this kind of zoning change for this property. Although we will put our trust in the zoning board, it is more than a little upsetting that we have to go through this again, and maybe a third time, they can just keep trying. I think there needs to be something in place that would stop this kind of bullying.

The applicant admitted they could develop the property with the zoning that is place today. The recent meeting they held was not even a meeting. The applicant didn't even attend. I am not sure what the purpose was. All it succeeded in doing was proving what I just said. A zoning change is not necessary to develop the property. Greeley City has statistics that show single family houses are in high demand in Greeley and are needed just as much as apartments.

I know that Greeley City is working very hard to improve the infrastructure, but the town is growing quickly and if nothing is done, it will stay ahead of any infrastructure improvements that can be done, thus never working well for the people that live and work in Greeley. There was an accident at the intersection of 34 and 47 a few weeks back, it took me 30 minutes to get to my house once I arrived in Greeley. When we had flooding, it took much longer. Two accidents made my drive over an hour and a half, I work in Loveland, when I leave at 5.50 AM it takes me 25 minutes, it takes me 45 minutes to an hour to get home almost every day, most delays happen when I arrived in Greeley. My co-workers that used to live in Greeley moved, one to Windsor and the other to Loveland, it is a long standing joke now that there is no good way to get into Greeley, the traffic is a nightmare.

At the recent meeting set by the Richardson family to supposedly talk with the community, I spoke with many people who have lost sleep, and are very upset over the fact the Richardson family knows how our community feels about their apartment complex plan, that they ask questions and say they care and want to do what is best, after all they are our neighbors, and then just ignore what we say, ignore the ruling from the end of 2015 and still try to change the zoning to High Density Residential. They were aware of the zoning that was in place when they purchased the property. This property has sat the way it is for so long because they refuse to develop it with zoning that is in place. People are making themselves sick with worry, it isn't right. They don't understand how this is even being considered again, but here we are, the same place we were in 2015.

At this point I feel like our community is being bullied by a powerful, wealthy family. A family that claims to care about our community and wants to develop this property in a way that would improve our community when they are being asked by the "Greeley Tribune" or the Denver Post", but when it comes to their actions, what they are really doing, they don't even attend the meeting they set to discuss the property with the community. They ignore our concerns and just keep going ahead trying to make the most money possible. I don't know the Richardson family, I was told back in 2015 not to worry, they were a nice family, they live in Greeley. All I have seen so far is that they are a family that wants to make a lot of money and don't care at all who they hurt in the process. I could be wrong, they could redeem themselves but I am not holding out any hope

Sincerely,

Colleen (2010 50<sup>th</sup> Ave, Greeley CO)

**Colleen Frost**

[cfrost@eimedical.com](mailto:cfrost@eimedical.com)

Phone: 720-737-0038

## Marian Duran

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**From:** Colleen Frost <cfrost@eimedical.com>  
**Sent:** Friday, July 07, 2017 9:50 AM  
**To:** Marian Duran  
**Subject:** Fw: FW: Alpine Flats Rezone Hearing Date and Time

Hello Ms. Duran,

Can you tell me what time the meeting on July 25th will be?

I really think Greeley needs to review this process. The area this property is in has not changed, it is the same as it was the end of 2015 when this zoning change was denied, except for there is even more traffic. I could give you all kinds of reasons why we are against this zoning change, but the bottom line is that there is no compelling reason to change the zoning. The property can be developed with the zoning that is in place. Single family homes are in high demand. It is true that the zoning has not changed in over 15 years, but that is because it is not necessary. The first house on 50th, off of 20th was built in 1995. The only reason houses were not built in later years is because there was no property. The Richardson family has been holding on to the property for years, refusing to develop until they get their way. I don't believe it is reasonable to allow this kind of request to be made over and over again, where there is no reason for the zoning that is in place to change. I feel that after it was denied they should have been allowed to request Medium Density at the most. At this point they know how the community feels, they knew the zoning when they acquired the property and now they are just trying to bully this community.

This is our retirement home. We worked hard for it. We did the research. We knew what the zoning was for that property when we purchased this one. We have every right to believe that the most the zoning could be changed would be to medium. We also should be able to count on the City of Greeley to not allow this unnecessary zoning change. The Richardson family also knew the zoning that was in place when they purchased that property, they should have planned to develop it with the zoning that was there. This is not their first project. They understand zoning and knew they were gambling that they could get the zoning changed. This is business to them, I get it, but our community should not have to suffer because of their arrogance and poor planning.

Please let me know what time the meeting will be on the 25th. Also, how many copies of the research I am gathering do I have to have for the planning board meeting?

Thank you for the information

Sincerely,  
Colleen & Brad Frost  
2010 50th Ave, Greeley, CO

On 7/6/2017 1:03 PM, Colleen Frost wrote



July 18, 2017

TO: City of Greeley Planning Department

Subject: Opposition to Aline Flats Project

I can't believe this is happening again. This company wanted to bring in a large number of apartments at a corner in our housing district. Not one of the residents wanted this to happen for several reasons we have listed. After a lot of meetings the city agreed with us and said we were correct with our reasoning. I thought it was settled and looked forward to a smaller scale business possibility. I guess it was wrong. This company will keep pushing every year to do what is best for their pockets and not look at what is good for us. We don't matter to them.

If I wanted to invest in a business and found out ALL the local people believed and showed me how it would hurt them I know I would have a heart and listen to them and find another way to invest any money and time I had. I guess we know that is not important to these people and for that matter what is most important to the city.

I don't feel it is right to have to regroup over and over to save what is best for us and our community.

I was going to say I would like to sit down with one of these individuals face to face and draw a picture but then again money rules their lives. I wonder if they use the same tactics on people they care about. Obviously we are not in that group.

When the city said NO that should stand. We elected you and you should represent us. I hope money for your city does not play a role in this but we will see.

Dave Clark

2589 53<sup>rd</sup> Avenue

Greeley, CO 80634

330-1311

**Marian Duran**

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**From:** glo duran <gloduran@msn.com>  
**Sent:** Sunday, July 16, 2017 11:57 AM  
**To:** Marian Duran

To whom it may concern As for the zoning change of the old Highland Hills Nursery my opposition to rezone is due to the increased traffic that it will cause since we already have Aims we have enough traffic as far as I'm concerned The other factor is low income housing will depreciate all of the surrounding property values Thank you Mrs Duran  
Sent from Mail for Windows 10

## Marian Duran

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**From:** Heather <heather007@rocketmail.com>  
**Sent:** Tuesday, July 18, 2017 5:24 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats Project

To whom it may concern,

I am writing to express my concern and opposition of the proposed zoning changes of the old Highland Hills Nursery. I oppose the rezoning of this property due to increased traffic, parking issues, safety concerns, light and noise pollution just to name a few.

The proposed development of 200+ unit, four-story apartment complex is not a good fit for this piece of property or the well-established residential neighborhood it resides in. The developers knew the current zoning of this property prior to purchasing and therefore should not be allowed to change the zoning at the expense of the people already living in this neighborhood. Allowing zoning to be change to accommodate a large apartment complex will effectively decrease the quality of life for the residents that have lived in Highland Hills for 40+ years.

I urge you to reject this request to change the zoning from Low-Density Residential to High-Density. A few townhouses or patio homes would be a better solution for development of this property but not large apartment complexes.

As a resident of this neighborhood for 40 years, living only 3 blocks from this property I can't stress enough how imperative that this zoning change be rejected now and in the future.

Sincerely,

Heather Hettinger  
W 22nd St.

## Marian Duran

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**From:** jeff corriveau <jeffcorriveau@hotmail.com>  
**Sent:** Monday, July 17, 2017 9:14 AM  
**To:** Marian Duran  
**Subject:** Opposition to Alpine Flats rezoning request

Marian

Please accept this as my strongest opposition to the Alpine Flats rezoning request. As I stated in the previous proposed rezoning request, this proposal is so wrought with problems, I don't know where to start. I will absolutely be present at the Planning Commission meeting to personally present my objections, but here are a few of the issues

- 1 Traffic The area on Street is already SO congested, it is almost impossible to get on to the street from 50th and 51st Avenues. This problem is almost constant and EVEN WORSE during the nine month school year This proposal would add THOUSANDS of additional vehicle visits per day to an already congested area
- 2 Compatability with existing neighborhood This is a single family neighborhood Putting high density housing units in this area destroys the sense of neighborhood This is exactly why the property was zoned for single family housing in the first place The fact that the city allowed it to be used for commercial venture escapes me
- 3 Richmark Real Estate Partners has DIRECTLY stated that their sole purpose in this rezoning is to put a large apartment complex on the site That is the ONLY way it will "pencil out" according to public statements from the proponents They have a history of building apartment buildings, not only in Greeley but Fort Collins also
- 4 This attempt at a different rezoning type, than previously requested, is clearly just a subterfuge on Richmark's part to get a zoning change that will allow them to build the apartment complex of their dreams.
- 5 I have MANY other concerns that will be addressed in the Planning Commission meeting.

My question of the city is this How in the world can you approve a rezoning change when you do not even know WHAT is going to be done with the property? I would suggest that the City of Greeley, before proceeding, demand to know EXACTLY what Richmark's plan is to develop the property An approval without , is simply giving permission to a project, when you don't even know WHAT the project is

Once again, I am adamantly opposed to this rezoning and look forward to publicly voicing this at the Planning Commission meeting on July 25

Kind regards,

Jeff Corriveau  
2042 51st Avenue  
Greeley, CO

## Marian Duran

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**From:** Joyce Anderson <andermj17@gmail.com>  
**Sent:** Tuesday, July 18, 2017 10:08 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats Project

Commission Members, City Council Members, and Mr Mayor

We are writing to state our opposition to the Alpine Flats project that would change the zoning of the old Highland Hills Nursery from a low-density residential to a high-density residential for 5002 and 5030 20<sup>th</sup> Street.

We retired and moved to Greeley four months ago to be near medical care and our children and grandchildren who all live here. We specifically bought our home at 5015 W 21<sup>st</sup> Street because of the neighborhood and neighbors. We have young grandchildren who visit often, and we wanted a safe neighborhood. Our realtor had worked several months to get us just the right home and location.

We object to the obvious traffic, safety, parking, issues, noise, light pollution, and decreased quality of life for area residents should this 200+ unit, four-store apartment complex be built on this site. We also have three other main concerns.

1. There are three schools within a block of this property. Union Colony High School is one block west, Montfort Elementary is one block east, and Aims Community College is directly across 20<sup>th</sup> Street from this property. When you have a high-density area, it goes hand-in-hand with an increase in the crime rate. This is not a healthy environment for elementary or high school students. We also fear that college students could be renting and partying in these apartments bringing another level of concern.
2. This area is zoned for low-density residential and it needs to stay this way for all the above reasons and overall safety of the residents. Oftentimes when there is a shooting reported in the evening news, it is outside of a nightclub/bar or an apartment complex. For this reason this low-density residential zone needs to remain a low-density residential zone.
3. We also do not think it is a valid point that these are going to be "high end" apartments. After several years, those high-end apartments often become low-end apartments bringing in the type of residents, drugs, and crime that would not be welcome in a residential area. We attended college here in the 1970s, and there are apartments in the south side of Greeley that are a good example of this.

Concerned residents,

Monty and Joyce Anderson

## Marian Duran

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**From:** Junk <38silversue@gmail.com>  
**Sent:** Wednesday, July 19, 2017 11:11 AM  
**To:** Marian Duran  
**Subject:** ReZone on 20th & 50th

>  
> Please do NOT rezone this area for high density apartments.  
>  
> We live at 2535 55th Avenue We love the look and feel of this older neighborhood It is Beautiful!!  
>  
> Let's keep it that way  
>  
> Too much traffic for that corner Already hard when school is in  
>  
> Do something more appropriate for our neighborhood Please!  
>  
> Ryan & Lori Hardy  
> 2535 55th Avenue  
>  
>  
>  
> Sent from my iPhone

## **Marian Duran**

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**From:** K. C. Jones <kcyan@outlook.com>  
**Sent:** Tuesday, July 18, 2017 6:35 AM  
**To:** Marian Duran  
**Subject:** Former Highland Nursery Zoning change request

*To whom it may concern in Planning,*

*I write this to notify you that I am vehemently against the change from low density to high density on the former Highland Nursery property!*

*I cite already difficult conditions trying to get onto 20<sup>th</sup> street. One of you try at 7:15 in the morning to cross over to Aims, then consider it is school*

*time & you have the added traffic of parents dropping children off. It doesn't take long to realize adding approximately 200 commuters or parents*

*to this intersection alone would be a nightmare.*

*This is a nice and quiet neighborhood, with no covenants, yet well maintained. Adding this Commercial property I believe would change the*

*complexion and feel that we all enjoy. I will be interested in hearing the comments at the meeting.*

*Thanks for your concern!*

*K.C. Jones*

*2528 50<sup>th</sup> Ave  
Greeley, CO 80634  
970-405-4210*



July 16, 2017

City of Greeley Planning Department:

In regards to the Alpine Flats development near the intersection of 20th Street and 50th Avenue, the former Highland Hills Nursery lot, several issues need to be taken into consideration. This location is in close proximity to Monfort Elementary School, Union Colony Preparatory School, and AIMS Community College. Traffic volume needs to be of primary concern. Any increase in traffic volume will increase the risk of student and pedestrian safety.

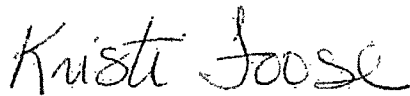
Due to the already existing high volume of traffic in that area, especially during school drop off/pick up times and rush hour, adding high density housing would most likely create unpredictable traffic problems.

With already existing single family homes adjacent to the property, high density housing would bring an inevitable increase in noise and traffic to these zoned single family homes. And, the parking lot lights of high density housing would most likely decrease property values, and would definitely decrease the quality of life for the Highland Hills residents.

I write this letter based on my concern for the safety and well being of my community and the integrity of the Highland Hills neighborhood.

Please give consideration to a more appropriate development for the Highland Hills neighborhood and the three schools that will be impacted.

Sincerely,

A handwritten signature in cursive script that reads "Kristi Foose". The signature is written in dark ink and is positioned above the printed name.

Kristi Foose

July 16, 2017

City of Greeley Planning Department:

In regards to the Alpine Flats development near the intersection of 20th Street and 50th Avenue, the former Highland Hills Nursery lot, several issues need to be taken into consideration. This location is in close proximity to Monfort Elementary School, Union Colony Preparatory School, and AIMS Community College. Traffic volume needs to be of primary concern. Any increase in traffic volume will increase the risk of student and pedestrian safety.

Due to the already existing high volume of traffic in that area, especially during school drop off/pick up times and rush hour, adding high density housing would most likely create unpredictable traffic problems.

With already existing single family homes adjacent to the property, high density housing would bring an inevitable increase in noise and traffic to these zoned single family homes. And, the parking lot lights of high density housing would most likely decrease property values, and would definitely decrease the quality of life for the Highland Hills residents.

I write this letter based on my concern for the safety and well being of my community and the integrity of the Highland Hills neighborhood.

Please give consideration to a more appropriate development for the Highland Hills neighborhood and the three schools that will be impacted.

Sincerely,

Kristi Foose

## Marian Duran

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**From:** Larry Huwa <lhuwa@sprynet.com>  
**Sent:** Sunday, July 16, 2017 6:39 AM  
**To:** Marian Duran  
**Subject:** Alpine Gardens

Ms. Duran,

I am writing to urge the city to not move forward with the Alpine Gardens project on West 20th Street. I drive through that area each morning and I am concerned with the volume of traffic that already exists. An additional multi-family complex will further congest traffic not to mention impacting the safety of children at Monfort Elementary and Aims. Please do not allow this project to continue

Thank you,

Larry Huwa  
970.396.8277

## Marian Duran

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**From:** larry packard <larry.packard@hotmail.com>  
**Sent:** Saturday, July 15, 2017 12:44 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats project

Mrs Duran

I would like to add my concerns to the growing list of people opposed to the Alpine Flats project in the Highland Hills neighborhood. Our community has already been negatively impacted by the heavy student traffic to and from the Union Colony predatory school and I fear a rezoning to high density residential will create a serious traffic safety issue. I have noticed that our police force is already engaged in an attempt to control the heavy traffic that has not historically been a part of this residential area. A high density rezoning will only increase this problem and lead to a more significant drain on our police resources.

I ask that you consider the impact to our families in our community and not approve this rezoning.

Respectfully

Larry Packard  
2522 51 Ave  
Greeley, CO

July 13, 2017

To whom it may concern:

I live at 2052 50<sup>th</sup> Ave, Greeley, Co. I have lived here since 1962. It has been a nice quiet area and I love it here, but what I've been hearing about, in regards to the redevelopment of Highland Hills Nursery, scares me to death. No way, am I in favor of this!!!!

Building a 142 "Luxury" Unit is not the answer!!!!!! It's a nightmare!!!!!! Have you ever driven on 50<sup>th</sup> Ave, going north, and try to get on 20<sup>th</sup> st to go west? If not, try it during hrs going to work between 7:00 and 9:00 , noon lunch time and school ending between 4:00 and 6:00. It's not fun. If you build 142 units, think of all the cars added. Each unit will have at least 1 car and possibly 3 cars. Would you buy my house if I put it up for sale? I doubt it!!!

Please don't let this idea go through.

Sincerely,

A handwritten signature in cursive script that reads "LaVerne R. Dressor". The signature is written in black ink and is positioned above the printed name.

LaVerne R. Dressor

**Marian Duran**

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**From:** Leonitta Kneedy <lmkneedy@gmail.com>  
**Sent:** Monday, July 17, 2017 10:29 AM  
**To:** Marian Duran  
**Subject:** zoning change of 5002 and 5030 20th St

I have had the pleasure of living at 2042 51st Ave. for 3 years. During that time, the purposed rezoning of 20th St. between 51st and 50th Avenue has come before the Zoning Board in 2015. At that time, Richmark was told rezoning was not feasible because of the high traffic it would add to 20th Streets already crowded problem. Aims College traffic, Union Colony school on Clubhouse Dr., and an elementary school on 47th near 50th Avenue are our biggest users. Then add the fire trucks, ambulances that use 20th St. as their main thoroughfare. We were told that another traffic light could not be added at 51st and 20th, so the people occupying this new endeavor would have to use 51st and 50th, to finally reach a light at Clubhouse Dr. or 24th St. and 47th. My concerns are that at my age of 75, I and the students that attend school at Union Colony currently walk on the bike path markings of 51st Avenue, so we are in the path of increased traffic that would result with the heavy increase of vehicles that will accompany this purposed endeavor.

Please consider the safety of citizens that currently use 51st Avenue as our means of exercising, as there are no sidewalks to speak of, that would get us off the street.

Allowing Richmark to change the current zoning, without specific ideas in mind is also a bad idea. You will have just let the fox into the hen house, to do whatever he has in mind!

