



**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

**October 17, 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 October 3, 2017 City Council Meeting
10. Approval of the Report of the October 10, 2017 City Council Worksession
11. Consideration of a Resolution of the City of Greeley Council authorizing the City to enter into an Intergovernmental Agreement for the purchase of goods and services from Houston-Galveston Area Council
12. Consideration of a Resolution dedicating 0.242 acres of



property located at 95th Avenue, south of Highway 34 Business, and north of the Highway 34 Bypass, to be included in the 95th Avenue right-of-way.

13. Consideration of a Resolution adopting Stormwater Utility Fees for 2018
14. Consideration of a Resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to resolve claims with Work Out West (OC Sports) arising from a water main break incident occurring January 24, 2017 at 59th Avenue and 20th Street
15. Consideration of a Resolution amending City Council's Policies and Protocol to modify Board and Commission residency provisions

<b>End of Consent Agenda</b>
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16. Pulled consent agenda items
17. Public hearing and final reading of an ordinance adopting the General Employee Pay Plan for 2018
18. Public hearing and final reading of an Ordinance repealing and replacing Chapter 4.04.015 of the Greeley Municipal Code – Sales and Use Tax Definitions and make related changes to Chapter 4.04
19. Public hearing and final reading of an ordinance amending Chapter 4.04 of the Greeley Municipal Code
20. Public hearing and final reading of an Ordinance adopting the Budget for 2018
21. Public hearing to consider a change of zone from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning for approximately 0.34 acres of property known as the 402 15th Street Rezone, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same
22. Public hearing to consider a change of zone from H-A (Holding Agriculture) to C-H (Commercial High Intensity) zoning for approximately 6.21 acres of property known as the 1215 95th Avenue Rezone, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same
23. Public hearing to consider a change of zone from R-L (Residential Low Density) to C-H (Commercial High Intensity) zoning, with an accompanying Development Concept Master Plan, for approximately 1.581 acres of property known as the 4704 24th Street Rezone, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same
24. Public hearing to consider a change of zone from PUD (Planned Unit Development) to R-H (Residential High Density) zoning for approximately 3.96 acres of property known as the West Point Commerce Center Rezone, and a public hearing and final reading of an Ordinance changing the official zoning map to reflect the same



25. Public hearing and final reading of an Ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located within Weld County, Colorado, known as the "Dale Land Annexation" located at 398 East 18th Street
26. Public hearing to consider establishing I-M (Industrial Medium Intensity) zoning for property recently annexed and known as the "Dale Land Annexation" located at 398 East 18th Street, and a public hearing and final reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, to reflect the same
27. Public hearing and final reading of three (3) Ordinances annexing to the City of Greeley, Colorado, certain unincorporated territories located within Weld County, Colorado, known as the "Signature Bluffs Natural Area Annexation Nos. 1-3," located east of 83rd Avenue and the Poudre River Learning Center and north of Poudre River Road
28. Public hearing to consider establishing C-D (Conservation District) zoning for properties recently annexed and known as the "Signature Bluffs Natural Area Annexation Nos. 1-3" located east of 83rd Avenue and the Poudre River Learning Center and north of Poudre River Road, and a public hearing and final reading for three (3) ordinances changing the official zoning map of the City of Greeley, Colorado, to reflect the same
29. Consideration of a Resolution declaring support for November 7, 2017 Greeley Ballot Issue 2K, which asks whether, without changing the rate of any existing city sales or use tax, the City should be authorized to keep and spend all revenues collected from the .65% sales and use tax increase approved for street-related improvements and repairs at the election held November 3, 2015
30. Appointment of applicants to the following Boards and Commissions: Citizen Transportation Advisory Board, Downtown Development Authority, Greeley Art Commission, Historic Preservation Commission, Rodarte Community Center Advisory Board, and Youth Commission
31. Scheduling of meetings, other events
32. 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
33. Adjournment



# Council Agenda Summary

October 17, 2017

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

### Title

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

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



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 4**

### Title

Recognitions and Proclamations

### Summary

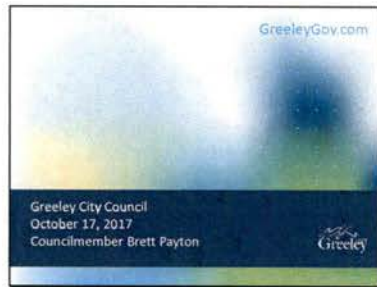
Councilmember Payton will present the What's Great About Greeley Report.

### Attachments

October 17, 2017 What's Great About Greeley Report



Slide 1



Slide 2



**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



On September 27, the City hosted the Greeley Remarkable event at the new DoubleTree by Hilton hotel, and with support from Greeley businesses continued to align workforce development and career readiness efforts with real-life employment opportunities. The event, which raised \$47,425, ties directly to our 2017 Achieving Community Excellence priorities including workforce development and community leadership. All proceeds go to support students in local internship and apprentice programs.



Slide 4



Three Greeley breweries took home awards at the 2017 Great American Beer Festival. Gold medals went to Wiley Roots and WeldWerks Brewing, with Broken Plow Brewery taking home a bronze. The festival, held annually in Denver, is the largest commercial beer competition in the world, this year drawing 8,100 entries from 2,290 breweries. Paste Magazine, which reviews music, food and beverage, also highlighted two WeldWerks beers on their list of 20 Stand-Out Beers at the festival.

Slide 5



Ashleigh (Ashley) Darbin and Adam Padilla (puh-dee-ya) of University High School, and Omega Martinez of Greeley West, were among the top scorers in the nation on the High School of Business program exams. The program is a national accelerated program designed for high school students interested in business, such as careers in marketing, finance, entrepreneurship and management.

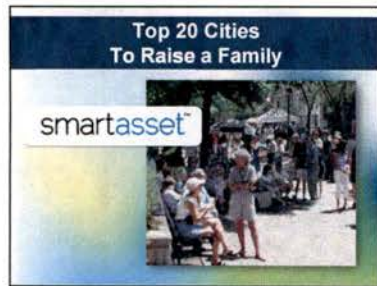
Slide 6



At the Sexual Assault Victim Advocate Center's recent banquet and awards ceremony, Greeley Police Sgt. Dennis Lobato was recognized for his hard work and contributions to the successful resolution of a case. Rodarte Center Recreation Coordinator Nico (nee-co) Ruscitti (rew-sheetee), was presented with the Innovation in Advocacy Award and was recognized as an advocate for youth and sexual violence prevention.



Slide 7



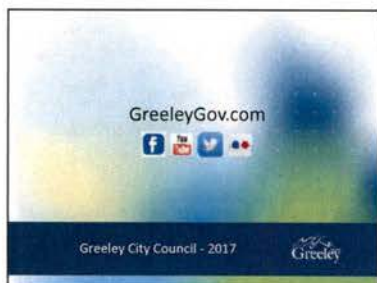
Greeley has been ranked by SmartAsset as a Top 20 city in Colorado to raise a family. SmartAsset is a New York-based financial services and analytical firm. Rankings were determined by looking at 10 categories including the high school graduation rate, housing costs, household income, property and violent crime rates, and unemployment.

Slide 8



The City of Greeley Culture, Parks and Recreation Department staff has earned another accolade for its work creating the Aven's (pronounced like aven in avenue) Village playground at Island Grove Regional Park. The Colorado Parks and Recreation Association awarded its prestigious Columbine Award to Greeley in the category of Renovated Park Design. Columbine Awards highlight best practices and creative ideas throughout the state for design, innovation and programming. The City of Greeley and its Aven's Village project will receive statewide recognition in the 2017 winter edition of the CPRA magazine and on their website.

Slide 9





# Council Agenda Summary

October 17, 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

October 17, 2017

**Agenda Item Number 6**

Title

Approval of the Agenda



# Council Agenda Summary

October 17, 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.

<b>Board/Commission</b>	<b>Meeting Day/Time</b>	<b>Councilmember Assigned</b>
--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

October 17, 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

Council Request		Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
02-2017	Councilmembers asked that staff research two policy changes with regard to Boards and Commissions – 1) the residency requirement; and 2) attendance. Councilmembers Elder and Galindo are wondering if after 3-4 absences, staff would reach out to see if the member wishes to continue serving or not, in an effort to assist with quorums, and basically just completing the board/commission agenda.	09-19-2017 Council Meeting	This item was presented at the October 10, 2017 Worksession meeting and with direction from Council, a Resolution is being prepared for adoption at the October 17, 2017 Council Meeting.	Betsy Holder



# Consent Agenda

October 17, 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 15 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

October 17, 2017

## **Agenda Item Number 9**

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

### Title

Approval of the City Council Proceedings of October 3, 2017

### Summary

A meeting of the City Council was held on October 3, 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

October 3, 2017 Proceedings



City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
October 3, 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**

Lory Stephens, Assistant City Clerk, called the roll. Those present were Mayor Tom Norton and Councilmembers Robb Casseday, Sandi Elder, Rochelle Galindo and John Gates. Councilmembers Mike Finn and Brett Payton were excused.

**4. Recognitions and Proclamations**

Mayor Norton presented proclamations for National Arts and Humanities Month and Domestic Violence Awareness Month.

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

**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 mentioned his attendance at the OktoBrewfest festivities, the School District 6 Ride for Success, and a Federal Reserve Board meeting hosted by the Chamber. Councilmember Elder spoke about her recent attendance at the Greeley/Weld Airport Meeting. She also recognized the recent Rocky Mountain Women In Law Enforcement Conference. Councilmember Casseday reported on recent Colorado Municipal League board meetings and the district meeting and the successful Greeley Remarkable event. Councilmember Gates also spoke highly of the Greeley Remarkable event, and his attendance at the Homelessness Breakfast and Railroad Safety Week. Councilmember Galindo reported on her recent Town Hall meeting at Joe Molina Art Gallery and noted that Dr. Pilch of School District 6 will be the speaker at her next Town Hall meeting.

**8. Petitions from Mayor and Councilmembers**

There were no petitions offered from Councilmembers.



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

**9. Acceptance of the Proceedings of the September 19, 2017 City Council Meeting**

The Council action recommended was to approve the Proceedings.

**10. Approval of the Report of the September 26, 2017 City Council Worksession**

The Council action recommended was to accept the Report.

**11. Consideration of a Resolution of the City of Greeley Council authorizing the City to enter into agreements for cross-conveyance and stipulation of interest and quit claim deeds with Union Colony Company of Colorado regarding property interests in Downtown Greeley**

The Council action recommended was to adopt the resolution. (Resolution No. 80, 2017)

**12. Introduction and first reading of an ordinance adopting the General Employee Pay Plan for 2018**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

**13. Introduction and first reading of an Ordinance repealing and replacing Chapter 4.04.015 of the Greeley Municipal Code – Sales and Use Tax Definitions and make related changes to Chapter 4.04**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

**14. Introduction and first reading of an ordinance amending Chapter 4.04 of the Greeley Municipal Code**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

**15. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning for approximately 0.34 acres of property known as the 402 15th Street Rezone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

**16. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from H-A (Holding Agriculture) to C-H (Commercial High Intensity) zoning for approximately 6.21 acres of property known as the 1215 95th Avenue Rezone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.



17. **Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from R-L (Residential Low Density) to C-H (Commercial High Intensity) zoning for approximately 1.581 acres of property known as the 4704 24th Street Rezone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

18. **Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from PUD (Planned Unit Development) to R-H (Residential High Density) zoning for approximately 3.96 acres of property known as the West Point Commerce Center Rezone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

19. **Introduction and first reading of an Ordinance annexing to the City of Greeley, Colorado, a parcel of property known as Dale Land Annexation, located at 398 East 18th Street**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

20. **Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, establishing I-M (Industrial Medium Intensity) zoning for a parcel of property located in Weld County, Colorado, at 389 East 18th Street, recently annexed and known as the Dale Land Annexation**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

21. **Introduction and first reading of three (3) Ordinances annexing to the City of Greeley, Colorado, three (3) parcels of property known as Signature Bluffs Natural Area Annexation Nos. 1 - 3, located east of 83rd Avenue and the Poudre River Learning Center and north of Poudre River Road**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

22. **Introduction and first reading of three (3) Ordinances changing the official zoning map of the City of Greeley, Colorado, establishing C-D (Conservation District) zoning for three (3) parcels of property located in Weld County, Colorado, generally east of 83rd Avenue and the Poudre River Learning Center and north of Poudre River Road, recently annexed and known as Signature Bluffs Natural Area Annexation Nos. 1 - 3**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading of October 17, 2017.

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

Councilmember Gates moved, seconded by Councilmember Casseday to approve the items on the Consent Agenda and their recommended actions. The motion carried: 5-0 (Councilmembers Finn and Payton excused)



### **23. Pulled Consent Agenda Items**

There were no items pulled from the Consent Agenda.

### **24. Public hearing and final reading of an Ordinance amending Chapter 2.41 of the Greeley Municipal Code to reflect changes to Sections 2.41.010 – definitions and 2.41.030 – Disposition of Unclaimed Property**

Victoria Runkle, Assistant City Manager, reported that this 2017 ordinance clarifies definitions of intangible property, changes the definition of unclaimed property to property unclaimed from five years to one year, and adds the option of listing unclaimed property on the City's web site. The change from five years to one year should assist staff in refunding property to the owner; after five years, locating owners is more difficult. The ordinance was unanimously approved the first reading on September 19, 2017.

Mayor Norton opened the public hearing at 7:07 p.m., and no comments were offered.

Councilmember Gates moved, seconded by Councilmember Elder to adopt the ordinance and publish with reference to title only. The motion carried: 5-0 (Councilmembers Finn and Payton excused) (**Ordinance No. 34, 2017**)

### **25. Public hearing and introduction and first reading of an Ordinance adopting the Budget for 2018**

Robert Miller, Budget and Compliance Manager, reported that this ordinance authorizes the appropriations for the fiscal year 2018 (January 1, 2018 through December 31, 2018). He provided a brief summary of the 2018 revenue sources, expenditures, budget additions, major capital project funds, utility rate changes, and projected reserves.

Councilmember Casseday inquired about how the utility rates have been affected this year considering the wet spring and fall. Mayor Norton explained that the Water and Sewer Board are familiar with effectively balancing the loss of revenue due to weather. He went on to explain that the new water budget has also played a role in utility rates, but indicated that residents are paying attention to their watering needs.

Councilmember Elder inquired about the growth she is noticing to the west of Greeley and how it is impacting the budget. Mayor Norton replied that new growth does pay its way, but there is a balancing act for staff to determine where to put infrastructure before that growth arrives. There are upfront costs to Greeley, but developers do pay their way as the growth fills in.

Councilmember Casseday clarified that many months of discussing and studying the budget occur before it comes to public hearings and approval.

Mayor Norton opened the public hearing at 7:24 p.m., and no comments were offered.

Councilmember Elder moved, seconded by Councilmember Casseday to introduce the ordinance and schedule the public hearing and final reading for October 17, 2017. The motion carried: 5-0 (Councilmembers Finn and Payton excused)



**26. Public Hearing to consider the 2018 Community Development Block Grant Budget and Annual Action Plan**

Becky Safarik, Assistant City Manager, reminded the Council that the U. S. Department of Housing and Urban Development (HUD) requires the City to submit an Annual Action Plan setting forth the intended uses of Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds for a one-year period. She went on to briefly summarize the proposed projects including administration, infrastructure improvements, clean-up weekend, parkway tree planting, home care, action lab coordinator, and shelter services with the Guadalupe Center and the Greeley Transitional House, totaling approximately \$800,000.

Mayor Norton opened the public hearing at 7:32 p.m., and no comments were offered.

Councilmember Casseday moved, seconded by Councilmember Elder, to approve the 2018 CDBG budget, Annual Action Plan, and implementation as recommended by the Greeley Urban Renewal Authority. The motion carried: 5-0 (Councilmembers Finn and Payton excused)

**27. Scheduling of Meetings, Other Events**

No additional meetings or other events were scheduled.

**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**

Councilmember Galindo moved, seconded by Councilmember Gates to approve the above authorizations, and the motion carried: 5-0 (Councilmembers Finn and Payton excused)

**20. Adjournment**

There being no further business to come before the Council, Mayor Tom Norton adjourned the meeting at 7:34 p.m.

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Thomas E. Norton, Mayor

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Lory Stephens, Assistant City Clerk



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 10**

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

### Title

Acceptance of the Report of the October 10, 2017 City Council Worksession

### Summary

A City Council Worksession was held on October 10, 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

October 10, 2017 Report



City of Greeley, Colorado  
**COUNCIL WORKSESSION REPORT**  
 October 10, 2017

The meeting was called to order at 5:05 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 Robb Casseday, Sandi Elder, Mike Finn, John Gates, Rochelle Galindo, and Brett Payton.

Mayor Norton led the Pledge of Allegiance to the American Flag.

## **1. REDEVELOPMENT PROJECT INCENTIVES PROPOSAL**

Becky Safarik, Assistant City Manager, reported that recognizing the importance of maintaining the older, established areas of the community in good economic health, the Greeley City Council has endorsed and supported key redevelopment initiatives through a number of policy and legislative actions over many decades. A defined "Redevelopment District" encompasses the City's targeted urban renewal area and includes 5 distinct tax increment districts; several neighborhood and housing initiatives were implemented; and a specific "Plan of Development" was adopted in 2002 and updated in 2009 to address downtown development.

She reported that the Downtown Development Authority has made great strides in the creation of an engaging downtown experience to attract community members and visitors to the area through events and by providing financial support to improve the built environment in the area. In like fashion, the City has invested in infrastructure and building improvements, entryway enhancements, events and programming, and encouraged public/private investments in economic development, such as with the new hotel.

She reviewed other revenue sources, as well as the conservation water bank. Using it for beneficial use if it was used for a beneficial use to begin with was discussed, and Mayor Norton cautioned staff about this noting that the Courts look very closely at changes of use.

Ms. Safarik went on to note that the blend of efforts has resulted in unprecedented reinvestment in the core area of the 55-block Downtown Development District as well as considerable interest in many of the buildings and sites that have yet to experience reinvestment and redevelopment.

She stated that in order to capitalize on the important momentum created thus far a proposed menu of financial incentives intended to induce additional private investment into the area was presented for Council's consideration. If Council concurs with the general scope and scale of these incentives, staff will move forward to formalize the incentives for use by private investor/developers, including bringing forward those actions needed by Council to authorize certain provisions. The goal is to have a set of incentives available for use by January 1, 2018.

She reviewed next steps, as well as the action plan that has been developed and noted that new legislation in this regard will be brought forward.

Councilmembers generally offered appreciation for the great efforts thus far and made note of their interest in continued evaluation of facts, costs, and new opportunities.



## **2. BOARD AND COMMISSION ATTENDANCE AND RESIDENCY POLICY REVIEW**

Betsy Holder, City Clerk, reported that at Council's September 19, 2017 Meeting, Councilmembers requested an opportunity to discuss attendance and residency requirements for its appointed boards and commissions.

She stated that Charter and Code provisions, Council's Policies and Protocol, and departmental practices were reviewed and summarized various findings. She highlighted that there are no Code provisions currently addressing attendance and several references to residency requirements.

The general provisions of the Code include a preference but not a requirement for City residency for members of Boards and Commissions. She noted that of the 24 Boards and Commissions, one group has a requirement to reside within Greeley - the Civil Service Commission (a Charter provision for the Commission), and several groups have membership requirements related to specific experience or affiliation (a business owner, art educator, knowledge of construction, etc.), and many groups have no specific qualifications other than the interest to serve. With no specific requirement to reside in Greeley, the general "preference" for Greeley residency and ward representation is utilized.

Ms. Holder added that among the current membership, four of the 165 Board/Commission members appointed by Council are non-Greeley residents.

In response to a question from Councilmember Galindo, Ms. Holder advised that the lack of applicants was a key reason equal ward representation was repealed by the Council in 2006.

Councilmember Gates suggested making the Council's preference for appointing Greeley residents and business owners firmer, and the Mayor and the balance of Council generally concurred.

Councilmembers recognized that in some cases, having non-resident appointees has been beneficial.

Ms. Holder indicated that she would draft a resolution for Council consideration that makes the residency preference firmer and noted that support staff will be reminded to work with members who have excessive absences and at least have some conversations about that.

## **3. REVIEW PROPOSALS FOR 2017 AUDIT SERVICES**

Councilmember Payton excused himself from participation in this matter to avoid the appearance of a conflict of interest. He left the meeting at 6:00 p.m.

Victoria Runkle, Assistant City Manager, introduced Renee Wheeler, Deputy Finance Director, who reported that the Charter states that the Council shall contract with or employ an independent practicing individual or firm, permitted to practice public accounting under general law and of known standing, to perform an annual general audit of Municipal Government and such other periodic post audit as the Council may determine.

She stated that proposals were first reviewed for minimum mandatory qualifications, then scored, and the cost to perform the audit was looked at.



Ms. Wheeler reviewed the minimum mandatory qualifications related to independence, licensed personnel, profile on the firm and their clients, the results of the firms external quality control review, disclosing any disciplinary actions, and management experience on governmental audits. All the submitted proposals met these mandatory requirements.

She also reviewed technical qualifications and how the audit is managed.

She highlighted the top four firms, and recommended that Anton Collins Mitchell LLP, a local firm, be selected to conduct the audit as the cost is right in the ballpark of past audits.

Council expressed no concerns with staff's recommendation.

#### **4. SCHEDULING OF MEETINGS, OTHER EVENTS**

There being no further business to come before the Council, Mayor Norton adjourned the meeting at 6:14 p.m.

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Cheryl Aragon, Deputy City Clerk



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 11**

Staff Contact: Victoria Runkle, Assistant City Manager, 970-350-9730

### Title

Consideration of a Resolution of the City of Greeley Council authorizing the City to enter into an Intergovernmental Agreement for the purchase of goods and services from Houston-Galveston Area Council

### Summary

This is request for City Council consideration to approve an intergovernmental agreement with the Houston Galveston Area Council (HGAC) through their cooperative purchasing program, HGACBuy.

The City proposes to purchase equipment and fire apparatus in this program. The competitive sealed bid process is performed by HGAC. Vendors that typically respond to City of Greeley bids, including SVI Trucks in Northern Colorado, have bids posted under this program.

The city department representative(s) review the specifications included in the bid. All options (features of the equipment) included in the bid are called published options, and the contract is allowed to increase up to 25% for unpublished options to ensure the equipment/apparatus meet local service response needs. An HGAC representative verifies completed specifications to ensure compliance and authorizes a contract with the vendor.

Each contract under this agreement costs the City \$2,000. Staff has conservatively estimated that the recent fire apparatus specifications development and bid processing cost the City \$4,700 in staff time considering direct costs only. The cooperative purchasing agreement demonstrates good stewardship of the citizen tax dollars, and staff respectfully requests that City Council authorize the attached intergovernmental agreement.

The City Council must approve this IGA per section 2.07.040 of the City Code, as it does require a monetary exchange for work accomplished.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Nothing for the IGA
If yes, what is the initial or onetime impact?	Nothing for the IGA
What is the annual impact?	\$2,000 per purchase contract
What fund of the City will provide funding?	Fund with the Budget Authorization
What is the source of revenue within the fund?	Taxes and Fees
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

There are no legal issues. Cooperative purchasing is allowed by our municipal code so long as the organization procedures are compliant with the City of Greeley's code provisions for competitive bidding. Based on staff research, HGACBuy meets the provisions of the municipal code. The City Attorney's Office has reviewed and approved the intergovernmental agreement as written.

#### Other Issues and Considerations

HGACBuy is a "Government-to-Government" procurement service available nationwide. Governmental entities have been procuring products and services through HGACBuy for over 30 years. As a unit of local government assisting other local governments, HGACBuy strives to make the governmental procurement process more efficient by establishing competitively priced contracts for goods and services, and providing the customer service necessary to help its members achieve their procurement goals. All contracts available to members of HGACBuy have been awarded by virtue of a public competitive procurement process compliant with state statutes.

The IGA will have a term through the end of the year, automatically renewable annually.

#### Applicable Council Goal or Objective

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and dynamic 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

Houston Galveston Area Council Intergovernmental Agreement



**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 PURCHASE OF GOODS AND SERVICES FROM HOUSTON-GALVESTON AREA COUNCIL

WHEREAS, in accordance with 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 cooperating or contracting units of government; and

WHEREAS, Houston-Galveston Area Council ("H-GAC") is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, H-GAC and the City of Greeley ("City") are desirous of entering into an agreement for the purchase of goods and services; and

WHEREAS, by entering into this agreement, the City will purchase certain products and services through the H-GAC Cooperative Purchasing Program at a cost savings; 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 entitled "Interlocal Contract for Cooperative Purchasing", 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 17<sup>TH</sup> DAY OF OCTOBER, 2017.



ATTEST:

THE CITY OF GREELEY, COLORADO

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

\_\_\_\_\_  
Mayor





## INTERLOCAL CONTRACT FOR COOPERATIVE PURCHASING

ILC

No.: \_\_\_\_\_

Permanent Number assigned by H-GAC

THIS INTERLOCAL CONTRACT ("Contract"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the Houston-Galveston Area Council, hereinafter referred to as "H-GAC," having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027, and \* \_\_\_\_\_, a local government, a state agency, or a non-profit corporation created and operated to provide one or more governmental functions and services, hereinafter referred to as "End User," having its principal place of business at \* \_\_\_\_\_

### W I T N E S S E T H

**WHEREAS**, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

**WHEREAS**, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

**WHEREAS**, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

**WHEREAS**, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on \* \_\_\_\_\_ (Date), and that it desires to contract with H-GAC on the terms set forth below;

**NOW, THEREFORE**, H-GAC and the End User do hereby agree as follows:

#### **ARTICLE 1: LEGAL AUTHORITY**

The End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and (2) it possesses adequate legal authority to enter into this Contract.

#### **ARTICLE 2: APPLICABLE LAWS**

H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

#### **ARTICLE 3: WHOLE AGREEMENT**

This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

#### **ARTICLE 4: PERFORMANCE PERIOD**

The period of this Contract shall be for the balance of the fiscal year of the End User, which began \* \_\_\_\_\_ and ends \* \_\_\_\_\_. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H-GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

#### **ARTICLE 5: SCOPE OF SERVICES**

The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through [HGACBuy.com](http://HGACBuy.com) and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

(over)



**ARTICLE 6: PAYMENTS**

H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC's contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H-GAC contractor.

**ARTICLE 7: CHANGES AND AMENDMENTS**

This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

**ARTICLE 8: TERMINATION PROCEDURES**

H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

**ARTICLE 9: SEVERABILITY**

All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

**ARTICLE 10: FORCE MAJEURE**

To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

**ARTICLE 11: VENUE**

Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

**THIS INSTRUMENT HAS BEEN EXECUTED BY THE PARTIES HERETO AS FOLLOWS:**

\*  
\_\_\_\_\_  
Name of End User (*local government, agency, or non-profit corporation*)

\*  
\_\_\_\_\_  
Mailing Address

\*  
\_\_\_\_\_  
City State ZIP Code

\*By: \_\_\_\_\_  
Signature of chief elected or appointed official

\*  
\_\_\_\_\_  
Typed Name & Title of Signatory Date

***Houston-Galveston Area Council***  
3555 Timmons Lane, Suite 120, Houston, TX 77027

By: \_\_\_\_\_  
Executive Director

Attest: \_\_\_\_\_  
Manager

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

*\*Denotes required fields*

rev. 12/15



**\*Request for Information**

Please sign and return the Interlocal Contract, along with this completed form, to H-GAC by emailing it to [cpcontractfax@h-gac.com](mailto:cpcontractfax@h-gac.com) or by faxing it to **713-993-2424**. The contract may also be mailed to:

**H-GAC Cooperative Purchasing Program**  
**P.O. Box 22777, Houston, TX 77227-2777**

Name of End User Agency: \_\_\_\_\_ County Name: \_\_\_\_\_  
(Municipality/County/District/etc.)

Mailing Address: \_\_\_\_\_  
(Street Address/P.O. Box) (City) (State) (ZIP Code)

Main Telephone Number: ( ) \_\_\_\_\_ FAX Number: ( ) \_\_\_\_\_

Physical Address: \_\_\_\_\_  
(Street Address, if different from mailing address) (City) (State) (ZIP Code)

Web Site Address: \_\_\_\_\_

**Official Contact:** \_\_\_\_\_  
(Point of Contact for HGACBuy Interlocal Contract)

Mailing Address: \_\_\_\_\_  
(Street Address/P.O. Box)

(City) (State) (ZIP Code)

**Authorized Official:** \_\_\_\_\_  
(Mayor/City Manager/Executive Director/etc.)

Mailing Address: \_\_\_\_\_  
(Street Address/O.O. Box)

(City) (State) (ZIP Code)

**Official Contact:** \_\_\_\_\_  
(Purchasing Agent/Auditor etc. )

Mailing Address: \_\_\_\_\_  
(Street Address/O.O. Box)

(City) (State) (ZIP Code)

**Official Contact:** \_\_\_\_\_  
(Public Works Director/Police Chief etc.)

Mailing Address: \_\_\_\_\_  
(Street Address/O.O. Box)

(City) (State) (ZIP Code)

**Official Contact:** \_\_\_\_\_  
(EMS Director/Fire Chief etc. )

Mailing Address: \_\_\_\_\_  
(Street Address/O.O. Box)

(City) (State) (ZIP Code)

Title: \_\_\_\_\_

Ph No.: ( ) -

Fx No. : ( ) -

E-Mail Address: \_\_\_\_\_

Title: \_\_\_\_\_

Ph No.: ( ) -

Fx No. : ( ) -

E-Mail Address: \_\_\_\_\_

Title: \_\_\_\_\_

Ph No.: ( ) -

Fx No. : ( ) -

E-Mail Address: \_\_\_\_\_

Title: \_\_\_\_\_

Ph No.: ( ) -

Fx No. : ( ) -

E-Mail Address: \_\_\_\_\_

Title: \_\_\_\_\_

Ph No.: ( ) -

Fx No. : ( ) -

E-Mail Address: \_\_\_\_\_

**\* denotes required fields**



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 12**

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

### Title

Consideration of a Resolution dedicating 0.242 acres of property located at 95<sup>th</sup> Avenue, south of Highway 34 Business, and north of the Highway 34 Bypass, to be included in the 95<sup>th</sup> Avenue right-of-way

### Summary

The applicants, Dawn and Douglas DeTienne, are proposing to dedicate ten feet of previously reserved right-of-way along 95<sup>th</sup> Avenue. The owners dedicated 30 feet of right-of-way in 2005 for 95<sup>th</sup> Avenue in conjunction with a Weld County land split, and reserved at that time an additional ten feet for future dedication, per the City's request. This dedication of ten feet now contributes to the total cross-section needed for the minor arterial standards of 95<sup>th</sup> Avenue.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial or onetime impact?	
What is the annual impact?	
What fund of the City will provide funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments: none	

### Legal Issues

None.

### Other Issues and Considerations

None.

### Applicable Council Goal or Objective

Consistency with Comprehensive Plan and Development Code standards.

### 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

Draft Planning Commission Minutes (September 26, 2017)

Planning Commission Summary (Staff Report) (September 26, 2017)



CITY OF GREELEY, COLORADO

RESOLUTION NO. \_\_\_\_\_, 2017

A RESOLUTION ACCEPTING DEDICATION OF 0.242 ACRES OF PROPERTY LOCATED AT 95<sup>TH</sup> AVENUE, SOUTH OF HIGHWAY 34 BUSINESS, NORTH OF THE HIGHWAY 34 BYPASS, TO BE INCLUDED IN THE 95<sup>TH</sup> AVENUE RIGHT-OF-WAY

WHEREAS, the property described on the legal description attached hereto as Exhibit A is proposed for dedication to the City of Greeley; and

WHEREAS, the right-of-way needs to be dedicated to accommodate the existing built roads and potential future improvements to those roads; and

WHEREAS, the right-of-way dedication is not detrimental to the public health, safety or welfare; and

WHEREAS, the right-of-way dedication does not deprive any parcel of adequate access to a public road or street.

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

1. The subject property is hereby accepted.

PASSED, ADOPTED, SIGNED AND APPROVED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: \_\_\_\_\_  
City Clerk

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



## EXHIBIT A

A tract of land of land located in the Northeast Quarter of Section 12, Township 5 North, Range 65 West of the 6th P.M. City of Greeley, Weld County, Colorado more particularly described as follows:

Commencing at the Northeast corner of said Section 12, thence along the North line of said Section 12

S 87°33'03" W (said bearing being the Basis of Bearing for this description and all other bearings contained herein being relative thereto), a distance of 1291.92' to the East 1/16 Corner of said Section 12; thence S 00°38'47" E a distance of 168.86' to the Southerly Right-of-Way line of US Highway 34 Business; thence along said Southerly Right-of-Way the following 5 courses:

N 89°50'57" E, a distance of 653.65'; thence along a curve to the left having a radius of 12090.00', a delta of 0°35'21" an arc length of 124.32' to the Northwest corner of Parcel No. 095712100002; thence continue on said Southerly Right-of-Way and the Northerly line of said Parcel No. 095712100002 and continuing on said curve to the left whose radius is 12090.00' an arc length of 433.76' and a delta of 02°03'20" to a point; thence continue on said Southerly Right-of-Way and the Northeasterly line of Parcel No. 095712100002, S46°49'16", a distance of 55.47' to the POINT OF BEGINNING for this description, Thence continue along said Right-of Way line S 46°49'16" E, a distance of 13.88' to a point on the East Right-of-Way of 95th Ave. as shown on Reception No. 4303458 of the Records of said Weld County, said point furthermore being the Northeast corner of said Parcel No. 095712100002; thence along the Easterly line of said Parcel 095712100002, S00°43'37" E a distance of distance of 1008.60' to the Southeast corner of said Parcel No. 095712100003; thence N 60°23'12" W along the Southerly line of said Parcel No. 095712100003, a distance of 11.59'; thence N 00°43'37" W, a distance of 1055.42', to the Point of Beginning. Said tract containing 10535 square feet or 0.242 acres more or less.





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## **PLANNING COMMISSION**

### **Proceedings**

**September 26, 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, Hice-Idler, Yeater and Mirick were present.

#### **II. Approval of minutes for meeting held on September 12, 2017**

Commissioner Rarick moved to approve the minutes for the meeting held on September 12, 2017. Commissioner Andersen seconded the motion. The motion carried 7-0.

#### **III. A public hearing to consider annexation of a parcel of land containing approximately 29.006 acres and known as the Signature Bluffs Natural Area Annexation No. 1**

Project Name: Signature Bluffs Natural Area Annexation No. 1  
Case No.: A 9:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items III through VIII be considered together, with separate motions being required for each annexation and establishment of zoning. Chair Hall called up all of the cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the areas requested for annexation. She noted that the 32.88-acre site is within Long-Range Expected Growth Area and that the annexation would protect and preserve the area for open space. Ms. Duran reported that the area meets or



The applicants declined to add further information.

Chair Hall opened the public hearing at 1:58 p.m. There being no public comment, the public hearing was closed at 1:58 p.m.

Commissioner Andersen made a motion that, based on the project summary and accompanying analysis, the Planning Commission finds the proposed rezone from H-A (Holding Agriculture) to the C-H (Commercial High Intensity) zone district meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, f and g and, therefore, recommends approval of the rezone to the City Council. Commissioner Mirick seconded the motion. The motion carried 7-0.

**XII. A public hearing to consider dedication of a 0.242 acre strip of land to be included with the 95<sup>th</sup> Avenue Right-of-Way**

Project Name: 95<sup>th</sup> Avenue Right-of-Way Dedication  
Case No.: D 2:17  
Applicant: Douglas DeTienne and Dawn DeTienne  
Location: 95<sup>th</sup> Avenue, south of Highway 34 Business, north of Highway 34 Bypass  
Presenter: Rachel Prelog, Planner I

Ms. Prelog addressed the Commission and entered the staff report into the record. She presented a map showing the location of the property and advised that the proposal was to dedicate .242 acres to be included within the 95<sup>th</sup> Avenue right-of-way. Ms. Prelog indicated that noticing is not required for right-of-way dedications. Staff found that the request complies with the applicable criteria of the Development Code and recommended approval.

The applicants declined to add further information.

Chair Hall opened the public hearing at 2:01 p.m. There being no public comment, the public hearing was closed at 2:01 p.m.

Commissioner Mirick made a motion that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed right-of-way dedication request meets the Development Code criterion found in Section 18.04.810 and, therefore, recommends approval to the City Council. Commissioner Yeater seconded the motion. The motion carried 7-0.



## PLANNING COMMISSION SUMMARY

**ITEM:** Right-of-Way Dedication

**FILE NUMBER:** D 2:17

**PROJECT:** 95<sup>th</sup> Avenue ROW Dedication

**LOCATION:** Generally, south of Highway 34 Business and west of 95<sup>th</sup> Avenue

**APPLICANT:** Dawn & Douglas DeTienne

**CASE PLANNER:** Rachel Prelog, Planner I

**PLANNING COMMISSION HEARING DATE:** September 26, 2017

**PLANNING COMMISSION FUNCTION:**

The Planning Commission shall consider the staff report, and review the request for compliance with Section 18.04.810 of the Greeley Subdivision Regulations, and approve, approve with conditions, or deny the request.

**PROJECT OVERVIEW AND BACKGROUND:**

**A. REQUEST**

The applicants are proposing to dedicate 10 feet of previously reserved right-of-way, 0.242 acres of property, at the request of the City and in accordance with Article VIII of the City of Greeley's Development Code, to be included within the 95th Avenue right-of-way (See attachment A – Vicinity Map and attachment B – Right-of-Way Dedication Exhibit).

**B. STAFF RECOMMENDATION**

Approval

**C. LOCATION**

The subject site is located to the west of existing 95<sup>th</sup> Avenue right-of-way, generally southwest corner of Highway 34 Business 95<sup>th</sup> Avenue (see Attachment A – Vicinity Map and Exhibit B – Right-of-Way Dedication Exhibit).

**Current Zoning:** H-A (Agricultural Holding)



**Surrounding Zoning:** North: PUD (Planned Unit Development)  
South: H-A (Agricultural Holding)  
East: H-A (Agricultural Holding)  
West: H-A (Agricultural Holding)

**Site Conditions:** The area to be dedicated is located on parcel nos. 095712100002 and 095712100003, generally southwest corner of Highway 34 Business and 95<sup>th</sup> Avenue (see Attachment A – Vicinity Map). The associated properties have two access points from 95<sup>th</sup> Avenue, one paved and one gravel. Currently, the built portion of 95<sup>th</sup> Avenue is a two-lane minor arterial, which does not contain curb or gutter and varies in width from roughly 20 feet to 25 feet.

**Surrounding Land Uses:** North: Oil & Gas, Agriculture  
South: Self-serve Storage Units  
East: Single-family Residence, Agriculture  
West: Agriculture

**Area to be Dedicated:** 10,535 square feet, 0.242 acres

#### **D. BACKGROUND**

In 2005, the applicant dedicated 30 feet of right-of-way for 95th Avenue and reserved an additional 10 feet of right-of-way to be dedicated to the City at a future time (Rec. No. 3355550).

#### **E. PHYSICAL SITE CHARACTERISTICS**

##### **1. SUBDIVISION HISTORY**

The associated properties were annexed into the City in April 2017 and were part of the 1034 Enclave Annexation. (File No. A 12:16). Prior to the City's initiating the annexation, the property owners were undergoing a Recorded Exemption, processed with Weld County, to adjust property lines and subdivide the associated properties (Weld County File Nos. RECX17-001 and SUB17-003. Both land use requests were approved on May 12, 2017 (Reception No.s 4303458 and 4303454).

##### **2. HAZARDS**

There are no known hazards on the land to be dedicated.

##### **3. WILDLIFE**

A portion of the property to be dedicated is located within an area identified for moderate impact according to the City's Areas of Ecological Significance Map. Impacts to wildlife and habitats will be evaluated by the City at the time of roadway expansion.



#### 4. FLOODPLAIN

The land to be dedicated is not located within the 100-year floodplain, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

#### 5. DRAINAGE AND EROSION

The proposal should not impact the existing drainage and erosion conditions. There are no concerns at this time with drainage or erosion.

#### 6. TRANSPORTATION

Ninety-fifth (95<sup>th</sup>) Avenue is defined as a minor arterial by the City of Greeley's Transportation Master Plan. Currently, the built portion of 95<sup>th</sup> Avenue is a recycled asphalt surface ranging in width from approximately 20-25 feet.

In 2005, the applicant dedicated 30 feet of right-of-way to the City of Greeley for 95<sup>th</sup> Avenue in conjunction with the Recorded Exemption application processed through Weld County, and reserved an additional 10 feet of right-of-way for future dedication, in response to requests from the City at the time (Rec. No. 3355550).

The dedication of an additional 10' of right-of-way would contribute to the total cross section needed for a minor arterial and provide potential for future right-of-way construction and widening of 95<sup>th</sup> Avenue. Future dedication and acquisition of land needed for the 95<sup>th</sup> Avenue right-of-way will occur either when future land use requests are considered or if pursued by the City as part of a capital improvement project.

### F. APPROVAL CRITERIA

#### DEVELOPMENT CODE COMPLIANCE

**Right-of-Way Dedication and Vacation** – Section 18.04.800(a) of the Development Code states that): *The provisions in this Article shall apply to the dedication or vacation of right-of-way which is not part of a final subdivision plat, meeting the provisions of Article V, Final Plat, or part of a minor subdivision which does not create a new street, meeting the provisions of Article VI, Minor Plat of this Chapter.*

The review criteria found in Section 18.04.810(d) of the Greeley Development Code shall be used by the Planning Commission when considering all right-of-way dedication requests.

#### A) Development Code Section 18.04.810(d)

*The Planning Commission shall consider requests for dedication or vacation of public right-of-way and shall consider all comments received as well as staff recommendation in determining whether to approve, approve with conditions, deny or table the request for future consideration. If the Planning Commission determines that the right-of-way dedication*



*or vacation request is not detrimental to public health, safety or welfare and that any request for vacation does not deprive any parcel of adequate access to public road or street right-of-way, the Commission shall recommend to the City Council that the request be approved.*

**Criteria to Consider:**

1. **Any dedication or vacation request is not detrimental to public health, safety or welfare.**

**Staff Comment:**

The request to dedicate additional public right-of-way should have no negative effects on public health, safety or welfare.

The request complies with this criterion.

2. **Any dedication or vacation request does not deprive adequate any parcel of adequate access to a public road or street right-of-way.**

**Staff Comment:**

The request should not deprive the property owners nor any adjacent parcel of access to their properties.

The request complies with this criterion.

**G. ADMINISTRATIVE REVIEW TEAM COMMENTS:**

The Administrative Review Team reviewed this proposal, and there are no outstanding comments pertaining to the right-of-way dedication request.

**H. NEIGHBORHOOD NOTIFICATION**

Neighborhood notices are not required for dedication of right-of-way.

**I. PLANNING COMMISSION RECOMMENDED MOTION:**

Based on the application received and preceding analysis, the Planning Commission find that the proposed right-of-way dedication request meets the Development Code Criterion found in Section 18.04.810 and therefore recommends approval to the City Council.

**ATTACHMENTS:**

Attachment A – Vicinity Map


Attachment B – Right-of-Way Dedication Exhibit



## Exhibit A: Vicinity Map



### Legend

 Road Segment

D 2:17  
**95th Avenue Right-of-Way Dedication**

0 0.225 0.45  
Miles





**LEGAL DESCRIPTION  
EXHIBIT A  
RIGHT of WAY DEDICATION**

A tract of land of land located in the Northeast Quarter of Section 12, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M. City of Greeley, Weld County, Colorado more particularly described as follows:

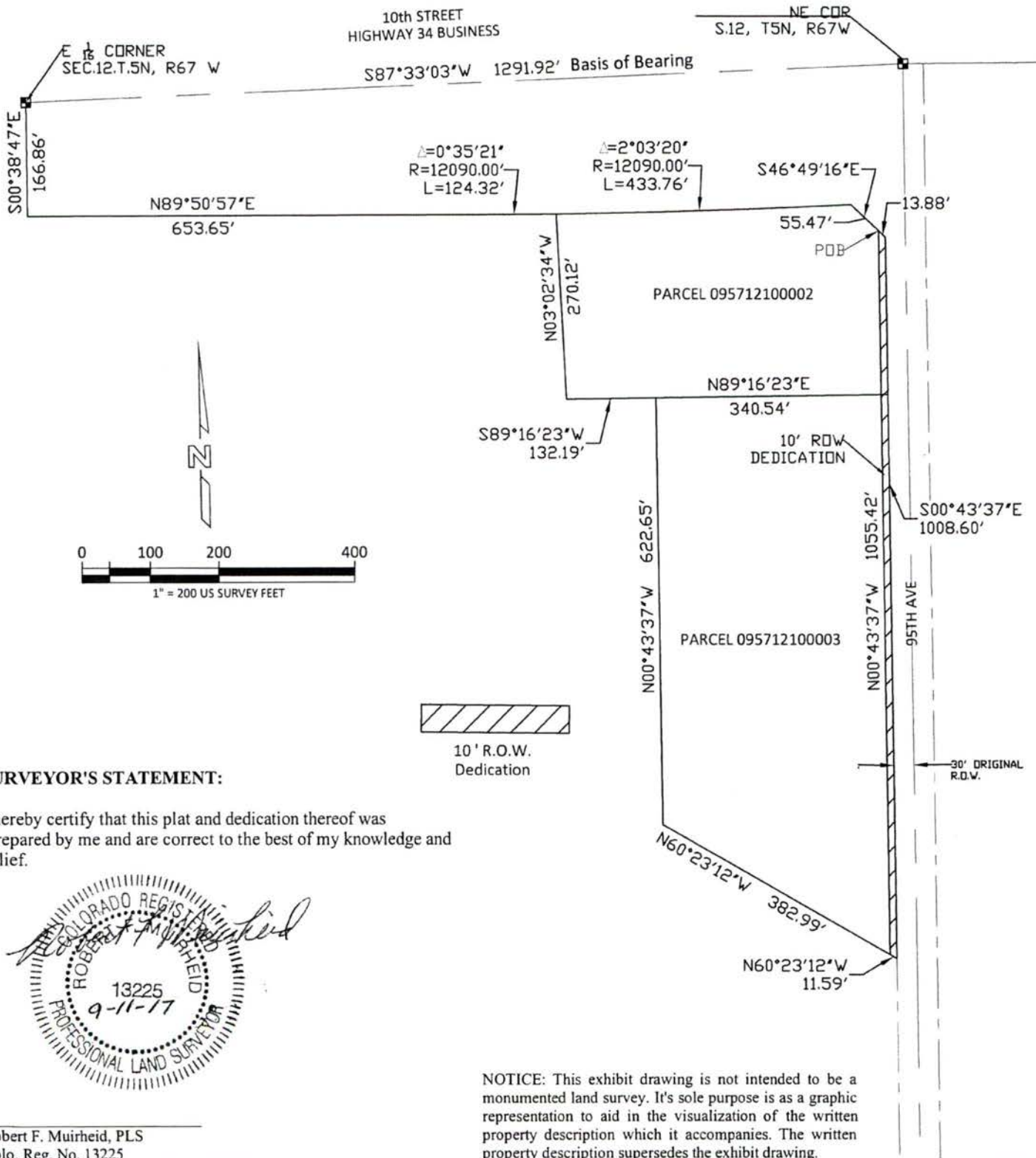
Commencing at the Northeast corner of said Section 12, thence along the North line of said Section 12 S 87°33'03" W (said bearing being the **Basis of Bearing** for this description and all other bearings contained herein being relative thereto), a distance of 1291.92' to the East 1/16 Corner of said Section 12; thence S 00°38'47" E a distance of 168.86' to the Southerly Right-of-Way line of US Highway 34 Business; thence along said Southerly Right-of-Way the following 5 courses:  
N 89°50'57" E, a distance of 653.65'; thence along a curve to the left having a radius of 12090.00', a delta of 0°35'21" an arc length of 124.32' to the Northwest corner of Parcel No. 095712100002; thence continue on said Southerly Right-of-Way and the Northerly line of said Parcel No. 095712100002 and continuing on said curve to the left whose radius is 12090.00' an arc length of 433.76' and a delta of 02°03'20" to a point; thence continue on said Southerly Right-of-Way and the Northeasterly line of Parcel No. 095712100002, S46°49'16", a distance of 55.47' to the **POINT OF BEGINNING** for this description, Thence continue along said Right-of Way line S 46°49'16" E, a distance of 13.88' to a point on the East Right-of-Way of 95<sup>th</sup> Ave. as shown on Reception No. 4303458 of the Records of said Weld County, said point furthermore being the Northeast corner of said Parcel No. 095712100002; thence along the Easterly line of said Parcel 0957112100002, S00°43'37" E a distance of distance of 1008.60' to the Southeast corner of said Parcel No. 095712100003; thence N 60°23'12" W along the Southerly line of said Parcel No. 095712100003, a distance of 11.59'; thence N 00°43'37" W, a distance of 1055.42', to the **Point of Beginning**. Said tract containing 10535 square feet or 0.242 acres more or less.



PREPARED BY: \_\_\_\_\_

Robert F. Muirheid, P.L.S.  
Colo. PLS NO. 13225  
For and on behalf of the City of Greeley, Colorado  
1001 9<sup>th</sup> Avenue  
Greeley, Colorado 80631  
970.350.9799





Robert F. Muirheid, PLS  
Colo. Reg. No. 13225



Department of Public Works  
Engineering Division  
1001 9th Avenue  
Greeley, CO 80631  
PH: 970.336.4047 FAX: 970.336.4142

PROJECT NO:  
DATE: Sept. 8, 2017  
CLIENT:  
DWG NO:  
DRAWN: CHECKED:



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 13**

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

### Title

Consideration of a Resolution adopting Stormwater Utility Fees for 2018

### Summary

The Stormwater Financial Rate Model indicates a need to increase stormwater utility fees 7.8% in 2018 in order to adequately fund the utility's three main programs. The three main programs are:

1. capital improvement program (new or enlargement projects),
2. capital replacement (maintenance), and
3. pollution discharge elimination and National Pollution Discharge Elimination Systems (NPDES) permit oversight.

As part of these programs, the city maintains 876,480 feet of stormwater pipe, maintains 80 detention ponds, annually collects and disposes of 3,265 cubic yards of street sweeping material, maintains the #3 ditch from 1st Ave to 35th Ave and oversees NPDES permitting. The NPDES permit includes:

1. public education and outreach
2. public participation or involvement
3. illicit discharge detection and elimination
4. monitor construction site runoff
5. post-construction runoff control
6. pollution prevention/good housekeeping

The monthly fee is determined by multiplying the property area x "C" Factor x Base Rate.

Note: The "C" factor is determined by impervious areas of a property.

### Capital Construction

The 7.8% increase will generate approximately \$428,000 in additional funding. For 2018, there is approximately \$2,100,000 budgeted for Capital Improvement Projects (CIP).

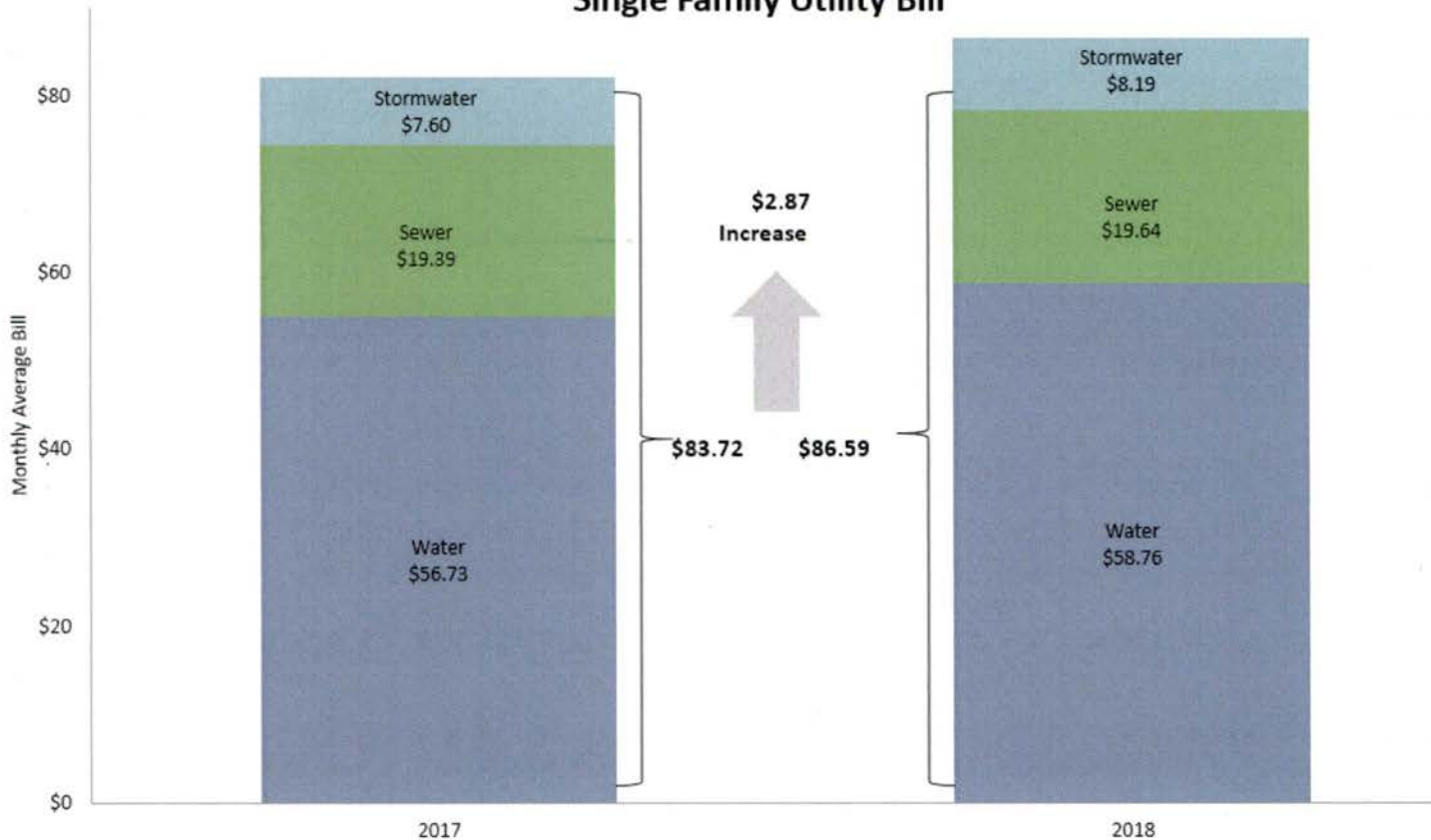
### Capital Replacement

In 2010 staff began rating the stormwater system in order to create a more proactive list of maintenance needs for the underground pipe system. This effort to date has found over \$1 million in maintenance needs in just a portion of the downtown area after 14% of the lines were cleaned, video-inspected and evaluated. For 2018 there is \$1,054,000 budgeted for storm line capital replacement to repair or replace storm drainage facilities identified through the inspection program, and addressing smaller neighborhood projects to address smaller flooding concerns.



The graph below shows a comparison of 2017 and 2018 monthly costs for a single family residence bill for all three (3) city utilities. The stormwater portion of a customer's bill will be approximately 9.5% on a single family monthly bill. This breakdown is based on a 7.8% stormwater, 1.3% sewer, and 3.6% water rate adjustments for each utility. This gives an overall 3.4% total rate increase equivalent to \$2.87 per month for all three utilities combined.

### 2018 Monthly Average Single Family Utility Bill



#### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial or onetime impact?	\$0
What is the annual impact?	\$428,000 revenue
What fund of the City will provide funding?	Stormwater Operating
What is the source of revenue within the fund?	Revenue from stormwater fees
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments: A 7.8% increase in stormwater utility fees will increase an 8,000 sq. ft. residential property's fee by \$0.59 from \$7.60 per month to \$8.19 per month. Other land use increases are listed below:	



LAND USE	AREA SQ FT	C- FACTOR	2017 SW FEE/MONTH	7.8% INCREASE	2018 SW FEE/MONTH
Residential	8,000	0.45	\$7.60	\$0.59	\$8.19
Church	77,101	0.47	\$76.47	\$5.96	\$82.43
Commercial	114,800	0.87	\$210.77	\$16.44	\$227.21
Industrial	104,500	0.76	\$167.60	\$13.07	\$180.67
School	655,496	0.50	\$498.17	\$38.86	\$537.03

#### Legal Issues

Stormwater utility fees must be set by Council resolution.

#### Other Issues and Considerations

Even with a 7.8% per year increase, there is over \$79.5 million in unfunded drainage capital improvements during the period of 2018 – 2022.

The Stormwater Board on July 12, 2017 unanimously supported the 7.8% rate increase by a vote of 5-0.

#### Applicable Council Goal or Objective

Infrastructure & Growth

#### 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

Stormwater Utility Rate Comparison

Rate Increase Analysis



THE CITY OF GREELEY, COLORADO

RESOLUTION NO. \_\_\_\_\_, 2017

A RESOLUTION ADOPTING STORMWATER UTILITY FEES

WHEREAS, Chapter 14.15 of the Greeley Municipal Code imposes upon each customer, as defined herein, a Stormwater Utility Fee in an amount set by the City Council by resolution; and

WHEREAS, the Greeley City Council desires to set such fee by the adoption of this resolution; and

WHEREAS, the City Council has considered the fee and definitions set forth herein and hereby finds and determines that the same are fair, just, and equitable, and are necessary to provide an adequate stormwater management system.

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

Section 1. Stormwater Utility Fees.

Stormwater utility fees are established and imposed at the base rate of \$.002275 per square foot of property area. The total monthly fee will be determined and is imposed by multiplying the base rate of \$.002275 by the area of the property multiplied by the runoff factor for the property. The runoff factor established for a property is based upon the type of surface and land use of the property.

Section 2. The fees imposed herein shall be billed beginning with each utility bill rendered on or after January 1, 2018.

Section 3. This Resolution shall become effective immediately upon its passage, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

THE CITY OF GREELEY, COLORADO

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

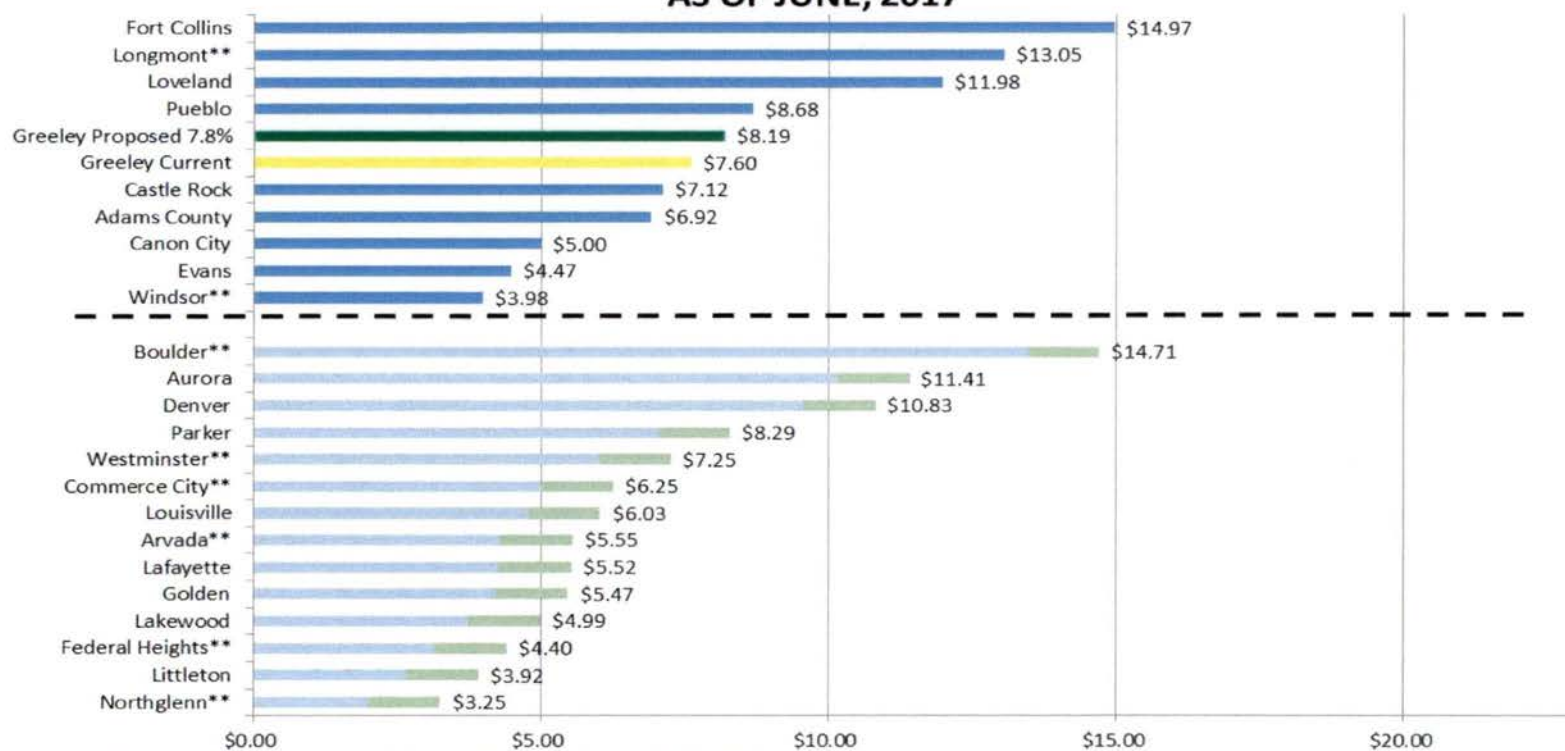
By: \_\_\_\_\_  
Mayor





# City of Greeley Stormwater Utility Rate Comparison

**AVERAGE MONTHLY STORMWATER FEE CHARGED TO  
SINGLE FAMILY RESIDENCES IN GREELEY, COLORADO  
AS OF JUNE, 2017**



\*Additional property tax charges for Urban Drainage District are highlighted in orange.

\*\*Communities whose rates were unchanged.





## City of Greeley 2018-2022 Stormwater CIP Rate Increase Analysis

2018	Stormwater Category	Total 2018 Expenditure	% Increase
		Budget	
	Operating	\$4,391,332	2.8%
	New Construction Projects*	\$2,095,166	3.2%
	Neighborhood Projects**	\$510,000	1.8%
		\$ 6,996,498	7.8%

2018	*New Construction Project Description	Projected	%
		Cost	Increase
	Sharktooth Bluffs Master Plan	\$200,000	0.7%
	12th Street Outfall Preliminary Design	\$ 695,324	2.5%
		\$ 895,324	3.2%

2018	**Neighborhood Project Description	Projected	%	Reason Needed
		Cost	Increase	
	Moon Pond Spillway Upgrade	\$300,000	1.1%	Life/Safety
	Bittersweet Pond Spillway Repairs	\$25,000	0.1%	Life/Safety, Park Damage
	Poudre River Ranch Detention Pond Forebay	\$20,000	0.1%	Maintenance/Property Damage
	51st Avenue Overflow Channel at 11th Street Road	\$20,000	0.1%	Property Damage
	29th St. Storm Drain Improvements	\$125,000	0.4%	Life/Safety
	Allison Farms Manhole	\$20,000	0.1%	Life/Safety, Property Damage
	Total	\$ 510,000	1.8%	

Future	Neighborhood Project Description	Projected	Reason Needed
		Cost	
	11th Avenue Drainage at No. 3 Canal	\$400,000	Life/Safety, Property Damage
	Belair Park Storm Drain Improvements: Sunset Lane	\$250,000	Property Damage
	Country Club Estates - 11th St Storm Pipe	\$750,000	Property Damage/EV Access
	Rangeview Estates Storm Drain	\$100,000	Property Damage
	59th Avenue & 4th Street Storm Drain	\$225,000	Life/Safety
	23rd Avenue Storm Drain - 2nd Street to 1st Street	\$600,000	Property Damage
	23th Avenue Storm Drain - 1st Street to C Street	\$800,000	
	Rangeview Estates North	\$50,000	Property Damage
	Highland Hills South Storm Drainage	\$150,000	Maintenance/Property Damage
	Weber West Storm Drain	\$300,000	Property Damage
	Highland Hills Detention Pond Spillway	\$400,000	Maintenance/Property Damage
	Fox Run 3rd South Outfall	\$300,000	Maintenance/Property Damage
	Graham Seep at O Street	\$750,000	Roadway Widening
	30th Street Storm Drain	\$750,000	Property Damage
	Eagle View Detention Basin Upgrades	\$100,000	City Property Damage
	Weber West Detention Basin Repairs	\$50,000	City Property Damage
	Sharktooth Bluffs Tributary 2	\$250,000	Poudre Learning Center
	Sharktooth Bluffs Tributary 3	\$250,000	Poudre Learning Center
	Dove Creek Grade Control Structures	\$100,000	City Property Damage
	Leavy Park Channel	\$300,000	Property Damage
	Centerplace Drive at 45th Avenue	\$200,000	Life/Safety/EV Access
	Pineridge/College Green Storm Drain	\$250,000	Maintenance/Property Damage
	44th Avenue Court Storm Drain	\$250,000	Property Damage
	Pioneer Drive Storm Drain	\$100,000	Maintenance/Property Damage
	40th Avenue Court Storm Drain	\$100,000	Maintenance
	Bittersweet Pond Forebay	\$500,000	Maintenance
	16th Street Pipe Damage Repair 45th Av. To 47th Av.	\$200,000	Maintenance/Property Damage
	Orchards Subdivision Drainage Improvements	\$25,000	Maintenance/Property Damage
	37th StRd. Storm Drain	\$20,000	Property Damage
	Total	\$8,520,000	



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 14**

Key Staff Contact: Sharon McCabe, Human Resources Director, 970-350-9714

### Title

Consideration of a Resolution of the City Council of the City of Greeley, Colorado, authorizing City staff to resolve claims with Work Out West (OC Sports) arising from a water main break incident occurring January 24, 2017 at 59<sup>th</sup> Avenue and 20<sup>th</sup> Street

### Summary

Work Out West sustained water damage to property resulting from a water main break occurring on January 24, 2017. Several million gallons of water were released when a 20" high pressure water line failed. Water damage to property, contents and landscaping occurred: landscaping, retaining wall, mitigation to dry out and reconstruct portions of building, damage to business personal property and temporary business interruption.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial or onetime impact?	\$58,397.00
What is the annual impact?	None
What fund of the City will provide funding?	Liability Fund
What is the source of revenue within the fund?	Allocations charged to each City department
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

Resolution of claims with Work Out West would resolve all claims associated with the January 24, 2017 incident.

### Other Issues and Considerations

None anticipated.

### Applicable Council Goal or Objective

Economic Health & Development

### 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

Settlement and Mutual Release Agreement



**THE CITY OF GREELEY, COLORADO**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO,  
AUTHORIZING CITY STAFF TO ENTER INTO A  
SETTLEMENT AGREEMENT WITH WORK OUT WEST**

WHEREAS, on or about January 24, 2017, a water main break occurred in the area of 59<sup>th</sup> Avenue and 20<sup>th</sup> Street; and

WHEREAS, Work Out West filed a Notice of Claim pursuant to C.R.S. § 24-10-109 requesting reimbursement for damages that occurred on their property; and

WHEREAS, the City's Risk Manager, as authorized in Section 4.18.040(a) of the Greeley Municipal Code, has investigated Work Out West's claim; and

WHEREAS, Work Out West has submitted evidence of damages and costs of repairs totaling \$58,397; and

WHEREAS, the parties have agreed to resolve all issues involved, which is fully contingent upon Council's approval pursuant to Section 4.18.040(b); and

WHEREAS, settlement will include the full release of all claims against the City of Greeley, its officers and employees as required by Section 4.18.040(e); and

WHEREAS, the City's Risk Manager and the City Attorney's Office believe it is in the best interests of the City of Greeley to approve a settlement of this claim.

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

1. City Council authorizes City staff members to sign a Mutual Release and Settlement Agreement with Work Out West to resolve all claims associated with the January 24, 2017 incident.
2. The City Attorney is authorized to make changes to the Mutual Release and Settlement Agreement following review by City Council so long as such changes do not change the substance of the agreement.
3. This Resolution shall become effective immediately upon its passage, as provided by the Greeley City Charter.

PASSED, AND ADOPTED, SIGNED AND APPROVED THIS 17<sup>th</sup> DAY OF OCTOBER, 2017.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: \_\_\_\_\_  
City Clerk

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



## **SETTLEMENT AND MUTUAL RELEASE AGREEMENT**

THIS SETTLEMENT AND MUTUAL RELEASE AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between Club West, Inc., doing business as Work Out West, a Colorado corporation (“Claimant”) and THE CITY OF GREELEY, COLORADO (“City”), is an agreement which exchanges a full and mutual release of all claims by Claimant against the City of Greeley as result of any and all injuries and damages arising from an incident occurring on or about January 24, 2017, in exchange for the following consideration.

IN CONSIDERATION of the mutual covenants undertaken and the mutual releases contained in this agreement the adequacy of which is acknowledged by and between the parties, Claimant and the City agree as follows:

### **RECITALS**

- A. Claimant submitted a claim to the City of Greeley on or about January 24, 2017, seeking reimbursement for costs associated with repair of a water main break located at 59<sup>th</sup> Avenue and 20<sup>th</sup> Street in Greeley, Colorado, which occurred on January 24, 2017. The costs claimed by Claimant were in the amount of \$58,397.
- B. The parties have agreed that the total cost of the repair to the Claimant’s property, to include the remediation work on the retention pond, is reasonable and justified.
- D. The Parties desire to enter into this Settlement and Mutual Release Agreement (“Agreement”) in order to provide for a full and final mutual settlement as well as a discharge of all claims each may have against the other related to the incident which occurred on January 24, 2017.

### **AGREEMENT**

1. Settlement Compensation. The City agrees to pay Claimant the amount of FIFTY-EIGHT THOUSAND THREE HUNDRED NINETY-SEVEN DOLLARS (\$58,397.00). This amount shall be payable to Club West, Inc., within fifteen (15) business days following the execution of this Agreement and receipt by the City of a W-9 from Claimant.

2. Release and Discharge. In consideration of the equitable distribution of expenses called for herein and mutual promises between the Parties, the Parties completely release and forever discharge each other and any past, present and future officers, directors, stockholders, attorneys, agents, servants, representatives, employers, employees, subsidiaries, affiliates, partners, predecessors, successors and assigns, and all other persons, firms or corporation with whom the Parties have been, are now or may hereafter be affiliated, of and from any and all past, present or future claims, demands, obligations, actions, causes of action, damages, exemplary damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on tort, contract or other theory of recovery, which Parties now have, or which may hereafter accrue or otherwise be acquired, arising out of or in any way relating to the January 24, 2017 incident, which are or could have been the subject of the claim including, but not limited to, any and all known or unknown claims, as well as any and all known or unknown claims for or any future claim of the Parties’ representative(s) or assignee(s). This Release and



Discharge shall be a fully binding and complete settlement between the Parties, their affiliates, assigns, predecessors and successors.

3. General Release. The Parties hereby acknowledge and agree that this Release and Discharge is a general release of any and all claims arising out of or in any way relating to the incident which occurred on January 24, 2017, and they further expressly waive and assume the risk of any and all claims for damages which exist as of this date, but of which the Parties do not know or suspect to exist, whether through ignorance, oversight, error, negligence, or otherwise, and which, if known, would materially affect the Parties' decision to enter into this Agreement. The Parties further agree that they have accepted the benefit of the payment of the sum specified herein and the mutual promises as a complete compromise of matters involving disputed issues of law and fact, and the Parties assume the risk that the facts or law may be otherwise than the Parties believe. It is understood and agreed by the Parties that this settlement is a compromise of a disputed claim, and the payment is not to be construed as an admission of liability on the part of the City of Greeley.

4. Scope of Agreement. This Agreement is intended as a release of all claims of the kind or nature set forth above as to all persons, firms or corporations, regardless of whether such persons are specifically named or designated herein, and regardless of whether such persons, firms or corporations or parties to any litigation arising out of this matter, except to the extent any limitations are specifically designated herein to the contrary.

5. Denial of Liability/Assumption of Risk/Mistake of Fact. The parties specifically affirm that the above-described compensation would not be paid, except as consideration set forth in exchange for the full and complete release of any and all claims, actions or causes of action, known or unknown, as described above. It is understood and agreed to by the parties that this settlement is a compromise of a disputed claim and the payments are not to be construed as an admission of liability on the part of either party. The parties specifically acknowledge that they have taken into account and are aware of the facts and circumstances surrounding the incident on January 24, 2017. Parties have specifically taken into account that potential mistake of facts may have been made and reached in this particular settlement and affirm that part of the consideration above is being given by the parties to each other for the voluntary assumption of that potential risk arising from this possible mistake of fact. The parties' assumption of this potential risk is final and complete, but this assumption of risk shall not constitute any admission by any party of any liability or wrongdoing. The parties acknowledge that there may be unknown injuries or damages, of which they are not aware, relating to the above-described incident and the surrounding circumstances. It is the parties' intent to release the other from any and all claims which may arise from the above-described incident.

6. Warranty of Capacity to Execute Agreement. Each Party, as to its claims, demands, obligations, or causes of action referred to in this Agreement, represents and warrants that no other person or entity has or has had any interest to such Parties' claims, demands, obligations, or causes of action, except as otherwise set forth herein, and each Party has the sole right and exclusive authority to execute this Agreement and receive the sums specified herein, and that each Party has not sold, assigned, transferred, conveyed or otherwise disposed of any of its claims, demands, obligations, or cause of action released or referred to in this Agreement.

7. Subrogation/Attorney Lien. Claimant agrees that all payments to third parties who may have subrogation rights and/or Attorney's Lien to any monies received pursuant to this Agreement as a result of any and all injuries and damages arising from the January 24, 2017 incident are the sole responsibility of Claimant. Claimant agrees to accept sole responsibility for any lien asserted by any third party on any



monies received pursuant to this agreement. Claimant, by this agreement, agrees to hold harmless, defend and indemnify the City from any third party claims to any portion of the monies received under this agreement.

8. Action to Enforce terms. The parties agree that Presentation of the Agreement shall be a complete affirmative defense to any and all such claims and shall be a complete bar to any such action.

9. Miscellaneous.

A. This instrument constitutes and contains the entire agreement and understanding of the parties and the subject matter herein between the parties arising from any and all damages and injuries arising from the January 24, 2017 incident and supersedes and replaces all prior negotiations and all agreements proposed or otherwise, whether written or verbal, all concerning the subject matter hereof. No party, nor any agent or attorney therefore, has made any promise, representation, or warranty whatsoever, express or implied, not contained herein.

B. Neither the process of negotiating nor the act of executing this agreement is intended to be nor shall at any time be deemed, construed, or treated in any respect as an admission of liability of the legal validity of any claim asserted by any party hereto or otherwise. Nothing in this agreement shall be constructed as a waiver of immunity provided by common law or by state statute, including the Colorado Governmental Immunity Act, Section 24-10-101, et.seq., C.R.S.; and further shall not be deemed as an assumption of any duty with respect to any non-party to this Agreement.

C. No waiver of any breach of any term or provision of this agreement shall be construed to be, nor shall be, a waiver of any other breach of this agreement. No waiver shall be binding unless in writing, signed by the party waiving the breach.

D. If any provision of this Agreement shall be determined to be invalid or void, for any reason, the remaining provisions shall nonetheless remain in full force and effect.

E. Each party hereto acknowledges that they and/or their respective counsel have participated in or had the opportunity to participate in the drafting, preparation and review of this agreement and, therefore, no part hereof shall be construed against any party based upon the identity of any person who purported to be the drafter of such language.

F. The Parties execute this Agreement without reliance upon any statements or representations by the other concerning the nature and extent of any damages, legal liability, tax consequences or any other matter except as contained in this Agreement. Claimant voluntarily agrees to assume the risk and obligation to pay any and all taxes due as the result of receiving the settlement funds referenced herein.

G. This agreement is contractual in nature and not a mere recital, each party asserting that valuable consideration has been received, binding the parties to their respective rights and obligations hereunder.

H. It is understood and agreed that both Parties shall bear its own attorneys' fees and costs, if any, arising from the action of its own counsel in connection with the claim.

I. The Parties agree to cooperate fully and execute any and all supplementary documents, and to take all additional actions which may be necessary or appropriate to give full force and effect to the terms



of this Agreement.

J. This Agreement may be executed in any number of counterparts, each of which, when so executed, shall be deemed to be an original and all of which, taken together, shall constitute one and the same agreement.

K. This Agreement shall become effective following its execution by the Parties and upon the release of funds, as stated in paragraph 1 above.

**CLAIMANT:**  
**CLUB WEST, INC. doing business as**  
**WORK OUT WEST**

**THE CITY OF GREELEY, COLORADO:**

APPROVED AS TO SUBSTANCE:

By: \_\_\_\_\_  
Its \_\_\_\_\_

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

AVAILABILITY OF FUNDS:

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

APPROVED AS TO LEGAL FORM:

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



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 15**

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

### Title

Consideration of a Resolution amending City Council's Policies and Protocol to modify Board and Commission residency provisions

### Summary

At the October 10, 2017 Work Session, City Council expressed an interest in strengthening the provisions listed within Council's *Policies and Protocol* regarding Council's preference that appointed Board and Commission members reside in Greeley. Non-Greeley property owners and other non-Greeley residents would be considered on a case-by-case basis.

The City's Code of Ordinances, in Section 2.30.060, addresses Council's desire to reach equal representation from Greeley's four wards, and the Section reads, "In order to reach and maintain a balance of representation from each of the City's four wards, board membership, unless otherwise provided by Charter or Code, shall total five or nine members, with a preference that one member, or two members for nine-member boards, reside in and represent each of the four wards."

The mandate for equal ward representation was repealed in 2006 at the recommendation of the Human Relations Commission, although the preference for City residency and diverse geographic representation remained in this Code Section and also was clarified within Council's Policies and Protocol. For reference, the 2006 recommendation from the Human Relations Commission and the February 28, 2006 Council meeting minutes, are attached.

This proposed Resolution amends the Council's *Policies and Protocol* to underscore that Greeley residents will have preference in the selection of Board and Commission members. Additionally, staff's recruitment and application process will emphasize this direction.

### 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:	



#### Legal Issues

None noted.

#### Other Issues and Considerations

None noted.

#### Applicable Council Goal or Objective

Civic Infrastructure – Create a community that recognizes and capitalizes on the power of aligned principled relationships to address any challenges we face.

#### 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

Excerpt, Council's Policies and Protocol

Excerpt, February 28, 2006 Council meeting minutes & 2006 Human Relations Commission recommendations



**CITY OF GREELEY, COLORADO**

**RESOLUTION NO. \_\_\_\_\_, 2017**

**A RESOLUTION AMENDING CITY COUNCIL'S POLICIES AND PROTOCOL TO  
MODIFY BOARD AND COMMISSION RESIDENCY PROVISIONS**

WHEREAS, section 3-3 of the Greeley City Charter provides that City Council shall determine its own rules of procedure; and

WHEREAS, City Council approved rules of procedure on February 18, 1992, and modified these rules from time to time including a title change to *Policies and Protocol*; and

WHEREAS, the *Policies and Protocol* provides for amendment of the rules by resolution; and

WHEREAS, there is interest in adding to Section 14.2, regarding Citizen Boards and Commissions, City Council's preference for appointed Board and Commission members to be Greeley residents.

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

Section 1. Section 14.2 of the City Council *Policies and Protocol* is amended to read as listed in Exhibit A (language deleted is shown as strikethrough text and new language listed in bold, underlined type):

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

PASSED AND ADOPTED, SIGNED AND APPROVED this 17<sup>th</sup> day of October, 2017.

ATTEST

THE CITY OF GREELEY, COLORADO

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

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



**14****14.1 Council Committees****14.2 Citizen Boards and Commissions*****Creation of Committees, Boards and Commissions***

(Reserved)

**a. Purpose.** Volunteer citizen advisory groups may be established with a variety of roles and responsibilities, and provide formal and continuous citizen involvement in City government. Some groups are established to satisfy state or local law.

City Council anticipates and welcomes recommendations from advisory boards. In balancing the needs of the community, Council may not always adopt a board recommendation. It is expected that boardmembers honor the decision made by Council and not circumvent Council's conclusions.

**b. Administrative Support.** Administrative support will be provided to the various Boards and Commissions by the appropriate City department.

**c. Recruitment and Qualifications.**

(1) General recruitment efforts shall be made **to Greeley residents** with special measures being taken to balance ward representation and attract minority and special population applicants.

(2) Generally, volunteers will be limited in serving on one board or commission at a time.

(3) The number of terms served by a citizen member, with the exception of those serving on the Water and Sewer Board, will be limited to two.

(4) Absence excuses may be given by the chairpersons of each board. Excessive absences of Boardmembers may also be considered during reappointment application, and may be cause for dismissal at Council's discretion.



**d. Application and Appointment.**

- (1) Unless otherwise stated, positions on Boards and Commissions shall be appointed by Council from applicants who have completed the appropriate application form and interview process. Greeley residents will be given appointment preference, and property owners living outside of Greeley and other non-Greeley residents may be considered on a case-by-case basis.
- (2) Application forms shall be developed and made available to potential board candidates.
- (3) Interview of the candidates may be conducted by two-member Council teams. Notwithstanding the above, candidates for the Water and Sewer Board and the Planning Commission will be interviewed by the Council.
- (4) At the option of the Council interview team the chair or chair's designee will be invited to be present at the interviews and serve as a resource for their board or commission.
- (5) The Council team's recommendations for appointments will be forwarded to Council for consideration.
- (6) Council appointment may be by written ballot and candidates must receive the vote of a majority of Council.
- (7) Individuals appointed to fill a vacancy with an unexpired term of six months or less shall also be appointed to serve the succeeding full term.
- (8) With the exception of the Water and Sewer Board members, the number of terms served by a board member generally shall be limited to two so as to allow broad citizen participation. Council may consider retaining board members beyond two terms on a case-by-case basis when such a continued appointment appears to be in the best interest of the board and the City.

**e. Orientation.** The citizen volunteer shall be provided the opportunity to receive an orientation and working knowledge of overall City functions and responsibilities with a specific focus on the board to which the volunteer has been appointed.

**f. Council & Commission Roundtable.** Dialogue between the



boards and Council concerning goals and key issues is desired at least annually. In lieu of an annual roundtable, Council may utilize other methods of communications with boards and commissions, such as a periodic newsletter or triennial review.

**g. Leadership Training.** Members of boards who function as officers are expected to partake in training sessions which are geared toward the development of leadership skills, which may be funded from City Council's budget, if needed.

**h. Recognition/Appreciation.** A program to recognize the special efforts of the City's outstanding citizen volunteers, and a standard method of recognizing the service of all citizen board members may be implemented.

**i. Triennial Review.** With the exception of the boards and commissions authorized by the Greeley Home Rule Charter, each City board and commission will be reviewed every three years by City Council and then authorize its continuance or sunset. In preparation for the Council review, each board and commission may complete a self-assessment and submit the group's accomplishments, goals and program plan.



Mayor Selders noted that a lot of comparisons really don't need to be made and that staff should focus on making the Commission advisory with decisions being ratified by the Council. He added that the design review element should probably continue to rest with the Commission, as well as individual property designations.

### → 3. BOARD APPOINTMENTS AND RECRUITMENT METHODOLOGIES

Betsy Holder, City Clerk, reported that the Council had asked the Human Relations Commission to take a look at the City's board and commission membership diversity, recruitment methodologies, and the percentage of board member turnover. She noted that 200 members serve on the City's 30 boards and commissions serving three-year terms. Council makes 65-85 appointments each year with an opportunity to look at diversity. She stated that currently, staff is tracking gender, race and ward representation of the membership.

Ms. Holder indicated that a sub-committee of the Human Relations Commission was formed to further study the issue and formulated a number of ideas which the Commission endorsed. Four recommendations were ultimately forwarded which included 1) consider geographic representation as an appointment factor, along with age, ethnicity, gender and disability rather than a requirement; 2) enhance the recruitment process with more focused outreach efforts; 3) request that current boards and commissions evaluate whether meeting times are workable for current and potential members; and 4) continue to encourage community members to participate in the Greeley Government Academy which often serves as a springboard to board and commission involvement.

Councilmember Phillipsen asked what a more focused recruitment effort would look like, and Ms. Holder indicated that rather than community wide invitations to serve, cultural groups and other underrepresented groups in the community would be targeted.

Councilmember Phillipsen stressed that the day and time boards meet are excluding community members from applying and serving. He also noted that ward representation is critical in order to assure that we're not disenfranchising anyone and keeping all boards and commissions on a level playing field in terms of representation.

Sandy Elder, Commission Member, stressed that the recommendation is not intended to disregard ward representation, however, to recognize that Council can consider this when making appointments rather than making it a mandate at application. She pointed out that this mandate is hindering community members who are willing to serve or who have an interest in a particular board from even applying.

With regard to meeting times, Ms. Elder indicated that staff is very willing to look at making meeting times workable for those appointed.

Ms. Elder also indicated that the community's youth should be more involved in all boards and commissions.



Council generally concurred to direct staff to bring forward the needed ordinance containing the recommendations of the Human Relations Commission.

#### 4. COMMUNICATIONS

Councilmembers discussed the issue of pending funding requests.

Councilmember Shaddock pointed out that there is some good language in the City's Comprehensive Plan that would be a good reference before a decision is made on these requests.

Councilmembers generally concurred to fund the community branding project, with more discussion needed on the Greeley Chorale, Promises for Children and Stampede Shuttle requests.

Councilmember Phillipsen encouraged a full discussion on the issue of outside funding requests before a decision is made on individual requests. He referenced the Charter language as a basis for his position on doing this.

Mayor Selders asked that staff bring an ordinance to Council with blanks to be filled in after discussion. He stated that a March 21<sup>st</sup> introduction would be appropriate.

#### 5. COUNCIL PRIORITIES AND PERFORMANCE MEASURES

Mr. Otto reported that City Council had established priorities at its' annual retreat and requested staff to provide some additional written descriptions of the priorities as well as to develop potential performance measures. He noted that once Council consensus is reached, they will be formalized by resolution at the March 7, 2006, meeting.

Councilmember Feldhaus indicated that it is important for staff to be looking at quantifiable types of progress, so he's happy to see this effort. He inquired about current baselines, and Mr. Otto indicated that in some cases, those will be created for the first time with this effort. He stated that staff will look back at previous years, however, for tracking and comparisons.

Council agreed to review each priority and discuss each one by one.

Priority 1 – Foster a proactive and accountable organizational environment.

Priority 2 – Improve socio-economic conditions.

Councilmember Phillipsen inquired about being able to compare and track vandalism incidents, and Jerry Garner, Police Chief, indicated that this may not be a component that other communities track, however, Greeley can track its' if that is Council's direction.

Councilmember Feldhaus suggested a matrix type of model for economic gardening.



Human Relations Commission  
Diversity of City Boards/Commissions  
Recommendation to City Council

At the request of City Council, the Human Relations Commission provides the following recommendation on items to be considered in impacting the diversity of Council-appointed board/commission members.

1) Eliminate "Ward" representation as a primary determinant in selecting applicants for board/commission positions. Include Ward representation as a factor along with other factors that should be given a higher priority such as:

- Age
- Ethnicity
- Gender
- Disability

Key concerns:

- Ward representation does not represent our diverse community so should not play such a large role in the selection process.
- By not living in a specific Ward, candidates who might otherwise increase board/commission diversity are being passed over for appointment to boards/commissions.
- Community residents are frequently unfamiliar with the Ward boundaries in terms of: where they are located, which Ward he/she lives in, or how they are determined. Applicants are therefore not completely able to determine whether they are qualified to apply for a given vacancy.
- Ward boundaries are viewed primarily as a political tool and appointment to boards/commissions should not be politicized.
- Applying Ward representation as a primary factor has slowed down the process of filling board/commission vacancies.
- City Council is represented by Wards and rotates Council members assigned to conduct the interviews which should minimize any perceived bias for/against applicants from various wards.
- Our community is not "fragmented" to the extent that justifies attempting to diversify boards/commissions by this factor to the exclusion of other important factors.

2) RECRUITMENT RECOMMENDATIONS:

- City staff - Recruit members through short, up-beat talks at professional organization meetings (e.g. Latinos Unidos, cultural centers at colleges)
- City staff - Continue to advertise publicly in both the Greeley Tribune and ensure placed in La Tribuna
- City staff and HRC as well as members of boards/commissions with vacancy - Word of mouth recruitment is the most effective
- City staff and identified volunteers - Develop a special events "recruitment" team (Council town meetings)
- Council - Continue to have open meetings so public can get insight to culture of Council and how it operates
- City Staff, board/commission members - Raise profile of boards needing applicants (e.g. articles in Round-Up, letters to editor from board/commission members, Talk with the Mayor program, "Focus On" programs/articles - air prior to Council meetings)
- Volunteer(s) - Use local celebrity/well known individual(s) to solicit volunteers for this recruit process



- Board/Commission Members - Evaluate whether time of meetings is conducive to family and work constraints of members and potential members.
- City staff - Most importantly, continue to use Greeley Government Academy (GGA) as a springboard to boards and commissions and continue to post GGA or mention at every opportunity or meeting (e.g. Neighborhood Building Blocks meetings)



# Council Agenda Summary

October 17, 2017

**Agenda Item Number 16**

Title

Pulled Consent Agenda Items



# Council Agenda Summary

October 17, 2017

## Agenda Item Number 17

Key Staff Contact: Sharon McCabe, Human Resources Director, 350-9714

### Title

Public hearing and final reading of an ordinance adopting the General Employee Pay Plan for 2018

### Summary

This ordinance authorizes the pay plan for general employees for the fiscal year 2018 (January 1, 2018 through December 31, 2018). The adjustments to the pay ranges for the 2018 pay plan vary based on salary survey data by job family:

	<b>Average Pay Range Adjustment</b>
Administrative Support	2.0%
Labor Trades	3.0%
Para-professional	1.0%
IT	0.0%
Professional/Manager	0.5%
Executive	1.0%
Public Safety (non-contract)	2.8%

The 2018 pay plan includes changes in position classifications that were added, eliminated or reclassified during calendar year 2017.

The pay minimum level for seasonal and hourly positions has been increased to the new Colorado minimum wage of \$10.20 (increase of 10% from \$9.30 per hour in 2017).

This ordinance was introduced at the October 3, 2017 Council meeting.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Total appropriations for this ordinance are included in the budget ordinance.
If yes, what is the initial or onetime impact?	
What is the annual impact?	<u>General Employees:</u> Merit - \$1,362,916 Other - 778,275 <u>Fire Union:</u> 328,177 <u>Police Association:</u> 447,184 \$2,916,552
What fund of the City will provide funding?	As allocated in budget ordinance



What is the source of revenue within the fund?	
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

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

#### Other Issues and Considerations

None anticipated

#### Applicable Council Goal or Objective

Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing, and dynamic community.

#### Decision Options

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 motion to adopt the ordinance and publish with reference to title only.

#### Attachments

Ordinance

Pay Plan – Attachment A



**CITY OF GREELEY, COLORADO**

**ORDINANCE NO. \_\_\_\_\_ 2017**

AN ORDINANCE ADOPTING THE GENERAL EMPLOYEE PAY PLAN FOR 2018.

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance.

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

Section 1. The employee pay plans, copies of which are attached hereto and incorporated herein as Appendix A, are hereby adopted effective January 1, 2018.

