



Mayor

John Gates

Councilmembers

Jonathan Smail
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Stacy Suniga
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

September 03, 2019 at 6:30 PM

1001 11th Avenue, City Center South, Greeley, CO

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Recognitions and Proclamations
5. Citizen Input
6. Approval of the 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 Report of the August 13, 2019, City Council Worksession
10. Approval of the City Council Proceedings of August 20, 2019
11. Consideration of a resolution confirming support for a City of Greeley Grant Application for State of Colorado Funding Assistance to Support the 2020 Census Count
12. Introduction and first reading of an Ordinance amending Title 14 of the Greeley Municipal Code (Concerning the Dedication of Water Rights for City Water Service, Cash in Lieu of Raw Water, and Associated Development Fees)
13. Introduction and first reading of an ordinance authorizing the disposition of City Property Located at 1215 16th Avenue
14. Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and

liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018

- [15.](#) Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from R-L (Residential Low Density), C-D (Conservation District), and C-L (Commercial Low Intensity) to I-M (Industrial Medium Intensity) zoning for approximately 39.18 acres of property located at 145 North 35th Avenue, known as the Best Way Rezone
- [16.](#) Introduction and first reading of an ordinance regarding a 1st Amendment to the Preliminary Plan of the Promontory PUD, Areas F, L and M, located south of 16th Street, east of Promontory Parkway, and north of Highway 34 Bypass to add churches, schools and recreational area uses on a 144.67acre parcel

End of Consent Agenda

- [17.](#) Pulled Consent Agenda Items
- [18.](#) Public Hearing and Final Reading of an Ordinance amending portions of the Greeley Municipal Code Chapters 16.04 (Building Code), 16.06 (Residential Code), 16.08 (Mechanical Code), 16.10 (Property Maintenance Code), 16.12 (Existing Building Code), 16.16 (Energy Conservation Code), 16.28 (Plumbing Code), 16.30 (Fuel Gas Code) and 16.36 (Fire Code)
- [19.](#) Public hearing and final reading of an ordinance to consider a change of zone from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity) zoning for approximately .66 acres of property located at 3529 4th Street known as the 354 Business Park Rezone #2, and changing the official zoning map to reflect the same
- [20.](#) Public hearing and final reading of an ordinance vacating a portion of the alley right-of-way between 1530 and 1528 3rd Avenue, located east of 3rd Avenue and west of 2nd Avenue
- [21.](#) Public hearing and final reading of an ordinance to consider a change of zone from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning for approximately .210 acres of property located at 1530 3rd Avenue known as the 1530 3rd Avenue Rezone, and changing the official zoning map to reflect the same
- [22.](#) Public hearing and final reading of an ordinance authorizing the acquisition of additional property interests in real property located in Weld County, Colorado for water lines by purchase or exercise of the power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colo. Rev. Stat. § 38-1-101, et seq. (Gold Hill Segment Pipeline Project)
- [23.](#) Overview: 16th Street Corridor Plan
- [24.](#) Scheduling of Meetings, Other Events
- [25.](#) 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
- [26.](#) Adjournment

Council Agenda Summary

September 3, 2019

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

September 3, 2019

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

September 3, 2019

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Smail

Councilmember Payton

Councilmember Casseday

Councilmember Fitzsimmons

Councilmember Suniga

Councilmember Hall

Council Agenda Summary

September 3, 2019

Agenda Item Number 4

Title

Recognitions and Proclamations

Summary

Councilmember Suniga will present the What's Great about Greeley Report.

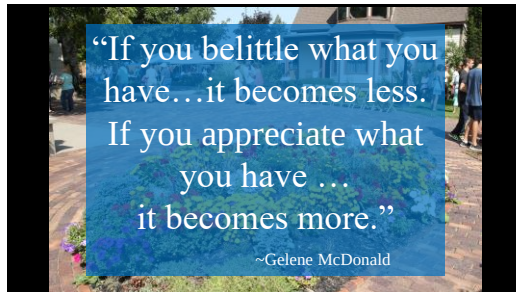
Attachments

September 3, 2019 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.

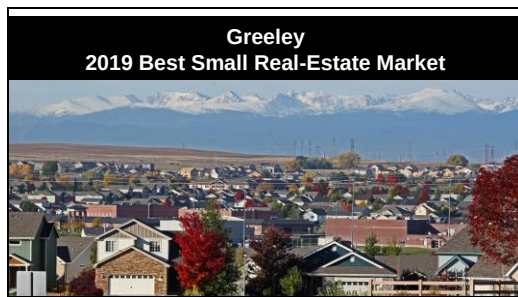
Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging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

Slide 3



Greeley's North Colorado Medical Center has received a Platinum Performance Achievement Award by the American College of Cardiology's NCDR Chest Pain MI Registry. The award honors health facilities for setting a national standard of care provided for patients.

Slide 4



Greeley has been ranked #8 on the 2019 Best Small Real-Estate Market study from WalletHub. The study compared 200 cities across 23 metrics including median home-price appreciation, home sales turnover rate, and job growth.

Slide 5



For the second time, the Weld County Regional Communications Center has been named an Accredited Center of Excellence by the International Academies of Emergency Dispatch. Re-accreditation occurs every three years. To be an ACE center, the Center must maintain high standards of 911 call-taking, emergency medical response, and ensure industry protocol is being met every month.

Slide 6



The UNC cross country programs and women's golf team were recipients of the NCAA Public Recognition Award. This is an honor given to teams with an NCAA Division I Academic Progress Rate in the top 10% of all squads in their respective sports based on the APR data released earlier this year. The 2019 scoring period was the fifth-straight period the three programs recorded a perfect score of 1,000.

Slide 7



Council Agenda Summary

September 3, 2019

Agenda Item Number 5

Title

Citizen Input

Summary

During this 15-minute 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

September 3, 2019

Agenda Item Number 6

Title

Approval of the Agenda

Council Agenda Summary

September 3, 2019

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.

Board/Commission	Meeting Day/Time	Assignment
--Team of 2-- Board/Commission Interviews	Monthly as Needed	Council Rotation
Water & Sewer Board	3 rd Wed, 2:00 pm	Gates
Youth Commission Liaison	4 th Mon, 6:00 pm	Smail
Historic Preservation Loan	As Needed	Suniga
Police Pension Board	Quarterly	Suniga
Employee Health Board	As Needed	Suniga
Human Relations Commission Liaison	2 nd Monday, 12:30 P.M.	Suniga
Airport Authority	3 rd Thur, 3:30 pm	Casseday/Payton
Visit Greeley	3 rd Wed, 7:30 am	Fitzsimmons
Upstate Colorado Economic Development	Last Wed, 7:00 am	Gates/Hall
Greeley Chamber of Commerce	4 th Mon, 11:30 am	Gates
Island Grove Advisory Board	1 st Thur, 3:30 pm	Smail
Weld Project Connect Committee (United Way)	As Needed	Fitzsimmons
Downtown Development Authority	3 rd Thur, 7:30 am	Casseday/Smail
Transportation/Air Quality MPO	1 st Thur, 6:00 pm	Casseday/Gates
Poudre River Trail	1 st Thur, 7:00 am	Hall
Interstate 25 Coalition	As Needed	Gates
Highway 85 Coalition	As Needed	Payton
Highway 34 Coalition	As Needed	Payton
CML Policy Committee (Council or Staff)	As Needed	Payton and City Manager Roy Otto/Fitzsimmons alternate
CML Executive Board opportunity	As Needed	
CML - Other opportunities	As Available/Desired	

Council Agenda Summary

September 3, 2019

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:
None			

Consent Agenda

September 3, 2019

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 16 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

September 3, 2019

Agenda Item Number 9

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

Title:

Acceptance of the Report of the August 13, 2019, City Council Worksession

Summary:

A City Council Worksession was held on August 13, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

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

Council's Recommended Action:

A motion to accept the Report as presented.

Attachments:

August 13, 2019 Report

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
 August 13, 2019

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Mayor John Gates in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, and Stacy Suniga.

Councilmembers Smail and Payton arrived late. Councilmember Payton arrived at 5:29 p.m., and Councilmember Smail arrived at 5:35 p.m.

4. PLANNING COMMISSION INTERVIEWS

The Mayor and Councilmembers interviewed applicants Erik Briscoe and Brian Franzen for positions on the Planning Commission.

5. 2020 – 2024 CAPITAL IMPROVEMENT PROGRAM

Robert Miller, Budget Manager, began by highlighting the 2020 budget schedule along with a summary of the 2020 resources for funds, a review of the revenue assumptions, 2020 resources by fund, election timelines for approval/continuation of taxes, 2020-2024 expenditure assumptions and projected changes from 2019, expenditures by fund, and the 2020 ending fund balance by fund.

Andy McRoberts, Culture, Parks, and Recreation (CPRD) Director, was introduced to discuss CPRD funds and the projects being funded by them. Specifically, he highlighted the public art fund, Island Grove development fund, park development fund, trails development fund, Quality of Life/Imagine Greeley fund, and the Food Tax fund.

Joel Hemesath, Public Works director, continued by highlighting projects that are being funded by the Food Tax fund, the transportation development fund, the FASTER fund, and the Keep Greeley Moving fund.

Mr. Miller continued by highlighting the fire equipment and acquisition replacement fund along with a summary of capital improvements.

Mr. Hemesath continued by highlighting the 2020-2024 Capital Improvements Funds including the stormwater construction fund and the stormwater replacement fund. He also discussed the stormwater vehicle replacement schedule and future stormwater projects.

Sean Chambers, Water and Sewer director, provided an overview of the water and sewer capital funds along with a description of the new construction, replacement and rehabilitation projects, and water supply storage and acquisitions coming to the Water and Sewer Department in 2020.

In response to a question from Councilmember Hall, Mr. McRoberts explained that the process for updates to Island Grove Park has been to listen to input from all relevant groups and then prioritize the potential updates.

In response to a question from Councilmember Suniga, Mr. McRoberts explained that irrigation water line breaks in the City's parks usually occur because of age. He added that there is a process in place to update these lines when they can.

Mayor Gates asked whether the plastic seating in the Island Grove stadium was being repaired or replaced, and Mr. McRoberts explained that it was being replaced.

In response to questions from Mayor Gates regarding the future interchanges as the intersections of Highway 34 and 35th and 47th Avenues, Mr. Hemesath explained that they are currently in the design phase. He added that they are being designed simultaneously and that the design process should take two years. Mr. Hemesath also added that, once the designs are complete, the City will start with the 35th Avenue interchange, and construction should take two years.

Councilmember Suniga expressed her concern that the 5th Street sidewalks are still a safety hazard, and Mr. Hemesath explained that they are a priority but the improvements will take a couple of years.

In response to a question from Councilmember Casseday, Mr. Chambers explained that the City is working to better manage water taste and odor issues stemming from annual algae blooms. He added that ozone treatment is what the City is looking to implement in the future.

In response to a question from Councilmember Smail, Renee Wheeler, Finance Director, explained that the new utility billing software being implemented is a cloud based solution meaning that upgrades will be regularly and automatically rolled out which increases the life and security of the product.

6. SCHEDULING OF MEETINGS, OTHER EVENTS

No additional meetings or other events were scheduled.

7. ADJOURNMENT

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 6:30 p.m.

Jerry Harvey, Assistant City Clerk

Council Agenda Summary

September 3, 2019

Agenda Item Number 10

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

Title:

Approval of the City Council Proceedings of August 20, 2019

Summary:

A meeting of the City Council was held on August 20, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

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

Council's Recommended Action:

A motion to approve the City Council proceedings as presented.

Attachments:

August 20, 2019 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
 August 20, 2019

1. Call to Order

Mayor John Gates called the meeting to order at 6:30 p.m., in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. Pledge of Allegiance

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

3. Roll Call

Jessica Diagana, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga.

4. Recognitions and Proclamations

Councilmember Hall presented the What's Great About Greeley Report.

5. Citizen Input

Todd Loschen, Greeley resident, inquired about what Council and City staff are going to do in regard to people running the four-way stop sign near his home at the intersection of 68th Avenue and 18th Street. He further inquired why it will take the death of a child to change anyone's mind about doing anything in this intersection.

Mayor Gates expressed that he nor anyone else said that it would take the death of a child before something will be done at the intersection.

Roy Otto, City Manager, noted that this intersection has been monitored by the Greeley Police Department and Public Works and that Mr. Loschen's concerns have not been confirmed. Mr. Otto reiterated that no one said it would take the death of a child before something will be done at the intersection.

Mr. Loschen expressed his frustration with City staff and Council for not wanting to do anything about the intersection, and, with his concern for people running the stop signs and possible accidents, that he will take the law into his own hands if necessary.

Matthew Jarrett, Greeley resident, stated that he lives near a vacant City owned property that was purchased after there were stormwater issues with the Greeley Ditch No. 3 noting that he was approached by City staff to buy his home and have since backtracked. He spoke of the vacant home with vagrants dealing drugs, vandalism, weeds, tree branches which require multiple calls to the City to address the problems. He expressed frustration that he was told by the Stormwater Manager that the home would be purchased by the City, which he has since found out it has many structural issues, and he is just trying to figure out why he was told these things. He has retained an attorney to help him with this matter. The bills are racking up and he's reaching out to Council to see what he is supposed to do. Doug

Marek, City Attorney, advised of the threat of pending litigation but that Mr. Jarrett does have the right to raise these issues with his elected officials. Mr. Marek added that, if it is Council's desire, Council can provide direction to the City Attorney and City Manager. He reported that the City is monitoring the property with four or five different departments involved to relieve some of the issues and that staff is corresponding attorney-to-attorney on this matter.

Mayor Gates expressed his sincere hope that these issues get resolved for Mr. Jarrett and that Council will legally communicate with him to the degree that they can.

Mr. Jarret continued to express frustration with the City owned property, City staff and the permitting issues with his home.

Mr. Marek reported that when staff receives correspondence from counsel that is representing someone, staff is ethically required not to circumvent legal counsel and cannot contact the individual directly.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Suniga spoke of her attendance at Monster Day and of the census work being done by the Human Relations Commission. She invited citizens to her City Chat on August 24, 2019, at 10:30 a.m. at Gourmet Grub where the 2020 Census will be discussed.

8. Petitions from Mayor and Councilmembers

Councilmember Hall provided an update relative to his petition on Oil and Gas regulations noting that he and City staff met with Weld County Commissioner Kirkmeyer and County Attorney Bruce Barker to discuss Greeley's "1041 Powers" and the City's Memorandum of Understanding with the Colorado Oil and Gas Commission.

*** * * * Consent Agenda * * * ***

9. Approval of the City Council Proceedings of August 6, 2019

The Council action recommended was to approve the proceedings.

10. Consideration of a resolution authorizing the Mayor to enter into a Memorandum of Understanding between the City of Greeley's Police Department and the Weld County Sheriff's Office regarding distribution of joint funding provided by the Bureau of Justice Assistance

The Council action recommended was to adopt the resolution. **(Resolution No. 34, 2019)**

11. Introduction and first reading of an ordinance amending portions of the Greeley Municipal Code Chapters 16.04 (Building Code), 16.06 (Residential Code), 16.08 (Mechanical Code), 16.10 (Property Maintenance Code), 16.12 (Existing Building Code), 16.16 (Energy Conservation Code), 16.28 (Plumbing Code), 16.30 (Fuel Gas Code) and

16.36 (Fire Code)

This item was pulled from the Consent Agenda.

- 12. Introduction and first reading of an ordinance vacating a portion of the alley right-of-way between 1530 and 1528 3rd Avenue, located east of 3rd Avenue and west of 2nd Avenue**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 3, 2019.

- 13. 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 .210 acres of property located at 1530 3rd Avenue known as the 1530 3rd Avenue Rezone**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 3, 2019.

- 14. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity) zoning for approximately .66 acres of property located at 3529 4th Street known as the 354 Business Park Rezone #2**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 3, 2019.

- 15. Introduction and first reading of an ordinance authorizing the acquisition of additional property interests in real property located in Weld County, Colorado for water lines by purchase or exercise of the power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colo. Rev. Stat. § 38-1-101, et seq. (Gold Hill Segment Pipeline Project)**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for September 3, 2019.

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

Councilmember Suniga moved, seconded by Councilmember Hall to approve the items on the Consent Agenda and their recommended actions with the exception of Item No. 11. The motion carried: 7-0

16. Pulled consent agenda items

- 11. Introduction and first reading of an ordinance amending portions of the Greeley Municipal Code Chapters 16.04 (Building Code), 16.06 (Residential Code), 16.08 (Mechanical Code), 16.10 (Property Maintenance Code), 16.12 (Existing Building Code), 16.16 (Energy Conservation Code), 16.28 (Plumbing Code), 16.30 (Fuel Gas Code) and 16.36 (Fire Code)**

Councilmember Casseday noted his appreciation for the work done on this ordinance by staff and the Construction Trades Advisory and Appeals Board. He made mention of the talk about lowering the cost of housing and doing everything that can be done to make the housing industry more viable than it is today. As such he does not support the requirement of sprinkling in all new residential construction since residents can install these at their own discretion. He suggested this portion of the proposed ordinance be removed along with amending verbiage of the Energy Code regarding blower door tests.

Councilmember Suniga spoke of the Greeley Urban Renewal Authority that builds homes that are sprinkled and if that entity can do it, the City should also. She expressed that this is an important life safety issue and that a price cannot be put on a life and for this reason supports the requirement of residential sprinkling.

Councilmembers Payton and Hall expressed support of Councilmember Casseday's suggestion to remove the portion of the proposed ordinance requiring residential sprinkling and amending the language relative to blower tests in the Energy Code.

Councilmember Payton moved, seconded by Councilmember Hall relative to Section 16.06.185 regarding the requirement of residential sprinkling for new construction and that in Section R313.2 restore the term deleted, remove the term amended, restore the deletion that follows in section R 313.2 and remove the suggested language in R 313.2 to eliminate the requirement for sprinkling in all new residential construction. The motion carried: 6-1 (Councilmember Suniga opposed)

Councilmember Casseday moved, seconded by Councilmember Fitzsimmons to adopt the ordinance as amended. The motion carried: 7-0

Councilmember Casseday clarified the above motion and moved, seconded by Councilmember Payton to schedule a second hearing for the ordinance as amended in two weeks. The motion carried: 7-0

17. Consideration of a resolution of the City of Greeley Council authorizing the assignment to the Colorado Housing and Finance Authority of a private activity bond allocation of the City of Greeley pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

Ben Snow, Economic Health and Housing Director, thanked Finance Director, Renee Wheeler, for her help with the resolution and reported that the federal government provides each state with an annual private activity bond allocation and that staffs' recommendation is to assign the City's Private Bond Allocation to CHFA for use by the FirstStep Program for the purpose of assisting first time home buyers in Greeley.

Councilmember Suniga moved, seconded by Councilmember Fitzsimmons to adopt the resolution. The motion carried: 7-0 **(Resolution No. 35, 2019)**

18. Industrial Hemp Overview

Mr. Snow provided Council with an overview of industrial hemp including a brief overview, Colorado Municipal League Brief highlights, hemp's many uses and products, and the construction of a hemp processing plant that is currently underway with an expected opening date of fall 2019. He made mention of several other Greeley properties that are being considered for a similar use.

Councilmember Suniga spoke of her own recent positive experience with hemp products after a recent

shoulder surgery.

In response to a question from Councilmember Smail, Mr. Snow reported that there are other areas in the states that have industrial hemp processing plants, and he reiterated the need to understand the difference between marijuana and hemp.

Councilmember Casseday spoke of an AgTour he was on a few years ago in which hemp was discussed and he has been sold on it ever since with all of the testimonies that he has heard about the benefits from hemp products, especially for health benefits.

Councilmember Fitzsimmons met with Vantage at Colorado Municipal League and was told that they chose Greeley because the City is so proactive in terms of businesses and because of the agricultural community. He added his support for this.

Mayor Gates commended Mr. Snow for a great presentation and that he did a great job of highlighting the differences between hemp and marijuana and had Mr. Snow confirm that there were no incentives provided by the City of Greeley to Vantage Hemp.

19. Appointment of applicants to the Commission on Disabilities, Human Relations Commission, Judicial Review Board, and Planning Commission

Commission on Disabilities

Douglas Peters

Darvel Silda

Human Relations Commission

Jerry Manzer

Sylvia Torrez

Judicial Review Board

Walter Sehl

Planning Commission

Erik Briscoe

Brian Franzen

20. Scheduling of meetings, other events

There were no additional meeting or other events scheduled.

21. 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 Suniga moved, seconded by Councilmember Hall to approve the above authorizations, and the motion carried: 7-0

22. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 8:00 p.m.

John Gates, Mayor

Jessica Diagana, Assistant City Clerk

Council Agenda Summary

September 3, 2019

Agenda Item Number 11

Key Staff Contact: Becky Safarik, Assistant City Manager, 970-350-9785

Title:

Consideration of a resolution confirming support for a City of Greeley Grant Application for State of Colorado Funding Assistance to Support the 2020 Census Count

Summary:

The City of Greeley initiated the establishment of a local Complete Count Committee in 2018 to support a successful count of each of its residents in compliance with the national Census to take place in 2020. Much of the Committee's work has included development of educational and outreach materials to support an accurate count of its residents, particularly for hard to reach populations.

An accurate count of Greeley's population is critical in order to comply with the US Constitutional requirements; to ensure that congressional representation accurately reflects the number of residents in Colorado; and, to enable Greeley to qualify for and receive the federal assistance to which it is entitled. In addition, the information collected through the decennial Census is an essential source of data used to support the work of education, libraries and research center, health care, business and industry, to name a few.

To assist Colorado in having an accurate count, the State has made limited grant funding available to communities that are involved in education and outreach efforts. The Greeley Complete Count Committee has prepared a budget to help support the community outreach effort with a wide range of public information and engagement materials and wants to make application for this grant. Before accepting an application, the State requires cities to provide evidence of support for the requested grant. The attached resolution would meet this requirement.

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?	Yes
If yes, does this grant require a match?	No, but the City is providing a modest match of \$10,000

		to be competitive in addition to its in kind support
Is this grant onetime or ongoing?		One time
Additional Comments:		

Legal Issues:

None.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

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

Decision Options:

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

Council's Recommended Action:

A motion to approve the Resolution

Attachments:

Resolution

**CITY OF GREELEY, COLORADO
RESOLUTION _____, 2019**

**A RESOLUTION CONFIRMING SUPPORT FOR A CITY OF GREELEY GRANT
APPLICATION FOR STATE OF COLORADO FUNDING ASSISTANCE TO SUPPORT
THE 2020 CENSUS COUNT**

WHEREAS, the City of Greeley initiated the establishment of a local Complete Count Committee in 2018 to support a successful count of each of its residents in compliance with the national Census to take place in 2020; and,

WHEREAS, the City of Greeley has reserved some funds to initiate a public information campaign led by its Complete Count Committee; and,

WHEREAS, the City endeavors to leverage its funds with available grant and other financial resources to the maximum extent possible to the benefit of the public; and,

WHEREAS, Greeley contains residents who are considered part of a traditionally hard to count and therefore underrepresented population; and,

WHEREAS, an accurate count of Greeley's population is critical in order to comply with the US Constitutional requirements; to ensure that congressional representation accurately reflects the number of residents in Colorado; and, to enable Greeley to qualify for and receive the federal assistance to which it is entitled; and,

WHEREAS, the information collected through the decennial Census is an essential source of data used to support the work of education, libraries and research center, health care, business and industry, to name a few; and,

WHEREAS, funding in the form of a grant from the State of Colorado for the development of Census outreach materials will significantly further Greeley's community outreach efforts.

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

Section 1. The Greeley City Council affirms its support for the City's application for State of Colorado Census funds to assist with the public outreach to support a complete count of its residents.

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

PASSED AND ADOPTED, SIGNED, APPROVED AND IN EFFECT THIS 3rd day of September, 2019.

ATTEST:

GREELEY, COLORADO

City Clerk

By: _____
Mayor

Council Agenda Summary

September 3, 2019

Agenda Item Number 12

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Introduction and first reading of an Ordinance amending Title 14 of the Greeley Municipal Code (Concerning the Dedication of Water Rights for City Water Service, Cash in Lieu of Raw Water, and Associated Development Fees)

Summary:

All commercial and residential development that occurs within the City of Greeley is required to provide sufficient raw water resources to the City to offset the new water use of the development site. The raw water requirement can be satisfied through the dedication of certain water rights or through the payment of cash-in-lieu of raw water.

Currently, multi-family development sites require 3 acre feet of water per acre of land developed and commercial/mixed use development owe raw water volumes that are based upon the size of the water tap. The current methodology has been in place since 1989 and needs to be updated to reflect the changes that have occurred in how water is used. This ordinance will change the raw water requirement methodology and the volume of raw water required for commercial, mixed use and multi-family residential to better match the volume of water required to serve the projected use of the development.

Since this is a significant change to Greeley's raw water requirements, staff has been deliberate about communicating the proposal to key stakeholders. The proposal was discussed in multiple meetings with the Water and Sewer Board in late 2018. Additionally, the raw water proposal was distributed to development interests in Greeley and an Open House was held on January 29, 2019. Comments from the development community that enhanced the precision and fairness of proposal were incorporated into the current version. The proposal was shared with City Council at the March 12 Worksession, and the Water and Sewer Board recommended that City Council adopt an ordinance to codify these changes to Title 14 at their August 21 Board meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	None.
What is the annual impact?	Varies, depending on pace of development
What fund of the City will provide Funding?	407 – Water Acquisition (revenue)
What is the source of revenue within the fund?	Cash-in-Lieu of raw water

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:

The enclosed ordinance and Municipal Code revisions have been reviewed by the City Attorney's Office.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Infrastructure and Growth - Environmental Infrastructure

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce 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 introduce the ordinance and schedule the public hearing and final reading for September 17, 2019.

Attachments:

Ordinance and Exhibit
Raw Water Dedication Proposal
Service Commitment Agreement
PowerPoint

CITY OF GREELEY, COLORADO

ORDINANCE _____, 2019

AN ORDINANCE AMENDING TITLE 14 OF THE MUNICIPAL CODE OF THE CITY OF GREELEY (CONCERNING THE DEDICATION OF WATER RIGHTS FOR CITY WATER SERVICE, CASH IN LIEU OF RAW WATER, AND ASSOCIATED DEVELOPMENT FEES)

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, *inter alia*, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, Section 17-4(c) of the Greeley City Charter and Section 14.04.110 of the Greeley Municipal Code authorize the Greeley Water and Sewer Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, various sections within Chapters 14.04 (Water and Sewer Administration), 14.08 (Water), 14.12 (Sanitary Sewers), and 14.24 (Irrigation) of the Greeley Municipal Code set forth the requirements and regulations related to the initiation and use of water and sanitary sewer services from the City; and

WHEREAS, persons and entities seeking domestic water service from the City to serve residential and non-residential properties are required to furnish sufficient water supplies to the City to support the increased demand associated with that requested service, whether via the dedication of certain water rights or the payment of cash in lieu of raw water; and

WHEREAS, regarding the satisfaction of development requirements, the City generally prefers the dedication of water rights that can be used within its integrated water system and comply with the criteria set forth in the Greeley Municipal Code and resolutions of the Water and Sewer Board, including without limitation, sustained historical consumptive use to support the change of such water rights to municipal uses; and

WHEREAS, City Water and Sewer staff and its consultants have reviewed the methodologies by which raw water requirements for residential and non-residential development within the City are calculated, with the objective of ensuring that applicants for water service from the City are required to dedicate an appropriate volume of water supplies to support the demand associated with that requested service; and

WHEREAS, City Water and Sewer staff and its consultants have, *inter alia*, observed an increase in multi-family residential developments within the City at a notably higher density than it has in the past, as well as notable shifts in the water use practices of both residential and non-residential water customers within the City; and

WHEREAS, City Water and Sewer staff and its consultants accordingly developed a revised dedication policy to determine the raw water and associated requirements for multi-family residential, commercial, and mixed use developments, to more accurately determine the volumes of water that will be required to serve these various customers in the future; and

WHEREAS, City Water and Sewer staff have reviewed, discussed, and honed this revised dedication policy with the Greeley Water and Sewer Board and community stakeholders since 2018, incorporating various comments and concepts throughout the process; and

WHEREAS, City Water and Sewer staff discussed a nearly final version of the dedication policy with the City Council at its March 21, 2019 work session; and

WHEREAS, City Water and Sewer staff and legal counsel subsequently developed revisions to Title 14 of the Greeley Municipal Code in order to implement the various provisions of this new dedication policy and to organize Title 14 in a manner that it is more comprehensible; and

WHEREAS, the Water and Sewer Board reviewed the final revisions to Title 14 of the Municipal Code attached hereto as Exhibit A on August 21, 2019, and recommended that the City Council adopt an ordinance to codify these revisions.

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

Section 1. Title 14 of the Greeley Municipal Code shall be amended as shown on Exhibit A, attached hereto and incorporated herein.

Section 2. Except as explicitly modified on Exhibit A, all other provisions of Title 14 of the Greeley Municipal Code shall remain in full force and effect.

Section 3. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____ 2019.

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

EXHIBIT A
ORDINANCE AMENDING TITLE 14
GREELEY MUNICIPAL CODE

Chapter 14.04
Water and Sewer Administration

14.04.080 - Duties, fees and charges.

The Water and Sewer Board shall adopt by resolution the following rates, fees and charges:

- (1) Minimum and sufficient potable water rates;
- (2) Minimum and sufficient sanitary sewer rates;
- (3) CASH-IN-LIEU FEES;**
- ~~(34)~~ Raw water surcharges;
- ~~(45)~~ Water plant investment fees;
- ~~(56)~~ Sewer plant investment fees; and
- ~~(67)~~ Water turn-on charges.

~~14.04.180 Water or sanitary sewer service; permit required, procedure.~~

~~It is unlawful for any owner or user of water to turn or cause to be turned on water for his or her premises or to take and use water or sanitary sewer service on his or her premises, without having obtained a permit therefor. Such person shall make application in writing to the Director of Finance for such permit, furnishing the necessary information for the determination of the proper water or sewer rate, and upon receipt of such information and payment of the required fees, the permit shall be issued by the Director of Finance.~~

~~14.04.190 Contents of permits.~~

~~All permits shall be signed by the Director of Finance and shall set forth the name of the person for whose benefit it is granted, the date thereof, the point of the water main at which tapping is to be done, the size of the tap, the premises to which water is to be conducted and the use to be made of water.~~

~~14.04.200 Service line extensions prohibited; exceptions.~~

~~(a) Each building shall be served by a single water and sewer tap and service line. No service line shall be extended to serve any other buildings, lots or premises. The Director of Water and Sewer has the authority to grant exceptions for accessory uses on the same or adjoining lot.~~

~~(b) A prohibited service line extension, installed prior to the effective date of this ordinance, may remain in effect so long as it does not create a sanitation, public health or public nuisance problem. If a prohibited service line extension creates a sanitation, public health or public nuisance problem, it shall be separated at the expense of the subject property owner(s). In addition to the cost of installing tap(s) and service line(s), the owner(s) of the lot(s) or premises involved who have not previously paid plant investment fees shall be required to pay plant investment fees for the new tap(s) installed. The current plant investment fee schedule shall be the basis for such payment. Plant investment fees for compound taps installed prior to January 20, 1959, will be waived. Any subject property owner who fails to separate a prohibited service line extension as required herein may be subject to such penalties as provided in Section 14.04.270 or Section 14.08.240 of this Code.~~

~~(c) The use of a common service line by abutting property owners shall not alter the maintenance responsibility by the users of the common service line. The common service shall not constitute a public responsibility and the Director of Water and Sewer shall not perform maintenance or repair on the separate or combined service lines that may serve abutting properties.~~

14.04.210~~180~~ - Standards for design and construction.

14.04.220~~190~~ - Water and sewer line construction plan approval.

14.04.230~~200~~ - Right of entry.

14.04.240~~210~~ - Stop-work authority.

~~14.04.250 Permit, tap or connection authority.~~

~~It is unlawful for the Director of Finance to issue any permit for any connection with the waterworks or any other purposes in any manner other than is provided by this Chapter, or for the Director of Water and Sewer to permit any tap or connection to be installed or made contrary to this Code and ordinances of the City until a permit has been issued and delivered to the Director, or contrary to or in excess of the provisions thereof.~~

14.04.260~~220~~ - Appeals.

If a person **OR ENTITY** wishes to appeal any decision of the Director of Water and Sewer pursuant to the provisions of this ~~Chapter or Chapters 14.08 or 14.12~~ **TITLE 14**, that person **OR ENTITY** shall file a written request with the Director asking that the Director's decision be reduced to writing and submitted for review by the Water and Sewer Board. **SUCH REVIEW SHALL BE CONSIDERED** as soon as reasonably possible. Appeals of decisions by the Water and Sewer Board, excluding matters pertaining to the minimum water and sanitary sewer rates, shall be submitted in writing to the City Clerk and addressed to the Mayor and **CONSIDERED BY THE** City Council. ~~Both the Water and Sewer Board and the City Council reserve the right, at any stage, to either refer the matter to an outside claims adjuster or to request mediation by an outside agent.~~

14.04.270~~230~~ - Violations; penalties.

Any person **OR ENTITY** convicted of violating any provision of this ~~Chapter or Chapter 14.08, 14.12, 14.20 or 14.24~~ **TITLE 14 RELATED** in regard to **THE** tapping water or sewer mains, laying service pipes and stopcocks or **INSTALLING WATER SERVICE LINES, METERS, OR OTHER INFRASTRUCTURE, AND** taking and using water or sewer service through **ANY OF** the same, shall be punished ~~ABLE~~ as provided in Chapter 1.32.

CHAPTER 14.06 WATER SERVICE

14.06.010 – INITIATION OF WATER SERVICE; SERVICE COMMITMENT AGREEMENTS.

(a) ANY PERSON OR ENTITY SEEKING WATER SERVICE FROM THE CITY SHALL MAKE A REQUEST FOR SUCH SERVICE WITHIN THE ASSOCIATED LAND USE OR DEVELOPMENT APPLICATION PROCESS REQUIRED BY TITLE 18. IF THE PERSON OR ENTITY SEEKING WATER SERVICE IS NOT PURSUING A LAND USE OR DEVELOPMENT APPLICATION, THE REQUEST SHALL BE MADE IN WRITING TO THE DIRECTOR OF WATER AND SEWER. IT IS UNLAWFUL FOR A PERSON OR ENTITY TO TAKE AND USE WATER SERVICE FROM THE CITY WITHOUT FIRST OBTAINING AUTHORIZATION FROM THE DIRECTOR OF WATER AND SEWER.

(b) REQUESTS FOR WATER SERVICE MADE THROUGH THE LAND USE OR DEVELOPMENT APPLICATION PROCESS REQUIRED BY TITLE 18 SHALL BE FORWARDED TO THE DIRECTOR OF WATER AND SEWER. ALL REQUESTS FOR WATER SERVICE SHALL INCLUDE THE INFORMATION NECESSARY TO DETERMINE ALL APPLICABLE FEES AND RATES FOR SUCH SERVICE. THE DIRECTOR OF WATER AND SEWER SHALL NOT AUTHORIZE ANY SUCH WATER SERVICE UNTIL ALL REQUIRED INFORMATION IS RECEIVED AND ALL REQUIRED FEES ARE PAID.

(c) ALL APPLICANTS GRANTED AUTHORIZATION FOR WATER SERVICE TO NON-RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS WITH MORE THAN FOUR (4) UNITS WITHIN THE CITY LIMITS SHALL EXECUTE A SERVICE COMMITMENT AGREEMENT TO BE RECORDED WITH THE WELD COUNTY CLERK AND RECORDER SETTING FORTH THE DETAILS AND PARAMETERS OF SUCH SERVICE, INCLUDING (i) THE PERSON OR ENTITY TO WHOM SERVICE IS GRANTED, (ii) THE DATE UPON WHICH SERVICE SHALL COMMENCE, (iii) THE SPECIFIC LOCATION AT WHICH THE TAP OR SERVICE CONNECTION SHALL BE MADE, (iv) THE PERMITTED SIZE OF THE TAP OR SERVICE CONNECTION, (v) A DESCRIPTION OF THE PROPERTY TO WHICH SERVICE WILL BE PROVIDED, AND (vi) THE PERMISSIBLE USES OF WATER ON THE PROPERTY.

14.06.020 - TAPPING FOR WATER WITHOUT AUTHORITY UNLAWFUL.

IT IS UNLAWFUL FOR A PERSON OR ENTITY TO MAKE A SERVICE CONNECTION WITH ANY WATER PIPE OR MAIN OF THE WATERWORKS WITHOUT AUTHORIZATION FROM THE DIRECTOR OF WATER AND SEWER, OR FOR A PERSON OR ENTITY SO AUTHORIZED TO INSTALL A TAP OR OTHER SERVICE CONNECTION TO THE WATERWORKS CONTRARY TO THE PROVISIONS OF THIS TITLE 14.

14.06.030 - CERTAIN WATER USAGE, TURNING ON WATER UNLAWFUL.

(a) IT IS UNLAWFUL FOR A PERSON OR ENTITY TO USE WATER THROUGH A TAP OR OTHER SERVICE CONNECTION WITH ANY WATER PIPE OR MAIN OF THE WATERWORKS IN A MANNER CONTRARY TO THE PROVISIONS OF THIS TITLE 14.

(b) IT IS UNLAWFUL FOR A PERSON OR ENTITY TO TURN ON WATER SERVICE TO A PROPERTY, OR TO OTHERWISE USE WATER THROUGH A TAP OR OTHER SERVICE CONNECTION TO A PROPERTY, WHEN THE DIRECTOR OF WATER AND SEWER HAS DIRECTED THAT WATER SERVICE TO SUCH PROPERTY BE TURNED OFF.

(c) THE DIRECTOR OF WATER AND SEWER HAS THE AUTHORITY TO DESIGNATE WATER ENFORCEMENT OFFICIALS FOR THE CITY.

14.06.040 - TAPS REQUIRED; SERVICE LINE EXTENSIONS PROHIBITED.

(a) EACH DETACHED SINGLE-FAMILY RESIDENTIAL BUILDING, MULTI-FAMILY RESIDENTIAL BUILDING, AND NON-RESIDENTIAL BUILDING SHALL BE SERVED BY A MINIMUM OF ONE (1) SEPARATE WATER TAP AND SERVICE LINE. BUILDINGS WITH MIXED RESIDENTIAL AND NON-RESIDENTIAL USES SHALL BE SERVED BY SEPARATE WATER TAPS FOR THE RESIDENTIAL AND NON-RESIDENTIAL COMPONENTS OF THE DEVELOPMENT.

(b) A SEPARATE AND ADDITIONAL LANDSCAPE IRRIGATION TAP SHALL BE REQUIRED FOR ALL NON-RESIDENTIAL BUILDINGS AND MULTI-FAMILY RESIDENTIAL BUILDINGS WITH MORE THAN FOUR (4) UNITS. THE DIRECTOR OF WATER AND SEWER HAS THE AUTHORITY TO GRANT A VARIANCE TO THE LANDSCAPE IRRIGATION TAP REQUIREMENT IN THIS SECTION UPON A WRITTEN FINDING THAT THE SUBJECT PROPERTY CAN BE SERVED BY A SINGLE TAP DUE TO MINIMAL LANDSCAPING IRRIGATION DEMAND.

(c) IT IS UNLAWFUL FOR A PERSON OR ENTITY TO EXTEND A SERVICE LINE TO SERVE ANY OTHER BUILDINGS, LOTS OR PREMISES CONTRARY TO THE REQUIREMENTS OF THIS SECTION. NOTWITHSTANDING THE FOREGOING, THE DIRECTOR OF WATER AND SEWER HAS THE DISCRETIONARY AUTHORITY TO GRANT VARIANCES WHEN APPROPRIATE FOR ACCESSORY USES ON THE SAME PROPERTY OR AN ADJOINING LOT.

(d) A PROHIBITED SERVICE LINE EXTENSION THAT WAS INSTALLED PRIOR TO SEPTEMBER 1, 2019, MAY REMAIN IN EFFECT SO LONG AS IT DOES NOT CREATE A SANITATION, PUBLIC HEALTH OR PUBLIC NUISANCE PROBLEM. IF, IN THE DISCRETION OF THE DIRECTOR OF WATER AND SEWER, A PROHIBITED SERVICE LINE EXTENSION CREATES A SANITATION, PUBLIC HEALTH OR PUBLIC NUISANCE PROBLEM, THE SUBJECT PROPERTY OWNER(S) SHALL SEPARATE THE COMPOUND TAP AT THEIR OWN EXPENSE.

(e) THE OWNER OF A PROPERTY TO WHICH A NEW WATER SERVICE LINE IS INSTALLED AFTER THE ASSOCIATED SEPARATION OF A COMPOUND TAP SHALL BE REQUIRED TO PAY ALL FEES APPLICABLE TO THE INITIATION OF WATER SERVICE TO THE SUBJECT PROPERTY, INCLUDING, WITHOUT LIMITATION, THE COSTS REQUIRED TO INSTALL ANOTHER WATER TAP AND SERVICE LINE. PLANT INVESTMENT FEES THAT WOULD OTHERWISE BE DUE AND PAYABLE FOR A NEW WATER SERVICE LINE INSTALLED PURSUANT TO THIS SECTION SHALL BE WAIVED UPON A WRITTEN FINDING OF THE DIRECTOR OF WATER AND SEWER THAT THERE WILL BE NO INCREASE IN WATER SERVICE TO THE SUBJECT PROPERTY.

(f) THE USE OF A COMMON SERVICE LINE BY ABUTTING PROPERTY OWNERS SHALL NOT ALTER THE MAINTENANCE RESPONSIBILITY OF THE USERS OF THE COMMON SERVICE LINE. THE COMMON SERVICE SHALL NOT CONSTITUTE A PUBLIC RESPONSIBILITY AND THE DIRECTOR OF WATER AND SEWER SHALL NOT PERFORM MAINTENANCE OR REPAIR ON THE SEPARATE OR COMBINED SERVICE LINES THAT MAY SERVE ABUTTING PROPERTIES.

14.06.050 – WATER RIGHTS DEDICATION; AMOUNTS AND CRITERIA.

(a) ALL APPLICANTS FOR WATER SERVICE WITHIN THE CITY LIMITS SHALL DEDICATE TO THE CITY, AS A PREREQUISITE TO AND AS PART OF THE CONSIDERATION FOR CITY WATER

SERVICE TO THE SUBJECT PROPERTY, WATER RIGHTS THAT THE CITY, IN ITS SOLE DISCRETION, CAN USE IN ITS WATER SYSTEM.

(b) ALL DEDICATIONS OF WATER RIGHTS PROPOSED TO SATISFY THE REQUIREMENTS OF THIS SECTION ARE SUBJECT TO APPROVAL BY THE DIRECTOR OF WATER AND SEWER. WATER RIGHTS APPROVED FOR DEDICATION SHALL MEET THE REQUISITE CRITERIA UNDER COLORADO LAW FOR CONVERSION OF THE WATER TO MUNICIPAL USE BY THE CITY, INCLUDING, WITHOUT LIMITATION, SUSTAINED HISTORICAL CONSUMPTIVE USE. SUCH WATER RIGHTS SHALL ALSO MEET THE CRITERIA FOR DEDICATION OF WATER RIGHTS TO THE CITY SET FORTH BY RESOLUTION OF THE WATER AND SEWER BOARD. THE TRANSFER OF WATER RIGHTS APPROVED FOR DEDICATION TO THE CITY SHALL BE MADE BY THE APPLICANT FOR WATER SERVICE NO LATER THAN THE DATE ON WHICH A FINAL PLAT FOR THE DEVELOPMENT IS APPROVED.

(c) APPLICANTS FOR WATER SERVICE TO SINGLE-FAMILY RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS WITH FOUR (4) UNITS OR LESS WITHIN THE CITY LIMITS SHALL DEDICATE RAW WATER IN THE AMOUNT OF THREE (3) ACRE-FEET PER ACRE, OR FRACTION THEREOF, OF PROPERTY TO WHICH WATER SERVICE WILL BE PROVIDED.

(d) APPLICANTS FOR WATER SERVICE TO NON-RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS WITH MORE THAN FOUR (4) UNITS WITHIN THE CITY LIMITS, INCLUDING, WITHOUT LIMITATION, COMMERCIAL, INDUSTRIAL, AND GROUP HOUSING (APARTMENT BUILDINGS, CONDOMINIUMS, NURSING HOMES, HOTELS, AND MOTELS), SHALL DEDICATE RAW WATER IN THE AMOUNT OF THE WATER SERVICE DEMAND FOR THE SUBJECT DEVELOPMENT. THE WATER SERVICE DEMAND FOR NON-RESIDENTIAL AND LARGE MULTI-FAMILY RESIDENTIAL DEVELOPMENTS SHALL BE DETERMINED BY MULTIPLYING THE TOTAL UNITS PROPOSED BY THE APPLICANT BY THE AVERAGE UNIT USE, AS SET FORTH IN THE BUSINESS CATEGORY AND WATER USE TABLE BELOW. THE WATER SERVICE DEMAND FOR INDUSTRIAL DEVELOPMENTS AND COMMERCIAL DEVELOPMENTS OF A TYPE NOT SPECIFICALLY IDENTIFIED IN THE BUSINESS CATEGORY AND WATER USE TABLE BELOW SHALL BE DETERMINED BY THE DIRECTOR OF WATER AND SEWER ON A CASE-BY-CASE BASIS, UTILIZING THE PROJECTED VOLUME OF TOTAL WATER USE BY THE SUBJECT DEVELOPMENT.

BUSINESS CATEGORY AND WATER USE

<u>CATEGORY</u>	<u>UNITS</u>	<u>AVERAGE UNIT USE (GALLONS PER UNIT PER YEAR)</u>
<u>AUTO SERVICE AND REPAIR</u>	<u>SF</u>	<u>12</u>
<u>CAR WASH</u>	<u>BAY</u>	<u>1,350,000</u>
<u>CHILDCARE</u>	<u>SF</u>	<u>47</u>
<u>CHURCH</u>	<u>SF</u>	<u>4.5</u>
<u>GROCERY STORE</u>	<u>SF</u>	<u>20</u>
<u>GAS STATION WITHOUT CAR WASH</u>	<u>SF</u>	<u>93</u>
<u>HOSPITAL</u>	<u>SF</u>	<u>21</u>

<u>HOTEL/MOTEL</u>	<u>ROOM</u>	<u>30,300</u>
<u>MEDICAL OFFICE</u>	<u>SF</u>	<u>25</u>
<u>MULTI-FAMILY RESIDENTIAL (GREATER THAN 4 UNITS)</u>	<u>UNIT</u>	<u>35,500</u>
<u>OFFICE</u>	<u>SF</u>	<u>14</u>
<u>RECREATION WITH POOL</u>	<u>SF</u>	<u>122</u>
<u>RECREATION WITHOUT POOL</u>	<u>SF</u>	<u>25</u>
<u>RESTAURANT (OUTDOOR SEATING AREAS 50%)</u>	<u>SF</u>	<u>188</u>
<u>RETAIL</u>	<u>SF</u>	<u>16</u>
<u>SCHOOL</u>	<u>SF</u>	<u>11</u>
<u>WAREHOUSE</u>	<u>SF</u>	<u>5</u>
<u>INDUSTRIAL AND OTHER COMMERCIAL</u>	<u>DEMAND DETERMINED ON CASE-BY-CASE BASIS</u>	

14.06.060 – CASH IN LIEU OF RAW WATER REQUIRED; SINGLE-FAMILY AND SMALL MULTI-FAMILY RESIDENTIAL.

(a) ANY APPLICANT FOR WATER SERVICE TO SINGLE-FAMILY RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS WITH FOUR (4) UNITS OR LESS WITHIN THE CITY LIMITS THAT CANNOT SATISFY THE REQUIREMENTS OF SECTION 14.06.050 IN FULL THROUGH THE DEDICATION OF WATER RIGHTS SHALL FURNISH TO THE CITY A CASH-IN-LIEU FEE TO FULFILL THE REMAINDER OF THE DEDICATION REQUIREMENT ASSOCIATED WITH ITS REQUEST FOR WATER SERVICE.

(b) THE CASH-IN-LIEU FEE FOR SINGLE-FAMILY RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS WITH FOUR (4) UNITS OR LESS SHALL BE SET BY RESOLUTION OF THE WATER AND SEWER BOARD AND CALCULATED AS THE CASH EQUIVALENT OF THREE (3) ACRE-Feet OF WATER PER ACRE, OR FRACTION THEREOF, OF PROPERTY TO WHICH WATER SERVICE WILL BE PROVIDED, USING THE FAIR MARKET VALUE OF WATER PER ACRE-FOOT.

14.06.070 - CASH IN LIEU OF RAW WATER REQUIRED; NON-RESIDENTIAL AND LARGE MULTI-FAMILY RESIDENTIAL

(a) ANY APPLICANT FOR WATER SERVICE TO NON-RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS WITH MORE THAN FOUR (4) UNITS WITHIN THE CITY LIMITS, INCLUDING, WITHOUT LIMITATION, COMMERCIAL, INDUSTRIAL, AND GROUP HOUSING (APARTMENT BUILDINGS, CONDOMINIUMS, NURSING HOMES, HOTELS, AND MOTELS), THAT CANNOT SATISFY THE REQUIREMENTS OF SECTION 14.06.050 IN FULL THROUGH THE DEDICATION OF WATER RIGHTS SHALL FURNISH TO THE CITY A CASH-IN-LIEU FEE TO FULFILL THE REMAINDER OF THE DEDICATION REQUIREMENT ASSOCIATED WITH ITS REQUEST FOR WATER SERVICE.

(b) THE CASH-IN-LIEU FEE FOR NON-RESIDENTIAL AND LARGE MULTI-FAMILY RESIDENTIAL DEVELOPMENTS SHALL BE SET BY RESOLUTION OF THE WATER AND SEWER BOARD AND CALCULATED BY MULTIPLYING THE WATER SERVICE DEMAND FOR THE SUBJECT PROPERTY, AS DETERMINED IN ACCORDANCE WITH SECTION 14.06.050(D) ABOVE, BY THE FAIR MARKET VALUE OF WATER PER ACRE-FOOT.

14.06.080 - EXCEPTION FOR LARGE PARCEL SINGLE-FAMILY RESIDENTIAL.

(a) THE WATER RIGHTS DEDICATION AND CASH-IN-LIEU FEE REQUIREMENTS SET FORTH IN SECTIONS 14.06.050 THROUGH 14.06.070 SHALL NOT APPLY TO APPLICATIONS FOR DOMESTIC WATER SERVICE TO PARCELS OF LAND EXCEEDING ONE (1) ACRE THAT CONTAIN ONLY ONE (1) SINGLE-FAMILY RESIDENCE. ANY APPLICATION FOR WATER SERVICE TO SUCH A PARCEL THROUGH A TAP LARGER THAN THREE-QUARTERS OF AN INCH ($\frac{3}{4}$ ") IN DIAMETER IS NOT CONSIDERED DOMESTIC, AND THEREFORE INELIGIBLE FOR THE EXCEPTION IN THIS SECTION.

