

Greeley City Council Agenda

Regular Meeting
Tuesday, May 2, 2023 at 6:00 p.m.

City Council Chambers at City Center South, 1001 11th Ave, Greeley, CO 80631 Zoom Webinar link: <https://greeleygov.zoom.us/j/86218464323>

NOTICE:

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

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

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

Watch Meetings:



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



Meetings are televised live on GTV8 on cable television.



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

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

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at greeley-co.municodemeetings.com

Comment in real time:

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



In person attendees can address the Council in the Chambers.



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

Submit written comments:



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



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



Mayor
John Gates

Councilmembers

Tommy Butler
Ward I

Deb DeBoutez
Ward II

Johnny Olson
Ward III

Dale Hall
Ward IV

Brett Payton
At-Large

Ed Clark
At-Large

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

City Council Meeting Agenda

May 02, 2023 at 6:00 PM

City Council Chambers, City Center South, 1001 11th Ave & via
Zoom at <https://greeleygov.zoom.us/j/86218464323>

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Recognitions and Proclamations
6. Citizen Input
7. Reports from Mayor and Councilmembers
8. Initiatives from Mayor and Councilmembers

Consent Agenda

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Council Members may request an item be pulled off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

9. Consideration of a motion to approve the City Council Work Session Proceedings of April 11, 2023 and the Special City Council Meeting Proceedings of April 11, 2023
10. Consideration of a Resolution approving a Redevelopment Agreement between 1024 8th Avenue, LLC, DDA and the City of Greeley
11. Consideration of a Resolution appointing Mark Gonzales as the Primary Liquor Licensing Hearing Officer of Greeley, Colorado
12. Introduction and first reading of an Ordinance amending Title 2, Chapter 10 (Boards and Commissions) of the Greeley Municipal Code designating the City of Greeley website as the official posting site for meeting notices

- [13.](#) Introduction and first reading of an Ordinance amending the Greeley Municipal Code to create a new Article and Chapter under Title 6, Revenue & Finance, Chapter 16

End of Consent Agenda

- [14.](#) Pulled Consent Agenda Items
- [15.](#) Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Planned Unit Development (PUD) and Commercial-High Intensity (C-H) zone districts to the Residential Micro-Housing (R-MH) zone district changing the underlying land use designations for approximately 22.25 acres of property located south of F Street, west of N. 35th Avenue, and approximately one-half mile north of 4th Street (Stoneybrook)
- [16.](#) Public hearing and second reading of an Ordinance amending Title 12, Chapter 2, Article IV, Section 12-151 and Title 24 of the Greeley Municipal Code relating to the allowance of private tobacco smoking establishments
- [17.](#) Public hearing and second reading of an Ordinance authorizing a salary increase for the City Manager
- [18.](#) Public hearing and second reading of an Ordinance authorizing a salary increase for the City Attorney
- [19.](#) Public hearing and second reading of an Ordinance authorizing a salary increase for the Municipal Judge
- [20.](#) Scheduling of Meetings, Other Events
- [21.](#) Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances
22. Adjournment



Council Agenda Summary

Title

Recognitions and Proclamations

Summary

Mayor Gates will present a proclamations for the following:

- Historic Preservation Month
- National Travel & Tourism Week
- Small Business Week

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

Recognition of Paxton Daggett

Attachments

- Historic Preservation Month Proclamation
- National Travel & Tourism Week Proclamation
- Small Business Week Proclamation
- What's Great about Greeley* Report



HISTORIC PRESERVATION MONTH

WHEREAS, historic preservation is an effective tool for revitalizing neighborhoods, fostering local pride, realizing economic growth, and maintaining community character, and is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the City of Greeley and the Greeley Historic Preservation Commission desire to collaborate in honoring Greeley's and Colorado's historic resources and sites and promoting the importance of preserving those resources; and

WHEREAS, May is National Historic Preservation Month, and in recognition of this month the Commission plans to celebrate by showing the Windows of Time documentaries on GTV8, printing Historic Preservation Month posters and sponsoring a walking tour in the Sunrise Neighborhood.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim May 2023 as Historic Preservation Month and call upon the people of Greeley to join their fellow citizens across the United States in recognizing and participating in this special observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley this 2nd day of May, 2023.

John Gates
Mayor



National Travel & Tourism Week

WHEREAS, travel has a positive effect on Greeley, Colorado, and the nation's economic prosperity and image abroad; and

WHEREAS, travel impacts business productivity and individual travelers' well-being; and

WHEREAS, travel to and within the U.S. provides significant economic benefits for the nation, generating more than \$2 trillion in economic output in 2021, with \$910 billion spent directly by travelers; and

WHEREAS, travel is among the largest private-sector employers in the U.S., supporting over 6.7 million jobs in 2021, including 6.2 million directly in leisure travel jobs and 550,000 in business travel jobs; and

WHEREAS, Greeley saw more than 632,527 new visitors last year. Tourism and visitors to Greeley and Weld County brought in more than \$96 million to industry earnings generated by travel spending in 2021; and

WHEREAS, meetings, events and incentive travel are core business functions that help companies strengthen business performance, educate employees and customers and reward business accomplishments, which in turn boosts the U.S. economy. In 2021, domestic and international business travelers spent \$126 billion; and

WHEREAS, leisure travel, which accounts for more than three-quarters of all trips taken in the U.S., spurs countless benefits to travelers' health and wellness, creativity, cultural awareness, education, happiness, productivity, and relationships; and

WHEREAS, travel is a pillar of economic growth, creating jobs at a faster rate than other sectors; and

WHEREAS, welcoming visitors from near and far always has been, and always will be, the enduring ethos of the travel industry and Greeley; and

WHEREAS, travel matters to Greeley and Weld County.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim May 7 - May 13, 2023, as **National Travel and Tourism Week** in Greeley, and urge residents of Greeley to join me in this special observance with appropriate events and commemorations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 2nd day of May, 2023.

John Gates
Mayor



Small Business Week

WHEREAS, America's progress has been driven by pioneers who think big, take risks and work hard; and

WHEREAS, from the storefront shops that anchor local streets to the high-tech startups that keep America on the cutting edge, small businesses are the lifesavers of our economy and the cornerstones of our nation's promise; and

WHEREAS, small business owners have energy and a passion for what they do; and

WHEREAS, when we support small business, jobs are created, and local communities preserve their unique culture; and

WHEREAS, because this country's 28 million small businesses create nearly two out of three jobs in our economy, we cannot resolve ourselves to create jobs and spur economic growth in America without discussing ways to support our entrepreneurs; and

WHEREAS, thousands of small businesses provide goods and services within the Greeley community; and

WHEREAS, Greeley, Colorado supports and joins in this national effort to help America's small businesses do what they do best - grow their business, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim April 30 - May 6, 2023 as *Greeley Small Business Week*, and I call upon the people of Greeley to recognize the unique character and success small businesses bring to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 2nd day of May, 2023.

John Gates
Mayor



City Council Meeting
May 2, 2023

A Story Best Lived In.

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

- Athenian Oath

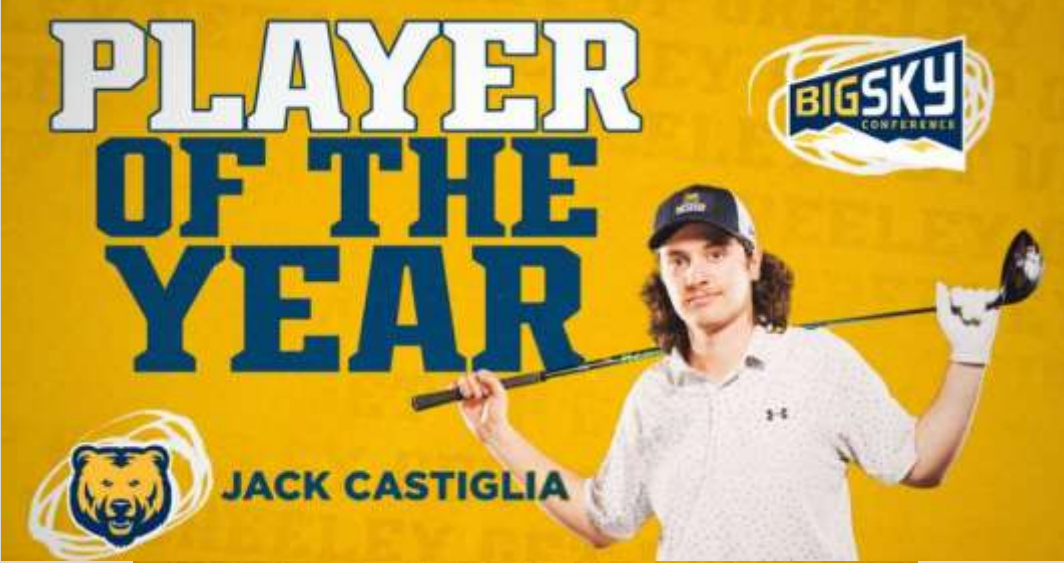
Greeley Metropolitan Statistical Area Ranked #19 on “America’s 20 Fastest Growing Big Cities” List

- Greeley MSA saw a 15.3% population growth from 2016-2021



UNC Student-Athletes Earn Big Sky Honors

- Jack Castiglia (Golf) – Player of the Year, First Team All-Big Sky
- Jarija Jucamane (Golf) – Golfer of the Week
- Erin Caviness (Softball) – Co-Pitcher of the Week



Downtown Master Plan Earns Governor’s 2023 Downtown Excellence Award for “Best Plan”

- Downtown 2032 – The Path Forward Master Plan update will guide improvements and investments over the next 10 years



Aims Community College Recognized as 2023 Certified Healthy Workplace™ Leader

- Health Links champions health and safety at work.
- 3rd year that Aims has been awarded as a Leader



Weld County Regional Communications Center Earns Accredited Center of Excellence Designation

- Award given by the International Academies of Emergency Dispatch
- Highest distinction given to emergency communication centers



Sidney Cerise Name Finalist for the Presidential Awards for Excellence in Mathematics and Science Teaching

- Sidney Cerise is a math teacher at Early College Academy
- Award is the highest national recognition for K-12 teachers in areas of science, technology, engineering and math





A Story Best Lived In.



Council Agenda Summary

Title

Citizen Input

Summary

During this 15-minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed as a public hearing on this evening's agenda.

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

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



Council Agenda Summary

Title

Reports from Mayor and Councilmembers

Summary

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



Council Agenda Summary

Title

Initiatives from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Initiatives will generally fall into three categories:

- 1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting;
- 2) A request to the City Manager for information or research;
- 3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council Meeting	Councilmember Olson will be following up with Manager Lee and Director Trombino on next steps Staff preparing a revised funding application for the next cycle of USDOT Grant Funding expected to be available in May 2023.	Pending outcome of federal grant application submitted	Next grant application expected May 2023	Paul Trombino
09-2022	Butler	Review traffic and safety surrounding 15 acre open area between 71st Avenue and 8th Street	June 7, 2022 Council Meeting	Requested that Public Works review the traffic and to improve safety in this congested area. In late 2022, Public Works Staff installed additional signage to improve safety and line of sight issues caused by parked cars. Furthermore, GPD with the help of Public Works have identified key times to enforce both speeding and stop sign compliance. City staff along with School District 6 and Westridge Academy held a public meeting with the neighborhood on January 26th, 2023. During this meeting we heard feedback regarding traffic safety and development concerns. This feedback is being used to develop solutions to address identified traffic safety concerns. These potential solutions will be brought back to the neighborhood to garner feedback prior to moving forward with the installation of identified improvements.	Additional signage installed for traffic and parking. Staff worked with School District, builder and GPD to ensure road is passable for school buses. GPD will focus enforcement times to ensure compliance with posted speed limit. Staff developing neighborhood safety improvement options and working with School District on transportation issues to improve coordination and support related to safety and infrastructure around school sites.	Anticipate providing council an update on the next neighborhood meeting and safety improvements by late summer 2023	Paul Trombino
16-2022	Clark	Concerns over the increase in incidents and safety in the tunnel under Hwy 34 in the Hillside/Farr Park neighborhood	November 1, 2022 Council Meeting	Requested staff study implementing a closure of the tunnel entrance between the hours of 10:00 PM and 7:00 AM over safety concerns Post the neighborhood meeting and confirmation the neighborhood's desire to keep the underpass. Public Works Staff finalized a new design for the existing underpass. The final new underpass design concept was submitted for grant funding through the Colorado Department of Transportation – Transportation Alternatives Program	Neighborhood meeting scheduled for 1/25/23 5:30 - 7:00 pm at Jackson Elementary. PW finalizing new design for existing underpass. Submitted for grant funding through CDOT - Transportation Alternatives program	We plan to share the new design concept in a neighborhood meeting to be scheduled in late April/early May 2023.	Paul Trombino/Becky Safarik

17-2022	DeBoutez	Expressed concern about neighborhood issues, i.e. speeding and noise violations.	November 15, 2022 Council Meeting	Requested GPD and PW research technologies available for traffic calming, speed/red light cameras and decibel measuring devices to improve safety, wellbeing and quality of life in Greeley. GPD and PW staff have completed their research regarding the betterment of neighborhood safety, wellbeing and quality of life using technology. Staff developed a comprehensive list of technology and other tools available and will bring those forward at an upcoming work session. April 13, 2022	CMO recommendation - Do we invest in additional technology tools and structure to combat neighborhood issues? PW/GPD provide report on technologies available, cost of such technology, and how different technologies are used in other communities and the results of implementing such technology. GPD completed research and provided to CMO. Waiting for direction on if this will be provided in CM report to Council or at WS. (3/21/23)	Work Session report/CMO recommendation on neighborhood issues and technological options Per Councilor DeBoutez's request, a work session regarding the technologies/options will be scheduled.	Adam Turk/Paul Trombino
01-2023	Butler	Costs and feasibility study of translation services for agendas and meetings	January 3, 2023 Council Meeting	Request staff research the costs and feasibility of translating the agenda, agenda packet and live streamed meetings in other languages? Is Spanish the predominant language for translation or are other languages also appropriate? CCO is almost finished gathering the costs connected to having an in-person translator at council meetings, along with options for agenda translation services. C&E has supplied the information needed about the percentage of Spanish speaker in the community. Next Steps: Provide a written summary and recommendation to council by end of May.	CCO to work with C&E to gather statistical information for report.	CCO to provide a written report or Work Session Report in June	City Clerk's Office/Communication & Engagement
03-2023	Butler	Limits on individual campaign contributions	February 7, 2023 Council Meeting	Research and gather information from other municipalities to determine if they have implemented campaign contribution limits and provide update of what the process would be to set limits for individual campaign contributions CAO and CCO will have a written report ready in	CCO/CAO to come back to Council at a work session regarding the process	CCO/CAO report to Council in May	CCO/CAO
04-2023	Hall	Bridge over creek along the Poudre River Trail in Pumpkin Ridge area	March 7, 2023 Council Meeting	Would like a written report to Council regarding the history of the project and possibility of putting a wooden foot bridge across the trail and the timeline going forward City staff will be setting up a neighborhood meeting with the Pumpkin Ridge Neighborhood regarding the proposed connection to the Sheep Draw Trail. We are planning the meeting for May/June 2023.	PW anticipated next neighborhood meeting for May/June 2023.	PW report provided to Council on March 24, 2023. Neighborhood meeting planned for May/June 2023.	PW
06-2023	Clark/DeBoutez	Asked staff to research zoning codes for artificial grass in housing developments	March 21, 2023 Council Meeting	Asked staff to research the zoning regulations and standards for putting artificial grass in residents' front yards and research the landscape code and provide updates on the alternatives for water conservation	Community Development/Water Conservation	CMO/Report to Council	CD/Water



Council Agenda Summary

Title:

Consideration of a motion to approve the City Council Work Session Proceedings of April 11, 2023 and the Special City Council Meeting Proceedings of April 11, 2023

Summary:

A work session of the City Council was held in the City Council's Chambers on April 11, 2023. A Special City Council meeting was held immediately following the work session in City Council's Chambers on April 11, 2023. The draft proceedings of each meeting have been prepared and are being presented for the Council's review and approval.

Decision Options:

- 1) To approve the proceedings of the Council work session as presented; and/or
- 2) To approve the proceedings of the Special Council meeting as presented; and/or
- 3) Amend the Council work session proceedings, if amendments or corrections are needed, and approve as amended; and/or
- 4) Amend the Special Council Meeting proceedings, if amendments or corrections are needed, and approve as amended.

Council's Recommended Action:

A motion to approve the City Council Work Session proceedings and the Special Council meeting proceedings as presented (or amended).

Attachments:

Draft Council Work Session Proceedings of April 11, 2023
Draft Special Council Meeting Proceedings of April 11, 2023

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
April 11, 2023

1. Call to Order

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

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

City Clerk Heidi Leatherwood called the roll.

The following members of Council were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall

Mayor Pro Tem Brett Payton

Councilmember Ed Clark

Councilmember Johnny Olson

Mayor John Gates

4. Reports from Mayor and Council Members

Councilmember Olson reported that the North Front Range Metropolitan Planning Organization (MPO) is currently discussing regional corridors and visioning projects. Councilmember Olson indicated that he is pushing for work on the Highway 34 corridor.

5. Consideration of a proposal to extend property and sales tax revenue to support Downtown development

Interim Community Development Director Becky Safarik and Executive Director for the Downtown Development Association (DDA) Bianca Fisher introduced the item with a presentation at 6:02 p.m.

The DDA was established in 1998 and the Plan of Development was approved by the Council in 2002. State law allows downtown authorities to collect property tax increment from new construction over the base year valuation, in approved districts for 30 years (2033). The DDA has used the funds for major redevelopment. State law allows a 20-year extension during the last 10 years, for eligible property improvements.

The DDA is asking for approval on this request for continued support for redevelopment investment in the District and to assist with the implementation of the updated 2032 Downtown Strategic Plan.

When the Tax Increment Financing (TIF) was approved, so was a companion Agreement (Voluntary Allocation of Sales Tax) but was not activated until 2008 until voters approved the DDA Sales TIF. The DDA is proposing to update that agreement for collection and distribution of funds to support:

1. Expand the Downtown Experience
2. Brand Support
3. Business Support

Mayor Pro Tem Payton asked if the request to renew in the last 10 years, shortens the life of the tax. In response to the question, Ms. Fisher replied that the tax would still run until 2053.

Councilmember Hall reminded the DDA that there are curbs, gutters, and streets that need some of the investment funds for improvement purposes. In response, Ms. Safarik replied that these are eligible for such funds and that the City can also use Capital Improvement Project (CIP) funds to assist with these types of improvements.

Councilmember Olson asked what the expected return on investment is, and what is the data on past investment pros/cons. In response to the question, Ms. Safarik answered that the intention is to have specific metrics to look at every year. Councilmember Olson also asked for an “actionable item list.” In response, Ms. Safarik replied that the strategic plan to make sure that the Downtown Plan was continued so that has been assigned to all respective departments along with all the action items.

Councilmember Butler wanted to know how much money would be needed in the first year. In response, Ms. Safarik estimated that it would be in the neighborhood of \$250,000. In future years, upon realizing what funds are generated, the Council could adjust the funds for use by the DDA. City Manager Lee added that the remainder of the money does not go away, it is still intended for use in that district.

Councilmember DeBoutez asked about the trash in the area. In response, Mr. Lee answered that Public Works is working on that issue. Public Works Director Paul Trombino answered that they are going through the options of partnerships for collecting trash in the alley for net savings and positive impact on the area.

6. American Rescue Plan Act (ARPA)-Program Update

Finance Director John Karner and Grant Specialist Ashley Weesner introduced the item at 6:30 p.m.

\$21 Million in ARPA funds were awarded to the City. Greeley is designating its entire award as revenue loss which allows for increased flexibility in how the funds are spent. The program to disburse the funds will be handled by application in priority areas.

1. Building Community Resilience
2. Enhancing Mobility
3. Quality of Life and Destinations (community)
4. Activating Economic Corridors

Community Engagement is currently being done through a survey. So far there are over 600 responses from residents.

Ms. Weesner discussed the application process, committee review, selection criteria, timeline, and next steps. She noted that all projects must be completed by Dec 31, 2026.

Mayor Gates appreciated the engagement by the community members so far.

Councilmember DeBoutez commented that the survey was short and therefore easy to complete.

Councilmember Clark received confirmation that only one survey could be completed by a single person.

City Manager Lee added that even larger metropolitan cities are struggling to get input, so this is a fair turn out currently.

Councilmember DeBoutez asked about reports on the ARPA funds after completion. In response, Mr. Karner replied that each quarter a report is submitted on actual funds spent.

7. Scheduling of Meetings, Other Events

None.

8. Adjournment

Mayor Gates adjourned the meeting at 6:43 p.m.

Approved:

John D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
Special Council Meeting
April 11, 2023

1. Call to Order

Mayor Gates called the meeting to order at 6:50 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Pledge of Allegiance was held during the Work Session previously at 6 p.m.

3. Roll Call

City Clerk, Heidi Leatherwood called the roll.

Present:

Mayor John Gates

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Dale Hall

Mayor Pro Tem Brett Payton

Councilmember Ed Clark

Councilmember Johnny Olson

4. Legislative Review of SB23-213

Intergovernmental Affairs Officer, Staycie Coons, Lobbyists with the 76 Group, Ellie Reynolds and Matt LaCrue gave an update on Senate Bill 23-213 with a presentation at 6:51 p.m.

The proposed bill would require municipalities to adopt a State mandated standard code or meet certain minimum requirements in the following five areas:

- Housing needs planning
- Accessory dwelling units
- Middle housing
- Transit-oriented areas (Greeley doesn't currently have transit-oriented areas)
- Key corridors (Greeley doesn't currently have any key corridors)

The Resolution to oppose SB23-213 was consistent with the policy position suggested by Colorado Municipal League. A draft resolution to monitor the bill was also would allow staff to continue engagement on bill specifics. A monitor position can be modified to an opposed position at a later time.

Council discussion ensued regarding the pro/cons of monitoring/opposing the bill.

Councilmember Hall moved to approve the resolution in opposition of SB23-213. Mayor Pro Tem Payton seconded the motion. The motion passed 5-2 at 7:33 p.m. with Councilmembers Butler and DeBoutez voting nay.

5. **Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances**

Mayor Pro Tem Payton moved to approve the motion. Councilmember Olson seconded the motion. The motion passed 7-0 at 7:35 p.m.

6. **Consideration of a motion to go into Executive Session for the purpose of completing the annual performance review of the City Attorney**

Councilmember Olson moved to approve the motion. Councilmember Clark seconded the motion. The motion passed 7-0 7:35 p.m.

7. **Adjournment**

Mayor Gates adjourned the meeting at 7:35 p.m.

6. The Executive Session was called to order at 7:43 p.m. for the purpose of reviewing feedback and the process of completing the annual performance review of the City Attorney.

Present for participation in the Executive Session were all members of City Council, plus the following:

Doug Marek, City Attorney

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a): To discuss personnel reporting to the City Council.

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

The meeting concluded at 8:50 p.m. and the Executive Session was adjourned.

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

Approved:

John D. Gates, Mayor

Attest:

Heidi Leatherwood, City Clerk



Council Agenda Summary

May 2, 2023

Key Staff Contact: Paul Trombino, Interim Director of Economic Development & Urban Revitalization

Title:

Consideration of a Resolution approving a Redevelopment Agreement between 1024 8th Avenue, LLC, DDA and the City of Greeley

Summary:

On April 4, 2023, the City Council approved a Resolution approving a Redevelopment Agreement between 1024 8th Avenue, LLC, DDA and the City of Greeley.

In that Agreement, Paragraph C.i. states that the Developer must Commence the Project within 18 calendar months after the Effective Date (“Commencement Deadline”), and the Project must be Completed within 24 calendar months after the date of Commencement (“Completion Deadline”). Developer may request an extension of either the Commencement Deadline or the Completion Deadline by delivering a written request for the same to the City Manager, which extension may be granted in the City’s discretion, which discretion will not be unreasonably withheld.

Due to projected construction timelines for a project of this scope and scale, the agreement has been amended to extend the Completion Deadline to 28 months versus 24. All other terms and conditions within the agreement remain the same.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Up to \$3.1MM, from the Redevelopment Assistance Fund; up to \$1.7MM in Property Tax Increment revenue from the DDA’s Fund (administered through the City, expended over the life of the TIF District).

Legal Issues:

Redevelopment Agreements must be approved by Council Resolution

Other Issues and Considerations:

None.

Strategic Focus Area:



Business Growth



Community Vitality



Housing for All

Decision Options:

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

Council's Recommended Action:

A motion to adopt the Resolution

Attachments:

Resolution

**CITY OF GREELEY, COLORADO
RESOLUTION 13, 2023**

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF GREELEY AND THE GREELEY DOWNTOWN
DEVELOPMENT AUTHORITY TO ENTER INTO A REDEVELOPMENT
AGREEMENT WITH 1024 8TH AVENUE, LLC, INCLUDING FUNDING FOR
CERTAIN ECONOMIC DEVELOPMENT ACTIVITIES**

WHEREAS, the City of Greeley undertakes economic development initiatives in a number of areas for the betterment of the community; and,

WHEREAS, the City of Greeley also contracts with partner organizations to carry out economic development work on behalf of the City; and,

WHEREAS, the City Council enters into partnership from time to time with the Greeley Downtown Development Authority to undertake certain economic development activities in the city's central business district; and

WHEREAS, the City of Greeley has established a Redevelopment District within which it carries out various initiatives to improve area infrastructure and conditions; and,

WHEREAS, the City has also established a Redevelopment Assistance Fund to support private redevelopment projects consistent with the Downtown Plan of Development, the City's Comprehensive Plan and Development Code; and

WHEREAS, 1024 8th Avenue, LLC, have proposed a Redevelopment Project consistent with the purpose and intent of the City's Redevelopment Assistance Fund; and,

WHEREAS, the Downtown Development Authority has determined the Redevelopment Project is eligible to receive financial support from its Property Tax Increment Fund and has approved the use of said funds as requested by 1024 8th Avenue, LLC; and

WHEREAS, the City of Greeley, Downtown Development Authority, and 1024 8th Avenue, LLC, have come to terms as set forth in a Redevelopment Agreement for the use of City of Greeley Redevelopment Assistance Funds and Downtown Development Authority Property Tax Increment Funds; and

WHEREAS, entering into an agreement with another governmental entity requires the additional action by City Council in the form of a Resolution; and

WHEREAS, has already approved Resolution 9-2023, providing the availability and use of financial support for this project; and

WHEREAS, the City, DDA, and the developer determined that the timeframe for the project, as set forth in the original Redevelopment Agreement, was unfeasible, and the parties have all agreed on the adjustment of the timeframe of the project as set forth in the attached Redevelopment Agreement;

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

Section 1. The Greeley City Council approves the attached Redevelopment Agreement by and among 1024 8th Avenue, LLC, a Delaware limited liability company, the Greeley Downtown Development Authority, and the City of Greeley, attached hereto as Exhibit A.

Section 2. Approval of this Agreement is contingent upon the final appropriation of funding by the Greeley City Council for the Redevelopment Incentive Program.

Section 3. Approval of this Agreement is also contingent upon Greeley Planning Commission approval of any required land use actions associated with the Project described in the Redevelopment Agreement. Further, nothing in the Greeley City Council approval of this Resolution shall be construed to supersede the authority of or require the Greeley Planning Commission to render approval of any land use actions necessary to construct this Project.

Section 4. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED, APPROVED AND IN EFFECT THIS 2nd day of May, 2023.

ATTEST:

GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

**REDEVELOPMENT AGREEMENT
(1024 8th Avenue)**

This REDEVELOPMENT AGREEMENT (this “**Agreement**”) dated as of March 23, 2023 (“**Effective Date**”), is made by and among 1024 8TH AVENUE, LLC, a Delaware limited liability company (“**Developer**”), the CITY OF GREELEY, a municipal corporation (“**City**”), and the GREELEY DOWNTOWN DEVELOPMENT AUTHORITY, a body corporate and politic of the State of Colorado (“**Authority**”). Developer, City, and Authority are sometimes collectively called the “**Parties**,” and individually, a “**Party**.”

