

PLANNING COMMISSION SUMMARY

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

FILE NUMBER: ZON2021-0015

PROJECT: Leffler Rezone

LOCATION: 15756 CR 66 (Southwest Corner of CR 66 (AA Street) and N. 47th Avenue)

APPLICANT: Richard Leffler, Lois Leffler, Phillip Leffler

CASE PLANNER: Darrell Gesick, Planner III

PLANNING COMMISSION HEARING DATE: March 22, 2022

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 24-625(c)(3) of the Development Code.

EXECUTIVE SUMMARY

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

A. REQUEST

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

B. STAFF RECOMMENDATION

Approval

C. LOCATION

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

Abutting Zoning:

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

South: I-M

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

West: I-M

Surrounding Land Uses:

North: Agricultural

South: Agricultural/Single-Family Dwelling

East: Agricultural/Single-Family Dwelling

West: Agricultural

Site Characteristics:

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

D. BACKGROUND

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

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

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

APPROVAL CRITERIA

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

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

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

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

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

This request complies with this criterion.

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

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

This request complies with this criterion.

c) Are there clerical or technical errors to correct?

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

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

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

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

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

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

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

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

The proposal complies with this criterion.

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

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

Comprehensive Plan Policy Objective GC-6.3, Neighborhood Character

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

Objective GC-2.2 Jobs/Housing Balance

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

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

This request complies with these Comprehensive Plan policies.

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

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

This request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

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

2. HAZARDS

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

3. WILDLIFE

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

4. FLOODPLAIN

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

5. DRAINAGE AND EROSION

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

6. TRANSPORTATION

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

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

G. SERVICES

1. WATER

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

2. SANITATION

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

3. EMERGENCY SERVICES

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

4. PARKS / OPEN SPACES

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

5. SCHOOLS

No schools are proposed or located within the site.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

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

2. NOISE

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

I. PUBLIC NOTICE AND COMMENT

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

J. MINERAL ESTATE OWNER NOTIFICATION

Mineral notice is not required for a rezone request.