Section 2. The ordinance shall become effective January 1, 2018.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: \_\_\_\_\_  
City Clerk

BY: \_\_\_\_\_  
Mayor





2018  
City of Greeley  
Pay Plan



## ADMINISTRATIVE SUPPORT

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
AS10			\$27,477	\$32,323	\$37,170
			\$13.21	\$15.54	\$17.87
	CLERICAL ASSISTANT	Non-Exempt			
	CUSTOMER SERVICE REP	Non-Exempt			
AS20			\$30,181	\$36,213	\$42,224
			\$14.51	\$17.41	\$20.30
	ACCOUNTING CLERK	Non-Exempt			
	ADMIN SPECIALIST I	Non-Exempt			
	DATA PROCESSING CLERK	Non-Exempt			
	RECREATION TECHNICIAN	Non-Exempt			
	UTILITY BILLING CLERK	Non-Exempt			
AS30			\$33,155	\$39,790	\$46,426
			\$15.94	\$19.13	\$22.32
	ADMIN SPECIALIST II	Non-Exempt			
	ASST TICKET OFFICE COORD	Non-Exempt			
	COLLECTIONS REGISTRAR	Non-Exempt			
	COURT CLERK I	Non-Exempt			
	MUSEUM SPECIALIST	Non-Exempt			
	STORMWATER TECHNICIAN	Non-Exempt			
	TRAINING COORDINATOR	Non-Exempt			
	TRAINING SPECIALIST	Non-Exempt			
	TRANSIT SPECIALIST	Non-Exempt			
	TRANSPORTATION DISPATCHER	Non-Exempt			
	WATER SERVICE TECHNICIAN	Non-Exempt			
AS40			\$36,504	\$43,846	\$51,189
			\$17.55	\$21.08	\$24.61
	COURT CLERK II	Non-Exempt			
	DATA COORDINATOR I	Non-Exempt			
	PROPERTY EVIDENCE TECH	Non-Exempt			
	SR ADMIN SPECIALIST	Non-Exempt			
	SR UTILITY BILLING CLERK	Non-Exempt			
	WATER INVENTORY COORD	Non-Exempt			
AS50			\$41,621	\$51,002	\$60,382
			\$20.01	\$24.52	\$29.03
	DATA COORDINATOR II	Non-Exempt			
	OFFICE MANAGER	Non-Exempt			
	PROPERTY EVID TECH SPVSR	Non-Exempt			



## LABOR/TRADES

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
LT10			\$27,477	\$32,323	\$37,170
			\$12.88	\$15.15	\$17.43
	FACILITY SERVICE WORKER	Non-Exempt			
	PARKING ENFORCEMENT OFFCR	Non-Exempt			
LT20			\$31,096	\$37,294	\$43,493
			\$14.95	\$17.93	\$20.91
	BUS DRIVER	Non-Exempt			
	FACILITY MAINT ASSISTANT	Non-Exempt			
	FACILITY TECHNICIAN	Non-Exempt			
	FIELD SERVICES REP	Non-Exempt			
	GRAFFITI REMOVAL TECH	Non-Exempt			
	MAINTENANCE SERVICE ATTD	Non-Exempt			
	MAINTENANCE SERVICE SPECI	Non-Exempt			
	METER READER	Non-Exempt			
	SERVICE WRITER	Non-Exempt			
	SR STAGE MANAGER	Non-Exempt			
LT30			\$33,800	\$40,560	\$47,320
			\$16.25	\$19.50	\$22.75
	CREW LEADER-IG	Non-Exempt			
	EQUIPMENT OPERATOR I	Non-Exempt			
	FACILITY SERVICE CREW LDR	Non-Exempt			
	FORESTRY TECHNICIAN I	Non-Exempt			
	METER SERVICES TECHNICIAN	Non-Exempt			
	PARKS MAINTENANCE TECH I	Non-Exempt			
	PLANT OPERATOR-WW	Non-Exempt			
	TRANSMISSION LINE TECH	Non-Exempt			
	UTILITY LOCATOR	Non-Exempt			
LT40			\$36,878	\$44,283	\$51,688
			\$17.73	\$21.29	\$24.85
	FACILITY SERVICE SUPV I	Non-Exempt			
	LIFT STATION TECHNICIAN	Non-Exempt			
	RAW WTR OPERATIONS TECH	Non-Exempt			
	SIGNS & MARKINGS TECH	Non-Exempt			
	WATER CONSERVATION SPEC	Non-Exempt			



## LABOR/TRADES

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
LT50			\$41,184	\$49,379	\$57,574
			\$19.80	\$23.74	\$27.68
	CEMETERY TECHNICIAN	Non-Exempt			
	CREW LEADER II	Non-Exempt			
	EQUIPMENT OPER II	Non-Exempt			
	FACILITIES MGMT TECH II	Non-Exempt			
	FORESTRY TECHNICIAN II	Non-Exempt			
	IRRIGATION TECHNICIAN	Non-Exempt			
	PARKS MAINTENANCE TECH II	Non-Exempt			
	PAVEMENT MARKINGS COORD	Non-Exempt			
	WATER SUPPLY TECHNICIAN	Non-Exempt			
LT60			\$45,490	\$54,642	\$63,773
			\$21.87	\$26.27	\$30.66
	EQUIPMENT MAINT MECHANIC	Non-Exempt			
	MECHANIC-GOLF/PARKS	Non-Exempt			
	TRAFFIC SIGNAL TECHNICIAN	Non-Exempt			
LT70			\$49,400	\$59,280	\$69,160
			\$23.75	\$28.50	\$33.25
	FACILITY SERVICE SUPV II	Non-Exempt			
	GOLF CREW SUPERVISOR	Non-Exempt			
	MAINTENANCE MECHANIC	Non-Exempt			
	ROUTE SUPERVISOR	Non-Exempt			
	SIGNS & MARKINGS SPVSR	Non-Exempt			
LT80			\$56,701	\$68,006	\$79,310
			\$27.26	\$32.69	\$38.13
	CREW SUPERVISOR	Non-Exempt			
	EQUIPMENT MAINT FOREMAN	Non-Exempt			
	RAW WTR OPS SUPERVISOR	Non-Exempt			
	RESERVOIRS SUPERVISOR	Non-exempt			
	TRAFFIC SIGNAL SUPERVISOR	Non-Exempt			



## PARAPROFESSIONAL/TECHNICAL

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
PA10			\$38,376	\$47,070	\$55,765
			\$18.45	\$22.63	\$26.81
	ASSISTANT EVENTS COORD	Non-Exempt			
	ASST CITY CLERK	Non-Exempt			
	BLDG PERMIT TECH	Non-Exempt			
	GRAPHIC ARTS SPECIALIST	Non-Exempt			
	HUMAN RESOURCES TECH	Non-Exempt			
	RECREATION COORDINATOR I	Non-Exempt			
	SURVEY TECHNICIAN	Non-Exempt			
	TRAFFIC ENGINEERING TECH	Non-Exempt			
PA20			\$43,243	\$52,936	\$62,629
			\$20.79	\$25.45	\$30.11
	ANIMAL CONTROL OFFICER	Non-Exempt			
	ASSET TECHNICIAN	Non-Exempt			
	ASST TECH SERVICES COORD	Non-Exempt			
	BUDGET TECHNICIAN	Non-Exempt			
	CODE COMPLIANCE INSP	Non-Exempt			
	ENVIRONMENTAL TECHNICIAN	Non-Exempt			
	EVENTS COORDINATOR	Non-Exempt			
	GRANT SPECIALIST	Non-Exempt			
	LEGAL ASSISTANT	Non-Exempt			
	MARKETING TECHNICIAN	Non-Exempt			
	MRKTING SPONSORSHIP COORD	Non-Exempt			
	PLANNING TECHNICIAN	Non-Exempt			
	PROBATION OFFICER	Non-Exempt			
	PUBLIC ART COORDINATOR	Non-Exempt			
	PUBLIC SAFETY TECHNICIAN	Non-Exempt			
	REAL ESTATE TECHNICIAN	Non-Exempt			
	RECREATION COORDINATOR II	Non-Exempt			
	TRAFFIC ENGINEER TECH II	Non-Exempt			
	WTR INST TECH ENTRY	Non-Exempt			
PA30			\$47,778	\$58,573	\$69,389
			\$22.97	\$28.16	\$33.36
	ASSISTANT RECORDS MANAGER	Non-Exempt			
	BUYER	Non-Exempt			
	CODE COMPLIANCE INSP II	Non-Exempt			
	DEPUTY CITY CLERK	Non-Exempt			
	E-MEDIA SPECIALIST	Non-Exempt			



## PARAPROFESSIONAL/TECHNICAL

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
PA30			\$47,778	\$58,573	\$69,389
			\$22.97	\$28.16	\$33.36
	FINANCIAL SERVICES COORD	Exempt			
	FRAUD INVESTIGATIONS SPC	Non-Exempt			
	IRRIGATION COORDINATOR	Non-exempt			
	MECHANICAL CONTROLS TECH	Non-exempt			
	PLANT OPERATOR A	Non-Exempt			
	PROJECT COORDINATOR	Non-Exempt			
	SPECIAL EVENTS COORD	Exempt			
	TRANSIT OPERATIONS SUPV	Non-exempt			
	TV/VIDEO PRODUCTION SPEC	Non-exempt			
	UCCC PROGRAMS COORD	Exempt			
	W&S SERVICES COORDINATOR	Non-exempt			
	WATER CONSERVATION COORD	Non-exempt			
	WELLNESS COORDINATOR	Non-exempt			
PA40			\$52,021	\$63,731	\$75,442
			\$25.01	\$30.64	\$36.27
	BUILDING INSPECTOR I	Non-Exempt			
	CONSTRUCTION INSPECTOR	Non-Exempt			
	ENGINEERING TECHNICIAN	Non-Exempt			
	REHABILITATION SPECIALIST	Non-Exempt			
PA50			\$58,989	\$72,218	\$85,446
			\$28.36	\$34.72	\$41.08
	BUILDING INSPECTOR II	Non-Exempt			
	CEMETERY MANAGER	Exempt			
	FACILITIES PROJECT MGR	Non-Exempt			
	PARKS MANAGER	Exempt			
	PLANS EXAMINER	Non-Exempt			
	PROCESS & INFO SYS ANALYST	Exempt			
	RESERVOIR OPS & I/C SUPV	Exempt			
	SR CONSTRUCTION INSPECTOR	Exempt			
	TRAFFIC OPERATIONS SPVSR	Exempt			
	TRANSMISSION & DIST SUPV	Exempt			
	URBAN RENEWAL MANAGER	Exempt			
	WATER INSTRUMENT TECH	Non-Exempt			
	WW MAINTENANCE SUPERVISOR	Exempt			
	WW OPERATIONS SUPERVISOR	Exempt			



## INFORMATION TECHNOLOGY

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
IT10			\$39,790	\$48,693	\$57,595
			\$19.13	\$23.41	\$27.69
	GIS TECHNICIAN	Non-Exempt			
	IT TECHNICIAN	Non-Exempt			
IT20			\$45,802	\$57,200	\$68,598
			\$22.02	\$27.50	\$32.98
	APP SUPPORT SPECIALIST	Non-Exempt			
	NETWORK ADMINISTRATOR I	Non-Exempt			
	PC SPECIALIST	Non-Exempt			
	WEB ADMINISTRATOR	Non-Exempt			
IT30			\$52,395	\$65,499	\$78,603
			\$25.19	\$31.49	\$37.79
	GIS ANALYST	Exempt			
	NETWORK SECURITY ADMIN	Exempt			
	SERVICE DESK SUPERVISOR	Exempt			
	TELECOM ADMINISTRATOR	Exempt			
IT40			\$60,008	\$75,005	\$90,002
			\$28.85	\$36.06	\$43.27
	PROGRAMMER ANALYST	Exempt			
	SR APP SUPPORT SPECIALIST	Exempt			
	SR NETWORK ADMINISTRATOR	Exempt			
	SYSTEMS ADMINISTRATOR	Exempt			
IT50			\$72,010	\$90,002	\$107,994
			\$34.62	\$43.27	\$51.92
	GIS MANAGER	Exempt			
	NETWORK MANAGER	Exempt			
	SYSTEMS MANAGER	Exempt			



## PROFESSIONAL/MANAGER

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
PR10			\$44,699	\$54,787	\$64,896
			\$21.49	\$26.34	\$31.20
	ACCOUNTANT I	Non-exempt			
	MUSEUM CURATOR	Exempt			
	PLANNER I	Non-Exempt			
PR20			\$49,234	\$60,362	\$71,490
			\$23.67	\$29.02	\$34.37
	COMMUNI ENGAGEMENT SPEC	Exempt			
	ECON DEVELOPMENT COORD	Exempt			
	FINANCIAL ANALYST	Non-exempt			
	HISTORIC PRESERVATION SPC	Non-exempt			
	INDUSTRIAL PRETRMT SPEC	Non-exempt			
	MRKTG & PUBLICITY COORD	Exempt			
	NEIGHBORHD PROGRAMS SPEC	Exempt			
	PAYROLL ACCOUNTANT	Non-exempt			
	VICTIM SERVICES COORD	Non-exempt			
	WATER QUALITY ANALYST	Non-exempt			
PR30			\$53,352	\$65,395	\$77,459
			\$25.65	\$31.44	\$37.24
	ACCOUNTANT II	Exempt			
	ASSET MANAGER	Exempt			
	CRIME ANALYST	Exempt			
	PLANNER II	Exempt			
	RECREATION SUPERVISOR	Exempt			
	WATER RESOURCE ANALYST	Exempt			
PR40			\$57,574	\$70,554	\$83,533
			\$27.68	\$33.92	\$40.16
	CONCRETE MAINTENANCE COOR	Exempt			
	COURT ADMINISTRATOR	Exempt			
	HUMAN RESOURCES ANALYST	Exempt			
	MARKETING MANAGER	Exempt			
	MUSEUM MANAGER	Exempt			
	NATURAL LANDS COORDINATOR	Exempt			
	PARKS PLANNER I	Exempt			
	PAVEMENT MANAGEMENT COORD	Exempt			
	SENIOR LAND SURVEYOR	Exempt			
	TECHNICAL SERVICES COORD	Exempt			



## PROFESSIONAL/MANAGER

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
PR50			\$62,525	\$76,523	\$90,542
			\$30.06	\$36.79	\$43.53
	BUDGET ANALYST	Exempt			
	CHIEF CONSTRUCTION INSP	Exempt			
	COMMUNICATION&ENGAGE MGR	Exempt			
	FORESTRY MANAGER	Exempt			
	INDUSTRIAL PRETRTMT SUPV	Exempt			
	SAFETY & RISK COORDINATOR	Exempt			
	STAFF ENGINEER	Exempt			
	WTR RESOURCE ENGINEER I	Exempt			
PR60			\$67,662	\$82,909	\$98,155
			\$32.53	\$39.86	\$47.19
	ACCOUNTANT III	Exempt			
	BUSINESS MANAGER	Exempt			
	FACILITY MANAGER	Exempt			
	GOLF COURSE SUPT	Exempt			
	PLANNER III	Exempt			
	PUBLIC & GOV'T REL MGR	Exempt			
	REAL ESTATE MANAGER	Exempt			
	RECORDS MANAGER	Exempt			
	RECREATION PROGRAM MGR	Exempt			
	REGULATORY COMPLIANCE	Exempt			
	REV&BUS LICENSE MGR	Exempt			
	SR HUMAN RESOURCE ANALYST	Exempt			
	VW LAB SUPERVISOR	Exempt			
PR70			\$72,093	\$88,317	\$104,541
			\$34.66	\$42.46	\$50.26
	ASST CITY ATTORNEY I	Exempt			
	FACILITY MANAGER-IG	Exempt			
	MANAGER OF GOLF	Exempt			
	PURCHASING MANAGER	Exempt			
	TRANSIT MANAGER	Exempt			
	WATER RESOURCE ADMN II	Exempt			
PR80			\$76,939	\$94,245	\$111,530
			\$36.99	\$45.31	\$53.62
	ACCOUNTANT IV	Exempt			
	CHIEF BUILDING OFFICIAL	Exempt			
	CULTURAL AFFAIRS MGR	Exempt			
	ENV & WTR RES ATTY I	Exempt			
	FLEET MANAGER	Exempt			



## PROFESSIONAL/MANAGER

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
PR80			\$76,939	\$94,245	\$111,530
			\$36.99	\$45.31	\$53.62

PARKS SUPERINTENDENT	Exempt
WATER RIGHTS MANAGER	Exempt

PR90			\$81,557	\$101,941	\$122,325
			\$39.21	\$49.01	\$58.81

CIVIL ENGINEER	Exempt
ENGINEERING PROJECT MGR	Exempt
ENV & WTR RES ATTY II	Exempt
PLANNING MANAGER	Exempt
POLICE LIEUTENANT	Exempt
RECREATION SUPERINTENDENT	Exempt
STREETS SUPERINTENDENT	Exempt
WATER TRMT PLANT SUPT	Exempt
WTR RESOURCE ENGINEER II	Exempt
WW TREATMENT SUPT	Exempt

PR100			\$87,194	\$108,909	\$130,645
			\$41.92	\$52.36	\$62.81

BUDGET & COMPLIANCE MGR	Exempt
ENGINEERING DEV MANAGER	Exempt
SR WTR RESOURCE ENG	Exempt
STORMWATER MANAGER	Exempt
WATER T&D AND WWC SUPT	Exempt
WATER TREATMENT MANAGER	Exempt
WTR RESOURCES OPS MANAGER	Exempt

PR110			\$96,512	\$120,661	\$144,810
			\$46.40	\$58.01	\$69.62

CHIEF ENGINEER-W&S	Exempt
CITY ENGINEER	Exempt
DIVISION CHIEF	Exempt
POLICE CAPTAIN	Exempt
SENIOR ATTORNEY	Exempt

PR120			\$108,202	\$135,242	\$162,282
			\$52.02	\$65.02	\$78.02

DEPUTY CITY ATTORNEY	Exempt
DEPUTY DIRECTOR WATER RES	Exempt
DEPUTY FINANCE DIRECTOR	Exempt
OPERATIONS MANAGER	Exempt



## EXECUTIVE

Pay Range	Position Title	FLSA Status	Range Minimum	Range Midpoint	Range Maximum
EX10			\$96,762	\$120,952	\$145,122
			\$46.52	\$58.15	\$69.77
	CITY CLERK	Exempt			
	HUMAN RESOURCES DIRECTOR	Exempt			
EX20			\$105,477	\$131,830	\$158,205
			\$50.71	\$63.38	\$76.06
	COMMUNITY DEVELOPMENT DIR	Exempt			
	CPR DIRECTOR	Exempt			
	DIRECTOR OF IT	Exempt			
	MUNICIPAL JUDGE	Exempt			
EX30			\$112,882	\$141,107	\$169,333
			\$54.27	\$67.84	\$81.41
	FIRE CHIEF	Exempt			
	POLICE CHIEF	Exempt			
	PUBLIC WORKS DIRECTOR	Exempt			
	WATER & SEWER DIRECTOR	Exempt			
EX40			\$121,950	\$152,443	\$182,936
			\$58.63	\$73.29	\$87.95
	ASST CITY MANAGER	Exempt			
EX50			\$142,355	\$177,882	\$213,408
			\$68.44	\$85.52	\$102.60
	CITY ATTORNEY	Exempt			
	CITY MANAGER	Exempt			



<b>2018 POLICE SWORN (NON-CONTRACT)</b>				
<b>Pay Range</b>	<b>Position Title</b>	<b>FLSA Status</b>	<b>Range Minimum</b>	<b>Range Maximum</b>
<b>PS10</b>			\$93,163	\$103,480
			\$44.79	\$49.75
	SERGEANT	Non-exempt		

<b>2018 - POLICE ASSOCIATION</b>		
	<b>Hourly</b>	<b>Annual</b>
<b>Police Officer Step A</b>	29.19	60,711.39
<b>Police Officer Step B</b>	30.20	62,817.68
<b>Police Officer Step C</b>	32.15	66,882.24
<b>Police Officer Step D</b>	34.24	71,210.88
<b>Police Officer Step E</b>	36.45	75,821.05
<b>Police Officer Step F</b>	40.29	83,807.88



<b>2018 GREELEY FIRE</b>		
Title	Annual	Hourly
Recruit Firefighter	53,799	18.42
Recruit Firefighter / EMT I	57,118	19.56
Recruit Firefighter / Paramedic	58,777	20.13
Apprentice Firefighter I	57,521	19.70
Apprentice Firefighter I / EMT-I	60,840	20.84
Apprentice Firefighter I / Paramedic	62,499	21.40
Apprentice Firefighter II	61,466	21.05
Apprentice Firefighter II / EMT-I	64,785	22.19
Apprentice Firefighter II / Paramedic	66,444	22.75
Journey Firefighter I	65,825	22.54
Journey Firefighter I / EMT-I	69,144	23.68
Journey Firefighter I / Paramedic	70,803	24.25
Journey Firefighter II	70,406	24.11
Journey Firefighter II / EMT-I	73,725	25.25
Journey Firefighter II / Paramedic	75,384	25.82
Master Firefighter	75,305	25.79
Master Firefighter / EMT-I	78,624	26.93
Master Firefighter / Paramedic	82,773	28.35
Fire Engineer (min)	79,060	27.08
Fire Engineer (min) / EMT-I	82,378	28.21
Fire Engineer (min) / Paramedic	84,038	28.78
Fire Engineer (max)	82,973	28.42
Fire Engineer (max) / EMT-I	86,292	29.55
Fire Engineer (max) / Paramedic	90,440	30.97
Staff Specialist *	85,415	41.06
Staff Specialist / EMT-I *	87,779	42.20
Staff Specialist / Paramedic *	90,734	43.62
Fire Lieutenant (min)	87,140	29.84
Fire Lieutenant (min) / EMT-I	90,459	30.98
Fire Lieutenant (min) / Paramedic	92,119	31.55
Fire Lieutenant (max)	91,849	31.46
Fire Lieutenant (max) / EMT-I	95,168	32.59
Fire Lieutenant (max) / Paramedic	99,317	34.01
Fire Lieutenant Specialist *	94,571	45.47
Fire Lieutenant Specialist / EMT-I *	96,935	46.60
Fire Lieutenant Specialist / Paramedic *	99,890	48.02
Fire Captain (min)	102,443	35.08
Fire Captain (max)	108,584	37.19
Fire Captain Specialist *	111,749	53.73

\*Day Shift Pay Rate (2,080 hrs)



## Seasonal/Hourly

Pay Range	Position Title	FLSA Status	Range Minimum	Range Maximum
1			\$10.20	\$11.30
	ASSISTANT HOUSE MANAGER	Non-Exempt		
	ASSISTANT TRAIL MANAGER	Non-Exempt		
	CHILDRENS ROOM ATTENDANT	Non-Exempt		
	CLERICAL ASSISTANT I	Non-Exempt		
	CUSTOMER SERVICE REP	Non-Exempt		
	FACILITY SVCS ATTEND	Non-Exempt		
	FARMERS MARKET ASSISTANT	Non-Exempt		
	GALLERY TECHNICIAN	Non-Exempt		
	GOLF CART OPERATOR	Non-Exempt		
	GROUNDSCOOPER I	Non-Exempt		
	MAINTENANCE TECH I	Non-Exempt		
	MUSEUM AIDE I	Non-Exempt		
	SCHOOL CROSSING GUARD	Non-Exempt		
	THEATRE TECH I	Non-Exempt		
	TICKET CLERK I	Non-Exempt		
2			\$10.20	\$14.69
	BUILDING SUPERVISOR	Non-Exempt		
	CLERICAL ASSISTANT II	Non-Exempt		
	CUSTODIAN	Non-Exempt		
	GROUNDSCOOPER II	Non-Exempt		
	HOUSE MANAGER	Non-Exempt		
	LABORER I	Non-Exempt		
	MUSEUM AIDE II	Non-Exempt		
	SPECIAL PROJECTS ASSISTANT	Non-Exempt		
	THEATRE TECH II	Non-Exempt		
	TICKET CLERK II	Non-Exempt		
3			\$11.30	\$18.08
	ASSISTANT STAGE MANAGER	Non-Exempt		
	ENGINEERING TECHNICIAN	Non-Exempt		
	INTERN I	Non-Exempt		
	LABORER II	Non-Exempt		
	SR MUSEUM AIDE	Non-Exempt		
	SR THEATRE TECH	Non-Exempt		
	SR TICKET CLERK	Non-Exempt		



## Seasonal/Hourly

Pay Range	Position Title	FLSA Status	Range Minimum	Range Maximum
4			\$14.50	\$18.83
	BUS DRIVER	Non-Exempt		
	TRAVEL TRAINER	Non-Exempt		
5			\$20.00	\$40.00
	ATTORNEY	Non-Exempt		
	INTERN II	Non-Exempt		
6			\$50.00	\$75.00
	ASSISTANT JUDGE			
	ADMINHEARING OFFICER			
	LIQUOR HEARING OFFICER			
7				
	ELECTION JUDGE		\$65/DAY	



## Seasonal/Hourly

Pay Range	Position Title	FLSA Status	Range Minimum	Range Maximum
GENERAL			\$10.20	\$15.90
	ASSISTANT POOL MANAGER	Non-Exempt		
	ASSISTANT PLAYGROUND PRGM SUP	Non-Exempt		
	CASHIER	Non-Exempt		
	LEAD LIFE GAURD	Non-Exempt		
	LIFE GAURD	Non-Exempt		
	PLAYGROUND PARK LEADER	Non-Exempt		
	POOL MANAGER	Non-Exempt		
	PROGRAM FIELD SUPERVISOR	Non-Exempt		
	REC PROGRAM SUPERVISOR	Non-Exempt		
	SCOREKEEPER	Non-Exempt		
	SPLASH PARK ATTENDANT	Non-Exempt		
	STEP PROGRAM SUPERVISOR	Non-Exempt		
	STEP PROGRAM WORKER	Non-Exempt		
OFFICIALS			\$10.41	\$30.00
	ADULT OFFICIAL	Non-Exempt		
	ADULT OFFICIAL 1 PER	Non-Exempt		
	ADULT SPORT CERTIFIED OFFICIAL	Non-Exempt		
	YOUNG AMERICA ASST TRACK COACH	Non-Exempt		
	YOUNG AMERICA OFFICIAL	Non-Exempt		
	YOUNG AMERICA OFFICIAL 1 PER	Non-Exempt		
	YOUTH OFFICIAL	Non-Exempt		
INSTRUCTOR			\$10.41	\$36.00
	FITNESS INSTRUCTOR	Non-Exempt		
	CLASS INSTRUCTOR	Non-Exempt		
	VISUAL ARTS INSTRUCTOR	Non-Exempt		
	PERFORMING ARTS INSTRUCTOR	Non-Exempt		



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 18**

Key Staff Contact: Victoria Runkle, Assistant City Manager, 970-350-9730

### Title

Public hearing and final reading of an Ordinance repealing and replacing Chapter 4.04.015 of the Greeley Municipal Code – Sales and Use Tax Definitions and make related changes to Chapter 4.04

### Summary

Senate Joint Resolution 14-038 asked the CML and home rule municipalities to develop a package of standardized definitions. The intent is to adopt the standardized definitions for the City of Greeley. This ordinance was introduced at the October 3, 2017 Council meeting.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial or onetime impact?	
What is the annual impact?	
What fund of the City will provide funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

### Legal Issues

In 2014, the Colorado General Assembly approved Senate Joint Resolution 14-038 asking the Colorado Municipal League to develop a package of standardized sales and use tax definitions. This was previously done in 1992 in an effort to minimize complexity for businesses reporting to multiple taxing jurisdictions. The standardized definitions are intended to provide consistency in the tax code and simplify the reporting process for multi-jurisdictional taxpayers.

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision



#### Other Issues and Considerations

These standardized definitions will not affect the tax treatment, will not result in any loss/gain of revenues, and have been reviewed and commented on by 69 home-rule municipalities. Additionally, the Colorado Association of Commerce & Industry, the Colorado Retail Council, the Colorado Automobile Dealers Association, Simplify Colorado Sales Tax, and the National Federation of Independent Business, support the adoption of standardized sales tax definitions (See Appendix).

#### Applicable Council Goal or Objective

Engaged Business & Industry Relationships

#### Decision Options

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 motion to adopt the ordinance and publish with reference to title only.

#### Attachments

Ordinance

Appendix

PowerPoint



**CITY OF GREELEY, COLORADO**

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

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 4.04.015  
OF THE GREELEY MUNICIPAL CODE – SALES AND USE TAX DEFINITIONS  
AND MAKE RELATED CHANGES TO CHAPTER 4.04**

WHEREAS, in 2014 the State Legislature passed Senate Joint Resolution 14-038 concerning uniform sales and use tax definitions for home rule municipalities to ensure consistency throughout the state; and

WHEREAS, through the efforts of the Colorado Municipal League, a Sales Tax Standardized Definitions Committee (“Committee”) was formed, and members worked diligently to prepare a list of standard definitions that would be acceptable to home rule municipalities; and

WHEREAS, City Council has determined that the City should cooperate in furtherance of a statewide goal to have all locally collecting municipalities agree to use standard definitions in their sales and use tax codes; and

WHEREAS, City Council has determined that maintaining the local collection of sales and use taxes for the City is important to insure the continued financial strength of the City; and

WHEREAS, City Council acknowledges that the retail business community desires better uniformity and simplicity when operating in multiple cities; and

WHEREAS, the proposed changes to the Municipal Code are for the purpose of clarification and uniformity only, and will not result in the implementation of any new policy, nor will they result in the implementation of any new taxes, nor result in the elimination of any current tax exemptions; and

WHEREAS, the proposed changes to the definitions contained in Section 4.04.015 require simultaneous changes to various sections in Chapter 4.04 to insure consistency in terminology used throughout the Chapter; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley to repeal and replace Chapter 4.04.015 with those standardized definitions as recommended by the Committee, and to make related changes to Chapter 4.04.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL FOR  
THE CITY OF GREELEY, COLORADO, AS FOLLOWS:**

**Section 1.** Section 4.04.015 shall be repealed in its entirety as set forth in Exhibit A, and replaced as set forth in Exhibit B attached hereto and incorporated herein by this reference.



**Section 2.** Sections 4.04.060, 4.04.069, 4.04.070, 4.04.071, 4.04.086, 4.04.095, 4.04.105, 4.04.115, 4.04.120, 4.04.140, 4.04.141, 4.04.142, 4.04.196, 4.04.221, 4.04.225, and 4.04.255 shall be amended as set forth on Exhibit C attached hereto and incorporated herein by this reference.

**Section 3.** This Ordinance shall become effective five days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

CITY OF GREELEY, COLORADO

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

\_\_\_\_\_  
Mayor



## **EXHIBIT A**

### **4.04.015 - Definitions.**

The following words and phrases as used in this Chapter shall have the following meanings:

Access services means the services furnished by a local exchange company to its customers who provide telecommunications services which allow them to provide such telecommunications services. (The City now exempts this service from tax.)

Auction means any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

Automotive vehicle means any vehicle or device in, upon or by which any person or property is or may be transported or drawn upon a public highway, or any device used or designed for aviation or flight in the air. Automotive vehicle includes, but is not limited to, motor vehicles, trailers, semitrailers or mobile homes. Automotive vehicle shall not include devices moved by human power or used exclusively upon stationary rails or tracks.

Business means all activities engaged in or caused to be engaged in with the object of gain, benefit or advantage, direct or indirect.

Charitable organizations means any entity organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment) or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation and which does not participate in or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

City or Town means the municipality of the City of Greeley.

Construction materials means tangible personal property, which, when combined with other tangible personal property, loses its identity to become an integral and inseparable part of a completed structure or project including public and private improvements. Construction materials include, but are not limited to, such things as: asphalt, bricks, builders' hardware caulking material, cement, concrete, conduit, electric wiring and connections, fireplace inserts, electrical heating and cooling equipment, flooring, glass, gravel, insulation, lath, lead, lime, lumber, macadam, millwork, mortar, oil, paint, piping, pipe valves and pipe fittings, plaster, plumbing fixtures, putty, reinforcing mesh, road base, roofing, sand, sanitary sewer pipe, sheet metal, site lighting, steel, stone, stucco, tile, trees, shrubs and other landscaping materials, wall board, wall coping, wallpaper, weather stripping, wire netting and screen, water mains and meters and wood preserver. The above materials, when used for forms or other items which do not remain as an integral or inseparable part of a completed structure or project, are not construction materials.

Consumer means:

- a. Any individual person; or



- b. Person engaged in business in the City who uses, stores, distributes or otherwise consumes in the City tangible personal property or taxable services purchased from sources inside or outside the City.

Drugs dispensed in accordance with a prescription means drugs dispensed in accordance with any order in writing, dated and signed by a licensed practitioner of the healing arts or given orally by a practitioner and immediately reduced to writing by the pharmacist, assistant pharmacist or pharmacy intern, specifying the name and address of the person for whom the medicine, drug or poison is offered and directions, if any, to be placed on the label. This definition shall not include marijuana dispensed following a doctor's written order or recommendation.

Engaged in business in the City means performing or providing services or selling, leasing, renting, delivering or installing tangible personal property for storage, use or consumption within the City. Engaged in business in the City includes, but is not limited to, any one (1) of the following activities by a person:

- a. Directly, indirectly or by a subsidiary maintains a building, store, office, salesroom, warehouse or other place of business within the taxing jurisdiction;
- b. Sends one (1) or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble repair, service or assist in the use of its products or for demonstration or other reasons;
- c. Maintains one (1) or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction;
- d. Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction; or
- e. Makes more than one (1) delivery into the taxing jurisdiction within a twelve-month period.

Exempt commercial packaging materials means containers, labels and shipping cases sold to a person engaged in manufacturing, compounding, wholesaling, jobbing, retailing, packaging, distributing or bottling for sale, profit or use that meets all of the following conditions:

- a. Is used by the manufacturer, compounder, wholesaler, jobber, retailer, packager, distributor or bottler to contain or label the finished product;
- b. Is transferred by said person along with and as a part of the finished product to the purchaser; and
- c. Is not returnable to said person for reuse.

Farm closeout sale means full and final disposition of all tangible personal property previously used by a farmer or rancher in farming or ranching operations which are being abandoned.

Finance Director or Director of Finance means the Finance Director of the City or such other person designated by the municipality. Finance Director shall also include such person's designee.

Food means food for domestic home consumption as defined in Article 51, Title 7, of the United States Code, as amended from time to time, for purposes of the Federal Food Stamp Program, except that food does not include: carbonated water marketed in containers, chewing gum, seeds and plants to



grow food, prepared salads and salad bars, cold sandwiches, deli trays and food or drink vended by or through machines or non-coin-operated coin-collecting food and snack devices on behalf of a vendor.

Gross sales means the total amount received in money, credit, property or other consideration valued in money for all sales, leases or rentals of tangible personal property or services.

License means a City sales and use tax license.

Linen services means services involving provision and cleaning of linens, including but not limited to rags, uniforms, coveralls and diapers.

Lodging services means the furnishing of rooms for accommodations by any person, partnership, association, corporation, estate or any representation thereof, or any other combination of individuals by whatever name known to a person who for a consideration uses, possesses or has the right to use or possess any room in a hotel, inn, bed and breakfast residence, apartment hotel, lodging house, motor hotel, guesthouse, guest ranch, trailer coach, mobile home, auto camp or trailer court and park, or similar establishment, for a period of less than thirty (30) consecutive days under any concession, permit, right of access, license to use or other agreement, or otherwise.

Medical supplies means drugs dispensed in accordance with a prescription; insulin in all its forms dispensed pursuant to the direction of a licensed physician; glucose usable for treatment of insulin reactions; urine and bloodtesting kits and materials; insulin measuring and injecting devices, including hypodermic syringes and needles; prosthetic devices; wheelchairs and hospital beds; drugs or materials when furnished by a doctor as part of professional services provided to a patient; and corrective eyeglasses, contact lenses or hearing aids.

Mobile machinery and self-propelled construction equipment means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, those motor vehicles which may have originally been designed for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo but which have been redesigned or modified by the mounting thereon of special equipment or machinery and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance and repair of roadways, the drilling of wells and the digging of ditches.

Newspaper means a publication, printed on newsprint, intended for general circulation and published regularly at short intervals, containing information and editorials on current events and news of general interest. The term newspaper does not include: magazines, trade publications or journals, credit bulletins, advertising inserts, circulars, directories, maps, racing programs, reprints, newspaper clipping and mailing services or listings, publications that include an updating or revision service, or books or pocket editions of books.

Pay television shall include, but not be limited to, cable, microwave or other television service for which a charge is imposed.



Person means any individual, firm, partnership, joint venture, corporation, estate or trust, receiver, trustee, assignee, lessee or any person acting in a fiduciary or representative capacity, whether appointed by court or otherwise, or any group or combination acting as a unit.

Preprinted newspaper supplements means inserts, attachments or supplements circulated in newspapers that:

- a. Are primarily devoted to advertising; and
- b. The distribution, insertion or attachment of which is commonly paid for by the advertiser.

Prescription drugs shall not include marijuana dispensed following a doctor's written order or recommendation.

Prescription drugs for animals means drugs dispensed in accordance with any order in writing, dated and signed by a practitioner or given orally by a practitioner, specifying the animal for which the medicine or drug is offered and directions, if any, to be placed on the label.

Price or purchase price means the price to the consumer, exclusive of any direct tax imposed by the federal government or by this Article and, in the case of all retail sales involving the exchange of property, also exclusive of the fair market value of the property exchanged at the same time and place of the exchange, if:

- a. Such exchanged property is to be sold thereafter in the usual course of the retailer's business; or
- b. Such exchanged property is a vehicle and is exchanged for another vehicle and both vehicles are subject to licensing, registration or certification under the laws of this State, including but not limited to, vehicles operating upon public highways, off-highway recreation vehicles, watercraft and aircraft. Any money or other consideration paid over and above the value of the exchanged property is subject to tax.

Price or purchase price includes:

- a. The amount of money received or due in cash and credits;
- b. Property at fair market value taken in exchange but not for resale in the usual course of the retailer's business;
- c. Any consideration valued in money, such as trading stamps or coupons whereby the manufacturer or someone else reimburses the retailer for part of the purchase price and other media of exchange;
- d. The total price charged on credit sales, including finance charges which are not separately stated. An amount charged as interest on the unpaid balance of the purchase price is not part of the purchase price unless the amount added to the purchase price is included in the principal amount of a promissory note; except the interest or carry charge set out separately from the unpaid balance of the purchase price on the face of the note is not part of the purchase price. An amount charged for insurance on the property sold and separately stated is not part of the purchase price;
- e. Installation, delivery and wheeling-in charges included in the purchase price and not separately stated;
- f. Transportation and other charges to effect delivery of tangible personal property to the purchaser;
- g. Indirect federal manufacturers, excise taxes, such as taxes on automobiles, tires and floor stock;



- h. The gross purchase price of articles sold after manufacturing or after having been made to order, including the gross value of all the materials used, labor and service performed and the profit thereon.

Price or purchase price shall not include:

- a. Any sales or use tax imposed by the State or by any political subdivision thereof; T
- b. The fair market value of property exchanged if such property is to be sold thereafter in the retailer's usual course of business. This is not an allowable adjustment to the purchase price;
- c. Discounts from the original price if such discount and the corresponding decrease in sales tax due is actually passed on to the purchaser. An anticipated discount to be allowed for payment on or before a given date is not an allowable adjustment to the price in reporting gross sales.

Private communications services means telecommunications services furnished to a subscriber, which entitles the subscriber to exclusive or priority use of any communication channel or groups of channels or to the exclusive or priority use of any interstate intercommunications system for the subscriber's stations.

Prosthetic devices means any artificial limb, part, device or appliance for human use which aids or replaces a bodily function; is designed, manufactured, altered or adjusted to fit a particular individual; and is prescribed by a licensed practitioner of the healing arts. Prosthetic devices include but are not limited to prescribed auditory, ophthalmic or ocular, cardiac, dental or orthopedic devices or appliances, oxygen concentrators and oxygen with related accessories.

Purchase or sale means the acquisition for any consideration by any person of tangible personal property or taxable services that are purchased, leased, rented, sold, used, stored, distributed or consumed, but excludes a bona fide gift of property or services. These terms include capital leases, installment and credit sales, and property and services acquired by:

- a. Transfer, either conditionally or absolutely, of title or possession or both to tangible personal property;
- b. A lease, lease-purchase agreement, rental or grant of a license, including royalty agreements, to use tangible personal property or taxable services; the utilization of coin-operated devices, except coin-operated telephones, which do not vend articles of tangible personal property shall be considered short-term rentals of tangible personal property.
- c. Performance of taxable services; or
- d. Barter or exchange for other property or services, including coupons.

The terms purchase and sale do not include:

- a. A division of partnership assets among the partners according to their interests in the partnership;
- b. The Formation of a corporation by the owners of a business and the transfer of their business assets to the corporation in exchange for all the corporation's outstanding stock, except qualifying shares, in proportion to the assets contributed;
- c. The transfer of assets of shareholders in the Formation or dissolution of professional corporations;
- d. The dissolution and the pro rata distribution of the corporation's assets to its stockholders;



- e. A transfer of a partnership interest;
- f. The transfer in a reorganization qualifying under Section 368(a)(1) of the "Internal Revenue Code of 1954," as amended;
- g. The Formation of a partnership by the transfer of assets to the partnership or transfers to a partnership in exchange for proportionate interests in the partnership; or
- h. The repossession of personal property by a chattel mortgage holder or foreclosure by a lienholder.

Recreation services means all services relating to athletic or entertainment participation events, including but not limited to pool, golf, billiards, skating, tennis, bowling, health/athletic club memberships, coin-operated amusement devices, video games and video club memberships.

Retail sales means all sales except wholesale sales.

Retailer means any person selling, leasing or renting tangible personal property or services at retail. Retailer shall include any:

- a. Auctioneer;
- b. Salesperson, representative, peddler or canvasser, who makes sales as a direct or indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer;
- c. Charitable organization or governmental entity which makes sales of tangible personal property to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be used for charitable or governmental purposes.

Return means the sales and use tax reporting form used to report sales and use tax.

Sales tax means the tax to be collected and remitted by a retailer on sales taxed under this Code.

Security system services means electronic security system services. Such term does not include nonelectronic security services such as consulting, human or guard dog patrol services.

Sound system services means sound system services involving provision of broadcast or prerecorded audio programming to a building or portion thereof. Such term does not include installation of sound systems where the entire system becomes the property of the building owner or the sound system service is for presentation of live performances.

Tangible personal property means corporeal personal property.

Tax means the use tax due from a consumer or the sales tax due from a retailer or the sum of both due from a retailer who also consumes.

Tax deficiency means any amount of tax that is not reported or not paid on or before the due date.

Taxable sales means gross sales less any exemptions and deductions specified in this Code.

Taxable services means services subject to tax pursuant to this Code.



Taxpayer means any person obligated to collect and/or pay tax under the terms of this Code.

Telecommunications service means the transmission of any two-way interactive electromagnetic communications, including but not limited to voice, image, data and any other information, by the use of any means including but not limited to wire, cable, fiber optical cable, microwave, radio wave or any combinations of such media. Telecommunications service includes but is not limited to basic local exchange telephone service, toll telephone service and teletypewriter service, including but not limited to residential and business service, directory assistance, cellular mobile telephone or telecommunication service, specialized mobile radio and two-way pagers and paging service, including any form of mobile two-way communication. Telecommunications service does not include separately stated nontransmission services which constitute computer processing applications used to act on the information to be transmitted.

Therapeutic device means devices, appliances or related accessories that are sold to correct or treat a human physical disability or surgically created abnormality; if such device, appliance or related accessory has a retail value of more than one hundred dollars (\$100.00), it must be sold in accordance with a written recommendation from a licensed doctor to qualify as a therapeutic device for purposes of this Code.

Total tax liability means the total of all tax, penalties or interest owed by a taxpayer and shall include sales tax collected in excess of such tax computed on total sales.

Use tax means the tax paid or required to be paid by a consumer for using, storing, distributing or otherwise consuming tangible personal property or taxable services inside the City.

Watts/800 service means any outbound or inbound interstate wide area telecommunications service or other similar service which entitles the subscriber, upon payment of a periodic charge, based upon a flat amount and/or usage, to make or receive a large volume of telephonic communications to or from persons having telephone or radio telephone stations in specified areas which are outside the telephone system area in which the subscriber's station is located.

Wholesale sales means sales to licensed retailers, jobbers, dealers or wholesalers for resale. Sales by wholesalers to consumers are not wholesale sales. Sales by wholesalers to nonlicensed retailers are not wholesale sales.

Wholesaler means any person selling to retailers, jobbers, dealers or other wholesalers, for resale and not for storage, use, consumption and distribution.

(Ord. 07, 2011 §1; Ord. 49, 2009 §1; Ord. 58, 1991 §2(part), Exh. B)



## EXHIBIT B

### 4.04.015 - Definitions.

The following words and phrases as used in this Chapter shall have the following meanings:

**“Agricultural Producer”** means a person regularly engaged in the business of using land for the production of commercial crops or commercial livestock. The term includes farmers, market gardeners, commercial fruit growers, livestock breeders, dairymen, poultrymen, and other persons similarly engaged, but does not include a person who breeds or markets animals, birds, or fish for domestic pets nor a person who cultivates, grows, or harvests plants or plant products exclusively for that person's own consumption or casual sale.

**“Aircraft”** means a device that is used or intended to be used for flight in the air.

**“Aircraft Part”** means any tangible personal property that is intended to be permanently affixed or attached as a component part of an aircraft.

**“Aircraft Simulator”** means a Flight Simulator Training Device (FSTD) as defined in Part I of Title 14 of the Code of Federal Regulations that is qualified in accordance with Part 60 of Title 14 of the Code of Federal Regulations for use in a Federal Aviation Administration Approved Flight Training Program.

**“Aircraft Simulator Part”** means any tangible personal property that is originally designed and intended to be permanently affixed or attached as a component part of an aircraft, and which will also function when it is permanently affixed or attached as a component part of an aircraft simulator.

**“Airline Company”** means any operator who engages in the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail, or any aircraft operator who operates regularly between two (2) or more points and publishes a flight schedule. Airline Company shall not include operators whose aircraft are all certified for a gross takeoff weight of twelve thousand five hundred (12,500) pounds or less and who do not engage in scheduled service or mail carriage service.

**“Auction”** means any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

**“Automotive Vehicle”** means any vehicle or device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, or any device used or designed for aviation or flight in the air. Automotive Vehicle includes, but is not limited to, motor vehicles, trailers, or semi-trailers. Automotive Vehicle shall not include devices moved by human power or used exclusively upon stationary rails or tracks.



**“Business”** means all activities engaged in or caused to be engaged in with the object of gain, benefit, or advantage, direct or indirect.

**“Candy”** means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruit, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. Candy does not include any preparation containing flour, products that require refrigeration or marijuana infused products.

**“Carrier Access Services”** means the services furnished by a local exchange company to its customers who provide telecommunications services which allow them to provide such telecommunications services.

**“Charitable Organization”** means any entity which: (1) has been certified as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code, and (2) is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons or animals, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons or animals, and thereby lessens the burden of government.

**“City” or “Town”** means the municipality of City of Greeley.

**“Coins”** means monetized bullion or other forms of money manufactured from gold, silver, platinum, palladium or other such metals now, in the future or heretofore designated as a medium of exchange under the laws of this State, the United States or any foreign nation.

**“Coin Operated Device”** means any device operated by coins or currency or any substitute therefor.

**“Collection Costs”** shall include, but is not limited to, all costs of audit, assessment, bank fees, hearings, execution, lien filing, distraint, litigation, locksmith fees, auction fees and costs, prosecution and attorney fees.

**“Commercial Packaging Materials”** means containers, labels, and/or cases, that become part of the finished product to the purchaser, used by or sold to a person engaged in manufacturing, compounding, wholesaling, jobbing, retailing, packaging, distributing or bottling for sale, profit or use, and is not returnable to said person for reuse. Commercial Packaging Materials does not include Commercial Shipping Materials.

**“Commercial Shipping Materials”** means materials that do not become part of the finished product to the purchaser which are used exclusively in the shipping process. Commercial Shipping Materials include but are not limited to containers, labels, pallets, banding material and fasteners, shipping cases, shrink wrap, bubble wrap or other forms of binding, padding or protection.



**“Community Organization”** means a nonprofit entity organized and operated exclusively for the promotion of social welfare, primarily engaged in promoting the common good and general welfare of the community, so long as: (1) No part of the net earnings of which inures to the benefit of any private shareholder or individual; (2) No substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; and (3) Which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

**“Construction Equipment”** means any equipment, including mobile machinery and mobile equipment, which is used to erect, install, alter, demolish, repair, remodel, or otherwise make improvements to any real property, building, structure or infrastructure.

**“Construction Materials”** means tangible personal property which, when combined with other tangible personal property, loses its identity to become an integral and inseparable part of a structure or project including public and private improvements. Construction Materials include, but are not limited to, such things as: asphalt, bricks, builders' hardware, caulking material, cement, concrete, conduit, electric wiring and connections, fireplace inserts, electrical heating and cooling equipment, flooring, glass, gravel, insulation, lath, lead, lime, lumber, macadam, millwork, mortar, oil, paint, piping, pipe valves and pipe fittings, plaster, plumbing fixtures, putty, reinforcing mesh, road base, roofing, sand, sanitary sewer pipe, sheet metal, site lighting, steel, stone, stucco, tile, trees, shrubs and other landscaping materials, wall board, wall coping, wallpaper, weather stripping, wire netting and screen, water mains and meters, and wood preserver. The above materials, when used for forms, or other items which do not remain as an integral and inseparable part of completed structure or project are not construction materials.

**“Consumer”** means any person in the City who purchases, uses, stores, distributes or otherwise consumes tangible personal property or taxable services, purchased from sources inside or outside the City.

**“Contract Auditor”** means a duly authorized agent designated by the taxing authority and qualified to conduct tax audits on behalf of and pursuant to an agreement with the municipality.

**“Contractor”** means any person who shall build, construct, reconstruct, alter, expand, modify, or improve any building, dwelling, structure, infrastructure, or other improvement to real property for another party pursuant to an agreement. For purposes of this definition, Contractor also includes subcontractor.

**“Cover Charge”** means a charge paid to a club or similar entertainment establishment which may, or may not, entitle the patron paying such charge to receive tangible personal property, such as food and/or beverages.

**“Data Processing Equipment”** means any equipment or system of equipment used in the storage, manipulation, management, display, reception or transmission of information.



**“Digital Product”** means an electronic product including, but not limited to: (1) “digital images” which means works that include, but are not limited to, the following that are generally recognized in the ordinary and usual sense as “photographs,” “logos,” “cartoons,” or “drawings.” (2) “digital audio-visual works” which means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any, (3) “digital audio works” which means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones. For purposes of the definition of “digital audio works”, “ringtones” means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication, and (4) “digital books” which means works that are generally recognized in the ordinary and usual sense as “books”.

**“Distribution”** means the act of distributing any article of tangible personal property for use or consumption, which may include, but not be limited to, the distribution of advertising gifts, shoppers guides, catalogs, directories, or other property given as prizes, premiums, or for goodwill or in conjunction with the sales of other commodities or services.

**“Dual Residency”** means those situations including, but not limited to, where a person maintains a residence, place of business or business presence, both within and outside the City. A person shall be deemed to have established a legitimate residence, place of business or business presence outside of the City for purposes of dual residency if the person has a physical structure owned, leased or rented by such person which is designated by street number or road location outside of the City, has within it a telephone or telephones in the name of such person and conducts business operations on a regular basis at such location in a manner that includes the type of business activities for which the business (person), as defined in this Code, is organized.

**“Dwelling Unit”** means a building or any portion of a building designed for occupancy as complete, independent living quarters for one (1) or more persons, having direct access from the outside of the building or through a common hall and having living, sleeping, kitchen and sanitary facilities for the exclusive use of the occupants.

**“Engaged in Business in the City”** means performing or providing services or selling, leasing, renting, delivering or installing tangible personal property for storage, use or consumption, within the City. Engaged in Business in the City includes, but is not limited to, any one of the following activities by a person:

- a. Directly, indirectly, or by a subsidiary maintains a building, store, office, salesroom, warehouse, or other place of business within the taxing jurisdiction;
- b. Sends one or more employees, agents or commissioned sales persons into the taxing jurisdiction to solicit business or to install, assemble, repair, service, or assist in the use of its products, or for demonstration or other reasons;
- c. Maintains one or more employees, agents or commissioned sales persons on duty at a location within the taxing jurisdiction;



- d. Owns, leases, rents or otherwise exercises control over real or personal property within the taxing jurisdiction; or
- e. Makes more than one delivery into the taxing jurisdiction within a twelve month period by any means other than a common carrier.

**“Factory Built Housing”** means a manufactured home or modular home.

**“Farm Closeout Sale”** means full and final disposition of all tangible personal property previously used by a farmer or rancher in farming or ranching operations which are being abandoned.

**“Farm Equipment”** means any farm tractor, as defined in Section 42-1-102(33), C.R.S., any implement of husbandry, as defined in Section 42-1-102(44), C.R.S., and irrigation equipment having a per unit purchase price of at least one thousand dollars (\$1,000.00). Farm Equipment also includes, regardless of purchase price, attachments and baling wire, binders twine and surface wrap used primarily and directly in any farm operation. Farm Equipment also includes, regardless of purchase price, parts that are used in the repair or maintenance of the Farm Equipment described in this Paragraph, all shipping pallets, crates, or aids paid for by a farm operation, and aircraft designed or adapted to undertake agricultural applications. Farm Equipment also includes, regardless of purchase price, dairy equipment. Except for shipping pallets, crates or aids used in the transfer or shipping of agricultural products, Farm Equipment does not include: (1) Vehicles subject to the registration requirements of Section 42-3-103, C.R.S., regardless of the purpose for which such vehicles are used; (2) Machinery, equipment, materials, and supplies used in a manner that is incidental to a farm operation; (3) Maintenance and janitorial equipment and supplies; and (4) Tangible personal property used in any activity other than farming, such as office equipment and supplies and equipment and supplies used in the sale or distribution of farm products, research, or transportation.

**“Farm Operation”** means the production of any of the following products for profit, including, but not limited to, a business that hires out to produce or harvest such products: Agricultural, viticultural, fruit, and vegetable products; (2) Livestock; (3) Milk; (4) Honey; and (5) Poultry and eggs.

**“Finance Director”** means the Finance Director of (name of municipality) or such other person designated by the municipality; Finance Director shall also include such person's designee.

**“Food For Home Consumption”** means food for domestic home consumption as defined in 7 U.S.C. sec. 2012 (k) (2014), as amended, for purposes of the supplemental nutrition assistance program, or any successor program, as defined in 7 U.S.C. sec. 2012 (t), as amended; except that "food" does not include carbonated water marketed in containers; chewing gum; seeds and plants to grow foods; prepared salads and salad bars; packaged and unpackaged cold sandwiches; deli trays; and hot or cold beverages served in unsealed containers or cups that are vended by or through machines or non-coin-operated coin-collecting food and snack devices on behalf of a vendor.



**“Garage Sales”** means sales of tangible personal property, except automotive vehicles, occurring at the residence of the seller, where the property to be sold was originally purchased for use by members of the household where such sale is being conducted. The term includes, but is not limited to, yard sales, estate sales, and block sales.

**“Gross Sales”** means the total amount received in money, credit, property or other consideration valued in money for all sales, leases, or rentals of tangible personal property or services.

**“Internet Access Services”** means services that provide or enable computer access by multiple users to the Internet, but shall not include that portion of packaged or bundled services providing phone or television cable services when the package or bundle includes the sale of Internet Access Services.

**“Internet Subscription Service”** means software programs, systems, data and applications available online through rental, lease or subscription, that provide information and services including, but not limited to, data linking, data research, data analysis, data filtering or record compiling.

**“License”** means a City of Greeley business license.

**“Linen Services”** means services involving the provision and cleaning of linens, including but not limited to rags, uniforms, coveralls and diapers.

**“Machinery”** means any apparatus consisting of interrelated parts used to produce an article of tangible personal property. The term includes both the basic unit and any adjunct or attachment necessary for the basic unit to accomplish its intended function.

**“Manufactured Home”** means any preconstructed building unit or combination of preconstructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which unit or units are not licensed as a vehicle.

**“Manufacturing”** means the operation or performance of an integrated series of operations which places a product, article, substance, commodity, or other tangible personal property in a form, composition or character different from that in which it was acquired whether for sale or for use by a manufacturer. The change in form, composition or character must result in a different product having a distinctive name, character or use from the raw or prepared materials.

**“Medical Marijuana”** means marijuana acquired, possessed, cultivated, manufactured, delivered, transported, supplied, sold, or dispensed to a person who qualifies as a patient with a debilitating medical condition(s) under Article XVIII, Section 14, of the



Colorado Constitution, and which person holds a valid “registry identification card” issued by the State of Colorado pursuant to Colorado Constitution, Article XVIII, Section 14.

**“Mobile Home”** means any wheeled vehicle having an overall width not exceeding eight (8) feet and an overall length excluding towing gear and bumpers of not less than twenty-six (26) feet and not more than thirty-two (32) feet, without motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may occasionally be drawn over the public highways by a motor vehicle.

**“Mobile Machinery and Self-Propelled Construction Equipment”** means those vehicles, self-propelled or otherwise, which are not designed primarily for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo over the public highways, and those motor vehicles which may have originally been designed for the transportation of persons or cargo but which have been redesigned or modified by the mounting thereon of special equipment or machinery, and which may be only incidentally operated or moved over the public highways. This definition includes but is not limited to wheeled vehicles commonly used in the construction, maintenance, and repair of roadways, the drilling of wells, and the digging of ditches.

**“Modular Home”** means any structure that consists of multiple sections fabricated, formed or assembled in manufacturing facilities for installation and assembly at the building site, and is constructed to the building codes adopted by the State Division of Housing, created in Section 24-32-706, C.R.S., and is designed to be installed on a permanent foundation.

**“Motor Fuel”** means gasoline, casing head or natural gasoline, benzol, benzene and naphtha, gasohol and any other liquid prepared, advertised, offered for sale, sold for use or used or commercially usable in internal combustion engines for the generation of power for the propulsion of motor vehicles upon the public highways. The term does not include fuel used for the propulsion or drawing of aircraft or railroad cars or railroad locomotives.

**“Newspaper”** means a publication, printed on newsprint, intended for general circulation, and published regularly at short intervals, containing information and editorials on current events and news of general interest. The term Newspaper does not include: magazines, trade publications or journals, credit bulletins, advertising inserts, circulars, directories, maps, racing programs, reprints, newspaper clipping and mailing services or listings, publications that include an updating or revision service, or books or pocket editions of books.

**“Online Garage Sales”** means sales of tangible personal property, except automotive vehicles, occurring online, where the property to be sold was originally purchased for use by the seller or members of the seller’s household.

**“Parent”** means a parent of a student.



**“Person”** means any individual, firm, partnership, joint venture, corporation, limited liability company, estate or trust, receiver, trustee, assignee, lessee or any person acting in a fiduciary or representative capacity, whether appointed by court or otherwise, or any group or combination acting as a unit.

**“Photovoltaic System”** means a power system designed to supply usable solar power by means of photovoltaics, a method of converting solar energy into direct current electricity using semiconducting materials that create voltage or electric current in a material upon exposure to light. It consists of an arrangement of several components, including solar panels to absorb and convert sunlight into electricity, a solar inverter to change the electric current from DC to AC, as well as mounting, cabling, metering systems and other electrical accessories to set up a working system.

**“Precious Metal Bullion”** means any precious metal, including but not limited to, gold, silver, platinum, palladium, that has been put through a process of refining and is in such a state or condition that its value depends upon its precious metal content and not its form.

**“Prepress Preparation Material”** means all materials used by those in the printing industry including, but not limited to, airbrush color photos, color keys, dies, engravings, light-sensitive film, light-sensitive paper, masking materials, Mylar, plates, proofing materials, tape, transparencies, and veloxes, which are used by printers in the preparation of customer specific layouts or in plates used to fill customers' printing orders, which are eventually sold to a customer, either in their original purchase form or in an altered form, and for which a sales or use tax is demonstrably collected from the printer's customer, if applicable, either separately from the printed materials or as part of the inclusive price therefor. Materials sold to a printer which are used by the printer for the printer's own purposes, and are not sold, either directly or in an altered form, to a customer, are not included within this definition.

**“Preprinted Newspaper Supplements”** shall mean inserts, attachments or supplements circulated in newspapers that: (1) are primarily devoted to advertising; and (2) the distribution, insertion, or attachment of which is commonly paid for by the advertiser.

**“Prescription Drugs for Animals”** means a drug which, prior to being dispensed or delivered, is required by the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sect. 301, et. seq., as amended, to state at a minimum the symbol “Rx Only”, and is dispensed in accordance with any order in writing, dated and signed by a licensed veterinarian specifying the animal for which the medicine or drug is offered and directions, if any, to be placed on the label.

**“Prescription Drugs for Humans”** means a drug which, prior to being dispensed or delivered, is required by the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sect. 301, et. seq., as amended, to state at a minimum the symbol “Rx Only”, and is dispensed in accordance with any written or electronic order dated and signed by a licensed practitioner of



the healing arts, or given orally by a practitioner and immediately reduced to writing by the pharmacist, assistant pharmacist, or pharmacy intern, specifying the name and any required information of the patient for whom the medicine, drug or poison is offered and directions, if any, to be placed on the label.

**“Price” or “Purchase Price”** means the aggregate value measured in currency paid or delivered or promised to be paid or delivered in consummation of a sale, without any discount from the price on account of the cost of materials used, labor or service cost, and exclusive of any direct tax imposed by the federal government or by this article, and, in the case of all retail sales involving the exchange of property, also exclusive of the fair market value of the property exchanged at the same time and place of the exchange, if:

- a. Such exchanged property is to be sold thereafter in the usual course of the retailer's business, or
- b. Such exchanged property is a vehicle and is exchanged for another vehicle and both vehicles are subject to licensing, registration, or certification under the laws of this state, including, but not limited to, vehicles operating upon public highways, off-highway recreation vehicles, watercraft, and aircraft. Any money or other consideration paid over and above the value of the exchanged property is subject to tax.

Price or Purchase Price includes:

- a. The amount of money received or due in cash and credits.
- b. Property at fair market value taken in exchange but not for resale in the usual course of the retailer's business.
- c. Any consideration valued in money, whereby the manufacturer or someone else reimburses the retailer for part of the purchase price and other media of exchange.
- d. The total price charged on credit sales including finance charges which are not separately stated at the time of sale. An amount charged as interest on the unpaid balance of the purchase price is not part of the purchase price unless the amount added to the purchase price is included in the principal amount of a promissory note; except the interest or carrying charge set out separately from the unpaid balance of the purchase price on the face of the note is not part of the purchase price. An amount charged for insurance on the property sold and separately stated at the time of sale is not part of the purchase price.
- e. Installation, applying, remodeling or repairing the property, delivery and wheeling-in charges included in the purchase price and not separately stated.
- f. Transportation and other charges to effect delivery of tangible personal property to the purchaser.
- g. Indirect federal manufacturers' excise taxes, such as taxes on automobiles, tires and floor stock.
- h. The gross purchase price of articles sold after manufacturing or after having been made to order, including the gross value of all the materials used, labor and service performed and the profit thereon.

Price or Purchase Price shall not include:



- a. Any sales or use tax imposed by the State of Colorado or by any political subdivision thereof.
- b. The fair market value of property exchanged if such property is to be sold thereafter in the retailers' usual course of business. This is not limited to exchanges in Colorado. Out of state trade-ins are an allowable adjustment to the purchase price.
- c. Discounts from the original price if such discount and the corresponding decrease in sales tax due is actually passed on to the purchaser, and the seller is not reimbursed for the discount by the manufacturer or someone else. An anticipated discount to be allowed for payment on or before a given date is not an allowable adjustment to the price in reporting gross sales.

**“Private Communications Services”** means telecommunications services furnished to a subscriber, which entitles the subscriber to exclusive or priority use of any communication channel or groups of channels, or to the exclusive or priority use of any interstate inter-communications system for the subscriber's stations.

**“Prosthetic Devices for Animals”** means any artificial limb, part, device or appliance for animal use which replaces a body part or aids or replaces a bodily function; is designed, manufactured, altered or adjusted to fit a particular patient; and is prescribed by a licensed veterinarian. Prosthetic devices include, but are not limited to, prescribed auditory, ophthalmic or ocular, cardiac, dental, or orthopedic devices or appliances, and oxygen concentrators with related accessories.

**“Prosthetic Devices for Humans”** means any artificial limb, part, device or appliance for human use which replaces a body part or aids or replaces a bodily function; is designed, manufactured, altered or adjusted to fit a particular patient; and is prescribed by a licensed practitioner of the healing arts. Prosthetic devices include, but are not limited to, prescribed auditory, ophthalmic or ocular, cardiac, dental, or orthopedic devices or appliances, and oxygen concentrators with related accessories.

**“Purchase” or “Sale”** means the acquisition for any consideration by any person of tangible personal property, other taxable products or taxable services that are purchased, leased, rented, sold, used, stored, distributed, or consumed. These terms include capital leases, installment and credit sales, and property and services acquired by:

- a. Transfer, either conditionally or absolutely, of title or possession or both to tangible personal property, other taxable products, or taxable services;
- b. A lease, lease-purchase agreement, rental or grant of a license, including royalty agreements, to use tangible personal property, other taxable products, or taxable services; the utilization of coin operated devices, except coin-operated telephones, which do not vend articles of tangible personal property shall be considered short term rentals of tangible personal property.
- c. Performance of taxable services; or



- d. Barter or exchange for other tangible personal property, other taxable products, or services.

The terms Purchase and Sale do not include:

- a. A division of partnership assets among the partners according to their interests in the partnership;
- b. The transfer of assets of shareholders in the formation or dissolution of professional corporations, if no consideration including, but not limited to, the assumption of a liability is paid for the transfer of assets;
- c. The dissolution and the pro rata distribution of the corporation's assets to its stockholders, if no consideration including, but not limited to, the assumption of a liability is paid for the transfer of assets;
- d. A transfer of a partnership or limited liability company interest;
- e. The transfer of assets to a commencing or existing partnership or limited liability company, if no consideration including, but not limited to, the assumption of a liability is paid for the transfer of assets;
- f. The repossession of personal property by a chattel mortgage holder or foreclosure by a lienholder;
- g. The transfer of assets from a parent company to a subsidiary company or companies which are owned at least eighty percent by the parent company, which transfer is solely in exchange for stock or securities of the subsidiary company;
- h. The transfer of assets from a subsidiary company or companies which are owned at least eighty percent by the parent company to a parent company or to another subsidiary which is owned at least eighty percent by the parent company, which transfer is solely in exchange for stock or securities of the parent corporation or the subsidiary which received the assets;
- i. The transfer of assets between parent and closely held subsidiary companies, or between subsidiary companies closely held by the same parent company, or between companies which are owned by the same shareholders in identical percentage of stock ownership amounts, computed on a share-by-share basis, when a tax imposed by this article was paid by the transferor company at the time it acquired such assets, except to the extent that there is an increase in the fair market value of such assets resulting from the manufacturing, fabricating, or physical changing of the assets by the transferor company. To such an extent any transfer referred to in this paragraph (i) shall constitute a sale. For the purposes of this paragraph (i), a closely held subsidiary corporation is one in which the parent company owns stock possessing or membership interest at least eighty percent of the total combined voting power of all classes of stock entitled to vote and owns at least eighty percent of the total number of shares of all other classes of stock.

**“Rail Carrier”** means as defined in Section 10102 of Title 49 of the United States Code as of October 10, 2013, and as it may be amended hereafter.



**“Rail Carrier Part”** means any tangible personal property that is originally designed and intended to be permanently affixed or attached as a component part of a locomotive or rail car used by a rail carrier.

**“Recreation Services”** means all services relating to athletic or entertainment participation events and/or activities including but not limited to pool, golf, billiards, skating, tennis, bowling, health/athletic club memberships, coin operated amusement devices, video games and video club memberships.

**“Renewable Energy”** means any energy resource that is naturally regenerated over a short time scale and derived directly from the sun (such as thermal, photochemical, and photoelectric), indirectly from the sun (such as wind, hydropower, and photosynthetic energy stored in biomass), or from other natural movements and mechanisms of the environment (such as geothermal and tidal energy). Renewable Energy does not include energy resources derived from fossil fuels, waste products from fossil sources, or waste products from inorganic sources.

**“Resident”** means a person who resides or maintains one or more places of business within the City, regardless of whether that person also resides or maintains a place of business outside of the City.

**“Retail Sales”** means all sales except wholesale sales.

**“Retailer”** means any person selling, leasing, renting, or granting a license to use tangible personal property or services at retail. Retailer shall include, but is not limited to, any:

- a. Auctioneer;
- b. Salesperson, representative, peddler or canvasser, who makes sales as a direct or indirect agent of or obtains such property or services sold from a dealer, distributor, supervisor or employer;
- c. Charitable organization or governmental entity which makes sales of tangible personal property to the public, notwithstanding the fact that the merchandise sold may have been acquired by gift or donation or that the proceeds are to be used for charitable or governmental purposes;
- d. Retailer-Contractor, when acting in the capacity of a seller of building supplies, construction materials, and other tangible personal property.

**“Retailer-Contractor”** means a contractor who is also a retailer of building supplies, construction materials, or other tangible personal property, and purchases, manufactures, or fabricates such property for sale (which may include installation), repair work, time and materials jobs, and/or lump sum contracts.

**“Return”** means any form prescribed by the City of Greeley administration for computing and reporting a total tax liability.



**“Sale that Benefits a Colorado School”** means a sale of a commodity or service from which all proceeds of the sale, less only the actual cost of the commodity or service to a person or entity as described in this Code, are donated to a school or a school-approved student organization.

**“Sales Tax”** means the tax that is collected or required to be collected and remitted by a retailer on sales taxed under this Code.

**“School”** means a public or nonpublic school for students in kindergarten through 12th grade or any portion thereof.

**“Security System Services”** means electronic alarm and/or monitoring services. Such term does not include non-electronic security services such as consulting or human or guard dog patrol services.

**“Soft Drink”** means a nonalcoholic beverage that contains natural or artificial sweeteners. “Soft drink” does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.

**“Software Program”** means a sequence of instructions that can be measured, interpreted and executed by an electronic device (e.g. a computer, tablets, smart phones) regardless of the means by which it is accessed or the medium of conveyance. Software program includes: (1) Custom software program, which is a software program prepared to the special order or specifications of a single customer; (2) Pre-written software program, which is a software program prepared for sale or license to multiple users, and not to the special order or specifications of a single customer. Pre-written software is commonly referred to as “canned,” “off-the-shelf (“COTS”),” “mass produced” or “standardized;” (3) Modified software, which means pre-written software that is altered or enhanced by someone other than the purchaser to create a program for a particular user; and (4) The generic term “software,” “software application,” as well as “updates,” “upgrades,” “patches,” “user exits,” and any items which add or extend functionality to existing software programs.

**“Software as a Service”** means software that is rented, leased or subscribed to from a provider and used at the consumer’s location, including but not limited to applications, systems or programs.

**“Software License Fee”** means a fee charged for the right to use, access, or maintain software programs.

**“Software Maintenance Agreement”** means an agreement, typically with a software provider, that may include (1) provisions to maintain the right to use the software; (2) provisions for software upgrades including code updates, version updates, code fix modifications, enhancements, and added or new functional capabilities loaded into existing software, or (3) technical support



**“Solar Thermal Systems”** means a system whose primary purpose is to use energy from the sun to produce heat or cold for: (1) Heating or cooling a residential or commercial building; (2) Heating or cooling water; or (3) Any industrial, commercial, or manufacturing process.

**“Sound System Services”** means the provision of broadcast or pre-recorded audio programming to a building or portion thereof. Such term does not include installation of sound systems where the entire system becomes the property of the building owner or the sound system service is for presentation of live performances.

**“Special Fuel”** means kerosene oil, kerosene distillate, diesel fuel, all liquefied petroleum gases, and all combustible gases and liquids for use in the generation of power for propulsion of motor vehicles upon the public highways. The term does not include fuel used for the propulsion or drawing of aircraft, railroad cars or railroad locomotives.

**“Special Sales Event”** means any sales event which includes more than three (3) Vendors taking place at a single location for a limited period of time not to exceed seven (7) consecutive days.

**“Storage”** means any keeping or retention of, or exercise dominion or control over, or possession of, for any length of time, tangible personal property not while in transit but on a stand still basis for future use when leased, rented or purchased at retail from sources either within or without the City from any person or vendor.

**“Student”** means any person enrolled in a school.

**“Tangible Personal Property”** means personal property that can be one or more of the following: seen, weighed, measured, felt, touched, stored, transported, exchanged, or that is in any other manner perceptible to the senses.

**“Tax”** means the use tax due from a consumer or the sales tax due from a retailer or the sum of both due from a retailer who also consumes.

**“Tax Deficiency” or “Deficiency”** means any amount of tax, penalty, interest, or other fee that is not reported and/or not paid on or before the date that any return or payment of the tax is required under the terms of this Code.

**“Taxable Sales”** means gross sales less any exemptions and deductions specified in this Code.

**“Taxable Services”** means services subject to tax pursuant to this Code.

**“Taxpayer”** means any person obligated to collect and/or pay tax under the terms of this Code.

**“Telecommunications Service”** means the service of which the object is the



transmission of any two-way interactive electronic or electromagnetic communications including but not limited to voice, image, data and any other information, by the use of any means but not limited to wire, cable, fiber optical cable, microwave, radio wave, Voice over Internet Protocol (VoIP), or any combinations of such media, including any form of mobile two-way communication. Telecommunications service does not include separately stated non-transmission services which constitute computer processing applications used to act on the information to be transmitted

**“Television & Entertainment Services”** means audio or visual content that can be transmitted electronically by any means, for which a charge is imposed.

**“Therapeutic Device”** means devices, appliances, or related accessories that correct or treat a human physical disability or surgically created abnormality.

**“Toll Free Telecommunications Service”** means a Telecommunications Service that allows a caller to dial a number without incurring an additional charge for the call.

**“Total Tax Liability”** means the total of all tax, penalties and/or interest owed by a taxpayer and shall include sales tax collected in excess of such tax computed on total sales.

**“Transient / Temporary Sale”** means a sale by any person who engages in a temporary business of selling and delivering goods within the city for a period of no more than seven consecutive days.

**“Transient / Temporary Vendor”** means any person who engages in the business of Transient / Temporary Sales.

**“Use”** means the exercise, for any length of time by any person within the City of any right, power or dominion over tangible personal property or services when rented, leased or purchased at retail from sources either within or without the City from any person or vendor or used in the performance of a contract in the City whether such tangible personal property is owned or not owned by the taxpayer. Use also includes the withdrawal of items from inventory for consumption.

**“Use Tax”** means the tax paid or required to be paid by a consumer for using, storing, distributing or otherwise consuming tangible personal property or taxable services inside the City.

**“Wholesale Sales”** means a sale by wholesalers to retailers, jobbers, dealers, or other wholesalers for resale and does not include a sale by Wholesalers to users or consumers not for resale; latter types of sales shall be deemed to be Retail Sales and shall be subject to the provisions of this chapter.

**“Wholesaler”** means any person doing an organized wholesale or jobbing business and selling to Retailers, jobbers, dealers, or other Wholesalers, for the purpose of resale, and not for storage, use, consumption, or distribution.



## EXHIBIT C

### 4.04.060 - Sales tax levied.

There is levied and there shall be collected and paid a sales tax in the amount stated in Section 4.04.145 as follows:

- (1) On the purchase price paid or charged for tangible personal property leased, purchased or sold at retail by every person exercising a taxable privilege in the City by the sale or lease of such property, except those specifically exempted;
- (2) On the total amount due under a lease or contract concerning tangible personal property when the right to possession or use of the tangible personal property is granted therein and such transfer of possession would be taxable under this Chapter if an outright sale were made;
- (3) On the purchase price paid or charged for pay-television AND ENTERTAINMENT services sold, purchased, leased, rented, furnished or used;
- (4) Upon the amount paid for the use of facilities and accommodations of a hotel, apartment hotel, cottage camp, motor court, trailer park or camp operated for the accommodations of the general public;
- (5) Upon telecommunications services, except carrier access services and interstate, private communication services as designated in Section 4.04.015(43) whether furnished by public or private corporations or enterprises for all interstate, intrastate and international telecommunications services originating from or received on telecommunications equipment in the City if the charge for the service is billed or charged to an apparatus, telephone or account in the City, to a customer location in the City, or to a person residing in the City, without regard to where the bill for such service is physically received;
- (6) For gas and electric service or gas and electricity furnished and sold for domestic or commercial consumption and not for resale;
- (7) Upon the amount paid for all meals, food and beverage and cover charges, if any, furnished in or from any restaurant, cafe, hotel, drugstore, nightclub, bar and lounge, tavern, club, resort, stand or vehicle, or other such place at which meals, food or beverage are regularly sold to the public for consumption either on or off the business premises;
- (8) For steam or other heating service furnished and sold for domestic or commercial use.

### 4.04.069 - Incorrect registration of a AN motor~~AUTOMOTIVE~~ vehicle; penalty.

(a) As used in this Section:

- (1) *Penalty assessment* means a written notice of the Director of Finance of his or her determination that a violation of Section 42-3-101, et seq., C.R.S., as amended from time to time, has occurred and assessment and demand for the payment of the civil penalty provided for in Subsection (c)(3) of this Section.



- (2) *Notice of deficiency* means the notice issued by the Director of Finance for a failure, neglect or refusal to pay any sales or use tax due or any penalties or interest thereon as provided in this Chapter.
- (b) It is unlawful to register a ~~AN motor~~AUTOMOTIVE vehicle in violation of the provisions of Section 42-3-101, et seq., C.R.S., as amended from time to time.
- (c) Any person or business that causes a ~~AN motor~~AUTOMOTIVE vehicle to be registered in violation of the provisions of Title 42, C.R.S., shall be assessed a five-hundred-dollar civil penalty pursuant to the authority granted in Section 42-3-101, et seq., C.R.S., as amended from time to time. The procedure for the assessment of such civil penalty shall be as follows:
- (1) When the Director of Finance determines on such information as is available that a person or business has caused a ~~AN motor~~AUTOMOTIVE vehicle to be registered in violation of the provisions of Section 42-3-101, et seq., C.R.S., as amended from time to time, a penalty assessment shall be provided to said person or business. Service of the penalty assessment shall be sufficient if provided by certified mail, return receipt requested, to the person or business at its last known address. If the Director of Finance has also determined that sales or use taxes are due to the City on the purchase of such ~~motor~~AUTOMOTIVE vehicle as provided in this Chapter, such penalty assessment may be included in a notice of deficiency.
  - (2) A person or business shall pay the penalty provided in this Subsection (c) within twenty (20) days from receipt of the penalty assessment or within such time designated in the notice of deficiency, unless such person or business files a written protest with the Director of Finance in the manner provided in Subsection (3) below.
  - (3) If a person or business desires to protest a penalty assessment, such person or business shall request in writing a hearing before the Director of Finance as provided in Section 4.04.450 of this Chapter. Such protest must be filed within twenty (20) days from the date of receipt of the penalty assessment or notice of deficiency. The request for hearing shall set forth facts which show that a violation of Section 42-3-101, et seq., C.R.S., as amended from time to time, did not occur. The Director of Finance shall conduct a hearing and issue a final decision thereon as provided in Section 4.04.450 of this Chapter. If the decision affirms the penalty assessment, such person shall pay the civil penalty within thirty (30) days from the date of said decision.
  - (4) A person or business may seek judicial review of the decision of the Director of Finance as provided for in Sections 4.04.460 through 4.04.495 of this Chapter. No such judicial review shall be available if a written request for hearing was not timely made in the manner provided for in Subsection (3) above.
- (d) The Director of Finance may enforce collection of the penalty assessment in the same manner as provided in this Chapter for the collection of unpaid sales or use taxes, penalties or interest.
- (e) Nothing in this Section shall preclude the collection of any tax or fee provided by law, the collection of any penalties or interest thereon provided by law, or the imposition of any other civil or criminal penalty provided by law.

**4.04.070 - Application to vehicles; penalty.**



The purchase of a AN ~~motor~~AUTOMOTIVE vehicle, trailer or semitrailer inside or outside of the City by a person or business that is a resident of the City for use in the City, shall be subject to tax under this Chapter, which tax shall be payable at the time the registration license is issued by the County Clerk and Recorder. Any person or business that is a resident of the City and that registers a AN ~~motor~~AUTOMOTIVE vehicle, trailer or semitrailer at an address outside the City is guilty of a violation of this Chapter and shall be subject to the penalties and interests as provided for in this Chapter. Failure to properly register a trailer or semitrailer shall result in the assessment of a five-hundred-dollar civil penalty in the same manner as provided for improperly registered ~~motor~~AUTOMOTIVE vehicles in Section 4.04.069 of this Chapter.

#### **4.04.071 - Exemption for factory-built housing and mobile homes.**

- (a) Forty-eight percent (48%) of the purchase price of factory-built housing AND MOBILE HOMES, ~~as such housing is defined below~~, shall be exempt from taxation under this Chapter; except that the entire purchase price in any subsequent sale of a mobile home, after such mobile home has been subject to the payment of sales tax by virtue of Section 4.04.060, shall be exempt from taxation under this Chapter.
- ~~(b) *Factory-built housing* means any structure or component thereof, designed primarily for residential occupancy, either permanent or temporary, including a mobile home which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities, for installation or assembly and installation on the building site.~~
- ~~(c) *Mobile home* means any wheeled vehicle having an overall width not exceeding eight (8) feet and an overall length excluding towing gear and bumpers of not less than twenty-six (26) feet and not more than thirty-two (32) feet, without motive power, which is designed and generally and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may occasionally be drawn over the public highways by a motor vehicle.~~

#### **4.04.086 - Sales tax exemption for aircraft componentsPARTS.**

~~Sales of tangible personal property that is to be permanently affixed or attached as a component part of an aircraft PARTS shall be exempt from City sales tax.~~

#### **4.04.095 - Exemption for medicine, prostheses and other devices.**

The following shall be exempt from taxation under this Chapter:

- (1) The sale or purchase of prescription drugs FOR HUMANS dispensed in accordance with a prescription by a legally qualified member of the healing arts.
  - ~~a. *Drugs dispensed in accordance with a prescription* means drugs dispensed in accordance with any order in writing, dated and signed by a licensed practitioner of the healing arts or given orally by a practitioner and immediately reduced to writing by the pharmacist, assistant pharmacist or pharmacy the medicine, drug or poison is offered and directions, if any, to be placed on the label.~~



~~bA.~~ The sale or purchase of prescription drugs FOR HUMANS is exempt from the sales and use tax when the transaction occurs at the end sale from the pharmacist to the purchaser when dispensed in accordance with a prescription or when purchased by a legally qualified member of the healing arts for use as part of a patient's treatment.

B. PRESCRIPTION DRUGS FOR HUMANS SHALL NOT INCLUDE MARIJUANA DISPENSED FOLLOWING A DOCTOR'S WRITTEN ORDER OR RECOMMENDATION.

(2) The administration of ~~drugs dispensed in accordance with a prescription~~ PRESCRIPTION DRUGS FOR HUMANS as part of a patient's treatment is exempt from the sales and use tax, including when the drug is purchased from a pharmacist by a legally qualified member of the healing arts for use as a part of a patient's treatment.

(3) The sale or purchase of prescription drugs for ANIMALS ~~animal consumption~~ dispensed in accordance with a prescription by a legally qualified member of the healing arts.

(4) Sales of prosthetic devices FOR HUMANS are exempt from the imposition of sales and use tax under the following conditions:

a. When said device:

1. Aids or replaces a bodily function;
2. Is designed, manufactured, altered or adjusted to fit a particular individual; and
3. Is prescribed by a state-licensed practitioner of the healing arts.

~~b. Prosthetic devices means any artificial limb, part, device or appliance for human use which aids or replaces a bodily function; is designed, manufactured, altered or adjusted to fit a particular individual; and is prescribed by a licensed practitioner of the healing arts. Prosthetic devices include but are not limited to prescribed auditory, ophthalmic or ocular, cardiac, dental, therapeutic or orthopedic devices or appliances, oxygen concentrators and oxygen with related accessories.~~

B.e. Standardized or stock devices or appliances, whether or not mass produced, are not prosthetic devices unless they are prescribed by a state licensed practitioner of the healing arts.

(5) SALES OF THERAPEUTIC DEVICES ARE EXEMPT FROM THE IMPOSITION OF SALES AND USE TAX UNDER THE FOLLOWING CONDITIONS.

a. WHEN SAID DEVICE:

1. HAS A RETAIL VALUE OF MORE THAN ONE HUNDRED DOLLARS (\$100);
2. IS SOLD IN ACCORDANCE WITH A WRITTEN RECOMMENDATION FROM A STATE LICENSED PRACTITIONER OF THE HEALING ARTS.

(~~56~~) The sale or purchase of any item used once and then disposed of by a doctor, dentist or veterinarian in the treatment or diagnosis of a patient.

(~~67~~) The list of exempted drugs and prosthetic devices cannot be increased by implication or similarity. If there is any doubt as to the taxability on the sale or purchase of any particular



item, the taxpayer should inquire as to the exempt status of such item. In all cases, the burden of proof is upon the taxpayer to establish that a sale or purchase is tax exempt.

**4.04.105 - Exemption for ~~religious, charitable~~ ORGANIZATIONS and ~~eleemosynary sales.~~**

Sales to ~~religious, charitable~~ ORGANIZATIONS and ~~eleemosynary corporations in the conduct of their regular religious, charitable and eleemosynary functions and activities~~ shall be exempt from taxation.

**4.04.115 - Exemption for certain livestock and farm ~~auction~~ closeout sales.**

Sales and purchase of meat cattle, sheep, lambs, swine and goats, all sales and purchases of mares and stallions for breeding purposes and all farm ~~auction~~ closeout sales shall be exempt from taxation under this Chapter.

**4.04.120 - Exemption for AGRICULTURAL PRODUCERS ~~commercial seed, feed and feeding.~~**

Sales and purchase PURCHASES BY AGRICULTURAL PRODUCERS of feed or for commercial feeding of livestock or poultry, and all sales and purchases of commercial seeds, shall be exempt from taxation under this Chapter.

**4.04.140 - Exemption for farm EQUIPMENT ~~machinery and parts.~~**

All sales of farm EQUIPMENT ~~machinery~~ for use on property outside the limits of the City and all sales of farm machinery parts for use on property outside the City shall be exempt from taxation under this Chapter; provided, however, that this exemption as to farm EQUIPMENT ~~machinery parts~~ shall not apply in the case of repairs performed or parts installed on farm equipment within the limits of the City.

**4.04.141 - Exemption for construction and building materials.**

~~For transactions consummated on or after January 1, 1986, t~~The City's sales tax shall not apply to the sale of construction and building materials, as the term is used in Section 29-2-109, C.R.S., if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the City evidencing that a local use tax has been paid or is required to be paid.

**4.04.142 - Credit for sales taxes paid to another municipality.**

~~For transactions consummated on or after January 1, 1986, t~~The City's sales tax shall not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subject to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule municipality equal to or in excess of the amount of the City's sales tax as designated in Section 4.04.145. A credit shall be granted against the City's sales tax with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule municipality. The amount of the credit shall not exceed the amount of the City's sales tax as designated in Section 4.04.145.



#### **4.04.196 - Levied.**

There is levied and shall be collected and paid a tax in the amount stated in Section 4.04.190 as follows:

- (1) Upon the purchase price of items of tangible personal property, including tools, equipment and machines.
- (2) Upon the purchase price of proprietary drugs purchased by hospitals, clinics, dentists, veterinarians, physicians and surgeons and other licensed practitioners of the healing arts for use in their professional services. Prescription drugs FOR HUMANS AND PRESCRIPTION DRUGS FOR ANIMALS AS THOSE TERMS ARE as defined in Section 4.04.095015, purchased by physicians, surgeons, hospitals, clinics, dentists and veterinarians for use in their professional services are exempt from the use tax.
- (3) Upon the purchase price of any equipment, instruments, furniture, fixtures of a capital outlay nature purchased in the usual course of business or practice of physicians, surgeons, dentists, veterinarians and other licensed practitioners of the healing arts, and hospitals, clinics and the like.

#### **4.04.221 - Use tax exemption for aircraft PARTS components.**

Sales of ~~tangible personal property that is to be permanently affixed or attached as a component part of an aircraft~~ PARTS shall be exempt from City use tax.

#### **4.04.225 - Exemption for manufacturing and compounding materials, AND FOR COMMERCIAL PACKAGING MATERIALS.**

(A) The tax or excise on the storage, consumption and use of tangible personal property shall not apply to the storage, use or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit or use any article, substance or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded or furnished and the ~~container, label or the furnished shipping case~~ COMMERCIAL PACKAGING MATERIALS thereof.

#### **4.04.255 - Payments and exemption for ~~building~~ CONSTRUCTION materials and supplies.**

- (a) Any person who builds, constructs or improves any building, dwelling or other structure or makes any improvement to realty whatsoever within the City and who purchases or acquires ~~lumber, fixtures, materials or other supplies~~ CONSTRUCTION MATERIALS used therefore or any tangible personal property used therein from any source inside or outside the corporate limits of the City shall, at the time a building permit is issued, pay a use tax deposit to the Director of Finance in an amount calculated as follows: forty-five percent (45%) of the estimated value of new residential construction if said estimated value is seventy-five thousand dollars (\$75,000.00) per unit or less, multiplied by the percentage rate of the City's use tax as designated in Section 4.04.190; and for all other construction for which a building



permit is to be issued, the amount collected shall be fifty percent (50%) of the estimated value of construction, multiplied by the percentage rate of the City's use tax as designated in Section 4.04.190. The estimated valuation of such construction shall be determined by the Community Development Department of the City.

- (b) The use tax deposit represents an estimate of use taxes due, and it shall be the duty of the purchaser to file a project cost report with the Director of Finance on forms to be provided by the Director of Finance within 45 days after the issuance of the certificate of occupancy. The project cost report shall set forth the actual amounts of any purchases of construction materials, supplies, and tangible personal property used therein to determine the actual use tax due. If the actual use tax due is less than the deposit paid, the difference shall be refunded to the purchaser. If the use tax due is greater than the deposit paid, the purchaser shall be notified of the deficiency and shall remit any tax due immediately to the Director of Finance. The Director of Finance may set a minimum amount of purchases on which the project cost report is required.
- (c) This Section shall not apply with respect to any ~~lumber, fixtures, materials or other supplies~~ CONSTRUCTION MATERIALS which were subjected to any Colorado municipality's sales tax at the time those items were sold to the person who otherwise would be subject to the requirements of this Section. However, no person may take advantage of the exemption provided by this Section unless such person presents to the Director of Finance or to the Director of the Department of COMMUNITY DEVELOPMENT ~~Protective Inspections~~ invoices or other statements showing in detail that such items were in fact subject to the sales tax of a Colorado municipality.



# Appendix



Jan. 31, 2017

The Standardized Sales Tax Project is a simplification effort undertaken by locally collecting home rule cities and towns in conjunction with the business community and the Colorado General Assembly. This project is built on the strong partnership between municipal governments and the business community to work together to make locally collected taxes easier to file, report, and remit.


The General Assembly adopted Senate Joint Resolution (SJR) 14-038, asking the Colorado Municipal League (CML) to work with its members to develop a package of standardized definitions, reprising a successful effort led by CML in 1992. CML supported SJR14-038. The goals in developing these definitions were to add clarity about current tax practices without a fiscal impact. No new tax is levied and no increase in tax revenue is expected, because the updated definitions were drafted to reflect current tax practices.

Government and business recognize that the use of different definitions by locally collecting municipalities for the same sales tax term is a source of complexity for businesses that operate in multiple municipalities. Using standardized definitions minimizes this complexity.

CML's membership has been strongly supportive of simplification efforts originating at the local level – and the CML Executive Board has recommended adoption of these definitions to its membership. Likewise, we urge you to consider the benefits of standardized sales tax definitions to your locally collecting city or town, as well as your resident businesses and multi-jurisdictional businesses that work hard to collect your sales tax.

The following statewide associations, in addition to CML, support the adoption standardized sales tax definitions by all 69 locally collecting home rule municipalities: Colorado Association of Commerce & Industry, Colorado Retail Council, Colorado Automobile Dealers Association, and Simplify Colorado Sales Tax.