RECITALS

WHEREAS, Developer is under contract to purchase real property situated at 1024 8th Avenue in Greeley, CO 80631, as described and depicted in Exhibit A attached hereto (“**Property**”); and

WHEREAS, the Property is located within the boundaries of the Downtown Development Authority District (the “**DDA District**”), which is managed by the Authority; and

WHEREAS, the formation of the DDA District also included the establishment of tax increment financing, which provides a financial tool as authorized under state law to stimulate and support certain redevelopment activities; and

WHEREAS, commensurate with the formation of the DDA District, a Plan of Development (“**Plan of Development**”) encompassing the legal boundaries of the Authority was adopted by the Greeley City Council with Resolution No. 63, 2002 on November 19, 2002, and later revised and readopted by the Greeley City Council with Resolution No. 64, 2009 on August 18, 2009; and

WHEREAS, the Authority may extend financial support from its tax increment district to secure the development of the Project; and

WHEREAS, consistent with the City’s Comprehensive Plan, the City has established and adopted a physical area within the community known as the Redevelopment District (“**Redevelopment District**”), within which it has identified property conditions that warrant support to stimulate reinvestment to deter properties from economic and physical deterioration due to their age and condition; and

WHEREAS, with the establishment and adoption of the Redevelopment District, the City Council made findings that establishment of the Redevelopment District would promote the health, safety, prosperity, security, and general welfare of the inhabitants thereof and of the people of this state; will halt or prevent deterioration of property values or structures within the Redevelopment District, will halt or prevent the growth of blighted areas within the Redevelopment District, and will assist the City in the development and redevelopment of the Redevelopment District and in the overall planning to restore or provide for the continuance of the health thereof; and that it would be of especial benefit to the property within the boundaries of the Redevelopment District, and by making such findings authorized the City to incur obligations, and to pledge as security

therefor the tax increments consistent with the provisions of §§ 31-25-801 through -822, C.R.S.; and

WHEREAS, the Redevelopment District incorporates within its boundary the entirety of the DDA District; and

WHEREAS, the Property is also located within the Redevelopment District; and

WHEREAS, Developer intends to redevelop the Property as a mixed-use multi-family residential and incidental retail project, which may also include office, restaurant, bar, and accessory uses, together with related amenities and uses on the Property (collectively, the “**Project**”); and

WHEREAS, construction of the Project is consistent with the adopted Plan of Development and, as such, will reduce conditions of distress or disinvestment in the DDA District; maximize the efficient provision of infrastructure and public services throughout the DDA District; and will assure the availability of housing, goods and services to area residents and businesses; and

WHEREAS, the City has established a limited fund for use within the Redevelopment District to support eligible redevelopment activities by paying for a portion of certain City development fees and charges associated with redevelopment construction, defined herein as the “**Redevelopment Assistance Fund;**” and

WHEREAS, as evidenced by Exhibits B and C, the Project complies with City design and development standards, is consistent with the goals of the Plan of Development, the City’s Comprehensive Plan, and meets the eligibility criteria of the City’s Redevelopment District incentive program; and

WHEREAS, the City has determined that the Property as defined herein, and as proposed for development as a single development, has met the City’s raw water requirement; and

WHEREAS, the Authority has determined that the acquisition, construction and installation of the Project will serve a public purpose and contribute to the redevelopment of the DDA District as contemplated by the Plan of Development.

NOW, THEREFORE, the Parties hereto, for themselves, their successors and assigns, in and for valuable consideration, including but not limited to, the performance of the mutual covenants and promises set forth herein, the receipt and adequacy of which are hereby acknowledged, do hereby covenant and agree as follows:

DEFINITIONS

1. “**Accumulated Tax Increments**” means an amount equal to \$500,000, which is on deposit in the Special Fund, as of the date of this Agreement.

2. “**Act**” means Part 8 of Article 25 of Title 31, Colorado Revised Statutes.

3. **“Ballot Question”** means the following ballot question approved by a majority of the electors voting thereon at an election duly called and held in the DDA District on November 4, 2008:

“SHALL CITY OF GREELEY DEBT BE INCREASED \$50,000,000.00 (MAXIMUM PRINCIPAL AMOUNT) WITH A REPAYMENT COST OF \$102,000,000.00 (MAXIMUM TOTAL PRINCIPAL AND INTEREST COSTS), ALL FOR THE PURPOSE OF FINANCING THE OBJECTS AND PURPOSES CONTAINED IN THE GREELEY DOWNTOWN DEVELOPMENT AUTHORITY'S PLAN OF DEVELOPMENT AS SUCH PLAN MAY BE AMENDED FROM TIME TO TIME (“THE PROJECT”), INCLUDING EQUIPMENT, APPURTENANCES, AND ACQUISITION OF INTEREST IN LANDS FOR SUCH PROJECT, AND INCLUDING RESERVED FUNDS AND OTHER INCIDENTAL COSTS NECESSARY OR APPROPRIATE IN CONNECTION WITH SUCH PROJECT AND FINANCING, ALL AS PROVIDED IN THE AUTHORITY'S APPROVED PLAN OF DEVELOPMENT AND ANY APPROVED AMENDMENTS TO THE AUTHORITY'S PLAN OF DEVELOPMENT; SUCH DEBT TO BE EVIDENCED BY BONDS, NOTES, LOAN AGREEMENTS, REIMBURSEMENT AGREEMENTS OR LEASES WHICH MAY BEAR INTEREST AT A NET EFFECTIVE INTEREST RATE NOT IN EXCESS OF EIGHT PERCENT (8%) PER ANNUM, SUCH INTEREST TO BE PAYABLE AT SUCH TIME OR TIMES AND WHICH MAY COMPOUND PERIODICALLY AS MAY BE DETERMINED BY THE CITY COUNCIL, SUCH DEBT TO BE SOLD IN ONE SERIES OR MORE AT A PRICE ABOVE, BELOW OR EQUAL TO THE PRINCIPAL AMOUNT OF SUCH DEBT AND ON SUCH TERMS AND CONDITIONS AS THE CITY COUNCIL MAY DETERMINE, INCLUDING PROVISIONS FOR REDEMPTION OF THE DEBT PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF PREMIUM OF NOT MORE THAN 3%, AND WHICH DEBT MAY BE REFINANCED AT A NET EFFECTIVE INTEREST RATE NOT IN EXCESS OF THE MAXIMUM NET EFFECTIVE INTEREST RATE WITHOUT ADDITIONAL VOTER APPROVAL; SUCH DEBT SHALL BE PAID FROM ANY LEGALLY AVAILABLE MONEYS OF THE AUTHORITY, INCLUDING THE REVENUES PLEDGED OR FROM TAXES PLEDGED PURSUANT TO SECTION 31-25-807(3)(B) COLORADO REVISED STATUTES OR BOTH SUCH REVENUES AND TAXES WITH SUCH LIMITATIONS AS MAY BE DETERMINED BY THE BOARD OF THE AUTHORITY AND THE CITY COUNCIL; AND SHALL THE CITY BE AUTHORIZED TO ISSUE DEBT TO REFUND THE DEBT AUTHORIZED IN THIS QUESTION, PROVIDED THAT AFTER THE ISSUANCE OF SUCH REFUNDING DEBT THE TOTAL OUTSTANDING PRINCIPAL AMOUNT OF ALL DEBT ISSUED PURSUANT TO THIS QUESTION DOES NOT EXCEED THE MAXIMUM PRINCIPAL AMOUNT SET FORTH ABOVE, AND PROVIDED FURTHER THAT ALL DEBT ISSUED BY THE CITY PURSUANT TO THIS QUESTION IS ISSUED ON TERMS THAT DO NOT EXCEED THE REPAYMENT COSTS AUTHORIZED IN THIS QUESTION; AND SHALL THE PROCEEDS OF ANY SUCH DEBT AND THE PROCEEDS OF SUCH TAXES, ANY OTHER REVENUE USED TO PAY SUCH DEBT, AND INVESTMENT INCOME THEREON BE COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, THE CHARTER OF THE CITY OF GREELEY OR ANY OTHER LAW AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE AUTHORITY AND THE CITY OF GREELEY?”

4. **“Cap Amount”** means \$3,100,000, which is the maximum amount of Eligible Development Expenses that the City shall be required to pay under this Agreement.

5. “**Certification of Eligible DDA Costs**” means the Certificate prepared and executed by the Developer after Completion of the Project that sets forth the total amount of Eligible DDA Costs incurred and paid by the Developer in connection with the design, acquisition, construction and installation of the Eligible DDA Improvements, as required pursuant to Section 2.B. hereof.

6. “**City’s Portion**” means the amount of the Eligible Development Expenses that the City will underwrite, conditioned upon Developer’s performance of its obligations pursuant to this Agreement.

7. “**Commence**” or “**Commencement**” means the beginning of on-site physical construction of the Project, including without limitation excavation or grading, but expressly not including demolition of existing structures.

8. “**Completion**” or “**Completed**” means issuance of temporary or final certificates of occupancy for all buildings within the Project.

9. “**Conceptual Elevations**” means Developer’s current conceptual elevations for the buildings comprising the Project as depicted on Exhibit C of this Agreement.

10. “**Design Standards**” refers to the description of required building and site design elements as described in Exhibit B of this Agreement, as modified pursuant to Paragraph 23.

11. “**Developer’s Portion**” means the Eligible Development Expenses, less the City’s Portion, that the Developer is required to pay pursuant to this Agreement.

12. “**District**” means the Downtown Development Authority District.

13. “**Eligible DDA Costs**” means the reasonable and customary expenditures for the design, acquisition, construction and installation of the Eligible DDA Improvements, including without limitation, reasonable and customary soft costs and expenses related to the design, acquisition, construction and installation of the Eligible DDA Improvements, subject to the Increment Cap and the limitations contained herein.

14. “**Eligible Development Expenses**” means all impact fees, development review fees, fees imposed as a condition to the issuance of a City permit, tap fees, and sales and use tax related to the Project, but not incidental construction activity such as permits related to work in the right-of-way.

15. “**Eligible DDA Improvements**” means, collectively, the improvements described in Exhibit D, as it may be amended from time to time in accordance with this Agreement, that are to be designed, acquired, constructed or installed by the Developer as part of the Project, and that the Authority has determined have a public benefit in furtherance of the Act and the Plan of Development. Exhibit D may be amended with the prior written consent of the Executive Director of the Authority.

16. **“Increment Cap”** means the Accumulated Tax Increments and the maximum amount of revenues from the Property Tax Increment Revenue that shall be paid to the Developer under this Agreement to reimburse Eligible DDA Costs, which shall be the lesser of (a) the actual Eligible DDA Costs incurred in connection with the Project, as set forth in the Certification of Eligible DDA Costs, or (b) \$1,700,000.

17. **“O&M Mill Levy”** means the levy of an ad valorem tax by the City at the rate of five mills on the real and personal property within the boundaries of the DDA District to be used for the purpose of paying the Authority’s operations, maintenance and other expenses, as allowed by Section 31-25-817 of the Act.

18. **“Plan of Development”** means the Plan of Development originally approved by the City Council of the City on November 19, 2002, and modified by resolution adopted August 18, 2009 with respect to the DDA District.

19. **“Project”** means a residential project, featuring multi-family residential units and, together with related amenities and uses on the Property.

20. **“Project Costs”** means the costs for construction of the Project set forth on the Developer’s building permit applications, as reconciled at the time of Completion in accordance with § 4.04.255(b) of the Greeley Municipal Code.

21. **“Property”** means certain real property within the downtown area of the City described in Exhibit A hereto.

22. **“Property Tax Base Amount”** means, for purposes of this Agreement, \$493,440, which is the total assessed value of the Property last certified prior to the effective date of this Agreement, as reasonably determined by the Authority based upon data provided by the County Assessor. The Property Tax Base Amount and increment value shall be calculated and adjusted from time to time by the Authority in accordance with § 31-25-807(3)(e), C.R.S., and the rules and regulations of the Property Tax Administrator of the State of Colorado. The determination by the Authority of the Property Tax Base Amount and the increment value shall be conclusive absent manifest error.

23. **“Property Tax Increment Revenue”** means the annual ad valorem property tax revenue received from the Weld County Treasurer for the Property in excess of the amount produced by the levy of those taxing bodies that levy property taxes against the Property Tax Base Amount in accordance with the Act and the regulations of the Property Tax Administrator of the State of Colorado, and credited to the Special Fund, but not including, (a) the O&M Mill Levy, (b) any offsets collected by the Weld County Treasurer for return of overpayments or any reserve funds retained by the City or the Authority for such purposes in accordance with the Act, (c) any collection fees lawfully retained or payable to the City or Weld County for services rendered in connection with the collection of such ad valorem taxes, and (d) the Accumulated Tax Increments.

24. “**Redevelopment Assistance Fund**” means a fund of City monies that has been established and dedicated to provide assistance for the development or improvement of property within the DDA District. The Redevelopment Assistance Fund, which may be replenished from time to time, contains sufficient monies to pay the amount to which the Developer is entitled under this Agreement.

25. “**Special Fund**” means the special fund of the City that has the Accumulated Tax Increments on deposit and into which the Property Tax Increment Revenues are deposited as further set forth in § 31-25-807(3)(a)(II), C.R.S.

AGREEMENT

1. Eligible Development Expenses:

A. Payment of all Eligible Development Expenses shall be deferred until Completion of the Project, or such other time according to the terms of this Agreement, at which time the City shall pay the City’s Portion and the Developer shall pay the Developer’s Portion to the recipients of such Eligible Development Expenses, in accordance with the terms and conditions set forth in this Paragraph 1.

B. At the time Developer obtains each building permit for the Project, Developer shall provide the City with a guaranty, cash escrow, letter of credit, or other security for the payment of all Eligible Development Expenses that would be due (but for the deferment set forth in Paragraph 1(A)) as a condition to issuing such building permit (“**Security**”).

i. If Developer does not pay the entire Developer’s Portion when due in accordance with this Agreement, the City shall send Developer written notice thereof (“**Nonpayment Notice**”). If Developer does not cure such failure within 10 business days after receipt of such Nonpayment Notice, then the City may collect upon the Security in an amount equal to the past due amount of Developer’s Portion, which shall be the City’s sole and exclusive remedy for such failure.

ii. If the Project is Commenced but Developer ceases work on the Project for more than 120 consecutive calendar days (subject to Force Majeure Events) and the Project is not then Completed, the City shall send the Developer written notice thereof (“**Cessation Notice**”). If Developer does not recommence construction of the Project within 30 calendar days after receipt of such Cessation Notice, then the Developer’s Portion shall be deemed to be 100% of the Eligible Development Expenses for the Project, and the City may collect upon the Security in an amount equal to the past due amount of Developer’s Portion, which shall be the City’s sole and exclusive remedy for such failure.

iii. Upon payment of the entire Developer’s Portion for the Project, the Security shall be automatically and forever released and, if applicable, all funds remaining in the Security shall be immediately paid to Developer. The Authority

shall have no right in or to the Security or to bring or join any claims against Developer for failure to pay the Eligible Development Expenses.

C. The City's obligation to pay the City's Portion shall be contingent upon satisfaction of the following conditions:

i. Developer must Commence the Project within 18 calendar months after the Effective Date ("**Commencement Deadline**"), and the Project must be Completed within 28 calendar months after the date of Commencement ("**Completion Deadline**"). Developer may request an extension of either the Commencement Deadline or the Completion Deadline by delivering a written request for the same to the City Manager, which extension may be granted in the City's discretion, which discretion will not be unreasonably withheld.

ii. Developer shall have Completed the Project in substantial compliance with the Design Standards. The City's issuance of a Building Permit shall be deemed conclusive evidence that the proposed design is in compliance with this requirement. Once a Certificate of Occupancy has been issued, the Developer shall be deemed to have complied with this requirement in its entirety.

D. Provided Developer has satisfied the conditions set forth in Paragraph 1(D), the City shall pay the City's Portion out of the Redevelopment Assistance Fund, according to the following schedule:

i. If the Project Costs exceed \$5,000,000, the City's portion will equal 25% of the Eligible Development Expenses.

ii. If the Project Costs exceed \$10,000,000, the City's Portion will equal 50% of the Eligible Development Expenses.

iii. If the Project Costs exceed \$20,000,000, the City's Portion will equal 75% of the Eligible Development Expenses.

iv. If the Project Costs exceed \$30,000,000, the City's Portion will equal 100% of the Eligible Development Expenses.

v. The percentage of the City's Portion shall not increase proportionately for any increment between the dollar amounts set forth in the prior subparagraphs 1.D(i) through (iv).

vi. Notwithstanding the foregoing, the City shall not be obligated to pay any Eligible Development Expenses in excess of the Cap Amount.

E. Upon Completion, Developer shall submit a reconciliation of Project Costs and, subject to final resolution of any contests of such amount, shall provide written notice

to the City (a “**Completion Notice**”) stating the City’s Portion and the total Project Costs, which shall be equal to the total Project Costs as resulting from such reconciliation process.

F. Within 30 calendar days after delivery of the Completion Notice, the City shall pay the City’s Portion out of the Redevelopment Assistance Fund, which the City represents and warrants to Developer contains and shall contain at all times prior to the City’s payment of the City’s Portion funds sufficient to pay the City’s Portion up to the Cap Amount as required by this Agreement.

G. The Developer’s Portion shall equal the total Eligible Development Expenses less the City’s Portion. Developer shall pay the Developer’s Portion within 30 calendar days after delivery of the Completion Notice to the City.

2. Property Tax Increment Revenue.

A. The City has established the Special Fund and shall deposit the Property Tax Increment Revenues into the Special Fund upon receipt. The Parties acknowledge that incremental property taxes that are remitted to the City for deposit in the Special Fund are based on the annual valuation of all properties located within the DDA District, and not on a parcel by parcel basis. Therefore, tax increment revenues are calculated and remitted to the City in the aggregate for the entire District and are not remitted on a parcel by parcel basis. The Authority agrees that it will establish a reasonable methodology for determining the amount of tax increment revenues on deposit in the Special Fund that are allocable to the Property.

B. Upon Completion of the Project, the Developer shall prepare a Certification of Eligible DDA Costs that sets forth the Eligible DDA Costs that were actually incurred and paid by the Developer in connection with the design, acquisition, construction and installation of the Eligible DDA Improvements (the “**Certification of Eligible DDA Costs**”). The Certification of Eligible DDA Costs shall be executed by an authorized representative of the Developer and provided to the City and the Authority, together with bills or statements of account for the Eligible DDA Costs incurred and paid by the Developer.

C. After Completion of the Project and receipt of the Certification of Eligible DDA Costs, the City shall reimburse the Developer for Eligible DDA Costs from Accumulated Tax Increments and Property Tax Increment Revenues on deposit in the Special Fund, in an aggregate amount not exceeding the Increment Cap, in accordance with the following provisions. After Completion and receipt of the Certification of Eligible DDA Costs, the City shall remit the Accumulated Tax Increments to reimburse the Developer for Eligible DDA Costs, subject to the Increment Cap. No later than December 1 in each calendar year, the City and the Authority shall determine the amount of Property Tax Increment Revenues that are on deposit in the Special Fund that are attributable to the Property. The amount of Property Tax Increment Revenues on deposit in the Special Fund shall not include interest, if any, earned on such Revenues. On or prior to December 15 of each calendar year, the City shall remit the Property Tax Increment Revenues on deposit in the Special Fund that are attributable to the Property to the Developer to reimburse the

Developer for Eligible DDA Costs, subject to the Increment Cap. The City's obligation to remit the Accumulated Tax Increments and Property Tax Increment Revenues to the Developer to reimburse the Developer for Eligible DDA Costs is being entered into by the City pursuant to the authority conferred by the Ballot Question.

D. Notwithstanding the foregoing or any provision to the contrary contained in this Agreement, in the event that the Project is not Completed in accordance with the terms and provisions of this Agreement, or in the event that the conditions set forth in Paragraph 1(C) are not complied with by the Developer, the City shall have no obligation to remit the Accumulated Tax Increments or any Property Tax Increment Revenues to the Developer. The obligation to reimburse the Developer for Eligible DDA Costs shall not exceed the Increment Cap and shall terminate upon expiration of the tax increment period established by the Plan of Development and set forth in the Act, and not including any extension of the 30-year tax increment period as set forth in Section 31-25-807(3)(a)(iv) of the Act.

E. The Developer agrees that the Accumulated Tax Increments and all Property Tax Increment Revenues that it receives from the City shall be applied solely to the reimbursement of Eligible DDA Costs that have been certified to the City and the Authority pursuant to the Certification of Eligible DDA Costs. The estimated Eligible DDA Costs that are expected to be incurred in connection with the Project are set forth in Exhibit D. The costs for individual line items may increase or decrease provided that the total reimbursement for Eligible DDA Costs shall not exceed the Increment Cap. Upon request by the City or the Authority, the Developer shall provide documentation to the City or the Authority evidencing the application of the Accumulated Tax Increments and Property Tax Increment Revenues to the reimbursement of Eligible DDA Costs.

F. The Developer acknowledges that incremental property taxes are remitted to the City in accordance with the policies and procedures adopted by the State Property Tax Administrator, the Weld County Assessor's Office and the Weld County Treasurer's office, and accordingly the timing and payment of the Property Tax Increment Revenues is not within the control of the City or the Authority. Nothing herein shall be construed as a promise or a guarantee by the City or the Authority that the Property Tax Increment Revenues will be collected and remitted to the City for deposit in the Special Fund in any projected or anticipated amount. The Developer acknowledges that the Property Tax Administrator for the State of Colorado and the Weld County Assessor may modify the process for calculating property tax increments, which may reduce the amount of Property Tax Increment Revenues. In addition, the Developer acknowledges that the generation of Property Tax Increment Revenues is significantly dependent upon completion of development of the Project and the Developer acknowledges and agrees that neither the City nor the Authority is responsible for the amount of Property Tax Increment Revenues that will be generated, and the Developer agrees to assume the risk that the amount of Property Tax Increment Revenues that are generated may be insufficient to reimburse Eligible DDA Costs up to the Increment Cap.

G. The City shall keep proper and current itemized records, books, and accounts in which complete and accurate entries will be made of the receipt and use of the Property Tax Increment Revenues deposited in the Special Fund and such other

calculations required by this Agreement or any applicable law or regulation. The City shall prepare, after the close of each fiscal year, a complete financial statement prepared in accordance with generally accepted accounting principles accepted in the United States of America for such year in reasonable detail covering the above information, and if required by statute, certified by a public accountant, and, upon written request, will furnish a copy of such statement to the other Parties within 90 calendar days after the close of each fiscal year. Pursuant to Section 5-11 of the Greeley City Charter, the fiscal year of the City Government shall begin the first day of January in each year and end on the last day of the succeeding December.

H. The Authority shall not enter into any agreement or transaction that impairs the rights of the Parties under this Agreement or prohibits or restricts the Authority's performance of any of its obligations under this Agreement.

I. The Authority has determined that the acquisition, construction and installation of the Project will serve a public purpose and contribute to the redevelopment of the DDA District as contemplated by the Plan of Development.

3. Terms and Conditions of Agreement, Default: In the event a Party fails or refuses to perform according to the terms of this Agreement, that Party shall be declared in default. In the event of a default, the defaulting Party is permitted thirty (30) calendar days to cure said default after receipt of Notice consistent with this Agreement. In the event a default remains uncured after the 30-day period, the Party declaring default may:

A. Terminate the Agreement; or

B. Bring an action for injunction, specific performance, or other appropriate equitable remedy or for mandamus (including without limitation to enforce all obligations to pay all amounts due or owing hereunder).

The foregoing remedies shall be cumulative and shall be the sole and exclusive remedies for a default of this Agreement, and all other remedies are hereby waived. In the event the default causes the other Party not in default to commence legal or equitable action against the defaulting Party, the defaulting Party will be liable to the non-defaulting Party for the costs incurred by reason of the default, including reasonable attorneys' fees and costs. No Party shall be entitled to recover or claim damages for an event of default by the defaulting Party, including, without limitation, lost profits, economic damages, or actual, direct, incidental, consequential, exemplary or punitive damages for any other Party's breach of this Agreement.

4. No Obligation to Construct.

A. Notwithstanding anything to the contrary in this Agreement: (a) Developer shall have no obligation to construct all or any portion of the Project, to construct the Project in accordance with the Design Standards, or to timely Commence or Complete the Project; and (b) Developer may, in its sole discretion, elect to undertake none, all, or only certain phases of the Project, to construct the Project other than as described in the Design

Standards, and to Commence and Complete the Project on a timeline determined by Developer.

B. If Developer does not satisfy the conditions in Paragraph 1(C), the City's Portion shall be zero and the Developer's Portion shall be 100% of the Eligible Development Expenses.

5. No Waiver of Greeley Municipal Code: Except for the express incentives offered by the City as stated herein, this Agreement does not waive any part or provision of the Greeley Municipal Code.

6. Governmental Immunity: The Parties agree that the City and the Authority, in entering this Agreement, do not waive governmental immunity as described in C.R.S. 24-10-101, *et seq.* No part of this Agreement shall be deemed to create a waiver of immunity as defined therein.

7. Service of Notices: All notices required or permitted pursuant to this Agreement must be made in writing and delivered in person, by prepaid overnight express mail or overnight courier service, or by certified mail or registered mail, postage prepaid return receipt requested, to the other Parties' authorized representatives (or their successors) as identified herein at the addresses listed below. All notices shall be deemed effective when actually delivered as documented in a delivery receipt; provided, however, that if the notice is affirmatively refused or cannot be delivered during customary business hours by reason of (a) the absence of a signatory to acknowledge receipt, or (b) a change of address with respect to which the addressor had neither actual knowledge nor written notice delivered in accordance with this section, then the first attempted delivery shall be deemed to constitute delivery.

For the City:

Raymond C. Lee III
City Manager
City of Greeley
1000 10th Street
Greeley, Colorado 80631

With copy to:

City Attorney
1100 10th Street, Suite 401
Greeley, Colorado 80631

For the Authority:

Greeley Downtown Development Authority
802 9th Street, Suite 100
Greeley, Colorado 80631
Attention: Bianca Fisher, Executive Director
Telephone: (970) 356-6775

Email: bianca@greeleydowntown.com

For Developer:

1024 8th Avenue, LLC
210 West 19th Terrace, Suite 150
Kansas City, MO 64112
Attn: Tadd Miller, CEO

8. Severability: If any provision of this Agreement is determined by a court having jurisdiction to be unenforceable to any extent, the rest of that provision and of this Agreement will remain enforceable to the fullest extent permitted by law.

9. Venue and Governing Law: This Agreement shall be governed by and construed according to the laws of the State of Colorado. Venue for all actions regarding this Agreement shall be in Weld County, Colorado.

10. Assignment:

A. The City, Developer, and Authority shall not assign any rights or obligations under this Agreement without the written consent of the other Parties except as follows.

B. Prior to Completion, Developer may assign, pledge, collaterally assign, or otherwise encumber all or any part of this Agreement, including without limitation its right to receive any payment or reimbursement, without any Party's consent, but after written notice to the City and the Executive Director of Authority containing the name and address of the assignee, to: (a) any lender or other party that provides acquisition, construction, working capital, tenant improvement, or other financing to Developer in connection with the Project or acquisition or ownership of the Property; or (b) one or more subsidiaries, parent companies, special purpose entities, affiliates controlled by or under common control or ownership with Developer, or joint venture entities formed by Developer or with its investors or partners to develop, own, and/or operate all or a portion of the Property or of the improvements to be constructed thereon (each assignee in (a) and (b) being a "**Permitted Assignee**").

C. After Completion, Developer shall have the right to assign all or any portion of this agreement to a purchaser of all or a portion of the Property without the written consent of the other parties, but shall provide written notice to the City and the Executive Director of the Authority containing the name and address of the assignee within 5 business days of such conveyance and assignment.

D. If consent is required, it shall not be unreasonably withheld, delayed or conditioned.

E. The restrictions on assignment contained in this Agreement apply only to a potential assignment of all or a portion of the rights and obligations pursuant to this

Agreement, and shall not be interpreted to restrict in any way the conveyance of one or more interests in all or a portion of the Property.

F. Nothing in this Agreement modifies or waives the obligations or responsibilities of either Developer or Developer's assignee under the Greeley Development Code.

G. No assignment of this Agreement by Developer, whether or not such assignment requires the consent of the City or the Authority, shall relieve Developer of its personal and primary obligations contained within this Agreement. Any purported assignment that does not comply with this provision is void. This Agreement is binding and inures to the benefit of the parties and their respective permitted successors and assigns, subject to this Paragraph 10.

11. No Third Party Beneficiaries: It is expressly understood and agreed that the terms and enforcement of the terms of this Agreement, and all rights of action relating to enforcement, are strictly reserved to the Parties. Nothing in this Agreement shall give or allow any claim or cause of action whatsoever by any other person not included in this Agreement. It is the express intention of the undersigned Parties that no person or entity, other than the Parties hereto, receiving services or benefits under this Agreement shall be deemed any more than an incidental beneficiary only.

12. Modifications and Amendments: This Agreement shall not be modified, revoked, or amended except by written agreement signed by all Parties.

