

# Greeley City Council Agenda

## Regular Meeting

Tuesday, April 5, 2022 at 6:00 p.m.

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

Zoom Webinar link: <https://greeleygov.zoom.us/j/98241485414>

### NOTICE:

Regular meetings of the City Council 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.

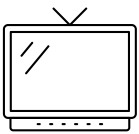
City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

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](http://greeleygov.com) as well as YouTube at [youtube.com/CityofGreeley](http://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](mailto:cityclerk@greeleygov.com).

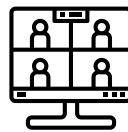
Meeting agendas, minutes, and archived videos are available on the City's meeting portal at [greeley-co.municodem meetings.com/](http://greeley-co.municodem meetings.com/)

### 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 .

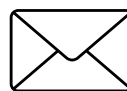


The public can join the Zoom webinar and comment from the remote meeting.

### Submit written comments:



Email comments about any item on the agenda to [cityclerk@greeleygov.com](mailto: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





# City Council Agenda

April 05, 2022 at 6:00 PM

City Council Chambers, City Center South, 1001 11th Ave & via Zoom at <https://greeleygov.zoom.us/j/98241485414>

### Mayor

John Gates

### Councilmembers

Tommy Butler  
Ward I

Deb DeBoutez  
Ward II

Johnny Olson  
Ward III

Dale Hall  
Ward IV

Brett Payton  
At-Large

Ed Clark  
At-Large

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

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

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### 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.**

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9. Approval of the City Council Proceedings of March 15, 2022 and the Special City Council Proceedings of March 29, 2022
10. Acceptance of the Report of the City Council Work Session of March 22, 2022
11. First reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2022 and for funds held in reserve for encumbrances at December 31, 2021.
12. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M (Industrial Medium Intensity) for 82.62 acres of property located at 15756 County Road 66 (southwest

corner of AA Street and North 47<sup>th</sup> Avenue), known as the Leffler Rezone

- [13.](#) Introduction and first reading of an Ordinance amending and repealing portions of the City of Greeley Municipal Code, all correcting the codification of the entire permanent code to accurately reflect the intent of ordinances passed in the City of Greeley
- [14.](#) Introduction and first reading of an ordinance amending Title 20 of the Greeley Municipal Code concerning the use of non-potable water supplies for irrigation.

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### **End of Consent Agenda**

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- [15.](#) Pulled Consent Agenda Items
- [16.](#) Public hearing to consider a request to rezone from PUD (Planned Unit Development – Lake Bluff) to PUD (Planned Unit Development – Poudre Heights), changing the underlying land use designations for approximately 277.6 acres of property located north of U.S. Highway 34 Business, east of Missile Park Road and west of 101<sup>st</sup> Avenue, and final reading of an ordinance changing the official zoning map to reflect the same
- [17.](#) Public hearing to consider a request for approval of a combined Preliminary PUD Plan for Poudre Heights for approximately 277.6 acres located north of US Highway 34 Business and west of 101<sup>st</sup> Avenue
- [18.](#) Scheduling of Meetings, Other Events
- [19.](#) Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
20. Adjournment

# Council Agenda Summary

## Title

Recognitions and Proclamations

## Summary

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

Mayor Gates will present the proclamations

## Attachments

*What's Great about Greeley* Report

Parkinson's Awareness Month Proclamation

Sexual Assault Awareness Month Proclamation



## PARKINSON'S AWARENESS MONTH

**WHEREAS**, Parkinson's disease is a chronic, progressive neurological disease and is the second most common neurodegenerative disease in the United States, after Alzheimer's disease; and

**WHEREAS**, it is estimated that over 1.5 million people in the United States and an estimated ten million in the world live with Parkinson's disease. Closer to home, there are over 400 known people in the Greeley area who suffer from this disease; and

**WHEREAS**, every year an estimated 60,000 people in the United States are diagnosed with Parkinson's disease; and

**WHEREAS**, there are millions of people who are caregivers, family members and friends who are impacted by this disease; and

**WHEREAS**, the combined direct and indirect costs of Parkinson's disease including treatment, disability and lost income from the inability to work are estimated at twenty billion dollars per year; and

**WHEREAS**, there is no known cure or drug to slow or halt the progression of this disease, but we are getting close. Everyone's continued financial support is still needed and appreciated; and

**WHEREAS**, the symptoms vary from person to person and can include tremors, slowness of movement, rigidly, gait and balance difficulty, speech and swallowing, cognitive impairment, dementia, mood disorders and much more.

**NOW, THEREFORE, I**, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim the month of April 2022, as Parkinson's Disease Awareness Month, and do hereby proclaim April 11, 2022, as Parkinson's Disease Recognition Day in Greeley, to raise awareness and advocacy for Parkinson's Disease.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 5<sup>th</sup> day of April 2022.

\_\_\_\_\_  
John Gates  
Mayor



## Sexual Assault Awareness Month

**WHEREAS**, April is Sexual Assault Awareness Month – a time to draw attention to the prevalence of sexual assault and to educate individuals and communities about how to prevent it. Sexual harassment, abuse, and assault are widespread problems across the nation; and

**WHEREAS**, in the United States alone, nearly one in five women and one in 67 men have been raped at some time in their lives, and one in six boys and one in four girls is sexually abused before the age of 18; and

**WHEREAS**, sexual harassment, assault, and abuse happen in all communities – and that includes online spaces. We are spending more and more of our lives online – whether that’s for work, school, or entertainment. Unfortunately, with this increase in virtual connection comes an increase in online abuse and harassment; and

**WHEREAS**, consent and boundaries can be violated online in a number of ways, and the trauma of online abuse is all too real for many survivors; and

**WHEREAS**, we can all make a difference to ensure that our online and physical communities are safe and respectful for everyone; and

**WHEREAS**, 2022 marks the twenty-first anniversary of Sexual Assault Awareness Month, and the theme of this year’s campaign is “Building Safe Online Spaces Together.” We can build online communities free from sexual harassment, abuse, and assault by practicing digital consent, intervening when we see harmful behaviors, and promoting online communities that value inclusion, safety, and respect.

**NOW, THEREFORE, I**, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim April 2022 as **Sexual Assault Awareness Month** in Greeley and join advocates and communities across the country in proclaiming that we can create safe communities together.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 5<sup>th</sup> day of April, 2022.

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John Gates  
Mayor

Greeley City Council  
April 5, 2022  
Councilmember Johnny Olson



A group of about seven people, including men and women of various ages, are standing in a grassy field. They appear to be engaged in a community activity, possibly planting trees, as there are some tools and a small tree visible. The background shows more trees and a clear sky. A large blue semi-transparent box is overlaid on the center of the image, containing white text.

“If you belittle what you  
have...it becomes less.  
If you appreciate what  
you have ...  
it becomes more.”

~Gelene McDonald



# Women in American History Award National Society Daughters of the American Revolution



# 2022 Sonny Mapelli Distinguished Citizen Award



BOY SCOUTS OF AMERICA  
Adventure West Council



# University of Northern Colorado College of Osteopathic Medicine



# University of Northern Colorado NABC All-District First Team Honor



# University of Northern Colorado Big Sky Golfers of the Week



# Hensel Phelps

## 2021 National Inclusion, Diversity, and Equity Award

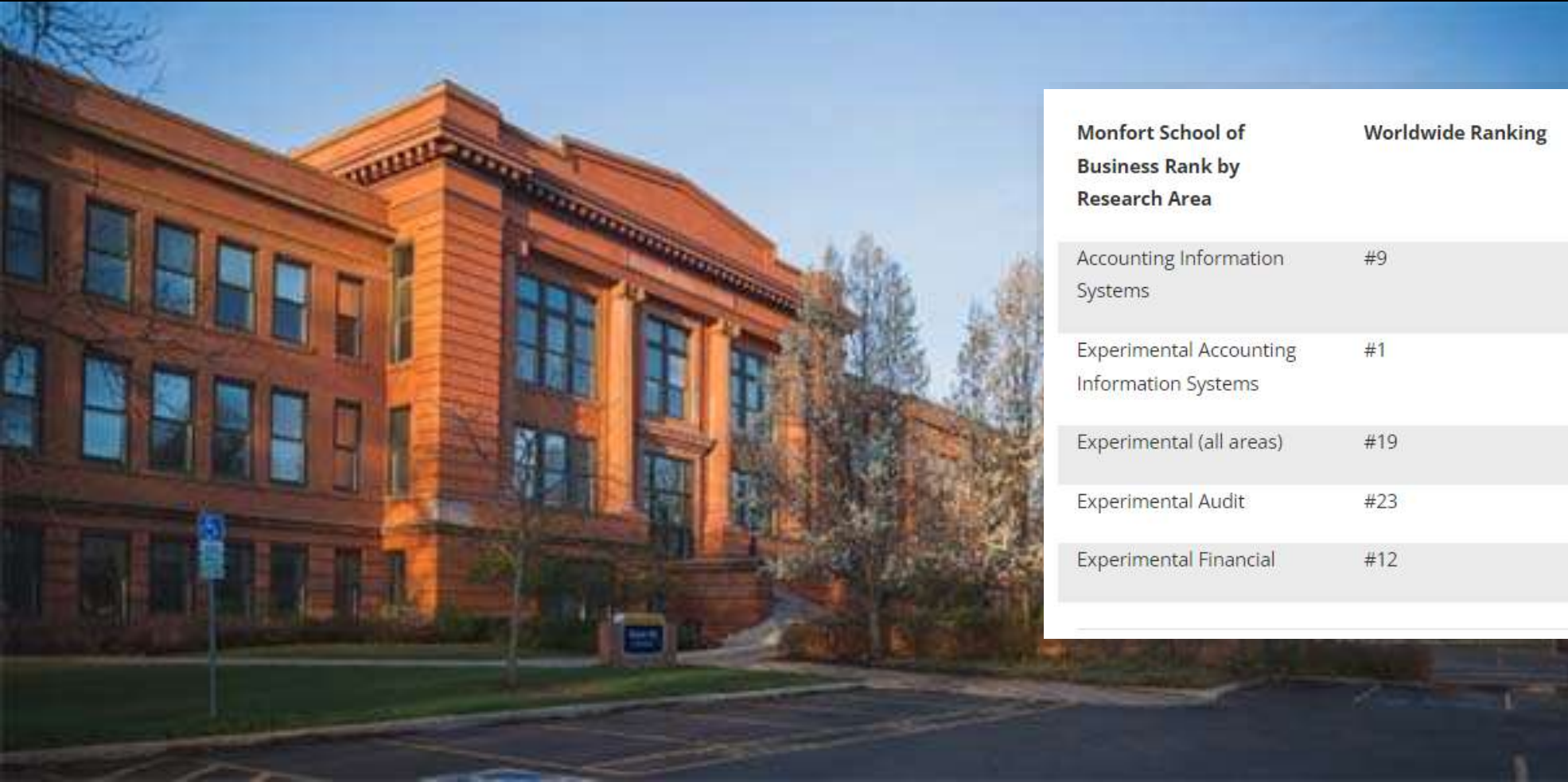


**HENSEL PHELPS**  
Plan. Build. Manage.



# #1 Global Ranking – UNC

## Accounting & Computer Information Systems (AIS)



Monfort School of Business Rank by Research Area	Worldwide Ranking	Colorado Ranking
Accounting Information Systems	#9	#1
Experimental Accounting Information Systems	#1	#1
Experimental (all areas)	#19	#1
Experimental Audit	#23	#1
Experimental Financial	#12	#1

# Greeley Police Department

Colorado Association of Chiefs of Police Professional Standards Accreditation Program



Colorado Association of  
Chiefs of Police





# GreeleyGov.com



Greeley City Council - 2022



# 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	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
03-2021	Hall	Request for formation of a committee, to be chaired by Council Member Hall, regarding the section of the Poudre River Trail known as the Narrows. This section is facing increasing risks of erosion, with some portions in danger of falling into the river, and no available alternative areas for trail placement in that vicinity. The School of Mines will do a project to work on some engineering solutions for the area, in addition to other engineering studies that have already been done. The committee will review and determine options to move forward in addressing this with the assistance of City staff. City Manager Otto added information about potential Capital Improvement Projects through this area, and Council Member Hall provided information about existing potential rough cost estimates.	February 2, 2021 Council Meeting	<p>Update 12/7/2021 Council Member Hall reported in the last 6 months, 30 feet of trail has started becoming undermined and must be shored up immediately, likely requiring some short term dollars while awaiting a longer solution.</p> <p>Update: 04/20/2021 Council Member Hall reported the committee had its first meeting and he is pleased with engagement from City staff and the community.</p> <p>A committee, chaired by Council Member and Poudre River Trail Corridor Chairman Hall, has been formed with representatives from the Poudre Trail Corridor Board, Culture, Parks and Recreation/Natural Areas and Trails, Public Works, Water and Sewer, the Poudre River Run Master HOA, a member of the Parks and Recreation Advisory Board, and a representative from the Ditch #3 Board. Committee Chairman Hall has also referenced initial communications with Otak Engineering, a consulting firm who produced</p>	Kelly Snook

<b>Initiative No.</b>	<b>Council Member Initiating</b>	<b>Council Request</b>	<b>Council Meeting or Work Session Date Requested</b>	<b>Status or Disposition</b> (After completion, item is shown one time as completed and then removed.)	<b>Assigned to:</b>
				a study of this area in 2018 for the City of Greeley, as well as the Colorado School of Mines engineering students who will conduct a capstone project this semester towards a suggested course of action and suggested funding mechanism(s). An initial assessment with design parameters, recommended course(s) of action including recommended funding sources, is expected in June, 2021 post consultation with the Mines student project and engineering consultants. Although this project will carry on m practicality through committee work	
14-2021	Butler	Request to have a discussion on railroad quiet zones and safety at a work session.	December 7, 2021 Council Meeting	Scheduled for a work session in early 2022	Paul Trombino
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35 <sup>th</sup> and 47 <sup>th</sup> interchanges.	December 7, 2021 Council Meeting	Council Member Olson will be following up with Manager Lee and Director Trombino on next steps	Paul Trombino
01-2022	Butler	Cost and feasibility study of matching the Fun Plex and Greeley Recreation Center hours	February 15, 2022 Council Meeting	Kelly Snook will look into the costs and feasibility of matching the hours of the two recreation facilities	Kelly Snook
02-2022	Clark	Request update on City's graffiti removal program	March 15, 2022 Council Meeting	Requested Public Works provide an update to Council on the City's graffiti removal program	Paul Trombino

# Council Agenda Summary

**Title:**

Approval of the City Council Proceedings of March 15, 2022 and the Special City Council Proceedings of March 29, 2022

**Summary:**

A meeting of the City Council was held in the City Council's Chambers on March 15, 2022. A special meeting of the City Council was held in the City Council's Chambers on March 29, 2022. The draft proceedings of these meetings have been prepared and are being presented for the Council's review and approval.

**Decision Options:**

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

**Council's Recommended Action:**

A motion to approve the City Council proceedings as presented.

**Attachments:**

- Draft Proceedings of March 15, 2022
- Draft Proceedings of March 29, 2022

City of Greeley, Colorado  
**CITY COUNCIL PROCEEDINGS**  
March 15, 2022

**1. Call to Order**

Mayor John Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11<sup>th</sup> Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

**2. Pledge of Allegiance**

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

**3. Roll Call**

Charity Campfield, Deputy City Clerk, called the roll.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Deb DeBoutez

Council Member Dale Hall

Council Member Johnny Olson

Council Member Ed Clark

Council Member Brett Payton

Mayor Gates introduced Staycie Coons, the City's new Governmental Affairs Officer.

**4. Approval of the Agenda**

The agenda was approved as submitted.

**5. Recognitions and Proclamations**

Mayor Gates presented proclamations for Kiwanis Club of Greeley Day, AmeriCorp Week and National Intellectual and Developmental Disabilities Awareness Month.

Council Member Clark presented the *What's Great About Greeley* report.

**6. Citizen Input**

Steve Teets, Greeley, reported that the VA clinic in Loveland has a grand opening on May 27<sup>th</sup>. On April 13<sup>th</sup> and 14<sup>th</sup> he reported there will be a homelessness discussion at the recreation center. He addressed his growing concerns about the homelessness and gang activity in Greeley. He asked about the bus shelters status.



## 7. Reports from Mayor and Councilmembers

Councilmember DeBoutez reported that she attended a training on Muslims in the community and reported there is another training on March 24<sup>th</sup> at 6pm on the Sikh community.

Councilmember Butler reported that he will be holding city council office hours on March 21<sup>st</sup> from 3-5 at Margie's Java joint.

## 8. Initiatives from Mayor and Councilmembers

Councilmember Clark reported that he has noticed the graffiti and is requesting a graffiti update.

## 9. University of Northern Colorado update

Dr. Andrew Feinstein gave an update on the University of Northern Colorado.

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### Consent Agenda

Council Member Payton moved, seconded by Council Member Butler, to approve the recommended actions on items 10-14.  
The motion carried 7-0 (by roll call vote).

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## 10. Approval of the City Council Proceedings of March 1, 2022

The Council action recommended and approved was to approve the City Council proceedings of March 1, 2022, as presented.

## 11. Acceptance of the Report of the City Council Work Session of March 8, 2022

The Council action recommended and approved was to accept the report of March 8, 2022, as presented.

## 12. Consideration of a Resolution approving an Enhanced Sales Tax Incentive Program Agreement ("ESTIP Agreement")

The Council action recommended and approved was to adopt the resolution.

## 13. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from PUD (Planned Unit Development – Lake Bluff) to PUD (Planned Unit Development – Poudre Heights), changing the underlying land use designations for approximately 277.6 acres of property located north of U.S. Highway 34 Business, east of Missile Park Road and west of 101<sup>st</sup> Avenue

The Council action recommended and approved was to adopt the ordinance and set a public hearing for April 5, 2022.

## 14. First reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2022 and for funds held in reserve for encumbrances at December 31, 2021.

The Council action recommended and approved was to adopt the ordinance and set a public hearing for March 29, 2022.

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### End of Consent Agenda

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#### 15. Pulled Consent Agenda Items

None

#### 16. Public Hearing and Final Reading of an Ordinance Amending Title 2 of the Greeley Municipal Code relating to Special Districts by adding a new Chapter 16.

Becky Safarik, Interim Community Development Director, came forward to introduce this item.

Mayor Gates opened the public hearing at 6:32 p.m.

Stacy Suniga, Greeley, reported that her research that there is no housing related to the zoning for the recreation district. She reported that she met with Councilmembers, and there is still trepidation. She reported that the large number of votes in the district goes to Varra sand and gravel, and this will continue to bring up gentrification issues. She encourages council to do some research and investigation on how this would go to a housing district and the effect on Latinos.

Rhonda Solis, Greeley, reported that she has a conversation with Adam Frasier, and does not believe any bad intention. Her concern is that no one talked to the neighbors or had community input on the issue.

Jeri Shepherd, Greeley, reported that the community most effected was not involved in the process of this legislation. She reported her concern of gentrification on the issue.

Steve Teets, Greeley, reported his concern that there is a large amount a land for a park with water shortages, and special districts break up the city.

Adam Frasier, he reported that there was a lot of controversy of the picture that was put in the Tribune. He reported that he will personally meet with the residents who have concerns about the project.

Mayor Gates closed the public hearing at 6:44 pm.

Council Member Payton reported that they don't know what parks they are doing, and this legislation is to provide an opportunity to build there. He reported that this is allowing the city an opportunity to invest in the eastside.

Council Member DeBoutez reported that this a great opportunity to use special districts as a tool for investing in the city.

Council Member Butler reported that he is opposed to this item, and he feels that we can strengthen this item and suggested an amendment as follows:

I move to amend the ordinance to by adding the following language to the first paragraph of Section 2-1139:

In addition, the petitioner shall mail a courtesy notice to all record landowners within 1,000 feet of the proposed district at least 15 days prior to the public hearing from a list of owners supplied by the city. The notice shall state the location of the subject property by reference to streets and addresses; a general description of the proposed district; the date, time and place of the public hearing; and a statement that additional information is available from the city Community Development Department with relevant contact information. Petitioner shall submit a copy of the notice with the application, and evidence and a signed statement verifying notice was sent to all landowners prior to the public hearing.

Council discussed the motioned amendment to the ordinance.

Council Member Butler moved, seconded by Council Member Payton, to amend the ordinance.

The motion carried 7-0 by roll call vote.

Council Member Payton moved, seconded by Council Member Clark, to adopt the amended ordinance and publish the text in full.

The motion carried 7-0 by roll call vote.

**17. Public hearing and second reading of an Ordinance authorizing a salary increase for the Municipal Judge**

Anne Larson, Interim Deputy Director of Human Resources, came forward to introduce this item.

Mayor Gates opened the public hearing at 6:53 p.m.

There being no one wishing to be heard in the Chambers or as part of the virtual audience, the public hearing was closed.

Council Member Olson moved, seconded by Council Member Butler, to adopt the ordinance and publish with reference to title only.

The motion carried 7-0 by roll call vote.

**18. Public Hearing and second reading of an Ordinance authorizing a salary increase for the City Attorney**

Anne Larson, Interim Deputy Director of Human Resources, came forward to introduce this item.

Mayor Gates opened the public hearing at 6:55 p.m.

There being no one wishing to be heard in the Chambers or as part of the virtual audience, the public hearing was closed.

Council Member Butler moved, seconded by Council Member DeBoutez, to adopt the ordinance and publish with reference to title only.  
The motion carried 7-0 by roll call vote.

**19. Public hearing and final reading of an ordinance authorizing the divestment of water rights from the Larimer and Weld Irrigation Company and Windsor Reservoir and Canal Company in exchange for water rights from the Water Supply and Storage Company.**

Sean Chambers, Water and Sewer Director, came forward to introduce this item. Adam Jokerst came forward to discuss the item and present the slide deck.

Mayor Gates opened the public hearing at 7:02 p.m.

Steve Teets, Greeley, reported that the disadvantage outweighs the advantages and is there a long-term benefit.

Mayor Gates closed the public hearing at 7:04 p.m.

Council Member Payton moved, seconded by Council Member Clark, to adopt the ordinance and publish with reference to title only.  
The motion carried 7-0 by roll call vote.

**20. Appointment of applicants to the Citizen Transportation Advisory Board, Judicial Review Board, Museum Advisory Board, Parks & Recreation Advisory Board, Stormwater Board, and Union Colony Civic Center Advisory Board.**

Deputy City Clerk Charity Campfield reported the following appointments were made by the Council by written ballot:

- Citizen Transportation Advisory Board – James Bailey and Jimmy Jones
- Judicial Review Board – Beth Wagner
- Museum Advisory Board – George Junne
- Parks & Recreation Advisory Board – Luis Casillas and Shane Kigin
- Stormwater Board – Phillip Taylor
- Union Colony Civic Center Advisory Board – Alison Hamling, Juliet Fried and Samantha Corliss

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

Council Member Butler moved, seconded by Council Member Olson, to approve the addition of a March 29, 2022 special meeting.

The motion carried 7-0.

Council Member Olson moved, seconded by Council Member Butler, to approve the cancellation of the June 21, 2022 meeting.

The motion carried 7-0.

**22. 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**

Council Member Payton moved, seconded by Council Member Clark, to approve the above authorizations.

The motion carried 7-0.

**23. Adjournment**

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John D. Gates, Mayor

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Charity Campfield, Deputy City Clerk

City of Greeley, Colorado  
**SPECIAL CITY COUNCIL PROCEEDINGS**  
March 29, 2022

**1. Call to Order**

Mayor John Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11<sup>th</sup> Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

**2. Pledge of Allegiance**

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

**3. Roll Call**

Stacey Aurzada, Interim City Clerk, called the roll.

PRESENT

Mayor John Gates  
Council Member Tommy Butler  
Council Member Deb DeBoutez  
Council Member Johnny Olson  
Council Member Ed Clark  
Council Member Brett Payton

Councilmember Hall was excused.

**4. Public hearing and second reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2022 and for funds held in reserve for encumbrances at December 31, 2021**

Kelly Snook, Interim Director of the Culture, Parks and Recreation Department, came forward to introduce this item. Director Snook presented as set forth in the PowerPoint slide deck contained in the packet. John Karner, Finance Director, presented the financial information contained in the PowerPoint slide deck contained in the packet.

Deputy City Manager and Interim Community Development Director Becky Safarik answered questions from Council regarding Windsor's contribution to the project. Mayor Gates stated that he spoke with Mayor Rennemeyer about this project and Windsor's contribution.

Director Karner answered questions from Council member Olson about the interest rate on the loan from the Trust for Public Lands. Wade Shelton from the Trust for Public Lands stated that the interest rate is 5%. Ultimately, the City and TPL will work together to secure a lower interest rate.

Mr. Shelton answered a question from Councilmember Clark about the purchase price of \$8,500,000.00.

Mayor Gates opened the public hearing at 6:17 p.m.

Pastor Steven Grant asked City Council a question about the ownership of the water and mineral rights. Deputy City Manager Safarik explained that there are no water or mineral rights associated with the purchase.

Mayor Gates closed the public hearing at 6:18 p.m.

Council Member Payton moved, seconded by Council Member Butler, to adopt the ordinance and publish with reference to title only.

The motion carried 6-0 by roll call vote.

**5. 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**

Council Member Clark moved, seconded by Council Member Payton, to approve the above authorizations.

The motion carried 6-0.

**6. Adjournment**

Mayor Gates adjourned the meeting at 6:19 p.m.

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John Gates, Mayor

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Stacey Aurzada, Interim City Clerk

# Council Agenda Summary

**Title:**

Acceptance of the Report of the City Council Work Session of March 22, 2022

**Summary:**

A City Council Work Session was held in the City Council's Chambers on March 22, 2022. The draft report of that work session has been prepared for the Council's review and acceptance.

**Decision Options:**

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

**Council's Recommended Action:**

A motion to accept the Report as presented.

**Attachments:**

Draft Report of March 22, 2022



City of Greeley, Colorado  
**CITY COUNCIL WORK SESSION REPORT**  
March 22, 2022

**1. Call to Order**

Mayor John 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 to the American Flag.

**3. Roll Call**

Stacey Aurzada, Interim City Clerk, called the roll.

PRESENT

Mayor John Gates  
Council Member Tommy Butler  
Council Member Deb DeBoutez  
Council Member Dale Hall  
Council Member Brett Payton  
Council Member Ed Clark  
Council Member Johnny Olson

**4. Reports from Mayor and Council Members**

Councilmember Olson gave an update from the North Front Range Metropolitan Planning Organization about the "link NoCo" program, which is a transit program to connect north front range communities.

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

City Manager Raymond Lee indicated there was no information to present. Mayor Gates reminded Council about the special meeting on March 29, 2022, at 6:00 p.m.

**6. COVID-19 Update**

Dan Frazen, Emergency Manager, provided an update highlighting the Covid-19 metrics tracked via the City's dashboard. A vaccination bus will be located at City Hall in the East parking lot every Tuesday. Emergency Manager Frazen also discussed the BA2 variant. Weld County Public Health Department expects a spike in cases in the next four weeks. Emergency Manager Frazen answered questions from Council.

**7. UPRR Safety Review / Quiet Zone**

Paul Trombino, Director of Public Works, presented as set forth in the PowerPoint deck in the agenda packet. Director Trombino answered questions from the Council about the presentation. Director Trombino and Mayor Gates invited Michelle Kempema, Executive Director of the Colorado Model Railroad Museum, to offer feedback.

**8. Consideration of Ward Boundary Modification**

Becky Safarik, Interim Deputy City Manager and Interim Community Development Director, presented as set forth in the PowerPoint deck in the agenda packet. Deputy City Manager Safarik answered questions from the Council about the presentation. Deputy City Manager Safarik reported that opportunities for public review of proposed Ward boundary changes can be explored, and the public will have the opportunity to comment when the ordinance is presented for Council approval. Council provided consensus to move forward with Option B as shown in the PowerPoint deck.

**9. Enterprise Resources Planning (ERP) System Implementation Update**

Paul Fetherston, Deputy City Manager, presented as set forth in the PowerPoint deck in the agenda packet. Deputy City Manager Fetherston introduced Finance Director John Karner and Chief Information Officer (CIO) Bret Naber. CIO Naber presented an overview of the Oracle 2.0 project. City Manager Lee commented on the importance of strategic review of the City's systems, structures, policies and processes for the duties employees perform in the Oracle system. City Manager Lee emphasized the importance of ensuring the City has the proper resources to make the project successful. City Manager Lee will continue to seek feedback from system users. Deputy City Manager Fetherston, Director Karner, and CIO Naber answered questions from the Council about the presentation.

**10. Adjournment**

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John D. Gates, Mayor

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Stacey Aurzada, Interim City Clerk

# Council Agenda Summary

April 5, 2022

## Agenda Item Number

Key Staff Contact: John Karner, Finance Director, 350-9732

### Title:

First reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2022 and for funds held in reserve for encumbrances at December 31, 2021.

### Summary:

This is the second supplemental appropriation ordinance modifying the 2022 budget. This appropriation ensures that existing commitments in progress at 2021 year end can be completed in 2022, designates funds for additional commitments, and appropriates new grants that have been awarded.

### Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes														
If yes, what is the initial, or, onetime impact?	\$ 47,758,374														
What is the annual impact?	\$ 47,758,374														
What fund of the City will provide Funding?	See Ordinance														
What is the source of revenue within the fund?	Fund Balance, Grant, Expense Reimbursement, Intergovernmental Agreement, Operating Transfer														
Is there grant funding for this item?	Yes, Item 1, 2, 27, 38, 46														
If yes, does this grant require a match?	Yes, Item 1, 2, 27, 38, 46														
Is this grant onetime or ongoing?	Onetime														
Additional Comments:	<p>Total appropriations made by this ordinance are \$ 47,758,374. The following funding sources will be used to cover the appropriations made by this ordinance.</p> <table border="1"> <thead> <tr> <th>Source</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Fund Balance</td> <td>\$ 19,340,328</td> </tr> <tr> <td>Grant</td> <td>14,926,083</td> </tr> <tr> <td>Operating Transfers</td> <td>10,143,900</td> </tr> <tr> <td>Intergovernmental Agreement</td> <td>2,825,800</td> </tr> <tr> <td>Expense Reimbursement</td> <td>522,263</td> </tr> <tr> <td><b>Grand Total</b></td> <td><b>\$ 47,758,374</b></td> </tr> </tbody> </table>	Source	Total	Fund Balance	\$ 19,340,328	Grant	14,926,083	Operating Transfers	10,143,900	Intergovernmental Agreement	2,825,800	Expense Reimbursement	522,263	<b>Grand Total</b>	<b>\$ 47,758,374</b>
Source	Total														
Fund Balance	\$ 19,340,328														
Grant	14,926,083														
Operating Transfers	10,143,900														
Intergovernmental Agreement	2,825,800														
Expense Reimbursement	522,263														
<b>Grand Total</b>	<b>\$ 47,758,374</b>														

**Legal Issues:**

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

**Other Issues and Considerations:**

**Applicable Council Priority and Goal:**

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

**Decision Options:**

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

**Council's Recommended Action:**

A motion to introduce the ordinance and schedule the public hearing and final reading for April 19, 2022.

**Attachments:**

Ordinance  
Detail Supporting Schedule

**THE CITY OF GREELEY  
ORDINANCE NO. \_\_\_\_\_, 2022**

**AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2022 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2021.**

**WHEREAS**, the City of Greeley has or will incur expenses for certain activities described below during the 2022 fiscal year, and

**WHEREAS**, the revenues received in the City of Greeley in 2021, exceeded the amount of revenues estimated in the 2021 Budget by more than the total amount of the expenditures in the same year;

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

**Section 1.** In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2022 budget and amounts held in fund balance reserves from 2021, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2022:

<b>Fund</b>	<b>Total</b>
100 GENERAL FUND	\$ 11,890,896
102 CONVENTION AND VISITORS FUND	61,100
171 ARPA	2,000,000
301 PUBLIC IMPROVEMENT	2,977,746
304 FOOD TAX	316,595
318 QUALITY OF LIFE	25,167
321 STREET INFRASTRUCTURE IMPROVEMENTS	2,000,000
334 ROAD DEVELOPMENT	1,020,197
400 CEMETERY	59,915
412 SEWER CONSTRUCTION	3,929,843
413 SEWER CAPITAL REPLACEMENT	800,000
421 WATER OPERATIONS	16,877,500
423 WATER CAPITAL REPLACEMENT	4,484,965
424 WATER RIGHTS ACQUISITION	728,700
431 STORMWATER OPERATIONS	870
432 STORMWATER CONSTRUCTION	250,000
521 IT OPERATIONS	334,880
<b>Grand Total</b>	<b>\$ 47,758,374</b>

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

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

PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
2022.

ATTEST:

THE CITY OF GREELEY

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

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



## City of Greeley 2022 Appropriation - April City Council Meetings: April 5th & 19th

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
<b>100 - GENERAL FUND</b>						
1	Grant	The Natural Areas & Trails (NAT) division within CPRD applied to Great Outdoors Colorado (GOCO) for a two-year fellowship contracted benefited position to assist with several priority initiatives within NAT's recently adopted strategic plan. The GOCO grant provides \$71,500 for 2022 and 2023, for a total of \$143,000 over the two-year term.	-	71,500	71,500	-
2	Grant	The Greeley Fire Department received grant funding from the Federal Emergency Management Agency (FEMA) for improving the Code Red emergency communications project. These funds will be used to improve participation in these important emergency communication tools.	-	5,000	5,000	-
3	Expense Reimbursement	Funding is being requested for new Firefighting foam as part of the new United States Environmental Protection Agency (EPA) restrictions. The Greeley Fire Department had two large totes of foam that are no longer allowed under current regulations. As part of the State of Colorado buy-back program, the City is being reimbursed for the replacement of foam.	-	21,200	21,200	-
4	Expense Reimbursement	The Fire Departments' new partnership with UCHealth ambulance requires UCHealth personnel and computers to have access to the Computer-Aided-dispatch (CAD) for emergency response. Until UCHealth has access to these services, this is a reimbursement for unexpected expenses to cover these items in the interim.	-	2,565	2,565	-
5	Expense Reimbursement	The Greeley Fire Department responded to a hazmat incident that included carbon-based product release into the Poudre River. Funding is being appropriated from the US Coast Guard for reimbursement of unexpected expenses associated with the call.	-	3,251	3,251	-
6	Expense Reimbursement	The Greeley Fire Department deployed apparatus and personnel to the Marshall fire in Superior. Funding is being appropriated for the reimbursement of these expenditures from the State of Colorado.	-	11,784	11,784	-
7	Expense Reimbursement	Funding is being appropriated for the Greeley Fire Departments' Hazmat response to the University of Northern Colorado (UNC) which required one-time use and disposal of supplies and equipment. These services will be reimbursed by UNC.	-	1,188	1,188	-
8	Expense Reimbursement	Funding is being appropriated for the purchase and installation of six Transit Bus Shelters. These expenses will be reimbursed by the 10th Street Tax Increment Financing (TIF). The installation of these six shelters will be along the 10th Street corridor between 23rd Avenue and 35th Avenue. These shelters will not only improve shelter from the elements for riders but also increase safety through shelter lighting. Additionally, as these shelters will be facilitate advertising opportunities, they will increase revenue received by the city through an established advertising contract for our bus benches and shelters.	-	153,659	153,659	-
9	Operating Transfer: CONVENTION AND VISITORS FUND	Funding is requested to support the Image Campaign. After evaluating the tactics at the end of what was essentially year one of the Image Campaign due to COVID, funds are being requested to increase the inclusive audience reach of campaign messaging through the production of commercials that will be broadcast with various inclusive networks and digitally connected devices (streaming). Additionally, funds are needed for two interns to provide support of campaign content and department assistance due to limited internal staff.	-	61,100	61,100	-
10	Fund Balance	Funding is requested for the continued staffing development and infrastructure of the Communications & Engagement department. Originally intended to conclude this work in 2020 efforts were sidelined as the pandemic set in and work shifted to urgent, critical needs. Contracting funds will be used for leadership support allowing organizational flexibility and execution.	50,000	-	50,000	-
11	Fund Balance	Funding is being appropriated to support the Bright Futures program. A program focused on creating a strong and sustainable Weld County workforce.	50,000	-	50,000	-
12	Fund Balance	Funding is being appropriated to cover associated costs regarding the City Council retreat.	35,760	-	35,760	-
13	Fund Balance	Funding is being appropriated to support the Downtown Development Authority (DDA) fostering economic development and revitalization within the Greeley downtown area.	15,000	-	15,000	-
14	Fund Balance	In response to strong population growth funding is being appropriated to support the Downtown Master Plan which is focused on the revitalization of the downtown.	150,000	-	150,000	-
15	Fund Balance	Funding is requested for developing and maintaining a market-based compensation system. Additionally, funding will support the implementation of an organizational development strategy to drive organizational change. This will provide a focus on supporting the management of the compensation and classification plan per the Colorado Pay Equity Law and the governmental performance of the organization.	410,928	-	410,928	-

Fund	Item No. 11.	Description	Fund Balance	Revenue	Expenditures	Net Impact
16	Fund Balance	This request is to fund the following positions and contracted services, including additional legal council and associated costs, to meet desired service levels and as identified in assessments for the following departments: City Attorney's Office, City Clerk's Office, City Manager's Office, Communications & Engagement, Finance, Human Resources, and Municipal Court.	874,000	-	874,000	-
17	Fund Balance	Funding is being appropriated for executive search services.	150,000	-	150,000	-
18	Fund Balance	Funding requested for the Greeley Home Ownership Incentive Program.	121,161	-	121,161	-
19	Fund Balance	Funding is being appropriated for a Municipal Court assessment. As part of the 2022 Budget Municipal Court was provided funding for one Court Marshal with the caveat that additional staffing would be dependent on the outcome of a department assessment.	30,000	-	30,000	-
20	Fund Balance	The remaining funding received from JBS in 2020 for COVID-related expenditures is being appropriated for truck equipment, Western Hills shelter shelving/supplies, and other related expenditures.	90,000	-	90,000	-
<b>100 - GENERAL FUND</b>			<b>1,976,849</b>	<b>331,247</b>	<b>2,308,096</b>	<b>-</b>
<b>171 - ARPA</b>						
21	American Rescue Plan Act (ARPA)	Funds received as part of the American Rescue Plan Act (ARPA) are being appropriated for City incentives and administrative support.	2,000,000	-	2,000,000	-
<b>171 - ARPA</b>			<b>2,000,000</b>	<b>-</b>	<b>2,000,000</b>	<b>-</b>
<b>301 - PUBLIC IMPROVEMENT</b>						
22	Expense Reimbursement	Additional Funding from Greeley Urban Renewal Authority (GURA) is being appropriated to support New Sidewalk Installation.	-	327,746	327,746	-
23	Operating Transfer: ROAD DEVELOPMENT	Funding is being reappropriated, as part of the three-year appropriation limit, for the 16th Street Enhancement Project. Funding is needed to complete the final design of the project. The project will improve the safety and aesthetics on 16th St with traffic calming measures and streetscape design.	-	2,500,000	2,500,000	-
24	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the remodel of Firestation 7 regarding the conversion of the current training room into a dorm and office area, complete with ADA compliant bathroom and shower.	150,000	-	150,000	-
<b>301 - PUBLIC IMPROVEMENT</b>			<b>150,000</b>	<b>2,827,746</b>	<b>2,977,746</b>	<b>-</b>
<b>304 - FOOD TAX</b>						
25	Intergovernmental Agreement	Funding is requested to assist the Natural Areas & Trails division with maintenance and repair to sections of the Poudre River Trail in unincorporated Weld County. This maintenance is part of an intergovernmental agreement between the City of Greeley, Town of Windsor, Weld County, and the Poudre River Trail Corridor, Inc. non-profit.	-	200,000	200,000	-
26	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Irrigation Redesign & Replacement at Bittersweet Park project. The funding, per City Council's recommendation, will be used towards community engagement, and to finalize the project based upon further analysis and research.	116,595	-	116,595	-
<b>304 - FOOD TAX</b>			<b>116,595</b>	<b>200,000</b>	<b>316,595</b>	<b>-</b>
<b>318 - QUALITY OF LIFE</b>						
27	Grant	Funding is being reappropriated, as part of the three-year appropriation limit, for the McCloskey Natural Area Trailhead Improvements project. The Natural Areas & Trails (NAT) division received a State Trails grant in 2019 to construct improvements to the McCloskey Natural Area trailhead. Due to the pandemic, the project paused these funds will allow the project to come to completion.	14,583	-	14,583	-
28	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Trails at Sheep Draw Neighborhood Park project. The final component of the park is a new trail connection from the playground to a new pedestrian bridge connecting the park to the Sheep Draw Trail. Delays in Federal Emergency Management Agency's (FEMA) floodplain analysis caused a change in the original design from a low-water crossing to a pedestrian bridge in a new location.	10,584	-	10,584	-
<b>318 - QUALITY OF LIFE</b>			<b>25,167</b>	<b>-</b>	<b>25,167</b>	<b>-</b>



Fund	Item No. 11.	Description	Fund Balance	Revenue	Expenditures	Net Impact
<b>321 - STREET INFRASTRUCTURE IMPROVEMENTS</b>						
29	Fund Balance	This is being appropriated to address the additional Overlay needs for the 2022 Keep Greeley Moving Program.	2,000,000	-	2,000,000	-
<b>321 - STREET INFRASTRUCTURE IMPROVEMENTS</b>			2,000,000	-	2,000,000	-
<b>334 - ROAD DEVELOPMENT</b>						
30	Intergovernmental Agreement	Grant funding from the Highway Safety Improvement Project (HSIP) is being appropriated for an intergovernmental agreement (IGA) with the Colorado Department of Transportation (CDOT) that was approved for the installation of the dynamic advance warning flashers on Highway 34 Bypass at the County Road 17 intersection. This project will alert motorists of the impending traffic signal changes mitigating the number of rear-end crashes at this intersection.	-	125,800	125,800	-
31	Fund Balance	Funding is being appropriated for the improvement of 71st Avenue between 12th and 22nd Streets to align with arterial street standards. The native grass seeding of areas behind the sidewalks was not successful. Approximately three acres will need to be reseeded. A more detailed soil analysis will be made to determine the needed soil amendment. Temporary irrigation for some areas is proposed to assure successful germination and the establishment of grasses.	200,000	-	200,000	-
32	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Sidewalk 10th Street Sheepdraw project. The project consists of a new sidewalk connection and a pedestrian bridge crossing. Additionally, the project will require a floodplain map revision according to Federal Emergency Management Agency (FEMA).	194,397	-	194,397	-
<b>334 - ROAD DEVELOPMENT</b>			394,397	125,800	520,197	-
<b>400 - CEMETERY</b>						
33	Fund Balance	This request is for a Linn Grove Cemetary Technician Position and related supplies as a result of the increase in services being provided at the Cemetery.	59,915	-	59,915	-
<b>400 - CEMETERY</b>			59,915	-	59,915	-
<b>412 - SEWER CONSTRUCTION</b>						
34	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Ashcroft Draw Basin Lift Station project. The project is approximately fifty percent complete, with construction expected to end in July 2022. Easement negotiations and acquisitions are not complete with one property owner, and a final cost for permanent easements is not yet established. The project has experienced delays and cost escalations due to material supply chain and procurement problems, which have significantly increased the costs and time to finish construction.	3,564,843	-	3,564,843	-
35	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Collection Line Extension & Oversizing project. Due to the pandemic and staff shortages, only a portion of the most challenging sewer pipeline was completed during 2021. All supplies are purchased and procured, however, construction of the remaining sewer pipeline will be completed in 2022. Completion of the project will provide critical infrastructure to the Johnson subdivision by providing a means to connect to the City's sewer system and abandon the existing septic and leachfields that currently serve these homes.	365,000	-	365,000	-
<b>412 - SEWER CONSTRUCTION</b>			3,929,843	-	3,929,843	-
<b>413 - SEWER CAPITAL REPLACEMENT</b>						
36	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Trenchless Main and Collector Rehabilitation project. Due to the pandemic and staff shortages in both the Water & Sewer engineering and operations divisions the associated projects were not completed in 2021.	550,000	-	550,000	-
37	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Sewer Collection System Rehabilitation project. Due to the pandemic and staff shortages, a majority of the funding allocated for the sewer collection system rehabilitation was not spent. Funding will be used for the disconnection of the existing storm drains from the sanitary sewer system, sewer rehabilitation work done in correlation with potable water system upgrades.	250,000	-	250,000	-
<b>413 - SEWER CAPITAL REPLACEMENT</b>			800,000	-	800,000	-

Fund	Item No. 11.	Description	Fund Balance	Revenue	Expenditures	Net Impact
<b>421 - WATER OPERATIONS</b>						
38	Fund Balance / Grant	Funding is requested for the mitigation of damages from the Cameron Peak Fire. Watershed mitigation activities will include installation of sediment basins at Chambers, Barnes, Comanche, Hourglass, and Peterson reservoirs, as well as wattles and log jam debris prevention structures on several slopes throughout the burn area to minimize erosion. Additionally, aerial mulching will be required on as many acres as possible to minimize erosion and sedimentation impacts. Funding is being reappropriated from 2021 along with the appropriation of additional grant funding received from the Colorado Water Conservation Board (CWCB).	540,000	14,660,000	15,200,000	-
39	Fund Balance	Funding is being appropriated for the Windy Gap Firming project; a project that will make more reliable Greeley's Windy Gap water supply. The Firming project involves the Chimney Hollow Reservoir near Carter Lake and will allow the twelve firming participants the ability to store Windy Gap water on the East Slope when it is available. Greeley is responsible for our portion of the pooled resources required for the debt service payments surrounding this project.	1,677,500	-	1,677,500	-
<b>421 - WATER OPERATIONS</b>			<b>2,217,500</b>	<b>14,660,000</b>	<b>16,877,500</b>	<b>-</b>
<b>423 - WATER CAPITAL REPLACEMENT</b>						
40	Fund Balance	Funding is being appropriated to support the advanced metering project. Due to the consistent and ongoing meter communication failures, this project has reached an emergency or critical status. It is prudent to accelerate the schedule and have the contractor return to water meter installations in the fall of 2022 as discussed with City Council and Water & Sewer Board.	2,895,000	-	2,895,000	-
41	Fund Balance	Funding is being appropriated for the emergency replacement of the filter effluent pipe at the Bellvue water treatment plant due to ground water intrusion. The repair needs to be completed soon to support peak season the potable water demand.	516,965	-	516,965	-
42	Fund Balance	This request is for additional funding to meet Greeley's obligations for a Customer Transfer and Interconnect Operations Intergovernmental Agreement (IGA). Historically, Greeley allowed customers to connect to nearby pipelines located between the Bellvue and Boyd Treatment plants. This was done on a hardship basis as there were no other options for treated water supply. A majority of customers are in other water districts and can be transferred to the more appropriate water service provider. Greeley has the opportunity in partnership with West Fort Collins (WFCWD) to transfer services by providing an interconnection between the two water providers.	480,000	-	480,000	-
43	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Treated Water Reservoir Rehabilitation project. Funds are required due to a pump failure that prevented the investigation and design necessary to complete a construction plan. The pump failure and the inability for timely pump replacement prevented the plan to drain the supporting zone. Funding will allow for the proper investigation into the coating problem and design for repairs.	593,000	-	593,000	-
<b>423 - WATER CAPITAL REPLACEMENT</b>			<b>4,484,965</b>	<b>-</b>	<b>4,484,965</b>	<b>-</b>
<b>424 - WATER RIGHTS ACQUISITION</b>						
44	Fund Balance	Funding is being reappropriated, as part of the three-year appropriation limit, for the Development of Parcel B, Poudre Ponds project. The Poudre Ponds site is an important non-potable water storage facility that enables Greeley to meet return flow obligations to the Poudre River and supplies non-potable water for irrigation needs. Funding will be used to complete construction and provide funding for professional services.	728,700	-	728,700	-
<b>424 - WATER RIGHTS ACQUISITION</b>			<b>728,700</b>	<b>-</b>	<b>728,700</b>	<b>-</b>
<b>431 - STORMWATER OPERATIONS</b>						
45	Expense Reimbursement	The Greeley Fire Department responded to a hazmat incident that included carbon-based product release into the Poudre River. Funding is being appropriated from the US Coast Guard for reimbursement of unexpected expenses associated with the call.	-	870	870	-
<b>431 - STORMWATER OPERATIONS</b>			<b>-</b>	<b>870</b>	<b>870</b>	<b>-</b>

Fund	Item No. 11.	Description	Fund Balance	Revenue	Expenditures	Net Impact
<b>432 - STORMWATER CONSTRUCTION</b>						
46	Fund Balance / Grant	Funding was awarded in the amount of \$175,000 from the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure in Communities (BRIC) program through the Capacity and Capability Building (C- and CB) scoping and planning activity. These funds will be utilized to fund preliminary design activities for the 12th Street Storm Trunk Line project, Phase 1B. A \$75,000 match is required by the City.	75,000	175,000	250,000	-
<b>432 - STORMWATER CONSTRUCTION</b>			<b>75,000</b>	<b>175,000</b>	<b>250,000</b>	<b>-</b>
<b>521 - IT OPERATIONS</b>						
47	Fund Balance	A Deputy Information Technology Director is being requested to provide leadership and guidance in critical areas of technology implementation, product evaluation, service delivery, budgeting, staff development, resource allocation, policy formation, and service deployment. Additionally an Enterprise Resource Planning Analyst is being created to support the ongoing Oracle software implementation and long-term maintenance. This position will help centralize related functions, along with ensuring upgrades, maintenance, and service tickets are monitored, scheduled, and resolved in a timely manner.	334,880	-	334,880	-
<b>521 - IT OPERATIONS</b>			<b>334,880</b>	<b>-</b>	<b>334,880</b>	<b>-</b>
<b>TOTAL (Less Additional Operating Expenditures Between Funds)</b>			<b>19,293,811</b>	<b>18,320,663</b>	<b>37,614,474</b>	<b>-</b>
<b>OPERATING TRANSFERS</b>						
9	Fund Balance	Image Campaign Operating Transfer of Fund Balance CONVENTION AND VISITORS FUND to GENERAL FUND	61,100	-	61,100	-
21	Fund Balance	American Rescue Plan Act (ARPA) Operating Transfer of Fund Balance General Fund to ARPA	-	9,582,800	9,582,800	-
23	Fund Balance	16th Street Enhancement Project Operating Transfer of Fund Balance ROAD DEVELOPMENT to PUBLIC IMPROVEMENT	500,000	-	500,000	-
31	Operating Transfer	71st Avenue, 12th to 22nd Street Re-seeding Operating Transfer ROAD DEVELOPMENT to PUBLIC ART	-	1,730	-	1,730
34	Operating Transfer	Ashcroft Draw Basin Lift Station Operating Transfer SEWER CONSTRUCTION to PUBLIC ART	-	10,000	-	10,000
<b>TOTAL ADDITIONAL OPERATING EXPENDITURES BETWEEN FUNDS</b>			<b>561,100</b>	<b>9,594,530</b>	<b>10,143,900</b>	<b>11,730</b>
<b>GRAND TOTAL</b>			<b>19,854,911</b>	<b>27,915,193</b>	<b>47,758,374</b>	<b>11,730</b>

# Council Agenda Summary

April 5, 2022

Key Staff Contact: Darrell Gesick, Planner III, 350-9822

Becky Safarik, Interim Community Development Director, 350-9786

## Title:

Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M (Industrial Medium Intensity) for 82.62 acres of property located at 15756 County Road 66 (southwest corner of AA Street and North 47<sup>th</sup> Avenue), known as the Leffler Rezone

## Summary:

The City of Greeley is considering a request by Richard Leffler, Lois Leffler and Phillip Leffler to rezone approximately 82.62 acres of land from I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M. The applicants are proposing three residential lots for the proposed R-E zone district, two of which already have residential homes, and one lot for a future residential home for the family farm. The industrial zoned land would remain as a farm.

The subject site was annexed as part of the North Poudre Annexation and zoned I-2 (Medium Industrial) in 1982. The zoning classifications were changed in 1998, when the Development Code was revised. The existing zoning of I-M is the modern equivalent to I-2.

The annexation and zoning of the subject site was part of a larger annexation and zoning with the intent of several property owners to entice a large industrial user. That industrial user decided to locate in another jurisdiction, and this property, as well as several others, have remained in the same zoning district since the early 1980's. The subject site has been used as a family farm for decades, and has several homes and accessory structures associated with the farming practice. With this application, the property owner is proposing to rezone 82.62 acres of land for the purpose of creating three residential lots for two existing homes, and one new residential lot for a future home, while leaving the balance of the land as industrial. Under the current Code, residential uses are not allowed in the Industrial zone district. For the applicant to build a future home, the areas requested for R-E (Residential Estate) would need to be rezoned. The rezone does include adjacent right-of-way.

The applicant is proposing to subdivide the land through the minor subdivision process. An application has been submitted, and is being reviewed concurrently with this rezone application. Minor subdivisions are reviewed and approved administratively.

The Planning Commission considered this request on March 22, 2022, and recommended approval by a vote of 6-0.

**Fiscal Impact:**

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

**Legal Issues:**

Consideration of this matter is a quasi-judicial process.

**Other Issues and Considerations:**

None noted.

**Strategic Work Program Item or Applicable Council Priority and Goal:**

Consistency with Comprehensive Plan and Development Code standards.

**Decision Options:**

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

**Council's Recommended Action:**

A motion to introduce the ordinance and schedule the public hearing and final reading for April 19, 2022.

