

## **AGENDA**

Planning and Zoning Commission Regular Meeting  
December 11, 2012 – 7:00 p.m.  
Evans Community Complex – 1100 37<sup>th</sup> Street

Planning and Zoning packets are prepared several days prior to the meetings. This information is reviewed and studied by the Commission, eliminating lengthy discussions to gain basic understanding. Timely action and/or short discussion on agenda items do not reflect lack of thought or analysis. An informational packet is available for public inspection on the website at [www.cityofevans.org](http://www.cityofevans.org).

1) CALL TO ORDER

2) ROLL CALL:

Chairman: Randall Bisel  
Vice-Chairman: Mark Brothe  
Commissioners: Robert S. Phillips, III  
Jerry Numoto  
Conrad Griggs

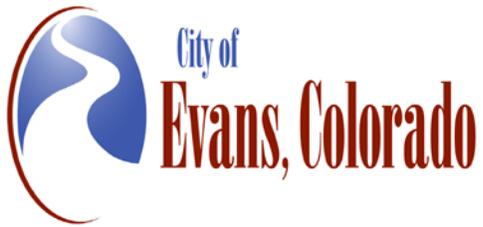
3) APPROVAL OF MINUTES

- a. Minutes of October 16, 2012
- b. Minutes of November 13, 2012

4) APPROVAL OF THE AGENDA

5) AGENDA ITEMS:

- a. Public Hearing – Use by Special Review– Water Depot in the PUD District – 2630 49<sup>th</sup> Street (FROGS) CONTINUED from November 13, 2012
- b. Public Hearing – Use by Special Review– Security Residence in the PUD District – 2630 49<sup>th</sup> Street (FROGS) CONTINUED from November 13, 2012
- c. Report from NFRMPO on the Bicycle Plan



6) AUDIENCE PARTICIPATION:

(This portion of the Agenda is provided to allow members of the audience to provide comments to the Planning Commission on items that were not considered on the current Agenda.)

7) GENERAL DISCUSSION

Staff report

8) ADJOURNMENT



City of  
**Evans, Colorado**

**MINUTES**  
**EVANS PLANNING COMMISSION**  
Regular Meeting  
October 16, 2012 – 7:00 p.m.

**CALL TO ORDER**

Chairperson Bisel called the meeting to order at 7:07 p.m.

**ROLL CALL:**

Present: Chairperson Bisel, Vice Chairperson Brothe, Commissioner Numoto

Absent: Commissioner Phillips

**APPROVAL OF MINUTES**

Vice Chairperson Brothe, seconded by Commissioner Numoto, to approve the September 25, 2012 Minutes as presented. Motion passed with all voting in favor thereof.

**APPROVAL OF AGENDA**

Agenda was approved with no changes.

**AGENDA ITEMS**

**ITEM A**

Public Hearing – Use by Special Review **Revocation** —Outdoor Storage in the C-3 Zoning District – 2929 11<sup>th</sup> Avenue

**PRESENTED BY:** Sheryl Trent, Community and Economic Development Director

**ACTION:** To recommend revocation of a USR

**CITY COUNCIL DATE:** Tuesday, November 6, at 7:30 pm

**Owner/Tenant:** Clyde Lane, Owner

Roberto Hernandez, Tenant

**PROJECT DESCRIPTION:** The City approved in 2011 an application for a Use by Special Review (USR) from Roberto Hernandez, tenant, and Clyde Lane, property owner, in order for the tenant to be allowed to keep a tractor-trailer on the property for storage of fruits and vegetables for the Super Pichones grocery. The subject property is located at 2929 11<sup>th</sup> Avenue, formerly Hillside Rental, and is zoned C-3, High-Intensity Commercial. This same USR was approved by both the Planning Commission and City Council in 2009 and again in 2010 for a period not to exceed one year, reviewed by staff each year.

**RECOMMENDATION:** Recommend revocation of the USR to the City Council, based on continued non-compliance with the conditions of the USR and violations of the municipal code.

**ANALYSIS:**

**1. Background:**

The original request for a USR was approved with conditions, to be reviewed annually by the City of Evans. Upon review by staff, the property has not complied with the code or with the conditions of the USR as follows:

- Landscaping had not been installed (it has since been installed)
- The property has not been keep clean (this is an ongoing code enforcement effort)
- The property has not been kept clear of weeds (this is an ongoing effort)

Additionally other violations have been noted on the property. A letter of violation of the zoning code has been sent to the owner and the tenant, and that letter (attached) also informed them of the revocation of the USR.

**2. Section 19.44 of the Evans Municipal Code:**

The requested trailer is refrigerated and plugged into electricity at the property. In order to remove the trailer a cooler would have to be added, either as an addition to the existing building or as an accessory building; however, Mr. Hernandez does not own the property. Section 19.48.055 of the Evans Municipal Code states that except as approved by a USR, outdoor storage, which includes semi-trailers, is only allowed in the Industrial districts. Many other commercially zoned properties in Evans are legal nonconforming under this section of the Code.

“Outdoor storage” is defined in Section 19.48.020 as follows:

“Outdoor storage” shall mean storage of materials, supplies, parts, machines, equipment, containers, operable vehicles, tractor-trailers, unoccupied mobile homes, or other items used in conjunction with the principal use of the property and not kept in a permitted structure having at least four walls and a roof. This definition shall not apply to

items for sale to the general public such as new and used cars, recreational vehicles, boats, and landscape and building materials; nor to parking of vehicles regularly used in connection with the operation of an establishment or parked for less than 48 hours for maintenance service. "Outdoor storage" shall not include the storage of junk as defined by Chapter 19.04 of the Municipal Code.

Section 19.44.020.B of the Evans Municipal Code lists the following criteria for consideration of Uses by Special Review

1. The proposed use shall be found to be unlikely to harm the health, safety, or welfare of the City or its residents.

Staff has found that the proposed use is unlikely to harm the health, safety, or welfare of the City or its residents, although compatibility with surrounding business uses may have an effect on property tax.

2. The proposed use shall benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use.

Super Pichones is a retail grocer selling mainly fruits and vegetables and benefits the City in terms of employment and sales tax revenue. The applicant states that the trailer is critical to the business. However, the use of the property continues to affect the compatibility of the surrounding uses, and causes significant time and expense by the City to enforce the code.

3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area.

The area is designated as "Commercial" on the Future Land Use Plan Map of the Comprehensive Plan, which can include "Neighborhood Commercial" and "Community Commercial." The property is zoned C-3, High-Intensity Commercial, and the intent of this zoning district is stated in Section 19.30.010: "It is the intent of the City of Evans, when establishing the C-3 zone district, to provide an area for serving the daily needs of the total community." The adjacent property to the north is the Evans Cemetery. The property abuts the City limits to the west and south, which are similarly zoned. West of the adjacent property to the west is multifamily residential property. The property across 11<sup>th</sup> Avenue to the east is zoned C-3 as well. The use of the property is compatible, but without adherence to the code the property is NOT compatible with the surrounding area.

4. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed 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.

The trailer is located on the west side of the building and is generally, though not entirely, screened from view from 11<sup>th</sup> Avenue. Removal of the trailer will allow for more compatibility with the surrounding residential uses and school use.

5. The site shall be physically suitable for the type and intensity of the proposed land use.

The site is physically suitable for the trailer, which exists on the site.

6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.

No impacts on traffic or parking are anticipated.

7. The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses.

No similar uses are known to exist in the vicinity.

Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

### **3. Issues:**

The main concern with the application is that the owner and the applicant have failed to comply with the conditions of the USR. When the City does interact with the owner and tenant, they do make efforts to comply with the code and the USR, but this has been an ongoing issue. The impacts of failing to comply with the conditions seriously affect the adjacency and compatibility with the existing structure and the surrounding land uses.

Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

### **FINDINGS OF FACT AND CONCLUSIONS**

After reviewing the USR for continuation of an outdoor storage/refrigerated trailer at 2929 11<sup>th</sup> Avenue the following findings of fact and conclusions have been determined: The review criteria in Sections 19.44 of the Evans Municipal Code **CAN NOT** be appropriately and sufficiently met.

### **STAFF RECOMMENDATION:**

I recommend that the Planning Commission recommend that the City Council revoke the Use by Special Review.

### **PUBLIC HEARING**

Roberto Hernandez of Super Pichones came forward, with his translator, to present his case. Mr. Hernandez stated the eviction process has already been started by the owner and the Court has approved said eviction. He will have to vacate the premises by November 29, 2012.

Mr. Bisel asked if there was anyone in the audience who wished to speak for or against the USR Revocation for Super Pichones. No one came forth.

**PLANNING COMMISSION MOTION:**

Commissioner Numoto made a Motion to recommend revocation to City Council of the issue of Super Pichones Use by Special Review for location of the refrigerated trailer. Commissioner Brothe seconded the Motion with an amendment that the refrigerated trailer could stay until the eviction date of November 29, 2012. Motion carried unanimously.

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**ITEM B**

**SUBJECT:** Public Hearing – Use by Special Review **Revocation** – Auto Repair in the C-3 Zoning District – 1006 36<sup>th</sup> Street

**PRESENTED BY:** Sheryl Trent, Community and Economic Development Director

**ACTION:** To recommend revocation of a USR

**CITY COUNCIL DATE:** Tuesday, November 6, at 7:30 pm

**Location:** 1006 36<sup>th</sup> Street

**Owner/Tenant:** Kelvin Kerst, Owner  
Marwan Yasin, Applicant

**PROJECT DESCRIPTION:** The City had received an application from Kelvin Kerst, property owner, and Marwan Yasin, tenant, for a Use by Special Review for an auto repair shop at 1006 36<sup>th</sup> Street in 2010 and 2011. The property is zoned C-3 but also contains a legal, nonconforming, single-family house addressed 1010 36<sup>th</sup> Street, which is rented by another tenant. This application was first reviewed and denied by the Planning Commission on April 23, 2010. It was then resubmitted, reviewed and final approval was granted by the City Council in March of 2011. Please see the attached approval document with conditions.

The shop building was constructed in 1995. The building permit describes it as a “pole structure for retail business with attached storage.” Business license records indicate the property housed AAA Quality Lawn Care Service between 2000 and 2006. Please see the attached site maps and photographs of the property.

**RECOMMENDATION:** Recommend revocation of the USR to the City Council, based on continued non-compliance with the conditions of the USR and violations of the municipal code.

