

If you would like to address City Council, please place your name on the sign-up sheet located at the back of the City Council Chambers. You will be recognized to speak during the "audience participation" portion of the agenda

## AGENDA

City Council Regular Meeting  
June 16, 2020 - 7:00 PM

An informational packet containing all agenda material is available for public inspection on our website at [www.evanscolorado.gov](http://www.evanscolorado.gov). The agenda is posted on the bulletin board adjacent to the Council Chambers.

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### 1. CALL TO ORDER

### 2. PLEDGE

### 3. ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

### 4. AUDIENCE PARTICIPATION

The City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address City Council. Depending on the number of speakers on any given topic, your comments may be limited to two (2) minutes. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the appropriate staff person for follow-up. Thank you!

### 5. APPROVAL OF AGENDA

The consent agenda is reserved for matters which are considered to be routine and uncontroversial. Any item may be removed from the consent agenda and placed on the regular agenda at the request of the Mayor or a City Council member.

A. Approval of the June 2, 2020 City Council Meeting Minutes

B. Consideration of Ordinance Number 718-20 Regarding the Varra Right-of-Way Vacation (2<sup>nd</sup> Reading)

## 7. OLD BUSINESS

- [A.](#) Public Hearing: Consideration of Ordinance Number 720-20 An Ordinance Amending Titles 3, 5, and 18 of the Evans Municipal Code to Allow Mobile Food Vending in the City of Evans.

## 8. NEW BUSINESS

- [A.](#) Public Hearing: Consideration of Resolution No. 14-2020 Approving the Special Use Permit for Quality Lube, a Repair Shop in the Commercial, C-1 Zone District
- [B.](#) Consideration of Approval of the Ziggi's Coffee Shop Minor Replat
- [C.](#) Consideration of Agreement with Weld County Regarding 2020 Cares Act Funding Opt-In and Allocation
- [D.](#) Consideration of Emergency Ordinance No. 716-20 To Implement Ballot Measure 2A approving a 1% Increase in Sales and Use Tax Upon Motor Vehicle Sales
- [E.](#) Consideration of IGA with Weld County for the Overlay of 37<sup>th</sup> Street between 17<sup>th</sup> Avenue and UPRR Railroad

## 9. REPORTS

- [A.](#) City Manager
- [B.](#) City Attorney

## 10. AUDIENCE PARTICIPATION (general comments)

*Please review the Audience Participation section listed at the beginning of the agenda for procedures on addressing City Council.*

## 11. ADJOURNMENT

### **CITY OF EVANS – MISSION STATEMENT**

**“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”**

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.



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# CITY COUNCIL AGENDA REPORT

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**DATE:** June 16, 2020  
**AGENDA ITEM:** 6.A  
**SUBJECT:** Approval of the June 2, 2020 City Council Meeting Minutes  
**PRESENTED BY:** Karen Frawley, City Clerk

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**AGENDA ITEM DESCRIPTION:**

Approval of minutes

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**FINANCIAL SUMMARY:**

N/A

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**RECOMMENDATION:**

N/A

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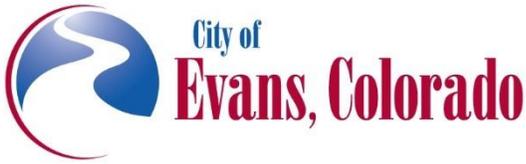
**SUGGESTED MOTIONS:**

“I move to approve the minutes as presented.”

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**ATTACHMENTS:**

- June 2, 2020 City Council Meeting Minutes



## MINUTES

City Council Regular Meeting  
June 02, 2020 - 7:00 PM

### 1. CALL TO ORDER

Mayor Rudy called the meeting to order at 7:07 p.m.

### 2. PLEDGE

### 3. ROLL CALL

Mayor: Brian Rudy  
Mayor Pro-Tem: Mark Clark – attended virtually  
Council: Laura Speer  
Alicia Johnson  
Fred Neal  
Amanda Castle  
Tammy Mortenson – attended virtually

### 4. AUDIENCE PARTICIPATION

There was no audience participation

### 5. APPROVAL OF AGENDA

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the agenda as presented. The motion passed with all voting in favor thereof.

### 6. CONSENT AGENDA

The consent agenda is reserved for matters which are considered to be routine and uncontroversial. Any item may be removed from the consent agenda and placed on the regular agenda at the request of the Mayor or a City Council member.

A. Approval of the May 19, 2020 City Council Meeting Minutes

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

### 7. NEW BUSINESS

A. Consideration of Ordinance Number 715-20 Temporary Suspension of Evans Municipal Code Provisions to the Extent that Municipal Code Provisions Conflict with Liquor Enforcement Division Regulation 47-302

Mr. Becklenberg informed the Council that as staff updated Council during the

COVID-19 Work Session item, staff has prepared an emergency ordinance that would align the City's liquor license regulations with recent changes from the State. The City's regular regulations and the ongoing non-emergency liquor enforcement rules prohibit service and consumption of alcohol on places like public streets, alleys, parks, public spaces, and sidewalks and therefore the current ordinance would not allow that sort of thing. The emergency ordinance would align our rules with the updated State rules for this COVID period. Staff is requesting approval of this emergency ordinance.

Mayor Pro-Tem Clark stated that he is in favor of this ordinance.

Council Member Castle asked staff if this is to temporarily limit or suspend the code relative to this, how does it work from a regulation standpoint if someone is at the park drinking or walking down the sidewalk drinking? Drew Lyman, Assistant City Attorney stated that this would only be an issue for a modification of premises for the liquor license.

Council Member Johnson made the motion, seconded by Council Member Castle to approve Ordinance Number 715-20. The motion passed with all others voting in favor thereof.

B. Public Hearing: Consideration of Ordinance Number 718-20 and Resolution Number 16-2020 Regarding the Varra Right-of-Way Vacation

Mayor Rudy opened the Public Hearing at 7:13 p.m.

Mr. Becklenberg informed the Council that this item will facilitate a development plan by Varra Companies who has intentions of mine gravel on a property in South Evans. Staff is requesting approval of the right-of-way vacation.

Lauren Richardson, City Planner presented to Council details of the right-of-way vacation. Garrett Varra, Varra Companies was available to address any questions that Council had.

Mayor Rudy asked if there was anyone in the audience who wished to speak for this item; no one came forward.

Mayor Rudy asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Council Member Speer asked about the intended use for the right-of-way. Anne Best Johnson, Community and Development Director stated that the original patent back in 1889, the edges of property across the County and State were reserved for future roads and because this will never be a useable road in the City of Evans, staff agrees that the patent can be expired. Council Member Speer asked if it was on the edge of the property. Lauren stated that Varra Companies owns multiple properties in the area and the vacation is a small piece that dead-ends into the property. Council Member Speer clarified that this vacation would not cut others off of their property or utilities. Garrett Varra clarified that there are two other properties

that butt up to his property that has access elsewhere. Scott Krob, City Attorney stated that one of the requirements stated in the statute is that the City of Evans will not deprive anyone access.

Mayor Rudy closed the public hearing at 7:21 p.m.

Council Member Neal thanked Anne for the history of the right-of-way.

Council Member Johnson made the motion, seconded by Council Member Neal to approve Resolution Number 16-2020 as proposed with the conditions of approval and development standards. The motion passed with all others voting in favor thereof.

Council Member Castle made the motion, seconded by Council Member Neal to approve Ordinance Number 718-20 as proposed with the conditions of approval and development standards. The motion passed with all others voting in favor thereof.

- C. Continuation of the Public Hearing on Ordinance Number 720-20 An Ordinance Amending Titles 3, 5, and 18 of the Evans Municipal Code to Allow Mobile Food Vending in the City of Evans.

Mayor Rudy opened the Public Hearing at 7:24 p.m.

Mr. Becklenberg informed the Council that Council held a Work Session at the May 19<sup>th</sup> meeting giving direction to staff to develop an ordinance to specifically allow food trucks within the City of Evans. Since then, staff has been working to prepare that ordinance to get it in place as expeditiously as possible so we went ahead and advertised the public hearing for that ordinance for this meeting tonight. Staff realized when preparing over the last week, there was still a few important questions to address and do not want to rush. Since this was not an urgent matter, staff is recommending this public hearing be continued to the June 16<sup>th</sup> meeting, so we can have a solid ordinance in front of Council at that meeting.

Mayor Rudy asked if there was anyone in the audience who wished to speak for this item; no one came forward.

Mayor Rudy asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Mayor Rudy closed the public hearing at 7:25 p.m.

Council Member Speer made the motion, seconded by Council Member Castle to continue the public hearing on Ordinance Number 720-20 to consider amending Titles 3, 5, and 18 of the Evans Municipal Code to allow mobile food vending in the City of Evans to be continued to the June 16, 2020 City Council meeting. The motion passed with all others voting in favor thereof.

D. Consideration of Purchase Agreement for Right of Way, Permanent Easements and Temporary Construction Easements for 47<sup>th</sup> Avenue Widening

Mr. Becklenberg informed the Council that the Engineering staff has been busy completing the design stages of 47<sup>th</sup> Avenue. As Council is aware, the first step this summer will be the utility relocation work for that project. One of the important steps before you see the work happen is to acquire the right-of-way that is needed. As Council might envision, when you get out along 47<sup>th</sup> Avenue, there are a couple of segments that are City and there is some County property. Staff is requesting Council's approval of the purchase agreements to acquire that right-of-way.

Mark Oberschmidt, City Engineer gave an overview of the project and the process.

Council Member Johnson made the motion, seconded by Council Member Castle to approve the purchase agreement with the Marcos Sanchez for property described herein in the amount of \$41,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

Council Member Castle made the motion, seconded by Council Member Neal to approve the purchase agreement with the Country RV Storage for property described herein in the amount of \$64,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

Council Member Mortenson made the motion, seconded by Council Member Castle to approve the purchase agreement with the Carl Speaker for property described herein in the amount of \$64,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the purchase agreement with the Bonnie Carwin for property described herein in the amount of \$123,800 plus closing costs and authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

8. REPORTS

A. City Manager

Mr. Becklenberg provided Council an update on current road projects. Council will be hearing an update on issues with timing of traffic lights in some intersections and ways to remedy it.

B. City Attorney

Mr. Scott Krob informed the Council that is still busy with development projects and provided an update on COVID-19.

9. AUDIENCE PARTICIPATION (general comments)

There was no audience participation

10. EXECUTIVE SESSION

- A. To Discuss Specialized Details of Security Arrangements, Pursuant to Section 24-6-402(4)(d) C.R.S.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to adjourn into executive session at 7:46 pm to discuss specialized details of security arrangements, Pursuant to C.R.S. 24-6-402(4)(d). The motion passed with all voting in favor thereof.

The meeting reconvened at 7:53 p.m.

Mr. Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

There was no action following the Executive Session.

11. ADJOURNMENT

The meeting was adjourned at 7:53 p.m.

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# CITY COUNCIL AGENDA REPORT

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**DATE:** June 16, 2020

**AGENDA ITEM:** 6.B

**SUBJECT:** Consideration of Ordinance Number 718-20 Regarding the Varra Right-of-Way Vacation (2<sup>nd</sup> Reading)

**NAME & TITLE:** James L. Becklenberg, City Manager  
Randy Ready, Assistant City Manager  
Anne Best-Johnson, Community Development Director  
Lauren Richardson, City Planner

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**ISSUE DESCRIPTION:**  
At its June 2, 2020 City Council Hearing, City Council approved on first reading the Varra Replat Right-of-Way Vacation Application. This item is on the June 16, 2020 Regular Meeting agenda for 2<sup>nd</sup> Reading of the ordinance.

Varra Companies, Inc. is the property owner of several parcels south of 49<sup>th</sup> Street in Evans. One of the parcels contains thirty feet of right-of-way that was recorded on October 14, 1889 and this



right-of-way was never developed. The overall parcel affected by this right-of-way is outlined in red on the aerial image provided in Attachment 4b and the graphic provided by the applicant in Attachment 4c. The image above illustrates the parcel (outlined in purple) and the location of the right-of-way being requested for vacation. The desired end use of this property is for gravel mining. As is illustrated below, the proposed right-of-way vacation does not impact improved roads.

The mine planning process necessitates vacation of this unimproved right-of-way so that gravel mining can occur through the right-of-way. Crossing the Platte River by a City road at this location is not envisioned and therefore, the right-of-way vacation is not a concern to the City of Evans. Because of this property's proximity to the river and the fact that the narrow ROW dead-ends on the subject property, staff does not ever foresee a time when the ROW would actually be needed for public road use.

For reference this Section 18.07.120.E of the Evans Municipal Code identifies the process and procedures, that an applicant must follow in seeking approval of a Minor Replat to vacate right-of-way.

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**FINANCIAL SUMMARY:**

N/A

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**RECOMMENDATION:**

At its June 2, 2020 City Council Hearing, City Council approved Resolution 16-2020 and the first reading of Ordinance 718-20 along with the recommended conditions of approval and development standards. Staff recommends that City Council approve Ordinance No. 718-20 on 2<sup>nd</sup> Reading.

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**SUGGESTED MOTIONS:**

*"I move to approve Ordinance No. 718-20 on second reading as proposed with the conditions of approval and development standards."*

*"I move to deny Ordinance No. 718-20 on second reading as proposed for the reasons stated."*

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**ATTACHMENTS:**

- Attachment 1: City Council Minutes from June 2, 2020
- Attachment 2: Ordinance No. 718-20
- Attachment 3: Resolution No. 16-2020
- Attachment 4: Staff Comments
- Attachment 5: Application Materials & Referral Agency Responses

**CITY OF EVANS, COLORADO**

**ORDINANCE NO. 718-20**

**AN ORDINANCE APPROVING A MINOR REPLAT TO ALLOW FOR VACATION  
OF RIGHT-OF-WAY FOR PROPERTY GENERALLY REFERRED TO AS 14822  
WELD COUNTY ROAD 396**

**WHEREAS**, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

**WHEREAS**, Varra Companies, Inc., is the owner of certain property located within the City of Evans and more specifically described on Exhibit A, attached ("the Property"); and

**WHEREAS**, the Applicant has filed an application with the City asking, in part, to vacate the 30-foot wide road right-of-way as described in document recorded October 14, 1889 in Book 86 at Page 273 as Reception No. 34283 in the Records of the Clerk and Recorder for Weld County; and

**WHEREAS**, the Applicant will incorporate this vacated right-of-way into their property, more specifically described on Exhibit A, attached ("the Property"); and

**WHEREAS**, staff has reviewed the Application and deemed it to be complete; and

**WHEREAS**, staff has reviewed the Application and deemed it to satisfy all requirements for a Minor Replat under the Evans City Code, including but not limited to Section 18.07.120.D; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed concerns raised by the referral agencies; and

**WHEREAS**, the posting and notification requirements found in Section 18.10.10 have been followed; and

**WHEREAS**, the prerequisites for approving a Vacation of an easement or right-of-way to be considered by City Council in determining whether to approve an application to vacate a right-of-way are set forth in Section 18.07.120.E.1.A; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the City Council considered the criteria set forth above and made motion on the application set forth above and made motion subject to the conditions set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

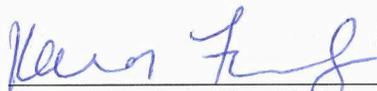
1. The Right-of-Way more specifically described on Exhibit A has been vacated.
2. The Council's approval is subject to the following conditions, all of which shall be satisfied prior to recording the Replat.
  - a. The applicant shall provide the City with information confirming the City is the only easement or Right-of-Way holder to be impacted. If other entities are impacted by this review, the applicant shall provide evidence all parties have been notified.

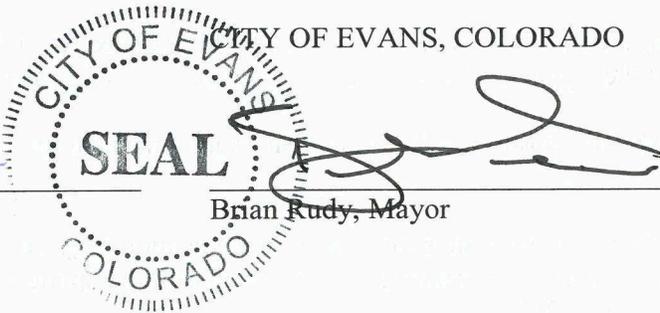
- b. A replat shall be prepared in accordance with Section 18.07.120.F.1 as well as 18.07.090.E.4 and be supplied to the City Planner for review.
- c. The following notes shall be placed on the plat:
  - i. Approval of this plan may create a vested property right for Phase 1 pursuant to Article 68 of Title 24 C.R.S., as amended.
  - ii. Certification blocks including those for Surveyor, Property Owner, Owners of the Right-of-Way to be vacated, Mayor with City Clerk's attesting, and Community Development Director.

1. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
2. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance

**PASSED AND ADOPTED ON FIRST READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 2nd DAY OF JUNE, 2020.**

ATTEST:

  
 Karen Frawley, City Clerk



  
 Brian Rudy, Mayor

**PASSED AND ADOPTED ON SECOND READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS \_\_\_\_ DAY OF JUNE, 2020.**

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
 Karen Frawley, City Clerk

\_\_\_\_\_  
 Brian Rudy, Mayor

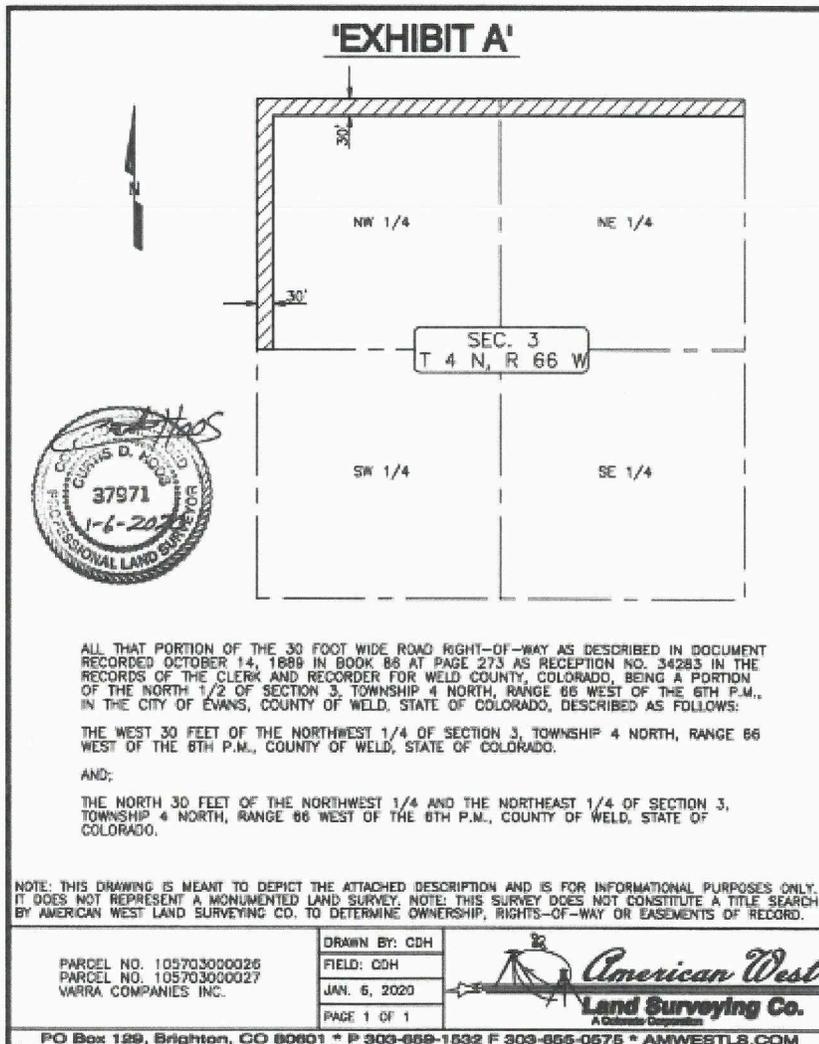
**LEGAL DESCRIPTION**  
**Legal Description of Right-of-Way to be Vacated**

All that portion of the 30 foot wide road right-of-way as described in document recorded October 14, 1889 in book 86 at page 273 as Reception No. 34283 in the Records of the Clerk and Recorder for Weld County, Colorado, being a portion of the North 1/2 of Section 3, Township 4 North, Range 66 West of the 6th p.m., in the City of Evans, County of Weld, State of Colorado, described as follows:

The West 30 feet of the Northwest 1/4 of Section 3, Township 4 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.

and;

The North 30 feet of the Northwest 1/4 and the Northeast 1/4 of Section 3, Township 4 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.



**CITY OF EVANS, COLORADO**

**RESOLUTION NO. 16-2020**

**A RESOLUTION APPROVING A MINOR REPLAT TO ALLOW FOR VACATION OF  
RIGHT-OF-WAY FOR PROPERTY GENERALLY REFERRED TO AS 14822 WELD  
COUNTY ROAD 396**

**WHEREAS**, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

**WHEREAS**, Varra Companies, Inc., is the owner of certain property located within the City of Evans and more specifically described on Exhibit A, attached ("the Property"); and

**WHEREAS**, the Applicant has filed an application with the City asking, in part, to vacate the 30-foot wide road right-of-way as described in document recorded October 14, 1889 in Book 86 at Page 273 as Reception No. 34283 in the Records of the Clerk and Recorder for Weld County; and

**WHEREAS**, the Applicant will incorporate this vacated right-of-way into their property, more specifically described on Exhibit A, attached ("the Property"); and

**WHEREAS**, staff has reviewed the Application and deemed it to be complete; and

**WHEREAS**, staff has reviewed the Application and deemed it to satisfy all requirements for a Minor Replat under the Evans City Code, including but not limited to Section 18.07.120.D; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed concerns raised by the referral agencies; and

**WHEREAS**, the posting and notification requirements found in Section 18.10.10 have been followed; and

**WHEREAS**, the prerequisites for approving a Vacation of an easement or right-of-way to be considered by City Council in determining whether to approve an application to vacate a right-of-way are set forth in Section 18.07.120.E.1.A; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the City Council considered the criteria set forth above and made motion on the application set forth above and made motion subject to the conditions set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. The Right-of-Way more specifically described on Exhibit A has been vacated.
2. The Council's approval is subject to the following conditions, all of which shall be satisfied prior to recording the Replat.
  - a. The applicant shall provide the City with information confirming the City is the only easement or Right-of-Way holder to be impacted. If other entities are

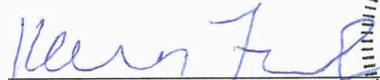
impacted by this review, the applicant shall provide evidence all parties have been notified.

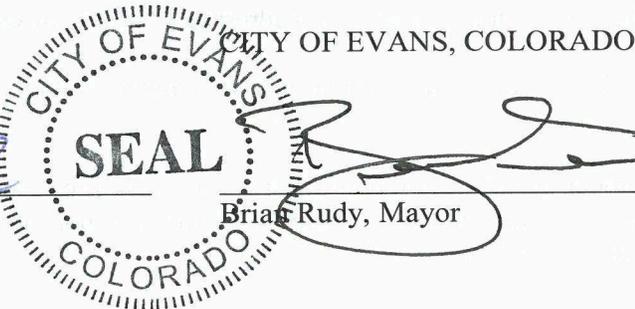
- b. A replat shall be prepared in accordance with Section 18.07.120.F.1 as well as 18.07.090.E.4 and be supplied to the City Planner for review.
- c. The following notes shall be placed on the plat:
  - i. Approval of this plan may create a vested property right for Phase 1 pursuant to Article 68 of Title 24 C.R.S., as amended.
  - ii. Certification blocks including those for Surveyor, Property Owner, Owners of the Right-of-Way to be vacated, Mayor with City Clerk's attesting, and Community Development Director.

- 1. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
- 2. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 2nd DAY OF JUNE, 2020.**

ATTEST:

  
\_\_\_\_\_  
Karen Frawley, City Clerk



  
\_\_\_\_\_  
Brian Rudy, Mayor

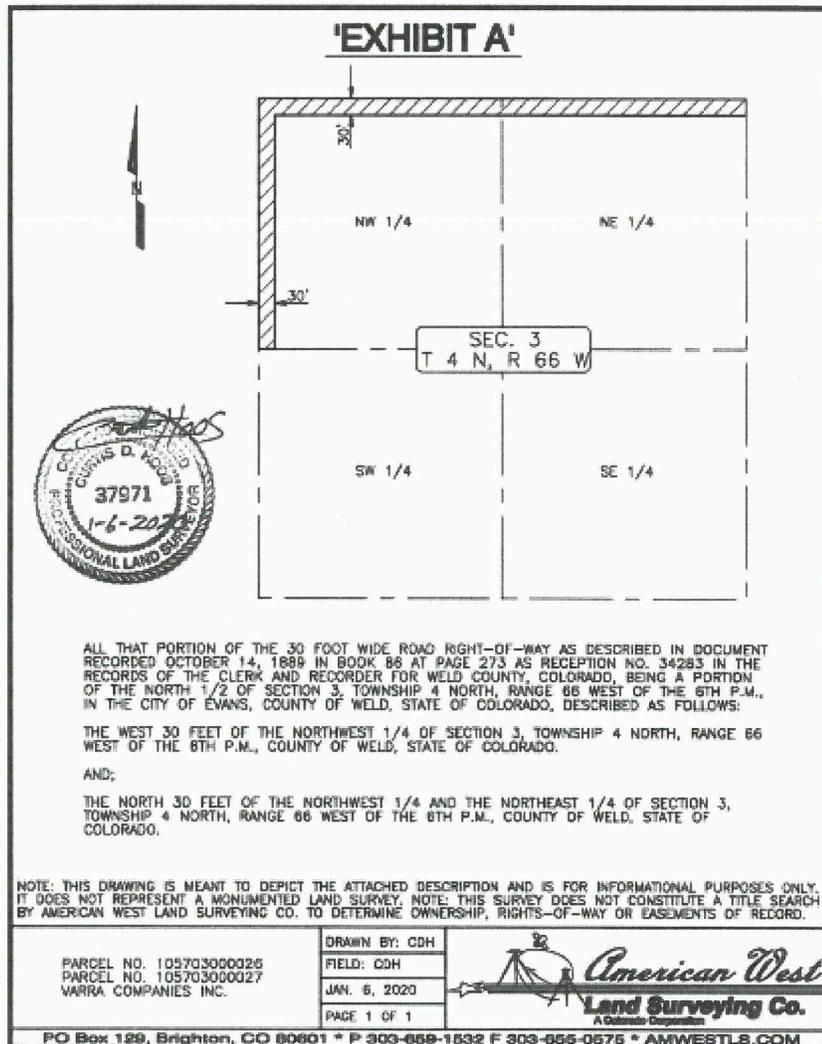
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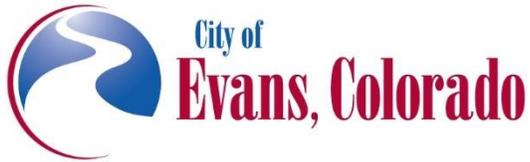
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and;

The North 30 feet of the Northwest 1/4 and the Northeast 1/4 of Section 3, Township 4 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.





## MINUTES

City Council Regular Meeting  
June 02, 2020 - 7:00 PM

### 1. CALL TO ORDER

Mayor Rudy called the meeting to order at 7:07 p.m.

### 2. PLEDGE

### 3. ROLL CALL

Mayor: Brian Rudy  
Mayor Pro-Tem: Mark Clark – attended virtually  
Council: Laura Speer  
Alicia Johnson  
Fred Neal  
Amanda Castle  
Tammy Mortenson – attended virtually

### 4. AUDIENCE PARTICIPATION

There was no audience participation

### 5. APPROVAL OF AGENDA

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the agenda as presented. The motion passed with all voting in favor thereof.

### 6. CONSENT AGENDA

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A. Approval of the May 19, 2020 City Council Meeting Minutes

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

### 7. NEW BUSINESS

A. Consideration of Ordinance Number 715-20 Temporary Suspension of Evans Municipal Code Provisions to the Extent that Municipal Code Provisions Conflict with Liquor Enforcement Division Regulation 47-302

Mr. Becklenberg informed the Council that as staff updated Council during the

COVID-19 Work Session item, staff has prepared an emergency ordinance that would align the City's liquor license regulations with recent changes from the State. The City's regular regulations and the ongoing non-emergency liquor enforcement rules prohibit service and consumption of alcohol on places like public streets, alleys, parks, public spaces, and sidewalks and therefore the current ordinance would not allow that sort of thing. The emergency ordinance would align our rules with the updated State rules for this COVID period. Staff is requesting approval of this emergency ordinance.

Mayor Pro-Tem Clark stated that he is in favor of this ordinance.

Council Member Castle asked staff if this is to temporarily limit or suspend the code relative to this, how does it work from a regulation standpoint if someone is at the park drinking or walking down the sidewalk drinking? Drew Lyman, Assistant City Attorney stated that this would only be an issue for a modification of premises for the liquor license.

Council Member Johnson made the motion, seconded by Council Member Castle to approve Ordinance Number 715-20. The motion passed with all others voting in favor thereof.

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Mayor Rudy opened the Public Hearing at 7:13 p.m.

Mr. Becklenberg informed the Council that this item will facilitate a development plan by Varra Companies who has intentions of mine gravel on a property in South Evans. Staff is requesting approval of the right-of-way vacation.

Lauren Richardson, City Planner presented to Council details of the right-of-way vacation. Garrett Varra, Varra Companies was available to address any questions that Council had.

Mayor Rudy asked if there was anyone in the audience who wished to speak for this item; no one came forward.

Mayor Rudy asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Council Member Speer asked about the intended use for the right-of-way? Anne Best Johnson, Community and Development Director stated that the original patent back in 1889, the edges of property across the County and State were reserved for future roads and because this will never be a useable road in the City of Evans, staff agrees that the patent can be expired. Council Member Speer asked if it was on the edge of the property? Lauren stated that Varra Companies owns multiple properties in the area and the vacation is a small piece that dead-ends into the property. Council Member Speer clarified that this vacation would not cut others of their property or utilities. Garrett Varra clarified that there are two other properties

that butt up to his property that has access elsewhere. Scott Krob, City Attorney stated that one of the requirements stated in the statute is that the City of Evans will not deprive anyone access.

Mayor Rudy closed the public hearing at 7:21 p.m.

Council Member Neal thank Anne for the history of the right-of-way.

Council Member Johnson made the motion, seconded by Council Member Neal to approve Resolution Number 16-2020 as proposed with the conditions of approval and development standards. The motion passed with all others voting in favor thereof.

Council Member Castle made the motion, seconded by Council Member Neal to approve Ordinance Number 718-20 as proposed with the conditions of approval and development standards. The motion passed with all others voting in favor thereof.

- C. Continuation of the Public Hearing on Ordinance Number 720-20 An Ordinance Amending Titles 3, 5, and 18 of the Evans Municipal Code to Allow Mobile Food Vending in the City of Evans.

Mayor Rudy opened the Public Hearing at 7:24 p.m.

Mr. Becklenberg informed the Council that Council held a Work Session at the May 19<sup>th</sup> meeting giving direction to staff to develop an ordinance to specifically allow food trucks within the City of Evans. Since then, staff has been working to prepare that ordinance to get it in place as expeditiously as possible so we went ahead and advertised the public hearing for that ordinance for this meeting tonight. Staff realized when preparing over the last week, there was still a few important questions to address and do not want to rush. Since this was not a urgent matter, staff is recommending this public hearing be continued to the June 16<sup>th</sup> meeting so we can have a solid ordinance in front of Council at that meeting.

Mayor Rudy asked if there was anyone in the audience who wished to speak for this item; no one came forward.

Mayor Rudy asked if there was anyone in the audience who wished to speak opposing this item; no one came forward.

Mayor Rudy closed the public hearing at 7:25 p.m.

Council Member Speer made the motion, seconded by Council Member Castle to continue the public hearing on Ordinance Number 720-20 to consider amending Titles 3, 5, and 18 of the Evans Municipal Code to allow mobile food vending in the City of Evans to be continued to the June 16, 2020 City Council meeting. The motion passed with all others voting in favor thereof.

D. Consideration of Purchase Agreement for Right of Way, Permanent Easements and Temporary Construction Easements for 47<sup>th</sup> Avenue Widening

Mr. Becklenberg informed the Council that the Engineering staff has been busy completing the design stages of 47<sup>th</sup> Avenue. As Council is aware, the first step this summer will be the utility relocation work for that project. One of the important steps before you see the work happen is to acquire the right-of-way that is needed. As Council might envision, when you get out along 47<sup>th</sup> Avenue, there are a couple of segments that are City and there is some County property. Staff is request Council's approval of the purchase agreements to acquire that right-of-way.

Mark Oberschmidt, City Engineer gave an overview of the project and the process.