13. Counterparts: This Agreement may be executed in counterpart originals, each of which shall be deemed an original, and each of which shall be deemed to constitute one and the same Agreement. Additionally, a copy of an executed original Agreement signed by a Party hereto and transmitted by electronic mail shall be deemed an original, and any Party hereto is entitled to rely on the validity, authenticity, and authority of an original transmitted by electronic mail.

14. Nonliability of Officials, Agents, Members, and Employees. Except for willful or wanton actions, no trustee, board member, commissioner, official, employee, consultant, manager, member, shareholder, attorney or agent of any Party, will be personally liable under this Agreement, or in the event of any default, or for any amount that may become due to any Party.

15. Cooperation Regarding Defense. In the event of any litigation or other legal challenge involving this Agreement or the ability of any Party to enter into this Agreement that is not brought by a Party, the Parties will cooperate and jointly defend against such action or challenge, to the extent permitted by law.

16. Additional Documents or Actions. The Parties agree to execute any reasonable additional documents or take any reasonable additional action, including but not limited to estoppel certificates requested or required by lenders or purchasers of the Property, that are: (a) reasonably necessary to carry out this Agreement, (b) reasonably requested by any Party to confirm or clarify the intent of the provisions of this Agreement or the status of the Agreement and the Parties'

actions hereunder, or (c) are reasonably necessary to effectuate the agreements and the intent of this Agreement. If all or any portion of this Agreement, or other agreements approved in connection with this Agreement, are asserted or determined to be invalid, illegal, or are otherwise precluded, the Parties will use reasonable, diligent, good faith efforts to amend, reform, or replace such invalid, illegal, or precluded items to assure, to the extent legally permissible, that each Party substantially receives the benefits that it would have received under this Agreement.

17. Waiver of Breach. A waiver by any Party to this Agreement of the breach of any term or provision of this Agreement must be in writing and will not operate or be construed as a waiver of any subsequent breach by any Party.

18. Binding Effect; Entire Agreement. This Agreement will inure to the benefit of and be binding upon the Parties and their respective legal representatives, successors, heirs, and assigns, provided that nothing in this paragraph permits the assignment of this Agreement except as set forth in Paragraph 10. This Agreement represents the entire Agreement among the Parties with respect to the subject matter hereof and supersedes any prior written or oral agreements or understandings with regard to the subject matter of this Agreement.

19. Days. If the day for any performance or event provided for herein is a Saturday, a Sunday, a day on which national banks are not open for the regular transactions of business, or a legal holiday pursuant to Section 24-11-101(1), C.R.S., such day will be extended until the next day that is not one of the foregoing days.

20. Recording. No Party shall record this Agreement or any memorandum of this Agreement in the real property records of Weld County, Colorado.

21. Good Faith of Parties. In the performance of this Agreement or in considering any requested approval, consent, acceptance, or extension of time, the Parties agree that each will act in good faith and will not act unreasonably, arbitrarily, or capriciously, or unreasonably withhold, condition, or delay any approval, acceptance, or extension of time required or requested pursuant to this Agreement.

22. Parties Not Partners. Notwithstanding any language in this Agreement or any other agreement, representation, or warranty to the contrary, the Parties will not be deemed to be partners or joint venturers, and no Party is responsible for any debt or liability of any other Party.

23. Force Majeure If a Force Majeure Event occurs, the deadline for performance of any obligations affected by such Force Majeure Event shall be automatically extended for a period equal to the duration of such Force Majeure Event and Developer shall be excused from the performance of such obligations during such period. "Force Majeure Event" means any one or more of the following events or circumstances that, alone or in combination, directly or indirectly, adversely affects the Developer's performance of an obligation pursuant to this Agreement: fire, earthquake, storm or other casualty; strikes, lockouts, or other labor interruptions or shortages; war, rebellion, riots, acts of terrorism, or other civil unrest; acts of Nature; disruption to local, national, or international transport services; prolonged shortages of materials or equipment, epidemics; severe adverse weather; the discovery of previously unknown facilities, improvements,

or other features or characteristics of the Property; delays in the demolition of existing structures, including without limitation delays related to the remediation or removal of asbestos or other hazardous materials; or negotiation or approval of entitlements, permits, or agreements related to the Project, beyond the reasonable and foreseeable period of time necessary for the review of such applications for entitlements, permits or agreements; Material Litigation; and any other event, similar or dissimilar to the above, whether foreseeable or unforeseeable, known or unknown, that is beyond the Developer's reasonable control. "**Material Litigation**" includes litigation, appeals, and administrative actions related to the entitlement, permitting, development, financing, or construction of the Project, including without limitation claims brought pursuant to C.R.C.P. § 106(a)(4) to the extent not initiated by the Developer, and any litigation brought by Developer against the City, Authority, or both arising out of or related to this Agreement or performance of the obligations set forth herein, but only if such litigation, appeal, or administrative action delays development of the Project for a period of more than five consecutive business days.

24. Design Standards.

A. The parties agree that the Conceptual Elevations comply with the Design Standards and that if Developer develops the Project in accordance with the Conceptual Elevations, Developer shall be deemed to have satisfied the condition in Paragraph 1(B)(ii).

B. Developer shall have the right to modify the Design Standards from time to time in its sole discretion provided that such modifications are approved in writing by the City Manager. If Developer desires to obtain the approval of the City Manager, Developer shall deliver a written request to the City Manager describing or depicting the desired modification. The City Manager shall have 10 business days to review and either approve or disapprove of the requested modification in writing, such approval not to be unreasonably withheld, conditioned, or delayed; provided that if the City Manager disapproves of the requested modification in writing, it shall describe the basis for its disapproval in the written notice to Developer in reasonable detail; provided further, that the City Manager shall only have the right to disapprove of such requested modification if it materially and adversely lessens the quality of the materials described in the Design Standards or otherwise materially and adversely deviates from the Design Standards and the Conceptual Elevations.

C. If the City Manager approves of the requested modification, the Design Standards shall be considered modified for purposes of this Agreement to include the requested modification. If the City Manager does not timely approve or disapprove of the requested modification in writing, it shall be deemed to have approved of the same. If the City Manager timely provides a complete written notice to Developer wherein it disapproves of the requested modification, then the City and Developer shall meet within 10 business days after delivery of such written notice to resolve such dispute and if such dispute is not resolved by written agreement executed by the City and Developer within 10 business days after such meeting, either party may send a notice of default to the other Party and pursue its rights and remedies in accordance with Paragraph 3 above.

D. In the event the City approves any entitlements, permits, or other approvals for the Project that vary from the Design Standards, the Design Standards shall be

considered to have been automatically modified for purposes of this Agreement to include such variances. Provided Developer constructs the Project in compliance with such approved entitlements, permits, and other approvals, as evidenced by issuance of a temporary or final certificate of occupancy for the Project, Developer shall be deemed to have satisfied the condition in Paragraph 1(B)(ii).

25. Estoppel Certificates.

A. The City, at any time and from time to time upon not less than 10 business days' prior written notice from Developer, agrees to execute and deliver to Developer a statement in the form provided by Developer representing, warranting, and certifying to Developer and its successors and assigns: (i) that this Agreement is unmodified and in full force and effect, or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect; (ii) that Developer has timely and fully performed its obligations under this Agreement and is not in default under this Agreement, or describing such defaults if they are claimed; (iii) that the Project and Developer's applications for entitlements, permits, or other approvals for the Project comply with the Design Standards, as modified pursuant to Paragraph 24; (iv) whether the Design Standards have been modified pursuant to Paragraph 24, and describing or attaching the modifications; (v) that Developer has timely Commenced or Completed the Project; and (vi) such other matters as Developer may reasonably request.

B. The Authority, at any time and from time to time upon not less than 10 business days' prior written notice from Developer, agrees to execute and deliver to Developer a statement in the form provided by Developer representing, warranting, and certifying to Developer and its successors and assigns: (A) that, to the best of the Authority's knowledge, this Agreement is unmodified and in full force and effect, or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect; and (B) that, to the best of the Authority's knowledge, Developer has timely and fully performed its obligations under this Agreement and is not in default under this Agreement, or describing such defaults if they are claimed.

C. The City's or Authority's failure to timely deliver such an executed statement to Developer shall be conclusive evidence that the City or Authority, as applicable, acknowledges and agrees with the representations, warranties, and certifications set forth in the statement provided by Developer for execution, and Developer shall be entitled to rely upon such evidence in constructing the Project and for purposes of enforcing this Agreement.

26. Representations and Warranties

A. Developer represents and warrants to the City and Authority that the following statements are true as of the Effective Date:

i. ***No Litigation.*** There is no pending or, to Developer's actual knowledge, threatened litigation or claim against the Project or the Developer

related to the Project that would prohibit Developer from performing its obligations in this Agreement or render this Agreement invalid.

ii. **Authorization.** Developer has all requisite power and authority to perform its obligations under this Agreement and the execution, delivery, and is duly and validly authorized to execute, enter into, and perform the obligation set forth in this Agreement. Each person executing and delivering this Agreement and all documents to be executed and delivered in regard to the consummation of the transaction herein has due and proper authority to execute and deliver those documents. This Agreement and all documents executed and delivered by Developer in connection with the transaction herein shall constitute valid and binding obligations of Developer, enforceable against Developer in accordance with their terms.

iii. **Organization of Developer.** Developer is a duly organized and validly existing limited liability company under the laws of the State of Delaware and with full power to enter into and to perform its obligations under this Agreement, and the individual executing this Agreement on behalf of the Developer is duly authorized to do so.

iv. **No Breach or Prohibition.** To Developer's actual knowledge, the transactions contemplated by this Agreement are not restrained or prohibited by any injunction, order or judgment rendered by any court or other governmental agency of competent jurisdiction against Developer. To Developer's actual knowledge, neither the execution and delivery of the Agreement, nor the consummation of the transactions contemplated hereby, will (a) be in violation of any agreements to which Developer is a party, or (b) conflict with or result in the breach or violation of any laws applicable to Developer or the Project.

B. The City represents and warrants to Developer and the Authority that the following statements are true as of the Effective Date:

i. **No Litigation.** There is no pending or, to the City's actual knowledge, threatened litigation or claim against the City that would prohibit the City from performing its obligations in this Agreement or render this Agreement invalid.

ii. **Organization.** The City is a home rule municipal corporation organized under the constitution and laws of the State of Colorado, validly existing under the laws of the State of Colorado and has the power and authority to transact the business in which it is engaged.

iii. **Authority.** All governmental proceedings required to be taken on the part of the City to execute and deliver this Agreement and to consummate the transactions contemplated hereby have been duly and validly taken under the Greeley Municipal Charter provisions, subject to any referendum rights set forth in Section 9-3 of such Greeley Municipal Charter. Each person executing and

delivering this Agreement and all documents to be executed and delivered in regard to the consummation of the transaction herein has due and proper authority to execute and deliver those documents. This Agreement and all documents executed and delivered by the City in connection with the transaction herein shall constitute valid and binding obligations of the City, enforceable against the City in accordance with their terms.

iv. **No Breach or Prohibition.** To the City's actual knowledge, the transactions contemplated by this Agreement are not restrained or prohibited by any injunction, order or judgment rendered by any court or other governmental agency of competent jurisdiction against the City. To the City's actual knowledge, neither the execution and delivery of the Agreement, nor the consummation of the transactions contemplated hereby, will (a) be in violation of any agreements to which the City is a party, or (b) conflict with or result in the breach or violation of any laws applicable to the City or the Project.

C. The Authority represents and warrants to the City and Developer that the following statements are true as of the Effective Date:

i. **No Litigation.** There is no pending or, to the Authority's actual knowledge, threatened litigation or claim against the Authority that would prohibit the Authority from performing its obligations in this Agreement or render this Agreement invalid.

ii. **Organization.** The Authority is a body corporate and politic of the State of Colorado, validly existing under the laws of the State of Colorado and has the power to enter into this Agreement.

iii. **Authority.** All proceedings required to be taken on the part of the Authority to execute and deliver this Agreement and to consummate the transactions contemplated hereby have been duly and validly taken under the Authority's governing documents. Each person executing and delivering this Agreement has due and proper authority to execute and deliver this Agreement.

iv. **No Breach or Prohibition.** To the Authority's actual knowledge, the transactions contemplated by this Agreement are not restrained or prohibited by any injunction, order or judgment rendered by any court or other governmental agency of competent jurisdiction against the Authority. To the Authority's actual knowledge, neither the execution and delivery of the Agreement, nor the consummation of the transactions contemplated hereby, will (a) be in violation of any agreements to which the Authority is a party, or (b) conflict with or result in the breach or violation of any laws applicable to the Authority.

[SIGNATURE PAGES TO FOLLOW]

The Parties hereby agree to the same and execute this Agreement by their duly authorized representatives as follows:

City of Greeley, Colorado

Mayor

City Clerk

Date

Greeley Downtown Development Authority

Authorized Signature

Printed Name

Date

Developer

1024 8th Avenue, LLC, a Delaware limited liability company

**By: Tadd Miller, CEO
Authorized Agent**

Approved as to Substance:

City Manager

Approved as to Legal Form:

City Attorney

Approved as to Availability of Funds:

Director of Finance

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF WELD, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

LOTS 9 AND 10 AND THE WEST HALF OF LOT 11, BLOCK 78, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

AND

LOT 1, BLOCK 78, ROTH SUBDIVISION, A SUBDIVISION OF THE CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

AND

THE EAST HALF OF LOT 12, ALL OF LOTS 13 AND 14, BLOCK 78, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

AND

LOT 2, BLOCK 78, ROTH SUBDIVISION, A SUBDIVISION OF THE CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

PARCEL B:

THE SOUTH 100 FEET OF LOTS 15 AND 16, BLOCK 78, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

EXHIBIT B

DESIGN GUIDELINES

All development design shall conform to the Greeley Municipal Code and, also, reflect historic architectural elements and character with substantial attention to the following characteristics:

- A. Use of brick as a key building material, especially at the pedestrian level;
- B. Use of accent color on buildings to create a vibrant streetscape;
- C. Strong corner building elements to clearly define entry points and add interest, such as with stepped back floors and rooftop features;
- D. Use of high quality building materials;
- E. Balconies extending out from the building as well as recessed bays to create interesting building wall articulation;
- F. Use of warm, brick reds, and red and blond brick to blend with existing structures in the area;
- G. Pedestrian-oriented building features, such as with generous first floor fenestration;
- H. Gabled roof elements to match existing pitch and design elements.

EXHIBIT C

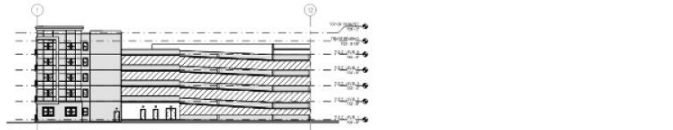
CONCEPTUAL ELEVATIONS AND RENDERINGS

EXTERIOR ELEVATIONS

Massing & Materiality



2 CODE EXTERIOR ELEVATION AT 11TH ST.
DATE: 08/11/17

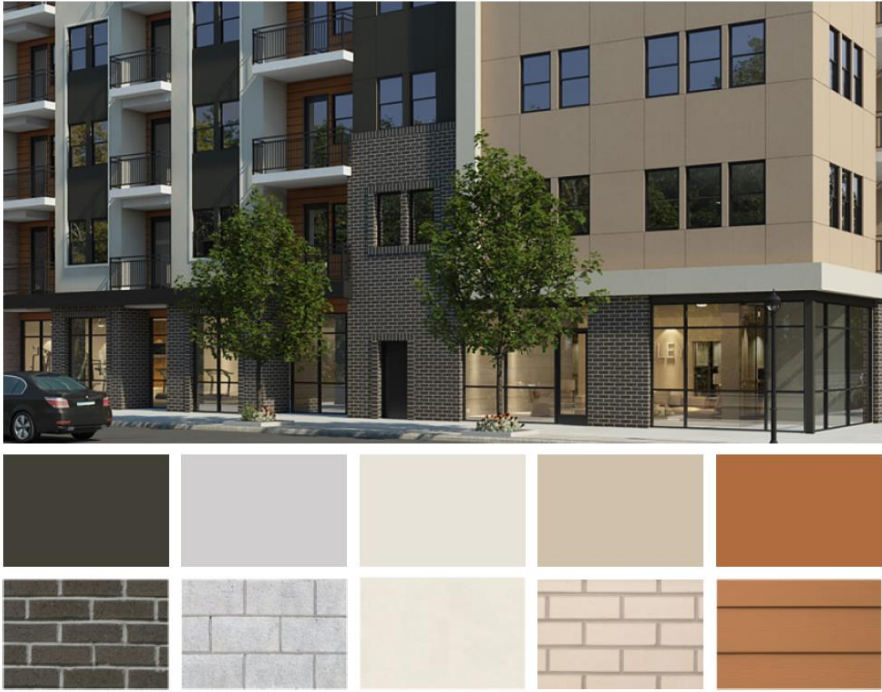


3 CODE EXTERIOR ELEVATION AT 7TH AVE.
DATE: 08/11/17



4 CODE EXTERIOR ELEVATION AT ALLEY
DATE: 08/11/17

EXTERIOR DESIGN
Material & Color Palette



EXTERIOR RENDER
Corner of 8th Ave & 11th St



EXHIBIT D

ELIGIBLE DDA IMPROVEMENTS

1024 8th Avenue Apartments Eligible Costs		
1	Sitework	\$ 2,754,452
2	Building Concrete	\$ 7,886,364
3	Masonry/Siding/Roofing	\$ 3,581,722
4	Metals	\$ 963,210
5	Carpentry & Millwork	\$ 5,311,455
6	Doors/Windows/Framing & Drywall	\$ 5,790,183
7	Casework/Finishes & Fire Protection	\$ 3,106,489
8	Specialties, Appliances & Furnishings	\$ 1,290,346
9	Elevator	\$ 382,500
10	Mechanical, Electrical & Plumbing	\$ 10,495,539
11	Demolition & Abatement	\$ 619,257
12	Architectural & Engineering	\$ 2,031,608
TOTAL		\$ 44,213,125



Council Agenda Summary

May 2, 2023

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Consideration of a Resolution appointing Mark Gonzales as the Primary Liquor Licensing Hearing Officer of Greeley, Colorado

Summary:

The Greeley Municipal Code requires the appointment of the Liquor Licensing Authority (LLA) hearing officer to be adopted by resolution. Although the code does not specify or require a length of term, Mark C. Gonzales was appointed, on May 21, 2018 as the Primary Liquor License Hearing Officer for an initial term of four (4) years. Mark Gonzales is appointed effective *nunc pro tunc* to May 21, 2022.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	N/A

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Strategic Focus Area:



Community Vitality



Safe and Secure Communities

Decision Options:

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

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution

CITY OF GREELEY, COLORADO

RESOLUTION NO. 14, 2023

RESOLUTION APPOINTING MARK GONZALES AS THE PRIMARY LIQUOR LICENSING HEARING OFFICER OF GREELEY, COLORADO

WHEREAS, §6.16.020 of the Greeley Municipal Code establishes a Local Liquor Licensing Authority, which shall be a Hearing Officer appointed by the City Council by resolution; and

WHEREAS, Mark C. Gonzales was appointed as the Primary Liquor License Hearing Officer, on May 21, 2018 for an initial term of four years; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley to appoint Mark C. Gonzales as the Primary Liquor Licensing Hearing Officer.

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

Section 1. Mark Gonzales is hereby appointed Primary Liquor License Hearing Officer, effective *nunc pro tunc* to May 21, 2022.

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

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF MAY, 2023.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor



Council Agenda Summary

May 2, 2023

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Introduction and first reading of an Ordinance amending Title 2, Chapter 10 (Boards and Commissions) of the Greeley Municipal Code designating the City of Greeley website as the official posting site for meeting notices

Summary:

The Colorado Open Meetings Act, C.R.S. §24-6-402, includes a requirement that each year the governing body is required to designate public places(s) for posting meeting notices.

Effective July 2019, changes to this law intend local governments to transition away from relying on posting physical notices of public meetings in physical locations and toward posting notices on its public website.

Designating the City of Greeley's (City) meeting portal found at <https://greeley-co.municodemeetings.com/> and posted prominently throughout the City's public website, www.greeleygov.com, as the official posting location for meeting notices of the Boards and Commissions meets the requirements of the Open Meetings Act and is therefore recommended.

C.R.S. §24-6-402 (2)(c)(III) requires designation of a public location for physical notices in the event of exigent or emergency circumstances that may prevent the public from accessing a notice online.

Greeley Municipal Code Sec. 2-553 designates both entrances to City Hall as the official posting sites for physically posting meeting notices for Council's appointed Boards and Commissions. With the remodel of City Hall completed in 2020, there are no longer physical bulletin boards accessible to the public at the building entrances. For the purpose of designating a backup physical location for posting, the electronic monitors located in the public lobby of City Hall is recommended.

Monitors have been installed in the City Hall lobby, in addition to similar displays existing in other City facilities. The City Clerk's Office has worked with the Facilities Division of the Public Works Department to ensure that all Boards and Commissions meeting notices are being posted on the City Hall monitor. In addition, a hard copy of the agendas will be located on the City Clerk's counter in the main lobby.

Legal Issues:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

Posting a site designation is required under the Colorado Open Meetings Act.

Strategic Focus Area:



High-Performance Government

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for May 16, 2023.

Attachments:

Ordinance with Appendix A
Appendix B

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 18, 2023**

**AN ORDINANCE AMENDING SECTION 2.553 OF THE GREELEY
MUNICIPAL CODE RELATING TO THE OFFICIAL POSTING SITE
FOR BOARDS AND COMMISSIONS MEETING NOTICES**

WHEREAS, the Colorado Open Meetings Act, C.R.S. §24-6-402, includes a requirement that each year the governing body is required to designate public places(s) for posting meeting notices; and

WHEREAS, effective July 2019, changes to this law intend local governments to transition away from relying on posting physical notices of public meetings in physical locations and toward posting notices on its public website; and

WHEREAS, designating the City of Greeley's (City) meeting portal found at <https://greeley-co.municodemeetings.com/> and posted prominently throughout the City's public website, www.greeleygov.com, as the official posting location for meeting notices of the Boards and Commissions meets the requirements of the Open Meetings Act; and

WHEREAS, C.R.S. §24-6-402 (2)(c)(III) requires designation of a public location for physical notices in the event of exigent or emergency circumstances that may prevent the public from accessing a notice online; and

WHEREAS, Greeley Municipal Code Sec. 2-553 designates both entrances to City Hall as the official posting sites for physically posting meeting notices for Council's appointed Boards and Commissions; and

WHEREAS, with the remodel of City Hall completed in 2020, there are no longer physical bulletin boards accessible to the public at the building entrances; and

WHEREAS, for the purpose of designating a backup physical location for posting, the electronic monitors located in the public lobby of City Hall is recommended; and

WHEREAS, monitors have been installed in the City Hall lobby, in addition to similar displays existing in other City facilities; and

WHEREAS, the City Clerk's Office has worked with the Facilities Division of the Public Works Department to ensure that all Boards and Commissions meeting notices are being posted on the City Hall monitor. In addition, a hard copy of the agendas will be located on the City Clerk's counter in the main lobby.

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

Section 1. That Section 2-553 contained in Chapter 10, Boards and Commissions, of Title 2, Administration and General Government, of the Greeley Municipal Code shall be amended as shown in Appendix A.

Section 2. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF MAY, 2023.

ATTEST:

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
**ORDINANCE AMENDING SECTION 2.553 OF THE GREELEY
MUNICIPAL CODE RELATING TO THE OFFICIAL POSTING SITE
FOR BOARDS AND COMMISSIONS MEETING NOTICES**

Section 2-553 contained in Chapter 10, Boards and Commissions, of Title 2, Administration and General Government, of the Greeley Municipal Code, shall be amended to read as follows:

Sec. 2-553. – Powers and duties.

- (a) Annually each board shall select from its membership appointed by the city council, a chair and vice chair, and establish its own rules of procedure not in conflict with the city Charter or laws and ordinances of the city.
- (b) Each board may establish subcommittees or invite any number of nonvoting, ex officio members to participate in meetings or assist in carrying out its responsibilities.
- (c) Proceedings shall be conducted in accordance with Robert's Rules of Order.
- (d) With openness and accessibility being addressed in state law as well as council's goals, each board shall notify the public of meetings to be held by posting meeting notices ~~at both entrances to city hall~~ prominently throughout the City's public website as well as in the public lobby of City Hall Additionally, records of board meetings and actions shall be open and accessible to the public pursuant to the Colorado Open Records Act.

Sec. 2-553. Powers and duties.

- (a) Annually each board shall select from its membership appointed by the city council, a chair and vice chair, and establish its own rules of procedure not in conflict with the city Charter or laws and ordinances of the city.
- (b) Each board may establish subcommittees or invite any number of nonvoting, ex officio members to participate in meetings or assist in carrying out its responsibilities.
- (c) Proceedings shall be conducted in accordance with Robert's Rules of Order.
- (d) With openness and accessibility being addressed in state law as well as council's goals, each board shall notify the public of meetings to be held by posting meeting notices at both entrances to city hall. Additionally, records of board meetings and actions shall be open and accessible to the public pursuant to the Colorado Open Records Act.

(Prior Code, § 2-10.1(b); Code 1994, § 2.30.020; Ord. No. 70, 2002, § 1, 12-17-2002)



Council Agenda Summary

May 2, 2023

Key Staff Contact: John Karner, Finance Director

Title:

Introduction and first reading of an Ordinance amending the Greeley Municipal Code to create a new Article and Chapter under Title 6, Revenue & Finance, Chapter 16

Summary:

As the City grows, the amount of grant opportunities available to the City has significantly increased in both dollar amount and frequency. To streamline the grant acceptance process, staff have proposed a change to existing code on the appropriation requirements for grants valued under \$500,000. This ordinance will allow for revenues from a grant <\$500,000 to be treated as custodial funds and allow the City Manager or his/her delegate to accept grants <\$500,000 and expend these funds without a separate appropriation approval from City Council. This process will significantly reduce the number of supplemental appropriations made during a fiscal year. The Department of Finance will provide a quarterly report on grant funds received through this new process and post such reports on the City’s website.

Grants greater than \$500,000 or, in combination with other grants received from the same source for the same project or program in the preceding year, will be subject to City Council approval and will require appropriation. Grants that require a matching contribution by the city in the form of an expenditure for which a budget and appropriation has not previously been approved by City Council approval will continue to require a separate appropriation, regardless of the amount of the matching contribution.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	N/A

Legal Issues:

Grant monies shall be deposited into the treasury of the city and credited to the appropriate fund. Upon closing of the grant, any remaining balance shall be closed as prescribed by the Director of Finance. Any unexpended funds shall be transferred to those specific funds which supported the grant administration; however, if the terms of the grant will require other treatment, an ordinance closing such grant will direct the unexpended funds.

Other Issues and Considerations:

If the item is not approved, the current procedure will continue requiring several budget amendments during the year.

Strategic Focus Area:



Business Growth



Community Vitality



High-Performance Government



Housing for All



Infrastructure and Mobility



Quality of Life



Safe and Secure Communities

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for May 16, 2023.

Attachments:

Ordinance

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 19, 2023**

**AN ORDINANCE AMENDING TITLE 6 OF THE GREELEY MUNICIPAL
CODE RELATING TO REVENUE & FINANCE: ADDING
A NEW CHAPTER 16 GRANTS**

WHEREAS, the City of Greeley, Colorado, (the "City"), is a home rule municipality, organized and existing under Article I, Section 6 of the Colorado Constitution; and

WHEREAS, pursuant to Article I, Section 6 of the Colorado Constitution, the right to enact, administer and enforce received grant revenue is within the constitutional grant of power to the City and is necessary to record revenue received with which to conduct the affairs and render the services performed by the City; and

WHEREAS, this ordinance amends the Greeley Municipal Code to create a new Article and Chapter under Title 6, Revenue & Finance, Chapter 16

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

Section 1: That Chapter 16 of Title 6 of the Greeley Municipal Code be amended to add a new Article I to read as:

ARTICLE I. GRANTS

Sec.6-1017 Title

This Article I shall establish and be known as the City of Greeley's Grants.

Sec. 6-1018 Purpose.

Revenues from any grant shall be treated as custodial funds of the city to be expended exclusively for the purpose of carrying out the project or program for which the grant was given and shall not be subject to appropriation.

Sec. 6-1019 Definitions.

As used in this Article I, the following phrases shall have the following meanings unless the context clearly indicates another meaning:

- a. The term "grant" shall mean any discretionary disbursement to the city by any public or private entity to support a specific project or program of the city. The term "grant" shall not include any payment made to the city in consideration for services or work performed by the city on behalf of another entity.