Leonitta Kneedy  
2042 51st Ave.  
Greeley, CO

## Marian Duran

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**From:** lsclark@aol.com <lsclark47@aol.com>  
**Sent:** Wednesday, July 19, 2017 1:11 PM  
**To:** Marian Duran  
**Subject:** Opposition to Alpine Flats Project

To: City of Greeley Planning Department  
1100 10th St., Greeley, CO 80631

I am writing to state my complete opposition to the Alpine Flats Project proposed for the property at 5002 and 5030 20th St. in Greeley. I have several concerns, one of which is the traffic situation on 20th Street. It is already over crowded and it is nearly impossible to get on the street at some times of the day now, without the addition of several hundred cars from the complex that is proposed. 20th Street is the major access route for five schools. Monfort Elementary, Union Colony School, Frontier Schools, University Schools and Aims Community College, not to mention increased traffic due to professional offices and extreme growth in apartments and single family homes on westbound 20th. Further addition to this crowded traffic area is a safety concern. In addition, parking is limited in the area and added lighting and noise from the proposed complex would adversely affect the neighborhood. Highland Hills is primarily an area of older residents who enjoy quiet walks in the area. Increased traffic on side streets would make it unsafe for the use the neighborhood now enjoys.

In addition, I am concerned that this exact issue was presented a number of months ago and rejected. That decision should stand as nothing has changed since that time to justify another review.

I am not opposed to apartment complexes, however, I do strongly believe that this is the wrong project for an older, well established residential area.

Thank you for addressing my concerns and I look forward to hearing that this project is rejected permanently.

Linda Clark  
2589 53rd Ave  
Greeley, CO  
330-1311

Lisa Roquet  
2059 50<sup>th</sup> Ave Ct  
Greeley, CO 80634

July 18, 2017

City of Greeley  
Planning Department  
1100 10<sup>th</sup> Street  
Greeley, CO 80631

Dear Planning Commission Members, City Council Members, and Mr. Mayor

Re: Rezoning request from RH I Alpine @ Highland, LLC for property south of 20<sup>th</sup> Street, east of 51<sup>st</sup> Avenue, west of 50<sup>th</sup> Avenue, specifically at 5002 and 5030 20<sup>th</sup> Street

I am currently a resident of the Highland Hills sub-division and have lived in the same house for over 20 years. I am writing to you to oppose the zoning change for the aforementioned property. Please take into account the concerns of the neighborhood and citizens across Greeley and keep the zoning at single-family. Do not change zoning to multi-family high density.

As I will be directly impacted by this decision, I can cite a plethora of reasons why this rezoning is inappropriate. Recent development decisions in the area have led to a detrimental impact on this neighborhood. Realizing that change is inevitable, I have to ask do these decisions increase the health, happiness, and prosperity of all residents or do they benefit the financial well being of the developers and the city coffers? The ultimate decision has to answer the question, does this rezone benefit the people immediately impacted in the area or only the developer. In order for anything to have value BOTH parties involved must receive some sort of a benefit. In this instance, I have everything to lose (my home's value, my privacy, my ability to move about as desired, and my safety), and the developers will have everything to gain, mostly notably increased financial worth.

The developers have also been, without fail, anything but above board. They initiated this rezoning request after pulling it from consideration in November of 2015. At that time, the planning commission decided unanimously to deny their rezoning request. The developer's sales pitch stemmed on "developing the property to attract the higher end of the market." The developers seem to think that because they think the project will be attractive, it doesn't matter that it is not the right project for the area. Greeley is in need of affordable housing, but the developers themselves agree that this project will not be considered "affordable housing." During this rezoning request, Richmark Real Estate Partners proceeded to use scare tactics on area residents at the May 17<sup>th</sup> meeting. They presented material that stated traffic would actually be impacted less by their high-rise apartment buildings than if the property were to be left as is. Their comparison to a convenience store/gas station and 26 homes on the property is laughable at best, but it does provide a level of uncertain terror for those who buy into the preposterous idea that those options are even remotely a possibility. They wanted to quickly and covertly pass through a rezoning request where they can build whatever they wanted on the property.



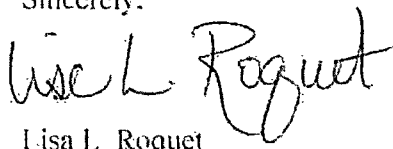
As real estate dictates, the rule is location, location, location! When looking to purchase a home, buyers evaluate the features and amenities of the neighborhood to determine if their needs are met. Buyers also check to make sure their wants and needs do not conflict with existing codes and covenants. If there is a conflict, buyers buy elsewhere. They do not expect the codes and covenants be changed to meet their personal needs. I have to ask, why is this developer not building where there is already land zoned multi-family, high density? Their land acquisition seems to be founded on an erroneous conclusion that they can build whatever they want because they have the money and the power to overrule the people who have lived within the neighborhood and have followed the existing codes and covenants for over 50 years. Simply put, the developer gambled that the property would be rezoned to meet their needs. It's time to call their bluff and let them suffer a gambling debt.

It is difficult to comprehend why the city of Greeley would find value in an unsightly, large apartment complex on a major artery like 20<sup>th</sup> Street when so much money has been spent trying to beautify 20<sup>th</sup> Street. 20<sup>th</sup> street is one of the only streets in Greeley that has greenbelt medians and artwork. It also has many areas of open space including the Aims campus, the baseball fields, and the area adjacent to the old West Ridge Academy School. A monstrosous apartment building will in no way add to the beautification efforts that are already completed along 20<sup>th</sup> Street.

This entire process has been tremendously stressful on Highland Hills residents. At the last rezone in November of 2015, citizens wrote in and over 300 petition signatures were collected and presented to the planning commission. Another 300 plus signatures were collected for city council but these signatures were not presented since the plan did not go to the city council. Now here we are back at it again. Collecting petition signatures is invasive, time consuming, and wearing on the older citizens of the area. Every person I asked who previously signed the petition would have signed it again, but why should they have to. Nothing in this process has changed. This feels exactly like bullying. This developer is bullying the citizens over and over again until they get what they want. Shame on them and shame on Greeley for letting big business bully its citizens!

These and many more reasons including safety, traffic, questionable target market, decreased property values, no sidewalks in the area, and enough rentals already should be considered with this proposal. This development is simply not right for the Highland Hills neighborhood and it is not right for Greeley. Please take into consideration that there is no mutual benefit, the developer has not acted above board, and the project does not fit in with the well-established neighborhood they are invading. Do right by the homeowners of Highland Hills who are trying to uphold the truths afforded to them in the Declaration of Independence that all men are created equal & independent, that from that equal creation they derive rights inherent & inalienable, among which are the preservation of life, & liberty, & the pursuit of happiness. Please don't take those rights away.

Sincerely,

A handwritten signature in black ink that reads "Lisa L. Roquet". The signature is written in a cursive, flowing style.

Lisa L. Roquet

July 19, 2017

City of Greeley  
Planning Department  
1100 10<sup>th</sup> Street  
Greeley, CO 80631

Planning Commission Members, City Council Members, and Mr. Mayor

This letter is to inform you of my opposition to the rezoning request for the old Highland Hills Nursery.

I grew up in this neighborhood and have many happy memories of playing outside with my friends and neighbors while growing up. I fear that if a large, multi-story, multifamily apartment complex is allowed on the property where the old nursery was, kids will no longer be able to play safely due to all the extra people and the traffic they cause.

Since I've left to go to college, the neighborhood has already seen many changes. Monfort park was added making travel down 50<sup>th</sup> Avenue treacherous while soccer and football games are scheduled. Now there is a car dealership off W 24<sup>th</sup> Street making it hard to get out of the neighborhood to the east. Traffic is still terrible at 20<sup>th</sup> and 47<sup>th</sup> when Monfort School is in session. Although there were recent improvements to the intersection, traffic still backs up at certain times of the day making it impossible to get out of the neighborhood off of 50<sup>th</sup> Avenue. Professional buildings were added west of 51<sup>st</sup> adding more traffic. That commercial area is not even half-way developed. What will traffic be like at 20<sup>th</sup> and 51<sup>st</sup> when all the proposed professional buildings are completed? I dare ask! And that doesn't even take into account the traffic from Union Colony school and Aims Community College!

Since Highland Hills doesn't have sidewalks, I routinely walk in the street with both my dog and my daughter in her stroller. I'm afraid I won't be able to walk at all with the increase in traffic that the apartment building will cause. Walking in the street will certainly become unsafe with hundreds more people racing by.

I will ask again that rezoning of the property formally known as Highland Hills Nursery be denied due to increased traffic and the fact that an apartment building does not belong in a well-established residential neighborhood like Highland Hills.

Respectfully,

  
Kaycee Roquet

Lori Merrifield  
2138 Baldwin Street  
Fort Collins, CO 80528

July 16, 2017

City of Greeley  
Planning Department  
1100 10<sup>th</sup> Street  
Greeley, CO 80631

Dear Planning Commission Members, City Council Members, and Mr. Mayor:

I am officially stating my opposition to the rezoning request for the property formally known as Highland Hills Nursery.

Although I no longer live in Greeley, I went to college in Greeley and lived there before moving to Windsor and now in Fort Collins. I still have friends and family in Greeley and I frequent the Highland Hills area for both work and pleasure. Over the years, I have seen West Greeley grow exponentially. Although growth is a way of life along the Front Range, there is such a thing as smart growth. Building a large apartment complex in an already existing residential neighborhood is not smart. Those residents bought into a residential neighborhood, some of them bought in over 50 years ago. They did NOT buy into a multi-family neighborhood. In fact, multifamily apartment complexes are rarely considered neighborhoods. There is hardly a sense of community and relying on your neighbors like a real neighborhood in an apartment complex. Life in an apartment complex is different than a neighborhood.

If Greeley allows this project to proceed, I will seriously have to consider doing business within the area. The increased traffic and safety concerns on the area are enough to keep me away. I will even feel the need to warn other prospective homebuyers to look elsewhere when buying a home. I'll tell them to buy in surrounding cities that protect homeowners and their neighborhoods. My own neighborhood has seen tremendous growth, but nowhere are there apartments right next to single family homes.

The planning commission and the city council should seriously look at denying the rezoning of the old Highland Hills Nursery. It is getting less attractive to visit Greeley. Don't give visitors another reason not to come to Greeley.

Sincerely,

Lori Merrifield

July 15, 2017

358 N Brisbane Ave  
Greeley, Co 80634

To Whom it May Concern,

I'm writing regarding the large apartment complex that is being planned along 20<sup>th</sup> Street between 50<sup>th</sup> Avenue and 51<sup>st</sup> Avenue. My understanding is the land will have to be rezoned in order for this to happen

After what has happened a few years ago with the building of Prairie Heights Middle School, I would think the council and zoning board would be more careful about what any project is going to do to traffic and safety of our community

The traffic concerning Prairie Heights has turned out to be a nightmare and I would assume cost the city a good chunk of money to correct. When projects are built without adequate infrastructure in place, Greeley citizens will continue to be very unhappy.

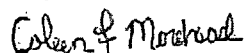
The council and zoning board should consider what adding 400-500 people to 20<sup>th</sup> Street, 50<sup>th</sup> Avenue, and 51<sup>st</sup> Avenue will do for the entire west side of Greeley. The area of concern is already overcrowded on 20<sup>th</sup> Street especially during the times when kids are arriving and departing school at Monfort Elementary, Union colony, and Aims. This is a big safety concern with children at the highlight of concern.

The other safety concern is the lack of sidewalks. How is a family neighborhood supposed to function safely without sidewalks? Certainly not by adding an additional 400-500 people. That only makes the lack of sidewalks a bigger safety concern. How are children within walking distance supposed to get to school? They would be forced to drive or be driven because there is no safe way to walk.

I plead that you do not create another disaster such as we have with Prairie Heights Middle School. Thought must be given not to create future traffic problems, unsafe environments for our children, and undue stress on parents and residents in the community.

In closing, please do not rezone the aforementioned property in Highland Hills to allow for a large apartment complex.

Regards,



Coleen F. Morehead

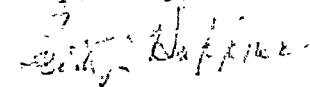
July 17, 2017

Greeley Planning Commission  
Greeley City Council  
Mayor, Tom Norton

This letter is to oppose the change in zoning of Alpine @ Highlands from the present zoning of R-L (Residential Low Density) to R-H (Residential High Intensity). As a former homeowner of Highland Hills on 50<sup>th</sup> Avenue for almost 20 years of single family homes, I strongly feel the change of zone to high density residential would be tragedy for the present homeowners. This has been a quiet, well-kept single family neighborhood and should remain so and not be exposed to the effects of multiple apartments. Homeowners bought their homes in a single family area and that should be respected.

There is also the concern of traffic and safety with Aims College and Monfort School in this area.

Respectfully,



Betty Hoffner

7212 W. Canberra St. Dr.  
Greeley, CO 80634

July 17, 2017

Planning Department  
1100 10<sup>th</sup> Street  
Greeley, CO 80631

Planning Commission Members, City Council Members, and Mr Mayor:

I am writing this letter in opposition to the rezoning efforts for the old Highland Hills Nursery property. This property is at the entrance of a well-established neighborhood of single dwelling homes. Placing a high-density project on this property would be inconsistent with the current residences. Although 20<sup>th</sup> Street has many different properties, this particular parcel of land is immediately adjacent to this neighborhood.

It was a loss to the community when Highland Hills Nursery closed its doors. But now that the property is vacated, there would be many possibilities that would improve the quality of the neighborhood. A high-density project is not one of them. As an entrance to a neighborhood, it would increase traffic causing safety concerns for the neighborhood, but also those traveling along 20<sup>th</sup> Street as well. With Aims Community College across the street, congestion could be a huge concern.

For the sake of the community in and around the old nursery property, please reconsider the change in zoning, and take into account the long-term impact and unintended consequences that this project would have on both the residential neighborhood and the community at large traveling on this major street in Greeley.

Sincerely,

Renae Stringer (concerned citizen)

July 17, 2017

To. Planning Commission Members  
City Council Members  
Mr. Mayor

The purpose of this letter is to formally protest the zoning change of the old Highland Hills Nursery from low density residential to high density residential. The building of a large apartment complex on this site would cause a significant negative impact on the many residents who have lived in this area for many, many years

A 200 unit apartment complex would definitely increase traffic in an already heavily traveled area. The proximity of Union Colony School (6-12), Aims Community College, Monfort Elementary, University School (k-12) and Frontier School (k-12) has consistently maintained a high level traffic flow throughout the day, and the addition of 200-400 vehicles entering and exiting would cause undue damage to all residents living close to this rezoning. The increased noise and pollution in a quiet, established neighborhood would be evidence enough to vote against this rezoning

I have been a resident of Greeley for forty years and live east of the old Highland Nursery. As I have driven west on 20th Street over the years, I have become acutely aware of the increasing volume of traffic. It is difficult to imagine how much more congested the area would become with this rezoning

Please consider a no vote on this rezoning.

Thank you

Barbara Coyle  
1930 27th Avenue  
Greeley, CO 80634

4353 W 1st St  
Greeley, CO 80634

City of Greeley  
Planning Department  
1100 10th Street  
Greeley, Colorado 80631

Dear Planning Commission Members, City Council Member, and Mr. Mayor:

It is my understanding that there is a request to change the zoning for the site of the old Highland Hills Nursery thus allowing a multi-building apartment complex. I am writing to urge your denial of this request for the following reasons:

Traffic on 20th Street and 47th Avenue is quite heavy and is frequently backed up when Monfort Elementary School begins and ends its school day, around 5 PM Monday - Friday, and on Saturdays when the soccer fields are in use. I only use this intersection during those times when absolutely necessary and think that adding an apartment complex in that area will only add to the existing heavy traffic volume.

An apartment complex does not belong in an established neighborhood. I lived in a very desirable area in Grand Junction that included single family homes, duplexes, four-plexes and a small condo unit and appreciate the viability of mixed residential neighborhoods. However, a multiple-building apartment complex in an established, single family home neighborhood is not appropriate.

Finally, a multi-story apartment complex on the property in question would be unsightly and, to use a colloquial phrase, stick out like a sore thumb, even if it looks good on paper. I appreciate the good, aesthetic judgement your commission has used in the past and encourage you to continue exercising it. A large, multi-building apartment complex in a single family neighborhood is not aesthetically pleasing and wouldn't look good on the proposed site.

Thank you for considering my request to deny rezoning of the old Highland Hills Nursery property which would allow the construction of a multi-building apartment complex. Thank you for your time and for your service to our community.

Sincerely,

  
Deborah Kirk



July 16, 2017

City of Greeley  
Planning Department  
1100 10<sup>th</sup> Street  
Greeley, CO 80631

Planning Commission Members, City Council Members and Mr.  
Mayor:

I am writing to you regarding the Alpine Flats Project in which a zone change of the Old Highland Hills Nursery from low-density residential to high density residential for 5002 and 5030 20th street is being reviewed. Developers plan to build a 200+ unit, four-story apartment complex on this site. I hope the city will take a serious look at how this will affect the increase of traffic on 20th street (which is very busy now), parking around this area is already a problem and this would create more traffic, and the fact that residents around the area have lived in this neighborhood for many years and may not be able to relocate. This is certainly causing a snowball affect. It's a bad idea for the entire community.

Thank you for your time,

Karen Winter

Mike and Tammie Figal

7600 Plateau Rd.

Greeley, CO 80634

City of Greeley – Planning Department

1100 10<sup>th</sup> Street

Greeley CO 80631

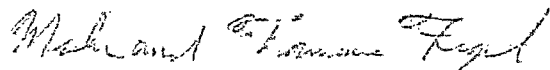
7/16/2017

Dear Planning Commission, City Council and Mr. Mayor,

We are writing to express our opposition to the rezoning change of the old Highland Hills Nursery from low-density residential to high density residential for 5002 and 5030 20<sup>th</sup> Street.

Please hear our concerns about increased traffic, parking issues, safety issues, and noise and light pollution caused by the 4-story proposed apartment complex. We understand something needs to be developed on this parcel of land, but this type of structure does not fit the neighborhood. Please consider other options and do not let this re-zoning be approved. Maintain the integrity of that neighborhood with well-established residents.

Sincerely,

A handwritten signature in cursive script that reads "Mike and Tammie Figal".

Mike and Tammie Figal

Paul Roquet  
2059 50<sup>th</sup> Ave Ct  
Greeley, CO 80634

City of Greeley  
1000 10<sup>th</sup> Street  
Greeley, CO 80631

July 18, 2017

Dear City Council and Planning Commission of Greeley,

I am responding to a letter dated May 3, 2017 sent by the City of Greeley Community Development Department. The letter states the property south of 20<sup>th</sup> Street, between 51<sup>st</sup> Avenue and 50<sup>th</sup> Avenue zoned R-L and C-H is being considered for approval to (R-H) Residential-High Density zoning to allow for a multi-family establishment. Please reject the R-H zoning change.

