



If you would like to address City Council, please place your name on the sign-up sheet located at the back of the council room. You will be recognized to speak during the "audience participation" portion of the agenda.

AGENDA
Regular Meeting
December 20, 2011 - 7:30 p.m.

City Council meeting packets are prepared several days prior to the meetings. This information is reviewed and studied by the Councilmembers, eliminating lengthy discussions to gain basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis. An informational packet is available for public inspection which is posted immediately on the bulletin board adjacent to the Council Chambers, which can be accessed Monday through Friday 8:00 a.m. to 5:00 p.m. excluding holidays.

1. CALL TO ORDER
2. PLEDGE
3. ROLL CALL:
 - Mayor: Lyle Achziger
 - Mayor Pro-Tem: John Morris
 - Council: Laura Brown
 - Fred Burmont
 - April Neibauer
 - Jay Schaffer
 - Matthew Wells
4. AUDIENCE PARTICIPATION (public comment on items not on agenda):

The City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address City Council. Your comments will be limited to two (2) minutes. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the appropriate staff person for follow-up. Thank you!
5. APPROVAL OF AGENDA
6. CONSENT AGENDA:

The Consent Agenda contains items that can be decided without discussion. Any Councilmember may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under New Business in the order they appear on the agenda (this should be done prior to the motion to approve the agenda).

 - A. Approval of Minutes of the Regular Meeting of December 6, 2011
7. NEW BUSINESS:
 - A. Public Hearing – Resolution No. 35-2011 - Use by Special Review – Installation of solar panels – 3202 11th Avenue (Campus Crest)
 - B. Ordinance No. 532-11 - Adds Chapter 18.25 - Site Plan Regulations to the Evans Municipal Code (1st Rd)
8. REPORTS
 - A. City Manager
 - B. City Attorney
9. AUDIENCE PARTICIPATION (general comments):

Please review the Audience Participation section listed at the beginning of the agenda for procedures on addressing City Council.
10. ADJOURNMENT TO EXECUTIVE SESSION

City Attorney Performance Evaluation
11. ADJOURNMENT

December 2011 - November 2012

Yearly Planner

Dec 2011						
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December

- 6 6:00 PM Worksession/City Council
- 20 6:00 PM Worksession/City Council
- 22 City Offices closing at 12 noon for employee holiday gathering
- 23 City Offices Closed - Christmas Holiday
- 26 City Offices Closed - Christmas Holiday

Jun 2012						
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January

- 2 City Offices Closed - New Years Day Holiday
- 3 6:00 PM Worksession/City Council
- 17 6:00 PM Worksession/City Council

Jul 2012						
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February

- 19 5:00 PM Evans Chamber BAH - Contemporary Cook - 5750 W. 10th Street
- 2 6:30 PM Candidate Orientation session
- 3 First day to pickup nomination petition for Municipal Election

Aug 2012						
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March

- 7 6:00 PM Worksession/City Council
- 17 Last day to file nomination petition
- 21 6:00 PM Worksession/City Council

Sep 2012						
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April

- 3 City Municipal Election
- 9 6:30 PM Newly Elected and Current Council Orientation Session

Oct 2012						
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COUNCIL COMMUNICATION

DATE: December 20, 2011

AGENDA NO.: 6.A

SUBJECT: Approval of Minutes

PRESENTED BY: City Clerk Staff

AGENDA ITEM DESCRIPTION:

Approval of minutes.

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTIONS:

"I move to approve the minutes as presented."

MINUTES
EVANS CITY COUNCIL
Regular Meeting
December 6, 2011 - 7:30 P.M.

CALL TO ORDER

Mayor Pro Tem Morris called the meeting to order at 7:35 p.m.

PLEDGE

ROLL CALL:

Present: Mayor Pro Tem Morris, Councilmembers Brown, Burmont, Neibauer, Schaffer and Wells

Absent: Mayor Achziger

AUDIENCE PARTICIPATION:

There was no audience participation.

APPROVAL OF AGENDA:

Councilmember Schaffer made motion, seconded by Councilmember Brown to approve the agenda as presented. Motion passed with all voting in favor thereof.

CONSENT AGENDA:

- A. Approval of Minutes of the Regular Meeting of November 15, 2011
- B. Ordinance No. 531-11 - Eliminating Section 3.24 - Museum Fund and Section 3.28 - Senior Citizen Special Revenue Fund of the Evans Municipal Code (2nd Rd)
- C. Resolution No. 32-2011 – Establishing 2011 Property Tax Levy

Councilmember Schaffer made motion, seconded by Councilmember Brown to approve the Consent Agenda as presented. Motion passed with all voting in favor thereof.

NEW BUSINESS:

- A. Resolution No. 33-2011 – Adjustment of Water Rates and System Development Charges for the Evans Water Utility Enterprise Fund

Earl Smith, P.E., Director of Public Works, reported the following:

Customarily the City adjusts various fees on an annual basis for inflation. The current rate of inflation used to adjust other fees for 2012 is 1.87%. The proposed resolution reflects an inflationary adjustment in the usage rate for water and the system development fees by an inflationary amount. It is also anticipated the City of Greeley will pass along to Evans a rate increase in the amount of \$0.25/1,000g which is proposed to be passed on to the customers. Monthly delivery charges assessed by Greeley will not be adjusted in 2012.

In addition to the rate adjustment described above, it is proposed the monthly delivery charge be increased by \$2.00/month up to \$14.50 for a ¾" water tap and by proportionate amounts for larger tap sizes. This is the third step in a multi-year effort to increase the availability charge to

the level it supports efforts to provide adequate major maintenance funding. The monthly delivery charge is proposed to increase based upon the recommendations of the City's Finance Committee and as supported in the past by the Water and Sewer Board and City Council. The proposed adjustment will go into effect beginning January 2012.

The monthly delivery charge for a typical single family home is proposed to increase from \$12.50/month to \$14.50/month. The usage fee is proposed to increase from \$2.90/1,000g for the first tier of usage to \$3.20/1,000g. System development charges, or tap fees, are proposed to increase by the amount of inflation (1.87%).