Sec. 6-1020 Approval of Grants

- a. Approval of the council shall be required prior to the acceptance of any grant by the city or by any department or agency thereof if:

1. The Grant is for a dollar amount more than five hundred thousand dollars (\$500,000.00) or, in combination with other grants received from the same source for the same project or program in the preceding year, will cause the total amount received to exceed five hundred thousand dollars (\$500,000.00).
 2. The Grant specifically requires a matching contribution by the city in the form of an expenditure for which a budget and appropriation has not previously been approved by the council, regardless of the amount of the matching contribution;
or
 3. Council approval of the Grant has been required as provided in subsection (c) of this section.
 4. Council approval of the Grant is required by any other section of this code.
- b. A quarterly report submitted to the City Manager's Office by the Director of Finance, shall clearly delineate the grant applications that have been added and grant applications in progress since the last quarterly report. The report shall include for each grant application listed therein the name of the grant program, the source of the proposed grant, the requested amount of the grant, a brief description of the purpose for which the grant is sought, and a departmental contact with knowledge of the grant application.
 - c. Council approval shall not be required for a time extension or other amendment of any contract or other instrument accepting a grant as previously approved by council unless the amendment changes the purpose of the grant or requires council approval under any other law.
 - d. The revenues from any Grants shall be treated as custodial funds of the city to be expended exclusively for the purpose of carrying out the project or program for which the grant was given and shall not be subject to appropriation. These revenues shall be deposited into the treasury of the city and credited to the appropriate fund.
 - e. Upon closing of the grant, any remaining budget balance shall be closed as prescribed by the Director of Finance and any unexpended funds shall be transferred to those specific funds which supported the grant administration; however, if the terms of the grant will require other treatment, an ordinance closing such grant will direct the unexpended funds. The Director of Finance shall make such book and record entries and do such other things as may be necessary to effectuate the requirements of this section.

Section 2: This ordinance shall become effective on the first day of the month that is at least thirty (30) days after date of its adoption.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF MAY, 2023.

ATTEST:

CITY OF GREELEY, COLORADO

**By: _____
City Clerk**

**By: _____
Mayor**



Council Agenda Summary

Title:

Pulled Consent Agenda Items

Summary:

Pulled Consent Agenda items will be considered in the order they appeared on the consent agenda.



Council Agenda Summary

May 2, 2023

Key Staff Contact: Don Threewitt, Interim Community Development Director Michael Franke, Planner

Title:

Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Planned Unit Development (PUD) and Commercial-High Intensity (C-H) zone districts to the Residential Micro-Housing (R-MH) zone district changing the underlying land use designations for approximately 22.25 acres of property located south of F Street, west of N. 35th Avenue, and approximately one-half mile north of 4th Street (Stoneybrook)

Summary:

Stoneybrook 234, LLC, represented by Atwell, LLC (Donna Barrentine, PE) has submitted a request to rezone lots 2 and 3 from PUD and C-H zoning districts to the R-MH zoning district for the expansion of the existing Stoneybrook Mobile Home development on approximately 22.25 acres of land.

The subject site was annexed into the City of Greeley in 1985 as part of the Puttnam Farm Annexation. The land has remained undeveloped since the time of annexation. In 1999, the land was subdivided into two separate lots (Lot 2 and Lot 3) as part of the Stoneybrook Subdivision Filing No. 1. The intention of the current rezone request is to provide adequate zoning for expansion of the existing Stoneybrook Mobile Home Park development adjacent to this land.

The Planning Commission recommended approval of this rezone with a 7-0 vote at its April 11, 2023 meeting. The ordinance for this item was introduced at the Council’s April 18, 2023 meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	N/A

Legal Issues:

Consideration of this matter is a quasi-judicial process which includes the following public hearing steps:

- 1) City staff presentation
- 2) Council questions of staff
- 3) Applicant presentation
- 4) Council questions of applicant
- 5) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)

- 6) Rebuttal, if requested
- 7) Council discussion
- 8) Council decision

Other Issues and Considerations:

None

Strategic Focus Area:

Conformance with the Comprehensive Plan and Development Code.

Decision Options:

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

Council's Recommended Action:

Two motions are necessary to approve this zoning request:

1. A motion that, based on the application received, the preceding analysis, and Planning Commission recommendation, the proposed rezoning from PUD and C-H zoning districts to the R-MH zoning district is found to be in compliance with Title 24-204(b) and therefore approve the request.
2. A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

Planning Commission Minutes (April 11, 2023) - Draft
Stoneybrook Rezone – PC Staff Report and Attachments
Stoneybrook Rezone - Staff Presentation
Stoneybrook Rezone - Applicant Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. 16 , 2023

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM PLANNED UNIT DEVELOPMENT (PUD) AND COMMERCIAL-HIGH INTENSITY (C-H) ZONE DISTRICTS TO RESIDENTIAL MICRO HOUSING ZONE DISTRICT (R-MH) CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 22.25 ACRES OF PROPERTY LOCATED SOUTH OF F STREET, WEST OF N. 35TH AVENUE, AND APPROXIMATELY ONE-HALF MILE NORTH OF 4TH STREET

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

Section 1. The following described property located in the City of Greeley is hereby changed from the zoning district referred to as C-H (Commercial High Intensity) to I-L (Industrial Low Intensity), in the City of Greeley, County of Weld, State of Colorado:

Legal Description

LOTS 2 AND 3, BLOCK 1, STONEYBROOK SUBDIVISION FILING NO. 1, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO AS RECORDED AT RECEPTION NO. 2710177;
LESS RIGHT-OF-WAY DEDICATED AT RECEPTION NO. 4685358, WELD COUNTY RECORDS.

CONTAINING 969,260 SQUARE FEET, OR 22.25 ACRES, MORE OR LESS

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

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

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF MAY, 2023.

ATTEST:

THE CITY OF GREELEY COLORADO

By: _____
City Clerk

By: _____
Mayor

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
April 11, 2023

1. Call to Order

By consensus, the members of the Commission consented to the meeting being conducted by Commissioner Schulte.

Commissioner Schulte called the meeting to order at 1:18 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Commissioner Louisa Andersen

Commissioner Jeff Carlson

Commissioner Brian Franzen

Commissioner Larry Modlin

Commissioner Christian Schulte

ABSENT

Commissioner Erik Briscoe- Excused

Chair Justin Yeater-Excused

3. Approval of Agenda

There were no corrections or additions to the agenda. The agenda was approved as presented.

4. Approval of March 28, 2023 Minutes

Commissioner Andersen moved to approve the minutes dated March 28, 2023, Commissioner Franzen seconded the motion.

Motion carried 4-0. (Chair Yeater and Commissioner Briscoe, absent.)

5. Public hearing to consider a request to rezone 22.25 acres of land located south of F Street, west of N. 35th Avenue, and approximately ½ mile north of 4th Street from PUD (Planned Unit Development) and C-H (Commercial High Intensity) to R-MH (Residential Micro Housing) zone district.

Michael Franke (Planner II) began by thanking Commissioner Schulte for introducing the item and providing background on the site. The land was annexed into the city in 1985 and it has remained undeveloped. The applicant plans on developing the land as an expansion to the existing Stoneybrook Mobile Home Park with 142 additional mobile home sites. The applicant also has a Minor Subdivision and Site Plan under review. Zoning and Land Uses that currently surround the site include North- Residential High Intensity and Conservation District; South- Residential Micro Housing; East- Residential Mid Intensity, Industrial Low Intensity and vacant land and West- Residential Micro Housing. Mr. Franke continued with sharing site photos and the proposed Residential Boundary Map, sharing that the proposed conditions of the site are consistent with the

surrounding neighborhood characteristics. Mr. Franke provided Use comparisons based on the current PUD zoning for the site as Storage and Commercial High Intensity compared to the proposed zoning of Micro Housing and how the proposed new zoning would better accommodate the area. Mr. Franke indicated that the application meets the Rezone Criteria (24-204), proper notification was posted and sent out and no opposition has been received. Staff recommends approval of this rezone.

Mr. Franke concluded by offering to answer any questions and let the commission and audience know that the applicant was present and happy to answer questions as well.

Commissioner Schulte asked if there was any concern with the property across the street being industrial and Mr. Franke answered, stating there are not any concerns with that at this time and it meets the vision of the Comprehensive Plan for this area to be suburban.

Commissioner Schulte invited the applicant, the applicant introduced himself as Bob Eck 12650 W. 64th Avenue, Arvada, CO. He continued by stating that Michal Franke's presentation was very comprehensive, and he would give a short presentation and answer any questions. Mr. Eck continued by adding that the surrounding uses, to the southeast is lot 4 that is also being developed as a mobile home park and reiterating that they propose 142 more mobile home sites. Each unit would have 2 driveway spaces and the plan for the property does include some open space and a clubhouse facility to complement the existing Stonybrook development and indicated they are working with staff on what improvements can be made with this development to F street and a water line. Mr. Eck concluded by offering to answer any questions.

Commissioner Modlin asked if the sport field area would be open to the public or if would just be for residents of the development. Mr. Eck indicated that its intent is for it to be used by Stonybrook residents, but it would not close or gated off from the community. There were no further questions from the commission.

Chair Schulte opened the Public Hearing at 1:32. Seeing no one signed up to speak, Commissioner Schulte closed the Public Hearing closed at 1:32 pm.

Commissioner Andersen moved to approve that the proposed rezone from PUD (Planned Unit Development) and C-H (Commercial High Intensity) zone district to R-MH (Residential Micro Housing) zone district meets the Development Code criteria, Sections 24-204 and therefore, recommends approval of the rezone to City Council.

Motion carried 4-0. (Chair Yeater and Commissioner Briscoe, absent.)

6. Staff Report

Becky Safarik shared that since the last meeting for the Zoning Board of Appeals, the applicants have withdrawn their application. Also, at the next meeting a Cigar Bar is going to be proposed and it will bring some potential code updates to the commission.

Don Threwitt provided a follow up on the Construction Activity piece, it was reporting through the December of 2022 not February of 2023. He also stated that Meg Oren who created the report was present if any commissioners had any questions. No commissioners had any questions.

7. Adjournment

With no further business before the Commission, Commissioner Schulte adjourned the meeting at 1:37 PM.

Justin Yeater, Chair

Becky Safarik, Secretary

PLANNING COMMISSION SUMMARY

ITEMS: Rezone property from PUD (Planned Unit Development) and C-H (Commercial High Intensity) to R-MH (Residential Micro Housing)

FILE NUMBER: ZON2022-0005

PROJECT: Stoneybrook Lot 2 and Lot 3 Rezone

LOCATION: South of F Street, west of N. 35th Avenue, and approximately ½ mile north of 4th Street.

APPLICANT: Robert Eck (Stoneybrook 234 LLC) and Donna Barrentine (Atwell Group)

CASE PLANNER: Michael Franke, Planner I

PLANNING COMMISSION HEARING DATE: April 11, 2023

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 24-204 of the Development Code.

EXECUTIVE SUMMARY

The City of Greeley is considering a request from Stoneybrook 234 LLC to rezone 22.25 acres of land located south of F Street, west of N. 35th Avenue, and approximately ½ mile north of 4th Street from PUD (Planned Unit Development) and C-H (Commercial High Intensity) to R-MH (Residential Micro Housing) zone district (see Attachments A, C, and D).

A. REQUEST

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

B. STAFF RECOMMENDATION

Approval

C. LOCATION

Abutting Zoning:

North: R-H (Residential High Intensity) and C-D (Conservation District); A (AG) (Weld County).

South: R-MH (Residential Micro Housing).

East: R-M (Residential Medium Intensity) and I-L (Industrial Light Intensity).

West: R-MH (Residential Micro Housing).

Surrounding Land Uses:

North: Residential
 South: Residential and Vacant Land
 East: N. 35th Avenue/Vacant Land
 West: Residential

Site Characteristics:

The site consists of undeveloped, vacant land. The property is relatively flat land and has patches of trees scattered near N. 35th Avenue and near the existing Stoneybrook Mobile Home Park on the east side of the site.

D. BACKGROUND

The subject site was annexed into the City of Greeley in 1985 as part of the Puttnam Farm Annexation (02021700). The land has remained undeveloped since the time of annexation. In 1999, the land was subdivided into two separate lots (Lot 2 and Lot 3) as part of the Stoneybrook Subdivision Filing No. 1 (2710177). The intention of the current rezone request is to provide adequate zoning for expansion of the existing Stoneybrook Mobile Home Park development adjacent to this land.

E. APPROVAL CRITERIA**Development Code Section 24-204 Rezoning Procedures**

The review criteria found in Section 24-204(b) of the Development Code shall be used to evaluate the zoning amendment application.

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

The Imagine Greeley Comprehensive Plan's Land Use Guidance Map designates the subject property as a Suburban area. Supported uses include a mixture of residential housing types (micro, single family, row housing, multifamily, etc.). A diversity of housing types is encouraged to meet the housing demands of citizens. Mobile/Manufactured homes provide a "missing middle" housing type that is typically more equitable to obtain.

Goal HO-2: Encourage a broad diversity of housing options.

Objective HO-2.1 Diversity in New Development - Encourage a variety of housing types, sizes, styles, and price-points of housing units within new residential projects or subdivisions. Ensure that Greeley has neighborhoods and/or development sites available and attractive to its desired workforce, including higher-end housing for executives and other high-paid workers.

Objective HO-2.2 Rental Housing - Foster the development of attractive, safe, and well-maintained rental properties for those who do not qualify for or desire to own property.

Staff Comment: This proposal is in accordance with Housing Goal 2 of the Imagine Greeley Comprehensive Plan, “Encourage a broad diversity of housing options.” Ultimate approval of this rezoning request would enable construction of mobile/manufactured homes, either for rent or purchase, which broadens the diversity of housing types within Greeley.

The proposal complies with this criterion.

Additionally, the following specific goals and objectives of the Imagine Greeley Comprehensive Plan support the proposed rezone:

Growth and City Form:

- GC-1.2 Form of Growth: Encourage compact urban form over sprawl development.
- GC-2.1 Land Use Guidance Map: Maintain a land use guidance map as a guide for land use, zoning, and development within the City of Greeley and its Long Range Expected Growth Area (LREGA).
- CG-2.2 Jobs/Housing Balance: Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (and vice-versa).
- GC-4.3 Infill Compatibility: Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area.

Housing:

- HO-1.6 Universal Design and Visitability: Encourage the development of new housing units that incorporate design elements to accommodate the specific needs of the elderly and others who might have limited mobility.

Transportation and Mobility:

- TM-1.2 Pedestrian Movements: Ensure pedestrian movement and accessibility is considered in the design and construction of all public and private development projects. Ample and safe sidewalks and other pedestrian pathways within and between developments should be provided.
- TM-3.3 Transit-Oriented Development: Require all new development and redevelopment near (within ¼ mile) of an existing or planned transit line, or located along a multi-modal corridor (as identified on the Land Use Guidance Map) to incorporate transit-oriented design into projects.

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

Staff Comment: The R-MH zoning district provides residential living for manufactured, mobile, or other small-format residences in a planned community that

shares common amenities. This housing type is generally located in areas that have transitions between lower-density neighborhoods or more intense, non-residential uses or where a high level of accessibility, public amenity and support services are immediately available. The proposed rezone would allow for further development of micro housing types, such as mobile, manufactured, and other small format housing types. The ability to develop such housing types aligns with the intent of the R-MH (Residential Micro Housing) zoning district and is consistent with other uses in the surrounding area. Existing uses within the area are primarily low- to medium-density residential uses with some vacant land available for development. The applicant is proposing to expand the development of mobile/manufactured homes on the site, which is consistent with increasing the diversity of housing types in the city in a more equitable format.

The proposal complies with this criterion.

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

Staff Comment: Development within this area has been residential. An existing mobile home park, Stoneybrook, has provided micro housing options for Greeley citizens since 1997. As the housing market in Colorado continues to exhibit a need for lower cost housing alternatives, the purpose of this rezone is to further expand the development of the Stoneybrook Mobile Home Park, increasing the diversity of Greeley's housing stock. The expansion of Stoneybrook Mobile Home Park will increase the opportunity for home ownership options within Greeley. Increasing the diversity of housing stock creates new opportunity for citizens to obtain quality housing to meet specific needs of all income, socio-economic, and ability levels. The current zoning (PUD and C-H) limits the ability to expand micro housing types on the subject property. Planning staff concludes that it is in the public's interest to rezone the subject site to allow for additional manufactured home options.

The proposal complies with this criterion.

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

Staff Comment: The existing zoning has been in place since 1985, with no development occurring on site since the establishment of zoning. The existing zoning districts are inappropriate with development trends in the area. The PUD zoning was established with the intent of developing RV/boat and indoor

storage uses, which is incompatible with the adjacent mobile home park development. The commercial zoning was established with the intent of allowing general business uses typically consistent with permitted uses in the C-H zoning district.

Throughout the years as Greeley has developed, the areas surrounding the subject site have been developed as low- to medium-density residential uses, such as mobile homes and single-family homes. Additionally, there are some civil uses within the adjacent areas – Greeley Fire Station #3 and the Greeley Fire Training Facility. It would be inappropriate to develop commercial uses, such as storage and high-density business, due to the proximity of lower density residential uses. Rezoning the site would provide better development options to be cohesive with uses in the surrounding areas of the subject site.

The proposal complies with this criterion.

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

Staff Comment: The proposed rezoning would provide development options complimentary to the surrounding zoning and existing uses by continuing the consistency of residential character in the area. Rezoning would enable a more complete suburban residential feel and appropriate transition from Greeley to Weld County to the north.

The proposal complies with this criterion.

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

Staff Comment: The subject site is served by the City of Greeley. Any proposed development or redevelopment of the site would be reviewed for compliance with City standards and subject to infrastructure improvements required at that time. Additional information regarding City services can be found in this report in Sections F, G, and H.

The proposal complies with this criterion.

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

Staff Comment: The current zoning and associated commercial allowances have existed since 1985 without successful development. Attainable homeownership options are a policy priority in Greeley, and manufactured or micro-housing supply is constrained. The proposed rezoning would allow more development options if the site were rezoned to R-MH, allowing for more potential missing middle housing types, making the rezone more appropriate than the current zoning district. The R-MH zoning district was created specifically to accommodate micro housing types, which makes it an appropriate zoning district for the expansion of the Stoneybrook Mobile Home Park, as proposed by the applicant and currently under review with city staff (SPR2022-0035).

The proposal complies with this criterion.

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

Staff Comment: Any reasonably anticipated negative impacts on this area resulting from this rezoning would be mitigated as part of the development review process by the consistent enforcement of Municipal Code and Development Code requirements regarding landscaping buffers, architectural features, setbacks, and other relevant codes and policies. All supplemental documentation for development of the subject site has been submitted with the corresponding minor subdivision (SUB2022-0011) and site plan review (SPR2022-0035) to the city. All professional staff and advisory review bodies have been assigned to corresponding development cases as appropriate.

The proposal complies with this criterion.

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

Staff Comment: City staff recommends approval of this rezoning request.

F. SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The property was originally platted as Lot 2 and Lot 3 part of the Stoneybrook Subdivision Filing No. 1, recorded in 1999. The applicant currently has a minor subdivision case (SUB2022-0011) approved with the City to combine Lot 2 and Lot 3 into one Lot, Lot 2A. Minor subdivisions are reviewed and approved administratively by City staff.

2. HAZARDS

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

3. WILDLIFE

The subject site is located in a moderate area of ecological significance according to the City of Greeley Area of Ecological Significance Map. The Natural Areas and Trails Department conducted a full review of the proposed Stoneybrook rezone and accepted the review as proposed. There are no known impacts that would occur to wildlife if the site were rezoned.

4. FLOODPLAIN

The proposed rezone is located within the 100-year floodplain or floodway, according to the adopted Federal Emergency Management Administration (FEMA) flood data. The applicant shall submit all required Floodplain Development Permits and other requirements to satisfy the City of Greeley Stormwater/Floodplain Division.

5. DRAINAGE AND EROSION

This rezone will not affect the existing drainage for the site. Any proposed development of the site would require the documentation and review by City staff of all drainage, detention, water quality, and erosion mitigation as a condition of the development of the site.

6. TRANSPORTATION

The City's Public Works and Engineering Development Review staff have reviewed the traffic impact analysis with the proposed concept plan and found that additional traffic would not create a significant impact on existing roadway systems. No additional improvements were warranted based on projected traffic.

G. SERVICES**1. WATER**

Current water services adequately serve the subject property with additional capacity available if needed.

2. SANITATION SEWER

Current sewer services adequately serve the subject property with additional capacity available if needed.

3. EMERGENCY SERVICES

Emergency services are available and can adequately serve the subject property.

4. PARKS/OPEN SPACES

No public parks or public open space areas are proposed with this request and the request would not create any private parks or open space. The proposed rezone should have little to no impact on parks or open space in the community. However, it is important to note adequate open space and open space amenities will be provided and reviewed in the site plan application review.

5. SCHOOLS

No schools are proposed or located within the site.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

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

2. NOISE

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

I. PUBLIC NOTICE AND COMMENT

Neighborhood notices for this meeting were mailed to surrounding property owners on March 27th, 2023, per Development Code requirements. A sign was also posted on the site on March 24th, 2023. No opposition from the public was received regarding the rezone from PUD and C-H to R-MH.

J. MINERAL ESTATE OWNER NOTIFICATION

Mineral notice is not required for a rezone request.

K. PLANNING COMMISSION RECOMMENDED MOTION

Approval -

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezone from PUD (Planned Unit Development) and C-H (Commercial High Intensity) zone district to R-MH (Residential Micro Housing) zone district meets the Development Code criteria, Sections 24-204 and therefore, recommends approval of the rezone to City Council.

Denial-

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezone from PUD (Planned Unit Development) and C-H (Commercial High Intensity) zone district to R-MH (Residential Micro Housing) zone district does not meet the Development Code criteria, Sections 24-204 and therefore, recommends denial of the rezone to City Council.

ATTACHMENTS

Attachment A – Zoning & Vicinity Map

Attachment B – Photo Aerial Map

Attachment C – Project Narrative

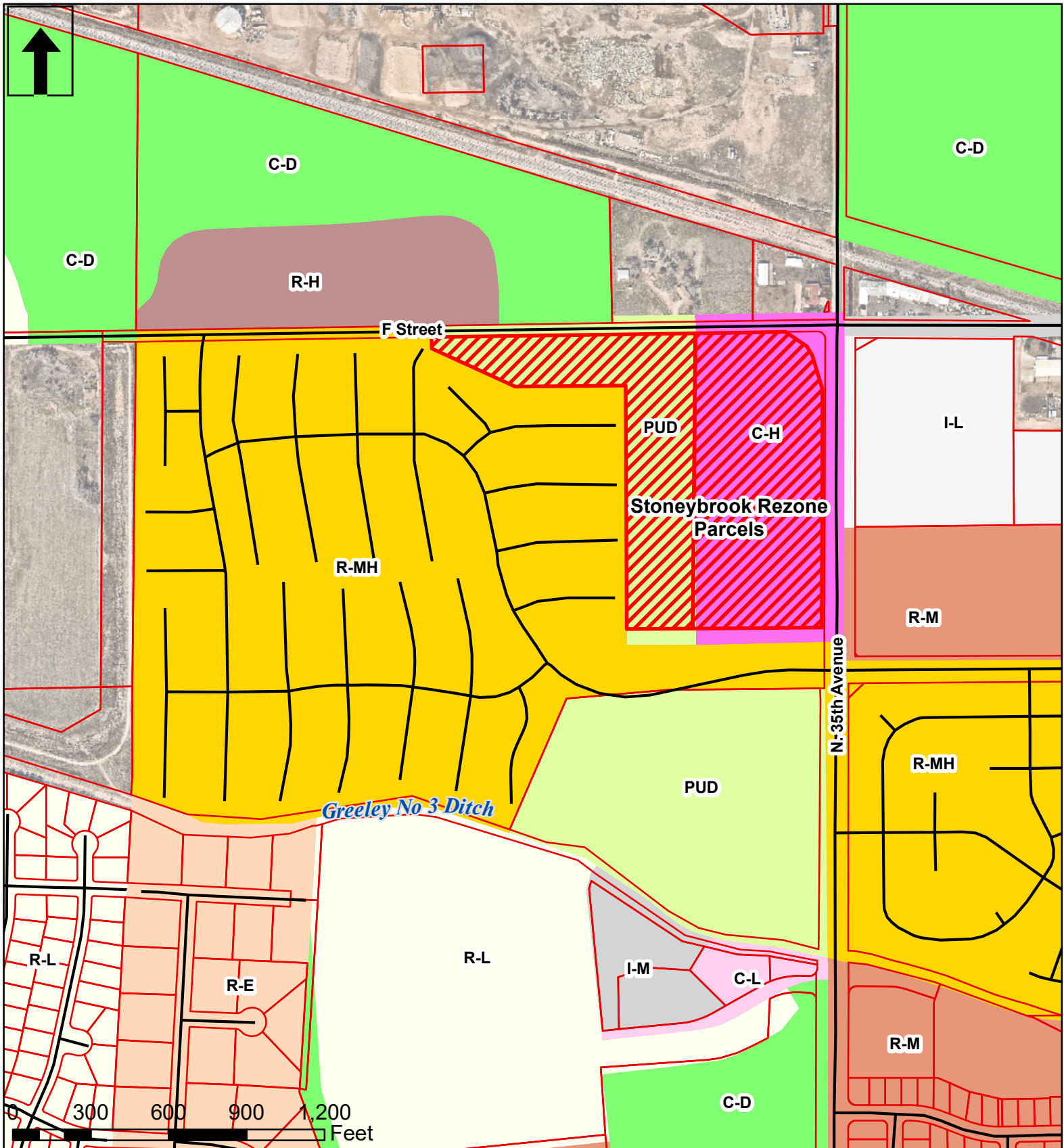
Attachment D – Rezone Boundary Map

Attachment E – Site Analysis Map

Attachment F – Zoning Suitability Map

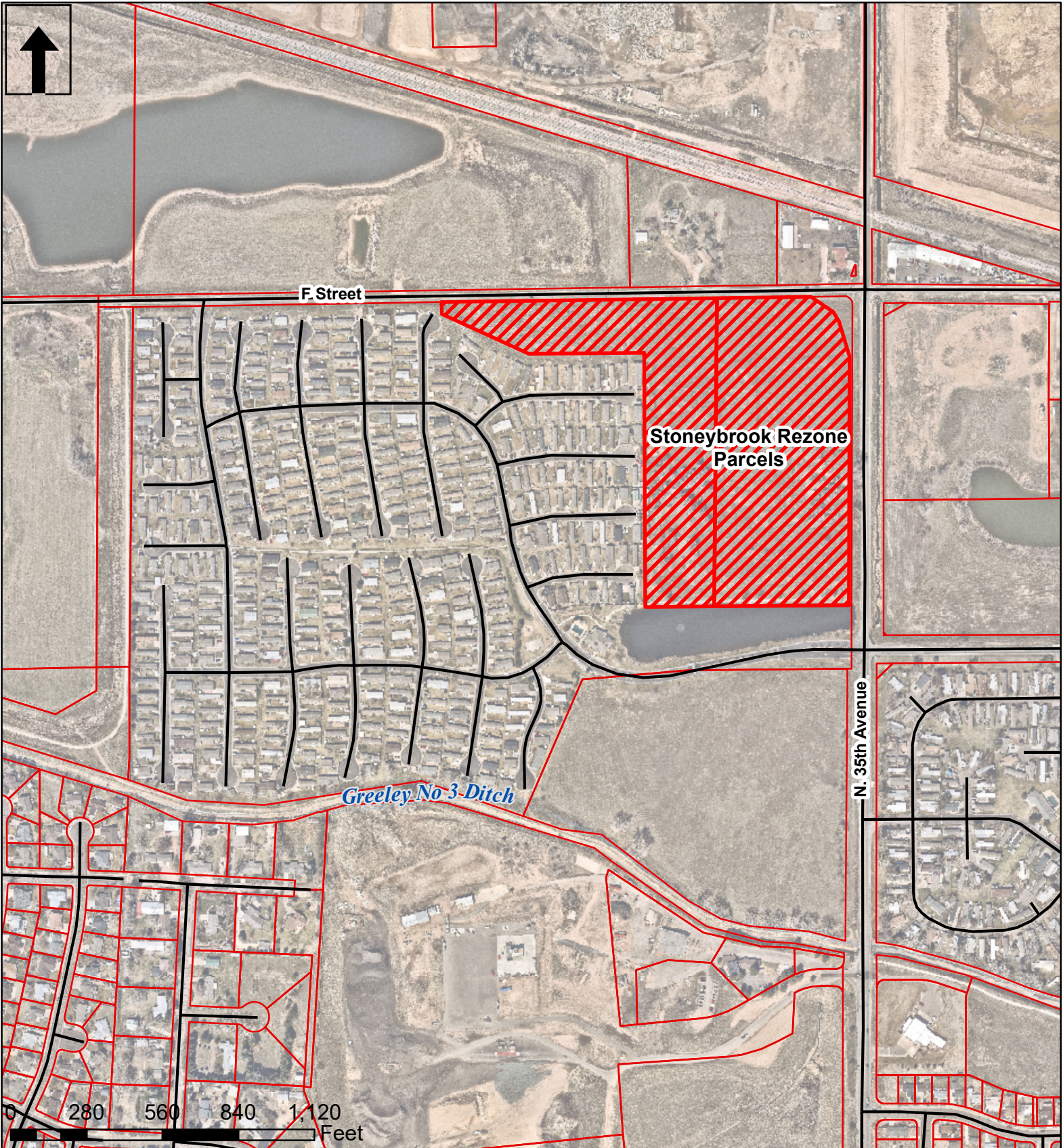
Attachment G – Site Details

Attach Item No. 15. **Stoneybrook Rezone Vicinity and Zoning Map**



- | | | |
|---------------------------|-----------------------------|----------------------------|
| Canvasback Subject Parcel | Commercial High Intensity | Planned Unit Development |
| Greeley Parcels | Holding Agriculture | Residential Estate |
| Streets | Industrial Low Intensity | Residential Low Density |
| Conservation District** | Industrial Medium Intensity | Residential Medium Density |
| Commercial Low Intensity | Industrial High Intensity | Residential High Density |
| | | Residential Mobile Home |

Attach Item No. 15. **Stoneybrook Rezone Photo Aerial Vicinity Map**



-  Canvasback Subject Parcel
-  Greeley Parcels
-  Streets



CONSULTING. ENGINEERING. CONSTRUCTION.