(b) ALL APPLICANTS FOR LARGE PARCEL SINGLE-FAMILY RESIDENTIAL WATER SERVICE PURSUANT TO THIS SECTION SHALL DEDICATE TO THE CITY RAW WATER IN THE AMOUNT OF THREE (3) ACRE-FEET PER $\frac{3}{4}$ " DOMESTIC TAP, AS A PREREQUISITE TO, AND AS A PART OF THE CONSIDERATION FOR, CITY WATER SERVICE TO THE SUBJECT PROPERTY.

(c) ANY APPLICANT FOR LARGE PARCEL SINGLE-FAMILY RESIDENTIAL WATER SERVICE PURSUANT TO THIS SECTION THAT CANNOT SATISFY THE REQUIREMENT OF SECTION 14.06.080(B) IN FULL THROUGH THE DEDICATION OF WATER RIGHTS SHALL FURNISH TO THE CITY A CASH-IN-LIEU FEE TO FULFILL THE REMAINDER OF THE DEDICATION REQUIREMENT ASSOCIATED WITH ITS REQUEST FOR WATER SERVICE.

(d) THE CASH-IN-LIEU FEE FOR LARGE PARCEL SINGLE-FAMILY RESIDENTIAL WATER SERVICE PURSUANT TO THIS SECTION SHALL BE SET BY RESOLUTION OF THE WATER AND SEWER BOARD AND CALCULATED AS THE CASH EQUIVALENT OF THREE (3) ACRE-FEET OF WATER PER $\frac{3}{4}$ " DOMESTIC TAP, USING THE FAIR MARKET VALUE OF WATER PER ACRE-FOOT.

14.06.090 – DETERMINATION OF FEES FOR CASH IN LIEU OF RAW WATER.

THE CASH-IN-LIEU FEE REQUIREMENT ASSOCIATED WITH A REQUEST FOR WATER SERVICE, AS SET FORTH IN SECTIONS 14.06.060 THROUGH 14.06.080, SHALL BE DETERMINED AT THE TIME THAT REQUEST IS MADE. HOWEVER, ALL PENDING REQUESTS FOR WATER SERVICE SHALL BE REVIEWED EVERY SIX (6) MONTHS. IF AT THE TIME OF ANY SUCH REVIEW THE CASH-IN-LIEU FEES SET BY RESOLUTION OF THE WATER AND SEWER BOARD HAVE CHANGED, THE CASH-IN-LIEU FEE ASSOCIATED WITH THAT REQUEST FOR WATER SERVICE SHALL BE UPDATED ACCORDINGLY. THE WATER AND SEWER BOARD SHALL DETERMINE, IN ITS SOLE DISCRETION, THE FAIR MARKET VALUE OF WATER UTILIZED TO CALCULATE CASH-IN-LIEU FEES PURSUANT TO THIS CHAPTER 14.06.

14.06.100 – APPLICABILITY OF WATER RIGHTS DEDICATION AND CASH IN LIEU OF RAW WATER REQUIREMENTS.

THE WATER RIGHTS DEDICATION AND CASH-IN-LIEU FEE REQUIREMENTS SET FORTH IN SECTIONS 14.06.050 THROUGH 14.06.080 SHALL BE APPLIED ONE (1) TIME ONLY TO ANY DEVELOPMENT, SUBDIVISION, OR PARCEL OF LAND WITHIN THE CITY LIMITS FOR WHICH WATER SERVICE IS REQUESTED, UNLESS SUCH PARCEL IS REDEVELOPED, FURTHER SUBDIVIDED, OR AN

ADDITIONAL WATER TAP OR SERVICE IS REQUESTED. IF REDEVELOPMENT OR FURTHER SUBDIVISION IS MADE OF ANY SUCH PARCEL OF LAND, THE WATER RIGHTS DEDICATION AND CASH-IN-LIEU FEE REQUIREMENTS SET FORTH IN SECTIONS 14.06.050 THROUGH 14.06.080 SHALL BE APPLIED TO ALL PARCELS WHERE AN ADDITIONAL WATER TAP OR SERVICE IS REQUESTED.

14.06.110 - RAW WATER SURCHARGE AND SUPPLEMENTAL CASH IN LIEU OF RAW WATER; EXCEPTION.

(a) A NON-RESIDENTIAL OR LARGE MULTI-FAMILY RESIDENTIAL CUSTOMER WHOSE METERED WATER USE IN A CALENDAR YEAR EXCEEDS ITS ANNUAL ALLOTMENT SHALL BE REQUIRED TO PAY A RAW WATER SURCHARGE ON THE VOLUME OF WATER USED IN EXCESS OF SUCH ALLOTMENT, AS SET FORTH IN ITS SERVICE COMMITMENT AGREEMENT.

(b) NON-RESIDENTIAL AND LARGE MULTI-FAMILY RESIDENTIAL CUSTOMERS WHO INITIATED WATER SERVICE PRIOR TO THE ENACTMENT OF THE ORDINANCE CODIFIED IN THIS SECTION AND HAVE NOT EXECUTED A SERVICE COMMITMENT AGREEMENT SHALL BE ENTITLED TO AN ANNUAL ALLOTMENT IN ACCORDANCE WITH THE RAW WATER DEDICATED OR CASH IN LIEU OF RAW WATER IT PAID UPON INITIATION OF SERVICE. ANY SUCH CUSTOMER WHOSE METERED WATER USE IN A CALENDAR YEAR EXCEEDS ITS ANNUAL ALLOTMENT SHALL BE REQUIRED TO PAY A RAW WATER SURCHARGE ON THE VOLUME OF WATER USED IN EXCESS OF SUCH ALLOTMENT.

(c) LARGE PARCEL SINGLE-FAMILY RESIDENTIAL CUSTOMERS SHALL BE ENTITLED TO AN ANNUAL ALLOTMENT OF THREE (3) ACRE-FEET PER ¾" DOMESTIC TAP. ANY SUCH CUSTOMER WHOSE METERED WATER USE IN A CALENDAR YEAR EXCEEDS ITS ANNUAL ALLOTMENT SHALL BE REQUIRED TO PAY A RAW WATER SURCHARGE ON THE VOLUME OF WATER USED IN EXCESS OF SUCH ALLOTMENT.

(d) THE RAW WATER SURCHARGE APPLICABLE TO CUSTOMERS PURSUANT TO THIS SECTION SHALL BE SET BY RESOLUTION OF THE WATER AND SEWER BOARD. ANY CUSTOMER WHOSE METERED WATER USE IN A CALENDAR YEAR EXCEEDS ITS ANNUAL ALLOTMENT MAY ALSO FURNISH TO THE CITY A SEPARATE SUPPLEMENTAL CASH-IN-LIEU FEE TO INCREASE ITS ANNUAL ALLOTMENT. ANY SUCH SUPPLEMENTAL CASH-IN-LIEU FEE SHALL BE CALCULATED USING THE FAIR MARKET VALUE OF WATER PER ACRE-FOOT, AS SET BY THE WATER AND SEWER BOARD AND IN PLACE WHEN THE RAW WATER SURCHARGE PAYMENT IS DUE AND PAYABLE, AND SHALL RESULT IN A CORRESPONDING INCREASE TO THE ANNUAL ALLOTMENT FOR THAT CUSTOMER, WHETHER AS DETERMINED IN ACCORDANCE WITH THIS SECTION OR AS SET FORTH IN ITS SERVICE COMMITMENT AGREEMENT.

(e) ANY NON-RESIDENTIAL, LARGE MULTI-FAMILY RESIDENTIAL, OR LARGE PARCEL SINGLE-FAMILY RESIDENTIAL CUSTOMER WHO INITIATES OR MODIFIES ITS WATER SERVICE AFTER THE ENACTMENT OF THE ORDINANCE CODIFIED IN THIS SECTION AND WHOSE METERED WATER USE IN A CALENDAR YEAR EXCEEDS THE ANNUAL ALLOTMENT SET FORTH IN ITS SERVICE COMMITMENT AGREEMENT IN ANY TWO (2) CONSECUTIVE CALENDAR YEARS SHALL BE REQUIRED TO PAY A SUPPLEMENTAL CASH-IN-LIEU FEE TO INCREASE ITS ANNUAL ALLOTMENT, AS DESCRIBED IN SECTION 14.06.110(d) ABOVE.

(f) ANY CUSTOMER WHOSE METERED WATER USE DURING ITS FIRST FULL CALENDAR YEAR OF WATER SERVICE EXCEEDS ITS ANNUAL ALLOTMENT SHALL BE EXEMPT FROM THE RAW WATER SURCHARGE AND SUPPLEMENTAL CASH-IN-LIEU FEE REQUIREMENTS OF THIS SECTION FOR THAT FIRST YEAR ONLY.

14.06.120 - CREDIT FOR RAW WATER SUPPLIES DEDICATED OR CASH IN LIEU OF RAW WATER PAID; EXISTING TAPS.

(a) AN APPLICANT FOR WATER SERVICE SHALL NOT BE REQUIRED TO DEDICATE RAW WATER OR PAY A CASH-IN-LIEU FEE IF THE RAW WATER DEDICATION OR CASH IN LIEU OF RAW WATER REQUIREMENT FOR THE SUBJECT PROPERTY WAS SATISFIED IN FULL PRIOR TO THE ENACTMENT OF THE ORDINANCE CODIFIED IN THIS SECTION. NOTWITHSTANDING THE FOREGOING, ANY SUCH APPLICANT THAT SEEKS TO INITIATE NEW WATER SERVICE, CHANGE THE TYPE OF WATER SERVICE, OR CHANGE THE USE OF A NON-RESIDENTIAL DEVELOPMENT SHALL BE SUBJECT TO THE WATER RIGHTS DEDICATION AND CASH-IN-LIEU FEE REQUIREMENTS SET FORTH IN SECTIONS 14.06.050 THROUGH 14.06.080.

(b) ANY CUSTOMER THAT SEEKS TO ABANDON AN EXISTING WATER TAP IN FAVOR OF A SMALLER OR LARGER TAP TO SERVE THE SAME PROPERTY SHALL BE ENTITLED TO A CREDIT AGAINST THE WATER RIGHTS DEDICATION AND CASH-IN-LIEU FEE REQUIREMENTS SET FORTH IN SECTIONS 14.06.050 THROUGH 14.06.080. SUCH CREDIT SHALL BE EQUAL TO THE RAW WATER PREVIOUSLY DEDICATED OR CASH-IN-LIEU FEE PREVIOUSLY PAID FOR DEVELOPMENT OF THE SUBJECT PROPERTY. IF THERE ARE NO RECORDS TO EVIDENCE THE PREVIOUS DEDICATION OF WATER RIGHTS OR PAYMENT OF CASH-IN-LIEU FEE FOR THE SUBJECT PROPERTY, SUCH CREDIT SHALL BE EQUAL TO THE THEN CURRENT CASH-IN-LIEU FEE VALUE ASSOCIATED WITH THE ABANDONED TAP, BUT SHALL NOT INCLUDE CREDIT FOR ANY FIRE FLOW DIAMETER ASSOCIATED WITH THE ABANDONED TAP.

(c) ANY CREDIT ISSUED FOR AN ABANDONED TAP PURSUANT TO THIS SECTION SHALL NOT EXCEED THE CASH-IN-LIEU FEE DUE AND PAYABLE FOR THE REPLACEMENT TAP; THE CITY SHALL NOT BE REQUIRED TO PROVIDE CASH REFUNDS FOR ANY SUCH CREDIT.

14.06.130 - PLANT INVESTMENT FEES FOR WATER SERVICE; INSIDE AND OUTSIDE THE CITY.

(a) ALL APPLICANTS FOR WATER SERVICE, WHETHER INSIDE OR OUTSIDE THE CITY LIMITS, SHALL FURNISH TO THE CITY A WATER PLANT INVESTMENT FEE AS A PREREQUISITE TO, AND AS A PART OF THE CONSIDERATION FOR, CITY WATER SERVICE TO THE SUBJECT PROPERTY. THE WATER PLANT INVESTMENT FEE SHALL BE THE MINIMUM AMOUNT SET BY RESOLUTION OF THE WATER AND SEWER BOARD, UNLESS SUBSEQUENTLY INCREASED BY RESOLUTION OF THE CITY COUNCIL. THE DIAMETER OF A SERVICE LINE WATER TAP INSTALLED FOR FIRE SUPPRESSION PURPOSES SHALL NOT BE CONSIDERED WHEN CALCULATING PLANT INVESTMENT FEES DUE PURSUANT TO THIS SECTION.

(b) UPON APPROVAL OF THE DIRECTOR OF WATER AND SEWER, PLANT INVESTMENT FEES MAY BE BASED ON THE VOLUME OF A CUSTOMER'S ANNUAL ALLOTMENT RATHER THAN THE DIAMETER OF ITS TAP. WHEN THE DIRECTOR OF WATER AND SEWER AUTHORIZES A PLANT INVESTMENT FEE BASED ON SIZE OF SERVICE, THE SCHEDULE OF TAP FEES SET BY RESOLUTION OF THE WATER AND SEWER BOARD SHALL BE APPLIED IN ACCORDANCE WITH THE SIZE OF SERVICE.

14.06.140 – INSTALLATION COSTS FOR WATER SERVICE.

IN ADDITION TO THE WATER PLANT INVESTMENT FEE REQUIREMENT SET FORTH IN SECTION 14.06.130, AN APPLICANT FOR WATER SERVICE SHALL PAY FOR ALL METERS, LABOR AND OTHER MATERIALS REQUIRED TO TAP THE WATER MAIN, TO INSTALL SERVICE PIPES, AND TO TRENCH AND REPAIR THE STREET, AS SUCH COSTS ARE DETERMINED BY THE DIRECTOR OF WATER AND SEWER.

ALL COSTS SHALL BE PAID BY THE APPLICANT IN ADVANCE OF SUCH WORK AND NO LATER THAN THE TIME AT WHICH A BUILDING PERMIT IS ISSUED BY THE CITY FOR THE SUBJECT PROPERTY.

14.06.150 - WATER PLANT INVESTMENT FEE CREDITS AND EXCHANGE; RENOVATIONS.

(a) ANY CUSTOMER THAT SEEKS TO ABANDON AN EXISTING WATER TAP IN FAVOR OF A SMALLER OR LARGER TAP TO SERVE THE SAME PROPERTY SHALL BE ENTITLED TO A CREDIT AGAINST THE WATER PLANT INVESTMENT FEE REQUIREMENT SET FORTH IN SECTION 14.06.130. SUCH CREDIT SHALL BE EQUAL TO THE THEN CURRENT PLANT INVESTMENT FEE VALUE ASSOCIATED WITH THE ABANDONED TAP, BUT SHALL NOT INCLUDE CREDIT FOR ANY FIRE FLOW DIAMETER ASSOCIATED WITH THE ABANDONED TAP. ANY CREDIT ISSUED FOR AN ABANDONED TAP PURSUANT TO THIS SECTION SHALL NOT EXCEED THE WATER PLANT INVESTMENT FEE DUE AND PAYABLE FOR THE REPLACEMENT TAP; THE CITY SHALL NOT BE REQUIRED TO PROVIDE CASH REFUNDS FOR ANY SUCH CREDIT.

(b) ANY TAP ABANDONED PURSUANT TO THIS SECTION SHALL BE TURNED OFF AT THE MAIN, AND THE COSTS ASSOCIATED WITH TURNING OFF THE ABANDONED TAP SHALL BE BORNE BY THE PERSON OR ENTITY REQUESTING THE CHANGE OF SERVICE.

(c) ANY CUSTOMER THAT RENOVATES ONE (1) OR MORE RESIDENTIAL UNITS THAT WERE CONSTRUCTED PRIOR TO JANUARY 20, 1959 AND IS ACCORDINGLY REQUIRED TO REPLACE AN EXISTING TAP THAT SERVES SUCH RESIDENTIAL UNITS TO COMPLY WITH THE CURRENT MINIMUM TAP SIZE REQUIREMENTS ESTABLISHED BY THE WATER AND SEWER BOARD SHALL NOT BE REQUIRED TO FURNISH AN ADDITIONAL WATER PLANT INVESTMENT FEE IF (I) THE RENOVATION DOES NOT INCREASE THE NUMBER OR SIZE OF THE RESIDENTIAL UNITS, AND (II) THE USE OF THE SUBJECT PROPERTY IS NOT CHANGED.

14.06.160 – PAYMENT OF FEES AND COSTS; EXCEPTION.

(a) PAYMENT IN FULL OF COSTS AND FEES REQUIRED PURSUANT TO THIS CHAPTER 14.06 SHALL BE A PREREQUISITE TO RECEIVING CITY WATER SERVICE, AND ALL SUCH COSTS AND FEES REQUIRED SHALL BE DUE AND PAYABLE BY THE APPLICANT FOR WATER SERVICE NO LATER THAN THE DATE ON WHICH A BUILDING PERMIT IS ISSUED.

(b) NOTWITHSTANDING THE PROCEDURES SET FORTH IN THIS CHAPTER 14.06, ANY SHAREHOLDER OF THE GREELEY-LOVELAND IRRIGATION COMPANY WHO HOLDS A VALID DOMESTIC WATER SHAREHOLDER AGREEMENT WITH THE CITY SHALL FOLLOW THE PROCEDURES SET FORTH IN THAT CONTRACT.

14.06.170 – WATER SERVICE OUTSIDE THE CITY LIMITS.

THE DIRECTOR OF WATER AND SEWER MAY CONSIDER APPLICATIONS FOR EXTRATERRITORIAL WATER SERVICE FROM PERSONS OR ENTITIES LOCATED OUTSIDE THE CITY LIMITS. ANY SUCH EXTRATERRITORIAL WATER SERVICE AUTHORIZED SHALL BE CONTINGENT UPON RECEIPT BY THE CITY OF WRITTEN CONSENT TO THE SERVICE FROM THE JURISDICTION IN WHICH THE EXTRATERRITORIAL CUSTOMER IS LOCATED, IF SO REQUIRED. ANY PERSON OR ENTITY GRANTED SUCH EXTRATERRITORIAL WATER SERVICE SHALL AGREE TO TRANSFER WHEN A REQUEST FOR CITY WATER IS MADE, AT NO COST TO THE CITY, CERTAIN WATER RIGHTS, INCLUDING NORTHERN COLORADO WATER CONSERVANCY DISTRICT ALLOTMENTS, IRRIGATION

WATER AND CARRIAGE RIGHTS OF SUCH WATER, TO THE CITY BEFORE RECEIVING WATER SERVICE FROM THE CITY.

14.06.180 – TRANSFER OF WATER RIGHTS UPON ANNEXATION.

ANY PETITIONERS REQUESTING ANNEXATION OF THEIR LAND TO THE CITY SHALL AGREE, AS A PREREQUISITE TO RECEIVING APPROVAL OF SUCH ANNEXATION AND ON BEHALF OF THEMSELVES AND ALL SUCCESSORS IN INTEREST TO THE LAND TO BE ANNEXED, TO TRANSFER, AT NO COST TO THE CITY, WATER RIGHTS, INCLUDING NORTHERN COLORADO WATER CONSERVANCY DISTRICT ALLOTMENTS, IRRIGATION WATER AND CARRIAGE RIGHTS UPON SUBDIVIDING AND/OR REQUESTING DOMESTIC WATER SERVICE TO THE CITY, BEFORE RECEIVING THE APPROVAL OF THE ANNEXATION.

14.06.190 - SPECIAL AGREEMENTS APPROVED BY CITY COUNCIL.

THE PROVISIONS OF THIS CHAPTER 14.06 SHALL NOT PRECLUDE THE CITY COUNCIL FROM APPROVING SPECIAL AGREEMENTS WITH APPLICANTS FOR WATER SERVICE REGARDING THE REQUIREMENTS FOR DEVELOPMENT WITHIN THE CITY.

14.06.200 - METERS REQUIRED FOR WATER SERVICE; SPECIFICATIONS AND EXCEPTIONS.

(a) IT IS UNLAWFUL FOR ANY PERSON OR ENTITY TO TAKE, RECEIVE OR USE ANY WATER FROM THE CITY WATERWORKS FOR ANY PURPOSE WHATSOEVER, UNLESS SUCH WATER IS MEASURED THROUGH A METER. THIS REQUIREMENT SHALL NOT APPLY TO RESIDENTIAL FIRE SPRINKLING LINES WHICH ARE TWO (2) INCHES OR LESS IN DIAMETER AND WHICH SERVE ONLY THE FIRE SUPPRESSION SYSTEM.

(b) FAILURE TO INSTALL A METER BEFORE WATER IS USED IS PUNISHABLE UNDER CHAPTER 1.32 AND SHALL RESULT IN THE WATER BEING TURNED OFF TO THE PROPERTY UNTIL A METER IS INSTALLED AND ALL PENALTIES AND FINES ARE PAID IN FULL.

(c) ALL METERS INSTALLED SHALL BE OF A TYPE, SIZE AND DESIGN APPROVED BY THE DIRECTOR OF WATER AND SEWER. THERE SHALL BE ONLY ONE (1) METER FOR EACH WATER TAP INSTALLED, AND EACH METER SHALL BE OF THE SAME SIZE AS THE ASSOCIATED WATER TAP. THE DIRECTOR OF WATER AND SEWER SHALL HAVE THE DISCRETION TO ADJUST METER SIZE REQUIREMENTS BASED ON AWWA STANDARDS.

(d) EACH METER SHALL BE PLACED UNDER THE DIRECTION OF THE DIRECTOR OF WATER AND SEWER, AND EACH NEW METER SHALL BE INSTALLED OUTSIDE IN A CODE METER PIT/VAULT. EACH METER SHALL BE SUPPLIED WITH A STOPCOCK ON THE INLET SIDE OF THE YOKE. EXISTING METERS INSIDE BUILDINGS MUST HAVE A STOPCOCK ON BOTH SIDES OF THE METER. ALL METERS SHALL BE LOCATED WHERE ACCESSIBLE FOR INSPECTION AND/OR REPAIR AT ANY TIME DURING BUSINESS HOURS. METERS PREVIOUSLY INSTALLED INSIDE BUILDINGS SHALL BE RELOCATED OUTSIDE TO CODE METER PITS/VAULTS WHEN THE BUILDING IS REMODELED, PLUMBING SYSTEMS ARE MODIFIED, ACCESSIBILITY BECOMES LIMITED, OR AS OTHERWISE DIRECTED BY THE DIRECTOR OF WATER AND SEWER.

14.06.210 - TESTING, MAINTENANCE AND REPAIR OF METERS.

(A) ALL NEW METERS SHALL BE TESTED BEFORE BEING INSTALLED. THE DIRECTOR OF WATER AND SEWER SHALL MAKE PERIODIC TESTS OF WATER METERS AND ORDER REPLACEMENT OR REPAIR OF METERS AS NEEDED.

(B) THE DIRECTOR OF WATER AND SEWER SHALL MAINTAIN ALL METERS FOR COSTUMERS BEING SERVED AND BILLED DIRECTLY BY THE CITY. PROPERTY OWNERS SHALL BE RESPONSIBLE FOR ANY DAMAGE TO METERS AND THEIR APPURTENANCES CAUSED BY ABUSE, NEGLIGENCE OR VANDALISM.

(C) PROPERTY OWNERS SHALL PURCHASE NEW METERS PRIOR TO REACTIVATING SERVICE FOR VACANT PROPERTIES WHEN THE METERS BECOME OBSOLETE OR NO LONGER MEET AWWA STANDARDS FOR ACCURACY AND PERFORMANCE.

(d) PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF METER PITS/VAULTS AND COVERS. FAILURE TO MAKE REPAIRS WHEN NOTIFIED BY THE DIRECTOR OF WATER AND SEWER SHALL RESULT IN THE WATER BEING TURNED OFF UNTIL REPAIRS ARE COMPLETED.

14.06.220 - METER FAILURE; COMPUTATION OF CHARGES.

(a) IF ANY METER FAILS TO REGISTER IN ANY BILLING PERIOD, THE CUSTOMER SHALL BE CHARGED BASED UPON THE AVERAGE CONSUMPTION FOR THE SAME PERIOD IN THE TWO (2) YEARS IMMEDIATELY PRECEDING THE METER FAILURE, AND ACCORDINGLY BILLED AT THE CURRENT RATES. IF A METER IS TESTED IN ACCORDANCE WITH SECTION 14.06.210 AND BE FOUND TO BE INACCURATE BY FIVE PERCENT (5%) OR MORE, THE CUSTOMER'S BILL SHALL BE ADJUSTED AS INDICATED BY THE TEST FOR THE CURRENT BILLING PERIOD AND THE ONE (1) IMMEDIATELY PRECEDING BILLING PERIOD.

(b) IN THE EVENT A PARTICULAR CUSTOMER ACCOUNT IS FOUND TO HAVE BEEN MISCLASSIFIED, THE CITY IS AUTHORIZED TO MAKE APPROPRIATE BILLING ADJUSTMENTS WHERE WARRANTED, BASED UPON INFORMATION OBTAINED CONCERNING THE PARTICULAR CUSTOMER ACCOUNT.

14.06.230 - CONSENT TO WITHDRAWAL OF NONTRIBUTARY GROUNDWATER.

(a) ALL NONTRIBUTARY GROUNDWATER, INCLUDING BUT NOT LIMITED TO WATERS OF THE DAWSON, DENVER, ARAPAHOE, LARAMIE-FOX HILLS AND DAKOTA AQUIFERS, ARE INCORPORATED INTO THE CITY'S ACTUAL SERVICE PLAN AS AUTHORIZED BY SECTION 37-90-137(8), C.R.S. THE LAND AREA IN THE ACTUAL MUNICIPAL SERVICE PLAN IS ALL THAT AREA WITHIN THE CITY BOUNDARY AS OF JANUARY 1, 1985, EXCEPT THAT LAND NORTH OF THE CACHE LA POUDE RIVER. PUBLIC INTEREST JUSTIFIES THE USE OF NONTRIBUTARY GROUNDWATER UNDERLYING THE SERVICE AREA.

(b) UPON THE EFFECTIVE DATE OF THE ORIGINAL ORDINANCE CODIFIED IN THIS SECTION (JANUARY 21, 1986), THE OWNERS OF ALL LAND IN THE SERVICE AREA SHALL BE DEEMED TO HAVE CONSENTED TO THE WITHDRAWAL BY THE CITY OF ALL SUCH NONTRIBUTARY GROUNDWATER UNLESS CONSENT IS WITHHELD PURSUANT TO THE ABOVE DESCRIBED STATE STATUTE.

(c) ALL APPLICANTS GRANTED AUTHORIZATION FOR WATER SERVICE SHALL EXECUTE, AS A PREREQUISITE TO SUCH SERVICE, A CONSENT AGREEMENT APPROVING THE WITHDRAWAL BY THE CITY OF ALL NONTRIBUTARY GROUNDWATER AS DESCRIBED HEREIN FROM THE LAND BEING SERVED.

Chapter 14.08 Water **RATES AND REGULATION**

~~14.08.010 Tapping for water without authority unlawful.~~

~~It is unlawful for any person authorized by ordinance to make any connection with any water pipe or main of the waterworks, or for any authorized person to put in any tap contrary to the provisions of this Chapter or Chapters 14.04, 14.12, 14.20 or 14.24.~~

~~14.08.020 Certain water usage, turning on water unlawful.~~

~~(a) It is unlawful for any water consumer to use water through any tap or service connected with such water mains as are described in Section 14.08.010 contrary to the provisions of this Chapter, of Chapters 14.04, 14.12, 14.20 or 14.24 or to turn on water to his or her premises, lot buildings or house when the water has been turned off.~~

~~(b) The Director of Finance or the Director of Water and Sewer has the explicit authority to designate a water enforcement official for the City.~~

~~14.08.030 Plant investment fees designated for service inside City.~~

~~The water plant investment fee inside the City limits shall be the minimum fee as approved by the Water and Sewer Board, unless increased by resolution by the City Council.~~

~~14.08.040 Installation costs; payments due; plant investment fee computed.~~

~~(a) In addition to the fee provided at Section 14.08.030, the owner, lessee or user of water shall pay for all meters, labor and other materials required in tapping the water main, installing the service pipes and trenching and repair of streets, as determined by the Director of Water and Sewer. All costs shall be paid in advance; except that in the case of undeveloped property, the owner, lessee or user of any water shall have the option of requesting that the plant investment fee provided for at Section 14.08.030 be paid at the time application is made for a building permit. The diameter of the water tap for a waterline installed for firefighting purposes shall not be considered in computing plant investment fees under the schedule set out at Section 14.08.030.~~

~~(b) Upon approval of the Director of Water and Sewer, plant investment fees may be based on the size of service rather than the diameter of the tap. When the Director of Water and Sewer authorizes a plant investment fee based on size of service, the above schedule of tap fees shall be applied as if the size of service were the diameter of the tap.~~

~~14.08.050 Plant investment fee designated for service outside City~~

~~The water plant investment fee outside the City limits shall be the minimum fee as approved by the Water and Sewer Board, unless increased by resolution by the City Council.~~

~~14.08.055 — Water plant investment fee credit and exchange.~~

~~Where one (1) or more living units are being served by an existing tap and the owner, lessee or user of water being served by the existing tap desires to abandon such tap in favor of a larger or smaller tap to the same property, the plant investment fee established in Sections 14.08.030 and 14.08.050 shall be reduced by the current plant investment fee value of the existing tap to be abandoned but shall not include credit for the fire flow diameter. The abandoned tap shall be turned off at the main and the cost of the turnoff shall be borne by the person requesting the change of service. In no case shall the City provide cash refunds, and credit against new taps shall not exceed the plant investment fee of such new tap or taps.~~

~~14.08.056 — Additional credit and exchange; renovation.~~

~~In the event one (1) or more living units are being renovated and a larger water tap is required to meet the minimum tap size requirements established by the Water and Sewer Board, there shall be no additional water plant investment fee required on account of the renovation, provided that the units being renovated were constructed prior to January 20, 1959, and the renovation does not increase the number or size of the units and the use of the property is not being changed.~~

~~14.08.060 — Installation costs; advance payment for service outside City.~~

~~(a) In addition to the fee provided for at Section 14.08.050, the owner, lessee or user of water shall pay for all meters, labor and materials required in tapping the water main, installing the service pipes and trenching and repairing of streets, as determined by the Director of Water and Sewer. All costs shall be paid in advance.~~

~~(b) Upon approval of the Director of Water and Sewer, plant investment fees may be based on the size of service rather than the diameter of tap. When the Director of Water and Sewer authorizes a plant investment fee based on size of service, the above schedule of tap fees shall be applied as if the size of service were the diameter of tap.~~

~~14.08.070~~**010** - Rates approved by Water and Sewer Board.

~~14.08.080 — Meter failure; computation of charges.~~

~~(a) If any meter fails to register in any billing period, the consumer shall be charged based upon the average consumption for the same period in two (2) prior years and billed at the then current rates. Should a meter be tested in accordance with Section 14.08.170 and be found to be inaccurate by five percent (5%) or more, the customer's bill will be adjusted as indicated by the test for the current and one (1) preceding billing period.~~

~~(b) In the event a particular customer account is found to have been misclassified, the City is authorized to make appropriate billing adjustments where warranted, based upon information obtained concerning the particular customer account.~~

~~14.08.090~~**020** – Payment of charges.

All rates for the use of water as provided in this ~~Chapter~~**TITLE 14** shall be due and payable to the Director of Finance at his or her office in the City Hall. In case any water user fails to pay all charges ~~under this Chapter~~ within thirty (30) days after the same become due, the same are delinquent and the City may disconnect water service from every premises, building,

house or lot in default until the delinquent charges are paid, including payment of reconnection charges as provided in Sections 14.08.340~~220~~ and 14.08.350~~230~~.

14.08.100~~030~~ - Bills may be sent; ~~sewer assessment included~~ **PROCESS FOR BILL DISPUTES.**

The Director of Finance may, but shall not be required to, give notice to users of water of the amount of their water rates and when due, and he or she may include in such notice and shall collect with the water rates the sewer assessment provided for in Section 13.44.090 et seq., prorating such assessment with the water rates. **ANY CUSTOMER THAT BELIEVES ITS WATER AND SEWER BILL CONTAINS IMPROPER CHARGES MAY SUBMIT A BILL DISPUTE IN WRITING TO THE DIRECTOR OF WATER AND SEWER.**

14.08.040 - SERVICE LINE FAILURE; COMPUTATION OF CHARGES.

IF A PERSON OR ENTITY DISCOVERS A LEAK OR OTHER FAILURE IN ITS SERVICE LINE, AND THE DIRECTOR OF WATER AND SEWER FINDS THAT SUCH LEAK OR SERVICE LINE FAILURE DIRECTLY CAUSED ARTIFICIALLY ELEVATED CHARGES IN A PARTICULAR BILLING PERIOD, THE CUSTOMER MAY BE CHARGED BASED UPON ITS AVERAGE CONSUMPTION FOR THE SAME PERIOD IN THE TWO (2) YEARS IMMEDIATELY PRECEDING THE LEAK OR SERVICE LINE FAILURE, AND ACCORDINGLY BILLED AT THE CURRENT RATES.

14.08.110~~050~~ - Rebates for unused water prohibited.

There shall be no rebates **FOR UNUSED WATER OR FOR THE CEASE OF RENTAL WATER USE BY A LESSEE** to the owner on account of the owner or the tenant ceasing to use water before the expiration of the time **PERIOD** for which rental **WATER** has been paid **RENTED**.

14.08.120~~060~~ - Credits for unused water permitted.

~~14.08.130 - Meters required for water service; exceptions.~~

~~It is unlawful for any person to take, receive and use any water from the City waterworks or mains in any building or any lot for any purpose whatsoever, except water used and measured through a meter. This requirement shall not apply to residential fire sprinkling lines which are two (2) inches or less in diameter and which serve only the fire suppression system.~~

~~14.08.140 - Failure to install meter.~~

~~Failure to install a meter before water is used, as provided in this Chapter, shall result in the water being turned off to the property until a meter is installed and penalties and fines are paid in full, as defined in Chapter 1.32 of this Code.~~

~~14.08.150 - Meter specifications.~~

~~All meters shall be of a type, size and design approved by the Director of Water and Sewer. For each water tap installed, there shall be only one (1) meter; and each meter shall be of the same size as the water tap. The Director of Water and Sewer shall have the discretion to adjust meter size based on AWWA standards.~~

~~14.08.160 - Stopcocks required; location of meter.~~

~~Each meter shall be placed under the direction of the Director of Water and Sewer, and each new meter shall be installed outside in a code meter pit/vault. Each meter shall be supplied with a stopcock on the inlet side of the yoke. Existing meters inside buildings must have a stopcock on both sides of the meter. All meters shall be located where accessible for inspection and/or repair at any time during business hours. Meters previously installed inside buildings shall be relocated outside to code meter pits/vaults when the following events occur: buildings are remodeled, plumbing systems are modified, accessibility becomes limited or as determined by the Director of Water and Sewer.~~

~~14.08.170~~ ~~Testing, maintenance and repair.~~

~~(a) All new meters are tested before being installed. The Director of Water and Sewer shall make periodic tests of water meters and replace the meters or repair them as needed.~~

~~(b) The Director of Water and Sewer shall maintain all meters for all consumers being served and billed directly by the City. Property owners shall be responsible for damages to meters and appurtenances caused by abuse, negligence or vandalism.~~

~~(c) Property owners shall purchase new meters prior to reactivating service for vacant properties when the meters become obsolete or no longer meet AWWA standards for accuracy and performance.~~

~~(d) Property owners shall be responsible for the maintenance of meter pits/vaults and covers. Failure to make repairs when notified by the Director of Water and Sewer shall result in the water being turned off until repairs are completed.~~

~~14.08.195~~ **070** - Cross-connection control.

(a) Purpose. This Section is intended to protect the City's potable waterworks from contamination by backflow from a property owner's internal plumbing system or private water system through an ongoing program of cross-connection control (also known as "containment"). Nothing in this Section relieves a property owner from the cross-connection control requirements of the plumbing code contained in ~~Chapter 16.28~~ of this Code, which protects against backflow within a property owner's system (also known as "isolation").

(h) Discontinuing water service. The Director of Water and Sewer may discontinue water service to any premises for which the owner fails to comply with the requirements of this Section, or to which the owner denies reasonable access to the Director of Water and Sewer as authorized by Section 14.04.~~230~~**200** of this Chapter to determine compliance with this Section. Such discontinuance of water service may be summary, immediate and without written notice whenever the Director of Water and Sewer determines that such action is necessary to address an imminent threat to the City's water works or its water customers.

~~14.08.200~~**080** - Repair of system; restriction of use.

~~14.08.220~~**090** - Wasting water unlawful.

~~14.08.230~~**100** - Maintenance required.

The owner of any premises for which a connection is made and a stopcock with box and cover placed as provided ~~at this Chapter and Chapter 14.04~~ **IN THIS TITLE 14** shall keep such stopcock with box and cover placed as aforesaid in good condition at his or her expense and so that the Director of Water and Sewer is able to turn off water from his or her service

pipes at any time. From such stopcock to, in and upon his or her premises, the owner shall provide his or her own pipe and plumbing, which shall be constructed and placed so as to comply with all ordinances upon plumbing and shall, at his or her expense, at all times, keep all pipes, fixtures and appliances on his or her premises tight and in good working order so as to prevent waste of water. In case any pipe or fixture breaks or become imperfect, or so as to waste water, he or she shall forthwith repair the same and keep the same in repair.

14.08.240~~110~~**110** – Unlawful failure to maintain; notice and turnoff.

It is unlawful for any owner or user of water to fail to comply with the provisions of Section 14.08.230~~100~~**100** and, until his or her pipes and fixtures are placed in good repair, the Director of Water and Sewer shall turn off all water from such premises. ~~In case~~**IF** the Director of Water and Sewer **DISCOVERS** ~~shall, on inspection, ascertain~~ that any plumbing or fixtures of any premises are so defective as to waste any water, he or she shall notify the owner or user of water to repair the same immediately and, if not repaired within twenty-four (24) hours, he or she shall turn off the water from such premises, and the same shall remain turned off until such plumbing and fixtures are repaired.

14.08.250~~120~~**120** - Damaging waterworks or protections thereto unlawful.

14.08.260~~130~~**130** - Trespassing or interfering with waterworks unlawful.

14.08.270~~140~~**140** - Contaminating, polluting or obstructing water unlawful.

14.08.280~~150~~**150** - Polluting or contaminating Cache la Poudre River unlawful; liability.

It is unlawful for any person **OR ENTITY**, in any manner, to pollute or contaminate the waters of the Cache la Poudre River or its tributaries for a distance of five (5) miles above the intake of the waterworks or to have, keep or maintain at, along or near the banks of the Cache la Poudre River for a distance of five (5) miles above the intake of the waterworks any building, privy, pen, yard or corral for stock, or to have, keep or conduct any business near such stream as aforesaid which will contaminate or pollute the waters of such river or render the same unfit for domestic use. Any person **OR ENTITY** who violates any provisions of this Section, upon conviction thereof, shall, in addition to other penalties, be liable for all damages for ~~his or her~~**SUCH** unlawful acts.

14.08.290~~160~~**160** - Sprinkling restrictions; drought levels; penalty.

14.08.300~~170~~**170** - Limitation of sprinkling by Mayor; violation.

14.08.310~~180~~**180** - Nozzle or sprinkler required.

14.08.~~320~~190 - Sprinkling prohibited during fires.

14.08.~~330~~200 - Buildings with multiple users.

14.08.~~340~~210 - Lien enforcement.

14.08.~~350~~220 - Turn-on charge.

When water is once turned on to any premises and thereafter turned off for any reason, it shall not be turned on again until the **TURN-ON** charge, as established by the Water and Sewer Board, has been paid.

14.08.~~360~~230 - Extra charges for connections.

14.08.~~370~~240 - Computation of extra charges.

14.08.~~380~~250 - Private payment for public water; reimbursement.

Private persons who pay for the constructions of sections of public water lines and who desire partial reimbursement for such payment shall deliver a written document to the Director of Water and Sewer setting forth the total construction cost, with proof of payment, and setting forth the name and address of an individual, bank or other organization authorized to receive payments from the City pursuant to this Section. Only water lines constructed by prior approval of the administrative authority and completed within twelve (12) months of approval in strict accordance with City standard specifications for water line construction will be considered for reimbursement. As extra charges are paid to the City pursuant to Sections 14.08.~~360~~230 and 14.08.~~370~~240, the City shall transmit such payments to such authorized individual, bank or other organization. The City shall have no responsibility to see that such individual, bank or other organization properly deals with such funds. The City shall not recognize any recipients or claimants other than the named individual, bank or other organization.

Chapter 14.12 Sanitary Sewers

14.12.070 - Public Sanitary Sewer connections and fees.

No person shall connect on to a Public Sanitary Sewer line until the Director has expressly approved such connection. Approval shall be granted to any person who desires sanitary sewer service for property in the City and who pays the fees and charges established by, and according to, Sections 14.04.080 through 14.04.090 and 14.12.110 through 14.12.~~140~~130 of this Chapter.

~~14.12.120 Sewer plant investment fee credit and exchange.~~

~~Where an existing water tap serves one (1) or more living units and the owner, lessee or user of water being served by the existing water tap desires to abandon such tap in favor of a larger or smaller water tap to the same property, the sewer plant investment fee established by Section 14.12.110 shall be reduced by the then current plant investment fee value of the existing sewer tap. In no case shall the City provide cash refunds, and credit against the sewer plant investment fee required by a new water tap shall not exceed the sewer plant investment fee for such change in the size of the new water tap; nor shall it include credit for the fire flow diameter or equivalent unit charges of the existing water or sewer tap.~~

~~14.12.130 Additional fee credit and exchange; renovation.~~

~~In the event one (1) or more living units are being renovated and a larger water tap is necessary to meet the current minimum tap size requirements established by the Water and Sewer Board, the City shall require no additional sewer plant investment fee due to the renovation, provided that the units being renovated were constructed prior to January 20, 1959, and the renovation does not increase the number or size of the units nor change the use of the property.~~

14.12.120 - SEWER PLANT INVESTMENT FEE CREDITS AND EXCHANGE; RENOVATIONS.

(a) ANY CUSTOMER THAT SEEKS TO ABANDON AN EXISTING WATER TAP IN FAVOR OF A SMALLER OR LARGER TAP TO SERVE THE SAME PROPERTY SHALL BE ENTITLED TO A CREDIT AGAINST THE SEWER PLANT INVESTMENT FEE REQUIREMENT SET FORTH IN SECTION 14.12.110. SUCH CREDIT SHALL BE EQUAL TO THE THEN CURRENT SEWER PLANT INVESTMENT FEE VALUE ASSOCIATED WITH THE ABANDONED TAP, BUT SHALL NOT INCLUDE CREDIT FOR ANY FIRE FLOW DIAMETER ASSOCIATED WITH THE ABANDONED TAP. ANY CREDIT ISSUED FOR AN ABANDONED TAP PURSUANT TO THIS SECTION SHALL BE CAPPED AT THE SEWER PLANT INVESTMENT FEE DUE AND PAYABLE FOR THE REPLACEMENT TAP; THE CITY SHALL NOT BE REQUIRED TO PROVIDE CASH REFUNDS FOR ANY SUCH CREDIT.

(b) ANY CUSTOMER THAT RENOVATES ONE (1) OR MORE RESIDENTIAL UNITS THAT WERE CONSTRUCTED PRIOR TO JANUARY 20, 1959 AND IS ACCORDINGLY REQUIRED TO REPLACE AN EXISTING WATER TAP THAT SERVES SUCH RESIDENTIAL UNITS TO COMPLY WITH THE CURRENT MINIMUM TAP SIZE REQUIREMENTS ESTABLISHED BY THE WATER AND SEWER BOARD SHALL NOT BE REQUIRED TO FURNISH AN ADDITIONAL SEWER PLANT INVESTMENT FEE IF (i) THE RENOVATION DOES NOT INCREASE THE NUMBER OR SIZE OF THE RESIDENTIAL UNITS, AND (ii) THE USE OF THE SUBJECT PROPERTY IS NOT CHANGED.

~~14.12.140~~**130** - Installation costs; advance payment required.

~~In addition to paying the plant investment fees provided for in Section 14.12.110, the owner, lessee or User of any~~**AN APPLICANT FOR** sanitary sewer service shall pay for all labor and materials required to installing the tap onto the sewer main, to install the service pipes and lines, and to perform all trenching and street repairs. ~~All plant investment fees and installations costs shall be paid prior to commencing any work.~~**ALL COSTS SHALL BE PAID BY THE APPLICANT IN ADVANCE OF SUCH WORK AND NO LATER THAN THE TIME AT WHICH A BUILDING PERMIT IS ISSUED BY THE CITY FOR THE SUBJECT PROPERTY.**

~~14.12.150~~**140** - Rates approved by Water and Sewer Board.

14.12.160150 - Billing; time tasks.

14.12.170160 - Due date; disconnection for nonpayment.

All bills for water and sewer are due and payable to the Director of Finance at his or her office in City Hall on the dates specified. If bills are not paid on or before the specified due date, including payment of reconnection charges as provided in Sections 14.08.340210 and 14.08.350220 of this Title, the City may disconnect water service until the delinquent bills are paid.

14.12.180170 - Lien status; liability of owners.

14.12.190180 - Interference with system unlawful.

14.12.200190 - Right of entry.

14.12.210200 - Registration of water wells.

14.12.220210 - Prohibited discharges.

14.12.230220 - Construction of public sewers regulated.

14.12.240230 - Public access to information.

14.12.250240 - Temporary sewer plugs; removal.

14.12.260250 - Construction over public sanitary sewers restricted.

14.12.270260 - Maintenance of public and private sewers.

(b) The owner of any property connecting to the Public Sanitary Sewer shall be responsible for maintaining the service line from the Public Sanitary Sewer tap to the structure to be served. The owner shall keep the service line for which he or she is responsible in good condition and shall repair or replace at his or her expense any portions thereof which, in the reasonable opinion of the Director, no longer function properly. The owner shall complete all repairs or replacements within thirty (30) days after notification of the need for same by the Director. The owner shall be responsible for returning the public right-of-way and the street to acceptable City standards as determined by the City.

(2) If the Director determines that the failure of the property owner to maintain the service line (including repair or replacement when needed) poses an imminent risk to the health, safety or welfare of the community, the Director may take action necessary to limit such risk, including but not limited to making entry on the property pursuant to Section 14.04.230200 of this Code or causing the shut-off or disconnection of the water supply.

14.12.280270 - Individual wastewater disposal system construction permit required.

14.12.290280 - Compliance with regulations required; discharges restricted.

14.12.300290 - Maintenance and operation of facilities.

14.12.310300 - Connection to available public sewer required.

14.12.320310 - Additional requirements.

14.12.330320 - Violations; liability.

14.12.340330 - Penalties.

Chapter 14.24 Irrigation

~~14.24.010 - Subdivision or subdividing defined.~~

~~Subdivision or subdividing are defined as any division of any parcel of land where additional water taps are requested.~~

14.24.020010 - Regulation of irrigation water.

14.24.030020 - Control of headgates.

14.24.040030 - Water levels and checks.

14.24.050~~040~~ - Interference unlawful.

14.24.060~~050~~ – IRRIGATION Rates fixed by Water and Sewer Board.

14.24.070~~060~~ - Payment due date; nonpayment.

14.24.080 — Water rights for lands outside City.

All owners of subdivisions, areas of land and/or business, commercial, industrial or residential sites outside the City limits who request and petition the City for domestic water that as a part of the consideration for securing and receiving City domestic water service, the owner or owners shall agree to transfer when a request for City water is made, at no cost to the City, certain water rights, including Northern Colorado Water Conservancy District allotments, irrigation water and carriage rights of such water, to the City before receiving permits to tap the City waterlines.

14.24.090 — Annexation petitioners transfer rights.

All petitioners requesting annexation of their land to the City shall, as a prerequisite to receiving approval of such annexation, agree, on behalf of themselves and all successors in interest to the land to be annexed, to transfer, at no cost to the City, water rights, including Northern Colorado Water Conservancy District allotments, irrigation water and carriage rights upon subdividing and/or requesting domestic water service to the City, before receiving the approval of the annexation.

14.24.095 — Water stock transfers; criteria.

All water stock, rights or shares transferred to the City in satisfaction of this Chapter shall meet legal criteria under Colorado law necessary to convert water to municipal use. Such criteria shall include, but not be limited to, sustained historical consumptive water use.

14.24.100 — Amount required for transfer.

(a) — The owners or lessees of land, and subdividers or owners of a subdivision within or without the City limits shall furnish to the City three (3) acre feet of water per acre of land or fraction thereof, 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 land, subdivision or parcel; but, if the land is dry, the City shall have the option to require the owner, lessee, subdivider or developer to furnish water as above required or pay to the City in cash or the cash equivalent of the three (3) acre-feet of water per acre of land or fraction thereof, based upon the fair market value of water and water rights at the time of the grant of the water service and tap. This standard shall apply to a subdivision, subdevelopment or parcel of land within or without the City limits, but shall be applied one (1) time and one (1) time only to such subdivision or parcel of land, except if further subdivided and an additional water tap or taps are requested. If further subdivision is made of subdivided land, the requirement shall apply to the subdivided parcels where an additional tap or taps are requested.

(b) — Nonresidential water service requirements shall apply to commercial, industrial, group housing (nursing homes, hotels and motels) and mixed-use customers. The minimum raw water requirement for nonresidential service shall be based upon the size of service and the annual allotment of water assigned to that service in accordance with the table below. The City may require an applicant to furnish water in accordance with Section 14.24.095 above or to pay the cash equivalent of the water so required, based on the fair market value of the water set by the Water and Sewer Board at the time of application for water service. The fair market value of the water shall be effective for no more than six (6) months from the time of

application. An applicant for water service may provide a larger amount of raw water if, based upon the applicant's estimate, his or her annual usage will exceed the base annual allotment.

Tap Size (Inches)	Raw Water Requirement (Acre Feet)	Base Annual Allotment (Gallons)
$\frac{3}{4}$	.75	244,000
1	2.00	652,000
1½	3.00	977,000
2	8.00	2,607,000
3	12.00	3,910,000
4	24.00	7,812,000
6	208.00	67,772,000
8	352.00	114,692,000

(c) — When more water is used in a given calendar year (based upon billing records) than the annual allotment, a raw water surcharge will be assessed on the volume of water used in excess of the annual allotment. The surcharge will be established annually by the Water and Sewer Board and shall be based upon the fair market value of water rights acceptable under this Section or the ordinance codified in this Section at the time rates are set. A user may provide additional raw water in lieu of further surcharge payments should his or her use indicate that he or she will exceed his or her annual allotment. All previous surcharge requirements must be paid before a new annual allotment will be established for that user. No reduction in annual allotments, once established for an account or service, will be allowed nor any raw water credit given for lower annual usage. Raw water requirements provided for a specific account may not be transferred to other accounts. In the event raw water previously dedicated exceeds the base annual allotment established by tap size, a raw water surcharge will not be assessed unless the user's consumption exceeds the amount of raw water dedicated. When property is subdivided, or additional taps are requested, the raw water previously dedicated will be reallocated based upon acreage.