The Water and Sewer Board recommended approval of the rate adjustment.

Councilmember made Wells motion, seconded by Councilmember Neibauer to adopt Resolution No. 33-2011. Motion passed with all voting in favor thereof.

B. Resolution No. 34-2011 – Adjustment of Sewer Rates and System Development Charges for the Evans Wastewater Utility Enterprise Fund

Earl Smith, P.E., Director of Public Works, reported the following:

This resolution proposes an adjustment to the monthly sewer rates and system development charges (SDC's) for the Evans Wastewater Utility Enterprise. The monthly user fees and development charges are proposed to be increased by the amount of inflation as has been done with other fees. The current rate of inflation used in this adjustment is 1.87%. Analysis of the fund also shows that there is a gap between what the City collects in revenue and the minimum requirements to keep the system running. In order to close this gap the analysis shows that an additional 6.82% increase to the base rates is needed.

The monthly user fee for a typical single family home is proposed to increase from \$9.89/month to \$10.75/month. The system development charge, or tap fee, is proposed to increase from \$3,636 to \$3,704 for inside City customers and from \$5,454 to \$5,556 for outside City customers.

The Water and Sewer Board recommended approval of the rate adjustment.

Councilmember Neibauer made motion, seconded by Councilmember Wells to adopt Resolution No. 34-2011. Motion passed with all voting in favor thereof.

REPORTS:

City Council was given the Monitoring Report to review.

The City Attorney had nothing new to report.

Evans City Council
December 6, 2011
Page 3

AUDIENCE PARTICIPATION:

There was no audience participation.

ADJOURNMENT:

Mayor Pro Tem Morris adjourned the meeting at 8:00 p.m.

Kim Betz, City Clerk

NOT YET APPROVED

COUNCIL COMMUNICATION

DATE: December 20, 2011

AGENDA ITEM: 7.A

SUBJECT: Public Hearing – Resolution No. 35-2011 - Use by Special Review – Installation of solar panels – 3202 11th Avenue (Campus Crest)

PRESENTED BY: Sheryl Trent, Community and Economic Development Director

BACKGROUND INFORMATION		
Location:	3202 11 th Avenue	
Applicants:	Campus Crest, Owner SolarCity Corp, Applicant	
Existing Land Use:	C-3 High Intensity Commercial	
Proposed Land Use:	Same	
Surrounding Land Use:	North	Commercial vacant land to be developed, church
	South	Post Office, Moose Lodge
	East	Ditch, storage and industrial uses
	West	Residential
Existing Zoning:	C-3	
Proposed Zoning:	Same	
Surrounding Zoning:	North	C-3
	South	C-3
	East	C-3
	West	R-1, R-2, C-1
Future Land Use Designation:	Commercial	

PROJECT DESCRIPTION: The City has received an application from Campus Crest, land owner, represented by SolarCity Corp, for a Use by Special Review for installation of solar panels. Please see the attached vicinity map and the attached application for the property location, which is 3202 11th Avenue in Evans, commonly referred to as The Grove. The reason this is a Use by Special Review is that the entire project as constructed was approved by USR and any material changes or additions must also be approved by USR.

The request is for the installation of flush-mounted, rooftop grid-tied solar PV arrays on ten (10) buildings as shown in the attached plans.

The Planning Commission conducted a public hearing on November 22, 2011, the minutes of which are attached, and recommended approval to the City Council

RECOMMENDATION: Recommend approval of the USR.

ANALYSIS:

1. Background:

The development was originally constructed in 2005 with a Use by Special Review as allowed under the code. High Intensity Commercial land, as this is zoned, allows multi family housing to be constructed pursuant to the USR. As such, any changes to that use, including the installation of solar panels, must also be approved through a Use by Special Review.

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.
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.
3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be 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.
5. The site shall be physically suitable for the type and intensity of the proposed land use.
6. The proposed land use shall not adversely affect 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.

3. Issues:

The main concern with the application is the adjacency and compatibility with the existing structure and the surrounding land uses. The applicant has submitted a photo of another property with a similar installation for review and comment.

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 Campus Crest USR for installation of solar panels the following findings of fact and conclusions have been determined:

The review criteria in Sections 19.44 of the Evans Municipal Code have been appropriately and sufficiently met.

STAFF RECOMMENDATION:

I recommend that the City Council approve the requested USR with the findings and conclusions listed above.

RECOMMENDED PLANNING COMMISSION MOTION:

“I move to adopt Resolution No. 35–2011.”

“I move to deny adoption of Resolution No. 35–2011 because “

PUBLIC HEARING PROCEDURE

NOTE: Public Hearings are a quasi-judicial process and the City Council is required to refrain from public input or comment until the Public Hearing is conducted.

- A. Mayor opens Public Hearing.
- B. City Staff gives report.
- C. Applicant presents his/her position.
- D. Mayor asks to hear from anyone in the audience who wishes to speak in support of the issue.
* In order to afford all members of the public an equal opportunity to comment on this issue, we respectfully request that you limit your comments to **2 minutes**.
- E. Mayor asks to hear from anyone in the audience who wishes to speak in opposition of the issue.
* In order to afford all members of the public an equal opportunity to comment on this issue, we respectfully request that you limit your comments to **2 minutes**.
- F. Applicant rebuttal
- G. Mayor asks Council if there are any questions that need clarified that were brought up during the Public Hearing.
- H. Mayor closes the Public Hearing.
- I. Mayor asks for Council discussion.
- J. Council will then take action on the issue.

