

Greeley City Council Agenda

Regular Meeting
Tuesday, September 17, 2024 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631
via Zoom at: <https://greeleygov.zoom.us/j/83020598460>

NOTICE:

City Council Meetings are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to choose how to participate in Council meetings in the manner that works best for them.

Watch Meetings:

Meetings are open to the public and can be attended in person by anyone.

Meetings are televised live on GTV8 on cable television.

Meetings are livestreamed on the City's website, Greeleygov.com as well as YouTube at [Youtube.com/CityofGreeley](https://www.youtube.com/CityofGreeley)

For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at cityclerk@greeleygov.com.

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at <https://greeleyco.portal.civicclerk.com/>

If you need the following documents in an alternative format for accessibility purposes, please contact the City Clerks Office at cityclerks@greeleygov.com or 970-350-9740.

Comment in real time:

During the public input portion of the meeting and public hearings:

In person attendees can address the Council in the Chambers.

The public can join the Zoom Webinar and comment from the remote meeting.

Submit written comments:

Email comments about any item on the agenda before Noon on the day of the meeting to cityclerk@greeleygov.com

Written comments can be mailed or Dropped off at the City Clerk's office at City Hall, at 1000 10th St. Greeley, CO 80631



Mayor

John Gates

Councilmembers

Tommy Butler - Ward I

Deb DeBoutez - Ward II

Johnny Olson - Ward III

Dale Hall - Ward IV

Brett Payton - At-Large

Melissa McDonald - At-Large



**City Council
Regular Meeting Agenda**

Tuesday, September 17, 2024 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631

via Zoom at: <https://greeleygov.zoom.us/j/83020598460>

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Recognitions and Proclamations
6. Citizen Input
7. Reports from Mayor and Councilmembers
8. Initiatives 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 Members 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. A motion to approve the City Council Work Session Proceedings of August 13, 2024 and City Council Meeting Proceedings of August 20, 2024
10. A motion to approve the 2025 Council Meeting and Work Session schedule
11. A resolution authorizing approval of an Airport Improvement Program Grant Agreement and offer from the Federal Aviation Administration (FAA) to the Greeley-Weld County Airport Authority (3-08-0028-032-2024, Contract No. DOT-FA24NM-1082)

12. A resolution authorizing approval of an Airport Infrastructure Grant Agreement and offer from the Federal Aviation Administration (FAA) to the Greeley-Weld County Airport Authority (3-08-0028-033-2024, Contract No. DOT-FA24NM-1093)
13. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado to consider a request by Avant Civil Group to rezone 8.51 acres located north of 19th Street Road and east of 82nd Avenue from H-A (Holding Agriculture) to R-L (Residential Low Density) zone district (Case number ZON2024 0003, Mountain Vista Rezone)

End of Consent Agenda

14. Pulled Consent Agenda Items
15. Work Session information follow-up for the City Manager's Fiscal Year 2025 Recommended Budget
16. Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado to rezone Tract 3A of the H-P Greeley 6th replat from I-L (Industrial Light), with DCMP (Development Concept Master Plan) zoning district to the R-H (Residential High) zoning district on approximately 16.192 acres of land (Case number ZON2023-0003, H-P Tract 3A Rezone)
17. Public hearing and second reading of an ordinance amending Title 20, Chapter 3 of the Greeley Municipal Code relating to the Prohibition of Lead Pipes
18. Public hearing and second reading of an ordinance amending Title 20, Chapter 3, Article III, Division 1 and Article V of the Greeley Municipal Code relating to the use and construction of Domestic and Agricultural Wells
19. Appointments to Boards and Commissions - Youth Commission, Parks and Recreation Advisory Board, Human Relations Commission, Museum Board, and Citizen Budget Advisory Committee
20. 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 any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances
21. Scheduling of Meetings, Other Events
22. Adjournment

If you need the following documents in an alternative format for accessibility purposes, please contact the City Clerks Office at cityclerks@greeleygov.com or 970-350-9740.



Council Agenda Summary

Title:

Recognitions and Proclamations

Summary:

Mayor Gates will present the following proclamations:

- Suicide Awareness and Prevention Month Proclamation
- Hispanic Heritage Month Proclamation

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

Attachments:

1. Suicide Awareness and Prevention Month Proclamation
2. Hispanic Heritage Month Proclamation
3. Item 5 - Presentation



Suicide Awareness and Prevention Month

WHEREAS, suicide is a complex issue that can affect anyone, regardless of age, gender, race, orientation, income level, or background; and;

WHEREAS, over 48,000 deaths annually are attributed to suicide; with suicide rates in Colorado ranking 6th nationally, and 66 lives lost to suicide in Weld County during 2023; and

WHEREAS, being a trusted person to turn to when someone is feeling isolated or hopeless is one of the most important things we can do to prevent suicide; and

WHEREAS, actively challenging stigma around mental health and building skills that increase the likelihood of someone feeling safe to open up without fear of shame or judgement is the first step; and

WHEREAS, because of the collaborative prevention and education efforts of North Range, Suicide Education and Support Services (SESS), Imagine Zero of Weld County, numerous survivors, and community partners, hope exists in Greeley, and

WHEREAS, North Range Behavioral Health's Suicide Education and Support Services (SESS) program supports those who have lost someone to suicide and provides education to Greeley residents that help build critical suicide prevention skills; and

WHEREAS, September is recognized as National Suicide Awareness and Prevention Month with the goal of promoting awareness surrounding suicide prevention resources and support available to us and our community

WHEREAS, we encourage all residents to learn how to talk about mental health; research suicide prevention resources available nationally and throughout Weld County; check in on the wellbeing of your family, friends, and neighbors; and share genuine appreciation for the people in your life by any gesture you deem appropriate.

NOW, THEREFORE, I, Dale Hall, by virtue of the authority vested in me as Mayor Pro Tem of the City of Greeley, do hereby proclaim **September 2024 as Suicide Awareness and Prevention Month** and call upon the citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of behavioral health, and the need for appropriate and accessible services for all citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 17th day of September 2024.

Dale Hall, Mayor Pro Tem



Hispanic Heritage Month

WHEREAS, the City of Greeley is a community enriched by the variety of the ethnicities of the residents who call Greeley home; and

WHEREAS, residents who identify as Hispanic comprise nearly 40% of its residents; and

WHEREAS, the City of Greeley City Council benefits from the service of several of its Hispanic residents as employees, volunteers, representatives of City boards and commissions, and as members of City Council; and

WHEREAS, the roots of Hispanic Heritage Month go back to 1968 by recognizing the contributions made and the important presence, heritage and culture of Hispanic and Latino Americans to the United States; and

WHEREAS, the term Hispanic or Latino refers to Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race; and

WHEREAS, Dia De Los Muertos is a significant holiday to this community that follows Hispanic Heritage month.

NOW THEREFORE, I, Dale Hall, Mayor Pro Tem of the City of Greeley, Colorado, do hereby proclaim September as *Hispanic Heritage Month* and encourage all community members to join in celebratory events this month and throughout the year in recognition of the contributions of this important culture within our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 17th day of September 2024.

Dale Hall, Mayor Pro Tem



City Council Meeting
September 17, 2024

An aerial photograph of a city, likely Denver, with a large white banner overlaid in the center. The banner contains the text of the Athenian Oath. The background shows a cityscape with various buildings, including a prominent brick building on the left, and a vast mountain range under a clear sky.

***In all ways, we will transmit
this City not only, not less, but
greater and more beautiful than
it was transmitted to us.***

- Athenian Oath

City Manager Raymond Lee Featured in Government Market News' *Profiles in Power*

- Highlights officials nationwide who are improving their communities



GOVERNMENT MARKET NEWS
A PUBLICATION OF STRATEGIC PARTNERSHIPS INC.



Greeley Women Recognized During Bizwest 2024 Women of Distinction Event

- Business: Teri Segelke, J&T Country Feeds
- Emerging Leader: Melanie Woolman, Weld County United Way
- Government: Deb DeBoutez, Greeley City Council
- Real Estate: Karent Plasencia, Sears Real Estate



Brianna Morales Crowned Miss Teen Americas USA

- 2023 Greeley West graduate
- Next level of competition will be held in El Salvador and encompasses all of North, Central and South America.



Greeley Tribune Staff and Columnist Earn First Place Awards in Three Categories

- Colorado Press Association's Better News Media Contest
- Anne Delaney – Best Data Journalism
- Stacy McLoud – Best Serious Column Writing
- Jim Rydbom – Sports Photography
(Photo: 4A State Champion Mikai Alirez)



Colorado Dance Collective Awarded \$4,000 Colorado Creates Grant

- Grant is from the Creative Industries Division of the Colorado Office of Economic Development and International Trade.







Council Agenda Summary

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 consideration that is not already listed as a public hearing on this evening's agenda.

As this meeting is being conducted in a hybrid format, citizen input will be accepted first from those in the City Council Chambers, and then from the virtual meeting audience via the meeting's webinar.

Written comments submitted for any item on the agenda will be placed in the public record and provided to the Council for their review and should include the name and city of residence of the person submitting the comments for the record.



Council Agenda Summary

Title

Reports from Mayor and Councilmembers

Summary

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



Council Agenda Summary

Title

Initiatives 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.

Initiatives 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 Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council Meeting	•Next grant application expected May 2023	• City was awarded a RAISE grant for \$20.5 Million. City has submitted for a MPDG grant and is waiting on the results. Discussions continue with CDOT on the 1601 process.	Paul Trombino
04-2023	Hall	Pumpkin Ridge - Bridge	March 7, 2023 Council Meeting	•PW report provided to Council on March 24, 2023. Neighborhood meeting planned on June 29, 2023. •Included Raymond's 9/1/2023 Council Update	Bid documents under preparation. Awaiting CDOT and USACOE permits	PW
11-2023	Clark/Butler	Artificial turf and landscape standards	August 1, 2023 Council Meeting	•Come back to Council with a draft ordinance	Scheduled for the October 22, 2024 Work Session	Brian McBroom
1-2020	Hall	Follow-up on the Poudre River Trail- Narrows Project	August 1, 2023 Council Meeting	•The grant application, which will be submitted in October, will complete baseline river modeling in addition to an alternative alignment analysis which will also look at the existing alignment, with high level cost estimates for each alternative. The scope will also include a 30% design of the preferred alignment. Working with existing consultants, we've established an estimated cost for the design process to get to a 30% of roughly \$150,000. •Unless a new alignment comes out of the design process, utilizing the existing alignment or an alternative on the north side of the river identified by past studies will likely exceed \$2 million to completed design/permitting and construction for this section.	Received a \$45,000 planning grant from the State Trails program in Colorado Parks and Wildlife, and Poudre River Trail Corrido, Inc. is contributing \$25,000 toward the design process at this integral section of the trail. Natural Areas & Trails (NAT) division of CPRD has contracted Otak to conduct geotechnical analysis for the Narrows section of the Poudre River Trail in west Greeley. NAT and Public Works staff have engaged in the process and provided feedback on the site constraints and possible solutions. The project team will be meeting with Poudre River Ranch area HOA members, the PRTC board, and Councilmember Hall on Sept. 17th to discuss the project and garner feedback from the neighborhood on solutions to secure this section of the trail, and to monitor its condition until design is completed and construction can commence.	Diana Frick
4-2024	Butler	Requested Work Session for information on the Lincoln Park Redesign- to include status of project, timeline of project and overview of the coming outreach Work Session	April 2, 2024 City Council Meeting	Requested Work Session for information on the Lincoln Park Redesign- to include status of project, timeline of project and overview of the coming outreach Work Session	The consulting team is working on market analysis and programming opportunities. In October there is a plan for another on site visit with Steering Committee members, stakeholders, and community open houses to share the first draft of the plan.	CPRD
5-2024	Hall	Impact Fee Study Structure	May 7, 2024 Council Meeting	Requested staff bring a report to a future work session explaining more in depth the Impact Fee Study Structure - how the ratio is calculated, review process, timeline of review, and development fees	Meeting with staff Work session scheduled for September 10	Allena Portis/Robert Miller
6-2024	Butler	Sidewalk Funding Projects	May 21, 2024 Council Meeting	Requested staff to come to a work session to report on sidewalk work and plans being done	Presentation in October as Stormwater presentation will take priority.	Paul Trombino



Council Agenda Summary

September 17, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to approve the City Council Work Session Proceedings of August 13, 2024 and City Council Meeting Proceedings of August 20, 2024

Summary:

A work session of the City Council was held in City Council Chambers on August 13, 2024. A regular meeting of the City Council was held in City Council Chambers on August 20, 2024.

The draft proceedings of each meeting are presented for the Council's review and approval.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley? No

Legal Issues:

Consideration of this matter is a legislative process.

Other issues and Considerations:

None

Strategic Focus Area:

High-Performance Government

Decision Options:

1. Approve the motion; or
2. Amend the motion and approve as amended; or
3. Deny the motion; or
4. Continue consideration of the motion to a future date.

Council's Recommended Action:

Approve the motion.

Attachments:

1. Council Work Session Minutes August 13, 2024 draft
2. City Council Proceedings Aug 20, 2024 draft

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
August 13, 2024

1. Call to Order

Mayor John Gates called the meeting to order at 6 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

City Clerk Heidi Leatherwood called the roll.

The following members of Council were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Mayor Pro Tem Dale Hall

Councilmember Brett Payton

Councilmember Johnny Olson

Councilmember Melissa McDonald

Mayor John Gates

4. Reports from Mayor and Council Members

None.

5. 2023 Financial Statement Audit

Director of Finance Tyra Litzau introduced the item at 6:01 p.m.

Deputy Finance Director Steven Krolczyk was available for questions.

Ms. Litzau noted that the City's 2023 Audit was completed with all the necessary paperwork. The Finance Department submitted the 2023 Annual Comprehensive Financial Report (ACFR) to the State by the required deadline. She thanked the Finance team for their dedication and timely filing and shared a Finance Team action plan was executed to ensure progress into the new year. Items included implementing policies, procedures, cross training, succession planning and presenting monthly information to the City Manager.

The City's external auditors, Philip Femminineo and Jamie Essenmacher from Plante Moran presented the results of the 2023 financial statement audit and the auditor's required communications with Council. Mr. Femminineo reported the following high-

level information as noted in the slide presentation. The City's General Fund continues to be financially sound, with an unassigned fund balance of \$28.9 million. Total fund balance decreased by \$22.7 million in 2023. The decrease was due to additional transfers to other funds for council designated projects. The Water and Sewer Funds have a combined unrestricted net position of \$124.7 million. The City invested \$118.6 million in various infrastructure projects, equipment, land, water rights, etc. And finally, debt paydown was \$16.3 million with no new debt was issued.

Plante Moran identified two areas for improvement that were due to the late filings,

- General ledger and underlying accounting records were not reconciled and closed in a timely manner throughout the year
- Year-end journal entries were identified during the audit and were necessary to state the financial statements in accordance with GAAP

Mayor Gates asked if the unassigned fund budget was sufficient as it relates to the overall budget. Ms. Litzau explained the current policy of the City was to have two months of reserves which covers the unassigned fund balance.

Councilmember DeBoutez and Mayor Gates both thanked staff and the consultants for the work on the audit and the plan going forward.

6. Greeley Municipal Code Procurement Revisions

Budget and Policy Director Caleb Weitz introduced the item at 6:19 p.m. Purchasing Manager Levi Dyer was available for questions.

In 2022, the City hired a consulting firm to gather information regarding the current procurement and offer suggestions on modernizing the process. As a result, some inefficient procurement processes were identified. Recommendations included:

- Focus on raising procurement thresholds,
- Reduce heavy administrative burdens, and
- Allocate more resources for procurement actions that have a greater impact on taxpayer dollars.

The following portions of the City Code were recommended for update:

- Title 2, Chapter 4, Section 2 – 184 Approvals and signatures;
- Title 6, Chapter 6, Section 6 – 477 Competitive sealed bidding;
- Title 6, Chapter 6, Section 6 – 481 Non-Competitive negotiations;
- Title 6, Chapter 6, Section 6 – 483 Small purchases;
- Title 6, Chapter 6, Section 6 – 486 Change Orders.

Mr. Weitz shared the proposed new process updates:

- Increase the formal procurement threshold to \$150,000
- Signatures approvals will follow the new procurement thresholds
- Change orders authority to approve changes within appropriated budgets
- Define Non-Competitive Procurements

Councilmember Butler asked for more information on the projects that were delayed. Mr. Weitz added that the time required for procurement to solicit for projects versus department resources needs balancing. Procurement projects in the \$50K-\$100K range take up a lot of time that should be committed to higher dollar projects. He noted that a possibility of hiring additional staff was an option, but the number of current staff was reasonable for the size of Greeley, and the current procurement threshold has not been updated in 11 years.

Councilmember McDonald asked for clarity on checks and balances, setting expectations for quotes and award criteria. Mr. Dyer explained that staff work with departments to ensure the process is followed and the award criteria is based on more than strict dollar amounts. The winning bid is determined as the best value for the City. Mr. Weitz added that any City employee who does not follow the checks and balances policy is subject to disciplinary action. Mr. Lee noted that he has asked for a routine list of procurements to monitor items, especially those directly beneath the threshold.

Councilmember Payton explained that he was opposed to the 3X increase, however, he would support a \$100K change. Councilmember Butler agreed.

Councilmember Olson asked for clarification on the number of transactions required by staff compared to other cities. He also asked about training provided to procurement staff. Mr. Weitz shared that the data for the number of transactions can be provided with future updates. Mr. Dyer provided information on the training for procurement staff. Mr. Weitz added that these changes will provide an opportunity for additional training.

Councilmember Olson asked if there is a way to streamline the process for some of the smaller contracts. Mr. Dyer said that the system is capable of more than how it is currently being used and can streamline these processes. Councilmember Olson also asked for a definition of the term “designee”. Mr. Lee explained that a “designee” is not an entry level staff member but possibly Acting Director or someone with technical experience per the Charter.

Councilmember Butler asked for clarification on “small purchases”. Mr. Weitz replied that there were estimates of 700-800 small purchases per year. He anticipates this change would increase numbers to approximately 900-950 small purchases per year.

Mayor Gates inquired how the planning process will be impacted if Council voted to go with a 2x increase opposed to a 3x increase. Mr. Weitz expressed that any update to the procurement threshold would provide increased efficiency.

Councilmember Butler asked for clarification on the proposed changes to change orders. Mr. Weitz confirmed that change orders, especially on larger projects, can be delayed by the administrative process, noting this is a policy issue. The proposed changes are primarily focused on budget efficiency.

Councilmember Payton noted the importance of change orders coming to Council for review, especially when there are errors or when the change exceeds a certain percentage. Mayor Pro Tem Hall asked if budgeted amounts were exceeded, would it come to Council through the supplemental process. Mr. Weitz confirmed that was correct. Mr. Lee said that change orders would come to Council when the amount approved was impacted.

Council consensus was to proceed as discussed with 2X the limit increase.

After more discussion, Council requested that Mr. Weitz come back to Council with 2X the limit increase and updated research on change orders. Direction was to propose this at a regular meeting to help keep the item on track and limit the inefficiencies for the department.

7. Scheduling of Meetings, Other Events

Mayor Gates reminded councilmembers of the National Guard tour tomorrow at 9 a.m. to meet with Major General Laura Clellan. He also announced that some members of Council would be joining the Board of County Commissioners tomorrow at 3 p.m. to discuss the Greeley-Weld County Airport Strategic Plan.

8. A motion to go into Executive Session for the purpose of receiving legal advice and providing instructions to negotiators regarding potential settlement of litigation

Recommended Action: A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Sections 24-6-402(4)(b) and 24-6-402(4)(e)(I), Greeley Municipal Code Sections 2-151(a)(2) and 2-151(a)(5): To receive legal advice and to provide instructions to negotiators regarding potential settlement of litigation.

Councilmember McDonald moved to approve the motion. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 7:04 p.m.

9. Adjournment

Mayor Gates adjourned the meeting at 7:04 p.m.

8. Executive Session for the purpose of receiving legal advice and providing instructions to negotiators regarding potential settlement of litigation

The Executive Session was called to order at 7:09 p.m. for the purpose of receiving legal advice and to provide instructions to negotiators regarding potential settlement of litigation.

All members of Council were present to participate in the executive session, which was convened in person in the Executive Room of City Center South, located at 1001 11th Avenue.

In addition, the following staff members attended:

City Manager Raymond Lee

City Attorney Stacey Aurzada

Senior Attorney Michael Axelrad

Assistant City Attorney II Shaun Reinhart

Chief of Police Adam Turk

Risk and Safety Manager John Goodson

Mayor Gates cautioned each participant to confine the discussion to the stated purpose and provided a reminder that no formal action may occur in the Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 7:28 p.m.

The recording of this executive session will be retained as provided in the City's records retention policy and in conformity with the Colorado Open Meetings Law for a period of 90 days.

Approved:

Dale Hall, Mayor Pro Tem

Attest:

Heidi Leatherwood, City Clerk

City of Greeley, Colorado

CITY COUNCIL PROCEEDINGS

August 20, 2024

1. **Call to Order**

Mayor Gates called the meeting to order at 6 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. **Pledge of Allegiance**

Mayor Gates led the Pledge of Allegiance.

3. **Roll Call**

Heid Leatherwood, City Clerk called the roll.

The following were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Mayor Pro Tem Dale Hall

Councilmember Brett Payton

Councilmember Johnny Olson

Councilmember Melissa McDonald

Mayor John Gates

4. **Approval of the Agenda**

No requests were made.

5. **Recognitions and Proclamation**

Mayor Gates read the National Public Lands Day Proclamation at 6:01 p.m.

City of Greeley Culture Parks and Recreation (CPRD) Director Diana Frick, Natural Areas and Trails Division Manager Justin Scharton and other team members from CPRD were present to receive the proclamation.

Councilmember McDonald presented What's Great about Greeley report at 6:05 p.m.

6. **Citizen Input**

1. Bill Gillard asked for information regarding a loan he had heard about for \$20M to build rooms for the homeless. He wanted to know if this was true.

City Manager Raymond Lee explained that there are no loans for housing at this time. We use a housing voucher program.

2. Steve Teets asked about surveys he had handed out at a previous meeting. He also stated he could read his survey results when ready.
3. Jesse James Stalder provided paperwork to the City Clerk for councilmembers containing information on a new refrigerant option for air conditioners. He said it was compatible with other refrigerants and non-flammable.
4. Matthew Casey spoke on an article in the Tribune about the proposed Greeley West project. He does not subscribe to the Tribune and believed the City Manager's Office should put information out through a public information officer instead.

Mayor Gates offered the City's social media page as a great place for information, including access to all press releases on the website.

7. Reports from Mayor and Councilmembers

Councilmember Butler spoke about attending a tour at the National Guard facility in Greeley. It was hosted as an open house, and he recommended attendance if the opportunity came up next year.

Councilmember McDonald reminded everyone that applications are now open for the Citizen's Police Academy and Citizen's Fire Academy.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

- 9. A motion to approve the Work Session Meeting Proceedings of July 23, 2024**
- 10. A resolution of the City Council of the City of Greeley Authorizing City staff to enter into an Amendment to a Settlement Agreement and Release between Matthew Wilson and Kenneth Amick**
- 11. Introduction and first reading ordinance amending Title 2 of the Greeley Municipal Code to create the Housing for All Advisory Board**
- 12. Introduction and first reading ordinance amending Title 20, Chapter 3 of the Greeley Municipal Code Relating to the Prohibition of Lead Pipes**
- 13. Introduction and first reading of an ordinance amending Title 20, Chapter 3, Article III, Division 1 and Article V of the Greeley Municipal Code relating to the Use and Construction of Domestic and Agricultural Wells**

End of Consent Agenda

Councilmember Olson moved to approve the Consent Agenda Items 9-13. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 6:24 p.m.

14. Pulled Consent Agenda Items

15. Food Tax Rebate Program Overview

Budget and Policy Director Caleb Weitz introduced the item with a presentation at 6:24 p.m. This item was for information only.

Mr. Weitz shared that the Food Tax Rebate program was established in 1990 in conjunction with the repeal of the exemption from sales tax on food for home consumption. The purpose of the tax rebate was to provide relief to low-income residents from the sales tax on food purchases. The rebate was increased over the years and calculations are based on the tax from the previous year.

He provided an overview on the qualification and application process, as well as a chart of the increase in applications and rebates issued since 2013. He provided the council with some future considerations for the program, including changes to the criteria for eligibility, increases to the rebate amount and frequency, revisions to the application, and program sustainability.

Mayor Gates stated that the program could certainly be used more. He asked if the City would be able to raise the amount. Mr. Weitz confirmed the amount per individual could be raised. Currently that ability exists administratively with the City Manager per Council direction.

Councilmember Butler and Olson agreed that a more in-depth discussion about the program would be in order and are happy that this program is offered. Councilmember Olson asked how the program is currently funded. Mr. Weitz noted that it comes out of the Food Tax fund and approximately \$600,000 is allocated for the program in 2025.

Councilmember DeBoutez asked that when the discussion comes up, she would like more information on the types of food that are being taxed. Mr. Weitz explained that the tax is on food for home consumption.

16. Public hearing and second reading of an ordinance amending Article X of chapter 5 of Title 2 of the Greeley Municipal Code relating to Museums

Mayor Gates explained that this was a clear and concise item, and it was cleaning up the code. With the amount of public hearing items, there would be no staff presentation, but it was included in the packet. He explained that it delineated museums in the municipal code and will allow setting open hours for the museums and museum grounds as well as codifying regulatory requirements of museums.

Mayor Gates opened the public hearing at 6:35 p.m.
With no speakers, the public hearing closed at 6:35 p.m.

Councilmember Olson moved to adopt the ordinance. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 6:36 p.m.

17. Public hearing and second reading of an ordinance authorizing and approving a loan from the Colorado Water Resources and Power Development Authority (CWRPDA) for the purpose of financing capital improvements to the water system; approving a loan agreement and the issuance of a bond to evidence the loan; providing for the payment of the bond from the operation of the water system on the terms and conditions providing in the bond ordinance

Water & Sewer Director Sean Chambers introduced this item at 6:36 p.m. with a presentation. Utility Finance Manager, Virgil Pierce was available for questions.

The city was approved for a loan of 20.9 M through the Lead Service Identification and Replacement project, with a low interest rate of 3.5% for up to 30 years. There was \$10,000,000 in principal forgiveness available and federal funding requirements that must be followed. An additional grant of \$250,000 from the Colorado Department of Public Health and Environments Water Quality Control Division that will be used to identify and replace lead service lines.

Mr. Chambers showed a map that identified highest priority areas in the City. The estimated total project cost is \$27 M with 5 phases. Phase 1 was already implemented in 2023, and it is anticipated the project will go beyond 2026. This ordinance allows Water and Sewer to proceed with Phase 2 beginning this month, and updates to each phase will be provided in the future.

Councilmember Olson asked if Water and Sewer is coordinating with Public Works before paving projects in the same areas. Mr. Chambers indicated they coordinate as much as possible in all projects moving forward.

Mayor Pro Tem Hall questioned part of the map on slide 3 and asked if that section was installed with lead-free lines. Mr. Chambers clarified that it is reasonable to assume that, but those lines still need to be inventoried and surveyed.

Councilmember Butler wanted clarification about the city's municipal water lines with regards to lead pipes. Mr. Chambers explained that there are no lead pipes in the City's municipal water system. Greeley was rather innovative and stopped installing lead lines in the late 1930's and this reduced the size and cost of potential problems compared to Denver. He noted that Greeley is only the second community in the state to receive the loan and loan forgiveness.

The public hearing opened at 6:46 p.m.

With no speakers, the public hearing closed at 6:46 p.m.

Councilmember Payton moved to adopt the ordinance. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 6:47 p.m.

18. Public hearing and second reading of an ordinance making assessment against the lots and lands included within the Local Improvement District No. 343795 to recover the approved maximum cost of construction for sanitary sewer infrastructure in Greeley, Colorado (Ashcroft Draw Basin Sanitary Sewer Infrastructure)

Water & Sewer Director, Sean Chambers introduced the item at 6:47 p.m. with a brief history of the subject. Chief Engineer, Adam Prior shared the presentation.

The presentation included a description of the project and explained the rates originally introduced for the Local Improvement District (LID). An ordinance was originally passed in 2021. Projections were developed for the overall project completion at that time and those maximum numbers are still the maximum amounts today.

The LID requires two-step approval. The first ordinance was passed in 2021 defining the boundaries, properties, and estimated cost, and the second ordinance defines the actual cost of the project and cost per tap. Staff requested the approval of the ordinance allocating costs to the lots of approximately \$60 for gravity sewer and \$945 per single family tap.

The public hearing opened at 6:54 p.m.

With no speakers, the public hearing closed at 6:54 p.m.

Councilmember Butler moved to adopt the ordinance. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 6:55 p.m.

19. Public Hearing and Second reading of an ordinance submitting to the registered electors of the City of Greeley at the November 5, 2024, coordinated Municipal Election, a question regarding an amendment to Part 1 Article V of the Greeley Municipal Charter regarding financial operations

City Attorney, Stacey Aurzada presented the item at 6:55 p.m. Deputy City Manager/Chief Financial Officer Allena Portis was available for questions.

The City's charter designates the City Manager as the Chief Administrative Officer. He has determined that the financial operations of the City will be best served by appointing

a Chief Financial Officer, and the City Attorney's Office has recommended changes to the charter.

Historically, the Finance Director managed the procurement and budget activities of the city, and now the City Manager has determined these functions are best provided if divided into separate departments. This requires a change in Article V to rename the Department of Finance to Financial Operations.

This ordinance approves placing this on the November ballot for voter approval. Ms. Aurzada reminded council that the Greeley charter is unique in its specification, and this is an adjustment to the City's growth.

Councilmember Butler asked if this was a "housekeeping" action. Ms. Aurzada affirmed that the action was to keep up with the needs of the City.

The public hearing opened at 7:05 p.m.

1. Steve Teets stated that people understand departments better than offices and this should not go on the ballot.
2. Bill Gillard stated his concern about how much money is being spent and if the new department would require additional employees.

With no further speakers, the public hearing closed at 7:07 p.m.

Councilmember Butler moved to adopt the ordinance. Councilmember Olson seconded the motion. The motion passed 7-0 at 7:07 p.m.

20. Public hearing and second reading of an ordinance amending sections 6-29, 6-422, 6-445, 6-446, 6-477, 6-481, 20-151, and 20-152 of the Greeley Municipal Code

City Attorney Stacey Aurzada presented the item at 7:08 p.m. Deputy City Manager/Chief Financial Officer Allena Portis was available for questions.

Ms. Aurzada provided a brief background and the proposed amendments to the municipal code. Changes provide the City Manager with the authority to delegate duties related to the City's financial operations to the appropriate City personnel. Proposed changes to the Code will align the Code with the City's Council-Manager form of Government and appointing a Chief Financial Officer to oversee operations. Corrections are requested to replace the term "Finance Director" with "City Manager or designee" and updates language regarding where utility bills can be paid.

The public hearing opened at 7:11 p.m.

With no further speakers, the public hearing closed at 7:11 p.m.

Mayor Pro Tem Hall moved to adopt the ordinance. Councilmember McDonald seconded the motion. The motion passed 7-0 at 7:12 p.m.

21. Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley at the coordinated election to be held November 5, 2024, the question of authorizing the City Council to extend the current sales tax on food

Deputy Director of Budget & Policy Kalen Myers presented the item at 7:12 p.m.

Ms. Myers gave a summary of the meetings and work that was completed on this ballot item. The current tax was set to expire December 31, 2026, and the proposal was a permanent extension to help continue funding for parks and recreation, city building maintenance, arts, and traffic safety. The food tax has been renewed every five years since 1990. This action by council will place the question on the ballot in November.

Councilmember Olson asked for clarification if the Supplemental Nutrition Assistance Program (SNAP) affects residents' qualification status for the tax rebate. Ms. Meyers explained that anyone on the SNAP program would still be eligible for the Sales Tax Rebate Program.

Councilmember Butler announced that this item supports the debt issuance as a funding mechanism for the interchanges and 37th and 45th Avenues.

The public hearing opened at 7:18 p.m.

1. Sherrie Peig spoke in opposition to the measure stating this will make the tax permanent. She was concerned that the previous board had already raised funding for the interchanges in 2019, and wondered where that money was.

Mayor Gates stated that the money raised in 2019 is still in the bank. He said unexpectedly the state agency left the City with the full cost of these interchange projects, and since then, costs have increased.

2. Tom Dunkle spoke about the focus on downtown improvements, the airport expansion, and Greeley West development and supports the ballot initiative. He noted that Loveland voters eliminated the food tax, and the city is now struggling to fund and provide services.
3. Mike Dickerson spoke in opposition to the 3% food tax. He stated that food cannot be avoided, and he doesn't think it is right that a basic need is taxed. He believed it should be allowed to sunset.
4. Sadie Simpson explained that she shops in Greeley, and felt that the 3% tax was high, even for middle-class families.
5. Brandon Wark spoke about living in Greeley because it is affordable. Economics will be one of the driving issues this November, and so the tax should be allowed to

sunset. There was an 80% increase in the use of the rebate program showing that citizens need relief.

6. Natalie Menton driving from Lakewood, believed the tax should be repealed.
7. Bill Gillard spoke in opposition to the tax and asked about the budget was for the interchanges.
8. Steve Teets spoke about how many taxes residents have currently. He felt there are more taxes and less services. He opposed the continuation of the tax.
9. Julie Jensen spoke via Zoom and supported the measure. She believed the City has done a great job with the money funded from this tax. Costs are high, but the interchanges and other services are needed.
10. Liberty Montes spoke via Zoom stated she conducts a large part of her business in Greeley. She supported the ballot measures to fund the interchanges, as this was not a new tax, and was important to support the facilities that the tax maintains.
11. Karent Plasencia spoke via Zoom and stated that her business has been part of the community for over twenty years. She supported both ballot issues as they will continue to make Greeley shine and aid in future growth.

With no further speakers, the public hearing closed at 7:48 p.m.

Councilmember Olson agreed the cost of everything has gone up, and it is hard to continue putting a tax on people who are struggling. The tax rebate helps. He stated neither of these issues were increasing taxes. This decision will allow the voters to determine the outcome.

Councilmember Payton said that in 2017, the Colorado Department Of Transportation (CDOT) promised that if the city raised 50% of the project cost for the interchanges, the state would contribute 50%. The City raised their portion and CDOT failed. The City does not have a big commercial tax that surrounding cities have. The City of Loveland will have to start cutting services now that the food tax is gone. Greeley is doing everything to be fiscally responsible.

Councilmember McDonald stated that the interchanges will be safer and will help youth and other individuals cross in a more efficient manner. She understood that low-income areas are affected by this. She explained that the Rodarte Center and other parks and recreation services would be greatly impacted and need to be maintained as these facilities serve low-income households.

Mayor Pro Tem Hall explained they are not raising taxes, and this has been in place for 30 years. The rebate program can help and was available for those who can't afford the tax.

Councilmember DeBoutez said she supported this action. Council has been fiscally responsible for thirty years and will continue to do so. She agreed with many things her colleagues have mentioned. She explained that in May of 2018, City buildings were

flooded, and funding from this tax helped and will continue to do so. The interchanges will improve air quality as well as traffic safety. This is a reliable funding source.

Mayor Gates agreed with much of what had been said. He respected those who do not support this. With the polling that has been done a lot has been said about economic impact. He explained that other tax increases were considered, but they decided not to move forward with those. It was very hard not to consider open space and public safety taxes. He reiterated this is not a new tax, but a continuation, and the voters will choose.

Councilmember Butler moved to adopt the ordinance. Councilmember DeBoutez seconded the motion. The motion passed 7-0 at 8:02 p.m.

22. Public hearing and second reading of an ordinance submitting to the registered electors of the City of Greeley, at the coordinated election to be held November 5, 2024, the question of authorizing the city to increase debt by \$65 Million in order to fund transportation improvements

Deputy Budget & Policy Director Kalen Myers introduced this item with a presentation at 8:02 p.m.

She presented a recap of the timeline for council engagement on this item and explained the anticipated funding mechanism is the federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program. The anticipated repayment source is the food tax. The priority use for this funding will be constructing new interchanges on Highway 34 at 35th and 47th Avenues.

Ms. Meyers explained that this is the second out of the four items proposed to council that have made it this far, and it will be subject to the Taxpayer's Bill of Rights (TABOR). The TIFIA loan program has unique aspects that make it an affordable option, and the City has obtained other grants and funding towards this project, so this will be the final piece of funding.

The public hearing opened at 8:06 p.m.

1. Tom Donkle spoke about the options of funding and believed the improvements are necessary for both safety and air pollution.
2. Steve Teets said he would like to know how the \$65 million will spent and if it includes both infrastructure and transit.

Mayor Gates explained that it is primarily the interchanges but will also include a mobility hub for buses.

3. Julie Jensen thanked Council and staff. She said that CDOT left the city "holding the bag". She believed this will impact the future of Greeley and those wanting to move here.

The public hearing closed at 8:13 p.m.

Councilmember Olson stated they could talk about the two interchanges for hours. He worked on this project since 2015 as a top priority. It not only improves safety and air quality, but it also connects people, and will enable lower-income communities to be connected to services. The community needs this to thrive and succeed. Transportation is a key along with police and fire, and he reminded them this is not a tax.

Mayor Pro Tem Hall said he doesn't take going into debt lightly, but the rates are doable. The inflation with construction makes the cost of this debt look miniscule. He agreed this was needed in addition to the funds they already have.

Councilmember McDonald said even though she believed the interchanges are essential for safety, she doesn't like taking on new debt. She thanked staff who tried to work with CDOT to get funding even though they did not get it done. The interchanges need to be built before soon.

Councilmember DeBoutez was concerned about the cost increases they have experienced since 2015. She felt that this should be completed now primarily for safety reasons.

Councilmember Butler stated it is one of the most dangerous intersections in the state and hinders commerce. The City cannot attract restaurants in these areas because of the safety issues.

Councilmember Payton moved to adopt the ordinance. Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 8:21 p.m.

23. Appointments to Boards and Commissions – Construction Trades Advisory and Appeals Board, Judicial Review Board, and Planning Commission

City Clerk Heidi Leatherwood announced the appointments:

Sean Jaehn was appointed for a 3-year term to the Construction Trades Advisory and Appeals Board.

Nick Nakamura was appointed for a 3-year term to the Judicial Review Board.

Larry Modlin and Christian Schulte were each appointed for 3-year terms to the Planning Commission.

24. Scheduling of Meetings, Other Events

None.

25. 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 any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Councilmember Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 at 8:22 p.m.

26. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 8:22 p.m.

Approved:

Dale Hall, Mayor Pro Tem

Attest:

Heidi Leatherwood, City Clerk



Council Agenda Summary

September 17, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to approve the 2025 Council Meeting and Work Session schedule

Summary:

Section 2-150 of the Greeley Municipal Code addresses the Council's regular meetings, work sessions, and special meetings. This code section sets regular meetings on the first and third Tuesdays of each month, and work sessions on the second and fourth Tuesdays of each month. The Council may change the day, hour or location of regular meetings or work sessions by motion. The Council may also set special meetings and special work sessions by motion.

The 2025 Council Meeting and Work Session scheduled is attached.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? No

Legal Issues:

Consideration of this matter is a legislative process.

Other issues and Considerations:

None

Strategic Focus Area:

Business Growth
Community Vitality
High-Performance Government
Housing For All
Infrastructure and Mobility
Quality of Life
Safe and Secure Communities

Decision Options:

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

Council's Recommended Action:

Approve the motion.

Attachments:

1. 2025 Council Meeting and Work Session Schedule Calendar
2. 2025 Council Meeting and Work Session Schedule List

2025 City Council Meeting and Work Session Calendar

January						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

December						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Cancel
 Council Meetings
 Work Sessions
 Federal & City Holidays

Proposed 2025 Council Meeting/Work Session Dates			
City Council Meetings	City Council Work Sessions		
January 7, 2025	January 14, 2025	January 5, 2025	New Year's Day
January 21, 2025	January 28, 2025	January 20, 2025	Martin Luther King Jr. Day
February 4, 2025	February 11, 2025	February 17, 2025	President's Day
February 18, 2025	February 25, 2025	May 26, 2025	Memorial Day
March 4, 2025	March 11, 2025	June 19, 2025	Juneteenth
March 18, 2025	March 25, 2025	July 4, 2025	Independence Day
April 1, 2025	April 8, 2025	September 1, 2025	Labor Day
April 15, 2025	April 22, 2025	November 11, 2025	Veteran's Day
May 6, 2025	May 13, 2025	November 27-28, 2025	Thanksgiving
May 20, 2025	May 27, 2025	December 24 - 25, 2025	Christmas
June 3, 2025	June 10, 2025		
June 17, 2025	June 24, 2025		
7/1/2025 (4th of July Holiday)	*	July 8, 2025	Meetings that may be canceled *
July 15, 2025		July 22, 2025	* July 1, 2025
August 5, 2025		August 12, 2025	* November 4, 2025
August 19, 2025		August 26, 2025	* November 11, 2025
September 2, 2025		September 9, 2025	* November 25, 2025
September 16, 2025		September 23, 2025	* December 23, 2025
October 7, 2025		October 14, 2025	
October 21, 2025		October 28, 2025	
11/4/2024 (Election Day)	*	11/11/2025 (Veterans Day)	*
November 18, 2025		11/25/2025(Thanksgiving Holiday)	*
December 2, 2025		December 9, 2024	
December 16, 2025		12/23/2025(Christmas Cancelled)	*



Council Agenda Summary

September 17, 2024

Key Staff Contact: Paul Trombino, Public Works Director

Title:

A resolution authorizing approval of an Airport Improvement Program Grant Agreement and offer from the Federal Aviation Administration (FAA) to the Greeley-Weld County Airport Authority (3-08-0028-032-2024, Contract No. DOT-FA24NM-1082)

Summary:

As part of Federal Aviation Administration (FAA) Airport Improvement Program (AIP), with the City of Greeley being the sponsor of the Greeley-Weld County Airport Authority has been awarded a grant. Through this program, the Greeley-Weld County Airport Authority has allocated \$513,559 in grant funding to Rehabilitate West Apron pavement (Design and Construction Phase I).

The AIP used by FAA to provides grants to public agencies for the planning and development of public-use airports. The Greeley-Weld County Airport was awarded these funds based on their request through their five-year Capital Improvement Program for improvements needed at the airport.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? No
2. If yes, what is the initial, or, onetime impact? Onetime
3. What is the annual impact? None
4. What fund of the City will provide Funding? None
5. What is the source of revenue within the fund? N/A
6. Is there grant funding for this item? Yes
7. If yes, does this grant require a match? Yes, 10%
8. Is this grant onetime or ongoing? Onetime
9. Additional Comments: Greeley-Weld County Airport will provide the matching funds

Legal Issues:

Consideration of this matter is a legislative process.

Other issues and Considerations:

None

Strategic Focus Area:

Infrastructure and Mobility

Decision Options:

1. Adopt the resolution as presented; or

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 28, 2024 with Exhibit A

**ATHE CITY OF GREELEY, COLORADO
RESOLUTION 28, 2024**

**A RESOLUTION AUTHORIZING APPROVAL OF AN AIRPORT IMPROVEMENT
PROGRAM GRANT AGREEMENT AND OFFER FROM THE FEDERAL AVIATION
ADMINISTRATION (“FAA”) TO THE GREELEY-WELD COUNTY AIRPORT AUTHORITY**

WHEREAS, the City of Greeley (“City”), Weld County, and the Greeley-Weld County Airport Authority (“Authority”) have applied for an FAA Airport Improvement Grant (“Grant”); and

WHEREAS, the FAA has offered the Grant in the amount of \$513,559 [AIP Grant Number 3-08-0028-032-2024/Contract No. DOT-FA24NM-1082]; and

WHEREAS, the purpose of the Grant is to **Rehabilitate West Apron (Design and Construction Phase I)** at the airport; and

WHEREAS, the Authority has accepted the Grant effective September 6, 2024, which will be used for Authority planned improvements and has recommended that the City accept the Grant; and

WHEREAS, the use of the Grant will contribute to the health and safety of the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Greeley, Colorado, as follows:

1. The Mayor, on behalf of the City as a sponsor of the Grant, is authorized to sign the Grant agreement attached hereto as Exhibit A approving, ratifying, and adopting the Grant application and agreeing to comply with the Grant’s terms and conditions.
2. The Council grants authorization for the Mayor and City staff to sign the Grant agreement *nunc pro tunc* to August 23, 2024.
3. This Resolution shall become effective immediately upon passage, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 17th day of SEPTEMBER 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
Northwest Mountain Region
Colorado, Utah, Wyoming

Denver Airports District Office:
26805 E 68th Ave, Ste 224
Denver, CO 80249-6339

August 14, 2024

Mr. John Gates, Board Chair
Greeley-Weld County Airport Authority
P.O. Box 727
Greeley, Colorado 80632

Mr. Kevin Ross, Chair
Weld County Commissioners
P.O. Box 758
Greeley, Colorado 80632

The Honorable John Gates, Mayor
City of Greeley
1000 10th Street
Greeley, Colorado 80632

Dear Mr. Gates, Chairman Ross, and Mayor Gates:

The Grant Offer for Airport Improvement Program (AIP) Project No. 3-08-0028-032-2024 at Greeley-Weld County Airport is attached for execution. This letter outlines the steps you must take to properly enter into this agreement and provides other useful information. Please read the conditions, special conditions, and assurances that comprise the grant offer carefully.

You may not make any modification to the text, terms or conditions of the grant offer.

Steps You Must Take to Enter Into Agreement.

To properly enter into this agreement, you must do the following:

1. The governing body must give authority to execute the grant to the individual(s) signing the grant, i.e., the person signing the document must be the sponsor's authorized representative(s) (hereinafter "authorized representative").
2. The authorized representative must execute the grant by adding their electronic signature to the appropriate certificate at the end of the agreement.
3. Once the authorized representative has electronically signed the grant, the sponsor's attorney(s) will automatically receive an email notification.
4. On the **same day or after** the authorized representative has signed the grant, the sponsor's attorney(s) will add their electronic signature to the appropriate certificate at the end of the agreement.
5. If there are co-sponsors, the authorized representative(s) and sponsor's attorney(s) must follow the above procedures to fully execute the grant and finalize the process. Signatures must be obtained and finalized no later than **September 06, 2024**.

6. The fully executed grant will then be automatically sent to all parties as an email attachment.

Payment. Subject to the requirements in 2 CFR § 200.305 (Federal Payment), each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Project Timing. The terms and conditions of this agreement require you to complete the project without undue delay and no later than the Period of Performance end date (1,460 days from the grant execution date). We will be monitoring your progress to ensure proper stewardship of these Federal funds. We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress. Your grant may be placed in “inactive” status if you do not make draws on a regular basis, which will affect your ability to receive future grant offers. Costs incurred after the Period of Performance ends are generally not allowable and will be rejected unless authorized by the FAA in advance.

Reporting. Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- For all grants, you must submit by December 31st of each year this grant is open:
 1. A signed/dated SF-270 (Request for Advance or Reimbursement for non-construction projects) or SF-271 or equivalent (Outlay Report and Request for Reimbursement for Construction Programs), and
 2. An SF-425 (Federal Financial Report).
- For non-construction projects, you must submit [FAA Form 5100-140, Performance Report](#) within 30 days of the end of the Federal fiscal year.
- For construction projects, you must submit [FAA Form 5370-1, Construction Progress and Inspection Report](#), within 30 days of the end of each Federal fiscal quarter.

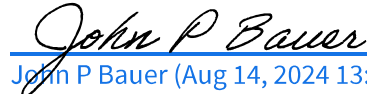
Audit Requirements. As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR Part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to ensure your organization will comply with applicable audit requirements and standards.

Closeout. Once the project(s) is completed and all costs are determined, we ask that you work with your FAA contact indicated below to close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

FAA Contact Information. Joseph Sherrell, (303) 342-1255, joseph.a.sherrell@faa.gov is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,


John P. Bauer
John P. Bauer (Aug 14, 2024 13:19 MDT)

John P. Bauer
Manager, Denver Airports District Office



U.S. Department
of Transportation
Federal Aviation
Administration

FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM (AIP)

FY 2024 AIP

GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date	August 14, 2024	
Airport/Planning Area	Greeley-Weld County Airport	
Airport Infrastructure Grant Number	3-08-0028-032-2024	[Contract No. DOT-FA24NM-1082]
Unique Entity Identifier	K22DLPCZKJW8	
TO:	Greeley-Weld County Airport Authority, County of Weld and City of Greeley, Colorado	
	(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)	

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

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated July 31, 2024, for a grant of Federal funds for a project at or associated with the Greeley-Weld County Airport, which is included as part of this Grant Agreement; and

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

Rehabilitate West Apron (Design and Construction Phase I)

which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out the Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; FAA Reauthorization Act of 2018 (Public Law Number (P.L.) 115-254); the Department of Transportation Appropriations Act, 2021 (P.L. 116-260, Division L); the Consolidated Appropriations Act, 2022 (P.L. 117-103); Consolidated

Appropriations Act, 2023 (P.L. 117-328); Consolidated Appropriations Act, 2024 (P.L. 118-42); FAA Reauthorization Act of 2024 (P.L. 118-63); and the representations contained in the Project Application; and in consideration of: (a) the Sponsor's adoption and ratification of the Grant Assurances dated May 2022, interpreted and applied consistent with the FAA Reauthorization Act of 2024 per Reauthorization Grant Condition 30 below; (b) the Sponsor's acceptance of this Offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurance and conditions as herein provided;

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

Assistance Listings Number (Formerly CFDA Number): 20.106

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

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$513,559.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$0 for planning

\$513,559 for airport development or noise program implementation; and,

\$0 for land acquisition.

2. **Grant Performance.** This Grant Agreement is subject to the following Federal award requirements:

- a. Period of Performance:

1. Shall start on the date the Sponsor formally accepts this Agreement and is the date signed by the last Sponsor signatory to the Agreement. The end date of the Period of Performance is 4 years (1,460 calendar days) from the date of acceptance. The Period of Performance end date shall not affect, relieve, or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions or budget periods (2 Code of Federal Regulations (CFR) § 200.1).

- b. Budget Period:

1. For this Grant is 4 years (1,460 calendar days) and follows the same start and end date as the Period of Performance provided in paragraph 2(a)(1). Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the Budget Period.
2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 CFR § 200.308.

- c. Close Out and Termination

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later

than 120 calendar days after the end date of the Period of Performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the Period of Performance end date with the information available at the end of 120 days (2 CFR § 200.344).

2. The FAA may terminate this Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 U.S.C. § 47109, the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"), and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this Agreement, 49 U.S.C. Chapters 471 and 475, the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the Sponsor agrees to report and request prior FAA approval for any disengagement from performing the project that exceeds three months or a 25 percent reduction in time devoted to the project. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the grant assurances, which are part of this Agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 06, 2024, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this Grant Agreement.

11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**

- a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR § 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this Grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
- b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/content/entity-registration>.

12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

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

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

An informal letter amendment has the same force and effect as a formal grant amendment.

14. **Environmental Standards.** The Sponsor is required to comply with all applicable environmental standards, as further defined in the Grant Assurances, for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.

15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

16. **Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 U.S.C. § 50101, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this Grant. The Sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this Grant.

17. **Build America, Buy America.** The Sponsor must comply with the requirements under the Build America, Buy America Act (P.L. 117-58).

18. **Maximum Obligation Increase.** In accordance with 49 U.S.C. § 47108(b)(3), as amended, the maximum obligation of the United States, as stated in Condition No. 1, Maximum Obligation, of this Grant:

- a. May not be increased for a planning project;
- b. May be increased by not more than 15 percent for development projects, if funds are available;
- c. May be increased by not more than the greater of the following for a land project, if funds are available:
 - 1. 15 percent; or
 - 2. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

If the Sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in 49 U.S.C. § 47110, or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same Federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the Federal share as applicable through an informal letter of amendment.

19. **Audits for Sponsors.**

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA. Sponsors that expend less than \$750,000 in Federal awards and are exempt from Federal audit requirements must make records available for review or audit by the appropriate Federal agency officials, State, and Government Accountability Office. The FAA and other appropriate Federal agencies may request additional information to meet all Federal audit requirements.

20. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

- a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 - 1. Checking the System for Award Management Exclusions in the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 - 2. Collecting a certification statement from the non-Federal entity attesting they are not excluded or disqualified from participating; or
 - 3. Adding a clause or condition to covered transactions attesting the individual or firm are not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions with their contractors and sub-contractors.
- c. Immediately disclose in writing to the FAA whenever (1) the Sponsor learns they have entered into a covered transaction with an ineligible entity or (2) the Public Sponsor suspends or debars a contractor, person, or entity.

21. **Ban on Texting While Driving.**

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - i. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - ii. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this Grant.

22. **Trafficking in Persons.**

- a. *Posting of contact information.*
 - 1. The Sponsor must post the contact information of the national human trafficking hotline (including options to reach out to the hotline such as through phone, text, or TTY) in all public airport restrooms.
- b. *Provisions applicable to a recipient that is a private entity.*
 - 1. You as the recipient, your employees, subrecipients under this Grant, and subrecipients' employees may not:
 - i. Engage in severe forms of trafficking in persons during the period of time that the Grant and applicable conditions are in effect;
 - ii. Procure a commercial sex act during the period of time that the Grant and applicable conditions are in effect; or
 - iii. Use forced labor in the performance of the Grant or any subgrants under this Grant.
 - 2. We as the Federal awarding agency, may unilaterally terminate this Grant, without penalty, if you or a subrecipient that is a private entity –
 - i. Is determined to have violated a prohibition in paragraph (b) of this Grant Condition; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph (b) of this Grant Condition through conduct that is either –
 - a) Associated with performance under this Grant; or
 - b) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 1200.

- c. *Provision applicable to a recipient other than a private entity.* We as the Federal awarding agency may unilaterally terminate this Grant, without penalty, if a subrecipient that is a private entity –
 - 1. Is determined to have violated an applicable prohibition in paragraph (b) of this Grant Condition; or
 - 2. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated an applicable prohibition in paragraph (b) of this Grant Condition through conduct that is either –
 - i. Associated with performance under this Grant; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 1200.
- d. *Provisions applicable to any recipient.*
 - 1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (b) of this Grant Condition.
 - 2. Our right to terminate unilaterally that is described in paragraph (b) or (c) of this Grant Condition:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended [22 U.S.C. § 7104(g)], and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this Grant.
 - 3. You must include the requirements of paragraph (b) of this Grant Condition in any subgrant you make to a private entity.
- e. *Definitions.* For purposes of this Grant Condition:
 - 1. “Employee” means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this Grant; or
 - ii. Another person engaged in the performance of the project or program under this Grant and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 - 2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 - 3. “Private entity”:
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR § 175.25.
 - ii. Includes:

- a) A nonprofit organization, including any nonprofit institute of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR § 175.25(b).
 - b) A for-profit organization.
- 4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).
- 23. **AIP Funded Work Included in a PFC Application.** Within 120 days of acceptance of this Grant Agreement, the Sponsor must submit to the FAA an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this Grant Agreement as described in the project application. The airport sponsor may not make any expenditure under this Grant Agreement until project work addressed under this Grant Agreement is removed from an approved PFC application by amendment.
- 24. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated December 01, 2016, is incorporated herein by reference or is submitted with the project application and made part of this Grant Agreement.
- 25. **Employee Protection from Reprisal.**
 - a. Prohibition of Reprisals.
 - 1. In accordance with 41 U.S.C. § 4712, an employee of a Sponsor, grantee, subgrantee, contractor, or subcontractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (a)(2) below, information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
 - 2. Persons and bodies covered. The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal employee responsible for contract or grant oversight or management at the relevant agency;
 - v. A court or grand jury;
 - vi. A management official or other employee of the Sponsor, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct; or
 - vii. An authorized official of the Department of Justice or other law enforcement agency.
 - b. Investigation of Complaints.

1. **Submission of Complaint.** A person who believes that they have been subjected to a reprisal prohibited by paragraph (a) of this Condition may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
 2. **Time Limitation for Submittal of a Complaint.** A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
 3. **Required Actions of the Inspector General.** Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
- c. **Remedy and Enforcement Authority.**
1. **Assumption of Rights to Civil Remedy.** Upon receipt of an explanation of a decision not to conduct or continue an investigation by the OIG, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c)(2).
26. **Co-Sponsor.** The Co-Sponsors understand and agree that they jointly and severally adopt and ratify the representations and assurances contained therein and that the word "Sponsor" as used in the application and other assurances is deemed to include all Co-Sponsors.
27. **Prohibited Telecommunications and Video Surveillance Services and Equipment.** The Sponsor agrees to comply with mandatory standards and policies relating to use and procurement of certain telecommunications and video surveillance services or equipment in compliance with the National Defense Authorization Act [P.L. 115-232 § 889(f)(1)] and 2 CFR § 200.216.
28. **Critical Infrastructure Security and Resilience.** The Sponsor acknowledges that it has considered and addressed physical and cybersecurity and resilience in their project planning, design, and oversight, as determined by the DOT and the Department of Homeland Security (DHS). For airports that do not have specific DOT or DHS cybersecurity requirements, the FAA encourages the voluntary adoption of the cybersecurity requirements from the Transportation Security Administration and Federal Security Director identified for security risk Category X airports.
29. **Title VI of the Civil Rights Act.** As a condition of a grant award, the Sponsor shall demonstrate that it complies with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq) and implementing regulations (49 CFR part 21), the Airport and Airway Improvement Act of 1982 (49 U.S.C. § 47123), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101, et seq.), U.S. Department of Transportation and Federal Aviation Administration (FAA) Assurances, and other relevant civil rights statutes, regulations, or authorities. This may include, as applicable, providing a current Title VI Program Plan and a Community Participation Plan (alternatively may be called a Public Participation Plan) to the FAA for approval, in the format and according to the timeline required by the FAA, and other information about the communities that will be benefited and impacted by the project. A completed FAA Title VI Pre-Grant Award Checklist is also required for every grant application, unless excused by the FAA. The Sponsor shall affirmatively ensure that when carrying out any project supported by this grant that it complies with all federal nondiscrimination and civil rights laws based on race, color, national origin (including limited English proficiency), sex (including sexual orientation and gender identity), creed, age, disability, genetic information, or environmental justice in consideration for federal financial assistance. The Sponsor, who has not sufficiently demonstrated the conditions of compliance with civil rights requirements will be required to do so before receiving funds. The Department's and FAA's Office of Civil Rights may provide resources and technical assistance to recipients to ensure full and sustainable compliance with Federal civil rights requirements. Failure to comply with civil rights requirements

will be considered a violation of the agreement or contract and be subject to any enforcement action as authorized by law.

30. **FAA Reauthorization Act of 2024.** This grant agreement is subject to the terms and conditions contained herein including the terms known as the Grant Assurances as they were published in the Federal Register on May 2022. On May 16, 2024, the FAA Reauthorization Act of 2024 made certain amendments to 49 U.S.C. chapter 471. The Reauthorization Act will require FAA to make certain amendments to the assurances in order to best achieve consistency with the statute. Federal law requires that FAA publish any amendments to the assurances in the Federal Register along with an opportunity to comment. In order not to delay the offer of this grant, the existing assurances are attached herein; however, FAA shall interpret and apply these assurances consistent with the Reauthorization Act. To the extent there is a conflict between the assurances and Federal statutes, the statutes shall apply. The full text of the FAA Reauthorization Act of 2024 is at <https://www.congress.gov/bill/118th-congress/house-bill/3935/text>.

SPECIAL CONDITIONS

31. **Solid Waste Recycling Plan.** The Sponsor certifies that it has a solid waste recycling plan as part of an existing Airport Master Plan, as prescribed by 49 U.S.C. § 47106(a)(6).
32. **Airport Layout Plan.** The Sponsor understands and agrees to update the Airport Layout Plan to reflect the construction to standards satisfactory to the FAA and submit it in final form to the FAA as prescribed by 49 U.S.C. § 47107(a)(16). It is further mutually agreed that the reasonable cost of developing said Airport Layout Plan Map is an allowable cost within the scope of this project, if applicable. Airport Sponsors Grant Assurance 29 further addresses the Sponsor's statutory obligations to maintain an airport layout plan in accordance with 49 U.S.C. § 47107(a)(16).
33. **Pavement Maintenance Management Program.** The Sponsor agrees that it will implement an effective airport pavement maintenance management program as required by Airport Sponsor Grant Assurance 11, Pavement Preventive Maintenance-Management, which is codified at 49 U.S.C. § 47105(e). The Sponsor agrees that it will use the program for the useful life of any pavement constructed, reconstructed, rehabilitated, or repaired with Federal financial assistance at the airport. The Sponsor further agrees that the program will:
- a. Follow the current version of FAA Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements, establishing an effective maintenance program, specific types of distress and its probable cause, inspection guidelines, and recommended methods of repair;
 - b. Detail the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed;
 - c. Include a Pavement Inventory, Inspection Schedule, Record Keeping, Information Retrieval, and Reference, meeting the following requirements:
 1. Pavement Inventory. The following must be depicted in an appropriate form and level of detail:
 - i. Location of all runways, taxiways, and aprons;
 - ii. Dimensions;

- iii. Type of pavement; and,
 - iv. Year of construction or most recent major reconstruction, rehabilitation, or repair.
2. Inspection Schedule.
- i. Detailed Inspection. A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in the current version of Advisory Circular 150/5380-6, the frequency of inspections may be extended to three years.
 - ii. Drive-By Inspection. A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition. For drive-by inspections, the date of inspection and any maintenance performed must be recorded.
3. Record Keeping. Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The type of distress, location, and remedial action, scheduled or performed, must be documented. The minimum information is:
- i. Inspection date;
 - ii. Location;
 - iii. Distress types; and
 - iv. Maintenance scheduled or performed.
4. Information Retrieval System. The Sponsor must be able to retrieve the information and records produced by the pavement survey to provide a report to the FAA as may be required.

34. Project Containing Paving Work in Excess of \$500,000. The Sponsor agrees to:

- a. Furnish a construction management program to the FAA prior to the start of construction which details the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program must include as a minimum:
 - 1. The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract;
 - 2. Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided;
 - 3. Procedures for determining that the testing laboratories meet the requirements of the ASTM International standards on laboratory evaluation referenced in the contract specifications (i.e., ASTM D 3666, ASTM C 1077);
 - 4. Qualifications of engineering supervision and construction inspection personnel;
 - 5. A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test; and

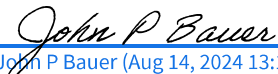
6. Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.
 - b. Submit at completion of the project, a final test and quality assurance report documenting the summary results of all tests performed and highlighting those tests that indicated failure or that did not meet the applicable test standard. The report must include the pay reductions applied and the reasons for accepting any out-of-tolerance material. Submit interim test and quality assurance reports when requested by the FAA.
 - c. Failure to provide a complete report as described above, or failure to perform such tests, will, absent any compelling justification, result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction will be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the Grant Agreement.
 - d. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that Sponsor test results are inaccurate.
35. **Buy American Executive Orders.** The Sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.
 36. **Leaded Fuel.** FAA Reauthorization Act of 2024 (P.L. 118-63) Section 770 "Grant Assurances" requires airports that made 100-octane low lead aviation gasoline (100LL) available, any time during calendar year 2022, to not prohibit or restrict the sale, or self-fueling, of such aviation gasoline. This requirement remains until the earlier of 2030, or the date on which the airport or any retail fuel seller at the airport makes available an FAA-authorized unleaded aviation gasoline replacement for 100LL meeting either an industry consensus standard or other standard that facilitates the safe use, production, and distribution of such unleaded aviation gasoline as deemed appropriate by the Administrator. The Sponsor understands and agrees, that any violations are subject to civil penalties.
 37. **Final Project Documentation.** The Sponsor understands and agrees that in accordance with 49 USC 47111, and with the Airport District Office's (ADO) concurrence, that no payments totaling more than 90.0 percent of United States Government's share of the project's estimated allowable cost may be made before the project is determined to be substantially complete. Substantially complete means the following: (1) The project results in a complete, usable unit of work as defined in the grant agreement and (2) The sponsor submits necessary documents showing that the project is substantially complete per the contract requirements, or has a plan (that FAA agrees with) that addresses all elements contained on the punch list. Furthermore, no payments totaling more than 97.5 percent of the United States Government's share of the project's estimated allowable cost may be made until: (1) The sponsor submits all necessary closeout documentation and (2) The sponsor receives final payment notification from the ADO.

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

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.¹

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**


John P Bauer (Aug 14, 2024 13:19 MDT)
(Signature)

John P Bauer

(Typed Name)

Manager, Denver ADO

(Title of FAA Official)

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

Part II - Acceptance

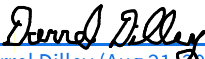
The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with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

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.²

Dated August 21, 2024

Attested By:


 Darrel Dilley (Aug 21, 2024 16:51 MDT)

(Signature of Sponsor's Attestation)

Darrel Dilley

(Typed Name of Sponsor's Attestation)

Secretary / Treasurer

(Title of Sponsor's Attestation)

Greeley-Weld County Airport Authority

(Name of Sponsor)


 John Gates (Aug 21, 2024 09:50 MDT)

(Signature of Sponsor's Authorized Official)

By: John Gates

(Typed Name of Sponsor's Authorized Official)

Title: Board Chair

(Title of Sponsor's Authorized Official)

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

CERTIFICATE OF SPONSOR'S ATTORNEY

I, S/ Kent Naughton, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; and Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; FAA Reauthorization Act of 2018 (P.L. 115-254); the Department of Transportation Appropriations Act, 2021 (P.L. 116-260, Division L); the Consolidated Appropriations Act, 2022 (P.L. 117-103); Consolidated Appropriations Act, 2023 (P.L. 117-328); Consolidated Appropriations Act, 2024 (P.L. 118-42); FAA Reauthorization Act of 2024 (P.L. 118-63); and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.³

Dated at August 23, 2024

By S/ Kent Naughton
 S/ Kent Naughton (Aug 23, 2024 10:49 MDT)
 (Signature of Sponsor's Attorney)

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

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

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁴

Dated August 23, 2024

County of Weld, Colorado

(Name of Sponsor)

Kevin Ross

Kevin Ross (Aug 23, 2024 10:50 MDT)

(Signature of Sponsor's Authorized Official)

By: Kevin Ross

(Typed Name of Sponsor's Authorized Official)

Title: Chairman Board of Commissioners

(Title of Sponsor's Authorized Official)

⁴ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Bruce Barker, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; and Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; FAA Reauthorization Act of 2018 (P.L. 115-254); the Department of Transportation Appropriations Act, 2021 (P.L. 116-260, Division L); the Consolidated Appropriations Act, 2022 (P.L. 117-103); Consolidated Appropriations Act, 2023 (P.L. 117-328); Consolidated Appropriations Act, 2024 (P.L. 118-42); FAA Reauthorization Act of 2024 (P.L. 118-63); and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁵

Dated at August 23, 2024

By: Bruce Barker
 Bruce Barker (Aug 23, 2024 11:04 MDT)
 (Signature of Sponsor's Attorney)

⁵ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

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

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁶

Dated August 23, 2024

City of Greeley, Colorado

(Name of Sponsor)


John Gates (Aug 23, 2024 11:09 MDT)

(Signature of Sponsor's Authorized Official)

By: John Gates

(Typed Name of Sponsor's Authorized Official)

Title: Board Chair

(Title of Sponsor's Authorized Official)

⁶ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

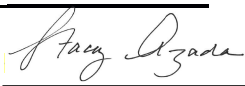
I, Stacey Aurzada, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; and Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; FAA Reauthorization Act of 2018 (P.L. 115-254); the Department of Transportation Appropriations Act, 2021 (P.L. 116-260, Division L); the Consolidated Appropriations Act, 2022 (P.L. 117-103); Consolidated Appropriations Act, 2023 (P.L. 117-328); Consolidated Appropriations Act, 2024 (P.L. 118-42); FAA Reauthorization Act of 2024 (P.L. 118-63); and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁷

Dated at August 23, 2024

By: 

(Signature of Sponsor's Attorney)

⁷ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

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

B. Duration and Applicability.

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

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

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

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

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

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, and 37 in Section C apply to planning projects. The terms, conditions, and assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

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

1. General Federal Requirements

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

FEDERAL LEGISLATION

- a. 49 U.S.C. subtitle VII, as amended.
- b. Davis-Bacon Act, as amended — 40 U.S.C. §§ 3141-3144, 3146, and 3147, et seq.¹
- c. Federal Fair Labor Standards Act – 29 U.S.C. § 201, et seq.
- d. Hatch Act – 5 U.S.C. § 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601, et seq.^{1, 2}
- f. National Historic Preservation Act of 1966 – Section 106 – 54 U.S.C. § 306108.¹
- g. Archeological and Historic Preservation Act of 1974 – 54 U.S.C. § 312501, et seq.¹
- h. Native Americans Grave Repatriation Act – 25 U.S.C. § 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended – 42 U.S.C. § 7401, et seq.
- j. Coastal Zone Management Act, P.L. 92-583, as amended – 16 U.S.C. § 1451, et seq.
- k. Flood Disaster Protection Act of 1973 – Section 102(a) - 42 U.S.C. § 4012a.¹
- l. 49 U.S.C. § 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 – 29 U.S.C. § 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.) (prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 – 42 U.S.C. § 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968, as amended – 42 U.S.C. § 4151, et seq.¹
- s. Powerplant and Industrial Fuel Use Act of 1978 – Section 403 – 42 U.S.C. § 8373.¹
- t. Contract Work Hours and Safety Standards Act – 40 U.S.C. § 3701, et seq.¹
- u. Copeland Anti-kickback Act – 18 U.S.C. § 874.¹
- v. National Environmental Policy Act of 1969 – 42 U.S.C. § 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 U.S.C. § 1271, et seq.
- x. Single Audit Act of 1984 – 31 U.S.C. § 7501, et seq.²

- y. Drug-Free Workplace Act of 1988 – 41 U.S.C. §§ 8101 through 8105.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (P.L. 109-282, as amended by section 6202 of P.L. 110-252).
- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Build America, Buy America Act, P.L. 117-58, Title IX.

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity¹
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency
- h. Executive Order 13985 – Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- i. Executive Order 13988 - Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- j. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America’s Workers
- k. Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. ^{4, 5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.
- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹

- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹
- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- m. 49 CFR Part 20 – New Restrictions on Lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

FOOTNOTES TO ASSURANCE (C)(1)

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 2 CFR Part 200 contains requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation shall apply where applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

⁴ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.

⁵ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

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

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

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

b. Private Sponsor:

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

3. Sponsor Fund Availability.

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

4. Good Title.

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

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the

Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

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

7. Consideration of Local Interest.

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

8. Consultation with Users.

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

9. Public Hearings.

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

10. Metropolitan Planning Organization.

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

11. Pavement Preventive Maintenance-Management.

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

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under 49 U.S.C. § 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

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

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the project in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United

States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 U.S.C. §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

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

16. Conformity to Plans and Specifications.

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

17. Construction Inspection and Approval.

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

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.

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

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 - 1. Operating the airport's aeronautical facilities whenever required;
 - 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3. Promptly notifying pilots of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

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

21. Compatible Land Use.

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

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:
 1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.

- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

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

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

24. Fee and Rental Structure.

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

25. Airport Revenues.

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

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

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

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and

2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

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

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

28. Land for Federal Facilities.

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

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.

Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities

which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:
 1. eliminate such adverse effect in a manner approved by the Secretary; or
 2. bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4); creed and sex (including sexual orientation and gender identity) per 49 U.S.C. § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this Grant.

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

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or

structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
 2. So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:
- “The Greeley-Weld County Airport, County of Weld, Colorado, and City of Greeley, Colorado, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, [select businesses, or disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award.”
- e. Required Contract Provisions.
1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
 2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
 3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
 4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.

- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:

1. Reinvestment in an approved noise compatibility project;
2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117;
4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:

1. Reinvestment in an approved noise compatibility project;
2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117;
4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport.

- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-

sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

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

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (<https://www.faa.gov/airports/aip/media/aip-pfc-checklist.pdf>) for AIP projects as of July 31, 2024.

35. Relocation and Real Property Acquisition.

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

36. Access By Intercity Buses.

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

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin, or sex, in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3809, 3812).

38. Hangar Construction.

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

39. Competitive Access.

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



Council Agenda Summary

September 17, 2024

Key Staff Contact: Paul Trombino, Public Works Director

Title:

A resolution authorizing approval of an Airport Infrastructure Grant Agreement and offer from the Federal Aviation Administration (FAA) to the Greeley-Weld County Airport Authority (3-08-0028-033-2024, Contract No. DOT-FA24NM-1093)

Summary:

As part of the Bipartisan Infrastructure Law (BIL) - Airport Infrastructure Grant (AIG) the Federal Aviation Administration (FAA), with the City of Greeley being the sponsor of the Greeley-Weld County Airport Authority has been awarded a grant. Through this program, the Greeley-Weld County Airport Authority has allocated \$881,000 in grant funding for Main Ramp Rehabilitation (Construction Phase 2).

The Bipartisan Infrastructure Law provides \$15 billion for airport-related projects as defined under the existing Airport Improvement Grant and Passenger Facility Charge criteria. The money awarded can be invested in runways, taxiways, safety and sustainability projects, as well as terminal, airport-transit connections and roadway projects. The Greeley-Weld County Airport was awarded these funds based on their request for main ramp improvements needed at the airport.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? No
2. If yes, what is the initial, or, onetime impact? Onetime
3. What is the annual impact? None
4. What fund of the City will provide Funding? No
5. What is the source of revenue within the fund? N/A
6. Is there grant funding for this item? Yes
7. If yes, does this grant require a match? Yes, 10%
8. Is this grant onetime or ongoing? Onetime
9. Additional Comments: Greeley-Weld County Airport will provide the match funds.

Legal Issues:

Consideration of this matter is a legislative process.

Other issues and Considerations:

None

Strategic Focus Area:

Infrastructure and Mobility

Decision Options:

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

Council's Recommended Action:

A motion to adopt the resolution.

Attachments:

1. Resolution No. 29, 2024 with Exhibit A

THE CITY OF GREELEY, COLORADO
RESOLUTION No. 29, 2024

A RESOLUTION AUTHORIZING APPROVAL OF AN AIRPORT INFRASTRUCTURE GRANT AGREEMENT AND OFFER FROM THE FEDERAL AVIATION ADMINISTRATION (“FAA”) TO THE GREELEY-WELD COUNTY AIRPORT AUTHORITY

WHEREAS, the City of Greeley (“City”), Weld County, and the Greeley-Weld County Airport Authority (“Authority”) have applied for an Airport Infrastructure Grant (“Grant”); and

WHEREAS, As part of the Bipartisan Infrastructure Law (BIL), the FAA has offered the Grant in the amount of \$881,000 [AIP Grant Number 3-08-0028-033-2024/Contract No. DOT-FA24NM-1093]; and

WHEREAS, the purpose of the Grant is to Main Ramp Rehabilitation (Construction Phase 2) at the airport; and

WHEREAS, the Authority has accepted the Grant on September 6, 2024, which will be used for Authority planned improvements and has recommended that the City accept the Grant; and

WHEREAS, the use of the Grant will contribute to the health and safety of the citizens of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Greeley, Colorado, as follows:

1. The Mayor, on behalf of the City as a sponsor of the Grant, is authorized to sign the Grant agreement attached hereto as Exhibit A approving, ratifying, and adopting the Grant application and agreeing to comply with the Grant’s terms and conditions.
2. The Council grants authorization for the Mayor and City staff to sign the Grant agreement *nunc pro tunc* to August 23, 2024.
3. This Resolution shall become effective immediately upon passage, as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 17th day of SEPTEMBER 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
Northwest Mountain Region
Colorado, Utah, Wyoming

Denver Airports District Office:
26805 E 68th Ave, Ste 224
Denver, CO 80249-6339

August 14, 2024

Mr. John Gates, Board Chair
Greeley-Weld County Airport Authority
P.O. Box 727
Greeley, Colorado 80632

Mr. Kevin Ross, Chair
Weld County Commissioners
P.O. Box 758
Greeley, Colorado 80632

The Honorable John Gates, Mayor
City of Greeley
1000 10th Street
Greeley, Colorado 80632

Dear Chairman Gates, Chairman Ross, and Mayor Gates:

The Grant Offer for the Bipartisan Infrastructure Law (BIL) - Airport Infrastructure Grant (AIG) Project No. 3-08-0028-033-2024 at Greeley-Weld County Airport is attached for execution. This letter outlines the steps you must take to properly enter into this agreement and provides other useful information. Please read the conditions, special conditions, and assurances that comprise the grant offer carefully.

You may not make any modification to the text, terms or conditions of the grant offer.

Steps You Must Take to Enter Into Agreement.

To properly enter into this agreement, you must do the following:

1. The governing body must give authority to execute the grant to the individual(s) signing the grant, i.e., the person signing the document must be the sponsor's authorized representative(s) (hereinafter "authorized representative").
2. The authorized representative must execute the grant by adding their electronic signature to the appropriate certificate at the end of the agreement.
3. Once the authorized representative has electronically signed the grant, the sponsor's attorney(s) will automatically receive an email notification.
4. On the **same day or after** the authorized representative has signed the grant, the sponsor's attorney(s) will add their electronic signature to the appropriate certificate at the end of the agreement.
5. If there are co-sponsors, the authorized representative(s) and sponsor's attorney(s) must follow the above procedures to fully execute the grant and finalize the process. Signatures must be obtained and finalized no later than **September 06, 2024**.

6. The fully executed grant will then be automatically sent to all parties as an email attachment.

Payment. Subject to the requirements in 2 CFR § 200.305 (Federal Payment), each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Project Timing. The terms and conditions of this agreement require you to complete the project without undue delay and no later than the Period of Performance end date (1,460 days from the grant execution date). We will be monitoring your progress to ensure proper stewardship of these Federal funds. We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress. Your grant may be placed in “inactive” status if you do not make draws on a regular basis, which will affect your ability to receive future grant offers. Costs incurred after the Period of Performance ends are generally not allowable and will be rejected unless authorized by the FAA in advance.

Reporting. Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- For all grants, you must submit by December 31st of each year this grant is open:
 1. A signed/dated SF-270 (Request for Advance or Reimbursement for non-construction projects) or SF-271 or equivalent (Outlay Report and Request for Reimbursement for Construction Programs), and
 2. An SF-425 (Federal Financial Report).
- For non-construction projects, you must submit [FAA Form 5100-140, Performance Report](#) within 30 days of the end of the Federal fiscal year.
- For construction projects, you must submit [FAA Form 5370-1, Construction Progress and Inspection Report](#), within 30 days of the end of each Federal fiscal quarter.

Audit Requirements. As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR Part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to ensure your organization will comply with applicable audit requirements and standards.

Closeout. Once the project(s) is completed and all costs are determined, we ask that you work with your FAA contact indicated below to close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

FAA Contact Information. Joseph Sherrell, (303) 342-1255, joseph.a.sherrell@faa.gov is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,



John P. Bauer
Manager, Denver Airports District Office



U.S. Department
of Transportation
Federal Aviation
Administration

**FY 2024 AIRPORT INFRASTRUCTURE GRANT
GRANT AGREEMENT
Part I - Offer**

Federal Award Offer Date	<u>August 14, 2024</u>	
Airport/Planning Area	<u>Greeley-Weld County Airport</u>	
Airport Infrastructure Grant Number	<u>3-08-0028-033-2024</u>	<u>[Contract No. DOT-FA24NM-1093]</u>
Unique Entity Identifier	<u>K22DLPCZKJW8</u>	
TO:	<u>Greeley-Weld County Airport Authority, County of Weld and City of Greeley, Colorado</u> (herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)	

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

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated August 01, 2024, for a grant of Federal funds for a project at or associated with the Greeley-Weld County Airport, which is included as part of this Grant Agreement; and

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

Main Ramp Rehabilitation (Construction Phase 2)

which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out the Infrastructure Investment and Jobs Act (Public Law 117-58) of 2021 referred to as the Bipartisan Infrastructure Law (BIL); and the representations contained in the Project Application; and in consideration of: (a) the Sponsor's adoption and ratification of the Grant Assurances attached hereto; (b) the Sponsor's acceptance of this Offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurance and conditions as herein provided;

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

Assistance Listings Number (Formerly CFDA Number): 20.106

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

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$881,000.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$0 for planning

\$881,000 for airport development or noise program implementation; and,

\$0 for land acquisition.

2. **Grant Performance.** This Grant Agreement is subject to the following Federal award requirements:

- a. Period of Performance:

1. Shall start on the date the Sponsor formally accepts this Agreement and is the date signed by the last Sponsor signatory to the Agreement. The end date of the Period of Performance is 4 years (1,460 calendar days) from the date of acceptance. The Period of Performance end date shall not affect, relieve, or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions or budget periods (2 Code of Federal Regulations (CFR) § 200.1).

- b. Budget Period:

1. For this Grant is 4 years (1,460 calendar days) and follows the same start and end date as the Period of Performance provided in paragraph 2(a)(1). Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the Budget Period. Eligible project-related costs incurred on or after November 15, 2021 that comply with all Federal funding procurement requirements and FAA standards are allowable costs.
2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 CFR § 200.308.

- c. Close Out and Termination

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the Period of Performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the Period of Performance end date with the information available at the end of 120 days (2 CFR § 200.344).

2. The FAA may terminate this Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 U.S.C. § 47109, the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"), and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this Agreement, BIL (Public Law 117-58), the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the Sponsor agrees to report and request prior FAA approval for any disengagement from performing the project that exceeds three months or a 25 percent reduction in time devoted to the project. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the grant assurances, which are part of this Agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 06, 2024, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this Grant Agreement.
11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**
 - a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR § 25.110, the Sponsor must maintain the currency of its

information in the SAM until the Sponsor submits the final financial report required under this Grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

- b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/content/entity-registration>.

12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. **Informal Letter Amendment of BIL Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

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

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

An informal letter amendment has the same force and effect as a formal grant amendment.

14. **Environmental Standards.** The Sponsor is required to comply with all applicable environmental standards, as further defined in the Grant Assurances, for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.
15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
16. **Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 U.S.C. § 50101, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this Grant. The Sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this Grant.
17. **Build America, Buy American.** The Sponsor must comply with the requirements under the Build America, Buy America Act (Public Law 117-58).
18. **Maximum Obligation Increase.** In accordance with 49 U.S.C. § 47108(b)(3), as amended, the maximum obligation of the United States, as stated in Condition No. 1, Maximum Obligation, of this Grant:
 - a. May not be increased for a planning project;

- b. May be increased by not more than 15 percent for development projects, if funds are available;
- c. May be increased by not more than the greater of the following for a land project, if funds are available:
 - 1. 15 percent; or
 - 2. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

If the Sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in BIL (Public Law 117-58), or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same Federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the Federal share as applicable through an informal letter of amendment.

19. Audits for Sponsors.

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA. Sponsors that expend less than \$750,000 in Federal awards and are exempt from Federal audit requirements must make records available for review or audit by the appropriate Federal agency officials, State, and Government Accountability Office. The FAA and other appropriate Federal agencies may request additional information to meet all Federal audit requirements.

20. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

- a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 - 1. Checking the Responsibility/Qualification records in the Federal Awardee Performance and Integrity Information System (FAPIIS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 - 2. Collecting a certification statement from the non-Federal entity attesting they are not excluded or disqualified from participating; or
 - 3. Adding a clause or condition to covered transactions attesting the individual or firm are not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions with their contractors and sub-contractors.
- c. Immediately disclose in writing to the FAA whenever (1) the Sponsor learns they have entered into a covered transaction with an ineligible entity or (2) the Public Sponsor suspends or debars a contractor, person, or entity.

21. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - i. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - ii. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this Grant.