Sincerely,

  
Sam Mamet  
Colorado Municipal League  
Executive Director

  
Loren Furman  
Colorado Association of Commerce &  
Industry Senior Vice President of State and  
Federal Relations

  
Christopher Howes  
Colorado Retail Council President

  
Tim Jackson  
Colorado Automobile Dealers Association  
President

  
Tony Gagliardi  
National Federation of Independent  
Business Colorado State Director and  
Coalition to Simplify Colorado Sales Tax  
President





## **Standardized Definitions**

10/17/2017

## **History of Collaboration**

- Standard definitions of "food" (1986);
- Telecom Service (1991);
- Standard definitions package (1992);
- Address locator project (2004);
- Standard exempt purchaser affidavit (2015);
- Current definitions project



# Standard Definitions Project

## What is it?

- A major collaborative sales tax simplification initiative
- Initiated at the State Legislatures in response to business comments
- CML led effort between 2015 – 2016
- Goal: to have all locally collecting municipalities adopt standard definitions so that businesses have reporting consistency in, at least, definitions.

# Project Overview

- Facilitated by Colorado Municipal League
- Compared with earlier standard definition efforts
- Business community review
- No change in tax treatment
- No loss/gain in local government revenue
- Reviewed by 69 home-rule municipalities



## Overview of Changes

- 24 of 49 existing definitions are unchanged.
- 23 of 49 existing definitions have minor changes.
  - Updated to reflect current technology and terminology.
  - Watts/800 Service is now Toll Free Telecommunication Service.
  - Pay Television is now Television and Entertainment Services.
- 2 of 49 existing definitions were omitted.
  - Drugs Dispensed & Medical Supplies.
  - New definitions distinguish between human and animal use.
- Added definitions reflect:
  - New Technologies (software, digital product, internet, etc.)
  - Inferred definitions (machinery, use, storage, contractor, etc.)

## Benefits of Adopting Standard Definitions

- Demonstrates our responsiveness to a legislative request.
- More transparent for taxpayers and businesses.
- Makes the tax code consistent.
- Exhibits engagement with our business community.
- Provides consistency in the current business environment.



## **Collaborative discussions continue**

- The State Legislature has a Sales and Use Tax Simplification Task Force.
  - They meet bi-monthly
  - Next project they are discussing is a Request for Proposal to have someone develop a statewide sales and use tax application
  - One interesting point: Home Rule cities are adopting the new definitions; the State has not given a timeline for definition changes

## **One stop payment has concerns – not insurmountable; major change for Home Rule cities**

- Auditing
- Multiple points of remittance and licensing
- Ensuing “sourcing” sales to the correct jurisdiction
- Different tax rates in every jurisdiction
- State resources are non-existent for this new role



## Next Steps

- Task Force meets in November for final recommendations to State on the concept of development of a Request for Proposal
- The Task Force members understand they do need to have support of Home Rule cities
- Our role is yet to be determined

Questions?



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 19**

Key Staff Contact: Victoria Runkle, Assistant City Manager, 970-350-9730

### Title

Public hearing and final reading of an ordinance amending Chapter 4.04 of the Greeley Municipal Code

### Summary

The intent of this ordinance is to clarify language in the tax code and update hearing deadlines to reflect State requirements. This ordinance was introduced at the October 3, 2017 Council meeting.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial or onetime impact?	
What is the annual impact?	
What fund of the City will provide funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

### Legal Issues

1. Administrative clean up to eliminate references to a Code Section that no longer exists (See 4.04.025, 4.04.030, 4.04.035).
2. The new ordinance will lock in the statute of limitations for an audit. This ordinance eliminates the need for the taxpayer to sign a form and is consistent with state and local best practices (See 4.04.045).
3. The new ordinance clarifies exemptions to the statute of limitations. This ordinance states that the statute of limitations does not apply to returns that were not filed. This does not change how we currently interpret the code (4.04.050).
4. Clarifies that City of Greeley or taxpayer may grant extensions in writing (4.04.055).
5. This ordinance clarifies whom the Director of Finance may delegate duties to (4.04.321).
6. This section was deleted because it is addressed in 4.04.321 above (4.04.465).
7. Aligns the City of Greeley's timing processes with Colorado Revised Statutes (4.04.450, 4.04.480, 4.04.485, 4.04.510).
8. The proposed ordinance will update the retention of records section to require the taxpayer to pay the City's travel expenses for audits where the records are not kept locally or available electronically (See 4.04.168).



Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

#### Other Issues and Considerations

During the process of analyzing the standardized sales and use tax definitions, it was determined that certain sections of the tax code needed to be updated or clarified.

#### Applicable Council Goal or Objective

Engaged Business & Industry Relationships

#### Decision Options

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 motion to adopt the ordinance and publish with reference to title only.

#### Attachments

Ordinance  
PowerPoint



**CITY OF GREELEY, COLORADO**

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

**AN ORDINANCE AMENDING CHAPTER 4.04 OF THE GREELEY MUNICIPAL CODE**

WHEREAS, from time to time the City has determined that there is a need to amend the Greeley Municipal Code in order to make the text more contemporary, align the language with Colorado Revised Statutes, and provide for items that were not anticipated at the time of adoption;

WHEREAS, several Sections in Chapter 4.04 the Greeley Municipal Code should be amended in order to provide clarification to the taxpayers; and

WHEREAS, several sections of Chapter 4.04 of the Greeley Municipal Code should be updated in order to correct citation references; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley to amend Chapter 4.04 regarding time limits, and other updates and clarifications to the code.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GREELEY, COLORADO, AS FOLLOWS:

**Section 1.** Sections 4.04.025, 4.04.030, 4.04.035, 4.04.045, 4.04.050, 4.04.055, 4.04.321, 4.04.450, 4.04.465, 4.04.480, 4.04.485, and 4.04.510 shall be amended to read as set forth on Exhibit A attached hereto and incorporated herein by this reference.

**Section 2.** The Greeley Municipal Code shall be amended by the addition of Section 4.04.168 as shown on Exhibit B.

**Section 3.** This Ordinance shall become effective five days following its final publication, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

CITY OF GREELEY, COLORADO

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

\_\_\_\_\_  
Mayor



## EXHIBIT A

### **4.04.025 - Director of Finance; duties.**

The administration of this Chapter and Chapters 4.08 and 6.058 is vested in the Director of Finance, who shall prescribe forms and reasonable rules and regulations in conformity with this Chapter and Chapters 4.08 and 6.058, for the making of returns, for the ascertainment, assessment and collection of the taxes imposed under this Chapter and for the proper administration and enforcement of this Chapter and Chapters 4.08 and 6.058.

### **4.04.030 - Rules and regulations authority.**

To provide uniform methods of adding the tax or the average equivalent thereof to the selling price, authority is granted to the Director of Finance to formulate and promulgate, after hearing, appropriate rules and regulations to effectuate the purpose of this Chapter and Chapters 4.08 and 6.058.

### **4.04.035 - Penalty waiver authority.**

The Director of Finance is authorized to waive, for good cause shown, any penalty assessed as provided in this Chapter and Chapter 6.058; and any interest imposed in excess of six percent (6%) per year shall be deemed a penalty.

### **4.04.045 - ~~Actions and liens to collect tax~~ LIMITATIONS PERIOD; TOLLING.**

(a) The taxes for any period, together with interest thereon and penalties with respect thereto, shall not be assessed, nor shall any notice of lien be filed, distraint warrant be issued, suit for collection be instituted or any other action to collect the same be commenced, more than three (3) years from the date on which the tax was or is payable.;

(b) ~~nor shall any lien continue after such period, except if~~ For taxes assessed before the expiration of such period, ~~where a notice of lien with respect to which~~ has been filed prior to the expiration of such period, in which cases such lien shall continue for one (1) year after the filing of notice thereof.

(C) THE COMMENCEMENT OF COLLECTION PROCEEDINGS, INCLUDING THE MAILING OF A NOTICE OF AUDIT, SHALL TOLL THE RUNNING OF THE LIMITATIONS PERIOD SET FORTH IN SUBSECTION (A) ABOVE.

### **4.04.050 - ~~False or fraudulent returns~~ EXCEPTION TO LIMITATIONS PERIOD.**

In case of a false or fraudulent return with intent to evade tax, AND IN THE CASE OF FAILURE TO FILE A RETURN the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be begun at any time.



#### **4.04.055 - Extension of ~~time~~ limitations PERIOD.**

Before the expiration of the periods of limitation provided for in Sections 4.04.045 and 4.04.050, the taxpayer and the Director of Finance may agree in writing to an extension OR EXTENSIONS thereof and OF the LIMITATIONS period so agreed on may be extended by subsequent agreements in writing.

#### **4.04.321 - Investigations and hearings; powers of Director of Finance.**

For the purpose of ascertaining the correctness of a tax return or for the purpose of determining the amount of tax due from any person, the Director of Finance or his or her duly authorized ~~deputies~~ AGENTS, INCLUDING CONTRACT AUDITORS, may ~~hold~~ CONDUCT investigations. ADDITIONALLY, THE DIRECTOR OF FINANCE OR HIS OR HER DULY AUTHORIZED AGENTS MAY HOLD hearings concerning any matters covered by this Chapter. THE DIRECTOR OF FINANCE OR HIS OR HER DULY AUTHORIZED AGENTS may examine any relevant books, papers, records or memoranda of any such person; may require the attendance of such person or any officer or employee of such person, or of any person having knowledge of such sales; and may take testimony and require proof for his or her information. The Director of Finance ~~and his or her duly authorized deputies~~ shall have power to administer oaths ~~to such persons~~.

#### **4.04.450 - Petition of aggrieved taxpayers.**

If any person, having made a return and paid the tax, feels aggrieved by the assessment made upon him or her by the Director of Finance, he or she may apply to the Director of Finance by petition in writing, within twenty (~~23~~0) days after the notice is mailed to him or her, for a hearing and correcting of the amount of the tax so assessed, in which petition he or she shall set forth the reasons why such hearing should be granted and the amount by which such tax should be reduced. The Director of Finance shall notify the petitioner in writing of the time and place fixed by him or her for such hearing. The City shall hold such hearing and issues the final decision thereon within ~~ninety (90)~~ ONE HUNDRED EIGHTY (180) days after the City's receipt of the taxpayer's written request therefor, ~~except the City may extend such period if the delay in holding the hearing or issuing the decision thereon was occasioned by the taxpayer, but, in any such event, the City shall hold such hearing and issues the decision thereon within one hundred eighty (180) days of the taxpayer's request in writing therefor.~~

#### **4.04.465 - Delegation of duties.**

Duties of the Director of Finance provided for in these aggrieved taxpayer provisions may be performed by any qualified deputy.

#### **4.04.480 - Notices of assessment.**

An appeal of a notice of assessment issued to a vendor or taxpayer for failure to file a return, underpayment of tax owed or as a result of an audit shall be submitted in writing to the Finance Director or other appropriate officer within ~~twenty (20)~~ THIRTY (30) calendar days from the date of the notice of assessment. Any such appeal shall identify the amount of tax disputed and the basis



for the appeal. The time period set forth in this Section may, in the absolute discretion of the Finance Director, be waived for good cause on written application of a vendor or taxpayer.

**4.04.485 - Denial of refunds.**

An appeal of a denial of a refund shall be submitted in writing to the Finance Director or other appropriate officer within ~~twenty (20)~~ THIRTY (30) calendar days from the date of the denial of the refund and shall identify the amount of the refund requested and the basis for the appeal. The time period set forth in this Section may, in the absolute discretion of the Finance Director, be waived for good cause on written application of a vendor or taxpayer.

**4.04.510 - Payment of assessment; petition for modification.**

The estimate provided for at Section 4.04.500 shall, upon the notice provided for at Section 4.04.505, become an assessment and such assessment shall be final and due and payable from the taxpayer to the Director of Finance ~~twenty (20)~~ THIRTY (30) days from the date of service of the notice or the date of mailing by certified mail; provided, however, that within that THIRTY (30) day period, such delinquent taxpayer may petition the Director of Finance for a revision or modification of such assessment and shall, within such ~~twenty-day~~ THIRTY (30) DAY period, furnish the Director of Finance the facts and correct figures showing the correct amount of such taxes.



## EXHIBIT B

### **4.04.168 - RETENTION OF RECORDS.**

- (A) IT SHALL BE THE DUTY OF EVERY PERSON LIABLE TO THE CITY FOR ANY TAX TO KEEP AND PRESERVE RECORDS AS REQUIRED BY TITLE 6 OF THIS CODE.
- (B) IN THE CASE OF A PERSON, WHO DOES NOT KEEP THE REQUIRED BOOKS, ACCOUNTS AND RECORDS WITHIN THE CITY, IT SHALL BE SUFFICIENT IF SUCH PERSON PRODUCES WITHIN THIS CITY SUCH BOOKS, ACCOUNTS AND RECORDS OR SUCH INFORMATION AS SHALL BE REASONABLY REQUIRED BY THE DIRECTOR OF FINANCE FOR EXAMINATION BY THE DIRECTOR OF FINANCE. IN LIEU THEREOF, SAID PERSON SHALL PAY IN ADVANCE SUCH TRAVEL, LODGING, MEAL AND RELATED EXPENSES AS SHALL REASONABLY BE INCURRED BY THE DIRECTOR OF FINANCE IN EXAMINATION OF SAID BOOKS, ACCOUNTS AND RECORDS AT SUCH PLACE WHERE SAID BOOKS, ACCOUNTS AND RECORDS ARE KEPT.





## **Housekeeping Code Changes Chapter 4.04**

10/17/2017

### **Reason for Amendments**

- Make code more contemporary
- Aligns to Colorado Revised Statutes
- Clarification for taxpayers
- Correct citation references



## Amendment

- Sections: 4.04.025 – 4.04.035:
  - Administrative clean up: eliminates reference to a Code Section that no longer exists.
- Statute of Limitations for Auditing Purposes - 4.04.045
  - This locks in a three-year audit period for businesses who have reported their taxes in good faith.
- Exception to Limitations Period – 4.04.050:
  - If a business has not reported taxes, then the City has the right to audit to life of business. This change is now explicit that the City can recover taxes from life of audit period.

## Amendment

- Extensions May Be Granted - 4.04.055
  - We made it clear both parties can grant extensions in writing.
- Powers of Finance Director – 4.04.321:
  - Permits the Finance Director to delegate duties.
- Delegation of Duties – 4.04.465:
  - Deleted because it is addressed in 4.04.321.
- Petition of aggrieved taxpayers – 4.04.450:
  - Aligns our timing of processes with state statute



## Amendment

- Notice of Assessment - 4.04.480:
  - Again, aligns our timing of appeal issues with the State.
- Denial of Refunds – 4.04.485: Again, realigns the timing of issues with the State Statutes.
- Payment of Assessment – 4.04.510: Allows the payments to be made in 30 days instead of 20, again in line with State issues.

## New Section

- Retention of Records - 4.04.168:

This section does two things:

  1. It requires businesses retain records that can be audited.
  2. If a business requires the City to travel outside the geographic boundaries to acquire the tax records, the businesses must pay for the travel expenses.





Questions?



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 20**

Key Staff Contact: Victoria A. Runkle, Assistant City Manager, 350-9730

### Title

Public hearing and final reading of an Ordinance adopting the Budget for 2018

### Summary

This ordinance authorizes the appropriations for the fiscal year 2018 (January 1, 2018 through December 31, 2018)

A public hearing was held prior to introduction of the ordinance on October 3, 2017.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial or onetime impact?	\$367,858,520
What is the annual impact?	None
What fund of the City will provide funding?	All Funds
What is the source of revenue within the fund?	All Sources
Is there grant funding for this item?	FTA, Drug Task Force, CDBG
If yes, does this grant require a match?	Yes
Is this grant onetime or ongoing?	Ongoing
Additional Comments:	

### Legal Issues

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

### Other Issues and Considerations

Based upon input from the public hearing, the budget ordinance can be amended prior to final adoption.

### Applicable Council Goal or Objective

Applies to All Priorities



#### Decision Options

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 motion to adopt the ordinance and publish with reference to title only.

#### Attachments

Ordinance

2018 Public Hearing Pamphlet

PowerPoint Presentation



**THE CITY OF GREELEY**  
**ORDINANCE NO. \_\_\_\_\_, 2017**

AN ORDINANCE ADOPTING THE BUDGET FOR 2018 AND MAKING APPROPRIATIONS FOR 2018.

**WHEREAS**, by virtue of the provisions contained in the Greeley Charter Sections 3-15 and 5-15 of the City of Greeley, Colorado, the City Council is required to adopt each annual budget and make the necessary appropriations by Ordinance; and

**WHEREAS**, the City Manager has submitted to the City Council the proposed budget in accordance with Section 5-12 of the Greeley Charter; and

**WHEREAS**, the City Council of Greeley, Colorado, on October 3, 2017, held a public hearing in accordance with Section 5-13 of the Greeley Charter on said proposed budget, after first giving proper notice of said public hearing.

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

**Section 1.** There is hereby adopted and approved for fiscal 2018 (January 1, 2018 to December 31, 2018) an annual budget, which consists of a document designated as such and a tax levy of 11.274 mills.

**Section 2.** The annual budget for the year 2018, as adopted and approved, shall be on file in the City Clerk's office for public inspection during office hours of such office for the entire year of 2018:

**Section 3.** There are hereby appropriated from the General Fund for fiscal year 2018 the following amounts:

<b>Fund Description</b>	<b>Amount</b>	<b>Transfers</b>	<b>Total</b>
General (001)	83,558,729	5,666,326	89,225,055

**Section 4.** There are hereby appropriated from the Special Revenue Funds for fiscal year 2018 the following amounts:

<b>Fund Description</b>	<b>Amount</b>	<b>Transfers</b>	<b>Total</b>
Convention & Visitors (102)	262,115	397,035	659,150
Community Development (103)	850,000	-	850,000
Streets & Roads (104)	10,719,500	-	10,719,500
Conservation Trust (105)	250	943,500	943,750
Sales & Use Tax (106)	321,505	65,729,597	66,051,102
Designated Revenue (108)	170,929	582,521	753,450
Conference Center Development (110)	-	-	-
Downtown Development Authority TIF (111)	200,000	-	200,000
Museum (602)	250	-	250
Senior Citizen (604)	50	-	50
Senior Center Clubs (606)	19,885	-	19,885
Community Memorials (607)	595	-	595



**Section 5.** There are hereby appropriated from the Debt Service Funds for fiscal year 2018 the following amounts:

<b>Fund Description</b>	<b>Amount</b>	<b>Transfers</b>	<b>Total</b>
General Debt Service (200)	7,319,158	-	7,319,158
Greeley Building Authority (201)	166,012	-	166,012

**Section 6.** There are hereby appropriated from the Capital Projects Funds for fiscal year 2018 the following amounts:

<b>Fund Description</b>	<b>Amount</b>	<b>Transfers</b>	<b>Total</b>
Public Improvement (301)	1,897,898	-	1,897,898
Public Art (303)	375,364	-	375,364
Food Tax (304)	4,527,806	2,800,000	7,327,806
Softball Improvement (305)	100	-	100
Fire Equip & Acquisition Replacement (306)	619,042	452,004	1,071,046
Fire Protection Development (307)	2,000	-	2,000
Police Development (308)	40,550	-	40,550
Island Grove Development (309)	87,853	-	87,853
Transportation Development (312)	10,002,169	100,000	10,102,169
Park Development (314)	50	964,194	964,244
Trails Development (316)	847,195	8,465	855,660
Quality of Life (318)	5,168,495	861,981	6,030,476
FASTER (320)	763,300	326,576	1,089,876
Keep Greeley Moving (321)	10,065,433	3,600,000	13,665,433
2016 City Center (322)	-	267,661	267,661

**Section 7.** There are hereby appropriated from the Permanent Funds for fiscal year 2018 the following amounts:

<b>Fund Description</b>	<b>Amount</b>	<b>Transfers</b>	<b>Total</b>
Cemetery Endowment (601)	500	41,706	42,206
Petriken Memorial (603)	2	-	2
Memorials (605)	75	-	75

**Section 8.** There are hereby appropriated from the Enterprise Funds for fiscal year 2018 the following amounts:



Fund Description	Amount	Transfers	Total
Sewer (401)	6,017,044	467,932	6,484,976
Sewer Construction (402)	3,260,732	132,508	3,393,240
Sewer Capital Replacement (403)	6,683,762	-	6,683,762
Water (404)	17,530,011	1,878,416	19,408,427
Water Construction (405)	44,379,000	105,908	44,484,908
Water Capital Replacement (406)	10,103,429	-	10,103,429
Water Rights Acquisition (407)	8,460,247	-	8,460,247
Cemetery (408)	634,760	-	634,760
Municipal Golf Courses (409)	1,785,614	-	1,785,614
Downtown Parking (410)	221,509	-	221,509
Stormwater (411)	2,314,537	235,763	2,550,300
Stormwater Construction (412)	2,078,682	257,359	2,336,041
Stormwater Replacement (413)	1,470,507	-	1,470,507
Sewer Debt Service (420)	528,844	-	528,844
Water Debt Service (421)	8,889,649	-	8,889,649
Stormwater Debt Service (422)	564,850	-	564,850

**Section 9.** There are hereby appropriated from the Internal Service Funds for fiscal year 2018 the following amounts:

Fund Description	Amount	Transfers	Total
Equipment Maintenance (502)	3,046,877	-	3,046,877
Information Technology (503)	4,012,369	-	4,012,369
Health (504)	14,354,538	-	14,354,538
Workers' Compensation (505)	1,611,466	-	1,611,466
Communications (506)	201,600	-	201,600
Liability (507)	1,592,286	-	1,592,286
Fleet Replacement (512)	2,959,194	-	2,959,194
Information Technology Acquisition (513)	1,265,751	85,000	1,350,751

**Section 10.** The appropriation made by this ordinance includes \$281,954,068 for expenditures and \$85,904,452 for transfers resulting in a total of \$367,858,520.

**Section 11.** The City Council finds that all appropriations from the Public Art Reserve Accounts within the Water, Sewer, and Stormwater Utilities Enterprise Funds for the Public Art Program do provide a betterment to those utilities, and the City Council further determines that the acquisition and lease of works of art, and maintenance, repair, and display of works of art, supports specific utility purposes beneficial to the ratepayers of such utilities.

**Section 12.** This ordinance shall become effective five (5) days after its final publication as provided in Sections 3-16 and 3-17 of the Greeley Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

THE CITY OF GREELEY

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

BY \_\_\_\_\_  
Mayor





## 2018 Proposed Budget

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Public Hearings:

October 3, 2017

October 17, 2017



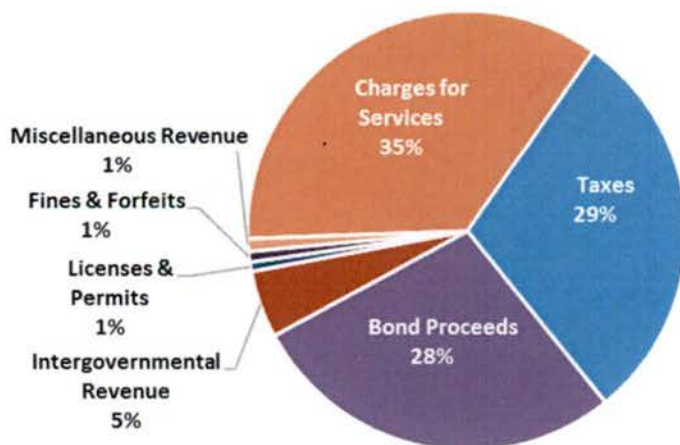
2018 Budgeted Fund Balance Worksheet				
Fund Description	Projected Fund Balance 1/1/2018	2018 Revenue Budget	2018 Expenditure Budget	Projected Fund Balance 12/31/2018
<b>General</b>				
001 - General	15,182,789	87,747,609	89,225,055	13,705,343
<b>Special Revenue Funds</b>				
102 - Convention & Visitors	476,844	548,000	659,150	365,694
103 - Community Development	1,259,186	850,000	850,000	1,259,186
104 - Streets & Roads	-33,164	10,752,664	10,719,500	-
105 - Conservation Trust	368,846	1,001,000	943,750	426,096
106 - Sales & Use Tax	-	66,051,102	66,051,102	-
108 - Designated Revenue	4,238,746	1,588,043	753,450	5,073,339
110 - Conference Center Development	-	-	-	-
111 - Downtown Development Authority TIF	805,729	165,000	200,000	770,729
602 - Museum	139,098	1,000	250	139,848
604 - Senior Citizen	31,870	300	50	32,120
606 - Senior Center Clubs	39,520	15,385	19,885	35,020
607 - Community Memorials	106,030	400	595	105,835
<b>Debt Service Funds</b>				
200 - General Debt Service	2,295,447	6,168,417	7,319,158	1,144,706
201 - Greeley Building Authority	-436,230	166,012	166,012	-436,230
<b>Capital Project Funds</b>				
301 - Public Improvement	10,755	1,899,921	1,897,898	12,778
303 - Public Art	905,245	298,326	375,364	828,207
304 - Food Tax	332,305	7,196,268	7,327,806	200,767
305 - Softball Improvement	54,449	12,150	100	66,499
306 - Fire Equip & Acquisition Replacement	-626,914	989,336	1,071,046	-708,624
307 - Fire Protection Development	2,077,750	181,338	2,000	2,257,088
308 - Police Development	401,725	52,777	40,550	413,952
309 - Island Grove Development	-210,876	170,720	87,853	-128,009
312 - Transportation Development	5,447,187	4,869,312	10,102,169	214,330
314 - Park Development	-	964,244	964,244	-
316 - Trails Development	862,498	103,183	855,660	110,021
318 - Quality of Life	1,230,859	4,993,919	6,030,476	194,302
320 - FASTER	579,831	563,304	1,089,876	53,259
321 - Keep Greeley Moving	1,054,985	13,665,433	13,665,433	1,054,985
322 - 2016 City Center	267,661	-	267,661	-
<b>Permanent Funds</b>				
601 - Cemetery Endowment	2,060,366	42,206	42,206	2,060,366
603 - Petriken Memorial	2,089	10	2	2,097
605 - Memorials	306,743	15,000	75	321,668



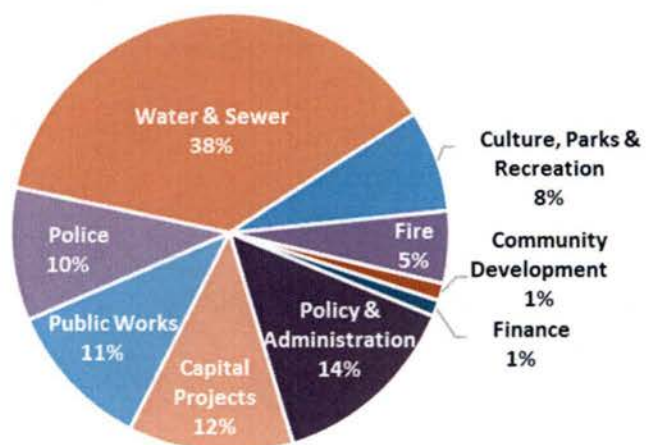
### 2018 Budgeted Fund Balance Worksheet

Fund Description	Projected Fund Balance 1/1/2018	2018 Revenue Budget	2018 Expenditure Budget	Projected Fund Balance 12/31/2018
<b>Enterprise Funds</b>				
401 - Sewer	6,786,830	6,225,016	6,484,976	6,526,870
402 - Sewer Construction	1,607,533	3,051,555	3,393,240	1,265,848
403 - Sewer Capital Replacement	-1,489,987	15,060,156	6,683,762	6,886,407
404 - Water	16,472,426	16,473,624	19,408,427	13,537,623
405 - Water Construction	-9,122,107	52,064,507	44,484,908	-1,542,508
406 - Water Capital Replacement	-17,528,337	28,247,638	10,103,429	615,872
407 - Water Rights Acquisition	8,667,269	4,456,352	8,460,247	4,663,374
408 - Cemetery	516,063	634,760	634,760	516,063
409 - Municipal Golf Courses	550,788	1,785,614	1,785,614	550,788
410 - Downtown Parking	115,526	214,600	221,509	108,617
411 - Stormwater	4,526,764	2,198,863	2,550,300	4,175,327
412 - Stormwater Construction	383,223	2,450,723	2,336,041	497,905
413 - Stormwater Replacement	275,299	1,230,281	1,470,507	35,073
420 - Sewer Debt Service	1,018,193	976,361	528,844	1,465,710
421 - Water Debt Service	4,120,853	12,996,915	8,889,649	8,228,119
422 - Stormwater Debt Service	139,067	564,850	564,850	139,067
<b>Internal Service Funds</b>				
502 - Equipment Maintenance	552,531	3,101,236	3,046,877	606,890
503 - Information Technology	289,062	3,958,888	4,012,369	235,581
504 - Health	2,819,478	14,276,564	14,354,538	2,741,504
505 - Workers' Compensation	2,254,018	1,611,466	1,611,466	2,254,018
506 - Communications	500,975	302,100	201,600	601,475
507 - Liability	930,786	1,599,793	1,592,286	938,293
512 - Fleet Replacement	1,603,185	2,484,235	2,959,194	1,128,226
513 - Information Technology Acquisition	1,955,968	67,643	1,350,751	672,860
<b>Total</b>	<b>\$ 67,176,775</b>	<b>\$ 387,106,119</b>	<b>\$ 367,858,520</b>	<b>\$ 86,424,374</b>

2018 Resources by Category  
(excluding transfers)



2018 Expenditures by Department  
(excluding transfers)







Budget Presentations	
Date	Presentation
July 25	Major Revenue Estimates
August 8	Water, Sewer, & Stormwater
August 22	Capital Improvement Plan, Expenditure Summary & Department Presentations: HR, IT, Finance, City Attorney, City Clerk, City Manager, Economic Development, & Municipal Court.
September 12	Department Presentations: Culture, Parks, & Recreation, Fire, Community Development, & Public Works
September 26	Department Presentations: Police
October 3	Public Hearing, First Reading of 2018 Budget Ordinance
October 17	Public Hearing, Adoption of 2018 Budget Ordinance

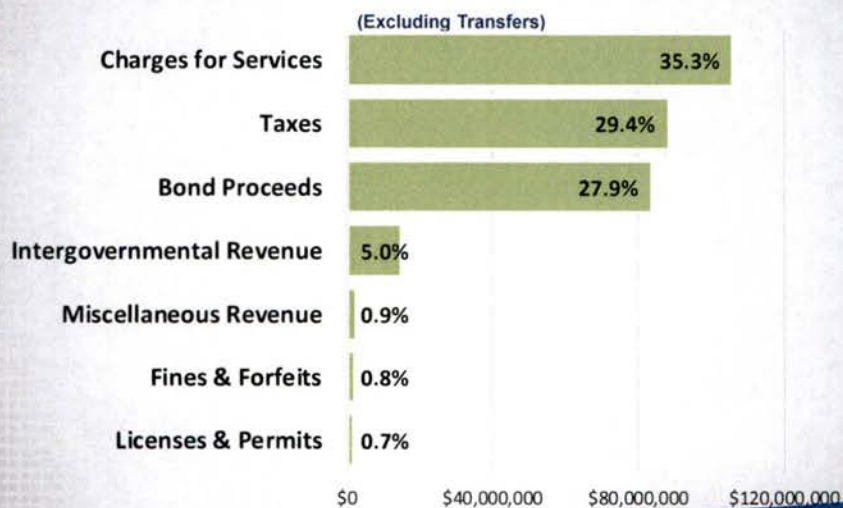


# Public Hearing

- Revenue Sources
- Expenditures
  - Summary
  - Funded Initiatives
  - Capital Projects
- Utility Rate Changes
- Reserves

CITY OF GREELEY

## 2018 Resources



CITY OF GREELEY



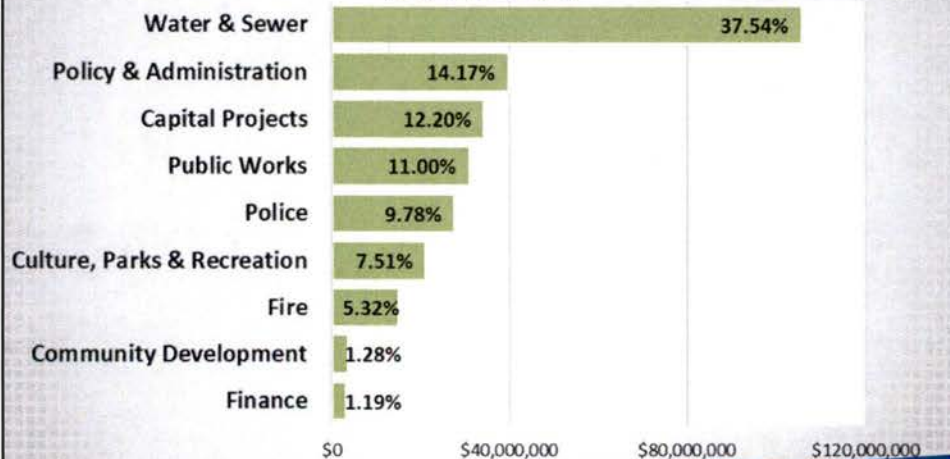
# 2018 Budget

• Transfers between funds	\$85,904,452
• <u>Expenditures</u>	<u>\$281,954,068</u>
• <b>Total Appropriation</b>	<b>\$367,858,520</b>

CITY OF GREELEY

## 2018 Expenditures by Department

(Excluding Transfers)



CITY OF GREELEY



## 2018 Budget Additions

- Public Safety
  - 2 Additional Police Officers and 1 PST.
  - 1 Fire position for Alternative Response Program.
  - New ambulance service model, including 3 new FTEs.
  - Additional police dispatch support.
- Quality of Life
  - Addition of 2 FTEs for park maintenance.
- Minimum Wage Increases

CITY OF GREELEY

## 2018 Major Capital Project Fund Highlights

• Food Tax	\$7,327,806
• Transportation Development	\$10,102,169
• Quality of Life	\$6,030,476
• Keep Greeley Moving	\$13,665,433
• Water Construction	\$44,484,908
• Stormwater Construction	\$2,336,041

CITY OF GREELEY



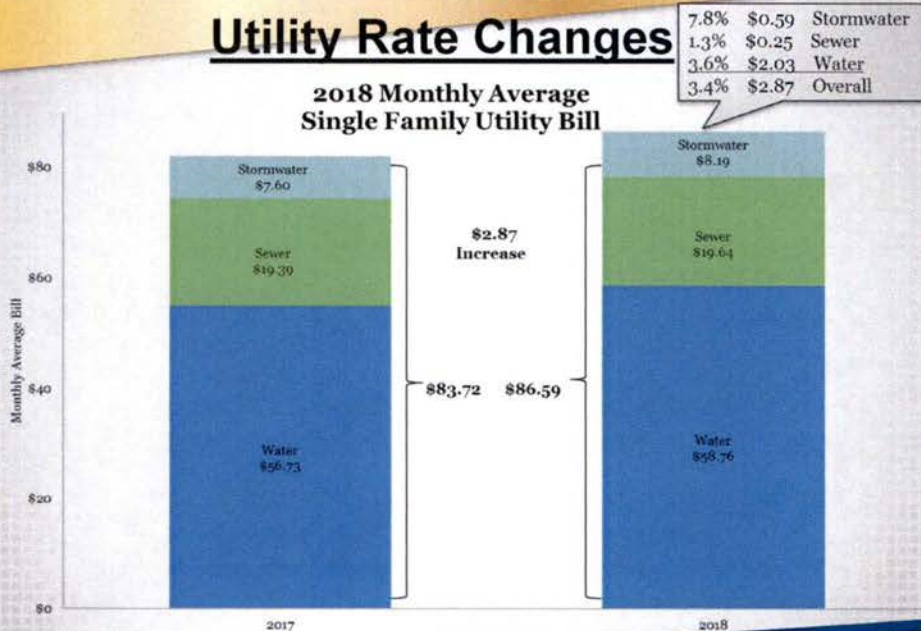
# 2018 Project Highlights

Windy Gap Firming	\$38,250,000
71st Ave: Bridge/Road Widening from 12th to 22nd Street	\$6,565,000
Future Water Acquisition - Phase II	\$6,550,000
20th Street Phase IV: Widening 83rd to 86th Avenue	\$3,535,000
10th Street Access Improvements	\$1,897,596
Skate Park (Location TBD)	\$1,800,000
Sheepdraw Trail 71st Ave to 20th Street	\$1,750,000
27th Avenue Storm Drain Improvements 17th Street to Poudre River	\$1,039,842
Poudre Ponds Erosion Protection	\$800,000
Boyd Filter Media Replacement	\$800,000

CITY OF GREELEY

## Utility Rate Changes

2018 Monthly Average Single Family Utility Bill



CITY OF GREELEY



## Projected Reserves

	2018 Projected Fund Balance	2019 Projected Fund Balance
General Fund	\$15,182,789	\$13,705,343
Health Fund	\$2,819,478	\$2,741,504
Liability Fund	\$930,786	\$938,293
Workers' Compensation Fund	\$2,254,018	\$2,254,018
Technology Funds	\$2,245,030	\$908,441
Fleet Maintenance & Replacement Funds	\$2,155,716	\$1,735,116
<b>Total</b>	<b>\$25,587,817</b>	<b>\$22,282,715</b>

CITY OF GREELEY

## 2018 Budget Summary

- Meets Charter Requirements
- Recommends Additional Expenditures
- Recommends Utility Rate Increases
- Reserves are Available for Unexpected Changes

CITY OF GREELEY







# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 21**

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

### Title

Public hearing to consider a change of zone from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning for approximately 0.34 acres of property known as the 402 15<sup>th</sup> Street Rezone, 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 Peter Hunziker to rezone approximately 0.34 acres of land (0.12 acres, plus adjacent right-of-way) from I-L (Industrial Low Intensity) to R-H (Residential High Density) zone district to allow for residential uses of an existing single-family residential structure. Rezoning of the property would allow the structure to be used as the type of structure it is (i.e. a house), in an area that transitions from industrial to residential uses.

The Planning Commission considered this request on September 26, 2017, and unanimously recommended approval.

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 October 3, 2017.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial or onetime impact?	
What is the annual impact?	
What fund of the City will provide funding?	
What is the source of revenue within the fund?	
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 the following public hearing steps:

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



- 5) Public input (hearing opened, testimony - up to three minutes per person, 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 I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning meets Development Code Section 18.30.050(c)(3) b, f, g and h; 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 (September 26, 2017)

Planning Commission Summary (Staff Report) (September 26, 2017)



CITY OF GREELEY, COLORADO

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

CASE NO. Z 10:17

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM I-L (INDUSTRIAL LOW INTENSITY) TO R-H (RESIDENTIAL HIGH DENSITY) ZONING FOR APPROXIMATELY 0.34 ACRES OF PROPERTY KNOWN AS THE 402 15<sup>TH</sup> STREET REZONE

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 I-L (Industrial Low 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 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

THE CITY OF GREELEY

-----  
City Clerk

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Mayor



Legal Description

A PARCEL OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 65 WEST, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED AS BEING THE NORTH 60 FEET OF THE EAST 190 FEET, EXCEPT THE WEST 105 FEET THEREOF, IN BLOCK 168, IN THE CITY OF GREELEY, AND CONSIDERING THE EAST LINE OF THE NORTH 60 FEET OF SAID BLOCK 168 TO BEAR SOUTH 00°01'33" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 00°01'33" WEST ALONG THE WEST LINE OF SAID PARCEL BEING A PART OF BLOCK 168, A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL BEING A PART OF BLOCK 168;

THENCE CONTINUING NORTH 00°01'33" WEST A DISTANCE OF 50.00 FEET TO THE CENTERLINE OF 15TH STREET;

THENCE NORTH 89°57'19" EAST ALONG SAID CENTERLINE OF 15TH STREET TO THE INTERSECTION OF THE CENTERLINE OF SAID 15TH STREET AND THE CENTERLINE OF 4TH AVENUE;

THENCE SOUTH 00°01'33" EAST ALONG THE CENTERLINE OF SAID 4TH AVENUE A DISTANCE OF 110.04 FEET;

THENCE SOUTH 89°58'27" WEST A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL BEING A PART OF BLOCK 168;

THENCE CONTINUING SOUTH 89°58'27" WEST, ALONG THE SOUTH LINE OF SAID PARCEL BEING A PART OF BLOCK 168, A DISTANCE OF 135.00 FEET TO THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 14,853 SQUARE FEET (0.34 ACRES), MORE OR LESS, AND IS SUBJECT TO RIGHTS-OF-WAY AND EASEMENTS OF RECORD.





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## PLANNING COMMISSION

### Proceedings

September 26, 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, Hice-Idler, Yeater and Mirick were present.

#### II. Approval of minutes for meeting held on September 12, 2017

Commissioner Rarick moved to approve the minutes for the meeting held on September 12, 2017. Commissioner Andersen seconded the motion. The motion carried 7-0.

#### III. A public hearing to consider annexation of a parcel of land containing approximately 29.006 acres and known as the Signature Bluffs Natural Area Annexation No. 1

Project Name: Signature Bluffs Natural Area Annexation No. 1  
Case No.: A 9:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items III through VIII be considered together, with separate motions being required for each annexation and establishment of zoning. Chair Hall called up all of the cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the areas requested for annexation. She noted that the 32.88-acre site is within Long-Range Expected Growth Area and that the annexation would protect and preserve the area for open space. Ms. Duran reported that the area meets or



Ms. Prelog presented a map showing the location of the property and described the rezone approval criteria. She acknowledged that the rezone will create an increase in traffic and added that staff engineers had reviewed the proposal and did not have concerns about proposed traffic impacts. Ms. Prelog reported that staff felt the proposed use (limited by a DCMP) is appropriate.

Ms. Prelog presented proposed building elevations and stated that staff felt the project could be developed in accordance with the Development Code. She stated that a neighborhood meeting was held on September 6 with one person attending. Notices were sent to property owners within 500 feet and no inquiries or objections were received. Staff recommended approval.

Cathy Mathis, 444 Mountain Avenue, Berthoud, Colorado, addressed the Commission on behalf of the applicant and stated she was happy to answer any questions.

Chair Hall opened the public hearing at 2:48 p.m. There being no public comment, the public hearing was closed at 2:48 p.m.

Commissioner Rarick made a motion that, based on the application received and the project summary and accompanying analysis, the Planning Commission finds that the proposed rezone from R-L (Residential Low Density) to C-H (Commercial High Intensity) zoning district and an associated DCMP (Development Concept Master Plan) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) a, b, f, g and h and 18.30.055 and, therefore, recommends approval of the rezone to the City Council. Commissioner Mirick seconded the motion.

Commissioner Rarick commented that this appeared to be a good use for the property.

The motion carried 7-0.

**XVI. A public hearing to consider a request to rezone approximately .34 acres of land from I-L (Industrial Low Intensity) to R-H (Residential High Density)**

Project Name: 402 15<sup>th</sup> Street  
Case No.: Z 10:17  
Applicant: Peter Hunziker  
Location: 402 15<sup>th</sup> Street  
Presenter: Rachel Prelog, Planner I

Ms. Prelog addressed the Commission and entered the staff report into the record. She stated that the request is to rezone approximately 0.34 acres of property located in the Sunrise neighborhood from Industrial Low Intensity to Residential High Density. Ms. Prelog noted that this neighborhood contains mixed zoning and added that the applicant intends to redevelop an existing single-family structure for use as a duplex.

Ms. Prelog described the rezone criteria and staff's evaluation of the application. She stated that there would be no impact to city services. Ms. Prelog advised that the property has a long history of code compliance violations. She added that there will be a slight increase in traffic, but staff does not feel that it will be detrimental.



Property owners within 500 feet were notified and no objections were received. Staff recommend approval. Commissioner Schulte asked whether staff had any concerns that would prohibit residential use in an industrial area. Ms. Prelog responded that there is a mixture of uses in the neighborhood, but that the site is mostly surrounded by single-family residences.

The applicant declined to add further information.

Chair Hall opened the public hearing at 2:56 p.m.

Nicole Ransom, 1416 4<sup>th</sup> Avenue, addressed the Commission and expressed concerns about the lack of available parking spaces. She noted that students at a nearby high school use most of 4<sup>th</sup> Avenue for parking.

Howard Kendrick, 420 15<sup>th</sup> Street, addressed the Commission. He stated that he is a business owner in the area and was supportive of this corner being cleaned up. He asked that the Planning Commission consider approving single-family rather than Residential High Density, as it will be more in the area.

The public hearing was closed at 2:58 p.m.

Upon question by Chair Hall, Ms. Prelog advised that the applicant expressed that the structure would be used as a duplex. She added that staff had requested a concept site plan.

Jon Smail, 1731 25<sup>th</sup> Avenue, addressed the Commission and noted the driveway and parking spaces on the site. He stated that there will be two spaces per unit and that residents will not be parking elsewhere. Mr. Smail advised that the decision to request Residential High Density zoning was because it matches existing zoning on the north side and down 15<sup>th</sup> Street. He added that the intent is to stay within the footprint of the existing structure which is 900 square feet on the main level and 900 square feet in the basement.

Commissioner Mirick made a motion that, based on the application received and the project summary and accompanying analysis, the Planning Commission finds that the proposed rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) b, f, g and h and, therefore, recommends approval of the rezone to the City Council. Commissioner Yeater seconded the motion. The motion carried 7-0.

## **XVII. Staff Report**

Brad Mueller thanked the Commissioners who provided feedback on the draft Comprehensive Plan goals & objectives. There was brief discussion about the characteristics of the monopole at the Greeley Country Club.



## PLANNING COMMISSION SUMMARY

**ITEM:** Rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density)

**FILE NUMBER:** Z 10:17

**PROJECT:** 402 15<sup>th</sup> Street Rezone

**LOCATION:** 402 15<sup>th</sup> Street

**APPLICANT:** Peter Hunziker

**CASE PLANNER:** Rachel Prelog, Planner I

**PLANNING COMMISSION HEARING DATE:** September 26, 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).

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### EXECUTIVE SUMMARY

The City of Greeley is considering a request by Peter Hunziker, to rezone the property located at 402 15<sup>th</sup> Street, plus adjacent right-of-way to the centerline of the roadway, approximately 0.34 acres (14,853 square feet) from I-L (Industrial Low Intensity) to R-H (Residential High Density). (see Attachment A – Vicinity Map and Attachment C – Property Boundary Map).

#### A. REQUEST

The applicant is requesting approval of a rezone (see Attachment A – Vicinity Map and Attachment C – Property Boundary Map).

#### B. STAFF RECOMMENDATION

Approval. See Section J for the recommended motion.

#### C. LOCATION

##### Abutting Zoning:

North: R-H (Residential High Density)  
South: I-L (Industrial Low Intensity)  
East: I-L (Industrial Low Intensity)  
West: I-L (Industrial Low Intensity)



**Surrounding Land Uses:**

North: Single-family Residence

South: Single-family Residence

East: Industrial, Oil & Gas Servicing Company

West: Single-family Residence

**Site Characteristics:**

The subject site is located on the southwest corner of 15<sup>th</sup> Street and 4<sup>th</sup> Avenue in the Sunrise Neighborhood. The site is flat with a ground cover of dirt and weeds. Two mature trees exist along the public sidewalk on 4<sup>th</sup> Avenue and three mature trees exist along the west property line. Attached sidewalks exist along both 15<sup>th</sup> Street and 4<sup>th</sup> Avenue. The property contains one single-family home that has sat vacant since its placement in 2002. The property is adjacent to residential properties with heavier industrial uses farther to the west, adjacent to the railroad. The neighborhood block similarly transitions in use, south of the property, to a mix of residential, commercial and industrial uses as one approached 16<sup>th</sup> Street.

**D. BACKGROUND**

The subject property is located in the Sunrise Neighborhood, which has a mix of residential and industrial zoning districts and uses. The subject property is surrounded by residential uses to the west and south. Properties north of 15<sup>th</sup> Street are zoned R-H (Residential High Density) and also contain residential uses. Properties to the east, across 4<sup>th</sup> Avenue are a mix of industrial, commercial and residential uses (see Attachment B – Zoning Vicinity Map).

The subject property, which was part of the original Town of Greeley plat, has been zoned industrial since 1929. The property contains one existing single-family residence, with a basement, which was placed on the property in 2002, by the previous property owner. As new residential uses have been a prohibited land use in industrial zoning districts since 1976, the former property owner was never able to occupy the building. The property, therefore, has been vacant since the residence was placed on the property.

The property has a substantial history of Building Inspection and Code Compliance violations stemming from the placement of the non-conforming structure and ranging from a lack of permits and land use approval, health and safety citations to property maintenance violations. If the property is rezoned to R-H, the applicant plans to pursue a Site Plan Review application (administrative review) for redevelopment of the property for a duplex use (see Attachment D – Site Analysis Map).

The subject property is located within the City of Greeley's Redevelopment District. The Redevelopment District provides opportunities for alternative standards for the development of land and to provide additional discretion via the application of alternative compliance. Any proposed application of Redevelopment District standards would be reviewed administratively by staff during the Site Plan process using criteria found in Section 18.34.600 of the City of Greeley's



Development Code.

## 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: Significant development/redevelopment has not occurred in this area over the past decade. The Sunrise neighborhood has remained a stable residential neighborhood despite opportunities for industrial development.

The rezoning to multi-family residential is compatible with the existing neighborhood, offering a transition between single-family residential and heavier industrial uses adjacent to the railroad.

This criterion is not applicable to this request.

- 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 subject has been zoned industrial since 1929 (88 years) without industrial development occurring on the property. The surrounding neighborhoods to the north and east have transitioned throughout the years, back and forth, between residential and industrial zoning districts. However, much of the Sunrise Neighborhood has remained residential, with original homes built in the early 1900's, despite residential uses being a prohibited use in industrial zoning districts since 1976.



Currently, residences north of 15<sup>th</sup> Street are zoned R-H (Residential High Density). If rezoned, the subject property would therefore have contiguous boundaries with the existing R-H zoning district to the north (see Exhibit B – Zoning Vicinity Map).

While the zoning is not obsolete, the lack of interest in assembling smaller parcels into larger lots, which would be needed to develop land for industrial uses, indicates that the demand for industrial zoned land in this area may be slowing. The rezoning from I-L to R-H would allow for the redevelopment of the site to residential, which is compatible with the surrounding residential neighborhood.

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 known detrimental environmental conditions existing on site.

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 subject property has been vacant for many years, with many Code Compliance cases due to maintenance issues and a non-conforming structure (residence) being placed on the site. The rezone of this property would have a positive impact on the neighborhood, since the existing structure, once permitted would be allowed to be occupied and redeveloped.

City services such as water, sewer, Police and Fire are already available to the site. Sidewalks exist along both the north and east sides of the property. A new curb cut would be required to provide off-street parking for potential residential uses. The rezone of the property and change of use from vacant land to a residential use would increase traffic slightly, but should not have a significant impact on surrounding neighbors.

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?**

The following City of Greeley 2060 Comprehensive Plan policies apply to this request:

**Land Use:**

- **LU2.5(c)ii** – *To the extent possible, explore avenues to address the negative impacts experienced in neighborhoods with foreclosed properties, including property care, building neglect and similar issues.*
- **LU2.13** – *Continue to monitor and assess the condition of older, established neighborhoods to determine if areas are exhibiting at-risk conditions which warrant attention to prevent decline.*

**Education:**

- **ED1.D(2)** – *When considering land use proposals, support projects which expand the diversity of housing types and population which could be served by area schools, including housing to support community college, and university student populations.*

**Redevelopment:**

- **RE3.B(1)** – *Stabilize older neighborhoods by increasing the overall density in these areas with a measured blend of home ownership and multi-family uses and commensurate commercial, recreational and related uses to support the area's residents.*



**Community Design:**

- **CD2.A(3)** – *Encourage revitalization and redevelopment of areas showing signs of decline or disinvestment.*
- **CD2.B(2)** – *Preserve, protect, and improve the appearance of existing low-income neighborhoods, especially in established areas of the community.*

Staff Comment: The proposal complies with the City's Comprehensive Plan policies as they pertain to promoting redevelopment and infill within established neighborhoods, and within proximity of the downtown and educational facilities. The rezone of the property from I-L to R-H would provide a mix of residential densities within the Sunrise neighborhood; protecting established single-family residences from encroachment by incompatible land uses. The rezone further encourages reinvestment within an established neighborhood; supporting adaptive reuse of an existing structure into something that compliments the vitality of neighborhood, stabilizing the area by eliminating nonconformities of the site, increasing overall density and providing the neighborhood with a variety of housing options.

The proposal complies with this criterion.

**h) What is the potential impact of the proposed rezoning upon an approved Zoning Suitability Plan for the property?**

Staff Summary: Staff believes the proposed rezone of this property would only add value to the existing neighborhood. Based on its long-term vacancy and blighted condition, this property significantly detracts from the neighborhood. Through rezoning, this property could be redeveloped into a contributing residential property. The rezone can be supported by the Comprehensive Plan and the Development Code.

The proposal complies with this criterion.

**E. PHYSICAL SITE CHARACTERISTICS**

**1. SUBDIVISION HISTORY**

The subject property was platted June 29, 1871 as part of the original Town of Greeley plat.

**2. HAZARDS**

There are no known hazards on the subject property.

**3. WILDLIFE**

Wildlife should not be affected by the rezone request.



#### **4. FLOODPLAIN**

The proposed rezone boundary 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**

The existing drainage patterns are expected to continue to follow the existing lay of the land. Drainage patterns would be examined in greater detail through any future land use requests.

#### **6. TRANSPORTATION**

The subject property is located on the southwest corner of 15<sup>th</sup> Street and 4<sup>th</sup> Avenue, which are both classified as local roads. If the rezone is approved, the applicant intends to redevelop the existing single-family home into a duplex. A conceptual plan provided by the applicant shows that the required off-street parking for the proposed units should be able to be provided on site. Parking and site layout would be reviewed by the Community Development Department at in greater detail during the Site Plan Review process. Access to required off-street parking would likely be from 15<sup>th</sup> Street on the western side of the property; ultimate curb cuts locations would be looked at in further detail and approved by Public Works during the Site Plan Review process (see attachment E – Conceptual Site Plan).

### **F. SERVICES**

#### **1. WATER**

Water services are located north of the subject site in 15<sup>th</sup> Street.

#### **2. SANITATION**

Sewer services are located east of the subject site in 4<sup>th</sup> Avenue.

#### **3. EMERGENCY SERVICES**

The subject site is serviced by the City of Greeley Fire and Police. The closest fire station, Fire Station #5, is located approximately .75 miles from the subject site.

#### **4. PARKS/OPEN SPACES**

No parks or regional open space areas are proposed with this rezone request. Park dedication is required at the time of subdivision, when not previously identified by zoning. The subject site is approximately 0.20 miles south of the Charlie & Laura Archibeque Park.

#### **5. SCHOOLS**

The proposed rezone is within the Greeley-Evans School District boundary. The closest District 6 Schools are Jefferson High School, roughly .11 miles to the north, and Bella Romero Academy roughly one (1) mile southeast. The subject property is also roughly one half (0.5) mile from the University of Northern Colorado.



## **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.

### **2. NOISE**

Any potential noise created by future development will be regulated by the Municipal Code.

## **H. PUBLIC NOTICE AND COMMENT**

Neighborhood notices were mailed to surrounding property owners on September 7, 2017, per Development Code requirements. A sign was posted on the site on February 8, 2017.

No comments have been received.

## **I. MINERAL ESTATE OWNER NOTIFICATION**

Mineral notice is not required for a rezone request.

## **J. PLANNING COMMISSION RECOMMENDED MOTION**

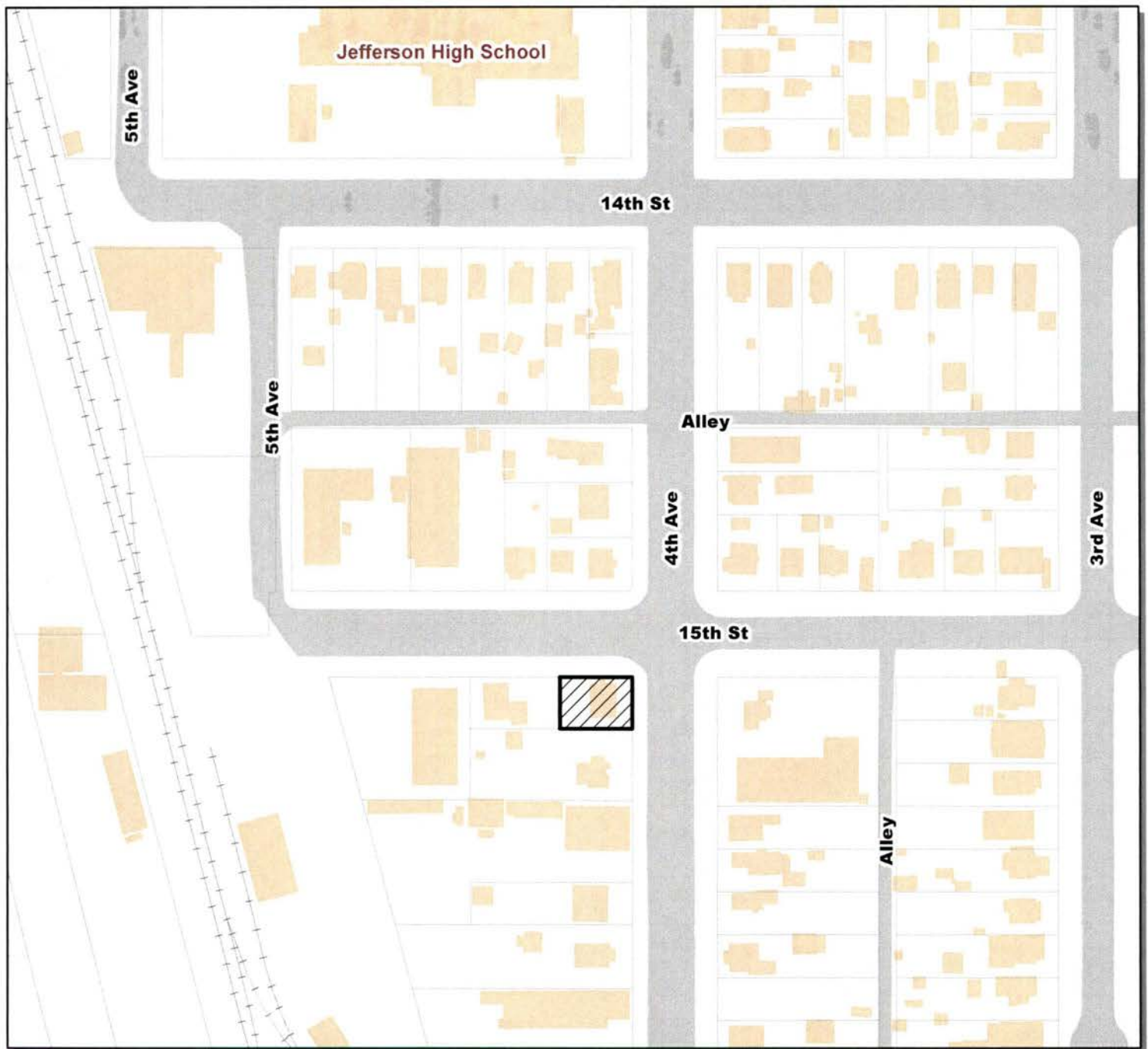
Based on the application received and the Project Summary and accompanying analysis, the Planning Commission find that the proposed rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) b, f, g and h; and therefore, recommend approval of the rezone to the City Council.

## **ATTACHMENTS**

Attachment A – Vicinity Map  
Attachment B – Zoning Vicinity Map  
Attachment C – Property Boundary Map  
Attachment D – Site Analysis Map  
Attachment E – Conceptual Site Plan



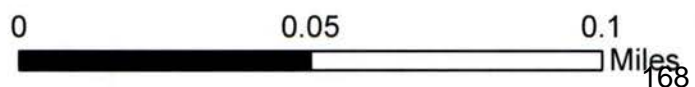
## Exhibit A: Vicinity Map



### Legend

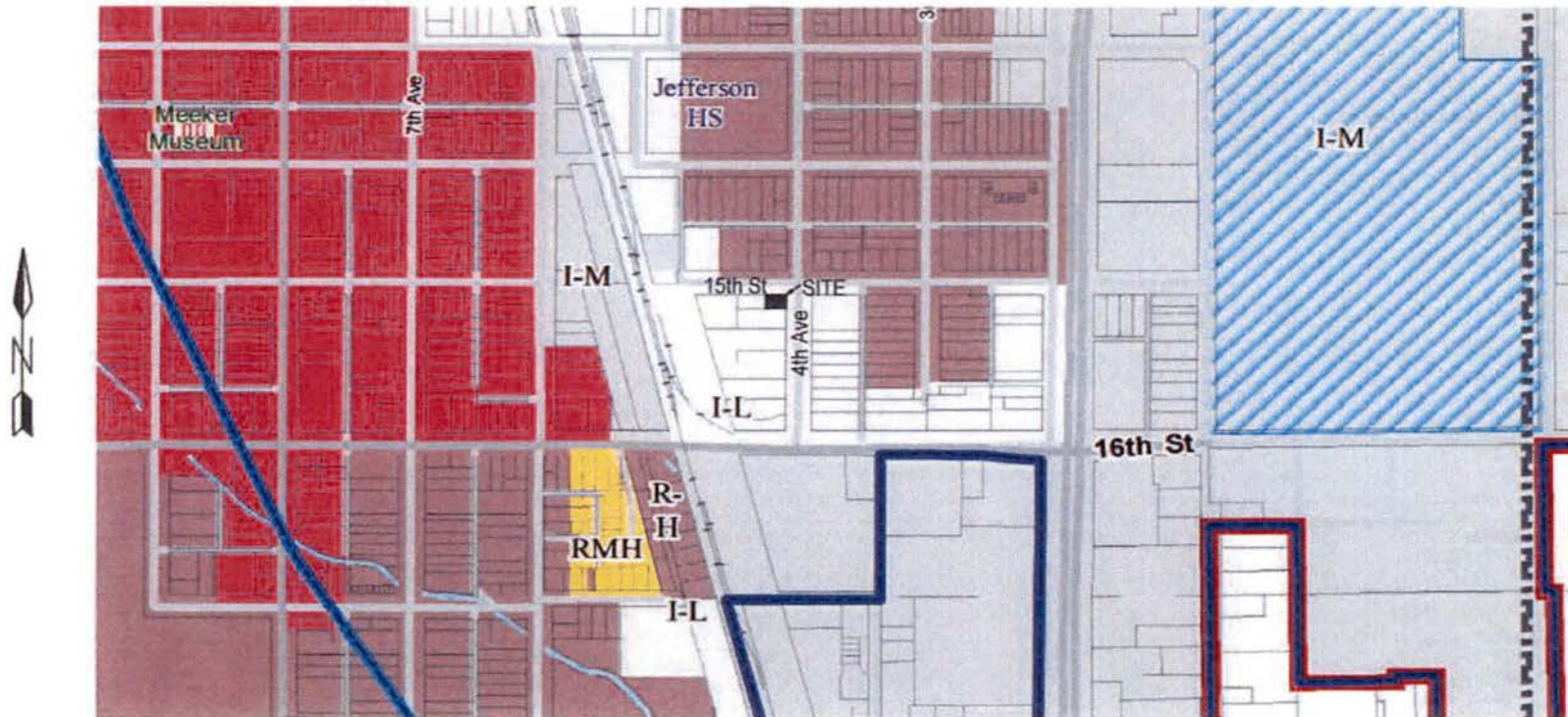
- |                                                                                     |                 |                                                                                     |                  |
|-------------------------------------------------------------------------------------|-----------------|-------------------------------------------------------------------------------------|------------------|
|   | 402 15th Street |  | Arterial Streets |
|   | Building        |  | Local Streets    |
|  |                 |                                                                                     | Rail Railroad    |

**402 15th Street Rezone  
Z 10:17**





# HUNZIKER REZONE VICINITY MAP



SURVEYOR: THOMAS LAND SURVEYING, LLC  
2619 WEST 11TH ST. ROAD, SUITE 24  
GREELEY, COLORADO 80634  
970-304-0984

1612.029  
HUNZIKER ZONING VICINITY MAP  
402 15TH STREET

Attachment B



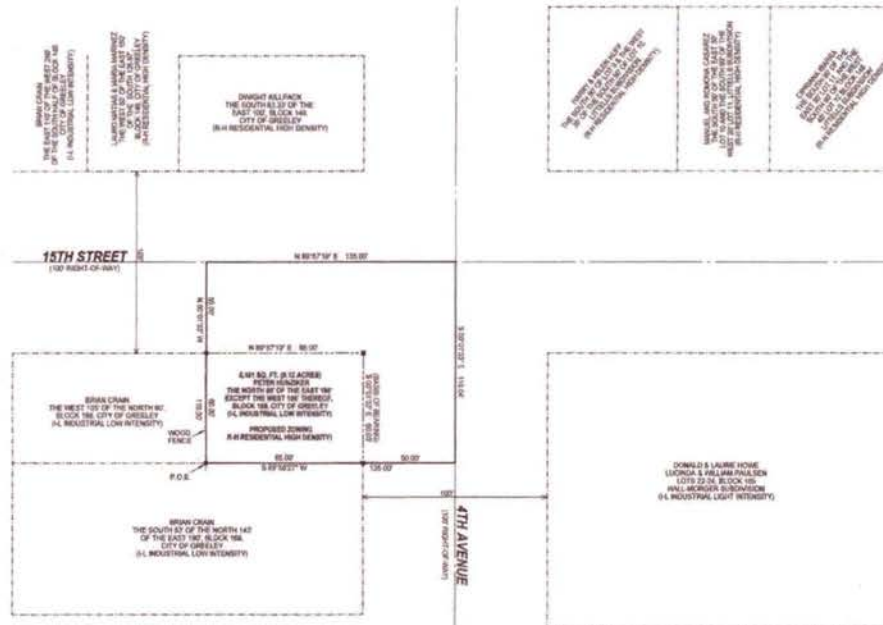
# HUNZIKER PROPERTY BOUNDARY MAP

A PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH,  
RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GREELEY,  
COUNTY OF WELD, STATE OF COLORADO,



## LEGEND

- FOUND BARE IRONBAR
- SET OF IRONBAR WITH YELLOW PANTS CAN STAMPED THOMAS PLS. 2003, PLUM WITH GROUND
- SUBJECT PROPERTY BOUNDARY
- SUBJECT PROPERTY LINE
- ADJOINING PARCEL
- CENTERLINE



## BASIS OF BEARING

THE EAST LINE OF THE NORTH 60 FEET OF BLOCK 108, CITY OF GREELEY IS REQUIRED TO BEAR SOUTH 89°15'17" EAST. BEING A BARE IRONBAR OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM, 1983, AND BEING MONUMENTED AS INDICATED.

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 65 WEST, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED AS BEING THE NORTH 60 FEET OF THE EAST 150 FEET, EXCEPT THE WEST 100 FEET THEREOF, IN BLOCK 108, IN THE CITY OF GREELEY, AND CONSIDERING THE EAST LINE OF THE NORTH 60 FEET OF SAID BLOCK 108 TO BEAR SOUTH 89°15'17" EAST WITH ALL BEARINGS HEREIN RELATIVE THERE TO;

THENCE NORTH 89°15'17" WEST ALONG THE WEST LINE OF SAID PARCEL, BEING A PART OF BLOCK 108, A DISTANCE OF 80.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL, BEING A PART OF BLOCK 108;

THENCE CONTINUING NORTH 89°15'17" WEST A DISTANCE OF 46.00 FEET TO THE CENTERLINE OF 15TH STREET;

THENCE NORTH 89°15'17" EAST ALONG THE CENTERLINE OF 15TH STREET TO THE INTERSECTION OF THE CENTERLINE OF SAID 15TH STREET AND THE CENTERLINE OF 4TH AVENUE;

THENCE SOUTH 89°15'17" EAST ALONG THE CENTERLINE OF SAID 4TH AVENUE A DISTANCE OF 15.00 FEET;

THENCE SOUTH 89°15'17" WEST A DISTANCE OF 80.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, BEING A PART OF BLOCK 108;

THENCE CONTINUING SOUTH 89°15'17" WEST ALONG THE SOUTH LINE OF SAID PARCEL, BEING A PART OF BLOCK 108, A DISTANCE OF 135.00 FEET TO THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 14.80 SQUARE FEET (0.34 ACRES), MORE OR LESS, AND IS SUBJECT TO RIGHTS OF WAY AND EASEMENTS OF RECORD.

## SURVEYOR'S NOTES

1. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THIS CERTIFICATION SHOWN HEREON.
2. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
3. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEVIATES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITTS A CLASS TWO (2) MISDEMEANOR PUNISHMENT TO STATE STATUTE, C.R.S. SEC. 18-6-108. HOWEVER, WILLFULLY DESTROYING OR DEVIATING CHANGES, OR REMOVES TO ANOTHER PLACE ANY BOUNDARY CORNER, QUARTER CORNER, OR BOUNDARY POST, OR ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY BOUNDARY TREE, OR ANY TREE PLANTED TO MARK THE LINE OF A BOUNDARY OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE, OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH, AS U.S.C. 1861 (2008).
4. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FEET.
5. DATES OF FIELD WORK: 12/14/2016, 12/19/2016.
6. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 14.80 SQUARE FEET OR 0.34 ACRES. NONE OF THE AREA IS SHOWN HEREON AS A RESULT OF A FACTOR NOT A DETERMINATIVE FACTOR. IT MAY CHANGE SIGNIFICANTLY WITH MORE KNOWLEDGE AND FIELD MEASUREMENTS OR THE NOT THREE (3) TO FURNISH THE CALCULATIONS. FOR THIS REASON, THE AREA IS SHOWN AS A MORE OR LESS TOTAL, AND IS NOT TO BE RELIED UPON AS AN ACCURATE FACTOR FOR REAL ESTATE SALES PURPOSES.

## SURVEYOR'S CERTIFICATE

I, ROBERT J. THOMAS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS BOUNDARY MAP WAS PREPARED BY ME, OR UNDER MY PERSONAL SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION THEREOF, BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. I FURTHER CERTIFY THAT THE SURVEY AND THIS MAP COMPLY WITH ALL APPLICABLE RULES, REGULATIONS AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

I ALSO HEREBY CERTIFY THAT I PREPARED THIS MAP FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND, INCLUDING ALL EXISTING RIGHTS-OF-WAY AND EASEMENTS, AND THAT THE CORNERS WERE PROPERLY PLACED, IF NECESSARY, UNDER MY SUPERVISION, IN ACCORDANCE WITH THE REGULATIONS OF THE STATE OF COLORADO.

ROBERT J. THOMAS  
COLORADO PROFESSIONAL LAND SURVEYOR NO. 8085  
FOR AND ON BEHALF OF THOMAS LAND SURVEYING, LLC

DATE: 12/14/2016



SURVEYOR: THOMAS LAND SURVEYING, LLC  
2013 WEST 11TH ST. ROAD, SUITE 204  
GREELEY, COLORADO 80639  
970.364.0564

1910 BIR  
HUNZIKER ZONING BOUNDARY MAY  
BE 15TH STREET



# HUNZIKER

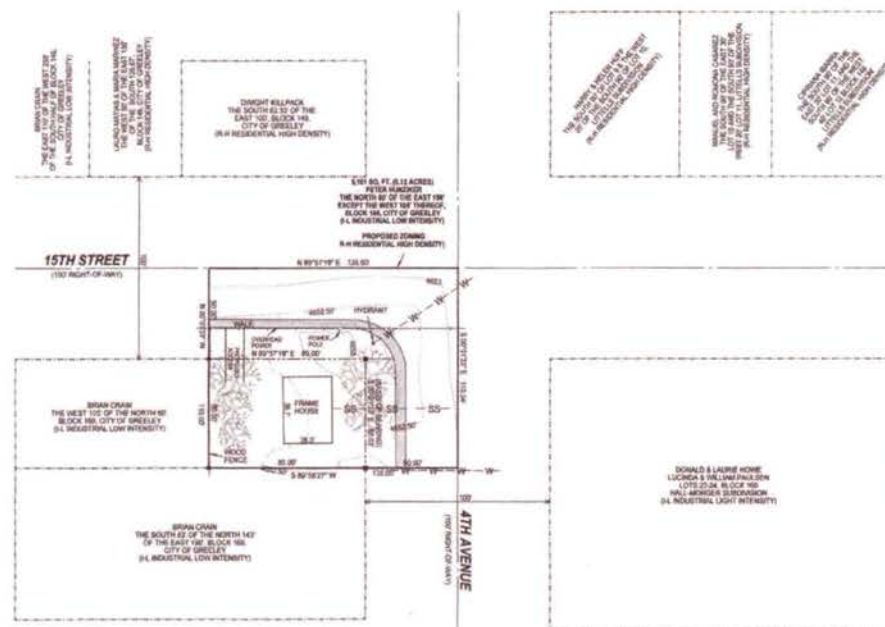
## SITE ANALYSIS MAP

A PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH,  
RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GREELEY,  
COUNTY OF WELD, STATE OF COLORADO,



### LEGEND

- FOUND MARK IN REBAR
- SET 3" IN REBAR WITH  
1" YELLOW PLASTIC CAP  
STAMPED THOMAS  
P.L.B. BLOCK PLUSH WITH  
GROUND
- SUBJECT RESIDE  
BOUNDARY
- SUBJECT PROPERTY  
LINE
- ADJOINING PARCEL
- CENTERLINE

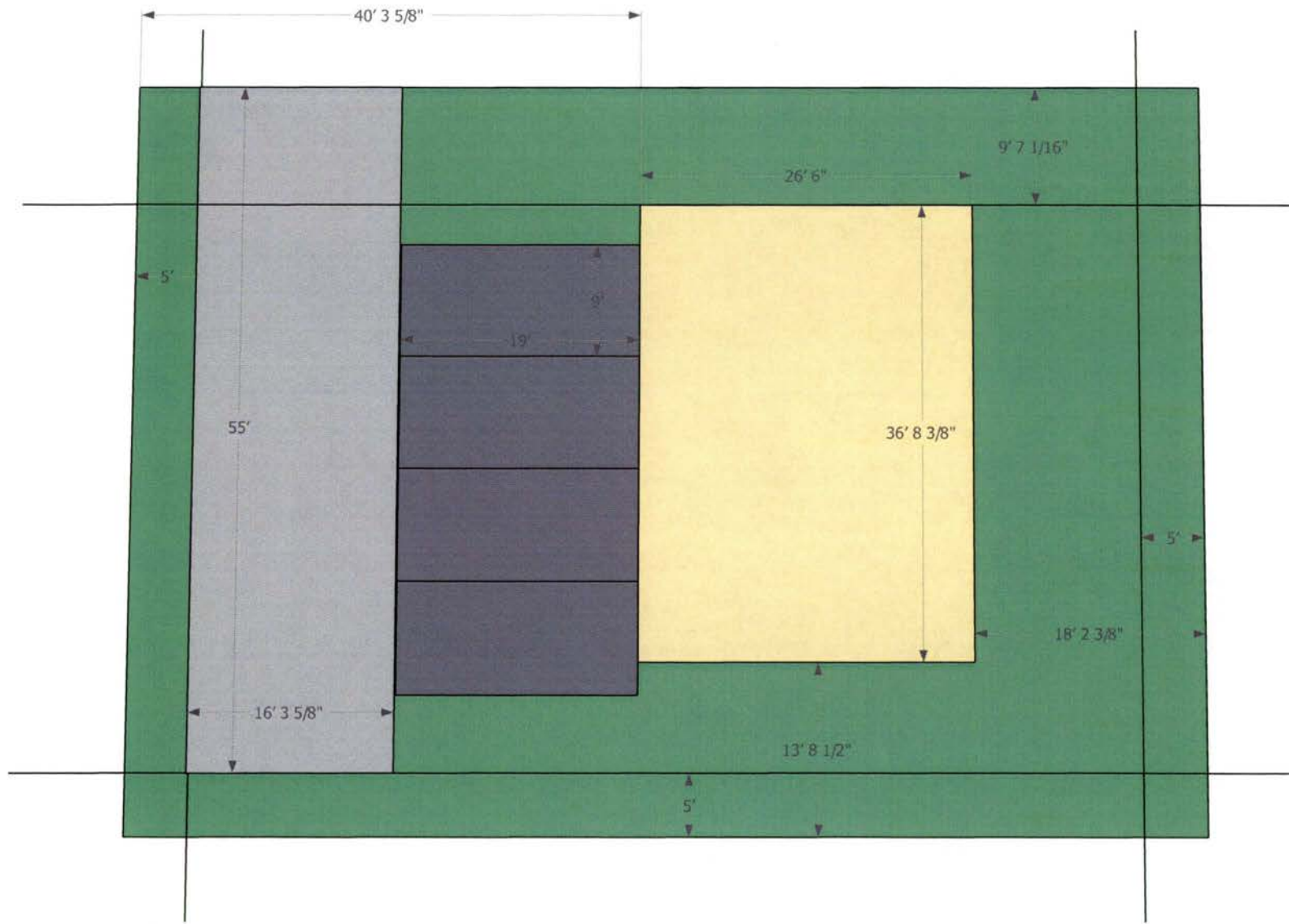


### BASIS OF BEARING

THE EAST LINE OF THE NORTH 1/2 OF BLOCK 160, CITY OF GREELEY, IS ASSUMED TO BEAR SOUTH 89° 17' 00" EAST, BEING A LINE BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM NORTH ZONE, NORTH AMERICAN DATUM 1983, AND IS INDICATED AS INDICATED.









# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 22**

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

### Title

Public hearing to consider a change of zone from H-A (Holding Agriculture) to C-H (Commercial High Intensity) zoning for approximately 6.21 acres of property known as the 1215 95<sup>th</sup> Avenue Rezone, 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 Douglas and Dawn DeTienne to rezone approximately 6.21 acres of land from H-A (Holding Agriculture) to C-H (Commercial High Intensity) zone district. The property was annexed and established with standard H-A (Holding Agriculture) zoning as part of the 1034 Annexation of enclave properties in the western reaches of the city earlier this year. The DeTienes requested at the hearing for consideration of commercial zoning, to acknowledge the existing self-storage uses on the property. Council approved the H-A zoning, but expressed an interest in hearing a subsequent rezoning request to C-H for the property.

Rezoning the property would change the existing allowed "grandfathered" commercial uses to uses by right, and any future expansion or re-development of the site for commercial uses would be allowed by right, subject to city development standards. A dedication of right-of-way for 95<sup>th</sup> Avenue is being processed concurrent with this rezoning request.

The Planning Commission considered this request on September 26, 2017, and unanimously recommended approval.

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 October 3, 2017.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial or onetime impact?	
What is the annual impact?	
What fund of the City will provide funding?	
What is the source of revenue within the fund?	
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 the following public hearing steps:

- 1) City staff presentation
- 2) Council questions of staff
- 3) Applicant presentation
- 4) Council questions of applicant
- 5) Public input (hearing opened, testimony - up to three minutes per person, 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 H-A (Holding Agriculture) to C-H (Commercial High Intensity) zoning meets Development Code Section 18.30.050(c)(3) a, f and g; 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 (September 26, 2017)

Planning Commission Summary (Staff Report) (September 26, 2017)



CITY OF GREELEY, COLORADO

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

CASE NO. Z 8:17

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM H-A (HOLDING AGRICULTURE) TO C-H (COMMERCIAL HIGH INTENSITY) ZONING FOR APPROXIMATELY 6.21 ACRES OF PROPERTY KNOWN AS THE 1215 95<sup>TH</sup> AVENUE REZONE

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 H-A (Holding Agriculture) to C-H (Commercial High Intensity) 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 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

THE CITY OF GREELEY

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

\_\_\_\_\_  
Mayor



### Legal Description

A tract of land located in the Northeast Quarter of Section 12, Township 5 North, Range 67 West of the Sixth P.M., City of Greeley, County of Weld, State of Colorado, more particularly described as follows: BASIS OF BEARING: The North line of the Northeast Quarter of said Section 12 being N 87°33'33" E as shown on the "Recorded Exemption No. 0957-12-1 RECX17-0011" under Reception No. 4303458 of the records of said Weld county. Beginning at the Northwest corner of Lot B as recorded in the "Recorded Exemption No. 0957-12-1 RECX17-0011" under Reception No. 4303458 of the records of said Weld County; Thence along the North line of said Lot B N 89°16'23" E, a distance of 370.54 to a point on the East line of said Section 12; Thence along said East line S 00°43'37" E, a distance of 821.97'; Thence S 89°16'23" W, a distance of 30.00'; Thence N 60°23'12" W, a distance of 394.58'; Thence N 00°43'37" W, 622.65' to the Point of Beginning and containing 270634 Sq. Ft or 6.213 Acres more or Less.





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## **PLANNING COMMISSION**

### **Proceedings**

**September 26, 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, Hice-Idler, Yeater and Mirick were present.

#### **II. Approval of minutes for meeting held on September 12, 2017**

Commissioner Rarick moved to approve the minutes for the meeting held on September 12, 2017. Commissioner Andersen seconded the motion. The motion carried 7-0.

#### **III. A public hearing to consider annexation of a parcel of land containing approximately 29.006 acres and known as the Signature Bluffs Natural Area Annexation No. 1**

Project Name: Signature Bluffs Natural Area Annexation No. 1  
Case No.: A 9:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items III through VIII be considered together, with separate motions being required for each annexation and establishment of zoning. Chair Hall called up all of the cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the areas requested for annexation. She noted that the 32.88-acre site is within Long-Range Expected Growth Area and that the annexation would protect and preserve the area for open space. Ms. Duran reported that the area meets or



Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation meets the approval criteria found in Section 18.26.050(a)(1 through 5) and meets State statutory requirements and, therefore, recommends approval of the annexation (Case No. A 13:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 6-1, with Commissioner Anderson voting against the motion.

Mr. Mueller noted that it is not required to establish Industrial Medium Intensity zoning, and added that some sort of zoning must be established within 90 days of approval of the annexation. Commissioner Schulte clarified that the action of the Planning Commission was a recommendation to City Council and Mr. Mueller confirmed that was the case.

Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of zoning to the I-M (Industrial Medium Intensity) zone district meets Development Code Section 18.26.070 and, therefore, recommends approval of the establishment of zoning (Case No. Z 15:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 5-2, with Commissioners Schulte and Andersen voting against the motion.

**X. A public hearing to consider establishment of zoning to I-M (Industrial Medium Intensity) for a 5.03 acre parcel of property known as the Dale Land Annexation**

Project Name: Dale Land Annexation Establishment of Zoning  
Case No.: Z 15:16  
Applicant: Dale Land, LLC  
Location: 398 East 18<sup>th</sup> Street  
Presenter: Marian Duran, Planner II

**XI. A public hearing to consider a request to rezone approximately 6.21 acres of land from H-A (Holding Agriculture) to C-H (Commercial High Intensity)**

Project Name: 1215 95<sup>th</sup> Avenue Rezone  
Case No.: Z 8:17  
Applicant: Douglas DeTienne and Dawn DeTienne  
Location: 1215 95<sup>th</sup> Avenue  
Presenter: Rachel Prelog, Planner I

Rachel Prelog addressed the Commission and entered the staff report into the record. Ms. Prelog presented a map showing the location of the property and stated that it was part of the 1034 Enclave Annexation approved by the Commission earlier this year. She reported that the established use on the property was self-storage.

Ms. Prelog reported that following the enclave annexation, City Council directed planning staff to create the necessary exhibits so that today's matter could be heard by the Planning Commission at a later date. Property owners within 500 feet were notified and there were no inquiries or objections. Staff agreed that the proposal complies with the rezone criteria and recommended approval. Commissioner Schulte asked with the application to rezone pertained to one parcel or the entire area. Ms. Prelog advised that it was for one parcel and added that other property owners would be required to make individual requests to rezone.



The applicants declined to add further information.

Chair Hall opened the public hearing at 1:58 p.m. There being no public comment, the public hearing was closed at 1:58 p.m.

Commissioner Andersen made a motion that, based on the project summary and accompanying analysis, the Planning Commission finds the proposed rezone from H-A (Holding Agriculture) to the C-H (Commercial High Intensity) zone district meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, f and g and, therefore, recommends approval of the rezone to the City Council. Commissioner Mirick seconded the motion. The motion carried 7-0.

**XII. A public hearing to consider dedication of a 0.242 acre strip of land to be included with the 95<sup>th</sup> Avenue Right-of-Way**

Project Name: 95<sup>th</sup> Avenue Right-of-Way Dedication  
Case No.: D 2:17  
Applicant: Douglas DeTienne and Dawn DeTienne  
Location: 95<sup>th</sup> Avenue, south of Highway 34 Business, north of Highway 34 Bypass  
Presenter: Rachel Prelog, Planner I

Ms. Prelog addressed the Commission and entered the staff report into the record. She presented a map showing the location of the property and advised that the proposal was to dedicate .242 acres to be included within the 95<sup>th</sup> Avenue right-of-way. Ms. Prelog indicated that noticing is not required for right-of-way dedications. Staff found that the request complies with the applicable criteria of the Development Code and recommended approval.

The applicants declined to add further information.

Chair Hall opened the public hearing at 2:01 p.m. There being no public comment, the public hearing was closed at 2:01 p.m.

Commissioner Mirick made a motion that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed right-of-way dedication request meets the Development Code criterion found in Section 18.04.810 and, therefore, recommends approval to the City Council. Commissioner Yeater seconded the motion. The motion carried 7-0.



## PLANNING COMMISSION SUMMARY

**ITEM:** Rezone from H-A (Agricultural Holding) to C-H (Commercial High Intensity)

**FILE NUMBER:** Z 8:17

**PROJECT:** 1215 95<sup>th</sup> Avenue - DeTienne Rezone

**LOCATION:** 1215 95<sup>th</sup> Avenue

**APPLICANT:** Douglas and Dawn DeTienne

**CASE PLANNER:** Rachel Prelog, Planner I

**PLANNING COMMISSION HEARING DATE:** September 26, 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).

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### EXECUTIVE SUMMARY

The City of Greeley is considering a request by Douglas and Dawn DeTienne, to rezone approximately 6.21 acres from H-A (Agricultural Holding) to C-H (Commercial High Intensity).

#### A. REQUEST

The applicant is requesting approval of a rezone (see Attachment B – Rezoning Map).

#### B. STAFF RECOMMENDATION

Approval. See Section J for the recommended motion.

#### C. LOCATION

The subject site, address 1215 95<sup>th</sup> Avenue is generally located in the western region of the City; south of Hwy 34 Business and west of 95<sup>th</sup> Avenue (see Attachments A – Vicinity Map and Attachment B – Rezoning Map).

**Abutting Zoning:**

North:	H-A (Agricultural Holding)
South:	H-A (Agricultural Holding)
East:	H-A (Agricultural Holding)
West:	H-A (Agricultural Holding)



**Surrounding Land Uses:** North: Vacant Land  
South: Self-serve Storage Units and Residence  
East: Single-family Residence, Agriculture  
West: Agriculture

**Site Characteristics:** An existing self-storage facility (West Greeley Self-Storage) is located on the subject site. The facility consists of both self-storage units and outdoor storage of recreational vehicles.

### **C. BACKGROUND**

The subject property was annexed and zoned as part of the 1034 Annexation and 1034 establishment of zoning, which was approved in the Spring of 2017 (File No. A 12:16 and Z 12:16). At the time of annexation, H-A (Agricultural Holding) was established on the subject property, which is a standard procedure for City initiated annexations. Any existing uses, sites, or buildings that were a part of the annexation that were legally established under Weld County regulations, but did not meet current City of Greeley regulations, were considered legal non-conforming uses (i.e., “grandfathered”).

The subject property contains an existing self-storage facility (West Greeley Self-Storage), which was approved by Weld County through a Use by Special Review (USR15-0008) and built in 2015. Self-serve storage units and recreational vehicle/equipment storage is considered a commercial use under the City of Greeley’s Development Code and would have similarly required a Use by Special Review in the C-H (Commercial High Intensity) zoning district.

At the time of the 1034 Rezone, the DeTiennes requested at the City Council hearing that the subject property should be zoned C-H (Commercial High Intensity) to match the existing use and in order to eliminate the creation of nonconformities from the existence of commercial uses in the H-A (Agricultural Holding) zoning district. During City Council proceedings it was determined that the City could not consider the applicant’s request because the City lacked the required survey to rezone the individual parcel as requested. The request was further complicated by the fact that the DeTiennes were undergoing land use processes (File No. RECX17-001 and SUB17-003) with Weld County to adjust property lines on three of their parcels, which would affect the legal description needed to establish zoning boundaries.

City Council decided to rezone the entire annexation area to H-A (Agricultural Holding), but expressed an interest in hearing a subsequent rezoning request for the property. Council further directed the Community Development Department to either prepare the necessary zoning exhibits or absorb the survey costs on behalf of the DeTiennes, once their land use request was finalized with Weld County.



## 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 and surrounding properties (460 acres) was recently annexed into the City through the 1034 Enclave Annexation approved April 4, 2017. As development continues to occur in the western portion of the City, improvements to public infrastructure will occur in the area to provide consistent facilities required for urban development. Where established uses exist, as in this case, it is in the public interest to rezone properties so that future development and/or redevelopment may occur.

This criterion applies to this request.

- 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: No, the existing zoning was established in the Spring of 2017, approved by City Council on April 4, 2017.

This criterion is not applicable to this request.

- 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 known detrimental environmental conditions existing on site.

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 given that development of the site has occurred and there is an established use. However, a rezone of this property is required for the property owners to be able to expand, redevelop or rebuild the current use without the limitations set forth in Chapter 18.58 Nonconforming Uses, Buildings and Structures.

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: Considering the subject property contains an established use, the rezone should not increase impacts to the surrounding neighbors.

The subject property is currently served by Police, Fire and water service. The proposed rezone should not increase demand to these services.

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:



**Land Use:**

- *LU1.A.4 – Anticipate and foster balanced land uses and development to provide a sufficient supply and distribution of land uses to serve the community;*
- *LU3.A.3(c) – Development that is commensurate with and in relationship to the surrounding area;*
- *LU1.A.9(b) – Zoning should support commercial services which are convenient to residents and workers.*

Staff Comment: The City's Comprehensive Plan supports rezoning of this site from H-A (Agricultural Holding) to C-H (Commercial High Intensity) to allow for a more diverse mix of land uses in an expanding part of the City. The rezone would further allow the applicant to develop/redevelop their property to continue to serve the City as demand increases and/or as the facility ages.

The location of the facility is close enough to developed portions of the City that it provides convenient services to residents yet, the property is separated enough from current development that it has little negative impacts on surrounding neighborhoods. As development moves west, the City will evaluate compatibility through future land use requests.

The proposal complies with this criterion.

**h) What is the potential impact of the proposed rezoning upon an approved Zoning Suitability Plan for the property?**

Staff Comment: There is no previously approved zoning suitability plan for the property.

This criterion is not applicable to this request.

**D. PHYSICAL SITE CHARACTERISTICS**

**1. SUBDIVISION HISTORY**

The subject site is not part of a platted subdivision. The subject property was annexed into the City in April 2017 and was part of the 1034 Enclave Annexation. (File No. A 12:16). Prior to the City's initiating the annexation, the property owners were undergoing a Recorded Exemption, processed with Weld County, to adjust property lines and subdivide the subject property (Weld County File Nos. RECX17-001 and SUB17-003. Both land use requests were approved in May 2017 (Reception No's 4303458 and 4303454).



## **2. HAZARDS**

There are no known hazards on the subject property.

## **3. WILDLIFE**

A portion of the subject site is located within an area identified for moderate impact according to the City's Areas of Ecological Significance Map. Section 18.48.050 of the Development Code may require a biologist report to be provided to the City for review when and if new development is proposed. The City of Greeley would determine at that time if there are any significant impacts to wildlife or plants. The rezoning request should not impact wildlife in the area.

## **4. FLOODPLAIN**

The proposed rezone boundary 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**

The existing drainage patterns are expected to continue to follow the existing lay of the land. Drainage patterns would be examined in greater detail through any future land use requests.

## **6. TRANSPORTATION**

The subject property is adjacent to 95<sup>th</sup> Avenue, which is classified as a minor arterial. The facility has one paved access from 95<sup>th</sup> Avenue.

In 2005, the applicant dedicated 30 feet of right-of-way to the City of Greeley for 95<sup>th</sup> Avenue in conjunction with the Recorded Exemption application processed through Weld County, and reserved an additional 10 feet of right-of-way to be dedicated at a future date, in response to requests from the City at the time (Rec. No. 3355550). The dedication of the additional 10 feet of right-of-way is being requested through an associated right-of-way dedication application known as 95<sup>th</sup> Avenue Right-of-Way Dedication (D 2:17), which is scheduled to be heard by Planning Commission on September 26, 2017 and City Council on October 17, 2017.

