



Zoning Board of Appeals Remote Meeting Instructions for August 25, 2020 Meeting

In order to comply with all health orders and State guidelines to stop the spread of the COVID-19 Coronavirus, **no physical location, including the City Council Chambers, will be set up for viewing or participating in this meeting.**

You can view the Zoning Board of Appeals meeting by following the instructions below to watch the **YouTube** live stream. By utilizing this option to view the meeting, you will not be able to provide live input during the meeting. To provide live input, see the “Real Time” instructions near the bottom of this page.

- From your laptop or computer, click the following link or enter it manually into your web browser: (www.youtube.com/CityofGreeley)
- Clicking the link above will take you to the City of Greeley’s YouTube channel
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Citizen input and public comment for items appearing on this agenda as public hearing / quasi-judicial are valuable and welcome

There are several options for those who are interested in participating and sharing public comments:

E-mail – Submit to cd_admin_team@greeleygov.com

All comments submitted by e-mail will be read into the record at the appropriate points during the meeting in real time. Comments can be submitted up to and throughout the meeting.

Traditional Mail – Address to Zoning Board of Appeals, 1100 10th Street, Greeley, CO 80631

All written comments must be received no later than the day of the meeting. Written comments received by mail will also be read into the record in real time.

Real Time – Click [here](#)

Clicking the link above will give you access to the live meeting via Zoom Webinar where you will become a virtual audience member and be able to provide input during a public hearing using the chat or raise hand features.

Please visit the Planning Commission/Zoning Board of Appeals web page at <https://greeleygov.com/government/b-c/boards-and-commissions/planning> to view and download the contents of the agenda packet. You are also welcome to call the Planning office at 970-350-9780 if you have any other questions or require special accommodations to attend a virtual hearing.



ZONING BOARD OF APPEALS

Agenda

August 25, 2020
1:15 p.m.

- I. Call to Order**
- II. Approval of minutes for meeting held on May 12, 2020**
- III. A public hearing to consider a variance request to allow for up to a 12-foot tall retaining wall**

Case No.:	VAR2020-0014
Project Name:	City Center West Residential Subdivision, 2 nd Filing, Retaining Wall
Applicant:	Miller Wall Co.
Location:	North of 7 th Street , south of 4 th Street, west of 63 rd Avenue, east of 66 th Avenue
Presenter:	Brittany Hathaway, Planner III

- IV. Adjournment**

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ZONING BOARD OF APPEALS

Proceedings

May 12, 2020

**Remote Hearing
(Via YouTube)
1:15 p.m.**

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m. Commissioners Schulte, Andersen, Modlin, Briscoe, Romulo, and Franzen were present. Chair Yeater read the instructions for conducting a remote hearing.

II. Approval of minutes for meeting held on November 12, 2019

Commissioner Andersen moved to approve the minutes dated November 12, 2019. Commissioner Romulo seconded. Motion carried 7-0.

III. A public hearing to consider a variance request for a 70-foot building on a 185-acre parcel located in a Residential Low Density zone district where the maximum allowed height is 30 feet

Case No.: VAR2020-0007
Project Name: Aims Welcome Center Height Variance
Applicant: Ryan Nichols, on behalf of Aims Community College
Location: 5401 20th Street
Presenter: Kira Stoller, Planner II

Kira Stoller addressed the Board and identified the project as a request by Aims Community College for a building height variance. Ms. Stoller reported that the applicant is requesting a height variance for a 70-foot tall building in a Residential Low Density (R-L) zone district. She advised that Aims has been in operation for nearly 50 years and is looking to expand its campus amenities. Other 3-story structures currently exist on the site. Ms. Stoller added that the proposed welcome center will be located at the northeast corner of 20th Street and 50th Avenue and will include various functions such as admissions, financial aid, and advising.

She added that the welcome center will also house a 1700-seat auditorium and ballroom which will serve as a graduation venue and gathering place for the community.

Ms. Stoller presented a map showing the location of the Aims campus and described the surrounding zoning and uses. She noted that the property on the southwest corner of 20th Street and 50th Avenue previously approved for multi-family housing remains vacant. Ms. Stoller advised that the campus is split zoned, with the welcome center to be built within the R-L (Residential Low Density) zone.

Ms. Stoller presented site data and advised that the maximum structure height within an R-L zone district is 35 feet, with performance option #5, which allows a building height to be increased by up to five feet (one foot for every three feet of additional setback provided). Ms. Stoller pointed out the section of rooftop access which measures 70 feet, adding that the parapet wall is 62 feet in height. She also presented a photo rendering of the proposed welcome center which provided a good idea of what the building will look like from 20th Street. Ms. Stoller also presented photographs of the existing campus and the site selected for the welcome center.

The approval criteria applicable to the request were then provided by Ms. Stoller, who noted that the proposal meets two of the five consideration criteria found in Section 18.22.040(f) as well as all three mandatory criteria found in Section 18.22.040(g). Notices were mailed to property owners within 500 feet of the site and signs were posted on the site.

Ms. Stoller received two e-mail inquiries that arrived after publication of the staff report. The first was from Fred Otis, Otis & Beddingfield, 1812 56th Avenue. The second was from Susan Klemme. Both e-mails are attached to these minutes and are made part of the record.

Staff determined that the request meets consideration criteria 1 and 5 as well as mandatory criteria 1, 2 and 3 and recommends approval. Ms. Stoller invited questions from the Board.

Commissioner Andersen noted the neighbor's concern about light pollution and asked whether that had been addressed when considering the additional building height. Ms. Stoller reported that the site plan is still under review and that staff had received a photometric plan and will make sure that it meets all base code standards.