K. PLANNING COMMISSION RECOMMENDED MOTION

Approval -

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

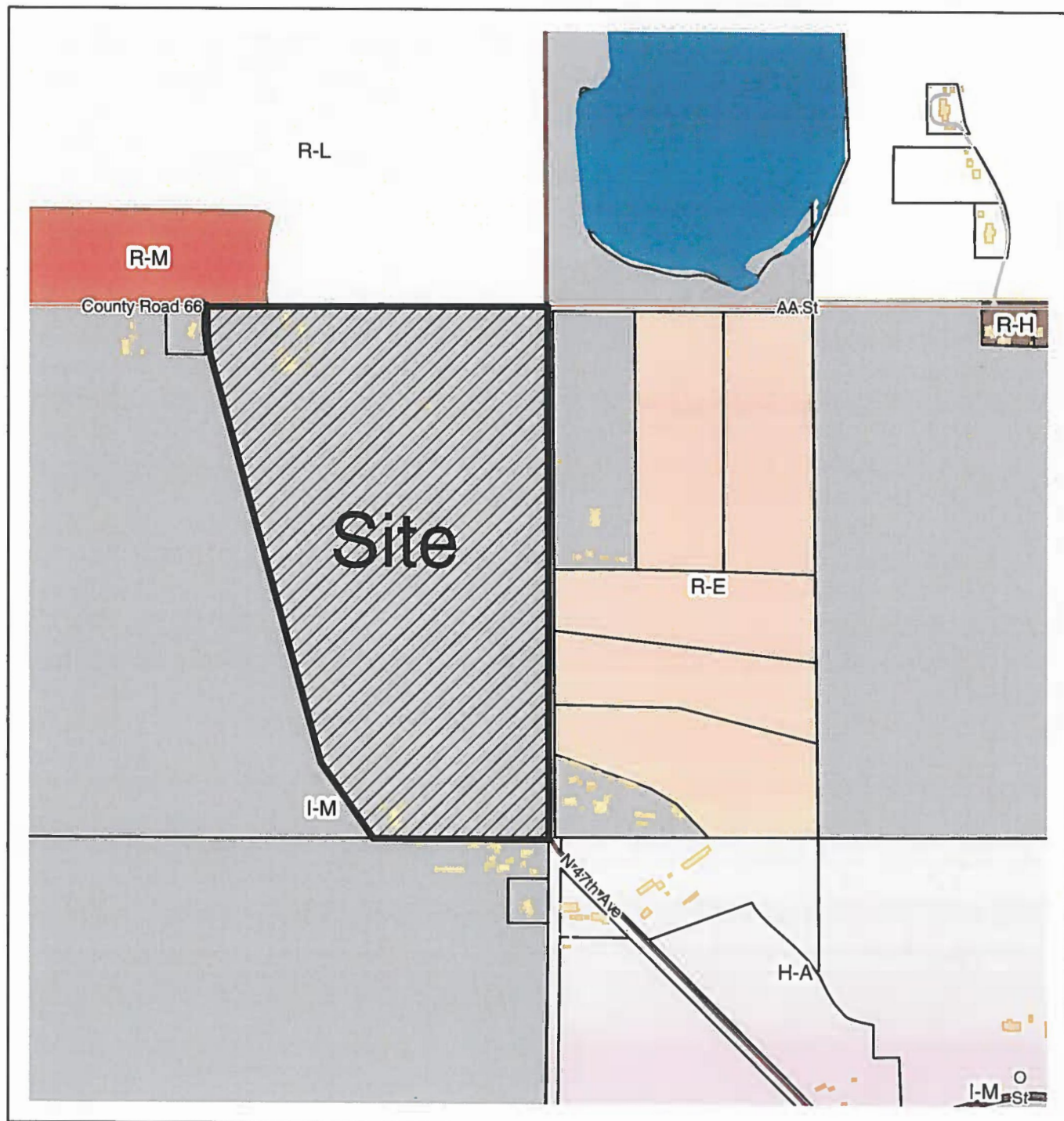
Denial -

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

ATTACHMENTS

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

Zoning/Vicinity Map Leffler Rezone



ZON2021-0015

Legend

- Structure
- FEATURE_SUBTYPE**
- Water Body
- Weld Parcels
- Road Centerline
- Roads



Photo Aerial Leffler Rezone



ZON2021-0015

Legend

- Structure
- FEATURE_SUBTYPE**
- Water Body
- Weld Parcels
- Road Centerline
- Roads
- Origin Cache Mask

0 600 1,200
Feet



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

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

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

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

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

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

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

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

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

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

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

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



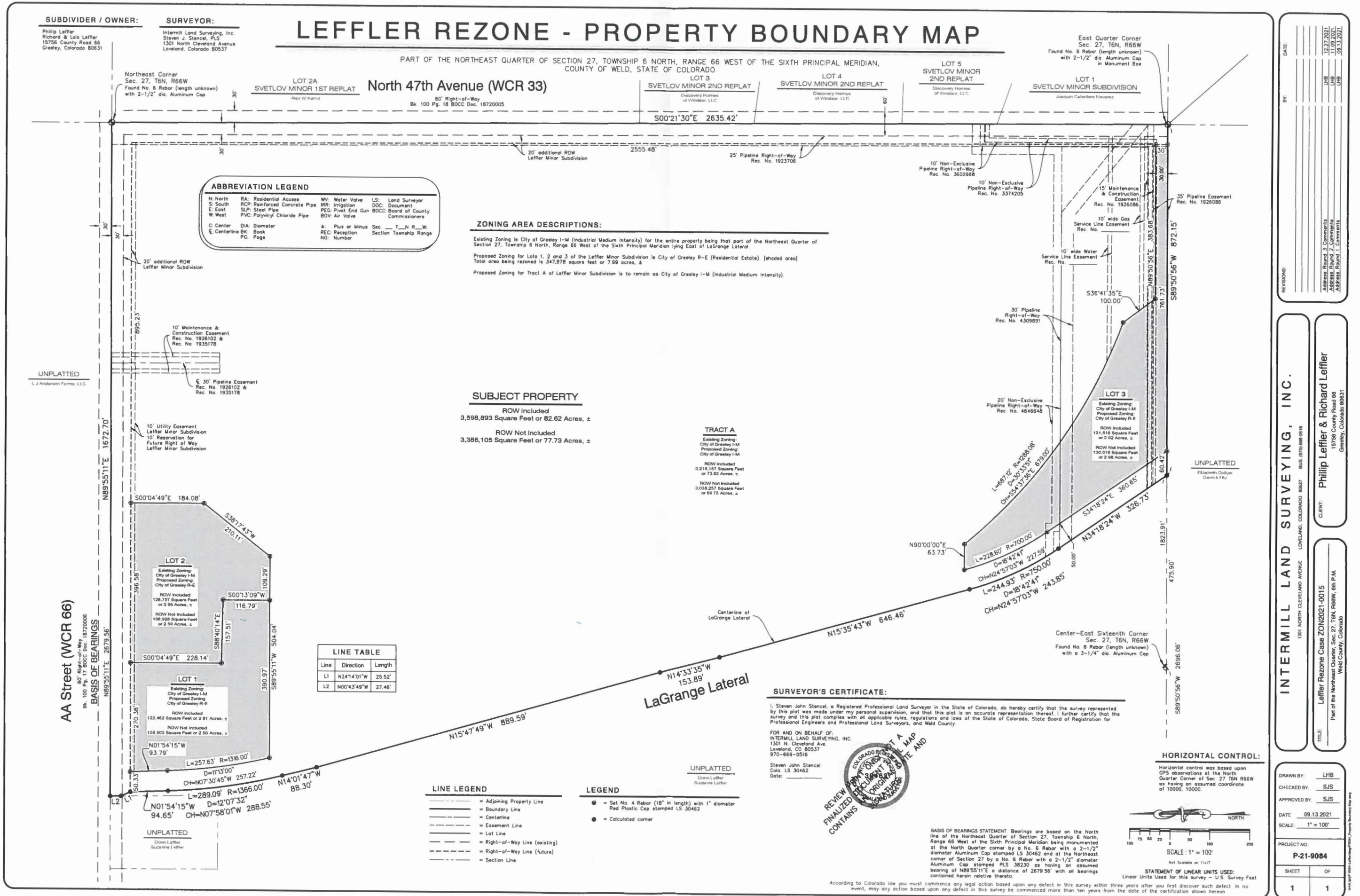
As you can see by the high-water level mark around the power pole along N 47th Ave following this intense rainfall event was well below the shoulder of the road. Before runoff would overtop the road, it would back up and pond in the field to the west of the pond. Two of the three residential lots proposed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

