



**NOTICE OF REGULAR MEETING
KERSEY PLANNING AND ZONING COMMISSION
KERSEY MUNICIPAL BUILDING
446 1st Street, Kersey, CO
TUESDAY, JUNE 6, 2023
6:00 P.M.**

1) CALL TO ORDER

2) ROLL CALL

3) NEW BUSINESS

- a.** Approval of February 7, 2023 Regular Meeting Minutes
- b.** Public Hearing – Centennial Commerce Center Annexation No 1 and
Request for D-Industrial and C-Commercial Zoning

4) ADJOURN

Town of Kersey

P&Z Communication

Meeting Date: 6/06/2023	Page 1 of 1	Item: New Business
Agenda No: 3. a.	Presented by:	
BACKGROUND: <p>Approval of the February 7, 2023 regular meeting minutes.</p>		
RECOMMENDED MOTION: I move to approve the minutes of the February 7, 2023 regular meeting.		

**MINUTES
PLANNING AND ZONING COMMISSION
KERSEY MUNICIPAL BUILDING
REGULAR MEETING
February 7, 2023**

The Kersey Planning and Zoning Commission regular meeting was called to order by Planning Commission Chairwoman Mary Roth at approximately 6:02 p.m. on February 7, 2023. Commissioners present were Bob Kellerhuis, Coralie Slusher, Jay Pier and Town Board Representative, Mayor Gary Lagrimanta. The Planning Commission has two vacancies.

Staff present were Christian Morgan, Town Manager; Julie Piper, Town Clerk; Haley Curtis, Deputy Town Clerk; and Danna Ortiz, Town Planner. Gene MacDonald, Town Engineer; and Rick Zier, Town Attorney were present via WebEx.

There were approximately 61 public present. The following public spoke this evening:

Rocky Hollingworth, applicant's construction manager;
Dave Popham, 149 1st Street;
Cynda Becker, 109 1st Street – Apt 14;
Becky Talbot, 109 1st Street – Apt 18;
Christine Dixon, 109 1st Street – Apt 13;
Paula Barea, 118 W. Hill Street;
Shelby Marcum, Kersey Housing Authority (KHA) Executive Director;
Shelby Chesnut, Owner of 509 Hill Street, 27028 CR 52;
Roberta Smith, 28874 CR 53;
Morgan Moisey, 112 Parkview Blvd; and
Joan Lind, 25745 Sandy Knolls.

NEW BUSINESS:

1. Approval of January 3, 2023 Regular Meeting Minutes

Motion made by Commissioner Breuer, seconded by Commissioner Pier to approve the minutes of the December 6, 2022 regular meeting minutes. Motion carried with a 5-0 vote.

2. Public Hearing – Locality Site Plan Phase 1, Approval of Resolution 2023-0005 Approving a Site Plan for Phase 1 of Locality

Chairwoman Roth opened the Public Hearing at approximately 6:03 p.m.

Danna Ortiz, Town Planner reviews the staff report (included in the packet). The applicant is HCL Engineering & Surveying, LLC. Landowner is Linacres Sprengboad, LLC. This is a 6.41 acre lot in the Berryman Farm Subdivision. Zoned Mixed Use Commercial/Residential. The request is to approve the site plan for Ace Hardware store, and site master plan with 5 commercial buildings. A 12,000 sq ft hardware store, 12,080 sq ft grocery store, 9,000 sq ft professional services, 5,000 sq ft retail and 3,200 sq ft restaurant pads. This application does not go before the Board of Trustees, any action taken by the Planning Commission is final. However, the applicant may appeal your decision to the Board of Trustees. Due to the cost and risk associated with this project, the applicant has asked that the Planning Commission review and take action on the site plan before final engineering, landscape and site plans are developed and submitted. The applicant does not want to invest in final plans before it is approved to move forward.

Danna displays a site map for phase one. The white area, currently listed as dryland grass will be the phase three grocery store. The phases might change a little. There are two access points from Klein Circle, and two access points from Hill Street, the one North of phase one is temporary and will be replaced with one further to the West.. Danna displays the architectural elevation concepts (included in the packet). This includes all phases, to ensure uniformity in design. Danna says, this development has been anticipated for over 15 years, as part of the Berryman Farm PUD. The architecture and landscaping are designed to reflect Kersey's rural character. The project will encourage walking by creating an inviting atmosphere through attention to the details of landscaping, sidewalks, lighting, building architecture, and public gathering spaces.

Danna says, we noticed as required to 17 referral agencies, and 16 adjacent property owners within 300', published notice of this meeting in the Greeley Tribune, posted a sign near the property, posted notice at Town Hall and on the Town's website. Platte Valley Fire Protection District, Kersey Public Works and Kersey Police are still reviewing the application. This is appropriate because the Town does not have final engineering plans. The applicant, landowners, and Town staff met with the Kersey Housing Authority and several adjacent landowners on January 24th. The primary concerns were; delivery truck traffic, noise, use of the existing 36' easement which sever KHA residents have been using as parking, theft/vandalism/security, proposed drainage exacerbating the current KHA drainage issues, the hardware store potentially shadowing resident's skylights, and maintenance of the access easement. Locality is proposing trees along the west property line to screen the development from KHA. That access at the rear of the building will only be used for trash/delivery trucks, general traffic will be directed to the front of the building. Emergency services will still be able to access the Kersey Housing Authority property from the access easement on the properties south side of the site, if needed.

Danna reviews the design standard criteria for approval (included in the packet). The site plan is complete. The lot dimensions are consistent with Berryman Farm Final PUD and amended Subdivision Plat. The proposed building will not affect any easement. The applicant will comply with the approved Berryman Farm PUD master drainage plan. They will provide the Town Engineer with final grading and drainage plans for phase one if the Planning Commission approves the site plan application. The proposed buildings conform with the Berryman Farm PUD setbacks and dimensional standards for commercial use. The proposed commercial uses are appropriate for the existing mixed-use commercial residential zoning. The proposed building heights are below the 40' limit. The proposed setbacks comply with the 25' minimum requirement. The project includes 200 parking spaces, which is approximately double what is required. All proposed lighting is dark sky compliant. The applicant has submitted a photometric plan demonstrating the light will be contained on the property. Lights will be arranged as to reflect the light away from nearby residences, and away from the vision of passing motorists. The buildings are designed in terms of their relationship to the height and massing of the adjacent buildings, and in relation to human scale. The barn-like architecture fits with Kersey's character and includes gabled roofs, porch like entryways, pedestrian level windows, and masonry wainscoting. All HVAC systems, trash facilities and loading areas are screened. The project does not comply with four standards/PUD requirements: 1. The street cross-sections do not completely match Berryman Farm PUD street cross-sections (the sidewalk and tree lawn are different). 2. The applicant is asking to install recycled asphalt as opposed to paving, because of the cost. 3. The landscape setback from the parking lot adjacent to Highway 34 is 17' vs. the required 30', and 4. Section 2.17 requires the developer of the higher intensity use to demonstrate that the uses will be compatible. The applicant is still working with adjacent landowners to address their concerns.

Danna says, staff recommends approval with the following conditions:

- A. The applicant submits the additional information requested by staff in a letter dated 01/18/2023.
- B. Address the areas regarding compliance with the PUD and community design principles, to Staff's reasonable satisfaction.

- C. Submit a final drainage plan for phase one.
- D. Submit a more detailed set of construction documents for phase one.
- E. Make any final revisions to the maps as requested by Staff.
- F. Ash Street shall be constructed when the traffic study dictates it necessary, but no later than phase four.
- G. Applicant shall be responsible for constructing the improvements recommended in the traffic study, including the appropriate share of Hill Street improvements, the appropriate share of a traffic signal at Hill and 1st Street, and placing stop signs on the driveway approaches to Hill Street and North Klein Circle.
- H. Site plan shall substantially conform to parking, landscaping, buffering, and screening design principles. If the applicant is unable to do so they shall request the Board of Trustees grant a waiver/variance.
- I. The applicant shall enter into a Site Plan Agreement with the Town that details, among other things, the sequence of phasing and how future infrastructure improvements are triggered for the proposed development.
- J. If Staff and the Applicant have a disagreement that cannot be reconciled at the staff level, the applicant may ask the Planning Commission for resolution.

Chairwoman Roth now calls for questions, comments and/or concerns from the public. Questions will be gathered and answer by the applicant in the next section of the public hearing.

Rocky Hollingsworth, is present as the construction manager for the applicant.