22. Trafficking in Persons.

- a. *Posting of contact information.*
 1. The Sponsor must post the contact information of the national human trafficking hotline (including options to reach out to the hotline such as through phone, text, or TTY) in all public airport restrooms.
- b. *Provisions applicable to a recipient that is a private entity.*
 1. You as the recipient, your employees, subrecipients under this Grant, and subrecipients' employees may not:
 - i. Engage in severe forms of trafficking in persons during the period of time that the Grant and applicable conditions are in effect;
 - ii. Procure a commercial sex act during the period of time that the Grant and applicable conditions are in effect; or
 - iii. Use forced labor in the performance of the Grant or any subgrants under this Grant.
 2. We as the Federal awarding agency, may unilaterally terminate this Grant, without penalty, if you or a subrecipient that is a private entity –
 - i. Is determined to have violated a prohibition in paragraph (b) of this Grant Condition; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph (b) of this Grant Condition through conduct that is either –
 - a) Associated with performance under this Grant; or
 - b) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 1200.
- c. *Provision applicable to a recipient other than a private entity.* We as the Federal awarding agency may unilaterally terminate this Grant, without penalty, if a subrecipient that is a private entity –

1. Is determined to have violated an applicable prohibition in paragraph (a) of this Grant Condition; or
 2. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated an applicable prohibition in paragraph (a) of this Grant Condition through conduct that is either –
 - i. Associated with performance under this Grant; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR Part 1200.
- d. *Provisions applicable to any recipient.*
1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a) of this Grant Condition.
 2. Our right to terminate unilaterally that is described in paragraph (a) or (b) of this Grant Condition:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended [22 U.S.C. § 7104(g)], and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this Grant.
 3. You must include the requirements of paragraph (a) of this Grant Condition in any subgrant you make to a private entity.
- e. *Definitions.* For purposes of this Grant Condition:
1. “Employee” means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this Grant; or
 - ii. Another person engaged in the performance of the project or program under this Grant and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 3. “Private entity”:
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR § 175.25.
 - ii. Includes:
 - a) A nonprofit organization, including any nonprofit institute of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR § 175.25(b).

- b) A for-profit organization.
- 4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).
- 23. **BIL Funded Work Included in a PFC Application.** Within 120 days of acceptance of this Grant Agreement, the Sponsor must submit to the FAA an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this Grant Agreement as described in the project application. The airport sponsor may not make any expenditure under this Grant Agreement until project work addressed under this Grant Agreement is removed from an approved PFC application by amendment.
- 24. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated December 01, 2016, is incorporated herein by reference or is submitted with the project application and made part of this Grant Agreement.
- 25. **Employee Protection from Reprisal.**
 - a. Prohibition of Reprisals.
 - 1. In accordance with 41 U.S.C. § 4712, an employee of a Sponsor, grantee, subgrantee, contractor, or subcontractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (a)(2) below, information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
 - 2. Persons and bodies covered. The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal employee responsible for contract or grant oversight or management at the relevant agency;
 - v. A court or grand jury;
 - vi. A management official or other employee of the Sponsor, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct; or
 - vii. An authorized official of the Department of Justice or other law enforcement agency.
 - b. Investigation of Complaints.
 - 1. Submission of Complaint. A person who believes that they have been subjected to a reprisal prohibited by paragraph (a) of this Condition may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.

2. Time Limitation for Submittal of a Complaint. A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
 3. Required Actions of the Inspector General. Actions, limitations, and exceptions of the OIG's office are established under 41 U.S.C. § 4712(b).
- c. Remedy and Enforcement Authority.
1. Assumption of Rights to Civil Remedy. Upon receipt of an explanation of a decision not to conduct or continue an investigation by the OIG, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c)(2).
26. **Co-Sponsor.** The Co-Sponsors understand and agree that they jointly and severally adopt and ratify the representations and assurances contained therein and that the word "Sponsor" as used in the application and other assurances is deemed to include all Co-Sponsors.
 27. **Prohibited Telecommunications and Video Surveillance Services and Equipment.** The Sponsor agrees to comply with mandatory standards and policies relating to use and procurement of certain telecommunications and video surveillance services or equipment in compliance with the National Defense Authorization Act [Public Law 115-232 § 889(f)(1)] and 2 CFR § 200.216.
 28. **Title VI of the Civil Rights Act.** As a condition of a grant award, the Sponsor shall demonstrate that it complies with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq) and implementing regulations (49 CFR part 21), the Airport and Airway Improvement Act of 1982 (49 U.S.C. § 47123), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101, et seq.), U.S. Department of Transportation and Federal Aviation Administration (FAA) Assurances, and other relevant civil rights statutes, regulations, or authorities. This may include, as applicable, providing a current Title VI Program Plan and a Community Participation Plan (alternatively may be called a Public Participation Plan) to the FAA for approval, in the format and according to the timeline required by the FAA, and other information about the communities that will be benefited and impacted by the project. A completed FAA Title VI Pre-Grant Award Checklist is also required for every grant application, unless excused by the FAA. The Sponsor shall affirmatively ensure that when carrying out any project supported by this grant that it complies with all federal nondiscrimination and civil rights laws based on race, color, national origin (including limited English proficiency), sex (including sexual orientation and gender identity), creed, age, disability, genetic information, or environmental justice in consideration for federal financial assistance. The Sponsor, who have not sufficiently demonstrated the conditions of compliance with civil rights requirements will be required to do so before receiving funds. The Department's and FAA's Office of Civil Rights may provide resources and technical assistance to recipients to ensure full and sustainable compliance with Federal civil rights requirements. Failure to comply with civil rights requirements will be considered a violation of the agreement or contract and be subject to any enforcement action as authorized by law.

SPECIAL CONDITIONS

29. **Solid Waste Recycling Plan.** The Sponsor certifies that it has a solid waste recycling plan as part of an existing Airport Master Plan, as described by 49 U.S.C. § 47106(a)(6).
30. **Airport Layout Plan.** The Sponsor understands and agrees to update the Airport Layout Plan to reflect the construction to standards satisfactory to the FAA and submit it in final form to the FAA as prescribed by 49 U.S.C. § 47107(a)(16). It is further mutually agreed that the reasonable cost of developing said Airport Layout Plan Map is an allowable cost within the scope of this project, if applicable. Airport Sponsors Grant Assurance 29 further addresses the Sponsor's statutory obligations to maintain an airport layout plan in accordance with 49 U.S.C. § 47107(a)(16).
31. **Pavement Maintenance Management Program.** The Sponsor agrees that it will implement an effective airport pavement maintenance management program as required by Airport Sponsor Grant Assurance 11, Pavement Preventive Maintenance-Management, which is codified at 49 U.S.C. § 47105(e). The Sponsor agrees that it will use the program for the useful life of any pavement constructed, reconstructed, rehabilitated, or repaired with Federal financial assistance at the airport. The Sponsor further agrees that the program will:
 - a. Follow the current version of FAA Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements, establishing an effective maintenance program, specific types of distress and its probable cause, inspection guidelines, and recommended methods of repair;
 - b. Detail the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed;
 - c. Include a Pavement Inventory, Inspection Schedule, Record Keeping, Information Retrieval, and Reference, meeting the following requirements:
 1. Pavement Inventory. The following must be depicted in an appropriate form and level of detail:
 - i. Location of all runways, taxiways, and aprons;
 - ii. Dimensions;
 - iii. Type of pavement; and,
 - iv. Year of construction or most recent major reconstruction, rehabilitation, or repair.
 2. Inspection Schedule.
 - i. Detailed Inspection. A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in the current version of Advisory Circular 150/5380-6, the frequency of inspections may be extended to three years.
 - ii. Drive-By Inspection. A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition. For drive-by inspections, the date of inspection and any maintenance performed must be recorded.
 3. Record Keeping. Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The type of distress, location, and remedial action, scheduled or performed, must be documented. The minimum information is:

- i. Inspection date;
 - ii. Location;
 - iii. Distress types; and
 - iv. Maintenance scheduled or performed.
4. Information Retrieval System. The Sponsor must be able to retrieve the information and records produced by the pavement survey to provide a report to the FAA as may be required.

32. **Project Containing Paving Work in Excess of \$500,000.** The Sponsor agrees to:

- a. Furnish a construction management program to the FAA prior to the start of construction which details the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program must include as a minimum:
 - 1. The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract;
 - 2. Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided;
 - 3. Procedures for determining that the testing laboratories meet the requirements of the ASTM International standards on laboratory evaluation referenced in the contract specifications (i.e., ASTM D 3666, ASTM C 1077);
 - 4. Qualifications of engineering supervision and construction inspection personnel;
 - 5. A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test; and
 - 6. Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.
- b. Submit at completion of the project, a final test and quality assurance report documenting the summary results of all tests performed and highlighting those tests that indicated failure or that did not meet the applicable test standard. The report must include the pay reductions applied and the reasons for accepting any out-of-tolerance material. Submit interim test and quality assurance reports when requested by the FAA.
- c. Failure to provide a complete report as described above, or failure to perform such tests, will, absent any compelling justification, result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction will be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the Grant Agreement.

- d. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that Sponsor test results are inaccurate.
33. **Buy American Executive Orders.** The Sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.
 34. **Final Project Documentation.** The Sponsor understands and agrees that in accordance with 49 USC 47111, and with the Airport District Office's (ADO) concurrence, that no payments totaling more than 90.0 percent of United States Government's share of the project's estimated allowable cost may be made before the project is determined to be substantially complete. Substantially complete means the following: (1) The project results in a complete, usable unit of work as defined in the grant agreement and (2) The sponsor submits necessary documents showing that the project is substantially complete per the contract requirements, or has a plan (that FAA agrees with) that addresses all elements contained on the punch list. Furthermore, no payments totaling more than 97.5 percent of the United States Government's share of the project's estimated allowable cost may be made until: (1) The sponsor submits all necessary closeout documentation and (2) The sponsor receives final payment notification from the ADO.
 35. **Leaded Fuel.** FAA Reauthorization Act of 2024 (P.L. 118-63) Section 770 "Grant Assurances" requires airports that made 100-octane low lead aviation gasoline (100LL) available, any time during calendar year 2022, to not prohibit or restrict the sale, or self-fueling, of such aviation gasoline. This requirement remains until the earlier of 2030, or the date on which the airport or any retail fuel seller at the airport makes available an FAA-authorized unleaded aviation gasoline replacement for 100LL meeting either an industry consensus standard or other standard that facilitates the safe use, production, and distribution of such unleaded aviation gasoline as deemed appropriate by the Administrator. The Sponsor understands and agrees, that any violations are subject to civil penalties.

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

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.¹

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**



(Signature)

John P Bauer

(Typed Name)

Manager, Denver ADO

(Title of FAA Official)

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

Part II - Acceptance

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

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.²

Dated August 18, 2024


Darrel Dilley (Aug 19, 2024 07:57 MDT)

(Signature of Sponsor's Attestation)

Darrel Dilley

(Typed Name of Sponsor's Attestation)

Secretary/Treasure

(Title of Sponsor's Attestation)

Greeley-Weld County Airport Authority

(Name of Sponsor)


John Gates (Aug 18, 2024 08:02 MDT)

(Signature of Sponsor's Authorized Official)

By: John Gates

(Typed Name of Sponsor's Authorized Official)

Title: Board Chair

(Title of Sponsor's Authorized Official)

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

CERTIFICATE OF SPONSOR'S ATTORNEY

I, S/ Kent A. Naughton, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; the Infrastructure Investment and Jobs Act (Public Law 117-58) of 2021 referred to as the Bipartisan Infrastructure Law (BIL), Division J, Title VIII; and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.³

Dated at August 28, 2024

%}

By: S/ Kent A. Naughton
S/ Kent A. Naughton (Aug 28, 2024 09:39 MDT)
 (Signature of Sponsor's Attorney)

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

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

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁴

Dated August 28, 2024

%}

County of Weld, Colorado

(Name of Sponsor)

Kevin Ross
Kevin Ross (Aug 28, 2024 09:47 MDT)

(Signature of Sponsor's Authorized Official)

By: Kevin Ross

(Typed Name of Sponsor's Authorized Official)

Title: Chairman Board of Commissioners

(Title of Sponsor's Authorized Official)

⁴ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Bruce Barker, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; the Infrastructure Investment and Jobs Act (Public Law 117-58) of 2021 referred to as the Bipartisan Infrastructure Law (BIL), Division J, Title VIII; and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁵

Dated at August 28, 2024

%}

By: Bruce Barker
 Bruce Barker (Aug 28, 2024 09:50 MDT)
 (Signature of Sponsor's Attorney)

⁵ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

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

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁶

Dated August 28, 2024 %}

City of Greeley, Colorado

(Name of Sponsor)



John Gates (Aug 28, 2024 10:51 MDT)

(Signature of Sponsor's Authorized Official)

By: John Gates

(Typed Name of Sponsor's Authorized Official)

Title: Board Chair

(Title of Sponsor's Authorized Official)

⁶ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Stacey Aurzada, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Colorado. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; the Infrastructure Investment and Jobs Act (Public Law 117-58) of 2021 referred to as the Bipartisan Infrastructure Law (BIL), Division J, Title VIII; and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.⁷

Dated at September 5, 2024

%}

By:



(Signature of Sponsor's Attorney)

⁷ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Public Law 117-58, Division J, Title VIII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

B. Duration and Applicability.

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

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

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

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

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

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, and 37 in Section C apply to planning projects. The terms, conditions, and assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

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

1. General Federal Requirements

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

FEDERAL LEGISLATION

- a. 49 U.S.C. subtitle VII, as amended.
- b. Davis-Bacon Act, as amended — 40 U.S.C. §§ 3141-3144, 3146, and 3147, et seq.¹
- c. Federal Fair Labor Standards Act – 29 U.S.C. § 201, et seq.
- d. Hatch Act – 5 U.S.C. § 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601, et seq.^{1, 2}
- f. National Historic Preservation Act of 1966 – Section 106 – 54 U.S.C. § 306108.¹
- g. Archeological and Historic Preservation Act of 1974 – 54 U.S.C. § 312501, et seq.¹
- h. Native Americans Grave Repatriation Act – 25 U.S.C. § 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended – 42 U.S.C. § 7401, et seq.
- j. Coastal Zone Management Act, P.L. 92-583, as amended – 16 U.S.C. § 1451, et seq.
- k. Flood Disaster Protection Act of 1973 – Section 102(a) - 42 U.S.C. § 4012a.¹
- l. 49 U.S.C. § 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 – 29 U.S.C. § 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.) (prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 – 42 U.S.C. § 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968, as amended – 42 U.S.C. § 4151, et seq.¹
- s. Powerplant and Industrial Fuel Use Act of 1978 – Section 403 – 42 U.S.C. § 8373.¹
- t. Contract Work Hours and Safety Standards Act – 40 U.S.C. § 3701, et seq.¹
- u. Copeland Anti-kickback Act – 18 U.S.C. § 874.¹
- v. National Environmental Policy Act of 1969 – 42 U.S.C. § 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 U.S.C. § 1271, et seq.
- x. Single Audit Act of 1984 – 31 U.S.C. § 7501, et seq.²

- y. Drug-Free Workplace Act of 1988 – 41 U.S.C. §§ 8101 through 8105.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).
- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Build America, Buy America Act, P.L. 117-58, Title IX.

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity¹
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency
- h. Executive Order 13985 – Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- i. Executive Order 13988 - Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- j. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America’s Workers
- k. Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. ^{4, 5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.
- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹

- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹
- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- m. 49 CFR Part 20 – New Restrictions on Lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

FOOTNOTES TO ASSURANCE (C)(1)

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 2 CFR Part 200 contains requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation shall apply where applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

⁴ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.

⁵ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

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

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

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

b. Private Sponsor:

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

3. Sponsor Fund Availability.

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

4. Good Title.

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

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the

Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of 49 U.S.C. § 47107(s) and the sponsor assurances.

6. Consistency with Local Plans.

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

7. Consideration of Local Interest.

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

8. Consultation with Users.

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

9. Public Hearings.

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

10. Metropolitan Planning Organization.

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

11. Pavement Preventive Maintenance.

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

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under 49 U.S.C. § 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

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

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the project in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United

States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 U.S.C. §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

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

16. Conformity to Plans and Specifications.

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

17. Construction Inspection and Approval.

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

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.

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

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 - 1. Operating the airport's aeronautical facilities whenever required;
 - 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3. Promptly notifying aviators of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

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

21. Compatible Land Use.

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

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:
 1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.

- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

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

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

24. Fee and Rental Structure.

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

25. Airport Revenues.

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

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

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

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

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

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

28. Land for Federal Facilities.

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

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.

Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and

which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:
 1. eliminate such adverse effect in a manner approved by the Secretary; or
 2. bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4); creed and sex (including sexual orientation and gender identity) per 49 U.S.C. § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this Grant.

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

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or

structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
 2. So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:
- “The (Greeley-Weld County Airport Authority, County of Weld Colorado, and City of Greeley Colorado),** in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, [select businesses, or disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award.”
- e. Required Contract Provisions.
1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
 2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
 3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
 4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.

- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 - 1. Reinvestment in an approved noise compatibility project;
 - 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
 - 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. § 47114, 47115, or 47117, or under Public Law 117-58, Division J, Title VIII; or
 - 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport.

If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 - 1. Reinvestment in an approved noise compatibility project;
 - 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
 - 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117, or under Public Law 117-58, Division J, Title VIII; or
 - 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-

sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., or Public Law 117-58, Division J, Title VIII it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

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

34. Policies, Standards, and Specifications.

It will carry out any project funded under a Bipartisan Infrastructure Law grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (<https://www.faa.gov/airports/aip/media/aip-pfc-checklist.pdf>) for BIL projects as of August 01, 2024.

35. Relocation and Real Property Acquisition.

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

36. Access By Intercity Buses.

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

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin, sex, in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3809, 3812).

38. Hangar Construction.

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

39. Competitive Access.

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



Council Agenda Summary

September 17, 2024

Key Staff Contact: Brian McBroom, Community Development Director, Douglas May, Planner III

Title:

Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado to consider a request by Avant Civil Group to rezone 8.51 acres located north of 19th Street Road and east of 82nd Avenue from H-A (Holding Agriculture) to R-L (Residential Low Density) zone district (Case number ZON2024 0003, Mountain Vista Rezone)

Summary:

The subject site was originally part of the North Poudre Fourth Annexation, which was approved and zoned as H-A (Holding Agriculture) in 1982. The property is currently zoned as H-A, which according to the Greeley Development Code is intended for properties which have been annexed into the City and is used as a “pre-development” district to either preserve open and rural lands and agricultural uses, or hold areas until more coordinated planning for infrastructure, land uses, and design can occur.

The Planning Commission previously reviewed a proposal for this site on January 23, 2024, for a multifamily development containing 75 dwelling units. The Planning Commission voted to recommend denial to City Council in a 5-0 vote, citing that the density was too high for the neighborhood, and it did not meet the missing middle housing concept. The City Council reviewed the revised proposal at a public hearing on March 5, 2024. Council made a motion (4-2) to deny the PUD for similar reasons.

The applicant is now requesting a rezone from H-A (Holding Agriculture) to R-L (Residential Low Density). The Land Use Guidance Map from the Imagine Greeley Comprehensive Plan identifies the subject site as Suburban neighborhood category, which is described as being made up primarily of single family detached homes with an average density of 2-5 dwelling units per acre. The R-L zone district is primarily designed to support single-family housing development. Multi-family housing, including townhomes and duplexes, are not allowed in the R-L zone district.

Letters regarding the public hearing for the proposed rezone were mailed on July 26, 2024, to property owners within 1000 feet of the site, as well as all property owners in the neighborhood directly south and east of the proposal. A Notice sign was posted on the site on July 26, 2024. Public notice was also published on the City of Greeley website on July 26, 2024. Staff has received written comment from one property owner asking questions about the proposal. The item went before the Planning Commission on August 27, 2024, and they recommended approval in a 5-0 vote.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley? No

Is there grant funding for this item? No

Legal Issues:

Consideration of this matter is a quasi-judicial process.

Other issues and Considerations:

None

Strategic Focus Area:

Community Vitality

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 second reading for October 1, 2024.

Attachments:

1. Ordinance No. 37, 2024 with Appendix A
2. Planning Commission (PC) Summary Report
3. Vicinity Map
4. Zoning Map
5. Project Narrative for Rezone
6. Plan Set
7. Neighbor Notification Boundary Map
8. Draft Planning Commission Minutes August 27, 2024
9. Neighbor Comments

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 37, 2024
CASE NO. ZON2024-0003**

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM H-A (HOLDING AGRICULTURE) TO R-L (RESIDENTIAL LOW DENSITY) CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 8.51 ACRES OF PROPERTY LOCATED ON THE PARCEL NORTH OF 19TH STREET ROAD AND EAST OF 82ND AVENUE

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

Section 1. The zoning on the following described property located in the City of Greeley is hereby changed from H-A (Holding Agriculture) to R-L (Residential Low Density) in the City of Greeley, County of Weld, State of Colorado:

Legal Description

See Appendix A, attached hereto, and incorporated herein.

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 1st DAY OF OCTOBER 2024.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
ORDINANCE NO. 37, 2024
CASE NO. ZON2024-0003

A parcel of land, being Tract 2 of Mountain Vista-Filing 3 recorded November 13, 2002 as Reception No. 3005092 of the Records of Weld County, and those portions of 82nd Avenue, 18th Street, and 19th Street adjoining to said Tract 2, all situate within the Southwest Quarter (SW1/4) of Section Eight (8), Township Five North (T.5N.), Range Sixty-six West (R.66W.), of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

COMMENCING at the Westerly most Northwest corner of Tract 2, Mountain Vista-Filing 3 and assuming the Westerly line of said Tract 2 as bearing South 00° 33' 57" East a distance of 647.52 feet with all other bearings contained herein relative thereto:

The following Five (5) courses are along the Westerly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

THENCE South 00° 33' 57" East a distance of 647.52 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northeast a distance of 15.71 feet, said curve has a radius of 10.00 feet, a delta of 90° 00' 00" and is subtended by a chord bearing South 45° 33' 57" East a distance of 14.14 feet to a Point of Tangency;
THENCE North 89° 26' 03" East a distance of 32.88 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 290.39 feet, said curve has a radius of 970.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing North 80° 51' 29" East a distance of 289.30 feet to a Point of Tangency;
THENCE North 72° 16' 54" East a distance of 155.47 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 monumented by a #5 rebar with an illegible 1.5" diameter cap and to the **POINT OF BEGINNING**.

THENCE South 17° 43' 06" East a distance of 30.00 feet to the centerline of 19th Street as depicted on the plat for said Mountain Vista-Filing 3:

The following Three (3) courses are along the centerline of said 19th Street:

THENCE South 72° 16' 54" West a distance of 155.47 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 299.37 feet, said curve has a radius of 1000.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing South 80° 51' 29" West a distance of 298.25 feet to a Point of Tangency;
THENCE South 89° 26' 03" West a distance of 72.88 feet to the centerline of 82nd Avenue as depicted on the plat of said Mountain Vista-Filing 3;
THENCE North 00° 33' 57" West along the centerline of said 82nd Avenue a distance of 762.59 feet to the centerline of 18th Street as depicted on the plat of Mountain Vista-Filing 3;
THENCE North 89° 29' 58" East along the centerline of said 18th Street a distance of 100.00 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 104.92 feet, said curve has a radius of 745.00 feet, a delta of 8° 04' 10" and is subtended by a chord bearing North 85° 27' 53" East a distance of 104.84 feet to the end point of the curve and to the intersection of the

centerline of 18th Street and the Northwesterly prolongation of the Northeasterly line of Tract 2, Mountain Vista-Filing 3;

THENCE South 56° 06' 06" East along the Northeasterly line of said Tract 2 a distance of 461.18 feet to the Northwest corner of Lot 4, Block 2 as depicted on the plat for Mountain Vista-Filing 3;

The following Four (4) courses are along the Easterly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

THENCE South 10° 41' 50" East a distance of 72.17 feet;

THENCE South 17° 43' 06" East a distance of 160.00 feet;

THENCE South 72° 16' 54" West a distance of 180.00 feet;

THENCE South 17° 43' 06" East a distance of 118.00 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 and to the **POINT OF BEGINNING**.

TOTAL REZONED AREA for the Mountain Vista Multifamily PUD is 370,623 sq. ft. or 8.51 acres, more or less ($\pm$).

PLANNING COMMISSION SUMMARY

ITEMS: A rezone from H-A (Holding Agriculture) to R-L (Residential Low Density)

FILE NUMBER: ZON2024-0003

PROJECT: Mountain Vista Rezone

LOCATION: North of 19th Street Road, east of 82nd Avenue.

APPLICANT: Avant Civil Group

CASE PLANNER: Doug May, AICP, Planner III

PLANNING COMMISSION HEARING DATE: August 27, 2024

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 24-204(b) of the Development Code.

EXECUTIVE SUMMARY

The City of Greeley is considering a request from Avant Civil Group, to rezone approximately 8.51 acres of property located North of 19th Street Road and east of 82nd Avenue from H-A (Holding Agriculture) to R-L (Residential Low Density).

A. REQUEST

The applicant is requesting approval of a rezone from H-A (Holding Agriculture) to R-L (Residential Low Density).

B. STAFF RECOMMENDATION

Approval

C. LOCATION

Abutting Zoning:

North: C-L (Commercial Low Intensity, R-L, Residential Low Density)

South: R-L (Residential Low Density)

East: R-L (Residential Low Density)

West: C-L (Commercial Low Intensity)

Surrounding Land Uses:

North: Vacant land, stormwater detention
South: Single-family residential
East: Single-family residential
West: Commercial – professional offices

Site Characteristics:

The subject site is approximately 8.51 acres in size. The property has not been previously developed, aside from a plugged and abandoned oil and gas well. The site is currently vacant and slopes gently downward to the north.

D. BACKGROUND

The subject site was originally part of the North Poudre Fourth Annexation, which was approved and zoned as H-A (Holding Agriculture) in 1982. The property is currently zoned as H-A, which according to the Greeley Development Code is intended for properties which have been annexed into the City and is used as a “pre-development” district to either preserve open and rural lands and agriculture uses, or hold areas until more coordinated planning for infrastructure, land uses, and design can occur.

The Planning Commission previously reviewed a proposal for this site on January 23, 2024 for a multi-family development containing 75 dwelling units. The Planning Commission voted to recommend denial to City Council in a 5-0 vote, citing that the density was too high for the neighborhood and it did not meet the missing middle housing concept. The City Council reviewed the revised proposal at a public hearing on March 5, 2024. Council made a motion (4-2) to deny the PUD for similar reasons.

The applicant is now requesting a rezone from H-A (Holding Agriculture) to R-L (Residential Low Density). The Land Use Guidance Map from the Imagine Greeley Comprehensive Plan identifies the subject site as Suburban neighborhood category, which is described as being made up primarily of single family detached homes with an average density of 2-5 dwelling units per acre. The R-L zone district is primarily designed to support single-family housing development. Multi-family housing, including townhomes and duplexes, are not allowed in the R-L zone district.

E. APPROVAL CRITERIA

Rezoning Review Criteria, Section 24-204(b):

1. The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.

Staff Comment: The subject area is identified as a Suburban Neighborhood on the Land Use Guidance Map in the Imagine Greeley Comprehensive Plan. The Plan specifies that “types of housing found in suburban neighborhoods is largely limited to single-family detached homes”. The R-L zone district is primarily designed to support single family housing development. Additionally, the following comprehensive plan goals support the subject application:

Objective GC-1.2 Form of Growth Encourage a compact urban form over sprawl or leap-frog development.

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

The request complies with this criterion.

2. The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.

Staff Comment: The intent of the rezone is to provide additional housing that is compatible with the area. The proposed land use provides opportunities for additional single-family housing.

The request complies with this criterion.

3. Whether the area changed or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.

Staff Comment: The area continues to see infill sites developed with a mix of residential and nonresidential uses. There are several commercial developments approved or under review as well as a detached multifamily project approximately ½ mile north including a drive-through coffee shop and gas station. Currently under review is a mixed-use development containing single-family, mixed-use multifamily, and townhomes, approximately ½ mile to the east.

The request complies with this criterion.

4. Whether the existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.

Staff Comment: The existing H-A zoning was likely established in 1982 when the property was annexed and has remained undeveloped to this day. It is common for newly annexed properties to be zoned H-A until development is proposed. Over time, much of the surrounding area has been rezoned as development has occurred.

The request complies with this criterion.

5. **The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**

Staff Comment: The proposal allows for single-family residential uses. The R-L zone district does not allow multi-family housing, including townhomes and duplexes.

The request complies with this criterion.

6. **The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.**

Staff Comment: Existing services are present in the vicinity to support development of the site as proposed.

The request complies with this criterion.

7. **The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

Staff Comment: The proposed rezone would accommodate the community's need for housing. The Housing Needs Assessment prepared for the City of Greeley indicates that there is demand for 19,400 housing units over the next 20 years.

The request complies with this criterion.

8. **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

Staff Comment: Anticipated impacts on surrounding properties, especially the single-family neighborhood to the east and south have been considered by maintaining the R-L zone district that surrounds the subject property on three sides.

The request complies with this criterion.

9. **The recommendations of professional staff or advisory review bodies.**

Staff Comment: Planning staff and the Administrative Review Team recommend approval.

The request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject site was originally part of the North Poudre Fourth Annexation, which was approved and zoned as H-A (Holding Agriculture) in 1982. Currently, this property is Tract 2 from the Mountain Vista Filing 3 subdivision, which was recorded in November of 2002. If the proposed rezone is approved, the applicant will need to be approved for a Subdivision to turn Tract 2 into buildable lots.

2. HAZARDS

A plugged and abandoned oil and gas facility impacts the subject site and a 50-foot setback from the abandoned well has been designated on the zoning plat to protect the surrounding development. Staff is unaware of any other hazards on the property.

3. WILDLIFE

The subject site is not located within an area of ecological significance.

4. FLOODPLAIN

The property is not located within any flood zones.

5. DRAINAGE AND EROSION

Drainage is not proposed to change with the proposed rezone. If the rezone is approved, the applicant will need to apply for a subdivision and at that time, drainage and erosion and impacts of development will be analyzed in detail.

6. TRANSPORTATION

The subject site has frontage along 82nd Avenue to the west and 19th Street Road to the south. Additionally, 18th Street currently stubs at the northwest corner of the property and is proposed to be extended to the east. The site is proposed to have three points of access: one from 18th Street to the north, one from 82nd Avenue to the east and, and one from 19th Street Road to the south. Currently, the nearest Greeley-Evans Transit (GET) route is Route 1, which runs along 20th Street and 71st Avenue.

A traffic study (*see Attachment D - Traffic Study*) evaluating the short-term and long-term traffic impacts of the proposed project was submitted as part of the previous PUD application. Based on this analysis, that proposal was expected to generate 716 trips a day at full buildout. The study anticipated that most of the site traffic would utilize 18th Street to 83rd Avenue for trips to and from the site. The City's Traffic Engineer reviewed the traffic study and did not have any concerns. The applicant was allowed to reuse this traffic study for this proposal because if the rezone is approved, the development that would be built would have significantly less traffic impact. An updated traffic study would be required with the subdivision phase of the project.

G. SERVICES

1. WATER

The City of Greeley provides water services to the area and is adequate to serve the site.

2. SANITATION

The City of Greeley provides sanitary services to the area and is adequate to serve the site.

3. EMERGENCY SERVICES

The property is served by the City of Greeley's Police and Fire Departments. Fire Station #7 is located along 10th Street, approximately 2.5 miles from the subject site, by road.

4. PARKS AND OPEN SPACES

No public parks or regional open space areas are proposed as part of this request. Cash-in-lieu for parkland dedication does apply to this project. The applicant will also be required to pay Park & Trail Development Fees.

5. SCHOOLS

No schools are proposed or located on the subject site. However, cash-in-lieu for schools will be required for the project during the Subdivision phase.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

No adverse visual impacts are anticipated by the proposal.

2. NOISE

Any potential noise created by future development would be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

Letters regarding the public hearing for the proposed rezone were mailed on July 26, 2024, to property owners within 1000 feet of the site, as well as all property owners in the neighborhood directly south and east of the proposal. A Notice sign was posted on the site on July 26, 2024. Public notice was also published on the City of Greeley website on July 26, 2024. Staff has received written comment from one property owner asking questions about the proposal.

J. MINERAL ESTATE OWNER NOTIFICATION

The applicant mailed the required notice regarding the initial public hearing for the proposed rezone to all mineral rights owners on July 12, 2024. Staff received no corresponding inquiries to date, August 1, 2024.

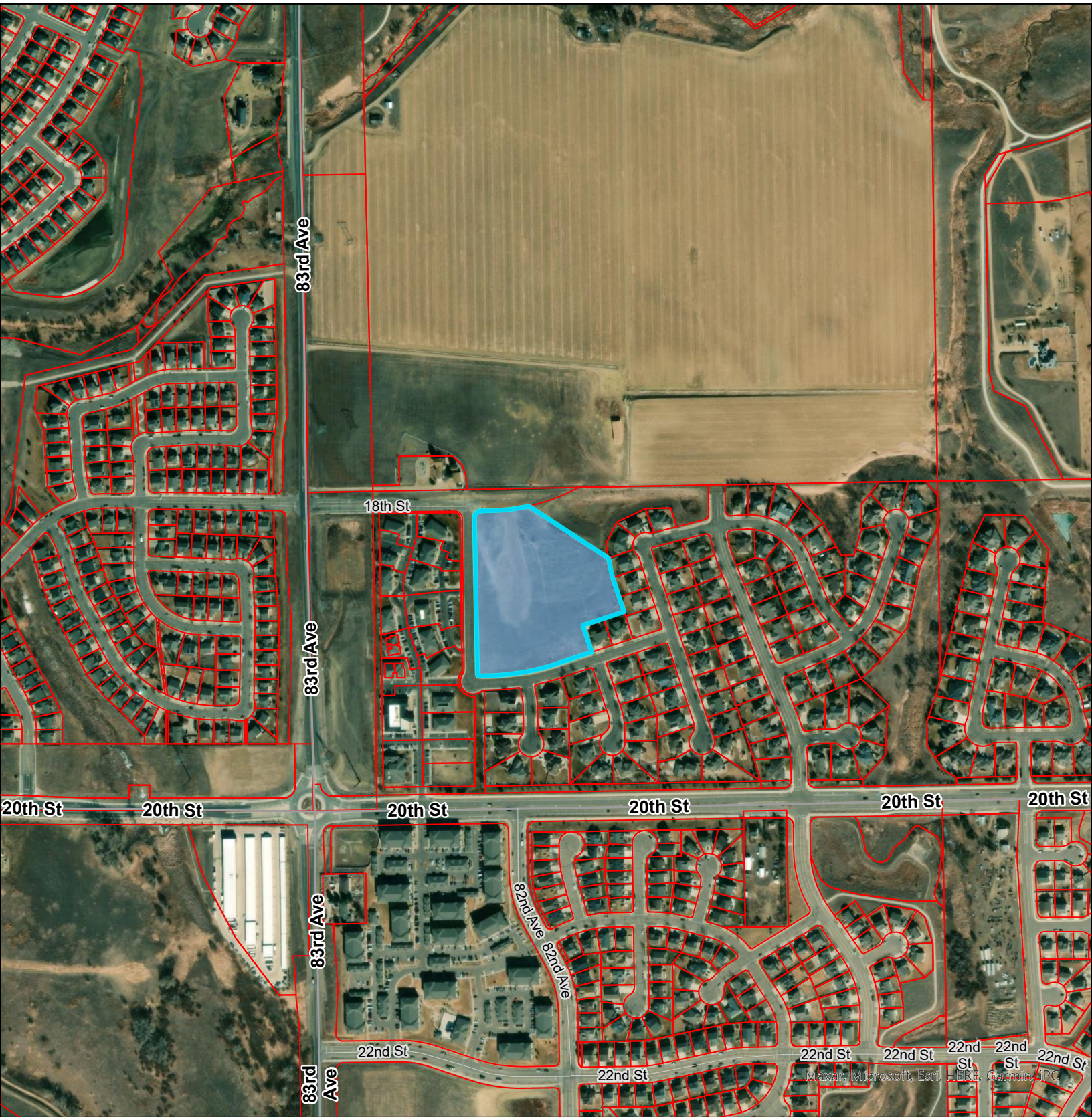
K. PLANNING COMMISSION RECOMMENDED MOTIONS

Recommended (Approval)

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezone from H-A (Holding Agriculture) to R-L (Residential Low Density) is in compliance with Section 24-204(b) of the Development Code and therefore recommends City Council approval.

Alternative (Denial)

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezone from H-A (Holding Agriculture) to R-L (Residential Low Density) is not in compliance with Section 24-204(b) of the Development Code and therefore recommends City Council denial.

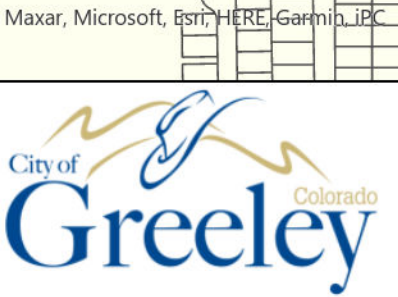
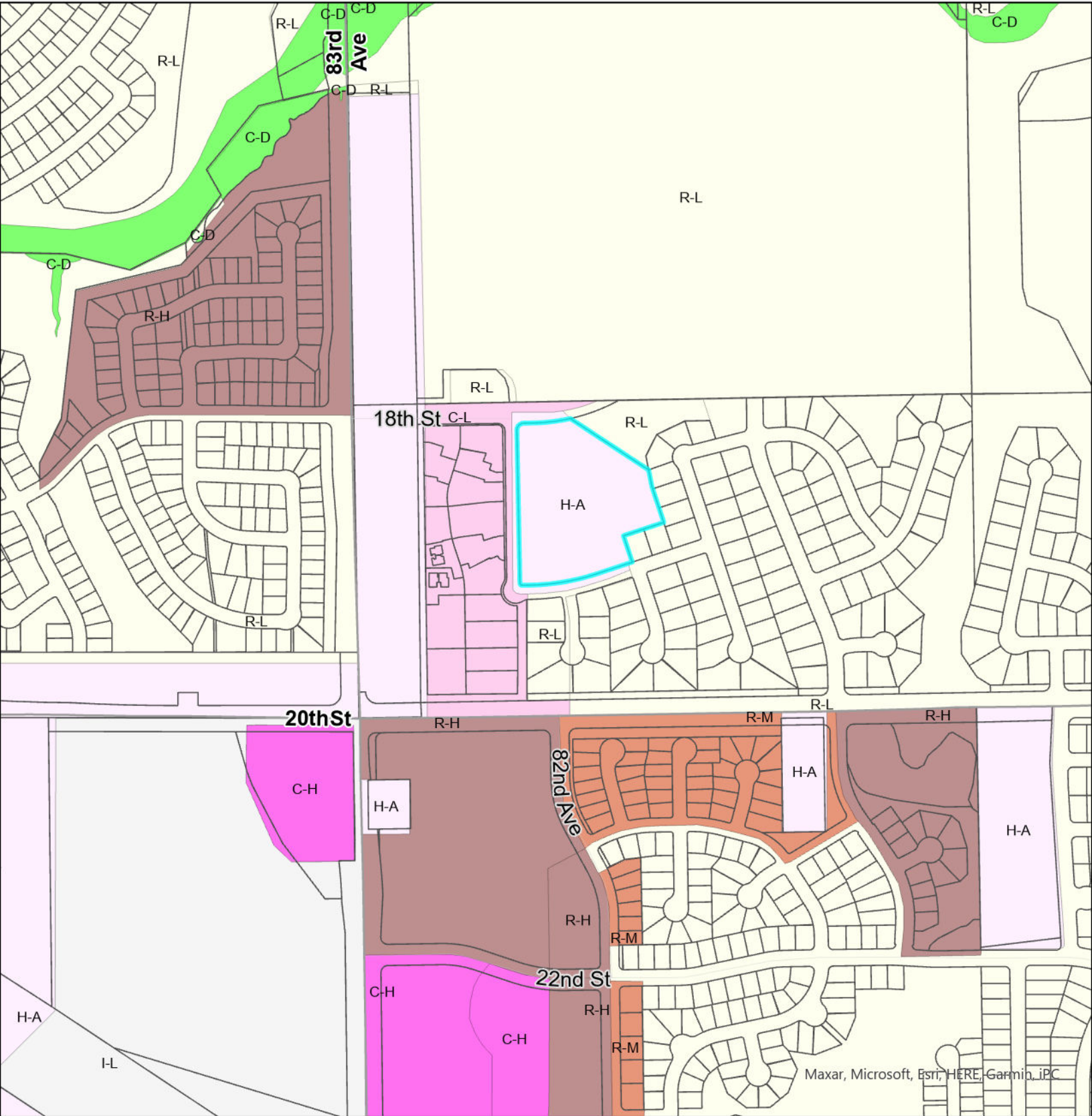


Legend

-  Subject Site
-  Greeley Parcels



Zoning Map - Mountain Vista Rezone



Legend

	Greeley Parcels		Industrial Low Intensity		Residential Low Density
	Conservation District**		Industrial Medium Intensity		Residential Medium Density
	Commercial Low Intensity		Industrial High Intensity		Residential High Density
	Commercial High Intensity		Planned Unit Development		Residential Mobile Home
	Holding Agriculture		Residential Estate		

June 14, 2024

City of Greeley
Planning and Zoning
1100 10th Street – 2nd Floor
Greeley, CO 80631

Re: Mountain Vista 4th Filing Rezone

Dear City of Greeley Staff,

The Mountain Vista 4th Filing Rezone is located northeast of 82nd Avenue and 19th Street intersection. The legal description of the site is being a Rezone of Tract 2, Mountain Vista-Filing 3 located in the Southeast Quarter of Section 8, Township 5 North, Range 66 West of the 6th Prime Meridian., City of Greeley, County of Weld, State of Colorado. **Figure 1** below highlights the site location.

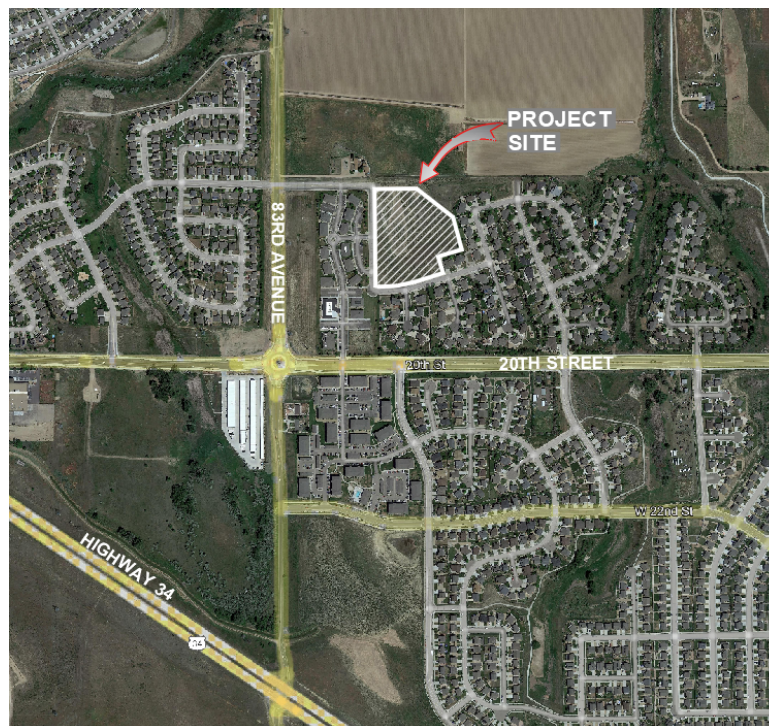


Figure 1: Outline of Mountain Vista Multifamily

The parcel itself is 7.430 acres and has been zoned Holding Ag (H-A) since Mountain Vista 3rd Filing was developed in 2002 due to a previous oil and gas well on this site that was abandoned November 26, 2019. This application requests to rezone the parcel to residential low density (R-L). The surrounding uses consist of commercial and single family residential. The surrounding property is zoned as R-L to the North, South and East. The property to the West is currently zoned as Greeley C-L.

The project is proposing straight residentially zoned property for single family home construction after efforts to rezone to PUD with multifamily development were denied by City Council March 5, 2023. The intent is to build a single family subdivision with lots for sale and no multifamily units which were a concern to Planning Commission, City Council and the neighborhood on the previous rezone application. This new proposal meets those concerns by Planning Commission, City Council and the neighborhood.

Below is a discussion on how this application meets the criteria set forth in Section 24-204 for rezoning of properties:

Review Criteria:

1. This proposed development meets the relevant goals and objectives of the comprehensive plan. As the comprehensive plan has an overarching broad brush application not every goal and objective apply to this project, but the ones that do are being met.
This R-L zoning and subsequent single family home subdivision meets goals in **Growth and City Form**. As discussed in Objective GC 1.2 and 1.3 this project is somewhat of an infill project and is not a project leap frogging out to the perimeters of the community making it harder to serve. Adequate services are available and won't add significant strain to any City services being provided. GC2.3 discusses other modes of transportation and this project will connect to existing collector roads around the property with sidewalks and bike lanes, as well as adding local roads for the new development with sidewalks, which also meets goals of the transportation master plan allowing for safe connection and continuation of the different modes of transportation. GC 3.4 will also be met by planting of trees along local roads supporting Greeley's status as a "Tree City". GC 6.2 regarding connectivity will be accomplished as this development continues on where Mountain Vista 3rd Filing left off. In addition, 18th Street will be built east allowing for additional connectivity in the future of the adjacent parcel to the north already zoned R-L.
In the **Housing** section of the comprehensive plan Objective HO 2.1 discusses diversity in housing. With a different builder than who built Mountain Vista 3rd Filing the homes will provide additional options with these newer homes as well as meeting newer building codes in areas such as construction requirements and efficiencies.
As it relates to **Infrastructure** Objectives in IN1.1 and 1.2 with adequate public services are being met since the project is in the middle of Mountain Vista 3rd Filing that is adequately meeting these services. IN 1.5-1.10 objectives are being met by adding many of the required infrastructure pieces (roads, water, sanitary, storm, nonpotable) to support the new subdivision. In 2.3 will be met as undergrounding of dry utilities will be done as a part of the project.
As for **Transportation and Mobility** the project will be adding typical road systems that allow for several modes of transportation such as pedestrian, bicycle, and vehicular. A raised crosswalk on 19th St at 81st Ave will help with TM 1.2 and pedestrian movements out of the new subdivision and provide a safer connection to the south and west areas of the subdivision and the other services offered in the commercial center as well as better access to 20th St where access to the trail system further east can be accessed. The raised crosswalk on 19th Street will also address TM1.4 and traffic calming in the immediate area.
2. The proposal fulfills the intent of the zoning district as it relates to the other zones around it since three of the sides are the same R-L zoning. The fourth is a slightly higher zoning of C-L providing services that the single family will benefit from.
3. The area surrounding the parcel is developed on three sides and changing the zoning to R-L similarly to the surrounding areas would be consistent and not out of place or in conflict with the surrounding zones.
4. The H-A zoning has been in place for 22 years and this parcel would have been developed if it were not for the previous oil and gas well that precluded any development due to set back limitations. With the well abandoned development can now occur and fill in this parcel with single family development.

5. The proposed R-L zoning will enable development in character with existing development since two sides are R-L development and the zoning to the north is R-L, but not developed at this time. The proposal is for single family development that will have the same feel and pattern as the surrounding subdivision.
6. The City has the capacity to provide services to the property. The City water and sanitary sewer system surround the site and have been analyzed and have capacity to serve. A nonpotable main will be installed in 18th Street to connect to some future city nonpotable system that has not been identified or constructed at this time, but will in the future providing more efficient and less costly water for landscaping of open space areas. The transportation system has capacity on the surrounding streets and nearby intersections have adequate levels of service that will continue to meet Greeley standards. 83rd Avenue and 18th Street intersection has a LOS of B in the AM and LOS C in the PM, which is better than the City standard of LOS D. When the City improves 83rd Avenue this LOS will improve even more. Police and Fire services are also available as they serve the surrounding neighborhood and even beyond this somewhat of an infill piece of property.
7. The change will serve the community by providing a need for more single family homes. A concern with the amount of multifamily development being built in the Greeley city limits seemed to be a deciding factor, or point in the denial of the last application for this property, and a need for single family homes was expressed. This application for R-L zoning would meet that desire and need for more single family development.
8. No negative impacts are anticipated since this will be another single family subdivision like the adjacent areas. The site at 7.43 acres is somewhat small in size, so not a significant amount of lots are expected to be able to be built once city standard streets are constructed. This site when compared to what exists in Mountain Vista 1st, 2nd, and 3rd Filings, or Mountain Shadows Subdivision a bit further west of the site is very small.

Access to the site will be provided by two access points likely from 18th Street and from 19th Street. The southern half of 18th Street will be extended from 82nd Avenue to the Tract 2 eastern property line. Roads are anticipated to be dedicated as City right-of-way. The site will be designed to the City of Greeley Standards. No offsite traffic related improvements are anticipated due to the project being an extension of the existing single family subdivision to the east. The previous multifamily traffic studies demonstrated 100 units met city street standards and levels of service, so no updated traffic study is being presented at this time.

Wet utilities for the site will be built to meet Greeley standards and connect to the existing sanitary sewer located currently on the east side of the parcel as well as potable water in 19th Street and in 18th Street when the developer extends the southern half of 18th St to the east property line. A non potable line for future connection to a nonpotable system will be built in 18th Street for others to connect to. A hydraulic analysis was previously done for the multifamily proposal demonstrating that water and sanitary capacity is available in the existing surrounding city utilities.

The property is part of the Mountain Vista 3rd Filing Drainage Report prepared by Drexel, Barrell & Company dated October 2, 2002. Tract 2 will maintain the existing grading and drainage patterns that have historically existed and drain towards the northeast into an existing detention pond that currently has had capacity for Tract 2 since it was developed as a part of Mountain Vista 3rd Filing.

The project will be constructed as part of a single phase.

Rezoning to R-L will allow the property to establish zoning that will allow the property to be developed in a compatible manner with the surrounding area since it will be the same zoning that exists on the east and south side of the property. The R-L zoning will also account for existing residence concerns by creating lots to be developed that can be sold.

The project will also meet many of the Greeley Comprehensive Plan objectives in Infrastructure by building infrastructure that doesn't create a fiscal burden on the City (IN1.11). The project will connect to a collector road (18th St) and very near an arterial (83rd Ave) (IN1.9). The project will be set up to use nonpotable in the future once the City brings other nonpotable infrastructure to this area (NR1.4). The transportation system will include sidewalks that will connect into the surrounding sidewalks allowing safe movement around the area including to the adjacent commercial/office area where services can be accessed (TM1.2).

If you have any questions concerning this project, please contact me at rlauer@avantcivilgroup.com or call me at 970-286-7995.

Sincerely,

AVANT CIVIL GROUP, LLC

A handwritten signature in blue ink, appearing to read "Robbie Lauer", is positioned above the printed name.

Robbie Lauer

Principal

MOUNTAIN VISTA REZONE

BEING A REZONE MAP OF TRACT 2, MOUNTAIN VISTA-FILING 3 AND THOSE ADJOINING HALF RIGHT OF WAYS
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
8.51 ACRES (±)
PROJECT NUMBER: ZON2024-0003

OWNER DEDICATION STATEMENT

I, Mountain Vista West Apartments, LLC, being the sole owner(s) in fee of...

A parcel of land for rezoning purposes and being Tract 2 of Mountain Vista-Filing 3 recorded November 13, 2002 as Reception No. 3005092 of the Records of Weld County, and those portions of 82nd Avenue, 18th Street, and 19th Street adjoining to said Tract 2, all situate within the Southwest Quarter (SW1/4) of Section Eight (8), Township Five North (T.5N.), Range Sixty-six West (R.66W.), of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

COMMENCING at the Westerly most Northwest corner of Tract 2, Mountain Vista-Filing 3 and assuming the Westerly line of said Tract 2 as bearing South 00° 33' 57" East a distance of 647.52 feet with all other bearings contained herein relative thereto:

The following Five (5) courses are along the Westerly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

THENCE South 00° 33' 57" East a distance of 647.52 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northeast a distance of 15.71 feet, said curve has a radius of 10.00 feet, a delta of 90° 00' 00" and is subtended by a chord bearing South 45° 33' 57" East a distance of 14.14 feet to a Point of Tangency;

THENCE North 89° 26' 03" East a distance of 32.88 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 290.39 feet, said curve has a radius of 970.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing North 80° 51' 29" East a distance of 289.30 feet to a Point of Tangency;

THENCE North 72° 16' 54" East a distance of 155.47 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 monumented by a #5 rebar with an illegible 1.5" diameter cap and to the **POINT OF BEGINNING**.

THENCE South 17° 43' 06" East a distance of 30.00 feet to the centerline of 19th Street as depicted on the plat for said Mountain Vista-Filing 3:

The following Three (3) courses are along the centerline of said 19th Street:

THENCE South 72° 16' 54" West a distance of 155.47 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 299.37 feet, said curve has a radius of 1000.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing South 80° 51' 29" West a distance of 298.25 feet to a Point of Tangency;

THENCE South 89° 26' 03" West a distance of 72.88 feet to the centerline of 82nd Avenue as depicted on the plat of said Mountain Vista-Filing 3;

THENCE North 00° 33' 57" West along the centerline of said 82nd Avenue a distance of 762.59 feet to the centerline of 18th Street as depicted on the plat of Mountain Vista-Filing 3;

THENCE North 89° 29' 58" East along the centerline of said 18th Street a distance of 100.00 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 104.92 feet, said curve has a radius of 745.00 feet, a delta of 8° 04' 10" and is subtended by a chord bearing North 85° 27' 53" East a distance of 104.84 feet to the end point of the curve and to the intersection of the centerline of 18th Street and the Northwesterly prolongation of the Northeasterly line of Tract 2, Mountain Vista-Filing 3;

THENCE South 56° 06' 06" East along the Northeasterly line of said Tract 2 a distance of 461.18 feet to the Northwest corner of Lot 4, Block 2 as depicted on the plat for Mountain Vista-Filing 3;

The following Four (4) courses are along the Easterly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

THENCE South 10° 41' 50" East a distance of 72.17 feet;

THENCE South 17° 43' 06" East a distance of 160.00 feet;

THENCE South 72° 16' 54" West a distance of 180.00 feet;

THENCE South 17° 43' 06" East a distance of 118.00 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 and to the **POINT OF BEGINNING**.

TOTAL REZONED AREA for Mountain Vista Rezone is 370,623 sq. ft. or 8.51 acres, more or less (±).

...shown on the attached map as embraced within the heavy exterior lines thereon, has (have) subdivided the same into lots and blocks (or building envelopes) as shown on the attached map; and does (do) hereby set aside said portion of tract of land and designate the same MOUNTAIN VISTA REZONE; and does (do) dedicate to the public, the streets and all easements over and across said lots (or building envelopes) at locations shown on said map; and does (do) further certify that the width of said streets, the dimensions of the lots and blocks (or building envelopes) and the names and numbers thereof are correctly designated upon said map.

Larry S. Buckendorf, Authorized Agent for Mountain Vista West Apartments, LLC

Date

NOTARIAL CERTIFICATE

Witness my hand and seal this _____ day of _____, 20_____.

STATE OF COLORADO)
CITY OF GREELEY)
COUNTY OF WELD)

The foregoing instrument was acknowledged before me by _____ this _____ day of _____, 20_____.

My commission expires: _____

Notary Public

(SEAL)

CITY COUNCIL APPROVAL

Approved by the Greeley City Council on this _____ day of _____, 20_____.

PLANNING COMMISSION RECOMMENDATION

Recommended / not recommended by the City of Greeley Planning Commission, this _____ day of _____, 20_____.

COMMUNITY DEVELOPMENT DIRECTOR

Director of Community Development

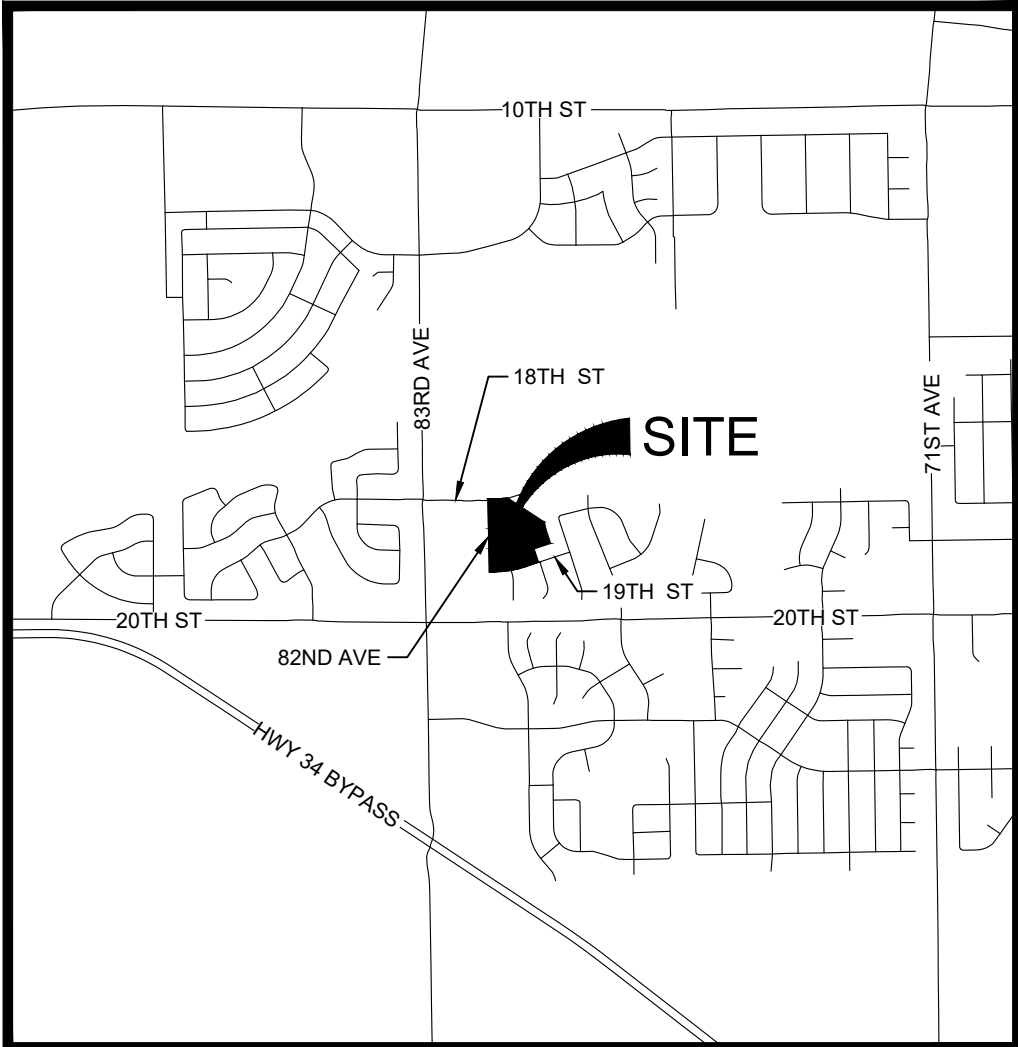
Date

REZONING DEVELOPMENT STANDARD NOTES:

- 1) Approval of site construction plans by the City of Greeley shall be required (as applicable) prior to issuance of building permits.
- 2) All existing and proposed utilities shall be installed underground.
- 3) No building permit shall be issued for the construction of a new building or structure unless the property has been platted in accordance with the City's Subdivision Regulations (Chapter 3).
- 4) All elevations shown on these plans are tied to NAVD 88 datum.

SURVEYOR NOTES:

- 1) The word "State", "certify" or "certification" as shown and used hereon is an expression of professional opinion regarding the facts of the survey, and does not constitute a warranty or guaranty, expressed or implied. DORA Bylaws and Rules (4 CCR 730-1).
- 2) EPS Group, Inc. or the Professional Land Surveyor listed hereon, does not have the expertise to address mineral rights, and recommends the owner retain an expert to address these matters. EPS Group, Inc. or the Professional Land Surveyor listed heron assumes no responsibility for the mineral rights upon the subject property.
- 3) For easements created by separate document and shown hereon refer to record document for specific terms.
- 4) For all information regarding easements, right-of-way or title of record, Northern Engineering relied upon Order Number 459-H0674326-820-GRO, Amendment 2, dated July 11, 2023, prepared by Heritage Title Company.
- 5) Not all documents listed in the title commitment are plottable or definable by their terms. All easements that are definable by their descriptions are shown hereon with sufficient data to establish their position. Owner, Client and others should refer to the title commitment and those documents listed therein for a true understanding of all rights of way, easements, encumbrances, interests and title of record concerning the subject property.
- 6) The Surveyor has not physically located the underground utilities shown hereon. The underground utilities have been located from observed evidence and utility markings at the time of survey and the surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that that the underground utilities shown are in the location indicated, although he does state that they are located or scaled as accurately as possible from the information available. Additional Utility Lines may exist. The exact location of any underground utilities shown and the location of any additional utilities should be determined by contacting "one Call" for a utility locate. All Underground Utilities should be verified prior to any design and or construction.
- 7) The Professional opinion of the Surveyor is not a determination of law, nor a matter of fact.
- 8) Adjacent property owner information per the Weld County Property Portal.
- 9) Zoning information per the City of Greeley ORIGIN Property Facts Map Portal.
- 10) Zoning Parcel descriptions are for reference purposes only. It is not the intent of the surveyor to create legal lots or subdivision as defined by the City of Fort Collins, the County of Larimer or State of Colorado. Zoning Parcel descriptions are not to be used in the transfer of real property or to replace deeded property descriptions.
- 11) This Zoning Map is not a statutory monumented Land Survey as defined by the State of Colorado. Monuments shown hereon are for depicted reference purposes only.
- 12) The location of that 30.0' Right of Way Easement to Snyder Oil Corporation as depicted hereon is approximate due to poor dedication geometry in Grant recorded on February 10, 1995 as Reception No. 2426230 of the Records of Weld County. Information was scaled via previous platting and aligned to known well locations.
- 13) The subject property is in "Zone X, Area of Minimal Flood Hazard" per FEMA Flood Map 08123C1516E, effective January 20, 2016.



VICINITY MAP

1" = 2000'

SURVEYING CERTIFICATE

I, Robert C. Tessely, a Colorado Registered Professional Land Surveyor do hereby certify that I prepared this plat from an actual and accurate survey of this land, including all known existing rights-of-way and easements, that the corner monuments shown thereon were properly placed under my supervision, in accordance with the regulations of the State of Colorado, under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

Robert C. Tessely
Colorado Registered Professional Land Surveyor, No. 38470
For and on behalf of EPS Group, Inc.

INTENT STATEMENT

It is the intent of this Rezone Map to rezone the described area hereon and shown on the attached map as embraced within the heavy exterior lines thereon to be City of Greeley "Residential Low Density (R-L)."

DEVELOPER/APPLICANT

Mountain Vista West Apartments, LLC
Larry S. Buckendorf, Authorized Agent
7251 W. 20th Street, L-200
Greeley, Colorado 80634
(970)-352-7072

SITE ENGINEER

Avant Civil Group, LLC.
Robbie Lauer
1337 Riverside Avenue, Suite 2
Fort Collins, Colorado 80524
(970) 286-7995

SURVEYOR

EPS Group, Inc.
Robert C. Tessely, PLS
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158

CALL UTILITY NOTIFICATION CENTER OF COLORADO



Know what's below.
Call before you dig.

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

UTILITY NOTE:
THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ARE BASED ON OBSERVED EVIDENCE AND UTILITY MARKINGS AT TIME OF SURVEY. ADDITIONAL UTILITY LINES MAY EXIST. THE EXACT LOCATION OF ANY UNDERGROUND UTILITIES SHOWN AND THE LOCATION OF ANY ADDITIONAL UNDERGROUND UTILITIES SHOULD BE DETERMINED BY CONTACTING "ONE CALL" FOR A UTILITY LOCATE.

Revisions: By: Date:

REZONE MAP

MOUNTAIN VISTA REZONE
CITY OF GREELEY, STATE OF COLORADO

Sheet

1

Of 7 Sheets

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION:
8

TOWNSHIP:
5 N

RANGE:
66 W of the 6th PM



DATE:
04/30/2024

SCALE:
AS SHOWN

REVIEWED BY:
R. TESSELY

PROJECT:
1158-010

CLIENT:
JOURNEY HOMES

DRAWN BY:
S. PAQUIN

BEING A REZONE MAP OF TRACT 2, MOUNTAIN VISTA-FILING 3 AND THOSE ADJOINING HALF RIGHT OF WAYS
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- ROAD CENTERLINE
- PROPERTY LINE
- EASEMENT LINE
- VACATED EASEMENT LINE
- CURB AND GUTTER / PAN FLOWLINE
- FENCE
- BURIED ELECTRIC
- BURIED GAS
- WATER LINE
- SANITARY SEWER LINE
- STORM SEWER LINE
- EDGE OF ASPHALT
- ROAD STRIPING
- MAJOR CONTOUR
- MINOR CONTOUR

LINE LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- ROAD CENTERLINE
- PROPERTY LINE
- EASEMENT LINE
- VACATED EASEMENT LINE
- CURB AND GUTTER / PAN FLOWLINE
- FENCE
- BURIED ELECTRIC
- BURIED GAS
- WATER LINE
- SANITARY SEWER LINE
- STORM SEWER LINE
- EDGE OF ASPHALT
- ROAD STRIPING
- MAJOR CONTOUR
- MINOR CONTOUR

DRAFT

FOR CONSTRUCTION,

USES OR IMPLEMENTATION

NO-2024

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Know what's below.

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REZONE PARCEL

370,623 SQ. FT. / 8.51 ACRES (±)

PLANNING AREA 2

323,639 SQ. FT. / 7.43 AC. (±)

POINT OF COMMENCEMENT

(WESTERLY NW CORNER OF TRACT 2)
MOUNTAIN VISTA-FILING 3
REC. NO. 3005092

POINT OF BEGINNING

FOUND #5 REBAR WITH 1.5" ALUMINUM CAP IS ILLEGBILE

PLANING AREA 1

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 2

323,639 SQ. FT. / 7.43 AC. (±)

PLANING AREA 3

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 4

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 5

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 6

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 7

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 8

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 9

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 10

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 11

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 12

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 13

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 14

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 15

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 16

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 17

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 18

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 19

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 20

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 21

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 22

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 23

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 24

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 25

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 26

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 27

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 28

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 29

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 30

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 31

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 32

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 33

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 34

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 35

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 36

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 37

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 38

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 39

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 40

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 41

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 42

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 43

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 44

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 45

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 46

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 47

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 48

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 49

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 50

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 51

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 52

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 53

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 54

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 55

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 56

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 57

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 58

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 59

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 60

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 61

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 62

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 63

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 64

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 65

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 66

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 67

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 68

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 69

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 70

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 71

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 72

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 73

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 74

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 75

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 76

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 77

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 78

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 79

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 80

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 81

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 82

46,984 SQ. FT. / 1.08 AC. (±)

PLANING AREA 83

46,984 SQ. FT. / 1.08 AC. (±)

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SECTION: 8
TOWNSHIP: 5 N
RANGE:

EPS GROUP

NE
NORTHERN
ENGINEERING

970.221.4159
northernengineering.com

PROJECT: 1155-010	DATE: 04/30/2024
CLIENT: JOURNEY HOMES	SCALE: 1" = 50'
DRAWN BY: DANIEL	REVIEWED BY: B. TEESE

EXISTING CONDITIONS MAP

MOUNTAIN VISTA REZONE

CITY OF GREELEY, STATE OF COLORADO

Sheet
2
Of 7 Sheets

MOUNTAIN VISTA REZONE

BEING A REZONE MAP OF TRACT 2, MOUNTAIN VISTA-FILING 3 AND THOSE ADJOINING HALF RIGHT OF WAYS

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.

CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

8.51 ACRES (±)

PROJECT NUMBER: ZON2024-0003

ZONING DESCRIPTION:

A parcel of land for rezoning purposes and being Tract 2 of Mountain Vista-Filing 3 recorded November 13, 2002 as Reception No. 3005092 of the Records of Weld County, and those portions of 82nd Avenue, 18th Street, and 19th Street adjoining to said Tract 2, all situate within the Southwest Quarter (SW1/4) of Section Eight (8), Township Five North (T.5N.), Range Sixty-six West (R.66W.), of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

COMMENCING at the Westerly most Northwest corner of Tract 2, Mountain Vista-Filing 3 and assuming the Westerly line of said Tract 2 as bearing South 00° 33' 57" East a distance of 647.52 feet with all other bearings contained herein relative thereto:

The following Five (5) courses are along the Westerly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

THENCE South 00° 33' 57" East a distance of 647.52 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northeast a distance of 15.71 feet, said curve has a radius of 10.00 feet, a delta of 90° 00' 00" and is subtended by a chord bearing South 45° 33' 57" East a distance of 14.14 feet to a Point of Tangency;

THENCE North 89° 26' 03" East a distance of 32.88 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 290.39 feet, said curve has a radius of 970.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing North 80° 51' 29" East a distance of 289.30 feet to a Point of Tangency;

THENCE North 72° 16' 54" East a distance of 155.47 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 monumented by a #5 rebar with an illegible 1.5" diameter cap and to the **POINT OF BEGINNING**;

THENCE South 17° 43' 06" East a distance of 30.00 feet to the centerline of 19th Street as depicted on the plat for said Mountain Vista-Filing 3:

The following Three (3) courses are along the centerline of said 19th Street:

THENCE South 72° 16' 54" West a distance of 155.47 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 299.37 feet, said curve has a radius of 1000.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing South 80° 51' 29" West a distance of 298.25 feet to a Point of Tangency;

THENCE North 00° 33' 57" West along the centerline of said 82nd Avenue a distance of 762.59 feet to the centerline of 18th Street as depicted on the plat of Mountain Vista-Filing 3;

THENCE North 89° 29' 58" East along the centerline of said 18th Street a distance of 100.00 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 104.92 feet, said curve has a radius of 745.00 feet, a delta of 8° 04' 10" and is subtended by a chord bearing North 85° 27' 53" East a distance of 104.84 feet to the end point of the curve and to the intersection of the centerline of 18th Street and the Northwesterly prolongation of the Northeasterly line of Tract 2, Mountain Vista-Filing 3;

THENCE South 56° 06' 06" East along the Northeasterly line of said Tract 2 a distance of 461.18 feet to the Northwest corner of Lot 4, Block 2 as depicted on the plat for Mountain Vista-Filing 3;

The following Four (4) courses are along the Easterly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

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THENCE South 17° 43' 06" East a distance of 160.00 feet;

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THENCE South 17° 43' 06" East a distance of 118.00 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 and to the **POINT OF BEGINNING**.

TOTAL REZONED AREA for the Mountain Vista Rezone is 370,623 sq. ft. or 8.51 acres, more or less (±).

ZONING SUMMARY		
EXISTING ZONING:	PROPOSED ZONING:	AREA (sq. ft. & ac.)
CITY OF GREELEY "H-A"	CITY OF GREELEY "R-L"	370,623 sq. ft. 8.51 ac. (±)
TOTAL		100%

LEGEND

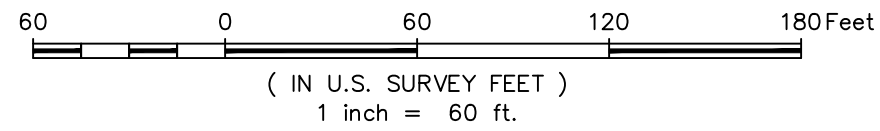
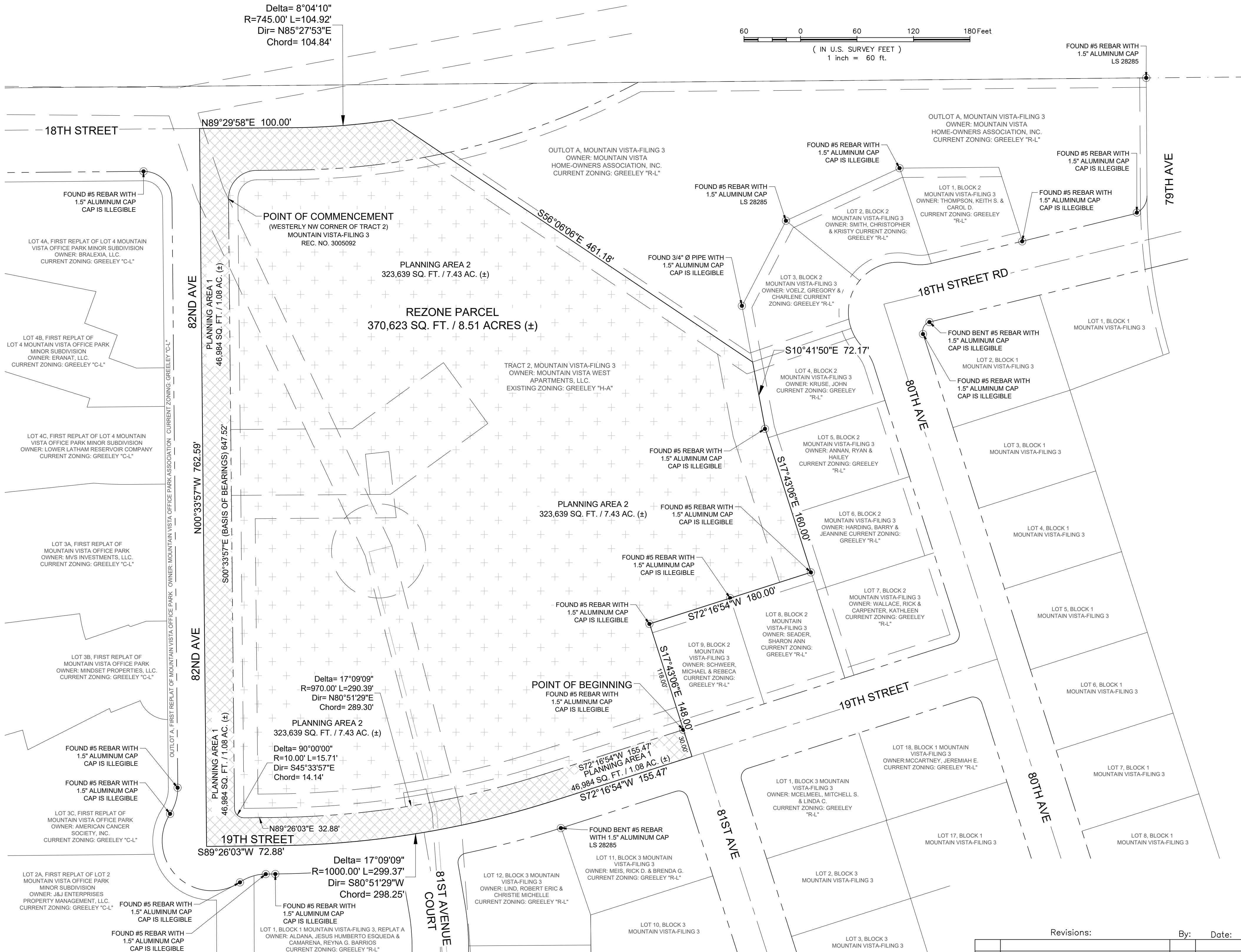
---	SECTION LINE
- - -	RIGHT OF WAY LINE
---	BOUNDARY LINE
---	PROPERTY LINE
---	ROAD CENTERLINE
---	EASEMENT LINE
---	VACATED EASEMENT LINE
●	FOUND PROPERTY CORNER MONUMENT

SURVEYING CERTIFICATE

I, Robert C. Tesseley, a Colorado Registered Professional Land Surveyor do hereby state that this Rezone Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

DRAFT
04-30-2024
PRELIMINARY - NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

Robert C. Tesseley
Registered Professional Land Surveyor LS 38670
For and on behalf of EPS Group, Inc.



ZONING SUITABILITY MAP

MOUNTAIN VISTA REZONE
CITY OF GREELEY, STATE OF COLORADO

Sheet

3

Of 7 Sheets

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein.

SECTION:	8
TOWNSHIP:	5 N
RANGE:	66 W of the 6th PM

EPS GROUP
NORTHERN ENGINEERING
970.291.1458
FORT COLLINS | GREELEY | MESA | GOODYEAR | TUCSON | NORTH PHOENIX | FORT WORTH

PROJECT:	1159-010
DATE:	04/30/2024
CLIENT:	
DRAWN BY:	S. PAQUIN
REVIEWED BY:	R. TESSELEY

Revisions: By: Date:



Notification Map



Legend

Parcels

1: 9,717



Notes

1,619.5	0	809.73	1,619.5	Feet
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WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
August 27, 2024

[Greeley Planning Commission- August 27, 2024- YouTube](#)

1. Call to Order

Chair Briscoe called the meeting to order at 1:15 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Vice Chair Erik Briscoe
Commissioner Louisa Andersen
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin
Commissioner Christian Schulte

ABSENT

Chair Justin Yeater

3. Approval of Agenda

There were no changes to the agenda.

4. Approval of the August 13, 2024, Planning Commission Meeting Minutes

Commissioner Andersen moved to approve the minutes dated August 13, 2024. Commissioner Franzen seconded the motion.

Motion carried 6-0 (Chair Yeater Absent).

5. A public hearing to consider a request by Avant Civil Group to rezone 8.51 acres located north of 19th Street Road and east of 82nd Avenue from H-A (Holding Agriculture) to R-L (Residential Low Density) zone district (Case number ZON2024-0003, Mountain Vista Rezone).

Motion carried 6-0 (Chair Yeater, Absent).

Vice Chair Briscoe introduced the item as published on the expedited agenda. There were requests to see the presentation. Doug May (Planner III) began by introducing himself and the item. He shared the background on the request including that it was annexed in 1982, it is Tract 2 of the Mountain Vista Filing 3 Subdivision and the previous request to rezone the parcel for multi-family development was denied.

Mr. May provided the zoning and land uses surrounding the parcel including a majority of R-L (Residential Low-Density) and some C-L (Commercial-Low Density). He shared the proposed rezone

plat and the use for the proposal would only allow for single-family detached residential. He shared what the approval criteria for review of the request included. Proper notification has been made including 357 notice letters sent, signs posted on the property, web notification and that the mineral notice was completed. Community Development does recommend approval for the application. Mr. May concluded his presentation by offering to answer any questions.

Commissioner Franzen asked clarifying questions on what procedures would be required if the application was approved, Mr. May provided a response to include the details of what the next steps would be if the application was approved. Seeing no further questions from the Commission, Vice Chair Briscoe invited the applicant to speak if they wished.

Joel Hemostat of Journey Homes (7251 20th Street, Unit L-200, Greeley, CO) stated that they were grateful to be back in front of from the commission after being denied earlier in the year. They heard and understood the concerns of the neighborhood and commission and have revised the application to include what the community welcomed for the parcel and that he was happy to answer any questions of the Commission.

Vice Chair Briscoe opened the public hearing at 1:23 p.m.

Shelly Remley (1921 80th Ave, Greeley, CO) began by thanking the Commission for their time today, she is a homeowner in the Mountain Vista subdivision. She was very happy about the changes that were made in this application compared to the previous one and thanked the applicant for making the changes. She shared that the newly proposed zoning is much more suitable for the area. She shared she assumed they would become part of the HOA and subject to thier Architectural Design standards. She does have questions regarding if they will be open for any buyer, who the builder will be, if another drainage impact study would be done as well as shared that the community would like to see additional speed humps added to the area. She thanked the Commission for their time.

Seeing no further request for public comment, Vice Chair Briscoe closed the public hearing at 1:25 p.m. and turned the item back to the Commission for action.

Commissioner Schulte motioned, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Planned Unit Development is in compliance with Section 24-204(b) of the Development Code and therefore recommends City Council approval. Commissioner Franzen seconded the motion.

Motion carried 6-0 (Chair Yeater, Absent).

6. Staff Report

Brian McBroom (Community Development Director) provided the staff report. He included the progress on the subarea plan for East Greeley, a reminder about the Colorado chapter of the APA (American Planning Association) conference coming to Loveland in October and an update on the 2025 budget process. Moving forward, he thanked Commissioners Modlin and Schulte for agreeing to serve new terms for the Commission and welcomed new staff, Corrina Gonzalez (Civil Engineer) and Maria Nava (Administrative Specialist) to the City.

7. Adjournment

With no further business before the Commission, Vice Briscoe adjourned the meeting at 1:33 PM.

Erik Briscoe, Vice Chair

Brian McBroom, Community Development Director

Doug May

From: MICHAEL REMLEY <remley2@comcast.net>
Sent: Wednesday, July 31, 2024 9:37 PM
To: Doug May
Subject: RE: Rezoning ZON2024-0003

Doug,
 Thank you so much for the information. You are always so helpful.
 Respectfully,
 Shelley

On 07/30/2024 8:21 AM MDT Doug May <doug.may@greeleygov.com> wrote:

Hi Shelley,

The current application is only for a rezone from H-A (Holding Agriculture) to R-L (Residential Low Density), which does not allow multi-family units. They were allowed to reuse some of the reports from the previous submittal since the reports show a greater demand than what will actually be built. There is currently no subdivision application submitted. If the rezoning to R-L is approved, they would then need to submit a subdivision application showing the layout and number of lots as well as detailed reports corresponding to the proposal.

Also, I attached the subdivision plat which you had requested. Apologies for the delay, I was out of the office and I've been catching up.

Let me know if you have additional questions.

Thank you,



Doug May, AICP

Planner III

Community Development |Planning

1100 10th Street

Greeley, CO 80631

970-350-9784 | doug.may@greeleygov.com

<http://greeleygov.com/>

From: MICHAEL REMLEY <remley2@comcast.net>

Sent: Monday, July 29, 2024 10:51 PM

To: Doug May <Doug.May@Greeleygov.com>

Subject: Rezoning ZON2024-0003

You don't often get email from remley2@comcast.net. [Learn why this is important](#)

Doug,

After reading through the eTrakit information, it is very confusion that all the maps with water and sewer lines is multifamily units from last application plan. Why do they not have a lay out of the lots with the water and sewer pipe layout? Also, will they have the required ESCP, SWMP, O&M manual, City of Greeley Land Grading Permit, and CDPS prior to presentation to Planning Commission? Thank you for your attention.

Respectfully,

Shelley Remley



Council Agenda Summary

Title:

Pulled Consent Agenda Items

Summary:

Pulled Consent Agenda items will be considered in the order they appeared on the consent agenda.



Council Agenda Summary

September 17, 2024

Key Staff Contact: Caleb Weitz, Budget and Policy Director

Title:

Work Session information follow-up for the City Manager's Fiscal Year 2025 Recommended Budget

Summary:

This is the second of four scheduled Council sessions related to the Fiscal Year 2025 budget. In response to Council questions on September 10, 2024, the presentation will highlight additional detail on the expenditures by Council priority area, budget increase requests and FTE additions. Full information can be found in the Fiscal Year 2025 Budget Book. To access the Fiscal Year 2025 Budget Book, use this link:

[2025 City Manager's Recommended Budget](#)

The remainder of the Fiscal Year 2025 budget process is provided below:

September

- Council one-on-one meetings.

October 1 Regular Meeting

- First reading on the ordinances required to adopt the Fiscal Year 2025 budget.
- Introduction and first reading ordinance adopting the 2025 Pay Plan

October 15 Regular Meeting

- Second reading and public hearing on the ordinances required to adopt the Fiscal Year 2025 budget.
- Public hearing and second reading ordinance adopting the 2025 Pay Plan

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? Yes
2. If yes, what is the initial, or, onetime impact? \$583.6 million
3. What is the annual impact? None
4. What fund of the City will provide Funding? All Funds
5. What is the source of revenue within the fund? All Sources
6. Is there grant funding for this item? Yes
7. If yes, does this grant require a match? Yes
8. Is this grant onetime or ongoing? Ongoing and One-Time
9. Additional Comments: N/A

Legal Issues:

Consideration of this matter is an informational item; no formal action is requested.

