

PLANNING COMMISSION SUMMARY

ITEMS: Rezone from PUD (Planned Unit Development) to C-H (Commercial High Intensity) Zone District

FILE NUMBER: ZON2018-0018

PROJECT: 2700 and 2720 35th Avenue Rezone

LOCATION: 2700 and 2720 35th Avenue, East of 35th Avenue and North of 28th Street

APPLICANT: Corey Stinar, on behalf of Circle K Stores

CASE PLANNER: Darrell Gesick, Planner III

PLANNING COMMISSION HEARING DATE: April 23, 2019

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 18.30.050(c)(3) of the Development Code.

EXECUTIVE SUMMARY

The City of Greeley is considering a request from Corey Stinar, on behalf of Circle K Stores, to rezone approximately 1.62 acres of land, located at 2700 and 2720 35th Avenue, from the PUD (Planned Unit Development) Zone District to the C-H (Commercial High Intensity) Zone District (see Attachments A, B, C & D).

A. REQUEST

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

B. STAFF RECOMMENDATION

Approval

C. LOCATION

The subject rezone request is located east of 35th Avenue and north of 28th Street; specifically at 2700 and 2720 35th Avenue and is currently zoned PUD and C-H (see Attachment A and B).

Abutting Zoning:

North: R-L (Residential Low Density)

South: R-L

East: PUD

West: PUD

Surrounding Land Uses:

North: Single-Family Dwellings

South: 28th Street and Highway 34 Bypass – CDOT (Colorado Department of Transportation)

East: Car Wash

West: 35th Avenue and Auto Sales

Site Characteristics:

The site request currently consist of two parcels. One parcel, 2700 35th Avenue, has a 1,600-square-foot building that was formerly used as a veterinary clinic. The building is currently vacant. The subject site currently has unimproved drive aisles and parking area, and has a gradual slope from the west to the north and east.

The second parcel, 2720 35th Avenue, has an existing 1,142-square-foot gas station with a small convenience store. There are four pump islands and a canopy that covers the pumps and the convenience store. The site has typical site improvements that consist of paved parking and drive aisles with some minimal landscaping. The site slopes to the east to an existing storm drainage pond located in the northeastern part of the property. There are overhead power lines that exist along 28th Street and 35th Avenue (see Attachments B, E, and F Site analysis map).

D. BACKGROUND

The two parcels were annexed in 1972 as part of the West Greeley 2nd Annexation (Reception No. 1601432). City records do not indicate what was established for zoning, only that zoning was established in 1972. According to County records, the building located on 2700 35th Avenue parcel was established in 1973, but no land use records could be found by the City as to how this site was approved. Presently, this parcel is partially zoned C-H and PUD (see Attachment A). In 1981, the 2720 35th Avenue parcel was rezoned to PUD. This PUD established a gas station with a small convenience store, which still exists today (File No. Z 13:81). The gas station use is the only allowed use for the PUD.

The applicant, or property owner, of 2720 35th Avenue is proposing to purchase the property at 2700 35th Avenue for the purpose of combining the two parcels into one lot with the plan of redeveloping the site with a 4,800-square-foot convenience store, seven gas pump islands, and a canopy over the pump islands. Since there are two different zoning districts that exists, the applicant is proposing to rezone the area from PUD to C-H to have one consistent zoning district. It should be noted that 2700 35th Avenue is partially zoned C-H. This rezone request is including in the area already zoned C-H on the parcel addressed as 2700 35th Avenue. This was done to provide a cleaner rezone boundary and to avoid in errors in past zoning boundaries (see Attachment C).

As part of the proposal, the applicant is also proposing to take the two parcels and combine them into one parcel through the minor subdivision process. The applicant has also submitted a design review application (site plan review) for staff to review for compliance to

Development Code standards. The two applications are being reviewed concurrently with this request (File No. SUB2018-0031 and DR2019-0004). Both, the minor subdivisions and design review plans are approved administratively.

APPROVAL CRITERIA

Development Code Section 18.30.050 Rezoning Procedures

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

The review criteria found in Section 18.30.050(c)(3) of the Development Code shall be used to evaluate the zoning amendment application.

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

Staff Comment: The properties that surround the subject site have been developed for many years. The residential uses to the north were built out in the mid to late 1970's and the car dealerships to the west of 35th Avenue started to develop in the early 1990's. The most recent change to the area occurred in 2014 when the car wash to the east of the subject redeveloped from a small car wash with self-serve bays and self-serve storage units to a full-service car wash.

Allowing the two properties to rezone, would allow the applicant to combine the two lots into one, which would allow for redevelopment of the site into a larger, more modern convenience store with gas sales. The redevelopment of the site would also reduce access point onto 35th Avenue creating safer driving conditions. In addition, the proposed zoning is not much of a change from the current allowed zoning.

Keeping both parcels in the current layout would limit redevelopment opportunities. Planning staff concludes that it is in the public's interest to rezone the subject property to encourage redevelopment.

This request complies with this criterion.

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

Staff Comment: The existing zoning of the C-H parcel at 2700 35th Avenue has been in place for 47 years and the existing PUD zoning on parcel 2720 35th Avenue has been in place for 38 years.

Although the existing zoning is not necessarily obsolete, neither parcel has had any significant redevelopment since established. The proposed rezoning would allow the applicant the opportunity to modernize the site with a more useful convenience store. Development trends over the years have shown that more gas stations are going to this type of model, which have been development in other areas in Greeley.

This request complies with this criterion.

c) Are there clerical or technical errors to correct?

Staff Comment: There are no clerical or technical errors to correct.

This criterion is not applicable to this request.

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

Staff Comment: There are no detrimental environmental impacts on the property. This criterion is not applicable to this request.

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

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

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

Staff Comment: It is not anticipated that the proposed zoning would create significant impacts on the subject property, adjacent land uses, or the City as a whole. The proposed rezoning is not much of a change from the current allowed zoning.

Any potential noise created by future development would be regulated by the Municipal Code. There should not be any environmental impacts associated with this request. The applicant would be required to install the underground tanks per local, state, and federal standards. The appropriate buffering would be required to be provided, which lessens any potential visual impacts to the residential uses to the north. City services should not be impacted, since the surrounding area is already served by municipal services such as water and sewer. The appropriate sidewalk connections from both 35th Avenue and 28th Street would be required to be provided. Police and Fire are already serving this area, since it is within the City of Greeley. Additional information regarding City services can be found further in this report in Sections E, F, and G.

The proposal complies with this criterion.

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

There are no zoning overlay requirements for the subject property. The following City of Greeley Imagine Greeley Comprehensive Plan policies apply to this request.

Comprehensive Plan Policy Objective ED-2.4, Business Attraction

Attract and retain business and industry that align with the City's target industries and support economic diversity.

Staff Comment: Approving the rezone would allow an existing business to expand in size and provide more small level retail goods and gas services to the area.

This request complies with this Comprehensive Plan policy.

Comprehensive Plan Policy Objective GC-2.5, Neighborhood Centers

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

Staff Comment: The proposed rezone has the potential to provide goods and services at a small scale neighborhood level. Although not a true neighborhood center, the convenience store would provide some basic grocery items that would be available to the residential users to the north. This site is walkable for the residential users to the north.

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

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

This request complies with this criterion.

E. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

Neither site appears to have been part of a formal subdivision when established. A minor subdivision has been submitted and is being reviewed concurrently with this request. The proposed subdivision would take two lots and create one lot for the purpose of redeveloping the site with a convenience store with gas services. Minor subdivisions are reviewed and approved administratively (File No. SUBS2018-0031).

2. HAZARDS

Staff is unaware of any potential hazards that presently exist on the site. Any potential hazards associated with underground storage tanks would be addressed as part of the design review for the site, which is done administratively. All lands uses would be required to conform to all applicable local, state and federal standards.

3. WILDLIFE

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

4. FLOODPLAIN

The property is not located within a floodplain or floodway according to the adopted Federal Emergency Management Administration (FEMA) flood date.

5. DRAINAGE AND EROSION

A conceptual drainage report was provided with this request. Development of the subject site should have little impact to the surrounding area. All of the drainage would be controlled on-site and released in a controlled fashion. There is one underground stormwater detention system proposed for the subject property. This system would be located along the southern part of the site. Water quality would be provided in the rain garden located near the northeast corner of the property. If the rezone is approved, a formal drainage report would be required to be completed and submitted to the City of Greeley for review and approval, as part of the administrative design review process.