Based upon the various zone districts on the campus, Commissioner Romulo asked whether there would be proposals in the future to rezone other areas of the campus. Ms. Stoller indicated that she was unaware of Aims having a desire to rezone the campus, but mentioned that any other zoning designation would still require a height variance to allow for the construction of a 70-foot tall building.

Commissioner Schulte asked that in the event the variance request is approved, whether it would be contingent on the specific architectural plan presented or whether it could be replaced with a structure less conducive to the setting. Ms. Stoller advised that approval of the variance would allow any type of building design and would not necessarily be connected to what is being proposed now. She added that any structure would need to

remain under the 70-foot height limit. Upon question by Chair Yeater, Ms. Stoller indicated that a motion could specify that approval was contingent upon the specific plan presented.

Ryan Nichols, architect with Hord, Coplan, Macht, 1800 Wazee Street, Suite 450, Denver, Colorado, addressed the Board on behalf of the applicant. Mr. Nichols reported that he has been working with Aims on this project for the past year. He thanked the Board for considering the application. Mr. Nichols reported that the current welcome center has been in place since 1991 and that the college has grown and outgrown the needs of the existing space. According to Mr. Nichols, input was solicited from students, staff and other community members. Mr. Nichols described the various spaces that will be available for student activities as well as other community events and highlighted the capacity of each space. In response to the email from Susan Klemme, who hoped that Aims is not trying to compete with UNC, Mr. Nichols reported that Aims and UNC have always had a great working relationship and that this facility will be available for use by UNC as well as other community partners.

Upon question by Commissioner Schulte, Mr. Nichols advised that the auditorium will accommodate 1700 people when full and can be converted into smaller meeting spaces. The banquet room will accommodate 800 seated persons and can also be converted into smaller meeting areas.

Commissioner Briscoe asked for clarification about the height of the parapet wall and the mechanical screen. Mr. Nichols reported that the mechanical screen on the roof is at 68 feet and the top of the parapet wall is 62 feet. Additionally, the mechanical screen is set back 10-15 feet from the parapet. Commissioner Briscoe noted that grading work has begun and the project seems to be underway. He was curious about the timing of seeking approval while construction has begun. Mr. Nichols advised that during the site plan review process 75 percent plans were submitted around the end of November and discussions with city staff had begun before then. He added that the grading plan has been able to move separately from this approval.

Chair Yeater pointed out that the plan set is dated March 27, 2020 and asked whether it was the final plan set. He asked whether Mr. Nichols saw a problem noting a specific plan set in the motion for a height variance. Mr. Nichols stated that the plan documents are separate from the construction documents, but as far as the site plan review set, what has been presented is current. He expressed no objection to the Board including language in the proposed motion referencing the site plans.

Commissioner Andersen asked whether the applicant had any concerns about the uncertain financial future and was confident that the building would come to fruition. She also asked whether it would create a limitation if the Board limited the approval to the plans being presented. Mr. Nichols advised that Greeley has been fortunate to have a funding stream set up for Aims and added that the funds for this project had been allocated and no future funding would be required. He added that in many ways, the timing of this project is good as it allows people to know what they will be working on a year from now.

Chair Yeater opened the public hearing at 1:48 p.m. There being no comment, the public hearing was closed at 1:51 p.m.

Commissioner Andersen moved that based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance to allow for a 70-foot tall building, where the maximum structure height allowed is 35 feet, within a Residential Low Density zone district complies with Section 18.22.040(f), Items 1 and 5 and Section 18.22.040(g), Items 1, 2 and 3 of the Development Code; and therefore, approves the request, with the additional requirement that the plans submitted to the Zoning Board of Appeals today would be included for the variance and if those plans, or a similar plan, are not followed, the variance would not apply. Commissioner Briscoe seconded. Motion carried 7-0.

IV. Staff Report

Brad Mueller, Community Development Director, thanked the Board members for their flexibility in conducting the meeting remotely using Zoom meeting technology. He briefly shared the City's larger vision for continuing operations during the upcoming weeks and months and stated that he will be asking the Planning Commission and Zoning Board of Appeals to follow City Council's lead in reopening to live hearings.

Mr. Mueller reported that construction activity has continued over the past couple of months, making inspections an essential service. He added that development review has also continued. He noted a forum for realtors and developers to be held on May 20 where information will be provided about building permits, development, and other topics. At that time, staff will also begin to introduce a development impact fee study that has been undertaken by the City. Mr. Mueller also reported that the department has undertaken an update to the current Development Code and is close to finalizing a contract with a consultant who will be working with staff over the next 18 months. He added that various topical areas of the Code update would be presented to the Planning Commission throughout the process.

Mr. Mueller added to the response by Ms. Stoller regarding the question about rezoning at Aims Community College. In addition to Ms. Stoller's response, Mr. Mueller stated that staff has received a preliminary indication from Aims seeking to rezone the existing Residential Estate zoning on much of the property. He added that Residential Estate allows for institutional uses and that institutional use also falls under any of the zone districts.

Commissioner Modlin asked about the status of the Lake Bluff property near 95th Avenue and Highway 34. He asked whether there would soon be a bond issue on the ballot or whether it had been postponed. Mr. Mueller stated that he was not aware that a bond issue was on a timeline as a ballot question in the spring. Planning Manager, Mike Garrott, added that he was also unaware of a spring election. He reported that the project is in the second phase and being defined as it moves forward. Mr. Mueller advised that an element of the development is tied to city infrastructure, adding that the City continues to move along with design and the ultimate construction as a regional improvement not necessarily tied to the Lake Bluff project.