(d) — For nonresidential tap sizes greater than four (4) inches, the initial raw water requirement and the surcharge may both be avoided if by prior agreement the applicant agrees to make raw water cash payments at a rate set by the Water and Sewer Board.

(e) — All new nonresidential water taps will be required to satisfy the raw water requirement established herein, and the fact that a portion of the property previously was served with City water shall not excuse the applicant from furnishing the water rights set out herein. Should an existing water user apply for additional or enlarged service, the user shall be required to satisfy an increase in the raw water requirement prior to approval of the new service. In the event the raw water requirements for a given parcel of land were previously met at the residential rate, and a portion or all of the parcel subsequently is rezoned and/or developed for nonresidential uses, additional raw water may be due the City. When the amount of raw water due, according to nonresidential tap size request, is greater than the amount of raw water previously transferred to the City at the residential rate, additional raw water, sufficient to meet nonresidential requirements, will be due and transferred to the City prior to any water line and/or water tap connection installation. In the event the amount of raw water due, according to nonresidential tap size request, is less than or equal to the amount of raw water previously transferred to the City at the residential rate, no refund, rebate or credit of previously transferred raw water will be made by the City.

(f) ~~— In the event an applicant has, prior to the enactment of the ordinance codified in this Section, satisfied the raw water requirement of the City for a property, that property will be considered satisfied under this Section; however, nonresidential users initiating new or changing type of service after enactment of the ordinance codified in this Section will be subject to the raw water surcharge when the base annual allotment is exceeded.~~

(g) ~~— The requirements of this Section do not preclude the City Council from entering into special agreements regarding raw water requirements.~~

~~14.24.120 Water rights transfers; Greeley Loveland Irrigation Company stockholders.~~

~~The stockholders of the Greeley Loveland Irrigation Company may meet these water rights transfer requirements of this Chapter by signing the contract between the City and the stockholders, which is in part, an option to give the City their water rights under the terms of the contract therein specified.~~

~~14.24.125 Consent to withdrawal of nontributary groundwater.~~

(a) ~~— All nontributary groundwater, including but not limited to waters of the Dawson, Denver, Arapahoe, Laramie-Fox Hills and Dakota aquifers, are incorporated into the City's actual service plan as authorized by Section 37-90-137(8), C.R.S. The land area in the actual municipal service plan is all that area within the City boundary as of January 1, 1985, except that land north of the Cache la Poudre River. Public interest justifies the use of nontributary groundwater underlying the service area.~~

(b) ~~— Upon the effective date of the ordinance codified in this Section, the owners of all land in the service area shall be deemed to have consented to the withdrawal by the City of all such nontributary groundwater unless consent is withheld pursuant to the above described state statute.~~

(c) ~~— In addition to the requirements of Section 14.24.130, before receiving City water service, a consent shall be signed approving the withdrawal by the City of all nontributary groundwater as described herein from the land being served.~~

~~14.24.130 Water rights transfers; compliance; exception.~~

(a) ~~— The water or payments, as required under Sections 14.24.080 through 14.24.120, shall be a prerequisite to receiving any City water service tap or taps and the water must be transferred or payment made in full to the City before any approval is given for service taps.~~

(b) ~~— Notwithstanding the procedure set forth in this Section, the stockholders of the Greeley Loveland Irrigation Company who have signed domestic water agreements of 1963 with the City shall follow the procedure as set forth in their contracts.~~

~~14.24.140 Limitations and exceptions.~~

~~In order to be equitable with present proposed subdivisions and annexations, certain limitations are established, as set forth in Sections 14.24.150 through 14.24.190.~~

~~14.24.150 Excepted lands.~~

~~Sections 14.24.080 through 14.24.130 shall not apply to the area known as the West Greeley Annexation.~~

~~14.24.160 Applicability to subdivisions or annexations.~~

~~Sections 14.24.080 through 14.24.130 shall not apply to subdivisions or annexations filed with the Planning Commission prior to the effective date of those Sections.~~

~~14.24.170 Exception for previous compliance.~~

~~Section 14.24.090 shall not apply to that portion of the area to be annexed which has previously complied with Sections 14.24.080 through 14.24.130.~~

~~14.24.180 Exception for previous acceptance.~~

~~Section 14.24.090 shall not apply to areas previously subdivided and accepted by the Planning Commission, which acceptance has been prior to effective date of Sections 14.24.080 through 14.24.130.~~

~~14.24.185 Exception for residences on large parcels of land.~~

~~(a) The water rights transfer provisions of Section 14.24.100 of this Chapter shall not apply to requests for domestic water service to single residences on parcels of land exceeding one (1) acre. Should additional subdivision occur on that parcel of land, and/or if more than one (1) dwelling unit on that parcel of land requests water service, the water rights transfer provisions of Section 14.24.100 shall be satisfied prior to any such connection of water service.~~

~~(b) For parcels of land exceeding one (1) acre, the water rights transfer required shall be three (3) acre-feet per domestic tap. Water taps larger than three-fourths (¾) inch are not considered as domestic use and are ineligible for the exemption contained in this Section.~~

~~(c) When more water is used in a calendar year (based upon billing records) than the annual allotment, which is three (3) acre-feet or approximately nine hundred seventy-seven thousand (977,000) gallons, a raw water surcharge will be assessed on the volume of water used in excess of the annual allotment. The surcharge will be established annually by the Water and Sewer Board and shall be based upon the fair market value of water rights acceptable under Section 14.24.100 of this Chapter or the ordinance codified in that Section at the time rates are set. The raw water surcharge shall not apply to raw water exemptions previously granted for water taps installed prior to May 1, 2012.~~

~~(d) The owners of a parcel of land requesting exemption from the provisions of Section 14.24.100 of this Chapter shall enter into an agreement with the City that runs with the land, binding themselves and their heirs, assigns or transferees to the subsequent fulfillment of all water right transfer provisions based upon the conditions contained in this Section.~~

~~14.24.190 Applicability of limitations and exceptions.~~

~~All limitations and exceptions to the amendments to Sections 14.24.080 through 14.24.130 shall follow the rules established in Sections 14.24.150 through 14.24.180.~~



Raw Water Dedication Requirements

2019 Tap Fees for New and Modified Water/Sewer Taps

Tap fees are charged for all new water connections and may be charged for modifications to existing connections. There are four components to the tap fee.

1. Cash-in-Lieu of Raw Water
2. Water Plant Investment Fee
3. Sewer Plant Investment Fee
4. Water Meter

A separate tap is required for each single-family detached and attached unit and for each multi-family and non-residential building. Buildings with mixed residential and commercial uses require separate taps for the residential and non-residential components of the building. All landscaping requires separate irrigation taps (except for residential 4 units or less).

Water Meter and Tap Sizing

- Residential single-family detached and attached houses normally have a ¾" tap and water meter.
- Multi-family and non-residential water taps and meters are sized based on the water use, which is determined by fixture, appliances and other water demands.
- Taps, water meters, and services lines must be the same size unless approved by the City.
- Non single-family projects must complete the City's Plumbing Data Sheet for sizing. Multi-family units with four or less units do not need to complete the Plumbing Data Sheet.

Cash-in-Lieu of Raw Water

- No Cash-in-Lieu fees are due if there is enough acceptable raw water dedicated to the City or if there is enough raw water credit associated with existing taps on the property being developed. Any raw water dedication must be approved by City staff.
- Cash-in-Lieu fees are based on the amount of water required for the project on an annual basis.
- Residential single-family detached and attached taps pay a standard fee based on the type of residential unit.
- Water demand for non-residential projects are calculated based on the type of business, the square footage of the business area, and the square footage and type of landscaping.
- Cash-in-Lieu fees are paid according to each user's service commitment. Each customer's service commitment represents its expected annual volume of water use.
- Greeley will record the service commitments with the Weld County Clerk and Recorder.
- Because the establishment of landscaping may require extra watering, exceeding the service commitment during the first full calendar year of water service for the new

commercial or multi-family customer will not be considered as an overage and no raw water surcharge payment will be due.

- If water use in a new commercial, mixed use, or multi-family building (greater than 4 units) exceeds its service commitment in any calendar year, the owner will be required to pay a raw water surcharge for the volume of water exceeding the service commitment.
- If water use in a new commercial, mixed use, or multi-family building exceeds its service commitment in any two consecutive years, the owner will be required to purchase additional water through a Cash-in-Lieu payment.
 - The Cash-in-Lieu payment will be for the two-year average volume of water used above the service commitment.
- Service commitment pricing is based on the current Cash-in-Lieu of water prices for Greeley.

Water Plant Investment Fee

- For the domestic water tap (the tap serving the building), the water plant investment fee (PIF) is charged based on the size of the water tap. See the 2019 Non-Residential Tap Fee Schedule for the PIF.
- For the landscaping water tap, a reduced PIF will be owed if at least 75% of the landscape is xeriscape. If the landscaping does not meet this threshold of water wise landscaping then the full PIF is owed. See the 2019 Non-Residential Tap Fee Schedule for the PIF.
- The fee recovers the cost related to the potential peak flow of water through a water tap.
- The City's treatment and distribution system must be sized for the combined peak flows of all the individual taps. Each tap must pay for its portion of the total system peak flow.

Water Meter Charge

- The water meter charge is per each meter installed based on the size of the meter.
- Meters used are provided by the City.

Sewer Plant Investment Fee

- The sewer plant investment fee is charged based on the size of the domestic water tap.

Payment Timing

Building and irrigation tap fees are paid at the time of building permit issuance.

2019 Residential Tap Fee Schedule				
	Meter Charge	Water PIF	Cash-in-Lieu	Sewer PIF
Single-family per Unit	\$313	\$10,800	Lot Acreage x 3 AF/ac x CIL Price*	\$5,700
Multi-family per Unit if 4 Units or Less	Based on meter size	Based on meter size	Lot Acreage x 3 AF/ac x CIL Price*	Based on meter size
*Three acre feet per acre is the standard raw water requirement for residential development. Developments with deed restrictions requiring low water use landscaping may qualify for a lower raw water requirement.				

Tap Fee Example:

A 20,000 square foot office building requiring an estimated 1.5” water tap would be calculated as follows:

Referring to the 1.5” water tap on the Non Residential Tap Fee Schedule you add the tap size components:

Meter Charge	\$1,428
Water Plant Investment Fee	\$36,000
Sewer Plant Investment Fee	\$19,000
Total	\$56,428

The next step is to look up the Office business category in the 2019 Business Category and Water Use table. Multiply 14 gallons per square foot by 20,000 square feet for a total annual gallons requirement of 280,000 gallons. Divide that by 325,851 (gallons in an acre foot of water) to determine the water resource service commitment. Multiply that by the \$31,000 Cash-in-Lieu cost listed on the Non-Residential Tap Fee Schedule for the total Cash-in-Lieu cost of \$26,638. Add the two totals together for an estimated tap fee of \$83,066.

Category Name	Units	Unit Use (Gallons per unit per year)
Auto Service & Repair	sf	12
Car Wash	bay	1,350,000
Childcare	sf	47
Church	sf	4.5
Grocery Store	sf	20
Gas Station w/o Car Wash	sf	93
Hospital	sf	21
Hotel/Motel	room	30,300
Medical Office	sf	25
Multi-family (greater than 4 units)	unit	35,500
Office	sf	14
Recreation w/ pool	sf	122
Recreation w/o pool	sf	25
Restaurant	sf	188
Retail	sf	16
School	sf	11
Warehouse	sf	5
Industrial and Other Commercial	Determined on a case by case basis	

Restaurant outdoor seating areas with partial or full seasonal coverings are counted at 50% for building square footage.

	2019 Non-Residential Tap Fee Schedule				
Meter Size	Meter Charge	Water PIF	Irrigation Water PIF if ≥75% Xeriscape	Cash-in-Lieu	Sewer PIF
5/8" & 3/4"	\$313	\$10,800	\$2,700	Calculated based on Water Resources allocated	\$5,700
1"	\$456	\$18,000	\$4,500		\$9,500
1-1/2"	\$1,428	\$36,000	Landscape meters larger than 1" pay full PIF		\$19,000
2"	\$1,637	\$57,500			\$30,300
3"	\$7,371	\$126,000			\$66,400
4"	\$10,752	\$216,000			\$113,700
6"	\$13,771	\$450,000		\$237,000	

Irrigation Tap Fees

Irrigation tap fees are charged based on the irrigation area and the landscape type. The size of the tap determines the water plant investment fee and meter charge. The raw water requirement is determined based off the area and type of landscaping. Landscape plans with more than 75% high water use vegetation are assumed to be entirely high water using and calculated as such.

High Water Use (>14 gals/sf annual use)	$(CIL \text{ price} \times 3)/43,560 = \text{raw water charge/sf}$
Medium Water Use (10-14 gal/sf annual use)	$(CIL \text{ price} \times 2.3)/43,560 = \text{raw water charge/sf}$
Low Water Use (<10 gals/sf annual use)	$(CIL \text{ price} \times 1.6)/43,560 = \text{raw water charge/sf}$
No Irrigation	No raw water charge

Non-Potable Water Service

The utilization of Greeley's non-potable water supplies is an important component of the City's long-term water resource plan. Non-potable water systems are required for developments having 20 acres or more of common open space irrigation. Developments with less than 20 acres of common space irrigation and that can be economically connected to the City's existing non-potable distribution infrastructure will be encouraged to utilize non-potable water to serve all irrigation needs. Financial incentives may be available to make the use of non-potable water on the site advantageous.

Service Commitment Agreement



This agreement is applicable for the property and water tap listed below. It is entered into by the current property owner but remains in effect for the property regardless of future ownership. This agreement may be amended if the current owner and the City of Greeley so desire. Once signed, Greeley will record this agreement with the Weld County Clerk and Recorder.

Attach legal description. Properties with multiple taps specify service are by tap. Each separate tap requires a separate Service Commitment Agreement.

Location: _____ Permit Number: _____

Owner: _____

The City of Greeley, in conjunction with the issuance of water tap for the above-mentioned property, holds a service commitment of _____ acre feet, a _____ inch meter service, and a _____ inch water tap. To determine the service commitment of said property you must refer to the Raw Water Dedication Requirements document. If the actual water usage exceeds the projected usage a raw water surcharge will be assessed. Additionally if the actual type of use differs from the proposed use, the owner may be subject to subsequent review and or additional charges.

The Proposed use is as follows:

Use Category	Number of Units
--------------	-----------------

Sewer tap fees and service commitments are based on the size of the water tap installed. Additional sewer tap may be charged if the water tap size is changed.

Water tap fees for irrigated areas are based on the size of the area and the type of landscaping. Changes to either the area or type of landscaping may result in the future review and or the imposition of additional fees.

Irrigation: To be on separate agreement.

Property Owner Signature	Date
--------------------------	------

Print Name	Title
------------	-------

Company name	Company Address
--------------	-----------------

	City	State	Zip
--	------	-------	-----

City of Greeley Signature	Date
---------------------------	------

Print Name	Date
------------	------



Revise Title 14 - Raw Water Requirements for Commercial & Multi-Family Development

September 3, 2019

Background

- Two types of water development fees
 - Plant investment fee (PIF) is for the impact to the infrastructure of the system (plants and pipes)
 - Raw water is the volume of water needed for annual usage
 - Current method for determining the requirement differs between residential and non-residential

Proposal

- Base raw water requirements on projected use for commercial and multi-family
 - Service commitment agreements required to ensure the City is not shorted raw water
 - Raw water allocation exceedance
 - 1st year: raw water surcharge
 - 2nd consecutive year: additional cash-in-lieu payment required
- Multi-family to be treated like commercial and mixed use development
 - No longer uses 3 AF/acre standard
 - PIF calculation consistent with commercial/mixed use – not based on number of units
 - Net effect: Increase in raw water requirements, decrease in PIF

CITY OF GREELEY :: WATER/SEWER

Proposal, cont.

- PIF based on tap size which is determined through fixture unit counts and type of use
 - Plumbing data sheet from International Plumbing Code
- Separate taps for each use
 - Example: Mixed use would have 3 taps: one for commercial, residential, and landscaping

CITY OF GREELEY :: WATER/SEWER

Raw Water Requirements

Category Name	Units	Unit Use (Gallons per unit per year)
Auto Service & Repair	sf	12
Car Wash	bay	1,350,000
Childcare	sf	47
Church	sf	4.5
Grocery Store	sf	20
Gas Station w/o Car Wash	sf	93
Hospital	sf	21
Hotel/Motel	room	30,300
Medical Office	sf	25
Multi-Family (greater than 4 units)	unit	35,500
Office	sf	14
Recreation w/ pool	sf	122
Recreation w/o pool	sf	25
Restaurant	sf	188
Retail	sf	16
School	sf	11
Warehouse	sf	5
Industrial & Other Commercial	Determined on a case by case basis	

CITY OF GREELEY :: WATER/SEWER

Vetting the Proposal

- Water and Sewer Board
 - Three informational presentations (late 2018)
- Conversations with active Greeley developers during the drafting of the proposal
- Open House with development interests on January 29
- City Council work session March 12
- Water and Sewer Board recommended City Council adopt the ordinance August 21

CITY OF GREELEY :: WATER/SEWER

Title 14 Reorganization and Updates

- Development related Code language was updated to reflect current realities
 - Example: Deleted sections referring to a non-existent “water permit”
- Re-organized to group like topics together

CITY OF GREELEY :: WATER/SEWER

Questions/Comments?

CITY OF GREELEY :: WATER/SEWER

Council Agenda Summary

September 3, 2019

Agenda Item Number 13

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

Title:

Introduction and first reading of an ordinance authorizing the disposition of City Property Located at 1215 16th Avenue

Summary:

The City Public Works Department owns a parcel of real estate located at 1215 16th Avenue. The property, which includes a vacant residential structure, was purchased in 2018 for the purposes of improving stormwater infrastructure on and around the property. The stormwater improvements were completed in 2019 and consisted of widening the storm channel on the western portion of the property. The property was replatted in 2019 to separate the new channel from the existing property. City Staff have determined that the remainder of the property is not needed for public purposes and wishes to dispose of the property. This Ordinance will authorize conveyance of the property and allow City Staff to initiate actions necessary for the disposition of the property via a competitive bid process. This Ordinance also authorizes the Mayor to execute a quit claim deed for the conveyance of the property.

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?	N/A
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:	

Legal Issues:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

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

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce 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 introduce the ordinance and schedule the public hearing and final reading for September 17, 2019.

Attachments:

Ordinance
City Property Location Map
City Property Plat

THE CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

**AN ORDINANCE AUTHORIZING THE DISPOSITION OF CITY PROPERTY
LOCATED AT 1215 16TH AVENUE**

WHEREAS, the City of Greeley (“City”) owns a parcel of land located at 1215 16th Avenue (the “Property”); and,

WHEREAS, the Property was purchased in 2018 for the purposes of improvement stormwater infrastructure consisting of widening the storm channel on the western portion of the Property (“Stormwater Improvements”); and

WHEREAS, upon completion of the Stormwater Improvements, the Property was replatted to separate the Stormwater Improvements from the remainder of the Property, known as the Maplewood Subdivision 1st Replat (the “Replat”); and

WHEREAS, the Stormwater Improvements are located within Outlot A and the remaining property is known as Lot 25 of the Replat; and

WHEREAS, the City has determined that Lot 25 is not needed for any current or future public purposes and wishes to dispose of the property.

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

Section 1. The Greeley City Council hereby finds and determines that the property described above is not a public park and has never been a public park, nor is it being held or used for governmental purposes.

Section 2. The Greeley City Council authorizes the conveyance of the property, in accordance with the terms and conditions of the attached Quit Claim Deed, and authorizes the Mayor to execute the same pursuant to Greeley Municipal Charter 2.07.020(b).

Section 3. The Greeley City Council hereby ratifies all actions heretofore taken (not inconsistent with the provisions of this ordinance) by the officers, agents and employees of the City in connection with the actions described above.

Section 4. This ordinance shall take effect five (5) days after its final publication as provided by the City’s Charter, Section 3-16.

PASSED AND ADOPTED, SIGNED AND APPROVED this _____ day of _____, 2019.

ATTEST:

GREELEY, COLORADO

City Clerk

By: _____
Mayor

4498303 06/18/2019 11:00 AM
Total Pages: 1 Rec Fee: \$13.00
Carly Koppes - Clerk and Recorder, Weld County, CO

MAPLEWOOD SUBDIVISION 1ST REPLAT
A SUBDIVISION OF THE CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
LOCATED IN THE NE $\frac{1}{4}$ SECTION 7, TOWNSHIP 5 NORTH, RANGE 65 WEST OF 6TH P.M.

DEDICATION

The City of Greeley, being the sole owner(s) in fee of:

The South 49 feet of Lots 1, 2, and 3 of Block 6, Maplewood, a subdivision of the City of Greeley, County of Weld, State of Colorado, as recorded in Reception No. 4373066 of the records of said Weld County, more particularly described as follows:
LOT 25
The South 49 feet of lots 1 & 2, and the South 49 feet of the East 27.78 feet of Lot 3 of said Maplewood Subdivision and containing 6261 Sq. Ft. or 0.144 Acres more or less.
OUTLOT A
The South 49 feet of the West 22.22 feet of Lot 3 of said Maplewood Subdivision and containing 1089 Sq. Ft. or 0.025 Acres more or less.
Total area of said tract of land containing 7350 Sq. Ft. or 0.169 Acres more or less.

Shown on the attached map and embraced within the heavy exterior lines thereon, have subdivided the same into lots as shown on the attached map; and do hereby designate the same as "A REPLAT OF Lots 1,2, and 3 of BLOCK 6, MAPLEWOOD" to the City of Greeley, Weld County, Colorado; and do dedicate to the public, the easements over and across said Lots at locations shown thereon and do further certify that the dimensions of the Lots and the names and numbers thereof are correctly designated upon said map.



Witness my Hand and Seal this 1st day of June, 2019 A.D.

NOTARIAL:

STATE OF Colorado

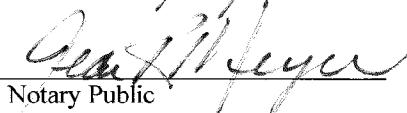
COUNTY OF Weld SS)

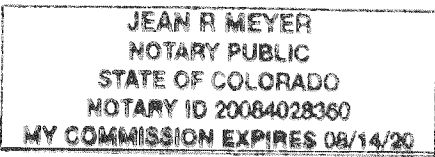
The foregoing instrument was acknowledged before me this 7th day of June, 2019 A.D.

By: John Yates as Mayor

Witness my hand and official seal.

My commission expires: 8/14/20


Notary Public



NOTE:

- According to Colorado Law you must commence any legal action based upon any defects in this survey within three (3) years after you first discover such defects, in no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.
- All Lineal measurements shown hereon are based on U.S. Survey Foot.
- Basis of Bearing N0°08'01"E a distance of 226.05' between found rebars as shown on the map hereon.
- Outlot A is for Storm Water Conveyance.

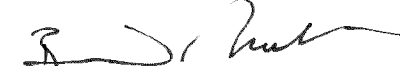
CERTIFICATE OF APPROVAL OF THE CITY ENGINEER

Approved this day 29th of May, 2019 A.D.


City Engineer

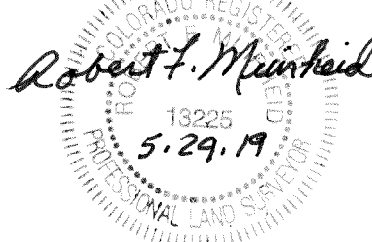
CERTIFICATE OF APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR

Approved This 29th day of MAY, 2019 A.D.


Community Development Director

SURVEYOR'S CERTIFICATE

I Robert F. Muirheid, a Colorado Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the parcel of land shown hereon under my direct supervision and that all monuments of said parcel of land were placed in accordance with the regulations of the State of Colorado.



Robert F. Muirheid, P.L.S.
For and behalf of the City of Greeley, CO.
Colorado Licensed Professional
Land Surveyor No. 13225
1001 9th Avenue



Exhibit "B"

QUITCLAIM DEED

THIS QUITCLAIM DEED is effective _____, 2019, and is between **THE CITY OF GREELEY, COLORADO, a Colorado home rule municipality**, whose address is 1000 10th Street, Greeley, Colorado 80631 ("Grantor"), and **GRANTEE NAME**, whose address is _____ ("Grantee").

FOR CONSIDERATION, the receipt and sufficiency of which is acknowledged, Grantor hereby quitclaims to Grantee all rights, title, interest, and claim in or to the property located at 1215 16th Avenue, legally described as Lot 25, Maplewood Subdivision 1st Replat ("Property"):

This conveyance is made subject to any valid and recorded rights now existing and of record.

IN WITNESS WHEREOF, Grantor has executed this deed on the date set forth above.

GRANTOR:
CITY OF GREELEY, COLORADO,
a Colorado home rule municipality

Mayor

ATTEST:

City Clerk

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019,
by _____ as Mayor for the City of Greeley, Colorado, as Grantor.

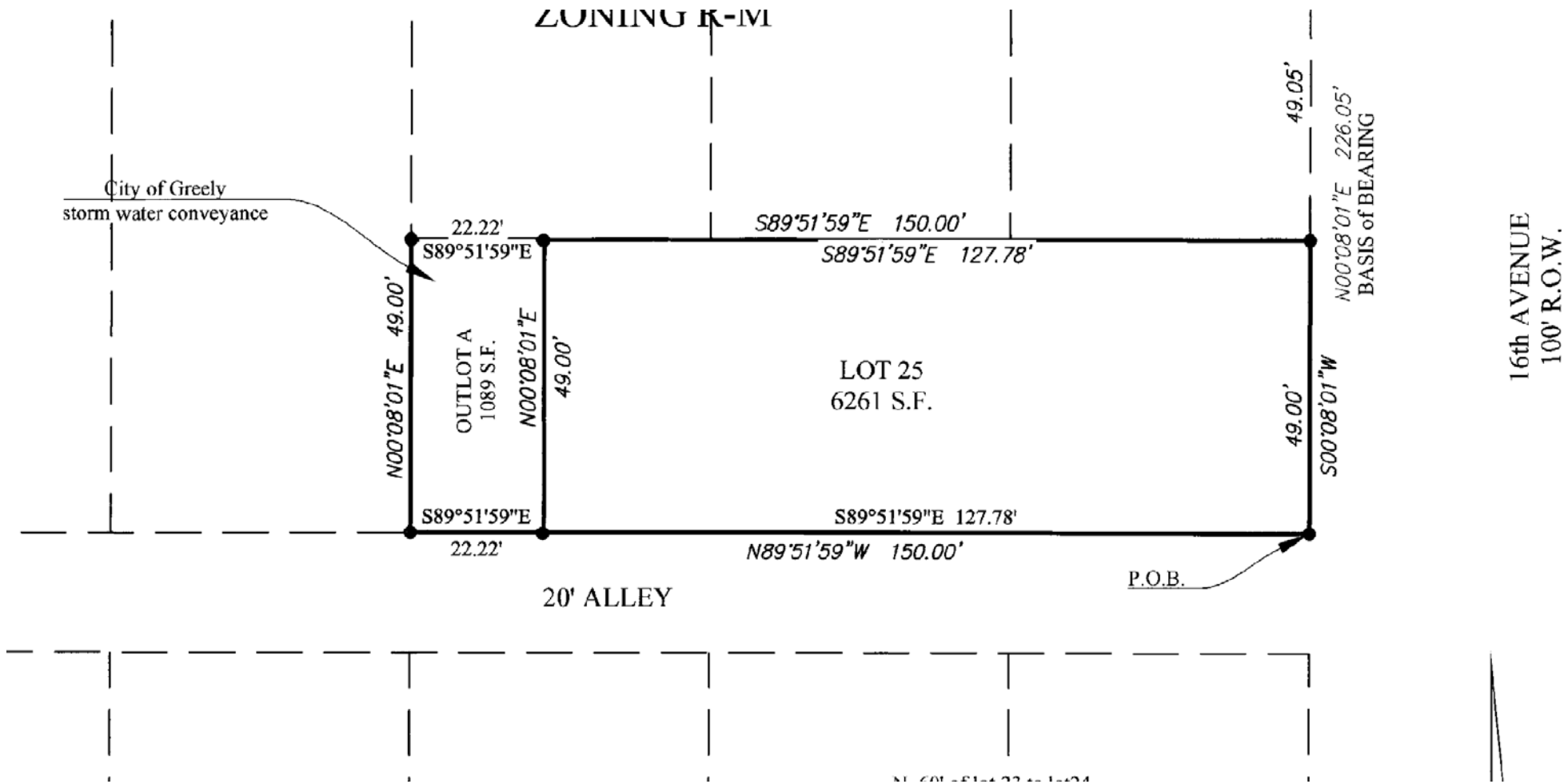
Witness my hand and official seal.
My commission expires: _____

Notary Public

1215 16th Avenue



1215 16th Avenue



4498303 06/18/2019 11:00 AM
Total Pages: 1 Rec Fee: \$13.00
Carly Koppes - Clerk and Recorder, Weld County, CO

MAPLEWOOD SUBDIVISION 1ST REPLAT
A SUBDIVISION OF THE CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
LOCATED IN THE NE $\frac{1}{4}$ SECTION 7, TOWNSHIP 5 NORTH, RANGE 65 WEST OF 6TH P.M.

DEDICATION

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OUTLOT A

The South 49 feet of the West 22.22 feet of Lot 3 of said Maplewood Subdivision and containing 1089 Sq. Ft. or 0.025 Acres more or less. Total area of said tract of land containing 7350 Sq. Ft. or 0.169 Acres more or less.

Shown on the attached map and embraced within the heavy exterior lines thereon, have subdivided the same into lots as shown on the attached map; and do hereby designate the same as "A REPLAT OF Lots 1,2, and 3 of BLOCK 6, MAPLEWOOD" to the City of Greeley, Weld County, Colorado; and do dedicate to the public, the easements over and across said Lots at locations shown thereon and do further certify that the dimensions of the Lots and the names and numbers thereof are correctly designated upon said map.



Witness my Hand and Seal this 1st day of June, 2019 A.D.

NOTARIAL:

STATE OF Colorado

COUNTY OF Weld SS)

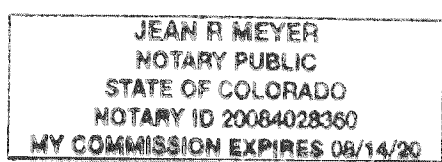
The foregoing instrument was acknowledged before me this 7th day of June, 2019 A.D.

By: John Yates as Mayer

Witness my hand and official seal.

My commission expires: 8/14/20

Notary Public



NOTE:

- According to Colorado Law you must commence any legal action based upon any defects in this survey within three (3) years after you first discover such defects, in no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.
- All Lineal measurements shown hereon are based on U.S. Survey Foot.
- Basis of Bearing N0°08'01"E a distance of 226.05' between found rebars as shown on the map hereon.
- Outlot A is for Storm Water Conveyance.

CERTIFICATE OF APPROVAL OF THE CITY ENGINEER

Approved this day 29th of May, 2019 A.D.


City Engineer

CERTIFICATE OF APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR

Approved This 29th day of MAY, 2019 A.D.


Community Development Director

SURVEYOR'S CERTIFICATE

I Robert F. Muirheid, a Colorado Registered Professional Land Surveyor, do hereby certify that I prepared this plat from an actual and accurate survey of the parcel of land shown hereon under my direct supervision and that all monuments of said parcel of land were placed in accordance with the regulations of the State of Colorado.



Robert F. Muirheid, P.L.S.
For and behalf of the City of Greeley, CO.
Colorado Licensed Professional
Land Surveyor No. 13225
1001 9th Avenue



Council Agenda Summary

September 3, 2019

Agenda Item Number 14

Key Staff Contact: Renee Wheeler, Finance Director, 970-350-9732

Title:

Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018

Summary:

This is the fourth additional appropriation ordinance modifying the 2019 budget.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$ 7,425,605
What is the annual impact?	\$ 7,425,605
What fund of the City will provide Funding?	See Ordinance
What is the source of revenue within the fund?	Fund Balance, Operating Transfers, State Grant, Royalties, Insurance Recoveries, Expense Reimbursement, Parking Permits, Intergovernmental Agreements, and Private Contributions.
Is there grant funding for this item?	Yes Item 11
If yes, does this grant require a match?	Yes
Is this grant onetime or ongoing?	Onetime
Additional Comments:	Total appropriations made by this ordinance are \$7,425,605. The following funding sources will be used to cover the appropriations made by this ordinance.

	Operating Transfers	\$ 2,863,288
	Fund Balance	2,507,540
	Royalties	1,257,288
	Expenditure Reimbursement	481,000
	Insurance Recoveries	121,011
	State Grant	78,690
	Parking Permits	59,992
	Intergovernmental Agreement	44,796
	Private Contribution	12,000
	Grand Total:	\$ 7,425,605

Legal Issues:

City Charter prohibits actual expenditures from exceeding appropriations at the fund level. This ordinance will insure that this does not occur.

Other Issues and Considerations:

Applicable Council Priority and Goal:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce 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 introduce the ordinance and schedule the public hearing and final reading for September 17, 2019.

Attachments:

Ordinance
Detail Supporting Schedule
PowerPoint Presentation

THE CITY OF GREELEY
ORDINANCE NO.____, 2019

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2019 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2018.

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2019 fiscal year, and

WHEREAS, the revenues received in the City of Greeley in 2018, exceeded the amount of revenues estimated in the 2018 Budget by more than the total amount of the expenditures in the same year;

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

Section 1. In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2019 budget and amounts held in fund balance reserves from 2018, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2019:

Fund	Total
001 General	\$ 1,290,752
104 Streets & Roads	44,796
108 Designated Revenue	6,000
301 Public Improvement	2,318,000
303 Public Art	41,540
307 Fire Protection Development	1,600,000
308 Police Development	500,000
312 Transportation Development	85,000
318 Quality of Life	78,690
321 Street Infrastructure Improvement	28,663
404 Water	200,000
408 Cemetery	60,000
410 Downtown Parking	59,992
502 Equipment Maintenance	23,000
507 Liability	42,942
512 Fleet Replacement	42,942
513 Information Technology Acquisition	997,288
602 Museum	6,000
Grand Total	\$ 7,425,605

Section 2. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the officers, agents and employees of the City in connection with this appropriation are hereby ratified, approved and confirmed.

Section 3. This Ordinance shall become effective five (5) days after its final publication as is provided by Section 3-16 of the Greeley Charter,

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

BY _____

Mayor



City of Greeley
2019 Appropriation No. 4
City Council Meetings: September 3rd & September 17th

8/28/2019

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
001 General							
1	Operating Transfer: Museums Fund		\$6,000 in Private Contributions were received in the Museum Fund to fund exhibit rentals. This appropriation request is needed in order to allocate these designated funds to our general budget that were expended for the rental of the "Skål: Scandinavian Spirits" from the Museum of Danish America.	-	6,000	6,000	-
2	Insurance Recoveries		Funding is being requested in regards to the repair of Unit 810. This unit is the Greeley Fire Department's smoke house trailer which was damaged in the April 2018 hailstorm. The funds from the insurance recovery will support repair of the apparatus.	-	6,464	6,464	-
3	Expenditure Reimbursement / Private Contribution		Community Development Block Grant (CDBG) funds through Greeley Urban Renewal Authority (GURA) need to be appropriated as funds cannot be budgeted prior to being received. These grant funds (\$15,000) will cover a large portion of the costs for our 2019 Parkway Reforestation Program for properties within the Redevelopment District. The City of Greeley also received a private contribution in the form of a grant in the amount of \$6,000 from the Colorado Tree Coalition and the Xcel Energy Foundation for tree and shrub planting on the Mountain Vista Natural Area and Trailhead which need to be appropriated. These funds will cover a large portion of the costs for this project.	-	21,000	21,000	-
001 General				-	33,464	33,464	-
104 Streets & Roads							
4	Intergovernmental Agreement		This appropriation request is offset by the additional \$44,796 from our annual IGA (intergovernmental agreement) with CDOT (Colorado Department of Transportation) for maintenance of their signals and markings in the city. \$19,500 will cover the service plan fee as part of the Traffic Maintenance for the adaptive traffic signal system. This adaptive signal system is operating 26 traffic signals on major corridors including Highway 34 Bypass, Highway 34 Business, and Highway 85 Bypass. With this service plan, the City receives 24/7/365 technical and engineering support as well as software support and updates. \$15,000 is for the additional maintenance of 50 signals per year and the \$10,296 will complete the signs and markings maintenance provided by the City for the 17.16 miles.	-	44,796	44,796	-
104 Streets & Roads				-	44,796	44,796	-
108 Designated Revenue							
5	Fund Balance		This request appropriates PEG (Public, Educational, Governmental) funds derived from Comcast franchise fees for the repair of the main GTV8 television and video production camera, this request includes both shipping and insurance to and from the repair facility. Currently there are \$171,859 available in the PEG funds. This request will reduce the PEG funds by \$6,000 for a remaining balance of \$165,859.	6,000	-	6,000	-
108 Designated Revenue				6,000	-	6,000	-
301 Public Improvement							
6	Operating Transfer: Fire Protection Development & General Fund		Additional Funding is being requested to support the design and construction of Fire Station #6 at Promontory along with the design and construction of the adjoining Police Substation. \$1.6 million will come from existing fund balance in the Fire Development Fund that is designated for Protection Improvements to allow for the completion of the fire station. The remaining \$260,000, from received oil royalties, will be used to construct a Police Substation in conjunction with the construction of Fire Station #6.	-	1,860,000	1,860,000	-
7	Expenditure Reimbursement		An inventory of sidewalks in the Billie Martinez, Sunrise, Central Greeley, UNC and John Evans neighborhoods has been done for several years and documented that there are an estimated 3 miles of missing sidewalks. This results in a discontinuous and piecemeal pedestrian infrastructure. This request is for the funding awarded by CDBG (Community Development Block Grant Program) in May 2019. The CDBG agreement is for \$458,000 and the work will be in the Downtown University District areas.	-	458,000	458,000	-
301 Public Improvement				-	2,318,000	2,318,000	-
303 Public Art							
8	Fund Balance		Funds have recently been allocated to the Public Art fund from the remodel projects at City Hall and City Center North; the remodel work is projected to begin in 2019 and artwork has been requested at one or both of these sites. The Art Commission recommends allocating the full amount of \$41,540 for the purchase of artwork and the supporting costs for project management and contingency. Funds would come from the 303 1% for Public Art fund balance.	41,540	-	41,540	-
303 Public Art				41,540	-	41,540	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
308 Police Development							
	9	Fund Balance	In 2021 the Records department will be separated from Weld County. A new location is needed to house the Records department which includes 25 employees. The building directly to the east of the Police Department that currently has the Youth and Family Connections offices in it will be expanded to make room for the Records department. The close proximity to the Police Department will be beneficial for both police personnel and Records employees.	500,000	-	500,000	-
308 Police Development				500,000	-	500,000	-
312 Transportation Development							
	10	Fund Balance	This money is to reimburse a developer for construction of an arterial sidewalk as a part of their multifamily development at the Trails at Sheep Draw. Typically the city is responsible for construction of arterial improvements, but in this case the city is working with the developers to have 1,100 LF of sidewalk installed west of 83rd Ave on the south side of 10th St.	85,000	-	85,000	-
312 Transportation Development				85,000	-	85,000	-
318 Quality of Life							
	11	State Grant	The Natural Areas and Trails Division applied for and was awarded a State Trails Grant for the Sheep Draw Trail and Trailhead at McCloskey Natural Area in June 2019 in the amount of \$78,690. This project includes construction of the connecting section of the Sheep Draw Trail from McCloskey to the Triple Creek section along with trailhead improvements (portalet structure, parking lot improvements including ADA (Americans with Disabilities Act) accessible spaces, fencing, picnic table, benches and an interpretive sign). The trailhead will connect to the paved Sheep Draw Trail with a short section of crusher fines trails. Authorization by City Council for the Intergovernmental Agreement with the State Department of Natural Resources was done by Resolution 50, 2018. The Sheep Draw Trail at 71st Avenue construction is being used to provide the match to the grant funds. Because it was previously budgeted it is not included in this appropriation.	-	78,690	78,690	-
318 Quality of Life				-	78,690	78,690	-
321 Street Infrastructure Improvement							
	12	Insurance Recoveries	Funding is needed from chip seal damage recoveries. Funding was recovered from construction companies in the amount of \$4,785 for damage to the chip seal at 20th Street and 50th Avenue (Aims College entrance) and \$23,878 in damages to the chip seal associated with west bound 20th Street from 28th to 35th Avenue during work on the Atmos Gas pipeline replacement projects.	-	28,663	28,663	-
321 Street Infrastructure Improvement				-	28,663	28,663	-
404 Water							
	13	Fund Balance	On October 23, 2018 Congress signed into law the America's Water Infrastructure Act (AWIA). The AWIA requires utilities to conduct a Risk and Resilience Assessment (RRA) of their community water systems and develop a corresponding Emergency Response Plan or update the existing Plan. Upon completion of the RRA, the utility must submit self-certification to the U.S. Environmental Protection Agency (USEPA) indicating that the RRA is complete. Certification that a RRA has been conducted must be submitted to the USEPA Administrator by March 31, 2020. Within six months of submitting the RRA, the community water system is required to submit a self-certification to USEPA for the corresponding ERP. Emergency Response Plans must be reviewed and completed for submittal to USEPA by September 30, 2020. This is a regulatory project that must be completed by the prescribed deadlines, however it was not planned for in the 2019-2020 budgeting process because the deadlines were published in the second quarter of 2019 and USEPA's training sessions are scheduled for the third quarter of 2019.	200,000	-	200,000	-
404 Water				200,000	-	200,000	-
408 Cemetery							
	14	Fund Balance	Funding is required to replace discontinued software and hardware at the Cemetery using existing fund balance to align with the upcoming Velocity (Enterprise resource planning) process. To support the transition a Cemetery Management Software system has been identified, called PlotBox. The supplier of this software has provided pricing to perform a complete crossover from the current operating software, as well as on-site training and cloud based storage. Additionally, staff identified hardware upgrades needed to utilize the new software efficiently. The requested funding will cover all startup costs (\$50,000) and equipment upgrades (\$10,000).	60,000	-	60,000	-
408 Cemetery				60,000	-	60,000	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
410 Downtown Parking							
15	Parking Permits		Due to Parking Services transitioning to Public Works and the implementation of the new parking management program occurring after the adoption of the 2019-2020 budget, this appropriation is necessary to ensure expenditures and revenues are adjusted to match the new parking program. More specifically, the additional permitted spaces and new "pay to stay" option have increased the revenues necessary to cover expenditures associated to the new program (i.e. software vendor, signage, immobilization device, etc.).	-	59,992	59,992	-
410 Downtown Parking				-	59,992	59,992	-
502 Equipment Maintenance							
16	Fund Balance / Expenditure Reimbursement		A 25 year old air compressor that supplies compressed air to the Equipment Maintenance Fire Shop and the Traffic Services Shop has become unusable and needs to be replaced. Without the compressor, repair operations on both divisions equipment cannot be done. Traffic Services (contributing \$8,000) and Equipment Maintenance (contributing \$15,000) have partnered to fund the replacement of the old compressor.	15,000	8,000	23,000	-
502 Equipment Maintenance				15,000	8,000	23,000	-
512 Fleet Replacement							
17	Expenditure Transfer: Liability Fund		Requesting replacement of a 2018 Chevy Tahoe police department patrol unit. The unit was totaled in an Accident on June 19th, 2019. The police department is short on patrol units and needs to replace the totaled vehicle using insurance monies received from the insured motorist of \$42,942.	-	42,942	42,942	-
512 Fleet Replacement				-	42,942	42,942	-
513 Information Technology Acquisition							
18	Operating Transfer: General Fund		The “go-live” date for Velocity (Enterprise Resource Planning) will now be 3 months later than originally established. Additional funding is necessary to successfully complete this project. Funding will support proper staffing backfill, staff training, change management, extended work hours incentives, CAFR compilation, year-end processes, legacy system security, and additional contingency costs necessary for a smooth system transition in light of the extended “go-live” date.	-	897,288	897,288	-
19	Operating Transfer: General Fund		Request to fund information technology equipment for the substation at Fire Station #6 using collected oil royalties in the General Fund. This will allow for additional system redundancy and for the work to be completed at the same time as Fire Station #6.	-	100,000	100,000	-
513 Information Technology Acquisition				-	997,288	997,288	-
Total Less Additional Operating Expenditures Between Funds				907,540	3,611,835	4,519,375	-
Additional Operating Expenditures Between Funds							
1	Private Contributions		Museum of Danish America - Operating Transfer of Private Contributions: Museums Fund to General Fund	-	6,000	6,000	-
6	Fund Balance & Royalties		Fire Station 6 & Police Substation - Operating Transfer of Fund Balance & Royalties: Fire Protection Development & General Fund to Public Improvement	1,600,000	260,000	1,860,000	-
17	Insurance Recoveries		Police Vehicle Insurance Recoveries - Expensed from Liability Fund to Fleet Replacement Fund	-	42,942	42,942	-
18	Royalties		Velocity - Enterprise Resource Planning (ERP) - Operating Transfer of Royalties: General Fund to Information Technology Acquisition	-	897,288	897,288	-
19	Royalties		Fire Station #6 IT Equipment at Substation - Operating Transfer of Royalties: General Fund to Information Technology Acquisition	-	100,000	100,000	-
Total Additional Operating Expenditures Between Funds				1,600,000	1,306,230	2,906,230	-
Grand Total				2,507,540	4,918,065	7,425,605	-

2019 4th Additional Appropriation



September 3, 2019

Renee Wheeler – Finance Director
Presented by Robert Miller – Budget & Compliance Manager

Fourth Appropriation - 2019

- Allocation of Fund Balances
- Ensures Completion of Projects and Commitments.
- Records Grants and Received Revenues.

Fund Budget Balance

Fund	2019 Budget	Ordinance	2019 Revised Budget
001 General	\$ 118,482,556	\$ 1,290,752	\$ 119,773,308
104 Streets & Roads	10,512,310	44,796	10,557,106
108 Designated Revenue	1,649,052	6,000	1,655,052
301 Public Improvement	31,795,529	2,318,000	34,113,529
303 Public Art	815,924	41,540	857,464
307 Fire Protection Development	945,887	1,600,000	2,545,887
308 Police Development	7,575	500,000	507,575
312 Transportation Development	12,301,925	85,000	12,386,925
318 Quality of Life	14,733,954	78,690	14,812,644
321 Street Infrastructure Improvement	17,021,530	28,663	17,050,193
404 Water	20,115,355	200,000	20,315,355
408 Cemetery	787,711	60,000	847,711
410 Downtown Parking	217,393	59,992	277,385
502 Equipment Maintenance	3,255,135	23,000	3,278,135
507 Liability	1,639,038	42,942	1,681,980
512 Fleet Replacement	3,298,266	42,942	3,341,208
513 Information Technology Acquisition	4,689,493	997,288	5,686,781
602 Museum	47,575	6,000	53,575
Grand Total	\$ 242,316,208	\$ 7,425,605	\$ 249,741,813
All Funds	\$ 556,512,786	\$ 7,425,605	\$ 563,938,391

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CITY OF GREELEY

Appropriation Funding Sources

Funding Sources	Amount
Operating Transfers	\$ 2,863,288
Fund Balance	2,507,540
Royalties	1,257,288
Expenditure Reimbursement	481,000
Insurance Recoveries	121,011
State Grant	78,690
Parking Permits	59,992
Intergovernmental Agreement	44,796
Private Contribution	12,000
Grand Total:	\$ 7,425,605

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CITY OF GREELEY

General Fund

Request	Funding Source	Ordinance
Museum of Danish America	Transfer of Private Contribution: Museum Fund	\$ 6,000
Repair Smoke House Trailer	Insurance Recoveries	6,464
Reforestation Program & Shrub Planting	Expenditure Reimbursement: Community Development Block Grant & Private Contribution	21,000
Total		\$ 33,464
Required Operating Transfers	Funding Source	Ordinance
Transfers: Velocity, Police Substation, & IT Equipment	Oil Royalties	\$ 1,257,288
Total		\$ 1,257,288

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CITY OF GREELEY

Special Revenue Funds

Request	Funding Source	Ordinance
Adaptive Signal Maintenance	Intergovernmental Agreement	\$ 44,796
GTV8 Repair	Fund Balance: Public, Educational and Governmental (PEG) Fees	6,000
Total		\$ 50,796
Required Operating Transfer	Funding Source	Ordinance
Transfer: Museum to General Fund	Private Contribution: Museum Fund	\$ 6,000
Total		\$ 6,000

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CITY OF GREELEY

Capital Funds

Request	Funding Source	Ordinance
Fire Station #6 & Police Substation: Promontory	Transfer of Fund Balance: Development Fees & General Fund Oil Royalties	\$ 1,860,000
Downtown University District Sidewalks	Expenditure Reimbursement: Community Development Block Grant	458,000
Public Art: City Hall & City Center North	Fund Balance: Public Art - 1.0%	41,540
Police Records Building	Fund Balance: Police Development Fees	500,000
Sheepdraw Trail: 10th Street Sidewalks - Developer Reimbursement	Fund Balance: Street Development Fees	85,000
Sheepdraw Trail: McCloskey	State Grant	78,690
Repair Chip Seal Damages	Insurance Recoveries	28,663
Total		\$ 3,051,893
Required Operating Transfer	Funding Source	Ordinance
Transfer: Fire Station #6	Fund Balance: Fire Development Fees	\$ 1,600,000
Total		\$ 1,600,000

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CITY OF GREELEY

Enterprise Funds

Request	Funding Source	Ordinance
Water Risk & Resilience Assessment	Fund Balance: Water Rates	\$ 200,000
Cemetery Grounds Software & Hardware Replacement	Fund Balance: Cemetery Fund	60,000
Parking Management Program	Parking Permits	59,992
Total		\$ 319,992

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CITY OF GREELEY

Internal Service Fund

Request	Funding Source	Ordinance
Traffic Compressor Replacement	Expenditure Reimbursement & Equipment Maintenance Fund Balance	\$ 23,000
Police Vehicle Replacement	Transfer of Insurance Recoveries	42,942
Velocity - Enterprise Resource Planning (ERP)	Transfer of General Fund Oil Royalties	897,288
Fire Station #6: Information Technology Equipment at Facility Substation	Transfer of General Fund Oil Royalties	100,000
Total		\$ 1,063,230

Required Transfer	Funding Source	Ordinance
Transfer: Police Vehicle Replacement	Liability Fund: Insurance Recoveries	\$ 42,942
Total		\$ 42,942

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CITY OF GREELEY

Summary

- Total Appropriated Amount: \$7,425,605
- Affirmation of Prior Commitments
- Maintain Transparency and Accounting Standards
- Demonstrates Transparency of Restricted Funds

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CITY OF GREELEY



Council Agenda Summary

September 3, 2019

Agenda Item Number 15

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from R-L (Residential Low Density), C-D (Conservation District), and C-L (Commercial Low Intensity) to I-M (Industrial Medium Intensity) zoning for approximately 39.18 acres of property located at 145 North 35th Avenue, known as the Best Way Rezone

Summary:

The subject property is owned by the City of Greeley and was initially used only as a fire training facility; any outdoor storage was incidental to that use. A Use by Special Review for that use was approved in 2014 under the current zoning, since fire stations are an allowable use within those districts.