6. TRANSPORTATION

Access to the proposed gas station and convenience store development may be impacted by the future interchange at 35th Ave and US 34 Bypass. The applicant has been made aware of this through City staff communication and conversations with Colorado Department of Transportation (CDOT). The applicant has agreed to a right-in/right-out access on 35th Avenue and a full movement access on 28th Street, with the possibility that movement may be restricted in the future. It was also made clear to the applicant that a restriction in movement at an access point is not compensable by the City of Greeley or CDOT.

Construction of an interchange at 35th Avenue and Highway 34 Bypass will increase northbound and southbound volumes on 35th Avenue and reduce gaps in traffic flow. These traffic conditions may negatively impact the ability of vehicles to enter and exit the site.

Upon buildout, the development is projected to generate approximately 2,279 trips per day. Based on the traffic impact study submitted by the applicant, the intersection of 35th Avenue at Highway 34 Bypass currently operates at an overall LOS (Level of Service) D during AM peak hours and LOS E during PM peak hour. By 2038 this intersection will operate at a LOS E during AM peak hour and LOS F during PM peak hour. Twenty-Eighth Street and 35th Avenue is stop-controlled and currently operates at a LOS F for westbound left turns and C for all other movements. By 2038, all movements at this intersection will operate at a LOS F during the PM peak hour. The AM peak hour westbound right turns and southbound left turns will experience minor delays and operate at a LOS B or better. These calculations were generated based on existing conditions and do not include consideration for the future interchange at 35th Avenue and Highway 34 Bypass. Primary access to the site would be from 28th Street (Arterial street classification). At this time, staff does not anticipate any significant impacts that would negatively impact the roadway system as part of the rezone request.

F. SERVICES

1. WATER

Water services are available in 35th Avenue and can adequately serve the subject property.

2. SANITATION

Sanitation services are available on the subject site and can adequately serve the subject property.

3. EMERGENCY SERVICES

The subject site is currently, and will continue to be, served by the City of Greeley Police Department and the City of Greeley Fire Department. Fire Station #2 and #5 are located approximately one mile to the east and west of the subject site.

4. PARKS / OPEN SPACES

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

5. SCHOOLS

No schools are proposed or located within the site. However, the nearest school, Greeley West High School, is located approximately one-half mile to north of the subject site.

G. 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.

H. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to surrounding property owners on April 8, 2019, per Development Code requirements (see Attachment I). A sign was posted on the site on April 9, 2019.

Planning staff received two phones call regarding the proposed rezone. Both callers are residents in the area and were interested in what the developer was proposing. Neither caller objected to the request. No comments have been received.

I. MINERIAL ESTATE OWNER NOTIFICATION

Mineral notice is not required for a rezone request.

J. PLANNING COMMISSION RECOMMENDED MOTION

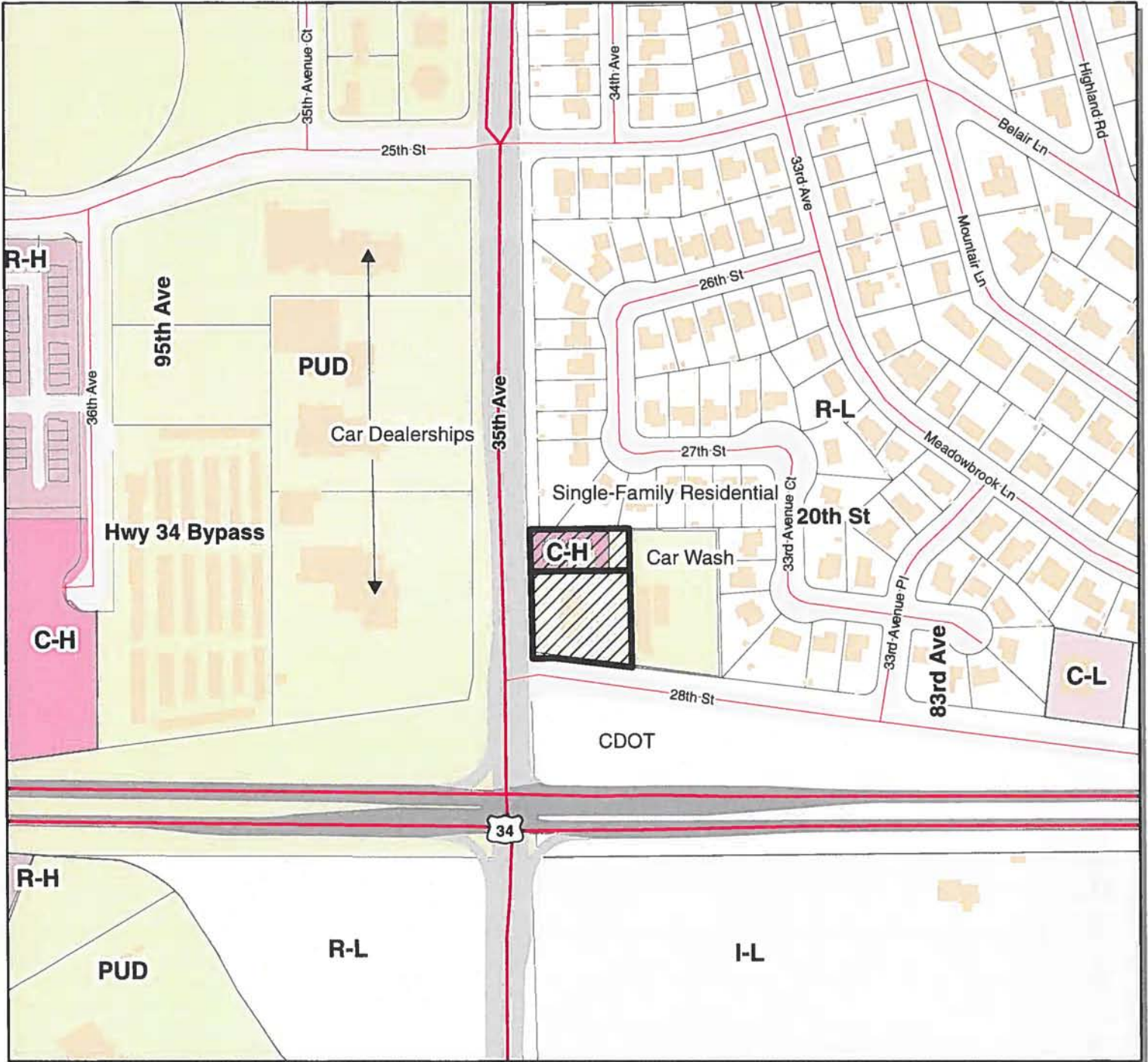
Based on the application received and the preceding analysis, the Planning Commission find that the proposed rezoning from PUD (Planned Unit Development) Zone District to C-H (Commercial High Intensity) Zone District meets Development Code Section 18.30.050(c)(3) a, b, f , g and h; and therefore, recommend approval of the rezone to the City Council.

ATTACHMENTS

- Attachment A - Zoning/Vicinity Map
- Attachment B - Photo Aerial Map
- Attachment C - Project Narrative
- Attachment D - Rezone Boundary Map
- Attachment E - Site Analysis Map
- Attachment F - Zoning Suitability Map
- Attachment G - List of C-D and I-M Uses
- Attachment H - Neighborhood Notification Boundary Map



Vicinity Map



Legend

- Parcels selection
- StreetCenterlines**
- CLASSIFICATION**
- Expressway
- Arterials
- Local, Collectors
- Unknown
- Building
- Weld Parcels

2720 and 2700 Rezone

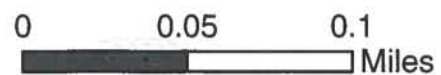


Photo Aerial



Legend

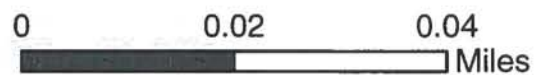
StreetCenterlines

CLASSIFICATION

- Expressway
- Arterials
- Local, Collectors
- Unknown
- Weld Parcels

Origin Cache Mask

2720 and 2700 Rezone



Circle K Stores, Inc
Store #641
2720 35th Avenue
Greeley, CO
NE Quadrant: 35th Ave. & 28th St.
Dec. 14, 2018 (Rev.: March 8, 2019)

Entitlements Narrative:
Rezoning – Minor Subdivision – Use by Special Review

I. INTRODUCTION

A. Purpose

The following narrative has been prepared in support of the Circle K Stores, Inc's applications for approval of the following entitlements:

- ❖ **Rezoning** from Planned Unit Development (PUD) to Commercial High Intensity (C-H)
- ❖ **Minor Subdivision** for the sole purpose of merging two existing lots into a single lot
- ❖ **Special Review Permit** in association with the **Redevelopment** of an existing convenience store with associated automobile fuel pumps on a site one acre or larger in size.