Dave Popham – Will the streets hold the traffic? On Main (1st Street) and around the circle. Mayor Lagrimanta says yes, the streets were designed for this to happen.

Cynda Becker – lives in the back of the KHA. Taking the parking away will be very hard. How can we come to compromise for that? The mountain view and the access back there is very concerning. The theft will get worse with the traffic. What about security?

Becky Talbot – live is KHA. Isconcerned about the parking in the back. Many of us are disabled, it is hard to go from the front (1st Street) to the back with loads of groceries and whatnot. Easy access is best for us.

Joan Lind - how many units are there? (the answer is 20 units)

Christine Dixon – also on disability. The residents did not get an opportunity to meet with the Board about the parking situation. She tried to contact the property management before the meeting tonight. The developer is planning to put a line of trees, she thinks working with them to eliminate the trees and pave right up to the property line where KHA can install a parking pad on the north west corner would solve the problem. For liability and insurance reasons, she knows it will have to be a cooperative effort. KHA already owns that little dirt patch.

Paula Barea – are you going to re-route the truck traffic?

Shelby Marcam – Just wants to be sure the KHA concerns are addressed.

Shelby Chesnut – Do we have a timeline for each phase?

Roberta Smith – owns adjacent property. Has Hall Irwin HOA been mentioned, or do they have any say so?

Danna read the letter from Patty Piper for the record. Concerned about parking.

Morgan Moise – Are the businesses receiving tax incentives? Who is funding this? Will the Town of Kersey incur any debt? Do we have the infrastructure? Do we have utilities? How long will this take? What will it do to property taxes?

Joan Lind – This is a town in motion. We missed out years ago, and it hurt us. We have to move forward if we want people to stay here and we want our kids to live here when they are grown.

Dominic Herrera, architect – Design Lead at HCL Engineering & Surveying, LLC. Dominic thanks everyone for coming tonight. Dominic addresses each person:

Cynda -parking, security, mountain views, theft. We are working to eliminate some trees for parking places. There will be some access on the north and south side. We have heard your concerns, and we are working on it. Unfortunately, it will take up some of your mountain view. The building will be less than 40' tall. For theft and vandalism, we are proposing adequate lighting, which deters theft and vandalism. There will probably also be cameras.

Becky – we are considering options for parking.

Christine – great suggestion for the pad to the North.

Paula – re-routing trucks is a big concern. The proposed truck traffic will come off of Hill Street, and back out on Hill Street. There will be a three quarter turn, Dominic demonstrates; right in, right out, left in. The Hill Street access is aligned with the gas station access. Not sending traffic down 1st or Klein for construction is the idea.

Shelby Marcam – yes, we will address those concerns.

Shelby Chesnut – The sooner we have tenants, the sooner it will be developed.

Roberta – No, Hall Irwin HOA is not involved or part of this.

Morgan – Danna says not, there are no tax breaks. This is not publicly funded. Dominic continues by saying the Owner is financing this. Utilities and infrastructure will be adequate and added one phase at a time. Dominic looks to Rocky Hollingsworth for a timeline. Rocky says they are planning to break ground in the spring, and hoping to be done by fall. There is not a set schedule yet. Rocky says, the owner is looking to run the Ace and grocery store internally to their family and lease the other buildings. Dominic says, we have to be somewhat strategic with the phases for cost, traffic, utilities and infrastructure.

Dominic thanks Joan for her encouragement.

Dave, access off of Hill Street will be the main access. There will be a second temporary access during construction.

Roberta Smith inquires, does development of Ash Street happen now? Dominic says, it happens in phase four.

Shelby Marcam inquires, will there be a grease trap for the sanitation system during the market/deli phase? Dominic says, yes there will. Phase one will have a system, for the operation of fork lifts. Shelby inquires, what about trenching of utilities, how long with that last? Dominic says we don't like to leave trenches open very long so it would be temporary. Rocky says, yes there will be some trenching because the gas line is not in the easement and has to be moved. KHA residents inquire, will we have notice to move our cars? Rocky and Dominic say, yes.

Dominic closes by saying, he has a 3D model, if anyone would like to look at it afterward, so you can really see what it will look like. Dominic reviews the proposed phases of construction.

Chairwoman Roth closes the public hearing at approximately 7:08 p.m.

Mayor Lagrimanta - in going with recycled asphalt in phase one, how much of the area are you going to cover? Dominic says, we have not yet determined this, it could be all, it could just be the parking lot. We have to work with PVFD for that because their trucks are heavy. We have not gotten to that level yet. Mayor Lagrimanta inquires, will the Hill Street access be open now for construction? Dominic says, yes and points out on the map where the temporary access will be.

Commissioner Breuer inquires, the current owners will own the buildings and lease them to businesses? Dominic says yes, to help pay for future development. Breuer inquires, will there be additional approval for each phase? Dominic says yes.

Commissioner Pier inquires, will there be tracking pads for the recycled asphalt? Dominic confirms, yes there will.

Commissioner Slusher inquires, the phases can be changed if needed? Dominic confirms, yes they can.

Commissioner Kellerhuis addressing Shelby Marcam, if Kersey Pizza sells out you will have the same problem with parking. Shelby agrees, that is correct. With HUD requirements, and a 5 year capital plan, this has just never been a need. This was not something that was planned for.

Motion made by Commissioner Breuer, seconded by Commissioner Kellerhuis to approve Resolution 2023-0005 Approving a Site Plan for Phase 1 of Locality, with conditions as written. Motion carries with a 5-0 vote.

ADJOURNMENT

Chairwoman Roth adjourned the meeting at approximately 7:21 p.m.

Respectfully Submitted,

Haley Curtis, Deputy Town Clerk

Town of Kersey

P&Z Communication

Meeting Date: 6.6.23	Page 1 of 15	Item: New Business
Agenda No: 3. b.	Presented by: Danna Ortiz	
BACKGROUND: Public Meeting – Centennial Commerce Center Annexation, Concept Plan and D- Industrial and C- Commercial Zoning. See attached staff report for details.		
RECOMMENDED MOTION: I move that the Planning Commission recommend that the Board of Trustees approve the Centennial Commerce Center annexation, D and C zoning and concept plan with the condition that the petitioner shall enter into an Annexation Agreement with the Town.		



Kersey Planning Commission

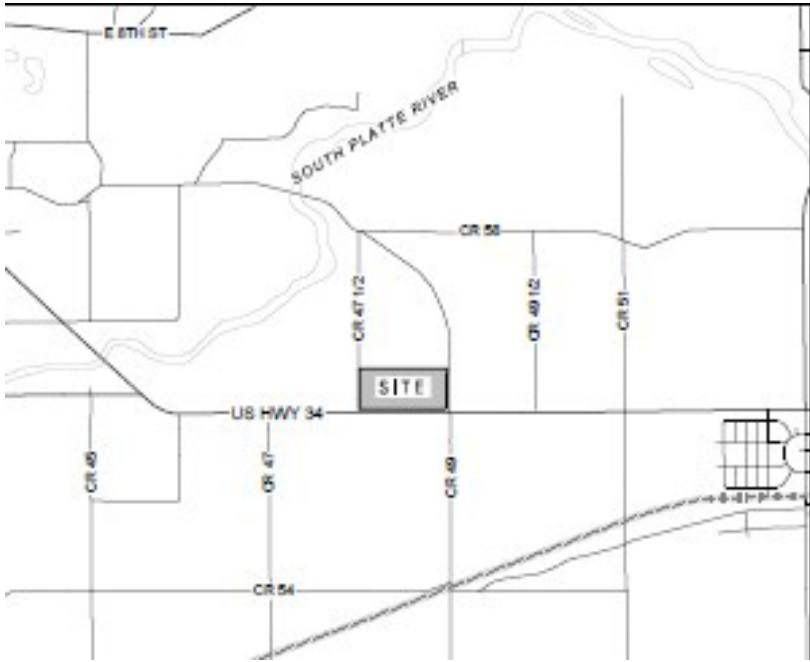
June 6, 2023

Subject: Centennial Commerce Center Annexation No. 1 and
Request for D - Industrial and C - Commercial Zoning

Presenter: Town Planner Danna Ortiz

BACKGROUND INFORMATION

Hoshiko-DJ Land, LLC submitted a petition requesting annexation of their 71-acre property. They request that the west half of the property be zoned D-Industrial and the east half be zoned C-Commercial. The property is currently being farmed.