Council Member Johnson made the motion, seconded by Council Member Castle to approve the purchase agreement with the Marcos Sanchez for property described herein in the amount of \$41,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

Council Member Castle made the motion, seconded by Council Member Neal to approve the purchase agreement with the Country RV Storage for property described herein in the amount of \$64,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

Council Member Mortenson made the motion, seconded by Council Member Castle to approve the purchase agreement with the Carl Speaker for property described herein in the amount of \$64,150 plus closing costs and to authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the purchase agreement with the Bonnie Carwin for property described herein in the amount of \$123,800 plus closing costs and authorize the Mayor to sign the purchase agreement and the City Manager to sign all subsequent documents to complete the transaction. The motion passed with all others voting in favor thereof.

8. REPORTS

A. City Manager

Mr. Becklenberg provided Council an update on current road projects. Council will be hearing an update on issues with timing of traffic lights in some intersections and ways to remedy it.

B. City Attorney

Mr. Scott Krob informed the Council that is still busy with development projects and provided an update on COVID-19.

9. AUDIENCE PARTICIPATION (general comments)

There was no audience participation

10. EXECUTIVE SESSION

- A. To Discuss Specialized Details of Security Arrangements, Pursuant to Section 24-6-402(4)(d) C.R.S.

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to adjourn into executive session at 7:46 pm to discuss specialized details of security arrangements, Pursuant to C.R.S. 24-6-402(4)(d). The motion passed with all voting in favor thereof.

The meeting reconvened at 7:53 p.m.

Mr. Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

There was no action following the Executive Session.

11. ADJOURNMENT

The meeting was adjourned at 7:53 p.m.



8120 Gage Street • Frederick, CO 80516  
Bus.: (303) 666-6657 • Fax: (303) 666-6743

April 1, 2020

Ms. Anne Best Johnson, AICP, MBA  
Community Development Director  
City of Evans Planning/Zoning  
1100 37<sup>th</sup> Street  
Evans, Colorado 80620

RE: Two Rivers Ranch Project

Dear Ms. Best Johnson,

The following narrative is intended to address our reason for requesting a Right of Way vacation. Per our previous conversations and meetings, we have made it known that our intended use of our property located at 14822 WCR 396, is to operate a sand and gravel mining site. In order to make the best use and maximize the value of the site, it is best to have as few encumbrances on the site as possible. Presently, there are what seem to be "relic" ROW sections located within the site. These ROW sections currently do not contain a roadway, nor do they connect to any other sections of ROW to form a continuous and useable ROW. Rather, they dead-end within the property.

In the interest of maximizing our ability to extract material from the site, we would like to have these ROW sections vacated. As they are currently shown, we would be required to leave them in place and further create offsets within the middle of our site. Ultimately, these sections would be within the center of our planned mining pits, requiring us to leave a substantial portion of material unrecoverable. This in turn, as you can imagine, reduces the maximum economic benefit from the site.

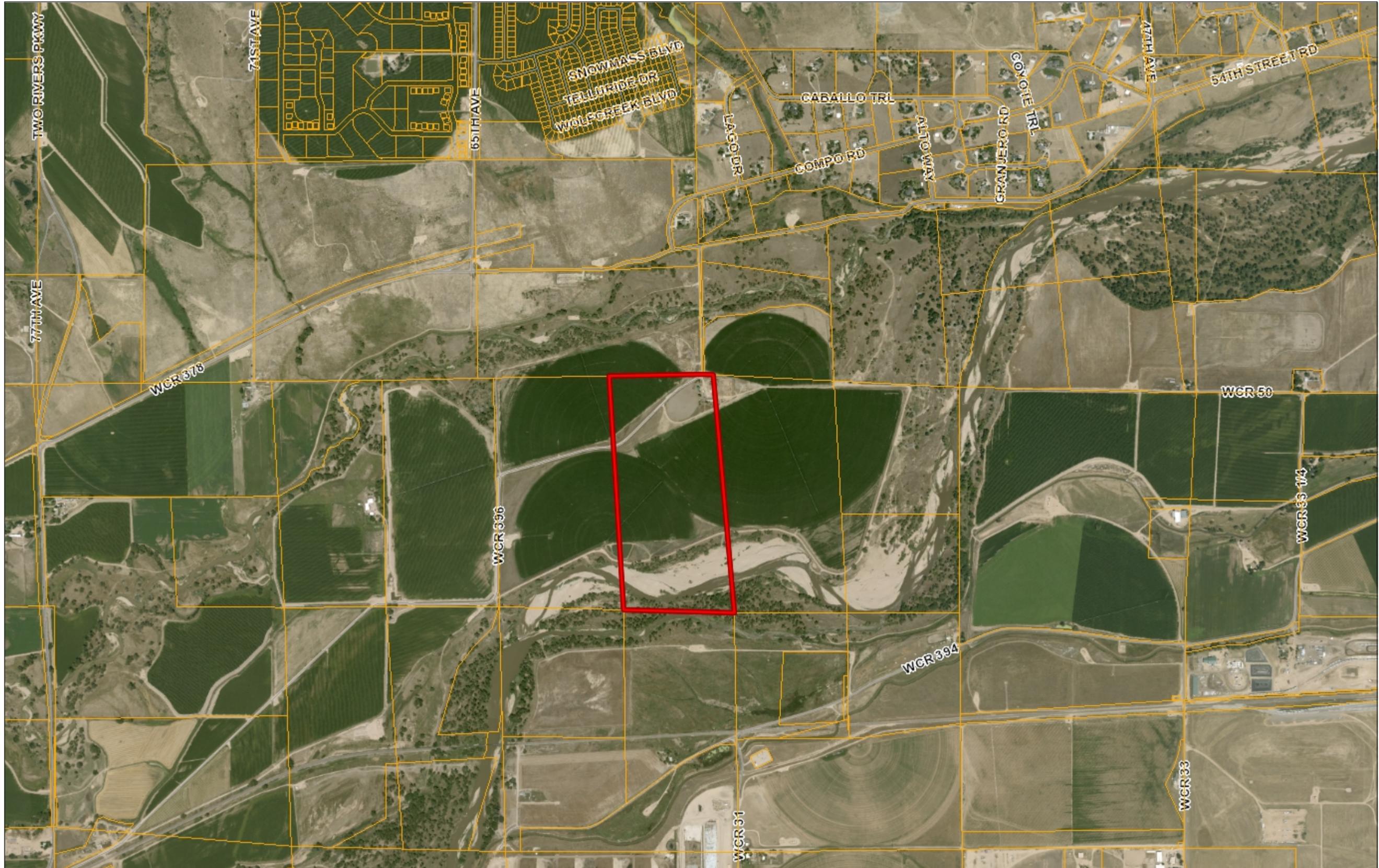
Because there is not a current plat for the site, and we therefore cannot submit an amended plat, please find enclosed with this narrative a copy of the existing ALTA survey showing the current "relic" ROW sections. Additionally, we have submitted a surveyor stamped "Exhibit A" showing the metes and bounds description of the sections we are requesting to be vacated.

Should you have any questions or would like any further clarifications, please feel free to contact us at 303-666-6657.

Respectfully,

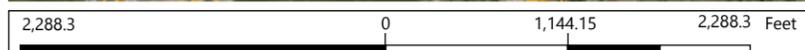
A handwritten signature in blue ink, appearing to read "Garrett Varra".

Garrett Varra  
Vice President of Operations



- Legend**
- Parcels
  - Highway
  - Road
  - Highway
  - County Boundary

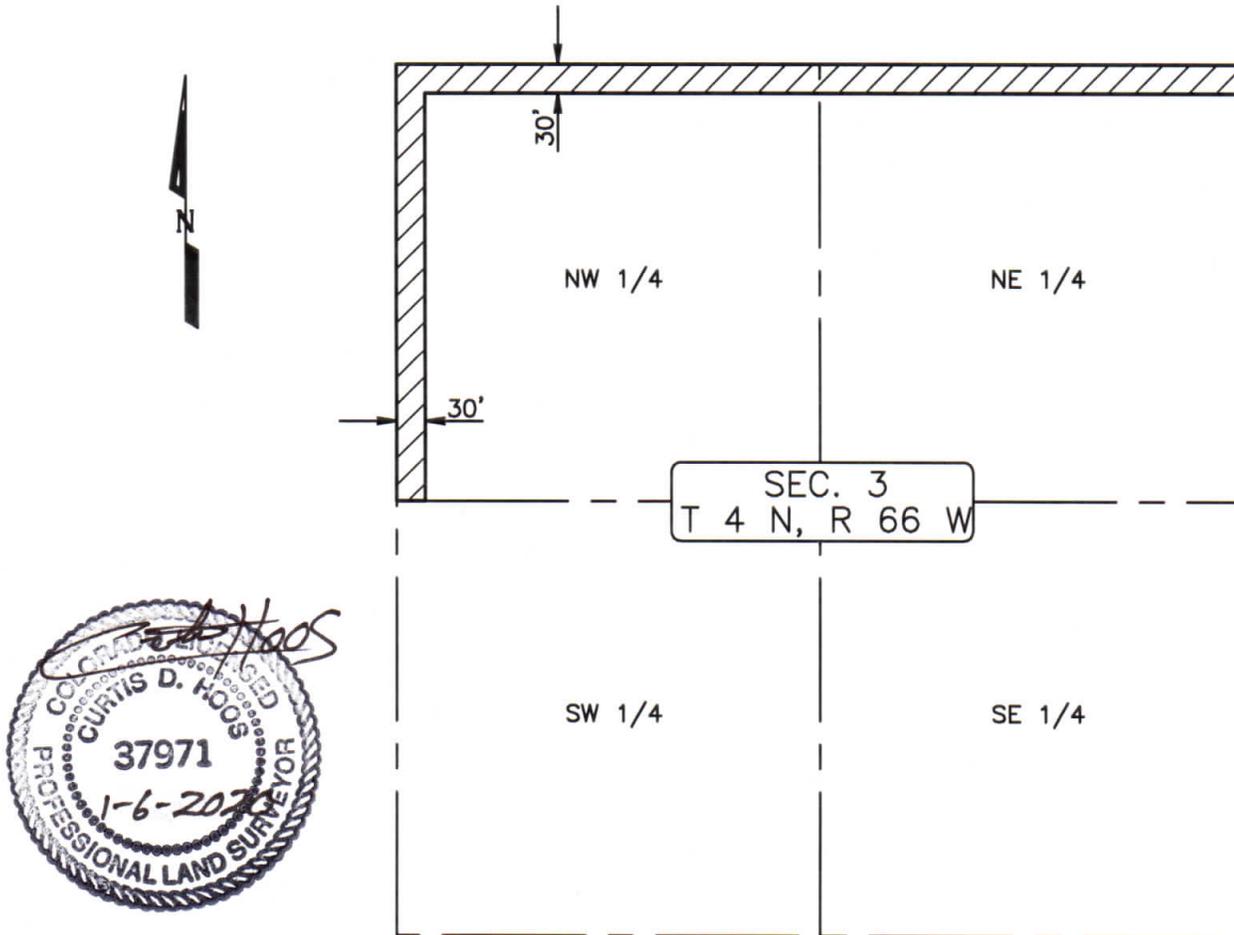
1: 13,730



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Notes**

# 'EXHIBIT A'



ALL THAT PORTION OF THE 30 FOOT WIDE ROAD RIGHT-OF-WAY AS DESCRIBED IN DOCUMENT RECORDED OCTOBER 14, 1889 IN BOOK 86 AT PAGE 273 AS RECEPTION NO. 34283 IN THE RECORDS OF THE CLERK AND RECORDER FOR WELD COUNTY, COLORADO, BEING A PORTION OF THE NORTH 1/2 OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 66 WEST OF THE 6TH P.M., IN THE CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

THE WEST 30 FEET OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

AND;

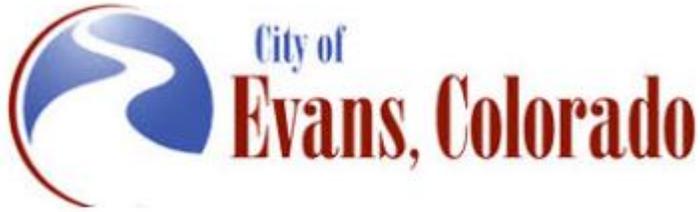
THE NORTH 30 FEET OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

NOTE: THIS DRAWING IS MEANT TO DEPICT THE ATTACHED DESCRIPTION AND IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. NOTE: THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY AMERICAN WEST LAND SURVEYING CO. TO DETERMINE OWNERSHIP, RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

PARCEL NO. 105703000026  
 PARCEL NO. 105703000027  
 VARRA COMPANIES INC.

DRAWN BY: CDH  
 FIELD: CDH  
 JAN. 6, 2020  
 PAGE 1 OF 1





## City of Evans Land Use Application Referral Request

April 6, 2020

The City of Evans Department of Planning has received the following item for:

**Project Title:** Two Rivers Sand, Gravel, and Reservoir Project **Case Number:** #20-SP-04

**Applicant:** Varra Companies, Inc.

**Planner:** Lauren Richardson

**Please Reply By: Monday, April 27, 2020**

**Project:** ROW Vacation with future intended land use being sand and gravel mining. Currently zoned PUD.

**Location:** 14822 WCR 396 SE corner of 54<sup>th</sup> Street and 65<sup>th</sup> Avenue

**Parcel Number:** 095933000007 **Legal:** City of Evans, EVS S2SE4 33 5 66  
(RUMSEY-WERNING-CAMENISCH ANNEX 13) (1R)

The application is submitted to you for review and recommendation. Any comments or recommendation you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a positive response to the City Department of Planning Services and Community Development. If you have any further questions regarding the application, please call the Planner associated with the request. **Please note that new information may be added to applications under review during the review process. If you desire to examine or obtain this additional information, please contact the Planner.**

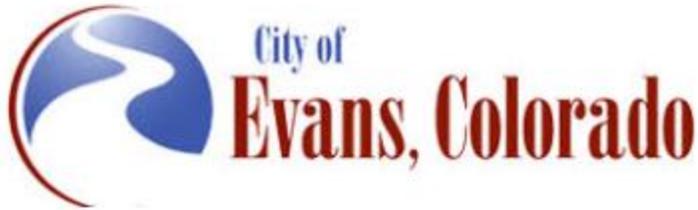
*We have reviewed the request and find that it does / does not comply with our Comprehensive / Master Plan for reasons included in the attached letter.* \_\_\_\_\_

*We have reviewed the request and find no conflicts with our interests.*

Signature Robby Porsch

Date 04/08/2020

Agency Evans Wastewater



## City of Evans Land Use Application Referral Request

April 6, 2020

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**Applicant:** Varra Companies, Inc.

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The application is submitted to you for review and recommendation. Any comments or recommendation you consider relevant to this request would be appreciated. Please reply by the above listed date so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a positive response to the City Department of Planning Services and Community Development. If you have any further questions regarding the application, please call the Planner associated with the request. **Please note that new information may be added to applications under review during the review process. If you desire to examine or obtain this additional information, please contact the Planner.**

*We have reviewed the request and find that it does / does not comply with our Comprehensive / Master Plan for reasons included in the attached letter. \_\_\_\_\_*

*The fire code has no authority in this matter.*

Signature

A handwritten signature in black ink, appearing to read "Ron Ricketts".

Date April 15, 2020

Agency Evans Fire District

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# CITY COUNCIL AGENDA REPORT

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**DATE:** June 16, 2020

**AGENDA ITEM:** 7.A

**SUBJECT:** Public Hearing: Consideration of Ordinance Number 720-20 An Ordinance Amending Titles 3, 5, and 18 of the Evans Municipal Code to Allow Mobile Food Vending in the City of Evans.

**PRESENTED BY:** James L. Becklenberg, City Manager  
Randy Ready, Assistant City Manager  
Anne Best Johnson, Community Development Director  
Lauren Richardson, City Planner

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## AGENDA ITEM DESCRIPTION:

Food trucks are an emerging and dining and entertainment option in Evans. The purpose of the attached Ordinance is to provide a mechanism in Titles 3, 5 and 18 of the Municipal Code to allow Mobile Food Vendors. At the May 19, 2020 City Council work session, Council determined that Food Trucks are desired in Evans. This agenda item is continued from the June 2, 2020 City Council public hearing to allow staff enough time to prepare the ordinance details.

A collaborative team from Finance, the City Clerk, and Planning have met to determine which portions of the Municipal Code may need to be amended. The attached Ordinance 720-20 outlines amendments to Chapters 3, 5, and 18 to legalize food trucks in the City of Evans.

A summary of the attached Ordinance can be found below:

- The definition of “Mobile Food Vending” is proposed for Chapters 3, 5 and 18.
- The time needed to process all Temporary Use Permits is proposed to be five days vs. one day. This is due to the comprehensive review needed by multiple departments and collaboration with the applicants. (Section 5.12.080.A)
- License requirements include a single photograph. The City is proposing to request two duplicate photographs similar to a passport photograph package that can be obtained for a reasonable fee at retail locations such as Walgreens. This will allow the City to retain a photo with the applicant and the Temporary Business License and Temporary Use Permit will also contain a photo. (Section 5.23.040.G)
- The bonding requirements currently found in Section 5.12.060 are obsolete and are proposed to be removed.
- The City is proposing to better define hours of operation allowed for door-to-door solicitation in Section 5.12.110. While this does not have ramifications on Mobile Food Vendors, the City is opening Chapter 5 and wanted to use this opportunity to better refine a current Code provision.
- The most significant Code changes are in Chapter 18 and include the following additions:
  - Definition Section proposes the inclusion of the terms: Food, Mobile Food Vending, Mobile Food Vending Rally, Motor Vehicle, and Trailer.

- The permit provisions of Section 18.05.030.D have been amended to include Mobile Food Vendors. This Section of the Land Use Code addresses the Criteria for all Temporary Vendors. The following points summarize additions to the Temporary Use Criteria covering all temporary uses:
  - Mobile Food Vendors are not allowed to stay overnight in one location unless part of a multi-day event.
  - The property upon which a Mobile Food Vendor establishes presence cannot be in violation of the nuisance, building, business licensing, or land use regulations.
  - The proposed temporary use must be compatible with surrounding uses. The applicant is required to address how possible nuisance conditions such as lighting, noise, negative traffic impacts, for example are already in the Section 18.05.030.D.5. The terms odors and nuisance conditions have been added. In addition, the only signage allowed for Mobile Food Vendors shall be the emblem printed on the actual vehicle or trailer.
  - The location allowed for Mobile Food Vendors includes on private property or on City property. Mobile Food Vendors are not allowed in public rights-of-way.
  - Mobile Food Vendors are allowed to be on one single property for up to 10 days per month.

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**FINANCIAL SUMMARY:**

N/A

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**RECOMMENDATION:**

Staff recommends approval of the ordinance.

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**SUGGESTED MOTIONS:**

*“I move to approve Ordinance 720-20”; or*

*“I move not to approve Ordinance 720-20.”*

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**ATTACHMENTS:**

- Attachment 1: Ordinance Number 720-20
- Attachment 2: Notice for Public Hearing

**CITY OF EVANS, COLORADO**

**ORDINANCE NO. 720-20**

**AN ORDINANCE AMENDING TITLES 3, 5 AND 18 OF THE EVANS MUNICIPAL CODE TO ALLOW MOBILE FOOD VENDING IN THE CITY OF EVANS**

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS**, Title 3 of the Evans Municipal Code addresses Revenue and Finance and in particular Section 3.04.030 defines uses; and

**WHEREAS**, Title 5 of the Evans Municipal Code addresses Business Taxes, Licenses and Regulations; and

**WHEREAS**, Title 18 of the Evans Municipal Code addresses Land Development and in particular, Section 18.05.030 addresses Temporary Uses; and

**WHEREAS**, the City Council has determined that in order to ensure the ability to allow Mobile Food Vendors in the City, amendments to the Municipal Code Titles 3, 5 and 18 are necessary.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. Sections 3.04.030 and 5.12.010 of the Evans Municipal Code is hereby amended to include a definition of Mobile Food Vending to read as follows:

**3.04.030 – Definitions**

**Mobile Food Vending:** The use of a legal motorized wheeled vehicle, legal towed wheeled vehicle, or pushcart, or other temporary operation designed and equipped to prepare and or serve food and or non-alcoholic beverages. A Mobile Food Vendor is required to obtain a Temporary Use Permit and License through the City of Evans. For additional information please refer to Chapter 18.

2. Section 5.12.080.A of the Evans Municipal Code is hereby amended to increase the amount of time needed to process Temporary Use Permits from one (1) to five (5) business days.

**5.12.080.A - Application for license fee.**

An application for a license under this Chapter shall be submitted to the City Clerk no less than ~~one (1)~~ **five (5)** working day prior to the first day of proposed operation. The

application shall be accompanied by a non-refundable application fee. Such fee is established by City Council by resolution.

3. Section 5.12.040.G of the Evans Municipal Code is hereby amended to define application materials consistent with actual needs.

5.12.040.G License Application requirements

Two recent and duplicated photographs of the applicant which picture shall be approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguished manner;

4. 5.12.060 - Bond. This section is an obsolete provision and is proposed to be deleted.

~~Every applicant not a resident of the County, or who being such resident, represents a firm whose principal place of business is located outside of the State, shall file with the City Clerk a surety bond running to the City in the amount of one thousand dollars (\$1,000.00), with surety acceptable to and approved by the Council conditioned that the applicant shall comply fully with all the provisions of this Code and state statutes regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants or itinerant vendors, as the case may be, guaranteeing to any citizen of the City that all money paid as a down payment will be accounted for and applied according to the representations of the licensee and further guaranteeing to any citizen of the City doing business with said solicitor, that the property purchased will be delivered according to the representations of the solicitor. Action on such bond may be brought by the person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the fact amount of the bond to the clerk of the court in which suit is commenced, be relieved without costs of all further liability.~~

5. Section 5.12.110.I of the Evans Municipal Code is hereby amended to define time parameters for door-to-door solicitation.

5.12.110 - Restrictions and operations.

I. Door-to-door solicitation is limited to 10:00am to 7:00pm. No solicitation shall occur on nationally recognized holidays.

6. Section 18.03.010 of the Evans Municipal Code is hereby amended to include the following definitions.

Food: Shall mean a raw, cooked or processed edible substance, ice, beverage or ingredient used or intended to be used or for sale in whole or in part for human consumption.

Mobile Food Vending: The use of a legal motorized wheeled vehicle, legal towed wheeled vehicle, or pushcart, or other temporary operation designed and equipped to prepare and or

serve food and or non-alcoholic beverages. A Mobile Food Vendor is required to obtain a Temporary Use Permit and License through the City of Evans.

**Mobile Food Vending Rally:** A temporary or periodic special event, operating under a Temporary Use Permit and License through the City of Evans, when more than two outdoor vendors (such as food trucks and carts) are present, held on improved private property with permission of the owner thereof, and only serving pedestrians.

**Motor Vehicle** means a vehicle required to be registered under C.R.S., Title 42.

**Trailer** shall mean an object with wheels but without an engine and designed to be towed by a vehicle, including but not limited to travel trailers, trailer homes, boat trailers, utility trailers, horse trailers and trailers for hauling snowmobiles, motorcycles, etc.

7. Section 18.05.030.D of the Evans Municipal Code lists uses the City of Evans would contemplate approving for Temporary Uses. This Section is hereby amended to include Mobile Food Vendors. Section 18.05.030.D. of the Evans Municipal Code shall be amended to allow for Mobile Food Vendors with conditions.

D. Temporary Uses. The intended purpose of a temporary use is for selling a product, **food**, or to provide a temporary service which is for a short duration or seasonal in nature.

**1.h. Mobile Food Vendor**

2. Temporary uses are subject to a temporary use permit. The proposed temporary use shall only be in operation for the duration described in this Section below during any calendar year. All temporary use permits expire December 31 of the year in which a temporary use permit is issued. The applicant will be allowed seven (7) days to set up before the effective date of the permit and to remove seven (7) days after the expiration of the permit. **This provision does not apply to Mobile Food Vendors who will be required to set up and vacate the premises the day of their tenure on the property. In the event of a multi-day event, Mobile Food Vendors shall be allowed to stay on site for the event duration.**

3. The property where the proposed temporary use is to be located, and/or the property owner of record, shall not have any outstanding land use, **nuisance code and/or building code** violations; **or outstanding** obligations to the City.

5. The proposed temporary use must be compatible with surrounding uses and have a positive impact on the community, which includes, but is not limited to, aesthetics, site design, architectural compatibility, lighting, noise, **odors, nuisance conditions**, and the absence of negative traffic and access impacts. **No signs are allowed for Mobile Food Vendors other than logos on vehicles.**

6. **Location of Temporary Uses.** For temporary uses proposed to be located on private property, written permission must be obtained from the property owner(s) **and included in the application packet submitted to the City.** If the

use is proposed to be located on City rights-of-way or City-owned property, a community event permit and license agreement must be approved by the City. **Mobile Food Vendors are not permitted to be located in City rights-of-way but may be permitted with permission on City owned property.**

7. Temporary structures, such as tents, sheds and trailers, may be utilized with a temporary use, so long as such temporary structures comply with the regulations and permitting requirements of the City and other referral **and regulatory** agencies, including all electrical and generator connections, **State and County licenses/permits**, and the requirements of this Section. Operable vehicles, such as RVs or semi-trucks, may also be used with a temporary use, subject to the requirements of this Section. **Mobile Food Vendors must be located on improved surfaces such as a paved parking lot.** At the termination of the temporary use, the temporary structures and vehicles must be removed within the seven-day removal time. **Mobile Food Vendors must vacate the premises immediately following the event or the approved single-day use.**

10. **Temporary Mobile Food Vendors are not allowed to occupy a single property for a duration greater than 10 days per month. The application for a Temporary Mobile Food Vendor shall include the dates of tenancy on each property in Evans.**

11. **The Community Development Director, or their designee, shall determine if the proposed temporary use conforms to the requirements of the Land Use Code as applied to any specified location. If the Community Development Director determines the proposed use is not in compliance with the requirements of the Land Use Code, the proposed use shall not be approved.**

8. Section 18.05.030.G of the Evans Municipal Code is hereby amended as described below.

G. The table following Section G shall be amended to include the following:

Temporary Use	Duration	Extension
<b>Mobile Food Vendors</b>	<b>Either at the end of the special event or at the end of business on the day permitted for use as specified in the Temporary Use Permit</b>	<b>No</b>

9. **Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.**

10. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS \_\_\_\_\_ DAY OF JUNE, 2020.**

**ATTEST:**

**CITY OF EVANS, COLORADO**

\_\_\_\_\_  
Karen Frawley, City Clerk

BY: \_\_\_\_\_  
Brian Rudy, Mayor

**PASSED AND ADOPTED ON A SECOND READING THIS \_\_\_\_\_ DAY OF JULY, 2020.**

**ATTEST:**

**CITY OF EVANS, COLORADO**

\_\_\_\_\_  
Karen Frawley, City Clerk

BY: \_\_\_\_\_  
Brian Rudy, Mayor

CITY OF EVANS

NOTICE OF PUBLIC HEARING

NOTICE is hereby given, that the Evans City Council will hold a Public Hearing on Tuesday, June 2, 2020 starting at 7:00 P.M. at the Evans Community Complex, Council Chambers, 1100 37th Street, Evans, CO, to receive input and comments on code amendments regarding food trucks.

All persons interested in this matter may be present and may be heard. Any interested person may also file any objections to the proposed revision at any time prior to final adoption of the revision.

Additional information may be obtained from the Community Development Director, Anne Best Johnson, abjohnson@evanscolorado.gov, 1100 37th Street, Evans, Colorado, between the hours of 8:00 am and 5:00 pm, Monday through Friday. The full packet and agenda information will be available for review at: [www.evanscolorado.gov](http://www.evanscolorado.gov)

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# CITY COUNCIL AGENDA REPORT

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**DATE:** June 16, 2020

**AGENDA ITEM:** 8.A

**SUBJECT:** Public Hearing: Consideration of Resolution No. 14-2020  
Approving the Special Use Permit for Quality Lube, a Repair Shop in the Commercial, C-1 Zone District

**PRESENTED BY:** James L. Becklenberg, City Manager  
Randy Ready, Assistant City Manager  
Anne Best Johnson, Community Development Director

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**AGENDA ITEM DESCRIPTION:**

The applicant seeks approval of a Special Use Permit for a Repair Shop in the Commercial, C-1 Zone District to expand the business. The business owner wishes to expand the footprint and has submitted a Special Use Permit application in accordance with the Land Use Code. A Special Use Permit is required to allow a Repair Shop in the Commercial, C-1 zone district. A Repair Shop is a use allowed through the Special Use Permit process in all three Commercial Zone Districts and through the Site Plan Review process in the three Industrial Zone Districts.

Quality Lube is located on a 0.8-acre parcel west of and adjacent to 23<sup>rd</sup> Avenue and approximately ¼ mile north of 34<sup>th</sup> Street. The existing facility is outlined in red on the aerial image found on page 2. The lot adjacent to and west of the existing facility is also included in this application. Both parcels are addressed as 3303 23<sup>rd</sup> Avenue.

Surrounding land uses include Sam's Club to the west, Big O Tires to the south, 23<sup>rd</sup> Avenue and residential properties to the east, and additional commercial uses to the north.



The application materials in file 19-USR-03 illustrate the future full build-out of the site however, the most immediate expansion plans include a paved parking lot west of the existing facility to accommodate client parking for a busy business. The attached application maps contained in Attachment 4 provide illustrations of the full build-out. The attached application narrative contained in Attachment 3 provide a description of the intended use.

The intent of a Special Use Permit can be found in Section 18.06.060 and is stated as follows, “To provide for the evaluation of special land uses in order to determine if the use has the potential to adversely affect other land uses, transportation systems, public facilities, or the like, in the surrounding neighborhood thereby ensuring that special uses will not harm the health, safety and welfare of the City and its residents. The City Council may disapprove any such request or may impose such conditions and safeguards as may be required to maintain the intent of this Zoning Code.”

The procedure for review of a Special Use Permit found in Sections 18.06.060.B of the City Code was followed. The notice requirements found in Section 18.10.100 were followed as outlined below:

- Affected property owners were notified by first class mail that an application was submitted on December 27, 2019.
- Affected property owners were notified by Certified Mail of the hearing dates on May 12, 2020.
- A sign was posted on the property on May 13, 2020.
- Notice was published in the *Greeley Tribune* on May 10, 2020.

The Criteria for approval of a Special Use application can be found in Section 18.06.060.C.2 of the Land Use Code. Details of the Criteria and staff findings of compliance are listed below.

- a. *The proposed use is found to be unlikely to harm the health, safety and welfare of the City or its residents.*

Response: Access to the facility will remain as it is today. There are two access points. The Traffic Narrative provided in application materials were reviewed by City Staff to determine safety of both motorized and pedestrian traffic in the area.

The maximum lot coverage in the Commercial Zone District is 80%. The applicant has proposed a maximum lot coverage of 75%. Other bulk requirements found in Section 18.04.070.E such as setbacks have been met.

Staff has reviewed the stormwater management and drainage components of the Site Plan application and found the proposal consistent with City requirements.

- b. *The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use.*

Response: The applicant is an existing business in Evans. This application represents the retention and expansion of an existing business. Per application materials Up to 13 Full-time and three Part-time employees are expected to be employed through this expansion. Quality Lube currently serves between 55 and 70 cars each day. A 10% increase in business is expected with this expansion. Annual sales of \$1.25 million over the past two years with the potential to increase with the expansion.

- c. *The proposed use shall be consistent with the Comprehensive Plan and shall be compatible with the surrounding area.*

Responses:

Policy 1.3 Promote Infill Development

The expansion site is a vacant parcel adjacent to the existing facility.

Policy 1.7 Require Adequate Facilities and Services at the time of development

City staff from Public Works and the City Engineer have reviewed the application for compliance.

Policy 1.9 Ensure Adequate Transportation Facilities to serve new development

The applicant provided a Traffic Memo which was reviewed by the City Engineer. It was determined the level of traffic activity generated by the proposed application would be minimal and not negatively impact the existing transportation facilities in the City.

Policy 3.2 Encourage a balanced mix of land uses

The Comprehensive Plan Future Land Use Plan indicates commercial uses are appropriate for this parcel of land. Repair Shops are a use allowed through the Special Use Permit process as outlined in the Land Use Code. Expansion of an existing business supports the retention of a successful business, perpetuating a balanced mix of land uses in the City.

#### Goal 4 Stable, Cohesive and Distinct Neighborhoods

The expansion parcel is already zoned Commercial (C-1) and is adjacent to the existing facility. This application has been prepared in conformance with the Development Standards found in the Municipal Code.