B. Applicant's Objectives

The applicant is proposing to redevelop of two existing, improved lots located in a developed part of the City of Greeley. The redevelopment would result in a new, and gas station in the northeast quadrant of the intersection of 35th Avenue and 28th Street (AKA, Frontage Road).

C. Narrative Organization

While this is a single proposed development, it requires the approval of three distinct land use entitlements (see above), each with their own approval criteria. Many of these criteria require demonstrating consistency with the City of Greeley's land planning goals and objectives. This type of criterion is typically articulated within the City's various comprehensive planning documents. Many of these individual criteria also apply to more than one of the required entitlements.

Therefore, so as to minimize redundancies, we have organized this document in a format that describes the site, the proposed redevelopment once, and all applicable City of Greeley comprehensive planning criteria once before discussing each individual application and how the proposed development is consistent with that application's specific requirements, inclusive of consistency with the City's comprehensive planning goals and objectives.

The Major section of the Narrative are as follows:

- I. Introduction
- II. Site Conditions

- III. Proposed Redevelopment
- IV. Applicable City of Greeley Comprehensive Planning Goals and Objective
- V. Land Use Approvals
 - a. Rezoning
 - b. Use by Special Review
 - c. Minor Subdivision
- VI. Conclusion
 - A. Appendix A – Rezoning Criteria

II. **SITE CONDITIONS**

A. **Location and Description**

This subject site is located on two existing lots within the northeast quadrant of the intersection of 35th Avenue and 28th Street (AKA, Frontage Road). (see Site Plan *Circle K Stores, Inc.*)

The more northerly of these two lots, Parcel A, is zoned *Commercial High Intensity* (C-H) and is approximately 18,444 square feet in size. This lot maintains frontage on, 35th Avenue. Improvements on this lot are limited to an older, vacant, single-story structure with a dirt driveway and dirt parking area.

The more southerly lot, Parcel B, is a 38,835 square-foot corner lot that maintains frontage and vehicular access/egress on both 35th Avenue and 28th Street. An older gas station/convenience store is located on this lot.

B. **Site Improvements**

Parcel A, is improved with an older, single-story, vacant commercial structure while an out-of-date convenience store with gas pumps is located on Parcel B.

C. **Neighboring Uses**

Automotive uses are located to the east and west of the subject site. Adjoining the subject site's eastern property line is a car wash facility while four automobile dealerships occupy the western side of 35th Avenue.

To the south of the site is a strip of open space that appears to be used for stormwater detention and U.S. 34, an eight-lane divided highway at its intersection with 35th Avenue.

Parts or all of the rear lot lines of three single family homes abut the subject site's northern property line.

D. **City Promoted Attributes**

The City's Comprehensive Plan, *Imagine Greeley* (adopted 2/6/18), has designated the subject site and its surrounding neighborhood as a "**Long-Range Expected Growth Area (LRGEA)**". As described in more detail in the *Comprehensive Planning* section of this narrative, by designating this site and the surrounding area as an LRGEA, the City of Greeley has identified the site as place where reinvestment and infill development should be targeted and supported.

Thirty-Fifth Avenue and 28th Street – the two roadways fronting this site - are each identified in the Comprehensive Plan as being both "**Major Street(s) Constructed**

to City Standards” and “Multi-Modal Corridors.” Properties fronting on one of these streets (this site fronts on two such streets) are presumed to be appropriate for development, redevelopment and investment.

In addition to these two major streets, U.S. Highway 34 Bypass, the City’s major east-west thoroughfare, crosses 35th Avenue less than 100 yards to the south of the site.

III. **PROPOSED REDEVELOPMENT**

The plan for this proposed infill redevelopment in an area and on streets specifically designated as ripe for redevelopment and where existing infrastructure can be utilized has would result in the merger of the two lots, the demolition of two existing aging unattractive and commercially out of date structures the construction of a modern, enlarged convenience store with gas pumps.

Essentially, the applicant is proposing to modernize and enlarge an existing convenience store/automotive fuel station use to bring it up to current commercial marketing requirements, increase product selection, reduce patron waiting times, improve the shopper’s experience, improve vehicular circulation and enhance the aesthetics of the City of Greeley’s 35th Avenue gateway.

Furthermore, this redevelopment will result in a more commercially viable establishment and a higher value commercial ratable for the City of Greeley in a location where required infrastructure (roads, water, sewer) already exists, has the capacity to support the development and, therefore, will not require public investment.

The proposed redevelopment will include:

1. The Merging of two existing lots into a single lot approximately 1.3 acres in size.
2. The demolition of two older, commercially out-of-date structures with a total floor area of approximately 2,757 square feet, along with 16 existing fuel pumps.
3. The site will be redeveloped with a modern convenience store with 2,200 square feet of patron sales area and 14 fuel pumps.
4. Site and building improvements will include:
 - a. Upgraded, energy efficient LED lighting with cutoffs to eliminate to the maximum extent practicable light spillage onto neighbors’ properties, streets, sidewalks and the night sky (urban glow);
 - b. Increased building separation from residential neighbors;
 - c. Approximately 16,500 square feet of landscaped area;
 - d. Improved pump access and circulation;
 - e. The elimination of one of two existing 35th Avenue driveways that were in very close proximity to one another;
 - f. The replacement of a dirt driveway and parking area on the norther part of the site with fully paved surface parking and driveway areas;
 - g. Improved stormwater management and detention
 - h. New ADA compliant sidewalk area;
 - i. Bicycle Parking (rack)

IV. COMPREHENSIVE PLANNING OVERVIEW

A. Introduction

Like most municipality, the City of Greeley's comprehensive long-range planning goals and objectives are articulated through a number of its planning documents. Two of these documents that include sections particularly relevant to the site and the proposed infill redevelopment are the *Imagine Greeley Comprehensive Plan* and the *2060 Comprehensive Plan*.

Below, are relevant excerpts from each document along with explanations of how the proposed development is promotes, and/or is consistent with, the excerpted goals and objectives.

This section will be followed by three separate analyses of the three land use approvals the applicant is seeking (*Rezoning, Minor Subdivision, and Use by Special Review*). These analyses will, where appropriate, include discussions of how the proposed infill redevelopment is consistent with, or otherwise promotes, specific, articulated comprehensive planning goals and objectives.

B. *Imagine Greeley Comprehensive Plan*

Although the City's Comprehensive Plan, *Imagine Greeley*, adopted February 6th, 2018, focuses primarily on large scale, long range planning, and governmental actions, it is clear that the proposed development and the land use entitlements it requires align with, and advance, many of the Comprehensive Plan's overarching goals and objectives, including the following:

- a. ***Growth & City Form Section***: Lays out a series of goals and objectives designed to improve upon the existing conditions and prepare for future growth.
 - i. ***Manage Growth Effectively Goal***: Includes the following objectives:
 1. **Objective GC1.1 Growth Management**: "Manage growth to....minimize impacts on the natural environment, and protect or enhance natural features and resources."
 2. **Objective GC1.2 Form of Growth**: "Encourage a compact urban form over sprawl or leap-frog development."
 3. **Objective GC1.3 Adequate Public Facilities**: "Restrict development to the Adequate Public Facilities Area (APFA)...."
 4. **Objective GC1.4 Long Range Expected Growth Area** (where growth should be targeted): "Regularly review the **Long Range Expected Growth Area (LREGA)** and amend as needed....major amendments must be addressed in accordance with the following guidelines.....
 - a. "A compact urban form is desirable as an alternative to linear physical growth or development patterns that promote sprawl or leap-frog development and result in less efficient use of capital improvements or municipal services...."