## **ANALYSIS:**

### **1. Background:**

The original request for a USR was denied in April of 2010 due to code violations. Mr. Yasin and Mr. Kerst then undertook an effort to clean the property and it was brought into compliance, at which time the USR with conditions was approved by the City Council. Upon review by staff, the property has not complied with the code or with the conditions of the USR as follows:

- Landscaping has not been installed
- The property has not been kept clean
- The property has not been kept clear of weeds
- More than four (4) vehicles have been on the property on numerous occasions (See attached photographs)
- Vehicles have been observed in the ROW for more than 12 hours

Additionally the neighbors have called to issue complaints several times. A letter of violation of the zoning code has been sent to the owner and the tenant, and that letter (attached) also informed them of the revocation of the USR.

### **2. Section 19.44 of the Evans Municipal Code:**

Below are the Criteria for approval of a USR per Section 19.44.020.

Section 19.44.020.B of the Evans Municipal Code lists the following criteria for consideration of Uses by Special Review, followed by staff's assessment:

1. "The proposed use shall be found to be unlikely to harm the health, safety, or welfare of the City or its residents."

In order to protect the health, safety, and welfare of the City or its residents, the property needs to be kept clean so that there is no outdoor storage of parts. The number of vehicles allowed on the property at any time needs to be limited as well. The property is within the U.S. 85 Overlay District, described in Chapter 19.62 of the Evans Municipal Code. Most of the standards in the Overlay District Design Standards do not apply because it is an existing building and no changes to it are proposed; however, Section 19.62.200 states, in part: "Outdoor storage areas, where permitted, shall be kept orderly and free of junk."

2. "The proposed use shall benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use."

The benefits to the City in terms of any sales tax or other benefits are outweighed by the negative costs of code enforcement issues, staff oversight of the property, and neighborhood concerns.

3. "The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area."

The area is designated as “Urban Residential” on the Future Land Use Plan Map of the 2010 Comprehensive Plan. “Urban Residential” is primarily single-family residential, but urban residential neighborhoods are also “encouraged to include a mix of uses including multifamily residential, neighborhood-scale commercial and employment uses (determined by location criteria), and public and civic uses.”

The property and surrounding area are zoned C-3, High-Intensity Commercial, and the intent of this zoning district is stated in Section 19.26.010. “It is the intent of the City of Evans, when establishing the C-3 zone district, to provide an area for serving the daily needs of the total community.” Repair shops are allowed by special review in the C-3 zone district and are defined as “[a]ny building, premises, and/or land in which or upon which buildings used for the repair or servicing of major appliances, vehicles and equipment, such as plumbing shops, electrical shops, sheet metal shops, and automobile garages and similar uses.”

The surrounding properties contain a mix of uses. To the east across an alley is a legal, nonconforming, single-family home and a six-plex. Directly to the south is a legal, nonconforming, single-family home. To the west across the unimproved right-of-way of St. Vrain and the Evans Ditch is Corman Mechanical, a warehouse-type building built in 1999. To the north across 36<sup>th</sup> Street are two four-plexes. Multifamily buildings used to be allowed by right in the C-3 district but now require a Use by Special Review approval.

At this time it is clear that the use of the property is NOT compatible with the surrounding single family residential uses.

4. “The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed 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.”

The business, in violation of the condition of the USR and of the municipal code, is incompatible with the “grandfathered” single-family homes in the area.

5. “The site shall be physically suitable for the type and intensity of the proposed land use.”

It is staff’s opinion that the site appears to be physically suitable for limited repair use.

6. “The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.”

A condition on the number of vehicles allowed to be on the property at any given time is necessary to address parking issues. As the property remains in consistent violation of the conditions, it is adversely affecting traffic flow and parking in the neighborhood.

7. "The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses."

There is a repair shop that was issued a USR in 2005 for Lugnut Auto at 3723 West Service Road, which is about 400 feet south of 37<sup>th</sup> Street on West Service Road. Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

### **3. Issues:**

The main concern with the application is that the owner and the applicant have failed to comply with the conditions of the USR. Neither have they replied to the letters sent by the City. The impacts of failing to comply with the conditions serious affect the adjacency and compatibility with the existing structure and the surrounding land uses. Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

### **FINDINGS OF FACT AND CONCLUSIONS**

After reviewing the USR for continuation of a repair shop at 1006 36<sup>th</sup> Street the following findings of fact and conclusions have been determined:

The review criteria in Sections 19.44 of the Evans Municipal Code **CAN NOT** be appropriately and sufficiently met.

### **STAFF RECOMMENDATION:**

Sheryl Trent, Community Development Director, update the Commission on the lack of landscaping, and that MY Garage has not been following their USR when it comes to how many cars can be on the premises. Ms. Trent has sent two letters with no response back and the Business License has been revoked. Ms. Trent would like the Planning Commission to consider adding a condition to the revocation that would insure the owner would have to comply with the same conditions of the old USR no matter what business he brings in from this point forward. It is staff's recommendation that the Planning Commission recommend that the City Council revoke the Use by Special Review.

### **PUBLIC HEARING**

Neither Mr. Kerst nor Mr. Yasin were in attendance.

Chairperson Bisel asked if there was anyone present in the audience that would like to speak for or against the USR Revocation for MY Garage. No one came forth.

### **PLANNING COMMISSION MOTION:**

Vice Chair Brothe Motioned that the USB be revoked with the condition that the owner will still have to comply with the conditions of the old USB, Commissioner Numoto seconded. Motion carried unanimously.

**AUDIENCE PARTICIPATION:**

There were no comments from the audience.

**GENERAL DISCUSSION:**

The Planning Commission discussed Colorado APA meeting. Commissioner Brothe and Chairperson Bisel both felt it is a worthwhile conference.

Ms. Trent handed out a packet about the Evans Library. She would like the Planning Commission to read it and give their comments at a later date. The Library is anticipating July 2014 for their opening. There will be a demolition party at the Jack Meakins building in February or March of 2013. They will be re-using some materials in the new building from the old, depending on what is salvageable.

Chairperson Bisel asked about if there was going to be a new stoplight at the Union Colony School on 29<sup>th</sup> St & 11<sup>th</sup> Ave. Ms. Trent said currently there is no money for that, but she is moving forward with hiring a team with escrowed money for engineering and plan review. There was a traffic study that indicated there wasn't a need for a light at this time, but there is a need for a crossing guard and cross walk. The City of Evans offered to pay for crossing guards, but the school declined.

Chairperson Bisel asked about what will happen to the old John Evans Middle School when the new one is built. Ms. Trent stated that, at this time, John Evans has a bond issue coming up. They have not indicated what they are doing with the old structure.

**ADJOURNMENT:**

Chairperson Bisel adjourned the meeting at 7:57 p.m.

**MINUTES**  
**EVANS PLANNING COMMISSION**  
Regular Meeting  
November 13, 2012 – 7:00 p.m.

**CALL TO ORDER**

Chairperson Bisel called the meeting to order at 7:05 p.m.

**ROLL CALL**

Present: Chairperson Bisel, Vice Chairperson Brothe

Absent: Commissioner Phillips, Commissioner Numoto

**APPROVAL OF MINUTES**

There was no approval of Minutes due to lack of a quorum.

**APPROVAL OF AGENDA**

The Agenda was not approved due to lack of a quorum.

**AGENDA ITEMS**

Due to a lack of a quorum, no official business was conducted. The Planning Commission did have general discussion.

Public Hearing – Use by Special Review– Water Depot in the PUD District – 2630 49<sup>th</sup> Street (FROGS) **CONTINUED TO DECEMBER 11, 2012**

Public Hearing – Use by Special Review– Security Residence in the PUD District – 2630 49<sup>th</sup> Street (FROGS) **CONTINUED TO DECEMBER 11, 2012**

Public Hearing – Planned Unit Development Amendment – 3400 Sagebrush Drive (Cave Creek)

Sheryl Trent, City of Evans Community Development Director, gave staff report on Cave Creek. Cave Creek requested removal of restriction of no homes older than 4 years in the development. They submitted photos to Planning Commission and City Council approved that for one year. The current PUD expired in July of 2012. The City, since then, has worked with management at Cave Creek discussing xeriscaping ideas. Currently, there are 20 to 30 homes that do not meet the requirements. Ms. Trent has conducted a recent inspection/drive thru of the area, and the xeriscaping has been installed as required by the City. For the other homes that do not currently meet the PUD standards, the time has passed for landscaping to be installed because of the season, and the City will be looking at April or May to get plans submitted and approved. Staff is comfortable that landscaping and external treatments will meet the City's concept of what the community should look like. The Amendment to the PUD will remove the rule of needing to move a modular home in that is less than 4 years old.

There is a potential of a third phase going in this community, but no plans have been submitted as of yet.

Vice Commissioner Brothe asked if there have been quite a few changes out there regarding landscaping and code enforcement issues. Ms. Trent said there were positive changes; code enforcement is good and landscaping has been the only issue.

The applicant for Cave Creek was present. Jim Hoekstra, Sun Communities Manager from the main office in Michigan, was present. Mr. Hoekstra stated he felt Cave Creek is 12 years old now and it shouldn't make much difference if older homes sit by the existing older homes.

The Commissioners had no concerns or questions at the time.

Ms. Trent stated she was going to check with legal counsel to see if the issue would need to continue this or not depending on the consensus of the PC.

Commissioners Bisel and Brothe said they don't see a problem with sending it to City Council.

**AUDIENCE PARTICIPATION:**

There were no comments from the audience.

**GENERAL DISCUSSION:**

Sheryl Trent, City of Evans Community Development Director, gave update on the Evans Library project. The team is currently working on sending out a RFP for an architect. They are anticipating a February or March demolition party. They will be selling the existing museum building. There is no historical value to the building; it originally came from the city of Greeley. The Museum will be part of the new building. The Evans Library should have its grand opening in April 2014. The ground breaking will happen in either June or July of 2013.

John Evans School qualified for the grant. This school will open in 2014 or 2015. It will have a campus-like design. As part of the long range plan, there will be an elementary, middle, and high school on site along with various ball fields.

Family Dollar is looking at building on 37<sup>th</sup> St & 35<sup>th</sup> Ave. They have not yet submitted plans.

Community Development has been contacted about the old Maaco building, but no plans or application submitted as of yet.

Evans Planning Commission  
November 13, 2012  
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City Council is looking to pass a moratorium on Hwy 85. The City is currently trying to have a professional design firm write the code for us. It should take no longer than 6 months at a maximum. Planning Commission will be part of the rewrite.

Community Development is currently working on a series of developments coming in. We have hired Baseline Corp to be our review team. Applicant will escrow funds for Baseline. It has proven to have worked well in other cities, and this will raise our standards.

The Planning Commission may need to go back to two meetings a month in about 6 to 8 months.