BACKGROUND INFORMATION	
Type of Application	Annexation and Zoning
Location: Northwest of the intersection of County Road 49 and Highway 34	
Applicant/Landowner:	Hoshiko-DJ Land, LLC
Size of Property:	71 acres +/-
Existing Land Use:	Agriculture
Proposed Land Use:	Industrial and Commercial
Existing Zoning:	Weld County Agriculture
Proposed Zoning:	D - Industrial and C - Commercial
Legal Description:	SE ¼ Section 13, Township 5 North, Range 65 West of the 6 th P.M.



RELATION TO THE KERSEY COMPREHENSIVE PLAN

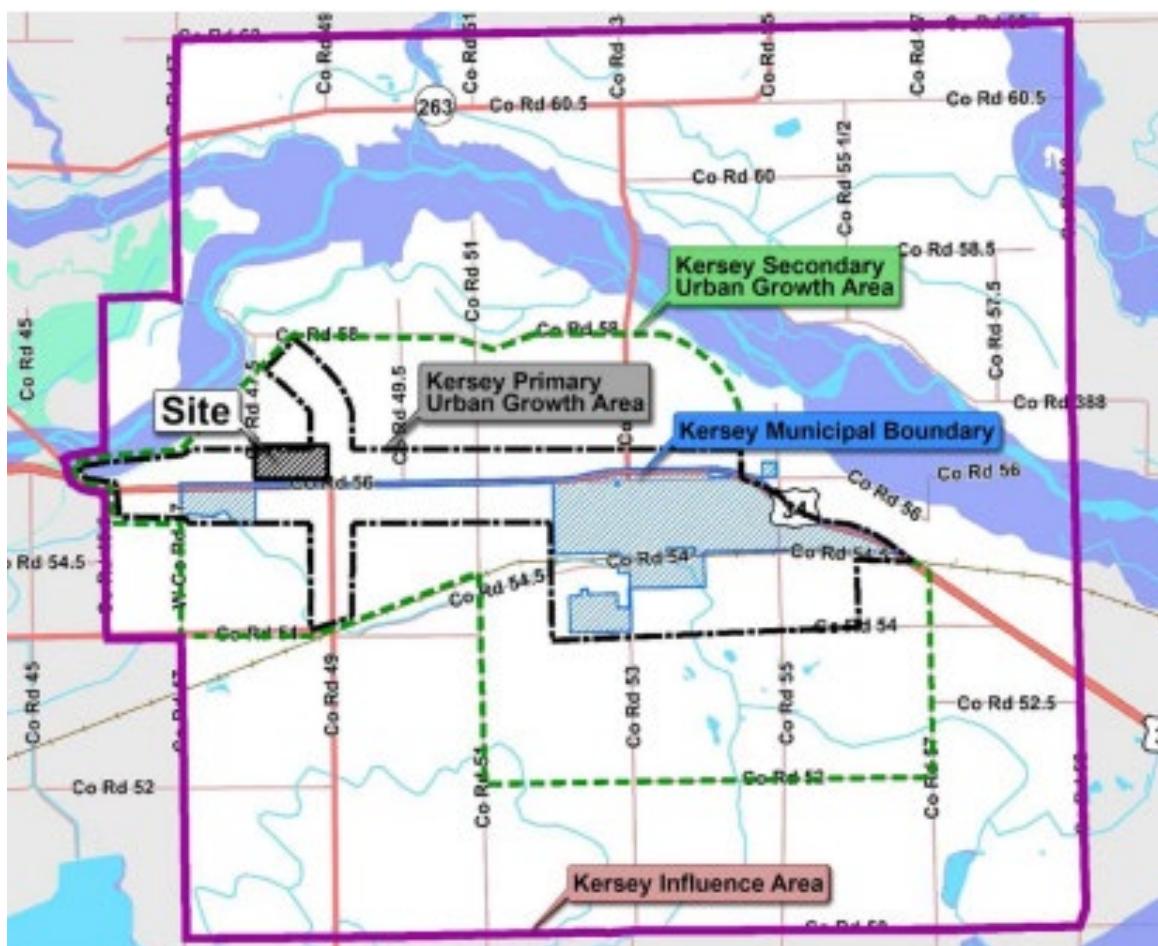
The proposed annexation and zoning further the following goals, policies and actions in the Kersey Comprehensive Plan:

FUTURE GROWTH

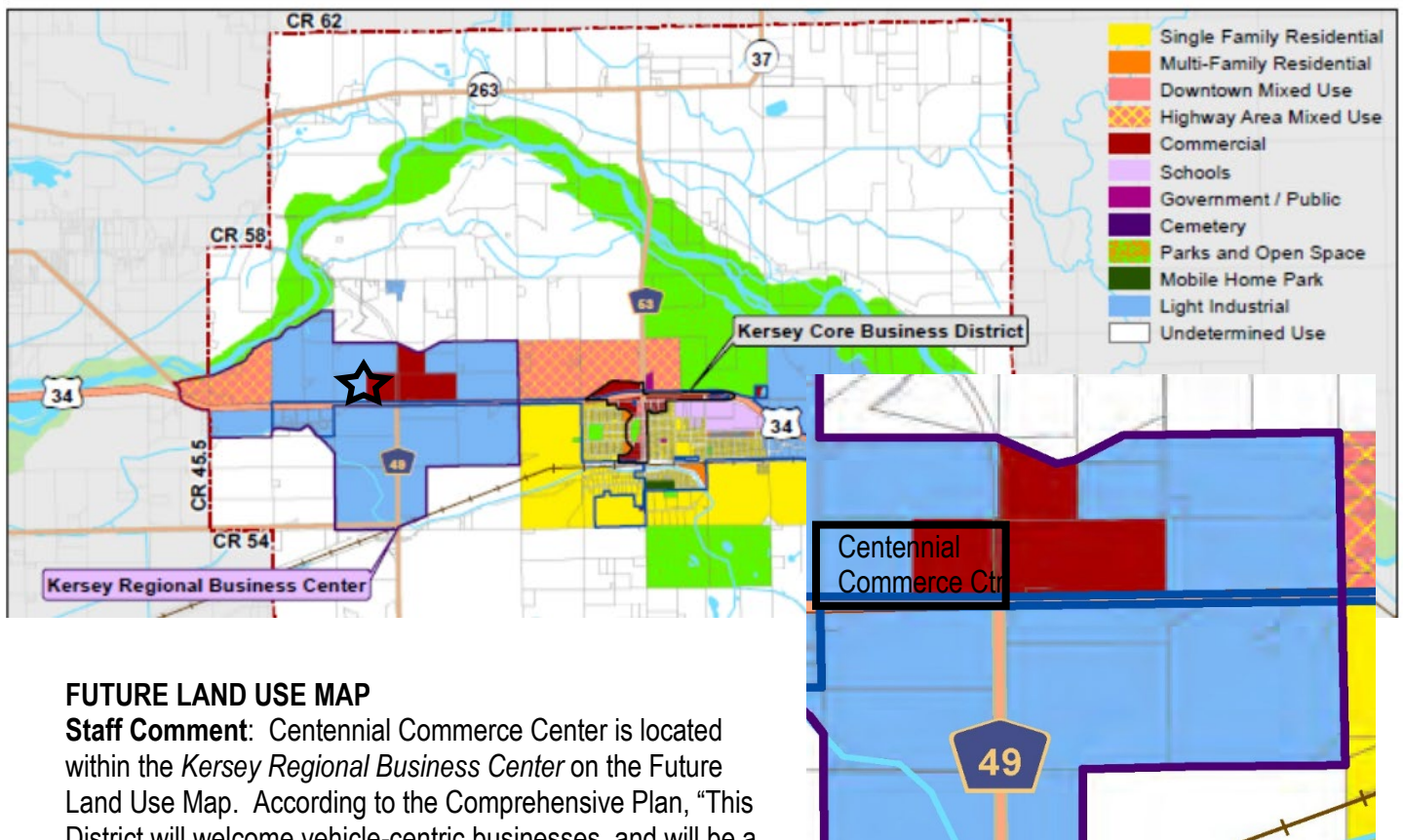
GOAL G1: Plan, guide and accommodate growth which promotes the most efficient use of community infrastructure and maintains and enhances the quality of life for present and future Kersey residents.

Action G1.2.1: The land within the Primary Urban Growth Boundary (PUGB), the first tier, is the area that the Town has determined is appropriate for urban development. The Town will consider annexation applications and allow the extension of urban services to properties within the PUGB, with uses and appropriate zoning as shown in the FLU map.