Other issues and Considerations:

None.

Strategic Focus Area:

Business Growth
Community Vitality
High-Performance Government
Housing For All
Infrastructure and Mobility
Quality of Life
Safe and Secure Communities

Decision Options:

This is an informational item; no formal action is requested.

Council's Recommended Action:

No action is requested.

Attachments:

1. Item 15 - Presentation

2025 Recommended Budget Additional Presentation

Caleb Weitz, Budget & Policy Director
City Council Meeting - September 17, 2024



Agenda

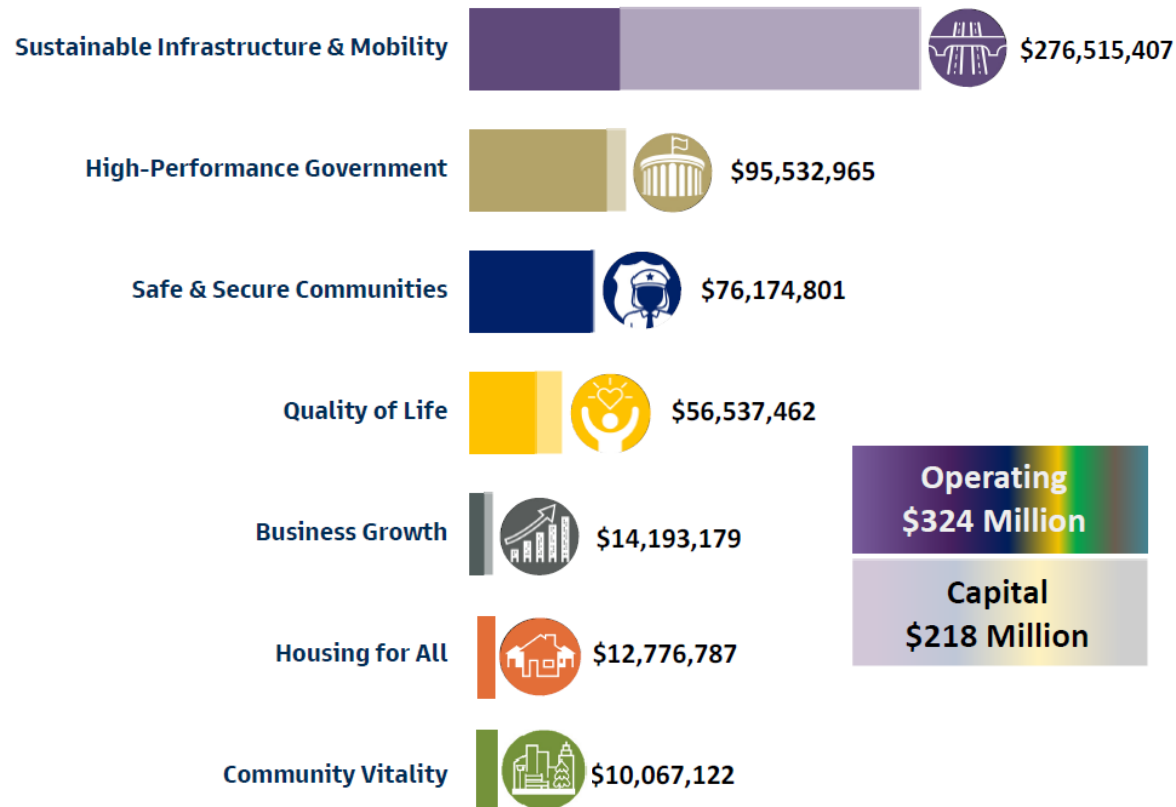


2025 City Manager's Recommended Budget

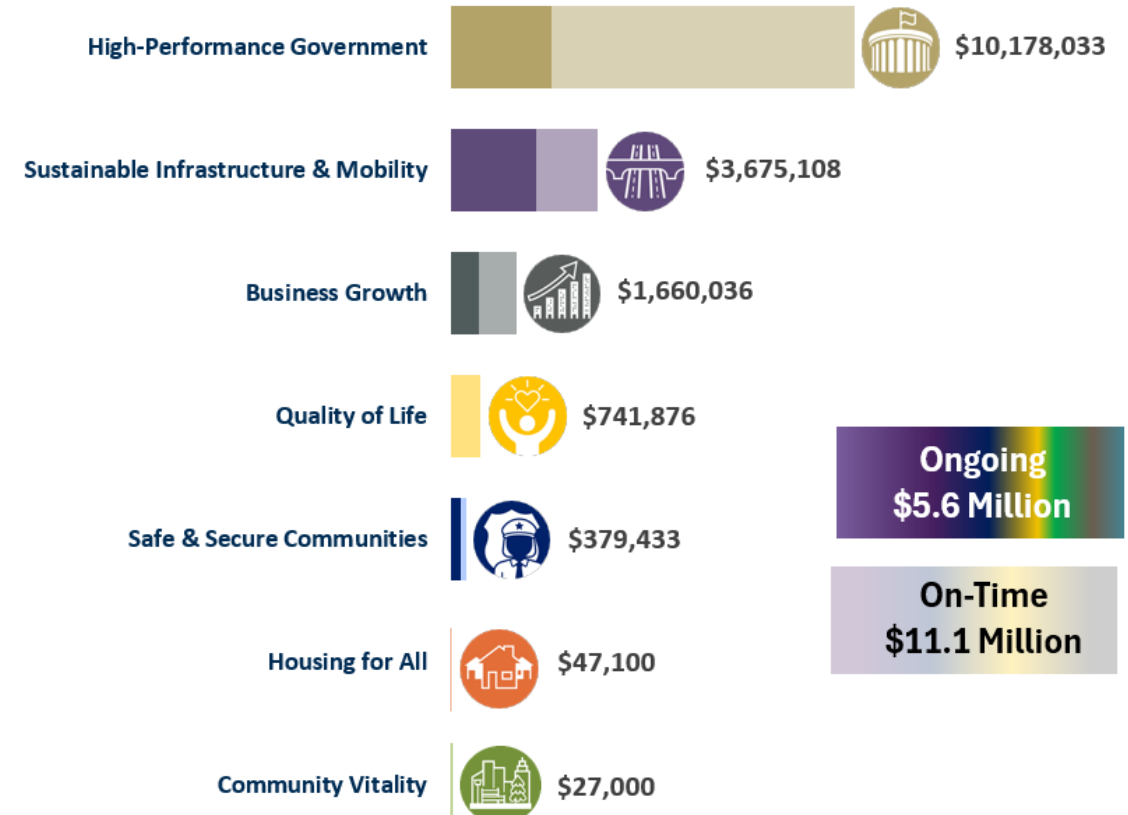
- **2025 Proposed Expenditures by Council Priority Detail**
- **Review Full Time Employee (FTE) Additions**
- **Next Steps**
- **Purpose: Information**

Expenditures by Council Priority

Total Expenditures \$541,797,723
(Excludes Transfers)



Budget Increases \$16,708,586



Where to Find Detailed Information

- For a full list of budget increases, see section:
[Additions & Requests](#)
- For fully detailed department expenditures, see section:
[City Department Summaries, Data Pages](#)
- For a full listing of capital projects be fund, see section:
[2025-2029 Five-Year CIP by Fund](#)



**2025 City Manager's
Recommended Budget**



Sustainable Infrastructure & Mobility Highlights

Sustainable Infrastructure and Mobility- We strategically plan, design, and build our urban infrastructure systems and facilities so they are attractive, safe, and high performing.

2025 Expenditures: \$276.5 Million, 51% of Total

Sustainable Infrastructure & Mobility



\$276,515,407

2025 Budget Increases: \$3.7 Million, 22% of Total

Sustainable Infrastructure & Mobility



\$3,675,108

Key Services Funded

- Water, Sewer and Stormwater Operations
- Utility Infrastructure Projects
- Transportation Infrastructure Projects
- Transit and Transportation Services
- Clean, Safe and Beautiful Program

Budget Increase Highlights

- Water and Sewer Vehicle Purchases \$860K
- Water & Sewer Base Operating Increases \$790K
- Water & Sewer Regulatory and Emergency \$530K
- Other Utility Increases \$1.49M



High Performance Government Highlights

High-Performance Government- As the state's municipal employer of choice, we thrive as a high-performing organization committed to effective systems, strategies, structures, strategic planning, and customer service.

2025 Expenditures: \$95.5 Million, 18% of Total

High-Performance Government



\$95,532,965

Key Services Funded

- Internal Services like Insurance and Fleet Operations
- Downtown Administrative Space Additions
- Revenue Stabilization
- Administrative departments such as Finance, HR, CAO and IT

2025 Budget Increases: \$10.2 Million, 61% of Total

High-Performance Government



\$10,178,033

Budget Increase Highlights

- Customer Experience Initiative \$4.6M
 - Implement new website, CRM and call center platforms
- City Wide-Insurance Increases \$1.4M
- City Software Commitments \$1.3M
- City-Wide Employee Mental Health Platform \$0.2M
- City-Wide Employee Coaching \$0.2M
- City-Wide IT Refreshes \$0.2M
- Other Increases \$2.3M



Safe & Secure Communities Highlights

Safe and Secure Communities- Greeley is a community where residents and visitors work in partnership with public safety personnel to ensure their neighborhoods are attractive, well-maintained, safe, and secure.

2025 Expenditures: \$76.2 Million, 14% of Total

Safe & Secure Communities



\$76,174,801

Key Services Funded

- Staffing, Equipment and Facilities for Police & Fire
 - Continuation of Police ability to over hire
- Office of Emergency Management
- Life Safety Capital Improvements

Budget Increases: \$379,433, 2% of Total

Safe & Secure Communities



\$379,433

Budget Increase Highlights

- Fire Executive Assistant \$129K
- Fire Fighter Physicals \$110K
- Illicit Discharge Clean Up \$100K
- Psychological Health Services for First Responders \$40K



Quality of Life Highlights

Quality of Life- Greeley is not only a destination city but also a community where residents enjoy the arts, social engagement, outdoor pursuits, beautiful vistas, and natural areas.

2025 Expenditures: \$56.5 Million, 10% of Total

Quality of Life  \$56,537,462

Key Services Funded

- Culture, Parks and Recreation Operations including Golf, Museums, Special Events, Forestry and Natural Areas
- Public Art programming and installations
- Parks and Trails Construction and Maintenance

Budget Increases: \$741,876, 4% of Total

Quality of Life  \$741,876

Budget Increase Highlights

- Parkway Tree Maintenance Program \$250K
- Summer Teen Employment Program \$147K
- Annual Flower Bed Program \$145K
- Other Increases \$200K



Business Growth Highlights

Business Growth- We are a community with an inviting and reliable environment that recruits, retains, and grows a diversity of businesses, resulting in a resilient economy.

2025 Expenditures: \$14.2 Million, 3% of Total

Business Growth



\$14,193,179

Key Services Funded

- Economic Development Services
- Business Attraction
- Communication and Engagement Operations
- Tourism and Branding

Budget Increases: \$1.7 Million, 10% of Total

Business Growth



\$1,660,036

Budget Increase Highlights

- Economic Development Base Operating \$324K
- Economic Development Marketing \$250K
- Economic Development Workforce Manager \$202k
- Water Distribution Construction Crew \$578K
- Other Increases \$306K



Housing for All and Community Vitality

Housing for All- Greeley is rich in diversity of housing where all residents have options for healthy and independent living that contribute to maximizing the appeal of the community.

Community Vitality- Greeley is an inviting community of choice that is developed by design.

2025 Expenditures: \$12.8 Million*, 2% of Total

Housing for All



\$12,776,787

Key Services Funded

- Homelessness Services (Homeless Solutions Department) including the Foundations, Outreach and Rapid Rehousing Teams
- Housing Services (Housing Department)
- G-HOPE Program

***Approximately 80% of expenditures are grants, which have specific and restrictive uses.**

2025 Expenditures: \$10.1 Million, 2% of Total

Community Vitality



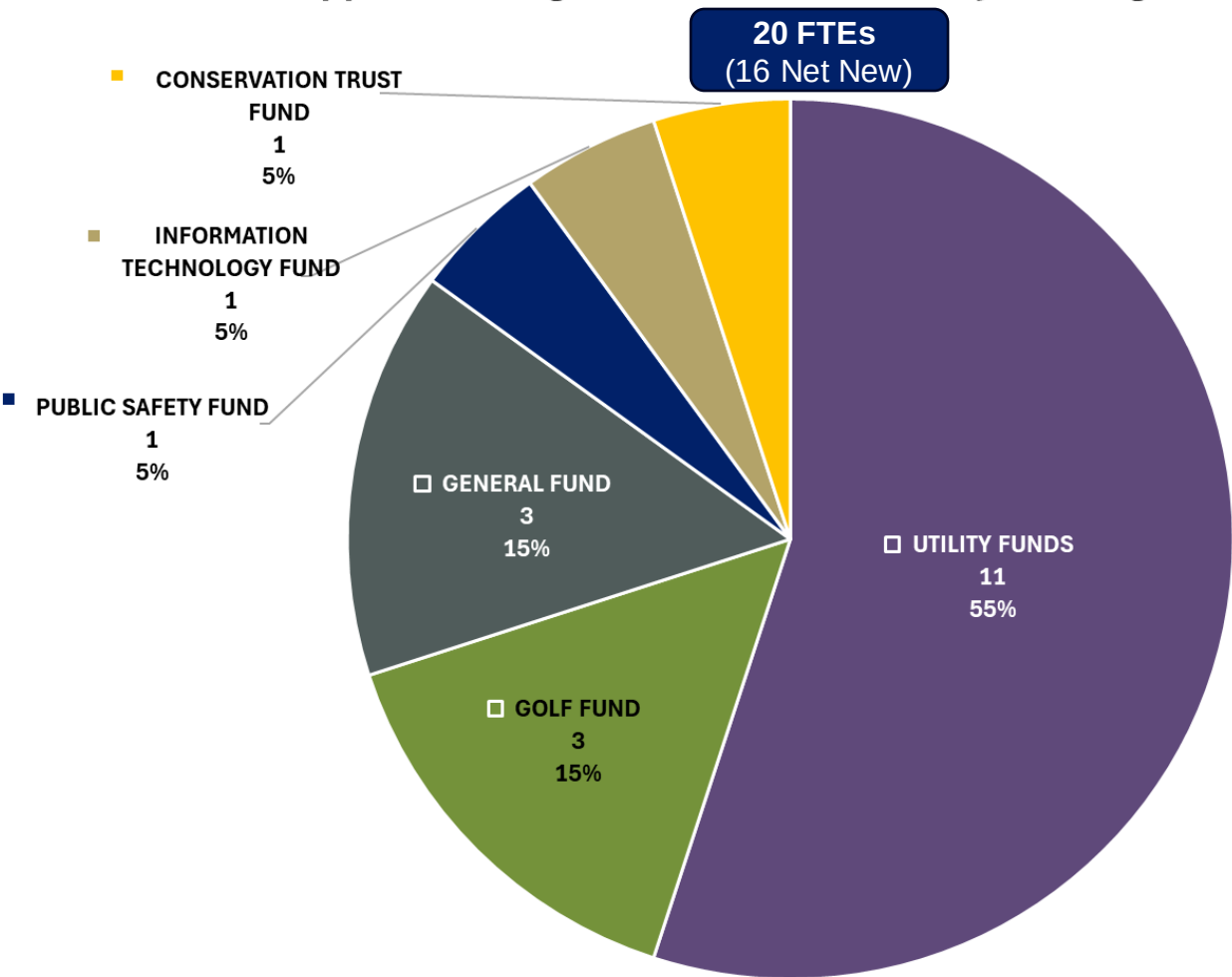
\$10,067,122

Key Services Funded

- Boards and Commissions
- Planning & Building Services
- Development Review
- Code Compliance

2025 Budget Increase Requests Full-Time Equivalent (FTE)

Approved Budget Increase Positions by Funding Source



Summary

- 20 new positions were tied to 2025 Budget Increase Requests
- Other positions were reduced or restructured during the 2025 Budget, resulting in a net total increase of 16 FTE compared to 2024.

2025 Budget Increase Requests - FTE

City Attorney’s Office-1

Deputy City Attorney

Customer Experience Initiative (C&E)-2

Creative Services Manager (term-limited)

Web Developer IV (term-limited)

Culture, Parks & Recreation-4

Assistant Golf Pro (2)*

Head Golf Pro*

Environmental Planner (term-limited)

Fire-1

Executive Assistant

Economic Development & Urban Revitalization-1

Workforce Manager

Public Works-1

Environmental Technician III/IV

**Revenue neutral positions – change in service delivery model from contract to direct City FTE*

Information Technology-1

IT System Trainer (term-limited)

Water & Sewer-9

Customer Care Representative

Deputy Chief Engineer

Equipment Operator II

Administrative Assistant III

Lead Utility Locator

Sewer Instrument Technician

Transmission & Distribution Crew Supervisor

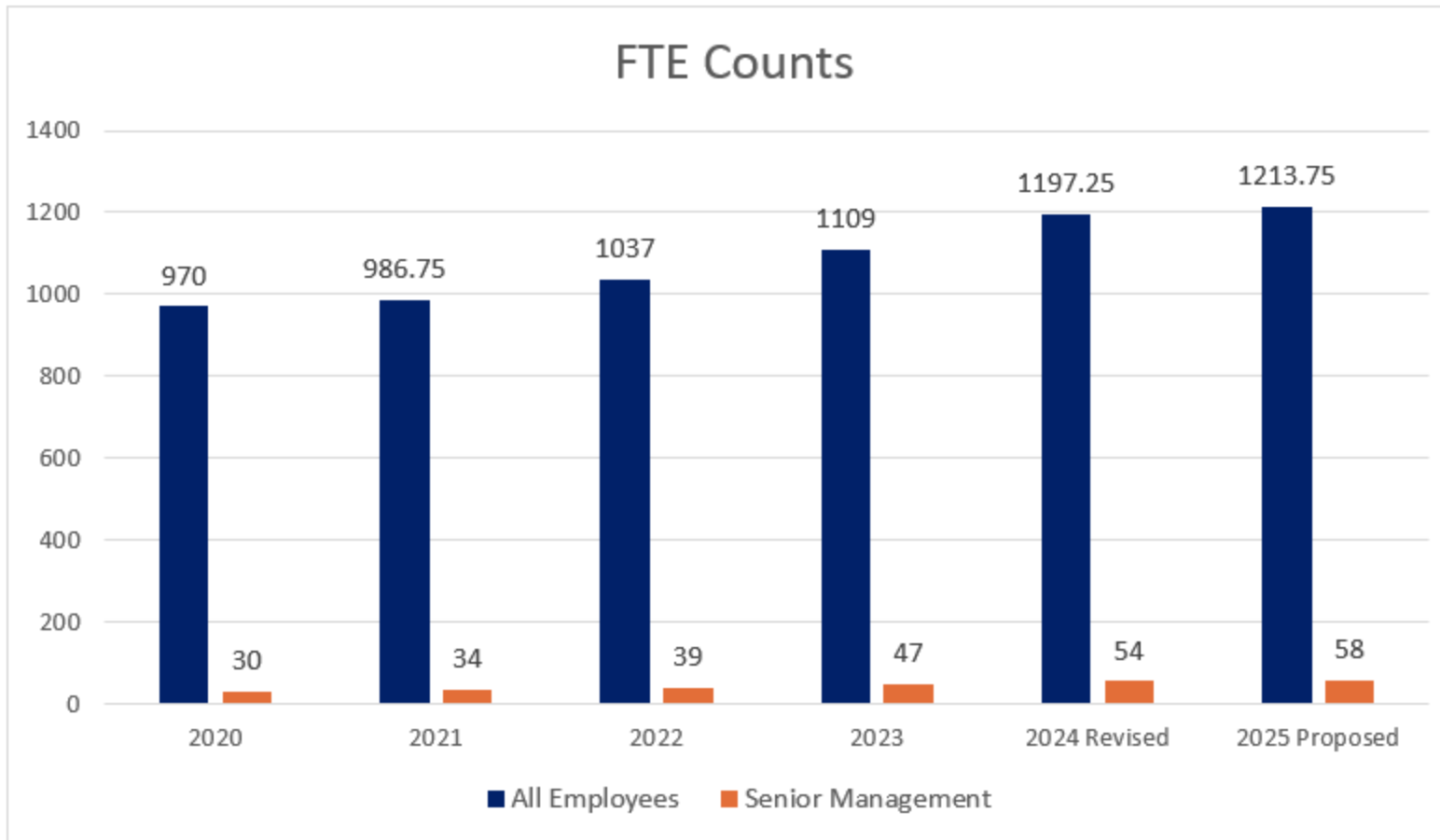
Water & Sewer Maintenance Technician I (2)

20 Budget Increase Request FTE

16 Net Total New FTE in the 2025 Budget**

***Other positions were reduced or restructured during the 2025 Budget, resulting in the net new number*

Senior Management



- Senior Management is defined as any position with SRMGT paygrade (i.e. Deputy Director or higher)
- In 2025, 4.78% of the full-time positions are classified as Senior Management positions.
- 2025 FTE change detail:
 - 2 - position allocations supported by previously budgeted funds (Strategy Director, Communications Professional)
 - 2 - Budget Increase Request positions (Deputy City Attorney, W/S Deputy Chief Engineer)

Next Steps in the 2025 Budget Process

September (ongoing)

- Council one-on-one meetings

October 1

- Public Hearing and First Reading of the 2025 Budget

October 15

- Public Hearing and Final Reading of the 2025 Budget
- Final Additional Appropriation for 2024
- Adoption of the 2025 Pay Plan

Thank you





Council Agenda Summary

September 17, 2024

Key Staff Contact: Brian McBroom, Community Development Director, Michael Franke, Planning Technician

Title:

Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado to rezone Tract 3A of the H-P Greeley 6th replat from I-L (Industrial Light), with DCMP (Development Concept Master Plan) zoning district to the R-H (Residential High) zoning district on approximately 16.192 acres of land (Case number ZON2023-0003, H-P Tract 3A Rezone)

Summary:

This land was annexed into the City of Greeley through the North Sheep Draw Annexation on July 20, 1981; the subject property was designated with I-L (Industrial-Low Intensity) zoning district (Rec. No. 0001863877) [Case No. Z 14:80]; rezoned on September 29, 2005, dividing the 156 acre I-L (Industrial Low Intensity) zoning into a mix of C-D (Conservation District), C-H (Commercial High Intensity), R-H (Residential High Density), and I-L (Industrial Low Intensity) with DCMP and the Boomerang Master Plan Design Guidelines (Ordinance No. 57, 2005, Rec No. 3327374) [Case No. Z 3:05]. The Boomerang DCMP was developed to establish a list of permitted uses within the C-H, I-L, and R-H zone districts that would limit certain uses that are permitted by right, design reviews, and special reviews in the area, and establish specific design criteria through the Design Guidelines that meet or exceed Development Code standards.

The existing area was also approved by City Council to include an intergovernmental agreement between the City of Greeley and the City Center West Commercial Metropolitan District in December 2014 (Ordinance No. 69, 2014) [Case No. MD 1:14]. Later in 2016, a resolution for the Amendment and Restated Consolidated Service Plan for the City Center West Commercial Metropolitan District was approved by City Council to consolidate the City Center West Commercial Metropolitan District and the City Center West Residential Metropolitan District No. 2. (Rec. No. 4231159) [Case No. MD 1:16].

In 2015, a minor subdivision application was approved to adjust lot lines around the Hewlett-Packard property, H-P Greeley, 4th Replat (Rec No. 42704720) [Case No. 13:15], to accommodate the currently approved Boomerang Self-Storage [Case No. DR 4:17], formerly called the West Side Commons Storage.

In 2017, a minor subdivision application was approved to adjust lot lines around the Hewlett-Packard property, H-P Greeley 5th Replat [Case No. S 32-16] to accommodate Westridge Academy, a K-8 charter school that adjoins the western boundary of this property.

In 2022, a minor subdivision application was approved to split Lot 3, H-P Greeley 5th Replat [Case No. SUB2021-0033] to establish a lot which is proposed to be sold to the adjacent contiguous property owner to the west and a tract which is proposed to be developed as a residential community.

The permitted uses currently allowed within the Boomerang Master Plan Design Guidelines (aka DCMP), in the R-H (Residential High-Density zone) include residential uses, boarding houses, farming, golf courses, open space, parks, and wireless telecommunications. This property once housed a portion of the Hewlett Packard facility. Upon HP's exit from Greeley in 2003, this property became vacant and has endured repeated incidents of vandalism. In 2021, this property was acquired by the existing owner, who demolished the structures on-site, creating this vacant property for redevelopment.

In 2021, the applicant submitted the original request for the rezone from I-L to R-H. The original rezone request did have a development plan tied to the rezone for multifamily development. The original rezone request was recommended for approval by the Planning Commission on April 26, 2022, with a 4-0 vote favoring the rezone and recommending approval to City Council. The first reading of this rezoning request was heard before the City Council on May 17, 2022 with the second reading and the public hearing being conducted on June 7, 2022. The City Council closed the public hearing for this request at their June 7, 2022 meeting and rescheduled said consideration to July 19, 2022.

On July 19, 2022, the City Council heard the original rezone case at a public hearing where they deliberated. Council members spoke about confirmed uses under the I-L Zoning and how the uses were incompatible with the surrounding neighborhoods. The council additionally asked about traffic impacts with concerns of increased traffic potential with R-H zoning. City staff commented that the traffic study showed that the R-H traffic, at a worst-case scenario in terms of traffic impact, would be less than I-L zoning uses. Many members of the neighborhood showed up to the public hearing in opposition of the rezone. The neighborhood's main concerns with the request were traffic and having multifamily residential within proximity to their single-family neighborhood. Ultimately, the City Council reached a tied 3-3 vote, which automatically defaulted the case to denial since rezones require majority vote by law.

The case went to first reading on September 3rd and was approved by a majority vote from the council and the public hearing and second reading was set for September 17. During the first reading, a member of council pulled the item from the consent agenda to request staff be prepared to provide information about what the city has done for existing traffic conditions in the neighborhood at the public hearing and second reading on September 17, 2024.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley? No

Is there grant funding for this item? No

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

Strategic Focus Area:

Community Vitality

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:

1. Ordinance No. 36, 2024 with Appendix A
2. Planning Commission (PC) Summary Report
3. Vicinity & Zoning Map
4. Project Narrative for Rezone
5. Plan Set
6. Traffic Study
7. Letters of Support
8. City Council Minutes July 19 2022
9. Boomerang Master Plan Design Guidelines
10. Letters of Opposition
11. Land Use Sheets I-L Zoning Districts
12. Land Use Sheets Residential Districts (R-L, R-M, and R-H)
13. Westridge Academy Student Capacity Letter
14. District 6 Student Capacity Letter
15. Neighbor Notification Boundary Map
16. BizWest Article on H-P Site Status from Applicant
17. Manufacturing vs. Multifamily Vehicle Trips by Hour
18. Planning Commission Minutes - Draft
19. Item 16 - Presentation

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 36, 2024
CASE NO. ZON2023-0003**

**AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF
GREELEY, COLORADO, FROM I-L (INDUSTRIAL LOW DENSITY) TO R-H
(RESIDENTIAL HIGH DENSITY) CHANGING THE UNDERLYING LAND USE
DESIGNATIONS FOR APPROXIMATELY 16.192 ACRES OF PROPERTY LOCATED
ON THE PARCEL EAST OF 71ST AVENUE, NORTH OF 8TH STREET, AND
NORTHEAST OF 69TH AVENUE**

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

Section 1. The zoning on the following described property located in the City of Greeley is hereby changed from I-L (Industrial Low Density) to R-H (Residential High Density) in the City of Greeley, County of Weld, State of Colorado:

Legal Description

See Appendix A, attached hereto, and incorporated herein.

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 17TH DAY OF
SEPTEMBER 2024.**

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

APPENDIX A
**AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF
GREELEY, COLORADO, FROM I-L (INDUSTRIAL LOW DENSITY) TO R-H
(RESIDENTIAL HIGH DENSITY) CHANGING THE UNDERLYING LAND USE
DESIGNATIONS FOR APPROXIMATELY 16.192 ACRES OF PROPERTY LOCATED
ON THE PARCEL EAST OF 71ST AVENUE, NORTH OF 8TH STREET, AND
NORTHEAST OF 69TH AVENUE.**

LEGAL DESCRIPTION FOR REZONING AREA

PROPOSED TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT AND A
PORTION OF ADJACENT 8TH STREET, TO BE REZONED FROM I-L TO R-H

ALL THAT PART OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT, AS
RECORDED AT RECEPTION NO. 4272274 OF THE RECORDS OF WELD COUNTY,
COLORADO, LOCATED IN THE SW1/4 OF SECTION 4, T5N, R66W OF THE 6TH P.M.,
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS
FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, THENCE S00°01'37"E,
56.00 FEET TO A POINT ON THE CENTERLINE OF 8TH STREET;

THENCE S89°58'23"W 590.12 FEET ALONG THE CENTERLINE OF SAID 8TH STREET;

THENCE N00°01'37"W 56.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE N00°01'37"W, 335.38 FEET ALONG A WESTERLY LINE AND A WESTERLY
LINE EXTENDED NORTHERLY OF SAID LOT 3 TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHWESTERLY, 174.33 FEET ALONG THE ARC OF SAID CURVE TO A
POINT TANGENT, SAID ARC HAVING A RADIUS OF 300.00 FEET, A CENTRAL
ANGLE OF 33°17'44" AND BEING SUBTENDED BY A CHORD THAT BEARS
N16°40'29"W, 171.89 FEET;

THENCE N33°19'21"W, 150.00 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 156.36 FEET ALONG THE ARC OF SAID CURVE TO A
POINT TANGENT, SAID ARC HAVING A RADIUS OF 270.00 FEET, A CENTRAL
ANGLE OF 33°10'49" AND BEING SUBTENDED BY A CHORD THAT BEARS
N16°43'57"W, 154.18 FEET;

THENCE N00°08'31"W, 406.77 FEET TO THE NORTH LINE OF SAID LOT 3;

THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ARE ALONG THE
NORTHERLY AND EASTERLY LINES OF SAID LOT 3:

THENCE S89°51'28"E, 282.19 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE EASTERLY, 254.21 FEET ALONG THE ARC OF SAID CURVE TO THE
NORTHEAST CORNER OF SAID LOT 3, SAID ARC HAVING A RADIUS OF 3,045.00
FEET, A CENTRAL ANGLE OF 04°47'00" AND BEING SUBTENDED BY A CHORD
THAT BEARS S87°45'02"E, 254.14 FEET;

THENCE S04°04'36"W, 195.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, 270.77 FEET ALONG THE ARC OF SAID CURVE TO A
POINT TANGENT, SAID ARC HAVING A RADIUS OF 420.00 FEET, A CENTRAL
ANGLE OF 36°56'19" AND BEING SUBTENDED BY A CHORD THAT BEARS
S14°23'34"E, 266.11 FEET;

THENCE S32°51'43"E, 217.59 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 217.77 FEET ALONG THE ARC OF SAID CURVE TO A
POINT TANGENT, SAID ARC HAVING A RADIUS OF 380.00 FEET, A CENTRAL
ANGLE OF 32°50'06" AND BEING SUBTENDED BY A CHORD THAT BEARS
S16°26'40"E, 214.80 FEET;

THENCE S00°01'37"E, 328.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 AND
THE **TRUE POINT OF BEGINNING**.

AREA = 16.192 ACRES, MORE OF LESS

LEGAL DESCRIPTION PREPARED 11/05/2021 BY:
LOREN K. SHANKS, PLS
UINTAH ENGINEERING & LAND SURVEYING
913 38th AVENUE COURT
GREELEY, COLORADO 80634

PLANNING COMMISSION SUMMARY

ITEM: H-P Greeley Subdivision, Tract 3A Rezone

FILE NUMBER: ZON2023-0003

PROJECT: H-P Greeley Subdivision, Sixth Replat Rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density)

LOCATION: East of 71st Avenue, north of 8th Street, and northeast of 69th Avenue.

APPLICANT: Lasalle Investors, LLC.

CASE PLANNER: Michael Franke, AICP, Planner II

PLANNING COMMISSION HEARING DATE: August 13, 2024

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 24-204.

EXECUTIVE SUMMARY

A. The City is considering a request from LaSalle Investors LLC to rezone Tract 3A of the H-P Greeley 6th replat from I-L (Industrial Light), with DCMP (Development Concept Master Plan) zoning district to the R-H (Residential High) zoning district on approximately 16.192 acres of land.

B. REQUEST

The applicant is requesting approval of the rezoning request of Tract 3A, Replat of Lot 3, H-P Greeley Subdivision Sixth Replat from I-L (Industrial Low Intensity) with DCMP to R-H (Residential High Density).

C. STAFF RECOMMENDATION

Approval

D. LOCATION

Abutting Zoning:

North: R-H (Residential High Density) w/ DCMP

South: C-H (Commercial High Intensity) w/ DCMP

East: R-H (Residential High Density) w/ DCMP

West: I-L (Industrial Low Intensity) w/ DCMP

Surrounding Land Uses:

North: Residential (City Center West 2nd Fg) and Vacant (Future City Park)

South: Undeveloped (Commercial Zoning) (current application for multifamily in for review)

East: Residential (City Center West 2nd Fg)

West: Institutional (Westridge Academy Charter School)

Site Characteristics:

The site is currently a vacant parcel with no natural, unique, or special topography, vegetation, wildlife, or other factors that could influence development options. This property consists of rolling terrain with some large mature trees established during the development of the former Hewlett Packard site. This property is included in the overall master drainage plan in place for the City Center West Development. All accepted utilities are sized to accommodate an R-H use and the traffic flow proposed for a residential use is accepted to fall within City of Greeley standard requirements for R-H zoning uses.

E. BACKGROUND

This land was annexed into the City of Greeley through the North Sheep Draw Annexation on July 20, 1981, the subject property was designated with I-L (Industrial-Low Intensity) zoning district (*Rec. No. 0001863877*) [Case No. Z 14:80]; rezoned on September 29, 2005, dividing the 156 acre I-L (Industrial Low Intensity) zoning into a mix of C-D (Conservation District), C-H (Commercial High Intensity), R-H (Residential High Density), and I-L (Industrial Low Intensity) with DCMP and the Boomerang Master Plan Design Guidelines (*Ordinance No. 57, 2005, Rec No. 3327374*) [Case No. Z 3:05]. The Boomerang DCMP was developed to establish a list of permitted uses within the C-H, I-L, and R-H zone districts that would limit certain uses that are permitted by right, design reviews, and special reviews in the area, and establish specific design criteria through the Design Guidelines, that meet or exceed Development Code standards.

The existing area was also accepted by City Council to include an intergovernmental agreement between the City of Greeley and the City Center West Commercial Metropolitan District in December 2014 (*Ordinance No. 69, 2014*) [Case No. MD 1:14]. Later in 2016, a resolution for the Amendment and restated consolidated service plan for the City Center West Commercial Metropolitan District was accepted by City Council to consolidate the City Center West Commercial Metropolitan District and the City Center West Residential Metropolitan District No. 2. (*Rec. No. 4231159*) [Case No. MD 1:16].

In 2015, a minor subdivision application was accepted to adjust lot lines around the Hewlett-Packard property, H-P Greeley, 4th Replat (Rec No. 42704720) [Case No. 13:15], to accommodate the currently accepted Boomerang Self-Storage [Case No. DR 4:17], formerly called the West Side Commons Storage.

In 2017, a minor subdivision application was accepted to adjust lot lines around the Hewlett-Packard property, H-P Greeley 5th Replat [Case No. S 32-16] to accommodate Westridge Academy, a K-8 charter school that adjoins the western boundary of this property.

In 2022, a minor subdivision application was accepted to split Lot 3, H-P Greeley 5th Replat [Case No. SUB2021-0033] to establish a lot which is proposed to be sold to the adjacent contiguous property owner to the west and a tract.

The permitted uses currently allowed within the Boomerang Master Plan Design Guidelines (aka DCMP), in the R-H (Residential High-Density zone) include residential uses, boarding houses, farming, golf courses, open space, parks, and wireless telecommunications.

This property once housed a portion of the Hewlett Packard facility. Upon HP's exit from Greeley in 2003, this property became vacant and has endured repeated incidents of vandalism. In 2021, this property was acquired by the existing owner, who demolished the structures on-site, creating this vacant property for redevelopment.

In 2021 the applicant submitted the original request for the rezone from I-L to R-H. The original rezone request did have a development plan tied to the rezone for multifamily development. The original rezone request was recommended for approval by the Planning Commission on April 26, 2022, with a 4-0 vote favoring the rezone and recommending approval to City Council. The first reading of this rezoning request was heard before the City Council on 5/17/2022 with second reading and the public hearing being conducted on 6/7/2022. The City Council closed the public hearing for this request at their 6/7/2022 meeting and rescheduled said consideration to 7/19/2022. On July 19, 2022, the City Council heard the original rezone case at public hearing. Council deliberated and the Mayor recused himself from the vote. Council members spoke about confirmed uses under the I-L Zoning and how the uses were incompatible with the surrounding neighborhoods. The council additionally asked about traffic impacts with concerns of increased traffic potential with multifamily development. City staff commented that the traffic study showed that the multifamily traffic, at a worst-case scenario in terms of traffic impact, would be less than I-L zoning uses. Many members of the neighborhood showed up to the public hearing in opposition of the rezone. The neighborhood's main concerns with the request were traffic and having multifamily residential within proximity to their single-family neighborhood. Ultimately the City Council reached a tied 3-3 vote, which automatically defaulted the case to denial since rezones require majority vote by law.

The denial of the rezoning required the applicant to wait at least one calendar year from the denial to resubmit the rezone land use case request without substantial changes to the request. The applicant waited the appropriate amount of time to resubmit for the rezone request again by resubmitting in December 2023. It is important to note that there is no development proposal with this current rezone request. In the previous case that was denied, there was a development proposal for multifamily residential development. The new/current rezone case that is going back to public hearing does not have any development proposal tied to it. The applicant wishes to simply rezone the property from I-L to R-H, since R-H zoning is more compatible with the existing neighborhood zoning (the existing neighborhood is zoned R-H already) and adjacent land uses (mix of single-family detached, row/town homes, and multifamily residential). The end user of the property will

be required to go through the city land use process prior to any development established on the property. During the land use case review for development on the property, all impacts of development shall be mitigated through the review process by the applicant and city staff. The request to rezone this property from I-L to R-H is a rezone request only with no development proposal.

F. APPROVAL CRITERIA

Development Code Section 24-204 Rezoning Procedures

The review criteria found in Section 24-204 (b) of the Development Code shall be used to evaluate the zoning amendment application.

1. **The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

Goal 4 – Prioritize Infill and Redevelopment

Objective GC-4.2 Reinvestment/Adaptive Reuse - Encourage reinvestment in established areas of Greeley to maximize the use of existing public infrastructure. Support the use of creative strategies to revitalize vacant, blighted, or otherwise underutilized structures and buildings through adaptive reuse.

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

Staff Comment: This proposal is in accordance with Goal 4, Prioritize Infill and Redevelopment, of the Imagine Greeley Comprehensive Land Use Plan. The rezoning request of this formerly vital site, which has over the years become a blighted property, specifically supports the following objectives of Goal 4. Other comprehensive plan goals met include GC-1.2 (compact growth), HO-1.1 & HO-2.1 (diversity of new & affordable housing options), and HO-2.2 (rental housing). Note, the rezone gives the ability to provide rental housing, there is no development plan proposed with the rezone. Additionally, the property sits within City Center West, a mixed-use master planned neighborhood located within the designated “Mixed-Use” section of the Land Use Guidance Plan. The overall approximately 160-acre development generally transitions from single-family residential on the north to high intensity commercial pad sites on the south. This parcel, sitting almost perfectly in the center of the development, is surrounded by Westridge Academy, a K-8 charter school on its western boundary, a to-be-built city park on its northern boundary and a single-family residential community to the east. A rezoning from I-L to R-H maintains the mixed-use characteristic of the neighborhood while providing a cohesive transitional of land uses.

The proposal complies with this criterion.

2. The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.

Staff Comment:

The future development of the property can fulfill the intent of its proposed zoning district. Adequate public water and sewer facilities are provided for this property. As part of the City Center West masterplan, all engineering and utilities were originally designed to accommodate a large-scale industrial user, making them more than sufficient for use as a residential subdivision. A single-family residential community is currently being built adjacent to its eastern boundary. Objective GC-4.3 Infill Compatibility states that the City shall “Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area”. Today the parcel sits in the middle of an otherwise cohesive “masterplan”. Westridge Academy, a K-8 charter school adjoins its western boundary, a to-be-built city park adjoins its northern boundary, and a single-family residential community is currently being built adjoining its eastern boundary. The land uses within the area do not align with uses of the I-L zoning district but do align with uses of the R-H zoning district. R-H zoning provides better ability for transition of uses throughout the neighborhood that align with the existing development. The R-H zoning district allows for single-family, duplexes, triplexes, quadplexes, row housing, and multifamily residential development.

The proposal complies with this criterion.

3. 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 has changed substantially over the years. When this zone was originally established, this site was on the periphery of City limits and was established to house a 160+ acre industrial campus for Hewlett Packard. That site was abandoned in the early 2000’s, and since that time a school has been constructed to the west of this property and a residential subdivision has been permitted on its easterly boundary. There are other uses such as restaurants, hotel, car wash, auto-service, etc. existing in the area. Overall, the area

has changed from a large business site with no surrounding development to a vital mixed use node serving the west side of Greeley. The use of this property that would best serve the interests of the public and the interests of the adjacent uses and residences in the area in a compatible and cohesive fashion, is the use of this property for residential purposes. The rezone to R-H serves the public interest by permitting land uses that are compatible with existing development. The current I-L zoning permits uses that are not compatible with the existing residential and institutional uses.

The proposal complies with this criterion.

4. The existing zoning been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.

Staff Comment:

The property's current zone was established 40 years ago. The property owner has tried for many years to market this property in hopes of attracting an industrial user to no avail. The establishment of R-H (Residential High Density) zoning on this property allows for more development options consistent with the area. Higher density residential can provide both an appropriate and desirable transition between the existing school site to the west of this property and the single-family homes, and commercial pads to the south of the property.

The proposal complies with this criterion.

5. The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.

Staff Comment:

Currently to the west of this site is a school facility, to the east is a residential subdivision, to the north is a proposed park and to the south is vacant land zoned C-H (Commercial High Intensity), which presents an opportunity to provide convenient and vital commercial uses to residential property owners in this area. The residential portion of this area is already zoned R-H, so any future development on site would allow for uses compatible with existing residential and institutional. The adjacent uses will provide a transition to residential use on this site.

The proposal complies with this criterion.

6. The city or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.

Staff Comment:

The south half of site was historically served by a dedicated 12”/15” sanitary sewer. During the construction of the City Center West Residential Subdivision 1st Filing, this existing sanitary sewer was abandoned and a new 15” sanitary sewer was installed to serve the site. This 15” sanitary sewer collects wastewater flow from the 8th Street commercial corridor and conveys it east through 8th Street. Ultimately, the sanitary sewer discharges into the 27” Sheep Draw interceptor.

The north half of the site would be served by an 8” sewer stub at the 68th Avenue dead end. This stub was designed with the City Center West 2nd Filing project and is currently under construction. This sewer ultimately discharges to the Sheep Draw interceptor.

An existing 12” water line on the southern portion of this property, adjacent to 8th Street, will provide adequate water services for this use.

A Traffic Impact Study was submitted as part of this request. This study indicates that the H-P Building in the original traffic study was previously thought to generate approximately 1,144 weekday daily vehicle trips, with 219 of these trips occurring during the morning peak hour, and 218 trips occurring during the afternoon peak hour. The currently proposed H-P Greeley Redevelopment Project, with 288 units of multifamily residential, is anticipated to generate 1,942 daily weekday trips with 115 trips occurring during the morning peak hour and 147 trips occurring during the afternoon peak hour. Therefore, the proposed rezone with redevelopment is anticipated to result in 104 fewer morning peak hour trips and 71 fewer afternoon peak hour trips than the use that previously occupied the site and was originally studied in the same development area. Furthermore, access to the site along 8th Street will be restricted to left-in movements only, and egress from the site at this location will be limited to right-out movements. The study also states that a future 6th Street, which connects the site to 71st Avenue to the east, will be constructed in accordance with the City Center West Master Traffic Study

(if required) at the time of Subdivision/Site Plan Review submittal.

The proposal complies with this criterion

7. **The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

Staff Comment:

This zoning change would accommodate the development of a residential subdivision, which is not currently permitted within the Industrial Low Intensity (I-L) zone district. No new residential development is permitted within the I-L zoning district. The current zoning is a remnant from nearly 40 years ago when the site was part of an industrial campus that was located on the outskirts of town. Since then, the city has grown significantly, and the surrounding area has been redeveloped into a mixed-use development. Given the surrounding uses, this proposed zoning of Residential High Density (R-H) is a more appropriate zoning designation for the property at present time and will provide a transition from the single-family residential to the east.

The proposal complies with this criterion

8. **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

Staff Comment:

Any reasonably anticipated negative impacts on this area resulting from this rezoning would be mitigated as part of the development process by the consistent enforcement of Municipal Code requirements regarding landscaping, buffers, architectural features, and setbacks. A conceptual traffic study and drainage report were provided with this applicant and the final drainage and traffic needs will be further evaluated at the time of site plan or plat, as necessary. There is no development proposal at this time and all future development shall be upheld to all city development requirements which will mitigate any negative impacts to the area. The rezone only of this property does not create any physical or visual changes to the existing site. The rezoning simply sets up the land for future development that is more

compatible with the existing development in the area than the current I-L zoning district permits.

The proposal complies with this criterion.

9. The recommendations of professional staff or advisory review bodies.

Staff Comment: Staff recommends approval of this rezoning request.

F. SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject site is part of the Replat of Lot 3, H-P Greeley Subdivision, Sixth Replat, which was a minor subdivision platted in April of 2022 (rec. no. 4820397).

2. HAZARDS

Not applicable to rezone. There are no hazards on site currently. Any potential hazards on site shall be mitigated in a future development review.

3. WILDLIFE

Not applicable to rezone. There are no hazards on site currently. Any potential hazards on site shall be mitigated in a future development review.

4. TRANSPORTATION

The City's Transportation Engineer and Engineering Development Review staff have reviewed the traffic compliance letter and traffic study submitted with this application. The traffic study indicates that additional traffic, if not routed along the local streets, would not create a significant impact on existing roadway systems and maintained compliance with city requirements standards for traffic and transportation.

Staff is concerned that about the additional daily flows generated with this zoning district. Public Works reserves the right to include any or all traffic improvements as part of the future development site plan to mitigate traffic issues.

No additional improvements were warranted based on projected traffic at the time of this rezone action. Further analysis would be conducted at the time of the land use action for future development once exact layouts are confirmed. Again, there is no development proposal tied to this rezoning.

5. DRAINAGE AND EROSION

Not applicable to rezone. There are no hazards on site currently. Any potential hazards on site shall be mitigated in a future development review.

G. SERVICES

1. WATER

Water services are available in the area and can adequately serve the subject site.

2. SANITARY SEWER

Sanitation services are available in the area and can adequately serve the subject site.

3. EMERGENCY SERVICES

Emergency services are available and can adequately serve the subject property. The subject site is within the City of Greeley's Fire Protection area and would be served by Fire Station 7, which is located approximately 700 feet southeast of this property. All public facilities are adequate to support the rezoning of this property.

4. PARKS

Not applicable to the rezone. Rezoning of land does not merit impacts to parkland infrastructure. City of Greeley Parks Department will have opportunity to review future development land use cases where impact to parks will be assessed. Future development can choose to build park on site or provide cash-in-lieu for parkland development.

5. SCHOOLS

Not applicable to the rezone. Rezoning of land does not merit impacts to schools. School capacity and District 6 staff will be reviewing future development proposals.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

There are no proposed site changes corresponding to the rezoning currently. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts.

2. NOISE

There are no proposed site changes corresponding to the rezoning currently. Any potential noise created by future development would be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

A neighborhood meeting was held on July 31, 2024, at Westridge Academy. There were thirty-one (31) citizens in attendance at the neighborhood meeting. Neighborhood notices were mailed to surrounding property owners within 1,000 feet on June 27, 2024, per Development Code requirements. Additionally, a public notice sign was posted on the subject site on July 9, 2024. Notice was provided via the Greeley website per Development Code requirements. The City received eight (8) letters of support from adjacent property owners such as Westridge Academy, Hartford Homes, Boomerang Storage, District 6 and Westside Development. The City received thirty-one (31) letters of opposition for the project from citizens. The main opposition points include traffic concerns, parking, multifamily residential development, property values, and infrastructure. Please see letters of support and letters of opposition attached in this report. During the Planning Commission hearing on 8/13/2024, approximately

fifteen (15) members of the public spoke in opposition of the rezone. The general concerns expressed revolved around existing traffic conditions, future traffic, multifamily development, statements against renters, desire for more single-family detached for ownership development, neighborhood safety, and complaints that their builder/realtor did not disclose potential future land uses on the subject site. Concerns were addressed at the Planning Commission hearing by the applicant and members of staff. The Planning Commission deliberated on the contents of the case and ultimately, unanimously voted 5-0 to recommend approval of the rezone to City Council.

J. MINERIAL ESTATE OWNER NOTIFICATION

No mineral notice/surface development notice was sent due to no surface development occurring from the rezone request. A mineral notice/surface development notice shall be sent when development proposal occurs on the property in the future by separate land use process.

K. PLANNING COMMISSION RECOMMENDED MOTION

Based on the application received, the Project Summary and accompanying analysis, the Planning Commission finds that the proposed rezoning of Tract 3A of the Replat of Lot 3, H-P Greeley Subdivision Sixth Replat from I-L (Industrial Low Intensity) to R-H (Residential High Density) meets the applicable Development Code criteria, Section 24-204 and therefore, recommends **approval** of the rezone to the City Council.

Alternative Motion:

Based on the application received, the Project Summary and accompanying analysis, the Planning Commission finds that the proposed rezoning of Tract 3A of the Replat of Lot 3, H-P Greeley Subdivision Sixth Replat from I-L (Industrial Low Intensity) to R-H (Residential High Density) does not meet Development Code Section 24-204; and therefore, recommends **denial** of the rezone to the City Council.

L. CITY COUNCIL RECOMMENDED MOTION

Based on the application received, the Project Summary and accompanying analysis, the City Council finds that the proposed rezoning of Tract 3A of the replat of Lot 3, H-P Greeley Subdivision Sixth Replat from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning meets the applicable Development Code criteria, Section 24-204 and therefore, **approves** the rezone proposal.

Alternative Motion:

Based on the application received, the Project Summary and accompanying analysis, the City Council finds that the proposed rezoning of Tract 3A of the replat of Lot 3, H-P Greeley Subdivision Sixth Replat from I-L (Industrial Low Intensity) to R-H (Residential High Density) zoning does not meet the applicable Development Code criteria, Section 24-204 and therefore, **denies** the rezone proposal.

M. ATTACHMENTS

Vicinity/Zoning Map

Project Narrative

Development Application

Rezone Plan Set

Traffic Study

Letters of Support

July 19, 2022, City Council Minutes

Boomerang Master Plan Design Guidelines

Letters of Opposition

BizWest Article on H-P Site

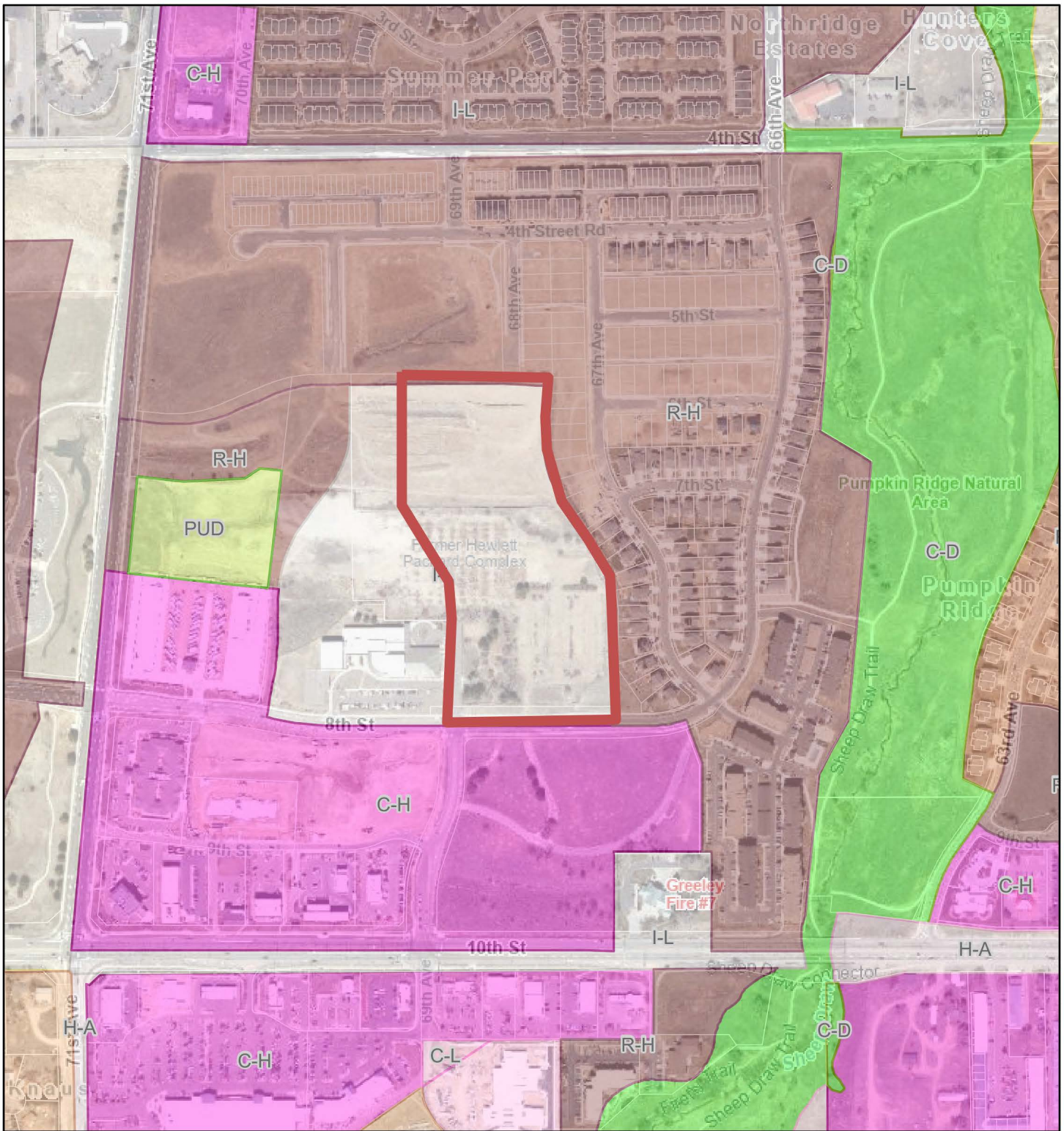
Land Use Sheet – I-L Zoning District

Land Use Sheets – Residential Zoning Districts (R-L, R-M, and R-H)

Westridge Academy Student Capacity Letter

District 6 Student Capacity Letter

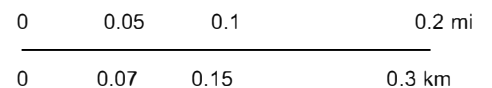
Vicinity & Zoning Map



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- | | |
|--|---|
| ■ Subject Site | ■ Planned Unit Development (PUD) |
| Zoning | ■ Residential Estate (R-E) |
| ■ Conservation District (C-D) | Residential Low Density (R-L) |
| Commercial Low Intesnity (C-L) | ■ Residential Medium Density (R-M) |
| ■ Commercial High Intensity (C-H) | ■ Residential High Density (R-H) |
| Holding Agriculture (H-A) | Parcel Boundaries |
| Industrial Low Intensity (I-L) | |



Project Narrative for Rezone

Property: TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT

Current Owner (Applicant): LASALLE INVESTORS LLC

Background

Tract 3A is part of the historic Hewlett Packard facility, an approximately 160 acre R&D campus developed in 1982 that at one time housed 1,800 employees. Upon Hewlett Packard's exit of Greeley in 2003, the main building became vacant and the surrounding land was ultimately sold, subdivided and rezoned to become City Center West, a master-planned development containing a mixture of residential and commercial uses. The actual building site (an approximately 19.827 acre parcel upon which the main HP structure resided), however, remained unchanged in both its zoning and use as a multi-year search began for a new user for the building. Unfortunately after being vacant for more than 15 years and enduring many years of neglect and repeated bouts of vandalism, it became clear that the building itself had become much more of a public nuisance than a redeemable asset. As a result, in late 2021 the site was acquired by Applicant and the building was demolished creating a vacant parcel of land. Approximately 4.4 acres of the site was subsequently sold to the neighboring Westridge Academy charter school, leaving the approximately 15.433 acre site now known as Tract 3A, H-P Subdivision, Sixth Replat.

Current Status and Appropriateness of Zoning

Today Tract 3A (still holding its original Industrial-Low zoning) sits in the middle of an otherwise cohesive masterplan. Westridge Academy, a K-8 charter school adjoins its western boundary, a to-be-built City park adjoins its northern boundary and a single family residential community is currently being built adjoining its eastern boundary. We believe industrial zoning for their proposed Tract 3A no longer represents a complimentary use to the development, and that Residential High (R-H) now provides the highest and best use for the property. R-H zoning allows for higher density residential to provide both an appropriate and desirable transition between the existing school site and the single family homes now under construction. Moreover, a rezoning of Tract 3A from I-L to R-H would represent the last step in transforming the original Hewlett Packard campus into a single harmonious development.

Though the City Center West Development Concept Master Plan limits certain uses within the C-H zoned areas, it does not do so for any I-L zones areas. As such, all I-L uses listed within the City's Development Code are currently permitted as a use by right. These include:

Permitted I-L Uses

Per Section 24-402 of the City of Greeley Development Code, Table 24-4-2

Residential Uses

- Farming
- Residential Care — Assisted Living
- Residential Care — General
- Residential Care — Institutional

Public & Civic Uses

- Assembly — Limited (up to 499 occupancy)
- Assembly — General (500—1,500 occupancy)
- Assembly — Large (1,501+ occupancy; or outside)
- Cemeteries, Columbarium
- Golf Course & Country Clubs (no lights)
- Libraries, Museums, Public or Quasi-public
- Police, Fire Stations, Ambulance Dispatch & Storage
- Schools
- Schools — Adult (Business, Trade)
- Schools — Universities/Colleges
- Transportation — Bus, Taxi, or Transit Station
- Transportation — Public Parking
- Transportation — Towing Services
- Utilities — Limited (towers under heights permitted by zoned and accessory structures and cabinets)

Commercial Uses

- Adult Businesses (subject to Sec. 24-1103)
- Animal Care — Limited (indoor, < 5K GLA, no boarding)
- Animal Care — General (indoor, 5K—20K GLA or boarding)
- Animal Care — Large (outdoor or > 20K GLA)
- Auction Houses (excludes livestock)
- Automobile — Gas Station Limited (up to 8 pumps)
- Automobile — Gas Station General (9—20 pumps)
- Automobile Gas Station Large (21+ pumps)
- Automobile — Repair/Service Limited (up to 3 service bays; < 0.5 acre)
- Automobile — Repair/Service General (4—6 service bays; 0.5—1.0 acre)
- Automobile — Repair/Service Large (7+ service bays; > 1 acre)
- Automobile — Sales/Rental Limited (< 0.5 acre)
- Automobile — Sales/Rental General (0.5—1.0 acre)
- Automobile — Sales/Rental Large (> 1.0 acre)
- Child Care Home (accessory/home occupation — See section 24-403.c)
- Entertainment/Even Establishments
- Food & Beverage — Bar Limited (< 3K GLA; < 100 seats)

Food & Beverage — Brewery/Winery; Bar General
 Food & Beverage — Restaurant Limited (< 5K GLA; < 100 seats)
 Food & Beverage — Restaurant Quick Serve
 Food & Beverage — Restaurant General (5K+ GLA)
 Lodging — Short Term Rental
 Lodging — Bed & Breakfast (up to 5 rooms)
 Lodging — Inn (6 to 40 rooms)
 Lodging — Hotel/Motel Small (41+ rooms)
 Medical — Limited (< 5K GLA; no emergency service)
 Medical — General (5K—20K GLA; no emergency service)
 Medical — Hospitals
 Mortuaries and Funeral Homes
 Office — General (< 20K GLA)
 Office — Large (20K+ GLA)
 Pawn Shops
 Personal Service — Limited (< 5K GLA, < 1.0 acre)
 Personal Service — General (5K+ GLA; 1.0+ acre)
 Recreation — Indoor Limited (< 5K GLA; < 0.5 acre)
 Recreation — Indoor General (5K—20K GLA; 0.5—1.0 acre)
 Recreation — Indoor Large (> 20K GLA; > 1.0 acre)
 Recreation — Outdoor Limited (no lights; < 0.5 acre)
 Recreation — Outdoor General (no lights; 0.5—1.0 acre)
 Retail — Limited (< 3K GLA)
 Retail — Outdoor Limited (> 25%; > 0.5 acre)
 Retail — Outdoor General (25%—50%; 0.5—1.0 acre)
 Retail — Outdoor Large (> 50%; > 1.0 acre)
 Retail — Outdoor Nurseries and Greenhouse

Industrial Uses

Commercial Services — Limited (up to 9 vehicle fleet)
 Commercial Services — General (11—20 vehicle fleet)
 Crematoriums
 Manufacturing — Limited/Artisan (< 5K GLA)
 Manufacturing — General (5K—100K GLA)
 Manufacturing — Food & Beverage Minor (up to 3 acres)
 Research & Testing Labs
 Warehousing/Storage — Indoor Limited (< 50K GLA; < 1.0 acre)
 Warehousing/Storage — Indoor General (50K—200K GLA; 1.0—5.0 acre)
 Waste Management — Recycling Collection Small
 Waste Management — Recycling Processing & Collection

At one time, such uses may have been appropriate for this parcel and this area. We believe that is no longer the case. Rather, the allowable uses under R-H (shown below) provide much more compatible options for the surrounding development.

Permitted R-H Uses

Per Section 24-402 of the City of Greeley Development Code, Table 24-4-2

Residential Uses

- Single-family Dwelling
- Two-family dwellings
- Row House dwellings
- Multi-family Dwellings
- Accessory Dwelling Unit
- Boarding House & Single Room Occupancies
- Farming
- Residential Care — Group Home

Public & Civic Uses

- Assembly — Limited (up to 499 occupancy)
- Golf Course & Country Clubs (no lights)
- Schools
- Schools — Universities/Colleges
- Utilities — Limited (towers under heights permitted by zoned and accessory structures and cabinets)

Commercial Uses

- Child Care Home (accessory/home occupation)
- Lodging — Short Term Rental

Infrastructure

As part of the City Center West's masterplan, all associated engineering and utilities were designed and sized to accommodate a large-scale industrial user on the original Lot 3, which is to say all utilities and engineering are more than sufficient for a residential use on Tract 3A. It is part of the overall master drainage plan already in place (please see attached approved plans from City Center West), all approved utilities are appropriately sized to accommodate an R-H use, and traffic flow would be significantly less than allowed under the original I-L use.

This request is solely for the rezone of the parcel from I-L to R-H. There are no development plans or proposals tied to this request. Any and all site-specific details, including pedestrian access and circulation, will necessarily be addressed at the site plan approval stage based upon future proposed layouts by a final end-user.

Previous Submittal

In April of 2022, the Planning Commission heard a request to rezone the parcel to R-H and voted unanimously in favor. The request was subsequently presented to City Council at the July 19, 2022 meeting, at which there was a 4-4 tie vote thus resulting in a rejection of the request. The concerns raised at this meeting largely focused on increased traffic concerns from residents in the area.

We believe the fair metric in addressing traffic concerns is to compare the potential traffic impact generated from potential uses currently allowed under I-L zoning, with the potential uses allowed under the requested R-H zoning. As such, we have submitted a complete traffic study that not only addresses this, but also takes into account all adjacent uses surrounding the property. Since this request is purely a rezone with no current development proposal attached, this traffic study assumes the highest practical impacts allowed under R-H zoning (i.e. a “worst case scenario” as it applies to increased traffic). And even under this scenario, the study suggests a lesser traffic impact under R-H uses than the current I-L zoning allows.

Moreover, any future development proposal will require an additional updated Traffic Impact Study addressing the specific traffic generated by that proposed development. We believe any additional specific traffic concerns would be best addressed at that time.

In addition, since 2022 the City has met with residents of the area to discuss their traffic concerns and subsequently installed traffic calming measures and altered street parking guidelines to help address those neighborhood concerns.

Review Criteria

We believe the proposed rezoning of Tract 3A from I-L to R-H meets all of the review criteria established in Section 24-204 (Rezoning) of the City of Greeley Development Code for the review, recommendation and decisions for a proposed rezoning as addressed below:

1) Is the proposal in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan?

Yes. The parcel sits within City Center West, a mixed use master planned neighborhood located within the designated “Mixed-Use” section of the Land Use Guidance Plan. The overall approximately 160-acre development generally transitions from single-family residential on the north to high intensity commercial pad sites on the south. This parcel, sitting almost perfectly in the center of the development, is surrounded by Westridge Academy, a K-8 charter school on its western boundary, a to-be-built City park on its northern boundary and a single family residential community currently under

construction on its eastern boundary. A rezoning from I-L to R-H maintains the mixed-use characteristic of the neighborhood while also providing a more cohesive and natural transition from these adjacent low impact uses to the more high impact uses to the south.

Moreover, transitioning from the demolition of a vacant, deteriorating public nuisance of an abandoned industrial building to a rezoned R-H zoned parcel allowing for new residential development addresses numerous objectives of the Comprehensive Plan including: GC-4.1 Priority Infill/Redevelopment Areas; GC-4.2 Reinvestment/Adaptive Reuse; GC-4.3 Infill Compatibility; and GC-4.4 Sub-Area and Redevelopment Plans.

In addition, the ability of the proposed R-H parcel to access both the adjacent public park and charter school serves to foster increased walkability/bikability of the residential neighborhood, and providing more higher density residential to the area will increase the variety of affordable housing options and economic diversity in the area serve to address several main objectives of the Comprehensive Plan including the encouragement of “compact growth” (Objective GC-1.2 Form of Growth), diversity of new and affordable housing options (HO-1.1 Housing Strategy & HO-2.1 Diversity in New Development), and the ability to provide new, safe and well-maintained home rental options (HO-2.2 Rental Housing).

2) Can the proposal fulfill the intent of the zoning district considering the relationship to surrounding areas?

Yes. Today the parcel sits in the middle of an otherwise cohesive masterplan. Westridge Academy, a K-8 charter school adjoins its western boundary, a to-be-built City park adjoins its northern boundary and a single-family residential community is currently being built adjoining its eastern boundary. We believe industrial zoning no longer represents a complimentary use to the development, and that R-H zoning allows for higher density residential to provide both an appropriate and desirable transition between the existing school site and the single family homes now under construction.

3) 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?

and

4) Has the existing zoning been in place for a substantial time without development, and does this indicate the existing zoning is inappropriate given development trends in the vicinity?

Yes to both. The parcel's current zoning of I-L is a remnant from nearly 40 years ago when the larger overall 160-acre site came into existence as an R&D campus owned and operated by Hewlett Packard. In the early 2000s Hewlett Packard moved out of the facility and the land was ultimately sold, subdivided and rezoned to become City Center West, a master-planned development containing a mixture of residential and commercial uses. This parcel retained its original I-L zoning in hopes of attracting a new tenant to the main Hewlett Packard building. After nearly 20 years of vacancy and repeated bouts of vandalism, however, those hopes were abandoned and the building was demolished.

5) Will the proposed zoning enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.

Yes. This parcel sits in the middle of City Center West, and its rezoning represents the final piece to an overall cohesive masterplan. This parcel's remnant I-L zoning no longer represents a complimentary use to the development whereas an R-H zoning will provide both an appropriate and desirable transition between the existing school site and the single family homes now under construction.

6) Does the City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.

Yes. The City Center West masterplan contemplated future development of this parcel and as such all approved infrastructure and utilities were sized to accommodate the parcel's development. Appropriate letters and/or studies from Northern Engineering and Kimley Horn addressing the necessary utility and traffic capacity for an R-H use will be provided with the rezone application.

7) Will the change serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.

Yes. The current zoning is a remnant from nearly 40 years ago when the site was part of an industrial campus that was located on the outskirts of town. Since then, the city has grown significantly and the surrounding area has been redeveloped into a mixed-use master planned development. This particular parcel sits adjacent to the existing residential section of said development making the proposed R-H rezoning both a more desirable and harmonious transition to the commercial uses to the south.

8) Are there any reasonably anticipated negative impacts on the area or adjacent property that are not mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.

No. On the contrary, for nearly 20 years a vacant deteriorating 200,000 square foot industrial building sat on this site inviting constant vandalism and increasingly producing a dangerous nuisance (and enormous eyesore) to the west entry of Greeley. The building has now been demolished and a rezone from industrial to residential will serve to harmonize the site with the surrounding like uses.

OWNER DEDICATION STATEMENT

I, LASALLE INVESTORS LLC, BEING THE SOLE OWNER(S) IN FEE OF ALL THAT PART OF TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT, AS RECORDED AT RECEPTION NO. 4820397 OF THE RECORDS OF WELD COUNTY, COLORADO, LOCATED IN THE SW1/4 OF SECTION 4, T5N, R66W OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, AS SHOWN ON THE ATTACHED MAP AS EMBRACED WITHIN THE HEAVY EXTERIOR LINES THEREON, HAS SUBDIVIDED THE SAME INTO LOTS AND BLOCKS AS SHOWN ON THE ATTACHED MAP; AND DOES HEREBY SET ASIDE SAID PORTION OR TRACT OF LAND AND DESIGNATE THE SAME H-P GREELEY SUBDIVISION, SIXTH REPLAT; AND DOES DEDICATE TO THE PUBLIC, THE STREETS AND ALL EASEMENTS OVER AND ACROSS SAID LOTS AT LOCATIONS SHOWN ON SAID MAP; AND DOES FURTHER CERTIFY THAT THE WIDTH OF SAID STREETS, THE DIMENSIONS OF THE LOTS AND BLOCKS AND THE NAMES AND NUMBERS THEREOF ARE CORRECTLY DESIGNATED UPON SAID MAP.

BY: _____ DATE: _____
LASALLE INVESTORS LLC
WITNESS MY HAND AND SEAL THIS _____, DAY OF _____, A.D. 20____.

STATE OF COLORADO)
CITY OF GREELEY)
WELD COUNTY)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES: _____
WITNESS MY HAND AND OFFICIAL SEAL. _____
NOTARY PUBLIC

PLANNING COMMISSION APPROVAL

RECOMMENDED/NOT RECOMMENDED BY THE CITY OF GREELEY PLANNING COMMISSION THIS _____, DAY OF _____, 20____.

CITY COUNCIL APPROVAL

APPROVED BY THE GREELEY CITY COUNCIL ON THIS _____ DAY OF _____, 20____.

SURVEYOR'S CERTIFICATE

THAT I, LOREN K. SHANKS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THIS LAND, INCLUDING ALL EXISTING RIGHTS-OF-WAY AND EASEMENTS, AND THAT THE CORNER MONUMENTS SHOWN THERON WERE PROPERLY PLACED UNDER MY SUPERVISION, IN ACCORDANCE WITH THE REGULATIONS OF THE STATE OF COLORADO.

REGISTERED LAND SURVEYOR
REGISTRATION NO. 28285
STATE OF COLORADO

REZONING DEVELOPMENT STANDARD NOTES:

- 1) APPROVAL OF SITE CONSTRUCTION PLANS BY THE CITY OF GREELEY SHALL BE REQUIRED (AS APPLICABLE) PRIOR TO ISSUANCE OF BUILDING PERMITS.
- 2) ALL EXISTING AND PROPOSED UTILITIES SHALL BE INSTALLED UNDERGROUND.
- 3) NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF A NEW BUILDING OR STRUCTURE UNLESS THE PROPERTY HAS BEEN PLATTED IN ACCORDANCE WITH THE CITY'S SUBDIVISION REGULATIONS (CHAPTER 3)
- 4) ALL ELEVATIONS SHOWN ON THESE PLANS ARE TIED TO NAVD 88 DATUM.

SURVEYOR NOTES:

- A) BEARINGS ARE REFERRED TO THE WEST LINE OF THE SW1/4 OF SECTION 4, T5N, R66W, 6th P.M., AS BEARING N05°12'33"E (GPS OBSERVATION).
- B) ALL TITLE WORK WAS PROVIDED BY STEWART TITLE GUARANTY COMPANY, COMMITMENT No. 1822908, SEPTEMBER 12, 2022.

PROPERTY DESCRIPTION:

TRACT 3A OF H-P GREELEY SUBDIVISION, SIXTH REPLAT, RECORDED APRIL 20, 2022, AS RECEPTION NO. 4820397 OF THE RECORDS OF WELD COUNTY, LOCATED IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION FOUR (4), TOWNSHIP FIVE NORTH (T5N), RANGE SIXTY-SIX WEST (R66W) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.) CITY OF GREELEY.

SAID DESCRIBED PARCEL OF LAND CONTAINS 15.433 ACRES, MORE OR LESS.

WELD COUNTY, COLORADO. SHOWN ON THE ATTACHED MAP AS EMBRACED WITHIN THE HEAVY EXTERIOR LINES THEREON HAS SUBDIVIDED THE SAME INTO LOTS 1 & 2 AS SHOWN ON THE ATTACHED MAP; AND DOES HEREBY SET ASIDE SAID PORTION OR TRACT OF LAND AND DESIGNATE THE SAME H-P GREELEY SUBDIVISION, SIXTH REPLAT TO THE CITY OF GREELEY, WELD COUNTY, COLORADO; AND DOES DEDICATE TO THE PUBLIC, THE STREETS AND ALL EASEMENTS OVER AND ACROSS SAID LOTS AT LOCATIONS SHOWN ON SAID MAP; AND DOES FURTHER CERTIFY THAT THE WIDTH OF SAID STREETS, THE DIMENSIONS OF THE LOTS AND BLOCKS AND THE NAMES AND NUMBERS THEREOF ARE CORRECTLY DESIGNATED UPON SAID MAP.

FLOOD PLAIN NOTE

THE SUBJECT PROPERTY IS IN FLOOD ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOODPLAIN PER FEMA FLOOD MAP 08123C1516E REVISED JANUARY 20, 2016.

TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT REZONING
BEING A REPLAT OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT
LOCATED IN THE SW1/4 OF SECTION 4,
TOWNSHIP 5 NORTH, RANGE 66 WEST, OF THE 6th P.M.,
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
PROJECT ACRES: 16.192
PROJECT NUMBER: ZON2023-0003

PROJECT INTENT STATEMENT FOR REZONE

APPLICANT WISHES TO REZONE TRACT 3A FROM IS CURRENT I-L ZONING TO R-H ZONING.

BACKGROUND

THE TRACT 3A IS PART OF THE HISTORIC HEWLETT PACKARD FACILITY, AN APPROXIMATELY 160 ACRE R&D CAMPUS DEVELOPED IN 1982 THAT AT ONE TIME HOUSED 1,800 EMPLOYEES. UPON HEWLETT PACKARD'S EXIT OF GREELEY IN 2003, THE MAIN BUILDING BECAME VACANT AND THE SURROUNDING LAND WAS ULTIMATELY SOLD, SUBDIVIDED AND REZONED TO BECOME CITY CENTER WEST, A MASTER-PLANNED DEVELOPMENT CONTAINING A MIXTURE OF RESIDENTIAL AND COMMERCIAL USES. THE ACTUAL BUILDING SITE (AN APPROXIMATELY 19.827 ACRE PARCEL UPON WHICH THE MAIN HP STRUCTURE RESIDED), HOWEVER, REMAINED UNCHANGED IN BOTH ITS ZONING AND USE AS A MULTI-YEAR SEARCH BEGAN FOR A NEW USER FOR THE BUILDING. UNFORTUNATELY AFTER BEING VACANT FOR MORE THAN 15 YEARS AND ENDURING MANY YEARS OF NEGLECT AND REPEATED BOUTS OF VANDALISM, IT BECAME CLEAR THAT THE BUILDING ITSELF HAD BECOME MUCH MORE OF A PUBLIC NUISANCE THAN A REDEEMABLE ASSET. AS A RESULT, IN LATE 2021 THE SITE WAS ACQUIRED BY APPLICANT AND THE BUILDING WAS DEMOLISHED CREATING A VACANT PARCEL OF LAND. APPROXIMATELY 4.4 ACRES OF THE SITE WAS SUBSEQUENTLY SOLD TO THE NEIGHBORING WESTRIDGE ACADEMY CHARTER SCHOOL, LEAVING THE APPROXIMATELY 15.433 ACRE SITE NOW KNOWN AS TRACT 3A, H-P SUBDIVISION, SIXTH REPLAT.

CURRENT STATUS AND APPROPRIATENESS OF ZONING

TODAY TRACT 3A (STILL HOLDING ITS ORIGINAL INDUSTRIAL-LOW ZONING) SITS IN THE MIDDLE OF AN OTHERWISE COHESIVE MASTERPLAN. WESTRIDGE ACADEMY, A K-8 CHARTER SCHOOL ADJOINS ITS WESTERN BOUNDARY, A TO-BE-BUILT CITY PARK ADJOINS ITS NORTHERN BOUNDARY AND A SINGLE FAMILY RESIDENTIAL COMMUNITY IS CURRENTLY BEING BUILT ADJOINING ITS EASTERN BOUNDARY. WE BELIEVE INDUSTRIAL ZONING FOR THEIR PROPOSED TRACT 3A NO LONGER REPRESENTS A COMPLIMENTARY USE TO THE DEVELOPMENT, AND THAT RESIDENTIAL HIGH (R-H) NOW PROVIDES THE HIGHEST AND BEST USE FOR THE PROPERTY. R-H ZONING ALLOWS FOR HIGH DENSITY RESIDENTIAL TO PROVIDE BOTH AN APPROPRIATE AND DESIRABLE TRANSITION BETWEEN THE EXISTING SCHOOL SITE AND THE SINGLE FAMILY HOMES NOW UNDER CONSTRUCTION. MOREOVER, A REZONING OF TRACT 3A FROM I-L TO R-H WOULD REPRESENT THE LAST STEP IN TRANSFORMING THE ORIGINAL HEWLETT PACKARD CAMPUS INTO A SINGLE HARMONIOUS DEVELOPMENT.

AS PART OF THE CITY CENTER WEST'S MASTERPLAN, ALL ASSOCIATED ENGINEERING AND UTILITIES WERE DESIGNED AND SIZED TO ACCOMMODATE A LARGE-SCALE INDUSTRIAL USER ON THE ORIGINAL LOT 3, WHICH IS TO SAY ALL UTILITIES AND ENGINEERING ARE MORE THAN SUFFICIENT FOR A RESIDENTIAL USE ON TRACT 3A. IT IS PART OF THE OVERALL MASTER DRAINAGE PLAN ALREADY IN PLACE (PLEASE SEE ATTACHED APPROVED PLANS FROM CITY CENTER WEST), ALL APPROVED UTILITIES ARE APPROPRIATELY SIZED TO ACCOMMODATE AN R-H USE (PLEASE SEE ATTACHED LETTER FROM NORTHERN ENGINEERING), AND TRAFFIC FLOW WOULD BE SIGNIFICANTLY LESS THAN ALLOWED UNDER THE ORIGINAL I-L USE (PLEASE SEE LETTER ADDRESSING THE ORIGINAL TRAFFIC PROJECTIONS FROM KIMLEY-HORN).

ALL SITE-SPECIFIC DETAILS, INCLUDING PEDESTRIAN ACCESS AND CIRCULATION, WILL BE ADDRESSED AT THE SITE PLAN APPROVAL STAGE ONCE A FINAL LAYOUT FOR THE PROPERTY IS DETERMINED BY THE FINAL END-USER.

TRACT 3A

AS PART OF THE CITY CENTER WEST'S MASTERPLAN, ALL ASSOCIATED ENGINEERING AND UTILITIES WERE DESIGNED AND SIZED TO ACCOMMODATE A LARGE-SCALE INDUSTRIAL USER ON LOT 3, WHICH IS TO SAY ALL UTILITIES AND ENGINEERING ARE MORE THAN SUFFICIENT FOR A RESIDENTIAL USE ON TRACT 3A. LOT 3 IS PART OF THE OVERALL MASTER DRAINAGE PLAN ALREADY IN PLACE (PLEASE SEE ATTACHED APPROVED PLANS FROM CITY CENTER WEST), ALL APPROVED UTILITIES ARE APPROPRIATELY SIZED TO ACCOMMODATE AN R-H USE (PLEASE SEE ATTACHED LETTER FROM NORTHERN ENGINEERING), AND TRAFFIC FLOW WOULD BE LESS THAN PROPOSED UNDER THE ORIGINAL I-L USE (PLEASE SEE LETTER ADDRESSING THE ORIGINAL TRAFFIC PROJECTIONS FROM KIMLEY-HORN).

ALL SITE-SPECIFIC DETAILS, INCLUDING PEDESTRIAN ACCESS AND CIRCULATION, WILL BE ADDRESSED AT THE SITE PLAN APPROVAL STAGE ONCE A FINAL LAYOUT FOR THE PROPERTY IS DETERMINED BY THE FINAL END-USER.

COMMUNITY DEVELOPMENT DIRECTOR

DIRECTOR OF COMMUNITY DEVELOPMENT _____ DATE _____

TITLE COMPANY OR TITLE ATTORNEY

I/WE STEWART TITLE GUARANTY COMPANY, DULY QUALIFIED, INSURED OR LICENSED BY THE STATE OF COLORADO, DO HEREBY CERTIFY THAT I/WE HAVE EXAMINED THE TITLE OF ALL LANDS DEPICTED AND DESCRIBED HEREON AND THAT TITLE TO SUCH LAND IS OWNED IN FEE SIMPLE BY LASALLE INVESTORS LLC AT THE TIME OF THIS APPLICATION.

NAME OF AUTHORIZED OFFICIAL _____ DATE _____

NAME OF COMPANY: _____

UELS DOES NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE CONTOURS AS SHOWN ON THIS DRAWING. THE EXISTING GROUND CONTOURS AS SHOWN ON THIS DRAWING WERE DERIVED FROM AVAILABLE LIDAR DATA AS PUBLISHED BY THE USGS WITH A FLIGHT DATE OF JUNE 12, 2018. FROM THE USGS METADATA: "THERE IS NO GUARANTEE OR WARRANTY CONCERNING THE ACCURACY OF THESE DATA. USERS SHOULD BE AWARE THAT TEMPORAL CHANGES MAY HAVE OCCURRED SINCE THESE DATA WERE COLLECTED AND THAT SOME PARTS OF THESE DATA MAY NO LONGER REPRESENT ACTUAL SURFACE CONDITIONS. USERS SHOULD NOT USE THESE DATA FOR CRITICAL APPLICATIONS WITHOUT A FULL AWARENESS OF ITS LIMITATIONS. ACKNOWLEDGEMENT OF THE ORIGINATING AGENCIES WOULD BE APPRECIATED IN PRODUCTS DERIVED FROM THESE DATA. ANY USER WHO MODIFIES THE DATA IS OBLIGATED TO DESCRIBE THE TYPES OF MODIFICATIONS THEY PERFORM. USER SPECIFICALLY AGREES NOT TO MISREPRESENT THE DATA, NOR TO IMPLY THAT CHANGES MADE WERE APPROVED OR ENDORSED BY THE USGS. PLEASE REFER TO HTTP://WWW.USGS.GOV/PRIVACY.HTML FOR THE USGS DISCLAIMER."