Ms. Trent is looking for different remembrances or stories about the Jack Meekens Building and she is going to put together a pamphlet.

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## PLANNING COMMISSION COMMUNICATION

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**DATE:** December 11, 2012

**AGENDA ITEM:** A

**SUBJECT:** Public Hearing – Use by Special Review – Water Depot – 2930 West 49<sup>th</sup> Street – Front Range/Renaissance

**PRESENTED BY:** Sheryl Trent, Community and Economic Dev. Director

**PREPARED BY:** Baseline Corporation, Vincent Harris/Ethan Watel

**ACTION:** Recommendation to City Council

**CITY COUNCIL DATE:** Tuesday, December 18, 2012 at 7:30 PM

BACKGROUND INFORMATION		
<b>Location:</b>	2930 49 <sup>th</sup> Street (south of 49 <sup>th</sup> Street, east of 35th Avenue, generally west of 23 <sup>rd</sup> Avenue)	
<b>Applicants:</b>	Front Range Oil and Gas Water Services, Owner	
<b>Existing Land Use:</b>	Single Family Residential	
<b>Proposed Land Use:</b>	Water Depot	
<b>Surrounding Land Use:</b>	<b>North</b>	49 <sup>th</sup> Street, vacant land, residential, salvage yard (Weld County)
	<b>South</b>	South Platte River, agricultural
	<b>East</b>	Agricultural
	<b>West</b>	Evans Waste Water Treatment Plant, DCP Natural Gas Facility
<b>Existing Zoning:</b>	PUD (Riverside Village)	
<b>Proposed Zoning:</b>	No change	
<b>Surrounding Zoning:</b>	<b>North</b>	County (AG)
	<b>South</b>	River Corridor, County (AG)
	<b>East</b>	PUD
	<b>West</b>	I-1
<b>Future Land Use Designation:</b>	Residential, River Corridor	

**PROJECT DESCRIPTION:** The City has received an application from Front Range Oil and Gas Water Services (FROGS), land owner, for a Use by Special Review for a water depot on a PUD zoned property. Please note there is a separate USR request in front of the Planning Commission on this same land for a security residence, and those approvals are tied together. The water depot would be the main use on this parcel of land.

Previously, this item was scheduled for review at the November 13, 2012 Planning Commission meeting. At that time the applicant had not submitted the required information for review, and their review was continued until December 11, 2012.

**RECOMMENDATION:** Recommend approval with conditions to the City Council of the Use by Special Review permit.

**ANALYSIS:**

**1. Background:**

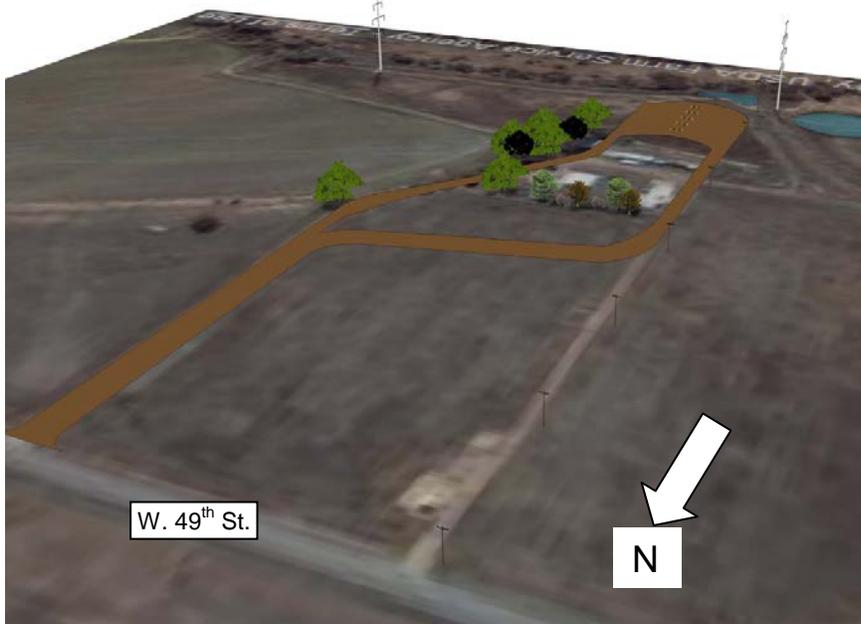
The applicant is proposing to construct a water depot on this site. A Planned Unit Development for the subject property was approved in 2007 with very specific land uses (see map of the approved Riverside PUD attached). A PUD Amendment has been presented to the City and is under review, with comments returned to the applicant for consideration. At the time of writing the PUD amendment is on temporary hold. In any case, this USR will be conditioned upon the approval of the PUD Amendment by the City Council.

The depot itself will occupy approximately 1.5 acres of the property.



Access to the water depot will be from West 49<sup>th</sup> Street. An existing access road will be improved. Trucks will enter the site to be filled before departing to oil and gas operations. Staff has reviewed the traffic study submitted by the applicant and has forwarded comments to the Public Works Department.

The water to be used in the depot is owned by FROGS and the plan to use it will be approved by the State Engineer.



This will be a temporary USR approval, not to exceed five (5) years and will be reviewed annually or as needed by the City to ensure the conditions of approval are being met. The applicant will be required to submit a site plan for review by staff, obtain a business license, and have inspections of the land and use. In the near future the applicant will submit a formal PUD Amendment application to modify the use of the land for all of FROGS' land holdings in the Riverside PUD.

## **2. Section 19.44 of the Evans Municipal Code:**

Below are the Criteria for approval of a USR per Section 19.44.020.

### Chapter 19.44 Approval of Special Uses

#### 19.44.020 Criteria for Use by Special Review.

A. All special uses are listed within each zoning district. If a use is proposed that is not defined within the Evans Municipal Code and does not reasonably fall within the definition of any defined use in the Municipal Code, the property owner may apply for use by special review approval in accordance with this chapter.

B. Criteria. The following criteria shall be used to evaluate use by special review requests:

1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents. **Staff finds that this criteria can be met.**
2. The proposed use would benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use. **Staff finds that this criteria can be met.**
3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area. **Staff finds that this criteria can be met.**
4. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed 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. **Staff finds that this criteria may be met through appropriate site planning. Please see the conditions that will require a site planning process which will include landscaping, a revised traffic study, and more. Widening of 49<sup>th</sup> Street may be required to accommodate safe turning movements to the site.**
5. The site shall be physically suitable for the type and intensity of the proposed land use. **Staff finds that this criteria can be met.**
6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood. **Staff finds that this criteria can be met.**
7. The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses. **Staff finds that this criteria can be met.**

### **3. Issues:**

The main concern is the use of the land, even temporarily, for projects not considered by the original approved PUD zoning and allowed uses. Since the water depot is a temporary use, it is not as significant as a proposed permanent change in the PUD, but there will still need to be a PUD Amendment to make this water depot an approved use on the property. The conditions as suggested should address the remaining compatibility concerns.

An additional concern is the proposed truck traffic associated with a water depot. Staff believes the City and the applicant can come to an agreement for implantation of safety improvements along W. 49<sup>th</sup> Street.

At this time the City desires dedication of land in the river corridor along with guaranteed access for the public. A condition of approval has been placed in the recommendation, below, related to this item.

Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

## **FINDINGS OF FACT AND CONCLUSIONS**

After reviewing the FROGS USR for a water depot the following findings of fact and conclusions have been determined:

The review criteria in Sections 19.44 of the Evans Municipal Code can be appropriately and sufficiently met with the conditions as listed below.

### **STAFF RECOMMENDATION:**

We recommend that the Planning Commission recommend approval with conditions to the City Council of the requested USR. Currently staff would recommend the conditions as listed herein:

- 1) The approval of the USR will be contingent upon final approval of a PUD amendment. If the PUD Amendment is withdrawn or not approved within one year of this USR approval, this USR will be considered denied and enforcement action will begin.
- 2) Subject to Condition 1 being completed, this approval will extend for five (5) years and will automatically expire and be revoked at that time, and if the security residence USR is revoked prior to that date the water depot USR will also be revoked. Annually or as needed each year staff will review the USR for compliance.
- 3) A site plan and inspection process will need to be completed for final approval, and the USR is conditioned upon that process of approval. The inspection process will include the building and fire departments to ensure appropriate standards have been met.
- 4) The USR will also be contingent upon approval of building permits, if necessary.
- 5) The same business license for the Water Depot can apply to the Security Residence.
- 6) A reclamation plan will need to be submitted for the site with the site plan application, returning it to a state approved by the City and detailed in the attached documents.
- 7) A legal description will need to be provided for the specific piece of land in use for the water depot (separate from the security residence).
- 8) Dedication of the land and access to the river corridor shall be completed prior to staff approval of a site plan for the water depot.

### **RECOMMENDED PLANNING COMMISSION MOTION:**

“On the issue of the FROGS Use by Special Review for a water depot at 2930 49<sup>th</sup> Street, I move that the Planning Commission recommend approval as conditioned in this staff report because it does meet criteria outlined in Sections 19.44 of the Municipal Code.”

“On the issue of the FROGS Use by Special Review for a water depot at 2930 49<sup>th</sup> Street, I move to recommend denial because it does not meet criteria outlined in Sections 19.44 of the Municipal Code and is not in the best interest of the citizens and

City of Evans.”

---

# **Use by Special Review Application**

City of Evans

Weld County

## **Water Loading Depot**

Front Range Oil & Gas Water Services, LLC

**2930 West 49th Street, Evans, CO 80620**

**(The NW1/4 of the NW1/4 of Section 31, Township 5N, Range 65W of the 6<sup>th</sup> P.M. and the NE 1/4 and the NE 1/4 of Section 36, Township 5 North, Range 66W of the 6<sup>th</sup> P.M)**

October 22, 2012

Prepared by:

Front Range Oil & Gas Water Services, LLC

1860 Blake St. Suite 430

Denver, CO 80202

303.319.1278 [jorgen@renwater.com](mailto:jorgen@renwater.com)

# **Water Loading Depot**

Front Range Oil & Gas Water Services, LLC

**2930 West 49th Street, Evans, CO 80620**

**(The NW1/4 of the NW1/4 of Section 31, Township 5N, Range 65W of the 6<sup>th</sup> P.M. and the NE 1/4 and the NE 1/4 of Section 36, Township 5 North, Range 66W of the 6<sup>th</sup> P.M)**

## **Project Overview: Water Loading Depot**

### **Proposed USE of the property**

Front Range Oil & Gas Water Services, LLC (“Front Range”) recently purchased approximately 240 acres of land (the “Property”). Front Range proposes to construct a Water Loading Depot (the “Depot”) on a portion of the above mentioned parcel. The Depot function would be served by water owned by Front Range through a state water engineer approved plan. The water will be piped by a pump to a manifold and hydrant system that will be constructed on the site. Trucks will enter the site and be filled at the hydrants then trucked to oil or gas operations in the area. A local commercial water depot provides a necessary and valuable service to these operations, while reducing the impact of oil and gas operations by using local water for production, minimizing longer haul routes, thereby reducing the impact on all county roads.