Staff Comment: Centennial Commerce Center is within Kersey's Kersey Regional Business Center on the Future Land Use Map as it is a "logical area for growth...directly adjacent to the community, can be easily integrated into the Town, and offer good opportunities for extending Kersey in an efficient and beneficial manner."



KERSEY, COLORADO Future Land Use - Large Scale



FUTURE LAND USE MAP

Staff Comment: Centennial Commerce Center is located within the *Kersey Regional Business Center* on the Future Land Use Map. According to the Comprehensive Plan, "This District will welcome vehicle-centric businesses, and will be a regional employment core with light industrial businesses, factories, manufacturing, and/or larger retail opportunities." The proposed D - Industrial zoning on the western portion of the property and C-Commercial zoning on the eastern side is generally consistent with the future use designations in the Plan.

ECONOMIC DEVELOPMENT

GOAL ED1: Establish an economic base that provides job opportunities, goods and services, and a stable tax base for Kersey while maintaining a small-town atmosphere.

Policy ED1.1: Take a proactive approach to attracting desirable economic development to Kersey.

Policy ED1.2: Designate areas for additional economic development.

Policy ED1.4: Encourage a variety of businesses to locate in Kersey.

Staff Comment: The Centennial Commerce Center Concept Plan proposes significant opportunities for jobs, goods and services that will strengthen Kersey's tax base including approximately:

- 412,240 square feet of industrial buildings,
- 64,000 square feet of retail, two hotels (40,000 square feet),
- 13,500 square foot travel stop, and
- over 49,000 square feet of "truck services."



ADJACENT LAND USES

The property is generally surrounded by agricultural and industrial uses:

North and West

AJR Farms's Dairy (Weld County Industrial zoning)

South

- Highway 34
- Western Truck and Equipment (Kersey PUD Industrial and Weld County Agricultural)
- Ricky Van Maanen (Weld County Agricultural)

East

- Weld County Parkway
- Shirley Howard & Howard Shakelee Irrevocable Trust (Weld County Agriculture)



PUBLIC NOTICE AND REFERRAL COMMENTS

Staff sent notice of the public hearings for the proposed annexation and zoning application to all landowners within 300' of the property and Town and Kersey's standard Town referral agency list. No one expressed any concerns with the proposed project.



Referral Agency		Comment
Central Weld County Water District and Subdistrict		No conflicts, however, please note that master meter locations will need to be reviewed and revised by District and Town of Kersey during the water study process.
City of Greeley		No conflict
Platte Valley School District		No conflict
Union Ditch Company		No conflict
Weld County Planning		No conflict
No Response Received		
Aims Community College	Northern Colorado Water Conservancy District	Xcel Energy
Atmos Energy	Northern Weld County Water District	34 Transportation Center Association
CDOT	Town of Evans	AJR Farms
Central Colorado Water	PDC Energy	Andrew Jay Hopp
Central Colorado Subdistrict	Platte Valley Fire Protection District	Shirley June Howard
Century Link	Weld County Attorney	Shakelee Howard Irrevocable Trust
Greeley-Weld County Airport Authority	Weld County Commissioners	Ricky Van Maanen
High Plains Library District	West Greeley Soil Conservation District	Western Equipment & Truck, Inc.

The Town Clerk published the legal notice in the Greeley Tribune once a week for four weeks. The public notice sign was posted 21 days prior to the Planning Commission meeting date. Staff prepared the Annexation Impact Report and distributed it per Kersey and State Statute requirements.

ANNEXATION REVIEW CRITERIA

Staff reviewed this request in the context of Statutory Requirements for the State of Colorado and Section 13.3 of the Kersey Annexation regulations.

It shall be the general policy of the Town with respect to annexations and the consideration of annexation petitions that:

1. Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the Board of Trustees shall exercise its sole discretion in the annexation of territory to the Town.

Staff Comment: The Kersey Board of Trustees will determine if the annexation is desired at their June 13, 2023 meeting.



2. The property is eligible for annexation if:

- a. Not less than one-sixth of the perimeter of the area proposed to be annexed is “contiguous” with the Town. Contiguity is not affected by the existence of streets, alleys, rights-of-way, public lands (except country-owned open space), or water bodies between the Town and the land proposed to be annexed. (The one-sixth contiguity of the perimeter may be achieved by the annexation of one or more parcels in a series, which can be considered simultaneously for the purpose of the public hearing.)

Staff Comment: 49.7% (3754.95 feet) of the boundary is contiguous with the Town of Kersey.

- b. A community of interest exists between the territory proposed to be annexed and the Town.

Staff Comment: State Statute enables contiguity to the existing Town limits to establish a basis of a community of interest with the Town. Annexation of the property will provide tax revenues and has the potential to bring jobs and services to the community.

- c. The territory proposed to be annexed is urban or will be urbanized in the near future and is integrated or is capable of being integrated with the Town. Existence of requirement a. above is a basis for a finding of requirements b., and c., unless the Board of Trustees at public hearing finds that at least two of the following exist:

- i. Less than 50 percent of adult residents of the area proposed to be annexed use any of the recreational, civic, social, religious, industrial, or commercial facilities of the Town and less than 25 percent of these adult residents are employed in the annexing Town;
- ii. At least one-half of the land proposed to be annexed its agricultural, and landowners constituting at least one-half of the total area express, under oath, an intention to devote the land to such agricultural use for at least five years; and
- iii. It is impractical to extend to the proposed area those urban services the Town provides to all its citizens and upon the same conditions. This standard does not apply to the extent that any portion of an area proposed to be annexed is, or will be within the reasonably near future, being provided with service by a quasi-municipal corporation (such as a special district).

Staff Comment: The Centennial Commerce Center Concept Plan is urban in nature, with commercial and industrial uses proposed. The Town’s Utility Master Plan includes conceptual layouts for extending water and sewer lines to serve this property.



3. The land to be annexed and the uses proposed for the land shall contribute to the orderly growth of the Town and shall generally conform to the goals and policies of the Comprehensive Plan.

Staff Comment: The land to be annexed is within Kersey's *Primary Urban Growth Area* and it is designated as *Kersey Regional Business Center* on the Future Land Use Map. The proposed zoning is consistent with the Future Land Use Map and the proposed uses will further Kersey's economic development goals.

4. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.

Staff Comment: Per Town Policy, any improvements required to serve the property will be installed by the developer. This will be included in the Annexation Agreement for the property. Prior to any development, the landowners must go through a site plan review process and enter into a development agreement that addresses the project's impact on roads, bridges, parks, recreation, schools, fire and police services and storm drainage.

5. The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with Town staff before submittal of the petition, through the approval and recording of the final annexation documents, unless otherwise approved by the Board of Trustees.

Staff Comment: The petitioner for annexation paid a deposit and signed a cost recovery agreement stating that they are responsible for all costs associated with processing the annexation petition.

6. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)

Staff Comment: The proposed annexation does not divide/create tracts of land to prevent further annexation of parcels.

7. All subsurface (nontributary) water rights (water in the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers) shall be deeded to the Town at the time of annexation as authorized by Title 37 Article 90 Colorado Revised Statutes.

Staff Comment: All subsurface (nontributary) water rights (water in the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers) will be deeded to the Town.



8. No land held in identical ownership may be divided into separate parcels for annexation without written consent of the landowner, unless the parcels are separated by a dedicated street, road, or other public way. (This applies even when the federal government owns the land, although federal and state public lands may be ignored for purposes of contiguity).

Staff Comment: No land is being divided into separate parcels for annexation.

9. No land in identical ownership that comprises 20 acres and that has improvements with an assessed value in excess of \$200,000 for *ad valorem* tax purposes may be included in the annexation without written consent of the owner, unless the parcel is located entirely within the outer boundaries of the Town as they exist at the time of annexation.

Staff Comment: This standard is met; the landowner has signed the petition for annexation as required by State Statute.

10. No annexation resolution pursuant to Section 13.5 (annexation of enclaves, partly surrounded land and municipally owned land) and no annexation petition or petition for an annexation election is valid when annexation proceedings have been initiated for the annexation of part of such territory by another Town. (In that case, other provisions apply see C.R.S. Section 31-12-114.)

Staff Comment: No annexation petition has been initiated by another Town. Staff referred the annexation petition to the Town of Evans and the City of Greeley and neither municipality responded that they had any conflicts with the proposed annexation.

11. If an annexation will result in the detachment of area from a school district and its removal to another school district, the annexation petition or petition for annexation election must be accompanied by a resolution of the board of directors of the school district *to which* such area will be attached, approving the annexation.