**Attachments:**

Ordinance

Vicinity Map

Planning Commission Summary (Staff Report) (March 22, 2022)

**CITY OF GREELEY, COLORADO**

**ORDINANCE NO. \_\_\_\_\_, 2022**

**CASE NO. ZON2021-0015**

**AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM I-M (INDUSTRIAL MEDIUM INTENSITY) TO R-E (RESIDENTIAL ESTATE) AND I-M (INDUSTRIAL MEDIUM INTENSITY) FOR APPROXIMATELY 82.62 ACRES OF PROPERTY LOCATED AT 15756 COUNTY ROAD 66 (SOUTHWEST CORNER OF AA STREET AND NORTH 47<sup>TH</sup> AVENUE), KNOWN AS THE LEFFLER REZONE**

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

Section 1. The following described property located in the City of Greeley is hereby changed from the zoning district referred to as I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M (Industrial Medium Intensity) for approximately 82.62 acres of property in the City of Greeley, County of Weld, State of Colorado:

See attached legal description

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

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

**PASSED AND ADOPTED, SIGNED AND APPROVED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**ATTEST:**

**THE CITY OF GREELEY**

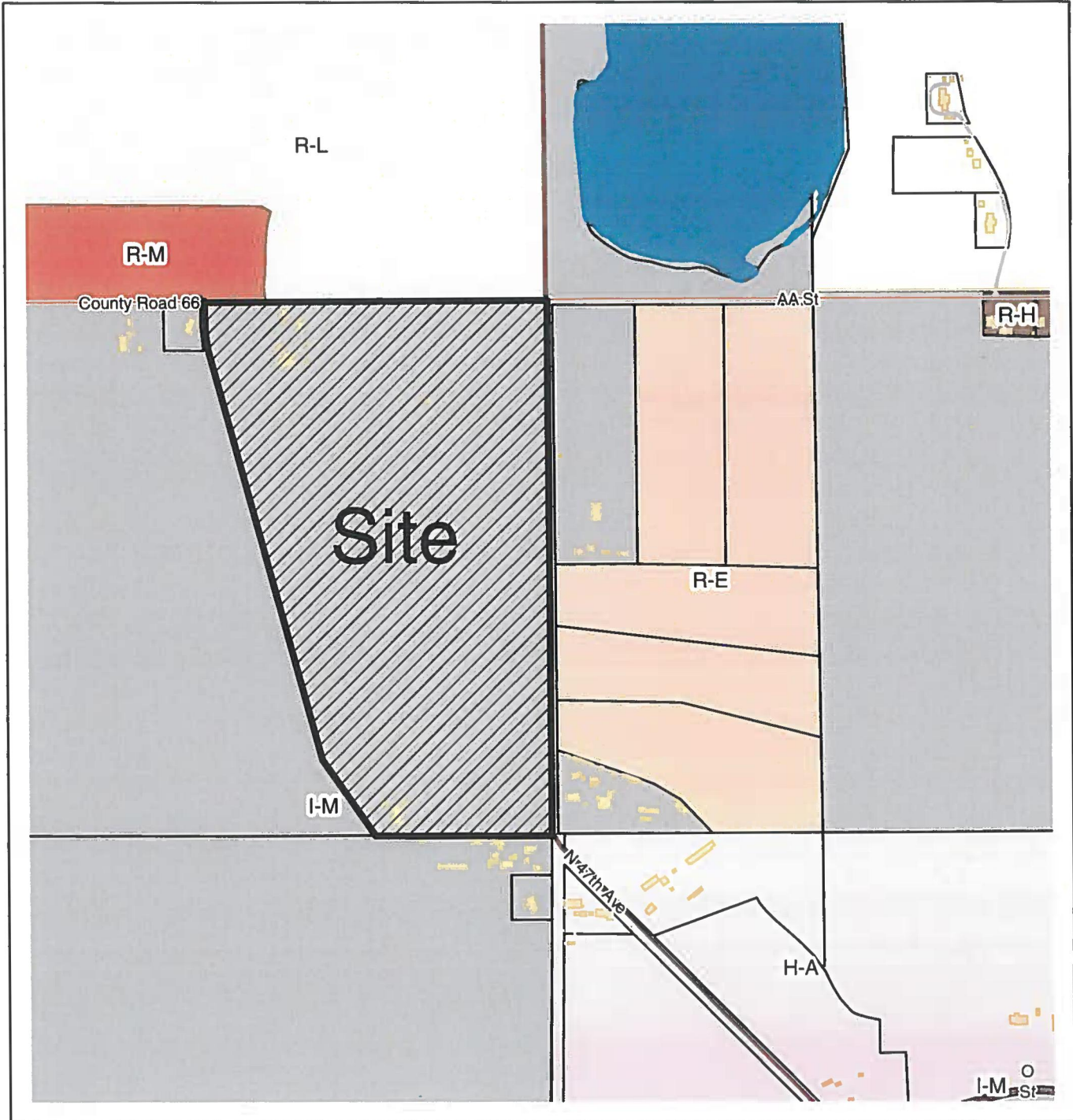
\_\_\_\_\_  
**Interim City Clerk**

\_\_\_\_\_  
**Mayor**

Legal Description

All that part of the east 30 acres of the West Half of the Northeast Quarter and all that part of the East Half of the Northeast Quarter of Section 27, Township 6 North, Range 66 West of the Sixth Principal Meridian, lying east of the right of way of the La Grange Lateral as the same is now built and constructed, Weld County, Colorado.

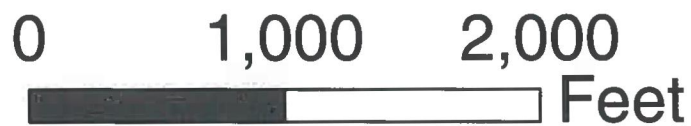
# Zoning/Vicinity Map Leffler Rezone



ZON2021-0015

**Legend**

- Structure
- FEATURE\_SUBTYPE**
- Water Body
- Weld Parcels
- Road Centerline
- Roads



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## PLANNING COMMISSION SUMMARY

**ITEMS:** Rezone from I-M (Industrial Medium Intensity) Zone District to R-E (Residential Estate) and I-M (Industrial Medium Intensity) Zone Districts

**FILE NUMBER:** ZON2021-0015

**PROJECT:** Leffler Rezone

**LOCATION:** 15756 CR 66 (Southwest Corner of CR 66 (AA Street) and N. 47<sup>th</sup> Avenue)

**APPLICANT:** Richard Leffler, Lois Leffler, Phillip Leffler

**CASE PLANNER:** Darrell Gesick, Planner III

**PLANNING COMMISSION HEARING DATE:** March 22, 2022

### 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 24-625(c)(3) of the Development Code.

### EXECUTIVE SUMMARY

The City of Greeley is considering a request from Richard Leffler, Lois Leffler and Phillip Leffler to rezone approximately 82.62 acres of land from I-M (Industrial Medium Intensity) to R-E (Residential Estate) and I-M (Industrial Medium Intensity) Zone District. The applicants are proposing three residential lots for the proposed R-E Zone District, two of which already have residential homes, and one lot for a future residential home for the family farm. The industrial zoned land would remain as a farm at this time (see Attachments A, B, and C).

#### A. REQUEST

The applicant is requesting approval of a rezone (see Attachment C).

#### B. STAFF RECOMMENDATION

Approval

#### C. LOCATION

The subject site is located at 15756 CR 66 (Southwest Corner of CR 66 (AA Street) and N. 47<sup>th</sup> Avenue) (see Attachment A).

**Abutting Zoning:**

North: R-L (Residential Low Density) and R-M (Residential Medium Density)

South: I-M

East: I-M and R-E (Residential Estate)

West: I-M

**Surrounding Land Uses:**

North: Agricultural

South: Agricultural/Single-Family Dwelling

East: Agricultural/Single-Family Dwelling

West: Agricultural

**Site Characteristics:**

The site is currently a family farm. There are two existing single-family dwellings on the subject farm. The farm also has several accessory structures associated with the farming operations. The land is generally flat, with a majority of the parcel being used in crop production (see Attachments E and F).

**D. BACKGROUND**

The subject site was annexed as part of the North Poudre Annexation and zoned I-2 (Medium Industrial) in 1982, (File No. Z 7:82) (Reception No. 1893288). The zoning classifications were changed in 1998, when the Development Code was revised. The existing zoning of I-M is the modern equivalent to I-2.

The annexation and zoning of the subject site was part of a larger annexation and zoning with the intent of several property owners to entice a large industrial user. That industrial user decided to locate in another jurisdiction, and this property, as well as several others, have remained in the same zoning district since the early 1980's. The subject site has been used as a family farm for decades, and has several homes and accessory structures associated with the farming practice. With this application, the property owner is proposing to rezone 82.62 acres of land for the purpose of creating three residential lots for two existing homes, and one new residential lot for a future home, while leaving the balance of the land as industrial. Under the current Code, residential uses are not allowed in the Industrial zone district. For the applicant to build a future home, the areas requested for R-E (Residential Estate) would need to be rezoned. The rezone does include adjacent right-of-way.

The applicant is proposing to subdivide the land through the minor subdivision process. An application has been submitted, and is being reviewed concurrently with this rezone application (File No. SUB2021-0024). Minor subdivisions are reviewed and approved administratively.

## APPROVAL CRITERIA

### Development Code Section 24-625(c)(3) Rezoning Procedures

*For the purpose of establishing and maintaining sound, stable and desirable development within the City, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this Section [of the Code]. This policy is based on the opinion of the City Council that the City's zoning map is a result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other zoning considerations, and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.*

The review criteria found in Section 24-625(c)(3)a-h of the 1998 Development Code shall be used to evaluate the zoning amendment application.

- a) **Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?**

Staff Comment: The surrounding area has not changed substantially over the last several years. The subject site was part of a larger annexation and zoning process with the intent of enticing a large industrial user to the area. That industrial user located in another jurisdiction, and the site has remained in the current zoning since that time, which was the early 1980's. The land has been a farm, and owned by the same family for many decades. The intent of the rezone is to zone two of the existing homes and a future lot as residential. Residential uses are not allowed in the industrial zone. For the applicant to accomplish a future home, some of the land would need to be rezoned.

This request complies with this criterion.

- b) **Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?**

Staff Comment: The industrial zone district has been in place for over 40 years. As stated above, the subject site was part of a larger annexation and zoning process with the intent of enticing a large industrial user to the area. The areas requested for residential zoning could be considered obsolete, considering that residential uses are not allowed in the industrial zone. The applicant would like to build another home on the farm, and to do that, those areas would need to be rezoned to a residential zone district. The balance of the farm would remain in the current Industrial zone.

This request complies with this criterion.

**c) Are there clerical or technical errors to correct?**

Staff Comment: There are no clerical or technical errors to correct. This criterion is not applicable to this request.

**d) Are there detrimental environmental impacts, such as flood plains, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?**

Staff Comment: There are no known detrimental environmental conditions existing on the site. This criterion is not applicable to this request.

**e) Is the proposed rezoning necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?**

Staff Comment: The proposed rezoning is not necessary in order to provide land for a community related use. This criterion is not applicable to this request.

**f) What is the potential impact of the proposed rezoning upon the immediate neighborhood and the city as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, and pedestrian systems and parks and recreational facilities)?**

Staff Comment: It is not anticipated that the proposed rezoning would create significant impacts on the property or adjacent land uses. The site is already being used as a farm

Any potential noise created by future development will be regulated by the Municipal Code. During any site plan process, the appropriate buffering would be required to be provided, which lessens any potential visual impacts. City services should not be impacted, the residential lots would be served by North Weld County Water District for water and the proposed residential home would be allowed to be on septic, which is the current situation for the existing homes on the farm as well as several homes in the area. Police and Fire are already serving this area, since it is within the City of Greeley.

The proposal complies with this criterion.

- g) Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City’s Comprehensive Plan and comply with the applicable zoning overlay requirements?**

There is one zoning overlay requirement for the subject property (see Section E). The following City of Greeley Imagine Greeley Comprehensive Plan policies apply to this request.

Comprehensive Plan Policy Objective GC-6.3, Neighborhood Character

*Maintain, enhance, and protect the character of established neighborhoods while recognizing the need to established neighborhoods to evolve to meet community needs.*

Objective GC-2.2 Jobs/Housing Balance

*Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (or vice versa).*

Staff Comment: Approving the rezone would continue the rural character already established the area. It is typical to have family members live on the farm that they work on. If the rezone is not approved, the current homes may have problems getting loans for home improvements or additions, since residential uses are not allowed in the Industrial zone.

This request complies with these Comprehensive Plan policies.

- h) What is the potential impact of the proposed rezoning upon an approved Zoning Suitability Plan for the property?**

Staff Comment: Currently, there is not an approved Zoning Suitability Plan for the subject property. The proposed Zoning Suitability Plan submitted with this application demonstrates, on a conceptual level, that the site should be able to develop or be redeveloped in accordance with the Development Code (see Attachment F).

This request complies with this criterion.

## **F. PHYSICAL SITE CHARACTERISTICS**

### **1. SUBDIVISION HISTORY**

The property is not part of a subdivision at this time. Currently, the applicant is proposing to formally plat the property into three lots for the two existing residential dwellings, a lot for a future residential home, and create a tract for the larger industrial piece that is being used as farmland. The applicant has submitted a Minor Subdivision application, which is being reviewed concurrently with this rezone. Minor Subdivisions are reviewed and approved administratively.

**2. HAZARDS**

Staff is unaware of any potential hazards that presently exist on the site.

**3. WILDLIFE**

The subject site is not located in an area identified for moderate or high wildlife impacts. There are no known impacts that would occur to wildlife if the site is rezoned.

**4. FLOODPLAIN**

The proposed rezone boundary is not located within the 100-year floodplain or floodway, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

**5. DRAINAGE AND EROSION**

This rezone application did not require a drainage report to be submitted. The current drainage patterns would not change as a result of the rezone. Any future development or redevelopment would require a drainage report to be completed and submitted to the City of Greeley for review and approval, as part of the administrative Site Plan Review process.

**6. TRANSPORTATION**

As part of the minor subdivision process, 20 feet of additional right-of-way, for a total of 50 feet half right-of-way, would be dedicated on the CR 66 (AA Street) frontage and the N. 47th Avenue frontage. A reservation for an additional 10 feet of future right-of-way, for a total of 60 feet of half right-of-way would be provided on the CR 66 (AA Street) frontage.

A conceptual traffic report was not required to be submitted with the rezone. If the rezone is approved, a traffic memo or study will be required to be submitted with the administrative Site Plan Review process. The Public Works Department would review the traffic memo to determine if any modifications to the existing roadways would be warranted.

**G. SERVICES**

**1. WATER**

Water service is provided by North Weld county Water District. No water infrastructure is required to be constructed for service.

**2. SANITATION**

Sew service would be provided by the use of septic systems. Septic System Permits are managed by Weld County.

**3. EMERGENCY SERVICES**

The subject site is currently, and will continue to be, served by the City of Greeley Police Department and the City of Greeley Fire Department. Fire Station #3, is located approximately four miles to the southeast of the subject site.

**4. PARKS / OPEN SPACES**

No public parks or public open space areas are proposed with this request and the request would not be creating any private parks or open space. The proposed rezone should have little to no impact on parks or open space in the community.

**5. SCHOOLS**

No schools are proposed or located within the site.

**H. NEIGHBORHOOD IMPACTS**

**1. VISUAL**

No visual impacts are anticipated with the rezone request. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts.

**2. NOISE**

No noise impacts are anticipated with the rezone request. Any potential noise created by future development will be regulated by the Municipal Code.

**I. PUBLIC NOTICE AND COMMENT**

Neighborhood notices were mailed to a total of 14 surrounding property owners on March 1, 2022, per Development Code requirements (see Attachment G). A sign was posted on the site on March 2, 2022. To date, no comments have been received.

**J. MINERAL ESTATE OWNER NOTIFICATION**

Mineral notice is not required for a rezone request.

**K. PLANNING COMMISSION RECOMMENDED MOTION**

**Approval -**

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from the I-M (Industrial Medium Intensity) Zone District to the R-E (Residential Estate) and I-M (Industrial Medium Intensity) Zone District meets 1998 Development Code Section 24-625(c)(3) a, b, f, g, and h; and therefore, recommend approval of the rezone to the City Council.

**Denial -**

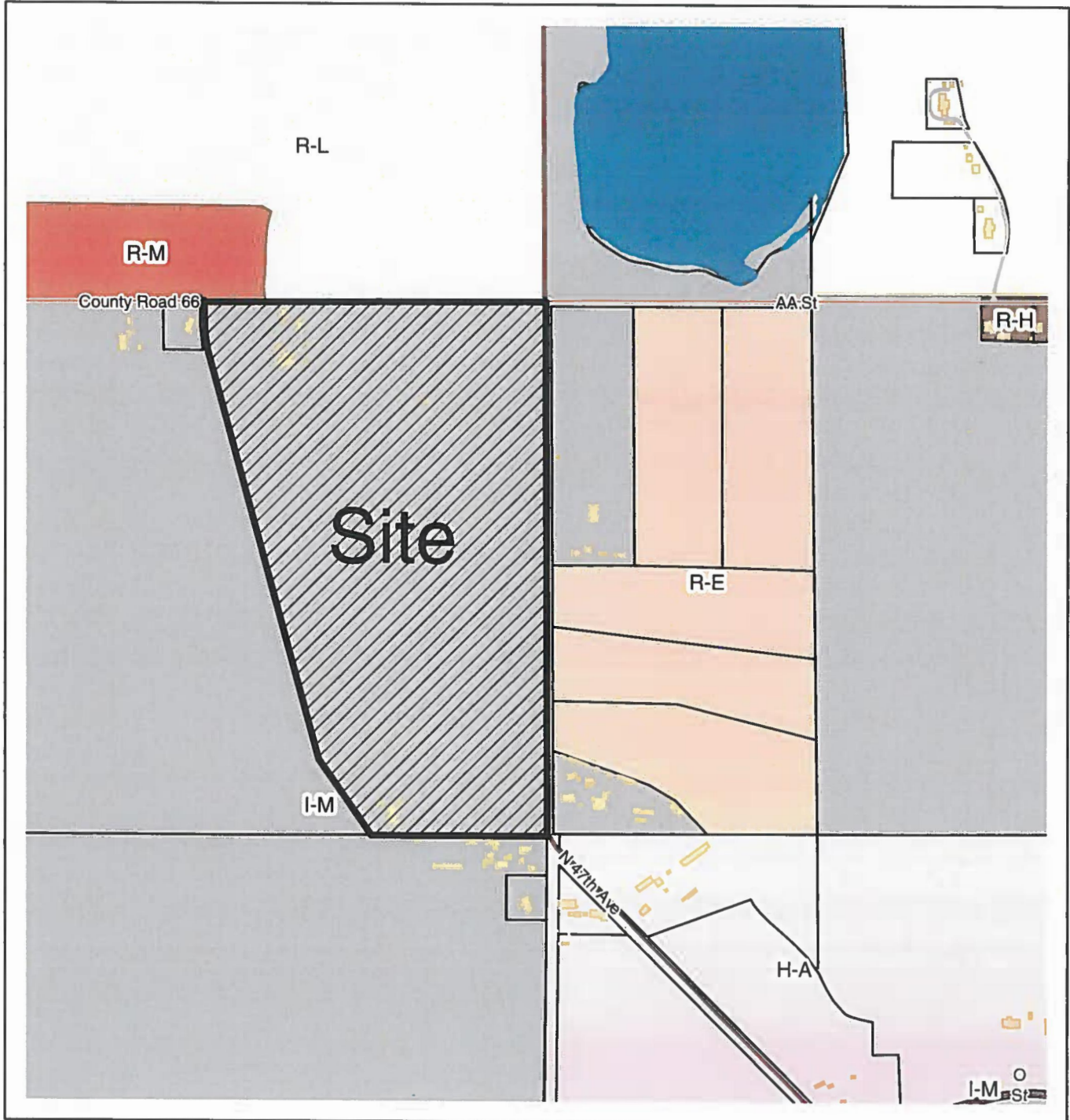
Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from the I-M (Industrial Medium Intensity) Zone District to the R-E (Residential Estate) and I-M (Industrial Medium Intensity) Zone District does not meet 1998 Development Code Section 24-625(c)(3) a, b, f, g, and h; and therefore, recommend denial of the rezone to the City Council.

**ATTACHMENTS**

- Attachment A - Zoning/Vicinity Map
- Attachment B - Photo Aerial Map
- Attachment C - Project Narrative
- Attachment D - Rezone Boundary Map
- Attachment E - Site Analysis Map
- Attachment F - Zoning Suitability Map
- Attachment G - Neighborhood Notification Boundary Map



# Zoning/Vicinity Map Leffler Rezone



ZON2021-0015

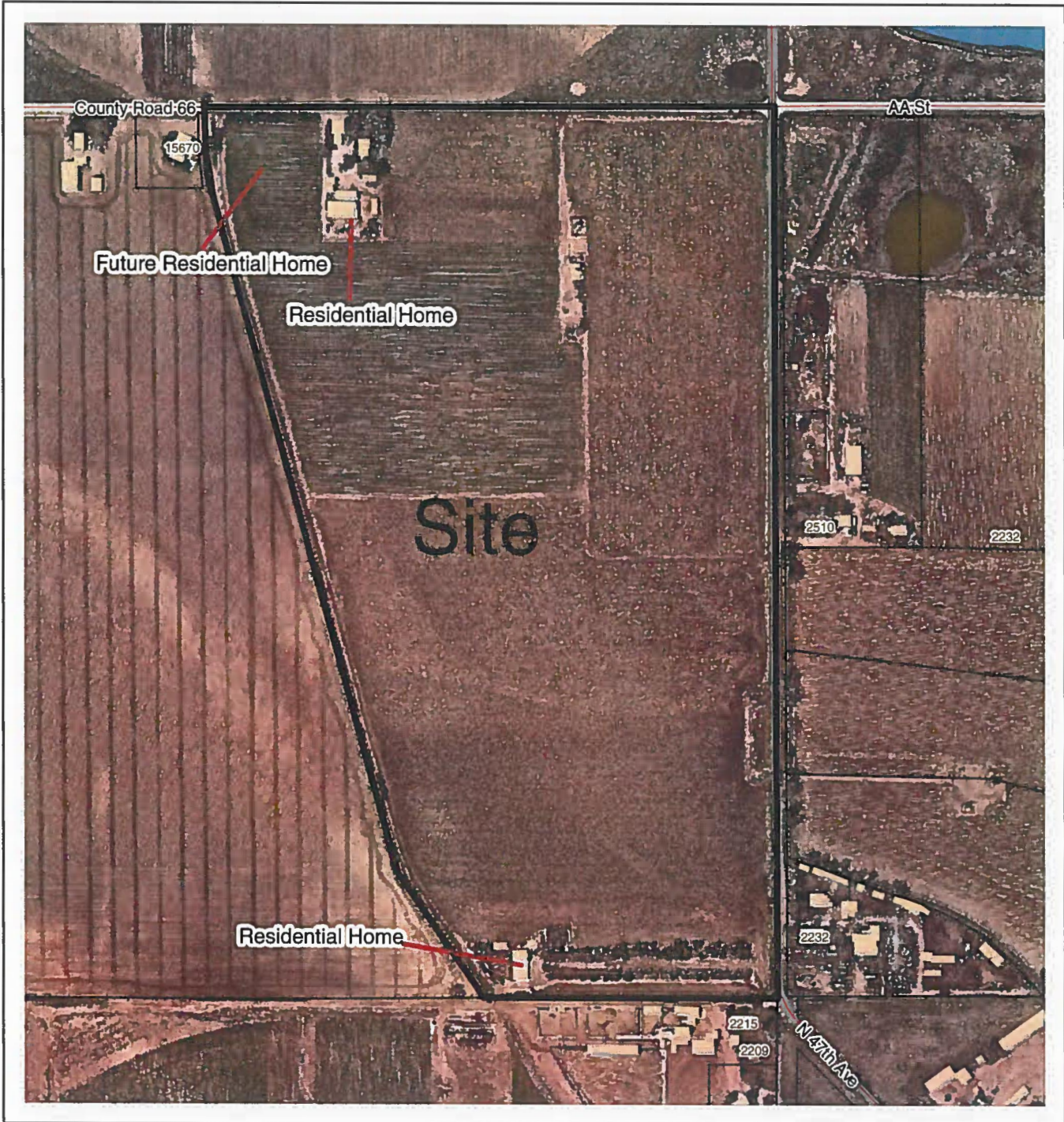
**Legend**

- Structure
- FEATURE\_SUBTYPE**
- Water Body
- Weld Parcels
- Road Centerline
- Roads



Item No. 12.

# Photo Aerial Leffler Rezone



ZON2021-0015

**Legend**

- Structure
- FEATURE\_SUBTYPE**
- Water Body
- Weld Parcels
- Road Centerline
- Roads
- Origin Cache Mask



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**LEFFLER MINOR SUBDIVISION AND REZONING PROJECT NARRATIVE – PAM 2020-0013 August 6, 2021**

This proposal is for a Minor Subdivision to split off 3 residential lots from an 82.62-acre parcel located in the NE ¼ of Sec 27, T6N, R66W of the Sixth Principal Meridian, and Rezoning the 3 lots from I-M to R-E. The proposed Leffler Minor Subdivision is shown on the accompanying Plat along with the Site Analysis Map, the Property Boundary Map, and the Zoning Suitability Map for the Rezoning. The existing parcel is zoned I-M and was annexed into the City of Greeley in 1982. The parcel continues to be farmed and this minor subdivision is not proposed to change the current farming operations.

The owners of the parcel are Phillip Leffler and Richard & Lois Leffler. There are two sets of existing improvements with residences occupied by the owners that will become Lot 2 and Lot 3 of the proposed subdivision. The Building Table on the Site Analysis Map provides a description of structures that now exist on the property. The residence (B) and the cellar/wood garage (A) on Lot 2 have significant structural and functional issues and the current plan is that they will be demolished. It is Phillip's plan to build a new residence on Lot 1. Lot 1 at the northwest corner of the farm cannot be irrigated with the center pivot sprinkler that was installed in 2020. Constructing a residence would be the best use of this corner. Placing a residence on the corner of a farm created by the addition of a center pivot sprinkler is a common practice throughout Weld County and other agricultural areas of the country. This proposed minor subdivision would be very compatible with recent subdivisions that have been approved on the farms directly east and north of the Leffler farm. (See the Zoning Suitability Map) A new home was constructed on the farm to the north in recent years and lots are now being developed and are for sale in the Svetlov Minor Replat development east of the Leffler farm. There is also a house located on a lot that was split from the farm just to the west of proposed Lot 1 of the Leffler Minor Subdivision.

Several meetings with City of Greeley staff in the Planning and Engineering departments were very helpful for providing guidance related to current City policies and procedures that would be most appropriate to meet the owners proposed plans for the Leffler Farm. The proposed Leffler Minor Subdivision would have minimal impact on the current and future residents of the properties adjacent to the Proposed Leffler Minor Subdivision. Phillip will continue to farm Lot 4, raising feed for dairies in the area. Richard & Lois will continue to raise vegetables and a few animals on Lot 3 as they have for many years. There has been interest expressed by parties looking for light industrial land to develop in the vicinity of the Leffler farm and the owners are willing to consider this option at some point in the future. The owners have also been approached by parties interested in placing conservation easements on the property in order to preserve the opportunity to make use of the existing water rights attached to the property. Creating the proposed three residential lots on this property would not preclude future light industrial development or placing a conservation easement on the property and the owners are open to either option.

Both of the existing residences are served potable water by the North Weld County Water District. The ¾" tap serving Lot 2 has a credit of 2.0 acre-feet of water because it had served a small dairy barn and feed lot in the past. The ¾" tap serving Lot 3 has a credit of 0.5 acre-feet of water. The average use for each of these taps has been less than 3,000 gallons per month since there is raw water irrigation available for landscape needs. Since Phill is proposing to build a new house on Lot 1, we would want to move the existing tap from Lot 2 to Lot 1.

We are proposing to create 3 residential lots as shown on the attached map. As discussed with Mr. Derek Hannon in the Water & Sewer Department and his indication that this was acceptable, we would propose to allocate the available water credits as follows:

- 1 acre-foot to Lot 1
- 0.5 acre-feet to Lot 2
- 1 acre-foot to Lot 3

As provided for in Section 14.06.080 - Exception for large parcel single-family residential - of the recently adopted standards for water dedications, we would place a note on the plat indicating that the domestic taps for Lots 1, 2 and 3 would serve only the residence and limited area adjacent to the house and would specify the allowable water usage would be less than 1 acre-foot per lot. With these limitations the water credits for Lots 1 and 3 would be satisfied. If and when there is a request to activate a tap on Lot 2, that owner would have to dedicate an additional 0.5 acre-foot or amend the plat to restrict the usage for that lot to no more than 0.5 acre-foot.

The existing residences on Lots 2 and 3 are served by adequately functioning septic systems. The proposed lots in the Leffler Minor Subdivision will have a minimum gross area of 2.5 acres. This would allow adequate room for a replacement septic system and leach field on each lot if it were ever required.

The only impact to the existing transportation system that would result from the approval of this proposed minor subdivision would be the possibility of a few added small vehicle trips if a third residence was added to the property. There are currently well over 1,000 trips per day going through the intersection of AA Street (CR 66) and N 47<sup>th</sup> Ave (CR 33) according to traffic counts obtained from Weld County Public Works. The addition of approximately 10 trips per day generated by a typical residence would be insignificant considering the current number of vehicle trips on the streets adjacent to this property. The access points are all existing accesses and are shown on the Zoning Suitability Map.

There would be no noticeable adverse storm water runoff impacts to any adjacent properties resulting from the approval and development of this proposed Leffler Minor Subdivision. The western boundary of the property is the LaGrange Lateral that runs along a ridge that prevents any off-site runoff from entering the property from the west. Drainage ditches and AA Street along the northern boundary prevent runoff from the north from entering the property, except for occasional flows that have occurred when the drainage culvert at the north side of AA Street plugs and prevents that runoff from continuing east across WCR33 where it normally would run. The property to the east of N 47<sup>th</sup> Ave slopes generally to the south and east with no water backing up across N 47<sup>th</sup> Ave. The property to the south also slopes generally to the south and east except for part of the yard at the northeast corner that drains east to N 47<sup>th</sup> Ave. The Leffler farm slopes generally to the south and east and drains into a tailwater pond located near the southern end of the farm and adjacent to N 47<sup>th</sup> Ave. There has been no gravity discharge point for runoff from this farm during the more than 30 years we have owned it, and, from conversations with the two farmers who farmed the land for at least 20 years prior to that, no discharge they knew of. We were told that before N 47<sup>th</sup> Ave (WCR33) was raised and paved, runoff would sometimes cross the road and flow southeast towards the Poudre River. We have never seen runoff overtop N 47<sup>th</sup> Ave even while irrigation has been taking place during the heaviest rains. At 6:15

PM on July 2, 2021, following the heavy downpour, I took the following photo of the tailwater pond, looking north along the west side of N 47<sup>th</sup> Ave. Nearby rain gauges had recorded more than 2" of rain that afternoon. Other reports in the Greeley area that day were for considerably more than 2". The fields were well irrigated by the sprinkler running regularly for several weeks before this rain, so the soil was moist before this event.



As you can see by the high-water level mark around the power pole along N 47<sup>th</sup> Ave following this intense rainfall event was well below the shoulder of the road. Before runoff would overtop the road, it would back up and pond in the field to the west of the pond. Two of the three residential lots proposed to be created by this proposed minor subdivision are already developed and used as part of the farming operations. The impact on runoff that the addition of one residence in the 82 plus acres in this drainage basin would be insignificant.

As shown on the Zoning Suitability Map, and as described in the preceding paragraphs, the proposed Leffler Minor Subdivision and Rezoning is very compatible with existing and proposed land uses for the area. It is consistent with the Vision Statement and applicable Core Values contained in the City of Greeley Comprehensive Plan adopted earlier this year. As encouraged in Objective GC-1.2, this development is located within the boundaries of previously approved residential development in an area annexed in 1982 and is not leap-frog development. Objective GC-1.4 states that development north of the Cache la Poudre River is desirable. This plan promotes ongoing agricultural uses as proposed in

Objective NR-2.8. It fits well with the description of a Rural Neighborhood in the North Annexation Area with the transition to agricultural lands while allowing for future commercial or light industrial uses as noted in Goal IMP GC-1.2. There is also the opportunity for a conservation easement to maintain open space and encourage cooperative use of valuable water resources. This would include non-potable water use as mentioned in Goal IMP NR 1.5. In summary, this proposed Leffler Minor Subdivision and Rezoning allows long-time residents of Greeley to make reasonable improvements and productive use of their property and natural resources while complying with the City of Greeley's plans for future development in the North Greeley Annexation Area.

The owners of this property are proposing that conditions placed on the approval of the Leffler Minor Subdivision and/or Rezoning would include an agreement that the existing center pivot sprinkler would not have to be relocated unless and until the physical widening of N 47<sup>th</sup> Ave, centered on the section line, would require it to be moved. The owners would also agree to a condition that any residential lots within this property would be a minimum of 2.5 gross acres in size. The City of Greeley's consideration of this proposal is much appreciated.

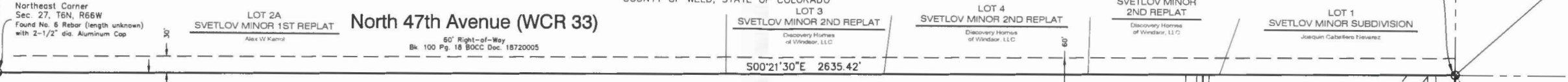
Submitted by: Richard L Leffler, Colorado P.E. #13642

# LEFFLER REZONE - PROPERTY BOUNDARY MAP

**SUBDIVIDER / OWNER:**  
Philip Leffler  
Richard & Lois Leffler  
15756 County Road 66  
Greely, Colorado 80631

**SURVEYOR:**  
Intermill Land Surveying, Inc.  
Steven J. Stancel, PLS  
1301 North Cleveland Avenue  
Loveland, Colorado 80537

PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF WELD, STATE OF COLORADO



**ABBREVIATION LEGEND**

N: North	RA: Residential Access	WV: Water Valve	LS: Land Surveyor
S: South	RCP: Reinforced Concrete Pipe	IRR: Irrigation	DOC: Document
E: East	SLP: Steel Pipe	PEG: Pivot End Gun	BOCC: Board of County Commissioners
W: West	PVC: Polyvinyl Chloride Pipe	BOV: Air Valve	
C: Center	DIA: Diameter	±: Plus or Minus	Sec. T N R W
⊕: Centerline	BK: Book	REC: Reception	Section Township Range
PG: Page		NO: Number	

**ZONING AREA DESCRIPTIONS:**

Existing Zoning is City of Greely I-M (Industrial Medium Intensity) for the entire property being that part of the Northeast Quarter of Section 27, Township 6 North, Range 66 West of the Sixth Principal Meridian lying East of LaGrange Lateral.

Proposed Zoning for Lots 1, 2 and 3 of the Leffler Minor Subdivision is City of Greely R-E (Residential Estate). [shaded area]  
Total area being rezoned is 347,878 square feet or 7.99 acres, ±

Proposed Zoning for Tract A of Leffler Minor Subdivision is to remain as City of Greely I-M (Industrial Medium Intensity).

**SUBJECT PROPERTY**

ROW Included  
3,598,893 Square Feet or 82.62 Acres, ±

ROW Not Included  
3,386,105 Square Feet or 77.73 Acres, ±

**TRACT A**

Existing Zoning:  
City of Greely I-M  
Proposed Zoning:  
City of Greely I-M

ROW Included  
3,218,157 Square Feet  
or 73.83 Acres, ±

ROW Not Included  
3,038,257 Square Feet  
or 69.75 Acres, ±

**LINE TABLE**

Line	Direction	Length
L1	N241°4'01"W	25.52'
L2	N00°43'49"W	27.46'

**LINE LEGEND**

- Adjoining Property Line
- Boundary Line
- Centerline
- Easement Line
- Lot Line
- Right-of-Way Line (existing)
- Right-of-Way Line (future)
- Section Line

**LEGEND**

- = Set No. 4 Rebar (18" in length) with 1" diameter Red Plastic Cap stamped LS 30462
- = Calculated corner

**SURVEYOR'S CERTIFICATE:**

I, Steven John Stancel, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the Professional Engineers and Professional Land Surveyors, and Weld County.

FOR AND ON BEHALF OF:  
INTERMILL LAND SURVEYING, INC.  
1301 N. Cleveland Ave.  
Loveland, CO 80537  
970-669-0516

Steven John Stancel  
C.O. LS 30462  
Date:

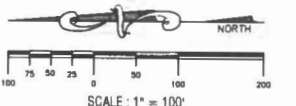


**STATEMENT OF BEARINGS STATEMENT:** Bearings are based on the North line of the Northeast Quarter of Section 27, Township 6 North, Range 66 West of the Sixth Principal Meridian being monumented at the North Quarter corner by a No. 6 Rebar with a 2-1/2" diameter Aluminum Cap stamped LS 30462 and at the Northeast corner of Section 27 by a No. 6 Rebar with a 2-1/2" diameter Aluminum Cap stamped PLS 38230 as having an assumed bearing of N89°55'11"E a distance of 2679.56' with all bearings contained herein relative thereto.

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

**HORIZONTAL CONTROL:**

Horizontal control was based upon GPS observations at the North Quarter Corner of Sec. 27, T6N, R66W as having an assumed coordinate of 10000, 10000.



DATE: 09.13.2021

BY: LHB

REVISIONS:

NO.	DATE	DESCRIPTION
1	09.13.2021	Initial Survey
2	11.09.2021	Comments
3	11.09.2021	Comments
4	09.13.2021	Comments

Address: Road 3, Comments  
Address: Road 7, Comments  
Address: Road 1, Comments

**INTERMILL LAND SURVEYING, INC.**  
1301 NORTH CLEVELAND AVENUE  
LOVELAND, COLORADO 80537  
BUS: (970) 669-0516

CLIENT: Philip Leffler & Richard Leffler  
15756 County Road 66  
Greely, Colorado 80631

Leffler Rezone Case ZON2021-0015  
Part of the Northeast Quarter, Sec. 27, T6N, R66W, 6th P.M.  
Weld County, Colorado

DRAWN BY: LHB

CHECKED BY: SJS

APPROVED BY: SJS

DATE: 09.13.2021

SCALE: 1" = 100'

PROJECT NO: P-21-9084

SHEET	OF
1	1

# LEFFLER REZONE - SITE ANALYSIS MAP

**SUBDIVIDER / OWNER:**  
Philip Leffler  
Richard & Lois Leffler  
15756 County Road 66  
Greeley, Colorado 80631

**SURVEYOR:**  
Intermill Land Surveying, Inc.  
Steven J. Stencel, P.L.S.  
1301 North Cleveland Avenue  
Loveland, Colorado 80537

### CONTOUR NOTE:

2' contours scaled from City of Greeley  
2013 topographic data available on the  
City's Geographic Information Systems  
web page.

PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
COUNTY OF WELD, STATE OF COLORADO

North 47th Avenue (WCR 33)

### LINE LEGEND:

- Adjoining Property Line
- Boundary Line
- Centerline
- Easement Line
- Lot Line
- Right-of-Way Line (existing)
- Section Line
- Overhead Utility Line
- Pivot End Gun Circle
- Buried Electric Line
- Telephone Line
- Chevron DI Pipeline
- DCP --- DCP Midstream DI Pipeline
- PDC DI Pipeline, Removed
- Buried Pivot Supply Line
- Contour Major
- Contour Minor
- 4" Plastic Natural Gas Line
- 1.25" Natural Gas Service Line
- 6" Water Line
- 4" Water Line
- 1" Water Service Line
- Vegetation Area

### LEGEND:

- Set No. 4 Rebar (18" in length) with 1" diameter Red Plastic Cap stamped LS 30462
- Calculated corner
- Telephone Riser
- Power Pole
- Electric Meter
- Telephone Vault
- Water Meter
- Overhead Transformer
- Power Pole with Electric Meter
- 1.42% --- Drainage Slope

### SUBJECT PROPERTY

ROW Included  
3,598,893 Square Feet or 82.62 Acres, ±

ROW Not Included  
3,386,105 Square Feet or 77.73 Acres, ±

### Building Table

ID	Building Information	ID	Building Information
A	Wood Garage	G	16 2'x21.1' Garage
B	28 2'x46.7' House	H	14 3'x24.2' Garage
C	11.7'x22.1' Chicken Coop	J	36 2'x80 2' Two-Story House and Metal Shop with Basement
D	8.4'x16.3' Shed	K	10'x16' Shed
E	19 2'x59.9' Wood Garage	L	9 9'x35.3' Lean-To
F	40 2'x80.4' Steel Shop		

### LINE TABLE

Line	Direction	Length
L1	N24°4'01"W	25.52'
L2	N00°43'49"W	27.46'

### UTILITY NOTE:

Intermill Land Surveying relied upon field survey information and maps provided through both public and private utilities as a result of 811 Ticket A108500428-00A. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the utilities shown are in the exact location indicated, although the surveyor does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. Field locate of all utilities is recommended prior to any construction activity.

### TRACT A

Existing Zoning: City of Greeley I-M  
Proposed Zoning: City of Greeley I-M

ROW Included  
3,218,157 Square Feet or 73.83 Acres, ±

ROW Not Included  
3,038,257 Square Feet or 69.75 Acres, ±

LaGrange Lateral

### SURVEYOR'S CERTIFICATE:

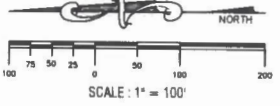
I, Steven John Stencel, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plot was made under my personal supervision, and that this plot is an accurate representation thereof. I further certify that the survey and this plot complies with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.

FOR AND ON BEHALF OF  
INTERMILL LAND SURVEYING, INC.  
1301 N. Cleveland Ave.  
Loveland, CO 80537  
970-689-0516

Steven John Stencel  
Cada LS 30462  
Date:



**BASIS OF BEARINGS STATEMENT:** Bearings are based on the North line of the Northeast Quarter of Section 27, Township 6 North, Range 66 West of the Sixth Principal Meridian being monumented at the North Quarter corner by a No. 6 Rebar with a 2-1/2" diameter Aluminum Cap stamped LS 30462 and at the Northeast corner of Section 27 by a No. 6 Rebar with a 2-1/2" diameter Aluminum Cap stamped PLS 38230 as having an assumed bearing of N89°55'11"E a distance of 2679.56' with all bearings contained herein relative thereto.



**STATEMENT OF LINEAR UNITS USED:**  
Linear Units Used for this survey - U.S. Survey Feet

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

DATE: 11.19.2021

BY: LHB

REVISIONS:

NO.	DATE	DESCRIPTION
1	11.19.2021	Initial Survey
2	11.19.2021	Final Map
3	11.19.2021	Final Map

**INTERMILL LAND SURVEYING, INC.**  
1301 NORTH CLEVELAND AVENUE  
LOVELAND, COLORADO 80537  
BUS (970) 689-0516

**CLIENT:**  
Leffler Rezone Case ZON2021-0015  
Part of the Northeast Quarter, Sec. 27, T6N, R66W, 6th P.M.,  
Weld County, Colorado

**CLIENT:**  
Phillip Leffler & Richard Leffler  
15756 County Road 66  
Greeley, Colorado 80631

**TITLE:**  
Leffler Rezone Case ZON2021-0015  
Part of the Northeast Quarter, Sec. 27, T6N, R66W, 6th P.M.,  
Weld County, Colorado

DRAWN BY: LHB

CHECKED BY: SJS

APPROVED BY: SJS

DATE: 11.19.2021

SCALE: 1" = 100'

PROJECT NO: P-21-9084

SHEET	OF
1	1

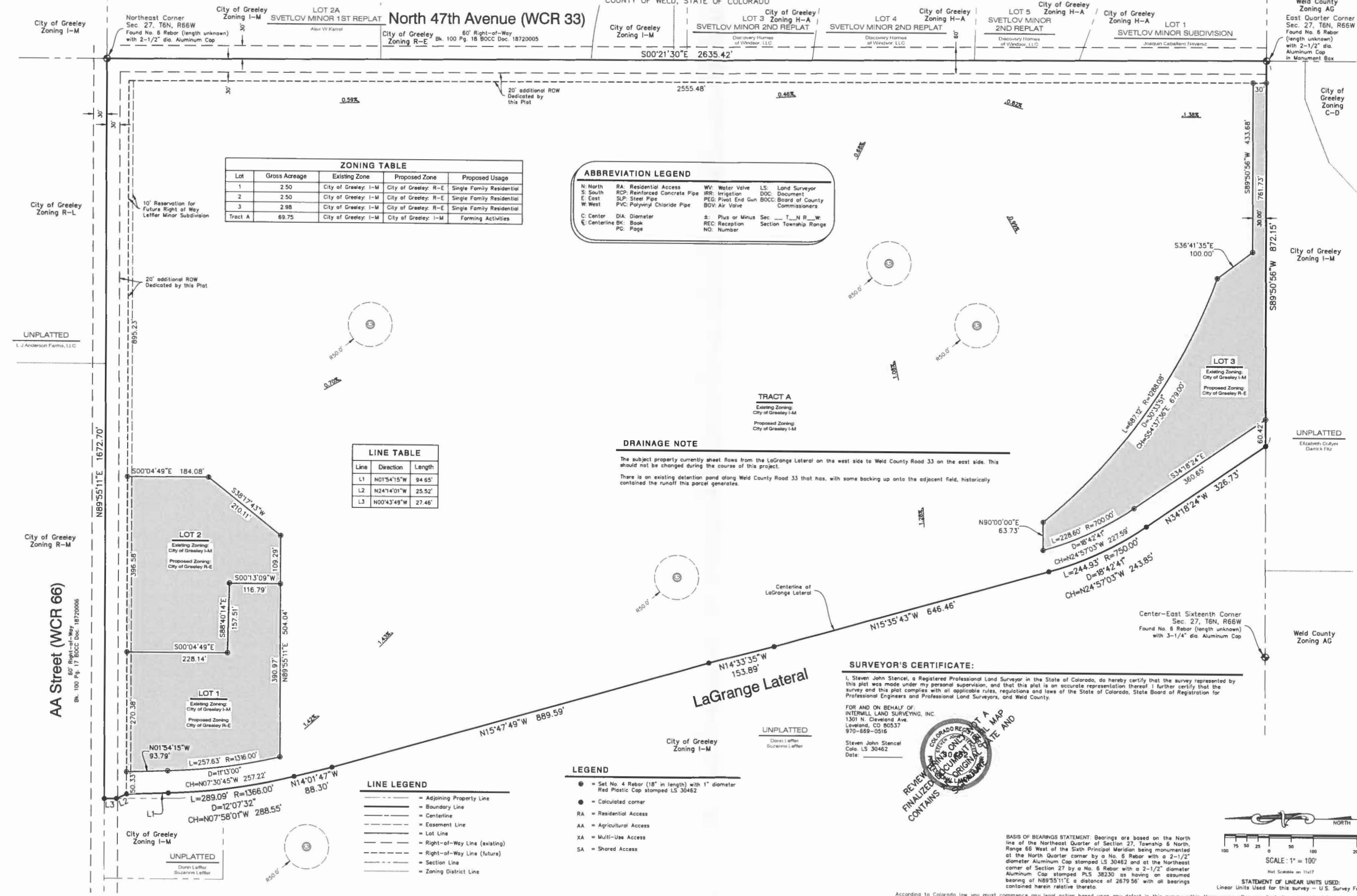


**SUBDIVIDER / OWNER:** Philip Leffler, Richard & Lois Leffler, 15756 County Road 66, Greeley, Colorado 80631

**SURVEYOR:** Intermill Land Surveying, Inc., Steven J. Stencel, PLS, 1301 North Cleveland Avenue, Loveland, Colorado 80537

# LEFFLER REZONE - ZONING SUITABILITY MAP

PART OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO



Lot	Gross Acreage	Existing Zone	Proposed Zone	Proposed Usage
1	2.50	City of Greeley: I-M	City of Greeley: R-E	Single Family Residential
2	2.50	City of Greeley: I-M	City of Greeley: R-E	Single Family Residential
3	2.98	City of Greeley: I-M	City of Greeley: R-E	Single Family Residential
Tract A	69.75	City of Greeley: I-M	City of Greeley: I-M	Farming Activities

ABBREVIATION LEGEND			
N: North	RA: Residential Access	WV: Water Valve	LS: Land Surveyor
S: South	RCP: Reinforced Concrete Pipe	IRR: Irrigation	DOC: Document
E: East	S/P: Steel Pipe	PEG: Point End Gun	BOCC: Board of County Commissioners
W: West	PVC: Polyvinyl Chloride Pipe	BDV: Air Valve	
C: Center	DIA: Diameter	±: Plus or Minus	Sec: Section
E: Centerline	BK: Book	REC: Reception	T: Township
PG: Page		NO: Number	R: Range

Line	Direction	Length
L1	N01°54'15"W	94.65'
L2	N24°14'01"W	25.52'
L3	N00°43'49"W	27.46'

**DRAINAGE NOTE**

The subject property currently sheet flows from the LaGrange Lateral on the west side to Weld County Road 33 on the east side. This should not be changed during the course of this project.

There is an existing detention pond along Weld County Road 33 that has, with some backing up onto the adjacent field, historically contained the runoff this parcel generates.

**SURVEYOR'S CERTIFICATE:**

I, Steven John Stencel, a Registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented by this plat was made under my personal supervision, and that this plat is an accurate representation thereof. I further certify that the survey and this plat comply with all applicable rules, regulations and laws of the State of Colorado, State Board of Registration for Professional Engineers and Professional Land Surveyors, and Weld County.

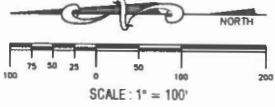
FOR AND ON BEHALF OF:  
INTERMILL LAND SURVEYING, INC.  
1301 N. Cleveland Ave.  
Loveland, CO 80537  
970-689-0516

Steven John Stencel  
Colo. LS 30462  
Date:



LEGEND	
●	Set No. 4 Rebar (18" in length) with 1" diameter Red Plastic Cap stamped LS 30462
○	Calculated corner
RA	Residential Access
AA	Agricultural Access
XA	Multi-Use Access
SA	Shared Access

LINE LEGEND	
---	Adjoining Property Line
---	Boundary Line
---	Centerline
---	Easement Line
---	Lot Line
---	Right-of-Way Line (existing)
---	Right-of-Way Line (future)
---	Section Line
---	Zoning District Line



**STATEMENT OF LINEAR UNITS USED:**

Linear Units Used for this survey - U.S. Survey Feet

Not Suitable on 11x17"

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

DATE:	BY:	REVISIONS:
12.27.2021	LHB	
11.09.2021	LHB	
09.13.2021	LHB	

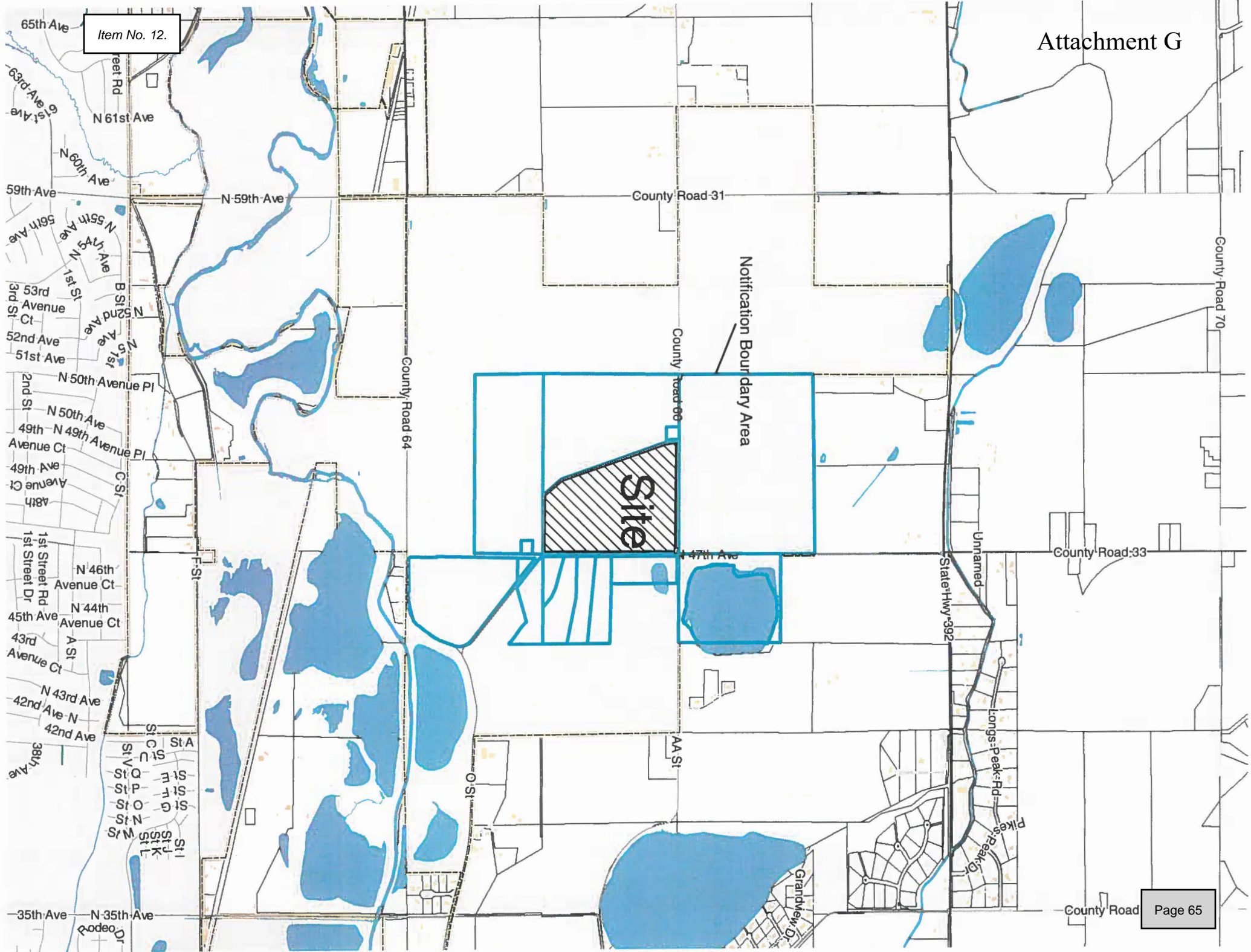
**INTERMILL LAND SURVEYING, INC.**  
1301 NORTH CLEVELAND AVENUE  
LOVELAND, COLORADO 80537  
BUS: (970) 689-0516

**CLIENT:** Phillip Leffler & Richard Leffler  
15756 County Road 66  
Greeley, Colorado 80631

**TITLE:** Leffler Rezone Case ZON2021-0015  
Part of the Northeast Quarter, Sec. 27, T6N, R66W, 6th P.M., Weld County, Colorado

DRAWN BY:	
LHB	
CHECKED BY:	
SJS	
APPROVED BY:	
SJS	
DATE:	
11.19.2021	
SCALE:	
1" = 100'	
PROJECT NO.:	
P-21-9084	
SHEET:	
1	1

Item No. 12.