Several indicators make R-H zoning invalid for the aforementioned property 1) changing the property from R-L to R-H for more than half the entire block is incompatible with the rest of that same block containing thirteen R-L homes, 2) new R-H development would interfere with the existing R-L use of single-family development, 3) R-H will ruin the "character" of the community which is known as Highland Hills NOT Alpine Flats, and 4) R-H will adversely affect the health, safety, and general welfare of citizens in the area.

I live three doors down from the aforementioned property. I do not want to live next to a multi-family establishment with 200, 300, or 400 plus residents. I do not want to hear car alarms especially with the increased number of cars. I do not want to listen to the noise of multiple commercial air condition units running in the summer nights. I do not want to hear commercial trash dumpsters banging all hours of the day and night. I do not want to hear yelling, screaming, or loud music that could come from pool parties or balconies. I do not want to smell cigarette smoke, marijuana smoke, trash dumpster stench, or diesel cars/trucks exhaust. I do not want to see the glow in the night sky from the apartment lights. I do not want to see overflow parking onto residential streets. I do not want to see trash in my yard from the apartments when the northerly winds blow in a cold front. I do not want my home to be less marketable than homes a few blocks away. I do not want my car or visitor's car vandalized if I have to park in front of my house. I like the privacy I have now and do not want apartment lookie-loos. Traffic is horrendous at certain times of the day, I can't fathom what it would be like to add 200, 300, or 400 plus cars, residents, and their visitors to an area already stressed by lack of turn lanes and signal lights. Please don't let this happen to my neighbors or me. R-H zoning is wrong for Highland Hills.

Thank you,

Paul Roquet



Kelly Roquet  
3405 W 16<sup>th</sup> Street #72  
Greeley, CO 80634

July 12, 2017

City of Greeley Planning Department  
1100 10<sup>th</sup> Street  
Greeley, CO 80631

Dear Planning Commission Members, City Council Members, and Mr Mayor;

I am 26 years old and have lived a majority of my life in the Highland Hills subdivision. I no longer live in the Highland Hills subdivision, but down the street in Sherwood Village as a homeowner. I am writing to you concerning the rezoning proposal of Alpine Flats. The area should remain single-family, and not change to multi-family, high density.

Being a homeowner at 22 years of age is not common here in Greeley. Most, if not all, of my friends rent, or still live at home with their parents to save money. As Greeley is a college town, there are plenty of rentals all across the city. I see "For Rent" and "For Lease" signs up all over. To me, this means there are sufficient rental opportunities. Because of all the recent rentals being built and those that are planned, there is even more reason to believe there are enough rentals on the market, and there is no need for this apartment complex.

Living in the quiet neighborhood of Highland Hills has always been enjoyable. As of lately, with the expansion of Union Colony School, the office buildings next door, as well as housing expansion out west, there has been increased traffic making it a hassle to come into the area and much less enjoyable. Multi-family housing is totally unnecessary for the area. As it's been said, it's like trading one eyesore for another eyesore, but Alpine Flats is much worse. The vacant lot may be seen as an eyesore to some, but to everyone else, it is open space that doesn't impede traffic or cause problems.

The original zoning is residential, single-family housing. It has been that way for over fifty years, and there have been no issues with it. Just because Highland Hills Nursery was bought out by Alpine Gardens and was run down by Alpine Gardens, that does not mean that the neighborhood should suffer from Alpine Garden's wrongdoings. The neighbors who take care of their property and continue to be productive citizens of Greeley should not have to pay the price for Alpine Gardens mismanagement. If the developer wants to label this property as blighted, they should look at the previous owner. Current residents do not label the property as blighted.

Overall, the city should not approve the zoning change for Alpine Flats in the Highland Hills neighborhood. It is unnecessary to add rentals that are not needed, a four-story building is more of an eyesore than a vacant lot, and the people of this neighborhood did nothing wrong to bear the cost of decreased quality of life. There is no need to punish them. Greeley can use many improvements in many different areas. Adding multi-family housing where it is not needed is not one of them.

Sincerely,



Kelly Roquet

**Marian Duran**

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**From:** manfred dieck <freddieck@outlook.com>  
**Sent:** Saturday, July 15, 2017 2:23 PM  
**To:** Marian Duran  
**Subject:** Re: rezoning request to Change Old Highland Hills Nursery

My Name is Manfred Dieck Residing at 2123 Clubhouse drive The traffic on 20th Street is very heavy right now

We are Opposed to a 200 Unit Apartment Complex. As this Will Increase Traffic Significant.

Respectfully

Manfred A Dieck

Planning Commission Members ✓  
City Council Members  
Mayor Tom Norton

The City of Greeley Street Department did a beautiful job of adding a right turn lane on 20th St. onto 47th Ave. However, throughout the daily peak hours and during the school months, cars waiting at the 50th Ave stop ~~to~~ sign cannot turn onto 20th St. due to backed up traffic. Don't even consider a left turn there. What will happen when the apartment drivers enter into the picture?

Some rental residents will have to park on surrounding streets causing added danger to any walkers, bicycle riders and school children. Other concerns include noise and light pollution, decreased quality of life for area residents and decreased property values.

The Rezoning Submittal states in one section "this rezoning request would promote redevelopment within the established Alpine Hills neighborhood". What happened to Highland Hills neighborhood? And we are established!!

Please do not change the zoning on this area.

Margaret J. Miller  
2053-50th Ave  
Greeley CO 80634

## Marian Duran

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**From:** Mark Wood <mark.f.wood@gmail.com>  
**Sent:** Tuesday, July 18, 2017 11:01 AM  
**To:** Marian Duran  
**Subject:** Zoning Hearing - Alpine Flats Project

Planning Commission Members, City Council Members, and Mr Mayor;

This e-mail is in response to the zoning change from Low-Density Residential to High Density Residential for 5002 and 5030 20th Street. We have lived at 2213 51st Avenue since 1989 We first moved to Greeley in 1972 and rented a house at 5003 22nd St. Rd. At that time there was very little development in the neighborhood. Alpine Gardens and the Bechtoldts owned the lots in reference and was a haven for peacocks. I believe there was nothing but corn fields south of 20th Street from 35th Avenue to 50th Avenue. How things have changed!

AIMS Community College has grown significantly and Monfort Elementary School and Union Colony Prep School have been new additions. Many of our neighborhood friends have been here for a long, long time and have enjoyed the "peace and tranquility" of the area. However, with this growth the traffic up and down 51st Avenue has become "fast and furious"! Racing to get to school on time, to fast food restaurants at noon and leaving at the end of the day are times you do not want to be walking up or down 51st Avenue especially with NO sidewalks!!! It really needs attention at those times but Greeley Police have lots of ground to cover and are a rare occurrence in the neighborhood.

The proposed complex will only exacerbate the traffic conditions What I have stated herein was clearly communicated at the last public hearing for the same complex. At that time the City Council denied the change with a vote of 6-0 Nothing has changed since that meeting except more growth and more traffic. I would think there would be preliminary actions available to deny the request at your level without taking the time of rehashing the same concerns all over again. I trust that you will again vote 6-0 to deny the request.

Thank you for your time and consideration.

Mark and Myra Wood  
2213 51st Avenue

## Marian Duran

---

**From:** Mark Wood <mark.fwood@gmail.com>  
**Sent:** Tuesday, July 18, 2017 11:01 AM  
**To:** Marian Duran  
**Subject:** Zoning Hearing - Alpine Flats Project

Planning Commission Members, City Council Members, and Mr Mayor;

This e-mail is in response to the zoning change from Low-Density Residential to High Density Residential for 5002 and 5030 20th Street. We have lived at 2213 51st Avenue since 1989 We first moved to Greeley in 1972 and rented a house at 5003 22nd St. Rd. At that time there was very little development in the neighborhood. Alpine Gardens and the Bechtoldts owned the lots in reference and was a haven for peacocks. I believe there was nothing but corn fields south of 20th Street from 35th Avenue to 50th Avenue. How things have changed!

AIMS Community College has grown significantly and Monfort Elementary School and Union Colony Prep School have been new additions. Many of our neighborhood friends have been here for a long, long time and have enjoyed the "peace and tranquility" of the area. However, with this growth the traffic up and down 51st Avenue has become "fast and furious"! Racing to get to school on time, to fast food restaurants at noon and leaving at the end of the day are times you do not want to be walking up or down 51st Avenue especially with NO sidewalks!!! It really needs attention at those times but Greeley Police have lots of ground to cover and are a rare occurrence in the neighborhood.

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Thank you for your time and consideration.

Mark and Myra Wood  
2213 51st Avenue



July 17, 2017

Re: 5002 20<sup>TH</sup> STREET  
Greeley Co. 80634

Dear Planning Commission:

This letter is to request a vote "NO" to re-zone the property located at 5002 20<sup>th</sup> Street. During non-peak times of the year, the residents of Highland Hills subdivision already have major trouble trying to get onto 20<sup>th</sup> Street due to current traffic volume and at times, it is even impossible. Then when the schools such as Aims Community College, Monfort Elementary and Union Colony Preparatory are back in session, traffic volume is amplified immensely and in turn becomes even more of a "nightmare" to even use 20<sup>th</sup> Street to get to any destination. If the property at 5002 20<sup>th</sup> Street is re-zoned to R-H (Residential High Density), residents will virtually have no access to 20<sup>th</sup> Street much less have any access to any arterial streets such as 50<sup>th</sup> Avenue and 51<sup>st</sup> Avenue.

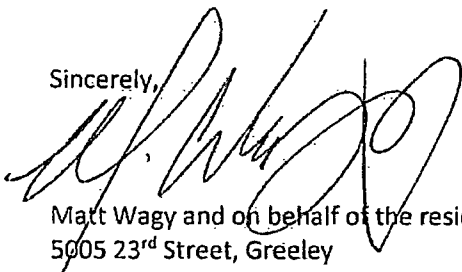
The proposed structures in relation to the surrounding single-family residences would be overwhelming 3 to 4 story buildings, which would tower over the properties closest to the project. In past meetings regarding this issue, residents of Highland Hills subdivision had suggested, to the owners of the said property, to build patio homes, which would already be allowed in the current zoning of the property not to mention, they fit the current scheme of the existing neighborhood. For example, the patio homes located on the east side of 47<sup>th</sup> Avenue, between 16<sup>th</sup> and 20<sup>th</sup> streets are prime examples of structures that would better fit the neighborhood.

The residents of Highland Hills subdivision are not opposed to fixing up the area rather; they just want to keep the building consistent with the surrounding neighborhood. Three to 4 story buildings would be better suited in the currently zoned R-H (Residential High Density) property just southeast of the Winnograd Grade School and Northridge High School and north of Coyotes Southwestern Grill, which allows multi-family structures. Surrounding property in that area, if not already zoned R-H, could be easily re-zoned for multi-family because there is already existing structures of the same type.

In addition, the first time this proposal was introduced to the Planning Commission for the building height variance, it was denied due to the freezing concerns on 20<sup>th</sup> Street between 50<sup>th</sup> Avenue and 51<sup>st</sup> Avenue. Ice building up already occurs due to the existing fence running along 20<sup>th</sup> Street. If 3 to 4 story buildings are allowed to be constructed on the north side of the property, freezing will be a constant problem.

I sincerely hope you will strongly consider our concerns, and vote "NO" to the rezoning of the property at 5002 20<sup>th</sup> Street to R-H (Residential High Density) and leave the property at the current zoning of R-L (Residential Low Density).

Sincerely,



Matt Wagdy and on behalf of the residents of the Highland Hills Subdivision  
5005 23<sup>rd</sup> Street, Greeley

July 19, 2017

## Alpine Flats Re-zoning Submittal

To whom it may concern:

I am a resident of the Highland Hills neighborhood and have lived here since 1993. I have serious concerns about a few things I have seen concerning this project.

I am reviewing the Re-zoning Comprehensive Plan Questions submitted by the owners of the property. I understand this was written by the property owner and wants this to be seen in the best light, but much of this just isn't true. In the first section, they talk about the project being in the public's best interest.

NOTE: This is a high end multi-family apartment complex and both adults will hold jobs. That is (300 cars divided by 120 minutes) 2.5 cars per minute (probably 10-15 cars a minute at peak times) heading to or from 20<sup>th</sup> street from 7-9 am and 4-6 pm daily. I currently wait at least 1 minute at that intersection every day trying to access that road. Adding at least 2.5 more cars minute will back the traffic up so far they won't even be able to exit the apartment complex parking lot. This doesn't even mention the traffic snarl that already exists at 20<sup>th</sup> Street and 47<sup>th</sup> Avenue on school days.

Heading down to Union Colony is a safety issue with students, plus that road can't handle that volume either. If some nerd down in a cubicle at the city says it will, they need to quit watching CNN and get out and experience the real world.

There are not sidewalks in the neighborhood and many people walk 50<sup>th</sup> and 51<sup>st</sup> Ave between 7-9 am.

NOTE: Many residents are retired here. Those two streets will become killing zones for all. Can you imagine a 25 year old apartment complex tenant with a hangover late for work rushing down 50<sup>th</sup> because everything is backed up trying to get to 20<sup>th</sup> Street? They get distracted while texting and run over granny. That's going to look good on the front page of the Tribune.

Right now there is a 6 foot concrete wall on the north edge of this property. In the winter, snows piles onto 20<sup>th</sup> street and eventually becomes an ice rink because of the city's policy of waiting until spring for the snow to melt, instead of removing it, doesn't work in this location. I'm guessing that putting a 40 foot tall building the length of that block is going to make this condition much, much worse. I'm guessing the city and planning commission/city council will be blamed (and probably sued) for many of the accidents and deaths due to the snow removal policy and approval of this fatally-flawed rezone.

Aims College was here long before I built my house, it is across the street and the setback from 20<sup>th</sup> is several hundred feet. This complex will be up against my back yard. How 200 units will act as a screen is beyond my comprehension, there will be traffic, music, children screaming, trash trucks, fights, police, etc. This will not screen anything, it will amplify.

They claim to put a few trees and a 6 foot fence between the complex and residential homes. I also see that the final plans of this project are not going to be submitted until the city council approves this. If

approved, I don't see anything keeping them from changing everything and putting a 40 foot building within 10 feet of my property and renege on many "promises" that they are supposedly making.

They state that the proposed rezoning hasn't been developed. That is because the current property owners have an idea as to what that property should be used for and are adamant that they get their way. During the last meeting, the neighborhood suggested suitable purposes for the site, each time the property owner responded with yet a bigger and more intrusive design.

It was like they were saying, accept this as it is, or we will make it worse. I chuckle when they said, with a straight face, that they wanted to be "good neighbors". Too late for that.

When asked if the suggestions were considered, they said that it wouldn't be profitable enough and those suggestions were dismissed. Their true colors showed, they are just greedy and they don't care at all about the neighbors.

It was my understanding that zoning was used so you don't have conflicting types of residence/commercial properties next to each other. The city wants a gradual transition from high to low. That was told by city employees at a meeting last time they wanted this rezoned. In other words, from High Density, Medium, then Low. This proposal doesn't follow this guideline by putting a High Density next to a Low Density. Why would the city bend/break the rules for this proposal? Is there something going on that I don't know about?

I could certainly go on and on about more of the inconsistencies of their Plan, but in just the few items I'm pointing out, this is certainly not going to be in the best interest of the public and hopefully this will help you come to the same conclusion and not allow the re-zone.

Sincerely,

A handwritten signature in black ink, appearing to read "Mick Phillips", with a stylized, flowing script.

Mick Phillips  
2048 51<sup>st</sup> Ave  
Greeley, CO 80634

July 13, 2017

Marian Duran, City Planner  
1100 - 10<sup>th</sup> Street  
Greeley, Colorado 80631

Marian Duran,

The traffic situation even tho they did a new turning lane at 20<sup>th</sup> and 47<sup>th</sup> light isn't that great yet. The development that is being proposed to be built in Alpine Flats- Highland Nursery area will put that problem back worse again with 200 + Apartment Complex, 40 buildings on 8 728 A. lot plus parking for 1.5 car parking lot for each unit. Who drives a .5 car???? You know where the other 5 cars will be parking?? IN FRONT OF MY HOUSE ALONG 50TH AVE. Most families have 2 cars and if they have driving age children or 4 or 5 living in each unit together, each will have a car NOT GOOD !!!!

Also the noise, parties all hours of the day, theft will happen we won't be able to leave doors open like we do now or leave tools sitting out. This has always been an older group of home owners in this area and we need to keep it that way

In conclusion it is JUST A BAD IDEA FOR OUR NEIGHBOR HOOD ANY WAY YOU LOOK AT IT

You shouldn't let it happen. Vote against this REZONING REQUEST

Help us!! concerned neighbor!!

*Milton Jones Venetta Jones*

Milton & Venetta Jones  
2058 50<sup>th</sup> Ave.

## Marian Duran

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**From:** randcstephens@gmail.com  
**Sent:** Sunday, July 16, 2017 1:34 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats Proposed Zoning Change

**Importance:** Low

RE: Proposed Zoning Change From Low Density Residential to High Density Residential for 5002 & 5030 20<sup>th</sup> Street, Greeley, CO

Ms. Duran

Once again, the Highland Hills community is requesting that the Planning Department **vote AGAINST** the above-referenced rezone

There are several concerns that the community has with this request.

### GENERAL

- 1 Highland Hills was developed as a "golf-course" community in the early 1960's and has many older and retired residents, some of which have resided here since the original development.

### DEVELOPERS

2. Once again, we note that the developers do not live in this area. They have no personal stake in the community. **Their main motivation is money.** While we understand the motivation of earning a good living, we do not feel that it should be at the detriment of others.
- 3 There has been no definitive plan presented to the community. It is our understanding that once a rezone is secured, the developers will be able to design and build however many units they wish, within City of Greeley guidelines, regardless of what the community has been told. The 2015 proposals were submitted to the community as a 240+ unit apartment complex. At the Planning Commission hearing, the designers changed their proposal to a 400+ unit complex. This was hardly a transparent deal. Because of this, we are skeptical of the current unit levels of the proposed complex.

### PROPOSED COMPLEX

- 4 The developers have assured the community, once again, that these will be high-end apartment units with high-end renters. However, given the nearness to Aims College, it is reasonable to assume that many of the apartments would be rented to college students with multiple people to an apartment in order to pay the rent.
- 5 It is well known that apartments housing college students are more prone to police responses due to theft, drugs, violence and other problems. We do not need this in our community.
- 6 At average, 200 units, housing an estimated three people per unit, equals approximately 600 additional residents within this community. The influx of so many new residents would be detrimental to the quiet existence and quality of life that this community has enjoyed for so many years.

### TRAFFIC

- 7 Estimating an average of 1-1/2 vehicles for 200 units, there could be an increase of 300 additional vehicles flowing onto 20<sup>th</sup> Street and 50<sup>th</sup> Avenue.