Staff Comment: The proposed annexation will not result in the detachment of an area from a school district; it is fully within the boundaries of Platte Valley School District.

12. The parcel annexed must not have the effect of extending the Town's boundary more than three miles in any direction in any one year.

Staff Comment: The parcel will not extend the Town's boundary more than three miles.

13. If a portion of a *platted* street or alley is to be annexed, the entire width of the street or alley must be included within the area annexed.

Staff Comment: No platted streets or alleys will be annexed.

14. The Town may not deny "reasonable access" to landowners or owners of easements or franchises adjoining a platted street or alley that the Town has annexed but that is bounded on one or both sides by unincorporated property.

Staff Comment: The Town is not annexing a platted street or alley.



ZONING REVIEW CRITERIA

The petitioner, Hoshiko-DJ Land, LLC is proposing to zone the western 41.58 acres of the property D – Industrial and to add fertilizer/chemical wholesalers/distributors as a permitted use. The eastern 29.48 acres is proposed to be zoned C-Commercial and to add distilleries, breweries, and the sales of agricultural and construction equipment as permitted uses.

The proposed zoning is consistent with the Criteria for Amendments to the Official Zoning Map.

For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:

1. To correct a manifest error in an ordinance establishing the zoning for a specific property; or
2. To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally; or
3. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the *Kersey Comprehensive Plan*; or
4. The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the *Kersey Comprehensive Plan*, and the rezoning will be consistent with the policies and goals of the *Comprehensive Plan*; or
5. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
6. A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

Staff Comment: Kersey's Official Zoning Map will be expanded to include the new annexation. The proposed D-Industrial and C-Commercial Zoning are consistent with the *Kersey Future Land Use Map* and the Future Growth and Economic Development goals in the *Kersey Comprehensive Plan*.

STAFF FINDINGS AND RECOMMENDATION

The Centennial Commerce Center Annexation meets the criteria for annexation, is consistent with the *Comprehensive Plan* and will provide the basis for future opportunities for economic development activities within the Town of Kersey. The requested commercial and industrial zoning is consistent with the anticipated use of the property and the *Future Land Use Map*.

Staff recommends that the Planning Commission forward the Annexation, Zoning and Concept Plan to the Board of Trustees with a recommendation for Approval subject to the condition that the petitioner shall enter into an Annexation Agreement with the Town.

CERTIFICATE OF OWNERSHIP

KNOW ALL MEN BY THESE PRESENTS THAT BEING THE OWNER(S), MORTGAGEE OR LIEN HOLDER OF CERTAIN LANDS IN KERSEY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, AS MONUMENTED BY A FOUND 3-1/4" ALUMINUM CAP STAMPED "COLO DEPT OF HIGHWAYS T-5-N R-65-W 1/4 SEC 13/SEC 24 1992 PLS NO 17508", FROM WHENCE THE CENTER QUARTER CORNER OF SAID SECTION 13, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "2005 TSN R65W S1/16 S13 JONES LS 22098 KING SURVEYORS INC", BEARS N00°13'01"W FOR A DISTANCE OF 2652.58', SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION;

THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 13 N00°13'01"W, A DISTANCE OF 120.00 FEET TO A POINT ON THE NORTH LINE OF THE WESTERN EQUIPMENT & TRUCK INC. ANNEXATION NO. 5 AS RECORDED AT REC. NO. 3267517;

THENCE DEPARTING SAID WEST LINE AND ALONG SAID NORTH LINE N89°57'31"E, A DISTANCE OF 30.00 TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 47 1/2, SAID POINT BEING THE POINT OF BEGINNING;

THENCE DEPARTING SAID NORTH LINE AND ALONG SAID EAST RIGHT-OF-WAY LINE N00°13'01"W, A DISTANCE OF 1,206.38 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 13;

THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE AND ALONG SAID NORTH LINE S89°55'23"E, A DISTANCE OF 2,588.60 FEET TO A POINT ON THE WEST LINE OF WELD COUNTY PARKWAY ANNEXATION #2 AS RECORDED AT REC. NO. 4365229;

THENCE DEPARTING SAID NORTH LINE AND ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1) S00°20'31"E, A DISTANCE OF 149.88 FEET;

2) S89°39'29"W, A DISTANCE OF 20.00 FEET;

3) S00°20'31"E, A DISTANCE OF 977.05 FEET TO A POINT ON THE WEST LINE OF WELD COUNTY PARKWAY ANNEXATION #1 AS RECORDED AT REC. NO. 4365228;

THENCE DEPARTING WEST LINE OF SAID WELD COUNTY PARKWAY ANNEXATION #2 AND ALONG THE SAID WEST LINE OF WELD COUNTY PARKWAY ANNEXATION #1 S36°35'00"W, A DISTANCE OF 92.23 FEET TO A POINT ON THE SAID NORTH LINE OF WESTERN EQUIPMENT & TRUCK INC. ANNEXATION NO. 5;

THENCE DEPARTING SAID WEST LINE AND ALONG SAID NORTH LINE S89°57'31"W, A DISTANCE OF 2,515.79 FEET TO THE POINT OF BEGINNING.

THUS DESCRIBED TRACT CONTAINS 71.04 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

EXECUTED THIS _____ DAY OF _____, A.D. 20____.

OWNER HOSHIKO-DJ LAND, LLC

STATE OF COLORADO }
COUNTY OF } SS

THE FOREGOING CERTIFICATE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____,

A.D., 20____.

WITNESS MY HAND AND SEAL _____

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

PLANNING COMMISSION CERTIFICATE

APPROVED BY THE KERSEY PLANNING COMMISSION THIS _____ DAY OF _____, 202____.

CHAIRMAN _____

PLANNING COMMISSION SECRETARY _____

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES

THIS ANNEXATION MAP IS TO BE KNOWN AS "CENTENNIAL COMMERCE CENTER ANNEXATION NO. 1 ANNEXATION TO THE TOWN OF KERSEY" AND IS APPROVED AND ACCEPTED BY ORDINANCE NO. _____, PASSED AND ADOPTED AT THE REGULAR (SPECIAL) MEETING OF THE BOARD OF TRUSTEES OF KERSEY, COLORADO, HELD ON _____, 20____, AND RECORDED ON _____, 20____, AS RECEPTION NO. _____ IN THE RECORDS OF THE CLERK AND RECORDER OF WELD COUNTY, COLORADO, BY THE BOARD OF TRUSTEES OF KERSEY, COLORADO.

MAYOR _____

ATTEST: TOWN CLERK _____

SURVEYOR'S CERTIFICATION

I, DARREN R. WOLTERSTORFF, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP SHOWN HEREON IS A CORRECT DELINEATION OF THE ABOVE DESCRIBED PARCEL OF LAND AND THAT AT LEAST ONE-SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT BOUNDARY OF THE TOWN OF KERSEY, 3754.95 FEET CONTIGUOUS, PERIMETER FEET.

I FURTHER CERTIFY THAT THIS MAP AND LEGAL DESCRIPTION WERE PREPARED UNDER MY PERSONAL SUPERVISION ON THIS _____ DAY OF _____, A.D. 2023.