Since establishing that initial use, the City has an interest in additional uses for the site, given its size and location. The proposed use for outdoor storage of materials, such as recycled asphalt, would be allowed within the I-M Zone District.

The Planning Commission has considered and conditionally approved an amended Use by Special Review for the site to allow outdoor storage; to mitigate potential impacts, storage operations would be limited to between 7:00 am and sunset. The USR for outdoor storage will only become effective if the zoning change to I-M is approved, since outdoor storage is an allowed use in that district but not under the current zoning. If the property is not rezoned, the USR amendment will be void.

The Planning Commission will consider this request on August 27, 2019.

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?	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.

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

Consistency with Comprehensive Plan and Development Code standards.

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce 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 introduce the ordinance and schedule the public hearing and final reading for September 17, 2019.

Attachments:

Ordinance
Vicinity Map

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

CASE NO. ZON2018-0017

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM R-L (RESIDENTIAL LOW DENSITY), C-D (CONSERVATION DISTRICT), AND C-L (COMMERCIAL LOW INTENSITY) TO I-M (INDUSTRIAL MEDIUM INTENSITY) FOR APPROXIMATELY 39.18 ACRES LOCATED AT 145 NORTH 35TH AVENUE, KNOWN AS THE BEST WAY 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), C-D (Conservation District), and C-L (Commercial Low Intensity) to I-M (Industrial Medium Intensity) 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 _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

Legal Description

TRACT A
BEST-WAY PARK MINOR SUBDIVISION 1st REPLAT
RECEPTION NO. 4287176
CITY OF GREELEY
COUNTY OF WELD
STATE OF COLORADO

City of
Greeley
Colorado



0 125 250 375 500 Feet



Council Agenda Summary

September 3, 2019

Agenda Item Number 16

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Introduction and first reading of an ordinance regarding a 1st Amendment to the Preliminary Plan of the Promontory PUD, Areas F, L and M, located south of 16th Street, east of Promontory Parkway, and north of Highway 34 Bypass to add churches, schools and recreational area uses on a 144.67-acre parcel

Summary:

The applicants are requesting to rezone approximately 144.67 acres from PUD (Planned Unit Development) to PUD (Planned Unit Development) with amendments to Areas F, L and M 1st Amendment. The City, as applicant, is requesting to add fire station, schools and recreational areas uses, which currently are not listed allowed uses within the PUD.

The site includes the location of the planned and proposed Fire Station #6.

The existing PUD allows for the following uses: single family, multi-family, two family dwellings, townhouse dwellings, open space, and the following uses, not to exceed 15% of the acreage contained within each Planning Area: banks, savings and loans, financial intuitions, ATM's, drive-up windows, recreation uses, community recreation building, indoor, outdoor extensive (skating rinks, bowling alleys, video arcades, tennis courts, swimming pools, etc.), membership clubs, health clubs, open space, pocket park, neighborhood park, community regional park, restaurants and retails sales not to exceed 40,000 square feet.

The Planning Commission will consider this request on September 10, 2019.

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.

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

Consistency with Comprehensive Plan and Development Code standards.

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce 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 introduce the ordinance and schedule the public hearing and final reading for September 17, 2019.

Attachments:

Ordinance
Vicinity Map

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

CASE NO. ZON2019-0011

AN ORDINANCE REGARDING A 1ST AMENDMENT TO THE PRELIMINARY PLAN OF THE PROMONTORY PUD, AREAS F, L AND M, LOCATED SOUTH OF 16TH STREET, EAST OF PROMONTORY PARKWAY, AND NORTH OF HIGHWAY 34 BYPASS TO ADD CHURCHES, SCHOOLS AND RECREATIONAL AREA USES ON A 144.67-ACRE PARCEL

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 PUD (Planned Unit Development), 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 _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

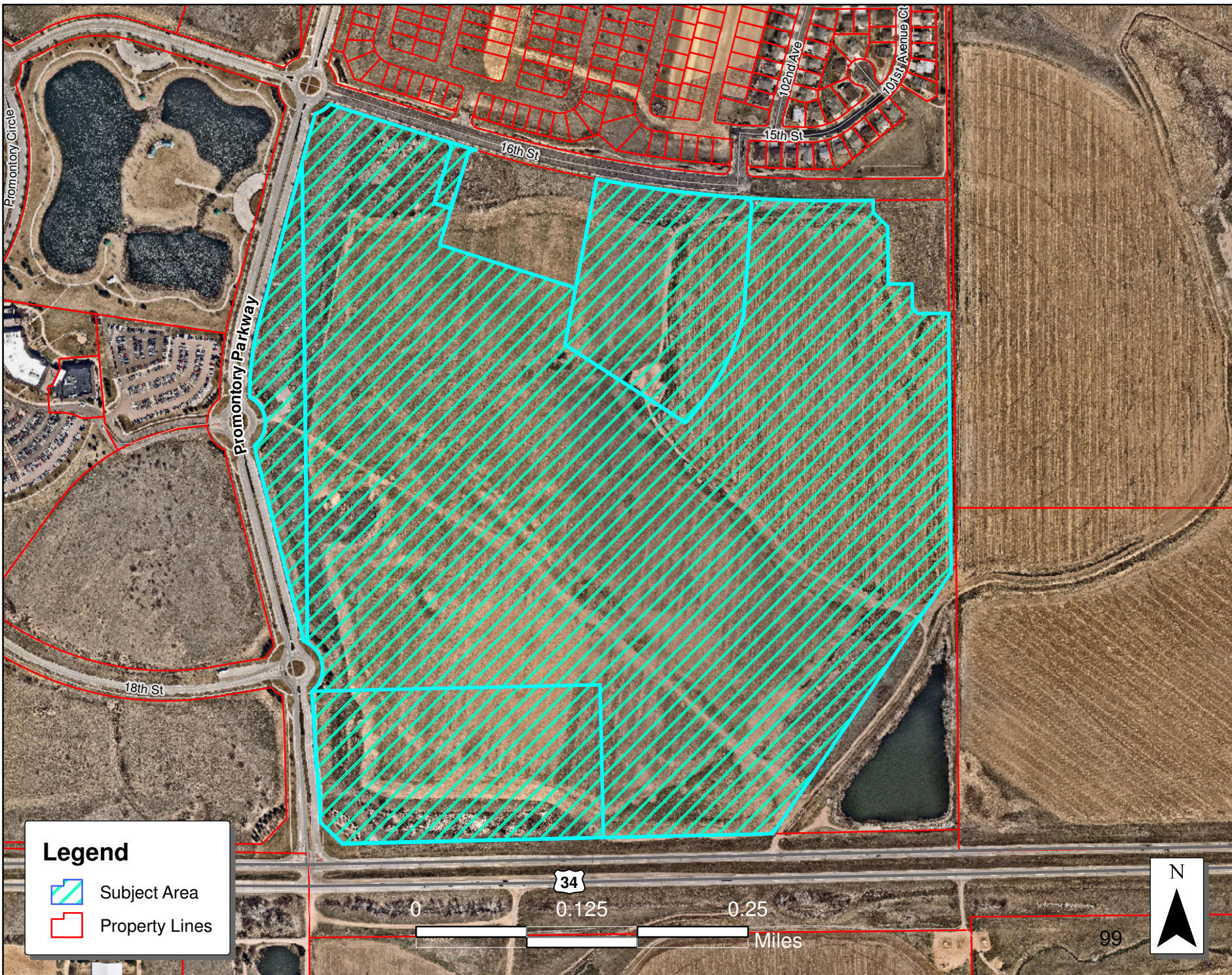
Mayor

Legal Description

Tract A, Tract B and Outlot A, Promontory Imagine School First Filing recorded August 29, 2006 as Reception No. 3415275 of the Records of Weld County, located in the East Half (E1/2) of Section Eleven (11) and in the West Half (W1/2) of Section Twelve (12), Township Five North (T.5N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado.

Said described parcel of land contains 144.670 Acres, more or less ($\pm$).

Vicinity Map



Council Agenda Summary

September 3, 2019

Agenda Item Number 17

Title

Pulled Consent Agenda Items

Council Agenda Summary

September 3, 2019

Agenda Item Number 18

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Public Hearing and Final Reading of an Ordinance amending portions of the Greeley Municipal Code Chapters 16.04 (Building Code), 16.06 (Residential Code), 16.08 (Mechanical Code), 16.10 (Property Maintenance Code), 16.12 (Existing Building Code), 16.16 (Energy Conservation Code), 16.28 (Plumbing Code), 16.30 (Fuel Gas Code) and 16.36 (Fire Code)

Summary:

The proposed code changes are made to reflect adoption of the 2018 International Building Code (IBC) and the Residential (IRC), Mechanical (IMC), Property Maintenance (IPMC), Existing Building (IEBC), Energy Conservation (IECC), Plumbing (IPC), Fuel (IFGC), and Fire (IFC) Codes. Adoption of these internationally-recognized codes is generally done approximately every three years, coincident with the work of the International Code Council. Doing so allows the City of Greeley to maintain best practices in the construction trades related to the health, safety, and welfare of its citizens. Council last adopted the current set of the 2015 International Codes, with amendments, in 2016.

The Family of International Codes

Construction-related topics are discussed at the national level. The City has a long history of amending certain elements of the adopted codes to reflect local circumstances. The few modifications found in the proposed Ordinance are either related to formatting the Code document or are minor in nature, that is, items customized to Greeley's circumstances.

Council on First Reading on August 20, 2019, voted to eliminate the residential sprinkler requirements of the standard Residential International Code, consistent with discussion at the First Reading hearing and in the prior worksession.

Council also expressed interest in eliminating the "blower test" requirement that is associated with the proposed Energy Code. The test provides inspection verification that the air leakage rate of the building has met code specifications. Following the First Reading, the City Attorney's Office received the opinion that eliminating the test would be out of compliance with the State law requiring adoption of the Energy Code. (See Legal Issues section below.)

The Review Process

The initial codes were debated and reviewed by the citizen Construction Trades Advisory and Appeals Board ("CTABB"). In addition to input from the CTAAB, the proposed changes were sent to a list of builders and realtors that have been historically

active in the Greeley area, and they were posted on the City website for the general public. A worksession was held with City Council on this topic on July 23, 2019, at which time a couple of stakeholders provided comment. Many of these concerned potential costs. Council discussed various aspects of the proposal, noting the importance of safety and efficiency, but also expressing some concerns with residential sprinkler systems in particular.

An Open House for stakeholders and the general public was held on August 1, 2019, to get additional feedback on the proposed updates. A majority of those attending expressed concerns about the potential costs related to residential sprinkler systems, particularly relative to overall housing needs in the community and to housing affordability.

The proposed Ordinance reflects discussion to date and the recommendation to update current building codes. If adopted, the effective date of these changes would be January 1, 2020.

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:	

Legal Issues:

Consideration of this matter is a legislative process. At first reading of this proposed ordinance on August 20th, members of City Council discussed amending the 2018 International Energy Conservation Code to delete the testing requirement of Section R402.4.1.2, which provides that:

"The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope."

Colorado law requires municipalities to adopt and enforce one of the three most recent versions of the International Energy Conservation Code. CRS 31-15-602 (3).

Cities may adopt local amendments as long as they do not decrease the effectiveness of the energy code. CRS 31-15-602 (6). If the City Council amends the Energy Conservation Code Section R402.4.1.2 to eliminate the testing requirement, the building official would have no way to enforce the code requirements related to air leakage rates, and the effectiveness of the energy code would be decreased. Greeley likely would be considered out of compliance with Colorado law.

The legislative process 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 Priority and Goal:

- Safety
- Economic Health & Development

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 in full.

If Council would like to eliminate the blower test related to the Energy Code, the following motion could be used:

A motion to adopt the Ordinance, adopting Section 16.15.030 of the Greeley Municipal Code, and amending Section R402.4.1.2 of the Energy Conservation Code to only read: "The building or dwelling unit shall achieve an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8."; and publish in full.

Attachments:

Attachment A Ordinance, with Appendices A through I

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

AN ORDINANCE AMENDING PORTIONS OF THE GREELEY MUNICIPAL CODE CHAPTERS 16.04 (BUILDING CODE), 16.06 (RESIDENTIAL CODE), 16.08 (MECHANICAL CODE), 16.10 (PROPERTY MAINTENANCE CODE), 16.12 (EXISTING BUILDING CODE), 16.16 (ENERGY CONSERVATION CODE), 16.28 (PLUMBING CODE), 16.30 (FUEL GAS CODE) AND 16.36 (FIRE CODE)

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to adopt the most recent publication of the International Codes, with local amendments;

WHEREAS, the City of Greeley had previously adopted the 2015 International Codes, with local amendments; and

WHEREAS, the 2018 International Codes have been published and are the most recent editions.

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

Section 1. Chapter 16.04, Building Code, of the Greeley Municipal Code, is amended as set forth in Appendix A to this ordinance.

Section 2. Chapter 16.06, Residential Code, of the Greeley Municipal Code, is amended as set forth in Appendix B to this ordinance.

Section 3. Chapter 16.08, Mechanical Code, of the Greeley Municipal Code, is amended as set forth in Appendix C to this ordinance.

Section 4. Chapter 16.10, Property Maintenance Code, of the Greeley Municipal Code, is amended as set forth in Appendix D to this ordinance.

Section 5. Chapter 16.12, Existing Building Code, of the Greeley Municipal Code, is amended as set forth in Appendix E to this ordinance.

Section 7. Chapter 16.28, Plumbing Code, of the Greeley Municipal Code, is amended as set forth in Appendix F to this ordinance.

Section 8. Chapter 16.30, Fuel Gas Code, of the Greeley Municipal Code, is amended as set forth in Appendix G to this ordinance.

Section 9. Chapter 16.16, Energy Conservation Code, of the Greeley Municipal Code, is amended as set forth in Appendix H to this ordinance.

Section 10. Chapter 16.36, Fire Code, of the Greeley Municipal Code, is amended as set forth in Appendix I to this ordinance.

Section 11. This ordinance shall become effective January 1, 2020.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

APPENDIX A

Greeley Municipal Code Chapter 16.04 is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

16.04.010 - International Building Code adopted.

The International Building Code, 2015-2018 Edition, is hereby adopted by reference for the City, except as amended in this Chapter, and is hereinafter referred to as the "Building Code." The Building Code is published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298. The Building Code provides the standards for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures.

16.04.020 - Additions, deletions and amendments to Building Code designated.

Sections 105.2, 109.3, 109.4, 109.6, 109.7, 110.3.5, 110.6, 113.1, 113.2, 113.3, 113.4, 114.1, 114.4, 406.3.4(1) 406.3.2.1, 419.1.1(5), 1008.3, ~~1507.2.9.4~~, ~~1507.2.9.5~~, 1608.2, 1907.2 and 2707.1 of the Building Code are hereby enacted as amended, added or deleted to read as set out in Sections ~~16.04.040~~ through ~~16.04.210~~ below.

16.04.140 - Section ~~406.3.4(1)~~ 406.3.2.1 amended; Separation Dwelling unit separation.

Section ~~406.3.4(1)~~ 406.3.2.1 of the Building Code is amended to read as follows:

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum board or equivalent applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum board or equivalent. Where the separation is a floor-ceiling assembly, or the ceiling is providing separation, the structure supporting the separation shall also be protected by not less than $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than $1\frac{3}{8}$ inches (34.9 mm) thick, or doors in compliance with Section 716.5.3 with a fire protection rating of not less than 20 minutes. Doors shall be self-closing and self-latching.

~~16.04.180 - Section 1507.2.9.4 added; Sidewall flashing.~~

~~Section 1507.2.9.4 of the Building Code is added to read as follows:~~

~~**1507.2.9.4 Sidewall flashing.** Flashing against a vertical sidewall shall be by the step flashing method. The flashing shall be a minimum of 4 inches (102 mm) high and 4 inches (102 mm) wide. At the end of the vertical sidewall the step flashing shall be turned out in a manner that directs water away from the wall and onto the roof and/or gutter.~~

~~16.04.190 – Section 1507.2.9.5 added; Other flashing.~~

~~Section 1507.2.9.5 of the Building Code is added to read as follows:~~

~~**1507.2.9.5 Other flashing.** Flashing against a vertical front wall, as well as soil stack, vent pipe and chimney flashing, shall be applied according to the asphalt shingle manufacturer's printed instructions.~~

16.04.210 - Section 2701.1 amended; Scope.

Section 2701.1 of the Building Code is amended to read as follows:

~~**2701.1 Scope.** This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the adopted National Electrical Code. Other references within this code regarding electrical shall be considered amended to read "the adopted National Electrical Code".~~

2701.1 Scope. The provisions of this chapter and NFPA 70 shall govern the design, construction, erection and installation of the electrical components, appliances, equipment and systems used in buildings and structures covered by this code. The *International Fire Code*, the *International Property Maintenance Code* and NFPA 70 shall govern the use and maintenance of electrical components, appliances, equipment and systems. The *International Existing Building Code* and the adopted NFPA 70 shall govern the alteration, repair, relocation, replacement and addition of electrical components, appliances, or equipment and systems.

APPENDIX B

Greeley Municipal Code Chapter 16.06 is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

16.06.010 - International Residential Code adopted.

The International Residential Code 2015-2018 Edition, is hereby adopted by reference for the City, except as amended in this Chapter, and is hereinafter referred to as the "Residential Code." The Residential Code is published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298. The Residential Code provides the standards for the design, erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of one- and two-family dwellings and townhouses.

16.06.020 - Additions, deletions and amendments to Residential Code designated.

Sections R105.2~~-(1)~~, R108.3, R108.5, R108.6, R108.7, R109.4, R112, R113.1, R113.4, Table R301.2(1), R302.3(2), Table R302.6, R302.7, R302.11(3), R310.1, R310.5, R311.3.2, ~~R313.2, R327-R328,~~ R405.2.3, R405.2.3.1, R506.3, M1801.1, G2412.9, G2412.10, G2415.9, G2415.12, G2417.4.1, G2417.4.2, G2425.8(7), G2445, P2603.5, P2705.1(5), P2708.1, P2708.1(2), P2718.1, P2904.3.1, P2904.8.1, P2904.8.1(6), Table 3005.4.1, P3005.4.2, Table 3005.4.2, 3007.6, Table P3105.1, P3107.3, Table P3107.3, P3108.3, Table P3108.3, P3109.4, Table P3109.4, P3110.1, P3114.3, Table P3201.7 and Part VIII of the Residential Code are hereby enacted as amended, added or deleted to read as set out in Sections ~~16.06.025~~ 16.06.030 through 16.06.500 below.

16.06.030 - Section R105.2 (1) amended; Work exempt from permit.

Section R.105.2~~-(1)~~ of the Residential Code is amended to read as follows:

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures ~~used as tool and storage sheds, playhouses and similar uses,~~ provided the floor area does not exceed 120 square feet (11.15 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2:1.

5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
9. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Note: All flatwork requires a permit and shall comply with the applicable provisions of Section 18.38.020 of the Development Code.

16.06.140 - Section R302.7 amended; Under stair protection.

Section R302.7 of the Residential Code is amended to read as follows:

R302.7 Under stair protection. Enclosed accessible space under stairs that is accessed by a door or access panel shall have walls, under stair surface and any soffits protected on the enclosed side with 5/8-inch (15.9 mm) Type X gypsum board or equivalent.

16.06.185 - Section R313.2 ~~deleted~~ amended; One- and two-family dwellings automatic fire sprinkler systems.

Section R313.2 of the Residential Code, adopted at [Section 16.06.010](#) is ~~deleted in its entirety.~~ amended to read as follows:

~~R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings all single-family dwellings exceeding 5,000 square feet, including unfinished and finished basements, all levels above grade, including finished and unfished habitable attic spaces, and in all two-family dwellings.~~

16.06.200 - Section ~~R327-R328~~ added; Electric ~~Fences~~ fences.

Section ~~R327-R328~~ of the Residential Code is added in its entirety to read as follows:

SECTION ~~R327-R328~~ ELECTRIC FENCES

~~R324.1-R328.1~~ Definition. For the purposes of this section, any fence using, carrying or transmitting an electrical current for any purpose is considered an electric fence.

~~R324.2-R328.2~~ Permit required. In all cases, electric fences will require approval, and a building permit. All electrical components must be listed and labeled,

by a nationally recognized independent testing agency, and installations must be made per the manufacturer's specifications, and the listing requirements.

~~R324.3–R328.3~~ Signs. Permanent signs stating "DANGER, ELECTRIC FENCE" must be installed on or around the fence, as deemed necessary by the Building Inspection Division.

~~R324.4–R328.4~~ Location. All electric fences must be installed inside a non-electric fence, placed so as to prevent accidental contact from the outside. This subsection does not apply to approved agricultural uses.

~~R324.5–R328.5~~ Existing fences. Any existing electric fence identified after the adoption of this code that does not conform to these requirements, shall have 60 days from the date of identification of the fence to come into compliance with these requirements, or ~~remove~~ the electric fence shall be removed.

16.06.210 - Section R405.2.3 amended; Drainage system.

Section ~~R405.1.2–R405.2.3~~ of the Residential Code is amended to read as follows:

R405.2.3 Sump pit Drainage system. Where it is not possible to convey the drainage by gravity, subsoil drains shall discharge to an accessible sump pit. A sump pit shall be at least eighteen (18) inches (457 mm) in diameter, twenty-four (24) inches (610 mm) in depth, and provided with a fitted cover including rough-in discharge piping. The sump pump, if provided, shall have an adequate capacity to discharge all water coming into the sump as it accumulates to the required discharge point, and the capacity of the pump shall not be less than fifteen (15) gpm (1.0 L/s).

The discharge piping for the sump pump shall include the following:

- (1) Be one and one-half (1½) inches in diameter;
- (2) Terminate within five (5) feet horizontally of the sump pit;
- (3) Extend a minimum of twelve (12) inches below the floor joists above;
- (4) Terminate at the exterior of the structure with a removable cap.

APPENDIX C

Greeley Municipal Code Chapter 16.08 is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

16.08.010 - International Mechanical Code adopted.

The International Mechanical Code, ~~2015~~2018 Edition, is hereby adopted by reference for the City, except as amended in this Chapter, and is hereinafter referred to as the "Mechanical Code." The Mechanical Code is published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298. The Mechanical Code provides the standards for the design, installation, alteration and inspection of mechanical systems within this jurisdiction.

APPENDIX D

Greeley Municipal Code Chapter 16.10 is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

16.10.010 - International Property Maintenance Code adopted.

The International Property Maintenance Code, ~~2015~~2018 Edition, is hereby adopted by reference for the City, except as amended in this Chapter, and is hereinafter referred to as the "Property Maintenance Code." The Property Maintenance Code is published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298. The Property Maintenance Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

APPENDIX E

Greeley Municipal Code Chapter 16.12 is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

16.12.010 - International Existing Building Code adopted.

The International Existing Building Code, 2015-2018 Edition, is hereby adopted by reference for the City, except as amended in this Chapter, and is hereinafter referred to as the "Existing Building Code." The Existing Building Code is published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298. The Existing Building Code provides the standards for the alteration, repair, addition, moving, change of occupancy and relocation of existing buildings.

16.12.020 - Additions, deletions and amendments to Existing Building Code designated.

Sections 108.4, 112.1, and 113.4 ~~and 1401.2~~ of the Existing Building Code are hereby enacted as amended, added or deleted to read as set out in Sections 16.12.040 through ~~16.12.070~~ 16.12.060 below.

~~16.12.070—Section 1401.2 amended; applicability.~~

~~Section 1401.2 of the Existing Building Code is amended to read as follows:~~

~~**1401.2 Applicability.** Structures existing at the time of adoption of this code in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this Chapter or the provisions of Chapters 5 through 13. The provisions of Sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.~~

APPENDIX F

Greeley Municipal Code Chapter 16.28 is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

16.28.010 - International Plumbing Code adopted.

The International Plumbing Code, ~~2015-2018~~ Edition, is hereby adopted by reference for the City, except as amended in this Chapter, and is hereinafter referred to as the "Plumbing Code." The Plumbing Code is published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298. The Plumbing Code provides the standards for erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction.

16.28.020 - Additions, deletions and amendments to Plumbing Code designated.

Sections 106.6.3, 108.4, 108.5, 109, 305.4, 405.3.1, ~~405.5-405.6~~ 406.2, ~~414.2-417.2, 417.4-421.4, 421.4~~ Exception, 712.4.2, 712.4.3, Table 906.1, Table 909.1, 914.1, 915.3, 918.3, 1003.3.4.1, 1103.1, 1113.1.2, and 1113.1.3 of the Plumbing Code are hereby enacted as amended, added or deleted to read as set out in Sections 16.28.030 through 16.28.240 of this Chapter.

16.28.090 - Section ~~405.5-405.6~~ amended; Water-tight joints.

Section ~~405.5-405.6~~ of the Plumbing Code is amended to read as follows:

~~405.5-405.6~~ **Water-tight joints.** In facilities designed for public use, joints formed where fixtures come in contact with walls or floors shall be sealed.

16.28.110 - Section ~~414.2-417.2~~ amended; Waste connection.

Section ~~414.2-417.2~~ of the Plumbing Code is amended to read as follows:

~~414.2-417.2~~ **Waste connection.** Garbage can washers shall be located only in weather-tight enclosures and shall be trapped separately. The receptacle receiving the waste from the washer shall have a removable basket or strainer to prevent the discharge of large particles into the drainage system.

16.28.120 - Section ~~417.4-421.4~~ amended; Shower compartments.

Section ~~417.4-421.4~~ of the Plumbing Code is amended to read as follows:

~~417.4-421.4~~ **Shower compartments.** All shower compartments shall have a minimum of 1,024 square inches (.66 m²) of interior cross-sectional area. Shower compartments shall not be less than 32 inches (813 mm) in minimum dimension measured from the finished interior dimension of the compartment, exclusive of fixture valves, showerheads, soap dishes, and safety grab bars or rails. Except as required in Section 404, the minimum required area and dimension shall be measured from the finished interior dimension at a height equal to the top of the threshold and at a point tangent to its centerline and shall be continued to a height not less than 70 inches (1,778 mm) above the shower drain outlet.

16.28.130 - Section ~~417.4~~421.4 deleted; Exception, Shower compartments.

Section ~~417.4~~421.4, Exception, of the Plumbing Code is deleted in its entirety.

APPENDIX G

Greeley Municipal Code Chapter 16.30 is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

16.30.010 - International Fuel Gas Code adopted.

The International Fuel Gas Code, ~~2015~~2018 Edition, is hereby adopted by reference for the City, except as amended in this Chapter, and is hereinafter referred to as the "Fuel Gas Code." The Fuel Gas Code is published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298. The Fuel Gas Code shall apply to the installation of fuel-gas piping systems, fuel-gas utilization equipment and related accessories.

16.30.020 - Additions, deletions and amendments to Fuel Gas Code designated.

Sections 106.6.3, 108.4, 108.5, 109, 401.9, 401.10, 404.9, 404.12, 406.4.1, 406.4.2, and 621 of the Fuel Gas Code are hereby enacted as amended, added, or deleted to read as set out in Sections ~~16.30.060~~16.30.030 through 16.30.110 of this Chapter.

APPENDIX H

Greeley Municipal Code Chapter 16.16 is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

16.16.010 - International Energy Conservation Code adopted.

The International Energy Conservation Code, ~~2009~~2018 Edition, is hereby adopted by reference for the City, except as amended in this Chapter, and is hereinafter referred to as the "Energy Conservation Code." The Energy Conservation Code is published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298. The Energy Conservation Code regulates the design and construction of buildings for the effective use of energy.

APPENDIX I

Greeley Municipal Code Chapter 16.36 is amended as follows (additions indicated by underline; deletions indicated by strikethrough):

16.16.010 - International Fire Code adopted.

The International Fire Code, ~~2015-2018~~ Edition, is hereby adopted by reference for the City, except as amended in this Chapter, and is hereinafter referred to as the "Fire Code." The Fire Code is published by the International Code Council, Inc., 5360 Workman Mill Road, Whittier, CA 90601-2298. The Fire Code shall establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life, safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations.

16.06.020 - Additions, deletions and amendments to Fire Code designated.

Sections 101.1, 102.3, 102.4, 102.7, 104.1.1, 105.6.32, ~~108.1~~ 109.1, ~~109.4~~ 110.4, ~~111.4~~ 112.4, 903.2.8, 5504.3.1.1.3, 5704.2.9.6.1, 5706.3.1, 5706.3.1.1, 5706.3.1.2, 5706.3.1.3.1, 5706.3.1.3.2, 6104.2.1 and 6104.3.2 of the Fire Code are hereby enacted as amended, added or deleted to read as set out in Sections 16.36.020 through 16.36.200 of this Chapter.

16.36.080 - Section ~~108.1~~ 109.1 amended; Appeals process.

Section ~~108.1~~ 109.1 of the Fire Code is amended to read as follows:

~~108.1~~ 109.1 Appeals process. All appeals shall first be made in writing to the Fire Marshal. A subsequent appeal to the Fire Marshal's decision shall be made in writing to the Fire Chief. An appeal to the Fire Chiefs decision shall be made in writing to the City of Greeley Construction Trades Advisory and Appeals Board. All decisions and findings shall be rendered in writing to the appellant with a duplicate copy filed in the Office of the Fire Marshal. Rulings by the City of Greeley Construction Trades Advisory and Appeals Board shall be final.

16.36.090 - Section ~~109.4~~ 110.4 amended; Violation penalties.

Section ~~109.4~~ 110.4 of the Fire Code is amended to read as follows:

~~109.4~~ 110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, and subject to the sentencing guidelines of Chapter 1.33 of the Greeley Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

16.36.100 - Section ~~111.4~~ 112.4 amended; Failure to comply.

Section ~~111.4~~ 112.4 of the Fire Code is amended to read as follows:

~~111.4~~ 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor, and subject to the sentencing guidelines of Chapter 1.33 of the Greeley Municipal Code.



International Building Codes Periodic Update

Greeley City Council Hearing
September 3, 2019

Re-adoption of Codes

- ▶ International Building, Residential, Plumbing, Mechanical, Fuel Gas, Existing Building, Property Maintenance, and Energy Conservation Codes
- ▶ It is typical to have some city-specific amendments, usually as carry-overs from cycle to cycle, or minor new elements

Process

- ▶ After the international community completes its 3-year review, staff analyzes the proposed updates and seeks input from the Construction Trades Advisory and Appeals Board (CTAAB)
- ▶ Review included inviting comments from the development community and, after a Council worksession on July 23, an open house
- ▶ Amendments associated with the Residential Code is included in the draft Ordinance
- ▶ Legal opinion received regarding the Energy Code

Questions

Council Agenda Summary

September 3, 2019

Agenda Item Number 19

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Public hearing and final reading of an ordinance to consider a change of zone from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity) zoning for approximately .66 acres of property located at 3529 4th Street known as the 354 Business Park Rezone #2, and changing the official zoning map to reflect the same

Summary:

The City of Greeley is considering a request from David Lee and Lief Jensen to rezone approximately .66 acres of land, located at 3529 4th Street, from I-M (Industrial Medium Intensity) zone district to the C-H (Commercial High Intensity) zone district.

The Planning Commission considered this request on August 13, 2019 and unanimously recommended approval to City Council.

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?	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.

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

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:

- A) A motion that, based on the application received and subsequent staff analysis, the proposed rezone from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity) meets Development Code Section 18.30.050(c)(3) f, g and h and 18.30.055; and, therefore, approves the rezone.
- B) A motion to adopt the map change and publish the ordinance with reference to title only.

Attachments:

Ordinance

Planning Commission Minutes-Draft (August 13, 2019)

Planning Commission Summary (Staff Report) (August 13, 2019)

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

CASE NO. ZON2019-0005

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM I-M (INDUSTRIAL MEDIUM INTENSITY) TO C-H (COMMERCIAL HIGH INTENSITY) ZONING FOR APPROXIMATELY .66 ACRES OF PROPERTY LOCATED AT 3529 4TH STREET KNOWN AS THE 354 BUSINESS PARK REZONE #2

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-M (Industrial Medium Intensity) to C-H (Commercial High Intensity), 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 _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

Legal Description

A PARCEL OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 2, AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 TO BEAR NORTH 06°10'17" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 84°45'56" EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., A DISTANCE OF 10.00 FEET TO A POINT ON THE CENTERLINE OF 35TH AVENUE RIGHT-OF-WAY;

THENCE NORTH 06°10'17" EAST ALONG THE CENTERLINE OF 35TH AVENUE, BEING PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 266.13 FEET, TO THE POINT OF BEGINNING;

THENCE NORTH 89°55'38" WEST AND BEING PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 591.90 FEET;

THENCE SOUTH 06°10'17" WEST AND BEING PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 265.23 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, SAID LINE ALSO BEING THE CENTERLINE OF 4TH STREET;

THENCE NORTH 89°55'38" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, SAID LINE ALSO BEING THE CENTERLINE OF 4TH STREET RIGHT-OF-WAY, A DISTANCE OF 3.55 FEET;

THENCE NORTH 06°10'17" EAST AND BEING PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 311.99 FEET;

THENCE SOUTH 89°55'38" EAST AND BEING PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 595.45 FEET TO A POINT ON THE CENTERLINE OF 35TH AVENUE RIGHT-OF-WAY;

THENCE SOUTH 06°10'17" WEST ALONG THE CENTERLINE OF 35TH AVENUE RIGHT-OF-WAY, A DISTANCE OF 46.76 FEET TO THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 28,624 SQUARE FEET (0.66 ACRES), MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



PLANNING COMMISSION Proceedings

August 13, 2019

**City Center South
Council Chambers Room
1001 11th Avenue
1:15 p.m.**

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m. Commissioners Schulte, Modlin, Briscoe, Rarick and Romulo were present. Commissioner Andersen was absent.

II. A public hearing to consider a request to vacate portion of an alley right-of-way between 1528 and 1530 3rd Avenue in the I-L (Industrial Low Intensity) and R-H (Residential High Density) zone districts

Project Name: Sanborn Subdivision Alley Right-of-Way Vacation
Case No.: ROW2019-0002
Applicant: Joshua Tikal
Location: East of 3rd Avenue and west of 2nd Avenue
Presenter: Darrell Gesick, Planner III

Mr. Gesick addressed the Commission and entered his staff report into the record. He stated the location and presented aerial maps. Mr. Gesick briefly described the proposal and shared some background about the location along with its surroundings. He also presented vacation exhibits and stated the Greeley Developmental Code Section 18.04.810 (d). Mr. Gesick stated that the administrative review team reviewed this proposal, and there are no outstanding comments pertaining to the right-of-way vacation request. Mr. Gesick stated that neighborhood notices were mailed out to surrounding property owners and no comments have been received. Therefore, staff recommends approval.

Commissioner Modlin questioned the location of the alley right-of-way and any future changes. Mr. Gesick stated that the neighboring property owner adjacent to the alley did not want to be part of the proposal at this time. The property owner at 1530 is in the process of building an addition. Therefore, the applicant is requesting to vacate the portion that is adjacent to the property. Mr. Gesick stated that later in the future property owners of

developments, for example dividing the property. Mr. Gesick stated that this zoning would allow for multiple uses if they decide to divide. He clarified that they would have to go through a land use action to provide proof of appropriate use.

Applicant Joshua Tikal addressed the Commission and offered to answer any questions.

Commissioner Yeater opened the public hearing at 1:28 p.m. There being no comment, the public hearing closed at 1:28 p.m.

Commissioner Schulte moved 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) a, b, e, f, and g; and therefore, recommend approval of the rezone to the City Council. Commissioner Briscoe seconded the motion. The motion carried 7-0.

IV. A public hearing to consider a request to rezone approximately .66 acres from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity)

Project Name: 354 Business Park Rezone #2
Case No.: ZON2019-0005
Applicant: David Lee and Lief Jensen
Location: 3529 4th Street
Presenter: Caleb Jackson, Planner II

Mr. Jackson addressed the Commission and entered the staff report into the record. Mr. Jackson stated the location and surrounding land uses along with site characteristics. He shared background about the subject site and its surroundings. He commented that this was previously rezoned. Mr. Jackson stated that the new rezone request being proposed is for a rezone from I-M to C-H. He stated that the applicant is currently going through a subdivision process that is going to require additional right-of-way to be dedicated along Fourth Street as well as 35th Avenue.

Mr. Jackson stated that staff has reviewed this proposal and finds no major impacts. He commented that there is an infrastructure on this site. The city is envisioning a growth in this area, and is planning to widen 35th adjacent to this site in the following year. Mr. Jackson stated that staff is working in conjunction with the applicant for development on access points and landscaping for this site and additional improvements related to the widening project. Mr. Jackson provided a Zoning Suitability Map showing the property is suitable for redevelopment with commercial standards in the Development Code. Mr. Jackson stated that notices were mailed to property owners within 500 ft. of the subject site. No comments have been received at this time. Therefore, staff recommends approval.

Commissioner Rarick asked if any responses were received from the notice letter. Mr. Jackson clarified that none were received. Commissioner Schulte questioned what the previous rezoning was, and what had changed in the last year. Commissioner Schulte expressed his concerns about spot zoning. Mr. Jackson stated that both parcels were previously zoning R-L. The application was submitted last year to rezone the front parcel

to Commercial High Intensity and the remainder to Industrial Medium Intensity. He clarified that this proposal just enlarged the commercial portion to accumulate enough land to see the commercial uses that were intended for these sites to be realized. Commissioner Schulte asked why this had not been originally done. Mr. Jackson stated this adjustment is based on the finding with the minor subdivision process and additional right-of way that will be dedicated and land that was not anticipated to develop at that time. Commissioner Andersen asked if the applicant was aware of the current anticipated changes in this area. Commissioner Modlin questioned the zoning of the location and asked why not apply for a Use by Special Review instead of a Rezone request. Mr. Jackson stated that Industrial Medium does allowed for outdoor storage area. Mr. Jackson also stated that this would decrease the amount of area done administratively.

Applicant Robert Molloy addressed the Commission and clarified some of the questions about ownership. He stated that the rezone previously made was based on the previous owners and their needs to redevelop. Mr. Molloy addressed the concerns about the zoning boundary lines, and he stated that they are working to match the proposed property lines. Mr. Molloy summarized that there not being any detrimental environmental impacts that would affect future development on this site.

Commissioner Yeater opened public hearing at 1:41 p.m. There being no comment, the public hearing closed at 1:41 p.m.

Commissioner Yeater asked if there was currently a right-of-way on Fourth Street that the city is looking to vacate. Mr. Jackson stated that the right-of-way required is to match what is on the west where the right-of-way does extend to the property, to accommodate the typical roadway section for our transportation master plan. Staff does not anticipate any future issues.

Commissioner Andersen moved that, based on the application received and the Project Summary and accompanying analysis, the Planning Commission find that the proposed rezone from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity) meets the applicable Development Code criteria, Sections 18.30.050(c) (3) f, g, and h and 18.30.055; and therefore, recommends approval of the rezone to the City Council. Commissioner Rarick seconded the motion. The motion carried 7-0

V. A public hearing to consider a use by special review request for recreational vehicle sales on land over one (1) acres in size located in the I-L (Industrial Low Intensity) zone district

Project Name: Great Outdoors RV Sales USR
Case No.: USR 2018-0006
Applicant: Clifford Netuschil, on behalf of Great Outdoors RV Company
Location: North of 21st Street, south of Highway 34, and east of State Highway 257
Presenter: Darrell Gesick, Planner III

Mr. Gesick addressed the Commission and entered the staff report into the record. He stated the location and presented zoning and vicinity maps. Mr. Gesick briefly described the proposal and shared some background about the location and its

PLANNING COMMISSION SUMMARY

ITEM: Rezone from I-M (Industrial Medium Intensity) zone district to C-H (Commercial High Intensity) zone district

FILE NUMBER: ZON2019-0005

PROJECT: 354 Business Park Rezone #2

LOCATION: 3529 4th Street

APPLICANT: Robert Molloy on behalf of David Lee & Lief Jensen

CASE PLANNER: Caleb Jackson AICP, Planner II

PLANNING COMMISSION HEARING DATE: August 13, 2019

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 applicant, Robert Molloy on behalf of David Lee & Lief Jensen, is requesting to rezone 0.66 acres of land located at 3529 4th Street from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity). (*see Attachment A – Vicinity Map, Attachment B – Zoning Boundary Map*).

A. REQUEST

Approval to rezone 0.66 acres from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity) (*see Attachment B – Zoning Boundary Map*).

B. STAFF RECOMMENDATION

Approval

C. LOCATION

Abutting Zoning:

North: I-M (Industrial Medium Intensity)
South: C-H (Commercial High Intensity)
R-M (Residential Medium Density)
East: R-M (Residential Medium Density)
West: I-M (Industrial Medium Intensity)

Surrounding Land Uses:

North: Undeveloped
South: Single-Family Dwellings
East: Church
West: Undeveloped

Site Characteristics:

The subject rezone spans portions of two parcels of land generally located at 3529 4th Street. The strip proposed for rezoning currently contains non-compliant RV and boat storage and a portion of an accessory structure. A Minor Subdivision application is in process to provide two commercial lots along 4th Street and retain the remaining industrial acreage in a separate lot. A Design Review is in process to bring the RV and boat storage into compliance on a portion of the industrial land. The area slopes in a manner to guide drainage to the northeast, and the larger site is currently developed with three single-family dwellings and a variety of accessory structures (*see Attachment D – Site Analysis Map*).

BACKGROUND

The subject area consists of portions of two parcels that were developed in unincorporated Weld County. The subject site became an enclave in 1985 and was annexed into the city as an enclave annexation, known as Ruyle Annexation, in 2004 (Rec No. 0003224667). The City's process is to document existing land uses at the time of annexation and verify lawful establishment in order to inform decisions for future land use and zoning. At the time of annexation, the properties contained three single-family residences, one mobile home, one auto repair facility, a corral containment and various farm structures, and recreational vehicle and boat storage. The land uses existing were permitted except for the recreational vehicle and boat storage, which was established on the property without consultation or permission from Weld County. Therefore, with the exception of recreational vehicle and boat storage, all other uses were considered lawful non-conforming under the established R-L zoning (*see Attachment C – Ruyle Annexation Memorandum of Understanding*).

Given their advanced age, the property owners requested that the recreational vehicle and boat storage be allowed to continue under their ownership, because it provided them an important source of income. The City entered into a Memorandum of Understanding with Orman and Marguerite Ruyle to allow the recreational vehicle and boat storage under its current operations, not to be intensified or the use to be continued upon the transfer of property without City approval. A Design Review is in process to bring the RV and boat storage into conformance with Development Code standards. (*see Attachment C – Ruyle Annexation Memorandum of Understanding and Attachment D – Site Analysis Map*).

The subject parcels were rezoned in 2018 from R-L (Residential Low Density) to C-H (Commercial High Intensity) and I-M (Industrial Medium Intensity). The applicant is requesting to rezone .66 acres of land, in an effort to assemble enough land to accommodate commercial uses along 4th Street. The applicant has also submitted a minor subdivision

(SUB2019-0006), which would reconfigure the existing two parcels into three lots and provide adequate right-of-way for the upcoming widening of 35th Avenue and future improvements to 4th Street.

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: This area of the community has grown significantly since the site was originally developed, and multiple applications are underway to provide additional housing in the vicinity including around 150 mobile homes at the southwest corner of N 35th Avenue at C Street and 256 units near 2900 C Street. Being at the intersection of two arterial roads, it is in the City's interest to rezone the property as proposed to accommodate commercial uses at this site and encourage redevelopment.

The proposal 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 subject site was rezoned in 2018. However, the existing zoning is insufficient in area to accommodate the intended commercial uses at the site.

The proposal does not comply 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 that would affect the zoning or potential redevelopment.

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 rezone request is not necessary to provide land for community related uses.

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: Staff believes that no significant impacts would occur unmitigated with redevelopment following the proposed rezone. No environmental impacts are anticipated upon redevelopment, and noise generation must comply with the Municipal Code.

With redevelopment, any new uses would require land use review and approval. The existing RV and boat storage is undergoing a Design Review to achieve compliance. Staff believes that redevelopment of the larger site would have positive visual impacts overall when redeveloped in accordance with Development Code standards. City services to the site are adequate to accommodate redevelopment.

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 Imagine Greeley Comprehensive Plan policies apply to this request:

Growth & City Form:

- **GC-2.5 Neighborhood Centers** – *Promote neighborhood centers—small scale retail areas providing basic commercial goods and services—to locate within a walkable distance of residences, usually a quarter-mile or less.*
- **GC-6.3 Neighborhood Character** – *Maintain, enhance, and protect the character of established neighborhoods while recognizing the need for established neighborhoods to evolve to meet community needs.*

Staff Comment: The proposed rezone has the potential to provide goods and services at a neighborhood scale with the requested C-H zone district. There are currently very few commercial businesses on the 4th Street corridor or in the immediate area. The closest goods and services are approximately a half mile south of the subject site along 10th Street.

Furthermore, the requested rezone would not significantly alter the uses historically onsite. What the rezone would do, is require any redevelopment to meet city development standards for commercial development. Staff believes the redevelopment of this corner would enhance the character of the neighborhood, provide better screening to adjacent residential neighbors, and improve the connectivity in the area.

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: The provided Zoning Suitability Map shows that the property is suitable for redevelopment with commercial standards in the Development Code.

The proposal complies with this criterion.

D. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject site consists of two unplatted parcels that were developed in unincorporated Weld County. A Minor Subdivision is in process to create two commercial lots along 4th Street and maintain the industrial area in a separate lot.

2. HAZARDS

There are no known environmental hazards within the subject area.

3. WILDLIFE

There are no known significant wildlife species in the subject area, and the site is not identified as an area of ecological significance that would be affected by development.

4. FLOODPLAIN

The subject site is not within an identified floodway or floodplain.

5. DRAINAGE AND EROSION

Drainage is anticipated to flow northwards towards the detention area on the City-owned property to the north. Erosion will be mitigated in accordance with City standards. Drainage and erosion control plans are reviewed prior to development occurring.

6. TRANSPORTATION

The subject site has adequate connectivity, being situated at the intersection of two arterial roads. The City is drafting plans for widening 35th Avenue, and is collaborating with the site owners regarding access points. Right-of-way to help accommodate widening along 35th Avenue and future improvements along 4th Street is being dedicated with the Minor Subdivision. Improvements, such as turn lanes, must be provided in concert with redevelopment as identified in the Traffic Impact Study.

E. SERVICES

1. WATER

Adequate water mains exist in both 4th Street and 35th Avenue to serve commercial uses at the site.

The single-family dwelling addressed as 2529 4th Street has a ¾-inch water tap. It is suspected that the tap is compound and serving other structures on the properties as well. When 4th Street was expanded, the City installed two additional water taps to provided and stubbed to the property line. These taps were stubbed out with the understanding that plant investment fees would be assessed and paid prior to any connections being made. Upon redevelopment, the developer would be required to connect all properties to city water and upgrade tap sizes if necessary (*see Attachment C – Ruyle Annexation Memorandum of Understanding*).

2. SANITATION

Adequate wastewater mains are located in 4th Street and 35th Avenue to serve commercial uses at the site.

There is an existing 4-inch sewer tap that serves the single-family dwelling addressed as 3529 4th Street. At the time of annexation, sanitary sewer service to the remaining structures could not be confirmed. Additional sewer taps were stubbed out to the property line during 4th Street expansion. Upon redevelopment, properties would be required to adequately connect to city sewer and pay plant investment fees (*see Attachment C – Ruyle Annexation Memorandum of Understanding*).

3. EMERGENCY SERVICES

The site has adequate emergency services. Fire Station #3 is located about one-tenth of a mile from the subject site. The nearest police station is located on 10th Street at 28th Avenue, approximately one mile from the subject site.

4. PARKS/OPEN SPACES

The area is adequately served by nearby parks. The Parks, Trails, and Open Lands Plan does not anticipate the need for a park at this location. No public parks or public open space areas are proposed with this request.

5. SCHOOLS

The proposed rezone is neither anticipated to impact local school sites nor affect enrollment.

F. NEIGHBORHOOD IMPACTS

1. VISUAL

The proposed rezone is not anticipated to cause any visual impacts. Any future redevelopment will be regulated by the Development Code.

2. NOISE

The proposed rezone is not anticipated to create appreciable noise impacts. Any potential noise created by redevelopment of this site in the future will be regulated by the Municipal Code.

G. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to property owners within 500 ft. of the subject site on July 26, 2019. Two signs were posted on the site on July 25, 2019. No comments have been received to date.