- d. *The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.*

Response: The application is on a parcel zoned for Commercial Uses and the expansion parcel is adjacent to the existing facility. The Future Land Use Plan of the Comprehensive Plan also recognizes Commercial uses as appropriate for this property. The proposed land use requires land use approval to ensure compatibility with the surrounding area as well as conformance with the Development Standards.

- e. *The site shall be physically suitable for the type and intensity of the proposed land use.*

Response: The application has been engineered and designed to support the proposed land use.

- f. *The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.*

Response: City of Evans Engineering has reviewed the traffic memo and determined the application will not adversely affect traffic flow in the neighborhood. Off-site parking is not allowed. Expansion to the parcel to the west will allow over-flow parking.

- g. *The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.*

Response: Big O Tires is a compatible use and is directly south of the proposed business expansion.

- h. *Not applicable, only for mini-storage facilities.*

- i. *Not applicable, only for car-wash facilities.*

- j. *Not applicable, only for oil and gas facilities.*

- k. *Outdoor Storage compliance.*

Response: A Development Standard indicate any outside storage shall be in the area designated on the Special Use Permit map and shall be screened from public rights-of-way.

Staff, referral agencies and the Planning Commission found that the application materials illustrate how the future business expansion plans meet the character, scale, appearance and operation compatibility with surrounding land uses. Big O Tires did have questions regarding drainage however, these questions have been answered. No objections from surrounding property owners or referral agencies have been filed.

A Special Use Permit is the only application required for this particular land use review. The execution and acceptance of a Site Improvements Agreement; review of a Grading Permit and review of Building and Sign Permit applications will also occur. The Site Improvements Agreement will be presented to the City Council at a future meeting.

Conditions of Approval and Development Standards are found in the Resolution in Attachment 1.

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**FINANCIAL SUMMARY:**

There are no financial implications of this proposed development to the City. Additional special district and impact fees will be paid at the time of building permit. Land Use application fees have been paid.

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**RECOMMENDATION:**

Planning Commission recommends City Council approval of Resolution No. 14-2020 with the recommended Conditions of Approval and Development Standards for the Quality Lube Special Use Permit. Planning Commission Minutes can be found in Attachment 2. Staff concurs and recommends approval of Resolution No. 14-2020.

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**SUGGESTED MOTIONS:**

*“I move to approve Resolution No. 14-2020 as proposed with the Conditions of Approval and Development Standards.”*

*“I move to deny Resolution No. 14-2020 as proposed for the reasons as stated.”*

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**ATTACHMENTS:**

- Attachment 1: Resolution No. 14-2020
- Attachment 2: Planning Commission Minutes
- Attachment 3: Application Narrative
- Attachment 4: Application Map Set

**CITY OF EVANS, COLORADO**

**RESOLUTION NO. 14-2020**

**A RESOLUTION APPROVING A SPECIAL USE PERMIT  
WITH CONDITIONS OF APPROVAL AND DEVELOPMENT STANDARDS FOR  
PROPERTY REFERRED TO GENERALLY AS  
QUALITY LUBE LOCATED AT 3303 23<sup>rd</sup> AVENUE**

**WHEREAS**, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

**WHEREAS**, Fawsome, LLC ("the Property Owner" and "Applicant") a Colorado Limited Liability Company, is the owner of certain property located within the City of Evans and more specifically described on Exhibit A, attached (the "Property"); and

**WHEREAS**, the Property is currently zoned Commercial (C-1); and

**WHEREAS**, the Applicant has filed an application with the City asking, in part for approval of a Special Use Permit for the Property for a Repair Shop; and

**WHEREAS**, the Applicant will provide a Site Improvements Agreement for review by City Council for consideration; and

**WHEREAS**, staff has reviewed the Application and deemed it to be complete in accordance with Section 18.06.060.C; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed all concerns raised by the referral agencies; and

**WHEREAS**, the Applicant and Staff have notified adjacent landowners and homeowners associations concerning the Application; and

**WHEREAS**, the criteria that are to be considered by the Planning Commission and the City Council in determining whether to approve an application for a Repair Shop in the C-1 Commercial Zone District are set forth in Section 18.06.060.C of the Evans City Code. Those criteria are included below:

Section 18.06.060.C.2:

- a. The proposed use is found to be unlikely to harm the health, safety and welfare of the City or its residents.
- b. The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use.
- c. The proposed use shall be consistent with the Comprehensive Plan and shall be compatible with the surrounding area.
- d. The location, size, design and operating characteristics of the proposed use shall

be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.

- e. The site shall be physically suitable for the type and intensity of the proposed land use.
- f. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.
- g. The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.
- h. Not applicable as this section references mini-storage facilities.
- i. Not applicable as this section references car-wash facilities.
- j. Not applicable as this section references oil and gas facilities.
- k. Compliance with outside storage requirements shall be met.

**WHEREAS**, following proper notice, the Planning Commission considered the Application at its regular meeting on June 26, 2020 followed by a Special Meeting on June 4, 2020 due to quorum; and

**WHEREAS**, following proper notice, the City Council considered the Application at its regular meeting on June 16, 2020; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the Planning Commission considered the criteria set forth above and recommended approval of the Application subject to Conditions of Approval and Development Standards listed below; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, public comment, and the recommendation of the Planning Commission, the City Council have considered the criteria set forth above and concludes that the criteria have been satisfied, as indicated, provided that the conditions set forth below are satisfied, as indicated.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, AS FOLLOWS:**

- 1. The Special Use Permit is hereby approved.
- 2. The applicant shall submit one electronic copy of the plat and supporting documents for preliminary approval to the City of Evans Planning Department. Upon approval of the plat and the Site Improvements Agreement, the applicant shall submit an electronic file for recording with the Weld County Clerk and Recorder within thirty (30) days of City Council action.
- 3. The applicant shall enter into a Site Improvements Agreement with the City. Approval of the Site Improvements Agreement shall be considered by City Council within thirty (30) days of the City Council action on the land use permit.
- 4. A Grading Permit issued by the City of Evans is required. Prior to issuance of the Grading Permit:

- a. The Final Drainage Report/Plan and Grading Plan shall be provided to the City of Evans for review and approval.
  - b. The Construction Documents including the Final Utility Plan shall be provided to the City of Evans for review and approval.
- 5. Development Standards. The following development standards shall be placed on the plat:
  - a. Approval of this plan may create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended.
  - b. The plans reviewed by the City and subsequently recorded with Weld County Clerk and Recorder constitute the extent of the land use approval. Any changes may necessitate an amendment to the land use permit.
  - c. Architectural Design Standards found in Section 18.08.040.G of the Land Use Code, as amended, shall be followed. Architectural review shall occur at the time a building permit is filed for the future building.
  - d. The approved Site Improvements Agreement shall be adhered to.
  - e. The access between both 3303 and 3325 23<sup>rd</sup> Avenue shall be a shared access capable of accommodating emergency vehicles in perpetuity.
  - f. A Grading Permit issued by the City of Evans is required prior to construction.
  - g. Tracking control shall be installed during construction to ensure sand and mud are not tracked onto City Streets.
  - h. On-site lighting shall be shielded to not shine onto adjacent properties.
  - i. The applicant shall apply for building and sign permits with the City of Evans.
    - i. Plan review by the Fire Protection District is required.
    - ii. The applicant shall coordinate with the Fire Protection District for all inspections.
  - j. Hours of operation are Monday through Saturday from 8 a.m. – 6 p.m. These hours of operation may be extended by notifying the City Community Development Director. Reasonable extension will not necessitate an amendment to the Special Use Permit.
  - k. There will be up to 20 employees on site.
  - l. Traffic will be a maximum of 80 passenger vehicles each day and up to five delivery trucks per week.
  - m. Outdoor storage is limited to the space designated on the Special Use Permit map and shall be screened from public right-of-way.
- 6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
- 7. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF EVANS ON THIS 16<sup>th</sup> DAY OF JUNE, 2020.**

ATTEST:

CITY OF EVANS, COLORADO

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Karen Frawley, City Clerk

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Brian Rudy, Mayor

**EXHIBIT A: LEGAL DESCRIPTION**

Lot 1,  
Of the Amended Replat of Lot 2 of the Replat of Commercial Tract 1,  
Colony Plaza, as evidenced by the certain plat recorded October 13, 1997 in Book 1632 at  
page 197, Reception No. 2573904, being a portion of the Southeast Quarter of Section 24,  
Township 5 North, Range 66 West of the 6<sup>th</sup> P.M., City of Evans, County of Weld, State of  
Colorado.

Said parcel contains 0.39 acres, more or less.

**PARCEL TWO:**

Lot 2,  
Of the Amended Replat of Lot 2 of the Replat of Commercial Tract 1,  
Colony Plaza, as evidenced by the certain plat recorded October 13, 1997 in Book 1632 at  
page 197, Reception No. 2573904, being a portion of the Southeast Quarter of Section 24,  
Township 5 North, Range 66 West of the 6<sup>th</sup> P.M., City of Evans, County of Weld, State of  
Colorado.

Said parcel contains 0.41 acres, more or less.



## AGENDA

### Planning Commission Special Meeting

**Thursday, June 4, 2020, 6:00 pm**

*This meeting will be held via Zoom due to COVID-19 safety precautions*

#### **Directions to join the meeting:**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/82305753497>

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656  
or +1 301 715 8592

Webinar ID: 823 0575 3497

International numbers available: <https://us02web.zoom.us/j/kd6gHQs8wD>

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## REGULAR MEETING

1. **CALL TO ORDER: 06:02 pm**

2. **ROLL CALL: 06:02 pm**

Chairman: Deborah Linn – present  
Vice-Chairman: Billy Castillo – present  
Commissioners: Lyle Achziger – present  
Steve Bernardo – not present  
Dan Usery – present

3. **APPROVAL OF THE AGENDA: 06:02 pm**

**\*\*Motion/Vote: Motion/Second. Passes unanimously.**

4. **APPROVAL OF THE MINUTES: 06:04 pm**

**\*\*Motion/Vote (01/28/2020): Motion/Second. Passes unanimously.**

**\*\*Motion/Vote (05/26/2020): Motion/Second. Passes unanimously.**

5. **LAND USE HEARINGS:**

**A. 19-USR-03: Quality Lube Special Use Permit**

Kelsey Bruxvoort, AGPRO

Tim Naylor, AGPRO

Trey Beard, Owner

**06:06 pm**

Anne Best Johnson for City:

Goes through City PPT presentation re: Quality Lube. Describes project, location, type of land use case and current zoning. Current application is an expansion of existing business. Stormwater improvements will be included. Drought tolerant plants will be planted in a bio-swale at the southwest corner of the lot. Water consumption has been approved.

Reviews SUP process and standards and how they apply to this property. Surrounding property owners were noticed in December of the application via mail, and in May of the public hearing via publication, posting on the property, and certified mail. All notice requirements in the Code were satisfied.

Reviews criteria for approval in Municipal Code. All Public Works departments as well as Fire Department were involved in approval process.

City Council meeting when this will be addressed will be June 16.

**06:14 pm**

Kelsey Bruxvoort for Applicant:

Reviews exiting site with aerial view and illustration. Drive aisles and circulation will be improved by expansion. Stormwater and raingarden drainage swale will capture and utilize runoff from new site before directing extra to inlet.

Reviews details of how application meets Municipal Code criteria for special use permit. Respectfully requests recommendation of approval.

Question: The future building site – is that just an option or are there actual plans?

Answer: No planned date of building. Need to evaluate potential future use. Will most likely be additional service bays or retail area.

No members of the public in attendance.

**06:20 pm**

**\*\*Motion to recommend application for approval by City Council/Second. Passes unanimously.**

**B. 20-AP-02: Ziggi's Replat:**

Lisa Dell, Owner

Nick Brewka, MAH Architectural Group

**06:23 pm**

Lauren Richardson for City:

Describes project; one parcel being replatted into two. No change in zoning. Ziggi's will be built on smaller of two lots. Site improvement agreement is going to City Council on June 16 since Site Plan has been administratively approved.

Reviews process for minor replat cases. Surrounding property owners were given notice of application in February. All notice requirements in the Code were satisfied.

Application has met the requirements for a replat under the Municipal Code.

Question: What will happen to the second half of the lot? Is it similar in size to the way this one is being divided? Is it detrimental to the area? Good to see something going in there, but will it make it harder for someone else to come in the develop? What can go in there?



Answer: No, Ziggi's is taking the smaller of the two lots. Larger of the two is 1.4 acres, which is plenty of room for a number of commercial uses.

Follow-up Question: At what point in splitting a lot does it get so small that it becomes unusable?

Answer: Staff does not have those numbers. After replat, there will be four commercial lots on the south side of 37<sup>th</sup> street, the smallest of which will be occupied by Ziggi's.

Lisa Dell: Ziggi's Coffee is drive-thru only, no sit down. That's why we go with smaller lot sizes. To do drive-thru *and* café, we look for about an acre—maybe a little less. Same with fast food—about an acre.

**06:35 pm**

Nick Brewka for Applicant:

Introduces himself and project. Replat has no impact on traffic. Will maintain efficient on and off-site traffic. Design meets easement requirements and architectural standards of the City.

No members of the public present.

No discussion from Planning Commissioners

**06:37 pm**

**\*\*Motion to recommend replat for approval by City Council/Second. Passes unanimously.**

6. **ADJOURNMENT: 06:38 pm**

**\*\*Motion/Vote: Motion to adjourn/Second. Passes unanimously.**



# Narrative

City of Evans Special Use Permit Application

Prepared for

**Fawsome, LLC**

## Use By Special Review Narrative

Prepared for Fawsome, LLC

### Introduction

Fawsome, LLC is requesting a Use By Special Review (USR) for a parking lot expansion for the existing Quality Lube located at 3303 23<sup>rd</sup> Avenue, Evans, CO. The USR will be for proposed improvements on two lots described as Lot 1, Colony Plaza Amended Replat of Lot 2 of Replat of Commercial Tract 1, being 0.39-acres (Lot 1) and Lot 2, Colony Plaza Amended Replat of Lot 2 of Replat of Commercial Tract 1, being 0.41-acres (Lot 2). Quality Lube is located on Lot 1. Lot 2 is currently vacant. Fawsome, LLC wishes to develop Lot 2 to expand the parking area for Quality Lube, including two drive isles to allow for additional vehicle stacking. An expansion to the existing drive isle east of the existing building is also proposed on Lot 1.

A future 1,650 SF building footprint for additional service bays or a retail area is included on the USR site plan. While there are no plans to construct this building currently, it has been included in the site plan to ensure it can be accommodated in the future.

Quality Lube is open Monday through Saturday, 8:00 a.m. to 6:00 p.m. Currently, there are 11 full-time employees and three part-time employees. One to two new full-time employees are expected with the parking area expansion. Quality Lube services approximately 55 to 70 cars daily. Typically, there are three deliveries per week, Monday through Friday.

### Surrounding Land Uses

The subject property is located on the west side of 23<sup>rd</sup> Avenue approximately 600-feet south of 32<sup>nd</sup> Street. The site is in the C-1 Commercial Low Intensity Zone District and is within the shopping center containing Sam's Club, McDonalds, Papa Murphy's, Dollar Tree, T-Mobile and Big O Tires. All properties adjacent to the site and in the surrounding area are zoned C-1 Commercial Low Intensity.

Quality Lube is an established use. The proposed site improvements will allow for increased efficiency of the site. The paved parking will be an upgrade to the existing dirt lot and will increase the site's consistency with adjacent developments.

### Site Photos

Photos of the site and surrounding properties are included below:



*Lots 1 & 2, Existing Conditions (aerial)*



*Lot 2, Existing Conditions (looking northeast)*



*Lot 2, Existing Conditions (looking southeast)*



*Sam's Club (looking northwest)*



*Shopping center entrance and Lot 1 (looking southwest)*



*Shopping center entrance (looking northwest)*



*Development across 23<sup>rd</sup> Avenue (looking east)*

### **Economic Impact Statement**

Upon completion of the parking lot expansion, it is anticipated that Fawsome, LLC may increase their staff by one to two full-time employees. Annual sales for the last two years have averaged around \$1,250,000.00, which is expected to be increased by approximately 10% with the increased efficiency the site improvements will allow.

### **Access and Traffic Impacts**

There are two existing access points that will continue to serve the lots. One access point is located on the internal commercial subdivision drive on the north side of the property. The other access is located on 23<sup>rd</sup> Avenue on the east side of Lot 1 and is shared with Big O Tires. No new access points are proposed.

Vehicles are expected to use 23<sup>rd</sup> Avenue for north-south travel. Travel distribution along 23<sup>rd</sup> Avenue is expected to be 50% from the north and 50% from the south.

Up to 13 full-time employees and three part-time employees are expected with the parking area expansion. Quality Lube currently services approximately 55 to 70 cars daily, typically there are three deliveries per week, Monday through Friday. A 10% increase in business is expected at full build-out. Typical vehicles accessing the site include employee and customer vehicles. The following numbers are anticipated for this site:

*Passenger cars/pickup trucks:*

*65-80 trips per day, typical*

*Vendors/deliveries:*

*3-4 trips per week, typical*

Highest traffic volumes are expected between 8 AM and 9 AM and between 5 PM and 6 PM. Traffic is expected to be dispersed throughout the day.

A Traffic Narrative is included with the application materials.

### **Off-Street Parking**

The USR meets the off-street parking standards of the Land Development Code, as described below:

#### *18.08.080 – Off-street parking and loading*

##### *B. Minimum Parking Requirements:*

*2. The following off-street parking areas shall be provided in connection with the erection or increase by units or dimensions of any of the following buildings or structures:*

<b><i>Land Use</i></b>	<b><i>Number of spaces required</i></b>
<i>Retail sales and service</i>	<i>1 space for each 200 square feet of gross floor area</i>
<i>Any land use activity not otherwise identified in this section</i>	<i>A number of spaces determined by the administrative officer to be reasonably necessary requirements shall be consistent with the requirements set forth above for comparable uses activities</i>

There is existing parking provided for the existing approved Quality Lube building. The new 1,650 SF proposed building would require nine new spaces, as shown below:

$$1650 / 200 = 8.25 \text{ (nine total spaces)}$$

16 spaces are proposed for this development, which exceeds the minimum amount required. Parking spaces are not located within 5-feet of any property line. All parking areas will be paved, including curb and gutter.

Off-street parking spaces will serve both lots, as allowed by *Section 18.08.080.D.2. – “Off-street parking spaces may be located on the same lot as the use for which they are provided or they may be located on one or several separate parcels located adjacent to the use which they serve.”*

## Landscaping

The subject property is bordered by landscaping strips and sidewalks managed by Sam's Club on the western, northern and eastern property lines. Additional landscaping is provided with this USR, as described below and shown on the Site Plan.

Proposed landscaping strips exceed the minimum requirement for developments less than 1-acre in size for a 5-foot landscaping strip extending inward from any property line which abuts a right-of-way. Landscaping for Lot 2 is proposed primarily along its northern and western property lines which abut rights-of-way for the commercial subdivision internal drives.

The landscaping strips include trees, shrubs, ornamental grasses, cobble mulch, fiber mulch and irrigated turf, and meet the minimum landscaping requirements for non-residential areas. The landscaping strips will not be used for storage or display of goods.

One 11.5' x 54' parking lot landscape island is proposed, which exceeds the minimum landscape island size requirement. The island contains one shade tree, ornamental grasses and cobble mulch. It will be bordered by concrete curbing.

Landscaping is desired throughout the parking area, as well as in the right-of-way landscaping strips. For a cohesive landscape design, one shade tree and two evergreen shrubs are proposed outside of the right-of-way landscaping strips, to the east of the proposed building. These three landscaping elements have been factored into the amount provided based on the right-of-way frontage requirement. Additionally, 10 ornamental grasses are proposed in place of two of the required shrubs, factoring in a 5:1 equivalent. Five of these ornamental grasses are located within the parking lot island.

The table below demonstrates how the proposed landscaping meets the required amount of landscaping elements described in Section 18.08.070 of the Land Development Code:

Landscaping Areas	Code Requirement	Amount	Calculation	Trees Required	Trees Provided	Shrubs Required	Shrubs Provided
North Landscape Strip Abutting ROW	1 Tree & 5 Shrubs / 35 LF	103'	$103 / 35 = 2.94$	3	3	15	15
West Landscape Strip Abutting ROW	1 Tree & 5 Shrubs / 35 LF	140'	$140 / 35 = 4$	4	3	20	16 shrubs plus 4 Ornamental Grasses (5:1 Equivalent)
Parking Islands	1 Tree / Island	1 Island	$1 \times 1 = 1$	1	1	N/A	6 Ornamental Grasses (5:1 Equivalent)
Southern and Eastern Property Lines	N/A	N/A	N/A	N/A	1	N/A	2
				<u>Total Required:</u>	<u>Total Provided:</u>	<u>Total Required:</u>	<u>Total Provided:</u>
				8	8	35	35

No more than 50% of the proposed trees will be the same species.

All land not within the building footprint, paved, or otherwise overlain by impervious surface or gravel, including such areas located on adjoining rights-of-way, are landscaped with shrubs, sod or other groundcover.

No new landscaping is proposed on Lot 1 as Quality Lube is an existing approved use with established landscaping. No buffer yards are required as the subject property is not adjacent to any residential uses.

### **Districts and Services**

The City of Evans provides water and sanitary sewage disposal to the subject property. No new water or wastewater taps are proposed at this time.

### **Review Criteria**

This USR application complies with the Criteria for Special Uses in the City of Evans Land Development Code as described below:

#### ***Section 18.06.060 Item C. Criteria for special uses***

##### ***Item 2.a. The proposed use is found to be unlikely to harm the health, safety or welfare of the City or its residents.***

The proposed improvements are not expected to be detrimental to the health, safety or welfare of the City or its residents. The additional paving is expected to increase the imperviousness of the site. A Preliminary Drainage Report is included with the application to address stormwater management for this site.

The site is within the Sam's at the Landings Subdivision. It is assumed that the detention pond for the Sam's at the Landings Subdivision is adequate for the proposed development for both volume and water quality capture volume. There does not appear to be any constraints that will inhibit drainage flow. All flows generated from the proposed development will flow south to an existing catch drain.

##### ***Item 2.b. The proposed use would benefit the City in terms of employment, tax revenue or other similar effects, as compared to the absence of the proposed use.***

As stated in the Economic Impact Statement section above, upon completion of the parking lot expansion, it is anticipated that Fawsome, LLC may increase their staff by one to two full-time employees. Annual sales for the last two years have averaged around \$1,250,000.00, which is expected to be increased by approximately 10% with the increased efficiency the site improvements will allow.

***Item 2.c. The proposed use shall be consistent with the Comprehensive Plan and shall be compatible with the surrounding area.***

The site and all adjacent properties are zoned C-1 Commercial Low Intensity. The proposed improvements will allow for increased functionality of the existing, approved Quality Lube site. Proposed pavement will increase site's consistency with adjacent developments.

***Item 2.d. The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety and welfare by mitigating impacts.***

This USR request is for additional parking for an established use. The proposed improvements will meet applicable City of Evans designs standards. The USR is expected to increase the site's consistency with surrounding development. No significant noise, traffic or other nuisances are expected to result from the proposed improvements. Conditions of approval are anticipated, including but not limited to submitting an approved Final Drainage Report signed and stamped by a licensed engineer and addressing site plan redlines provided by City Staff.

***Item 2.e. The site shall be physically suitable for the type and intensity of the proposed land use.***

Lot 2, a vacant dirt lot, is suitable for transition into additional parking and vehicle stacking for Quality Lube. Lot 1 can accommodate the expansion to the drive isle east of the existing building. The intensity of the proposed use is not expected to differ significantly from current operations.

***Item 2.f. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.***

The expanded parking area has been designed based on Land Development Code Section 18.08.080 requirements for parking. The request increases the amount of parking available for Quality Lube and therefore does not negatively impact parking in the neighborhood. Access points and subdivision roadways are already established. The USR is not expected to adversely affect traffic flow in the neighborhood.

***Item 2.g. The location of other approved special uses in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.***

The property is surrounded by properties zoned C-1 Commercial Low Intensity Zone District. It is expected that the surrounding commercial development has been permitted as either uses by right or uses by special review depending on the applicable code at the time of development.

***Item 2.h. Mini-storage units shall also comply with the following standards:***

Items 2.h.1-7 are not applicable to this USR request.

***Item 2.i. Car wash facilities shall also comply with the following standards:***

Items 2.i.1-6 are not applicable to this USR request.

***Item 2.j. Oil and gas facilities.***

This item is not applicable to this USR request.

***Item 2.k. Outdoor storage shall comply with the following standards:***

Items 2.k.1-5 are not applicable to this USR request.

**Conclusion**

Quality Lube is an established use. The proposed site improvements will allow for increased efficiency of the site. The paved parking will be an upgrade to the existing dirt lot and will increase the site's consistency with adjacent developments.

The proposed USR is not expected to be detrimental to the public health, safety, or general welfare as similar commercial uses and parking areas surround the subject property. The development will conform to applicable zoning regulations and standards.

# FAWSOME, LLC SPECIAL USE PERMIT (SUP)

LOTS 1 AND 2, COLONY PLAZA AMENDED REPLAT OF LOT 2 OF REPLAT OF COMMERCIAL TRACT 1,  
CITY OF EVANS, COLORADO

## GENERAL NOTES

ALL CONTRACTORS AND SUBCONTRACTORS SHALL HAVE A SET OF APPROVED CONSTRUCTION DOCUMENTS ON SITE AT ALL TIMES.  
THE GENERAL CONTRACTOR SHALL CALL THE UTILITY NOTIFICATION CENTER OF COLORADO (UNCC) AT 1-(800)-922-1987, OR THE NATIONWIDE UTILITY CONTACT NUMBER (811), TO REQUEST LOCATES OF ALL UNDERGROUND UTILITIES AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ANY LAND DISTURBING ACTIVITY.

ALL VERTICAL AND HORIZONTAL DATUM INFORMATION SHOULD BE OBTAINED USING THE EVANS GEODETIC SURVEY CONDUCTED BY ALBERS, DREXEL & POHLY, INC. JANUARY 9, 1998. A COPY OF FINAL COORDINATES, ELEVATIONS, AND MONUMENT DESCRIPTIONS CAN BE OBTAINED BY CONTACTING THE CITY OF EVANS ENGINEERING DIVISION AT (970) 475 1114.

THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATIONS AND PROTECTION OF ALL EXISTING UTILITIES SHOWN, ALL EXISTING UTILITIES NOT SHOWN, AND ALL PROPOSED UTILITIES ON THESE PLANS.

THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ADJACENT IMPROVEMENTS FROM DAMAGE AND EROSION. ANY ADJACENT IMPROVEMENT DAMAGED DURING CONSTRUCTION SHALL, AT A MINIMUM, BE RESTORED TO A STATE EQUAL TO ITS PRECONSTRUCTION STATE.

THE GENERAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS TO COMPLETE WORK, AND SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.

IDENTIFYING THE NEED FOR A PERMIT, PREPARING THE APPLICATION, AND PAYING THE SUBMITTAL AND REVIEW FEES NECESSARY TO SECURE PERMITS WILL BE THE TOTAL RESPONSIBILITY OF THE GENERAL CONTRACTOR. A COPY OF ALL PERMITS MUST BE ON SITE AT ALL TIMES.

ALL CONSTRUCTION ACTIVITIES MUST COMPLY WITH THE STATE OF COLORADO PERMITTING PROCESS FOR STORM WATER DISCHARGE, ASSOCIATED WITH CONSTRUCTION ACTIVITY AND THE CITY OF EVANS MS4 PERMITTING PROCESS FOR STORM WATER. FOR INFORMATION, CONTACT THE COLORADO DEPARTMENT OF PUBLIC HEALTH, AND ENVIRONMENT, WATER QUALITY CONTROL DIVISION, SOCD-PE-B2, 4300 CHERRY CREEK DRIVE SOUTH, DENVER, COLORADO 80246-1530, ATTENTION PERMITS AND ENFORCEMENT SECTION, (303) 692-3500.

THE WATER QUALITY PERMITTING PAGE CAN BE ACCESSED AT [www.evanscolorado.gov](http://www.evanscolorado.gov). IF DEWATERING IS TO BE USED, THEN A STATE CONSTRUCTION DEWATERING DISCHARGE PERMIT IS REQUIRED IF DISCHARGE IS INTO A STORM SEWER, CHANNEL, IRRIGATION DITCH, OR ANY WATERS OF THE UNITED STATES.

ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL SOILS REPORT AND PAVEMENT DESIGN REPORT, PRODUCED, OR REFERENCED FOR THIS PROJECT.

THE GENERAL CONTRACTOR SHALL PERFORM THE WORK ACCORDING TO ALL CITY, COUNTY, STATE, AND FEDERAL SAFETY AND HEALTH REGULATIONS. IN PARTICULAR, THE "TRENCHING" AND "OPEN EXCAVATION" OPERATIONS SHALL COMPLY WITH ALL CURRENT O.S.H.A. REGULATORY REQUIREMENTS.

ALL WATER LINE, SANITARY SEWER, AND STORM WATER CONSTRUCTION SHALL CONFORM TO THE CITY OF EVANS STANDARDS AND SPECIFICATIONS LATEST REVISION THEREOF. A CURRENT COPY CAN BE DOWNLOADED FROM THE CITY OF EVANS WEBSITE AT [www.evanscolorado.gov](http://www.evanscolorado.gov).

THE CITY OF EVANS FOLLOWS ALL TRAFFIC CONTROL STANDARDS SET FORTH IN THE CURRENT EDITION OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD).

A TRAFFIC CONTROL PLAN MUST BE SUBMITTED AND APPROVED FOR ANY AND ALL UTILITY WORK PERFORMED WITH THE CITY OF EVANS RIGHT-OF-WAY. TRAFFIC CONTROL PLANS CAN BE EMAILED TO THE ENGINEERING DIVISION ATTENTION TODD HEPWORTH @ [thepworth@evanscolorado.gov](mailto:thepworth@evanscolorado.gov)

ALL STREET LIGHTING SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS SET FORTH IN THE CITY OF EVANS MUNICIPAL CODE, SECTION 18.08.020.

ALL PLANTINGS SHALL UTILIZE THE CITY OF EVANS PARKS AND RECREATION APPROVED LANDSCAPING PLANTING LIST. ALL SEEDING SHALL UTILIZE THE CITY OF EVANS IRRIGATION DESIGN GUIDELINES AND THE LAWN AND GRASS SPECIFICATIONS SECTION 02930.

ALL WORK INCLUDING WARRANTY WORK, SHALL BE INSPECTED BY A CITY REPRESENTATIVE WHO SHALL HAVE AUTHORITY TO HALT CONSTRUCTION WHEN PROPER CONSTRUCTION PRACTICES ARE NOT BEING ADHERED TO.

THERE SHALL BE NO WORK PERFORMED ON THE WEEKENDS, OR HOLIDAYS EXCEPT BY APPROVAL OF THE CITY OF EVANS WITH A MINIMUM OF 24 HOURS NOTICE.

THE GENERAL CONTRACTOR SHALL NOTIFY ALL RESIDENTS IN WRITING PRIOR TO ANY DISRUPTION IN SERVICE.

THE NOTICES MUST HAVE THE GENERAL CONTRACTORS PHONE NUMBER AND THE NAME OF A CONTACT PERSON, AND EMERGENCY PHONE NUMBER FOR AFTER HOUR CALLS.

NOTICES SHALL NOT BE LEFT IN MAILBOXES UNLESS PROPERLY SENT THROUGH THE U.S. POST OFFICE.

THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THEIR OWN DISPOSAL SITE FOR ALL DISPOSED MATERIALS.

THE ENGINEER WHO HAS PREPARED THESE PLANS, BY EXECUTION AND/ OR SEAL HEREOF DOES HEREBY AFFIRM RESPONSIBILITY TO THE CITY OF EVANS, AS A BENEFICIARY OF SAID ENGINEERS WORK, FOR ANY ERRORS OR OMISSIONS CONTAINED IN THESE PLANS.

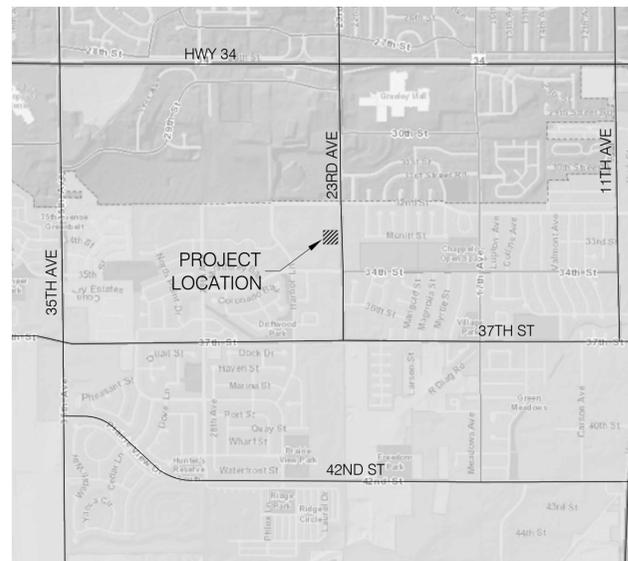
ACCEPTANCE OF THESE PLANS BY THE CITY OF EVANS SHALL NOT RELIEVE THE ENGINEER WHO HAS PREPARED THESE PLANS OF SUCH RESPONSIBILITY.