V. Adjournment

Chair Yeater adjourned the Zoning Board of Appeals hearing at 2:04 p.m.

Justin Yeater, Chair

Brad Mueller, Secretary

From: [Fred Otis](#)
To: [Kira Stoller](#)
Subject: [EXTERNAL] RE: VAR2020-0007
Date: Sunday, May 10, 2020 7:43:39 AM

Kira, thanks for sending the link. The building is beautiful and its location won't likely block anyone's view of the mountains. Fred

Fred L. Otis
West Greeley Law Center, LLC
1812 56th Avenue
Greeley, CO 80634
970-330-6700
fotis@nocoattorneys.com

From: Kira Stoller <Kira.Stoller@Greeleygov.com>
Sent: Thursday, May 7, 2020 8:22 AM
To: Fred Otis <fotis@nocoattorneys.com>
Subject: RE: VAR2020-0007

Hi Fred,

If the variance request were approved, it would only apply to the proposed welcome center building. Any future structures proposed on the site would be required to submit another variance application if they wish to exceed the height limit of the zone district.

If you want additional information regarding the specifics of the welcome center project, you can view the staff report here: <http://greeleygov.com/docs/default-source/community-development/planning-commission/agendas/05-12-20-zba-agenda-packet.pdf>.

Thanks,



Kira Stoller
Planner II
Community Development | Planning and Zoning
1100 10th Street, 2nd Floor
Greeley, CO 80631
970-336-4050 | Kira.Stoller@greeleygov.com
<https://greeleygov.com/>

From: Fred Otis <fotis@nocoattorneys.com>
Sent: Wednesday, May 06, 2020 5:48 PM
To: Kira Stoller <Kira.Stoller@Greeleygov.com>
Subject: [EXTERNAL] RE: VAR2020-0007

Kira,

If the application is approved, is Aims allowed to only build the building on the site you pointed out, or could they in the future build to 70 feet?

Thanks for your help. Fred

Fred L. Otis
West Greeley Law Center, LLC
1812 56th Avenue
Greeley, CO 80634
970-330-6700
fotis@nocoattorneys.com

From: Kira Stoller <Kira.Stoller@Greeleygov.com>
Sent: Wednesday, May 6, 2020 2:20 PM
To: Fred Otis <fotis@nocoattorneys.com>
Subject: RE: VAR2020-0007

Hi Fred,

I realized after the notices went out that I should have better noted where the welcome center building is proposed to be located. I have attached a revised map for you reference. Let me know if you have additional questions.

Thanks,



Kira Stoller
Planner II
Community Development | Planning and Zoning
1100 10th Street, 2nd Floor
Greeley, CO 80631
970-336-4050 | Kira.Stoller@greeleygov.com
<https://greeleygov.com/>

From: Fred Otis <fotis@nocoattorneys.com>
Sent: Wednesday, May 06, 2020 11:28 AM
To: Kira Stoller <Kira.Stoller@Greeleygov.com>
Subject: [EXTERNAL] VAR2020-0007

Kira,

The map that is attached to the referenced application by Aims, is quite large. A building I own is at West Greeley Law Center is at 1812 56th Avenue. I am curious where the 70 foot Welcome Center building will be located relative to my property? Can you tell me?

Fred L. Otis
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From: [Susan Klemme](#)
To: [Kira Stoller](#)
Subject: [EXTERNAL] Aims welcome center
Date: Friday, May 08, 2020 12:06:19 PM

I live on the west side of Aims Community College and walk often through the campus. It is a very impressive well kept campus.

When I first saw ground work being done for the proposed building I asked a couple, "What are they building now?". They responded "A welcome center". We all agreed "A welcome center???" Then I saw a drawing of the proposed building and thought " That's huge". I did go online and read about the need for some added facilities. I guess the need has been confirmed and there is no stopping this project now.

I have never been a student at Aims, but am impressed with its small college feel...and appearance. I believe in that old saying "Bigger Isn't always Better". The location sits on one of the highest spots in Greeley and now this proposed building will be very noticeable. Plus the lighting. Apparently the architects believe in keeping their buildings well lighted. For example the recent P.E Building looks like a prison at night its so well lit. I would think this would be costly and it just spoils my view ..HA. Something to think about.

I think community colleges fill an important need for those furthering their education. I just hope Aims Community College is not trying to compete with UNC.

Sincerely, Sue Klemme

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ZONING BOARD OF APPEALS SUMMARY

ITEM: Request for a variance from the maximum allowable wall retaining wall height.

CASE NO: VAR2020-0014

PROJECT: City Center West Residential Subdivision, 2nd Filing, Retaining Wall

LOCATION: North of 7th Street, south of 4th Street, west of 63rd Avenue, and east of 66th Avenue

APPLICANT: Miller Wall Company Inc. – On behalf of CCW Development LLC

CASE PLANNER: Brittany Hathaway, Planner III

ZONING BOARD OF APPEALS HEARING DATE: August 25, 2020

ZONING BOARD OF APPEALS FUNCTION:

Review the proposal for compliance with Chapter 18.22, Variances, of the City of Greeley Development Code and approve, approve with conditions, continue the application for future consideration, or deny the request.

EXECUTIVE SUMMARY

The City of Greeley is considering a variance request by Miller Wall Company on behalf of CCW Development LLC, to allow for up to a 12-foot tall retaining wall (*see Attachment C – Applicant Narrative*).