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-M (Industrial Medium Intensity) to C-H (Commercial High Intensity) meets the applicable Development Code criteria, Sections 18.30.050(c)(3) f, g, and h and 18.30.055; and therefore, recommends approval of the rezone to the City Council.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Zoning Boundary Map

Attachment C – Ruyle Annexation Memorandum of Understanding

Attachment D – Site Analysis Map

Attachment E – Narrative

Attachment F – Zoning Suitability Map

Vicinity Map



LEGEND



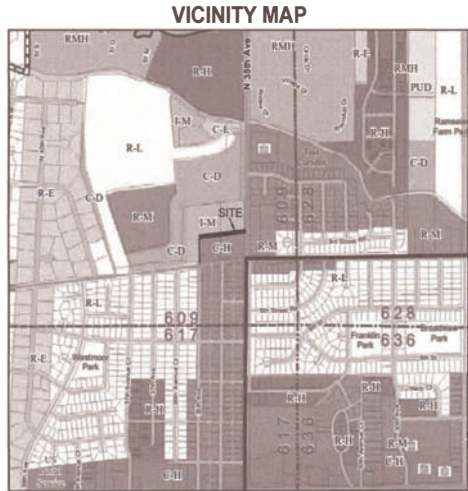
ZON2019-0005
354 Business Park Rezone #2

0 125 250 375 500
Feet



354 BUSINESS PARK REZONE #2
PART OF THE NORTHEAST QUARTER OF SECTION 2,
TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.,
CITY OF GREELEY, COUNTY OF WELD,
STATE OF COLORADO

Attachment B



LEGEND	
	ALIQUOT CORNER (AS DESCRIBED)
	SUBJECT BOUNDARY
	RIGHT-OF-WAY
	PROPERTY LINE
	ALIQUOT LINE
	CENTERLINE

CENTER QUARTER CORNER
SECTION 2, TOWNSHIP 5 NORTH,
RANGE 66 WEST OF THE 6TH P.M.,
FOUND #6 REBAR WITH 2 1/2"
ALUMINUM CAP, STAMPED AS
INDICATED, 0.6' BELOW ROAD
IN MONUMENT BOX

ZLS
T5N R66W
C1/4 S2
2008
PLS 34993

LJ STORAGE HOLDINGS, LLC
METES AND BOUNDS PARCEL
ZONED I-M
INDUSTRIAL MEDIUM INTENSITY

LJ STORAGE HOLDINGS, LLC
METES AND BOUNDS PARCEL
ZONED I-M
INDUSTRIAL MEDIUM INTENSITY

CURRENT ZONING I-M INDUSTRIAL MEDIUM INTENSITY
PROPOSED C-H COMMERCIAL HIGH INTENSITY
ZONING BOUNDARY
28,824 SQUARE FEET
(0.66 ACRES)

LJ STORAGE HOLDINGS, LLC
METES AND BOUNDS PARCEL
ZONED C-H
COMMERCIAL HIGH INTENSITY

LJ STORAGE HOLDINGS, LLC
METES AND BOUNDS PARCEL
ZONED C-H
COMMERCIAL HIGH INTENSITY

40' RIGHT-OF-WAY
(REC. NO. 2051493 04/28/1986)
4TH STREET

40' RIGHT-OF-WAY
(REC. NO. 1203426 04/16/1995)
1351394 04/21/1991
1554557 09/14/1970

LOT 10, BLOCK 6
GARY & STEPHANY
WOOD
EDWARDS HOMES
THIRD ADDITION
ZONED R-M
RESIDENTIAL MEDIUM DENSITY

LOT 1, BLOCK 6
ERNEST & NINA
DURAN
EDWARDS HOMES
THIRD ADDITION
ZONED R-M
RESIDENTIAL MEDIUM DENSITY

LOT 12, BLOCK 1
JIAN DONG
ZHOU QUANYI
EDWARDS HOMES
THIRD ADDITION
ZONED R-M
RESIDENTIAL MEDIUM DENSITY

LOT 1, BLOCK 1
JODY GREINER
COLBY GREINER
EDWARDS HOMES
THIRD ADDITION
ZONED R-M
RESIDENTIAL MEDIUM DENSITY

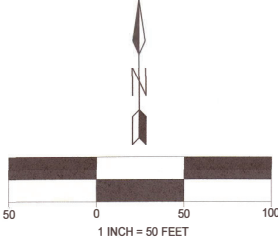
EAST QUARTER CORNER
SECTION 2, TOWNSHIP 5 NORTH,
RANGE 66 WEST OF THE 6TH P.M.,
FOUND #6 REBAR WITH 3 1/4"
ALUMINUM CAP, STAMPED AS
INDICATED, 0.5' BELOW ROAD
IN MONUMENT BOX

D.B. & CO.
T5N R66W
C1/4 S1
2000
PLS 28285

CENTER QUARTER CORNER
SECTION 1, TOWNSHIP 5 NORTH,
RANGE 66 WEST OF THE 6TH P.M.,
FOUND #6 REBAR WITH 3 1/4"
ALUMINUM CAP, STAMPED AS
INDICATED IN MONUMENT BOX

BASIS OF BEARING

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 2,
TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.,
IS ASSUMED TO BEAR NORTH 06°10'17" EAST, AND IS
MONUMENTED AS INDICATED.



TERVIN INC
T5N R66W
S35 S36
S2 S1
JDN
2000
PLS 34592

NORTHEAST CORNER
SECTION 2, TOWNSHIP 5 NORTH,
RANGE 66 WEST OF THE 6TH P.M.,
FOUND #6 REBAR WITH 3 1/4"
ALUMINUM CAP, STAMPED AS
INDICATED, 0.3' BELOW ROAD
IN MONUMENT BOX

ZONING BOUNDARY C-H COMMERCIAL HIGH
INTENSITY LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 2, AND CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 TO BEAR NORTH 06°10'17" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 84°45'56" EAST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., A DISTANCE OF 10.00 FEET TO A POINT ON THE CENTERLINE OF 35TH AVENUE RIGHT-OF-WAY;

THENCE NORTH 06°10'17" EAST ALONG THE CENTERLINE OF 35TH AVENUE, BEING PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 266.13 FEET, TO THE POINT OF BEGINNING;

THENCE NORTH 89°55'38" WEST AND BEING PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 591.90 FEET;

THENCE SOUTH 06°10'17" WEST AND BEING PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 265.23 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, SAID LINE ALSO BEING THE CENTERLINE OF 4TH STREET;

THENCE NORTH 89°55'38" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, SAID LINE ALSO BEING THE CENTERLINE OF 4TH STREET RIGHT-OF-WAY, A DISTANCE OF 3.55 FEET;

THENCE NORTH 06°10'17" EAST AND BEING PARALLEL TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 311.99 FEET;

THENCE SOUTH 89°55'38" EAST AND BEING PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2, A DISTANCE OF 595.45 FEET TO A POINT ON THE CENTERLINE OF 35TH AVENUE RIGHT-OF-WAY;

THENCE SOUTH 06°10'17" WEST ALONG THE CENTERLINE OF 35TH AVENUE RIGHT-OF-WAY, A DISTANCE OF 46.76 FEET TO THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 28,824 SQUARE FEET (0.66 ACRES), MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR'S NOTES:

1. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THOMAS LAND SURVEYING, LLC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD, FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE RECORDS, THOMAS LAND SURVEYING, LLC. RELIED UPON UNIFIED TITLE COMPANY OF NORTHERN COLORADO, LLC TITLE COMMITMENT FILE NO. 15265070, DATED MARCH 23, 2018 TO DELINEATE THE AFORESAID INFORMATION.
2. 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. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
4. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.

CERTIFICATE AND SEAL OF THE
REGISTERED LAND SURVEYOR

I, ROBERT D. THOMAS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LAND SURVEY WAS PREPARED BY ME, OR UNDER MY PERSONAL SUPERVISION, AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF, BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAT 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 WELD COUNTY, AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESS OR IMPLIED.

ROBERT D. THOMAS
COLORADO PROFESSIONAL LAND SURVEYOR #38353

7/10/2019
DATE



FIRST AMENDMENT TO RUYLE ANNEXATION MEMORANDUM OF UNDERSTANDING

This First Amendment to Ruyle Annexation Memorandum of Understanding (hereinafter known as the "First Amendment") is made this 21st day of January, 2005, by and between the CITY OF GREELEY, COLORADO, a municipal corporation of the State of Colorado (hereinafter referred to as "City") and The Orman Ruyle and Marguerite Ruyle Revocable Living Trust (hereinafter referred to as "Owners").

WHEREAS, on December 13, 2004, the parties entered into the Ruyle Annexation Memorandum of Understanding (hereinafter known as the "Memorandum") and was filed with the Weld County Clerk and Recorder on December 22, 2004, at Reception #3246453, a copy of which attached hereto and incorporated herein by reference as Exhibit A;

WHEREAS, Orman Ruyle and Marguerite Ruyle entered into said Memorandum in their personal capacities and not in their capacities as Grantors and Trustees of The Orman Ruyle and Marguerite Ruyle Revocable Living Trust;

WHEREAS, the City and Owners wish to ratify the Memorandum; and

WHEREAS, the parties wish to enter into this First Amendment to effect the same;

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, TERMS AND CONDITIONS CONTAINED HEREIN, THE ADEQUACY OF WHICH IS ACKNOWLEDGED BY AND BETWEEN THE PARTIES, THE PARTIES AGREE AS FOLLOWS:

1. Ratification of Ruyle Annexation Memorandum of Understanding. The Orman Ruyle and Marguerite Ruyle Revocable Living Trust, hereby ratifies all terms and conditions of the Memorandum attached hereto and as Exhibit A and incorporated herein by reference, and do hereby affirmatively state that said terms and conditions shall be effective as of the original date of the Memorandum.
2. Correction of Original Memorandum. This First Amendment is made to correct any legal insufficiency in the capacity of the parties to execute the Memorandum attached as Exhibit A and incorporated herein by reference.
3. Memorandum Terms in Effect. Except as specifically modified herein, all terms and conditions of the Memorandum remain in full force and effect.

THE CITY OF GREELEY, COLORADO

OWNERS

THE ORMAN RUYLE AND MARGUERITE
RUYLE REVOCABLE LIVING TRUST

Orman Ruyle
Orman Ruyle, Grantor and Trustee

Marguerite Ruyle
Marguerite Ruyle, Grantor and Trustee

By: Thomas E. Seldin
Mayor
ATTEST:

By: Betsy A. Helder
City Clerk

APPROVED AS TO CONTENT:

By: Anthony M. Mub
City Manager

APPROVED AS TO LEGAL FORM:

By: David P. My
City Attorney

APPROVED AS TO AVAILABILITY OF
FUNDS:

By: Anthony M. Mub
City Finance Director



3270588 03/22/2005 04:02P Weld County, CO
3 of 11 R 56.00 D 0.00 Steve Moreno Clerk & Recorder

The Orman Ruyle and Margerite Ruyle Revocable Living Trust

Dated December 8, 2002

Tim J. Larson
Larson & McCafferty, LLC
Attorneys at Law
7570 W. 21st, Building 1026, Suite C
Wichita, Kansas 67205
Telephone: (316) 729-0100
Fax: (316) 729-0508
E-Mail: tim@lsmattorneys.com

THIS TRUST AGREEMENT SIGNED by Orman Ruyle and by Margerite Ruyle as Grantors and as initial Co-trustees effective December 8, 2002.

Orman Ruyle

Orman Ruyle, Grantor and Trustee

Margerite Ruyle

Margerite Ruyle, Grantor and Trustee

STATE OF COLORADO)

) ss.

COUNTY OF WELD)

The foregoing Trust Agreement was acknowledged before me by Orman Ruyle and by Margerite Ruyle as Grantors and as Trustees on December 8, 2002.

Witness my hand and official seal

My commission expires: 6/16/03

[Signature]
Notary Public



[SEAL]



3270588 03/22/2005 04:02P Weld County, CO
4 of 11 R 56.00 D 0.00 Steve Moreno Clerk & Recorder

Trustees' Affidavit

Orman Ruyle and Marguerite Ruyle, both of lawful age, being first duly sworn upon their oaths, depose and state:

1. Affiants are the trustees of the hereinafter-named revocable living trust and as such have the authority to execute this Affidavit.
2. This Trustees' Affidavit relates to the Orman Ruyle and Marguerite Ruyle Living Trust, dated December 8, 2002.
3. The names and addresses of the trustees of the above-described trust are:
Orman Ruyle and Marguerite Ruyle, 1832 36 Ave Ct., Greeley, CO 80631.
4. Selected provisions of the trust including the pages naming the initial trustees, creating the trust, relevant trustee powers, statement of revocability of the trust, the designation of successor trustees, and a copy of the signature pages, may be attached to this affidavit or are available upon request.
5. Pursuant to the terms of the trust agreement, any person may rely upon this Trustees' Affidavit as evidence of the existence of said trust and is relieved of any obligation to verify that any transaction entered into by a trustee of successor trustee thereunder is consistent with the terms and conditions of said trust agreement.
6. The other provisions of the trust are of a personal nature and set forth the distribution of trust property. They do not modify the powers of the trustees.
7. The trust agreement has not been revoked.

Orman Ruyle
Orman Ruyle, Trustee

Marguerite Ruyle
Marguerite Ruyle, Trustee

STATE OF COLORADO)

) ss.

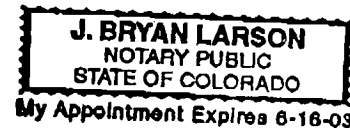
COUNTY OF WELD)

Subscribed and acknowledged before me on Dec 8, 2002, by Orman Ruyle and Marguerite Ruyle.

Witness my hand and official seal.

My commission expires: 6/14/03

[Signature]
Notary public



[SEAL]



3270588 03/22/2005 04:02P Weld County, CO
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RUYLE ANNEXATION MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, hereinafter known as the "Memorandum," is made this 13th day of December, 2004, by and between the CITY OF GREELEY, a municipal corporation of the State of Colorado (hereinafter referred to as "CITY") and Orman and Marguerite Ruyle (hereinafter referred to as "OWNERS").

WHEREAS, Owners possess approximately 10.58 acres of land, recently annexed into the City of Greeley as the "Ruyle Annexation" and located at the northwest intersection of 4th Street and 35th Avenue; and,

WHEREAS, Owners of such land have owned the land and erected the current improvements on said property while under the jurisdiction of Weld County government; and,

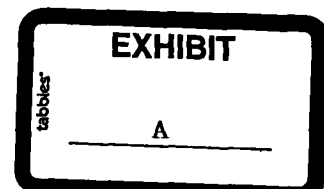
WHEREAS, it is the City's practice to document existing land uses at time of annexation and verify the lawful establishment of such uses in order that informed decisions can be made relative to the zoning and future land use of the property; and,

WHEREAS, those land uses that have been lawfully established under County regulations are allowed to continue operation and use at the allowed levels regardless of the zoning placed upon the annexed property; and,

WHEREAS, in accordance with the City's Development Code standards governing lawfully established non-conforming uses, such uses may not be expanded nor continued if abandoned for a period of twelve continuous months or more and, if reduced in intensity for a like period, may not be re-established at previous levels; and,

WHEREAS, the Owners have land uses and utility improvements on the property for which varying levels of approval have been issued and for which all parties desire to clarify and reasonably accommodate.

NOW THEREFORE, in consideration of the mutual interests of the parties as contained herein, it is understood and agreed as follows:



1. **Area Subject to this Agreement:**

The area subject to this Agreement (the "Ruyle Annexation") is the 10.58-acre land area described in Exhibit A, referenced above, which is incorporated by reference in this Agreement.

2. **Existing Land Uses:**

Illustrated on the attached Exhibit B, are included the following land uses on the subject property:

- a. Three single family residential structures;
- b. One mobile home dwelling;
- c. One automobile repair facility;
- d. A corral containment and various small, non-habitable farm structures;
- e. Stored recreational vehicles including campers, boats, and travel trailers

3. **Zoning**

Weld County Zoning for the subject property was Agricultural. Uses by right in this zone at the time of annexation are described in attached Exhibit C. The residential and farm out buildings have been determined to be lawful by Weld County Planning. Weld County Records indicate a Use by Special Review was granted for the automobile repair facility. No permission was given to establish the commercial storage of the recreational vehicles.

The City Planning office indicates it will recommend to the Planning Commission and City Council the Ruyle Annexation be established with R-L zoning (Residential Low Density) under City of Greeley Development Code standards. This zoning is consistent with the Owner's desires. With the exception of the recreational vehicle storage, the establishment of the R-L zoning will result in all uses herein defined under Section 2 above being considered lawful non-conforming under the City of Greeley Development Code provisions. The recreational vehicle storage is not considered a lawful use under historic or proposed zoning rules.

4. **Continuation of Existing Land Uses**

The Owners acknowledge that the recreational vehicle storage parking was commenced on the property without consultation with or permission from Weld County. Given their advanced age, the Owners have requested that the recreational vehicle storage be allowed to continue while the property is

under their ownership as the business provides an important source of their income. For purposes of this Memorandum only, a reduction by Owners of the allowed RV storage for a period of twelve consecutive months will not trigger the permanent reduction in an allowed non-conforming use standard as provided in the City Development Code.

The City agrees to the continuation of the recreational vehicle use under the following conditions:

- a. The number of recreational vehicles presented recorded at the site and is 111; the total number of vehicles allowed to park on the site at any time is 120;
- b. The area in which the recreational vehicles are stored must be as demarcated on the attached map;
- c. Internal access to the recreational vehicle use must be kept open and accessible for emergency and fire response;
- c. All street access to the recreational vehicle parking must come from either of the two existing access points on 4th Street;
- d. No commercial signage is allowed advertising or identifying the recreational vehicle parking;
- e. The recreational vehicle parking and storage must be owned and operated by the Owners and is not transferable to any other party;
- f. The recreational vehicle storage operation will cease upon sale or transfer to any other party, or upon subdivision of the subject property.

5. Water and Sewer Taps and Service

There are three existing single family dwellings on the subject property. At 3529 4th Street, there is an existing 3/4-inch water tap and a 4" sanitary sewer tap currently being used. This water tap is also providing service to the dwellings addressed as 3521 and 3505 4th Street on the same property, however, sanitary sewer service to these dwellings has not been confirmed.

With the expansion of 4th Street, the City installed two additional water taps and two additional sewer taps to provide for future service to 3521 and 3505 4th Street. These taps were stubbed out to the property to save the property owner the future expense of street excavations. In addition, these taps were stubbed out with the understanding that plant investment fees would be assessed and paid by the property owner prior to connecting service lines to any of these taps. The property has also not satisfied the raw water requirements of the City and the raw water requirement of 3af per acre must be satisfied before any future development can occur on the property.

- 3 -

6. Nothing in this Agreement, or in the fact that it was entered into, shall be construed as limiting in any way the city's discretion as to future annexations, nor to require the City to impose conditions on such future annexations similar to the conditions imposed by this Agreement.
7. This Agreement shall run with the property and be binding upon and for the benefit of the successors of the parties to this Agreement to the extent legally permitted.

IN WITNESS WHEREOF, the parties hereunto have executed this Agreement the day of and year first written above.

THE CITY OF GREELEY, COLORADO OWNERS

By: Orman E. Seldin
Mayor

Orman Ruyle
Orman Ruyle

ATTEST:

By: Betsy A. Helder
City Clerk

Marguerite Ruyle
Marguerite Ruyle

APPROVED AS TO CONTENT:

By: Leonard H. Hef
City Manager

APPROVED AS TO LEGAL FORM:

By: David P. Ruy
City Attorney

APPROVED AS TO AVAILABILITY OF FUNDS:

By: Anthony J. [Signature]
City Finance Director

- 4 -

3246453 12/22/2004 03:04P Weld County, CO
5 of 6 R 31.00 D 0.00 Steve Moreno Clerk & Recorder

Exhibit A Legal Description

PROPERTY DESCRIPTION:

A parcel of land located in the Northeast Quarter of Section 2, Township 5 North, Range 66 West of the Sixth Principal Meridian, Weld County, Colorado and further described as:

Commencing at the East Quarter corner of said Section 2 and considering the south line of said Southeast Quarter to bear North 89°55'53" West with all other bearings contained herein relative thereto;

Thence North 06°10'17" East, 30.17 feet along the boundary of JOHNSON'S SUBDIVISION FIRST ANNEXATION;

Thence along the boundary of said JOHNSON'S SUBDIVISION FIRST ANNEXATION by the following four courses:

North 89°55'53" West, 30.17 feet to the TRUE POINT OF BEGINNING;

North 89°55'53" West, 736.51 feet;

North 06°10'17" East, 10.06 feet to a point on BESTWAY PARK ANNEXATION PLAT;

Thence along the boundary of said BESTWAY PARK ANNEXATION PLAT by the following two courses;

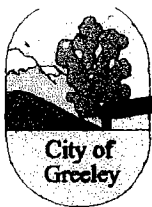
North 06°10'17" East, 619.13 feet;

South 89°55'53" East, 736.51 feet to a point on the boundary of PUTNAM FARM ANNEXATION;

Thence South 06°10'17" West, 629.19 feet along said boundary to the TRUE POINT OF BEGINNING;

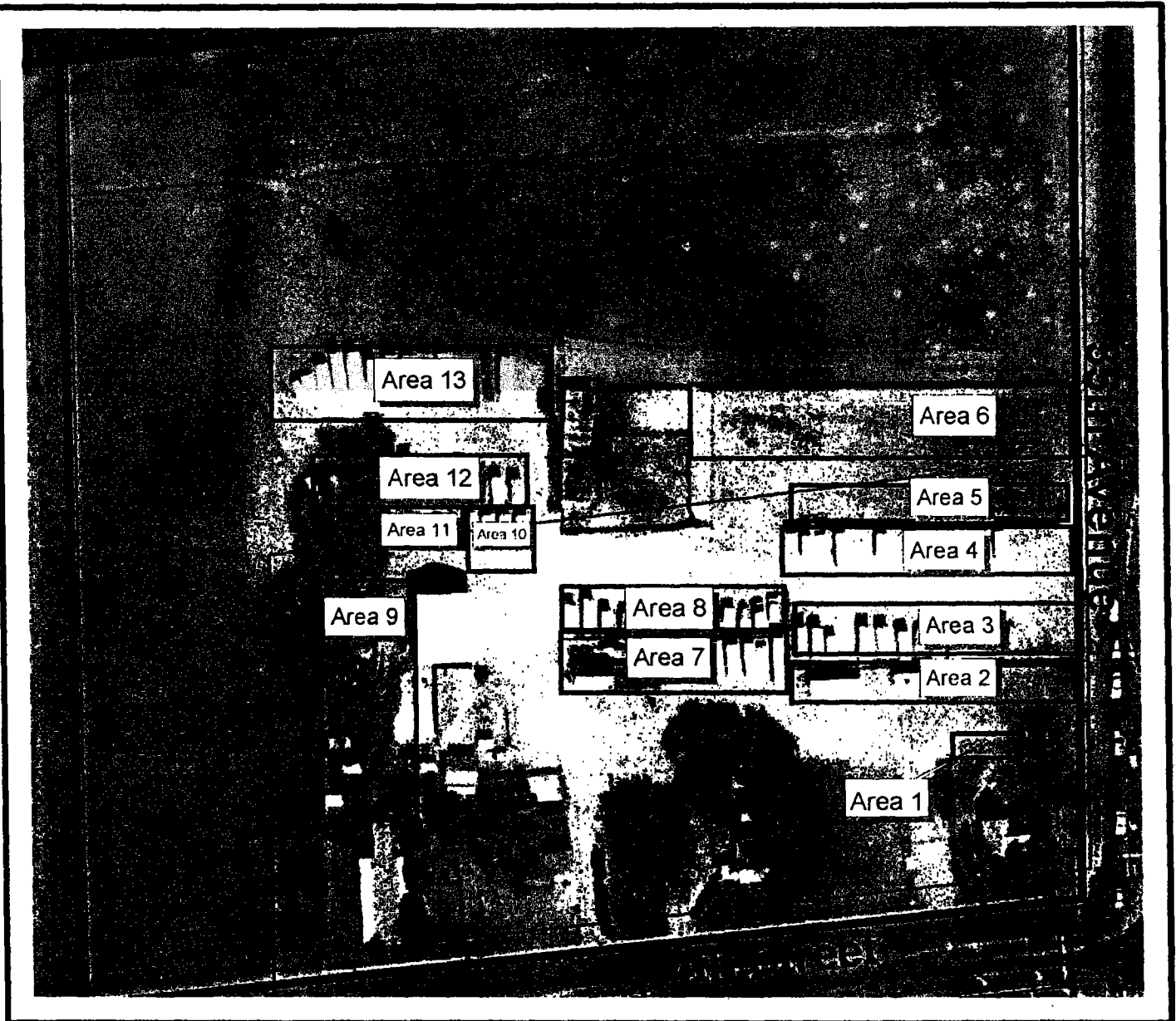
Said parcel of land contains 10.58 acres, more or less.

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3246453 12/22/2004 03:04P Weld County, CO
6 of 6 R 31.00 D 0.00 Steve Moreno Clerk & Recorder

Exhibit B



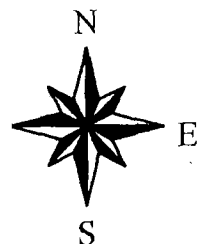
- Area 1 - 1 Space
- Area 2 - 3 Spaces, 1 Vacant
- Area 3 - 16 Spaces
- Area 4 - 15 Spaces, 2 Vacant
- Area 5 - 16 Spaces, 7 Vacant
- Area 6 - 19 Spaces, 6 Vacant
- Area 7 - 9 Spaces
- Area 8 - 13 Spaces
- Area 9 - 9 Spaces
- Area 10 - 3 Spaces
- Area 11 - 4 Spaces, 1 Vacant
- Area 12 - 12 Spaces, 2 Vacant
- Area 13 - 13 Spaces, 3 Vacant

133 Total Spaces

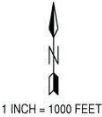
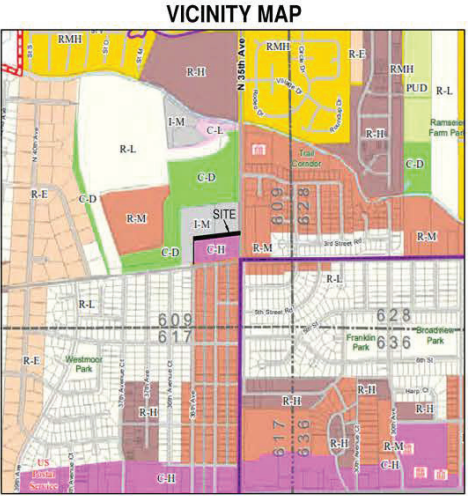
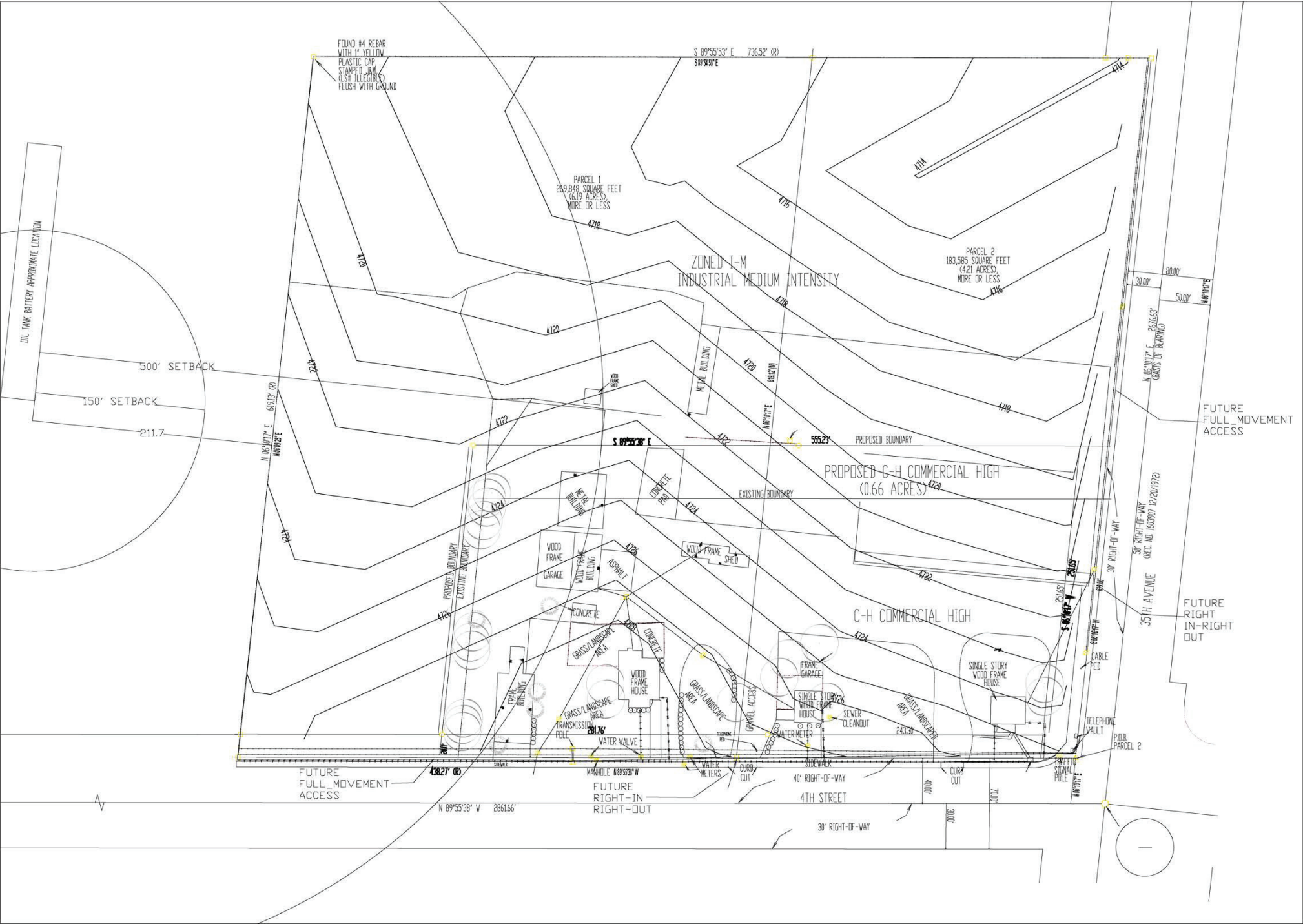
111 Occupied by a RV, Camper, Boat, Truck or Trailer



3270588 03/22/2005 04:02P Weld County, CO
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Survey Conducted Friday, October 15, 2004



ENGINEERING
WERNISMAN ENGINEERING
ERIC WERNISMAN
16483 ESSEX RD S
PLATTEVILLE CO 80651
970-539-2856

PLANNER
PLANSAPES
ROB MOLLOY
980 NORWAY MAPLE DRIVE
LOVELAND, CO
970-988-5301

SITE ANALYSIS MAP
354 Business Park Rezone #2
NORTH WEST CORNER 4TH STREET and 35TH AVENUE
GREELEY COLORADO

EXISTING PLANTS

- DECIDUOUS CANOPY TREES
- EVERGREEN TREES
- SHRUBS



SITE ANALYSIS

DATE	02/05/2019
JOB NO.	
DRAWN	RM
CHECKED	RM
REVISED	04/08/2019
	05/30/2019

354 Business Park Rezone #2 Narrative

Rezone Located in the Northwest Corner of 4th Street and 35th Avenue.

The owners of this property are proposing to adjust the zoning boundaries for two recently approved zoning districts in north central Greeley to match the property lines proposed with the minor subdivision. The intent is to match the zoning boundaries with what is proposed for the subdividing of the existing 2 lots. An application for minor subdivision coincides with this application. A Design Review application for the I-M zoning area is also being reviewed at this time. The owner intends to adjust the zoning boundary lines to match the proposed property lines. This adjustment will increase the C-H zone by 0.66 acres. Most of this increase will occur on the north end of the C-H zone. Due to the amount of ROW dedication required along 4th street the owners find it necessary to extend the subdividing line further to the north beyond the zoning boundary line in order to produce a lot with enough depth to meet most commercial development needs for safety and circulation.

This lot is bounded by 4th Street to the south and 35th Avenue to the east. The property directly across 4th Street to the South is a residential neighborhood that is made up of single family homes and duplexes and was developed in the 60's. The property to the east across 35th Avenue includes a church that was built in 1973. The property that borders the north and west property lines is owned by the City of Greeley and serves as a regional detention pond. The properties that border the detention pond are an oil and gas extraction facility to the west and a former gravel mine operation to the north.

Original Rezone:

There are not detrimental environmental impacts that would impact future development on this site. The increase of the commercial high zoning will not impact the surrounding neighborhood or city services.

"Traditional zoning calls for separation of very different land uses through a series of graduated levels of land use intensity". This is what we intend to provide with C-H on the south edge of the property and existing R-M across 4th Street to the south. The C-H zone is a graduated level to the I-M zone proposed for the north side of the property. The property to the east which contains a church is also zoned R-M. The property to the west and north is currently zoned C-D (Conservation District) where no urban development can occur. This graduated level of intensity will also "Protect established neighborhoods from encroachment by incompatible land uses". "Ultimately, a harmonious balance of land uses should be sought which supports appropriate business interests and sustains desirable neighborhoods and provides attractive and interesting corridors into and throughout the community" as stated in the Comprehensive Plan Document. 4th Street has become a major corridor along with 35th Avenue.

"Since the adoption of the Development Code, there has been interest in newer approaches to development, particularly those that encourage and promote the integration of a variety of land uses. These approaches can also help achieve a better balance between the location and number of jobs in the community, with the location of the existing residential areas." Our approach will be to introduce commercial projects which will not be interruptive of the existing residential areas.

The zoning boundary adjustment provides complementary neighborhood uses and promotes transit-oriented design along 4th Street and 35th Avenue has become a major transportation corridor and will help to foster the success in this corridor in sustaining transit use and provides mobility and access to employment and shopping. These proposed land uses are balanced, coordinated, and complimentary in achieving the overall community goals. As stated above we provide a need and successful use for the area and will provide residents with access to employment and professional services.

The character of the zoning boundary adjustment application falls directly in line with the intent of the Imagine Greeley Comprehensive Plan. Our approach to the development of this property follows within the direction of the comprehensive plan in that we are providing a balance between varying land uses. The commercial development will be attractive, compatible with its setting, efficiently located and designed to be aesthetically and functionally related to a defined service and complementary to surrounding uses. The architecture will incorporate a high-quality design, with attention to neighborhood character as required by the city standards. The design will incorporate a landscape design that will exceed neighborhood standards. The overall zoning change provides an appropriate mix of land uses to serve all residents with effective access to a complete range of housing, recreation, employment, and business goods and services.

Objective GC-2.5 Neighborhood Centers

Promote neighborhood centers—small-scale retail areas providing basic commercial goods and services—to locate within a walkable distance of residences, usually a quarter-mile or less.

The C-H zone on the corner of 4th Street and 35th Ave is intended to provide for a possible convenient store and an additional retail business in an area that currently does not provide commercial goods within a walkable distance of the surrounding established residential area.

Objective GC-2.5 Neighborhood Centers Promote neighborhood centers—small-scale retail areas providing basic commercial goods and services—to locate within a walkable distance of residences, usually a quarter-mile or less.

Currently the closest commercial site is approximately ½ a mile from this site which is located across the street from a large residential area.

Objective GC-6.1 Complete Neighborhoods

Foster the development of “Complete Neighborhoods” that exhibit the following characteristics:

- Contain a variety of attributes that contribute to a resident’s day-to-day living (residential, commercial, employment, mixed uses); ☐ Foster multi-modal connectivity (pedestrians, bicyclists, transit, drivers);

- Incorporate architectural features that are visually interesting and add to a cohesive identity, both internally and as a transition to other adjacent neighborhoods;

- Uses and design foster inclusivity through opportunities for social activities and interaction; ☐ Promotes community involvement and maintains a secure environment;

- Promote sustainable development practices; ☐ Have a memorable character or sense of place, conveyed through urban design as well as the features associated with neighborhood common areas and public spaces; and

- Integrates, where possible, small-scale retail or services.

The C-H zone will promote all the characteristics of a complete neighborhood listed above. The I-M will provide an opportunity to continue with what has existed and has been success on this property for over the past 30 years and along with the existing detention pond will provide a buffer for the industrial uses to the west and north of the property.

Objective GC-6.2 Neighborhood Connectivity

Promote design standards and practices that improve connectivity for all modes between neighborhoods and adjacent neighborhoods, centers, corridors, and areas.

This development will provide a direct connection between adjacent neighborhoods and proposed neighborhood center with ROW dedication and improved street and sidewalk design.

Objective GC-6.7 Neighborhood Infrastructure Provide or maintain infrastructure, such as sidewalks, curbs and gutters, lighting, fire hydrants, and parks, to enhance established neighborhoods and provide them with amenities and services equivalent to newer areas of the community. **The Subdivision and zoning boundary adjustment of this property will promote new development that will be inclusive of the required ROW dedications, required street improvements and connecting sidewalks which will improve connectivity for this busy intersection.**

Objective TM-1.3 Streetscape Design

Develop attractive, safe, accessible, and efficient public rights-of-way, including roadways and sidewalks. The design of such rights-of-way should vary depending on the modes accommodated, the surrounding land uses, and the character of the area or neighborhood through which it passes.

This development will integrate the design requirements imposed by the City of Greeley Design Standards which will complement the characteristics of the surrounding established neighborhoods.

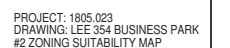
Neighborhood Centers

Description: Neighborhood centers offer opportunities for smaller scale commercial nodes that serve the surrounding neighborhood. They support a range of commercial, retail, and service uses, as well as opportunities for housing types that may be of higher densities than housing types found in the surrounding neighborhood (e.g., townhomes if the center is surrounded by a suburban neighborhood). They also support public spaces such as small plazas and parks that allow for outdoor dining or hosting of neighborhood events. There is no uniform size or design of neighborhood centers, as each varies depending on its location within a neighborhood and surrounding land uses.

Street Pattern and Mobility: Neighborhood centers may be served by public transit, but all should be accessible to residents of the surrounding areas via walking or bicycling.

This proposed zoning boundary adjustment falls right in line with what the comprehensive plan proposes for what a neighborhood center should be as a smaller scale commercial node that serves the surrounding neighborhood.

Attachment F





354 BUSINESS PARK REZONE #2

Background

Site:

- o North of 4th Street, West of 35th Avenue
- o Single-Family Dwellings, Accessory Structures, RV/Boat Storage
- o Generally slopes towards the northeast

History:

- o Enclave annexed in 2004
- o Rezoned from R-L to C-H & I-M in 2018



354 Business Park Rezone #2

Background

Surrounding Zoning & Land Use:

- o North: I-M Undeveloped
- o South: C-H & R-M Single-Family
- o East: R-M Church
- o West: I-M Undeveloped

Request:

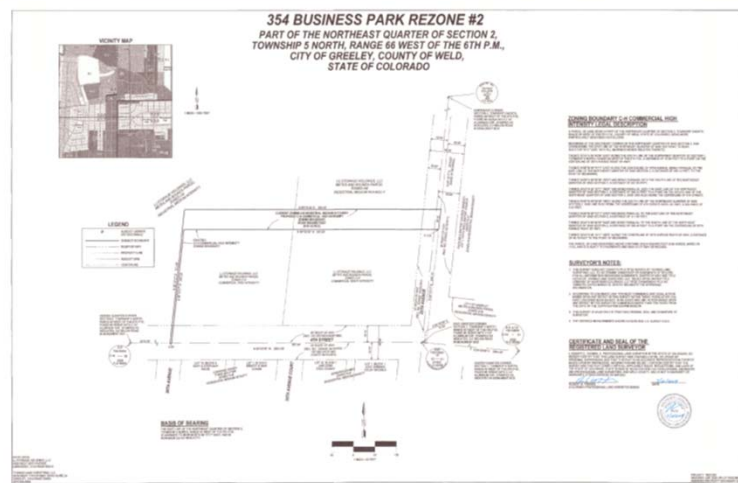
- o Rezone 0.66 acres from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity)



354 Business Park Rezone #2

Development Plans

- o Rezone .66 acres from I-M to C-H
- o Subdivide C-H zone into two lots, remainder of I-M in a third lot
- o Design Review for RV/Boat Storage on a portion of I-M lot



354 Business Park Rezone #2

Approval Criteria



Rezone Criteria

YES	Has the area changed to such a degree that it is in the public interest to rezone to encourage development/redevelopment?
NO	Has the zoning been in place for at least 15-years without substantial development? o Rezoned in 2018. However, additional acreage is to accommodate commercial development is appropriate.
N/A	Are there clerical errors to correct?
N/A	Are there detrimental environmental impacts?
N/A	Is the rezone necessary to provide community related uses?

354 Business Park Rezone #2

Approval Criteria



Rezone Criteria

YES	What is the impact on the City and surrounding neighborhoods? o No significant environmental concerns o Noise is regulated by Municipal Code o Visual impact of the site anticipated to improve upon redevelopment o Adequate City infrastructure is present
YES	Is the rezone consistent with the Comprehensive Plan? o Encourages neighborhood centers and small scale retail o Maintain, enhance, and protect neighborhood character while recognizing the need for established neighborhoods to evolve

354 Business Park Rezone #2

Approval Criteria



Rezone Criteria

- | | |
|--|--|
| YES | What is the impact on the zoning suitability plan? |
| o The Zoning Suitability Map demonstrates that the property can be developed appropriately | |

354 Business Park Rezone #2



Notification

Recommendation

- o Notice letters mailed to property owners within 500 feet
- o Signs posted on the property

- o Planning Commission recommends approval

354 Business Park Rezone #2

Council Agenda Summary

September 3, 2019

Agenda Item Number 20

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Public hearing and final reading of an ordinance vacating a portion of the alley right-of-way between 1530 and 1528 3rd Avenue, located east of 3rd Avenue and west of 2nd Avenue

Summary:

The alley right-of-way was platted as part of the Sanborn Subdivision. The 20-foot alley runs east-west connecting 3rd Avenue to 2nd Avenue. According to the applicant, the alley has not been used as right-of-way since at least 1976. Access to the alley from 3rd Avenue has not been provided for several years, as curb and gutter exist along 3rd Avenue adjacent to the alley. Photographic evidence shows this has been the condition since at least 1998. The applicant is requesting vacation of the alley right-of-way.

The Planning Commission considered this request on August 13, 2019 and unanimously recommended approval to City Council.

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?	N/A
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 Priority and Goal:

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:

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

Attachments:

Ordinance

Planning Commission Minutes-Draft (August 13, 2019)

Planning Commission Summary (Staff Report) (August 13, 2019)

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

CASE NO. ROW2019-0002

AN ORDINANCE VACATING A PORTION OF THE ALLEY RIGHT-OF-WAY BETWEEN 1530 AND 1528 3RD AVENUE, LOCATED EAST OF 3RD AVENUE AND WEST OF 2ND AVENUE

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

Section 1. The following described street rights-of-way, as described as follows, and located in the City of Greeley is hereby vacated:

See Exhibit A, attached

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 _____, 2019.

ATTEST:

CITY OF GREELEY, COLORADO

City Clerk

Mayor

Exhibit A
Legal Description

A STRIP OF LAND LOCATED WITHIN THE EAST-WEST ALLEY AS SHOWN ON SANBORN'S SUBDIVISION OF BLOCK 170, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A 20.00 FOOT STRIP OF LAND NORTHERLY OF AND ADJACENT TO LOTS 27-30, INCLUSIVE, SAID SANBORN'S SUBDIVISION OF BLOCK 170, AS SHOWN ON THE EXHIBIT MAP PREPARED BY DREXEL, BARRELL & CO., DATED MAY 2, 2019, JOB NO. 21313-00.



PLANNING COMMISSION Proceedings

August 13, 2019

**City Center South
Council Chambers Room
1001 11th Avenue
1:15 p.m.**

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m. Commissioners Schulte, Modlin, Briscoe, Rarick and Romulo were present. Commissioner Andersen was absent.

II. A public hearing to consider a request to vacate portion of an alley right-of-way between 1528 and 1530 3rd Avenue in the I-L (Industrial Low Intensity) and R-H (Residential High Density) zone districts

Project Name: Sanborn Subdivision Alley Right-of-Way Vacation
Case No.: ROW2019-0002
Applicant: Joshua Tikal
Location: East of 3rd Avenue and west of 2nd Avenue
Presenter: Darrell Gesick, Planner III

Mr. Gesick addressed the Commission and entered his staff report into the record. He stated the location and presented aerial maps. Mr. Gesick briefly described the proposal and shared some background about the location along with its surroundings. He also presented vacation exhibits and stated the Greeley Developmental Code Section 18.04.810 (d). Mr. Gesick stated that the administrative review team reviewed this proposal, and there are no outstanding comments pertaining to the right-of-way vacation request. Mr. Gesick stated that neighborhood notices were mailed out to surrounding property owners and no comments have been received. Therefore, staff recommends approval.

Commissioner Modlin questioned the location of the alley right-of-way and any future changes. Mr. Gesick stated that the neighboring property owner adjacent to the alley did not want to be part of the proposal at this time. The property owner at 1530 is in the process of building an addition. Therefore, the applicant is requesting to vacate the portion that is adjacent to the property. Mr. Gesick stated that later in the future property owners of

1528 and 1532 would work together for a vacation request on the remaining portion. Mr. Gesick commented that if this were not an option, the City could intercede and vacate the alley in not only this area, but also surrounding areas where there are other alleys that need to be vacated.

Commissioner Andersen joined hearing at 1:19 p.m.

Applicant Joshua Tikal addressed the Commission. He had no further comments and offered to answer any questions.

Commissioner Yeater opened the public hearing at 1:20 p.m. There being no comment, the public hearing closed at 1:20 p.m.

Commissioner Rarick moved that, based on the application received and preceding analysis, the Planning Commission finds that the proposed right-of-way vacation request meets the Development Code Criterion found in Section 18.04.810 and therefore recommends approval to the City Council. Commissioner Schulte seconded the motion. The motion carried 6-0. (Commissioner Andersen did not vote due to her arrival after the presentation.)

III. A public hearing to consider a request to rezone .210 acres of property from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning

Project Name: 1530 3rd Avenue Rezone
Case No.: ZON2019-0007
Applicant: Joshua Tikal
Location: 1530 3rd Avenue
Presenter: Darrell Gesick, Planner III

Mr. Gesick addressed the Commission and entered the staff report into the record. He stated the location and presented aerial maps. Mr. Gesick briefly described the proposal and shared some background about the location and its surroundings. He stated the zoning for this area made it hard for the property owner to make any changes, therefore is requesting a rezone. He presented property boundary maps and stated the approval criteria followed in the Development Code Section 18.30.050 Rezoning Procedures. Mr. Gesick noted that the rezoning from I-L to R-H would allow the current property owners to expand the historical residential use on their property. He added that the impacts are minimal. Mr. Gesick stated that this proposal is consistent with the comprehensive plan and policies outlined in the summary. Mr. Gesick stated that there is not a current zoning suitability plan. He reported that neighborhood notices were mailed out to surrounding property owners and that no comments have been received. The administrative review team has reviewed this proposal and there are no impacts at this time, therefore recommends approval.

Commissioner Romulo asked if there was timeline for completing the rezoning master plan. Mr. Gesick stated it would be based on time and workload. He commented possibly sometime next year. Commissioner Andersen questioned mix uses on properties; she stated that this conversation had been previously brought up at Commission. She requested a clarification on the difference between mix uses. Mr. Gesick briefly described the different type of mixed uses. She questioned if the opportunity would be open for future

PLANNING COMMISSION SUMMARY

ITEM: Right-of-Way Vacation

FILE NUMBER: ROW2019-0002

PROJECT: 1530 and 1528 3rd Avenue Alley Vacation

LOCATION: North of 1530 3rd Avenue and south of 1528 3rd Avenue

APPLICANT: Joshua and Michelle Tikal

CASE PLANNER: Darrell Gesick, Planner III

PLANNING COMMISSION HEARING DATE: August 13, 2019

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 forward a recommendation of approval, approval with conditions, denial of the request to City Council, or table the request for future consideration.

EXEXECUTIVE SUMMARY

The City of Greeley is considering a request from Joshua and Michelle Tikal to vacate a portion of an alley, between 1530 and 1528 3rd Avenue. The subject alley is approximately 20 feet in width and 102 feet in length (see Attachments A, B, and C).

A. REQUEST

The applicant is requesting the vacation of public alley (see Attachment B).

B. STAFF RECOMMENDATION

Approval

C. LOCATION

The subject right-of-way is located north of 1530 3rd Avenue and south of 1528 3rd Avenue (see Attachments A, and C).

Current Zoning:

I-L (Industrial Low Intensity) - Request rezone to R-H (Residential High Density), which is being reviewed concurrently with this request

Abutting Zoning:

North: R-H (Residential High Density)

South: I-L (Industrial Low Intensity)

East: I-L

West: I-L and R-H

Surrounding Land Uses:

North: Single-Family Residence

South: Single-Family Residence

East: Single-Family Residence

West: Single-Family Residence

Site Characteristics

The subject alley area has been landscaped for several years. The area consists of rock, trees, and fencing.

Area to be vacated: 2,040 square feet, 0.05 acres

D. BACKGROUND

The subject alley right-of-way was platted as part of the Sanborn Subdivision (rec. no. 83747) (see Attachment D). The 20-foot alley runs east-west connecting 3rd Avenue to 2nd Avenue (see Attachments A and C).

According to the applicant, the alley has not been used as right-of-way since at least 1976. Access to the alley from 3rd Avenue has not been provided for several years as curb and gutter exist along 3rd Avenue adjacent to the alley. Photographic evidence shows this has been the condition since at least 1998.

The alleyway requested to be vacated has been used by the owners of 1530 3rd Avenue and 1528 3rd Avenue for several years. In addition to no curb cut, access is currently blocked by the presence of a privacy fence splitting the area between the two property owners and several mature trees planted in the alley.

E. 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.

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 vacate the subject right-of-way should have no negative effects on public health, safety or welfare. The alley does not provide fire access to any adjacent properties, all of which have access to additional right-of-way.

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 does not deprive the property owners nor any adjacent parcel of access to their properties. The subject alley has been unused for roadway purposes for several years. Staff is unaware of any complaints by surrounding property owners or city personnel.

The request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject right-of-way (alley) was platted as part of the Sanborn Subdivision (rec. no. 83747) (see Attachment D).

2. HAZARDS

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

3. WILDLIFE

The site is not located in an area identified for moderate or high wildlife impacts.

4. FLOODPLAIN

The requested right-of-way to be vacated is not located within the 100-year floodplain, 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 right-of-way is a plated alley connecting 3rd Avenue east to 2nd Avenue and to a perpendicular alley running north-south between 3rd Avenue and 2nd Avenue. This requested portion of the alley has been inaccessible for years. It does not provide sole access to any of the adjacent properties.

G. SERVICES

1. WATER

There are no water services located within the alley.

2. SANITATION

There are no municipal sewer lines in the alley.

3. EMERGENCY SERVICES

The subject site is currently served by the City of Greeley Police and Fire Departments, which would not be change by this request.

4. PARKS/OPEN SPACES

No public parks or additional public open space areas are proposed with this request and the request would not be creating any private parks or open space.

5. SCHOOLS

No public schools are proposed or located within the subject site.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

Visual impacts should be minimal since the subject area to be vacated is already landscaped by the adjacent property owners.

2. NOISE

Any potential noise created by this development will be regulated by the Municipal Code.

I. ADMINISTRATIVE REVIEW TEAM COMMENTS:

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

J. NEIGHBORHOOD NOTIFICATION

Neighborhood notices were mailed to surrounding property owners on July 23, 2019, per Development Code requirements (see Attachment F). A sign was posted on the site on July 24, 2019. To date, no comments have been received.

