

PLANNING COMMISSION SUMMARY

ITEM: Rezone from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) Zone District

FILE NUMBER: ZON2021-0017

PROJECT: 3115 35th Avenue Rezone

LOCATION: 3115 35th Avenue

APPLICANT: Robert Stanley Properties, LLC

CASE PLANNER: Darrell Gesick, Planner III

PLANNING COMMISSION HEARING DATE: July 26, 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 24-204.

EXECUTIVE SUMMARY

The City of Greeley is considering a request from Robert Stanley Properties LLC to rezone 2.11 acres from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district (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 3115 35th Avenue.

Abutting Zoning:

North: C-L (Commercial Low Intensity)

South: C-2 (City of Evans – Commercial Medium Intensity)

East: R-L (Residential Low Density) and R-1 (Weld County Low Density Residential)

West: R-3 (City of Evans – Multi-Family Residential)

Surrounding Land Uses:

North: Commercial Units
South: Storage Units
East: Large Lot Residential
West: Multi-Family

Site Characteristics:

The site currently consists of a 10,400-square-foot, two-story building, which housed a wireless internet service provider. Currently the building is vacant and is for sale. The west end of the property has several radio towers with small accessory structures associated with the towers. The western end of the property is gravel with paved parking adjacent to the south end of the two-story building. There is one access point is off of 35th Avenue.

D. BACKGROUND

The subject site was annexed as part of the RCC Annexation and zoned C-1 (Commercial Low) in 1987, (File No. Z 7:82) (Recording No. 2084959). The zoning classifications were changed in 1998, when the Development Code was revised. The existing zoning of C-L is the modern equivalent to C-1.

The subject site has been used as a commercial office building, specifically as a wireless internet service provider, with a portion of the building used as a warehouse for decades. Over the years, several radio towers were installed on the western portion of the site. With this application, the property owner is proposing to rezone 2.11 acres of land for the purpose of creating more development options for the subject site. The rezone does include the adjacent right-of-way.

E. APPROVAL CRITERIA

Development Code Section 24-204 Rezoning Procedures

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

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

Goal 4 – Prioritize Infill and Redevelopment

Objective GC-4.2 Reinvestment/Adaptive Reuse - Encourage reinvestment in established areas of Greeley to maximize the use of existing public infrastructure. Support the use of creative strategies to revitalize vacant, blighted, or otherwise underutilized structures and buildings through adaptive reuse.

Objective GC-4.3 Infill Compatibility - Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area.

Staff Comment: This proposal is in accordance with Goal 4, Prioritize Infill and Redevelopment, of the Imagine Greeley Comprehensive Land Use Plan. The rezoning request for this site, would encourage reinvestment of an existing structure that is using existing public infrastructure.

The proposal complies with this criterion.

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

Staff Comment: The proposed rezone would allow for more development options, which fulfills the intent of the proposed zoning district of C-H and is consistent with other uses in the surrounding area. With more development options, there is more potential to provide services to the surrounding area.

The proposal complies with this criterion.

3. 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 majority of this area has been developed out for many years, which includes commercial units to the north and storage units to the south of the subject site. The large lot residential to the east also developed many years ago within Weld County's jurisdiction. Recently, a multi-family project developed to the west of the subject site. There is one small lot to the north that has not been developed but is available for commercial use.

Keeping the subject property under the current zoning district, which limits uses to low intensity commercial uses, would limit redevelopment opportunities. With the proposed C-H zone district, a variety of commercial uses would be allowed, which would allow for more flexibility in development options. Planning staff concludes that it is in the public's interest to rezone the subject site to allow for more options.

The proposal complies with this criterion.

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

Staff Comment: The current C-L zone district has been in place since 1987 and was developed the same year. There was a small addition to the western side of the building in 2011. The existing zoning is not necessarily inappropriate, however, most of the uses the applicant has proposed for the site tend to be allowed in the C-H zone. Rezoning to the C-H zone would provide more development opportunities. In addition, the site is along a major arterial roadway, which encourage high commercial uses.

The proposal complies with this criterion.

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

Staff Comment: The subject site is currently developed with a two story, 10,400-square-foot building. The building is consistent with other buildings and development in the area. To the north of the subject site there is a commercial office building and some vacant land, to the east there is large lot residential uses, to the south there are storage units, and to the west there is a multi-family development. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements.

The proposal complies with this criterion.

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

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

The proposal complies with this criterion.