Revised October 27, 2022

Mr. Michael Garrott, A.I.C.P.
City of Greeley
Community Development
Department, Planning and Zoning
1100 10th Street – 2th FL
Greeley, CO 80631

Subject: Stoneybrook Lot 2 and 3 Rezoning Project Narrative

Dear Mr. Garrott:

Stoneybrook 234, LLC is pursuing development of Lots 2 and 3, Block 1 of the Stoneybrook Filing No. 1 subdivision. Lot 3 is a 12.66-acre parcel at the southwest corner of F Street and N. 35th Avenue in Greeley, CO, currently zoned Commercial-High Intensity (C-H). Lot 2 is a 9.63 ac parcel to the west of Lot 3 and currently zoned Planned Unit Development (PUD). It is the applicant’s intent to combine the two parcels into one new parcel and rezone the new parcel to R-MH, Residential Micro-Housing, under the City of Greeley’s newly adopted RM-H land use code. This land use is consistent in the area, with the recently constructed Stoneybrook Lot 4 manufactured home community just south of Lot 3, and the original Stoneybrook Lot 1 manufactured home community located just west of this proposed development. Friendly Village, another existing manufactured home community, is to the east, across North 35th Avenue.

The parcel would be developed for up to 142 manufactured home-sites, with land-leases provided for each of the 142 manufactured homes. Manufactured homes sites are in high demand in the greater Greeley area and the proposed development will assist the City of Greeley in meeting the demands for this important housing option per the City of Greeley Strategic Housing Plan. The property will blend well with the existing environment and fits the character of adjacent neighborhoods, with added features such as a community club house and community storage facilities in accordance the new R-MH land use standards.

Per the City of Greeley’s rezoning evaluation criteria below, we offer the following justifications on how this rezoning request is in conformance with the City’s policies, goals, and strategies:

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

Rezoning the combined 22.25-acre parcel to RM-H is consistent with the goals of the City of Greeley’s Strategic Housing Plan, proving an attainable housing option in the at the southwest intersection of F-Street and N. 35th Avenue.

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

The proposed land use change is consistent with the surrounding land uses, as it lies immediately east of the existing Stoneybrook Filing 1, Lot 1 manufactured home

community, 400 feet north of the recently approved Stoney Pointe (formerly known as Stoneybrook Lot 4) manufactured home community, 900 feet northwest of the Friendly Village manufactured home community and less than 1 mile from the Villa West manufactured home community near C Street and N. 35th Avenue. Immediately east of the property is zoned Industrial Low Intensity (I-L) and Residential Medium Density (R-M). We believe the proposed land use will blend well with the surrounding zonings.

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

This site is within in the greater City of Greeley long range expected growth area and is currently experiencing some growth with the recently approved Stoneybrook Lot 4 development now known as Stoney Pointe at the southwest corner of C Street and N. 35th Avenue with its planned 142 manufactured homes. The proposed development of Stoneybrook Lots 2 and 3 will offer another 142 manufactured homes with varying sizes and styles in the 1,000-1,500 SF range. This small-sized housing option supports the City's goals and objectives identified in the 2018 Strategic Housing Plan by facilitating the development of manufactured home communities in the greater City of Greeley area and providing affordable housing options for the City of Greeley's work force, and a variety of population of various ages, status and income levels. This is especially important given Greeley's population growth, low residential vacancy rates and increasingly expensive residential market.

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

Although the existing PUD zoning of Lot 2 allows development of manufactured homes, combining this lot with the Lot 3 site will enable greater development of manufactured homes with improved community cohesiveness with similar land use and housing type with provision of pedestrian, bicycle and road connectivity to adjacent land uses. The growth trend in this area of Greeley is for micro-housing options rather than commercial growth in this general vicinity.

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

The proposed rezoning will allow continued growth and development of like-sized and similar style micro-housing options, providing cohesiveness with the surrounding neighborhoods. This development will also provide significant community benefits with greater than 30% open space, a community clubhouse with park shelter, picnic tables, barbeque, sports field and other amenities, along with a community storage facility for storage of tenant boats, bicycles and other accessories, in addition to community maintenance equipment.

6. *The City or other agencies have the ability to provide services or facilities that may be*

necessary for anticipated uses in the proposed district.

The City and area service providers will have the opportunity to serve this community of 142 residential units given their need for cable, internet, gas and electric services as well as water and sanitary utilities within the development.

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

The requested zoning change will better serve the community needs by providing affordable housing options in this growth area of the City and specifically helps the City in meeting its goals and objectives of the 2018 Strategic Housing Plan to facilitate development of manufactured home communities, offer a variety of housing options to all income levels, ages, and physical abilities.

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

This development will be designed in complete accordance with the City of Greeley land development code and requirements with sound engineering practices and experienced professional land development expertise. No negative impacts are expected.

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

The applicant's team of professional licensed engineers and landscape architects has designed this community in accordance with City of Greeley Land Development Standards and will continue to work with the City to obtain staff approval of this project.

We look forward to working with the City on approval of this project. Should you have any questions or require any additional information for this application, please do not hesitate to contact me at (303) 222-5036 or at dbarrentine@atwell-group.com.

Respectfully,
ATWELL, LLC

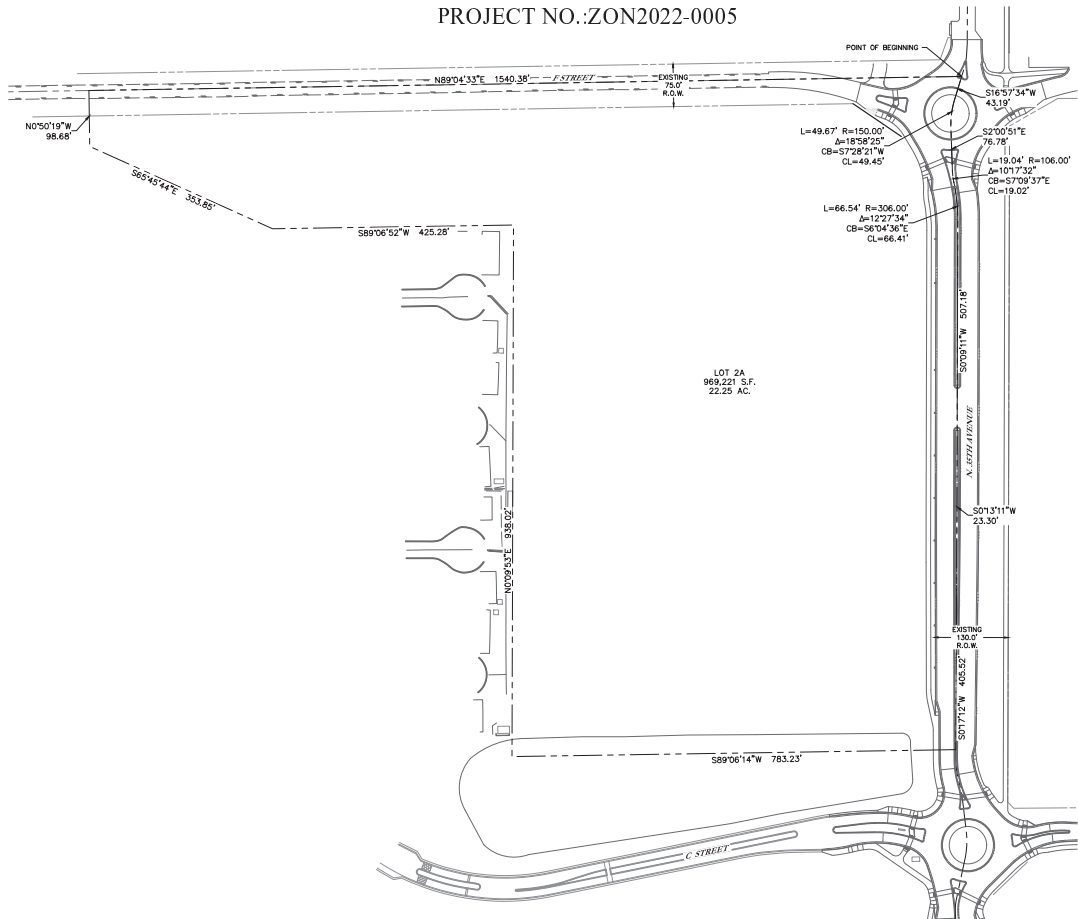


Donna Barrentine, PE
Project Manager

Cc: Robert Eck, II, Stoneybrook 234, LLC
Joe Locicero, Stoneybrook 234, LLC

Attachment D - Rezone
Boundary Map

STONEBROOK LOTS 2 & 3 REZONING PLAN
BEING A REPLAT OF LOTS 2 & 3, BLOCK 1 OF STONEYBROOK SUBDIVISION FILING NO. 1
SITUATED IN THE SOUTH HALF OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 66 WEST
OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO
22.25 ACRES
PROJECT NO.: ZON2022-0005



ATWELL
SURVEYING & ENGINEERING, P.C.
1500 W. 14TH AVE.
GREELEY, CO 80639
(970) 341-0333
ROBERT L. COE, P.E.

STONEBROOK, P.A., LLC
1500 W. 14TH AVE.
GREELEY, CO 80639
(970) 341-0333
ROBERT L. COE, P.E.

STONEBROOK LOTS 2 & 3
GREELEY, COLORADO
REZONING PLAN
PROJECT BOUNDARY MAP

DATE: 06/06/2022

BY: [Signature]

FOR THE RECORD - PROJECT BOUNDARY MAP

OK KE [] DK DB []
P.M. DB []

JOB: 21003159
SHEET NO. []
OF OF []

1" = 50'

(IN FEET)
1 inch = 50 ft.

Attachment E - Site Analysis/Existing Conditions Map

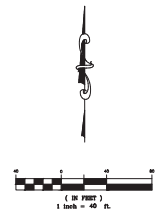
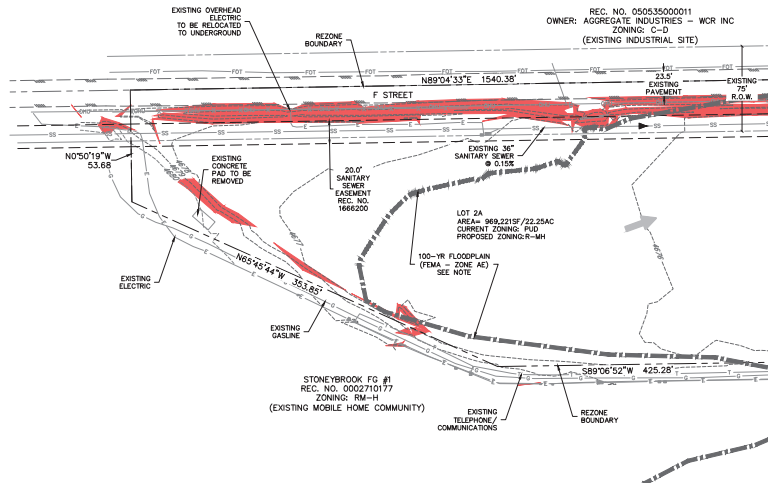
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 OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO
 22.25 ACRES
 PROJECT NO.: ZON2022-0005

LEGEND

	EXISTING SILT FENCE
	EXISTING SANITARY SEWER
	EXISTING OVERHEAD UTILITIES
	EXISTING GAS LINE
	EXISTING FIBER OPTIC LINE
	EXISTING WATER MAIN
	EXISTING TELEPHONE LINE
	EXISTING ELECTRIC LINE
	EXISTING OVERHEAD UTILITY WIRE
	100-YR FLOODPLAIN
	EXISTING STORM SEWER
	EXISTING FLOW ARROW
	20% GRADE OR GREATER

NOTES:

1. NO WETLANDS PRESENT ON SITE.
2. 100-YR FLOODPLAIN (FEMA - ZONE AE) (FLOOD DEVELOPMENT PERMIT REQUIRED). FINISHED FLOOR ELEVATIONS OF HOMES WILL BE 1' MIN. ABOVE BASE FLOOD ELEVATION IN ACCORDANCE WITH CITY OF BRECKENRIDGE DEVELOPMENT CODES.
3. FINISHED FLOOR ELEVATIONS WILL BE SURVEYED FOR EACH BUILDING AND CERTIFICATION STATEMENTS ISSUED TO THE CITY PER BUILDING CODE REQUIREMENTS FOR DEVELOPMENT WITHIN THE FLOODPLAIN.
4. ALL ON-SITE EXISTING STRUCTURES WILL BE REMOVED. DEMOLITION PERMIT WILL BE OBTAINED BY CONTRACTOR AS NECESSARY.
5. REZONE BOUNDARY WILL EXTEND TO THE CENTERLINE OF THE NEAREST ADJACENT ROADWAY TO THE SITE.
6. EXISTING OVERHEAD ELECTRIC TO BE RELOCATED TO UNDERGROUND ELECTRIC.



ATWELL
 ENGINEERS, ARCHITECTS & PLANNERS
 6500 WEST 120TH AVENUE, SUITE 100
 DENVER, COLORADO 80231
 (303) 551-1333
 WWW.ATWELL-ENG.COM

STONEBROOK, P.M. LLC
 15000 W. 64TH AVE
 SUITE 100
 DENVER, CO 80231
 (303) 561-0333
 ROBERT L. COE II

STONEBROOK LOTS 2 & 3
 REZONING PLAN
 EXISTING CONDITIONS MAP

06/06/2022

DR	KE	DK	DB
PM	DB		

JOB: 21003159
 SHEET NO: 02 OF 03

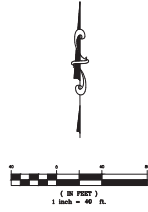
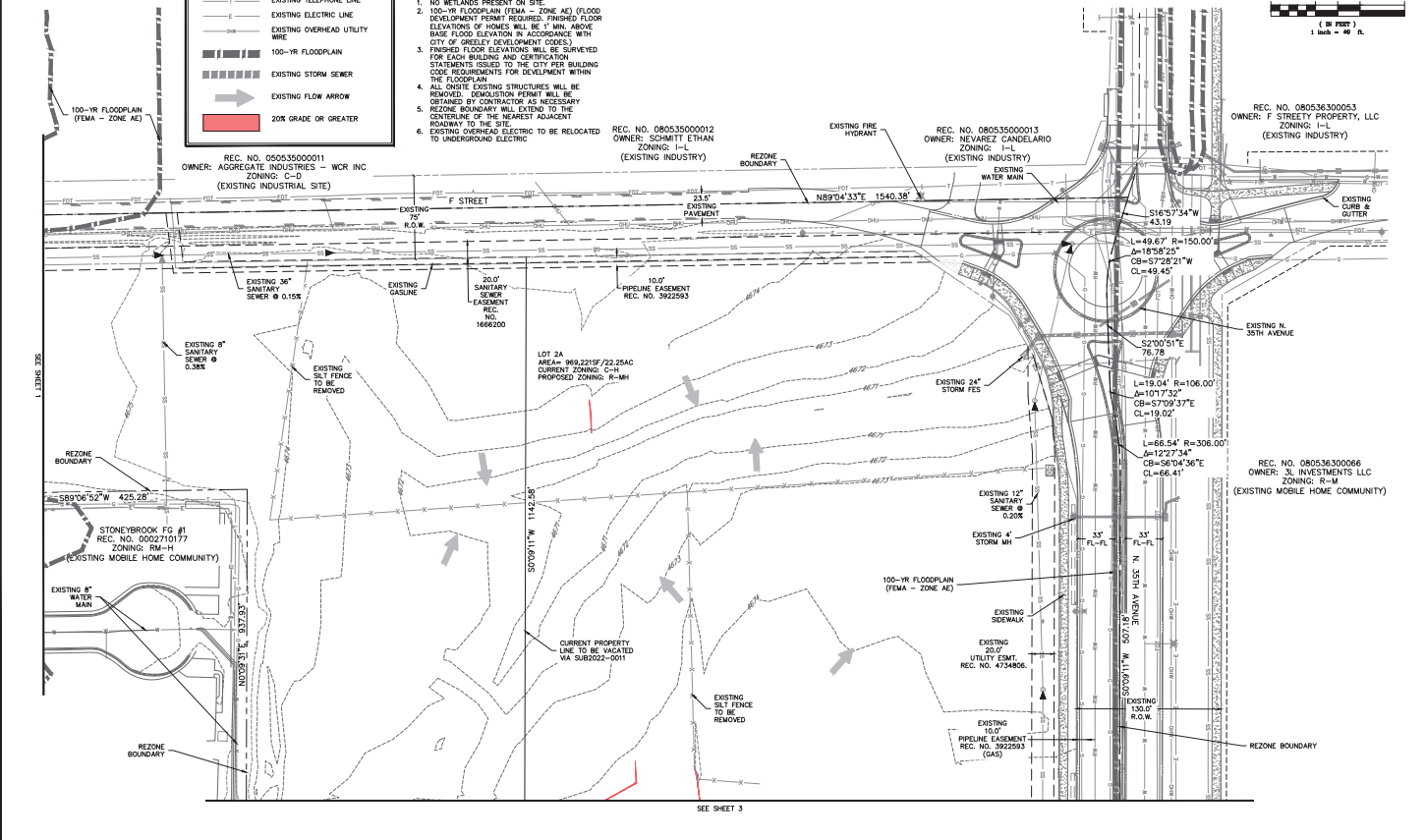
Attachment E - Site Analysis/Existing Conditions Map

STONEBROOK LOTS 2 & 3 REZONING PLAN

BEING A REPLAT OF LOTS 2 & 3, BLOCK 1 OF STONEYBROOK SUBDIVISION FILING NO. 1
SITUATED IN THE SOUTH HALF OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 66 WEST
OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO
22.25 ACRES
PROJECT NO.: ZON2022-0005

LEGEND	
	EXISTING SILT FENCE
	EXISTING SANITARY SEWER
	EXISTING OVERHEAD UTILITIES
	EXISTING GAS LINE
	EXISTING FIBER OPTIC LINE
	EXISTING WATER MAIN
	EXISTING ELECTRIC LINE
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	20% GRADE OR GREATER

- NOTES:
- NO WETLANDS PRESENT ON SITE.
 - 100-YR FLOODPLAIN (FEMA - ZONE AE) FLOOD DEVELOPMENT PERMIT REQUIRED. FINISHED FLOOR ELEVATIONS OF HOMES WILL BE 1' MIN. ABOVE BASE FLOOR ELEVATION IN ACCORDANCE WITH CITY OF GREELEY DEVELOPMENT CODES.
 - FINISHED FLOOR ELEVATIONS WILL BE SUBMITTED FOR EACH BUILDING AND CERTIFICATION STATEMENTS ISSUED TO THE CITY PER BUILDING CODE REQUIREMENTS FOR DEVELOPMENT WITHIN THE FLOODPLAIN.
 - ALL ON-SITE EXISTING STRUCTURES WILL BE REMOVED. CONSTRUCTION PERMIT WILL BE OBTAINED BY CONTRACTOR AS NECESSARY.
 - REZONE BOUNDARY WILL EXTEND TO THE CENTERLINE OF THE NEAREST ADJACENT ROADWAY TO THE SITE.
 - EXISTING OVERHEAD ELECTRIC TO BE RELOCATED TO UNDERGROUND ELECTRIC.



ATWELL
ENGINEERING & ARCHITECTURE
650 WEST 10TH AVENUE
GREELEY, CO 80639
TEL: 970-344-3333
WWW.ATWELL-ENR.COM

STONEBROOK LOTS 2 & 3
REZONING PLAN
EXISTING CONDITIONS MAP

DATE: 08/02/2022

BY: J. W. WILSON, P.E., R. L. COOPER, P.E.
CHECKED BY: J. W. WILSON, P.E., R. L. COOPER, P.E.
DESIGNED BY: J. W. WILSON, P.E., R. L. COOPER, P.E.
DRAWN BY: J. W. WILSON, P.E., R. L. COOPER, P.E.

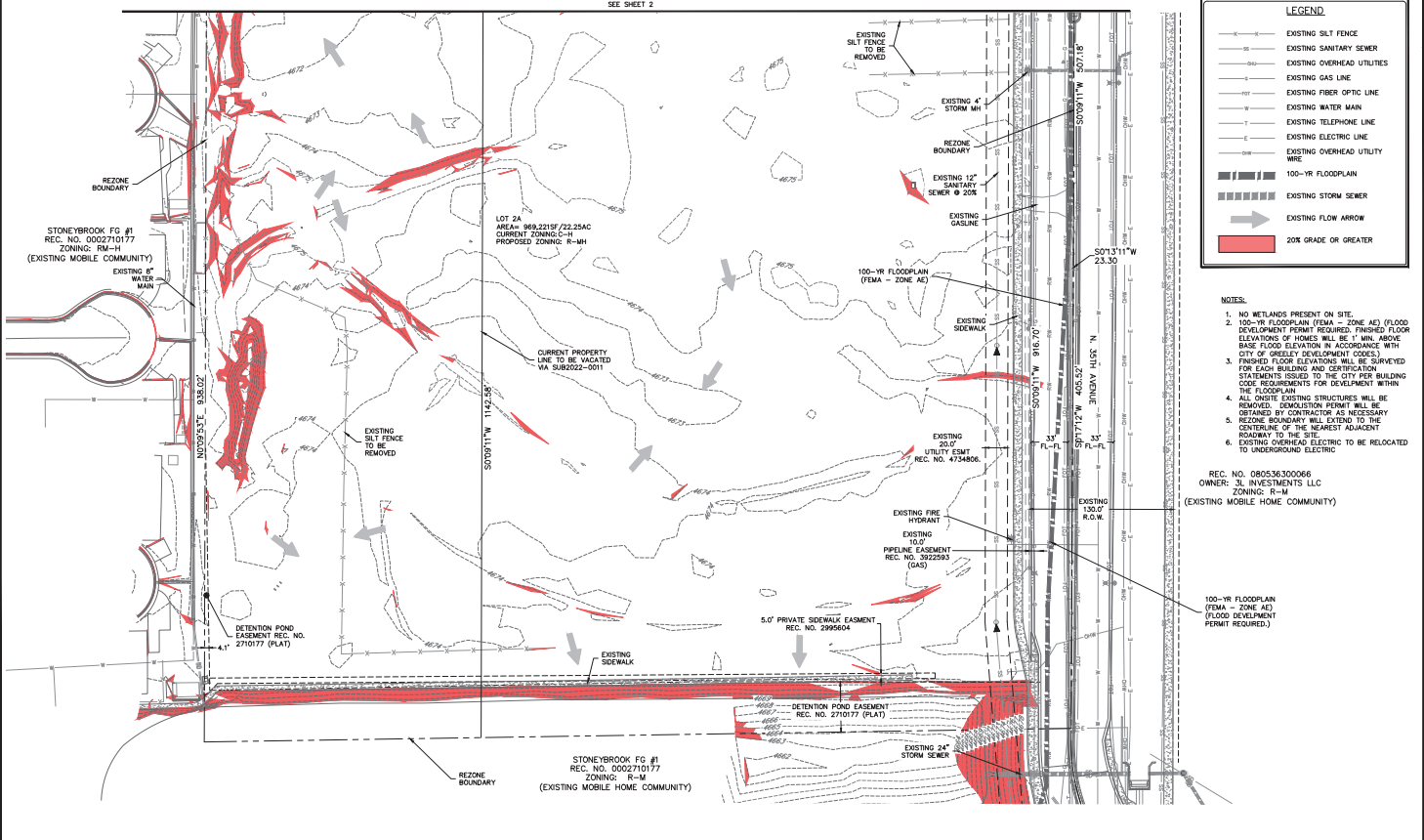
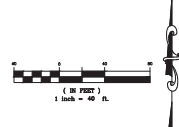
REVISED

DK	KE	DL	DB
PM	DB		

JOB: 21003159
SHEET: 03 OF 03

Attachment E - Site Analysis/Existing Conditions Map

STONEBROOK LOTS 2 & 3 REZONING PLAN
 BEING A REPLAT OF LOTS 2 & 3, BLOCK 1 OF STONEYBROOK SUBDIVISION FILING NO. 1
 SITUATED IN THE SOUTH HALF OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 66 WEST
 OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO
 22.25 ACRES
 PROJECT NO.: ZON2022-0005



LEGEND

(Symbol)	EXISTING SILT FENCE
(Symbol)	EXISTING SANITARY SEWER
(Symbol)	EXISTING OVERHEAD UTILITIES
(Symbol)	EXISTING GAS LINE
(Symbol)	EXISTING WATER MAIN
(Symbol)	EXISTING FIBER OPTIC LINE
(Symbol)	EXISTING TELEPHONE LINE
(Symbol)	EXISTING OVERHEAD UTILITY WIRE
(Symbol)	100-YR FLOODPLAIN
(Symbol)	EXISTING STORM SEWER
(Symbol)	EXISTING FLOW ARROW
(Symbol)	20% GRADE OR GREATER

- NOTES:**
1. NO WETLANDS PRESENT ON SITE.
 2. 100-YR FLOODPLAIN (FEMA - ZONE AE) (FLOOD DEVELOPMENT PERMIT REQUIRED). FINISHED FLOOR ELEVATIONS OF HOMES WILL BE 1' MIN. ABOVE BASE FLOOD ELEVATION IN ACCORDANCE WITH CITY OF GREELY DEVELOPMENT CODES.
 3. FINISHED FLOOR ELEVATIONS WILL BE SURVEYED FOR EACH BUILDING AND CERTIFICATION STATEMENTS ISSUED TO THE CITY PER BUILDING CODE REQUIREMENTS FOR DEVELOPMENT WITHIN THE FLOODPLAIN.
 4. ALL ON-SITE EXISTING STRUCTURES WILL BE REMOVED. DEMOLITION PERMIT WILL BE OBTAINED BY CONTRACTOR AS NECESSARY.
 5. REZONE BOUNDARY WILL EXTEND TO THE CENTERLINE OF THE NEAREST ADJACENT ROADWAY TO THE SITE.
 6. EXISTING OVERHEAD ELECTRIC TO BE RELOCATED TO UNDERGROUND ELECTRIC.

REC. NO. 080536300066
 OWNER: 3L INVESTMENTS LLC
 ZONING: R-M
 (EXISTING MOBILE HOME COMMUNITY)

ATWELL
 PROFESSIONAL ENGINEERING
 4500 W. 104TH AVENUE, SUITE 100
 DENVER, CO 80231
 (303) 551-3333
 ROBERT L. COE, P.E.

STONEBROOK 23A, LLC
 15800 W. 64TH AVE
 SUITE 100, FLORENCE
 (303) 561-0333
 ROBERT L. COE, P.E.