# Council Agenda Summary

April 5, 2022

Key Staff Contact: Stacey Aurzada, Interim City Clerk, 970-350-9742

## Title:

Introduction and first reading of an Ordinance amending and repealing portions of the City of Greeley Municipal Code, all correcting the codification of the entire permanent code to accurately reflect the intent of ordinances passed in the City of Greeley

## Summary:

The City contracts with a specialized publisher, MuniCode Corporation ("MuniCode"), to consolidate the City's general legislation and organize it by topics into a Code of Ordinances – also referred to as the Code or Greeley Municipal Code. This process, called codification, also includes the addition of frequent changes, or supplementation, as changes are made to the Code through Council's adoption of new ordinances.

Recodification of the Municipal Code is completed periodically. In 2018, the City contracted with MuniCode to review and recodify the Municipal Code. Pursuant to this contract, MuniCode was to review and identify:

1. conflicts, inconsistencies, and obsolete provisions in the Municipal Code in connection with Colorado state statutes;
2. conflicts and redundancies with the Charter;
3. internally conflicting provisions and redundancies; and
4. potentially unconstitutional provisions.

In addition, MuniCode was to recommend and implement organizational improvements of sections and chapters.

The recodification was completed by MuniCode in early 2021. The City Council adopted the recodified Municipal Code on April 6, 2021. Shortly after the recodified Municipal Code was adopted, City staff members began to identify errors in the Code. Examples of the errors are erroneous omission of previously adopted ordinances, scrivener's errors, inappropriate Code language, duplicating Code sections when not necessary, and erroneous inclusion of repealed Code sections.

The City Attorney's Office compiled a log of the identified errors and conducted a review of ordinances from 2018 to 2021 to ensure all adopted ordinances were contained within the Municipal Code. The ordinance before Council is intended to correct the errors that have been discovered to date. Additional corrections may be necessary in the future and may require adoption of additional corrective ordinances by the City Council.

**Fiscal Impact:**

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	The City Clerk's office budgets funds to codify ordinances that Council passes every year, so there are funds available to codify this ordinance. However, the City Clerk's office and the City Attorney's Office have been negotiating with MuniCode to identify and correct errors from the recodification. MuniCode has indicated that they will fix errors without charging typical supplementation costs, and a formal agreement is forthcoming

**Legal Issues:**

Consideration of this matter is a legislative process.

Negotiations with MuniCode related to supplementation costs and editorial review are on-going.

**Other Issues and Considerations:**

None.

**Strategic Work Program Item or Applicable Council Priority and Goal:**

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

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

**Decision Options:**

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

**Council's Recommended Action:**

A motion to introduce the ordinance and schedule the public hearing and second reading for April 19, 2022.

**Attachments:**

- Ordinance
- Appendix A

**CITY OF GREELEY, COLORADO  
ORDINANCE NO. \_\_\_\_, 2022**

**AN ORDINANCE AMENDING AND REPEALING PORTIONS OF THE  
CITY OF GREELEY MUNICIPAL CODE, ALL CORRECTING THE CODIFICATION  
OF THE ENTIRE PERMANENT CODE TO ACCURATELY REFLECT THE INTENT OF  
ORDINANCES PASSED IN THE CITY OF GREELEY**

WHEREAS, the City of Greeley, Colorado, (the "City"), pursuant to Article XX, Section 6 of the Colorado Constitution, has the right to enact, administer and enforce ordinances pursuant to the constitutional grant of power to the City; and

WHEREAS, the City adopted Ordinance No. 12, 2021 on April 6, 2021, pursuant to Charter section 3-20, and codified the entire body of permanent ordinances; and

WHEREAS, during the codification process of the Greeley Municipal Code, errors were made and sections of the code do not accurately reflect the intent of City Council when enacting individual ordinances in the past.

WHEREAS, more specifically, the errors included omitting the language of several ordinances adopted in 2019, scrivener's errors, adjustments to the language that affected the intended meaning of the code, duplicating code sections when not necessary, and inserting code sections that had been previously repealed.

WHEREAS, the corrections contained herein accurately reflect the Greeley Municipal Code as intended by City Council.

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

Section 1: Chapter 6, Ordinances, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 2: Section 1-176 of Chapter 7, Arrest, Prosecution and Sentences, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 3: Section 2-186 of Chapter 4, Contracts, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 4: Section 1-229 of Chapter 9, General Penalty, of Title 1, General Provisions, shall be amended as shown in Appendix A.

Section 5: Section 2-149 of Chapter 3, City Council, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 6: Section 2-461, Chapter 6, Contracts with Other Governmental Bodies, of Title 2, Administration and General Government, is hereby repealed.

Section 7: Section 2-481, Chapter 7, Administrative Hearing Officer and Parking Referee, of Title 2, Administration and General Government, is hereby repealed.

Section 8: Section 2-916 of Article I, Generally of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 9: Section 2-947, Article II, Municipal Judge and Staff of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 10: Section 2-1026 of Chapter 12, Administrative Hearing Officers, of Title 2, Administration and General Government, shall be amended as shown in Appendix A.

Section 11: Section 6-486 of Article III, Source Selection and Contract Information, Chapter 6, Purchasing, of Title 6, Revenue and Finance, shall be amended as shown in Appendix A.

Section 12: Section 8-435 of Article I, Local Licensing Authority, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 13: Section 8-469 of Article II, Licenses, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 14: Section 8-498 of Article III, General Provisions; Unlawful Acts, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, is hereby repealed.

Section 15: Section 8-554 and 8-55 of Article V, Beer, Wine and Spirituous Liquor Tastings, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended as shown in Appendix A.

Section 16: Sections 10-53 and 10-54 of Chapter 3, Violations, of Title 10, Animals, shall be amended as shown in Appendix A.

Section 17: Sections 12-190, 12-191 and 12-207 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, shall be amended as shown in Appendix A.

Section 18: 12-207 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, is hereby repealed.

Section 19: Section 14-293 of Chapter 9, Offenses Against Property, of Title 14, Criminal Conduct and Offenses, shall be amended as shown in Appendix A.

Section 20: Section 16-262 of Article VIII, Pedestrians, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, is hereby repealed.

Section 21: Section 16-391 of Article XII, Traffic Infractions Related to Parking, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 22: Section 16-476 of Article XIV, Other Offenses, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 23: Sections 16-601, 16-604 and 16-610 of Article XVIII, Towing and Storage, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 24: Sections 16-670, 16-671, 16-678, 16-679 and 16-683 of Chapter 2, Parking Infractions, of Title 16, Vehicles and Traffic, shall be amended as shown in Appendix A.

Section 25: Sections 18-305, 18-306 and 18-310 of Chapter 4, Parks, of Title 18, Streets, Sidewalks and Public Places, shall be amended as shown in Appendix A.

Section 26: Section 20-29 of Chapter 2, Water and Sewer Administration, of Title 20, Public Works and Utilities, is hereby repealed.

Section 27: Section 20-123 of Division 1, In General, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 28: Sections 20-152 and 20-153 of Division 2, Fees, Costs and Collection, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 29: Section 20-327 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 30: Title of Article VII and sections 20-563 and 20-567 of Division 1, In General, Article VII, Storm Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 31: Title of Article VII and Sections 20-588, 20-589 and 20-592 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 32: Sections 20-621, 20-626, 20-633, 20-637 and 20-639 of Chapter 4, Stormwater Management Program, of Title 20, Public Works and Utilities, shall be amended as shown in Appendix A.

Section 33: Sections 22-44 of Chapter 2, Building Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 34: Sections 22-47 and 22-48 of Chapter 2, Building Code, of Title 22, Buildings and Construction, is hereby repealed.

Section 35: Sections 22-95, 22-96 of Chapter 3, Residential Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 36: Sections 22-241 of Chapter 6, Existing Building Code, of Title 22, Buildings and Construction, is hereby repealed.

Section 37: Sections 22-314, 22-316, 22-317 and 22-318 of Chapter 9, Plumbing Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 38: Sections 22-463 and 22-464 of Chapter 12, Fire Code, of Title 22, Buildings and Construction, shall be amended as shown in Appendix A.

Section 39: This ordinance shall become effective on the fifth day following its final publication as provided by Section 3-16 of the Greeley City Charter. Upon its effective date, the ordinance shall retroactively be in full force and effect from the date of May 11, 2021, which is the date Ordinance No. 12, 2021 became effective.



**PASSED AND ADOPTED, SIGNED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 2022.**

**ATTEST**

**CITY OF GREELEY, COLORADO**

\_\_\_\_\_  
**Interim City Clerk**

\_\_\_\_\_  
**Mayor**

**APPENDIX A**

AN ORDINANCE AMENDING AND REPEALING PORTIONS OF THE CITY OF GREELEY MUNICIPAL CODE, ALL CORRECTING THE CODIFICATION OF THE ENTIRE PERMANENT CODE TO ACCURATELY REFLECT THE INTENT OF ORDINANCES PASSED IN THE CITY OF GREELEY

Section 1: Chapter 6, Ordinances, of Title 1, General Provisions, shall be amended to read as follows:

Sec. 1-145. Adoption of codes by reference.

The following shall be the only requirements necessary to adopt any code by reference by the city:

(1) The title of the adopting ordinance shall specify the general name of the primary code and every secondary code adopted.

(2) Not less than three copies of the primary code and of each secondary code shall be on file with the City Clerk from the date the proposed ordinance is passed on first reading. Following the adoption of such codes, copies shall be available at the City Clerk's office, to be purchased by the public at a cost as set in accordance with section 1-38 of this title.

(3) The adopting ordinance shall be adopted and published as other ordinances of the city, except that the provisions of the codes need not be published or read at the city council meeting. At least three copies of such codes shall be available for inspection or reading at the city council meetings when the adopting ordinance is voted upon.

(34) The adopting ordinance shall specify when it will be on the city council agenda for passage the second time and this shall be considered the public hearing concerning the code or codes to be adopted.

(45) Amendments to such codes shall be made in the same manner as the adoption of such codes.

Sec. 1-146. Procedure for passage.

The following procedure for enactment of ordinances shall be followed:

(1) The ordinance shall be introduced at any regular or special meeting of the City Council by any member thereof.

(2) The reading of an ordinance shall consist only of reading the title thereof; provided, that copies of the full ordinance proposed shall have been available in the office of the City Clerk at least forty-eight (48) hours prior to the time such ordinance is introduced for each member of the City Council, and for inspection and copying by the general public; and provided further that a majority of the City Council may request that an ordinance be read in full at any reading of the same, in which case such ordinance shall be read in full at such reading.

(3) After the introduction of the ordinance and any amendments thereof, the same shall be approved or rejected by the vote of the City Council.

(4) If the ordinance is approved on first introduction, it shall be published in full unless otherwise provided herein. The City Council shall set a date, hour and place at which

the City Council shall hold a public hearing on the ordinance, and notice of said day, hour and place shall be included in first publication.

(5) The ordinance shall be introduced at City Council the second time at a meeting not earlier than ten days after first publication for final approval, rejection or other action as may be taken by vote of the City Council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before the final approval by the vote of the City Council.

(6) Except as otherwise provided in this Chapter, an ordinance, if amended in substance, shall be published in full after final passage. But if not amended in substance, it shall be published either by title or in full as the City Council may determine.

(7) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the proposed ordinance are available at the office of the City Clerk.

(8) Standard codes promulgated by the federal government, the State of Colorado or by any agency of either of them, or by recognized trade or professional organizations or amendments or revisions thereof, may be adopted by reference following a public hearing, provided that the publication of the bill or ordinance adopting any said code shall advise that copies thereof are available for inspection at the office of the City Clerk, and provided that any penalty clause in said codes may be adopted only if set forth in full and published in the adopting ordinance. Primary codes thus adopted may in turn adopt secondary codes

Sec. 1-147. Repeal or modification; effect.

No suit, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any wise be affected, released or discharged by such repeal or modification.

Section 2: Section 1-176 of Chapter 7, Arrest, Prosecution and Sentences, of Title 1, General Provisions, shall be amended to read as follows:

Sec. 1-176. Offenses covered by multiple provisions.

In cases where the same violation is punishable or created by different clauses or sections of this Code, the prosecuting officer may select under which to proceed, but a person may not be convicted for more than one violation for the same conduct. no more than one recovery shall be had against the same person for the same offense.

Section 3: Section 2-186 of Chapter 4, Contracts, of Title 2, Administration and General Government, shall be amended to read as follows:

2-186. Intergovernmental agreements.

The city may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. Approval of such agreements will be approved by city council resolution or ordinance authorizing the city manager or his designee to sign the agreement. Such agreements will be approved as to substance by the city manager or designee, as to legal form by the city attorney or designee, and

as to availability of funds by the director of finance or designee, except such agreements will be approved by city council resolution or ordinance:

- (1) When the approval of the proposed agreement involves the direct, monetary payment of more than \$100,000.00;
- (2) In the judgment of the city manager, the proposed agreement entails significant policy considerations; or
- (3) The approval by city council is required by state or federal law.

Section 4: Section 1-229 of Chapter 9, General Penalty, of Title 1, General Provisions, shall be amended to read as follows:

Sec. 1-229. Penalties designated.

(a) No person shall violate any of the provisions of this Code. Such violations shall be subject to the punishment listed in this section.

(b) Misdemeanor offenses.

(1) Unless otherwise designated, any alleged criminal, non-administrative violation of this Code shall be classified as a misdemeanor offense and heard by the municipal court pursuant to chapter ~~10~~ 11 of title 2 of this Code.

(2) A person who commits a misdemeanor offense, which includes traffic offenses, shall be subject to punishment by a fine of not more than \$1,000.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

(c) Misdemeanor infractions.

(1) A person who violates any ordinance designated by this Code as a misdemeanor infraction, which includes traffic infractions ~~and parking infractions~~, shall be heard by the municipal court and subject to punishment by a fine of not more than \$500.00.

(2) A person cited for a misdemeanor infraction shall be eligible to submit a plea and payment to the municipal court pursuant to procedures established in section 2-991.

~~(d) Upon conviction, a person may be sentenced to perform a certain number of hours of community or useful public service, in addition to any other penalty imposed, and the municipal court may assess a fee to cover the cost of participation in the community or useful public service.~~ Community or useful public service. A defendant, upon conviction, may be sentenced to perform a certain number of hours of community or useful public service, in addition to any other penalty of this Section. If a person is convicted of more than one violation, community or useful public service may be imposed on any or each and every violation; any such community or useful public service penalties in excess of one arising out of multiple violations within one case may run and be satisfied concurrently or consecutively, in the discretion of this Court.

(1) For the purposes of this subsection, community or useful public service means any work which is beneficial to the public, any governmental entity or any bona fide nonprofit private or public organization and which work would not, with the exercise of reasonable care, endanger the health or safety of the person required to work.

(2) Any community or useful public service penalty imposed pursuant to this Section shall be suitable to the age and abilities of the defendant, and the amount of community or useful public service work ordered shall be reasonably related to the seriousness of the violation.

(3) The Court may assess a fee to cover the costs of the defendant participating in the useful public service program, upon every person required to perform community or

useful public service pursuant to this Section. The Court may waive all or a portion of this fee if the Court determines the defendant to be indigent.

(e) The municipal court may find a person to be indigent upon a showing of credible written evidence of indigency.

Section 5: Section 2-149 of Chapter 3, City Council, of Title 2, Administration and General Government, shall be amended to read as follows:

Sec. 2-149. Council terms of office.

~~In addition to article II of the city Charter, concerning elections of councilmembers, in any election at which both at-large council positions are available, there shall be one list of candidates on the ballot for the at-large positions with instructions to vote for two. The candidate receiving the highest vote total shall be awarded the term of four years and the candidate receiving the next highest vote total shall be awarded the term of two years.~~

(a) Except for the filling of vacancies, pursuant to section 2-3 of the Charter, the mayor shall be elected for a term of two years and all councilmembers for a term of four years. The mayor, two of the four council ward seats and one of the two council at-large seats shall be elected at every general municipal election. Vacancies, pursuant to section 2-5 of the Charter, are to be filled until the next general municipal election.

(b) For any election at which both at-large council positions are available, there shall be one list of candidates on the ballot for the at-large positions with instructions to vote for two. The candidate receiving the highest vote total shall be awarded the term of four years and the candidate receiving the next highest vote total shall be awarded the term of two years.

Section 6: Section 2-461 of Chapter 6, Contracts with Other Governmental Bodies, of Title 2, Administration and General Government, is hereby repealed.

#### ~~CHAPTER 6. CONTRACTS WITH OTHER GOVERNMENTAL BODIES~~

##### ~~2-461. Intergovernmental agreements.~~

~~The city may enter into contracts with other governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies. Such agreements will be approved as to substance by the city manager or designee, as to legal form by the city attorney or designee, and as to availability of funds by the director of finance or designee, except such agreements will be approved by city council resolution or ordinance:~~

~~(1) When the approval of the proposed agreement involves the direct, monetary payment of more than \$100,000.00;~~

~~(2) In the judgment of the city manager, the proposed agreement entails significant policy considerations; or~~

~~(3) The approval by city council is required by state or federal law.~~

Chapter 6. Secs. 2-461-2.480. Reserved.

Section 7: Section 2-481 of Chapter 7, Administrative Hearing Officer and Parking Referee, of Title 2, Administration and General Government, is hereby repealed.

CHAPTER 7.— ADMINISTRATIVE HEARING OFFICER AND PARKING REFEREE

~~2-481. Appointed by city manager; qualification and support.~~

~~(a) The city manager is authorized and empowered to appoint one or more administrative hearing officers to hear certain municipal ordinance violations designated as code infractions and to act as an administrative hearing officer in any other situation as provided for in this Code and as directed by the city manager. The administrative hearing officer shall be an attorney licensed to practice law in the state.~~

~~(b) The city manager is authorized and empowered to appoint one or more parking referees to hear certain municipal ordinance violations designated as parking infractions. The parking referee shall be an attorney licensed to practice law in the state.~~

~~(c) Administrative support shall be provided to the administrative hearing officer and the parking referee by the appropriate city personnel as determined by the city manager.~~

Chapter 7. Secs. 2-481-2-501. Reserved.

Section 8: Section 2-916 of Article I, Generally of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended to read as follows:

Sec. 2-916. Juvenile jurisdiction.

The municipal court shall have the authority to try juvenile defendants under the age of 18 for traffic violations under title 16, curfew violations under chapter 7 of title 14 of this Code, noise violations under section ~~12-239~~ 12-329, and violations of section ~~14-294~~ 14-293 related to littering.

Section 9: Section 2-947, Article II, Municipal Judge and Staff of Chapter 11, Municipal Court, of Title 2, Administration and General Government, shall be amended to read as follows:

Sec. 2-947. Appointment and supervision.

The clerk of the municipal court shall be appointed and supervised by the city manager or the presiding municipal judge as determined by city council by resolution. ~~The duties of the clerk of the municipal court shall be prescribed by the city manager.~~ If appointed and supervised by the city manager, the city manager shall consider any advice the presiding municipal judge has regarding the duties of the clerk of the municipal court but shall not be bound to accept such advice.

Section 10: Section 2-1026 of Chapter 12, Administrative Hearing Officers, of Title 2, Administration and General Government, shall be amended to read as follows:

2-1026. - Administrative hearing officers.

(a) The city manager is authorized and empowered to appoint one or more administrative hearing officers to hear certain ~~noncriminal, administrative Code violations~~ municipal ordinance violations designated as code infractions and to act as an administrative hearing officer in any other situation as provided for in this Code and as directed by the city manager. The administrative hearing officer shall be an attorney licensed to practice in the state.

(b) The city manager is authorized and empowered to appoint one or more parking referees to hear certain municipal ordinance violations designated as parking infractions. The parking referee shall be an attorney licensed to practice law in the state.

(b)c Administrative support shall be provided to the administrative hearing officer by the appropriate city personnel as determined by the city manager.

Section 11: Section 6-486 of Article III, Source Selection and Contract Information, Chapter 6, Purchasing, of Title 6, Revenue and Finance, shall be amended to read as follows:

6-486. - Change orders.

All change orders are processed on a form with the need and source of funds. The description shall include what impacts this change order will have on the future of the project's availability of monies. Department directors may approve any and all change orders within the budgeted contingency. The budgeted contingency shall be included in all original project budgets as adopted with the city's adopted budget. eCity council consideration is required for cumulative change orders that would add 25 percent or more to the original contract cost of \$100,000.00 or greater. If the original contract cost is less than \$100,000.00 and the cumulative value of change orders are greater than 25 percent of the original contract price, then the city manager's signature is required.

Section 12: Section 8-435 of Article I, Local Licensing Authority, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended to read as follows:

Sec. 8-435. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcohol* means malt, vinous or spirituous liquors and fermented malt beverages, as those terms are defined by state law.

*Applicant* means one making an application for a license under this chapter, and includes:

- (1) If an individual, that person making the application;
- (2) If a partnership, all the partners of the partnership which is making the application;
- (3) If a corporation, any officer, director, manager or stockholder therein making the application; or
- (4) If a limited liability company, any member therein making the application.

*Authority or licensing authority* means the hearing officer appointed by the city council by resolution.

*Fermented malt beverage* has the same meaning as set forth in the Colorado Beer Code (C.R.S. § 44-4-101 et seq.).

*Hearing officer* means the individual, licensed to practice law in the state, appointed by the city council, to carry out the duties as described in section ~~8-343~~ 8-434 and other rules, regulations, policies and procedures as may be established.

*Malt, vinous, and spirituous liquor* has the same meaning as set forth in the Colorado Liquor Code (C.R.S. § 44-3-101 et seq.).

Manager means and includes that person who manages, directs, supervises, oversees and administers the acts, transactions and acts of servants of the establishments governed by this chapter.

Person includes a natural person, partnership, association, company, corporation, limited liability company, organization or manager, agent, servant, officer or employee of any of them.

(b) All other words and phrases used in this chapter shall have the meanings attached by the state statutes regulating the sale of alcohol, or if not otherwise defined by law, as are used in their common, ordinary and accepted sense and meaning.

Section 13: Section 8-469 of Article II, Licenses, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended to read as follows:

8-469. Promotional associations and common consumption areas.

(a) The licensing authority is hereby authorized to certify and decertify promotional associations; designate the location, size, security and hours of operation of common consumption areas; and allow attachment of licensed premises to common consumption areas consistent with this chapter and the provisions included herein.

(b) The following standards related to promotional associations and common consumption areas are hereby adopted pursuant to the provisions of C.R.S. § 44-3-910, as may be amended from time to time, and the entertainment district regulations found in ~~division 8 of article III of chapter 8 of title 24~~ of this Code. The standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under this chapter.

(c) Certification of a promotional association shall be applied for in a manner consistent with this section as determined by the licensing authority and include the following minimum information: ~~a copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association.~~

(1) A copy of the articles of incorporation and bylaws and a list of all directors and officers of the promotional association.

~~(d) a.~~ The promotional association shall have at least two licensed premises attached to the common consumption area.

~~(e) b.~~ A member of each of the licensed premises attached to the promotional association shall serve on the board of directors of the promotional association.

~~(+2)~~ A detailed map of the proposed common consumption area, including: location of physical barriers, entrances and exits, location of attached licensed premises, and identification of licensed premises that are adjacent but not to be attached to the common consumption area. The size of the common consumption area shall not exceed the area approved as the entertainment district within which the common consumption area is located, but may be a smaller area within the entertainment district, provided that the new area is clearly delineated using physical barriers to close the area to motor vehicle traffic and to limit pedestrian access.

~~(23)~~ A security plan, including evidence of training and approval of personnel as required under the Entertainment District regulations in Title 24 at section 24-918, a detailed description of security arrangements and the approximate location of security personnel within the common consumption area during operating hours.

~~(34)~~ A list of dates and beginning and ending hours of operation of the common consumption area.



(45) Documentation showing possession of the common consumption area by the promotional association.

(56) A list of the attached licensees listing the following information: alcohol license number, any past violations of this Code or state law, and a copy of any operational agreements.

(67) An insurance certificate of general liability and liquor liability insurance naming the city as an additional insured in a minimum amount of \$1,000,000.00.

(78) Documentation of how the application addresses the reasonable requirements of the neighborhood and the desires of the adult inhabitants as evidenced by petitions, written testimony or otherwise.

(89) Application fee.

(910) Upon approval of a certification by the licensing authority, the terms and conditions of the approval shall remain effective until and unless a revised or amended application is submitted to the licensing authority and approved using the same procedures under which the original application was approved.

(fd) Application for recertification of a promotional association must be made by January 31 of each year in a manner consistent with the provisions of this section and include, but not be limited to:

(1) A copy of any changes to the articles of incorporation, bylaws and/or the directors and officers of the promotional association.

(2) All items noted under subsection (c)(2) through (c)(9) of this section.

(ge) Once certified by the licensing authority as a promotional association, the association may operate a common consumption area within an entertainment district and authorize the attachment of a licensed premises to the common consumption area, subject to approval by the licensing authority. Application for attachment of a licensed premises to the common consumption area by a certified promotional association shall be made in a manner consistent with the provisions of this section and include, but not be limited to, the following information:

(1) Authorization for attachment from the certified promotional association.

(2) Name of the representative from the licensed premises proposed for attachment who would serve as an additional director on the board of the certified promotional association.

(3) A detailed map of the common consumption area, including location of physical barriers, entrances and exits, location of attached licensed premises, identification of licensed premises that are adjacent but not to be attached to the common consumption area and approximate location of security personnel.

(hf) The licensing authority shall consider the merits of the application for a promotional association of a common consumption area and may refuse to certify or may decertify a promotional association if the association:

(1) Fails to submit the annual report as required under subsection (d) of this section by January 31 of each year;

(2) Fails to establish that the licensed premises and common consumption area can be operated without violating this article or creating a safety risk to the neighborhood;

(3) Fails to have at least two licensed premises attached to the common consumption area;

(4) Fails to obtain or maintain a properly endorsed general liability and liquor liability insurance policy that is reasonably acceptable to the local licensing authority and names the city as an additional insured;

- (5) Fails to demonstrate that the use is compatible with the reasonable requirements of the neighborhood or the desires of the adult inhabitants; or
- (6) Is in violation of C.R.S. § 44-3-909, as may be amended from time to time, related to common consumption area operations.

Section 14: Section 8-498 of Article III, General Provisions; Unlawful Acts, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, is hereby repealed.

~~Sec. 8-498. Authorizing open containers of alcohol in certain areas.~~

~~(a) For the purposes of this section, the term "downtown open consumption area" means that area beginning at and including the sidewalk right-of-way extending from the west curb line of 8th Avenue to and including the sidewalk right-of-way to the east curb line of 9th Avenue, and between and including the sidewalk right-of-way and from the north edge of the sidewalk right-of-way of 8th Street to and including the sidewalk right-of-way to the south edge of the sidewalk right-of-way on 9th Street, also including the area known as the Chase Plaza, and including that portion of sidewalk on the west side of 8th Avenue from the 9th Street Plaza south 200 feet.~~

~~(b) During the hours of 7:00 a.m. to 12:00 a.m., it is not unlawful to possess or consume an open container of alcohol in or upon the sidewalks, parking lots, or other public property or place located in the downtown open consumption area, to the extent authorized by state law.~~

~~(1) If a special event permit for the sale of liquor or fermented malt beverages has been issued for all or a portion of the property located in the downtown open consumption area pursuant to C.R.S. § 44-5-101 et seq., then no person shall take or consume any malt, vinous, or spirituous liquor or fermented malt beverage onto or in the area designated in such permit except in accordance with such permit if a sign has been posted giving notice of the time and location of the area so restricted.~~

~~(2) Open containers of alcohol shall not be permitted in the downtown open consumption area on any date and during any time when the downtown entertainment district has been designated by a promotional association and certified by the liquor licensing authority as a common consumption area.~~

~~(c) It is unlawful for a person to bring, or have in his possession, any glass beverage container in the downtown open consumption area.~~

~~(d) Violations. Notwithstanding any other part of this chapter, a violation of this section shall be punishable as a misdemeanor offense.~~

~~(e) This section shall be automatically repealed on September 12, 2020, unless otherwise extended by the city council.~~

Section 15: Section 8-554 and 8-55 of Article V, Beer, Wine and Spirituous Liquor Tastings, Chapter 13, Alcohol Beverages, of Title 8, Business Taxes, Licenses and Regulations, shall be amended to read as follows:

Article V. ~~Beer, wine, and spirituous liquor~~ Alcohol tasting

Sec. 8-554. ~~Beer, wine, and spirituous liquor~~ Alcohol tasting authorized; permit required.

(a) Alcohol tastings on the licensed premises of a retail liquor store licensee or of a liquor—licensed drugstore licensee are authorized to be conducted within the city in accordance with C.R.S. § 44-3-301 (10), and subject to the provisions of this article.

- (b) The authority is authorized to issue alcohol tasting permits in accordance with the requirements of this article.
- (c) It shall be unlawful for any person to conduct alcohol tastings within the city without having first received a permit issued in accordance with this section.
- (d) Retail liquor store licensees and liquor-licensed drugstore licensees desiring to conduct alcohol tastings shall submit a tasting permit application to the city clerk accompanied by the fee stated in section 8-434.
- (e) Submittal requirements. Annually, the licensee shall submit a completed alcohol tasting permit application obtained from the city clerk's office, including the following:
- (1) Licensee information, including, but not limited to, name, address, contact information and license number;
  - (2) Verification that the licensee and employee who will be conducting the tastings have completed a seller/server training program that meets the standards established by the State licensing authority and is qualified to conduct an alcohol tasting.
- (f) No alcohol can be provided as samples during a tasting until 48 hours after the licensee has provided written notice of the tasting to the police department and the city clerk's office. Such notice must contain the specific days and hours on which the alcohol tasting will occur. In this regard, there is no limitation on the number of days which a licensee may specify in each notice.
- (g) Renewal of tasting permits shall be concurrent with the renewal of licenses for retail liquor stores and liquor-licensed drugstores. A licensee's initial tasting permit shall expire on the same date as the date that the licensee's retail liquor store or liquor-licensed drugstore license expires. The initial tastings permit application fee shall not be prorated or refunded if the permit expires in less than a year.
- (h) Alcohol tasting permits shall be conspicuously and prominently posted by the licensee on the licensed premises at all times during operating hours.
- (i) An alcohol tasting permit shall only be issued to a retail liquor store licensee or a liquor-licensed drugstore licensee whose license is valid, not subject to a current or pending enforcement action by the city or the State and in full force and effect.

Sec. 8-555. Limitations on ~~beer, wine, and spirituous liquor~~ alcohol tastings.

Alcohol tastings within the city shall be subject to the following limitations:

- (1) Alcohol tastings shall be conducted only on a licensed premises by a person who has completed a seller/server training program that meets the standards established by the state licensing authority and who is either a retail liquor store licensee or a liquor-licensed drugstore licensee or an employee of a licensee;
- (2) The alcohol used in tastings must be purchased through a licensed wholesaler, licensed brew pub, licensed distillery pub or winery licensed pursuant to C.R.S. § 44-4-403, at a cost that is not less than the laid-in cost for such alcohol;
- (3) The size of an individual sample shall not exceed one ounce off malt, vinous or fermented malt beverages or one-half of one ounce of spirituous liquor;
- (4) The licensee shall not serve more than four individual samples of alcohol to a patron during a tasting;
- (5) Alcohol tastings shall not exceed a total of five hours in duration per day, which need not be consecutive;
- (6) Alcohol tastings shall be conducted only during the operating hours in which the licensee on whose premises the alcohol tastings occur is permitted to sell alcohol, and in no case earlier than 11:00 a.m. or later than 9:00 p.m.;

- (7) The licensee shall prohibit patrons from leaving the licensed premises with a sample;
- (8) The licensee shall promptly remove all open and unconsumed alcohol samples from the licensed premises, destroy the samples immediately following the completion of the alcohol tasting, or store any open containers of unconsumed alcohol in a secure area outside the sales area of the licensed premises for use at a tasting conducted at a later time or date;
- (9) The licensee shall not serve a person who is under 21 years of age, who is visibly intoxicated or is a habitual drunkard;
- (10) The alcohol samples used in the tastings shall be served in clear, open containers and shall be provided to a patron free of charge;
- (11) The licensee may conduct tastings on no more than 156 days per year. Alcohol tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed 104 days per year;
- (12) The licensee shall maintain on the licensed premises a log of all alcohol consumed as tastings on forms obtained from the authority, to be submitted to the city clerk each year with the alcohol tasting permit renewal application, and during all operating hours the log shall be subject to inspection by the police department, the county health department, the State licensing authority and any other federal, state, county or city agency which is permitted or required by law to inspect licensed premises; and
- (13) No manufacturer of alcohol shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at an alcohol tasting, and the licensee shall bear the financial and all other responsibility for an alcohol tasting.

Section 16: Sections 10-53 and 10-54 of Chapter 3, Violations, of Title 10, Animals, shall be amended to read as follows:

Sec. 10-53. Mistreatment.

(a) Mistreatment of an animal by a person is prohibited. The following conduct constitutes mistreatment:

~~(1)~~ ~~f~~ Failing to provide or depriving the animal of:

~~(1)~~ ~~a.~~ Sufficient food and sufficient water;

~~(2)~~ ~~b.~~ Proper veterinary care consistent with the species, type of animal and acceptable agricultural animal husbandry practices; or

~~(3)~~ ~~2)~~ Overdriving, overloading, overworking, tormenting, torturing, beating, mutilating or killing an animal.

(b) Any finding of violation of this section shall be punishable as a misdemeanor offense. Mistreated animals are subject to impoundment prior to a finding of violation.

Sec. 10-54. Failing to provide adequate shelter and containment.

(a) Failing to provide adequate shelter and containment for an animal is prohibited.

(1) To be adequate, a shelter must include:

~~(1)~~ ~~a.~~ A roof, at least three enclosed sides, a doorway and a solid and level floor;

~~(2)~~ ~~b.~~ Dry bedding in sufficient quantity for insulation against cold and damp conditions; and

~~(3)~~ ~~c.~~ Protection from weather and environmental conditions, including cold, heat, sun exposure, wind and precipitation.

(~~b~~2) To be adequate, containment must include enough space to meet the physical condition and exercise requirements of the species, type of animal and accepted agricultural animal husbandry practices, and be suitable to prevent the animal from escaping.

(~~e~~3) Adequate containment may consist of tethering the animal on the owner or keeper's premises by means of a trolley system or attached to a pulley on a cable run, or by using a stake in the ground that is attached to a freely rotating ring device. However, tethering an animal so as to create a danger to the well-being of the animal is prohibited. (~~d~~) Danger to the well-being of the animal is created when:

(~~1~~) a. The animal is tethered in excess of ten consecutive hours in a 24-hour period;

~~a~~-b. The animal is tethered in a manner that is reasonably likely to become entangled with objects or other animals so as to cause injury to the animal;

~~b~~-c. The tether is not attached to a properly fitted collar or harness worn by the animal or is attached to a choke or pinch collar worn by the animal, choke and pinch collars being prohibited for the purposes of tethering;

~~c~~-d. There is no swivel attached to both ends of the tether to minimize tangling;

~~d~~-e. The tether weighs more than one-eighth of the animal's body weight;

(~~2~~) f. The trolley system or cable run is less than ten feet in length and mounted less than four feet and more than seven feet above ground level; or

(~~3~~) g. The animal is not provided with a sufficient area to exercise and does not have access to adequate shelter, sufficient food and sufficient water.

(~~e~~4) To be adequate, the shelter and containment must be clean and free of filth, including feces.

(~~f~~5) Violations.

(1) A first finding of violation this section shall be punishable as a misdemeanor infraction.

(2) A subsequent finding of violation within one calendar year of a first finding shall be punishable as a misdemeanor offense.

(3) Animals without adequate shelter and containment are subject to impoundment prior to a finding of violation.

Section 17: Sections 12-190 and 12-191 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

Sec. 12-190. Purpose.

(a) The purpose of this chapter is to prevent soil erosion and sedimentation from leaving areas that occur from nonagricultural development and construction within the city, by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community.

(b) Any person who undertakes, develops or is responsible for an undertaking or development that involves land disturbing activity described in section ~~12-691(a)~~ 12-194(a) is responsible to see that soil erosion and sedimentation, as well as resulting changed water flow characteristics, are controlled to avoid damage to property and pollution of receiving waters. Nothing in this chapter shall be taken or construed as lessening or modifying the ultimate responsibility of such persons. The requirements of this chapter do not imply the assumption of responsibility on the part of the city. The

standards, criteria and requirements of this chapter are to be seen as minimum standards which are not necessarily adequate to meet the highly variable conditions which must be covered by effective control measures. Compliance with the requirements of this chapter may not, therefore, of itself discharge a person's responsibility to provide effective control measures.

Sec. 12-191. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Best management practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of state waters. Best management practices (BMPs) also include treatment requirements, operating procedures and practices to control construction site runoff.~~

~~City inspector means the person authorized by the city engineer, or the city engineer's designee, to inspect a site for the purpose of determining compliance with the provisions of this chapter.~~

*Common plan of development or sale* means contiguous (within one-quarter mile of each other) multiple, separate and distinct construction activities that may be taking place at different times on different schedules, but remain related because they share the same builder, contractor, equipment or storage areas.

*Construction activities* means clearing, grading, excavation, installing or improving roads, creating staging areas, stockpiling fill materials, borrow areas and compacting associated with stabilization of structures, but does not include routine maintenance performed by public agencies or their agents to maintain original line grade, hydraulic capacity or the original purpose of a facility.

*Construction site erosion and sediment control plan* or *CSESCP* means a plan submitted to the city that addresses erosion, sediment and waste control and water quality issues pertaining to the site. ~~This plan shall~~ containing such information as site description, location and description of appropriate ~~temporary and/or permanent BMPs, best management practices, as that term is defined in Title 20,~~ maintenance procedures and all other matters necessary or appropriate to comply with the provisions of this chapter and the City of Greeley Storm Drainage ~~Criteria Manual, Volume II~~ Design Criteria and Construction Specifications Manual.

~~Developer~~ a person who undertakes land development activities.

~~Development~~ means any activity, excavation or fill, alteration, subdivision, change in land use or practice, undertaken by private or public entities, that may affect the discharge of stormwater runoff. The term "development" does not include the maintenance of stormwater runoff facilities.

~~Disturbed area~~ means that area of the land's surface disturbed by any work activity upon the property by means, including, but not limited to, grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil or other materials; or other activities which expose soil. The term "disturbed area" does not include the tillage of land that is zoned agricultural.

*Final stabilization* means the condition reached when all land disturbing activities at a development site have been completed, and a uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance

levels or equivalent permanent physical erosion reduction methods have been employed.

*Land-disturbing activity* means an activity that results in a change in the existing surface, including, but not limited to, construction activities, but does not include tilling agricultural land.

*Owner* means any individual, partnership, limited liability company, corporation or other legal entity that has any legal title or equitable ownership interest in the real property.

*Permanent BMPs* means those permanent stormwater quality BMPs that are properly installed and regularly maintained in order to treat stormwater runoff and ensure long-term water quality enhancements.

*Person* means anyone that has legal or contractual rights and obligations with the construction activities, including, but not limited to, the developer, landowner, contractor or homeowners.

*Plan* means a document, approved at the site design phase, that outlines the measures and practices used to control stormwater runoff at a site.

*State waters* means as the term is defined by the Colorado Water Quality Control Act (CWQCA), and includes any and all surface and subsurface waters which are contained in or flow in or through the state, but does not include waters in sewage systems, waters in treatment works of disposal systems, waters in potable water distribution systems and all water withdrawn for use until use and treatment have been completed.

*Stop work order* means an order issued by the city which requires that all construction activity on a development, or part thereof, be stopped.

*Stormwater* means stormwater runoff, snow melt runoff and surface water runoff and drainage.

*Stormwater discharge permit* means a permit issued to a developer or other person that will be disturbing one acre or more of soil or less than one acre when part of a larger common plan of development, by the state department of public health and environment, water quality control division, to discharge stormwater runoff from construction site activities.

*Stormwater drainage system* means any manmade improvement or conveyance intended for stormwater runoff from real property, including, but not limited to, open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention ponds, retention ponds and lakes.

*SWMP (stormwater management plan)* means a plan for receiving, handling and transporting stormwater within the city's stormwater drainage system.

Section 18: 12-207 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, is hereby repealed.

Sec. 12-207. – Penalties and enforcement.

(a) Whenever any person is in noncompliance with the provisions of this chapter, the administrative hearing officer may impose penalty fines up to the amount of \$1,000.00 per day per violation and pursue sanctions defined in chapter 10 of title 1 of this Code and any other sanctions permitted under law. Each repeat violation must be set forth on a notice of violation form and served as set forth in chapter 12 of title 2 of this Code.

(b) Whenever the city manager or designee determines a person is violating or failing to comply with any provision of this chapter, the city manager or designee may

~~immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this chapter until such person has complied with the provisions of this chapter. This order of cessation of activities is additional to any other penalties, sanctions or remedies contained in this chapter or otherwise allowed by law.~~

~~(c) The city may seek and obtain remedies, including, but not limited to, civil and administrative sanctions and temporary or permanent injunctive relief against persons for noncompliance with the provisions, standards and requirements of this chapter.~~

~~(d) Any fee which shall not be paid when due may be recovered in an action at law by the city. In addition to any other remedies or penalties provided by this chapter or any ordinance of the city, the administrative hearing officer is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this chapter.~~

Section 19: Section 14-293 of Chapter 9, Offenses Against Property, of Title 14, Criminal Conduct and Offenses, shall be amended to read as follows:

Sec. 14-293. ~~Drivers presumed responsible~~ Littering.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Litter means all rubbish, waste material, refuse, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description.

Public or private property includes but is not limited to the right-of-way of any street or highway; and any body of water, ditch or watercourse, including frozen areas thereof, or the shores or beaches thereof; any park, playground or building; any refuge, conservation or recreation area; and any residential or business property.

(b) Any person who deposits, throws or leaves any litter on any public or private property, or in any waters, commits a misdemeanor infraction and shall be punished as provided in chapter 9 of title 1 of this Code, unless:

(1) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property;

(2) The litter is placed in a receptacle or container installed on such property for such purpose; or

(3) Such person is the owner or tenant in lawful possession of such property or has first obtained written consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of such owner or tenant.

(c) Subsection (b)(3) does not authorize any conduct prohibited by other provisions of this Code, including those found in this Title.

(d) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, the operator of the motor vehicle is presumed to have caused or permitted such litter to have been so thrown, deposited, dropped or dumped therefrom.

Section 20: Section 16-262 of Article VIII, Pedestrians, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, is hereby repealed.

~~16-262. Pedestrians not to remain on medians.~~



~~(a) No pedestrian may remain upon a median for longer than is reasonably necessary to cross the street.~~

~~(b) This section does not apply to persons maintaining or working on the median for the government which owns the underlying road or public right of way or for a public utility.~~

~~(c) This section does not apply to a street closed to vehicular traffic for the purposes of permitted activity on the street or roadway.~~

~~(d) A violation of this section is a traffic infraction and shall be punishable under chapter 9 of title 1 of this Code.~~

Sec. 16-262. Reserved.

Section 21: Section 16-391 of Article XII, Traffic Infractions Related to Parking, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-391. Authority to impound vehicles.

(a) The city shall have the authority to impound vehicles as provided in article 18 of this title. In addition to circumstances set forth in article 18 of this title, the city may impound any vehicle and order the vehicle towed to an impound lot or the item, article or object removed when:

(1) Any vehicle is found parked upon any public street or public right-of-way in violation of the parking restrictions or prohibitions contained on any official sign or signs;

(2) When any vehicle obstructs or interferes with the free flow of traffic, street maintenance, or access of emergency vehicles or equipment;

(3) When any item, article, object or vehicle ~~which~~ causes or tends to obstruct the free movement of pedestrians or other traffic upon a sidewalk; or

(4) When a motor vehicle is determined to be abandoned as that term is defined in section ~~16-699~~ 16-669.

(b) Nothing in this section shall prohibit the towing of a vehicle to an impound lot pursuant to another section of this Code.

Section 22: Section 16-476 of Article XIV, Other Offenses, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

16-476. Misuse of a wireless telephone.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Emergency* means a situation in which a person:

(1) Has reason to fear for such person's life or safety, or believes that a criminal act may be perpetrated against ~~such the~~ person or another person, requiring the use of a ~~wireless telephone~~ mobile electronic device while the car is moving; or

(2) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency or a person who is driving in a reckless, careless or otherwise unsafe manner.

*First responder* means:

(1) A peace officer, as described in section 16-2.5-101;

(2) A firefighter, as defined in section 29-5-203;

(3) A voluntary firefighter, as defined in section 31-30-1102; or

(4) Any other person who responds in a professional capacity 1 to a public safety emergency.

Hands-free accessory means an accessory that enables a person to use a mobile electronic device without using either hand, although the use of either hand may be necessary to activate, deactivate, or initiate a function of the mobile electronic device.

Mobile electronic device means a handheld or portable electronic device capable of providing amusement, wireless data, or voice communication between two or more persons, including:

(1) A cellular telephone;

(2) A broadband personal communication device;

(3) A two-way messaging device;

(4) A text-messaging device;

(5) A pager;

(6) An electronic device that can receive or transmit text or character-based images, access or store data, or connect to the internet;

(7) A personal digital assistant;

(8) A laptop computer;

(9) A computer tablet;

(10) A stand-alone computer;

(11) A portable computing device;

(12) A mobile device with a touchscreen display that is designed to be worn on the body;

(13) An electronic game;

(14) Equipment that is capable of playing a video, taking photographs, capturing images, or recording or transmitting video; and

(15) Any similar device that is readily removable from a motor vehicle and is used to write, send, or read text or data or capture images or video through manual input.

Mobile electronic device does not include an approved ignition interlock device, as defined in section 42-2-132.5.

Operating a motor vehicle means driving a motor vehicle on a public highway, but the term "operating a motor vehicle" shall does not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

Use means talking on or listening to a ~~wireless telephone~~ mobile electronic device or engaging the ~~wireless telephone~~ mobile electronic device for text messaging, game play, taking photos or videos, or other similar forms of manual data entry or transmission.

Wireless telephone means a telephone that operates without a physical, wireline connection to the provider's equipment. The term "wireless telephone" includes, without limitation, cellular and mobile telephones.

(b) Except as specified in subsection (c) and (g) of this section:

(1) ~~No A~~ person under the age of 18 years of age shall use a wireless telephone while operating a motor vehicle not operate a motor vehicle while using a mobile electronic device;

(~~e~~2) ~~No A~~ person 18 years of age or older shall use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle not operate a motor vehicle while using a mobile electronic device unless the use is through a hands-free accessory.

(d) Subsection (b) or (c) of this section shall not apply to a person who is using the wireless telephone:

(c) It is not a violation of this section to use a mobile electronic device while driving if the use is:

(1) To contact a public safety entity; or

(2) During an emergency.

(ed) (1) Except as provided in subsection (d)(2) of this section, a person who violates ~~person who operates a motor vehicle in violation of subsection (b) or (c)~~ of this section commits a traffic infraction pursuant to ~~section 1-229(e)~~. Upon conviction:

(2) a. The court may assess a fine up to fifty dollars for a first offense;

b. The court shall assess a fine of one hundred fifty dollars for a second offense; and

c. The court shall assess a fine of three hundred dollars for a third or subsequent conviction. ~~A second or subsequent violation of subsection (b) or (c) of this section shall be considered a traffic offense pursuant to section 1-229(d).~~

(f)(1) ~~An operator of a motor vehicle shall not be cited for a violation of subsection (b) of this section unless the operator was under 18 years of age and a law enforcement officer saw the operator use a wireless telephone.~~

(2) A person who violates subsection (b) of this section to engage in text messaging commits a traffic offense and, upon conviction, the court shall assess a fine of three hundred dollars.

(2e) ~~An law enforcement officer shall not cite an operator of a motor vehicle shall not be cited for a violation of subsection (c) of this section unless the operator was 18 years of age or older and a law enforcement officer saw the operator use a wireless telephone~~ hold a mobile electronic device. A law enforcement officer shall not cite an operator for the enhanced penalty for using a mobile electronic device to engage in for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission unless the law enforcement office saw the operator engaging in text messaging on a mobile electronic device.

(gf) ~~The provisions of this section shall does not be construed to authorize the seizure and forfeiture of a wireless telephone mobile electronic device, unless otherwise provided by law.~~

(hg) This section does not prohibit:

(1) ~~restrict~~ ~~e~~Operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the Federal Communications Commission;

(2) The use of a mobile electronic device by a first responder when acting within the scope of the first responder's duties.

(3) The use of a mobile electronic device by a professional acting within the scope of the professional's employment if the use is required by the professional's employer and necessary for the performance of the professional's duties;

(4) The use of a mobile electronic device to interact with a medical device; or

(5) The use of a mobile electronic device in a motor vehicle that is at rest in a shoulder lane or lawfully parked.

(h) A law enforcement officer shall not cite a commercial driver for a violation of this section if the commercial driver is cited for a violation of 49 CFR 392.82.

Section 23: Sections 16-601, 16-604 and 16-610 of Article XVIII, Towing and Storage, Chapter 1, Traffic Code, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-601. Implied grant of authority; authority to store vehicles.

(a) In the circumstances specified in this section, owners and drivers of motor vehicles in the city will be deemed to have authorized the police department and all members thereof, to arrange for the removal, towing and storage of motor vehicles of the drivers and owners. This implied grant of authority shall exist:

(1) If the traffic code provides for removal, towing or impounding of motor vehicles which are illegally parked or abandoned.

(2) If the driver of the motor vehicle has been or is about to be taken into custody of a law enforcement agency or if the driver, in the judgment of the police officer, is unable to drive safely because of being under the influence of alcohol or other drugs.

(3) If the motor vehicle is physically disabled and the driver or owner is unable or unwilling for any reason to arrange for removal, towing and storage of the vehicle.

(4) If the motor vehicle has been or is about to be seized by the police department or by any law enforcement agency to be held as evidence in a criminal proceeding.

(b) Whenever any police officer finds a vehicle, attended or unattended, standing upon any portion of a street or highway right-of-way within the city in such a manner as to constitute a violation of this ~~chapter title~~, or left unattended upon any portion of a street or highway right-of-way within the city for a period of 24 hours or more and presumed to be abandoned under the conditions prescribed by section 14-283, such officer shall require such vehicle to be removed or cause the same to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the city.

(c) In the event of abandonment of a vehicle on property within the city other than public rights-of-way, the owner of such property may, after a period of 24 hours following the property owner's or agent's placement of notice of removal on the vehicle, cause the abandoned vehicle to be removed and placed in storage in the nearest garage or other place of safety designated or maintained by the city.

(d) If any vehicle is left on private property with the prior consent of the owner of the private property or other person in possession thereof, and following the property owner's or possessor's or agent's compliance with the notice requirements of this chapter, and if the vehicle owner fails to remove the vehicle following such notice, the owner or possessor of the private property or owner's or possessor's agent may cause the removal and placement of the vehicle as described in subsection (c) of this section.

Sec. 16-604. Loss of towing privileges.

A towing operator shall be dropped from the rotating list if:

(1) The chief of police determines that any of the five eligibility requirements set forth in section 16-602 is no longer being met by the operator;

(2) The chief of police determines that the towing operator has failed to take any action required by section ~~16-605~~ 16-603 or has done any act forbidden by said section or has attempted to do so;

(3) The foregoing grounds for termination of the privileges of a towing operator are in addition to the grounds set forth in section ~~16-605~~ 16-603.

A towing operator who has been dropped from the rotating list under subsection (1) of this section shall be reinstated on the list when and if he again satisfies the eligibility requirements. Towing operators dropped from the rotating list for any other reason shall not be reinstated for five years unless the advisory arbitration board, provided for by section ~~16-605~~ 16-603, approves an earlier reinstatement for good cause.

Sec. 16-610. Abandonment of motor vehicles and trailers; private tow.

(a) For purposes of this section, the terms "motor vehicle" and "vehicle" shall include trailers.

(b) No person shall abandon any motor vehicle upon private property in violation of section 14-283. Any owner or lessee of such private property, or his authorized agent, may have an abandoned motor vehicle removed from his property by having it towed and stored by a towing operator, subject to compliance with the terms of this article.

(c) Any towing operator having in his possession any abandoned motor vehicle from a private tow shall immediately notify the police department as to the name of the operator and the location of the storage lot where the vehicle is located and a description of the abandoned motor vehicle, including the make, model, color and year, the number, issuing state and expiration date of the license plate and the vehicle identification number. Upon such notification the police department shall ascertain, if possible, whether or not the vehicle has been reported stolen and, if so reported, the police department shall ascertain and notify its rightful owner and cause termination of any abandonment proceedings. The police department shall have the right to recover from the owner its reasonable costs therefor.

(d) Any towing operator shall, as soon as possible but in no event later than 72 hours after receipt of determination that such motor vehicle has not been reported stolen, report the same to the department of revenue as required by C.R.S. title 42, art. 4 (C.R.S. § 42-4-101 et seq.), as amended from time to time. The towing operator shall further comply with all notice requirements of C.R.S. title 42, art. 4 (C.R.S. § 42-4-101 et seq.), as amended.

(e) The city shall provide notification stickers to private property owners, upon request and free of charge, for placement on apparently abandoned vehicles. The notification stickers shall be similar to those used by the police department for vehicles abandoned on public rights-of-way, notifying a vehicle owner of abandoned status, except that the private property notice shall include an affidavit for signature by the person placing the notice. No vehicle shall be towed from private property unless the notification form has been completed in full by the person placing the notice at least 24 hours prior to removal.

Section 24: Sections 16-670, 16-671, 16-678, 16-679 and 16-683 of Chapter 2, Parking Infractions, of Title 16, Vehicles and Traffic, shall be amended to read as follows:

Sec. 16-670. Violations.

Unless otherwise specified, all violations of this chapter shall be designated parking infractions and shall be punished pursuant to chapter ~~12~~ 11 of title 1. Those violations designated as traffic infractions shall be punished pursuant to chapter 9 of title 1.

Sec. 16-671. Stopping, standing or parking prohibited in specified places.

(a) Except as otherwise provided in subsection ~~(d)~~ (c) of this section, no person shall stop, stand or park a vehicle or trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) Within an intersection;
- (3) On a crosswalk;
- (4) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (5) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (7) Upon any bridge or other elevated structure or within a tunnel;
- (8) On any railroad tracks;
- (9) On any controlled-access highway;
- (10) In the area between roadways of a divided highway, including crossovers;
- (11) At any other place where official signs or markings prohibit or limit standing or parking;
- (12) Along any officially designated and posted snow removal route during a snow emergency;
- (13) In any alleyway, except as necessary during the expeditious loading and unloading of merchandise and freight;
- (14) On any parkway;
- (15) Along any roadway signed for roadway improvements on an identified date such that it states no parking on a specified date or time
- (16) On any public right-of-way with a vehicle or trailer with expired, missing or fictitious plates.