APPROVAL OF THIS PLAN MAY CREATE A VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24 C.R.S., AS AMENDED.

PURSUANT TO SECTION 18.04.070.E OF THE LAND USE CODE, AS AMENDED, THE MAXIMUM ALLOWABLE LOT COVERAGE IN THE COMMERCIAL ZONE DISTRICTS IS 80%; 72% LOT COVERAGE IS PROVIDED BY THESE PLANS.

ARCHITECTURAL DESIGN STANDARDS FOND IN SECTION 18.08.040.G OF THE LAND USE CODE, AS AMENDED, SHALL BE FOLLOWED. ARCHITECTURAL REVIEW SHALL OCCUR AT THE TIME A BUILDING PERMIT IS FILED FOR THE FUTURE BUILDING.

PARKING LOT SHALL BE STRIPED IN ACCORDANCE WITH SECTION 18.08.040.G.6 OF THE LAND USE CODE, AS AMENDED.



VICINITY MAP

1" = 2000'

## PROJECT INFORMATION

PROJECT LOCATION:  
3303 23RD AVE.  
EVANS, CO

PROPERTY OWNER:  
FAWSOME, LLC  
TREY BEARD  
875 S. LINCOLN AVE.,  
LOVELAND, CO 80537  
E-MAIL: [rmq@msn.com](mailto:rmq@msn.com)  
PH.#: (970) 214-9409

LOT SIZE:  
34 800 SF / 0.8 ACRES

ACTIVITY:  
VEHICLE MAINTENANCE SHOP (OIL CHANGES,  
TRANSMISSIONS FLUSHES, GAS FILTERS, ETC.)  
10 - 13 FULL TIME EMPLOYEES & 3 - 4 PART TIME  
EMPLOYEES

PLANNER / ENGINEER / PREPARED BY:  
AGPROFESSIONALS  
KELSEY BRUXVOORT  
CHAD TÖVELDE, PE  
3050 67TH AVE  
GREELEY, CO 80634  
E-MAIL: [ctovelde@agpros.com](mailto:ctovelde@agpros.com)  
PH. # 970-535-9318

SURVEYOR:  
AGPROFESSIONALS  
3050 67TH AVE  
GREELEY, CO 80634  
PH. # 970-535-9318

PROJECT NUMBER:  
AGPROFESSIONALS PROJECT #: 1628-01

Sheet List Table	
SHEET NUMBER	SHEET TITLE
CS-1	COVER SHEET
E-1	EXISTING CONDITIONS
SP-1	SITE PLAN
UP-1	UTILITY PLAN
LS-1	LANDSCAPE PLAN
LS-2	LANDSCAPE DETAILS & SPECIFICATIONS

Area	Parcel	
	Lot 1	Lot 2
Lot Gross Area	17018 SF (0.39 AC)	17781 SF (0.41 AC)
Total Building Area (SF)	2,088	1,650
Building Area (%)	12%	9%
Existing Paved Area (SF)	8,682	2,799
Existing Paved Area (%)	51%	16%
Proposed Paved Area (SF)	1,095	8,521
Proposed Paved Area (%)	6%	48%
Total Paved Area (SF)	9,777	11,320
Total Paved Area (%)	57%	64%
Total Landscaped Area (SF)	5,153	3,286
Landscaped Area (%)	30%	18%
Max. Allowable Lot Coverage (%)	80%	80%
Total Lot Coverage (%)	70%	73%

## DEVELOPMENT STANDARDS

- THE PLANS REVIEWED BY THE CITY AND SUBSEQUENTLY RECORDED WITH WELD COUNTY CLERK AND RECORDER CONSTITUTE THE EXTENT OF THE LAND USE APPROVAL. ANY CHANGES MAY NECESSITATE AN AMENDMENT TO THE LAND USE PERMIT.
- THE APPROVED DEVELOPMENT AGREEMENT SHALL BE ADHERED TO.
- A GRADING PERMIT ISSUED BY THE CITY OF EVANS IS REQUIRED PRIOR TO CONSTRUCTION.
- TRACKING CONTROL SHALL BE INSTALLED DURING CONSTRUCTION TO ENSURE SAND AND MUD ARE NOT TRACKED ONTO CITY STREETS.
- ON-SITE LIGHTING SHALL BE SHIELDED TO NOT SHINE ONTO ADJACENT PROPERTIES.
- THE APPLICANT SHALL APPLY FOR BUILDING PERMITS WITH THE CITY OF EVANS.
- PLAN REVIEW BY THE FIRE PROTECTION DISTRICT IS REQUIRED.
- THE APPLICANT SHALL COORDINATE WITH THE FIRE PROTECTION DISTRICT FOR ALL INSPECTIONS.
- HOURS OF OPERATION ARE MONDAY THROUGH SATURDAY FROM 8 A.M. - 6 P.M.
- THERE WILL BE UP TO 20 EMPLOYEES ON SITE.
- TRAFFIC WILL BE A MAXIMUM OF 80 PASSENGER VEHICLES EACH DAY AND UP TO FIVE DELIVERY TRUCKS PER WEEK.

## CERTIFICATION & SIGNATURES

I CERTIFY that to the best of my knowledge this application to the City of Evans includes all of the appropriate documentation as required:

Land Owner Signature: WILLIAM DAVID BEARD III - MANAGER, FAWSOME, LLC. Date: \_\_\_\_\_  
Land Owner Printed Name: \_\_\_\_\_

Land Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Land Owner Printed Name: \_\_\_\_\_

Applicant Signature (If Different): \_\_\_\_\_ Date: \_\_\_\_\_  
Applicant Printed Name: KELSEY BRUXVOORT, AGPROFESSIONALS

# COVER SHEET



**AGPRO**professionals  
DEVELOPERS OF AGRICULTURE  
3050 67th Avenue, Suite 200, Greeley, CO 80634  
(970) 535-9318 • fax: (970) 535-9854



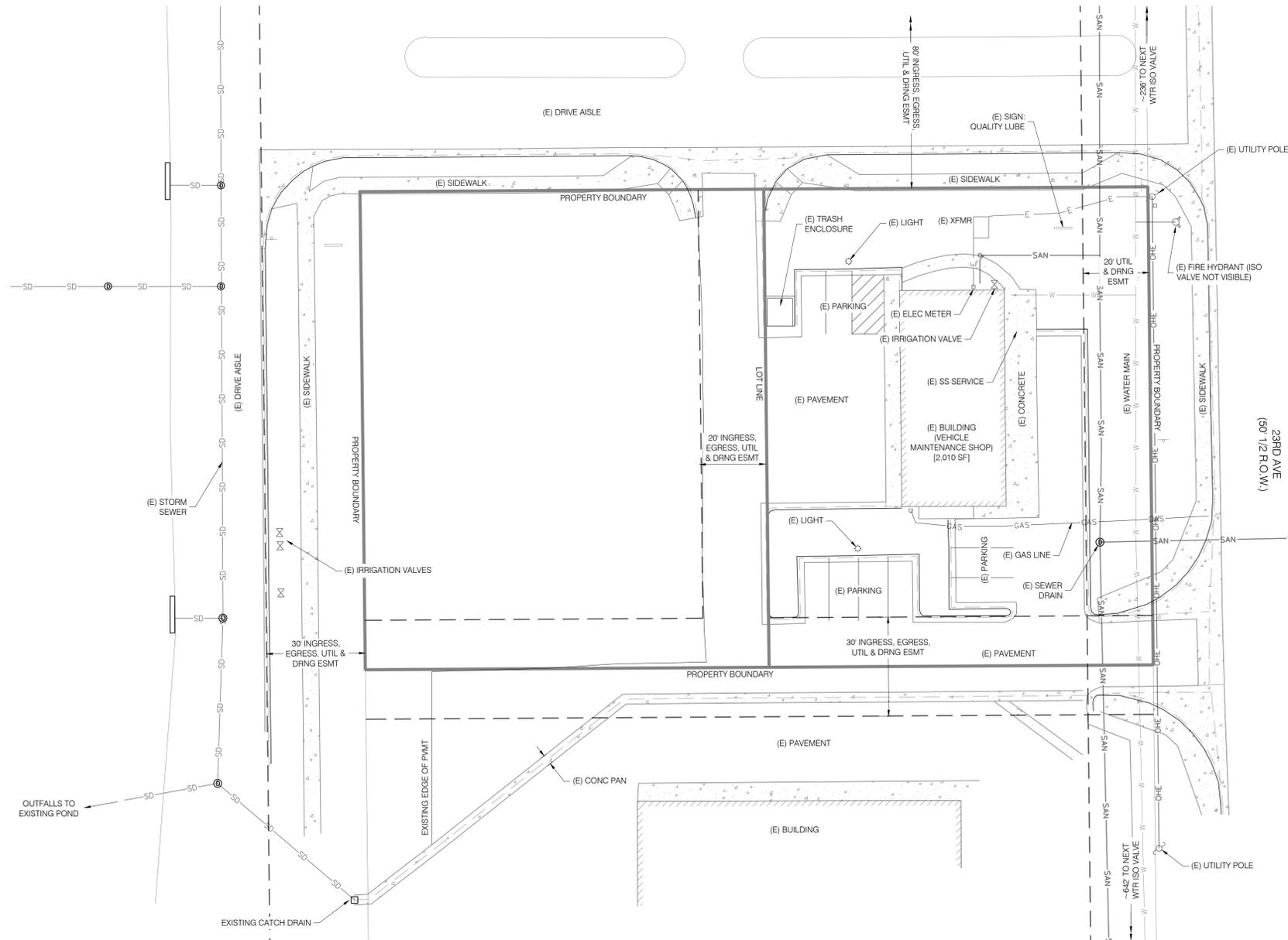
FAWSOME, LLC  
SPECIAL USE PERMIT (SUP)  
COVER SHEET  
EVANS, CO

SHEET:

# CS-1

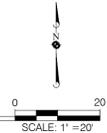
# FAWSOME, LLC SPECIAL USE PERMIT (SUP)

LOTS 1 AND 2, COLONY PLAZA AMENDED REPLAT OF LOT 2 OF REPLAT OF COMMERCIAL TRACT 1,  
CITY OF EVANS, COLORADO



**NOTE**  
1. WATER METER LOCATED IN BASEMENT OF EXISTING BUILDING.

EXISTING CONDITIONS



DATE: April 8, 2020  
DRAWN BY: AGPRO

REV	DATE	DESCRIPTION
R1		DISC
R2		DISC
R3		DISC
R4		DISC
R5		DISC



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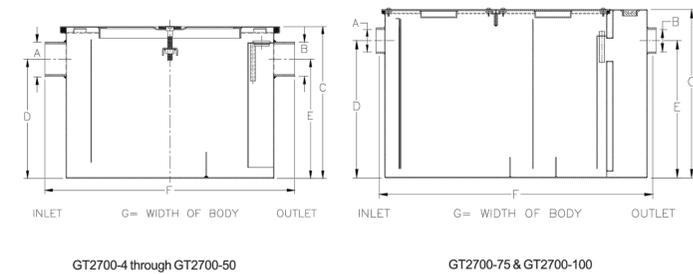
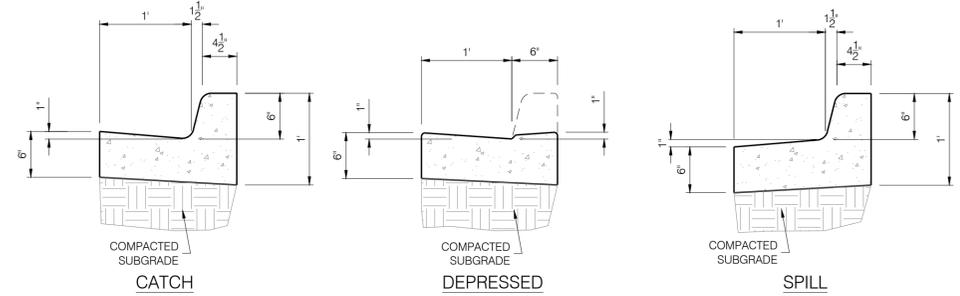
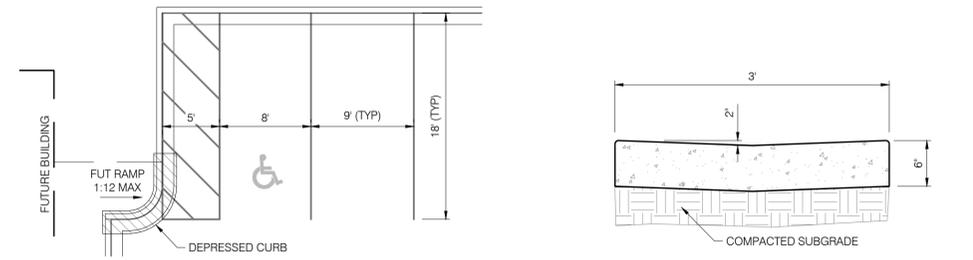
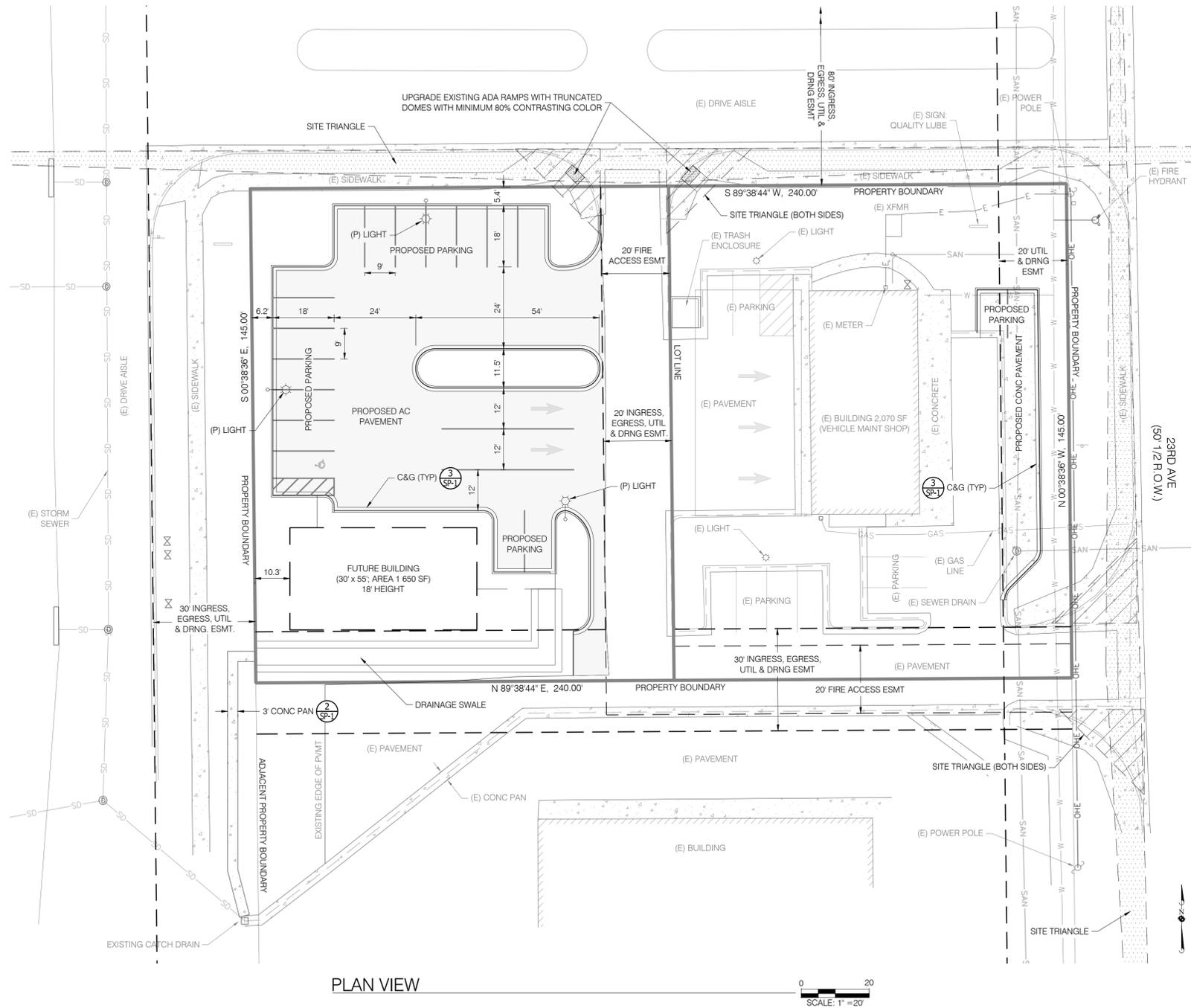


FAWSOME, LLC  
SPECIAL USE PERMIT (SUP)  
EXISTING CONDITIONS  
EVANS, CO

SHEET:  
**E-1**

# FAWSOME, LLC SPECIAL USE PERMIT (SUP)

LOTS 1 AND 2, COLONY PLAZA AMENDED REPLAT OF LOT 2 OF REPLAT OF COMMERCIAL TRACT 1,  
CITY OF EVANS, COLORADO



Model Number	A/B Inlet/Outlet No-Hub	Flow Rate G.P.M. [L]	Capacity Grease Lbs. [kg]	Dimension in Inches			
				C	D/E	F	G
GT2700-4	2 [51]	4 [15]	8 [4]	10 [254]	7-1/4 [184]	16-3/8 [416]	9-7/8 [251]
GT2700-7	2 [51]	7 [26]	14 [6]	11-1/8 [283]	8-1/8 [206]	17-3/4 [451]	11-7/8 [302]
GT2700-10	2 [51]	10 [38]	20 [9]	11-3/4 [298]	8-1/4 [210]	19-3/4 [502]	14 [356]
GT2700-15	2 [51]	15 [57]	30 [14]	13-3/8 [340]	9-3/8 [238]	21-3/4 [552]	16-3/4 [425]
GT2700-20	3 [76]	20 [76]	40 [18]	15 [381]	11-3/4 [298]	24-5/8 [625]	17-1/4 [438]
GT2700-25	3 [76]	25 [94]	50 [23]	17 [432]	12-7/16 [316]	26-5/8 [676]	19-7/8 [505]
GT2700-35	4 [102]	35 [132]	70 [32]	18-3/4 [476]	14-3/16 [360]	28-1/2 [724]	22-1/2 [572]
GT2700-50	4 [102]	50 [189]	100 [45]	21-1/2 [546]	16 [406]	30-3/8 [772]	24-1/2 [622]
GT2700-75	4 [102]	75 [283]	150 [68]	22-3/4 [587]	18-1/2 [470]	40-1/4 [1022]	28-5/8 [727]
GT2700-100	4 [102]	100 [379]	200 [91]	27 [685]	23 [584]	44 [1118]	33-5/8 [854]

NOTE:  
ZURN GT2700-20 SAND / OIL INTERCEPTOR WILL BE LOCATED IN THE BASEMENT.

**SAND / OIL INTERCEPTOR** NTS

**SITE PLAN**

DATE: April 8, 2020

REVISIONS

R1	DESC.	R2	DESC.	R3	DESC.	R4	DESC.	R5	DESC.



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(970) 535-9318 • fax: (970) 535-9854



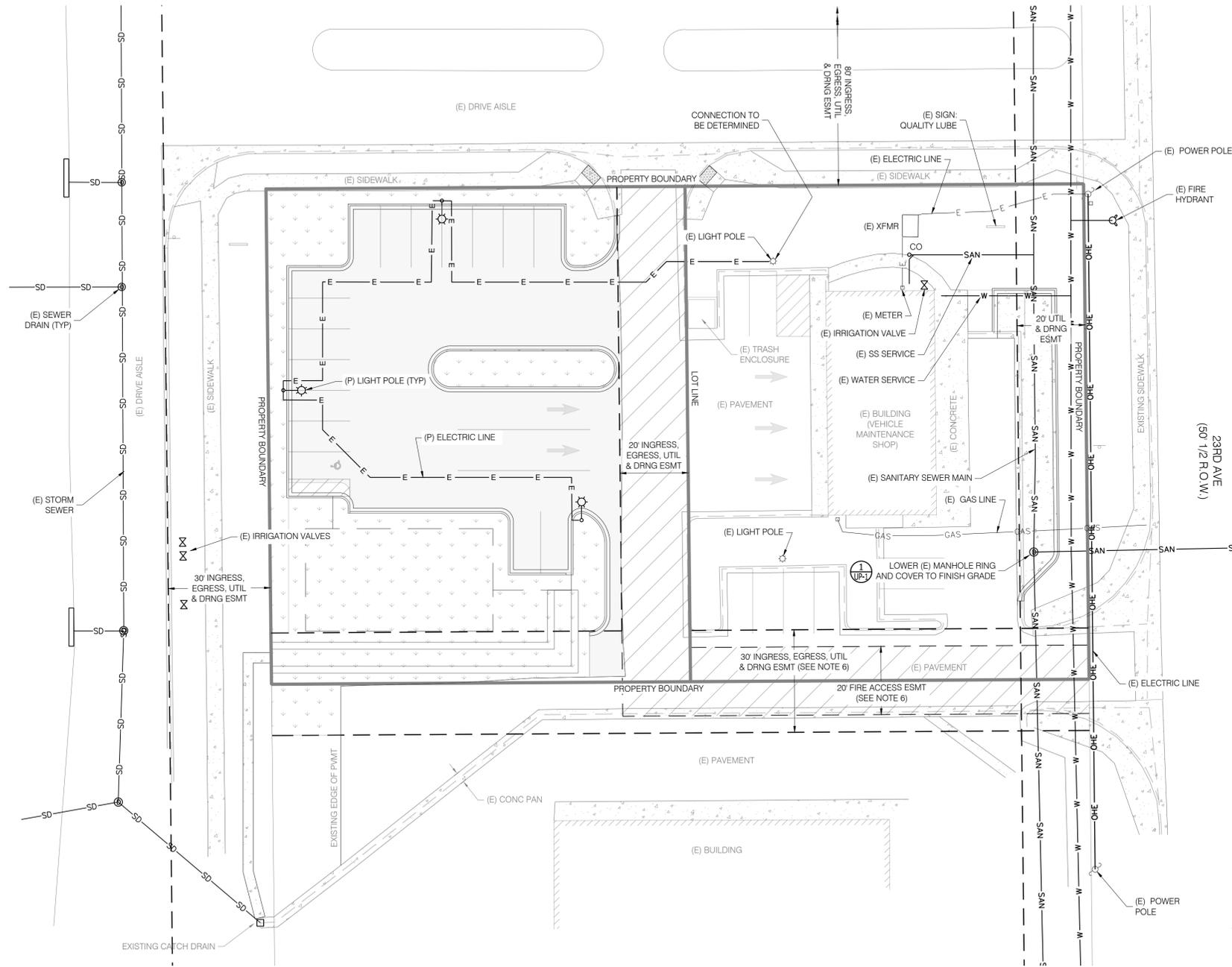
**FAWSOME, LLC**  
**SPECIAL USE PERMIT (SUP)**  
**SITE PLAN**  
EVANS, CO

SHEET:

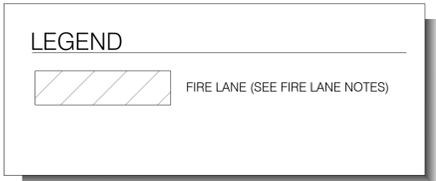
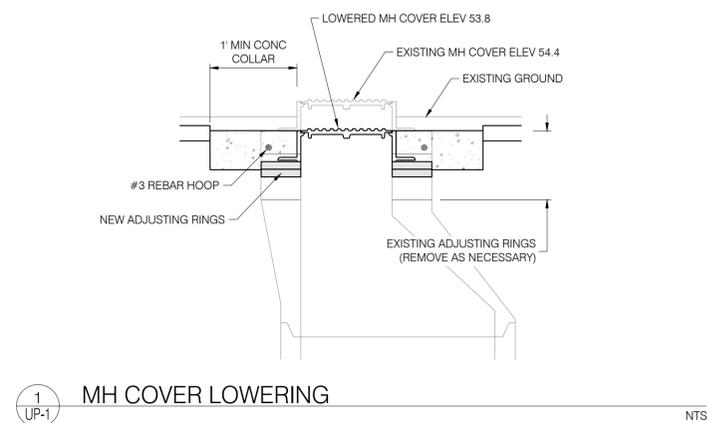
**SP-1**

# FAWSOME, LLC SPECIAL USE PERMIT (SUP)

LOTS 1 AND 2, COLONY PLAZA AMENDED REPLAT OF LOT 2 OF REPLAT OF COMMERCIAL TRACT 1,  
CITY OF EVANS, COLORADO



OVERALL LAYOUT  
SCALE: 1" = 20'



- FIRE LANE NOTES**
1. FIRE LANE DESIGNED AND BUILT TO THE SPECIFICATIONS IN APPENDIX D OF THE 2018 FIRE CODE.
  2. CURBS MUST BE PAINTED RED.
  3. FIRE LANE SIGNS ARE REQUIRED.
  4. FIRE LANE MUST BE MAINTAINED AND KEPT CLEAR.
  5. SPEED BUMPS OR TRAFFIC CALMING DEVICES ARE PROHIBITED.
  6. EASEMENT IS BEING CONSIDERED A FIRE LANE AND MAY NOT BE REMOVED WITHOUT APPROVAL FROM THE FIRE DISTRICT.

DATE: April 8, 2020  
DRAWN BY: AGPRO

REVISIONS	DESC.
R1	DESC.
R2	DESC.
R3	DESC.
R4	DESC.
R5	DESC.



**AGPRO** professionals  
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**FAWSOME, LLC**  
**SPECIAL USE PERMIT (SUP)**  
**UTILITY PLAN**  
EVANS, CO

SHEET:  
**UP-1**

# UTILITY PLAN

# FAWSOME, LLC SPECIAL USE PERMIT (SUP)

LOTS 1 AND 2, COLONY PLAZA AMENDED REPLAT OF LOT 2 OF REPLAT OF COMMERCIAL TRACT 1,  
CITY OF EVANS, COLORADO

## LANDSCAPE LEGEND

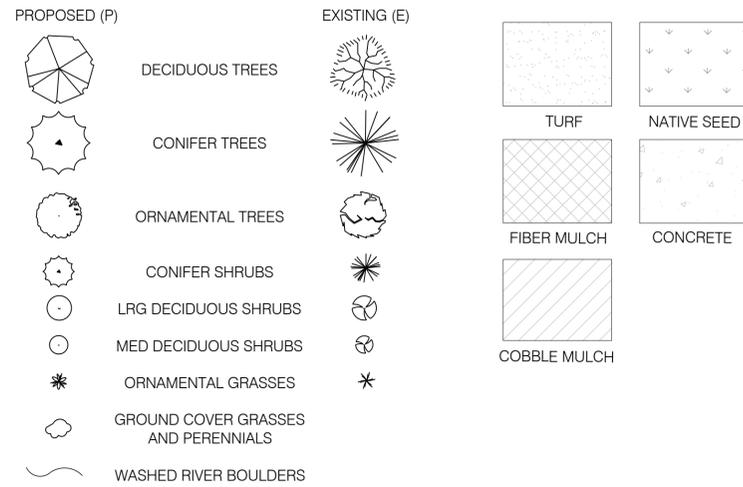
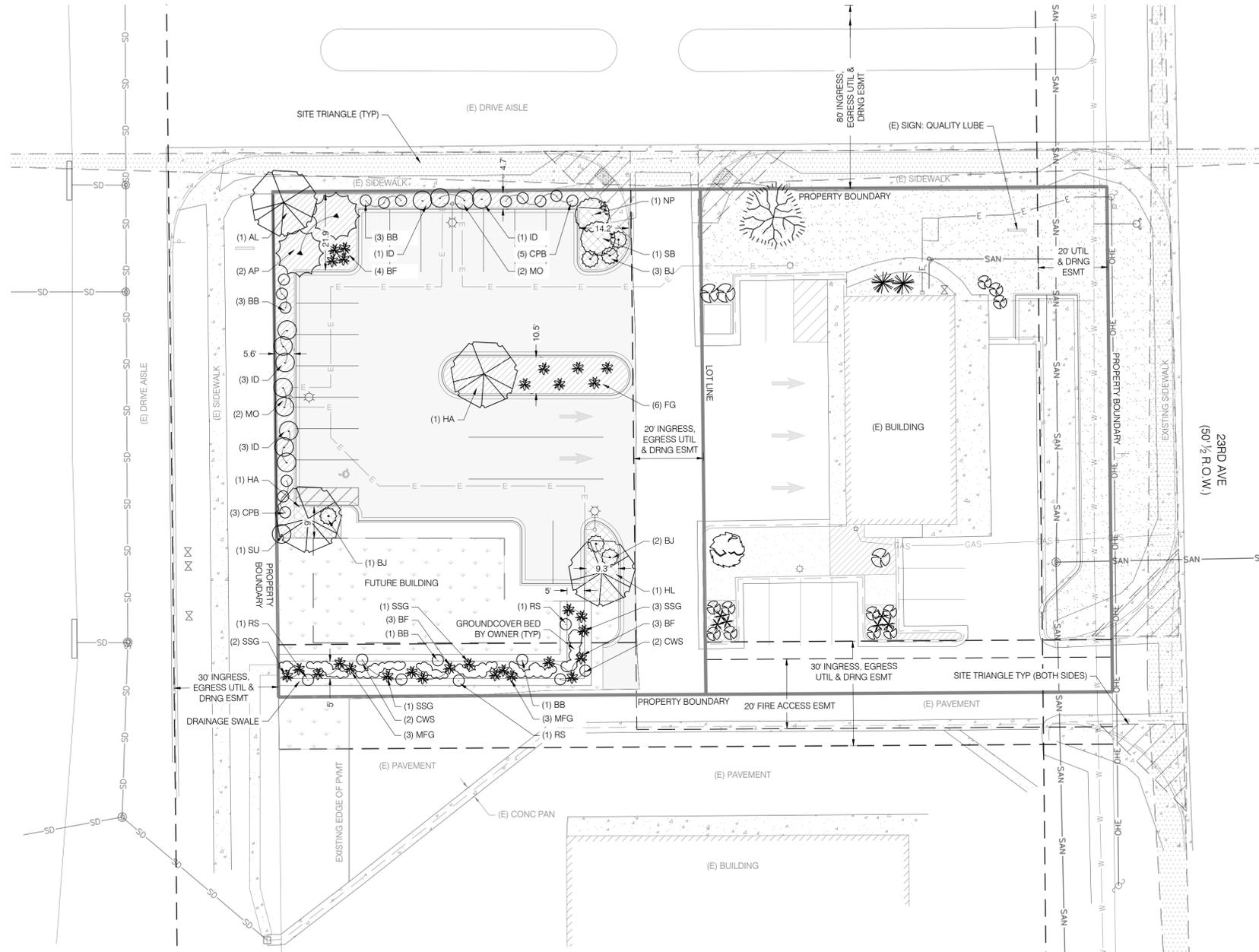


ABB.	SIZE	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	WATER USAGE	QTY.
AL	2" cal.	American Linden	Tilia americana	75'	35-45'	M	1
HA	2" cal.	Hackberry	Celtis occidentalis	50-55'	45-50'	L	2
HL	2" cal.	Thornless Honeylocust	Gleditsia tiananthos var. interis 'Shademaster'	35-40'	30-50'	M	1
AP	6'8"	Austrian Pine	Pinus nigra	40-50'	25-30'	L	2
SB	1-1/2" cal.	Autumn Brilliance Serviceberry	Amilanchier grandiflora 'Autumn Brilliance'	15'	15'	M	1
NP	1-1/2" cal.	Newport Plum	Prunus cerasifera 'Newport'	20-25'	10-15'	M	1
CWS	5 GAL.	Creeping Western Sand Cherry	Prunus besseyi 'Pawnee Buttes'	1-2'	4-6'	L	4
CPB	5 GAL.	Crimson Pygmy Barberry	Berberis thunbergii 'Atropurpurea Nana'	3-5'	3-5'	L	8
BB	5 GAL.	Dwarf Burning Bush	Euonymus alatus 'Compactus'	3-5'	3-5'	M	8
ID	5 GAL.	Isanti Dogwood	Cornus sericea	4-6'	4-6'	M	8
MO	5 GAL.	Mockorange	Philadelphus coronarius	6-10'	6-10'	M	4
RS	5 GAL.	Russian Sage	Perovskia atriplicifolia	3-4'	3-4'	L	3
SU	5 GAL.	Three Leaf Sumac	Rhus trilobata	4-6'	4-6'	M	1
BJ	5 GAL.	Buffalo Juniper	Juniperus sabina 'Buffalo'	1-6'	5-10'	L	6
BF	1 GAL.	Blue Fescue	Festuca glauca	8-12"	8-12"	L	10
FG	1 GAL.	Feather Reed Grass	Calamagrostis acutiflora 'Karl Foerster'	4-5'	18-24"	L	6
MFG	1 GAL.	Miniature Fountain Grass	Pennisetum alopecuroides	1-2'	2-3'	L	6
SSG	1 GAL.	Shenandoah Switch Grass	Panicum virgatum 'Shenandoah'	2-3'	2'	L	7

Total Canopy Trees 4  
 Total Evergreen Trees 2  
 Total Ornamental Trees 2  
 Total Deciduous Shrubs 33  
 Total Evergreen Shrubs 6  
 Total Ornamental Grasses 29  
**Total 76**



## GENERAL NOTES

### UTILITIES:

- LOCATION OF LANDSCAPE MATERIAL MAY BE ALTERED TO PROVIDE ADEQUATE CLEARANCE FROM THE FINAL LOCATION OF UNDERGROUND UTILITIES.
- UNDERGROUND UTILITIES SHALL BE LOCATED PRIOR TO INSTALLATION OF LANDSCAPE MATERIALS.