A. REQUEST

Approval of a variance from Section 18.52.035(d)(10)(c) *Any retaining wall proposed to exceed a height of six (6) feet shall require approval of a variance under the provisions of Chapter 18.22, Variances.*

The applicant is requesting a variance to allow for up to a 12-foot tall retaining wall located within Outlot C, along the rear yards of lots 149-159 of the City Center West Residential Subdivision, Second Filing. The Development Code requires a variance for walls exceeding 6 feet in height if visible from a right-of-way or residential use. As the retaining wall is located adjacent to residential rear yards, a variance is required.

The requested height variance of 6 feet is due to steep natural grading adjacent to the Pumpkin Ridge Natural Area, Sheep Draw, and proximity to the 500-year floodplain.

In order for the platted lots to be developed within the designated lot constraints and to align with the 66th Avenue block face, a retaining wall is needed to allow the subject lots to be graded accordingly.

B. STAFF RECOMMENDATION

Approval

C. LOCATION

The subject site is located north of 7th Street, south of 4th Street, west of 63rd Avenue, and east of 66th Avenue (*see Attachment A – Vicinity Map*).

Abutting Zoning:

North: Residential High Density (R-H) with a DCMP

South: Residential High Density (R-H) with a DCMP

East: Conservation District (C-D)

West: Residential High Density (R-H) with a DCMP

Surrounding Land Uses:

North: Platted single family lots under construction

South: Platted single family lots under construction

East: Pumpkin Ridge Natural Area and Sheep Draw Trail

West: Platted single family lots under construction

Site Characteristics:

The subject area is vacant land with steep natural grading along the rear of platted lots 14-159, adjacent west to the Pumpkin Ridge Natural Area and the Sheep Draw Trail.

D. BACKGROUND

The subject site was platted as part of the City Center West Residential Subdivision, 1st Filing, recorded on November 14, 2019 as part of Tract A. It was re-platted with City Center West Residential Subdivision, 2nd Filing, recorded on January 29, 2020. This subdivision created 146 single family detached lots, 130 multi-family units, and a 6-acre neighborhood park and trail system.

A grading permit for grading of the overall site, including areas adjacent to affected lots 149-159, was approved by Public Works on January 7, 2020. This grading request is the final step prior to building permit for the development of the lots. While the approved grading permit included the

retaining wall, a separate building permit is required. However, the wall was constructed without an approved building permit or land use approval.

E. APPROVAL CRITERIA

Variances: Section 18.22.040 of the Development Code states that: *When practical difficulties, unnecessary hardship, or results inconsistent with the general purpose of this Code occur through the strict and literal interpretation and enforcement of the provisions thereof, the Zoning Board of Appeals shall have the authority, subject to the provisions of this Chapter, to grant such conditions as it may determine to be necessary to be in conformance with the intent of the Land Use Chapter of the Comprehensive Plan. In general, the power to authorize a variance from the terms of this Code shall be exercised only under peculiar and exceptional circumstances. The Board may grant a variance as applied for, or a variance constituting a reduction thereof. The Board may attach conditions in granting a variance, which conditions shall be reasonably related to promoting compatibility with the surrounding area and land uses.*

The review criteria found in Section 18.22.040 (f) 1-5 and (g) 1-3 of the Greeley Development Code shall be used by the Zoning Board of Appeals when considering all variance requests.

Consideration Criteria: Development Code Section 18.22.040 (f)

In taking action on a variance request, the Zoning Board of Appeals shall consider any comments received from the public and the applicant and the staff recommendation. The Board shall also consider if the proposed variance meets the following criteria in taking action to approve, approve with conditions, deny, or table the application for future consideration:

- 1. Any variance granted shall be the minimum needed to accommodate or alleviate the difficulty or hardship involved.**

Staff Comment: The existing site topography has a significant drop-off along the eastern boundary of Sheep Draw within the Pumpkin Ridge Natural Area. There is also a 500-year floodplain that encumbers the eastern boundary of the site. In order to limit disturbance in these areas, a wall with portions exceeding 6-foot in height is necessary. It should be noted that approximately 205 feet of the 649-foot wall, or 31%, would be over 6 feet.

The proposal complies with this criterion.

- 2. A variance is necessary to accommodate an unusual or atypical lot configuration, which makes a reasonable use of the property unreasonable without a variance.**

Staff Comment: While the platted lot configuration is not unusual or atypical, the grade of the affected lots prevents usable backyard spaces if a retaining wall is not provided along the eastern boundary.

The proposal does not comply with this criterion.

- 3. Any difficulty or hardship constituting the basis for a variance shall not be created by the party seeking the variance, nor shall it be due to, or a result of the general conditions in the area.**

Staff Comment: The applicant created the platted lots over the pre-existing condition of the site area. It should be noted that the approved subdivision plat included topography, an approved grading plan and civil construction plans, which accounted for the existing conditions and anticipated the need for a retaining wall.

The proposal does not meet this criterion.

- 4. Granting the variance is necessary so that the building or structure can align with the prevailing location of other similar buildings or structures on the same block face.**

Staff Comment: The variance is necessary to allow each lot to be buildable and to align with the prevailing block face as each lot is oriented to face 66th Avenue perpendicularly.

The proposal complies with this criterion.

- 5. Granting the variance is consistent with the Comprehensive Plan and area neighborhood plans, or may achieve a better result in meeting the intent of the plan objectives than if the codes were strictly applied.**

Staff Comment: The variance is consistent with the Comprehensive Plan and aligns with the approved Construction Drawings provided with the Preliminary and Final Plat of this subdivision. The following objectives of the Comprehensive Plan are met with this proposal:

Objective GC-1.1 Growth Management while minimizing impacts to the natural environment.

Staff Comment:

The wall significantly reduces the grading and disturbance impact into the Pumpkin Ridge Natural Area and Sheep Draw.