## **E. SERVICES**

### **1. WATER**

There is currently a four (4") inch waterline east of 95<sup>th</sup> Avenue and north of 10<sup>th</sup> Street. Currently water service on the lot immediately north of the subject property (same ownership) is being used to irrigate landscaping on the subject site. The City of Greeley and the applicant are currently working on a Development Agreement regarding water usage and taps. Expansion of the water system would be required if ownership of either parcel were to change, if the City were to install a City standard eight (8") inch water main or larger in either 10<sup>th</sup> Street or 95<sup>th</sup> Avenue, or if water is used for anything other than irrigating the subject site.



## **2. SANITATION**

A sewer line currently exists south of the subject site north of the Highway 34 Bypass and west of the property in the Promontory Subdivision. Expansion of the sewer system would be determined at the time of future land use request.

## **3. EMERGENCY SERVICES**

The subject property is currently served by the City of Greeley Fire Department and Greeley Police. The closest fire station is approximately three miles to the east of the subject site on 10<sup>th</sup> Street near 71<sup>st</sup> Avenue.

## **4. PARKS/OPEN SPACES**

No parks or regional open space areas are proposed with this rezone request. Park dedication is required at the time of subdivision, when not previously identified by zoning. The closest park, Promontory Park, is located approximately one (1) mile west of the subject site.

## **5. SCHOOLS**

The proposed rezone is within the Windsor School District boundary. No schools are proposed or located within the site. The proposed rezone will not create a greater demand on school district capacity.

# **F. NEIGHBORHOOD IMPACTS**

## **1. VISUAL**

No new development is proposed with the requested rezone. Impacts would be evaluated at the time of future land use requests.

## **2. NOISE**

Any potential noise created by future development will be regulated by the Municipal Code.

# **G. PUBLIC NOTICE AND COMMENT**

Neighborhood notices were mailed to surrounding property owners on September 7, 2017, per Development Code requirements (see Attachment C – Neighborhood Notification Boundary Area). Two signs were posted on the site on September 8, 2017 along 95<sup>th</sup> Avenue.

No comments have been received.

# **H. MINERAL ESTATE OWNER NOTIFICATION**

Mineral notice is not required for a rezone request.



## **I. 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 H-A (Agricultural Holding) to the C-H (Commercial High Intensity) zone district, meets the applicable Development Code criteria, Sections 18.30.050(c)(3) a, f and g; and therefore, recommend approval of the rezone to the City Council.

## **ATTACHMENTS**

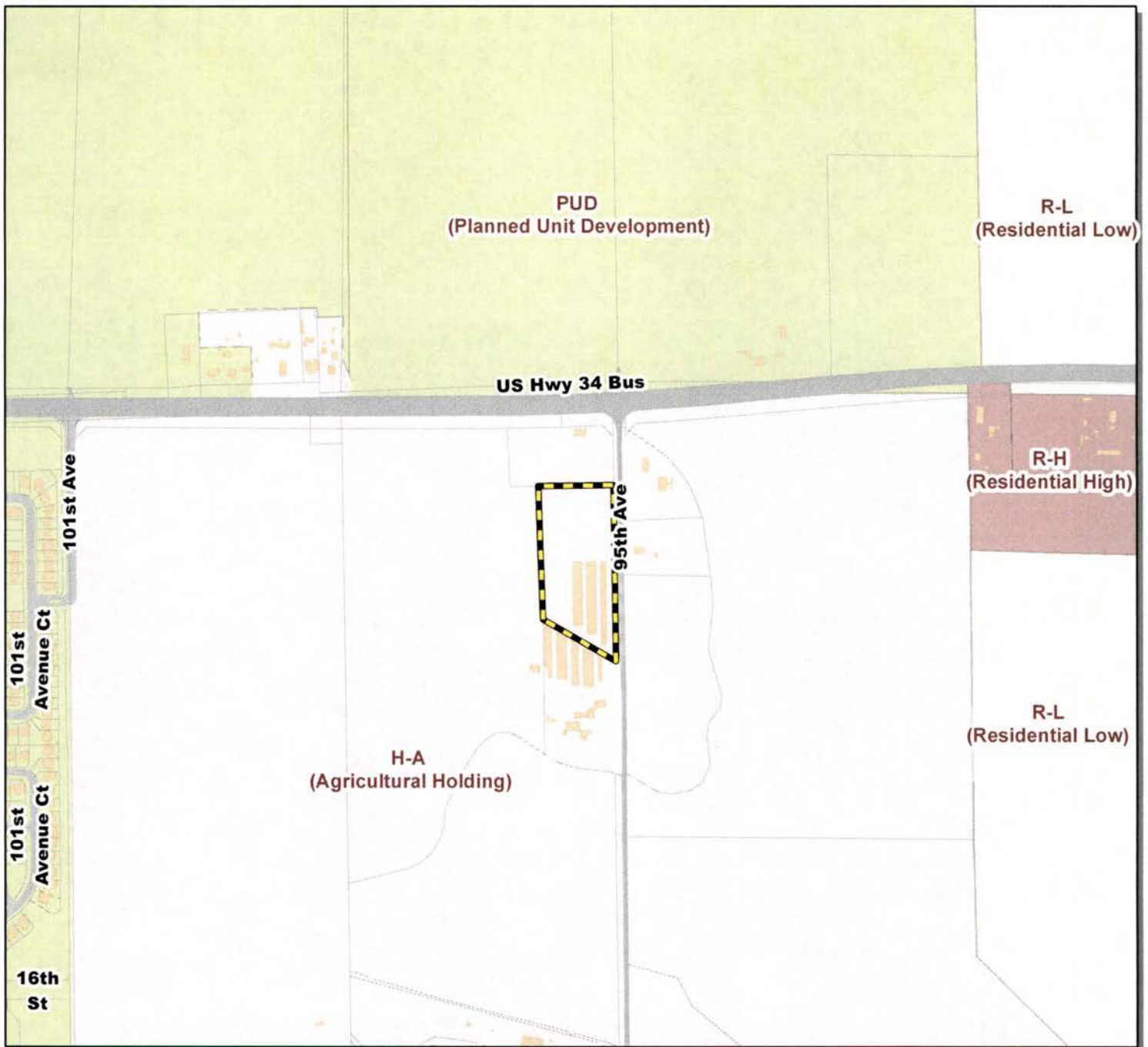
Attachment A – Vicinity Map

Attachment B – Rezoning Map Exhibit




Attachment C – Neighborhood Notification Boundary Area



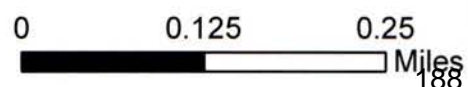
## Exhibit A: Vicinity Map



### Legend

-  1215 95th Avenue
-  Building
-  Arterial Streets

**1215 95th Avenue Rezone  
Z 8:17**





**REZONING MAP EXHIBIT**  
of Recorded Exemption No. 0957-12-1 RECX17-0011  
Located in the Northeast 1/4 of Section 12, Township 5 North, Range 67 West  
of the 6TH P.M., Weld County, Colorado

**LEGAL DESCRIPTION**

A tract of land located in the Northeast Quarter of Section 12, Township 5 North, Range 67 West of the 6TH P.M., City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

**BASIS OF BEARING:** The North line of the Northeast Quarter of said Section 12 being N 87° 31' 33" E as shown on the "Recorded Exemption No. 0957-12-1 RECX17-0011" under Reception No. 4303458 of the records of said Weld County.

**Beginning at the Northwest corner of Lot B as recorded on the "Recorded Exemption No. 0957-12-1 RECX17-0011" under Reception No. 4303458 of the records of said Weld County; Thence along the North line of said Lot B N 89° 18' 23" E, a distance of 370.34 to a point on the East line of said Section 12; Thence along said East line S 00° 49' 37" E, a distance of 821.97; Thence S 89° 18' 23" W, a distance of 30.00; Thence N 60° 29' 12" W, a distance of 364.58; Thence N 30° 43' 37" W, a distance of 522.65 to the Point of Beginning and containing 270.34 Sq. Ft. or 0.233 Acres more or less.**



**VICINITY MAP**



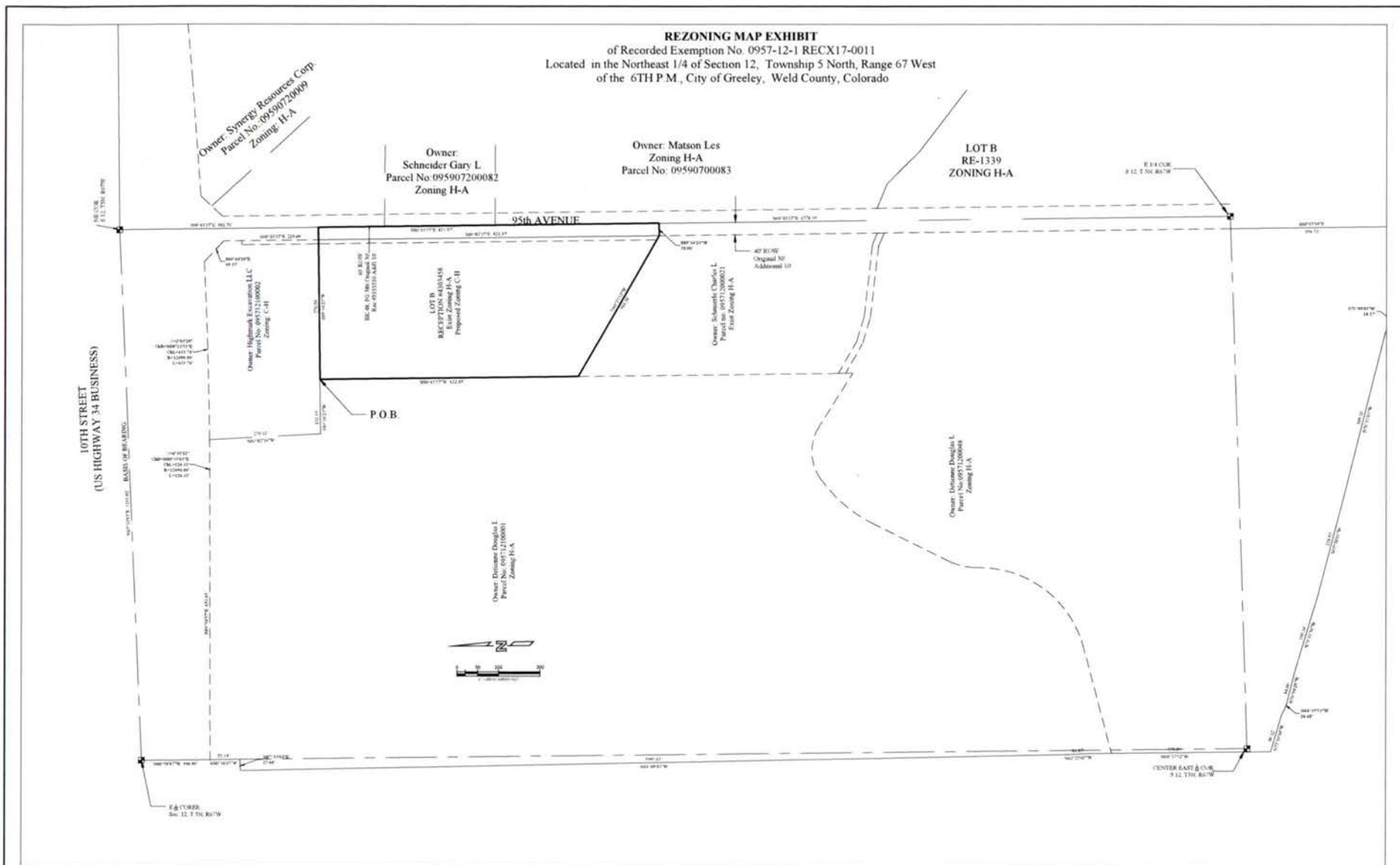
**SURVEYOR'S STATEMENT:**

THIS ZONING EXHIBIT IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION FROM EXISTING DOCUMENTS OF RECORD TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION AS SHOWN HEREON AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Robert F. Matheson, P.L.S.  
Colorado P.L.S. No. 13225  
For and on behalf of the City of Greeley.

Drawing Date: 6/12/14			<b>PUBLIC WORKS DEPARTMENT</b> DIVISION OF ENGINEERING 1601 NINTH AVENUE GREELEY, COLORADO 80631	DeTienne REZONE	<b>Sheet Revisions</b>			<b>WELD COUNTY COLORADO</b> SECTION: 12 TOWNSHIP: 5 NORTH RANGE: 67 WEST OF 6TH P.M.	<b>SHEETS</b> 1 2
Drawing File Name:					Date:	Comments:	Init:		
Full Path:					July 27, 2017	REVISED per CITY COMMENTS			
HORIZ. SCALE:									
VERT. SCALE:									
Unit Information:									
Unit Leader:									
Checked by:									





Drawing Date: 12/19/2016  
 Drawing File Name:  
 Full Path:  
 Horiz. Scale: Vert. Scale:  
 Unit Information: Unit Leader:  
 Drawn by: Checked by:



**PUBLIC WORKS DEPARTMENT**  
 DIVISION OF ENGINEERING  
 1001 NINTH AVENUE  
 GREELEY, COLORADO 80631

DeTienne REZONE

Sheet Revisions		
Date	Comments	Init.

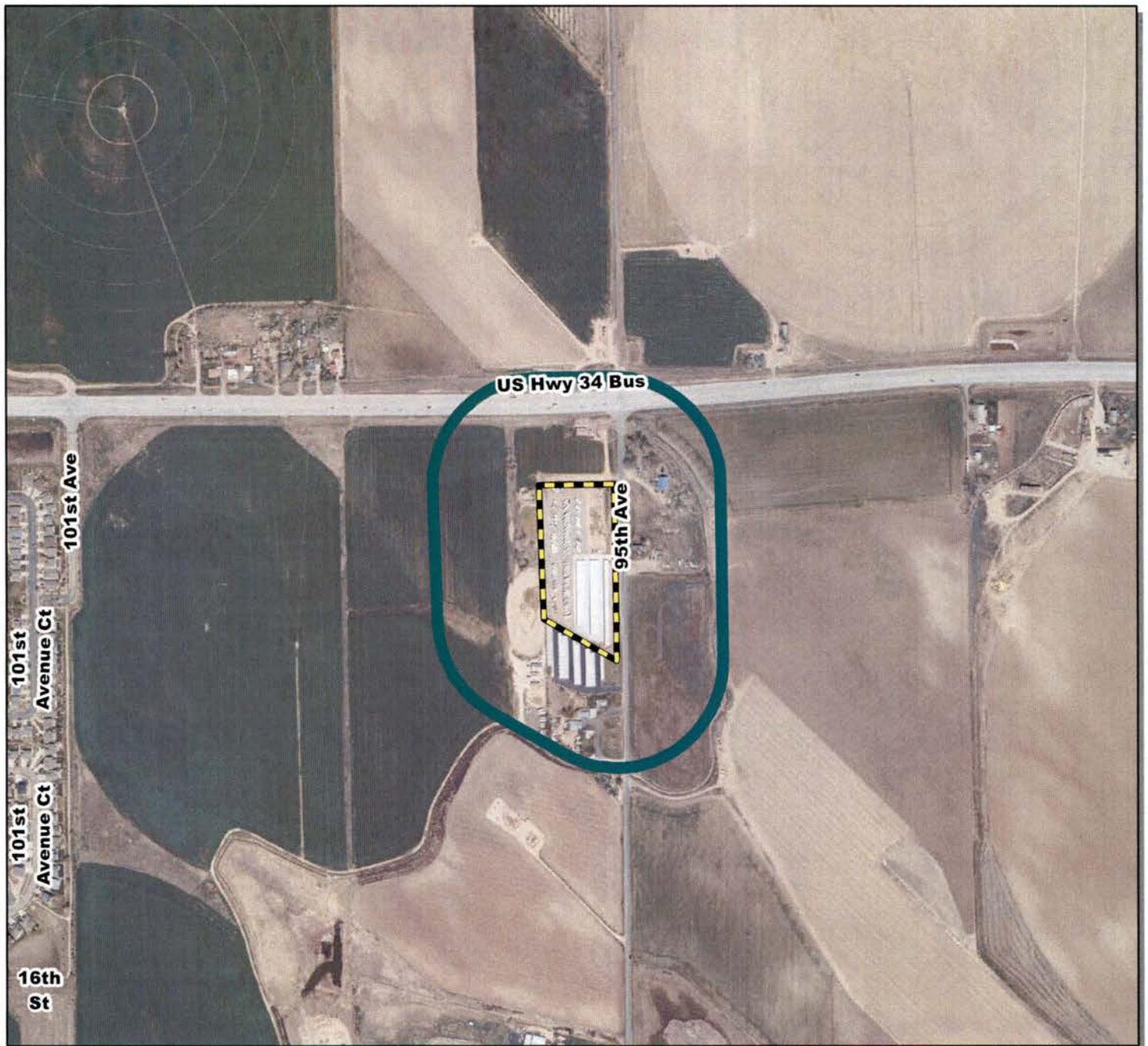
**WELD COUNTY**  
**COLORADO**

SECTION: 12  
 TOWNSHIP: 5 NORTH  
 RANGE: 67 WEST OF 6TH P.M.



**SHEETS**  
 2  
 2



## Exhibit C: Notice Area



### Legend

-  500 ft. Notice Area
-  1215 95th Avenue

**1215 95th Avenue Rezone**  
**Z 8:17**

0 0.125 0.25  
Miles





# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 23**

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) to C-H (Commercial High Intensity) zoning, with an accompanying Development Concept Master Plan, for approximately 1.581 acres of property known as the 4704 24<sup>th</sup> Street Rezone, 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 Nate Frary, on behalf of Dutch Brothers Coffee, to rezone approximately 1.581 acres of land from R-L (Residential Low Density) to C-H (Commercial High Intensity) zoning, with an accompanying Development Concept Master Plan ("DCMP"), with the intent of developing a drive-thru coffee shop. The applicant is proposing a DCMP that would limit uses to a drive-thru coffee shop, to prevent other, more intensive uses that might otherwise be allowed in the C-H zone district.

The Planning Commission considered this request on September 26, 2017, and unanimously recommended approval.

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 October 3, 2017.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	No, or minimal possible
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 the following public hearing steps:



- (1) City staff presentation
- (2) Council questions of staff
- (3) Applicant presentation
- (4) Council questions of applicant
- (5) Public input (hearing opened, testimony - up to three minutes per person, 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

As regards 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.

As regards 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) to C-H (Commercial High Intensity) zoning meets Development Code Section 18.30.050(c)(3) a, b, f , g and h and Section 18.30.055 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 (September 26, 2017)

Planning Commission Summary (Staff Report) (September 26, 2017)



CITY OF GREELEY, COLORADO

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

CASE NO. Z 11:17

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM R-L (RESIDENTIAL LOW DENSITY) TO C-H (COMMERCIAL HIGH INTENSITY) ZONING, WITH AN ACCOMPANYING DEVELOPMENT CONCEPT MASTER PLAN, FOR APPROXIMATELY 1.581 ACRES OF PROPERTY KNOWN AS THE 4704 24<sup>TH</sup> STREET REZONE

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) to C-H (Commercial High Intensity) zoning, with an accompanying Development Concept Master Plan, 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 \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ATTEST:

THE CITY OF GREELEY

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

\_\_\_\_\_  
Mayor



### Legal Description

All that part of the Southeast Quarter (SE1/4) of Section Fifteen (15), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado lying Northeasterly of the centerline of the Grapevine Lateral, being more particularly described as follows:

BEGINNING at the East Quarter Comer of said Section 15 and assuming the East line of said SE1/4 as bearing South 00°44'30" East being a Grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2642.62 feet and with all other bearings contained herein relative thereto;

THENCE South 00°44'30" East along said East line a distance of 310.40 feet;

THENCE South 89°15'30" West a distance of 50.00 feet to the intersection of the centerline of said Grapevine Lateral and a line parallel with and 50.00 feet Westerly of, as measured at a right angle to the East line of said SE1/4;

THENCE North 49°05'06" West along the centerline of said Grapevine Lateral a distance of 407.57 feet to the intersection of said centerline and a line parallel with and 40.00 feet Southerly of, as measured at a right angle to the North line of said SE1/4;

THENCE North 00°39'42" West a distance of 40.00 feet to the North line of said SE1/4;

THENCE North 89°20'18" East along said North line a distance of 354.45 feet to the East Quarter comer of said Section 15 and to the POINT OF BEGINNING;

Said described parcel of land contains Gross 1.581 Acres, Net 0.945 Acres, more or less (±).





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## **PLANNING COMMISSION**

### **Proceedings**

**September 26, 2017**

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

---

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

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

#### **II. Approval of minutes for meeting held on September 12, 2017**

Commissioner Rarick moved to approve the minutes for the meeting held on September 12, 2017. Commissioner Andersen seconded the motion. The motion carried 7-0.

#### **III. A public hearing to consider annexation of a parcel of land containing approximately 29.006 acres and known as the Signature Bluffs Natural Area Annexation No. 1**

Project Name: Signature Bluffs Natural Area Annexation No. 1  
Case No.: A 9:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items III through VIII be considered together, with separate motions being required for each annexation and establishment of zoning. Chair Hall called up all of the cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the areas requested for annexation. She noted that the 32.88-acre site is within Long-Range Expected Growth Area and that the annexation would protect and preserve the area for open space. Ms. Duran reported that the area meets or



received concerning the safety and health effects of the tower and what type of interference may occur. The applicant's response was in the memorandum provided to the Commission. Staff recommended approval.

Commission Rarick noted that the proposed monopole is 85 feet tall and asked about the height of the existing light pole. Ms. Prelog stated that it approximately 30 feet in height. Chair Hall asked for a verbal record of the inquiries to staff and the applicant's response. Ms. Prelog read from the memo provided.

The applicant declined to add further information.

Chair Hall opened the public hearing at 2:36 p.m.

Alexander Knott, 1316 45<sup>th</sup> Avenue, addressed Commission and expressed that his primary concern was about the appearance of the monopole. He asked whether there had been any attempt to disguise the appearance of an 85-foot tower and referred to a similar cell tower in the Cottonwood Square area.

The public hearing was closed at 2:38 p.m.

Greg Dibona, who serves as an agent for Verizon Wireless, addressed the Commission. He advised that early discussions with the Country Club included placement of a monopine in the parking lot which would require replacement of one of the trees. Country Club staff was not agreeable to replacing a tree. Mr. Dibona added that all equipment would be concealed within the pole that will be painted to match the existing light poles.

Commissioner Yeater made a motion that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review request for an 85-foot tall telecommunication monopole and associated ground equipment occupying a lease area approximately 531 square feet in size on 112 acres in the R-L (Residential Low Density) zone district complies with Development Code Section 18.20.070(a) Items 1, 2, 3, 4 and 5 and Section 18.46.210 Items 1, 2, 3 and 4 and, therefore, approves the Use by Special Review as submitted. Commissioner Rarick seconded the motion. The motion carried 7-0.

**XV. A public hearing to consider a request to rezone approximately 1.581 acres of land from R-L (Residential Low Density) to C-H (Commercial High Intensity)**

Project Name: 4704 24<sup>th</sup> Street Rezone  
Case No.: Z 11:17  
Applicant: Nate Frary for Dutch Brothers Coffee  
Location: 4704 24<sup>th</sup> Street  
Presenter: Rachel Prelog, Planner I

Ms. Prelog addressed the Commission and entered the staff report into the record. She stated that the action included a request to rezone approximately 1.581 acres from Residential Low Density to Commercial High Intensity. She added that the rezone would include a Development Concept Master Plan (DCMP) to limit the allowable uses to a drive-through coffee shop.



Ms. Prelog presented a map showing the location of the property and described the rezone approval criteria. She acknowledged that the rezone will create an increase in traffic and added that staff engineers had reviewed the proposal and did not have concerns about proposed traffic impacts. Ms. Prelog reported that staff felt the proposed use (limited by a DCMP) is appropriate.

Ms. Prelog presented proposed building elevations and stated that staff felt the project could be developed in accordance with the Development Code. She stated that a neighborhood meeting was held on September 6 with one person attending. Notices were sent to property owners within 500 feet and no inquiries or objections were received. Staff recommended approval.

Cathy Mathis, 444 Mountain Avenue, Berthoud, Colorado, addressed the Commission on behalf of the applicant and stated she was happy to answer any questions.

Chair Hall opened the public hearing at 2:48 p.m. There being no public comment, the public hearing was closed at 2:48 p.m.

Commissioner Rarick made a motion that, based on the application received and the project summary and accompanying analysis, the Planning Commission finds that the proposed rezone from R-L (Residential Low Density) to C-H (Commercial High Intensity) zoning district and an associated DCMP (Development Concept Master Plan) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) a, b, f, g and h and 18.30.055 and, therefore, recommends approval of the rezone to the City Council. Commissioner Mirick seconded the motion.

Commissioner Rarick commented that this appeared to be a good use for the property.

The motion carried 7-0.

**XVI. A public hearing to consider a request to rezone approximately .34 acres of land from I-L (Industrial Low Intensity) to R-H (Residential High Density)**

Project Name: 402 15<sup>th</sup> Street  
Case No.: Z 10:17  
Applicant: Peter Hunziker  
Location: 402 15<sup>th</sup> Street  
Presenter: Rachel Prelog, Planner I

Ms. Prelog addressed the Commission and entered the staff report into the record. She stated that the request is to rezone approximately 0.34 acres of property located in the Sunrise neighborhood from Industrial Low Intensity to Residential High Density. Ms. Prelog noted that this neighborhood contains mixed zoning and added that the applicant intends to redevelop an existing single-family structure for use as a duplex.

Ms. Prelog described the rezone criteria and staff's evaluation of the application. She stated that there would be no impact to city services. Ms. Prelog advised that the property has a long history of code compliance violations. She added that there will be a slight increase in traffic, but staff does not feel that it will be detrimental.



## PLANNING COMMISSION SUMMARY

**ITEM:** Rezone from R-L (Residential Low Density) to C-H (Commercial High Intensity), with an associated DCMP (Development Concept Master Plan)

**FILE NUMBER:** Z 11:17

**PROJECT:** 4704 24<sup>th</sup> Street Rezone

**LOCATION:** 4704 24<sup>th</sup> Street

**APPLICANT:** Nate Frary, Dutch Bros Coffee, on behalf of 4724 LLC

**CASE PLANNER:** Rachel Prelog, Planner I

**PLANNING COMMISSION HEARING DATE:** September 26, 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).

---

### EXECUTIVE SUMMARY

The City of Greeley is considering a request by Nate Frary on behalf of 4724 LLC, to rezone approximately 1.581 acres from R-L (Residential Low Density) to C-H (Commercial High Intensity) zoning district, with an associated DCMP (Development Concept Master Plan).

#### A. REQUEST

The applicant is requesting approval of a rezone and the DCMP (see Attachment B – Zoning Boundary Map).

#### B. STAFF RECOMMENDATION

Approval. See Section J for the recommended motion.

#### C. LOCATION

**Abutting Zoning:** North: R-L (Residential Low Density)  
South: C-H (Commercial High Intensity)  
East: PUD (Planned Unit Development)  
West: C-H (Commercial High Intensity)



**Surrounding Land Uses:** North: Institutional, Greeley Fire Station #5  
South: Restaurant with drive-thru, Freddy's Frozen Custard & Steakhburgers (under construction)  
East: Retail, Lowe's  
West: Car Dealership, Greeley Subaru

**Site Characteristics:** The subject property is a triangular shaped parcel located at the southwest corner of 47<sup>th</sup> Avenue and 24<sup>th</sup> Street (see attachment A – Vicinity Map). The Grapevine Lateral Ditch runs diagonally across the site from the northwest corner to the southeast corner along the southern/western property line. With the exception of the ditch, the site generally slopes northeast toward the intersection of 47<sup>th</sup> Avenue and 24<sup>th</sup> Street. Public sidewalks exist along both 24<sup>th</sup> Street and 47<sup>th</sup> Avenue. A bus stop pad exists along 47<sup>th</sup> Avenue but is not utilized at this time. The site is currently vacant land, containing bare earth and weeds. No access currently exists to the site (see Attachment C – Site Analysis Map).

#### **D. BACKGROUND**

The subject site was originally annexed into the City as part of the Grapevine Annexation and Establishment of Zoning (Z 4:81). The subject site, along with City properties to the north were originally owned by Greeley Evans School District 6 and zoned R-1 [equivalent to R-L (Residential Low Density)] at the time of annexation. A rezone of the subject site was requested in 2005 to rezone the property to C-H (Commercial High Intensity) to accommodate the development of a self-service carwash. Planning Commission took into consideration concerns from neighbors regarding noise, lighting, traffic, and the amount of commercially zoned properties in the area and recommended denial based on incompatibility with the area. City Council entertained additional concerns from surrounding neighbors and along with Planning Commission's recommendation denied the request on March 1, 2005. The zoning on this property has remained unchanged since this time and there has been no development of the property.

The applicant is requesting to rezone the property from R-L (Residential Low Density) to C-H (Commercial High Intensity) with the intent of pursuing an administrative Design Review approval for a drive-thru restaurant. A Development Concept Master Plan (DCMP) accompanies this request, limiting the allowable uses on the site to a drive-thru coffee shop, preventing the site to be developed for other uses that might otherwise be allowed in the C-H zoning district (see Attachment G – Commercial High Intensity Land Use Sheet). The applicant has provided a conceptual site plan and architectural elevations with the DCMP (see Attachment E – Conceptual Site Plan and Attachment F – Conceptual Architectural Elevations). These documents are for illustrative purposes only, meant to serve as an exhibit for the Traffic Impact Study (TIS) and to help staff analyze the feasibility of the site's development for the proposed use. The conceptual site plan and elevations do not approve the proposed and anticipated drive-thru use. A



subsequent Design Review (administrative process) would be required to review and approve site planning details, if the rezoning is approved.

## 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 areas to the north and east of the subject site have undergone significant change over the past two decades. Monfort Park and Greeley Fire Station #5 were built in the late 1990's and early 2000's. Gateway PUD to the east of the subject side was rezoned to Centerplace PUD in 2002 and has since seen significant commercial development that continues today. Parcels immediately west and south of the subject property were rezoned in 2014 from R-M (Residential Medium Density) to C-H (Commercial High Density), and R-L (Residential Low Density) (File no. Z 12:14 Grapevine Rezone). The Greeley Subaru dealership has since been built and Freddy's restaurant, to the south, is currently under construction.

The character of the surrounding area has changed to such a degree that the development of the subject property for single-family use, while possible, is very unlikely. The subject property is isolated from adjacent residential zoning by commercial development to the south and west and roadways to the north and east, diminishing the nexus to residential use in the area. Further site characteristics, such as the parcel's location along an arterial street, proximity to a commercial node, and the property's unique shape and size further support the rezone of the property for a limited commercial use.

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 current residential zoning has been in place since 1981 when the property was annexed into the City (36 years). The property remains undeveloped, despite a high demand for housing opportunities in the community.

The adjacent properties to the west and south were rezoned in 2014 to allow for a mix of commercial and residential zoning districts. Portions of the commercial zoned properties have since been developed and/or are currently under construction. The R-M (Residential Medium Density) and R-L (Residential Low Density) zoned parcels further to the west are undeveloped at this time, however their zoning offers a potential transition of less intense land use to the single-family residences of Highland Hills neighborhood with more intense commercial uses located adjacent to commercial centers and arterial roadways.

The existing zoning adjacent to 47<sup>th</sup> Avenue could be considered obsolete, as the trends for residential in this area have been for areas that are setback further from 47<sup>th</sup> Avenue and zoning which transitions from more intense uses adjacent to the arterial roadway to lower intensities further away from the roadway. The proposal would be consistent with these zoning and development trends.

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 known conditions that was impede the property from being rezoned or preclude development of the site.

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 requested rezone and proposed development, limited by the Development Concept Mater Plan (DCMP), is not anticipated to generate noise that would impact adjacent residential properties. City services should not be impact either since the property is already served by water, sewer, Fire and Police.

The only potential impact to the immediate neighborhood is a possible increase in traffic. The Traffic Impact Study (TIS), discussed in more detail in the Transportation section, indicates that impacts should be minor in nature with the majority of trips generated by pass-by traffic. The subject property is located on the corner of a signalized intersection. The TIS indicates that 90 percent of traffic at the 24<sup>th</sup> Street and 47<sup>th</sup> Avenue intersection would travel north/south, with only 5 percent heading east and west respectively.

The City's traffic engineer and Engineering Development Review staff have reviewed the traffic impact analysis with the proposed concept plan and found that additional traffic to the roadway system would not create a significant impact.

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:



**Community Design:**

- **CD1.D(3)** – Encourage the “infill and redevelopment of the community to achieve a compact, efficient, pedestrian friendly and attractive community form.

**Land Use:**

- **LU1.C(6)** – Promote logical linkages and graduated levels of impact between land uses of different intensity to achieve a functional, attractive, and effective transition. Such transition can be accomplished through landscaping, building design and massing, and a blend of mixed land uses, among other strategies.
- **LU3.A(3)** – In order to accommodate desired development which is compatible with adjacent neighborhoods, the City's Development Code shall establish, review and maintain a range of commercial zone classifications which allow:
  - a. Different mixes and intensities of commercial use
  - b. Varying scales of development reflective of the level of pedestrian or auto orientation
  - c. Development that is commensurate with and in relationship to the surrounding area
- **LU3.B** – Assure that commercial development is attractive, compatible with its setting, efficiently located, and designed to be aesthetically and functionally related to a defined service.

**Staff Comment:**

The subject property is the last vacant parcel to be developed along 47<sup>th</sup> Avenue between 24<sup>th</sup> Street and Highway 34, considered a commercial corridor. The surrounding land uses coupled with its location along arterial pose a challenge for residential development. The requested rezone, limited to a drive-thru coffee shop use, offers commercial development of a smaller scale and lower intensity to compliment nearby residential development, while at the same time, providing logical linkages to commercial development found south and east of the site.

The size and configuration of the site pose further challenge for development, whether residential or commercial. The requested rezone and Development Concept Master Plan provides a feasible concept for the infill and development of the site. While primarily a



drive-thru use, its close proximity to Monfort Park provides pedestrian-friendly options for patrons of nearby facilities.

The proposal complies with this criterion.

**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 (see Attachment D – Zoning Suitability Map).

The proposal complies with this criterion.

**E. PHYSICAL SITE CHARACTERISTICS**

**1. SUBDIVISION HISTORY**

The subject property is not a part of a platted subdivision. It was originally annexed into the City in 1981 as part of the Grapevine Annexation and Establishment of Zoning (Z 4:81).

**2. HAZARDS**

There are no known hazards on the site that would impede the rezone of the property or preclude development.

**3. WILDLIFE**

The proposed rezone should not affect wildlife. Any potential impacts due to development will be reviewed during the Design Review process.

**4. FLOODPLAIN**

The proposed rezone boundary 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 provided with this rezone request. Historically, the subject site drains from the southwest to the northeast onto either 24<sup>th</sup> Street or 47<sup>th</sup> Avenue, where it is directed and collected into an existing inlet located in 24<sup>th</sup> Street. If the rezone is approved, the applicant intends to develop the site for a drive-thru coffee shop use. The proposed grading of the site would maintain existing drainage patterns as closely as possible, draining to a proposed detention pond in the northeast portion of the site.

**6. TRANSPORTATION**

There are existing public sidewalks adjacent to the subject site along 24<sup>th</sup> Street and 47<sup>th</sup> Avenue. Proposed vehicular access to the site would be limited to one access point on 24<sup>th</sup> Street.



Street. This access would be located as far west as possible to minimize impacts to the signalized intersection (see Attachment E – Conceptual Site Plan). As part of the rezone request, the applicant has provided a conceptual site plan with the accompanying Development Concept Master Plan (DCMP). The conceptual layout shows the proposed access and movements used in the Traffic Impact Study (TIS) (see Attachment E – Conceptual Site Plan).

Pending approvals, it is expected that the proposed drive-thru coffee shop would occupy the site in the next one or two years. A short-range analysis was conducted through the year 2021, with an assumed traffic increase of two percent a year. In addition, the traffic projections from the Weld County Garage TIS and Freddy's Frozen Custard & Steakburgers TIS were added in order to forecast growth. The TIS assumes a 480 square foot drive-thru coffee shop to estimate trips generated. The City further requested a brief trip generation comparison to a single-family residence.

The subject property is currently vacant generating zero vehicular trips. If left as R-L (Residential Low Density) zoning, a single-family residence is projected to generate ten (10) daily trip ends. If rezoned to C-H (Commercial High Intensity) and developed for the proposed use, a drive-thru coffee shop is predicted to generate 382 daily trip ends. The majority of the trips are predicted to occur in the morning peak hours.

The most recent traffic counts from Public Works shows that roughly 27,845 average daily trips occur on 47<sup>th</sup> Avenue near Centerplace Drive and 16,198 trips occur on 47<sup>th</sup> Avenue near 16<sup>th</sup> Street. As the subject property is located at the corner of a signalized intersection it is expected that 45 percent of trips will head northbound along 47<sup>th</sup> Avenue, 45 percent southbound along 47<sup>th</sup> Avenue, five (5) percent westbound on 24<sup>th</sup> Street and five (5) percent would head east on 24<sup>th</sup> Street. Currently the signalized intersection at 24<sup>th</sup> Street and 47<sup>th</sup> Avenue operates at a level A north and southbound and level C east and westbound. The proposed use would not significantly impact intersection operations; forecasted models show that the intersection would continue to operate at a level A north and southbound and a level C east and westbound.

The traffic study further shows that 90 percent of the trips are considered pass-by, meaning that ten (10) percent of trips would be generated from a purposeful diversion or as an end use destination. As such, the proposed rezone intended for a drive-thru coffee use should not generate excess traffic in the area.

The City's traffic engineer and Engineering Development Review staff have reviewed the traffic impact analysis with the proposed concept plan and found that additional traffic to the roadway system would not create a significant impact.

## **F. SERVICES**

### **1. WATER**

Water and sewer services are available in both 24<sup>th</sup> Street and 47<sup>th</sup> Avenue (see Attachment C – Site Analysis Map).



## **2. SANITATION**

Water and sewer services are available in both 24<sup>th</sup> Street and 47<sup>th</sup> Avenue (see Attachment C – Site Analysis Map).

## **3. EMERGENCY SERVICES**

City services should not be impacted by this request. The subject site and surrounding properties are provided existing municipal services. The City of Greeley's Fire Station # 5 is located across 24<sup>th</sup> Street from the subject site and the nearest police station is located approximately three (3) miles from the subject site.

## **4. PARKS/OPEN SPACES**

No parks or regional open space areas are proposed with this rezone request.

## **5. SCHOOLS**

No schools are proposed or located within the site. The closest District 6 School is Monfort Elementary located 0.3 miles north of the 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.

### **2. NOISE**

Any potential noise created by future development will be regulated by the Municipal Code.

## **H. PUBLIC NOTICE AND COMMENT**

A neighborhood meeting was held on September 6, 2017 at Monfort Elementary School. There was one attendee at the meeting, an employee of the Greeley Subaru Dealership, whom came to learn more about the proposal. The attendee had no concerns regarding the proposed rezone.

Neighborhood notices were mailed to surrounding property owners on September 7, 2017, per Development Code requirements. Two signs were posted on the site on September 8, 2017, one along 47<sup>th</sup> Avenue and one along 24<sup>th</sup> Street.

No comments have been received.

## **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) to C-H (Commercial High Intensity) zoning district and an associated DCMP (Development Concept Master Plan), meets the applicable Development Code criteria, Sections



18.30.050(c)(3) a, b, f, g, and h and 18.30.055; and therefore, recommend approval of the rezone to the City Council.

#### **ATTACHMENTS**

Attachment A – Vicinity Map

Attachment B – Zoning Boundary Map

Attachment C – Site Analysis Map

Attachment D – Zoning Suitability Map

Attachment E – Conceptual Site Plan

Attachment F – Conceptual Architectural Elevations

Attachment G – Commercial High Intensity Land Use Sheet



# Exhibit A: Vicinity Map

Z 11:17

4704 24th Street Rezone (Dutch Brothers Coffee)



## Legend

-  4704 24th Street
-  Arterial Streets
-  Local Streets

0 0.125 0.25 Miles





## Attachment B

DATE	5/15/2017
FILE NAME	20170229RNDYMAP
SCALE	1"=20'
DRAWN BY	LEC
CHECKED BY	RLC

1



# SITE ANALYSIS MAP

Situate in the SE Quarter of Section 15, Township 5 North, Range 66 West of the 6th P.M.  
City of Greeley, County of Weld, State of Colorado

Attachment C

DATE: 5/15/2017  
FILE NAME: 20170229SITE  
SCALE: 1"=20'  
DRAWN BY: LEC  
CHECKED BY: RLE

KING SURVEYORS  
(50) E. Garden Drive | Windsor, Colorado 80550  
phone: (970) 686-5011 | fax: (970) 686-5821



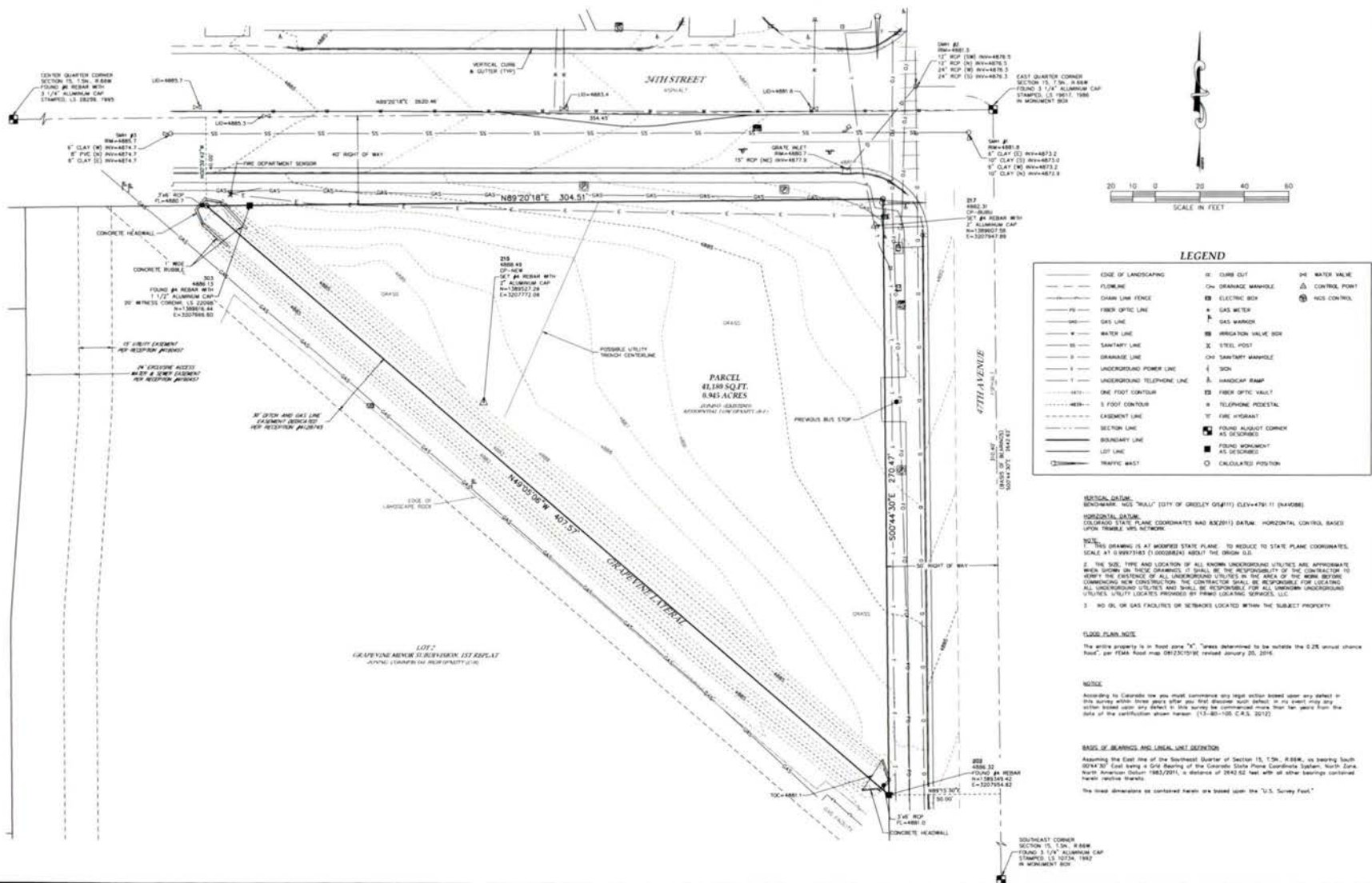
DATE: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_

SITE ANALYSIS MAP  
FOR  
INTEREST CONSULTING GROUP  
P.O. BOX 18330  
BOULDER, CO 80508

PROJECT #  
20170229

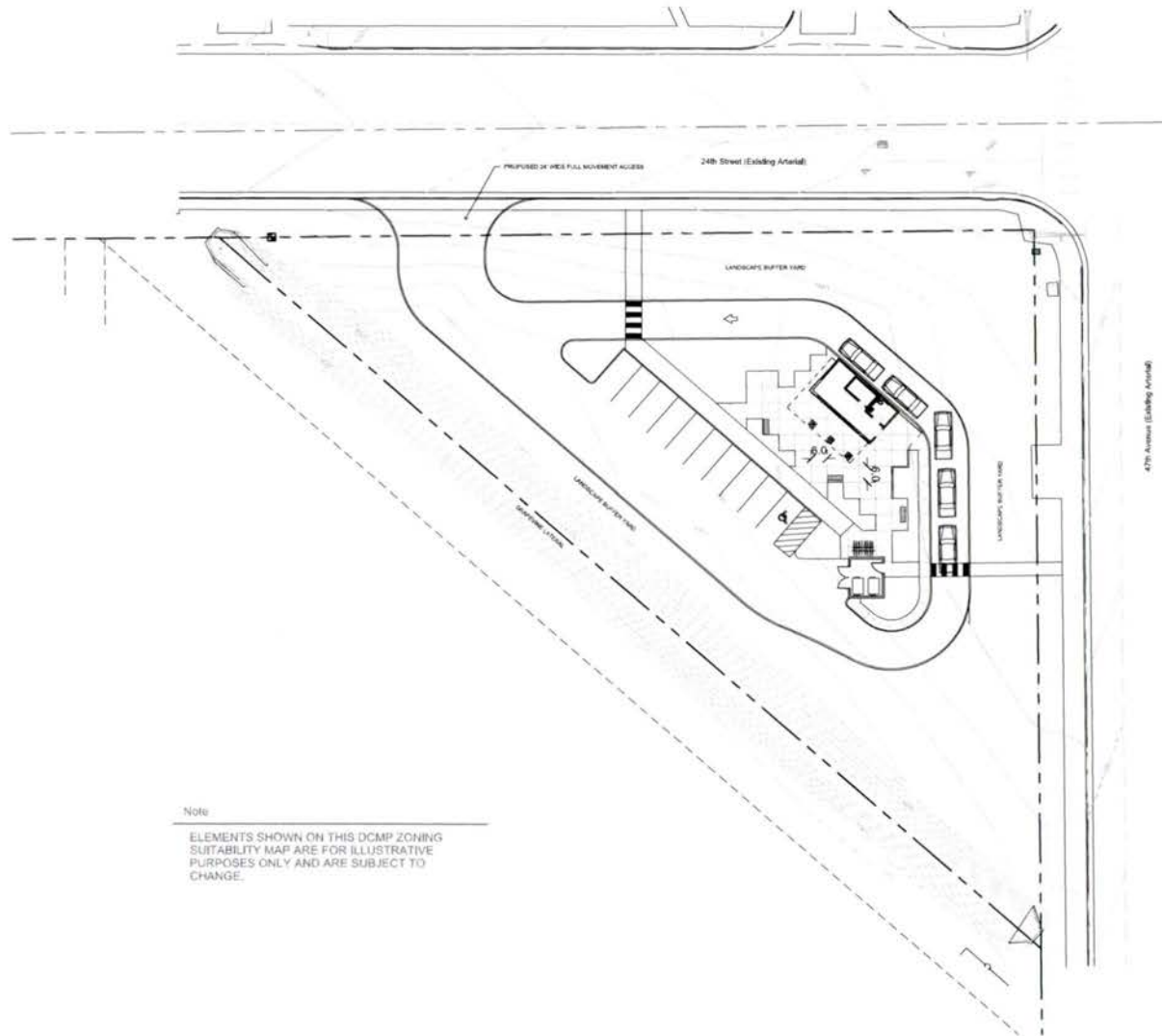
3

SHEET 1 OF 1





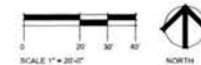
# Attachment D



## Note

ELEMENTS SHOWN ON THIS DCMP ZONING SUITABILITY MAP ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.

GROSS AREA COVERAGE			
	SQUARE FEET	ACRES	% OF
PUBLICLY ACCESSIBLE	404	0.01	1.0%
OPEN SPACE	25,136	0.577	67.3%
PAVED DRIVE AND PARKING	11,801	0.273	29.4%
SEWER/STORMWATER	2,028	0.046	0.6%
TOTAL AREA	41,369	0.946	100%



**11:1 GROUP**  
 11:1 Group, Inc.  
 144 Mountain Ave. | P.O. Box 100  
 Denver, CO 80202 | Tel: 303.733.1000

4704 24th STREET  
 REZONE

Grand, Colorado

NATE FRARY  
 Dutch Bros Coffee

6208 Swainshaw Place  
 Fort Collins CO 80526  
 959.366.2894

Staff Comments: 06-14-17

June 28, 2017

Zoning Suitability Map

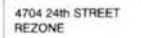
Sheet Number: 2

DC 5



**IB GROUP**  
Investment Banker | Broker | Dealer

944 10th Street, Suite 1000 | N. 10700 E. 96th  
Denver, CO 80231 | tel: 303.755.1200



Greenley, Colorado

NATE FRARY  
Dutch Bros Coffee

6205 Swainshaw Place  
Fort Collins CO 80528  
509.366.2884

GROSS AREA COVERAGE			
	SQUARE FEET	ACRES	% OF
BUILDING FOOTPRINT	561	0.011	1.00%
OPEN SPACE	25,138	0.571	51.00%
PAVED DRIVE AND PARKING	17,893	0.375	38.00%
VEGETATION/SCREENING	5,108	0.093	9.00%
TOTAL AREA	61,190	0.849	

**OFF-STREET PARKING**

- SPACE FOR 4 CARS (INCLUDING OUTSIDE STORAGE)
- SPACE FOR 20 SQ. FT. OF CUSTOMER SERVICE AREA
- SPACES FOR FIVE EMPLOYEES

**NOTE: SEE THE DRAWINGS**

PROVIDED: 10 SPACES INCLUDING 1 ACCESSIBLE SPACE

ONE PARKING

4% OF TOTAL CAR SPACES  
 10.4% = 3 SPACES REQUIRED

PROVIDED: 3 SPACES

Staff Comments: 08-14-17

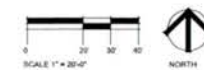
BEHOLD IN THE NE QUARTER OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 10TH P.M., CITY OF GRIFFIN, COUNTY OF WELD, STATE OF COLORADO, CONTAINING 1.381 ACRES.

[illegible]

- |                                                                                       |                       |
|---------------------------------------------------------------------------------------|-----------------------|
|  | HANDICAP PARKING SIGN |
|  | BASEMENT LINE         |
|  | PROPERTY LINE         |
|  | LINE TONK             |
|  | BRACK SEATING         |

June 26, 2017

SHEET 1	NOTE PLAN
SHEET 2	JOINING SUSTAINABILITY MAP
SHEET 3	SITE ANALYSIS MAP
SHEET 4	EXTERIOR ELEVATIONS
SHEET 5	CONCEPTUAL DRAINAGE PLAN



### Site Plan

Sheet Number: 1

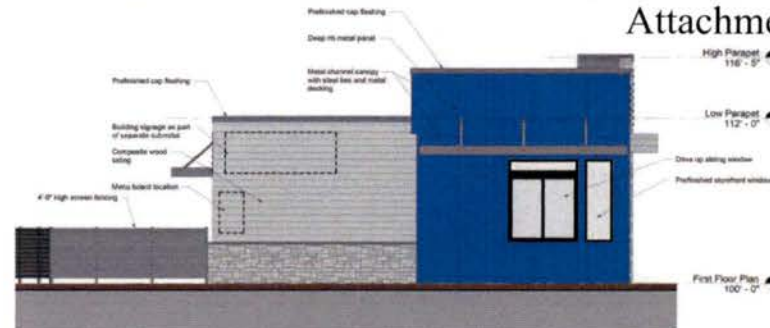
of 5



# Attachment F



2 Northwest Elevation  
1/4" = 1'-0"

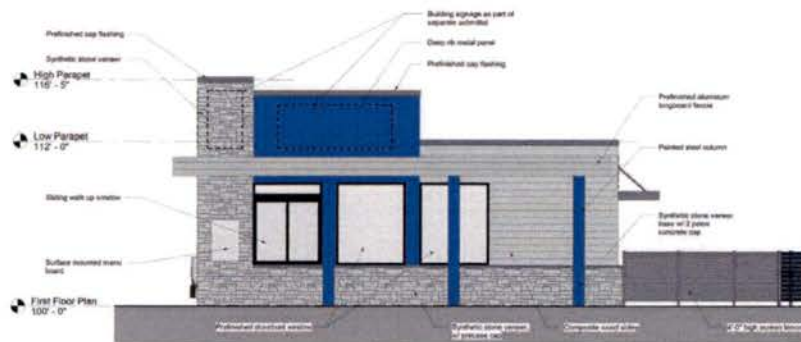


1 Northeast Elevation  
1/4" = 1'-0"

Site Plan and Building Elevations for illustrative purposes only and are subject to change.



4 Southeast Elevation  
1/4" = 1'-0"



3 Southwest Elevation  
1/4" = 1'-0"



Site Plan



7 View Looking West



6 View Looking South



5 View Looking East

In Association with:

**Dutch Bros.** Owner  
1216 Kensington  
Unit 83  
Fort Collins, CO 80524  
Phone: 970.234.4639  
Email: info@dutchbros.com

Interest Consulting: **Chil Engineer**

1216 Kensington  
Unit 83  
Fort Collins, CO 80524  
Phone: 970.234.4639  
Email: info@dutchbros.com

**TB Group** Planning/EA

4440 Mountain Avenue  
Boulder, CO 80501  
Phone: 303.440.1881  
Email: info@tbgroup.com

No.	Description	Date
1	Revised	10/16/2017
2	Revised Re-submittal #2	10/16/2017

**4704 24th Street Rezone**

Enter address here

**Submittal No.2**

Project No.: 2017-04 Drawn by: JSD  
Revised by: SA

**Exterior Elevations**

Scale: As Shown  
Drawing Number: **ARCH 4 of 5**



## LAND USES

## C-H (Commercial High Intensity)

**Permitted Uses** = Use is permitted by right in the zoning district

PERMITTED USES		
<b><u>Residential</u></b> ⇒ Farming <b><u>Institutional</u></b> ⇒ Cemeteries, Columbarium ⇒ Churches ⇒ Emergency Shelters, Missions ⇒ Hospitals ⇒ Libraries, Museums, Public or Quasi-public ⇒ Intermediate and Long-Term Care, Assisted Living Units ⇒ Police/Fire Stations, Ambulance Dispatch and Storage ⇒ Schools - Adult (Business, Trade) <b><u>Commercial</u></b> <b><u>Animal Uses</u></b> ⇒ Kennels (Could also be a DR) ⇒ Pet Stores ⇒ Veterinary Clinic (No outdoor runs) ⇒ Art, Dance, Photo Studios, Galleries <b><u>Auto Uses</u></b> ⇒ Auto Rental (Maximum 10 Cars or Vans) ⇒ Car & Truck Wash (over 3 bays USR) ⇒ Towing Services ⇒ Banks, Savings & Loans, Financial Institutions, ATM's, Drive-up Windows - "DR" Required for Drive-up Windows ⇒ Bars, Taverns, Nightclubs, Lounges ⇒ Bingo Halls & Parlors ⇒ Brew Pubs ⇒ Builders/Contractors Supply Offices & Yards - Max. 25% of GFA for Indoor Assembly	<b><u>Commercial Cont.</u></b> ⇒ Cleaning & Janitorial Services ⇒ Dry Cleaning (no cleaning on-site) ⇒ Emission Testing Centers ⇒ Exterminating Shops <b><u>Golf Uses</u></b> ⇒ Golf Courses, Country Clubs, Driving Ranges w/o Lighting ⇒ Golf Courses, Driving Ranges w/ Lighting ⇒ Miniature Golf ⇒ Laundromats <b><u>Lodging</u></b> ⇒ Hotels, Motels ⇒ Medical/Dental Offices & Clinics, Massage Therapists, Medical Supply Sales & Rental ⇒ Mortuaries, Funeral Homes ⇒ Nurseries, Greenhouses, Garden Shops ⇒ Offices ⇒ Parking Lots & Structures ⇒ Pawn Shops ⇒ Personal Service Shops (Beauty, Barber, Tanning & Nail Salons, Shoe Repair) ⇒ Printing, Copying Shops, Mail Centers ⇒ Radio/TV Stations <b><u>Recreation Uses</u></b> ⇒ Community Recreation Buildings ⇒ Indoor/Outdoor Extensive (Skating Rinks, Bowling Alleys, Video Arcades, Riding Clubs, Tennis Courts, etc.) ⇒ Outdoor Intensive (Go Cart Tracks, Bumper Cars, etc.) ⇒ Membership Clubs, Health Clubs, Martial Arts Studios	<b><u>Commercial Cont.</u></b> ⇒ Open Space ⇒ Park (pocket) ⇒ Park (neigh) ⇒ Park (comm/reg) ⇒ Rental Service (Equipment, Small Tools, Supplies, Appliances, Home Furnishings) ⇒ Repair Shops <b><u>Restaurants</u></b> ⇒ Cafes & Other Eating Establishments (Including Outdoor Seating/Eating Areas) <b><u>Retail Sales</u></b> ⇒ Under 3,000 sq ft, GFA 1 or combo. of Stores ⇒ 3,000 – 20,000 sq ft GFA 1 or Combination of Stores <b><u>Theaters</u></b> ⇒ Indoor, Movie ⇒ Train, Shuttle, Bus Depots ⇒ Upholstery Shops <b><u>Industrial</u></b> ⇒ Newspaper & Publishing Plants, Binderies ⇒ Research & Testing Labs <b><u>Telecommunication Uses</u></b> ⇒ Utility Service Facilities less than 300 sq ft no office or storage space <b><u>Wireless Uses</u></b> ⇒ Co-location (on existing tower)**

\*\* As long as tower or building height is not increased



## LAND USES

### C-H (Commercial High Intensity)

**Design Review** = Use is permitted in the zoning district but is subject to review by City staff

**Use by Special Review** = All aspects of the proposed land use must be approved by the Planning Commission

DESIGN REVIEW	USE BY SPECIAL REVIEW
<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>⇒ Mixed-use (must include residential)</li> <li>⇒ Secondary Dwellings</li> </ul> <p><b>Institutional</b></p> <ul style="list-style-type: none"> <li>⇒ Child Care/Day-Care Centers/Preschools</li> </ul> <p><b>Commercial</b></p> <ul style="list-style-type: none"> <li>⇒ Entertainment Establishment</li> </ul> <p><b>Auto Uses</b></p> <ul style="list-style-type: none"> <li>⇒ Auto Repair, Sales (Over 1 acre in size whether on individual sites or several such uses combined would be USR)</li> <li>⇒ Banks, Savings &amp; Loans, Financial Institutions, ATM's, Drive-up Windows - "D" required for Drive-up Windows</li> <li>⇒ Convenience Stores with Gas Sales</li> <li>⇒ Gas Stations (sites over 1 acre in size USR)</li> <li>⇒ Gas Stations with Repair, Lube &amp; Tire Shops - including underground fuel storage (sites over 1 acre in size USR)</li> </ul> <p><b>Lodging</b></p> <ul style="list-style-type: none"> <li>⇒ Bed and Breakfast</li> </ul> <p><b>Restaurants</b></p> <ul style="list-style-type: none"> <li>⇒ Drive-in or Drive-thru Facilities (including outdoor seating areas)</li> <li>⇒ Drive-up window</li> </ul> <p><b>Retail Sales</b></p> <ul style="list-style-type: none"> <li>⇒ Large Retail (over 20,000 sq ft)</li> </ul> <p><b>Industrial</b></p> <p><b>Recycling Centers</b></p> <ul style="list-style-type: none"> <li>⇒ Small Collection</li> <li>⇒ Large Collection &amp; Processing Facility</li> </ul> <p><b>Telecommunication Uses</b></p> <ul style="list-style-type: none"> <li>⇒ Satellite Earth Station Antennas (over 3' in diameter)</li> <li>⇒ Utility, Communication Towers/Cabinets less than building height permitted by zone</li> </ul> <p><b>Warehousing</b></p> <ul style="list-style-type: none"> <li>⇒ Self Serve Storage Units – (site over 5 acre in size is a USR)</li> </ul> <p><b>Wireless Uses</b></p> <ul style="list-style-type: none"> <li>⇒ Stealth Design**</li> <li>⇒ Roof-top mounted**</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>⇒ Single-family Dwellings</li> <li>⇒ Two-family Dwellings</li> <li>⇒ Multi-family Dwellings</li> <li>⇒ Townhouse Dwellings</li> <li>⇒ Boarding &amp; Rooming Houses, Dormitories, Fraternities, Sororities, Group Quarters, SRO's</li> <li>⇒ Group Homes (8 or less residents)</li> </ul> <p><b>Institutional</b></p> <ul style="list-style-type: none"> <li>⇒ Group Homes (more than 8 residents)</li> <li>⇒ Schools</li> <li>⇒ Universities/Colleges</li> </ul> <p><b>Commercial</b></p> <p><b>Animal Uses</b></p> <ul style="list-style-type: none"> <li>⇒ Veterinary Clinic (outdoor runs)</li> </ul> <p><b>Auto Uses</b></p> <ul style="list-style-type: none"> <li>⇒ Auto Repair, Sales (over 1 acre in size whether on individual sites or several such uses combined)</li> <li>⇒ Builders/Contractors Supply Office &amp; Yards - Maximum 25% of site for outdoor storage</li> <li>⇒ RV and Travel Trailer Parks</li> </ul> <p><b>Retail Sales</b></p> <ul style="list-style-type: none"> <li>⇒ Large Retail (over 100,000 sq. ft. GFA)</li> </ul> <p><b>Theaters</b></p> <ul style="list-style-type: none"> <li>⇒ Drive-in</li> <li>⇒ Outdoor - Auditoriums, Sports Arenas, Stadiums</li> <li>⇒ Theme or Amusement Parks, Zoos, Aquariums</li> </ul> <p><b>Warehousing</b></p> <ul style="list-style-type: none"> <li>⇒ Self Serve Storage Units (sites over ½ acre in size)</li> </ul> <p><b>Industrial</b></p> <ul style="list-style-type: none"> <li>⇒ Oil &amp; Gas Operations</li> </ul> <p><b>Telecommunication Services</b></p> <ul style="list-style-type: none"> <li>⇒ Utility, Communication Towers/Cabinets over building height permitted by zone</li> <li>⇒ Utility Service Facilities - more than 300 sq ft, no office or storage space</li> <li>⇒ Utility Lines - Over 33 KVA, Overhead</li> </ul> <p><b>Wireless Uses</b></p> <ul style="list-style-type: none"> <li>⇒ Free-standing(non-stealth)**</li> </ul>

\*\* As long as tower or building height is not increased



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 24**

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

### Title

Public hearing to consider a change of zone from PUD (Planned Unit Development) to R-H (Residential High Density) zoning for approximately 3.96 acres of property known as the West Point Commerce Center Rezone, 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 Richmark Real Estate Partners, LLC to rezone approximately 3.96 acres of land from PUD (Planned Unit Development) to R-H (Residential High Density) zoning to allow for a mixture of potential uses, including multi-family. The site is located north of a commercial shopping center that includes Coyote's Grill, and south of existing single-family and multi-family residences.

The uses in what is now known as the West Point Commerce Center were established in 1993 after the site was annexed in 1981. Currently, only retail and office uses are allowed per zoning on the site, which has been a vacant in-fill site for over 36 years.

The Planning Commission considered this request on September 26, 2017, and recommended approval by a vote of 5-2. This ordinance was introduced at the October 3, 2017 Council meeting.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	No, or minimal possible, if greater density is realized
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 the following public hearing steps:

- 1) City staff presentation



- 2) Council questions of staff
- 3) Applicant presentation
- 4) Council questions of applicant
- 5) Public input (hearing opened, testimony - up to three minutes per person, 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 PUD (Planned Unit Development) to R-H (Residential High Density) zoning meets Development Code Section 18.30.050(c)(3) a, b, f and g; 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 (September 26, 2017)

Planning Commission Summary (Staff Report) (September 26, 2017)



CITY OF GREELEY, COLORADO

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

CASE NO. Z 9:17

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM PUD (PLANNED UNIT DEVELOPMENT) TO R-H (RESIDENTIAL HIGH DENSITY) ZONING FOR APPROXIMATELY 3.96 ACRES OF PROPERTY KNOWN AS THE WEST POINT COMMERCE CENTER REZONE, LOCATED AT THE SOUTHWEST CORNER OF 52<sup>ND</sup> AVENUE COURT AND 9<sup>TH</sup> STREET DRIVE

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 PUD (Planned Unit Development) 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 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST:

THE CITY OF GREELEY

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City Clerk

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Mayor



### Legal Description

Parcels Two (2), Three (3) and Four (4) of West Point Commerce Center First Filing, Replat A, as recorded March 24, 2000 at Reception No. 2757618 within the records of Weld County, being a portion of the Southwest Quarter (SW1/4) of Section Three (3), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado.

Said parcel of land contains 3.96 Acres (172,321 sq. ft.) more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.





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## **PLANNING COMMISSION**

### **Proceedings**

**September 26, 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, Hice-Idler, Yeater and Mirick were present.

#### **II. Approval of minutes for meeting held on September 12, 2017**

Commissioner Rarick moved to approve the minutes for the meeting held on September 12, 2017. Commissioner Andersen seconded the motion. The motion carried 7-0.

#### **III. A public hearing to consider annexation of a parcel of land containing approximately 29.006 acres and known as the Signature Bluffs Natural Area Annexation No. 1**

Project Name: Signature Bluffs Natural Area Annexation No. 1  
Case No.: A 9:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items III through VIII be considered together, with separate motions being required for each annexation and establishment of zoning. Chair Hall called up all of the cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the areas requested for annexation. She noted that the 32.88-acre site is within Long-Range Expected Growth Area and that the annexation would protect and preserve the area for open space. Ms. Duran reported that the area meets or



**XIII. A public hearing to consider a request to rezone approximately 3.96 acres of land from PUD (Planned Unit Development) to R-H (Residential High Density)**

Project Name: West Point Commerce Center Rezone  
Case No.: Z 9:17  
Applicant: Richmark Real Estate Partners, LLC  
Location: Southwest corner of 52<sup>nd</sup> Avenue Court and 9<sup>th</sup> Street Drive  
Presenter: Marian Duran, Planner II

Ms. Duran addressed the Commission and entered the staff report into the record with minor clarifications outlined in a memorandum provided to the Commissioners. She presented a map showing the location of the site and described the surrounding zoning and uses. Ms. Duran reported that the site is currently zoned Planned Unit Development (PUD) and only allows for office retail uses. She presented a rezone boundary map and indicated that no right-of-way is being dedicated since Public Works has determined that there is no need to expand the road and require an additional right-of-way dedication.

Ms. Duran presented photographs of the site. She described the rezone criteria and described the relevant criteria considered by staff. The Administrative Review Team reviewed the proposal and all comments were addressed. A neighborhood meeting was held on July 26, 2017 with 16 residents attending and expressing concerns about existing and future traffic conditions in the area.

Chair Hall asked who was responsible for the interior roadway. Ms. Duran reported that it is part of the covenant within the entire commercial area and that under a development agreement the center is responsible for maintenance of the private drive. Chair Hall asked why the second layer of road had not been completed. Ms. Duran deferred the question to Engineering.

Josh Evans, staff engineer, addressed the Commission and reported that the road is a private drive and would be the responsibility of the owner to complete. Upon question by Chair Hall as to whether there were regulations in the Code dealing with the roadway, Mr. Evans deferred to the applicant for a response. Commissioner Yeater asked whether there was a regulation regarding road width and asked about increased traffic. Mr. Evans indicated that the applicant could provide a response. Commissioner Schulte expressed more concern about increased traffic than the proposal to develop the site. Mr. Evans agreed that there would be an increase in traffic.

Stephanie Hanson addressed the Commission on behalf of the applicant and introduced other members of the team, Derek Glosson and Dan Hull. Ms. Hanson presented a concept plan approved in 1988 and reported that the site had been developed as a PUD with a combination of land uses. She noted that various amendments had occurred over the years that a revised master plan was prepared in 1999 resulting in what is currently built. Ms. Hanson pointed out the portion of the site that is being discussed today and reported that several rezones have taken place since 1988, including residential and commercial. She added that the land has been vacant. Ms. Hanson discussed what is currently allowed within the PUD and stated that the applicant is requesting a rezone to Residential High Density with the intent of building multi-family homes. Mr. Hanson reported that the applicant had conducted a survey of owners in the area and had responded to some of the concerns brought up in the survey and the neighborhood meeting.



Commissioner Rarick noted that it was clear that parking will be displaced and expressed concern that people would park on the private drive. Ms. Hanson stated that the applicant was happy to work with staff during the site plan process to solve any parking issues.

Chair Hall opened the public hearing at 2:21 p.m. There being no public comment, the public hearing was closed at 2:21 p.m.

Commissioner Mirick made a motion that, based on the application received and the project summary and accompanying analysis, the Planning Commission finds that the proposed rezone from PUD (Planned Unit Development) to R-H (Residential High Density) zone district meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, b, f and g and, therefore, recommends approval of the rezone to the City Council. Commissioner Hice-Idler seconded the motion.

Commissioner Andersen encouraged the applicant to work with staff on traffic and parking issues. Commissioners Yeater and Rarick agreed.

The motion carried 5-2, with Commissioners Andersen and Rarick voting against the motion.

**XIV. A public hearing to consider a request for a Use by Special Review for placement of an 85-foot telecommunications monopole at the Greeley Country Club. The USR area consists of 531 square feet and is located on a property consisting of approximately 119 acres in a Residential Low Density zoning district.**

Project Name: 4500 10<sup>th</sup> Street USR  
Case No.: USR 4:17  
Applicant: Greg Dibona for Centerline Solutions  
Location: 4500 10<sup>th</sup> Street  
Presenter: Rachel Prelog, Planner I

Ms. Prelog addressed the Commission and entered the staff report into the record. She handed out a memorandum with an attached inquiry that arrived after mailing of packets and entered the staff report and additional information into the record. Ms. Prelog introduced the case as a Use by Special Review to approve an 85-foot telecommunications monopole to be located in the parking lot at the Greeley Country Club. She described the surrounding zoning.

Ms. Prelog presented a map and proposed site plan showing the location of the proposed monopole. She stated that the monopole and equipment would replace an existing light pole. She also described the standards used to evaluate the proposal. Ms. Prelog presented elevation drawings of the proposed monopole and equipment enclosures and described the materials to be used for the monopole. At the request of staff, the applicant provided several photo simulations, which were presented to the Commission.

Ms. Prelog described the Use by Special Review approval criteria and the evaluation of the application by staff. The Administrative Review Team reviewed the proposal and all comments were addressed. It was found that the proposal complies with all design review criteria. Notices were sent to owners within 500 feet of the site and one inquiry was



## PLANNING COMMISSION SUMMARY

**ITEMS:** Rezone from PUD (Planned Unit Development) to R-H (Residential High Density) Zone District

**FILE NUMBER:** Z 9:17

**PROJECT:** West Point Commerce Center Rezone

**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:** September 26, 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 3.96 acres from PUD (Planned Unit Development) to the R-H (Residential High Density) zone district, for a multi-family development (*see Attachments A – Aerial/Vicinity Map and Attachments B – Existing Zoning Map*). The rezone does not include the right-of-way adjacent to the subject site, because the City of Greeley has no plans to expand the roadway along 52<sup>nd</sup> Avenue Court. The subject site is located south of 52<sup>nd</sup> Avenue Court and 9<sup>th</sup> Street Drive, north of 10<sup>th</sup> Street, generally south of the West Point Business Park Condos (*see Attachment A & B*)

### A. REQUEST

The applicant is requesting approval of a rezone from PUD (Planned Unit Development) to R-H (Residential High Density) for a proposed multi-family development on a 3.96 acre lot (*see Attachments D.*)

### B. STAFF RECOMMENDATION

Approval



### C. LOCATION

#### Abutting Zoning/Land Uses:

North: PUD (Planned Unit Development) - Residential-Low Density  
South: PUD (Planned Unit Development) – Retail/Restaurant/Offices  
East: PUD (Planned Unit Development) & C-H (Commercial High-Intensity – Condos/Vacant Land  
West: C-L (Commercial Low Intensity) – Commercial/Offices

#### Site Characteristics:

The subject site has is currently vacant.

### D. BACKGROUND

The subject site was annexed into the City of Greeley in 1981 under the North Sheep Draw Annexation (Reception No. 1863877) (File No. Z 2:81) . In 1988, a conceptual PUD showed a mix of horizontal land uses such that retail, office, and other services along with surrounding residential (Z 9:88). The established PUD uses were amended and approved in November 2, 1993 by City Council (Case No. PUD 10:93). The existing PUD only allows for retail and office uses on the subject site. The subject site contains three parcels, legally described as Parcels 2, 3, and 4, with the West Point Commerce Center First Filing, Replat A and has been vacant for over 36-years. The applicant is requesting to rezone the site to allow for a multi-family housing development. The proposal would not be allowed under the current PUD zoning district. The applicant would be required to amend the PUD, to allow for the proposed multi-family use. Amending the PUD would require 75% approval from all property owners within the PUD. As such, the applicant has chosen to request a rezone of the property and obtain Council approval of the property.

A specific layout or design of the property has not been submitted as part of this request. If the proposal is approved by Council, all elements of parking, open space, egress and ingress to the subject site, including water detention, site layout and architectural design standards for the proposed multi-family housing development would be reviewed separately through a site plan review land use process. A rezone request does not require architectural standards and plans have not been submitted with this request, thus, architectural building elevations have not been reviewed with this application. Nonetheless, the property must be developed in conformance with Development Code standards.

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 PUD when it was annexed in 1981 (File No. Z 2:81), but the uses were not established until 1993. The zoning classifications has no changed since then, and the property has been vacant for over 36-years. The most recent development in the area has been of the office/retail commercial, Coyote's restaurant and the residential surrounding the subject site. Otherwise, the subject site has remained unchanged since 1981.

The applicant claims that they have attempted to do their part in developing this subject site with retail or office, but there has not been any interest. They have determined that multi-family housing has been in high demand within the City of Greeley thus, their rezoning behind the rezone request. The change in market conditions warrant logical revisions to the existing zoning on the subject site. The applicant further asserts that a City of Greeley's Indicator Report shows a multifamily rental vacancy rate of 3.1 %, when 4% is considered sustainable. A mix of multi-family condominiums, duplexes, and single-family houses to the north and east; and commercial office surround the subject property and retail development exists to the south and west. The proposed request to rezone the property to a designation of R-H would create a help create a transition between the mix of multi-family condominiums, duplexes, and single-family houses to the north, and the retail and office development to the south.

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 approximately thirty-six (36) years without development resulting. As stated above, the subject site was zoned PUD when it was annexed in 1981, and amended most recently in 1993.

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 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 thirty-six (36) 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. The applicant states that the rezone request would indirectly benefit the community through the addition of new housing options.

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 has an existing mix of land uses that were approved by Council in 1993 as stated in Section D, Background. It is anticipated that some level of noise would be produced with all new development. Nonetheless, the Municipal Code would regulate any noise levels or other incompatible conditions that may be objectionable or detrimental to properties within the area. The appropriate buffering and building setbacks would be and must be provided, but reviewed during the site plan land use review process. Landscaping requirements that would lessens potential visual impacts.

City services should not be impacted, since the surrounding area is already served by municipal services such as water and sewer. Potable water and sanitary sewer infrastructure would be installed to accommodate the new development at the subject site.

Police and Fire are already serving this area since it is within the City of Greeley. Fire Station #7 is approximately a mile away, located at 6623 10<sup>th</sup> Street. An existing public sidewalk is available along the northern side of the property south of 52<sup>nd</sup> Avenue Court and 9<sup>th</sup> Street Drive, however, a public sidewalk would be constructed on the south of the subject site.

If the subject site is developed, as housing, the site would be required to provide amenities and internal pedestrian circulations through walkways connecting to the external public sidewalks, which would intern address connectivity standards for the multi-family residents. Public transportation is currently available near the sit. There is an existing bus stop located south of the other vacant lot located on the northeast corner of 52<sup>nd</sup> Avenue Court and 10<sup>th</sup> Street.

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 the following: 1) Christa McAuliffe Elementary School (.70 miles/13 min. walk); 2) Early College Academy (.30 miles/7 min. walk); 3) Peakview Park (.80 miles/17 min. walk); 4) Country Club West Natural Area (.60 miles/11 min. walk); 5) Trails along 54<sup>th</sup> Avenue (.20 miles/5 min walk); 6) Allen Park (.70 miles/14 min. walk), 7) the West Point Commerce Center retail; and 8) the bus stop that is two minutes away from the subject site. There is also a commercial node located south of 10<sup>th</sup> Street between 54<sup>th</sup> Avenue and 59<sup>th</sup> Avenue, and another commercial node on the north of 10<sup>th</sup> Street along 47<sup>th</sup> Avenue and 49<sup>th</sup> Avenue.

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 as mentioned above, and is within a mile of Aims Community College to the south, the North Gate Shopping Center to the west and the Twin Rivers Park and the Youth Sports Complex located southwest 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: The property is accessible to 10th Street from 54<sup>th</sup> Avenue Court, without vehicles having to pass through less intensive land uses on the north. Via 10th Street, vehicles will have access to 59th Avenue and 47th Avenue, which are all 4-lane arterial roads.

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, as this would adequately transition the intensity of uses from commercial to housing. As stated before under Section E, item A., the subject property is surrounded by a mix of multi-family condominiums, duplexes, and single-family houses to the north and east; and commercial offices and retail to the south and west. The proposed request to rezone the property to a designation of R-H would create a more adequate transition between the mix of multi-family condominiums, duplexes, and single-family houses to the north, and the retail and office development to the south. Although no architectural designs have submitted with this rezone request, all architectural designs would be reviewed, if approved by Council, with the Site Plan Review land use application. A Site Plan Review is administrative, but Planning staff would ensure that the proposed buildings meet the intent of the Development Code. The architecture must be compatible with the surrounding residential and commercial neighborhood architecture. All of the required buffering and landscaping would also be reviewed administratively, and would be incorporated into any future development. Additionally, 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 at the northwest corner of the intersection of 10th Street and 50th Avenue..

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. A traffic impact study was provided with the proposed rezone. The total traffic generated by the proposed multi-family development is described under Section F, item 6 of this report. Existing utilities are expected to be adequate. Any upsizing determined to be needed by the applicant to serve the proposed project, would be analyzed as part of the administrative



Site Plan Review process. 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 with this rezone request. Typically, an appropriate transition of land use would be single-family to two-family and then to multi-family. Because multi-family developments are typically found within a quarter-mile of arterial roadways, staff finds that a multi-family use would be appropriate for this site.

This proposal complies with this policy.

Comprehensive Plan Policy HS5.B

*Housing Goal Promote a comprehensive continuum of housing options and services in the community that supports the needs of all residents.*

Comprehensive Plan Policy HS5.B

*Foster the development of attractive, safe and well-maintained rental properties for those who do not qualify for or desire to own property.*

Comprehensive Plan Policy 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.*

Staff Comment: The applicant asserts that the City of Greeley is experiencing a housing shortage as the rental vacancy rates have dropped significantly in recent years. Rezoning the subject property to R-H would help expand more housing options for Greeley residents to seek other housing opportunities. Housing would not be allowed under the current code, but it would be available, if approved by Council, with the requested zoning and thus, would satisfy these Comprehensive Plan Goals.

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*).

This criterion is not applicable to this request.

**F. PHYSICAL SITE CHARACTERISTICS**

**1. SUBDIVISION HISTORY**

The subject site was plated through the West Point Commerce Center First Filing, Replat A, which divided the land into three parcels, Parcel 2, 3, and 4. This plat was recorded on March 24, 2000 (Reception No. 2757618).

**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. The property is within FIRM number 08123C1517E, effective on 01/20/2016.

**5. DRAINAGE AND EROSION**

Stormwater detention for Parcels 2, 3 and 4 of the West Point Commerce Center First Filing, Replat A would be provided in the existing detention basin to the east of the project site. As part of the Site Plan Review land use process, a drainage report will be required to ensure that the proposed multi-family project is in conformance with the previous report that sized the existing detention basin. The proposed project would also be required to convey stormwater runoff into that detention basin.

**6. TRANSPORTATION**

The Public Works Department and the Engineering Development Review Division reviewed the proposed rezone request. The accepted Traffic Impact Study from June 1, 2017 states that this project would generate around 529 daily trips. The proposed use would generate approximately 40 AM peak hour trips and 48 PM peak hour trips. The average daily trips (ADT) along 10th Street, between 54th Avenue to 50th Avenue is currently 29,900, with a short-term future approximation of 30,400 ADT assuming the project develops as the proposed zoning district allows.



The submitted Traffic Impact Study determined that the proposed rezone would actually reduce the amount of traffic the site could generate if developed under the existing zoning. An example of potential traffic impact would be if 13,000 square feet of office and 6,000 square feet of retail were developed, the project could generate approximately 544 daily trips, 78 AM peak hour trips and 109 PM peak hour trips.

The  $\frac{3}{4}$  access at the intersection of 10th Street and 52nd Avenue Court allows vehicles to enter right and left from 10th Street, and exit right onto 10th Street from 52nd Avenue Court. If vehicles need to turn left, they will need to go through 52nd Avenue Court to get to 54th Avenue where there is an existing traffic light. The U.S. 34 Business Route Access Control Plan does not anticipate any modifications to the existing intersection. Currently there 80 units in the West Point Condos to the northeast of this project; the new traffic counts would be similar to the proposed multi-family development at the subject site.

## **G. 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 #7 is located approximately a mile away from 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. If the rezone is approved, the subject site must have on-site open space and amenities per Development Code standards, as well as park impact fees and possible dedication requirements

### **5. SCHOOLS**

No schools are proposed or located within the site. Nevertheless, Christa McAuliff Elementary School and Early College Academy are the nearest schools to the subject site. See Section E, item G for mileage and walking distance numbers.

## **H. NEIGHBORHOOD IMPACTS**

### **1. VISUAL**

A Site Plan Review land use application would be reviewed for compliance with the City's Development Code standards regarding esthetics and visual impacts. Additional visual comments are addressed earlier in the report and can be found in Section E, 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.

## **I. PUBLIC NOTICE AND COMMENT**

Neighborhood notices were mailed to surrounding property owners on September 11, 2017 per Development Code requirements (*see Attachment F*). Two signs were posted on the subject site facing 10<sup>th</sup> Street on August 25, 2017, and another was later posted facing 52<sup>nd</sup> Avenue Court on September 10, 2017.

There were a few phone calls regarding the proposal. Residents expressed concerns regarding existing and future traffic conditions of this and future developments that may occur.

A neighborhood meeting was held on July 26, 2017, and property owners within 500 feet were notified of the meeting. There were approximately 16 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 when phone calls were received.

## **J. MINERAL ESTATE OWNER NOTIFICATION**

Mineral notice is not required for a rezone request.

## **K. PLANNING COMMISSION RECOMMENDED MOTION**

Based on the application received and the Project Summary and accompanying analysis, the Planning Commission finds that the proposed rezone from PUD (Planned Unit Development) to R-H (Residential High Density) zone district, meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, b, f, and g and therefore, recommend approval of the rezone to the City Council.

## **L. 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 – Noticing Area







**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.

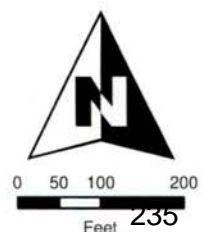
Information contained on this document remains the property of the City of Greeley. Copying any portion of this map without the written permission of the City of Greeley is strictly prohibited.

Created: July 11, 2017  
By: duranm, CD  
File: WestPointRezone.mxd

## West Point Commerce Center Rezone Request PUD to R-H Residential-Low & Commercial High-Intensity to Residential-High SW Corner of 52nd Ave Ct/ 9th St Dr

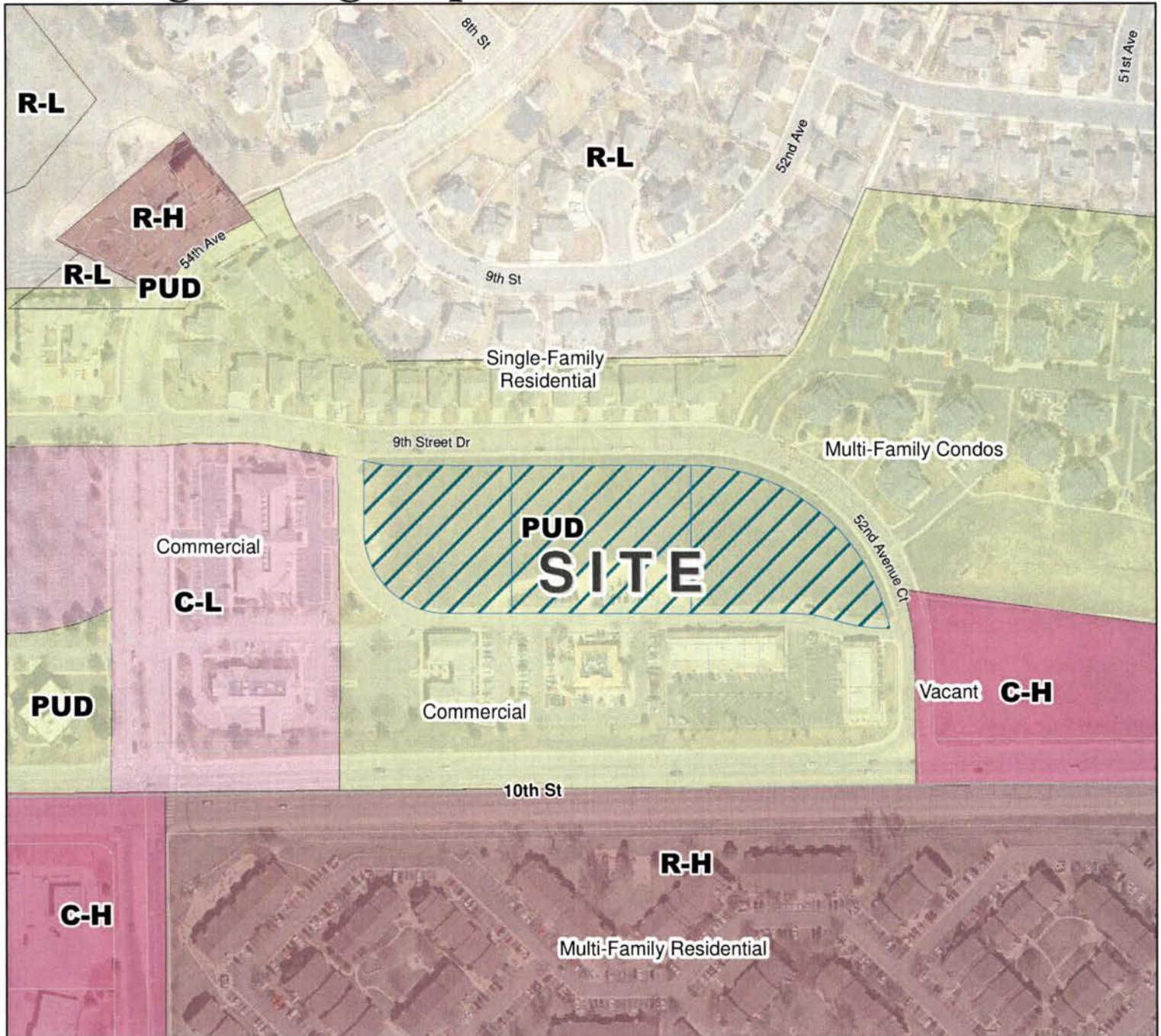
### Legend

-  Subject Site
-  Weld Parcels





# Existing Zoning Map











**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.

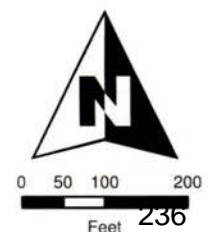
Information contained on this document remains the property of the City of Greeley. Copying any portion of this map without the written permission of the City of Greeley is strictly prohibited.

Created: September 25, 2017  
By: duranm, CD  
File: WestPointRezone.mxd

## West Point Commerce Center Rezone Request PUD to R-H Residential-Low & Commercial High-Intensity to Residential-High SW Corner of 52nd Ave Ct/ 9th St Dr

### Legend

- |                                                                                                                    |                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
|  Subject Site                   |  Commercial High Intensity (C-H) |
|  Weld Parcels                   |  Planned Unit Development (PUD)  |
|  Conservation District (C-D)    |  Residential Low Density (R-L)   |
|  Commercial Low Intensity (C-L) |  Residential High Density (R-H)  |





**WEST 10<sup>TH</sup> STREET MULTI-FAMILY  
PARCELS 2, 3, AND 4 OF THE WEST POINT COMMERCE CENTER FIRST  
FILING, REPLAT A, GREELEY, CO  
REZONING SUBMITTAL**

**PREPARED FOR**

**Richmark Real Estate Partners, LLC  
5200 20<sup>th</sup> Street  
Greeley, Colorado 80634**

**PREPARED BY**

**LandOne Engineering, LLC  
7314 Brittany Drive  
Fort Collins, Colorado 80525  
970.290.6190**

**June 2017**

**LandOne Engineering Project No. 017-002**





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## 1.0 – Project Narrative

This document has been prepared in accordance with the requirements of Section 18.30.050 of the City of Greeley Development Code and represents the rezoning request for property legally described as Parcels 2, 3, and 4, West Point Commerce Center First Filing, Replat A, Greeley, CO.

The proposed rezoning request is being sought to change the current zoning of the properties, PUD (Office and Retail), to R-H to allow for a multi-family housing development.

## 2.0 – Rezoning Evaluation

The following criteria were used to evaluate the rezoning request:

### 2.1 – Rezone Evaluation Criterion 1

*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?*

Multi-family housing is in high demand within the City of Greeley and changing market conditions warrant logical revisions to the existing zoning. The City of Greeley's Indicator Report shows a multifamily rental vacancy rate of 3.1 % with a desired rate of 4%. The subject property is surrounded by a mix of multi-family condominiums, duplexes, and single-family houses to the north and east; and commercial office and retail development exists to the south and west. The proposed request to rezone the property to a designation of R-H would create a natural transition between the mix of multi-family condominiums, duplexes, and single-family houses to the north, and the retail and office development to the south.

### 2.2 – Rezone Evaluation Criterion 2

*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 existing zoning has been in place since 1988 (29 years) without any development of the subject property.

### 2.3 – Rezone Evaluation Criterion 3

*Are there clerical or technical errors to correct?*

There are no clerical errors to correct.

### 2.4 – Rezone Evaluation Criterion 4

*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?*

There are no known detrimental environmental impacts that may affect future development. The property is not located within the floodplain or floodway.

### 2.5 – Rezone Evaluation Criterion 5

*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 property is not for community related use, nor are policy changes driving the rezone, but it should be noted that rezoning this property as requested will indirectly benefit the community through the addition of new housing options. It has been well documented that Greeley has recently faced a rental housing shortage and the R-H zone would allow for development of rental housing which would help alleviate the tight market conditions.



## 2.6 – Rezone Evaluation Criterion 6

*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)?*

The potential impact of the proposed R-H zoning to both the neighborhood and the city is analyzed below.