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

Staff Comment: The proposed rezoning would allow more development options if the site were rezoned to C-H, allowing for more potential services for the community, making the rezone more appropriate than the current zoning district.

The proposal complies with this criterion

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

Staff Comment: Any reasonably anticipated negative impacts on this area resulting from this rezoning would be mitigated as part of the development review process by the consistent enforcement of Municipal Code requirements regarding landscaping buffers, architectural features, setbacks, and other relevant codes and policies. A conceptual traffic study and drainage report were provided with this application, and the final drainage and traffic needs would be further evaluated at the time of site plan or plat, as necessary.

The proposal complies with this criterion.

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

Staff Comment: Staff recommends approval of this rezoning request.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject site is not part of a subdivision at this time, and there is not a plan to subdivide the property in the future.

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 were rezoned.

4. FLOODPLAIN

The proposed rezone 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 will not affect the existing drainage for the site. Any proposed development of the site will require the documentation of all drainage, detention, water quality, and erosion mitigation as a condition of the development of the site.

6. TRANSPORTATION

The City's Transportation Planner and Engineering Development Review staff have reviewed the traffic compliance letter submitted with this application and found that additional traffic would not create a significant impact on the existing roadway systems.

No additional improvements were warranted based on projected traffic. Further analysis would be conducted at the time of the site plan review once exact layouts are confirmed.

G. SERVICES

1. WATER

Water services are available in the area and can adequately serve the subject site.

2. SANITARY SEWER

Sanitation services are currently provided for this site by the City of Evans. Due to the limitations of the City of Greeley's sanitary sewer system, any additional future services will be provided by the City of Evans. The developer and the City of Evans have had discussions on this topic, adequate service is available in the City of Evans system, and the property owner understands that approval for such services will require continued coordination with the City of Evans.

3. EMERGENCY SERVICES

Emergency services are available and can adequately serve the subject property. The subject site is within the City of Greeley's Fire Protection area and would be served by Fire Station #2, which is located approximately one mile from the subject the site.

4. PARKS/OPEN SPACES

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

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 27 surrounding property owners on July 7, 2022, per Development Code requirements. A sign was posted on the subject site on July 7, 2022. Notice was provided via the Greeley website on July 6, 2022.

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 C-L (Commercial Low Intensity) Zone District to the C-H (Commercial High Intensity) Zone District meets the Development Code criteria, Section 24-204(b) 1-9; and therefore, recommends 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 C-L (Commercial Low Intensity) Zone District to the C-H (Commercial High Intensity) Zone District does not meet the Development Code criteria, Section 24-204(b) 1-9; and therefore, recommends denial of the rezone to the City Council.

ATTACHMENTS

Attachment A – 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

City of Greeley Colorado

City of Greeley Colorado



FEATURE_SUBTYPE

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

0 400 800 Feet



Photo Aerial Map 3115 35th Avenue Rezone



Legend

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

ZON2021-0017

0 400 800 Feet



Robert Stanley Properties LLC
3115 35th Avenue
Greeley, CO 80634

Project Narrative for CH Rezone

I hope that Darrell Gesick is selected as our planner, as he was the planner working with a previous potential property buyer, and he has history with the rezone application (Case# ZON2020-0011). Darrell was the planner for our Pre-Application Meeting, and he would provide continuity to the rezoning process.

Application Submittal Requirements

The completed application form for a rezone from CL to CH has been submitted via eTRAKiT along with the application fee. The property at 3115 35th Avenue, Greeley, CO 80634 is owned by Robert Stanley Properties LLC, see Special Warranty Deed as proof. Attached are the following supporting documents:

- Special Warranty Deed, proof of ownership
- Property Boundary Map
- Site Analysis Map
- Zoning Suitability Map
- Conceptual Traffic Impact Study document
- Conceptual Drainage Report & Plan document
- Legal Description
- Deed Restrictions/Covenants (105 pages)

The property consists of a two-story office building, a back lot (acreage with three radio towers, three sheds), parking lot on the south side of building with full access to 35th Avenue. The two-story office building was constructed in 1987 with an addition in 2011, garage added. There are three metal sheds, irrigated lawn, trees, shrubs, chain link fencing, concrete sidewalk, asphalt parking lot and gravel/rock ground cover in the back lot. Vehicle access to the back lot is through a gate from the parking lot. Currently there are no tenants in the office building with no plans to modify the building or grounds.