- 8 There is no stop light at 20<sup>th</sup> Street and 50<sup>th</sup> Avenue Traffic is already such that it is nearly impossible to make a left-hand turn onto 20<sup>th</sup> Street from 50<sup>th</sup> Avenue during normal hours, much less peak hours.
- 9 The addition of so many units would also increase parking issues, noise and light pollution. Once again this would disrupt the quality of life of the current residents of Highland Hills.
- 10 During summer months, traffic is already extremely heavy on 50<sup>th</sup> Street and the surrounding area during weekends due to the football/soccer games at Monfort Park.
11. Winter months pose a definite additional risk. If a three/four level apartment building is erected next to 20<sup>th</sup> Street, ice would be prevalent on 20<sup>th</sup> Street following snow/ice storms.

#### **ALTERNATIVE SUGGESTIONS**

There are a number of alternative possibilities which could be proposed by the developers which would not have such a negative reaction

12. Residential development with duplexes.
- 13 One or two-level business complexes utilized for professional offices, with adequate customer parking. This would decrease evening and weekend traffic, ensuring a safer and quieter community
- 14 Sell the property to an investor who would develop the property as it was originally intended as a part of a quiet, safe and firmly established community

**Richard & Carol Stephens**  
**2357 50<sup>th</sup> Avenue**  
**Greeley, CO 80634**  
**970-702-2127**

Sent from [Mail](#) for Windows 10

## **Marian Duran**

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**From:** CCnSecurity <ccnsecurity@comcast.net>  
**Sent:** Sunday, July 16, 2017 5:54 PM  
**To:** Marian Duran  
**Subject:** Rezoning 20th Street and 50th Avenue property to high density occupancy

Dear Planning Commission Members, City Council Members and Mr Mayor

I am urging your support for a no vote for rezoning the property on the southwest corner of 20<sup>th</sup> Street and 50<sup>th</sup> Avenue

A 200+ multi-family apartment complex would negatively impact, not only the surrounding neighborhood, but the entire Highland Hills sub-division  
At risk would be traffic safety, violation to noise regulations, parking congestion into the neighborhood streets, demographic mix that would not be congruent with surrounding single family residences

The intersection of 20<sup>th</sup> Street and 50<sup>th</sup> Avenue is already an issue during certain hours of the day Adding 400 plus new residence with cars would decrease traffic safety and cause accidents.  
There is not a plausible solution for the city transportation department to guarantee its tax-paying citizens safely turning left onto 20<sup>th</sup> Street. Is the city willing to install a traffic light? A very costly venture, but a necessary one

The Richardson Family is capable in affording a better development solution. Can the city afford losing the trust of its citizens?

Vote NO on rezoning to High Density

Sincerely,

Richard L. Harris  
2207 50<sup>th</sup> Avenue  
20 year resident.

April 2, 2015

John Gates  
Greeley City Council, Ward 3  
City Hall  
1000 10th Street  
Greeley, CO 80631

Re: Proposed Alpine Flats Development

Dear Councilman Gates.

My husband, Ron, Called and spoke with you about the proposed Alpine Flats Development. You suggested it would be better to submit our objections in writing. I am submitting the thoughts and objections we have to this development.

A great many residents of the Highland Hills area have built and lived in their homes for over twenty years. When my husband and I built our home we were struck by the quiet, peaceful nature of the area. We felt this would be a safe and wonderful place to put down roots and watch our grandchildren grow. This neighborhood has no sidewalks. But this has proved to be an asset. We have met and talked with our neighbors as they walk by in the evenings. Watched the children ride their bicycles and trikes in the bike paths. Mourned the loss of good friends and neighbors. In short, we have become a family.

We have had growing pains as well. The addition of a number of schools in west Greeley has most certainly increased the amount of traffic on 20th Street. As the enrollments in these schools has increased so has the traffic. Trying to turn right onto 20th Street from 50th Avenue during the week often takes longer than 30 minutes. Turning left onto 20th Street is becoming more and more dangerous with the Aims Community College students wanting to turn left out of the campus, and strings of cars going west and east on 20th Street dropping off or picking up schoolchildren. The new apartment complex in west Greeley feeds its traffic into 20th Street as well.

While I understand how attractive our little community looks to the Richardsons, their development will ruin the very things that make this community attractive. Alpine Flats will be a three story development in what is primarily a single story neighborhood. The loss of privacy our neighbors bordering Alpine Flats will experience is a travesty. The addition of 140 apartments, 300 plus new neighbors, and over 275 cars will undoubtedly increase the traffic congestion. Along with the apartments comes the glare of parking lot lights, the noise of slamming car doors and people living in close proximity to one another, more people parking on the street as teenagers get cars and the parking spaces prove inadequate. During soccer and football season at Monfort Park on street parking is bumper to bumper now. People are parking two and three blocks from the park to attend the games now.

When asked if the schools in the area would be able to assimilate the additional children, the Richardsons told us that if the schools could not handle the additional students, new schools would be built. Schools are not built overnight and are expensive to build. Why should we be expected to bear the increase in property taxes needed to fund these new schools, while the Richardsons hire tax attorneys to avoid paying additional taxes.



Alpine Flats will also lower our property values. Homes that we have spent a lifetime improving will lose a great deal of value with the presence of the Alpine Flats development. A majority of us no longer have the strength or financial resources to uproot and leave our neighborhood. Many of the homes are paid for and we are on retirement incomes. Why should we be penalized for achieving our dream of homeownership? We understand that the Highland Hills Nursery lot needs to be developed, but feel patio homes or townhouses would be a much better fit for our neighborhood.

In short, it looks like the Richardsons have everything to profit from this development and the neighborhood has everything to lose. We would greatly appreciate your support in halting the Alpine Flats Development!

Sincerely,

Ronald and Mary Ellen La Velle  
5000 W. 21st Street  
Greeley, CO 80634  
970-339-9571

## Marian Duran

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**From:** lavellemaryandron@gmail.com  
**Sent:** Sunday, July 16, 2017 6:14 PM  
**To:** Marian Duran  
**Subject:** Re: RH 1 Alpine At Highland, LLC rezoning request

Sent from Mail for Windows 10

July 15, 2017

Planning Department  
1100 10<sup>th</sup> Street, Suite 202  
Greeley, CO 80631

Gentlemen.

Mu husband and I are writing to renew our objections to the Richardsons' proposed development of the old Highland Nursery property. Enclosed is a copy of the letter we wrote to then Councilman John Gates, Mr Darrell Geisich and Mr Brad Mueller in 2015 when the Richardsons first applied for the zoning change of R-L to R-H.

Our objections and concerns have not changed. While we appreciate the changes made to 20<sup>th</sup> street and 47<sup>th</sup> Avenue – adding turn lanes and adjusting the timing of the stoplights- there has been minimal impact on the traffic congestion cited in our previous objections.

We are at a decided disadvantage for this hearing. The Alpine Flats development initially proposed included a detailed development plan. This time we are totally blind as to the **final** plans for the area. We are expected to accept and allow the zoning change without knowing definitively how many units are proposed, how many buildings, how many stories, how many parking spots, etc. The neighborhood has not seen the final plans. We were just asked for suggestions with no final plans shown to the community. At the presentation we could move cutouts of buildings, bushes, etc. but we don't know what the final plan is.

We do not believe in signing **blank checks**. Changing the zoning to high density residential with no assurance or commitment of the final development plans would be granting the Richardsons carte blanche to add 140 plus units to the neighborhood. None of our concerns have changed from the previous request for a zoning change. We just are dealing with more unknown facts and elements of Richardsons' plans for the area. Little consideration of the impact this project will have on the rest of us has been given.

Many businesses make a bad decision now and then. They pull up their pants and take the loss like adults. This is unlike the Richardsons who are determined to make a large profit at the expense of our neighborhood. We have suggested patio homes as a viable alternative, but that wouldn't produce the profit of an apartment building. Why should the rich and powerful be allowed to run over the poor, elderly and powerless in the name of progress to increase the wealth of a few?

Greeley is better than that! We deserve better than that! We would appreciate your help and support in blocking this zoning change.

Sincerely,

Ron and Mary Ellen La Velle  
5000 W 21<sup>st</sup> Street  
Greeley, CO 80634

To - City of Greeley - Planning Dept

My husband & I have lived on 5th -

since 1967 (50 years) - we are

wanting to protect the re-opening

of the old Highland Lake Nursery

from low-density - a high density

Trailer, 50' x 10' & parking spaces

certainly come to mind -

200 aprs - 400-500-600 - or more

residences (people) - as far as - at

least 200 - now likely 400-500 - possibly

600 - or more.

Parking on 5th Ave is limited -

especially when outdoors are going on

at Montfort Park

If there are high priced apartments -

why would anyone want to be so close to

20th st - and what kind of "view" would

they have? I'll

Just how this was brought up - changes to 20th

street - would be the city's responsibility? That

Roy E. & June Cameron  
2322 50th Ave  
Greeley, CO 80634



City of Greeley -  
Planning Dept.  
1108 - 11th St.

as the developers remarks.

I think patio homes - ranch style  
would be more appropriate in this  
neighborhood.

We have enjoyed living here on 50th Ave  
for 50 years - my husband taught at Cline  
college - since they opened in 1967. We  
are retired - he retired from Cline in 1991.  
<sup>in 1966</sup>

We moved here from Illinois & we  
noticed everyone in Greeley had 2 cars &  
a pickup!

Please - no high density  
residing.

Roy & June Cameron  
2322 - 50th Avenue  
Greeley - 80634



## Community Development Department MEMORANDUM

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TO: City Council  
RE: Alpine Flat Rezoning Request Additional Correspondence  
THROUGH: Roy Otto, City Manager  
FROM: Brad Mueller, Community Development *BRM*  
DATE: 8/10/2017

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Attached is correspondence regarding that Alpine Flats rezoning request that has been received since the Planning Commission hearing and prior to production of the City Council hearing agenda packet.

Any additional correspondence received after this time will be provided to Council the evening of the hearing.

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A City Achieving Community Excellence

## Brad Mueller

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**From:** Ferguson Barb <bjimferg123@gmail.com>  
**Sent:** Thursday, August 10, 2017 7:38 AM  
**To:** Brad Mueller  
**Subject:** Highland Hills rezonr

Please don't allow these rich people to destroy our neighborhood. They don't live here. This has been a lovely area for 40 years, and the addition of these apartments will destroy that. I predict half the homes will end up rentals as people move out to get away from the congestion.  
Barb and Jim Ferguson, retired Realtors.

## Brad Mueller

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**From:** erictphillips <erictphillips@comcast.net>  
**Sent:** Wednesday, August 09, 2017 7:47 PM  
**To:** Brad Mueller  
**Subject:** Alpine Flats

Dear City Council,

My name is Eric Phillips. I was born and raised in Greeley. I lived with my parents at 2048 51st Avenue. I knew that once I graduated college and became a young professional, I would never live in Greeley again. Living in Denver, I make more money in Denver's job market and pay less in rent than this proposed luxury Alpine Flats. And as soon as I am able, I will be purchasing my own home.

I am against the rezoning of the old Highland Hills Nursery from R-L and C-H to R-H.

Eric T Phillips

9999 E. Yale Ave, #D108

Denver, CO 80231



## Brad Mueller

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**From:** LISA ROQUET <l.roquet@comcast.net>  
**Sent:** Wednesday, August 09, 2017 4:56 PM  
**To:** Brad Mueller  
**Subject:** ALpine Flats  
**Attachments:** Citycouncilletter.docx

Mr Mueller,

Please attach this letter to the city council packet being completed for the Alpine Flats Project.

Thanks You,

Lisa Roquet

August 9, 2017

Lisa Roquet  
2059 50<sup>th</sup> Ave Ct  
Greeley, Co 80634

Mr Mayor and fellow City Council Members.

I am writing this letter to express my opposition to the Alpine Flats proposal. Being a resident of the Highland Hills neighborhood for over 20 years, I can list numerous reasons why this proposal is wrong for the site. They include.

- **THERE IS NO KNOWN PLAN**
  - With no Development Concept Master Plan (DCMP), there is no way to calculate the impact this proposal will have on the neighborhood and the infrastructure surrounding this project!
  - Approving this plan is akin to providing a blank check to the developer
- The proposal does not follow the city's own master plan for compatibility
  - The Highland Hills neighborhood is composed of custom homes which are mostly single-story
  - Several 3 – 4 story apartment buildings will overwhelm the neighborhood and the existing infrastructure.
- Without a DCMP, the developer can be expected to maximize units and completely utilize all available space per building code, yet existing code is seriously insufficient for today's needs
  - The developers claim that they are meeting area residents concerns is erroneous. There is no transition per code. Multi-family, high-density is right next to single-family, low density. Their so-called zones are no more than setbacks that are required by code. These "zones" do not provide transition per the master plan
- This proposal impacts the safety of residents and students in the Highland Hills neighborhood
  - **THERE ARE NO SIDEWALKS IN HIGHLAND HILLS!** Area residents walk next to the gutter. When cars are parked all over the neighborhood streets, residents and school children will be walking in the driving lanes since the gutters will be full of cars spilt over from this proposal!
  - There are 2 schools within walking distance in the Highland Hills neighborhood. Children from both Monfort Elementary and Union Colony School will be forced to walk in driving lanes as they travel back and forth to school
- Area residents' health will be affected due to increased traffic and additional parked cars
  - There are many residents that walk the tree lined streets of Highland Hills for exercise. These residents are not going to get in their cars to exercise. They will be forced to discontinue walking in their own

neighborhood due to the safety issues mentioned above. This proposal is taking away neighborhood residents ability to walk for exercise to maintain and improve their health.

- Area residents will not be allowed to maintain the health of their dogs due to increased street parking and traffic.
  - Monfort Park does NOT allow dogs. Area residents will be forced to put their canines in their vehicles to transport them out of the neighborhood for a walk. Many residents do not have the ways or the means to transport their pets to a suitable place to walk.

These reasons and many more are valid reasons why this project should be scaled down to meet the needs of area residents and the community as a whole. Many, many people use 20<sup>th</sup> street on a daily basis and they will be impacted by this proposal.

Sincerely,

Lisa Roquet

## Brad Mueller

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**From:** Donna Hettinger <donna.hettinger@comcast.net>  
**Sent:** Wednesday, August 09, 2017 4:55 PM  
**To:** Brad Mueller  
**Subject:** Highland Hills (Alpine Flats)

That these people were able to get by the planning commission without a valid plan is very disturbing. Especially after what they were proposing in the past. I agree something should go there but going high density right at a heavily traveled road & main intersection(s) into Highland Hills can't be the answer. We have multiple schools oh so close with children having to walk plus there are no sidewalks except for 20th St. when Monfort school opened our children were bussed for safety. Now that is no longer the case. We also experience extra heavy traffic & parking on the streets when there are activities in the park already. When the rents are beyond what tenants can afford one choice they make is to share space which adds more vehicles/traffic/parking in the street as close to where they live as possible compromising the area even more as people try to exit & enter their streets. I have already experienced near collisions as people exiting Aims not having the patience for me to complete my turn onto 50th & pulling across in front of me. Even when in the left turn lane. It's fortunate I didn't step on the gas any faster. That's what happens now when people have to wait. Their wait will be even longer with the extra traffic this proposal will generate. Glen Bechthold must be turning in his grave with what is happening to his space he lovingly nurtured for so many years. Please really look at what is being asked of you & make an open minded decision.

Thank you,  
Donna Hettinger  
5026 W 22nd St

Donna  
Sent from my iPhone

## Brad Mueller

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**From:** KAREN SUTTON <kar2560@msn.com>  
**Sent:** Wednesday, August 09, 2017 4:33 PM  
**To:** Brad Mueller  
**Cc:** lyn.carlisle@yahoo.com  
**Subject:** Rezone of Highland Hills Nursery lot

Dear sir,

My name is James Sutton and a resident of Highland Hills West. To rezone this property to high density is a bad idea for the current neighborhood. I have lived in Highland Hills since March 1992 and been in the construction industry since 1969

This town has grown by leaps and bounds over the years and right now the rate of high density all over town is overwhelming to say the least. To want to drop a project of this scope at this site doesn't make sense for a lot of reasons.

I will admit I don't have all the details of every aspect, but from neighbors better versed in this situation, I have been informed from the last time they wanted to rezone that there was not going to be a stop light put in at 50th Ave and 20th street. If in fact that is the case and traffic would be routed to the one light west of proposed project that would be disastrous for people living in Highland Hills and Highland Hills West as traffic from proposed project would not want to access 20th St. from 50th Ave., if there is not a light there. They would find their way to hi way 34 by going south on 50th Ave. to 26th St. and head west.

That as well as people living right next door to the proposed project would have to deal with light and noise pollution from so many people in small area such as this.

There is so much land available all over this town for a project of this scope. I as well as all my neighbors of Highland Hills and Highland Hills West do not think it to be wise idea for this project at this location.

50th Ave. south of 20th St. to 26th Street west is already a main feeder for everyone that lives in this area. If people from a high density area start using it also there is concern for the children and the sanctity of an existing neighborhood of elderly and young families with kids.

Low density patio homes for elderly makes a heck of a lot more sense

Thank you  
James Sutton  
2560 55th Ave.  
Greeley, Co 80634  
970-381-5496

Sent from my iPad

## Brad Mueller

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**From:** melissa <mmg3647@comcast.net>  
**Sent:** Wednesday, August 09, 2017 4:09 PM  
**To:** Brad Mueller  
**Subject:** Alpine Flats rezone proposal

Brad,

I would appreciate your assistance in forwarding this correspondence to the members of the Greeley City Council as well as Mayor Norton, for inclusion in the August 15, 2017 City Council meeting packet.

My name is Melissa Corriveau, and I am a property owner living at 2042 51st Avenue, Greeley, CO. I am a resident of the Highland Hills neighborhood that stands to suffer mightily if Council rubber stamps at the August 15, 2017 meeting an approval of the proposed rezone request submitted by Richmark LLC. I am voicing my opinion regarding the proposed Alpine Flats rezoning issue. Note that I am most vehemently against the rezoning of this particular piece of property, as the project, IN ITS CURRENT ITERATION, stands. There has been no more progress made today than two years ago with regards to having a fully developed and well-defined project that can be studied, reviewed, and confidently approved by Council.

The residents of the Highland Hills neighborhood are not opposed to reasonable, logical development that would fit within the design and style parameters of the homes which currently exist here. We understand that progress must be made for the City, the residents who live (and want to live) here, as well as for the aesthetics of the vacant lot in question. However, Richmark has done nothing but vaguely allude to the construction possibilities that can occur on the property. We as Highland Hills residents have more than two years of history in battling this vague, undefined project. Richmark stated at a community meeting in 2015 that the only way this project will be of maximum fiscal benefit to their organization is through the construction of a high density residential project. We know that Richmark wants to build 200+ apartment units, with building heights of 40 feet, or 50 feet if they can get a variance, regardless of recent statements they have made suggesting otherwise. Quite frankly, Richmark principles spend more time dodging questions than providing concrete answers to the questions posed them.

