

PLANNING COMMISSION SUMMARY

ITEM: Rezone from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP)

FILE NUMBER: ZON2020-0010

PROJECT: 7001 28th Street Rezone

LOCATION: 7001 28th Street

APPLICANT: Faith Tabernacle Church Inc.

CASE PLANNER: Caleb Jackson, AICP | Planner II

PLANNING COMMISSION HEARING DATE: March 23, 2021

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) [to be re-codified as Section 24-625(c)(3)].

EXECUTIVE SUMMARY

The City of Greeley is considering a request by Faith Tabernacle Church Inc. to rezone the property located at 7001 28th Street, plus adjacent right-of-way, from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) (see Attachments A, B, and C).

A. REQUEST

The applicant is requesting approval of a rezone application.

B. STAFF RECOMMENDATION

Approval.

C. LOCATION

Abutting Zoning:

North: H-A (Holding Agriculture)

South: C-H (Commercial High Intensity)

East: H-A (Holding Agriculture)

West: PUD (Planned Unit Development)

Surrounding Land Uses:

North: Undeveloped

South: Hospital

East: Single-Family Dwelling & Undeveloped

West: Undeveloped

Site Characteristics:

The site is situated at the northeast corner of 71st Avenue at 28th Street, near Highway 34 Bypass. The site is developed with a church and manufactured home. The site generally slopes from a high point on the southwest side of the site towards the northeast.

D. BACKGROUND

The subject site is zoned R-E (Residential Estate) Zone District and is developed with a church and manufactured home. Some right-of-way adjacent to the church property is zoned H-A (Holding Agriculture), and is also within the proposed rezone boundary. The site was developed in 2001, prior to annexation. The site was annexed in the 2002 Faith Tabernacle Annexation (ORD 42, 2002) and was zoned R-E at that time (ORD 53, 2002). The applicant is requesting to rezone to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) that restricts most land uses from the site because the applicant intends to continue using the site as a church. Other uses not restricted by the DCMP include telecommunication uses, utility uses, oil and gas extraction, and uses commonly associated with churches such as childcare, preschools, and schools. Any additional uses would require an amendment to the DCMP.

APPROVAL CRITERIA

Development Code Section 18.30.050 [to be re-codified as Section 24-625] 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 [to be re-codified as Section 24-625(c)(3)] 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 subject area has historically been developed with a mixture of mostly large lot residences and undeveloped parcels. However, the area is steadily developing with commercial uses at nodes along the Highway 34 Bypass, including the new hospital to the south of the subject site. Recently, City Council approved a preliminary planned unit development (Westgate – PUD2019-0014), which includes a commercial area located directly west of the subject site. Rezoning the subject site to C-H is consistent with the developing commercial node around the intersection of Highway 34 Bypass and 71st Avenue.

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 site has been zoned R-E since 2002. Given the development trends, the R-E zoning appears obsolete since the area is changing to more commercial in nature.

This request complies with this criterion.

c) Are there clerical or technical errors to correct?

Staff Comment: The request is not regarding the correction of clerical or technical errors.

This criterion is not applicable to this request.

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

Staff Comment: There are no known detrimental environmental conditions existing on site.

This criterion is not applicable to this request.

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

Staff Comment: The proposed rezoning is not related to a community 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: The land use of the subject site is not intended to change, resulting in neither additional noise or environmental impacts nor impacts to City services, pedestrian systems, parks, or recreational facilities. With this rezoning request, there is no anticipated change in use, as the existing church use would continue. The proposed DCMP limits the allowed uses, and any additional uses would require an amendment to the DCMP with analysis of further possible impacts.

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?**

The following City of Greeley Imagine Greeley Comprehensive Plan policies apply to this request:

Objective GC-2.4 Mixed-Use and Transit-Supportive Development

Promote horizontal and vertical mixed-use development that integrates a variety of housing, commercial, employment, and recreational uses particularly in centers and along corridors identified on the Land Use Guidance map.

Staff Comment: The proposed rezone supports the emerging commercial node at the intersection of Highway 34 Bypass and 71st Avenue, supporting mixed use in this area.

The proposal complies with this criterion.

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

Staff Summary: The site is developed suitably for the proposed zoning.