### GENERAL LANDSCAPE NOTES:

- LANDSCAPE TREATMENTS SHALL BE INSTALLED BY THE DEVELOPER AND MAINTAINED BY THE OWNER.
- ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM OR POP-UP SPRAYS AS APPROPRIATE FOR THE TURF AREAS.
- ALL PLANTING BEDS SHALL BE EDGED WITH STEEL EDGING AND MULCHED WITH A FABRIC WEED BARRIER UNDERLAY AS DESCRIBED IN LANDSCAPE SPECIFICATION AND DETAILS INCLUDED HEREIN.
- GROUND COVER WILL CONSIST OF IRRIGATED TURF, COBBLE AND FIBER MULCH AS INDICATED ON THE LANDSCAPE PLAN, SPECIFICATION INCLUDED HEREIN.

- THIS LANDSCAPE PLAN IS DIAGRAMMATIC, TREE AND SHRUB LOCATIONS MAY BE ADJUSTED AS NEEDED AT THE TIME OF PLANTING TO MAINTAIN A MINIMUM SEPARATION FROM UNDERGROUND UTILITIES. MINIMUM SEPARATION SHOULD BE 10' FOR TREES AND 4' FOR SHRUBS.
- SCHEDULED SIZES STATED REPRESENT MINIMUM CALIPER AND HEIGHT. SIZES PROVIDED MAY EXCEED MINIMUM REQUIRED, BUT IN NO EVENT SHALL SMALLER PLANT MATERIALS SIZES BE PROVIDED.
- PLANTING MATERIALS SHALL HAVE BEEN GROWN IN A RECOGNIZED NURSERY IN ACCORDANCE WITH PROPER HORTICULTURAL PRACTICE. SHALL BE HEALTHY, WELL-BRANCHED, VIGOROUS STOCK WITH A GROWTH HABIT NORMAL TO THE SPECIES AND VARIETY; SHALL BE FREE OF DISEASES, PEST INFESTATION, OR DAMAGE AND SHALL CONFORM TO THE STANDARDS SET BY THE AMERICAN ASSOCIATION OF NURSERYMEN, AS AMENDED FROM TIME TO TIME.
- SOIL IN AREAS INTENDED FOR PLANTINGS SHALL FIRST BE AMENDED ACCORDING TO CITY STANDARDS IN ORDER TO LOOSEN COMPACTED SOIL, IMPROVE VIABILITY OF PLANTINGS AND REDUCE THE AMOUNT OF WATERING REQUIRED.
- GROUNDCOVER BEDS IN DRAINAGE SWALE TO INCLUDE A MIX OF NATIVE GRASSES AND PERENNIALS OF A HARDY VARIETY THAT ARE DROUGHT TOLERANT AND CAN WITHSTAND OCCASIONAL STANDING WATER.
- PLANTINGS FOR THE BIOSWALE SHALL NOT IMPEDE THE DESIGNED DRAINAGE FLOW QUANTITY WHEN LANDSCAPING IS MATURE.

# LANDSCAPE PLAN

811 CALL 811.COM

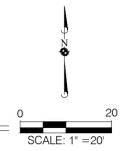
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FAWSOME, LLC  
 SPECIAL USE PERMIT (SUP)  
 LANDSCAPE PLAN  
 EVANS, CO

SHEET:

LS-1



# FAWSOME, LLC SPECIAL USE PERMIT (SUP)

LOTS 1 AND 2, COLONY PLAZA AMENDED REPLAT OF LOT 2 OF REPLAT OF COMMERCIAL TRACT 1,  
CITY OF EVANS, COLORADO

## LANDSCAPE SPECIFICATIONS

### MATERIALS

- WEED BARRIER:** WEED BARRIER MAY BE TYPAR 3341 OR APPROVED EQUAL. PLACE WEED BARRIER BENEATH COBBLE MULCH AREAS.
- COBBLE MULCH:** 2-4" DIAMETER NOMINAL SIZE WASHED RIVER COBBLE. SUBMIT SAMPLE.
- BARK MULCH:** SHREDDED CEDAR BARK MULCH. BARK POLE PEELING FROM CEDAR TREES ONLY. MULCH SHALL BE DARK BROWN IN COLOR AND FINELY SHREDDED. MULCH SHALL BE FREE FROM NOXIOUS WEED SEED AND FOREIGN MATERIAL HARMFUL TO PLANT LIFE. CHIPPER CHIPS, PINE POLE PEELING OR OTHER ANGULAR BARK CHIPS ARE NOT ACCEPTABLE. SUBMIT SAMPLE.
- HEADERS:** STEEL HEADER: RYERSON ESTATE STEEL HEADER 1/8" X 4" WITH 1" X 24" SIZE STRAP STEEL STAKES OR EQUAL.
- TREE STAKES:** 8-FOOT LONG, 2-INCH DIAMETER PRESSURE TREATED LODGE POLE PINE STAKES OR METAL "T" POSTS AS ALLOWED BY LANDSCAPE DESIGNER. APPROVAL REQUIRED PRIOR TO INSTALLATION.
- GUY ANCHORS:** 24-INCH LONG METAL "T" POSTS.
- GUYING AND STAKING WIRE:** GALVANIZED IRON OR STEEL 12-GUAGE WIRE.
- WEBBING:** 2-INCH NYLON WEBBING OR RUBBERIZE CLOTH.
- TREE WRAP:** 4-INCH MINIMUM WIDTH COMMERCIAL TREE WRAP.
- SAFETY CAPS:** INDUSTRY STANDARD (FOR METAL "T" POST ONLY).
- COMPOST:** A TOTALLY ORGANIC PRODUCT THAT HAS BEEN AEROBICALLY AND NATURALLY PROCESSED IN SUCH A MANNER AS TO MAINTAIN A CONSISTENT TEMPERATURE OF 140 DEGREES FAHRENHEIT OR GREATER FOR A PERIOD OF TIME SUFFICIENT TO CREATE THE FOLLOWING MATTER: 25-40% ORGANIC MATTER; NITROGEN RATIO: 15:1 TO 20:1; PH: 7 TO 8; PH SALTS: BETWEEN 1 AND 10 MMHOS/CM; INORGANIC MATTER: LESS THAN 1% SOIL, DIRT OR SAND; MAXIMUM PARTICLE SIZE OF 1/2" INCH DIAMETER. ERADICATION OF ALL HARMFUL WEED SEEDS, PATHOGENS AND BACTERIA; A NON-OFFENSIVE EARTHLY SMELL.
- FERTILIZER:** FERTILIZER FOR TURF SHALL BE COMMERCIAL TYPE, OF UNIFORM COMPOSITION, FREE FLOWING, AND CONFORMING TO APPLICABLE STATE AND FEDERAL LAWS. SUBMIT MANUFACTURER'S GUARANTEED ANALYSIS. FORMULATED FERTILIZER ANALYSIS SHALL BE SUBMITTED TO OWNERS REPRESENTATIVE FOR REVIEW AND SHALL BE BASED UPON RECOMMENDATIONS MADE BY SOIL LAB. CONTRACTOR SHALL SUBMIT SOIL SAMPLE TO SOIL LAB FOR ANALYSIS CONSISTENT FORMULATED FERTILIZER FOR THE ENTIRE SITE AREA. HOWEVER, IF SOIL STRUCTURES ARE VASTLY DIFFERENT, A FORMULATED FERTILIZER FOR EACH SPECIFIC SITE AREA WILL BE REQUIRED. FERTILIZER FOR TREE AND SHRUB, BACKFILL MIX, AND GROUND COVER AREAS SHALL BE OSMOCOTE SIERRABLEND, 9 MONTH SLOW-RELEASE FERTILIZER.
- BLUEGRASS SOD:** BLUEGRASS SOD SHALL CONTAIN THE FOLLOWING SEED MIX (OR ALTERNATIVE AS PROVIDED IN THE CITY OF EVANS APPROVED MATERIALS LIST):  
60% EL DORADO SILVERADO AND MONARCH TURF TYPE TALL FESCUE  
30% MONARCH SMOOTH BROME  
10% BLUEGRASS MIX (DROUGHT TOLERANT BLENDS).  
SOD SHALL BE A MINIMUM OF 3/4" INCH THICK, HARVESTED IN ROLLS, FERTILIZED TWO TO THREE WEEKS BEFORE CUTTING, AND SHALL BE CUT NO MORE THAN ONE DAY PRIOR TO PLANTING. SOD SHALL BE ONE YEAR OLD. MINIMUM GROWN UNDER INTENSIVE CARE AND CULTIVATION TO PRODUCE A THICK, EVEN STAND OF GRASS.
- SEEDED TURF:** SEEDED TURF AREAS SHALL BE SEEDDED WITH THE FOLLOWING BLEND OR ALTERNATIVE AS DESCRIBED IN THE CITY OF EVANS PRE-APPROVED TURF SEED MIXES:  
20% WESTERN WHEATGRASS  
18% SIDEOATS GRAMA  
18% GREEN NEEDLEGRASS  
10% SWITCHGRASS  
10% LITTLE BLUESTEM  
9% BLUE GRAMA

8% NEEDLE AND THREAD  
7% INDIAN RICEGRASS.

- TREES, SHRUBS, AND GROUND COVERS:** PLANT MATERIALS SHALL BE GROWN IN A RECOGNIZED NURSERY IN ACCORDANCE WITH PROPER HORTICULTURAL PRACTICE. PLANTS SHALL BE HEALTHY, WELL-BRANCHED, VIGOROUS STOCK WITH A GROWTH HABIT NORMAL TO THE SPECIES AND VARIETY AND FREE OF DISEASES, INSECTS AND INJURIES. ALL PLANTS SHALL CONFORM TO STANDARDS FOR MEASUREMENTS, GRADING, BRANCHING, QUALITY BALL AND BURLAPPING AS STATED IN THE AMERICAN STANDARD FOR NURSERY STOCK, 1990 EDITION, AMERICAN ASSOCIATION OF NURSERYMEN, INC. (AAN-ASNS) AND THE COLORADO NURSERY ACT OF 1965 (CNA). BOTANIC AND COMMON NAMES: PLANT NAMES GIVEN IN THE PLAN LIST ARE IN CONFORMANCE WITH STANDARD HORTICULTURAL PRACTICE IN THIS AREA. PLANTS ARE TO BE DELIVERED TO THE SITE WITH TAGS BEARING THE BOTANIC NAME AS INDICATED BY THE PLANT LIST.

### INSTALLATION

- CLEARING:** PRIOR TO ANY SOIL PREPARATION, EXISTING VEGETATION TO REMAIN AND WHICH MIGHT INTERFERE WITH THE SPECIFIED SOIL PREPARATION SHALL BE MOWED, GRUBBED, RAKED, AND THE DEBRIS REMOVED FROM THE SITE. PRIOR TO OR DURING GRADING OR TILLAGE OPERATION THE GROUND SURFACE SHALL BE CLEARED OF MATERIALS THAT MIGHT HINDER FINAL OPERATION.
- PREPARE ALL AREAS TO BE PLANTED AS FOLLOWS:** RIP ALL AREAS TO BE PLANTED, SEEDDED OR SODDED TO A MINIMUM OF 8 INCHES IN TWO DIRECTIONS USING AN AGRICULTURAL RIPPER WITH TINES SPACED AT NO GREATER THAN 18 INCHES. AREAS ADJACENT TO WALKS, STRUCTURES, CURBS, ETC. WHERE THE USE OF LARGE MECHANICAL EQUIPMENT IS DIFFICULT, SHALL BE WORKED WITH SMALLER EQUIPMENT OR BY HAND.
- SOIL PREPARATION:** SPREAD 3 CY/1000 SF OF COMPOST AND SUFFICIENT FERTILIZER TO MEET REQUIREMENTS OF SOIL ANALYSIS OVER ALL AREAS TO BE SEEDDED, SODDED, AND/OR PLANTED WITH TREES, SHRUB BED AND GROUND COVER. INCORPORATE COMPOST MIXTURE WITH NO POCKETS OF SOIL OR AMENDMENTS REMAINING.

### TREE AND SHRUB PLANTING

- SUBSTITUTIONS:** ANY PLANT SUBSTITUTIONS ARE TO BE APPROVED BY LANDSCAPE DESIGNER PRIOR TO INSTALLATION.
- ESTABLISHED LOCATION:** STAKE TREES AND FLAG OR SET OUT ALL SHRUBS IN LOCATIONS SHOWN ON THE PLANS PRIOR TO INSTALLATION FOR REVIEW BY OWNER. THE FOLLOWING ARE MINIMUM DISTANCES THAT PLANT MATERIALS CAN BE PLACED FROM ADJACENT WALLS, FENCES OR PAVED AREAS: LARGE SHRUBS: 4 FEET, MEDIUM SHRUBS: 2-2 1/2 FEET, PERENNIALS, GRASSES AND GROUND COVERS: 18 INCHES.
- PLANTING PITS:** DIG PLANTING PITS A MINIMUM OF 2 TIMES AS WIDE AS DIAMETER OF ROOT BALL OR CONTAINER, AND A DEPTH SUFFICIENT TO ALLOW TOP OF ROOT BALL AT TRUNK TO SIT A MINIMUM OF 3" ABOVE SURROUNDING GRADE FOR SHRUBS. INCORPORATE COMPOST BY DISKING OR ROTOTILLING INTO THE TOP 4 TO 6 INCHES OF SOIL. OBTAIN A UNIFORM MIXTURE WITH NO POCKETS OF SOIL OR AMENDMENTS REMAINING. RESTORE THE FINE GRADE OF ALL AREAS TO BE PLANTED, SEEDDED AND/OR SODDED WITH FLOAT DRAG TO REMOVE IRREGULARITIES RESULTING FROM TILLING OPERATIONS. FLOAT DRAG TWO DIRECTIONS. REMOVE ANY ADDITIONAL STONES OVER 1-1/2 INCHES THAT HAVE COME TO THE SURFACE. UPON COMPLETION OF FINISH GRADING OPERATIONS, THE CONTRACTOR MUST PROVIDE A FINISH LANDSCAPE SURFACE. UPON COMPLETION OF FINISH GRADING OPERATIONS, THE CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE IN ALL LANDSCAPE AREAS. SHRUBS: ROUGHEN SIDE OF THE PIT TO REMOVE ANY COMPACTING OR GLAZING. LOOSEN SOIL AT BOTTOM OF PIT TO A MINIMUM DEPTH OF SIX INCHES. MIX LOOSENED SOIL WITH SPECIFIED BACKFILL.
- BACKFILL MATERIAL:** TREE AND SHRUB PLANTING PITS SHALL BE BACKFILLED WITH THE FOLLOWING MIX: 75% TOPSOIL BY VOLUME (SOIL EXCAVATED FROM PLANTING PITS), 25% COMPOST BY VOLUME. THE SPECIFIED BACKFILL MATERIALS SHALL BE PRO-MIXED USING INDUSTRY ACCEPTED TECHNIQUE IN ORDER TO OBTAIN A UNIFORM, EVENLY BLENDED

CONSISTENCY, FREE FROM POCKETS OF UNBLENDED MATERIAL AND CLODS OR STONES GREATER THAN TWO INCHES IN DIAMETER. BACKFILL MIX SHALL BE DELIVERED TO EACH PLANTING PIT AFTER MIXING HAS OCCURRED.

### PLANTING

- REMOVE STOCK FROM CONTAINER. DO NOT BREAK THE ROOT BALL. A SPADE SHALL NOT BE USED. SCARIFY SIDES AND BOTTOM OF ROOT BALL.
- PLACE BACKFILL MIX INTO PLANTING PIT TO A DEPTH SUCH THAT THE PLANT, WHEN PLANTED, WILL BE THREE INCHES ABOVE FINISH GRADE FOR DECIDUOUS TREES, FOUR TO SIX INCHES FOR CONIFEROUS TREES, AND TWO INCHES ABOVE FINISH GRADE FOR ALL SHRUBS.
- UNTIE AND REMOVE BURLAP FROM TOP THIRD OF ROOT BALL ON BALLED AND BURLAP MATERIAL. REMOVE WIRE BASKETS FROM TOP AND MINIMUM OF 2/3 OF ALL SIDE OF ROOT BALL.
- BACKFILL ONE-HALF OF PIT WITH BACKFILL MIXTURE AND WATER IN THOROUGHLY BEFORE PLACING ANY MORE BACKFILL.
- BACKFILL THE REST OF THE PLANTING PIT WITH BACKFILL MIXTURE AND TAMP TO COMPACT. WATER THOROUGHLY. DO NOT WORK WET SOIL. APPLY SLOW RELEASE FERTILIZER, PER MANUFACTURER'S DIRECTION OF SIZE OF PLANT MATERIAL, BY SPREADING EVENLY OVER THE TOP OF THE ENTIRE PLANTING PIT.
- STAKE OR GUY ALL TREES IN A TRUE VERTICAL POSITION. WRAP DECIDUOUS TREES BOTTOM TO TOP. STAPLE OR TACK IN PLACE AT TOP. WRAP APPROXIMATELY NOVEMBER 15 AND REMOVE APPROXIMATELY MAY 15.
- IF TREES ARE PLANTED IN A SPADE DUG HOLE, THEY SHALL BE DEEP WATERED WITH A WATERING NEEDLE ANGLING FROM THE INSIDE OF THE BALL OUT THROUGH THE PERIMETER OF THE SOIL.

### WEED BARRIER INSTALLATION

- WEED BARRIER SHALL BE PLACED IN ALL SHRUB BED AREAS WHERE 5-GALLON SHRUB MATERIAL IS USED OR WHERE NOTED IN PLAN AND DETAILS. AT ALL EDGES OF CURBS, WALLS, STRUCTURES, PAVEMENTS, AND HEADERS, WEED BARRIER SHALL BE SECURED WITH 11-GUAGE, 6-INCH LONG STAPES AT 18 INCHES O.C. AT ALL EDGES.
- NO WEED BARRIER SHALL BE PLACED IN AREAS RECEIVING ONE GALLON AND SMALLER PLANT MATERIAL.
- NO WEED BARRIER SHALL BE PLACED IN SOIL PLANTING RINGS OF DECIDUOUS AND CONIFEROUS TREES PLANTED IN SODDED OR SEEDDED AREA.

### STEEL HEADER CONSTRUCTION

- LAYOUT STEEL HEADER IN LOCATIONS SHOWN ON PLANS AND RECEIVE REVIEW OF OWNER PRIOR TO INSTALLATION. LOCATE BY SCALING OFF OF PLAN. INSTALL PLUMB WITH GRADES. MAINTAIN A MINIMUM CONSTANT HEIGHT OF ONE INCH ABOVE ADJACENT TURF AREA. INSTALL USING STRAIGHT LINES AND SMOOTH CURVES. STAKE STEEL HEADER USING PINS OF TWO FEET O.C. PROVIDE DRAINAGE SLITS OR HOLES AT SUFFICIENT INTERVALS TO ALLOW EXCESS WATER TO DRAIN AWAY.

### LAYING SOD

- AFTER SOIL PREPARATION, ROLL THE AREA TO AN EVENLY COMPACTED SOIL BED.
- REPLACE HARD AND SOFT AREAS.
- SCARIFY SURFACE TO A DEPTH OF 3/8 INCH.
- KEEP SOIL BED MOIST DURING LYING OF SOD.
- LAY SOD SMOOTHLY; EDGE TO EDGE, AND WITH STAGGERED JOINTS. BUTT EDGES TIGHTLY.
- WATER SOD LIGHTLY AS LAYING PROGRESSES TO PREVENT DRYING OF SOD.
- ROLL SOD DIAGONALLY WITH A LIGHT ROLLER, LEVELING IRREGULARITIES AND SEALING JOINTS.

- IN ORDER TO FACILITATE DRAINAGE, PLACE SOD FLUSH WITH PAVEMENT ON THE UPHILL SIDE OF PAVEMENT. ON THE DOWNHILL SIDE OF PAVEMENT, PLACE SOD SLIGHTLY BELOW PAVEMENT SURFACE.
- HOLD SOD BACK FROM TREE TRUNKS AS SHOWN IN DETAILS.

### SEEDING

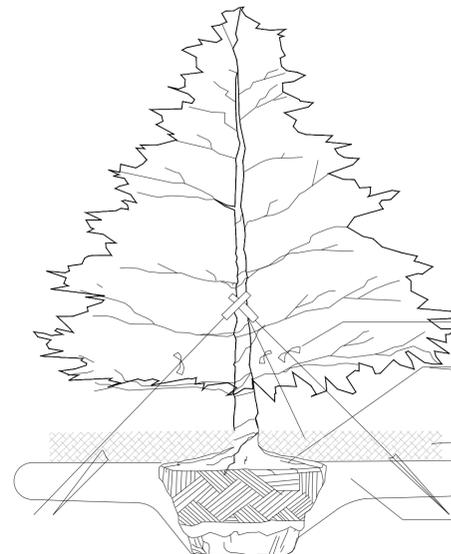
- TIME OF SEEDING: UNLESS OTHERWISE APPROVED, ALL TURF SEEDING SHALL BE COMPLETED BETWEEN APRIL 15 AND MAY 31, OR BETWEEN SEPTEMBER 1 AND OCTOBER 15.
- DRILL SEEDING: DRILL SEED USING A DRILL IMPLEMENT EQUIPPED WITH THE FOLLOWING PREFERABLE FEATURES:  
DEPTH BANDS - TO ALLOW SEEDING AT THE PROPER DEPTH  
SEED BOX AGITATOR - TO PROMOTE SEED MIXING  
SEED BOX BAFFLES - TO AID IN EVEN SEEDING DISTRIBUTION AMONG ROWS  
SEED - METERING DEVICE - TO PROMOTE EVEN SEED DISTRIBUTION WITHIN ROWS  
FURROW OPENERS - TO PERMIT PROPER SEED PLACEMENT FROM SEED SPOUTS, AND  
DRAG CHAINS - TO AID IN SEED COVERAGE
- THE DRILL WILL BE ADJUSTED TO PLANT SEED TO THE PROPER DEPTH. THE DEPTH OF SEEDING WILL BE APPROXIMATELY 0.25 TO 0.50 INCH. DRILL ROW SPACING WILL BE SET AT APPROXIMATELY 6 TO 8 INCHES. THE DRILL WILL THEN BE TOWED ACROSS THE SEEDBED TO COMPLETE THE PLANTING OPERATION. DRILL SEEDING WILL TAKE PLACE IMMEDIATELY FOLLOWING THE COMPLETION OF FINAL SEED BED PREPARATION TECHNIQUES.
- BROADCAST SEEDING: BROADCAST SEEDING SHALL ONLY OCCUR IN AREAS INACCESSIBLE TO A DRILL SEEDER. BROADCAST SEED ONLY AFTER ALL TREES AND SHRUBS HAVE BEEN PLANTED IN THESE AREAS. BROADCAST SEEDING WILL BE ACCOMPLISHED USING HAND-OPERATION "CYCLONE-TYPE" SEEDERS OR ROTARY BROADCAST EQUIPMENT ATTACHED TO CONSTRUCTION OR RE-VEGETATION MACHINE. ALL MACHINERY WILL BE EQUIPPED WITH METERING DEVICES. BROADCASTING BY HAND WILL BE ACCEPTABLE ON SMALL, ISOLATED SITES. WHEN BROADCAST SEEDING, PASSES WILL BE MADE OVER EACH SITE TO BE SEEDDED IN A MANNER TO ENSURE AN EVEN DISTRIBUTION OF SEED. WHEN USING HOPPER TYPE EQUIPMENT, SEED SHOULD BE FREQUENTLY MIXED WITHIN THE HOPPER TO DISCOURAGE SEED SETTLING AND UNEVEN PLANTING DISTRIBUTION OF SPECIES.
- BROADCAST SEEDING WILL TAKE PLACE IMMEDIATELY FOLLOWING THE COMPLETION OF FINAL SEEDBED PREPARATION TECHNIQUES. BROADCAST SEEDING SHOULD NOT BE CONDUCTED WHEN WIND VELOCITIES WOULD PROHIBIT EVEN SEED DISTRIBUTION. THE BROADCAST SEEDING RATE WILL BE TWICE THE RATE OF DRILL SEEDING.

### MULCHING

MULCH FOLLOWING ALL SOIL PREPARATION AND PLANTING.

- SHRUB BEDS: MULCH SHRUB BEDS (DECIDUOUS, CONIFEROUS SHRUBS & GRASSES) WITH A 3-INCH LAYER OF WASHED RIVER GRAVEL MULCH WHERE 5 GALLON SHRUB MATERIAL IS USED. MULCH ALL ONE GALLON PERENNIAL AND GROUND COVER PLANTING AREAS WITH A 3" LAYER OF WOOD MULCH.
- TREE PLANTING RINGS IN IRRIGATED TURF AREAS: MULCH ALL SOIL PLANTING RINGS OF DECIDUOUS AND CONIFEROUS TREES WITH A 3" LAYER OF WOOD BARK MULCH.

## TREE AND SHRUB INSTALLATION



### EVERGREEN TREES

- GUY ALL CONIFER TREES AND ALL DECIDUOUS TREES LARGER THAN 2 1/2" CAL. AS SHOWN.
- IN SODDED AREAS, CUT SOD IN 36" CIRCLE AND MULCH. FOR CONIFERS CUT SOD AT DRIP LINE OF TREE AND MULCH.
- GUY EVERGREEN TREES IN 3 PLACES AT 45 DEGREE ANGLE SLIGHTLY TAUT ONLY TO ALLOW SOME MOVEMENT. USE NYLON STRAPS (NOT HOSES) WITH METAL GROMMETS.

FLAGGING

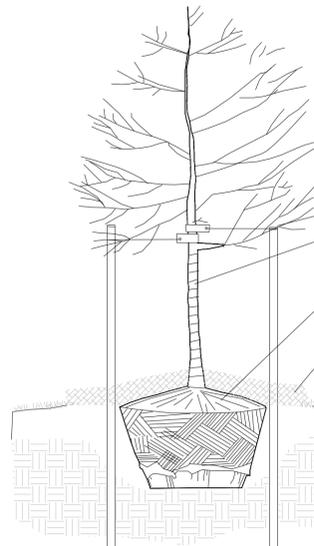
SET TOP OF ROOTBALL 4" ABOVE LOWEST ADJACENT GRADE. REMOVE TOP 2/3 OF WIRE BASKET AND BURLAP.

WOOD MULCH (4" DEPTH).

6" DEPTH AMENDED SOIL

BACKFILL PIT WITH EXCAVATED SOIL

SOIL



### DECIDUOUS TREES

STAKE TREES USING METAL POSTS WIRED (SLIGHTLY TAUT) WITH NYLON STRAPS. SET POSTS VERTICALLY PLUMB. NO RUBBER HOSES.

PROTECTIVE RUBBER CAPS ON POSTS. WRAP TREES TO FIRST BRANCH IN THE FALL.

IF PLANTED IN THE SPRING DO NOT WRAP. REMOVE TOP 3/4 OF WIRE BASKET AND BURLAP.

SET TREE ON COMPACTED SUBGRADE WITH TOP OF ROOT BALL 3" ABOVE LOWEST ADJACENT GRADE.

4" DEPTH WOOD MULCH AT BASE OF TREE. 30" DIA. MULCH RING IN LAWN AREAS.

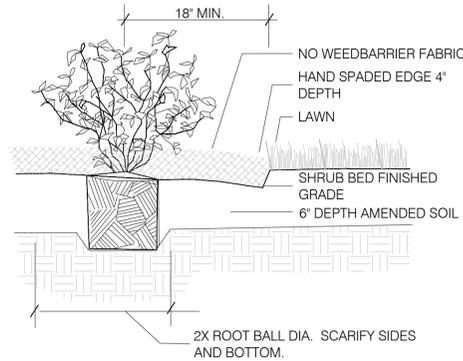
6" DEPTH AMENDED SOIL. NO SPECIAL BACKFILL MIX.

EXISTING SUBGRADE.

### SHRUBS

PLACE SHRUBS A MINIMUM OF 18" FROM PLANTING BED EDGE (STEEL HEADER, CURBS, WALKS, WALLS, ETC.) FOR 1 GALLON SHRUBS, 3" MINIMUM FOR 5 GALLON DECIDUOUS SHRUBS, 4" FOR CONIFER SHRUB.

FOR 5 GALLON AND LARGER PLANT MATERIAL CONSTRUCT A 2" HIGH WATERING RING AROUND SHRUB AT EDGE OF PLANTING PIT. FOR 1 GALLON MATERIAL, CONSTRUCT A 2" X 18" DIA. WATER RING AND MULCH WITH WOOD BARK INSIDE OF THE WATER RING.



# LANDSCAPE DETAILS & SPECIFICATIONS

DATE:	APRIL 8, 2020	REVISIONS:
R1	DESC.	--/--/--
R2	DESC.	--/--/--
R3	DESC.	--/--/--
R4	DESC.	--/--/--
R5	DESC.	--/--/--



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FAWSOME, LLC  
SPECIAL USE PERMIT (SUP)  
LANDSCAPE DETAILS & SPECIFICATIONS  
EVANS, CO

SHEET:

LS-2

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# CITY COUNCIL AGENDA REPORT

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**DATE:** June 16, 2020

**AGENDA ITEM:** 8.B

**SUBJECT:** Consideration of Approval of the Ziggi's Coffee Shop Minor Replat

**PRESENTED BY:** James L. Becklenberg, City Manager  
Randy Ready, Assistant City Manager  
Anne Best-Johnson, Community Development Director  
Lauren Richardson, City Planner

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**AGENDA ITEM DESCRIPTION:**

The applicant has requested a Minor Replat to subdivide one lot into two. The resulting parcel sizes will be 0.724 for Lot 2A (western lot) and 1.421 for Lot 2B (eastern lot). A Minor Replat application was presented to Planning Commission on June 4, 2020. Planning Commission voted unanimously to forward their recommendation of approval to City Council.

The site is located south of and adjacent to 37<sup>th</sup> Avenue just east of Walgreens (3700 37<sup>th</sup> Street). There are two existing accesses, one from 37<sup>th</sup> Street and a second off 35<sup>th</sup> Avenue to the east. The proposed Minor Replat can be found as Attachment 5. Access to Lot 2B will not be restricted.



The use of Lot 2A will be for Ziggi’s Coffee Shop. This land use application was processed through the Site Plan Review process which is an administrative land use application process. The applicant does not need more than the acreage proposed for the resulting land use on Lot 2A. Lot 2B is similar in size to neighboring commercial lots north of 37<sup>th</sup> Street and the two east of Lot 2B and can be used for a future commercial enterprise.

For reference, Section 18.07.120.C of the Evans Municipal Code identifies the process and procedures, that an applicant must follow in seeking approval of a Minor Replat. Staff and referral agencies found the application meets the intent of the Minor Replat process. The applicant addressed staff’s comments prior to bringing the application to both the Planning Commission and City Council. The Minor Replat process follows the Final Plat process. A resolution is needed for a Minor Replat and an Ordinance is needed for the Final Plat.

The Land Use Code does not contain Criteria for Approval for Replats however, the Land Use Code does direct certain Minor Replat applications to be processed through the Final Plat process (Section 18.07.120.D.1.a). Criteria for Approval found in the Final Plat Section of the Municipal Code, Section 18.07.090, states, “Criteria for Final Plat. The only basis for rejection of a Final Plat shall be its nonconformance to adopted rules, regulations and ordinances currently in force and affecting the land and its development in the City, its lack of conformance with the approved preliminary plan, and changes required in the public interest.” The Minor Replat review process includes thorough staff review, referral agency comments and review, Design Review Team meetings and one round of Staff Comments. The final step of the approval process includes City Council’s review and approval of the Minor Replat, and the associated Resolution and Ordinance.