I know that you are aware of our neighborhood concerns. However, without having a well-defined Richmark plan on the table for all to view, it is impossible to address viable solutions to our concerns. I implore you, do not give Richmark a blank check for development. Instead, temporarily table the rezoning request, and ask the Richmark principles to go back to their design boards and bring a solidified plan back to Council, one that makes sense for all stakeholders involved. If you feel that the negative impacts to traffic flow, safety of the pedestrians and mass transit users which use the 20th Street corridor, as well as the interior streets of 50th and 51st Avenues, then please vote no on this rezone. Please do not let our voices be drowned in the noise of mindless expansion and construction.

My regards,  
Melissa Corriveau

## Brad Mueller

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**From:** Mick Phillips <mick@cyclonesoft.com>  
**Sent:** Wednesday, August 09, 2017 4:09 PM  
**To:** Brad Mueller  
**Subject:** Alpine Flats Rezone

Greeley City Council,

My name is Mick Phillips, and I live at 2048 51st Ave and have lived here for over 25 years. I am totally against this re-zone. There are many reasons why this is a horrible idea. I'm just going to talk about one, Safety.

After overhearing comments from Arlo Richardson at the planning meeting a few weeks ago, his derogatory comments about the elderly were just vile (just ask someone in the neighborhood what he said). He probably doesn't care about young children either. I hope the City of Greeley does, because I do.

Each school day I see hundreds of kids walk by my house going to school in the morning and returning home after school. Some of the high school cross country teams even run down 51st Ave during that season. There are many homeowners that walk down 50th and 51st Ave every day, from dawn til dusk. People used to walk over to Aims. Because of traffic, not any more.

Since the builders of this project won't release any plans of their project, the maximum capacity using four story buildings and pushing them to the edge of the property lines would allow between 300-350 multi-family units in that location. As the builders said in previous meetings, profit was the main motivation of this project, so they will squeeze as many units as possible into that area. They say this property will have high end units (\$1,800 per month), yet they say they want the poor college student that attends Aims to live here. How is this student supposed to cross the street with no street light? They won't walk 1/4 mile down to the corner. They will jaywalk and some of them will get hit and die.

When you project between 2.5 and 3 vehicles per unit and the typical use for Apartments/Condos/Townhouses is 6 trips per day, or 12 uses of a road coming and going will add an additional 3600-4200 cars on the roads to/from that complex per day. An apartment complex of this size will add 180-210 cars to the traffic flow at peak times. I drive 20th every day, it is almost impossible to get on that road now. I don't see how adding 200+ cars at rush hour is going to help. There is already a huge traffic jam at 47th Ave and 20th every morning and afternoon when school is in session.

During the planning hearing, the city planners said 20th Street is currently handling about 13,000 cars per day and the capacity was around 25,000 per day for that size street. When asked where they got the capacity figures, they replied with embarrassment that the builders supplied them. WHAT, REALLY? The builders are giving the planners the numbers to use for the traffic projections. FIRE THEM ALL! It is bad enough they didn't do their own work, but to take their numbers from the

builder in unconscionable. My God, no wonder traffic in this city sucks. This is the same planner that said most people only make right turns, so getting onto 20th by turning East wouldn't be a problem and that would help with the traffic. ARE YOU KIDDING, RIGHT TURNS ONLY? He eventually said those few of us that work West of town would need to take West 20th Street Road, and use the light at Clubhouse Drive. By the way, don't run over the school children attending Union Colony.

When I researched roads, I pulled data from Mike Spack, PE, PTOE, a traffic engineer who has been in the business since 1994. He said a 4 lane road with left hand turn lanes would support 16,000 vehicles per day. Needless to say, there are no left hand turn lanes on 20th Street turning onto 51st, nor 51st turning onto 20th. Therefore, the 16,000 vehicles per day is probably more like 12,000 per day. This road is already at or over its maximum. I'm pretty sure these traffic numbers don't factor in the fact that there are 3 schools between 47th and 59th Avenue on 20th Street, Union Colony, Monfort and Aims. This reduces traffic speed and the number of cars that can safely use this street. The amount of foot traffic due to children coming and going to school is already intense.

With the increased number of cars, this area will become a bottleneck, just like T-Bone has already become because of the lack of entry and exit points. 50th and 51st are heavily used by residents to the south that are blocked by the Highland Hills golf course for easy access to 20th. Those people will become completely cutoff. Even the UPS driver commented just last week about how horrible the traffic was on 20th.

Adding this complex in this location will create kill zones surrounding this complex. Cars and pedestrians don't mix.

Once you see what a 3,000 lb car going 45 MPH does when it hits a 10 year old kid, you will remember this vote.

**Mick Phillips**  
5401 West 10th St.  
Suite 100  
Greeley, CO 80634  
Telephone: (970) 353-4555  
Fax: (970) 353-3175  
mick@cyclonesoft.com





## Brad Mueller

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**From:** lucas murphy <lukeamurphy@yahoo.com>  
**Sent:** Wednesday, August 09, 2017 3:43 PM  
**To:** Brad Mueller  
**Subject:** Highland Hills Rezoning for Apartments on 20th St

Hello-

My name is Luke Murphy and my wife and I have been living in the Highland Hills neighborhood for 10 years now. It is a wonderful, quiet, close-knit community that is still enjoying somewhat minimal traffic.

I am against the proposal to rezone the corner on 20th street to high density living units (apartments). If you drive 20th street at any given time it is already extremely busy with the expansion of Aims, the school on the corner, the new businesses that have been built and just the general growth to west Greeley.

This corner would be better suited to something other than housing all together but if it needs to be housing, consider single family units, either single homes or possible duplexes.

I ask you to please carefully consider this proposal and return a no vote. There are other more appropriate areas to build additional apartments.

thank you-

Luke Murphy  
5516 West 24th St  
Greeley, CO 80634

## Brad Mueller

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**From:** Lori <58silversue@gmail.com>  
**Sent:** Wednesday, August 09, 2017 3:23 PM  
**To:** Brad Mueller  
**Subject:** Rezone

Please do not rezone our neighborhood for high density apartments.

We love the look and feel of this area!

It would create way too many people and cars in that area. Bad idea.

This is an older beautifully kept area

Do something there in keeping with what our neighborhood is.

Our taxes have increased so now you want to add this traffic nightmare. No way.

Please do not do this.

RyAn & Lori Hardy  
2535 55th Avenue

Sent from my iPhone

## Brad Mueller

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**From:** Cheryl J Phillips <cjolene@comcast.net>  
**Sent:** Wednesday, August 09, 2017 3:13 PM  
**To:** Brad Mueller  
**Subject:** Alpine Flats Rezoning -- City Council Meeting Aug 15

Dear Council Members,

Concerned Citizens of Highland Hills subdivision are hoping the City of Greeley is not in the habit of "writing a blank check." But that is exactly what will happen if the rezoning to R-H goes through. Currently there is NO PLAN. There will be NO accountability whatsoever. The last known plan was four-story apartment buildings, with a variance for elevators. That could become a reality. We have a say right now as to what should be there and we are letting our elected officials know that we oppose the rezoning.

We do not have a say as to what is built in Pinnacle Office Park (20th Street between 51st Avenue and Clubhouse Drive) and AIMS Community College, including the vacant lots on 47th Avenue between 16th and 20th Streets. Keep in mind that Pinnacle Office Park (current location of Mineral Resources/Arlo Richardson) is slated to have nine additional office buildings built for a total of 12 office buildings. AIMS Community College is currently building more, with the possibility of an apartment complex.

The developer, the Richardsons, Richmark Real Estate Partners, LLC, and Alpine Flats (hereinafter referred to as the Richardsons), have stated they have worked with the neighborhood. That is not true. An apartment complex does not belong on that land. It doesn't fit in with the neighborhood. Each plan was grander in scale, starting with two story buildings. After each neighborhood meeting, the amount of stories increased to three story, then four story and then four story with variance. The neighborhood has continued to ask that condos, townhomes, or patio homes be built instead. Those actually fit in with the neighborhood!

There are numerous empty lots currently for sale throughout Greeley that are zoned for multi-family housing.

Planning Commission Chair Dale Hall stated enough had been changed to the plan, so his vote was in favor of the rezoning. The change was, there is NO plan. In addition, there were three commission members that stated "I have concerns over this rezoning, but my vote is yes and I hope the City Council will do the right thing." That gives you peace of mind, doesn't it. We are very concerned about the process actually working and not being extremely skewed in favor of the Richardsons. The Concerned Citizens of Highland Hills were told to follow the rules, but the Richardsons and supporters have not. At the Planning Commission hearing (hereinafter referred to as "the hearing"), speakers were allowed to speak if the subject had not been previously addressed, which is what we (the Concerned Citizens of Highland Hills) did, however, all speakers for the developer said the same thing. It should be noted that 95% speaking on behalf of the developer receives financial gain from the Richardsons, either through payroll or Hensel Phelps building the downtown hotel, which Arlo Richardson is one of the 11 investors. Makes you pause, doesn't it. Lots of relationships there.

During "the hearing," Tyler Richardson stated the cost of water alone makes any new housing development close to impossible. That's why they need to build "luxury" apartments at 20th Street between 50th and 51st Avenues. Yet if utilities and water make it impossible to build, why did the city approve the subdivision in West Greeley that will include 428 homes and 30 acres of multi-family housing? Seems like something isn't truthful.

It was also stated at the hearing that Richardsons have had numerous inquiries about the commercial portion of the proposed rezoning area. Even though they have scared the neighborhood as to what "these inquiries" are, there has been no evidence any of the inquiries have happened. Scaring the neighborhood seems to be what the Richardsons

do We have been told that if the rezoning does not go through, the City will make the cul-de-sac (50th Avenue Court) a through street to allow for single family dwellings.

Oddly enough, the commercial portion of the proposed rezoning was in the process of being purchased by a local businesswoman when both lots were sold out from under her three years ago. Currently, there is a family living in the single-family dwelling on the lot. More than likely that house should be condemned. It was in disrepair for years prior to the Richardsons purchasing the land. And for the three years Richardsons have owned the land, they have let the property go into disrepair. Which makes it funny that there are complaints of that land being blighted and needing rezoning.

Safety concerns are abundant!

1. Highland Hills subdivision is grandfathered in and are NOT required to have sidewalks. Increased traffic with the rezoning will make it extremely hazardous to your health if you are a walker (which a lot of us are)
2. Traffic is already terrible, but eases up when school is not in session. I dare any one of you to park on 51st Avenue when the teenagers come flying around the corner doing 45 mph or more, passing all the blind driveways.
3. 20th Street is icy every year. The plows push the snow up onto the sidewalk, as do passing cars. With the melting and refreezing, that sidewalk becomes very icy (funny again . . . the property owner doesn't do anything about snow removal). An apartment complex will not help that issue. I no longer walk that route because of the ice and how close traffic is.
4. The safety concern of children/young adults walking to and from schools located in this area, Monfort Elementary School, Union Colony Prep School, and AIMS Community College.
5. Noise and Light Pollution.
6. Parking Issues.
7. Over 300 concerned citizens signed a Petition opposing the rezoning. That Petition was submitted with the original packet.

Everything we have heard is that Greeley needs affordable housing. **Affordable** being the key word. According to The Greeley Tribune, July 20, 2017, median rent in Denver is \$1,376.79. That is considerably less than the proposed Alpine Flats. That would mean a person would need to make \$30,000 per year to barely keep their "head above water." Greeley's job market does not support paying much more than that and even more jobs pay less than that. Remember Greeley is the fast food capital of the west. Homelessness is growing in Greeley and rent being unaffordable, homelessness will get worse.

The following are actual responses posted on Reddit.com to people looking to live in Greeley.

1. Greeley used to be a great place to live and work. Unfortunately, it's becoming a polluted, over drilled shit hole. Ozone pollution in weld county is getting out of control and there are no signs of it easing. Oil wells are being drilled all over the city. After living here for 32 years, I'm leaving because of it. Our entire city is being sold out to Mineral Resources, with complicit aid from Tom Norton and the City Council and nobody seems to care. If this is important to you, stay away at all costs, if you think it's a bunch of overhyped BS you will probably have a good time.
2. I was born and raised in Greeley and lived there until I was 24. I highly recommend finding a place in either Windsor, Loveland or FoCo. Do not live near the college. We got our cars broken into weekly. If you have to, I highly recommend only living on the far west outskirts of the city. I left town and never plan on moving home. For me, there just isn't any opportunity and I don't ever want my kids to go to school there. The system is broken.
3. Avoid the south. Avoid the east.
4. Greeley has bus and taxi service, but the busses don't have stops on non-main roads.
5. There are no cool things as far as the eye can see from Greeley. All the wildlife, plant life, and human life is dying off, as if waiting for the end but unwilling or unable to move away from it. Once in a while a small group has a bonfire out in county somewhere.

6. North of town, there's Sealy Lake. The richest people in town live on the east side of it. It's literally the only thing Greeley has that's anywhere close to scenic
7. Greeley does not have small town charm. It has 120,000+ people, and it sprawls out for several miles
8. There are no good jobs anywhere in Weld County

Greeley should change its name to "The Richardson, Monfort, Ehrlich Ramrod City " They get what they want and all other citizens do not matter

In 1992 we were living in a house behind a very large apartment complex. This was our first house being a newlywed couple. After months of looking at homes for sale, we decided to build our forever home. We found that property at 2048 51st Avenue. The lot was large and odd shaped, neighbors were not close, we liked the school districts and zoning around the lot, and Highland Hills Nursery was basically our back yard. We moved into our forever home in September of 1993.

I hope that building our forever home in Greeley was not a mistake and complete waste of our time. As I stated above, we have lived behind an apartment complex. been there, done that, WILL NOT do it again. We actually know what happens, the lights, the noise, the trash, and the crime. We actually experienced a criminal running through our 6-foot privacy fenced backyard!

We are one of several residents of Highland Hills subdivision that own their own business in Greeley. I know of quite a few people that will move if this is approved. We are one of them. But if we move, we will also move our business and can guarantee it will not be in the city limits or county limits. That means our employees will need to move with us to keep their employment. There is quite a trickle down effect.

If you allow this rezoning, you will be taking our forever home away from us.

Currently Not a Happy Citizen of Greeley,

Cheryl J. Phillips  
2048 51<sup>st</sup> Avenue  
Greeley, CO 80634  
(970) 330-4412

## Brad Mueller

---

**From:** Bob & Cindy Huber <huberrealty96@gmail.com>  
**Sent:** Wednesday, August 09, 2017 3:09 PM  
**To:** Brad Mueller  
**Subject:** Alpine Flats Rezone Request

Dear City of Greeley Council Members:

We live on the cul-de-sac adjacent to the above subject property site and would like to **VOICE OUR OPPOSITION** to the proposed rezoning.

The current and future residents would be faced with a **TRAFFIC NIGHTMARE!!!** It's frightening to imagine how 200 additional households and their vehicles would impact the surrounding area. The neighborhood would experience congested traffic and increased side-street parking. It would also increase the danger to pedestrians and bicyclists.

In addition to the traffic problems, nearby residents would surely see a **DECLINE IN THEIR PROPERTY VALUES**. Despite what the developer may say, perspective home buyers do NOT want a 200 unit apartment complex next door! For most people in the area, the value of their home is the largest component of their net worth, and any reduction in that value would be devastating to their future security.

Finally, all decisions come with **BENEFITS AND COSTS**. The question here is benefits and costs for whom. If this rezone is approved, all the benefits will go to the developer; however, many of the implicit costs of this project (dangerous traffic conditions, increased crime, noise pollution and overcrowding) will be passed on to everyone living in the area.

There needs to be more accountability. The developer has only given vague and nonspecific plans regarding the proposed development. How can one be held accountable for such generalities. We are not against change or progress, but it's not progress if the outcome makes everyone worse off.

We urge you to **VOTE NO** on the proposed rezone for Alpine Flats.

Thank you,  
Bob and Cindy Huber  
2055 50th Ave. Court  
Greeley, CO 80634

## Brad Mueller

---

**From:** soryfam@aol.com  
**Sent:** Wednesday, August 09, 2017 3:03 PM  
**To:** Brad Mueller  
**Subject:** Highland Hills

Good afternoon

I am writing in regard to the Highland Hills possible rezone. I look and read the plans as I see them in the paper, and wonder why the need to rezone this to high density is so important to the neighborhood and city as a whole. Rezoning should be done when it brings an additional compliment to the surrounding areas and peoples. How does this do that? It increases traffic dramatically, surely leading to increased traffic through the current Highland Hills neighborhood. The plans do not require enough parking for multi vehicle apartments, so these people will have to park on the streets in the existing neighborhood. This takes away parking needed for those homes, and takes away from the homeowner's enjoyment of a peaceful neighborhood.

The size of the buildings will also take away from the residential, family environment. Towering buildings not only take away privacy, but also change the whole environment of effected yards. What once was sunny, is now shady. What once was a fun gathering area, is now looked down on by towering buildings and those who live inside them.

Everyone should understand that things do not always stay the same. Development will happen, no matter where you live. The key to this is that when a person buys/builds a home, they have the surrounding zoning to give them a clue as to what will eventually develop. The people in Highland Hills are not opposed to any development, just development that occurs due to unnecessary rezoning. Yes, the developer's may be able to make a bit more profit from the high density zoning, but will that be a benefit for the existing area? No. Will the city as a whole benefit? Perhaps with a little more development and property taxes, but will it as a whole be a benefit? No. The added traffic near a very busy area with very little room to expand on the south side of 20th St. will make road improvements a pricey and difficult proposition. Does Greeley need more apartments? Yes, Greeley does. Do these qualify as affordable? Honestly, how can families afford any of the current rents in Greeley? Like many apartments, these will be shared homes so that the residents can afford to put food on the table.

I'm asking for the City Council to reject the rezoning request and urge the developers to work within the current zoning standards. Doing this would certainly be much better than the old, decaying grounds that are currently there.

Sincerely,

Sandra & Dwight Sory  
5020 Pawnee Dr  
Greeley, CO 80634  
970 396 5310

## Brad Mueller

---

**From:** Glynn, Nicholas J III SGT USARMY NG COARNG (US) <nicholas.j.glynn.mil@mail.mil>  
**Sent:** Wednesday, August 09, 2017 2:50 PM  
**To:** Brad Mueller  
**Subject:** High Density Apartments (UNCLASSIFIED)  
  
**Importance:** High

CLASSIFICATION UNCLASSIFIED

Good afternoon Mr Mueller.

I'd like to add my name to the list of people opposing this Zoning change. The High Density Apartments would do nothing to improve the area, nor increase the property values of the surrounding neighborhoods. As many people may have pointed out, the added congestion would be overwhelming for even the new improvements made at the intersection.