(b) Except as otherwise provided in subsection (c) of this section, in addition to the restrictions specified in subsection (a) of this section, no person shall stand or park a vehicle or trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic control device, in any of the following places:

- (1) Within five feet of a public or private driveway;
- (2) Within five feet from the curb line directly in front of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection;
- (4) Within 30 feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway, measured from the curb line directly in front of the beacon, signal or sign;
- (5) Within 20 feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station, within 75 feet of said entrance when properly signposted;
- (6) At any other place where official signs or markings prohibit standing or parking.
- (7) Within a marked fire lane.

(c) In addition to the restrictions specified in subsections (a) and (b) of this section, no person shall park a vehicle or trailer, except when necessary to avoid conflict with other

traffic or in compliance with the directions of a police officer or official traffic control device, when and where any of the following conditions exist:

- (1) Within 50 feet of the nearest rail of a railroad crossing;
- (2) At any place where official signs and or markings prohibit parking.

Sec. 16-678. Parking restrictions.

(a) The designee may designate certain areas that are subject to parking restrictions based upon factors to include, but not be limited to:

- (1) Proximity to special generators; availability of both on- and off-street parking;
- (2) Vehicular and parking capacity, including the width, grade and curve of the area's streets;
- (3) Existing traffic control measures;
- (4) Traffic volume; and
- (5) Utility and emergency service access.

(b) The designee shall establish the boundaries of each area that is subject to parking restrictions and each area shall be identified through appropriate postings and signage.

(c) Parking restrictions may include:

- (1) Areas where parking is authorized by permit only pursuant to section 16-680;
- (2) Areas where parking is limited by posting of appropriate signage; and
- (3) Restricted parking zones as authorized in section ~~16-704~~ 16-674.

Sec. 16-679. Overtime parking violations.

(a) Where any section of this chapter, or any sign posted pursuant to the provisions of this chapter, prohibits parking in excess of any stated period of time in any given parking space or other designated area, a vehicle shall be considered in violation of that restriction if it does not comply with instructions outlined on the signage.

(b) This section shall not apply if a payment has been made for overtime parking in a restricted parking zone as authorized in section ~~16-690~~ 16-681.

Sec. 16-683. Parking privileges for persons with disabilities.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*License plate or placard* means a license plate or placard issued pursuant to state law.

*Person with a disability* has the meaning provided for such term pursuant to state law.

(b) A vehicle with a license plate or a placard obtained pursuant to C.R.S. § 42-3-204, or as otherwise authorized by subsection (d) of this section, may be parked in public parking areas along public streets but are held to the same time limitations as all others.

(c) Reserved parking spaces.

(1) A person with a disability may park in a parking space identified as being reserved for use by persons with disabilities, whether on public property or private property available for public use. A placard or license plate obtained pursuant to C.R.S. § 42-3-204, or as otherwise authorized by subsection (d) of this section, shall be clearly displayed at all times on the vehicle while parked in such space.

(2) The owner of private property available for public use may post signs or markings identifying parking spaces reserved for use by persons with disabilities. Such posting shall be a waiver of any objection the owner may assert concerning enforcement of this

section by parking enforcement officers or peace officers of any political subdivision of this state, and such officers are hereby authorized and empowered to so enforce this section, provisions of law to the contrary notwithstanding.

(3) Each parking space reserved for use by persons with disabilities, whether on public property or private property, shall be marked with an official upright sign or official markings on the pavement, which sign may be stationary or portable, identifying such parking space as reserved for use by persons with disabilities.

(d) Persons with disabilities from states other than Colorado shall be allowed to use parking spaces for persons with disabilities in Colorado so long as such persons have valid license plates or placards from their home state that are also valid pursuant to 23 CFR 1235.

(e) It is unlawful for any person other than a person with a disability to park in a parking space on public or private property that is clearly identified by an official sign or pavement markings as being reserved for use by persons with disabilities unless:

(1) Such person is parking the vehicle for the direct benefit of a person with a disability to enter or exit the vehicle while it is parked in the space reserved for use by persons with disabilities; and

(2) A license plate or placard obtained pursuant to C.R.S. § 42-3-204, or as otherwise authorized by subsection (d) of this section, is displayed in such vehicle.

(f) Any person who is not a person with a disability and who exercises the privilege defined in subsection (b) of this section or who violates the provisions of subsection (e) or ~~(f)~~ (i) of this section commits a traffic offense.

(g) Any person who is not a person with a disability and who uses a license plate or placard issued to a person with a disability pursuant to C.R.S. § 42-3-204, in order to receive the benefits or privileges available to a person with a disability under this section, commits a traffic offense.

(h) Any law enforcement officer, public safety technician or authorized parking enforcement official may check the identification of any person using a license plate or placard for persons with disabilities in order to determine whether such use is authorized.

(i) It is unlawful for any person to park a vehicle so as to block reasonable access to curb ramps or passenger loading zones, as identified in 28 CFR 36 (Appendix A), that are clearly identified and are adjacent to a parking space reserved for use by persons with disabilities unless such person is loading or unloading a person with a disability.

(j) It shall be the duty of the traffic engineer to provide for adequate handicapped parking zones on public property as authorized by law. Handicapped parking zones on private property that are available for public use shall be posted with a sign meeting the requirements of sign R7-8 as provided for in Section 2B-31 of the United States Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices.

Section 25: Sections 18-305, 18-306 and 18-310 of Chapter 4, Parks, of Title 18, Streets, Sidewalks and Public Places, shall be amended to read as follows:

Sec. 18-305. - Posting notices of closed hours.

The director of culture, parks and recreation shall post notices in conspicuous places in city parks, sufficient to inform the public of the closing hours of the parks.



Sec. 18-306. - Violation of closed hours unlawful; exceptions.

It is unlawful for any person to be within a city park at a time when the park is closed to the public unless travel on streets therein is necessary for through traffic and for those residing in areas adjoining the parks or during events of a public nature for which a permit has been previously granted. This prohibition shall not extend to persons employed within the parks or to persons who have obtained written permission from the director of culture, parks and recreation for entry into the parks during closed hours.

Sec. 18-310. – Authority, posting.

(a) The director of culture, parks and recreation shall have authority to enforce rules and regulations promulgated for the proper management, operation and control of city parks, parkways and other recreational facilities within the city, as well as rules and regulations adopted by the city council which affect city parks.

(b) Notices of applicable rules and regulations shall be posted in conspicuous places in city parks, parkways and other recreational facilities giving notice of the proscribed behavior.

(c) It is unlawful to engage in posted, proscribed behavior and violation of this section shall be treated as a misdemeanor infraction.

Section 26: Section 20-29 of Chapter 2, Water and Sewer Administration, of Title 20, Public Works and Utilities, is hereby repealed.

~~20-29. – Budget setting process:~~

~~(a) Preparation for draft budgets. In order to prepare the annual water and sanitary sewer budgets for recommendation to the city manager, the water and sewer board will meet with water and sewer department staff and the city finance director to review and discuss information that may impact the water and sanitary sewer budgets. The information may include, but is not limited to, the following:~~

~~(1) Current estimates of debt service requirements and depreciation costs;~~

~~(2) Actual budget figures from previous years, current year's actual/estimated expenses and revenues, and recommended and estimated revenues and expenses for future years; and~~

~~(3)~~

~~a. Relevant factors affecting maintenance of current operational service levels;~~

~~b. Large rehabilitation projects that may require bonding;~~

~~c. Capital improvement projects required to meet federal or state regulations;~~

~~d. Capital improvement projects to meet court decrees;~~

~~e. New capital improvement projects to meet city council's approved long range (minimum five-year) plan and adopted comprehensive plan;~~

~~f. Adjustments in operational service levels and capital projects required to maintain operational service levels; and~~

~~g. Acquisition of additional water rights. The water and sewer board will also review and consider any other information presented by water and sewer department staff that may materially affect preparation of the budgets, including, but not limited to, growth projections; projected and actual city personnel salary adjustments and other items which may affect the operations of the water and sewer department and/or approved long range (minimum five-year) plan and adopted comprehensive plan. To the extent possible or practicable, the foregoing will be presented to the water and sewer board~~

on or before the annual April water and sewer board meeting. After presentation to the water and sewer board, the same information shall be presented to city council, together with any recommendations by the water and sewer board for city council's consideration. To the extent possible or practicable, the foregoing will be presented to city council on or before the annual June water and sewer board meeting.

(b) Recommended budgets. Water and sewer department staff and the finance director will prepare draft budgets and a long-range plan that considers comments or direction received from the water and sewer board or city council. The draft budgets will be presented to the water and sewer board for its review, approval, and recommendation to the city manager, as well as a draft long range (minimum five-year) plan for water and sewer capital improvement projects for the water and sewer board's review and submittal to city council. The recommended budgets will estimate the water and sewer rates necessary for all expenditures for all operation and maintenance of the water and sewer systems; all debt service requirements; and additions to a reserve account in sufficient amounts to offset depreciation to the water or sewer systems. The water and sewer recommended budgets and long range plans will also separately estimate the rates necessary for all expenditures for new water and sewer capital improvement projects and for which funds are recommended to be appropriated from the Sewer Construction Fund, Water Construction Fund, Water Rights Acquisition Fund, or other identified fund, in order to meet city council's approved long range (minimum five-year) plan and adopted comprehensive plan. city council reviews and approves the long range plan as it deems appropriate during city council's budget setting process. To the extent possible or practicable, the foregoing will be presented to the water and sewer board on or before the annual July water and sewer board meeting.

(c) Presentation to city council. When the city manager presents his proposed budget to city council, any changes to the water and sewer board's recommended budgets that are not supported by both the water and sewer board and the city manager will be documented and presented to city council with supporting explanation for and against the changes. The water and sewer board will receive notice of any such changes prior to the city council budget work session scheduled to review the water and sewer budgets. The water and sewer board may then meet with city council at the city council budget work session to discuss any changes in the recommended budget, subject to all applicable open meeting laws.

(d) Setting the rates for water and sewer. As soon as practicable after the city council adopts the city budget, but before December 31, the board shall approve minimum water and sewer rates in accordance with section 17-4 of the city Charter. The rates adopted by the board may also include funding in order to meet city council's long-range plan and adopted comprehensive plan, and any other expenditure included in the adopted city budget as approved by city council.

Sec. 20-29. Reserved.

Section 27: Section 20-123 of Division 1, In General, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

20-123. Failure to maintain; unlawful; notice; turnoff.

It is unlawful for any owner or user of water to fail to comply with the provisions of section ~~20-153~~ 20-122 and, until his pipes and fixtures are placed in good repair, the director of water and sewer shall turn off all water from such premises. If the director of water and sewer discovers, on inspection, that any plumbing or fixtures of any premises are so defective as to waste any water, he shall notify the owner or user of water to repair the same immediately and, if not repaired within 24 hours, he shall turn off the water from such premises, and the same shall remain turned off until such plumbing and fixtures are repaired.

Section 28: Sections 20-152 and 20-153 of Division 2, Fees, Costs and Collection, Article III, Water, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

20-152. Payment of charges.

All rates for the use of water as provided in this title shall be due and payable to the director of finance at his office in the city hall. In case any water user fails to pay all charges within 30 days after the same become due, the same are delinquent and the city may disconnect water service from every premises, building, house or lot in default until the delinquent charges are paid, including payment of reconnection charges as provided in sections ~~20-122 and 20-223~~ 20-158.

20-153. Bills may be sent; process for bill disputes.

The director of finance may, but shall not be required to, give notice to users of water of the amount of their water rates and when due, and he may include in such notice and shall collect with the water rates the sewer rates and any associated fees and charges due pursuant to this title 20 assessment provided for in section 18-388 et seq., prorating such assessment with the water rates. Any customer that believes its water and sewer bill contains improper charges may submit a bill dispute in writing to the director of water and sewer.

Section 29: Section 20-327 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-327. Installation costs; advance payment required.

In addition to paying the plant investment fees provided for in section 20-325, ~~the owner, lessee or user of any~~ the applicant for sanitary sewer service shall pay for all labor and materials required to installing the tap onto the sewer main, to install the service pipes and lines, and to perform all trenching and street repairs. ~~All plant investment fees and installations costs shall be paid prior to commencing any work.~~ All costs shall be paid by the applicant in advance of such work and no later than the time at which a building permit is issued by the city for the subject property.

Section 30: Title of Article VII and sections 20-563 and 20-567 of Division 1, In General, Article VII, Storm Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Article VII. ~~Storm Sewers~~ Stormwater drainage system

Sec. 20-563. ~~Discharge prohibitions.~~ Illicit discharges; allowed discharges; nonconforming taps.

(a) Illicit discharges are discharges to the city's stormwater drainage system that are not composed entirely of stormwater and are not allowed discharges as described in subsection (b) of this section. Illicit discharges to the city's stormwater drainage system are prohibited.

(b) The following are allowed discharges into the city's stormwater drainage system and are exempted from classification as an illicit discharge: uncontaminated runoff from rain or snow melt; landscape irrigation; diverted stream flows; irrigation return flow; rising groundwater; uncontaminated groundwater infiltration as defined at 40 CFR 35.3005(20); uncontaminated pumped groundwater; springs; flows from riparian habitat and wetlands; discharges in accordance with the state department of public health and environment: water quality control division low risk policy discharge guidance documents; foundation drains; air conditioning condensation; water from crawlspace pumps; footing drains; individual residential car washing; charity car washes; water incidental to city sweeping that is not associated with construction; flows from emergency firefighting activities; water dyed for testing processes in accordance with manufacturer recommendations; and other discharges specifically authorized by the city's state discharge permit system permit or National Pollution Discharge Elimination System permit.

(c) Any tap into a stormwater line made prior to 1999 that is discharging only allowable discharges described in subsection (b) of this section will be considered a legal non-conforming tap until one of the following occurs; at which time the time the tap must be removed and connected to the sanitary sewer system (not the stormwater drainage system): improvement to the property, change in ownership, or change in use.

Sec. 20-567. - Code ~~infraction~~ violation and administrative hearing procedures.

A notice of violation issued under section 20-566 is a misdemeanor infraction and shall proceed in accordance with section 2-1032 and shall be subject to the provisions of this chapter and penalties as set forth in chapter 10 of title 1 of this Code.

Section 31: Sections 20-588, 20-589 and 20-592 of Division 2, Fees, Costs and Collection, Article IV, Sanitary Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-588. Installations; ~~city engineer to direct~~ Director of Public Works.

All installations of taps or connections to the stormwater drainage system shall be under the direction of the director of public works ~~or designee.~~

Sec. 20-589. Service connections; ~~required before streets paved;~~ specifications; ~~business district~~ requirements.

Before any impervious areas, as defined in section 20-621, are created in any of the streets or alleys within the city, a property owner shall lay service connections with the stormwater drainage system extending from the sewer line to the property line, which connections shall be of adequate size to provide drainage for present and future buildings upon the property in accordance with the schedule of sizes designated in section 20-590. All downspouts, water drains, or conductor pipes from the roofs of buildings in commercially-zoned areas of the city shall be placed beneath the surface of the street or alley adjoining the property and be connected with the stormwater drainage system located within the public right-of-way in conformity with this Code and with the approval of the director of public works or designee.

Sec. 20-592. Application to remodeled buildings, living units and redevelopment districts.

The stormwater drainage development impact fees provided for in section ~~6-998~~ 6-1008 shall also be imposed with respect to existing development if existing buildings or other physical improvements on the property are remodeled or added to or if structures or other living units, such as mobile homes, are moved onto the property.

Section 32: Sections 20-621, 20-626, 20-633, 20-637 and 20-639 of Chapter 4, Stormwater Management Program, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-621. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Control measures* means BMPs (best management practices) or other operating procedures of methods used to prevent or reduce the discharge of pollutants to the city's stormwater drainage system from construction site runoff, spillage, and leaks, and can include the installation, operation, and maintenance of structural controls and treatment devices, such as landscape buffers and swales, modular block porous pavement, and detention basins.

*Impervious area* means areas covered in a way that prevents the land's natural ability to absorb and infiltrate typical precipitation and irrigation events, like roofs, walkways, patios, driveways, parking lots, storage areas, concrete and asphalt, and any other continuous watertight pavement or covering.

*MS4 permit* means the state discharging permitting system's general permit stormwater discharges associated with municipal separate storm sewer system issued by the state department of public health and environment under which the stormwater drainage system operates.

*Stormwater drainage system* means any manmade improvement or conveyance intended for stormwater runoff from real property, including, but not limited to, open channels, streets, gutters, catch basins, underground pipes, ditches, swales, detention or retention ponds, surface waters and lakes.

Sec. 20-626. Duties of stormwater board.

(a) The stormwater board shall make recommendations to the city council on all matters concerning stormwater management, priorities, policies, fees, and procedures.

(b) The board shall also review and make recommendations to the city council on the stormwater management plan.

(c) The board shall recommend the facilities needed to provide an adequate stormwater drainage system. Such recommendations shall include the following:

- (1) The facilities to be constructed.
- (2) The prioritization and schedule for construction of facilities.
- (3) The method of assessing fees against property.
- (4) Apportionment of the cost of new facilities to be assessed against property and the portion, if any, of such cost which should be paid by the city.
- (5) Long-range plans.

Before making recommendation for any project, the board shall analyze the project and compare the benefits to be achieved with the anticipated cost of the project.

(d) The board shall annually recommend stormwater rates, including the stormwater drainage development impact fees imposed pursuant to chapter 15 of title 6 of this Code, which need not be uniform for all classes of users. Rates shall include all costs for the construction, reconstruction, replacement, rehabilitation, and improvement of the stormwater drainage system.

(e) The board shall make recommendations to the city manager for expenditures for the stormwater drainage system annual budget.

(f) The board shall also hear the appeal of any owner of property in the city who disputes the amount of the stormwater management program fee made against property or who disputes any determination made by or on behalf of the city pursuant to and by authority of this chapter. After hearing, the board may make such revision or modification of such fee or determination as it shall deem appropriate.

Sec. 20-633. Requirement for permanent stormwater water quality control measures.

(a) The owner or developer of any new or existing development that involves land disturbing activity as defined in section ~~12-189~~ 12-191 that is:

- (1) Equal to or greater than one acre; or
- (2) Less than one acre if the construction activities are part of a common plan of development or sale, as defined in section ~~12-189~~ 12-191, must design, construct, install, perform inspections on, and maintain in perpetuity control measures that prevent or minimize water quality impacts and address stormwater runoff quality.

(b) The control measures must be designed, installed, and maintained, in accordance with the following:

- (1) The city's storm drainage design criteria and construction specifications manual and urban drainage;
- (2) The flood control district's urban storm drainage criteria manual; and
- (3) The design standards required by the city's MS4 permit.

Such control measures, including their attainment of design standards in conformance with the city's MS4 permit requirements, must be reviewed and approved by the director of public works or designee. The obligation to maintain the control measures in perpetuity shall be memorialized on a subdivision plat, annexation plat, development agreement, or other instrument recorded in the office of the county clerk and recorder.

(c) Should the owner or developer fail to adequately maintain the control measures, the city shall have the right to enter the property for the purposes of performing operation and maintenance. All associated costs, including administrative costs, shall be assessed pursuant to section 20-632(b).

(d) In addition to the above section, failing to adequately maintain control measures shall be a violation of this chapter.

Sec. 20-634. Excluded projects.

(a) The following new or existing development is not required to comply with section 20-633:

(1) Paving that does not result in a substantial increase of impervious area and infrastructure, like routine maintenance, rehabilitation, replacement, and reconstruction.

(2) Redevelopment of existing roads when:

a. Less than one acre of paved area per mile of road is added; or

b. Less than 8.25 feet of paved width at any location is added.

~~(3)~~ (3) Installation or maintenance of underground utilities or infrastructure that does not permanently alter existing terrain, ground cover, or drainage patterns.

~~(4)~~ (4) Single-family residential or agricultural zoned property equal to or greater than 2.5 acres per dwelling, having a total impervious area of less than ten percent.

~~(5)~~ (5) Any development that submits to the director of public works a site-specific study detailing rainfall and soil conditions demonstrating that post-development surface infiltration will not result in the discharge of concentrated stormwater flow during an 80th percentile runoff event. The site-specific study must be approved by the director of public works or his designee.

~~(6)~~ (6) Undeveloped property on which land disturbing activity occurs but results in no added structures or impervious area.

~~(7)~~ (7) Stream stabilization sites.

~~(8)~~ (8) Bike and pedestrian trails that are not attached to roads.

~~(9)~~ (9) Oil and gas exploration.

Sec. 20-637. City to maintain public stormwater facilities.

The city shall maintain all public stormwater facilities accepted by the city, located on city-owned property, and additional stormwater facilities dedicated to the city.

Sec. 20-639. Enforcement.

(a) Any fee which has not be paid when due may be recovered in an action at law by the city in addition to any other remedies or penalties provided by this chapter or this Code.

(b) Authorized employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

(c) The director of public works ~~or designee~~ may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this chapter.

(d) A violation noticed under this chapter shall be deemed a misdemeanor infraction, shall proceed in accordance with section 2-1032, and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

Section 33: Sections 22-44 of Chapter 2, Building Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

Sec. 22-44. Section ~~406.3.4(1)~~ 406.3.2.1 amended; dwelling unit separation.

Sec. 406.3.2.1 of the building code is amended to read as follows:

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

Section 34: Sections 22-47 and 22-48 of Chapter 2, Building Code, of Title 22, Buildings and Construction, is hereby repealed.

~~Sec. 22-47. Section 1507.2.9.4 added; sidewall flashing.~~

~~Sec. 1507.2.9.4 of the building code is added to read as follows:~~

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

~~Sec. 22-48. Section 1507.2.9.5 added; other flashing.~~

~~Sec. 1507.2.9.5 of the building code is added to read as follows:~~

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

Section 35: Sections 22-95, 22-96 of Chapter 3, Residential Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

Sec. 22-95. Section R313.2 deleted; one- and two-family dwellings automatic fire sprinkler systems.

Sec. R313.2 of the residential code, adopted at section 22-76 is deleted in its entirety. ~~automatic residential fire sprinkler system shall be installed in one- and two-family~~

Sec. 22-96. Section ~~R327~~ R328 added; electric fences.

Sec. R328 of the residential code is added in its entirety to read as follows:

Sec. R328 Electric fences.

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



R328.2 Permit required. In all cases, electric fences will require approval, and a building permit. All electrical components must be listed and labeled, by a nationally recognized independent testing agency, and installations must be made per the manufacturer's specifications, and the listing requirements.

R328.3 Signs. Permanent signs stating "DANGER, ELECTRIC FENCE" must be installed on or around the fence, as deemed necessary by the building inspection division.

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

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

Section 36: Sections 22-241 of Chapter 6, Existing Building Code, of Title 22, Buildings and Construction, is hereby repealed.

~~Sec. 22-241. Section 1401.2 amended; applicability.~~

~~Sec. 1401.2 of the existing building code is amended to read as follows:~~

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

Section 37: Sections 22-314, 22-316, 22-317 and 22-318 of Chapter 9, Plumbing Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

Sec. 22-314. Section ~~405.5~~ 405.6 amended; water-tight joints.

Sec. 405.6 of the plumbing code is amended to read as follows:

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

Sec. 22-316. Section ~~414.2~~ 417.2 amended; waste connection.

Sec. 417.2 of the plumbing code is amended to read as follows:

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

Sec. 22-317. Section ~~417.4~~ 421.4 amended; shower compartments.

Sec. 421.4 of the plumbing code is amended to read as follows:

421.4 Shower compartments. All shower compartments shall have a minimum of 1,024 square inches (0.66 m<sup>2</sup>) of interior cross-sectional area. Shower compartments shall not be less than 32 inches (813 mm) in minimum dimension measured from the finished interior dimension of the compartment, exclusive of fixture valves, showerheads, soap dishes, and safety grab bars or rails. Except as required in section 404, the minimum

required area and dimension shall be measured from the finished interior dimension at a height equal to the top of the threshold and at a point tangent to its centerline and shall be continued to a height not less than 70 inches (1,778 mm) of this section the shower drain outlet.

Sec. 22-318. Section ~~417.4~~ 421.4 deleted; exception, shower compartments.  
Sec. 421.4, Exception, of the plumbing code is deleted in its entirety.

Section 38: Sections 22-463 and 22-464 of Chapter 12, Fire Code, of Title 22, Buildings and Construction, shall be amended to read as follows:

22-463. Section 110.4 amended; violation penalties.

Sec. 110.4 of the fire code is amended to read as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor infraction, and punishable pursuant to chapter 9 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

22-464. Section ~~111.4~~ 112.4 amended; failure to comply.

Sec. ~~111.4~~ 112.4 of the fire code is amended to read as follows:

~~111.4~~ 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor infraction, and punishable pursuant to chapter 9 of title 1 of this Code.

# Council Agenda Summary

April 5, 2022

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

**Title:**

Introduction and first reading of an ordinance amending Title 20 of the Greeley Municipal Code concerning the use of non-potable water supplies for irrigation.

**Summary:**

Greeley has been utilizing non-potable (untreated raw water) irrigation since the Number 3 Ditch was built in 1870 to irrigate the City's parks and gardens. As Greeley has grown, the City expanded its non-potable system by utilizing the existing agricultural ditch systems to economically convey untreated non-potable water. Currently, Greeley's non-potable water systems provide approximately 2,500 acre feet of water annually and primarily serve City owned parks and facilities with limited usage from private water customers. The City's long-term water resource planning analysis has confirmed the critical importance of developing non-potable water supplies and delivery systems to ensure the city can meet all future needs. The long-range water supply master plan engineering analysis concluded that increasing non-potable irrigation water usage to over 7,000 acre feet annually is essential to meeting the build-out water demand for Greeley.

To meet the long-term goal of 7,000 acre feet of annual non-potable water use, Water and Sewer staff presented revisions to Title 20 of the Greeley Municipal Code to City Council on December 7, 2021 (first reading) and January 18, 2022 (second reading) to make non-potable water use mandatory in most cases for new development. City Council adopted those code revisions as presented with one exception. The code revisions staff proposed included a requirement that new non-potable systems must be publicly owned and maintained by the city; in other words, no new private non-potable systems would be allowed. An amendment to the language of that provision was offered, and the amended language removed the limitations against private non-potable systems and the amended ordinance passed unanimously.

Upon further review of the revised Title 20 Code approved on January 18, 2022, staff and CAO legal counsel determined that additional code provisions were necessary to protect the city from unintentional ambiguity in the approved amended code.

The recommended additional provisions, incorporated in the attached, are crafted to ensure that any private non-potable irrigation system is designed and constructed to meet city standards, and thereby protect business owners, homeowners, or others from substandard system performance or reliability. Further, any new private non-potable system would not be eligible for discounted plant investment fees. Lastly, if a private system is to be dedicated to the city at a future date, it must meet applicable city design and operational standards and the dedication shall include an appropriate type and amount of raw water dedication (rights or cash-in-lieu) required to serve the demands.

**Fiscal Impact:**

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

**Legal Issues:**

Consideration of this matter is a legislative process. A second reading and public hearing on this ordinance may take place no sooner than 28 days after the introduction and first reading. GMC § 20-273. The City Attorney's Office has reviewed and approved the proposed ordinance as to legal form.

**Other Issues and Considerations:**

**Strategic Work Program Item or Applicable Council Priority and Goal:**

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

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

**Decision Options:**

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

**Council's Recommended Action:**

A motion to introduce the ordinance and schedule the public hearing and final reading for [Click here to enter a date.](#)

**Attachments:**

Ordinance  
 Revised Title 20 Greeley Municipal Code  
 Informational Presentation

**CITY OF GREELEY, COLORADO**

**ORDINANCE NO. \_\_\_, 2022**

**AN ORDINANCE AMENDING TITLE 20 OF THE MUNICIPAL CODE OF THE CITY OF GREELEY  
(CONCERNING THE USE OF NON-POTABLE WATER SUPPLIES FOR IRRIGATION)**

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, various Sections within Title 20 of the Greeley Municipal Code set forth the requirements and regulations related to the initiation and use of water and sewer services from the City; and

WHEREAS, the City Council previously adopted Ordinance No. 04, 2022 to implement a policy concerning the expanded use of non-potable water supplies for irrigation throughout the City, in the interest of more strategically and efficiently managing the City's water resources portfolio; and

WHEREAS, City Water and Sewer staff and legal counsel subsequently developed additional revisions to Title 20 of the Greeley Municipal Code to clarify certain provisions of this policy;

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

Section 1. That Section 20-254 be amended to read as shown on Appendix A, attached hereto and incorporated herein.

Section 2. That Section 20-262 be amended to read as shown on Appendix A.

Section 3. Except as explicitly modified on Exhibit 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 \_\_\_\_ DAY OF \_\_\_\_\_ 2022.

ATTEST

CITY OF GREELEY, COLORADO

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

\_\_\_\_\_  
Mayor

APPENDIX A  
ORDINANCE AMENDING TITLE 20  
GREELEY MUNICIPAL CODE

Section 1. Section 20-254 shall be amended to read as follows:

**Sec. 20-254. Water rights dedication; amounts and criteria.**

- (a) All applicants for water service within the city limits shall (i) dedicate to the city water rights, if any, that the city, in its sole discretion, can use in its potable water supply system or non-potable irrigation system and (ii) if the applicant cannot satisfy the raw water dedication requirements through the dedication of water rights, shall furnish to the city a cash-in-lieu fee (or satisfy the same pursuant to subsection (e)) to fulfill all or the remainder of the dedication requirement associated with a request for water service as a prerequisite to and as part of the consideration for city water service to the subject lot. All water rights approved for dedication shall be conveyed to the city on or before the date the final plat for the development is approved. All cash-in-lieu fees shall be due and payable to the city no later than the date on which the building permit is issued.
- (b) The city has determined (i) that the water rights represented by shares of stock in the Greeley and Loveland Irrigation Company and the Seven Lakes Reservoir Company, and rights in the Loveland and Greeley Reservoir Company (Lake Loveland) can be used within its potable water supply system and non-potable irrigation system and (ii) that the water rights represented by units of Colorado-Big Thompson Project Water can be used within its potable water supply system. The water rights represented by shares of stock in the Greeley Irrigation Company can only be used within non-potable irrigation systems. Therefore, the city will accept such water rights only in satisfaction of the raw water dedication requirements associated with non-potable water service on property historically irrigated by the subject water rights. The city shall use the following yield values to determine the amount of raw water transferred by an applicant toward the satisfaction of any raw water dedication requirement:

Company	Yield/Share
The Greeley & Loveland Irrigation Company	8 acre-feet/share
The Seven Lakes Reservoir Company	8 acre-feet/share
The Loveland and Greeley Reservoir Company (Lake Loveland)	20 acre-feet/right
Colorado-Big Thompson Project Water (C-BT)	0.75 acre-feet/unit
Greeley Irrigation Company (Greeley No. 3 Canal)	10.3 acre-feet/share

- (c) Except for water rights represented by units of Colorado-Big Thompson Project Water, the city will not accept the dedication of any water rights under subsection (b) for use within its potable water supply system or non-potable irrigation system unless the director of water and sewer determines that the subject water rights meet the requisite criteria under Colorado law for conversion of the water to municipal use by the city,

including, without limitation, that: (i) the water rights have a history of use on the property being developed; (ii) the property being developed was historically and consistently irrigated under the ditch system from which such water rights are being dedicated; (iii) the owner and all lienholders of the property being developed execute a restrictive covenant in a form acceptable to the city requiring the cessation of irrigation on the historically irrigated property with the subject water rights except under conditions authorized by the city; and (iv) the applicant provides any documents and materials reasonably required by the city to ensure consistency with any prior decrees, including but not limited to, decrees adjudicating changes of the Greeley and Loveland Irrigation Company, the Seven Lakes Reservoir Company, the Loveland and Greeley Reservoir Company (Lake Loveland), and the Greeley Irrigation Company water rights.

- (d) An applicant for water service may dedicate any water rights identified in subsection (b) as usable within the city non-potable irrigation system, including water rights that satisfy the requirements of subsection (c), in satisfaction of the applicant's raw water dedication requirement associated with non-potable service. An applicant for water service may request that the city accept or permit the use of (i) water rights other than the water rights identified in subsection (b) or (ii) water rights that do not satisfy the requirements of subsection (c) in partial satisfaction or reduction of the applicant's raw water dedication requirement associated with non-potable service. The city, in its sole discretion, may accept or permit the use of such water rights based on certain terms and conditions set by the director of water and sewer but only in partial satisfaction or reduction of the raw water dedication requirement associated with non-potable water service on property that has been historically irrigated by the subject water rights.
- (e) On or before December 31, 2099, an applicant for water service, who is also the registered owner of a certificate issued by the department to evidence one or more raw water dedication credits, may redeem such credit(s) in whole or in part (but only in whole numbers) toward the satisfaction of any cash-in-lieu fee obligation associated with the applicant's request for water service in accordance with sections 20-255, 20-256, 20-257, and 20-260. One raw water dedication credit represents the equivalent of, but not an interest in, one acre-foot of raw water that an applicant would otherwise have to satisfy by furnishing to the city a cash-in-lieu fee.
- (f) Applicants for water service to single-family residential and multi-family residential lots with four units or less within the city limits shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city any applicable cash-in-lieu fee in accordance with section 20-255 in the amount of three acre-feet per acre, or fraction thereof, of property to which water service will be provided. Streets, rights-of-way, driveways, sidewalks, outbuildings, and any other part of the lot that has been or will be developed shall be included in the calculation of the total gross acreage of the property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area is legally prohibited by plat or deed.
- (g) Applicants for water service to nonresidential lots and multi-family residential lots with more than four units within the city limits, including, without limitation, commercial,



industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with section 20-256 in the amount of the water service demand for the subject lot. The potable water service demand for nonresidential lots and large multi-family residential lots with more than four units shall be determined by multiplying the total units proposed by the applicant by the average unit use, as set forth in the business category and water use table below. The potable water service demand for industrial lots and commercial lots of a type not specifically identified in the business category and water use table below shall be determined by the director of water and sewer on a case-by-case basis, utilizing the projected volume of total water use by the subject lot.

Business Category and Water Use		
Category	Units	Average Unit Use (Gallons Per Unit Per Year)
Auto service and repair	SF	12
Car wash	Bay	1,350,000
Childcare	SF	47
Church	SF	4.5
Grocery store	SF	20
Gas station without car wash	SF	93
Hospital	SF	21
Hotel/motel	Room	30,300
Medical office	SF	25
Multi-family Residential (greater than 4 units)	Unit	35,500
Office	SF	14
Recreation with pool	SF	122
Recreation without pool	SF	25
Restaurant (outdoor seating areas 50%)	SF	188
Retail	SF	16
School	SF	11
Warehouse	SF	5
Industrial and other commercial	Demand determined on case-by-case basis	
"SF" = Square feet of gross floor space within the building area		

- (h) Applicants for water service to nonresidential lots and multi-family residential lots with more than four units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes,

hotels, and motels), for which a separate and additional landscape irrigation tap and service line is required in accordance with section 20-252, shall also dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with section 20-256 in the amount of the landscape irrigation demand for the subject lot. Landscape irrigation demand shall be determined based on (i) the total gross acreage of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table below. Landscape plans with more than 75 percent high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights-of-way, driveways, sidewalks, outbuildings and any other impervious part of the lot that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The city may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.

Landscape Water Use	
Water Use	Dedication Requirement
High water use (>14 gals/sf annual use)	3 acre-feet/acre
Medium water use (10-14 gal/sf annual use)	2.33 acre-feet/acre
Low water use (<10 gals/sf annual use)	1.67 acre-feet/acre
No irrigation	No raw water requirement for landscape

**(i) Any owner of a privately owned non-potable irrigation system that seeks to connect such system to the city non-potable system shall be considered an applicant for water service under this title 20. All such applicants shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee, in the amount of the landscape irrigation demand for the subject lot(s), as determined in accordance with the methodology in section 254(h). The acceptance and connection of any such system to the city non-potable system is subject to approval by the director of water and sewer, and to any terms and conditions deemed appropriate by the director or his designee in their sole discretion.**

Section 2. Section 20-262 shall be amended to read as follows:

**Sec. 20-262. Plant investment fees for water service; inside and outside the city.**

(a) All applicants for water service, whether inside or outside the city limits, shall furnish to the city a water plant investment fee based on the diameter of the potable water tap as a prerequisite to, and as a part of the consideration for, city water service to the subject property. The water plant investment fee shall be the minimum amount set by resolution of the water and sewer board, unless subsequently increased by resolution of the city council. The diameter of a service line water tap installed for fire suppression purposes shall not be considered when calculating plant investment fees due pursuant to this section.

- (b) Upon approval of the director of water and sewer, plant investment fees may be based on the volume of a customer's annual allotment rather than the diameter of the potable water tap. When the director of water and sewer authorizes a plant investment fee based on the volume of a customer's annual allotment, then the schedule of tap fees set by resolution of the water and sewer board shall be applied in accordance with the size of service line.
- (c) The plant investment fee associated with a request for water service shall be reduced by up to fifty (50) percent for the following residential lot types to which separate and additional landscape irrigation taps and service lines are installed and **connected to the city** non-potable ~~system~~ water service is provided. Reductions are not aggregated for the installation **of taps and service lines for** both common space and house-to-house non-potable water service.

Plant Investment Fee Reduction Percentages			
Residential Building Type	Lot Size	Common Space Non-Potable	House to House Non-Potable
Row House	>1,000 s.f.	50%	N/A
Detached House (Small Format)	1,500-3,000 s.f.	50%	50%
Detached or Multi-Unit House (Small Lot)	3,000-4,500 s.f.	40%	50%
Detached or Multi-Unit House (Medium Lot)	4,500-6,000 s.f.	30%	50%
Detached or Multi-Unit House (Standard Lot)	6,000-13,000 s.f.	25%	50%
Detached House (Estate Lot)	>13,000 s.f.	N/A	50%

# Amend Title 20 Non-Potable Irrigation Water Code Clarifications and Revisions

City Council | First Reading  
April 5, 2022



# Non-Potable Development Policy Goal

- **Facilitate the expansion of the non-potable systems as new development occurs**
  - **Non-potable water rights are more available and cheaper than potable**
  - **Allows use of sources currently impracticable to treat for potable use (e.g lower Poudre rights, wastewater effluent)**
  - **Installing non-potable infrastructure during development cheaper and more effective than retrofitting**
  - **Limit unnecessary expansion of Water Treatment and Transmission**
  - **Increased non-potable use is essential to meeting future demands**

# Background

## Non-Potable Code Update

- **Need non-potable supply to meet Greeley's long term water demand**
  - **Current NP demand = ~2,500 AF/yr.**
  - **Master Plan NP system target volume = ~7,000 AF/yr.**
    - **Allows for maximized use of the city's potable water supplies for growth in demand for indoor uses**
    - **Water rights for potable system are limited and costly**
- **City Council adopted an ordinance amending Title 20, requiring non-potable expansion for new development in most cases (1/18/22)**

# Recommended Code Cleanup

- **The ordinance adopted by City Council was amended during discussion**
- **Staff proposed all new non-potable systems be owned publicly, by the City**
  - **City Council suggested an amendment to remove this provision and allow new privately owned and operated non-potable systems**
  - **The ordinance adopted by City Council allows private non-potable system**
    - **Allowing for privately owned non-potable systems requires additional code language to clarify unintended ambiguity**



# Recommended Code Additions

## - Addressing Ambiguity for Private NP

- **New private non-potable systems must be designed and constructed to city standards to ensure service reliability and performance**
- **New water connections associated with private non-potable systems are not eligible for discounted Plant Investment Fees (PIFs)**
  - **Discounted PIFs are the primary incentive for the expansion of the City's non-potable irrigation water system**
- **If a private non-potable system is dedicated to the City in the future:**
  - **It must meet the City's design standards; and**
  - **Ample raw water must be dedicated or paid for through cash-in-lieu**





# 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

April 5, 2022

Key Staff Contact: Brittany Hathaway, Community Development, 350-9823

Becky Safarik, Interim Community Development Director, 350-9786

**Title:**

Public hearing to consider a request to rezone from PUD (Planned Unit Development – Lake Bluff) to PUD (Planned Unit Development – Poudre Heights), changing the underlying land use designations for approximately 277.6 acres of property located north of U.S. Highway 34 Business, east of Missile Park Road and west of 101<sup>st</sup> Avenue, and final reading of an ordinance changing the official zoning map to reflect the same

**Summary:**

The applicant, Todd Johnson, on behalf of Poudre Bay Partners, is requesting a rezone for the purpose of developing a mixed-use development consisting of residential, industrial, and commercial uses known as the Poudre Heights PUD. The Preliminary PUD Plans require only a public hearing and will be presented in conjunction with the public hearing for this rezone.

The subject property was included in the 2013 Lake Bluff PUD, which has since expired. This area is requested to be rezoned from PUD (Lake Bluff - expired) to PUD (Poudre Heights).

The applicant plans a mix of residential housing options including multi-family, attached single-family, and detached single-family with a maximum unit count of 1,185 at an overall residential density of 4.27 units per acre over the approximate 100 acres dedicated to residential uses. Mixed-uses would account for 108 acres with residential density averaging 6.6 units per acre. Commercial and limited industrial uses would also be permitted in the mixed-use planning areas. Industrial uses would account for 30 acres and would be located on the western boundary of the project, adjacent to existing industrial zoning and land uses part of the Golden Triangle PUD. Approximately 50 acres would be reserved for both private and public open space and bluff preservation. Two pocket parks, a city neighborhood park, and an amenity center are also proposed

The Poudre Heights PUD proposes specific uses for each planning area alongside specific development standards. Lot standards as proposed would vary from the City of Greeley standards, allowing for smaller lot sizes and cluster developments. Reduced lot sizes and setbacks as proposed are supplemented residential development standards to ensure a cohesive environment, as well as trail connectivity and access to parks and open spaces.

The Planning Commission considered this request on February 22, 2022, and recommended approval by a vote of 6-0.

**Fiscal Impact:**

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

**Legal Issues:**

Consideration of this matter is a quasi-judicial process.

**Other Issues and Considerations:**

None noted.

**Strategic Work Program Item or Applicable Council Priority and Goal:**

Consistency with Comprehensive Plan and Development Code standards.

**Decision Options:**

- 1) Approve the ordinance as presented; or
- 2) Amend the ordinance and approve as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

**Council's Recommended Action:**

1. A motion, that based on the application received and accompanying analysis, the proposed rezoning from Planned Unit Development (PUD – Lake Bluff) to Planned Unit Development (PUD – Poudre Heights) is in compliance with Development Code Section 24-625(c)(3) a, b, e and g; and, therefore, approves the request.
2. A motion to adopt the ordinance and publish with reference to title only.

**Attachments:**

Ordinance  
 Planning Commission Minutes (February 22, 2022)  
 Planning Commission Summary (Staff Report) (February 22, 2022)  
 PowerPoint

**CITY OF GREELEY, COLORADO**

**ORDINANCE NO. \_\_\_\_\_, 2022**

**CASE NO. ZON2022-0001**

**AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM PUD (PLANNED UNIT DEVELOPMENT – LAKE BLUFF) TO PUD (PLANNED UNIT DEVELOPMENT – POUDE HEIGHTS), CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 277.6 ACRES OF PROPERTY LOCATED NORTH OF U.S. HIGHWAY 34 BUSINESS, EAST OF MISSILE PARK ROAD AND WEST OF 101<sup>ST</sup> AVENUE**

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

Section 1. The following described property located in the City of Greeley is hereby changed from the zoning district referred to as Planned Unit Development – Lake Bluff to Planned Unit Development – Poudre Heights, in the City of Greeley, County of Weld, State of Colorado:

See attached legal description

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

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

**PASSED AND ADOPTED, SIGNED AND APPROVED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**ATTEST:**

**THE CITY OF GREELEY**

\_\_\_\_\_  
**Interim City Clerk**

\_\_\_\_\_  
**Mayor**

Legal Description

A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED AT RECEPTION NUMBER 4369421, LYING WITHIN TRACT 2, JACKSON SUBDIVISION RECORDED AT RECEPTION NO. 3347377, BOTH IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF WELD, STATE OF COLORADO, SITUATED IN THE WEST HALF OF SECTION 1 AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELEY, SAID COUNTY AND STATE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID WEST HALF, WHENCE THE EAST LINE OF THE WEST HALF OF SAID SECTION 1 BEARS NORTH 01°41'09" EAST, A DISTANCE OF 5546.41 FEET, WITH ALL BEARINGS REFERENCED HEREIN RELATIVE THERETO;

THENCE ALONG SAID EAST LINE, NORTH 01°41'09" WEST, A DISTANCE OF 65.05 FEET TO THE NORTHERLY RIGHT-OF-WAY OF US 34 BUSINESS, AS DESCRIBED IN WARRANTY DEED RECORDED AT RECEPTION NUMBER 3508373, IN SAID OFFICIAL RECORDS AND THE POINT OF BEGINNING;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. SOUTH 89°51'14" WEST, A DISTANCE OF 762.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 5,875.00 FEET;
2. WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°31'12", AN ARC LENGTH OF 1,078.70 FEET TO THE NORTHERLY RIGHT-OF-WAY OF US 34 BUSINESS AS DESCRIBED IN RIGHT-OF-WAY DEED RECORDED AT BOOK 918 PAGE 465 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, SOUTH 87°32'57" WEST, A DISTANCE OF 745.89 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, SOUTH 04°08'49" WEST, A DISTANCE OF 0.19 FEET TO THE NORTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 257 SPUR, AS DESCRIBED IN QUIT-CLAIM DEED RECORDED AT RECEPTION NUMBER 741532 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 89°30'07" WEST, A DISTANCE OF 673.11;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY, NORTH 01°24'45" EAST, A DISTANCE OF 1,366.25 FEET TO THE WESTERLY BOUNDARY OF SAID TRACT 2;

THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING SIXTEEN (16) COURSES:

1. NORTH 71°39'24" EAST, A DISTANCE OF 2,154.85 FEET;

2. NORTH 41°25'22" WEST, A DISTANCE OF 1,214.31 FEET;
3. NORTH 03°52'55" WEST, A DISTANCE OF 2,375.77 FEET;
4. SOUTH 74°26'17" EAST, A DISTANCE OF 428.29 FEET;
5. SOUTH 74°20'30" EAST, A DISTANCE OF 323.81 FEET;
6. SOUTH 72°00'45" EAST, A DISTANCE OF 111.51 FEET;
7. SOUTH 73°45'25" EAST, A DISTANCE OF 277.33 FEET;
8. SOUTH 74°59'39" EAST, A DISTANCE OF 335.15 FEET;
9. NORTH 19°26'18" EAST, A DISTANCE OF 177.59 FEET;
10. NORTH 30°44'56" EAST, A DISTANCE OF 201.48 FEET;
11. NORTH 82°22'46" EAST, A DISTANCE OF 338.90 FEET;
12. NORTH 06°10'33" EAST, A DISTANCE OF 31.99 FEET;
13. NORTH 84°36'54" EAST, A DISTANCE OF 70.65 FEET;
14. NORTH 87°59'53" EAST, A DISTANCE OF 50.09 FEET;
15. SOUTH 79°28'41" EAST, A DISTANCE OF 71.41 FEET;

16. NORTH 82°09'43" EAST, A DISTANCE OF 182.08 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SECTION 1 AND THE EAST BOUNDARY OF SAID TRACT 2;

THENCE ALONG THE EAST BOUNDARY OF SAID TRACT 2 AND THE EAST LINE OF SAID WEST HALF, SOUTH 01°41'09" WEST, A DISTANCE OF 5,233.90 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 277.652 ACRES, (12,094,523 SQUARE FEET), MORE OR LESS.

City of Greeley, Colorado  
**PLANNING COMMISSION PROCEEDINGS**

February 22, 2022

**1. Call to Order**

Chair Yeater called the meeting to order at 1:15 p.m.

**2. Roll Call**

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater  
Commissioner Erik Briscoe  
Commissioner Jeff Carlson  
Commissioner Brian Franzen  
Commissioner Larry Modlin  
Commissioner Christian Schulte

ABSENT

Commissioner Chelsie Romulo

**3. Approval of Agenda**

There were no corrections or additions to the agenda, and the agenda was approved as presented.

**4. Approval of January 25, 2022 Minutes**

Commissioner Franzen moved to approve the minutes dated January 25, 2022. Commissioner Modlin seconded the motion. Motion carried 6-0. Commissioner Romulo was absent.

**5. A public hearing to consider a request for a rezoning from PUD (Planned Unit Development) to PUD and a Preliminary PUD Plan for approximately 277.6 acres of property located north of US Highway 34 Business and west of 101<sup>st</sup> Avenue**

Brittany Hathaway addressed the Commission and introduced the request for a new Planned Unit Development, Poudre Heights. She explained that the request, originally submitted in 2019, was reviewed under the 1998 Development Code. Ms. Hathaway stated that the request is being processed as a rezone from the Lake Bluff expired PUD to the new Poudre Heights PUD with an accompanying Preliminary PUD Plan.



Ms. Hathaway presented a map showing the location of the project that will allow up to 1185 acres, including 100 acres of residential uses, 108 acres of mixed use and 30 acres of industrial use located on the west side of the site. She added that there are approximately 50 acres of open space, including 40 acres of bluff preservation, two pocket parks and one city park. Ms. Hathaway presented the overall master plan and pointed out the nature trail that will connect to the Poudre River Trail. Ms. Hathaway advised that mixed uses would allow for some residential or commercial in areas to be determined. She described some of the design features such as garages set back on smaller lots and 50-foot setbacks on lots adjacent to the bluff open space areas. Ms. Hathaway presented photographs of the site. Notices were mailed to property owners within 500 feet of the site and signs were posted at the site. No comments have been received to date. Staff recommended approval.

Upon question by Commissioner Schulte, Ms. Hathaway explained that if the rezone request is denied, the site is part of an expired PUD that would remain unless a party submitted a separate request. Commissioner Schulte asked about contemplated industrial uses and the visual impact, noting that the area is a gateway into Greeley. Ms. Hathaway stated that the applicant could provide more details and added that the PUD would require buffering according to the current standards.

Upon question by Commissioner Franzen, Ms. Hathaway advised that an application was submitted to place appropriate screening at the existing storage facility and that a new application was submitted for a welding headquarters, which is designated as the PAA. She added that the PAA was part of the original Lake Bluff PUD.

Commissioner Modlin asked if 4<sup>th</sup> Street would continue to Highway 257. Ms. Hathaway advised that there will likely be a roundabout that would head down toward 10<sup>th</sup> Street, adding that an arterial road would go down to Highway 257 where industrial zoning is proposed. Upon question by Commissioner Modlin, Ms. Hathaway stated that traffic would not travel on the old missile silo road, but that a new road would be installed.

Todd Johnson, Terra Forma Solutions, addressed the Commission on behalf of the applicant and thanked staff for assisting through the process. Mr. Johnson stated that the applicant worked closely with staff on the location of industrial zoning and buffering standards. He pointed out the areas for mixed use that would be primarily commercial zoning. Mr. Johnson described how the roadways would connect to 10<sup>th</sup> Street and Highway 257. He noted the locations of various types of housing as well as locations for commercial and industrial uses.

Commissioner Schulte noted the configuration of the open space and the placement of residences along that area. Mr. Johnson explained that houses will be set back and retain great views of the front range and river, but will not be visible to someone walking along the trail below. He added that the applicant will work closely with staff on design features at the time a formal application is submitted.

Commissioner Franzen asked about metropolitan districts and whether they extend in perpetuity. Mr. Johnson explained that a metro district typically has two components. The first encompasses the debt that is initially issued on a project to build and expand infrastructure, follows standards and an approved service plan, and has a stipulated timeframe. Mr. Johnson added that each district has its own timeframe and that several districts could be layered in over time, up to several years in totality. He advised that the timeframe for any individual district would not exceed city regulations. Mr. Johnson stated that the other component of a metro district is for operation and maintenance costs where a district takes on obligations like a homeowners' association. He advised that those fees would be in perpetuity like any other tax.

Upon question by Commissioner Modlin, Mr. Johnson advised that the applicant is currently talking with various users and could move forward with individual home builders in the next month or so. At that time, the applicant will return to the Planning Commission with site specific designs. He estimated that they could be breaking ground in late 2022 or early 2023. Mr. Johnson added that sewer lines are being extended through the Lake Bluff and Cache projects and will come to the eastern edge of this project to provide service to the area.

Chair Yeater opened the public hearing at 1:30 p.m. There being no comments, the public hearing was closed at 1:30 p.m.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission find that the proposed rezoning from Planned Unit Development (PUD) to Planned Unit Development (PUD) is in compliance with Development Code Section 24-625(c)(3) a, b, e and g; and, therefore, recommend approval. Commissioner Schulte seconded the motion. Motion carried 6-0. (Commissioner Romulo was absent.)

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission find that the proposed The Poudre Heights Preliminary PUD Plan is in compliance with Development Code Section 24-625(c)(3) a, b, e and g and Section 24-663(b); and, therefore, recommend approval. Commissioner Schulte seconded the motion. Motion carried 6-0. (Commissioner Romulo was absent.)

## **6. Appointment of Liaison to Arts Commission**

Commissioner Franzen moved to table this item until the next meeting to allow the Commission an opportunity to receive and review more information about the position. Commissioner Schulte seconded the motion. Motion carried 6-0. (Commissioner Romulo was absent.)

## **7. Staff Report**

Ms. Hathaway advised that the Rocky Mountain Land Use Institute will take place on March 24 and 25. She described some of the workshops and advised that the event will be held virtually. She invited any Commissioner who is interested to contact Mike Garrott who will submit the registrations.

Item No. 16.

### 8. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 1:35 p.m.

### 9. Workshop: Greeley on the Go

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*Justin Yeater*  
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Justin Yeater, Chair

DocuSigned by:  
*JULIE COZAD*  
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Julie Cozad, for Becky Safarik, Secretary

**PLANNING COMMISSION SUMMARY**

**ITEMS:** Rezoning from PUD (Planned Unit Development – Lake Bluff) to PUD (Planned Unit Development – Poudre Heights) and a Preliminary PUD Plan

**FILE NUMBER:** PUD2019-0007 & ZON2022-0001

**PROJECT:** Poudre Heights Preliminary PUD

**LOCATION:** North of US Highway 34 Business, west of 101st Avenue, and east Missile Park Road

**APPLICANT:** Todd Johnson on behalf of Poudre Bay Partners

**CASE PLANNER:** Brittany Hathaway, Planner III

**PLANNING COMMISSION HEARING DATE:** February 22, 2022

**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 applications in the form of a finding based on the review criteria in Sections 24-583, 24-625(c)(3) and 24-663(b) of the 1998 Development Code.