There are no plans to change how pedestrians can access the property. Pedestrians have accessed the office from their parked vehicle, walk from the parking lot to the front or side office door via a sidewalk. A pedestrian can also access the property via the 35th Avenue sidewalk.

The current zoning is Commercial Low (CL), we propose changing the zoning to Commercial High (CH) to expand commercial uses. CH will allow limited company vehicles and/or equipment to park behind the

Robert Stanley Properties LLC
3115 35th Avenue
Greeley, CO 80634

two-story office building—similar to the parked commercial trucks to the north. From 35th Avenue, the two-story office building, and trees block or screen the view of the back lot. To the south of the property is a self-storage facility (if located in Greeley would be zoned CH), further south is a strip mall, to the north of the property are multiple office buildings with parking lots. To the northwest of the property is a self-storage facility and hotel zoned CH. There should be no potential impact upon the immediate neighborhood with respect to noise, environmental, visual or the provision of city services such as police, fire, water, sewer, street, and pedestrian systems.

With the current office building setback providing green areas and screening; the future commercial use will have a low/no impact to traffic, rezoning from CL to CH is in accordance with the goals and policies of the comprehensive plan elements. The rezoning will positively impact the economic health and diversification for the City of Greeley providing additional tax revenues, jobs, mix of businesses and the needed services for Greeley/Evans citizens. The rezoning will support the comprehensive plan with Objective ED-1.5 Support for Entrepreneurs Encourage the start-up and growth of small businesses. The rezoning will not impact infrastructure.

If I can be of any assistance, please contact me.

Thank you.

Regards,

Rob Stanley
Robert Stanley Properties

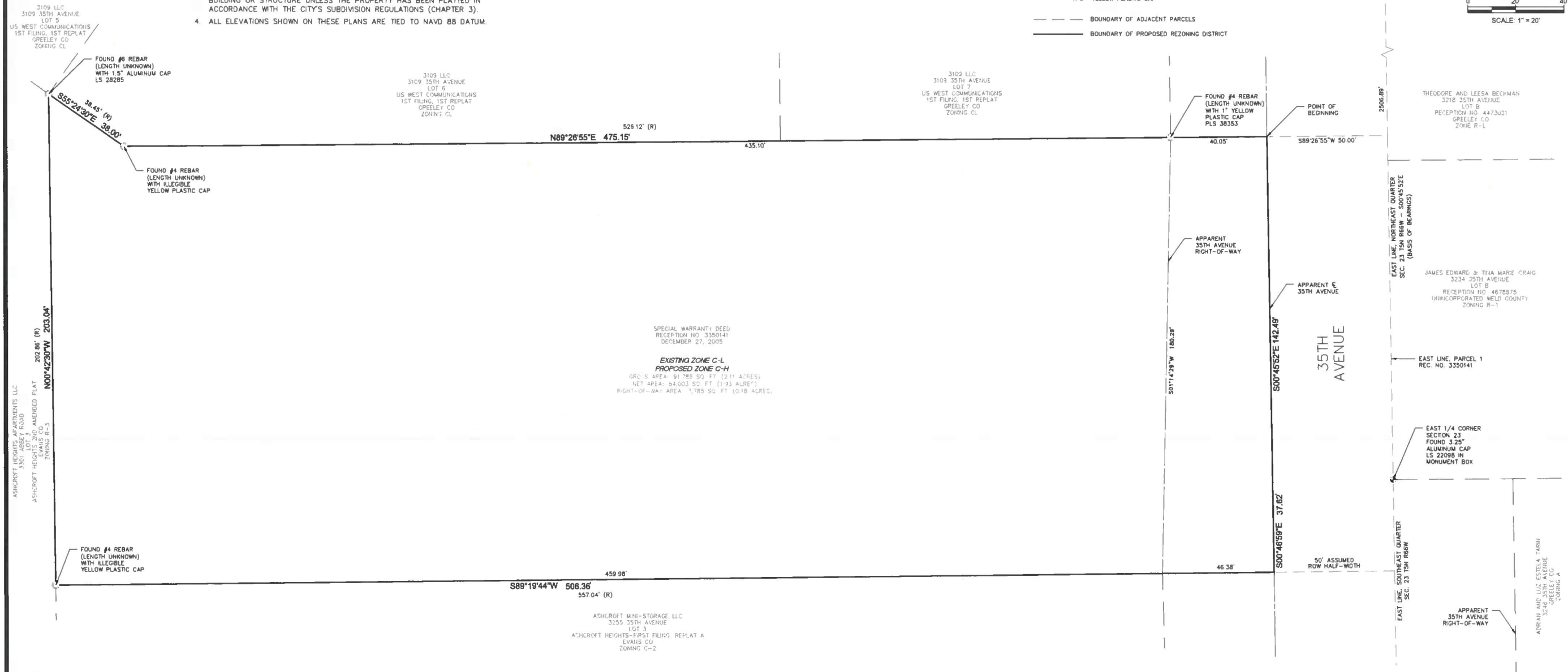
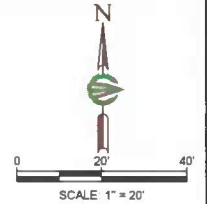
CASE #: ZON2021-0017