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**FINANCIAL SUMMARY:**

The City has no financial obligations as a result of the Minor Replat.

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**RECOMMENDATION:**

At its June 4, 2020 Planning Commission recommended approval of Resolution 13-2020 and the first reading of Ordinance 717-20 along with the recommended conditions of approval and development standards.

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**SUGGESTED MOTIONS:**

*“I move to approve Ordinance No. 717-20 on first reading as proposed with the conditions of approval and development standards.”*

*“I move to deny Ordinance No. 717-20 on first reading as proposed for the reasons stated.”*

*“I move to approve Resolution No. 13-2020 on first reading as proposed with the conditions of approval and development standards.”*

*“I move to deny Resolution No. 13-2020 on first reading as proposed for the reasons stated.”*

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**ATTACHMENTS:**

- Attachment 1: Ordinance No. 717-20
- Attachment 2: Resolution No. 13-2020
- Attachment 3: Planning Commission Minutes from June 4, 2020
- Attachment 4: Application Narrative
- Attachment 5: Plat

**CITY OF EVANS, COLORADO**

**ORDINANCE NO. 717-20**

**AN ORDINANCE APPROVING A MINOR REPLAT FOR PROPERTY GENERALLY REFERRED TO AS EVS HRC L2 HUNTERS RESERVE CENTER**

**WHEREAS**, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

**WHEREAS**, DLR Property Holdings, LLC., ("the Property Owner" and "Applicant") a Colorado Limited Liability Company, is the owner of certain property located within the City of Evans and more specifically described on Exhibit A, attached ("the Property"); and

**WHEREAS**, the Applicant has filed an application with the City asking for approval of a Minor Replat to subdivide one parcel into two separate parcels; and

**WHEREAS**, staff has reviewed the Application and deemed it to be complete; and

**WHEREAS**, staff has reviewed the Application and deemed it to satisfy all requirements for a Minor Replat under the Evans City Code, including but not limited to Section 18.07.120.C; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed concerns raised by the referral agencies; and

**WHEREAS**, the posting and notification requirements found in Section 18.10.10 have been followed; and

**WHEREAS**, following proper notice, the City Council considered the Application at its regular meeting on June 16, 2020 and July 7, 2020; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the City Council considered the criteria set forth above and made motion on the application set forth above and made motion subject to the conditions set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. This Minor Replat is hereby approved.
2. The Council's approval is subject to the following conditions, all of which shall be satisfied prior to recording the Replat.
  - a. All utilities shall be illustrated in an easement on the Replat. This includes all utilities that may be currently on lots 2A and 2B. Please coordinate with the City Engineering Department.
3. Upon completion of the Conditions of Approval listed above, the applicant shall re-submit one electronic copy of the Replat along with supporting documents for review by the City of Evans Planning Department. The mylar for the Minor Replat shall be submitted for recording within thirty (30) days of the City Council hearing.

4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
  
5. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance

**PASSED AND ADOPTED AT FIRST READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 16th DAY OF JUNE, 2020.**

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
Karen Frawley, City Clerk

\_\_\_\_\_  
Brian Rudy, Mayor

**PASSED AND ADOPTED AT SECOND READING AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 7th DAY OF JULY, 2020.**

ATTEST:

CITY OF EVANS, COLORADO

\_\_\_\_\_  
Karen Frawley, City Clerk

\_\_\_\_\_  
Brian Rudy, Mayor



**CITY OF EVANS, COLORADO**

**RESOLUTION NO. 13-2020**

**A RESOLUTION APPROVING A MINOR REPLAT FOR PROPERTY GENERALLY REFERRED TO AS EVS HRC L2 HUNTERS RESERVE CENTER**

**WHEREAS**, the City Council of the City of Evans, Colorado, (the "City Council") pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado (the "City"); and

**WHEREAS**, DLR Property Holdings, LLC., ("the Property Owner" and "Applicant") a Colorado Limited Liability Company, is the owner of certain property located within the City of Evans and more specifically described on Exhibit A, attached ("the Property"); and

**WHEREAS**, the Applicant has filed an application with the City asking for approval of a Minor Replat to subdivide one parcel into two separate parcels; and

**WHEREAS**, staff has reviewed the Application and deemed it to be complete; and

**WHEREAS**, staff has reviewed the Application and deemed it to satisfy all requirements for a Minor Replat under the Evans City Code, including but not limited to Section 18.07.120.C; and

**WHEREAS**, the matter has been submitted to the required referral agencies for comment and staff has determined that the Applicant has adequately addressed concerns raised by the referral agencies; and

**WHEREAS**, the posting and notification requirements found in Section 18.10.10 have been followed; and

**WHEREAS**, following proper notice, the City Council considered the Application at its regular meeting on June 16, 2020 and July 7, 2020; and

**WHEREAS**, based on the Application, referral comments, staff report, representations by the Applicant, and public comment, the City Council considered the criteria set forth above and made motion on the application set forth above and made motion subject to the conditions set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:**

1. This Minor Replat is hereby approved.
2. The Council's approval is subject to the following conditions, all of which shall be satisfied prior to recording the Replat.
  - a. All utilities shall be illustrated in an easement on the Replat. This includes all utilities that may be currently on lots 2A and 2B. Please coordinate with the City Engineering Department.
3. Upon completion of the Conditions of Approval listed above, the applicant shall re-submit one electronic copy of the Replat along with supporting documents for review by the City of Evans Planning Department. The mylar for the Minor Replat shall be submitted for recording within thirty (30) days of the City Council hearing.

4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**PASSED AND ADOPTED AT FIRST READING AT A REGULAR MEETING OF  
THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 16th DAY OF JUNE,  
2020.**

ATTEST:

CITY OF EVANS, COLORADO

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Karen Frawley, City Clerk

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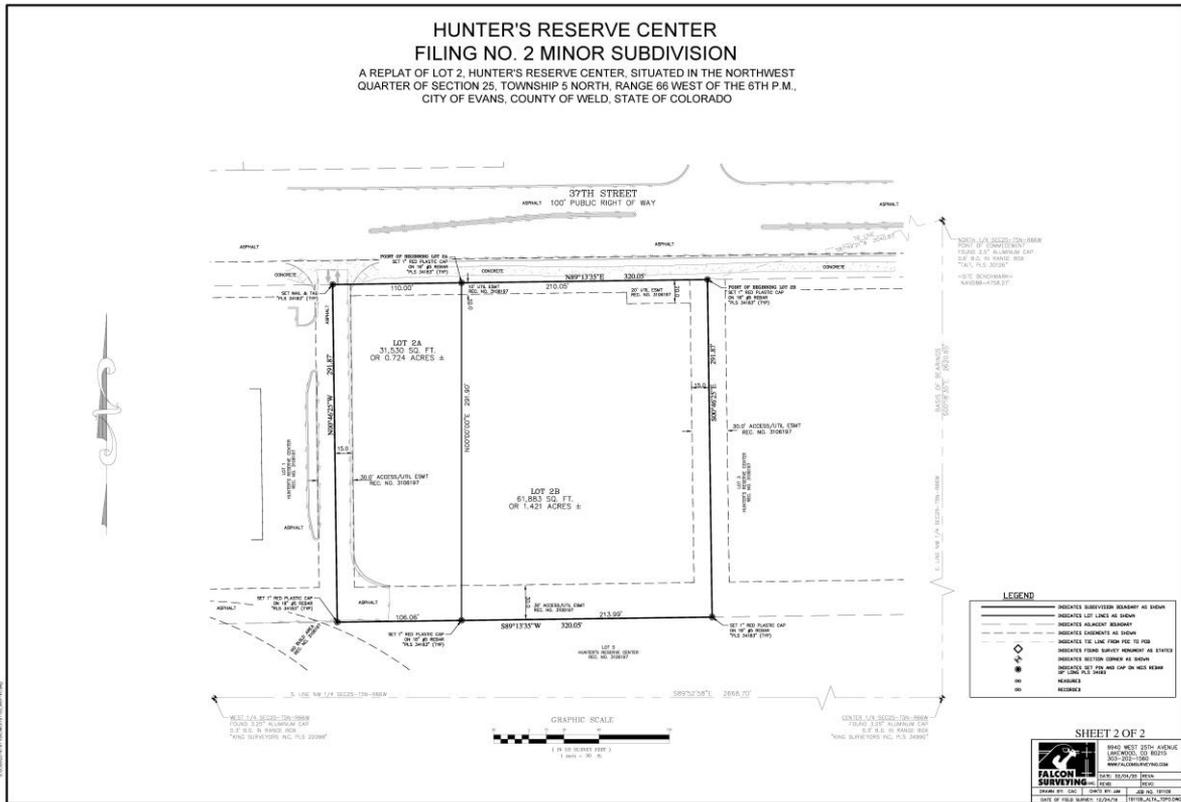
Brian Rudy, Mayor

# LEGAL DESCRIPTION

## Legal Description of Hunter's Reserve Center Filing No. 2 Minor Subdivision

A parcel of land situated in the Northwest Quarter of Section 25, Township 5 North, Range 66 West of the 6th p.m., in the City of Evans, County of Weld, State of Colorado, described as follows:

A Replat of Lot 2, Hunter's Reserve Center, Situated in the Northwest Quarter of Section 25, Township 5 North, Range 66 West of the 6th p.m., County of Weld, State of Colorado.





## AGENDA

### Planning Commission Special Meeting

**Thursday, June 4, 2020, 6:00 pm**

*This meeting will be held via Zoom due to COVID-19 safety precautions*

#### **Directions to join the meeting:**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/82305753497>

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656  
or +1 301 715 8592

Webinar ID: 823 0575 3497

International numbers available: <https://us02web.zoom.us/j/kd6gHQs8wD>

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## REGULAR MEETING

1. **CALL TO ORDER: 06:02 pm**

2. **ROLL CALL: 06:02 pm**

Chairman: Deborah Linn – present  
Vice-Chairman: Billy Castillo – present  
Commissioners: Lyle Achziger – present  
Steve Bernardo – not present  
Dan Usery – present

3. **APPROVAL OF THE AGENDA: 06:02 pm**

**\*\*Motion/Vote: Motion/Second. Passes unanimously.**

4. **APPROVAL OF THE MINUTES: 06:04 pm**

**\*\*Motion/Vote (01/28/2020): Motion/Second. Passes unanimously.**

**\*\*Motion/Vote (05/26/2020): Motion/Second. Passes unanimously.**

5. **LAND USE HEARINGS:**

**A. 19-USR-03: Quality Lube Special Use Permit**

Kelsey Bruxvoort, AGPRO

Tim Naylor, AGPRO

Trey Beard, Owner

**06:06 pm**

Anne Best Johnson for City:

Goes through City PPT presentation re: Quality Lube. Describes project, location, type of land use case and current zoning. Current application is an expansion of existing business. Stormwater improvements will be included. Drought tolerant plants will be planted in a bio-swale at the southwest corner of the lot. Water consumption has been approved.

Reviews SUP process and standards and how they apply to this property. Surrounding property owners were noticed in December of the application via mail, and in May of the public hearing via publication, posting on the property, and certified mail. All notice requirements in the Code were satisfied.

Reviews criteria for approval in Municipal Code. All Public Works departments as well as Fire Department were involved in approval process.

City Council meeting when this will be addressed will be June 16.

**06:14 pm**

Kelsey Bruxvoort for Applicant:

Reviews exiting site with aerial view and illustration. Drive aisles and circulation will be improved by expansion. Stormwater and raingarden drainage swale will capture and utilize runoff from new site before directing extra to inlet.

Reviews details of how application meets Municipal Code criteria for special use permit. Respectfully requests recommendation of approval.

Question: The future building site – is that just an option or are there actual plans?

Answer: No planned date of building. Need to evaluate potential future use. Will most likely be additional service bays or retail area.

No members of the public in attendance.

**06:20 pm**

**\*\*Motion to recommend application for approval by City Council/Second. Passes unanimously.**

**B. 20-AP-02: Ziggi's Replat:**

Lisa Dell, Owner

Nick Brewka, MAH Architectural Group

**06:23 pm**

Lauren Richardson for City:

Describes project; one parcel being replatted into two. No change in zoning. Ziggi's will be built on smaller of two lots. Site improvement agreement is going to City Council on June 16 since Site Plan has been administratively approved.

Reviews process for minor replat cases. Surrounding property owners were given notice of application in February. All notice requirements in the Code were satisfied.

Application has met the requirements for a replat under the Municipal Code.

Question: What will happen to the second half of the lot? Is it similar in size to the way this one is being divided? Is it detrimental to the area? Good to see something going in there, but will it make it harder for someone else to come in the develop? What can go in there?

Answer: No, Ziggi's is taking the smaller of the two lots. Larger of the two is 1.4 acres, which is plenty of room for a number of commercial uses.

Follow-up Question: At what point in splitting a lot does it get so small that it becomes unusable?

Answer: Staff does not have those numbers. After replat, there will be four commercial lots on the south side of 37<sup>th</sup> street, the smallest of which will be occupied by Ziggi's.

Lisa Dell: Ziggi's Coffee is drive-thru only, no sit down. That's why we go with smaller lot sizes. To do drive-thru *and* café, we look for about an acre—maybe a little less. Same with fast food—about an acre.

**06:35 pm**

Nick Brewka for Applicant:

Introduces himself and project. Replat has no impact on traffic. Will maintain efficient on and off-site traffic. Design meets easement requirements and architectural standards of the City.

No members of the public present.

No discussion from Planning Commissioners

**06:37 pm**

**\*\*Motion to recommend replat for approval by City Council/Second. Passes unanimously.**

6. **ADJOURNMENT: 06:38 pm**

**\*\*Motion/Vote: Motion to adjourn/Second. Passes unanimously.**



**January 28, 2020**

**Project Name: Ziggi's Coffee-Evans**

Please find this letter to serve as the **Project Description** for the above referenced project.

The proposed development is the construction of Type V-B, wood framed commercial drive-thru coffee kiosk called Ziggi's Coffee. It is a 624 square foot, single story building serving only as a drive-thru and walk-up coffee shop. There is no dining room or indoor areas meant for customers to consume their beverages.

Along with the construction of the building will be the development of the site, which as it currently sits is a completely undeveloped parcel of land comfortably placed between a Walgreens pharmacy and some residential neighborhoods. The proposed site development will consist of the modification of existing curbs to tie into existing transportation infrastructure and the creation of new drive-thru lanes, parking areas, sidewalks, landscaping and a patio for walk-up orders. Access to the developed site will come from the shared access road serving the Walgreens off of 37th Street as well as the access road from 35th Avenue. Existing easements were taken into consideration during the design of the site to ensure all requirements have been followed.

The parcel is classified in the City of Evans 2019 Official Zoning Map as C-3 Commercial High Intensity District. Ziggi's Drive-Thru Coffee is a commercial use and is therefore appropriate for the lot in question.

Please let me know if there are any questions.

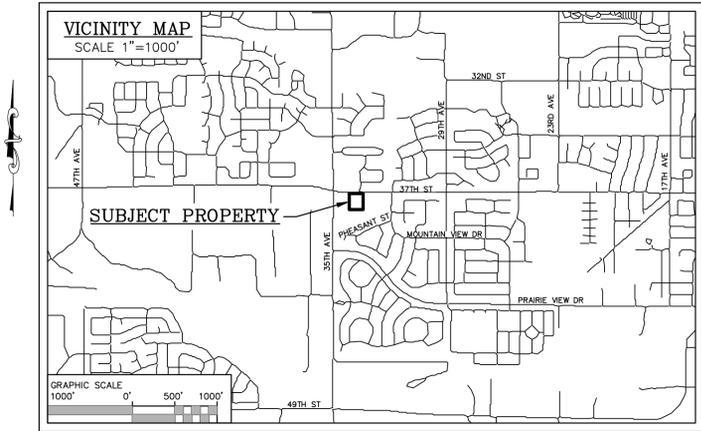
**Respectfully,**

A handwritten signature in black ink, appearing to read "Nick Brewka". The signature is fluid and cursive, with a large, sweeping initial "N".

**Nick Brewka**  
**MAH Architectural Group**

# HUNTER'S RESERVE CENTER FILING NO. 2 MINOR SUBDIVISION

A REPLAT OF LOT 2, HUNTER'S RESERVE CENTER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO



### CERTIFICATE OF DEDICATION AND OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_, BEING THE OWNER(S), MORTGAGE OR LIENHOLDER OF CERTAIN LAND IN EVANS, COLORADO, DESCRIBED AS FOLLOWS:

LOT 2, HUNTER'S RESERVE CENTER, CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO

CONTAINING 93,413 SQUARE FEET OR 2.144 ACRES MORE OR LESS

HAVE BY THESE PRESENTS LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS AND BLOCKS, AS SHOWN ON THIS PLAT, UNDER THE NAME AND STYLE OF, AND DO HEREBY DEDICATE TO THE PUBLIC ALL WAYS AND OTHER PUBLIC RIGHTS-OF-WAY AND EASEMENTS FOR PURPOSES SHOWN HEREON.

EXECUTED THIS \_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

OWNER(S), MORTGAGES OR LIENHOLDER

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_. MY COMMISSION EXPIRES \_\_\_\_\_  
WITNESS MY HAND AND SEAL

NOTARY PUBLIC

### SURVEYING CERTIFICATE

I, JEFFREY J. MACKENNA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY SUPERVISION AND THE MONUMENTS SHOWN HEREIN ACTUALLY EXIST AND THIS PLAT ACCURATELY REPRESENTS SAID SURVEY.

BY: \_\_\_\_\_  
REGISTERED LAND SURVEYOR

### PLANNING COMMISSION CERTIFICATE

THIS PLAT REVIEWED BY THE CITY OF EVANS PLANNING COMMISSION THIS \_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

BY: \_\_\_\_\_  
CHAIRMAN

### CERTIFICATE OF APPROVAL BY THE CITY COUNCIL

APPROVED BY THE CITY COUNCIL OF EVANS, COLORADO, THIS \_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

BY: \_\_\_\_\_  
MAYOR  
ATTEST: \_\_\_\_\_  
CITY CLERK

### RECORDER'S CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF WELD COUNTY AT ON THE \_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_ IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, MAP \_\_\_\_\_, AT RECEPTION # \_\_\_\_\_

ATTEST: \_\_\_\_\_  
COUNTY CLERK AND RECORDER

BY: \_\_\_\_\_  
DEPUTY

### DEDICATION STATEMENT

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS OF THE LANDS DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS, TRACTS, BLOCKS, STREETS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF HUNTER'S RESERVE CENTER FILING NO.2 MINOR SUBDIVISION. THE UTILITY EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND CABLE COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES ARE RESPONSIBLE FOR PROVIDING THE UTILITY SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES. THE OWNERS OF THE LANDS DESCRIBED HEREIN ARE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF DRAINAGE EASEMENTS SHOWN HEREON AND RELATED FACILITIES. THE UNDERSIGNED GRANTS THE CITY OF EVANS A PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTY TO MAINTAIN, OPERATE AND RECONSTRUCT THE DRAINAGE EASEMENTS AND RELATED FACILITIES AND TO MAINTAIN, OPERATE AND RECONSTRUCT THE DRAINAGE EASEMENTS AND RELATED FACILITIES WHEN THE OWNER(S) FAIL TO ADEQUATELY MAINTAIN SUCH DRAINAGE EASEMENTS AND RELATED FACILITIES, WHICH MAINTENANCE, OPERATION AND RECONSTRUCTION SHALL BE AT THE COST OF THE OWNER(S). ALL PUBLIC STREETS AND RIGHTS-OF-WAY SHOWN HEREON ARE DEDICATED AND CONVEYED TO THE CITY OF EVANS, COLORADO, IN FEE SIMPLE ABSOLUTE, FOR PUBLIC USES AND PURPOSES. DRAINAGE AND DETENTION EASEMENTS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE CITY. THE CITY IS HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO THE ADJACENT PROPERTIES FOR CONSTRUCTION, REPAIR, MAINTENANCE, OPERATION AND REPLACEMENT OF STORM SEWERS AND DRAINAGE FACILITIES. THE UNDERSIGNED GRANTS TO THE CITY A SIGHT EASEMENT(S) AS SHOWN HEREON WITHIN THE SUBDIVISION TO MAINTAIN ADEQUATE SIGHT DISTANCE AT ALL ROADWAY INTERSECTIONS AS PROVIDED BY THE CITY OF EVANS' REGULATIONS AND STANDARDS, AS AMENDED. THE CITY IS HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS ACROSS ALL LOTS AND TRACTS WITHIN THE SUBDIVISION TO REMOVE ANY OBSTRUCTION TO THE PROPER SITE DISTANCE, INCLUDING, BUT NOT LIMITED TO, ANY STRUCTURE, FENCE, UTILITY BOX, RAISED MEDIAN AND LANDSCAPING, AT THE SOLE COST AND EXPENSE OF THE OWNER OF THE LOT AND/OR TRACT UPON WHICH SUCH OBSTRUCTION IS SITUATED. THE OWNERS OR ADJACENT PROPERTY OWNERS OF THE LANDS ARE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SIGHT EASEMENTS SHOWN HEREON. WHEN THE OWNER(S) OR ADJACENT OWNERS FAIL TO ADEQUATELY MAINTAIN SUCH SIGHT EASEMENTS, THE MAINTENANCE, OPERATION AND RECONSTRUCTION SHALL BE AT THE COST OF THE OWNER(S).

(OWNERS/MORTGAGEE)

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
SECRETARY

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY\* (NAME PRINTED).  
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC  
MY COMMISSION EXPIRES: \_\_\_\_\_

### NOTES

- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- FALCON SURVEYING, INC. RECOMMENDS ALL INTERESTED PARTIES RETAIN THE SERVICES OF A COMPETENT INDIVIDUAL TO CONSULT PERTINENT DOCUMENTS FOR SPECIFIC DEVELOPMENT RESTRICTIONS AND CRITERIA WHICH MIGHT APPLY TO SUBJECT PARCEL. FALCON SURVEYING, INC. AND THE SURVEYOR OF RECORD ASSUME NO RESPONSIBILITY FOR THE ZONING RESTRICTIONS UPON THE SUBJECT PROPERTY.
- BURIED UTILITIES AND/OR PIPE LINES ARE SHOWN PER VISIBLE SURFACE EVIDENCE AND UTILITY PLANS. ADDITIONAL UTILITIES, IN USE OR ABANDONED, MIGHT EXIST ON, NEAR OR CROSSING THE SUBJECT PROPERTY. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY, WITHOUT EXPRESSING A LEGAL OPINION AS TO THE OWNERSHIP OR NATURE OF THE POTENTIAL OVERHANGS. THE DIMENSIONS OF ALL UTILITY POLE CROSS-MEMBERS AND/OR OVERHANGS SHOWN HEREON ARE LOCATED TO THE BEST OF OUR ABILITY AND ARE APPROXIMATE. FALCON SURVEYING, INC. AND THE SURVEYOR OF RECORD SHALL NOT BE LIABLE FOR THE LOCATION OF OR THE FAILURE TO NOTE THE LOCATION OF NON-VISIBLE UTILITIES.
- FALCON SURVEYING, INC. DOES NOT HAVE THE EXPERTISE TO ADDRESS THE MINERAL RIGHTS. FALCON SURVEYING, INC. RECOMMENDS ALL INTERESTED PARTIES RETAIN A MINERAL RIGHTS EXPERT TO ADDRESS THESE MATTERS. FALCON SURVEYING, INC. AND THE SURVEYOR OF RECORD ASSUME NO RESPONSIBILITY FOR THE MINERAL RIGHTS UPON THIS TRACT OF LAND.
- SUBJECT PROPERTY LIES IN "ZONE X", (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD) AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS PER FLOOD INSURANCE RATE MAP PANEL NO. 08123C1540E. EFFECTIVE DATE:1/20/2016
- ALL DISTANCES USED ARE IN U.S. SURVEY FEET
- ZONING: SUBJECT PROPERTY ZONED C-3, PER CITY OF EVANS ZONING MAP ACCESSED ON DECEMBER 11, 2019. REPORT OR LETTER TO BE SUPPLIED BY CLIENT.
- BENCHMARK: FOUND 2.5" ALUMINUM CAP BEING THE NORTH 1/4 CORNER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS OBSERVED VIA "VRS NETWORK" NAVD88 ELEVATION= 4758.27'
- BASIS OF BEARINGS: THE GPS DERIVED EAST LINE OF THE NORTHWEST 1/4 SECTION 25, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN AS EVIDENCED BY A FOUND 2.5" ALUMINUM CAP "TAIT, PLS 30126" BEING THE NORTH 1/4 CORNER OF SAID SECTION 25 FROM WHENCE A FOUND 3.25" ALUMINUM CAP "KING SURVEYORS INC, PLS 34990" BEING THE CENTER 1/4 CORNER OF SAID SECTION 25 BEARS SOUTH 00°18'35" EAST, A DISTANCE OF 2620.65 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO.

### LEGAL DESCRIPTION - METES AND BOUNDS

#### OVERALL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 2, HUNTER'S RESERVE CENTER, CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER OF SAID SECTION 25 AS EVIDENCED BY A FOUND 2.5" ALUMINUM CAP "PLS 30126" FROM WHENCE THE CENTER QUARTER OF SAID SECTION 25 AS EVIDENCED BY A FOUND 3.25" ALUMINUM CAP "PLS 34990" BEARS SOUTH 00°18'35" EAST, A DISTANCE OF 2620.65 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;  
THENCE SOUTH 87°49'21" WEST, A DISTANCE OF 2040.83 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 00°46'25" EAST ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 291.87 FEET;  
THENCE SOUTH 89°13'35" WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 320.05 FEET;  
THENCE NORTH 00°46'25" WEST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 291.87 FEET;  
THENCE NORTH 89°13'35" EAST ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 320.05 FEET TO THE POINT OF BEGINNING.

CONTAINING: 93,413 SQUARE FEET OR 2.145 ACRES MORE OR LESS.

#### LOT 2A DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER OF SAID SECTION 25 AS EVIDENCED BY A FOUND 2.5" ALUMINUM CAP "PLS 30126" FROM WHENCE THE CENTER QUARTER OF SAID SECTION 25 AS EVIDENCED BY A FOUND 3.25" ALUMINUM CAP "PLS 34990" BEARS SOUTH 00°18'35" EAST, A DISTANCE OF 2620.65 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;  
THENCE SOUTH 87°49'21" WEST, A DISTANCE OF 2040.83 FEET;  
THENCE SOUTH 89°13'35" WEST ALONG THE NORTH LINE OF LOT 2, HUNTER'S RESERVE CENTER, A DISTANCE OF 210.05 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 291.90 FEET;  
THENCE SOUTH 89°13'35" WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 106.06 FEET;  
THENCE NORTH 00°46'25" WEST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 291.87 FEET;  
THENCE NORTH 89°13'35" EAST ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 31,530 SQUARE FEET OR 0.724 ACRES MORE OR LESS.

#### LOT 2B DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER OF SAID SECTION 25 AS EVIDENCED BY A FOUND 2.5" ALUMINUM CAP "PLS 30126" FROM WHENCE THE CENTER QUARTER OF SAID SECTION 25 AS EVIDENCED BY A FOUND 3.25" ALUMINUM CAP "PLS 34990" BEARS SOUTH 00°18'35" EAST, A DISTANCE OF 2620.65 FEET WITH ALL BEARINGS HEREIN RELATIVE THERETO;  
THENCE SOUTH 87°49'21" WEST, A DISTANCE OF 2040.83 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 00°46'25" EAST ALONG THE EAST LINE OF LOT 2, HUNTER'S RESERVE CENTER, A DISTANCE OF 291.87 FEET;  
THENCE SOUTH 89°13'35" WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 213.99 FEET;  
THENCE NORTH 00°00'00" EAST, A DISTANCE OF 291.90;  
THENCE NORTH 89°13'35" EAST ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 210.05 FEET TO THE POINT OF BEGINNING.

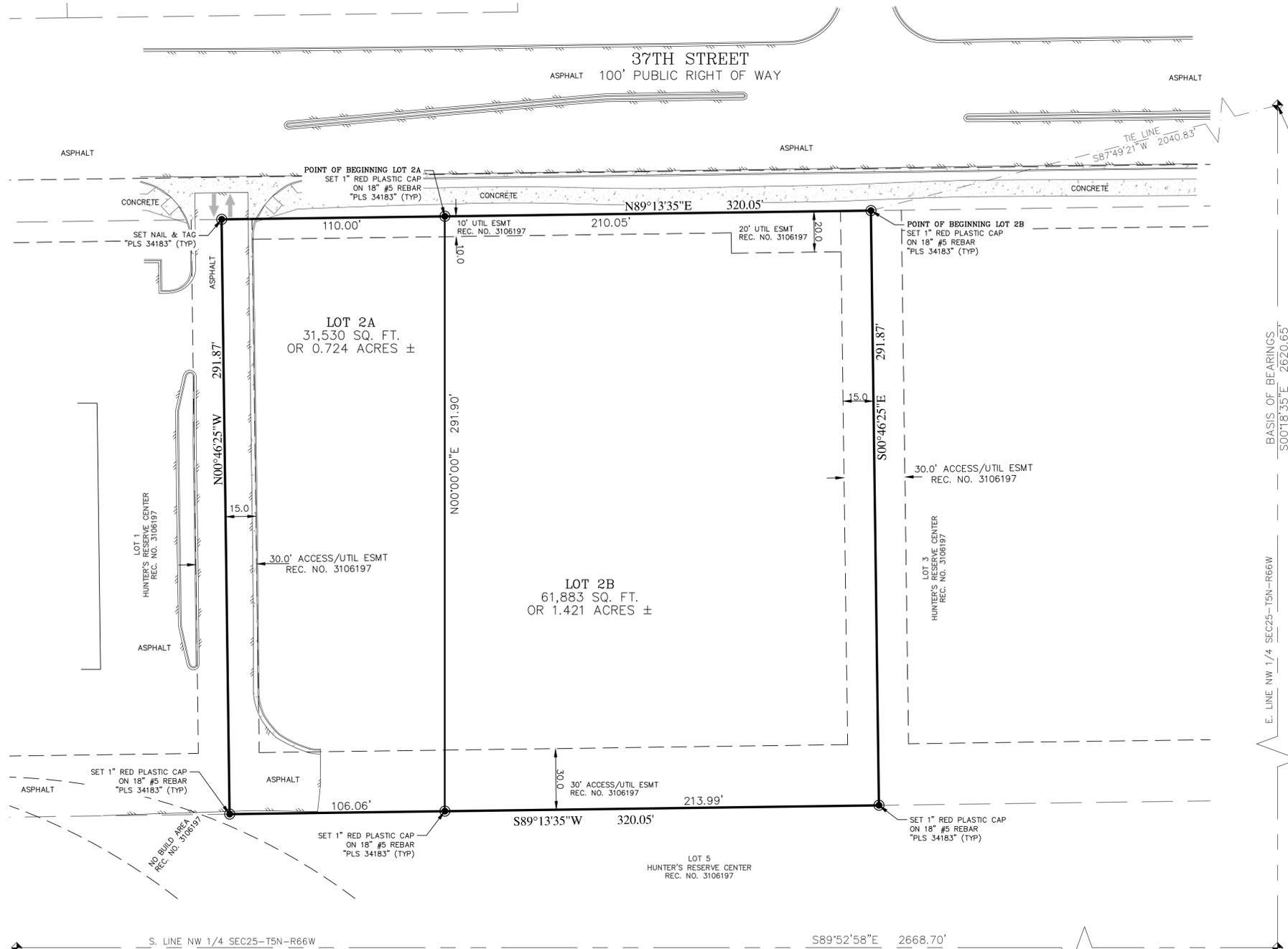
CONTAINING: 61,883 SQUARE FEET OR 1.421 ACRES MORE OR LESS

SHEET 1 OF 2

	9940 WEST 25TH AVENUE LAKEWOOD, CO 80215 303-202-1560 WWW.FALCONSURVEYING.COM	
	DATE: 02/04/20	REVA:
DRAWN BY: CAC	CHK'D BY: JJM	JOB NO. 191109
DATE OF FIELD SURVEY: 12/24/19	191109_ALTA_TOPO.DWG	

# HUNTER'S RESERVE CENTER FILING NO. 2 MINOR SUBDIVISION

A REPLAT OF LOT 2, HUNTER'S RESERVE CENTER, SITUATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO



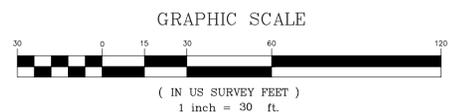
NORTH 1/4 SEC25-T5N-R66W  
POINT OF COMMENCEMENT  
FOUND 2.5" ALUMINUM CAP  
0.6' B.G. IN RANGE BOX  
"TAIT, PLS 30126"  
~SITE BENCHMARK~  
NAVD88=4758.27'

BASIS OF BEARINGS  
S00°18'35"E 2620.65'  
E. LINE NW 1/4 SEC25-T5N-R66W

### LEGEND

- INDICATES SUBDIVISION BOUNDARY AS SHOWN
- INDICATES LOT LINES AS SHOWN
- - - INDICATES ADJACENT BOUNDARY
- - - INDICATES EASEMENTS AS SHOWN
- - - INDICATES TIE LINE FROM PDC TO PDB
- ◇ INDICATES FOUND SURVEY MONUMENT AS STATED
- ◆ INDICATES SECTION CORNER AS SHOWN
- INDICATES SET PIN AND CAP ON NO.5 REBAR 18" LONG PLS 34183
- (M) MEASURED
- (R) RECORDED

S. LINE NW 1/4 SEC25-T5N-R66W  
WEST 1/4 SEC25-T5N-R66W  
FOUND 3.25" ALUMINUM CAP  
0.3' B.G. IN RANGE BOX  
"KING SURVEYORS INC, PLS 22098"



CENTER 1/4 SEC25-T5N-R66W  
FOUND 3.25" ALUMINUM CAP  
0.3' B.G. IN RANGE BOX  
"KING SURVEYORS INC, PLS 34990"

### SHEET 2 OF 2

	9940 WEST 25TH AVENUE LAKEWOOD, CO 80215 303-202-1560 WWW.FALCONSURVEYING.COM	
	DATE: 02/04/20	REVA:
DRAWN BY: CAC	CHK'D BY: JJM	JOB NO. 191109
DATE OF FIELD SURVEY: 12/24/19		191109_ALTA_TOPO.DWG

S:\JOBS\2019\191109\DWG\191109\_MSP\_V0.dwg

EXHIBIT A

Bill of Sale

FOR AND IN CONSIDERATION of the sum of Twenty Nine Thousand Twenty Five 00/100 Dollars (\$29,025.00) and other good and valuable consideration exchanged between Buyer and Seller as of this date, June 10, 2020 ("Seller"), whose address is 1007 42<sup>nd</sup> Street, Evans Colorado does hereby sell, assign and transfer to DLR Property Holdings, LLC ("Buyer"), whose address is 20067 Northmoor Drive, Johnstown, CO 80534, the following property:

One and 35/100 (1.35) Evans, Colorado Equivalent Residential Units of water (EQRs) that are currently held in the name of Seller by the City of Evans, Colorado in the City's EQR Water Bank.