K. PLANNING COMMISSION RECOMMENDED MOTION:

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

ATTACHMENTS:

Attachment A – Vicinity/Zoning Map

Attachment B – Narrative

Attachment C – Right-of-Way Vacation Exhibit

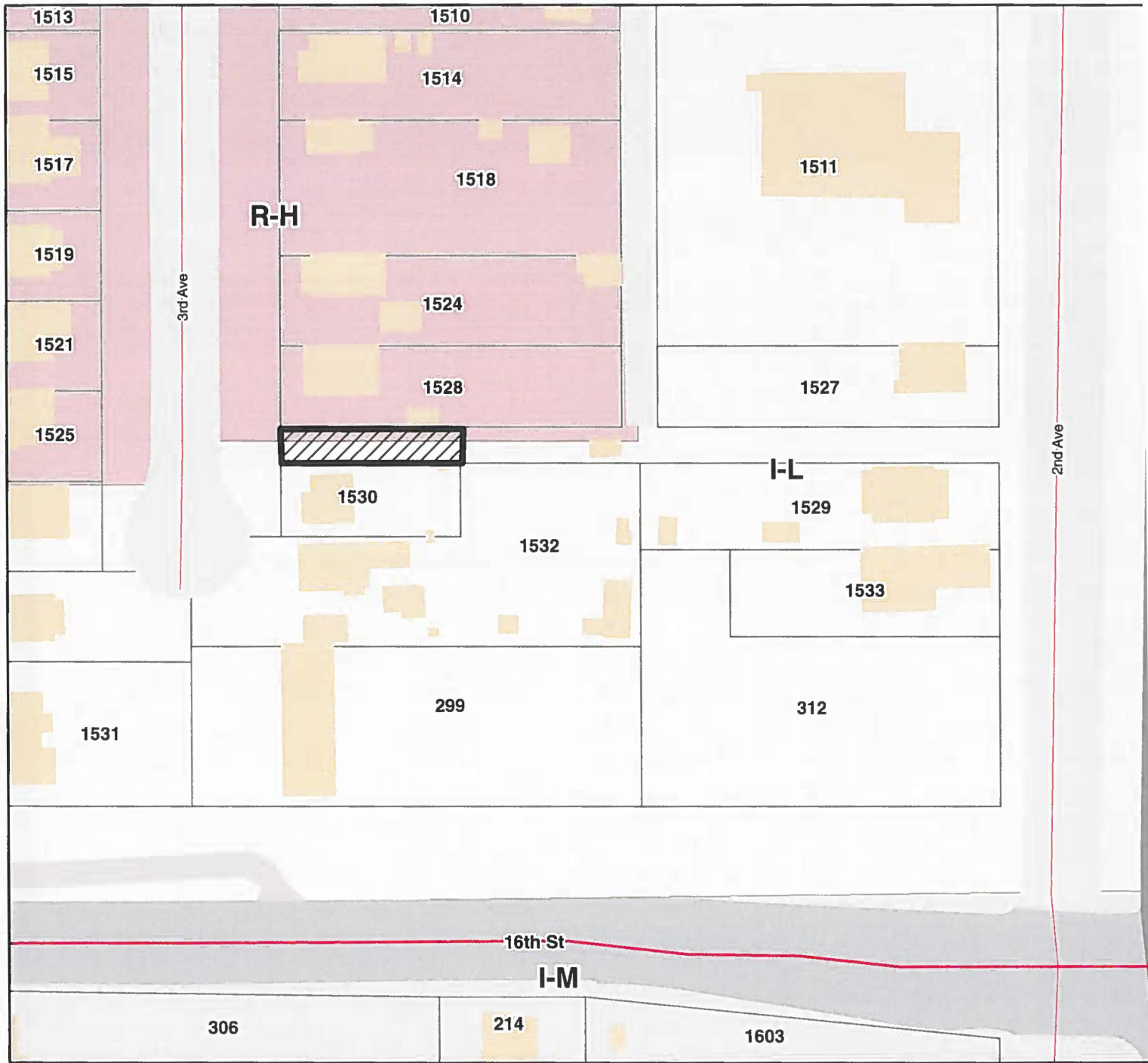
Attachment D – Sanborn Subdivision Plat

Attachment E – Utility Consent Form

Attachment F – Neighborhood Notification Boundary Area



Vicinity Map Alley Right-of-Way Vacation



Legend

StreetCenterlines

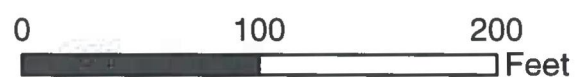
CLASSIFICATION

- Expressway
- Arterials
- Local, Collectors
- Unknown

City Limits

- Building
- Weld Parcels

ROW2019-0002



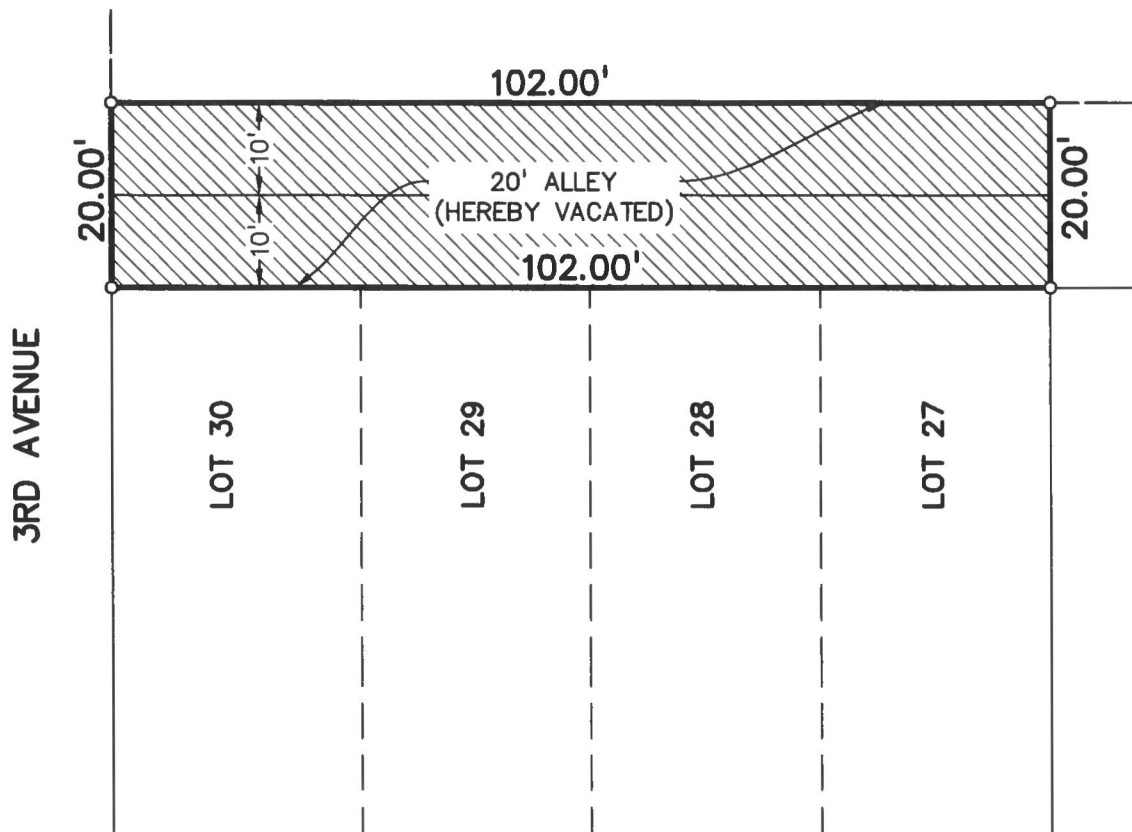
1530 3 Ave. Greeley CO 80631**Right of Way Vacation Project Narrative**

The proposed property, a 20.00 foot strip of land northerly of and adjacent to lots 27-30, inclusive, said Sanborn's Subdivision of Block 170, is being requested for an easement vacation. The vacation of this property is being requested as this alleyway is currently being used as the back and side yards of both 1528 and 1530 3 Avenue and has not been used as a right of way since at least 1976.

This vacation will not affect traffic flow or accessibility to other properties in the area as this strip of land currently has fencing and trees planted along its entire length which will not change if the vacation is granted. There is also currently no traffic or access, as will continue to be the case if the vacation is granted.

While this vacation will permanently deny direct pass through and access to or from the easterly alley that runs North and South behind 1528 3 Avenue and all other residences along the East side of 3 Avenue, access and right of way has not been necessary or warranted for this alley for at least the past 40 years. Also, the easternmost portion, another approximately 20 feet of the right of way is currently being used as a part of the fenced in backyard of 1532 3 Avenue which makes direct pass through between the North/South alley and 3 Avenue further impossible.

This vacation will not negatively affect any property in the area as this strip of land we are simply proposing a permanent vacation of easement that has no expectation of being a right of way and has not been used as such for a very long time. Also, this strip of land has no current ability to be used as a right of way as it already has a standard sidewalk curb that was installed by The City along what would be the entrance/exit off of and onto 3rd Avenue.



SCALE 1" = 20'

NOTE

THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY SHOW THE LOCATION OF THE TRACT OF LAND DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION.

EXHIBIT MAP OF A PORTION OF THE 20.00 FOOT ALLEY WITHIN SANBORN'S SUBDIVISION OF BLOCK 170, LOCATED IN NE1/4 OF SECTION 8, T5N, R65W OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

FOR: JOSHUA TIKAL

IN ACCORDANCE WITH CRS 13-80-105;

NOTICE: 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. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338



BOULDER, COLORADO (303) 442-4338

COLORADO SPRINGS, COLORADO (719) 260-0887

GREELEY, COLORADO (970) 861-0846

Revisions - Date	Date	Drawn By	Job No.
	5/2/19	MNF	21313-00
	Scale	Checked By	Drawing No.
	1" = 20'	MES	IN FILE



Drexel, Barrell & Co.

JULY 16, 2019

Engineers/Surveyors

LEGAL DESCRIPTION

**Boulder
Colorado Springs
Greeley**

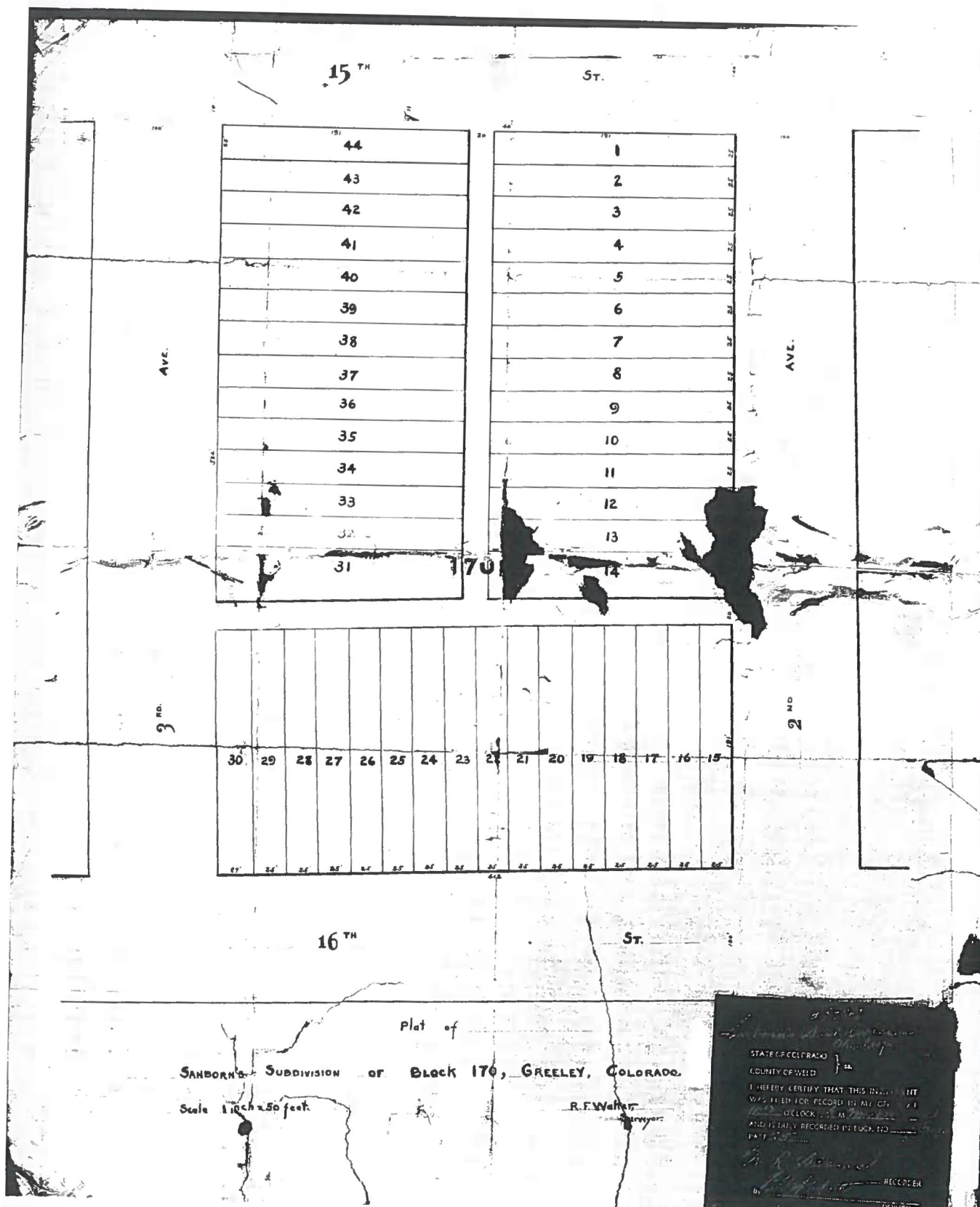
1800 38th Street
Boulder, CO 80301-2620

303.442.4338
303.442.4373 Fax

A STRIP OF LAND LOCATED WITHIN THE EAST-WEST ALLEY AS SHOWN ON SANBORN'S SUBDIVISION OF BLOCK 170, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

A 20.00 FOOT STRIP OF LAND NORTHERLY OF AND ADJACENT TO LOTS 27-30, INCLUSIVE, SAID SANBORN'S SUBDIVISION OF BLOCK 170, AS SHOWN ON THE EXHIBIT MAP PREPARED BY DREXEL, BARRELL & CO., DATED MAY 2, 2019, JOB NO. 21313-00.

LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELTERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338





**UTILITY COMPANY CONSENT OF
VACATION**

VACATION OF: ☒ Public Right-of-Way ☐ Utility Easement

DATE: _____

APPLICANT: Joshua Tikal

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

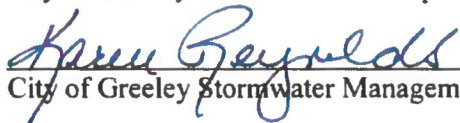
THE NORTH 20.00 FEET OF LOTS 27-30, INCLUSIVE, SANBORN'S SUBDIVISION OF BLOCK 170, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

This is to certify that the following departments and/or utility companies have reviewed and approved this application for the vacation of dedicated easement.



City of Greeley Public Works Department

City of Greeley Water & Sewer Department



City of Greeley Stormwater Management

Atmos Energy

Xcel Energy

Comcast Cable

CenturyLink



**UTILITY COMPANY CONSENT OF
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Xcel Energy

Comcast Cable

CenturyLink



**UTILITY COMPANY CONSENT OF
VACATION**

VACATION OF: ☒ Public Right-of-Way ☐ Utility Easement

DATE: June 7, 2019

APPLICANT: Joshua Tikal

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

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City of Greeley Water & Sewer Department

City of Greeley Stormwater Management

DocuSigned by:
Derry H. Amos

Atmos Energy Please see attached legal description and exhibit with same signatures and date.

Xcel Energy

Comcast Cable

CenturyLink



Drexel, Barrell & Co.

MAY 2, 2019

Engineers/Surveyors

LEGAL DESCRIPTION

**Boulder
Colorado Springs
Greeley**

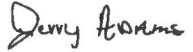
1800 38th Street
Boulder, CO 80301-2620

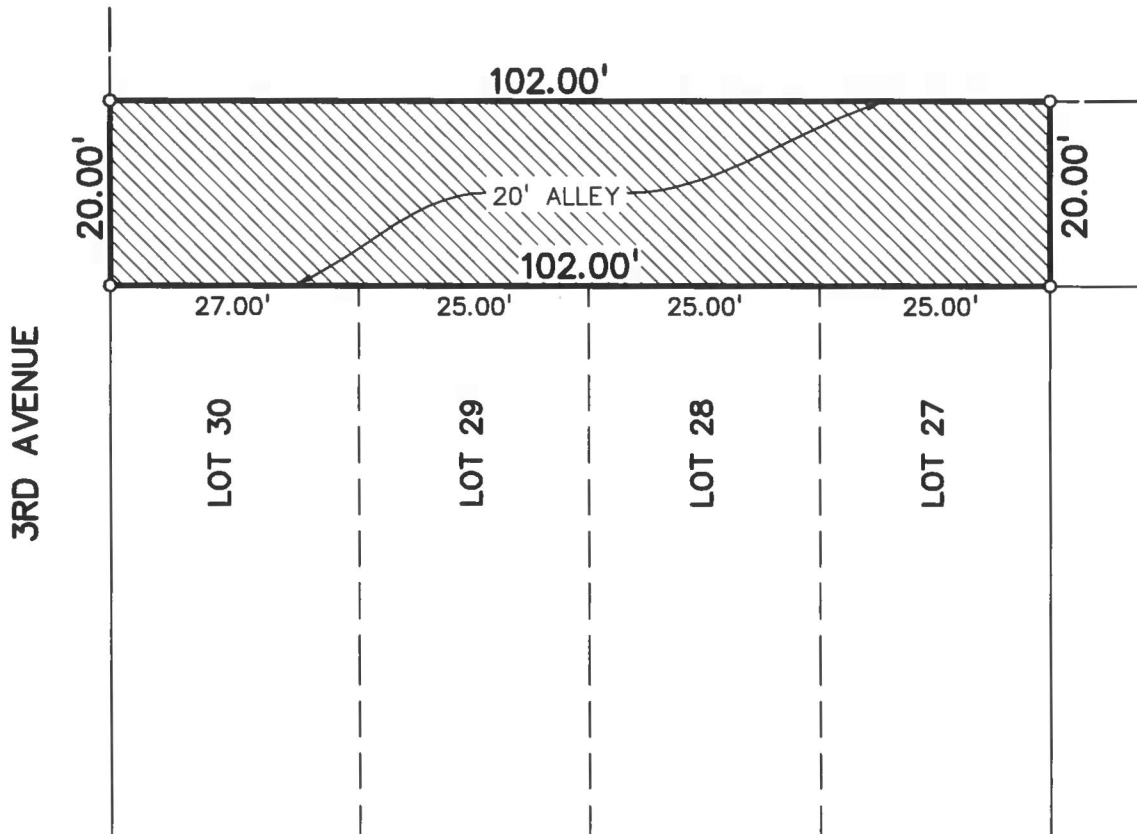
303.442.4338
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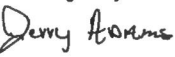
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LEGAL DESCRIPTION PREPARED BY:
MATHEW E. SELDERS
DREXEL, BARRELL & CO.
1800 38TH STREET
BOULDER, CO 80301
(303) 442-4338

DocuSigned by:

C73E548D55A545A...
June 7, 2019



DocuSigned by:

 C73E548D55A545A...

June 7, 2019



SCALE 1" = 20'

NOTE

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FOR: JOSHUA TIKAL

IN ACCORDANCE WITH CRS 13-80-105;

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Revisions - Date	Date	Drawn By	Job No.
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City of Greeley Water & Sewer Department

City of Greeley Stormwater Management

Atmos Energy

Xcel Energy

Comcast Cable

CenturyLink



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Miguel Flores

Comcast Cable

CenturyLink



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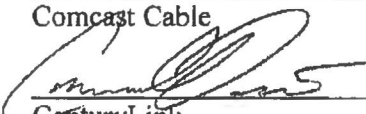
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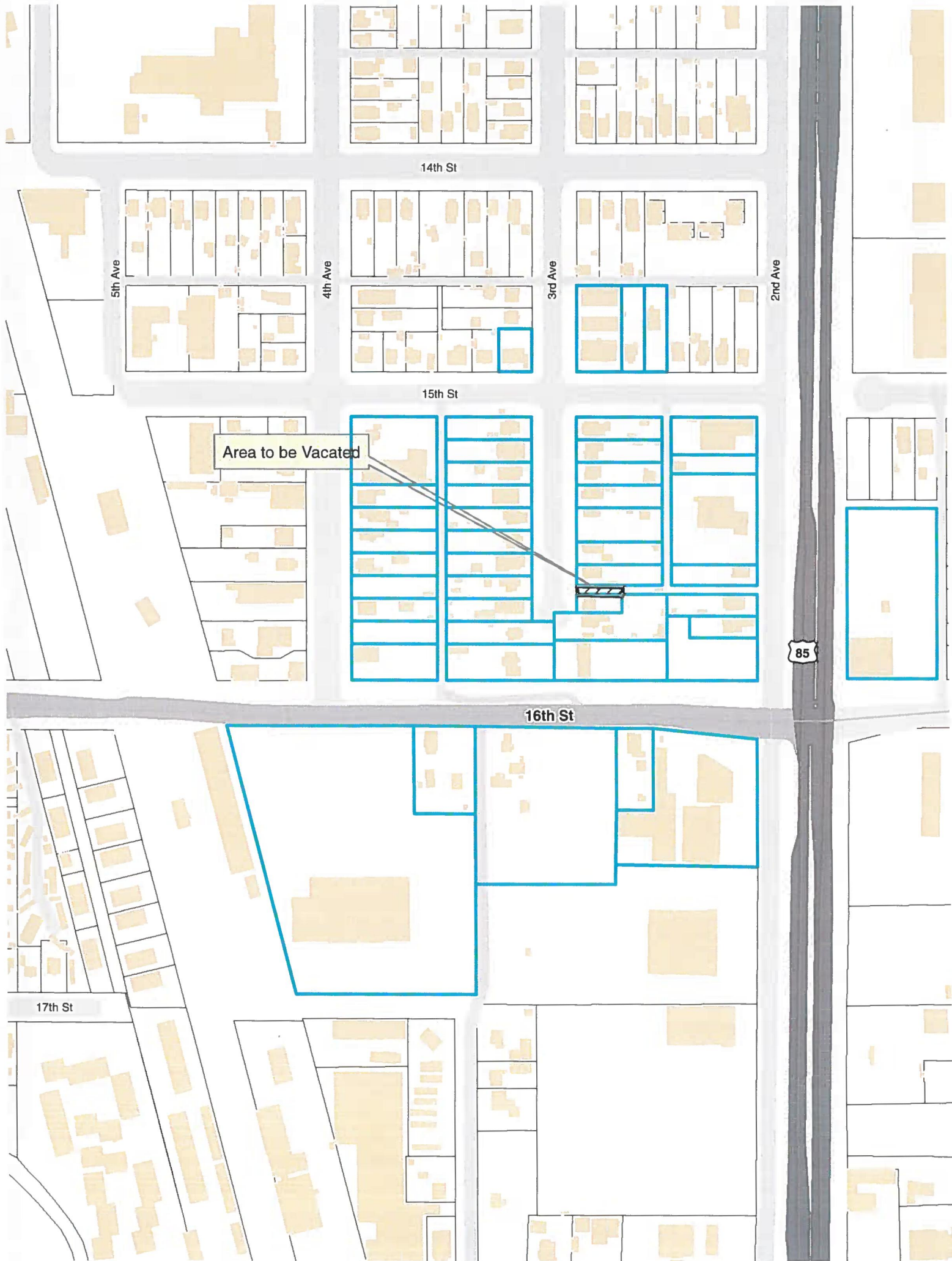
Atmos Energy

Xcel Energy

Comcast Cable



CenturyLink





ALLEY RIGHT-OF-WAY VACATION

Greeley City Council

September 3, 2019

Zoning & Vicinity Map

Site:

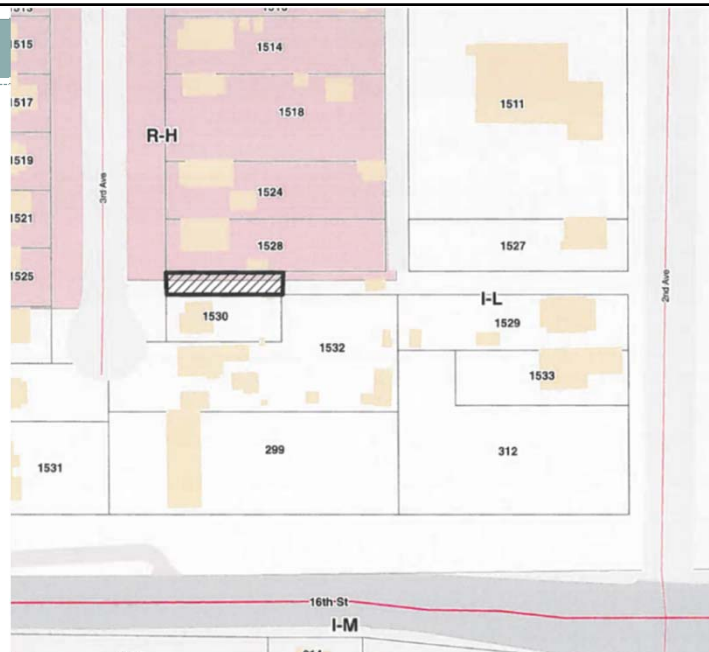
- o Alley area in between 1528 and 1530 3rd Avenue

Surrounding Zoning:

- o North- R-H
- o South- I-L
- o East- I-L
- o West- I-L and R-H

Surrounding Land Uses:

- o North- Single-Family
- o South- Single-Family
- o East- Single-Family
- o West- Single-Family



Alley Right-of-Way Vacation



Background

History:

- o Platted in 1902
- o Not used since 1970's
- o Area is now landscaped
- o Fenced
- o City Improvements – Curb, Gutter, and Sidewalks



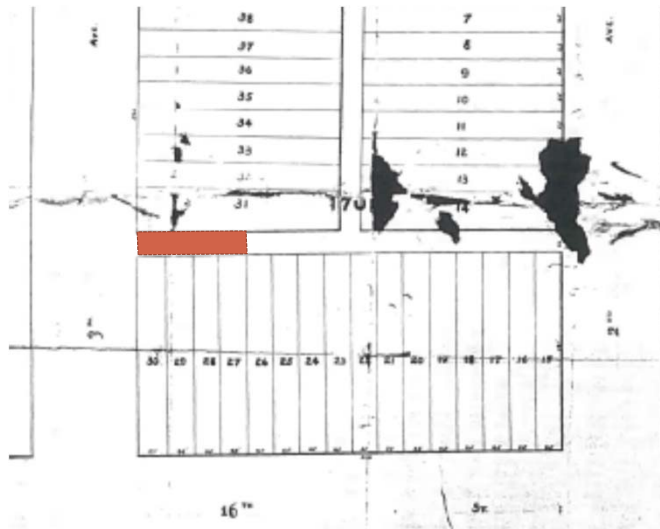
Alley Right-of-Way Vacation



Original Plat

History:

- o Platted in 1902

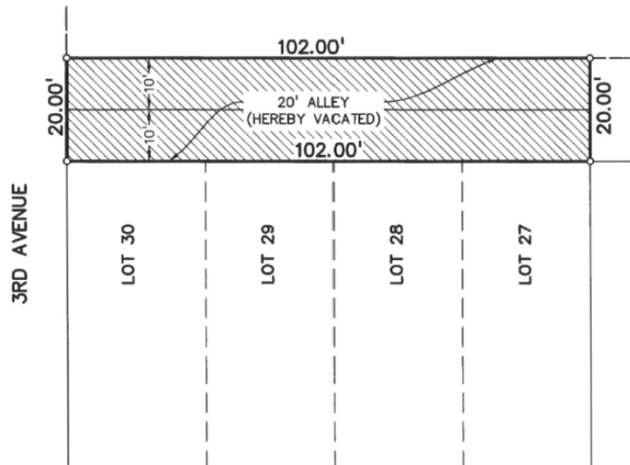


Alley Right-of-Way Vacation

Vacation Exhibit

Request:

- o Vacate a 20-foot by 102-foot area
- o North 10 feet would go to property owner at 1528 3rd Avenue and south 10 feet would go to property owner at 1530 3rd Avenue
- o All utility companies have signed off on the request



Alley Right-of-Way Vacation

Development Code Criteria Summary

Vacation Criteria:

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

Vacation does not deprive any parcel of adequate access to public road or street right-of-way.

- o Should have no negative effects on health, safety or welfare.
- o Does not deprive property owners nor any adjacent owners access to their properties.

Alley Right-of-Way Vacation

Notification	Recommendation
- o Notice letters mailed to property owners within 500 feet. - o Signs posted on the property. - o No comments received.	o Planning Commission recommends approval to City Council
Alley Right-of-Way Vacation	

Council Agenda Summary

September 3, 2019

Agenda Item Number 21

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Public hearing and final reading of an ordinance to consider a change of zone from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning for approximately .210 acres of property located at 1530 3rd Avenue known as the 1530 3rd Avenue Rezone, and changing the official zoning map to reflect the same

Summary:

The City of Greeley is considering a request from Joshua Tikal to rezone approximately .210 acres of land, located at 1530 3rd Avenue, from I-L (Industrial Low Intensity) zone district to the R-H (Residential High Density) zone district.

The Planning Commission considered this request on August 13, 2019 and unanimously recommended approval to City Council.

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?	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 Priority and Goal:

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:

- A) A motion that, based on the application received and subsequent staff analysis, the proposed rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density) meets Development Code Section 18.30.050(c)(3) a, b, e, f and g; and, therefore, approves the rezone.
- B) A motion to adopt the map change and publish with reference to title only.

Attachments:

Ordinance

Planning Commission Minutes-Draft (August 13, 2019)

Planning Commission Summary (Staff Report) (August 13, 2019)

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

CASE NO. ZON2019-0007

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 .210 ACRES OF PROPERTY KNOWN LOCATED AT 1530 3RD AVENUE KNOWN AS THE 1530 3RD 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 I-L (Industrial Low Intensity) to R-H (Residential High Density), 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 _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

Legal Description

THE NORTH 40.00 FEET OF LOTS 27-30, INCLUSIVE, SANBORN'S SUBDIVISION OF BLOCK 170, TOGETHER WITH A PORTION OF THE 20.00 FOOT ALLEY NORTHERLY OF AND ADJACENT TO LOTS 27-30, INCLUSIVE, SAID SANBORN'S SUBDIVISION OF BLOCK 170, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

TOGETHER WITH THE EASTERLY 50.00 FEET OF 3RD AVENUE, ADJACENT TO AND WESTERLY OF THE ABOVE DESCRIBED PARCEL.



PLANNING COMMISSION Proceedings

August 13, 2019

**City Center South
Council Chambers Room
1001 11th Avenue
1:15 p.m.**

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m. Commissioners Schulte, Modlin, Briscoe, Rarick and Romulo were present. Commissioner Andersen was absent.

II. A public hearing to consider a request to vacate portion of an alley right-of-way between 1528 and 1530 3rd Avenue in the I-L (Industrial Low Intensity) and R-H (Residential High Density) zone districts

Project Name: Sanborn Subdivision Alley Right-of-Way Vacation
Case No.: ROW2019-0002
Applicant: Joshua Tikal
Location: East of 3rd Avenue and west of 2nd Avenue
Presenter: Darrell Gesick, Planner III

Mr. Gesick addressed the Commission and entered his staff report into the record. He stated the location and presented aerial maps. Mr. Gesick briefly described the proposal and shared some background about the location along with its surroundings. He also presented vacation exhibits and stated the Greeley Developmental Code Section 18.04.810 (d). Mr. Gesick stated that the administrative review team reviewed this proposal, and there are no outstanding comments pertaining to the right-of-way vacation request. Mr. Gesick stated that neighborhood notices were mailed out to surrounding property owners and no comments have been received. Therefore, staff recommends approval.

Commissioner Modlin questioned the location of the alley right-of-way and any future changes. Mr. Gesick stated that the neighboring property owner adjacent to the alley did not want to be part of the proposal at this time. The property owner at 1530 is in the process of building an addition. Therefore, the applicant is requesting to vacate the portion that is adjacent to the property. Mr. Gesick stated that later in the future property owners of

1528 and 1532 would work together for a vacation request on the remaining portion. Mr. Gesick commented that if this were not an option, the City could intercede and vacate the alley in not only this area, but also surrounding areas where there are other alleys that need to be vacated.

Commissioner Andersen joined hearing at 1:19 p.m.

Applicant Joshua Tikal addressed the Commission. He had no further comments and offered to answer any questions.

Commissioner Yeater opened the public hearing at 1:20 p.m. There being no comment, the public hearing closed at 1:20 p.m.

Commissioner Rarick moved that, based on the application received and preceding analysis, the Planning Commission finds that the proposed right-of-way vacation request meets the Development Code Criterion found in Section 18.04.810 and therefore recommends approval to the City Council. Commissioner Schulte seconded the motion. The motion carried 6-0. (Commissioner Andersen did not vote due to her arrival after the presentation.)

III. A public hearing to consider a request to rezone .210 acres of property from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning

Project Name: 1530 3rd Avenue Rezone
Case No.: ZON2019-0007
Applicant: Joshua Tikal
Location: 1530 3rd Avenue
Presenter: Darrell Gesick, Planner III

Mr. Gesick addressed the Commission and entered the staff report into the record. He stated the location and presented aerial maps. Mr. Gesick briefly described the proposal and shared some background about the location and its surroundings. He stated the zoning for this area made it hard for the property owner to make any changes, therefore is requesting a rezone. He presented property boundary maps and stated the approval criteria followed in the Development Code Section 18.30.050 Rezoning Procedures. Mr. Gesick noted that the rezoning from I-L to R-H would allow the current property owners to expand the historical residential use on their property. He added that the impacts are minimal. Mr. Gesick stated that this proposal is consistent with the comprehensive plan and policies outlined in the summary. Mr. Gesick stated that there is not a current zoning suitability plan. He reported that neighborhood notices were mailed out to surrounding property owners and that no comments have been received. The administrative review team has reviewed this proposal and there are no impacts at this time, therefore recommends approval.

Commissioner Romulo asked if there was timeline for completing the rezoning master plan. Mr. Gesick stated it would be based on time and workload. He commented possibly sometime next year. Commissioner Andersen questioned mix uses on properties; she stated that this conversation had been previously brought up at Commission. She requested a clarification on the difference between mix uses. Mr. Gesick briefly described the different type of mixed uses. She questioned if the opportunity would be open for future

developments, for example dividing the property. Mr. Gesick stated that this zoning would allow for multiple uses if they decide to divide. He clarified that they would have to go through a land use action to provide proof of appropriate use.

Applicant Joshua Tikal addressed the Commission and offered to answer any questions.

Commissioner Yeater opened the public hearing at 1:28 p.m. There being no comment, the public hearing closed at 1:28 p.m.

Commissioner Schulte moved 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) a, b, e, f, and g; and therefore, recommend approval of the rezone to the City Council. Commissioner Briscoe seconded the motion. The motion carried 7-0.

IV. A public hearing to consider a request to rezone approximately .66 acres from I-M (Industrial Medium Intensity) to C-H (Commercial High Intensity)

Project Name: 354 Business Park Rezone #2
Case No.: ZON2019-0005
Applicant: David Lee and Lief Jensen
Location: 3529 4th Street
Presenter: Caleb Jackson, Planner II

Mr. Jackson addressed the Commission and entered the staff report into the record. Mr. Jackson stated the location and surrounding land uses along with site characteristics. He shared background about the subject site and its surroundings. He commented that this was previously rezoned. Mr. Jackson stated that the new rezone request being proposed is for a rezone from I-M to C-H. He stated that the applicant is currently going through a subdivision process that is going to require additional right-of-way to be dedicated along Fourth Street as well as 35th Avenue.

Mr. Jackson stated that staff has reviewed this proposal and finds no major impacts. He commented that there is an infrastructure on this site. The city is envisioning a growth in this area, and is planning to widen 35th adjacent to this site in the following year. Mr. Jackson stated that staff is working in conjunction with the applicant for development on access points and landscaping for this site and additional improvements related to the widening project. Mr. Jackson provided a Zoning Suitability Map showing the property is suitable for redevelopment with commercial standards in the Development Code. Mr. Jackson stated that notices were mailed to property owners within 500 ft. of the subject site. No comments have been received at this time. Therefore, staff recommends approval.

Commissioner Rarick asked if any responses were received from the notice letter. Mr. Jackson clarified that none were received. Commissioner Schulte questioned what the previous rezoning was, and what had changed in the last year. Commissioner Schulte expressed his concerns about spot zoning. Mr. Jackson stated that both parcels were previously zoning R-L. The application was submitted last year to rezone the front parcel

PLANNING COMMISSION SUMMARY

ITEM: Rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density)

FILE NUMBER: ZON2019-0007

PROJECT: 1530 3rd Avenue Rezone

LOCATION: 1530 3rd Avenue

APPLICANT: Joshua and Michelle Tikal

CASE PLANNER: Darrell Gesick, Planner III

PLANNING COMMISSION HEARING DATE: August 13, 2019

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 Joshua and Michelle Tikal, to rezone the property located at 1530 3rd Avenue, plus adjacent right-of-way to the centerline of the roadway, approximately 0.210 acres (9,148 square feet) from I-L (Industrial Low Intensity) to R-H (Residential High Density) (see Attachments A, B, C, and D).

A. REQUEST

The applicant is requesting approval of a rezone (see Attachment B).

B. STAFF RECOMMENDATION

Approval.

C. LOCATION

Abutting Zoning:

North: R-H (Residential High Density)

South: I-L (Industrial Low Intensity)

East: I-L

West: I-L and R-H

Surrounding Land Uses:

North: Single-family Residence
South: Single-family Residence
East: Single-family Residence
West: Single-family Residence

Site Characteristics:

The site has a single-family dwelling and is landscaped with bushes, shrubs and trees. There is also a solid fence that borders the back yard area. Attached sidewalks exist along 3rd Avenue. The neighborhood block similarly transitions in use, south of the property, to a mix of residential, commercial and industrial uses as one approaches 16th Street.

D. BACKGROUND

The subject site contains one existing single-family residence built in 1954, located in the Sanborn Neighborhood. Similar to the Sunrise Neighborhood, the Sanborn Neighborhood has a mix of residential and industrial zoning districts and uses. The subject property is surrounded by residential uses to the north, east, south, and west. Properties further south, along 16th Street, and farther to the east and west, along Highway 85 and the Great Western Railroad, are a mix of industrial, commercial and residential uses (see Attachments A and B).

The subject site has been industrially zoned since the 1940s -50s. At the time of the construction, single-family use was a use by right in the industrial zone districts. However, residential uses have been a prohibited land use in industrial zoning districts since 1976. Therefore, the property is considered a non-conforming use and may only be altered one-time by no more than 25% of the building's footprint.

If the property were to be rezoned, the applicant plans to construct a 350-square-foot addition onto the existing 575 square foot residence (a 61% increase) to provide for an additional bedroom, a second bathroom, and a laundry room. The intended use would remain a single-family residential use. Residential High Density (R-H) zoning is a rational continuance of the existing R-H zone district north and west of the subject site. Any plans to redevelop the site into a more intense use would require administrative approval through a Site Plan Review and would have to meet Development Code requirements.

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 many decades. The Sanborn 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 and Highway 85.

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 property has been zoned industrial since approximately 1949 (70 years) without industrial development occurring on the property. Despite the industrial zoning, much of the Sanborn Neighborhood has remained residential, with original homes built in the early 1900's. There appears to be little interest in assembling smaller parcels into larger lots, which would be needed to develop land for industrial uses. The rezoning from I-L to R-H would allow the current property owners to expand the historical residential use on their property.

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 necessary in order to allow for the expansion of historical residential use within an industrial area. The City recognizes that zoning mismatches exist in certain geographies of the City, limiting improvements to properties because of their non-conforming use.

The City of Greeley's "Strategic Housing Plan" encourages the correction of such zoning mismatches in order to promote housing choice, a variety of housing, and reinvestment in existing neighborhoods.

This request complies with this criterion.

- 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: City services such as water, sewer, police and fire are already available to the site. Sidewalks exist along west side of the property. The applicant's current plans for the property should not increase the intensity of its current use and therefore should not negatively impact the neighborhood. If the property were rezoned, plans for the addition would be reviewed by staff during the building permit process for compliance with Development Code criteria. Noise impacts should be minimal.

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 Imagine Greeley Comprehensive Plan policies apply to this request:

Education, Health, and Human Services:

- ***EH-4.3*** Discourage land use changes, zoning changes, and/or new developments that will negatively impact the safety of students while attending school, travelling to and from a school, or diminish residential population in areas that are served by neighborhood schools.

Growth & City Form:

- ***GC-6.3*** Maintain, enhance, and protect the character of established neighborhoods while recognizing the need for established neighborhoods to evolve to meet city needs.
- ***GC-6.5*** Monitor and address conditions that contribute to distress, disinvestment and blight in older areas of the community through neighborhood plans and their implementation.
- ***GC-6.6*** Retain defined neighborhoods. Discourage "scrape-offs" and demolition of structures older than 40 years without careful evaluation in order to retain desirable and positive neighborhood identity and conserve existing resources.

Staff Comment: The proposed rezone supports the conservation of existing neighborhoods by allowing reinvestment in existing residential properties. Approval of the rezone would further protect adjacent residential uses by preventing the property from redevelopment into more intense industrial uses, which could impact the character of the neighborhood and quality of life.

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: There is no zoning suitability plan for this property. Staff does not anticipate any adverse effects due to the rezone request. Any intensification of the site's use would require land use review and approval.

This criterion is not applicable to this request.

E. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject property is known as lots 27-30 of Block 170, Sanborn Subdivision of (rec. no. 83747).

2. HAZARDS

Staff is unaware of any potential hazards that presently exist on the site.

3. WILDLIFE

The subject site is not located in an area identified for moderate or high wildlife impacts. There are no known impacts that would occur to wildlife if the site is rezoned.

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 3rd Avenue, a cul-de-sac which leads north to 15th Street. There are no proposed changes to the properties access. No additional impacts anticipated to be generated by the proposed rezone.

F. SERVICES

1. WATER

Water services are available in 3rd Avenue and can adequately serve the subject property.

2. SANITATION

Sanitation services are available in 3rd Avenue and can adequately serve the subject property.

3. EMERGENCY SERVICES

The subject site is serviced by the City of Greeley Fire and Police. The closest fire station, Fire Station #1, is located approximately one mile 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 0.40 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 .31 miles to the north, and Bella Romero Academy roughly 1.35 miles southeast. The subject property is also roughly one mile from the University of Northern Colorado. The proposed rezone should not have any impact on the School District.

G. NEIGHBORHOOD IMPACTS

1. VISUAL

No visual impacts are anticipated with this rezone request. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts.

2. NOISE

No noise impacts are anticipated with the rezone request. 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 July 24, 2019, per Development Code requirements. A sign was posted on the site on July 25, 2019. 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) a, b, e, f, and g; and therefore, recommend approval of the rezone to the City Council.

ATTACHMENTS

Attachment A – Zoning/Vicinity Map

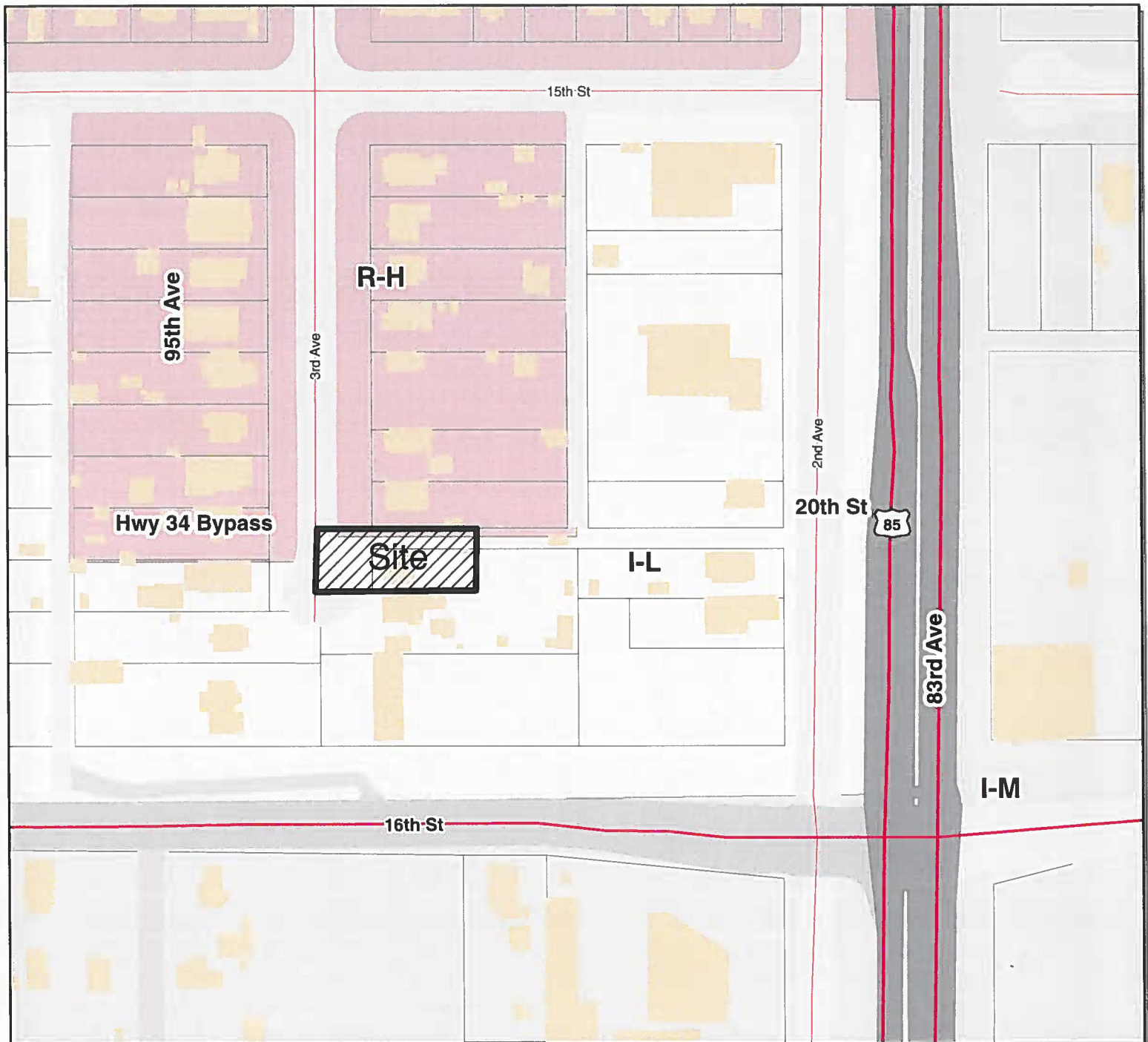
Attachment B – Photo Aerial

Attachment C – Narrative

Attachment D – Property Boundary Map

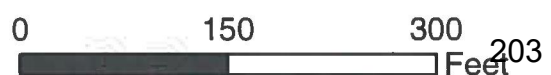
Attachment E – Notification Boundary Map

Zoning/Vicinity Map 1530 3rd Avenue Rezone



Legend	
StreetCenterlines	
CLASSIFICATION	
	Expressway
	Arterials
	Local, Collectors
	Unknown
	City Limits
	Building
	Weld Parcels

ZON2019-0007





3rd Ave

1530 3 Ave. Greeley CO 80631

Project Narrative

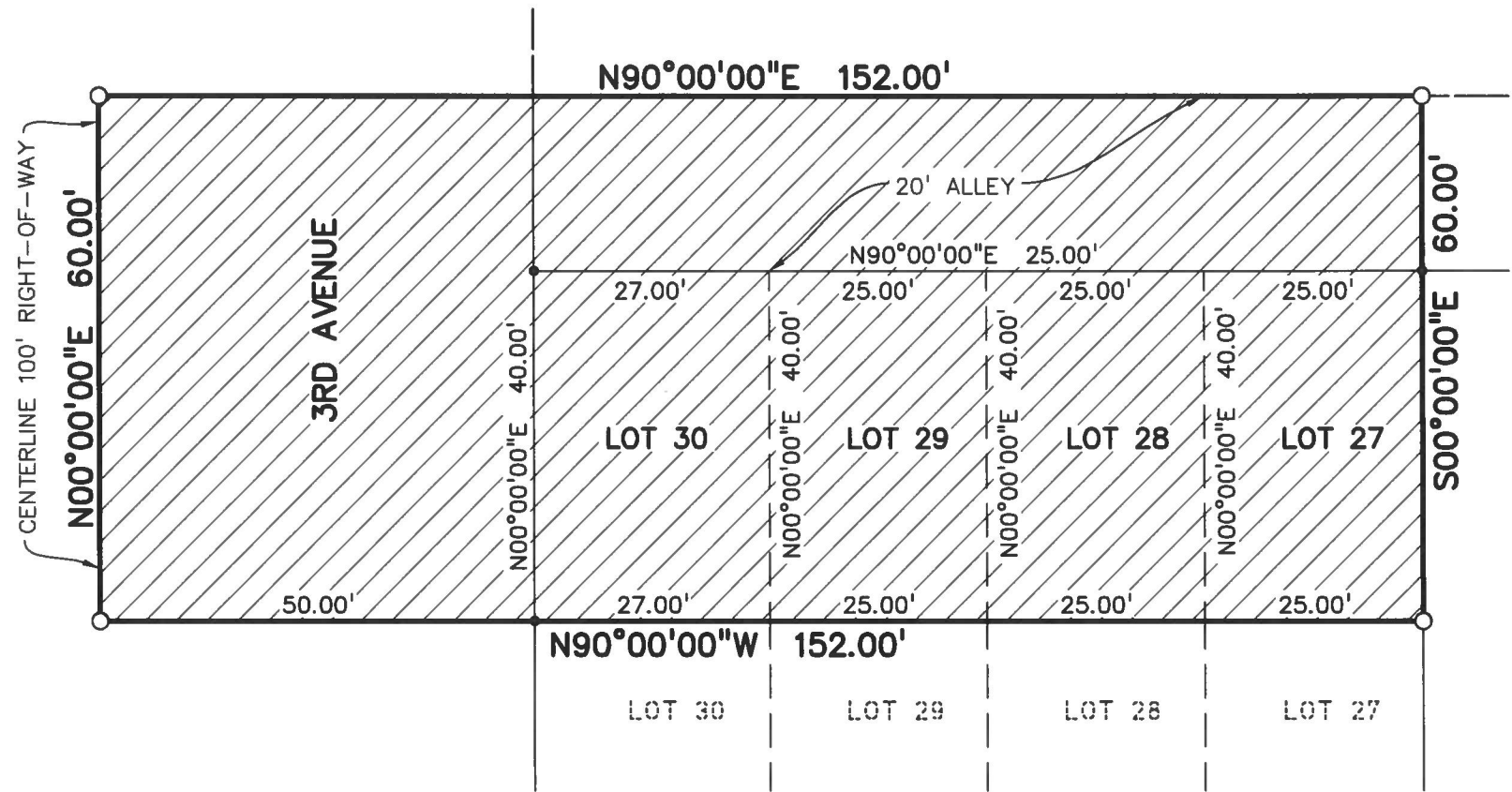
The proposed property, the North 40.00 feet of lots 27-30, inclusive, Sanborn's Subdivision of Block 170, is being requested to be rezoned from Industrial Low Density (I-L) to Residential High Density (R-H) to allow for the ability to add on to the existing single family home without the square footage restriction on I-L zoned additions. The land use for the property has been a single family residence and will continue to be a single family residence.

The proposed site improvements will include the addition of approximately 350 square feet to the existing approximately 575 square feet home. This will provide a third, larger bedroom, a second much larger bathroom, and a laundry room for the residence.

It is in the public interest to rezone to R-H for zoning consistency as the property directly to the north of this property is already zoned R-H as are the properties to the west and north of that property as well. Also, as a single family residence, this property has never been used as an industrial or commercial property, nor are there any plans for use by any business out of this residence in the future. There are no foreseeable negatives associated with the rezone of this property to R-H as it is currently a single family residence as are all of the other properties on 3 Avenue located between 15 Street and 16 Street with the exception of one multi-family residence located on the corner of 3 Avenue and 15 Street.

As this area of the Sanborn Subdivision is already being considered for rezoning by the City of Greeley to R-H, it is clear that the proposed rezoning is consistent with the City's plan and will comply with all existing and future zoning requirements of the area.