The USR is for temporary purposes, set to be reviewed each year, but not to exceed 5 years in term.

Proposed use meets criteria for Use by Special Review as outlined in Section 19.44.020 B 1-7.

Vehicles accessing the site are semi-tractor tankers hauling 3,000 to 7,500 gallon tanks. 49<sup>th</sup> Street which is currently servicing truck traffic would be used to access the site. 49<sup>th</sup> Street is currently deemed a major arterial as depicted in the City of Evans Transportation Plan and has a daily threshold of 8,000 vehicles per lane per day with Congestion and V/C ratio of <0.45.

Approximately 1.5 ± acres of the 244 acre site would be impacted.

Front Range will have one full time employee supervisor who will be on site from time to time with part time “on call” personnel for any emergencies. Hours of operation can be up to 24 hours per day, 365 days per year.

Fugitive dust and fugitive particulate emissions shall be controlled on the site of the Depot. On-site vehicle speeds will be restricted to less than 10 mph to reduce the amount of dust generated. The on-site entrance and exit roads and loading area will be watered down as needed.

According to Public Work's comments on a traffic impact study, CDM Smith acts as Front Range's engineer and can be engaged for impact studies but based on the current type of road and the existing V/C ratio, it appears traffic will not be an issue

Road improvements as they relate to truck access on 49<sup>th</sup> Street. will also be taken into consideration

Waste materials shall be handled, stored, and disposed in an appropriate manner.

No septic or potable water will be required for the Depot and no new electric service is required. Existing electric service currently in place for multiple irrigation wells will be used. Authorization for one portable toilet is requested in this USR Application. No new buildings are planned. No storage or equipment parking will occur except incident to short duration water loading.

No paved surfaces or buildings are proposed. With the exception of the row of trees along 49<sup>th</sup> Street, no landscaping or screening is proposed. All adjacent uses are agricultural or industrial. The South Platte River and riparian habitat borders the site to the south which will not be disturbed. 49<sup>th</sup> Street, a "major arterial", as outlined in the City's Transportation Plan, borders the site to the North.

No new grading will occur on the essentially flat site. A single gravel access road from 49<sup>th</sup> Street to the Water Loading Depot shall include 60' radiuses to accommodate turning trucks. Road's entering and exiting the Depot site will be properly constructed with road base and drain-off to prevent mud. Road access from the site is "gravel to pavement." A visible address will be provided at the main entry on large, legible signage. All gas meters for will be protected from vehicle collision damage.

With regards to reclamation, the proposed uses will have little to zero impact on the existing land use.

#### Construction schedule

Water Loading Depot: Construction would entail a water line from a well or a series of wells that would connect with a manifold system to then supply multiple hydrants which will be metered. All pipe lines will be buried before the frost level. Construction will begin as soon as possible.



**Land Use Application  
Use by Special Review**

<b>Staff Use Only</b> Attach Receipt Fee: \$205.00 includes public hearing Intake Date: _____
--

All applications for a Use by Special Review shall comply with the requirements of Chapter 19.44 of the City of Evans Municipal Code and all applicable regulations, standards and plans.

Project Name: Front Range Water Loading Acres: 244 Current Zoning: PUD

Property Address: 2930 W. 49th St <sup>Depot</sup> Evans, Co

Proposed Use (brief description):

*Water Loading Depot for commercial water sales in support of oil ... gas operations in the area.*

Land Owner Name: Front Range Oil and Gas Water Services, LLC Telephone: 303-295-1187 Email: jorgen@renwater.com

Mailing Address: 1860 Blake St #430

Applicant Name: Jorgen Jensen Telephone: 303.319.1278 Email: jorgen@renwater.com

Mailing Address: 1860 Blake St #430 Denver, Co 80202

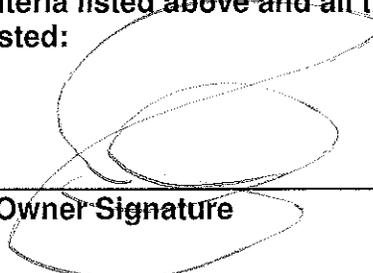
**SUBMITTAL CHECKLIST**

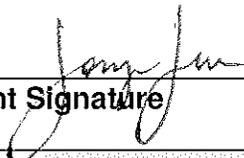
The following items will need to be submitted for review of a Use by Special Review Application. It is recommended that the applicant speak with a City representative prior to submittal of the application.

Applicant Initials	Submittal Documents Required to be Accepted for Review by City	City Staff Initial if Complete
JJ	Electronic copy of all required forms (see below)	
JJ	Use by Special Review Fee of \$205.00 (check or credit card)	
JJ	Letter indicating why the use should be allowed. (See Section 19.44.020 B 1-7 for necessary information)	
JJ	A site plan or master plan drawing of the location and use	
JJ	Photos of the site in question - <i>existing</i>	
JJ	Photos showing the proposed use (if appropriate)	
JJ	An aerial map of the location	
	Any other documentation that would support the request	
JJ	A list, in Excel format, of all land owners within 500' of the proposed use	
JJ	An electronic copy of all submitted documents.	
	If a <u>mini storage unit</u> , all additional information required in 19.44	
	If a <u>car wash</u> , all additional information required in 19.44	
	If an <u>oil well</u> , please refer to 16.28 of the Evans Municipal Code for additional requirements and submit:	
	<i>A landscaping plan</i>	

	<i>A letter detailing the information in 16.28.070 including a full description of the intended use, site improvements, and characteristics of installation, operation, maintenance, site restoration, and abandonment;</i>	
	<i>Evidence of leasehold, resource ownership, or owner's authorization;</i>	
	<i>The name and address of each owner of an interest of record in the oil and gas leases under which such well is to be drilled, operated, maintained or abandoned;</i>	
	<i>The name and address of the person or firm in charge of the operation and maintenance of such well;</i>	
	<i>The name and address of the person or firm in charge of the work to be done under such permit;</i>	
	<i>A true and accurate listing of the names and addresses of the owners of all real estate situated within 500 feet of the proposed well, accessory equipment, and structure site, according to County Assessor records current at the time of the application;</i>	
	<i>Evidence of satisfaction of the bond requirement (see Sections 16.28.08 and 16.28.090);</i>	
	<i>Evidence of satisfaction of the insurance requirement (see Section 16.28.100);</i>	
	<i>Conceptual restoration plan (see Section 16.28.130)</i>	
	<i>Specification and graphic representation of the equipment to be used and the improvements to be made. Specific attention shall be given to the intended measures of noise mitigation and ensuring the public safety;</i>	
	<i>Certification that the owners of the leasehold interest and the persons in charge of the drilling, operation maintenance, or abandonment of such well are familiar with the ordinances of the City and will abide by the provisions thereof;</i>	
	<i>Waste and storage plan (see Section 16.28.140).</i>	

I certify that to the best of my knowledge this Use by Special Review Application meets all of the criteria listed above and all the appropriate documentation has been submitted as requested:


10/22/2017  
 \_\_\_\_\_  
 Land Owner Signature Date


10/22/12  
 \_\_\_\_\_  
 Applicant Signature Date

For City Staff Use Only	
Date Submitted: _____	
Date Reviewed: _____	Reviewer Name: _____
Corrections Needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	

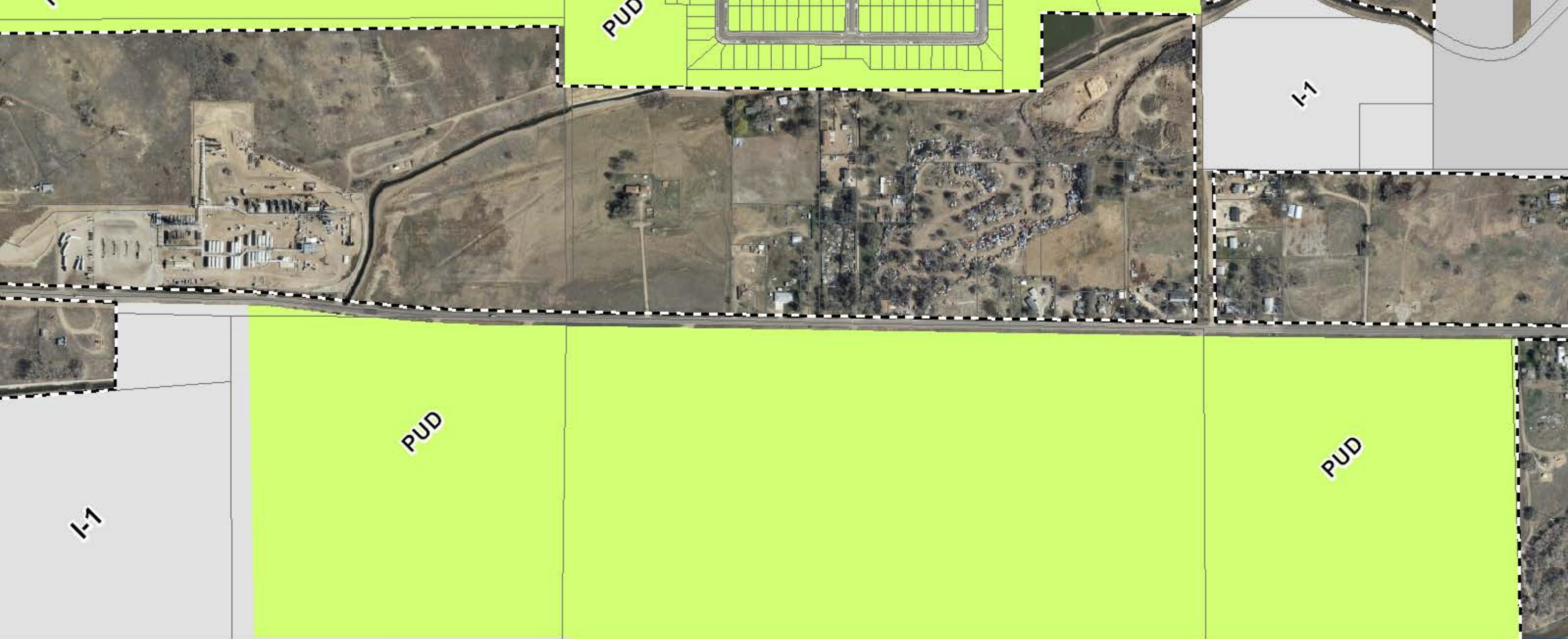


35th Ave

49th St

EVANS

County Road 394



W. 49th St.



# **Ishiguro Water Depot Traffic Impact Study**

**49<sup>TH</sup> Street east of 35<sup>th</sup> Avenue**

**Evans, Colorado**

Submitted by:



**November 30, 2012**

# Ishiguro Water Depot Traffic Impact Study

At the request of the Renaissance Land and Water Management, LLC, CDM Smith Inc. (CDM Smith) has completed a traffic impact assessment of the proposed Ishiguro Water Depot facility in Evans, Colorado. The facility is proposed along 49<sup>th</sup> Street east of 35<sup>th</sup> Avenue, and one access point will be provided along 49<sup>th</sup> Street. The subject property currently serves as a private residence. The purpose of this analysis is to analyze the potential impact of traffic generated by the proposed water depot facility on the existing operations of 49<sup>th</sup> Street and to recommend mitigation measures, if needed. The following subsections describe key assumptions, results and conclusions based on this analysis:

## Study Assumptions

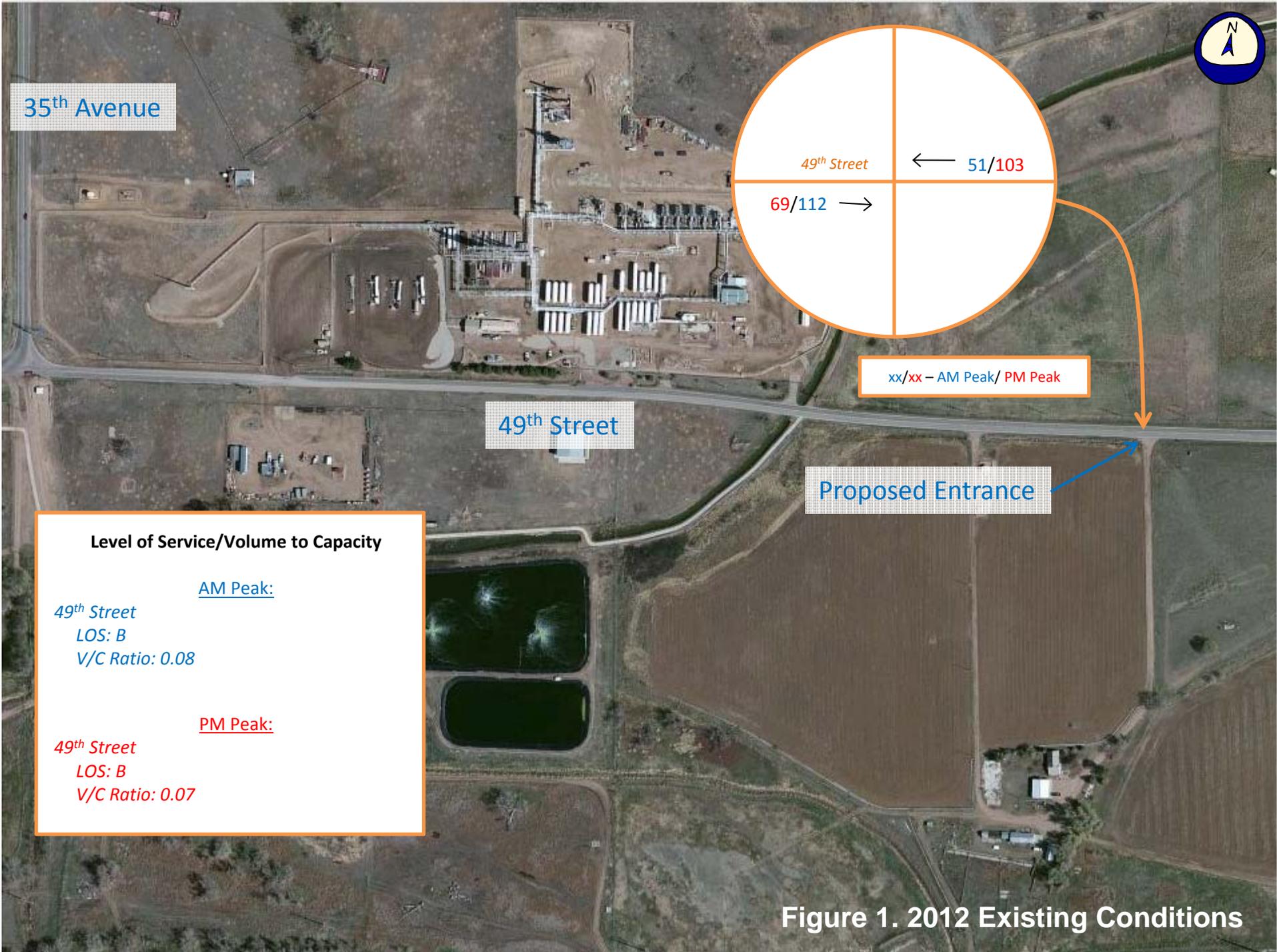
This study analysis was based on the following key assumptions:

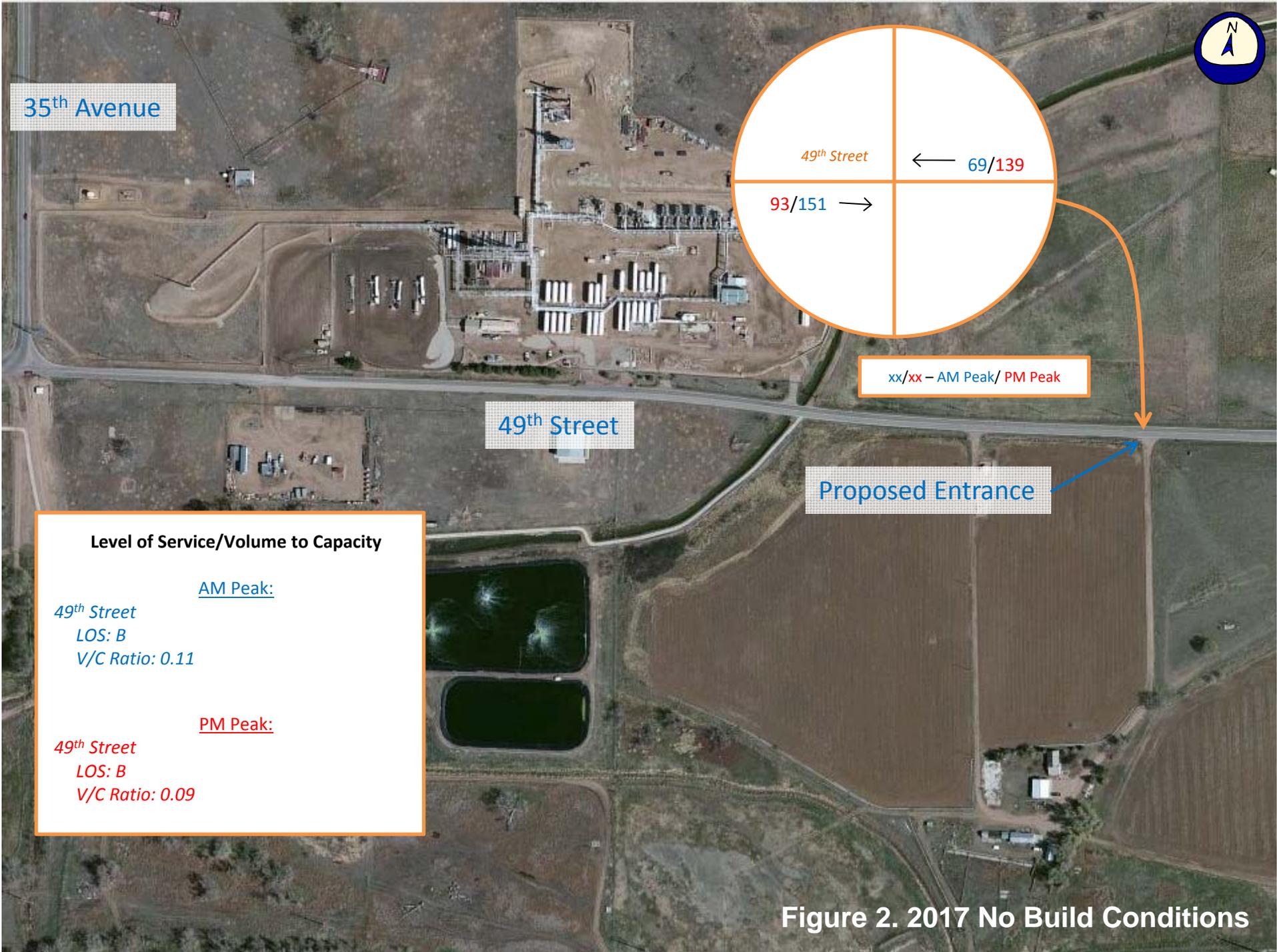
- |                                |  |
|--------------------------------|--|
| Proposed Land Use on the Site: | <ul style="list-style-type: none"> <li>• Water Depot</li> </ul>  |
| Intersections Analyzed:        | <ul style="list-style-type: none"> <li>• 49<sup>th</sup> Street at Proposed Entrance</li> </ul>                                    |
| Analysis Periods:              | <ul style="list-style-type: none"> <li>• AM Peak Hour (7:00 am to 8:00 am)</li> <li>• PM Peak Hour (4:00 pm to 5:00 pm)</li> </ul> |
| Analysis Year(s):              | <ul style="list-style-type: none"> <li>• 2012</li> <li>• 2017</li> </ul>   |

## No-Build Traffic Volumes and Analysis

Traffic counts were conducted along 49<sup>th</sup> Street on November 27 and 28, 2012. Traffic along 49<sup>th</sup> Street was heaviest from 7:00 am to 8:00 am (AM peak hour) and 4:00 pm to 5:00 pm (PM peak hour). The intersection volumes for the AM Peak hour and PM Peak hour are illustrated on Figure 1. Using the Highway Capacity Software Direction Two-Lane Highway Segment Worksheet, 49<sup>th</sup> Street was evaluated adjacent to the proposed site. Figure 1 reports the level of service and volume to capacity (V/C) ratio for the facility. The Level of Service (LOS) is defined by a ranking scale beginning with A and going through F. An LOS ranking of “A” represents the best operating condition and a ranking of “F” represents the worst. For both the AM and PM peak hours, the LOS ranking is “B” while the V/C ratio is less than 0.1, meaning the volume along 49<sup>th</sup> Street is only 10 percent of total capacity.