- **Noise:** No impact anticipated as all required buffering and landscaping requirements will be incorporated into the future development.
- **Environmental:** No impact anticipated.
- **Visual:** The architecture of the future buildings will be compatible with the surrounding residential and commercial neighborhood. All required buffering and landscaping requirements will also be incorporated into the future development.
- **Police:** No impact anticipated.
- **Fire:** As part of the proposed development, water modeling will be conducted to ensure that fire flow requirements are met.
- **Water:** As part of the proposed development, potable water infrastructure will be installed to accommodate the new development.
- **Sewer:** As part of the proposed development, sanitary sewer infrastructure will be installed to accommodate the new development.
- **Streets and pedestrian systems:** The streets adjacent to the site are sufficient to serve the proposed development. Please refer to the included traffic impact study for additional information. Pedestrian circulation needs will be met through sidewalks along streets and walkways throughout open space areas.
- **Parks and recreational facilities:** The future development will have enjoyable and useable open space areas and pedestrian and bicycle connections to internal and external amenities.

## 2.7 – Rezone Evaluation Criterion 7

*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?*

The proposed rezoning is consistent with multiple policies and goals of the City's Comprehensive Plan. The following evidence as related to the goals associated with high density residential (greater than 12 units/net acre) is listed below:

- *Goal 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:

- McAulliffe Elementary School
- Early College Academy
- Peakview Park
- Country Club West Natural Area
- Sheep Draw Regional Trail
- Allen Park
- Pheasant Run Park
- West Point Commerce Center (north of 10<sup>th</sup> Street/between 52<sup>nd</sup> Avenue Court and 54<sup>th</sup> Avenue)
- Neighborhood Commercial Node (south of 10<sup>th</sup> Street/between 54<sup>th</sup> Avenue and 59<sup>th</sup> Avenue)
- Neighborhood Commercial Node (north of 10<sup>th</sup> Street/between 47<sup>th</sup> Avenue and 49<sup>th</sup> Avenue)



- *Goal LU2.A.7.d.ii. Proximate to employment centers or regional activity centers;*

- Aims Community College is approximately one mile to the south.
- North Gate Shopping Center is approximately one mile to the west.
- Twin Rivers Park and the Youth Sports Complex is approximately one mile to the southwest.

- *Goal LU2.A.7.d.iii. Adjacent to arterial streets or major collector streets or accessible to them without passing through less intensive land uses;*

The property is accessible to 10<sup>th</sup> Street (4-lane major arterial) without vehicles having to pass through less intensive land uses. Via 10<sup>th</sup> Street, vehicles will have access to 59<sup>th</sup> Avenue (4-lane major arterial) and 47<sup>th</sup> Avenue (4-lane minor arterial).

- *Goal LU2.A.7.d.iv. Where high-intensity residential is compatible with the surrounding neighborhood;*

The subject property is surrounded by a mix of multi-family condominiums, duplexes, and single-family houses to the north and east; and commercial office and retail development exists to the south and west. The proposed request to rezone the property to a designation of R-H would create a natural transition between the mix of multi-family condominiums, duplexes, and single-family houses to the north, and the retail and office development to the south. The architecture of the future buildings will be compatible with the surrounding residential and commercial neighborhood. All required buffering and landscaping requirements will also be incorporated into the future development.

- *Goal LU2.A.7.d.v. Served by public transportation;*

There is a bus stop nearby at the northwest corner of the intersection of 10<sup>th</sup> Street and 50<sup>th</sup> Avenue.

- *Goal 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. A traffic impact study was provided with the proposed rezone. The total traffic generated by the proposed multi-family development will be less than that generated by the current zoning that allows for retail and office development. Existing utilities are expected to be adequate. Any upsizing determined to be needed would be completed to serve the project as part of the site plan approval process.

- *Goal 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.

- *Goal 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;*

Development of the property would be considered an infill development and is anticipated for high density development. The subject property is surrounded by a mix of multi-family condominiums, duplexes, and single-family houses to the north and east; and commercial office and retail development exists to the south and west. The proposed request to rezone the property to a designation of R-H would create a natural transition between the mix of multi-family condominiums, duplexes, and single-family houses to the north, and the retail and office development to the south. The architecture of the future buildings will be compatible with the surrounding residential and commercial neighborhood. All required buffering and landscaping requirements will also be incorporated into the future development.



In addition, the proposed zoning request of R-H would provide 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, helping to alleviate the shortage of quality rental housing within the community. This additional housing would not be available under the current zoning. The project will satisfy these additional goals:

- *Housing Goal HSS.B Promote a comprehensive continuum of housing options and services in the community that supports the needs of all residents.*
- *Housing Goal HSS.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.*
- *Housing Goal HSS.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.*

## 2.8 – Rezone Evaluation Criterion 8

*What is the potential impact of the proposed rezoning upon an approved zoning suitability plan for the property?*

No impact anticipated. A zoning suitability plan has been submitted with this rezone request.

## 2.9 – Rezone Evaluation Criterion 9

*If the proposed rezoning is for placing property within the H-A, holding agricultural district, the following criteria shall be considered in the evaluation of the proposed zoning amendment.*

Not applicable.

## 2.10 – Rezone Evaluation Criterion 10

*10. If the proposed rezoning is for placing property within the C-D, conservation district, the following criteria shall be considered in the evaluation of the proposed zoning amendment.*

Not applicable.

## 3.0 – Zoning Suitability Plan

### 3.1 – Site Analysis Map

A Site Analysis Map has been submitted with this rezone request.

### 3.2 – Zoning Suitability Plan

A Zoning Suitability Map has been submitted with this rezone request.

### 3.3 – Conceptual Traffic Impact Study

A full traffic impact study has been provided with this rezone request.

### 3.4 – Pedestrian Access, Circulation & Connectivity

Vehicular access points will be provided in accordance with City of Greeley standards to provide adequate circulation and emergency access. The internal drives and sidewalks will provide connectivity for the residents to the open spaces and sidewalks along the adjacent streets.

### 3.5 – Conceptual Drainage Report

A Conceptual Drainage Report has been submitted with this rezone request.



### 3.6 – Conceptual Soils Report

A Conceptual Soils Report has been submitted with this rezone request.

### 3.7 – Property Location

The property is located south of 9<sup>th</sup> Street Drive between 52<sup>nd</sup> Avenue Court and 54<sup>th</sup> Avenue. There are three existing parcels of land that total 3.96 acres.

### 3.8 – Relationship to City’s Comprehensive Plan

Refer to Rezone Evaluation Criterion 7 within Section 2.0 Rezoning Evaluation.

## 4.0 – Other Reports

### 4.1 – Floodway and Flood Fringe

The property is within FIRM number 08123C1517E, effective on 01/20/2016. The site is not located in a floodway or floodplain.

### 4.2 – Recoverable Gravel Resource Areas

The site is not known to be located in a Gravel Resources Recoverable area. Additionally, due to the relatively small size of the property, it would not be economically feasible to recover any gravel resources.



# PROPERTY BOUNDARY MAP

Attachment D

REZONE OF PARCELS 2, 3, & 4, WEST POINT COMMERCE CENTER FIRST FILING, REPLAT A  
SITUATE IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 66 WEST  
OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

## PROPERTY DESCRIPTION

Parcels Two (2), Three (3) and Four (4) of West Point Commerce Center First Filing, Replat A, as recorded March 24, 2000 at Reception No. 179718 in the records of Weld County, being a portion of the Southwest Quarter (SW 1/4) of Section Three (3), Township Five North (T.5N.), Range Sixty-six West (R.66W.) of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado.

## SURVEYOR'S STATEMENT

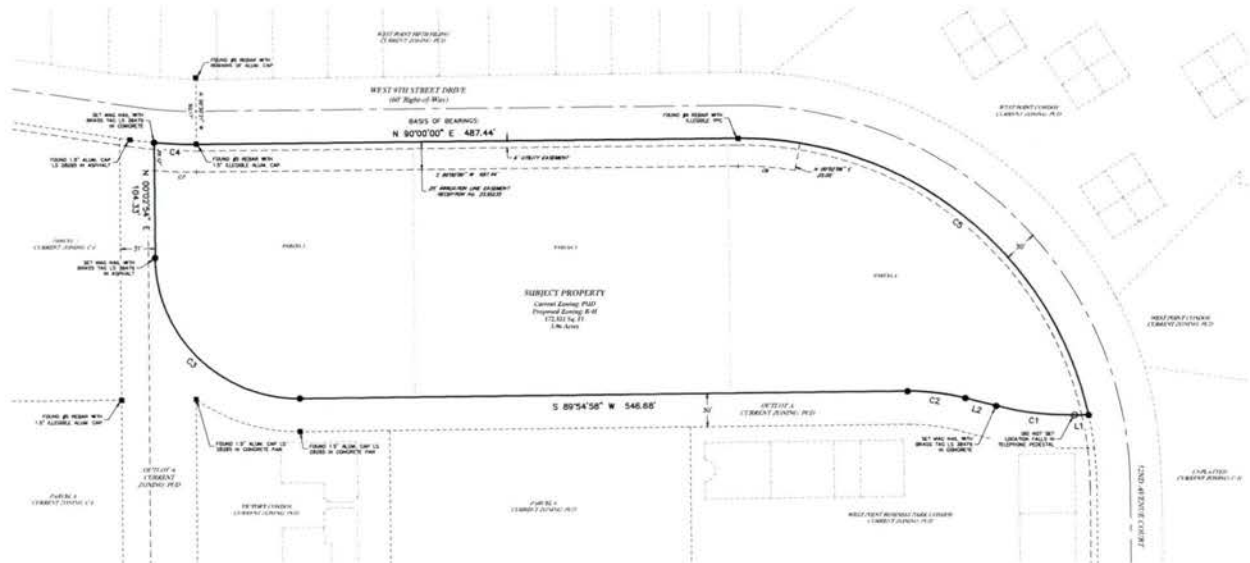
I, Jason S. Allen, a Colorado Licensed Professional Land Surveyor, do hereby state that this Property Boundary Map was prepared by me or under my personal supervision and checking, and that the foregoing plot is an accurate representation thereof, to the best of my knowledge, information and belief.



Jason S. Allen-On behalf of LAT40', Inc.  
Colorado Licensed Professional  
Land Surveyor No. 38479

## BASIS OF BEARINGS AND LOCAL UNIT DEFINITION

Assuming the North line of Parcel 2, 3 and 4, monumented with a #3 rebar with an engraved 1.5" aluminum cap at the West end and a #4 rebar with an engraved plastic cap (cap) at the East end, on bearing North 89°00'00" East a distance of 487.44 feet, as plotted, with all other bearings contained herein relative thereto.  
The linear dimensions as contained herein are based upon the "U.S. Survey Foot."



VICINITY MAP  
SCALE = 1"=100'

LINE	BEARING	DISTANCE
1	N 89°00'00" E	487.44
2	S 89°54'58" W	548.65
3	S 89°54'58" W	548.65
4	N 89°00'00" E	487.44

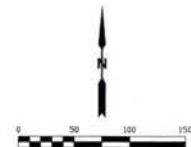
CURVE DATA	LENGTH	BEARING	DISTANCE	BEARING	DISTANCE
C1	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15
C2	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15
C3	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15
C4	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15
C5	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15
C6	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15
C7	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15
C8	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15
C9	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15
C10	111.15	N 89°00'00" E	111.15	N 89°00'00" E	111.15

## LEGEND

--- EXISTING LINE	■ FOUND ALIQUOT CORNER AS DESCRIBED
--- ADJACENT LOT LINES	■ FOUND MONUMENT AS DESCRIBED
--- SECTION LINE	● 1/4" OF #4 REBAR WITH A YELLOW PLASTIC CAP STAMPED LATEL 13 38479 UNLESS NOTED OTHERWISE
--- CENTERLINE	○ CALCULATED POSITION
--- RIGHT-OF-WAY	○ YELLOW PLASTIC CAP
--- BOUNDARY LINE	--- UNDERGROUND TELEPHONE

## NOTES

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein. (13-60-105, C.R.S.)



	<b>Lat40', Inc.</b> Professional Land Surveyors 6250 W. 10th Street, Unit 2 Greeley, CO 80634 O: 970-515-5294	DATE: 5/30/2017	FILE NAME: 2017040REZ	DRAWN BY: MTT	CHECKED BY: JSA	SCALE: 1"=50'	PROJECT #: 2017040
		REVISIONS: _____ DATE: _____ _____ DATE: _____ _____ DATE: _____		<b>PROPERTY BOUNDARY MAP</b> REZONE LANDONE ENGINEERING LLC 7314 BRITANNY DRIVE FORT COLLINS, CO 80575			<b>1</b> SHEET 1 OF 1



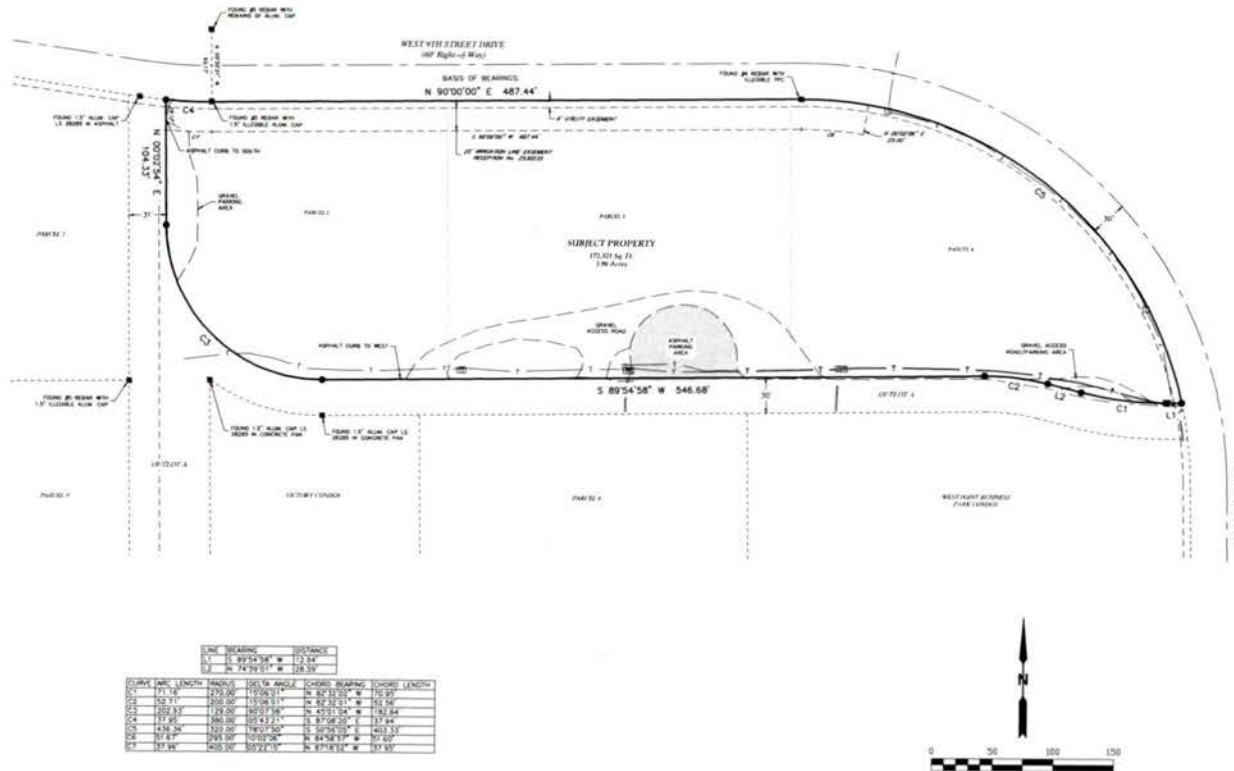
PARCELS 2, 3, & 4 WEST POINT COMMERCE CENTER FIRST FILING, REPLAT A  
SITUATE IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 66 WEST  
OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO





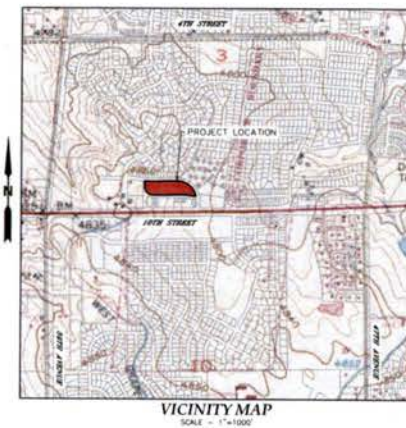
# WEST 10TH STREET MULTI-FAMILY ZONING SUITABILITY MAP

PARCELS 2, 3, & 4 WEST POINT COMMERCE CENTER FIRST FILING, REPLAT A  
SITUATE IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 66 WEST  
OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO



## Notes:

- The site is located within Parcel 2, 3 and 4 of the West Point Commerce Center First Filing, Replat A. The site is being proposed as a multi-family development. The site will be laid out utilizing City of Greeley standards and criteria. Final site design will include associated guest parking, amenities, and open space.
- Existing arterial street is 10th Street. Adjacent streets (54th Avenue, 9th Street Drive, 52nd Avenue Court) will provide a direct connection to 10th Street.
- Future access points will be located in accordance with City of Greeley standards.
- The existing grading and drainage of the site is generally from northwest to southeast. There is an existing detention system serving this development east of the site. Stormwater is conveyed to and mitigated by the existing detention system.
- Open space and usable open space will be provided in accordance with City of Greeley standards. The internal drives and sidewalks will provide connectivity for the residents to the open spaces.
- There are no oil and gas facilities located throughout the site.



		THIS DOCUMENT HAS BEEN RELEASED BY LAND ONE ASSOCIATES ONLY FOR REVIEW BY REGULATORY AGENCIES AND OTHER PROFESSIONALS AND IS SUBJECT TO CHANGE. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION.	
		PREPARED BY LAND ONE 17000 E. 10th Street Suite 100 Greeley, CO 80639	DATE 06/15/2017
SHEET 1 OF 1	PROJECT DESCRIPTION WEST 10TH STREET MULTI-FAMILY RE ONE	DATE 06/15/2017	PROJECT LOCATION WEST 10TH STREET MULTI-FAMILY RE ONE GREELEY, COLORADO



# Noticing Area Map



## 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.

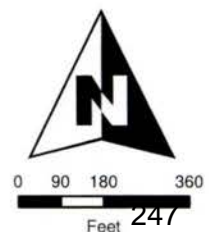
Information contained on this document remains the property of the City of Greeley. Copying any portion of this map without the written permission of the City of Greeley is strictly prohibited.

Created: September 25, 2017  
By: duranm, CD  
File: WestPointRezone.mxd

## West Point Commerce Center Rezone Request PUD to R-H Residential-Low & Commercial High-Intensity to Residential-High SW Corner of 52nd Ave Ct/ 9th St Dr

### Legend

-  Subject Site
-  Weld Parcels
-  500-Foot-Noticing Area





# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 25**

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

### Title

Public hearing and final reading of an Ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located within Weld County, Colorado, known as the "Dale Land Annexation" located at 398 East 18<sup>th</sup> Street

### Summary

The applicant, Bryan Dale, is petitioning to annex a 5.03 acre parcel of property located at 398 East 18<sup>th</sup> Street in order to receive city services (water and sewer) for expanded business purposes. (When annexation is physically possible because the parcel is contiguous to city limits, a landowner is typically required per policy to annex into the city as a condition of receiving urban-level services.) The applicant anticipates establishing outdoor storage, vehicle/shop repair, and general industrial uses associated with oil and gas support.

Colorado Revised Statutes §31-12-104 and §31-12-105 establish the legal requirements for annexation. The City Attorney's Office has determined the proposal meets the statutory requirements to be considered for annexation. The property derives its continuity from land to the north and south.

In conjunction with the annexation, the property owner is separately seeking to establish I-M (Industrial Medium Intensity) zoning for this property, a request that is under separate review by City Council. The Planning Commission considered this request on September 26, 2017 and recommended approval by a vote of 6-1. City Council approved this on first reading on October 3, 2017.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes (minimal)
If yes, what is the initial or onetime impact?	Ongoing impacts only
What is the annual impact?	Police, fire & other city services
What fund of the City will provide funding?	General budgeted funds
What is the source of revenue within the fund?	Varies
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments: Any future development of the site will be subject to development impact fees.	



### Legal Issues

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

### Other Issues and Considerations

None noted.

### Applicable Council Goal or Objective

Consistency with Comprehensive Plan and Development Code standards.

### Decision Options

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

Finding in favor of the annexation, two motions are required:

- A) A motion directing the City Attorney to prepare a resolution setting forth the Council's findings and conclusions that: 1) the applicable parts of the Colorado Revised Statutes, Sections 31-12-104 and 31-12-105 are met, 2) an election is not required, and 3) there are no additional terms and conditions imposed.
- B) A motion to adopt the findings of the Planning Commission that, based upon the application received and associated analysis, the proposed Dale Land Annexation meets the approved criteria found in Section 18.26.050(a)(1 through 5) and, therefore, adopt the ordinance and publish with reference to title only.

### Attachments

Ordinance

Draft Planning Commission Minutes (September 26, 2017)

Planning Commission Summary (Staff Report) (September 26, 2017)



CITY OF GREELEY, COLORADO

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

CASE NO. A 13:16

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, A PARCEL OF PROPERTY KNOWN AS THE DALE LAND ANNEXATION LOCATED AT 398 EAST 18<sup>TH</sup> STREET

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

Section 1. The City Council of Greeley, Colorado, hereby finds that the property which is legally described in Section 2 below, also known as City of Greeley Planning Case No. A 13:16, has been surrounded by lands annexed into the City of Greeley for a period of time in excess of three years and therefore qualifies for annexation as an enclave, and is in all respects eligible for annexation and that said annexation proceedings have been conducted in compliance with the laws of the State of Colorado.

Section 2. The territories described below in this section are hereby approved for annexation and are hereby annexed to the City of Greeley. These territories referred to are located at 398 East 18<sup>th</sup> Street, and are described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said parcel contains 5.03 acres, more or less, and is subject to any easements or rights-of-way as granted or reserved by instruments of record, or as now existing on said described parcel of land.

Section 3. Pursuant to C.R.S. §31-12-113, one (1) copy of the map of the above-described territory and the original of the annexation ordinance shall be filed with the City Clerk of the City of Greeley, Colorado. Two (2) certified copies of this annexation ordinance and map of the area annexed shall be filed for recording with the Clerk and Recorder of Weld County, Colorado, within thirty (30) days after the effective date of this ordinance. The Clerk and Recorder of Weld County, Colorado, is required to file one (1) certified copy of the annexation ordinance and map with the Division of Local Government of the Colorado Department of Local Affairs, as required by C.R.S. §13-12-113(2)(a).

Section 4. The City of Greeley, Colorado, hereby consents pursuant to C.R.S. §37-45-136(3.6), to the inclusion of lands identified above in Section 2 into the municipal subdistrict, Northern Colorado Water Conservancy District.

Section 5. Except for the purposes of general taxation, this annexation shall be effective five (5) days after the final publication of this ordinance.



PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 17<sup>TH</sup> DAY OF  
OCTOBER, 2017.

ATTEST: THE CITY OF GREELEY

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City Clerk

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Mayor



## LEGAL DESCRIPTION

LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9 AND CONSIDERING THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9 TO BEAR NORTH 89°22'03" EAST, WITH ALL BEARINGS HEREIN RELATIVE THERETO; THENCE NORTH 89°22'03" EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 996.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°22'03" EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 332.09 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°19'19" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 661.15 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 89°30'39" WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 331.66 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°21'32" WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 660.32 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 5.03 ACRES, MORE OR LESS, AND IS SUBJECT TO RIGHTS-OF-WAY AND EASEMENTS OF RECORD.





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## **PLANNING COMMISSION**

### **Proceedings**

**September 26, 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, Hice-Idler, Yeater and Mirick were present.

#### **II. Approval of minutes for meeting held on September 12, 2017**

Commissioner Rarick moved to approve the minutes for the meeting held on September 12, 2017. Commissioner Andersen seconded the motion. The motion carried 7-0.

#### **III. A public hearing to consider annexation of a parcel of land containing approximately 29.006 acres and known as the Signature Bluffs Natural Area Annexation No. 1**

Project Name: Signature Bluffs Natural Area Annexation No. 1  
Case No.: A 9:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items III through VIII be considered together, with separate motions being required for each annexation and establishment of zoning. Chair Hall called up all of the cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the areas requested for annexation. She noted that the 32.88-acre site is within Long-Range Expected Growth Area and that the annexation would protect and preserve the area for open space. Ms. Duran reported that the area meets or



**VIII. A public hearing to consider establishment of zoning to C-D (Conservation District) for a 3.225 acre parcel of property known as the Signature Bluffs Natural Area Annexation No. 3**

Project Name: Signature Bluffs Natural Area Annexation No. 3 Establishment of Zoning  
Case No.: Z 14:17  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**IX. A public hearing to consider annexation of a parcel of land containing approximately 5.03 acres and known as the Dale Land Annexation**

Project Name: Dale Land Annexation  
Case No.: A 13:16  
Applicant: Dale Land, LLC  
Location: 398 East 18<sup>th</sup> Street  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items IX and X be considered together, with separate motions being required for the annexation and establishment of zoning. Chair Hall called up both cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the location of the property and noted that it is currently in Weld County. She described the surrounding zoning and uses. Ms. Duran reported that the applicant is requesting annexation into the city in order to receive city services. Ms. Duran advised that the applicant requested establishment of I-M (Industrial Medium Intensity) zoning to allow for outdoor storage, vehicle repair and general industrial uses associated with oil & gas support services. She added that a zoning suitability plan was submitted in conjunction with annexation request.

Ms. Duran reported that the proposal complies with the 2060 Comprehensive Plan policies and noted that the site is within the Long-Range Expected Growth Area, but is not within the flood plain or floodway. Staff determined that I-M zoning is appropriate.

The Administrative Review Team reviewed the proposal and found that all comments were addressed. Owners within 500 feet of the site were notified and one telephone inquiry was received. In addition, an email was received today and is part of this record. Staff recommended approval of the application.

Ms. Duran responded to questions by Commissioners about the creation of an enclave by the annexation that is the subject of this hearing. She added that the applicant was referred to the City by Weld County officials after he had requested water and sewer services. Commissioner Rarick asked whether services included fire protection and Ms. Duran advised that fire and police services would be provided.



Commissioner Andersen asked about a proposed future right-of-way on Apricot Avenue. Erich Green, staff engineer, addressed the Commission and stated that the extension of Apricot Avenue was considered with the application. He added that staff worked through an annexation agreement that a right-of-way would be required in the future when specific triggers are met. Commissioner Andersen asked whether neighbors to the south were aware of a future right-of-way. Mr. Green was unable to confirm, but stated that a street has been stubbed in. Commissioner Schulte asked whether those individuals were included in the notification area for the annexation and Ms. Duran reported that they were.

Christen DePetro, addressed the Commission and stated that she had assisted the application with the annexation. She noted that officials at Weld County referred the applicant to the City based upon available city services within a specific proximity to the property.

Chair Hall opened the public hearing at 1:38 p.m.

Brenda Galen, 458 East 18<sup>th</sup> Street, addressed the Commission. Ms. Galen stated that her home is close to the subject property. She was concerned about wear and tear on 18<sup>th</sup> Street from the heavy truck traffic and was also concerned about decreased property values.

The public hearing was closed at 1:40 p.m.

Chair Hall invited the applicant to respond to comments made during the public hearing. Brian Dale addressed the Commission and pointed out that Highway 34 business route is a state maintained highway for oversized loads and added that trucks are already permitted to travel on the road.

Commissioner Andersen expressed concern that East 18<sup>th</sup> Street has the potential of becoming another East 8<sup>th</sup> Street as far as lack of maintenance. She stated that encouraging future growth and development on East 18<sup>th</sup> Street without addressing maintenance of the road was problematic. Commissioner Schulte noted that the Commission was not considering future development with this application. Ms. Duran indicated that because the parcel is over five acres in size, an application for outdoor storage would come before the Commission as a Use by Special Review. She added that other future uses may be reviewed administratively. Chair Hall asked if staff considered whether a road was adequate as part of its administrative review. Ms. Duran confirmed that would be part of an administrative review.

Mr. Dale advised that other sites in the area are zoned Industrial Medium Intensity and felt that it was the appropriate zoning for this parcel. Commissioner Schulte indicated that procedurally he did not have a problem with the annexation, but had some concerns with the proposed zoning. He pointed out that there seemed to be an abrupt transition from residential zoning to industrial use, with no graduation in zoning classifications.

Commissioner Andersen asked whether the property owners received notification that the annexation would create an enclave. Brad Mueller, Community Development Director, discussed the state noticing requirements and pointed out that most of the land to the north is already zoned Industrial Medium Intensity. In response to a question by Commissioner Anderson, Mr. Mueller reported that county zoning for the property to the east is R-1 (residential) and to the west is C-3 (commercial).



Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation meets the approval criteria found in Section 18.26.050(a)(1 through 5) and meets State statutory requirements and, therefore, recommends approval of the annexation (Case No. A 13:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 6-1, with Commissioner Anderson voting against the motion.

Mr. Mueller noted that it is not required to establish Industrial Medium Intensity zoning, and added that some sort of zoning must be established within 90 days of approval of the annexation. Commissioner Schulte clarified that the action of the Planning Commission was a recommendation to City Council and Mr. Mueller confirmed that was the case.

Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of zoning to the I-M (Industrial Medium Intensity) zone district meets Development Code Section 18.26.070 and, therefore, recommends approval of the establishment of zoning (Case No. Z 15:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 5-2, with Commissioners Schulte and Andersen voting against the motion.

**X. A public hearing to consider establishment of zoning to I-M (Industrial Medium Intensity) for a 5.03 acre parcel of property known as the Dale Land Annexation**

Project Name: Dale Land Annexation Establishment of Zoning  
Case No.: Z 15:16  
Applicant: Dale Land, LLC  
Location: 398 East 18<sup>th</sup> Street  
Presenter: Marian Duran, Planner II

**XI. A public hearing to consider a request to rezone approximately 6.21 acres of land from H-A (Holding Agriculture) to C-H (Commercial High Intensity)**

Project Name: 1215 95<sup>th</sup> Avenue Rezone  
Case No.: Z 8:17  
Applicant: Douglas DeTienne and Dawn DeTienne  
Location: 1215 95<sup>th</sup> Avenue  
Presenter: Rachel Prelog, Planner I

Rachel Prelog addressed the Commission and entered the staff report into the record. Ms. Prelog presented a map showing the location of the property and stated that it was part of the 1034 Enclave Annexation approved by the Commission earlier this year. She reported that the established use on the property was self-storage.

Ms. Prelog reported that following the enclave annexation, City Council directed planning staff to create the necessary exhibits so that today's matter could be heard by the Planning Commission at a later date. Property owners within 500 feet were notified and there were no inquiries or objections. Staff agreed that the proposal complies with the rezone criteria and recommended approval. Commissioner Schulte asked with the application to rezone pertained to one parcel or the entire area. Ms. Prelog advised that it was for one parcel and added that other property owners would be required to make individual requests to rezone.





## Planning Commission Hearing Memo

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**TO:** Planning Commission Board  
**ITEM:** Dale Land Annexation  
**CASE NUMBER:** A 13:16  
**LOCATION:** 398 East 18<sup>th</sup> Street  
**APPLICANT:** Dale Land, LLC  
**PLANNER:** Marian Duran, Planner II

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The hearing packet for the September 26<sup>th</sup> Planning Commission hearing was sent on September 21, 2017. A letter in response to the proposal has been received after the packet was sent on September 21, 2017. Attached is a neighborhood response that planning staff received regarding the proposed Dale Land Annexation. This letter will be added to the record.

Attachment (Response Letter)



## Marian Duran

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**From:** Ann Copeland <anncopeland16@gmail.com>  
**Sent:** Tuesday, September 26, 2017 10:55 AM  
**To:** Marian Duran  
**Subject:** Corrected sentence

Marian, I regret that I could not come to Greeley today , and appreciate your relaying my statement to the Greeley Planning Commission.

As a long-term property owner at 204 E. 18<sup>th</sup> St., I am concerned after viewing your map and realizing that approving annexation of the Dale property will create an enclosure reaching along 18<sup>th</sup> St. to the West and to the North along 1<sup>st</sup> Ave. This enclave would be immediately vulnerable to enforced annexation by the City of Greeley, regardless of the property-owners' wishes. The properties in this area have been able to arrange the necessary utility services without annexation and the Dale property may be able to do so also.

On this basis, I object to the annexation of the Dale property as it would enable the forced annexation of my property without my approval or consent.

Thank you for your consideration.

Ann Copeland



## PLANNING COMMISSION SUMMARY

**ITEM:** Annexation

**PROJECT:** Dale Land Annexation

**CASE NO:** A 13:16

**LOCATION:** 398 East 18<sup>th</sup> Street - 2,000 feet east of 1st Avenue and south of East 18th Street

**APPLICANT:** Byan Dale

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

**PLANNING COMMISSION HEARING DATE:** September 26, 2017

**PLANNING COMMISSION FUNCTION:** To review the proposed annexations for compliance with Chapter 18.26 of the Greeley Development Code and make a recommendation to the City Council.

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### EXECUTIVE SUMMARY:

The property owners have petitioned the City to annex a total of 5.03 acres of unincorporated property into the City of Greeley in order to obtain City services including City water and sewer. The property is located 2,000 feet east of 1st Avenue, south of East 18th Street, addressed 398 East 18<sup>th</sup> Street and is part of the Union Colony Lands (Reception No. 0000039743).

#### A. REQUEST

The applicant is seeking approval to annex 5.03 acres of land (*see Attachment D & E*).

#### B. STAFF RECOMMENDATION

Approval

#### C. LOCATION

The property is located 2,000 feet east of 1st Avenue, south of East 18th Street, addressed 398 East 18<sup>th</sup> Street (*see Attachment A*).

**Current Zoning:** Weld County R-1 (Residential)

**Proposed Zoning:** I-M (Industrial Medium Intensity – City)



<b>Abutting Zoning:</b>	North: I-M (Industrial Medium – City)
	South: R-M (Residential Medium - City)
	East: Weld County R-1 (Residential)
	West: Weld County C-3 (Commercial)
<b>Site Conditions:</b>	The site is relatively undeveloped, fairly flat land with native vegetation throughout. See Background section below for additional details.
<b>Lot Size:</b>	5.03 Acres
<b>Contiguity:</b>	33.33 % (16.67% or 1/6 required)
<b>Abutting Land Uses:</b>	North: Single-Family Residence/Agriculture
	South: Single-Family Housing
	East: Single-Family Residences
	West: Single-Family Residences/Outdoor Storage Site

#### **D. BACKGROUND**

The property owners have petitioned the City to annex a total of 5.03 acres of an unincorporated property to the City of Greeley. The property is located 2,000 feet east of 1st Avenue, south of East 18th Street, addressed 398 East 18th Street (*see Attachment A & B*).

Colorado Revised Statutes §31-12-104 and §31-12-105 establish the legal requirements for annexation, and include: (1) not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley; (2) a community of interest exists between the territory proposed to be annexed and the City of Greeley; (3) the territory sought to be annexed is urban or will be urbanized in the near future and; (4) the territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley. The City Attorney's Office has determined the proposal meets the statutory requirements to be considered for annexation (*see Attachment F*), and City Council adopted a resolution September 5, 2017, making a finding to this effect, scheduling the introduction of the ordinance concerning the annexation for October 3, 2017, and the final reading on October 17, 2017.

The annexation derives its contiguity from the 1986 Eiseman Industrial Park Annexation Phase III (Reception No. 2070491) to the north, and the 2000 Sommersett West Annexation (Reception No. 2773820) to the south.

In conjunction with the annexation, the property owner has applied to establish I-M (Industrial Medium Intensity) zoning for the property (Case No. Z 15:16). The establishment of zoning is being considered concurrently with this application. The City of Greeley requires that all properties that would like City services such as water and sewer, are required to be annexed into the City. The



applicant wishes to have water and sewer services connected directly to his property for their proposed use and thus, is requesting annexation and an establishment of zoning. The applicant proposes an medium industrial use with offices and auto repair

Colorado State Statute requires municipalities to provide an annexation impact report to the Board of County Commissioners for all annexations in excess of ten (10) acres in size. A copy of the Annexation Impact Report was forwarded to the Weld County Board of County Commissioners and the Western Hills Protection District on September 8, 2017. No response from any of these entities has yet been received (*see Attachment G*).

The property is located inside the Long-Range Expected Growth Area (LREGA). At the time development is proposed, subsequent plans will be required to comply with the City's Development Code standards and to comply with APFS (Adequate Public Facility Services) requirements, found in Section 18.40.040 of the Development Code.

#### **E. APPROVAL CRITERIA**

The Commission shall consider comments from review agencies and offices, the staff recommendation, citizen comments, and the following criteria (found in Section 18.26.50 of the City's Development Code) in taking action to recommend approval, denial, or to table the annexation for future consideration:

##### **1. The proposed annexation is in conformance with the City's Comprehensive Plan.**

The following Comprehensive Plan Policies applies to this annexation request:

##### Comprehensive Plan Policy GR 3.B.1

*When considering a proposed annexation, the City should find persuasive evidence that the inclusion of the property into the City's jurisdiction meets Comprehensive Plan growth objectives and can be developed in a manner which will be a positive addition to the city, improve the quality of Greeley's neighborhoods, and can be provided with municipal services.*

Staff Comment: The site is within the Long-Range Expected Growth Area (LREGA). The LREGA includes those lands anticipated to accommodate the City of Greeley's urban development typically beyond a five (5) year time frame. Nonetheless, a 16-inch water line exists running parallel along East 18<sup>th</sup> Street, 45 feet from the northern property line of the subject parcel. Stormwater is also running parallel along East 18<sup>th</sup> Street, 35 feet from the northern property line. The nearest sewer services are located approximately 400 feet west of the subject parcel, located in East 18<sup>th</sup> Street.



The applicant has indicated that potential land use would include vehicle/shop repair, outdoor storage, office, and general industrial uses that would be associated with oil and gas support services. This potential uses would be compatible and contributing uses adjacent to the existing industrial uses to the west. If this proposal and its respective establishment of zoning request are approved, the applicants would be required to buffer and screen the southern property line and the eastern property line from adjacent uses.

This request complies with this Comprehensive Plan policy.

Comprehensive Plan Policy LU 3.B

*A. Assure that commercial development is attractive, compatible with its setting, efficiently located, and designed to be aesthetically and functionally related to a defined service*

Staff Comment: The applicant has indicated that at the time of the development of the individual lots, external and internal vehicular access, pedestrian connectivity network, building siting, and landscape and buffering standards in accordance with the City's Development Code standards would be addressed.

This request complies with this Comprehensive Plan policy.

Comprehensive Plan Policy LU 4.A.1.a

*A. Adopt specific location, size and design standards for industrial land uses which achieve the economic and community development objectives as stated in this 2060 Comprehensive Plan.*

*1. Consistent with the Land Use Guidance Map, industrial uses should be located as follows:*

*a. Heavy industrial and manufacturing uses should be located to take advantage of existing freight rail corridors, air transportation, and major arterial roads.*

Staff Comment: The subject site proposed for annexation is approximately 5.03 acres in size and is located east of Highway 85, along East 18<sup>th</sup> Street. As mentioned, the property is within an areas identified in the 2060 Comprehensive Plan (Land Use Guidance Map) as an area which the community expects to grow within the next 20 plus years, subject to Cooperative Planning Areas and perhaps, Inter-Governmental Agreements (*see Attachment C*). The proposal, pending annexation and zoning, would provide additional medium-industrial zoned land



available within the City and raw land suitable for a variety of industrial uses.

This request complies with this Comprehensive Plan policy.

Comprehensive Plan Policy LU 4.A.1.b

*A. Adopt specific location, size and design standards for industrial land uses which achieve the economic and community development objectives as stated in this 2060 Comprehensive Plan.*

*1. Consistent with the Land Use Guidance Map, industrial uses should be located as follows:*

*b Medium-industrial uses should be located along arterial roads and/or as part of an industrial park.*

Staff Comment: The Comprehensive Plan encourages medium-industrial land uses to be developed along major arterials, highways and rail corridors. The site is located along a major U.S. Highway (East 18<sup>th</sup> Street/34 Business), which is a major arterial roadway and is adjacent to other industrial sites.

The property is located approximately 1,000 feet from the US 85 Industrial Corridor of the City's 2060 Comprehensive Plan (*see Attachment C*). The policies within the Comprehensive plan recommend primary industrial users along the corridor.

This request complies with this Comprehensive Plan policy.

Comprehensive Plan Policy EC 4.A

*Identify strategic locations for business and industry to accomplish economic and community development objectives and work with property owners to assure sufficient land is available for that purpose.*

Staff Comment: The subject property is of an adequate size for industrial land uses. Policies with the City's 2060 Comprehensive Plan support development of primary industrial uses within vicinity of the subject area. Additional industrial and commercial land, once developed, would enhance the job base within the City of Greeley.

This request complies with this Comprehensive Plan policy.

**2. The proposed annexation promotes geographical balance of the City's land use pattern.**



Staff Comment: The surrounding annexations within the area have been the 2000, Sommersett West Annexation (Reception No. 2773820); the 2007 Meadow Mobile Home Village Annexation (Reception No. 3499727); the 1997 Lacefield Bonner Annexation (Reception No. 2457984); the 1982 Seyler No. 2 Annexation (Reception No. 1522592); the Gregory Annexation (reception No. 1904607); and the 1986 Eiseman Industrial Park Annex Phase II (Reception No. 2070491). These properties have a combination of industrial, commercial, and residential uses, and in the case of the Eiseman Industrial Park to the north, the site is still being used as a farm.

The most recent annexations that have promoted a geographical balance to the City's land use pattern have been the 2014 Greeley Weld County Airport Second Annexation (Reception No. 323567); the 2015 Bliss Annexation (Reception No. 4073799); the 2013 Markus Annexation (Reception No. 3862190); and natural area annexations such as the 2016 Cottonwood Bend Natural Areas (Reception No. 4300163); the 2013/2014 Sheep Draw Natural Area Annexation (Reception No. 4303716)), located along 59<sup>th</sup> Avenue, but also the 2013 Grainery Annexation (Reception No. 3930418), located north of O Street. The proposal includes a total of 5.03 acres on the eastern portion of the community. The proposed annexation would help balance the City's growth and land use pattern and further the City's goal to fill in the gaps in the Long Range Expected Growth Area of the City.

This request complies with this criterion.

**3. Adequate services are, or will be, available to support the development expected to result from the proposed annexation.**

Staff Comment: As part of the annexation request, the applicant has petitioned to withdraw from the Western Hills Fire Protection District. If annexed, the property would be served by the Greeley Fire Department and the City of Greeley Police Department. The property would also be eligible for City water and sewer services following a successful annexation.

This request complies with this criterion.

**4. The proposed annexation provides for a continual and rational boundary.**



Staff Comment: The annexation exceeds the State's one-sixth contiguity requirements. As proposed, the Dale Land Annexation would exceed the one-sixth contiguity requirement by approximately thirty-three (33%) percent. This property's inclusion will also help provide a continual and rational boundary by filling in gaps of unincorporated land that are within the Long Range Expected Growth Area.

This request complies with this criterion.

**5. The proposed annexation is needed to accommodate future land use requirements.**

Staff Comment: The Establishment of Zoning application is being processed concurrently with this Annexation Request. The City's Comprehensive Plan encourages contiguous development of property, including infill parcels to make most efficient use of the City's infrastructure.

There has been market demands for industrially zoned property along the US 85 Corridor and along East 18<sup>th</sup> Street, which have been increasing since the downturn of the economy (specifically I-M Industrial Medium Intensity zoning). The need for smaller industrial driven parcels remains strong; properties that are zoned to allow for outdoor storage are still in demand as the industry remains active and prepares for the next potential increase in market demand. The I-M zoning allows outdoor storage, with an approved Use by Special Review application.

Industrial uses in this area are consistent within the Comprehensive Plan objectives.

This request complies with this criterion.

**F. ADMINISTRATIVE REVIEW TEAM COMMENTS:**

The proposal was reviewed by the Administrative Review Team and all comments have been addressed.

**G. COST-BENEFIT ANALYSIS:**

Depending on the anticipated land uses, staff may conduct a Cost-Benefit Analysis to analyze the potential impacts an annexation may have on municipal services, along with any potential revenue sources that would become available to the City.



The property within this annexation proposal are anticipated to receive I-M (Industrial Medium Intensity) zoning if the current annexation and zoning requests are approved by Council.

As mentioned above in Section E, item 5, the future development of this property would be reviewed in accordance with all applicable City of Greeley Development Code standards. Once under development, the property owner(s) will be required to pay development fees, extend any necessary City services to their property and dedicate all appropriate rights-of-way and easements, if necessary, to serve the property.

The benefits of the annexation, such as an increased tax base, an increase to the labor force, and a logical urbanization pattern must be analyzed against the City's cost of the annexation and future development.

The City would be responsible to provide fire and police protection services; nonetheless these service are expected to be minimal. The current distance to the nearest fire station is over 1.8 miles (Greeley Fire Station No. 1)

Public utilities, such as water, sewer, and storm water are available to all property within the proposed annexation. Upgrades and extensions to this facility may be required at the time of development, but will be borne by the developer/property owner. Future development of this property will be required to comply with APFS (Adequate Public Facility Services) requirements, found in Section 18.40.040 of the Code. City maintenance along East 18<sup>th</sup> Street is already occurring and no substantial increase in maintenance issues is expected due to the annexation of this property.

Staff finds that the proposed annexation cost impacts will be minimal in nature and will relate only to the additional maintenance of police and fire protection services.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. SUBDIVISION HISTORY**

This property is part of Weld County under the Union Colony Lands. It was platted in the County and provided only residential use (R-1).

### **2. HAZARDS**

There are no known hazards on the site, neither any oil and gas production facilities present.

### **3. WILDLIFE**

The site was previously used for agricultural purposes. It is not in any areas of ecological significance. It is currently vacant, as such, potential prairie dog or burrowing owls may have settled in the area habitat.



#### **4. FLOODPLAIN**

The property is not located in the floodplain or floodway area.

#### **5. DRAINAGE AND EROSION**

The site has some drainage patterns expected to continue that follow the existing lay of the land. However, drainage patterns would be examined at the time of development.

#### **6. TRANSPORTATION**

The East 18<sup>th</sup> Street roadway currently serves the property and is expected to be adequate for future development of the property. Possible improvements necessary to serve a proposed development on the property will be considered as part of the City's development review process once a specific development application is received.

Requirements for dedication of additional right-of-way for East 18<sup>th</sup> Street, as well as dedication of right-of-way and construction of improvements for the future extension of Apricot Avenue through the property, are defined in the annexation agreement drafted and finalized by City staff. The property owner has signed this annexation agreement (*see Attachment I*).

#### **7. SERVICES**

As stated above, the site is undeveloped and vacant. If the property is annexed into the City, it is anticipated that City services would be provided and extended, from the nearest water, sewer, and storm connections. Fire and Police would be provided, but there should be minimal impacts to City's services.

#### **H. NEIGHBORHOOD NOTIFICATION:**

Letters regarding the proposed annexations were mailed to property owners within 500 feet of the site on September 12, 2017, pursuant to Development Code requirements. One sign was posted along the northern edge of the property facing East 18<sup>th</sup> Street on September 16, 2017. There was one phone call in response to the notification that was sent out. However, no response letters have been received as of yet.

#### **I. PLANNING COMMISSION RECOMMENDED MOTION:**

A motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation, meets the approval criteria found in Section 18.26.050(a)(1 thru 5) and; meets State statutory requirements, and; therefore, recommend approval of the annexation to the City Council.

#### **J. ATTACHMENTS:**

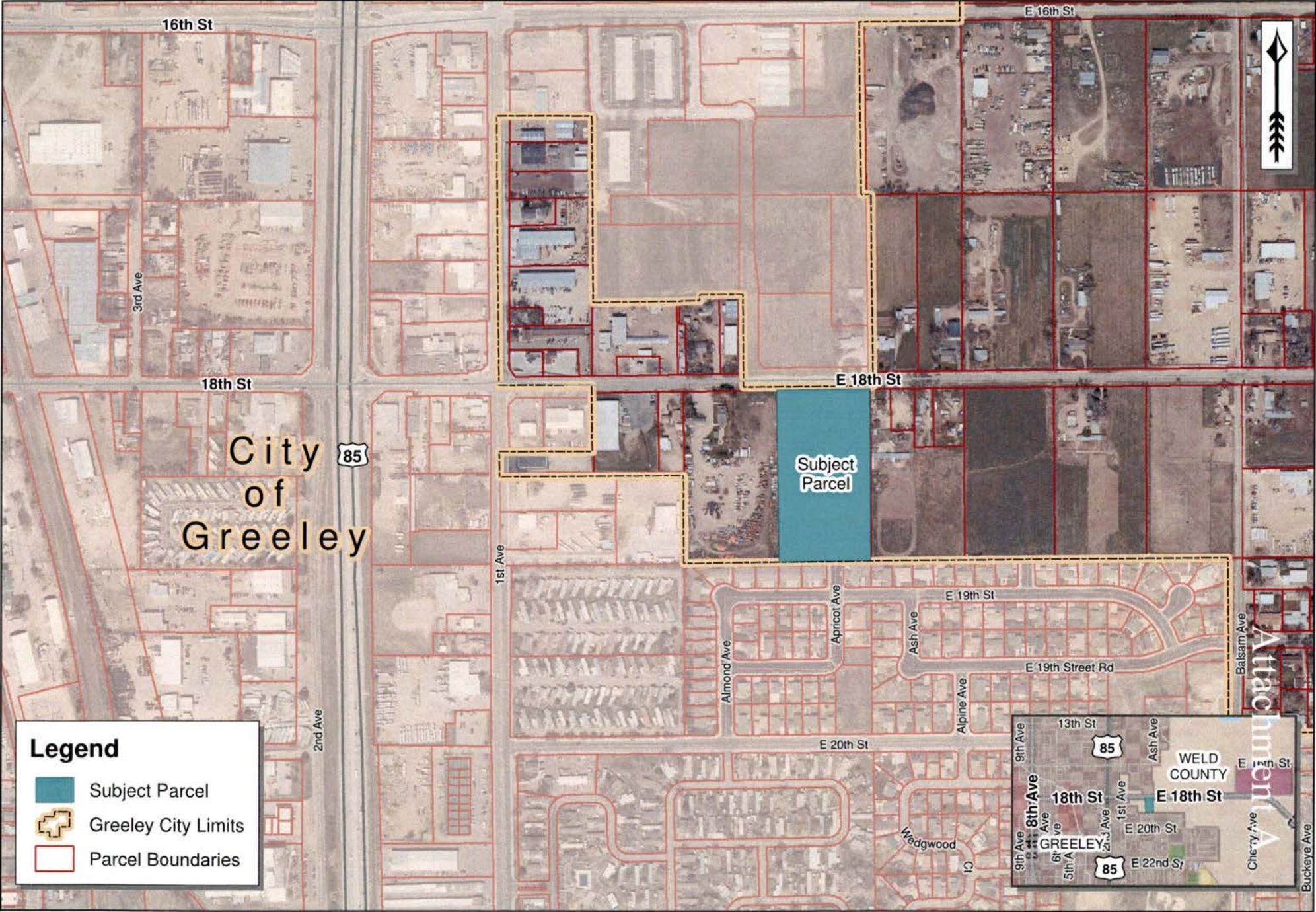
Attachment A - Aerial & Vicinity Map



- Attachment B - Existing Zoning Map
- Attachment C - Land Use Guidance Map
- Attachment D - Annexation Plat
- Attachment E - Site Analysis Map
- Attachment F - Annexation Compliance Memo
- Attachment G - Annexation Impact Report
- Attachment H - Annexation Petition
- Attachment I - Dale Annexation Agreement

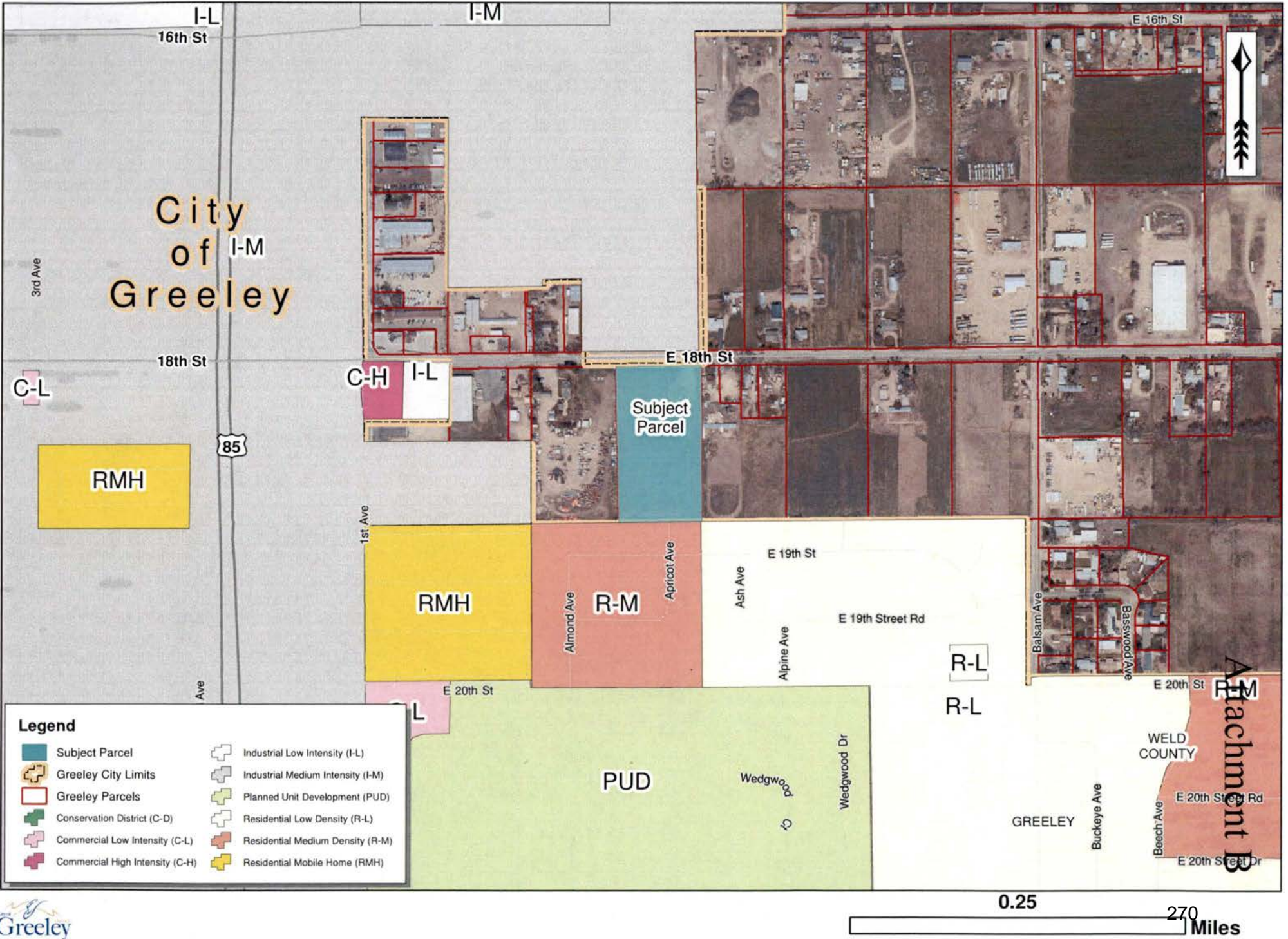


# Aerial/Vicinity Map - Dale Land Annexation

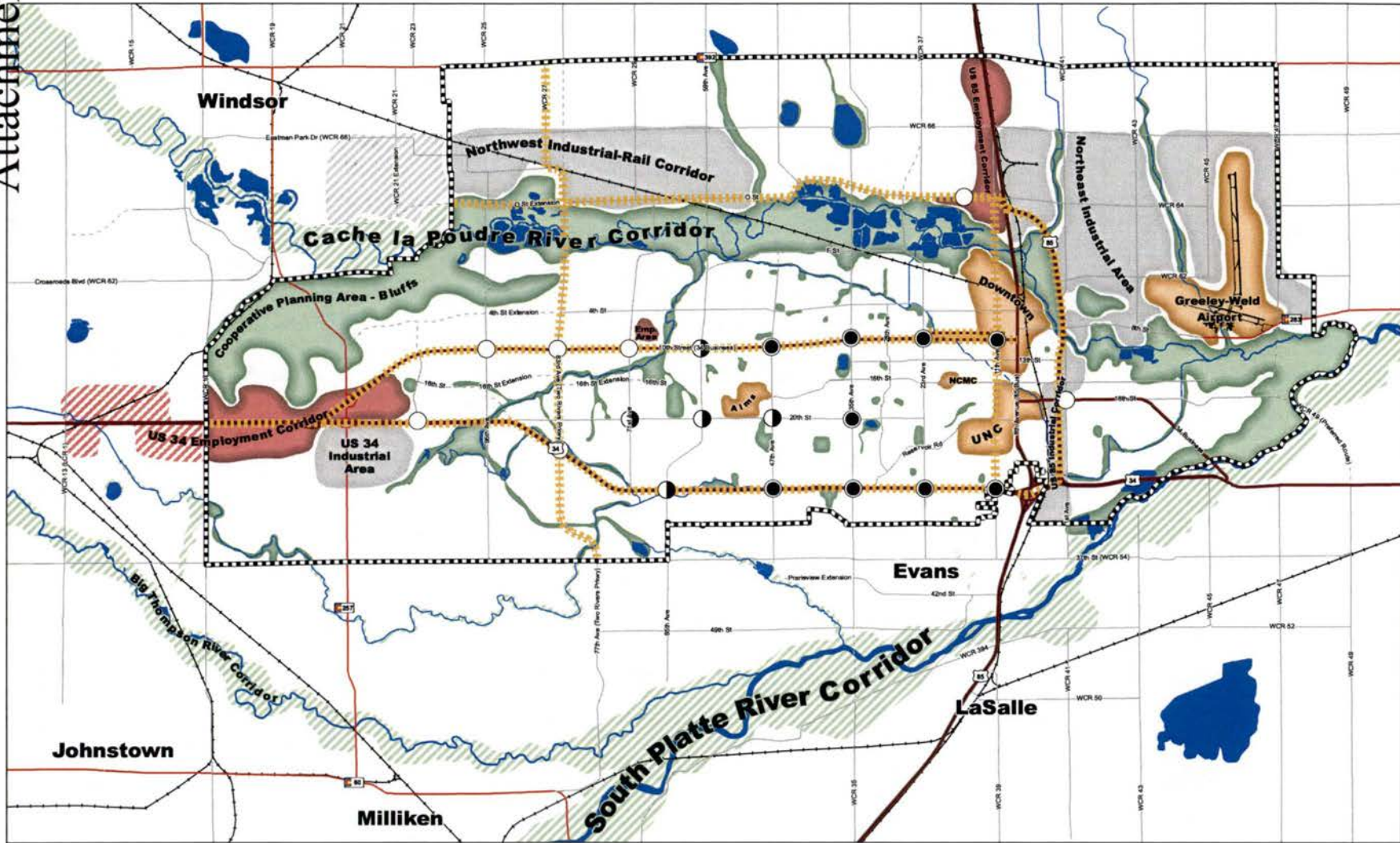




# Existing Zoning Map - Dale Land Annexation







# Land Use Guidance Map

**LEGEND**

- Outside LREGA
- Within LREGA
- Employment Uses**  
Business Parks, Major Employers
- Industrial Uses**  
Industrial Parks, Major Employers
- Natural Uses**  
Parklands, Open Space

**LAND USE GUIDANCE AREAS\***

\*Land use areas generated from an analysis of Topography Data, Transportation Features (Rail, Highway, Airport Access), Areas of Ecological Significance, Commercial Gravel Deposits, Floodway & Floodplain Information, Hydrography (Canals, Ditches, Draws etc), Regional Features, visibility, and existing Regional Uses.

- Developed
- Developing
- Undeveloped
- Commercial Nodes**
- Special Uses**  
UNC, Alms, NCMC, Downtown
- Multimodal Corridors**  
Planned transit corridors

**LONG RANGE EXPECTED GROWTH AREA (LREGA)**

Area within which the community expects to grow within the next 20+ years. Subject to Cooperative Planning Areas and IGA's.

Updated via annual Capital Improvement Project (CIP) Assessments.

**TRANSPORTATION**

- U.S. Highway
- State Highway
- Major Road
- Railroad

**Water Features**

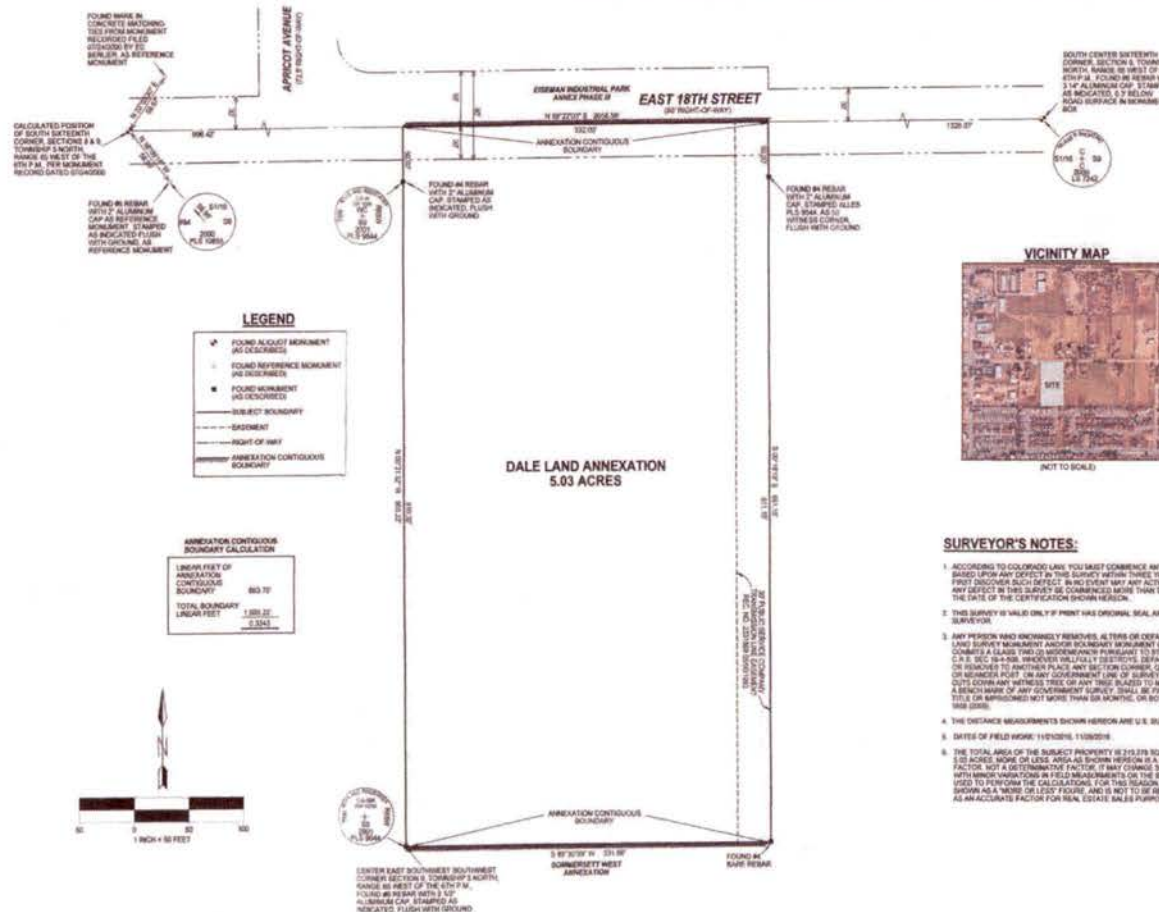
All planimetric data was digitized from aerial photographs dated May, 2005. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMAAS). The information contained 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.



# DALE LAND ANNEXATION TO THE CITY OF GREELEY

BEING LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9,  
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD,  
STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION  
COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO



## LEGAL DESCRIPTION

LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO.

## CERTIFICATE OF APPROVAL OF THE CITY ENGINEER

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, BY THE CITY ENGINEER OF THE CITY OF GREELEY, COLORADO.

CITY ENGINEER

## CERTIFICATE OF APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF GREELEY, COLORADO.

COMMUNITY DEVELOPMENT DIRECTOR

## ACCEPTANCE BY THE MAYOR AND CITY CLERK

Said Annexation Map has been accepted by the City of Greeley, Weld County, Colorado, and the territory designated herein is made a part of said City of Greeley and included within the limits and jurisdiction thereof of this \_\_\_\_ day of \_\_\_\_\_, 2011.

MAYOR

CITY CLERK

## SURVEYOR'S NOTES:

1. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT AND EVENTUALLY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. THIS SURVEY IS VALID ONLY IF PRINTED WITH ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
3. ANY PERSON WHO KNOWINGLY REPRESENTS, ALTERS OR DECEITS ANY PUBLIC LAND SURVEY MONUMENT AND/OR SURVEY MONUMENT OR ACCESSORY, COMMITTS A CRIME UNDER COLORADO LAW. ANY PERSON WHO KNOWINGLY REPRESENTS, ALTERS OR DECEITS ANY PUBLIC LAND SURVEY MONUMENT AND/OR SURVEY MONUMENT OR ACCESSORY, COMMITTS A CRIME UNDER COLORADO LAW. ANY PERSON WHO KNOWINGLY REPRESENTS, ALTERS OR DECEITS ANY PUBLIC LAND SURVEY MONUMENT AND/OR SURVEY MONUMENT OR ACCESSORY, COMMITTS A CRIME UNDER COLORADO LAW.
4. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FEET.
5. DATES OF FIELD WORK: 11/02/2010, 1/08/2011.
6. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 219,278 SQUARE FEET OR 5.03 ACRES. MORE OR LESS AREA AS SHOWN HEREON IS A RESOLVANT FACTOR, NOT A DETERMINANT FACTOR. IF ANY CHANGE IN THE BOUNDARY LINE OR POSITION OF ANY MONUMENT OR MONUMENTS IS FOUND, THE SURVEYOR SHALL BE USED TO PERFORM THE CALCULATIONS. FOR THIS REASON, THE AREA IS SHOWN AS A "MORE OR LESS" FIGURE, AND IS NOT TO BE RELIED UPON AS AN ACCURATE FACTOR FOR REAL ESTATE VALUE PURPOSES.

## SURVEYOR'S CERTIFICATE

I, ROBERT S. THOMAS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS PREPARED BY ME, OR UNDER MY PERSONAL SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION THEREOF, BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. I FURTHER CERTIFY THAT THE SURVEY AND THIS MAP COMPLY WITH ALL APPLICABLE RULES, REGULATIONS AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

I ALSO HEREBY CERTIFY THAT I PREPARED THIS MAP FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND, INCLUDING ALL EASEMENTS, RIGHTS OF WAY AND EASEMENTS, AND THAT THE CORNERS WERE PROPERLY PLACED, IF NECESSARY, UNDER MY SUPERVISION, IN ACCORDANCE WITH THE REGULATIONS OF THE STATE OF COLORADO.

COLORADO PROFESSIONAL LAND SURVEYOR #8882

FOR AND ON BEHALF OF THOMAS LAND SURVEYING, LLC

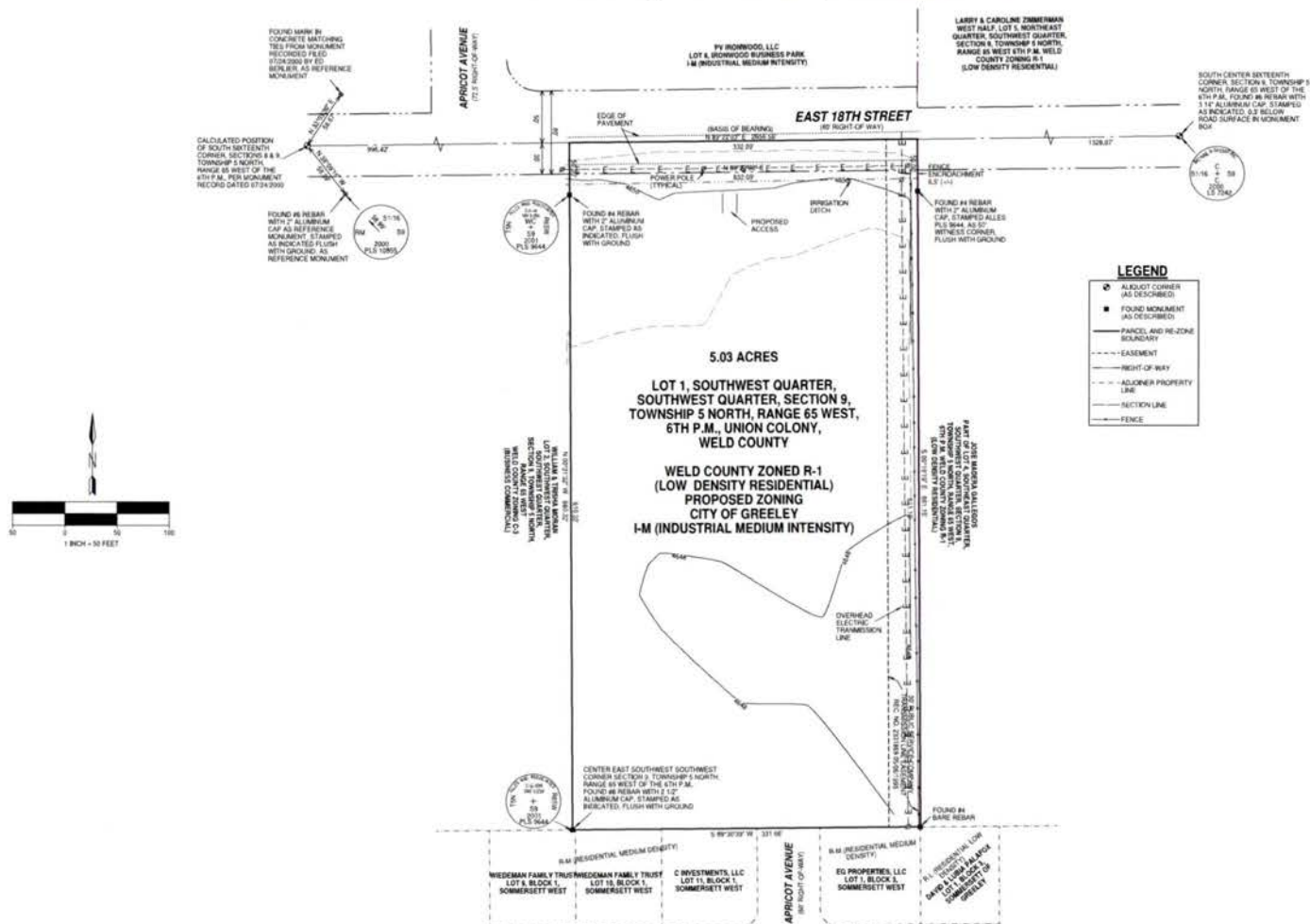


SURVEYOR: THOMAS LAND SURVEYING, LLC  
204 WEST 17TH ST. SUITE 24  
GREELEY, COLORADO 80639  
970-844-5966

1011 042  
DALE LAND ANNEXATION



BEING LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9,  
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD,  
STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION  
COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO



SURVEYOR: THOMAS LAND SURVEYING, LLC  
2619 WEST 11TH ST. ROAD, SUITE 29  
GREELEY, COLORADO 80634  
970-304-0984

1811.042  
DATE: AND SET: 2008-08-14





**CITY ATTORNEY'S OFFICE  
MEMORANDUM**

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**To:** Cheryl Aragon, Deputy City Clerk  
Val Scheffer, Senior Administrative Specialist  
**From:** Susan M. Henderson, Senior Assistant City Attorney  
**Subject:** Dale Land Annexation  
**Date:** September 16, 2017

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This office has reviewed the Petition for the Dale Land Annexation into the City of Greeley and finds that the Petition for Annexation is in substantial compliance with the requirements of C.R.S. §31-12-107. Additionally, this office has reviewed the Petition for compliance with annexation requirements contained in C.R.S. §§31-12-104 and 31-12-105 and finds that the Petition meets the legal requirements of those sections.

Please prepare the Resolution (a draft is attached) and schedule this matter for hearing in accordance with C.R.S. §31-12-108.

Attachment

cc: Marian Duran, Planner





## ANNEXATION IMPACT REPORT DALE LAND ANNEXATION

<b>PROPERTY OWNERS</b>	City of Greeley, Colorado
<b>REPRESENTATIVE</b>	Marian Duran   Planner II
<b>LOCATION</b>	The property is located 2,000 feet east of 1 <sup>st</sup> Avenue, south of East 18 <sup>th</sup> Street.
<b>SIZE</b>	5.03 Acres
<b>CONTIGUITY</b>	Required      16.67% Provided      33.33%
<b>EXISTING USES</b>	Site is vacant.
<b>SURROUNDING LAND USES</b>	North:      Single-Family Residence/Agriculture South:      Single-Family Housing East:      Single-Family Residences West:      Single-Family Residences/Outdoor Storage Site
<b>CURRENT ZONING</b>	Weld County R-1 (Residential)
<b>SURROUNDING ZONING</b>	North:      I-M (Industrial Medium – City) South:      R-M (Residential Medium - City) East:      Weld County R-1 (Residential) West:      Weld County C-3 (Commercial)
<b>AVAILABLE UTILITIES</b>	City of Greeley Water, City of Greeley Sewer, gas, electric, and telecommunication utilities would be available, if the property was to be developed in the future.
<b>TAXING DISTRICTS</b>	Aims Junior College High Plains Library Northern Colorado Water (NCW) Weld County School District #6 - Greeley Weld County West Greeley Conservation Western Hills Fire District





## **INTENDED/PROPOSED USES**

### **Office/Shop**

## **COMPREHENSIVE PLAN**

The entire site lies within the Long-Range Expected Growth (LREGA), albeit on the southern edge East 18<sup>th</sup> Street, east of 1<sup>st</sup> Avenue, and just north of Apricot Avenue. The subject site is located within an area identified in the 2060 Comprehensive Plan (Land Use Guidance Map) as the an area the community expects to grow within the next 20 plus years, subject to Cooperative Planning Areas and IGA's. It is anticipated that the site may be used for office and shop uses.

## **ANALYSIS**

State annexation standards require a minimum one-sixth boundary contiguity (16.66%) for annexation. The Dale Land Annexation satisfies this requirement along its' shared southern boundary with the Union Colony Subdivision (Reception No. 0000039743) and E. 18<sup>th</sup> Street to the North, adjacent to the Iron Wood Business Park (Reception No. 0004194551). This annexation satisfies the state minimum standards with a 33.33% contiguity to the City.

The Dale Land Annexation consists of 5.03 acres.

The property is proposed to be withdrawn from the Western Hills Fire Protection District and receive fire services from the Greeley Fire Department.

The annexation of this property into the City would be consistent with present growth patterns and Comprehensive Plan policies. The requirements of State Statutes and City of Greeley Comprehensive Plan Policies for annexation appear would meet these requested annexations.

## **ATTACHMENTS:**

- Exhibit A - Vicinity Map
- Exhibit B - Annexation Plats
- Exhibit C - Legal Descriptions



## PETITION FOR ANNEXATION

Dale Land Annexation

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF GREELEY,  
COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et. seq., Colorado Revised Statutes, 1973, as amended, hereby petition the City Council of the City of Greeley for annexation to the City of Greeley of the territory described herein and described and shown on the map designated, " Dale Land Annexation." The applicable number of said map (at least four) are submitted herewith and by this reference are incorporated herein. The description of the territory hereby petitioned for annexation to the City of Greeley is set forth in Exhibit A attached hereto and incorporated herein by reference.

In support of this petition, the Petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Greeley.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
  - A. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley.
  - B. A community of interest exists between the territory proposed to be annexed and the City of Greeley.
  - C. The territory sought to be annexed is urban or will be urbanized in the near future.
  - D. The territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley.
3. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has/have been divided into separate parts or parcels of real estate without the written consent of the land owner or land owners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.
4. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon have an assessed



valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the written petition for annexation, has/have been included within the territory proposed to be annexed without the written consent of the land owner or land owners.

5. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Greeley was held within the twelve months preceding the filing of this petition.
6. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a city other than the City of Greeley.
7. The territory proposed to be annexed is not presently a part of any incorporated city, city and county, or town.
8. The property owned by each petitioner is described on each separate signature sheet and, when needed, described more fully in the exhibits attached hereto and incorporated herein by reference.
9. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the land owners and owning more than fifty percent (50%) of the property, excluding public streets and alleys, and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.

Accompanying this petition are the original and four copies of an annexation plat map containing the following information:

- A. A written legal description of the boundaries of the area proposed to be annexed.
- B. A map showing the boundary of the area proposed to be annexed.
- C. Within the annexation boundary map, an identification of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
- D. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.



- E. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the City of Greeley.
- F. Acceptance block describing the acceptance action of the City of Greeley in form and substance as provided in Appendix A of the Subdivision Regulations of the City of Greeley and providing for the effective date and City Clerk and Mayor attest signatures.
10. Except as otherwise provided, no part of the territory sought to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.
11. As an expressed condition of annexation, land owner(s) consent(s) to inclusion into the Northern Colorado Water Conservancy District and the municipal subdistrict pursuant to Section 37-45-136 (3.6) C.R.S. Land owner(s) acknowledge(s) that, upon inclusion into the district and subdistrict, land owner's (s') property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the district and subdistrict at the time of inclusion of land owner's(s') lands. Land owner(s) agree(s) to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and subdistrict can impose such mill levies and special assessments as it has the authority to impose. Land owner(s) also agree(s) to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

THEREFORE, the undersigned respectfully petition(s) and requests the City Council of the City of Greeley, to approve annexation of the territory described and referred to in Exhibit A to the City of Greeley in accordance with and pursuant to the statutes of the State of Colorado.

<u>Land Owner(s) Name(s) and Signature(s)</u>	<u>Mailing Address</u>	<u>Date of</u>
<u>DAZ 12-15-16</u>	<u>PO Box 2429 Ft Collins CO 80522</u>	<u>12-15-16</u>

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2016, by  
Amy Rittenhouse

Witness my hand and official seal.

My commission expires: 12-4-18



[Signature]  
 Notary Public



Land Owned

Lot 1 of SW 1/4 of SW 1/4 of Section 9, Township 5  
North Range 65 West of the 6th P.M., Weld County  
also known as:

398 E. 18th Street, Greeley, CO 80631

If necessary, attach separate sheet.



## DALE ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT ("Annexation Agreement"), dated this \_\_\_\_ day of \_\_\_\_\_, 2017, is entered into by **THE CITY OF GREELEY**, a municipal corporation ("the City"), and **DALE LAND, LLC**, a Colorado limited liability company, ("the Property Owner").

### 1.0 INTRODUCTION

- 1.1 The Property Owner owns approximately 5.03 acres of real property located in Weld County, Colorado, generally depicted on Exhibit A, attached hereto ("the Property").
- 1.2 The Property is located within the City's Long-Range Expected Growth Area as described in its adopted 2060 Comprehensive Plan, which contemplates the development of the Property and service thereto consistent with City goals, policies and regulations.
- 1.3 The growth of the City makes it likely that the Property will experience development in the future. The City and the Property Owner desire to annex and zone the Property into the City in order to ensure its orderly development.

For consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Property Owner agree as follows:

### 2.0 ANNEXATION

- 2.1 The Property Owner has petitioned the City for annexation of the Property. The annexation will become effective upon final approval by the City Council and the recording of the annexation plat and annexation ordinance with the Weld County Clerk and Recorder.
- 2.2 Based upon preliminary information submitted by the Property Owner, the City acknowledges that the Property and the Property Owner's submittal appear to meet the statutory and Greeley Municipal Code ("the City Code") standards to enable the City to consider annexation of the Property. The Property Owner understands that final determination is made by City Council pursuant to Section 2.1 above.
- 2.3 The City's Community Development Department will recommend to the City Planning Commission and City Council that the annexation petition (together with this Annexation Agreement) be supported and approved.

### 3.0 LAND USE AND ZONING

- 3.1 Land Use and Zoning. The Property Owner has also proposed land use and zoning for the Property. Land use and zoning will be established through a



separate land use application, which will be processed by the City under the applicable provisions of the City Code.

- 3.2 Zoning Map. The City's Community Development Department will request approval from the City Planning Commission and City Council of the initial zoning for the Property as reflected on Exhibit B - Zoning Map, attached hereto, and as set forth in Section 3.3 below. The Property Owner understands that the City Planning Commission and City Council determine the appropriate zoning of the Property, and the City Community Development Department's recommendation does not bind the City Planning Commission or City Council to approve the zoning request.
- 3.3 Zoning and Land Use Designations. To facilitate the orderly development of the Property, the Property Owner is seeking Zoning and Land Use designations for the Property as follows (and as illustrated or described on Exhibit B - Zoning Map): Industrial Medium (I-M) zoning is proposed by the Property Owner for the entirety of the Property.

#### 4.0 WATER AND SEWER SERVICE

- 4.1 Potable Water Service. If water service is required on the Property, water plant investment fees and raw water will be due prior to installing the water service.

Upon dedication of sufficient raw water and payment by the Property Owner of potable water plant investment fees and installation costs, including but not limited to, all meters, labor and materials required in tapping the water main, installing the service pipes, and trenching and repairing of streets, pursuant to the City Code, the City agrees to provide potable water service to the Property. The Property Owner agrees to extend potable water infrastructure at its sole expense, pursuant to the City Code and City engineering design criteria, to serve the Property. The City, through application of the City Code and through its development review process, will regulate the design and installation of the potable water system for the Property in conjunction with the future development of the Property.

- 4.2 Sewer Service. Any new buildings requesting water service will be required to have an individual sanitary sewer service connected to a City sanitary sewer main. Each proposed building will be required to have its own individual sanitary sewer service. Sanitary sewer plant investment fees will be due prior to installing the new sewer service(s).

Upon payment by the Property Owner of sanitary sewer plant investment fees and installation costs, including but not limited to, labor and materials required in tapping the sewer main, installing the service pipes, and trenching and repairing of streets, pursuant to the City Code, the City agrees to provide sanitary sewer service to the Property. The sanitary sewer plant investment fees will be due at



the time of request for sewer service based on the size of the water service serving the building or parcel. The Property Owner agrees to extend sanitary sewer infrastructure at its sole expense, pursuant to the City Code and City engineering design criteria, to serve the Property. The City, through application of its City Code and through its development review process, shall regulate the design and installation of the sanitary sewer system for the Property in conjunction with the future development of the Property.

- 4.3 Raw Water Dedication. The Property Owner agrees to acquire and transfer, at no cost to the City, adequate water rights, including Northern Colorado Water Conservancy District allotments (Colorado-Big Thompson Project units), irrigation water and carriage rights which the City, at the City's sole determination, can use in its system, as a prerequisite and as a part of the consideration to receive City water service and City water taps for the Property. The Property Owner shall acquire and transfer such water rights upon subdividing and/or requesting domestic water service from the City. Such water rights shall meet legal criteria under Colorado law necessary to convert the water to municipal use in amounts sufficient to meet the projected water demands of the development(s) located on the Property including, but not limited to, sustained historical consumptive water use, and shall otherwise satisfy the requirements of Chapter 14.24 of the City's Code.

## **5.0 STORM WATER SERVICE**

The City, through application of its City Code and through the development review process, shall regulate the design and installation of the storm water systems for the Property (including drainage systems, retention ponds, detention ponds, drop structures, culverts and pipe improvements) in conjunction with the future development of the Property.

## **6.0 PUBLIC RIGHTS-OF-WAY**

- 6.1 On-Site Right-of-Way Dedication for East 18<sup>th</sup> Street. The Property Owner agrees to dedicate additional public right-of-way for East 18<sup>th</sup> Street along the northern boundary of the Property by means of dedication instruments acceptable to the City and the Property Owner within six (6) months of the date of this Annexation Agreement. The Property Owner agrees to dedicate such rights-of-way at no expense to the City to accommodate the south half of the East 18<sup>th</sup> Street ultimate right-of-way, consistent with the standards specified in the City Code and the Comprehensive Transportation Plan. The Property Owner shall not dedicate any easements in the Future ROW without approval of the City.
- 6.2 On-Site Right-of-Way Dedication for Apricot Avenue. Prior to further subdivision of the Property or plan approval of cumulative building construction exceeding 20,000 square feet gross floor area, the Property Owner agrees to dedicate sixty (60) feet of right-of-way for Apricot Avenue through the Property



in substantial conformance with the alignment shown as depicted on the attached Exhibit C - Future Right of Way Map ("Future ROW"). The Property Owner agrees to dedicate such rights-of-way at no expense to the City, consistent with the standards specified in the City Code and the Comprehensive Transportation Plan. The Property Owner shall not dedicate any easements in the Future ROW without approval of the City. Dedication of rights-of-way for Apricot Avenue by the Property Owner at no expense to the City shall not be required in any other circumstance other than specifically identified in this paragraph, including but not limited to development outside of the boundary of the Property.

- 6.3 Public Improvements Within On-Site Apricot Avenue Right-of-Way. Prior to further subdivision of the Property or plan approval of cumulative building construction within the Property exceeding 20,000 square feet gross floor area, the Property Owner agrees to submit construction plans in accordance with City Code and City engineering design criteria for the extension of potable water mains, sanitary sewer mains, storm sewer mains, and the Apricot Avenue roadway from the southerly boundary of the Property to the westerly boundary of the Property in substantial conformance with the alignment shown on the attached Future ROW exhibit. The Property Owner agrees to construct all such improvements, in accordance with the City accepted construction plans, at no expense to the City prior to issuance of building permits within further subdivided lots on the Property, or prior to issuance of building permits which would result in cumulative building construction within the Property exceeding 20,000 square feet gross floor area. Submission of construction plans and construction of improvements for Apricot Avenue by the Property Owner at no expense to the City shall not be required in any other circumstance other than specifically identified in this paragraph, including but not limited to development outside of the boundary of the Property.
- 6.4 On-Site Improvements Prior to Right-of-Way Dedication for East 18<sup>th</sup> Street and Apricot Avenue. Prior to required dedication of right-of-way within the Property for East 18<sup>th</sup> Street and Apricot Avenue, the Property Owner agrees that no permanent structures will be installed within the Future ROW and setback areas. Rights-of-way shall be consistent with the standards specified in the City Code and the Comprehensive Transportation Plan. Setbacks shall be consistent with the standards specified in the City Code.

The Property Owner shall not install any utilities in the Future ROW without approval of the City.

Certain temporary uses of the Future ROW for Apricot Avenue by the Property Owner shall be allowed by the City until right-of-way dedication for Apricot Avenue is required through the Property. Examples include, but are not limited to, storage and vehicle parking, as long as such uses are in conformance with City Code as determined through the City's development review process.



## **7.0 FIRE PROTECTION SERVICE**

Upon completion of the annexation of the Property, the Property (and improvements now or later placed on the Property) shall receive the benefit of the City's Fire Department protection services. The City shall complete all documents and agreements necessary to petition the Property out of the existing Western Hills Fire Protection District at no additional expense to the Property Owner (the Property Owner having already paid the petition fee).

## **8.0 NONCONFORMING USES, BUILDINGS AND STRUCTURES**

All nonconforming uses, buildings and structures which were lawfully established prior to annexation shall be considered legal nonconforming uses, buildings and structures.

## **9.0 INFRASTRUCTURE**

The Property Owner acknowledges that municipal potable water, sanitary sewer, and storm sewer infrastructure is not yet fully provided to the Property at levels typically required to permit development. The Property Owner acknowledges that development of infrastructure to serve the Property shall be approved by the City prior to accessing City facilities and services. The Property Owner shall be responsible for the design and construction of all public infrastructure related to connecting to the municipal potable water, sanitary sewer, and storm sewer, in accordance with the City accepted construction plans, pursuant to the City Code and City engineering design criteria.

## **10.0 ORDINANCES, REGULATIONS AND RULES**

- 10.1 The Property Owner acknowledges that upon annexation, the Property will be subject to all ordinances, resolutions and other regulations of the City of Greeley as they may be amended from time to time, including those related to subdivision and zoning of land, except as specifically set forth in this Annexation Agreement.
- 10.2 This Annexation Agreement shall not be construed as a limitation upon the authority of the City to adopt different ordinances, rules, regulations, policies or codes which change any of the provisions set forth in this Annexation Agreement so long as those apply to the City generally and not to the Property specifically.

## **11.0 ASSIGNS**

Wherever used herein, the term "the Property Owner" shall also include any heirs, successors, executors, personal representatives, transferees and assigns of the Property Owner, and all such parties shall have the right to enforce and have enforced the terms of this Annexation Agreement as if they were original parties. Upon transfer of title to the Property, the previous Property Owner shall be



released from any and all obligations and liabilities arising pursuant to this Annexation Agreement. This Annexation Agreement does not waive or release the Property Owner from any fees, requirements or standards applied in a like fashion to other similar developments in the City.

#### **12.0 RECORDING**

This Annexation Agreement shall be recorded in the real estate records of the Clerk and Recorder of Weld County and shall constitute a covenant running with the land and shall be binding upon all parties having any right, title or interest in and to the Property.

#### **13.0 AMENDMENTS**

This Annexation Agreement may be amended by a written agreement entered into between the Property Owner and the City. Such amendment shall be recorded in the real estate records of the Clerk and Recorder of Weld County and shall be a covenant running with the land and shall be binding upon all parties having any right, title or interest in and to the Property.

#### **14.0 COOPERATION**

The City and the Property Owner agree that they will cooperate with one another in accomplishing the terms, conditions, and provisions of this Annexation Agreement and will execute such additional documents as necessary to effectuate the same.

#### **15.0 FAILURE TO ANNEX**

This Annexation Agreement shall be null and void if the City fails to approve the annexation of the Property. Each party waives any and all claims for damages of any nature or kind against the other party, including all costs, expenses, and fees; it being the intent of each party to release all claims against the other party and pay its own costs, fees and expenses.

#### **16.0 HEADINGS**

The headings set forth in this Annexation Agreement are for reference only and shall not be construed as an enlargement or abridgement of the language of this Annexation Agreement.

(Signature Page Follows)



IN WITNESS WHEREOF, the undersigned have set their hands and seals as of the day and year first above written.

**PROPERTY OWNER:**

**DALE LAND, LLC**

A Colorado Limited Liability Company

By: DALE LAND LLC  
Name: BRYAN M. DALE *DALE*  
Title: PRESIDENT

**CITY OF GREELEY, COLORADO**

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

**ATTESTED TO BY:**

By: \_\_\_\_\_  
City Clerk

**APPROVED AS TO SUBSTANCE:**

By: \_\_\_\_\_  
City Manager

**APPROVED AS TO LEGAL FORM:**

By: \_\_\_\_\_  
City Attorney

**AVAILABILITY OF FUNDS:**

By: \_\_\_\_\_  
Director of Finance



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 26**

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

### Title

Public hearing to consider establishing I-M (Industrial Medium Intensity) zoning for property recently annexed and known as the "Dale Land Annexation" located at 398 East 18<sup>th</sup> Street, and a public hearing and final reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, to reflect the same

### Summary

This is a request to establish zoning for a parcel of property approximately 5.03 acres in size known as the Dale Land Annexation. The request is to establish I-M (Industrial Medium Intensity) zoning on the property, with the anticipated use of outdoor storage, vehicle/shop repair, and general industrial uses associated with oil and gas support. Any specific use will be subject to site plan review to insure minimum city standards are being met.

The property is currently in the process of being annexed into the City of Greeley. Zoning is required to be established on the property within 90 days.

The Planning Commission considered this request on September 26, 2017, and recommended approval by a vote of 5-2.