STONEBROOK LOTS 2 & 3
 GREELY, COLORADO
 REZONING PLAN
 EXISTING CONDITIONS MAP

04/01/2022

REVISIONS

DR	KE	DK	DB
PM	DB		

JOB: 21003159
 SHEET: 04 OF 09

Attachment F - Zoning Suitability Map

METES AND BOUNDS LEGAL DESCRIPTION FOR LIMITS OF REZONE:
 A PARCEL OF LAND SITUATED IN THE SOUTH HALF OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH EAST QUARTER OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, MONUMENTED AT THE CENTER-SOUTH 1/16 CORNER OF SAID SECTION 35 BY A 2-1/2" ALUMINUM CAP STAMPED "TIMBERLINE 1989 PLS 38230" AND AT THE SOUTH 1/16 CORNER OF SAID SECTION 35 BY A 2-1/2" ALUMINUM CAP STAMPED "TST CONSULTING ENGINEERS 1098 PLS 31469; SAID NORTH LINE BEARS NORTH 89°44'03" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERE TO;

COMMENCING AT THE SOUTH 1/16 CORNER OF SAID SECTION 35;
 THENCE ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH EAST QUARTER OF SECTION 35 89°04'33" WEST 0.74 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF 35TH AVENUE, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID CENTERLINE OF 35TH AVENUE THE FOLLOWING EIGHTH (8) COURSES:

1. SOUTH 16°57'34" WEST 43.19 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET;
2. 49.67 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°58'25", HAVING A CHORD THAT BEARS SOUTH 07°28'21" WEST, AND A CHORD DISTANCE OF 43.45 FEET;
3. SOUTH 02°30'51" EAST 78.78 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 100.00 FEET;
4. 19.04 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°17'02", HAVING A CHORD THAT BEARS SOUTH 07°00'37" EAST, AND A CHORD DISTANCE OF 19.02 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 308.00 FEET;
5. 66.54 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°27'44", HAVING A CHORD THAT BEARS SOUTH 06°04'36" EAST, AND A CHORD DISTANCE OF 66.41 FEET;
6. SOUTH 00°09'11" WEST 607.18 FEET;
7. SOUTH 00°15'11" WEST 23.30 FEET;
8. SOUTH 00°17'12" WEST 400.92 FEET TO ITS INTERSECTION WITH THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 3, BLOCK 1 OF STONEYBROOK SUBDIVISION, FILING NO.1, RECORDED AT RECEPTION NO.2710177, OFFICIAL RECORDS OF SAID COUNTY;

THENCE DEPARTING SAID CENTERLINE OF 35TH AVENUE ALONG SAID EASTERLY PROLONGATION OF SAID SOUTHERLY LINE OF LOT 3, AND ALONG THE SOUTH LINES OF LOTS 2 AND 3, BLOCK 1 OF SAID STONEYBROOK SUBDIVISION, FILING NO.1, SOUTH 89°06'14" WEST 783.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE NORTHERLY, WESTERLY AND NORTHWESTERLY ALONG THE BOUNDARY OF SAID LOT 2 THE FOLLOWING THREE (3) COURSES:

1. NORTH 00°09'53" EAST AT 50.00 FEET PASSING A 2-1/2" ALUMINUM CAP CAP 50" WITNESS CORNER "LS 30110", FOR A TOTAL DISTANCE OF 938.02 FEET TO A 1-1/2" RED PLASTIC CAP, ILLEGIBLE;
2. SOUTH 89°06'52" WEST 425.28 FEET TO A 1-1/2" RED PLASTIC CAP, ILLEGIBLE;
3. NORTH 85°45'44" WEST 353.85 FEET TO A 1-1/2" RED PLASTIC CAP, ILLEGIBLE;

THENCE ALONG THE WESTERLY LINE OF SAID LOT 2 AND ITS NORTHERLY PROLONGATION NORTH 80°50'19" WEST 88.68 FEET TO SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 35;

THENCE ALONG LAST SAID NORTH LINE 89°04'33" EAST 1540.38 FEET TO THE POINT OF BEGINNING;

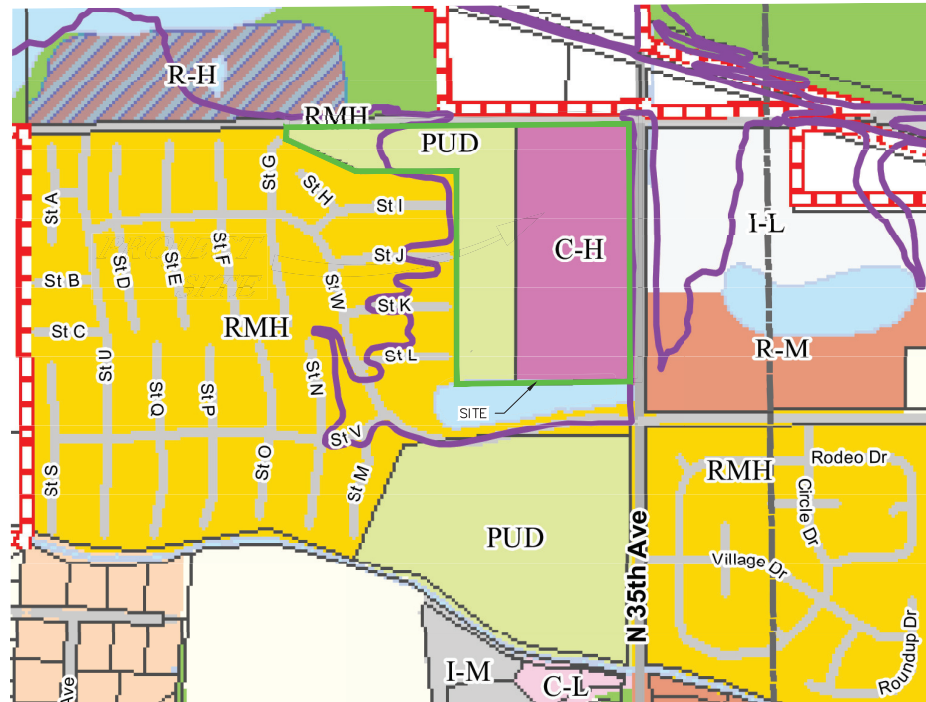
CONTAINING 1,091,459 SQUARE FEET, OR 25.06 ACRES, MORE OR LESS.

ZONING SUMMARY			
EXISTING ZONING	PUD	413,921 S.F.	9.50 AC.
	C-H	555,300 S.F.	12.75 AC.
	TOTAL	969,221 S.F. (100%)	22.25 AC. (100%)
PROPOSED ZONING	R-MH	969,221 S.F.	22.25 AC.
	TOTAL	969,221 S.F. (100%)	22.25 AC. (100%)

LEGEND:

- Planned Unit Development (PUD)
- Residential Medium Density (R-M)
- Residential Mobile Home (R-MH)
- ROW Vacations
- Industrial Low Intensity (I-L)

STONEYBROOK LOTS 2 & 3 REZONING PLAN
 BEING A REPLAT OF LOTS 2 & 3, BLOCK 1 OF STONEYBROOK SUBDIVISION FILING NO. 1
 SITUATED IN THE SOUTH HALF OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 66 WEST
 OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO
 22.25 ACRES
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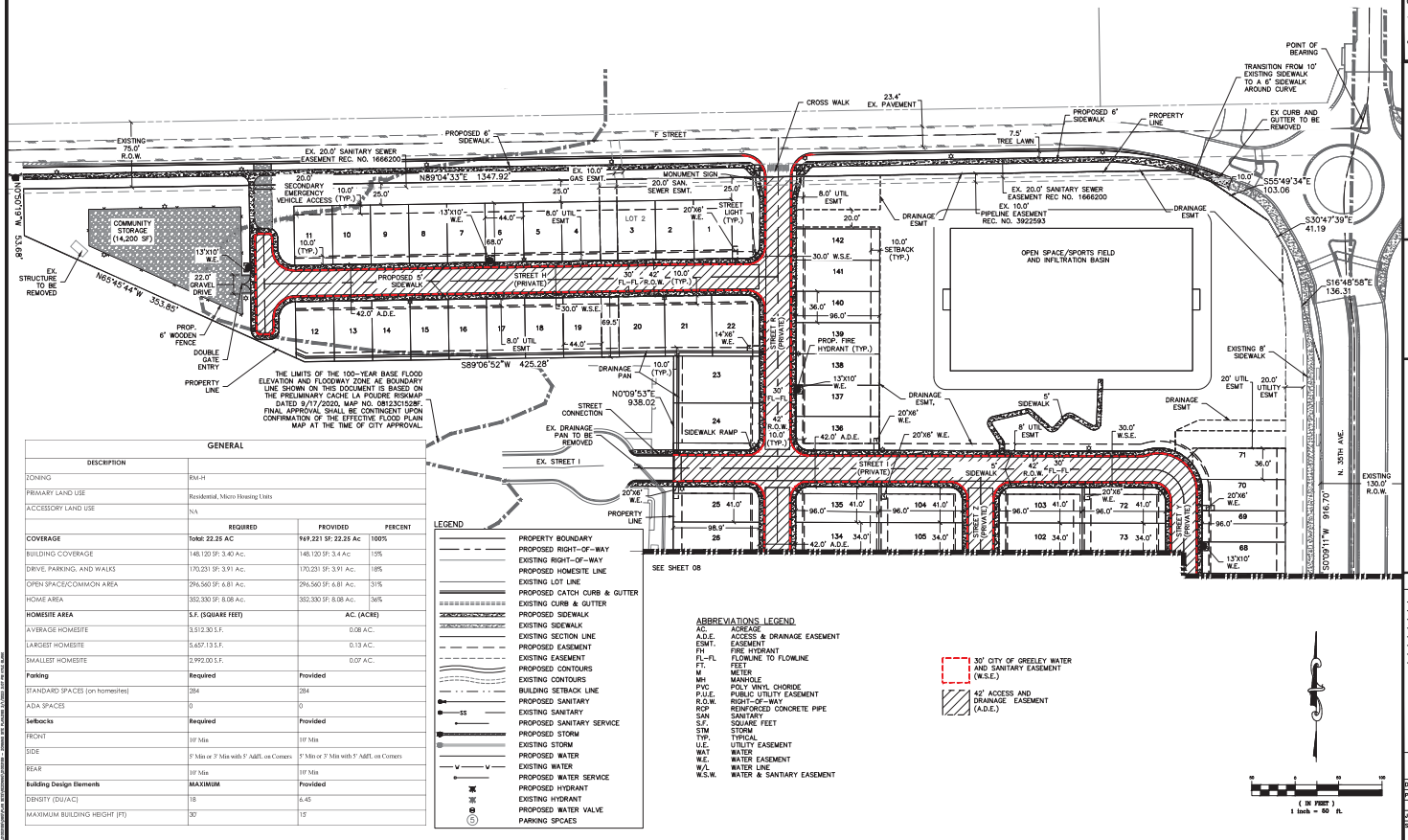
ATWELL
 ENGINEERS ARCHITECTS PLANNERS
 600 WEST 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 PHONE: (303) 733-1333
 FAX: (303) 733-1334
 WWW.ATWELL-ENG.COM

STONEYBROOK LOTS 2 & 3
 REZONING PLAN
 ZONING SUITABILITY MAP

DATE: 06/02/2022
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: ZON2022-0005
 SHEET NO.: 21003159
 OF 02 OF 08

Attachment G - Site Details

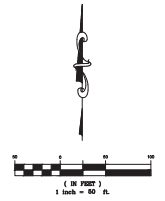
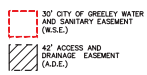
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 22.25 ACRES
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GENERAL			
DESCRIPTION	REQUIRED	PROVIDED	PERCENT
ZONING	R4-41		
PRIMARY LAND USE	Residential, Medium Density Single-Family		
ACCESSORY LAND USE	NA		
COVERAGE	Total: 22.25 AC	148,221 SF: 22.26 AC	100%
BUILDING COVERAGE	148,120 SF: 3.40 AC	148,120 SF: 3.4 AC	10%
DRIVE, PARKING, AND WALKS	170,231 SF: 3.91 AC	170,231 SF: 3.91 AC	10%
OPEN SPACE/COMMON AREA	296,560 SF: 6.81 AC	296,560 SF: 6.81 AC	31%
HOME AREA	302,330 SF: 6.98 AC	302,330 SF: 6.98 AC	36%
HOMESITE AREA	S.F. (SQUARE FEET)	AC. (ACRES)	
AVERAGE HOMESITE	3,512.30 S.F.	0.08 AC.	
LARGEST HOMESITE	5,657.13 S.F.	0.13 AC.	
SMALLEST HOMESITE	2,992.00 S.F.	0.07 AC.	
Fencing	Required	Provided	
STANDARD SPACES (on homesites)	284	284	
ADA SPACES	0	0	
Setbacks	Required	Provided	
FRONT	10' Min	10' Min	
SIDE	5' Min or 3' Min with 5' ABL, see Context	5' Min or 3' Min with 5' ABL, see Context	
REAR	10' Min	10' Min	
Building Design Elements	MAXIMUM	Provided	
DENSITY (DUA/AC)	18	6.45	
MAXIMUM BUILDING HEIGHT (FT)	30'	15'	

- LEGEND**
- PROPERTY BOUNDARY
 - PROPOSED RIGHT-OF-WAY
 - EXISTING RIGHT-OF-WAY
 - PROPOSED HOMESTEAD LINE
 - EXISTING LOT LINE
 - PROPOSED CATCH CURB & GUTTER
 - EXISTING CURB & GUTTER
 - PROPOSED SIDEWALK
 - EXISTING SIDEWALK
 - EXISTING SECTION LINE
 - PROPOSED EASEMENT
 - EXISTING EASEMENT
 - PROPOSED CONTOURS
 - EXISTING CONTOURS
 - BUILDING SETBACK LINE
 - PROPOSED SANITARY
 - EXISTING SANITARY
 - PROPOSED SANITARY SERVICE
 - EXISTING SANITARY SERVICE
 - PROPOSED STORM
 - EXISTING STORM
 - PROPOSED WATER
 - EXISTING WATER
 - PROPOSED WATER SERVICE
 - EXISTING WATER SERVICE
 - PROPOSED HYDRANT
 - EXISTING HYDRANT
 - PROPOSED WATER VALVE
 - PARKING SPACES

- ABBREVIATIONS LEGEND**
- AC. ACREAGE
 - A.D.E. ACCESS & DRAINAGE EASEMENT
 - EMT. EASEMENT
 - FV FIRE HYDRANT
 - FL-FL FLOWLINE TO FLOWLINE
 - FT FEET
 - M METER
 - MAN MANHOLE
 - PVC POLY VINYL CHLORIDE
 - P.U.E. PUBLIC UTILITY EASEMENT
 - R.O.W. RIGHT-OF-WAY
 - R.C.P. REINFORCED CONCRETE PIPE
 - SAN SANITARY
 - S.F. SQUARE FEET
 - STM STORM
 - TYP. TYPICAL
 - U.E. UTILITY EASEMENT
 - WAT WATER
 - W.E. WATER EASEMENT
 - W.S.W. WATER & SANITARY EASEMENT



ATWELL
 6500 WEST 104TH AVENUE, SUITE 100
 DENVER, COLORADO 80231
 (303) 391-3333
 ROBERT L. COE, P.E.

STONEBROOK, S.M.A., LLC
 15800 W. 64TH AVE.
 SUITE 100, FORT COLLINS
 COLORADO 80504
 (970) 391-3333
 ROBERT L. COE, P.E.

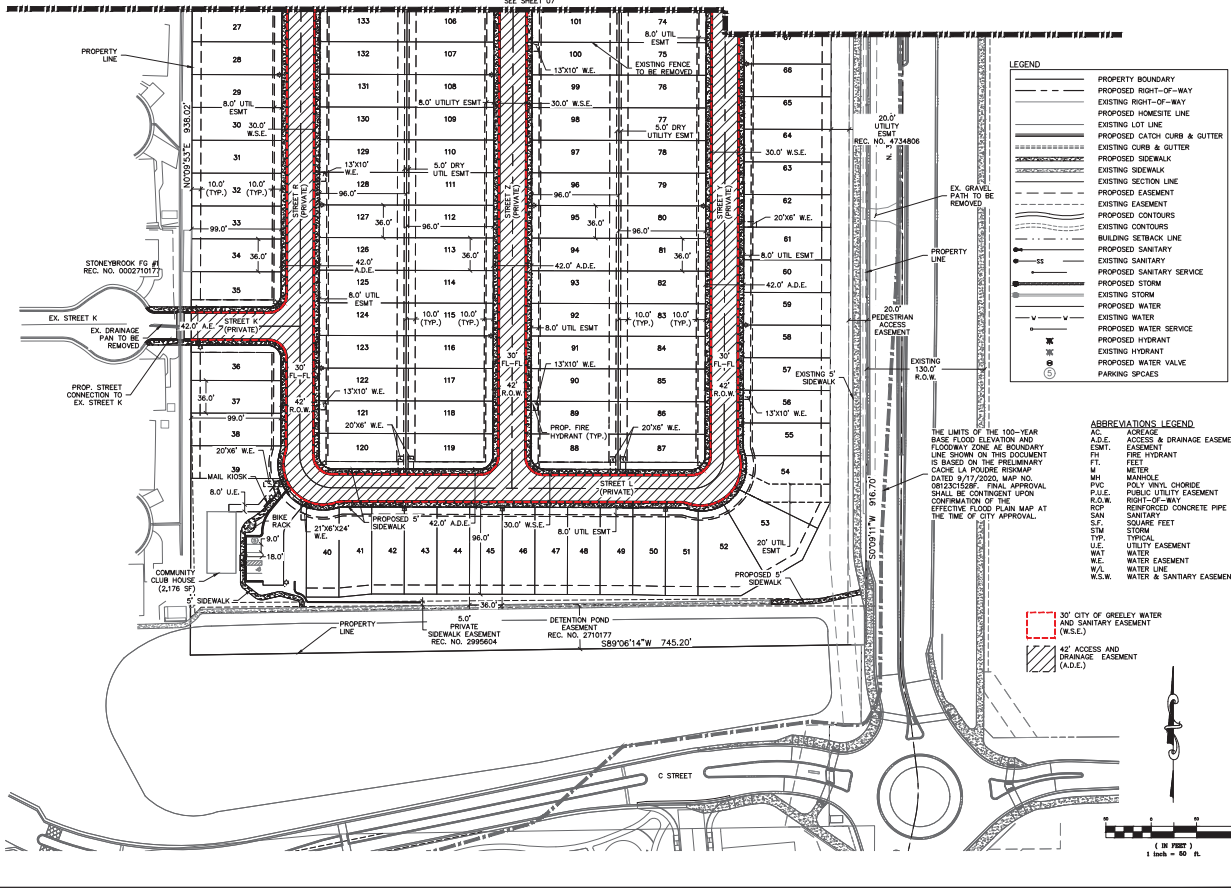
STONEBROOK LOTS 2 & 3
 GREELEY, COLORADO
 REZONING PLAN
 OVERALL SITE PLAN NORTH SECTION

DATE: 06/06/2022
 1. BY: ATWELL, INC.
 2. DATE: 06/06/2022
 3. PROJECT: STONEYBROOK LOTS 2 & 3 REZONING PLAN
 4. SHEET: 07 OF 09

REVISIONS

DR. KE. DR. DB.
 P.M. DB.
 JOB: 21003159
 SHEET: 07 OF 09

STONEBROOK LOTS 2 & 3 REZONING PLAN
 BEING A REPLAT OF LOTS 2 & 3, BLOCK 1 OF STONEYBROOK SUBDIVISION FILING NO. 1
 SITUATED IN THE SOUTH HALF OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 66 WEST
 OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO
 22.25 ACRES
 PROJECT NO.: ZON2022-0005



ATWELL
 PROFESSIONAL ENGINEERING
 6500 WEST 104TH AVENUE, SUITE 100
 DENVER, COLORADO 80231
 (303) 551-3333
 ROBERT L. COE, P.E.

STONEBROOK, SIA, LLC
 13800 W. 64TH AVE
 SUITE 100
 DENVER, CO 80231
 (303) 341-3333
 ROBERT L. COE, P.E.

STONEBROOK LOTS 2 & 3
 REZONING PLAN
 OVERALL SITE PLAN SOUTH SECTION

06/06/2022

DR. KE. DR. DB.
 P.M. DB.

JOB: 21003159
 SHEET: 08 OF 09

Stoneybrook Lot 2 and Lot 3 Rezone ZON2022-0005

City Council
May 2nd, 2023
Michael Franke, Planner II

Request & Site Background

- **Request:**

- **Rezone 22.25 acres from PUD (Planned Unit Development) and C-H (Commercial High Intensity) to R-MH (Residential Micro Housing)**

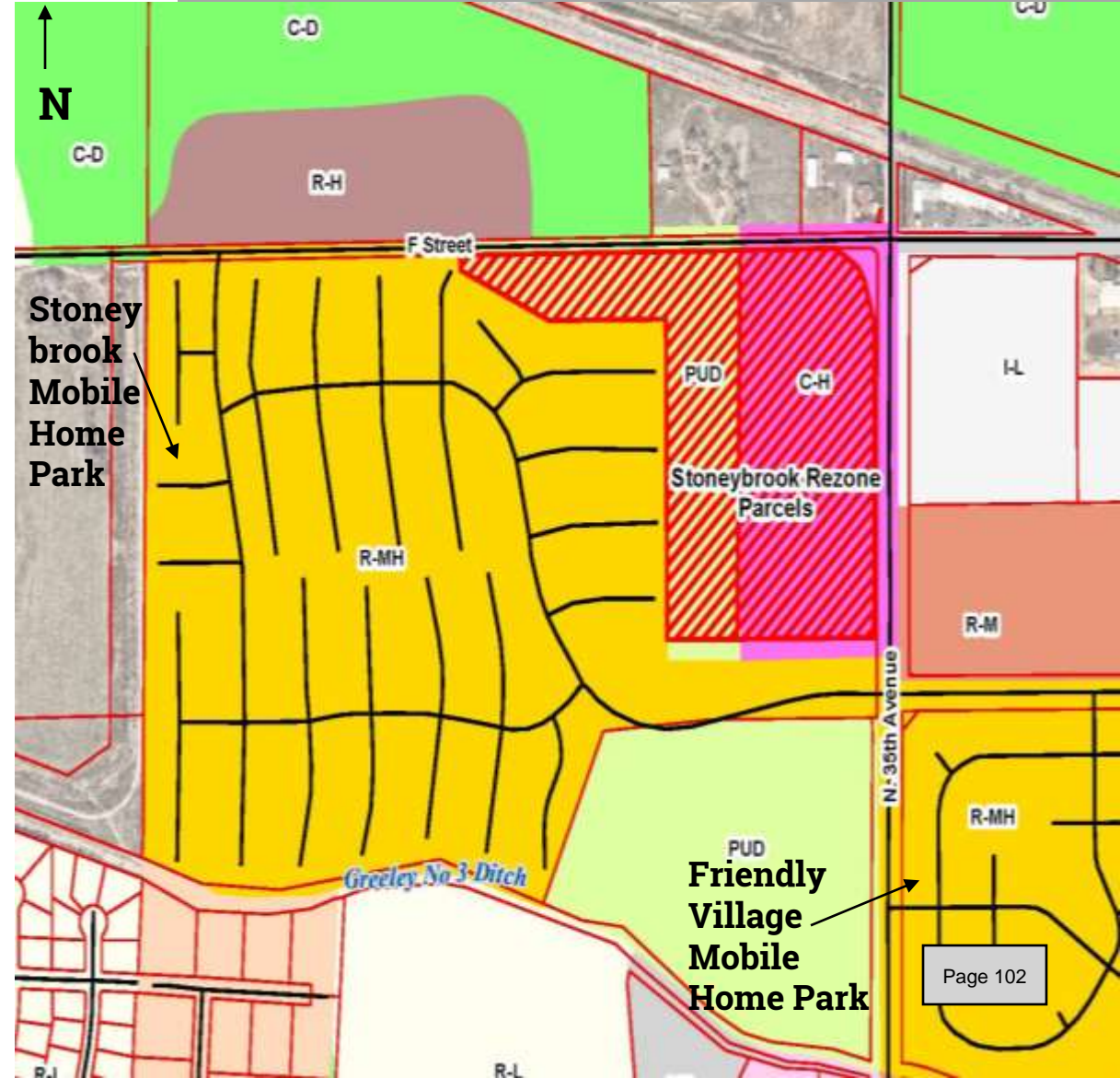
- **Background:**

- **Annexed into the City of Greeley in 1985 as part of the Puttnam Farm Annexation**
- **Land has remained undeveloped since annexation**
- **Applicant intents on developing the 22.25 acres as an expansion of the existing Stoneybrook Mobile Home Park providing an additional 142 mobile home sites**
- **Minor Subdivision under review**
- **Site Plan application under review**

Location

Item No. 15.

- Southwest corner of F Street and N. 35th Avenue
- Surrounding Zoning and Land Uses:
 - North: R-H and C-D – Vacant/Conservation Area
 - South: R-MH – Residential/Vacant Land
 - East: R-M and I-L – N. 35th Avenue/Vacant Land
 - West: R-MH - Residential

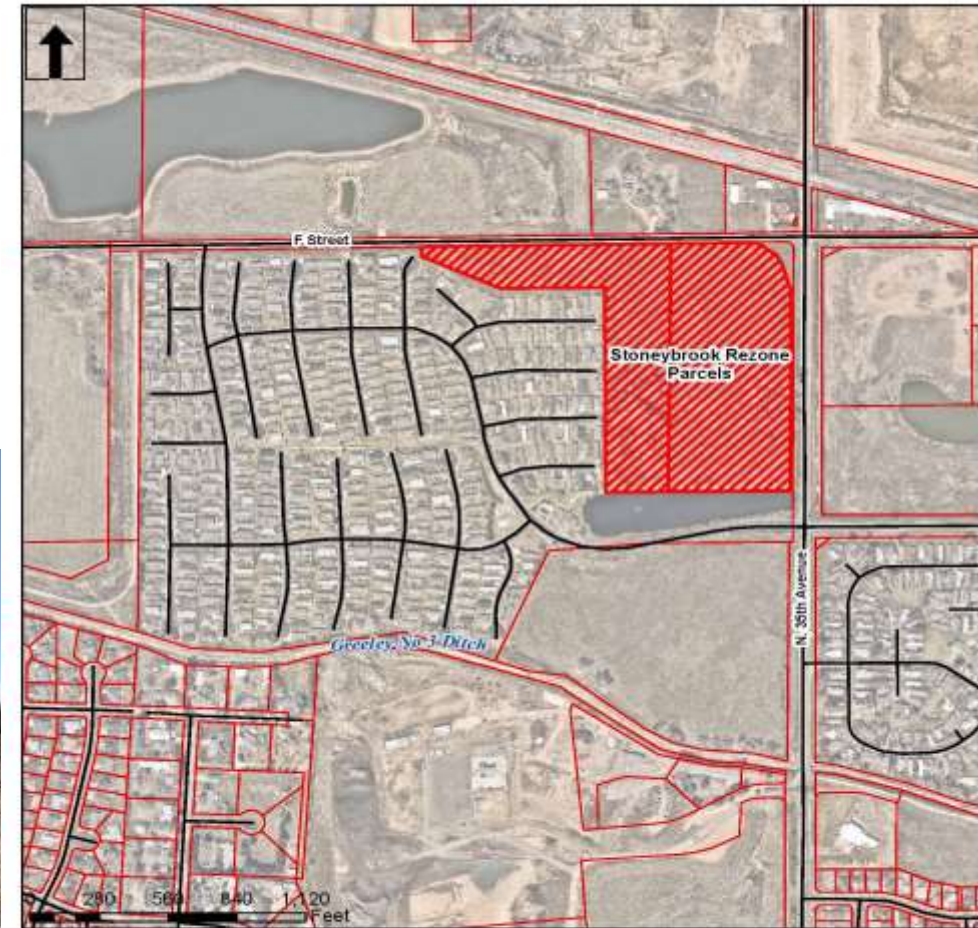


Photos & Aerial

Item No. 15.