5. Objective GC4.2 Reinvestment/Adaptive Reuse: “Encourage reinvestment in established areas of Greeley to maximize the use of existing public infrastructure....”

b. **City Promoted Attributes**: designated the subject site and its surrounding neighborhood as a “**Long-Range Expected Growth Area (LRGEA)**”

Thirty-Fifth Avenue and 28th Street – the two roadways fronting this site - are each identified in the Comprehensive Plan as being both “**Major Street(s) Constructed to City Standards**” and “**Multi-Modal Corridors.**”

In describing the growth of low-density suburban sprawl, the City has experienced since the early 2000’s, the **Growth & City Form** section also notes that, “...(The) dispersed pattern of development has resulted in less efficient use of capital improvements and municipal services for the community....” The section goes on to set a goal to “**Prioritize infill and redevelopment.**”

c. **Chapter 4; Growth Framework**. The **Growth Framework**: States that the City’s population reached 100,000 people in the last decade and is expected to increase by another 50,000 in the next two decades (50% Growth). The chapter points out the reality that, “This growth will be located in undeveloped areas or occur as infill development or redevelopment within already developed areas.”

d. **Land Use Guidance Map**: Encourages infill and redevelopment in existing areas.

e. **Natural Resources & Open Lands**:

i. Objective NR-2.4 Light Pollution

Minimize light trespass from developed areas and reduce sky glow to maintain night sky visibility.

ii. I M P NR-2.3 Update, as appropriate, Development Code standards to limit impacts caused by errant light on adjacent properties and rights-of-way (such as requirements for downward directed lighting), and create standard illumination levels for various types of development.

iii. I M P NR-4.2 Evaluate the feasibility of standardizing the use of energy-efficient lights, such as LEDs, in City facilities, street and other outdoor lights maintained by the City, and in other municipal applications in new facilities or devices, or through upgrades to existing facilities and devices.

C. 2060 Comprehensive Plan – Growth

This Comprehensive Planning Document focuses on the City of Greeley’s historical growth, projected growth and the guiding principles that should define how future growth should be directed and managed. The following excerpts are recommendations relevant to the proposed development and the entitlement approvals the applicant is requesting.

a. “Identify and stimulate development in areas of desired growth.” (p. 15)

- b. “Plan, guide and accommodate growth that promotes the most efficient use of resources...” (p. 17)
- c. “(D)evelopment within...the Adequate Public Facilities Area (APFA) will be a priority to accommodate new growth.” (p. 17)
- d. “A compact urban form is desirable to linear physical growth or development patterns which promote sprawl or leap-frog development that results in less efficient use of capital improvements or municipal Services.” (p.17)
- e. “Direct growth in a manner which creates the least impact on the natural indigenous environment.” (p. 15)

D. Comprehensive Planning Overview and Applicability

Throughout multiple sections of the Comprehensive Plan several themes, or goals, relevant to this proposed redevelopment are repeated again and again. These multifaceted goals could be summed up as follows:

Promote compact, redevelopment in locations that have been identified for future growth, are proximate to major roadways, are located where city and utility services (water, sewer, electric, gas, etc.) already exist and public investment in major capital improvements will not be required, and where new development will neither displace existing natural (or environmentally sensitive) areas nor require residents, workers, patrons or customers to travel long distances to reach their jobs, their homes or the services they require.

This proposed infill redevelopment within an area identified for future growth, where utilities are already in place, on two streets identified as appropriate and in close proximity to existing residential and commercial (employment) uses is consistent with, and promotes, all of the above City of Greeley Comprehensive Planning goals and objectives.

V. LAND USE APPROVALS

This proposal requires the approval of three entitlements: **Rezoning; Use by Special Review; and Minor Subdivision** (a lot merger).

The site is currently split between the northerly parcel, which is zoned C-H and the southerly parcel, which is zoned Planned Unit Development (PUD). The applicant is requesting that the entire two properties be combined into one combined parcel, which – although not creating any new lots – requires Minor Subdivision Approval.

A Rezoning of the southerly end of the newly combined lot is required so as to have the entire lot (and the use on that lot) covered by one zoning district’s regulations. Hence, the application to rezone the southerly end of the site from PUD to C-H.

Due to the property being larger than one acre in size (property is approximately 1.3 acres), the proposed redevelopment, a convenience store with gas sales, is permitted in the C-H zone, subject to Use by Special Review approval.

A. Rezone

§18.30.050(c)(3) of the zoning code of the City of Greeley, outlines criteria to be considered in the review of rezoning applications. Two of these criteria appear most relevant to this application (for a list of all potential criteria and our responses, please see Appendix A):

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

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

With regards to **Subsection f.**, it is important to remember that on this site is primarily the same as that which is currently the existing use of the site. The infill redevelopment that this rezoning will allow to occur will act to modernize the site and improve its aesthetics while continuing its use as a commercial property.

This site is located at or near the confluence of three major roadways, 35th Avenue, 28th Street (which, in this location, is essentially a “frontage road” for CR 34, and CR 34 just to the south of the site.

Immediately to the east of the site is a commercial car wash. To the west of the site, on the opposite side of 35th Avenue, is a large automobile dealership with outdoors automobile storage. On the same side of 35th Avenue moving north are three more large automobile dealerships, and then additional commercial uses. To the southwest of the site on the opposite sides of 35th Avenue and CR 34 is a large Home Depot store will a large parking lot in front of it.

The north side of the property is adjacent to the rear yard of one home and small parts of the rear lot lines of two other homes. An existing commercial use already abuts these residential uses in this area. However, new fencing and state of the art light controls and cutoffs will be employed to buffer these few residential uses.

Lastly, since the rezoning acts only to permit the continuation of commercial use of the property, the rezoning will have no adverse impacts on City services.

With regards to **Subsection g.**'s requirement for consistency with the comprehensive Plan's policies and goals, the requested rezoning will facilitate the infill redevelopment of a site in a location designated for growth and with existing utilities on streets designed for commercial and through traffic that is close to places where people already live and

work. Examples of some of the ways in which the rezoning and the redevelopment is consistent with, and promotes the policies and goals found in the City of Greeley's comprehensive planning documents include the following:

- As shown on the *Imagine Greeley* Comprehensive Plan's ***Adequate Public Facilities Analysis (Major Streets)*** and ***Existing Rights of Way*** plans, the subject site is located within the Comprehensive Plan's designated **Long Range Expected Growth Area (LREGA)**.
- Also, as shown on the Comprehensive Plan's ***Land Use Guidance Map***, as well the above two noted plans, the two roadways on which this site maintains frontage and access (35th Avenue and 28th Street-Frontage Road) have been designated in the City's comprehensive planning documents as both "Multi-Modal Corridors" and "Major Streets Constructed to City Standards," meeting another the City's recommended criteria to be used in identifying preferred locations for targeted redevelopment.
- As part of this site's redevelopment into an attractive and new commercial use, several design details, including light fixture cutoffs are being employed specifically to minimize light spillage into neighboring properties, public sidewalks, public streets, and the night sky (a major cause of urban glow). Furthermore, energy efficient LED lighting has been included in the development's design so to reduce energy consumption. The increased use of these types of lighting fixtures are identified goals that the City has set for itself (e.g., new types of street lighting) in the Comprehensive Plan.
- The private investment in redevelopment that will be made possible by requested rezoning is targeted to an area with existing infrastructure that will not require that any public funds be used to expand, extend or otherwise upgrade the City's infrastructure and will increase the value of a commercial ratable, consistent with many of the fiscal goals/criteria articulated in the City's comprehensive planning documents.
- The rezoning will permit the redevelopment of an already developed area and will not disturb undeveloped "green" areas.