The proposal complies with this criterion.

E. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

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

2. WILDLIFE

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

3. FLOODPLAIN

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

4. DRAINAGE AND EROSION

The drainage pattern is expected to largely follow historical patterns. The existing church use would continue. Drainage patterns would be examined in greater detail through any future land use requests.

5. TRANSPORTATION

The subject property is developed with access to 71st Avenue and 28th Street. The site has adequate transportation infrastructure to serve the current use and this would be reevaluated if further development were proposed in the future.

F. SERVICES

1. WATER

Water mains are present in adjacent streets and would be reviewed for adequacy if redevelopment were proposed in the future.

2. SANITATION

Sewer infrastructure is installed along 71st Avenue and would be reviewed for adequacy if redevelopment were proposed in the future or if the existing septic failed.

3. EMERGENCY SERVICES

The subject site is serviced by the City of Greeley Fire and Police. Fire Station #5 is located approximately two miles east of the site and Fire Station #7 is located approximately two miles north of the site.

4. PARKS/OPEN SPACES

No parks or regional open space areas are proposed with this rezone request. Additional parks and open spaces are anticipated with future development of undeveloped parcels in the area.

5. SCHOOLS

The proposed rezone is within Greeley-Evans School District 6. The proposed rezone is not expected to impact the school district.

G. NEIGHBORHOOD IMPACTS

1. VISUAL

The land use on the current site is not expected to change as a result of this rezone. A separate sign permit is being processed for this property which could result in some visual impacts; however, the sign is consistent with commercial signage commonly located in commercial nodes along arterials and highways.

2. NOISE

No noise impacts are anticipated with the rezone request. Any potential noise is regulated by the Municipal Code.

H. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to surrounding property owners on March 5, 2021, per Development Code requirements. Two signs were posted on the site on March 11, 2021. No public comments have been received.

I. PLANNING COMMISSION RECOMMENDED MOTION

Based on the application received and the Project Summary and accompanying analysis, the Planning Commission finds that the proposed rezone from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, b, f, g and h [to be re-codified as Section 24-625(c)(3) a, b, f, g, and h]; and therefore, recommends approval of the rezone to the City Council.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Property Boundary Map