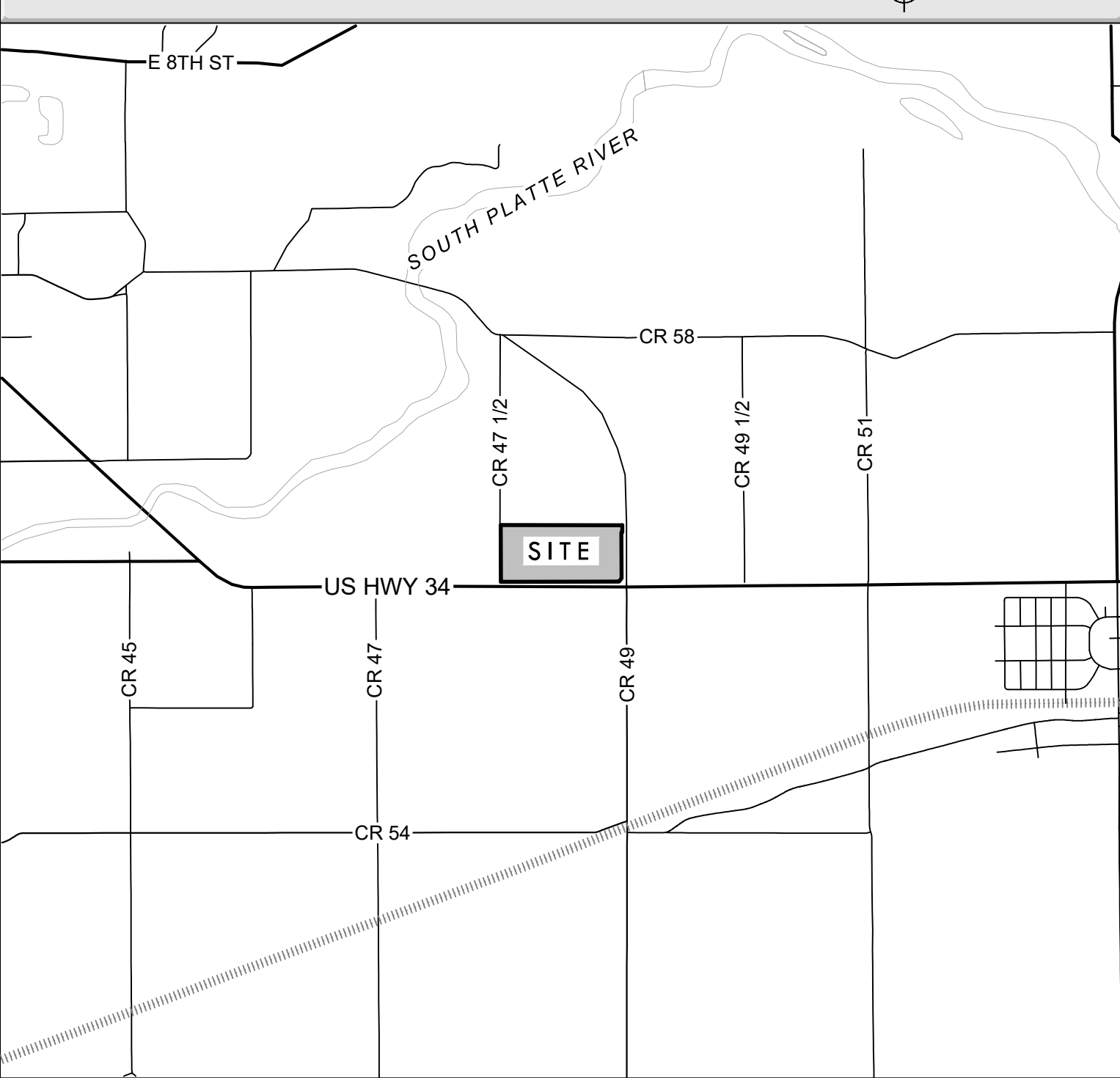
PURSUANT TO COLORADO STATE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS RULE 6.2.2 THE UNDERSIGNED FURTHER CERTIFIES THAT THIS MAP OR PLAT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, IS ACCURATE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF, IS IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE AND IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

DARREN R. WOLTERSTORFF, PLS 38281
FOR AND ON BEHALF OF KIMLEY-HORN AND ASSOCIATES, INC.
DARREN.WOLTERSTORFF@KIMLEY-HORN.COM

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT

VICINITY MAP

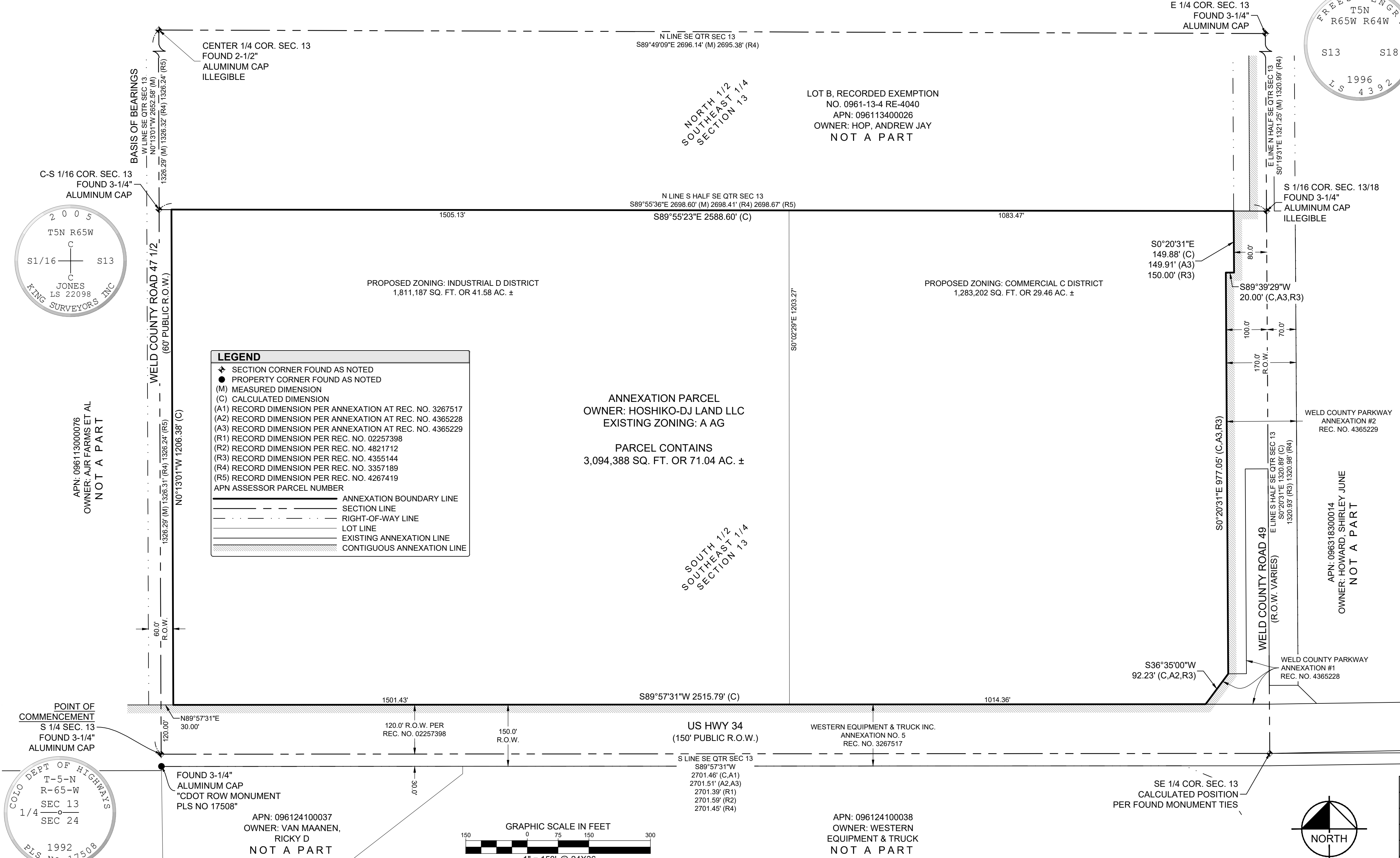


APPLICANT:
HOSHIKO-DJ LAND, LLC

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
6200 SOUTH SYRACUSE WAY, SUITE 300
GREENWOOD VILLAGE, CO 80111
PHONE: 303-228-2300
CONTACT: DARREN R. WOLTERSTORFF, PLS

NOTES:

- ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, C.R.S.
- FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY OR TITLE OF RECORD, KIMLEY-HORN AND ASSOCIATES, INC. RELIED UPON TITLE COMMITMENT FILE NO. TC NO 1957071-IO, EFFECTIVE DATE FEBRUARY 27, 2023 AT 4:25 P.M., PREPARED BY STEWART TITLE GUARANTY COMPANY.
- THE FOLLOWING DOCUMENTS DO NOT CONTAIN PLOTTABLE INFORMATION BUT MAY AFFECT THE SURVEYED PROPERTY:
 - MINERAL RESERVATIONS AS SET FORTH IN THE PATENT FROM THE UNITED STATES OF AMERICA TO THE UNION PACIFIC RAILWAY COMPANY RECORDED MARCH 18, 1897 AT RECEPTION NO. 63208
 - RIGHTS OF WAY FOR DITCH AS CONTAINED IN AGREEMENT RECORDED JANUARY 2, 1909 AT RECEPTION NO. 135588
 - RESERVATIONS AS CONTAINED IN MINERAL DEEDS RECORDED JUNE 6, 1975 AT RECEPTION NO. 1662268 AND AT RECEPTION NO. 1662269
 - PIPELINE EASEMENT TO COLORADO GATHERING & PROCESSING CORPORATION RECORDED MAY 25, 1984 AT RECEPTION NO. 1988156
 - REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT RECORDED OCTOBER 15, 2007 AT RECEPTION NO. 3511023
 - REQUEST FOR NOTIFICATION (MINERAL ESTATE OWNER) RECORDED DECEMBER 21, 2007 AT RECEPTION NO. 3525268
 - OIL AND GAS LEASE RECORDED MAY 9, 2016 AT RECEPTION NO. 4201622
 - REQUEST FOR NOTIFICATION OF APPLICATION FOR DEVELOPMENT RECORDED JULY 12, 2016 AT RECEPTION NO. 4218393
 - ALL ITEMS AS SHOWN ON MAP OF WELD COUNTY PARKWAY ANNEXATION #1 RECORDED JANUARY 4, 2018 AT RECEPTION NO. 4365228
 - ALL ITEMS AS SHOWN ON MAP OF WELD COUNTY PARKWAY ANNEXATION #2 RECORDED JANUARY 4, 2018 AT RECEPTION NO. 4365229
- BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEARING N 00°13'01" W, A DISTANCE OF 2652.58 FEET, AS MONUMENTED AT THE SOUTH QUARTER CORNER BY A FOUND 3-1/4" ALUMINUM CAP STAMPED "COLO DEPT OF HIGHWAYS T-5-N R-65-W 1/4 SEC 13/SEC 24 1992 PLS NO 17508", AND AT THE CENTER QUARTER CORNER BY A FOUND 2-1/2" ALUMINUM CAP, ILLEGIBLE.
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT TRACT: EASEMENTS, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AGREEMENTS, LEASE AGREEMENTS AND OWNERSHIP TITLE EVIDENCE.
- THE WORD "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
- TOTAL BOUNDARY CONTIGUOUS WITH TOWN OF KERSEY: 3754.95' (49.7%)
 - WELD COUNTY PARKWAY ANNEXATION #1: 92.23'
 - WELD COUNTY PARKWAY ANNEXATION #2: 1146.93'
 - WESTERN EQUIPMENT & TRUCK INC. ANNEXATION NO. 5: 2515.79'
- THIS PROPERTY IS LOCATED WITHIN ZONE X, OTHER AREAS - DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR COUNTY OF WELD, COMMUNITY PANEL NUMBER 08123C1563E, MAP EFFECTIVE DATE JANUARY 20, 2016. THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS SURVEY IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAPS.
- THE TOTAL ANNEXED AREA FOR CENTENNIAL COMMERCE CENTER ANNEXATION NO. 1 CONTAINS A CALCULATED AREA OF 3,094.388 SQ. FT. OR 71.0374 ACRES, MORE OR LESS.
- ZONING DOC ALLOWED USE TO ADD
 - C DISTRICT:
 - DISTILLERIES / BREWERIES
 - AGRICULTURAL AND CONSTRUCTION EQUIPMENT SALES
 - D DISTRICT
 - FERTILIZER / CHEMICAL WHOLESALERS / DISTRIBUTORS



No.	DATE	REVISION DESCRIPTION
1	5/23/23	REVISED PER TOWN COMMENTS

Kimley»Horn			
6200 S. SYRACUSE WAY, # 300 GREENWOOD VILLAGE, CO 80111			
Tel. No. (303) 228-2300 www.kimley-horn.com			
Scale	Drawn by	Checked by	Date
1" = 150'	PTM	DRW	May, 2023
Project No.	196712000	Sheet No.	1 OF 1



PARKING:

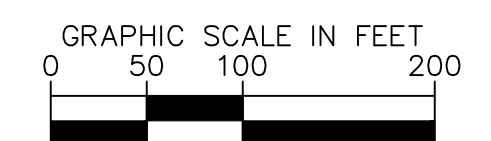
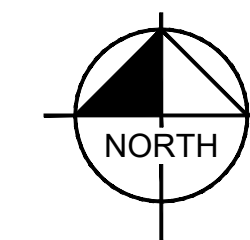
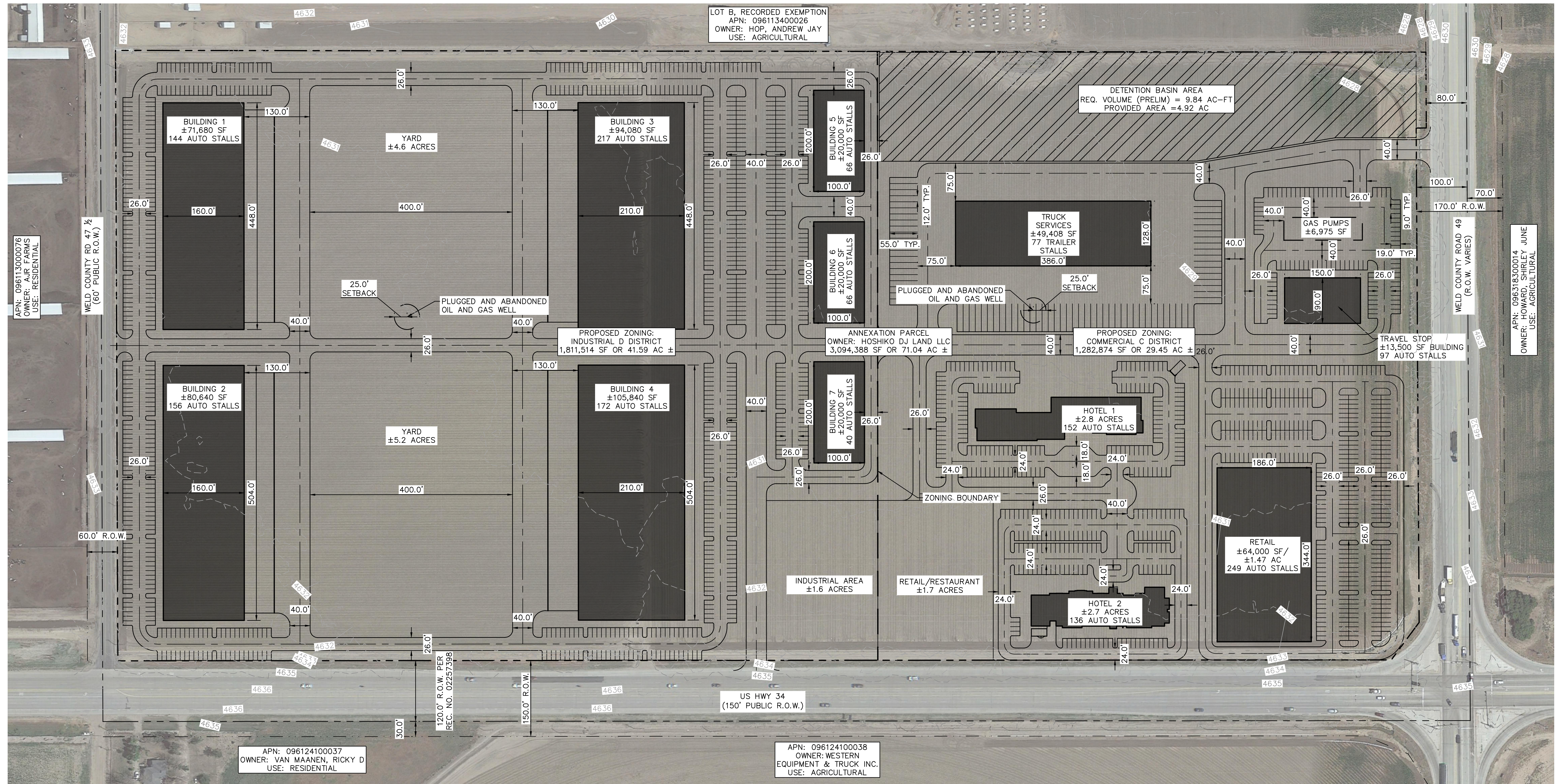
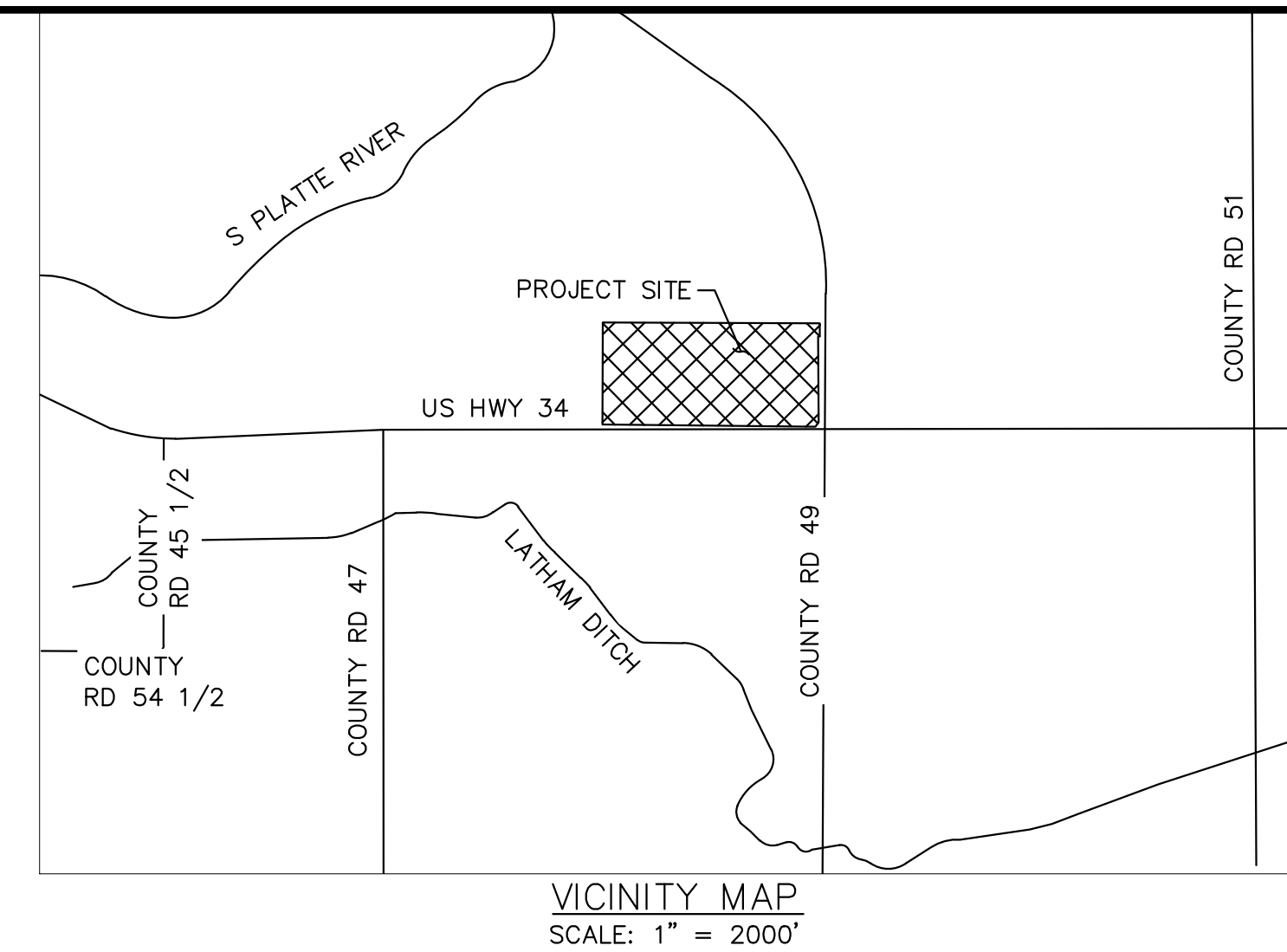
BUILDING 1:	144 STALLS
BUILDING 2:	156 STALLS
BUILDING 3:	217 STALLS
BUILDING 4:	172 STALLS
BUILDING 5-6	66 STALLS
BUILDING 7:	40 STALLS