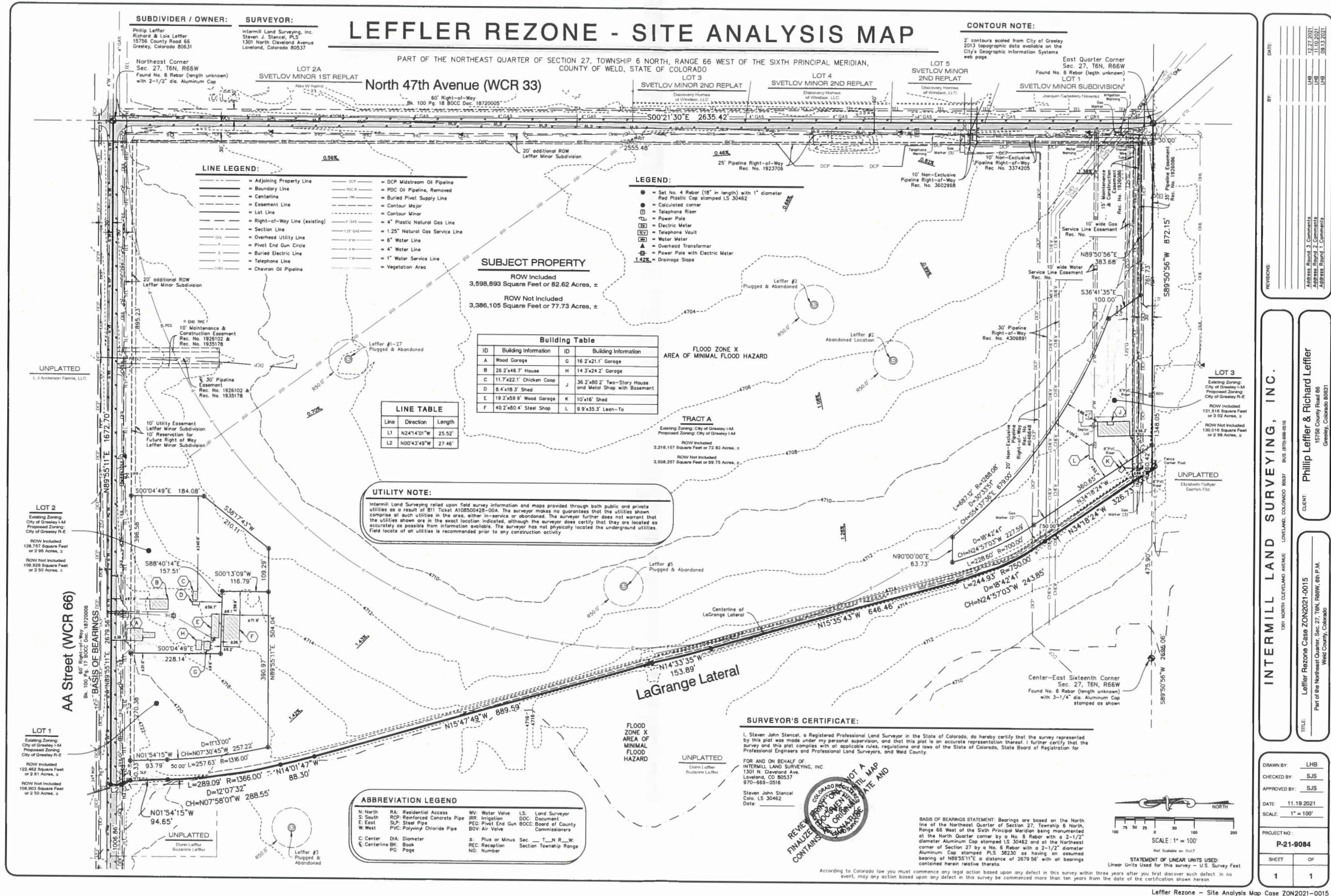
As shown on the Zoning Suitability Map, and as described in the preceding paragraphs, the proposed Leffler Minor Subdivision and Rezoning is very compatible with existing and proposed land uses for the area. It is consistent with the Vision Statement and applicable Core Values contained in the City of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