LEGEND:

1. APPROVAL OF SITE CONSTRUCTION PLANS BY THE CITY OF GREELEY SHALL BE REQUIRED (AS APPLICABLE) PRIOR TO ISSUANCE OF BUILDING PERMITS.
2. ALL EXISTING AND PROPOSED UTILITIES SHALL BE INSTALLED UNDERGROUND.
3. NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF A NEW BUILDING OR STRUCTURE UNLESS THE PROPERTY HAS BEEN PLATTED IN ACCORDANCE WITH THE CITY'S SUBDIVISION REGULATIONS (CHAPTER 3).
4. ALL ELEVATIONS SHOWN ON THESE PLANS ARE TIED TO NAVD 88 DATUM.

- (R) RECORD INFORMATION
AC ALUMINUM CAP
YPC YELLOW PLASTIC CAP

--- BOUNDARY OF ADJACENT PARCELS
 — BOUNDARY OF PROPOSED REZONING DISTRICT



VICINITY MAP
SCALE 1"=1000'

FOR AND ON BEHALF OF:
COFFEY ENGINEERING & SURVEYING
3855 PRECISION DRIVE, #140
LOVELAND, CO 80538

CHASE J. CORBRIDGE
COLORADO PLS 38405



3115 35TH AVENUE
PROPERTY BOUNDARY MAP
CASE #: ZON2021-0017

SE 1/4 OF NE 1/4 & NE 1/4 OF SE 1/4, SECTION 23, T5N, R66W, 6TH P.M.,
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO



COFFEY
ENGINEERING & SURVEYING
3855 Precision Dr. #140
Loveland, CO 80538

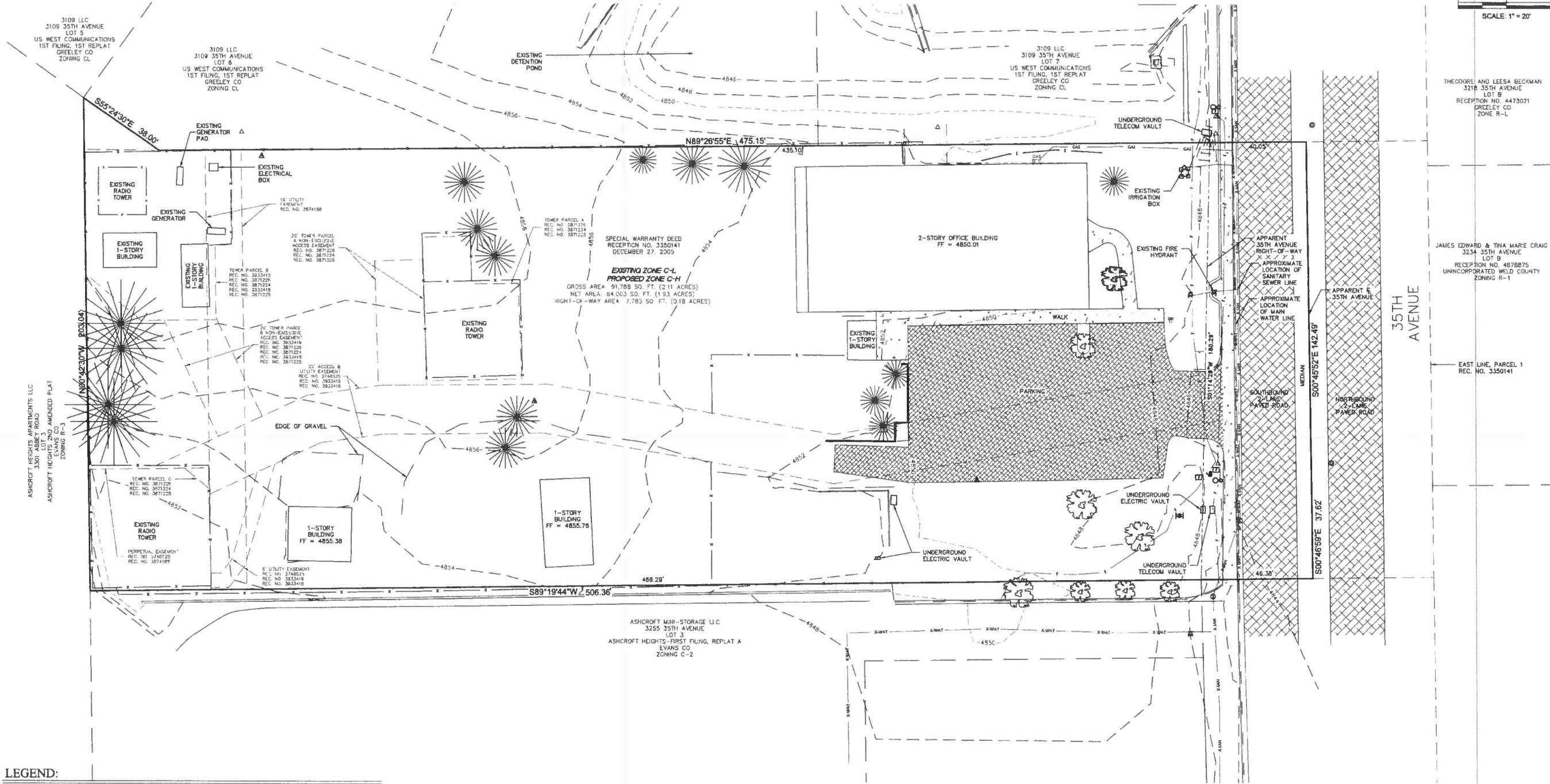
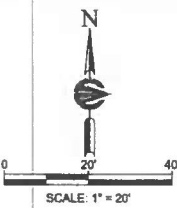
Sheet 1 / 1

SURVEY CONTROL NOTES

BASIS OF BEARING:
THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 23 AS
HAVING AN ASSUMED BEARING OF SOUTH 00°45'32" EAST, WITH ALL
OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

SITE ANALYSIS MAP
3115 35TH AVENUE

CASE #: ZON2021-0017
LOCATED IN SOUTHEAST QUARTER OF NORTHEAST QUARTER & NORTHEAST QUARTER OF SOUTHEAST QUARTER
OF SECTION 23, T5N, R66W, 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO



LEGEND:

- | | |
|-------------------------------------|---|
| — SIGN (SINGLE POST) | □ EXISTING CATCH BASIN INLET |
| — GAS VALVE | — EXISTING SANITARY SEWER CLEAN OUT |
| — ELECTRIC JUNCTION/TRANSFORMER BOX | — CONCRETE |
| — FINISHED FLOOR ELEVATION | — ASPHALT |
| — IRRIGATION CONTROL VALVE | — DECIDUOUS TREE W/CALIPER |
| — LIGHT POLE | — CONIFEROUS TREE W/CALIPER |
| — MAILBOX | — FENCE |
| — TELEPHONE PEDESTAL | — 4850 — EXISTING CONTOUR |
| — CORP STOP | — X-WAT — EXISTING WATER LINE (SEE NOTE 5) |
| — EXISTING FIRE HYDRANT | — X-SAN — EXISTING SANITARY LINE (SEE NOTE 5) |
| — EXISTING WATER VALVE | — F — EXISTING FIBER OPTIC LINE (SEE NOTE 5) |
| — DIRECT FLOW | — GAS — EXISTING GAS LINE (SEE NOTE 5) |
| — OVERLAND FLOW | — E — EXISTING ELECTRIC LINE (SEE NOTE 5) |
| — WATER METER BOX | — — — — — PROPERTY BOUNDARY |
| — EXISTING SANITARY SEWER MANHOLE | — — — — — EXISTING CURB & GUTTER |
| — EXISTING STORM WATER MANHOLE | |