CITY OF EVANS, COLORADO

RESOLUTION NO. 35-2011

A RESOLUTION APPROVING A USE BY SPECIAL REVIEW TO ALLOW INSTALLATION OF SOLAR PANELS ON BUILDINGS AT 3202 11th AVENUE (CAMPUS CREST), EVANS, COLORADO

WHEREAS, the City of Evans has received a request from Campus Crest, land owner, represented by SolarCity Corp, for a Use by Special Review (USR) for installation of solar panels, at 3202 11th Street; and

WHEREAS, said property is located within the C-3, High Intensity Commercial, Zoning District, and

WHEREAS, the original approval for the multi family housing complex was conducted with a Use by Special Review, approved by both the Planning Commission and the City Council, and

WHEREAS, the Planning Commission conducted a public hearing at its meeting on November 22, 2011, and recommended approval of such request without conditions, and

WHEREAS, the City Council has conducted a public hearing and carefully reviewed the request and finds that such use meets the special permit criteria, and that it complies with the purpose of the zoning codes, and otherwise promotes the health, safety and welfare of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, that a special permit is hereby granted to allow the installation of solar panels at 3202 11th Avenue in Evans, Colorado.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Evans on this 20th day of December, 2011.

ATTEST:

CITY OF EVANS, COLORADO

City Clerk

By: _____
Mayor

Reference No. _____ (Office Use)



LAND USE APPLICATION FORM (effective January 1, 2010)

APPLICANT: Please print or type and attach additional information as necessary. Applications cannot be processed until all required information is provided. (Application requirements are on reverse side.)

GENERAL DATA REQUIRED

Name of Owner: Campus Crest Telephone: 704-496-2559 Email: twr@tgxcapital.com
Address, City/State/Zip: 3202 11th Ave., Evans, CO 80620

Name of Applicant: SolarCity Corp Telephone: 720-879-1149 Email: Please see below
Address, City/State/Zip: 490 E. 76th Ave., Unit C, Denver, CO 80229

Name of Development: Campus Crest Student Housing Facility

Property Address/General Location: Same

Description of Proposal (Attach a separate sheet if necessary): Installation of flush-mounted,
rooftop grid-tied solar PV arrays on 10 buildings.

Contact: Derek Esposito - 720-879-1149; Brad Barkey - 720-563-9699

E-mail: desposito@solarcity.com; bbarkey@solarcity.com

Table with 3 columns: Circle Action(s) Requested, FEE SCHEDULE, OFFICE USE ONLY. Rows include Zoning Amendment, Use by Special Review, Variance, Planned Unit Development, PUD Plan Amendment, Subdivision - Sketch Plan, Preliminary Plan, Final Plat, Vesting of Property Rights, Neighborhood Development Plan, Minor Replat or Lot Line Adjustment, Easement or Right-of-Way Vacation, Public Hearing (PH) Publication and Postage, Other, AMOUNT DUE.

*If recording, publication, or postage fees exceed amount collected, you will be billed for and agree to pay the additional amount.

CERTIFICATION (Must be signed by owner or applicant)

I certify that the application submitted herewith is true to the best of my knowledge and that in filing the application I am acting with the consent and knowledge of the property owner(s).

BY SIGNING BELOW I INDICATE THAT I UNDERSTAND
I OR MY REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS
CONCERNING THIS APPLICATION. (See review schedule above.)

Owner(s)/Applicant(s)



October 27, 2011

**Derek Esposito, Project
Manager
SolarCity Corp.
490 E. 76th St.
Denver, CO 80229**

**City of Evans Planning & Zoning
1100 37th St
Evans, CO 80620**

Letter of Intent regarding USR Application for PV Installation

SolarCity is proposing to install forty-three (43) flush-mounted 5.17kW photovoltaic (PV) arrays on the roofs of ten (10) buildings at The Grove, Campus Crest's multi-family housing complex located at 3200-3300 11th Ave. This project fully complies with Section 19.44.020 – Criteria for Use by Special Review – of the Municipal Code, according to the following criteria:

1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents. *The proposed use actually adds to the health, safety, and welfare of the City and its residents by increasing the adoption of renewable energy and thereby decreasing carbon emissions.*
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. *Indeed, the proposed use would add to the property value of the site, thus increasing City tax revenue. In addition, the proposed use will create 15-20 jobs for local roofers, electricians, and various other subcontractors.*
3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be 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.
5. The site shall be physically suitable for the type and intensity of the proposed land use.
6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.