B. Use by Special Review

As a **Use by Special Review**, the proposed redevelopment is subject to Chapter 18.20, including the following criteria:

- The proposed use shall be consistent with the Land Use Chapter of the Comprehensive Plan; ***Please see examples of consistency with the comprehensive plan on the previous two pages.***
- The location, size, design and operating characteristics of the proposed use shall be compatible with the existing and future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review

to protect the public health, safety and welfare by mitigating impacts to achieve compatibility and complementary design, especially where a nonresidential use is located adjacent to a residential use; ***The proposed plan of development will not change the use of the site, but rather will modernize the site and implement better buffering, lighting and circulation that will enhance the surrounding uses. Nothing in this plan will result in objectionable or detrimental impacts to surrounding uses. The area is a primarily commercial and the site is location on two major streets. The only abutting residential uses consist of the rear yards of three single family homes. Screening and the control of lighting have been implemented to mitigate potential impacts on these properties.***

- The site shall be physically suitable for the type and intensity of the proposed land use; ***The site already supports the same type of use, a convenience store with gasoline sales. The new plan enhances circulation, parking and access/egress to/from the site.***
- The proposed land use shall not adversely affect traffic flow or parking in the neighborhood; ***The proposed redevelopment has been designed to eliminate one existing driveway that was in close proximity to another driveway on the same street, to improve access and egress, and provides parking to support the commercial use of the property.***
- The location of other approved uses by special review in the neighborhood shall be determined so that a concentration and/or cumulative effect of such uses can be evaluated. ***The proposed development is an infill redevelopment of an existing use and will not increase any cumulative effects.***
- Use by special review applications shall also be reviewed to ensure that all of the applicable development standards of Chapter 18.38, Zoning District Development Standards, have been met, as well as any applicable overlay district provisions. ***The proposed development has been designed to comply with all zoning requirements.***
- In addition to those criteria and requirements listed in Subsections (a) and (b), special review applications shall meet all applicable General Performance Standards found in Chapter 18.40, Parking Standards in Chapter 18.42, (***Complies***) Landscaping and Buffering Standards in Chapter 18.44, (***Complies***) all applicable Design Review Performance Standards in Chapter 18.46 and if applicable, Overlay Districts in Chapter 18.34, (***N/A***) Areas of Ecological Significance in Chapter 18.48, (***N/A-infill redevelopment***) Accessory and Temporary Uses, Hillside Standards in Chapter 18.50 (***N/A***) and Structures and Buildings in Chapter 18.52. (***Complies***)
- Applications for use by special review for oil and gas operations shall also be subject to the provisions of Chapter 18.56, Oil and Gas Operations. (***N/A***)

As a **Use by Special Review**, the proposed redevelopment is also subject to Chapter 18.46 – Design Review Performance Standards of the Code of the City of City of Greeley,

Colorado. Immediately below, this chapter's standards for "Convenience Stores and gas stations" are provided along with applicant's notations in **bold** describing how the development complies with these standards:

18.46.090 - Convenience stores, gas stations and auto repair shops.

(a) The following provisions shall apply to all convenience stores and gas stations:

*(1) No more than one (1) access drive shall be permitted for each street frontage. **Complies. One access drive each is provided on 35th Avenue and 28th Street.***

*(2) All light sources, including canopy, perimeter and flood lights and lenses, shall be shielded or fully recessed within the roof canopy so that light is contained on-site. **Complies. All exterior lighting is downward facing to reduce "urban glow" and includes shielding to prevent light spillage onto neighboring properties and, public sidewalks and roadways. All exterior lighting fixtures are energy efficient LED fixtures.***

*(3) If on-site dispensing of fuel is provided, the design, location and operation of these facilities shall be compatible with the design, location and operation of the convenience store. **Complies. The minimum separation between the convenience store and the pumps is more than 60 feet. Furthermore, the new design provides for no more than two pumps in any aisle whereas the existing configuration has four pumps in each aisle.***

*(4) The maximum height of a canopy shall be seventeen (17) feet, measured from grade to the highest point on the canopy. Canopies that have a pitched roof shall be a maximum height of twenty-four (24) feet measured from grade to the highest point on the canopy. Canopies shall be architecturally compatible with the convenience store building and all other accessory structures on the site through the use of the same or complementary materials, architectural style and colors. The material used on the underside of the canopy shall not be highly reflective. Setbacks for the canopy shall be measured from the outside edge of the canopy. **Please see submitted elevations demonstrating complementary materials, architectural style and colors.***

*(5) Adequate stacking space shall be provided on-site without using any portion of the adjacent street or alley for stacking. Stacking shall not occur in required setbacks. **Complies. Utilizing the increased lot area, the redevelopment design increases the number of vehicle aisles from the four existing aisles to 14 aisles under the proposed redevelopment. Furthermore, by placing only two pumps in any one aisle, the design of the redeveloped pump area eliminates the existing condition whereby with four pumps in each aisle automobiles at the center two pumps could get "trapped" between other cars, thereby adding to delays, increased lines and increased air pollution from idling cars.***

*(6) Dispensing pumps and adjacent parking, fueling or service areas shall not be located within the property setbacks. **Complies. No pump is located closer than 60 feet to a property line and most are located more than 65 feet from a property line. The minimum setback for lot lines facing a street is 25 feet.***

*(7) If the convenience store, gas station or auto repair use is immediately adjacent to residential zoned property or existing residential uses on at least two (2) sides, the hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. daily. **Not Applicable. Only one side of the site is adjacent to a residential district or use.***

C. Minor Subdivision

The requirement for a minor subdivision review is more technical than substantive in this particular case. The proposed development would simply merge two existing, already improved commercial lots into a single commercial lot that would be redeveloped to modernize one of the existing uses, a convenience store with gas sales.

All requirements, including plat requirements, will be complied with.

VI. CONCLUSION

The proposed redevelopment of a site located both within one of the City of Greeley's designated major growth areas and adjacent to two of the City's designated major streets is consistent with the City of Greeley's Comprehensive Planning criteria as articulated in its adopted goals and objectives.

The proposed modern and enlarged convenience store with gas pumps has been designed to fully comply with all land use regulations, including the requirements of the C-H Zone and the Use by Special Review's performance standards.

The proposed redevelopment is located in an area where all necessary infrastructure is already in place and no new capital improvement investments by the City will be needed.

Lastly, this redevelopment will result in a modern, attractive convenience store with gas pumps that will be better able to service the needs of the city's growing population, whether they be local residents, members of the workforce or the traveling public.

APPENDIX A

Rezoning Criteria

§18.30.050(c)(3): The Community Development Director shall use the following review criteria to evaluate the zoning amendment application:

a. Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area? ***The area has changed to the extent that with the passing of time the existing convenience store is out of date and in need of replacement and expansion to remain competitive. In order to achieve this goal, two lots that are currently in different districts need to be merged. It would not make sense to try to develop a single use and all its improvements while complying with two zoning districts standards. Additionally, the expanded facility will include more pump areas and improved access/egress that will better address the increase in development and traffic that this area has experienced.***

b. Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends? ***No, this is an infill redevelopment of an existing use.***

c. Are there clerical or technical errors to correct? ***No.***

d. Are there detrimental environmental conditions, such as flood plains, presence of irrigation ditches, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property? ***No.***

e. Is the proposed rezoning necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted? ***No***

f. What is the potential impact of the proposed rezoning upon the immediate neighborhood and the City as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, street and pedestrian systems and parks and recreation facilities)? ***No adverse impacts are anticipated as this is simply a redevelopment and expansion of an existing use with improved access and egress.***