APPLICANT: LASALLE INVESTORS LLC
5801 W. 11th STREET, SUITE 201, GREELEY, CO. 80634
(970)-381-5166

PROPERTY OWNER: LASALLE INVESTORS LLC
5801 W. 11th STREET, SUITE 201, GREELEY, CO. 80634
(970)-381-5166

SURVEYOR: UELS, LLC, LOREN SHANKS, PLS 28285
3313 35th AVENUE, SUITE B, EVANS, CO 80620
(970)-506-1544

NOTE
THE LOCATION OF ALL UTILITY LINES AND RELATED INFRASTRUCTURE AS SHOWN ON THIS MAP ARE APPROXIMATE ONLY AND ARE BASED ON AVAILABLE INFORMATION FROM THE CITY OF GREELEY PROPERTY FACTS WEB VIEWER.

LEGAL DESCRIPTION FOR REZONING AREA

PROPOSED TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT AND A PORTION OF ADJACENT 8TH STREET, TO BE REZONED FROM I-L TO R-H

ALL THAT PART OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT, AS RECORDED AT RECEPTION NO. 4272274 OF THE RECORDS OF WELD COUNTY, COLORADO, LOCATED IN THE SW1/4 OF SECTION 4, T5N, R66W OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, THENCE S00°01'37"E, 56.00 FEET TO A POINT ON THE CENTERLINE OF 8TH STREET;

THENCE S89°58'23"W 590.12 FEET ALONG THE CENTERLINE OF SAID 8TH STREET;

THENCE N00°01'37"W 56.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE N00°01'37"W, 335.38 FEET ALONG A WESTERLY LINE AND A WESTERLY LINE EXTENDED NORTHERLY OF SAID LOT 3 TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHWESTERLY, 174.33 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°17'44" AND BEING SUBTENDED BY A CHORD THAT BEARS N16°40'29"W, 171.89 FEET;

THENCE N33°19'21"W, 150.00 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 156.36 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 33°10'49" AND BEING SUBTENDED BY A CHORD THAT BEARS N16°43'57"W, 154.18 FEET;

THENCE N00°08'31"W, 406.77 FEET TO THE NORTH LINE OF SAID LOT 3;

THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ARE ALONG THE NORTHERLY AND EASTERLY LINES OF SAID LOT 3:

THENCE S89°51'28"E, 282.19 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE EASTERLY, 254.21 FEET ALONG THE ARC OF SAID CURVE TO THE NORTHEAST CORNER OF SAID LOT 3, SAID ARC HAVING A RADIUS OF 3,045.00 FEET, A CENTRAL ANGLE OF 04°47'00" AND BEING SUBTENDED BY A CHORD THAT BEARS S87°45'02"E, 254.14 FEET;

THENCE S04°04'36"W, 195.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, 270.77 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF 36°56'19" AND BEING SUBTENDED BY A CHORD THAT BEARS S14°23'34"E, 266.11 FEET;

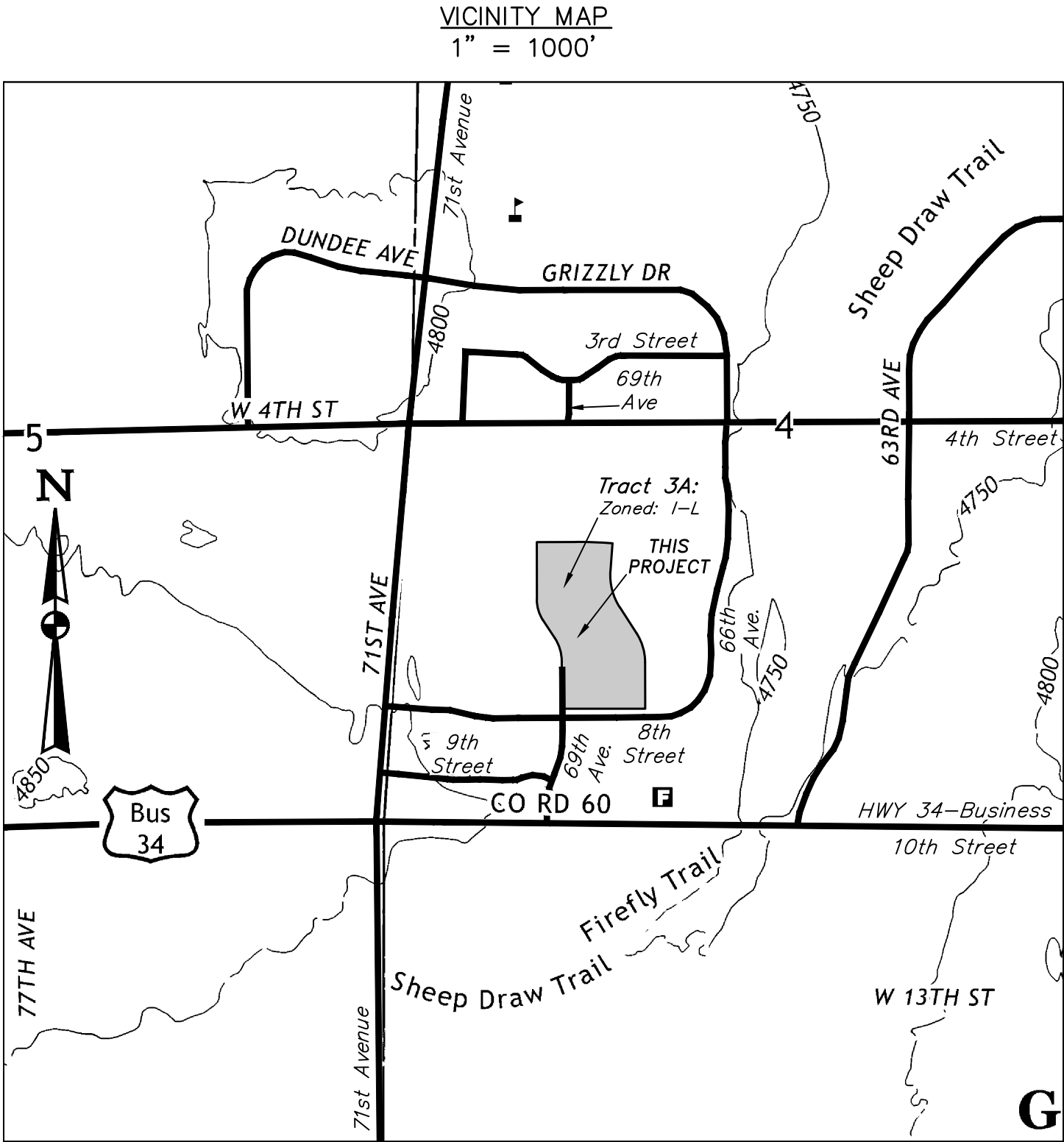
THENCE S32°51'43"E, 217.59 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 217.77 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 380.00 FEET, A CENTRAL ANGLE OF 32°50'06" AND BEING SUBTENDED BY A CHORD THAT BEARS S16°26'40"E, 214.80 FEET;

THENCE S00°01'37"E, 328.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 AND THE TRUE POINT OF BEGINNING.

AREA = 16.192 ACRES, MORE OR LESS

LEGAL DESCRIPTION PREPARED BY:
LOREN K. SHANKS, COLORADO PLS 28285
FOR AND ON BEHALF OF UELS, LLC
913 38th AVENUE COURT
GREELEY, COLORADO 80634
970-506-1544



SHEET INDEX

SHEET 1 of 8 - COVER SHEET

SHEET 2 of 8 - EXISTING CONDITIONS & SITE ANALYSIS MAP

SHEET 3 of 8 - EXISTING CONDITIONS & SITE ANALYSIS MAP

SHEET 4 of 8 - ZONING SUITABILITY MAP

SHEET 5 of 8 - PROJECT BOUNDARY MAP

SHEET 6 of 8 - GENERAL LAYOUT

SHEET 7 of 8 - PHASING OR IMPLEMENTATION

SHEET 8 of 8 - DETAIL PLANS

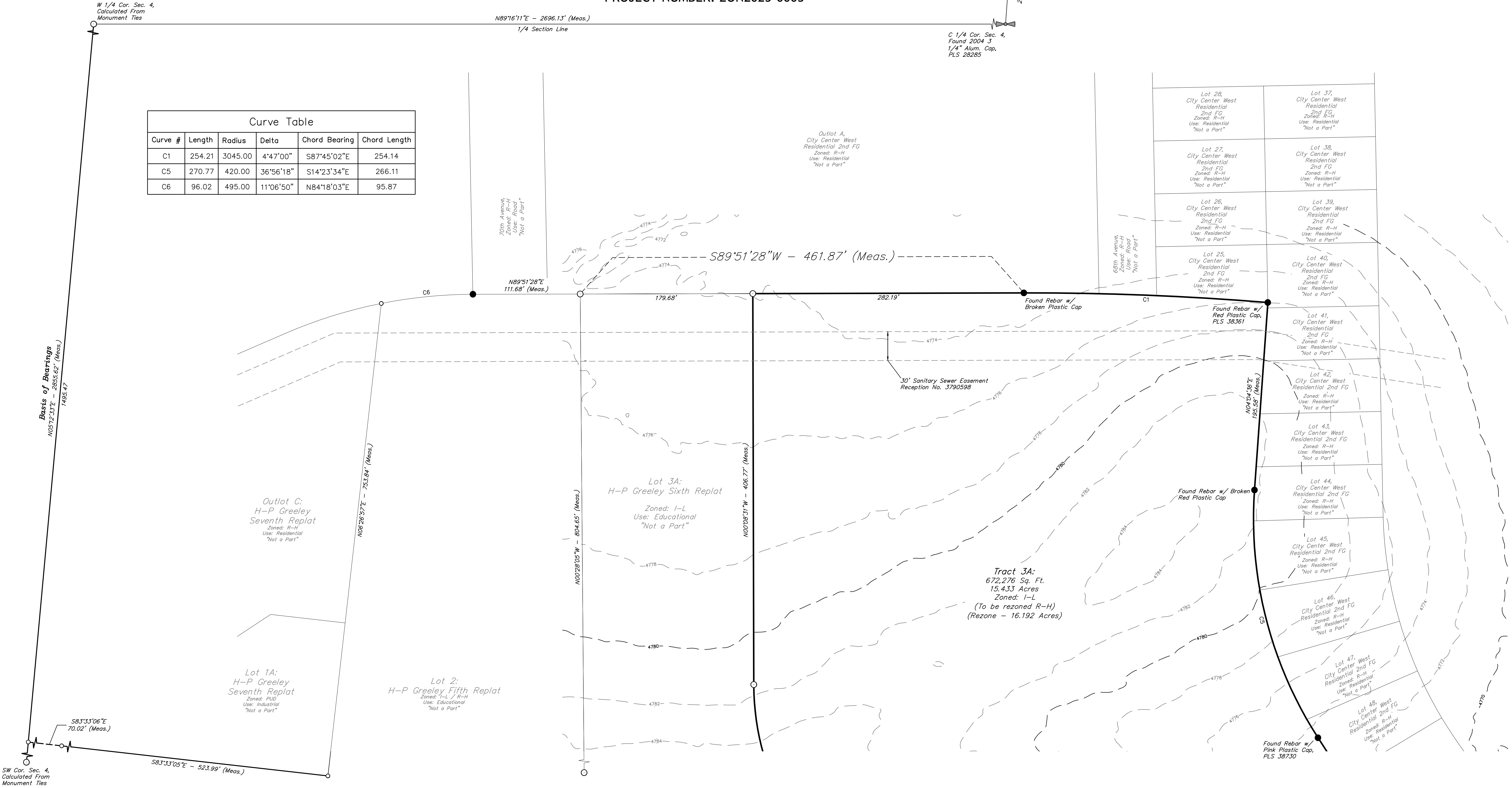
SURVEYED BY:	DRAWN BY:	PROJECT:	FILE:	SCALE:	SHEET:
J.C. 11-05-21	L.K. 01-30-24	WAL02-21-0003	W-2441	N/A	1 OF 8
Regional Office * 3313 35th Avenue, Suite B Evans, Co 80620 * (970) 506-1544 Corporate Office * 85 South 200 East Vernal, UT 84078 * (435) 789-1017					
COVER SHEET					

TRACT 3A, H-P GREELEY SUBDIVISION,
SIXTH REPLAT REZONING

TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT REZONING

BEING A REPLAT OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT
LOCATED IN THE SW1/4 OF SECTION 4,
TOWNSHIP 5 NORTH, RANGE 66 WEST, OF THE 6th P.M.,
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
PROJECT ACRES: 16.192
PROJECT NUMBER: ZON2023-0003

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	254.21	3045.00	4°47'00"	S87°45'02"E	254.14
C5	270.77	420.00	36°56'18"	S14°23'34"E	266.11
C6	96.02	495.00	11°06'50"	N84°18'03"E	95.87



LEGEND OF SYMBOLS & ABBREVIATIONS

- Meas. ——— MEASURED BOUNDARY LINE
- LOT LINES
- CORNER FOUND
- US PUBLIC LAND SURVEY QUARTER SECTION CORNER
- CALCULATED MONUMENT CORNER
- DIMENSION CORNER ONLY

NOTE
THE LOCATION OF ALL UTILITY LINES AND
RELATED INFRASTRUCTURE AS SHOWN
ON THIS MAP ARE APPROXIMATE ONLY AND
ARE BASED ON AVAILABLE INFORMATION
FROM THE CITY OF GREELEY PROPERTY
FACTS WEB VIEWER.



SURVEYED BY: J.C. 11-05-21	DRAWN BY: L.K. 01-30-24	PROJECT: WAL02-21-0003	FILE: W-2441	SCALE: 1"=50'	SHEET: 2 OF 8
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UELS, LLC
Regional Office * 3313 35th Avenue, Suite B
Evans, Co 80620 * (970) 506-1544
Corporate Office * 85 South 200 East
Vernal, UT 84078 * (435) 789-1017

UINTAH
EXISTING CONDITIONS MAP & SITE ANALYSIS MAP

TRACT 3A, H-P GREELEY SUBDIVISION,
SIXTH REPLAT REZONING

TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT REZONING

BEING A REPLAT OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT

LOCATED IN THE SW1/4 OF SECTION 4,

TOWNSHIP 5 NORTH, RANGE 66 WEST, OF THE 6th P.M.,

PROJECT ACRES: 16.192

PROJECT NUMBER: ZON2023-0003

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C2	156.36	270.00	33°10'48"	S16°43'57"E	154.18
C3	174.33	300.00	33°17'43"	N16°40'29"W	171.89
C4	217.77	380.00	32°50'05"	S16°26'40"E	214.80
C5	270.77	420.00	36°56'18"	S14°23'34"E	266.11

LEGEND OF SYMBOLS & ABBREVIATIONS

- | | |
|--------------|---|
| Meas. | MEASURED |
| | BOUNDARY LINE |
| | LOT LINES |
| | WATER LINE |
| | SANITARY SEWER LINE |
| | STORM DRAIN LINE |
| | CORNER FOUND |
| | US PUBLIC LAND SURVEY
QUARTER SECTION CORNER |
| | CALCULATED MONUMENT CORNER |
| | DIMENSION CORNER ONLY |
| | FIRE HYDRANT |
| | SEWER MANHOLE |
| | WATER VALVE |
| | STORM DRAIN MANHOLE |

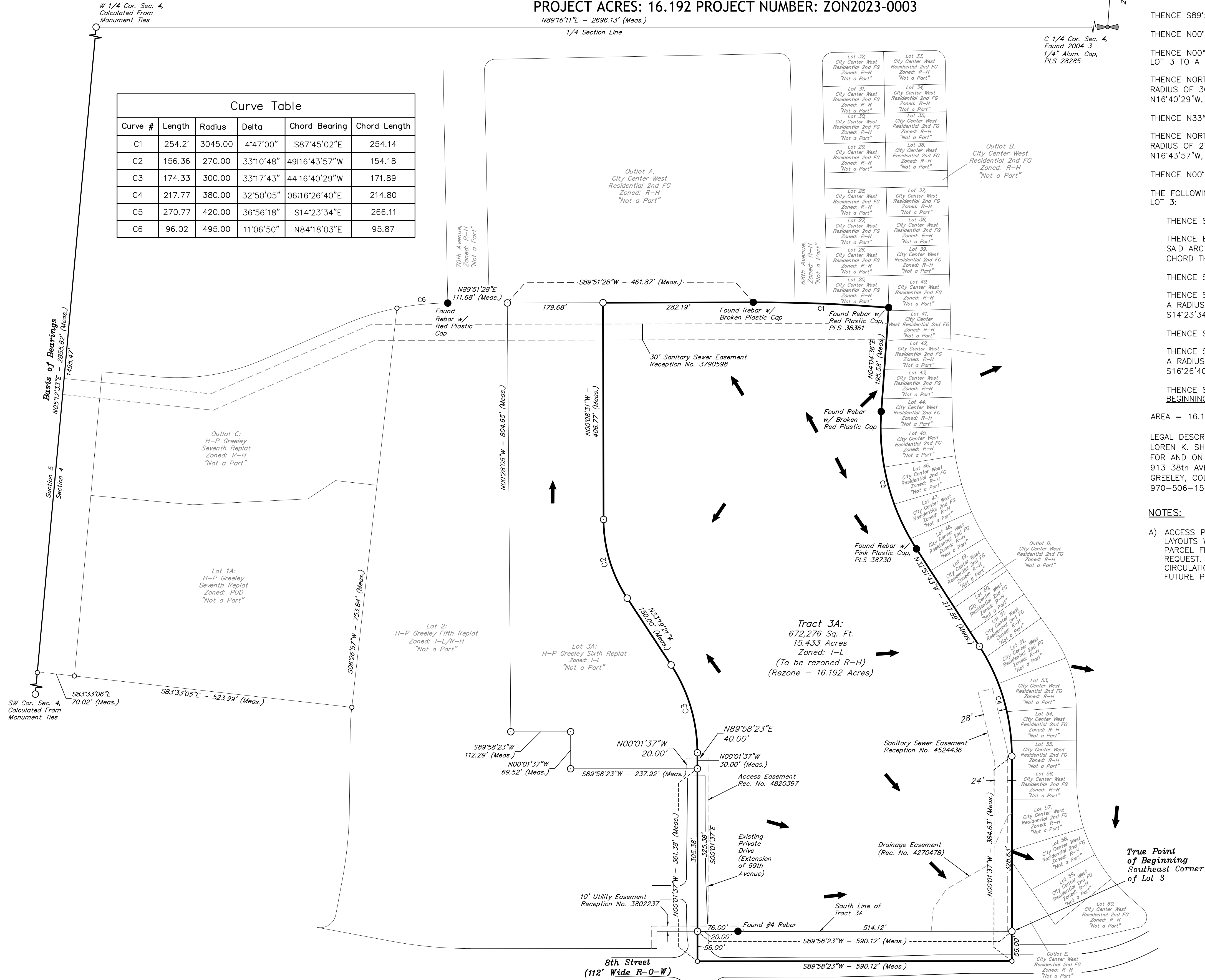
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SURVEYED BY:	DRAWN BY:	PROJECT:	FILE:	SCALE:	SHEET:
J.C.	L.K.	WAL02-21-0003	W-2441	1"=50'	3 OF 8
11-05-21	01-30-24				

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TRACT 3A, H-P GREELEY SUBDIVISION,
SIXTH REPLAT REZONING

TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT REZONING
BEING A REPLAT OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT
LOCATED IN THE SW1/4 OF SECTION 4,
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CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
PROJECT ACRES: 16.192 PROJECT NUMBER: ZON2023-0003



LEGAL DESCRIPTION FOR REZONING AREA
PROPOSED TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT AND A PORTION OF ADJACENT 8TH STREET, TO BE REZONED FROM I-L TO R-H

ALL THAT PART OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT, AS RECORDED AT RECEPTION NO. 4272274 OF THE RECORDS OF WELD COUNTY, COLORADO, LOCATED IN THE SW1/4 OF SECTION 4, T5N, R66W OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, THENCE S00°01'37"E, 56.00 FEET TO A POINT ON THE CENTERLINE OF 8TH STREET;

THENCE S89°58'23"W 590.12 FEET ALONG THE CENTERLINE OF SAID 8TH STREET;

THENCE N00°01'37"W 56.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE N00°01'37"W, 335.38 FEET ALONG A WESTERLY LINE AND A WESTERLY LINE EXTENDED NORTHERLY OF SAID LOT 3 TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHWESTERLY, 174.33 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°17'44" AND BEING SUBTENDED BY A CHORD THAT BEARS N16°40'29"W, 171.89 FEET;

THENCE N33°19'21"W, 150.00 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 156.36 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 33°10'49" AND BEING SUBTENDED BY A CHORD THAT BEARS N16°40'57"W, 154.18 FEET;

THENCE N00°08'31"W, 406.77 FEET TO THE NORTH LINE OF SAID LOT 3;

THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ARE ALONG THE NORTHERLY AND EASTERLY LINES OF SAID LOT 3:

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AREA = 16.192 ACRES, MORE OR LESS

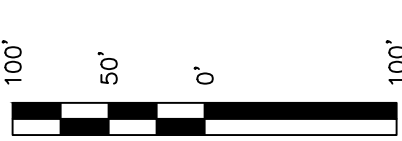
LEGAL DESCRIPTION PREPARED BY:
LOREN K. SHANKS, COLORADO PLS 28285
FOR AND ON BEHALF OF UELS, LLC
913 38th AVENUE COURT
GREELEY, COLORADO 80634
970-506-1544

NOTES:
A) ACCESS POINTS ARE NOT SHOWN. ACCESS POINTS WILL BE DECIDED BASED UPON PRELIMINARY LAYOUTS WHICH ARE YET TO BE DETERMINED. THIS REQUEST IS SOLELY FOR THE REZONE OF THE PARCEL FROM I-L TO R-H. THERE ARE NO DEVELOPMENT PLANS OR PROPOSALS TIED TO THIS REQUEST. ANY AND ALL SITE-SPECIFIC DETAILS, INCLUDING PEDESTRIAN & TRAFFIC ACCESS AND CIRCULATION, WILL NECESSARILY BE ADDRESSED AT THE SITE PLAN APPROVAL STAGE BASED UPON FUTURE PROPOSED LAYOUTS BY A FINAL END-USER.

Zoning Summary				
TRACT 3A	EXISTING ZONING: I-L	PROPOSED ZONING: R-H	672,276 SQ. FT. / 15.433 AC.	95%
8th STREET	EXISTING ZONING: R-H	PROPOSED ZONING: R-H	33,046 SQ. FT. / 0.759 AC.	5%
	TOTAL		705,322 SQ. FT. / 16.192 AC.	100%

LEGEND OF SYMBOLS & ABBREVIATIONS

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- US PUBLIC LAND SURVEY
- QUARTER SECTION CORNER
- CALCULATED MONUMENT CORNER
- DIMENSION CORNER ONLY
- EXISTING DRAINAGE FLOW DIRECTION ARROW



SCALE 1" = 100'

SURVEYED BY: J.C. I.K.
11-05-21

DRAWN BY: J.C. I.K.
01-30-24

PROJECT: WAL02-21-0003

FILE: W-2441

SCALE: 1"=100'

SHEET: 4 OF 8

Ueltsch, LLC

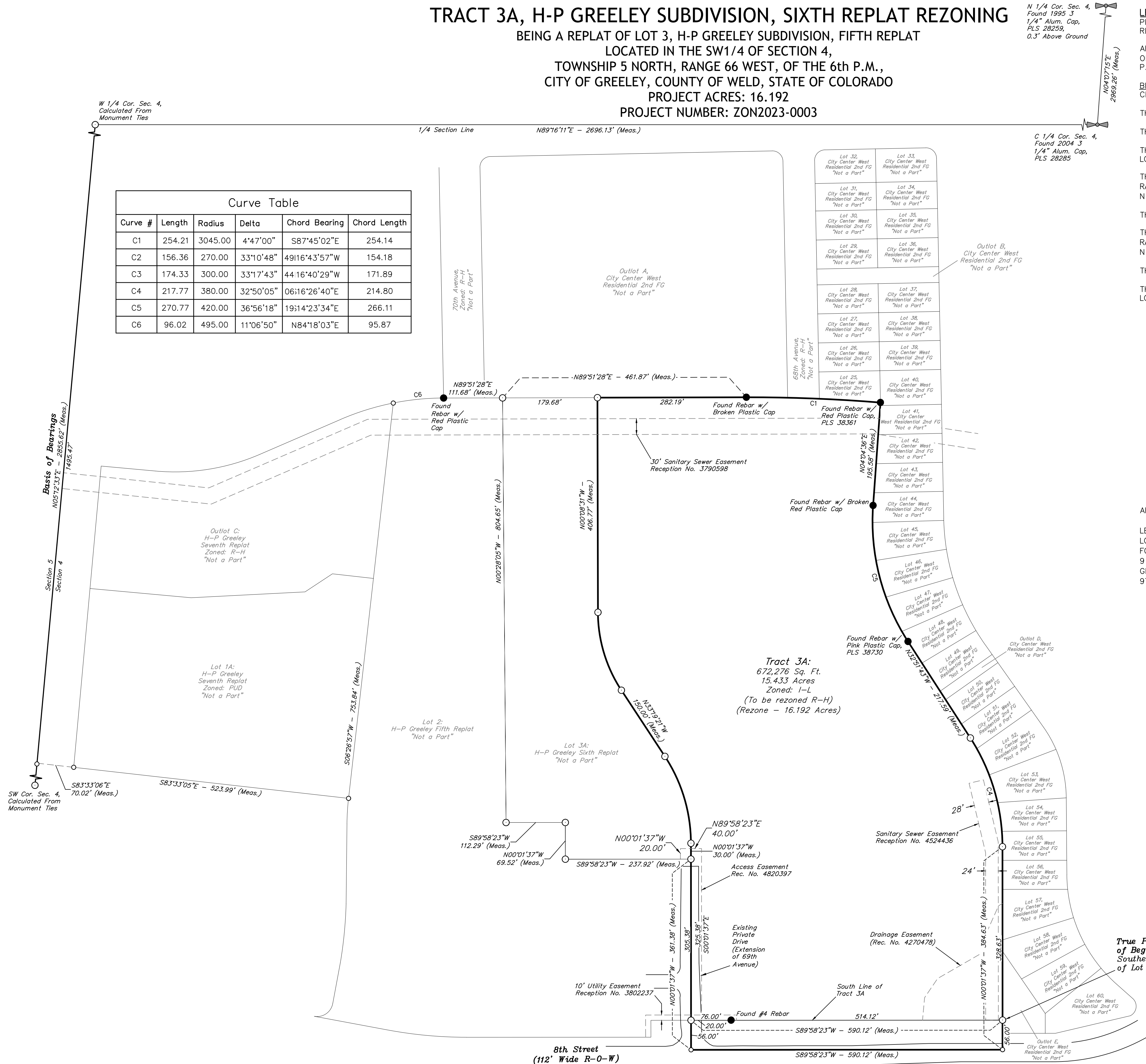
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Corporate Office * 85 South 200 East
Vernal, UT 84078 * (435) 789-1017

UINTAH

ZONING SUITABILITY MAP

TRACT 3A, H-P GREELEY SUBDIVISION,
SIXTH REPLAT REZONING

TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT REZONING
BEING A REPLAT OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT
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TOWNSHIP 5 NORTH, RANGE 66 WEST, OF THE 6th P.M.,
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
PROJECT ACRES: 16.192
PROJECT NUMBER: ZON2023-0003



Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
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LEGAL DESCRIPTION PREPARED BY:
LOREN K. SHANKS, COLORADO PLS 28285
FOR AND ON BEHALF OF UELS, LLC
913 38th AVENUE COURT
GREELEY, COLORADO 80634
970-506-1544

LEGEND OF SYMBOLS & ABBREVIATIONS

- Meas. — MEASURED BOUNDARY LINE
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- CALCULATED MONUMENT CORNER
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SCALE 1" = 100'

SURVEYED BY: J.C. 11-05-21	DRAWN BY: L.K. 01-30-24	PROJECT: WAL02-21-0003	FILE: W-2441	SCALE: 1"=100'	SHEET: 5 OF 8
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Corporate Office * 85 South 200 East
Vernal, UT 84078 * (435) 789-1017
PROJECT BOUNDARY MAP

TRACT 3A, H-P GREELEY SUBDIVISION,
SIXTH REPLAT REZONING

TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT REZONING

BEING A REPLAT OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT

LOCATED IN THE SW1/4 OF SECTION 4,

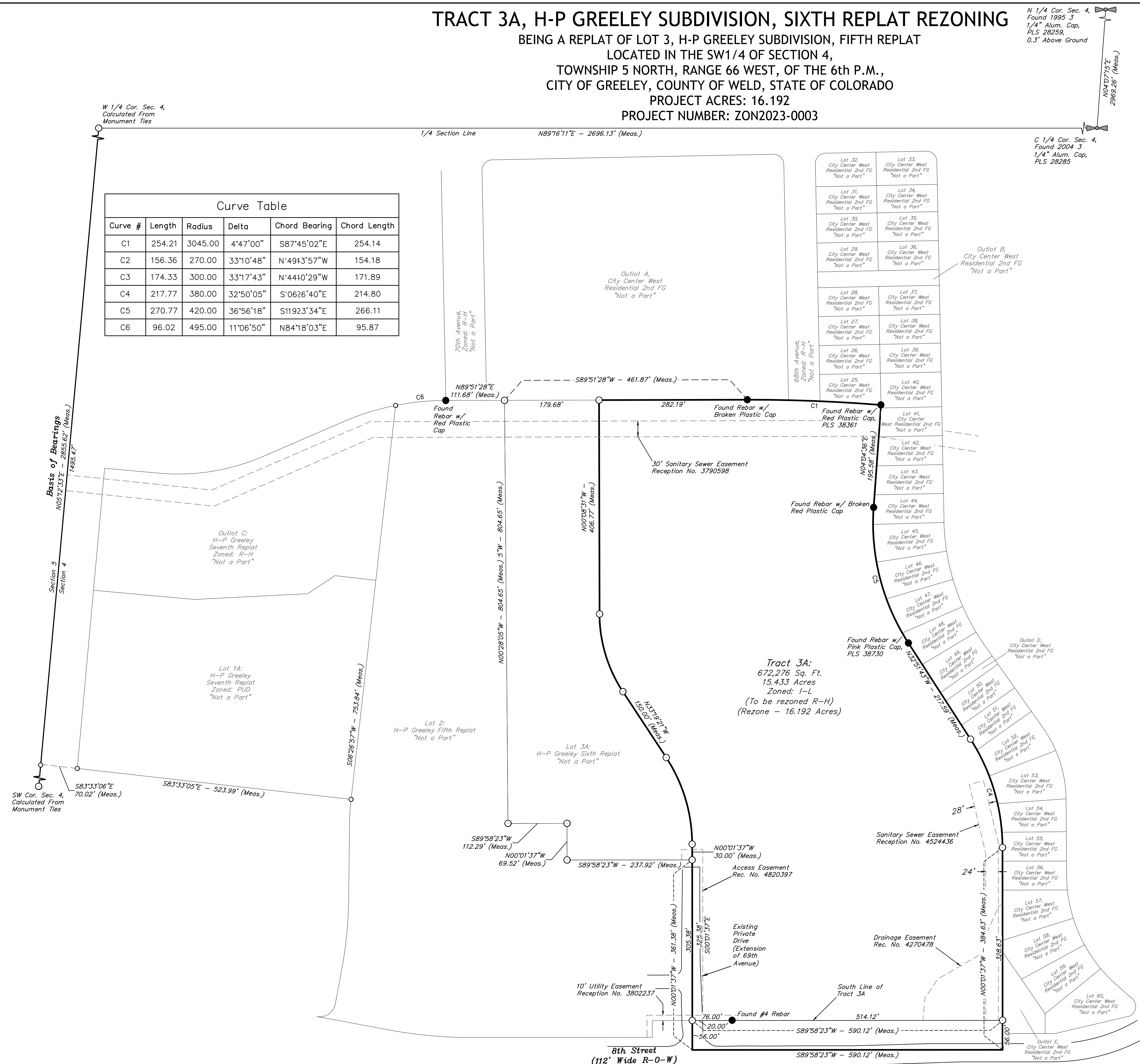
TOWNSHIP 5 NORTH, RANGE 66 WEST, OF THE 6th P.M.,

_____, COUNTY OF WELD, STATE OF COLORADO

PROJECT ACRES: 16.192

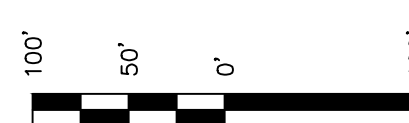
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LEGEND OF SYMBOLS & ABBREVIATIONS

- | | |
|---|----------------------------|
| <u>Meas.</u> | MEASURED |
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| | LOT LINES |
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| | QUARTER SECTION CORNER |
|  | CALCULATED MONUMENT CORNER |
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SCALE 1" = 100'

SURVEYED BY:	DRAWN BY:	PROJECT:	FILE:	SCALE:	SHEET:
J.C.	L.K.	WAL02-21-0003	W-2441	1"=100'	6 OF 8
11-05-21	01-30-24				

UELS, LLC

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Corporate Office 325 South 200 East
Vernal, UT 84078 * (435) 789-1017

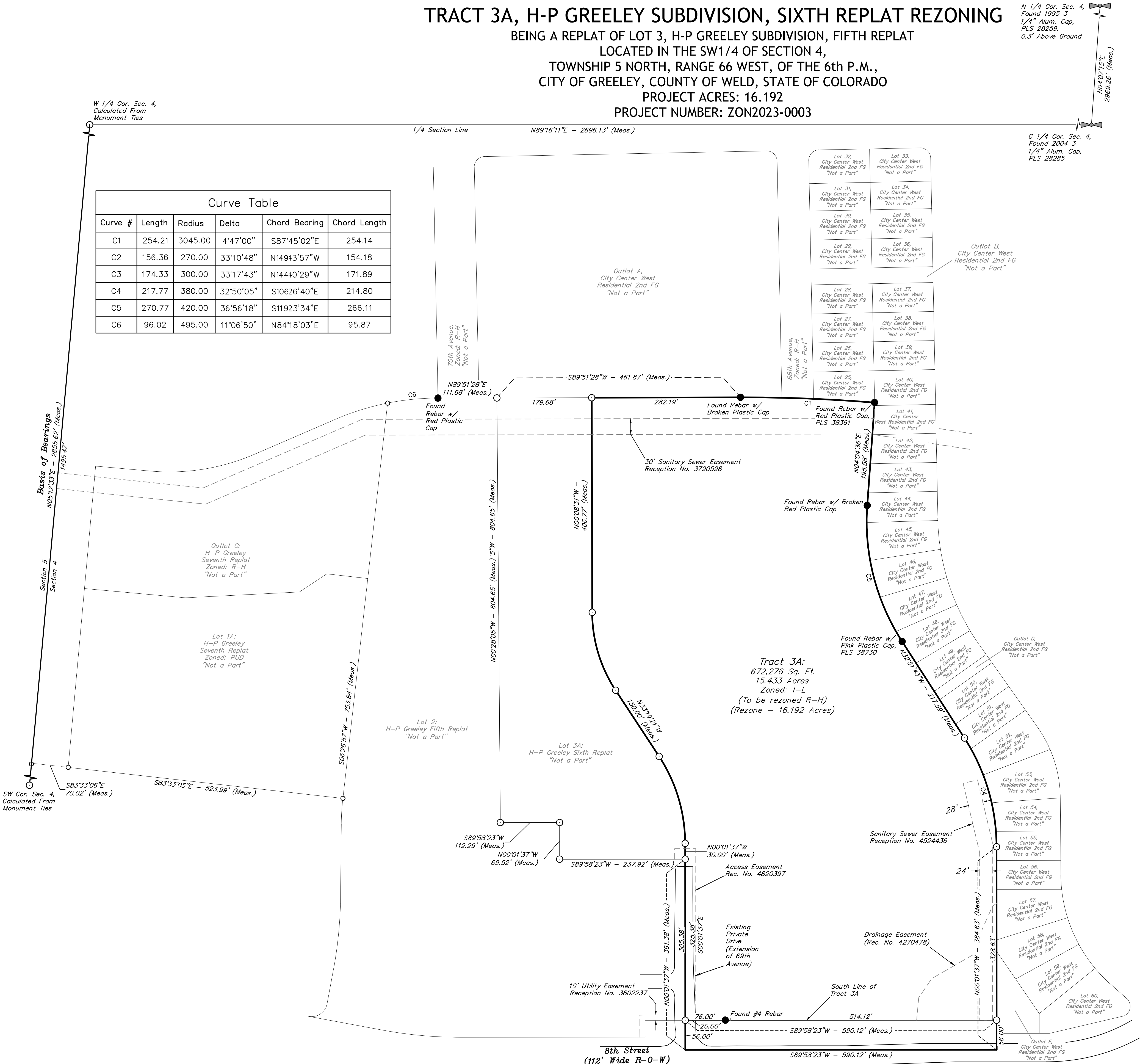
GENERAL LAYOUT

GENERAL LAYOUT NOTES:

- A) THIS REQUEST IS SOLELY FOR THE REZONE OF THE PARCEL FROM I-L TO R-H.
- B) A CONCEPTUAL SITE PLAN HAS NOT BEEN CREATED. GENERAL SITE ARRANGEMENT, CHARACTER OF STREETS AND OPEN SPACES ARE UNKNOWN AT THIS TIME.
- C) THE ANTICIPATED SCALE, INTENSITY, AND CHARACTER OF THE PROPOSAL ARE UNKNOWN AT THIS TIME.
- D) PARCEL WILL NOT BE LOCATED WITHIN A MIXED-USE ZONE DISTRICT.
- E) THERE ARE NO DEVELOPMENT PLANS OR PROPOSALS TIED TO THIS REQUEST. ANY AND ALL SITE-SPECIFIC DETAILS, INCLUDING PEDESTRIAN & TRAFFIC ACCESS AND CIRCULATION, WILL NECESSARILY BE ADDRESSED AT THE SITE PLAN APPROVAL STAGE BASED UPON FUTURE PROPOSED LAYOUTS BY A FINAL END-USER.

TRACT 3A, H-P GREELEY SUBDIVISION,
SIXTH REPLAT REZONING

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PHASING OR IMPLEMENTATION NOTES:

A) THIS REQUEST IS SOLELY FOR THE REZONE OF THE PARCEL FROM I-L TO R-H.

B) PHASING OR IMPLEMENTATION PLAN HAS NOT BEEN CREATED.

C) PHASES AND COMMITMENTS FOR EACH PHASE ARE UNKNOWN AT THIS TIME.

D) THERE ARE NO PROPOSED IMPROVEMENTS TO BE CONSTRUCTED AT THIS TIME.

E) THERE ARE NO DEVELOPMENT PLANS OR PROPOSALS TIED TO THIS REQUEST. ANY AND ALL SITE-SPECIFIC DETAILS, INCLUDING PEDESTRIAN & TRAFFIC ACCESS AND CIRCULATION, WILL NECESSARILY BE ADDRESSED AT THE SITE PLAN APPROVAL STAGE BASED UPON FUTURE PROPOSED LAYOUTS BY A FINAL END-USER.

LEGEND OF SYMBOLS & ABBREVIATIONS	
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—	BOUNDARY LINE
—	LOT LINES
●	CORNER FOUND
○	US PUBLIC LAND SURVEY
○	QUARTER SECTION CORNER
○	CALCULATED MONUMENT CORNER
○	DIMENSION CORNER ONLY

SURVEYED BY:
J.C.
11-05-21

DRAWN BY:
L.K.
01-30-24

PROJECT:
WAL02-21-0003

FILE:
W-2441

SCALE:
1"=100'

SHEET:
7 OF 8

UELTS, LLC

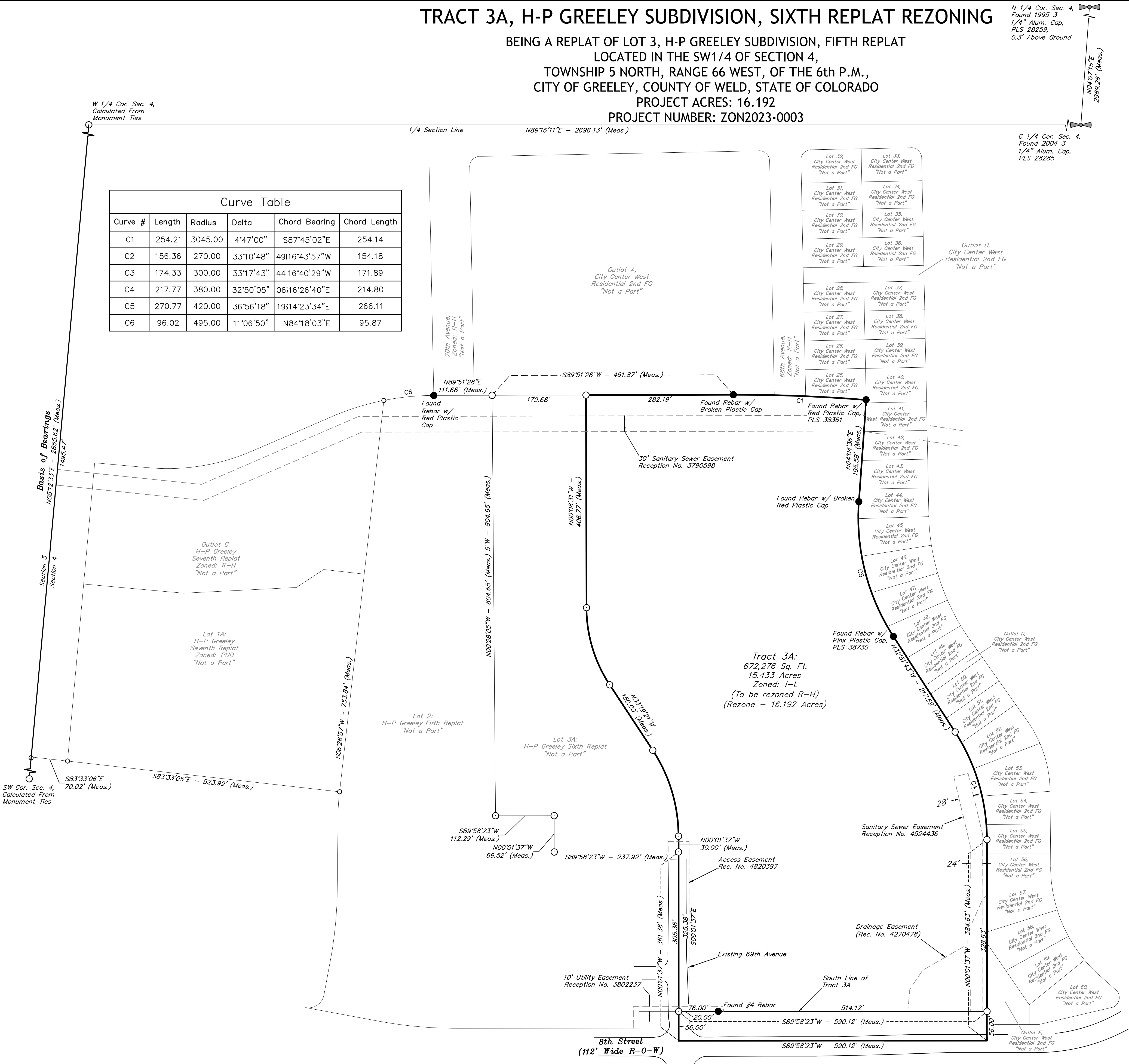
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PHASING OR IMPLEMENTATION

TRACT 3A, H-P GREELEY SUBDIVISION,
SIXTH REPLAT REZONING

TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT REZONING

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PROJECT ACRES: 16.192
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LEGEND OF SYMBOLS & ABBREVIATIONS

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UINTAH

DETAIL PLANS

DETAIL PLAN NOTES:

- A) THIS REQUEST IS SOLELY FOR THE REZONE OF THE PARCEL FROM I-L TO R-H.
- B) NO DETAIL PLANS HAVE BEEN CREATED.
- C) THERE ARE NO DEVELOPMENT PLANS OR PROPOSALS TIED TO THIS REQUEST. ANY AND ALL SITE-SPECIFIC DETAILS, INCLUDING PEDESTRIAN & TRAFFIC ACCESS AND CIRCULATION, WILL NECESSARILY BE ADDRESSED AT THE SITE PLAN APPROVAL STAGE BASED UPON FUTURE PROPOSED LAYOUTS BY A FINAL END-USER.

TRACT 3A, H-P GREELEY SUBDIVISION,
SIXTH REPLAT REZONING

Traffic Impact Study

HP Greeley Redevelopment

Greeley, Colorado

Prepared for:

Waltel Companies

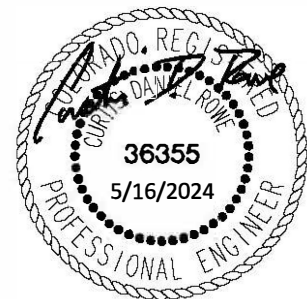
Kimley»Horn

HP Greeley Redevelopment

Greeley, Colorado

Prepared for
Waltel Companies
5801 W. 11th Street, #201
Greeley, Colorado 80634

Prepared by
Curtis D. Rowe, P.E., PTOE
Kimley-Horn and Associates, Inc.
6200 South Syracuse Way
Suite 300
Greenwood Village, Colorado 80111
(303) 228-2300



May 2024

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1.0 EXECUTIVE SUMMARY

Kimley-Horn has prepared this report to document the results of a Traffic Impact Study for the HP Greeley Redevelopment project proposed to be located on the northeast corner of the 8th Street and 69th Avenue intersection in Greeley, Colorado. For the purposes of this analysis, HP Greeley Redevelopment is anticipated to include approximately 288 multifamily housing units. It is expected that HP Greeley Redevelopment will be completed in the next couple years; therefore, analysis was conducted for the 2025 short-term buildout horizon as well as the 2045 long-term twenty-year planning horizon.

The purpose of this traffic study is to identify project traffic generation characteristics to determine potential project traffic related impacts on the local street system and to develop the necessary mitigation measures required for the identified traffic impacts. The following intersections were incorporated into this traffic study based on the City of Greeley requested scope:

- 4th Street & 69th Avenue (#1)
- 4th Street & 66th Avenue (#2)
- 8th Street & 71st Avenue (#3)
- 8th Street & 69th Avenue (#4)
- 10th Street (US-34B) & 69th Avenue (#5)

In addition, the proposed full movement access from the extension of 68th Avenue (#6) and the proposed left-in/right-out movement access along the north side 8th Street (#7) were evaluated.

Regional access to HP Greeley Redevelopment will be provided by US-34. Primary access will be provided by 4th Street, 71st Avenue, and 10th Street. Direct access will be provided by a proposed full movement access from the extension of 68th Avenue (#6) and a proposed left-in/right-out movement access along the north side of 8th Street (#7) to the east of 69th Avenue.

HP Greeley Redevelopment is expected to generate approximately 1,942 weekday daily trips, with 115 of these trips occurring during the morning peak hour and 147 of these trips occurring during the afternoon peak hour.

Based on the analysis presented in this report, Kimley-Horn believes HP Greeley Redevelopment will be successfully incorporated into the existing and future roadway network. Analysis of the existing street network, the proposed project development, and expected traffic volumes resulted in the following conclusions and recommendations:

2025 Recommendations:

- With completion of the HP Greeley Redevelopment project, a full movement access is proposed from the extension of 68th Avenue (#6) and a second with left-in/right-out movements allowed is proposed along the north side of 8th Street (#7). The access along 8th Street should operate with stop control on the southbound approach for vehicles exiting the development, and it is recommended that a R1-1 “STOP” sign be installed on the southbound exiting approach. Additionally, it is recommended that single lane approaches be designated on all three approaches at the 8th Street Access. To restrict left-out movements from this access, an R3-2 No Left Turn sign should be posted underneath the “STOP” sign, while an R3-1 No Right Turn sign should be posted on the westbound approach to this access. Additionally, the access configuration and curb design could be constructed as such to further restrict the undesired left-out and right-in turning movements at this access. It is believed that with these restrictions at the 8th Street access that this will aid in preventing undesired additional traffic along 66th Avenue between 4th Street Road and 8th Street.
- Traffic calming measures proposed to be added to the local streets of 68th Avenue and 4th Street Road to the north of the proposed development include a raised crosswalk at the midblock crossing of 68th Avenue, south of 4th Street Road and intersection bump-outs at the 4th Street Road and 68th Avenue intersections. These two measures for traffic calming will help control the speed of traffic movements into and out of this development area. Further, it is understood that 6th Street may be provided as a connection to and from the west for this development area. If this were to occur based on developments occurring along the east of 71st Avenue, an additional street network connection would provide an overall street network benefit providing another way into and out of this area.
- The threshold for requiring an access permit along State of Colorado Department of Transportation (CDOT) roadways occurs when project traffic is anticipated to increase the existing access traffic volumes by more than 20 percent. Based on traffic projections, the



addition of project traffic on the north leg of 69th Avenue at US-34 Business (10th Street) intersection is not anticipated to increase existing access traffic volumes by more than 20 percent. Therefore, a CDOT access permit is not anticipated to be required in association with this project.

2045 Recommendations:

- If future traffic volumes are realized by 2045, it is recommended that a third eastbound and westbound through lane be designated along 10th Street at the intersection with 69th Avenue (#5). To accommodate the third through lane in each direction along 10th Street, the auxiliary right turn lanes along 10th Street could be absorbed with the outside lanes being converted to a shared through/right turn lane in each direction.

General Recommendations:

- Any onsite or offsite improvements should be incorporated into the Civil Drawings and conform to standards of the City of Greeley, CDOT, and the Manual on Uniform Traffic Control Devices (MUTCD) – 2009 Edition.

2.0 INTRODUCTION

The HP Greeley Redevelopment project is proposed to be located on the northeast corner of the 8th Street and 69th Avenue intersection in Greeley, Colorado. A vicinity map illustrating the HP Greeley Redevelopment project location is shown in **Figure 1**. For the purposes of this analysis, HP Greeley Redevelopment is anticipated to include approximately 288 multifamily housing units. It is expected that HP Greeley Redevelopment will be completed in the next couple years; therefore, analysis was conducted for the 2025 short-term buildout horizon as well as the 2045 long-term twenty-year planning horizon.

The purpose of this traffic study is to identify project traffic generation characteristics to determine potential project traffic related impacts on the local street system and to develop the necessary mitigation measures required for the identified traffic impacts. The following intersections were incorporated into this traffic study based on the City of Greeley requested scope:

- 4th Street & 69th Avenue (#1)
- 4th Street & 66th Avenue (#2)
- 8th Street & 71st Avenue (#3)
- 8th Street & 69th Avenue (#4)
- 10th Street (US-34B) & 69th Avenue (#5)

In addition, the proposed full movement access from the extension of 68th Avenue (#6) and the proposed left-in/right-out movement access along the north side 8th Street (#7) were evaluated.

Regional access to HP Greeley Redevelopment will be provided by US-34. Primary access will be provided by 4th Street, 71st Avenue, and 10th Street. Direct access will be provided by the proposed full movement access from the extension of 68th Avenue (#6) and the proposed left-in/right-out movement access along the north side of 8th Street (#7).

This traffic study was scoped with the City of Greeley staff and the approved base assumptions for this analysis are provided in **Appendix A** for reference.

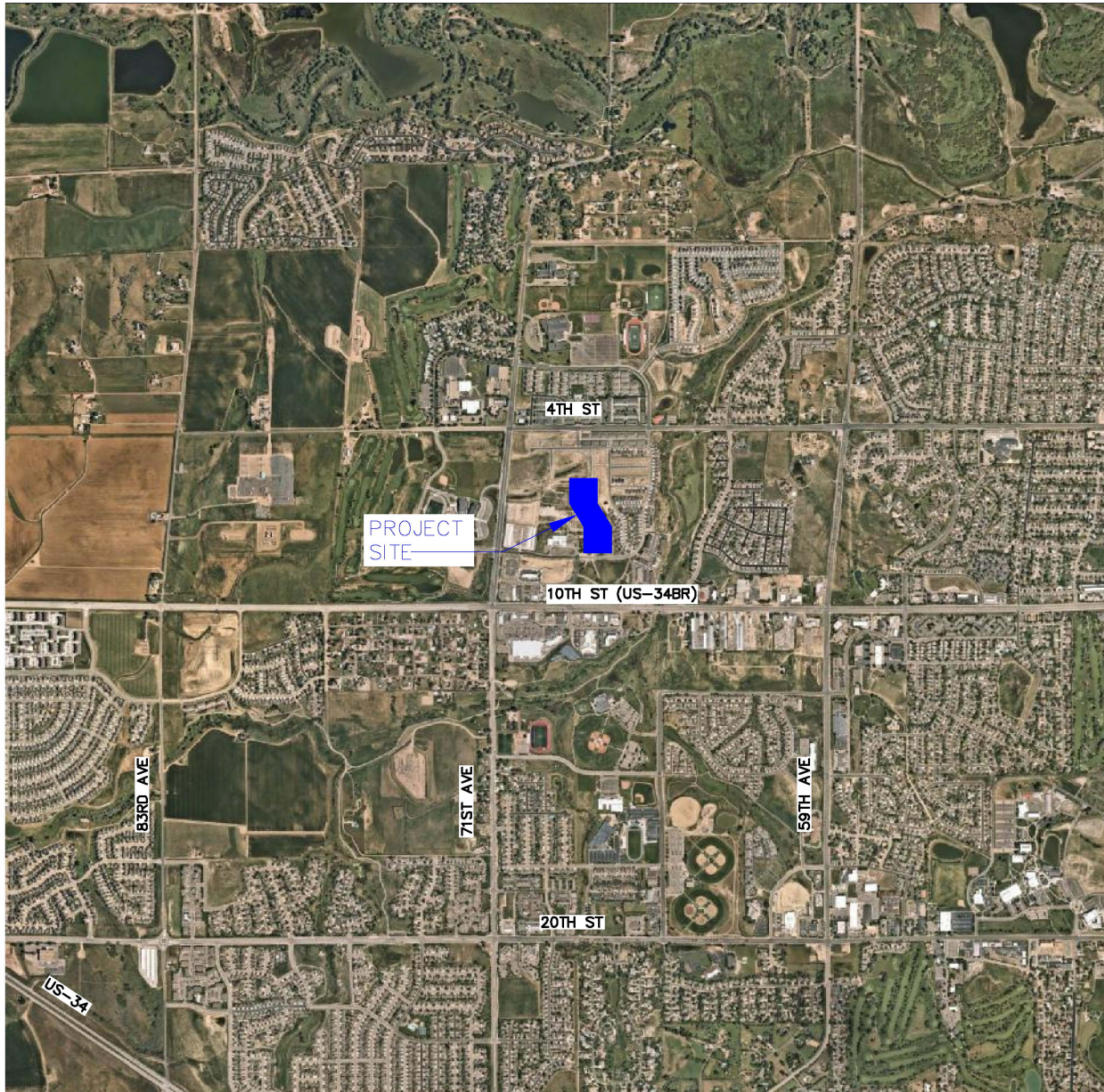


FIGURE 1
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
VICINITY MAP

3.0 EXISTING AND FUTURE CONDITIONS

3.1 Existing Study Area

The existing site is comprised of vacant land previously occupied by the HP development. North of the project site are multifamily homes and Northridge High School. To the south of the project site is the West Ridge Academy Charter School and commercial land uses. West of the project is Tointon Academy and a golf course. East of the project site are single family homes.

3.2 Existing Roadway Network

4th Street extends east/west with two through lanes in each direction. The posted speed limit along 4th Street near the site is 40 miles per hour. 4th Street is classified as a minor arterial by the City of Greeley.

69th Avenue extends in the north/south direction as a two-lane roadway. 66th Avenue extends north/south with one through lane in each direction and has a posted speed limit of 30 miles per hour. 8th Street extends east/west as a two-lane roadway with a posted speed limit of 35 miles per hour.

71st Avenue extends northbound and southbound with two through lanes in each direction and has a posted speed limit of 40 miles per hour within the study limits. 71st Avenue is classified as a minor arterial roadway.

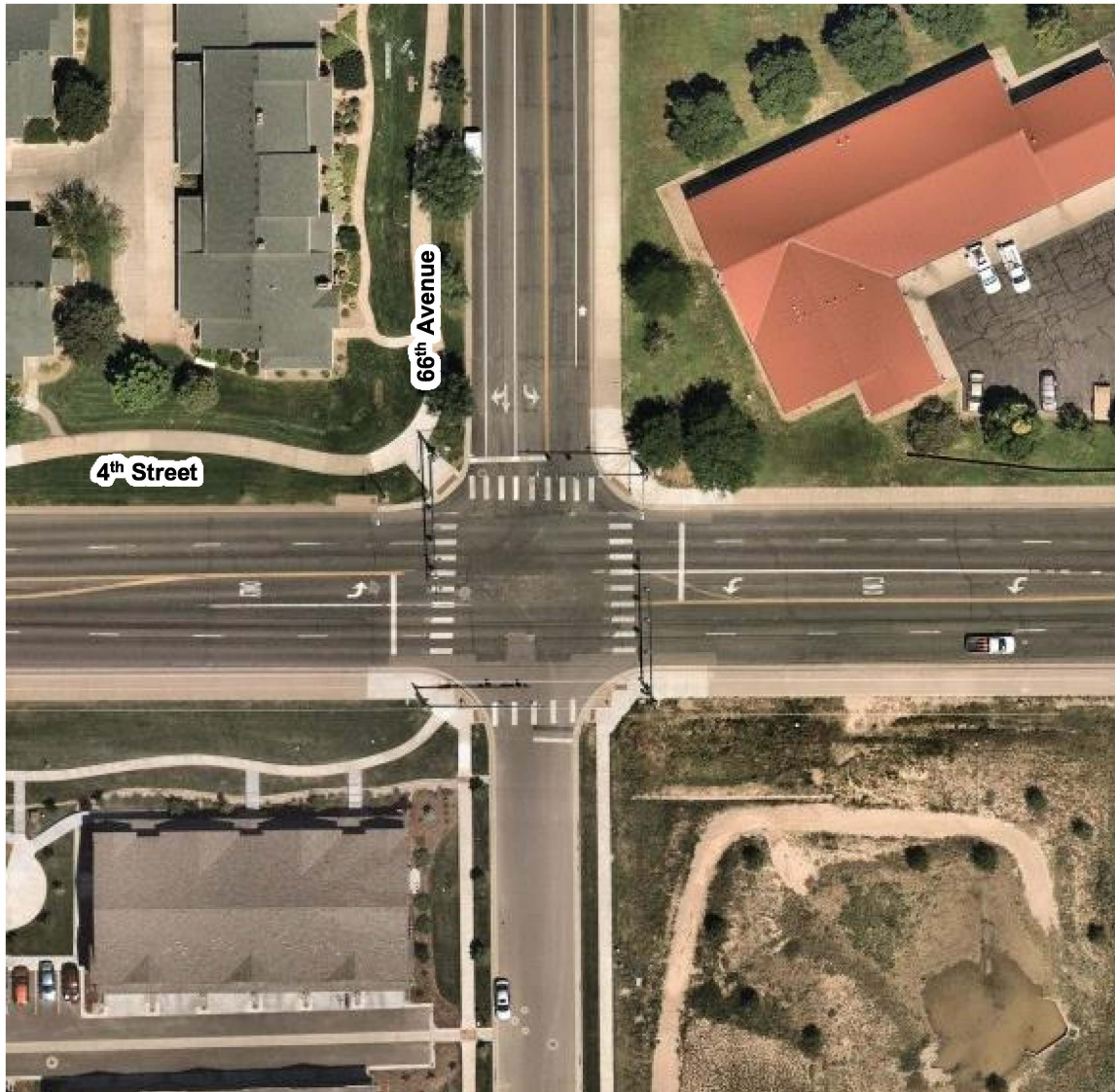
10th Street (US-34 Business) extends east/west with two through lanes in each direction and has a posted speed limit of 55 mile per hour. CDOT categorizes 10th Street (US-34 Business) as a NR-B: Non-Rural Arterial Roadway.

The unsignalized intersection of 4th Street and 69th Avenue (#1) operates with stop control on the northbound and southbound 69th Avenue approaches. The northbound approach of this intersection provides a left turn lane and a shared through/right turn lane while the southbound approach consists of one shared lane for all movements. The eastbound and westbound approaches consist of a shared left turn/through lane, one exclusive through lane, and a right turn lane. An aerial photo of the existing intersection configuration is below (north is up - typical).



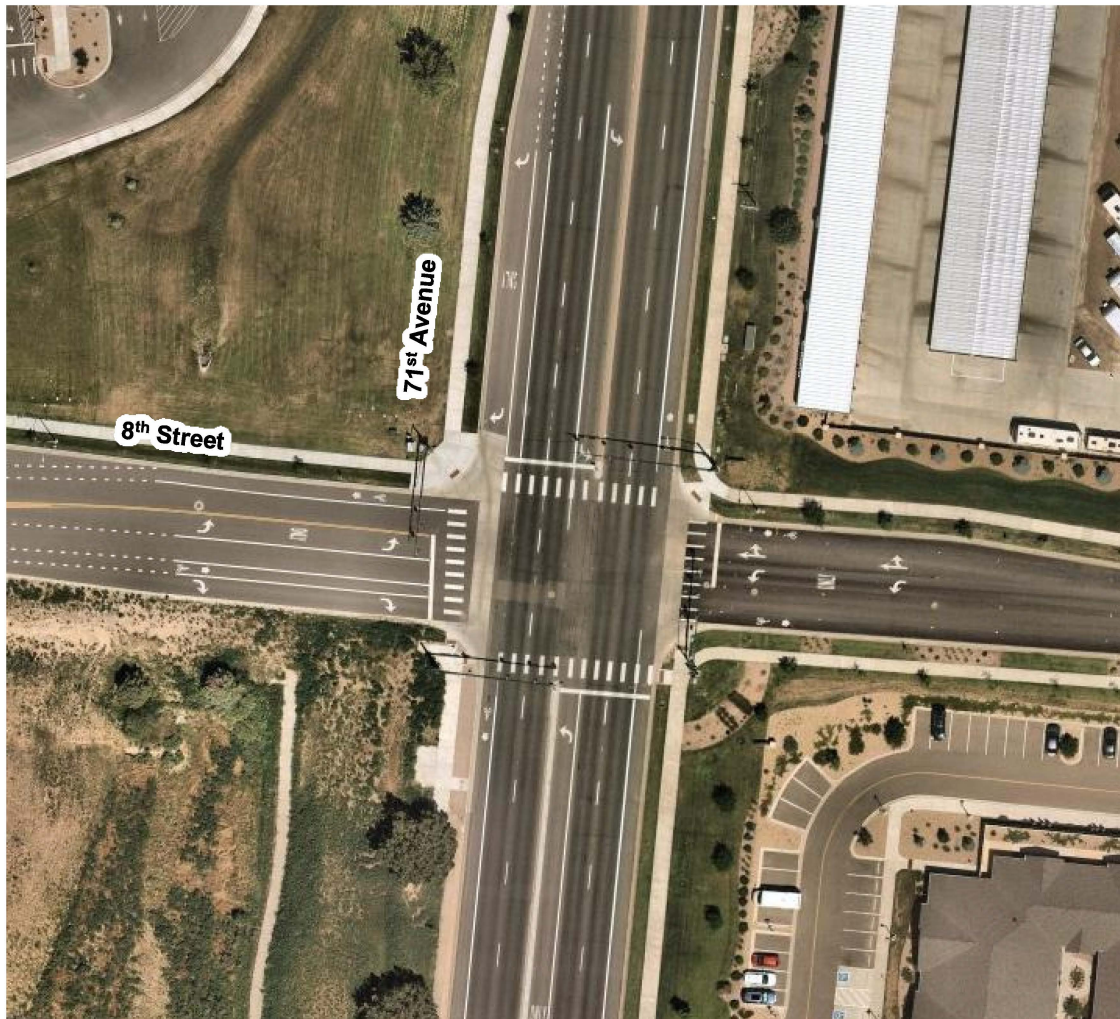
4th Street and 69th Avenue (#1)

The signalized intersection of 4th Street and 66th Avenue (#2) operates with permissive-only left turn phasing on all four approaches. The northbound approach provides on shared lane for all movements. The southbound approach consists of one left turn lane and a shared through/right turn lane. The eastbound and westbound approaches consist of one left turn lane and two through lanes with the outside lane being a shared through/right turn lane. An aerial photo of the existing intersection configuration is below.



4th Street and 66th Avenue (#2)

The intersection of 8th Street and 71st Avenue (#3) operates signal control. The northbound approach of this intersection consists of one left turn lane and two through lanes with the outside lane being a shared through/right turn lane while the southbound approach provides one left turn lane, two through lanes, and a right turn lane. The eastbound approach consists of one left turn lane, one through lane, and one right turn lane. The westbound approach provides one left turn lane and a shared through/right turn lane. An aerial photo of the existing intersection configuration is below.



8th Street and 71st Avenue (#3)

The unsignalized intersection of 8th Street and 69th Avenue (#4) operates with stop-control on all four approaches. The northbound approach consists of one left turn lane and shared through/right turn lane. The southbound, eastbound, and westbound approaches consist of one shared lane for all movements. An aerial photo of the existing intersection configuration is below.



8th Street and 69th Avenue (#4)

The signalized intersection of 10th Street and 69th Avenue (#5) operates with protected-only left turn phasing on the northbound and southbound approaches and protected-permissive left turn phasing on the eastbound and westbound approaches. The northbound approach consists of one left turn lane, one through lane, and one right turn lane while the southbound approach provides dual left turn lanes, one through lane, and one right turn lane. The eastbound and westbound approaches consist of one left turn lane, two through lanes, and one right turn lane. An aerial photo of the existing intersection configuration is below.



10th Street and 69th Avenue (#5)

The intersection lane configuration and control for the study area intersections are shown in **Figure 2**.

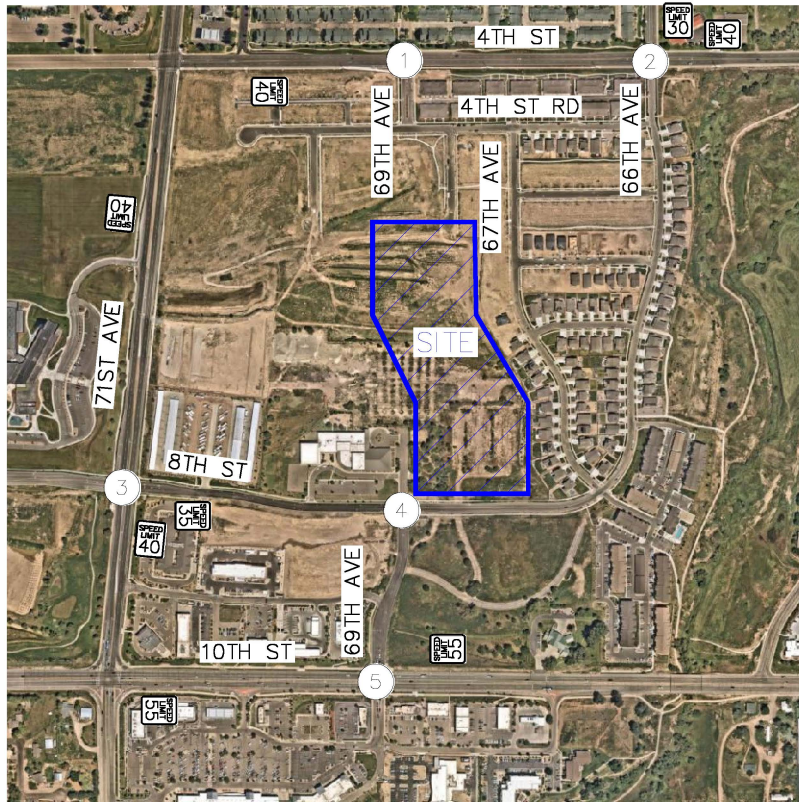
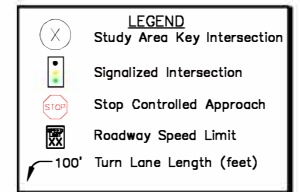
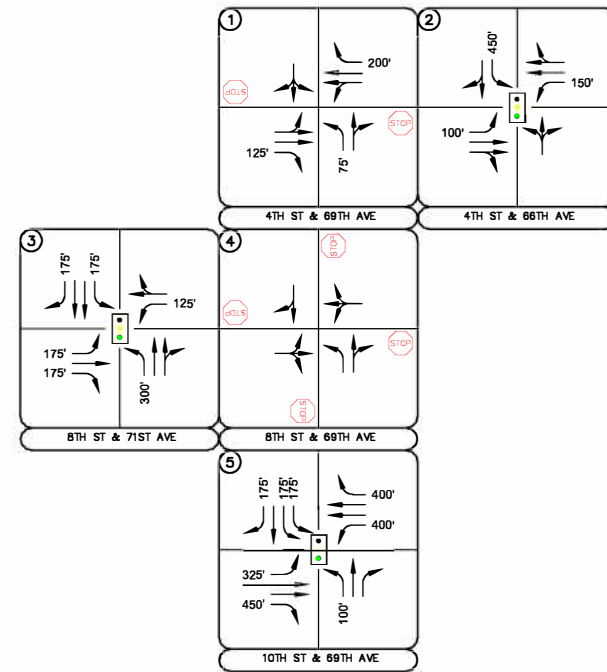


FIGURE 2
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
EXISTING GEOMETRY AND CONTROL



3.3 Existing Traffic Volumes

Existing turning movement counts were conducted at the study intersections on following dates during the weekday morning and afternoon peak hours:

- 4th Street/66th Avenue (#2), 8th Street/71st Avenue (#3), 10th Street/69th Avenue (#5) on Tuesday, May 16, 2023
- 8th Street/69th Avenue (#4) on Thursday, May 18, 2023
- 4th Street/69th Avenue (#1) on Wednesday, September 27, 2023

The counts were conducted during the morning and afternoon peak hours of adjacent street traffic in 15-minute intervals from 7:00 AM to 9:00 AM and 3:00 PM to 6:00 PM on these count dates. The existing intersection traffic volumes are shown in **Figure 3** with count sheets provided in **Appendix B**.

3.4 Unspecified Development Traffic Growth

According to information provided on the website for the Colorado Department of Transportation (CDOT), the 20-year growth factor along US-34 Business (10th Street) in the vicinity of the site is 1.51. The 20-year growth factor equates to annual growth rate of 2.0 percent. Traffic information from the CDOT Online Transportation Information System (OTIS) website is included in **Appendix C**. This annual growth rate was used to estimate near-term 2025 and long-term 2045 traffic volume projections at the key intersections. Additionally, traffic volumes from the Avere at Northridge, Northridge Multifamily, Woodspring Suites, 10th Street Mixed-Use Development, and the remaining City Center West developments were added to the background traffic volumes. Applicable documents from the adjacent development are attached in **Appendix C**. Background traffic volumes for 2025 and 2045 are shown in **Figures 4** and **5**, respectively.

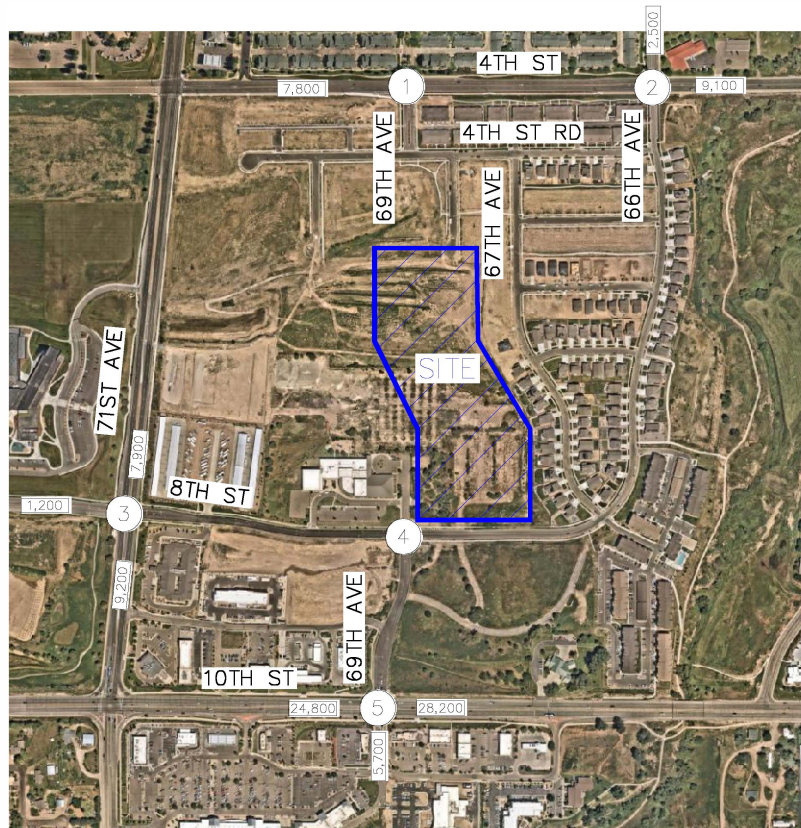
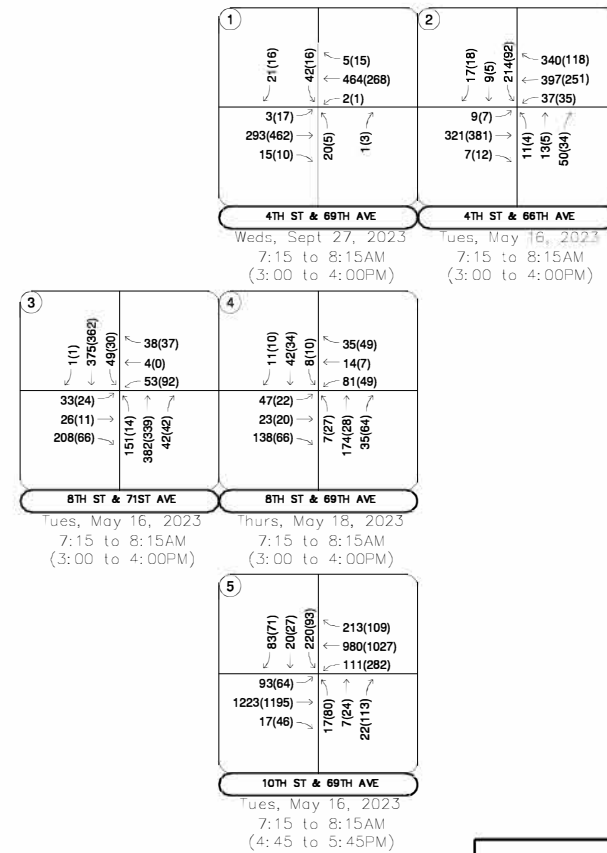


FIGURE 3
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
2023 EXISTING TRAFFIC VOLUMES



LEGEND	
(X)	Study Area Key Intersection
xxx(xxx)	Weekday AM(PM)
	Peak Hour Traffic Volumes
xx,x00	Estimated Daily Traffic Volume



1 21(16) 2(4) 42(16) 3(17) 328(521) 20(25)	2 5(15) 511(310) 17(44) 39(32) 14(11) 249(110) 362(144) 434(320) 47(55)
4TH ST & 69TH AVE	4TH ST & 66TH AVE
3 1(1) 436(413) 68(66) 34(25) 26(11) 216(69)	4 11(10) 42(34) 8(10) 47(22) 30(40) 175(135)
6TH ST & 71ST AVE	6TH ST & 69TH AVE
5 149(166) 32(42) 300(212) 132(138) 1272(1243) 17(46)	278(219) 1030(1093) 111(282) 17(80) 16(41) 22(113)
10TH ST & 69TH AVE	

FIGURE 4
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
2025 BACKGROUND TRAFFIC VOLUMES

LEGEND	
(X)	Study Area Key Intersection
XXX(XXX)	Weekday AM(PM) Peak Hour Traffic Volumes
XX,X00	Estimated Daily Traffic Volume

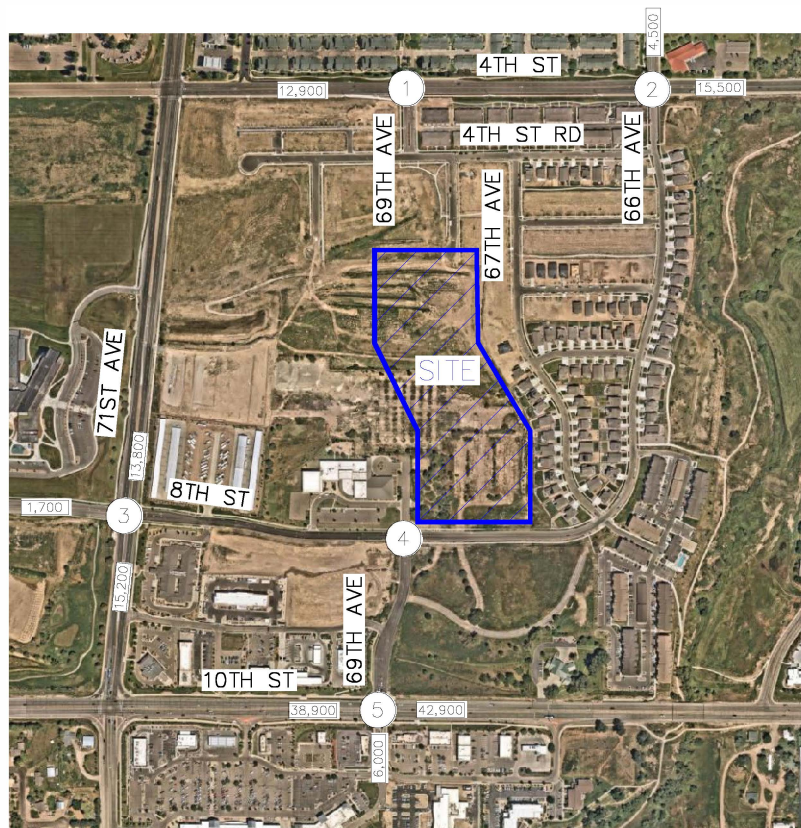
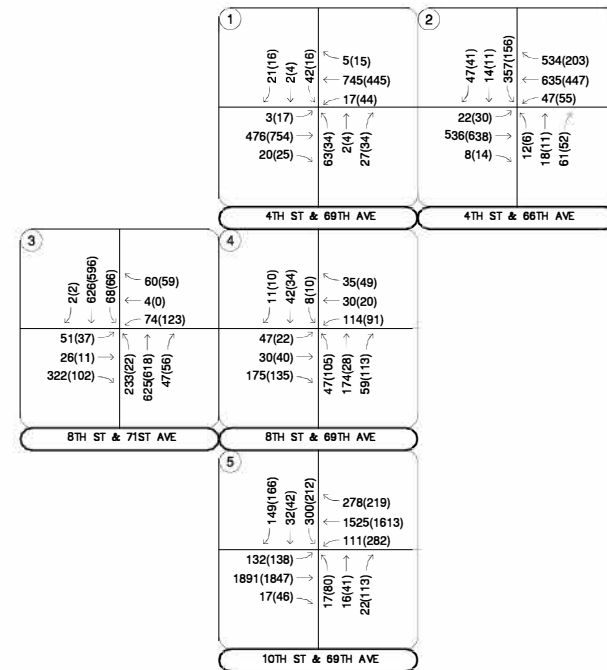


FIGURE 5
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
2045 BACKGROUND TRAFFIC VOLUMES



LEGEND	
	Study Area Key Intersection
xxx(yyy)	Weekday AM(PIA) Peak Hour Traffic Volumes
xx,xxx	Estimated Daily Traffic Volume

4.0 PROJECT TRAFFIC CHARACTERISTICS

4.1 Trip Generation

Site-generated traffic estimates are determined through a process known as trip generation. Rates and equations are applied to the proposed land use to estimate traffic generated by the development during a specific time interval. The acknowledged source for trip generation rates is the *Trip Generation Manual*¹ published by the Institute of Transportation Engineers (ITE). ITE has established trip rates in nationwide studies of similar land uses. For this study, Kimley-Horn used the ITE Trip Generation Report average rates that apply to Multifamily Low-Rise Housing (ITE Land Use Code 220) for traffic associated with the development.

HP Greeley Redevelopment is expected to generate approximately 1,942 weekday daily trips, with 115 of these trips occurring during the morning peak hour and 147 of these trips occurring during the afternoon peak hour. Calculations were based on the procedure and information provided in the ITE *Trip Generation Manual, 11th Edition – Volume 1: User's Guide and Handbook*, 2021. **Table 1** summarizes the estimated trip generation for the HP Greeley Redevelopment. The trip generation worksheets are included in **Appendix D**.

Table 1 – HP Greeley Redevelopment Traffic Generation

Land Use and Size	Weekday Vehicle Trips						
	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Multifamily Low-Rise Housing (ITE 220) – 288 Dwelling Units	1,942	28	87	115	93	54	147

A trip generation comparison for this HP Greeley Redevelopment project with the original City Center West Traffic Impact Study has been provided below in **Table 2**. The *City Center West Traffic Impact Study* was prepared by Kimley-Horn and Associates, Inc. and completed in July 2015. The location of current redevelopment proposal was previously evaluated as the HP building in the original traffic study which included 300,000 square feet of manufacturing space.

¹ Institute of Transportation Engineers, *Trip Generation Manual*, Eleventh Edition, Washington DC, 2021.

The trip generation of the proposed HP Greeley Redevelopment Project was compared to the land use as part of the original traffic study within the same development area (HP Building). The HP Building was originally considered to include 300,000 square feet of manufacturing space. Applicable documents from original *City Center West Traffic Impact Study* are included in **Appendix C**.

Trip generation was previously based on the ITE Trip Generation, 9th Edition (current edition at time of original study) equations for Manufacturing (ITE Code 140). The following **Table 2** summarizes the estimated trip generation for the proposed HP Greeley Redevelopment Project compared to the trips generated by the same development area in the original traffic study.

Table 2 – HP Greeley Redevelopment Trip Generation Comparison

Land Use and Size	Weekday Vehicle Trips						
	Daily	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Original City Center West Traffic Impact Study (HP Building) – ITE 9 th Edition							
Manufacturing (ITE 140) – 300,000 SF	1,144	171	48	219	78	140	218
Current Proposal – ITE 11 th Edition							
Multifamily Low-Rise Housing (ITE 220) – 288 Dwelling Units	1,942	28	87	115	93	54	147
Net Change	+798	-143	+39	-104	+15	-86	-71

As summarized in the **Table 2**, the HP Building in the original traffic study was previously expected to generate approximately 1,144 weekday daily vehicle trips, with 219 of these trips occurring during the morning peak hour, and 218 trips occurring during the afternoon peak hour. The currently proposed HP Greeley Redevelopment Project with 288 units of multifamily residential is anticipated to generate 1,942 daily weekday trips with 115 trips occurring during the morning peak hour and 147 trips occurring during the afternoon peak hour. Therefore, the proposed rezone with redevelopment is anticipated to generate 104 fewer morning peak hour trips and 71 fewer afternoon peak hour trips than the use that previously occupied the site and as originally studied in the same development area. This identifies that the proposed HP Greeley Redevelopment is in traffic compliance with the original traffic study by reducing traffic generated during the peak hours.