Sincerely yours,

Derek Esposito
Project Manager, SolarCity



3202 11th Avenue

Legend



Evans
City Limits

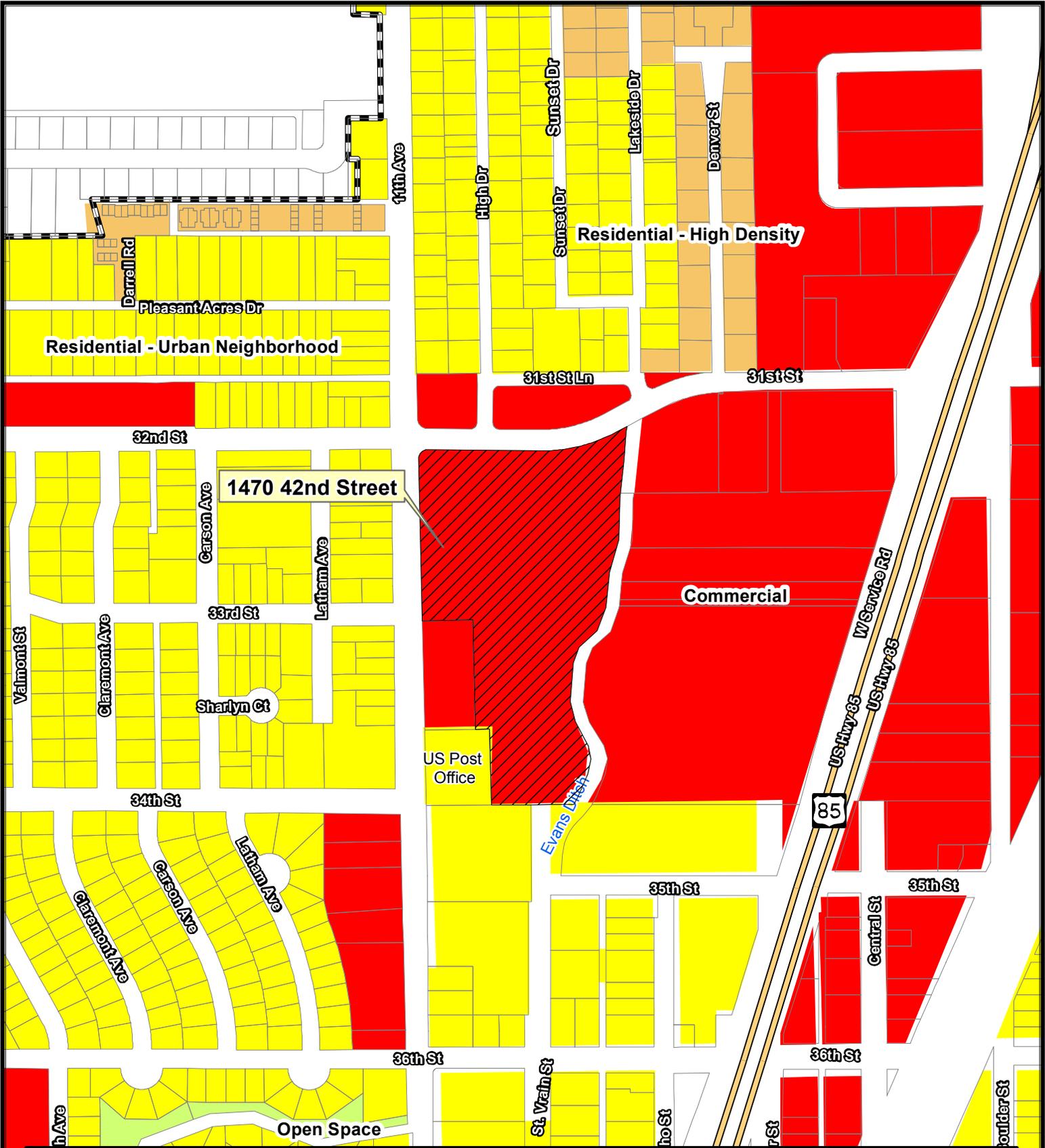


Project Site

Aerial Map

**USR -
3202 11th Avenue**





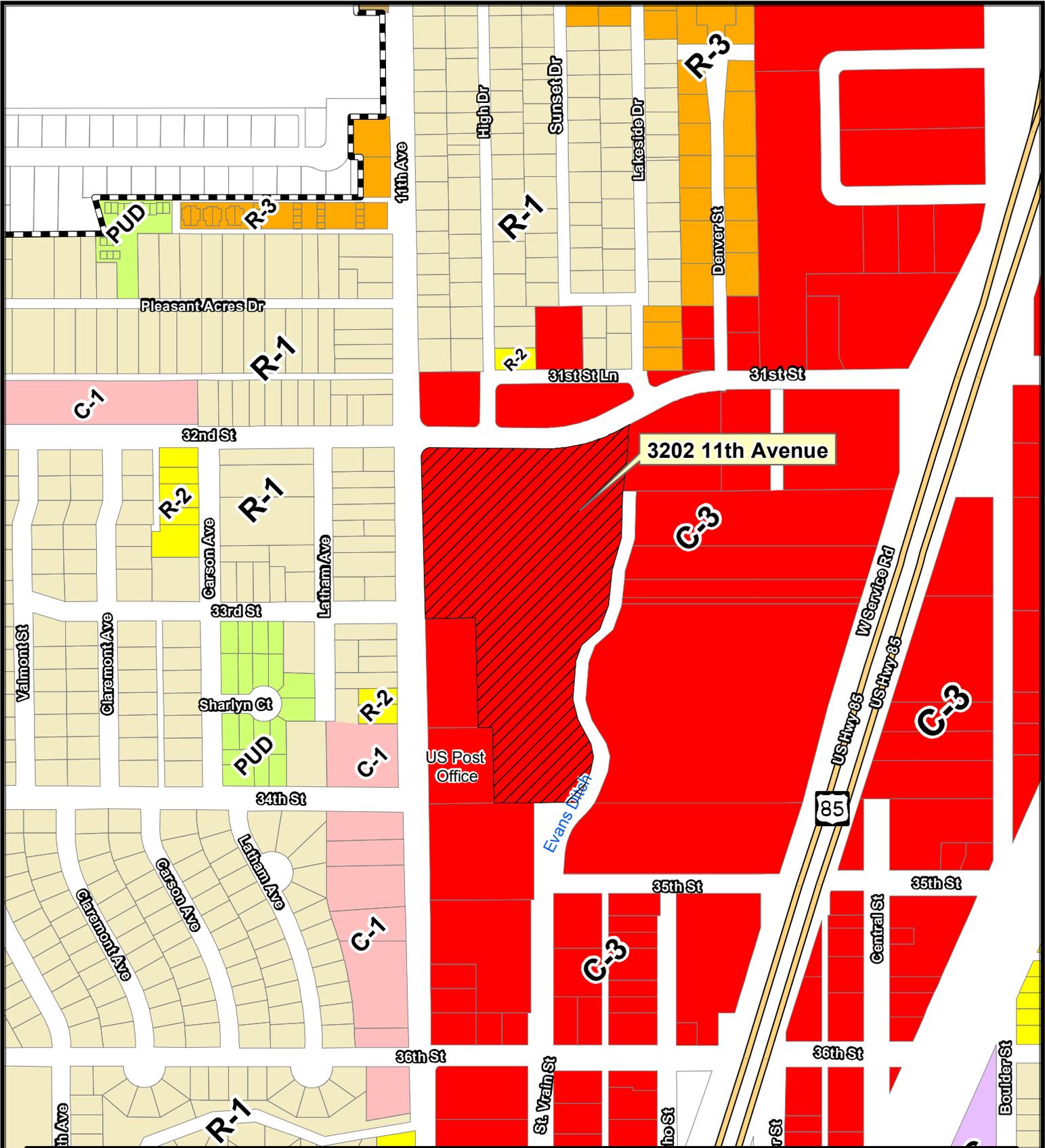
Legend

- Evans City Limits
- Project Site

Future Land Use Map

USR -

3202 11th Avenue



3202 11th Avenue

US Post Office

Evans Dish

Legend

-  Evans City Limits
-  Project Site

Zoning Map

USR -

3202 11th Avenue



MINUTES
EVANS PLANNING COMMISSION
Regular Meeting
November 22, 2011 – 7:00 p.m.