If establishment of zoning 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 October 3, 2017.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes (minimal)
If yes, what is the initial or onetime impact?	Ongoing impacts only
What is the annual impact?	Police, fire & other city services
What fund of the City will provide funding?	General budgeted funds
What is the source of revenue within the fund?	Varies
Is there grant funding for this item?	No
If yes, does this grant require a match?	Yes (minimal)
Is this grant onetime or ongoing?	Ongoing impacts only
Additional Comments:	

### Legal Issues

Consideration of this matter is a quasi-judicial process which includes the following public hearing steps:

- 1) City staff presentation



- 2) Council questions of staff
- 3) Applicant presentation
- 4) Council questions of applicant
- 5) Public input (hearing opened, testimony - up to three minutes per person, 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 establishment of zoning:

1. Adopt the establishment zoning presented; or
2. Amend the establishment of zoning and adopt as amended; or
3. Deny the establishment of zoning; or
4. Continue consideration of the establishment of zoning

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

Finding in favor of establishing zoning, two motions are required:

- A) A motion that, based on the project summary and accompanying analysis, the proposed establishment of zoning to I-M (Industrial Medium Intensity) zone district meets Development Code Section 18.26.070; and, therefore, approve the establishment of zoning.
- B) A motion to adopt the map change ordinance and publish with reference to title only.

#### Attachments

Ordinance

Draft Planning Commission Minutes (September 26, 2017)

Planning Commission Summary (Staff Report) (September 26, 2017)



CITY OF GREELEY, COLORADO

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

CASE NO. Z 15:16

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, ESTABLISHING I-M (INDUSTRIAL MEDIUM INTENSITY) ZONING FOR A PARCEL OF PROPERTY LOCATED IN WELD COUNTY, COLORADO, AT 398 EAST 18<sup>TH</sup> STREET, RECENTLY ANNEXED AND KNOWN AS THE DALE LAND ANNEXATION

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

Section 1. The following described property located in the City of Greeley known as the Dale Land Annexation is hereby placed into the I-M (Industrial Medium Intensity) zoning district in the City of Greeley, County of Weld, State of Colorado, and is described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said described parcel of land contains 5.03 acres, more or less.

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 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST: THE CITY OF GREELEY

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

\_\_\_\_\_  
Mayor



## LEGAL DESCRIPTION

LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9 AND CONSIDERING THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9 TO BEAR NORTH 89°22'03" EAST, WITH ALL BEARINGS HEREIN RELATIVE THERETO; THENCE NORTH 89°22'03" EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 996.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°22'03" EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 332.09 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°19'19" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 661.15 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 89°30'39" WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 331.66 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°21'32" WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 660.32 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 5.03 ACRES, MORE OR LESS, AND IS SUBJECT TO RIGHTS-OF-WAY AND EASEMENTS OF RECORD.





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## PLANNING COMMISSION Proceedings

September 26, 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, Hice-Idler, Yeater and Mirick were present.

### II. Approval of minutes for meeting held on September 12, 2017

Commissioner Rarick moved to approve the minutes for the meeting held on September 12, 2017. Commissioner Andersen seconded the motion. The motion carried 7-0.

### III. A public hearing to consider annexation of a parcel of land containing approximately 29.006 acres and known as the Signature Bluffs Natural Area Annexation No. 1

Project Name: Signature Bluffs Natural Area Annexation No. 1  
Case No.: A 9:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items III through VIII be considered together, with separate motions being required for each annexation and establishment of zoning. Chair Hall called up all of the cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the areas requested for annexation. She noted that the 32.88-acre site is within Long-Range Expected Growth Area and that the annexation would protect and preserve the area for open space. Ms. Duran reported that the area meets or



**VIII. A public hearing to consider establishment of zoning to C-D (Conservation District) for a 3.225 acre parcel of property known as the Signature Bluffs Natural Area Annexation No. 3**

Project Name: Signature Bluffs Natural Area Annexation No. 3 Establishment of Zoning  
Case No.: Z 14:17  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**IX. A public hearing to consider annexation of a parcel of land containing approximately 5.03 acres and known as the Dale Land Annexation**

Project Name: Dale Land Annexation  
Case No.: A 13:16  
Applicant: Dale Land, LLC  
Location: 398 East 18<sup>th</sup> Street  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items IX and X be considered together, with separate motions being required for the annexation and establishment of zoning. Chair Hall called up both cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the location of the property and noted that it is currently in Weld County. She described the surrounding zoning and uses. Ms. Duran reported that the applicant is requesting annexation into the city in order to receive city services. Ms. Duran advised that the applicant requested establishment of I-M (Industrial Medium Intensity) zoning to allow for outdoor storage, vehicle repair and general industrial uses associated with oil & gas support services. She added that a zoning suitability plan was submitted in conjunction with annexation request.

Ms. Duran reported that the proposal complies with the 2060 Comprehensive Plan policies and noted that the site is within the Long-Range Expected Growth Area, but is not within the flood plain or floodway. Staff determined that I-M zoning is appropriate.

The Administrative Review Team reviewed the proposal and found that all comments were addressed. Owners within 500 feet of the site were notified and one telephone inquiry was received. In addition, an email was received today and is part of this record. Staff recommended approval of the application.

Ms. Duran responded to questions by Commissioners about the creation of an enclave by the annexation that is the subject of this hearing. She added that the applicant was referred to the City by Weld County officials after he had requested water and sewer services. Commissioner Rarick asked whether services included fire protection and Ms. Duran advised that fire and police services would be provided.



Commissioner Andersen asked about a proposed future right-of-way on Apricot Avenue. Erich Green, staff engineer, addressed the Commission and stated that the extension of Apricot Avenue was considered with the application. He added that staff worked through an annexation agreement that a right-of-way would be required in the future when specific triggers are met. Commissioner Andersen asked whether neighbors to the south were aware of a future right-of-way. Mr. Green was unable to confirm, but stated that a street has been stubbed in. Commissioner Schulte asked whether those individuals were included in the notification area for the annexation and Ms. Duran reported that they were.

Christen DePetro, addressed the Commission and stated that she had assisted the application with the annexation. She noted that officials at Weld County referred the applicant to the City based upon available city services within a specific proximity to the property.

Chair Hall opened the public hearing at 1:38 p.m.

Brenda Galen, 458 East 18<sup>th</sup> Street, addressed the Commission. Ms. Galen stated that her home is close to the subject property. She was concerned about wear and tear on 18<sup>th</sup> Street from the heavy truck traffic and was also concerned about decreased property values.

The public hearing was closed at 1:40 p.m.

Chair Hall invited the applicant to respond to comments made during the public hearing. Brian Dale addressed the Commission and pointed out that Highway 34 business route is a state maintained highway for oversized loads and added that trucks are already permitted to travel on the road.

Commissioner Andersen expressed concern that East 18<sup>th</sup> Street has the potential of becoming another East 8<sup>th</sup> Street as far as lack of maintenance. She stated that encouraging future growth and development on East 18<sup>th</sup> Street without addressing maintenance of the road was problematic. Commissioner Schulte noted that the Commission was not considering future development with this application. Ms. Duran indicated that because the parcel is over five acres in size, an application for outdoor storage would come before the Commission as a Use by Special Review. She added that other future uses may be reviewed administratively. Chair Hall asked if staff considered whether a road was adequate as part of its administrative review. Ms. Duran confirmed that would be part of an administrative review.

Mr. Dale advised that other sites in the area are zoned Industrial Medium Intensity and felt that it was the appropriate zoning for this parcel. Commissioner Schulte indicated that procedurally he did not have a problem with the annexation, but had some concerns with the proposed zoning. He pointed out that there seemed to be an abrupt transition from residential zoning to industrial use, with no graduation in zoning classifications.

Commissioner Andersen asked whether the property owners received notification that the annexation would create an enclave. Brad Mueller, Community Development Director, discussed the state noticing requirements and pointed out that most of the land to the north is already zoned Industrial Medium Intensity. In response to a question by Commissioner Anderson, Mr. Mueller reported that county zoning for the property to the east is R-1 (residential) and to the west is C-3 (commercial).



Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation meets the approval criteria found in Section 18.26.050(a)(1 through 5) and meets State statutory requirements and, therefore, recommends approval of the annexation (Case No. A 13:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 6-1, with Commissioner Anderson voting against the motion.

Mr. Mueller noted that it is not required to establish Industrial Medium Intensity zoning, and added that some sort of zoning must be established within 90 days of approval of the annexation. Commissioner Schulte clarified that the action of the Planning Commission was a recommendation to City Council and Mr. Mueller confirmed that was the case.

Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of zoning to the I-M (Industrial Medium Intensity) zone district meets Development Code Section 18.26.070 and, therefore, recommends approval of the establishment of zoning (Case No. Z 15:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 5-2, with Commissioners Schulte and Andersen voting against the motion.

**X. A public hearing to consider establishment of zoning to I-M (Industrial Medium Intensity) for a 5.03 acre parcel of property known as the Dale Land Annexation**

Project Name: Dale Land Annexation Establishment of Zoning  
Case No.: Z 15:16  
Applicant: Dale Land, LLC  
Location: 398 East 18<sup>th</sup> Street  
Presenter: Marian Duran, Planner II

**XI. A public hearing to consider a request to rezone approximately 6.21 acres of land from H-A (Holding Agriculture) to C-H (Commercial High Intensity)**

Project Name: 1215 95<sup>th</sup> Avenue Rezone  
Case No.: Z 8:17  
Applicant: Douglas DeTienne and Dawn DeTienne  
Location: 1215 95<sup>th</sup> Avenue  
Presenter: Rachel Prelog, Planner I

Rachel Prelog addressed the Commission and entered the staff report into the record. Ms. Prelog presented a map showing the location of the property and stated that it was part of the 1034 Enclave Annexation approved by the Commission earlier this year. She reported that the established use on the property was self-storage.

Ms. Prelog reported that following the enclave annexation, City Council directed planning staff to create the necessary exhibits so that today's matter could be heard by the Planning Commission at a later date. Property owners within 500 feet were notified and there were no inquiries or objections. Staff agreed that the proposal complies with the rezone criteria and recommended approval. Commissioner Schulte asked with the application to rezone pertained to one parcel or the entire area. Ms. Prelog advised that it was for one parcel and added that other property owners would be required to make individual requests to rezone.





## Planning Commission Hearing Memo

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**TO:** Planning Commission Board  
**ITEM:** Dale Land Annexation  
**CASE NUMBER:** A 13:16  
**LOCATION:** 398 East 18<sup>th</sup> Street  
**APPLICANT:** Dale Land, LLC  
**PLANNER:** Marian Duran, Planner II

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The hearing packet for the September 26<sup>th</sup> Planning Commission hearing was sent on September 21, 2017. A letter in response to the proposal has been received after the packet was sent on September 21, 2017. Attached is a neighborhood response that planning staff received regarding the proposed Dale Land Annexation. This letter will be added to the record.

Attachment (Response Letter)



## **Marian Duran**

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**From:** Ann Copeland <anncopeland16@gmail.com>  
**Sent:** Tuesday, September 26, 2017 10:55 AM  
**To:** Marian Duran  
**Subject:** Corrected sentence

Marian, I regret that I could not come to Greeley today , and appreciate your relaying my statement to the Greeley Planning Commission.

As a long-term property owner at 204 E. 18<sup>th</sup> St., I am concerned after viewing your map and realizing that approving annexation of the Dale property will create an enclosure reaching along 18<sup>th</sup> St. to the West and to the North along 1<sup>st</sup> Ave. This enclave would be immediately vulnerable to enforced annexation by the City of Greeley, regardless of the property-owners' wishes. The properties in this area have been able to arrange the necessary utility services without annexation and the Dale property may be able to do so also.

On this basis, I object to the annexation of the Dale property as it would enable the forced annexation of my property without my approval or consent.

Thank you for your consideration.

Ann Copeland



## PLANNING COMMISSION SUMMARY

**ITEM:** A request for Establishment of Zoning to I-M (Industrial Medium Intensity) Zone District for the property known as Dale Land Annexation

**PROJECT:** Dale Land Annexation Establishment of Zoning

**CASE NO:** Z 15:16

**LOCATION:** 398 East 18<sup>th</sup> Street - 2,000 feet east of 1st Avenue and south of East 18th Street

**APPLICANT:** Bryan Dale

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

**PLANNING COMMISSION HEARING DATE:** September 26, 2017

**PLANNING COMMISSION FUNCTION:** Review the proposal for compliance with the City of Greeley Development Code and recommend a finding to the City Council to approve, approve with conditions, table the application for future consideration, or deny the request in accordance with Section 18.26.070.

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### EXECUTIVE SUMMARY

In accordance with Section. 18.26.070(a) of the City of Greeley Municipal Code, annexed areas shall be included in the City's zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance. As such, this application has been submitted in conjunction with the petition to annex land to the City. The City of Greeley is considering a request from Bryan Dale to establish the zoning of the subject parcel from the R-I (Residential - County) to I-M (Industrial-Medium Intensity - City) zone district. The property is located at 398 East 18<sup>th</sup> Street (*see Attachment A, B & C*).

#### A. REQUEST

The applicant is seeking approval for the Establishment of Zoning I-M (Industrial-Medium Intensity) zone district on approximately 5.03 acres of land (*see Attachment C*).

#### B. STAFF RECOMMENDATION

Approval

#### C. LOCATION

The property is located 2,000 feet east of 1st Avenue, south of East 18th Street, addressed 398 East 18<sup>th</sup> Street (*see Attachment A*).



<b>Current Zoning:</b>	Weld County R-1 (Residential)
<b>Proposed Zoning:</b>	I-M (Industrial Medium Intensity – City)
<b>Abutting Zoning:</b>	North: I-M (Industrial Medium – City) South: R-M (Residential Medium - City) East: Weld County R-1 (Residential) West: Weld County C-3 (Commercial)
<b>Site Conditions:</b>	The site is relatively undeveloped, fairly flat land with native vegetation throughout. See Background section below for additional details.
<b>Lot Size:</b>	5.03 Acres
<b>Contiguity:</b>	33.33 % (16.67% or 1/6 required)
<b>Abutting Land Uses:</b>	North: Single-Family Residence/Agriculture South: Single-Family Housing East: Single-Family Residences West: Single-Family Residences/Outdoor Storage Site

#### **D. BACKGROUND**

Establishment of zoning is initiated by the applicants in order to place zoning on recently annexed property in a timely manner, as required by Colorado statute. The properties are currently in the process of being annexed into the City of Greeley, with final reading of the ordinance scheduled for October 17, 2017 (Case No. A 13:16). State law requires that zoning be established on all newly annexed parcels within 90 days. The final reading of the ordinance establishing the zoning for this property, as presented herein, is also scheduled before City Council on October 17, 2017.

The subject parcel is approximately 5.03 acres in size and is owned by Bryan Dale (*see Attachments A & D*). The subject property is vacant and flat it is surrounded by development as described in Section E above. It is not within the floodway and floodplain, and it is not within an area of ecological significance. The property is also located inside the Long-Range Expected Growth Area (LREGA) (*see Attachments F*).

I-M zoning is generally intended for medium intensity industrial uses. I-M uses are generally found along arterial streets, highways and rail corridors.

The property is located inside the Long-Range Expected Growth Area (LREGA). At the time development is proposed, subsequent plans will be required to comply with the City's Development Code standards and to comply with APFS (Adequate Public Facility Services) requirements, found in Section 18.40.040 of the Development Code.



Any future development that would occur would be required to meet the applicable City of Greeley's Development Code standards.

## **E. APPROVAL CRITERIA**

### **E. APPROVAL CRITERIA**

*The City shall consider zoning such newly annexed areas under the appropriate zoning category as follows:*

- 1. If land use approval and/or development of areas being considered for annexation is not pending upon completion of annexation, if the subject property is in a transitional state regarding development or if it is in the best interest of the City, the City Council shall place the newly annexed property into the H-A Holding Agriculture Zoning District.**

Staff Comment: Neither land use approval, nor development of the area is being considered for with the annexation, is currently being considered or is pending upon completion of this annexation. The area is surrounded by development within the City and in the County. The site has been vacant since it was subdivided under the Union Colony Land, 1871 Plat (Reception No. 000039743). Establishing the zoning on the property is of public interest such that it will bring industrial and potential commercial uses that are vital to the US 85 Industrial Corridor as stated in the 2060 Land Use Guidance Map.

The proposal complies with this criterion.

- 2. Requests for zoning districts other than the H-A Holding Agriculture District may be considered by the City Council in conjunction with the submittal of all applicable requirements for a zoning suitability plan or a rezoning application. The City Council shall place the newly annexed property into the zoning district most appropriate, considering the goals and objectives of the City's Comprehensive Plan and the applicant's future development plans.**

Staff Comment: The subject property has been in the County since it was established under the Union Colony Lands as mentioned above, and was zoned to allow residential uses. Many of the existing uses within the vicinity of subject parcel are indistinguishable to those allowed in the Cities I-M (Industrial Medium Intensity) zone district. The proposed request to establish the property to



an I-M zone district best reflects the range of uses allowed in this area (*see Attachment B*). A zoning suitability plan and all applicable documents for the establishment of zoning have been submitted in conjunction with the annexation request. Staff has determined that because this is within 2000 feet of the US 85 Industrial Corridor, as identified in the 2060 Land Use Guidance Map, the proposed establishment of zoning is best suited for this area.

**3. Requests for zoning to the C-D Conservation District shall be exempt from the requirements of Subsections (1) and (2) above.**

Staff Comment: This criterion is not applicable since the proposed zoning is I-M (Industrial Medium Intensity).

**F. ADMINISTRATIVE REVIEW TEAM COMMENTS:**

The Administrative Review Team reviewed this proposal, and there are no outstanding comments pertaining to this establishment of zoning request.

**G. PHYSICAL SITE CHARACTERISTICS**

**1. SUBDIVISION HISTORY**

This property is part of Weld County under the Union Colony Lands. It was platted in the County and provided only residential use (R-1).

**2. HAZARDS**

There are no known hazards on the site, neither any oil and gas production facilities present.

**3. WILDLIFE**

The site was previously used for agricultural purposes. It is not in any areas of ecological significance. It is currently vacant, as such, potential prairie dog or burrowing owls may have settled in the area habitat.

**4. FLOODPLAIN**

The property is not located in the floodplain or floodway area.

**5. DRAINAGE AND EROSION**

The site has some drainage patterns expected to continue that follow the existing lay of the land. However, drainage patterns would be examined in detail through a Use by Special Review application and subsequent permitting processes.



## **6. TRANSPORTATION**

According to the City's Public Works Department, the East 18<sup>th</sup> Street roadway is paved and in decent condition. Other than typical maintenance and snow removal activity, the City can anticipate minimal cost increase to maintain the roadway. Additionally, the City can plan and budget for the future improvements on or along this roadway necessary to achieve the City's long range transportation and infrastructure goals. It is important to note that the roadway does not currently meet City standards as it relates to curb, sidewalk, and storm water facilities. As future development occurs in the area, those facilities would potentially need to be upgraded to City standards by the developers of the adjacent property.

## **7. SERVICES**

As stated above, the site is undeveloped and vacant. If the property is annexed into the City, it is anticipated that City services would be provided and extended, from the nearest water, sewer, and storm connections. Fire and Police would be provided, but there should be minimal impacts to City's services.

## **H. NEIGHBORHOOD NOTIFICATION:**

Letters regarding the proposed annexations were mailed to property owners within 500 feet of the site on September 12, 2017, pursuant to Development Code requirements. One sign was posted along the northern edge of the property facing East 18th Street on September 16, 2017. There was one phone call in response to the notification that was sent out.

## **I. PLANNING COMMISSION RECOMMENDED MOTION:**

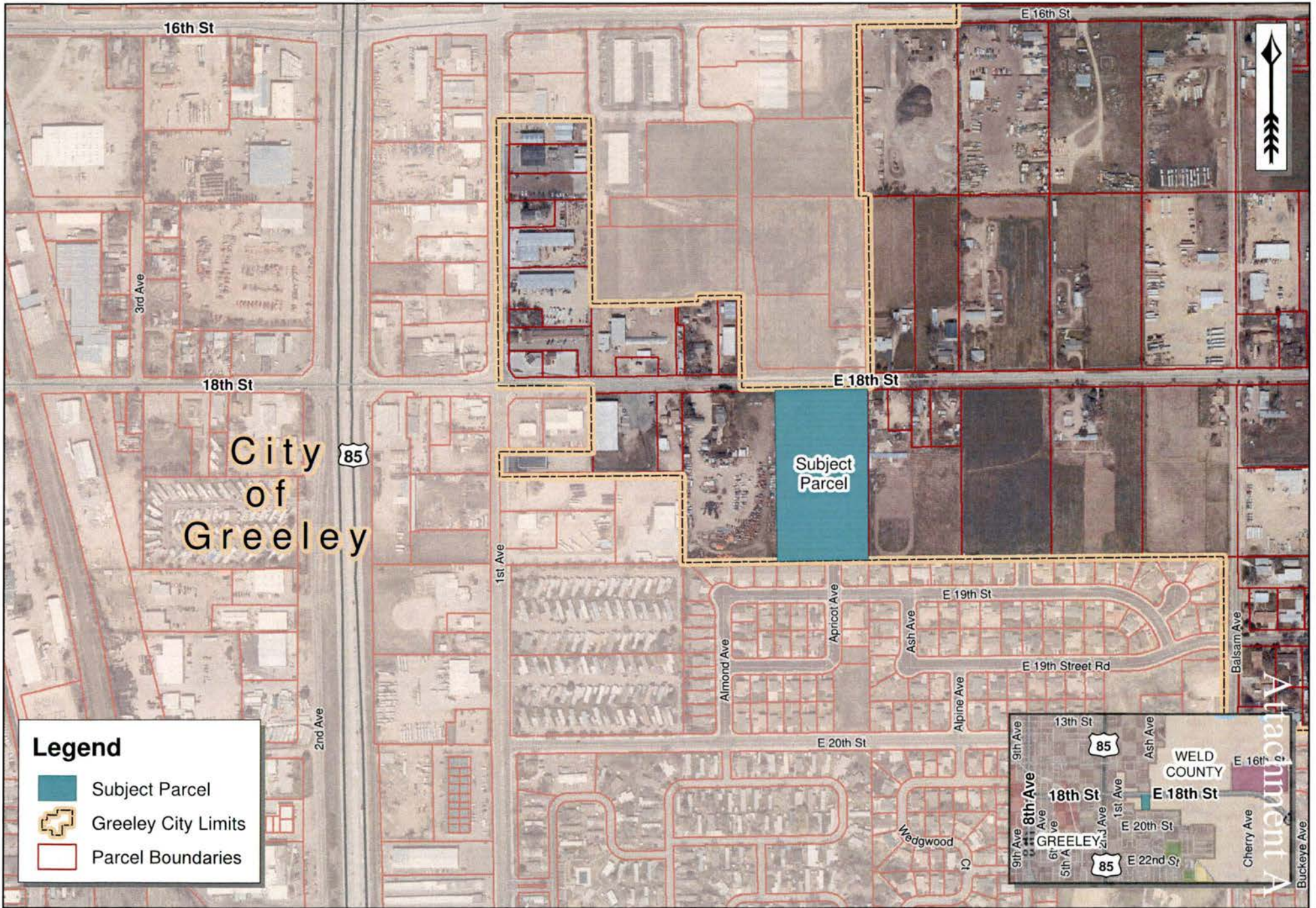
A motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of rezoning for aforementioned parcels to the I-M (Industrial Medium Intensity) zone district meets Development Code Section 18.26.070, and therefore recommends approval of the establishment of zoning to the City Council.

## **J. ATTACHMENTS:**

- Attachment A - Aerial & Vicinity Map
- Attachment B - Existing Zoning Exhibit
- Attachment C - Zoning Boundary Map
- Attachment D - Legal Description
- Attachment E - Site Analysis and Zoning Suitability Map
- Attachment F - Land Use Guidance Map

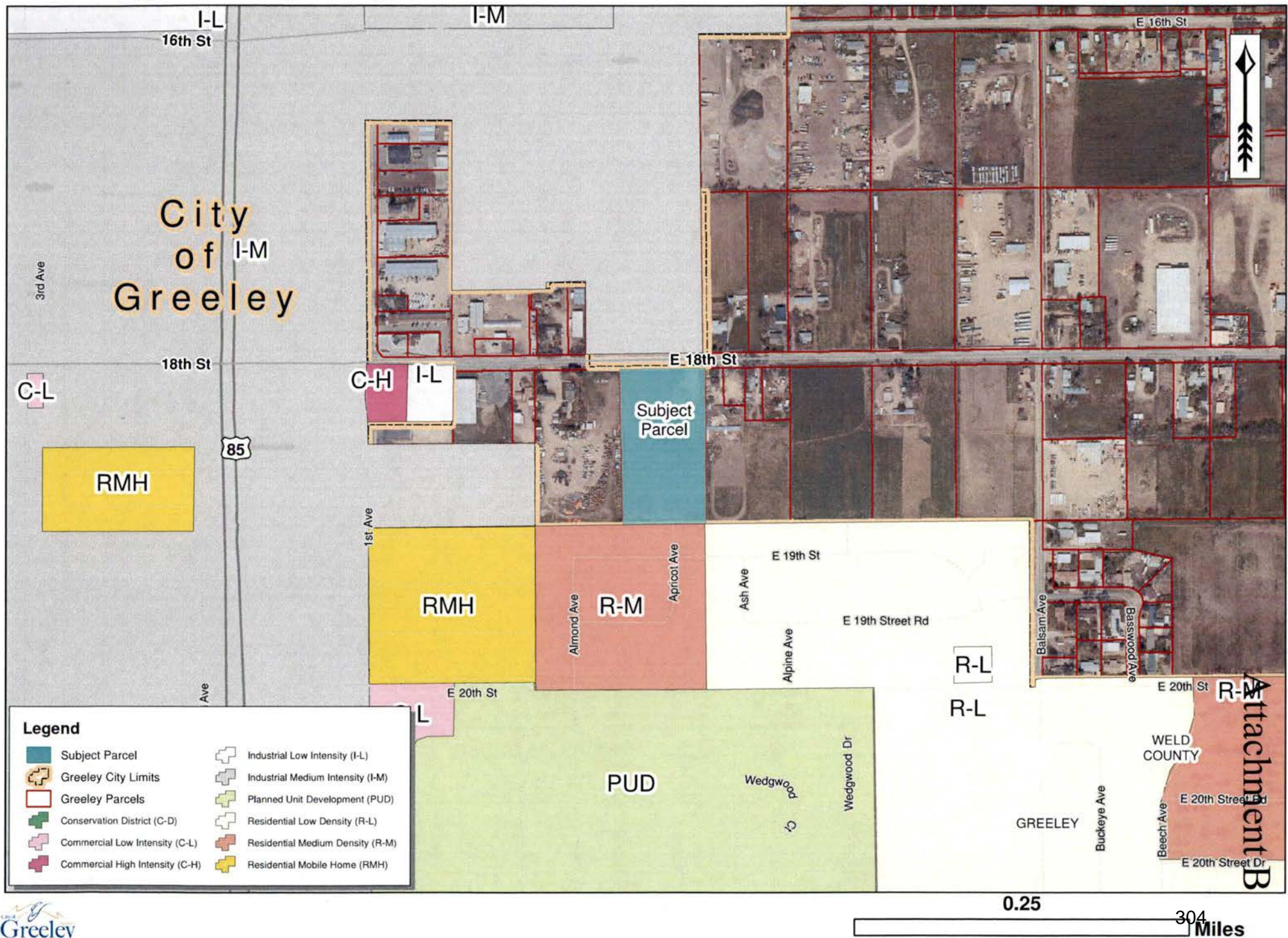


## Aerial/Vicinity Map - Dale Land Annexation





# Existing Zoning Map - Dale Land Annexation

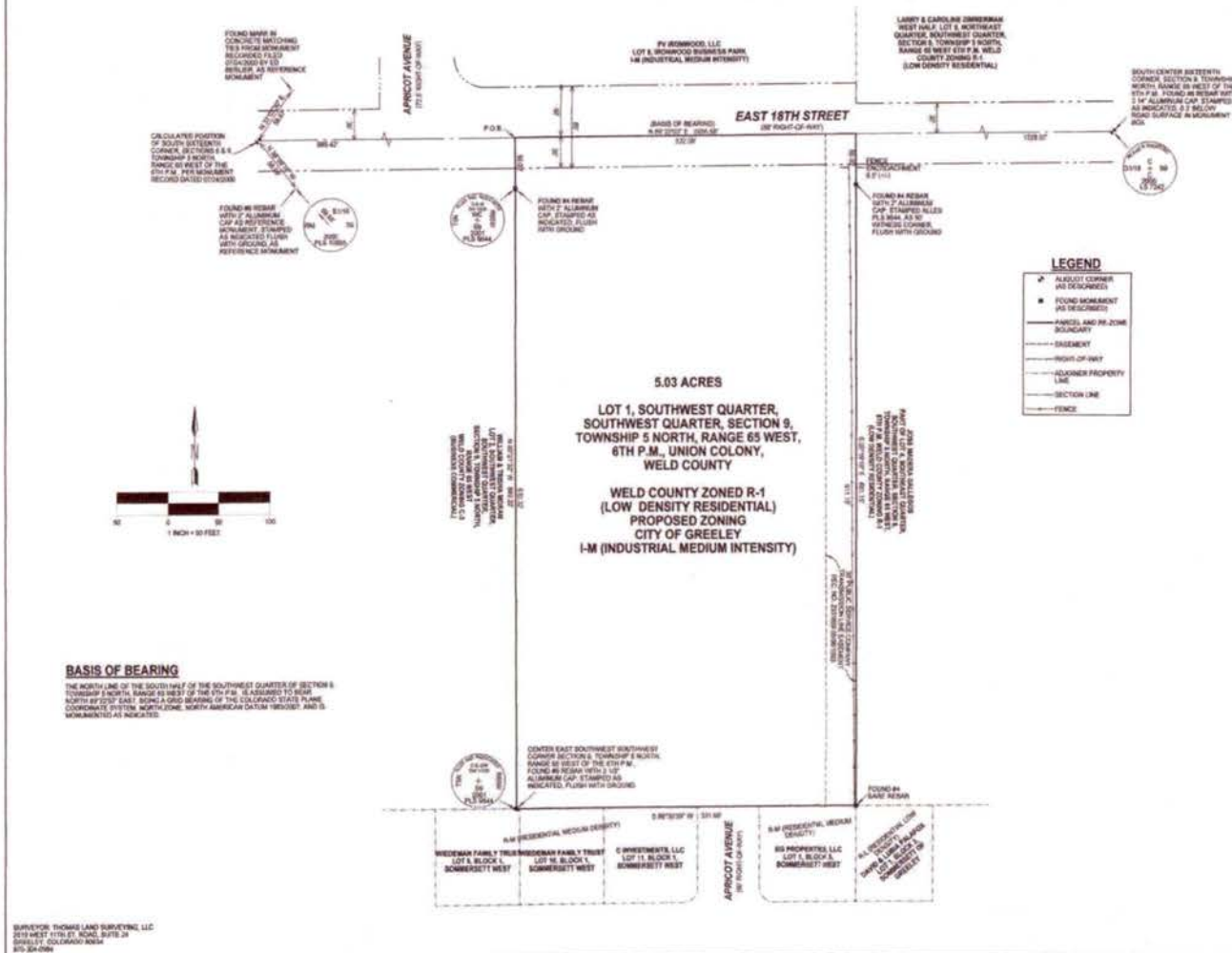




**ZONING BOUNDARY MAP**

BEING LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9,  
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD,  
STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION  
COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO

Attachment C



### LEGAL DESCRIPTION

LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M. COUNTY OF WELD, STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8 AND COMMENCING THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 8 TO BEAR NORTH 89°50'00" EAST, WITH ALL BEARINGS MEASURED RELATIVE THERE TO;

THESE NORTH BRISTOL EAST ALONG THE NORTH LINE OF THE SOUTH  
HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 3, A DISTANCE OF  
66.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT  
ALSO BEING THE POINT OF BEGINNING.

THENCE CONTAINING NORTH 87°22'22" EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 322.25 FEET TO THE NORTHEAST CORNER OF SAID LOT 1.

THENCE SOUTH 00°18'18" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 864.15 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1,  
THENCE SOUTH 88°30'30" WEST ALONG THE SOUTH LINE OF SAID LOT 1,

THENCE NORTH 89°24'32" WEST ALONG THE WEST LINE OF SAID LOT 1,  
A DISTANCE OF 550.32 FEET TO THE NORTHWEST CORNER OF SAID

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 9.99 ACRES, MORE OR LESS, AND IS SUBJECT TO RIGHTS-OF-WAY AND EASEMENTS OF

**RECORD**

**SURVEYOR'S NOTES**

- [illegible]

**SURVEYOR'S CERTIFICATE**

- I, JACOB HENRY THOMAS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS ZONING BOUNDARY MAP WAS PREPARED BY ME OR UNDER MY PERSONAL SUPERVISION, AND THAT THIS PLAN IS AN ACCURATE REPRESENTATION THEREOF. I FURTHER CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, AND THAT I AM NOT PROVIDING INFORMATION AND BELIEF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAN COMPLY WITH ALL APPLICABLE LOCAL ORDINANCES, STATUTES, AND LAWS OF THE STATE OF COLORADO. ESTATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND IS NOT A GUARANTEE OR WARRANTY. OTHER EXPENSES OR BUILT.
- I, JACOB HENRY THOMAS, CERTIFY THAT I PREPARED THIS PLAN FROM AN ACTUAL AND ACCURATE SURVEY OF THIS AREA, INCLUDING ALL EXISTING RIGHTS-OF-WAY AND EASEMENTS, AND THAT THE CONVEYED WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE REGULATIONS OF THE STATE OF COLORADO.

ROBERT T. THOMAS  
FOR JUSTICE, PRESIDENT





**EXHIBIT 'B'**

**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9 AND CONSIDERING THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9 TO BEAR NORTH 89°22'03" EAST, WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 89°22'03" EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 996.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°22'03" EAST ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 332.09 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 00°19'19" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 661.15 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;

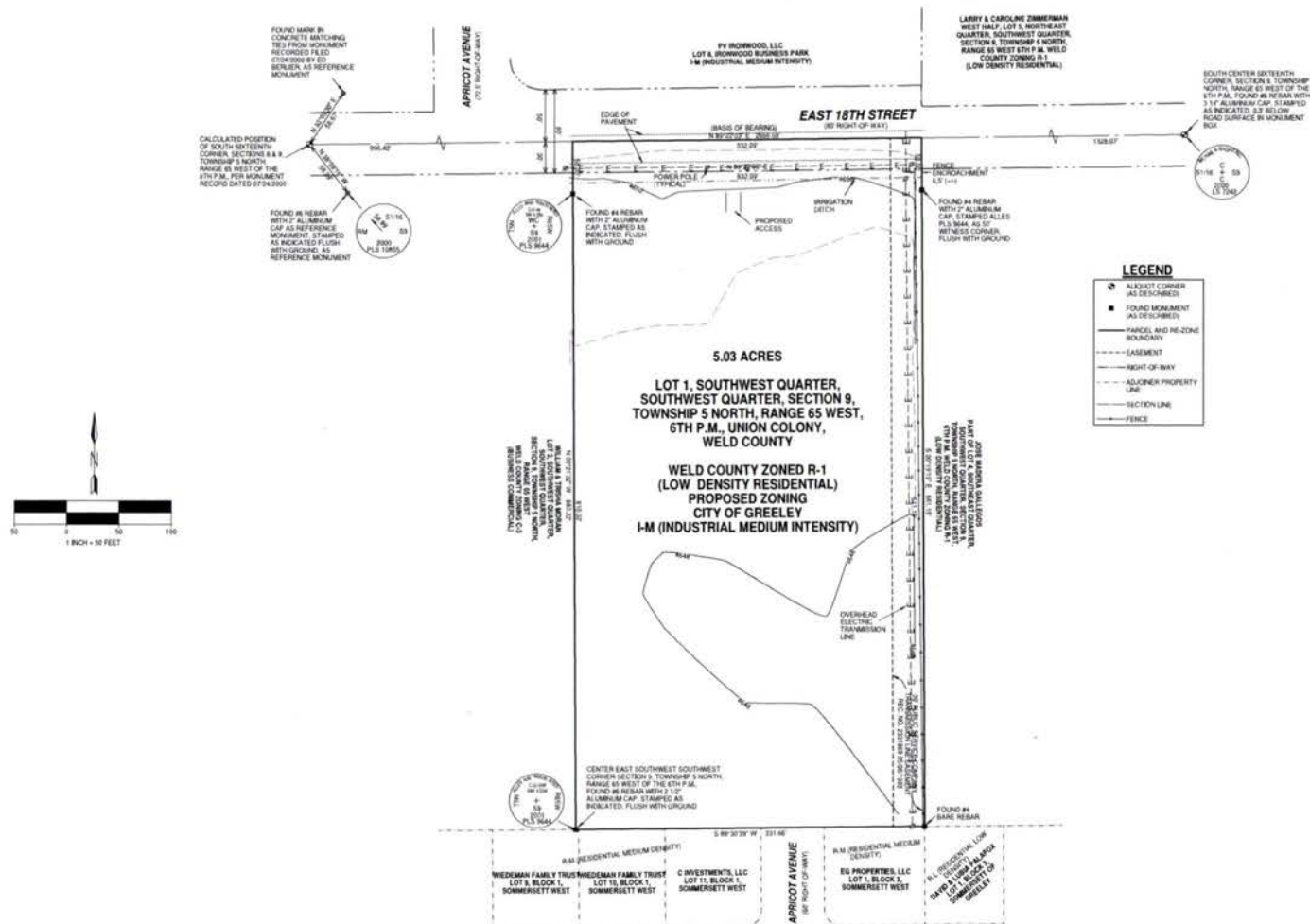
THENCE SOUTH 89°30'39" WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 331.66 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE NORTH 00°21'32" WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 660.32 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 5.03 ACRES, MORE OR LESS, AND IS SUBJECT TO RIGHTS-OF-WAY AND EASEMENTS OF RECORD.



BEING LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9,  
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD,  
STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION  
COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO

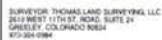


SURVEYOR: THOMAS LAND SURVEYING, LLC  
2619 WEST 11TH ST. ROAD, SUITE 24  
GREELEY, COLORADO 80634  
970-304-0984

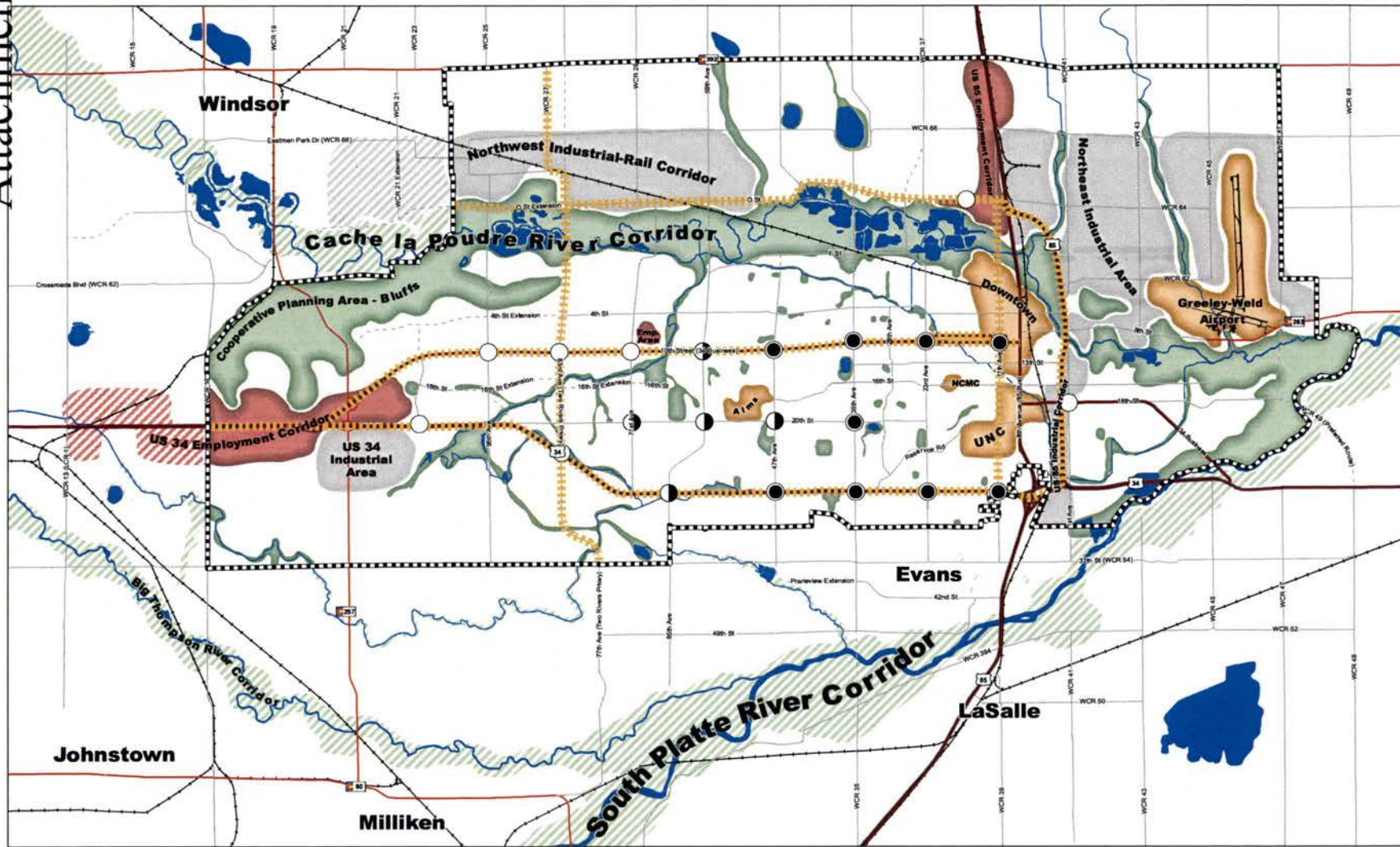
1811.042  
DATE AND SITE OF YOUR LAST



BEING LOT 1 OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9,  
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD,  
STATE OF COLORADO, ACCORDING TO THE SUBDIVISION OF LAND MADE BY THE UNION  
COLONY OF COLORADO, COUNTY OF WELD, STATE OF COLORADO







# Land Use Guidance Map

## LEGEND

Outside LREGA  
Within LREGA

**Employment Uses**  
Business Parks, Major Employers

**Industrial Uses**  
Industrial Parks, Major Employers

**Natural Uses**  
Parklands, Open Space

### LAND USE GUIDANCE AREAS\*

\*Land use areas generated from an analysis of Topography Data, Transportation Features (Rail, Highway, Airport Access), Areas of Ecological Significance, Commercial Gravel Deposits, Floodway & Floodplain Information, Hydrography (Canals, Ditches, Draws etc), Regional Features, visibility, and existing Regional Uses.

Developed  
Developing  
Undeveloped

**Commercial Nodes**

**Special Uses**  
UNC, Aims, NCMC, Downtown

**Multimodal Corridors**  
Planned transit corridors

### LONG RANGE EXPECTED GROWTH AREA (LREGA)

Area within which the community expects to grow within the next 20+ years. Subject to Cooperative Planning Areas and IGA's.

Updated via annual Capital Improvement Project (CIP) Assessments.

### TRANSPORTATION

U.S. Highway  
State Highway  
Major Road  
Railroad

**Water Features**

All planimetric data was digitized from aerial photographs dated May 2005. 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.



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 27**

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

### Title

Public hearing and final reading of three (3) Ordinances annexing to the City of Greeley, Colorado, certain unincorporated territories located within Weld County, Colorado, known as the "Signature Bluffs Natural Area Annexation Nos. 1-3," located east of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road

### Summary

The City of Greeley is petitioning to annex three (3) parcels together comprising approximately 32.889 acres of land located east of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road. The City recently acquired the subject properties for open space purposes in conjunction with a GOCO (Great Outdoors Colorado) grant.

Colorado Revised Statutes §31-12-104 and §31-12-105 establish the legal requirements for annexation. The City Attorney's Office has determined the proposal meets the statutory requirements to be considered for annexation. Due to the contiguity requirements, the annexation is a combination of three stand-alone annexations, with the first annexation deriving its contiguity from lands to the south. If approved, the first annexation would then provide contiguity for the second annexation, and so on.

In conjunction with the annexation, the City, as property owner, has plans to establish C-D (Conservation District) zoning for these properties, a request that is under separate review by Council. The Planning Commission recommends approval of these requests, having unanimously voted on each of the three annexations at its meeting on September 26, 2017. City Council approved these on first reading on October 3, 2017.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes (minimal)
If yes, what is the initial or onetime impact?	Ongoing impacts only
What is the annual impact?	Police, fire & other city services
What fund of the City will provide funding?	General budgeted funds
What is the source of revenue within the fund?	Varies
Is there grant funding for this item?	No (land acquisition, however, was through a grant)
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments: Property was acquired by the City using Great Outdoors Colorado ("GOCO") grant funding.	



### Legal Issues

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

### Other Issues and Considerations

None noted.

### Applicable Council Goal or Objective

Consistency with Comprehensive Plan and Development Code standards.

### Decision Options

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

### Council's Recommended Action

Finding in favor of the annexation, four motions are required:

- A) A motion directing the City Attorney to prepare a resolution setting forth the Council's findings and conclusions that: 1) the applicable parts of the Colorado Revised Statutes, Sections 31-12-104 and 31-12-105 are met, 2) an election is not required, and 3) there are no additional terms and conditions imposed.
- B) A motion to adopt the findings of the Planning Commission that, based upon the application received and associated analysis, the proposed Signature Bluffs Natural Area Annexation No. 1 meets the approved criteria found in Section 18.26.050(a)(1 through 5) and, therefore, adopt the ordinance and publish with reference to title only.
- C) A motion to adopt the findings of the Planning Commission that, based upon the application received and associated analysis, the proposed Signature Bluffs Natural Area Annexation No. 2 meets the approved criteria found in Section 18.26.050(a)(1 through 5) and, therefore, adopt the ordinance and publish with reference to title only.
- D) A motion to adopt the findings of the Planning Commission that, based upon the application received and associated analysis, the proposed Signature Bluffs Natural Area Annexation No. 3 meets the approved criteria found in Section 18.26.050(a)(1 through 5) and, therefore, adopt the ordinance and publish with reference to title only.

### Attachments

Ordinances (#1 - #3)

Draft Planning Commission Minutes (September 26, 2017)

Planning Commission Summary (Staff Report) (September 26, 2017)



CITY OF GREELEY, COLORADO

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

CASE NO. A 9:16

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, A PARCEL OF PROPERTY KNOWN AS THE SIGNATURE BLUFFS NATURAL AREA ANNEXATION NO. 1, LOCATED EAST OF 83<sup>RD</sup> AVENUE AND THE POUDRE RIVER LEARNING CENTER AND NORTH OF POUDRE RIVER ROAD

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

Section 1. The City Council of Greeley, Colorado, hereby finds that the property which is legally described in Section 2 below, also known as City of Greeley Planning Case No. A 9:16, has been surrounded by lands annexed into the City of Greeley for a period of time in excess of three years and therefore qualifies for annexation as an enclave, and is in all respects eligible for annexation and that said annexation proceedings have been conducted in compliance with the laws of the State of Colorado.

Section 2. The territories described below in this section are hereby approved for annexation and are hereby annexed to the City of Greeley. These territories referred to are located east of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road, and are described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said parcel contains 29.006 acres, more or less, and is subject to any easements or rights-of-way as granted or reserved by instruments of record, or as now existing on said described parcel of land.

Section 3. Pursuant to C.R.S. §31-12-113, one (1) copy of the map of the above-described territory and the original of the annexation ordinance shall be filed with the City Clerk of the City of Greeley, Colorado. Two (2) certified copies of this annexation ordinance and map of the area annexed shall be filed for recording with the Clerk and Recorder of Weld County, Colorado, within thirty (30) days after the effective date of this ordinance. The Clerk and Recorder of Weld County, Colorado, is required to file one (1) certified copy of the annexation ordinance and map with the Division of Local Government of the Colorado Department of Local Affairs, as required by C.R.S. §13-12-113(2)(a).

Section 4. The City of Greeley, Colorado, hereby consents pursuant to C.R.S. §37-45-136(3.6), to the inclusion of lands identified above in Section 2 into the municipal subdistrict, Northern Colorado Water Conservancy District.



Section 5. Except for the purposes of general taxation, this annexation shall be effective five (5) days after the final publication of this ordinance.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST: THE CITY OF GREELEY

-----  
City Clerk

-----  
Mayor



## LEGAL DESCRIPTION

### Annexation No. 1

A tract of land located in a portion of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

**BASIS OF BEARING:** The West line of the Southwest 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being N 00°45'07" E from the Southeast corner of said tract to the West 1/4 corner of said section 32.

Commencing at the Southwest corner of said Section 32; Thence along the west line of the Southwest 1/4 of said Section 32 N 00°45'07" E, a distance of 1924.11'; Thence S89°14'32" E, a distance of 30.00' to a point on the east right-of-way of 83rd Avenue, said point being the POINT OF BEGINNING for this description; Thence along the North line of Poudre River Ranch 3rd Filing the following fourteen (14) courses S 89°14'53" E, a distance of 281.50'; Thence S 73°38'27" E, a distance of 145.77'; Thence S 66°48'55" E, a distance of 296.78'; Thence S 72°34'58" E, a distance of 120.35'; Thence S 75°27'49" E, a distance of 101.05'; Thence S 80°52'03" E, a distance of 127.84'; Thence S 86°34'55" E, a distance of 230.64'; Thence S83°11'41"E, a distance of 102.15'; Thence S 76°42'01" E, a distance of 219.07'; Thence N 65°52'58" E, a distance of 233.93'; Thence N 69°29'44" E, a distance of 173.15'; Thence N 77°25'21" E, a distance of 261.66'; Thence N 81°16'54" E, a distance of 249.13'; Thence N 77°13'37" E, a distance of 105.58' to the Northeast corner of said Poudre River Ranch 3rd Filing, said point furthermore being the Northwest corner of Poudre River Ranch 2nd Filing; Thence along the North line of said Poudre River Ranch 2nd Filing for five (5) courses N 71°19'20" E, a distance of 191.38'; Thence N 66°46'57" E, a distance of 138.57'; Thence N 70°57'31" E, a distance of 229.27'; Thence N 76°09'47" E, a distance of 276.81'; Thence S72°16'42"E a distance of 70.31' more or less to a point on the Westerly line of a tract of land as described under Reception No. 3148885 of the records of said Weld County, Colorado Thence along the Westerly line of said tract of land N 13°50'13" W, a distance of 129.37' more or less to a point on the approximate centerline of the Cache La Poudre River; Thence along said approximate centerline of Cache La Poudre River the following fourteen (14) courses S 76°09'47" W, a distance of 341.26'; Thence S70°57'31"W, a distance of 206.30'; Thence N 77°15'35" W, a distance of 443.97'; Thence N 28°11'31" W, a distance of 118.53'; Thence N 04°32'45" E, a distance of 418.64'; Thence N 62°28'00" W, a distance of 111.80'; Thence S 72°32'00" W, a distance of 158.11'; Thence S 38°35'54" W, a distance of 541.40'; Thence S 08°39'37" W, a distance of 350.99'; Thence S 38°30'06" W, 341.82'; Thence N 76°33'49" W, a distance of 562.21'; Thence N 48°28'29" W, a distance of 612.76'; Thence N 23°47'07" W, a distance of 368.20'; Thence N 39°01'45" W, a distance of 596.63' to a point on the West line of a tract of land as described in Reception No. 1827327 of the records of said Weld County; Thence along the Westerly line of said Reception No 1827327 S 00°01'08" E, a distance of 936.93'; Thence N 89°15'12" W, a distance of 21.30' to a point on the East right-of-way line of 83rd Avenue; Thence along said east right-of-way line S 00°45'07" W, a distance of 153.94' to the POINT OF BEGINNING;

Said tract of land containing 1263499.3 Sq. Ft, or 29.006 Acres more or less.



CITY OF GREELEY, COLORADO

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

CASE NO. A 10:16

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, A PARCEL OF PROPERTY KNOWN AS THE SIGNATURE BLUFFS NATURAL AREA ANNEXATION NO. 2, LOCATED EAST OF 83<sup>RD</sup> AVENUE AND THE POUDRE RIVER LEARNING CENTER AND NORTH OF POUDRE RIVER ROAD

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

Section 1. The City Council of Greeley, Colorado, hereby finds that the property which is legally described in Section 2 below, also known as City of Greeley Planning Case No. A 10:16, has been surrounded by lands annexed into the City of Greeley for a period of time in excess of three years and therefore qualifies for annexation as an enclave, and is in all respects eligible for annexation and that said annexation proceedings have been conducted in compliance with the laws of the State of Colorado.

Section 2. The territories described below in this section are hereby approved for annexation and are hereby annexed to the City of Greeley. These territories referred to are located east of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road, and are described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said parcel contains 0.631 acres, more or less, and is subject to any easements or rights-of-way as granted or reserved by instruments of record, or as now existing on said described parcel of land.

Section 3. Pursuant to C.R.S. §31-12-113, one (1) copy of the map of the above-described territory and the original of the annexation ordinance shall be filed with the City Clerk of the City of Greeley, Colorado. Two (2) certified copies of this annexation ordinance and map of the area annexed shall be filed for recording with the Clerk and Recorder of Weld County, Colorado, within thirty (30) days after the effective date of this ordinance. The Clerk and Recorder of Weld County, Colorado, is required to file one (1) certified copy of the annexation ordinance and map with the Division of Local Government of the Colorado Department of Local Affairs, as required by C.R.S. §13-12-113(2)(a).

Section 4. The City of Greeley, Colorado, hereby consents pursuant to C.R.S. §37-45-136(3.6), to the inclusion of lands identified above in Section 2 into the municipal subdistrict, Northern Colorado Water Conservancy District.



Section 5. Except for the purposes of general taxation, this annexation shall be effective five (5) days after the final publication of this ordinance.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST: THE CITY OF GREELEY

-----  
City Clerk

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Mayor



## LEGAL DESCRIPTION

### Annexation No. 2

A tract of land located in the Southeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

BASIS OF BEARING: The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being  
N 89°40'02" E from the Center 1/4 corner of said Section 32 to the East 1/4 corner of said section 32.

Beginning at the East 1/16 corner of C~C of said Section 32 and assuming the North line of the Southeast 1/4 of said Section 32 bears N 89°40'02" E and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'02" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following three (3) courses S 14°52'56" W, a distance of 70.90'; Thence S 65°16'30" W, a distance of 248.82' to the East line of the Northwest 1/4 of the Southeast 1/4 of said Section 32; Thence along said West line N 00°45'45" E, a distance of 171.20' to the POINT OF BEGINNING;

Said tract of land containing 27503 Sq. Ft, or 0.631 Acres more or less.



CITY OF GREELEY, COLORADO

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

CASE NO. A 11:16

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, A PARCEL OF PROPERTY KNOWN AS THE SIGNATURE BLUFFS NATURAL AREA ANNEXATION NO. 3, LOCATED EAST OF 83<sup>RD</sup> AVENUE AND THE POUDBRE RIVER LEARNING CENTER AND NORTH OF POUDBRE RIVER ROAD

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

Section 1. The City Council of Greeley, Colorado, hereby finds that the property which is legally described in Section 2 below, also known as City of Greeley Planning Case No. A 11:16, has been surrounded by lands annexed into the City of Greeley for a period of time in excess of three years and therefore qualifies for annexation as an enclave, and is in all respects eligible for annexation and that said annexation proceedings have been conducted in compliance with the laws of the State of Colorado.

Section 2. The territories described below in this section are hereby approved for annexation and are hereby annexed to the City of Greeley. These territories referred to are located east of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road, and are described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said parcel contains 3.252 acres, more or less, and is subject to any easements or rights-of-way as granted or reserved by instruments of record, or as now existing on said described parcel of land.

Section 3. Pursuant to C.R.S. §31-12-113, one (1) copy of the map of the above-described territory and the original of the annexation ordinance shall be filed with the City Clerk of the City of Greeley, Colorado. Two (2) certified copies of this annexation ordinance and map of the area annexed shall be filed for recording with the Clerk and Recorder of Weld County, Colorado, within thirty (30) days after the effective date of this ordinance. The Clerk and Recorder of Weld County, Colorado, is required to file one (1) certified copy of the annexation ordinance and map with the Division of Local Government of the Colorado Department of Local Affairs, as required by C.R.S. §13-12-113(2)(a).

Section 4. The City of Greeley, Colorado, hereby consents pursuant to C.R.S. §37-45-136(3.6), to the inclusion of lands identified above in Section 2 into the municipal subdistrict, Northern Colorado Water Conservancy District.



Section 5. Except for the purposes of general taxation, this annexation shall be effective five (5) days after the final publication of this ordinance.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST: THE CITY OF GREELEY

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

\_\_\_\_\_  
Mayor



## LEGAL DESCRIPTION

### Annexation No. 3

A tract of land located in the Northeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

BASIS OF BEARING: The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being

N 89°40'02" E from the Center 1/4 corner of said Section 32 to the East 1/4 corner of said section 32.

Beginning at the East 1/16 corner of C~C of said Section 32 and assuming the North line of the Southeast 1/4 of said Section 32 bears N 89°40'02" E and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'02" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following four (4) courses N 14°52'56" W, a distance of 152.53'; Thence N 09°29'35" W, a distance of 229.71'; Thence N 33°33'05" W, a distance of 329.26'; Thence N 15°57'08" W, a distance of 182.32' more or less to the East line of the Northeast 1/4 of said Section 32; Thence along said East line S 00°46'25" W, a distance of 825.16' to the POINT OF BEGINNING; Said tract of land containing 141643Sq. Ft, or 3.252 Acres more or less.





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## **PLANNING COMMISSION**

### **Proceedings**

**September 26, 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, Hice-Idler, Yeater and Mirick were present.

#### **II. Approval of minutes for meeting held on September 12, 2017**

Commissioner Rarick moved to approve the minutes for the meeting held on September 12, 2017. Commissioner Andersen seconded the motion. The motion carried 7-0.

#### **III. A public hearing to consider annexation of a parcel of land containing approximately 29.006 acres and known as the Signature Bluffs Natural Area Annexation No. 1**

Project Name: Signature Bluffs Natural Area Annexation No. 1  
Case No.: A 9:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items III through VIII be considered together, with separate motions being required for each annexation and establishment of zoning. Chair Hall called up all of the cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the areas requested for annexation. She noted that the 32.88-acre site is within Long-Range Expected Growth Area and that the annexation would protect and preserve the area for open space. Ms. Duran reported that the area meets or



exceeds the state's one-sixth contiguity requirement. She added that the Greeley Fire Department would provide service to the area. Ms. Duran advised that the applicant requested establishment of C-D (Conservation District) zoning.

The Administrative Review team reviewed the proposal and all comments were addressed for the annexations and establishments of zoning. Property owners within 500 feet were notified. One phone call was received by an individual inquiring about any future development. Staff recommended approval of the applications.

Chair Hall opened the public hearing at 1:24 p.m. to allow citizens to comment on items III through VIII. There being no public comment, the public hearing was closed at 1:24 p.m.

A series of motions followed the public hearing.

Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation meets the approval criteria found in Section 18.26.050(a)(1 through 5) and meets State statutory requirements and, therefore, recommends approval of the annexation (Case No. A 9:16) to the City Council. Commissioner Schulte seconded the motion. The motion carried 7-0.

Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation (Signature Bluffs Natural Area Annexation No. 2) meets the approval criteria found in Section 18.26.050(a)(1 through 5) and meets State statutory requirements and, therefore, recommends approval of the annexation (Case No. A 10:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 7-0.

Commissioner Andersen made a motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation (Signature Bluffs Natural Area Annexation No. 3) meets the approval criteria found in Section 18.26.050(a)(1 through 5) and meets State statutory requirements and, therefore, recommends approval of the annexation (Case No. A 11:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 7-0.

Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of zoning to the C-D (Conservation District) zone district meets Development Code Section 18.26.070 and, therefore, recommends approval of the establishment of zoning (Case No. Z 6:17) to the City Council. Commissioner Schulte seconded the motion. The motion carried 7-0.

Commissioner Andersen made a motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of zoning (Signature Bluffs Natural Area Annexation Establishment of Zoning No. 2) to the C-D (Conservation District) zone district meets Development Code Section 18.26.070 and, therefore, recommends approval of the establishment of zoning (Case No. Z 7:17) to the City Council. Commissioner Yeater seconded the motion. The motion carried 7-0.



Commissioner Andersen made a motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of zoning (Signature Bluffs Natural Area Annexation Establishment of Zoning No. 3) to the C-D (Conservation District) zone district meets Development Code Section 18.26.070 and, therefore, recommends approval of the establishment of zoning (Case No. Z 14:17) to the City Council. Commissioner Rarick seconded the motion. The motion carried 7-0.

**IV. A public hearing to consider annexation of a parcel of land containing approximately .631 acres and known as the Signature Bluffs Natural Area Annexation No. 2**

Project Name: Signature Bluffs Natural Area Annexation No. 2  
Case No.: A 10:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**V. A public hearing to consider annexation of a parcel of land containing approximately 3.252 acres and known as the Signature Bluffs Natural Area Annexation No. 3**

Project Name: Signature Bluffs Natural Area Annexation No. 3  
Case No.: A 11:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**VI. A public hearing to consider establishment of zoning to C-D (Conservation District) for a 29.006 acre parcel of property known as the Signature Bluffs Natural Area Annexation No. 1**

Project Name: Signature Bluffs Natural Area Annexation No. 1 Establishment of Zoning  
Case No.: Z 6:17  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**VII. A public hearing to consider establishment of zoning to C-D (Conservation District) for a .631 acre parcel of property known as the Signature Bluffs Natural Area Annexation No. 2**

Project Name: Signature Bluffs Natural Area Annexation No. 2 Establishment of Zoning  
Case No.: Z 7:17  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II



**VIII. A public hearing to consider establishment of zoning to C-D (Conservation District) for a 3.225 acre parcel of property known as the Signature Bluffs Natural Area Annexation No. 3**

Project Name: Signature Bluffs Natural Area Annexation No. 3 Establishment of Zoning  
Case No.: Z 14:17  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**IX. A public hearing to consider annexation of a parcel of land containing approximately 5.03 acres and known as the Dale Land Annexation**

Project Name: Dale Land Annexation  
Case No.: A 13:16  
Applicant: Dale Land, LLC  
Location: 398 East 18<sup>th</sup> Street  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items IX and X be considered together, with separate motions being required for the annexation and establishment of zoning. Chair Hall called up both cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the location of the property and noted that it is currently in Weld County. She described the surrounding zoning and uses. Ms. Duran reported that the applicant is requesting annexation into the city in order to receive city services. Ms. Duran advised that the applicant requested establishment of I-M (Industrial Medium Intensity) zoning to allow for outdoor storage, vehicle repair and general industrial uses associated with oil & gas support services. She added that a zoning suitability plan was submitted in conjunction with annexation request.

Ms. Duran reported that the proposal complies with the 2060 Comprehensive Plan policies and noted that the site is within the Long-Range Expected Growth Area, but is not within the flood plain or floodway. Staff determined that I-M zoning is appropriate.

The Administrative Review Team reviewed the proposal and found that all comments were addressed. Owners within 500 feet of the site were notified and one telephone inquiry was received. In addition, an email was received today and is part of this record. Staff recommended approval of the application.

Ms. Duran responded to questions by Commissioners about the creation of an enclave by the annexation that is the subject of this hearing. She added that the applicant was referred to the City by Weld County officials after he had requested water and sewer services. Commissioner Rarick asked whether services included fire protection and Ms. Duran advised that fire and police services would be provided.



## PLANNING COMMISSION SUMMARY

**ITEM:** Annexation

**PROJECT:** Signature Bluffs Natural Areas Annexation, No. 1

**CASE NO:** A 9:16

**LOCATION:** Southeast 1/4 Portion of Sec 32, T.6N, R66.W, 6th P.M., - East of CR 27 and the Poudre River Learning Center, North of River Run Drive

**APPLICANT:** City of Greeley

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

**PLANNING COMMISSION HEARING DATE:** September 26, 2017

**PLANNING COMMISSION FUNCTION:** To review the proposed annexations for compliance with Chapter 18.26 of the Greeley Development Code and make a recommendation to the City Council.

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### EXECUTIVE SUMMARY

The City of Greeley proposes to annex a total of 29.006 acres of land that is owned by the City of Greeley. The property is located East of CR 27 and the Poudre River Learning Center, North of River Run Drive.

#### A. REQUEST

The City of Greeley is requesting approval to annex a City owned property, known as the Signature Bluffs Natural Area Annexation No. 1, which consists of 29.006 acres (*see Attachment A & B*).

#### B. STAFF RECOMMENDATION

Approval

#### C. LOCATION

The property East of CR 27 and the Poudre River Learning Center, North of River Run Drive.

**Current Zoning:** Weld County A (Agriculture)

**Proposed Zoning:** C-D (Conservation District – City)



**Abutting Zoning:** North: A (Agriculture - County)  
 South: PUD (Planned Unit Development)  
 East: A (Agriculture - County)  
 West: C-D (Conservation District) and R-E (Residential Estate -)

**Site Conditions:** The site is relatively undeveloped; the majority of the site is within the Poudre River Floodway. The site does not contain the Cache La Poudre River, the river it is located on the north side of the parcel. It does, however contain the Poudre River Trail, one oil and gas wellhead and a tank battery. The site is fairly flat land with native vegetation throughout. See Background information below for more details.

**Lot Size:** 29.006 Acres

**Contiguity:** 35.62% (16.67% or 1/6 required)

**Abutting Land Uses:** North: Vacant/Excavation Site  
 South: Single-Family Housing  
 East: Vacant/Excavation Site  
 West: Poudre Learning Center

#### **D. BACKGROUND**

In May 2012, Great Outdoors Colorado (GOCO) awarded a grant to the Poudre River Corridor River Initiative Project. The proposed project included a variety of elements from the applicant partners: Greeley, Windsor, Fort Collins, Larimer County, and Timnath to acquire lands along the river and build missing sections of the Poudre River Trail. This proposal was the highest ranked project and received the most funding. Greeley's project component was land acquisition to provide a greenway corridor along the river to protect and enhance the Poudre River Trail.

Over the years, the City has made several acquisitions to protect and enhance the Poudre River Trail, the Sheep Draw Trails and the natural areas. The Poudre River Ranch North Annexation (2006, (Reception No. 3419978), the Poudre River Trail Education Board First and Second Annexation 2001 (Reception No.'s 2881611 and 2881612, respectively), located along 83<sup>rd</sup> Avenue, as well as the Cottonwood Bend Natural Areas (2016, Case No. A 4:16, A 5:16, A 6:16, A 7:16, & A 8:1) and the Sheep Draw Natural Area Annexation (2013 & 2014, Case No.'s A 5:13 & A 1:14), located along 59<sup>th</sup> Avenue. These were a series of annexations for the purposes of protecting natural areas and trail corridor. The Signature Bluffs Natural Area No. 2 and No. 3 are also being processed separately to



obtain additional natural areas west of 83<sup>rd</sup> Avenue. The properties proposed for annexation in this petition, include lands purchased along the river corridor. The acquisition of these natural areas (Signature Bluffs Natural Areas, No. 1, 2 and 3) occurred in December 2015 (*see Attachment A & C*).

The City of Greeley proposes to annex Signature Bluffs Natural Area, No. 1, which is approximately 29.006 acres of land owned by the City of Greeley (*see Attachment C*). The area would contribute significantly to the open space and bring an existing segment of the Poudre River Trail System into the City. The subject property is within both the floodplain and floodway, and is located inside the Long-Range Expected Growth Area (LREGA) (*see Attachment B*).

Colorado Revised Statutes §31-12-104 and §31-12-105 establish the legal requirements for annexation, and include: (1) not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley; (2) a community of interest exists between the territory proposed to be annexed and the City of Greeley; (3) the territory sought to be annexed is urban or will be urbanized in the near future and; (4) the territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley. The City Attorney's Office has determined the proposal meets the statutory requirements to be considered for annexation (*see Attachment F*), and City Council adopted a resolution September 5, 2017, making a finding to this effect, scheduling the introduction of the ordinance concerning the annexation for October 3, 2017, and the final reading on October 17, 2017.

The annexation derives its contiguity from City of Greeley property to the west (Reception No. 3189935) and City of Greeley property to the south along Poudre River Ranch 3<sup>rd</sup> Filing (Reception No. 3289338).

In conjunction with the annexation, the City of Greeley has applied to establish C-D (Conservation District) zoning for the property (Case No. Z 6:17). The establishment of zoning of Signature Bluffs Natural Areas, No.1, 2, and 3 of these properties, are being presented and heard at the same hearing together with the annexation requests.

Colorado State Statute requires municipalities to provide an annexation impact report to the Board of County Commissioners for all annexations in excess of ten (10) acres in size. A copy of the Annexation Impact Report was forwarded to the Weld County Board of County Commissioners and the Western Hills Protection District on September 8, 2017 (*see Attachment D, Annexation Impact Report*). No response from any of these entities has yet been received.

The property is located inside the Long-Range Expected Growth Area (LREGA). This land is expected to remain public open space and would not be developed.

#### **E. APPROVAL CRITERIA**

The Commission shall consider comments from review agencies and offices, the staff recommendation, citizen comments, and the following criteria (found in Section 18.26.50 of the City's Development



Code) in taking action to recommend approval, denial, or to table the annexation for future consideration:

**1. The proposed annexation is in conformance with the City's Comprehensive Plan.**

The following Comprehensive Plan Policies apply to this request:

*Comprehensive Plan Policy GR 3.B.1*

*When considering a proposed annexation, the City should find persuasive evidence that the inclusion of the property into the City's jurisdiction meets Comprehensive Plan growth objectives and can be developed in a manner, which will be a positive addition to the city, improve the quality of Greeley's neighborhoods, and can be provided with municipal services.*

Staff Comment: The site is within the Long-Range Expected Growth Area (LREGA). The LREGA includes those lands anticipated to accommodate the City of Greeley's urban development typically beyond a five (5) year period. Nonetheless, water and sewer systems have been extended south of the site through Poudre River Ranch Subdivision. Water services are available approximately 78 feet from the southwest portion of the property and 22 feet near the trail entry, which aligns with north 81<sup>st</sup> Avenue to the south. Existing stormwater drainage is located along the existing trail and along WCR 27/83<sup>rd</sup> Avenue.

This request complies with this Comprehensive Plan policy.

**2. The proposed annexation promotes geographical balance of the City's land use pattern.**

Staff Comment: The surrounding annexations that have occurred in the past several years have occurred in the City to east, south, and west (e.g. Poudre River Trail Education Board First and Second Annexation (2001), the Poudre River Ranch Annexation, Lot A (1996), and Poudre River Ranch North Annexation (2006). The most recent annexations that have promoted a geographical balance to the City's land use pattern have been those stated under Section D, background including the Cottonwood Bend Natural Areas (2016) and the Sheep Draw Natural Area Annexation (2013), located along 59<sup>th</sup> Avenue, but also the Grainery Annexation (2013, Reception No. 3930418), located north of O Street. There are also areas such as the Poudre Ponds



1<sup>st</sup> Annexation (2012, Reception No. 3848716) and the Poudre Ponds 2<sup>nd</sup> Annexation (2012, Reception No. 3848718), both located south of O Street, but west of N. 35<sup>th</sup> Avenue that are primarily used for public open space and trail corridor.

This annexation proposes to include a total of 29.006 acres and does not extend to the furthest boundary of the City in any direction, but it provides balance to the City's growth and land use pattern (*see Attachment B*).

This request complies with this criterion.

**3. Adequate services are, or will be, available to support the development expected to result from the proposed annexation.**

Staff Comment: If annexed, the subject site would be served by the Greeley Fire Department and the City of Greeley Police Department. It is not anticipated that the site could be developed for any other use other than trail and open space. The extension of services is not required for this annexation.

This request complies with this criterion.

**4. The proposed annexation provides for a continual and rational boundary.**

Staff Comment: As proposed, the Signature Bluffs Area Annexation No. 1 would exceed the State's one-sixth contiguity requirements, approximately thirty-five (35%) percent. This property's inclusion would also help provide a continual and rational boundary by filling gaps of unincorporated land within the Long Range Expected Growth Area.

This request complies with this criterion.

**5. The proposed annexation is needed to accommodate future land use requirements.**

Staff Comment: There are no current plans to develop the property at this time and it will continue to be utilized in its current state with the existing



Poudre Rive Trail. It is not expected that the subject site would be developed as the property was acquired through COGO grants.

The establishment of zoning will be considered as a separate request following a successful annexation.

This request complies with this criterion.

**F. ADMINISTRATIVE REVIEW TEAM COMMENTS:**

The proposal was reviewed by the Administrative Review Team and all comments have been addressed.

**G. COST-BENEFIT ANALYSIS:**

Depending on the anticipated land use, Staff may provide a Cost-Benefit Analysis to analyze the potential impacts an annexation may have on municipal services, along with any potential revenue sources that would become available to the City. The property within this annexation is City-owned and is planned for open space and the continued use of the existing trail system. Additionally, the location and configuration of this property is not conducive for development. As such, it would be little in the way of direct revenue, and/or additional cost in maintaining the property is expected. For this annexation, a Cost-Benefit Analysis was not included with this report, since it is not a criterion for approval. Staff's assessment is that the proposed annexation cost impacts will be minimal in nature and will relate only to the additional police and fire protection services.

**H. PHYSICAL SITE CHARACTERISTICS**

**1. SUBDIVISION HISTORY**

This property has never been subdivided through an official process.

**2. HAZARDS**

The only known hazard that may be considered is the existing oil and gas facility and tank battery.

**3. WILDLIFE**

The subject site is an area of high ecological significance (*see Attachment H*). However, no development of the property is proposed, it expected to remain in it exists vegetative and natural state, with the exception of the existing Trail, which is man-made.

**4. FLOODPLAIN**

The Poudre River flows along and directly through this site; the site is within the floodway and the 100 year flood plain.



**5. DRAINAGE AND EROSION**

The site has existing drainage patterns expected to continue to follow the natural topography of the land.

**6. TRANSPORTATION**

The Poudre River Trail System provides alternative transportation services for pedestrians and bicyclists.

**7. SERVICES**

As stated above, the site is currently being used for the Poudre River Trail System and open space preservation and would remain as such.

**I. NEIGHBORHOOD NOTIFICATION:**

Letters regarding the proposed annexations were mailed to property owners within 500 feet of the site on September 11, 2017, pursuant to Development Code requirements. One sign was posted at the edge of WCR 27/83<sup>rd</sup> Avenue, and a second sign was posted just north of north 81<sup>st</sup> Avenue on September 10, 2017. No communication in response to notification has been received to date.

**I. PLANNING COMMISSION RECOMMENDED MOTION:**

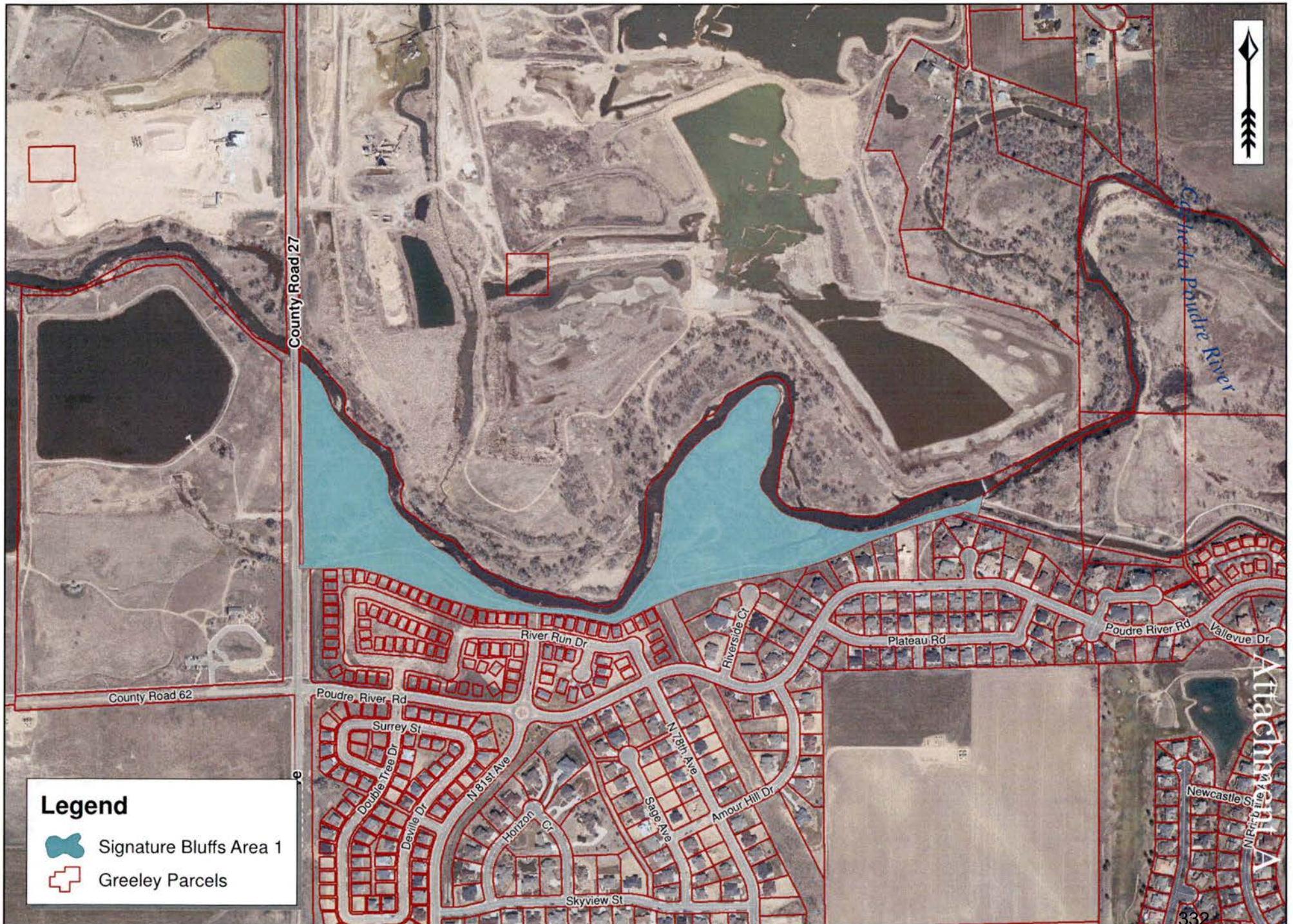
A motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation, meets the approval criteria found in Section 18.26.050(a)(1 thru 5) and; meets State statutory requirements, and; therefore, recommend approval of the annexation to the City Council.

**J. ATTACHMENTS:**

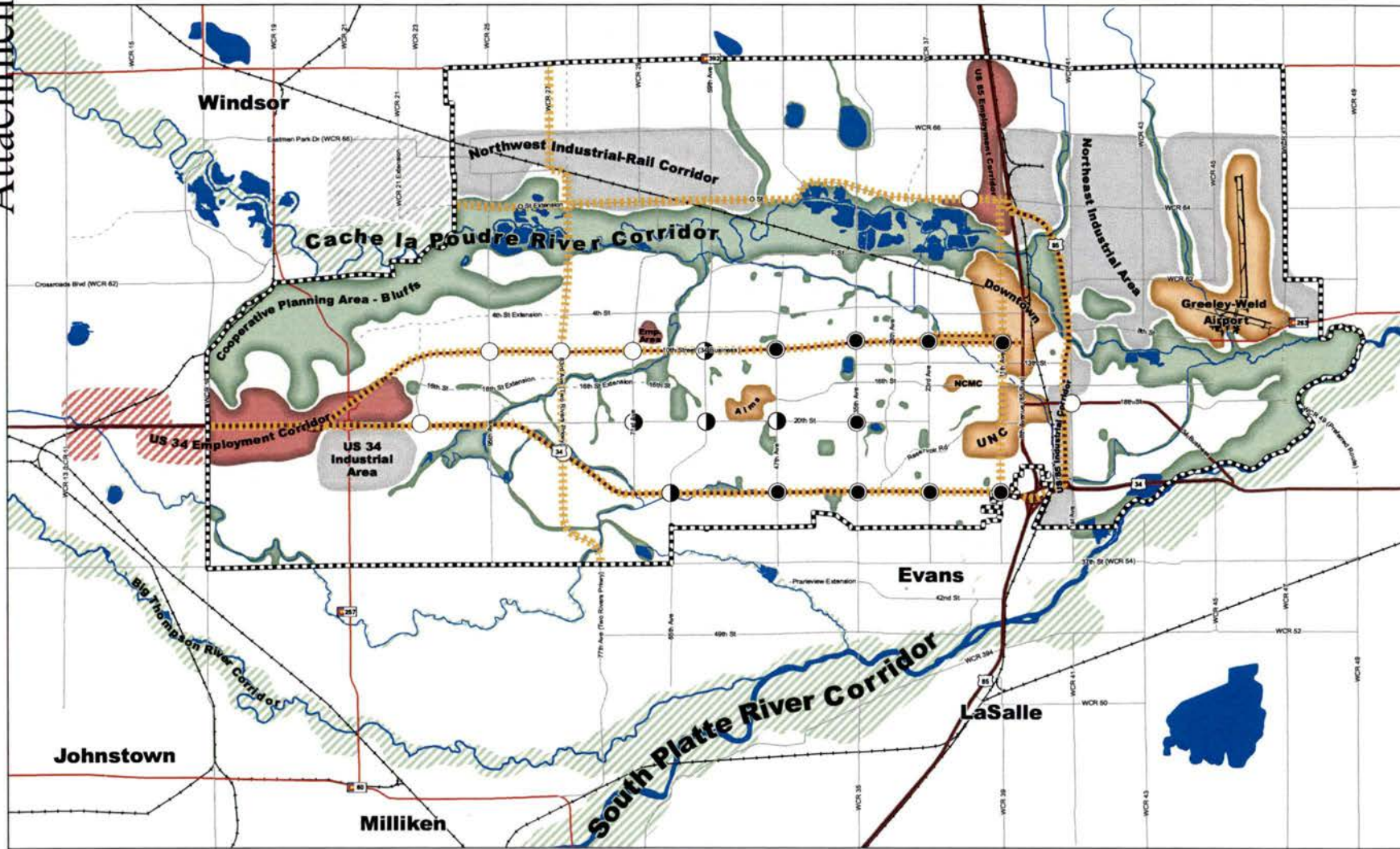
Attachment A - Aerial and Vicinity Map  
Attachment B - Land Use Guidance Map  
Attachment C - Annexation Plat  
Attachment D - Annexation Impact Report  
Attachment E - Annexation Compliance Memo  
Attachment F - Annexation Petitions  
Attachment G - Ecological Significance Map



# Aerial/Vicinity Map - Signature Bluffs Natural Area 1







# Land Use Guidance Map

## LEGEND

- Outside LREGA**  
**Within LREGA**
- Employment Uses**  
Business Parks, Major Employers
  - Industrial Uses**  
Industrial Parks, Major Employers
  - Natural Uses**  
Parklands, Open Space

## LAND USE GUIDANCE AREAS\*

\*Land use areas generated from an analysis of Topography Data, Transportation Features (Rail, Highway, Airport Access), Areas of Ecological Significance, Commercial Gravel Deposits, Floodway & Floodplain Information, Hydrography (Canals, Ditches, Draws etc), Regional Features, visibility, and existing Regional Uses.

- Commercial Nodes**  
Developed, Developing, Undeveloped
- Special Uses**  
UNC, Aims, NCMC, Downtown
- Multimodal Corridors**  
Planned transit corridors

## LONG RANGE EXPECTED GROWTH AREA (LREGA)

Area within which the community expects to grow within the next 20+ years. Subject to Cooperative Planning Areas and IGA's.  
Updated via annual Capital Improvement Project (CIP) Assessments.

## TRANSPORTATION

- U.S. Highway
- State Highway
- Major Road
- Railroad

## Water Features

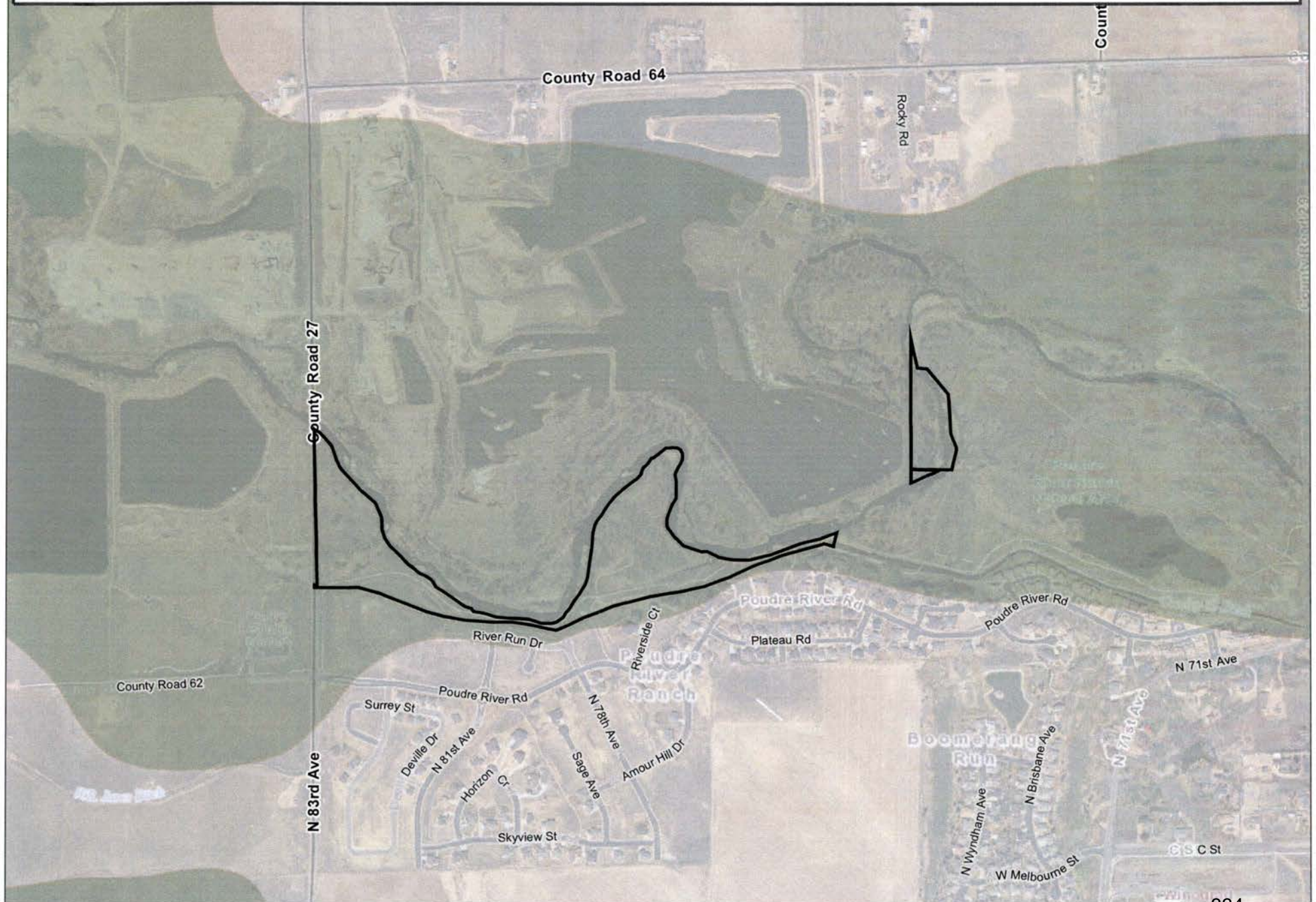
All planimetric data was digitized from aerial photographs dated May/2005. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMAA). The information contained 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.



# Natural Uses per Land Use Guidance Map | Signature Bluffs Natural Areas Annexation

1 inch = 833 feet





# Attachment C

## SIGNATURE BLUFFS NATURAL AREA ANNEXATION ONE LOCATED IN A PORTION OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 66 WEST

### LEGAL DESCRIPTION

A tract of land located in a portion of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

**BASIS OF BEARING:** The West line of the Southwest 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144791 of the records of Weld County, Colorado, said line being N 89°47'07" E from the Southwest corner of said tract to the West 1/4 corner of said section 32.

Commencing at the Southwest corner of said Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, a distance of 1934.11'; Thence S 89°14'13" E, a distance of 50.00' to a point on the east right-of-way of 83rd Avenue, said point being the POINT OF BEGINNING for this description; Thence along the North line of Powder River Ranch 3rd Filing the following bearings (14) courses S 89°14'55" E, a distance of 281.50'; Thence S 73°27'27" E, a distance of 145.77'; Thence S 66°45'55" E, a distance of 286.76'; Thence S 72°34'58" E, a distance of 120.35'; Thence S 75°27'49" E, a distance of 181.05'; Thence S 80°52'30" E, a distance of 127.84'; Thence S 80°34'55" E, a distance of 230.64'; Thence S 80°17'41" E, a distance of 182.15'; Thence S 76°42'01" E, a distance of 219.07'; Thence N 85°52'58" E, a distance of 233.89'; Thence N 68°29'44" E, a distance of 173.15'; Thence N 77°27'21" E, a distance of 281.66'; Thence N 41°16'54" E, a distance of 249.13'; Thence N 77°13'37" E, a distance of 105.58' to the Northeast corner of said Powder River Ranch 3rd Filing, said point following being the Northeast corner of Powder River Ranch 2nd Filing; Thence along the North line of said Powder River Ranch 2nd Filing for five (5) courses N 71°19'20" E, a distance of 191.38'; Thence N 66°46'53" E, a distance of 118.57'; Thence N 70°17'15" E, a distance of 229.27'; Thence N 76°08'47" E, a distance of 276.43'; Thence S 72°16'42" E, a distance of 70.31' more or less to a point on the Westerly line of a tract of land as described under Reception No. 3148883 of the records of said Weld County, Colorado; Thence along the Westerly line of said tract of land N 17°50'13" W, a distance of 129.37' more or less to a point on the approximate centerline of the Cache La Poudre River; Thence along said approximate centerline of Cache La Poudre River the following bearings (14) courses S 76°09'47" W, a distance of 341.26'; Thence S 70°17'11" W, a distance of 208.89'; Thence N 77°19'35" W, a distance of 443.97'; Thence N 28°17'31" W, a distance of 118.53'; Thence N 04°12'45" E, a distance of 418.64'; Thence N 62°28'00" W, a distance of 111.80'; Thence S 72°12'06" W, a distance of 158.11'; Thence S 78°35'54" W, a distance of 541.40'; Thence S 68°18'17" W, a distance of 150.99'; Thence S 58°50'06" W, 341.42'; Thence N 76°13'49" W, a distance of 562.21'; Thence N 48°28'29" W, a distance of 612.76'; Thence N 23°47'07" W, a distance of 368.30'; Thence N 39°01'45" W, a distance of 586.45' to a point on the West line of a tract of land as described in Reception No. 1827227 of the records of said Weld County; Thence along the Westerly line of said Reception No. 1827227 S 06°01'08" E, a distance of 936.97'; Thence N 69°15'12" W, a distance of 21.30' to a point on the East right-of-way line of 83rd Avenue; Thence along said east right-of-way line S 00°47'07" E, a distance of 153.94' to the POINT OF BEGINNING.

Said tract of land containing 1263499.3 Sq. Ft. or 29.008 Acres more or less.

### SURVEYOR'S STATEMENT:

THIS ANNEXATION DRAWING IS NOT INTENDED TO BE A MORNMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION FROM EXISTING DOCUMENTS OF RECORD TO ADD TO THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION AS SHOWN HEREON AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I FURTHER STATE THAT NOT LESS THAN ONE-SIXTH OF THE PERIMETER OF THE AREA TO BE ANNEXED IS CONTIGUOUS TO THE BOUNDARY OF THE CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

Robert F. Muehle, P.E.S.  
Colorado PLS No. 11223  
For and on behalf of the City of Greeley



### LEGEND

- ALLOTMENT CORNER
- CALCULATED POSITION
- SECTION LINE

### NOTES

1. BASIS OF BEARING: Assuming the West line of the Southwest 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M. to bear N 00°47'07" E, as recorded in a Land Survey Plat recorded under Reception No. 4144791 of the records of Weld County, Colorado.
2. The distance and bearing measurements shown on this map are based on recorded legal descriptions and calculated positions, all related to match the Basis of Bearing shown on this map and legal description thereof.
3. All lateral distances shown herein are based upon the U.S. Survey Foot.