This is a bad idea, and should be reconsidered. As I understand it, the zoning would change from Industrial/residential, to High Density Residential ?? Why not keep the current zoning, have the city purchase it, and use that plot for the good of the city? With the ever increasing population as it is, like all the High Density at 83rd and 20th, etc. Greeley could use a satellite area for City Transportation workers to use for road upkeep, and warehousing equipment.

I wish I could attend, and email is not quite the way to get the point across, but, I do want to add my name to the list of opposition.

Thank you for your time

V/R

SGT Glynn, Nicholas J III  
COARNG  
JFHQ, G-1  
720-250-1323

CLASSIFICATION UNCLASSIFIED



## Brad Mueller

---

**From:** Jack Hail <jackhail970@gmail.com>  
**Sent:** Wednesday, August 09, 2017 2:43 PM  
**To:** Brad Mueller

I completely support the apartments plan. We need more rentals and the location needs a new use. Perfect for aims too

## Brad Mueller

---

**From:** VENETTA JONES <vjones1938@msn.com>  
**Sent:** Wednesday, August 09, 2017 2:24 PM  
**To:** Brad Mueller  
**Subject:** Highland Hills Rezone Project:

Vote no to change this zoning please This project is just two large , big or however you want to say it for this area!!!! Also because they have not really given anyone a plan this time around Its like giving the developer a blank check. PLEASE SAY NO!!!! IT NEEDS TO BE DEVELOPED, BUT NOT WITH TWO HUNDRED PLUS UNITS

PLEASE CONSIDER YOUR VOTE CAREFULLY!!

Milton & Venetta Jones  
2058 -50th Ave.  
Greeley, Co 80634

## Brad Mueller

---

**From:** proquet@comcast.net  
**Sent:** Wednesday, August 09, 2017 2:36 PM  
**To:** Brad Mueller  
**Cc:** Marian Duran  
**Subject:** Alpine Flats rezone request to R-H, additional info for City Council  
**Attachments:** CityCouncil2017PropValuDecline.docx

Hi Brad,

Can you please include this attachment as part of City Councils packet for the August 15, 2017 meeting?

Thank you,

Paul Roquet

Paul Roquet  
2059 50<sup>th</sup> Ave Ct  
Greeley, CO 80634

City of Greeley  
1000 10<sup>th</sup> Street  
Greeley, CO 80631

August 9, 2017

Dear City Council,

According to an article by realtor.com dated March 16, 2016 titled 'The Neighborhood Features That Drag Down Your Home Value - Ranked' lists things that reduce home values. Among the top ranked is 'high concentration of renters'

Ranked number 3 is 'high concentration of renters'. According to realtor.com, "we found that ZIP codes with a higher-than-average concentration of renters have lower property values compared to the county they are located in—by 14%". Source: <http://www.realtor.com/news/trends/things-that-affect-your-property-value/>

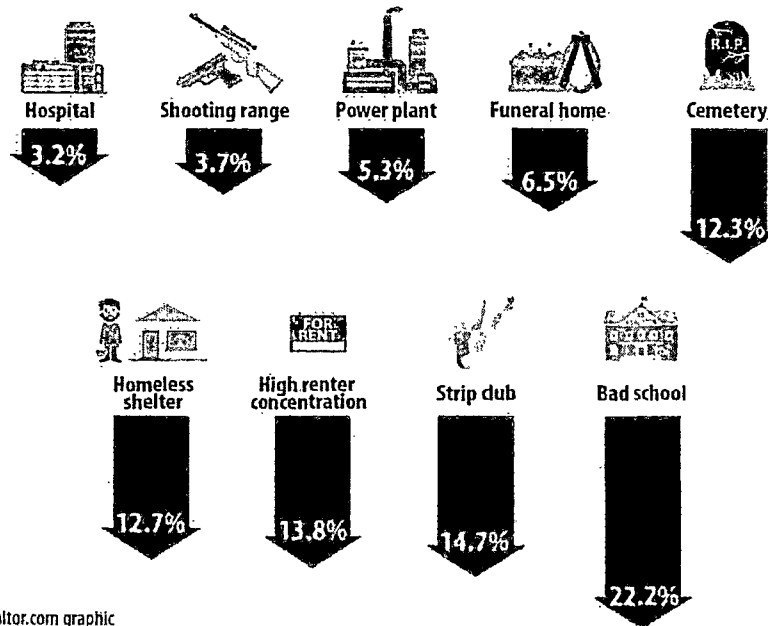
Why would a City and/or developers want to 'drag' down home values knowing this fact? Please consider this fact before deciding whether to change the existing R-L zoning between 50<sup>th</sup> and 51<sup>st</sup> Avenues and just south of 20<sup>th</sup> street to R-H zoning. Or reduce the zoning to a lesser concentration of renters by limiting the height and number of units.

Thank you,

Paul Roquet

## Things That Drag Down the Value of Your Home

The "drag" is calculated by comparing home prices near each facility (in the same ZIP code) with all homes in the same county.



realtor.com graphic

Source: <http://www.realtor.com/news/trends/things-that-affect-your-property-value/>

## **Brad Mueller**

---

**From:** bigzuka@aol.com  
**Sent:** Wednesday, August 09, 2017 2:14 PM  
**To:** Brad Mueller  
**Subject:** Greeley Council Meeting 8/15/17  
**Attachments:** Greeley City Council.doc

Brad Mueller,

Would you please include my letter in the Greeley Council packets for the mayor and council members for the meeting on August 15th?

Thank you,  
Kristi Foose

## **Marian Duran**

---

**From:** Jan Martin <janmartin52@comcast.net>  
**Sent:** Wednesday, August 09, 2017 1:51 PM  
**To:** Marian Duran  
**Subject:** Re-zoné decision for Alpine/Highlands Nursery property (50th and 20th st)

Dear Michael Finn, Rochelle Galindo, John Gates, Sandi Elder, Robb Casseday, Brett Payton:

First thank you for your service to our fine city and the hard decisions you must make. I understand this decision is yet another one and I would just like to put in my opinion.

Although I don't live adjacent to the property in question I do travel by it often. I do not like the idea of a large dense complex being built in this area. I would like you all to vote to block this project as it is currently being proposed.

I do understand it has been vacant for a long time and might be viewed as an eye sore. However it is also a very valuable property as well. Greeley does need new housing but given the make up of the housing in the local area I think less dense housing would be much more appropriate. This would be consistent with the current houses. Whoever owns this should do well no matter how it is developed.

As it is given the park (on the other side) the traffic on weekends makes parking for this neighborhood virtually impossible. Adding these numbers would make these parking and traffic problem on 20th a pretty much all the time issue.

Again this is not my neighborhood but I do see the problem especially each weekend during soccer season and would hate to have it like this all the time. I see folks trying to walk across 20th and dread the day a pedestrian is killed with all the increased traffic.

Well there are my two cents. Thank you for making decisions for Greeley and again for trying to do what is best for the most people. I do appreciate you no matter what you decide.

Jan Martin  
5634 w 26th st Rd  
Greeley 80634  
9703301664

Re zoning Highland Hills will  
cause more problems with  
increased traffic, parking  
issues. Our Children will not  
be safe crossing Streets from  
Montfort School. Our Property  
will decrease. If a four story  
apartment complex will be  
build ~~on~~ between 50<sup>th</sup> & 51<sup>st</sup> Ave &  
20<sup>th</sup> St Highland Hills will  
never be the nice & quiet  
Neighborhood it is. Please  
~~Do NOT~~ let them rezone our  
new Residential area

Michael & Helga Mueller

2216-51 Ave

Greeley CO 80634

Thanks & yours



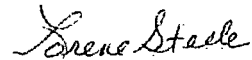
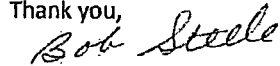
August 7, 2017

Dear Mayor Norton,

I am writing in regard to the Alpine Flats proposal. My husband and I built our home in 1962 with the intent of raising our children and spending our retirement years in the Highland Hills subdivision. We have concerns about the traffic and parking we will encounter with the 200+ apartments. We live across the street from Monfort Park and on Saturday's, numerous football, soccer or other activities are held. The increased traffic as apartment residents are driving down 50 and 51st Avenues to 24<sup>th</sup> Street to go to 47<sup>th</sup> Avenue and on to Center Place will be an issue.

Please take a minute to imagine this is where you live and all your plans are changing. We both have health issues and moving would be difficult. We are asking that you oppose the Alpine Flats Project and help us retain our quality of life.

Thank you,



Bob and Lorene Steele  
5005 W 22<sup>nd</sup> Street  
Greeley, Colorado 80634

CC. Rochelle Galindo  
Brett Payton  
John Gates  
Michael Finn  
Sandi Elder  
Robb Casseday

**Marian Duran**

---

**From:** Lori <58silversue@gmail.com>  
**Sent:** Monday, August 07, 2017 1:35 PM  
**To:** Marian Duran  
**Subject:** Re Zone

Please do not rezone this area, We live on 55th Avenue and we love the look and feel of this neighborhood.

We ride bikes here and it is safe and comfortable to do so.

This would dramatically change the dynamics of this area.

It should not be rezoned. Please !!

It seems that with the increased tax value you have put on our home you should not be changing the area. Keep it as it is.

ThAnk you

Ryan and Lori Hardy  
2535 55th Avenue.

Sent from my iPhone

**Marian Duran**

---

**From:** Joyce Dearmont <jedearmont50@gmail.com>  
**Sent:** Sunday, August 06, 2017 11:11 AM  
**To:** Marian Duran  
**Subject:** Zoning for Alpine Flats

I am also one who is opposed to the building of multi storied apartments on 20th & 50th Ave. the traffic will be worse than it already is and not a safe street for walking, biking & children. Town homes, condos, or single family homes I feel would be a much better alternative! Thank you for letting me express my feelings!

Sincerely

Joyce Dearmont

Sent from my iPad

## Brad Mueller

---

**From:** Cheryl Aragon  
**Sent:** Monday, August 07, 2017 9:55 AM  
**To:** Brad Mueller  
**Cc:** Val Scheffer  
**Subject:** FW: Alpine Flats Proposal

*Cheryl Aragon, CMC*  
Deputy City Clerk  
1000 10<sup>th</sup> Street  
Greeley, CO 80631  
(970) 350-9743  
(970) 350-9828 (fax)

**From:** Roy Otto  
**Sent:** Monday, August 7, 2017 7 12 AM  
**To:** Cheryl Aragon <Cheryl.Aragon@Greeleygov.com>  
**Subject:** Fwd: Alpine Flats Proposal


Roy H Otto  
City Manager  
970 350-9750 office  
970 397-8796 cell  
Sent from my iPhone

Begin forwarded message.

**From:** Sandi Elder <[Sandi.Elder@Greeleygov.com](mailto:Sandi.Elder@Greeleygov.com)>  
**Date:** August 7, 2017 at 7:00:54 AM MDT  
**To:** 'Richard & Carol Stephens' <[randcstephens@gmail.com](mailto:randcstephens@gmail.com)>  
**Cc:** Roy Otto <[Roy.Otto@Greeleygov.com](mailto:Roy.Otto@Greeleygov.com)>, Douglas Marek <[Douglas.Marek@Greeleygov.com](mailto:Douglas.Marek@Greeleygov.com)>  
**Subject:** RE: Alpine Flats Proposal

I'm sorry Mr and Mrs. Stephens, this is a quasi-judicial issue and I have forwarded your e mail to our city attorney and will read when assured all of council has received and read as well.

Many thanks.

*Sandi Elder*  
City Council at-Large  
1000 - 10th Street  
Greeley, CO 80631  
970.336.4293 

[sandi.elder@greeleygov.com](mailto:sandi.elder@greeleygov.com)

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**From:** Richard & Carol Stephens [<mailto:randcstephens@gmail.com>]  
**Sent:** Sunday, August 6, 2017 4:22 PM  
**To:** [Tom.Norton@greeleygov.com](mailto:Tom.Norton@greeleygov.com) <[Tom.Norton@greeleygov.com](mailto:Tom.Norton@greeleygov.com)>, Rochelle Galindo <[Rochelle.Galindo@Greeleygov.com](mailto:Rochelle.Galindo@Greeleygov.com)>; [Brett.Payton@Greeleygov.com](mailto:Brett.Payton@Greeleygov.com); John D Gates <[John.Gates@Greeleygov.com](mailto:John.Gates@Greeleygov.com)>; Michael Finn <[Michael.Finn@Greeleygov.com](mailto:Michael.Finn@Greeleygov.com)>; Sandi Elder <[Sandi.Elder@Greeleygov.com](mailto:Sandi.Elder@Greeleygov.com)>; Robb Casseday <[Robb.Casseday@Greeleygov.com](mailto:Robb.Casseday@Greeleygov.com)>  
**Subject:** Alpine Flats Proposal

August 6, 2017

TO: Mayor Tom Norton, Council Members Rochelle Galindo, Brett Payton, John Gates, Michael Finn, Sandi Elder and Robb Casseday

RE: Proposed Zoning Change from Low Density Residential to High Density Residential for 5002 & 5030 20<sup>th</sup> Street, Greeley, CO

Once again, the Highland Hills community is requesting that the City Council members **vote AGAINST** the above-referenced rezone.

**YOU ARE OUR LAST HOPE IN STOPPING A DEVELOPMENT THAT IS DETRIMENTAL TO THIS QUIET COMMUNITY. PLEASE, PLEASE, PLEASE MAKE THE RESPONSIBLE DECISION AND DO NOT ALLOW THIS PLANNED DEVELOPMENT AS PROPOSED.**

The Planning Commission meeting housed standing room only for residents of this community who are against the current developmental plans of the above-mentioned property. Many residents were unable to attend as the meeting was held during work hours.

A handful of people stood up in favor of the developmental plans. However, those in favor have likely financial gains to be made, not the least among them were a realtor and a contractor, as well as a possible Alpine employee and friends of the developers. **These people do not live in this community, nor do they INTEND to live in this community. They sure don't care what this planned development will do to the residents of this community.**

We all understand that Greeley is growing fast and there is a need for additional housing. However, there are many undeveloped areas where an apartment complex would fit well. This is NOT one of them.

There are several concerns that the community has with this request:

### GENERAL

1. Highland Hills was developed as a “golf-course” community in the early 1960’s and has many older and retired residents, some of whom have resided here since the original development. They have enjoyed a quiet, calm existence for years. This would be totally disrupted with the development of an apartment complex.

### DEVELOPERS

2. Once again, we note that the developers do not live in this area. They have no personal stake in the community. **Their main motivation is money.** While we understand the motivation of earning a good living, we do not feel that it should be at the detriment of others.
3. There has been no definitive plan presented to the community. It is our understanding that once a rezone is secured, the developers will be able to design and build however many units they wish, within City of Greeley guidelines, regardless of what the community has been told. The 2015 proposals were submitted to the community as a 240+ unit apartment complex. At the Planning Commission hearing, the designers changed their proposal to a 400+ unit complex. This was hardly a transparent deal.
4. The community has been asked to “trust us”, although, the developers would not submit a semi-concrete plan during this latest effort. Because of this, we are extremely skeptical of the current unit levels of the proposed complex.

### PROPOSED COMPLEX

5. The developers have assured the community, once again, that these will be high-end apartment units with high-end renters and young professionals. However, given the nearness to Aims College, it is reasonable to assume that many of the apartments would be rented to college students with multiple people to an apartment in order to pay the rent.
6. It is well known that apartments housing college students are more prone to police responses due to theft, drugs, violence and other problems. We do not need this in our community.
7. At average, 200 units, housing an estimated three people per unit, equals approximately 600 additional residents within this community. The influx of so many new residents would definitely upset the quiet existence and quality of life that this community has enjoyed for so many years.

### TRAFFIC

8. There are no sidewalks on 50<sup>th</sup> or 51<sup>st</sup> Avenues. Residents must walk in the street, and do, when walking their dogs, riding their bikes or just taking a daily stroll. Residents already note many vehicles traveling along 50<sup>th</sup> and 51<sup>st</sup> Avenues do not abide the speed limit and travel at a higher rate of speed.
9. Estimating an average of 1-1/2 vehicles for 200 units, there could be an increase of **at least** 300 additional vehicles flowing onto 20<sup>th</sup> Street and 50<sup>th</sup> Avenue.
10. There is no stop light at 20<sup>th</sup> Street and 50<sup>th</sup> Avenue. Traffic is already such that it is nearly impossible to make a left-hand turn onto 20<sup>th</sup> Street from 50<sup>th</sup> Avenue or the 20<sup>th</sup> Street exit from Aims College during normal hours, much less peak hours. At the Planning Commission meeting, there did not seem to be any urgency by the City to install a traffic light at 50<sup>th</sup> Avenue and 20<sup>th</sup> Street in the near future.

11. The addition of so many units would also increase parking issues, noise and light pollution. It appears that other apartment buildings in Greeley often do not supply adequate parking within their boundaries, including semi's, trucks with trailers, etc. This causes the 'overflow' to park on the adjacent residential streets in front of homeowners' properties. Once again this would disrupt the quality of life of the current residents of Highland Hills.
12. During spring, summer and fall months, traffic is already extremely heavy on 50<sup>th</sup> Street and the surrounding area during weekends due to the football/soccer games at Monfort Park.
13. Winter months pose a definite additional risk. If a 30' tall apartment complex is erected next to 20<sup>th</sup> Street, ice would be prevalent on 20<sup>th</sup> Street following snow/ice storms.

#### **ALTERNATIVE SUGGESTIONS**

There are a number of alternative possibilities which could be proposed by the developers which would not have such a negative reaction:

14. Residential development with duplexes similar to Fairway Lane, 56<sup>th</sup> Avenue and 20<sup>th</sup> Streets.
15. One or two-level business complexes utilized for professional offices, with adequate customer parking such as are located south of 51<sup>st</sup> Avenue and 20<sup>th</sup> Street. This would decrease evening and weekend traffic, ensuring a safer and quieter community.
16. Sell the property to an investor who would develop the property as it was originally intended, as a part of a quiet, safe and firmly established community.

#### **FINAL NOTE:**

In scanning Google Maps, it was noted that there are no apartment complexes remotely like the planned development in our immediate area. The closest is behind Lowes off of 38<sup>th</sup> Avenue and W. 25<sup>th</sup> Street. This area has been developed with three-story apartment complexes, and encompasses many more acres than the proposed development. It was also noted that there are undeveloped areas and a park between the apartment and the current single family residences.

There are duplexes and fourplexes, two story businesses, etc. in our general area. The residents of this community would be more than happy to work with the developers if they would entertain a more appropriate use for the land.

Once again, **YOU** are our last hope in saving our community and stopping a development that, no matter how beautiful on paper, does not belong in this particular area and will prove to be detrimental to this quiet residential area. **PLEASE, PLEASE, PLEASE** make the responsible decision and **DO NOT** allow this planned development as proposed.