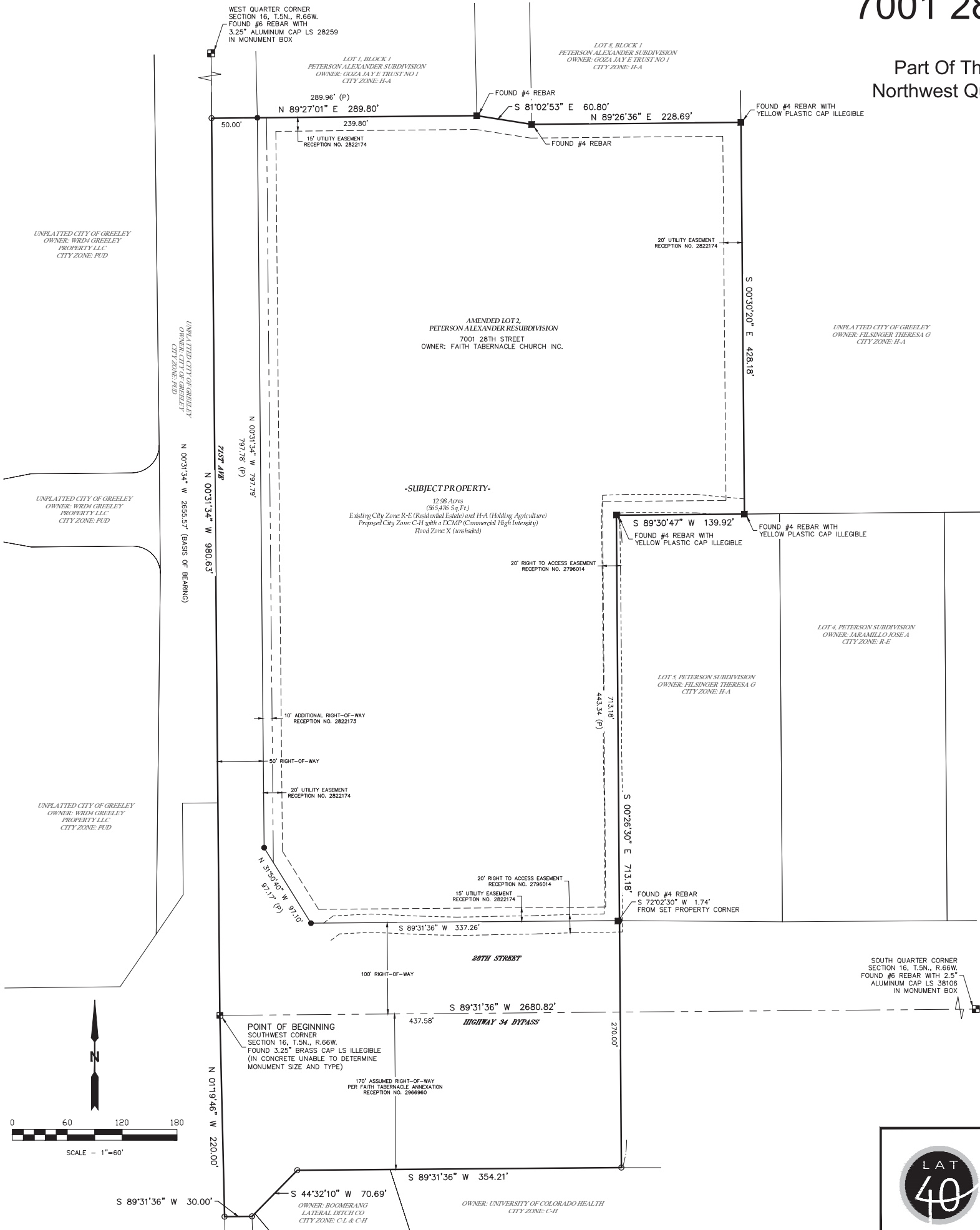
Attachment C – Development Concept Master Plan

VICINITY MAP



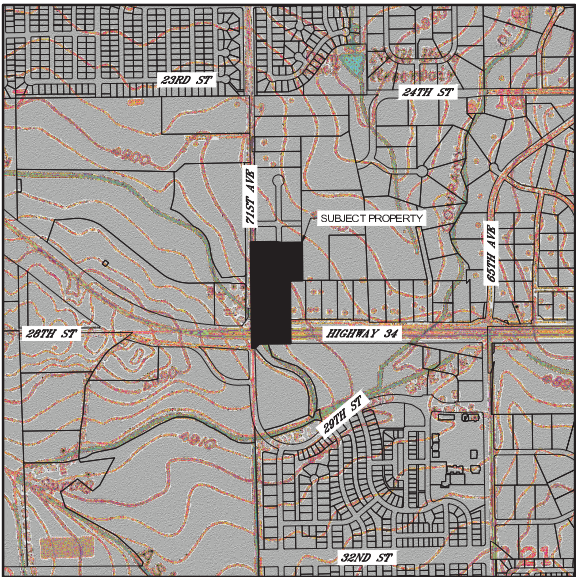
7001 28TH STREET REZONE: ZON2020-0010

PROPERTY BOUNDARY MAP
Part Of The Southwest Quarter Of The Southwest Quarter Of Section 16, and The
Northwest Quarter Of The Northwest Quarter Of Section 21, Both Of Township 5 North,
Range 66 West Of The 6th P.M.,
City Of Greeley, County Of Weld, State Of Colorado



LEGEND

---	SECTION LINE
---	BOUNDARY LINE
---	EASEMENT
■	ALIQUOT MONUMENT AS DESCRIBED
■	FOUND MONUMENT AS DESCRIBED
●	SET #4 REBAR WITH YELLOW PLASTIC CAP LS 38479 UNLESS OTHERWISE DESCRIBED
(P)	PLATTED DISTANCE



VICINITY MAP
SCALE: 1"=1000'