Attachment B - Stoneybrook Rezone Photo Aerial Vicinity Map

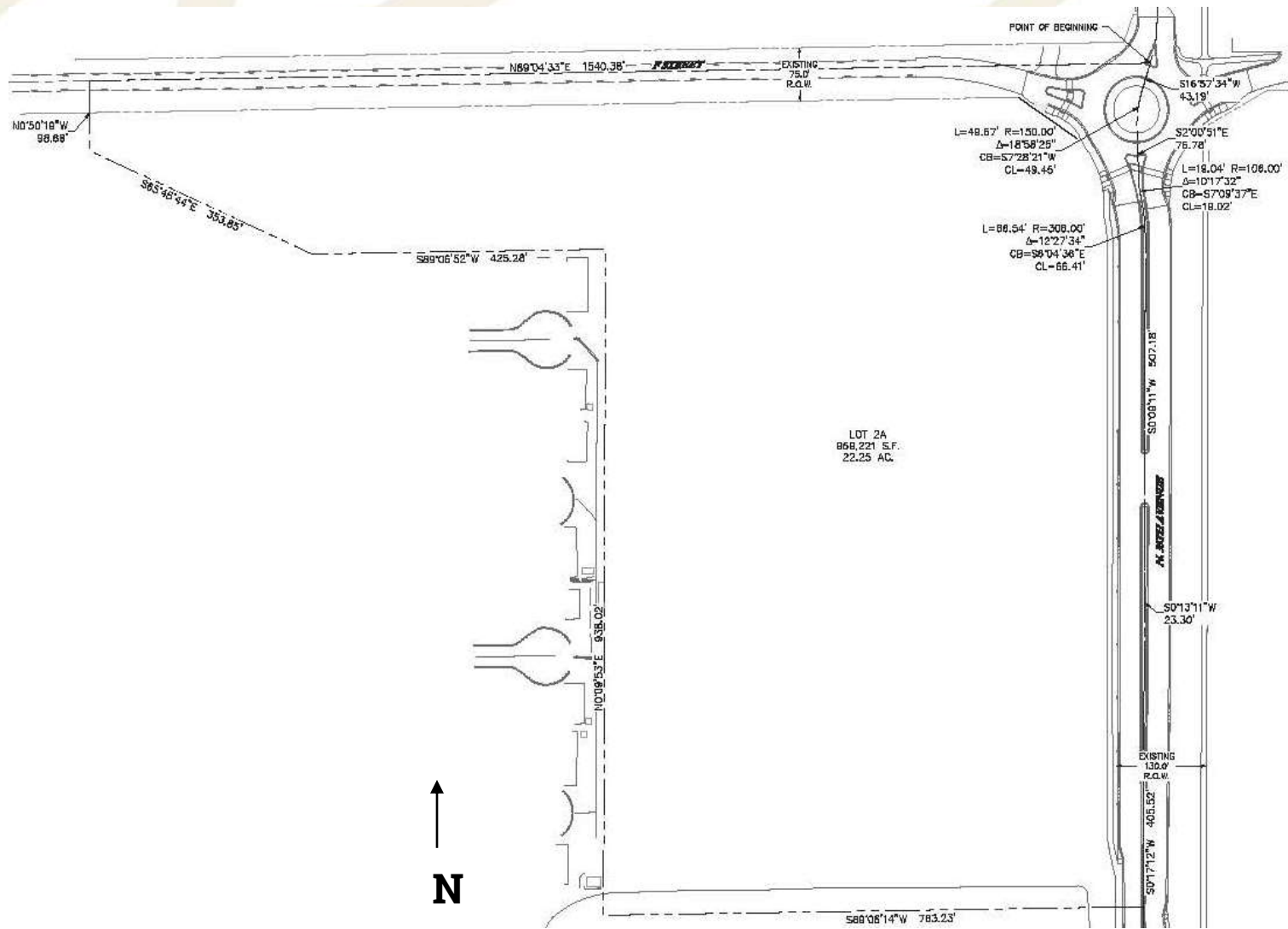


- Canvasback Subject Parcel
- Greeley Parcels
- Streets

Rezone Boundary Map

Item No. 15.

- Rezone 22.25 acres

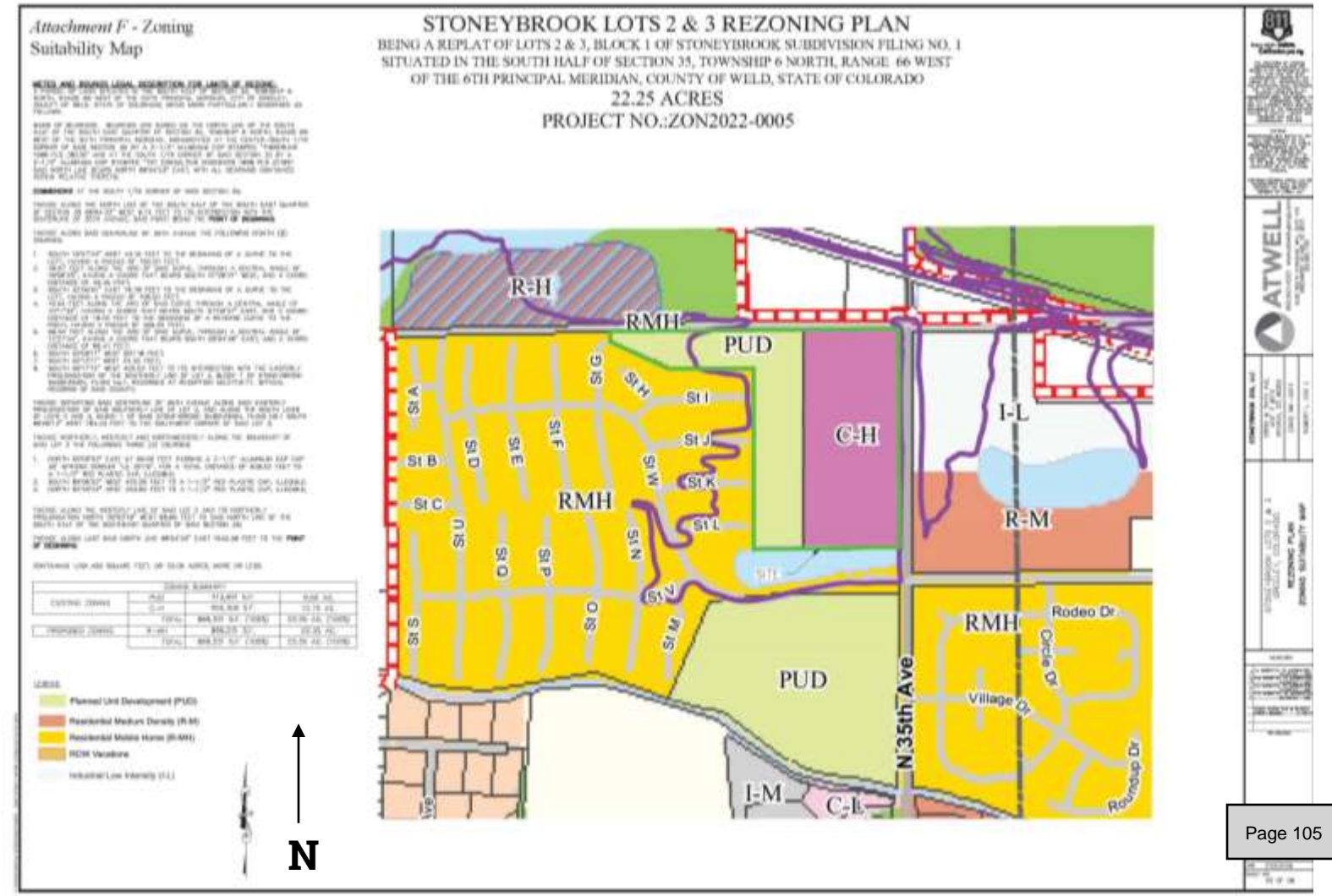


Zoning Suitability Map

Item No. 15.

Proposed Conditions:

- Consistent with surrounding development and neighborhood characteristics
- Expands mobile home park use



Use Comparison

Item No. 15.

Planned Unit Development Zone:

- **Storage – Indoor/Outdoor Storage Facility**

Commercial High Intensity Zone:

- **Animal Care – General**
- **Automobile Care – Gas station, repair, and sales**
- **Entertainment/Event Establishment**
- **Food & Beverage**
- **Lodging**
- **Medical**
- **Office**
- **Services**
- **Retail**

Residential Micro Housing Zone:

- **Mobile/Manufactured Home & Parks**
- **Assembly – Limited and General**
- **Golf Course & Country Clubs**
- **Schools**
- **Utilities**
- **Child Care**

Approval Criteria

Item No. 15.

Rezone Criteria – 24-204 – Nine Criteria Used to Evaluate Rezone applications

- **The proposed Rezone is consistent with the criteria as outlined in your Summary**

Notification

- **A total of 11 notice letters were mailed to property owners within the general vicinity**
- **Signs posted on the property**
- **No opposition from citizens received regarding the rezone**

Recommendation

- **Complies with Section 24-204(b) 1-9**
- **Planning Commission reviewed the request at public hearing on April 11th, 2023 and voted 5-0 to recommend approval of the request.**

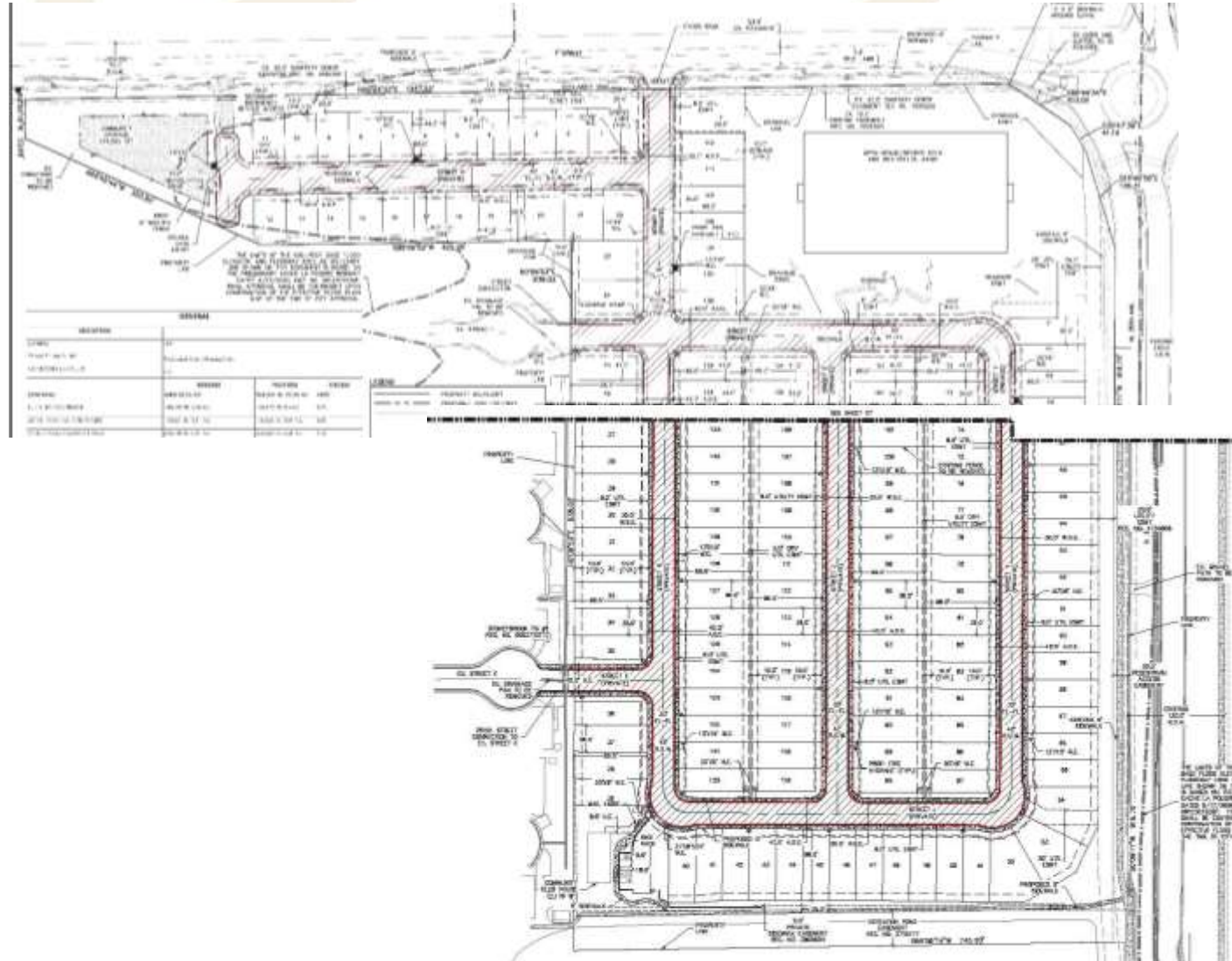


Site Details – Conceptual Plan

Item No. 15.

Proposed Conditions:

- 142 Mobile Homes
- Ample open space amenities, such as a sports field
- Landscaping upgrades



Approval Criteria

Item No. 15.

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

1)	<p>The proposal is in <u>accordance</u> with the <u>goals and objectives</u> of the <u>Comprehensive Plan</u> and any other plan, policy, or guidance adopted pursuant to that plan</p>
	<ul style="list-style-type: none">• <i>Comprehensive Plan HO-2.1 (Diversity in New Development)</i>• <i>Comprehensive Plan HO- 2.2 (Rental Housing)</i>• <i>In addition- GC-1.2, GC-2.1, GC-2.2, GC-4.3, HO-1.6, TM-1.2 , TM-3.3 (Form of Growth, Land Use Guidance Map, Jobs/Housing Balance, Infill Compatibility, Universal Design and Visitability, Pedestrian Movement, and Transit-Oriented Development)</i>
2)	<p>The proposal can <u>fulfill the intent</u> of the <u>zoning district</u> considering the relationship to the surrounding areas</p>
	<ul style="list-style-type: none">• <i>Rezoning would allow for diversity in the housing stock and increase housing options</i>
3)	<p>The <u>area changed</u> or is it changing to such a degree that it is in the public interest to rezone the subject property to <u>encourage development or redevelopment</u> of the area?</p>
	<ul style="list-style-type: none">• <i>Surrounding area has been developed out for many years</i>• <i>Current zoning allows development options out of context for the neighborhood</i>• <i>Rezoning allows for more development options that align with existing development</i>• <i>It is in the public interest to rezone the site</i>

Approval Criteria

Item No. 15.

Rezone Criteria – Section 24-625(c)(3)

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

- *Current zoning and use has been in place since 1980s*
- *No development since annexation and establishment of zoning*
- *Current zoning is inappropriate for the area – PUD proposes indoor/outdoor storage, C-H allows intense commercial uses typically seen on major arterials*
- *Rezoning to R-MH would allow for more development options without impact*

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

- *Would provide complimentary development to surrounding land uses*
- *This would be a reasonable transition of zoning*
- *Any new development application would be reviewed for compliance with the City's Development Code.*

Approval Criteria

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

- | | |
|----|--|
| 6) | <p>The City or other agencies have the <u>ability to provide services</u> or facilities that may be necessary for anticipated uses in the proposed district</p> |
| | <ul style="list-style-type: none"> • <i>Greeley provides services to the site</i> • <i>Any new development application would be reviewed for compliance with the City's Development Code.</i> |
| 7) | <p>The change <u>will serve a community need</u>, provide an amenity, or <u>accommodate development</u> that is <u>not possible under the current zoning</u> or that was not anticipated at the time of the initial zoning or the property, making the proposed zoning more appropriate than the current zoning.</p> |
| | <ul style="list-style-type: none"> • <i>The proposed zoning would allow for more development options</i> • <i>Allows for more potential services for the community</i> |
| 8) | <p>Any reasonable anticipated negative <u>impacts</u> on the area or adjacent property either <u>are mitigated</u> by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community</p> |
| | <ul style="list-style-type: none"> • <i>Any impacts resulting from the rezone would be mitigated as part of the development review process</i> • <i>All professional staff and advisory review bodies have been assigned to corresponding development cases as appropriate</i> |

Approval Criteria

Rezone Criteria – Section 24-204(b) – Nine Criteria Used to Evaluate Rezones

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

- *Staff recommends approval of this rezoning request*

Site Analysis Map

Item No. 15.

Existing Conditions:

- Vacant Land
- Adjacent mobile home development to the east and west



Stoneybrook Subdivision Filing No. 1, Block 1, Lot 2 and 3 Rezone

Presented to: City of Greeley City Council



MAY 2, 2023

BY: STONEYBROOK 234, LLC

Project Background

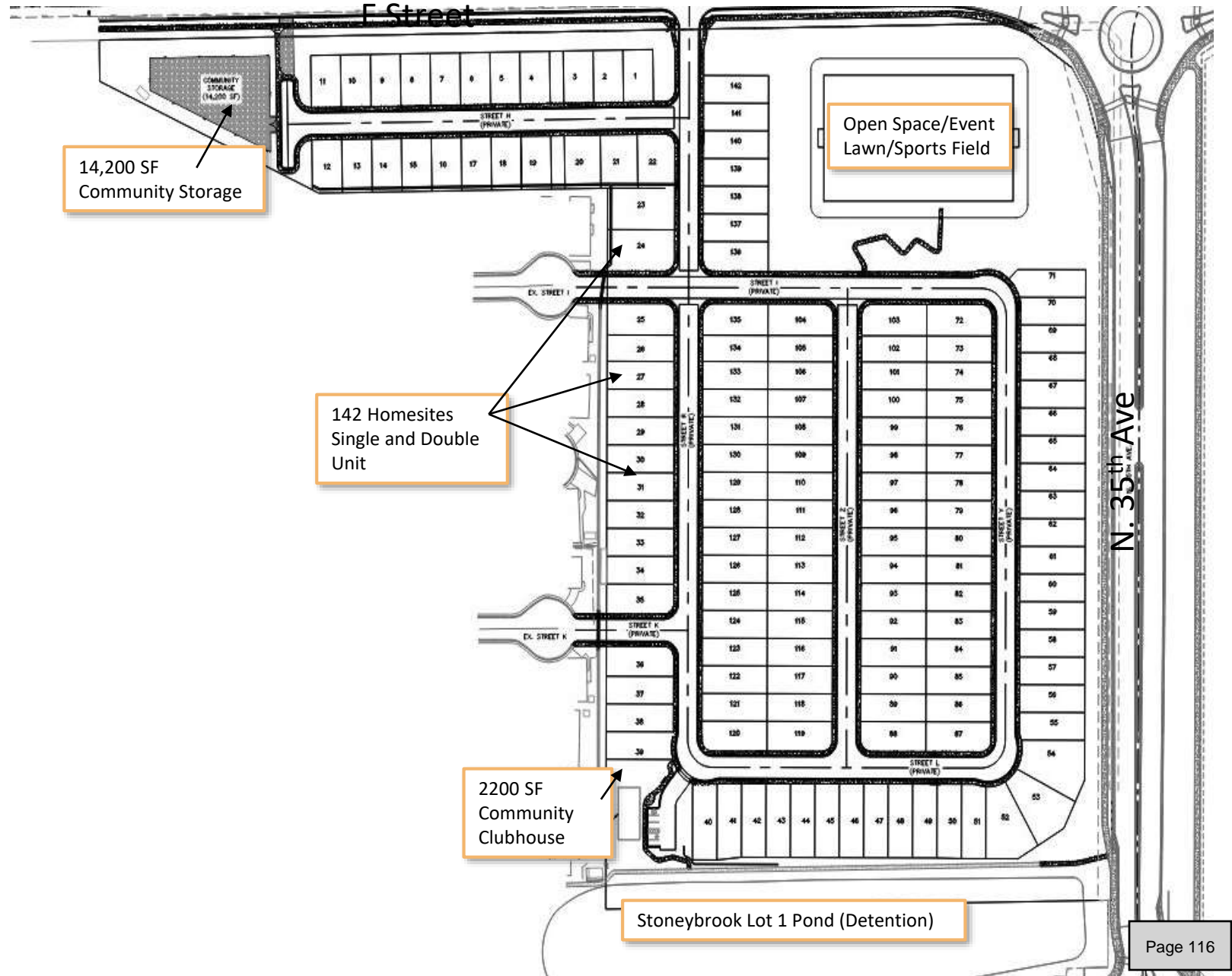
Vicinity Map F Street and N. 35th Av



- *Stoneybrook Filing 1 established in 1999*
- *Lots 2 & 3 of Stoneybrook Filing 1 - 22.25 Ac*
- *Lots 2 & 3 Vacant since orig. zoning in 1985*
- *Current Zoning: PUD (Lot 2) and C-H (Lot 3)*
- *Proposed Rezone: RM-H*
- *Located at SW Corner of F Street and N. 35th Ave.*
- *Surrounding communities:*
 - *Stoneybrook Lot 1 – Existing MHC (west)*
 - *Stoneybrook Pointe – Existing MHC (south)*
 - *Vacant Undeveloped Land (east)*
 - *Rural Residential (north)*
- *Rezone supports Residential Microhousing*
- *Compatible with surrounding land uses*

Community Details

- 22.25 Acres
- 142 Residential Micro-Housing Units
- Single Unit and Double Unit
- Homesite Sizes 2990-5600 SF
- Private Driveways (2 spaces)
- Private Courtyards
- Over 30% Open Space with Community Amenities
- Connects to two private streets in Stoneybrook Lot 1



Community Open Space and Amenities

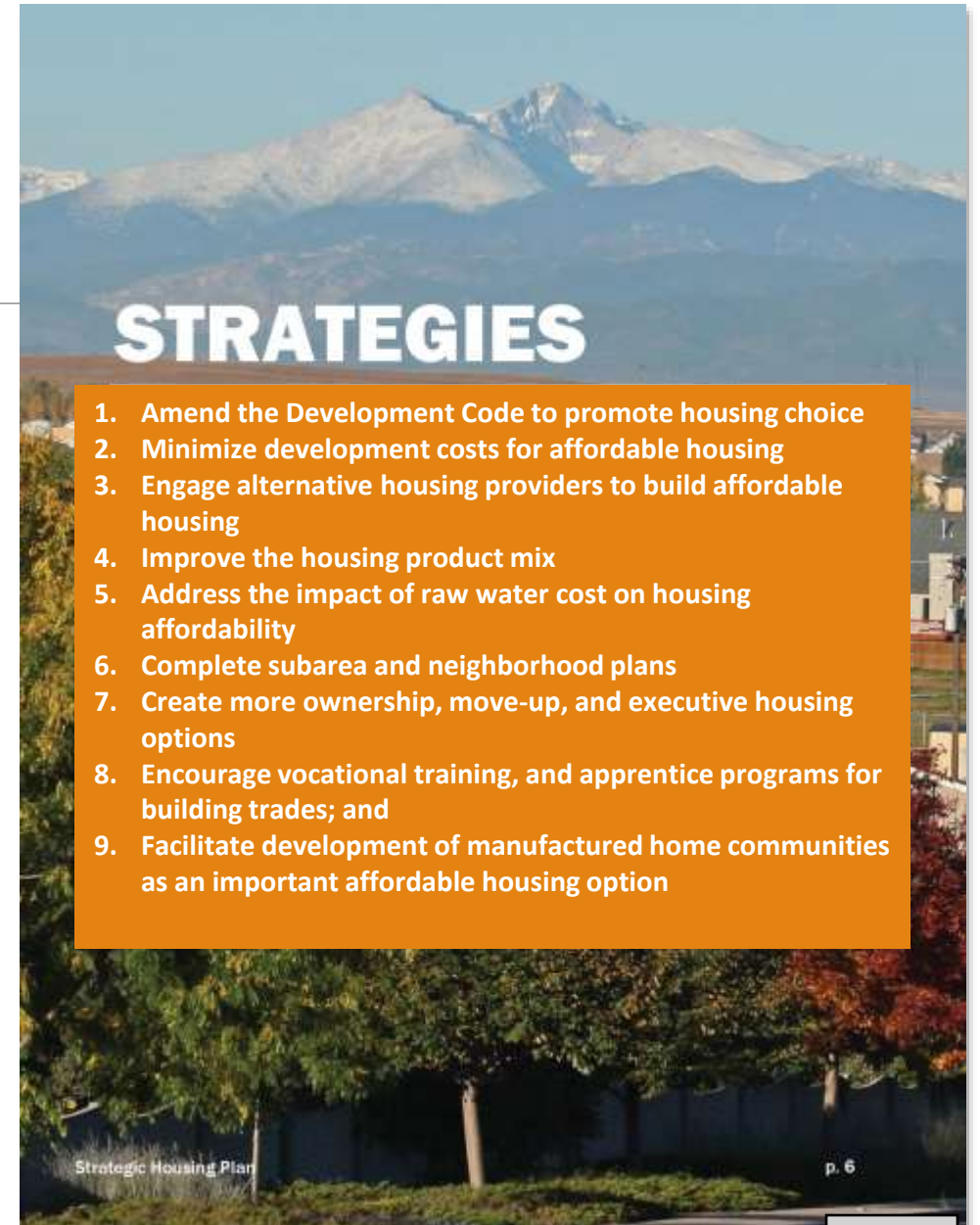


- Over 30% Open Space
- Onsite Sports Field
- Fenced Community Storage Area
- 2200 SF Clubhouse with Parking
- Gazebo Shade Structure and Picnic Tables
- Community Mailbox and Bike Racks
- Walk Connections to Stoneybrook Lot 1 & Lot 4

Rezone Supports City of Greeley Strategic Housing Plan

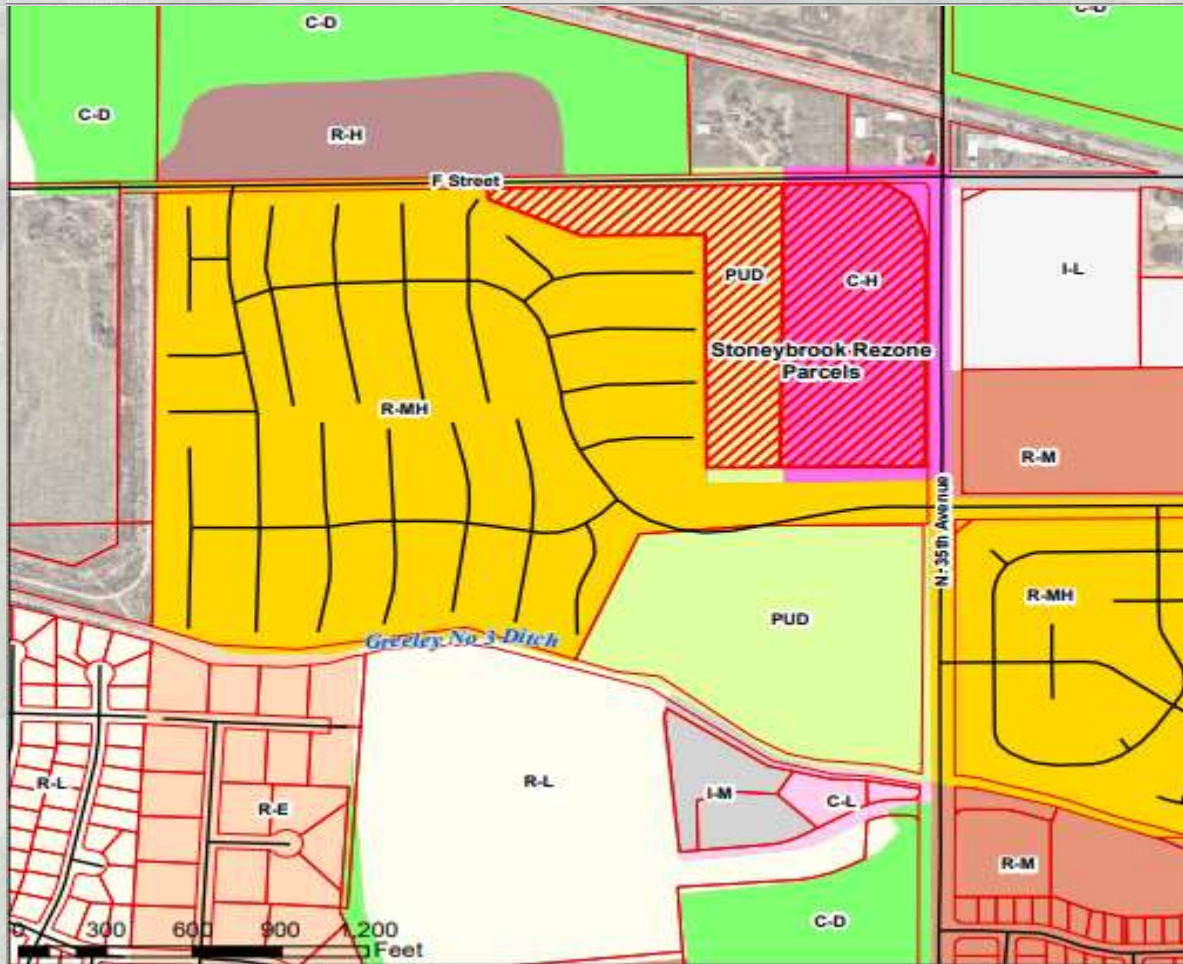
Stoneybrook Lot 2 and 3 supports City Housing Strategy Number 9:

9. *“Facilitate development of manufactured home communities as an important affordable housing option.”*



1. Amend the Development Code to promote housing choice
2. Minimize development costs for affordable housing
3. Engage alternative housing providers to build affordable housing
4. Improve the housing product mix
5. Address the impact of raw water cost on housing affordability
6. Complete subarea and neighborhood plans
7. Create more ownership, move-up, and executive housing options
8. Encourage vocational training, and apprentice programs for building trades; and
9. Facilitate development of manufactured home communities as an important affordable housing option

Rezone to RM-H is Consistent with Surrounding Area



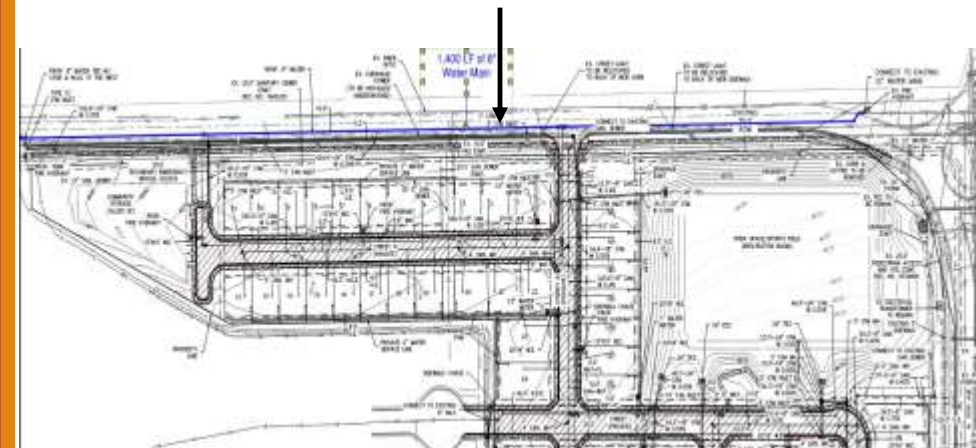
- R-MH to West (Stoneybrook Lot 1)
- PUD to South - Manufactured Homes (Stoneybrook Pointe)
- R-MH to Southeast (Friendly Village)

Rezone Enables Provision of Community Services

Surrounding Area Benefits Will Include:

- Improvements to F Street (curb/gutter/sidewalk/paving)
- Extension of 8" Public Water Main (1,400 LF) in F Street
- Replacement of Overhead Electric to Buried Electric on F Street
- Fiber Optic and High-Speed Internet Communications
- Use of Non-Potable Water From Stoneybrook Lot 1 Pond for Irrigation
 - to Stoneybrook Lots 2 and 3
 - to Stoneybrook Lot 4 (now Stoneybrook Pointe)

**1,400 LF of 8" Offsite
Water Main in F Street**



Use of Non-potable water for Irrigation from Stoneybrook Lot 1 Pond



THANK YOU!