The City of Evans Transportation Plan dated March 2004 was referenced to determine future year growth rates. Based on this report, traffic is expected to grow at a high rate for the area. Daily traffic along 49<sup>th</sup> Street was identified as 2,400 daily vehicles in 2003, but expected to increase to 11,800 daily vehicles by 2025. This results in an approximate seven percent annual growth. This growth rate was applied to 2012 peak hour traffic to develop 2017 peak hour traffic. The analysis described above was repeated and the results are shown in Figure 2. The LOS ranking remained “B”, while the V/C ratios increased to 0.11 for the AM peak and 0.09 for the PM peak. The detailed reports for all analysis are attached.





## Trip Generation

Trip generation was based on data provided by the developer. The facility is expected to generate approximately 200 trucks per day. This is expected to remain constant over the five year life of the project. The facility will operate 24 hours a day and seven days a week. For analysis purposes, it is estimated that approximately 15 percent of the trips (30 trucks per hour in and out) will occur during the peak hours. While likely over estimating the peak hour traffic, it was decided in consultation with the developer to use a conservative estimate to represent a worst case scenario. In addition, four vehicles per hour were added to account for other miscellaneous trips such as employee movement and deliveries.

## Trip Distribution

Based on input from the client and a review of the area, it was assumed that 50 percent of the traffic would come to/from the east and 50 percent would come to/from the west.

## Build Traffic Volumes

Build trips were assigned to 49<sup>th</sup> Street for both the existing (2012) and future (2017) years. The 2012 Build volumes are presented in Figure 3, while the 2017 Build volumes are presented in Figure 4. A traffic analysis was conducted for 49<sup>th</sup> Street similar to the No Build analysis presented previously. In addition, the proposed entrance was analyzed using the Highway Capacity Software Two-Way Stop Control worksheet. No turn lanes were assumed for this analysis.

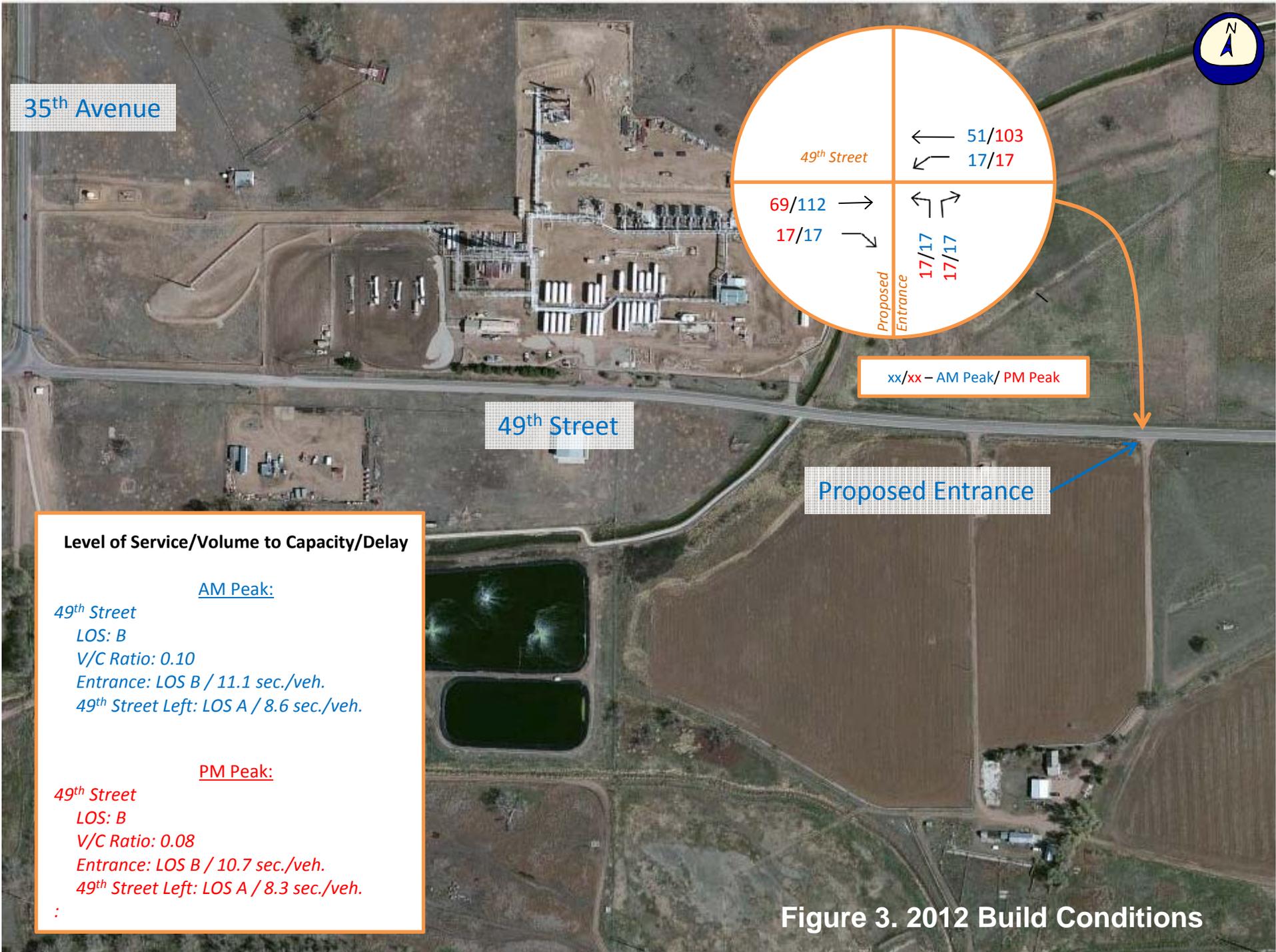
The only change in Level of Service was for the AM Peak 2017 Build alternative. The LOS ranking increased to "C" from "B". The V/C ratio was 0.13. The change in LOS ranking is primarily driven by the limited passing opportunities along 49<sup>th</sup> Street and not by capacity. The LOS ranking at the intersection was very similar for each time period. The exiting movement was classified with a LOS ranking of "B", while the westbound left and through movement was a LOS ranking of "A". Delay per vehicle did not exceed 11.7 seconds.

## 49<sup>th</sup> Street Westbound Left-turn Lane

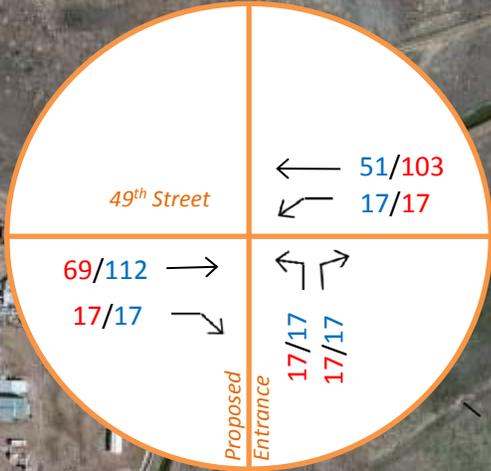
Based on a 45 mph posted speed and 2017 Build traffic presented in Figure 4, a westbound left turn lane is not warranted along 49<sup>th</sup> Street at the proposed entrance. This is based on Table 9-23 presented in AASHTO's *A Policy on Geometric Design of Highways and Streets*.

## 49<sup>th</sup> Street Eastbound Right-Turn Lane

Given the low traffic volumes along 49<sup>th</sup> Street and turning into the proposed facility, a right turn lane is not warranted. While an exclusive right turn lane is not recommended, it is recommended that the turning radius into and out of the facility take into account that the majority of the vehicles entering and exiting the site will be semi-trucks. This accommodation will facilitate efficient movements into and out of the site, thereby minimizing disruption to through traffic.



35<sup>th</sup> Avenue



xx/xx - AM Peak / PM Peak

49<sup>th</sup> Street

Proposed Entrance

**Level of Service/Volume to Capacity/Delay**

AM Peak:

49<sup>th</sup> Street  
 LOS: B  
 V/C Ratio: 0.10  
 Entrance: LOS B / 11.1 sec./veh.  
 49<sup>th</sup> Street Left: LOS A / 8.6 sec./veh.

PM Peak:

49<sup>th</sup> Street  
 LOS: B  
 V/C Ratio: 0.08  
 Entrance: LOS B / 10.7 sec./veh.  
 49<sup>th</sup> Street Left: LOS A / 8.3 sec./veh.