CALL TO ORDER

Chairperson Bisel called the meeting to order at 7:06 p.m.

ROLL CALL:

Present: Chairperson Bisel, Vice Chairperson Brothe, Commissioner Numoto,
Commissioner Phillips

Absent: None

APPROVAL OF MINUTES

Staff indicated the date on the minutes should be September 13, 2011 instead of October 25, 2011. Commissioner Brothe moved, seconded by Commissioner Phillips, to approve the September 13, 2011 minutes as presented. They were handed out at the meeting by staff. Motion passed with all voting in favor thereof.

APPROVAL OF AGENDA

There were no other changes to the agenda and it was approved as submitted.

AGENDA ITEMS

Public Hearing –Use by Special Review application submitted by Campus Crest for installation of solar panels on the property located at 3202 11th Avenue in Evans Colorado – Campus Crest

Chairperson Bisel opened the Public Hearing and asked to hear from staff.

Staff reviewed the report.

The City has received an application from Campus Crest, land owner, represented by SolarCity Corp, for a Use by Special Review for installation of solar panels. Please see the attached vicinity map and the attached application for the property location, which is 3202 11th Avenue in Evans, commonly referred to as The Grove. The reason this is a Use by Special Review is that the entire project as constructed was approved by USR and any material changes or additions must also be approved by USR.

The request is for the installation of flush-mounted, rooftop grid-tied solar PV arrays on ten (10) buildings as shown in the attached plans. The development was originally constructed in 2005 with a Use by Special Review as allowed under the code. High Intensity Commercial land, as this is zoned, allows multi family housing to be constructed pursuant to the USR. As such, any changes to that use, including the installation of solar panels, must also be approved through a Use by Special Review.

Staff is recommending forwarding a Planning Commission recommendation of approval to the City Council.

Section 19.44 of the Evans Municipal Code:

The criteria for approval of a USR is listed in Section 19.44.020 and staff reviewed these points with the Planning Commission.

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.
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.
3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be 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.
5. The site shall be physically suitable for the type and intensity of the proposed land use.
6. The proposed land use shall not adversely affect 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.

The main concern with the application is the adjacency and compatibility with the existing structure and the surrounding land uses. The applicant has submitted a photo of another property with a similar installation for review and comment.

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

Ms. Trent stated that after reviewing the Campus Crest USR for installation of solar panels staff found the following findings of fact and conclusions: The review criteria in Sections 19.44 of the Evans Municipal Code have been appropriately and sufficiently met.

There were no questions of staff. Chairperson Bisel asked the applicant to present their information to the Planning Commission. Mr. Derek Esposito, Project Manager of SolarCity Inc. from Denver introduced himself to the City Council and reviewed some information and the details of the project. They were contracted by Campus Crest to work on this project. They feel it would benefit the area and provide jobs to local electricians and contractors. There will be two phases to the project: the roof solar panels and construction of new carports that will also have solar panels. That second phase is not being addressed tonight, only the roof mounted solar panels.

Mr. Brothe asked about how the energy would be stored. Mr. Esposito indicated that the panels are interconnected with the grid, so there is no battery backup. If there are loads in the building the energy would be used there.

Mr. Numoto asked about how long the panels would last. Mr. Esposito stated that the lifespan of system 25 – 30 years for energy production. Mr. Phillips asked about color contrast with the roof and glare from the sun. The applicant stated that the panels are non reflective and absorb all of the incoming light. When the sun hits them they have a navy blue appearance, similar to picture given to Planning Commission. Mr. Numoto asked about the cost per unit to install and implement, and Mr. Esposito indicated that he only knew about his contract, not the full cost of the entire project, but the project for the roof was 120 KW, and the cost would be about \$600,000 total for the roof. Campus Crest as the owner made the financial decision to reduce their electrical consumption on this site.

Mr. Numoto asked about storage of the solar energy and Mr. Esposito stated that storage/battery technology was very limited and expensive and typically double the cost of the installation. They last about 10 years and are highly toxic for waste disposal so they are typically not feasible.

Chairperson Bisel asked for any public comments. There were none. The public hearing was then closed.

Chairperson Bisel then asked for the Planning Commission to comment or offer a motion. Commissioner Phillips moved that, on the issue of the Campus Crest Use by Special Review for installation of solar panels, I move that the Planning Commission forward a recommendation of approval because it meets the criteria outlined in Sections 19.44 of the Municipal Code. Commissioner Brothe seconded the motion.

Motion passed with all voting in favor thereof.

Sign Code Review

Staff reviewed the existing sign code, indicating to the Commission that staff had quite a bit of work to do in this area, and that the final version was 45 – 60 days in the future. The intent is to update the sign code to reflect changes over the past several years, add sections that need to be added, potentially prohibit some activities (such as painted window signs, balloons and more), and address some long standing issues.

Mr. Brothe mentioned on Highway 85, the bright neon sign at the RV location at night is particularly distracting. A Highway 85 Sign Code is in progress with the Coalition and staff will mention that to the staff there. Mr. Brothe also mentioned the proliferation of signs and that they are not removed.