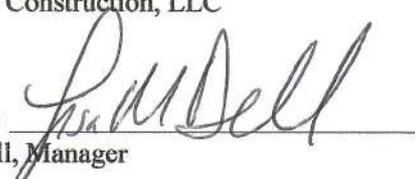
Seller agrees to cooperate with Buyer to cause the City of Evans, Colorado to immediately update the City's records to reflect the transfer of ownership of the above specified EQRs to Buyer within the City's Water Bank as of the date of passing of this bill of sale.

DATED this Tenth day of June, 2020.

Assigned as of the date specified below.

By Seller:   
Robert Burke, Member/Manager  
B&B Local Construction, LLC

Date: 6-10-2020

By Buyer:   
Lisa M. Dell, Manager  
DLR Property Holdings, LLC

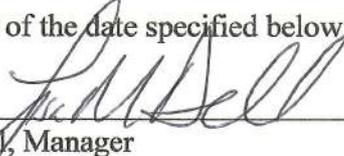
Date: 06/10/2020

EXHIBIT B

ASSIGNMENT OF EQRs

1. The City of Evans, Colorado records reflect that DLR Property Holdings, LLC ("Buyer"), whose address is 20067 Northmoor Drive, Johnstown, CO 80534, is the record owner of One and 35/100 (1.35) Equivalent Residential Units of Water ("EQRs") held within the Water Bank of the City of Evans, Colorado, which were acquired from B&B Local Construction, LLC by operation of the Bill of Sale dated June 10<sup>th</sup>, 2020.
2. By this instrument, Buyer dedicates the described One and 35/100 (1.35) EQRs to the property at Ziggi's Coffee Construction Project 37<sup>th</sup> Street and 35<sup>th</sup> Ave. Therefore, the described One and 35/100 (1.35) EQRs may not be used in association with any other property.
3. The described property is illustrated below.

Assigned as of the date specified below

By Buyer:   
Lisa M. Dell, Manager  
DLR Property Holdings, LLC

  
Date

ACKNOWLEDGMENT OF TRANSFER NOTIFICATION

THIS WILL ACKNOWLEDGE THAT:

1. The City of Evans, Colorado records reflect that B&B Local Construction, LLC ("Seller"), whose address is 1007 42<sup>nd</sup> Street, Evans Colorado, has heretofore been the record owner of ten and one-half (10.5) Equivalent Residential Units of Water ("EQRs") held within the Water Bank of the City of Evans, Colorado, which were acquired from Norther Colorado Water Conservancy District on April 13<sup>th</sup> 2006.
2. By this instrument, the City of Evans' Assistant City Manager hereby acknowledges that he has been notified of the transfer by Seller unto DLR Property Holdings, LLC, ("Buyer") whose address is: 20067 Northmoor Drive, Johnstown, CO 80534 of one and 35/100 (1.35) of the above described EQRs heretofore owned and held by Seller, by operation of a Bill of Sale dated June 10<sup>th</sup>, 2020 attached to this document as Exhibit A.
3. This will confirm the one and 35/100 (1.35) banked EQRs described above has transferred from Seller to Buyer, and that the City's records have been updated to reflect Buyer has become the owner of one and 35/100 (1.35) EQRs effective as of the date of the specified Bill of Sale. According to the City's records and taking into account the transfer acknowledged by this document and all prior transfers, Buyer is the owner of a total of Buyer EQR Balance (1.35) EQRs.
4. Buyer has dedicated the described one and 35/100 (1.35) EQRs to Ziggi's Coffee Construction Project 37<sup>th</sup> Street and 35<sup>th</sup> Ave. by operation of the Assignment of EQRs attached to this document as Exhibit B. Therefore, the described one and 35/100 (1.35) EQRs may not be used in association with any other property.
5. According to the City's records and taking into account the transfer acknowledged by this document and all prior transfers, Seller continues to be an EQR Holder as to a remaining balance totaling Seller Remaining EQR Balance (9.15) banked Evans, Colorado EQRs.

Acknowledged as of the date specified below.

**By: Seller** \_\_\_\_\_  
Robert Burke, Member Manager  
B&B Local Construction, LLC

6-10-2020  
\_\_\_\_\_  
Date

**By: Buyer** \_\_\_\_\_  
Lisa M. Dell, Manager  
DLR Property Holdings, LLC

06/10/2020  
\_\_\_\_\_  
Date

**By: City of Evans** \_\_\_\_\_  
Randy L. Ready, Assistant City Manager  
City of Evans, Colorado

\_\_\_\_\_  
Date



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# CITY COUNCIL AGENDA REPORT

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**DATE:** June 16, 2020  
**AGENDA ITEM:** 8.C  
**SUBJECT:** Consideration of Agreement with Weld County Regarding 2020 Cares Act Funding Opt-In and Allocation  
**PRESENTED BY:** James L. Becklenberg, City Manager  
Jacque Troudt, Finance Director

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## **AGENDA ITEM DESCRIPTION:**

On May 18, 2020, Governor Polis signed Executive Order D2020 070, the CARES Act, to establish the Coronavirus Relief fund. Through the Department of Local Affairs (DOLA) this fund will reimburse costs to Counties and Municipalities for:

1. Necessary expenditures incurred due to the COVID-19 public health emergency (COVID-19 emergency);
2. Expenditures that were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State; and
3. Expenditures that were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

Weld County has been allocated \$27,825,189 that must be allocated in accordance with a collaboration agreement between the county and all municipalities within the county. In order to receive the funds, the county and all municipalities must agree to an allocation method and sign the coloration agreement prior to the close of the opt-in period ending on July 7, 2020.

Over the last two weeks, the Weld County Commissioners have coordinated a discussion among all 32 Weld County municipalities about the most equitable way to allocate and manage the reimbursement funds available. Per the eligible uses of the funds noted above, all of the discussion participants agreed that the first priority for the funding should be to ensure that all jurisdictions are reimbursed for their direct costs related for COVID-19, both to-date and through the remainder of 2020. Evans' direct costs for the year total \$161,366. They are detailed in Attachment 1.

The second agreed-upon priority is to support Weld County businesses with available reimbursement in excess of the amount needed for direct costs. The City would have several options for how to do this:

1. Develop and administer a grant program for Evans businesses
2. Assign all or a portion of allocated amount to a County-wide fund, to be managed by Upstate Colorado and be available to all Weld County businesses.

3. Work collaboratively with the City of Greeley or other non-profit organizations to support local businesses that are known to be significant employers of Evans residents, whether they are specifically in Evans or not (e.g., the Greeley Area Recovery Fund).

Based on a per-capital allocation formula agreed upon by all jurisdictions, Evans' allocation of the total \$27,825,189, would be \$974,312. Further, the City would have access to \$487,156 of the reimbursement in the near term, with the remaining 50% available for unexpected direct costs or business support later in the year.

At this point, the City Council is asked to approve the agreement (identical for all municipalities) with Weld County and all other municipalities that would be submitted to DOLA. The City would be eligible to "opt-in" and register to file for and receive the CARES Act funds. The decision about how best to support local businesses with a portion of the reimbursement funding could be made subsequently in the next few weeks after further discussion with other potential partners.

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**FINANCIAL SUMMARY:**

*The City would be reimbursed for its direct costs related to COVID-19, currently estimated to be \$161,366. The City would also have the opportunity to contribute to supporting businesses affected by COVID-19, and be reimbursed for those costs.*

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**RECOMMENDATION:**

*Approve the Collaborative Agreement Related to Distribution of CARES Act Funding.*

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**SUGGESTED MOTIONS:**

*"I move to approve the Collaborative Agreement Related to Distribution of CARES Act Funding."*

*"I move to decline adoption of the Collaborative Agreement Related to Distribution of CARES Act Funding."*

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**ATTACHMENTS:**

- Attachment 1: City of Evans eligible costs for COVID-19 response
- Attachment 2: Proposed funding allocation among all Weld County jurisdictions
- Attachment 3: Collaborative Agreement Related to Distribution of CARES Act Funding

ATTACHMENT 1

**CITY OF EVANS COVID COSTS AND PROJECTIONS**

	<u>5/31/2020 YTD</u>	<u>Jun - Dec 150% of 5/31 YTD</u>	<u>Total</u>	<u>Notes</u>
<b>COVID COSTS</b>				
City of Evans				
Personal Protective Equipment (masks, gowns, respirators, safety goggles, gloves)	3,900.62	5,850.93	<b>9,751.55</b>	
Cleaning Supplies (includes wipes and disinfectant)	3,468.55	5,202.83	<b>8,671.38</b>	
OT for emergency management coordinator	792.01	-	<b>792.01</b>	Assume no add'l OT hours
Hand Sanitizer	1,529.80	2,294.70	<b>3,824.50</b>	
Extra Janitorial	449.00	673.50	<b>1,122.50</b>	
Signage/ plexiglass for reopening	2,300.28	3,450.42	<b>5,750.70</b>	More could be needed as areas continue to reopen
Thermometers	805.37	1,208.06	<b>2,013.43</b>	Replacements, additional as areas continue to reopen
Police department anti-body testing	1,250.00	-	<b>1,250.00</b>	No plans for additional testing Weekly cost averages \$700/week, 31 weeks remaining June-Dec. Limited hours when screening station first opened up
Staffing cost to operate the entry screening station	1,489.75	21,700.00	<b>23,189.75</b>	
Contribution to Cold Weather Shelter	10,000.00	-	<b>10,000.00</b>	
Contribution to the Greeley Area Recovery Fund	20,000.00	-	<b>20,000.00</b>	
COVID medical pay- possibility to be reimbursed	30,000.00	45,000.00	<b>75,000.00</b>	Latest guidance indicates possibility for the emergency medical leave and COVID health leave as reimbursable
	<b><u>75,985.38</u></b>	<b><u>85,380.43</u></b>	<b><u>161,365.81</u></b>	

Attachment B

**WELD COUNTY CORONAVIRUS RELIEF FUND DISTRIBUTION WITH CONTINGENCY**

TOTAL DISTRIBUTION \$27,825,189

COUNTY OFF TOP \$13,225,838

TOTAL DISTRIBUTION \$14,599,351

	<u>2018 POPULATION</u>		<u>PERCENTAGE</u>	<u>With Unicorp. Pop.</u>	<u>50%</u>	<u>Expenses</u>	<u>50% or YTD with</u>
				<u>\$ 14,599,351</u>		<u>YTD</u>	<u>Maximum Allocation Cap</u> <u>Until Contingency Reallocation</u>
WELD COUNTY	314,250						
Ault	1,819	1,819	0.0058	\$ 84,507	42253		\$ 42,253
Berthoud (Part)	215	215	0.0007	\$ 9,988	4994		\$ 9,988
Brighton (Part)	455	455	0.0014	\$ 21,138	10569	\$ 21,138	\$ 21,138
Dacono	5,742	5,742	0.0183	\$ 266,760	133380	\$ 50,000	\$ 133,380
Eaton	5,507	5,507	0.0175	\$ 255,843	127921		\$ 127,921
Erie (Part)	14,340	14,340	0.0456	\$ 666,204	333102		\$ 333,102
Evans	20,972	20,972	0.0667	\$ 974,312	487156	\$ 75,986	\$ 487,156
Firestone	14,694	14,694	0.0468	\$ 682,650	341325		\$ 341,325
Fort Lupton	8,290	8,290	0.0264	\$ 385,135	192567		\$ 192,567
Frederick	13,463	13,463	0.0428	\$ 625,461	312730		\$ 312,730
Garden City	249	249	0.0008	\$ 11,568	5784	\$ 66,828	\$ 11,568
Gilcrest	1,104	1,104	0.0035	\$ 51,289	25645		\$ 25,645
Greeley	107,026	107,026	0.3406	\$ 4,972,188	2486094	\$ 3,907,393	\$ 3,907,393
Grover	149	149	0.0005	\$ 6,922	3461		\$ 3,461
Hudson	1,652	1,652	0.0053	\$ 76,748	38374	\$ 80,186	\$ 76,748
Johnstown (Part)	12,646	12,646	0.0402	\$ 587,505	293752		\$ 293,752
Keenesburg	1,228	1,228	0.0039	\$ 57,050	28525		\$ 28,525
Kersey	1,629	1,629	0.0052	\$ 75,680	37840		\$ 37,840
La Salle	2,346	2,346	0.0075	\$ 108,990	54495		\$ 54,495
Lochbuie (Part)	6,831	6,831	0.0217	\$ 317,353	158676		\$ 158,676
Longmont (Part)	350	350	0.0011	\$ 16,260	8130		\$ 16,260
Mead	4,673	4,673	0.0149	\$ 217,097	108549		\$ 108,549
Milliken	7,619	7,619	0.0242	\$ 353,962	176981		\$ 176,981
Northglenn (Part)	13	13	0.0000	\$ 604	302		\$ -
Nunn	459	459	0.0015	\$ 21,324	10662		\$ 10,662
Pierce	1,156	1,156	0.0037	\$ 53,705	26853		\$ 26,853
Platteville	3,009	3,009	0.0096	\$ 139,791	69896	\$ 19,700	\$ 69,896
Raymer	105	105	0.0003	\$ 4,878	2439		\$ 2,439
Severance	4,975	4,975	0.0158	\$ 231,127	115564		\$ 115,564
Thornton (Part)	0	0	0.0000	\$ -	0		\$ -
Windsor (Part)	21,724	21,724	0.0691	\$ 1,009,248	504624	\$ 447,894	\$ 504,624
Unincorp. Area	49,810	49,810	0.1585	\$ 2,314,061	1157031		\$ 1,157,031
<b>TOTAL</b>		<b>314,250</b>	<b>1.0000</b>	<b>\$ 14,599,351</b>			
<b>COUNTY OFF TOP ALLOCATION</b>				<b>\$ 13,225,838</b>	\$ 6,612,919	\$ 4,267,887	<b>\$ 6,612,919</b>
<b>COUNTY BUSINESS RELIEF FUND (NOTE 1)</b>				<b>\$ 2,314,061</b>			
<b>MUNICIPALITIES TOTAL</b>				<b>\$ 12,285,290</b>			
<b>TOTAL</b>				<b>\$ 27,825,189</b>	\$ 13,912,595	\$ 8,937,012	<b>\$ 15,401,442</b>
<b>CONTINGENCY TO BE ALLOCATED IN SEPTEMBER-DECEMBER</b>							<b>\$ 12,423,747</b>

**NOTE 1: Weld County has committed its entire per capita allocation amount to the County Business Relief Fund**

## **COLLABORATION AGREEMENT RELATED TO DISTRIBUTION OF CARES ACT FUNDS**

This Collaboration Agreement for Funding related to the distribution of CARES Act funds (“Agreement”) is made and effective on June \_\_\_\_\_, 2020, by and among the Board of County Commissioners of Weld County, Colorado (referred to as “County”), and the City of Greeley, Colorado, the City of Brighton, Colorado, the City of Dacono, Colorado, the City of Evans, Colorado, the City of Lochbuie, Colorado, the City of Longmont, Colorado, the City of Northglenn, Colorado, the Town of Ault, Colorado, the Town of Berthoud, Colorado, the Town of Eaton, Colorado, the Town of Firestone, Colorado, the Town of Fort Lupton, Colorado, the Town of Frederick, Colorado, the Town of Garden City, Colorado, the Town of Gilcrest, the Town of Grover, Colorado, the Town of Hudson, Colorado, the Town of Keenesburg, the Town of Mead, Colorado, the Town of Milliken, Colorado, the Town of Nunn, Colorado, the Town of Pierce, Colorado, Colorado, the Town of Kersey, Colorado, the Town of La Salle, Colorado, Colorado, the Town of Platteville, Colorado, the Town of Raymer, Colorado, the Town of Severance, Colorado, the Town of Windsor, Colorado, the Town of Erie, Colorado, and the Town of Johnstown, Colorado (individually referred to as “Municipality” or collectively as “Municipalities”). (The County and Municipalities will jointly be referred to as the “Parties.”)

### **I. RECITALS**

- A. The novel coronavirus referred to as COVID-19 has been declared a worldwide pandemic. National, state, and local emergencies have been declared as a result of COVID-19.
- B. All of the Parties, as local governmental entities, have expended significant effort and funds to protect the community from the impacts of COVID-19 and to slow its spread.
- C. Efforts to slow the spread and protect the community are ongoing and will require continued time and funding. Recovery efforts are also ongoing and will require the additional expenditure of time and funds.
- D. The emergence and rapid spread of COVID-19 was unexpected and unable to be predicted. Therefore, local governments could not have adequately budgeted for such expenses.
- E. The State of Colorado is appropriating \$27,825,189.00 of CARES funding to Weld County local governments to reimburse these unbudgeted expenses through the Department of Local Affairs.
- F. The State of Colorado has designated DOLA as the fiscal agent for the funding which will be administered as a reimbursement program following eligibility verification performed by DOLA for the expenses.
- G. All parties recognize that it is in the best interest of the Weld County community to work cooperatively to ensure that all of the Weld County allocation is applied to the benefit of Weld County residents rather than allowing the funds to remain unspent and revert to the state-wide reserve fund pool for reallocation elsewhere in the state.

- H. The criteria for eligibility will be as prescribed in the CARES Act and rules which may be revised from time to time
- I. The Parties wish to agree on how to divide the appropriated funds for the good of the community.
- J. The Parties have a successful track record of working together for the benefit of the community.
- K. County and Municipalities are authorized pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et seq., Colorado Revised Statutes, to enter into agreements for the purpose of providing any service or performing any function which they can perform individually.

## **II. CONSIDERATION**

NOW, THEREFORE, in consideration of the covenants and obligations herein expressed, the County and Municipalities agree as follows.

## **III. TERMS AND CONDITIONS**

- A. Commencing on the date of the signing of this agreement and continuing until December 30, 2020 the Parties agree to the following in relation to the CARES Act funds.
- B. The obligations of the County and Municipalities to commit or expend funds are subject to and conditioned on the receipt of the CARES Act funds.
- C. The funds will be distributed among the parties as outlined in Exhibit A, which is attached hereto and incorporated herein. Exhibit A contains current and projected expenses by each unit of local government in order to establish “drawdown” of funds.
- D. Each Party is individually responsible for completing all activities necessary to become eligible to receive reimbursement from the CARES Act funds. Failure to do so may result in forfeiture of funds.
- E. Each Party assumes responsibility for ensuring the funds are only used for eligible expenses as determined by DOLA under the CARES act criteria.
- F. Each Party will assume responsibility for initially covering their own costs and await reimbursement from DOLA. No Party will have any expectation of other parties to the agreement providing any money to another.
- G. All parties can seek partners on projects eligible for CARES reimbursement from among the other agencies’ signatory to the agreement. No agency is under any obligation to participate in any such partnership.

- H. The parties will confer monthly starting in early September 2020 to share information about the progress of each Party's application of the funds to beneficial use in the community and to ensure all of the allocation amounts are used in Weld County.
- I. Each Party will keep an appropriate accounting of the expenditure of funds sufficient to meet the needs of DOLA and their own accounting practices.
- J. This Agreement is to be construed according to its fair meaning and as if prepared by all parties hereto and is deemed to be and contain the entire understanding and agreement between the parties hereto. There shall be deemed to be no other terms, conditions, promises, understandings, statements, or representations, expressed or implied, concerning this Agreement unless set forth in writing and signed by the Parties hereto.
- K. This Agreement cannot be modified except in writing signed by all Parties.
- L. This Agreement will be governed by and its terms construed under the laws of the State of Colorado. Venue for any action shall be in Weld County, State of Colorado.
- M. Nothing contained herein is deemed or should be construed by the Parties or by any third party as creating the relationship of principle and agent, a partnership or a joint venture between the Parties, or an employment relationship between the Parties.
- N. This Agreement is made for the sole and exclusive benefit of County and Municipalities, their successors and assigns, and it is not made for the benefit of any third party.
- O. If any term or condition of this Agreement is held to be invalid by final judgment of any court of competent jurisdiction, the invalidity of such a term or condition, will not in any way affect any of the other terms or conditions of this Agreement, provided that the invalidity of any such term or condition does not materially prejudice any Party in their respective rights and obligations under the valid terms and conditions of this Agreement.
- P. No Party will be deemed in violation of this Agreement if prevented from performing any of its respective obligations hereunder by reason of strikes, boycotts, labor disputes, embargoes, shortage of energy or materials, acts of God, acts of public enemies, acts of superior governmental authorities, weather conditions, rights, rebellions, sabotage, or any other circumstances for which it is not responsible or that are not within its control.
- Q. This Agreement may be signed by the Parties in counterpart.

BOARD OF COUNTY COMMISSIONERS OF  
WELD COUNTY, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
County Attorney

CITY OF GREELEY COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_

City Attorney

CITY OF BRIGHTON, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
City Attorney

CITY OF EVANS COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
City Attorney

CITY OF LONGMONT COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
City Attorney

CITY OF NORTHGLENN, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_

City Attorney

TOWN OF AULT, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF BERTHOUD, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF DACON, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF EATON, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_

Town Attorney

TOWN OF ERIE, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF FIRESTONE, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF FORT LUPTON, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF FREDERICK, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF GARDEN CITY, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF GILCREST, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF GROVER, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF HUSON, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF JOHNSTOWN, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF KEENESBURG, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF KERSEY, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF LA SALLE, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF LOCHBUIE, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF MEAD, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF MILLIKEN, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF NUNN, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF PIERCE, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF PLATTEVILLE, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF RAYMER, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_

Town Attorney

TOWN OF SEVERANCE, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF WINDSOR, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

TOWN OF JOHNSTOWN, COLORADO

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

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

ATTEST:

\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Town Attorney

**EXHIBIT “A”**

WORKSHEET ENTITLED “*Weld County Coronavirus Relief Fund Allocation*”

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# CITY COUNCIL AGENDA REPORT

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**DATE:** June 16, 2020  
**AGENDA ITEM:** 8.D  
**SUBJECT:** Consideration of Emergency Ordinance No. 716-20 To Implement Ballot Measure 2A approving a 1% Increase in Sales and Use Tax Upon Motor Vehicle Sales.  
**PRESENTED BY:** James L. Becklenberg, City Manager  
Drew Lyman, Assistant City Attorney

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**AGENDA ITEM DESCRIPTION:**

On April 7, 2020, City of Evans electors voted to approve Ballot Measure 2A imposing a 1 percent sales and use tax increase to improve city rights of way. To incorporate Measure 2A into the Evans Municipal Code, City Council passed Ordinance 713-20 that amended Code Sections 3.04.200 (retail sales tax) and 3.04.300 (imposition of use tax) and added 3.01.1050 for fund accounting.

Due to an oversight, Ordinance 713-20 did not amend Section 3.04.400, the Code Section imposing a sales and use tax on motor vehicle sales. To fully align Ballot Measure 2A with the Evans Municipal Code, Council should also amend Section 3.04.400, the provision imposing a use tax on motor vehicle transactions. In order to make all the taxes approved by the Ballot Measure 2A effective on the same date of July 1, 2020, staff recommends that, this ordinance should be adopted on an emergency basis.

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**FINANCIAL SUMMARY:**

The financial impact from the 1% sales and use tax is estimated to be up to \$3 Million additional revenue for Evans each year, based on average revenues in recent years, excluding considerations for COVID-19.

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**RECOMMENDATION:**

Staff recommends approval of the ordinance to amend the Evans Municipal Code and apply the new tax for motor vehicles, in addition to other components of the tax base to which it already applies.

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**SUGGESTED MOTIONS:**

*"I move to adopt Ordinance No. 716-20."*

*"I move to deny Ordinance No. 716-20."*

---

**ATTACHMENTS:**

- Ordinance Number 716-20

**THE CITY OF EVANS, COLORADO**  
**ORDINANCE NO. 716-20**

**AN EMERGENCY ORDINANCE AMENDING SECTION 3.04.400 TO IMPLEMENT  
THE CITY OF EVANS BALLOT ISSUE 2A APPROVING A ONE PERCENT (1% )  
INCREASE IN CITYWIDE SALES AND USE TAX ON MOTOR VEHICLE SALES TO  
BE USED EXCLUSIVELY FOR MAINTAINING, INCREASING THE CAPACITY  
AND IMPROVING THE SAFETY OF EVANS STREETS**

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS**, safe and efficient city streets are essential to Evans' quality of life and the health of its economy; and

**WHEREAS**, Evans is a growing city with an insufficient street maintenance budget to maintain and improve all arterial and neighborhood streets; and

**WHEREAS**, increased demands on the City's streets have resulted in poor road surface conditions, decreased safety, worsened traffic congestion, increased travel time, and deep frustration among those who live and work in the City of Evans; and

**WHEREAS**, the average pavement condition of city streets is only in the "fair" category and over 20% of the City's roads are in poor or very poor condition; and

**WHEREAS**, the City has identified \$99 million in much needed arterial widening projects that lack funding; and

**WHEREAS**, the past and current level of road maintenance funding each year is insufficient and, if continued, will result in further deteriorating road surface conditions, further escalating costs of repairs, and further vehicle damage and wear-and-tear; and

**WHEREAS**, without additional funding there will continue to be a growing lack of resources available to address critical traffic congestion, maintenance needs, and safety concerns; and,

**WHEREAS**, at the November 1992 general election, the citizens of Colorado adopted, as an amendment to the Colorado Constitution, the provisions of Article X, Section 20, also known as the Taxpayers' Bill of Rights or "TABOR", which, among other things, requires voter approval for certain exercises of state and local government powers relating to taxation, revenue raising, spending, and the incurrence of debt and other multiple-fiscal year financial obligations; and

**WHEREAS**, in order to seek voter approval of a one percent (1%) sales and use tax increase, the proceeds of which would be used exclusively for maintaining, operating and improving the streets of the city, the Evans City Council caused the following Ballot Question 2A to be placed on the April 7, 2020, Evans General Election ballot:

SHALL CITY OF EVANS SALES AND USE TAXES BE INCREASED \$3.5 MILLION IN 2021 (THE FIRST FULL FISCAL YEAR OF THE TAX INCREASE) AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER THROUGH THE IMPOSITION OF AN ADDITIONAL CITY-WIDE SALES AND USE TAX OF 1.00% (FOR A TOTAL SALES AND USE TAX OF 4.5%) TO BE UTILIZED EXCLUSIVELY FOR MAINTAINING, OPERATING AND IMPROVING THE SAFETY OF THE STREETS OF THE CITY, INCLUDING RESURFACING, RECONSTRUCTION, PAVING DIRT ROADS, ARTERIAL CAPACITY EXPANSION, AND RELATED CONCRETE WORK IN THE PUBLIC RIGHTS OF WAY; SUCH TAX INCREASE TO COMMENCE JULY 1, 2020, AND SHALL TERMINATE ON JUNE 30, 2027, AND SHALL ALL REVENUES RECEIVED FROM SUCH TAX INCREASE AND ANY INVESTMENT INCOME THEREON BE A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

**WHEREAS**, on April 7, 2020, Evans voters overwhelmingly voted “Yes” on Ballot Issue 2A, which is expected to raise approximately \$3 million in its first full year--providing over three times more annual road maintenance funding and expediting the completion of high-priority roadway expansion and safety improvement projects by many years; and

**WHEREAS**, City Council desires to implement the will of the voters by amending the Evans Municipal Code to reflect Ballot Issue 2A, as approved; and

**WHEREAS**, on May 19, 2020, the City Council approved Ordinance 713-20, implementing the increased sales tax on retail sales, and the use tax on construction and building materials; and

**WHEREAS**, the City Council wishes to implement the use tax increase on the sale of motor vehicles, as approved by the voters, to take effect on the July 1, 2020, the same date as the tax increases implemented by Ordinance 713-20, in order to facilitate proper administration of the tax increases and to ensure the increases are applied equally to retail sales, construction and building materials, and to motor vehicle sales, as approved by the voters.

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

**Section 1.** Section 3.04.400 of the Evans Municipal Code, is hereby amended to read as follows:

3.04.400 - Imposition and rate of sales and use tax on motor vehicles.

Unless otherwise exempted, there is levied and there shall be paid a sales or use tax at the rate of ~~three~~ four and one-half percent (~~3.5~~ 4.5%), upon the sale, storage,

use, or consumption within the City of any motor vehicle and other vehicle purchased at retail on which registration is required under state law.

**Section 2.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 3.** Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**Section 4.** This Ordinance, after its passage on final reading, shall be recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication.

**Section 5.** Publication and Effective Date. This Ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare of the citizens of the City of Evans for the reasons described above, including the need to implement the tax increases as approved by the voters, and the need to administer the sales and use tax increases on an equitable manner during the same time period, as approved by the voters, and therefore, shall become effective immediately as an emergency ordinance upon adoption by the City Council.

**Section 6.** Pursuant to Ballot Issue 2A, this Ordinance shall become effective on July 1, 2020 and shall terminate on July 1, 2027.

**INTRODUCED, PASSED, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 16th DAY OF JUNE, 2020.**

**ATTEST:**

**THE CITY OF EVANS, COLORADO:**

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City Clerk

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Brian Rudy, Mayor

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# CITY COUNCIL AGENDA REPORT

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**DATE:** June 16, 2020  
**AGENDA ITEM:** 8.E  
**SUBJECT:** Consideration of IGA with Weld County for the Overlay of 37<sup>th</sup> Street between 17<sup>th</sup> Avenue and UPRR Railroad  
**PRESENTED BY:** James L. Becklenberg, City Manager  
Randy Ready, Assistant City Manager  
Mark Oberschmidt, P.E. City Engineer

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## AGENDA ITEM DESCRIPTION:

In 2016, the City applied for North Front Range Metropolitan Planning Organization (NFRMPO) Surface Transportation Block Grant (STBG) funding to assist the City with the mill and overlay of 37<sup>th</sup> Street between 23<sup>rd</sup> Avenue and 11<sup>th</sup> Avenue. That application was granted on November 23, 2016, awarding the City \$982,141 in MPO funds and setting a (minimum) \$96,000 local match requirement. The MPO funds were scheduled to be disbursed in FY 2020-2021.