GENERAL NOTES

1. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF REZONING THE LANDS AND AREA SHOWN HEREON.
2. ALL EXISTING STRUCTURES, AS SHOWN HEREON, ARE TO REMAIN. NO DEMOLITION OR REMOVAL(S) IS/ARE EXPECTED AT THIS TIME.
3. ONLY THOSE EASEMENTS AND/OR ENCUMBRANCES THAT ARE GEOMETRICALLY INDEPENDENT/INCONGRUOUS WITH THE EXTERIOR BOUNDARY OF THE PROPERTY ARE SHOWN.
4. NO OVERHEAD UTILITY LINES, AS MAY BE IMMEDIATELY OBVIOUS /APPARENT ARE SHOWN ON THIS DOCUMENT. ALL "EXISTING RADIO TOWERS", ARE STAND-ALONE STRUCTURES AND ARE NOT INTERCONNECTED.
5. ONLY THOSE SUB-SURFACE UTILITIES (AND/OR APPURTENANCES THERETO) AS IMMEDIATELY OBVIOUS/APPARENT, BEING LOCATED BY ASSORTED 811 PUBLIC/PRIVATE SERVICES ON OR AROUND MARCH 31, 2022 ARE SHOWN ON THIS DOCUMENT. NO OTHER SUCH STRUCTURES OR FACILITIES ARE BELIEVED TO IMPACT THE PROPERTY.

SURVEYOR'S STATEMENT:

I, CHASE J. CORBRIDGE, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PROPERTY BOUNDARY MAP WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

FOR AND ON BEHALF OF:
COFFEY ENGINEERING & SURVEYING
3855 PRECISION DRIVE, #140
LOVELAND, CO 80538

CHASE J. CORBRIDGE
COLORADO PLS 38405



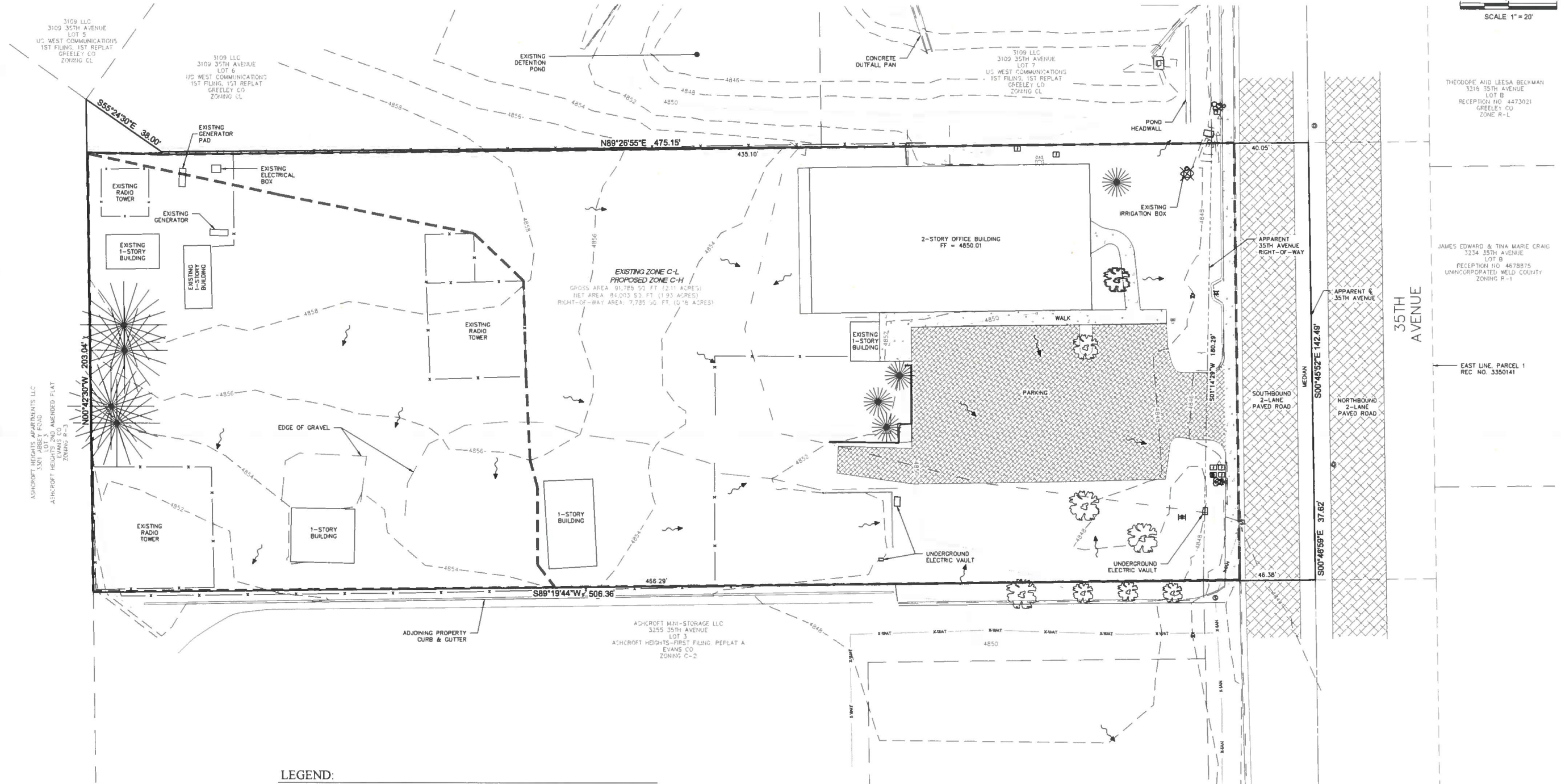
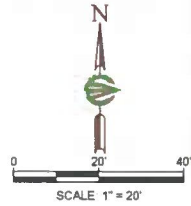
REVISION	DATE	REQUEST BY	CHECK
1	07/25/21	CITY OF GREELEY COMMENTS	CIC
2	09/20/21	CITY OF GREELEY COMMENTS	CIC
3	10/20/21	CITY OF GREELEY COMMENTS	CIC
4	07/25/22	CITY OF GREELEY COMMENTS	CIC