Mr. Numoto mentioned the color of the Rose's Furniture Building and a violation of the code. Staff detailed that situation as a code violation and citation into court. Mr. Bisel talked about the window signs and having a certain percentage of the window covered. The Trading Post would be an example. Staff indicated that it was difficult to enforce and that perhaps they should be temporary. Mr. Bisel suggested that only a certain number of windows or only the top or bottom half. It was suggested it was a safety issue for our police department. Mr. Brothe suggested that while it looks very "busy", it is a cultural aspect for certain retailers and perhaps some limitations would be appropriate. He would like to hear from those owners who have window paint to see their point of view. Mr. Phillips stated that many retailers use temporary paint as well.

A discussion ensued about mobile signs, such as trucks and movable signs like Big O has. As long as they are not parked permanently and are moved they should be allowed under the code. A possible solution would be to count those movable signs toward the entire allowed signage square footage. Sandwich signs should be allowed as long as they are on private property and not on the public ROW or impeding movement by cars and people.

Enforcement remains a concern and a problem but staff will continue to prioritize and focus on certain areas. The Commission agreed that equal and fair enforcement should be the goal for staff.

COUNCIL COMMUNICATION

DATE: December 20, 2011

AGENDA ITEM: 7.B

SUBJECT: Ordinance No. 532-11 - Adding Chapter 18.25 to the Evans Municipal Code Related to Site Plan Review – (1st Rd)

PRESENTED BY: Sheryl Trent, Community and Economic Development Director

AGENDA ITEM DESCRIPTION:

Currently, the City does not have a formal written process for review and approval of Site Plans for commercial, industrial or multi-family development. Without this review and approval process the City has no ability to ensure that new development is consistent with the City's Design Standards including but not limited to parking, architecture, signage and landscaping.

The proposed code additions require Site Plan approval for all new development except for single family dwellings and duplexes. Site Plan approval is needed for a building permit for all multi-family, commercial and industrial developments as well as parks, open space and trails.

The proposed codes are user friendly for both staff and the applicant, by streamlining the review and approval process so that approval is completed at the staff level and the submittal requirements allow staff to review the project not only for compliance with design standards and other City regulations but also the economic impact the development will have.

FINANCIAL IMPACT:

There is no effect on the City's revenue or cost, however this ordinance will require more financial information from the applicant in order for the City Council to reach a determination.

RECOMMENDATION:

Staff recommends that the City Council approve Ordinance No. 532-11 on first reading. The second reading is set for January 3, 2011.

SUGGESTED MOTIONS:

"I move to approve Ordinance No. 532-11 on first reading."
"I move to amend Ordinance No. 532-11..."
"I move to deny Ordinance No. 532-11..."

CITY OF EVANS, COLORADO

ORDINANCE NO. 532-11

AN ORDINANCE ADDING CHAPTER 18.25 TO THE EVANS MUNICIPAL CODE TO ADDRESS SITE PLAN SUBMITTAL AND REVIEW

WHEREAS, the City of Evans is a home rule city duly organized and existing under the Constitution of the State of Colorado and the Home Rule Charter of the City; and

WHEREAS, pursuant to that authority the City Council can adopt changes to sections of the Municipal Code; and

WHEREAS, staff has extensively researched the issues related to site plan review and approval including consulting with local developers, reading state statutes and other municipal codes; and

WHEREAS, currently the language in the municipal code does not address the significant public health, safety and welfare issues; and

WHEREAS, the Planning Commission has reviewed these changes and the City Council has held prior meetings on these issues,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO:

SECTION 1. PROPOSED AMENDMENT: Chapter 18.25 of the Evans Municipal Code shall be added to read as follows:

Chapter 18.25

SITE PLAN REGULATIONS

Sections:

18.25.010	Purpose
18.25.020	Site Plan Process
18.25.030	Site Plan Map Standards
18.25.040	Review Criteria
18.25.050	Site Plans within approved Planned Unit Developments
18.25.060	Amendments to Approved Site Plans
18.25.070	Plot Plans for New Single Family Dwellings and Duplexes

18.25.010 Purpose. It is the intent of this Chapter to promote orderly and sound development standards as they apply to the City. Site development standards are intended to enhance and protect the community's natural as well as man-made environments. Site plan approval is needed for a building permit for all multi-family, commercial and industrial developments as well as parks, open space and trails. For site plans within approved PUDs see Section 18.25.050. New Single Family Residential Units or Duplexes must submit Plot Plans per Section 18.25.070.

18.25.020 Site Plan Process. The requirements as set forth in this section may be waived or modified as determined by the City Manager or his/her designee based on the size of the proposed land area to be developed and the intensity of development proposed by the applicant.

A. Pre-application Conference. Landowners considering development shall meet with the City at a pre application conference (PAC) prior to submitting any Site Plan Applications for the purpose of reviewing the City's requirements and application materials with staff.

B. Sketch Plan

1. If the property to be developed is larger than three (3) acres or the proposed building will be greater than 10,000 sq ft the applicant will need to bring a sketch plan to the Pre-application Conference (PAC). The sketch plan shall be at least 11 X 17 inches in size and include:
 - a) Lot dimensions
 - b) Building location and dimensions
 - c) Parking information including number of proposed spaces and location
 - d) Access points to adjacent streets
 - e) Location of both existing and proposed utilities and connections
 - f) Proposed landscaping location and description
 - g) A visual representation and written description of the proposed architectural details, including signs and lighting
 - h) A written description of the proposed development

C. Application Requirements. After a pre application conference, the applicant shall submit to the City the Site Plan materials. Complete Site Plan applications shall include the following:

1. Completed Land Use Application form.
2. Required Site Plan fees and a deposit in an amount specified by the City for the cost of reviewing and processing the application.
3. One full-size paper copy, and five 11" x 17" paper reductions of the Site Plan Map. See Section 18.25.030 for further details.
4. The following supportive information in narrative form (cover letter) that will enable City staff to evaluate the impacts of the development on the City:
 - a) Soils description and limitations.
 - b) A statement of any known hazards and other important environmental conditions present on the property.
 - c) Floodplain information.
 - d) A description of all structures to be built on the site, including size, quantity, use and the number of units per structure.