PROPERTY BOUNDARY MAP,
REZONE OF 1530 3RD AVENUE



SCALE 1" = 20'

AREA SUMMARY	
LOTS 27-30	0.094 ACRES
ALLEY	0.047 ACRES
3RD AVENUE	0.069 ACRES
TOTAL	0.210 ACRES

LEGAL DESCRIPTION

THE NORTH 40.00 FEET OF LOTS 27-30, INCLUSIVE, SANBORN'S SUBDIVISION OF BLOCK 170, TOGETHER WITH A PORTION OF THE 20.00 FOOT ALLEY NORTHERLY OF AND ADJACENT TO LOTS 27-30, INCLUSIVE, SAID SANBORN'S SUBDIVISION OF BLOCK 170, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

TOGETHER WITH THE EASTERLY 50.00 FEET OF 3RD AVENUE, ADJACENT TO AND WESTERLY OF THE ABOVE DESCRIBED PARCEL.

GENERAL NOTES

1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT, IT IS INTENDED ONLY TO DEPICT INFORMATION REQUESTED BY THE CITY OF GREELEY.
2. THE CLIENT DID NOT WISH EASEMENTS OR RIGHTS-OF-WAYS RESEARCHED AND DID NOT PROVIDE DREXEL BARRELL & CO. WITH TITLE INFORMATION, THEREFORE, EASEMENTS AND RIGHTS-OF-WAYS HAVE NOT BEEN RESEARCHED OR SHOWN EXCEPT AS NOTED.
3. THE BOUNDARY OF THIS MAP IS SHOWN PER AN IMPROVEMENT LOCATION CERTIFICATE PREPARED BY MCRAE & SHORT, INC., DATED OCTOBER 15, 1991.

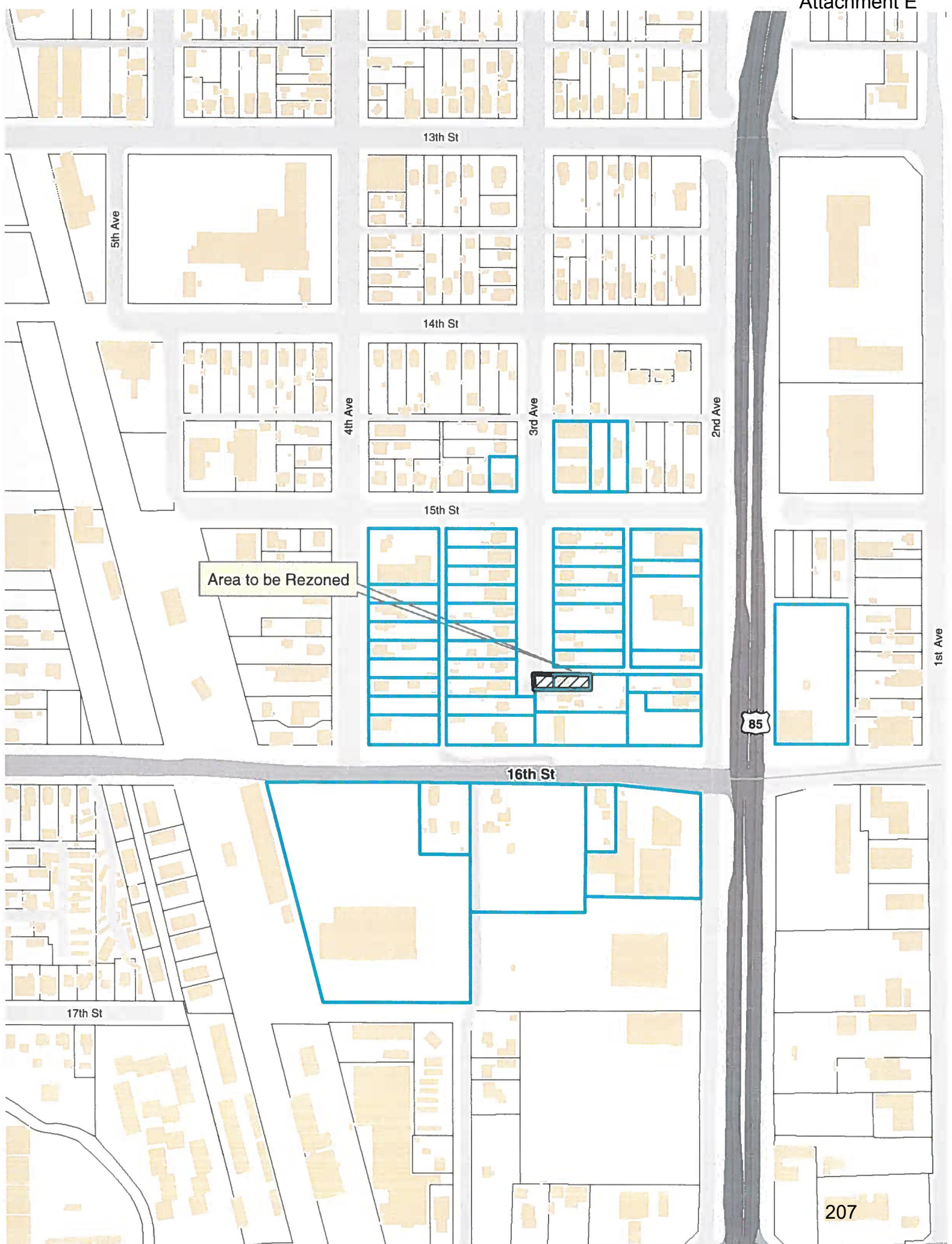
EXHIBIT MAP OF A TRACT OF LAND
LOCATED IN NE1/4 OF SECTION 8,
T5N, R65W OF THE 6TH P.M., CITY
OF GREELEY, COUNTY OF WELD,
STATE OF COLORADO.
FOR: JOSHUA TIKAL

IN ACCORDANCE WITH CRS 13-80-105;
NOTICE: 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. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
1800 38TH STREET BOULDER, COLORADO 80301 (303) 442-4338

BOULDER, COLORADO (303) 442-4338
COLORADO SPRINGS, COLORADO (719) 580-0887
GREELEY, COLORADO (970) 351-0646

Revisions - Date	Date	Drawn By	Job No.
	5/2/19	MNF	21313-00
	Scale	Checked By	Drawing No.
	1" = 20'	MES	IN 505



Area to be Rezoned

85

1st Ave

207



1530 3RD AVENUE REZONE

Greeley City Council

September 3, 2019

Zoning & Vicinity Map

Site:

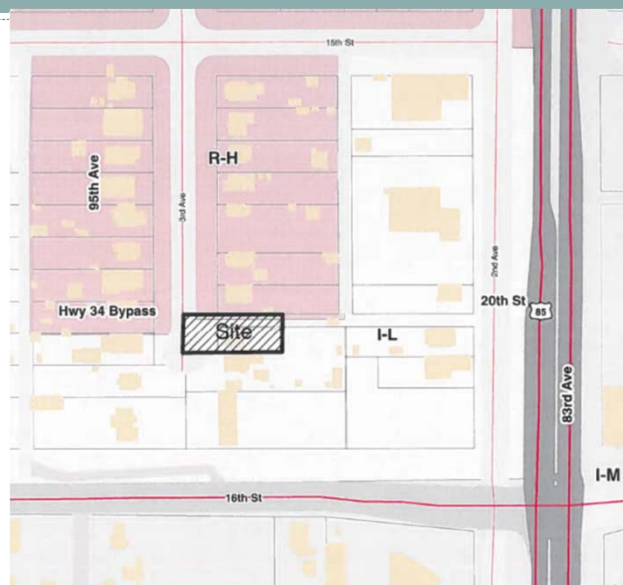
- o 1530 3rd Avenue and Alley Right-of-Way (To be Vacated)
- o .210 Acres (Including the Alley to be Vacated)
- o Existing Zoning is I-L
- o Proposed Zoning is R-H
- o Single-Family Dwelling

Surrounding Zoning:

- o North- R-H
- o South- I-L
- o East- I-L
- o West- I-L

Surrounding Land Uses:

- o North- Single-Family Dwelling
- o South- Single-Family Dwelling
- o East- Single-Family Dwelling
- o West- Single-Family Dwelling



1530 3rd Avenue Rezone

Background

History:

- o Platted in 1902
- o Home built in 1954
- o Industrially zoned since the 1950's
- o At one time residential uses were allowed in the Industrial Zone
- o Current Code does not allow residential uses

Request:

- o Rezone the property from I-L to R-H:

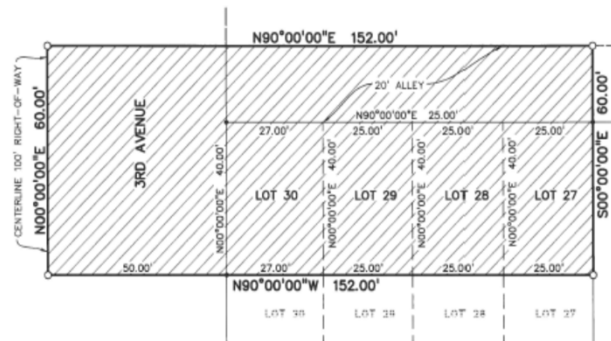


1530 3rd Avenue Rezone

Boundary Map

- o Rezone .210 Acres from I-L to R-H.
- o This does include a portion on Alley Right-of-Way that is proposed to be vacated

PROPERTY BOUNDARY MAP,
REZONE OF 1530 3RD AVENUE



1530 3rd Avenue Rezone

Approval Criteria



Rezone Criteria

Eight Criteria used to evaluate rezone request:

Has the area changed to such a degree that it is in the public interest to rezone to encourage development/Redevelopment?

- o Significant development/redevelopment has not occurred in decades.
- o The area has remained a stable residential area despite the industrial zoning.
- o The proposed zoning is compatible with the uses in the area.

Has the existing zoning been in place for at least 15 years without substantial development and does the zoning appear to be obsolete?

- o Zoning has been in place since 1950's.
- o Use has remained residential.
- o Difficult to have an industrial use on the property based on the size of the lot.

1530 3rd Avenue Rezone

Approval Criteria



Rezone Criteria

Are there clerical errors to correct?

- o No clerical or technical errors to correct.

Are there detrimental environmental impacts, such as flood plains, inadequate drainage, unstable soils that may affect development?

- o There are no detrimental impacts.

Is the rezone necessary to provide land for a community related use?

- o Not necessary in order to provide land for a community related use.

1530 3rd Avenue Rezone

Approval Criteria



Rezone Criteria

What is the potential impact on the immediate neighborhood and the City as a whole?

- o Noise impacts should be minimal. Noise is regulated by the Municipal Code.
- o Visual impacts would be reviewed for compliance at any type of site plan review stage.
- o Landscaping already installed to mitigate any visual impacts.
- o Water and sewer services are already existing on the subject site.
- o Drainage in the area would not change.
- o Police and Fire already provide service to this area.

Is the rezone consistent with the Comprehensive Plan?

- o Policies EH-4.3 (Discourage zoning changes that diminish neighborhoods) and GC-6.3, GC-6.5, GC-6.6 (Protect character of established neighborhoods).

1530 3rd Avenue Rezone

Approval Criteria



Rezone Criteria

Yes What is the impact on the zoning suitability plan?

- o No approved Zoning Suitability Plan for subject site and a new one was not required for this proposed rezone.

1530 3rd Avenue Rezone

	
Notification	Recommendation
- o Notice letters mailed to property owners within 500 feet. - o Signs posted on the property. - o No comments received	- o Planning Commission recommends approval to City Council - o meets rezone criteria a, b, e, f, and g
1530 3rd Avenue Rezone	

Council Agenda Summary

September 3, 2019

Agenda Item Number 22

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Public hearing and final reading of an ordinance authorizing the acquisition of additional property interests in real property located in Weld County, Colorado for water lines by purchase or exercise of the power of eminent domain pursuant to Section 7 of Article XVI, Section 15 of article II, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colo. Rev. Stat. § 38-1-101, et seq. (Gold Hill Segment Pipeline Project)

Summary:

This ordinance authorizes the acquisition of additional identified property interests required to construct and maintain the Gold Hill Segment Transmission Pipeline Project.

The Gold Hill Segment Pipeline Project will complete the Bellvue 60" Transmission Pipeline Project which will deliver treated water from the Bellvue Water Treatment Plant to west Greeley. The property interests are being acquired now to insure that the project can be constructed in the future as needed with development.

On September 18, 2018, City Council adopted Ordinance No. 44, 2018, authorizing the acquisition of property interests by purchase or the exercise of the power of eminent domain in order to construct and maintain water transmission lines within the Gold Hill Segment of the Greeley Bellvue Pipeline. Continued investigations by City staff have revealed that the Pipeline will also traverse real property that was not included in the original 2018 authorization request. To maintain a uniform acquisition process for all property interests required for the project, City Staff requests a supplemental authorization for the acquisition of property interests needed on the additional identified real property. The Water and Sewer Board approved this acquisition of property interests on the additional real property, either through purchase or exercise of the power of eminent domain, and recommends that City Council adopt this ordinance authorizing the same, in order to increase the capacity of the Bellvue Transmission Pipeline System for the citizens of Greeley and thereby promote growth. This ordinance was introduced at the August 20, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Unknown – to be negotiated
What is the annual impact?	None
What fund of the City will provide Funding?	404 – Water New Construction
What is the source of revenue within the fund?	Plant Investment 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:	

Legal Issues:

The Colorado Constitution and the Greeley Municipal Code authorize the City to acquire interests in real property for water and sewer purposes, including by eminent domain when necessary.

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.

Applicable Council Priority and Goal:

Infrastructure and Growth - Environmental Infrastructure

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

Water & Sewer Board Resolution No. 4 2019

Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. ___, 2019

AN ORDINANCE AUTHORIZING THE ACQUISITION OF INTERESTS IN REAL PROPERTY LOCATED IN WELD COUNTY, COLORADO FOR WATER TRANSMISSION LINES, BY PURCHASE OR EXERCISE OF THE POWER OF EMINENT DOMAIN, PURSUANT TO SECTION 7 OF ARTICLE XVI, SECTION 15 OF ARTICLE II, AND SECTIONS 1 AND 6 OF ARTICLE XX OF THE COLORADO CONSTITUTION AND COLO. REV. STAT. § 38-1-101, et seq. (GREELEY BELLVUE PIPELINE, GOLD HILL SEGMENT)

WHEREAS, the City of Greeley (“City”) is a Colorado home-rule municipality empowered, pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution, to, *inter alia*, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 15 of Article II and Section 7 of Article XVI of the Colorado Constitution further authorize the City to acquire water pipeline easements for domestic, irrigation, drainage, and other purposes; and

WHEREAS, the Greeley City Council (“Council”), on the recommendation of City staff and the City of Greeley Water and Sewer Board, has determined that the development of additional water transmission lines and associated facilities from the City’s Bellvue Water Treatment Plant to the City, traversing properties located in Larimer and Weld Counties, is necessary for the continued overall operation of the water works, and more specifically for the delivery of treated domestic water to the citizens of the City and other served communities and individuals; and

WHEREAS, the City Council adopted Ordinance 44, 2018 in September 2018, which *inter alia*, authorized the acquisition of certain interests in real property for construction of the Gold Hill Segment of the Greeley Bellvue Pipeline, the location of which is one such area where additional treated water transmission lines and associated facilities will need to be located, and is an area that is generally experiencing growth and redevelopment into more intensive land uses; and

WHEREAS, via its adoption of Ordinance 44, 2018, the City Council determined that the acquisition of interests in the real property identified on Exhibit A thereto, either through purchase or exercise of the City’s power of eminent domain, is necessary in order to construct and maintain such treated water transmission lines within the Gold Hill Segment of the Greeley Bellvue Pipeline; and

WHEREAS, continued investigations by City staff in the course of acquiring the aforementioned interests in real property authorized by Ordinance 44, 2018 revealed that the Gold Hill Segment of the Greeley Bellvue Pipeline will also traverse the real property generally depicted on Exhibit 1, which is attached to this ordinance and incorporated by reference; and

WHEREAS, the City's staff and counsel have accordingly determined that the treated water transmission lines for the Gold Hill Segment of the Greeley Bellvue Pipeline described above will need to be installed in the ground at varying depths, and that the acquisition of interests in real property is necessary in order to construct and maintain such treated water transmission lines within the real property generally depicted on Exhibit 1 to this Resolution, in addition to the real property generally depicted on Exhibit A to Ordinance 44, 2018; and

WHEREAS, the City Council has determined that the aforementioned acquisition of interests in real property, either through purchase or exercise of the City's power of eminent domain, is necessary for the development and use of said treated water transmission lines for the Gold Hill Segment of the Greeley Bellvue Pipeline.

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

Section 1. The City Council hereby reaffirms its determination that it is necessary for the City to acquire, either through purchase or exercise of the power of eminent domain, permanent easements and temporary construction easements for the installation, operation, maintenance, repair, and replacement of treated water transmission lines, for the continued overall operation of the water works, and more specifically for the delivery of treated domestic water to the citizens of the City and other served communities and individuals.

Section 2. The City Council hereby reaffirms its determination that the acquisition of permanent easements and temporary construction easements is necessary within the Gold Hill Segment of the Greeley Bellvue Pipeline depicted on Exhibit A to Ordinance 44, 2018, either through purchase or exercise of the power of eminent domain, for the above-described purposes.

Section 3. The City Council hereby determines that the acquisition of permanent easements and temporary construction easements for the Gold Hill Segment of the Greeley Bellvue Pipeline is also necessary across the real property generally depicted on Exhibit 1 to this Ordinance, either through purchase or exercise of the power of eminent domain, for the above-described purposes.

Section 4. The City's staff and counsel are hereby directed to continue with the acquisition of the above-described interests in real property, either through purchase or exercise

of the power of eminent domain, as authorized by Ordinance 44, 2018 and this Ordinance. The City Council hereby ratifies any previous actions by City staff in negotiating the acquisition of such interests in real property, and in providing notice of the City's intent to acquire such interests, in accordance with Colo. Rev. Stat. § 38-1-101, et seq.

Section 5. This ordinance shall take effect on the fifth day following its final publication, as provided in Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF _____ 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

**CITY OF GREELEY, ACTING BY AND THROUGH
ITS WATER AND SEWER BOARD**

RESOLUTION NO. 4, 2019

CONCERNING THE ACQUISITION OF INTERESTS IN REAL PROPERTY LOCATED IN WELD COUNTY, COLORADO FOR SANITARY SEWER INFRASTRUCTURE, BY PURCHASE OR EXERCISE OF THE POWER OF EMINENT DOMAIN, PURSUANT TO SECTION 7 OF ARTICLE XVI, SECTION 15 OF ARTICLE II, AND SECTIONS 1 AND 6 OF ARTICLE XX OF THE COLORADO CONSTITUTION AND COLO. REV. STAT. § 38-1-101, et seq. (ASHCROFT LIFT STATION)

WHEREAS, the City of Greeley (“City”) is a Colorado home-rule municipality empowered, pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution, to, *inter alia*, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 15 of Article II and Section 7 of Article XVI of the Colorado Constitution further authorize the City to acquire easements for domestic, irrigation, drainage, and other purposes; and

WHEREAS, Section 17-4 of the Greeley City Charter authorizes and requires the City Water and Sewer Board (“Board”) to acquire, develop, convey, lease, and protect water and sewer assets, supplies, and facilities; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Board to qualify the Water and Sewer functions and operations as an ‘enterprise’ as that term is contained in Section 20 of Article X of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, the issuance of bonds and all other necessary and ordinary functions of the Water and Sewer operations, which enterprise is established by Chapter 14.04 of the Greeley Municipal Code; and

WHEREAS, the Board has determined that the development and use of additional sanitary sewer lines and associated facilities in the Ashcroft Draw Basin Area, generally depicted on Exhibit A, is necessary for the continued overall operation of the water works, and more specifically to increase the capacity of sanitary sewer service for the citizens of the City, and thereby, to promote growth; and

WHEREAS, the Ashcroft Draw Basin Area is one such area where additional sanitary sewer lines and associated facilities will need to be located, and is an area that is generally experiencing growth and redevelopment into more intensive land uses; and

WHEREAS, City staff and legal counsel have determined that the additional sanitary sewer lines and associated facilities described above will need to be installed in the ground at varying depths, and that, accordingly, the acquisition of interests in real property is necessary in

order to construct and maintain such sanitary sewer lines and associated facilities in the area depicted on Exhibit A; and

WHEREAS, the Board has determined that the aforementioned acquisition of interests in real property, either through purchase or exercise of the City's power of eminent domain, is necessary for the development and use of said sanitary sewer lines and associated facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. The Board hereby determines that it is necessary for the City to acquire, either through purchase or exercise of the power of eminent domain, permanent easements and temporary construction easements for the installation, operation, maintenance, repair, and replacement of sanitary sewer lines and associated facilities, for the continued overall operation of the water works, and more specifically to increase the capacity of sanitary sewer service for the citizens of the City.

2. The Board hereby determines that the acquisition of permanent easements and temporary construction easements is necessary within the Ashcroft Draw Basin Area depicted on Exhibit A, either through purchase or exercise of the power of eminent domain, for the above-described purposes.

3. City staff and legal counsel are hereby authorized and directed to continue with the acquisition of the above-described interests in real property, either through purchase or exercise of the power of eminent domain. The Board hereby ratifies any previous actions by City staff and legal counsel in negotiating the acquisition of such interests in real property, and in providing notice of the City's intent to acquire such interests, in accordance with Colo. Rev. Stat. § 38-1-101, et seq.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 19 DAY OF JUNE 2019.

ATTEST:

DocuSigned by:
Roy Otto
Secretary to the Board

Harold Evans
Board Chairman

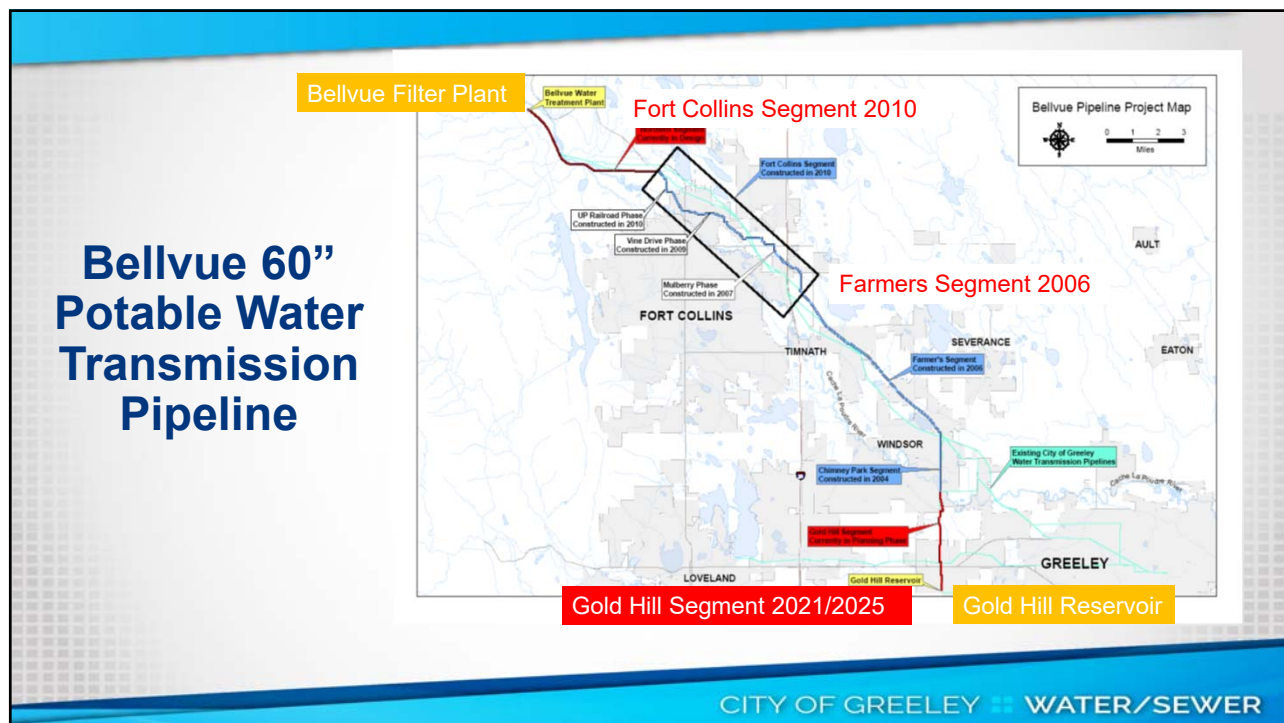
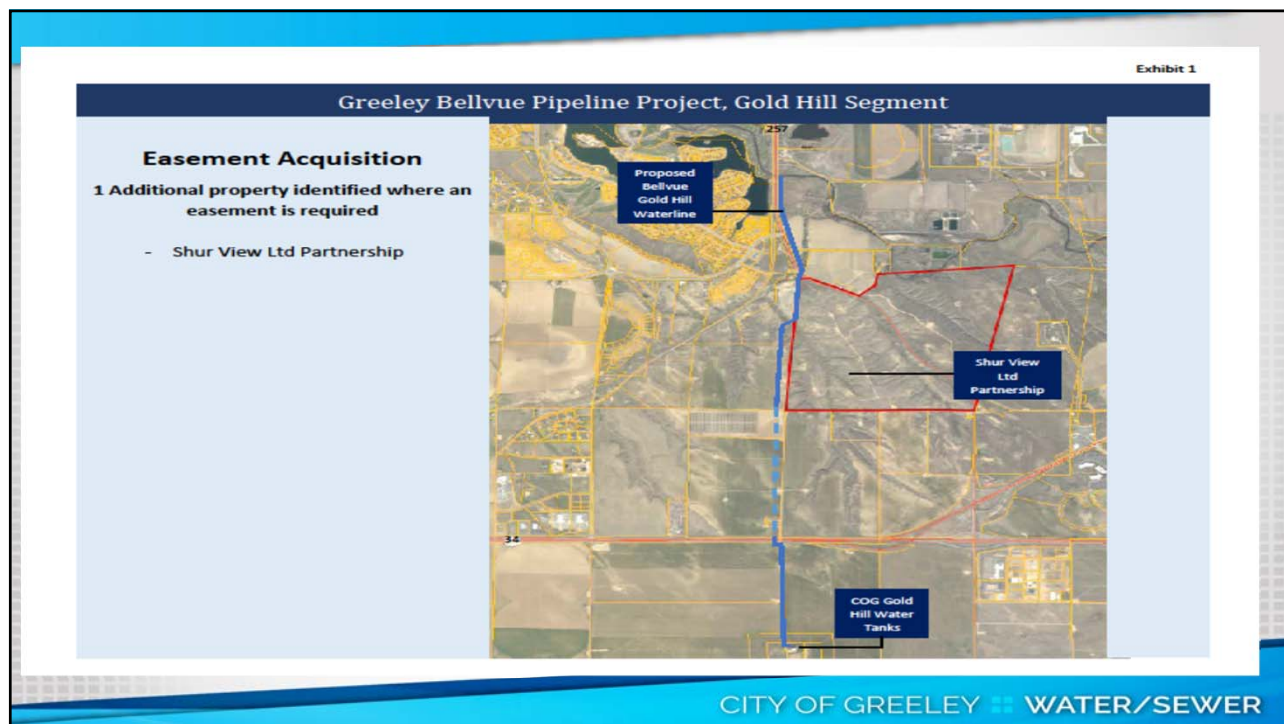


Gold Hill Water Transmission Pipeline Easement Acquisition

September 3, 2019

Overview

- Phased Construction of 60" Potable Water Transmission Main
- Current Segment from Windsor up towards Gold Hill
- Prior Sept. 2018 Easement approval did not include Shur View
 - Shur View is a preferred alignment alternative to the neighboring property which has limited right of way.



QUESTIONS?

CITY OF GREELEY :: WATER/SEWER

Council Agenda Summary

September 3, 2019

Agenda Item Number 23

Key Staff Contact: Becky Safarik, Assistant City Manager, 970-350-9785

Title:

Overview: 16th Street Corridor Plan

Summary:

In conjunction with the City's Quality of Life Initiative, a number of key travel corridors and entryways were studied and prioritized for improvement in order to provide residents and visitors with a positive, appealing, and welcoming experience. The 16th Street Corridor between 8th and 23rd Avenues was one such travel way. In 2005, a concept plan was developed which included improvements near Health Middle School and Greeley Central, adding landscaping, faux fencing, and mascot street signage. This interfaced with the coincidental improvements also underway by Banner Health related to the Hospital's major capital expansion and parking garage project. Improvements were also contemplated east of 14th Avenue near the UNC campus, but funding was limited and work on that portion of the corridor was suspended beyond the development of some general concepts.

When the University District Team initiated work to improve the 8th Avenue Travel Corridor in 2012, that intersecting section of 16th Street was once again examined as a complementary component to help connect the UNC campus with Downtown. Some initial concepts were developed and explored by the University District Team, but priority work was focused on 8th Avenue so the 16th Street work was set aside until 8th Avenue work could be completed.

In 2018, with the 8th Avenue improvements successfully completed, the University Team focused again on the 16th Street Corridor. Each of the institutional partners – UNC, the DDA, Banner Health, and the City – contributed funding to hire a firm to re-examine and refresh the ideas for an improved 16th Street Corridor Plan. The corridor plan was extended to reach to 7th Avenue in recognition of the new construction now occurring there, and south to pick up 17th Street as a logical component of the corridor and activities associated with the campus.

This new study effort kicked off in Spring of 2018 with an open house for area landowners, businesses, the UNC and area neighborhood community to react to corridor goals and ideas and to offer feedback and suggestions. Over 50 individuals attended the first meeting and comments from that session formed the basis of the subsequent corridor concepts. Over the next year, ideas were explored, tested, designed and modified to meet a variety of objectives and to meet technical requirements. The University Team provided guidance and feedback throughout this period.

In May, 2019 the final draft was presented for review at another well-attended open house, as well as with student leadership groups, at community walking tours and in other informal settings.

Based upon community and technical input the attached plan is recommended as a guide to improve the functional an appeal of the 16th Street Corridor. Key goals and concepts include:

- Improved pedestrian access and use of the area's public spaces;
- Enhanced traffic movement, lighting, and pedestrian safety improvements;
- Additional seating areas;
- Added parking;
- Improved landscaping;
- Improved property conditions, business facades, and area appearance;
- Support the area as a distinctive destination;
- Effective linkage between 8th Avenue improvements and UNC campus;
- Foster private area redevelopment and improvements;
- Improved appearance of Canal No. 3 as an area asset and distinctive feature.

This Corridor Plan was presented to the Downtown Development Authority with favorable reaction. University District Team members have also shared the Plan with their respective entities. If the Council endorses this Corridor Plan, specific implementation costs and strategies will be pursued. To the degree possible, 16th Street Corridor Plan improvements could be incorporated into capital repairs, maintenance and improvements, which are already planned for this area (e.g. restriping 9th Avenue for the added parking following an overlay project).

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	N/A
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:	Financial options for the phased implementation of the suggested improvements will be considered in partnership and participation with University District partners

Legal Issues:

None.

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

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

Decision Options:

This is an information item only.

Council's Recommended Action:

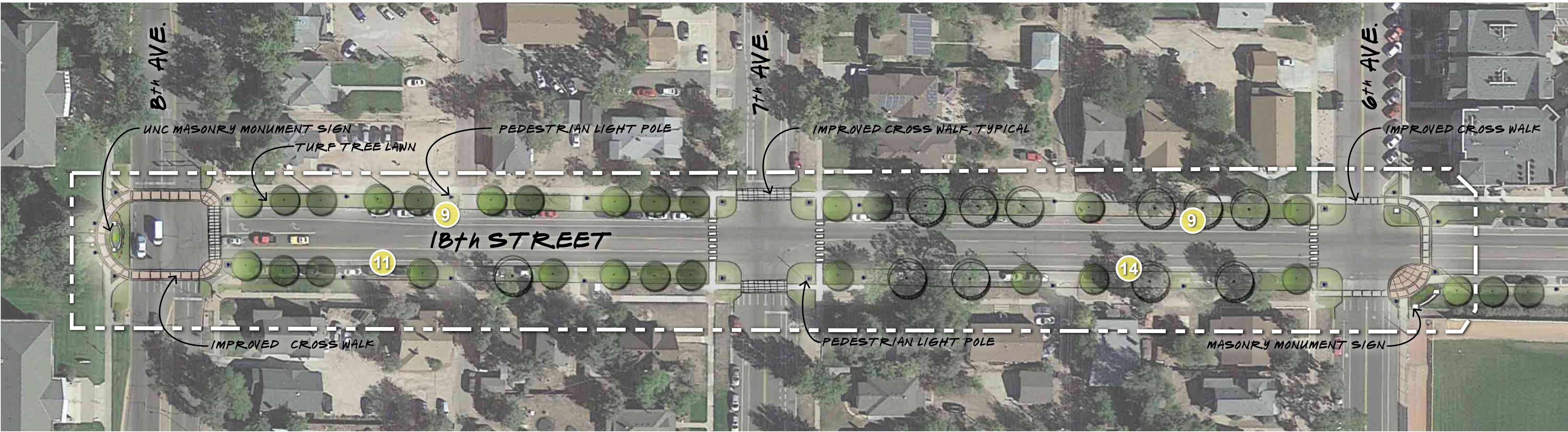
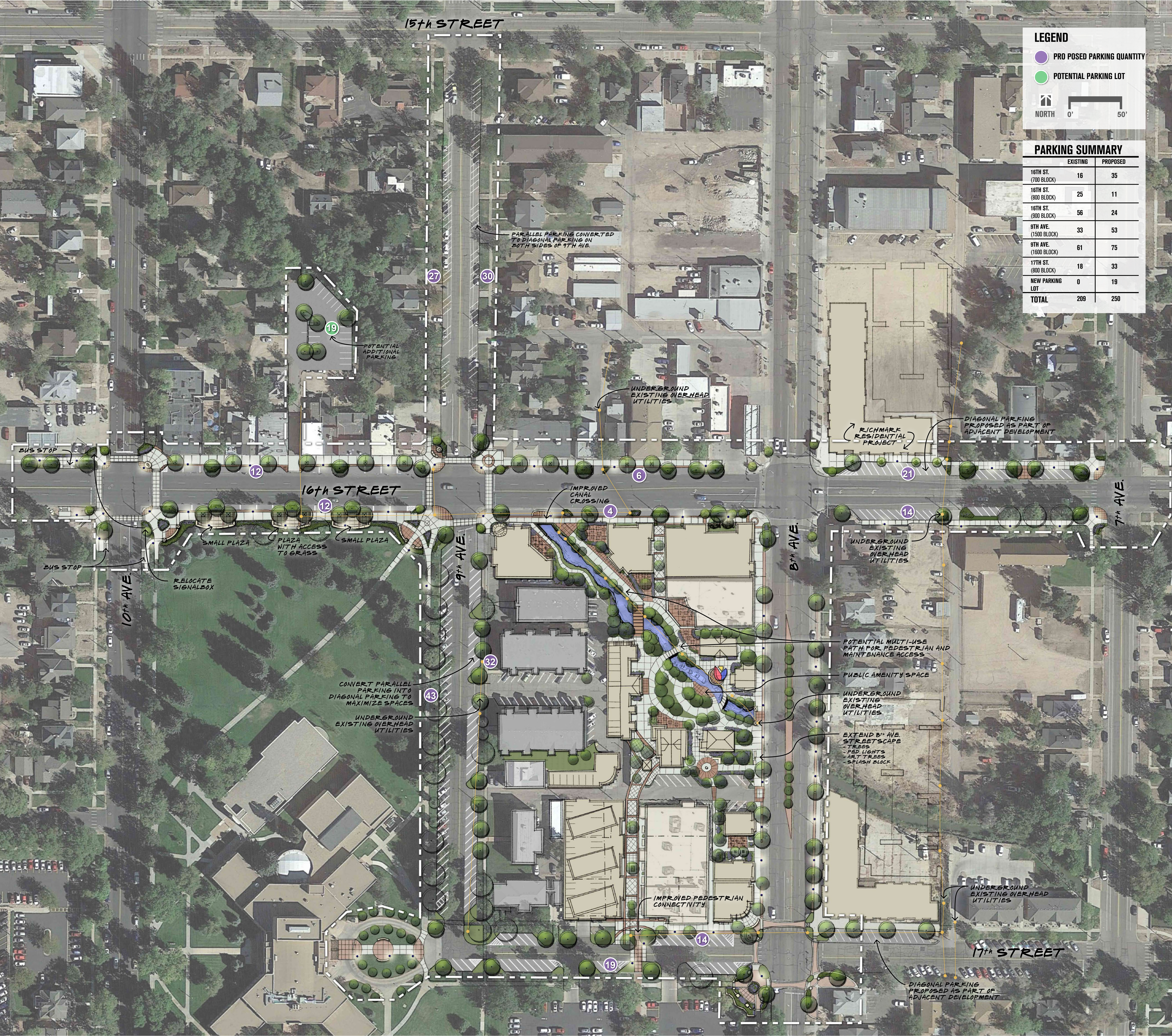
This is an information item only.

Attachments:

- A - 16th Street Corridor Plan
- B - Powerpoint Summary
- C - 16th Street Corridor: FAQs
- D - Public Comments

GREELEY 16TH STREET REVISIONING

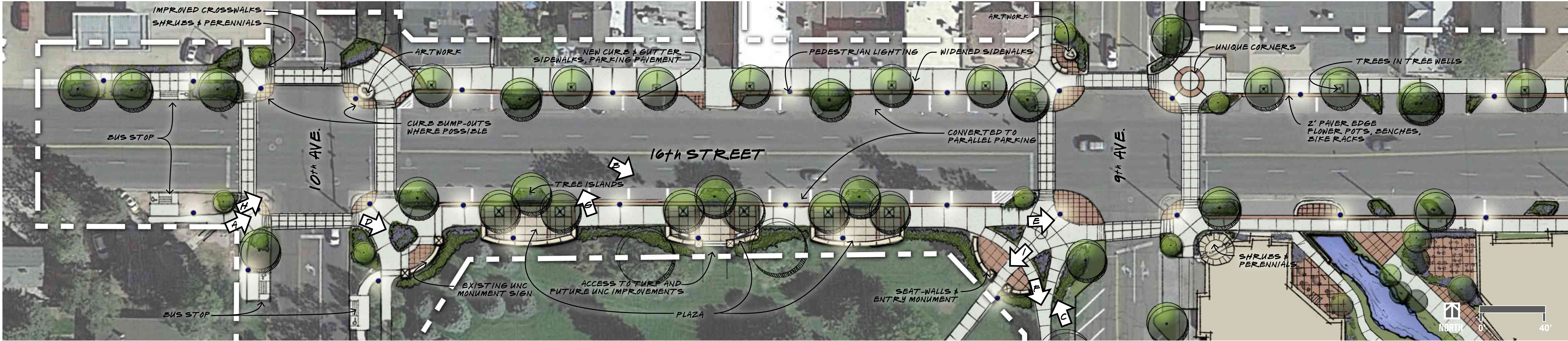
PROJECT MAP
GREELEY, COLORADO



GREELEY 16TH STREET REVISIONING

16TH STREET IMPROVEMENTS

GREELEY, COLORADO



16th St. and 10th Ave.

16th St. @ UNC Frontage

16th St. and 9th Ave.

GREELEY 16TH STREET REVISIONING

16TH STREET IMPROVEMENTS FROM 7TH AVE TO CANAL
GREELEY, COLORADO



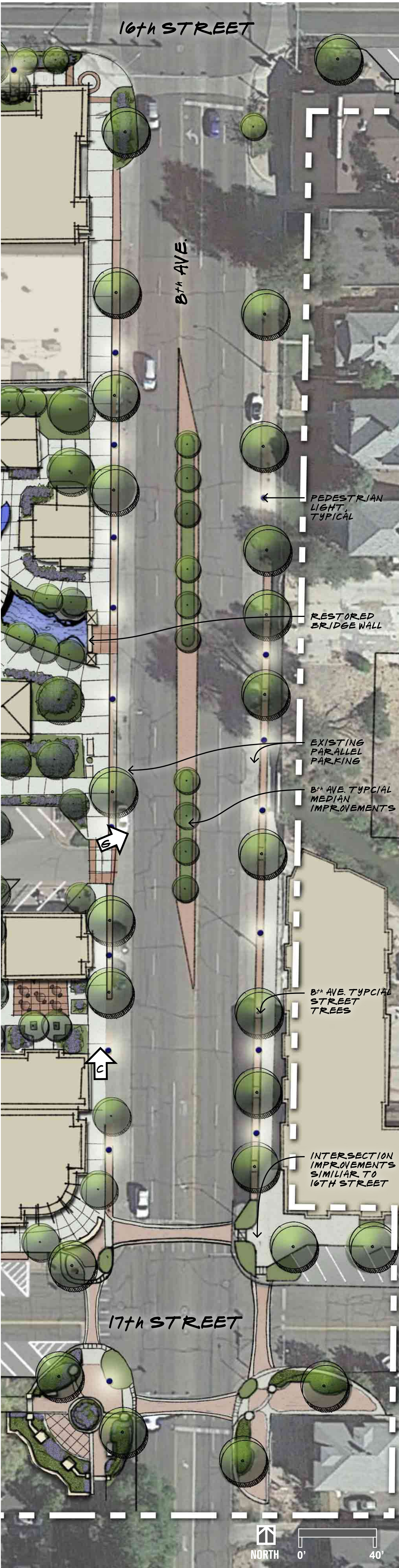
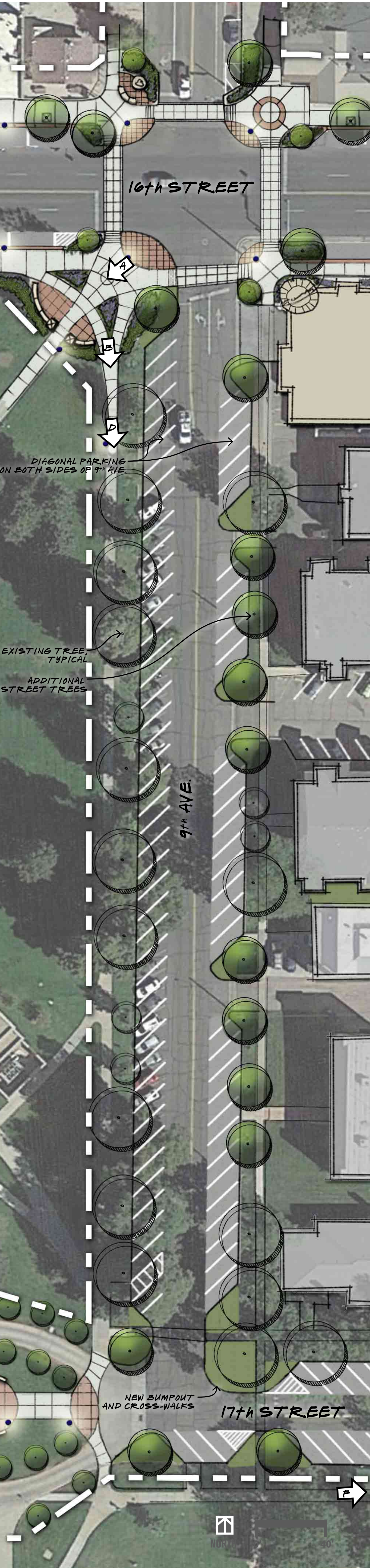
GREELEY 16TH STREET REVISIONING

17TH STREET IMPROVEMENTS
GREELEY, COLORADO



GREELEY 16TH STREET REVISIONING

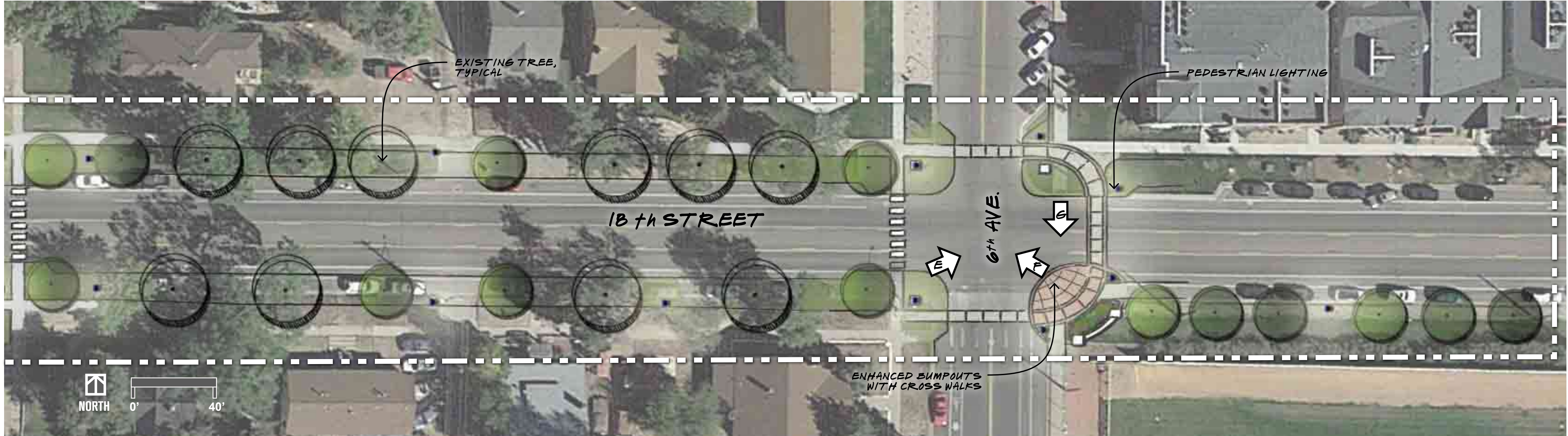
9TH & 8TH AVE IMPROVEMENTS
GREELEY, COLORADO



GREELEY 16TH STREET REVISIONING

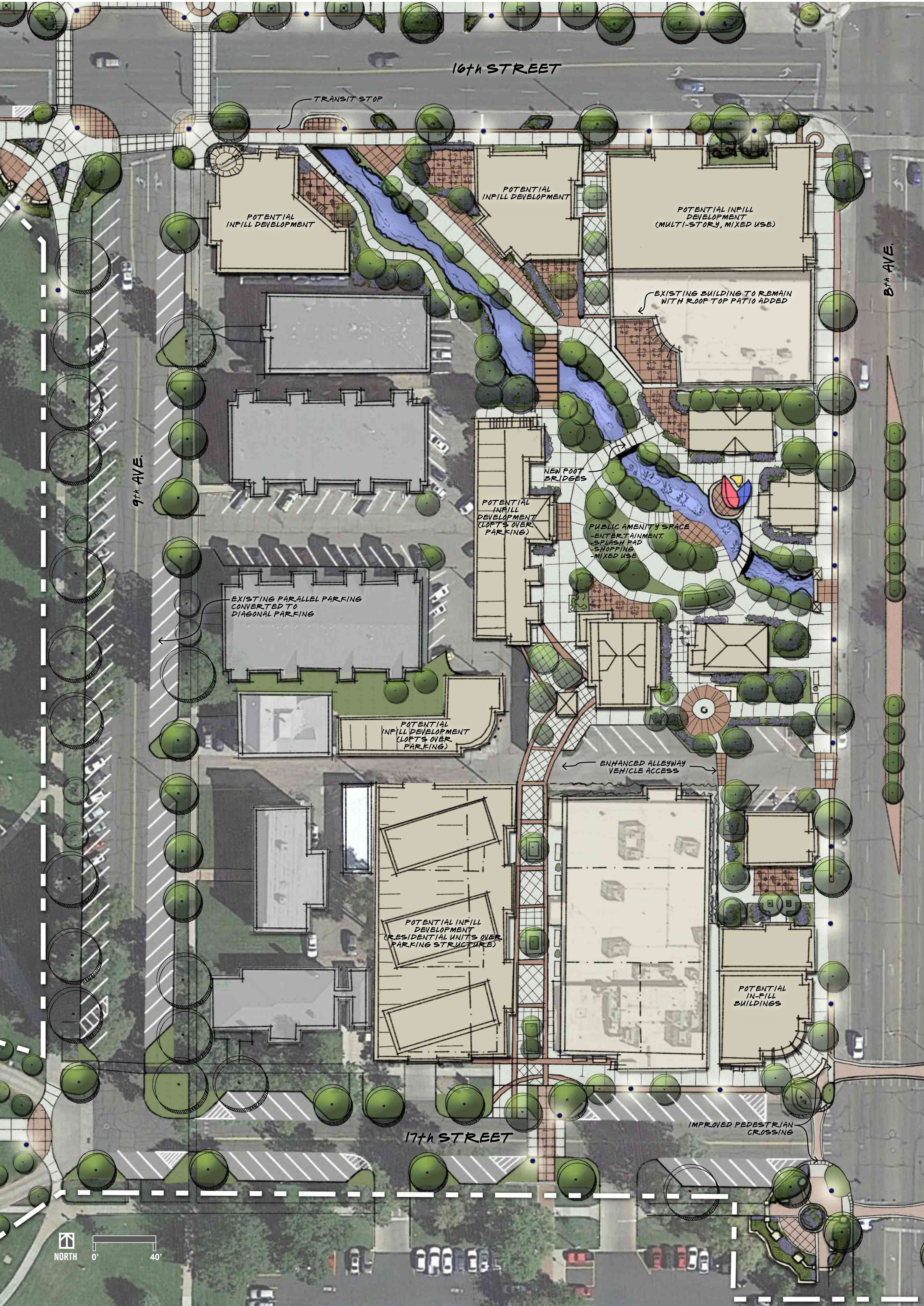
18TH STREET IMPROVEMENTS

GREELEY, COLORADO



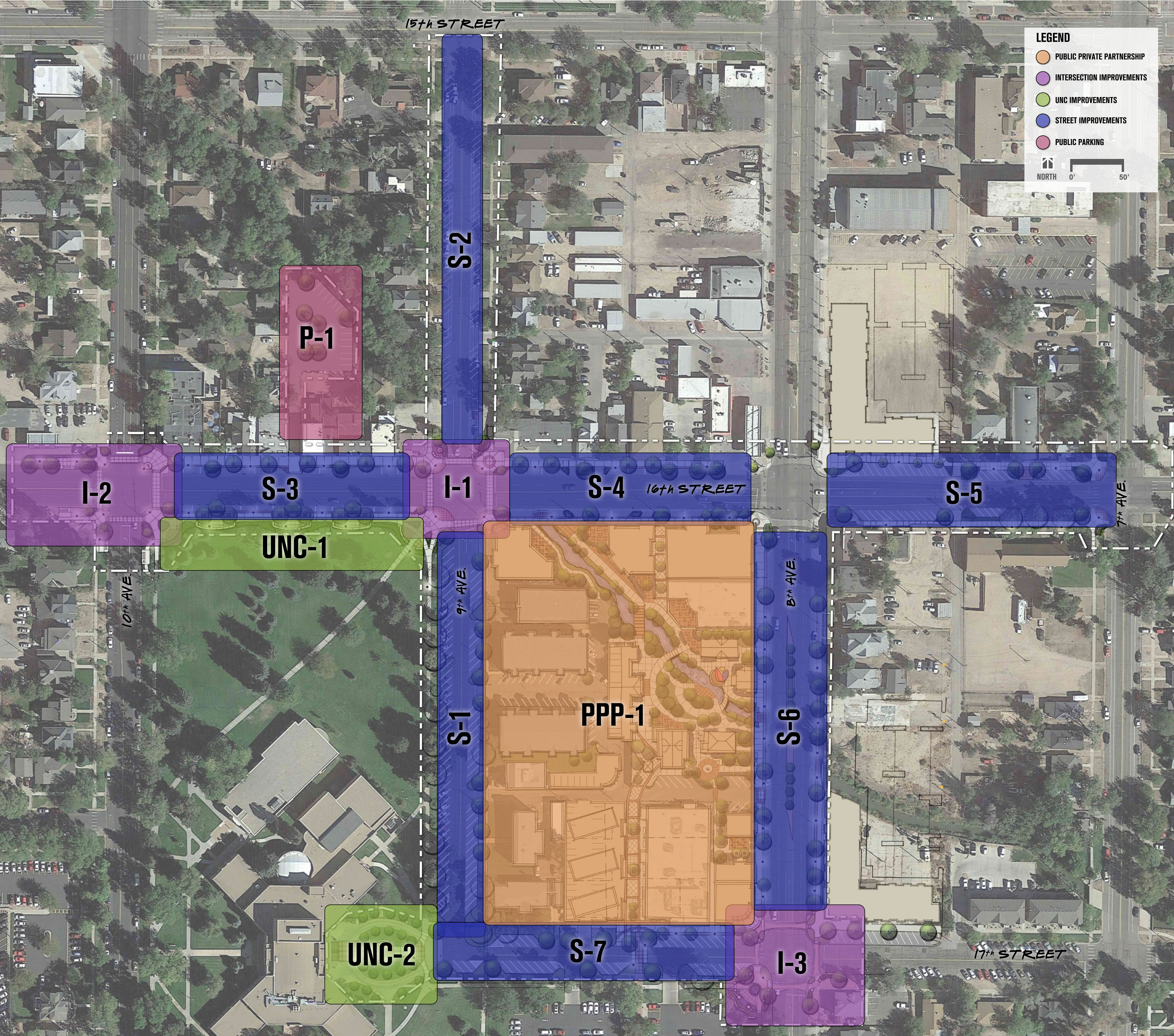
GREELEY 16TH STREET REVISIONING

CANAL IMPROVEMENTS
GREELEY, COLORADO



GREELEY 16TH STREET REVISIONING

PROJECT PHASES
GREELEY, COLORADO





UNIVERSITY DISTRICT

16TH STREET CORRIDOR PROJECT

IN PARTNERSHIP WITH:

CITY OF GREELEY, DOWNTOWN DEVELOPMENT AUTHORITY, UNIVERSITY
OF NORTHERN COLORADO, AND BANNER HEALTH

2005 URBAN DESIGN CONCEPT

City of Greeley 16th Street Entryway

December 1, 2005



2012 CONCEPTS



Celebrating Canal No. 3 as a distinctive area asset, adding access and pedestrian corridors and enhancing public spaces



2012 CONCEPTS

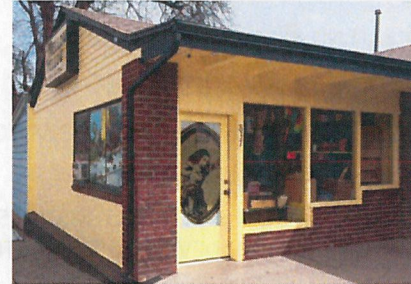
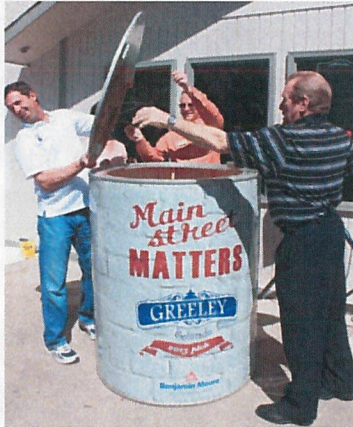


Promoting infill development with possibilities....