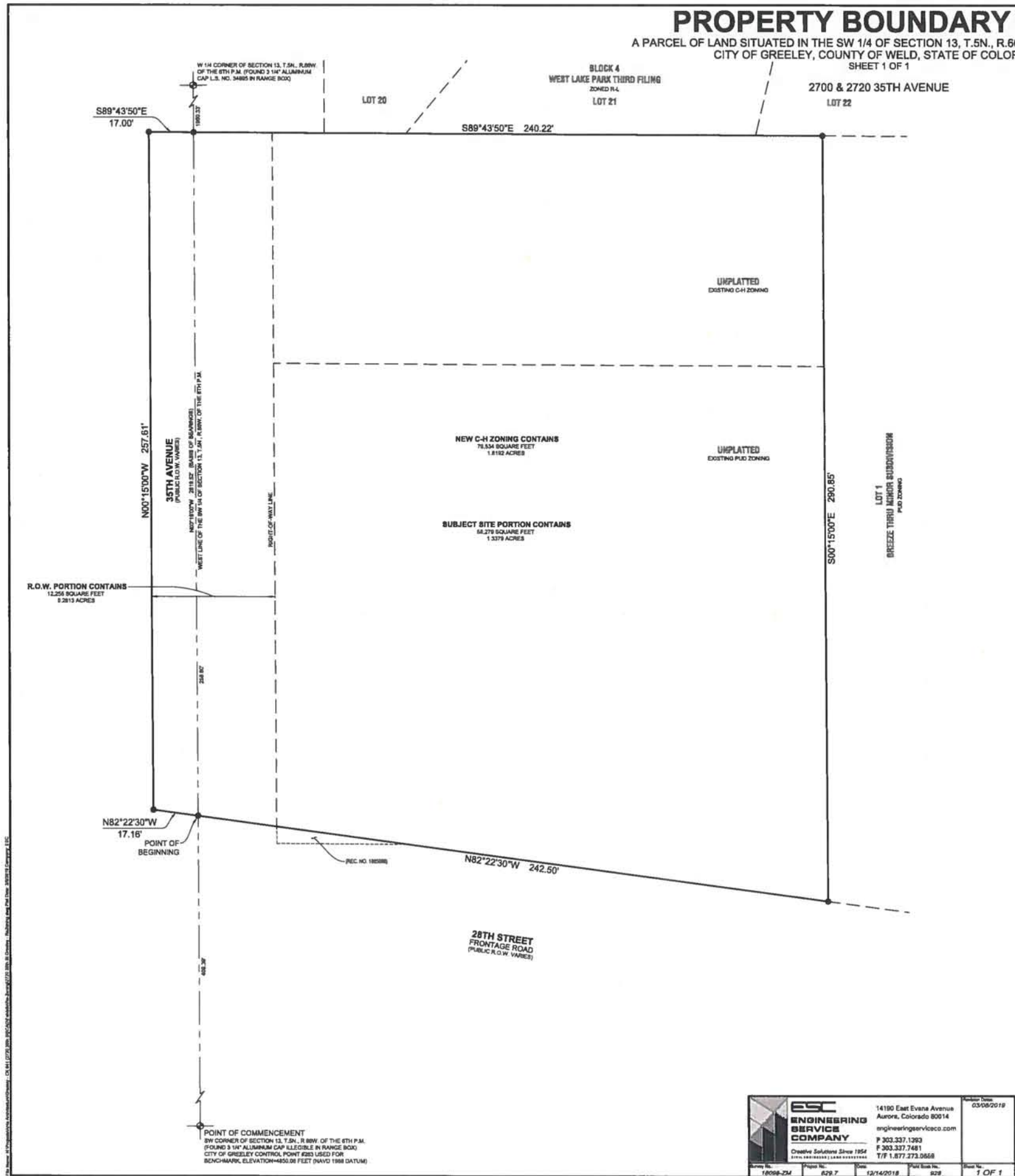
g. Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with applicable zoning overlay requirements? ***Yes, as detailed in the Comprehensive Planning Overview section of this report, the proposed rezoning, minor subdivision and use by special review will redevelopment that is consistent with, and promotes, many of the City's comprehensive planning, policies, goals and objectives.***

h.

What is the potential impact of the proposed rezoning upon an approved zoning suitability plan for the property? ***None that we are aware of.***

PROPERTY BOUNDARY MAP

A PARCEL OF LAND SITUATED IN THE SW 1/4 OF SECTION 13, T.5N., R.66W. OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
SHEET 1 OF 1



LEGEND

- NEW ZONING BOUNDARY LINE
- ADJACENT LOT/PARCEL LINES
- SECTION LINE
- EASEMENT LINE
- R.O.W. RIGHT-OF-WAY
- L.S. NO. LAND SURVEYOR NUMBER
- BK. PG. BOOK AND PAGE
- REC. NO. RECEPTION NUMBER
- SECTION CORNER

Scale: 1" = 20'

NEW C-H ZONING LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE SW 1/4 OF SECTION 13, T.5N., R.66W. OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH-WEST CORNER OF SECTION 13, T.5N., R.66W. OF THE 6TH P.M.;
THENCE N00°15'00"W ALONG THE WEST LINE OF SW 1/4 OF SAID SECTION 11, A DISTANCE OF 409.39 FEET TO A POINT ON THE NORTHERLY R.O.W. LINE OF 28TH STREET (FRONTAGE ROAD) EXTENDED AND THE POINT OF BEGINNING;
THENCE N82°22'30"W ALONG SAID NORTHERLY R.O.W. LINE EXTENDED, A DISTANCE OF 17.16 FEET;
THENCE N00°15'00"W PARALLEL TO AND 17.00 FEET WEST OF SAID WEST LINE OF THE SW 1/4 OF SECTION 11, A DISTANCE OF 257.61 FEET;
THENCE S89°43'50"E A DISTANCE OF 17.00 FEET TO A POINT ON SAID WEST LINE;
THENCE S89°43'50"E ALONG A PORTION OF THE SOUTHERLY LINES OF LOTS 20 THROUGH 22, BLOCK 4, WEST LAKE PARK THIRD FILING, WELD COUNTY RECORDS, A DISTANCE OF 240.22 FEET TO THE NORTHWEST CORNER OF LOT 1, BREEZE THRU MINOR SUBDIVISION, WELD COUNTY RECORDS;
THENCE S00°15'00"E ALONG THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 290.85 FEET TO A POINT ON THE NORTHERLY R.O.W. LINE OF 28TH STREET (FRONTAGE ROAD);
THENCE N82°22'30"W ALONG SAID NORTHERLY R.O.W. LINE, A DISTANCE OF 242.50 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS (70,534 SQUARE FEET) 1.8192 ACRES, MORE OR LESS.

GENERAL NOTES:

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- DISTANCES ON THIS SURVEY ARE EXPRESSED IN U.S. SURVEY FEET AND DECIMALS THEREOF. A U.S. SURVEY FOOT IS DEFINED AS EXACTLY 1200/3937 METERS.

NOTICE:

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ANY PERSON WHO KNOWINGLY REMOVES, ALTERS, OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT, LAND BOUNDARY MONUMENT, OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR, PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO REVISED STATUTES.

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OWNER:

CST METRO, LLC
ATTN: MARK TATE
18500 BULVERDE ROAD, SUITE 100
SAN ANTONIO, TEXAS 78259

LAND SURVEYOR:

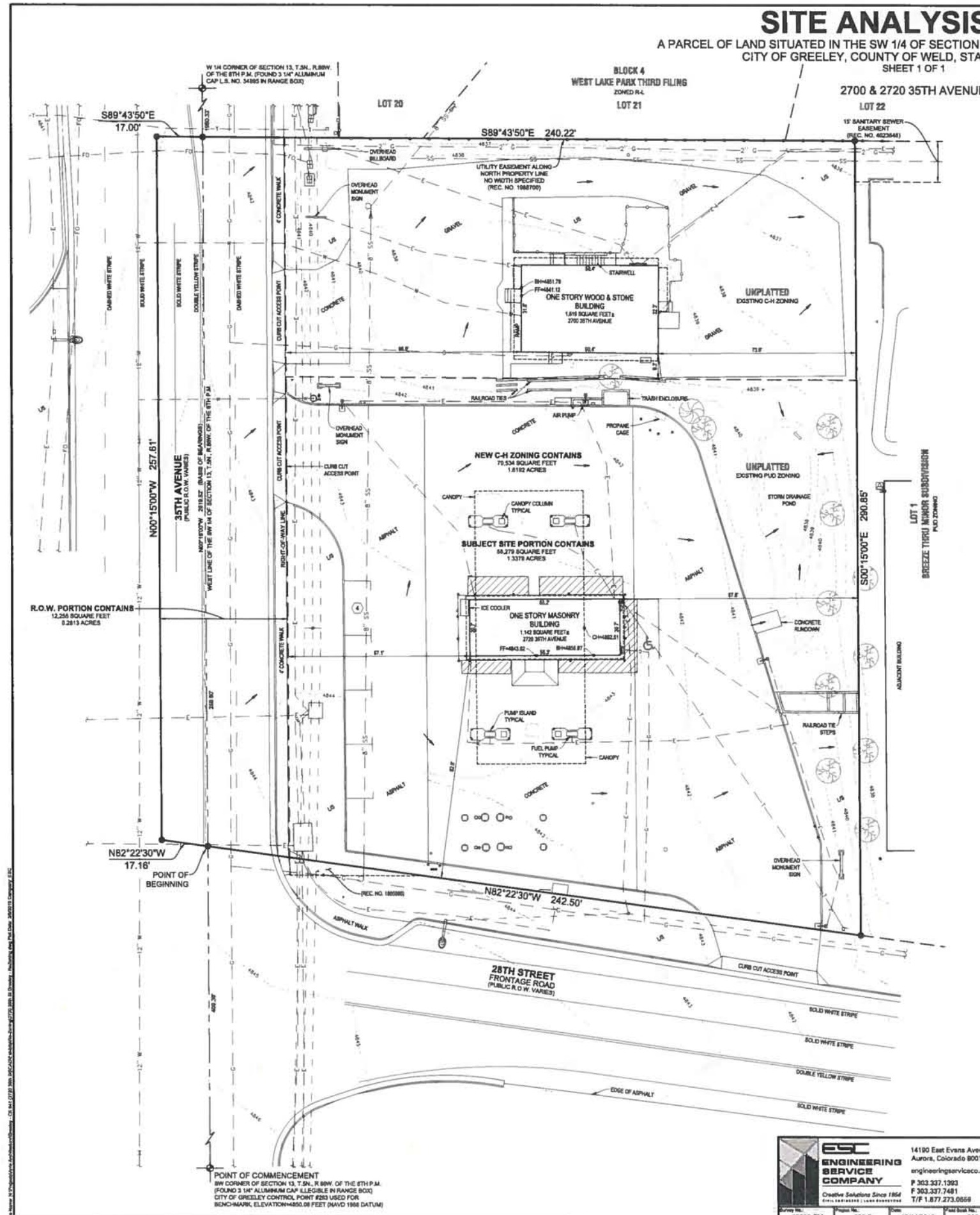
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Survey No. 18098-2M
Sheet No. 829.7
Date 12/14/2018
Plot Scale No. 829
Sheet No. 1 OF 1