- e) A statement explaining the phasing of the development.
 - f) Complete listing of landscape material costs and installation costs.
 - g) Evidence of current ownership, acceptable to the City Attorney, such as a copy of an updated title policy or commitment, current within thirty (30) days.
 - h) A list of all landowners and addresses within 500' of the subject property.
 - i) If the use is nonresidential, the number of employees and the type of activity shall be specified. If the use is residential, the type of units and the number of each unit to be built shall be specified.
 - j) For all commercial, industrial and multifamily applications, an economic impact report describing the impacts of the development on City services and tax base must be submitted. If the application is part of a previously approved PUD and as part of the PUD approval process there was an economic impact report submitted then no report is necessary. If there was not an economic impact report submitted as part of a PUD approval process then an economic impact report is required.
5. An electronic copy of all submitted documents, either via email, CD or flash drive.
- D. Staff Review and Approval. Within ten (10) business days of receipt, staff will review the application for compliance with all applicable plans, standards and regulations and approve, approve with conditions or indicate the application is incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package and resubmit that site plan. If a neighborhood meeting is required, the information from the neighborhood meeting shall be submitted to the City as a part of the approval process, which may affect the ten (10) business day response period.
- E. Public Notification and Neighborhood Meetings. For all Site Plan applications the applicant shall be responsible for the following:
- 1. Notify all neighbors within five hundred (500') feet of the proposed project that a land use application has been submitted for a Site Plan including the basic details of the project size, type, location etc.
 - 2. Post the Property with a sign (the City will provide this sign to the applicant) that includes the following information:
 - 3. If there are any easements or public utilities on the property the applicant shall be responsible for submitting all plans for review and comment to the appropriate entity.

NOTICE
LAND USE PROPOSAL UNDER REVIEW
CITY OF EVANS
(970) 475-1112

The applicant shall submit all comments from easement holders and public utilities to staff.

4. If the total acreage of the project is greater than three (3), the total square footage of all buildings is greater than ten thousand (10,000) feet, or adjacent zoning is not the same as the subject property, the applicant will be required to hold a neighborhood meeting to present the project and hear comments. This is separate from the City's public hearing process, and City staff may or may not attend. The applicant will be responsible for notifying the neighbors as outlined in Section 18.25.020 E.1, notifying the City of the meeting, and making a summary report to the City with regard to attendees, questions, and other issues raised at that meeting. This neighborhood meeting shall take place after the site plan is accepted as complete by the City but prior to any scheduled public hearing or other public meeting that is required by the City.

- F. Post Approval Actions. Upon final approval by the City, the applicant shall submit two (2) original Mylars of the approved site plan to the City to be signed, then to the Weld County Clerk and Recorder's Office for recording. The recording fees shall be paid by the developer.

18.25.030 Site Plan Map Standards. The site plan map(s) shall be a minimum of twenty four (24) inches by thirty - six (36) inches and shall provide the following information:

- A. Title of Project
- B. North arrow, scale (no greater than 1" = 50') and date of preparation.
- C. Vicinity map showing aerial photos.
- D. Address of project.
- E. Legal description of property.
- F. Name, address, email and phone number of property owner.
- G. Name, address, email and phone number of person or firm responsible for plan (applicant).
- H. Lot size (square footage).
- I. Bearings and distances of all lot lines.
- J. Existing and proposed easements and rights-of-way.
- K. Parking plan showing all spaces, landscaping and dimensions including required accessible parking.
- L. Existing and proposed paved areas and sidewalks on the site and in the adjacent rights-of-way, all dimensioned, showing how pedestrians will have access to the site and buildings.
- M. Gathering areas for people.

- N. Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
- O. Existing and proposed two-foot contours.
- P. Existing waterways on or adjacent to the site.
- Q. Footprint (including roof overhangs and eaves, decks, balconies, outside stairs and landings) of all proposed structures and their use with their dimensions and locations noted with respect to the property lines.
- R. Existing structures and their use.
- S. Square footage of the proposed building and the footprint of the proposed building.
- T. Proposed structure height.
- U. For commercial and industrial uses, the type of activity and number of employees.
- V. For multi-family residential, the number of residential units and bedrooms per unit.
- W. Location of proposed signs and lights.
- X. A completed sign permit, including specifications for the signs and lights, including type, height and general conformance to the Code. For commercial and industrial uses, a photometric plan prepared by a qualified electrical or lighting engineer shall be submitted that depicts all lighting fixtures and the light spread (in foot-candles) of these fixtures across the site to all property boundaries.
- Y. Proposed traffic controls and striping for parking areas (all lanes, driveways and parking spaces must be dimensioned).
- Z. Trash disposal areas and enclosures including specifications for enclosures.
- AA. Location and size of existing and proposed water and sewer service connections and tap sizes (including those for irrigation systems).
- BB. Location and size of water and sewer lines to which the service connections will be or are made.
- CC. Location and size of water meters.
- DD. Location and size of backflow-prevention devices.
- EE. Indication of how and where perimeter drain will drain (if one exists).
- FF. Location of existing electrical lines and poles on or adjacent to the site.
- GG. Location of proposed electrical service connection and meter location.

- HH. Location of electric transformer.
- II. Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within three hundred (300) feet.
- JJ. Location of detention/retention areas and storm sewer infrastructure with the required drainage easements.
- KK. The distance from the proposed building or structure to adjacent lot lines, easements and adjacent structures.
- LL. Certificate blocks for signatures of owner, engineer, surveyor and City approval, as applicable on all maps.

18.25.040 Review Criteria. The following criteria shall be used to determine acceptance and possible approval of a Site Plan.

- A. All of the information required on a site plan is shown.
- B. The lot size and lot dimensions are consistent with what is shown on the Weld County Assessor's data base and/or approved final plat.
- C. No buildings or structures infringe on any easements.
- D. The proposed site grading is consistent with the requirements of the current City of Evans Master Drainage Plan.
- E. The use, density and dimensions shown conform to the requirements as set forth in the appropriate zoning or to the approved PUD requirements.
- F. The applicable design principles and development standards have been adequately addressed and the proposed improvements are in conformance.
- G. All economic concerns regarding impact to City services have been addressed appropriately.