Some of the property along this stretch of 37<sup>th</sup> Street is in Weld County and some is in Evans (see Exhibit A). Before applying for the MPO grant, the City approached Weld County to see if they would be willing to contribute to the cost of this project. Weld County responded with a letter dated August 31, 2016, committing \$100,000 to the project (Exhibit B).

This project was originally envisioned as part one of a larger two-phase project that stretches from 23<sup>rd</sup> Avenue to the railroad tracks east of Hwy 85. Phase one—from 23<sup>rd</sup> Avenue to 11<sup>th</sup> Avenue—would be paid for with MPO grant and local match funds, and Phase two—from 11<sup>th</sup> Avenue to the railroad tracks—would be paid for by the City as normal roadway maintenance.

The last major roadwork done along 37<sup>th</sup> Street was widening the section between 17<sup>th</sup> and 23<sup>rd</sup> Avenues from two (2) lanes to four (4) in 1995, and intersection improvements done at 11<sup>th</sup> Avenue and 37<sup>th</sup> Street in 1997. At the time of the MPO application (2016), the stretch of 37<sup>th</sup> Street between 11<sup>th</sup> and 17<sup>th</sup> Avenues had a Pavement Condition Index (PCI) of 35, and the stretch between 17<sup>th</sup> and 23<sup>rd</sup> Avenue had a PCI of 37. For perspective on those scores, a PCI rating of 70+ is considered *good*, a PCI rating of 40-69 is considered in need of *major maintenance*, and a PCI rating of less than 40 is considered a *necessary reconstruct*.

In 2019, the City completed a major water, sewer, and storm sewer utilities update underneath 37<sup>th</sup> Street between 23<sup>rd</sup> and 11<sup>th</sup> Avenues. Now that the utilities are up to date, this project will come behind it with pavement mill and overlay in some areas and pavement reconstruction in others that will bring the current poor condition of the pavement up to a PCI in the range of 90-100. This roadway construction will provide a smooth, safe ride for the high-volume local and commuter traffic that the 37<sup>th</sup> Street corridor sees on a daily basis. In addition to upgrading the pavement, each phase of this project will bring all the ADA ramps along this section of 37<sup>th</sup> Street into

compliance with current standards and install thermoplastic pavement markings to delineate shared lanes for bicycle use in the outside lanes to create a complete street along sections where bicycle traffic is expected i.e. in the vicinity of Centennial School.

Phasing of this project has been reorganized in a way that will make the best use of funds available for this project within a timeline that is workable for all entities involved. The proposed new phasing reverses the original phasing as outline below

- Design of the project will be paid for from City roadway maintenance funds that have been designated for stretch of road. This will be completed in spring 2020.
- Phase One of construction—from 23<sup>rd</sup> Avenue to 17<sup>th</sup> Avenue—will be paid for with the City funds that have been designated for this stretch of road. This will be completed during construction season 2020.
- Phase Two of construction—from 17<sup>th</sup> Avenue to the railroad tracks east of Hwy 85—will be paid for with MPO grant funds, the City’s local match funds and Weld County local match funds. The goal is to complete construction 2020.

The Intergovernmental Agreement (IGA) with Weld County submitted for consideration spells out the expectations and responsibilities for each party surrounding the funding and completion of Phase Two of the construction of this project.

---

**FINANCIAL SUMMARY:**

Current total funding for this project is approximately \$1.8 million from the following sources:

- Weld County is contributing \$100,000 in local match funds to the MPO grant, as outlined in the IGA submitted for consideration.
- The City is contributing \$104,163 in local overmatch funds to the MPO grant, as outlined in the IGA submitted for consideration.
- The City has an additional \$621,859 from the Streets CIP fund set aside for road maintenance that will be used for this project; and
- The City has been awarded \$982,141 in MPO STBG funds during FY 2020-21.

Weld County’s total contribution:	\$ 100,000
City of Evans’ total contribution:	\$ 726,022
NFRMPO’s total contribution:	<u>\$ 982,141</u>
Total:	<u>\$1,808,163</u>

The geotechnical and design work for this project are now complete and will be reviewed with CDOT on June 15. Several large patches of roadway—especially in the oldest section of pavement east of 11<sup>th</sup> Avenue—have been found to be in need of excavation and reconstruction with the replacement of the road base below the surface. The need for that level of reconstruction was not anticipated before the geotech investigation was done. Staff is working closely with the project team and CDOT to determine the estimated additional cost for the reconstruction work that is necessary and will return to Council to discuss the findings and the additional funding request.

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**RECOMMENDATION:**

Staff recommends that the City Council approve the Intergovernmental Agreement with Weld County (IGA) for the 37<sup>th</sup> Street Overlay Project and authorize the Mayor’s signature on the

attached Letter of Intent and Terms and Conditions (IGA).

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**SUGGESTED MOTIONS:**

*“I move to approve the Intergovernmental Agreement with Weld County (IGA) for the 37<sup>th</sup> Street Overlay Project and authorize the Mayor’s signature on the Grant Agreement.”*

*“I move to reject the Intergovernmental Agreement with Weld County (IGA) for the 37<sup>th</sup> Street Overlay Project.”*

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**ATTACHMENTS:**

- Exhibit A – 37<sup>th</sup> Street Overlay Project
- Exhibit B – Project Scope of Work and Letter of Support
- Exhibit C – Project Tentative Schedule

**INTERGOVERNMENTAL AGREEMENT BETWEEN WELD COUNTY AND  
THE CITY OF EVANS FOR THE OVERLAY OF 37<sup>th</sup> STREET  
BETWEEN 23<sup>rd</sup> AVENUE AND 17<sup>th</sup> AVENUE**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between Weld County, a body corporate and political subdivision of the State of Colorado, with offices located at 1150 O Street, Greeley, Colorado, 80632, through its Board of County Commissioners (hereinafter referred to as “Weld County”), and the City of Evans, with offices located at 1100 37<sup>th</sup> Street, Evans, Colorado, 80620, a municipality (hereinafter referred to as “Evans”).

WITNESSETH:

WHEREAS, Weld County and Evans each have jurisdiction of portions of 37<sup>th</sup> Street between 23<sup>rd</sup> and 17<sup>th</sup> Avenue, as depicted in Exhibit A, which is attached hereto and incorporated herein by references; and

WHEREAS, the parties desire to jointly enter into the Scope of Work as shown on Exhibit B, which is attached hereto and incorporated herein by reference; and

WHEREAS, each party wishes to make road improvements to 37<sup>th</sup> Street in their respective jurisdiction and share the local match costs of a NFRMPO STBG grant for the phased overlay of 37<sup>th</sup> Street between 23<sup>rd</sup> Avenue and the railroad tracks on the east side of Hwy 85 (hereinafter referred to as the “Project”); and

WHEREAS, both parties hereto desire to enter into this Agreement for the purpose of defining their respective roles and responsibilities regarding the completion of this project; and

WHEREAS, both parties are authorized to enter into this Agreement by C.R.S. § 29-1-203 and Colorado Constitution Article XIV § 18(2) (1), for the purpose of achieving greater efficiencies for the provision of services to the public.

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

1. **MAXIMUM ESTIMATED COSTS**

This is a City of Evans project which, due to the shared value nature of the project, Weld County wishes to assist with in the form of partial local match funding.

The maximum estimated local match cost to each party for the project, is as follows:

City of Evans Budget:	\$621,859.00
Weld County Budget:	<u>\$100,000.00</u>
Total Local Project Budget:	<u>\$721,859.00</u>

It is understood and agreed, by both parties hereto, that the total cost of the local match stated herein is the best estimate prior to bid and award available, and such cost is subject to revision(s) based upon the actual cost of the project. Any revision in cost will not affect Weld County's contribution to this project.

**2. RESPONSIBILITY**

Weld County agrees to pay \$100,000 to Evans as Weld County's entire financial contribution to the Project upon approval and signing of this Agreement by both parties. All costs for the Project in excess of the \$100,000 paid by Weld County shall be the responsibility of Evans.

Evans will coordinate the phased project construction schedule as specified in Exhibit C, attached hereto and incorporated herein by reference, and shall be responsible for all payments to contractors associated with this project.

**3. FUNDING CONTINGENCY**

This Agreement is contingent upon all funds designated for the project being made available from Weld County and Evans. Should these sources fail to provide necessary funds as agreed upon herein, this contract may be terminated by either party upon written notice being delivered to the other party.

**4. ROADWAY STANDARDS**

The parties agree that the project shall be designed and built according to the specifications set forth in the October 16, 2018, Freedom Parkway Access Control Plan, which is incorporated herein by reference.

**5. ENTIRE AGREEMENT**

This contract, together with the exhibits attached hereto and any other documents incorporated herein by reference, constitutes the entire agreement between the parties with respect to the project, and shall be binding upon the parties, their officers, employees, agents, and assigns, and shall inure to the benefit of any successors and assigns of said parties.

**6. NO THIRD-PARTY BENEFICIARY ENFORCEMENT**

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all the rights of action relating to such enforcement, shall be strictly reserved to Weld County and Evans, and nothing contained in this Agreement shall give or allow any claim or right of action whatever by any other person on this Agreement. It is the express intention of Weld County and Evans that any entity other than the parties receiving services or benefits under this Agreement, shall be deemed an incidental beneficiary only.

**7. GOVERNMENTAL IMMUNITY**

No term of condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, or protections provided by common law or state statute, including the Colorado Governmental Immunity Act §§ 24-10-101 et seq., as applicable now, or as hereafter amended.

8. MODIFICATION AND BREACH OF CONTRACT

This Agreement contains the entire agreement and understanding between the parties and supersedes any other agreements concerning the project whether oral or written. No modification, amendment, revocation, renewal, or other alteration of/to this Agreement and the attached schedules, shall be deemed valid or of any force or effect whatsoever, unless mutually agreed upon in writing by the parties.

No breach of any term, provision, or clause of this Agreement or its attached schedules shall be deemed waived or excused, unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. Any consent by any party hereto, or waiver of a breach by any other party, whether express or implied, shall not constitute a consent to, waiver of, or excuse for any other different or subsequent breach.

9. LEGAL REMEDIES AND RESPONSIBILITIES

This Agreement shall be governed by the laws of the State of Colorado. Any and all legal action necessary to enforce the Agreement will be held in Weld County, Colorado. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing by law, statute, or otherwise, including but not limited to specific performance.

In any action brought by either party for the enforcement of the obligations of the other party, the prevailing party shall be entitled to recover reasonable attorneys’ fees and costs.

Each party shall be responsible for defending itself and its officers, employees, and assigns in any action brought against that party specifically. Neither party shall be deemed to assume any liability for intentional or negligent acts, errors, or omissions of the other party or the representatives thereof arising out of the project or the terms of this Agreement.

10. SEVERABILITY

If any term or condition of this Agreement shall be held to be invalid, illegal, or unenforceable, this Agreement shall be construed and enforced without such provision to the extent this Agreement is then capable of execution within the original intent of the parties.

11. NOTICES

All notices required herein shall be mailed via First Class Mail to the parties’ representatives at the addresses set forth below.

WELD COUNTY

Attn: Mike Freeman, Board of County  
Commissioners Chair  
1150 O Street  
P.O. Box 758  
Greeley, CO 80632  
[mfreeman@co.weld.co.us](mailto:mfreeman@co.weld.co.us)

CITY OF EVANS

James Becklenberg, City Manager  
1100 37<sup>th</sup> Street  
Evans, CO 80620  
[jbecklenberg@evanscolorado.gov](mailto:jbecklenberg@evanscolorado.gov)

12. ACKNOWLEDGEMENT

Weld County and Evans acknowledge that each has read this Agreement, understands it, and agrees to be bound by its terms. Both parties further agree that this Agreement with all attached exhibits and documents incorporated herein by reference, is the complete and exclusive statement of agreement between the parties.

**IN WITNESS WHEREOF**, the parties have executed this agreement the day and year first above written.

BOARD OF COUNTY COMMISSIONERS  
OF WELD COUNTY, COLORADO

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mike Freeman, Chair

By: \_\_\_\_\_  
Brian Rudy, Mayor

ATTEST:

ATTEST:

By: \_\_\_\_\_  
Deputy County Clerk

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

APPROVED AS TO LEGAL FORM:

By: \_\_\_\_\_  
City Attorney

APPROVED AS TO SUBSTANCE:

By: \_\_\_\_\_  
City Manager

APPROVED AS TO FINANCING:

By: \_\_\_\_\_  
Jacque Troudt, Finance Director



# Exhibit A: 37th Street Overlay Project Evans, Colorado



Map Disclaimer: This map was designed and intended for City of Evans use only; it is not guaranteed to survey accuracy. This map is based on the best information available on the date shown on this map. The City of Evans makes no warranties or guarantees, either expressed or implied, as to the completeness, accuracy or correctness of this map, nor accepts any liability arising from any incorrect, incomplete, or misleading information contained therein. Any reproduction or sale of this map, or portions thereof, is prohibited without the express written authorization by the City of Evans.

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## Exhibit B – Scope of Work

The 37th Street corridor is an important regional arterial roadway that stretches from I-25 on the west to Hwy 85 on the east. This corridor is the subject of extensive plans for multi-jurisdictional development as set forth in the 2018 Freedom Parkway Access Control Plan. It provides local access, North Front Range commuter access, and east-west connections between Evans, Greeley, Johnstown, Loveland, Larimer County, and Weld County.

This project (37<sup>th</sup> Street Overlay) will resurface/reconstruct approximately one and a quarter (1.25) miles of this corridor from 23<sup>rd</sup> Avenue to the UPRR crossing on the east side of Colorado Highway 85. The project will also bring all ADA ramps along this portion of the corridor up to current standards.

Currently, the existing road section is a four-lane asphalt pavement in poor condition. The 37<sup>th</sup> Street Overlay will focus on system preservation and improvement by completing this major maintenance surface restoration project. The overlay will create a new surface condition of PCI 100, providing better mobility, comfort, and safety for people and services traveling across this region.



OFFICE OF BOARD OF COMMISSIONERS  
PHONE: 970-336-7204  
FAX: 970-336-7233  
1150 O STREET  
P.O. BOX 758  
GREELEY, COLORADO 80632

August 31, 2016

Evans City Council  
1100 37<sup>th</sup> Street  
Evans, Colorado 80620

RE: Support of NFRMPO STBGP Application

Dear Mayor Morris:

The Weld County Commissioners are pleased to collaborate with the City of Evans on a system preservation project for overlay on 37th Street, between 11th and 23rd Avenues. The county is supportive of the City's application for funds through the North Front Range Metropolitan Organization (NFRMPO) Surface Transportation Block Grant Program (STBGP).

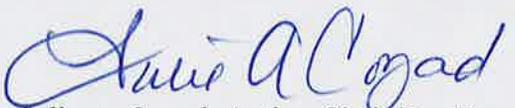
This project will assist Weld County residents by addressing some much needed infrastructure repairs. This project will assist in promoting future improvements and follows the overall vision of this regionally significant corridor. The CR 54/37th Street/SH 402 corridor is vital for transportation in Weld County as well as in the NFRMPO region. This overlay project will improve the quality and safety of the roadway and will also assist in the relocation of utilities which are critical for the future development of the corridor.

This partnership is consistent with our goal of promoting roadway quality, functionality, and safety for the traveling public. The county has committed to financially support this project and will contribute \$100,000 for the project.

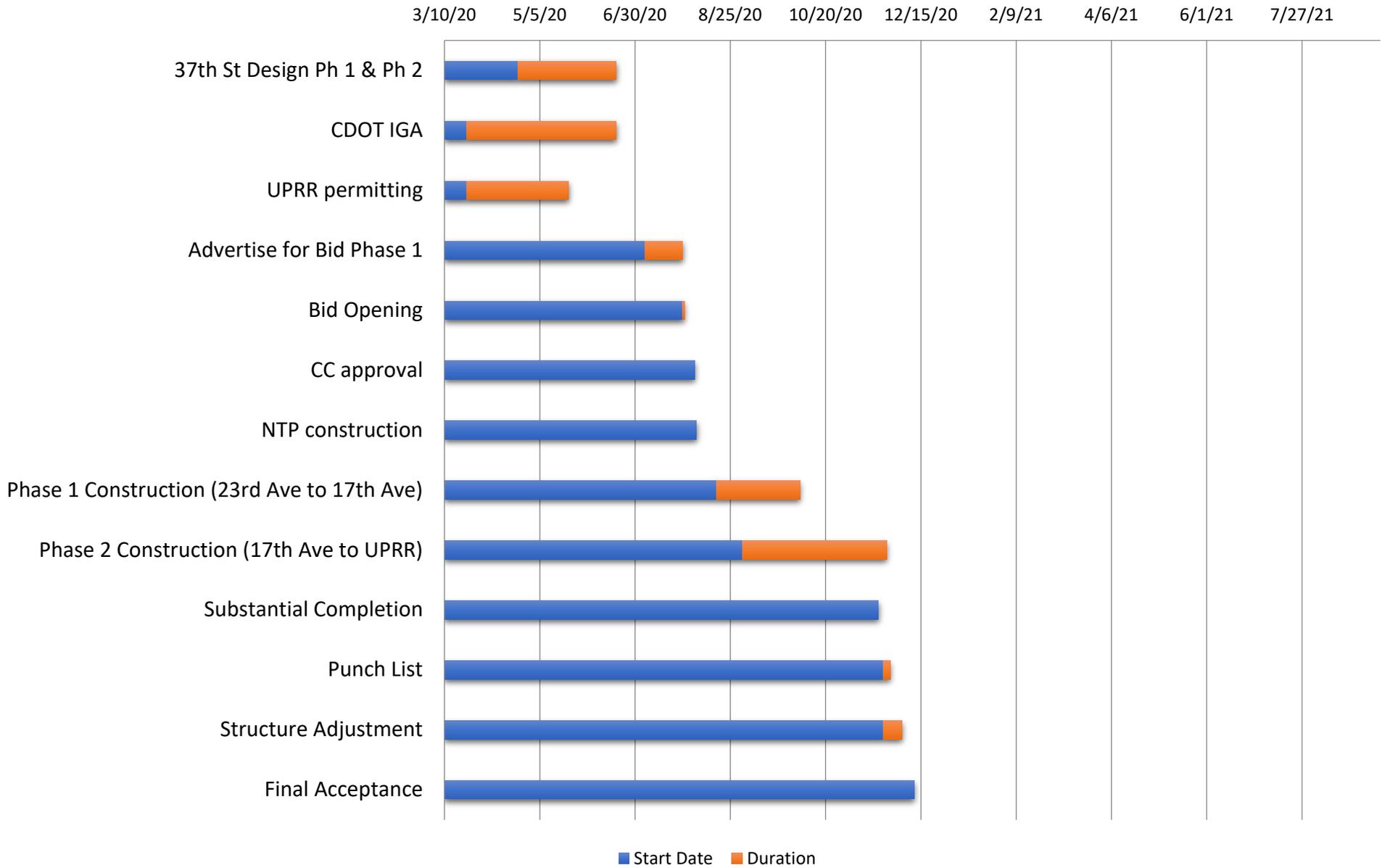
Thank you for your consideration, and if you have any questions, please feel free to contact us.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

  
Julie A. Cozad, Acting Chair Pro-Tem

# EXHIBIT C - 37th Street Overlay Tentative Schedule



## **City Managers Weekly City Council Update**

### **June 12, 2020**

<b>Communications</b>	<ul style="list-style-type: none"><li>• Staff met with PD to strategize social media outreach methods</li><li>• Staff promoted the Evans Master Plan surveys</li><li>• Staff updated staff directory</li><li>• Staff took panoramic photos for the Evans coloring book</li><li>• Staff facilitated information to the public regarding City's budget</li><li>• Staff updated the road ahead portion of the city's website</li><li>• Staff met with the new head of the Riverside Library establish city relationships</li></ul>
<b>Human Resources/Risk Management</b>	<ul style="list-style-type: none"><li>• Staff continues to monitor and supply support with the continuation of expanded services within the Evans Community Complex. Staff assisted providing additional support with flow of municipal court process based on more than normal defendant volume of scheduling. Staff reviewed and evaluated the risk and safety of the Recreation reopening plan and collaborated with Recreation staff to minimize the risk and the City's potential liability. The City is incorporating social distancing techniques and protective measures including, the installation of protective barriers/plexiglass, the movement of equipment, staff use of personal protective equipment, increased sanitation procedures, revised safety and disinfectant protocols, and use of flood decals and additional signage.</li></ul>
<b>Finance</b>	<ul style="list-style-type: none"><li>• Staff distributed a second reminder notification to businesses, regarding the 1% sales/use tax increase effective July 1st. The sales tax form has been updated with the new tax rate, and a fillable PDF sales tax form has been created to make filing easier for our businesses. The updated sales tax forms will be distributed to all businesses in a third communication that is scheduled for the week of June 22nd.</li></ul>
<b>Recreation</b>	<ul style="list-style-type: none"><li>• After receiving State guidelines, staff has been finalizing policies and procedures to reopen the Recreation Center.</li><li>• Recreation staff continues to staff the pre-entry screening at the Evans Community Complex.</li></ul>

## Planning

City of Evans Land Use Applications							
Name	Case #	Acres	Location	Brief description	Planning Commission	City Council	City Council
<b>Submitted Applications</b>							
Ridge at Prairie View Replat	Incomplete, submitted 1/3/2020	<1	West of Yellowbells Drive in Prairie View	Vacating Noble ROW	TBD	TBD	NA
Quality Lube	20-AP-06; 19-USR-03	<1	3303 23rd Ave	AmSUP to expand existing business footprint will be heard by PC and CC; Minor Replat to remove a lot line is administratively approved	5/26/2020	6/19/2020	NA
Crescent Cove Apartments, expansion	20-SP-01; 20-AP-07	17.83	32nd St between 29th Ave and Harbor Lane	12 buildings, clubhouse/pool; 288 units - 72 1B, 144 2B, 72 3B; Site Plan is administratively reviewed; replatting for easement is administratively approved	Administrative		
ACME Oil Field Services	20-USR-01	<1	Lots 1-4 and 16-18, Block 4, Evans Industrial Park	Site plan for business/storage	TBD	TBD	NA
H&H Excavation (Hojo)	20-SP-02	<1	industrial Park	Site plan for business/storage	TBD	TBD	NA
Ziggi's Coffee Shop	20-SP-03; 20-AP-02	<1	37th Street/35th Ave	Drive through Coffee Shop; Site Plan is approved administratively; Site Improvements Agreement & Minor Replat are heard by both	5/26/2020	6/19/2020	7/7/2020
Grapevine Hollow, Outlot 5	Incomplete, submitted 2/20	<1	Grapevine Hollow	3 Lots from Outlot	TBD	TBD	TBD
20-TELE-01 Knotty Pine - Verizon	20-TELE-01	<1	NE corner 34th Street and 23rd	Colocation for Verizon infrastructure on Xcel pole	Administrative		
Odell Hair Studio	20-HMOC-02	<1	3239 Borrossa		Administrative		
Varra ROW Vacation	20-AP-04	1 +/-	14822 WCR 3396	Vacation of ROW (ROW is remnant of 1889 patent to Weld County) Now, through 2004 annexation, the ROW belongs to the City.	NA	6/2/2020	6/16/2020
Mountain TRAX	20-ANNX-01; 20-COZ-01	3.84	22744 WCR 33	Annexing the northern Colorado headquarters building into the greater site; Rezoning all to I-3 with	6/23 for COZ	7/7/2020	7/21/2020
<b>Approved, pending recording, Development Agreement, Etc.</b>							
Extraction Oil and Gas	SUP	20.1	NW corner 47th & 37th	Oil and gas operations; SUP approved by PC and CC; Minor Replat to dedicate ROW was approved administratively; Awaiting DA finalization			
Dr. Patsi Lowe, 3524 Central Street			3524 Central Street	CDL Driver's Physical Testing; Awaiting plat to be finalized for recording			
Peakview Final Plat, Filing 1	18-SUB-01	225	Two Rivers Parkway & 37th	1037 Res, 20 Acres L, 50 acres OS; Final Plat approved by CC; Awaiting finalization of DA			
Kum & Go	19-AP-08		US 85 & 31/32nd St.	Minor Replat due to 8th Avenue closure at US85; Awaiting plat for recording			
Peerless Tires	18-SP-04 and 19-AP-06		11th Ave and 37th St.	Site Plan approved administratively; awaiting DA finalization			

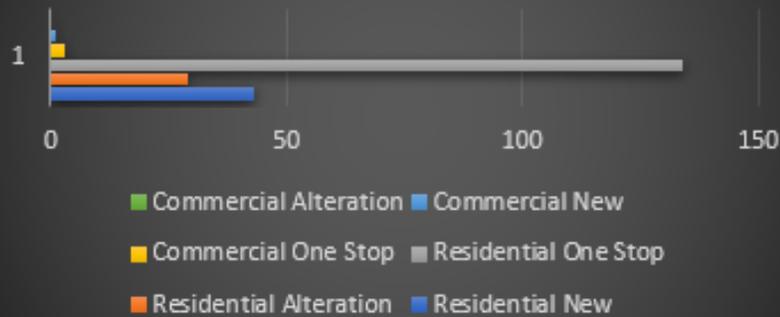
- Recruiting for two Planning Commissioner positions and one Alternate position is underway.
- The public outreach and engagement campaign for the Master Plan has started. See the following link to complete monthly surveys on important topics for Evans: <https://www.evanscolorado.gov/masterplan>
- The Submittal deadline for the Trails/Transportation Master Plan RFQ is 6/16.
- The first reading of the Food Truck Ordinance and Code amendment is schedule before City Council on June 16.

**Building**

**YTD 2020**

PERMIT TYPE	NUMBER PERMITS	VALUATION
Residential New	43	\$ 7,796,198
Residential Alteration	29	\$ 607,371
Residential One Stop	134	\$ 727,482
Commercial One Stop	3	\$ 2,700
Commercial New	1	\$ 160,000
Commercial Alteration	0	\$ -
<b>TOTAL</b>	<b>210</b>	<b>\$ 9,293,751</b>

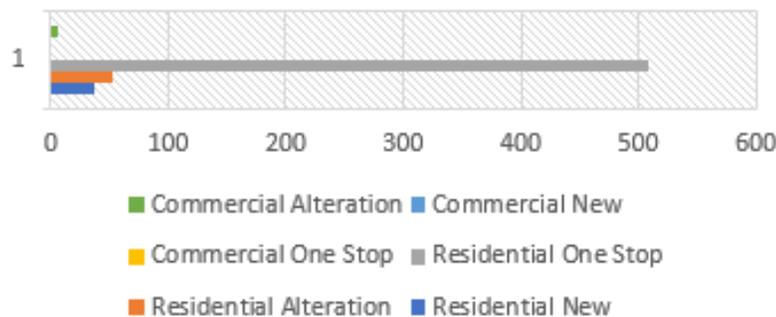
**YTD 2020 Permits**



**YTD 2019**

PERMIT TYPE	NUMBER PERMITS	VALUATION
Residential New	38	\$ 7,750,213
Residential Alteration	52	\$ 264,644
Residential One Stop	508	\$ 3,080,072
Commercial One Stop	0	\$ -
Commercial New	0	\$ -
Commercial Alteration	6	\$ 735,408
<b>TOTAL</b>	<b>604</b>	<b>\$11,830,337</b>

**YTD 2019 Permits**



- Despite concerns that the Covid-19 pandemic would disrupt development, the City is still seeing a steady flow of new residential permits.
- As the community seems to finally be recovered from 2018's hail storms, the drop in one stop permits has been significant.

**Neighborhood Services**

- Code Enforcement is allowing sufficient time for property owners to clean up storm damage from the winds on Monday night before addressing code violations. The image below is an example of a toppled tree on private property.



- Staff attended an appeal hearing on Wednesday, June 10 for a citation issued in February.
- Staff is responding to numerous code complaints including an increase in on-street parking violations.
- The Weld County Youth Conservation Corps has completed just over three weeks of the eight week Riverside Park Open Space Restoration project.

**Engineering**

- 2020 Concrete Replacement Project – work is completed. Engineering will conduct an initial walkthrough next week.
- 2020 Asphalt Patch Project – Work began on June 3<sup>rd</sup> in the Ashcroft Height's Subdivision. Staff has identified additional areas for patching and will be adding them into the contract.
- 2020 Surface Treatment Project - Staff will be advertising for this project on June 16<sup>th</sup> and 23<sup>rd</sup>.
- Staff working with Building Division to approve Final Grading Certificates.

- Staff working with H & H Construction to repair the Tuscany Center Sanitary Sewer line.
- Staff working with WL Contractors to upgrade the camera systems of 5 traffic signals in the city. 3 along 37th Street and 2 along 32nd St. Staff also working with finance to use approximately \$126,000 of traffic calming funds for these traffic improvements.
- Staff working with Morton Electric on the installation of a new traffic Signal at 35th Ave and 34th St. Morton has been installing underground conduit for the new signal this week.
- Staff continues to work with Xcel Energy to provide power to the 35th Ave irrigation system. New conduit and electric meter were installed last week and we are waiting for Xcel to energize the system.
- 23rd Ave – Staff has the final plans and will be preparing bid packages for advertising in Late June. Staff is working with adjoining property owners before we bid the project regarding temporary construction easements.
- East Side Storm Sewer – Staff will be meeting with CDOT to discuss open cutting the storm sewer in Highway 85 to reduce the risk and the cost of the project. It will take some time for CDOT to come to a decision on this. Staff has received the 30% cost estimate from BT Construction. The total estimated cost is just under \$10M. Staff will be submitting the application for SRF funding for two of the original four projects. See EA summary below.
- Lagoon Decommissioning – Plans and field work are progressing. Our contractor has gathered biosolids samples and is working with CDPHE on closure requirements. We are also discussing post closure land use options and the redesign of the lift station emergency overflow storage containment.
- East Side Storm Sewer Environmental Assessments – Staff provided CDPHE some additional information regarding the projects for the EA determination.
- Staff continues to work on development reviews and development agreements as they are received.
- Evans Ditch flume project- Staff has selected an alternative flow measurement device. Working with River Commissioners staff for approval of its use.
- Neville's Crossing Non-Potable Direct Supply – The new potable supply system is in service providing potable water for irrigation through the pump system. Installation of the inlet pipe valve is scheduled for the week of June 12-13. The pond will be filled when the irrigation water is available. The system at that time will be put back on non-potable water.
- Greeley Coordination - Greeley made a counter offer as to the amount of water rights to transfer. Staff is reviewing and will set up a meeting to work out the final amount and details of the transfer.
- Water Efficiency Report – The Consultant is preparing a final report for presentation to City Council by staff.
- 17th Avenue Waterline –Work is progressing and the waterline should be extended to the north end of the block by the end of this week.
- 37th St. Overlay Project – Staff along with our design team will be having a Final Office Review meeting with CDOT on Monday 06/15/2020.

- Tuscan Non-Pot/Tract O – Staff had the kick off meeting with Coffey on Wednesday 06/11/2020 and the topo survey will start on Monday 06/15/2020.
- Staff is working with CDOT to close out 31st Street and 35th Avenue projects.
- 47th Avenue – Staff had a pre bid meeting on 06/11/2020 with approximately 10-15 interested contractors.
- Wiedeman Irrigation Water Supply Pipeline to feed Tract O pond - Staff nearly complete with a report of the findings from the video.
- Willowbrook NP System Purchase – The Seller has accepted the City’s offer and terms. A draft of the Sales Agreement has been prepared and is being reviewed by the City Attorney. Closing is scheduled for October 2020.
- Staff is working on establishing EQR dedication requirements for several development projects.

**Economic Development/ ERA**

- Our Regional Economic Development Initiative (REDI) comprised of Weld and Larimer County economic developers has released the results of a cluster study that was initiated in mid-2019.

**Parks**

- Mowing continues as planned and scheduled.
- Staff are working on irrigation sprinklers, adjustments, and repairs.
- Staff picked up some fallen branches at City properties and Riverside trail, caused by the Monday night winds.
- Weed spraying continues as weather permits.



**PW Operations**

- Operations staff continue to fill potholes throughout town.
- Staff are continuing Right-of-Way mowing operations.

- Staff continue to maintain dirt roads.
- Staff continue operating the Evans ditch and providing irrigation water to Evans ditch customers.
- Water department staff had approximately 8 calls regarding water issues. And completed 6 Work orders.

### **Waste Water Operations**

- Staff has been potholing near the intersection of 37<sup>th</sup> Street and 47<sup>th</sup> Avenue trying to locate a buried sewer manhole.
- Seasonal grounds maintenance and irrigation system repairs is ongoing.
- Staff pumped out the irrigation wetwell for the Neville's Crossing sub-division so that engineering could remove an inflatable plug.
- Staff performed repair maintenance on one of the Return Activated Sludge pumps.
- Staff continue to drain the aeration basin that was taken out of service last week.
- Staff took a Secondary Clarifier out of service and have began draining it for inspection and maintenance.