PROJECT:	3115 35TH AVENUE
DRAWN BY:	SAM-3
CHECKED BY:	PK/PA
DATE:	07/27/2021
REV. DATE:	07/20/2022
CHECK BY:	CIC

3115 35TH AVENUE
SITE ANALYSIS MAP
CASE #: ZON2021-0017
SE 1/4 OF NE 1/4, NE 1/4 OF SE 1/4, SECTION 23, T5N, R66W, 6TH P.M.,
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

ZONING SUITABILITY MAP 3115 35TH AVENUE

CASE # ZON2021-0017
LOCATED IN SOUTHEAST QUARTER OF NORTHEAST QUARTER & NORTHEAST QUARTER OF SOUTHEAST QUARTER
OF SECTION 23, T5N, R66W, 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO



LEGEND:

- | | |
|---|--|
| — T — SIGN (SINGLE POST) | ◇ WATER METER BOX |
| — G — GAS VALVE | ⊗ EXISTING SANITARY SEWER MANHOLE |
| — E — ELECTRIC JUNCTION/TRANSFORMER BOX | ⊗ EXISTING STORM WATER MANHOLE |
| — FF — FINISHED FLOOR ELEVATION | ⊗ EXISTING CATCH BASIN INLET |
| — I — IRRIGATION CONTROL VALVE | ⊗ EXISTING SANITARY SEWER CLEAN OUT |
| — L — LIGHT POLE | CONCRETE |
| — M — MAILBOX | ASPHALT |
| — T — TELEPHONE PEDESTAL | DECIDUOUS TREE |
| — C — CORP STOP | CONIFEROUS TREE |
| — F — EXISTING FIRE HYDRANT | — X — FENCE |
| — V — EXISTING WATER VALVE | — 4850 — EXISTING CONTOUR |
| — F — OVERLAND FLOW | — X-WAT — EXISTING WATER LINE LOCATED BY OTHERS |
| | — X-SAN — EXISTING SANITARY LINE LOCATED BY OTHERS |
| | — — — PROPERTY BOUNDARY |
| | — — — EXISTING CURB & GUTTER |

SURVEY CONTROL NOTES

BASIS OF BEARING:

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 23 AS HAVING AN ASSUMED BEARING OF SOUTH 00°45'52" EAST, BEING MONUMENTED AS SHOWN ON PROPERTY BOUNDARY MAP, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

GENERAL NOTES

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FOR AND ON BEHALF OF:
COFFEY ENGINEERING & SURVEYING
3855 PRECISION DRIVE, #140
LOVELAND, CO 80538

CHASE J. CORBRIDGE
COLORADO PLS 38405



3115 35TH AVENUE
ZONING SUITABILITY MAP
CASE # ZON2021-0017
SE 1/4 OF NE 1/4 & NE 1/4 OF SE 1/4, SECTION 23, T5N, R66W, 6TH P.M.,
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