18.25.050 Site Plans within approved Planned Unit Developments.

- A. Site Plan approval for properties and projects within and approved PUD are required unless a development agreement states otherwise to ensure that the approved design standards within the PUD are met.
- B. The review process for Site Plans within an approved PUD shall follow Section 18.25.020 with the addition below.
 - 1. In addition to a written and graphic form how the proposed structure is consistent with all applicable City plans, regulations and standards the applicant shall include information on how the development meets the PUD standards.

18.25.060 Amendments to Approved Site Plans.

- A. Minor variations in the location of structures, improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Staff. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character, or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the City.
- B. Changes to approved site plans that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Chapter.
- C. For remodels and amendments to existing structures and properties without an approved Site Plan, those properties must also adhere to Sec 19.56.050 D maintenance, restoration, and remodeling of legal nonconforming structures.

18.25.070 Plot Plans for New Single Family Dwellings and Duplexes.

- A. A plot plan is needed in order to apply for a building permit all new Single Family Dwellings and Duplexes, whether or not the property is located within an approved subdivision or PUD. The plot plan shows where the proposed building or structure will be located on the lot as well as the architectural design of the structure so that the City can make sure that the proposed location will be in compliance with all applicable regulations.
- B. Plot Plan Application.
 - a. Submit Land Use Application Form.
 - b. Plot Plan Map - The plot plan map shall be a minimum of eight and one-half (8½) inches by eleven (11) inches and shall provide the following information:
 - i. Title of project.
 - ii. North arrow, scale (1"=20' or as approved by the *Town/City*) and date of preparation.
 - iii. Name, address and phone number of property owner.
 - iv. Lot number, block number and name of subdivision.
 - v. Lot size (square footage).
 - vi. Bearings and distances of all lot lines.
 - vii. Existing easements on the lot.
 - viii. Footprint of the proposed building or structure, dimensioned.
 - ix. Square footage of the proposed building and the footprint of the proposed building.
 - x. Distance from the proposed building or structure to all lot lines.
 - xi. All existing buildings or structures on the lot.

- xii. Driveway.
- xiii. Existing and/or proposed water and sewer service lines on the lot.
- xiv. Elevations of:
 - 1. The finished floor for the house and garage.
 - 2. The ground ten (10) feet away from the house and garage.
- xv. Height of all proposed buildings.
- xvi. The lot corners
- xvii. Street trees (right-of-way landscaping).
- xviii. Demonstrate in written and/or graphic form how the proposed structure is consistent with the applicable Design Standards of both the City and a PUD if applicable.
- xix. Drainage Information - Provide the City with information regarding how the lot will drain.

C. Staff Reviews Plot Plan Application and Prepares Comments. Staff will review the application for compliance with all applicable plans, standards and regulations and approve, approve with conditions or return the application as incomplete within ten (10) business days of receipt.

D. Plot Plan Review Criteria. The plot plan must meet the following review criteria:

- 1. All of the information needed on a plot plan is shown.
- 2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
- 3. No buildings or structures infringe on any easements.
- 4. The proposed site grading is consistent with FHA standards (if insured by FHA) otherwise it shall meet City's approval.
- 5. The density and dimensions shown conform with the City's Density and Dimensional Standards or the approved PUD requirements.
- 6. The applicable Design Standards and Regulations have been met for both the City and the PUD if applicable, including but not limited to architecture, size and landscaping.

SECTION 2. Publication and Effective Date. This ordinance after its passage on final reading, shall be numbered, recorded, published and posted as required by the City Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the City Clerk, and by the Certificate of Publication. This ordinance shall become effective January 4, 2012.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Evans on this 20th day of December, 2011.

CITY OF EVANS, COLORADO

By _____
Mayor

ATTEST:

City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this 3rd day of January, 2012.

CITY OF EVANS, COLORADO

By _____
Mayor

ATTEST:

City Clerk



Economic Impact Report Form

All Site Plans shall comply with the requirements of Chapter 18.25 of the City of Evans Municipal Code and all applicable regulations and standards in the municipal code.

For all commercial, industrial and multifamily applications, an economic impact report describing the impacts of the development on City services and tax base must be submitted. If the application is part of a previously approved PUD and as part of the PUD approval process there was an economic impact report submitted then no report is necessary. If there was not an economic impact report submitted as part of a PUD approval process then an economic impact report is required.

Project Name: _____ Acres: _____ Zoning: _____

Property Address: _____

Brief Description of Project:

***Please attach worksheets showing documentation for the information below. Attach any additional information**

Increase in Property Tax in Year 1:

Increase in Property Tax over 10 Years:

Sales Tax in Year 1:

Sales Tax over 10 years:

Jobs Created: Full Time Part Time

Average Annual Salary or Hourly Rate:

Benefits Provided to Employees? Yes No

If Yes, what type of benefits?

Health Care

Retirement

Other

Other short term benefits to the City of Evans:

Other long term benefits to the City of Evans:

For City Staff Use Only

Date Submitted:

Date Reviewed:

Reviewer

Name: _____

Cost to City to provide services to project

Year One

Over 10 years

Is this project financially sustainable for the future of the City?

**Formal comments will be found in the L:drive under Community Development/Site Plan Review/
(name of application)**

COUNCIL COMMUNICATION

DATE: December 20, 2011
AGENDA NO.: 10.
SUBJECT: Adjournment to Executive Session

AGENDA ITEM DESCRIPTION:

City Council will adjourn into an Executive Session to discuss a personnel matter (City Attorney's performance evaluation).

FINANCIAL SUMMARY:

N/A

RECOMMENDATION:

N/A

SUGGESTED MOTIONS:

"Pursuant to CRS 24-6-402(4)(f), I move to go into Executive Session for the discussion of a personnel matter."