QUESTIONS?



Council Agenda Summary

May 2, 2023

Key Staff Contact: Don Threewitt, Interim Community Development Director

Title:

Public hearing and second reading of an Ordinance amending Title 12, Chapter 2, Article IV, Section 12-151 and Title 24 of the Greeley Municipal Code relating to the allowance of private tobacco smoking establishments

Summary:

The City was presented with a request from a local businessperson who wishes to establish a venue at which smoking of cigars and consumption of other incidental refreshments could occur. Greeley’s Municipal Code Article IV, Section 12.153 expressly bans any form of smoking in any public or private establishment.

To enable such a use, an ordinance is required to amend the Greeley Municipal Code in order to 1) permit an exception for smoking of tobacco products in certain circumstances; and 2) establish the zoning category and define the physical and operational characteristics associated with such a use.

At its January 24, 2023 work session, City Council reviewed the options to allow such a use and indicated its willingness to have staff prepare an ordinance for consideration. The Planning Commission will review the proposed amendments to the Development Code at its April 25, 2023. The results of their review will be provided at the May 2, 2023 meeting.

This ordinance was introduced at the Council’s April 18, 2023 meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	N/A

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Strategic Focus Area:



Business Growth

Decision Options:

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

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance
Planning Commission Minutes (April 25, 2023) - Draft
Presentation

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 17, 2023**

AN ORDINANCE AMENDING TITLE 12, CHAPTER 2, ARTICLE IV, SECTION 12-151 AND TITLE 24 OF THE GREELEY MUNICIPAL CODE RELATING TO THE ALLOWANCE OF PRIVATE TOBACCO SMOKING ESTABLISHMENTS

WHEREAS, the City of Greeley, Colorado (“City”) is a home rule municipality, and pursuant to Article XX, Section 6 of the Colorado constitution has the right to enact, administer and enforce ordinances; and,

WHEREAS, the City of Greeley enacted an ordinance to protect the health, safety, comfort and welfare of city citizens from the harmful effects of secondhand smoke by banning smoking in all places where people are likely to gather in close proximity to one another and to enhance the existing health protections provided under the law; and,

WHEREAS, since the adoption of its smoking limitations the City has considered a limited exception to this ordinance to allow the smoking of tobacco products within the confines of a private facility not open to the public and considered on a case-by-case basis and regulated by certain land use restrictions; and,

WHEREAS, the recommended amendments to the Greeley Municipal Code would allow a limited exception to the City’s smoking regulations that would not interfere with its intent to protect the general welfare of the community from the harmful effects of smoking.

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

Section 1. Article IV – Banning Smoking in Public Places and Common Areas of Assembly, Section 12-153 of the Greeley Municipal Code shall be amended as shown in Appendix A, attached hereto and incorporated herein.

Section 2. Title 24 – Development Code, of the Greeley Municipal Code shall be amended as shown in Appendix B, attached hereto and incorporated herein.

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

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF MAY, 2023.

ATTEST

**THE CITY OF GREELEY,
COLORADO**

By: _____
City Clerk

By: _____
Mayor

APPENDIX A

BOLD text is new language; Text ~~stricken~~ is deleted language

Article IV – Banning Smoking in Public Places and Common Areas of Assembly, Section 12-153

Sec. 12-153. - Ban.

Smoking is prohibited in public places or common areas, as defined by this chapter, and within 25 feet in any direction of a public place or common area, **with the exception of Private Smoking Clubs as defined in Section 24-1301**. Smoking is also prohibited anywhere designated by the city by posting a sign using the words "No Smoking" or the international "no smoking" symbol.

APPENDIX B

BOLD text is new language; Text ~~stricken~~ is deleted language

Title 24 – Greeley Development Code is hereby amended as follows:

Chapter 4 – Zoning Districts & Uses

24-402 Allowed Uses

Table 24-4-2: Zoning Districts and Uses														
P = Permitted Use S = Use by special review Blank = prohibited														
Districts	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
Use														
Commercial Uses														
Manufacturing — Rendering, Slaughter & Packaging												S		
Oil & Gas Operations	See section 24-1102 for standards and procedures applicable in all districts													
Private Smoking Club							S		S	S	S	S		

Private Smoking Clubs. A non-commercial, private facility, not open to the general public, whose bona fide members’ primary association relates to the smoking of legal tobacco products subject to all of the following:

- 1. Club membership criteria must be such that the general public cannot access the club with a day pass, limited membership or similar exception.**
- 2. The smoking club is limited to occupancy of a free-standing building or that is in an area within an establishment accesses exclusively with a separate entrance and is in an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the establishment so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not back streamed into the nonsmoking areas.**
- 3. The club may have an outdoor patio if not located immediately adjacent to another business or residence, public right-of way, sidewalk or trail, other patio space, playground or similar outdoor recreational space.**

4. **Building signage is limited to that allowed for C-L (Commercial Low-Intensity) uses.**
5. **Any product sales or rentals will require a business license, are limited to members only, and any sale of alcoholic beverages must be permitted by a City liquor license and not exceed 20% of gross revenue.**
6. **Such facilities are specifically prohibited from any electronic arcade or gaming machines or allowing members to engage in games of chance.**

Chapter 13. Definitions & Terms

***Private Smoking Club* means a not-for-profit organization, that maintains selective members, is operated by the membership, and has as its primary purpose the legal consumption or use of tobacco smoking products as an aspect of its recreational, fraternal or social purpose for its members, but not for pecuniary gain, and which only sells or distributes alcoholic beverages to its members incidental to its operation.**

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
April 25, 2023

1. Call to Order

Chair Yeater called the meeting to order at 1:16 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Louisa Andersen
Commissioner Erik Briscoe
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin

ABSENT

Commissioner Christian Schulte - Excused

3. Approval of Agenda

There were no corrections or additions to the agenda. The agenda was approved as presented.

4. Approval of April 11, 2023, Minutes

Commissioner Briscoe moved to approve the minutes dated April 11, 2023, Commissioner Franzen seconded the motion.

Motion carried 5-0. (Commissioner Schulte absent.)

5. Public hearing to consider a request to amend Title 24 of the Greeley Municipal Code relating to the allowance of private tobacco smoking establishments.

Don Threewitt began with a presentation on a potential code amendment by sharing an overview of the current status, that the Greeley Municipal Code bans smoking in “all places where people are likely to gather in close proximity to one another.” This includes public places or common areas and within 25’ of such areas, and provided examples of what are considered as “Public Places” per the City of Greeley Municipal Code. Mr. Threewitt continued with an explanation of what the request to amend the allowance of private tobacco smoking establishments would include. It would be a limited exception to the smoking ban that would allow smoking in private establishments. He provided that the City Council reviewed options and agreed to consider code amendments to allow permissions for private use of “smoking clubs” in a work session held on January 24, 2023.

Mr. Threewitt presented the commission with the proposed changes to the municipal code, Section 12-153: Amends Smoking Ban to allow for the exception for private tobacco smoking establishments and to the Development Code, Section 24: Creates the definition of a Private Tobacco Smoking Establishment, defines in which zones the land use may operate, identifies special

conditions that apply to the use, structure, and operation of the smoking establishment. The proposed definition is as follows; "Private Smoking Club" means a not-for-profit organization, that maintains selective members, is operated by the membership, and has as its primary purpose the legal consumption or use of tobacco smoking products as an aspect of its recreational, fraternal, or social purpose for its members, but not for pecuniary gain, and which only sells or distributes alcoholic beverages to its members incidental to its operation. Further Development Code Amendments would include that Smoking Establishments must meet Special Conditions and would be allowed as a Use by Special Review in the following zones: C-H (Commercial High Intensity), MU-H (Mixed Use High Intensity), I-L, I-M, and I-H (All Industrial Zoned areas). Additionally, club membership must limit access to the public (no day passes, limited membership, etc.), club must be in a free-standing building or requires a separate access and constructed to limit smoke emissions from reaching other tenants within a building shared with other uses, may have an outdoor patio if not located adjacent to other business or residences or adjacent to a public right-of-way, sidewalk or trail, playground or adjacent patio space or similar, building signage limited to that allowed in a C-L (Commercial Low Intensity Zone), any on-site product sales are limited to members only, require a business license; alcohol sales may not exceed 20% of gross revenue, the Club is prohibited from any electronic arcade or gaming machines or allowing member to engage in games of chance.

Mr. Threewitt indicated that staff would recommend the commission to approve the motion as presented and offered to answer any questions. Chair Yeater invited the commission to ask any questions. Commissioner Briscoe asked what the purpose of the non-profit designation was. Mr. Threewitt replied that it indicates the establishment would be a private club, similar to an Elks Lodge. Discussion continued between the commissioners and Mr. Threewitt regarding membership for these clubs and what would qualify as membership. Becky Safarik also included that regulation of the business license for the club would regulate the non-profit requirements and ensure that they would be responsible for meeting the requirements for that part of the code. Discussion continued on how these requirements were determined to not create conflict in the other parts of the code, how the Use by Special Review would be established and maintained, and how the building department comes into play to ensure ventilation and separation of these establishments from other surrounding tenants including if the establishment utilized outdoor spaces. Without further questions, Mr. Threewitt indicated that this was not noticed as a public hearing, but public comment was welcome.

Chair Yeater opened to Public Comment at 1:29 pm. Seeing no one signed up to speak, Chair Yeater closed to Public Comment at 1:30 pm.

Commissioner Andersen moved that the Planning Commission approve the ordinance amending Title 12-153 and Title 24 of the Greeley municipal code relating to the allowance of private tobacco smoking establishments. Commissioner Franzen seconded the motion.

Motion carried 6-0. (Chair Schulte, absent)

6. Staff Report

Becky Safarik shared that there were not any items for the staff report and that there were three items for the workshop that staff is ready to proceed with when the commission is ready.

7. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 1:32 PM.

Justin Yeater, Chair

Becky Safarik, Secretary

Smoking Establishments Overview of Code Options

City Council
May 2, 2023



Overview

- The Greeley Municipal Code **bans smoking** in “all places where people are likely to gather in close proximity to one another”. This includes public places or common areas and within 25’ of such areas;
- “**Public places**” means “...areas to which the general public is invited or permitted....” and includes all indoor and outdoor public and private commercial and business operations, transportation facilities, educational and health facilities, music or sporting venues, and spaces ranging from park shelters and ballfields to ball fields, pools and playgrounds, etc.

Request

- The City was presented with a request to consider an exception to its smoking ban
- City Council reviewed options to allow limited permission for such a use as private “smoking clubs” at its January 24, 2023 work session and agreed to consider appropriate code amendments for that purpose
- The ordinance before Council provides that authority

Ordinance Amendments

- **Section 12-153:** Amends Smoking Ban to allow for the exception for private tobacco smoking establishments

- **Section 24 (Development Code)**
 - Creates the definition of a private tobacco smoking establishment
 - Defines in which zones the land use may operate
 - Identifies special conditions that apply to the use, structure and operation of the smoking establishment

Development Code Amendments

Private Tobacco Smoking Club Definition:

Private Smoking Club means a not-for-profit organization, that maintains selective members, is operated by the membership, and has as its primary purpose the legal consumption or use of tobacco smoking products as an aspect of its recreational, fraternal or social purpose for its members, but not for pecuniary gain, and which only sells or distributes alcoholic beverages to its members incidental to its operation.

Development Code Amendments

Smoking Establishments must meet Special Conditions and would be allowed as a Use by Special Review (Planning Commission approval only) in the following zones:

- C-H (Commercial High Intensity)
- MU-H (Mixed Use High Intensity)
- I-L, I-M and I-H (All Industrial Zoned areas)

Special Conditions

1. Club membership must **limit access to the general public** (no day passes, limited membership, etc.)
2. Club must be in a **free-standing building or within a building shared with others uses with its own separate access and constructed to limit smoke emissions from reaching other tenants**
3. May have an **outdoor patio** if not located adjacent to other business or residences or adjacent to a public right-of-way, sidewalk or trail, playground or adjacent patio space or similar
4. Building **signage** limited to that allowed in a C-L (Commercial Low Intensity Zone)
5. Any **on-site product sales** are limited to members only, require a business license; alcohol sales may not exceed 20% of gross revenue
6. The Club is **prohibited from any electronic arcade or gaming machines** or allowing member to engage in games of chance



QUESTIONS





Council Agenda Summary

May 2, 2023

Key Staff Contact: Noel Mink, Human Resources Director

Title:

Public hearing and second reading of an Ordinance authorizing a salary increase for the City Manager

Summary:

City Council conducted the annual performance review of the City Manager on March 7, 2023. Based on this annual review, the City Council found that City Manager Lee’s 2022 performance substantially exceeded expectations and in accordance with merit increases for all non-union employees with a similar performance review directed that the following adjustment be presented for adoption by the City Council with an effective date of March 9, 2023:

- a merit increase of 5.25%;
- one-time performance incentive: \$10,000 lump sum incentive to be paid out in 2023 for City Manager Lee’s outstanding performance in 2022. This performance incentive is intended to both acknowledge achievement of critical goals in 2022 and to incentivize retention in 2023; and
- increase of one percent in employer’s retirement contribution from 10% of employee’s annual base salary to City’s 401(k) retirement savings plan to 11% of employee’s annual base salary.

City Manager Current Salary	260,740.00
Value of 5.25% General Wage Increase for City Manager	13,688.85
Fiscal Year 2023 City Manager salary effective March 9, 2023	274,428.85
One-time performance incentive	\$10,000
One-year value of 1% increase in employer’s retirement contribution on City Manager’s behalf	\$2,744.29

Pay Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$10,000
What is the annual impact?	\$13,688.85 for salary \$2,744.29 retirement contribution increase

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Strategic Focus Area:



High-Performance Government

Decision Options:

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

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance
Council Appointee Salary Increase Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. 13, 2023

**AN ORDINANCE AUTHORIZING A SALARY INCREASE FOR
THE CITY MANAGER**

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance, and salary and benefits are a part of the City Manager’s compensation package; and

WHEREAS, on March 7, 2023 the City Council conducted the City Manager’s annual review; and

WHEREAS, based on performance, the City Manager will receive (a) a salary merit increase of 5.25% to \$274,428.85 annually; (b) a lump sum performance incentive of \$10,000; and (c) a one percent increase in the City’s contribution on his behalf to the City’s 401(k) retirement savings plan.

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

Section 1. The City Manager’s salary is increased five and one-quarter percent (5.25%) to \$274,428.85.

Section 2. The City Manager shall receive a lump sum performance incentive of \$10,000.00 to be paid out in 2023 for his outstanding performance in 2022. This performance incentive is intended to both acknowledge achievement of critical goals in 2022 and to incentivize retention in 2023.

Section 3. The City shall increase its contribution on City Manager’s behalf from ten percent (10%) to eleven percent (11%) of the City Manager’s base salary to the City’s 401(k) retirement savings plan.

Section 4. The above referenced ordinance shall be effective upon passage and shall be effective for the pay period beginning March 9, 2023.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF MAY, 2023.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor



Public Hearings and Second Readings of Ordinances authorizing salary increases for the City Manager, City Attorney and Municipal Judge

**Noel Mink, Human Resources Director
May 2, 2023 City Council Meeting**

Process

- Annual Review based on compilation of City Council feedback and ratings
 - City Manager: Third Party 360 feedback process from internal and external stakeholders
 - Municipal Judge: Judicial Review Board feedback
 - Compensation increases consistent with:
 - General Government non-union employee merit increases with similar performance ratings
 - Market
- City Charter Requirement
 - Compensation of City Manager, City Attorney and Municipal Judge is fixed by City Council via ordinance process



City Manager

- Annual Review conducted on March 7, 2023
- Rating: Substantially Exceeds Expectations
 - Merit Increase of 5.25%
 - Current Salary = \$260,740.00
 - FY 2023 Salary Retroactive to March 9, 2023 = \$274,428.85
 - One Time Performance Bonus: \$10,000
 - Increase employer's contribution to City's 401(k) retirement savings plan to 11% of employee's base salary



City Attorney

- Annual Review conducted on March 21, 2023
- Rating: Exceeds Expectations
 - Merit Increase of 4.75%
 - Current Salary = \$235,111.80
 - FY 2023 Salary Retroactive to March 9, 2023 = \$246,279.61



Municipal Judge

- Annual Review conducted on March 21, 2023
- Reappointment of Mark C. Gonzales as Presiding Municipal Judge effective retroactively to May 18, 2022 for a term of four years
- Rating: Meets Expectations
 - Merit Increase of 4.25%
 - Current Salary = \$177,302.52
 - FY 2023 Salary Retroactive to March 9, 2023 = \$184,837.88
 - Increasing paid time off accrual rate from 6.14 hours (4 weeks) per pay period to 9.23 hours (6 weeks) per pay period





City Council Questions Public Hearings City Council Actions





Council Agenda Summary

May 2, 2023

Key Staff Contact: Noel Mink, Human Resources Director

Title:

Public hearing and second reading of an Ordinance authorizing a salary increase for the City Attorney

Summary:

City Council conducted the annual performance review of the City Attorney on April 11, 2023. Based on this annual review, the City Council found that City Attorney Marek's 2022 performance exceeded expectations and in accordance with merit increases for all non-union employees with a similar performance review directed that the following adjustment be presented for adoption by the City Council with an effective date of March 9, 2023:

- a merit increase of 4.75%.

City Attorney Current Salary	235,111.80
Value of 5.25% General Wage Increase for City Attorney	11,167.81
Fiscal Year 2023 City Attorney salary effective March 9, 2023	246,279.61

Pay Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
What is the annual impact?	11,167.81
What fund of the City will provide Funding?	General

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Strategic Focus Area:



High-Performance Government

Decision Options:

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

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

(See Council Appointee Presentation under City Manager Salary Increase)

CITY OF GREELEY, COLORADO

ORDINANCE NO. 14, 2023

**AN ORDINANCE AUTHORIZING A SALARY INCREASE FOR
THE CITY ATTORNEY**

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance, and salary and benefits are a part of the City Attorney’s compensation package; and

WHEREAS, on April 11, 2023 the City Council conducted the City Attorney’s annual review; and

WHEREAS, based on performance, the City Attorney will receive a salary merit increase of 4.75% to \$246,279.61 annually.

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

Section 1. The City Attorney’s salary is increased four and three-quarter percent (4.75%) to \$246,279.61.

Section 2. The above referenced ordinance shall be effective upon passage and shall be effective for the pay period beginning March 9, 2023.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF MAY, 2023.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor



Council Agenda Summary

May 2, 2023

Key Staff Contact: Noel Mink, Human Resources Director

Title:

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

Summary:

City Council conducted the annual performance review of the Municipal Judge on March 21, 2023. Based on this annual review, the City Council found that Municipal Judge Gonzales' 2022 performance met expectations and in accordance with merit increases for all non-union employees with a similar performance review directed that the following adjustment be presented for adoption by the City Council with an effective date of March 9, 2023:

- a merit increase of 4.25%.

In addition, the City Council directed that the following be presented for adoption by the City Council with an effective date of March 9, 2023:

- reappointment of Mark C. Gonzales as Presiding Municipal Court Judge, effective *nunc pro tunc* (retroactive) May 18, 2022 for a term of four years; and
- increasing the Municipal Judge's Paid Time Off (PTO) accrual rate from 6.14 hours (4 weeks) per pay period to 9.23 hours (6 weeks) per pay period.

Municipal Judge's Current Salary	177,302.52
Value of 4.25% General Wage Increase for Municipal Judge	7,535.36
Fiscal Year 2023 Municipal Judge salary effective March 9, 2023	184,837.88

Pay Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
What is the annual impact?	7,535.36
What fund of the City will provide Funding?	General

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Strategic Focus Area:



High-Performance Government

Decision Options:

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

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

(See Council Appointee Presentation under City Manager Salary Increase)

CITY OF GREELEY, COLORADO

ORDINANCE NO. 15, 2023

**AN ORDINANCE AUTHORIZING A SALARY INCREASE FOR
THE MUNICIPAL JUDGE**

WHEREAS, Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance, and salary and benefits are a part of the Municipal Judge’s compensation package; and

WHEREAS, on March 21, 2023 the City Council conducted the Municipal Judge’s annual review; and

WHEREAS, based on performance, the Municipal Judge will (a) receive a salary merit increase of 4.25% to \$184,837.88 annually; and (b) accrue paid time off (PTO) at the rate of 9.23 hours per pay period (6 weeks per calendar year).

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

Section 1. Mark C. Gonzales is hereby reappointed the Presiding Municipal Court Judge, effective *nunc pro tunc* May 18, 2022 for a term of four years.

Section 2. The Municipal Judge’s annual salary is increased four and one-quarter percent (4.25%) to \$184,837.88.

Section 3. The Municipal Judge shall accrue paid time off at the rate of 9.23 hours per pay period (i.e. 6 weeks per calendar year) and shall accumulate, hold, and utilize paid time off as if Employee has tenure with the City of Twenty-one years or more in accordance with City paid time off policies as described in the City’s employee handbook.

Section 4. The above referenced ordinance shall be effective upon passage and shall be effective for the pay period beginning March 9, 2023.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF MAY, 2023.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor



Council Agenda Summary

Title:

Scheduling of Meetings, Other Events

Summary:

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Planning Calendar and Schedule for City Council Meetings and Work Sessions and make any necessary changes regarding any upcoming meetings or events.

Attachments:

Council Meetings and Other Events Calendars

Council Meeting and Work Session Schedule/Planning Calendar

May 1, 2023 - May 7, 2023

May 2023							June 2023							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28	29	30		

Monday, May 1

Tuesday, May 2

6:00pm - 6:30pm City Council Meeting (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar ↻



Wednesday, May 3

Thursday, May 4

- 7:30am - Poudre River Trail (Hall)** ↻
- 3:30pm - IG Adv. Board (Butler)** ↻
- 6:00pm - 8:30pm North Front Range MPO Meeting (Olson/Payton)** ↻

Friday, May 5

Saturday, May 6


Sunday, May 7

May 8, 2023 - May 14, 2023

May 2023							June 2023							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28	29	30		

Monday, May 8

Tuesday, May 9

6:00pm - City Council Work Session Meeting (R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar 



Wednesday, May 10

7:30am - 9:00am Frontier House 12th Annual Breakfast*RSVP by April 20, 2023** (DoubleTree by Hilton Greeley at Lincoln Park (919 7th St., Greeley, CO 80631)) - Council Master Calendar

Thursday, May 11

Friday, May 12

Saturday, May 13

10:00am - 11:00am Invite to LINC Library Innovation Center's Grand Opening on May 13th (501 8th Avenue, Greeley CO 80631) - Council Master Calendar

5:00pm - 7:00pm Campo Esperanza Natural Area event 5/13 (Campo Esperanza (Hope Field) is the new name for the natural area located just east of Discovery Bay Waterpark, at 715 E. 24th Street) - Council Master Calendar

Sunday, May 14

May 15, 2023 - May 21, 2023

May 2023							June 2023							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28	29	30		

Monday, May 15

Tuesday, May 16

6:00pm - City Council Meeting (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar ↻



Wednesday, May 17

7:30am - Visit Greeley (Butler) ↻

2:00pm - 5:00pm Water & Sewer Board (Gates) ↻

Thursday, May 18

7:30am - 8:30am DDA (DeBoutez/Butler) ↻

3:30pm - 4:30pm Airport Authority (Clark/Payton) ↻

Friday, May 19

Saturday, May 20

11:00am - 11:30am Armed Forces Day Celebration (Bittersweet Park)

Sunday, May 21

May 22, 2023 - May 28, 2023

May 2023							June 2023							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
		1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10	
14	15	16	17	18	19	20	11	12	13	14	15	16	17	
21	22	23	24	25	26	27	18	19	20	21	22	23	24	
28	29	30	31				25	26	27	28	29	30		

Monday, May 22

- 11:30am - 12:30pm Greeley Chamber of Commerce (Hall) ↻
- 6:00pm - 7:00pm Youth Commission (Clark) ↻

Tuesday, May 23

- 6:00pm - City Council Work Session Meeting (R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar ↻



Wednesday, May 24

Thursday, May 25

- 3:00pm - 5:00pm Save-the-Date: 4P Meeting w/ Weld County - Option #1 (Weld County Admin Bldg, 1150 O Street, Greeley, CO) - Council Master Calendar

Friday, May 26

Saturday, May 27

Sunday, May 28

City Council Meeting Scheduling 2023			
	4/26/2023		
	This schedule is subject to change		
Date/Type	Description	Sponsor	Placement/Time
May 09, 2023 Council Work Session	Overview of SUTS collection system	John Karner	
	Legislative Review	Stacy Coons	
May 16, 2023 Council Meeting	Proclamation - Mental Health Month	Mayor	Intro
	Minutes Approval (4/18/23 Council Meeting; 4/25/23 Work Session; 5/2/23 Council Meeting)	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Code Amendment to allow SUTS collection system	John Karner	Consent
	Consideration of a Resolution - Amending IGA w/Weld County for 59th & O Street Intersection	Paul Trombino	Consent
	Consideration of a Change Order - 59th Avenue & O Street Design	Paul Trombino	Consent
	PH & 2nd Rdg Ord - Grant Ordinance	John Karner	Regular
	PH & 2nd Rdg Ord - Code Amendment to Designate Posting Sites for B&C Meeting Notices	Heidi Leatherwood	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
May 23, 2023 Council Work Session	CivicPlus - Board Orientation	Heidi Leatherwood	
	Traffic Technology Update	Adam Turk/Paul Trombino	
	Hillside Tunnel Update	Paul Trombino	
June 06, 2023 Council Meeting	Proclamation - Juneteenth??	Mayor	Intro
	Minutes Approval (5/9/23 Work Session; 5/16/23 Council Meeting)	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Adoption of Integrated Water Resources Maser Plan (IWRP)	Sean Chambers	Consent
	Intro & 1st Rdg Ord - Shopping Cart Code Amendments	Don Threewitt	Consent
	Resolution and IGA w/State of Colorado on SUTS collection system	John Karner	Regular
	PH & 2nd Rdg Ord - Code Amendment to allow SUTS collection system	John Karner	Regular



Council Agenda Summary

Title:

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Council's Recommended Action:

A motion to approve the above authorizations.