SITE ANALYSIS MAP

A PARCEL OF LAND SITUATED IN THE SW 1/4 OF SECTION 13, T.5N., R.66W. OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
SHEET 1 OF 1



LEGEND	
---	NEW ZONING BOUNDARY LINE
---	ADJACENT LOT/PARCEL LINES
---	SECTION LINE
---	EASEMENT LINE
---	R.O.W. RIGHT-OF-WAY
---	L.S. NO. LAND SURVEYOR NUMBER
---	BK. PG. BOOK AND PAGE
---	REC. NO. RECEPTION NUMBER
⊙	SECTION CORNER
---	C-T-V CABLE TELEVISION LINE
---	E ELECTRICAL LINE
---	F-D FIBER OPTIC LINE
---	G GAS LINE
---	SS SANITARY SEWER LINE
---	STS STORM SEWER LINE
---	T TELEPHONE LINE
---	W WATER LINE
---	OVERHEAD UTILITY LINE
---	4800 CONTOUR LINE
---	FENCE LINE
---	NAILING
⊙	ACCESS PLATE
⊙	A/C UNIT
⊙	BOLLARD
⊙	CLEAROUT
⊙	COMMUNICATIONS PEDESTAL
⊙	COMMUNICATIONS VAULT
⊙	ELECTRICAL BOX
⊙	ELECTRICAL METER
⊙	ELECTRIC VAULT
⊙	FIRE HYDRANT
⊙	GAS METER
⊙	GAS VALVE
⊙	IRRIGATION VALVE
⊙	LIGHT POLE (DIRECTIONAL)
⊙	MANHOLE
⊙	NUMBER OF PARKING STALLS SIGN
⊙	STREET LIGHT
⊙	UTILITY MARKER
⊙	UTILITY POLE
⊙	WATER METER
⊙	WATER VALVE
⊙	DECIDUOUS TREE
⊙	EVERGREEN TREE

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PARCEL CONTAINS (70,534 SQUARE FEET) 1.6192 ACRES, MORE OR LESS.

GENERAL NOTES:

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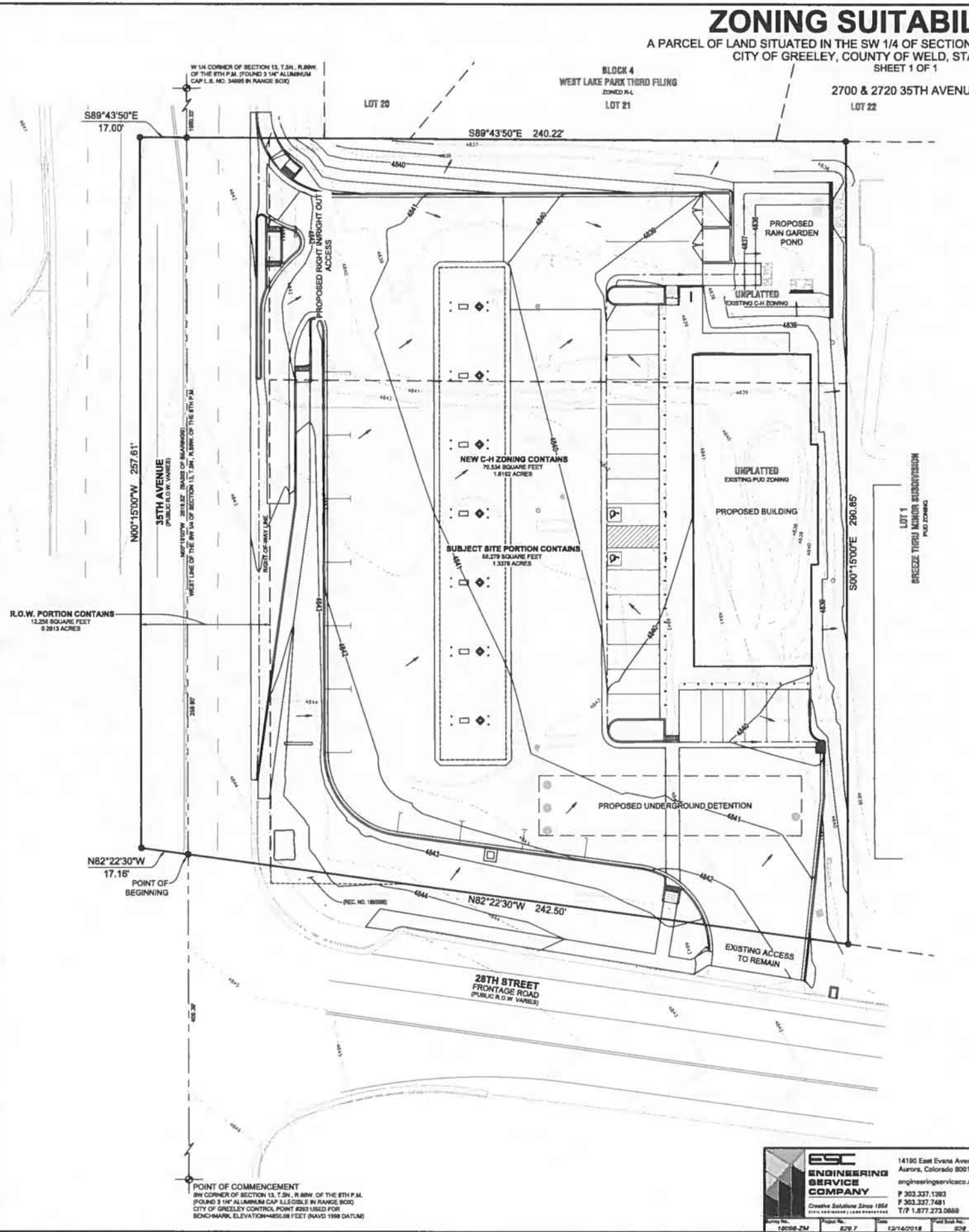
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	Survey No. 18098-254	Sheet No. 829.7	Date 12/14/2018

ZONING SUITABILITY MAP

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SHEET 1 OF 1



LEGEND	
	NEW ZONING BOUNDARY LINE
	ADJACENT LOT/PARCEL LINES
	SECTION LINE
	EASEMENT LINE
	R.O.W. RIGHT-OF-WAY
	L.S. NO. LAND SURVEYOR NUMBER
	B.C. NO. BOOK AND PAGE
	R.C. NO. RECEPTION NUMBER
	SECTION CORNER
	4800 (C) CONTOUR LINE
	4800 (N) CONTOUR LINE