**Richard & Carol Stephens**  
 2357 50<sup>th</sup> Avenue  
 Greeley, CO 80634  
 970-702-2127

Sent from Mail for Windows 10

## Brad Mueller

---

**From:** Cheryl Aragon  
**Sent:** Monday, August 07, 2017 9:54 AM  
**To:** Brad Mueller  
**Cc:** Val Scheffer  
**Subject:** FW: Alpine Flats Proposal

Cheryl Aragon, CMC  
Deputy City Clerk  
1000 10<sup>th</sup> Street  
Greeley, CO 80631  
(970) 350-9743  
(970) 350-9828 (fax)


**From:** Roy Otto  
**Sent:** Sunday, August 6, 2017 1:39 PM  
**To:** Cheryl Aragon <Cheryl.Aragon@Greeleygov.com>  
**Subject:** FW: Alpine Flats Proposal

Roy H. Otto  
City Manager  
Office: (970) 350-9750  
Cell (970) 397-8796  
[roy.otto@greeleygov.com](mailto:roy.otto@greeleygov.com)

**From:** Sandi Elder  
**Sent:** Sunday, August 6, 2017 11:35 AM  
**To:** 'Mark Wood' <[mark.f.wood@gmail.com](mailto:mark.f.wood@gmail.com)>  
**Cc:** Douglas Marek <[Douglas.Marek@Greeleygov.com](mailto:Douglas.Marek@Greeleygov.com)>, Roy Otto <[Roy.Otto@Greeleygov.com](mailto:Roy.Otto@Greeleygov.com)>  
**Subject:** RE: Alpine Flats Proposal

Mr. Wood,  
This is a quasi-judicial issue and have forwarded your e mail on to our City Attorney and city manager and will read when in our formal packet or addendum to our packet.

Thank you,  
*Sandi Elder*  
City Council at-Large  
1000 - 10th Street  
Greeley, CO 80631

970.336 4293 



[sandi.elder@greeleygov.com](mailto:sandi.elder@greeleygov.com)

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**From:** Mark Wood [<mailto:mark.f.wood@gmail.com>]  
**Sent:** Saturday, August 5, 2017 9:44 PM  
**To:** Tom Norton <[Tom.Norton@Greeleygov.com](mailto:Tom.Norton@Greeleygov.com)>; Rochelle Galindo <[Rochelle.Galindo@Greeleygov.com](mailto:Rochelle.Galindo@Greeleygov.com)>; Brett Payton <[Brett.Payton@greeleygov.com](mailto:Brett.Payton@greeleygov.com)>; John D. Gates <[John.Gates@Greeleygov.com](mailto:John.Gates@Greeleygov.com)>; Michael Finn <[Michael.Finn@Greeleygov.com](mailto:Michael.Finn@Greeleygov.com)>; Sandi Elder <[Sandi.Elder@Greeleygov.com](mailto:Sandi.Elder@Greeleygov.com)>; Robb Casseday <[Robb.Casseday@Greeleygov.com](mailto:Robb.Casseday@Greeleygov.com)>  
**Subject:** Alpine Flats Proposal

Dear Greeley City Council Members,

We have been residents of this neighborhood for over twenty-five years. The proposed Alpine Flats complex will compromise so many values that the neighborhoods hold near and dear to our hearts. First and foremost is **SAFETY**! The potential increase in neighborhood traffic south from the proposed location on 50th and 51st Avenues will put the safety of the residents in danger not to mention the students walking home from Union Colony Prep.

Current traffic going east from the stop light on 20th Street and Clubhouse Drive has been and will be congested through to 47th Avenue. Because of the increased traffic going south from 10th to 20th streets, it is becoming more and more difficult to turn right off of 20th Street onto 47th Avenue backing up traffic to 50th Avenue. That includes traffic coming out from the west parking lot of Montfort Elementary School at 7:30 a.m. and when school is dismissed in the afternoon.

If there is a need for this kind of housing in west Greeley, would not a better location be west of 59th Avenue and 20th Street, east of the Farr Library? That area would provide less congestion and better ingress and egress onto those arterials.

Thank you for taking the time to consider these comments in making your decision this Tuesday. My wife and I will be out of town or else we would be in attendance.

Mark and Myra Wood  
2213 51st Avenue  
Greeley

## Brad Mueller

---


**From:** Cheryl Aragon  
**Sent:** Monday, August 07, 2017 9:53 AM  
**To:** Brad Mueller  
**Cc:** Val Scheffer  
**Subject:** FW: Opposition to Alpine Flats Projects

Cheryl Aragon, CMC  
Deputy City Clerk  
1000 10<sup>th</sup> Street  
Greeley, CO 80631  
(970) 350-9743  
(970) 350-9828 (fax)

**From:** Sandi Elder  
**Sent:** Sunday, August 6, 2017 11:33 AM  
**To:** Douglas Marek <Douglas.Marek@Greeleygov.com>; Roy Otto <Roy.Otto@Greeleygov.com>, Cheryl Aragon <Cheryl.Aragon@Greeleygov.com>  
**Subject:** FW: Opposition to Alpine Flats Projects

fyi

*Sandi Elder*  
City Council at-Large  
1000 - 10th Street  
Greeley, CO 80631

970.336 4293 

[sandi.elder@greeleygov.com](mailto:sandi.elder@greeleygov.com)

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**From:** Louis Calvillo [<mailto:viccal49@gmail.com>]  
**Sent:** Saturday, August 5, 2017 10:54 PM  
**To:** Tom Norton <Tom.Norton@Greeleygov.com>, Rochelle Galindo <Rochelle.Galindo@Greeleygov.com>; [brett.payton@greeleygov.com](mailto:brett.payton@greeleygov.com); John D Gates <John.Gates@Greeleygov.com>, Michael Finn <Michael.Finn@Greeleygov.com>; Sandi Elder <Sandi.Elder@Greeleygov.com>; Robb Casseday <Robb.Casseday@Greeleygov.com>  
**Subject:** Opposition to Alpine Flats Projects

Dear Mayor Norton and Greeley City Council Members,

We have lived at 4923 St. Rd in Greeley for over twenty-five years. We are writing to voice opposition to the Alpine Flats Project.

We believe this project would bring increased traffic, noise and parking issues. Moreover, this project would negatively impact our grandchildren's safety.

Respectfully,

The Calvillo's

## Brad Mueller

---

**From:** Betsy Holder  
**Sent:** Monday, August 07, 2017 9:29 AM  
**To:** 'greeleymom@comcast.net'  
**Cc:** Douglas Marek; Roy Otto; Cheryl Aragon; Sandi Elder; Brad Mueller  
**Subject:** RE. Proposed Alpine Flats Apartment Complex

Hello Lynne,

Brad Mueller, the City's Community Development Director, will be managing communication about the proposed Alpine Flats Apartment Complex and I'm copying him on this email so he'll have a record of your comments. Your comments, along with others that may arrive prior to the public hearing, will be gathered together and presented to City Council for the hearing so Council has a complete record of input. Thank you, and please let me know if you have questions.

Kind regards,

Betsy

### **Betsy D. Holder, MMC/CRM**


City Clerk  
City of Greeley  
1000 10<sup>th</sup> Street  
Greeley, CO 80631  
970-350-9742  
970-350-9828 fax  
[betsy.holder@greeleygov.com](mailto:betsy.holder@greeleygov.com)

**From:** Sandi Elder  
**Sent:** Monday, August 7, 2017 7:03 AM  
**To:** 'greeleymom@comcast.net' <greeleymom@comcast.net>  
**Cc:** Douglas Marek <Douglas.Marek@Greeleygov.com>, Roy Otto <Roy Otto@Greeleygov.com>, Betsy Holder <Betsy.Holder@Greeleygov.com>; Cheryl Aragon <Cheryl.Aragon@Greeleygov.com>  
**Subject:** RE: Proposed Alpine Flats Apartment Complex

Normally this is the best communication unless there is a quasi-judicial agenda item--- please contact our clerk's office for more information.

I however do encourage you to stay involved in your city and appreciate citizen contact.

*Sandi Elder*  
City Council at-Large  
1000 - 10th Street  
Greeley, CO 80631

970.336 4293 

[sandi.elder@greeleygov.com](mailto:sandi.elder@greeleygov.com)

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**From:** [greeleymom@comcast.net](mailto:greeleymom@comcast.net) [<mailto:greeleymom@comcast.net>]

**Sent:** Sunday, August 6, 2017 1:27 PM

**To:** Sandi Elder <[Sandi.Elder@Greeleygov.com](mailto:Sandi.Elder@Greeleygov.com)>

**Subject:** Re: Proposed Alpine Flats Apartment Complex

Ms. Elder,

Thank you for your reply Can you tell me when the Council will get the packet? Is there a deadline? What is the best way for people to write letters to the Council? We expect a lot of people to write in. Thank you for your time serving our community

Lynne Zoyiopoulos

---

**From:** "Sandi Elder" <[Sandi.Elder@Greeleygov.com](mailto:Sandi.Elder@Greeleygov.com)>

**To:** "greeleymom@comcast.net" <[greeleymom@comcast.net](mailto:greeleymom@comcast.net)>

**Cc:** "Douglas Marek" <[Douglas.Marek@Greeleygov.com](mailto:Douglas.Marek@Greeleygov.com)>, "Roy Otto" <[Roy.Otto@Greeleygov.com](mailto:Roy.Otto@Greeleygov.com)>

**Sent:** Sunday, August 6, 2017 11:31:54 AM

**Subject:** RE: Proposed Alpine Flats Apartment Complex

Ms. Zoyiopoulos,

This is a quasi-judicial matter / issue I have forwarded it on to our city attorney and city manager to ensure all of council receives this and I did not read until it is in our packet.

Thank you

*Sandi Elder*  
City Council at-Large

1000 - 10th Street

Greeley, CO 80631

## Marian Duran

---

**From:** greeleymom@comcast.net  
**Sent:** Sunday, August 06, 2017 8:31 AM  
**To:** Marian Duran  
**Subject:** Re: Proposed Alpine Flats Apartment Complex

August 4, 2017

To: Planning Commission Members, City Council Members and Mayor Tom Norton

Re: **Proposed Alpine Flats Apartment Complex**

Dear Marian Duran:

I know from talking to many people, most feel that this apartment complex should not be built on this site. Safety is our first concern. Traffic on 20th Street is already challenging during certain hours of the day. Imagine how much more difficult, more congested and less safe our streets will be if this project is approved.

Highland Hills has no sidewalks, residents now use our quiet streets for exercise. Every day you will find people in the street, walking, biking, jogging or just going to a neighbor's home. The proposed project has 200 apartments which will most certainly be home to at least 400 additional people. If each of these residents has a vehicle, 20th Street and the streets of our neighborhood will become more dangerous. There is not enough parking within the complex itself, parking will have to be on the streets, causing more problems for pedestrians and nearby resident's homes.

Increased traffic to and from the complex and onto 20th Street is a big concern. The existing bus routes do not adequately cover all the possible needs of the large number of tenants, so I anticipate more traffic daily, especially during crucial rush hour time frames. We know that 1.7 parking spaces per apartment (easily will have 400 + people living there), is not enough. You NEED a car to get anywhere from this location and most apartments will have at least 2 people living there and hence, two vehicles. People will have to park their vehicles and those of their visitors on the surrounding streets. There will also be increased traffic within the subdivision as new tenants choose NOT to use 20th Street because of the traffic and will drive south to access Center Place or the By Pass.

We are not against having this property developed as it is now an eye sore. Things that would be nice to have would be patio homes, condos, townhouses, duplexes, small businesses, a café or coffee shop on the corner, and of course, single family homes like we have now. We are reasonable people and would welcome responsible development of this area.

Please consider this project carefully as it will affect many people in the City of Greeley and not just those of us that live in Highland Hills. Anyone who drives on 20th Street or 47th Avenue will feel the ramifications of your decision. Thank you

Sincerely,

Lynne Zoyiopoulos  
2201 51 Avenue

**Marian Duran**

---

**From:** btyboopo@comcast.net  
**Sent:** Sunday, August 06, 2017 8:31 AM  
**To:** Marian Duran  
**Subject:** Highland Hills rezone decision

Dear Mayor and Council Members:

Regarding the rezoning to allow for an apartment complex in Highland Hills, I ask that you oppose the request. The location is not conducive of an apartment complex. I believe it will drive accidents due to the congestion. There is not enough parking in the area to sustain the amount of vehicles that the apartment complex will produce.

Sincerely,  
Jane Oliver  
5404 W 24th St  
Greeley, CO 80634

Sent from XFINITY Connect Mobile App

**Marian Duran**

---

**From:** Adele Benter <adelebenter@comcast.net>  
**Sent:** Friday, August 04, 2017 8:51 PM  
**To:** Marian Duran  
**Subject:** Complex on 20th st. and 47th Ave.

Please reconsider such a large complex. I am opposed to the proposed high density plan.

Thank you,

Adele Benter  
2411 22nd Ave.  
Greeley, Co. 80631



**Marian Duran**

---

**From:** meg murphy <megmurphy1@icloud.com>  
**Sent:** Friday, August 04, 2017 7.37 PM  
**To:** Marian Duran  
**Subject:** Highland Hills rezone-NO!

My name is Meg Murphy and I have lived in the Highland Hills neighborhood for 10 years.

We love the quiet, small community feel which will only be ruined with the addition of the proposed apartment complex.

While I agree we need additional housing in Greeley there are much better suited areas other than Highland Hills.

I ask you all to reconsider. Honestly- if you all lived in this neighborhood would you honestly support this?

Thank you-

Meg Murphy  
5516 west 24th st.

Sent from my iPhone

## Marian Duran

---

**From:** Julie Barton <jbartoncouns@greeleynet.com>  
**Sent:** Friday, August 04, 2017 6:02 PM  
**To:** Marian Duran  
**Subject:** Apartment Complex

To: Mayor Tom Norton, Michael Finn, Rachelle Galindo, John Gates, Sandi Elder, Robb Cassaday, Brett Payton. I live in College Green just off of 20th St. and 47th Ave. When this development was first proposed, I could not believe that one of such size should ever be proposed for this area. I was very happy when the council did not approve it. Just like many others things, when the developers want something, they keep coming back until they get their way. This proposal does not even specify the size right now. The traffic on 47th and 20th would be horrendous and also for Monfort Elementary school kids and parents. I know that this spot has been an eyesore, but a huge apartment complex will be more of an eyesore and it will not fit in with the current residential use. What are the cities' over-all plans for future development in Greeley? I served on a city council in a previous city and we had an over-all plan for development. I beg you to carefully consider suggesting another locale for the apartment complex, and actively seeking some other, more compatible development for the area along 20th St.

Sincerely, Julie Barton, 4485 W. 17th St.

## Marian Duran

---

**From:** Brad Mueller  
**Sent:** Tuesday, August 01, 2017 1:53 PM  
**To:** Marian Duran  
**Subject:** FW: Rezoning of Alpine Flats--Highland Hills

New correspondence

---

**From:** Tom Norton  
**Sent:** 8/1/2017 1:45 PM  
**To:** Brad Mueller  
**Subject:** Fwd: Rezoning of Alpine Flats--Highland Hills

FYI

Sent from my iPhone

Begin forwarded message:

**From:** Susan Sinele <[suskaysin@gmail.com](mailto:suskaysin@gmail.com)>  
**Date:** July 31, 2017 at 3:37 43 PM MDT  
**To:** Tom Norton <[tom.norton@greeleygov.com](mailto:tom.norton@greeleygov.com)>, [Rochelle.Galindo@greeleygov.com](mailto:Rochelle.Galindo@greeleygov.com),  
[John.Gates@greeleygov.com](mailto:John.Gates@greeleygov.com), Michael Finn <[michael.finn@greeleygov.com](mailto:michael.finn@greeleygov.com)>, Robb Casseday  
<[Robb.Casseday@greeleygov.com](mailto:Robb.Casseday@greeleygov.com)>, Sandi Elder <[Sandi.Elder@greeleygov.com](mailto:Sandi.Elder@greeleygov.com)>  
**Subject:** Rezoning of Alpine Flats--Highland Hills

I am a 38-year resident of Highland Hills and although I live at the South end of the subdivision with my husband, we have the experience to impart some information for a sound vote on the zoning of the old Highland Nursery property

While I'm not eager for the city to grow larger, I know that is a goal of the people in government--bigger is better and all that! Since we moved to our home, we have been surrounded by homes, businesses, and shopping but Highland Hills still has a rural, spacious feel, which is why we moved here.

In addition, I realize that there is a shortage of affordable housing. However, if the zoning is approved, there is no guarantee that the housing will be affordable or that young professionals will be the ones renting the appts/townhouses. In fact, with the nearness of schools it seems more likely perhaps Aims students or families will take advantage of the location if it is affordable.

I believe that low density and a requirement for only 2 story buildings is definitely more appropriate for the site.

My true concern is the traffic that will cause safety issues at the intersections of 50th and 51st Avenues and 20th Street and within the neighborhood itself. I work at Aims and can no longer cross 20th street from 50th Avenue from my home to work or back--I must take a right-hand turn from 51 Ave to get onto 20th street and the reverse going home. **If you could all experience the traffic congestion between 2:30 - 6 pm and between 7:30 - 10 am you would see that there is a dangerous amount of traffic at the current time with University School, Union Colony,**

**Monfort (maybe the biggest problem) and Aims so close together and other traffic coming from the bypass into town.** How would another 200-400 people affect this problem? The Planning Commission says that 20th street can handle 30,000 cars a day, but that count is spread out over the entire day and entire 20th street stretch. I'm sure the count from 47th Avenue to 59th Avenue during the hours mentioned is most of that number. There are times that there are very few cars on the road.

**The sad thing is that since the zoning is being voted on this week, you will have to make a decision without seeing the traffic for yourself. It is somewhat suspicious that the vote is coming just a couple of weeks before school starts. Why not postpone the vote until school starts and you can make a more informed decision. The Richardsons have waited this long after the last vote--what is another few weeks going to matter?**

Thank you for your consideration. I hope I'm not too late.

Susan Sinele

## **Marian Duran**

---

**From:** Policy Mail <vjalc1629@aol.com>  
**Sent:** Saturday, July 29, 2017 5:45 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats Project - 200+ Unit Apartments

On July 25th I attended a Planning Commission Hearing to change the zoning for the 200+ Unit Apartment complex called Alpine Flats. I live in the vicinity of 20th Street and Highland Hills neighborhood. To my surprise the Planning Commissioners never asked about the traffic congestion this apartment complex will generate, therefore, causing many problems to the home owners of this neighborhood. My question is: WHY? It seems like the members of the Planning Commission were interested only in the necessity of affordable housing in Greeley and can care less about the damage to the well established residential area. There were no questions asked to the developer about other options such as condominiums or town homes. Also, the developer did not present specific details about the nature of this project.

I urge the members of the City Council to be very careful and not approve this project and they need to be more receptive to the concerns of the neighborhood.