**EXECUTIVE SUMMARY**

The City of Greeley is considering a request to a rezone from PUD (Planned Unit Development – Lake Bluff) to PUD (Planned Unit Development – Poudre Heights) and a Preliminary PUD Plan for approximately 277.6 acres of property located north of US Highway 34 Business and west of 101<sup>st</sup> Avenue.

**A. REQUEST**

The proposed PUD would consist of a mix of residential, commercial, and industrial uses. Parks, open spaces, and trails are incorporated into the project to allow for pedestrian connectivity, outdoor activities, and public access to the Poudre Bluffs Natural Areas. The theme of the Poudre Heights PUD would be focused on native wildlife and is further described on page 11 of the PUD document (*see Attachment C*). As the application was submitted in 2019, the application is processed under the 1998 Development Code.

Approximately 50 acres would be reserved for both private and public open space and bluff preservation. Two pocket parks, a City neighborhood park, and an amenity center are also proposed. The amenity center would be located along the bluff areas in PA-I (*See Attachment C*) and would be accessible using the trail system proposed in the community. This center would be a “home gathering place” to overlook the vistas and connect to a public nature trail.

The applicant would preserve nearly 40 acres of bluff preservation open space to the City and adjacent residential lots would require a 50-foot bluff setback to minimize ridgeline effects.

The applicant proposes a mix of residential housing options including multi-family, attached single-family, and detached single-family. As proposed, the maximum number of residential units would be 1,185 units at an overall residential density of 4.27 units per acre over the approximate 100 acres dedicated to residential uses. Mixed-uses would account for 108 acres with residential density averaging 6.6 units per acre and allowing for up to 24 units per acre, should density transfers be utilized. Commercial and limited industrial uses would also be permitted in the mixed-use planning areas.

Industrial uses would account for 30 acres and would be located on the western boundary of the project, adjacent to existing industrial zoning and land uses part of the Golden Triangle PUD. Poudre Heights PUD would require buffer treatments adjacent to any industrial uses, when and if future land uses warrant.

The Poudre Heights PUD proposes a table of land uses for each planning area alongside specific development standards. Development standards can be found on Sheet 7 of the PUD Document (*see Attachment C*). Reduced lot sizes and setbacks as proposed are supplemented by specific residential development standards to ensure a cohesive environment, as well as trail connectivity and access to parks and open spaces.

## **B. STAFF RECOMMENDATION**

Approval

## **C. LOCATION**

### **Abutting Zoning/Land Use:**

North: Weld County: A-AG

*(Undeveloped lands, bluffs)*

South: R-E, US Highway 34 Business & PUD

*(Highway, single-family residential, and undeveloped lands)*

East: PUD (Lake Bluff)

*(Future development)*

West: PUD (Golden Triangle)

*(Undeveloped lands, light industrial)*

### **Site Characteristics:**

The site is largely undeveloped agricultural land. A natural bluff area, known as the Poudre Bluffs, is located along the northern portion of the property.

## **D. BACKGROUND**

The subject area was included in the 2013 Lake Bluff PUD. The 2013 Lake Bluff PUD expired due to inactivity and an updated Lake Bluff PUD was adopted in 2020 (ORD 03, 2020), of which

excluded the subject area. This area is requested to be rezoned from PUD (Lake Bluff - expired) to PUD (Poudre Heights).

The Poudre Heights Metropolitan District was approved in September 2021 (MD2021-0001/Resolution No. 32, 2021) and included all subject land areas within its service area. Upon approval of a master plan, which is an element of this Preliminary PUD, the Metro District would be able to begin issuing debt for infrastructure improvements. The Metro District was needed in order to undertake the maintenance, planning, design, acquisition, construction and financing of public improvements, including external infrastructure.

## E. APPROVAL CRITERIA

### Standards for Rezoning (ZON2022-0001):

**In reaching recommendations and decisions as to rezoning land to the PUD district, the Planning Commission and the City Council shall apply the following standards in addition to the standards and procedures of Section 24-625(c)(3) applicable to the rezoning of land:**

**a. Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?**

Staff Comment: The subject property has historically been utilized for agricultural uses.

The immediate surrounding area and land use approvals have changed significantly in the past few years. The land uses in the nearby Promontory development, as approved, continues to be developed with predominately residential land uses. Land uses adjacent to this development include the recently approved Lake Bluff PUD (Ordinance No. 03, 2020), which is currently in design stages with an approved Preliminary Plat. The Cache PUD is also in design stages for platting and the Poudre River Ranch PUD, a residential subdivision to the east, has begun development.

*The request complies with this criterion.*

**b. Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?**

Staff Comment: The existing Lake Bluff PUD zoning has been in place since 2013. Given that the applicable portion of the 2013 Lake Bluff Preliminary PUD Plan has expired, the zoning would no longer be valid.

*The request complies with this criterion.*

**c. Are there clerical or technical errors to correct?**

Staff Comment: There are no clerical or technical errors to correct.

*This criterion is not applicable.*

**d. Are there detrimental environmental conditions, such as flood plains, presence of irrigation ditches, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?**

Staff Comment: The northern bluff area contains significant slopes. These areas would be protected and remain as a natural area. Staff is unaware of any additional detrimental environmental conditions on the property.

*This criterion is not applicable.*

**e. Is the proposed rezoning necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?**

Staff Comment: The City's Comprehensive Plan has been updated since the last PUD zoning for this site in 2013. The Comprehensive Plan designates the subject area primarily as "mixed-use", and "bluffs". This PUD proposes a variety of residential housing options and includes opportunities for commercial, industrial, and mixed-uses to support existing and future residents in the area. The project also would protect the natural bluff areas through preservation and would provide a trail system for community enjoyment of these natural areas.

In order to accomplish a mixed-use development, the developer is proposing complete neighborhood offerings, of which are supported by the City's current Comprehensive Plan.

*The request complies with this criterion.*

**f. What is the potential impact of the proposed rezoning upon the immediate neighborhood and the City as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, street and pedestrian systems and parks and recreation facilities)?**

Staff Comment: The proposed PUD would have a greater impact on city services upon development of the site.

As part of the overall development, 101<sup>st</sup> Avenue would need to be improved and/or realigned. Additionally, 4th Street, 7<sup>th</sup> Street, and 105<sup>th</sup> Avenue would extend through the development. These improvements would be funded by the Metro District. Exact roadway alignments and dedication would be determined at the time of subdivision.

Water and sanitary sewer lines would have to be extended from future Lake Bluff through coordinated development. Drainage, water, and sewer would be addressed at time of subdivision.

Impact to the City as a whole may include noise and other impacts, such as impacts to Police and Fire due to an increased residential population and commercial centers.

The PUD proposes to provide parks, open space, and trail systems to support the development and provide public connectivity through safe and well-planned means. All impacts and improvements would be further addressed at time of subdivision.

**g. Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with applicable zoning overlay requirements?**

Staff Comment: The subject property was reviewed against the policies regarding zoning overlay requirements. This criterion is similar to specific criteria governing the Preliminary PUD. The proposal generally complies with the City's Comprehensive Plan.

*The request complies with this criterion.*

**h. What is the potential impact of the proposed rezoning upon an approved zoning suitability plan for the property?**

Staff Comment: The applicable Lake Bluff PUD Preliminary Plan adopted in 2013 has expired. Therefore, the associated zoning suitability plan is no longer valid. As such, there is not an approved zoning suitability plan for the property.

*This criterion is not applicable.*

**Standards for PUD establishment (PUD2019-0007):**

Per Section 24-663, in reaching recommendations and decisions as to rezoning land to the PUD district, the Planning Commission and the City Council shall apply the following standards in addition to the standards and procedures of Section 24-625 applicable to the rezoning of land:



**Area Requirements.** *The area of a proposed PUD shall be of substantial size to permit its design and development as a cohesive unit fulfilling the stated purpose of these regulations and to establish the PUD as a meaningful part of the larger community. Each proposed PUD shall therefore be evaluated as to its adequacy in size with respect to both the nature and character of its internal design and to its specific location within the City. The minimum size of a PUD to be considered for establishment shall be two (2) acres.*

Staff Comment: The proposal meets this requirement. The area of the proposed PUD is approximately 277.6 acres.

**Consistency with the Land Use Chapter of the Comprehensive Plan.** *A PUD proposal shall be found to be consistent with all applicable elements of the Land Use Chapter of the City's adopted Comprehensive Plan with respect to its proposed internal design and use and its relationship to adjacent areas and the City as a whole before it may be zoned as a PUD.*

- The following Comprehensive Plan goals are met with this PUD proposal:
  - ED-1: Promote a healthy, progressive, and competitive local economy.
    - Proposal provides future employment and tax base opportunities while proposing commercial development to benefit residents of West Greeley.
  - EH-2: Integrate healthy living into community planning and development.
    - Proposal provides an extensive open space amenity and trail system that would connect the community to area parks, an amenity center, and open space. The project's trail system would also connect to adjacent future development that would provide additional trail and open space systems. The trail network will also provide for pedestrian walkability to commercial areas, encouraging an active lifestyle.
  - EH-4: Support and collaborate with the City's school districts.
    - The applicant has worked with the Weld RE-4 School District to ensure their needs are being met. As a school site is not warranted, cash-in-lieu would be provided at time of subdivision.
  - GC-1: Manage growth effectively.
    - The transition to parks and open lands were considered with the Preliminary PUD proposal. The PUD was also reviewed against the neighboring approved Lake Bluff and Cache PUD's to ensure connectivity.
  - CG-2: Promote a balanced mix and distribution of land uses.
    - The proposed PUD offers a mix of residential, commercial, industrial and mixed-uses with suitable transition between these areas. Commercial and industrial offerings would also provide for employment opportunities.
  - CG06: Maintain and enhance the character and inter-connectivity of Greeley's neighborhoods.
    - The Poudre Heights PUD is envisioned as a complete neighborhood, offering a mix of uses and multi-modal connectivity while incorporating a high level of design criteria with a theme focused on area wildlife and habitat. The PUD was also designed to be cohesive with the neighboring Lake Bluff PUD through land use, trail, and roadway alignments.

- HO-2: Encourage a broad diversity of housing options.
  - The PUD would provide a variety of housing types including multi-family, single family detached, and single family attached.
- NR-1: Protect, conserve, maintain, and improve the quality and quantity of water available to Greeley.
  - This objective is met through the PUD's sustainable landscape standards which encourages drought-tolerant trees and plants, natural grasses, and responsible use of turf. The PUD is proposing to also use non-potable water for park and open space irrigation.

## **F. PHYSICAL SITE CHARACTERISTICS**

### **HAZARDS**

The applicant has identified areas within the site that are impacted by significant slopes, which may impact development. Dedicated open space and increased setbacks have been identified with this Preliminary PUD to protect sensitive bluff areas. These setbacks would be included on subsequent plats with sensitive bluff areas to be dedicated to the City for preservation. Additionally there are a number of plugged and abandoned well sites within the proposed development that would require additional building setbacks. Staff is unaware of any other hazards on the property.

### **WILDLIFE**

The areas near and within the Poudre Bluffs are identified for moderate impacts to wildlife. To protect the existing habitat, the applicant intends to protect these sensitive areas by dedicating open space requiring large building setbacks adjacent to the bluff area.

In accordance with Section 24-1217(b) of the City's Development Code, a biologist's report will be required to be submitted for any development that may occur near the impacted areas.

### **FLOODPLAIN**

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

### **DRAINAGE AND EROSION**

Increases in stormwater flows from development would be addressed with on-site detention ponds, which would be designed to limit runoff to historical flows. Another effort to minimize stormwater runoff would be to limit the amount of non-pervious surface, through best management practices.

Erosion control devices would be designed by the developer and reviewed by the City at time of construction to ensure that best management practices as utilized as the project progress.

### **TRANSPORTATION**

The subject property has frontage on 10<sup>th</sup> Street (US 34 Business). Direct access to the development is proposed from 101<sup>st</sup> Avenue, 105<sup>th</sup> Avenue, and also along the 4<sup>th</sup> Street and

7<sup>th</sup> Street roadway extensions. All future roadways within the development would be required to comply with standards set forth in the 2035 Comprehensive Transportation Plan.

All roadway improvements would be determined at time of development and will be routed to the appropriate agencies for review and comment.

Further subdivision of the property would require the dedication of public rights-of-way as necessary to support the development. Roadway upgrades, extensions, and realignments are also anticipated as part of the future development of the site.

The City of Greeley Traffic Engineer has reviewed the Traffic Study and has no significant concerns at this point. Further traffic analysis would occur at time of subdivision.

## **G. SERVICES**

### **WATER**

The City of Greeley provides water services to the area. Water lines would need to be extended from the neighboring Lake Bluff development, for which a Preliminary Plat has been approved. Water provisions, including non-potable, within the development would be reviewed at time of subdivision.

### **SANITATION**

The City of Greeley would provide sanitary services to the area. Sewer services would be provided via the future Poudre Trunk Line to be extended from the northeast along 95<sup>th</sup> Avenue and through The Cache and Lake Bluff developments. These extensions would be required in order for Poudre Heights to connect. The respective developments are coordinating this effort.

Sanitary Sewer and any applicable agreements would be reviewed at time of subdivision.

### **EMERGENCY SERVICES**

The property is served by the City of Greeley's Police and Fire Departments. Fire Station #6 is located at the intersection of US Highway 34 Bypass and Promontory Parkway, approximately 1.5 miles south.

### **PARKS AND OPEN SPACES**

The proposal includes 2 pocket parks and a 10-acre neighborhood park to be dedicated to the City of Greeley. The applicant would also dedicate 39.5 acres of bluff preservation open space to the City of Greeley for public use.

### **SCHOOLS**

The subject property is located within the Weld RE-4 School District. A school site is not required to be dedicated with this project, however the applicant would be required to pay cash-in-lieu to the District for school land dedication requirements at time of subdivision.

### **METROPOLITAN DISTRICT**

The applicant intends to finance many of the on- and off-site improvements for the development by means of a Metropolitan District. This district was approved in September 2021 (MD2021-0001) and is awaiting approval of this Preliminary PUD to begin infrastructure development.

## **H. NEIGHBORHOOD IMPACTS**

### **VISUAL**

Visual impacts will be reviewed for at time of subdivision against landscape and buffer requirements set forth in Code. Visual impacts resulting from residential development along the Poudre Bluffs would be mitigated through significant setbacks to ensure any ridgeline effects are avoided.

### **NOISE**

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

## **I. PUBLIC NOTICE AND COMMENT**

Neighborhood notices for this meeting were mailed to surrounding property owners February 10, 2022 per 1998 Development Code requirements. Signs were also posted on the site on February 14, 2022. As of February 15, 2022 no written comments have been received.

Required mineral rights notifications were mailed with the previous PUD applications.

## **J. PLANNING COMMISSION RECOMMENDED MOTIONS**

1. Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from Planned Unit Development (PUD) to Planned Unit Development (PUD) is in compliance with Development Code Section 24-625(c)(3) a, b, e and g and therefore recommends approval (*or denial*).

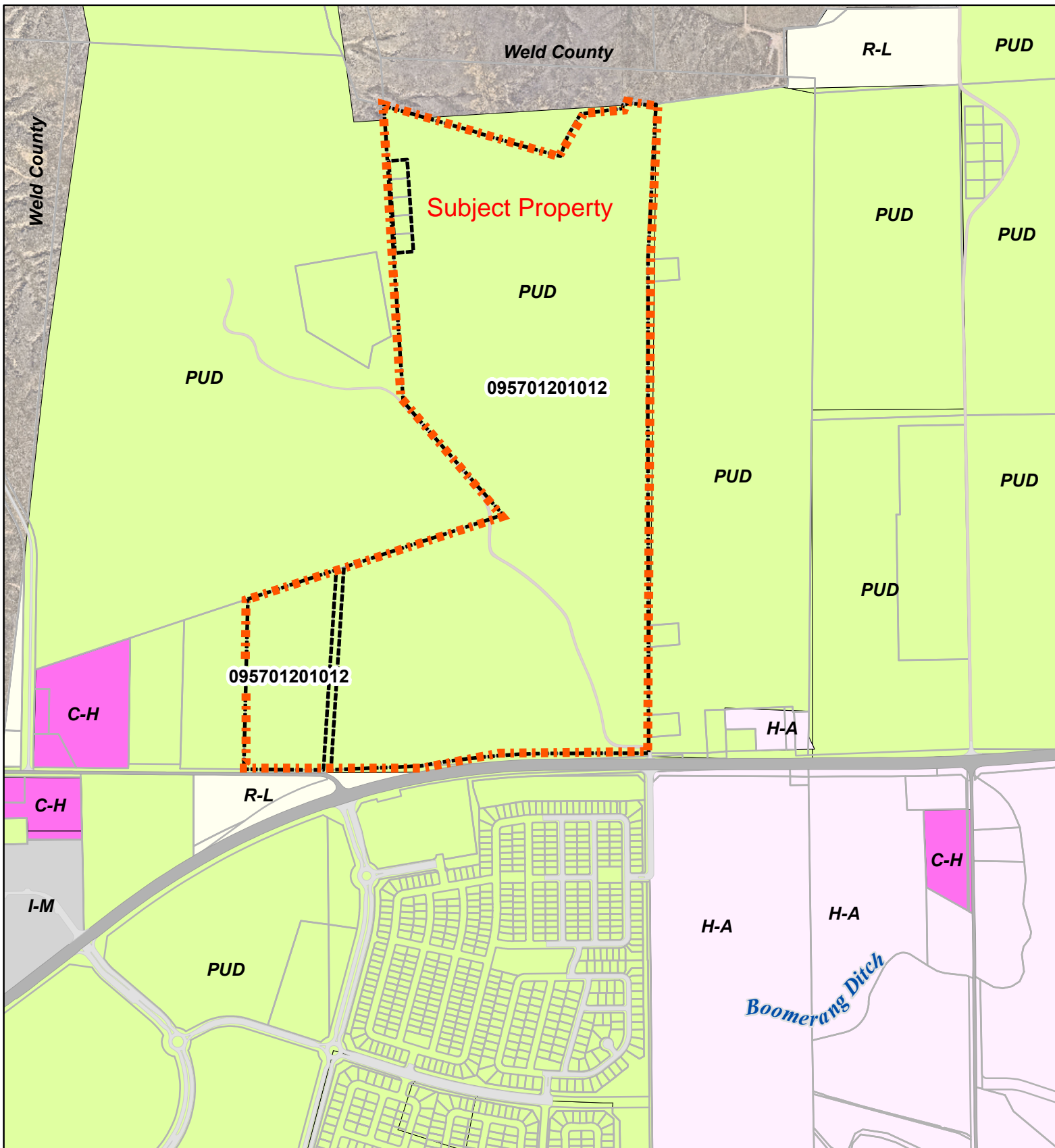
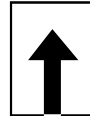
2. Based on the application received and the preceding analysis, the Planning Commission finds that the proposed The Poudre Heights Preliminary PUD Plan is in compliance with Development Code Section 24-625(c)(3) a, b, e and g and Section 24-663(b) and therefore recommends approval (*or denial*).

## **ATTACHMENTS**

Attachment A – Zoning/Vicinity Map

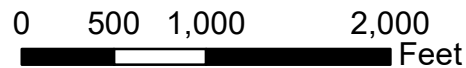
Attachment B – Project Narrative

Attachment C – PUD Document



- Target Property
- Greeley Parcels
- Expressway
- Arterial
- Local
- Unpaved
- Commercial High Intensity

- Holding Agriculture
- Industrial Medium Intensity
- Planned Unit Development
- Residential Low Density



COMMUNITY DEVELOPMENT

**CITY OF GREELEY  
NARRATIVE FOR PRELIMINARY  
SUBDIVISION APPLICATION**

**POUDRE HEIGHTS**

**LOCATION**

SITUATED IN THE WEST HALF OF SECTION 1 AND THE  
SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 5N, RANGE 67W,  
WEST OF THE 6<sup>TH</sup> PM  
CITY OF GREELEY, STATE OF COLORADO  
NORTH OF THE INTERSECTION OF HIGHWAY 34 (10<sup>TH</sup> STREET) AND  
PROMONTORY PARKWAY

*OCTOBER 4, 2021*

***PREPARED BY:***

*HR Green Development, LLC.  
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Contact: Ryan Littleton, PE  
[rlittleton@hrgreen.com](mailto:rlittleton@hrgreen.com)  
720-602-4937  
Project Number 210905*

***PREPARED FOR:***

*Poudre Bay Partners  
212 Poudre Way  
Windsor, CO 80550  
c/o Terra Forma Solutions  
Todd Johnson, President  
303-257-7653*

# PRELIMINARY SUBDIVISION PROJECT NARRATIVE POUDRE HEIGHTS

## **LOCATION**

The site is located within the City of Greeley, Colorado and partially within unincorporated Weld County, Colorado. The site includes area within:

- Section 1, Township 5 north, Range 67 west of the Sixth Principal Meridian
- Section 2, Township 5 north, Range 66 west of the Sixth Principal Meridian

The Site is comprised of approximately 277.6 acres of land zoned for PUD uses and is generally bound to the south by West 10th Street (Highway 34), to the east by 95th Avenue and future Lake Bluff development, to the west by Missile Park Rd and to the north by the northern border of Section 1, Township 5 north, Range 67 west of the Sixth Principal Meridian.

## **PROPOSED DEVELOPMENT**

The main intent of the Poudre Heights project is to create a mixed-use community that includes mixed uses such as residential, commercial, and industrial uses. Low intensity industrial uses are planned on the western area of the project and progressing east transitions to a mix of uses. The mixed-use planning areas will include commercial/retail, and various types of attached and detached residential. The north section of the property will be primarily residential. Transitioning from high density within the mixed-use area to lower density residential adjacent to the bluffs. Poudre Heights will be a pedestrian friendly community and connect the mix of uses into a cohesive, well planned project. A central park is provided in the north section of the residential uses and pocket parks are provided in the mixed-use areas which includes attached residential units. Trails will connect the pocket parks the large central park and ultimately to the greater community via trails and walkways along roads and through open space corridors. The blending of land uses and pedestrian facilities will reduce the reliance on automobile traffic within the community and encourages alternative modes of transportation.

## **PROJECT PHASING**

The Poudre Heights community will be developed in multiple phases and pace will depend on market demand and as infrastructure is constructed. The number of lots developed at any given time, the progression of amenities that will serve the project and all other aspects of sequence and timing in the development as defined in the PUD and/or per market demands. It is anticipated that the project will develop from south to north.

## **UTILITIES AND STORMWATER DRAINAGE**

### **Stormwater:**

The development of Poudre Heights will require public and private drainage improvements for the safe collection and conveyance of stormwater runoff. All public drainage improvements will meet the requirements of the City of Greeley as directed. Runoff within the proposed development will initially be carried in the streets. The street conveyance will be supplemented with storm sewer systems where street flow capacities are exceeded. Storm sewer networks along with open channel drainageways will convey runoff to detention and water quality facilities. Flow from the site will ultimately reach the Cache La Poudre River. Stormwater improvements as described above will be implemented as needed with each phase to ensure adequate stormwater outfalls,

detention and water quality facilities are available for each phase of development.

Non-Potable Water:

For the Poudre Heights development, it is proposed to provide a non-potable irrigation system to support the landscaping. There are two proposed scenarios:

The first scenario is to connect to the Boomerang Regional Pump Station that is expected to be located on the northern edge of the Boomerang Golf Course, West of the intersection of 71st Avenue and 4th Street. This pump station is part of a larger redevelopment project and will replace the existing Boomerang South pump station. The piping from the Boomerang Regional pump station is expected to serve far to the west, including past 95th Avenue. This station is expected to have a pressure of 115 psi at its discharge point. Connection would be expected through both The Cache and Lake Bluff developments, which would be coordinated.

The second scenario is to coordinate a new regional non-potable system to serve both the Lake Bluff development as well as Poudre Heights. In the Greeley Non-Potable Water Master Plan, June 2021, a Lake Bluff non-potable service expansion and pump station is noted as a capital improvement project in the 5-year planning horizon for the city. This is designated as "SA-60 Lake Bluff" in the report and is planned just east of the intersection of 95th Avenue and 10th Street. The Preliminary Hydraulics Report for Water and Sanitary Sewer, Lake Bluff Subdivision – Phase 1 (Lamp Rynearson, September 2021) includes discussion and calculations for a non-potable system. Poudre Heights development will connect to the Lake Bluff non-potable system where possible, potentially within 101st Avenue and West 4th Street. Discussions with the Lake Bluff development team are ongoing.

Domestic Water:

Domestic water will be a looped system with 6 connection points provided to the existing water system. The point of connection (POC) locations are as follows:

- POC 1 – Intersection of 101<sup>st</sup> Ave north of 4<sup>th</sup> Street – connecting to an 8" line in the Lake Bluff development
- POC 2 – Intersection of 101<sup>st</sup> Ave and 4<sup>th</sup> Street – connecting to a 12" line in the Lake Bluff development
- POC 3 – Intersection of 101<sup>st</sup> Ave and 7<sup>th</sup> Street – connecting to a 12" line in the Lake Bluff development
- POC 4 – Intersection of 101<sup>st</sup> Ave and 10<sup>th</sup> Street – connecting to a 12" line the Lake Bluff development
- POC 5 – Intersection of Promontory Parkway and 10<sup>th</sup> Street – connecting to an existing 16" line
- POC 6 – At Highway 235 Spur near the western boundary of the Poudre Heights development – connecting to an existing 8" line

Water valves will be placed per City regulations. Internal water lines shall be designed in accordance with Greeley development design standards.

Sanitary Sewer:

The proposed 24-inch to 30-inch Poudre Trunk Sewer Line recently designed by Stantec originates southwest of the site and runs from west to east through the project area along the projected 4<sup>th</sup> Street alignment. Internal 8-inch sanitary sewer infrastructure will connect to this trunk line at multiple locations. The trunk line exits the site at 101<sup>st</sup> Avenue. The Poudre Heights development internal sanitary sewer will also connect to the Lake Bluff development sanitary sewer infrastructure at the intersections of 101<sup>st</sup> Ave and 7<sup>th</sup> Street and at 101<sup>st</sup> and a yet unnamed street north of 4<sup>th</sup> Street.



**LANDSCAPING AND IRRIGATION**

Street trees and landscape for the project shall be constructed with each respective phase. The intent of the landscape is to be primarily a xeriscape approach with the goal of minimizing water usage. Irrigation shall be designed to utilize the non-potable water system providing water for landscape per the proposed PUD.

**ZONING**

The land is currently zoned Planned Unit Development (PUD). The Poudre Heights community will consist of a variety of land uses including low intensity industrial, mixed use, open space, parks, and various residential types and densities (low, medium, high).

**VARIANCES**

Variations will be addressed with Final PUD.

# POUDRE HEIGHTS

## PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN

### POUDRE HEIGHTS - PROPERTY AND SITE

THE POUDRE HEIGHTS COMMUNITY PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN (HEREAFTER CALLED "PUD") PROVIDES GENERAL STANDARDS AND LAND USE REGULATIONS FOR THE DEVELOPMENT OF THE COMMUNITY COMPRISING APPROXIMATELY 277.6 ACRES. "POUDRE HEIGHTS" SHALL BE INTERCHANGEABLE AND HAVE THE SAME MEANING AS THE PROJECT, PROPERTY, SITE, AREA, OR THE LIKE.

### PROJECT LOCATION AND INFORMATION

THE PROPERTY IS GENERALLY LOCATED ON THE WESTERN SIDE OF THE CITY OF GREELEY AND SPECIFICALLY NORTH OF 10TH STREET, WEST OF 101ST AVENUE, AND EAST OF MISSILE PARK ROAD. THE ENTIRE PROPERTY IS LOCATED ON THE HIGHLANDS, SOUTH OF THE CACHE LA POUDRE RIVER. MAIN ACCESS TO THE PROJECT WILL BE PRIMARILY FROM 10TH STREET, 105TH AVENUE, AND A FUTURE 4TH STREET WILL CONNECT THROUGH THE SITE.

### EXISTING AND PROPOSED ZONING

POUDRE HEIGHTS PROPERTY (TOTALING 277.6 ACRES) IS BEING INCLUDED AS A PLANNED UNIT DEVELOPMENT. THE DEVELOPMENT WILL HAVE A MIX OF COMMERCIAL AND INDUSTRIAL (NON-RESIDENTIAL) USES, RESIDENTIAL USES (LOW, MEDIUM, HIGH), AND EXISTING FARM LAND.

### EXISTING ZONING AND LAND USE:

FOR THE ENTIRE PROPERTY, ONE EXISTING ZONING CATEGORY EXISTS:

1. PUD (PLANNED UNIT DEVELOPMENT)

### PROPOSED ZONING:

THE LAND USES AND ZONING PROPOSED FOR THE PROJECT CONSIST OF THE FOLLOWING:

DEVELOPMENT SUMMARY - PRELIMINARY PUD				
PLANNING AREA	ACREAGE (+/-)	CALCULATED DENSITY (DU/AC)	MAXIMUM UNITS*	% OF SITE
PA-C - MIXED-USE	33.9	6.6	223	12.2%
PA-D - MIXED-USE	23.9	6.6	157	8.6%
PA-E - MIXED-USE	24.6	6.6	162	8.9%
PA-F - MIXED-USE	25.6	6.6	168	9.2%
PA-G - MDR - MEDIUM DENSITY RESIDENTIAL	58.6	6	351	21.1%
PA-H - LDR - LOW DENSITY RESIDENTIAL	41.5	3	124	14.9%
<b>SUB-TOTAL</b>	<b>208.1</b>		<b>1185</b>	<b>75.0%</b>
PA-I - OPEN SPACE	39.5			14.2%
*NOTE: PARKS AND DETENTION AREAS ARE INCLUDED ABOVE AND WILL MEET MINIMUM OPEN SPACE REQUIREMENTS.				
PLANNING AREA	ACREAGE (+/-)			% OF SITE
PA-B - INDUSTRIAL - LOW INTENSITY	30.0			10.8%
<b>SITE TOTAL</b>	<b>277.6</b>			<b>100.0%</b>
*IF MULTI-FAMILY IS PLACED IN THE MIXED USE PARCELS (C, D, E AND F) THE DENSITY CAN BE UP TO 24 DU/AC AS LONG AS THE OVERALL PROJECT MAXIMUM UNIT COUNT IS NOT EXCEEDED FOR THE OVERALL PROJECT.				

DENSITY CALCULATIONS	
TOTAL MAXIMUM UNIT COUNT	1185
TOTAL SITE ACREAGE	277.6
OVERALL RESIDENTIAL DENSITY	4.27

OPEN SPACE CALCULATIONS	
PA-I OPEN SPACE ACREAGE	39.5
NEIGHBORHOOD PARK AND POCKET PARKS	11
TOTAL	50.5
*NOTE: SEE SHEET 7 FOR INDIVIDUAL OPEN SPACE REQUIREMENTS FOR LAND USES.	
*NOTE: TOTAL OPEN SPACE REQUIREMENTS WILL MEET MINIMUMS.	

THE POUDRE HEIGHTS COMMUNITY WILL CONSIST OF A VARIETY OF LAND USES INCLUDING LOW INTENSITY INDUSTRIAL, MIXED USE, OPEN SPACE, PARKS, AND VARIOUS RESIDENTIAL TYPES AND DENSITIES. THIS PROPOSED PUD ZONING WILL IDENTIFY THE LAND USES FOR EACH PLANNING AREA AND THE RELATIVE USES THAT CAN OCCUR FOR THAT AREA. ALSO, MAXIMUM ALLOWABLE RESIDENTIAL UNIT DENSITIES ARE SHOWN FOR EACH PLANNING AREA HOWEVER, THE APPLICANT IS REQUESTING DENSITY TRANSFERS SO THAT UNITS THAT ARE NOT CONSTRUCTED IN A PLANNING AREA CAN BE TRANSFERRED INTO OTHER PLANNING AREAS WITHIN THE PROJECT. THE MAXIMUM UNIT COUNT FOR THE ENTIRE PROJECT SHALL NOT EXCEED 1,185 UNLESS AN AMENDMENT OF THE PUD IS APPROVED BY THE CITY.

### POUDRE HEIGHTS COMMUNITY PUD GOALS

THE POUDRE HEIGHTS COMMUNITY MASTER PLAN, GUIDELINES AND STANDARDS HAVE BEEN WRITTEN TO PROVIDE A UNIFIED, COHESIVE AND QUALITY DEVELOPMENT. THE MAIN DESIGN INTENT IS TO CREATE MIXED-USE COMMUNITY THAT INCLUDES RESIDENTIAL AND NON-RESIDENTIAL USES. LOW INTENSITY INDUSTRIAL USES ARE PLANNED ON THE WESTERN AREA (PLANNING AREA B) OF THE PROJECT AND PROGRESSING EAST TRANSITIONS TO A MIX OF USES. THE MIXED-USE PLANNING AREAS WILL INCLUDE COMMERCIAL, RETAIL AND VARIOUS TYPES OF ATTACHED AND DETACHED RESIDENTIAL (I.E. MULTI-FAMILY, TOWNHOMES, SINGLE FAMILY ATTACHED AND DETACHED). THE NORTH SECTION OF THE PROPERTY WILL BE PRIMARILY RESIDENTIAL, TRANSITIONING FROM MEDIUM DENSITY NEXT TO THE MIXED USE AREA AND LOWER DENSITY RESIDENTIAL ADJACENT TO THE BLUFFS. POUDRE HEIGHTS WILL BE A PEDESTRIAN FRIENDLY COMMUNITY AND CONNECT THE MIX OF USES INTO A COHESIVE, WELL PLANNED PROJECT. A CENTRAL PARK WILL BE THE CENTER OF THE RESIDENTIAL AND MIXED USE AREAS AND TRAILS WILL CONNECT THIS PARK TO THE GREATER COMMUNITY VIA TRAILS AND WALKWAYS ALONG ROAD CORRIDORS. THE BLENDING OF USES AND PEDESTRIAN FACILITIES WILL REDUCE THE RELIANCE ON AUTOMOBILE TRAFFIC WITHIN THE COMMUNITY AND ENCOURAGES ALTERNATIVE MODES OF TRANSPORTATION. THIS PUD DOCUMENT ILLUSTRATES AND DEMONSTRATES THE FUNCTION AND AESTHETIC APPEARANCE FOR THIS COMMUNITY. BECAUSE SOME OF THE PRINCIPLES AND DESIGN IDEAS ARE MARKET DRIVEN AND INNOVATIVE, MODIFICATIONS OF THE CITY OF GREELEY CODE WILL BE NECESSARY TO IMPLEMENT THE VISION FOR THE COMMUNITY.

CONSISTENT WITH THE CITY OF GREELEY CODE AS AMENDED - PURPOSE AND INTENT, THE PUD ZONING FOR THE POUDRE HEIGHTS COMMUNITY WILL:

*"ENCOURAGE DEVELOPMENT OF MIXED LAND USES, OR FOR USES AND SITE DESIGNS WHICH CANNOT OTHERWISE BE ACCOMMODATED WITHOUT PUD APPROVAL, THROUGH FLEXIBILITY AND CREATIVITY AND TO PRODUCE PLANNED UNIT DEVELOPMENTS WHICH ARE IN KEEPING WITH THE OVERALL GOALS AND OBJECTIVES OF THE CITY'S COMPREHENSIVE PLAN. THE INTENT IS TO PERMIT SUCH FLEXIBILITY AND PROVIDE PERFORMANCE CRITERIA WHICH:*

1. ALLOW A DIVERSITY OF USES, STRUCTURES, FACILITIES, HOUSING TYPES, OPEN SPACE AND BUFFERS IN A MANNER COMPATIBLE WITH EXISTING AND PLANNED USES ON ADJACENT PROPERTIES;
2. ENCOURAGE AND ALLOW FOR GREATER INNOVATIVE DESIGNS THAT PROMOTE MORE EFFICIENT AND ENVIRONMENTALLY SENSITIVE USE OF THE LAND THAN GENERALLY ACHIEVABLE THROUGH CONVENTIONAL ZONING AND DEVELOPMENT REGULATIONS;
3. PROTECT THE ENVIRONMENT BY AFFORDING OPPORTUNITIES AND INCENTIVES FOR THE PRESERVATION OF ENVIRONMENTALLY SENSITIVE AND IMPORTANT NATURAL OR HISTORIC AREAS;
4. PROMOTE THE MEANINGFUL INTEGRATION OF COMMON OPEN AREA NETWORKS AND DEVELOPED RECREATION AREAS;
5. PROMOTE FURTHER CREATIVITY IN DEVELOPMENT LAYOUT, DESIGN AND CONSTRUCTION;
6. ENCOURAGE DEVELOPMENT TO OCCUR IN ACCORDANCE WITH THE COORDINATED AND PLANNED EXTENSION OF EXISTING AND PROGRAMMED COMMUNITY FACILITIES AND INFRASTRUCTURE; AND
7. WHILE THE PUD MAY PERMIT DEVELOPMENT OF LAND IN A WAY WHICH MIGHT NOT BE PERMITTED UNDER TRADITIONAL ZONING REGULATIONS, THE PUD IS NOT INTENDED TO MODIFY OR IN ANY WAY ALTER OR REDUCE THE REQUIREMENTS OF ANY BUILDING AND/OR ZONING CODE REQUIREMENTS, UNLESS COMMENSURATE BENEFITS TO THE COMMUNITY ARE PROVIDED AS PART OF THE PUD PLAN AND ALTERNATIVE PROTECTIONS ARE PROVIDED."

AND PER CITY CODE AS AMENDED

*THE CITY COUNCIL MAY AUTHORIZE, BY ITS APPROVAL OF A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN, A MIX OF LAND USES, AS WELL AS VARIATIONS IN DENSITY, SETBACK, HEIGHT, LOT SIZE, LOT COVERAGE, OPEN SPACE, STREET WIDTH, PARKING AND LANDSCAPING. ANY SUCH VARIATIONS GRANTED BY THE CITY COUNCIL SHALL BE BASED UPON THE FINDINGS BY THE COUNCIL THAT THE PUD PLAN:*

1. PROVIDES AN INNOVATIVE DESIGN WHICH WOULD BE EQUAL TO OR BETTER THAN DEVELOPMENT WHICH WOULD OCCUR UNDER BASE STANDARD ZONING DISTRICT REQUIREMENTS;
2. ACCOMPLISHES SPECIFIC GOALS AND OBJECTIVES OF THE LAND USE CHAPTER OF THE CITY'S COMPREHENSIVE PLAN;
3. INCLUDES LAND USES WHICH ARE REQUIRED TO BE IN A PUD;
4. MEETS THE OVERALL INTENT OF THIS CODE; OR
5. PROVIDES EQUIVALENT SITE DESIGN TRADE-OFFS FOR THE EXCEPTIONS GRANTED (I.E., MORE OPEN SPACE FOR HIGHER DENSITY, ETC.).

FOLLOWING THE INTENT OF THE CITY CODE AS AMENDED, THE GOALS OF THE POUDRE HEIGHTS COMMUNITY WILL ALIGN WITH THOSE PRINCIPLES BY:

1. ENCOURAGING INNOVATION THROUGH FLEXIBILITY IN SITE DESIGN WITH RESPECT TO BUILDING SPACING, SETBACKS, HEIGHTS AND DENSITY OF BUILDINGS, OPEN SPACE, AND PARKING;
2. PROMOTE THE IMPLEMENTATION OF THE CITY'S COMPREHENSIVE PLAN, AND LONG RANGE PLANNING FOR THE AREA;
3. PROPOSE A VARIETY OF CREATIVE SOLUTIONS TO PROJECT DESIGN THAT MAY NOT BE POSSIBLE THROUGH THE APPLICATION OF THE LOCAL ZONING ORDINANCE AND SUBDIVISION REGULATIONS;
4. ENCOURAGING A MIXED-USE, MASTER PLANNED COMMUNITY PROVIDING FOR RESIDENTIAL, RECREATIONAL, INDUSTRIAL AND MIXED USES ALIGNING WITH THE GREELEY COMPREHENSIVE PLAN;
5. ENCOURAGING INNOVATIONS IN LAND USE THAT RESULT IN THE AVAILABILITY OF ATTRACTIVE DEVELOPMENT OPPORTUNITIES DRIVEN BY CURRENT MARKET TRENDS;
6. PROMOTING MORE EFFICIENT USE OF LAND AND ENERGY THROUGH REASONABLE INFRASTRUCTURE DESIGN AND IMPLEMENTATION;
7. RESPECT AND INCORPORATE THE UNIQUE PHYSICAL FEATURES OF THE SITE;
8. CREATING DEVELOPMENT PATTERNS AND PROJECT DESIGN THAT FURTHER THE GOALS AND POLICIES OF THE CITY OF GREELEY;
9. PROVIDING APPROPRIATE TRANSITIONS BETWEEN LAND USES AND ADJACENT PROPERTIES WHILE ENCOURAGING AN OVERALL COMMUNITY FOCUS;
10. PROVIDING FLEXIBILITY FOR BOTH LAND USE TYPE AND DENSITY TO BE TRANSFERRED BETWEEN PLANNING AREAS, RESPONDING BETTER TO THE NEEDS OF THE CHANGING MARKET CONDITIONS OVER A LONG PERIOD OF TIME;
11. ENCOURAGE FLEXIBILITY IN THE DESIGN OF STREETS TO ALLOW DEPARTURE FROM STRICT ENFORCEMENT OF PRESENT CODES REGARDING DESIGN STANDARDS, STREET WIDTHS, DRAINAGE, CURB AND GUTTERS, STREET LIGHTING, LANDSCAPING, UTILITIES, AND SIMILAR ASPECTS; AND
12. PROVIDE A COMMUNITY AMENITY IN THE FORM OF NEIGHBORHOOD PARKS AND OPEN SPACE, WITH REQUIRED CONNECTION TO THE CACHE LA POUDRE REGIONAL TRAIL SYSTEM.

UPON COMPLETION, THE PUD WILL PROVIDE A MORE APPEALING RESIDENTIAL AND PEDESTRIAN FRIENDLY COMMUNITY THAN WOULD OTHERWISE BE ATTAINABLE UNDER CONVENTIONAL PRACTICES AND REGULATIONS. THEREFORE, FLEXIBILITY IN THE DESIGN HELPS TO PROVIDE A MORE INNOVATIVE AND LIVABLE COMMUNITY, WHICH IS POSITIVE FOR FUTURE RESIDENTS. THIS MORE EFFICIENT DESIGN WITHIN THE POUDRE HEIGHTS COMMUNITY WILL ALLOW FOR UNIQUELY POSITIONED AREAS OF NATURAL OPEN SPACE (A MINIMUM OF 30%), WHICH WILL ENABLE THE COMMUNITY ENGAGEMENT AND PROTECTION OF MORE AREAS OF THE NATURAL ENVIRONMENT.

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SHEET: 9	PRELIMINARY LANDSCAPE MASTER PLAN AND GUIDELINES
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## TITLE SHEET

CASE NUMBER: PUD2019-0007

# POUDRE HEIGHTS

### OWNER

BRIAN SMERUD  
POUDRE BAY PARTNERS  
212 POUDRE WAY  
WINDSOR, CO 80550  
970-451-0538

### OWNER REPRESENTATIVE

TODD JOHNSON  
TERRA FORMA SOLUTIONS  
303.257.7653

### PLANNER & LANDSCAPE ARCHITECT

HR GREEN DEVELOPMENT, LLC  
5619 DTC PARKWAY STE 1150  
GREENWOOD VILLAGE, CO 80111  
PHIL STUEPFERT  
720.602.4941

### CIVIL ENGINEER

HR GREEN DEVELOPMENT, LLC  
5619 DTC PARKWAY STE 1150  
GREENWOOD VILLAGE, CO 80111  
RYAN LITTLETON  
720.602.4937

### LAND SURVEYOR

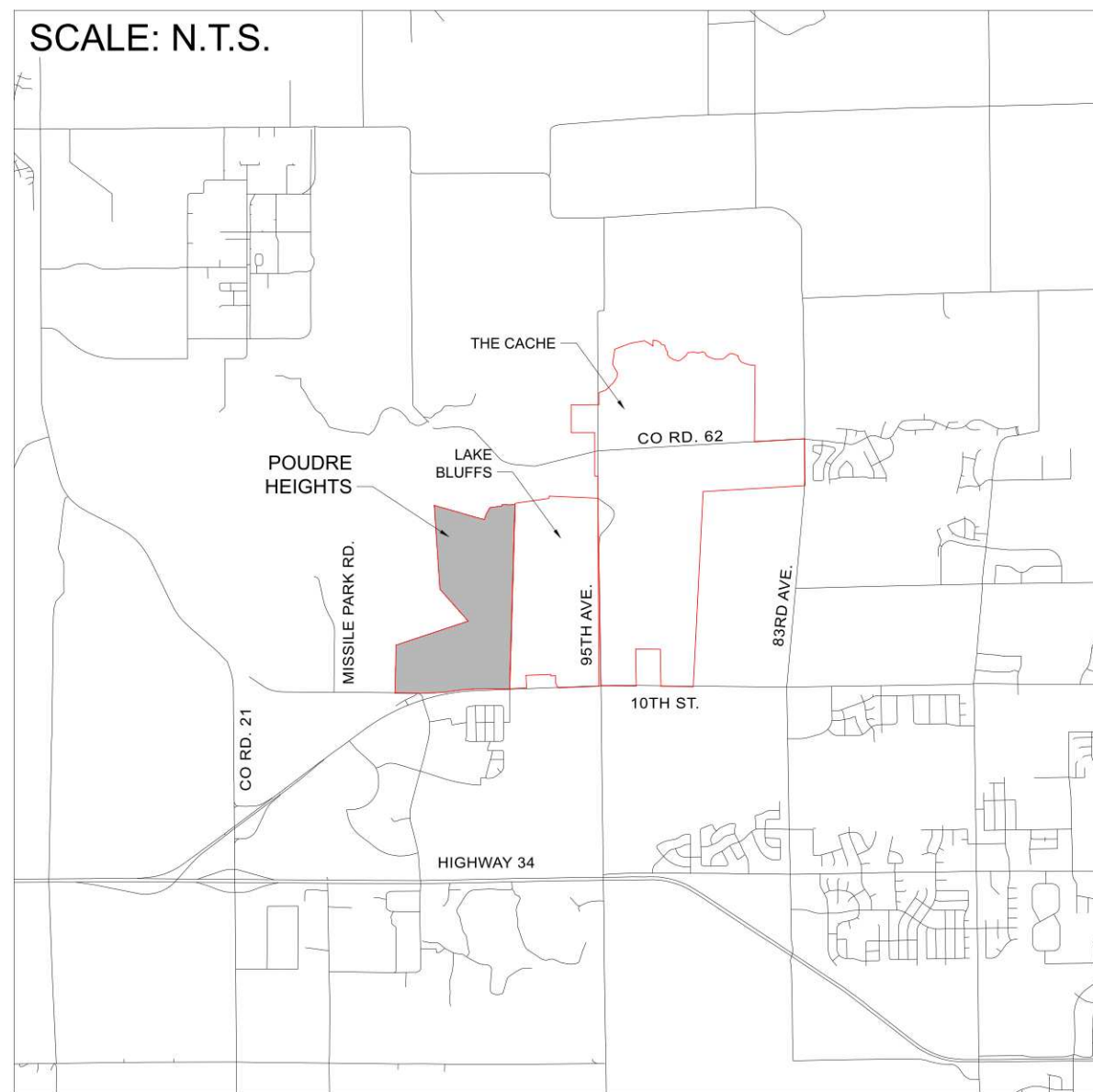
AZTEC CONSULTANTS, INC  
300 E. MINERAL AVE SUITE #1  
LITTLETON, CO 80122  
DANIEL DAVIS  
303.327.7495

### TRAFFIC ENGINEER

ALDRIDGE TRANSPORTATION  
CONSULTANTS, LLC  
1082 CHIMNEY ROCK ROAD  
HIGHLANDS RANCH, CO 80126  
JOHN ALDRIDGE  
303.703.9112

# VICINITY MAP

SCALE: N.T.S.



### LEGAL DESCRIPTION - PUD BOUNDARY (LESS ROW)

A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED AT RECEPTION NUMBER 4369421, LYING WITHIN TRACT 2, JACKSON SUBDIVISION RECORDED AT RECEPTION NO. 3347377, BOTH IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER'S OFFICE, COUNTY OF WELD, STATE OF COLORADO, SITUATED IN THE WEST HALF OF SECTION 1 AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELEY, SAID COUNTY AND STATE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHEAST CORNER OF SAID WEST HALF, WHENCE THE EAST LINE OF THE WEST HALF OF SAID SECTION 1 BEARS NORTH 01°41'09" EAST, A DISTANCE OF 5546.41 FEET, WITH ALL BEARINGS REFERENCED HEREIN RELATIVE THERETO;

THENCE ALONG SAID EAST LINE, NORTH 01°41'09" WEST, A DISTANCE OF 65.05 FEET TO THE NORTHERLY RIGHT-OF-WAY OF US 34 BUSINESS, AS DESCRIBED IN WARRANTY DEED RECORDED AT RECEPTION NUMBER 3508373, IN SAID OFFICIAL RECORDS AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

1. SOUTH 89°51'14" WEST, A DISTANCE OF 762.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 5,875.00 FEET;
2. WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°31'12", AN ARC LENGTH OF 1,078.70 FEET TO THE NORTHERLY RIGHT-OF-WAY OF US 34 BUSINESS AS DESCRIBED IN RIGHT-OF-WAY DEED RECORDED AT BOOK 918 PAGE 465 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, SOUTH 87°32'57" WEST, A DISTANCE OF 745.89 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, SOUTH 04°08'49" WEST, A DISTANCE OF 0.19 FEET TO THE NORTHERLY RIGHT-OF-WAY OF STATE HIGHWAY 257 SPUR, AS DESCRIBED IN QUIT-CLAIM DEED RECORDED AT RECEPTION NUMBER 741532 IN SAID OFFICIAL RECORDS;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 89°30'07" WEST, A DISTANCE OF 673.11;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY, NORTH 01°24'45" EAST, A DISTANCE OF 1,366.25 FEET TO THE WESTERLY BOUNDARY OF SAID TRACT 2;

THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING SIXTEEN (16) COURSES:

1. NORTH 71°39'24" EAST, A DISTANCE OF 2,154.85 FEET;
2. NORTH 41°25'22" WEST, A DISTANCE OF 1,214.31 FEET
3. NORTH 03°52'55" WEST, A DISTANCE OF 2,375.77 FEET;
4. SOUTH 74°26'17" EAST, A DISTANCE OF 428.29 FEET;
5. SOUTH 74°20'30" EAST, A DISTANCE OF 323.81 FEET;
6. SOUTH 72°00'45" EAST, A DISTANCE OF 111.51 FEET;
7. SOUTH 73°45'25" EAST, A DISTANCE OF 277.33 FEET;
8. SOUTH 74°59'39" EAST, A DISTANCE OF 335.15 FEET;
9. NORTH 19°26'18" EAST, A DISTANCE OF 177.59 FEET;
10. NORTH 30°44'56" EAST, A DISTANCE OF 201.48 FEET;
11. NORTH 82°22'46" EAST, A DISTANCE OF 338.90 FEET;
12. NORTH 06°10'33" EAST, A DISTANCE OF 31.99 FEET;
13. NORTH 84°36'54" EAST, A DISTANCE OF 70.65 FEET;
14. NORTH 87°59'53" EAST, A DISTANCE OF 50.09 FEET;
15. SOUTH 79°28'41" EAST, A DISTANCE OF 71.41 FEET;
16. NORTH 82°09'43" EAST, A DISTANCE OF 182.08 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SECTION 1 AND THE EAST BOUNDARY OF SAID TRACT 2;

THENCE ALONG THE EAST BOUNDARY OF SAID TRACT 2 AND THE EAST LINE OF SAID WEST HALF, SOUTH 01°41'09" WEST, A DISTANCE OF 5,233.90 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 277.652 ACRES, (12,094,523 SQUARE FEET), MORE OR LESS.

ALL LINEAL DISTANCES ARE REPRESENTED IN U.S. SURVEY FEET.

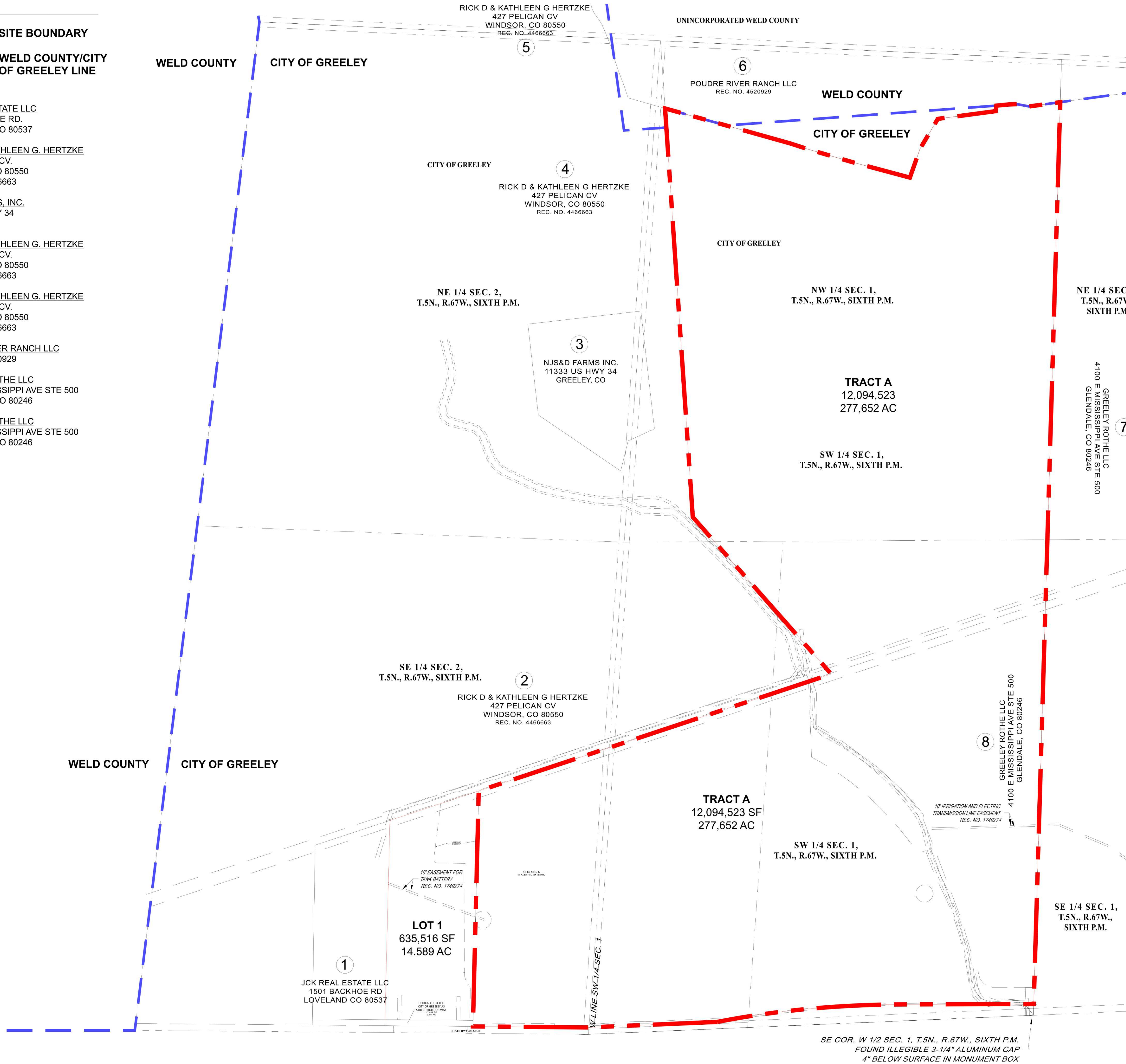
ILLUSTRATION ATTACHED AND MADE A PART HEREOF.