### ACCEPTANCE:

Said map was accepted by the City of Greeley, Weld County, Colorado and the territory therein designated made a part of said City of Greeley and included within the limits and jurisdiction thereof.

This the \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_ A.D.  
Attest: \_\_\_\_\_  
CITY CLERK MAYOR

### CITY ENGINEER CERTIFICATE OF APPROVAL

Approved this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_ A.D. by the City Engineer of the City of Greeley, Colorado.

CITY ENGINEER

### COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE OF APPROVAL

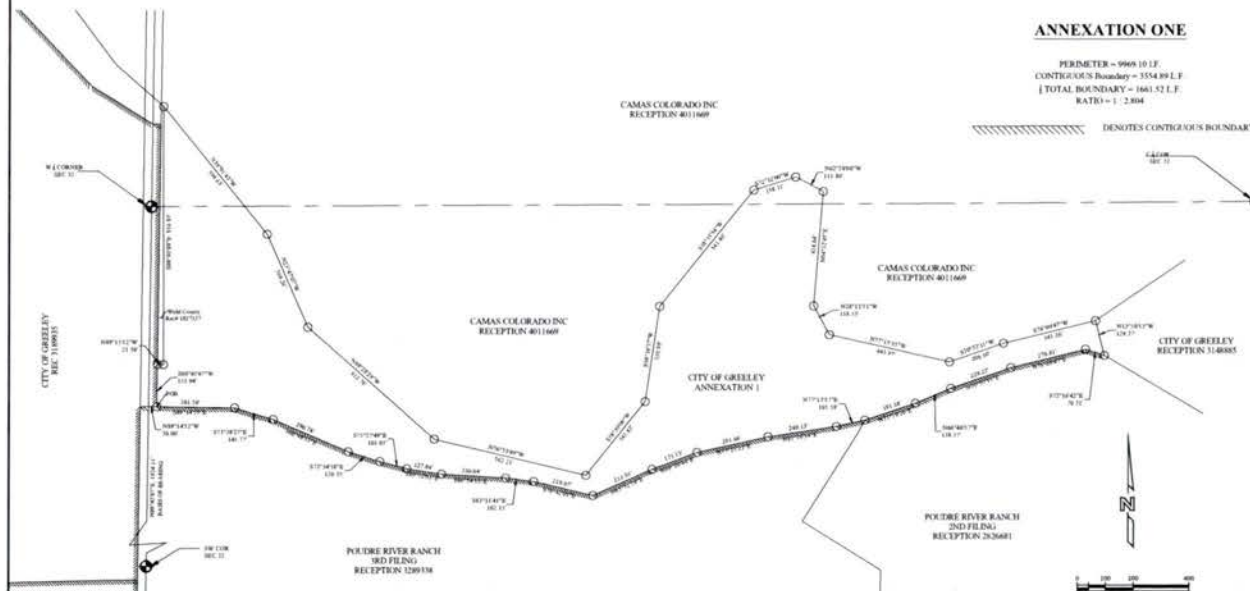
Approved this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_ A.D. by the Community Development Director of the City of Greeley, Colorado.

Community Development Director

### ANNEXATION ONE

PERIMETER = 9966.10 L.F.  
CONTIGUOUS BOUNDARY = 3554.89 L.F.  
[TOTAL BOUNDARY = 1461.52 L.F.]  
RATIO = 1 : 2.844

DENOTES CONTIGUOUS BOUNDARY



Drawing Date: \_\_\_\_\_  
Drawing File Name: \_\_\_\_\_  
Full Path: \_\_\_\_\_  
Horiz. Scale: \_\_\_\_\_  
Unit Information: \_\_\_\_\_  
Unit Leader: \_\_\_\_\_  
Checked by: \_\_\_\_\_



PUBLIC WORKS DEPARTMENT  
DIVISION OF ENGINEERING  
1001 NINTH AVENUE  
GREELEY, COLORADO 80631

SIGNATURE BLUFFS NATURAL AREA  
ANNEXATION ONE

Sheet Revisions		
Date	Comments	Init.
12/6/2016	Rev. per City Comments	

WELD COUNTY COLORADO		SHEETS 1 1
SECTION	42	
TOWNSHIP	6 NORTH	
RANGE	66 WEST OF 6TH P.M.	





# Attachment D

## ANNEXATION IMPACT REPORT SIGNATURE BLUFFS NATURAL AREAS ANNEXATION NO. 1

<b>PROPERTY OWNERS</b>	City of Greeley, Colorado
<b>REPRESENTATIVE</b>	Marian Duran   Planner II
<b>LOCATION</b>	The property is located East of WCR 27/83 <sup>rd</sup> Avenue and the Poudre River Learning Center, North of River Run Drive.
<b>SIZE</b>	29.006 Acres
<b>CONTIGUITY</b>	Required      16.67% Provided      35.65%
<b>EXISTING USES</b>	Site is largely vacant with an oil well and trail.
<b>SURROUNDING LAND USES</b>	North:      Vacant/Excavation Site South:      Single-Family Housing East:      Vacant/Excavation Site West:      Poudre Learning Center
<b>CURRENT ZONING</b>	Weld County A (Agriculture)
<b>SURROUNDING ZONING</b>	North:      A (Agriculture - County) South:      PUD (Planned Unit Development - City) East:      A (Agriculture - County) West:      C-D (Conservation District – City) and R-E (Residential Estate Density - City)
<b>AVAILABLE UTILITIES</b>	City of Greeley Water, City of Greeley Sewer, gas, electric, and telecommunication utilities would be available, if the property was to be developed in the future.
<b>TAXING DISTRICTS</b>	Aims Junior College Clearview Library North Weld County Water (NWC) Northern Colorado Water (NCW) School District RE-4-Windsor Weld County West Greeley Conservation





Windsor-Severance Fire District

## **INTENDED/PROPOSED USES**

Open Space and Trails

## **COMPREHENSIVE PLAN**

The entire site lies within the Long-Range Expected Growth (LREGA), albeit on the eastern edge WCR 27/83<sup>rd</sup> Avenue, south of Cache la Poudre River, and just north of the Poudre River Ranch Subdivision is the current demarcation. The subject site is located within an area identified in the 2060 Comprehensive Plan (Land Use Guidance Map) as the Natural Uses (Parklands and Open Space). It is anticipated that the site will be used for open space and trails.

## **ANALYSIS**

State annexation standards require a minimum one-sixth boundary contiguity (16.66%) for annexation. The Signature Bluffs Natural Area Annexation No. 1 satisfies this requirement along its' shared eastern boundary with WCR 27/83<sup>rd</sup> Avenue and southern boundary with the Poudre River Ranch Annexation Lot A, which was annexed into the City 1996 (Rec. No. 2491897). This annexation satisfies the state minimum standards with a 35.65% contiguity to the City.

The Annexation is located directly east of WCR 27/83<sup>rd</sup> Avenue and consists of 29.06 acres. .

The property is proposed to be withdrawn from the Western Hills Fire Protection District and receive fire services from the Greeley Fire Department.

The annexation of this property into the City would be consistent with present growth patterns and Comprehensive Plan policies. There is evidence that this site would meet the City's future goals with regards to trail and open space. The requirements of State Statutes and City of Greeley Comprehensive Plan Policies for annexation appear would meet these requested annexations.

## **ATTACHMENTS:**

Exhibit A - Vicinity Map





Exhibit B - Annexation Plats  
Exhibit C - Legal Descriptions





## **CITY ATTORNEY'S OFFICE MEMORANDUM**

---

**To:** Cheryl Aragon, Deputy City Clerk  
Val Scheffer, Senior Administrative Specialist  
**From:** Susan M. Henderson, Senior Assistant City Attorney  
**Subject:** Signature Bluffs Natural Area Annexation No. 1  
**Date:** September 2, 2017

---

This office has reviewed the Petition for the Signature Bluffs Natural Area Annexation No. 1 into the City of Greeley and finds that the Petition for Annexation is in substantial compliance with the requirements of C.R.S. §31-12-107. Additionally, this office has reviewed the Petition for compliance with annexation requirements contained in C.R.S. §§31-12-104 and 31-12-105 and finds that the Petition meets the legal requirements of those sections.

Please prepare the Resolution (a draft is attached) and schedule this matter for hearing in accordance with C.R.S. §31-12-108.

Attachment

cc: Marian Duran, Planner



**PETITION FOR ANNEXATION**

Signature Bluffs Natural Area Annexation No. 1 **Annexation**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF GREELEY,  
COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et. seq., Colorado Revised Statutes, 1973, as amended, hereby petition the City Council of the City of Greeley for annexation to the City of Greeley of the territory described herein and described and shown on the map designated, "Signature Bluffs Natural Area Annexation No. 1 Annexation." The applicable number of said map (at least four) are submitted herewith and by this reference are incorporated herein. The description of the territory hereby petitioned for annexation to the City of Greeley is set forth in Exhibit A attached hereto and incorporated herein by reference.

In support of this petition, the Petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Greeley.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
  - A. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley.
  - B. A community of interest exists between the territory proposed to be annexed and the City of Greeley.
  - C. The territory sought to be annexed is urban or will be urbanized in the near future.
  - D. The territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley.
3. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has/have been divided into separate parts or parcels of real estate without the written consent of the land owner or land owners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.
4. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the written petition for annexation, has/have been included within the territory proposed to be annexed without the written consent of the land owner or land owners.



5. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Greeley was held within the twelve months preceding the filing of this petition.
6. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a city other than the City of Greeley.
7. The territory proposed to be annexed is not presently a part of any incorporated city, city and county, or town.
8. The property owned by each petitioner is described on each separate signature sheet and, when needed, described more fully in the exhibits attached hereto and incorporated herein by reference.
9. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the land owners and owning more than fifty percent (50%) of the property, excluding public streets and alleys, and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.

Accompanying this petition are the original and four copies of an annexation plat map containing the following information:

- A. A written legal description of the boundaries of the area proposed to be annexed.
- B. A map showing the boundary of the area proposed to be annexed.
- C. Within the annexation boundary map, an identification of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
- D. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
- E. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the City of Greeley.
- F. Acceptance block describing the acceptance action of the City of Greeley in form and substance as provided in Appendix A of the Subdivision Regulations of the City of Greeley and providing for the effective date and City Clerk and Mayor attest signatures.



10. Except as otherwise provided, no part of the territory sought to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.
11. As an expressed condition of annexation, land owner(s) consent(s) to inclusion into the Northern Colorado Water Conservancy District and the municipal subdistrict pursuant to Section 37-45-136 (3.6) C.R.S. Land owner(s) acknowledge(s) that, upon inclusion into the district and subdistrict, land owner's (s') property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the district and subdistrict at the time of inclusion of land owner's(s') lands. Land owner(s) agree(s) to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and subdistrict can impose such mill levies and special assessments as it has the authority to impose. Land owner(s) also agree(s) to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

THEREFORE, the undersigned respectfully petition(s) and requests the City Council of the City of Greeley, to approve annexation of the territory described and referred to in Exhibit A to the City of Greeley in accordance with and pursuant to the statutes of the State of Colorado.

Land Owner(s) Name(s) and Signature(s)

Mailing Address

Date of

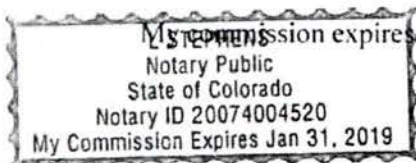
Signing

City of Greeley  
[Signature]

1000-10<sup>th</sup> St Greeley CO 80631  
3/30/17

Subscribed and sworn to before me this 30<sup>th</sup> day of March, 2017, by  
Roy Alto, City Manager

Witness my hand and official seal.



1-31-19

[Signature]  
Notary Public

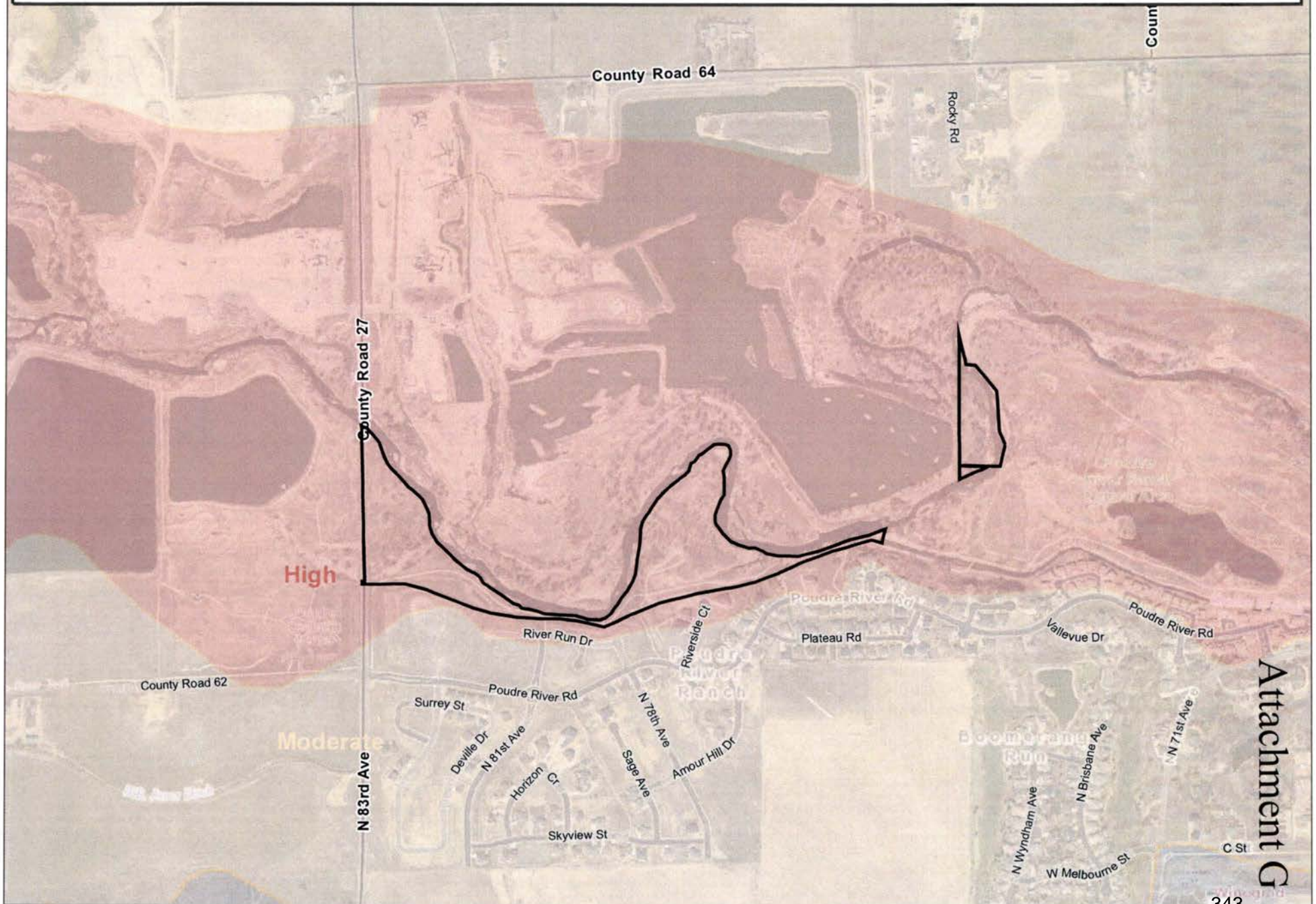
Land Owned

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Ecological Significance | Signature Bluffs Natural Areas Annexations

1 inch = 833 feet



Attachment G



## PLANNING COMMISSION SUMMARY

**ITEM:** Annexation

**PROJECT:** Signature Bluffs Natural Areas Annexations, No. 2 and No. 3

**CASE NO:** A 10:16  
A 11:16

**LOCATION:** These properties are located on the western edge of the Signature Bluffs Trail and the Signature Bluffs Natural Area, approximately 4,000 feet east of WCR 27/83rd Avenue and 600 feet north of the Poudre River Ranch Subdivision

**APPLICANT:** City of Greeley

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

**PLANNING COMMISSION HEARING DATE:** September 26, 2017

**PLANNING COMMISSION FUNCTION:** To review the proposed annexations for compliance with Chapter 18.26 of the Greeley Development Code and make a recommendation to the City Council.

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### EXECUTIVE SUMMARY

The City of Greeley proposes to annex two parcels under the Signature Bluffs Natural Area Annexation No. 2 and No. 3 a total of 3.883 acres of land that is owned by the City of Greeley. The properties are located on the western edge of the Signature Bluffs Trail and the Signature Bluffs Natural Area, approximately 4,000 feet east of WCR 27/83rd Avenue and 600 feet north of the Poudre River Ranch Subdivision.

#### A. REQUEST

The City of Greeley is requesting approval to annex two City owned properties, known as the Signature Bluffs Natural Area Annexation, No. 2, which consists of .631 acres in size, and Signature Bluffs Natural Area Annexation, No. 3, which consists of 3.252 acres in size (*see Attachment A & B*).

#### B. STAFF RECOMMENDATION

Approval



### C. LOCATION

The property East of CR 27 and the Poudre River Learning Center, North of River Run Drive.

**Current Zoning:** Weld County A (Agriculture)

**Proposed Zoning:** C-D (Conservation District – City)

**Abutting Zoning:**  
North: A (Agriculture - County)  
South: PUD (Planned Unit Development - City)  
East: C-D (Conservation District - City)  
West: A (Agriculture - County)

**Site Conditions:** These sites are vacant and undeveloped; both are within the Poudre River Floodway. Both contain portions of the Cache La Poudre River on the southern and eastern boundary. They do not contain the Poudre River Trail. The parcels are fairly flat land with native vegetation throughout. See Background information below for more details.

**Area Size:** .631 for No. 2 & 3.252 for No. 3 (3.883 Acres Total)

**Contiguity:**  
Provided 42.5% for No. 2  
Provided 57.9% for No. 3

**Abutting Land Uses:**  
North: Vacant  
South: Signature Bluffs Trail and Cache La Poudre River  
East: Signature Bluffs Trail and Cache La Poudre River  
West: Vacant/Excavation

### D. BACKGROUND

In May 2012, Great Outdoors Colorado (GOCO) awarded a grant to the Poudre River Corridor River Initiative Project. The proposed project included a variety of elements from the applicant partners: Greeley, Windsor, Fort Collins, Larimer County, and Timnath to acquire lands along the river and build missing sections of the Poudre River Trail. This proposal was the highest ranked project and received the most funding. Greeley's project component was land acquisition to provide a greenway corridor along the river to protect and enhance the



## Poudre River Trail.

Over the years, the City has made several acquisitions to protect and enhance the Poudre River Trail, the Sheep Draw Trails and the natural areas. For example the following five areas were a series of annexations that were approved for the purposes of protecting natural areas and trail corridor: 1) The Poudre River Ranch North Annexation (2006, (Reception No. 3419978); 2) The Poudre River Trail Education Board First (2001, Reception No.'s 2881611); 3) The Poudre River Trail Education Second (2001, Reception No. 2881612)4) located along 83<sup>rd</sup> Avenue; 4) the Cottonwood Bend Natural Areas (2016, Case No. A 4:16, A 5:16, A 6:16, A 7:16, & A 8:1); and 5) the Sheep Draw Natural Area Annexations (2013 & 2014, Case No.'s A 5:13 & A 1:14), located along 59<sup>th</sup> Avenue. The Signature Bluffs Natural Area No. 1 is being processed concurrently with the Signature Bluffs Natural Area No. 2 and No. 3, to obtain additional natural areas west of 83<sup>rd</sup> Avenue. The properties proposed for annexation in this petition, include lands purchased along the river corridor. The acquisition of these natural areas (Signature Bluffs Natural Areas, No. 1, 2 and 3) occurred in December 2015 (*see Attachment A & C*).

The City of Greeley proposes to annex Signature Bluffs Natural Area, No. 2, which is approximately .631 acres in size, and Signature Bluffs Natural Area, No. 3, which is approximately 3.252 acres in size. Both parcels are owned by the City of Greeley. (*see Attachment C*). The areas would contribute significantly to the open space and bring an existing segment of the Poudre River Trail System into the City. The subject properties are within both the floodplain and floodway, and is located inside the Long-Range Expected Growth Area (LREGA) (*see Attachment B*).

Colorado Revised Statutes §31-12-104 and §31-12-105 establish the legal requirements for annexation, and include: (1) not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley; (2) a community of interest exists between the territory proposed to be annexed and the City of Greeley; (3) the territory sought to be annexed is urban or will be urbanized in the near future and; (4) the territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley. The City Attorney's Office has determined the proposal meets the statutory requirements to be considered for annexation (*see Attachment F*), and City Council adopted a resolution September 5, 2017, making a finding to this effect, scheduling the introduction of the ordinance concerning the annexation for October 3, 2017, and the final reading on October 17, 2017.

The Signature Bluffs Natural Area Annexation, No. 2 derives its contiguity from City of Greeley property to the west called Signature Bluffs Natural Area, located north of the Poudre River Ranch subdivision (Reception No. 3189935). The Signature Bluffs Natural Area Annexation, No. 3 derives its contiguity from the City of Greeley property to the south along Poudre River Ranch 3<sup>rd</sup> Filing (Reception No. 3289338).



In conjunction with the annexation, the City of Greeley has applied to establish the C-D (Conservation District) zoning district for the property (Case No. Z 7:17 & Case No. Z 14:17). The establishment of zoning for the Signature Bluffs Natural Areas, No.1 is being presented and heard at the same hearing with this requests.

Colorado State Statute requires municipalities to provide an annexation impact report to the Board of County Commissioners for all annexations in excess of ten (10) acres in size. Staff sent an annexation impact report to the County, Fire District, and the Windsor School District since as a courtesy, since the annexations are less than ten (10) acres. A copy of the Annexation Impact Report was forwarded to the Weld County Board of County Commissioners, the Windsor School District and the Western Hills Protection District on September 8, 2017 (*see Attachment D, Annexation Impact Report*). No response from any of these entities has yet been received.

The property is located inside the Long-Range Expected Growth Area (LREGA). This land is expected to remain public open space and would not be developed.

#### **E. APPROVAL CRITERIA**

The Commission shall consider comments from review agencies and offices, the staff recommendation, citizen comments, and the following criteria (found in Section 18.26.50 of the City's Development Code) in taking action to recommend approval, denial, or to table the annexation for future consideration:

##### **1. The proposed annexation is in conformance with the City's Comprehensive Plan.**

The following Comprehensive Plan Policies apply to this request:

##### *Comprehensive Plan Policy GR 3.B.1*

*When considering a proposed annexation, the City should find persuasive evidence that the inclusion of the property into the City's jurisdiction meets Comprehensive Plan growth objectives and can be developed in a manner which will be a positive addition to the city, improve the quality of Greeley's neighborhoods, and can be provided with municipal services.*

Staff Comment: The site is within the Long-Range Expected Growth Area (LREGA). The LREGA includes those lands anticipated to accommodate the City of Greeley's urban development typically beyond a five (5) year period. Nonetheless, water and sewer systems have been extended south of the site through Poudre River Ranch Subdivision. Water services are available approximately 980 feet south from the southern parcel and



approximately 500 feet to the nearest sewer line. The Poudre River Trail and the Signature Bluffs Trail are both located within 600 feet of the most southern parcel.

This request complies with this Comprehensive Plan policy.

**2. The proposed annexation promotes geographical balance of the City's land use pattern.**

Staff Comment: The surrounding annexations that have occurred in the past several years have occurred in the City to east, south, and west (e.g. Poudre River Trail Education Board First and Second Annexation (2001), the Poudre River Ranch Annexation, Lot A (1996), and Poudre River Ranch North Annexation (2006). The most recent annexations that have promoted a geographical balance to the City's land use pattern have been those stated under Section D, background including the Cottonwood Bend Natural Areas (2016) and the Sheep Draw Natural Area Annexation (2013), located along 59<sup>th</sup> Avenue, but also the Grainery Annexation (2013, Reception No. 3930418), located north of O Street. There are also areas such as the Poudre Ponds 1<sup>st</sup> Annexation (2012, Reception No. 3848716) and the Poudre Ponds 2<sup>nd</sup> Annexation (2012, Reception No. 3848718), both located south of O Street, but west of N. 35<sup>th</sup> Avenue that are primarily used for public open space and trail corridor.

This annexation proposes to include a total of 3.883 acres and does not extend to the furthest boundary of the City in any direction, but it provides balance to the City's growth and land use pattern as mentioned above (*see Attachment B*).

This request complies with this criterion.

**3. Adequate services are, or will be, available to support the development expected to result from the proposed annexation.**

Staff Comment: If annexed, the subject sites would be served by the Greeley Fire Department and the City of Greeley Police Department. It is not anticipated that the site could be developed for any other use



other than trail and open space. The extension of services is not required for this annexation.

This request complies with this criterion.

**4. The proposed annexation provides for a continual and rational boundary.**

Staff Comment: As proposed, the Signature Bluffs Area Annexation No. 2 and 3 would exceed the State's one-sixth (1/6<sup>th</sup>) contiguity requirements, approximately 42.5% for No. 2 and 57.9% for No. 3 areas. These properties inclusion would also help provide a continual and rational boundary by filling gaps of unincorporated land within the Long Range Expected Growth Area.

This request complies with this criterion.

**5. The proposed annexation is needed to accommodate future land use requirements.**

Staff Comment: There are no current plans to develop the property at this time and it will continue to be utilized in its current state with the existing Poudre Rive Trail. It is not expected that the subject site would be developed as the property was acquired through COGO grants.

The establishment of zoning will be considered as a separate request following a successful annexation.

This request complies with this criterion.

**F. ADMINISTRATIVE REVIEW TEAM COMMENTS:**

The proposal was reviewed by the Administrative Review Team and all comments have been addressed.

**G. COST-BENEFIT ANALYSIS:**

Depending on the anticipated land use, Staff may provide a Cost-Benefit Analysis to analyze the potential impacts an annexation may have on municipal services, along with any potential revenue sources that would become available to the City. The property within this annexation is City-owned and is planned for open space and the continued use of the existing trail system.



Additionally, the location and configuration of this property is not conducive for development. As such, it would be little in the way of direct revenue, and/or additional cost in maintaining the property is expected. For this annexation, a Cost-Benefit Analysis was not included with this report. Staff's assessment is that the proposed annexation cost impacts will be minimal in nature and will relate only to the additional police and fire protection services.

## **H. PHYSICAL SITE CHARACTERISTICS**

### **1. SUBDIVISION HISTORY**

This property has never been subdivided through an official process.

### **2. HAZARDS**

The only known hazard that may be considered is the existing oil and gas facility and tank battery.

### **3. WILDLIFE**

The subject site is an area of high ecological significance (*see Attachment H*). However, no development of the property is proposed, it expected to remain in it exists vegetative and natural state.

### **4. FLOODPLAIN**

The Poudre River flows along and directly through this site; the site is within the floodway and the 100-year flood plain.

### **5. DRAINAGE AND EROSION**

The site has existing drainage patterns expected to continue to follow the natural topography of the land.

### **6. TRANSPORTATION**

The Poudre River Trail System provides alternative transportation services for pedestrians and bicyclists.

### **7. SERVICES**

As stated above, the site is currently being used for the Poudre River Trail System and open space preservation and would remain as such.

## **I. NEIGHBORHOOD NOTIFICATION:**

Letters regarding the proposed annexations were mailed to property owners within 500 feet of the site on September 11, 2017, pursuant to Development Code requirements. No communication in response to the notification has been received to date.



**J. PLANNING COMMISSION RECOMMENDED MOTION:**

There are two separate annexation applications for the Signature Bluffs Natural Area Annexations stated in this report. Therefore, the Planning Commission will need to consider and vote individually on each of the below applications.

Recommended motion for:

A 10:16 – Signature Bluffs Natural Area Annexation, No. 2

A motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation, meets the approval criteria found in Section 18.26.050(a)(1 thru 5) and; meets State statutory requirements, and; therefore, recommend approval of the annexation to the City Council.

Recommended motion for:

A 11:16 – Signature Bluffs Natural Area Annexation, No. 3

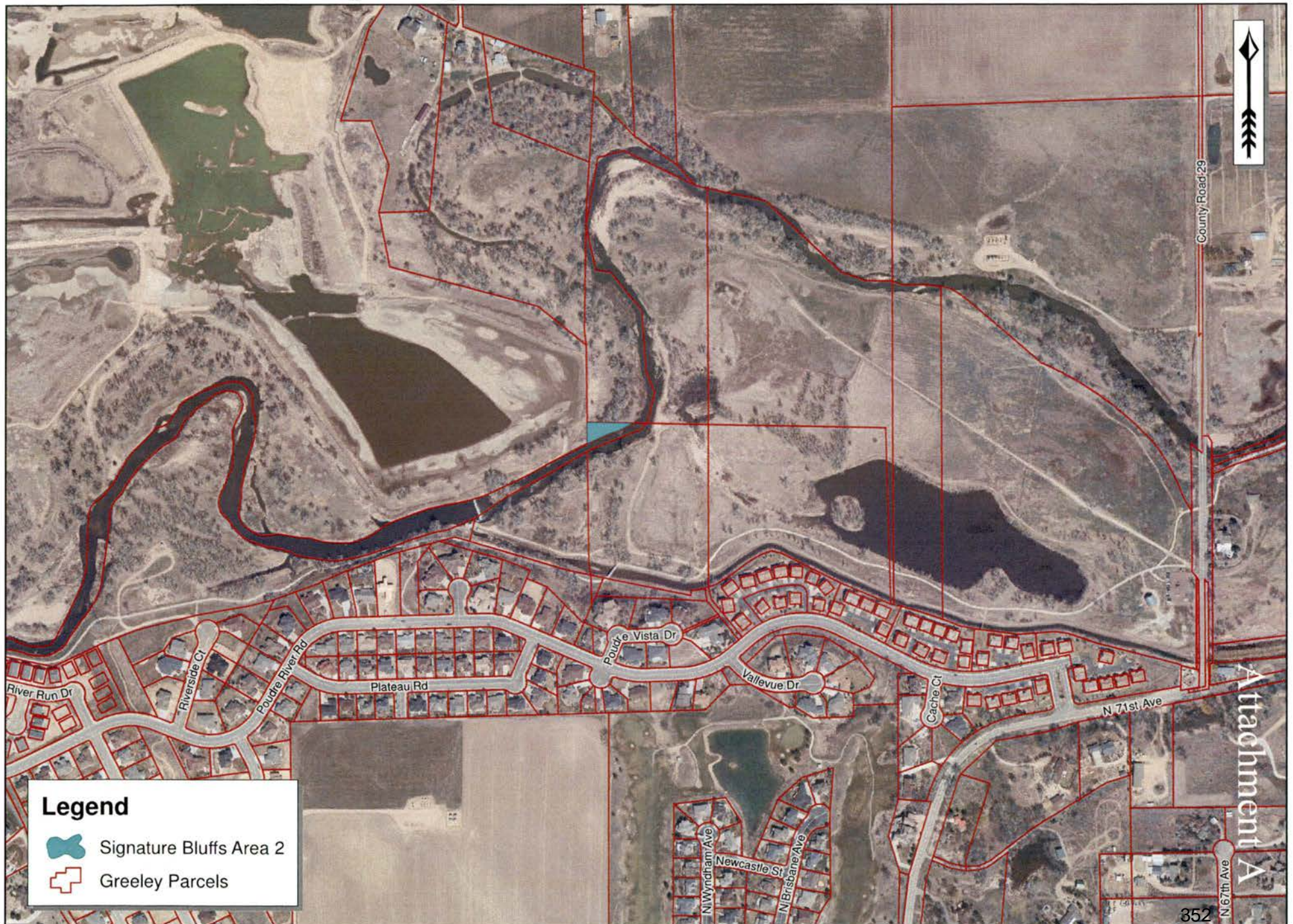
A motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation, meets the approval criteria found in Section 18.26.050(a)(1 thru 5) and; meets State statutory requirements, and; therefore, recommend approval of the annexation to the City Council.

**J. ATTACHMENTS:**

- Attachment A - Aerial and Vicinity Map
- Attachment B - Land Use Guidance Map
- Attachment C - Annexation Plat
- Attachment D - Annexation Impact Report
- Attachment E - Annexation Compliance Memo
- Attachment F - Annexation Petitions
- Attachment G - Ecological Significance Map

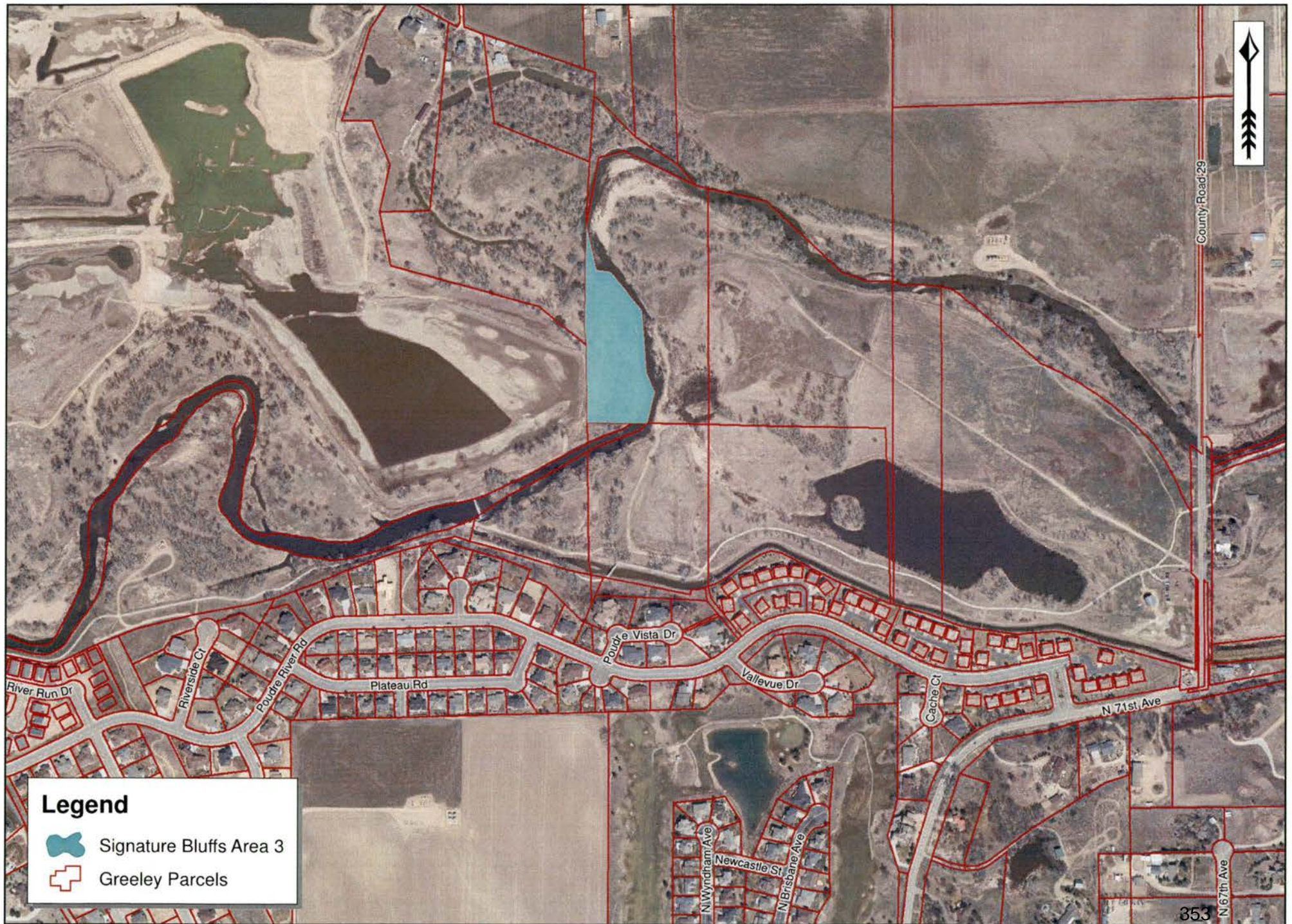


# Aerial/Vicinity Map - Signature Bluffs Natural Area 2

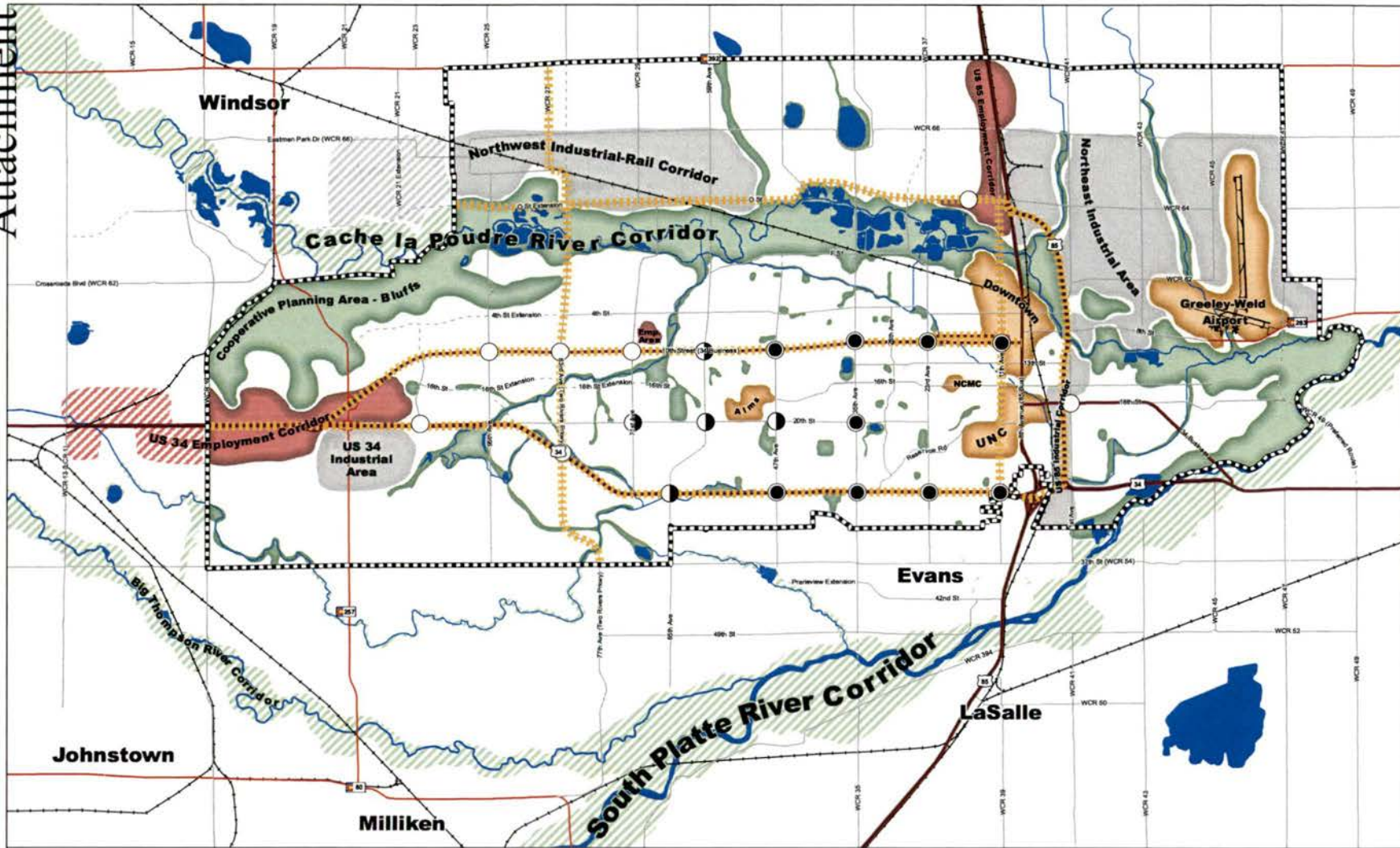




# Aerial/Vicinity Map - Signature Bluffs Natural Area 3







# Land Use Guidance Map

## LEGEND

- Outside LREGA**
- Within LREGA**
- Employment Uses**  
Business Parks, Major Employers
- Industrial Uses**  
Industrial Parks, Major Employers
- Natural Uses**  
Parklands, Open Space

### LAND USE GUIDANCE AREAS\*

\*Land use areas generated from an analysis of Topography Data, Transportation Features (Rail, Highway, Airport Access), Areas of Ecological Significance, Commercial Gravel Deposits, Floodway & Floodplain Information, Hydrography (Canals, Ditches, Draws etc), Regional Features, visibility, and existing Regional Uses.

- Commercial Nodes**  
Developed, Developing, Underdeveloped
- Special Uses**  
UNC, Aims, NCMC, Downtown
- Multimodal Corridors**  
Planned transit corridors

### LONG RANGE EXPECTED GROWTH AREA (LREGA)

Area within which the community expects to grow within the next 20+ years. Subject to Cooperative Planning Areas and IGA's.  
Updated via annual Capital Improvement Project (CIP) Assessments.

### TRANSPORTATION

- U.S. Highway
- State Highway
- Major Road
- Railroad

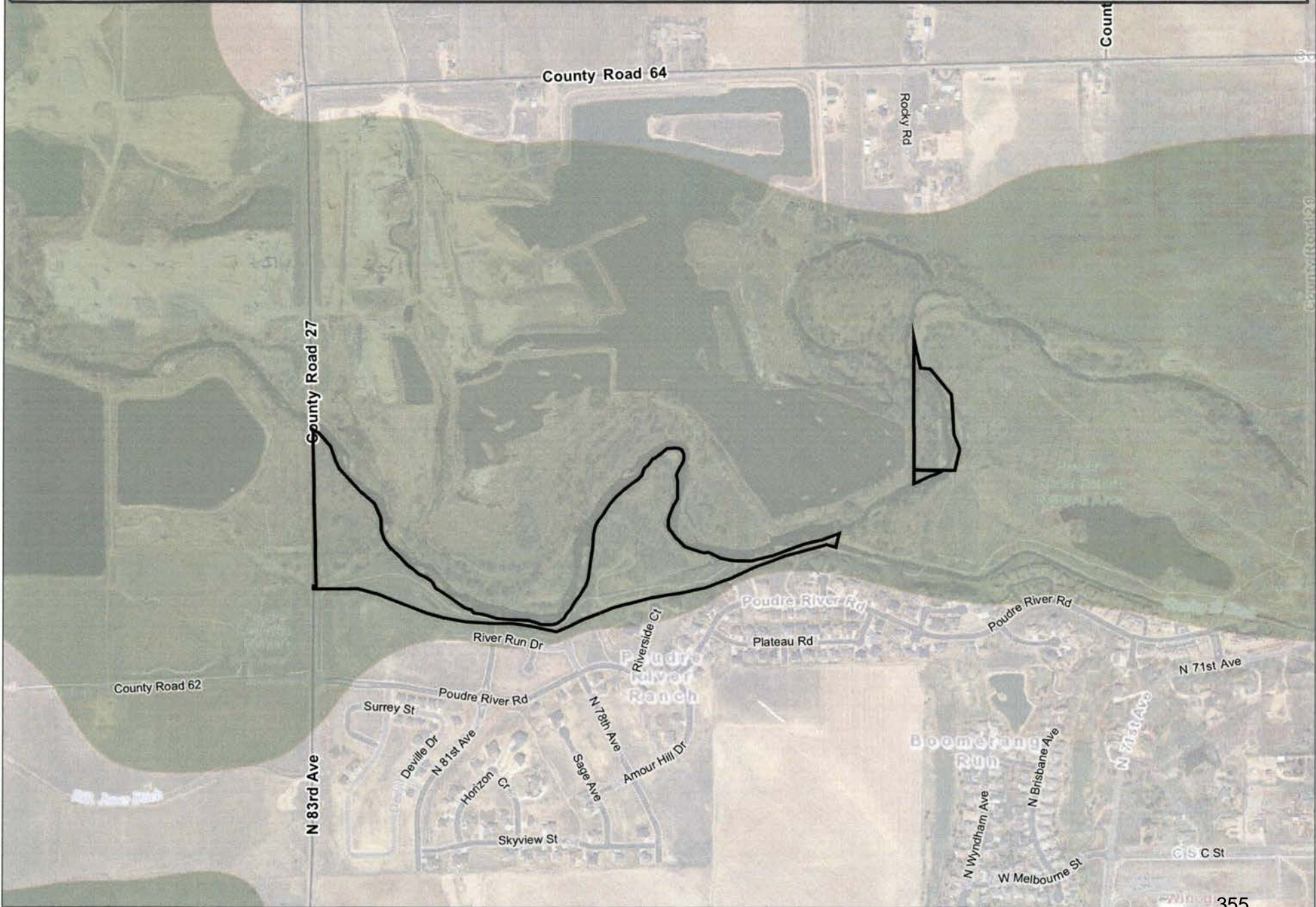
### Water Features

All planimetric data was digitized from aerial photographs dated May, 2005. 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 (NMAS). 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.



Natural Uses per Land Use Guidance Map | Signature Bluffs Natural Areas Annexation

1 inch = 833 feet





**SIGNATURE BLUFFS NATURAL AREA  
ANNEXATION TWO  
LOCATED IN A PORTION OF SECTION 32, TOWNSHIP 6 NORTH,  
RANGE 66 WEST OF THE 6th P.M., WELD COUNTY, COLORADO**

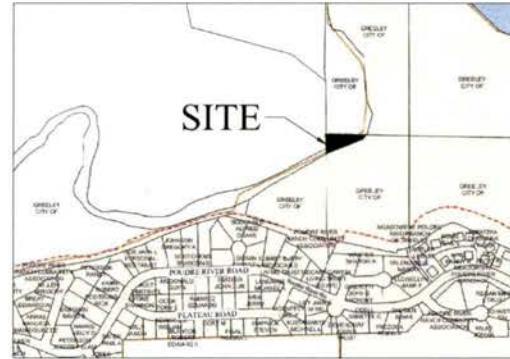
**LEGAL DESCRIPTION**

A tract of land located in the Southeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

**BASIS OF BEARING:** The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being N 89°40'52" E from the Center 1/4 corner of said Section 32 to the East 1/4 corner of said section 32.

Beginning at the East 1/4 corner of C-1 of said Section 32 and measuring the North line of the Southeast 1/4 of said Section 32 bears N 89°40'52" E, and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'52" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following (1) courses S 14°52'56" W, a distance of 70.99'; Thence S 65°14'30" W, a distance of 248.82' to the East line of the Northwest 1/4 of said Section 32; Thence along said West line N 89°40'52" E, a distance of 171.20' to the POINT OF BEGINNING.

Said tract of land containing 27501 Sq. Ft., or 0.631 Acres more or less.



VICINITY MAP  
SCALE: 1" = 1000' & 1/2 INCHES

**ACCEPTANCE:**

Said map was accepted by the City of Greeley, Weld County, Colorado and the territory therein designated made a part of said City of Greeley and included within the limits and jurisdiction thereof.

This the \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ A.D.

Attest: \_\_\_\_\_  
CITY CLERK MAYOR

**CITY ENGINEER CERTIFICATE OF APPROVAL**

Approved this \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ A.D. by the City Engineer of the City of Greeley, Colorado.

CITY ENGINEER

**COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE OF APPROVAL**

Approved this \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ A.D. by the Community Development Director of the City of Greeley, Colorado.

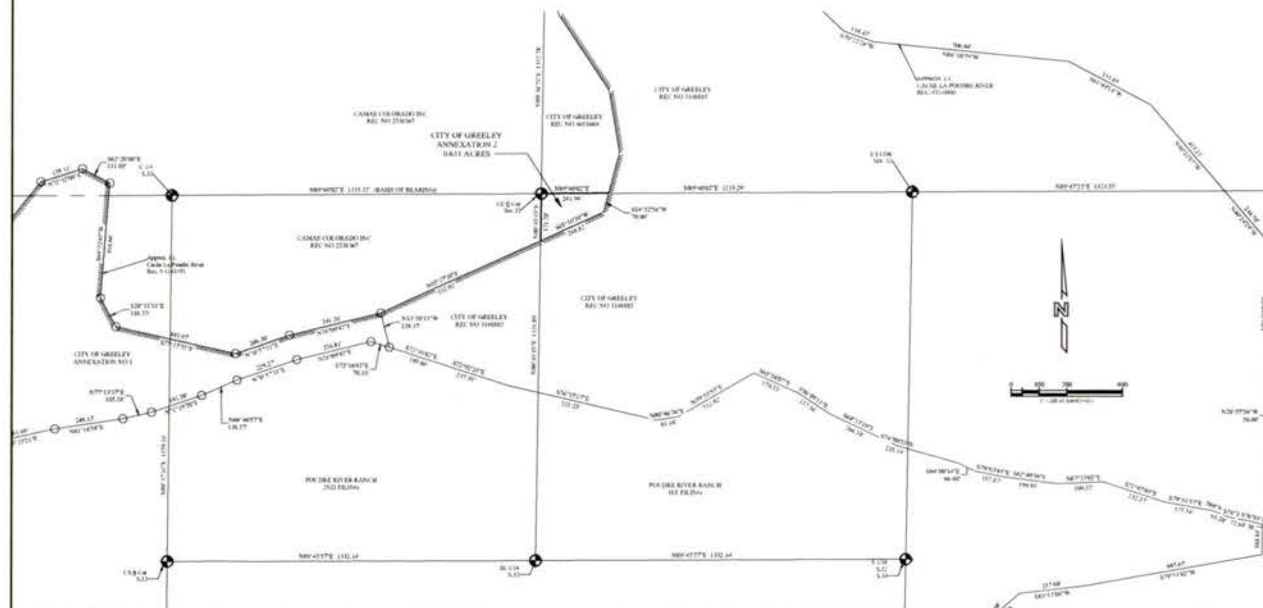
Community Development Director

**LEGEND**

- ALLOT CORNER
- CALCULATED POSITION
- SECTION LINE

**NOTES**

1. BASIS OF BEARING: Assuming the North line of the Southeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M. to bear N 89°40'52" E, as recorded in a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado.
2. The distance and bearing measurements shown on this map are based on recorded legal descriptions and calculated positions, all related to match the Basis of Bearing shown on this map and legal description thereof.
3. All linear distances shown herein are based upon the 1/2 S. Survey Foot.

**ANNEXATION TWO**

PERIMETER = 732.66 L.F.  
CONTIGUOUS Boundary = 313.72 L.F.  
TOTAL BOUNDARY = 122.14 L.F.  
RATIO = 1 : 2.351

DIAGONAL LINE INDICATES CONTIGUOUS BOUNDARY

**SURVEYOR'S STATEMENT:**

THIS ANNEXATION DRAWING IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION FROM EXISTING DOCUMENTS OF RECORD TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION AS SHOWN HEREON, AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I FURTHER STATE THAT NOT LESS THAN ONE-SIXTH OF THE PERIMETER OF THE AREA TO BE ANNEXED IS CONTIGUOUS TO THE BOUNDARY OF THE CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

Ruben F. Shuckel, P.L.S.  
Colorado P.L.S. No. 11225  
For and on behalf of the City of Greeley

Drawing Date: \_\_\_\_\_  
Drawing File Name: \_\_\_\_\_  
Full Path: \_\_\_\_\_  
Horiz. Scale: \_\_\_\_\_ Vert. Scale: \_\_\_\_\_  
Unit Information: \_\_\_\_\_ Unit Leader: \_\_\_\_\_  
Drawn by: \_\_\_\_\_ Checked by: \_\_\_\_\_



**PUBLIC WORKS DEPARTMENT**  
DIVISION OF ENGINEERING  
1001 NINTH AVENUE  
GREELEY, COLORADO 80631

**SIGNATURE BLUFFS NATURAL AREA  
ANNEXATION TWO**

Sheet Revisions	
02/28/2017	Rev. per City Comments

**WELD COUNTY  
COLORADO**

SECTION: 32  
TOWNSHIP: 6 NORTH  
RANGE: 66 WEST OF 6TH P.M.

**SHEETS**  
1  
1



**SIGNATURE BLUFFS NATURAL AREA  
ANNEXATION THREE  
LOCATED IN A PORTION OF SECTION 32, TOWNSHIP 6 NORTH,  
RANGE 66 WEST OF THE 6th P.M., WELD COUNTY, COLORADO**

**LEGAL DESCRIPTION**

A tract of land located in the Northeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

**BASIS OF BEARING:** The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being N 89°40'52" E from the Center 1/4 corner of said Section 32 to the East 1/4 corner of said section 32.

Beginning at the East 1/4 corner of C-1 of said Section 32 and assuming the North line of the Southeast 1/4 of said Section 32 bears N 89°40'52" E, and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'52" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following four (4) curves N 14°52'50" W, a distance of 152.53'; Thence N 09°29'55" W, a distance of 228.71'; Thence N 17°15'55" W, a distance of 129.26'; Thence N 13°57'04" W, a distance of 182.32' more or less to the East line of the Northeast 1/4 of said Section 32; Thence along said East line S 89°40'25" W, a distance of 825.15' to the POINT OF BEGINNING.

Said tract of land containing 14154.54 Sq. Ft., or 3.232 Acres more or less.



VICINITY MAP  
SCALE: 1" = 1/4 MILE

**ACCEPTANCE:**

Said map was accepted by the City of Greeley, Weld County, Colorado and the territory therein designated made a part of said City of Greeley and included within the limits and jurisdiction thereof.

This the \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ A.D.

Attest: \_\_\_\_\_  
CITY CLERK MAYOR

**CITY ENGINEER CERTIFICATE OF APPROVAL**

Approved this \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ A.D. by the City Engineer of the City of Greeley, Colorado.

CITY ENGINEER

**COMMUNITY DEVELOPMENT DIRECTOR CERTIFICATE OF APPROVAL**

Approved this \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ A.D. by the Community Development Director of the City of Greeley, Colorado.

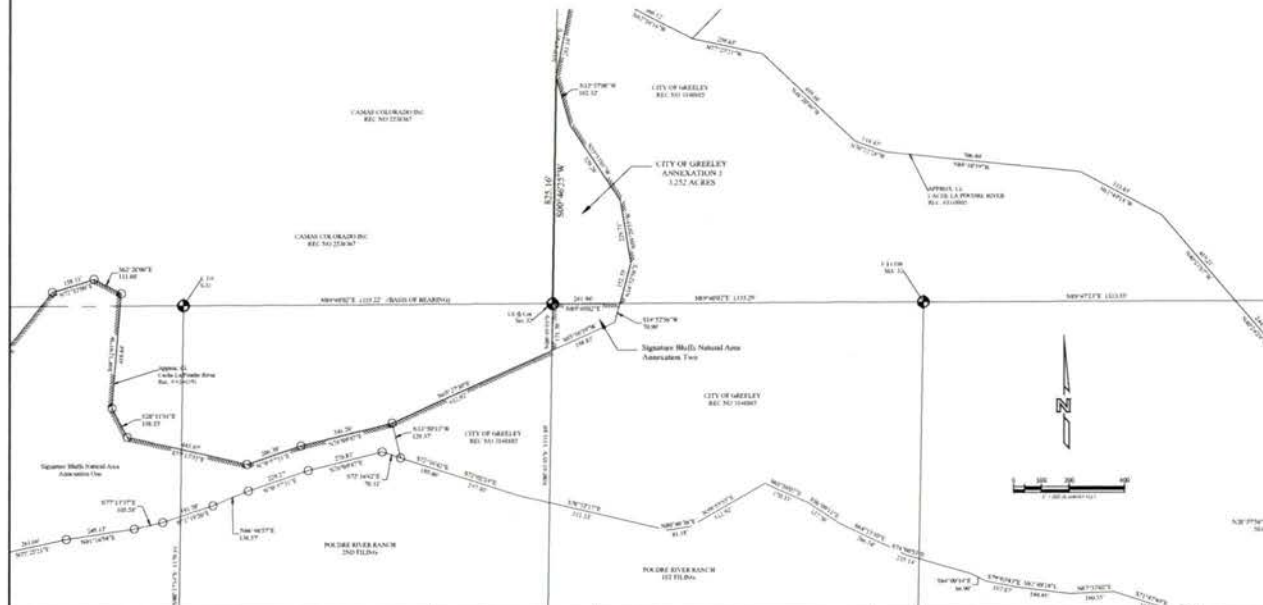
Community Development Director

**LEGEND**

- ALLOT CORNER
- CALCULATED POSITION
- SECTION LINE

**NOTES**

1. BASIS OF BEARING: Assuming the North line of the Southeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M. to bear N 89°40'52" E, as recorded on a Land Survey Plat recorded under Reception No. 4144591 of the records of Weld County, Colorado.
2. The distance and bearing measurements shown on this map are based on recorded legal descriptions and calculated positions, all related to match the Basis of Bearing shown on this map and legal description thereof.
3. All linear distances shown herein are based upon the U.S. Survey Foot.



**ANNEXATION THREE**

PERIMETER = 1960.92 L.F.  
CONTIGUOUS BOUNDARY = 1115.74 L.F.  
TOTAL BOUNDARY = 326.82 L.F.  
RATIO = 1:1.727

DIAGONAL LINE INDICATES CONTIGUOUS BOUNDARY

**SURVEYOR'S STATEMENT:**

THIS ANNEXATION DRAWING IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION FROM EXISTING DOCUMENTS OF RECORD TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION AS SHOWN HEREIN, AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I FURTHER STATE THAT NOT LESS THAN ONE-SIXTH OF THE PERIMETER OF THE AREA TO BE ANNEXED IS CONTIGUOUS TO THE BOUNDARY OF THE CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

Robert F. Mulford, P.E.S.  
Colorado P.L.S. No. 13225  
For and on behalf of the City of Greeley

Drawing Date:	
Drawing File Name:	
Full Path:	
Map Scale:	Veri. Scale
Unit Information:	Unit Leader
Drawn by:	Checked by:



**PUBLIC WORKS DEPARTMENT**  
DIVISION OF ENGINEERING  
1001 NINTH AVENUE  
GREELEY, COLORADO 80631

SIGNATURE BLUFFS NATURAL AREA  
ANNEXATION THREE

Sheet Revisions	
02/26/2017	Rev. per. City Comments

**WELD COUNTY  
COLORADO**

SECTION 32  
TOWNSHIP 6 NORTH  
RANGE 66 WEST OF 6TH P.M.

**SHEETS**  
1  
1





## ANNEXATION IMPACT REPORT SIGNATURE BLUFFS NATURAL AREAS ANNEXATION NO. 2 & 3

<b>PROPERTY OWNERS</b>	City of Greeley, Colorado
<b>REPRESENTATIVE</b>	Marian Duran   Planner II
<b>LOCATION</b>	The properties are located on the western edge of the Signature Bluffs Trail and the Signature Bluffs Natural Area, approximately 4,000 feet east of WCR 27/83 <sup>rd</sup> Avenue and 600 feet north of the Poudre River Ranch Subdivision.
<b>SIZE</b>	Legal Description .631 & 3.252 (3.883 Acres Total)
<b>CONTIGUITY</b>	Required      16.67% Provided      42.5% for No. 2  Provided      57.9% for No. 3
<b>EXISTING USES</b>	Site is largely vacant with an oil well and trail.
<b>SURROUNDING LAND USES</b>	North:      Vacant South:      Signature Bluffs Trail and Cache La Poudre River East:      Signature Bluffs Trail and Cache La Poudre River West:      Vacant/Excavation
<b>CURRENT ZONING</b>	Weld County A (Agriculture)
<b>SURROUNDING ZONING</b>	North:      A (Agriculture - County) South:      PUD (Planned Unit Development - City) East:      C-D (Conservation District - City) West:      A (Agriculture - County)
<b>AVAILABLE UTILITIES</b>	City of Greeley Water, City of Greeley Sewer, gas, electric, and telecommunication utilities would be available, if the property was to be developed in the future.
<b>TAXING DISTRICTS</b>	Aims Junior College Clearview Library



North Weld County water (NWC)  
Northern Colorado Water (NCW)  
School District RE4-Windsor  
Weld County  
West Greeley Conservation  
Windsor-Severance Fire

## **INTENDED/PROPOSED USES**

Open Space and Trails

## **COMPREHENSIVE PLAN**

The entire site lies within the Long-Range Expected Growth (LREGA), albeit on the western edge of the Signature Bluffs Trail and the Signature Bluffs Natural Area, this is approximately 4,000 feet east of 83<sup>rd</sup> Avenue and 600 feet north of the Poudre River Ranch Subdivision. The subject site is located within an area identified in the 2060 Comprehensive Plan (Land Use Guidance Map) as the Natural Uses (Parklands and Open Space). It is anticipated that the site will be used for open space and trails.

## **ANALYSIS**

State annexation standards require a minimum one-sixth boundary contiguity (16.66%) for an annexation. The Signature Bluffs Natural Area Annexation No. 2 and No. 3 satisfy this requirement along its' shared western boundary with the Signature Bluffs Natural Area which was annexed into the City in 2006. This annexation was called the Poudre River Ranch North Annexation (Rec. No. 3419978) approximately 4,000 feet east of WCR 27/83rd Avenue and 600 feet north of the Poudre River Ranch Subdivision. with the Poudre River Ranch Annexation Lot A into the City 3/5/1996 (Rec. No. 2491897). Both serial annexations satisfy the state minimum standards with No. 2 being at 42.5% contiguity and No. 3 being at 57.9% contiguity with the City of Greeley.

The annexations a consists of a total of 3.33 acres, each being .631 acres in size for Annexation No. 2 & 3.252 for Annexation No. 3 (3.883 Acres Total) as described in the legal description.

The property is proposed to be withdrawn from the Western Hills Fire Protection District and receive fire services from the Greeley Fire Department.

The annexation of this property into the City would be consistent with present growth patterns and Comprehensive Plan policies. There is evidence that



this site would meet the City's future goals with regards to trail and open space. The requirements of State Statutes and City of Greeley Comprehensive Plan Policies for annexation appear would meet these requested annexations.

**ATTACHMENTS:**

Exhibit A - Vicinity Map  
Exhibit B - Annexation Plats  
Exhibit C - Legal Descriptions





## CITY ATTORNEY'S OFFICE MEMORANDUM

---

**To:** Cheryl Aragon, Deputy City Clerk  
Val Scheffer, Senior Administrative Specialist  
**From:** Susan M. Henderson, Senior Assistant City Attorney  
**Subject:** Signature Bluffs Natural Area Annexation No. 1  
**Date:** September 2, 2017

---

This office has reviewed the Petition for the Signature Bluffs Natural Area Annexation No. 1 into the City of Greeley and finds that the Petition for Annexation is in substantial compliance with the requirements of C.R.S. §31-12-107. Additionally, this office has reviewed the Petition for compliance with annexation requirements contained in C.R.S. §§31-12-104 and 31-12-105 and finds that the Petition meets the legal requirements of those sections.

Please prepare the Resolution (a draft is attached) and schedule this matter for hearing in accordance with C.R.S. §31-12-108.

Attachment

cc: Marian Duran, Planner



## PETITION FOR ANNEXATION

Signature Bluffs Natural Area Annexation No. 2 **Annexation**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF GREELEY,  
COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et. seq., Colorado Revised Statutes, 1973, as amended, hereby petition the City Council of the City of Greeley for annexation to the City of Greeley of the territory described herein and described and shown on the map designated, "Signature Bluffs Natural Area Annexation No. 2 Annexation." The applicable number of said map (at least four) are submitted herewith and by this reference are incorporated herein. The description of the territory hereby petitioned for annexation to the City of Greeley is set forth in Exhibit A attached hereto and incorporated herein by reference.

In support of this petition, the Petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Greeley.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
  - A. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley.
  - B. A community of interest exists between the territory proposed to be annexed and the City of Greeley.
  - C. The territory sought to be annexed is urban or will be urbanized in the near future.
  - D. The territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley.
3. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has/have been divided into separate parts or parcels of real estate without the written consent of the land owner or land owners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.
4. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the written petition for annexation, has/have been included within the territory proposed to be annexed without the written consent of the land owner or land owners.



5. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Greeley was held within the twelve months preceding the filing of this petition.
6. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a city other than the City of Greeley.
7. The territory proposed to be annexed is not presently a part of any incorporated city, city and county, or town.
8. The property owned by each petitioner is described on each separate signature sheet and, when needed, described more fully in the exhibits attached hereto and incorporated herein by reference.
9. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the land owners and owning more than fifty percent (50%) of the property, excluding public streets and alleys, and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.

Accompanying this petition are the original and four copies of an annexation plat map containing the following information:

- A. A written legal description of the boundaries of the area proposed to be annexed.
- B. A map showing the boundary of the area proposed to be annexed.
- C. Within the annexation boundary map, an identification of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
- D. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
- E. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the City of Greeley.
- F. Acceptance block describing the acceptance action of the City of Greeley in form and substance as provided in Appendix A of the Subdivision Regulations of the City of Greeley and providing for the effective date and City Clerk and Mayor attest signatures.



10. Except as otherwise provided, no part of the territory sought to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.
11. As an expressed condition of annexation, land owner(s) consent(s) to inclusion into the Northern Colorado Water Conservancy District and the municipal subdistrict pursuant to Section 37-45-136 (3.6) C.R.S. Land owner(s) acknowledge(s) that, upon inclusion into the district and subdistrict, land owner's (s') property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the district and subdistrict at the time of inclusion of land owner's(s') lands. Land owner(s) agree(s) to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and subdistrict can impose such mill levies and special assessments as it has the authority to impose. Land owner(s) also agree(s) to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

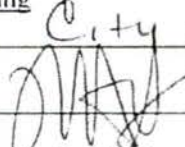
THEREFORE, the undersigned respectfully petition(s) and requests the City Council of the City of Greeley, to approve annexation of the territory described and referred to in Exhibit A to the City of Greeley in accordance with and pursuant to the statutes of the State of Colorado.

Land Owner(s) Name(s) and Signature(s)

Mailing Address

Date of

Signing

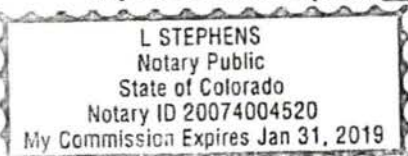
City of Greeley  


1000 10th St Greeley CO 80631  
3/30/17

Subscribed and sworn to before me this 30<sup>th</sup> day of March, 2017, by  
Roy Otto, City Manager

Witness my hand and official seal.

My commission expires: 1-31-19



  
 Notary Public

Land Owned

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



## PETITION FOR ANNEXATION

Signature Bluffs Natural Area Annexation No. 3 **Annexation**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF GREELEY,  
COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et. seq., Colorado Revised Statutes, 1973, as amended, hereby petition the City Council of the City of Greeley for annexation to the City of Greeley of the territory described herein and described and shown on the map designated, "Signature Bluffs Natural Area Annexation No. 3 Annexation." The applicable number of said map (at least four) are submitted herewith and by this reference are incorporated herein. The description of the territory hereby petitioned for annexation to the City of Greeley is set forth in Exhibit A attached hereto and incorporated herein by reference.

In support of this petition, the Petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Greeley.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
  - A. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley.
  - B. A community of interest exists between the territory proposed to be annexed and the City of Greeley.
  - C. The territory sought to be annexed is urban or will be urbanized in the near future.
  - D. The territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley.
3. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has/have been divided into separate parts or parcels of real estate without the written consent of the land owner or land owners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.
4. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the buildings and improvements situated thereon have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the written petition for annexation, has/have been included within the territory proposed to be annexed without the written consent of the land owner or land owners.



5. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Greeley was held within the twelve months preceding the filing of this petition.
6. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a city other than the City of Greeley.
7. The territory proposed to be annexed is not presently a part of any incorporated city, city and county, or town.
8. The property owned by each petitioner is described on each separate signature sheet and, when needed, described more fully in the exhibits attached hereto and incorporated herein by reference.
9. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the land owners and owning more than fifty percent (50%) of the property, excluding public streets and alleys, and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.

Accompanying this petition are the original and four copies of an annexation plat map containing the following information:

- A. A written legal description of the boundaries of the area proposed to be annexed.
- B. A map showing the boundary of the area proposed to be annexed.
- C. Within the annexation boundary map, an identification of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
- D. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
- E. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the City of Greeley.
- F. Acceptance block describing the acceptance action of the City of Greeley in form and substance as provided in Appendix A of the Subdivision Regulations of the City of Greeley and providing for the effective date and City Clerk and Mayor attest signatures.



10. Except as otherwise provided, no part of the territory sought to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.
11. As an expressed condition of annexation, land owner(s) consent(s) to inclusion into the Northern Colorado Water Conservancy District and the municipal subdistrict pursuant to Section 37-45-136 (3.6) C.R.S. Land owner(s) acknowledge(s) that, upon inclusion into the district and subdistrict, land owner's (s') property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the district and subdistrict at the time of inclusion of land owner's(s') lands. Land owner(s) agree(s) to waive any right to an election which may exist to require an election pursuant to Article X, Section 20, of the Colorado Constitution before the district and subdistrict can impose such mill levies and special assessments as it has the authority to impose. Land owner(s) also agree(s) to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, Section 20, of the Colorado Constitution.

THEREFORE, the undersigned respectfully petition(s) and requests the City Council of the City of Greeley, to approve annexation of the territory described and referred to in Exhibit A to the City of Greeley in accordance with and pursuant to the statutes of the State of Colorado.

Land Owner(s) Name(s) and Signature(s)

Mailing Address

Date of

Signing

City of Greeley  
[Signature]

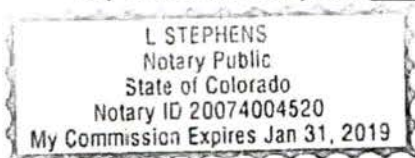
1000-10<sup>th</sup> St, Greeley Co  
20031

3/30/17

Subscribed and sworn to before me this 30<sup>th</sup> day of March, 2017, by  
Roy Otto, City Manager

Witness my hand and official seal.

My commission expires: 1-31-19



[Signature]  
Notary Public

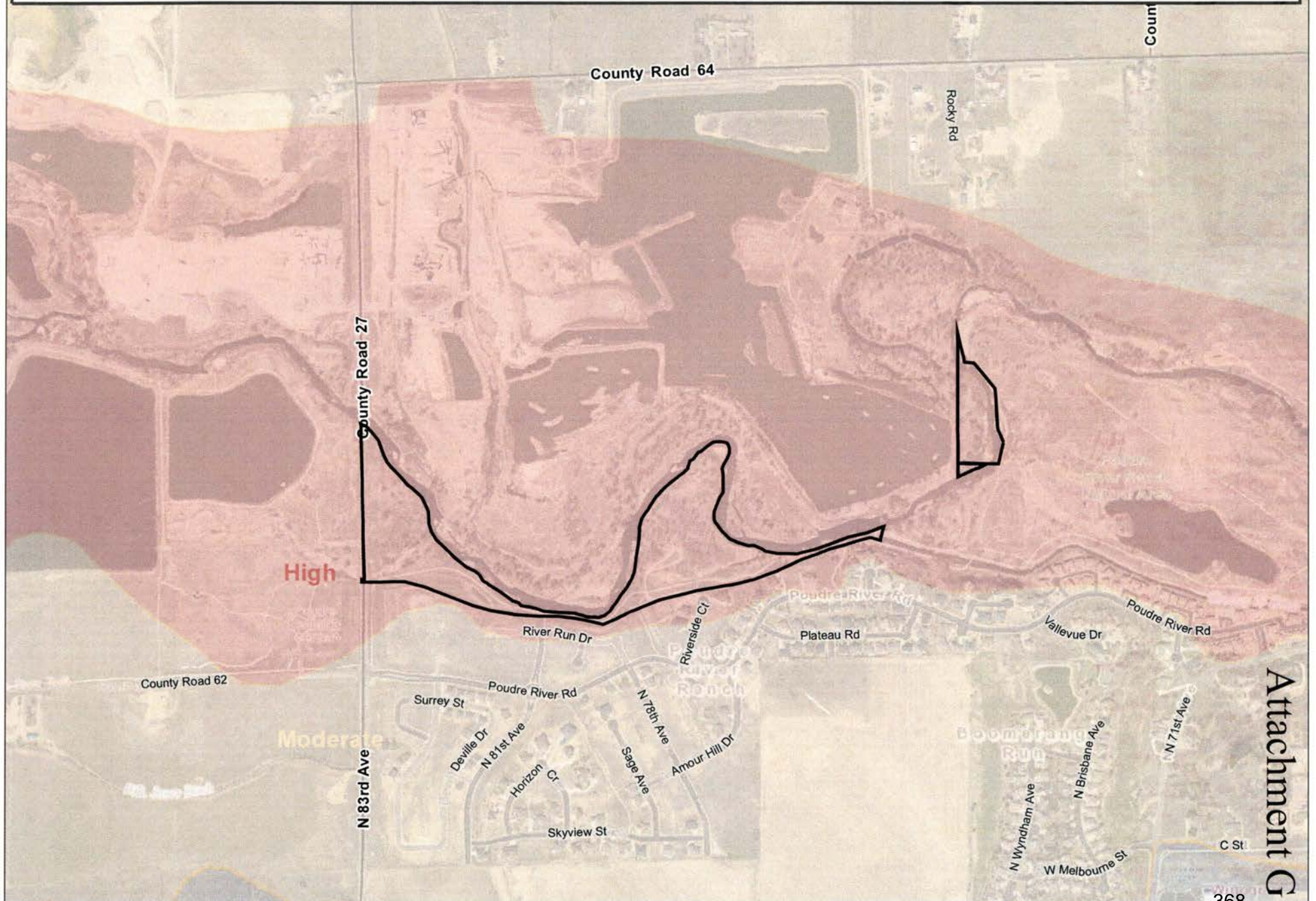
Land Owned

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# Ecological Significance | Signature Bluffs Natural Areas Annexations

1 inch = 833 feet





# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 28**

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

### Title

Public hearing to consider establishing C-D (Conservation District) zoning for properties recently annexed and known as the "Signature Bluffs Natural Area Annexation Nos. 1-3" located east of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road, and a public hearing and final reading for three (3) ordinances changing the official zoning map of the City of Greeley, Colorado, to reflect the same

### Summary

This is a request to establish zoning for the Signature Bluffs Natural Area Annexation, a collection of three (3) parcels that total approximately 32.889 acres. The request is to zone these properties C-D (Conservation District) zoning. The planned use is as open space.

The property is currently in the process of being annexed into the City of Greeley. Zoning is required to be established on the property within 90 days.

The Planning Commission considered this request on September 26, 2017, and is unanimously recommending approval.

If establishment of zoning 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 October 3, 2017.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes (minimal)
If yes, what is the initial or onetime impact?	Ongoing impacts only
What is the annual impact?	Police, fire & other city services
What fund of the City will provide funding?	General budgeted funds
What is the source of revenue within the fund?	Varies
Is there grant funding for this item?	No (land acquisition, however, was through a grant)
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 the following public hearing steps:

- 1) City staff presentation



- 2) Council questions of staff
- 3) Applicant presentation
- 4) Council questions of applicant
- 5) Public input (hearing opened, testimony - up to three minutes per person, 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 establishment of zoning:

1. Adopt the establishment zoning presented; or
2. Amend the establishment of zoning and adopt as amended; or
3. Deny the establishment of zoning; or
4. Continue consideration of the establishment of zoning

Regarding the map change request:

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

#### Council's Recommended Action

Finding in favor of establishing zoning, two motions are required:

- A) A motion that, based on the project summary and accompanying analysis, the proposed establishment of zoning to C-D (Conservation District) zone district meets Development Code Section 18.26.070; and, therefore, approve the establishment of zoning.
- B) A motion to adopt the map change ordinances and publish with reference to title only.

#### Attachments

Ordinances (#1 - #3)

Draft Planning Commission Minutes (September 26, 2017)

Planning Commission Summary (Staff Report) (September 26, 2017)



CITY OF GREELEY, COLORADO

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

CASE NO. Z 6:17

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, ESTABLISHING C-D (CONSERVATION DISTRICT) ZONING FOR A PARCEL OF PROPERTY LOCATED IN WELD COUNTY, COLORADO, GENERALLY EAST OF 83<sup>RD</sup> AVENUE AND THE POUDRE RIVER LEARNING CENTER, RECENTLY ANNEXED AND KNOWN AS THE SIGNATURE BLUFFS NATURAL AREA ANNEXATION NO. 1

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

Section 1. The following described property located in the City of Greeley known as the Signature Bluffs Natural Area Annexation No. 1 is hereby placed into the C-D (Conservation District) zoning district in the City of Greeley, County of Weld, State of Colorado, and is described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said described parcel of land contains 29.006 acres, more or less.

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 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST: THE CITY OF GREELEY

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

\_\_\_\_\_  
Mayor



## LEGAL DESCRIPTION

### Annexation No. 1

A tract of land located in a portion of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

BASIS OF BEARING: The West line of the Southwest 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being N 00°45'07" E from the Southeast corner of said tract to the West 1/4 corner of said section 32. Commencing at the Southwest corner of said Section 32; Thence along the west line of the Southwest 1/4 of said Section 32 N 00°45'07" E, a distance of 1924.11'; Thence S89°14'32" E, a distance of 30.00' to a point on the east right-of-way of 83rd Avenue, said point being the POINT OF BEGINNING for this description; Thence along the North line of Poudre River Ranch 3rd Filing the following fourteen (14) courses S 89°14'53" E, a distance of 281.50'; Thence S 73°38'27" E, a distance of 145.77'; Thence S 66°48'55" E, a distance of 296.78'; Thence S 72°34'58" E, a distance of 120.35'; Thence S 75°27'49" E, a distance of 101.05'; Thence S 80°52'03" E, a distance of 127.84'; Thence S 86°34'55" E, a distance of 230.64'; Thence S83°11'41"E, a distance of 102.15'; Thence S 76°42'01" E, a distance of 219.07'; Thence N 65°52'58" E, a distance of 233.93'; Thence N 69°29'44" E, a distance of 173.15'; Thence N 77°25'21" E, a distance of 261.66'; Thence N 81°16'54" E, a distance of 249.13'; Thence N 77°13'37" E, a distance of 105.58' to the Northeast corner of said Poudre River Ranch 3rd Filing, said point furthermore being the Northwest corner of Poudre River Ranch 2nd Filing; Thence along the North line of said Poudre River Ranch 2nd Filing for five (5) courses N 71°19'20" E, a distance of 191.38'; Thence N 66°46'57" E, a distance of 138.57'; Thence N 70°57'31" E, a distance of 229.27'; Thence N 76°09'47" E, a distance of 276.81'; Thence S72°16'42"E a distance of 70.31' more or less to a point on the Westerly line of a tract of land as described under Reception No. 3148885 of the records of said Weld County, Colorado Thence along the Westerly line of said tract of land N 13°50'13" W, a distance of 129.37' more or less to a point on the approximate centerline of the Cache La Poudre River; Thence along said approximate centerline of Cache La Poudre River the following fourteen (14) courses S 76°09'47" W, a distance of 341.26'; Thence S70°57'31"W, a distance of 206.30'; Thence N 77°15'35" W, a distance of 443.97'; Thence N 28°11'31" W, a distance of 118.53'; Thence N 04°32'45" E, a distance of 418.64'; Thence N 62°28'00" W, a distance of 111.80'; Thence S 72°32'00" W, a distance of 158.11'; Thence S 38°35'54" W, a distance of 541.40'; Thence S 08°39'37" W, a distance of 350.99'; Thence S 38°30'06" W, 341.82'; Thence N 76°33'49" W, a distance of 562.21'; Thence N 48°28'29" W, a distance of 612.76'; Thence N 23°47'07" W, a distance of 368.20'; Thence N 39°01'45" W, a distance of 596.63' to a point on the West line of a tract of land as described in Reception No. 1827327 of the records of said Weld County; Thence along the Westerly line of said Reception No 1827327 S 00°01'08" E, a distance of 936.93'; Thence N 89°15'12" W, a distance of 21.30' to a point on the East right-of-way line of 83rd Avenue; Thence along said east right-of-way line S 00°45'07" W, a distance of 153.94' to the POINT OF BEGINNING;

Said tract of land containing 1263499.3 Sq. Ft, or 29.006 Acres more or less.



CITY OF GREELEY, COLORADO

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

CASE NO. Z 7:17

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, ESTABLISHING C-D (CONSERVATION DISTRICT) ZONING FOR A PARCEL OF PROPERTY LOCATED IN WELD COUNTY, COLORADO, GENERALLY EAST OF 83<sup>RD</sup> AVENUE AND THE POUDRE RIVER LEARNING CENTER, RECENTLY ANNEXED AND KNOWN AS THE SIGNATURE BLUFFS NATURAL AREA ANNEXATION NO. 2

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

Section 1. The following described property located in the City of Greeley known as the Signature Bluffs Natural Area Annexation No. 2 is hereby placed into the C-D (Conservation District) zoning district in the City of Greeley, County of Weld, State of Colorado, and is described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said described parcel of land contains .631 acres, more or less.

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 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST: THE CITY OF GREELEY

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

\_\_\_\_\_  
Mayor



## LEGAL DESCRIPTION

### Annexation No. 2

A tract of land located in the Southeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

BASIS OF BEARING: The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being

N 89°40'02" E from the Center 1/4 corner of said Section 32 to the East 1/4 corner of said section 32.

Beginning at the East 1/16 corner of C~C of said Section 32 and assuming the North line of the Southeast 1/4 of said Section 32 bears N 89°40'02" E and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'02" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following three (3) courses S 14°52'56" W, a distance of 70.90'; Thence S 65°16'30" W, a distance of 248.82' to the East line of the Northwest 1/4 of the Southeast 1/4 of said Section 32; Thence along said West line N 00°45'45" E, a distance of 171.20' to the POINT OF BEGINNING;

Said tract of land containing 27503 Sq. Ft, or 0.631 Acres more or less.



CITY OF GREELEY, COLORADO

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

CASE NO. Z 14:17

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, ESTABLISHING C-D (CONSERVATION DISTRICT) ZONING FOR A PARCEL OF PROPERTY LOCATED IN WELD COUNTY, COLORADO, GENERALLY EAST OF 83<sup>RD</sup> AVENUE AND THE POUDRE RIVER LEARNING CENTER, RECENTLY ANNEXED AND KNOWN AS THE SIGNATURE BLUFFS NATURAL AREA ANNEXATION NO. 3

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

Section 1. The following described property located in the City of Greeley known as the Signature Bluffs Natural Area Annexation No. 3 is hereby placed into the C-D (Conservation District) zoning district in the City of Greeley, County of Weld, State of Colorado, and is described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said described parcel of land contains 3.252 acres, more or less.

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 17<sup>TH</sup> DAY OF OCTOBER, 2017.

ATTEST: THE CITY OF GREELEY

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

\_\_\_\_\_  
Mayor



## LEGAL DESCRIPTION

### Annexation No. 3

A tract of land located in the Northeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

BASIS OF BEARING: The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being

N 89°40'02" E from the Center 1/4 corner of said Section 32 to the East 1/4 corner of said section 32.

Beginning at the East 1/16 corner of C~C of said Section 32 and assuming the North line of the Southeast 1/4 of said Section 32 bears N 89°40'02" E and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'02" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following four (4) courses N 14°52'56" W, a distance of 152.53'; Thence N 09°29'35" W, a distance of 229.71'; Thence N 33°33'05" W, a distance of 329.26'; Thence N 15°57'08" W, a distance of 182.32' more or less to the East line of the Northeast 1/4 of said Section 32; Thence along said East line S 00°46'25" W, a distance of 825.16' to the POINT OF BEGINNING; Said tract of land containing 141643Sq. Ft, or 3.252 Acres more or less.





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## **PLANNING COMMISSION**

### **Proceedings**

**September 26, 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, Hice-Idler, Yeater and Mirick were present.

#### **II. Approval of minutes for meeting held on September 12, 2017**

Commissioner Rarick moved to approve the minutes for the meeting held on September 12, 2017. Commissioner Andersen seconded the motion. The motion carried 7-0.

#### **III. A public hearing to consider annexation of a parcel of land containing approximately 29.006 acres and known as the Signature Bluffs Natural Area Annexation No. 1**

Project Name: Signature Bluffs Natural Area Annexation No. 1  
Case No.: A 9:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items III through VIII be considered together, with separate motions being required for each annexation and establishment of zoning. Chair Hall called up all of the cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the areas requested for annexation. She noted that the 32.88-acre site is within Long-Range Expected Growth Area and that the annexation would protect and preserve the area for open space. Ms. Duran reported that the area meets or



exceeds the state's one-sixth contiguity requirement. She added that the Greeley Fire Department would provide service to the area. Ms. Duran advised that the applicant requested establishment of C-D (Conservation District) zoning.

The Administrative Review team reviewed the proposal and all comments were addressed for the annexations and establishments of zoning. Property owners within 500 feet were notified. One phone call was received by an individual inquiring about any future development. Staff recommended approval of the applications.

Chair Hall opened the public hearing at 1:24 p.m. to allow citizens to comment on items III through VIII. There being no public comment, the public hearing was closed at 1:24 p.m.

A series of motions followed the public hearing.

Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation meets the approval criteria found in Section 18.26.050(a)(1 through 5) and meets State statutory requirements and, therefore, recommends approval of the annexation (Case No. A 9:16) to the City Council. Commissioner Schulte seconded the motion. The motion carried 7-0.

Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation (Signature Bluffs Natural Area Annexation No. 2) meets the approval criteria found in Section 18.26.050(a)(1 through 5) and meets State statutory requirements and, therefore, recommends approval of the annexation (Case No. A 10:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 7-0.

Commissioner Andersen made a motion that, based on the project summary and analysis, the Planning Commission finds that the request for an annexation (Signature Bluffs Natural Area Annexation No. 3) meets the approval criteria found in Section 18.26.050(a)(1 through 5) and meets State statutory requirements and, therefore, recommends approval of the annexation (Case No. A 11:16) to the City Council. Commissioner Yeater seconded the motion. The motion carried 7-0.

Commissioner Rarick made a motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of zoning to the C-D (Conservation District) zone district meets Development Code Section 18.26.070 and, therefore, recommends approval of the establishment of zoning (Case No. Z 6:17) to the City Council. Commissioner Schulte seconded the motion. The motion carried 7-0.

Commissioner Andersen made a motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of zoning (Signature Bluffs Natural Area Annexation Establishment of Zoning No. 2) to the C-D (Conservation District) zone district meets Development Code Section 18.26.070 and, therefore, recommends approval of the establishment of zoning (Case No. Z 7:17) to the City Council. Commissioner Yeater seconded the motion. The motion carried 7-0.



Commissioner Andersen made a motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of zoning (Signature Bluffs Natural Area Annexation Establishment of Zoning No. 3) to the C-D (Conservation District) zone district meets Development Code Section 18.26.070 and, therefore, recommends approval of the establishment of zoning (Case No. Z 14:17) to the City Council. Commissioner Rarick seconded the motion. The motion carried 7-0.

**IV. A public hearing to consider annexation of a parcel of land containing approximately .631 acres and known as the Signature Bluffs Natural Area Annexation No. 2**

Project Name: Signature Bluffs Natural Area Annexation No. 2  
Case No.: A 10:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**V. A public hearing to consider annexation of a parcel of land containing approximately 3.252 acres and known as the Signature Bluffs Natural Area Annexation No. 3**

Project Name: Signature Bluffs Natural Area Annexation No. 3  
Case No.: A 11:16  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**VI. A public hearing to consider establishment of zoning to C-D (Conservation District) for a 29.006 acre parcel of property known as the Signature Bluffs Natural Area Annexation No. 1**

Project Name: Signature Bluffs Natural Area Annexation No. 1 Establishment of Zoning  
Case No.: Z 6:17  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**VII. A public hearing to consider establishment of zoning to C-D (Conservation District) for a .631 acre parcel of property known as the Signature Bluffs Natural Area Annexation No. 2**

Project Name: Signature Bluffs Natural Area Annexation No. 2 Establishment of Zoning  
Case No.: Z 7:17  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II



**VIII. A public hearing to consider establishment of zoning to C-D (Conservation District) for a 3.225 acre parcel of property known as the Signature Bluffs Natural Area Annexation No. 3**

Project Name: Signature Bluffs Natural Area Annexation No. 3 Establishment of Zoning  
Case No.: Z 14:17  
Applicant: City of Greeley  
Location: East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center and north of Poudre River Road  
Presenter: Marian Duran, Planner II

**IX. A public hearing to consider annexation of a parcel of land containing approximately 5.03 acres and known as the Dale Land Annexation**

Project Name: Dale Land Annexation  
Case No.: A 13:16  
Applicant: Dale Land, LLC  
Location: 398 East 18<sup>th</sup> Street  
Presenter: Marian Duran, Planner II

Marian Duran addressed the Commission and requested that items IX and X be considered together, with separate motions being required for the annexation and establishment of zoning. Chair Hall called up both cases to be presented. Ms. Duran entered the staff reports into the record.

Ms. Duran presented a map showing the location of the property and noted that it is currently in Weld County. She described the surrounding zoning and uses. Ms. Duran reported that the applicant is requesting annexation into the city in order to receive city services. Ms. Duran advised that the applicant requested establishment of I-M (Industrial Medium Intensity) zoning to allow for outdoor storage, vehicle repair and general industrial uses associated with oil & gas support services. She added that a zoning suitability plan was submitted in conjunction with annexation request.

Ms. Duran reported that the proposal complies with the 2060 Comprehensive Plan policies and noted that the site is within the Long-Range Expected Growth Area, but is not within the flood plain or floodway. Staff determined that I-M zoning is appropriate.

The Administrative Review Team reviewed the proposal and found that all comments were addressed. Owners within 500 feet of the site were notified and one telephone inquiry was received. In addition, an email was received today and is part of this record. Staff recommended approval of the application.

Ms. Duran responded to questions by Commissioners about the creation of an enclave by the annexation that is the subject of this hearing. She added that the applicant was referred to the City by Weld County officials after he had requested water and sewer services. Commissioner Rarick asked whether services included fire protection and Ms. Duran advised that fire and police services would be provided.



## PLANNING COMMISSION SUMMARY

**ITEM:** A request for Establishment of Zoning to C-D (Conservation District) Zone District for property known as Signature Bluffs Natural Areas Annexation, No. 1

**PROJECT:** Signature Bluffs Natural Areas Annexation, No. 1 - Establishment of Zoning

**CASE NO:** Z 6:17

**LOCATION:** Southeast 1/4 Portion of Sec 32, T.6N, R66.W, 6th P.M., - East of CR 27 and the Poudre River Learning Center, North of River Run Drive

**APPLICANT:** City of Greeley

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

**PLANNING COMMISSION HEARING DATE:** September 26, 2017

**PLANNING COMMISSION FUNCTION:** Review the proposal for compliance with the City of Greeley Development Code and recommend a finding to the City Council to approve, approve with conditions, table the application for future consideration, or deny the request in accordance with Section 18.26.070.

---

### EXECUTIVE SUMMARY

In accordance with Section. 18.26.070(a) of the City of Greeley Municipal Code, annexed areas shall be included in the City's zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance. As such, this application has been submitted in conjunction with the petition to annex land to the City. The applicant proposes the establishment of C-D zoning to incorporate the parcel into the City of Greeley. Should the parcels be annexed, and this application approved, the land would be used for open space and trails, a recreational opportunity for City of Greeley residents, which has been possible through the Great Outdoors Colorado (COGO) grants given to the City of Greeley (*see Attachments A, B, & C*).

#### A. REQUEST

The applicant is seeking approval for the Establishment of Zoning to C-D (Conservation District) Zone District for property known as Signature Bluffs Natural Areas Annexation, No. 1 (*see Attachment B*).



**B. STAFF RECOMMENDATION**

Approval

**C. LOCATION**

The property East of CR 27 and the Poudre River Learning Center, North of River Run Drive.

**Current Zoning:** Weld County A (Agriculture)

**Proposed Zoning:** C-D (Conservation District – City)

**Abutting Zoning:** North: A (Agriculture - County)  
South: PUD (Planned Unit Development )  
East: A (Agriculture - County)  
West: C-D (Conservation District ) and R-E (Residential Estate Density )

**Site Conditions:** The site is relatively undeveloped; the majority of the site is within the Poudre River Floodway. The site does not contain the Cache La Poudre River, the river it is located on the north side of the parcel. It does, however contain the Poudre River Trail, one oil and gas wellhead and a tank battery. The site is fairly flat land with native vegetation throughout. See Background information below for more details.