Objective GC-1.6 Transitions to Parks and Open Lands:

Ensure that new development abutting lands that is intended to remain undeveloped, such as parks, open lands, environmentally sensitive areas, and agricultural land with conservation easements, provides for transition in uses and intensity that mitigate impacts on these adjacent areas.

Staff Comment:

The wall minimizes grading and vegetative disturbances in the Sheep Draw and Pumpkin Ridge Natural Area. The back yards of residential lots propose a low intensity use next to the natural areas.

Objective GC-4.3 Infill Compatibility. Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area.

Staff Comment:

The wall would maintain the existing vegetation, including large trees, as well as the existing topography of the Sheep Draw and Pumpkin Ridge Natural Area.

Additionally, the wall stone color has been chosen to blend with the soil and rock color of the area surrounding the site, and the textured finish of the block visually blends the wall into the landscape.

Objective NR-3.1 Protect Natural Features and View Sheds.

Ensure that important natural features and view sheds are protected or enhanced as development occurs.

Staff Comment:

The retaining wall would allow for existing topography, trees and understory vegetation to be protected in place.

The proposal complies with this criterion.

Mandatory Criteria: Development Code Section 18.22.040(g)

In every instance where the Board grants a variance, there shall be a finding that:

- 1. The granting of such variance will not be of substantial detriment to the public interest or to adjacent property or improvements in such district in which the variance is sought, and will observe the spirit of the Code; and**

Staff Comment: Staff believes that granting the requested variance would not negatively affect the neighboring properties.

The proposal complies with this criterion.

- 2. The strict application of the provisions of the Code would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Code; or**

Staff Comment: Strict adherence to the Code would result in the removal of usable rear yards of the platted lots and may create additional disturbances within the adjacent natural areas.

The proposal complies with this criterion.

- 3. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district.**

Staff Comment: The site is bordered along its entire eastern edge by the Sheep Draw and Pumpkin Ridge Natural Area.

The existing intersection to the north, existing portion of 8th Street, and location of utilities determined the alignment of the new 66th Avenue. This alignment would make a large portion of the site unusable for residential lots without the requested retaining wall.

The request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject area has undergone numerous subdivisions over the years with the first being H-P Greeley Subdivision, which divided the area into two (2) lots in 2001. The subject area was re-platted as part of the H-P Greeley, 5th Replat in 2017, which subdivided the northern lots into Lots 1, 2, and 3.

In November 2019, the site was platted as part of Tract A of the City Center West Residential Subdivision, 1st Filing. In January 2020, the site was re-platted as part of the City Center West Residential Subdivision, 2nd Filing.

2. HAZARDS

Staff is unaware of any potential hazards that presently exist on the site. However, a 500-year floodplain is located adjacent to the site to the east.

3. WILDLIFE

The surrounding site is located in an area of moderate ecological significance. A biologist report was provided by Blue Mountain Environmental Consulting, LLC with the Preliminary Plat of City Center West Residential Subdivision, Filing Number 2. While not directly related to the proposed wall, the report concluded that the subdivision project would have no effect on federally listed species.

4. FLOODPLAIN

The property is not located within a floodplain. However, the site is in close proximity to the 500-year floodplain to the east.

5. DRAINAGE AND EROSION

A drainage report and erosion and sediment control plan was approved alongside the City Center West Residential Subdivision, 2nd Filing. The report indicates that development runoff would be conveyed by street curb and gutter to inlets and storm line systems into the proposed detention/water quality ponds located throughout the site. Stormwater would be detained and released at or below historic 100-year rates into the Sheep Draw to the east of the subject area, which has been the historic outfall for the area.

G. OVERLAY DISTRICTS

The property is located within the Boomerang Development Concept Master Plan (DCMP) overlay. The Boomerang Master Plan Design Guidelines (Ordinance No. 57, 2005) [Case No. Z 3:05] was developed to establish a list of permitted uses within the C-H, I-L, and R-H zone

district that would limit special review projects and to establish specific design criteria through the Design Guidelines that meet or exceed Development Code standards.

H. PUBLIC NOTICE AND COMMENT

Notification letters regarding the proposed variance were mailed to property owners within 500 feet of the subject site and signs were posted on the property on August 18, 2020. No comments have been received to date.

I. ZONING BOARD OF APPEALS RECOMMENDED MOTION

Based on the application received and the preceding analysis, the Zoning Board of Appeals finds that the requested variance from Section 18.52.035(d)(10)(c), to allow for a retaining wall with a maximum height of 12 feet, where the maximum wall height of 6 feet is allowed, complies with Section 18.22.040(f), Items 1, 4 and 5 and Section 18.22.040(g), Items 1, 2 and 3 of the Development Code and, therefore, approves the request.