### LEGEND

**SITE BOUNDARY**

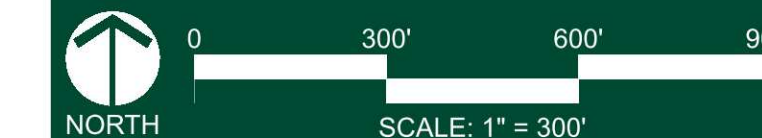
**WELD COUNTY/CITY OF GREELEY LINE**

1. JKC REAL ESTATE LLC  
1501 BACKHOE RD.  
LOVELAND, CO 80537
2. RICK D. & KATHLEEN G. HERTZKE  
427 PELICAN CV.  
WINDSOR, CO 80550  
REC. NO. 4466663
3. NJS&D FARMS, INC.  
11333 US HWY 34  
GREELEY, CO
4. RICK D. & KATHLEEN G. HERTZKE  
427 PELICAN CV.  
WINDSOR, CO 80550  
REC. NO. 4466663
5. RICK D. & KATHLEEN G. HERTZKE  
427 PELICAN CV.  
WINDSOR, CO 80550  
REC. NO. 4466663
6. POUFRE RIVER RANCH LLC  
REC. NO. 4520929
7. GREELEY ROTHE LLC  
4100 E MISSISSIPPI AVE STE 500  
GLENDALE, CO 80246
8. GREELEY ROTHE LLC  
4100 E MISSISSIPPI AVE STE 500  
GLENDALE, CO 80246



## PROPERTY BOUNDARY EXHIBIT

# POUDRE HEIGHTS

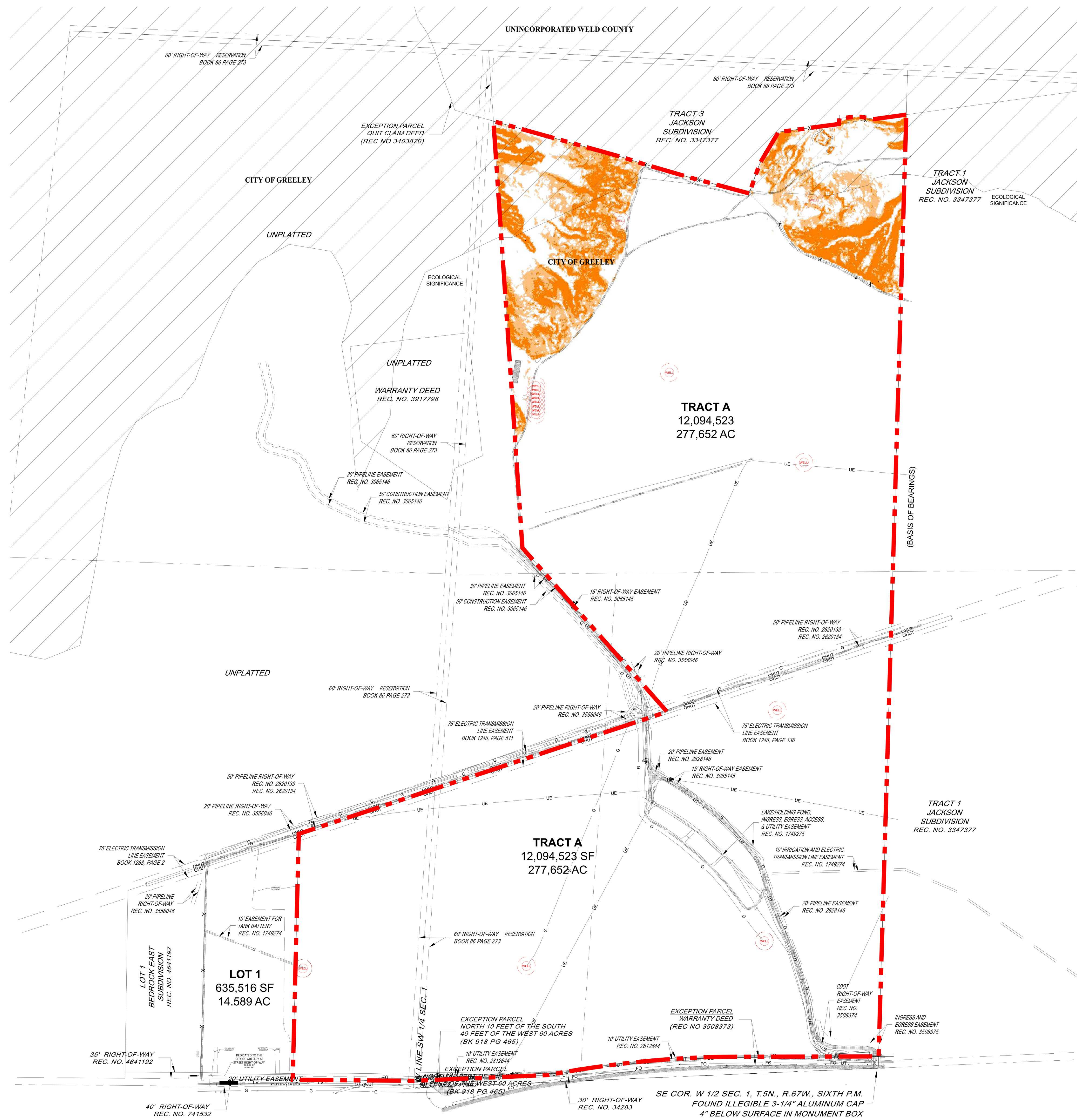


### CONSTRAINTS AND OPPORTUNITIES

THE POUDBRE HEIGHTS COMMUNITY HAS MANY OPPORTUNITIES AND SOME CONSTRAINTS REGARDING DEVELOPMENT. THESE HAVE BEEN CAREFULLY ANALYZED AND THE APPLICANT HAS DETERMINED IT IS WELL SITUATED FOR EXTENSION OF INFRASTRUCTURE AND IS A NATURAL EXPANSION TO THE WEST SIDE OF GREELEY. THE POUDBRE HEIGHTS COMMUNITY METROPOLITAN DISTRICT WILL CONTAIN ALL THE LAND WITHIN THE PROJECT. THE DISTRICT WILL ALSO BE THE FINANCING MECHANISM FOR EXTENDING THE INFRASTRUCTURE TO THE SITE. THE NORTHERN BOUNDARY OF THE PROPERTY IS DEFINED BY BLUFFS. THIS AREA IS PROJECTED TO BE OPEN SPACE AND INCLUDE BOTH PRIVATE AND PUBLIC TRAIL SYSTEMS WITH CONNECTIONS TO ADJACENT EXISTING TRAILS.

### EXISTING SLOPE:

THE POUDBRE HEIGHTS PROPERTY HAS SOME GENTLE SLOPE AREAS AND OTHER PORTIONS OF THE SITE HAVE SOME STEEPER TOPOGRAPHY. THE SLOPE MAP DEPICTS SLOPES AS DEFINED WITHIN THE GENERAL PROVISIONS OF THIS PUD AND IS BASED UPON SURVEYED USGS TOPOGRAPHY.



### LEGEND

--- SITE BOUNDARY

PLUGGED OR ABANDONED WELL LOCATION



50' ROAD AND BUILD SETBACK

ECOLOGICAL SIGNIFICANCE AREA

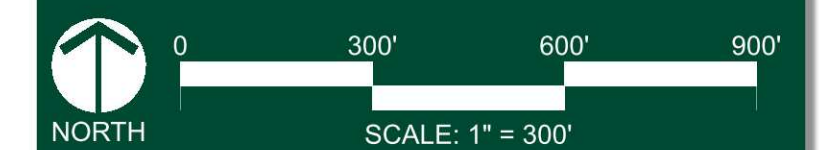
### SLOPE ANALYSIS LEGEND

SLOPE 15% - 25%

SLOPE 25% +

## EXISTING CONDITIONS/SITE ANALYSIS



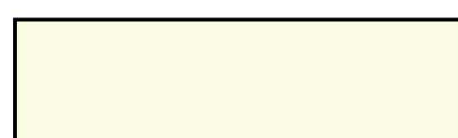




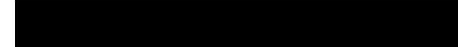


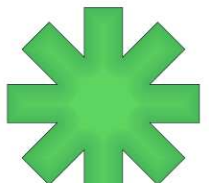


# POUDRE HEIGHTS

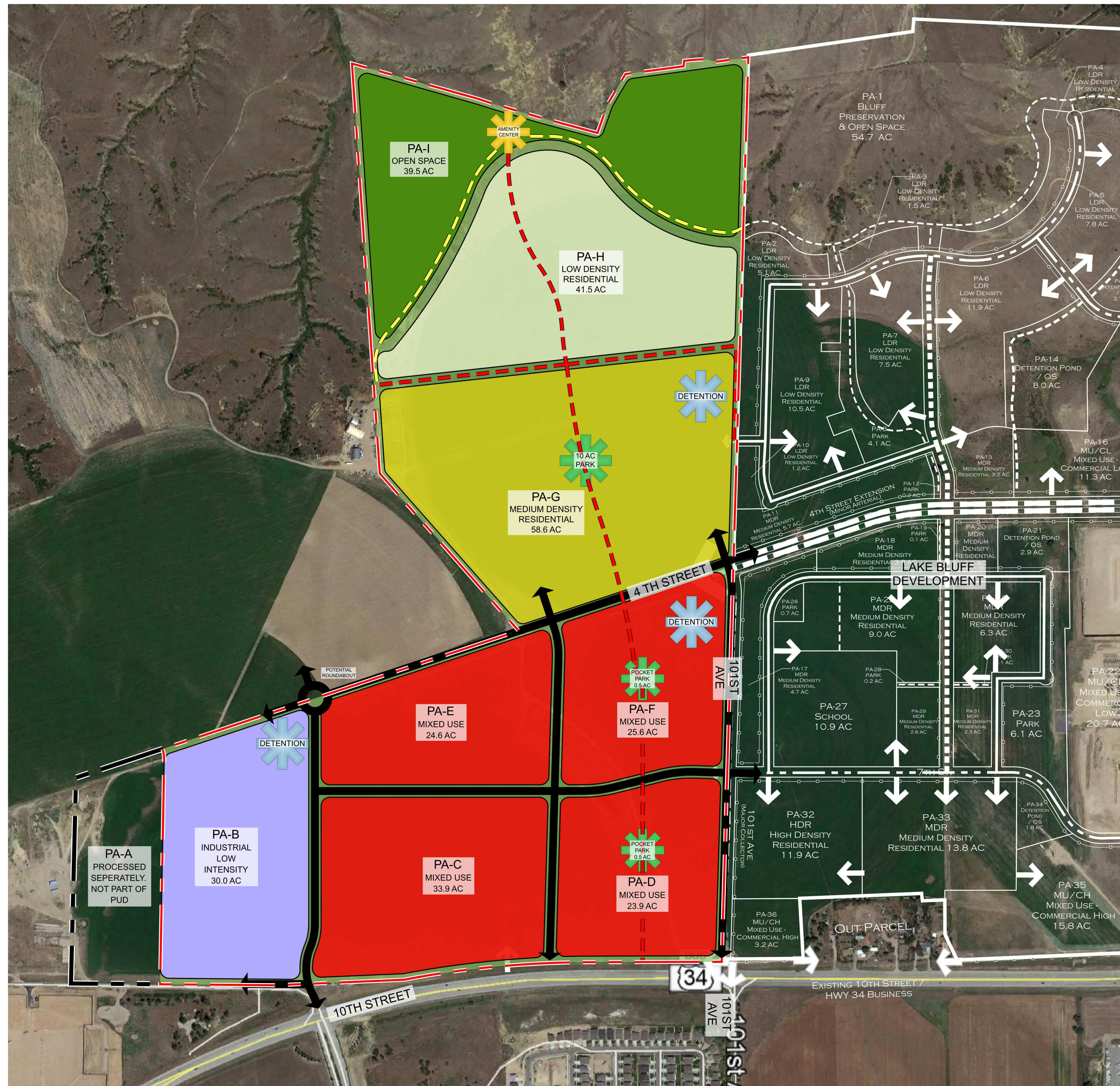


**PROPOSED MASTER PLAN APPROACH**

THE PROPOSED MASTER PLAN FOR THE PROPERTY DEMONSTRATES A WELL PLANNED COMMUNITY THAT WILL ENHANCE AND INTEGRATE INTO THE CITY OF GREELEY. THIS SUBMITTAL INCLUDES GENERAL DEVELOPMENT STANDARDS AND PROVISIONS AND SETS THE CORNERSTONES FOR A VIBRANT COMMUNITY WITHIN THE CITY OF GREELEY. THE ACREAGE, PROPOSED USES, RESIDENTIAL DENSITIES, AND FLOOR AREA RATIOS (FARS) HAVE BEEN IDENTIFIED FOR EACH PLANNING AREA AS DEPICTED ON THE PRELIMINARY PUD SITE MASTER PLAN. THIS PLAN HAS BEEN DESIGNED TO PROMOTE CREATIVITY AND FLEXIBILITY FOR THE OVERALL POU DRE HEIGHTS COMMUNITY AND ALSO PROVIDING DENSITY TRANSITIONS FROM THE MIXED USE AND INDUSTRIAL AREAS ALONG 10TH STREET TO THE NORTH WHERE RESIDENTIAL AND OPEN SPACE AREAS WILL EXIST.

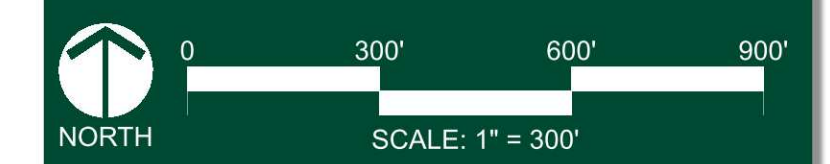
**LEGEND**

-  PRESERVED OPEN SPACE
-  GENERAL OPEN SPACE
-  LOW DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
-  MIXED USE
-  INDUSTRIAL LOW INTENSITY
-  PROPOSED ROADWAY
-  SITE BOUNDARY
-  PROPOSED DETACHED SIDEWALK/TRAIL
-  PROPOSED PUBLIC NATURE TRAIL
-  PROPOSED PARK/POCKET PARK
-  PROPOSED DETENTION
-  PROPOSED AMENITY CENTER



PRELIMINARY PUD SITE MASTER PLAN

**POUDRE HEIGHTS**



## 1. DEVELOPMENT STANDARDS, REGULATIONS AND PROVISIONS OF POUDRE HEIGHTS COMMUNITY

THE POUFRE HEIGHTS COMMUNITY WILL CONFORM TO THE CITY OF GREELEY APPROVED ORDINANCE AS AMENDED, AT THE TIME OF PLATTING AND BUILDING PERMIT APPLICATION, EXCEPT AS EXPRESSLY PROVIDED IN THIS PUD. THE DEVELOPMENT STANDARDS AND DETAILS OF THIS PUD (ALL NARRATIVE AND EXHIBITS) WILL GOVERN THE DEVELOPMENT OF THIS COMMUNITY IN PERPETUITY AND WILL SUPERSEDE CITY ZONING REQUIREMENTS; EXCEPT WHERE CERTAIN ASPECTS OF THE PUD DO NOT SPECIFICALLY ADDRESS DEVELOPMENT STANDARDS OR ZONING ITEMS THEN CITY OF GREELEY CODE AS AMENDED, SHALL PREVAIL AND GOVERN THIS PROJECT. THIS PUD ALLOWS THE FLEXIBILITY TO MIX THE VARIOUS LAND USES AND DEFINE BOUNDARIES DURING THE PLATTING PROCESS. EACH PLAT OR SITE PLAN SUBMITTED TO THE CITY WILL IDENTIFY THE USE AT THE TIME OF SUBMITTAL. ALL PLANNING AREAS WITHIN THE PUD WILL COMPLY WITH THE DEVELOPMENT STANDARDS OF THIS PUD.

### 2. TIME LIMIT FOR VALIDITY OF PRELIMINARY PUD/PLAN

THE POUFRE HEIGHTS COMMUNITY WILL FOLLOW CITY CODE, AS AMENDED, AS IT PERTAINS TO THE TIME LIMIT AND PROCESSING STEPS AND SCHEDULE.

### 3. PLANNING AREA BOUNDARIES AND FLEXIBILITY OF PLANNING AREA ACREAGES

BOUNDARIES FOR EACH PLANNING AREA ARE SHOWN ON THE PUD MASTER PLAN EXHIBIT. THE PLANNING AREA BOUNDARIES, LAND USES, AND ARRANGEMENT ARE GENERALLY SHOWN AND WILL BE MODIFIED AS MORE FINAL DESIGNS AND ENGINEERING IS COMPLETED. ANY CHANGES OR MODIFICATIONS TO THESE BOUNDARIES AND THE STREETS ARE PERMITTED AND WILL OCCUR AS NEEDED. THE FINAL PLANNING AREA BOUNDARIES WILL BE DETERMINED AT TIME OF THE SITE PLAN OR PLAT. THESE FINAL BOUNDARIES AND CHANGES FROM THE PUD MASTER PLAN WILL BE COMPLETED WITHOUT ANY AMENDMENT TO THE PUD FOR INDUSTRIAL OR MIXED-USE UP TO 10% CHANGE. RESIDENTIAL AREAS MAY CHANGE WITHOUT ANY AMENDMENT TO THE PUD IF LESS THAN 30% CHANGE FROM TOTAL ACREAGE OF EACH PLANNING AREA.

### 4. DENSITY TRANSFERS BETWEEN LAND USE PLANNING AREAS

#### RESIDENTIAL AREAS:

THE POUFRE HEIGHTS COMMUNITY WILL INCLUDE A VARIETY OF RESIDENTIAL PRODUCT TYPES AND SIZES FROM DETACHED SINGLE-FAMILY HOMES TO MULTI-FAMILY. THE TOTAL NUMBER OF MAXIMUM RESIDENTIAL UNITS APPROVED WITHIN ALL PLANNING AREAS SHALL NOT BE EXCEEDED. THE TOTAL NUMBER OF UNITS DEVELOPED IN A LAND USE PLANNING AREA MAY BE LESS THAN THE NUMBER ESTABLISHED ON THE PLANNED UNIT DEVELOPMENT MASTER PLAN. IF ALL UNITS ARE NOT UTILIZED FOR A PARTICULAR PLANNING AREA, THE UNITS MAY BE TRANSFERRED TO OTHER PLANNING AREAS. FOR PLANNING AREAS THAT ARE MIXED USE, DWELLING UNITS MAY BE TRANSFERRED IN UP TO A MAXIMUM DENSITY OF 24 DU/AC. THIS INCREASE IN THE NUMBER OF PERMITTED UNITS WITHIN THE MIXED USE AREA MAY BE ACCOMPLISHED THROUGH THE CITY ADMINISTRATIVELY.

#### NON-RESIDENTIAL AREAS:

THE NON-RESIDENTIAL USES AND STANDARDS HAVE BEEN DIVIDED INTO TWO CATEGORIES; MIXED USE, AND INDUSTRIAL FOR THE PURPOSE OF DEFINING DEVELOPMENT STANDARDS. SEE SHEET 6 AND 7 FOR NON-RESIDENTIAL PERMITTED USES AND STANDARDS WITHIN THE POUFRE HEIGHTS COMMUNITY.

### 5. PARKS AND OPEN SPACE

OPEN SPACE WITHIN THE POUFRE HEIGHTS COMMUNITY WILL CREATE A NETWORK OF TRAILS AND PARKS THAT CREATES DISTINCT NEIGHBORHOODS AND PROVIDES PEDESTRIAN WALKWAYS THROUGHOUT THE COMMUNITY. PER CITY CODE, THE OPEN SPACE REQUIREMENT IS 30% OF THE TOTAL GROSS ACREAGE OF THE RESIDENTIAL PLANNING AREAS ONLY AS DEFINED PER CITY CODE AS AMENDED. EXACT LOCATIONS OF PARKS, TRAILS, AND OPEN SPACE HAVE BEEN DETERMINED, HOWEVER, MINOR CHANGES IN LOCATION MAY BE ALLOWED. REFER TO MASTER PLAN FOR LOCATIONS. BLUFF PRESERVATION AREA WILL BE OWNED AND MAINTAINED BY THE CITY OF GREELEY AT THE TIME OF DEDICATION AND WILL COUNT TOWARDS OPEN SPACE CALCULATIONS. OPEN SPACE WITHIN THE POUFRE HEIGHTS COMMUNITY WILL BE BOTH PUBLIC AND PRIVATE. RESIDENTIAL PHASES MAY HAVE LESS THAN 30% OF THE GROSS AREA IN OPEN SPACE AS LONG AS THE TOTAL PROPERTY ACHIEVES THE REQUIRED AMOUNT FOR THE TOTAL PROJECT. CITY CODE REQUIREMENTS SHALL APPLY EXCEPT AS MODIFIED BELOW:

- PLAYGROUNDS WITH COMMERCIAL GRADE EQUIPMENT, PICNIC/BARBEQUE AREAS WITH COMMERCIAL GRADE EQUIPMENT, OR COURT GAMES (TENNIS, VOLLEYBALL OR BASKETBALL COURTS) AT LEAST EIGHT HUNDRED (800) SQUARE FEET IN SIZE SHALL COUNT AS ONE (1) RECREATIONAL AMENITY.
- ONE HUNDRED PERCENT OF STEEP SLOPES OVER 15% AND SPECIFICALLY THE BLUFF AREAS SHALL COUNT TOWARDS USABLE OPEN SPACE
- CREDIT MAY BE PROVIDED FOR OTHER FEATURES NOT INCLUDED WITHIN THIS LIST. SUCH CREDIT SHALL BE BASED ON THE DETERMINATION OF THE COMMUNITY DEVELOPMENT DIRECTOR, BASED ON A REVIEW OF THE LOCATION, EXTENT, BUILDING FORM, DESIRABILITY FOR FUTURE RESIDENTS AND VARIETY OF AMENITIES PROPOSED, AND WHOSE FINAL DECISION MAY ALSO BE APPEALED TO THE PLANNING COMMISSION.

### 6. ROADWAY DESIGN

THE ROADWAYS SHALL COMPLY WITH THE CITY'S 2015 DESIGN CRITERIA AND CONSTRUCTION SPECIFICATION STREET MANUAL VOLUME 1.  
REF([HTTP://GREELEYGOV.COM/DOCS/DEFAULT-SOURCE/CONSTRUCTION-STANDARDS/STREETS/STREET-MANUAL-2015.PDF](http://greeleygov.com/docs/default-source/construction-standards/streets/street-manual-2015.pdf))

### 7. CONSTRUCTION STANDARDS TO GOVERN THE COMMUNITY

CONSTRUCTION SHALL COMPLY WITH THOSE APPLICABLE CODES OUTLINED BY THE CITY OF GREELEY AS AMENDED.

### 8. HOMEOWNER ASSOCIATIONS OR METROPOLITAN DISTRICT FOR LONG TERM MAINTENANCE OF PRIVATE ELEMENTS

INITIALLY THE DEVELOPER WILL ESTABLISH EITHER A METROPOLITAN DISTRICT (MD) FOR LONG-TERM OWNERSHIP AND MAINTENANCE OR A HOMEOWNER ASSOCIATION (HOA) TO BE LATER CONTROLLED AND RUN BY THE PROPERTY OWNERS IN RESIDENTIAL AREAS OF THE COMMUNITY. THE MD OR HOA WILL OVERSEE THE IMPROVEMENT AND MAINTENANCE OF PROPERTIES AND FACILITIES WHICH IT OWNS OR ADMINISTERS. ADDITIONALLY, THE PURPOSES WILL BE TO PROTECT THE INVESTMENT, ENHANCE THE VALUE, AND REGULATE AND GOVERN THE USE OF THE MEMBERS PROPERTIES. ONE OR MULTIPLE MD OR HOA'S MAY BE CREATED FOR THE VARIOUS RESIDENTIAL USES AND THE NON-RESIDENTIAL USES IF NEEDED.

### 9. METROPOLITAN DISTRICTS

A METROPOLITAN DISTRICT (MD) FOR THIS PROPERTY WHICH AS A QUASI-GOVERNMENTAL AGENCY, SEPARATE FROM THE CITY OF GREELEY YET THE ACTIONS AND FUNCTION ARE SUBJECT TO REVIEW BY THE CITY ONLY AS THEY MAY DEVIATE FROM THE REQUIREMENTS OF THE SERVICE PLAN, CITY CODE, OR THE INTERGOVERNMENTAL AGREEMENT AS AMENDED. IT IS INTENDED THAT THE DISTRICT WILL PROVIDE A PART OR ALL OF THE PUBLIC IMPROVEMENTS FOR THE COMMUNITY AND TAXPAYERS OF THE ENTIRE DISTRICT. THE PRIMARY PURPOSE OF THE DISTRICT WILL BE TO FINANCE THE CONSTRUCTION OF IMPROVEMENTS WITHIN THE DISTRICT BUT WILL ALSO PROVIDE ONGOING OPERATIONS AND MAINTENANCE SERVICES AS SPECIFICALLY SET FORTH IN ITS SERVICE PLAN.

### 10. ADMINISTRATIVE PROCESS FOR VARIATIONS AND CHANGES TO PUD MASTER PLAN

THE PUD MASTER PLAN EXHIBITS AND DRAWINGS ASSOCIATED WITH THIS PUD DEMONSTRATE GENERAL LOCATIONS OF ROADS, LAND USE LOCATIONS, OPEN SPACE AREAS, AND OTHER MASTER PLAN ELEMENTS. THE LINES, NOTES, AND GRAPHICS SHOWN REPRESENT DESIGN CONCEPTS AND IDEAS THAT WILL EVOLVE AND CHANGE UNTIL FINAL BUILD OUT. THIS PUD DOCUMENT WITH EXHIBITS WILL SERVE AS THE GUIDING DOCUMENT FOR THE POUFRE HEIGHTS COMMUNITY. WITH THE APPROVAL OF THIS PUD, SOME FLEXIBILITY WILL BE ALLOWED AS DESCRIBED IN THIS DOCUMENT AS DEFINED IN THIS SECTION.

THEREFORE, THE PROPOSED LAND USE BOUNDARIES, FINAL PLANNING AREA BOUNDARIES (I.E. CONFIGURATIONS AND SHAPES), LOT LINES, ROAD LOCATIONS, SIGNAGE LOCATIONS, OPEN SPACE AREAS AND LOCATIONS, DENSITIES, PLANNING AREA ACREAGES, PLANNING AREA LINES, AND FLOOR AREA RATIOS (FARS) WILL BE ALLOWED TO CHANGE BY UP TO 10% WITHOUT THE NEED TO AMEND THIS PUD WITHIN INDUSTRIAL AND MIXED USE PLANNING AREAS. RESIDENTIAL MAY CHANGE WITHOUT ANY AMENDMENT TO THE PUD IF LESS THAN 30% CHANGE FROM THE TOTAL ACREAGE OF EACH PLANNING AREA. RESIDENTIAL UNITS THAT ARE NOT UTILIZED WITHIN A DEFINED PLANNING AREA CAN BE TRANSFERRED INTO OTHER LAND USE PLANNING AREAS AS LONG AS THE TOTAL UNIT MAXIMUM AND DENSITY FOR THE OVERALL PROJECT IS NOT EXCEEDED. THERE ARE NO MINIMUM UNIT REQUIREMENTS ON A GIVEN PLANNING AREA. IN NO EVENT WILL A TOTAL ALLOWABLE UNIT BE EXCEEDED AT THE POUFRE HEIGHTS COMMUNITY WITHOUT AN AMENDMENT OF THE PUD. THE CHANGES AND VARIATIONS CAN BE ADMINISTRATIVELY APPROVED BY THE CITY WITHOUT AMENDING THIS PUD.

### 11. DEVELOPMENT IN HILLSIDE DESIGNATED AREAS

SOME BLUFF AREA EXISTS IN THE NORTHERN PART OF THE PROPERTY AS SHOWN ON THE EXISTING CONDITIONS PLAN. MUCH OF THE STEEPER SLOPES WILL BE PRESERVED IN OPEN SPACE AND WILL FOLLOW THE CITY OF GREELEY HILLSIDE DEVELOPMENT STANDARDS AS AMENDED. SOME PARTS OF THE SITE HAVE SLOPES OVER 25% AND SHALL ALLOW MINIMAL GRADING WITHIN THE LAND USE AND OPEN SPACE PLANNING AREAS DEFINED ON THIS PUD. ALL AREAS DISTURBED BY GRADING SHALL BE RESTORED AND RE-VEGETATED.

## GENERAL DEVELOPMENT STANDARDS AND PROVISIONS

# POUDRE HEIGHTS

**DESIGNATION MATRIX**

LAND USES	I-L	MU	MU	MU	MU	R-M	R-L	C-D
PARCELS	PA-B	PA-C	PA-D	PA-E	PA-F	PA-G	PA-H	PA-I
<b>RESIDENTIAL USES</b>								
SINGLE-FAMILY DWELLING		P	P	P	P	P	P	
TWO-FAMILY DWELLINGS		P	P	P	P	P		
ROW HOUSING DWELLINGS		P	P	P	P	P		
MULTI-FAMILY DWELLINGS		P	P	P	P			
MIXED-USE DWELLINGS		P	P	P	P			
ACCESSORY DWELLING UNIT		P	P	P	P	P	P	
BOARDING HOUSE & SINGLE ROOM OCCUPANCIES		P	P	P	P			
FARMING	P	P	P	P	P	P	P	P
RESIDENTIAL CARE	P	P	P	P	P			
<b>PUBLIC &amp; CIVIC USES</b>								
ASSEMBLY		P	P	P	P			
CEMETERIES, COLUMBARIUM	P							
GOLF COURSE & COUNTRY CLUBS (NO LIGHTS)	P	P	P	P	P	P	P	
LIBRARIES, MUSEUMS, PUBLIC OR QUASI-PUBLIC	P	P	P	P	P	S	S	
POLICE, FIRE STATIONS, AMBULANCE DISPATCH & STORAGE	P	P	P	P	P	S	S	
PARKS, OPEN SPACE & COMMON AREAS	* SEE SECTION 24-302 AND 24-504 FOR STANDARDS APPLICABLE.							
SCHOOLS		P	P	P	P	P	P	
TRANSPORTATION (EXCLUDES HELIPAD)	P	P	P	P	P	S	S	
UTILITIES	P	P	P	P	P			
<b>COMMERCIAL USES</b>								
ANIMAL CARE	P	P	P	P				
AUCTION HOUSES (EXCLUDES LIVESTOCK)	P							
AUTOMOBILE - GAS STATION	P	P	S	P	P			
AUTOMOBILE - REPAIR/SERVICE	P	P	S	P	P			
AUTOMOBILE - SALES/RENTAL	P							
CHILD CARE	P	P	P	P	P	P		
DRIVE-THROUGH SERVICES - ACCESSORY	* SEE SECTION 24-403.E.							
ENTERTAINMENT / EVENT ESTABLISHMENTS	P	P	P	P	P			
FOOD & BEVERAGE - BAR, BREWERY OR WINERY	P	P	P	P	P			
FOOD & BEVERAGE - RESTAURANT	P	P	P	P	P			
HOME OCCUPATION - ACCESSORY	* SEE SECTION 24-403.C							
LODGING - SHORT TERM RENTAL						P	P	
LODGING - OTHER		P	P	P	P			
MEDICAL	P	P	P	P	P			
MORTUARIES AND FUNERAL HOMES	P	P	P	P	P			
OFFICE	P	P	P	P	P			
PAWN SHOPS	P							
PERSONAL SERVICE	P	P	P	P	P			
RECREATION	P	P	P	P	P	P	P	P
RETAIL	P	P	P	P	P			
<b>INDUSTRIAL USES</b>								
AUTO DISMANTLING, JUNK & SALVAGE YARDS	S							
COMMERCIAL SERVICES	P	P	P	P	P			
FOUNDARIES	P							
MANUFACTURING	P	S		S				
OIL & GAS OPERATIONS	* SEE SECTION 24-1102 FOR STANDARDS AND PROCEDURES.							
RESEARCH & TESTING LABS	P	S		S				
WAREHOUSING - INDOOR	P	S		S				
WAREHOUSING - OUTDOOR	P	S		S				
WIRELESS COMMUNICATIONS FACILITIES	* SEE SECTION 24-1101 FOR STANDARDS AND PROCEDURES.							
(*) REFERENCE TO CODE SHALL BE CITY CODE AS AMENDED AS CODE IS SUBJECT TO CHANGES.								

LAND USE DESIGNATIONS AND MATRIX

POUDRE HEIGHTS

SINGLE FAMILY DETACHED RESIDENTIAL			
RESIDENTIAL LAND USE DEVELOPMENT STANDARDS MATRIX			
STANDARDS	LDR	MDR	SLR*
MINIMUM LOT SIZE	4500'	3500'	1200'
MINIMUM LOT FRONTAGE [NOTE 2 & 4]	45'	35'	20'
MINIMUM CORNER LOT FRONTAGE [NOTE 2 & 4]	55'	45'	25'
PARKING REQUIREMENTS	[NOTE 1]	[NOTE 1]	[NOTE 1]
MAXIMUM HEIGHT	30'	30'	30'
LOT COVERAGE (MAXIMUM)	70%	70%	80%
FLOOR AREA MINIMUM	N/A	N/A	N/A
OPEN SPACE REQUIREMENT	30%	30%	30%
PRIMARY USE			
FRONT SETBACK TO LIVING SPACE [NOTE 10]	15'	10'	5'
FRONT SETBACK TO GARAGE [NOTE 10]	20'	20'	[NOTE 12]
FRONT SETBACK TO SIDE LOADED GARAGE [NOTE 10]	15'	10'	10'
REAR SETBACK - FRONT LOAD [NOTE 9]	15'	15'	5'
REAR SETBACK - ALLEY LOAD GARAGE [NOTE 9]	4'	4'	4'
REAR SETBACK - BLUFFS	50'	50'	N/A
SIDE SETBACK MINIMUM [NOTE 3 & 9]	5'	5'	3'
SIDE SETBACK WITH ACCESS EASEMENT [NOTE 3 & 9]	0'	0'	0'
SIDE (CORNER) SETBACK [NOTE 9]	10'	10'	5'
SIDE (CORNER) SETBACK TO GARAGE DOOR [NOTE 9]	18'	18'	N/A
BUILDING SEPARATION [NOTE 9 & 10]	10'	10'	6'
ACCESSORY USE			
FRONT SETBACK [NOTE 10]	20'	20'	N/A
REAR SETBACK [NOTE 9]	5'	5'	N/A
REAR SETBACK (ALLEY LOAD GARAGE) [NOTE 9]	4'	4'	N/A
SIDE SETBACK [NOTE 9]	5'	3'	N/A
SIDE (CORNER) SETBACK [NOTE 9]	15'	15'	N/A
MAXIMUM HEIGHT	15'	15'	N/A
MAX SQ. FT. PERCENTAGE OF MAIN DWELLING HOUSE [NOTE 11]	30%	30%	30%
*SMALL LOT RESIDENTIAL			

INDUSTRIAL LOW INTENSITY	
INDUSTRIAL LAND USE DEVELOPMENT STANDARDS MATRIX	
STANDARDS	ILI
LOT SIZE RESTRICTION	NONE
ROAD WIDTH (LOCAL INDUSTRIAL ROAD)	37' / 50'
OPEN SPACE - % OF SITE	10%
SIDEWALK WIDTH (LOCAL ROADS - BOTH SIDES)	5'
PARKING	[NOTE 1]
LOT COVERAGE - MAX.	90%
BUILDING, STRUCTURE AND PROPERTY LINE SETBACKS	25'
BUILDING AND STRUCTURE HEIGHT	40'
SETBACK FROM ALL STREET TYPES [NOTE 9 & 10]	25'

LEGEND	
LDR	LOW DENSITY RESIDENTIAL
MDR	MEDIUM DENSITY RESIDENTIAL
SLR	SMALL LOT RESIDENTIAL
MU	MIXED-USE
ILI	INDUSTRIAL LOW INTENSITY

SINGLE FAMILY ATTACHED RESIDENTIAL (TOWNHOME/DUPLEX)		
RESIDENTIAL LAND USE DEVELOPMENT STANDARDS MATRIX [NOTE 5]		
STANDARDS	MDR	MU
MINIMUM LOT SIZE	1200 SF	1200 SF
MINIMUM LOT FRONTAGE [NOTE 2 & 4]	16'	20'
CORNER LOT FRONTAGE [NOTE 2 & 4]	30'	30'
PARKING REQUIREMENTS	[NOTE 1]	[NOTE 1]
GUEST PARKING REQUIREMENTS	[NOTE 1]	[NOTE 1]
MAXIMUM HEIGHT	35'	40'
LOT COVERAGE	70%	70%
FLOOR AREA MINIMUM	900 SF	500 SF
MAXIMUM NUMBER OF UNITS ATTACHED	16	24
OPEN SPACE REQUIREMENT	30%	30%
PRINCIPAL USE		
FRONT SETBACK TO LIVING SPACE [NOTE 10]	12'	10'
FRONT SETBACK TO GARAGE [NOTE 10]	18'	18'
REAR SETBACK [NOTE 9]	10'	10'
REAR SETBACK - ALLEY LOAD GARAGE [NOTE 9]	4'	4'
SIDE SETBACK MINIMUM [NOTE 3 & 9]	5'	5'
SIDE SETBACK WITH EASEMENT [NOTE 3 & 9]	0'	0'
SIDE (CORNER) SETBACK [NOTE 3 & 9]	12'	10'
BUILDING SEPARATION [NOTE 9 & 10]	10'	10'
ACCESSORY USE		
FRONT SETBACK [NOTE 10]	20'	20'
REAR SETBACK (NO GARAGE) [NOTE 9]	5'	5'
REAR SETBACK (GARAGE) [NOTE 9]	4'	4'
SIDE SETBACK [NOTE 9]	5'	5'
SIDE (CORNER) SETBACK [NOTE 9]	15'	15'
MAXIMUM HEIGHT	20'	20'
MAX SQ. FT. PERCENTAGE OF MAIN DWELLING HOUSE [NOTE 11]	30%	30%

MULTI-FAMILY RESIDENTIAL [NOTE 5 & 6]	
LAND USE DEVELOPMENT STANDARDS MATRIX	
STANDARDS	MU
MINIMUM LOT SIZE	NONE
MINIMUM LOT FRONTAGE [NOTE 2 & 4]	NO MIN
PARKING REQUIREMENTS	[NOTE 1]
MAXIMUM HEIGHT	50'
OPEN SPACE REQUIREMENT	20%
PRINCIPAL USE (BUILDING)	
SETBACK FROM ARTERIAL ROAD [NOTE 9 & 10]	20'
SETBACK FROM COLLECTOR ROAD [NOTE 9 & 10]	15'
SETBACK FROM LOCAL ROAD [NOTE 9 & 10]	10'
SEBACK FROM PRIVATE ROAD OR TRACT [NOTE 9 & 10]	10'
SETBACK FROM PARKING LOT [NOTE 9 & 10]	10'
SETBACK FROM PROPERTY LINE [NOTE 9 & 10]	10'
BUILDING SEPERATION [NOTE 9 & 10]	20'
OPEN PARKING SETBACK FROM R.O.W.	15'
ACCESSORY USE	
SETBACK FROM LOCAL [NOTE 9 & 10]	15'
SETBACK FROM PRIVATE [NOTE 9 & 10]	10'
SETBACK FROM PARKING LOT [NOTE 9 & 10]	5'
SETBACK FROM PROPERTY LINE [NOTE 9 & 10]	20'
BUILDING SEPERATION [NOTE 9 & 10]	10'
MAXIMUM HEIGHT	15'
MAX SQ. FT. PERCENTAGE OF MAIN DWELLING HOUSE [NOTE 11]	30%
<small>NOTE: APARTMENT OR CONDO WILL FOLLOW CITY CRITERIA EXCEPT WHERE STANDARDS ARE INCLUDED IN THIS PUD.</small>	

COMMERCIAL [NOTE 7 & 8]	
NON-RESIDENTIAL LAND USE DEVELOPMENT STANDARDS MATRIX	
STANDARDS	MU
MAXIMUM FLOOR AREA RATIO [NOTE 8]	0.4
OPEN SPACE	20%
PARKING REQUIREMENTS	[NOTE 7]
PRINCIPAL USE	
SETBACK FROM ARTERIAL ROAD [NOTE 9 & 10]	50'
SETBACK FROM COLLECTOR ROAD [NOTE 9 & 10]	30'
SETBACK FROM LOCAL ROAD [NOTE 9 & 10]	15'
SETBACK FROM PRIVATE ROAD OR TRACT [NOTE 9 & 10]	10'
SETBACK FROM PARKING LOT [NOTE 9 & 10]	10'
SETBACK FROM PROPERTY LINE [NOTE 9 & 10]	20'
SETBACK FROM SINGLE FAMILY DETACHED [NOTE 9 & 10]	40'
SETBACK FROM SINGLE FAMILY ATTACHED [NOTE 9 & 10]	20'
SETBACK FROM MULTI-FAMILY [NOTE 9 & 10]	20'
MAXIMUM HEIGHT	50'
BUILDING SEPERATION [NOTE 9 & 10]	20'
SURFACE PARKING SETBACK FROM ROAD	20'
ACCESSORY USE	
SETBACK FROM COLLECTOR [NOTE 9 & 10]	30'
SETBACK FROM LOCAL [NOTE 9 & 10]	15'
SETBACK FROM PRIVATE [NOTE 9 & 10]	10'
SETBACK FROM PARKING LOT [NOTE 9 & 10]	10'
SETBACK FROM PROPERTY LINE [NOTE 9 & 10]	35'
MAXIMUM HEIGHT	25'

#### LAND USE DEVELOPMENT STANDARDS NOTES:

- REQUIRED PARKING SHALL MEET THE CITY OF GREELEY LAND DEVELOPMENT CODE PARKING STANDARDS, AS AMENDED, IF NOT COVERED BY THESE GUIDELINES. SHARED PARKING SHALL BE ALLOWED IN INSTANCES WHERE APPROPRIATE. SEE PARKING SECTION IN THIS DOCUMENT FOR DETAILS.
- LOT FRONTAGE MEASURED AT THE FRONT YARD SETBACK.
- A ZERO LOT LINE MAY BE UTILIZED WHEN A MAINTENANCE EASEMENT AND SIDE YARD EASEMENT ARE EXECUTED, SUBJECT TO IBC REQUIREMENTS.
- LOT FRONTAGE ON A CUL-DE-SAC MAY BE REDUCED BY TEN FEET (10').
- STANDARDS ARE PROVIDED FOR DUPLEX AND TOWNHOME USES. A DENSITY IS ALLOWED UP TO 12 DU/AC FOR ANY PROPOSED DUPLEX OR TOWNHOME PARCEL, HOWEVER, THE TOTAL DENSITY FOR THE ENTIRE PROJECT SHALL NOT EXCEED THE MAXIMUM DENSITY ALLOWED THE OVERALL PROJECT. HIGHER DENSITY APARTMENT AND CONDO PRODUCTS SHALL FOLLOW THE MULTI-FAMILY STANDARDS.
- MULTI-FAMILY STANDARDS ARE PROVIDED FOR APARTMENTS AND CONDOS. - FOR THE MIXED USE PARCELS, A DENSITY IS ALLOWED UP TO 24 DU/AC FOR ANY PROPOSED MULTI-FAMILY PARCEL, HOWEVER, THE TOTAL DENSITY FOR THE ENTIRE PROJECT SHALL NOT EXCEED THE MAXIMUM DENSITY ALLOWED FOR THE OVERALL PROJECT. STANDARDS FOR DUPLEX AND TOWNHOME PRODUCT ARE PROVIDED WITHIN THE SINGLE FAMILY ATTACHED STANDARDS.
- COMMERCIAL PARKING REQUIREMENTS SHALL FOLLOW THE CITY OF GREELEY LAND DEVELOPMENT CODE, AS AMENDED.
- COMMERCIAL FAR (FLOOR AREA RATIO) SHALL NOT EXCEED 0.4 FAR.
- ALLOWED SIDE & REAR ENCROACHMENTS: DECKS, STAIRS, COUNTERFORTS & WINDOW WELLS (3') - EAVES & BAY WINDOWS (2') - SIDING & CLADDING (0.5').
- ALLOWED FRONT ENCROACHMENTS: PORCHES, DECKS & STAIRS (5') - EAVES & BAY WINDOWS (2') - SIDING & CLADDING (0.5').
- MAXIMUM SQUARE FOOT PERCENTAGE IS THE PERCENT OF THE TOTAL LOT AREA.
- 10' WHEN NO GARAGE, 20' WITH GARAGE

#### GENERAL NOTES:

NOTE: ALL SETBACKS ARE MEASURED FROM R.O.W., PROPERTY LINE OR ALLEY.

## SITE DEVELOPMENT STANDARDS

# POUDRE HEIGHTS



**NON-RESIDENTIAL ARCHITECTURAL STANDARDS AND GUIDELINES**

NON-RESIDENTIAL STANDARDS AND GUIDELINES WILL MEET CITY CODE AS AMENDED.

**SINGLE-FAMILY DETACHED RESIDENTIAL (LOW AND MEDIUM DENSITY)**

THE POUFRE HEIGHTS COMMUNITY SINGLE-FAMILY DETACHED RESIDENTIAL HOMES WILL BE GUIDED BY THESE GENERAL DESIGN AND ARCHITECTURAL STANDARDS TO ENSURE QUALITY AND COMPATIBILITY WITHIN AND THROUGHOUT THE COMMUNITY.

1. HOMES IN THIS DISTRICT SHALL BE STANDARD CONSTRUCTION, SINGLE FAMILY, DETACHED HOMES. HOUSES SHALL BE OF STANDARD WOOD FRAME CONSTRUCTION.
2. **SEE THE RESIDENTIAL LAND USE DEVELOPMENT STANDARDS MATRIX FOR ALL MINIMUM LOTS SIZE, LOT FRONTAGE, PARKING REQUIREMENTS, BUILDING HEIGHTS, AND ACCESSORY USE STANDARDS.**
3. THE ROOFS MUST HAVE A MINIMUM PITCH SLOPE OF 4 ON 12. ALL OTHER ROOFS, ALONG WITH ALL ASPECTS OF ALL EXTERIOR IMPROVEMENTS MADE TO ANY PROPERTY IN THE POUFRE HEIGHTS COMMUNITY, MUST BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE IN WRITING PRIOR TO COMMENCEMENT OF CONSTRUCTION.
4. MINIMUM OF TWO DIFFERENT MATERIALS ON THE FRONT ELEVATION AND ANY ELEVATION VISIBLE FROM A ROAD. OPTIONS INCLUDE BRICK, SIMULATED OR REAL STONE, STUCCO, SIDING OR OTHER APPROPRIATE MATERIALS.
5. MINIMUM OF TWO DIFFERENT COLORS ON EACH HOME AND NO TWO ADJACENT HOUSES MAY SHARE THE SAME COLOR PACKAGE.
6. ONE DETACHED GARAGE APARTMENT AND/OR CARRIAGE HOUSE SECONDARY HOUSE UNIT SHALL BE ALLOWED WITHIN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS AS LONG AS THE STRUCTURE IS NOT TALLER IN HEIGHT THAN THE MAIN DWELLING HOUSE OR 15', WHICHEVER IS LESS. DETACHED GARAGE APARTMENT AND/OR CARRIAGE HOUSE SECONDARY HOUSE UNIT SHALL BE NO MORE THAN 30% OF THE SQUARE FOOTAGE OF THE MAIN DWELLING HOUSE.
7. PERMANENT FOUNDATIONS SHALL BE REQUIRED.

**ARCHITECTURAL FEATURES AND OPTIONS**

BUILDERS WITHIN THE POUFRE HEIGHTS COMMUNITY MUST IMPLEMENT NO LESS THAN 2 OF OF THE FOLLOWING ARCHITECTURAL TREATMENTS. THE DRC (DEVELOPMENT REVIEW COMMITTEE) WILL HAVE FINAL APPROVAL.

- MASONRY MAY BE USED AS AN EXCLUSIVE MATERIAL ON THE FRONT ELEVATION AND SHALL WRAP AROUND THE FRONT FAÇADE OF THE HOME BY AT LEAST TWO FEET OR UP TO THE SIDE-YARD FENCE.
- USE OF VARIOUS ARCHITECTURAL STYLES FOR EACH PRODUCT
- VARYING LOCATIONS AND PROPORTIONS OF FRONT PORCH ON THE SAME BLOCK.
- VARYING LOCATION AND PROPORTIONS OF GARAGE DOORS
- VARIATIONS IN THE FRONT PLANE AND ROOFLINE
- USE OF ROOF DORMERS.
- VARIATION OF BUILDING TYPES: RANCH, TWO-STORY AND SPLIT LEVEL.
- WALKOUT BASEMENTS.
- VARIOUS WINDOW SHAPES THAT ARE SUBSTANTIALLY DIFFERENT, INCLUDING BAY WINDOWS
- WINDOWS WITH GRIDS OR OTHER ENHANCED TREATMENT ON ALL FOUR ELEVATIONS.
- FRONT OR SIDE PORCH W/ A MIN. DEPTH OF 5' AND A MIN. FLOOR AREA OF 50 SF
- DECORATIVE SHUTTERS ON 80% OF THE STREET-FACING WINDOWS
- SECOND STORY PORCH, FRONT OR SIDE PORCHES
- ROOF OVERHANG ON THE FRONT ELEVATION W/DECORATIVE BRACKETS, BEAMS, OR EXPOSED RAFTER ENDS.
- FRONT PORCH LIGHTS
- MORE THAN ONE TREATMENT FOR THE PREDOMINANT SIDING SUCH AS ENGINEERED WOOD, CEDAR, OR OTHER SIDING MATERIAL
- ROOFS MAY BE ASPHALT, SLATE, CLAY OR CONCRETE TILE, ARCHITECTURAL METAL, OR DIMENSIONAL ASPHALT SHINGLES

**SINGLE-FAMILY ATTACHED RESIDENTIAL (TOWNHOME/DUPLEX OR PAIRED)**

THE POUFRE HEIGHTS COMMUNITY SINGLE-FAMILY ATTACHED (TOWNHOME/DUPLEX) RESIDENTIAL HOMES SHALL BE GUIDED BY THESE GENERAL DESIGN AND ARCHITECTURAL STANDARDS TO ENSURE QUALITY AND COMPATIBILITY WITHIN AND THROUGHOUT THE COMMUNITY.

1. HOMES IN THIS DISTRICT SHALL BE STANDARD CONSTRUCTION, SINGLE-FAMILY ATTACHED (TOWNHOME/DUPLEX) HOMES.
2. **SEE THE RESIDENTIAL LAND USE DEVELOPMENT STANDARDS MATRIX FOR ALL MINIMUM LOTS SIZE, LOT FRONTAGE, PARKING REQUIREMENTS, BUILDING HEIGHTS, FLOOR AREA MINIMUM, AND ASSESSOR USE STANDARDS.**
3. THE ROOFS MUST HAVE A MINIMUM PITCH SLOPE OF 4 ON 12. ALL OTHER ROOFS, ALONG WITH ALL ASPECTS OF ALL EXTERIOR IMPROVEMENTS MADE TO ANY PROPERTY IN THE POUFRE HEIGHTS COMMUNITY, MUST BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE IN WRITING PRIOR TO COMMENCEMENT OF CONSTRUCTION.
4. THE PRINCIPAL EXTERIOR ON THE FRONT FAÇADE OF THE HOME FACING THE PUBLIC STREET FOR ALL RESIDENTIAL STRUCTURES SHALL BE AT LEAST 30 PERCENT (30%) MASONRY AND THE OTHER 70 PERCENT (70%) BALANCE OF THE EXTERIOR MAY BE OF FRAME, WOOD, SHINGLES OR OTHER MATERIAL, WHICH MUST BLEND VISUALLY TOGETHER WITH THE MASONRY OR AS APPROVED BY THE ARCHITECTURAL REVIEW COMMITTEE.
5. MINIMUM OF TWO DIFFERENT MATERIALS ON THE FRONT ELEVATION AND ANY ELEVATION VISIBLE FROM A ROAD. OPTIONS INCLUDE BRICK, SIMULATED OR REAL STONE, STUCCO, SIDING OR OTHER APPROPRIATE MATERIALS.
6. PERMANENT FOUNDATIONS SHALL BE REQUIRED.

**ARCHITECTURAL FEATURES AND OPTIONS**

BUILDERS WITHIN THE POUFRE HEIGHTS COMMUNITY MUST IMPLEMENT NO LESS THAN 2 OF THE FOLLOWING ARCHITECTURAL TREATMENTS. THE DRC (DEVELOPMENT REVIEW COMMITTEE) WILL HAVE FINAL APPROVAL.