4.2 Trip Distribution

Distribution of site traffic on the street system was based on the area street system characteristics, existing traffic patterns, existing and anticipated surrounding employment, school, and attraction information, and the proposed access system for the project. The directional distribution of traffic is a means to quantify the percentage of site-generated traffic that approaches the site from a given direction and departs the site back to the original source. The project trip distribution for the proposed development is illustrated in **Figure 6**.

4.3 Traffic Assignment

HP Greeley Redevelopment traffic assignment was obtained by applying the project trip distribution to the estimated traffic generation of the development shown in **Table 1**. Traffic assignment is shown in **Figure 7**. Of note, daily traffic volume assignment on the internal local and collector streets within City Center West has been shown on this figure as requested by the City of Greeley.

4.4 Total (Background Plus Project) Traffic

Site traffic volumes were added to the background volumes to represent estimated traffic conditions for the short-term 2025 buildout horizon and long-term 2045 twenty-year planning horizon. These total traffic volumes for the study area are illustrated for the 2025 and 2045 horizon years in **Figures 8 and 9**, respectively.

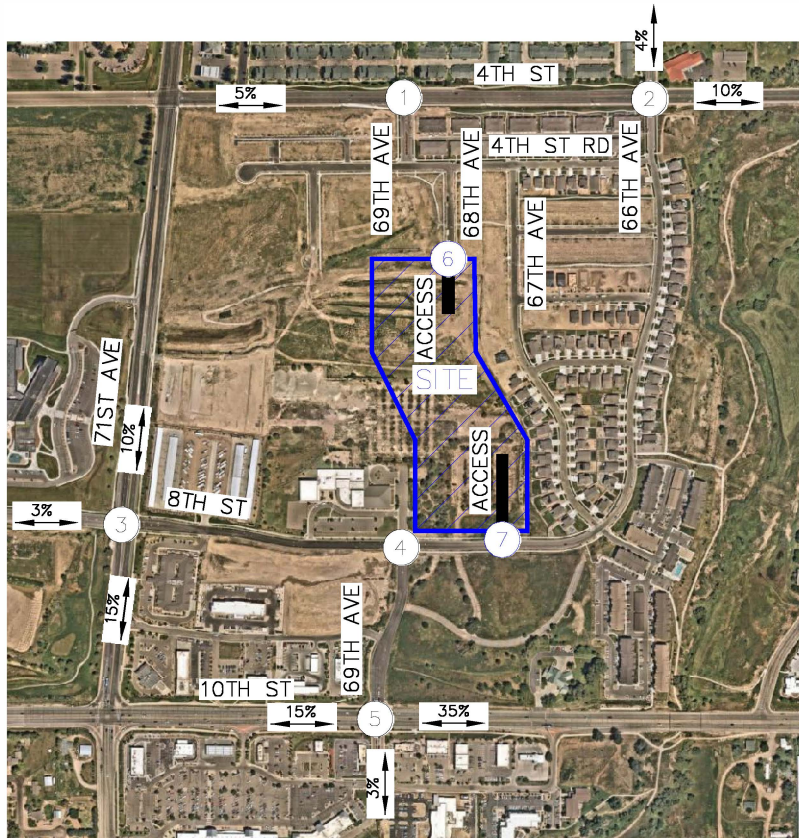
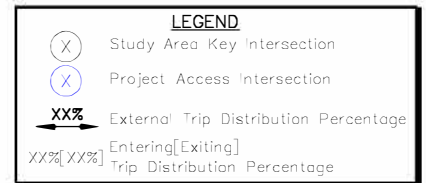
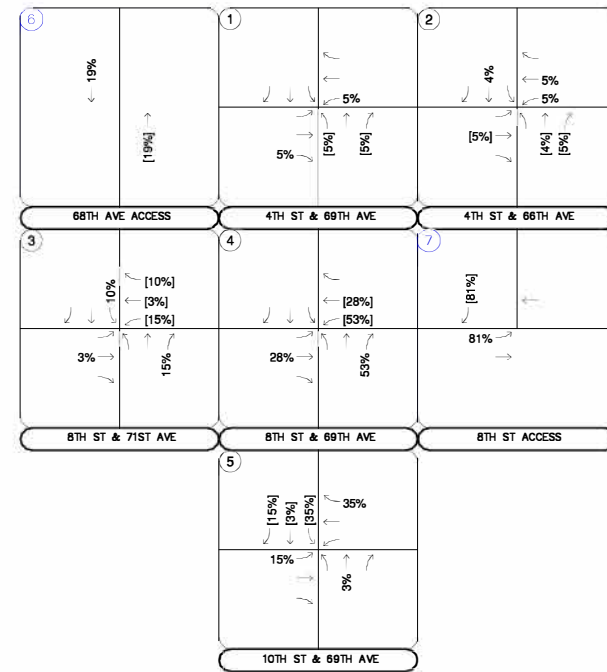


FIGURE 6
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
PROJECT TRIP DISTRIBUTION



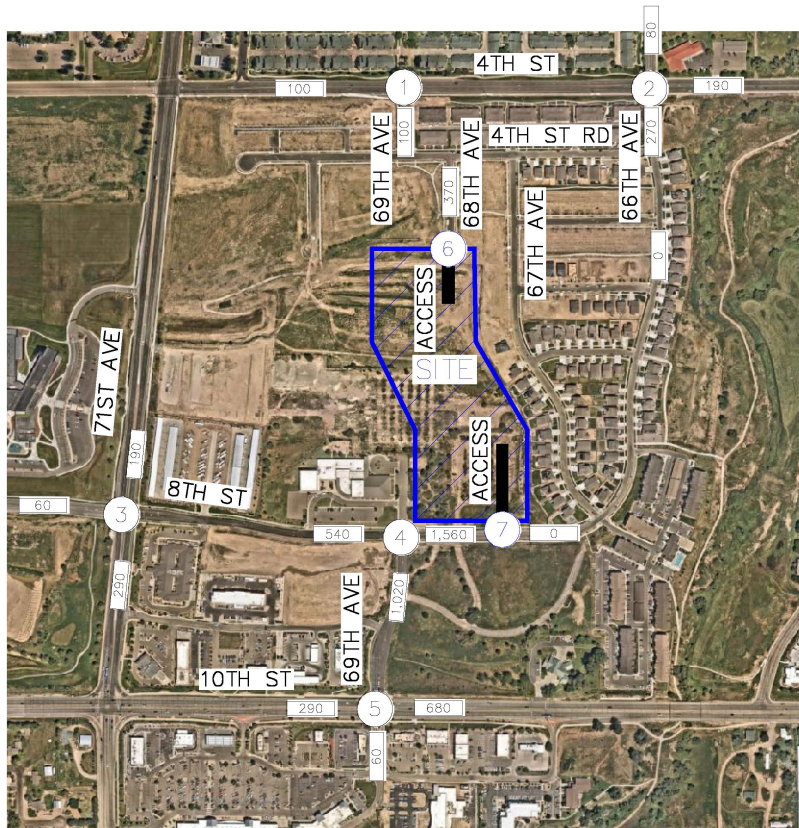
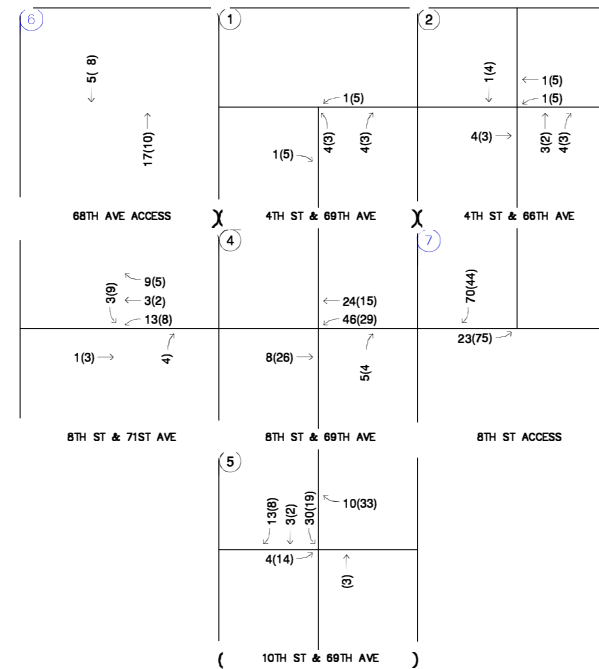


FIGURE 7
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
PROJECT TRAFFIC ASSIGNMENT



LEGEND

- (X) Study Area Key Intersection
- (X) Project Access Intersection
- xxx(yyy) Weekday AM(PM)
Peak Hour Traffic Volumes
- xx,xxx Estimated Daily Traffic Volume

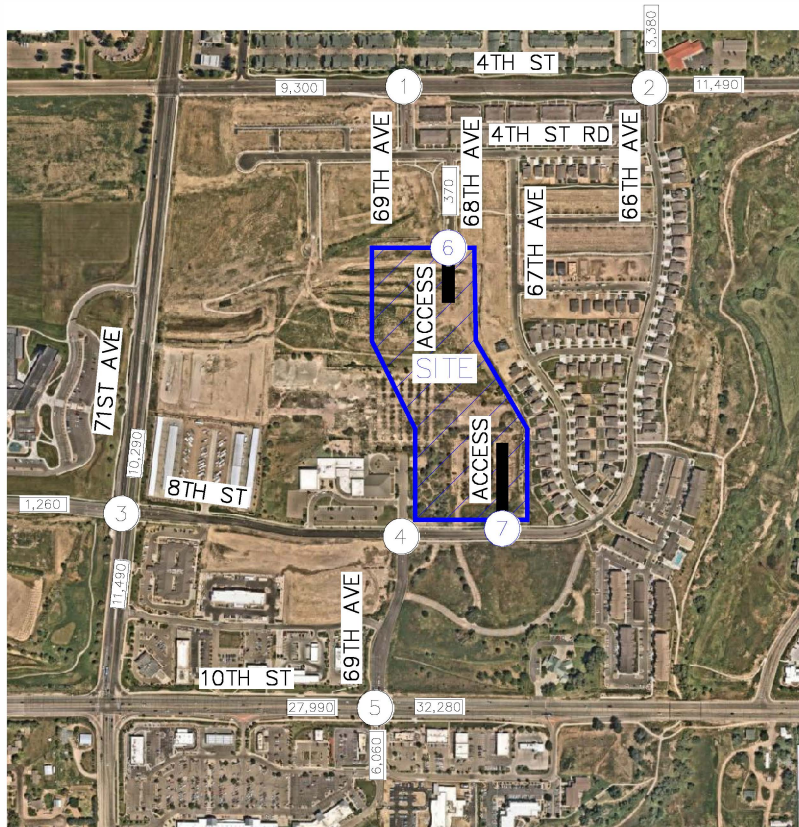
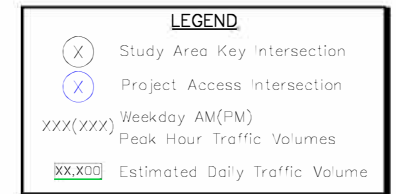
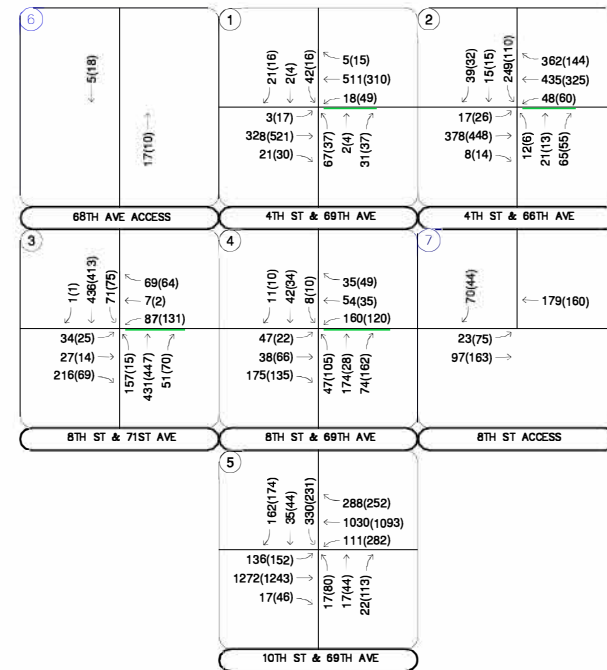


FIGURE 8
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
2025 TOTAL TRAFFIC VOLUMES



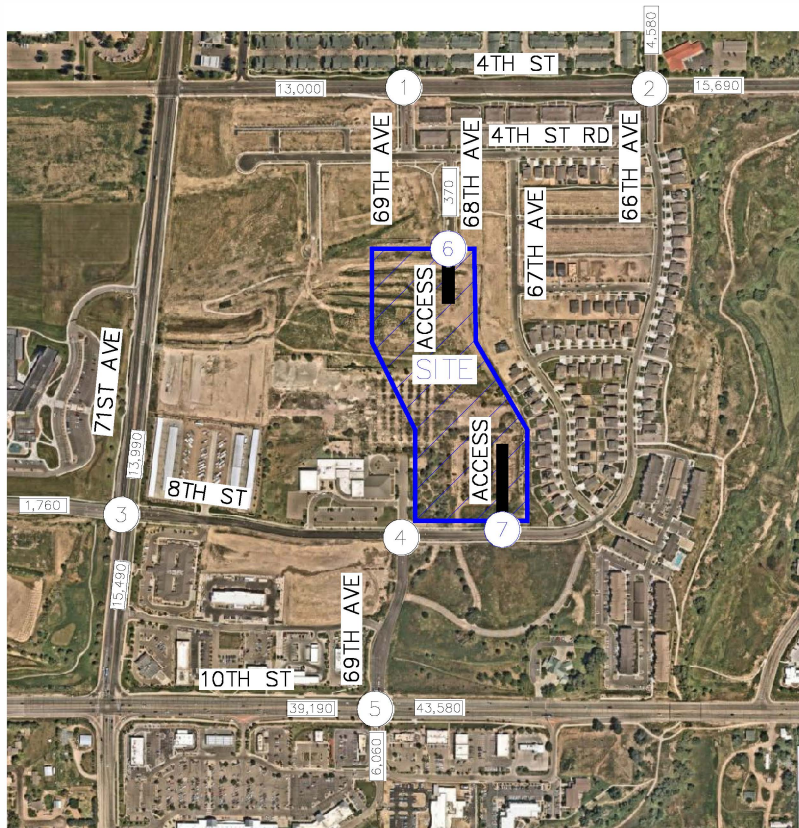


FIGURE 9
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
2045 TOTAL TRAFFIC VOLUMES

6 5(18) 17(10)	1 21(16) 2(4) 42(16) 5(15) 745(445) 18(49) 3(17) 476(754) 21(30)	2 47(41) 15(15) 357(156) 534(203) 636(452) 48(60) 22(30) 540(641) 8(14) 12(6) 21(13) 65(55)
68TH AVE ACCESS	4TH ST & 69TH AVE	4TH ST & 66TH AVE
3 2(2) 626(596) 71(75) 69(64) 7(2) 87(131) 51(37) 27(14) 322(102) 233(22) 625(618) 51(70)	4 11(10) 42(34) 8(10) 35(49) 54(35) 160(120) 47(22) 38(66) 175(135) 47(105) 174(28) 74(162)	7 70(44) 179(160) 23(75) 97(163)
8TH ST & 71ST AVE	8TH ST & 69TH AVE	8TH ST ACCESS
5 162(174) 35(44) 330(231) 288(252) 1525(1613) 111(282) 136(152) 1891(1847) 17(46) 17(60) 17(44) 22(113)	10TH ST & 69TH AVE	

LEGEND	
(X)	Study Area Key Intersection
(X)	Project Access Intersection
xxx(yyy)	Weekday AM(PM)
xxx(yyy)	Peak Hour Traffic Volumes
xx,xxx	Estimated Daily Traffic Volume

5.0 TRAFFIC OPERATIONS ANALYSIS

Kimley-Horn's analysis of traffic operations in the site vicinity was conducted to determine potential capacity deficiencies in the 2025 and 2045 development horizons at the identified key intersections. The acknowledged source for determining overall capacity is the *Highway Capacity Manual (HCM)*².

5.1 Analysis Methodology

Capacity analysis results are listed in terms of Level of Service (LOS). LOS is a qualitative term describing operating conditions a driver will experience while traveling on a particular street or highway during a specific time interval. It ranges from A (very little delay) to F (long delays and congestion). The City of Greeley identifies overall LOS C for major intersections and minor intersections. The approach LOS threshold is LOS D for major intersections and LOS E for minor intersections. Of note, the acceptable overall intersection level of service for state and US highway intersections is LOS D. Therefore, 10th Street (US-34 Business) and 69th Avenue (#5) is identified as a major intersection along a CDOT roadway. All other signalized intersections are classified as major intersections. All unsignalized intersections in this study are classified as minor intersections. **Table 3** shows the definition of level of service for signalized and unsignalized intersections.

Table 3 – Level of Service Definitions

Level of Service	Signalized Intersection Average Total Delay (sec/veh)	Unsignalized Intersection Average Total Delay (sec/veh)
A	≤ 10	≤ 10
B	> 10 and ≤ 20	> 10 and ≤ 15
C	> 20 and ≤ 35	> 15 and ≤ 25
D	> 35 and ≤ 55	> 25 and ≤ 35
E	> 55 and ≤ 80	> 35 and ≤ 50
F	> 80	> 50

Definitions provided from the Highway Capacity Manual, Sixth Edition, Transportation Research Board, 2016.

² Transportation Research Board, *Highway Capacity Manual*, Sixth Edition, Washington DC, 2016.

Study area intersections were analyzed based on average total delay analysis for signalized and unsignalized intersections. Under the unsignalized analysis, the LOS for a two-way stop-controlled intersection is determined by the computed or measured control delay and is defined for each minor movement. LOS for a two-way stop-controlled intersection is not defined for the intersection as a whole. LOS for signalized and all-way stop controlled intersections are defined for each approach and for the overall intersection.

5.2 Key Intersection Operational Analysis

Calculations for the operational level of service at the key intersections for the study area are provided in **Appendix E**. The existing year analysis is based on the lane geometry and intersection control shown in **Figure 2**. Existing peak hour factors were utilized in the existing, 2025, and 2045 horizon analysis years. The existing heavy vehicle percentages obtained from the turning movement counts were also used in each horizon year. Based on increased national attention given to establishing appropriate yellow and all-red clearance intervals to improve intersection safety, these have been calculated and are applied for approaches at the signalized intersections. The increase in yellow and all red time sacrifices intersection capacity for improved safety. Synchro traffic analysis software was used to analyze the signalized and unsignalized key intersections for HCM level of service.

4th Street & 69th Avenue (#1)

The unsignalized intersection of 4th Street and 69th Avenue (#1) operates with stop control on the northbound and southbound 69th Avenue approaches. The intersection movements operate acceptably at LOS B or better during both peak hours under existing conditions. With project traffic, all movements are anticipated to continue operating at an acceptable level of service throughout the 2045 horizon. Therefore, no improvements or modifications are anticipated to be needed at this intersection based on the addition of project traffic and this operational level of service analysis. **Table 4** provides the results of the LOS analysis conducted at this intersection.

Table 4 – 4th Street & 69th Avenue (#1) LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2023 Existing				
Northbound Left	10.6	B	14.9	B
Northbound Through/Right	9.3	A	10.0	B
Eastbound Left	7.8	A	7.7	A
Westbound Left	8.0	A	8.6	A
Southbound Approach	11.4	B	11.1	B
2025 Background				
Northbound Left	12.0	B	21.3	C
Northbound Through/Right	10.1	B	12.0	B
Eastbound Left	7.8	A	7.7	A
Westbound Left	8.2	A	9.1	A
Southbound Approach	12.8	B	14.6	B
2025 Background Plus Project				
Northbound Left	12.1	B	22.2	C
Northbound Through/Right	10.0	B	12.0	B
Eastbound Left	7.8	A	7.7	A
Westbound Left	8.2	A	9.1	A
Southbound Approach	12.8	B	15.0	C
2045 Background				
Northbound Left	15.7	C	39.0	E
Northbound Through/Right	11.4	B	15.2	C
Eastbound Left	8.4	A	7.9	A
Westbound Left	8.8	A	10.3	B
Southbound Approach	18.1	C	21.0	C
2045 Background Plus Project				
Northbound Left	15.9	C	41.9	E
Northbound Through/Right	11.3	B	15.2	C
Eastbound Left	8.4	A	7.9	A
Westbound Left	8.8	A	10.4	B
Southbound Approach	18.3	C	21.8	C

4th Street & 66th Avenue (#2)

The signalized intersection of 4th Street and 66th Avenue (#2) operates with permissive-only left turn phasing on all four approaches. The intersection operates acceptably at LOS C or better during both peak hours under existing conditions. With project traffic, this intersection is anticipated to continue operating at an acceptable level of service throughout the 2045 horizon. Therefore, no improvements or modifications are anticipated to be needed at this intersection based on the addition of project traffic and this operational level of service analysis. **Table 5** provides the results of the LOS analysis conducted at this intersection.

Table 5 – 4th Street & 66th Avenue (#2) LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2023 Existing	24.8	C	17.5	B
2025 Background	26.0	C	18.3	B
2025 Background Plus Project	26.1	C	18.4	B
2045 Background	33.6	C	19.8	B
2045 Background Plus Project	33.8	C	19.9	B

8th Street & 71st Avenue (#3)

The signalized intersection of 8th Street and 71st Avenue (#3) currently operates acceptably at LOS C or better during both peak hours under existing conditions. With project traffic, this intersection is anticipated to continue operating at an acceptable level of service throughout the 2045 horizon. Therefore, no improvements or modifications are anticipated to be needed at this intersection based on the addition of project traffic and this operational level of service analysis. **Table 6** provides the results of the LOS analysis conducted at this intersection.

Table 6 – 8th Street & 71st Avenue (#3) LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2023 Existing	20.5	C	13.1	B
2025 Background	20.9	C	13.9	B
2025 Background Plus Project	21.4	C	14.3	B
2045 Background	26.0	C	13.8	B
2045 Background Plus Project	26.3	C	14.3	B

8th Street & 69th Avenue (#4)

The unsignalized intersection of 8th Street and 69th Avenue (#4) operates with stop-control on all four approaches. The intersection operates acceptably at LOS B during both peak hours under existing conditions. However, while delays are technically acceptable at this intersection during the afternoon peak hour based on traffic volumes, vehicle queues are excessive due to the school pick-up and vehicles waiting to enter the pick-up area. To improve operations at this intersection the City of Greeley could consider implementing exclusive left turn lanes on the eastbound and westbound approaches and reconfiguring the south leg with a shared left turn/through lane and a right turn lane. There are other elements associated with the adjacent school identified later in Section 5.6 that will also support in relieving vehicle queues and congestion at this intersection. With left turn lanes on the eastbound and westbound approaches and a reconfigured south leg, the intersection is expected to operate at LOS D during the afternoon peak hour with the addition of project traffic. For minor intersections, the City of Greeley recommends overall LOS C. However, it is believed that to improving intersections to LOS C causes roadways to be overdesigned making the road less safe for bicyclists and pedestrians. Additionally, this intersection is anticipated to operate acceptably throughout the rest of the day as the peak 15-minutes is during student pick up at the West Ridge Charter Academy which is during the afternoon peak hour. Additionally, it is understood the school plans to further improve its pickup and drop-off operations in coming years with additional onsite roadway improvements, which will also be described further in Section 5.6. A peak hour signal warrant was conducted at this intersection, and it was found that a signal is not warranted based on 2045 total traffic volumes. Signal warrant analysis is attached in **Appendix F. Table 7** provides the results of the LOS analysis conducted at this intersection.

Table 7 – 8th Street & 69th Avenue (#4) LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2023 Existing	14.8	B	10.4	B
2025 Background	21.1	C	19.8	C
2025 Background Plus Project #	22.1	C	25.4	D
2045 Background	21.1	C	19.8	C
2045 Background Plus Project #	22.1	C	25.4	D

= Includes Eastbound and Westbound Left Turn Lanes, and Reconfigured South Leg with Shared Northbound Left Turn/Through Lane and Northbound Right Turn Lane

10th Street & 69th Avenue (#5)

The signalized intersection of 10th Street and 69th Avenue (#5) operates with protected-only left turn phasing on the northbound and southbound approaches and protected-permissive left turn phasing on the eastbound and westbound approaches. The intersection operates acceptably at LOS C during both peak hours under existing conditions. With project traffic, this intersection is anticipated to continue operating at an acceptable level of service throughout the 2025 horizon. By 2045, with or without the addition of project traffic the intersection is anticipated to operate with long vehicle delays. For acceptable operations associated with the 2045 horizon, a third eastbound and westbound through lane would need to be designated along 10th Street. To accommodate the third through lane in each direction along 10th Street, the auxiliary right turn lanes along 10th Street would be absorbed with the outside lanes being converted to a shared through/right turn lane in each direction. Of note, this improvement is consistent with the City Center West Traffic Impact Study. **Table 8** provides the results of the LOS analysis conducted at this intersection.

Table 8 – 10th Street & 69th Avenue (#5) LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2023 Existing	29.5	C	31.4	C
2025 Background	34.7	C	36.9	D
2025 Background Plus Project	39.0	D	37.4	D
2045 Background	89.5	F	65.9	E
2045 Background Plus Project #	48.5	D	43.6	D

= Three eastbound and westbound through lanes

Project Accesses

With completion of the HP Greeley Redevelopment project, a full movement access is proposed from the extension of 68th Avenue (#6) and a second access with left-in/right-out movements allowed is proposed along the north side of 8th Street (#7). The 68th Avenue Access (#6) will operate with no delays as this is an extension of the existing 68th Avenue. The access along 8th Street should operate with stop control on the southbound approach for vehicles exiting the development, and it is recommended that a R1-1 “STOP” sign be installed on the southbound exiting approach. Additionally, it is recommended that single lane approaches be designated on all three approaches at the 8th Street Access. To restrict left-out movements from this access, an R3-2 No Left Turn sign should be posted underneath the “STOP” sign, while an R3-1 No Right Turn sign should be posted on the westbound approach to this access. Additionally, the access configuration and curb design could be constructed as such to further restrict the undesired left-out and right-in turning movements at this access. It is believed that with these restrictions at the 8th Street access that this will aid in preventing undesired additional traffic along 66th Avenue between 4th Street Road and 8th Street.

Table 9 provides the results of the level of service for the project access along 8th Street. As shown in the table, the project access intersection along 8th Street is anticipated to have all movements operating with acceptable LOS A during the peak hours in both the buildout year 2025 and the 2045 long-term horizons.

Table 9 – Project Access Level of Service Results

Intersection	2025 Total				2045 Total			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
8th Street Access (#7)								
Eastbound Left	7.7	A	7.7	A	7.7	A	7.7	A
Southbound Right	9.7	A	9.4	A	9.7	A	9.4	A

5.3 CDOT Turn Bay Length Analysis

The threshold for requiring an access permit along Colorado Department of Transportation (CDOT) roadways occurs when project traffic is anticipated to increase the existing access traffic volumes by more than 20 percent. Based on traffic projections, the addition of project traffic on the north leg of 69th Avenue at US-34 Business (10th Street) (#5) intersection is not anticipated to increase existing access traffic volumes by more than 20 percent. Therefore, a CDOT access permit is not anticipated to be required in association with this project.

5.4 Vehicle Queuing Analysis

A vehicle queuing analysis was conducted for the study area intersections. The queuing analysis was performed using Synchro presenting the results of the 95th percentile queue lengths. Results are shown in the following **Table 10** with calculations provided within the level of service sheets of **Appendix E** for unsignalized intersections and **Appendix G** for signalized intersections.

Table 10 – Turn Lane Queuing Analysis Results

Intersection Turn Lane	Existing Turn Lane Length (feet)	2025 Calculated Queue (feet)	2025 Recommended Length (feet)	2045 Calculated Queue (feet)	2045 Recommended Length (feet)
4th St & 69th Ave (#1)					
Eastbound Right	125'	25'	125'	25'	125'
Westbound Right	200'	25'	200'	25'	200'
Northbound Left	75'	25'	75'	50'	75'
4th St & 66th Ave (#2)					
Eastbound Left	100'	27'	100'	44'	100'
Westbound Left	150'	53'	150'	57'	150'
Southbound Left	450'	225'	450'	425'	450'
8th St & 71st Ave (#3)					
Eastbound Left	175'	56'	175'	77'	175'
Eastbound Right	175'	46'	175'	47'	175'
Westbound Left	125'	126'	125'	126'	125'
Northbound Left	300'	54'	300'	81'	300'
Southbound Left	175'	32'	175'	32'	175'
Southbound Right	175'	25'	175'	25'	175'
8th St & 69th Ave (#4)					
Eastbound Left	DNE	25'	150'	25'	150'
Westbound Left	DNE	125'	150'	125'	150'
10th St & 69th Ave (#5)					
Eastbound Left	325'	198'	325'	175'	325'
Eastbound Right	450'	25'	450'	-	450'
Westbound Left	400'	393'	400'	357'	400'
Westbound Right	400'	49'	400'	-	400'
Northbound Left	100'	116'	100'	116'	100'
Southbound Left	175' DL	187'	175' DL	187'	175' DL
Southbound Right	175'	60'	175'	79'	175'

DL = Dual Left Turn Lanes; **Red** Text = Storage Deficiency; **Blue** Text = Recommendation

Vehicle queues are all anticipated to remain within the existing or recommended turn lane lengths through 2045 except the northbound left turn and southbound dual left turn queues at the 10th Street and 69th Avenue (#5) intersection. These northbound left turn and dual southbound left turn lanes cannot be extended due to the constraint with the existing back-to-back left turns.

If the 8th Street and 69th Avenue (#4) intersection is reconfigured it is recommended that the eastbound and westbound left turn lanes be striped to a length of 150 feet.

5.5 Pedestrian, Bicycle, and Transit Evaluation

There are currently sidewalks provided on both sides of 4th Street, 71st Avenue, 10th Street, 69th Avenue, 66th Avenue, and 8th Street adjacent to the project site. Sidewalks are also provided on the residential streets adjacent to the development. On-street bicycle lanes are provided along 71st Avenue and 8th Street. Pedestrian attractions within a quarter mile of the site include the West Ridge Academy and Tointon Academy.

Of note, the City of Greeley plans to improve neighborhood safety along 66th Avenue by installing speed humps and raised crosswalks between 69th Avenue and 4th Street. It is believed that this form of speed control and multimodal transportation safety improvements will discourage project traffic from using 66th Avenue to access the site between 4th Street Road and 8th Street.

The ITE 11th Edition Trip Generation Manual was used to estimate the pedestrian trips associated with this development. **Table 11** summarizes the trips associated with pedestrians for the residential development. Pedestrian trip generation is provided in **Appendix H**.

Table 11 – Pedestrian Trip Generation

Land Use and Size	Weekday Vehicle Trips					
	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Multifamily Low-Rise Housing (ITE 220) – 288 Dwelling Units	4	5	9	4	5	9

As shown in the table above, the HP Greeley Redevelopment project is expected to generate nine (9) pedestrian trips during both the morning and afternoon peak hours.

Greeley Evans Transit Bus Route 1 runs eastbound along 71st Avenue with a stop to the east of 71st Avenue, northbound and southbound along 71st Avenue with stops along both sides of 71st Avenue, and eastbound and westbound along 10th Street with stops on both side of 10th Street. Additionally, the Poudre Express route extends eastbound and westbound along 10th Street with stops on both sides of 10th Street.

5.6 West Ridge Academy Charter School Student Pick-up Evaluation

Independent of this project and based on the City of Greeley requesting an evaluation of the West Ridge Academy Charter school pick-up, the intersection of 8th Street and 69th Avenue previously operated with long vehicle queues in 2021 during the peak school pick-up as lane blockages were occurring along both eastbound 8th Street (west of 69th Avenue) and northbound 69th Avenue (south of 8th Street). The school implemented a new student pick-up plan in August of 2021 that consisted of the following:

1. Parents/Guardians picking up students from only one location. Older siblings now join the youngest sibling at their pickup site.
2. Traffic exiting the school access along 8th Street will only be able to turn right during the peak pick-up hour.
3. Vehicles exiting the K/1 roundabout are prohibited from making southbound left turn movements at the 8th Street and 69th Avenue intersection.
4. Northbound traffic on 69th Avenue will only be allowed to turn right at 8th Street between 2:45 pm and 3:45 pm
5. Parents/Guardians should only use 8th Street from 71st Avenue or 8th Street from 4th Street when picking up students. 69th Avenue should not be used when picking up students.
6. Do not block the through lane on 8th Street.
7. No cars will be allowed to stop on 69th Avenue.
8. Do not block the driveways to residences or businesses.
9. Exiting vehicles will only be allowed on the north side of 8th Street.
10. Parents/Guardians must remain in vehicles on the south side of 8th Street.
11. Minimize space between parked cars.

Based on these implementation measures, vehicle queues have been significantly reduced vehicle queues northbound along 69th Avenue, south of 8th Street and eastbound along

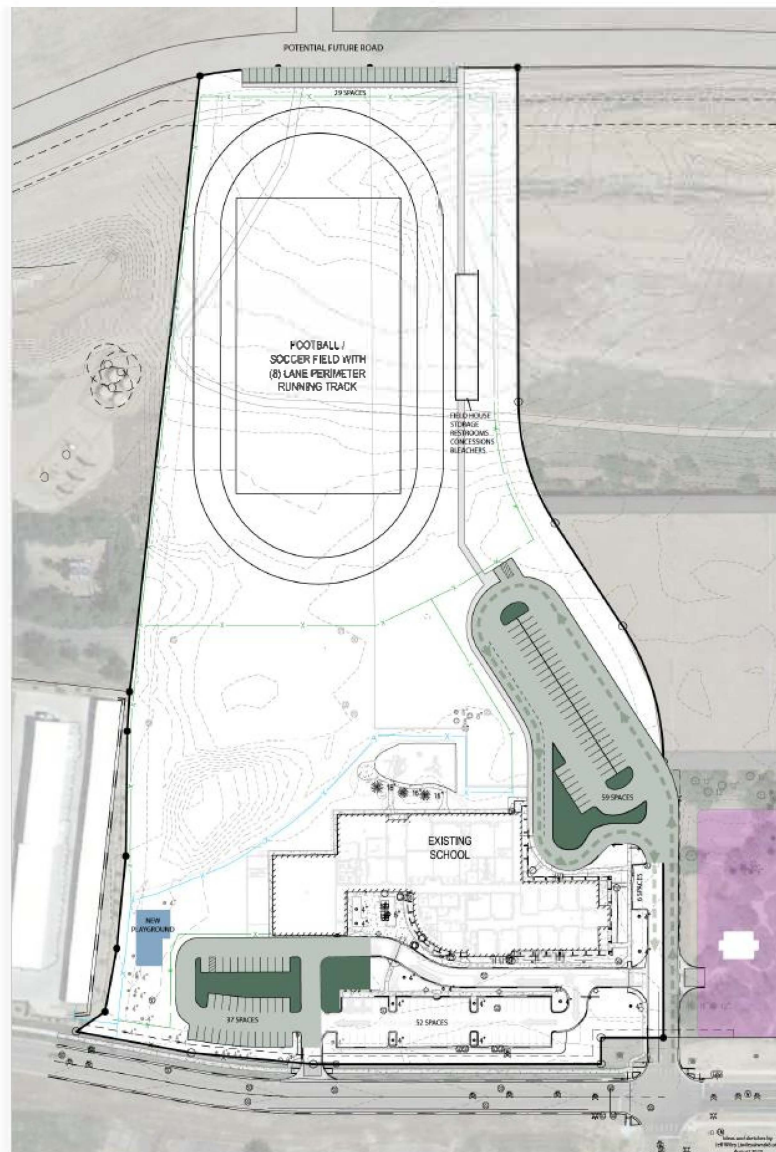
8th Street, west of 69th Avenue. Most drivers are adhering to the new school pick-up procedures; however, 28 vehicles were observed making northbound through movements (now prohibited) at the 8th Street and 69th Avenue intersection during the peak school pick-up period with a significant portion of these vehicles traveling northbound in the opposing southbound lane. These 28 vehicles were never queued more than three vehicles at time on 69th Avenue. Further, 27 vehicles were observed making northbound left turn movements and 10 vehicles were observed performing southbound left turn movements at the 8th Street and 69th Avenue intersection during this same hour. The traffic volumes associated with these prohibited movements are significantly lower than prior to the new procedures; however, illegal maneuvers continuing to occur indicate that the school should provide marshalling to regulate illegal movements at the 8th Street and 69th Avenue intersection. Further, flaggers should be provided to enforce the current pick-up procedures while also regulating any lane blockages.

To reduce vehicle delays, the City of Greeley could consider implementing exclusive left turn lanes on the eastbound and westbound approaches of the 8th Street and 69th Avenue intersection while also converting the south leg to include a shared left turn/through lane (that could be coned off during the peak pick-up period) and a right turn lane. As intended with the new procedures, long vehicle queues are now being experienced northbound along the north-south private road (north of 8th Street) and westbound along 8th Street (east of 69th Avenue). These vehicle queues surrounding the West Ridge Academy Charter School are independent of the HP Greeley Redevelopment project.

Even with the restriction of southbound left turn movements at the school access along 8th Street, entering and exiting vehicle paths to and from the school are still being crossed with the school pick-up circle on the west side of private north-south roadway northeast of the school. Further, the school could also coordinate with developments and landowners to the south to obtain a shared parking agreement to help relieve congestion and disperse the student pick-up areas. To reduce the number of vehicles arriving at the same time, the school could consider having staggered release times for student pick up.

In addition to these recommended improvements, it is understood that the school has plans to construct up to 96 additional parking spaces as well as several hundred feet of additional vehicle queueing storage onsite to alleviate the delay that occurs at the 8th Street & 69th Avenue (#4)

intersection. It is believed the improvement to the vehicle pickup and drop-off onsite will further improve overall roadway network operations in the area once constructed.



Proposed West Ridge Academy Site Improvements

5.7 Local Street Traffic Calming

As requested by the City of Greeley, mitigation for the addition of project traffic from this HP Greeley Development was established. This is due to City of Greeley standards identifying that a local street should have traffic volumes of 1,500 vehicles per day or less. It is understood that 66th Avenue to the east of the project site could be reaching this threshold. Based on this, the proposed 8th Street access is recommended to provide only left turn entrance and right out exit movements to serve traffic to and from the west only on 8th Street. To restrict left-out movements from this access, an R3-2 No Left Turn sign should be posted underneath the “STOP” sign, while an R3-1 No Right Turn sign should be posted on the westbound approach to this access. Additionally, the access configuration and curb design could be constructed as such to further restrict the undesired left-out and right-in turning movements at this access. It is believed that with these restrictions at the 8th Street access that this will aid in preventing undesired additional traffic along 66th Avenue between 4th Street Road and 8th Street.

Traffic calming measures proposed to be added to the local streets of 68th Avenue and 4th Street Road to the north of the proposed development include a raised crosswalk at the midblock crossing of 68th Avenue, south of 4th Street Road and intersection bump-outs at the 4th Street Road and 68th Avenue intersections. These two measures for traffic calming will help control the speed of traffic movements into and out of this development area. Further, it is understood that 6th Street may be provided as a connection to and from the west for this development area. If this were to occur based on developments occurring along the east of 71st Avenue, an additional street network connection would provide an overall street network benefit providing another way into and out of this area.

5.8 Improvement Summary

Based on the results of the intersection operational and vehicle queuing analysis, the key intersection recommended improvements and control are shown in **Figure 10** for the 2025 horizon and **Figure 11** for the 2045 horizon.

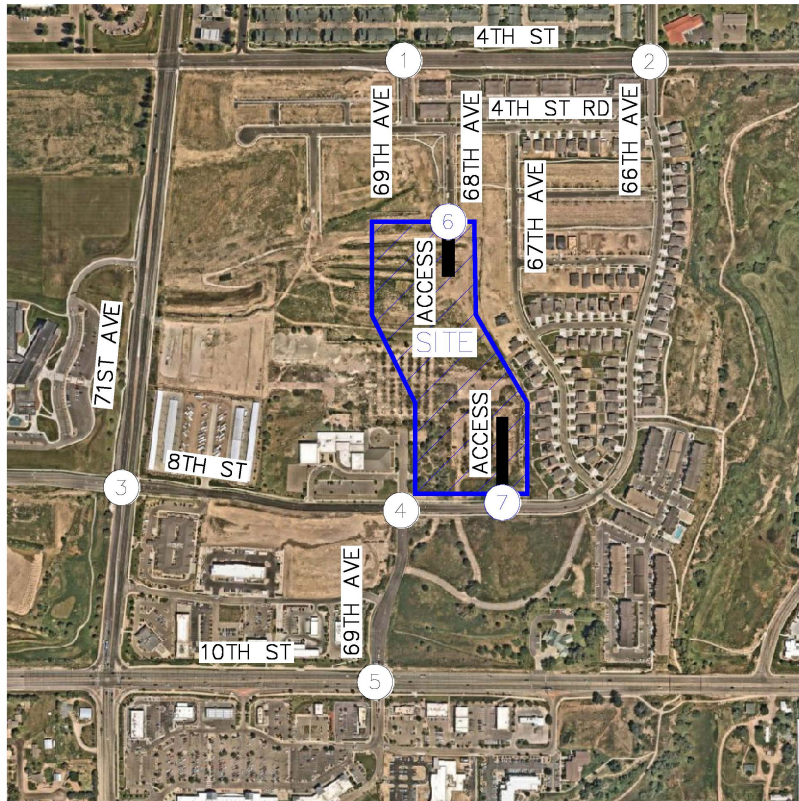
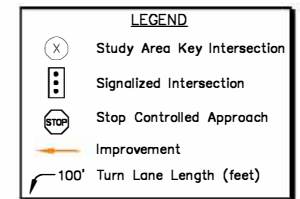
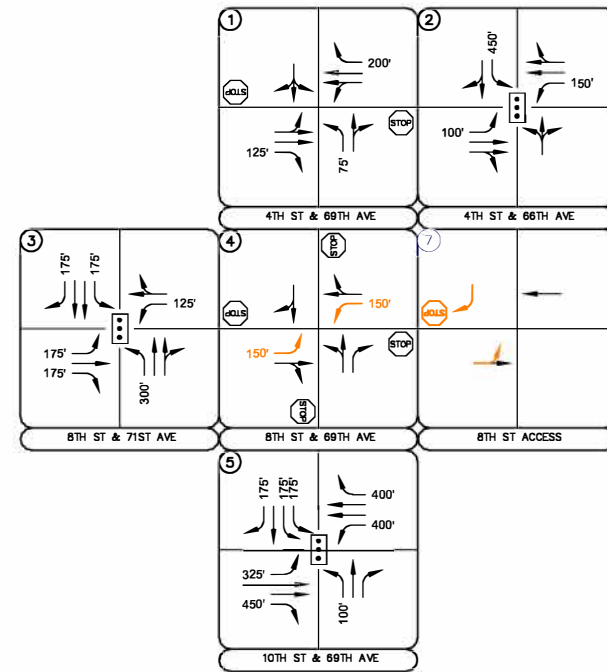


FIGURE 10
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
2025 RECOMMENDED GEOMETRY AND CONTROL



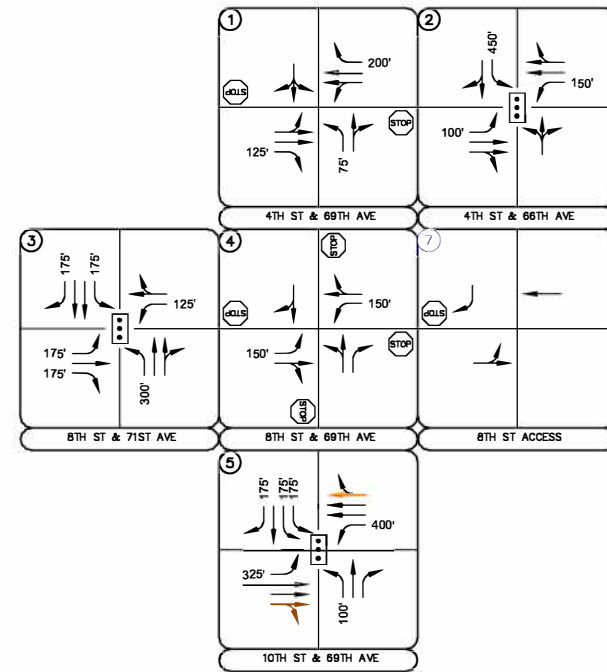
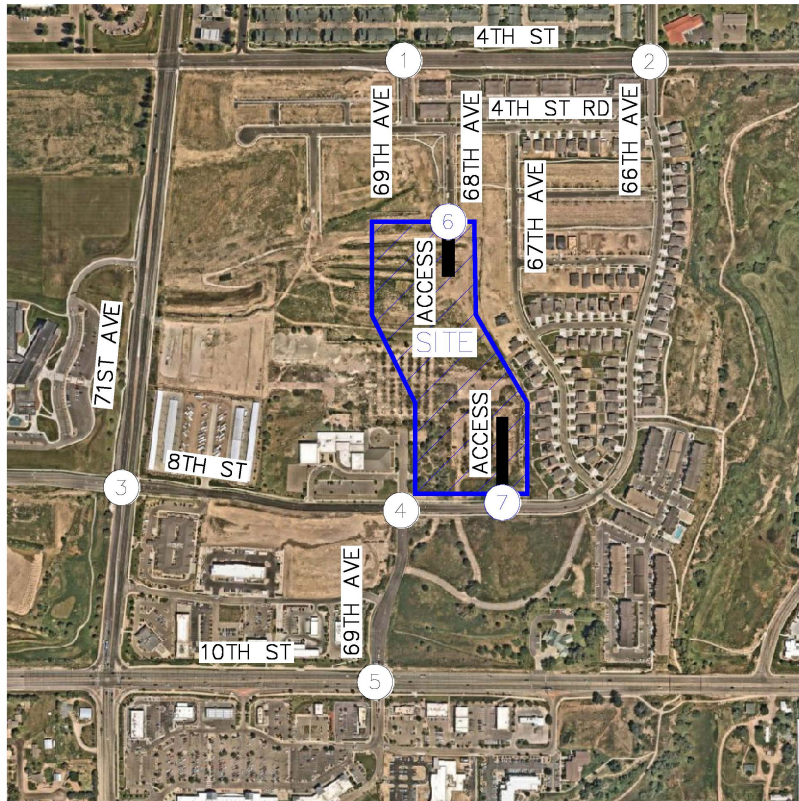
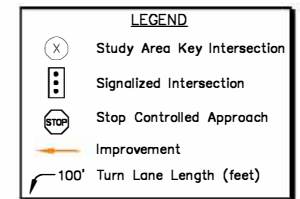


FIGURE 11
HP GREELEY REDEVELOPMENT
GREELEY, COLORADO
2045 RECOMMENDED GEOMETRY AND CONTROL



6.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis presented in this report, Kimley-Horn believes HP Greeley Redevelopment will be successfully incorporated into the existing and future roadway network. Analysis of the existing street network, the proposed project development, and expected traffic volumes resulted in the following conclusions and recommendations:

2025 Recommendations:

- With completion of the HP Greeley Redevelopment project, a full movement access is proposed from the extension of 68th Avenue (#6) and a second with left-in/right-out movements allowed is proposed along the north side of 8th Street (#7). The access along 8th Street should operate with stop control on the southbound approach for vehicles exiting the development, and it is recommended that a R1-1 “STOP” sign be installed on the southbound exiting approach. Additionally, it is recommended that single lane approaches be designated on all three approaches at the 8th Street Access. To restrict left-out movements from this access, an R3-2 No Left Turn sign should be posted underneath the “STOP” sign, while an R3-1 No Right Turn sign should be posted on the westbound approach to this access. Additionally, the access configuration and curb design could be constructed as such to further restrict the undesired left-out and right-in turning movements at this access. It is believed that with these restrictions at the 8th Street access that this will aid in preventing undesired additional traffic along 66th Avenue between 4th Street Road and 8th Street.
- Traffic calming measures proposed to be added to the local streets of 68th Avenue and 4th Street Road to the north of the proposed development include a raised crosswalk at the midblock crossing of 68th Avenue, south of 4th Street Road and intersection bump-outs at the 4th Street Road and 68th Avenue intersections. These two measures for traffic calming will help control the speed of traffic movements into and out of this development area. Further, it is understood that 6th Street may be provided as a connection to and from the west for this development area. If this were to occur based on developments occurring along the east of 71st Avenue, an additional street network connection would provide an overall street network benefit providing another way into and out of this area.

- The threshold for requiring an access permit along State of Colorado Department of Transportation (CDOT) roadways occurs when project traffic is anticipated to increase the existing access traffic volumes by more than 20 percent. Based on traffic projections, the addition of project traffic on the north leg of 69th Avenue at US-34 Business (10th Street) intersection is not anticipated to increase existing access traffic volumes by more than 20 percent. Therefore, a CDOT access permit is not anticipated to be required in association with this project.

2045 Recommendations:

- If future traffic volumes are realized by 2045, it is recommended that a third eastbound and westbound through lane be designated along 10th Street at the intersection with 69th Avenue (#5). To accommodate the third through lane in each direction along 10th Street, the auxiliary right turn lanes along 10th Street could be absorbed with the outside lanes being converted to a shared through/right turn lane in each direction.

General Recommendations:

- Any onsite or offsite improvements should be incorporated into the Civil Drawings and conform to standards of the City of Greeley, CDOT, and the Manual on Uniform Traffic Control Devices (MUTCD) – 2009 Edition.

Boomerang Self Storage
7025 W. 8th Street
Greeley, CO 80634
Office: 970-451-5636

Letters of Support



TO: City of Greeley Planning and Zoning, City of Greeley City Council
FROM: Boomerang Self Storage
RE: Rezoning Parcel 095904309002

April 13, 2024

Dear City of Greeley Staff,

I am in favor of the rezoning from Industrial to Residential High for the property owned by LaSalle Investors LLC at 700 71st Avenue, Greeley, both as a business owner and as a long-time citizen. This area has changed significantly over the years as the city has grown west. The industrial zoning made sense when HP owned the property, but now the area is more residential. If you haven't visited the area lately, I suggest you should. Please approve the rezoning.

Regards,

A handwritten signature in blue ink, appearing to read 'Rob Stanley', is written over the 'Regards,' text.

Rob Stanley



Greeley-Evans | Weld County School District 6
Office of Facilities
 2204 FIFTH AVENUE
 GREELEY, COLORADO 80631
 970-348-6400
 WWW.GREELEYSCHOOLS.ORG

April 1, 2024

City of Greeley City Council and Planning and Zoning Committee,

It is not normal for the Greeley-Evans School District to make comments in support of any development within the City of Greeley. However, in the case of the "Old HP Site", it seems necessary that I write this letter on behalf of the Greeley-Evans School District.

Last year, during a public meeting regarding this site, someone made a comment that the Greeley-Evans School District was against development in this area due to student safety. Nobody from District 6 attended this meeting, nor was District 6 contacted about this development at that time. I did attend the meeting on 1.26.23, set up by the Greeley Public Works at West Ridge Academy. I made sure that Mr. Trombino was aware of these comments not having originated with District 6.

This development does fall within the walk boundary of the Tointon Academy of Pre-Engineering, which serves students from K-8th grade. During the construction of this school, the district worked with the City of Greeley Traffic Department to ensure that all foot traffic within the area was improved. District 6 was required to make the following improvements per the City of Greeley to ensure safety:

- Add a traffic light at the intersection of 8th Street and 71st Avenue.
- Add school zone flashing lights on both sides of 71st Avenue.
- Add or improve the cross walk along 8th Street across 71st Avenue.
- Add or improve the cross walk across 8th Street west of 71st Avenue.
- Add new or replace sidewalks along 8th Street and 71st Avenue.
- Add a new public transportation stop platform along 71st Avenue.

The safety of our families is of the utmost importance. District 6 paid for these safety improvements at the City of Greeley's request to make our school safe and accessible to the neighborhood. District 6 would always favor residential zoning improvements over industrial zoning in areas near schools.

Sincerely,

Kent Henson, Assistant Superintendent

Greeley City Council
Greeley Planning & Zoning Commission

RE: Old HP Building Site Re-zone

Council Members and Commissioners:

Please accept this letter of support in favor of the application to re-zone the old HP Building site (H-P GREELEY 5TH RPLT BNONE L2) from IL to RH.

CCW Development is the developer of the North Ridge Trails community adjacent to the aforementioned site. Hartford Homes is one of the builders in the community. As manager of these entities, I want to express our support for the re-zone application. It is our opinion that RH is a good transition zoning from the single-family to the existing school and storage uses. Furthermore, I think the IL existing zoning is not compatible with adjacent single-family, and if developed would have a negative impact on home values.

So long as the developer follows the standard Land Use and Development Code requirements to ensure adequate public facilities, we see RH as a far more desirable zoning that protects our investment and our homeowner investment in this community.

Landon Hoover
Manager
Hartford Homes, LLC
CCW Development, LLC





WESTSIDE INVESTMENT PARTNERS, INC.

4100 East Mississippi Avenue, Suite 500 Glendale, CO 80246 p 303.984.9800

May 8th, 2024

City of Greeley
Michael Franke
1100 10th Street, 2nd Floor
Greeley, CO 80631

RE: File Number: ZON2023-0003
Project: Former HP Site Rezoning
Location: East of 71st Ave., South of W 4th St., North of W 8th St.
Applicant: Waltel Companies/LaSalle Investors

Mr. Franke,

Westside Investment Partners, as master developer of the City Center West development, is submitting this letter in support of rezoning the former Hewlett Packard (HP) site in Greeley, CO to Residential High (RH) from its current Industrial Low (IL) designation.

Nearly twenty years ago, Westside purchased the 160-acre Hewlett Packard campus with the intent of developing the vacant land and repurposing the building. Throughout our ownership duration, we strived diligently to find end users for the building, including working with Greeley's economic development staff and additional stakeholders. As years went by, we were unable to secure a tenant for the building and the site became a victim to vandalism so substantial that repurposing of the building was no longer feasible. As the building's condition continued to deteriorate, Greeley staff expressed their strong desire for the building to be demolished to eliminate the eyesore from the community. At that time the City supported redeveloping the site into multi-family. Ultimately, Westside found a buyer with the means necessary to demolish the building and sold the HP site to Mr. Bartels and his partner, who we have known and worked with for over 20 years. Their intent was to remove the existing structure, rezone the property, and complete our vision of a cohesive development that would revitalize a previously underused parcel.

Westside fully supports the rezoning of this property to Residential High and strongly opposes the existing Industrial Low designation because we feel this is the highest and best use for the parcel based on the following reasons.

- High density residential compliments the existing mixed-use site that currently contains apartments, townhomes and single-family homes.

- High density residential is in close vicinity to multiple schools which increases the safety of students by reducing travel distances.
- Development as industrial use would likely mean integration of heavy truck traffic within a residential community which decreases traffic safety.
- An industrial user on this site would create more traffic during the morning and afternoon rush hours compared to a multifamily development. The combination of workers and trucks into and out of an industrial site would conflict more with the adjacent school vehicle and pedestrian traffic than multifamily residential.
- Industrial development on this site is not very likely meaning the existing zoning condemns this site to be barren and is a blemish on the West Greeley corridor.

Please support Mr. Bartels in his effort to rezone to Residential High. We believe that multifamily residential is a more comparable and appropriate use for this site.

Best Regards,

A handwritten signature in black ink, appearing to read "Mike Sandene". The signature is fluid and cursive, with the first name "Mike" written in a larger, more prominent script than the last name "Sandene".

Michael T. Sandene

Vice President of Development

April 1, 2024

Greeley City of Council
Attn: Planning and Zoning Committee
1100 10th Street
Greeley, CO 80634

Dear Planning and Zoning Committee:

I am writing on behalf of the Board of Directors of West Ridge Academy Charter School and the administration. It was brought to our attention that the Greeley City Council Planning and Zoning Committee is considering the rezoning of the former HP site.

You may not be aware, but our school was next to the former HP manufacturing building that had been vacant for years. We personally experienced many occasions of unauthorized individuals and vandals during the 5 years since we bought and repurposed the original property. Because of the proximity of the dilapidated building, our school was also targeted several times and we had multiple safety concerns. Our leadership, and the families of the 350 plus students we represent, were relieved when the building was demolished. Also, because of the demolition, we had the opportunity to buy more property adjacent to our land-locked plat. If you are not aware, we are a charter school that receives funding solely through School District 6. We are diligently managing our financial resources to complete several projects on our property soon. Those include an additional parking lot for staff and event parking in the immediate future, as well as future track and field in the next several years.

Our desire is to be an anchor for the residential community surrounding the school. We are concerned that the city council is considering the adjacent property for industrial low intensity. We would urge the city council to consider rezoning the property to residential high density. This may supply affordable housing to future families, and we would love the opportunity to serve those families as they consider their children's education. We are also concerned with what businesses or industries that would be next to our school if zoned industrial low intensity. Understand that we want the highest level of safety and security for the families we serve at our school.

Thank you for your consideration.

Gratefully,



Ken Dyer, Chairman West Ridge Academy Charter School Board of Directors

POTENTIAL FUTURE ROAD

29 SPACES

FOOTBALL/
SOCCER FIELD WITH
(8) LANE PERIMETER
RUNNING TRACK

FIELD HOUSE
STORAGE
RESTROOMS
CONCESSIONS
BLEACHERS

59 SPACES

EXISTING
SCHOOL

NEW PLAYGROUND

37 SPACES

52 SPACES

Ideas and sketches by
 Page 257 of 454
 (www.twinkl.co.uk)

Hartford Construction, LLC

HP Disclosure

This disclosure serves as a notice that Hartford Homes is located near an uninhabited building to the South East of the community.

Future plans are in the works to tear down this building, but Hartford Homes makes no representation of timing.

PROPERTY ADDRESS: 705 67th Ave

Chelsea L.H.
Bella
Purchaser Date

12/28/2021
12/28/2021
Purchaser Date

Michael Franke

From: Brian Bartels <brian@waltelcos.com>
Sent: Friday, May 10, 2024 1:23 PM
To: Michael Franke
Subject: FW: HP
Attachments: HP disclosure.docx

Hi Michael,

One of the neighbors had made a comment at the meeting that they had been told by Hartford Homes that more homes would be going behind them, not multi-family. Please see the comments from both Landon Hoover and the broker as well as the attached disclosure that was signed by anyone who bought a home at that time.

Please put this in the file for PZ and City Council.

I am sorry to be bombarding you with these letters, I am doing my best to prove any mistruths without having to call our anyone for lying and also showing sufficient support for the request.

Have a good weekend,
Brian

Thank you for the intro Landon!

Hey Brian, our message was always first and foremost that we did not own that land, so we made no guarantees as to what was to be built there in the future. In fact, we had a disclosure as part of our contract that buyers signed acknowledging this matter. I would have to do some digging but if needed, but I could send over the disclosure.

This was public knowledge, but we would also share that that parcel of land was zoned as light industrial up until April 2022 when it went up for rezoning and ultimately changed to high residential.

We were always transparent about our messaging and open to any questions.

Please let me know if this helps!

Thank you,

Emily Chess
Community Sales Manager

From: Landon Hoover <landon@hartfordco.com>
Sent: Thursday, May 9, 2024 12:13:10 PM
To: Emily Chess <echess@hartfordco.com>
Cc: Brian Bartels <brian@waltelcos.com>
Subject: RE: HP

Brian – Meet Emily Chess. Emily was the Sales Manager at North Ridge Trails for most of the project. Emily is a part of our in-house sales team. She is a true pro!

Emily – Brian owns the adjacent site (old HP building). Homeowners are claiming Hartford represented that single-family homes would be built on the old HP property. Can you provide an overview of how you described or would talk about future development of the HP site? Really, the hope is to clarify that we never promise anything, always let people know we don't control land we don't own, encourage people to research for themselves, etc.

Thank you.

Landon Hoover

Owner / CEO

<image008.png> **C: 970.286.3329**

<image009.jpg> <image010.jpg> <image011.jpg> <image012.jpg> <image013.jpg>

Voted Best Builder in the Western US by AVID!!

<image014.png>

Michael Franke

From: Brian Bartels <brian@waltelcos.com>
Sent: Wednesday, August 14, 2024 8:43 AM
To: Michael Franke
Subject: HP

Good morning Michael,

I did not see this letter in the file and believe I may have not sent it to you. Could you insert it into the package for City Council.

Thanks again,
Brian

04/10/2024

This letter is written in regard to the current request to rezone the parcel situated at 700 71st Avenue (Tract 3A H-P) from I-L to R-H.

As a certified residential appraiser who has worked in the Greeley area for over 25 years, I have appraised over 30 dwellings in the City Center West subdivision since it was originally developed. The subdivision known as City Center West is currently zoned RH and consists of a harmonious mix of single family dwellings, 2-4 family dwellings and multifamily dwellings. It is understandable that homeowners are concerned about the zoning and planned uses for this adjacent parcel (Tract 3A) as this subdivision is adjacent to Tract 3A on three separate sides. As an appraiser, I know that the views and the permitted land use surrounding this subdivision may affect its value and/or marketability.

It is my professional opinion that changing the zoning of Tract 3A from I-L to R-H would be more in conformance with its surrounding land use and would also maintain the integrity of the neighborhood/subdivision of City Center West. This opinion is further warranted after discovering that the approved utilities for Tract 3A are more appropriately sized to accommodate an R-H use and that traffic flow would be significantly less than what is allowed under I-L use. Finally, there are more permitted uses associated with I-L zoning that could potentially negatively affect the value and/or marketability of neighboring residences as opposed to that of R-H.

Sincerely,

Michelle R. Koch

Certified Residential Appraiser/CR40011925



West Ridge Academy

6905 8th Street Greeley, CO 80634 970.330.3671

August 15, 2024

City Council, City of Greeley
Attn: Mayor John Gates
1100 10th Street
Greeley, CO 80631

Dear City Council Members,

Information was shared at a recent community meeting stating that the area schools were at capacity. I'd like to address this misinformation. West Ridge Academy is a K - 8 public charter school located adjacent to the parcel under review for rezoning. We are considered a small two-track school. This means that we have two teachers at each grade level. Our limit for each class is 28 students with a total of 56 students for each grade level. That would bring our school capacity to 504 students. Currently, for the 2024-2025 school year, we have 354 students enrolled. We have space for 150 students before we reach capacity.

Sincerely,

Davon Renfrow
Executive Director, West Ridge Academy

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
July 19, 2022

1. Call to Order

Mayor Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

City Clerk Heidi Leatherwood called the roll.

Present:

**Mayor Pro Tem Payton
Councilmember Tommy Butler
Councilmember Deb DeBoutez
Councilmember Dale Hall
Councilmember Ed Clark
Councilmember Johnny Olson
Mayor John Gates**

4. Approval of the Agenda
None.

5. Recognitions and Proclamations

Council member Clark shared "What's Great About Greeley?"

Harold Evans spoke at 6:04 p.m. to honor Norman Murdock Dean who recently passed away.

6. Citizen Input

1. Harold Landsford spoke about flooding damage done to his home and improvements needed behind his house.

7. Reports from Mayor and Councilmembers

Council member DeBoutez spoke about the Promotion Ceremony at the Greeley Police Department announcing the appointments of Sergeant Samantha Brown, Commander Mike Heck, Deputy Police Chief Rafael Gutierrez, and Police Chief Adam Turk. Council member Butler spoke about the start of the infrastructure project on the 5th Street Sidewalk.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

City Clerk Leatherwood read the titles into the record and announced the recommended action.

9. Approval of the City Council Proceedings of June 7, 2022

The recommended action is to approve the proceedings as presented.

10. Acceptance of the Reports of the City Council Work Sessions of June 14, 2022, and June 28, 2022

The recommended action is to accept the reports as presented.

11. Approve a Resolution Authorizing Approval of a Grant Agreement and Offer of Funding for Airport Improvement Project Runway Rehabilitation Design at the Greeley-Weld County Airport

The recommended action is to approve the Resolution for Grant Agreement.

12. Introduction and First Reading of an Ordinance Amending Title 22, Buildings and Construction, Relating to the Adoption of the 2021 International Codes

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

13. Introduction and First Reading of an Ordinance Changing the Official Zoning Map of the City of Greeley, Colorado, from R-H (Residential High Density), C-H (Commercial High Intensity) and C-L (Commercial Low Intensity) to PUD (Planned Unit Development) for Approximately 43.42 Acres of Property Located at the Northeast Corner of 32nd Street and 29th Avenue, known as the Hope Springs PUD

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

14. Introduction and First Reading of an Ordinance authorizing Entry into an Intergovernmental Agreement Regarding Bellvue Water Transmission Line Tap Transfers and Emergency Water Interconnect Operations with West Fort Collins

Water District and Divestment of City-Owned Water Rights represented by Shares of Capital Stock in the North Poudre Irrigation Company

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

15. Introduction and First Reading of an Ordinance Authorizing the Sale of City-Owned Property Located in SE¼ of Section 18, Township 6 North, Range 66 West of the 6th P.M. in Weld County, Colorado (Thayer)

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

Council member Butler disclosed that he is currently on the Board of Directors for Habitat for Humanity. He has spoken with the City Attorney's Office and does not need to be recused.

Mayor Pro Tem Payton moved to approve the Consent Agenda. Council member Butler seconded the motion. The motion passed 7-0 at 6:18 p.m.

End of Consent Agenda

16. Pulled Consent Agenda Items

None.

17. Public Hearing and Second Reading of an Ordinance for Conveyance of Easements for the Loveland Centerra Trail at Boyd Lake Water Treatment Plant

Water and Sewer Director Sean Chambers introduced the item at 6:19 p.m. with a slide presentation.

Signs will be placed along the trail to include Safety and Security Warnings and Disclosures, Interpretive signage to educate trail users with history and photos.

Mayor Gates opened the Public Hearing at 6:23 p.m.

With no speakers, the Public Hearing closed at 6:23 p.m.

Councilmember Hall moved to adopt the Ordinance for Conveyance of Easements for the Loveland Centerra Trail at Boyd Lake Water Treatment Plant. Council member Butler seconded the motion. The motion passed 7-0 at 6:25 p.m.

18. Consideration of a Request to Rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), Changing the Underlying Land Use Designations for Approximately 15.433 Acres of Property Located East of 71st Avenue, North of 8th Street and Northeast of 69th Avenue (712 71st Avenue) and Final Reading of an Ordinance Changing the Official Zoning Map to Reflect the Same (HP Rezone), Continued from June 7, 2022

Mayor Gates recused himself at 6:25 p.m. since he was not present at the June 7, 2022, meeting.

Mayor Pro Tem Payton presided and noted that the Public Hearing was opened and closed during the June 7, 2022, City Council Meeting. Since that time, some written communication was received but Council would need to decide if it was appropriate to enter the new communication into the record.

There was no additional information from staff.

Councilmember Butler moved to reopen the Public Hearing to receive the additional written communication and any additional oral testimony from persons who did not speak at the June 7, 2022, Public Hearing. Councilmember Hall seconded the motion. The motion passed 6-0 at 6:28 p.m. with Mayor Gates recused.

City Clerk Leatherwood distributed packets containing the written communication to Council members and Applicant, Brian Bartel for review.

Mayor Pro Tem Payton reopened the Public Hearing at 6:32 p.m.

1. Jeff Richardson spoke in opposition.
2. James Powers spoke in opposition.
3. Taylor Myers read a letter that spoke in opposition.
4. Applicant Brian Bartels, spoke that he will work with either the I-L or R-H Zoning.

The Public Hearing closed at 6:43 p.m.

Council deliberated. Council members spoke about confirmed uses under the I-L Zoning and how the uses were incompatible with the surrounding neighborhoods. Council asked about the traffic study model and if traffic would increase with a potential R-H Zoning. Brittany Hathaway, Planner II, answered that this was a broad traffic analysis from 2018.

Council members were concerned about the neighborhood and the zoning of both I-L and R-H.

Councilmember Butler moved to approve the Request to Rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), Changing the Underlying Land Use Designations for Approximately 15.433 Acres of Property Located East of 71st Avenue, North of 8th Street and Northeast of 69th Avenue (712 71st Avenue) and Final Reading of an Ordinance Changing the Official Zoning Map to Reflect the Same (HP Rezone), Continued from June 7, 2022. Councilmember DeBoutez seconded the motion. The motion failed 3-3 at 6:56 p.m. with Council members Hall, Clark and Olson voting nay and Mayor Gates recused.

Mayor Gates returned to the meeting to preside at 6:56 p.m.

19. Appointment of applicants to the Downtown Development Authority, Historic Preservation Commission, Island Grove Park Advisory Board, Construction Trades Advisory & Appeals Board, and Youth Commission

City Clerk Leatherwood tallied the ballots and announced the names of the newly appointed board and commission members.

- Downtown Development Authority- **Brian Seifried, Matthew Estrin, Matthew Hortt**
- Historic Preservation Commission- None. (Applicant withdrew.)
- Youth Commission- **Peyton Shepherd**
- Construction Trades Advisory & Appeals Board-**Brian Persons, Jim Morris, Webdell Heyen**
- Island Grove Park Advisory Board-**Justin Watada**
- Youth Commission (Ex-Officio)- **Pedro Lopez**

20. Scheduling of Meetings, Other Events

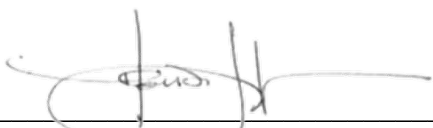
No other meetings or events were scheduled.

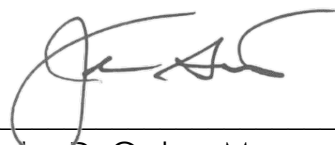
21. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Mayor Pro Tem Payton moved to authorize the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances. Council member Hall seconded the motion. The motion passed 7-0 at 6:58 p.m.

22. Adjournment

Mayor Gates adjourned the meeting at 6:59 p.m.



Heidi Leatherwood, City Clerk

John D. Gates, Mayor

BOOMERANG MASTER PLAN AMENDED DESIGN GUIDELINES

October 8, 2013

Developer:
City Center West, LP
7100 E. Belleview Ave.
Suite 350
Greenwood Village, Colorado 80111

Planner:
PCS Group, Inc
#3 B-180 Independence Plaza
1001 16th Street
Denver, CO, 80265

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Development Concept Master Plan Exhibit

Where provisions of these design guidelines are unclear or standards are not covered, the City of Greeley Development Code shall be considered the standard.

ARCHITECTURE STANDARDS

A 1.0 Design Principles

The goal of these design guidelines is to provide design standards that provide a consistent architectural and landscape character through the design of an integrated development. The goal is to provide flexibility for architectural design and optimize site and building functions.

The following guidelines are intended to outline the basic standards for design intent that will create the sustained development. The following design aspects will be addressed with these guidelines:

- Building Entrances
- Façade Treatment
- Base Treatment
- Roof and Top Treatment
- Building Materials and Colors
- Supplementary Standards

A 2.0 Building Entrances

A 2.10 Policy

Primary building entrances shall be clearly defined and provide shelter from the summer sun and winter weather. Building materials shall be selected to provide greater visual and textural interest at building entries.

A 2.20 Criteria

Primary entrances shall be easily identifiable to both the vehicular visitor as well as the pedestrian.

Building address (es) shall be clearly visible from the public right-of-way as well as at the entrance of each door.

Architectural articulation shall be evident at primary entrances. Textural and massing changes are required for visual interest as well as promoting the “human scale”

Primary entrances shall be protected from elements of weather.

Each principal building on a site shall have clearly defined, highly visible customer entrances featuring the following:

A. Customer entrances for “in-line retail” (or attached retail) shall feature no less than two of the items listed below:

B. Customer entrances for buildings of less than 25,000 gross square feet (excluding “in-line retail”) shall include no less than three (3) of the items listed below:

C. Customer entrances for buildings having 25,000 gross square feet, or more, shall include no less than five (5) of the items listed below:

D. Where additional stores will be located in the principal building, each store shall have at least one (1) exterior customer entrance, which shall feature no less than two (2) of the items in the following list:

1. Canopies, overhangs, or porte cocheres.
2. Recesses/projections
3. Arcades, porticos
4. Raised cornice parapets over the door
5. Peaked roof forms at entryway
6. Arches
7. Color change
8. Texture change
9. Material change
10. Door(s) which provide a focal element at the entrance
11. Functional outdoor patios
12. Architectural details such as tile work, moldings, exposed trusses, columns and other similar details, which provide interest and are integrated into the building structure and design

A 3.0 Façade Treatment

These standards are designed to provide architectural interest and variety, and avoid the effect of a flat, long, or massive wall with no relation to human size.

A 3.10 Variation in Massing

A single, large, dominant building mass shall be avoided. Buildings with 100 foot or longer front facades shall comply with the standards listed below:

Horizontal masses shall not exceed a height/width ratio of 1 vertical to 3 horizontal without substantial variation in massing that includes a change in height and projecting or recessed elements.

No façade that faces a public street or public open space shall have a blank featureless wall without at least two (2) of the following:

- A. Change in plane
- B. Change in color
- C. Change in texture, scoring, jointing, reveals or masonry pattern
- D. Windows
- E. Trellises, colonnades
- F. Porticos, awnings, or canopies

Use of inferior or lesser quality materials for side or rear facades shall be prohibited except where facades are not visible from the public right of way or common open space

Service entrances shall be planned to be visually unobtrusive to site entries, building entrances, public right-of-ways, and common open space.

A 3.20 Awnings

Awnings shall be broken down to relate to individual structural building bays or window openings.

A 4.0 Base Treatment

Facades shall have a recognizable “base” consisting of three (3) or more of the following:

- A. Thicker walls, ledges, or sills
- B. Integrally textured materials such as stone, masonry, or aggregate concrete.
- C. Integrally colored and patterned materials such as smooth finish stone or block.
- D. Lighter or darker colored materials, mullions, or panels as compared to the upper façade.
- E. Scoring/reveals.
- F. Belly band.
- G. Modular store front on first floor.
- H. Change in window pattern on first floor as compared to upper floor(s).
- I. Berming against base of building. 30” minimum height.

A 5.0 Roof and top Treatment

A 5.10 Purpose

Crown the building with a distinctive cap designed to terminate the top of the building.

Continuous flat parapets are prohibited, unless it can be demonstrated that façade massing breaks and other treatments create visual interest at the top of a building.

Rooftop mechanical units, dishes, and other miscellaneous equipment shall be screened or be an integral part of the building design. Screen material shall be of the same or compatible material texture and color to the building architecture.

A 5.20 Top Treatments

Parapets shall conceal flat roofs and rooftop equipment such as HVAC units in accordance with City of Greeley Development Code.

Non-residential buildings with a flat roof shall have a recognizable "top" consisting of two (2) of the following:

- A. Cornice treatment other than just colored "stripes" or "bands" with integrally textured materials, such as stone or other masonry or differently colored material.
- B. Sloping Roof form
- C. Stepped cornice treatment (min of 2 steps)
- D. An equivalent element that provides a recognizable top as approved by the DRC and administratively by the City
- E. A recognizable top treatment may not be required for buildings with a contemporary architectural style. Specific DRC and City approval is required in these instances.

A 6.0 Building Materials and Colors

A 6.10 Preferred Materials

- A. Brick
- B. Textured and/or ground face concrete block with integral color
- C. Textured architectural precast panels, painted and/or cast-in textures
- D. Site-cast or precast concrete panels, painted and/or cast-in textures
- E. Wood
- F. Natural stone and synthetic stone products
- G. Architecturally integrated metal wall panels, for accent materials.
- H. Synthetic Stucco
- I. Glazing- less than 65% reflectivity
- J. Smooth face concrete block, used in combination with other textured materials
- K. Other similar high quality materials

Materials must be consistent within the development to present an overall design.

A 6.20 Preferred Colors

Color palette should consider rich hues and a cohesive, unified theme throughout each planned development.

Monochromatic color schemes are discouraged.

The following colors families are encouraged to be used:

1. Grays- warm and cool
2. Greens/blues
3. Reds/browns
4. Other similar color families

A 6.30 Prohibited Colors

Color palettes consisting of high contrast and a dysfunctional theme as the predominant building color are prohibited.

The following are colors prohibited as the dominant theme:

1. Pastels
2. Metallic Colors
3. Other similar high contrast colors

A 6.40 Accent Colors

Accent colors are intended to compliment the primary building colors. They can be incorporated into shutters, window mullions, building trim, signs, light fixtures, awnings, etc. Bright/vivid colors shall be used sparingly. If used, accent colors shall be limited to 10-20% of the building façade.

A 7.0 Supplementary Standards

Individual types of commercial/retail projects have additional Design Guidelines associated with their use that are more specific in nature, as follows:

A 7.10 In-line Retail Stores

In-line, or attached retail stores, shall incorporate primary building elements that denote a place of entrance to the connecting pedestrian circulation patterns. These forms should be larger in scale than the entrances to the in-line retail components it addresses.

In-line retail uses shall incorporate building components, such as columns, arcades, covered walkways and trellises emphasis its connecting pedestrian circulation patterns.

In-line retail uses shall incorporate seating and pockets of outdoor living areas that provide resting areas.

A 7.20 Building Pad Sites

Retail/Commercial pad buildings shall be smaller in size than the retail anchor buildings to which they are adjacent.

Retail pad sites shall be separated from large parking lots by drive lanes and landscaping to delineate parking areas.

Utilitarian service areas shall not be placed adjacent to pedestrian pathways that lead to entrance areas. Utilitarian areas shall be fully screened with building components that are similar to or compatible with the building's wall materials and/ or colors.

A 7.30 Convenience/Gas Stations

Convenience stores and gas stations shall comply with the Greeley Municipal Code.

Canopies shall not exceed a 24 foot height. Canopies shall be architecturally integrated with the convenience store building and other accessory structures on the site through the use of the same or complementary materials, design motif, and colors.

A 7.40 Architecture for Commercial Buildings

Drive-up or drive-through facilities, whether attached or freestanding, shall be tied to the primary building with architectural forms, colors, and materials.

Ancillary structures, whether attached or freestanding, shall be of a design compatible with the primary building in materials/colors. Such structures shall be constructed of similar materials and designed for durability and easy maintenance.

Service areas and utilities shall be fully screened with walls, fences, landscaping or other forms which are to be compatible with the building in materials/ color. Such structures shall be constructed of similar materials and be designed for durability and easy maintenance.

SITE DEVELOPMENT STANDARDS

S 1.0 Design Principles

The goal of this section of the Design Guidelines is to provide additional design and landscaping standards for the development of the Boomerang Master Plan. The intent is to create a united site and landscape plan that will work with the existing structures on site while creating a compatible identity for each section of new development.

Standards not covered within these Design Guidelines shall be governed by the City of Greeley Development Code

S 2.0 Setbacks

The building and parking setbacks within Boomerang Village shall be determined, along with available performance options, by the City of Greeley Development Code for the appropriate zone district under consideration.

“Setbacks” refer to the required unoccupied open space between the furthestmost projection of a structure/parking lot and the property line of the lot on which the structure/parking lot is located.

See figure S 2.1 as an example of landscape screening within the required setback. On the west side of 69th Avenue and the east side of 70th Avenue, an attached sidewalk shall be permitted with a double row of shrubs for parking screening.

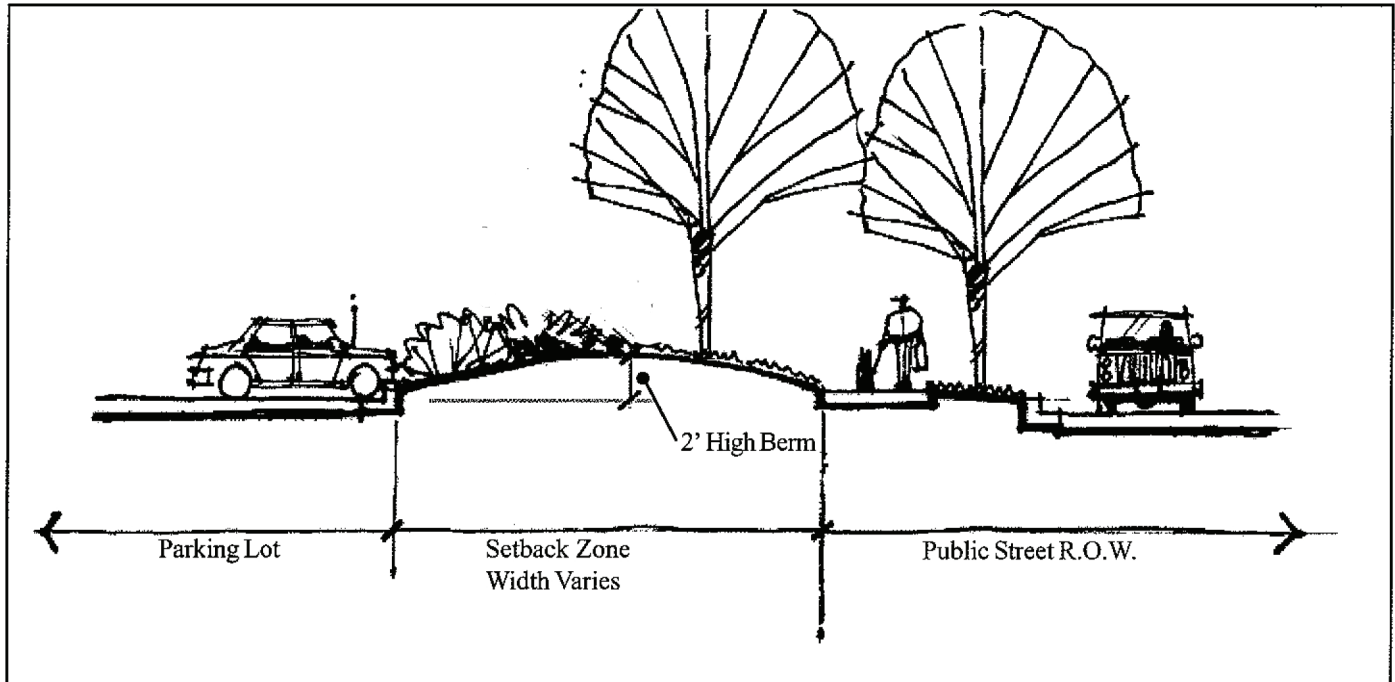


Figure S 2.1 - Landscape Setback Character Sketch

S 3.0 Open Space requirements

A minimum of 85% of the area defined as open space shall be vegetated landscaped areas. The intent is to create spaces which can be seen, used, and enjoyed by people, whether on foot, or in a vehicle.

Open space requirements for individual commercial lots can be reduced, if approved by the City of Greeley Planning Department, provided that the total percentage of open space within the commercial lots meets or exceeds the requirements of the Design Guidelines.

Open Space Table

LAND USE	Open Space % Required
Commercial/Retail	20 %
Industrial/Office	10 %
Residential	30 %-R-M 30 %-R-H

S 4.0 Parking Lot Screening

S 4.10 Policy

Parking lots shall be screened from surrounding public streets, public sidewalks and trails, public parks and other properties that are used by the public.

S 4.20 Criteria

- A. Whenever there are six (6) or more parking spaces on the property, the parking lot shall be screened where it abuts a public street.
- B. Berms, walls, fences, plants, planters or similar means shall be used to create the parking lot screen. Where structures such as walls or fences are used to create a screen, plants shall be located on the side of the structure which can be seen from surrounding streets, walks, parks, trails, and other properties which are used by the public.
- C. The screen around the parking shall be at least two (2) feet higher than the surface of the parking lot. Where plants are used to create a screen, the plants should create the screen within three years from the time planted.
- D. Parking lot setbacks are provided to mitigate the visual impacts of parking areas from adjacent parcels and public rights of way (refer to Section S2.0 for setbacks). In addition, a berm, landscape or wall may be used for lots adjacent to 10th Street. The screen along 10th Street shall reach a minimum height of 3' in order to maintain the existing character and feel of 10th Street. Height of screen will be measured from the north edge of 10th Street.