J. ATTACHMENTS

Attachment A – Vicinity Map

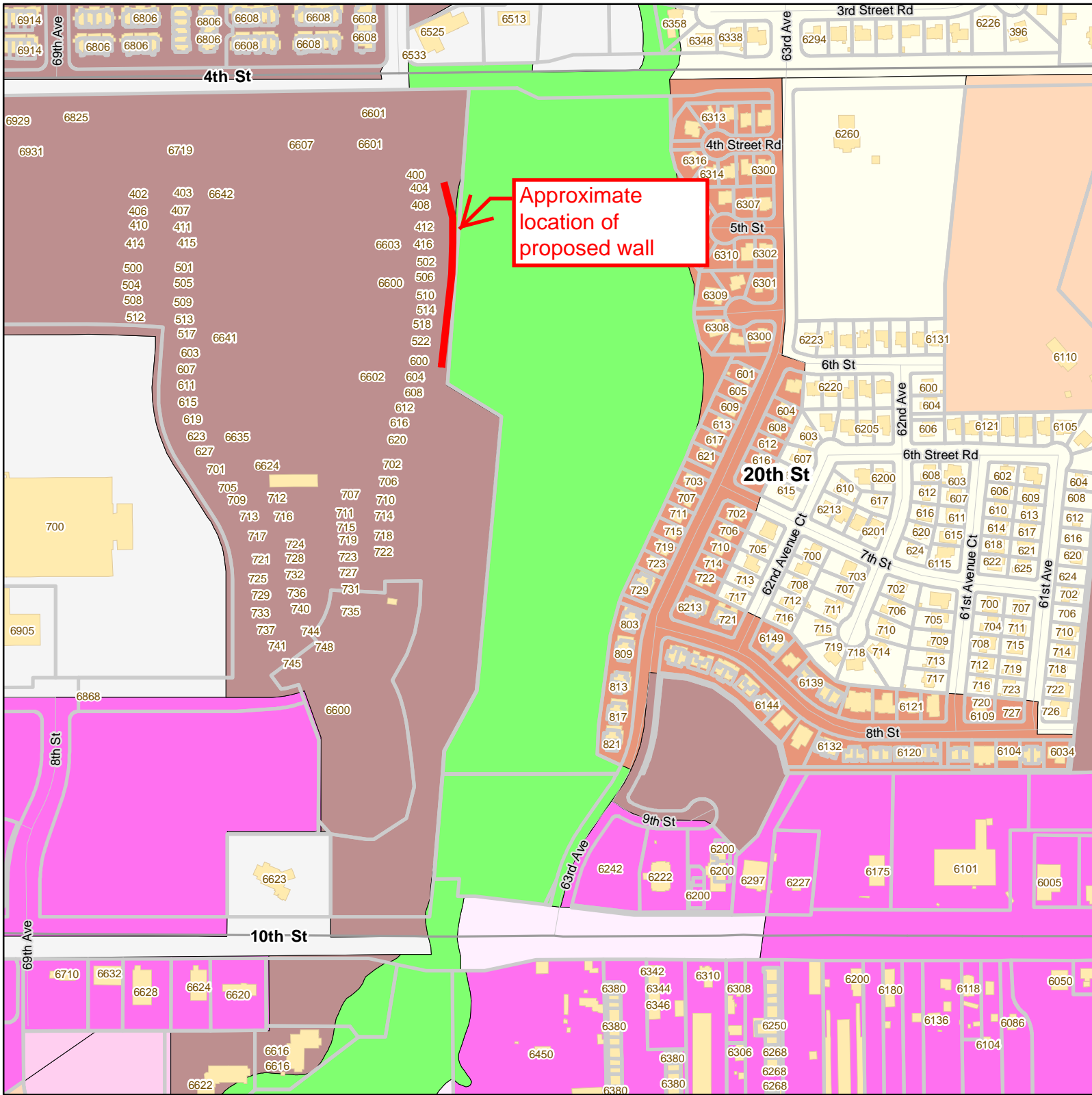
Attachment B – Site Plan

Attachment C – Applicant Narrative

Attachment D – Retaining Wall Photos

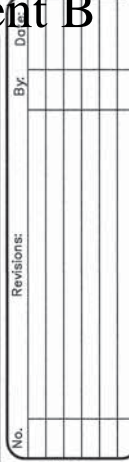
Vicinity Map

CCW Retaining Wall Variance



VAR2020-0014

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 KEYMAP

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1. THE SIZE, TYPE AND LOCATION OF ALL KNOWN UNDERGROUND UTILITIES ARE APPROPRIATE WHEN SHOWN ON THESE DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTENCE OF ALL UNDERGROUND UTILITIES IN THE AREA OF THE WORK. BEFORE COMMENCING ANY CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR FOR ALL UNKNOWN UNDERGROUND UTILITIES.
2. REFER TO THE PLAT FOR LOT AREAS, TRACT SIZES, EASEMENTS, LOT DIMENSIONS, UTILITY EASEMENTS, OTHER EASEMENTS, AND OTHER SURVEY INFORMATION.
3. ALL PROJECT DATA IS ON THE VERTICAL DATUM: NAVD 88 (UNADJUSTED). SEE COVER SHEET FOR BENCHMARK REFERENCES.
4. THE TOP OF FOUNDATION ELEVATIONS (TOF) SHOWN ARE THE MINIMUM ELEVATIONS REQUIRED FOR PROTECTION FROM THE 100-YEAR STORM.
5. FOUNDATION ELEVATIONS FOR PROTECTION FROM FLOODING HAVE BEEN SET BASED UPON A HYPOTHETICAL BUILDING FOOTPRINT AND SHALL BE ADJUSTED TO MEET CODE REQUIREMENTS FOR ACTUAL BUILDING FOOTPRINTS DURING PLOT PLANNING.
6. TYPE W AND G LOTS ARE WALKOUT AND GARDEN LEVEL. TYPE B LOTS GRADED TO TOP OF GARDEN AND BACK WALKOUT LEVEL OPENINGS. TYPE T LOTS ARE TRANSITION LOTS THAT HAVE PROTECTIVE HIGHPOINTS ON ONLY ONE SIDE LOT LINE AS WELL AS AN INTERCEPTION SWALE WITH PROTECTIVE HIGHPOINT BEHIND THE BUILDING.
7. ALL FOUNDATIONS SHALL BE SET SUCH THAT BOTTOM OF FOOTER IS AT LEAST 3 FEET ABOVE GROUNDWATER AND WITH MINIMUM SEPARATION TO GROUNDWATER PER ALL APPLICABLE STANDARDS AND CODES ESTABLISHED BY THE CITY OF GREELEY.
8. IMPROVEMENTS FOR CITY CENTER WEST RESIDENTIAL SUBDIVISION, FIRST FILING (COW 13T) SHOWN FOR REFERENCE AND SHALL BE COMPLETED PRIOR TO OR CONCURRENT WITH SECOND FILING IMPROVEMENTS.