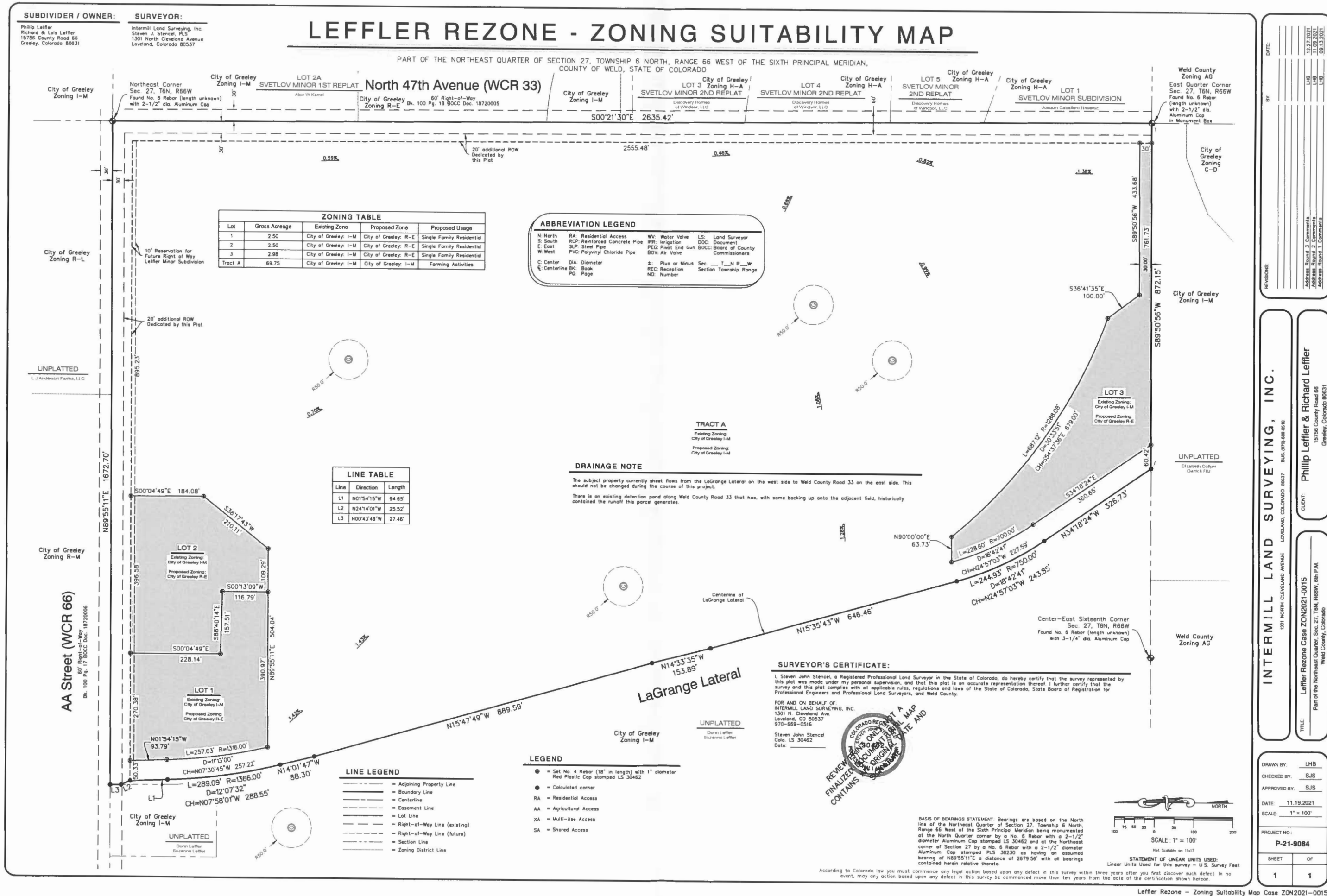
Objective NR-2.8. It fits well with the description of a Rural Neighborhood in the North Annexation Area with the transition to agricultural lands while allowing for future commercial or light industrial uses as noted in Goal IMP GC-1.2. There is also the opportunity for a conservation easement to maintain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

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

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







Attachment G