**Lot Size:** 29.006 Acres

**Abutting Land Uses:** North: Vacant/Excavation Site  
South: Single-Family Housing  
East: Vacant/Excavation Site  
West: Poudre Learning Center

**D. BACKGROUND**

This establishment of zoning is initiated by the City of Greeley in order to place zoning on recently annexed property in a timely manner, as required by Colorado statute. The property is currently in the process of being annexed into the City of Greeley, with final reading of the annexation ordinance scheduled before City Council on October 17, 2017 (Case No. A:17). State law requires that zoning be established on all newly annexed parcels within 90 days. The final reading of the ordinance



establishing the zoning for this property, as presented herein, is also scheduled before City Council on October 17, 2017.

The subject site is approximately 29.006 acres in size and is owned by the City of Greeley (*see Attachments A, B, & D*). The subject property includes a portion of the Poudre River Trail System and contains an oil and gas facility. The property is outside of the Cache la Poudre River, but it is inside the floodway and floodplain (*see Attachment G*). The property is also located inside the Long-Range Expected Growth Area (LREGA) (*see Attachments E & F*).

Over the years, the City has made several acquisitions to protect and enhance the Poudre River Trail, the Sheep Draw Trails and the natural areas. The Poudre River Ranch North Annexation (2006, (Reception No. 3419978), the Poudre River Trail Education Board First and Second Annexation 2001 (Reception No.'s 2881611 and 2881612, respectively), located along 83<sup>rd</sup> Avenue, as well as the Cottonwood Bend Natural Areas (2016, Case No. A 4:16, A 5:16, A 6:16, A 7:16, & A 8:1) and the Sheep Draw Natural Area Annexation (2013 & 2014, Case No.'s A 5:13 & A 1:14), located along 59<sup>th</sup> Avenue. These were a series of annexations for the purposes of protecting natural areas and trail corridor. The Signature Bluffs Natural Area No. 2 and No. 3 are also being processed separately to obtain additional natural areas west of 83<sup>rd</sup> Avenue. The properties proposed for Signature Bluffs Natural Area Annexation, No. 1 include lands purchased along the river corridor. The acquisition of these natural areas (Signature Bluffs Natural Areas, No. 1, 2 and 3) occurred in December 2015 (*see Attachment A & C*).

The City of Greeley is proposing to zone the land to C-D (Conservation District) zone district (*see Attachment C*). The C-D zone district is intended for areas containing commercial mineral deposits, the floodway, farming, parks and permanent open space. If the subject site develops with one of the said uses in the future, subsequent plans will be required to comply with the City's Development Code and will be required to comply with APFA (Adequate Public Facilities Area) requirements.

#### **E. APPROVAL CRITERIA**

*The City shall consider zoning such newly annexed areas under the appropriate zoning category as follows:*

- 1. If land use approval and/or development of areas being considered for annexation is not pending upon completion of annexation, if the subject property is in a transitional state regarding development or if it is in the best interest of the City, the City Council shall place the newly annexed property into the H-A Holding Agriculture Zoning District.**

Staff Comment: The subject site is not proposed for any new development at this time. As discussed, earlier in this report, the entire site is located



either within the floodway or floodplain. It is in the best interest of the City to place this property into the C-D zoning district rather than the H-A zoning district.

This criterion is not applicable.

2. **Requests for zoning districts other than the H-A Holding Agriculture District may be considered by the City Council in conjunction with the submittal of all applicable requirements for a zoning suitability plan or a rezoning application. The City Council shall place the newly annexed property into the zoning district most appropriate, considering the goals and objectives of the City's Comprehensive Plan and the applicant's future development plans.**

Staff Comment: Since proposed zoning is C-D, this criterion is not applicable.

3. **Requests for zoning to the C-D Conservation District shall be exempt from the requirements of Subsections (1) and (2) above.**

Staff Comment: The City proposes to establish C-D zoning on the entire 29.006 acre parcel. It is the policy of the City to generally place properties within the floodway in the C-D Zone District to limit development and protect the health, safety, and welfare of the public. It is in the best interest of the City to place the entire parcel in the C-D zone district since it is intended to be primarily used as open space and trail system, and adjoining floodway and floodplain.

**F. ADMINISTRATIVE REVIEW TEAM COMMENTS:**

The proposal was reviewed by the Administrative Review Team and all comments have been addressed.

**G. PHYSICAL SITE CHARACTERISTICS**

**1. SUBDIVISION HISTORY**

This property has never been subdivided through an official process

**2. HAZARDS**

The only known hazard that may be considered is the existing oil and gas facility and tank battery.



**3. WILDLIFE**

The site is in an area of high ecological significance. However, no development of the property is proposed (*see Attachment H*).

**4. FLOODPLAIN**

Cache la Poudre River flows and meanders along the northern side of the subject site; the site is within the floodway and the 100 year flood plain.

**5. DRAINAGE AND EROSION**

The site has existing drainage patterns expected to continue to follow the natural topography of the land.

**6. TRANSPORTATION**

The Poudre River Trail System provides alternative transportation services for pedestrians and bicyclists.

**7. SERVICES**

As stated above, the site will primarily be used for the Poudre River Trail System. Development is not expected on the site, unless for the maintenance of the trail system and/or the maintenance of the existing oil and gas facility or the removal of such facility is proposed.

**H. NEIGHBORHOOD NOTIFICATION:**

Letters regarding the proposed annexations were mailed to property owners within 500 feet of the site on September 11, 2017, pursuant to Development Code requirements. One sign was posted at the edge of the Poudre River Trail just before it heads south along WCR 27/83rd Avenue, a second sign was posted just north of the cul-de-sac of Riverside Court on September 10, 2017. No communication in response to notification has been received to date.

**I. PLANNING COMMISSION RECOMMENDED MOTION:**

A motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of rezoning to the C-D (Conservation District) zone district meets Development Code Section 18.26.070, and therefore recommends approval of the establishment of zoning to the City Council.

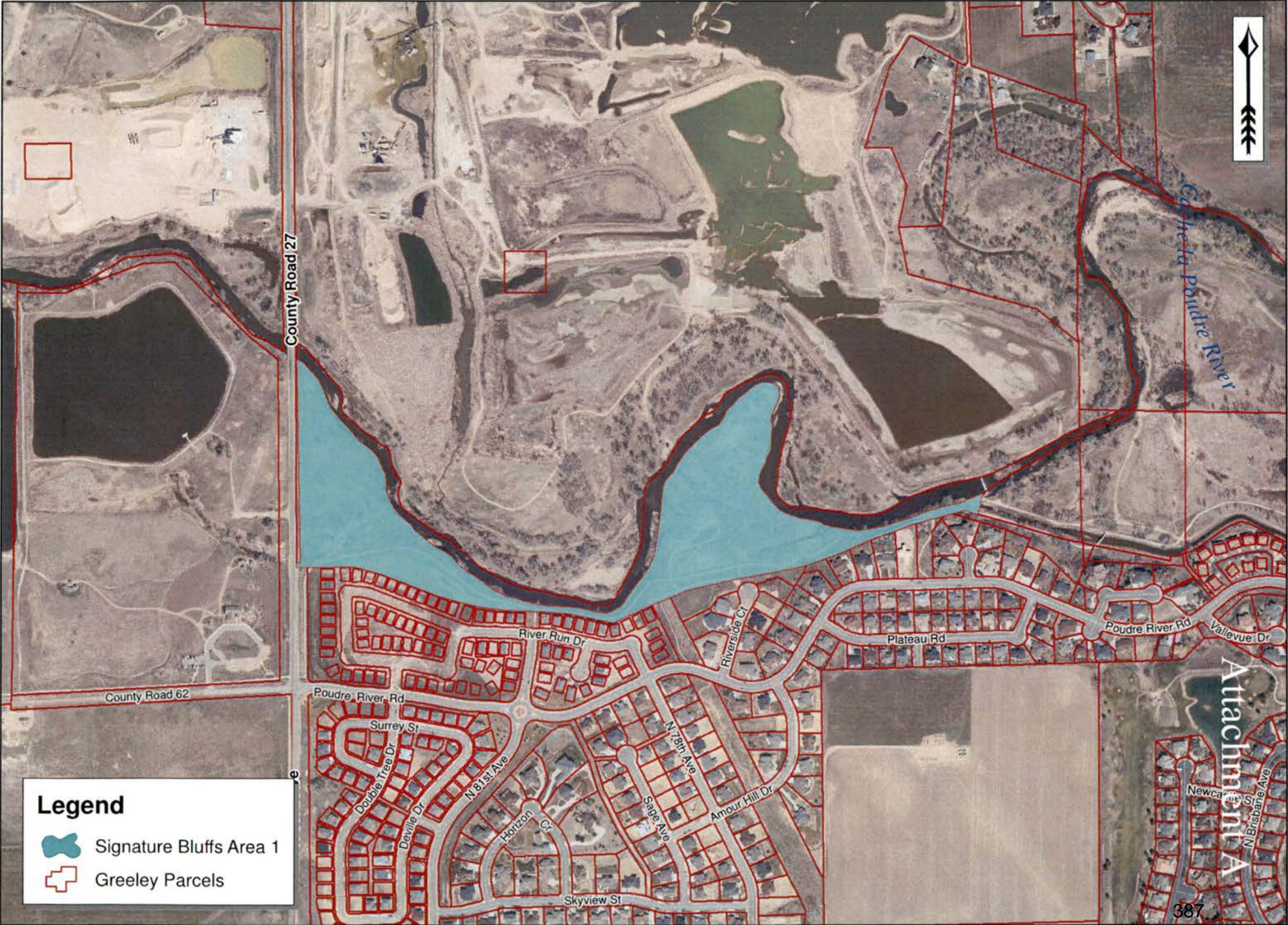


**J. ATTACHMENTS:**

- Attachment A - Aerial & Vicinity Map
- Attachment B - Existing Zoning Exhibit
- Attachment C - Establishment of Zoning Map
- Attachment D - Legal Description
- Attachment E - Land Use Guidance Map
- Attachment F - Floodway & Floodplain Map
- Attachment G - Ecological Significance Map




# Aerial/Vicinity Map - Signature Bluffs Natural Area 1



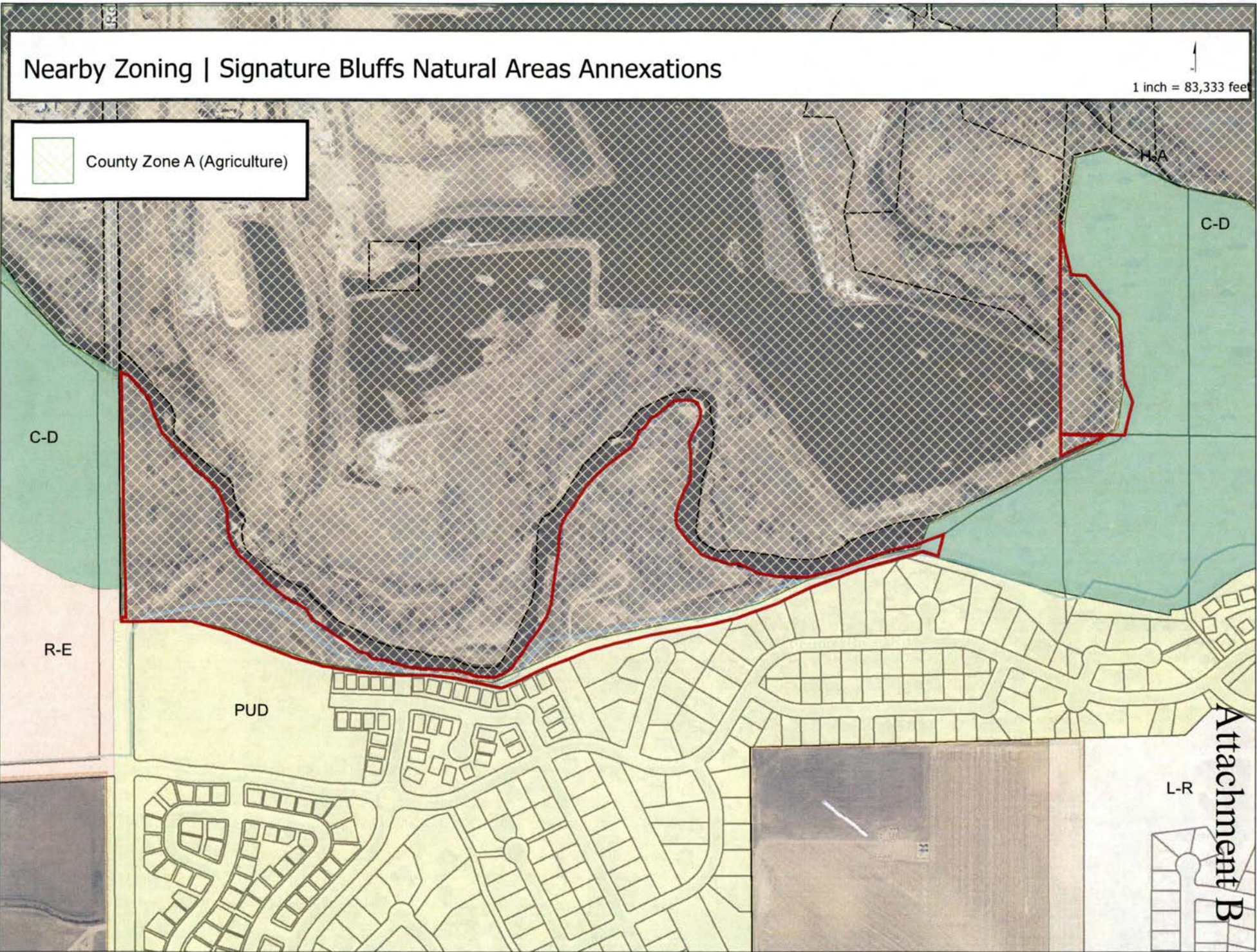


Nearby Zoning | Signature Bluffs Natural Areas Annexations

1 inch = 83,333 feet



County Zone A (Agriculture)



Attachment B



**ZONING EXHIBIT  
SIGNATURE BLUFFS NATURAL AREA  
ANNEXATION ONE  
LOCATED IN A PORTION OF SECTION 32,  
TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE  
6th P.M., WELD COUNTY, COLORADO**

**LEGEND**

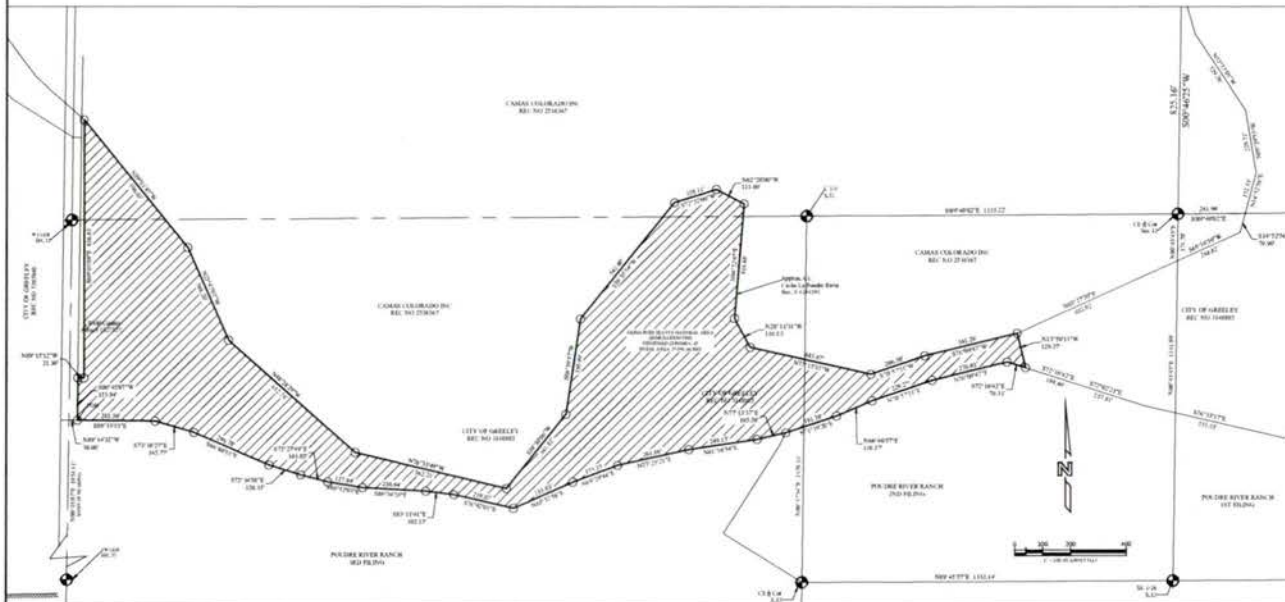
- ALIQUOT CORNER  
○ CALCULATED POSITION  
--- SECTION LINE

**NOTES**

- BASIS OF BEARING:** The West line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144291 of the records of Weld County, Colorado, said line being N 00°45'07" E from the Southeast corner of said map to the West 1/4 corner of said section 32.
- The distance and bearing measurements shown on this map are based on recorded legal descriptions and calculated positions, all related to match the Basis of Bearing shown on this map and legal description thereof.
- All listed distances shown herein are based upon the U.S. Survey Feet.



PROPOSED ZONING LOCATION  
SCALE: 1" = 200 U.S. SURVEY FEET

**LEGAL DESCRIPTION**

A tract of land located in a portion of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

**BASIS OF BEARING:** The West line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144291 of the records of Weld County, Colorado, said line being N 00°45'07" E from the Southeast corner of said tract to the West 1/4 corner of said section 32.

Commencing at the Southwest corner of said Section 32, Thence along the west line of the Southeast 1/4 of said Section 32 N 00°45'07" E, a distance of 1924.11; Thence S 89°14'52" E, a distance of 10.09 to a point on the east right-of-way of 83rd Avenue, said point being the POINT OF BEGINNING for this description, Thence along the North line of Poudre River Ranch 2nd Filing the following bearings and distances: S 89°14'53" E, a distance of 281.50; Thence S 73°18'27" E, a distance of 145.77; Thence S 64°48'55" E, a distance of 246.76; Thence S 72°14'58" E, a distance of 128.35; Thence S 75°22'49" E, a distance of 103.05; Thence S 80°52'00" E, a distance of 127.84; Thence S 65°18'59" E, a distance of 250.64; Thence S 89°14'53" E, a distance of 102.15; Thence S 70°42'01" E, a distance of 219.07; Thence N 63°52'58" E, a distance of 233.91; Thence N 69°29'48" E, a distance of 173.15; Thence N 77°32'21" E, a distance of 261.66; Thence N 81°45'48" E, a distance of 240.13; Thence N 77°19'37" E, a distance of 105.58 to the Northeast corner of said Poudre River Ranch 2nd Filing, said point hereinafter being the Northwest corner of Poudre River Ranch 2nd Filing, Thence along the North line of said Poudre River Ranch 2nd Filing for five (5) courses N 71°19'20" E, a distance of 161.38; Thence N 66°46'53" E, a distance of 118.57; Thence N 10°57'31" E, a distance of 226.27; Thence N 70°09'47" E, a distance of 276.81; Thence S 72°14'58" E, a distance of 173.15 more or less to a point on the Westerly line of a tract of land as described under Reception No. 1148881 of the records of said Weld County, Colorado, Thence along the Westerly line of said tract of land N 13°50'13" W, a distance of 129.37 more or less to a point on the approximate centerline of the Cache La Poudre River, Thence along said approximate centerline of Cache La Poudre River the following bearings and distances: S 70°09'47" W, a distance of 341.20; Thence S 70°57'31" W, a distance of 206.39; Thence N 77°19'37" W, a distance of 443.97; Thence N 28°17'31" W, a distance of 118.57; Thence N 04°52'45" E, a distance of 418.64; Thence N 42°29'00" W, a distance of 311.60; Thence S 72°17'00" W, a distance of 158.11; Thence S 38°55'54" W, a distance of 341.40; Thence S 00°19'37" W, a distance of 350.99; Thence S 16°30'04" W, 341.82; Thence N 76°17'49" W, a distance of 562.21; Thence N 48°29'29" W, a distance of 612.79; Thence N 27°47'07" W, a distance of 168.20; Thence N 59°01'40" W, a distance of 596.65 to a point on the West line of a tract of land as described in Reception No. 1827127 of the records of said Weld County, Thence along the Westerly line of said Reception No. 1827127 S 00°51'00" E, a distance of 836.97; Thence N 89°13'12" W, a distance of 11.30 to a point on the East right-of-way line of 83rd Avenue, Thence along said East right-of-way line S 00°45'07" W, a distance of 153.94 to the POINT OF BEGINNING.

Said tract of land containing 126.5499 ± Sq. Ft., or 2.8806 Acres more or less.

**SURVEYOR'S STATEMENT:**

THIS ZONING EXHIBIT IS NOT INTENDED TO BE A MEASUREMENT AND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION FROM EXISTING DOCUMENTS OF RECORD TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION AS SHOWN HEREINAFTER THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Ruben F. Mathias, P.L.S.  
Colorado P.L.S. No. 13227  
For and on behalf of the City of Greeley

Drawing Date: \_\_\_\_\_  
Drawing File Name: \_\_\_\_\_  
Full Path: \_\_\_\_\_  
Map Scale: \_\_\_\_\_  
Unit Information: \_\_\_\_\_  
Unit Leader: \_\_\_\_\_  
Drawn by: \_\_\_\_\_  
Checked by: \_\_\_\_\_



**PUBLIC WORKS DEPARTMENT**  
DIVISION OF ENGINEERING  
1001 NINTH AVENUE  
GREELEY, COLORADO 80631

**ZONING EXHIBIT  
SIGNATURE BLUFFS NATURAL AREA  
ANNEXATION ONE**

Sheet Revisions		WELD COUNTY COLORADO	SHEETS 1
3/6/2017	1st		
		SECTION 32	
		TOWNSHIP 6 NORTH	
		RANGE 66 WEST OF 6TH P.M.	



Exhibit "A"  
(Legal Description)

## LEGAL DESCRIPTION

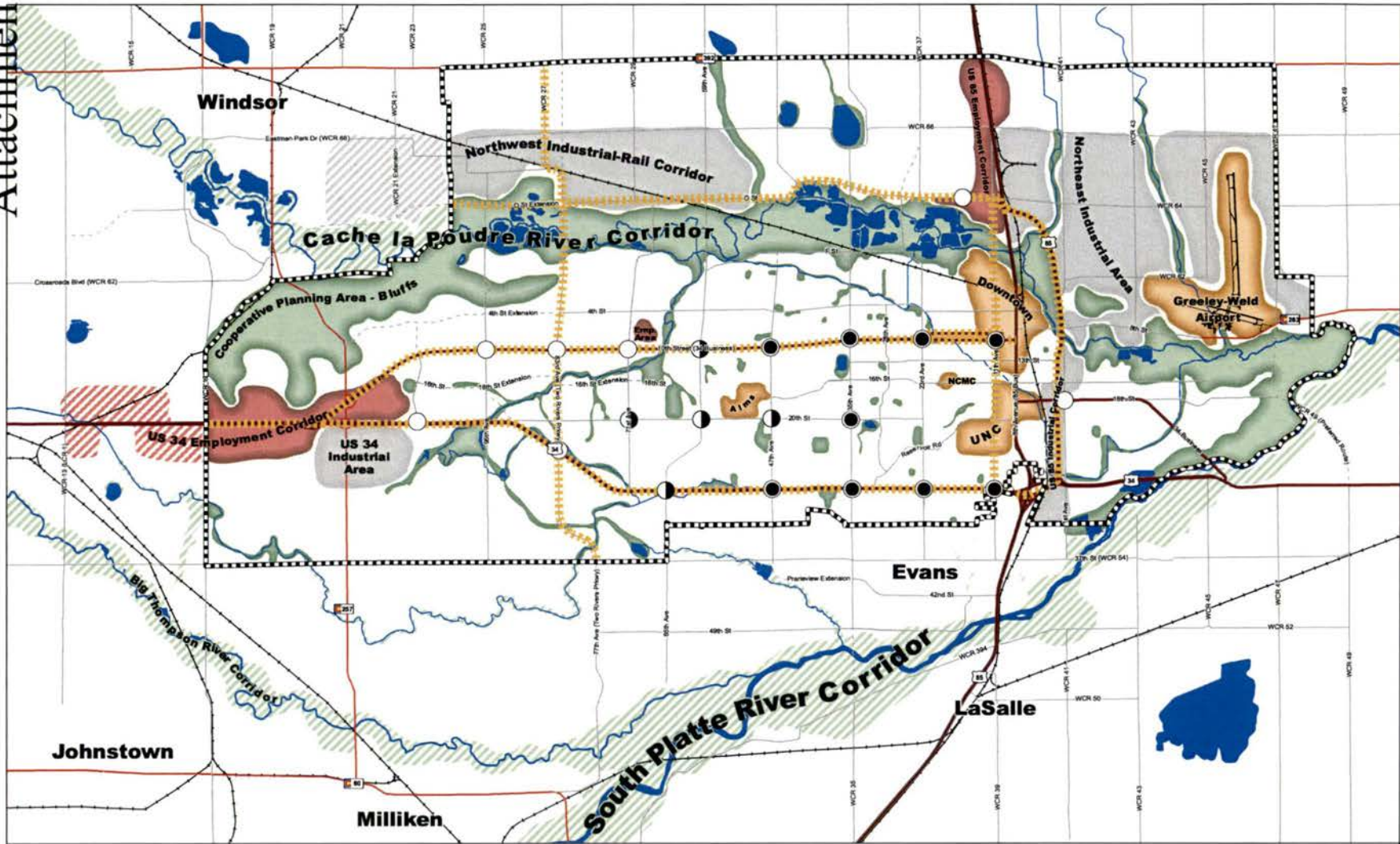
A tract of land located in a portion of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

**BASIS OF BEARING:** The West line of the Southwest 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being N 00°45'07" E from the Southeast corner of said tract to the West 1/4 corner of said section 32.

Commencing at the Southwest corner of said Section 32; Thence along the west line of the Southwest 1/4 of said Section 32 N 00°45'07" E, a distance of 1924.11'; Thence S89°14'32" E, a distance of 30.00' to a point on the east right-of-way of 83rd Avenue, said point being the POINT OF BEGINNING for this description; Thence along the North line of Poudre River Ranch 3rd Filing the following fourteen (14) courses S 89°14'53" E, a distance of 281.50'; Thence S 73°38'27" E, a distance of 145.77'; Thence S 66°48'55" E, a distance of 296.78'; Thence S 72°34'58" E, a distance of 120.35'; Thence S 75°27'49" E, a distance of 101.05'; Thence S 80°52'03" E, a distance of 127.84'; Thence S 86°34'55" E, a distance of 230.64'; Thence S83°11'41"E, a distance of 102.15'; Thence S 76°42'01" E, a distance of 219.07'; Thence N 65°52'58" E, a distance of 233.93'; Thence N 69°29'44" E, a distance of 173.15'; Thence N 77°25'21" E, a distance of 261.66'; Thence N 81°16'54" E, a distance of 249.13'; Thence N 77°13'37" E, a distance of 105.58' to the Northeast corner of said Poudre River Ranch 3rd Filing, said point furthermore being the Northwest corner of Poudre River Ranch 2nd Filing; Thence along the North line of said Poudre River Ranch 2nd Filing for five (5) courses N 71°19'20" E, a distance of 191.38'; Thence N 66°46'57" E, a distance of 138.57'; Thence N 70°57'31" E, a distance of 229.27'; Thence N 76°09'47" E, a distance of 276.81'; Thence S72°16'42"E a distance of 70.31' more or less to a point on the Westerly line of a tract of land as described under Reception No. 3148885 of the records of said Weld County, Colorado Thence along the Westerly line of said tract of land N 13°50'13" W, a distance of 129.37' more or less to a point on the approximate centerline of the Cache La Poudre River; Thence along said approximate centerline of Cache La Poudre River the following fourteen (14) courses S 76°09'47" W, a distance of 341.26'; Thence S70°57'31"W, a distance of 206.30'; Thence N 77°15'35" W, a distance of 443.97'; Thence N 28°11'31" W, a distance of 118.53'; Thence N 04°32'45" E, a distance of 418.64'; Thence N 62°28'00" W, a distance of 111.80'; Thence S 72°32'00" W, a distance of 158.11'; Thence S 38°35'54" W, a distance of 541.40'; Thence S 08°39'37" W, a distance of 350.99'; Thence S 38°30'06" W, 341.82'; Thence N 76°33'49" W, a distance of 562.21'; Thence N 48°28'29" W, a distance of 612.76'; Thence N 23°47'07" W, a distance of 368.20'; Thence N 39°01'45" W, a distance of 596.63' to a point on the West line of a tract of land as described in Reception No. 1827327 of the records of said Weld County; Thence along the Westerly line of said Reception No 1827327 S 00°01'08" E, a distance of 936.93'; Thence N 89°15'12" W, a distance of 21.30' to a point on the East right-of-way line of 83rd Avenue; Thence along said east right-of-way line S 00°45'07" W, a distance of 153.94' to the POINT OF BEGINNING;

Said tract of land containing 1263499.3 Sq. Ft, or 29.006 Acres more or less.





# Land Use Guidance Map

<p><b>LEGEND</b></p> <p><b>Outside LREGA</b>  <b>Employment Uses</b>          Business Parks, Major Employers</p> <p><b>Within LREGA</b>  <b>Industrial Uses</b>          Industrial Parks, Major Employers</p> <p> <b>Natural Uses</b>          Parklands, Open Space</p>	<p><b>LAND USE GUIDANCE AREAS*</b></p> <p><small>*Land use areas generated from an analysis of Topography Data, Transportation Features (Rail, Highway, Airport Access), Areas of Ecological Significance, Commercial Gravel Deposits, Floodway &amp; Floodplain Information, Hydrography (Canals, Ditches, Draws etc), Regional Features, visibility, and existing Regional Uses.</small></p> <p> <b>Commercial Nodes</b></p> <p> <b>Special Uses</b>          UNC, Aims, NCMC, Downtown</p> <p> <b>Multimodal Corridors</b>          Planned transit corridors</p>	<p><b>LONG RANGE EXPECTED GROWTH AREA (LREGA)</b></p> <p>Area within which the community expects to grow within the next 20+ years. Subject to Cooperative Planning Areas and IGA's.</p> <p><small>Updated via annual Capital Improvement Project (CIP) Assessments.</small></p>	<p><b>TRANSPORTATION</b></p> <p> U.S. Highway</p> <p> State Highway</p> <p> Major Road</p> <p> Railroad</p>	<p><b>Water Features</b></p> <p> Water Features</p>
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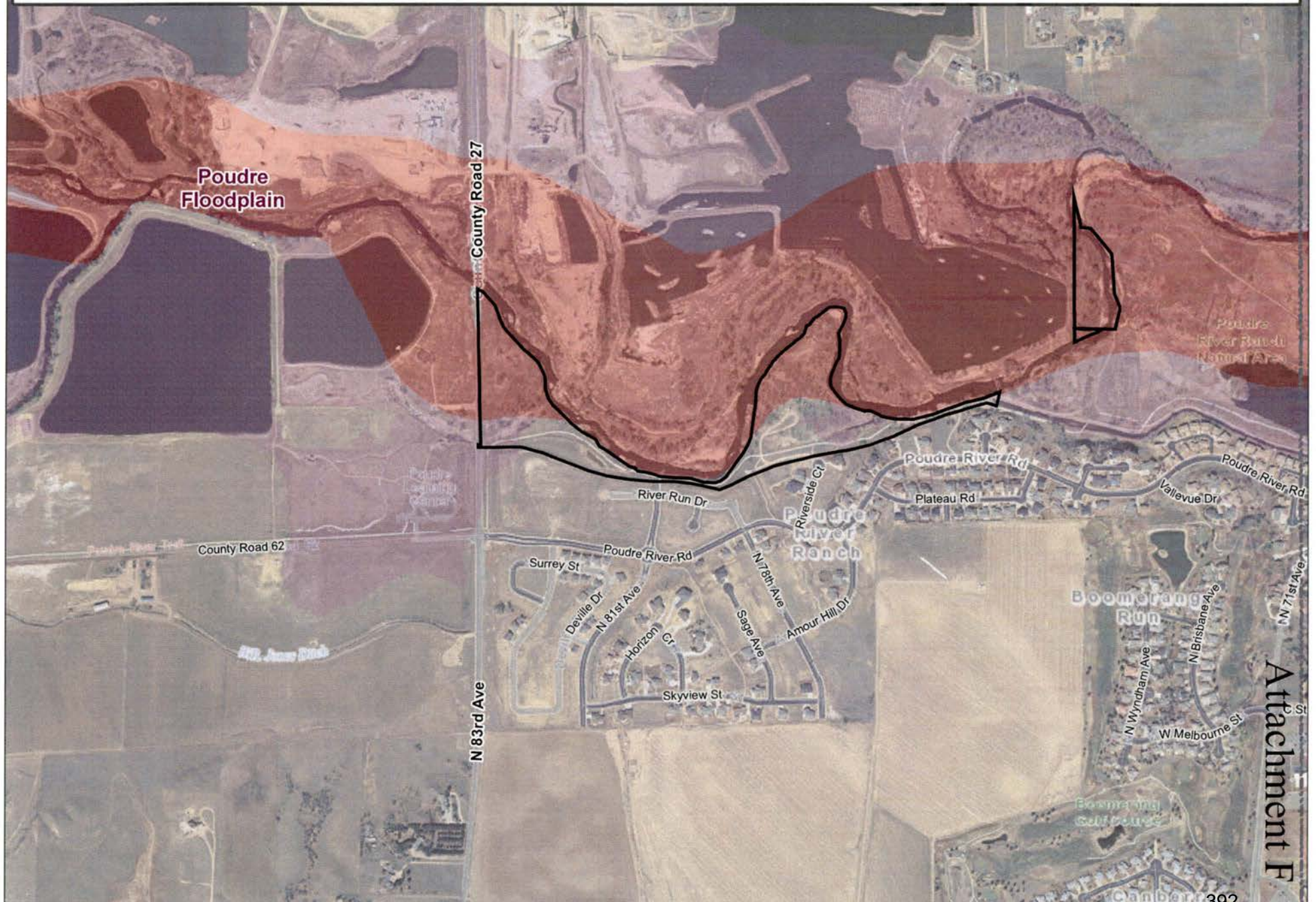
All planimetric data was digitized from aerial photographs dated May 2006. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMA5). The information contained 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.



# Floodway and 100-year Floodplain | Signature Bluffs Natural Areas Annexations

1 inch = 833 feet

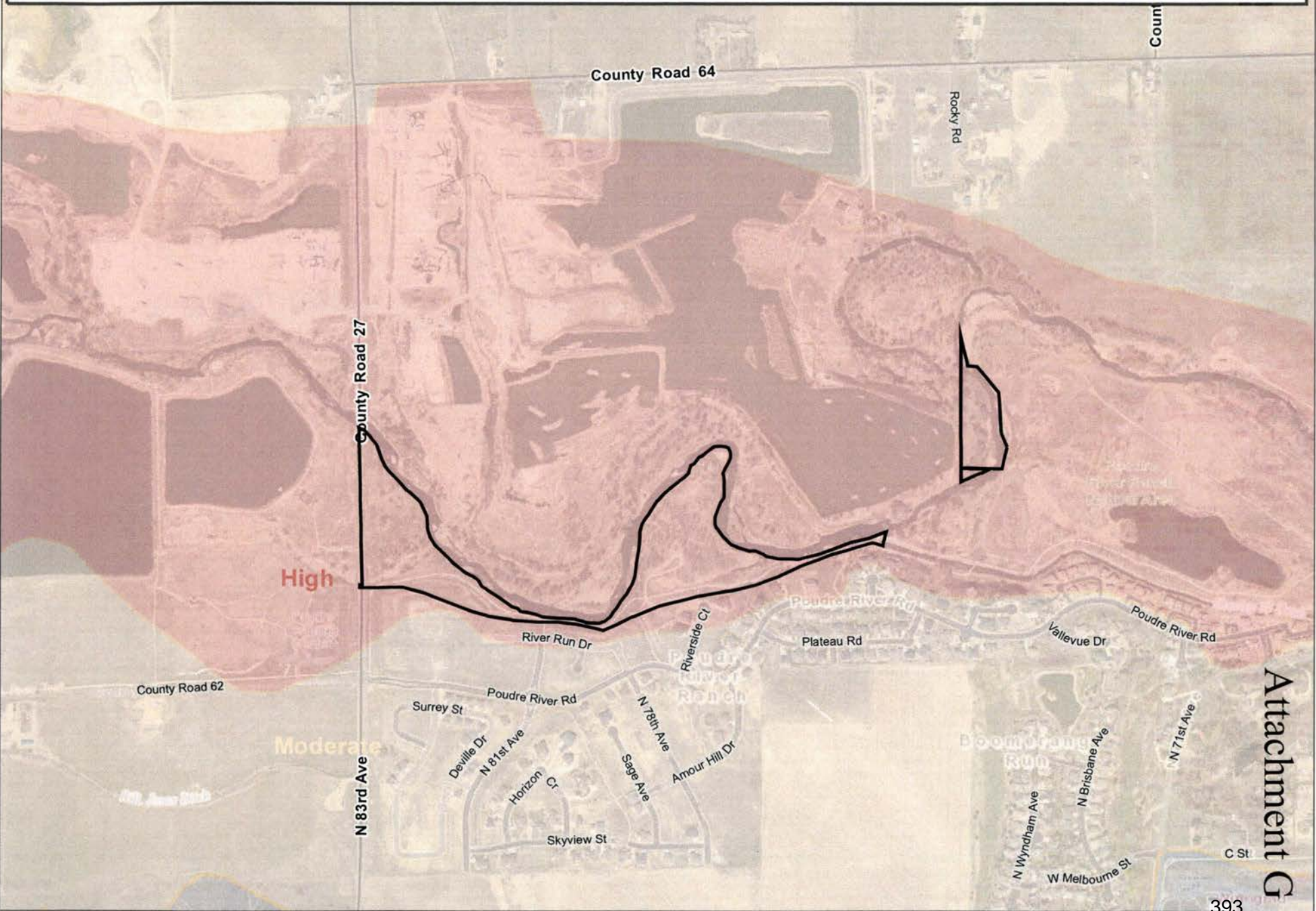


Attachment F



Ecological Significance | Signature Bluffs Natural Areas Annexations

1 inch = 833 feet





## PLANNING COMMISSION SUMMARY

**ITEM:** A request for Establishment of Zoning to C-D (Conservation District) Zone District for property known as Signature Bluffs Natural Areas Annexation, Nos. 2 & 3

**PROJECT:** Signature Bluffs Natural Areas Annexation, No. 2 & No. 3 - Establishment of Zoning

**CASE NO:** Z 7:17  
Z 14:17

**LOCATION:** Southeast 1/4 Portion of Section 32, Township 6 North, Range 66 West, of the 6th Prime Meridian, - East of 83<sup>rd</sup> Avenue and the Poudre River Learning Center, North of River Run Drive

**APPLICANT:** City of Greeley

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

**PLANNING COMMISSION HEARING DATE:** September 26, 2017

**PLANNING COMMISSION FUNCTION:** Review the proposal for compliance with the City of Greeley Development Code and recommend a finding to the City Council to approve, approve with conditions, table the application for future consideration, or deny the request in accordance with Section 18.26.070.

---

### EXECUTIVE SUMMARY

In accordance with Section 18.26.070(a) of the City of Greeley Municipal Code, annexed areas shall be included in the City's zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance. As such, this application has been submitted in conjunction with the petition to annex land to the City. The City of Greeley is owner and applicant, and proposes the establishment of C-D zoning to incorporate the parcel into the City of Greeley. Should the parcels be annexed, and this application approved, the land would continue to be used for open space, trails, and as a recreational opportunity for City of Greeley residents, which has been possible through the Great Outdoors Colorado (COGO) grants given to the City of Greeley (*see Attachments A, B, & C*).



**A. REQUEST**

The applicant is seeking approval for the Establishment of Zoning to C-D (Conservation District) Zone District for property known as the Signature Bluffs Natural Areas Annexation, Nos. 2 & 3 (*see Attachment B*).

**B. STAFF RECOMMENDATION**

Approval

**C. LOCATION**

The properties are located on the western edge of the Poudre River Trail and the Signature Bluffs Natural Area, approximately 4,000 feet east of WCR 27/83rd Avenue and 600 feet north of the Poudre River Ranch Subdivision.

**Current Zoning:** Weld County A (Agriculture)

**Proposed Zoning:** C-D (Conservation District – City)

**Abutting Zoning:** North: A (Agriculture - County)  
South: PUD (Planned Unit Development - City)  
East: C-D (Conservation District - City)  
West: A (Agriculture - County)

**Site Conditions:** The sites are relatively undeveloped; the majority of the sites are within the Poudre River Floodway. The site does not contain the Cache La Poudre River; the river it is located on the north side of the parcel. It does, however contain the Poudre River Trail, one oil and gas wellhead and a tank battery. Both properties contain fairly flat land, with native vegetation throughout.

**Parcel Size:** 0.631 Acres for No. 2 and 3.252 Acres for No. 3

**Abutting Land Uses:** North: Vacant  
South: Signature Bluffs Trail and Cache La Poudre River  
East: Signature Bluffs Trail and Cache La Poudre River  
West: Vacant/Excavation

**D. BACKGROUND**

This establishment of zoning is being initiated by the City of Greeley in order to place zoning on recently annexed property in a timely manner, as required by Colorado statute. The property is currently in the process of being annexed into the City of Greeley, with final reading of the annexation



ordinance scheduled before City Council on October 17, 2017 (Case No. A 9:16, 10:16, and 10:16). State law requires that zoning be established on all newly annexed parcels within 90 days. The final reading of the ordinance establishing the zoning for this property, as presented herein, is also scheduled before City Council on October 17, 2017.

The subject sites are approximately a total of 3.883 acres in size and is owned by the City of Greeley (*see Attachments A, B, & D*). The subject property includes a portion of the Poudre River Trail System and contains an oil and gas facility. The property is outside of the Cache la Poudre River, but it is inside the floodway and floodplain (*see Attachment G*). The property is also located inside the Long-Range Expected Growth Area (LREGA) (*see Attachments E & F*).

Over the years, the City has made several acquisitions to protect and enhance the natural corridors. There were a series of annexations for the purposes of protecting natural areas and the trail corridor, as follows: the Poudre River Ranch North Annexation (2006, (Reception No. 3419978), the Poudre River Trail Education Board First and Second Annexation 2001 (Reception No.'s 2881611 and 2881612, respectively), located along 83rd Avenue, as well as the Cottonwood Bend Natural Areas (2016, Case No. A 4:16, A 5:16, A 6:16, A 7:16, & A 8:1) and the Sheep Draw Natural Area Annexation (2013 & 2014, Case No.'s A 5:13 & A 1:14), located along 59th Avenue. Signature Bluffs Natural Area No. 1 is also being processed separately to annex additional natural areas west of 83rd Avenue. The properties proposed for annexation in this petition include lands purchased along the river corridor. The acquisition of these natural areas (Signature Bluffs Natural Areas, No. 1, 2 and 3) occurred in December 2015 (*see Attachment A & C*).

The City of Greeley is proposing to zone the two parcels to C-D (Conservation District) zone district (*see Attachment C*). The C-D zone district is intended for areas containing commercial mineral deposits, the floodway, farming, parks and permanent open space. If the subject site develops with one of the said uses in the future, subsequent plans will be required to comply with the City's Development Code and will be required to comply with APFA (Adequate Public Facilities Area) requirements.

## **E. APPROVAL CRITERIA**

*The City shall consider zoning such newly annexed areas under the appropriate zoning category as follows:*

- 1. If land use approval and/or development of areas being considered for annexation is not pending upon completion of annexation, if the subject property is in a transitional state regarding development or if it is in the best interest of the City, the City Council shall place the newly annexed property into the H-A Holding Agriculture Zoning District.**



Staff Comment: The subject sites would not be developed. As discussed, earlier in this report, the entire site is located either within the floodway. It is in the best interest of the City to place these properties into the C-D zoning district rather than the H-A zoning district.

This criterion is not applicable.

2. **Requests for zoning districts other than the H-A Holding Agriculture District may be considered by the City Council in conjunction with the submittal of all applicable requirements for a zoning suitability plan or a rezoning application. The City Council shall place the newly annexed property into the zoning district most appropriate, considering the goals and objectives of the City's Comprehensive Plan and the applicant's future development plans.**

Staff Comment: Since proposed zoning is C-D, this criterion is not applicable.

3. **Requests for zoning to the C-D Conservation District shall be exempt from the requirements of Subsections (1) and (2) above.**

Staff Comment: The City proposes to establish C-D zoning on both properties that equal to 3.883 acres total. It is the policy of the City to generally place properties within the floodway in the C-D Zone District to limit development and protect the health, safety, and welfare of the public. It is in the best interest of the City to place these two parcels in the C-D zone district since it is intended to be primarily used as open space and trail system, and adjoining floodway and floodplain.

#### **F. ADMINISTRATIVE REVIEW TEAM COMMENTS:**

The proposal was reviewed by the Administrative Review Team and all comments have been addressed.

#### **G. PHYSICAL SITE CHARACTERISTICS**

##### **1. SUBDIVISION HISTORY**

This property has never been subdivided through an official process

##### **2. HAZARDS**

The no known hazards on the subject parcels.



### **3. WILDLIFE**

The two parcels are in an area of high ecological significance. However, there is no development that would be proposed on these properties (*see Attachment H*).

### **4. FLOODPLAIN**

Cache la Poudre River flows and meanders along the eastern side of the subject site; the site is within the floodway.

### **5. DRAINAGE AND EROSION**

The site has existing drainage patterns expected to continue to follow the natural topography of the land.

### **6. TRANSPORTATION**

The Poudre River Trail System provides alternative transportation services for pedestrians and bicyclists, but presently there is not a trail going through these two parcels. As mentioned before, it is expected that this area will remain in a natural vegetative state.

### **7. SERVICES**

As stated above, the site will primarily be used for the Poudre River Trail System. Development is not expected on the site, unless for the maintenance of the trail system and/or the maintenance of the existing oil and gas facility or the removal of such facility is proposed.

## **H. NEIGHBORHOOD NOTIFICATION:**

Letters regarding the proposed annexations were mailed to property owners within 500 feet of the site on September 11, 2017, pursuant to Development Code requirements. No communication in response to the notification has been received to date.

## **I. PLANNING COMMISSION RECOMMENDED MOTION:**

There are two separate applications for the Signature Bluffs Natural Area Annexations Establishment of Zoning. Therefore, the Planning Commission will need to consider and vote individually on each of the below applications.

### Recommended motion for:

Z 7:17 – Signature Bluffs Natural Area Annexation, No. 2

Z 14:17 – Signature Bluffs Natural Area Annexation, No. 3

A motion that, based on the project summary and analysis, the Planning Commission finds the proposed establishment of rezoning for aforementioned parcels to the C-D (Conservation District) zone district meets Development Code Section 18.26.070, and therefore recommends approval of the establishment of zoning to the City Council.



**J. ATTACHMENTS:**

- Attachment A - Aerial & Vicinity Map
- Attachment B - Existing Zoning Exhibit
- Attachment C - Establishment of Zoning Map
- Attachment D - Legal Description
- Attachment E - Land Use Guidance Map
- Attachment F - Floodway & Floodplain Map
- Attachment G - Ecological Significance Map

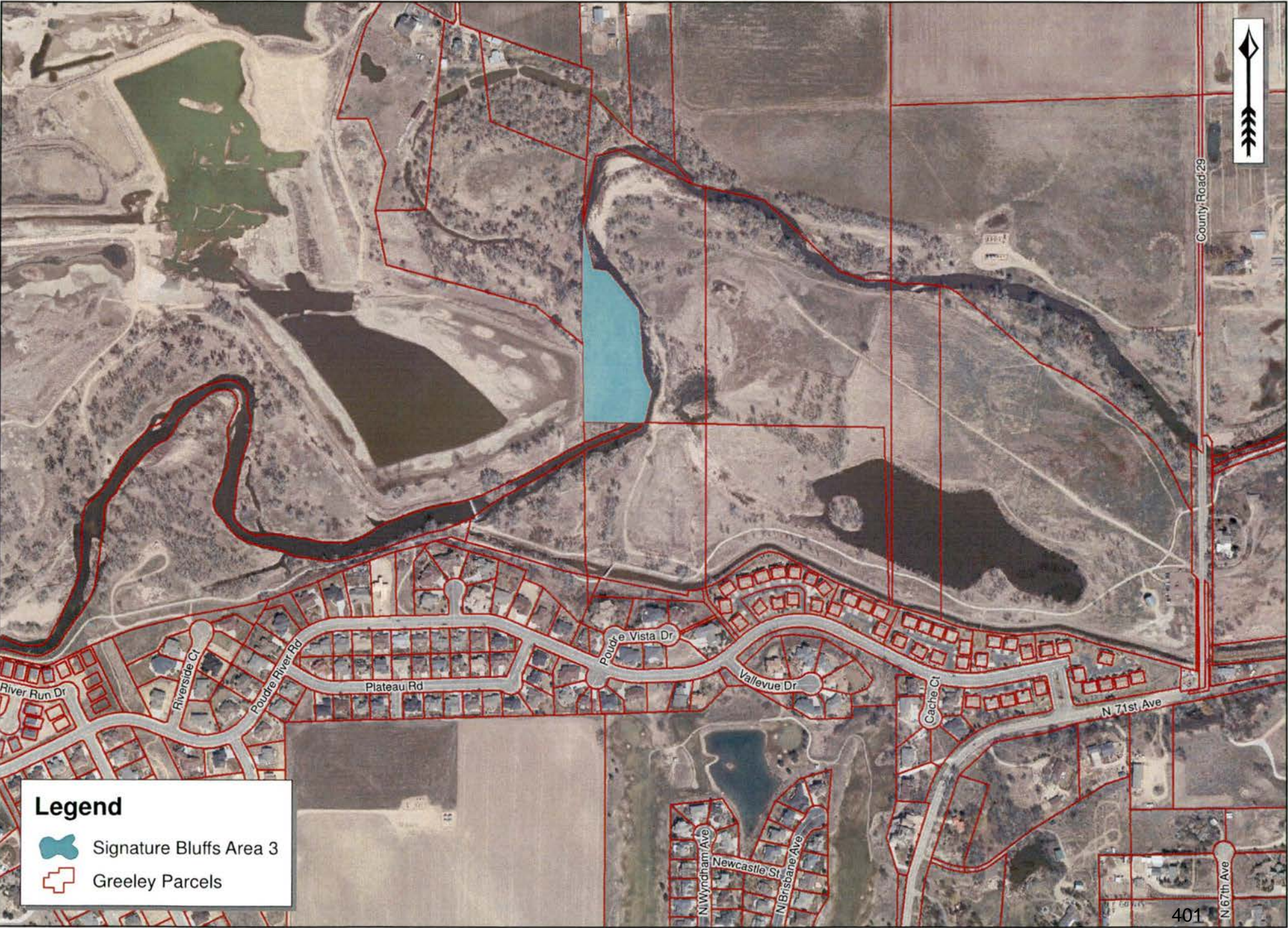


# Aerial/Vicinity Map - Signature Bluffs Natural Area 2





# Aerial/Vicinity Map - Signature Bluffs Natural Area 3





# Nearby Zoning | Signature Bluffs Natural Areas Annexations

1 inch = 83,333 feet

County Zone A (Agriculture)



Attachment B

L-R



**ZONING EXHIBIT  
SIGNATURE BLUFFS NATURAL AREA  
ANNEXATION TWO & THREE  
LOCATED IN A PORTION OF SECTION 32,  
TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE  
6th P.M., WELD COUNTY, COLORADO**

**LEGEND**

- ALLOT CORNER
- CALCULATED POSITION
- SECTION LINE

**NOTES**

1. BASIS OF BEARING: Assuming the North line of the Southeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M. to true N 89°40'02" E, as recorded in a Land Survey Plat recorded under Reception No. 4144591 of the records of Weld County, Colorado.
2. The distance and bearing measurements shown on this map are based on recorded legal descriptions and calculated positions, all related to match the Basis of Bearing shown on this map and legal description thereof.
3. All lateral distances shown herein are based upon the U.S. Survey Feet.



PROPOSED ZONING LOCATION  
SCALE: 1" = 200 U.S. SURVEY FEET

**LEGAL DESCRIPTION**

A tract of land located in the Southeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

**BASIS OF BEARING:** The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being N 89°40'02" E from the Center 1/4 corner of said Section 32 to the East 1/2 corner of said section 32.

Beginning at the East 1/2 corner of C-1-C of said Section 32 and assuming the North line of the Southeast 1/4 of said Section 32 bears N 89°40'02" E and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'02" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following three (3) courses: S 14°52'56" W, a distance of 70.90'; Thence S 65°16'00" W, a distance of 240.82' to the East line of the Northeast 1/4 of said Section 32; Thence along said West line N 89°40'02" E, a distance of 171.30' to the POINT OF BEGINNING; Said tract of land containing 27503 Sq. Ft. or 0.631 Acres more or less.

Together with a tract of land located in the Northeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

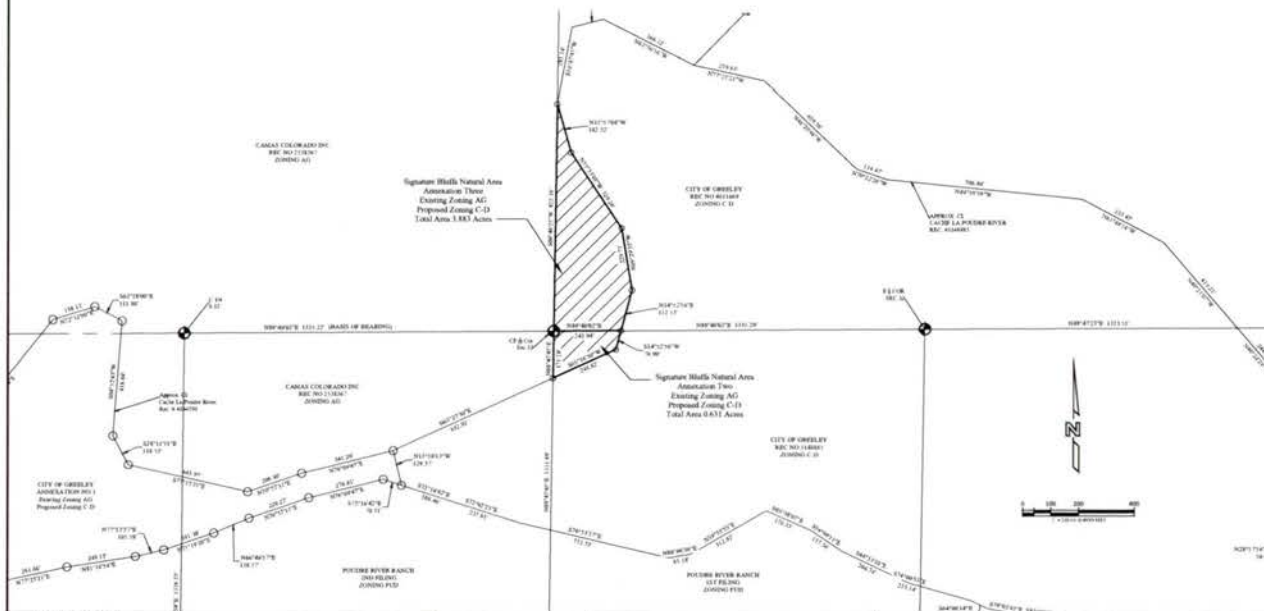
**BASIS OF BEARING:** The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being N 89°40'02" E from the Center 1/4 corner of said Section 32 to the East 1/2 corner of said section 32.

Beginning at the East 1/2 corner of C-1-C of said Section 32 and assuming the North line of the Southeast 1/4 of said Section 32 bears N 89°40'02" E and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'02" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following four (4) courses: N 14°52'56" W, a distance of 152.53'; Thence N 89°20'15" W, a distance of 229.71'; Thence N 13°31'05" W, a distance of 329.26'; Thence N 15°57'00" W, a distance of 182.32' more or less to the East line of the Northeast 1/4 of said Section 32; Thence along said East line S 60°46'25" W, a distance of 825.16' to the POINT OF BEGINNING; Said tract of land containing 14164 Sq. Ft. or 3.252 Acres more or less.

**SURVEYOR'S STATEMENT:**

THIS ZONING EXHIBIT IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION FROM EXISTING RECORDS OF RECORD TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION AS SHOWN HEREON AND THAT THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Robert F. Marshall, P.L.S.  
Colorado P.L.S. No. 11225  
For and on behalf of the City of Greeley



Drawing Date:	
Drawing File Name:	
Full Path:	
Map Scale:	Vert. Scale:
Unit Information:	Unit Leader:
Drawn by:	Checked by:



**PUBLIC WORKS DEPARTMENT**  
DIVISION OF ENGINEERING  
1001 NINTH AVENUE  
GREELEY, COLORADO 80631

**ZONING EXHIBIT**  
SIGNATURE BLUFFS NATURAL AREA  
ANNEXATION TWO & THREE

Sheet Revisions		WELD COUNTY COLORADO	SHEETS
Date	Revised		
03/09/2017		SECTION 32	1
		TOWNSHIP 6 NORTH	
		RANGE 66 WEST OF 6TH P.M.	



## LEGAL DESCRIPTION

A tract of land located in the Southeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

**BASIS OF BEARING:** The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being N 89°40'02" E from the Center 1/4 corner of said Section 32 to the East 1/4 corner of said section 32.

Beginning at the East 1/16 corner of C---C of said Section 32 and assuming the North line of the Southeast 1/4 of said Section 32 bears N 89°40'02" E and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'02" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following three (3) courses S 14°52'56" W, a distance of 70.90'; Thence S 65°16'30" W, a distance of 248.82' to the East line of the Northwest 1/4 of the Southeast 1/4 of said Section 32; Thence along said West line N 00°45'45" E, a distance of 171.20' to the POINT OF BEGINNING;

Said tract of land containing 27503 Sq. Ft, or 0.631 Acres more or less.



Prepared By: \_\_\_\_\_

Robert F. Muirheid, P.L.S.  
Colo. P.L.S. No. 13225  
For and on Behalf of the City of Greeley  
1001 9<sup>th</sup> Avenue  
Greeley, Co. 80631  
970•350•9799



**LEGAL DESCRIPTION**

A tract of land located in the Northeast 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, more particularly described as follows:

**BASIS OF BEARING:** The North line of the Southeast 1/4 of Section 32 shown on a Land Survey Plat as recorded in Reception No. 4144591 of the records of Weld County, Colorado, said line being N 89°40'02" E from the Center 1/4 corner of said Section 32 to the East 1/4 corner of said section 32.

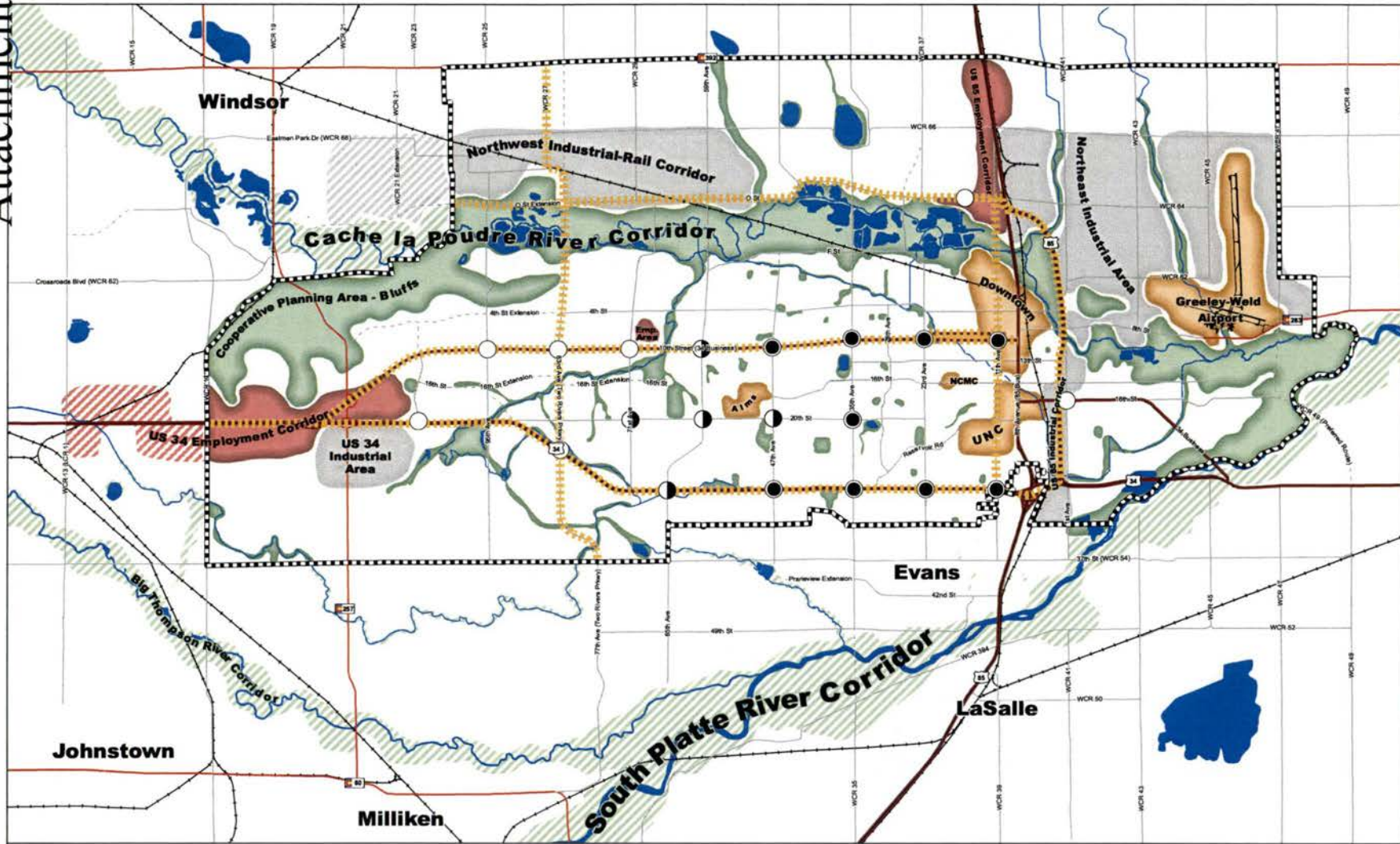
Beginning at the East 1/16 corner of C---C of said Section 32 and assuming the North line of the Southeast 1/4 of said Section 32 bears N 89°40'02" E and all other bearings contained herein being relative thereto; Thence along said North line of the Southeast 1/4 of Section 32 N 89°40'02" E, a distance of 241.94' more or less to the centerline of the Cache La Poudre River; Thence along said centerline the following four (4) courses N 14°52'56" W, a distance of 152.53'; Thence N 09°29'35" W, a distance of 229.71'; Thence N 33°33'05" W, a distance of 329.26'; Thence N 15°57'08" W, a distance of 182.32' more or less to the East line of the Northeast 1/4 of said Section 32; Thence along said East line S 00°46'25" W, a distance of 825.16' to the POINT OF BEGINNING; Said tract of land containing 141643Sq. Ft. or 3.252 Acres more or less.



Prepared By: \_\_\_\_\_

Robert F. Muirheid, P.L.S.  
Colo. P.L.S. No. 13225  
For and on Behalf of the City of Greeley  
1001 9<sup>th</sup> Avenue  
Greeley, Co. 80631  
970•350•9799





# Land Use Guidance Map

**LEGEND**

- Outside LREGA
- Within LREGA
- Employment Uses**  
Business Parks, Major Employers
- Industrial Uses**  
Industrial Parks, Major Employers
- Natural Uses**  
Parklands, Open Space

**LAND USE GUIDANCE AREAS\***

\*Land use areas generated from an analysis of Topography Data, Transportation Features (Rail, Highway, Airport Access), Areas of Ecological Significance, Commercial Gravel Deposits, Floodway & Floodplain Information, Hydrography (Canals, Ditches, Draws etc), Regional Features, visibility, and existing Regional Uses.

- Developed
- Developing
- Undeveloped
- Commercial Nodes**
- Special Uses**  
UNC, Alms, NCMC, Downtown
- Multimodal Corridors**  
Planned transit corridors

**LONG RANGE EXPECTED GROWTH AREA (LREGA)**

Area within which the community expects to grow within the next 20+ years. Subject to Cooperative Planning Areas and IGA's.

Updated via annual Capital Improvement Project (CIP) Assessments.

**TRANSPORTATION**

- U.S. Highway
- State Highway
- Major Road
- Railroad

**Water Features**

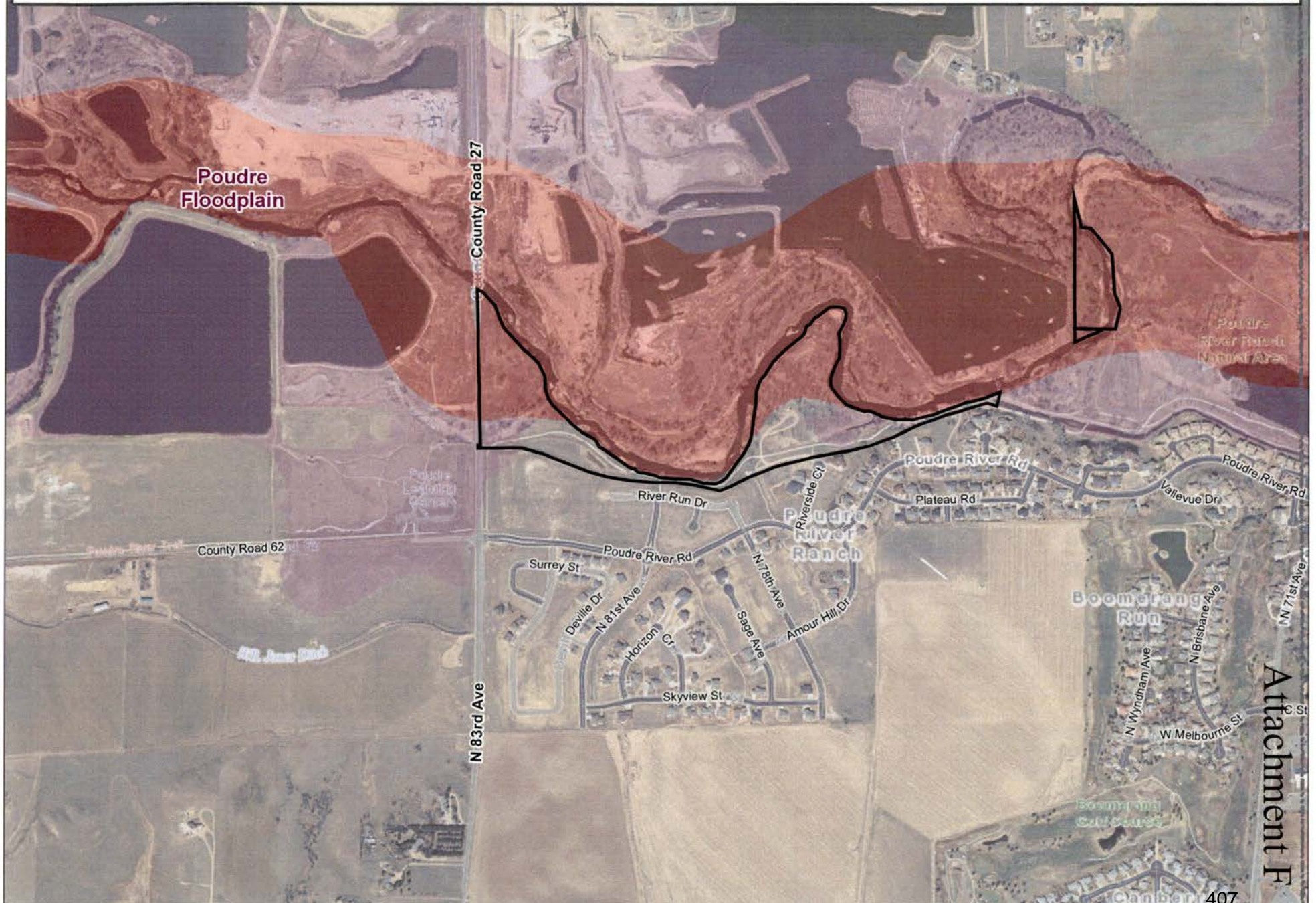
All planimetric data was digitized from aerial photographs dated May 2005. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMAS). The information contained 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.



# Floodway and 100-year Floodplain | Signature Bluffs Natural Areas Annexations

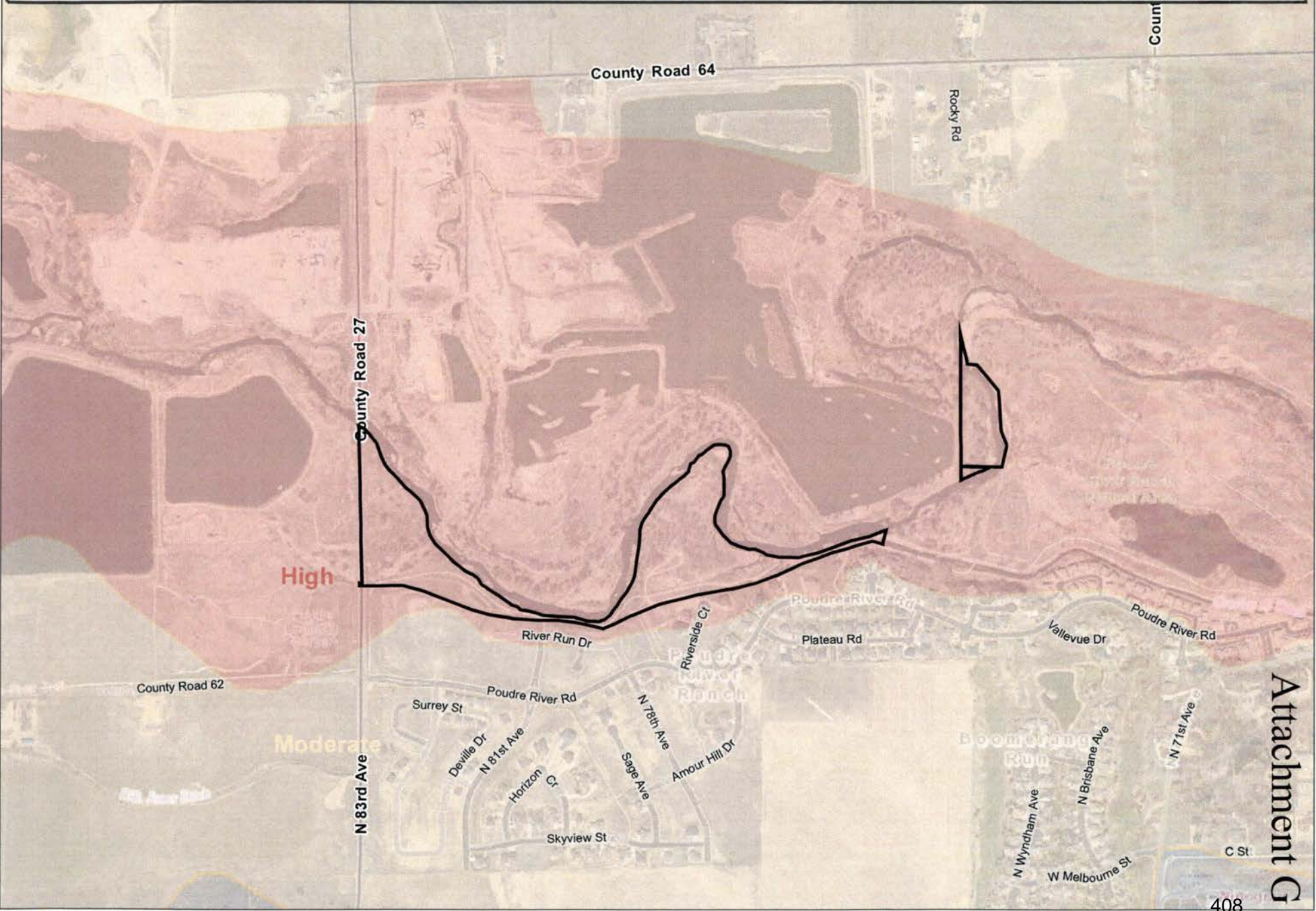
1 inch = 833 feet





Ecological Significance | Signature Bluffs Natural Areas Annexations

1 inch = 833 feet





# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 29**

Joel Hemesath, Public Works Director, 970.350.9795

### Title

Consideration of a Resolution declaring support for November 7, 2017 Greeley Ballot Issue 2K, which asks whether, without changing the rate of any existing city sales or use tax, the City should be authorized to keep and spend all revenues collected from the .65% sales and use tax increase approved for street-related improvements and repairs at the election held November 3, 2015

### Summary

At the June 27 meeting, City Council passed Ordinance Number 29, 2017, submitting to the registered electors of the City of Greeley at the coordinated election to be held November 7, 2017 the question of authorizing the City to keep and spend for authorized purposes all revenues collected from the .65% sales and use tax increase approved at the election held November 3, 2015.

A governing body like the City Council may take a position of advocacy on a ballot issue. An excerpt of the September 18<sup>th</sup> edition of the CML Newsletter, attached, provides additional information about permissible campaign activities regarding ballot measures.

A Resolution expressing Council's support for Ballot Issue 2K is attached.

### Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Passage of the Resolution does not create a fiscal impact on the City.
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:	

### Legal Issues

None noted.

### Other Issues and Considerations

None noted.



Applicable Council Goal or Objective

Economic Health & Development; Infrastructure & Growth

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

CML Newsletter Article

Ordinance No. 29, 2017



THE CITY OF GREELEY, COLORADO

RESOLUTION \_\_\_, 2017

A RESOLUTION OF THE CITY OF GREELEY COUNCIL DECLARING SUPPORT FOR NOVEMBER 7, 2017, GREELEY BALLOT ISSUE 2K: WITHOUT CHANGING THE RATE OF ANY EXISTING CITY SALES OR USE TAX, SHALL THE CITY OF GREELEY BE AUTHORIZED TO KEEP AND SPEND ALL REVENUES COLLECTED FROM THE .65% SALES AND USE TAX INCREASE APPROVED FOR STREET-RELATED IMPROVEMENTS AND REPAIRS AT THE ELECTION HELD NOVEMBER 3, 2015, TOGETHER WITH ANY INVESTMENT EARNINGS THEREON, AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO ANY LIMITS WHICH COULD OTHERWISE APPLY

WHEREAS, Ordinance Number 29, 2017, placed on the November 7, 2017 General Election Ballot as issue 2K the question of authorizing the City to keep and spend for authorized purposes all revenues collected from the .65% sales and use tax increase approved at the election held November 3, 2015; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Greeley to approve ballot issue 2K in order to maintain and enhance the quality of life for all its citizens.

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

SECTION 1. The City Council of the City of Greeley, Colorado hereby supports the passage of ballot issue 2K in order to allow the city to retain the additional revenue it collected of \$997,915 from the 2015 Keep Greeley Moving sales tax for street improvements, road capacity projects and concrete repair to complete our projects underway and, potentially, fund additional road and concrete projects.

SECTION 2. The City Council hereby encourages its citizens to vote "YES" on ballot issue 2K at the November 7, 2017, General Election.

SECTION 3. This Resolution shall become effective immediately upon its passage, as provided by the Greeley City Charter.



PASSED AND ADOPTED, SIGNED AND APPROVED THIS 17TH DAY OF OCTOBER, 2017.

ATTEST:

THE CITY OF GREELEY, COLORADO

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

\_\_\_\_\_  
Mayor



## COLORADO'S FAIR CAMPAIGN PRACTICES ACT RESTRICTS USE OF PUBLIC FUNDS

By Geoff Wilson, CML general counsel

BALLOTS IN STATEWIDE OR LOCAL elections often include issues of profound importance to Colorado municipalities. As community leaders, municipal officials can and should become actively involved in the public discussion of these issues. However, the state Fair Campaign Practices Act (FCPA) places significant restrictions on the use of public funds for advocacy purposes or for dispensing information in connection with local or statewide ballot issues (Section 1-45-117, C.R.S.).

The FCPA restrictions apply once a statewide petition has been submitted for title setting, once a title has been set on a local initiative or referendum, and upon final action of the governing body placing a referred measure on the ballot. These guidelines are intended to provide municipal officials and employees with general guidance concerning what they may or may not do, consistent with the FCPA. However, *the municipal attorney should be consulted before any action is taken that could be viewed as subject to the public-funds restrictions in the FCPA.*

### Permissible activities

It is permissible to do the following in campaigns in support of or in opposition to a proposed measure:

1. The local governing body may take a position of advocacy on the issue. The governing body may pass a resolution and take a public stand urging the electorate to vote for or against any matter. Staff background research that leads to passage of a resolution is also permissible. Local governments may report the passage of or distribute such resolutions "through established, customary means, other than paid advertising, by which information about other proceedings of [the governing body] is regularly provided to the public" (such as via a local government newsletter or cable television broadcast).
2. The act provides that any public official who has "policy-making responsibilities" may spend up to \$50 of public money on phone calls, letters, or other activities "incidental" to expressing his or her opinion on any issue. It is advisable to consult with your municipal attorney before expending public funds in reliance on this provision.
3. Elected officials may speak out on the issues presented on the ballot. There is no limitation in the FCPA on the right of public

officials to address any matter before the electorate; the limitations in the act are on expenditure of public funds.

4. Public employees and paid elected officials may work on a campaign and speak out on the issues on their own time. Any public employee who becomes involved in the campaign should be prepared to document that such work was done on his or her own time. If the public employee is on a recorded-hour system, make sure the record reflects that the public employee took time off from public duties to engage in campaign activities.
5. If the local government has a policy permitting public groups to use its facilities for community purposes, it may allow groups opposed to or supportive of the ballot proposition to use those facilities if the policy is applied in an evenhanded fashion.
6. Public employees may respond to unsolicited questions or requests for information about a ballot issue; however, the local government should carefully avoid producing information for distribution that is designed to influence the passage or defeat of the issue.
7. The local governing body may use public funds to develop and distribute a factual summary on any issue that will appear on a ballot in the jurisdiction. The summary must include arguments for or against the proposal, but the summary itself may not contain a conclusion or opinion in favor of or against the proposal.

### Impermissible activities

It is impermissible under the FCPA, except as indicated above, to do the following in campaigns in support of or in opposition to a proposed measure:

1. Use or expend public funds or supplies.
2. Allow employees or paid officers to work on a campaign during their working hours or use any public facility or equipment for the purposes of a campaign.
3. Provide transportation or advertising using public property or funds to influence, directly or indirectly, the passage or defeat of any issue.
4. Grant an employee or officer leave from his or her job or office with the local government, with pay, to work on a campaign.

For more information, contact CML General Counsel Geoff Wilson at [gwilson@cml.org](mailto:gwilson@cml.org), 303-831-6411, or 866-578-0936.

## CML SCRAPBOOK



CML Executive Director Sam Mamet addressed more than 200 local government finance professionals at associate member Clifton Larson Allen's second annual government and nonprofit training academy. He discussed the big issues challenging local governments in Colorado.



Workshop attendees received great information from the City and County of Denver's Peak Academy training in Loveland.



CML meets with Rep. Jared Polis via Boulder Mayor and CML Executive Board Member Matt Appelbaum.

## CONGRATULATIONS

CML CONGRATULATES Leigh Russo, who is celebrating her work anniversary in September.



**Leigh Russo**  
Database & Administrative  
Coordinator  
1 year



**CITY OF GREELEY, COLORADO**

**ORDINANCE NO. 29, 2017**

**AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF GREELEY, AT THE COORDINATED ELECTION TO BE HELD NOVEMBER 7, 2017, THE QUESTION OF AUTHORIZING THE CITY TO KEEP AND SPEND FOR AUTHORIZED PURPOSES ALL REVENUES COLLECTED FROM THE .65% SALES AND USE TAX INCREASE APPROVED AT THE ELECTION HELD NOVEMBER 3, 2015.**

WHEREAS, at the November 1992 general election, the citizens of Colorado adopted, as an amendment to the Colorado Constitution, the provisions of Article X, Section 20 of the Colorado Constitution ("TABOR"), which, among other things, require voter approval for certain exercises of state and local government powers relating to taxation, revenue-raising, spending and the incurring of debt and other multiple-fiscal year financial obligations; and

WHEREAS, the City currently imposes a retail sales and use tax pursuant to Chapter 4.04 of the Greeley City Code; and

WHEREAS, at the election held November 3, 2015 the registered electors of the City approved a .65% increase in the rate of such tax for specified purposes; and

WHEREAS, receipts from such sales and use tax increase have exceeded the estimated first full fiscal year's receipts shown in the notice of election for such November 3, 2015 election; and

WHEREAS, without voter approval such excess would be required to be refunded and the rate of such tax increase reduced proportionately, which result may or may not be consistent with the street-related infrastructure repair and improvement program intended by the voters who approved the November 3, 2015 tax increase; and

WHEREAS, the Council has determined, and hereby determines, that it is in the best interests of the health, safety and welfare of the people of the City that the registered electors of the City be given an opportunity at the November 7, 2017, coordinated election to vote "yes" or "no" with respect to a revenue change question of allowing the City to keep and spend all revenues from such tax increase for the purpose of financing authorized capital projects; and

WHEREAS, it is the intent of the City to comply with Article X, Section 20 of the Colorado Constitution in submitting such sales and use tax increase question to the registered electors of the City.



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

**Section 1.** All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the Council or the officers of the City directed toward the submission of such revenue change question to the registered electors of the City, are hereby ratified, approved and confirmed.

**Section 2.** The City Clerk is hereby authorized and directed to take all action necessary or appropriate to submit the revenue change question to the registered electors of the City as a ballot issue at the November 7, 2017 coordinated election, the ballot title for which shall be in substantially the following form:

**CITY OF GREELEY SALES AND USE TAX REVENUE CHANGE**

**WITHOUT CHANGING THE RATE OF ANY EXISTING CITY SALES OR USE TAX, SHALL THE CITY OF GREELEY BE AUTHORIZED TO KEEP AND SPEND ALL REVENUES COLLECTED FROM THE .65% SALES AND USE TAX INCREASE APPROVED AT THE ELECTION HELD NOVEMBER 3, 2015, TOGETHER WITH ANY INVESTMENT EARNINGS THEREON, AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO ANY LIMITS WHICH COULD OTHERWISE APPLY?**

YES \_\_\_\_ NO \_\_\_\_

The Council hereby authorizes and directs the City Clerk to certify such ballot issue to the Weld County Clerk and Recorder and hereby sets and fixes the foregoing as the ballot title by which such ballot issue is to be submitted. Any protests or contests concerning the ballot title set forth above shall be initiated and conducted in the time and manner set forth in Section 1-11-203.5, Colorado Revised Statutes. The City Clerk, or the Council by resolution, may make such changes in the ballot title set forth above as may be necessary or appropriate to conform to applicable law. Notice of the election, including submission of the ballot issue, shall be given, and the election shall be held and conducted and the results thereof shall be determined, in conformity with the Uniform Election Code of 1992, the Charter and ordinances of the City, and other applicable provisions of the Constitution (including, without limitation, Article X, Section 20 thereof) and laws of the State of Colorado.

**Section 3.** If such ballot issue is approved, the City shall be authorized to collect, keep and spend, for the purposes previously authorized, all revenues from such sales and use tax rate increase and investment income thereon.

**Section 4.** The City hereby exercises its power as a home rule municipality, pursuant to Article XX of the Colorado Constitution, to supersede any and all laws of the State of Colorado which may be in conflict herewith.

**Section 5.** The invalidity or unenforceability of any provision of this ordinance shall in no way affect the validity or enforceability of the remainder of this ordinance.



**Section 6.** Following passage of this ordinance on first reading, it shall be published in full in the Greeley Daily Tribune. Immediately upon its final passage, this ordinance shall be recorded in the City book of ordinances kept for that purpose, shall be authenticated by the signatures of the Mayor and the City Clerk, and shall be published in full or by reference in the Greeley Daily Tribune, a legal newspaper of general circulation of the City. The City Clerk is authorized to include in such publications any additional information that the City Clerk may deem necessary or appropriate.

INTRODUCED, READ AND ORDERED PUBLISHED THIS 27TH DAY OF JUNE, 2017.

PASSED AND ORDERED PUBLISHED BY REFERENCE THIS 18TH DAY OF JULY, 2017.

CITY OF GREELEY, COLORADO

By Thomas E. Notum  
Mayor



By [Signature]  
City Clerk



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 30**

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

### Title

Appointment of applicants to the following Boards and Commissions: Citizen Transportation Advisory Board, Downtown Development Authority, Greeley Art Commission, Historic Preservation Commission, Rodarte Community Center Advisory Board, and Youth Commission

### 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

- October 2017 Boards and Commissions Transmittal
- Ballot



# Boards & Commissions Transmittal

October 2, 2017

Key Staff Contact: Lory Stephens, Assistant City Clerk, 350-9746

Interview Date

October 12, 2017

Council Interview Team

Councilmembers Gates & Casseday

Council Appointment Date

October 17, 2017

Boards and Commissions Being Interviewed

- Citizen Transportation Advisory Board
- Downtown Development Authority
- Greeley Art Commission
- Historic Preservation Commission
- Rodarte Community Center Advisory Board
- Youth 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 interviewed and/or considered for appointment

Transmittal reviewed by:  Roy Otto, City Manager  Betsy Holder, 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 \*\*\*\*\*

**Citizen's Transportation Advisory Board**

*2 Vacancies*

\_\_\_\_ **GLORIA HICE-IDLER**

\_\_\_\_ (Recruit for additional applicants)

**Downtown Development Authority**

*1 Vacancy*

\_\_\_\_ **JUSTIN GHOFrani**

\_\_\_\_ (Recruit for additional applicants)

**Greeley Art Commission**

*2 Vacancies*

\_\_\_\_ Danyelle Butler

\_\_\_\_ **JAMES KLINGMAN**

\_\_\_\_ **LAUREL LABONDE**

\_\_\_\_ (Recruit for additional applicants)

**Historic Preservation Commission**

*1 Vacancy*

\_\_\_\_ **MARGARET THOMPSON**

\_\_\_\_ Paulette Weaver

\_\_\_\_ (Recruit for additional applicants)

**Rodarte Community Center Advisory Board**

*1 Vacancy*

\_\_\_\_ **PAIGE JOHNSON**

\_\_\_\_ (Recruit for additional applicants)

**Youth Commission (student position)**

*1 Vacancy*

\_\_\_\_ Lauren Harding

\_\_\_\_ **JAXSON LISCANO-GARCIA**

\_\_\_\_ (Recruit for additional applicants)



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 31**

### 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.

- 1) There are no items of business at this time for the November 7, 2017 Council meeting. If Council would like to cancel this meeting, a motion is needed to cancel the November 7, 2017 Council meeting.
- 2) A special meeting is needed for the purpose of conducting an Executive Session and possibly taking action immediately after the Executive Session. If Council agrees, a motion is needed to call a special Council meeting for October 24, 2017, at 4:00 p.m. (or 4:30 if desired), for the purpose of conducting an Executive Session to receive advice from the City Attorney and to discuss personnel reporting to the City Council.

### Attachments

Council Meetings/Other Events Calendar

Council Meeting/Worksession Schedule



# October 2017 - November 2017

October 2017						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2017						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 15	16 4:00pm Camfield Corner Apartments Open House (1020 3rd Street, Greeley CO) - Council Master Calendar	17 7:30am Visit Greeley (Finn) 6:30pm City Council Meeting (1025 9th Ave)	18 2:00pm Water & Sewer Board (Norton) (School District Six Facility)	19 7:30am DDA (Elder/Casseday) 11:45am October 2017 Government Agencies 3:30pm Airport Authority (Elder/Finn) 6:00pm Town/County Dinner Meeting (RSVPs Required)	20	21
22	23 11:30am Greeley Chamber of Commerce (Gates) 6:30pm Youth Commission (Payton)	24 11:30am 2017 Profiles Luncheon (DoubleTree Hilton Greeley Lincoln Park) - Council Master 5:00pm City Council Worksession (1025 9th Ave)	25 7:00am Upstate Colorado Economic Development (Norton/Finn)	26	27	28 10:00am Roundtables with Rochelle (Joe Molina's Art Gallery, 930 8th Avenue, Greeley CO)
29	30	31	Nov 1	2 7:00am Poudre River Trail (Finn) 3:30pm IG Adv. Board (Gates) 6:00pm MPO (Casseday, Norton)	3 6:00pm 9th Annual Heroes Celebration (Double Tree Hotel, Downtown Greeley, 919 7th Street) - Council Master Calendar	4
5	6	7 6:30pm City Council Meeting (1025 9th Ave)	8 7:30am Thriving Weld Summit (DoubleTree Hotel at Lincoln Park) - Council Master Calendar 5:00pm US34 PEL - Public Meeting (CDOT, 601 W. 10th Street, Greeley CO)	9	10	11 11:00am Veteran's Day Proclamation
12	13	14 5:00pm City Council Worksession (1025 9th Ave)	15 2:00pm Water & Sewer Board (Norton) (School District Six Facility)	16 7:30am DDA (Elder/Casseday) 3:30pm Airport Authority (Elder/Finn)	17	18



# City Council Meeting Schedule

<u>Date</u>	<u>Description</u>	<u>Staff Contact</u>	
October 24, 2017 Worksession	Executive Session	Sharon McCabe	0.50
	Monthly Financial Report	Victoria Runkle	0.50
	Quiet Zone Study	Joel Hemesath	0.50
	3rd Quarter CIP Update	Joel Hemesath	0.50
November 7, 2017 Council Meeting	Possible cancellation due to the lack of items for consideration		
November 14, 2017 Special Meeting	Proposed Special Meeting for New Council to include Oaths of Office	Betsy Holder	
November 21, 2017 Council Meeting	Resolution - 2017 Tax Levy Certification	Victoria Runkle	Consent
	Ordinance - Intro - Amendments to Title 2 of the Greeley Municipal Code	Victoria Runkle	Consent
	Board and Commission Appointments	Betsy Holder	Regular
November 28, 2017 Worksession	Monthly Financial Report	Victoria Runkle	0.50
	2017 Hurricane and Wildland Fires Deployment Report	Dale Lyman	0.50
	Regional Transit Route	Joel Hemesath	1.00
December 5, 2017 Council Meeting	Ordinance - Final - Amendments to Title 2 of the Greeley Municipal Code	Victoria Runkle	Regular
	Ordinance - Intro Triennial Reviews	Betsy Holder	Consent
December 12, 2017 Worksession	Metro District Model Service Plan Ordinance	Brad Mueller	0.50
December 19, 2017 Council Meeting	Ordinance - Final - Triennial Reviews	Betsy Holder	Regular
	Board and Commission Appointments	Betsy Holder	Regular
December 26, 2017 Worksession	Monthly Financial Report	Victoria Runkle	0.50
January 2, 2018 Council Meeting			
January 9, 2018 Worksession			
January 16, 2018 Council Meeting	Board & Commissions Appointments	Betsy Holder	Regular
January 23, 2018 Worksession	Monthly Financial Report	Victoria Runkle	0.50
February 6, 2018 Council Meeting			
February 13, 2018 Worksession			
February 20, 2018 Council Meeting	Board & Commissions Appointments	Betsy Holder	Regular
February 27, 2018 Worksession	Monthly Financial Report	Victoria Runkle	0.50
March 6, 2018 Council Meeting			
March 13, 2018 Worksession			
March 20, 2018 Council Meeting	Board & Commissions Appointments	Betsy Holder	Regular
March 27, 2018 Worksession	Monthly Financial Report	Victoria Runkle	0.50
April 3, 2018 Council Meeting			
April 10, 2018 Worksession			
April 17, 2018 Council Meeting	Board & Commissions Appointments	Betsy Holder	Regular
April 24, 2018 Worksession	Monthly Financial Report	Victoria Runkle	0.50



# Council Agenda Summary

October 17, 2017

## **Agenda Item Number 32**

### 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

October 17, 2017

## **Agenda Item Number 33**

### Title

Adjournment

### Council's Recommended Action

If there is no further business, the presiding officer declares the meeting adjourned.