Figure 3. 2012 Build Conditions

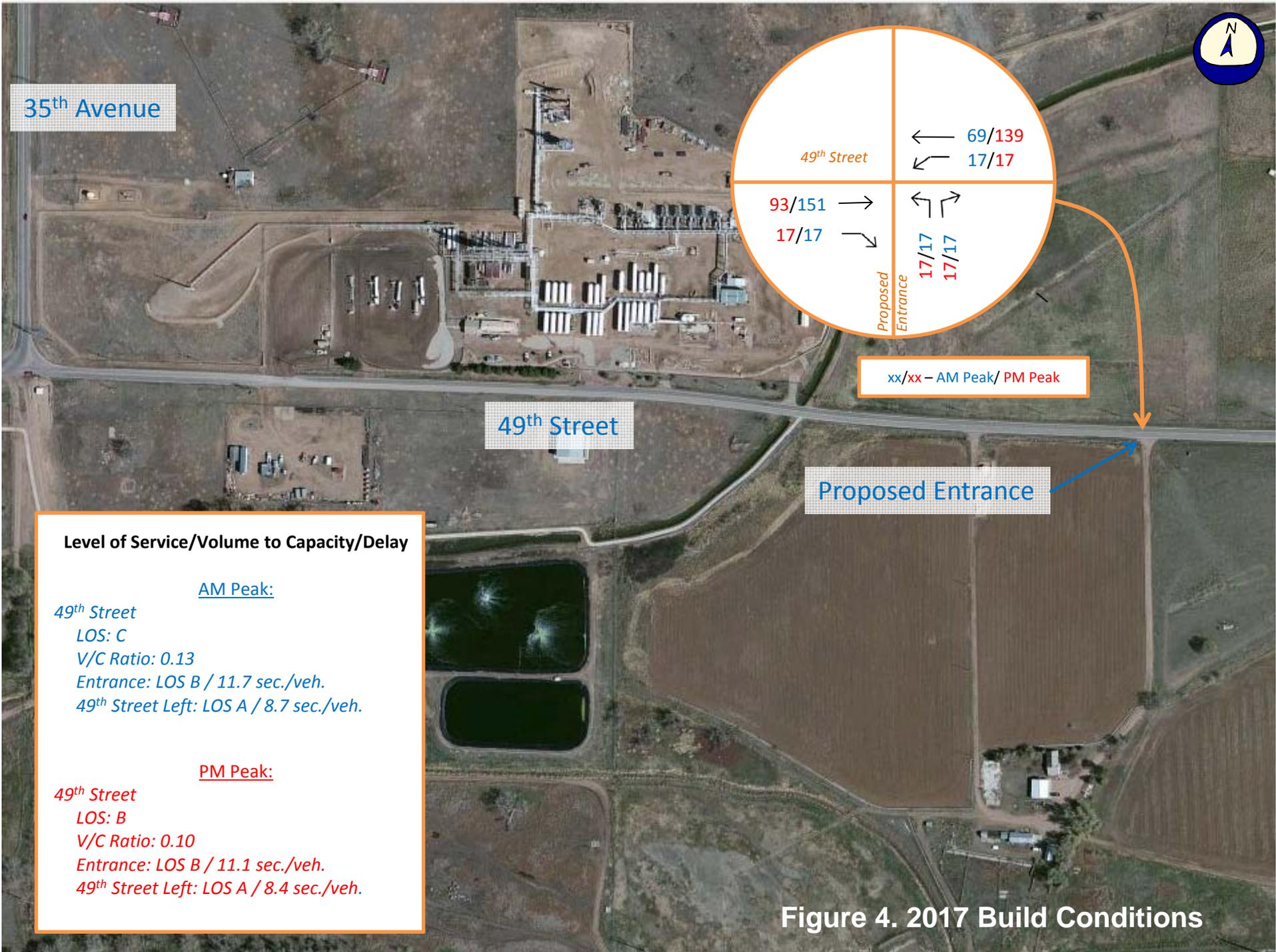


Figure 4. 2017 Build Conditions

## Conclusions

Based on the above analysis, we offer the following conclusions:

- Based on projected volumes, the eastbound right-turn lane and westbound left-turn lane on 49<sup>th</sup> Street are not warranted. It is recommended that the turning radiuses into and out of the facility be large enough to accommodate semi-trucks, which are expected to be the majority of the trips.
- Both the existing and future year traffic analyses result in an LOS ranking of “C” or better and the volumes are well below the capacity for 49<sup>th</sup> Street; therefore, no other improvements are needed.

## PLANNING COMMISSION COMMUNICATION

**DATE:** December 11, 2012

**AGENDA ITEM:** B

**SUBJECT:** Public Hearing – Use by Special Review – Security Residence – 2930 West 49<sup>th</sup> Street – Front Range/Renaissance

**PRESENTED BY:** Sheryl Trent, Community and Economic Dev. Director

**PREPARED BY:** Baseline Corporation, Vincent Harris/Ethan Watel

**ACTION:** Recommendation to City Council

**CITY COUNCIL DATE:** Tuesday, December 18, 2012 at 7:30 PM

BACKGROUND INFORMATION		
<b>Location:</b>	2930 49 <sup>th</sup> Street (south of 49 <sup>th</sup> Street, east of 35th Avenue, generally west of 23 <sup>rd</sup> Avenue)	
<b>Applicants:</b>	Front Range Oil and Gas Water Services, Owner	
<b>Existing Land Use:</b>	Single Family Residential	
<b>Proposed Land Use:</b>	Security Residence	
<b>Surrounding Land Use:</b>	<b>North</b>	49 <sup>th</sup> Street, vacant land, residential, salvage yard (Weld County)
	<b>South</b>	South Platte River, agricultural
	<b>East</b>	Agricultural
	<b>West</b>	Evans Waste Water Treatment Plant, DCP Natural Gas Facility
<b>Existing Zoning:</b>	PUD (Riverside Village)	
<b>Proposed Zoning:</b>	No change	
<b>Surrounding Zoning:</b>	<b>North</b>	County (AG)
	<b>South</b>	River Corridor, County (AG)
	<b>East</b>	PUD
	<b>West</b>	I-1
<b>Future Land Use Designation:</b>	Residential, River Corridor	

**PROJECT DESCRIPTION:** The City has received an application from Front Range Oil and Gas Water Services (FROGS), land owner, for a Use by Special Review for a security residence on a PUD zoned property. Please note there is a separate USR request in front of the Planning Commission on this same land for a water depot, and this approval for a security residence is tied to that approval for a water depot as the main use on the land.

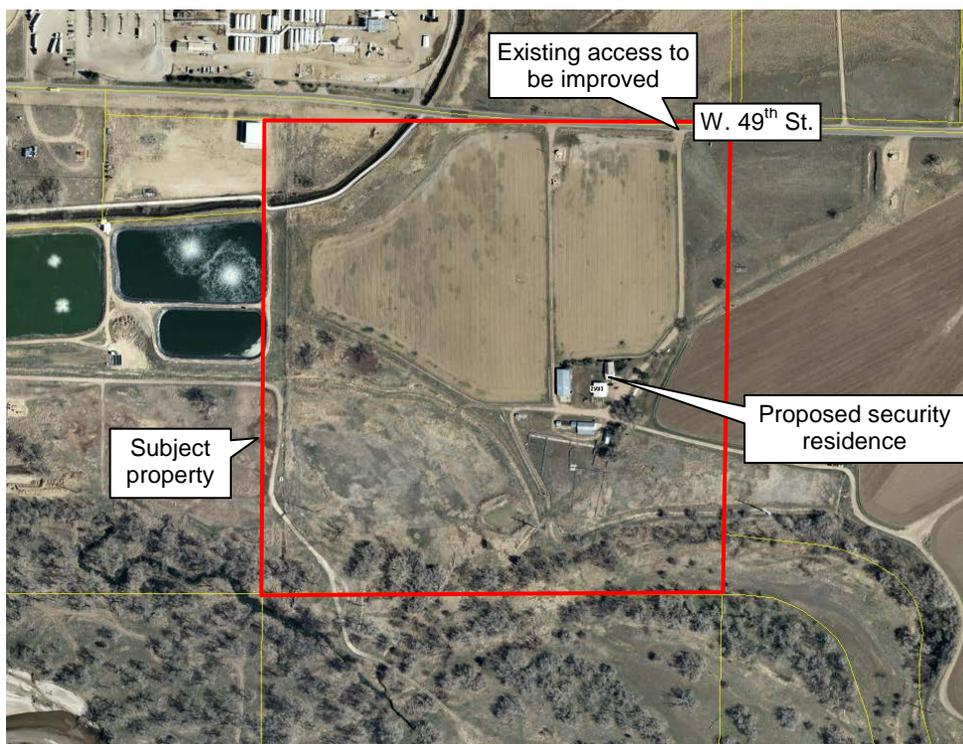
Previously, this item was scheduled for review at the November 13, 2012 Planning Commission meeting. At that time the applicant had not submitted the required information for review, and their meeting was continued until December 11, 2012.

**RECOMMENDATION:** Recommend approval with conditions to the City Council of the Use by Special Review permit.

**ANALYSIS:**

**1. Background:**

The applicant is proposing to convert the existing residence on the property to a security residence. The security residence is necessary for the operation of a proposed water depot (to be permitted under a separate USR). A Planned Unit Development for the subject property was approved in 2007 with very specific land uses (see map of the approved Riverside PUD attached). A PUD Amendment has been presented to the City and is under review, with comments returned to the applicant for consideration. At the time of writing the PUD amendment is on temporary hold. In any case, this USR will be conditioned upon the approval of the water depot USR permit.



Staff recommends that approval of the USR for the security residence be tied to the USR permit for the water depot.

## **2. Section 19.44 of the Evans Municipal Code:**

Below are the Criteria for approval of a USR per Section 19.44.020.

### Chapter 19.44 Approval of Special Uses

#### 19.44.020 Criteria for Use by Special Review.

A. All special uses are listed within each zoning district. If a use is proposed that is not defined within the Evans Municipal Code and does not reasonably fall within the definition of any defined use in the Municipal Code, the property owner may apply for use by special review approval in accordance with this chapter.

B. Criteria. The following criteria shall be used to evaluate use by special review requests:

1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents. **Staff finds that this criteria can be met.**
2. The proposed use would benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use. **Staff finds that this criteria can be met.**
3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area. **Staff finds that this criteria can be met.**
4. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed 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. **Staff finds that this criteria can be met when considering only the security residence. Please see comments on the water depot USR.**
5. The site shall be physically suitable for the type and intensity of the proposed land use. **Staff finds that this criteria can be met. The house exists now and will not be expanded in use.**
6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood. **Staff finds that this criteria can be met.**
7. The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses. **Staff finds that this criteria can be met.**

## **3. Issues:**

The main concern is the use of the land, even temporarily, for projects not considered by the original approved PUD process. Since the water depot (which is tied to this security

residence) is a temporary use, this security residence will also be a temporary use. The conditions as suggested should address the remaining compatibility concerns.

Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

### **FINDINGS OF FACT AND CONCLUSIONS**

After reviewing the FROGS USR for a security residence the following findings of fact and conclusions have been determined:

The review criteria in Sections 19.44 of the Evans Municipal Code can be appropriately and sufficiently met with the conditions as listed below.

### **STAFF RECOMMENDATION:**

We recommend that the Planning Commission recommend approval with conditions to the City Council of the requested USR. Currently staff would recommend the conditions as listed herein:

- 1) This approval is contingent upon approval of the USR for the water depot on the same site.
- 2) Subject to Condition 1 being completed this approval will extend for five (5) years and will automatically expire and be revoked at that time, and if the Water Depot USR is revoked prior to that date the Security Residence USR will also be revoked. Annually or as needed each year staff will review the USR for compliance.
- 3) A site plan and inspection process will need to be completed for final approval, and the USR is conditioned upon that process of approval. The inspection process will include the building and fire departments to ensure appropriate standards have been met in the security residence, including accessibility, bathrooms, and more.
- 4) The USR will also be contingent upon approval of building permits, if necessary.
- 5) The same business license for the Water Depot can apply to the Security Residence.
- 6) A reclamation plan will need to be submitted for the site with the site plan application, returning it to a state approved by the City and detailed in the attached documents.
- 7) A legal description will need to be provided for the specific piece of land in use for the Security Residence (separate from the Water Depot).

### **RECOMMENDED PLANNING COMMISSION MOTION:**

“On the issue of the FROGS Use by Special Review for a security residence at 2930 49<sup>th</sup> Street, I move that the Planning Commission recommend approval as conditioned in this staff report because it does meet criteria outlined in Sections 19.44 of the Municipal Code.”

