

Metropolitan (Metro) Districts



Facts to Know

INTRODUCTION:

The purpose of this guide is to provide general information about the Metropolitan (Metro) District review process. This guide is not intended to be all inclusive. Additional information may be requested during the application process. The Model Service Plan and Model IGA can be found on the city's website at www.c3gov.com.

The Metro District process usually takes about 3 to 4 months for a public hearing review, if utilizing the compliant service plan and IGA. However, this timeframe is based on the city receiving all of the requested application materials in a timely manner. Applicants who intend to propose non-compliant service plans or non-compliant IGAs should not expect to have their plans reviewed under this timeframe and are encouraged to contact the city well in advance to discuss the submittal process for non-compliant plans. In general, it is likely that staff will not accept non-compliant service plans for review; however, staff is available to meet to discuss the exact nature of, and reasons for, the non-compliant proposal. Depending on the nature of the changes proposed, staff may need additional time beyond that provided in the schedule below to assess whether the situation merits further consideration by staff for recommendation of approval.

GENERAL:

- A pre-application meeting with the city should be scheduled by calling the Planning Division. This meeting provides the applicant the opportunity to discuss the metro district proposal and help identify the requirements and process for the application.
- The applicant prepares the metro district application requirements. Typically, **metro districts are approved concurrently with other land use requests, such as zoning or subdivision approval.**
- A completed application, associated materials, and the non-refundable fees are submitted for city review. The application is reviewed by the Planning Division for completeness and then sent out to various departments and outside agencies for comment. After an initial three-week period, the case is discussed the Development Review Team (DRT) meeting. The DRT is an advisory committee, composed of city staff and other outside agencies, which reviews projects for compliance with existing codes and standards. After the DRT meeting, the applicant will receive a comment letter from city staff stating additional items that must be addressed or clarified.
- The applicant will address these comments and resubmit the information to the city. This process will continue until all the comments have been successfully addressed by the applicant and the application is ready for the public hearing.
- Occasionally, the city may require a neighborhood meeting when it appears that an application may have significant neighborhood impacts, including without limitation, impacts related to: traffic; provision of public services such as safety, schools, or parks; compatibility of building design or scale; or operational compatibility such as hours of operation, noise, dust, or glare. Please check with the Planning Division staff to see if a neighborhood meeting will be required as a part of the development plan application.

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- ❑ The Metro District application must proceed through the public hearing process to reach City Council for final action.
- ❑ A written Intergovernmental Agreement (IGA) will be executed between the city and the proposed metro district. The agreement will contain all terms, conditions, and obligations of the metro district, as well as any additional requirements determined by the city at the time of approval. The applicant shall submit the executed IGA prior to any application being scheduled for a public hearing.

GENERAL NOTES:

- ❑ Service Plan Criteria:
 - ➔ Any testimony or evidence which, in the discretion of the City Council, is relevant to the organization of the District shall be considered.
 - ➔ The City Council shall apply the following criteria to consideration of the proposed service plan:
 - a) Is there a sufficient existing and projected need for organized service in the area to be serviced by the proposed District;
 - b) Whether the existing service in the area to be served by the proposed District is inadequate for present and projected needs;
 - c) Is the proposed District capable of providing economical and sufficient service to the area within its proposed boundaries;
 - d) Whether the area to be included in the proposed District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis;
 - e) Whether adequate service is not or will not be available to the area through the city or other existing quasi-municipal corporations, including existing Districts, within a reasonable time and on a comparable basis;
 - f) Whether the facility and service standards of the proposed District are compatible with the facility and service standards of the city;
 - g) Whether the proposal is in substantial compliance with the city's Comprehensive Plan;
 - h) Whether the proposal is in substantial compliance with the county, regional or state long range water quality management plans and wastewater plans for the area;
 - i) Whether the creation of the District will be in the best interests of the area proposed to be served;
 - j) Whether the creation of the District will be in the best interests of the residents or future residents of the area proposed to be served; and
 - k) Whether the creation of the District will foster urban development that is remote from or incapable of being integrated with existing urban areas, or place a burden on the city or adjacent jurisdictions to provide urban services to residents of the proposed District.
- ❑ A request for a metro district service plan approval is usually initiated by the property owner, his representative, or an authorized agent having a legal interest in the property such as power of attorney, lease, or purchase contract. The property owner must approve of the metro district service plan and sign the application form.
- ❑ A majority vote of the City Council is necessary for approval of the metro district.

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- No new applications for a metro district of the same property shall be accepted by the City of Commerce City if an identical annexation application has been acted upon by the City of Commerce City within one (1) year of the filing of the subsequent application, unless the City Council determines that good cause exists for accepting such subsequent application within a lesser period of time.
- The City Council shall be authorized to impose any conditions on a metro district approval that it deems necessary to carry out the general purpose and intent of the land development code or the comprehensive plan including, but not limited to, any other reasonable restriction, condition, or safeguard to mitigate adverse impacts upon neighboring properties, including without limitation requiring the applicant to submit to and pay for ongoing compliance oversight.
- An approval shall only authorize the use and/or development described in the approved application. Any development that occurs beyond what is described in the application is prohibited and shall be deemed a violation of the land development code and subject to the enforcement provisions set forth in article X of the code.
- In the event the conditions imposed by the City Council are not complied with, the Council may, upon due notice, revoke such metro district approval.