CALL UTILITY NOTIFICATION CENTER OF
COLORADO



**Know what's below.
Call before you dig.**

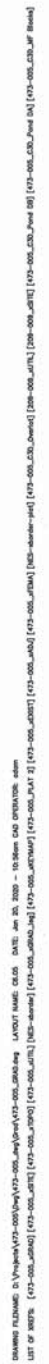
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MARKING OF UNDERGROUND MEMBER UTILITIES.

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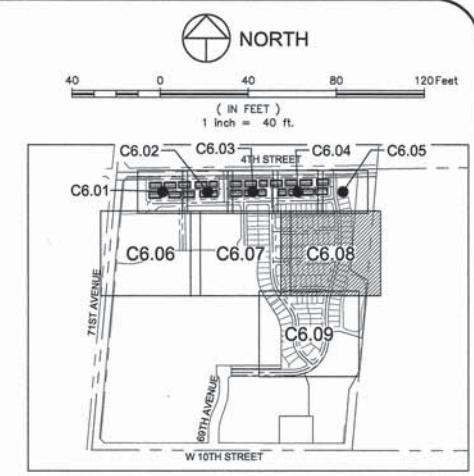
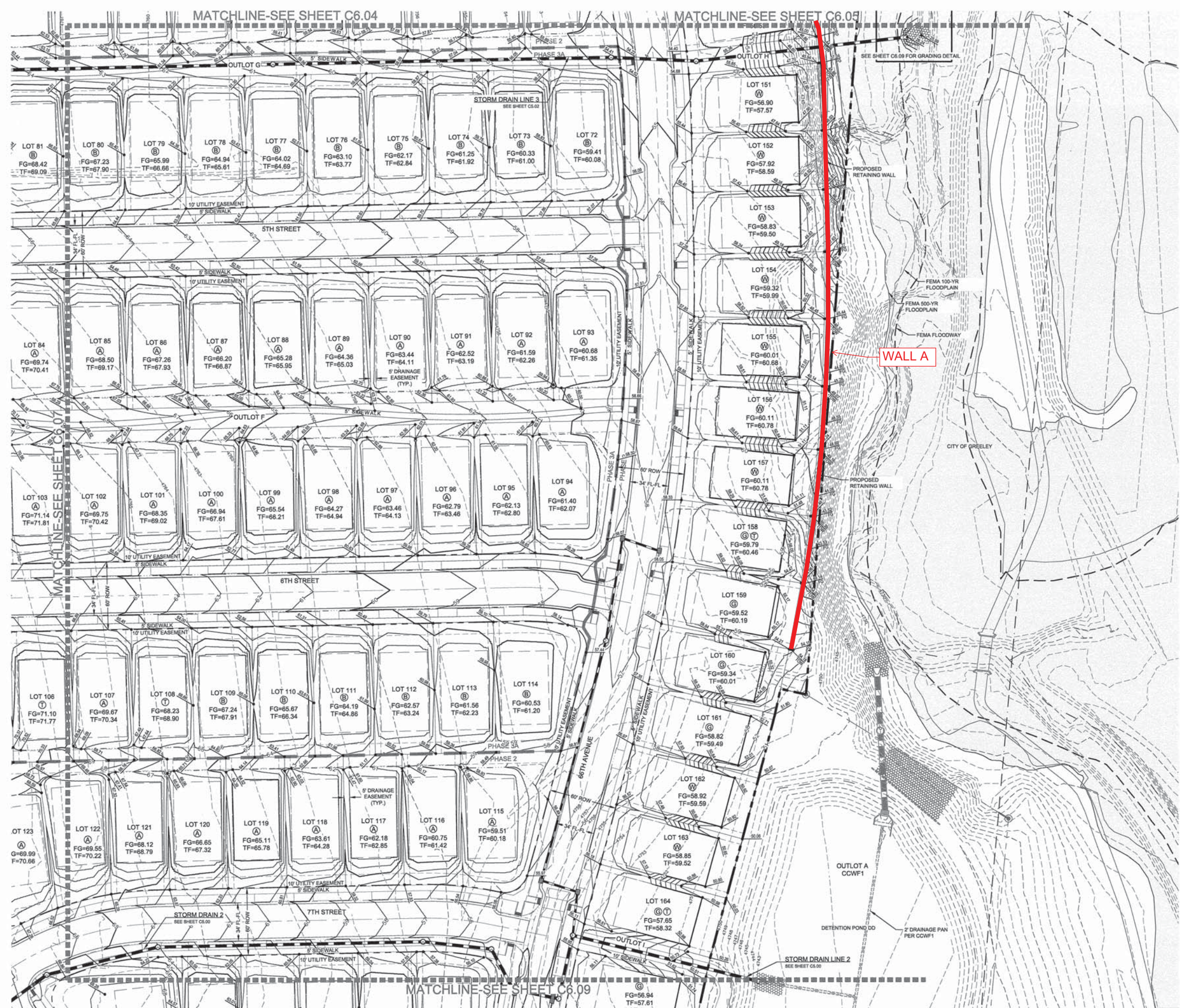
FORT COLLINS 301 North Howard Street, Suite 100, 805021
970.221.4158
www.northerneng.com