TITLE COMMITMENT NOTE

This survey does not constitute a title search by Lat40, Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, Lat40, Inc. relied upon Title Commitment Number 20669UTG, dated September 18, 2020 as prepared by Unified Title Company of Northern Colorado LLC was relied upon to delineate the aforesaid information.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the West line of the Southwest Quarter Of Section 16, T.5N., R.66W., as monumented on the South end by a 3.25" brass cap in concrete LS illegible and by a #6 rebar with 3.25" aluminum cap LS 28259 on the North end, as bearing North 00°31'34" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983, a distance of 2655.57 feet with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

PROPERTY DESCRIPTION

A parcel of land being Amended Lot 2 of the Resubdivision of Lots 2, 3, 4, 5, 6, and 7, Block 1, Peterson Alexander Subdivision S-518, recorded on January 30, 2001 at Reception No. 2822174 within the Records of the Weld County Clerk and Recorder together with adjacent road rights-of-way for 71st Avenue, 28th Street and U.S. Highway 34 Bypass as shown on the Faith Tabernacle Annexation, recorded July 08, 2002 at Reception No. 2966960 within the Records of the Weld County Clerk and Recorder, situate in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section Sixteen (16), and the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section Twenty-one (21), both of Township Five North (T.5N.), Range Sixty-six West (R.66W) of the 6th P.M., City of Greeley, County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest Corner of said section 16 as monumented by a 3.25" Brass Cap LS illegible and assuming the West line of the Southwest Quarter of said section 16 as monumented by a #6 rebar with 3.25" Aluminum Cap LS 28259 at the North end; to bear North 00° 31' 34" West being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983, a distance of 2655.57 feet with all other bearings contained hereon relative thereto;

The lineal dimensions as contained herein are based upon the U.S. Survey Foot.

Thence along said Westerly extension of the North line and along the North and East line of said Amended Lot 2 and along the Southerly extension of the East line of said Amended Lot 2 the following Six (6) courses and distances;

THENCE North 00°31'34" West along said West line of the Southwest Quarter a distance of 980.63 feet to the Westerly extension of the North line of said Amended Lot 2;
THENCE North 89°27'01" East a distance of 289.80 feet;
THENCE South 81°02'53" East a distance of 60.80 feet;
THENCE North 89°26'36" East a distance of 228.69 feet;
THENCE South 00°30'20" East a distance of 428.18 feet;
THENCE South 89°30'47" West a distance of 139.92 feet;
THENCE South 00°26'30" East a distance of 713.18 feet to the approximate Southerly Right-Of-Way line of Highway 34 as delineated within said Faith Tabernacle Annexation;

Thence along said approximate Southerly Right-Of-Way line of the Highway 34 the following Three (3) courses and distances;

THENCE South 89°31'36" West a distance of 354.21 feet;
THENCE South 44°32'10" West a distance of 70.69 feet;
THENCE South 89°31'36" West a distance of 30.00 feet to the West line of the Northwest Quarter of the Northwest Quarter of said Section 21;
THENCE North 01°19'46" West along said West line of the Northwest Quarter of the Northwest Quarter a distance of 220.00 feet to the POINT OF BEGINNING;

Said described parcel of land contains 12.98 acres, more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

SURVEYOR'S STATEMENT

I, Jason S. Allee, a Colorado Licensed Professional Land Surveyor, do hereby state that this Plot of ZON2020-0010 7001 28th street rezone, PROPERTY BOUNDARY MAP was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon was found or set as shown, and that the foregoing plot is an accurate representation thereof, all this to the best of my knowledge, information and belief.

PRELIMINARY

Jason S. Allee-On behalf of Lat40°, Inc.
Colorado Licensed Professional
Land Surveyor No. 38479



Lat40°, Inc.
Professional Land Surveyors
6250 W. 10th Street, Unit 2
Greeley, CO 80634
O: 970-515-5294

DATE: 2/15/2021	FILE NAME: 2020299REZ	DRAWN BY: MJW	CHECKED BY: JA	SCALE: 1"=60'	PROJECT #: 2020299
REVISIONS:	DATE:	PROPERTY BOUNDARY MAP FOR JAZK ENTERPRISES INC			
CITY COMMENTS FROM 2/18/2021	2/24/2021				
CITY COMMENTS FROM 2/12/2021	2/15/2021				
CITY COMMENTS FROM 1/19/2021	2/12/2021				