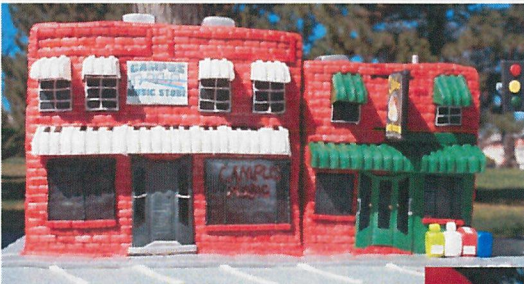


CORRIDOR WORK ::: GETTING STARTED

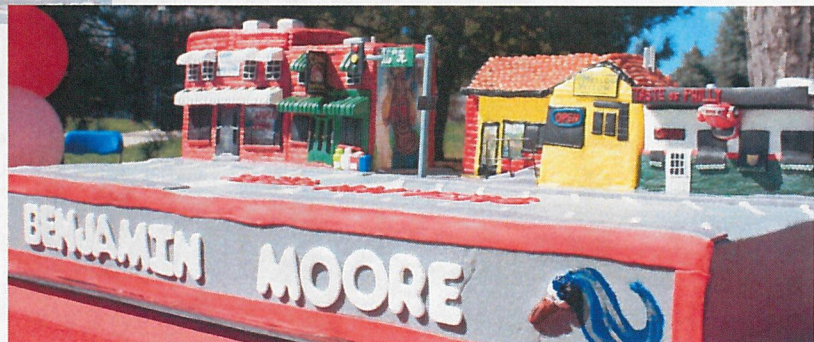
- ❑ BENJAMIN MOORE CONTEST ::: "PAINT WHAT MATTERS"
- 3 block makeover on 16th Street



CORRIDOR WORK :::

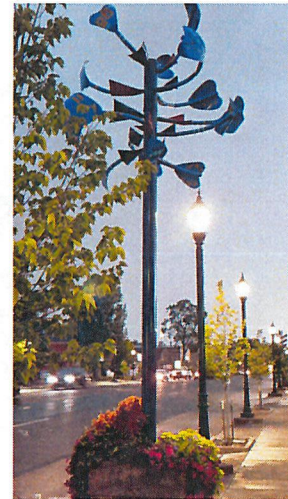
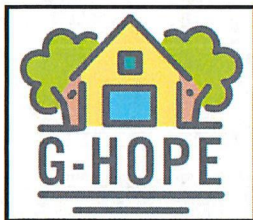


WE BAKED A CAKE TO CELEBRATE
THE RESULTS!

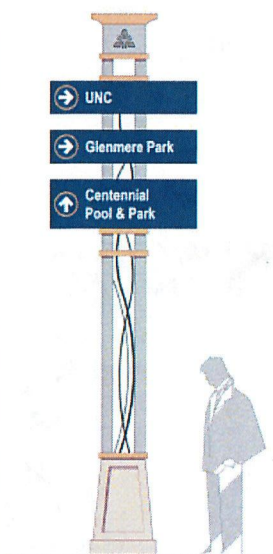


A DECADE'S PROGRESS ::: CAPTURING MOMENTUM

- ☐ EXTEND 8TH AVE IMPROVEMENTS
- ☐ FOSTER APPEAL OF NEIGHBORHOOD
- ☐ ANCHOR DOWNTOWN/UNC TOWN/GOWN CONNECTION
- ☐ SUPPORT G.HOPE INCENTIVES
- ☐ CAPITALIZE ON SPECIAL DISTRICT DESIGNATIONS & PROGRAMS
 - DOWNTOWN DEVELOPMENT DISTRICT
 - CREATIVE DISTRICT
 - UNIVERSITY DISTRICT



MOMENTUM ...



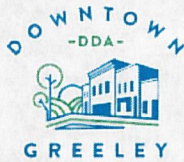
- ☐ REINFORCE AREA WAYFINDING SIGNAGE

- ☐ PROMOTE PRIVATE INVESTMENT & REDEVELOPMENT



PARTNERSHIP

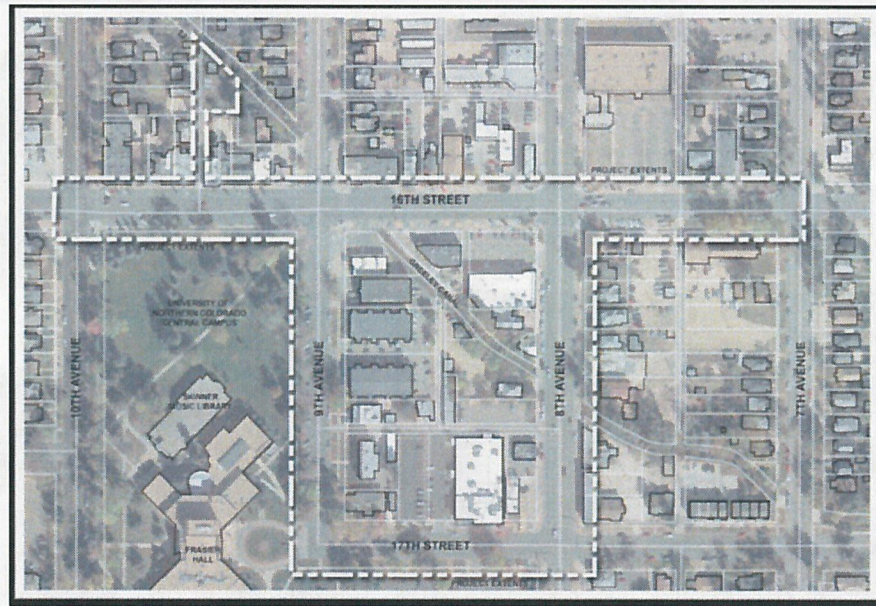
- ❑ 2018 ::: UNIVERSITY DISTRICT PARTNERSHIP TEAM COMMITS FINANCIAL RESOURCES TO CREATE AN UPDATED AND REFINED 16TH STREET CORRIDOR PLAN



- ❑ CONSULTANT TEAM HIRED

- ❑ STUDY PROCESS AND PUBLIC ENGAGEMENT PROCESS ESTABLISHED

2019 PROJECT BOUNDARY



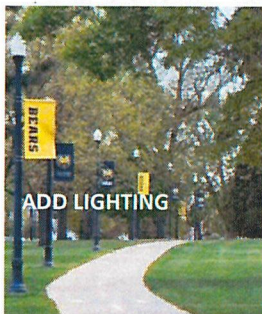
PROJECT BOUNDARY

Aerial perspective –
looking Northeast



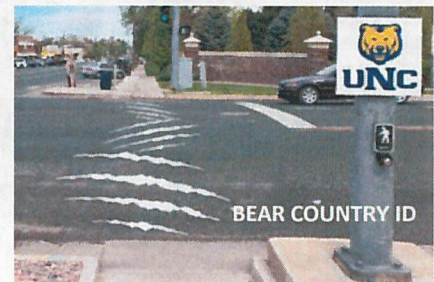
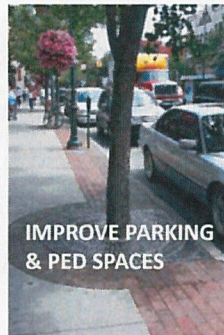
16TH STREET CORRIDOR PROJECT GOALS

- ☐ FOSTER A SAFE, **PEDESTRIAN-FRIENDLY** STREET
- ☐ **IMPROVE ACCESS, EXPOSURE, AND PATRONAGE** OF LOCAL SHOPS
- ☐ **CONNECT 8TH AVENUE CORRIDOR IMPROVEMENTS** TO THE UNC CAMPUS
- ☐ HIGHLIGHT, IMPROVE, AND **CELEBRATE CANAL NO. 3** AS A DISTINCTIVE AND POSITIVE FOCAL POINT



16TH STREET CORRIDOR PROJECT GOALS

- ☐ PROMOTE AND ACTIVATE ENGAGING AND ATTRACTIVE AREA IDENTITY
- ☐ IMPROVE AREA PARKING
- ☐ COMPLEMENT AREA NEIGHBORHOOD LIFE AND REDEVELOPMENT INITIATIVES
- ☐ CREATE A POSITIVE COMMUNITY CONNECTION TO THE UNC CAMPUS



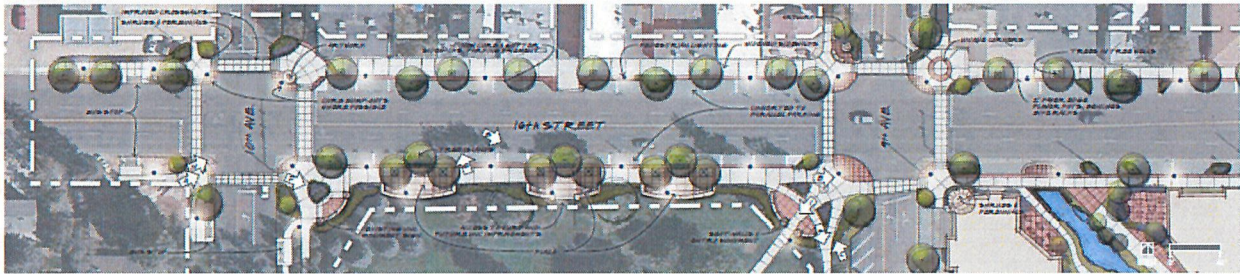
STUDY PROCESS

- ☐ KICKOFF MEETING WITH UNIVERSITY TEAM TO DEFINE PROJECT SCOPE AND COLLECT INITIAL REACTIONS TO CORRIDOR CONCEPTS AND SET OUT THE PUBLIC ENGAGEMENT PROCESS
- ☐ CONDUCTED PUBLIC OPEN HOUSE / IDEA JAM WITH AREA BUSINESSES & COMMUNITY: July 2018 (50+ in attendance)
- ☐ RESEARCHED OPTIONS, DEVELOPED CORRIDOR DEVELOPMENT CONCEPTS
- ☐ ANALYZED CONCEPTS WITH UNIVERSITY DISTRICT TEAM & TECHNICAL STAFF
- ☐ REFINED IDEAS AND DEVELOPED FINAL CONCEPTS
- ☐ CONDUCTED FOLLOW UP COMMUNITY MEETINGS (Open House, Focus Group Sessions with UNC Student leaders and G.Town Tour Guests), SHARED FINAL IDEAS/CONCEPTS & TO COLLECT FEEDBACK (May 2019, 50+ in attendance)
- ☐ FINAL CORRIDOR PLAN MINOR REFINEMENTS MADE; PRESENTATIONS/REVIEW/ENDORSEMENT

KEY CORRIDOR GOALS & DESIGN CONCEPTS

EASE OF ACCESS & SAFETY :::

- * CONVERT DIAGONAL PARKING TO PARALLEL PARKING ON 16TH STREET BETWEEN 8TH – 10TH AVENUES
- * BUMP OUT INTERSECTION CORNERS TO SUPPORT PEDESTRIAN MOVEMENTS

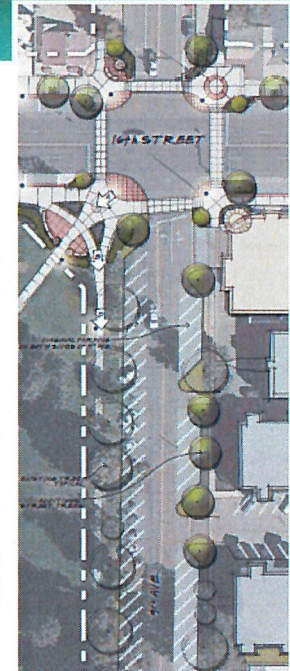


KEY CORRIDOR CONCEPTS

INCREASE AREA PARKING :::

- * CONVERT 9TH AVENUE PARALLEL PARKING TO DIAGONAL PARKING BETWEEN 15TH & 17TH STREETS
- * ACQUIRE/COLLABORATE ON NEW POCKET PARKING AREAS ON PRIVATE, UNDERUTILIZED LOTS

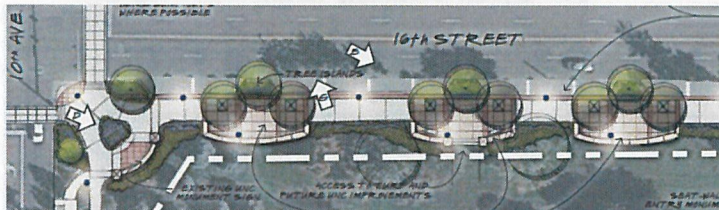
PARKING SUMMARY		
	EXISTING	PROPOSED
16TH ST. (700 BLOCK)	16	35
16TH ST. (800 BLOCK)	25	11
16TH ST. (900 BLOCK)	56	24
9TH AVE. (1500 BLOCK)	33	53
9TH AVE. (1600 BLOCK)	61	75
17TH ST. (800 BLOCK)	18	33
NEW PARKING LOT	0	19
TOTAL	209	250



KEY CORRIDOR CONCEPTS

PEDESTRIAN AMENITIES :::

- * USE AREA RECOVERED FROM NEW PARKING CONFIGURATION TO INCREASE SIDEWALKS FOR BETTER PEDESTRIAN MOVEMENT & MORE AREA SEATING SPACES & PLACES
- * DEEPEN SEATING AREAS WITH ENGAGING SPACES ON UNC GRASSY AREA



KEY CORRIDOR CONCEPTS

ENGAGING AND ATTRACTIVE CORRIDOR ELEMENTS :::

- * ADD STREET TREES, SEATING, WHIMSICAL STREET FURNITURE, PUBLIC ART



KEY CORRIDOR CONCEPTS

ENHANCED AREA IMAGE :::

- * EXPLORE PRIVATE PROPERTY IMPROVEMENTS
- * INCREASE ACCESS TO AND THROUGH BLOCK TO CREATE SAFE SPACES, REDUCED NUISANCE ISSUES, AND IMPROVE AREA APPEAL
- * ENHANCE THE APPEARANCE OF THE CANAL WHILE PROTECTING ITS FUNCTIONAL PURPOSE
- * CONTINUE 8TH AVENUE CORRIDOR IMPROVEMENTS TO 17TH STREET

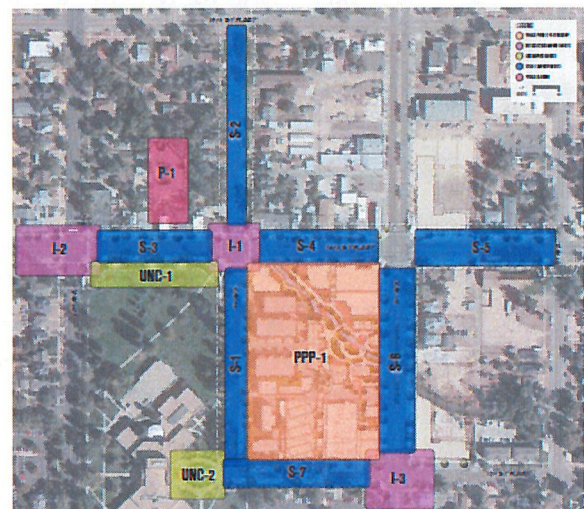


NEXT STEPS

COMPLETE PRESENTATIONS OF FINAL CONCEPT PLAN TO UNIVERSITY DISTRICT PARTNERS FOR COMMENT, ENDORSEMENT

PRESENT TO CITY COUNCIL TO ACCEPT AS AN AREA GUIDANCE PLAN

BREAK THE PROJECT INTO STAND ALONE SEGMENTS FOR FINAL DESIGN AND TO PURSUE FUNDING OPTIONS TO IMPLEMENT IN PHASES







UNIVERSITY
DISTRICT

16th STREET CORRIDOR PLAN

FREQUENTLY ASKED QUESTIONS

1. What is the University District?

The University District was established in 2009 as an area within the historic area of Greeley that is characterized by its association and influence associated with the University of Northern Colorado. Geographically, it includes the UNC campus and the six neighborhoods that surround the campus that developed along with the growth of the university. The university is a major employer and key component of Greeley's identity as a community. Similarly, the campus is influenced by the community's image and character. The University District was formed to provide this area with a focused level of attention to celebrate its vitality and appeal as a "live, learn, work, play" area. A team of City of Greeley, UNC, Downtown Development, Banner Health, area business and residents form the planning arm of the District.

2. What activities has the University District Team worked on?

The UD Team has focused on strengthening the "town/gown" relationship in a number of ways. A few examples:

- Initiating a *down payment assistance* program for employees of business located in or with a relationship to the district to encourage greater home ownership and investment in the area (G-HOPE: Greeley Home Ownership Program for Employees);
- Fostering a strong *sense of place* via distinctive way-finding and area identity signage
- Promoting business *façade and neighborhood improvements*;
- Increasing campus awareness of local shops, community attractions and services through *student and faculty tours*;
- Fostering *internships and student engagement* in the community through service work (e.g. Bears PAY Forward);
- Promoting sensitive *infill and redevelopment*;
- Improving *entryways and travel corridors* to and through the District.

3. How did the 16th Street Corridor Plan come about?

The UD Team considered how the community, visitors, and students experience the campus and central business district as a traveler and as a pedestrian. While close geographically, there was little to connect these two important anchors of activity and encourage a seamless and appealing connection between these areas. In addition, a number of vacant buildings and underutilized properties detracted. To improve the travel experience, encourage positive redevelopment and infill, and create a strong and positive sense of place, the Team focused attention on two major corridors: 8th Avenue between the campus and downtown; and, along 16th Street between 8th and 23rd Avenues. Collecting input from over 100 area landowners, businesses, campus and community individuals, entryway corridor improvement concepts were crafted. The City Council supported the improvement concept and provided funding to move forward with the 8th Avenue improvements which included improved pedestrian features, landscaping, lighting, and public art. With the completion of the 8th Avenue improvements, attention has been turned to work on the 16th Street Corridor.

4. What area does the 16th Street Corridor encompass?

This Corridor includes 16th Street from 7th to 10th Avenues and the block south of 16th Street between 8th – 9th Avenues reaching to 17th Street.

5. What are the goals of the 16th Street Corridor Plan?

The 16th Street Corridor goals are much like the 8th Avenue entryway:

- improve the travel experience along this corridor for pedestrians and vehicles;
- increase safety, parking, lighting, and landscaping;
- create new and more areas for pedestrian activity as well as seating for customers and visitors;
- enhance the area's features to establish the corridor as a distinctive and appealing focal point and identity for the community.

6. What are the key design concepts of the Plan?

Based on community input the following are the primary design elements:

- Convert the angle parking on 16th Street from 8th – 10th Avenues to parallel parking spaces;
- Use the recovered right-of-way space to expand sidewalk areas for more shop/customer seating as well as more comfortable pedestrian spaces and general seating;
- Increase overall area parking by restriping 9th Avenue and pursuing pocket parking sites;
- Bump out sidewalk spaces at intersections to create better, safer areas for pedestrians to cross streets;
- Improved lighting and landscaping;
- Enhance the view of and promote the improvement of private land adjacent to Canal No. 3 to create a more open, accessible, well-maintained, and safe experience in that block;
- Work with the Greeley Art Commission to expand the installation of public art in the corridor to further its identity as a unique and special area of the community

7. How was the community engaged with this project?

In addition to the University District members, two open houses were held at the beginning and at the final stages of the project to gather comment. In addition, concepts were presented to student groups, and City-sponsored G.Town bus and walking tour groups. Technical input was sought from City engineering, planning, water, and parks staff, as well as campus facility personnel, to assure the project was considered from multiple perspectives.

8. How much will the project cost?

No estimate of the total project cost has been identified from these concept drawings. Estimates will be developed for each phase of the project as it moves into final construction and design, which can be broken into several individual sections. Some of the work can be absorbed into already planned and funded work (e.g. street overlay and restriping); other areas will require more analysis before accurate project costs can be estimated.

9. How will the project be funded?

Much like the 8th Avenue improvements, there are several areas where funding could be secured, including federal block grants, existing funds for related capital improvements, public art funds, and possible support from other University District Partners. There is not a plan to assess corridor improvement costs to the adjacent landowners.

10. What are the next steps?

To get the project underway, it will be necessary to examine each phase, construction elements, and schedules. This information and the progress on the project will be posted and updated on the City's website.

16TH STREET CORRIDOR COMMENTS

CORRIDOR COMMENTS

I LOVE THE BEAR THEMED IDEA!

WE HAVE ENOUGH BEARS AROUND UNC.... WHY NOT A MUSIC THEME TO CELEBRATE THAT GREAT INFLUENCE

CONCERT AREAS PLEASE

I LOVE THE PARALLEL PARKING IDEA TO MAKE THAT STREET MORE ROOMY

I LOVE THE ART IDEA!

AMPTHEATRE AND/OR WATER FEATURES!

SUPER EXCITED ABOUT PARKING CHANGES!

LOVE THE BEAR IDEA! WOULD RECOMMEND AN EARTHY COLOR SO THEY'RE NOT TOO CARTOONISH

CONCERN: LACK OF PARKING TURNING DIAGANOL SPOTS INTO PARALLEL SPOTS

MORE MURALS ALWAYS GOOD 😊

BEARS GIVE US BEARS!

WORK WITH UNC TO CREATE AN INFORMAL AMPITHEATRE ALONG THEIR PART OF 16TH STREET; THIS WOULD BE A GREAT PLACE FOR BUSKERS

SHOULD BE PARALLEL (RE 16TH ST PARKING)

OWNERSHIP? (CONVERSION TO PARALLEL) (SHOPKEEPERS CONCERN/OWN THEIR PARKING?)

BE CAREFUL OF BLIND TURNS FROM ALLEYS

ENOUGH PARKING AVAILABLE FOR BUSINESSES AND TENANTS?

FROM INSPIRATIONAL IMAGERY BOARDS

PLACES TO ENGAGE YOUTH! ART/MUSIC/SEATING/UNIQUE SHOPS 😊

ENCOURAGE STREET MUSIC AKA BUSKING

ENSURE THAT BUSKING (STREET PERFORMANCE) IS LEGAL IN THIS AREA

MURALS

FUN RETAIL ☺

LIGHTING//MOOD

STREET VENDORS

PATIO DINING....YES!

MOVEABLE PROJECTED LIGHTING IN ALLEY LIKE THEY HAVE IN THE TUNNEL IN DOWNTOWN ESTES

YES! NEED THIS! (POSTED NEAR LIGHTING AND SPLASH PAD)

PLEASE INCLUDE UNIFORM COOL LIGHT POSTS THROUGHOUT THE AREA

FAMILY/CHILDREN PLAY PARK

FROM CANAL SHOPS PLAN

ENSURE GARAGE IS "PRETTY"...SEE PARKING FACILITIES AT TEXAS TECH

CANAL AND SHOPS...GREAT IDEA ☺

NOT LAWN. TREES, XERISCAPE, POTS. NO MOWING!

MORE HUGE BOWL PLANTERS ON CORNERS LIKE THIS...THINK COLLEGE AVE IN FT COLLINS

PLEASE ADD PLANTERS EVERYWHERE ON 16TH

WE NEED THESE HUGE PLANTERS EVERYWHERE!

THIS WOULD BE GREAT!

MAKING THE SPACE IN A WAY THAT WOULD ALLOW EVENTS OR FESTIVALS; FOR OVERLAY (PARK GRASS CAN BE ROUGH TO NAVIGATE)

USE LOW PLANTS....DON'T CREATE SIGHT DISTANCE ISSUES

ALIGN WALKWAY WITH ALLEY

BIKES ETC

BIKE ROUTE ALONG THE CANAL

BIKE STATION WITH TIRE PUMP

CONTINUE OUR BIKE INFRASTRUCTURE

CONTINUE BIKE LANES

BIKES ARE NICE BUT DON'T FORGET THAT IN WINTER PEOPLE DRIVE; MOST PEOPLE DRIVE ANYWAY...



UNIVERSITY DISTRICT

16TH STREET CORRIDOR PROJECT

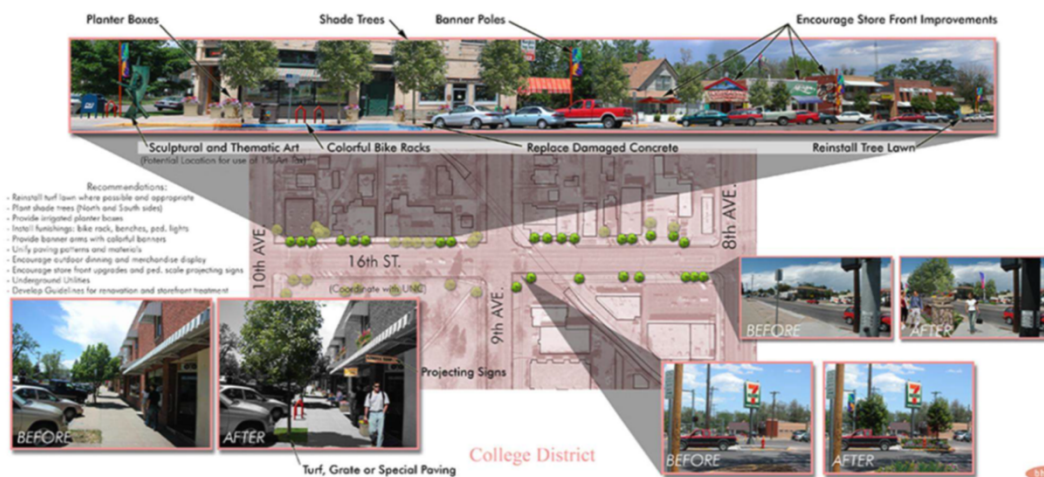
IN PARTNERSHIP WITH:

CITY OF GREELEY, DOWNTOWN DEVELOPMENT AUTHORITY, UNIVERSITY
OF NORTHERN COLORADO, AND BANNER HEALTH

2005 URBAN DESIGN CONCEPT

City of Greeley 16th Street Entryway

December 1, 2005



2012 CONCEPTS



Celebrating Canal No. 3 as a distinctive area asset, adding access and pedestrian corridors and enhancing public spaces



2012 CONCEPTS



Promoting infill development with possibilities....



CORRIDOR WORK ::: GETTING STARTED

- ❑ BENJAMIN MOORE CONTEST ::: “PAINT WHAT MATTERS”
- 3 block makeover on 16th Street



CORRIDOR WORK :::



WE BAKED A CAKE TO CELEBRATE
THE RESULTS!



A DECADE'S PROGRESS ::: CAPTURING MOMENTUM

- ☐ EXTEND 8TH AVE IMPROVEMENTS
- ☐ FOSTER APPEAL OF NEIGHBORHOOD
- ☐ ANCHOR DOWNTOWN/UNC TOWN/GOWN CONNECTION
- ☐ SUPPORT G.HOPE INCENTIVES
- ☐ CAPITALIZE ON SPECIAL DISTRICT DESIGNATIONS & PROGRAMS
 - DOWNTOWN DEVELOPMENT DISTRICT
 - CREATIVE DISTRICT
 - UNIVERSITY DISTRICT



MOMENTUM ...



- ☐ REINFORCE AREA WAYFINDING SIGNAGE
- ☐ PROMOTE PRIVATE INVESTMENT & REDEVELOPMENT



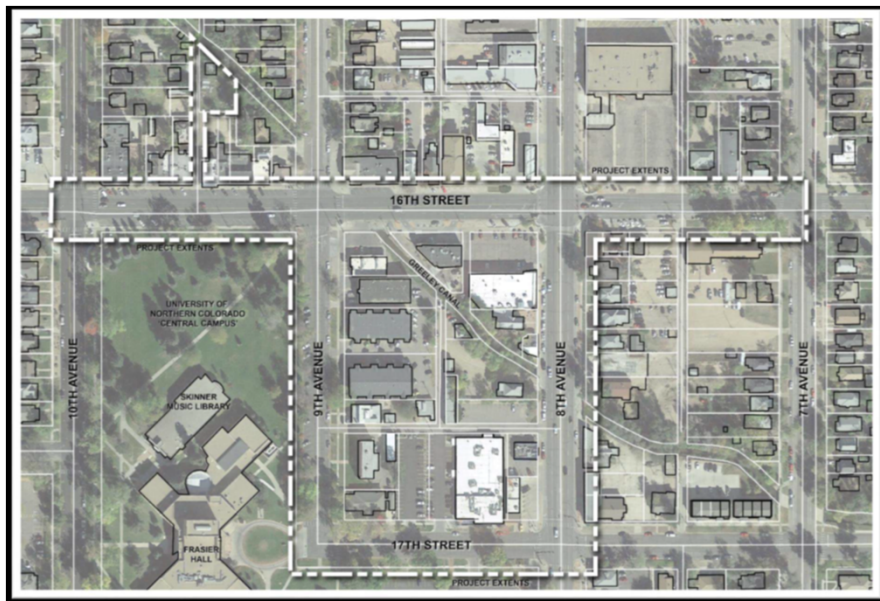
PARTNERSHIP

- ❑ 2018 ::: UNIVERSITY DISTRICT PARTNERSHIP TEAM COMMITS FINANCIAL RESOURCES TO CREATE AN UPDATED AND REFINED 16TH STREET CORRIDOR PLAN



- ❑ CONSULTANT TEAM HIRED
- ❑ STUDY PROCESS AND PUBLIC ENGAGEMENT PROCESS ESTABLISHED

2019 PROJECT BOUNDARY



PROJECT BOUNDARY

Aerial perspective –
looking Northeast



16TH STREET CORRIDOR PROJECT GOALS

- ☐ FOSTER A SAFE, **PEDESTRIAN-FRIENDLY STREET**
- ☐ **IMPROVE ACCESS, EXPOSURE, AND PATRONAGE** OF LOCAL SHOPS
- ☐ **CONNECT 8TH AVENUE CORRIDOR** IMPROVEMENTS TO THE UNC CAMPUS
- ☐ HIGHLIGHT, IMPROVE, AND **CELEBRATE CANAL NO. 3** AS A DISTINCTIVE AND POSITIVE FOCAL POINT



16TH STREET CORRIDOR PROJECT GOALS

- ☐ PROMOTE AND ACTIVATE **ENGAGING AND ATTRACTIVE AREA IDENTITY**
- ☐ **IMPROVE AREA PARKING**
- ☐ **COMPLEMENT AREA NEIGHBORHOOD LIFE** AND REDEVELOPMENT INITIATIVES
- ☐ CREATE A **POSITIVE COMMUNITY CONNECTION TO THE UNC CAMPUS**



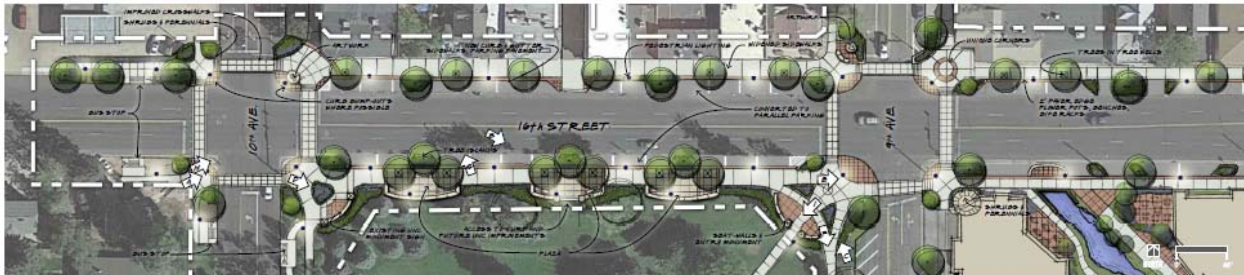
STUDY PROCESS

- ☐ KICKOFF MEETING WITH UNIVERSITY TEAM TO DEFINE PROJECT SCOPE AND COLLECT INITIAL REACTIONS TO CORRIDOR CONCEPTS AND SET OUT THE PUBLIC ENGAGEMENT PROCESS
- ☐ CONDUCTED PUBLIC OPEN HOUSE / IDEA JAM WITH AREA BUSINESSES & COMMUNITY: July 2018 (50+ in attendance)
- ☐ RESEARCHED OPTIONS, DEVELOPED CORRIDOR DEVELOPMENT CONCEPTS
- ☐ ANALYZED CONCEPTS WITH UNIVERSITY DISTRICT TEAM & TECHNICAL STAFF
- ☐ REFINED IDEAS AND DEVELOPED FINAL CONCEPTS
- ☐ CONDUCTED FOLLOW UP COMMUNITY MEETINGS (Open House, Focus Group Sessions with UNC Student leaders and G.Town Tour Guests), SHARED FINAL IDEAS/CONCEPTS & TO COLLECT FEEDBACK (May 2019, 50+ in attendance)
- ☐ FINAL CORRIDOR PLAN MINOR REFINEMENTS MADE; PRESENTATIONS/REVIEW/ENDORSEMENT

KEY CORRIDOR GOALS & DESIGN CONCEPTS

EASE OF ACCESS & SAFETY :::

- * CONVERT DIAGONAL PARKING TO PARALLEL PARKING ON 16TH STREET BETWEEN 8TH – 10TH AVENUES
- * BUMP OUT INTERSECTION CORNERS TO SUPPORT PEDESTRIAN MOVEMENTS



KEY CORRIDOR CONCEPTS

INCREASE AREA PARKING :::

- * CONVERT 9TH AVENUE PARALLEL PARKING TO DIAGONAL PARKING BETWEEN 15TH & 17TH STREETS
- * ACQUIRE/COLLABORATE ON NEW POCKET PARKING AREAS ON PRIVATE, UNDERUTILIZED LOTS

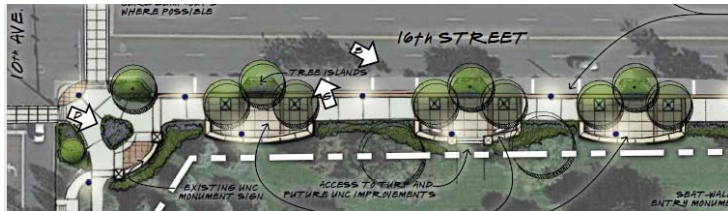
PARKING SUMMARY		
	EXISTING	PROPOSED
16TH ST. (700 BLOCK)	16	35
16TH ST. (800 BLOCK)	25	11
16TH ST. (900 BLOCK)	56	24
9TH AVE. (1500 BLOCK)	33	53
9TH AVE. (1600 BLOCK)	61	75
17TH ST. (800 BLOCK)	18	33
NEW PARKING LOT	0	19
TOTAL	209	250



KEY CORRIDOR CONCEPTS

PEDESTRIAN AMENITIES :::

- * USE AREA RECOVERED FROM NEW PARKING CONFIGURATION TO INCREASE SIDEWALKS FOR BETTER PEDESTRIAN MOVEMENT & MORE AREA SEATING SPACES & PLACES
- * DEEPEN SEATING AREAS WITH ENGAGING SPACES ON UNC GRASSY AREA



KEY CORRIDOR CONCEPTS

ENGAGING AND ATTRACTIVE CORRIDOR ELEMENTS :::

- * ADD STREET TREES, SEATING, WHIMSICAL STREET FURNITURE, PUBLIC ART



KEY CORRIDOR CONCEPTS

ENHANCED AREA IMAGE :::

- * EXPLORE PRIVATE PROPERTY IMPROVEMENTS
- * INCREASE ACCESS TO AND THROUGH BLOCK TO CREATE SAFE SPACES, REDUCED NUISANCE ISSUES, AND IMPROVE AREA APPEAL
- * ENHANCE THE APPEARANCE OF THE CANAL WHILE PROTECTING ITS FUNCTIONAL PURPOSE
- * CONTINUE 8TH AVENUE CORRIDOR IMPROVEMENTS TO 17TH STREET

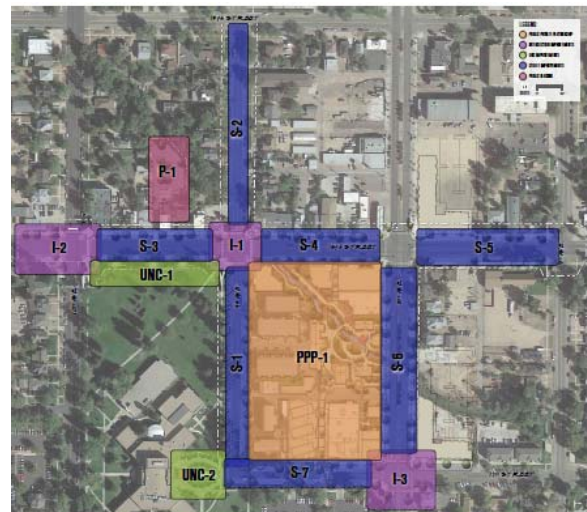


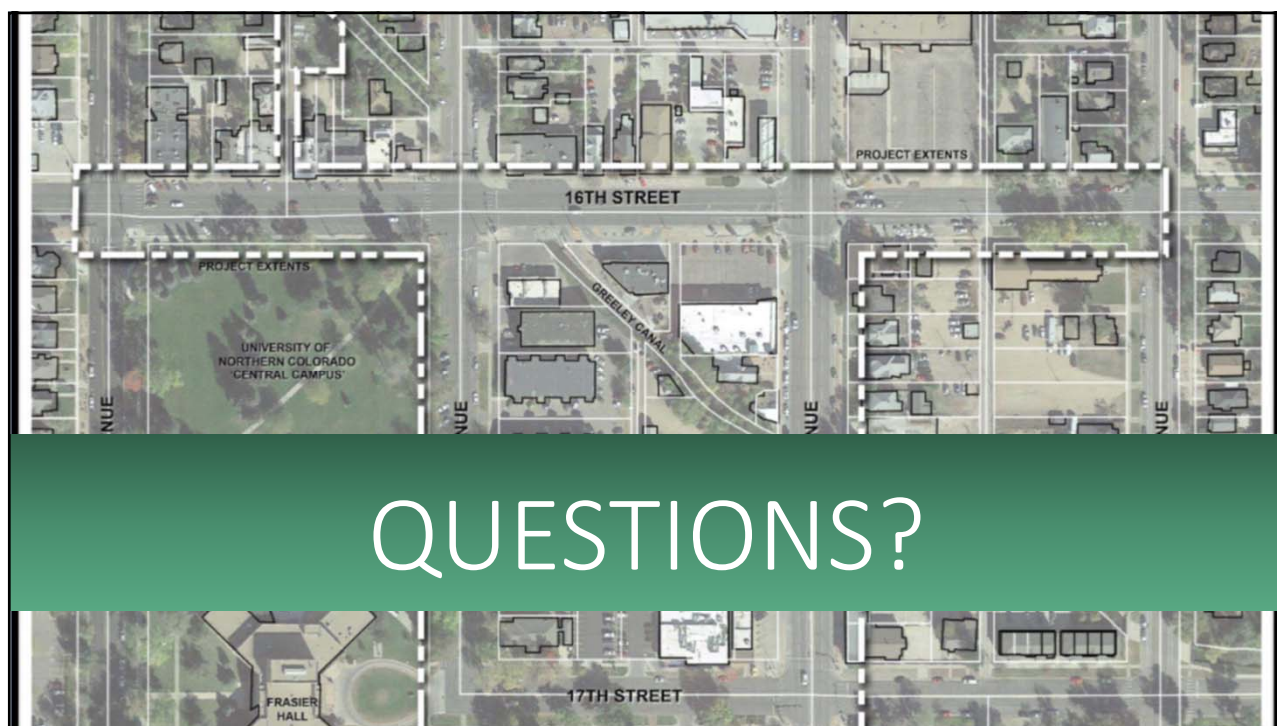
NEXT STEPS

COMPLETE PRESENTATIONS OF FINAL CONCEPT PLAN TO UNIVERSITY DISTRICT PARTNERS FOR COMMENT, ENDORSEMENT

PRESENT TO CITY COUNCIL TO ACCEPT AS AN AREA GUIDANCE PLAN

BREAK THE PROJECT INTO STAND ALONE SEGMENTS FOR FINAL DESIGN AND TO PURSUE FUNDING OPTIONS TO IMPLEMENT IN PHASES





Council Agenda Summary

September 3, 2019

Agenda Item Number 24

Title

Scheduling of Meetings, Other Events

Summary

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Worksession Schedule regarding any upcoming meetings or events.

Attachments

Council Meeting/Worksession Schedule
Council Meetings/Other Events Calendar

City Council Meeting Schedule

Current as of 8/28/2019

<u>Date</u>	<u>Description</u>	<u>Staff Contact</u>	
September 10, 2019 Worksession Meeting	2020 Operating Budget Presentation (Finance, City Manager's Office, Culture, Parks & Recreation, Public Works, Stormwater and Water & Sewer will be presenting)	Renee Wheeler	1.50
	Discussion regarding Updates to Fire Station Nos. 2 & 6	Joel Hemesath	0.50
September 17, 2019 Council Meeting	Resolution - IGA with the State of Colorado for the Northeast All Hazard Region Homeland Security Grant Program	Renee Wheeler	Consent
	Ordinance - Intro - 2600 36th Avenue Rezone	Brad Mueller	Consent
	Ordinance - Final - Fourth Additional Appropriation	Renee Wheeler	Regular
	Ordinance - Final - Bestway Rezone	Brad Mueller	Regular
	Ordinance - Final - Promontory PUD Area F, L and M Rezone	Brad Mueller	Regular
	Hearing - Promontory Imagine School 2nd Filing Preliminary PUD for Fire Station No. Six (Companion item with Promontory PUD Area F, L and M Rezone)	Brad Mueller	Regular
	Ordinance - Final - Disposition of Property located at 1215 16th Avenue	Joel Hemesath	Regular
	Ordinance - Final - Title 14 Amendments to the Greeley Municipal Code	Sean Chambers	Regular
	Ordinance - Intro - Issuance of Certificates of Participation for Fire Stations	Renee Wheeler	Regular
	Council Meeting Discussion (Non-Action Item)	Betsy Holder	Regular
	Board & Commission Appointments	Betsy Holder	Regular
September 24, 2019 Worksession	2020 Operating Budget Presentation (Police, Fire, Community Development, Communications & Engagement, Economic Health and Housing and CDBG Annual Budget	Renee Wheeler	1.50
	My Greeley Campaign	Becky Safarik	0.50
October 1, 2019 Council Meeting	Ordinance - Intro - Pay Plan	Sharon McCabe	Intro
	Ordinance - Final - Issuance of Certificates of Participation for Fire Stations	Renee Wheeler	Regular
	Ordinance - Final - 2600 36th Avenue Rezone	Brad Mueller	Regular
	Ordinance - Intro & Public Hearing- 2020 Budget Adoption	Renee Wheeler	Regular
	Public Hearing to approve CDBG 2020 budget and 2020-2024 Consolidated Plan	Becky Safarik	Regular
	Energy Master Plan & Resolution for Adoption	Brad Mueller	Regular
	Transportation Masterplan Map Update & Resolution for Adoption	Joel Hemesath	Regular
October 8, 2019 Worksession	Operating Budget Follow-up (if necessary)	Renee Wheeler	0.50
	Discussion of Fee-in-Lieu of Payments for School Property Acquisition (Tentative)	Brad Mueller	0.50
October 15, 2019 Council Meeting	Resolution - 2019 Tax Levy Certification	Renee Wheeler	Consent
	Resolution - Adoption of Stormwater Fees for 2020	Joel Hemesath	Regular
	Ordinance - Final - 2020 Budget Adoption	Renee Wheeler	Regular
	Ordinance - Final - Pay Plan	Sharon McCabe	Regular
	Board & Commission Appointments	Betsy Holder	Regular
October 22, 2019 Worksession	3rd Quarter CIP Update	Joel Hemesath	0.50
	Quarterly Financial Report	Renee Wheeler	0.50
November 5, 2019 Council Meeting			
November 12, 2019 Transition Meeting			
November 19, 2019 Council Meeting	Board & Commission Appointments	Betsy Holder	Regular
November 26, 2019 Worksession			
December 3, 2019 Council Meeting	Resolution - 2020 Budget for the Greeley Downtown Development Authority	Renee Wheeler	Consent
	Resolution - Establishments of the Downtown Development Authority Tax Levy	Renee Wheeler	Consent
	Ordinance - Intro - Fifth Additional Appropriation	Renee Wheeler	Consent
	Ordinance - Intro - Triennial Review of Various Boards and Commissions	Betsy Holder	Consent
December 10, 2019 Worksession			

September 2, 2019 - September 8, 2019

September 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2019						
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday, September 2

Tuesday, September 3

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue) 

Wednesday, September 4

Thursday, September 5

7:00am - Poudre River Trail (Hall) 

3:30pm - IG Adv. Board (Smail) 

6:00pm - MPO (Gates/Casseday) 

Friday, September 6

Saturday, September 7

6:00pm - 9:00pm RSVP Required: 2nd Annual Emeritus Dinner
presented by the Poudre Heritage Alliance (Greeley Country Club,
4500 W. 10th Street) - Council Master Calendar

Sunday, September 8

September 9, 2019 - September 15, 2019

September 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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October 2019						
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27	28	29	30	31		

Monday, September 9

12:00pm - 1:00pm RSVP Required: Joint Lunch Meeting with the Weld County Commissioners (Back room at Kenny's Steakhouse, 3502 W. 10th Street) - Council Master Calendar

Tuesday, September 10

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue) 

Wednesday, September 11

8:30am - 10:00am RSVP Required GARA Installation & Awards Annual Breakfast/100-Year Celebration (UNC Ballroom, University Center, UNC Campus, 2045 10th Avenue) - Council Master Calendar

Thursday, September 12

Friday, September 13

Saturday, September 14

Sunday, September 15

September 16, 2019 - September 22, 2019

September 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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29	30					

October 2019						
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday, September 16

Tuesday, September 17

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue)

Wednesday, September 18

7:30am - 8:30am Visit Greeley (Fitzsimmons)

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, September 19

7:30am - 8:30am DDA (Casseday/Smail)

3:30pm - 4:30pm Airport Authority (Casseday/Payton)

5:30pm - 8:00pm RSVP Required: Jobs of Hope Banquet (Zoe's Cafe & Events Center, 715 10th Street) - Council Master Calendar

Friday, September 20

Saturday, September 21

10:00am - 11:00am City Chat with Councilmember Suniga (TBD)

Sunday, September 22

September 23, 2019 - September 29, 2019

September 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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22	23	24	25	26	27	28
29	30					

October 2019						
Su	Mo	Tu	We	Th	Fr	Sa
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13	14	15	16	17	18	19
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27	28	29	30	31		

Monday, September 23

- 11:30am - 12:30pm Greeley Chamber of Commerce (Gates) ☺
- 6:00pm - 7:00pm Youth Commission (Smail) ☺

Tuesday, September 24

- 7:00am - 8:00am FW: Greeley Dream Team Community Breakfast (DoubleTree at Lincoln Park, 919 7th Street) - CCO Scheduling
- 5:00pm - 6:00pm City Council Worksession (1001 11th Avenue) ☺

Wednesday, September 25

- 7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar ☺

Thursday, September 26

Friday, September 27

Saturday, September 28

Sunday, September 29

Council Agenda Summary

September 3, 2019

Agenda Item Number 25

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

September 3, 2019

Agenda Item Number 26

[Title](#)

Adjournment