S 5.0 Landscaping

S 5.10 Purpose

Landscaping is intended to unify the building and its site along with adjacent development areas.

The development shall be landscaped with regionally appropriate materials. Perimeter streetscapes shall have a mix of formal and informal groupings of trees with large groupings of shrubs for seasonal interest.

Where appropriate, turf will be low water requiring varieties with areas of longer, native species.

Perennial and annual flowers will provide accent color. Landscaping and/or earth shaping shall be used to screen surface parking, to soften structures such as soft wall and to buffer sound adjacent to heavily traveled areas. Shrubs are encouraged to be used for low level buffers, enclosure, identity, and reinforcement of pathways, and to provide visual interest and display.

S 5.20 Plant Materials

Landscape design shall incorporate some or all of the following Xeriscape principle, including:

- A. Grouping plants with similar water requirements together ;
- B. Limiting high-irrigation and plantings to high-use and/or high visibility areas;
- C. Use of low water demanding plants and turf where practical;
- D. Use of indigenous plant materials, where appropriate and practical,
- E. Use of efficient irrigation systems, including the potential use of non-potable irrigation water.
- F. Use of mulches and soil improvements; and
- G. Provision of programs for regular and attentive maintenance.
- H. Trees and shrubs sizes, at the time of planting, shall comply with the following minimum sizes:
Deciduous Trees -2" caliper
Ornamental Trees -1 ½ " caliper
Evergreen Trees -6' height
Shrubs- 5 gallon

S 6.0 Commercial High Intensity (C-H) Zoning Uses

S 6.10 Permitted Uses

Farming
 Churches
 Libraries, Museums, etc.
 Long-term care, Assisted Living
 Police, Fire, and Ambulance Dispatch Stations
 Schools (business, trade)
 Art, Dance, Photo Studios, Galleries
 Auto Uses- Under 1 acre
 Auto Uses- Car & Truck wash (<1 acre & <3 bays)
 Banks, Savings & Loans, Financial Institution (with-out drive- up windows)
 Bars, Taverns, Lounges
 Brew Pubs
 Cleaning & Janitorial Services
 Dry Cleaning (no on site cleaning)
 Emissions Testing Center (<1 acre)
 Golf Uses- Golf Course, range w/o lights
 Golf Uses- Golf Course, range w/ lights
 Golf Uses- Miniature Golf
 Hospitals
 Lodging- Hotels & Motels
 Medical & Dental Offices & Clinics, Supplies
 Mortuaries, Funeral Homes
 Nurseries, Greenhouses, Garden Shops
 Offices
 Parking Lots & Structures
 Personal Service Shops (beauty, barber, etc.)
 Printing, Copying, Mail center
 Radio & TV stations
 Recreation Uses- Community Rec. Bldg.
 Recreation Uses- Indoor, outdoor extensive
 Recreation Uses- Membership/Health Clubs
 Recreation Uses- Open Space
 Recreation Uses-Parks (pocket, neighborhood, regional)
 Rental Service (equipment, small tools, supplies, etc.) Not including vehicle rental or outdoor storage of rental equipment.
 Restaurants - Cafes & Other eating establishments (includes outdoor seating areas)

Retail Repair Shops
 Retail Sale- Up to 20,000 SF GFA
 Theaters- Indoor, movie
 Train, Shuttle, Bus Depots
 Newspaper & Publishing Plants, Binderies
 Research & Testing Labs
 Utility Service Facilities-< 300 SF
 Wireless Telecomm.- Co-location on existing tower

S 6.20 Design Review Uses

Animal Uses, Pet stores, Pet Grooming
 Animal uses- Vet Clinic (no outdoor run)
 Banks, Savings & Loans, Financial Institution (with drive- up windows)
 Mixed Use (must include residential)
 Secondary Dwelling
 Child Care / Daycare Centers, Preschools
 Convenience Store w/ Gas (1 acre or less)
 Food & Beverage Processing Facility (minor)
 Gas Stations (1 acre or less)
 Group Homes with 8 or fewer residents
 Lodging- Bed & Breakfast
 Restaurants- Drive-in/ drive-thru
 Restaurants- Drive-up Window
 Retail Sales- Over 20,000 SF GFA
 Warehousing- Self-serve under 5 acre in size
 Telecommunications Uses- satellite antennas over 3' diameter
 Utility, Comm. Tower & Cabinet>Bldg. Height
 Wireless Telecomm.- Stealth design
 Wireless Telecomm.- Roof-top mounted

S 6.30 Special Review Uses

Single-Family Dwelling
 Two- Family Dwelling
 Multi-Family Dwelling
 Town House Dwellings
 Boarding/Rooming Houses
 Dormitories, Sororities, Fraternities
 Group Homes with 8 or more residents
 Schools (other than business & trade schools)
 Universities, College

S 6.30 Special Review Uses (con't)

Gas Stations with Convenience (over 1 acre)
Auto Uses- Over 1 acre
Auto Uses – Auto Repair, Auto Sales (over 1 acre)
Auto Uses – Car & Truck wash over 3 bays
Retail Sales- Over 100,000 SF GFA
Warehousing- Self -serve over 5 acre in size
Oil & Gas Operations
Utility Service Facilities->300 SF
Utility Lines over 33 KVA
Wireless Telecomm.- Freestanding (non-stealth)

S 6.40 Excluded Uses

Emergency Shelters, Missions
Animal Uses- Kennels
Animal Uses- Vet Clinic w/ outdoor run
Auto Uses- Auto Rental
Auto Uses- Commercial Truck Wash
Auto Uses- Towing Service
Bingo Halls & Parlors
Builder/Contractor Supply Office & Yards
Drive-In Theaters
Exterminating Shops
Laundromats
Pawn Shops
RV & Travel Trailer Parks
Theaters- Outdoor (sports arenas, stadiums)
Theme or Amusement Parks, Zoos, Aquariums
Upholstery Shops
Recycling Centers- Small and Large

COMPATIBILITY WITH COMPREHENSIVE PLAN

The Development Concept Master Plan Amendment is not proposing to alter any of the zoned uses on the property, and as such, this amendment remains compatible with the existing zoning. It is also consistent with the goals of the 2060 Comprehensive Plan, providing a mix of uses within a development, and encouraging walkability and promoting a healthy lifestyle.

This amendment is simply depicting the current plans for the commercial development along 10th Street, along with updating the Eastern portion of the 10th Street frontage to include the proposed Banner Health Site. The plan maintains the approved mix of uses with proposed residential and commercial uses, and the character and intensity of development remains reflective of the Comprehensive Plan principles and guidelines.

PROPERTY SETTING

The Boomerang Master Plan is located at the northeast corner of the intersection of 10th Street and 71st Avenue. The northern border of the property is 4th Street and the East boundary of the property runs along Sheep Draw. The property is approximately 156 acres of rolling terrain and large mature trees with the former Hewlett Packard building located in the central portion of the property.

The adjacent zoning along the north edge is R-H with a small portion at the west end zoned C-H. The adjacent zoning along the east edge of the property is C-D. The south edge of the property has adjacent zoning of C-H and R-H. The west side of the property is a mix of R-L and R-H zones along with the Boomerang Golf Course.

The zoning on the property has not changed and remains a mix of zoning throughout the property. The southern portion of the property is C-H zoning and the northern portion is a mix of R-M, R-H, C-H and I-L zoning. We feel that the zoning designations for the property remain compatible with the existing uses in the surrounding area.

PEDSTRIAN CIRCULATION

The challenge with pedestrian circulation for this property is creating easy access between large areas that will be easily identifiable and accessible for pedestrians. For the majority of the property the proposed streets with sidewalks and parkways will serve as the primary connection for pedestrians between parcels. The residential portion of the property on the north end is planned to have an open space connection through the developed areas that will lead to the Sheep Draw corridor. We feel the connection for pedestrians to the Sheep Draw corridor, and onto the existing trail is the most important connection for the site.

The commercial pad sites along 10th Street will provide safe and convenient pedestrian access for their clientele. At the same time, east-west pedestrian connections will be provided along both the front and rear of the pad sites, ensuring connectivity between the commercial uses and to the greater community. These connecting walks will ultimately lead to Sheep Draw via multiple connections north to 8th Street which facilitates this connection.

Michael Franke

From: Trish Thompson <trish.thompson@ymail.com>
Sent: Wednesday, July 17, 2024 10:18 AM
To: Michael Franke
Subject: Northridge trails ZON2023-0003

[You don't often get email from trish.thompson@ymail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Planning Commission,

I am a resident of Northridge trails and have been for nearly three years. In addition to a resident, I'm the communications representative for our Metro District. As both a resident, and a spokesperson for my neighbors, we strongly oppose the proposed rezoning of the parcel behind WestRidge Academy. We would love to see single family homes, townhomes, or businesses built there, but not apartments.

I have three main reasons for opposing this rezoning.

First, and most importantly, the safety of the community and children in the community. The amount of additional traffic that comes with an apartment complex is huge (we already deal with the traffic from 10 West). Drivers leaving apartment complexes drive cautiously through their complex, then exit on to the road and often take off at high speeds with disregard for traffic signs. My home is at the corner of 66th and 67th Ave, I have nearly been hit by a car running the stop sign and speeding at least 20 times. Adding additional apartments will not help this. We have such a problem that GPD often parks in front of my home to issue speeding and stop sign tickets. This location is near two elementary schools, there are children walking and biking everywhere. The proposed location of this new apartment complex has no direct access to a main street, so traffic would all go through the neighborhood where tons of children are riding bikes and playing outside. Please remember, a child has already been hit by a car in our neighborhood.

Second issue- street congestion. With the apartments that are already in place the residential streets are often lined with cars (which also presents a safety issue for kids playing). There are times when two cars traveling in opposite directions can barely pass each other because of the street parking issues. The addition of another apartment complex in the middle of the neighborhood will just multiply this issue.

Third issue- schools- this neighborhood is zoned for Tointon Academy. The school is already over capacity, homes that have already been approved are still being built, thus numbers growing. Where are the children who will move into these 500+ apartments attend school? Children from 30-50 homes are MUCH easier to accommodate than 500.

The first time this developer tried to get this parcel rezoned he tried to convince the residents and the council that his apartments would reduce traffic and we needed them. The city council saw through him then and voted against the rezoning. Please, for the safety and comfort of the children in the area and the residents, vote against the rezoning again.

Trish Thompson
480-577-6892

Michael Franke

From: Amairani Ramirez <amair1994@gmail.com>
Sent: Wednesday, July 17, 2024 2:53 PM
To: Michael Franke
Subject: proposed apartment complex behind Westridge. ZON2023-0003

You don't often get email from amair1994@gmail.com. [Learn why this is important](#)

Dear Members of the City Council,

I am writing to express my concerns regarding the proposed apartment development in our neighborhood. While I understand the need for additional housing, I believe this particular location is not suitable for such a development due to several significant issues.

My primary concerns are as follows:

1. ****Increased Crime****: With a higher volume of families moving into the neighborhood, there is a potential for an increase in crime. Larger populations often correlate with higher crime rates, which is a serious worry for our safety and well-being.
2. ****Higher Volume of Families****: The influx of new families would lead to overcrowding in our neighborhood, straining our local resources and infrastructure such as schools, parks, and community services, which are already operating at full capacity.
3. ****Children's Safety****: One of my main concerns is the safety of our children. With more families moving in, there will inevitably be an increase in the number of drivers in the area. This raises the risk of accidents, especially considering that many children play outside and walk to school.

Given these concerns, I urge you to find a different location for the proposed apartments, preferably in a more undeveloped area where the impact on existing communities would be less significant. Such areas would likely benefit more from new developments without posing the same risks to safety and infrastructure.

Thank you for your attention to this matter. I hope the council will take these concerns seriously and work towards a solution that balances the need for housing with the safety and well-being of our community.

Sincerely,
Amairani Gonzalez

Michael Franke

From: Christie <christie.penny24@gmail.com>
Sent: Tuesday, July 23, 2024 8:54 AM
To: Michael Franke
Subject: H-P Tract 3A Rezone

You don't often get email from christie.penny24@gmail.com. [Learn why this is important](#)

Dear Michael Franke,

I am writing to express my strong opposition to the proposed rezone request for High Residential from Industrial Zoning and potential construction of more apartment complexes near my home at 713 67th Ave. As a resident of this community, I believe that such development would have several negative impacts on our neighborhood.

Firstly, the character of our residential area would be significantly altered by the introduction of additional high-density housing. Our community currently enjoys a peaceful and family-friendly environment, and the addition of apartment complexes would bring increased noise levels, traffic congestion, and several potential safety concerns. Living on 67th Avenue, there is a lot of traffic cutting through the neighborhood between 10th and 4th street. As we are the through route without any stop signs or speed bumps, I worry about my children playing out front with their friends. With additional apartment complexes potentially joining this area, especially without access to one of those two main roads, I feel the traffic through and around our existing neighborhood will grow substantially which is a safety risk for the families who currently reside here.

Secondly, I am concerned about the strain this development would place on our local infrastructure. Issues such as parking shortages, overcrowded schools which the neighboring schools are already at capacity, and increased demand for municipal services are all potential consequences that could negatively affect the quality of life for current residents. Depending on the apartment complex, parking availability could be limited, and residents might park in adjacent streets, causing congestion. While cars are allowed to park on the street in the neighborhood, I worry that anyone needing parking in that space will also be parking on our street which further perpetuates the concern for increased traffic and speeding which are already growing concerns. With the 10 West Apartment complexes, our neighborhood already has an influx of cars for those residents parking on the neighboring streets.

Furthermore, the aesthetics of our neighborhood could be compromised by the rezoning of this land to High Residential and potential apartment buildings. Our homes are primarily single-family dwellings, and the introduction of multi-story complexes could disrupt the visual harmony and diminish property values. My home currently backs up to the 16.192 acres for proposed rezoning and with apartment complexes already proposed near 10th street, from my back yard all you will see are multilevel apartment complexes in every direction. Additionally, it's likely that any apartment buildings built will have windows facing directly into neighboring properties, potentially reducing privacy for all those living nearby. I personally would not choose to purchase a home with that view and lack of privacy, I feel our neighborhood and property values will suffer substantially from such construction.

Additionally, I am apprehensive about the potential economic impact on our community. While development can bring economic benefits, it is crucial that any new construction aligns with the existing character and needs of our neighborhood to ensure long-term sustainability and prosperity for all residents. Depending on the management of the potential complex, there could be issues with maintenance and upkeep that could affect neighboring properties as well. Furthermore, apartments often have a higher turnover of residents compared to single-family homes, which can lead to less stable or predictable neighborhood dynamics.

In conclusion, I respectfully urge you to reconsider the decision to proceed with allowing rezoning of this area to High Residential. With the growing city, apartment builders are inevitably going to purchase this land leaving our neighborhood and single-family homes surrounded by apartment complexes. I currently love my home and the neighborhood we've been blessed to become a part of. My children enjoy playing outside with all of their friends they have made. I believe that preserving the residential nature of our community and maintaining its quality of life should be priorities in any development plans. My husband and I chose to live in Greeley, and build our family home in this neighborhood because we wanted a safe, comfortable, peaceful and family-friendly environment for our children to grow up in. I truly hope that you can see how this change will negatively impact this and change that for us.

Thank you for considering my concerns. I would appreciate exploring alternative solutions that are more suitable for our neighborhood, such as rezoning this area for additional parks, outdoor space, or single-family homes instead of High Residential.

Sincerely,

Christie Penny

Michael Franke

From: Chaynee Kingsbury <chaynee.kingsbury@gmail.com>
Sent: Wednesday, July 17, 2024 5:39 PM
To: Michael Franke
Subject: Apartments in Northridge Trails

You don't often get email from chaynee.kingsbury@gmail.com. [Learn why this is important](#)

Hello,

This is Chaynee Lanckriet. My family and I are located in the Northridge Trails neighborhood specifically right beside where the plans for building new apartments are being discussed. (67th ave)

We would like to make a point and stand with many others in our neighborhood for this NOT to happen. We really enjoy the quiet and low traffic part of our neighborhood, especially with a new baby. The speed of traffic is already a serious hazard.

Thank you for taking the time to take our emails and take our thoughts into consideration.



Chaynee Lanckriet
Kingsbury Family Ranch

970-396-7202 | chaynee.kingsbury@gmail.com

Michael Franke

From: Christie <christie.penny24@gmail.com>
Sent: Tuesday, July 23, 2024 8:54 AM
To: Michael Franke
Subject: H-P Tract 3A Rezone

You don't often get email from christie.penny24@gmail.com. [Learn why this is important](#)

Dear Michael Franke,

I am writing to express my strong opposition to the proposed rezone request for High Residential from Industrial Zoning and potential construction of more apartment complexes near my home at 713 67th Ave. As a resident of this community, I believe that such development would have several negative impacts on our neighborhood.

Firstly, the character of our residential area would be significantly altered by the introduction of additional high-density housing. Our community currently enjoys a peaceful and family-friendly environment, and the addition of apartment complexes would bring increased noise levels, traffic congestion, and several potential safety concerns. Living on 67th Avenue, there is a lot of traffic cutting through the neighborhood between 10th and 4th street. As we are the through route without any stop signs or speed bumps, I worry about my children playing out front with their friends. With additional apartment complexes potentially joining this area, especially without access to one of those two main roads, I feel the traffic through and around our existing neighborhood will grow substantially which is a safety risk for the families who currently reside here.

Secondly, I am concerned about the strain this development would place on our local infrastructure. Issues such as parking shortages, overcrowded schools which the neighboring schools are already at capacity, and increased demand for municipal services are all potential consequences that could negatively affect the quality of life for current residents. Depending on the apartment complex, parking availability could be limited, and residents might park in adjacent streets, causing congestion. While cars are allowed to park on the street in the neighborhood, I worry that anyone needing parking in that space will also be parking on our street which further perpetuates the concern for increased traffic and speeding which are already growing concerns. With the 10 West Apartment complexes, our neighborhood already has an influx of cars for those residents parking on the neighboring streets.

Furthermore, the aesthetics of our neighborhood could be compromised by the rezoning of this land to High Residential and potential apartment buildings. Our homes are primarily single-family dwellings, and the introduction of multi-story complexes could disrupt the visual harmony and diminish property values. My home currently backs up to the 16.192 acres for proposed rezoning and with apartment complexes already proposed near 10th street, from my back yard all you will see are multilevel apartment complexes in every direction. Additionally, it's likely that any apartment buildings built will have windows facing directly into neighboring properties, potentially reducing privacy for all those living nearby. I personally would not choose to purchase a home with that view and lack of privacy, I feel our neighborhood and property values will suffer substantially from such construction.

Additionally, I am apprehensive about the potential economic impact on our community. While development can bring economic benefits, it is crucial that any new construction aligns with the existing character and needs of our neighborhood to ensure long-term sustainability and prosperity for all residents. Depending on the management of the potential complex, there could be issues with maintenance and upkeep that could affect neighboring properties as well. Furthermore, apartments often have a higher turnover of residents compared to single-family homes, which can lead to less stable or predictable neighborhood dynamics.

In conclusion, I respectfully urge you to reconsider the decision to proceed with allowing rezoning of this area to High Residential. With the growing city, apartment builders are inevitably going to purchase this land leaving our neighborhood and single-family homes surrounded by apartment complexes. I currently love my home and the neighborhood we've been blessed to become a part of. My children enjoy playing outside with all of their friends they have made. I believe that preserving the residential nature of our community and maintaining its quality of life should be priorities in any development plans. My husband and I chose to live in Greeley, and build our family home in this neighborhood because we wanted a safe, comfortable, peaceful and family-friendly environment for our children to grow up in. I truly hope that you can see how this change will negatively impact this and change that for us.

Thank you for considering my concerns. I would appreciate exploring alternative solutions that are more suitable for our neighborhood, such as rezoning this area for additional parks, outdoor space, or single-family homes instead of High Residential.

Sincerely,

Christie Penny

Michael Franke

From: Brandon Williams <b89williams@gmail.com>
Sent: Wednesday, July 17, 2024 10:54 AM
To: Michael Franke
Subject: Opposition of Apartments near WestRidge Academy

You don't often get email from b89williams@gmail.com. [Learn why this is important](#)

To whom it may concern,

I am a resident of the Northridge Trails community and am strongly opposed to the development of apartments that is proposed behind WestRidge Academy. This will bring an insane amount of vehicles into our already overcrowded neighborhood and I feel would end up driving down the overall value of my property. Greeley is a great place to live but if these types of developments continue to be the priority then it is only satisfying large property investors and is driving out townhome and single family home owners in the area.

Again, I am respectfully strongly opposed to this development. While it may not directly impact many of the people making decisions on this change of zoning it will make a lot of residents very upset and look to leave the area.

For the better of our community, please do not allow this change to proceed.

Thank you,

Brandon Williams
6607 4th St Rd #5
Greeley, CO 80634

Michael Franke

From: Christina Keedy <ckeedy@gmail.com>
Sent: Wednesday, July 17, 2024 10:52 AM
To: Michael Franke
Subject: Case # ZON2023-0003

You don't often get email from ckeedy@gmail.com. [Learn why this is important](#)

Dear Michael,

I hope this email finds you well. I am writing to express my strong opposition to the proposed rezoning of the land from Industrial Light to Residential High in our community.

One of the primary reasons for my opposition is the lack of adequate infrastructure to support such a significant change. Our community currently does not have the necessary facilities to accommodate a high-density residential area. Key concerns include:

1. **Parking:** The current parking infrastructure is insufficient to meet the demands that would arise from an influx of new residents. This could lead to overcrowding and parking issues that will affect both new and existing residents.
2. **Schools:** Our local schools are already operating at or near capacity. An increase in population due to Residential High zoning would place additional strain on these educational institutions, potentially compromising the quality of education for our children.

Furthermore, the proposed rezoning is likely to have a detrimental impact on the property values of current residents. The shift from Industrial Light to Residential High could alter the character of our neighborhood, leading to a decrease in property desirability and, consequently, property values.

I urge you to consider the long-term implications of this rezoning proposal on our community. Without adequate infrastructure in place before making such changes is crucial for maintaining the quality of life for all residents.

Thank you for your attention to this matter. I hope you will take our concerns into account and oppose the rezoning of this land.

Sincerely,

Christina Keedy

602-326-8227

620 66th Ave

Greeley, CO 80634

Michael Franke

From: Sean Thompson <smthomp4@gmail.com>
Sent: Thursday, July 18, 2024 10:07 AM
To: Michael Franke
Subject: H-P Tract 3-A rezone (Case# ZON2023-0003)

You don't often get email from smthomp4@gmail.com. [Learn why this is important](#)

Hello,

My name is Sean Thompson and I'm a homeowner in the Northridge Trails Subdivision, my home is at 745 67th Avenue. I am reaching out to you to voice my concern with the proposed rezoning of the land that is directly behind my house from Industrial Low Intensity to Residential High Intensity. First and foremost if this were to be rezoned I am concerned for the over all safety of my children as well as all children in the neighborhood. 66th Avenue already gets quite congested with the Ten West Apartment residents parking along the street and to add to that the parent pickup line for West Ridge Academy also runs down 66th Avenue as well. Often times there are quite a few residents from these apartments that speed through the neighborhood and run the stop signs combine that with the very low visibility due to the street congestion that obviously creates a high pedestrian safety concern. I foresee this being an even greater issue if the land were to be rezoned as that will clearly intensify what is already a major issue as it stands currently. Furthermore, the public schools in this area are already at capacity so I don't see how adding even more residents in this area would work logistically for that issue. This proposal was previously declined for the above issues I had mentioned and at that time our Subdivision was not fully developed as it is now. So I strongly urge you do the same again. Thank you for your consideration in this matter.

Sincerely,

Sean Thompson

Michael Franke

From: Jazmyn Trujillo Martinez <jtrujillomartinez@weld.gov>
Sent: Thursday, July 18, 2024 4:24 PM
To: Michael Franke
Subject: ZON2023-0003

You don't often get email from jtrujillomartinez@weld.gov. [Learn why this is important](#)

Good afternoon, Michael,

I live at 6631 7th Street and strongly oppose the rezoning of ZON2023-0003. The rezoning of the property to R-H will allow for apartments to be a use by right in an already highly dense residential area. Less than a block down on 8th Street is the already existing Ten West Apartments and directly across the street is another request in progress for another apartment complex to be approved. Also, on the other side along 4th Street are townhomes that a part of the residential subdivision.

Unfortunately, the subdivision homeowners are the ones who are having to endure the frustrations of the already existing apartment complex and it does not make sense to allow for more high-density residential uses with ZON2023-0003. Below are the reasons ZON2023-0003 should be denied by the Planning Commission and City Council:

- 8th Street is sandwiched between to major arterials, 4th Street and 10th Street, but ZON2023-0003 property does not have direct access to either arterial. It would be great if all the traffic would be required to head to 10th Street, but we know that will not happen, so all the traffic that wants to get to 4th Street for further dispersal will take the shortest route, thus driving directly through the neighborhood via 66th Avenue.
- 66th Avenue has had its share of issues with traffic and speeding that has led to the City installing 3-way stops and speed humps but unfortunately, that has not helped. Since the installation of these mechanisms, there are still anywhere between 25%-50% of users who still blow through the stop signs and/or fly over the speed humps. The installation of these mechanisms has also led to an increase of 67th Avenue being used since it is parrel to 66th and does not have stop signs or speed humps, allowing vehicles to fly through.
- The subdivision also has many young children who enjoy playing outside. The approval of ZON2023-0003 could potentially allow for a large increase in traffic, creating a potentially more dangerous situation for children playing outside. I have already mentioned how folks love to speed through the neighborhood and ignore stop signs, one little girl has already been hit while crossing the street to go to the mailbox. Even as an adult, I have had to jump out of the way when crossing 66th Avenue to get my mail because vehicles are speeding and driving distracted that they do not slow down and blow the stop signs. I purposely bought a home that is not on a collector or arterial road, I would hate to see 66th Avenue upgraded because of its high traffic volume.
- Parking is another issue that is already bad due to the Ten West Apartments but the approval of ZON2023-0003 will only make it worse. Since apartments limit the number of vehicles a unit is allowed, families with teen children or units with multiple drivers are having to park in the side streets of the neighborhood. The roads in the neighborhood are tight as is, so when there are parked cars along both sides of the street, two cars are not able to pass. Cars are playing chicken down the road until one finally decides to pull to the side so the other can squeeze by. These cars parking along the side also do not like to obey no parking signs. There have been several neighbors who have their driveways blocked by a parked car that ignored a city installed "No Parking" sign.
- Speaking of parking, folks in the Ten West Apartments have work vehicles that they need to take home. It seems that the apartment complex does not allow commercial vehicles to be parked in the complex. This has caused semi-trucks and trailers and heavy trucks to park along the street, taking multiple spots, in an area where people are already having an issue to park. I have even seen individuals park their semi-trucks and trailers at Westridge Academy and walk back to the apartments.
- With the property up for rezoning being directly next to a school, this can put the children walking to and from school in danger, danger from strangers to dangers from speeding cars. Also, along these lines, 8th Street during

the school year gets jam packed at drop-off and pick-up times for the school. The access for ZON2023-0003 will be right in the middle of this congestion zone and we all know this could create issues for the simple fact that so many individuals just no longer have patience or manners.

I know this email is long and sadly this does not sum up all the reasons ZON2023-0003 should be denied but these are the reasons that stand out at the top of my list. I will try to make it to the City Council hearing but in case I do not make it, I just want to make sure my concerns are part of the case file.

Thank you for your consideration,
Jazmyn Trujillo-Martinez

Jazmyn Trujillo-Martinez

Development Review
Weld County Planning Services
1402 North 17th Avenue
P.O. Box 758
Greeley, CO 80631
(970) 400-3711



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Wayne and Katie Langham
710 66th Avenue
Greeley, CO 80634
langham.crew@gmail.com
970-381-3303
7/17/2024

City Council
Greeley
1000 10th St
Greeley, CO 80631

Dear Members of the Planning Commission,

I am writing to express my opposition to the rezoning request from I-L (Industrial Light) to R-H (Residential High) in our neighborhood located at the Northeast Corner of 8th Street and 69th Ave.

While I understand the need for development and the possible benefits it can bring, I have several concerns regarding this particular project:

Increased Traffic and Safety Issues: Our neighborhood already faces significant traffic congestion, particularly during the school year. The addition of yet another apartment complex will exacerbate this problem, leading to more traffic jams and congestion, which will negatively impact the quality of life for current residents. Our neighborhood is already being regularly monitored by the GPD (Greeley Police Department) due to the unsafe driving on our residential streets.

During the school year Westridge Academy parents utilize the bike lane along 8th Street to pick up/drop off their children from school. This makes it so that children are unable to safely use the bike lanes to get to and from school. I believe that this is one of many examples that shows how congested this area already is.

Impact on Community Character: When adding a large number of rental units to an area you change the character of a community. In my opinion this means that the management team for a large rental property really needs to work closely with the neighboring community to keep the neighborhood clean. Unfortunately the management of the current neighboring apartment complex has left a sour taste in our mouth. Evidence of this can be seen in the form of trash spilling out into the natural areas from their dumpsters and dog waste from apartment residents everywhere (including public and private areas).

In an effort to combat the waste we have held several community clean up events. I love getting out as a community to make sure our neighborhood is a place that we are proud to live in, but the apartment management companies must be held accountable for the amount of trash and animal waste coming into the neighboring lots.

Because of the poor management of the neighboring apartment complex I am completely against another large capacity apartment being built nearby.

Property Values: Many residents, including myself, are concerned that the construction of a high-density apartment building could negatively impact property values in the neighborhood. This is particularly troubling for homeowners who have invested significantly in their properties.

I urge the City Council to reconsider this project in light of the negative impacts it will have on our community. It is crucial to seek development solutions that are in harmony with the needs and concerns of existing residents while promoting sustainable and thoughtful growth.

Thank you for considering my concerns. I am hopeful that the City Council will take the time to thoroughly review the implications of this project and explore alternative options that better align with the character and needs of our neighborhood.

Sincerely,

Wayne and Katie Langham

Concerns Regarding Rezoning Proposal for 8th St and 69th Ave

Dear Mr. Franke and the Greeley Planning Commission,

I am writing to express my concerns regarding the proposed rezoning of the land at the Northeast Corner of 8th Street and 69th Avenue from industrial to high-density residential. As a resident of the Northridge Trails neighborhood, I believe this change will significantly impact our community and is ultimately not needed.

My main concern is for the safety of children and families in the area. The introduction of high-density residential zoning will likely lead to increased traffic congestion in our area which is already not equipped to handle the volume of vehicles using it, not to mention the additional traffic that would come with a substantial increase in population. This could result in heightened risk of accidents and a general decline in road safety in an area with two schools - Tointon and Westridge - with students who walk and bike to both. According to the National Highway Traffic Safety Administration, around 20% of child traffic fatalities occur during school commute hours. Additionally, the Safe Routes to School National Partnership has found that children are more likely to be struck by vehicles near schools with increased traffic. To add concern to the safety issues is that Tointon is currently at capacity and Westridge is also near it. There will be more traffic, less safety, and families who would move into the new apartments wouldn't even have access to the closest schools for their children to attend.

The reality is that the measures taken to control traffic in our neighborhood already have been met with indifference or outright negligence. It's been more than once that if not for watching carefully, my one-year-old son and I would have been hit by a car ignoring the stop signs in our neighborhood. More cars with the same measures would lead to inevitable harm at some point. Speed humps and stop signs are useful when traffic is moderate, but increase the traffic and the signs simply won't matter.

Moreover, the proposed rezoning does not adequately address the issue of parking. High-density residential developments typically require substantial parking space for both residents and visitors. The area in question, currently zoned for industrial use, lacks the infrastructure to support the increased demand for parking that such a development would bring. Insufficient parking space can lead to significant problems, including increased congestion on local streets as residents and visitors search for available spots. This can block emergency access routes which are already minimal in our neighborhood, school routes, and exacerbate traffic issues. Additionally, overflow parking on neighboring streets can reduce the availability of parking for current residents and visitors, leading to illegal parking practices and further congestion.

Furthermore, it is important to consider the current housing market in our area and the basic need for hundreds of new apartments. There are already several apartment buildings nearby that have vacancies including Ten West, Sheepdraw, and the yet to be built large complex just

east of Sheepdraw. This indicates that there is not an immediate demand for additional high-density residential units. Introducing more high-density housing in a market that is not fully occupied could lead to an over-saturation of the housing market, potentially driving down property values and creating a less stable housing environment.

The character of our neighborhood, which is currently community-focused, could be altered drastically. Many of us who purchased homes here did so under the impression that Greeley was working to create more family-focused neighborhoods to be a place for families much as Loveland, Windsor, or Fort Collins are. However, high-density residential developments often bring increased noise levels, reduced privacy, and a loss of the community atmosphere that many of us value and purchase our homes for.

While I understand the need for housing development, I believe there are more suitable housing types and locations within our city that would better meet the needs of future residents. I urge you to consider alternative ideas. This proposal feels to be more about gaining profit for LaSalle Investors than it is to serve the people of Greeley.

I am not alone in my concerns; many of my neighbors share these views and have expressed their reservations about this rezoning proposal. We collectively urge you to reconsider this plan and engage with the community to explore more balanced solutions that address the city's housing needs without compromising the quality of life in our neighborhood.

Thank you for your work to determine the best path forward. I am available to discuss this further and provide any additional information that may be helpful. I look forward to participating in future conversations.

Sincerely,
Ryan MacTaggart, Ph.D.

Michael Franke

From: Brian McBroom
Sent: Tuesday, July 23, 2024 6:02 PM
To: Michael Franke
Subject: Fwd: Greeley - Rezoning Application for Lot south of our neighborhood from I-L to R-HI - near Northridge Trails development (previously Hartford homes who pulled out, now Journey home) *personal off clock*

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From: Raymond Lee <Raymond.Lee@Greeleygov.com>
Sent: Tuesday, July 23, 2024 5:33:44 PM
To: Rachel Flynn <Rachel.Flynn@Greeleygov.com>; Brian McBroom <Brian.McBroom@Greeleygov.com>; Paul Trombino <Paul.Trombino@Greeleygov.com>
Cc: Blair Snow <Blair.Snow@greeleygov.com>
Subject: FW: Greeley - Rezoning Application for Lot south of our neighborhood from I-L to R-HI - near Northridge Trails development (previously Hartford homes who pulled out, now Journey home) *personal off clock*

FYI



Raymond C. Lee III
City Manager
City Manager's Office
1000 10th Street Greeley, CO 80631
970-518-2262 | raymond.lee@greeleygov.com
www.greeleygov.com

From: Aaron Browning <Aaron.Browning@pulte.com>
Sent: Tuesday, July 23, 2024 5:31 PM
To: John Gates <John.Gates@Greeleygov.com>; Dale Hall <Dale.Hall@Greeleygov.com>; Brett Payton <Brett.Payton@Greeleygov.com>; Melissa McDonald <Melissa.McDonald@Greeleygov.com>; Raymond Lee <Raymond.Lee@Greeleygov.com>
Cc: abrowning185@gmail.com
Subject: RE: Greeley - Rezoning Application for Lot south of our neighborhood from I-L to R-HI - near Northridge Trails development (previously Hartford homes who pulled out, now Journey home) *personal off clock*

You don't often get email from aaron.browning@pulte.com. [Learn why this is important](#)

To follow up:

Limited application in suburban neighborhoods = R-HI. We are a *suburban* neighborhood not a downtown area, it would be more prudent to provide **R-E or R-L** zoning to encourage home ownership, and the city could invest in programs to incentive a new builder etc. This would be more mindful of homeowners long-term goals to develop a forever home, vs. a transient setting that R-HI (high density) would encourage. I think the mindset of turning the middle-class into a rental class, is something that our politicians should discourage. Making home ownership more affordable with lower interest rates, inflation, etc should be the goal. Not conforming to problems at hand, simply because the short-term paycheck might be quicker. Long-term home ownership, is an investment that will result in more income for the city with forever residents and consumption of services/goods locally, and tax money in real estate taxes vs high density apartments.

[land-use-sheets.pdf \(greeleygov.com\)](#) : source.

Regards,

Aaron Browning

From: Aaron Browning

Sent: Tuesday, July 23, 2024 5:17 PM

To: john.gates@greeleygov.com; dale.hall@greeleygov.com; brett.payton@greeleygov.com; melissa.mcdonald@greeleygov.com; raymond.lee@greeleygov.com

Cc: abrowning185@gmail.com

Subject: Greeley - Rezoning Application for Lot south of our neighborhood from I-L to R-HI - near Northridge Trails development (previously Hartford homes who pulled out, now Journey home) *personal off clock*

Good afternoon team.

I hope you are doing well. I am reaching out to contest and discourage the re-zoning from I-L to R-H near Westridge Academy in Greeley CO. We built s new home the Northridge Trails community. The area is already surrounded by the Ten West apartment complex, and the parking has pushed into the neighborhood. We were successful in adding speedbumps to deter speeding/traffic into the community. It was zoned as I-L due to concerns over parking and traffic in the area adjacent to our neighborhood, and the request to re-zone already failed because of our concerns as homeowners. **The area is already suffering from a high density of rental homes, as the original builder Hartford pulled out of the community and did not finish the build out.** We were promised a park as well that is still vacant land by the city. With Hartford pulling out, Journey homes has sold some of the 6 unit plex complexes to large rental investors, and the area is already being impacted by this switch to rental vs homeowners. If this zoning is successful, it will create more traffic issues, for a neighborhood that has had its original builder (Hartford homes) pull out, and a large density of townhomes being turned into rental homes, and homes being rented too. The apartment complex Ten West is already basically in the neighborhood. To build more apartments behind the homes, we would be surrounded by apartments. **I do feel that the city council, and your members would also not want your home's backyard view to be an apartment complex, especially when the cost of homes/interest rates, etc are making home ownership hard to come by – we aren't wanting to go back to being an apartment complex by nature.**

In addition, the school nearby already has lines of cars – the area if zoned to high density apartments would be an absolute disaster for traffic, parking, and likely to bring down home values which have already been impacted by the current economic conditions and rising interest rates. I spent time investing in Greeley as a homeowner, if this planning continues I will be forced to sell in the future and look north towards Timnath or other residential areas that are prioritizing the neighborhood concerns over money for a quick apartment complex which can be moved to an area that doesn't truly surround the entire community.

I would also discourage other family members who are considered moving/re-locating and investing in Greeley, CO as it appears the city is not interested in supporting the residential neighborhoods in favor of high density housing/profit.

The area promised for the park should be a priority by Greeley to its residents. Life is stressful enough, my hope is that the zoning is left as I-L for the very reasons mentioned above, and for compassion as you are likely all homeowners, and value the space you have and peace as homeowners. One of the biggest concerns is that our community is turning into a parking lot, cars that are damaged being left on the streets in front of homes, and the apartment complex nearby is usually not following the signs to not park in front of homes. The expansion of a multi-plex apartment complex adjacent to our home will only further increase this issue.

Appreciate not only your time but compassion to this issue, as its not easy to move/re-locate when home values are already on, and interest rates are high. **This would however be a significant needle mover for I think most everyone to try to sell their homes/relocate in the future.**

Aaron Browning

Owner at 6717 4th Street RD Unit 2, Greeley CO 80634 (City Center West District board area) Northridge Trails townhomes
619-727-8696

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Michael Franke

From: Brian McBroom
Sent: Tuesday, July 23, 2024 6:03 PM
To: Michael Franke
Subject: Fwd: I-L to R-H Rezoning Objection for lot directly east of West Ridge Academy

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From: Raymond Lee <Raymond.Lee@Greeleygov.com>
Sent: Tuesday, July 23, 2024 5:29:58 PM
To: Brian McBroom <Brian.McBroom@Greeleygov.com>; Rachel Flynn <Rachel.Flynn@Greeleygov.com>; Paul Trombino <Paul.Trombino@Greeleygov.com>
Cc: Blair Snow <Blair.Snow@greeleygov.com>
Subject: FW: I-L to R-H Rezoning Objection for lot directly east of West Ridge Academy

FYI



Raymond C. Lee III
City Manager
City Manager's Office
1000 10th Street Greeley, CO 80631
970-518-2262 | raymond.lee@greeleygov.com
www.greeleygov.com

From: Sterling Jones <sj@sterlingj.com>
Sent: Tuesday, July 23, 2024 5:29 PM
To: John Gates <John.Gates@Greeleygov.com>; Dale Hall <Dale.Hall@Greeleygov.com>
Cc: Brett Payton <Brett.Payton@Greeleygov.com>; Melissa McDonald <Melissa.McDonald@Greeleygov.com>; Raymond Lee <Raymond.Lee@Greeleygov.com>; 'Marcquel Jones' <smhtjones@gmail.com>
Subject: I-L to R-H Rezoning Objection for lot directly east of West Ridge Academy

You don't often get email from sj@sterlingj.com. [Learn why this is important](#)

Dear John and Dale,

I hope this message finds you well.

Letters of Opposition

We recently had the pleasure of meeting Raymond at a neighborhood meeting regarding the proposed apartment complex at the northwest corner of 10th St. and 69th Ave. During this meeting, we expressed our concerns about the project, particularly regarding traffic, volume, and parking.

We are even more concerned about the latest rezoning request for the land right across the street (to the north), which could potentially lead to another high-density apartment complex in our neighborhood. While we believe that most of our neighbors would be open to a rezoning to for single-family homes, another set of high-density multi-family buildings does not seem feasible. Our current infrastructure, including streets, parking, and speed bumps, is already inadequate to manage the traffic from existing residences.

Please note our family's objection to this rezoning request. While we support growth and progress, we are opposed to further R-H zoning in our neighborhood.

Thank you for your attention to this matter.

Best regards,
Sterling Jones
Marcquel Jones
Holden Jones
Taylin Jones
303-888-3080
518 66th Ave.
Greeley, CO 80634

Michael Franke

From: Brian McBroom
Sent: Tuesday, July 23, 2024 6:04 PM
To: Michael Franke
Subject: Fwd: H-P Tract 3A Rezone, Case number ZON2023-0003

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From: Raymond Lee <Raymond.Lee@Greeleygov.com>
Sent: Tuesday, July 23, 2024 5:29:11 PM
To: Brian McBroom <Brian.McBroom@Greeleygov.com>; Rachel Flynn <Rachel.Flynn@Greeleygov.com>; Paul Trombino <Paul.Trombino@Greeleygov.com>
Cc: Blair Snow <Blair.Snow@greeleygov.com>
Subject: FW: H-P Tract 3A Rezone, Case number ZON2023-0003

FYI



Raymond C. Lee III
City Manager
City Manager's Office
1000 10th Street Greeley, CO 80631
970-518-2262 | raymond.lee@greeleygov.com
www.greeleygov.com

From: James Powers <jim.jcpowers@gmail.com>
Sent: Tuesday, July 23, 2024 5:20 PM
To: John Gates <John.Gates@Greeleygov.com>; Dale Hall <Dale.Hall@Greeleygov.com>; Brett Payton <Brett.Payton@Greeleygov.com>; Melissa McDonald <Melissa.McDonald@Greeleygov.com>; Raymond Lee <Raymond.Lee@Greeleygov.com>; michael.granke@greeleygov.com
Subject: H-P Tract 3A Rezone, Case number ZON2023-0003

You don't often get email from jim.jcpowers@gmail.com. [Learn why this is important](#)

Hello,

I am writing today regarding the rezoning application for the old HP property adjacent to the Northridge Trails neighborhood. I stand with my neighbors strongly opposing this rezoning from I-L to R-H. Please be

sure this email and attached photos are included in the planning commission packet for the August 13th meeting as well as the city council meeting packet for the September 7th meeting.

As the neighborhood is now almost built up, we can already see the increase in traffic and on-street parking in our neighborhood. There is already an apartment complex being proposed on the south side of 8th Street adjacent to the Ten West apartments that will have access off 8th Street into our neighborhood. During school days, all of 8th Street and portions of 66th Ave extending past 67th Ave are full of cars parked for student pick up and drop off. There is also another apartment complex that is being constructed at the corner of 71st Ave and 4th Street with access from 4th St Road. With the regulations of "No Minimum Parking", developers are NOT required to provide any parking within the apartment complexes if they so choose. What this means is more dense apartments and more off street parking along the neighborhood streets creating blind spots and traffic safety concerns. With access from 4th St Road for this other complex, traffic will increase dramatically reducing safety.

While the planning commission and developers have made a plan to "help" prevent apartment traffic from coming up into our neighborhood, it isn't enough. Apartment traffic MUST be completely blocked from entering our neighborhood. With Northridge High School and Winograd K-8 schools located just north of our neighborhood, these apartment dwellers will not go around to avoid coming through our neighborhood. They will take the shortest route which puts our children at significantly higher risks of injury or death. While I appreciate the addition of stop signs and speed humps, I watch people blow through them like they didn't exist. It ISN'T enough.

Traffic safety concerns are my highest concern in regards to more apartments. When traffic was high during construction, my daughter was hit by a careless driver and severely injured. We are thankful she didn't lose her life. Photos below are from the emergency room where she was initially evaluated.





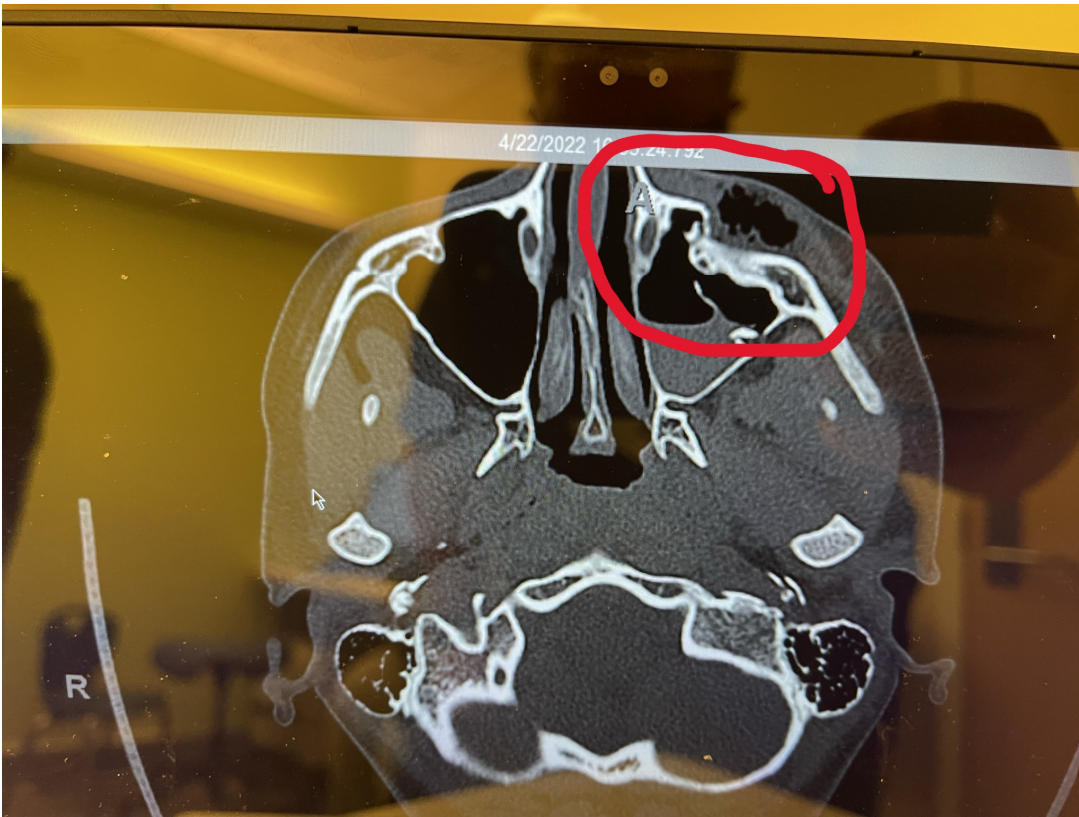






As her eye continued to swell completely shut, this shows how bad the swelling was in her face and the cat scan image shows where the driver collapsed her cheekbone on the right side in the red circle. The dark spot is where the swelling was separating her skin from the bone.





Surgery was scheduled immediately and took more than 4 1/2 hours to complete because the damage was so extensive. She now has three plates and screws that were put in to repair the damage. These photos are from her two day stay in the hospital after surgery.









Because the damage was so extensive and the swelling too great, the first surgery was not a complete success. She had to have a revision the following summer to fix remaining swelling in her eye.



Please burn these images into your minds when you consider this rezoning application. My daughter was 12 at the time and now, two years later at 14, she is still deathly afraid of crossing a street and won't do it without me or my wife being with her. Naturally, my concern is more for her but as our neighborhood has filled up, I see younger children out playing, often in the street darting around parked cars all of the time. As traffic increases, the probability of a fatality increases exponentially.

We all believe that the City was correct in zoning this parcel as an I-L, because any development that will classify under an I-L will a) need to provide adequate parking, b) will mostly be some commercial enterprises that will only have vehicles entering and exiting during the day time and c) will not lead to continuous parking on the neighborhood streets at all hours during the evening hours and weekends. Additionally, surrounding entire neighborhoods with apartment complexes is bad planning that will lead to lowering of home values. The generally accepted practice is to have a transition from single family to town homes to apartments, which unfortunately we do not see happening to the south or west of our neighborhood.

I implore you to reject this rezoning effort and completely block additional apartments from being built around our neighborhood. The developer can put single family homes on this property which would be a far better option for keeping our neighborhood safe. There is plenty of available land around the Sheep Draw apartments for more apartments if they are really needed.

--

Jim Powers

Michael Franke

From: Brian McBroom
Sent: Tuesday, July 23, 2024 6:23 PM
To: Michael Franke
Subject: Fwd: Opposition to H-P Rezone

From: Raymond Lee <Raymond.Lee@Greeleygov.com>
Sent: Tuesday, July 23, 2024 5:31:40 PM
To: Rachel Flynn <Rachel.Flynn@Greeleygov.com>; Brian McBroom <Brian.McBroom@Greeleygov.com>; Paul Trombino <Paul.Trombino@Greeleygov.com>
Cc: Blair Snow <Blair.Snow@greeleygov.com>
Subject: FW: Opposition to H-P Rezone

FYI

Raymond C. Lee III
City Manager
City Manager's Office
1000 10th Street Greeley, CO 80631
970-518-2262 | raymond.lee@greeleygov.com
www.greeleygov.com

-----Original Message-----

From: Rob Walden <walden1986@gmail.com>
Sent: Tuesday, July 23, 2024 5:30 PM
To: Raymond Lee <Raymond.Lee@Greeleygov.com>
Subject: Opposition to H-P Rezone

[You don't often get email from walden1986@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Mr. Lee,

I'm writing to you today in regard to project H-P Rezone, project number ZON2023-0003. It concerns the rezoning of a parcel of land to residential high zone. I, and my neighbors, have opposed this project when it was first proposed and then subsequently rejected. It seems that the developer has decided to resubmit the request despite the clear voices of those that will be affected. I can personally attest to the problems that are associated with putting high density residential near single family homes without proper planning. The amount of traffic on the street I live on has increased dramatically. I watch residents of the 10 west apartments speed past my house every day as they enter and exit the complex. I distinctly remember the day a speeding resident of that apartment struck a young girl in my neighborhood, shattering her jaw. As a healthcare provider that works at NCMC, I am unfortunately all too aware of how devastating vehicle vs pedestrian injuries can be. As a father of a small toddler, I am especially committed to increasing the safety of this busy road. While speeding is not inherent to high density living, substantially increasing the amount of people concentrated in a small area will naturally mean more traffic and more speeding vehicles. On top of the traffic, the parking situation is poorly thought out as well. While no minimum parking might be good for the developers profit margin, it increases on street parking and decreases

visibility. I am not opposed to high density residential as I think it is needed. That said, it should be done with proper and careful planning. I moved to Greeley in 2017, and while that is a relatively short time, I have been able to watch this city grow and flourish. I love Greeley, and am proud to call it my home. I appreciate all the hard work you have done to make this city a great place to raise a family. I simply ask that the safety of your residents is not jeopardized in the name of a developer seeking a quick profit.

Best regards,

Rob Walden

Michael Franke

From: Fernando Avalos Rivera <fernando.arivera@outlook.com>
Sent: Tuesday, July 23, 2024 7:15 PM
To: Michael Franke
Subject: DISAPPROVAL OF ADDITIONAL NORTHRIDGE TRAIL APARTMENTS

You don't often get email from fernando.arivera@outlook.com. [Learn why this is important](#)

Michael,

I disapprove of the construction of the apartment complexes in the Northridge Trail area in Greeley, CO. I am a resident and I believe it would create more traffic in an already crowded area. I have witnessed countless vehicles have no regard for stop signs. Luckily a tragedy hasn't occurred yet. My fear is the death of a child and/or pet with the increase in traffic. When Hartford Homes and Journey Homes built the neighborhood; they built the neighborhood with respect of low-density/low-traffic zoning. I've witnessed firsthand the lack of infrastructure the neighborhood has for a dramatic increase in traffic. If the construction of the apartment complexes is approved, and God forbid a death occurs, it is in the hands of the City of Greeley for not hearing the residents of the Northridge Trail community.

When my wife and I were looking for a house, we looked all over Northern Colorado. We looked in Loveland, Severance, Windsor, and Fort Collins but we decided to stay in Greeley. Our second choice was Severance, but Greeley's selling point was the sense of community. I've heard the City cares about its residents, and I believe the City Council will prove why I decided to call Greeley my home.

Fernando Avalos Rivera
Cell: 970.405.0384

Michael Franke

From: Brian Bartels <brian@waltelcos.com>
Sent: Wednesday, July 24, 2024 2:02 AM
To: Michael Franke
Subject: Fwd: Call for Action: Rezoning Application for Lot south of our neighborhood from I-L to R-H

Hi Michael,

Please see the email sent out by an unnamed resident representative from the metro district. I feel there are some misrepresentations in this email regarding parking, property values, zoning practices and others. Could you please let me know if I am correct so I am prepared for our meetings. My goal is to be able to be completely up front about not only the rezone request but the existing IL zoning and don't feel that IL and it's associated uses has any place in this area. My question will be if it was currently zoned RH and I was coming in with a IL user would this get approved and it has always been absolutely no !

Thanks
Brian

Sent from my iPhone

Begin forwarded message:

From: Brian Bartels <brian@waltelcos.com>
Date: July 24, 2024 at 08:37:40 GMT+1
To: Adam Wallace <adam@waltelcos.com>, Patrick Groom <pgroom@wobjlaw.com>, Curtis Rowe <curtis.rowe@kimley-horn.com>
Subject: Fwd: Call for Action: Rezoning Application for Lot south of our neighborhood from I-L to R-H

FYI
Sent from my iPhone

Begin forwarded message:

From: Landon Hoover <landon@hartfordco.com>
Date: July 23, 2024 at 23:09:58 GMT+1
To: Brian Bartels <brian@waltelcos.com>
Cc: Patrick McMeekin <patrick@hartfordco.com>
Subject: Fwd: Call for Action: Rezoning Application for Lot south of our neighborhood from I-L to R-H

Brian -

FYI, let us know how we help.

Thank you.

Landon Hoover
President/Owner
Hartford Homes
970.286.3329
Landon@hartfordco.com

Begin forwarded message:

From: no-reply@eunify.net
Date: July 23, 2024 at 3:58:55 PM MDT
To: Landon Hoover <Landon@hartfordco.com>
Subject: Call for Action: Rezoning Application for Lot south of our neighborhood from I-L to R-H
Reply-To: info@citycenterwestmd.live

Dear Fellow City Center West Neighbors,

This is a CALL FOR ACTION.

As you may be aware the City of Greeley has sent a couple of letters in the mail to most residents regarding a rezoning application for the parcel to the south of the neighborhood between the school and our neighborhood and just north of 8th Street. This lot is currently zoned I-L (Industrial Light) and the developer is seeking to rezone it to R-H (Residential High Density, which in other words means an apartment complex). The developer tried to do this in 2022 and residents in the neighborhood were successful in getting the City Council to deny the application. Unfortunately, city code allows the developer to resubmit the application again after a year and it appears they have chosen to do so.

As the neighborhood is now almost built up, we can already see the increase in traffic and on-street parking in our neighborhood. There is already an apartment complex being proposed on the south side of 8th Street adjacent to the Ten West apartments that will have access off 8th Street. During school days, all of 8th Street and portions of 66th Ave extending past 67th Ave are full of cars parked for student pick up and drop off. There is also another apartment complex that is being constructed at the corner of 71st Ave and 4th Street with access from 4th St Road. With the new regulations of "**No Minimum Parking**", **developers are NOT required to provide any parking within the apartment complexes if they so choose.** What this

means is more dense apartments and more off street parking along the neighborhood streets creating blind spots and traffic safety concerns.

We believe that the City was correct in zoning this parcel as an I-L, because any development that will classify under an I-L will a) need to provide adequate parking, b) will mostly be some commercial enterprises that will only have vehicles entering and exiting during the day time and c) will not lead to continuous parking on the neighborhood streets at all hours during the evening hours and weekends. Additionally, surrounding entire neighborhoods with apartment complexes is bad planning that will lead to lowering of home values. The generally accepted practice is to have a transition from single family to town homes to apartments, which unfortunately we do not see happening to the south or west of the neighborhood.

The City Council has already once rejected the rezoning request and now it is time once again for the neighborhood to represent our concerns to the developer, City staff and City Council. As your Metro District Board members, we are requesting strong attendance from the neighborhood at all scheduled meetings to voice our opposition to this zoning request. Please mark your calendars for:

- July 31, 2024, 6pm, Westridge Academy, 6905 8th Street, CO
- August 13, 2024, 1:15pm, Planning Commission, City Council Chambers, 1001 11th Ave, Greeley, CO
- September 17, 2024, 6:00pm, City Council Meeting, City Council Chambers, 1001 11th Ave, Greeley, CO

Additionally, we encourage all residents to send emails to our elected Mayor and council members opposing this rezone application **preferably by July 26th**. Feel free to include information from this notice and/or include your own thoughts on why this rezoning is a bad idea for the neighborhood and for the City as well.

- Mayor John Gates, john.gates@greeleygov.com
- Mayor Pro Tem (representing Ward IV) Dale Hall, dale.hall@greeleygov.com
- Council Member, at large, Brett Payton, brett.payton@greeleygov.com

- Council Member, at large, Melissa McDonald, melissa.mcdonald@greeleygov.com
- City Manager, Raymond Lee, raymond.lee@greeleygov.com

It is up to each of us to determine the future of our neighborhood. Please feel free to reach out to your Metro District Board members copied on this email if you have any questions or need additional information.

Thank you for your time. We look forward to a strong attendance at these meetings.

City Center West Metro District Board

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Michael Franke

From: Brian McBroom
Sent: Wednesday, July 24, 2024 7:34 AM
To: Michael Franke
Subject: FW: CALL FOR ACTION

From: Raymond Lee <Raymond.Lee@Greeleygov.com>
Sent: Wednesday, July 24, 2024 6:31 AM
To: Rachel Flynn <Rachel.Flynn@Greeleygov.com>; Brian McBroom <Brian.McBroom@Greeleygov.com>; Paul Trombino <Paul.Trombino@Greeleygov.com>
Cc: Blair Snow <Blair.Snow@greeleygov.com>
Subject: Fwd: CALL FOR ACTION

FYI

Raymond C. Lee III

City Manager
City Manager's Office
1000 10th Street Greeley, CO 80631
970-518-2262 | raymond.lee@greeleygov.com

Begin forwarded message:

From: SARAH MAGDALENO <sarahmagdaleno99@hotmail.com>
Date: July 24, 2024 at 5:03:26 AM MDT
To: John Gates <John.Gates@greeleygov.com>, Dale Hall <Dale.Hall@greeleygov.com>, Brett Payton <Brett.Payton@greeleygov.com>, Melissa McDonald <Melissa.McDonald@greeleygov.com>, Raymond Lee <Raymond.Lee@greeleygov.com>
Subject: CALL FOR ACTION

You don't often get email from sarahmagdaleno99@hotmail.com. [Learn why this is important](#)

Good Morning!

The City of Greeley has sent a couple of letters in the mail to most of us residents regarding a rezoning application for the parcel to the south of the neighborhood between the school and our neighborhood and just north of 8th Street. This lot is currently zoned I-L (Industrial Light) and the developer is seeking to rezone it to R-H (Residential High Density, which in other words means an apartment complex). The same developer tried to do this in 2022 and residents in the neighborhood were successful in getting the City Council to deny the application, why would

they try it again with **MORE TRAFFIC NOW**. Unfortunately, city code allows the developer to resubmit the application again after a year and it appears they have chosen to do so!!

As the neighborhood is now almost built up, we can already see the increase in traffic and on-street parking in our neighborhood. There is already an apartment complex being proposed on the south side of 8th Street adjacent to the Ten West apartments that will have access off 8th Street. During school days, all of 8th Street and portions of 66th Ave extending past 67th Ave are full of cars parked for student pick up and drop off. There is also another apartment complex that is being constructed at the corner of 71st Ave and 4th Street with access from 4th St Road. With the new regulations of "No Minimum Parking", developers are NOT required to provide any parking within the apartment complexes if they so choose. What this means is **more dense apartments and more off-street parking along the neighborhood streets creating blind spots and traffic safety concerns. Kids' safety should be a priority.**

I see several cops already issuing citations right now in front of my house. People are running stop signs, speeding, and this problem is only going to get worse with another complex. Have you tried turning left out of where McDonalds is now, heading towards West Ridge Academy? It's almost impossible !

We believe that the City was **correct** in zoning this parcel as an I-L, because any development that will classify under an I-L will a) need to provide adequate parking, b) will mostly be some commercial enterprises that will only have vehicles entering and exiting during the day time and c) will not lead to continuous parking on the neighborhood streets at all hours during the evening hours and weekends. Additionally, surrounding entire neighborhoods with apartment complexes is bad planning that will lead to lowering of home values. The generally accepted practice is to have a transition from single family to town homes to apartments, which unfortunately we do not see happening to the south or west of the neighborhood.

Please reconsider! A public swimming pool would have been a better option with a parking lot... OR even a decent sit-down restaurant.

Thank you,
Sarah and Dominic Magdaleno
504 66th Ave
Greeley Co 80634

Michael Franke

From: Brian McBroom
Sent: Wednesday, July 24, 2024 8:00 AM
To: Michael Franke
Subject: FW: Greeley - Rezoning Application for Lot south of our neighborhood from I-L to R-HI - near Northridge Trails development (previously Hartford homes who pulled out, now Journey home) *personal off clock*

From: Raymond Lee <Raymond.Lee@Greeleygov.com>
Sent: Wednesday, July 24, 2024 7:59 AM
To: Rachel Flynn <Rachel.Flynn@Greeleygov.com>; Brian McBroom <Brian.McBroom@Greeleygov.com>; Paul Trombino <Paul.Trombino@Greeleygov.com>
Cc: Blair Snow <Blair.Snow@greeleygov.com>
Subject: FW: Greeley - Rezoning Application for Lot south of our neighborhood from I-L to R-HI - near Northridge Trails development (previously Hartford homes who pulled out, now Journey home) *personal off clock*

FYI



Raymond C. Lee III
City Manager
City Manager's Office
1000 10th Street Greeley, CO 80631
970-518-2262 | raymond.lee@greeleygov.com
www.greeleygov.com

From: Aaron Browning <Aaron.Browning@pulte.com>
Sent: Tuesday, July 23, 2024 5:53 PM
To: John Gates <John.Gates@Greeleygov.com>; Dale Hall <Dale.Hall@Greeleygov.com>; Brett Payton <Brett.Payton@Greeleygov.com>; Melissa McDonald <Melissa.McDonald@Greeleygov.com>; Raymond Lee <Raymond.Lee@Greeleygov.com>
Cc: abrowning185@gmail.com
Subject: RE: Greeley - Rezoning Application for Lot south of our neighborhood from I-L to R-HI - near Northridge Trails development (previously Hartford homes who pulled out, now Journey home) *personal off clock*

You don't often get email from aaron.browning@pulte.com. [Learn why this is important](#)

Also team apologize for the book/emails but you can appreciate the passion, Greeley is a beautiful community, but Hartford who pulled out of our community Northridge Trails chose Johnstown for their investment, and you do

not see the level of high density apartment complexes going up directly adjacent to the neighborhoods being built in downtown Johnstown where Hartford left my development to build. **Hartford im sure invests a lot in analytics and market analysis, for them to pull out of this development and favor downtown Johnstown area to build is disheartening.** I do not want Greeley to become a 2-5 year pit stop for homeowners who then move to Timnath, Johnstown, Fort Collins. When you walk these areas at night, its beautiful – to become a parking lot of lights with large apartment complexes surrounding us is not desirable. **I appreciate your development with GTC nearby, and not building another apartment complex. This is a win in my opinion for the area and city, it deserves credit.** I also appreciate what the city is doing to attract new businesses. I understand the need for apartments, but this is not the spot. We need apartments, but immediately building them in our backyard is not ideal. As politicians we must encourage home ownership, long-term investment, and incentive builders to bring that here. Losing Hartford Homes was big.

Thanks again for your consideration/time.

Aaron

From: Aaron Browning

Sent: Tuesday, July 23, 2024 5:31 PM

To: john.gates@greeleygov.com; dale.hall@greeleygov.com; brett.payton@greeleygov.com; melissa.mcdonald@greeleygov.com; raymond.lee@greeleygov.com

Cc: abrowning185@gmail.com

Subject: RE: Greeley - Rezoning Application for Lot south of our neighborhood from I-L to R-HI - near Northridge Trails development (previously Hartford homes who pulled out, now Journey home) *personal off clock*

To follow up:

Limited application in suburban neighborhoods = R-HI. We are a *suburban* neighborhood not a downtown area, it would be more prudent to provide **R-E or R-L** zoning to encourage home ownership, and the city could invest in programs to incentive a new builder etc. This would be more mindful of homeowners long-term goals to develop a forever home, vs. a transient setting that R-HI (high density) would encourage. I think the mindset of turning the middle-class into a rental class, is something that our politicians should discourage. Making home ownership more affordable with lower interest rates, inflation, etc should be the goal. Not conforming to problems at hand, simply because the short-term paycheck might be quicker. Long-term home ownership, is an investment that will result in more income for the city with forever residents and consumption of services/goods locally, and tax money in real estate taxes vs high density apartments.

[land-use-sheets.pdf \(greeleygov.com\)](#) : source.

Regards,

Aaron Browning

From: Aaron Browning

Sent: Tuesday, July 23, 2024 5:17 PM

To: john.gates@greeleygov.com; dale.hall@greeleygov.com; brett.payton@greeleygov.com; melissa.mcdonald@greeleygov.com; raymond.lee@greeleygov.com

Cc: abrowning185@gmail.com

Subject: Greeley - Rezoning Application for Lot south of our neighborhood from I-L to R-HI - near Northridge Trails development (previously Hartford homes who pulled out, now Journey home) *personal off clock*

Good afternoon team.

I hope you are doing well. I am reaching out to contest and discourage the re-zoning from I-L to R-H near Westridge Academy in Greeley CO. We built s new home the Northridge Trails community. The area is already surrounded by the Ten West apartment complex, and the parking has pushed into the neighborhood. We were successful in adding speedbumps to deter speeding/traffic into the community. It was zoned as I-L due to concerns over parking and traffic in the area adjacent to our neighborhood, and the request to re-zone already failed because of our concerns as homeowners. **The area is already suffering from a high density of rental homes, as the original builder Hartford pulled out of the community and did not finish the build out.** We were promised a park as well that is still vacant land by the city. With Hartford pulling out, Journey homes has sold some of the 6 unit plex complexes to large rental investors, and the area is already being impacted by this switch to rental vs homeowners. If this zoning is successful, it will create more traffic issues, for a neighborhood that has had its original builder (Hartford homes) pull out, and a large density of townhomes being turned into rental homes, and homes being rented too. The apartment complex Ten West is already basically in the neighborhood. To build more apartments behind the homes, we would be surrounded by apartments. **I do feel that the city council, and your members would also not want your home's backyard view to be an apartment complex, especially when the cost of homes/interest rates, etc are making home ownership hard to come by – we aren't wanting to go back to being an apartment complex by nature.**

In addition, the school nearby already has lines of cars – the area if zoned to high density apartments would be an absolute disaster for traffic, parking, and likely to bring down home values which have already been impacted by the current economic conditions and rising interest rates. I spent time investing in Greeley as a homeowner, if this planning continues I will be forced to sell in the future and look north towards Timnath or other residential areas that are prioritizing the neighborhood concerns over money for a quick apartment complex which can be moved to an area that doesn't truly surround the entire community.

I would also discourage other family members who are considered moving/re-locating and investing in Greeley, CO as it appears the city is not interested in supporting the residential neighborhoods in favor of high density housing/profit.

The area promised for the park should be a priority by Greeley to its residents. Life is stressful enough, my hope is that the zoning is left as I-L for the very reasons mentioned above, and for compassion as you are likely all homeowners, and value the space you have and peace as homeowners. One of the biggest concerns is that our community is turning into a parking lot, cars that are damaged being left on the streets in front of homes, and the apartment complex nearby is usually not following the signs to not park in front of homes. The expansion of a multi-plex apartment complex adjacent to our home will only further increase this issue.

Appreciate not only your time but compassion to this issue, as its not easy to move/re-locate when home values are already on, and interest rates are high. **This would however be a significant needle mover for I think most everyone to try to sell their homes/relocate in the future.**

Aaron Browning

Owner at 6717 4th Street RD Unit 2, Greeley CO 80634 (City Center West District board area) Northridge Trails townhomes
619-727-8696

Michael Franke

From: Cindy Bonilla <cindybonilla14@gmail.com>
Sent: Wednesday, July 24, 2024 4:42 PM
To: Michael Franke
Subject: Case ZON2023-003 Concerns

You don't often get email from cindybonilla14@gmail.com. [Learn why this is important](#)

To whom it may concern:

I am writing to express my concerns regarding project H-P Tract 3A Rezone (Case Number ZON2023-003) for the possible rezoning of the land located at the intersection of 69th Avenue and West 8th Street. I bought a home in this neighborhood with the hope that I could lay down some roots in Greeley and the neighborhood seemed like a quiet and safe place to build my family. My time as a homeowner in this neighborhood has proven that I made the right choice as I have enjoyed the peace I feel here.

By rezoning the land directly behind our neighborhood, I fear that the safety we moved here for will be compromised. Adding more traffic to this area is a recipe for disaster. On any given day, I've seen groups of children playing in their front yards so my neighbors and I know to keep an eye out and drive cautiously. Adding hundreds more families to the neighborhood would mean that many more cars who may not be as considerate will be driving through our streets posing the risk that a child could be injured. It was not too long ago that we had to have speed bumps installed due to drivers speeding through the neighborhood but it is still at least a few times a week that I have witnessed the running of stop signs on 8th Street. If the land is rezoned for high density residential properties, I fear I will have no other choice but to move my family out of this neighborhood and most likely out of Greeley altogether.

For these reasons, I ask that you please consider saying no to the request for rezoning and keep our neighborhood safe and peaceful.

Best Regards,

Cindy Bonilla

Michael Franke

From: Brian McBroom
Sent: Thursday, July 25, 2024 9:01 AM
To: Michael Franke
Subject: Fwd: Rezoning near Northridge Trails area

From: Raymond Lee <Raymond.Lee@Greeleygov.com>
Sent: Thursday, July 25, 2024 8:33:43 AM
To: Rachel Flynn <Rachel.Flynn@Greeleygov.com>; Brian McBroom <Brian.McBroom@Greeleygov.com>; Paul Trombino <Paul.Trombino@Greeleygov.com>
Cc: Blair Snow <Blair.Snow@greeleygov.com>
Subject: Fwd: Rezoning near Northridge Trails area

FYI

Raymond C. Lee III

City Manager
City Manager's Office
1000 10th Street Greeley, CO 80631
970-518-2262 | raymond.lee@greeleygov.com
www.greeleygov.com

Begin forwarded message:

From: Lisa Sewitsky <lmsewit@yahoo.com>
Date: July 24, 2024 at 7:26:26 AM MDT
To: Raymond Lee <Raymond.Lee@greeleygov.com>
Subject: Rezoning near Northridge Trails area
Reply-To: Lisa Sewitsky <lmsewit@yahoo.com>

You don't often get email from lmsewit@yahoo.com. [Learn why this is important](#)

ALL neighbors are in agreement that these streets are too narrow to handle apartment building that means too many cars, etc., will create a dangerous mess as there is no parking for this proposal. You okd these narrow Streets and we !lready have problems with parked cars in our neighborhood and trying to navigate driving g through this, because there is no room to normally drive without a passing car pull over, not to mention dangerous pedestrian walking. The planning of these neighborhoods is failing, and should not be worsened by cramming more densely populated apartments being added. With these higher taxes, regular city and metro, we deserve our voices heard. This is just common sense to not cram in more to an already overfilled neighborhood.

Lisa sewitsky
6609 4th st rd greeley

[Yahoo Mail: Search, Organize, Conquer](#)

Michael Franke

From: Trish Trombino <trishtrombino@gmail.com>
Sent: Thursday, July 25, 2024 4:14 PM
To: Michael Franke; John Gates; Dale Hall; Brett Payton; Melissa McDonald
Subject: Opposition to Project No. ZON2023-0003/Project Name: H-P Rezone

Some people who received this message don't often get email from trishtrombino@gmail.com. [Learn why this is important](#)

My name is Trish Trombino, I reside in the Northridge Trails neighborhood which is East of and adjacent to the proposed parcel for rezone that is scheduled to come before the Planning Commission on August 13 and City Council on September 17, which is further described below:

Project Name: H-P Rezone
 Project Number: ZON2023-0003
 Project Parcel ID: 095904309002
 Project Location: North of 8th Street, East of 69th Avenue, South of 5th Street
 Applicant: LaSalle Investors LLC

I am opposed to the rezone to Residential High Density. We already know, from the last time this parcel came up for rezoning, that the applicant, LaSalle Investors LLC, is working with developers to put apartments on this parcel. For them to claim that just because it is rezoned to H-D does not mean that there will be apartments is not accurate.

I would like to address some of the 9 rezoning criteria that this application is to be evaluated on:

1. The proposal is consistent with the City's Comprehensive Plan
 - a. Rezoning this parcel to R-H is NOT consistent with the Comprehensive Plan Core Value of Sustainable Patterns of Growth and Development
 - b. The rezone would result in >40 acres of apartments within a 100 acre residential neighborhood site. 10 West Apartment complex has over 260 units, Union Crossing (project number: USR2024-0003) will be 196 apartment units, the parcel at the southeast corner of 71st Avenue and 4th Street is to be developed with over 200 apartments and with likely over 200 apartments that will be developed on this site, that means over 78% of the residential units in this 100 acre site will be apartments. Is this sustainable development for all new developments in the city going forward? Why would the City even want this?
 - c. The original plan for our City Center West Metro District No. 2 was for it to be a higher end, walkable community. I invite you to visit our community and see that this has been lost somewhere. Speeding cars that disregard speed limits, stop signs and traffic bumps along with parked cars from the existing apartments already congest our neighborhood and often make for unsafe street crossings for pedestrians.
2. The proposal can fulfill the intent of the zoning district, considering the relationship to surrounding uses
 - a. The rezone does not provide any transition between residential densities. We will be surrounded by HIGH Density in every direction.

- b. The rezone would not bring greater accessibility, it does not add amenities or bring higher level design to the neighborhood, which is required as a part of our Metro District and the higher property taxes we are paying.
- 3. The area has changed, or is changing to such a degree that it is in the public interest to rezone the property to encourage development or redevelopment of the area
 - a. Yes, the area has changed, but all those in the neighborhood that I have spoken with agree that there needs to be a better transition/buffer in housing density. Please stop allowing developers to dictate how the city develops and do what they want unchecked.
- 4. Whether the existing zoning that has been in place is obsolete
 - a. The applicant and their representatives have previously shared possible uses under the current I-L zoning that they say would not benefit the neighborhood. However, the following uses, approved under the current zoning, are better than apartments and would allow for a more walkable and diverse community:
 - i. Entertainment establishments
 - ii. Veterinary care
 - iii. Medical care
 - iv. Office space
 - v. Retail
 - vi. Recreation
 - b. All of these uses would bring more value to our community than apartments.
- 5. Will the proposed zoning enable development that is comparable with the area character and design
 - a. This rezone will enable the opposite
 - i. A neighborhood overwhelmed with over 40 acres of apartments
 - ii. It will not add any character or upscale design elements
- 6. Can the City or other agencies provide the services or facilities projected to be needed by the development
 - a. This parcel does not have access to 71st Avenue or 4th Street and shares an access easement with West Ridge Academy that is the school's main entrance for drop off and pick up. The lack of access is not conducive to R-H zoning and would further congest the streets making unsafe conditions for kids walking to school.
 - b. It will further crowd our streets with the parked cars of apartment residents because they do not want to pay the extra fee to park in their complex. This is already a problem in our neighborhood with those living at 10 West Apartments.
- 7. The change of zoning will serve a community need or provide an amenity or accommodate development not possible under the existing zoning
 - a. With over 40% of housing units in Greeley already rentals and over 15,000 apartment units in either the design, approved or construction phases within the city over the past couple of years, we need more ownership opportunities and not more high density rental units
 - b. This rezone would continue to reinforce Greeley as a bedroom community and does not add sustainable ownership opportunities
 - c. This rezone does not serve the community in any way
- 8. Any reasonable anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design or engineering practices or are outweighed by broader public benefits

- a. Rezoning will only intensify the traffic issues we have in the neighborhood today
 - b. Again, the parcel has no access to primary corridors
 - c. The negative impact on the single-family homes that would be surrounded by apartments cannot be denied
9. The recommendations of professional staff or advisory review bodies
- a. I would reiterate that the automatic rubber stamping of these rezones to Residential H-D need to stop. The City must demand better and take under consideration the voices and concerns of its citizens.

Finally, the Planning Commission and City Council said “No” to the Mountain Vista project of 120 townhomes, this is no different, but in fact far worse, as we would be surrounded by apartments. I respectfully request the Planning Commission and City Council to say “NO” to this rezone request.

Thank you,

Trish Trombino

Michael Franke

From: Mara Watson <Mara.Watson@stewart.com>
Sent: Friday, July 26, 2024 11:42 AM
To: Michael Franke
Subject: H-P Tract 3A Rezone

You don't often get email from mara.watson@stewart.com. [Learn why this is important](#)

To whom it may concern,

My name is Mara Watson, my husband Kell and I live at 725 67th Ave. I am writing to you to let you know of our concerns of the proposed rezoning of the HP Tract 3A. We have many concerns to have another apartment complex developed so closely to one that is already there. Now that the neighborhood is almost fully built up, we have an increase in traffic, not to mention the parking on the street is ridiculous. During school days, all of 8th Street and portions of 66th Ave extending past 67th Ave are full of cars parked for student pick up and drop off. There is also another apartment complex that is being constructed at the corner of 71st Ave and 4th Street with access from 4th St Road. With the new regulations of "No Minimum Parking", developers are NOT required to provide any parking within the apartment complexes if they so choose. What this means is more dense apartments and more off street parking along the neighborhood streets creating blind spots and traffic safety concerns. I am sure the Greeley Police department could spend their time elsewhere instead of watching for people speeding or not stopping. When the was defeated 2 years ago, I believe the City was correct in zoning this parcel as an I-L, because any development that will classify under an I-L will a) need to provide adequate parking, b) will mostly be some commercial enterprises that will only have vehicles entering and exiting during the day time and c) will not lead to continuous parking on the neighborhood streets at all hours during the evening hours and weekends. Additionally, surrounding entire neighborhoods with apartment complexes is bad planning that will lead to lowering of home values. The generally accepted practice is to have a transition from single family to town homes to apartments, which unfortunately we do not see happening to the south or west of the neighborhood. The City Council has already once rejected the rezoning request, we ask that they take into consideration the neighborhoods concerns and do not approve this request. We will be at the City Council meeting and our voices will be heard. Thank you so much for your time.



Mara Watson
ESCROW ASSISTANT

📞 970-356-3551
✉ Mara.Watson@stewart.com
🌐 www.stewart.com
📍 1275 58th Avenue, Unit C
Greeley, CO 80634



All Cash transactions must be in the form of a wire, please call the office for wiring instructions

To whom it may concern,

I hope this letter finds you well. I am writing to express my concerns regarding the proposed apartment complex development near Northridge Trails in Greeley, Colorado. As a resident of this community, I am deeply invested in maintaining the quality of life and character of our neighborhood.

While I understand the need for new housing developments, I believe that this proposal raises several significant issues that warrant careful consideration:

1. **Traffic and Congestion:** The increased population density from the apartment complex would likely exacerbate traffic congestion in our area, particularly along W 10th Street, W 8th/66th Avenue, and W 4th Street. According to the 2018 Weld County Regional Traffic Data, 10th Street already handles an average of 33,000 vehicles per day and 4th Street handles 8,400 per day [1]. Since 2018, urban development, shopping centers, and schools have substantially increased the number of cars on these main roads and the roads within Northridge Trails and its surroundings. Additionally, Greeley's population has continued to grow, further straining already busy streets.

Adding an estimated 300-400 vehicles from the new developments could significantly increase commute times and the risk of accidents. Recent studies show a 15% increase in accidents on similarly congested roads after new developments were added [2].

Furthermore, the neighborhood has already experienced safety concerns related to traffic. There has been a child hit by a car in our neighborhood, and a high volume of tickets have been issued for traffic violations. The increase in vehicles is anticipated to lead to a higher incidence of traffic violations and could further strain our already overwhelmed road infrastructure, posing a serious risk to the safety of residents. It is also important to note that this development will be next to multiple schools, thereby increasing the danger not only to neighborhood residents but also to young children. West 29th street in Greeley has a large number of apartments and has been known to be a problem in relation to speeding, careless driving, and accidents. Adding these apartments would create a similar situation already observed in other neighborhoods in the city. It also important to note nearly 50% of renters are under the age of 30 [3], and research shows that drivers in this age group are at a heightened risk of traffic violations and accidents [4].

2. **Parking:** The proposed development lacks sufficient parking for residents, leading to an overflow of parking in surrounding neighborhoods. This reduces the availability of public spaces for current residents and visitors and increases parking-related conflicts.

The nearby 10 West apartment complex already causes congestion, blind spots, and safety concerns due to vehicles parked along neighborhood roads. A recent law (HB24-1007) signed by Governor Jared Polis in April 2024 prohibits limiting the number of people living in a single dwelling based on familial relationships [5], increasing the likelihood of multiple adults in a single unit. It is unlikely that the developer will provide enough parking spots for all residents and guests, making the parking space per-unit

estimate inadequate. Additionally, new "No Minimum Parking" regulations mean developers are not required to provide parking, exacerbating these issues.

3. **Proximity to Schools & Crime Rates:** The proposed apartments would be nearly adjacent to Northridge High School, Winograd K-8, Westridge Academy, and Tointon Academy of Pre-Engineering. Research indicates that high-density housing developments can sometimes correlate with higher crime rates [6]. This proximity to multiple schools raises significant safety concerns for students, not only related to crime but also increased traffic and accidents. It is crucial to consider the safety and well-being of our children when planning new developments.

Many residents moved to this neighborhood for its perceived safety, and introducing a high-density apartment complex could undermine that. According to the Greeley Police Department's crime statistics [7] areas with higher population densities have seen more incidents of property crime and vandalism. Adding a large apartment complex could potentially increase these issues in our community, affecting our sense of safety and security.