Victor V Alcazar  
5635 W 26th Street Rd.  
Greeley, Colorado

**Marian Duran**

---

**From:** Samantha Schoneman <schonemans@fcwc.com>  
**Sent:** Friday, July 28, 2017 10:56 AM  
**To:** Marian Duran  
**Subject:** opposition for the Alpine flats project

To the Planning Department:

I am writing, hopefully not too late to voice my opposition to the proposed change of the Alpine Flats zone to high density housing. Our neighborhood as it sits is such a wonderful quiet place to live, with very little traffic/noise/light pollution. We have no sidewalks in our neighborhood and you still feel safe walking on the side of the street because of how quiet it is from traffic. The proposed project will completely ruin our lifestyle with increased traffic and parking, noise and a transient population with no pride of ownership. I've worked so hard to find a place such as this and cherish my home. Please consider the massive negative change this will bring to everyone in the area, likely causing many to be forced to move elsewhere and dropping the home values for those of us forced to remain in a noisy congested area that was once a very enjoyable place to live.

Respectfully,  
Samantha Schoneman

**Marian Duran**

---

**From:** Walker Hood <walker.c.hood@gmail.com>  
**Sent:** Wednesday, July 26, 2017 3:14 PM  
**To:** Marian Duran  
**Subject:** Rezoning Letter of Support

July 26, 2017

City of Greeley

Planning and Zoning Commission

Greeley, CO

Marian Duran,

I am writing in favor of the Design Concept Master Plan for 50<sup>th</sup> and 20<sup>th</sup> Street and the rezoning that would allow for residential-high density housing.

I believe the lack of housing in Greeley is of utmost importance. As Greeley becomes a staple in not only Northern Colorado but in the entire state, the lack of decent and affordable housing is of great concern. Many of my peers who are not currently homeowners struggle to find housing, let alone upscale and affordable housing. These peers have moved to apartments, condos, and townhouses in Loveland, Windsor and Johnstown and beyond. Greeley simply cannot meet the needs as the supply currently does not meet the high demand.

While considering both sides of the proposal I came across an article in The Greeley Tribune addressing some concerns with the following statement "Early on in the hearing, city officials addressed the traffic concerns for an already busy 20th Street. The street is designed for up to 35,000 cars and is nowhere near that at the most recent 20,000-plus count, the Alpine Flats project would add 1,300 daily trips to the mix " Even with the projected 1,300 added daily trips the street is nowhere near capacity

I understand the fear of growth, perceived traffic congestion and change in the community. However, as a five-year resident and true cheerleader for the City of Greeley I think the pros outweigh the cons in this case. My friends, family and new colleagues need housing options to help this community grow

Thank you for your consideration for the proposed changes and for taking the time to hear me.

Sincerely,

*Walker Hood*



## Marian Duran

---

**From:** David Storm <dstorm@provhp.com>  
**Sent:** Wednesday, July 26, 2017 10:05 AM  
**To:** Marian Duran  
**Subject:** FW: rezoning plan for 50th & 20th

Marian,  
My apology that this did not initially get transmitted.  
Sincerely,  
David

**From:** David Storm [mailto:[dstorm@provhp.com](mailto:dstorm@provhp.com)]  
**Sent:** Wednesday, July 26, 2017 10:03 AM  
**To:** 'duranmarian.duran@greeleygov.com' <[duranmarian.duran@greeleygov.com](mailto:duranmarian.duran@greeleygov.com)>  
**Subject:** rezoning plan for 50th & 20th

Dear Ms. Duran,

My name is David B. Storm and I am the CEO of Providence Hospitality Partners LLC, located in Denver, Colorado. I attended the University of Northern Colorado and am an avid supporter of the Greeley community. As you are probably aware, Providence Hospitality Partners will be the operating entity for the soon to open Doubletree Hotel by Hilton, in Downtown Greeley. We are forwarding this communication to you, in order to voice our support for the rezoning application at 50<sup>th</sup> & 20<sup>th</sup>.

We anticipate that the Doubletree Hotel will soon be among the larger employers in the Greeley community and we have already secured key staff from around the country. Housing for our associates is of paramount importance and we believe the proposed rezoning at this location, will assist our associates with more viable options. Additionally, the development of high quality housing is a catalyst for overall community development, which is of great importance to our hospitality venture.

Finally, we believe the proposed rezoning would support the development of attractive, well managed, housing, which would increase surrounding property values, enhance the aesthetics of the location and provide needed housing for the Greeley community. Thank you in advance, for your consideration of this matter.  
Sincerely,

Providence Hospitality Partners LLC

David B. Storm  
Chief Executive Officer

**Marian Duran**

---

**From:** Nat Holland <jason\_nat@hotmail.com>  
**Sent:** Tuesday, July 25, 2017 9:01 PM  
**To:** Marian Duran  
**Subject:** Petition for rezone

Attention Planning Commission Members, City Council Members and Mr Mayor State, I am a home owner in Owl Ridge and I would like to oppose to rezone for the alpine flats apartment. This is not the right project for a well established residential area. I am concerned for the increased traffic, safety, parking issues, noise and light pollution, and overall a decreased quality of life for area residents.

Thank you for listening and respecting the views and opinions of the many residents in this area  
Jason and Natasha Holland

Sent from my iPhone

**Marian Duran**

---

**From:** Justin Davenport <justin@lamministry.org>  
**Sent:** Tuesday, July 25, 2017 2:10 PM  
**To:** Marian Duran  
**Subject:** Alpine Flats DCMP for 50th & 20th street to the Planning & Zoning commission

Marian,

I would like to vote for the rezone and development of the Alpine Flats. This is a great opportunity for multi family homes to be built in this area. There is a lack of housing in this area and this would solve a problem. I am excited how Greeley is growing and building for the future!!

--  
Justin Davenport LAM Ministries 970-302-8619

Ms. Duran,  
My name is Dale Boehner I live at 3027 83<sup>rd</sup> Avenue in Greeley

I wanted to give my support for the proposed Alpine Rezone Project at 50<sup>th</sup> and 20<sup>th</sup> Streets Greeley I understand this site is currently zoned as Commercial High Density and is proposed to be rezoned as a multi-family project. A multi-family project makes much more sense to me in this location compared to commercial high density (convenience store or fast food). The proximity to Aims Community College would make sense as multi-family housing for students or other Greeley residents, which is much needed. Given amount of commercial development occurring on 47<sup>th</sup> Avenue (which is a more appropriate location for commercial development), it does not appear that more commercial development is needed in this location. Multi-family housing in this location would support the commercial development occurring on 47<sup>th</sup> Avenue. The amount of commercial development occurring on 47<sup>th</sup> Avenue reduces the potential for this to be a viable commercial development in the future and would lead the site (former Highland Nursery) to continue to be an eyesore to the area.

I also believe that the proposed rezone to multi-family would have less impact to the other land uses (i.e. single family residential) in the vicinity of the site. The multi-family project would generate less traffic than potential commercial projects allowed under the current zoning. The current zoning could also allow the extension of 50<sup>th</sup> Avenue Court, which would create additional traffic impacts to nearby residential properties. The multi-family project combined with the proposed significant landscape area on the southern end of the project would create a buffer between the single family residential area to the south and to 20<sup>th</sup> Street.

In closing, I feel the proposed re-zone to multi-family use is the right land use for this area and by allowing the re-zoning, it would create less problems than would could occur with the current zoning of the property.

Thank you for your time,

A handwritten signature in black ink that reads "Dale Boehner". The signature is written in a cursive, flowing style.

Dale Boehner

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 17**

Key Staff Contact Betsy Holder, City Clerk, 350-9742

### Title

Appointment of applicants to the following Boards and Commissions Civil Service Commission, Commission on Disabilities, Human Relations Commission, and Rodarte Center Advisory Board

### Summary

Council appointment is needed to the above-mentioned boards and commissions due to vacancies and term expirations Staff continues to actively recruit to fill all vacant positions

### Fiscal Impact

None

### Legal Issues

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item

### Other Issues and Considerations

Not applicable

### Applicable Council Goal or Objective

Infrastructure & Growth – Establish the capital & human infrastructure to support & maintain a safe, competitive, appealing, and dynamic community

### Decision Options

- 1) Appoint or reappoint the individuals to serve on applicable board or commission, or
- 2) Direct staff to re-advertise applicable vacancy

### Council's Recommended Action

No motion is necessary The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments This policy was adopted by Council as a time-savings measure Accordingly, a ballot is attached for Council's use in making appointments Candidates receiving a majority vote (at least 4 votes) are appointed with no further action

needed by Council

Attachments

- July/August 2017 Boards and Commissions Transmittal
- Ballot

# Boards & Commissions Transmittal

August 4, 2017

Key Staff Contact Lory Stephens, Assistant City Clerk, 350-9770

Interview Date

August 7, 2017

Council Interview Team

Councilmembers Finn & Elder

Council Appointment Date

August 15, 2017

## Boards and Commissions Being Interviewed

- **Civil Service Commission**
- **Commission on Disabilities**
- **Human Relations Commission**
- **Rodarte Center Advisory Commission**

## Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters

## Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item

## Applicable Council Goal or Objective

Infrastructure & Growth – Establish the capital & human infrastructure to support & maintain a safe, competitive, appealing, and dynamic community.

## Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy

## Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Membership Rosters for above mentioned Boards and Commissions
4. Applications of those being considered for appointment

Transmittal reviewed by:  Roy Otto, City Manager  Lory Stephens, Assistant City Clerk



Applicants for the boards and/or commission listed below are in alphabetical order  
and recommendations from the interviewing team of Councilmembers are shown in bold

\*\*\*\*\* BALLOT \*\*\*\*\*

| <b>Civil Service Commission</b><br><i>1 Vacancy</i> |                                     |
|---|-------------------------------------|
| <input type="checkbox"/>                            | Christopher Brown                   |
| <input type="checkbox"/>                            | Jay Hill                            |
| <input type="checkbox"/>                            | Mikel Hogestad                      |
| <input type="checkbox"/>                            | <b>Kristi Ogren</b>                 |
| <input type="checkbox"/>                            | Douglas Round (reapplying)          |
| <input type="checkbox"/>                            | (Recruit for additional applicants) |

| <b>Commisison on Disabilities</b><br><i>2 Vacancies</i> |                                     |
|---|-------------------------------------|
| <input type="checkbox"/>                                | Kate Stewart                        |
| <input type="checkbox"/>                                | (Recruit for additional applicants) |

| <b>Human Relations Commission</b><br><i>1 Vacancy</i> |                                     |
|---|-------------------------------------|
| <input type="checkbox"/>                              | <b>Ron Heil</b>                     |
| <input type="checkbox"/>                              | Rod Kaiser                          |
| <input type="checkbox"/>                              | Kristi Ogren                        |
| <input type="checkbox"/>                              | (Recruit for additional applicants) |

| <b>Rodarte Community Center Advisory Board</b><br><i>2 Vacancies</i> |                                     |
|--|-------------------------------------|
| <input type="checkbox"/>   | <b>Kyle Oliver</b>                  |
| <input type="checkbox"/>   | (Recruit for additional applicants) |



# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 18**

### Title

Scheduling of Meetings, Other Events

### Summary

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Worksession Schedule regarding any upcoming meetings or events.

### Attachments

Council Meetings/Other Events Calendar

Council Meeting/Worksession Schedule

# August 2017 - September 2017

| August 2017 |    |    |    |    |    |    | September 2017 |    |    |    |    |    |    |
|-------------|----|----|----|----|----|----|----------------|----|----|----|----|----|----|
| Su          | Mo | Tu | We | Th | Fr | Sa | Su             | Mo | Tu | We | Th | Fr | Sa |
|             |    | 1  | 2  | 3  | 4  | 5  |                |    |    |    |    | 1  | 2  |
| 6           | 7  | 8  | 9  | 10 | 11 | 12 | 3              | 4  | 5  | 6  | 7  | 8  | 9  |
| 13          | 14 | 15 | 16 | 17 | 18 | 19 | 10             | 11 | 12 | 13 | 14 | 15 | 16 |
| 20          | 21 | 22 | 23 | 24 | 25 | 26 | 17             | 18 | 19 | 20 | 21 | 22 | 23 |
| 27          | 28 | 29 | 30 | 31 |    |    | 24             | 25 | 26 | 27 | 28 | 29 | 30 |

| SUNDAY | MONDAY   | TUESDAY   | WEDNESDAY   | THURSDAY  | FRIDAY  | SATURDAY   |
|--------|--|---|---|---|---|--|
| Aug 13 | 14   | 15<br>7 30am Visit Greeley (Finn)<br>6 30pm City Council Meeting (1025 9th Ave) | 16<br>10 00am Applied Technology and Trades Center Ribbon-Cutting Event (Aims, Arrive at entrance at 2 00pm Water & Sewer Board (Norton) (School District Six Facility) | 17<br>7 30am DDA (Elder/Casseday)<br>3 30pm Airport Authority (Elder/Finn)  | 18  | 19   |
| 20     | 21<br>7 00am Council/Manager Breakfast Meeting (Training Room, City Hall)              | 22<br>5 00pm City Council Worksession (1025 9th Ave)                            | 23  | 24  | 25  | 26<br>10 00am Roundtables with Rochelle (Joe Molina Art Gallery, 930 8th Avenue, Greeley CO) |
| 27     | 28<br>11 30am Greeley Chamber of Commerce (Gates)<br>6:30pm Youth Commission (Sleight) | 29  | 30<br>7 00am Upstate Colorado Economic Development (Norton/Finn)  | 31<br>7.30am Annual Breakfast with Weld County Commissioners (Egg & I on W. 10th Street, Greeley) - Council Master Calendar | Sep 1   | 2  |
| 3      | 4  | 5<br>6 30pm City Council Meeting (1025 9th Ave)                                 | 6   | 7<br>7 00am Poudre River Trail (Finn)<br>3 30pm IG Adv Board (Gates)<br>6 00pm MPO (Casseday, Norton))                      | 8<br>4 00pm GET Regional Transportation Center Grand Opening & Open House (GET Regional Transportation Center ) - Council Master Calendar | 9  |
| 10     | 11   | 12<br>5 00pm City Council Worksession (1025 9th Ave)                            | 13  | 14<br>11 30am Weld Project Connect (Finn) (United Way, Lower Level) - Council Master Calendar                               | 15  | 16   |

## City Council Meeting Schedule

| <u>Date</u>  | <u>Description</u>   | <u>Staff Contact</u> |         |
|--|--|----------------------|---------|
| August 15, 2017<br>Council Meeting                         | Resolution - Memorandum Agreement for Transportation Planning with the NFRMPO  | Joel Hemesath        | Consent |
|  | Resolution - IGA for Transit Services with Fort Collins  | Joel Hemesath        | Consent |
|  | Resolution - IGA with Central Colorado Water Conservancy District for Bypass Structures  | Burt Knight          | Consent |
|  | Resolution - IGA with Greeley-Weld County Airport  | Becky Safarik        | Consent |
|  | Ordinance - Final - Alpine Flats Rezone  | Brad Mueller         | Regular |
|  | Board and Commission Appointments  | Betsy Holder         | Regular |
| August 21, 2017<br>Council/Manager<br>Breakfast Meeting    | Banner Ambulance Agreement Discussion  | Dale Lyman           |         |
|  | Downtown Development Incentives  |                      |         |
| August 22, 2017<br>Worksession                             | Human Relations Commission Report  | Sharon McCabe        | 0.50    |
|  | 2018 - 2022 Capital Improvement Program  | Victoria Runkle      | 0.50    |
|  | 2018 Budget Presentations - to include Human Resources, Information Technology, Finance, City Attorney's Office, City Clerk's Office, City Manager's Office, Economic Development, and Municipal Court | Victoria Runkle      | 1.20    |
|  | Executive Session  | Doug Marek           | 0.75    |
|  | Planning Commission Interviews   | Betsy Holder         | 0.75    |
| September 5, 2017<br>Council Meeting                       | Resolution - Private Activity Bond Allocation  | Victoria Runkle      | Consent |
|  | Planning Commission Appointments   | Betsy Holder         | Regular |
| September 12, 2017<br>Worksession                          | 2018 Budget Presentations to include Culture, Parks, and Recreation, Fire, Community Development, and Public Works   | Victoria Runkle      | 2.00    |
| September 18, 2017<br>Council/Manager<br>Breakfast Meeting |  |                      |         |
| September 19, 2017<br>Council Meeting                      | Ordinance- Intro - Chapter 2.41 Amendments to the Greeley Municipal Code   | Victoria Runkle      | Consent |
|  | Board and Commission Appointments  | Betsy Holder         | Regular |
| September 26, 2017<br>Worksession                          | 2018 Budget Presentations to include Police  | Victoria Runkle      | 0.50    |
|  | Annual CDBG Presentation   | Becky Safarik        | 0.50    |
|  | Sales Tax Definitions Discussion   | Victoria Runkle      | 0.50    |
| October 3, 2017<br>Council Meeting                         | Ordinance - Intro - 2018 Budget  | Victoria Runkle      | Consent |
|  | Ordinance- Final - Chapter 2 41 Amendments to the Greeley Municipal Code   | Victoria Runkle      | Regular |
|  | Public Hearing - 2018 CDBG and Home Budget   | Becky Safarik        | Regular |
| October 10, 2017<br>Worksession                            | Auditor Selection  | Victoria Runkle      | 0.10    |
| October 16, 2017<br>Council/Manager<br>Breakfast Meeting   |  |                      |         |
| October 17, 2017<br>Council Meeting                        | Ordinance - Final - 2018 Budget  | Victoria Runkle      |         |
|  | Board and Commission Appointments  | Betsy Holder         | Regular |
| October 24, 2017<br>Worksession                            | Monthly Financial Report   | Victoria Runkle      | 0.50    |
|  | 3rd Quarter CIP Update   |                      |         |
| November 7, 2017<br>Council Meeting                        |  |                      |         |
| November 14, 2017<br>Worksession                           |  |                      |         |
|  |  |                      |         |
| November 20, 2017<br>Council/Manager<br>Breakfast Meeting  |  |                      |         |
|  |  |                      |         |
| November 21, 2017<br>Council Meeting                       | Board and Commission Appointments  | Betsy Holder         | Regular |
| November 28, 2017<br>Worksession                           | Monthly Financial Report   | Victoria Runkle      | 0.50    |
| December 5, 2017<br>Council Meeting                        |  |                      |         |



|   |                                   |                 |         |
|---|-----------------------------------|-----------------|---------|
| December 12, 2017<br>Worksession                          |                                   |                 |         |
| December 18, 2017<br>Council/Manager<br>Breakfast Meeting |                                   |                 |         |
| December 19, 2017<br>Council Meeting                      | Board and Commission Appointments | Betsy Holder    | Regular |
| December 26, 2017<br>Worksession                          | Monthly Financial Report          | Victoria Runkle | 0.50    |

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 19**

### Title

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances

### Council's Recommended Action

A motion to approve the above authorizations.

# Council Agenda Summary

August 15, 2017

## **Agenda Item Number 20**

### Title

Adjournment

### Council's Recommended Action

If there is no further business, the presiding officer declares the meeting adjourned.