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<p>ESC ENGINEERING SERVICE COMPANY</p> <p>Creative Solutions Since 1954</p>	14190 East Evans Avenue Aurora, Colorado 80014 engineerserviceco.com P 303.337.1393 F 303.337.7481 T/F 1.877.273.0669	Revision Dates 03/06/2018
	Survey No. 18098-234 Project No. 829.7 Date 12/16/2018 Sheet No. 028 Total Sheets 1 OF 1	

LAND USES

C-H (Commercial High Intensity)

Permitted Uses = Use is permitted by right in the zoning district

PERMITTED USES		
<p><u>Residential</u> ⇨ Farming</p> <p><u>Institutional</u> ⇨ Cemeteries, Columbarium ⇨ Churches ⇨ Emergency Shelters, Missions ⇨ Hospitals ⇨ Libraries, Museums, Public or Quasi-public ⇨ Intermediate and Long-Term Care, Assisted Living Units ⇨ Police/Fire Stations, Ambulance Dispatch and Storage ⇨ Schools - Adult (Business, Trade)</p> <p><u>Commercial</u> <i>Animal Uses</i> ⇨ Kennels (Could also be a DR) ⇨ Pet Stores ⇨ Veterinary Clinic (No outdoor runs) ⇨ Art, Dance, Photo Studios, Galleries</p> <p><i>Auto Uses</i> ⇨ Auto Rental (Maximum 10 Cars or Vans) ⇨ Car & Truck Wash (over 3 bays USR) ⇨ Towing Services ⇨ Banks, Savings & Loans, Financial Institutions, ATM's, Drive-up Windows - "DR" Required for Drive-up Windows ⇨ Bars, Taverns, Nightclubs, Lounges ⇨ Bingo Halls & Parlors ⇨ Brew Pubs ⇨ Builders/Contractors Supply Offices & Yards - Max. 25% of GFA for Indoor Assembly</p>	<p><u>Commercial Cont.</u> ⇨ Cleaning & Janitorial Services ⇨ Dry Cleaning (no cleaning on-site) ⇨ Emission Testing Centers ⇨ Exterminating Shops</p> <p><i>Golf Uses</i> ⇨ Golf Courses, Country Clubs, Driving Ranges w/o Lighting ⇨ Golf Courses, Driving Ranges w/ Lighting ⇨ Miniature Golf ⇨ Laundromats</p> <p><i>Lodging</i> ⇨ Hotels, Motels ⇨ Medical/Dental Offices & Clinics, Massage Therapists, Medical Supply Sales & Rental ⇨ Mortuaries, Funeral Homes ⇨ Nurseries, Greenhouses, Garden Shops ⇨ Offices ⇨ Parking Lots & Structures ⇨ Pawn Shops ⇨ Personal Service Shops (Beauty, Barber, Tanning & Nail Salons, Shoe Repair) ⇨ Printing, Copying Shops, Mail Centers ⇨ Radio/TV Stations</p> <p><i>Recreation Uses</i> ⇨ Community Recreation Buildings ⇨ Indoor/Outdoor Extensive (Skating Rinks, Bowling Alleys, Video Arcades, Riding Clubs, Tennis Courts, etc.) ⇨ Outdoor Intensive (Go Cart Tracks, Bumper Cars, etc.) ⇨ Membership Clubs, Health Clubs, Martial Arts Studios</p>	<p><u>Commercial Cont.</u> ⇨ Open Space ⇨ Park (pocket) ⇨ Park (neigh) ⇨ Park (comm/reg) ⇨ Rental Service (Equipment, Small Tools, Supplies, Appliances, Home Furnishings) ⇨ Repair Shops</p> <p><i>Restaurants</i> ⇨ Cafes & Other Eating Establishments (Including Outdoor Seating/Eating Areas)</p> <p><i>Retail Sales</i> ⇨ Under 3,000 sq ft, GFA 1 or combo. of Stores ⇨ 3,000 – 20,000 sq ft GFA 1 or Combination of Stores</p> <p><i>Theaters</i> ⇨ Indoor, Movie ⇨ Train, Shuttle, Bus Depots ⇨ Upholstery Shops</p> <p><u>Industrial</u> ⇨ Newspaper & Publishing Plants, Binderies ⇨ Research & Testing Labs</p> <p><i>Telecommunication Uses</i> ⇨ Utility Service Facilities less than 300 sq ft no office or storage space</p> <p><i>Wireless Uses</i> ⇨ Co-location (on existing tower)**</p>

** As long as tower or building height is not increased

LAND USES

C-H (Commercial High Intensity)

Design Review = Use is permitted in the zoning district but is subject to review by City staff

Use by Special Review = All aspects of the proposed land use must be approved by the Planning Commission

DESIGN REVIEW	USE BY SPECIAL REVIEW
<p><u>Residential</u> ⇨ Mixed-use (must include residential) ⇨ Secondary Dwellings</p> <p><u>Institutional</u> ⇨ Child Care/Day-Care Centers/Preschools</p> <p><u>Commercial</u> ⇨ Entertainment Establishment</p> <p><u>Auto Uses</u> ⇨ Auto Repair, Sales (Over 1 acre in size whether on individual sites or several such uses combined would be USR) ⇨ Banks, Savings & Loans, Financial Institutions, ATM's, Drive-up Windows - "D" required for Drive-up Windows ⇨ Convenience Stores with Gas Sales ⇨ Gas Stations (sites over 1 acre in size USR) ⇨ Gas Stations with Repair, Lube & Tire Shops - including underground fuel storage (sites over 1 acre in size USR)</p> <p><u>Lodging</u> ⇨ Bed and Breakfast</p> <p><u>Restaurants</u> ⇨ Drive-in or Drive-thru Facilities (including outdoor seating areas) ⇨ Drive-up window</p> <p><u>Retail Sales</u> ⇨ Large Retail (over 20,000 sq ft)</p> <p><u>Industrial</u> <u>Recycling Centers</u> ⇨ Small Collection ⇨ Large Collection & Processing Facility</p> <p><u>Telecommunication Uses</u> ⇨ Satellite Earth Station Antennas (over 3' in diameter) ⇨ Utility, Communication Towers/Cabinets less than building height permitted by zone</p> <p><u>Warehousing</u> ⇨ Self Serve Storage Units – (site over 5 acre in size is a USR)</p> <p><u>Wireless Uses</u> ⇨ Stealth Design** ⇨ Roof-top mounted**</p>	<p><u>Residential</u> ⇨ Single-family Dwellings ⇨ Two-family Dwellings ⇨ Multi-family Dwellings ⇨ Townhouse Dwellings ⇨ Boarding & Rooming Houses, Dormitories, Fraternities, Sororities, Group Quarters, SRO's ⇨ Group Homes (8 or less residents)</p> <p><u>Institutional</u> ⇨ Group Homes (more than 8 residents) ⇨ Schools ⇨ Universities/Colleges</p> <p><u>Commercial</u> <u>Animal Uses</u> ⇨ Veterinary Clinic (outdoor runs)</p> <p><u>Auto Uses</u> ⇨ Auto Repair, Sales (over 1 acre in size whether on individual sites or several such uses combined) ⇨ Builders/Contractors Supply Office & Yards - Maximum 25% of site for outdoor storage ⇨ RV and Travel Trailer Parks</p> <p><u>Retail Sales</u> ⇨ Large Retail (over 100,000 sq. ft. GFA)</p> <p><u>Theaters</u> ⇨ Drive-in ⇨ Outdoor - Auditoriums, Sports Arenas, Stadiums ⇨ Theme or Amusement Parks, Zoos, Aquariums</p> <p><u>Warehousing</u> ⇨ Self Serve Storage Units (sites over ½ acre in size)</p> <p><u>Industrial</u> ⇨ Oil & Gas Operations</p> <p><u>Telecommunication Services</u> ⇨ Utility, Communication Towers/Cabinets over building height permitted by zone ⇨ Utility Service Facilities - more than 300 sq ft, no office or storage space ⇨ Utility Lines - Over 33 KVA, Overhead</p> <p><u>Wireless Uses</u> ⇨ Free-standing(non-stealth)**</p>

** As long as tower or building height is not increased