4. **Environmental Impact:** The proposed development could have detrimental effects on local green spaces and wildlife. Northridge Trails is known for its proximity to open spaces and parks, such as Sheepdraw Trail and the Poudre River Trail, which are vital habitats for local wildlife. A study by the Environmental Department found that similar developments led to a 25% reduction in local wildlife populations due to habitat disruption and increased human activity [8]. Additionally, increased urban runoff from the development could harm local waterways, impacting both the environment and our community's enjoyment of these natural spaces [9].

Additionally, increased population density can lead to higher levels of air, noise, and light pollution. According to the Environmental Protection Agency, high-density housing developments often result in increased vehicle emissions, noise levels, and light pollution, all of which can negatively affect the health and well-being of residents [10]. Our community, which values its clean air and quiet nights, could see a decline in these aspects of our quality of life.

Furthermore, Greeley, like many parts of Colorado, faces challenges with water supply and infrastructure. The addition of a high-density apartment complex could further strain our water resources. According to the Water and Sewer Department, our city is already working to balance water needs with available resources, and adding a large number of new residents could exacerbate water shortages, especially during dry seasons [11]. This increased demand could also lead to higher water rates for existing residents. Recently, the city of Greeley sent out a notice of non-compliance in checking all backflows. If the city is currently unable to keep up with demands, imagine the additional strain from a large apartment complex. This could create a scenario where the city continues to be non-

compliant with necessary checks, potentially leading to unsafe water conditions for the community.

5. **Community Character:** Our neighborhood has a unique character, defined by single-family homes and a close-knit community atmosphere. Introducing a large apartment complex could significantly alter this dynamic. According to a 2023 report by the Real Estate Association, similar developments in neighboring communities resulted in a 12% decrease in property values within a half-mile radius [12].

Single-family neighborhoods often have higher levels of community involvement and cohesion compared to areas with large apartment complexes. In our neighborhood alone, we have organized block parties, community cookouts, environmental clean-ups, yard sales, and have community members on local boards. According to a study by the Urban Institute, residents of single-family homes are more likely to participate in local governance, community events, and neighborhood watch programs [13]. The introduction of a transient population in a large apartment complex could reduce the overall level of community engagement and weaken the social fabric of our neighborhood.

Additionally, our neighborhood is adjacent to an assisted living facility for seniors and a group home for individuals with special needs. Increased traffic and population density could disrupt the peaceful environment these residents rely on, negatively impacting the overall appeal of our area. Current residents highly value the tranquil and cohesive environment [14].

6. **Impact on Metro District:** As residents of a metro district, we contribute to the maintenance and development of local infrastructure through additional taxes. The addition of a high-density apartment complex could place an undue burden on these resources, leading to increased costs and potentially reduced services for current residents. Metro districts are designed to support balanced development that enhances the community's quality of life, not projects that could lead to overcrowding and infrastructure strain [15].
7. **Lack of Need for Apartments:** Our city has experienced a significant increase in apartment complexes in recent years, yet there is a growing need for more single-family homes and commercial spaces that better align with the character and needs of our community. A recent housing market analysis revealed a higher demand for single-family homes compared to apartments, with a preference for developments that maintain Greeley's suburban feel [16]. According to Zillow, there are currently 404 apartments for rent compared to just 202 homes for sale, indicating that we are not short on apartments in Greeley.

The existing apartment developments do not match the desired character of our neighborhood. There is a pressing question as to why more single-family homes or commercial properties are not being prioritized.

Historically, the city first zoned this area for light industry use, reflecting a need that aligns with Greeley's economic health and housing needs. The City of Greeley's Economic Health and Housing Report for 2023 noted a 8.3% vacancy rate for multi-family housing, which is forecasted to rise to approximately 18% in 2024. In contrast, the retail market report showed a 3.4% vacancy rate, projected to increase to 4.5% in 2024. These figures suggest that adding more apartments may not be necessary or beneficial to our city's current needs.

8. **Public Services:** Our local schools, including Northridge High School, Winograd K-8, Westridge Academy, and Tointon Academy of Pre-Engineering, as well as healthcare facilities like North Colorado Medical Center, are already operating at near capacity. According to data from the Greeley-Evans School District 6, Northridge High School is currently at 110% capacity, and Winograd K-8 is at 105% [17]. The addition of approximately 500 new residents from the proposed apartment complex could further strain these resources, leading to overcrowded classrooms and extended wait times for medical services. Research indicates that overcrowded schools can negatively affect student performance and overall educational outcomes [18].

Moreover, the increased population density will heighten the demand for emergency services, such as those provided by the Fire Department and Police Department, both of which are already operating at high capacity [19, 20]. An influx of new residents could lead to slower response times and a reduction in the quality of emergency services for current residents.

9. **Economic Impact:** While new housing can stimulate local economies, the type of housing matters. Studies have shown that single-family homes and small-scale commercial developments tend to have a more positive and sustainable economic impact on communities compared to large apartment complexes. According to the National Association of Home Builders, single-family homes contribute more significantly to local tax revenues and demand for local services and businesses [21].

10. **Long-Term Planning and Development:** The city of Greeley has long-term plans for sustainable and balanced development. According to the Comprehensive Plan, the city aims to promote developments that enhance the quality of life for all residents and preserve the character of established neighborhoods [22]. Approving this apartment complex may not align with these long-term goals and could set a precedent for future high-density developments.

11. **Quality of Life:** High-density developments can negatively impact the quality of life for existing residents by causing issues such as overcrowding, diminished privacy, and reduced access to community amenities. Research has shown that lower-density neighborhoods often report higher levels of life satisfaction [23]. The development of this community was envisioned in 2021/2022 as a collection of cohesive single-family homes, which contributes to a sense of community and local pride. Introducing a large apartment complex could lower property values and potentially discourage homeownership, as potential buyers may be deterred by the prospect of future high-density projects nearby. This could undermine the

investment and stability of current homeowners, creating a sense of insecurity about the future.

Additionally, high-density housing can be linked to increased public health risks, including elevated rates of respiratory issues from higher pollution levels and mental health challenges due to overcrowding and reduced green spaces [24]. Maintaining a healthy living environment for our community is essential. There are other areas in Greeley where such developments might be more appropriately situated, if necessary.

12. Noise and Privacy: The proximity of the new development could result in heightened noise levels and diminished privacy for current homeowners, impacting our daily lives and sense of security. The construction phase is expected to bring months of noise pollution, with studies showing that noise levels can surge by up to 30 decibels during peak times. Furthermore, the permanent rise in population density will likely exacerbate these issues, with increased foot and vehicle traffic contributing to ongoing noise disturbances [25].

In light of these concerns, I respectfully request that the city council/zoning board reconsider the approval of this apartment complex. I urge you to explore alternative locations for the development or consider scaling down the project to better align with the needs and capacity of our community.

I know that many of my neighbors have sent letters expressing their concerns and opposition to this plan. I urge you to consider their feedback along with the this letter and the supporting data that highlights the potential impact of this development.

Thank you for your time and attention to this matter. I trust that you will take our concerns seriously and act in the best interest of our community.

Sincerely,

Zvi & Taylor Wikum

506 66th Ave
Greeley, CO 80634
(970) 371-7691
Zvi.wikum@outlook.com

Sources:

1. Greeley Government. *Traffic Count Map, 2018*.
2. Federal Highway Administration. *Safety Research Publications*.
3. Statista. *Share of U.S. Renters by Age*.
4. AAA Foundation for Traffic Safety. *Rates of Motor Vehicle Crashes, Injuries, and Deaths by Driver Age, 2014-2015*.
5. Colorado General Assembly. *Prohibit Residential Occupancy Limits*.
6. *National Institute of Justice*. "Crime and Residential Density: A Study of High-Density Housing Developments." *Journal of Criminal Justice Studies*, vol. 28, no. 3, 2020, pp. 212-229. Greeley Police Department. *Crime Statistics*.
7. Weld County. *Environmental Health*.
8. Environmental Protection Agency. *Urban Runoff and Low Impact Development*.
9. Environmental Protection Agency. *Environmental Protection Agency*.
10. Greeley Government. *Water and Sewer Services*.
11. Greeley Real Estate. *Housing Market Analysis*.
12. Urban Institute. *Urban Institute*.
13. National Center for Biotechnology Information. *Effects of Noise Pollution on Health*.
14. Colorado Government. *Special District Information*.
15. Greeley Government. *Housing Market Analysis*.
16. Greeley-Evans School District 6. *Greeley-Evans School District 6*.
17. Edutopia. *Impact of Class Size on Student Performance*.
18. Greeley Government. *Fire Department Services*.
19. Greeley Government. *Police Department Services*.
20. National Association of Home Builders. *National Association of Home Builders*.
21. Greeley Government. *Comprehensive Plan*.
22. National Center for Biotechnology Information. *Effects of Noise Pollution on Health*.
23. World Health Organization. *Ambient (Outdoor) Air Quality and Health*.
24. Noise Pollution Clearinghouse. *Noise Pollution*.

Michael Franke

From: Brian McBroom
Sent: Friday, July 26, 2024 5:02 PM
To: Michael Franke
Subject: Fwd: Concern regarding Rezoning Application

From: Dale Hall <Dale.Hall@Greeleygov.com>
Sent: Friday, July 26, 2024 6:28:50 AM
To: Brian McBroom <Brian.McBroom@Greeleygov.com>; Heidi Leatherwood <Heidi.L Leatherwood@Greeleygov.com>
Subject: Fwd: Concern regarding Rezoning Application

Dale K Hall
Mayor Pro-tem
Councilmember Ward IV
City of Greeley

From: Wayne & Katie Langham <langham.crew@gmail.com>
Sent: Thursday, July 25, 2024 5:29:15 PM
To: Dale Hall <Dale.Hall@Greeleygov.com>
Subject: Concern regarding Rezoning Application

You don't often get email from langham.crew@gmail.com. [Learn why this is important](#)

Hello Dale Hall,

I am writing to express my strong opposition to the rezoning application for the parcel located south of our neighborhood (Northridge Trails), between the school and 8th Street. As a concerned resident, I believe this proposed change from I-L (Industrial Light) to R-H (Residential High Density) is not in the best interest of our community.

Our neighborhood is already experiencing significant issues with increased traffic and on-street parking (including in no parking zones and bike lanes), exacerbated by recent and upcoming developments, including new apartment complexes. The current zoning as I-L provides a necessary buffer and mitigates the potential negative impacts on our residential area by requiring adequate parking and limiting commercial activities to daytime hours. Rezoning this parcel to R-H would likely lead to even more congestion and parking issues, potentially compromising both safety and property values in our community.

Furthermore, the increase in residential density will adversely affect our neighborhood's cleanliness and overall environment. We already see high amounts of littering due to our proximity between Northridge High School and the 10 West Apartment Complex. Higher-density housing often leads to more litter and debris, which can detract from the aesthetic appeal of our area and place an additional burden on local sanitation services.

The shift from I-L to R-H would also disrupt the planned transitional zoning approach, which typically progresses from single-family homes to townhomes and then to apartment complexes. This thoughtful progression helps maintain neighborhood stability and property values. The absence of such a transition in our area is concerning and may have long-term negative effects.

I urge you to consider these concerns seriously and support the preservation of the current I-L zoning designation. Our community's quality of life and safety should be prioritized, and I hope you will advocate for a solution that respects the needs and preferences of the residents.

Thank you for your attention to this matter. I would greatly appreciate the opportunity to discuss these concerns further and to explore possible alternatives that could better serve our neighborhood.

Sincerely,

Katherine and Wayne Langham

710 66th Ave Greeley

970-381-1937

On Jul 26, 2024, at 4:00 PM, Michael Franke <Michael.Franke@greeleygov.com> wrote:

Good afternoon,

Apologies, I cannot access the document in the shared folder attached. Please email the document as a PDF document. Thank you!

Best,

<image001.png>

Michael Franke, AICP

Planner II

Community Development | Planning and Zoning

1100 10th Street, 2nd Floor

Greeley, CO 80631

P: (970) 350-9782 | E: michael.franke@greeleygov.com

Web: <https://greeleygov.com/>

From: Dee Ann Midcap <dee.ann@icloud.com>

Sent: Friday, July 26, 2024 3:46 PM

To: Michael Franke <Michael.Franke@Greeleygov.com>

Subject: Re: "REZONING APPLICATION/2024"

You don't often get email from dee.ann@icloud.com. [Learn why this is important](#)

Dee Ann Midcap

Family Consultant



On Jul 26, 2024, at 2:54 PM, Dee Ann Midcap <dee.ann@icloud.com> wrote:

Open my shared document:



Dee Ann Midcap

Family Consultant



Michael Franke

From: Brian McBroom
Sent: Monday, July 29, 2024 7:36 AM
To: Michael Franke
Subject: FW: Re-zoning on Northridge trails

From: Dale Hall <Dale.Hall@Greeleygov.com>
Sent: Monday, July 29, 2024 7:35 AM
To: Brian McBroom <Brian.McBroom@Greeleygov.com>; Heidi Leatherwood <Heidi.L Leatherwood@Greeleygov.com>
Subject: Fwd: Re-zoning on Northridge trails

Dale K Hall
Mayor Pro-tem
Councilmember Ward IV
City of Greeley

From: Uriel Aragon <uaragon@hotmail.com>
Sent: Friday, July 26, 2024 10:11:11 PM
To: Raymond Lee <Raymond.Lee@Greeleygov.com>; Melissa McDonald <Melissa.McDonald@Greeleygov.com>; Brett Payton <Brett.Payton@Greeleygov.com>; Dale Hall <Dale.Hall@Greeleygov.com>; John Gates <John.Gates@Greeleygov.com>
Subject: Re-zoning on Northridge trails

Some people who received this message don't often get email from uaragon@hotmail.com. [Learn why this is important](#)

To whom it may concern,

I am opposed to the idea of rezoning the commercial area to apartment complex. We already have very limited parking due to the apartments north of 10th st. Adding a new apartment complex would add parking complex and increase the traffic flow. We already have a speeding issue and this issue as a parent of two little ones is difficult.

Michael Franke

From: Brian McBroom
Sent: Monday, July 29, 2024 7:36 AM
To: Michael Franke
Subject: FW: Rezoning application

From: Dale Hall <Dale.Hall@Greeleygov.com>
Sent: Monday, July 29, 2024 7:36 AM
To: Brian McBroom <Brian.McBroom@Greeleygov.com>; Heidi Leatherwood <Heidi.L Leatherwood@Greeleygov.com>
Subject: Fwd: Rezoning application

Dale K Hall
Mayor Pro-tem
Councilmember Ward IV
City of Greeley

From: Lana Volz <lanavolz@yahoo.com>
Sent: Monday, July 29, 2024 6:28:40 AM
To: Dale Hall <Dale.Hall@Greeleygov.com>
Subject: Rezoning application

You don't often get email from lanavolz@yahoo.com. [Learn why this is important](#)

To whom it may concern,

I am a town home owner at Northridge trails.

I am writing to express my concerns about the proposed rezoning from a I L to an R H to the south of our neighborhood.

We already have an insufficient amount of parking and far too much traffic traveling through our Neighborhood. We have cars parked on the street day and night and it is very difficult to see oncoming traffic when turning onto 4th St Rd.

We also have nowhere for kids to play safely aside from a very small playground. They play in the streets and around parked vehicles posing another threat to their safety. I strongly oppose the reapplication and hope that we can prevent overgrowth of this area from happening.

[Yahoo Mail: Search, Organize, Conquer](#)

Michael Franke

From: Brian McBroom
Sent: Monday, July 29, 2024 11:56 AM
To: Michael Franke
Subject: FW: Rezoning Application Near Northridge Trail Homes

From: Raymond Lee <Raymond.Lee@Greeleygov.com>
Sent: Monday, July 29, 2024 11:45 AM
To: Brian McBroom <Brian.McBroom@Greeleygov.com>
Cc: Rachel Flynn <Rachel.Flynn@Greeleygov.com>; Blair Snow <Blair.Snow@greeleygov.com>
Subject: Fwd: Rezoning Application Near Northridge Trail Homes

FYI

Raymond C. Lee III

City Manager
City Manager's Office
1000 10th Street Greeley, CO 80631
970-518-2262 | raymond.lee@greeleygov.com
www.greeleygov.com

Begin forwarded message:

From: Adrian Loma <adrian.loma01@gmail.com>
Date: July 29, 2024 at 11:35:47 AM MDT
To: John Gates <John.Gates@greeleygov.com>
Cc: Dale Hall <Dale.Hall@greeleygov.com>, Brett Payton
<Brett.Payton@greeleygov.com>, Melissa McDonald
<Melissa.McDonald@greeleygov.com>, Raymond Lee <Raymond.Lee@greeleygov.com>
Subject: Rezoning Application Near Northridge Trail Homes

You don't often get email from adrian.loma01@gmail.com. [Learn why this is important](#)

Good Day,

Allow me to introduce myself, my name is Adrian Loma and I am a homeowner in the Northridge Trail Homes area. I was raised in Greeley all my life and have seen the good, the bad and the ever changing city in which we live. I have a family of 4 and two small dogs which my wife and children love very much. We all were raised in Greeley and love this city!

My wife and I had a goal. That goal was to find a home here in Greeley. No one knows the tremendous struggle we faced to purchase a home and the battles we fought, the increase of pricing for house, food and gas. Thank god after many many years we were able

to close on a house here in the northridge trail home area! We love it here! The addition of the apartment complexes would take away from what my wife and I fought for after so many years. These apartments would decrease the value of our home in a blink of an eye. How is that fair to us after all the money we invested into this home? That does not sit well with us nor other families here!

Throughout the week we go on walks, my 5 year old daughter rides her push scooter and my son rides his electric scooter. Streets are pleasant and the people are friendly. There have already been a few times where we get some crazy erratic drivers and as a parent gets me upset because the speed they have is too fast with not only my daughter but with many children around the neighborhood. Now I've had to wave down a few drivers due to speed or yell out as they drive past us. Having said and experienced that, I can only imagine the amount of times i will have to do such things or have to call the cops for crazy drivers. The amount of congestion that apartment complex would cause, is too much inconvenience to myself, all the home owners and family members that may visit and have nowhere to park.

With the congestion it brings, dangers of traffic, car speeds I do NOT want the apartment building and more to be zoned/built there. This will affect my family and many others walking about. If the increase of the percentage of dangers affects my family or those living in the Northridge Neighborhood, it will be on the hands and fault of those who approved this. We live in a time where all our voices need to be heard and not voided, listened to and understood! I know myself and other families will not stay silent. The neighborhood has already been built with respect to low-density/low-traffic zoning which as a homeowner enjoy! I will not stay silent if this gets approved and due to the dangers i've already listed that someday my family gets personally affected.

I appreciate your time and hope this email gets read with understanding - as a homeowner and a father who cares about his home and safety for his family.

- Regards,

Adrian Loma

Michael Franke

From: Brian McBroom
Sent: Friday, August 2, 2024 3:56 PM
To: Michael Franke
Subject: Fwd: rezoning application

From: Raymond Lee <Raymond.Lee@Greeleygov.com>
Sent: Friday, August 2, 2024 3:15:46 PM
To: Brian McBroom <Brian.McBroom@Greeleygov.com>; Rachel Flynn <Rachel.Flynn@Greeleygov.com>
Subject: Fwd: rezoning application

FYI

Raymond C. Lee III

City Manager
City Manager's Office
1000 10th Street Greeley, CO 80631
970-518-2262 | raymond.lee@greeleygov.com
www.greeleygov.com

Begin forwarded message:

From: April Merk <aprilmerk2@gmail.com>
Date: August 2, 2024 at 3:14:33 PM MDT
To: John Gates <John.Gates@greeleygov.com>, Dale Hall <Dale.Hall@greeleygov.com>, Brett Payton <Brett.Payton@greeleygov.com>, Melissa McDonald <Melissa.McDonald@greeleygov.com>, Raymond Lee <Raymond.Lee@greeleygov.com>
Subject: rezoning application

You don't often get email from aprilmerk2@gmail.com. [Learn why this is important](#)

This email is in regards to a rezoning application for the parcel of land on the Southeast corner of 71st Ave and 4th St, just behind the new neighborhood, Northridge Trails, and north of West Ridge Academy.

As the neighborhood is now almost built up, we already see the increase in traffic and on-street parking in our neighborhood. There is already an apartment complex being proposed on the south side of 8th Street adjacent to the Ten West apartments that will have access off 8th Street. During school days, all of 8th Street and portions of 66th Ave extending past 67th Ave are full of cars parked for student pick up and drop off. My kids currently walk home from West Ridge Academy and I am very concerned about the amount of traffic between my house and the school; and, it's only about 0.4 miles. I feel like this many cars in and around our

neighborhood increase the risk of a child being run over (which has already happened in this neighborhood), assaulted, or taken.

We believe that the City was correct in zoning this parcel as an I-L, because any development that will classify under an I-L will a) need to provide adequate parking, b) will mostly be some commercial enterprises that will only have vehicles entering and exiting during the day time and c) will not lead to continuous parking on the neighborhood streets at all hours during the evening hours and weekends. Additionally, surrounding entire neighborhoods with apartment complexes is bad planning that will lead to lowering of home values. The generally accepted practice is to have a transition from single family to town homes to apartments, which unfortunately we do not see happening to the south or west of the neighborhood.

Please take into consideration our neighborhood, all the young families that live there, and our children's safety. We ask you to NOT CHANGE the zoning of this land unless it is to single family housing.

Sincerely,

Ryan & April Hettinger

Michael Franke

From: Kevin Mitts <kevinm@pcgi.com>
Sent: Wednesday, August 7, 2024 5:08 PM
To: John Gates; Michael Franke
Cc: Dale Hall; Brett Payton; Melissa McDonald; Raymond Lee; Kieyesia Conaway; doleary@spencerfane.com; Christy McCutchen; Shannon McEvoy; Sarah Bromley
Subject: City Center West Residential Metropolitan District No. 2 - Opposition to Re-Zoning
Attachments: CCWRMD2 - 2024 08 06 - Regular Board Meeting Minutes - Final.pdf

Some people who received this message don't often get email from kevinm@pcgi.com. [Learn why this is important](#)

To Whom It May Concern,

I hope this message finds you well. I am writing to formally express the City Center West Residential Metropolitan District No. 2 opposition to the proposed rezoning for the parcel to the West of the neighborhood between West Ridge Academy and our neighborhood and just north of 8th Street from **I-L (Industrial Light) to R-H (Residential High Density)**.

Attached to this email are the Approved Minutes from our recent Regularly Scheduled Board Meeting, where the board of Directors discussed and voiced their opposition to the rezoning proposal. Similar to the concerns expressed by many residents at the latest informational meeting on July 31st, the Metro District Board does not feel that a High-Density Residential zoning is appropriate for this location. There is already heavy traffic through the neighborhood, as well as on-street parking from the current apartment complex (Ten West Apartments), neighboring schools, and businesses. There have been multiple incidents of drivers speeding, running stop signs, and endangering the numerous children who play in the area, with one child being hit by a car and severely injured.

This neighborhood has reached its capacity and cannot handle the addition of another apartment complex, bringing along hundreds of new residents, vehicles, and students for the over-capacity of local schools. We believe **any** zoning other than R-H would be more appropriate. We trust that you will consider our position and hope for a resolution that takes into account our community's concerns and feedback. We look forward to your response.

Thank you,

Kevin Mitts
District Manager
City Center West Residential Metropolitan District No. 2



Loveland: (970) 669-3611 Ext. 140
Denver: (303) 333-4380
Fax: (970) 669-3612
kevinm@pcgi.com

Loveland
550 W Eisenhower Blvd.
Loveland CO, 80537

Denver
6950 E Belleview Avenue, Suite 200
Greenwood Village, Colorado 80111

www.pinnacleconsultinggroupinc.com



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RECORD OF PROCEEDINGS

**MINUTES OF THE REGULAR MEETING OF
CITY CENTER WEST RESIDENTIAL METROPOLITAN DISTRICT NO. 2**

HELD
August 6, 2024

The Regular Meeting of City Center West Residential Metropolitan District No. 2 was held via Zoom and Teleconference on Tuesday, August 6, 2024, at 5:00 p.m.

ATTENDANCE

Directors in Attendance:

Melissa Kerr, Treasurer & Secretary
Aparna Karnik, Vice Chair, Assistant Treasurer & Secretary
Trish Trombino, Vice Chair, Assistant Treasurer & Secretary
Trish Thompson, Vice Chair, Assistant Treasurer & Secretary

Also in Attendance:

David O’Leary; Spencer Fane, LLP.
Kevin Mitts, Kieyesia Conaway, Tracie Kaminski, and Wendy McFarland; Pinnacle Consulting Group, Inc.
Shannon Fuller; Haynie & Company
Josh Vadel and Jacob; Members of the Public

**ADMINISTRATIVE
ITEMS**

Call to Order: The Regular Meeting of the Board of Directors of the City Center West Residential Metropolitan District No. 2 was called to order by Mr. Mitts at 5:01 p.m.

Declaration of Quorum/Director Qualifications/Disclosure of Potential Conflicts of Interest: Mr. Mitts noted that a quorum was present, with four out of four Directors in attendance. All Board Members confirmed their qualifications to serve on the Board. Mr. O’Leary inquired whether there were any conflicts to disclose by Board members present, which have not already been adequately disclosed. There were no such conflicts to disclose. Mr. O’Leary advised the Board that pursuant to Colorado law, certain disclosures by Board Members might be required prior to taking official action at a meeting. The Board reviewed the agenda for the meeting, following which each Board Member present confirmed the contents of the written disclosures previously made stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Additionally, the Board Members determined that the participation of the members present was necessary to obtain a quorum of otherwise enable the board to act.

RECORD OF PROCEEDINGS

Approval of Agenda: The Board considered the approval of the agenda. Following review and discussion, upon a motion duly made by Director Thompson, seconded by Director Trombino, and upon vote, unanimously carried, it was

RESOLVED to approve the agenda, as presented.

Appointment to fill Board Vacancy and Elect Officers: Mr. O’Leary and Mr. Mitts presented the Appointment to fill Board Vacancy and Elect Officers to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Trombino, seconded by Director Kerr, and upon vote, unanimously carried, it was

RESOLVED to approve the Elect Officers as follows:
Trish Thompson – President & Chairperson
Melissa Kerr – Treasurer & Secretary
Aparna Karnik – Vice Chair, Asst. Treasurer & Secretary
Trish Trombino – Vice Chair, Asst. Treasurer & Secretary

Approval of Minutes: Mr. Mitts presented the May 7, 2024 Regular Meeting Minutes to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Trombino, and upon vote, unanimously carried, it was

RESOLVED to approve the May 7, 2024 Regular Meeting Minutes.

Public Comment: Mr. Vadel noted that mature trees in the District still have the supports around them, his landscaper told him to remove his after about a year and asked if the District’s landscaper would be removing the ones around the District that need to be removed. Mr. Mitts noted that Mr. Powell would work with the landscaper to remove supports on mature trees.

Director Comment: There were no Director Comments received.

2023 Audited Financial Statements: Ms. Fuller presented the 2023 Audited Financial Statements to the Board and answered questions. Ms. Fuller reported that the audit received a clean unmodified opinion. Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Trombino, and upon vote, unanimously carried, it was

RESOLVED to approve the 2023 Audited Financial Statements, as presented.

RECORD OF PROCEEDINGS

DISTRICT MANAGER ITEMS

District Managers' Report: Mr. Mitts presented the District Managers' Report to the Board and answered questions.

Streamline Platform – Subscription Agreement: Mr. Mitts presented the Streamline Platform – Subscription Agreement to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Thompson, seconded by Director Trombino, and upon vote, unanimously carried, it was

RESOLVED to ratify the Streamline Platform – Subscription Agreement, as presented.

Board of Directors to Oppose the Newly Proposed Re-zoning by the City of Greeley: Ms. Karnik presented the Board of Directors to Oppose the Newly Proposed Re-zoning by the City of Greeley to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Thompson, seconded by Director Trombino, and upon vote, unanimously carried, it was

RESOLVED to Formally Oppose the Newly Re-zoning by the City of Greeley to High Density Residential for HP Development Property, case number ZON2023-0003, as presented. Upon direction from the board, District Management is further authorized to provide executed minutes to the City of Greeley and provide direction from the board of their opposition.

Contract Modifications: Mr. Mitts presented the Contract Modifications to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Trombino, seconded by Director Kerr, and upon vote, unanimously carried, it was

RESOLVED to ratify the Contract Modifications, as presented.

FINANCIAL ITEMS

Ratification of Payment of Claims: Mr. Mitts presented the Payment of Claims to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Kerr, seconded by Director Thompson, and upon vote, unanimously carried, it was

RESOLVED to ratify the Payment of Claims in the amount of \$769,862.36, as presented.

RECORD OF PROCEEDINGS

Financial Managers Discussion: Ms. McFarland presented the Financial Managers Discussion to the Board and answered questions.

Approvers in Bill.com: Mr. Mitts presented the Approvers in Bill.com to the Board and answered questions. Following review and discussion, upon a motion duly made by Director Thompson, seconded by Director Trombino, and upon vote, unanimously carried, it was

RESOLVED to approve any elected Board Member to act as a back up approver in Bill.com while maintaining Director Kerr as the main Approver in Bill.com.

LEGAL ITEMS

Legislative Updates Discussion: Mr. O’Leary discussed with the Board the Legislative Updates and answered questions.

DIRECTOR
MATTERS

Director Thompson requested that Mr. Powell request bids for new Landscaping Companies to provide services for the 2025 budget year, noting the information is needed by the November Budget Meeting to make a decision with a start date of January 1, 2025.

OTHER
MATTERS

There were no Other Matters to come before the Board.

ADJOURNMENT

There being no further business to come before the Board, upon motion duly made by Director Trombino, seconded by Director Thompson, and upon unanimous vote, the meeting was continued to Wednesday, August 7, 2024 at 5:00 p.m.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

Respectfully submitted,

Kieyesia Conaway
Kieyesia Conaway, Recording Secretary for the Meeting

Michael Franke

From: Cinde Wright <cwright@weld.gov>
Sent: Wednesday, August 14, 2024 7:39 AM
To: Michael Franke
Cc: planning
Subject: FW: Case Zon2023-003

Some people who received this message don't often get email from cwright@weld.gov. [Learn why this is important](#)

Michael,

I just got my email back as undelivered, so I'm resending it so it can be included on the September meeting agenda. Thanks.

Cinde Wright

From: Cinde Wright
Sent: Tuesday, August 13, 2024 7:26 AM
To: michael.franke@greeley.gov
Cc: Cinde Wright <cindegirl133@gmail.com>
Subject: Case Zon2023-003

Michael,

I apologize for the late date on this email. I thought I would be able to make the Planning Commission meeting today at 1:15pm, but I have work obligations and will not be able to attend.

My husband and I live at 727 66th Avenue in Greeley, directly across from the Ten West Apartment building. I wanted to put my name in against the rezoning of Tract 3A of the old Hewlett Packard site. Our home is across from the north entrance of the apartment complex, so we are aware of the traffic and parking issues that the apartments create. There are times when it is close to impossible to back out of our driveway safely, because of the traffic coming around the curve. After the southern apartment entrance, 66th Avenue was constructed too narrow especially around the curve by the apartments. Sight distances are poor and the apartment dwellers park on both sides of the street along the curve, making it difficult to get 2 cars to pass.

We were the second residence to be sold, so the subdivision looked very different when we moved in. The first house to buy (our neighbors to the south) are selling because they are fed up with the parking and apartment traffic. When we first moved in, the City allowed parking along the apartments (along the south side of 8th Street/66th Avenue curve). This seemed to work much better in my opinion. As the subdivision has developed, the City has added stop signs, speed bumps and no parking signs in front of our homes. We can no longer park in front of our home/driveway on either side. We have had to add an additional parking pad on the side of our driveway, just to accommodate our vehicles (at an additional \$3k cost to us).

Adding another apartment complex to the already overtaxed roadway system would not be safe or practical. An industrial type facility, like a Federal Express facility, a medical facility, storage facility or commercial property would be much better. The amount of traffic seen with those types of facilities would be much less than an apartment complex and limited in hours. The entry and exit times for a Federal Express type facility would be early morning and later evening, before and after the school traffic and children were present. It's important for the City to consider the safety of the children at the school, especially since the little girl was seriously injured by a vehicle hitting her.

Thank you for your consideration. I believe the current roadway and parking along 66th Avenue and around the school facility makes another apartment complex a terrible and potentially dangerous idea.

Cinde Wright

I-L –Industrial Low Intensity.

The I-L district provides primarily service, employment, manufacturing and distribution uses at a scale, intensity and format that won't have

significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses.

Permitted Uses

Permitted Uses in this district include:

- Established Residential (all types)
- Farming
- Residential Care- Assisted Living
- Residential Care- General
- Residential Care- Institutional
- Assembly- Limited (up to 499 occupancy)
- Assembly General (500-1500 occupancy)
- Assembly- Large (1501 or more occupancy or outside)
- Cemeteries, Columbarium
- Golf Course & County Clubs (no lights)
- Libraries, Museums, Public or Quasi-public
- Police, Fire Stations, Ambulance Dispatch & Storage
- Parks, Open Spaces & Common Areas (See Section 24-302 and 24-504 for standards applicable to all districts)
- Schools
- Schools- Adult (Business, Trade)
- School- Universities/ Colleges
- Transportation- Bus, Taxi, or Transit Station
- Transportation- Public Parking
- Transportation- Towing Services
- Utilities- Limited (towers under heights permitted by zoned and accessory structures and cabinets)
- Adult Businesses (See Section 24-1103)
- Animal Care- Limited (indoor, less than 5K GLA, no boarding)
- Animal Care- General (indoor, 5K-20K GLA or boarding)
- Animal Care- Large (outdoor or greater than 20K GLA)
- Auction Houses (excludes livestock)
- Automobile- Gas Station Limited (up to 8 pumps)
- Automobile- Gas Station General (9-20 pumps)
- Automobile- Gas Station Large (21+ pumps)
- Automobile- Repair/Service Limited (up to 3 service bays; less than ½ acre)
- Automobile- Repair/Service General (4-6 service bays; less than ½ acre)

- Automobile- Repair/Service Large (7 or more service bays; greater than 1 acre)
- Automobile- Sales/Rental Limited (less than ½ acre)
- Automobile- Sales/Rental General (1/2 acre to 1 acre)
- Automobile- Sales/Rental Large (greater than 1 acre)
- Drive-through services- Accessory (See 24-403.e.)
- Child Care Home (accessory/home occupation- See Section 24-403.c.)
- Entertainment/Event Establishments
- Food & Beverage- Bar Limited (less than 3K GLA; less than 100 seats)
- Food & Beverage- Brewery/Winery; Bar General
- Food & Beverage- Restaurant Limited (less than 5K GLA, less than 100 seats)
- Food & Beverage- Restaurant Quick Service
- Food & Beverage- Restaurant General (5K or more GLA)
- Lodging- Short Term Rental
- Lodging Bed and Breakfast (up to 5 rooms)
- Lodging- Inn (6 to 40 rooms)
- Lodging- Hotel/Motel Small (41 or more rooms)
- Medical- Limited (less than 5K GLA; no emergency services)
- Medical- General (5K-20K GLA; no emergency services)
- Medical- Large (greater than 20K GLA or emergency services)
- Medical- Hospitals
- Mortuaries and Funeral Homes
- Office- General (less than 20K GLA)
- Office- Large (greater than 20K GLA)
- Pawn Shops
- Personal Services- Limited (less than 5K GLA; less than 1 acre)
- Personal Services- General (greater than 5K GLA; greater than 1 acre)
- Recreation- Indoor Limited (less than 5K GLA; less than ½ acre)
- Recreation- Indoor General (5K to 20K GLA; ½ acre to 1 acre)
- Recreation- Indoor Large (greater than 20K GLA; greater than 1 acre)
- Recreation- Outdoor Limited (no lights; less than ½ acre)
- Recreation- Outdoor General (no lights; ½ acre to 1 acre)
- Retail- limited (less than 3K GLA)
- Retail Outdoor Limited (less than 25% and less than ½ acre)
- Retail General (25% to 50% and ½ acre to 1 acre)
- Retail- Outdoor Nurseries and Greenhouse
- Retail Outdoor Large (greater than 50% and greater than 1 acre)
- Commercial Services- Limited (up to 9 vehicle fleet)
- Commercial Services- General (11-20 vehicle fleet)
- Crematoriums
- Manufacturing- Limited/Artisan (less than 5K GLA)
- Manufacturing- General (5K-100K GLA)
- Manufacturing- Food & Beverage (up to 3 acres)
- Research & Testing Labs

- Warehouse/Storage- Indoor Limited (less than 50K GLA; less than 1 acre)
- Warehousing/Storage- Indoor General (50K GLA-200K GLA; 1-5 acres)
- Waste Management- Recycling Collection Small
- Waste Management- Recycling Processing & Collection
- Oil & Gas Operations (See Section 24-1102 for standards and procedures applicable in all districts)
- Wireless Communication Facilities (See Section 24-1101 for standards and procedures applicable in all zone districts)

Use by Special Review Uses

Use by Special Review Uses include:

- Utilities- Lines over 33 KVA, overhead
- Utilities- General (towers over heights permitted by zone or large structures and cabinets)
- Animal Care- Stables (more than 5 boarded animals)
- Child Care Center/ Pre-School
- Recreation- Outdoor Large (lights or greater than 1 acre)
- Recreation- RV and Travel Trailer Park
- Retail- General (3K-20K GLA)
- Retail Large (20K-100K GLA)
- Retail-Warehouse (greater than 100K)
- Commercial Services- Large (21 or more vehicle fleet)
- Warehouse/Storage- Indoor Large (more than 200K GLA; greater than 5 acres)
- Warehouse/Storage- Distribution Center
- Warehouse/Storage- Outdoor Limited (less than 1 acre)
- Warehouse/Storage- Outdoor General (more than 1 acre)

R-L- Residential Low Density

The R-L district provides residential living (detached houses) in lower-density suburban neighborhood settings with access to supporting uses such as schools, churches, parks and other public facilities. Alternatively, it may be used for single-family areas integrated into walkable or urban neighborhood patterns.

Permitted Uses

Permitted Uses in this district include:

- Single-family Dwelling
- Farming
- Residential Care Category Group Home
- Assembly- Limited (up to 499 occupancy)
- Golf Course & Country Clubs (no lights)
- Parks, Open Spaces & Common Areas (See Section 24-302 and 24-504 for standards applicable to all districts)
- Schools
- Schools- Universities/Colleges
- Utilities- Limited (towers under heights permitted by zoned and accessory structures and cabinets)
- Child Care Home (accessory/home occupation- See 24-403.c.)
- Lodging- Short Term Rental
- Oil & Gas Operations (See Section 24-1102 for standards and procedures applicable in all districts)
- Wireless Communication Facilities (See Section 24-1101 for standards and procedures applicable in all zone districts)

Use by Special Review Uses

Use by Special Review Uses include:

- Assembly- General (500-1500 occupancy)
- Libraries, Museums, Public or Quasi-public
- Police, Fire Stations, Ambulance Dispatch & Storage
- Transportation- Public Parking
- Utilities- Lines over 33 KVA, overhead
- Utilities- General (towers over heights permitted by zone or large structures and cabinets)

R-M – Residential Medium Density

The R-M district provides residential living (wide range of small-scale residential building types) in a compact, walkable neighborhood settings allowing a mix of housing options at strategic locations which transition to complimentary and supporting non-residential uses. A well-designed public realm provides the focal point to integrate a variety of building types with a consistent neighborhood character.

Permitted Uses

Permitted Uses in this district include:

- Single-family Dwelling
- Two-family Dwellings
- Row House Dwellings
- Multi-family dwellings
- Accessory Dwelling Unit (See 24-403.b.)
- Farming
- Residential Care Category Group Home
- Assembly- Limited (up to 499 occupancy)
- Golf Course & Country Clubs (no lights)
- Parks, Open Spaces & Common Areas (See Section 24-302 and 24-504 for standards applicable to all districts)
- Schools
- Schools- Universities/Colleges
- Utilities- Limited (towers under heights permitted by zoned and accessory structures and cabinets)
- Child Care Home (accessory/home occupation- See 24-403.c.)
- Lodging- Short Term Rental
- Oil & Gas Operations (See Section 24-1102 for standards and procedures applicable in all districts)
- Wireless Communication Facilities (See Section 24-1101 for standards and procedures applicable in all zone districts)

Use by Special Review Uses

Use by Special Review Uses include:

- Residential Care- Assisted Living
- Assembly- General (500-1500 occupancy)
- Libraries, Museums, Public or Quasi-public
- Police, Fire Stations, Ambulance Dispatch & Storage
- Transportation- Public Parking
- Utilities- Lines over 33 KVA, overhead
- Utilities- General (towers over heights permitted by zone or large structures and cabinets)

R-H – Residential High Density

The R-H district provides multi-family residential living in a moderate-density pattern in suburban neighborhoods or higher-density, and larger scale projects in strategic locations for walkable and urban neighborhoods. It is located in areas that have transitions between lower-density neighborhoods or more intense non-residential uses and where a high level of accessibility, public amenity and support services are immediately available.

Permitted Uses

Permitted Uses in this district include:

- Single-family Dwelling
- Two-family Dwellings
- Row House Dwellings
- Multi-family dwellings
- Boarding House & Single Room Occupancies
- Accessory Dwelling Unit (See 24-403.b.)
- Farming
- Residential Care Category Group Home
- Assembly- Limited (up to 499 occupancy)
- Golf Course & Country Clubs (no lights)
- Parks, Open Spaces & Common Areas (See Section 24-302 and 24-504 for standards applicable to all districts)
- Schools
- Schools- Universities/Colleges
- Utilities- Limited (towers under heights permitted by zoned and accessory structures and cabinets)
- Child Care Home (accessory/home occupation- See 24-403.c.)
- Lodging- Short Term Rental
- Oil & Gas Operations (See Section 24-1102 for standards and procedures applicable in all districts)
- Wireless Communication Facilities (See Section 24-1101 for standards and procedures applicable in all zone districts)

Use by Special Review Uses

Use by Special Review Uses include:

- Mixed-use Dwellings
- Residential Care- Assisted Living
- Residential Care- General
- Residential Care- Institutional
- Assembly- General (500-1500 occupancy)
- Libraries, Museums, Public or Quasi-public
- Police, Fire Stations, Ambulance Dispatch & Storage
- Transportation- Public Parking

- Utilities- Lines over 33 KVA, overhead
- Utilities- General (towers over heights permitted by zone or large structures and cabinets)
- Lodging- Bed and Breakfast (up to 5 rooms)



West Ridge Academy

6905 8th Street Greeley, CO 80634 970.330.3671

August 15, 2024

City Council, City of Greeley
Attn: Mayor John Gates
1100 10th Street
Greeley, CO 80631

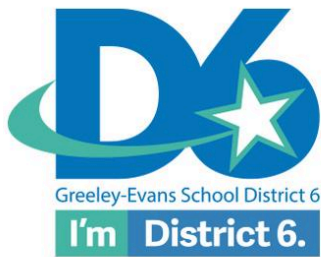
Dear City Council Members,

Information was shared at a recent community meeting stating that the area schools were at capacity. I'd like to address this misinformation. West Ridge Academy is a K - 8 public charter school located adjacent to the parcel under review for rezoning. We are considered a small two-track school. This means that we have two teachers at each grade level. Our limit for each class is 28 students with a total of 56 students for each grade level. That would bring our school capacity to 504 students. Currently, for the 2024-2025 school year, we have 354 students enrolled. We have space for 150 students before we reach capacity.

Sincerely,

A handwritten signature in black ink that reads 'Davon Renfrow'. The signature is fluid and cursive, with the first name 'Davon' being more prominent than the last name 'Renfrow'.

Davon Renfrow
Executive Director, West Ridge Academy



Greeley-Evans | Weld County School District 6
Office of Facilities

2204 FIFTH AVENUE
 GREELEY, COLORADO 80631
 970-348-6400
 WWW.GREELEYSCHOOLS.ORG

Aug 15, 2024

City of Greeley City Council and Planning and Zoning Committee,

Once again, I am writing on behalf of Greeley-Evans School District 6 in support of any residential development within the city of Greeley.

Parties not employed by or directly representing District 6 should not be commenting on the school district's behalf, including the comments regarding the development of the former Hewlett-Packard parcel. District 6 continually makes boundary and facility adjustments to accommodate the students and families we serve. . Within the boundaries of the Greeley-Evans School District ALL families have the opportunity to utilize schools of choice through open enrollment to any district school. . Students from this area are currently attending a variety of schools, not just their boundary schools.

The district works with a demographer to adjust elementary and middle school boundaries as needed, which was most recently done over a three year period from 2021-24. We also have and utilize data from our demographer that tells us that multi-family housing units generate an average of only (.14) students per unit. This compares to an average of (.64) students per unit for a single family dwelling. We use all of this data when analyzing development data that we receive from the cities of Greeley and Evans.

Unlike other school districts along the Front Range who are in declining enrollment, our district has maintained a consistent to increasing enrollment. This is in large part due to our community's support of recent MLO and bond measure to improve our facilities along with our improving student achievement data and graduation rates. The Greeley Evans School District always welcomes development, and when needed we will build school additions or new buildings as needed. We are planning for and anticipate the need for more school buildings in the future.

We are an adaptive school district and welcome development and families to our district and will make appropriate changes as needed to support all of our families. We educate all kids!

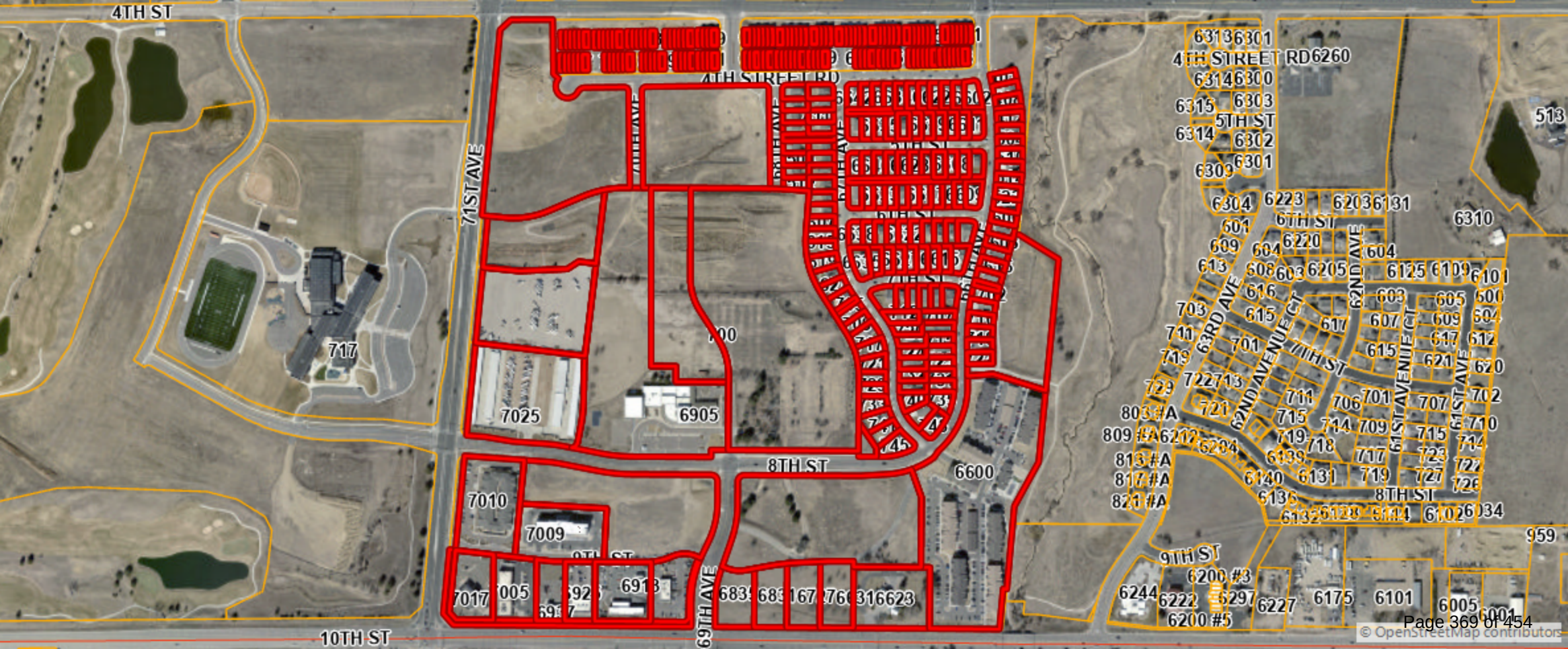
Sincerely,

Kent Henson, Assistant Superintendent of Operations

District 6 engages every student in a personalized, well-rounded
 and excellent education, preparing students to be college and career ready.

Engage. Empower. Inspire.

District 6 engages every student in a personalized, well-rounded and excellent education, preparing students to be college and career ready.



Michael Franke

From: Brian Bartels <brian@waltelcos.com>
Sent: Tuesday, August 6, 2024 10:13 AM
To: Michael Franke
Cc: 'Adam Wallace'
Subject: packets

Good morning Michael,

I am preparing for next weeks meeting and trying to keep things short and to the point and leave time for Curtis to make his presentation and answer any questions. This article from Biz West is a great summary of the building(s) and why the current zoning no longer viable and the market and residential expansion as well as other uses geared around residential have taken over in west Greeley. If you think this is a good summary for both PZ and City Council could we include this in the packets ?

Let me know what you think,

Brian

Greeley's westward expansion

Why Greeley's HP facility faced such a different outcome than campuses in Fort Collins and Loveland can be attributed to a variety of factors.

First, the technology sector in Greeley has never developed to the scale of Fort Collins' or Loveland, which enjoy closer proximity to Colorado State University. Even before HP's closure, Greeley had seen the departure of home-grown printed-circuit-board manufacturer EFTC Corp., founded in Greeley as Electronic Fab Technology Corp., which left for the north Denver suburbs.

But the greatest factor seems to be the pattern of Greeley's residential and commercial growth, which has pushed inexorably westward for several decades.

Benjamin Snow, director of economic health and housing for the city of Greeley, said the area around "the core of the apple," meaning the HP building, has transformed.

HP's Greeley facility was once on the city's outskirts, with little nearby retail and far less residential development.

"When you look at what's happened over the last 10 years out there, it has sort of defaulted to what I would describe as typical suburban growth," Snow said, pointing to the King Soopers and other retail development across 10th Street, as well as retail and residential projects on former HP land surrounding the building.

He noted that for years, he and his predecessors in the economic-development community sought to preserve the industrial zoning for the building as a way to balance the city's housing stock with a solid employment center.

"It just never took," he said. "We never could get a secondary use in there ... At some point, you have to listen to the market signals."

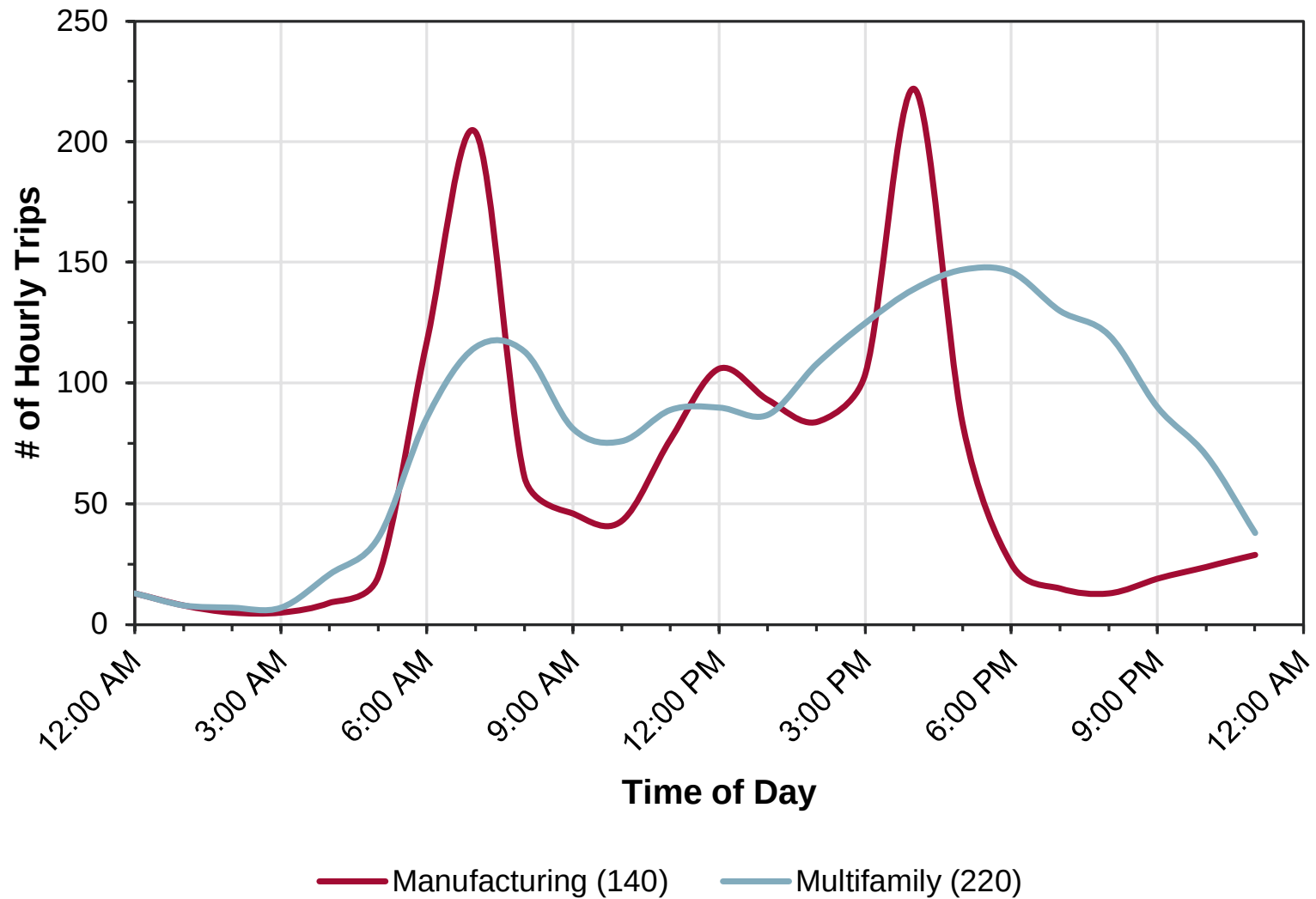
Although many potential users toured the facility, one obstacle, he said, was that the building had fallen into disrepair.

"Once people went in, because that building essentially had been neglected and abandoned for so long ... it was kind of a magnet for that kind of vandalism. There was evidence that people were inside the building at different times."

"Greeley has tried for 20 years to get some industrial users to reinhabit, to reanimate that building, to no avail," he said.

Additional reading: "HP in Colorado," Measure (HP's inhouse publication), November-December, 1982.

Manufacturing vs Multifamily Vehicle Trips by Hour



City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
August 13, 2024

[Greeley Planning Commission- August 13, 2024- YouTube](#)

1. Call to Order

Chair Yeater called the meeting to order at 1:15 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Vice Chair Erik Briscoe
Commissioner Louisa Andersen
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin

ABSENT

Commissioner Christian Schulte

3. Approval of Agenda

There were no changes to the agenda.

4. Approval of the July 23, 2024, Planning Commission Meeting Minutes

Commissioner Modlin moved to approve the minutes dated July 23, 2024. Commissioner Carlson seconded the motion.

Motion carried 6-0 (Commissioner Schulte Absent).

5. A public hearing to consider a request by The Cache, LLC for approval of The Cache Subdivision No. 1 Preliminary Plat (SUB2023-0015) to create 13 Tracts on 784.3 acres within the Cache Planned Unit Development (PUD). The property is located generally south of the Cache la Poudre River to Business HW 34/10th Street to the south, 95th Avenue to the west, and 83rd Avenue to the east. (Case number SUB2023-0015, The Cache Preliminary Plat Filing 1)

Chair Yeater introduced the item as published and asked if anyone on the Commission or in attendance wished to see a presentation, there were none.

Chair Yeater opened the Public Hearing at 1:18 p.m. There were not any requests for public comment, and he closed the Public Hearing at 1:19 p.m.

Commissioner Franzen moved, based on the application received and the preceding analysis, the Planning Commission finds that the proposed preliminary subdivision plat is in compliance with Development Code Section 24-203(b)(1), and therefore, approves the preliminary subdivision plat as presented. Commissioner Andersen seconded the motion.

Motion carried 6-0 (Commissioner Schulte Absent).

6. A public hearing to consider a request by The Cache, LLC for approval of The Cache Subdivision No. 2 Preliminary Plat to create 122 residential lots on 65.9 acres within the Cache Planned Unit Development (PUD). The property is located west of the northwest corner of the intersection of 83rd Avenue and F Street. (Case number SUB2023-0014, The Cache Preliminary Plat Filing 2)

Chair Yeater introduced the item as published, asking if anyone on the Commission or in attendance wished to see a presentation, there were none.

Chair Yeater opened the Public Hearing at 1:21 p.m.

William Fortier (45 Double Tree Drive, Greeley, Colorado) stated that he just wanted to know if the rezone lots are going to be in the floodplain and if the roads would have adequate access.

Seeing no additional request for public comment, Chair Yeater closed the Public Hearing at 1:24 p.m. and asked if staff or the applicant wished to comment in response to the Public Hearing.

Dylan Belanger (Engineering Development Review) responded, stating that all FEMA Floodplain requirements and city roadway specifications would have to be satisfied prior to any construction starting on the site.

Chair Yeater asked if the applicant was in attendance and wished to speak, Todd Johnson (Terra Forma, applicant representative), introduced himself. He began by confirmed the information provided by staff regarding roadway improvements for the project. His team will meet all FEMA requirements and all lots that are created will be outside of the floodplain.

Commissioner Franzen asked what measures were being taken to protect the Bald Eagle nest on the site. Mr. Johnson responded that they have explored the issue thoroughly with both staff and the Department of U.S Fish and Wildlife. The minimum distance between lots and the nest is to be at least 650 feet, the proposed plan includes over 2000 feet between the nest and lots. However, Colorado Fish and Wildlife requires a quarter mile between lots and the nest and half a mile between lots and the nest during certain times of the year. They will continue to work with all agency's involved in the matter as the project progresses. They value the importance of the nest in the area, it has been there for a significant amount of time, and they do not want to disturb it.

Seeing no further questions for the applicant, Chair Yeater turned the item back to the Commission for action.

Commissioner Andersen moved, based on the application received and the preceding analysis, the Planning Commission finds that the proposed preliminary subdivision plat is in compliance with Development Code Section 24-203(b)(1), and therefore, approves the preliminary subdivision plat as presented with the following condition of approval:

Between December 1 and July 31 of any calendar year, the applicant shall ensure any development activity within the Cache Subdivision Filing No. 2 includes taking measures to reduce impacts to and disturbance of the bald eagle nest located to the north of the subdivision near the Poudre River

Commissioner Franzen seconded the motion.

Motion carried 6-0 (Commissioner Schulte Absent).

7. **A request for the Planning Commission to make a recommendation to City Council after hearing testimony from the applicant and public for a request from LaSalle Investors, LLC to rezone Tract 3A of the H-P Greeley 6th replat from I-L (Industrial Light), with DCMP (Development Concept Master Plan) zoning district to the R-H (Residential High) zoning district on approximately 16.192 acres of land. (Case number ZON23023-0003, H-P Tract 3A Rezone).**

Chair Yeater introduced the item as published. Commissioner Carlson recused himself due to a potential conflict of interest.

Michael Franke (Planner III) began his presentation sharing that the request is to rezone 16.192 acres from I-L to R-H, this parcel is currently vacant and was formerly a portion of the H-P Greeley site. He continued, sharing further history of the parcel from when it was annexed in 1981 through the current application. Continuing, he shared an image of the location, East of 71st Avenue, north of 8th Street, and Northeast of 69th Avenue. The neighborhood is City Center West (Northridge Trails). Zoning and Land Uses around the parcel include:

- North: R-H (Residential High Intensity)
- East: R-H (Residential High Intensity) – Single-Family Dwellings
- South: C-H (Commercial High Intensity)
- West: I-L (Industrial Low Intensity) school site

The proposed zoning is compatible with the existing development and zoning. The aerial overview shows:

- Westerly 4.39-acre lot deeded to school
- R-H zoned residential development (City Center West Residential 2nd Filing) east of the subject property
- Boomerang Storage Facility to west
- Future City Park directly to the north

Mr. Franke shared the proposed rezone boundary map for the site and the permitted uses for I-L zoning and R-H zoning, showing that the uses permitted in the R-H zoning are more appropriate for the area. Moving forward, he shared the next steps for development in this case if the rezoning were to be approved. Future development would require subsequent Land Use applications to be submitted and does not permit development to proceed without following the requirements for those processes and gave examples of those processes.

Mr. Franke stated that this application was reviewed against the criteria of Section 24-204 and staff has found it to be consistent with those criteria, therefore staff recommends approval of the application. Proper notification was made including 312 notice letters mailed to property owners within 1000 feet, signs posted on the property and a neighborhood meeting held on July 31, 2024. The city has received 5 letters of support of the project and 30 letters of opposition with concerns regarding traffic, parking, multifamily development in Greeley, safety and property values. Mr. Franke concluded his presentation, thanking the Commission for their time and that the applicant and staff were available to answer any questions.

Chair Yeater opened the meeting up to the Commission for questions. Commissioner Briscoe inquired about the traffic comments in the report provided by Engineering Development Review regarding their concern over traffic. Thomas Gilbert (Engineering Development Review) commented that he reviewed the application for compliance with City of Greeley design specifications for traffic,

stormwater, water and sewer as well as all other development departments. He did find that it generally met these specifications. Regarding the comment "Staff is concerned that about the additional daily flows generated with this zoning district. Public Works reserves the right to include any or all traffic improvements as part of the future development site plan to mitigate traffic issues" and elaborated that because this is a rezone and it is not a specific to a development at this point, they created traffic flows based on potential future development and an estimated number creating various options that would allow them to meet City of Greeley criteria. If development proceeds the applicant would be required to follow all criteria for traffic flows based on the development plans and processes submitted prior to any construction commencement and all factors would be considered at that time to ensure that traffic flow and conditions adequately meet city standards.

Without further questions for staff, Chair Yeater invited the applicant to speak if they wished.

Brian Bartels (5202 West 20th Street, Suite 220, Greeley Colorado) introduced himself and he and his team, including the traffic engineer for the project were in attendance and happy to answer questions. Beginning his presentation, he stated that they had applied originally a little over two years ago, received a unanimous approval from Planning Commission, recommending approval to City Council. The only thing that has changed since that time is that they have sold approximately 5 acres to Westridge Charter school to allow space for them to move their drop-off and pickup line off the street.

Mr. Bartels provided history of the property since 1980 when Hewlett Packard purchased it and what the vision was for it when it was annexed. The facility has been used for over the years as the original plans for the site were not fully developed. It was zoned I-L in 1982, as that was the zoning best suited for the development that was planned at that time. In 2000, Hewlett Packard announced that the facility would be closing and that the building would be sold, in hopes that it could be repurposed. The building and the land (60-acre tract) sold in 2004. Mr. Bartles was approached regarding the building and property in 2007 by a firm that purchased the site to work on redevelopment of the property, no users came full circle to accomplish the redevelopment at that time. He provided information regarding parts of the parcel that were subdivided over the years. There were various challenges that the facility encountered while it was vacant, eventually leading himself and his team to purchase the site. They demolished the existing facility and began working with the city to start the process of redeveloping the parcel with a different land use in mind that would better suite the area.

They went through the process of rezoning the property, it was approved unanimously by Planning Commission and when it went to City Council it was voted on with a 3 to 3 tie resulting in denial of the proposed application, requiring them to wait for a year to move forward on the project. His team has worked to address the issues that arose during the City Council meeting, neighborhood meetings and from the letters of opposition. He summarized various measures that have been taken to address issues of concern for this rezone.

Concluding, he reiterated the benefits of rezoning this area to better suit the area and was happy to answer any questions and introduced the Traffic Engineer for the project to give a brief presentation.

Curtis Rowe (Traffic Engineer, Kimley-Horn) introduced himself and provided his credentials and experience within the Traffic Engineering field.

Mr. Rowe discussed the impact of increased trip generation and that it has been a big concern for this development, if approved. He put together comparison reports based on I-L and R-H zoning. The reports indicate that R-H zoning would have decreased traffic counts compared to I-L Zoning during peak hours, creating a positive impact on traffic in the area.

In working with the city and developer, a traffic impact study was completed for the entire development area. it was noted that the peak hour trip generation was less for residential

development, however the daily traffic generation was higher compared the traffic if the site were to be developed as an industrial use. Truck traffic was also lower with residential verses industrial uses. He shared further details regarding the traffic impact study that was completed, providing examples of various options for solutions to potential traffic impacts related to future development at this site.

There were no further questions for Mr. Rowe or the applicant.

Chair Yeater opened the Public Hearing at 1:55 p.m.

Sean Thompson (745 64th Avenue, Greeley, Colorado), began by stating that his major concern was the Ten West apartment complex is already in the area. More apartments are going in next to those, and on the corner of 4th Avenue and 71st Street. They all are going to be exiting onto the major roadways. He assumes the measures implemented to alleviate the traffic funneling into the neighborhood, will likely be signage and inadequate. His main concern is that the additional traffic that will funnel into the neighborhood. Schools in the area are already past capacity, street parking is already an issue because the existing apartments do not have ample parking for the residents. Large scale warehouses would not have heavy traffic flow of traffic at all hours of the night that more residential units would add.

Kathrine Lamb (710 66th Avenue, Greeley, Colorado) shared that she feels bad for the developer because they have bad neighbors at Ten West who are speeding through the neighborhoods, have loud music going down the streets at all hours of the night, dogs that are walked on the nature trail and let off leash and allowed to use the restroom all over the neighborhood. They have a bad taste in their mouth from their current neighbors and do not look forward to getting similar ones. Westridge Academy does not have ample pickup and drop-off locations before they ever opened. She is concerned that it will be the same thing with new apartments, and it will create something they have to figure out afterward. She would like to know why the rezoning wasn't done before the neighborhood was built, the potential for rezoning should have been brought to the attention of people purchasing in the neighborhood. It should not have waited until after the neighborhood was built out to change the zoning of this property. She also does not feel that industrial is the best use of the parcel nor does she want to see apartments go there either.

Wayne Lamb (710 66th Avenue, Greeley, Colorado) stated that a couple things have already been addressed, the existing apartments and the ones being built have satisfied minimum parking requirements but most people who live in apartments don't have just one car for a single bedroom apartment or one and a half cars for a two-bedroom apartment. Most people living there a couple of adults, and some have teenage children who also drive, so the minimum parking required for them is not sufficient and there ends up being a lot of on street parking. Industrial use would also not be a great use for the area, he would rather see Residential Low density, not Residential High density. Or even low occupancy condos that people can purchase, because from a philosophical standpoint he'd much rather see people who have vested interest in their area rather than rental users who have left a bad taste in his mouth due to what they have done to their area.

Amber Pleasant (6633 West 6th Street, Greeley, Colorado) thanked the Commissioners and community members for their attendance today. They are here today to review the zoning of the lots adjoining to the Northridge Trails neighborhood, the consensus is that residential light would be a great compromise that would benefit the current landowners and community stakeholders. A critical issue impacting many Americans right now is the need for more houses in our growing communities with Greeley being a top growing city in the country. It is a pressing issue to address. The construction of apartments has often been seen as a quick fix, building more single-family homes or townhomes offers greater long-term benefits to the community. Homeownership provides a sense of stability and security that renting an apartment cannot, permanent stake in the community fostering a sense of pride and responsibility. Overcrowding is an issue in areas with apartments and overcrowding can put

a strain on infrastructure. Building more homes creates economic growth, the new construction of homes creates jobs in various sectors from real estate to construction to home improvement and landscaping. She feels that homeowners spend more money in the community supporting local businesses and elaborated on what the economic growth would do for the community. Concluding she summarized her previous comments and reiterated her desire to see light residential development.

Jim Powers (6615 7th Street, Greeley, CO) stated he stands opposed to R-H zoning. The applicant has made it clear to his neighborhood that he intends to put apartments at this location. As heard from other residents, they do not want apartments here due to the traffic dangers. I-L zoning would not cause problems for them as much as apartments. He shared that his letter is included in the packet with photos of his daughter who was seriously injured when construction traffic was bad in her neighborhood. Additional traffic would increase danger to children playing in the neighborhood. There would not be enough parking so they would end up parking around the park that is proposed, and children are going to get hurt. Resents at Ten West do not care about speed bumps and speed over them and run stop signs. Apartment dwellers are not good for the area and the increased vehicles in the neighborhood will lead to more injuries. When he purchased his home, he was told the lot would be either an extension of Westridge Academy, single family homes or townhomes, if he would have known it could be apartments, he would have purchased somewhere else.

Eli Kusik (6633 6th Street, Greeley, Colorado) stated many people in the neighborhood have expressed a willingness to compromise for a low residential development, but they seem determined to do high density and it is not what is best for the community. He felt that Amber Pleasant described everything well. There are a lot of families in the community and school who think that keeping people who are owners and vested in the area is what is best, and he hopes that is what the Commission supports.

David Cisneros (721 67th Avenue, Greeley, Colorado) stated that his property backs up to the rezone site and he shares many of the concerns that others have shared. When his property was purchased two years ago, they were told by Hartford Homes that the land was going to be part of the school, probably a parking lot. He gets the feeling that I-L zoning is being portrayed as the worst-case scenario and R-H as the best-case scenario. With the existing Ten West apartments and the new ones already under construction he does not make sense financially for them to build even more. As a homeowner who lives there, he would appreciate them considering R-L zoning or bringing a proposal that has a plan with it so that people know what is coming and to establish a plan before they jump into this.

Wayne Midcap (706 66th Avenue, Greeley, Colorado) is in opposition of the proposed change and would like to see it stay as a low-density residential zoning with single family homes. Traffic has improved with the addition of stop signs, but a lot of traffic still comes through the neighborhood, and they do not stop at the stop signs. He is not sure of the statistic but is certain that many tickets for not stopping are coming from the residents of the apartments. He also agrees with many of the comments that were expressed already by other neighbors.

Dakota Kautz (737 67th Avenue, Greeley, Colorado) stated that what everyone has been saying the same thing and she feels that what is important to look at is that they are asking for a compromise now and as they were 18 months ago when this was presented. It was made clear to them that the intention is apartments. There are already (2) 300-unit apartment complexes that are not full surrounding the neighborhood. They want them to be able to develop the plot and make money, but the intent is to build more apartments instead they are asking them to come back as residential medium or low density as the compromise.

Chelsea Pi (603 67th Avenue, Greeley, Colorado) seconds everything that was already said by her neighbors and wanted to add that they have talked about safety of children in the neighborhood and safety of the children at Westridge Academy as well because of all the cars speeding through. Single-

family homes or townhomes would be fair and limit the traffic a great deal.

Peter Bolton (608 66th Avenue, Greeley, Colorado) backs up to the nature area and is probably one of the people in the neighborhood that is least affected by this. He is concerned about the traffic study that was done six months ago; he does not think it is accurate because the neighborhood was just finished. Everyone is expressing real concerns, and he doesn't want them to be swayed by the applicant saying apartments are not going to affect them. He thinks a new traffic study should be completed now that the neighborhood is complete.

Dana Davis (728 67th Avenue, Greeley, Colorado) started by sharing she agrees with her neighbors. A lot of other people could not be in attendance today because they are at work, she had to take the afternoon off also, but it is that important to her. Her husband and her moved into the neighborhood 3 years ago after having a hard time finding a home to purchase, Hartford Homes misrepresented what the intent was for that land. They would not have moved there if they had any idea that it would eventually be apartments. She shared many of the same concerns regarding the overflow traffic cutting through the neighborhood and adding more is going to make it worse.

Kyle Penny (713 67th Avenue, Greeley, Colorado) his property also backs up to the property proposed for rezoning. He is a police officer for the City of Greeley. He stated that he could sit out there all day and write stop sign tickets. Last Sunday, he was at 66th Avenue and 7th Street for an hour and a half and wrote probably four or five tickets. All of those stop sign tickets included speeding 10 to 25 miles per hour over the speed limit. He stated that it has been statistically proven that high density apartments are hotspot for crime and the school is right there. He is greatly opposed to this rezoning and there should be a compromise.

Zvi Wickman (506 66th Avenue, Greeley, Colorado) states she seconds everything that has been said previously and many strong points have been made, she reiterated concerns about traffic, children being injured, parking issues and reduced availability of public spaces. Increasing the transient population with more apartments is going to weaken the social fabric of her neighborhood add strain on public services and overwhelm the schools.

With no further request for comment Chair Yeater turned the item back to the applicant, if he wished to speak.

Brian Bartels (5202 West 20th Street, Suite 220, Greeley Colorado) reintroduced himself and began by stating that he wished for his traffic engineer to address the comments that were brought up in relation to concerns regarding traffic. He reiterated that at this point, this is only a rezone application and that this is a rezone application only, there is not a site plan or a user at this time. R-H zoning was selected because it allows the most uses under a specific zoning, this was the case with the existing neighborhood as well, it was not known at the time that the use would be single family homes. He asked to keep the focus on the rezone not the use at this time. When a user does come through, they would have to go through the process to start development.

He continued, stating that his application is based on information he cannot manipulate an engineer's report or what staff communicates. He is not trying to downplay the neighborhood concerns, and his team has done the best that they can to mitigate the concerns. He feels that his team has shown how R-H zoning is better for the site versus I-L zoning. Mr. Bartels asked for Curtis Rowe to return to address questions regarding traffic.

Curtis Rowe (Kimley Horn, Traffic Engineer) returned to address issues that were brought up during Public Comment. He began by addressing the traffic volume on the local roadways and traffic calming measures have been put in place including speed humps and stop signs, this indicates that the issue

is being worked on and not ignored. Any development at this site would be required to meet all city standards for traffic some of those would include various measures as outlined in the report. These would be established officially in the site plan approval based on what the proposed development ends up requiring.

There was a question about the Westridge Academy drop-off/pick-up, and they have already purchased land to address this issue. Additionally, concerns were raised regarding the crosswalk to the future park just north of the property, it would include both a raised crosswalk and a sidewalk they would feed into the park and not allow for parking on either side of it. Any concern related to the traffic study that was completed, it was done in the same manner as all other traffic studies, prior to the development comes in, so it is not based on an actual traffic count but a projected traffic count. He proceeded by explain the general process for how traffic studies are completed for new developments. Mr. Rowe stated he addressed the concerns that he noted during public comment and asked the commission if they had additional questions for him.

Some discussion took place between Mr. Rowe and the Commission to clarify the development that was considered for the traffic study including other projects that have been approved or are already under construction. He confirmed that the most conservative numbers were used to establish what the maximum traffic counts could be. With no further questions for Mr. Rowe, Chair Yeater moved to questions for staff.

Commissioner Andersen wanted to confirm if staff had recommended the R-H zone, Mr. Franke confirmed that was for the previous application and assumed that is what was recommended during the original pre-application meeting back in 2020 or 2021 by former staff and that they have not had any current recommendations for the applicant during this round however staff does agree that R-H zoning is more appropriate for this site. Further discussion continued addressing what happened in the original case versus this one including constraints that have been added to multi use and medium intensity projects. Even with those it was the applicant's decision to move forward with the R-H rezone application. Commissioner Andersen asked if apartments are considered a use-by-right in the R-H zone district and Mr. Franke confirmed that they are but would require a site plan review for development a mitigation but would not require a public hearing.

Chair Yeater stated, to refocus on what the Commission is there to decide today was the rezone application. He included that the applicant was willing to share their intentions, specifically regarding traffic and assumed that a motion today would solidify the various options and wanted to clarify what would be required for the review of future development on the site. Mr. Franke confirmed that any aspect of development (parks, nature, schools, traffic, etc.) would all be reviewed and any issues mitigated, or it would not be approved without meeting all criteria and confirmed that there was not any kind of development agreement or anything else in place that would make them exceed the minimum standards and there is not a current buyer for the site. Further discussion continued between the commission, Mr. Franke and Brian McBroom (Community Development Director) regarding the requirements for approval for a site plan, minimum lot sizes, use-by-right and other considerations regarding review for the application. In addition, they discussed buffer zoning related to traffic impacts and further confirmation on the criteria that would be required for development to proceed.

With no further questions, Chair Yeater closed the Public Hearing at 2:46 p.m. and turned the item back to the Commission for action.

Commissioner Andersen moved based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density) does meet Development Code Section 24-204(b); and therefore,

recommends approval to City Council. Commissioner Modlin seconded the motion.

Commissioner Briscoe commented that this is a tough case, and he appreciates the developer. He thinks this is an economically viable project with a small lot size and a future buyer could consider. He has difficulty when he looks at the code for R-H zoning and that it could end up being a proliferation of apartments. He is torn on this one however leaning towards support because the developer does have options.

Chair Yeater stated that finds the developer's perspective on what the Commissions perspective would be if they were asking for I-L zoning and he is sympathetic to both the neighborhood and what they would like to see accomplished with this project. He feels that the market is going to drive what happens here. It is not fair to hold the applicant responsible for existing poor traffic and he is genuine in trying to improve the site and the traffic with this development. He does also feel that R-H is a better solution than I-L for this area.

Commissioner Franzen commented that he would like staff to make a note regarding the developer for the existing neighborhood making promises to homebuyers in relation to what would be done with the land and how to hold them accountable in the future.

Commissioner Andersen shared that her concern is with this being a use-by-right, while this developer may have the resident's interest in mind, the next developer may not, and it takes their rights away but not requiring a public hearing. Once this is zoned R-H it is going to much harder to change the zoning from high to medium density. Some discussion took place clarifying the zoning requirements for each of these zoning districts.

With no further discussion Chair Yeater called for the vote.

Motion carried 5-0 (Commissioner Schulte Absent, Commissioner Carlson Recused).

8. Staff Report

No staff report

9. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:56 PM.