“On the issue of the FROGS Use by Special Review for a security residence at 2930 49<sup>th</sup> Street, I move to recommend denial because it does not meet criteria outlined in Sections 19.44 of the Municipal Code and is not in the best interest of the citizens and City of Evans.”

---

# **Use by Special Review Application**

City of Evans

Weld County

## **Security Residence**

Front Range Oil & Gas Water Services, LLC

**2930 West 49th Street, Evans, CO 80620**

**(The NW1/4 of the NW1/4 of Section 31, Township 5N, Range 65W of the 6<sup>th</sup> P.M. and the NE 1/4 and the NE 1/4 of Section 36, Township 5 North, Range 66W of the 6<sup>th</sup> P.M)**

October 22, 2012

Prepared by:

Front Range Oil & Gas Water Services, LLC

1860 Blake St. Suite 430

Denver, CO 80202

303.319.1278 [jorgen@renwater.com](mailto:jorgen@renwater.com)

# Security Residence

Front Range Oil & Gas Water Services, LLC

2930 West 49th Street, Evans, CO 80620

(The NW1/4 of the NW1/4 of Section 31, Township 5N, Range 65W of the 6<sup>th</sup> P.M. and the NE 1/4 and the NE 1/4 of Section 36, Township 5 North, Range 66W of the 6<sup>th</sup> P.M)

## Project Overview: Security Residence

### Proposed USE of the property

Front Range Oil & Gas Water Services, LLC (“Front Range”) recently purchased approximately 240 acres of land (the “Property”). Front Range proposes to convert a single family dwelling into a Security Residence located on a portion of the Property. The primary purpose of this building would be to provide facilities and shelter to any individual responsible for the security and oversight of business taking place on the Property, meeting the definition of a Security Residence as provided for under the City of Evans Municipal Code **19.04.850**.

The proposed conversion of use meets criteria for Use by Special Review (“USR”) as outlined in Section **19.44.020 B 1-7** of the Municipal Code.

The USR is for temporary purposes, set to be reviewed each year, not to exceed 5 years in term.

The Security Residence is approximately 30’x50’ (1,500 sq. ft) and at any given time a single individual serving as security personnel would inhabit the Security Residence.

Front Range will have one full time employee supervisor who will be on site from time to time with part time “on call” personnel for any emergencies. Hours of operation can be up to 24 hours per day, 365 days per year. The former residence will not be occupied once operations begin. The existing, or converted residence will serve as a Security Residence for employee and supervisors.

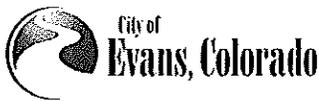
Waste materials shall be handled, stored, and disposed just as it always has been.

No changes to septic, potable water or electric service will be required for the Security Residence.

No new buildings are proposed.

All gas meters for will be protected from vehicle collision damage.

Zero construction would be required.



**Land Use Application  
Use by Special Review**

<b>Staff Use Only</b> Attach Receipt Fee: \$205.00 includes public hearing Intake Date: _____
--

All applications for a Use by Special Review shall comply with the requirements of Chapter 19.44 of the City of Evans Municipal Code and all applicable regulations, standards and plans.

Project Name: Front Range Security Acres: 2.44 Current Zoning: PUD  
*Residence.*

Property Address: 2930 W. 49th St. Evans, CO 80620

Proposed Use (brief description):  
Conversion of the existing farm house into a "Security Residence"

Land Owner Name: Front Range Oil & Gas Telephone: 303.295.1187 Email: Jorgan@reswater.com  
Water Services, LLC

Mailing Address: 1860 Blake St. #430 Denver, CO 80202

Applicant Name: Jorgan Jensen Telephone: 303.319.1278 Email: Jorgan@reswater.com

Mailing Address: 1860 Blake St. #430 Denver, CO 80202

**SUBMITTAL CHECKLIST**

The following items will need to be submitted for review of a Use by Special Review Application.  
 It is recommended that the applicant speak with a City representative prior to submittal of the application.

Applicant Initials	Submittal Documents Required to be Accepted for Review by City	City Staff Initial if Complete
JJ	Electronic copy of all required forms (see below)	
JJ	Use by Special Review Fee of \$205.00 (check or credit card)	
JJ	Letter indicating why the use should be allowed. (See Section 19.44.020 B 1-7 for necessary information)	
JJ	A site plan or master plan drawing of the location and use	
JJ	Photos of the site in question	
JJ	Photos showing the proposed use (if appropriate)	
JJ	An aerial map of the location	
N/A	Any other documentation that would support the request	
JJ	A list, in Excel format, of all land owners within 500' of the proposed use	
JJ	An electronic copy of all submitted documents.	
N/A	If a mini storage unit, all additional information required in 19.44	
J	If a car wash, all additional information required in 19.44	
J	If an oil well, please refer to 16.28 of the Evans Municipal Code for additional requirements and submit:	
J	A landscaping plan	

N/A	A letter detailing the information in 16.28.070 including a full description of the intended use, site improvements, and characteristics of installation, operation, maintenance, site restoration, and abandonment;	
	Evidence of leasehold, resource ownership, or owner's authorization;	
	The name and address of each owner of an interest of record in the oil and gas leases under which such well is to be drilled, operated, maintained or abandoned;	
	The name and address of the person or firm in charge of the operation and maintenance of such well;	
	The name and address of the person or firm in charge of the work to be done under such permit;	
	A true and accurate listing of the names and addresses of the owners of all real estate situated within 500 feet of the proposed well, accessory equipment, and structure site, according to County Assessor records current at the time of the application;	
	Evidence of satisfaction of the bond requirement (see Sections 16.28.08 and 16.28.090);	
	Evidence of satisfaction of the insurance requirement (see Section 16.28.100);	
	Conceptual restoration plan (see Section 16.28.130)	
	Specification and graphic representation of the equipment to be used and the improvements to be made. Specific attention shall be given to the intended measures of noise mitigation and ensuring the public safety;	
	Certification that the owners of the leasehold interest and the persons in charge of the drilling, operation maintenance, or abandonment of such well are familiar with the ordinances of the City and will abide by the provisions thereof;	
	Waste and storage plan (see Section 16.28.140).	

I certify that to the best of my knowledge this Use by Special Review Application meets all of the criteria listed above and all the appropriate documentation has been submitted as requested:

  
 Land Owner Signature

10.22.2017  
 Date

  
 Applicant Signature

10.2.12  
 Date

For City Staff Use Only

Date Submitted:

Date Reviewed:

Reviewer Name: \_\_\_\_\_

Corrections Needed?  Yes  No

Date Returned as Incomplete to Applicant and Owner:

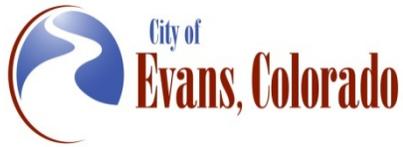
Date Accepted as Complete:

Planning Commission Date:

City Council Date:

Additional Comments:

Formal comments will be found in the L:drive under Community Development/USR/ (name of application)



## Staff Update December, 2012

### Animal Control

The City is reviewing our annual contract with Weld County Humane Society for the cost of animal control, which has risen precipitously between 2012 and 2013. We are researching options for services to the public.

### Building Services

As you all know, we are seeing an uptick in the number of building permits being pulled. Currently 20 single family building permits have been issued for 2012, a significant increase over 2011.

### Code Enforcement/Neighborhood Services

As weed season is over, staff will be focusing on signage, landscaping, and other zoning code violations. Those have a different, and much more complicated, citation process. We will be working with the City Attorney to update that process to include some enforcement issues such as business licenses, closing businesses, and more.

### Development Review

Staff has recently had development meetings with the following:

Family Dollar – 35<sup>th</sup> and 37<sup>th</sup> – site plan complete

Ashcroft Park Apartments – 35<sup>th</sup> and 34<sup>th</sup> – is in site plan review

Cave Creek Phase III – 35<sup>th</sup> and Prairie View Drive – will submit a new site plan

CDOT Park and Ride – east side of Highway 85, south of 42<sup>nd</sup> Street, site plan in process

Gazelle Trucking – waiting on amended site plan from applicant

Campus Crest – processing and reviewing new site plan for same location, adding new units

Annexation Envirotech Phase II – helping applicant with site

USR for Oil and Gas Wells

Variance for outdoor storage on 42<sup>nd</sup> Street

### Economic Development

#### Business to Business Conference

Staff is planning a Business to Business (B2B) conference Thursday, March 28<sup>th</sup>, 2013 here at the Evans Community Center. It will include a vendor show, educational

seminars, and more. We will be working with the EEDAC, SBDC, Evans Area Chamber of Commerce, and Upstate Colorado as well as other state and federal agencies.

### Retail Strategy

Our implementation continues with the Highway 85 Corridor Plan (see the Urban Renewal Authority update above). We continue our focus on how best to bring retail to Evans, what kind of retail it should be, and how to secure that retail. Part of that process will involve updating the Highway 85 Overlay District, Section 19.62 of the Evans Municipal Code. The City Council recently approved a temporary moratorium on all land use applications in the overlay district (goes into effect December 5<sup>th</sup>) in order to take the time necessary to develop those new standards.

### Wayfinding Signage

The sign permits are in to CDOT for approval along Highway 85! The Avenues of Evans signs have been designed and reviewed – we had to change some colors to adapt to the cultural issues in Evans but they look great! They are all interchangeable panels in the signs so if they don't work well we can change the names, etc to protect the innocent! We continue to work with CDOT on the big green directional signs and adding Evans as a destination.

### Evans Urban Renewal Authority Timeline for Highway 85 Corridor Plan

Adoption/PH by ERA of the Urban Renewal Plan	January 15, 2013
Public Hearing by Planning Commission	January 8, 2013
Submitted to Weld County Commissioners	December 10, 2012
Publish notice of hearing in newspaper	December 3, 2012
Public Forum for Information	December 13, 2012
Letters to all about public forum/public hearing (Includes notice of blight study)	December 5, 2012
Blight Study Contracted	November 15, 2012
Impact Analysis Contracted	November 15, 2012
Contact Made with all taxing agencies	September 30, 2012

### Other

#### Library Project

The Library Design Advisory Group has met several times. The programming is done for the uses in the building, and the RFP has been released for the architect to be selected in December. We intend to apply for a DOLA Energy Impact Grant, which is due December 1, 2012. We are working with the Greeley Museum and other museums in the northern Colorado area to determine which artifacts the City of Evans will keep for display, which will be donated to other museums, which may be returned to the original families who donated them, and which will be sold. The DAG determined that

the current museum house will be sold and moved as a part of the process. Demolition is likely to happen in late February/early March as we proceed.