SUBMITTAL REQUIREMENTS:

- All Metropolitan District applications shall include the following:
 - ➔ Submit one (1) copy of the land use application and applicable non-refundable fees.
 - ➔ One (1) copy of general warranty deed, with a complete legal description (often times in the form of Exhibit "A," attached to the warranty deed) for the property or properties for which the application is made.
 - ➔ One (1) copy of a certified boundary survey for the property or properties for which application is made (if required by city staff).
 - ➔ Two (2) copies of a Project Narrative: A detailed description of the proposed District operation and/or use. The narrative should address the Metro District criteria and indicate how the proposal addresses the criteria.
- Type of service plan: New or Amended/restated? (If Amended/Restated, are there existing residents within the current metro district?)
- Form of service plan (if there are any questions about which model to use, please contact the Community Development Department):
 - ➔ Single District Single Service Plan
 - ➔ Multiple District Single Service Plan
 - ➔ Multiple District Multiple Service Plan
- Type of development, if known:
 - ➔ Residential
 - ➔ Commercial
 - ➔ Mixed use (describe)

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- Statement certifying compliance with the Commerce City Model Service Plan, such as: “The proposed service plan is an exact copy of the appropriate Commerce City model service plan and any and all changes from the model are clearly identified.” For multiple districts with multiple service plans, also include the statement: “For this multiple district submittal, a single redline version has been submitted and that except for a change in the name and financial data as identified in the transmittal letter summary table, all the service plans are identical to the redline that has been submitted.”
 - ➔ Two (2) copies of a Vicinity Map: A scaled city map extending at least 500’ radius from the proposed district boundary showing zoning districts, transportation systems, major public facilities, any floodplains or floodways, location of nearest residential use, and location of existing municipal boundary lines. Identify and highlight proposed site locations.
 - ➔ Two (2) copies of a Basic Site Plan: Provide a drawing of the District boundaries, showing detail of the proposal, drawn to scale and provide an 11” x 17” (or an appropriate size that show all necessary information) reduction which includes: a title, scale of the drawing (e.g., 1” = 10’) and all necessary dimensions and distances, north arrow, existing and proposed site information necessary for staff to analyze and address the applicant’s request. It is important this preliminary site plan identify all main site elements.
 - ➔ Two (2) copies of a Land Use and Zoning Narrative: how project meets minimum criteria. (e.g., size, current zoning, proposed zoning, if different) and if there a companion rezone request to be considered concurrently?
 - ➔ Two (2) copies of a Service Plan.
 - a) Information required under Section 32-1-202(2) C.R.S.;
 - b) Filled out Compliant Model Service Plan (see attached) with no deviations at all, other than filling in the blanks;
 - c) Itemized costs that petitioners expect city to assume for construction and maintenance of public improvements, and when expenditure is expected;
 - d) Proof of ownership for all properties in proposed District;
 - e) A copy of all proposed, contractual and/or operations documents that would affect the District or be executed by the proposed District;
 - f) Required compliant Inter-Governmental Agreement (IGA) between District and city (see attached) with no deviations at all, other than filling in the blanks, and between District and any other entity;
 - g) Provide a capital plan that includes:
 - i. Description of the type of capital facilities to be developed by the District;
 - ii. A cost estimate of the proposed facilities;
 - iii. Pro forma capital expenditure plan showing expenditures for development of District infrastructure.
 - ➔ Two (2) copies of a Financial Plan:
 - a) Total amount of debt issuance planned for five year period commencing with formation of the district.
 - b) All proposed sources of revenue and projected District expenses, as well as assumptions upon which they are based, for at least a 10-year period from the date of District formation.
 - c) The dollar amount of any anticipated financing, including capitalized interest, costs of issuances, estimated maximum rates.
 - d) A detailed repayment plan covering the life of any financing, including the frequency and amounts expected to be collected from all sources.

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- e) The amount of any reserve fund of the expected level of annual debt service coverage which will be minimized for any financing.
- f) The total authorized debt proposed for the District.
- g) Any credit enhancements, if any, for the proposed financing, including, but not limited to, letters of credit and insurance.
- h) A written list that explains the potential risks of financing.

- Include a summary table identifying each district and key financial data for each district, substantially in the form of this example:

Metro District Name	Public Improvements	Debt Limit	Debt Limit includes ARI? Yes or No	ARI Debt Limit	Total Debt Capacity	Organizing and Operating Reimbursement	First Year Operating and Maintenance
(Location in Service Plan)	V. B.	V. A. 10	From transmittal letter	VI. C.	Calculate	VII. I	VII. I
District Name No. 1							
District Name No. 2							
Etc.							
Totals*							

*Note N/A if a cumulative total is not applicable.

- In addition, compliance with all other elements of the city Municipal Code is required including infrastructure, such as storm sewer lines, streets, lighting, parks, detention facilities, etc.
- One (1) copy of an unstapled, fully legible, reproducible 8-1/2 inch by 11-inch, or 11-inch by 17-inch copy of any oversized plans.
- One (1) electronic copy of all application-related documents, submitted on a labeled CD Rom in .PDF or .JPG format.
- City staff may require additional information or technical studies. To assure that your application is complete, please check with city staff prior to submitting your application.

ADDITIONAL INFORMATION:

- Complete Application.* Be sure to include with application all of the requested information. An incomplete application will not be referred out for review until such time as all information has been submitted.
- Building Permit.* If the metro district application is approved, the applicant may proceed with construction activity on site after meeting the city’s construction requirements and processes. No building permit will be allowed, reviewed, or approved without an approved development plan in place.