Justin Yeater, Chair

Brian McBroom, Community Development Director



Hewlett-Packard Greeley Sixth Replat Rezone

Brian McBroom, Community Development Director
City Council Meeting – September 17, 2024



Community Vitality

Agenda



- Rezone
- Background
- Next Steps
- Purpose: Adopt the ordinance

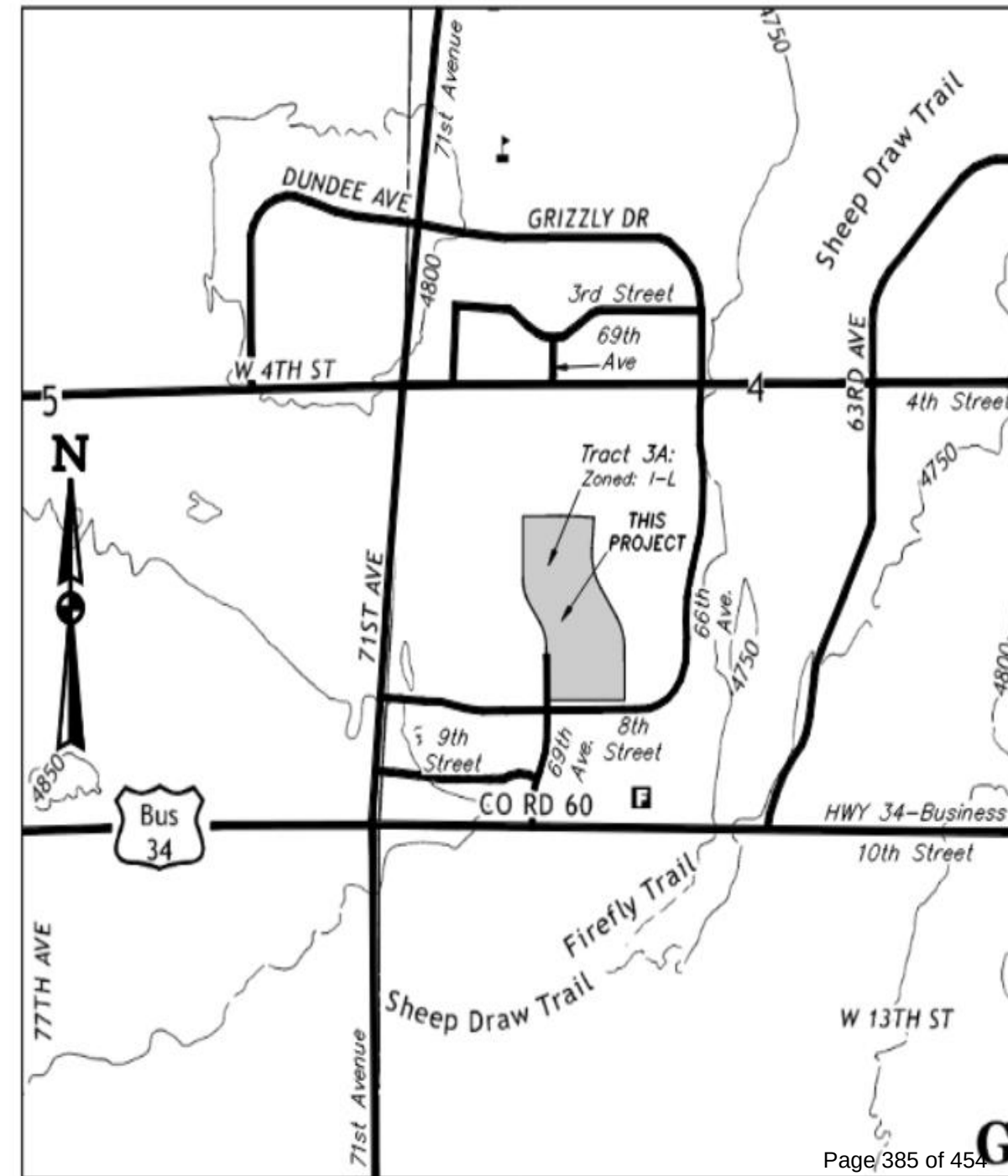
Overview



- Request:
 - Rezone 16.192 acres from I-L (Industrial Low Intensity) to R-H (Residential High Density)
 - Parcel is currently vacant. Was formerly a portion of the Hewlett-Packard (H-P) Greeley site
- Background:
 - In 1981, the property was annexed and zoned through the North Sheep Draw annexation
 - Property was purchased in 2021 by the current owner and the existing buildings were removed
 - The case was originally heard by Council in 2022. Received denial due to tie 3-3 vote
- Planning Commission voted to recommend approval to City Council on 8/13/2024

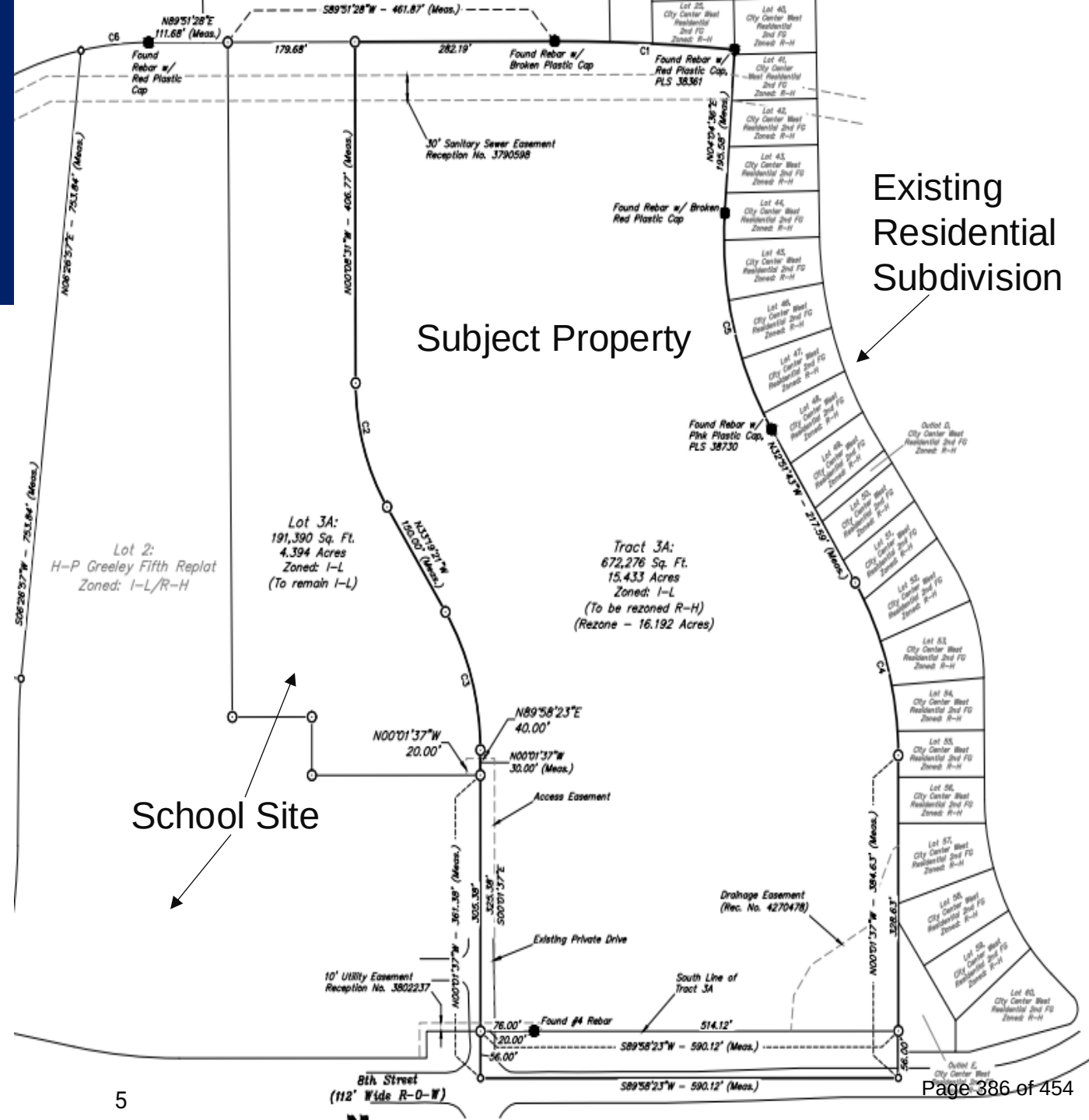
Location

- East of 71st Avenue, North of 8th Street, and Northeast of 69th Avenue
- City Center West/Northridge Trails neighborhood



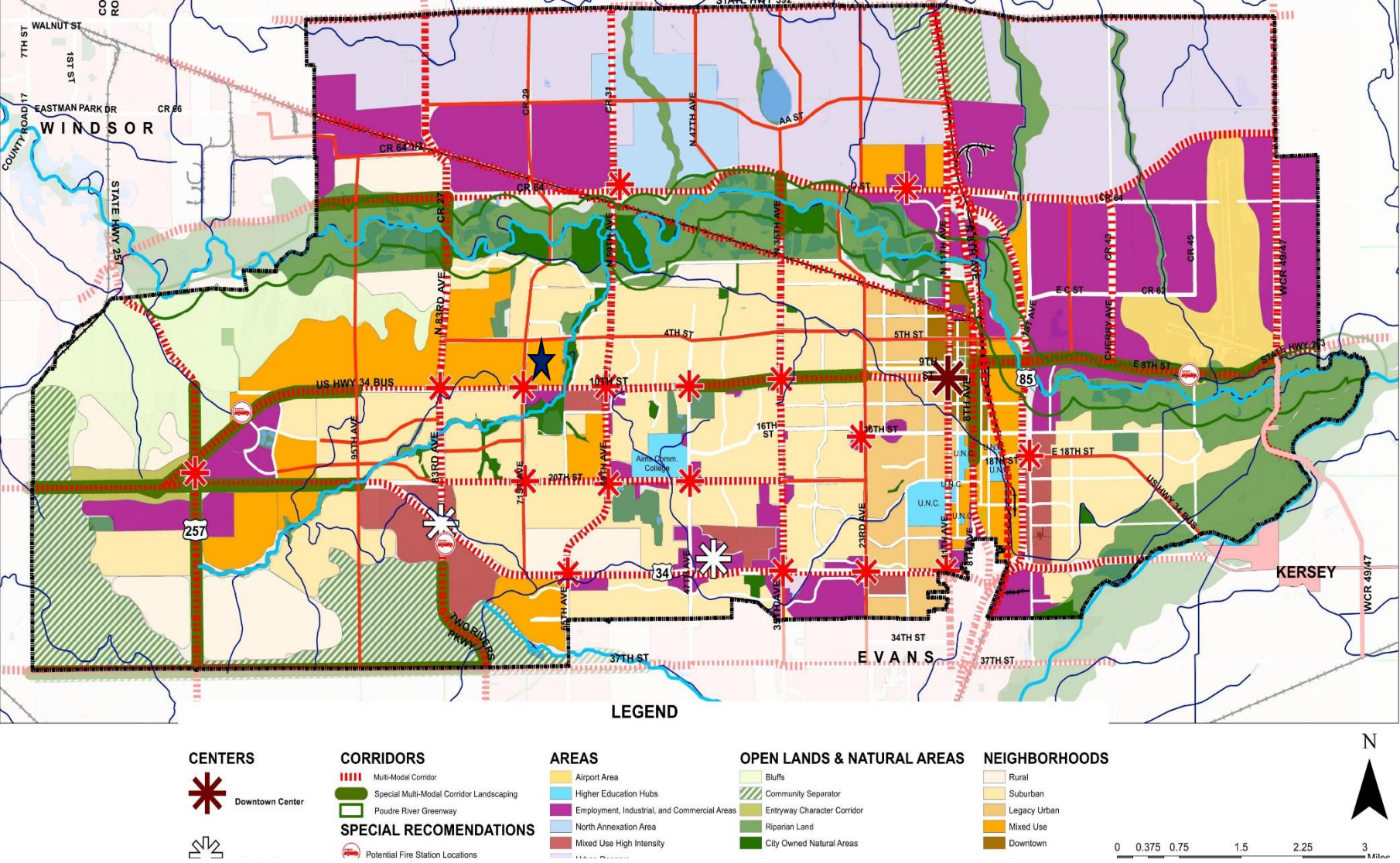
Rezone Boundary Map and Zoning Suitability Map

- Rezone boundary lines for the HP Rezone from I-L to R-H



Land Use Guidance Map

Comprehensive Plan



Site Location = Mixed Use Neighborhood and Neighborhood Center

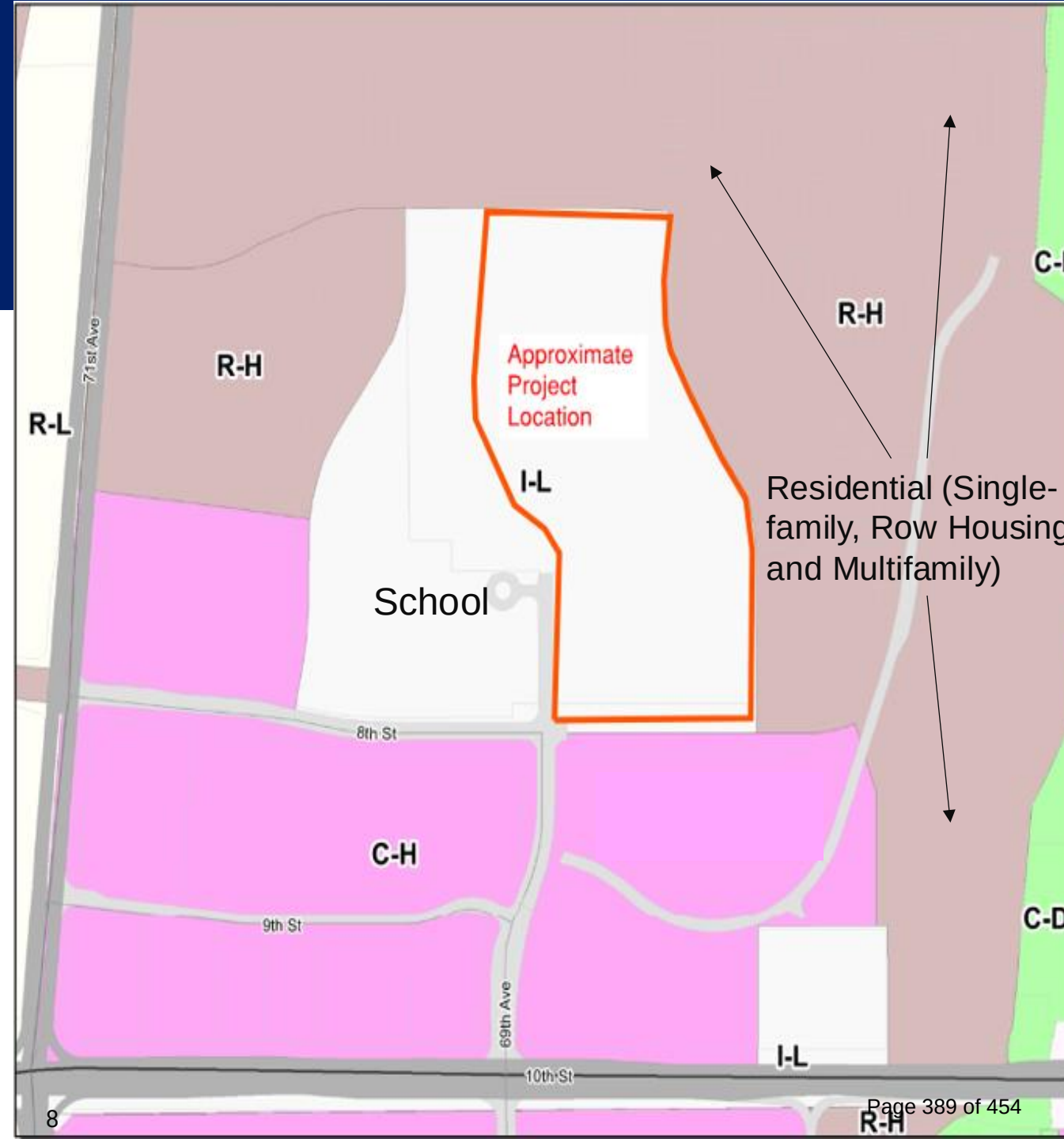
Aerial Overview

- Westerly 4.39-acre lot deeded to school
- R-H zoned residential development (City Center West Residential 2nd Filing) east of the subject property
- Boomerang Storage Facility to west
- Future City Park directly to the north



Zoning Map and Surrounding Area

- East of 71st Avenue, North of 8th Street, and Northeast of 69th Avenue
- Surrounding Zoning and Land Uses:
 - North: R-H (Residential High Intensity)
 - East: R-H (Residential High Intensity) – Single-Family Dwellings
 - South: C-H (Commercial High Intensity)
 - West: I-L (Industrial Low Intensity) school site
- R-H zoning is compatible with existing development and zoning



Zoning District Use Comparison

I-L Permitted Uses

- Automobile - gas station
- Animal Care
- Automobile - repair
- Entertainment establishments
- Farming
- Food/Beverage
- Lodging
- Manufacturing - general
- Office
- Residential Care
- Waste management

R-H Permitted Uses

- Single-family dwellings
- Multi-family dwellings
- Accessory dwelling units
- Farming
- Residential Care
- Assembly - limited
- Golf course
- Schools
- Childcare/home occupation

Zoning District Use Comparison

R-L Permitted Uses

- Single-family dwellings
- Farming
- Residential Care – Group Home
- Assembly – Limited
- Gold Course/Country Clubs
- Parks & Open Space
- Schools
- Utilities – Limited
- Child Care – Home Occupation
- Lodging – Short Term Rental
- Oil & Gas
- Wireless Communication Facility

R-M Permitted Uses

- Single-family dwellings
- **Two-family dwellings**
- **Multifamily dwellings**
- **Accessory Dwelling Units**
- Farming
- Residential Care – Group Home
- Assembly Limited
- Gold Course/Country Club
- Parks & Open Space
- Schools
- Utilities – Limited
- Child Care – Home Occupation
- Lodging – Short Term Rental
- Oil & Gas
- Wireless Communication Facility

R-H Permitted Uses

- Single-family dwellings
- Two-family dwellings
- Multi-family dwellings
- **Board Housing**
- Accessory dwelling units
- Golf course/Country Club
- Farming
- Residential Care – Group Home
- Parks/Open Space
- Assembly- limited
- Schools
- Child Care - Home Occupation
- Lodging – Short Term Rental
- Oil & Gas
- Wireless Communication Facility

Next Steps for Development...

Subdivision Process (if necessary)

The subdivision process provides the City the opportunity to review and coordinate the construction documents, dedication of easements, rights-of-way and public lands to ensure compliance with City Code requirements.

Requires submittal, review, and approval of plat, construction plans for any proposed public improvements, including pavement marking and traffic signal plans.

Site Plan Review Process (for any future development)

The site plan process provides the City the opportunity to review development projects that propose a change to buildings and sites that may impact the relationship to the streetscape or adjacent property or may include a change of use or activity on the site.

Requires submittal, review, and approval of all portions of development. Application must include a Traffic Impact Study, landscape plans with required buffering, photometrics, elevation depiction, etc....

Considerations

- **Approval Criteria**

- Rezone Criteria – 24-204 – Criteria to Evaluate Rezone applications
- The proposed Rezone is consistent with the criteria as outlined in the staff report

- **Recommendation**

- Complies with Section 24-204
- Planning Commission recommended approval to Council. 5-0 Vote on 8/13/24
- History: In 2022, Planning Commission voted 4-0 to recommend approval of the rezone to City Council

- **Notification**

- A total of 312 notice letters were mailed to property owners within 1,000 feet
- Signs posted on the property
- Neighborhood Meeting hosted on July 31, 2024 - 31 citizens in attendance
- 8 letters of support of the rezone from I-L to R-H have been received (*See support letters attached in the report*)
- 31 letters of opposition of the rezone from I-L to R-H have been received (*See opposition letters attached in the report*)
 - Opposition included: Traffic, parking, multifamily development in Greeley, safety, and property values

Motions

Recommended

Based on the application received and the preceding analysis, the City Council finds that the proposed rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density) does meet Development Code Section 24-204(b); and therefore, approves the rezone proposal

Alternative

Based on the application received and the preceding analysis, the City Council finds that the proposed rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density) does not meet Development Code Section 24-204(b); and therefore, denies the rezone proposal

Thank you



Mixed Use Neighborhoods



SPECIAL
CONSIDERATIONS

In established neighborhoods, infill and redevelopment should be consistent with the character of the existing neighborhood and respect the scale and mass of surrounding buildings. Where needed or desired by residents, design guidelines, design standards, and other development regulations should be considered as tools to preserve neighborhood character (while still allowing for the diversification of housing types and reinvestment).

New neighborhoods should support a range of housing types. Where feasible, different housing types should be integrated throughout the neighborhood rather than segregated into clusters.

Range of Densities: Varies; typically between 4 and 10 dwelling units/acre but may include densities up to 20 dwelling units/acre.

Description: While single-family detached homes are the predominant housing type in established mixed neighborhoods, higher-density housing types such as duplexes, townhomes/row homes, and smaller-scale apartment buildings, as well as accessory dwelling units, are encouraged to provide a range of housing options for residents. Supporting small-scale commercial, retail, and service uses are also encouraged, though most are likely to be located within neighborhood centers or in adjacent corridors. Amenities such as schools, parks, and religious institutions are encouraged.

Street Pattern and Mobility: Established neighborhoods contain streets with a mix of curvilinear and modified grid patterns. New neighborhoods may contain a mix of both street patterns, but should focus on maximizing connectivity and avoid the use of cul-de-sacs. Off-street pedestrian and bicycle connections should be provided where street connections are not possible or feasible to support greater connectivity within the neighborhood, and between the neighborhood and adjacent neighborhoods, areas, centers, and corridors. Most block faces are a maximum of 600 feet long and intersections are crossroads to facilitate walkability.

Mixed Use Neighborhoods – Comp. Plan

Potential Conditions of Approval



1. The density of any portion of residential development on the site is 10 dwelling units / acre or less (net density)
2. There shall be a minimum of 100' buffer between any structure containing 4 or more units and any single-unit structure adjacent to the development

Review Criteria



Rezoning Review Criteria, Section 24-204(b)

- 1) **The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

Land Use Guidance Map – Mixed Use Development, Neighborhood Center, Multi-Modal Corridors

This proposal is in accordance with Goal 4, Prioritize Infill and Redevelopment, of the Imagine Greeley Comprehensive Land Use Plan. The rezoning request of this formerly vital site, which has over the years become a blighted property, specifically supports the following objectives of Goal 4. Other comprehensive plan goals met include GC-1.2 (compact growth), HO-1.1 & HO-2.1 (diversity of new & affordable housing options), and HO-2.2 (rental housing). Note, the rezone gives the ability to provide rental housing, there is no development plan proposed with the rezone. Additionally, the property sits within City Center West, a mixed-use master planned neighborhood located within the designated “Mixed-Use” section of the Land Use Guidance Plan. The overall approximately 160-acre development generally transitions from single-family residential on the north to high intensity commercial pad sites on the south. This parcel, sitting almost perfectly in the center of the development, is surrounded by Westridge Academy, a K-8 charter school on its western boundary, a to-be-built city park on its northern boundary and a single-family residential community to the east. A rezoning from I-L to R-H maintains the mixed-use characteristic of the neighborhood while providing a cohesive transitional of land uses.

Objective GC-4.2 Reinvestment/Adaptive Reuse - Encourage reinvestment in established areas of Greeley to maximize the use of existing public infrastructure. Support the use of creative strategies to revitalize vacant, blighted, or otherwise underutilized structures and buildings through adaptive reuse.

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

- 2) **The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.**

The future development of the property can fulfill the intent of its proposed zoning district. Adequate public water and sewer facilities are provided for this property. As part of the City Center West masterplan, all engineering and utilities were originally designed to accommodate a large-scale industrial user, making them more than sufficient for use as a residential subdivision. A single-family residential community is currently being built adjacent to its eastern boundary. Objective GC-4.3 Infill Compatibility states that the City shall “Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area”. Today the parcel sits in the middle of an otherwise cohesive “masterplan”. Westridge Academy, a K-8 charter school adjoins its western

Review Criteria



Rezoning Review Criteria, Section 24-204(b)

3) **Whether 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.**

This area has changed substantially over the years. When this zone was originally established, this site was on the periphery of City limits and was established to house a 160+ acre industrial campus for Hewlett Packard. That site was abandoned in the early 2000's, and since that time a school has been constructed to the west of this property and a residential subdivision has been permitted on its easterly boundary. Overall, the area has changed from a large business site with no surrounding development to a vital mixed use node serving the west side of Greeley. The use of this property that would best serve the interests of the public and the interests of the adjacent uses and residences in the area in a compatible and cohesive fashion, is the use of this property for residential purposes. The rezone to R-H serves the public interest by permitting land uses that are compatible with existing development. The current I-L zoning permits uses that are not compatible with the existing residential and institutional uses.

4) **Whether the existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.**

The property's current zone was established 40 years ago. The property owner has tried for many years to market this property in hopes of attracting an industrial user to no avail. The establishment of R-H (Residential High Density) zoning on this property allows for higher density residential, and all types of residential, to provide both an appropriate and desirable transition between the existing school site to the west of this property and the single-family homes, and commercial pads to the south of the property.

Review Criteria



Rezoning Review Criteria, Section 24-204(b)

- | | |
|----|--|
| 5) | The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development. |
|----|--|

Currently to the east of this site is a school facility, to the west is a residential subdivision, to the north is a proposed park and to the south is vacant land zoned C-H (Commercial High Intensity), which presents an opportunity to provide convenient and vital commercial uses to residential property owners in this area. The residential portion of this area is already zoned R-H, so any future development on site would allow for uses compatible with existing residential and institutional. The adjacent uses will provide a transition to residential use on this site.

- | | |
|----|---|
| 6) | The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district. |
|----|---|

The south half of site was historically served by a dedicated 12"/15" sanitary sewer. During the construction of the City Center West Residential Subdivision 1st Filing, this existing sanitary sewer was abandoned and a new 15" sanitary sewer was installed to serve the site. This 15" sanitary sewer collects wastewater flow from the 8th Street commercial corridor and conveys it east through 8th Street. Ultimately, the sanitary sewer discharges into the 27" Sheep Draw interceptor.

The north half of the site would be served by an 8" sewer stub at the 68th Avenue dead end. This stub was designed with the City Center West 2nd Filing project and is currently under construction. This sewer ultimately discharges to the Sheep Draw interceptor.

An existing 12" water line on the southern portion of this property, adjacent to 8th Street, will provide adequate water services for this use.

A Traffic Impact Study was submitted as part of this request. This study indicates that the H-P Building in the original traffic study was previously thought to generate approximately 1,144 weekday daily vehicle trips, with 219 of these trips occurring during the morning peak hour, and 218 trips occurring during the afternoon peak hour. The currently proposed H-P Greeley Redevelopment Project, with 288 units of multifamily residential, is anticipated to generate 1,942 daily weekday trips with 115 trips occurring during the morning peak hour and 147 trips occurring during the afternoon peak hour.

Therefore, the proposed rezone with redevelopment is anticipated to result in 104 fewer morning peak hour trips and 71 fewer afternoon peak hour trips than the use that previously occupied the site and was originally studied in the same development area. Furthermore, access to the site along 8th Street will be restricted to left-in movements only, and egress from the site at this location will be limited to right-out movements. The study also states that a future 6th Street, which connects the site to 71st Avenue to the east, will be constructed in accordance with the City Center West Master Traffic Study (if

Review Criteria



Rezoning Review Criteria, Section 24-204(b)

7) **The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

This zoning change would accommodate the development of a residential subdivision, which is not currently permitted within the Industrial Low Intensity (I-L) zone district. No new residential development is permitted within the I-L zoning district. The current zoning is a remnant from nearly 40 years ago when the site was part of an industrial campus that was located on the outskirts of town. Since then, the city has grown significantly, and the surrounding area has been redeveloped into a mixed-use development. Given the surrounding uses, this proposed zoning of Residential High Density (R-H) is a more appropriate zoning designation for the property at present time and will provide a transition from the single-family residential to the east.

8) **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

Traffic impacts would be addressed with future improvements as outlined in the applicant's traffic impact study. Any reasonably anticipated negative impacts on this area resulting from this rezoning would be mitigated as part of the development process by the consistent enforcement of Municipal Code requirements regarding landscaping, buffers, architectural features, and setbacks. A conceptual traffic study and drainage report were provided with this applicant and the final drainage and traffic needs will be further evaluated at the time of site plan or plat, as necessary. There is no development proposal at this time and all future development shall be upheld to all city development requirements which will mitigate any negative impacts to the area. The rezone only of this property does not create any physical or visual changes to the existing site. The rezoning simply sets up the land for future development that is more compatible with the existing development in the area than the current I-L zoning district permits.

Review Criteria



Rezoning Review Criteria, Section 24-204(b)

9) **The recommendations of professional staff or advisory review bodies.**

Planning staff and the Administrative Review Team recommend approval.



Council Agenda Summary

September 17, 2024

Key Staff Contact: Adam Prior, Chief Engineer, Sean Chambers, Water & Sewer Director

Title:

Public hearing and second reading of an ordinance amending Title 20, Chapter 3 of the Greeley Municipal Code relating to the Prohibition of Lead Pipes

Summary:

The Environmental Protection Agency's (EPA) Lead and Copper Rule Revisions (LCRR) require the City to develop an inventory of all public and private water service line materials and remove lead service lines. Department staff and the City Attorney's Office have prepared a new ordinance to help achieve the City's goal to replace all the lead service lines within the city. Consistent with the proposed ordinance, staff has prepared a policy that describes the City's lead pipe service line replacement program and the financial assistance available to the City's residents and private water systems.

A motion to introduce the ordinance and schedule a public hearing and second reading for September 17, 2024, was approved by a majority vote of City Council on August 20, 2024.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? Yes

2. If yes, what is the initial, or, onetime impact?

The LCRR requirement for replacing lead lines does have financing of \$20,910,725 for qualified components of the Lead Water Service Line Identification and Replacement Program repayable at a fixed interest rate of 3.50% for a term of up to 30 years. \$10M of the loan amount will be forgiven. The ordinance will save the City of Greeley money by improving the effectiveness and efficiency of the Lead Inventory and Replacement Project.

3. What is the annual impact?

Annual debt service of the full loan amount after principal forgiveness is \$493,230.65.

4. What fund of the City will provide Funding? Water Fund

5. What is the source of revenue within the fund? Water Rate Revenue

Legal Issues:

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

1. City staff presentation (if requested)

2. Council questions of staff

3. Public input (hearing opened, testimony - up to three minutes per person, hearing closed)

4. Council discussion

5. Council decision

Other issues and Considerations:

None

Strategic Focus Area:

Infrastructure and Mobility

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:

1. Ordinance No. 33, 2024 with Appendix A
2. Lead Protection Program Plan
3. Lead Service Lines: Inventory & Replacement Program Policy (for information)
4. Item 17 - Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 33, 2024

**AN ORDINANCE AMENDING TITLE 20, CHAPTER 3 OF THE GREELEY
MUNICIPAL CODE RELATING TO THE PROHIBITION OF LEAD PIPES**

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 17-4 of the City Charter and Section 20-30 of the Greeley Municipal Code authorize and require the Board to acquire, develop, convey, lease, and protect water and sewer assets, supplies, and facilities; and

WHEREAS, under Colorado Revised Statute 31-15-401, City Council is authorized to do all acts and make all regulations which may be necessary or expedient for the promotion of health; and

WHEREAS, the United States Environmental Protection Agency (the "USEPA") adopted regulations to control lead and copper in drinking water and the Colorado Department of Public Health and Environment (CDPHE) directed the City to replace lead service lines in accordance with the USEPA's lead and copper rule; and

WHEREAS, the City believes that providing clean, lead-free drinking water to its residents is a public purpose beneficial to the City as a whole and any benefit to any private landowner in accomplishing this purpose is incidental and subordinate to this primary public and governmental purpose; and

WHEREAS, in 2023, the City created a comprehensive plan to protect residents that may be exposed to lead in their drinking water due to lead pipe service lines or lead pipe within or connected to a private potable water system; and

WHEREAS, in addition, the City created a program to replace lead pipes on private property ("Lead Service Line Replacement Program") and to protect its residents from the potential dangers of lead in the water; and

WHEREAS, some property owners with lead pipes are not providing consent for the Lead Service Line Replacement Program as fast as is necessary to immediately and effectively achieve regulatory compliance and protect the health and safety of its residents; and

WHEREAS, for the health, safety and welfare of its residents, City Council desires to maintain compliance with the lead and copper rule and all other related state and federal regulations by requiring all property owners to replace lead pipe service lines or any lead pipes within or connected to a private potable water systems at their own expense.

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

Section 1. That Section 20-193 contained in Chapter 3 Article III Division 3 of Title 20 of the Greeley Municipal Code shall be amended as shown in Appendix A, attached hereto and incorporated herein.

Section 2. Except as explicitly modified in Appendix A, all other provisions of Title 20 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 17th DAY OF
SEPTEMBER 2024**

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
ORDINANCE NO. 33, 2024

**ORDINANCE AMENDING TITLE 20, CHAPTER 3 OF THE GREELEY MUNICIPAL
CODE RELATING TO THE PROHIBITION OF LEAD PIPES**

Section 1. That Section 20-193 contained in Chapter 3 Article III Division 3 of Title 20 of the Greeley Municipal Code be amended to read as follows:

Sec. 20-193—Reserved Lead Pipe Prohibited.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meaning ascribed to them in this subsection (a):

Lead pipe service line or lead pipe water line means all or any portion or component of a pipeline that is made of lead, galvanized steel that is or may have been previously located downstream from a pipeline made of lead, or an unknown or unverified material.

Private potable water system means a water system, located wholly within the city, that is connected to the city's water system but privately owned and maintained. A private potable water system includes systems that are: (1) connected to the city's water system through a master meter, (2) designated as a "private potable water system" by the property owner during development of the property, or (3) considered a "public water system" under Colorado Department of Health and Environment policies and regulations.

(b) Prohibition. Lead pipe service lines or water lines that are used to provide potable water service to any property within the city are prohibited and any existing lead pipe service line or water line used for potable water service must be replaced in accordance with this section. No water line, including but not limited to fire, irrigation, or non-potable water lines, may be repurposed for potable water service or any other type of water service until the city determines, based on satisfactory evidence provided by the property owner, that the line is not a lead pipe water line.

(c) Access. The city is authorized to access any property in such areas as it deems necessary and appropriate to identify lead pipe service lines or water lines through potholing or other appropriate testing techniques. Without limiting the city's authority under section 20-85, the City will provide no less than forty-eight (48) hours notice to the property owner if testing requires potholing or similar ground disturbance, except in cases of emergencies. Upon receipt of such notice, the property owners shall ensure safe access to any areas the city deems necessary and appropriate to conduct such testing.

(d) Service Lines. Beginning October 1, 2024, all property owners shall contact the city within sixty (60) days if they receive notice or knowledge that their property is being served by a lead pipe service line. After receiving such notice or knowledge, the property owner shall replace the

lead pipe service line at their own expense with a service line made from materials approved by the city on or before December 31, 2026, or within six (6) months of receiving such notice or knowledge, whichever occurs later in time. Within thirty (30) days of replacing the lead service line, the property owner shall submit evidence satisfactory to the city that the lead service line has been replaced. This section does not apply to property owners with a private potable water system.

(e) *Private Potable Water Systems.* Beginning October 1, 2024, all property owners with a private potable water system shall inspect and account for any lead pipe service lines or water lines within or connected to their system. Upon notice and request, the property owner shall have sixty (60) days to provide the city with an inventory of any lead pipe within or connected to their system. If the property owner identifies any lead pipe service lines or water lines within or connected to its system, then the owner shall replace the same at their own expense with a material approved by the city on or before December 31, 2026. Within thirty (30) days of replacing the lead service lines or water lines within or connected to its system, the property owner shall submit evidence satisfactory to the city that the lead service line has been replaced.

(f) *Contractors.* Any contractor conducting work on any property within the city shall notify the city within sixty (60) days if they obtain notice or knowledge that the property for which they have been hired to provide services is being served by a lead pipe service line or water line.

(g) *Enforcement, Violations, and Penalties.*

- (1) If a property owner fails to comply with section (d) or section (e), as applicable, and the city receives notice or knowledge that the property is being served by a lead pipe service line or water line, then the city may record a notice of lead pipe service line or water line against the property and charge the owner a monthly administrative fee until the owner replaces all lead pipe. The administrative fee shall be set by resolution of the water and sewer board. In addition to the notice and fee, the city may require the owner to replace the lead pipe service line or water line prior to transferring the property's water service account to a new owner or tenant or issuing any permit for the property required by this Code. After December 31, 2026, the director may also, upon six (6) months notice to the property owner, turn off water to the property or the private potable water system until the identified lead pipe service lines or water lines have been replaced.
- (2) The director may adopt policies or establish programs consistent with this section as may be reasonably necessary to assist property owners in the replacement of any lead service line or water line, including but not limited to financial reimbursements and in-kind services, or to aid in the administration and enforcement of this section.
- (3) A violation of this section shall be deemed an administrative code violation and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

Lead Protection Program Plan

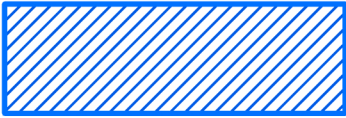
Phase boundaries and timing are subject to changes and delays.



Phase 2 - Potholing: Winter 2023/Spring 2024
- Replacements: Spring/Summer 2024



Phase 3 - Potholing: Fall 2024
- Replacements: Winter 2024/Spring 2025

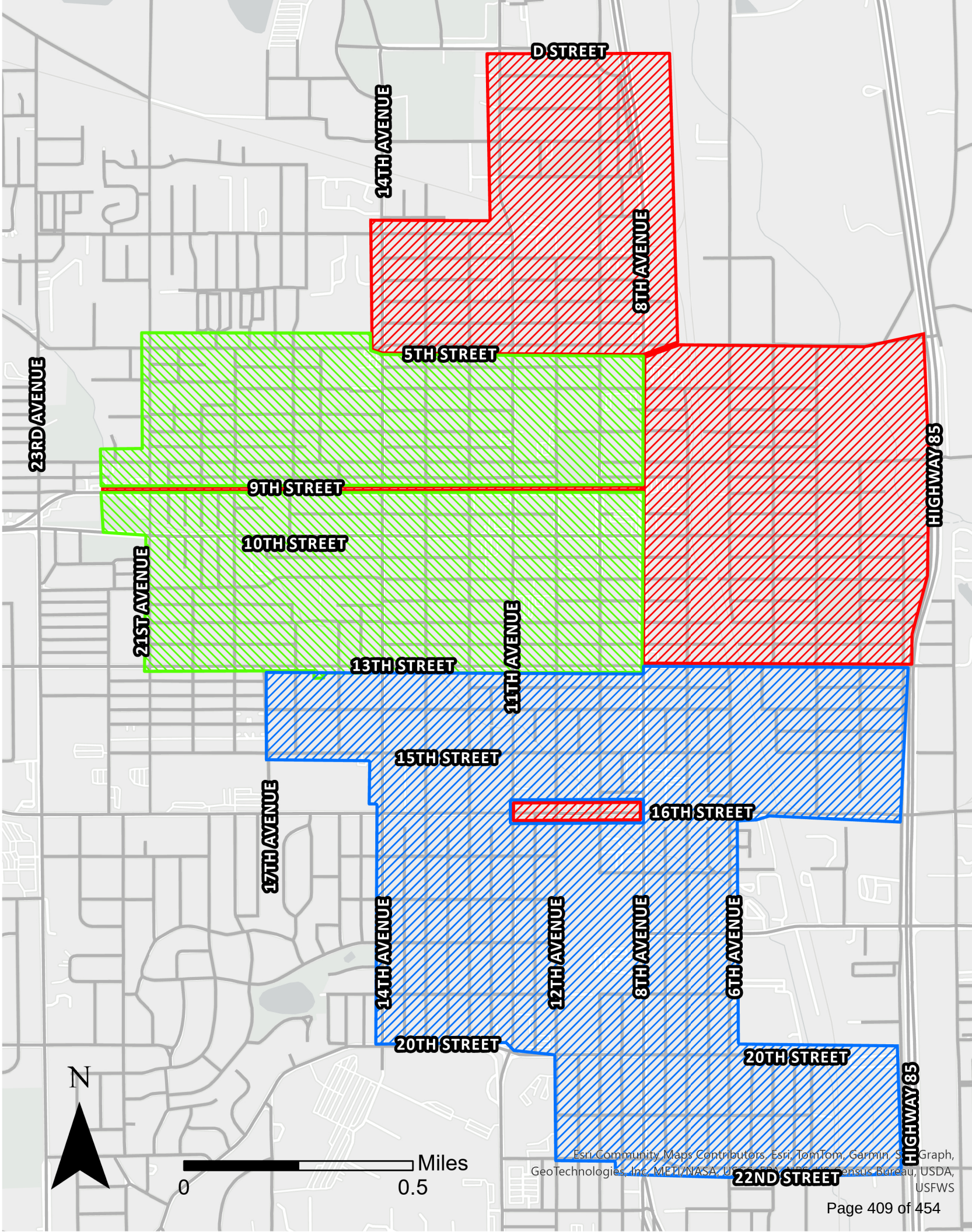


Phase 4 - Potholing: Spring/Summer 2025
- Replacements: Summer/Fall 2025

Phase 5 includes select properties outside these phased boundaries. Potholing is scheduled for Winter 2025/Spring 2026 and replacements in Summer/Fall 2026



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Lead Service Lines: Inventory & Replacement Program Policy

06.18.2024

Reference Documents

- Consent Form
- Proposed City Ordinance
- Lead Protection Program Plan
- CDPHE LCCR Regulations

Introduction

As part of our Lead Inventory & Replacement Program, the City of Greeley is working to find and replace private water service lines that contain lead or are lead contaminated. Under Section 20-122 of the Greeley Municipal Code, the property owner is responsible for the installation, maintenance, and repair of the water service line and fittings from the property line to the residence, including the meter pit. However, under the Revised Lead and Copper Rule (LCRR) issued by the Environment Protection Agency (EPA), the City of Greeley is required to create an inventory recording the material of these service lines. Where lead service lines are discovered, the city is assisting customers with replacement of these service lines.

This document lays out the City's policy for administering this program, and the approach to both individual customers and private systems (such as HOA's, trailer parks and other entities).

All Customers / General

The following applies to all Water & Sewer Customers (including those designated as private water systems):

1. All customers are included in the water service line inventory performed by City of Greeley. All properties will be assigned a status of non-lead, lead or unknown by October 2024.
2. Properties identified with private-side water service lines constructed of lead or galvanized steel requiring replacement (GRR) will be eligible for a free or subsidized replacement performed by the City of Greeley or representatives.
3. Properties identified with galvanized steel private-side water service lines that are documented as always being downstream of non-lead materials are not considered GRR. These properties do not qualify for a free or subsidized replacement.
4. Any state or federal funded facilities will not receive City financial assistance since they have other State and Federal funding available.
5. If a customer has access to additional federal or state funding, and the City performs the replacement, the City may request their assistance to claim these funds.

Individual Water & Sewer Customers

1. Customers may be requested to allow access to their building for an inspection of their water service line.
2. Customers will be notified 2 weeks prior to potholing activities taking place on their property unless in an emergency.
3. Permission from the customer is not required per Greeley Municipal Code Sec. 20.85 to perform a pothole on their property.
4. Where feasible, potholes will be positioned in a location that will cause the least disturbance/damage to the property. For example, placing a pothole in softscape instead of on a concrete driveway.
5. If a customer refuses water service line material determination options, their water service line will be recorded as UNKNOWN and will be treated as a possible lead service line. The owner who opposes water service line material determination options shall fall under the same consequences as an owner who declines consent for a replacement.
6. The City will replace private service lines up to a maximum cost of \$10,000. Beyond this cost, the property owner shall be required pay the additional amount.

Private Systems

1. Private Systems that are registered as Public Water Systems with the CDPHE are responsible to follow CDPHE regulations and submit their inventory to directly to CDPHE. In addition to their statutory requirements to the CDPHE, the City of Greeley Ordinance will require these systems to submit an inventory to the City of Greeley to ensure the public health of its citizens.
2. Private Systems that are not yet registered with the CDPHE will be required to submit an inventory to the City of Greeley. The City of Greeley will include these properties in the City of Greeley inventory.
3. All Private Systems are responsible to conduct their own inventory of their system. The inventory shall include each individual water service line. The inventory should comply with the current CDPHE requirements and guidelines.
4. An initial inventory is due October 2024 including the following items:
 - List of service lines and addresses served,
 - List of construction dates for buildings.
 - Full review of available water system records
 - Visual inspection results
5. For Private Systems constructed from January 1st, 1981, the system can be considered as non-lead.
6. If the historical review and inspections provide evidence that non-lead materials were used for buildings constructed after 1960 then all buildings built after this date can be considered “non-lead”. If lead is found, then further verification and investigation will be required according to CDPHE protocol.
7. Properties built before 1960 shall require full verification, that is a trustworthy historical record, visual inspection, physical potholing verification or combination thereof.
8. If potholing is required to remove “unknowns” from the initial inventory, this shall be the responsibility of the Private System but will be reimbursable at up to \$1,000 per property if completed by December 2025. The City of Greeley shall provide Private Systems with an inventory form and a guidance handout on verification methods.
9. The Private System are responsible for their own water service line replacements. The City of Greeley will reimburse them up to \$10,000 per service line connection or at fair

market value of the actual replacement costs. The work must be completed to City of Greeley Water & Sewer Criteria by a licensed plumber and approved by City of Greeley Building Inspections. All pipes, fittings and materials must be compliant with plumbing code for potable drinking water. City of Greeley Design Criteria and Construction Specifications, Volume 3 and their most recent addition.

10. The City may assist Private Systems with removal of additional lead within their system at the discretion of the Water & Sewer Director or designee.
11. All replacements must be completed by December 2026 to receive reimbursement.
12. Failure to complete the inventory and all necessary replacements before 2026 shall result in further actions detailed in the ordinance including the option to turn off their water supply.



Lead Service Line Ordinance

Adam Prior, Water & Sewer Chief Engineer
Adam.Prior@Greeleygov.com | 970-573-0218
City Council Meeting – September 17, 2024



Infrastructure & Mobility

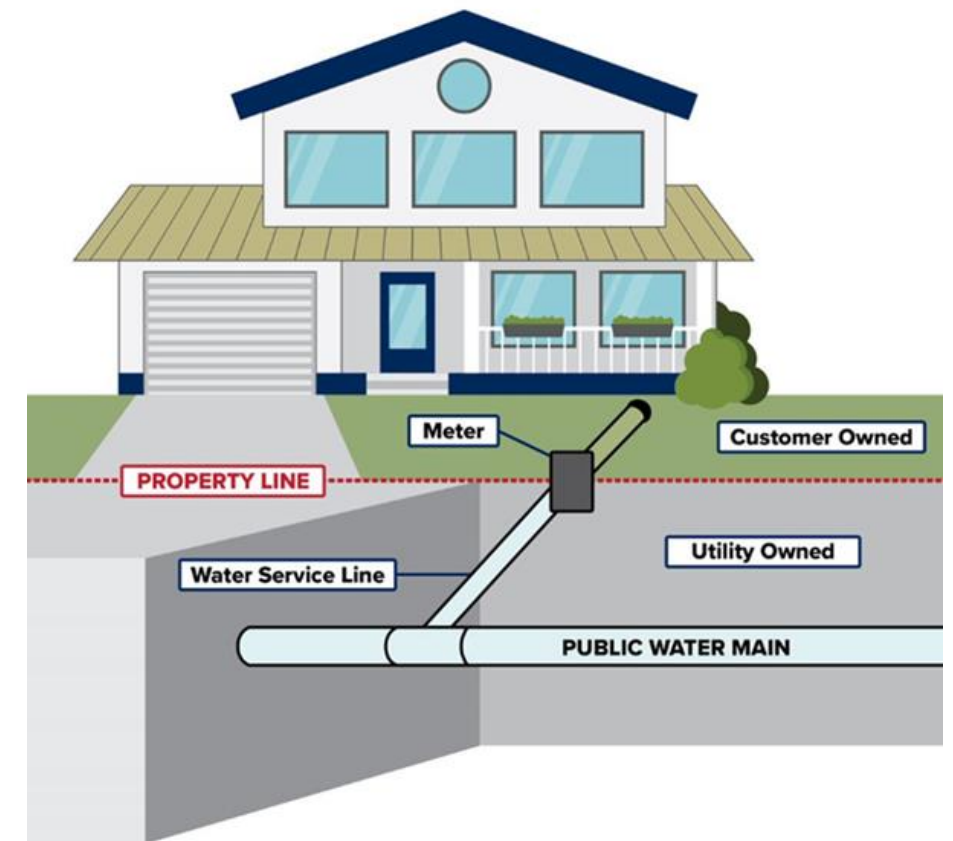
Agenda



- Lead Protection Program Background and Approach
- Terms of Proposed Lead Service Line Ordinance
- Enforcement, Violations and Penalties
- Alternatives and Recommendation of Approval
- Purpose: Approval of the Ordinance amending the Greeley municipal code to formalize the obligation to replace lead service lines and conform to Revised Lead Rule

Lead Protection Program Background

- The Lead and Copper Rule Revision (LCRR) requires the city to develop an inventory recording the material status of every water service line in the city
- This includes the utility owned and customer owned portions of the service line
- LCRR dictates a mandatory rate of replacement.
- If water quality tests exceed LCRR threshold there would be major consequences for water treatment.
- The City of Greeley is committed to identify and replace all lead service lines by the end of 2026



Program Approach: W&S Customers

- City is conducting investigations and developing an inventory
- Investigation include review of records, customer surveys, basement inspections and infrastructure potholing: Potholing involves excavation to ID material
- Customer cooperation is essential to identifying and replacing all lead services



Lead Protection Program Plan

Phase boundaries and timing are subject to changes and delays.



Phase 2 - Potholing: Winter 2023/Spring 2024
- Replacements: Spring/Summer 2024



Phase 3 - Potholing: Fall 2024
- Replacements: Winter 2024/Spring 2025

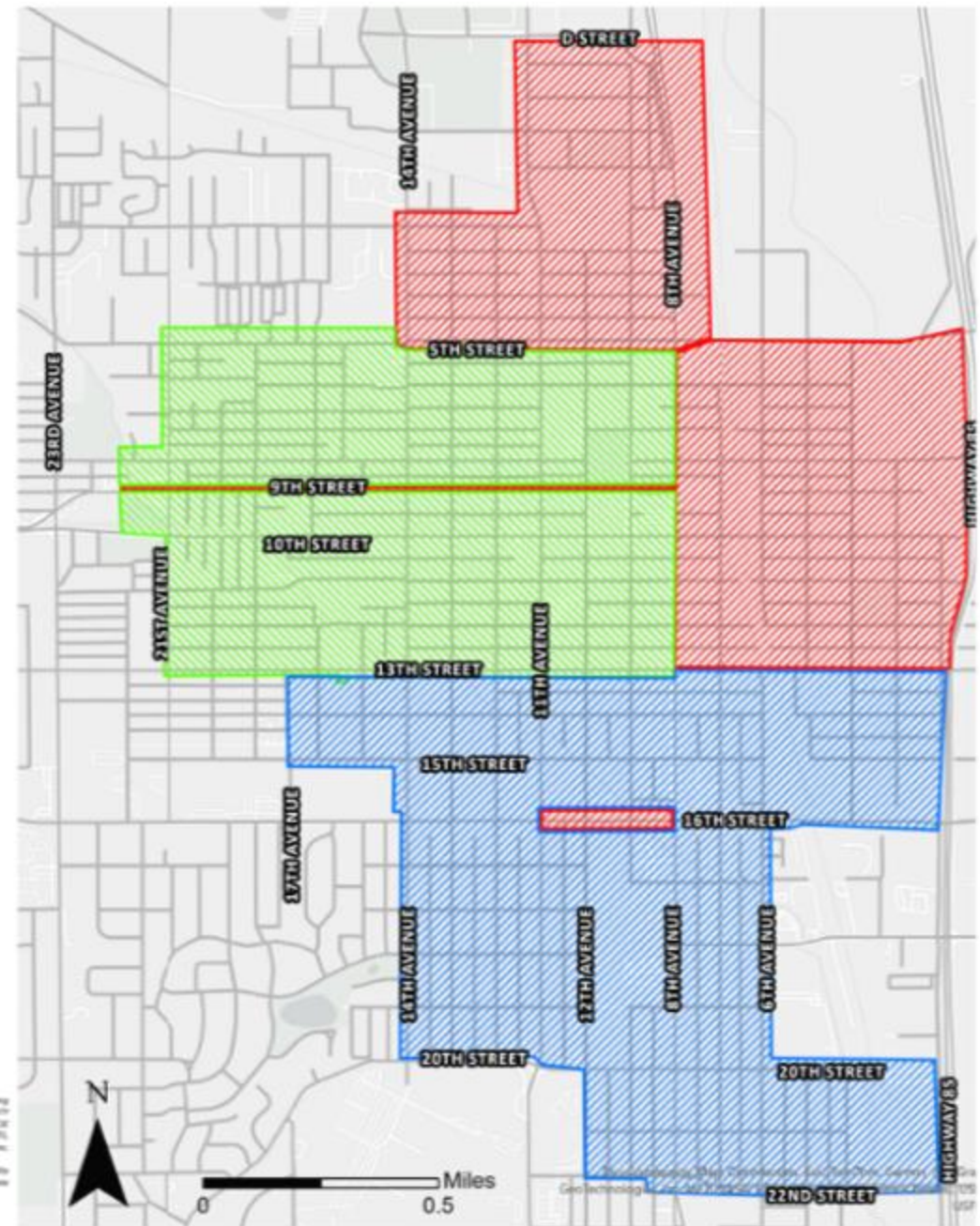


Phase 4 - Potholing: Spring/Summer 2025
- Replacements: Summer/Fall 2025

Phase 5 includes select properties outside these phased boundaries. Potholing is scheduled for Winter 2025/Spring 2026 and replacements in Summer/Fall 2026



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Purpose of the Proposed Lead Line Ordinance

Propose a City Ordinance to:

- Support the Lead Protection Program
- Create a Lead Protection Program Policy that supports timely replacement
- Create lead line replacement obligations and enforcement tools
- The Lead Protection Program Policy is provided for context



Terms of the Proposed Ordinance

- Mandates that all potable lead service lines must be **replaced**
- Prevents irrigation or other non-potable service lines being **repurposed**, without proof on non-lead status
- Defines the terms of our **access** to properties for the identification of lead service lines



Residential Water Service Meter Pit
Courtesy of Greeley Water

Terms of the Proposed Ordinance

- Owners have 60 days to **respond** to City of Greeley notification of lead service line
- Owners must **replace** any lead service lines before December 31, 2026
- Private Water Systems in the city are responsible to provide an **inventory** and must **replace** any lead lines before December 31st, 2026



Terms of the Proposed Ordinance

- Requires Lead Service Line replacement prior to utility account transfer or granting of permits
- Contractors shall report all lead pipes or services they find to the City of Greeley



*Excavated Curb Stop
Courtesy of Greeley Water*

Enforcement, Violations and Penalties

If a property owner fails to comply with the ordinance:

- The City may record a notice against the property
- The City may withhold financial support for the replacement if authorization is not granted timely
- The property may be charged a monthly administrative fee
- As a final enforcement option, water service maybe terminated:
'After December 31, 2026, upon providing six months notice to the property owner, turn off water to the structure or building that is being served by the lead service line until it has been replaced'

City Ordinance - Alternatives Considered

Alternative Considered:	Comments
1. Take No Action	Slows replacement program and potential negative health impact to City residence.
2. Adopt city ordinance mandating replacements without the need for property owner consent.	Difficult to enforce compliance and high potential for conflict.
3. Adopt city ordinance that strategically supports Lead Program	This approach seeks a middle ground to strengthen the lead protection project and protect residents.

Recommended Action

- The Lead Service Line Ordinance is recommended for approval by Staff and the Water & Sewer Board
- Recommend approval of the ordinance amending Title 20, Chapter 3 of the Greeley municipal code relating to the Prohibition of Lead Pipes



Lead Service Line
Courtesy of Greeley Water

Thank you





Council Agenda Summary

September 17, 2024

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Public hearing and second reading of an ordinance amending Title 20, Chapter 3, Article III, Division 1 and Article V of the Greeley Municipal Code relating to the use and construction of Domestic and Agricultural Wells

Summary:

In 2020, the Colorado Department of Public Health, Water Quality Control Division (WQCD) through routine regulatory review proposed changing the protected uses classification for the lower Cache la Poudre, A.K.A. Segment 12. The proposed changes were the result of the WQCD's belief that groundwater wells near the River were being used for domestic water supply uses. This reclassification of the river segment below the city's Wastewater Treatment & Reclamation Facility (WTRF) would have required extensive and costly upgrades to the city's WTRF infrastructure to meet the more stringent treatment and discharge requirements. WQCD identified 152 Greeley area wells that were believed to utilize alluvial groundwater for domestic purposes. Greeley utilized its data and refuted the Division's premise and found that only one well in the lower Poudre River was allowed for domestic purposes, and the owner did not use it for such purposes. Upon review of data developed by the city, the WQCD and City of Greeley agreed to divide Segment 12 at the Hwy 85 Bridge in Greeley with only Segment 12a west of Hwy 85 having the Water Supply classification.

To protect Greeley's existing treatment facilities, discharge permit terms, and city rate payers, the city must prevent new wells and commit that any future development within the Long-Range Expected Growth Area will be connected to potable supply from a municipality or a water district. The proposed amended ordinance supports Greeley's commitment to CDPHE that new development will connect to the municipal potable supplies and approved non-potable irrigation systems through the prohibition of new wells in the city.

A motion to introduce the ordinance and schedule a public hearing and second reading for September 17, 2024, was approved by a majority vote of City Council on August 20, 2024.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? NA

Legal Issues:

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

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

5. Council decision

Other issues and Considerations:

Strategic Focus Area:

Infrastructure and Mobility

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:

1. Ordinance No. 34, 2024 with Appendix A
2. Item 18 - Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 34, 2024

**AN ORDINANCE AMENDING TITLE 20, CHAPTER 3, ARTICLE III, DIVISION 1 AND
ARTICLE V OF THE GREELEY MUNICIPAL CODE RELATING TO THE USE AND
CONSTRUCTION OF DOMESTIC AND AGRICULTURAL WELLS**

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 ("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 20-30 of the Greeley Municipal Code authorize the 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, the Greeley Municipal Code currently requires that every building within the city be served by a minimum of one tap; and

WHEREAS, it has come Water and Sewer Department staff's attention that there are residents who are using a well for domestic purposes; and

WHEREAS, for both health and safety and policy reasons, Water and Sewer staff recommends that the City adopt language within the Greeley Municipal Code that more clearly prohibit the construction and use of wells for domestic purposes and the use of wells, in certain circumstances, for agriculture; and

WHEREAS, Water and Sewer staff presented Appendix A, attached hereto and incorporated herein, on January 17, 2024 to the Board and the Board recommended City Council adopt the same.

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

Section 1. That Section 20-126 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code shall be amended as shown on Appendix A.

Section 2. That Section 20-355 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code be deleted and repealed as shown on Appendix A.

Section 3. Except as explicitly modified on Appendix A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

Section 4. 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 17th DAY OF SEPTEMBER 2024

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
ORDINANCE NO. 34, 2024

**ORDINANCE AMENDING TITLE 20, CHAPTER 3, ARTICLE III, DIVISION 1 AND
ARTICLE V OF THE GREELEY MUNICIPAL CODE RELATING TO THE USE AND
CONSTRUCTION OF DOMESTIC AND AGRICULTURAL WELLS**

Section 1. That Section 20-126 contained in Chapter 3 Article III Division 1 of Title 20 of the Greeley Municipal Code shall be amended to read as follows:

Sec. 20-126. ~~–Reserved.~~ Wells Prohibited; Exceptions.

(a) It is a violation for a person to drill a new well or use any existing well for domestic purposes. As used in this section, “domestic purpose” or “domestic well” means a well that is used for human consumption or for any other household or indoor use. If any building or structure is being served by an existing domestic well, the property owner shall abandon the well in accordance with all applicable state and local law within 90 days of receiving notice from the city to do so unless the well also qualifies as an existing agricultural well as defined in section (b) below. In such instances, the property owner may retain use of the well on the property provided the property owner complies with subsection (b). If the property owner does not have an existing water tap and service line as required by Section 20-252, then the owner shall request water service from the city in accordance with this title.

(b) It is a violation for a person to drill a new well for agricultural purposes. As used in this section, “agricultural purpose” or “agricultural well” means a well that is used for livestock watering, lawn irrigation, gardening or crop production, and similar non-potable uses. If a property is currently being served by an existing agricultural well, the property owner may continue to use the well for such purposes provided that the owner registers the well within 90 days of receiving notice from the city to do so. Registration of the well must include the following:

1. Proof of a valid permit from the state engineer for the construction and use of the well and decreed water right, if applicable;
2. Location, depth, casing, if any, production in gallons per minute and the type of use of the well; and
3. An executed covenant approved by the city, which shall be recorded in the real property records of Weld County, affirming that the property owner and all subsequent owners will:
 - (i) not use the well for any domestic purpose;
 - (ii) comply with all state and local laws, rules, regulations, and requirements, now or in the future, with respect to the use of the well on the subject property, including but not limited to section 20-191 of this title; and

(iii) affirm that, in accordance with section 20-85 of this title, the city may enter and inspect the subject property to ensure the property owner is complying with the terms of the covenant.

(c) A violation noticed under this section shall be deemed an administrative code violation and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

Section 2. That Section 20-355 contained in Chapter 3 Article V of Title 20 of the Greeley Municipal Code shall be deleted and repealed as follows:

Sec. 20-355. -~~Registration of water wells.~~ Reserved

~~The owner of any water wells within the city shall register such well with the water and sewer department. The owner shall provide the following information for each well: location; depth; casing, if any; production in gallons per minute; the date of completion; the type of use; and whether the well has been permitted by the state engineer.~~



ORDINANCE AMENDING THE USE AND CONSTRUCTION OF WATER WELLS INSIDE THE CITY

Sean Chambers, Director of Water & Sewer
Sean.Chambers@greeleygov.com | 970-397-4215
City Council – September 17, 2024



Infrastructure and Mobility

Agenda

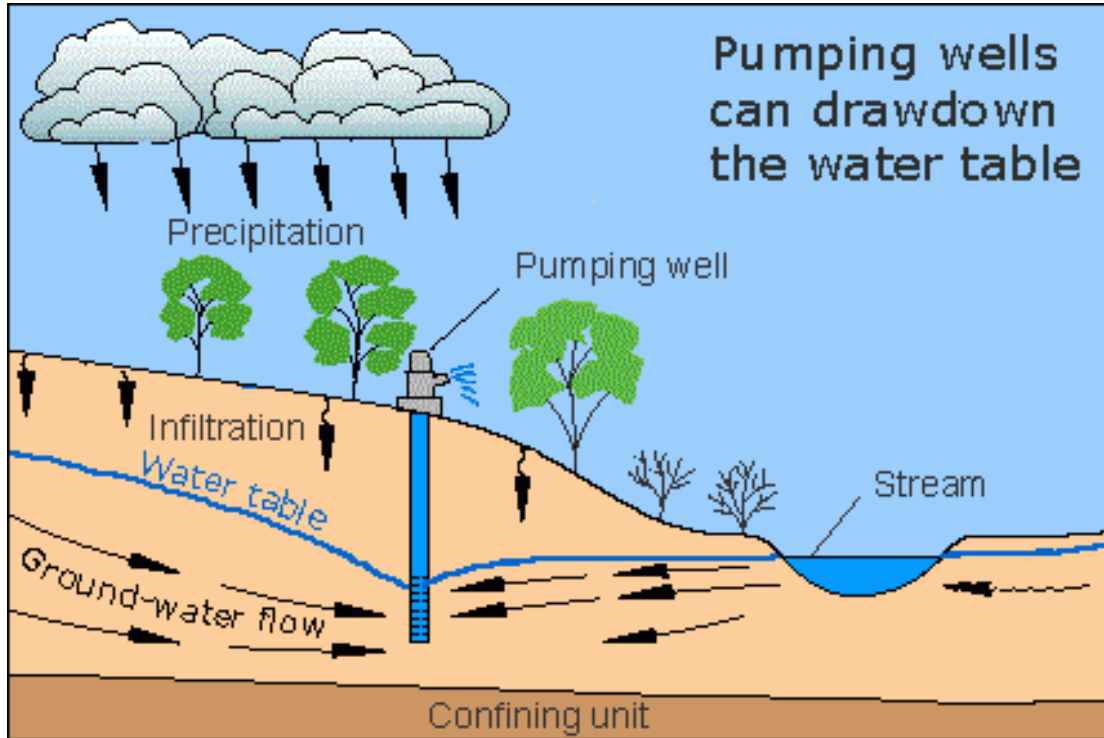


- Background on Regulatory Classification of Poudre River
- Poudre River Segment 12 Background
- No Future Expected Water Supply Use for Lower Poudre
- Recommendation to amend municipal code to guide future use
- **Purpose:** To establish code that prohibits groundwater wells and thereby protects the city's water and wastewater customers, utility systems and permits from the regulatory impact of drinking water wells in the city

Background on Water Quality Control Division's Use Classification and Standards

- Colorado Dept. of Public Health's (CDPHE) Water Quality Control Division (WQCD) classifies streams, rivers and lakes for their uses and creates regulatory standards to protect those uses
- Regulations requires a review of uses and standards at least once every 3 years
 - WQCD reviews changes in water quality, changes in how water is used, and any new or additional science that is available
 - When a change to the regulated uses is recommended, a rulemaking is undertaken
 - In 2020, WQCD review for domestic water supply uses included groundwater connected to the river. Rivers that had domestic wells near the river where reclassified to include water supply use
 - In the 2020 – 2021 Regulation 38 rule making, CDPHE WQCD considered groundwater wells near the lower Poudre to be connected and recommended “water supply” as a protected use

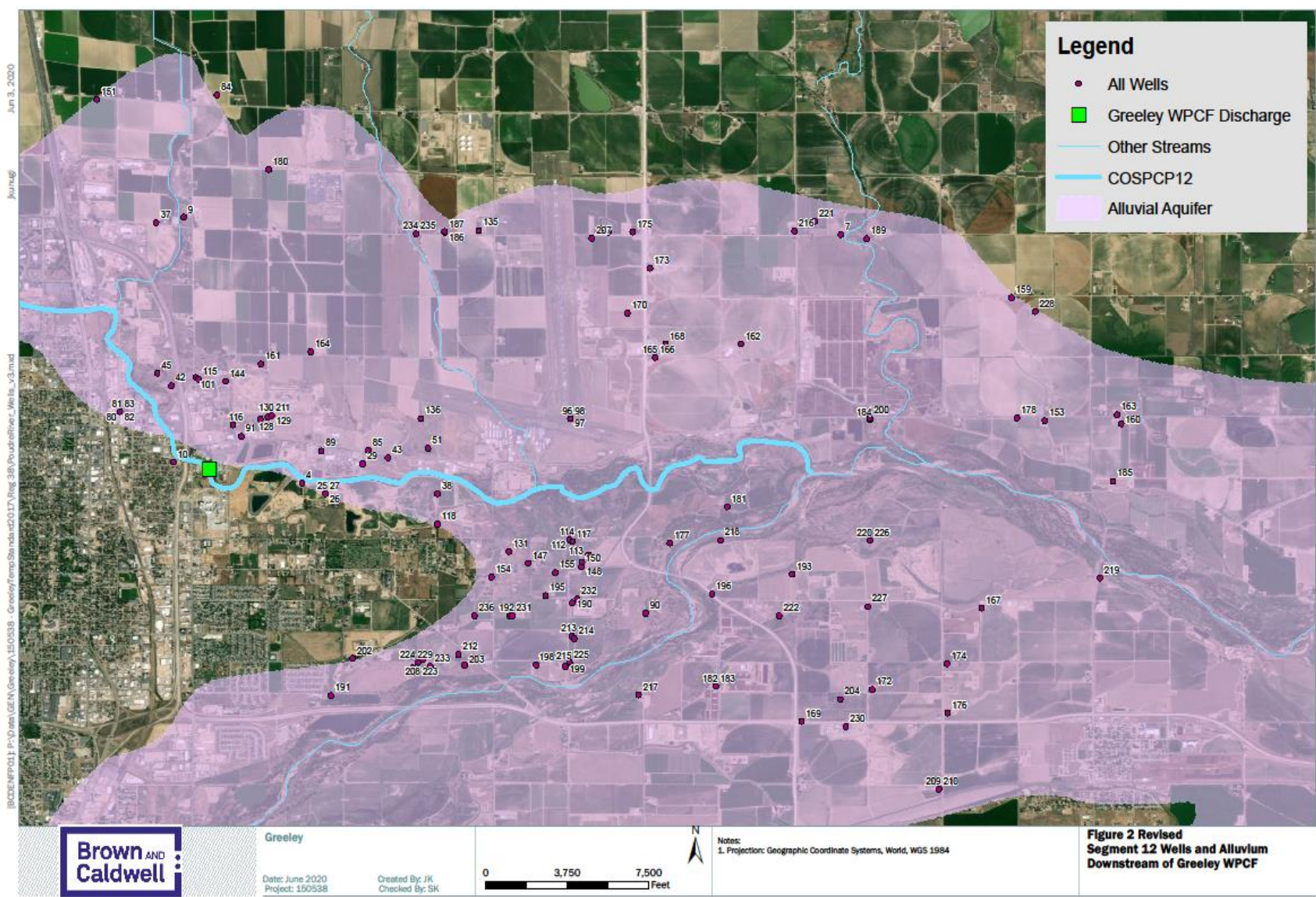
Lower Poudre River – CDPHE Segment 12



Greeley challenged the determination that the lower Poudre River and its alluvial aquifer are used for drinking or domestic use

- Segment 12 surface flows and groundwater are not currently used and are not reasonably expected to be used for potable supply
- Evaluated 152 wells of concern identified by WQCD
- Documented no actual use and no reasonably expected future use of Segment 12 water for potable supplies below the WTRF outfall
- Based upon Greeley's challenge, Segmented by use

Greeley Area Groundwater Wells Identified by WQCD and Resolved through Greeley’s review and confirmation of no approval for domestic uses



View of the alluvial groundwater connected to surface water in the East Greeley area near the confluence of the Poudre and the South Platte

Protecting the City's Wastewater Treatment Permit - No Reasonably Expected Future Water Supply Use

Greeley demonstrated to WQCD no reasonable expectation of future Water Supply use below the Wastewater Treatment and Reclamation Facility (WTRF)

- Flood Plain and Land Use Limitations
 - Many active gravel mining permits near the River
 - Many government owned parcels
 - Federal Emergency Management Agency (FEMA) flood area renders development near the River difficult
- Where municipal water service is available domestic wells should not be allowed
- 2013 Intergovernmental Agreements with North Weld Water District ensures water service within long range growth area



Greeley's Commitment to Protecting River, Community and the Wastewater Treatment Permit

- Greeley will ensure future development within the Long Range Expected Growth Area will be connected to a potable supply from a municipality or a water district
- The committed to amended its applicable municipal code and policy to ensure that all new water users with the city are connected to safe and reliable municipal water for potable uses, and non-potable systems for non-potable irrigation
- To that end, staff have worked with CAO to develop an Ordinance to protect the city and its rate payers from new wells being drilled inside the city that could change the River's classification and our WTRF discharge permit limits

Proposed Amended Well Ordinance

Existing wells may continue use only if:

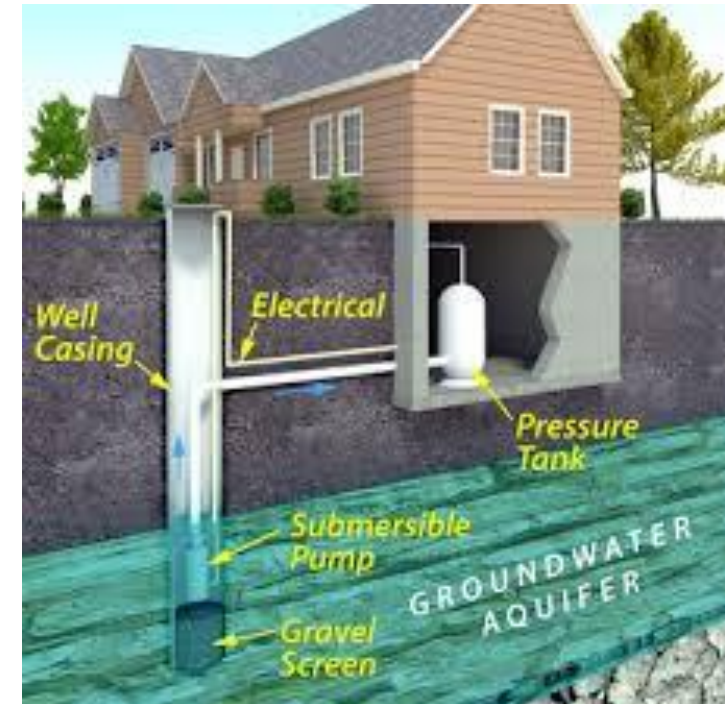
- Valid permit from state engineer
- Wells must be registered with City of Greeley
- Location, depth, casing, flow rate provided
- Executed covenants with Greeley
 - No use of well for domestic purposes
 - Comply with state and local laws, rules, and regulations
 - City may enter and inspect well comply with covenants



Proposed Amended Well Ordinance

The Amended Ordinance proposes the following:

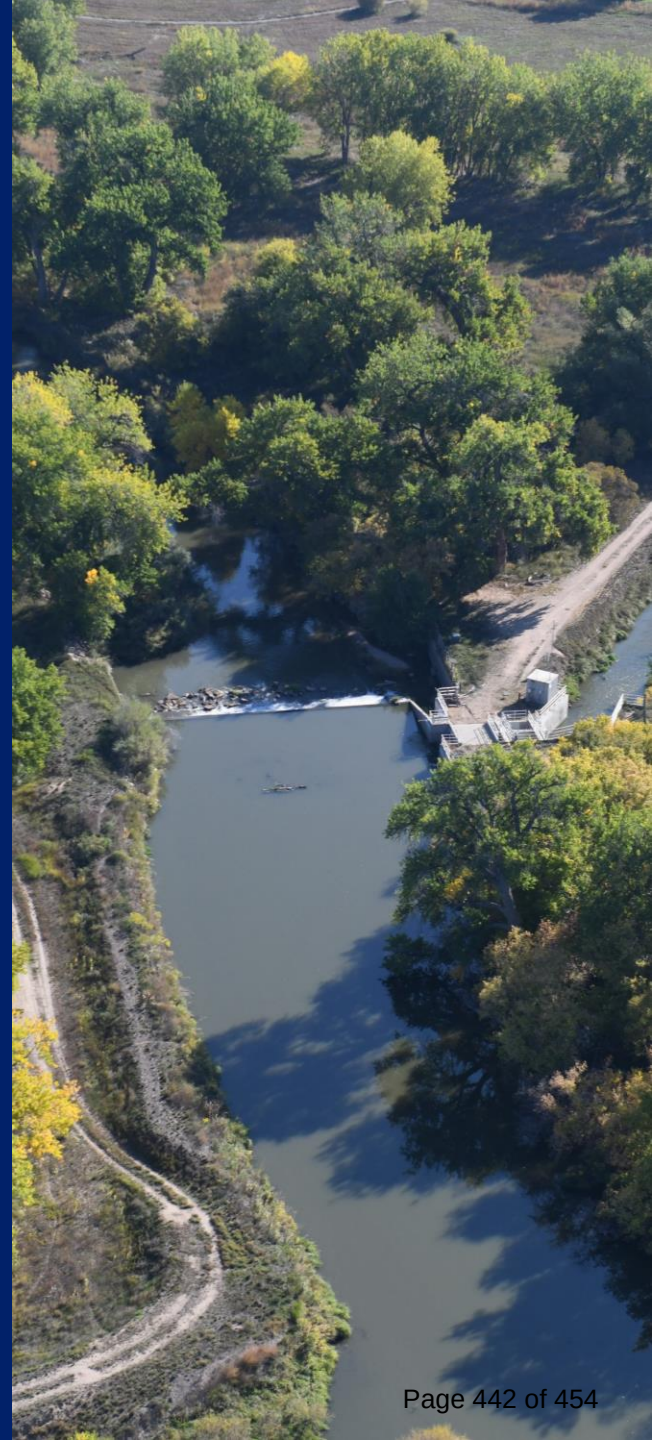
- Violation to drill new well or use any existing well within the city for domestic drinking water purposes
- Violation to drill new well within the city for agricultural purposes (livestock watering, irrigation, gardening, crop production, or non-potable uses)



Recommended Action

- The Amended Well Ordinance was recommended for approval by Water & Sewer Staff, and the Greeley Water & Sewer Board
- **Recommend approval of the Ordinance Amending the Use and Construction of Domestic and Agricultural Wells within the City of Greeley**

Thank you & Questions





Council Agenda Summary

September 17, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Appointments to Boards and Commissions - Youth Commission, Parks and Recreation Advisory Board, Human Relations Commission, Museum Board, and Citizen Budget Advisory Committee

Summary:

Council appointments are needed due to vacancies and expiring terms for the Youth Commission, Parks and Recreation Advisory Board, Human Relations Commission, Museum Board, and Citizen Budget Advisory Committee. New applicants were interviewed by two councilmembers on September 9.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? No

Legal Issues:

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest. It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission. Should such conflicts arise, the Board or Commission member simply recuses themselves from that particular item. Such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Other issues and Considerations:

None

Strategic Focus Area:

Business Growth
Community Vitality
High-Performance Government
Housing For All
Infrastructure and Mobility
Quality of Life
Safe and Secure Communities

Decision Options:

1. Appoint or reappoint the individuals to serve on an applicable board or commission

2. Direct staff to re-advertise applicable vacancy

Council's Recommended Action:

No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

Attachments:

1. Ballot
2. September Transmittal Page



Applicants for the boards and/or commissions listed below are in alphabetical order and recommendations from the interview team are shown in bold. Virtual interviews are customarily held on the second week of each month, and appointments are decided during the second City Council meeting (third week of the month).

***** BALLOT *****

Citizen Budget Advisory Committee
<i>1 Position: 3 Year Term</i>
_____ Jonathan T Mowery _____ (Recruit for Additional Applicants)

Parks and Recreation Advisory Board
<i>2 Positions: 3 Year Term</i>
_____ Bethany Kleiber _____ (Recruit for Additional Applicants)

Human Relations Commission
<i>3 Positions: 3 Year Term</i>
_____ Laney Jasso _____ (Recruit for Additional Applicants)

Youth Commission
<i>7 Positions (5 Youth, 2 Adults): 2 Year Term</i>
_____ Alexandre L Reyes _____ Ashlyn B Craig _____ Alexandria G Tacoronte _____ Haley E Madsen _____ Phaedra J Gonzalez _____ Sarah Cc Passineau _____ Sofia X Vasquez _____ Ziva Leroy _____ (Recruit for Additional Applicants)

Museum Board
<i>1 Position: 3 Year Term</i>
_____ Omar Munoz _____ (Recruit for Additional Applicants)

(I) = Incumbent

Boards & Commissions Transmittal

September 5, 2024

Key Staff Contact: Jennifer Middleton 970-350-9743

Interview Date

September 9, 2024

Council Interview Team

Councilmembers Butler and DeBoutez

Council Appointment Date

September 17, 2024

Boards and Commissions Being Interviewed

- **Youth Commission**
- **Parks and Recreation Advisory Board**
- **Museum Board**
- **Human Relations Commission**
- **Citizen Budget Advisory Committee**

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol).

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

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

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by: RL Raymond Lee, City Manager HL Heidi Leatherwood, City Clerk



Council Agenda Summary

Title:

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 any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances



Council Agenda Summary

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 Planning Calendar and Schedule for City Council Meetings and Work Sessions and make any necessary changes regarding any upcoming meetings or events.

Attachments:

Council Meetings and Other Events Calendars

Council Meeting and Work Session Schedule/Planning Calendar

Council Meetings and Other Events Calendars

September 16 – October 12, 2024

Tuesday, September 17, 2024

- City Council Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

Wednesday, September 18, 2024

- Water & Sewer Board 2 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers
- CML District 2 Meeting in Fort Collins 5 p.m. 200 Mathews St, Fort Collins, CO 80524

Thursday, September 19, 2024

- Downtown Development Authority 7:30 a.m. (802 9th St #100, Greeley, CO 80631)
 - Airport Authority 3:30 p.m. (600 Airport Rd A, Greeley, CO 80631)
-

Monday, September 23, 2024

- Greeley Chamber of Commerce 11:30 a.m.

Tuesday, September 24, 2024

- Cancelled - City Council Work Session Meeting

Wednesday, September 25, 2024

- Upstate Colorado Economic Development 7 a.m. (822 7th Street Greeley CO 80631) Upstate Colorado Conference Room
- NoCo Trade Mission, Raleigh NC

Thursday, September 26, 2024

- Poudre River Trail 7:30 a.m. Poudre Learning Center (8813 W. F Street Greeley CO 80631)

- NoCo Trade Mission, Raleigh NC

Friday, September 27, 2024

- NoCo Trade Mission, Raleigh NC

Saturday, September 28, 2024

- College of Osteopathic Medicine Groundbreaking 10:30 a.m. (501 20th St. Greeley, CO 80639) Parking Lot B, South of Bishop-Lehr Hall
-

Tuesday, October 1, 2024

- City Council Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

Wednesday, October 2, 2024

- Economic Development & Local Policy Forum- Presented by the NOCO Real Estate Advisory Council 11:30 a.m. United Power, Prairie Room at 9586 E I-25 Frontage Rd, Longmont, CO 80504

Thursday, October 3, 2024

- Regional Leadership Initiative 2024 Planning 7:30 a.m. Rialto Theater (228 E 4th St, Loveland, CO 80537)
 - D6 Business Partner Appreciation Breakfast 7:30 a.m. Aims Community College (5401 W 20th St, Greeley, CO 80634); Welcome Center
 - Island Grove Advisory Board 3:30 p.m. 600 N. 14th Ave Greeley, CO 80631
 - North Front Range MPO Meeting 224 First Street Eaton, CO 80521
-

Tuesday, October 8, 2024

- City Council Work Session Meeting 6 p.m. (1001 11th Ave Greeley CO 80631) City of Greeley Council Chambers

City Council Meeting Scheduling 2024			
	9/10/2024		
	This schedule is subject to change		
September 17, 2024 Council Meeting	Proclamation - Suicide Awareness and Prevention Month Proclamation	Mayor	Intro
	Proclamation - Hispanic Heritage Month	Mayor	Intro
	Minutes - August 20 CC; August 13 WS	Heidi Leatherwood	Consent
	Motion - Approve the 2025 Council Meeting/Work Session Schedule	Heidi Leatherwood	Consent
	Resolution - Acceptance of Airport Grant 1	Paul Trombino	Consent
	Resolution - Acceptance of Airport Grant 2	Paul Trombino	Consent
	Intro & 1st Rdg Ord - Mountain Vista Rezone	Doug May/Brian McBroom	Consent
	Work Session Information follow-up to 2025 Recommended Budget	Caleb Weitz	Regular (Informational)
	PH & 2nd Rdg Ord - H-P Tract 3A Rezone	Michael Franke/Brian McBroom	Regular
	PH & 2nd Rdg Ord - Prohibiting Lead Service Lines	Sean Chambers	Regular
	PH & 2nd Rdg Ord - Prohibiting Domestic Wells within the City of Greeley	Sean Chambers	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
September 24, 2024 Council Work Session	Cancelled		
October 01, 2024 Council Meeting	Minutes - September 3 CC; August 27 WS	Doug May/Brian McBroom	Consent
	Fall UNC Update	President Feinstein/Mayor	Intro
	Resolution - L&T Annexation	Doug May/Brian McBroom	Consent
	Resolution - JAG MOU	Adam Turk	Consent
	Intro & 1st Rdg Ord - CDBG Home 5 Year Consolidated Plan	Deb Callies	Consent
	Intro & 1st Rdg Ord - Code Procurement Revisions	Caleb Weitz	Consent
	Intro & 1st Rdg Ord - Second Appropriation	Caleb Weitz	Consent
	Intro & 1st Rdg Ord - Pay Plan	Martha Lanaghen	Consent
	West Greeley Community Engagement Plan	Blair Snow	Regular (Informational)
	Resolution - Union Colony Metropolitan District Service Plan	Jeff Woeber/Brian McBroom	Regular
	PH & 2nd Rdg Ord - Westgate LID	Sean Chambers	Regular
	PH & 2nd Rdg Ord - Mountain Vista Rezone	Doug May/Brian McBroom	Regular
	PH Intro & 1st Rdg Ord - 2025 Budget	Caleb Weitz	Regular
October 08, 2024 Council Work Session	PD Organizational Assessment Results	Adam Turk	WS
	Mobility Development Plan Update	Will Jones/Paul Trombino	WS
	Council Compensation Review	Heidi Leatherwood	WS
	Council Policies and Protocol - Rules of Decorum Discussion	Heidi Leatherwood	WS
October 15, 2024 Council Meeting	Minutes - September 10 WS; September 17 CC	Heidi Leatherwood	Consent
	Resolution - 2025 Tax Levy Certification	Caleb Weitz	Consent
	Intro & 1st Rdg Ord - Code amendment to retention period -Administrative Hearing Officer Records	Tasha Reynolds/ Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Amending Title 8, Chapter 11 of GMC to refuse haulers	Will Jones/Paul Trombino	Consent
	PH & 2nd Rdg Ord - CDBG Home 5 Year Consolidated Plan	Deb Callies	Regular

City Council Meeting Scheduling 2024			
	9/10/2024		
	This schedule is subject to change		
	PH & 2nd Rdg Ord - Code Procurement Revisions	Caleb Weitz	Regular
	PH & 2nd Rdg Ord - Pay Plan	Martha Lanaghen	Regular
	PH & 2nd Rdg Ord - 2025 Budget	Caleb Weitz	Regular
	PH & 2nd Rdg Ord - Second Appropriation	Caleb Weitz	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
October 22, 2024 Council Work Session	CPRD Master Plan Update	Diana Frick	WS
	Outdoor Vendor Regulations and Recommendations (Tentative)	Brian McBroom	WS
	Amendments to Landscaping Codes Artificial Turf	Don Threewitt/Brian McBroom	WS
	Downtown Zoning Phase 1	Don Threewitt/Brian McBroom	WS
November 05, 2024 Council Meeting	Election Day Cancelled		
November 12, 2024 Council Work Session	B&C 2024 Triennial Review	Heidi Leatherwood	WS
	W&S Design Criteria and Specifications (Tentative)	Adam Prior/Sean Chambers	WS
	Office of Emergency Management Update and Review on Upcoming Priorities	Peter Perez	WS
	Water Valley Presentation	Blair Snow	WS
November 19, 2024 Council Meeting	Proclamation - Alzheimer's Awareness Month	Mayor	Intro
	Minutes - Oct 1 & 15 CC; Oct 8 & 22 WS	Heidi Leatherwood	Consent
	Resolution - Ratifying the appointment nominees for the Board of Trustees HPLD	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Reauthorizing Boards for B&C	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - L&T Annexation	Doug May/Brian McBroom	Consent
	Intro & 1st Rdg Ord - L&T Zoning	Doug May/Brian McBroom	Consent
	Sprypoint CIS - Utility Billing Software Project Overview	Sean Chambers	Regular (Informational)
	PH & 2nd Rdg Ord - Code amendment to change the retention period for Administrative Hearing Records	Tasha Reynolds/ Heidi Leatherwood	Regular
	PH & 2nd Rdg Ord - Amending Title 8, Chapter 11 of GMC to refuse haulers	Will Jones/Paul Trombino	Regular
	PH & 2nd Rdg Ord - Historic Designation	Betsy Kellums/ Brian McBroom	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
November 26, 2024 Council Work Session	Cancelled		
December 03, 2024 Council Meeting	Resolution - Approving DDA Budget	Caleb Weitz	Consent
	Resolution - DDA Mil Levy		
	Resolution - Council Policies and Protocol	Heidi Leatherwood	Consent
	PH & 2nd Rdg Ord - Reauthorizing Boards for B&C	Heidi Leatherwood	Regular
	PH & 2nd Rdg Ord - L&T Annexation	Doug May/Brian McBroom	Regular
	PH & 2nd Rdg Ord - L&T Zoning	Doug May/Brian McBroom	Regular
December 10, 2024 Council Work Session	Xcel Energy Update	Will Jones/Paul Trombino	WS

City Council Meeting Scheduling 2024			
	9/10/2024		
	This schedule is subject to change		
	Five Year Housing for All Strategic Plan Update	Deb Callies	WS
	Q3 Financial Report	Robert Miller/Tyra Litzau	WS
December 17, 2024 Council Meeting	Minutes - Nov 19 and Dec 3 CC; Dec 10 WS		
	Boards & Commissions Appointments		
December 24, 2024 Council Work Session	Cancelled - Christmas Holiday		



Council Agenda Summary

Title

Adjournment