- MASONRY MAY BE USED AS AN EXCLUSIVE MATERIAL ON THE FRONT ELEVATION AND SHALL WRAP AROUND THE FRONT FAÇADE OF THE HOME BY AT LEAST TWO FEET OR UP TO THE SIDE-YARD FENCE.
- USE OF VARIOUS ARCHITECTURAL STYLES FOR EACH PRODUCT
- VARYING LOCATIONS AND PROPORTIONS OF FRONT PORCH ON THE SAME BLOCK.
- VARYING LOCATION AND PROPORTIONS OF GARAGE DOORS (GARAGES MAY BE REAR-LOADED FOR THE TOWNHOMES)
- VARIATIONS IN THE FRONT PLANE AND ROOFLINE
- USE OF ROOF DORMERS.
- VARIATION OF BUILDING TYPES: RANCH, TWO-STORY AND SPLIT LEVEL.
- WALKOUT BASEMENTS.
- VARIOUS WINDOW SHAPES THAT ARE SUBSTANTIALLY DIFFERENT, INCLUDING BAY WINDOWS
- WINDOWS WITH GRIDS OR OTHER ENHANCED TREATMENT ON ALL FOUR ELEVATIONS.
- FRONT OR SIDE PORCH W/ A MIN. DEPTH OF 5' AND A MIN. FLOOR AREA OF 50 SF
- DECORATIVE SHUTTERS ON 80% OF THE STREET-FACING WINDOWS
- SECOND STORY PORCH, FRONT OR SIDE PORCHES
- ROOF OVERHANG ON THE FRONT ELEVATION W/DECORATIVE BRACKETS, BEAMS, OR EXPOSED RAFTER ENDS.
- FRONT PORCH LIGHTS
- MORE THAN ONE TREATMENT FOR THE PREDOMINANT SIDING SUCH AS ENGINEERED WOOD, CEDAR, OR OTHER SIDING MATERIAL
- ROOFS MAY BE ASPHALT, SLATE, CLAY OR CONCRETE TILE, ARCHITECTURAL METAL, OR DIMENSIONAL ASPHALT SHINGLES

**MULTI-FAMILY RESIDENTIAL**

THE POUFRE HEIGHTS COMMUNITY MULTI-FAMILY BUILDINGS SHALL BE GUIDED BY THESE GENERAL DESIGN AND ARCHITECTURAL STANDARDS TO ENSURE QUALITY AND COMPATIBILITY WITHIN AND THROUGHOUT THE COMMUNITY.

1. **SEE THE RESIDENTIAL LAND USE DEVELOPMENT STANDARDS MATRIX FOR ALL MINIMUM LOTS SIZE, LOT FRONTAGE, PARKING REQUIREMENTS, BUILDING HEIGHTS AND ACCESSORY USE STANDARDS.**
2. MINIMUM OF TWO DIFFERENT MATERIALS ON THE FAÇADE ELEVATIONS VISIBLE FROM A ROAD. OPTIONS INCLUDE BRICK, SIMULATED OR REAL STONE, STUCCO, SIDING OR OTHER APPROPRIATE MATERIALS.
3. COMMON LANDSCAPE AREAS SHALL BE INSTALLED BY THE BUILDER
4. PERMANENT FOUNDATIONS SHALL BE REQUIRED.

**ARCHITECTURAL FEATURES AND OPTIONS**

BUILDERS WITHIN THE POUFRE HEIGHTS COMMUNITY MULTI-FAMILY PLANNING AREAS MUST IMPLEMENT NO LESS THAN 2 OF THE FOLLOWING ARCHITECTURAL TREATMENTS. THE DRC (DEVELOPMENT REVIEW COMMITTEE) WILL HAVE FINAL APPROVAL.

- VARIATIONS IN THE FRONT PLANE AND ROOFLINE
- PORCHES AND BALCONIES FOR AT LEAST 50% OF THE UNITS
- UTILIZING COVERED PARKING FOR A MINIMUM OF 50% OF THE REQUIRED PARKING
- AT LEAST TWO (2) DISTINCT ROOF LINES
- DECORATIVE SHUTTERS ON ALL STREET FACING WINDOWS
- DECORATIVE MATERIAL TREATMENT ON AT LEAST ONE GABLE END FACING THE STREET
- REAL OR SIMULATED CHIMNEYS
- MINIMUM OF TWO (2) PLANES ON REAR AND SIDE ELEVATIONS, EACH PLANE TO HAVE A MIN. 1FT DEPTH VARIATION
- USE OF ROOF DORMERS.

**PRELIMINARY ARCHITECTURAL GUIDELINES****POUDRE HEIGHTS**



**BLUFF SECTION NARRATIVE**  
 IT IS ANTICIPATED THAT THE LARGER LOTS WITHIN THE POUDBRE HEIGHTS COMMUNITY WILL BE LOCATED IN THE NORTHERN PORTION OF THE PROJECT, ADJACENT TO THE BLUFFS PRESERVATION AREA, AS CAN BE SEEN IN THE SECTION EXHIBIT. THIS AFFORDS THE OPPORTUNITY TO TAKE ADVANTAGE OF THE OPEN SPACE FRONTAGE AND ASSOCIATED VIEWS, YET WHILE RESPECTING THE NATURAL TOPOGRAPHY OF THE SITE AND PROTECTING THE BLUFFS. THE EXHIBIT DEMONSTRATES THE RESIDENTIAL LOTS WITH SEPARATION FROM THE HOUSE TO THE PRESERVED BLUFFS. ALSO DEMONSTRATED ON THE SECTION AN AREA FOR A STORM WATER SWALE AND TRAIL ARE SHOWN IN RELATIONSHIP TO THE LOT AND HOME. ALL FENCING USED ALONG THE BLUFFS, OPEN SPACE AND PARKS SHALL BE THREE (3) RAIL OPEN RAIL FENCING. THE BLUFF PRESERVATION TREATMENT PROVIDES AN AVERAGE OF 50' FROM THE REAR OF HOME TO THE TOP OF BLUFFS WHERE THE TOPOGRAPHY INCREASES IN STEEPNESS (I.E. BLUFF EDGE). AS ILLUSTRATED IN THE SECTION WHEN VIEWING FROM THE BOTTOM OF THE SLOPE TO THE TOP OF THE BLUFF THE VISIBILITY OF HOMES IS DIMINISHED AND IN SOME CASES WILL NOT BE SEEN.

**INTRODUCTION**  
 LANDSCAPE GUIDELINES HAVE BEEN CREATED FOR THE POUDBRE HEIGHTS PROPERTY BASED ON CITY CODE. THESE GUIDELINES SHALL HELP PROMOTE A QUALITY DEVELOPMENT THROUGH THE USE OF LANDSCAPE TREATMENTS THROUGHOUT THE COMMUNITY. THE POUDBRE HEIGHTS PLANTING REQUIREMENTS SHALL ADHERE TO THE CITY OF GREELEY CODE AS AMENDED WITHIN THIS PUD DOCUMENT. IN GENERAL, THE LANDSCAPE DESIGN, THEME, AND APPROACH WILL IMPLEMENT A CONTEXT SENSITIVE DESIGN SOLUTION AND THE PROPOSED LANDSCAPE WILL RESPECT THE LANDSCAPE VERMACULAR OF THE REGION. THE FOLLOWING DESCRIBES THE DESIGN, THEME, AND OVERALL APPROACH TO THE LANDSCAPE DESIGN.

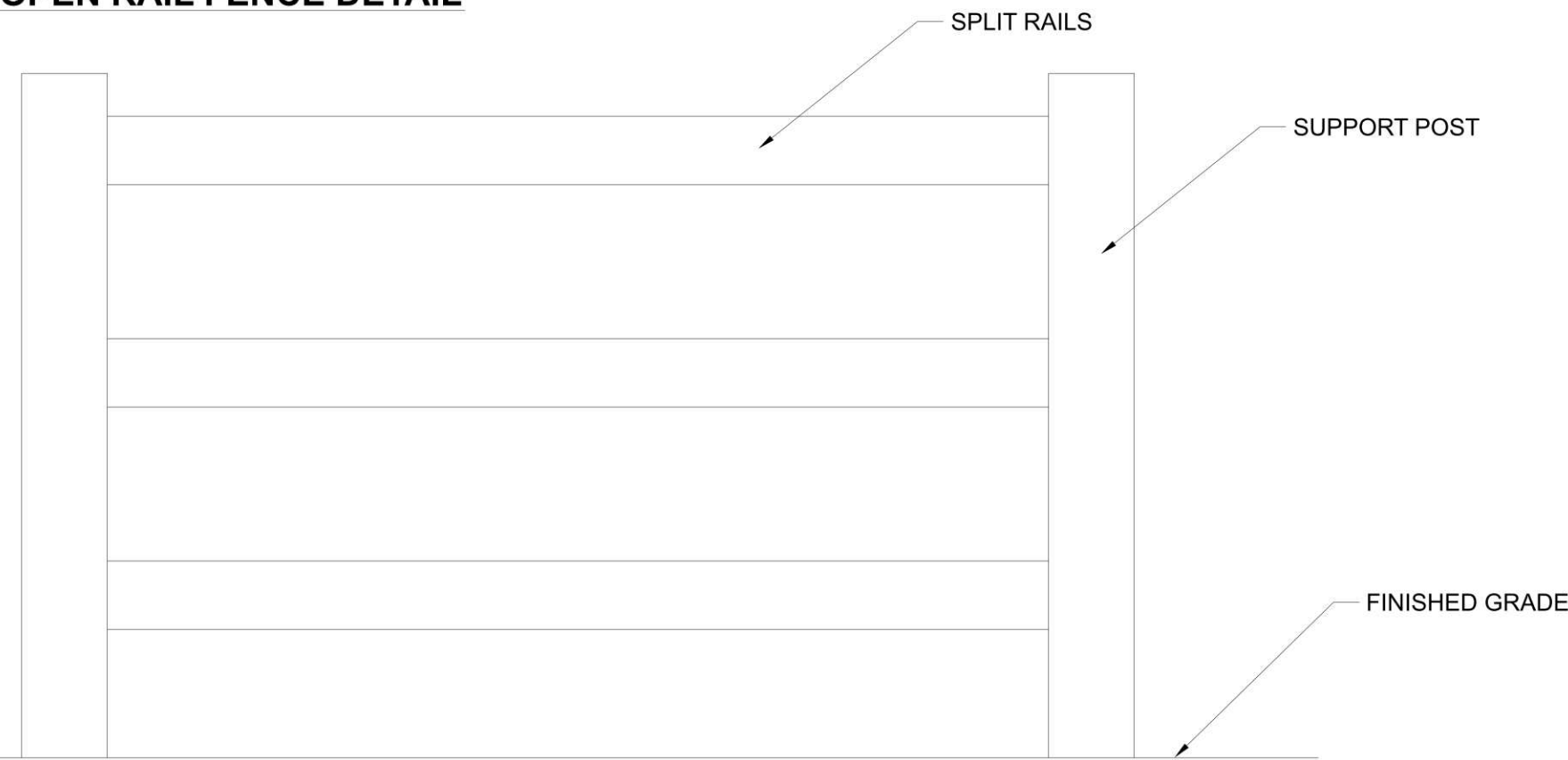
- USE NATIVE PLANTS AS MUCH AS FEASIBLE AND NON-NATIVE PLANTS THAT ARE DROUGHT TOLERANT AND FIT THIS REGION OF COLORADO (WESTERN HIGH PLAINS);
- PRESERVE AND RESTORE THE NATIVE LANDSCAPE, AS MUCH AS FEASIBLE, ALONG THE BLUFF AREAS AND ON THE NORTHERN PART OF THE SITE;
- UTILIZE "SIGNATURE" TREE AND SHRUB PLANT MATERIALS;
- UTILIZE A WATER CONSERVATION LANDSCAPE APPROACH THAT BALANCES AESTHETICS AND WATER WISE LANDSCAPING. LANDSCAPING WILL BE USED THAT REQUIRES MINIMAL IRRIGATION VERSUS IRRIGATED SOD/TURF AREAS. THE GOAL WILL BE TO MINIMIZE TOTAL WATER USAGE IN THE COMMUNITY WITH THE ADDITIONAL TECHNIQUES AND APPROACH:
  - GROUP PLANTS WITH SIMILAR WATER REQUIREMENTS TO PROMOTE EFFICIENCY OF IRRIGATION;
  - PLANT PALETTE CONSISTING OF LOW WATER USE NATIVE AND NON-NATIVE PLANTS;
  - INFILTRATE RAINWATER RUNOFF INTO THE LANDSCAPE (I.E. RAIN GARDENS) IN COMMON OPEN SPACE AREAS WHERE APPROPRIATE AND IF SOILS ARE APPROPRIATE;
  - UTILIZE DRIP IRRIGATION SYSTEMS WHENEVER FEASIBLE;
  - DESIGN FOR A LOW WATER, LOW-MAINTENANCE LANDSCAPE APPROACH;

- MANICURED LANDSCAPES (I.E. IRRIGATED SOD AND PERENNIALS) SHOULD BE LIMITED TO OUTDOOR LIVING AREAS AND ENTRIES WITHIN THE IMMEDIATE OUTDOORS OF THE HOME OR BUSINESSES;
- COLORFUL ACCENT NATIVE AND NON-NATIVE PLANTINGS AT KEY VISIBLE AREAS;
- LARGE GROUPINGS OF NATIVE AND ORNAMENTAL GRASSES, SHRUBS, PERENNIALS, WILDFLOWERS, AND GROUND COVERS;
- LOWER DENSITY RESIDENTIAL AREAS WILL UTILIZE A MORE NATURALIZED AND INFORMAL DESIGN;
- STREET TREE PLANTING WILL BE PROVIDED ALONG ALL PUBLIC STREETS TO ENSURE THAT AN APPROPRIATE MIX OF CHARACTER AND SPECIES DIVERSITY;
- UTILIZE LANDSCAPE FABRIC AND MULCHES (WOOD AND ROCK MULCH) TO RETAIN MOISTURE IN THE LANDSCAPE PLANTING AREAS;
- DRIP IRRIGATION WILL BE PROVIDED TO ALL STREET TREES IN TREE LAWNS AND MEDIANS, THAT DO NOT RECEIVE OVERSPRAY FROM TURF GRASS AREAS;
- TREES, SHRUBS, PERENNIALS, ORNAMENTAL GRASSES, GROUND COVERS, AND VINES SHOULD BE MASSES TO DEFINE OUTDOOR SPACES, REINFORCE THE PRIMARY ENTRY AND ENHANCE THE ARCHITECTURAL DESIGN, THE STREET, AND THE NEIGHBORHOOD;
- SEASONAL LANDSCAPE WILL BE UTILIZED TO PROVIDE SEASONAL COLOR AND INTEREST THROUGHOUT THE YEAR WITH THE GOAL OF MAXIMIZING COLOR AND BLOOM COVERAGE THROUGHOUT THE FOUR SEASONS;
- SOILS WILL BE MODIFIED WHEN NECESSARY TO INCREASE MINERAL AND ORGANIC MATTER CONTENT TO DETERMINE PROPER SOIL AMENDMENTS BASED ON RESULTS OF SOIL TEST.
- MASSING OF PLANTS INTO COHESIVE GROUPS IS HIGHLY RECOMMENDED TO PROVIDE STRONG IMAGES OF TEXTURE, COLOR, AND CONTRAST THROUGHOUT THE COMMUNITY;
- PROPOSED WALL DESIGNS WILL UTILIZE STONE, MASONRY OR APPROPRIATE BUILDING MATERIALS; AND
- FENCING WILL BE DESIGNED TO GENERALLY COORDINATE WITH THE ARCHITECTURAL STYLE, COLOR, AND MATERIALS OF THE ARCHITECTURE. MATERIALS WILL BE OF NATURAL TONES AND INCLUDE WOOD, VINYL, MASONRY OR IRON. THE FINISH WILL BE OF SEMI-TRANSPARENT OR SOLID COLOR STAIN, LATEX ACRYLIC STAIN OR SUITABLE OUTDOOR PAINT.

**RELATIONSHIP TO THE CITY OF GREELEY CODE**  
 THESE LANDSCAPE GOALS AND GUIDELINES FIT WELL WITH THE CITY OF GREELEY CODE, AS AMENDED, REQUIREMENTS AND WITHIN THE REGIONAL CLIMATE (WESTERN HIGH PLAINS SEMI-ARID). THE GOALS AND GUIDELINES AIM TO UTILIZE RESPONSIBLE IRRIGATION TECHNIQUES, WHICH IS ESSENTIAL FOR SUSTAINABILITY. AS DEFINED IN CITY CODE AS AMENDED, THESE LANDSCAPE STANDARDS ARE INTENDED TO ESTABLISH LANDSCAPING REGULATIONS THAT:

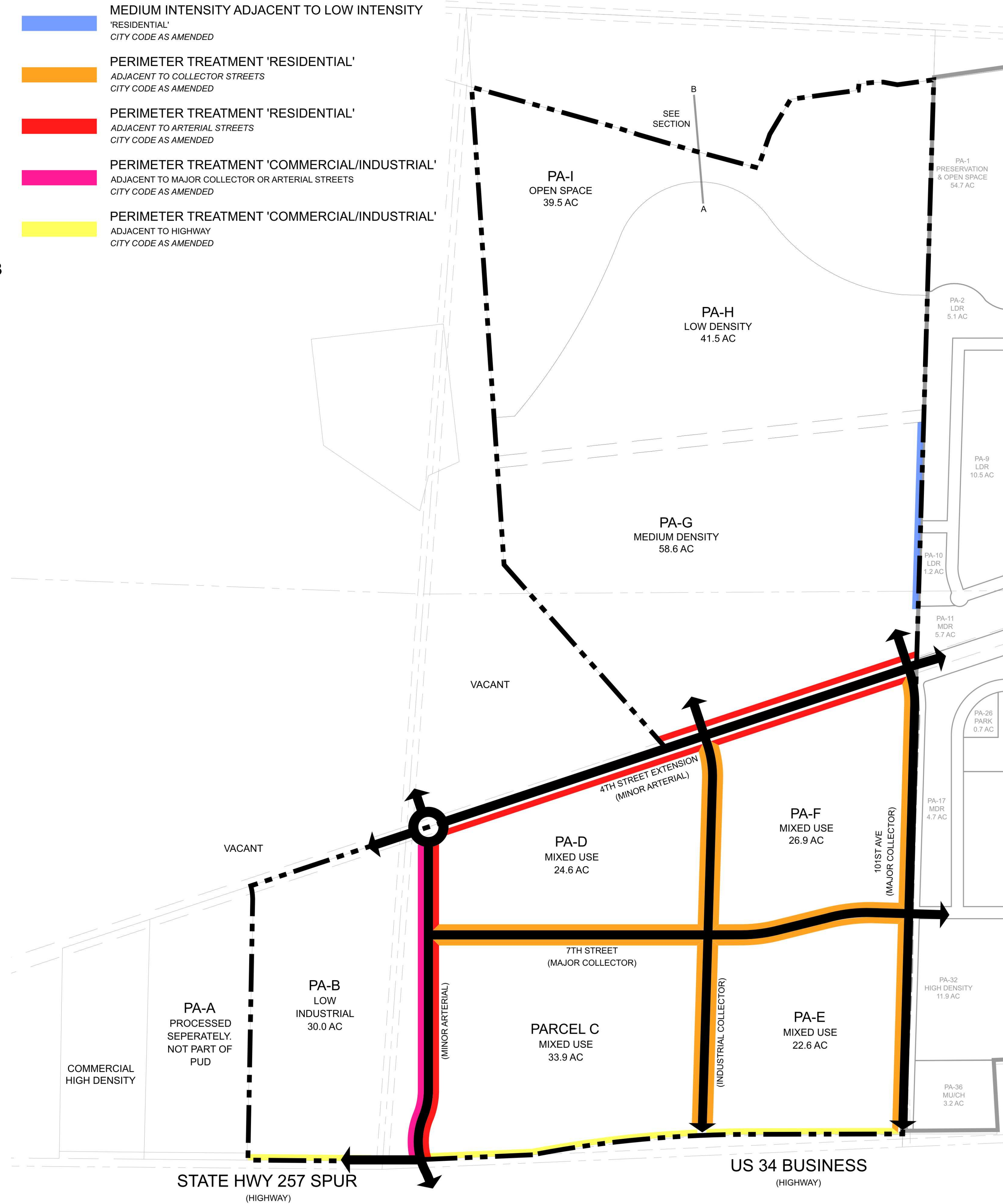
- IMPROVE THE AESTHETIC APPEARANCE OF SETBACK AREAS, COMMON OPEN SPACE AREAS, PUBLIC RIGHTS-OF-WAY, AND OFF-STREET VEHICULAR PARKING AREAS;
- PROMOTE COMPATIBILITY BETWEEN LAND USES OF DIFFERENT INTENSITIES;
- PROMOTE THE USE OF GENERALLY ACCEPTED LANDSCAPE DESIGN PRINCIPLES;
- PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE BY MINIMIZING THE IMPACT OF ALL FORMS OF PHYSICAL AND VISUAL POLLUTION, CONTROLLING SOIL EROSION, SCREENING UNSIGHTLY AREAS, PRESERVING THE INTEGRITY OF NEIGHBORHOODS, AND ENHANCING PEDESTRIAN AND VEHICULAR TRAFFIC AND SAFETY;
- PROMOTE WATER CONSERVATION THROUGH THE USE AND INCORPORATION OF LOW WATER ADAPTIVE VEGETATION AND BY USING WATER CONSERVATION PRINCIPLES;
- PROMOTE SHADED, TREE-LINED STREETS WITHIN ALL AREAS OF THE CITY;
- MAINTAIN THE CITY'S STANDING AS A "TREE CITY USA"; AND
- IMPLEMENT COMPREHENSIVE PLAN POLICY OF REDUCING "HEAT ISLANDS."

**THREE RAIL OPEN RAIL FENCE DETAIL**



**LEGEND**

- MEDIUM INTENSITY ADJACENT TO LOW INTENSITY 'RESIDENTIAL' CITY CODE AS AMENDED
- PERIMETER TREATMENT 'RESIDENTIAL' ADJACENT TO COLLECTOR STREETS CITY CODE AS AMENDED
- PERIMETER TREATMENT 'RESIDENTIAL' ADJACENT TO ARTERIAL STREETS CITY CODE AS AMENDED
- PERIMETER TREATMENT 'COMMERCIAL/INDUSTRIAL' ADJACENT TO MAJOR COLLECTOR OR ARTERIAL STREETS CITY CODE AS AMENDED
- PERIMETER TREATMENT 'COMMERCIAL/INDUSTRIAL' ADJACENT TO HIGHWAY CITY CODE AS AMENDED



**PRELIMINARY LANDSCAPE MASTER PLAN AND GUIDELINES**

**POUDRE HEIGHTS**



**GENERAL PROVISIONS BASED ON CITY OF GREELEY CODE**

THE POUFRE HEIGHTS COMMUNITY LANDSCAPE GENERAL PROVISIONS UTILIZE THE CITY CODE AS AMENDED, AS THE BASIS OF THE APPROACH AND AS SUMMARIZED BELOW:

- LANDSCAPING SHALL BE PROVIDED TO ENHANCE OPEN SPACE, RECREATION AREAS, BUILDING FOUNDATIONS, AREAS OF LOW VISUAL INTEREST, AND SCREEN AND SHADE STREETS AND SIDEWALKS, PARKING, AND LOADING AREAS;
- THE LANDSCAPE PLAN SHALL USE COLORADO NATIVE PLANT SPECIES THAT ARE DROUGHT TOLERANT AND ARE SUITABLE IN THE COLORADO CLIMATE;
- THE LANDSCAPE PLAN SHALL BE DESIGNED IN CONJUNCTION WITH THE DRAINAGE PLAN FOR THE SUBJECT PROPERTY IN SUCH A MANNER AS TO MAXIMIZE STORM WATER RUNOFF ABSORPTION;
- PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, ALL ON-LOT LANDSCAPING AND IRRIGATION SHALL BE INSTALLED, IF REQUIRED PURSUANT TO AN APPROVED LANDSCAPE PLAN;
- COMMON AREA LANDSCAPING AND IRRIGATION SHALL BE INSTALLED AROUND THE PERIMETER OF THE BUILDING ENVELOPE, HALFWAY TO THE ADJACENT BUILDING ENVELOPES, PURSUANT TO AN APPROVED LANDSCAPE PLAN PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY;
- IN THE CASE OF USABLE OR COMMON OPEN SPACE LANDSCAPING IN COMMON AREAS BETWEEN LOTS, ALL LANDSCAPING AND IRRIGATION SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT OR AS OTHERWISE APPROVED BY THE CITY IN A DEVELOPMENT AGREEMENT OR PHASING PLAN; AND
- WHEN PHASING DEVELOPMENT, A PROPORTIONATE SHARE OF LANDSCAPING ACCEPTABLE TO THE CITY, AS OUTLINED IN AN APPROVED DEVELOPMENT AGREEMENT OR PLANNED UNIT DEVELOPMENT (PUD) PLAN, SHALL BE INSTALLED AND MAINTAINED WITH EACH PHASE BASED ON THE SIZE OF THE PROPOSED PHASE AND SHALL BE CONSIDERED COMPLETED FOR THE PURPOSES OF THESE REGULATIONS WHEN SUCH PROPORTIONATE SHARE OF LANDSCAPING HAS BEEN INSTALLED PRIOR TO ISSUANCE OF A BUILDING PERMIT.
- GENERAL IRRIGATION REQUIREMENTS SHALL FOLLOW CITY CODE AS AMENDED:
  - (1) AN UNDERGROUND IRRIGATION SYSTEM SHALL BE INSTALLED AND MAINTAINED FOR ALL COMMON AREA IMPROVEMENTS, SUCH AS OUTLOTS, MEDIAN BOULEVARDS, TREE LAWNS, SCREENING, BUFFER YARDS AND PERIMETER TREATMENT AREAS, IN ORDER TO PROVIDE IRRIGATION FOR ALL PLANT MATERIALS, CONSISTENT WITH THE NATURE OF THE PLANT'S IRRIGATION NEEDS.
  - (2) SPRINKLERS SHALL BE PLACED SO AS NOT TO THROW WATER ONTO ADJACENT PAVED OR HARDSCAPED SURFACES.
  - (3) GREEN INDUSTRY BEST MANAGEMENT PRACTICES FOR THE CONSERVATION AND PROTECTION OF WATER RESOURCES IN COLORADO, PREPARED BY GREEN INDUSTRIES OF COLORADO (GREENCO), AND KEPT ON FILE IN THE CITY'S WATER DEPARTMENT, ARE GUIDELINES FOR THE CONSERVATION OF WATER RESOURCES AND PROTECTION OF WATER QUALITY AND ARE STRONGLY ENCOURAGED TO BE FOLLOWED.
  - (4) ALL MULTI-FAMILY, COMMERCIAL, INDUSTRIAL, MIXED USE AND INSTITUTIONAL PROPERTIES SHALL INSTALL RAIN SENSORS. REFER TO THE CITY'S WATER AND SEWER DEPARTMENT STANDARDS FOR MORE INFORMATION.

THE FOLLOWING PLANTING REQUIREMENTS, PER CITY CODE AS AMENDED, SHALL BE UTILIZED:

1. AT LEAST FIFTY PERCENT (50%) OF ANY REQUIRED YARD, EXCLUDING DRIVEWAY AND WALKWAY TO THE FRONT DOOR, SHALL CONTAIN LIVE PLANTINGS.
2. AT LEAST FIFTY PERCENT (50%) OF ANY PARKWAY OR RIGHT-OF-WAY PLANTING AREA, EXCLUDING DRIVEWAYS AND PUBLIC SIDEWALKS, SHALL CONTAIN LIVE PLANTINGS.
3. ALL YARDS NOT COVERED BY AN APPROVED BUILDING, DRIVEWAY, WALKWAY OR OTHER PERMANENT STRUCTURE SHALL BE LANDSCAPED.
4. FOR SINGLE-FAMILY AND TWO-FAMILY LOTS ONE (1) ACCEPTABLE STREET TREE PER RESIDENTIAL LOT STREET FRONTAGE IS REQUIRED. IF UTILITIES OR OTHER OBSTACLES MAKE PLACEMENT OF A STREET TREE IN THE RIGHT-OF-WAY NOT FEASIBLE, A SHADE TREE SHALL BE INSTALLED IN THE FRONT YARD.
5. FOR MULTI-FAMILY, COMMERCIAL, AND MIXED USE LAND USES - THE RIGHT-OF-WAY OR PARKWAY SHALL CONSIST OF ACCEPTABLE SHADE TREES PLANTED BETWEEN THE CURB AND SIDEWALK, OR WITHIN TEN (10) FEET OF THE BACK OF THE SIDEWALK IN THE CASE OF AN ATTACHED SIDEWALK, AT A REGULAR SPACING OF THIRTY-FIVE (35) FEET ON CENTER FOR SHADE TREES AND TWENTY-FIVE (25) FEET ON CENTER FOR ORNAMENTAL TREES.
6. WHERE TREES ARE NOT ALREADY REQUIRED PURSUANT TO CITY CODE, ONE (1) ADDITIONAL SHADE OR EVERGREEN TREE SHALL BE PROVIDED FOR EVERY TWO THOUSAND (2,000) SQUARE FEET OR FRACTION THEREOF OF COMMON OPEN SPACE. TWO (2) ORNAMENTAL TREES MAY BE SUBSTITUTED FOR EACH SHADE OR EVERGREEN TREE. LAKES OR OTHER WATER AREAS MAY BE EXCLUDED FOR PURPOSES OF CALCULATING REQUIRED TREE QUANTITIES.
7. FOR BUFFER REQUIREMENTS SEE THE PRELIMINARY LANDSCAPE MASTER PLAN.
8. FOR PARKING LOT LANDSCAPING STANDARDS CITY CODE AS AMENDED, SHALL BE FOLLOWED.
9. FOR PERIMETER LANDSCAPING CITY CODE AS AMENDED, PERIMETER TREATMENT SHALL BE FOLLOWED.

**THE POUFRE HEIGHTS COMMUNITY SIGNAGE**

THE NARRATIVE PROVIDED HERE WITHIN AND CITY CODE, AS AMENDED, WILL BE USED TO GUIDE SIGNAGE WITHIN THE POUFRE HEIGHTS COMMUNITY INCLUDING SIGN STANDARDS THAT ADDRESS SIZE, HEIGHT, DESIGN, LIGHTING, COLOR, MATERIALS, LOCATION, AND METHOD OF CONSTRUCTION OF ALL SIGNAGE TO ENSURE THAT ALL SUCH SIGNAGE IS DESIGNED IN A HARMONIOUS AND COMPATIBLE MANNER. ABSENT A SPECIFIC SIGN PLAN OR STANDARDS IN THIS DOCUMENT, THE CITY WILL APPLY SIGN STANDARDS CLOSEST TO THE ZONE DISTRICT THE PUD LAND USES REPRESENT.

THE CONTROL AND PLACEMENT OF ALL SIGNS IS ESPECIALLY IMPORTANT TO THE AESTHETIC HARMONY OF THE POUFRE HEIGHTS COMMUNITY. A CRITICAL COMPONENT OF A COHESIVE COMMUNITY IS THE SENSE OF PLACE AND IDENTITY. APPROVAL OF THIS PUD IS INTENDED TO PERMIT THE NUMBER AND LOCATIONS FOR THE PRIMARY INTERSECTIONS AND ENTRANCES TO THE COMMUNITY. PER CITY CODE AS AMENDED, THE PROPOSED SIGNS THAT REQUIRE A SIGN PERMIT ARE:

- (1) AWNING SIGN
- (2) CANOPY SIGN
- (3) ELECTRONIC MESSAGING DISPLAY
- (4) FREESTANDING AND MONUMENT SIGN
- (5) PROJECTING WALL SIGN
- (6) WALL SIGN.

THEREFORE, FOR THE POUFRE HEIGHTS COMMUNITY, THE FOLLOWING DETAILS OF SIGNAGE ARE PROPOSED. WHERE NOT ADDRESSED HERE, CITY CODE AS AMENDED WILL DICTATE THE SIGNAGE:

- MAIN ENTRANCE SIGNAGE IS INTENDED TO BE AN ARCHITECTURAL FEATURE WITH THE COMMUNITY LOGO TO CREATE A SENSE OF ARRIVAL AND IDENTIFY FOR THE PROJECT. UP TO TWO (2) MAIN ENTRANCE SIGNS ARE ALLOWED UP TO A MAXIMUM HEIGHT OF 20' (FOR A VERTICAL FEATURE) AND WIDTH OF 40'. 500 TOTAL SQUARE FEET IS THE MAXIMUM ALLOWABLE FOR MAIN ENTRANCE SIGNS. THESE SIGNS WOULD BE PLACED ALONG 10TH STREET.
- RESIDENTIAL SUBDIVISION ENTRANCE SIGNS (I.E. FREE-STANDING MONUMENT SIGNS FOR INDIVIDUAL NEIGHBORHOODS) - UP TO EIGHT (8) FREESTANDING MONUMENT SIGNS ARE ALLOWED. THE SIGNS WILL IDENTIFY THE SECONDARY ACCESS POINTS TO THE INDIVIDUAL NEIGHBORHOODS WITHIN THE OVERALL COMMUNITY. THESE SIGNS WILL BE SMALLER IN SCALE WHILE REMAINING CONSISTENT WITH THE THEME OF THE OVERALL SIGN PROGRAM. THESE SIGNS WILL HAVE A MAXIMUM HEIGHT OF 10' AND WIDTH OF 20' AND NOT EXCEED 200 TOTAL SQUARE FEET.

INDIVIDUAL NON-RESIDENTIAL LOTS ALONG 10<sup>TH</sup> STREET MAY REQUEST ADDITIONAL FREESTANDING MONUMENT SIGNS AND MULTI-TENANT SIGNS. ANY ADDITIONAL FREESTANDING SIGNS MUST COMPLY WITH THE SIGN DESIGN AND QUANTITY STANDARDS DESCRIBED IN CITY CODE AS AMENDED.

## LANDSCAPE GUIDELINES

## POUDRE HEIGHTS

**PROJECT THEME AND AMENITIES**

THE Poudre Heights Community Theme will be focused on the wide range of wildlife that calls Greeley home, yet a contemporary or modernistic twist will be applied to the various features. It seems fitting that the term 'heights' will be a nod to the majestic trees and revered raptors that patrol the skies above. In addition to the state tree, fish, and bird, the following names can be drawn from:

- ROUGH-LEG (HAWK)
- PEREGRINE (FALCON)
- BALD EAGLE
- LARK (HORNED, ETC.)
- BURROWING OWL
- LONGSPUR
- RED-TAILED (HAWK)
- GOLDEN EAGLE
- GREENBACK (CUTTHROAT TROUT)
- LOGGERHEAD
- PONDEROSA
- MAPLE
- AMUR
- ACER
- JUNIPER
- SPRUCE
- SAGE
- RAINBOW (TROUT)

At various intersections and local nodes, sleek sculptures and plaques will acknowledge the namesake of the area. To further honor the history of this area, the vision is to name parks, streets, and pavilion overlooks using features from the plants and animals native to Greeley and the front range. Natural materials will be used but in a modern rustic matter. Some potential naming of features could be based on the species listed earlier and naming convention may follow terms that highlight the keystone species that one may find in their own community:

- BIRD'S EYE VIEWPOINT
- THE BURROW
- VULTURE CIRCLE RIDGE
- COLUMBINE COURTYARD
- PONDEROSA POINT
- RAINBOW RIDGE
- CUTTHROAT POINT
- BROOK TROUT GULLEY
- CROPPIE CREEK
- EAGLE'S NEST OVERLOOK
- LARK LAWN

Other names may be utilized in naming within Poudre Heights based on the state symbols including:

- TIGER SALAMANDER (STATE AMPHIBIAN)
- BIGHORN SHEEP (ANIMAL)
- CLARET CUP CACTUS (PLANT)
- STEGOSAURUS (FOSSIL)
- BLUE GRAMA (GRASS)
- HAIRSTEAK (INSECT)
- PAINTED TURTLE (REPTILE)

Neighborhood names of sub-communities (neighborhoods) within Poudre Heights will derive from these names and will be marked by naturalistic or rustic signage that mimics the main entry feature design. For example, Columbine Prairie could be a housing area with an elegant well-lit sculpture or stencil laser-cut steel sheet with a single columbine or simple modern scene of the iconic flower set before an open prairie. Each neighborhood will be uniquely named and will offer a distinct living environment from higher density living on the south area and where other land uses are proposed. For example, the industrial area will have a varied yet cohesive feel and character from the commercial and mixed-use parcels.

There is also an opportunity to join the divisions of Poudre Heights through a family of modern sculptures. Commissioning a single artist or guild to create a series of pieces of a similar modern composition would accomplish this unity. The artist would be directed towards using metal or natural materials in a way that invokes a modern feel. This would demonstrate a proud statement that reflects the adoration Coloradoans share for our natural environment.

**COMMUNITY TRAILS AND INTERPRETATIVE SIGNAGE**

The open space on the north section of the site absorbs the commanding views of the area and Poudre River valley and therefore an amenity center has been placed at a prominent location. The amenity center deck and architecture shall take full advantage of the view lines, create a unique experience and provide sufficient direction on natural assets. Trails will connect from that element to the east and west to provide fluidity between developments. The north/south trails through the residential community and parks shall incorporate the same aspects and create a sense of adventure within the development. Designated seating areas shall be strategically placed along the trails for resting and to frame elements of interest. These trails shall be paved to allow ease of travel from 10th Street to the Poudre River features. Further to the north and northeast the existing Poudre River trail allows access to the section of the river corridor between Greeley and Windsor. The trail is a wide paved path through serene and quiet areas. Interpretative signage at the amenity center and along the trails will educate users about the unique natural assets and features of the immediate area. The community trails will connect the significant open space (minimum of 30% for residential areas) to the greater region and Poudre River valley. Trails and interpretative signage will be consistent throughout the whole development.

**INCORPORATION OF THE THEME INTO THE COMMUNITY FEATURES:**

Utilizing a context sensitive design solution, the theme will be incorporated into the overall design. The theme will celebrate the rich natural and agricultural legacy of this area and may be integrated in the landscape (parks, trails and open space), community signage, or interpretive signage along trails. The theme will be displayed beginning at the main entrance signage that welcomes you to the community. Project signage will display organic, natural forms including natural stonework and earth tone colors that fit well into the context of the region but will be composed with contemporary style.

**AMENITY CENTER**

The Poudre Heights amenity center, mentioned above, will be a central home gathering place capitalizing on the 360° vistas embracing Colorado's essence of the Poudre River valley. Trails will feed to and from this central and important core gathering place. The architecture and design of this feature will also mimic the naturalistic theme and focus on the "heights" and expansive views of the area. The architecture style will be more naturalistic yet modern with material, construction joinery, composition and more.

**LANDSCAPE, PARKS AND OPEN SPACE**

The landscape palette will be primarily Colorado native plants arranged in naturalistic and flowing forms. The diversity of the topography, existing vegetation and the dramatic vistas provide an opportunity to create a residential community which embraces the inherent beauty of the natural Colorado landscape. Areas within the community offer breathtaking views of the Poudre River valley and therefore overlooks will be provided in multiple locations as mentioned previously. The proposed landscape improvements within the development are a critical element in the overall visual integrity and aesthetics, therefore, careful attention has been given to the plant palette and design to ensure it will be harmonious with the site.

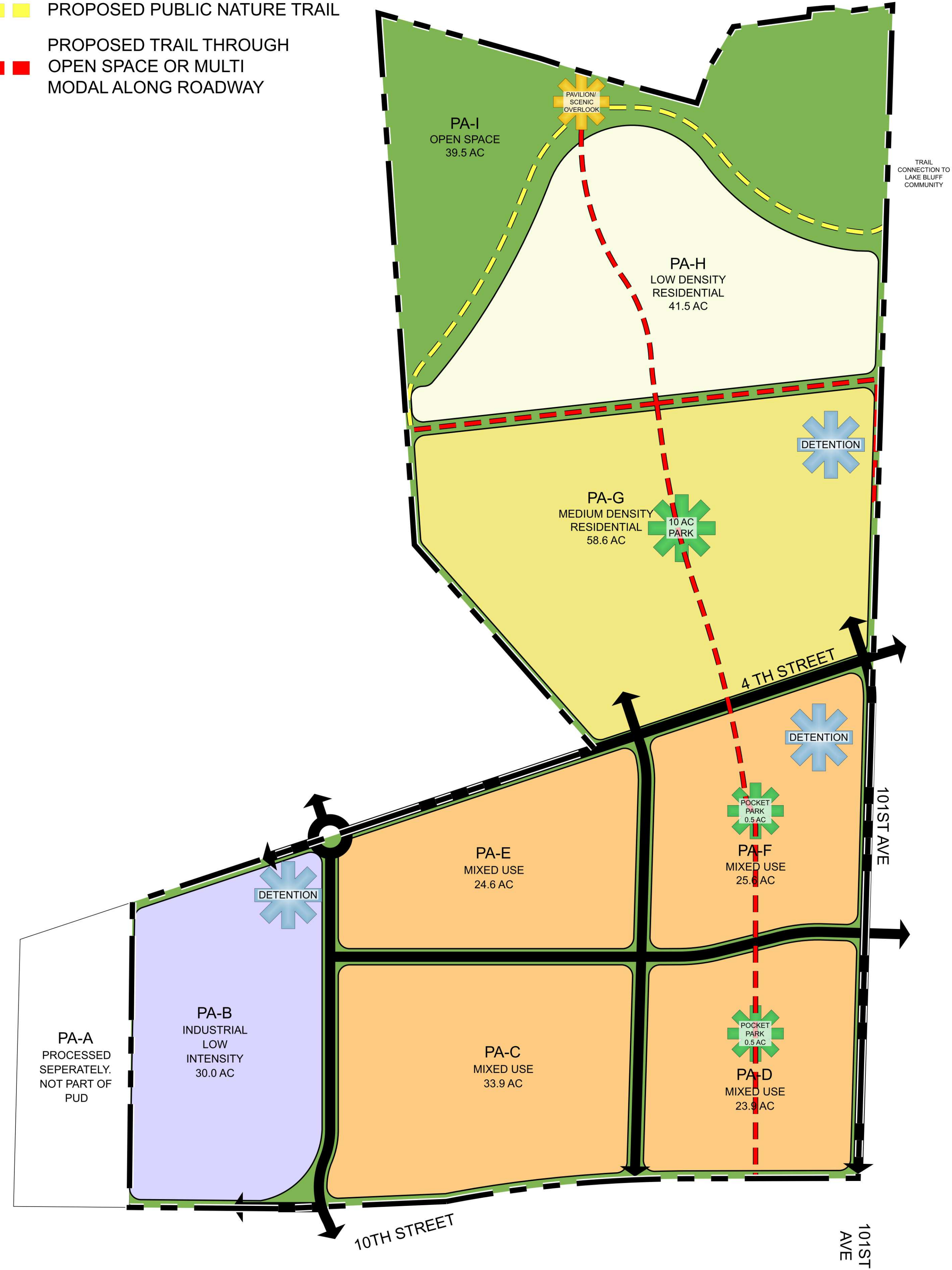
Small and large parks are provided throughout the community all connected with trails that ultimately connect to the Poudre River trail. The open space system will provide amenities such as:

- AMENITY CENTER
- PARKS
- POCKET PARKS WITH LINKING TRAILS
- PLAYGROUNDS
- OPEN LAWNS
- TRAIL CONNECTIONS

The community theme may be emphasized in the pocket parks and central park by introducing modern programs that reference the site name. For example, if the park were to be dubbed "Lark Creek Park" then various features within the park could emulate the environment of a lark but with a modern twist: a modern-rustic bronze fire ring shaped like a lark's nest, sleek egg-inspired furniture, a modern sculpture of a fluttering lark or many larks in flight. Other nods to Colorado's regal state bird could come in the form of emblems plastered on pergolas or fence posts.

**LEGEND**

- ■ ■ ■ ■ SITE BOUNDARY
- ■ ■ ■ ■ PROPOSED PUBLIC NATURE TRAIL
- ■ ■ ■ ■ PROPOSED TRAIL THROUGH OPEN SPACE OR MULTI MODAL ALONG ROADWAY



**THEME & AMENITIES**

**POUDRE HEIGHTS**

**STREET, PEDESTRIAN AND BIKE CIRCULATION SYSTEM NOTES:**

THE POUDBRE HEIGHTS VEHICULAR AND PEDESTRIAN CIRCULATION SYSTEM PROVIDES ACCESS TO ALL PARTS OF THE PROJECT. ACCESS TO EACH PLANNING AREA WILL BE PROVIDED IN A LOGICAL MANNER AND TRAIL/PEDESTRIAN CORRIDORS WILL CONNECT PARKS AND OPEN SPACE AREAS TOGETHER IN A COHESIVE MANNER.

PEDESTRIAN CIRCULATION WILL BE A VITAL COMPONENT OF THE POUDBRE HEIGHTS COMMUNITY. THE DESIGN WILL ENCOURAGE AN ALTERNATIVE MODE OF TRANSPORTATION WITHIN THE MIXED-USE AREAS INCLUDING STRONG LINKS TO RESIDENTIAL COMPONENTS OF THE COMMUNITY. AS SHOWN ON THE PRELIMINARY PUD MASTER PLAN, CENTRALLY LOCATED PARKS AND MIXED USES WITHIN CLOSE WALKING DISTANCES OF ALL PROPOSED RESIDENTIAL AREAS PROVIDED. IN THE COMMERCIAL AND MIXED-USE LAND AREAS, SIDEWALKS WILL BE PROVIDED ALONG THE FRONT OF BUILDINGS THROUGH THAT AREA AND THOSE WALKWAYS WILL BE CONNECTED TO THE RESIDENTIAL WALKWAY SYSTEM IN AN ORGANIZED AND LOGICAL CIRCULATION PATTERN FOR EASY ACCESS BETWEEN THE USES AND TO ENCOURAGE PEDESTRIAN ACTIVITY VERSUS ALL VEHICULAR TRAFFIC. THE VEHICULAR AND PEDESTRIAN CIRCULATION SYSTEM WILL PROVIDE MULTIPLE ROUTES FOR CARS, BIKES, AND PEDESTRIANS TO MOVE THROUGHOUT THE POUDBRE HEIGHTS COMMUNITY. SIDEWALKS, WALKWAYS, AND TRAILS WILL PROVIDE THE PEDESTRIAN FRIENDLY ENVIRONMENT AND THE OPEN SPACE SYSTEM WITH TRAIL WILL PROVIDE THE CONNECTIVITY INTERNAL TO THE POUDBRE HEIGHTS COMMUNITY AND THE SURROUNDING AREA.

THE STREET AND VEHICULAR CIRCULATION SYSTEM AT POUDBRE HEIGHTS WILL BE A MODIFIED GRID SYSTEM TO ALLOW FOR MAXIMUM CONNECTIVITY THROUGHOUT THE PROJECT. WHILE THE EXACT PLANNING AREA LAYOUTS HAVE NOT YET BEEN DEFINED AT TIME OF THIS SUBMITTAL, THE DESIGN OF THE STREETS WILL RESPOND TO THE NATURAL TOPOGRAPHY OF THE SITE AS MUCH AS FEASIBLE. THE POUDBRE HEIGHTS COMMUNITY WILL PROVIDE INTERNAL STREET DESIGN CONFIGURATIONS WHICH FOSTER INTERCONNECTIVITY BETWEEN THE RESIDENTIAL AREAS AND THE COMMERCIAL/MIXED-USE DEVELOPMENT ON THE SOUTH AREA OF THE PROJECT.

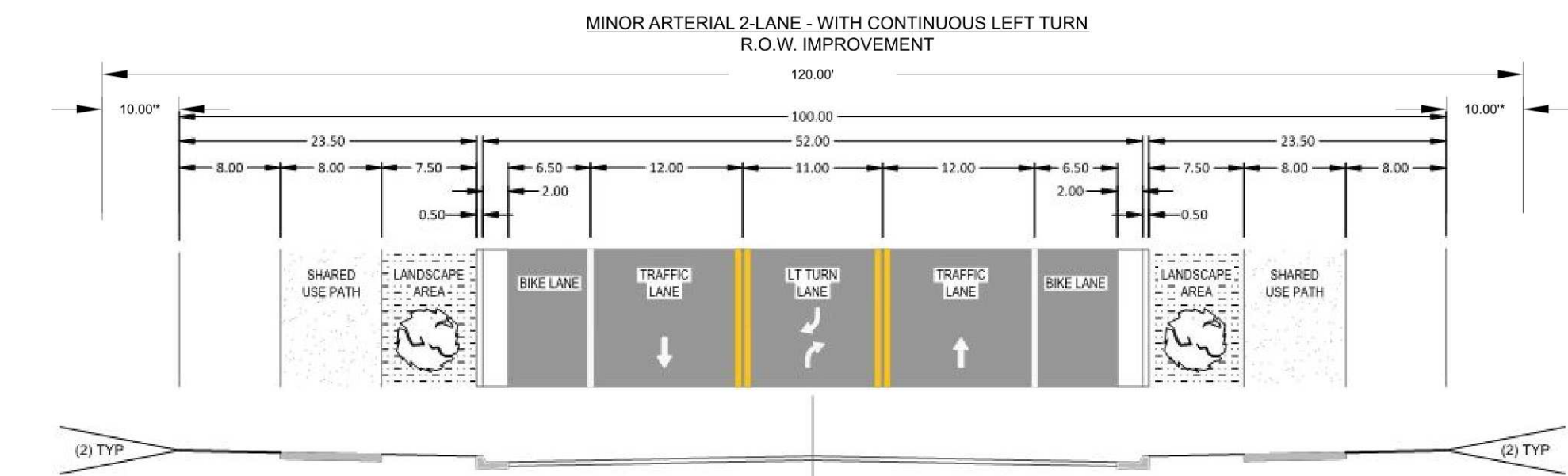
THE PROJECT WILL SATISFY ITS REQUIREMENTS OR SHARE OF THE FOLLOWING MAJOR ROADWAYS:

- 10TH STREET/HWY 34 BUSINESS (SOUTHERN BOUNDARY LINE).
- EXTENSION OF 101ST AVENUE NORTH ACROSS 10TH STREET ALONG EAST BOUNDARY LINE INTO RESIDENTIAL PLANNING AREAS.
- EXTENSION OF 257 NORTH ACROSS 10TH STREET INTERNAL TO SITE AND SOUTH WEST BOUNDARY.
- 4TH STREET EXTENSION (THE NORTH BOUNDARY OF THE INDUSTRIAL PLANNING AREAS AND MIXED USE) TO 10TH STREET.
- 7TH STREET EXTENSION (NORTH OF PLANNING AREAS C AND D AND SOUTH OF PLANNING AREAS E AND F)

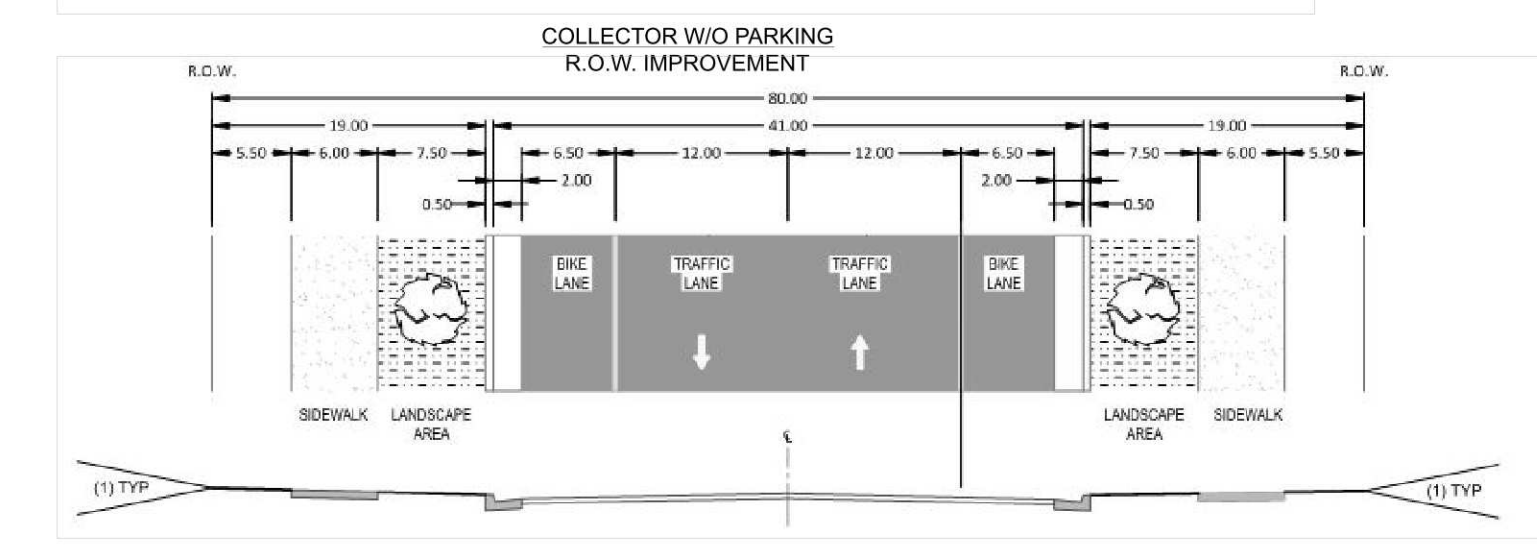
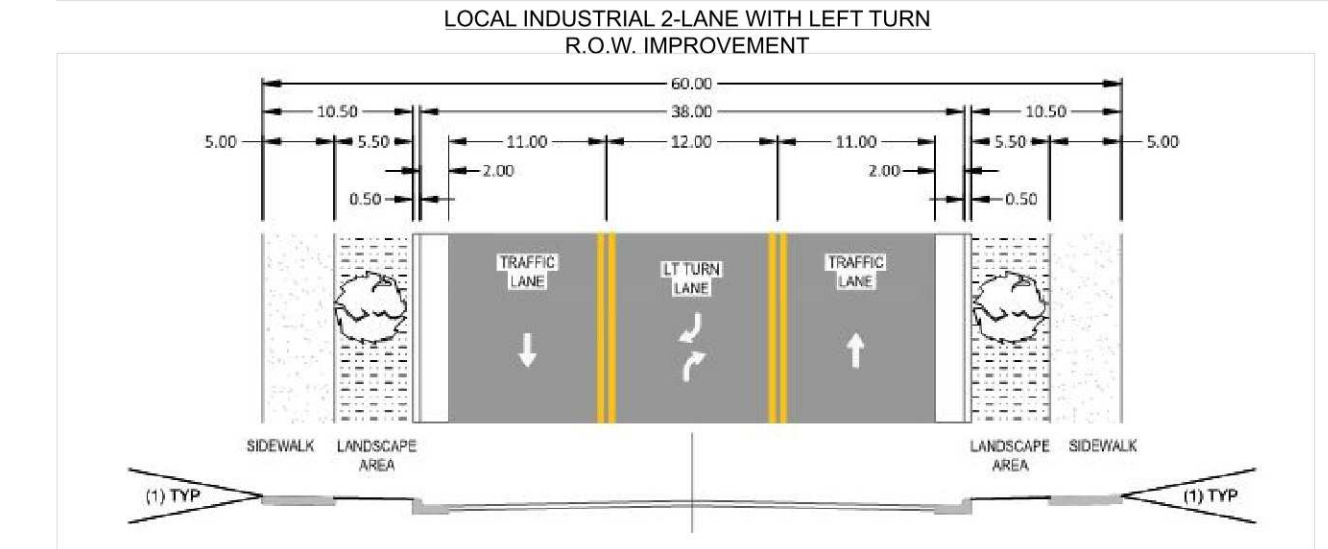
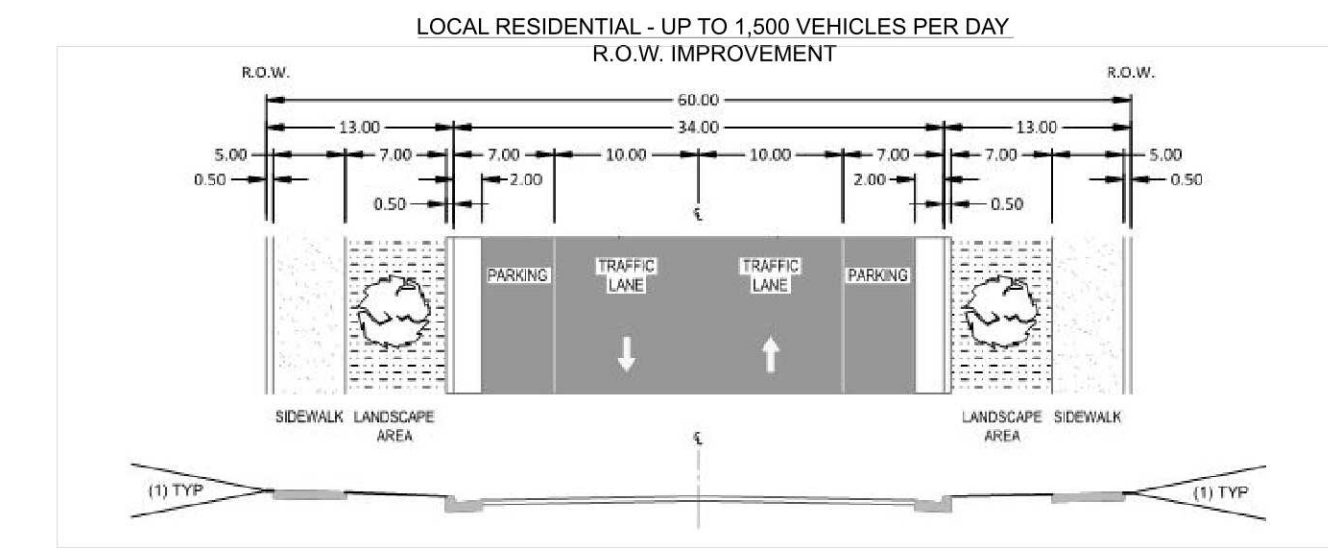
THESE ROADWAY EXTENSIONS AND IMPROVEMENTS WILL PROVIDE INTERCONNECTIVITY BETWEEN THE PROJECT, THE PROPOSED/ APPROVED LAKE BLUFF PROJECT TO THE EAST, AND THE EXISTING PROPERTIES TO THE WEST.