PARKING:	
RETAIL:	251 STALLS
HOTEL 1:	152 STALLS
HOTEL 2:	136 STALLS
TRAVEL STOP:	97 STALLS
TRUCK SERVICES:	112 TRAILER STALLS

SURVEYOR:
KIMLEY-HORN AND ASSOCIATES, INC.
6200 S SYRACUSE WAY, SUITE 300
GREENWOOD VILLAGE, CO 80111
PHONE: 303.228.2300
CONTACT: DARREN WOLTERSTORFF, PLS

LEGEND:

— — — — —	PROPERTY LINE
— — — — —	ROADWAY CENTERLINE
	PROPOSED BUILDING AREA
	DETENTION POND AREA
— — — — —	PROPOSED CURB



of

[illegible][illegible]

PRELIMINARY

**NOT FOR
CONSTRUCTION**

Kimley»Horn
Kimley-Horn and Associates, Inc.

1				
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2			
5			
5			
4			
1			

LAND OWNER/DEVELOPER
HOSHIKO—DJ LAND, LLC
P.O. BOX 3228
ESTES PARK, CO 80517
LEPHONE: (720) 563-770
CONTACT: HUNTER HOSHIKO
HUNTER@H2CONSULTS.COM

CASE NO.: TBD



ANNEXATION PETITION

TO THE MAYOR AND BOARD OF TRUSTEES OF THE TOWN OF KERSEY, COLORADO:

The undersigned, in accordance with Title 31, Article 12, Chapters 101 et seq., Colorado Revised Statutes, hereby petition the Board of Trustees of the Town of Kersey for annexation into the Town of Kersey the territory described herein and described and shown on the map designated "Centennial Commerce Center". Four (4) copies of said map are submitted herewith and by this reference are incorporated herein. The description of the territory hereby petitioned for annexation into the Town is set forth in Exhibit "A" attached hereto and incorporated herein by reference (Exhibit "A" must be an original printed property description on 8-1/2 x 11 white paper.)

In support of this petition, the petitioner(s) allege(s) that:

1. It is desirable and necessary that the above-described territory be annexed to the Town of Kersey.
2. The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes exist or have been met in that:
 - A. Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the Town of Kersey.
 - B. A community of interest exists between the territory proposed to be annexed and the Town of Kersey.
 - C. The territory sought to be annexed is urban or will be urbanized in the near future.
 - D. The territory sought to be annexed is integrated or is capable of being integrated with the Town of Kersey.
3. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of the tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has/have been divided into separate parts of parcels of real estate without the written consent of the land owner or land owners thereof, except and unless where such tracts or parcels are already separated by a dedicated street, road, or other public way.
4. In establishing the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty (20) acres or more which, together with the building and improvements situated thereon have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the written petition for annexation, has/have been included within the territory proposed to be annexed without the written consent of the land owner or land owners.
5. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the Town of Kersey was held within the twelve months preceding the filing of this petition.



6. The territory proposed to be annexed does not include any area included in another annexation proceeding involving a town other than the Town of Kersey.
7. The territory proposed to be annexed is not presently a part of any incorporated town, city or city and county or if the property is part of another town or city or city and county, it will be disconnected from such municipality prior to consideration of the annexation.
8. The property owned by each petitioner (when there is more than one petitioner) is described on each separate exhibit fully describing the property.
9. If a portion of a platted street or alley is to be annexed, the entire width of said street or alley is included within the area proposed to be annexed.
10. The proposed annexation would not have the affect of extending a municipal boundary more than three (3) miles in any direction from any point of any such municipal boundary in any one year.
11. The undersigned is the owner(s) of one hundred percent (100%) of the territory included in the area proposed to be annexed exclusive of streets and alleys.

Accompanying this petition are the original and four copies of an annexation plat map containing the following information:

- A. A written legal description of the boundaries of the area proposed to be annexed.
- B. A map showing the boundary of the area proposed to be annexed.
- C. Within the annexation boundary map, an identification of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks. Also within the boundary map, identification of any special districts the area proposed to be annexed may be part of.
- D. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
- E. A surveyor's certificate prepared by a registered land surveyor that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the Town of Kersey.
- F. Acceptance block describing the acceptance action of the Town of Kersey and providing for the effective date and Town Clerk and Mayor attest signatures.

THEREFORE, the undersigned respectfully petition the Board of Trustees of the Town of Kersey to annex the territory described and referred to in Exhibit "A" to the Town of Kersey in accordance with and pursuant to the statutes of the State of Colorado.



Land Owner(s) Name(s) and Signature(s)

Mailing Address

Date

Hoshiko-DJ Land, LLC

POB 119

Dennis J Hoshiko

Kersey, CO 80644

Sole Member

[Signature]

The foregoing signature(s) was/were subscribed and sworn to before me this 28th day of April, 2023 by Dennis J Hoshiko

Witness my hand and official seal.

My commission expires: 05/12/2023



[Signature]

Notary Public