CITY CENTER WEST RESIDENTIAL SUBDIVISION
SECOND FILING
GRADING PLAN

Sheet
C6.05
23
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DATE: 01/15/20
PROJECT: 473-005
DESIGNED BY: A. Boese
DRAWN BY: M. Ruebel
CITY OF GREELEY, COLORADO
CITY CENTER WEST RESIDENTIAL SUBDIVISION
SECOND FILING
GRADING PLAN
SHEET C6.08
61 OF 103



- LEGEND:**
- EXISTING STORM SEWER
 - PROPOSED STORM SEWER
 - PROPOSED STORM INLET
 - PROPOSED CONTOUR
 - EXISTING CONTOUR
 - PROPOSED SWALE
 - PROPOSED CURB AND GUTTER
 - PROPERTY BOUNDARY
 - PROPOSED LOT LINE
 - EXISTING RIGHT OF WAY
 - PROPOSED RIGHT OF WAY
 - PROPOSED SPOT ELEVATION
 - EXISTING SPOT ELEVATION
 - PROPOSED SLOPES
 - PEDESTRIAN ACCESS RAMPS
 - PROPOSED CONCRETE CROSS PAN (TYP.)
- NOTES:**
- THE SIZE, TYPE AND LOCATION OF ALL KNOWN UNDERGROUND UTILITIES ARE APPROXIMATE WHEN SHOWN ON THESE DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTENCE OF ALL UNDERGROUND UTILITIES IN THE AREA OF THE WORK. BEFORE COMMENCING NEW CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR ALL UNKNOWN UNDERGROUND UTILITIES.
 - REFER TO THE PLAT FOR LOT AREAS, TRACT SIZES, EASEMENTS, LOT DIMENSIONS, UTILITY EASEMENTS, OTHER EASEMENTS, AND OTHER SURVEY INFORMATION.
 - ALL PROJECT DATA IS ON THE VERTICAL DATUM; NAVD 88 (UNADJUSTED). SEE COVER SHEET FOR BENCHMARK REFERENCES.
 - THE TOP OF FOUNDATION ELEVATIONS (TOP) SHOWN ARE THE MINIMUM ELEVATIONS REQUIRED FOR PROTECTION FROM THE 100-YEAR STORM.
 - FOUNDATION ELEVATIONS FOR PROTECTION FROM FLOODING HAVE BEEN SET BASED UPON A HYPOTHETICAL BUILDING FOOTPRINT AND SHALL BE ADJUSTED TO MEET CODE REQUIREMENTS FOR ACTUAL BUILDING FOOTPRINTS DURING PLOT PLANNING.
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 - IMPROVEMENTS FOR CITY CENTER WEST RESIDENTIAL SUBDIVISION, FIRST FILING (COW 1ST) SHOWN FOR REFERENCE AND SHALL BE COMPLETED PRIOR TO OR CONCURRENT WITH SECOND FILING IMPROVEMENTS.

POND SUMMARY TABLE

Pond ID	100-Yr Pond Volume (AC-FT)	Ext. Detention Volume (AC-FT)	100-Yr Pond Peak Release (CFS)
DA	2.94	0.75	39.10
DB	1.38	0.39	23.90
DC	7.12	0.00	9.80
DD	7.10	2.52	104.20

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CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRAB, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

CITY OF GREELEY, COLORADO
CONSTRUCTION MUST BE IN ACCORDANCE WITH APPLICABLE CITY OF GREELEY CONSTRUCTION STANDARDS. THE CITY'S ACCEPTANCE ALLOWS FOR PLAN DISTRIBUTION AND PERMIT APPLICATION. THE CITY'S ACCEPTANCE SHALL NOT RELIEVE THE DESIGN ENGINEER'S RESPONSIBILITY FOR ERRORS, OMISSIONS, OR DESIGN DEFICIENCIES FOR WHICH THE CITY IS HELD HARMLESS.

ACCEPTED BY: *Chris J. Conrad* 1/17/2020
ENGINEERING DEPARTMENT REVIEW
AND CIVIL INSPECTIONS MANAGER

DATE: 01/15/20
PROJECT: 473-005
DESIGNED BY: A. Boese
DRAWN BY: M. Ruebel
REVIEWED BY: R. Dornier

NORTHERN ENGINEERING
44239
PROFESSIONAL ENGINEER
POST COLLINS, 301 North Avenue Street, Suite 100, Greeley, CO 80639
970.221.4188
northernengr.com

**CITY CENTER WEST RESIDENTIAL SUBDIVISION
SECOND FILING
GRADING PLAN**

Sheet
C6.08
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Variance Request # VAR2020-0014

1. A variance request is needed do to the height of the retaining wall on City Center West F2 project. Retaining wall is essential to the development as it serves to stabilize major grading changes between adjacent lots and floodway
2. Under **Section 18.22.040 (f) 1-4 and (g)1-3** a variance request is being submitted for the reasons below:
 - (F)1-4 *A variance is necessary to accommodate an unusual or atypical lot configuration which makes a reasonable use of the property unreasonable without a variance.
*Granting the variance is necessary so that the building or structure can align with the prevailing location of other similar buildings or structures on the same block face.
 - (G)1-3 *Granting a variance request will not be of substantial detriments to the public or adjacent property because retaining wall structure will be facing the floodway, furthermore it will serve as protection to both sides of the wall.
* Because of steep grading changes on this area of the site, a retaining wall helps the development become more accessible and safer.

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Attachment D – Retaining Wall Photos