**PARKING**

THE PARKING REQUIREMENTS FOR THE POUDBRE HEIGHTS COMMUNITY WILL FOLLOW CITY CODE AS AMENDED, OFF-STREET PARKING REQUIREMENTS\*.



\*ADDITIONAL RIGHT-OF-WAY RESERVATION FOR 4 LANE MINOR ARTERIAL PER TABLE 1.03.1 OF THE CITY'S DESIGN CRITERIA STREET VOLUME 1



**LEGEND**

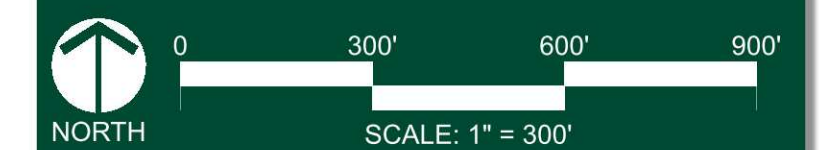
- PROPOSED PUBLIC NATURAL TRAIL
- PROPOSED DETACHED SIDEWALK OR TRAIL
- SIDEWALK OR MULTI-MODAL

NOTE: SIDEWALKS SHALL FOLLOW ALONG ROADWAYS. TRAILS ARE SEPARATE AND WILL RUN THROUGH OPEN SPACE.



**STREET AND PEDESTRIAN CIRCULATION SYSTEM**

**POUDRE HEIGHTS**



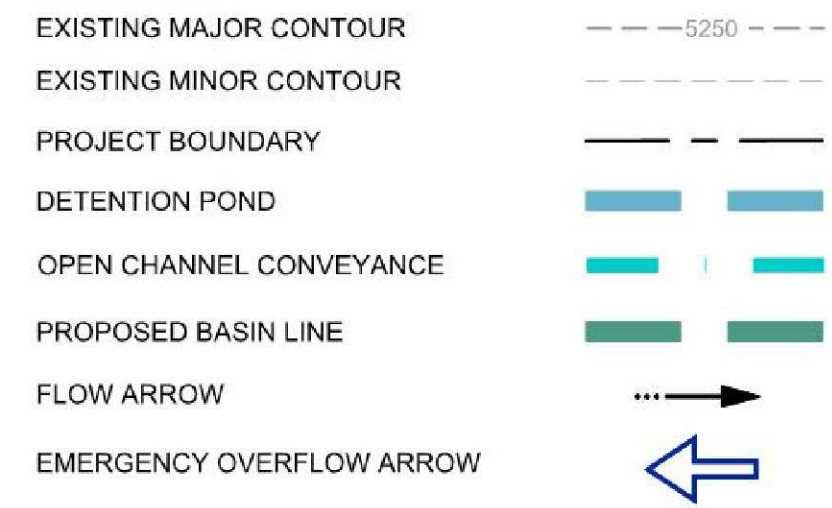
## DEVELOPMENT COMMITMENTS MATRIX

AREA / IMPROVEMENT	PLAN PREPARATION AND APPROVAL	CONSTRUCTION TIMING	CONSTRUCTION RESPONSIBILITY	MAINTENANCE RESPONSIBILITY	OWNERSHIP
<b>OPEN SPACE</b>	AREA TO BE DEDICATED WILL BE DETERMINED IN CONJUNCTION WITH THE FINAL PLAN / FINAL PLAT FOR THIS AREA.	THE OPEN SPACE SHOULD BE CONSTRUCTED WHEN 50% OF THE LOTS IN PA-I HAVE BUILDING PERMITS IN PLACE.	TO BE DETERMINED	HOME OWNERS ASSOCIATION OR THE Poudre METROPOLITAN DISTRICT.	HOME OWNERS ASSOCIATION OR THE Poudre METROPOLITAN DISTRICT.
<b>BLUFF PRESERVATION</b>	AREA TO BE DEDICATED WILL BE DETERMINED IN CONJUNCTION WITH THE FINAL PLAN / FINAL PLAT FOR THIS AREA.	THE BLUFF AREAS LOCATED IN PA-I SHALL BE PRESERVED AND ANY DISTURBED AREAS SHALL BE REVEGETATED.	TO BE DETERMINED	CITY OF GREELEY (PUBLIC)	CITY OF GREELEY (PUBLIC)
<b>NEIGHBORHOOD PARK (PA-G) - 10 AC.</b>	FINAL LANDSCAPE PLANS WILL BE COMPLETED IN CONJUNCTION WITH THE FINAL PLAN AS REQUIRED FOR EACH SPECIFIC PORTION OF [COMMUNITY] BEING DEVELOPED.	PARKS WILL BE CONSTRUCTED WHEN 50% OF THE BUILDING PERMITS ARE IN PLACE WITHIN THE PARCEL WHERE THE RESPECTIVE PARK EXISTS.	NEIGHBORHOOD PARK IS TO BE CONSTRUCTED BY DEVELOPER, ITS SUCCESSORS & ASSIGNS OR MD.	CITY OF GREELEY (PUBLIC)	CITY OF GREELEY (PUBLIC)
<b>INTERNAL COMMUNITY TRAILS</b>	FINAL LANDSCAPE PLANS WILL BE COMPLETED IN CONJUNCTION WITH THE FINAL PLAN AS REQUIRED FOR EACH SPECIFIC PORTION OF [COMMUNITY] BEING DEVELOPED.	INTERNAL COMMUNITY TRAILS WILL BE CONSTRUCTED CONCURRENT WITH THE PARKS AND ADJACENT INFRASTRUCTURE TO THEM.	INTERNAL TRAILS ARE TO BE CONSTRUCTED BY DEVELOPER, ITS SUCCESSORS & ASSIGNS OR MD.	HOME OWNERS ASSOCIATION OR THE Poudre METROPOLITAN DISTRICT.	HOME OWNERS ASSOCIATION OR THE Poudre METROPOLITAN DISTRICT.
<b>10TH STREET ROAD AND SIGNAL IMPROVEMENTS</b>	FINAL ROADWAY PLANS WILL BE PREPARED PER CDOT STANDARDS FOR THE 10TH STREET ROW.	REQUIRED IMPROVEMENTS TO BE COMPLETED PER THE TRIGGERS SPECIFIED IN THE TRAFFIC IMPACT STUDY, WARRENTS ARE MET AND/OR AS IDENTIFIED BY CDOT	POUDRE, LLC, ITS SUCCESSORS & ASSIGNS OR Poudre HEIGHTS METROPOLITAN DISTRICT	CITY OF GREELEY (PUBLIC)	CITY OF GREELEY (PUBLIC)
<b>ROADWAYS</b>	FINAL ROADWAY PLANS WILL BE PREPARED PER THE CITY OF GREELEY STANDARDS AS REQUIRED FOR EACH SPECIFIC PORTION OF Poudre HEIGHTS BEING DEVELOPED AT THAT TIME.	ROADWAYS SHALL BE CONSTRUCTED PER APPROVED FINAL CONSTRUCTION PLANS PRIOR TO THE ISSUANCE OF THE 1ST CERTIFICATE OF OCCUPANCY FOR THE SPECIFIC PORTION OF Poudre HEIGHTS BEING DEVELOPED AT THAT TIME.	POUDRE, DEVELOPER, ITS SUCCESSORS & ASSIGNS OR Poudre HEIGHTS METROPOLITAN DISTRICT	CITY OF GREELEY (PUBLIC)	CITY OF GREELEY (PUBLIC)
<b>UTILITIES</b>	FINAL UTILITY PLANS WILL BE PREPARED PER THE CITY OF GREELEY STANDARDS AS REQUIRED FOR EACH SPECIFIC PORTION OF Poudre HEIGHTS BEING DEVELOPED AT THAT TIME.	UTILITIES SHALL BE CONSTRUCTED PER APPROVED FINAL CONSTRUCTION PLANS PRIOR TO THE ISSUANCE OF THE 1ST CERTIFICATE OF OCCUPANCY FOR THE SPECIFIC PORTION OF Poudre HEIGHTS BEING DEVELOPED AT THAT TIME.	POUDRE, LLC, ITS SUCCESSORS & ASSIGNS OR Poudre HEIGHTS METROPOLITAN DISTRICT	CITY OF GREELEY (PUBLIC)	CITY OF GREELEY (PUBLIC)
<b>STORM SEWER FACILITIES</b>	FINAL STORM SEWER PLANS WILL BE PREPARED PER THE CITY OF GREELEY STANDARDS AS REQUIRED FOR EACH SPECIFIC PORTION OF Poudre HEIGHTS BEING DEVELOPED AT THAT TIME.	STORM SEWER SHALL BE CONSTRUCTED PER APPROVED FINAL CONSTRUCTION PLANS PRIOR TO THE ISSUANCE OF THE 1ST CERTIFICATE OF OCCUPANCY FOR THE SPECIFIC PORTION OF Poudre HEIGHTS BEING DEVELOPED AT THAT TIME.	POUDRE, LLC, ITS SUCCESSORS & ASSIGNS OR Poudre HEIGHTS METROPOLITAN DISTRICT	CITY OF GREELEY (PUBLIC)	CITY OF GREELEY (PUBLIC)
<b>STORM WATER FACILITIES (PONDS)</b>	FINAL POND PLANS WILL BE PREPARED PER THE CITY OF GREELEY STANDARDS AS REQUIRED FOR EACH SPECIFIC PORTION OF Poudre HEIGHTS BEING DEVELOPED AT THAT TIME.	PONDS SHALL BE CONSTRUCTED PER APPROVED FINAL CONSTRUCTION PLANS PRIOR TO THE ISSUANCE OF THE 1ST CERTIFICATE OF OCCUPANCY FOR THE SPECIFIC PORTION OF Poudre HEIGHTS BEING DEVELOPED AT THAT TIME.	POUDRE, LLC, ITS SUCCESSORS & ASSIGNS OR Poudre HEIGHTS METROPOLITAN DISTRICT	POUDRE HEIGHTS METROPOLITAN DISTRICT OR HOMEOWNERS ASSOCIATION.	POUDRE HEIGHTS METROPOLITAN DISTRICT OR HOMEOWNERS ASSOCIATION.
<b>POCKET PARKS (PA-D, PA-F) - 0.5 AC.</b>	FINAL LANDSCAPE PLANS WILL BE COMPLETED IN CONJUNCTION WITH THE FINAL PLAN AS REQUIRED FOR EACH SPECIFIC PORTION OF [COMMUNITY] BEING DEVELOPED.	PARKS WILL BE CONSTRUCTED WHEN 50% OF THE BUILDING PERMITS ARE IN PLACE WITHIN THE PARCEL WHERE THE RESPECTIVE PARK EXISTS.	POUDRE, LLC, ITS SUCCESSORS & ASSIGNS OR Poudre HEIGHTS METROPOLITAN DISTRICT	POUDRE HEIGHTS METROPOLITAN DISTRICT OR HOMEOWNERS ASSOCIATION.	POUDRE HEIGHTS METROPOLITAN DISTRICT OR HOMEOWNERS ASSOCIATION.
<b>AMENITY CENTER (PA-I)</b>	AREA TO BE DEDICATED WILL BE DETERMINED IN CONJUNCTION WITH THE FINAL PLAN / FINAL PLAT FOR THIS AREA.	THE AMENITY CENTER LOCATED WITHIN PA-I WILL BE CONSTRUCTED AT THE THRESHOLD OF 450 UNITS BEING CONSTRUCTED.	POUDRE, LLC, ITS SUCCESSORS & ASSIGNS OR Poudre HEIGHTS METROPOLITAN DISTRICT	POUDRE HEIGHTS METROPOLITAN DISTRICT OR HOMEOWNERS ASSOCIATION.	POUDRE HEIGHTS METROPOLITAN DISTRICT OR HOMEOWNERS ASSOCIATION.

## DEVELOPMENT COMMITMENTS MATRIX

# POUDRE HEIGHTS

**LEGEND:**

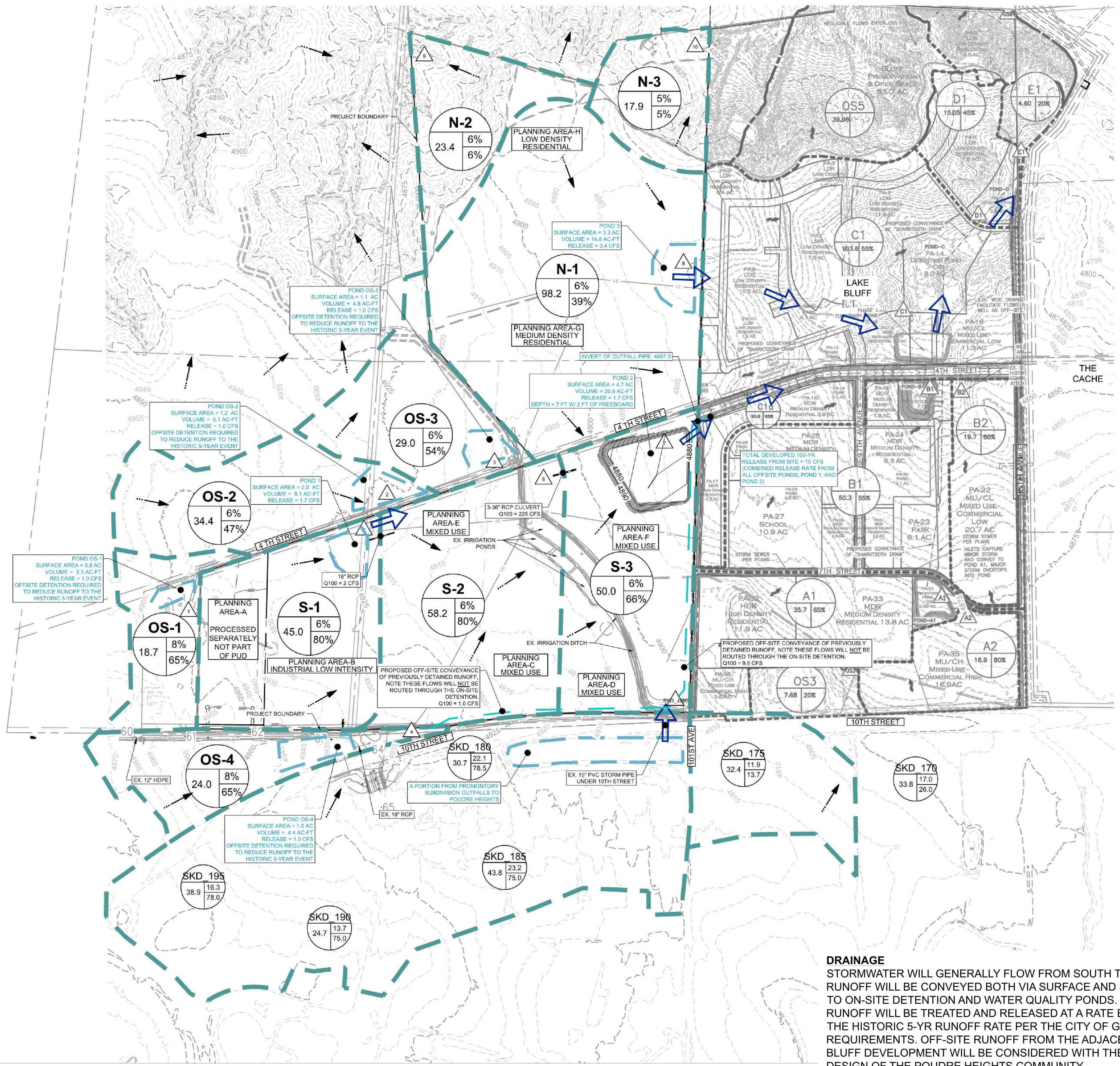


PROPOSED BASIN CHARACTERISTICS					
BASIN LABEL	AREA (AC)	IMP. %	2-YEAR Q <sub>2</sub> (CFS)	5-YEAR Q <sub>5</sub> (CFS)	100-YEAR Q <sub>100</sub> (CFS)
OS-1	18.7	8.1	0.3	0.8	26.6
OS-2	34.4	6.3	0.2	0.7	32.4
OS-3	29.0	6.3	0.4	0.9	33.0
OS-4	24.0	8.1	0.0	0.6	19.3
S-1	45.0	80.0	42.6	64.6	175.5
S-2	58.2	80.0	56.2	76.8	225.0
S-3	50.0	65.9	33.0	44.0	155.2
N-1	98.2	39.0	27.1	41.6	236.1
N-2	23.4	6.0	0.8	1.6	47.2
N-3	17.9	6.0	0.6	1.2	35.9

\*EXISTING CONDITIONS ARE USED FOR ALL OFFSITE BASINS FOR THE PROPOSED CONDITIONS TO SIMULATE OFFSITE DETENTION REDUCING RUNOFF TO THE HISTORIC 5-YEAR EVENT.

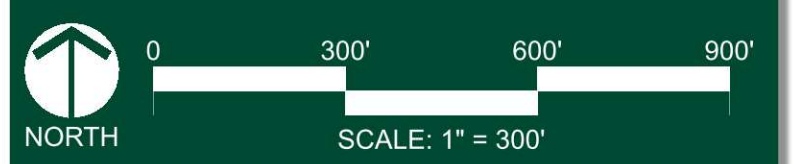
EXISTING BASIN CHARACTERISTICS					
BASIN LABEL	AREA (AC)	IMP. %	2-YEAR Q <sub>2</sub> (CFS)	5-YEAR Q <sub>5</sub> (CFS)	100-YEAR Q <sub>100</sub> (CFS)
OS-1	18.7	8.1	0.3	0.8	26.6
OS-2	34.4	6.3	0.2	0.7	32.4
OS-3	29.0	6.3	0.4	0.9	33.0
OS-4	24.0	8.1	0.0	0.6	19.3
0.0					
S-1	45.0	8.1	0.4	1.7	58.4
S-2	58.2	6.3	0.3	0.8	51.3
S-3	50.0	6.3	0.2	0.9	45.5
N-1	98.2	6.0	1.2	3.4	136.0
N-2	23.4	6.0	0.8	1.5	47.2
N-3	17.9	6.0	0.6	1.2	35.9

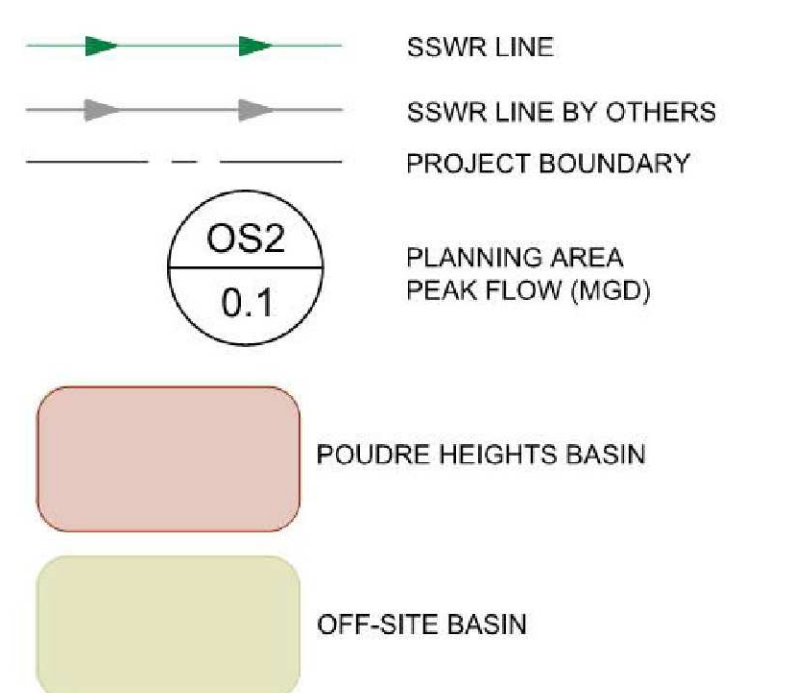
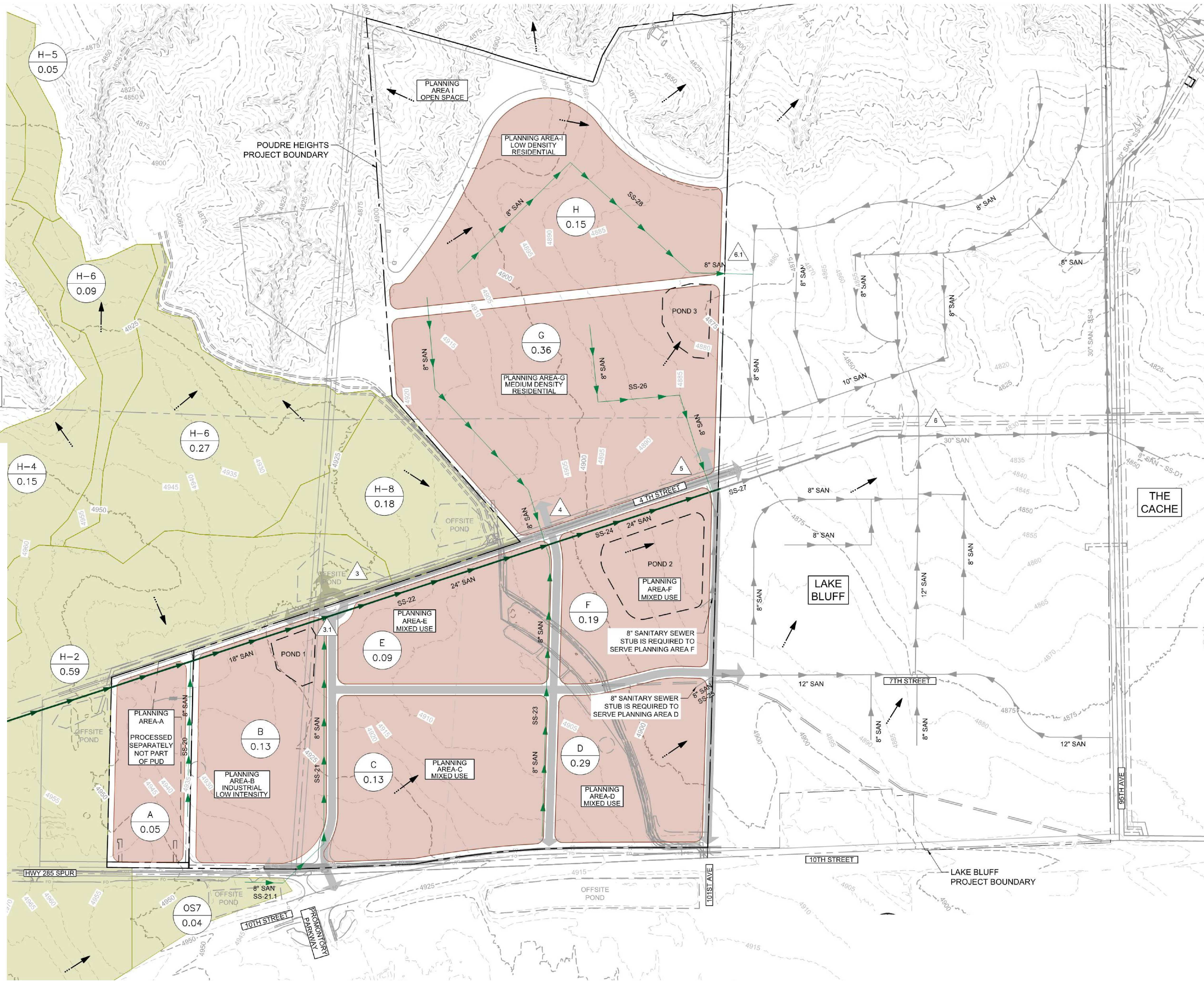
NOTE: ALL PONDS ARE ESTIMATED TO BE 8 FEET DEEP WITH AN ADDITIONAL 1 FOOT OF FREEBOARD ABOVE THE 100-YR WSEL, UNLESS OTHERWISE SPECIFIED.



# CONCEPTUAL DRAINAGE PLAN POUDRE HEIGHTS

**DRAINAGE**  
 STORMWATER WILL GENERALLY FLOW FROM SOUTH TO NORTH. RUNOFF WILL BE CONVEYED BOTH VIA SURFACE AND SUBSURFACE TO ON-SITE DETENTION AND WATER QUALITY PONDS. DEVELOPED RUNOFF WILL BE TREATED AND RELEASED AT A RATE EQUAL TO THE HISTORIC 5-YR RUNOFF RATE PER THE CITY OF GREELEY REQUIREMENTS. OFF-SITE RUNOFF FROM THE ADJACENT LAKE BLUFF DEVELOPMENT WILL BE CONSIDERED WITH THE SITE PLAN DESIGN OF THE POUDRE HEIGHTS COMMUNITY.





NOTE: BASINS H-3 TO H-7 DRAIN TO INTERCEPTOR VIA LIFT STATION

**SANITARY SEWER:**  
 THE POUDBRE HEIGHTS DEVELOPMENT IS IDENTIFIED TO BE WITHIN THE POUDBRE BLUFFS BASIN IN THE STANTEC POUDBRE TRUNK SEWER PHASE II PROJECT-SUB-BASIN MASTER PLAN. WASTEWATER FLOWS FROM THE POUDBRE BLUFFS BASIN CAN BE CONVEYED BY GRAVITY TO GREELEY'S EXISTING 83RD AVENUE AND COUNTY ROAD 62 INTERCEPTOR.

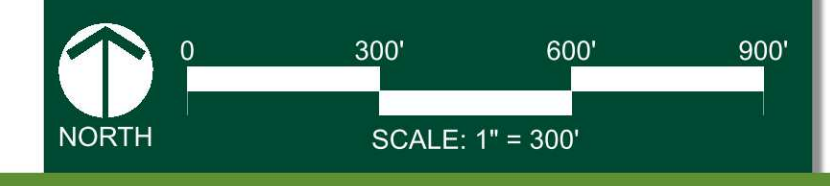
A 30-INCH SEWER TRUNK MAIN HAS RECENTLY BEEN DESIGNED BY STANTEC TO CAPTURE ALL SANITARY SEWER AT THE INTERSECTION OF 95TH AVENUE AND WELD COUNTY ROAD 62. THIS LINE WILL TRANSPORT SEWAGE APPROXIMATELY 1.5 MILES TO AN EXISTING LINE AT POUDBRE HEIGHTS SUBDIVISION.

**SERVICES**  
 THE FOLLOWING SERVICES WILL BE PROVIDED BY THE FOLLOWING ORGANIZATIONS:

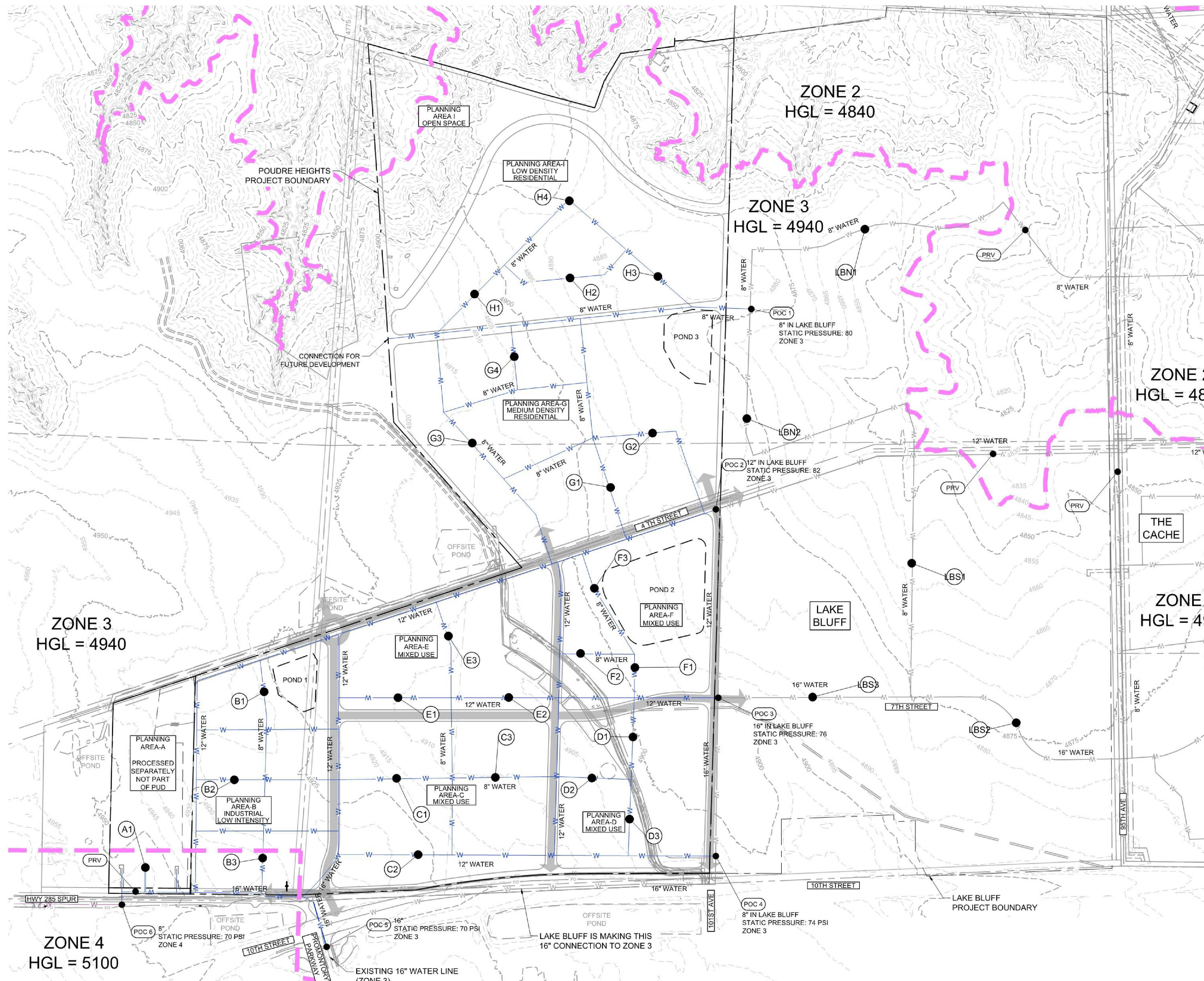
- FIRE PROTECTION SERVICES WILL BE PROVIDED BY THE CITY OF GREELEY FIRE DEPARTMENT AND BY OWNER PROVIDED BUILDING SPRINKLER SYSTEMS WHERE REQUIRED BY BUILDING CODES IN INDIVIDUAL STRUCTURES.
- POLICE SERVICES WILL BE PROVIDED BY THE GREELEY POLICE DEPARTMENT.
- WATER AND WASTEWATER WILL BE PROVIDED BY THE CITY OF GREELEY.
- ELECTRIC WILL BE PROVIDED BY XCEL ENERGY.
- NATURAL GAS WILL BE PROVIDED BY ATMOS ENERGY.
- THE SITE WILL BE SERVED BY WINDSOR RE4 SCHOOL DISTRICT.

# CONCEPTUAL SANITARY PLAN

## POUDRE HEIGHTS







- W — WATER LINE
- W — WATER LINE BY OTHERS
- W — EX. WATER LINE
- - - APPROXIMATE PRESSURE ZONE BNDY
- - - PROJECT BOUNDARY
- PRV ● PRESSURE REDUCING VALVE
- POC ● POINT OF CONNECTION
- D2 ● WATER DEMAND NODE

**NOTES:**

1. UTILITY LOCATIONS SHOWN ON THIS PLAN ARE SCHEMATIC IN NATURE AND WILL BE ADJUSTED WITH FINAL PLANNING/DESIGN
2. THE INFORMATION PRESENTED IN THE POTABLE WATER MODELING SCHEMATIC REPRESENTS THE PEAK HOUR SCENARIO.

**POTABLE WATER:**  
SIX POINTS OF CONNECTION WILL BE MADE FOR THE POTABLE WATER SYSTEM ADJACENT TO THE PROPOSED DEVELOPMENT.

REFER TO THE GRAPHIC FOR POINTS OF CONNECTION.

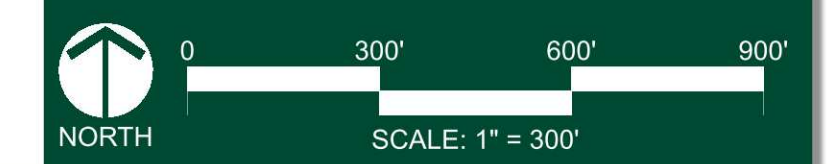
POUDRE HEIGHTS IS LOCATED WITHIN PRESSURE ZONE 3.









**SERVICES**  
THE FOLLOWING SERVICES WILL BE PROVIDED BY THE FOLLOWING ORGANIZATIONS:

- FIRE PROTECTION SERVICES WILL BE PROVIDED BY THE CITY OF GREELEY FIRE DEPARTMENT AND BY OWNER PROVIDED BUILDING SPRINKLER SYSTEMS WHERE REQUIRED BY BUILDING CODES IN INDIVIDUAL STRUCTURES.
- POLICE SERVICES WILL BE PROVIDED BY THE GREELEY POLICE DEPARTMENT.
- WATER AND WASTEWATER WILL BE PROVIDED BY THE CITY OF GREELEY.
- ELECTRIC WILL BE PROVIDED BY XCEL ENERGY.
- NATURAL GAS WILL BE PROVIDED BY ATMOS ENERGY.
- THE SITE WILL BE SERVED BY WINDSOR RE4 SCHOOL DISTRICT.

# CONCEPTUAL WATER PLAN

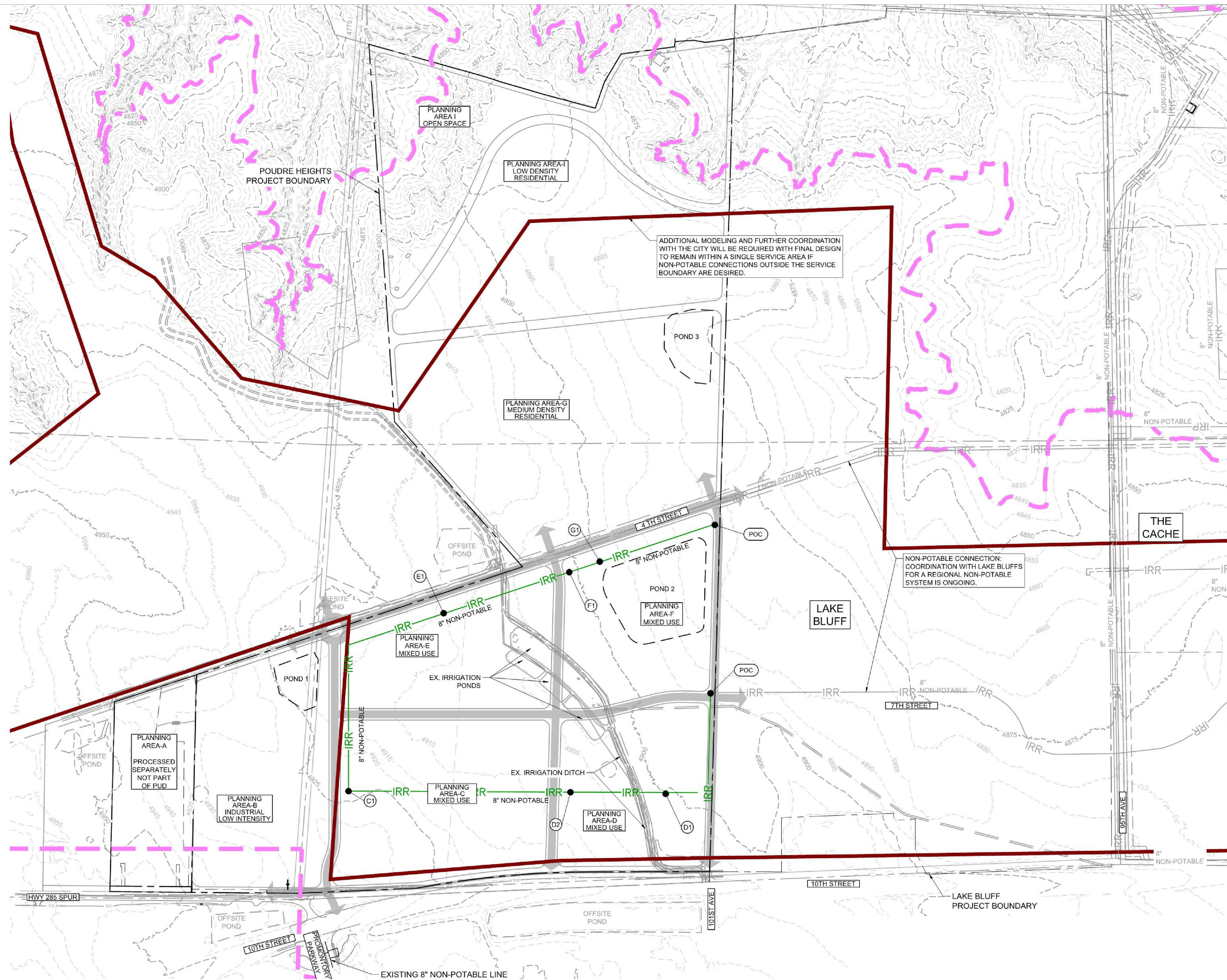
## POUDRE HEIGHTS



-  NON-POTABLE WATER LINE
-  NON-POTABLE WATER LINE BY OTHERS
-  EX. NON-POTABLE WATER LINE
-  APPROXIMATE NON-POTABLE SERVICE BOUNDARY
-  APPROXIMATE PRESSURE ZONE BNDY
-  PROJECT BOUNDARY
-  POINT OF CONNECTION
-  NON-POTABLE DEMAND NODE

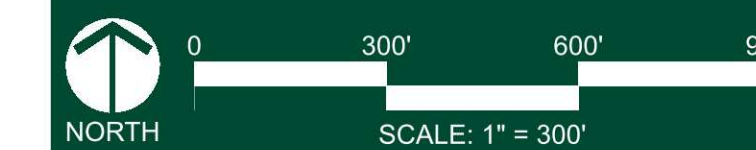
NOTES:

1. THE NON-POTABLE PLAN WILL CONTINUE TO BE REFINED AS DESIGN ADVANCES TOWARDS FINAL.
2. INTERNAL LOOPING WILL BE ADDED TO SCHEMATIC LINES SHOWN AS TO SERVE REQUIRED PARCELS.



## CONCEPTUAL NON-POTABLE WATER PLAN

# POUDRE HEIGHTS



# Poudre Heights PUD

## Rezoning and Preliminary Planned Unit Development (PUD) Plan

**City Council**  
**April 5, 2022**  
**Brittany Hathaway, Planner III**





**1. Proposed rezoning from PUD (Lake Bluff – Expired) to PUD (Poudre Heights)**

**2. Preliminary PUD Plan for Poudre Heights (PUD Document)**



# Preliminary PUD Request

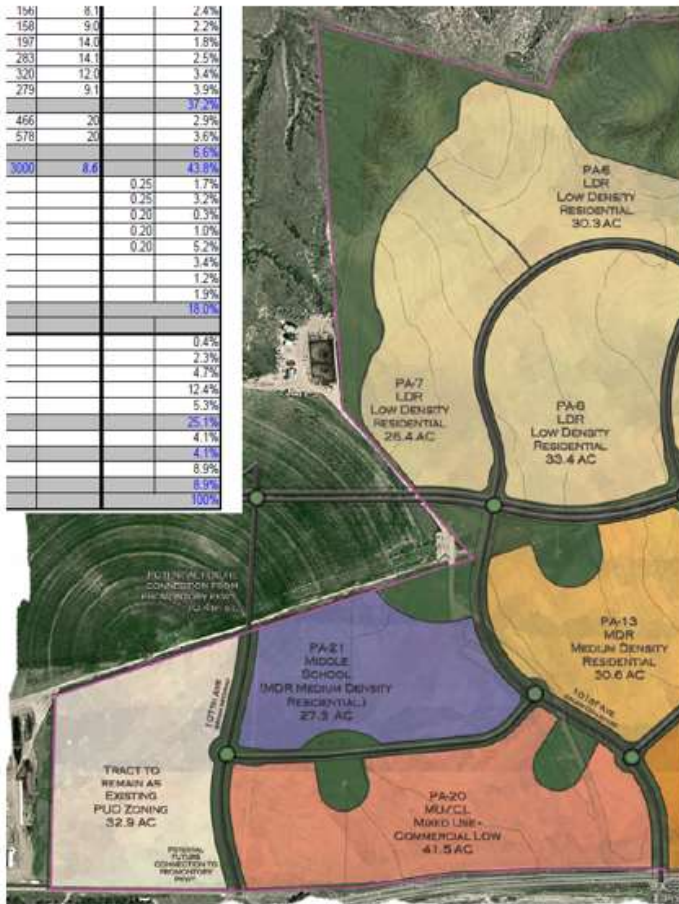
- **277.6 acre site**
- **Native wildlife theme**
- **Up to 1,185 residential units**
- **100 acres of residential**
- **108 acres of mixed-use**
- **30 acres of industrial**
- **Over 50 acres of open space**
  - **~40 acres of bluff preservation**
- **2 pocket parks and 1 amenity center**
- **1 community/neighborhood park**



# Proposed PUD Plan

# PUD Land Use Comparison

194	8.1	2.4%
158	9.0	2.2%
197	14.0	1.8%
283	14.1	2.5%
320	12.0	3.4%
279	9.1	3.9%
		<b>37.2%</b>
466	20	2.9%
578	20	3.6%
		<b>6.6%</b>
		<b>43.8%</b>
	0.25	1.7%
	0.25	3.2%
	0.20	0.3%
	0.20	1.0%
	0.20	5.2%
		3.4%
		1.2%
		1.9%
		<b>18.0%</b>
		0.4%
		2.3%
		4.7%
		12.4%
		5.3%
		<b>25.1%</b>
		4.1%
		8.9%
		<b>8.9%</b>
		<b>100%</b>



2009 Lake Bluff - Expired

Poudre Heights - Proposed

1. Original Lake Bluff (2009) provided similar uses with existing industrial zoning permissions to remain on the west side
2. Mixed use areas in both PUDs allow for residential through density transfers
3. Medium and low density residential are provided to allow for a housing mix
4. Neighboring developments (2021 Lake Bluff and The Cache) provided required area school sites

# Request

## Variation of standards

- **Minimum lot size of 1,200 SF (range 1,200-4,500)**
  - **4,500 SF for low density residential**
  - **3,500 SF for medium density residential**
  - **1,200 SF for medium density, townhome and small lot residential, such as garden homes**
- **Setbacks – Overall reduction requested**
  - **Setback from home feature, such as garage, living space, bluffs etc.**
  - **Setbacks dependent on land use (LDR, MDR, SLR etc.)**



## Variation of standards (cont.)

- **Trade off would be heightened design and architectural standards**
  - **2 different materials, 2 different colors, plus 2 additional treatments (such as dormers, shutters, lighting etc.)**
  - **Landscape requirements include buffering per City standards and use of native plants and water-wise practices**

Item No. 16.



# Site Photos

**Looking north from US 34-Business**



# Recommendation

## Noticing

- **Notice letters were mailed to property owners within 500 feet of site**
- **A sign was posted on the site & newspaper notice was published**
- **No citizen comments**

## Planning Commission unanimously recommended APPROVAL at its

## February 22, 2022 meeting

- **Proposed rezoning request complies with Section 625(c)(3) a, b, e and g**
- **Proposed Preliminary PUD Plan is in compliance with Section 24-625 a, b, e and g (with regards to rezoning) and Section 24-663(b)**

# Council Agenda Summary

April 5, 2022

Key Staff Contact: Brittany Hathaway, Planner III, 350-9823

Becky Safarik, Interim Deputy City Manager, 350-9876

**Title:**

Public hearing to consider a request for approval of a combined Preliminary PUD Plan for Poudre Heights for approximately 277.6 acres located north of US Highway 34 Business and west of 101<sup>st</sup> Avenue

**Summary:**

The applicant, Todd Johnson, on behalf of Poudre Bay Partners, is requesting a rezone for the purpose of developing a mixed-use development consisting of residential, industrial, and commercial uses known as the Poudre Heights PUD. The Preliminary PUD Plans require only a public hearing and will be presented in conjunction with the public hearing for this rezone.

The subject property was included in the 2013 Lake Bluff PUD, which has since expired. This area is requested to be rezoned from PUD (Lake Bluff - expired) to PUD (Poudre Heights).

The applicant plans a mix of residential housing options including multi-family, attached single-family, and detached single-family with a maximum unit count of 1,185 at an overall residential density of 4.27 units per acre over the approximate 100 acres dedicated to residential uses. Mixed-uses would account for 108 acres with residential density averaging 6.6 units per acre. Commercial and limited industrial uses would also be permitted in the mixed-use planning areas. Industrial uses would account for 30 acres and would be located on the western boundary of the project, adjacent to existing industrial zoning and land uses part of the Golden Triangle PUD. Approximately 50 acres would be reserved for both private and public open space and bluff preservation. Two pocket parks, a city neighborhood park, and an amenity center are also proposed

The Poudre Heights PUD proposes specific uses for each planning area alongside specific development standards. Lot standards as proposed would vary from the City of Greeley standards, allowing for smaller lot sizes and cluster developments. Reduced lot sizes and setbacks as proposed are supplemented residential development standards to ensure a cohesive environment, as well as trail connectivity and access to parks and open spaces.

The Planning Commission considered the request on February 22, 2022 and recommended approval by a vote of 6-0.

**Fiscal Impact:**

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

**Legal Issues:**

Consideration of this matter is a quasi-judicial process which includes the following public hearing steps:

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

**Other Issues and Considerations:**

None noted.

**Strategic Work Program Item or Applicable Council Priority and Goal:**

Consistency with the Comprehensive Plan and Development Code standards.

**Decision Options:**

- 1) Approve the proposal as presented; or
- 2) Amend the proposal and approve as amended; or
- 3) Deny the proposal; or
- 4) Continue consideration of the proposal to a date certain.

**Council's Recommended Action:**

A motion that, based on the project summary and accompanying analysis, the proposed Preliminary PUD plan for Poudre Heights is in compliance with the Development Code and is therefore approved.

**Attachments:**

Planning Commission Minutes (February 22, 2022) – see *previous agenda item*

Planning Commission Summary (Staff Report) (February 22, 2022) – see *previous agenda item*

PowerPoint – see *previous agenda item*

# 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

# April 4, 2022 - April 10, 2022

April 2022

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May 2022

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

## Monday, April 4

## Tuesday, April 5

**6:00pm - City Council Meeting** (Council Chambers and via Zoom) - Council Master Calendar ↻

## Wednesday, April 6

## Thursday, April 7

**3:30pm - IG Adv. Board (Butler)** ↻

**6:00pm - MPO (Olson/Payton)** ↻

## Friday, April 8

## Saturday, April 9

## Sunday, April 10



# April 11, 2022 - April 17, 2022

April 2022							May 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

## Monday, April 11

## Tuesday, April 12

**6:00pm - City Council Worksession Meeting** (Council Chambers and via Zoom) - Council Master Calendar ↻

## Wednesday, April 13

**6:00pm - 7:30pm Homelessness and Housing Insecurity community conervation** (Via Zoom)

## Thursday, April 14

- 7:30am - Poudre River Trail (Hall)** ↻
- 12:00pm - 5:45pm Tour of Chimney Hollow Reservoir construction (DeBoutez)** (Meet at City Center South)
- 6:00pm - 7:30pm Homelessness and Housing Insecurity community conversation** (Greeley Recreation Center, 651 10th Avenue)
- 6:30pm - 8:00pm Highway 85 Coalition/Mayors Bullseye Meeting** (Changes with each meeting) - Council Master Calendar ↻

## Friday, April 15

## Saturday, April 16

## Sunday, April 17

# April 18, 2022 - April 24, 2022

April 2022							May 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

## Monday, April 18

## Tuesday, April 19

6:00pm - City Council Meeting - Council Master Calendar

## Wednesday, April 20

2:00pm - 5:00pm Water & Sewer Board (Gates)

## Thursday, April 21

7:30am - 8:30am DDA (DeBoutez/Butler)

3:30pm - 4:30pm Airport Authority (Clark/Payton)

## Friday, April 22

11:30am - 1:00pm Community Grief Center- Sustaining our Future luncheon (Gates) (Community Grief Center, 4650 W. 20th Street Greeley ) - Council Master Calendar

## Saturday, April 23

## Sunday, April 24

# April 25, 2022 - May 1, 2022

April 2022							May 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

## Monday, April 25

- 11:30am - 12:30pm Greeley Chamber of Commerce (Hall)
- 6:00pm - 7:00pm Youth Commission (Clark)

## Tuesday, April 26

- 6:00pm - City Council Worksession Meeting - Council Master Calendar

## Wednesday, April 27

- 7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar

## Thursday, April 28

- 7:30am - Poudre River Trail (Hall)

## Friday, April 29

## Saturday, April 30

## Sunday, May 1

## City Council Meeting Scheduling 2022

3/29/2022			
This schedule is subject to change			
Date	Description	Sponsor	Placement/Time
April 12, 2022	Worksession Meeting	Bittersweet Park Follow-up	Kelly Snook
		Compensation and Classification Plan Study	Paul Fetherston
April 19, 2022	Council Meeting	National Youth Service Day Award Proclamation	Kelly Snook
		Greeley Children's Chorale Day Proclamation	Intro
		Holocaust Memorial Observances Proclamation	Intro
		Motion to approve CAPER Annual Report	Benjamin Snow
		Resolution - Naming the park at Promontory subdivision "Longview Park"	Kelly Snook
		Resolution- Naming the park at Westgate subdivision "Redtail Park"	Kelly Snook
		Resolution- USFS participation agreement for 2022 fire recovery of severely burned areas in CPF burn area	Sean Chambers
		PH to Update 2022 Action Plan (HUD)	Benjamin Snow
		Ordinance- PH and Second Reading of Leffler Rezone	Becky Safarik
		Ordinance- PH and Second Reading of Ordinance making corrections to the Greeley Municipal Code	Stacey Aurzada
April 26, 2022	Worksession Meeting	Ordinance- PH and Second Reading of First 2022 supplemental appropriations request and year-end financial report	John Karner
		COVID 19 Update	Brian Kuznik
		EMS Transport update	Brian Kuznik
May 3, 2022	Council Meeting	Xcel Energy Update	Paul Trombino
		Chamber of Commerce update	Intro
		Resolution- W&S IGA with West Fort Collins Water District for emergency interconnection and tap transfer	Sean Chambers
		Intro-Ordinance - Conveyance of Easement to City of Loveland - Centerra Trail Project (Tentative Date)	Sean Chambers
		Ordinance - PH and Second Reading - GMC Non-potable irrigation code clean up for privatized systems	Sean Chambers

# Council Agenda Summary

**Title:**

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

**Council's Recommended Action:**

A motion to approve the above authorizations.