



PLANNING COMMISSION

Proceedings

January 12, 2021
1:15 p.m.

(Zoom Webinar and viewable on City of Greeley YouTube)

I. Call to Order

Vice Chair Briscoe called the meeting to order at 1:22 p.m. following a brief issue with meeting technology.

II. Roll Call

Vice Chair Briscoe, Commissioners Andersen, Franzen, Modlin and Romulo were present. Chair Yeater and Commissioner Schulte were absent.

III. Approval of December 8, 2020 Minutes

Commissioner Modlin moved to approve the minutes dated December 8, 2020. Commissioner Andersen seconded the motion. The motion carried 5-0. (Chair Yeater and Commissioner Schulte were absent.)

IV. Approval of December 15, 2020 Special Meeting Minutes

Commissioner Andersen moved to approve the minutes dated December 15, 2020. Commissioner Romulo seconded the motion. The motion carried 5-0. (Chair Yeater and Commissioner Schulte were absent.)

V. Continuation of a public hearing to consider an Ordinance repealing Chapter 18.44 and Appendix D in their entirety, adding a new Chapter 18.44, amending portions of Chapter 18.04.110, 18.42,030, and amending Appendix 18-B of the City of Greeley Municipal Code, all regarding Landscaping, Irrigation, Buffers, and Screening Standards

Project Name: Landscape Code Update
Case No.: CU2018-0002
Applicant: City of Greeley
Presenter: Marian Duran, Long-Range Planner

Marian Duran addressed the Commission and explained that the item was continued from December 15, 2020. She described revisions that were made to the draft Landscape Code (Code) based upon comments and discussion during the previous hearing and offered to answer any questions by the Commission.

Commissioner Modlin asked how the Code revisions would align with the timeline from submittal of a building permit until issuance of a certificate of occupancy. Ms. Duran advised that it would not affect building permits or any permits submitted by a developer.

Referring to Open Space in the definitions section, Commissioner Andersen asked about the rationale for the statement, “Usable open space shall not include required setbacks from oil and gas facilities.” Ms. Duran noted that this is the current practice with every development and added that usable open space must be on the lot, not in a public right-of-way. Upon a follow-up question by Commissioner Andersen, Ms. Duran stated that a setback is considered public right-of-way. Commissioner Andersen asked whether a right-of-way is for utility access or land access. Ms. Duran reported that the language could be interchangeable, but in this case it is for land access.

Commissioner Andersen asked whether perimeter treatments are required for all new subdivisions. Ms. Duran stated that they were required and Commissioner Andersen inquired about the rationale, referring to properties in the older parts of town that do not have a perimeter treatment. Ms. Duran advised that the rationale includes reducing noise levels, preserving the quality of life of a neighborhood, beautification and aesthetic design. Community Development Director, Brad Mueller, added that older subdivisions had direct access onto roads, whereas modern subdivision regulations generally do not allow for a home to be accessed onto an arterial road. He added that the requirement for perimeter treatments is also for safety and traffic efficiency. Planning Manager, Mike Garrott, informed the Commission that perimeter landscape treatment is not a new criteria and has been in the Code for quite some time.

Commissioner Andersen referred to the discussion during a prior worksession about housing and the significant “missing middle.” She noted that new subdivisions or gated communities with permanent landscaping to be maintained by a homeowner’s association (HOA) seem directed to furthering the “missing middle” concept. She referenced older neighborhoods without an HOA where homes are more affordable. Mr. Mueller stated that the two examples are not incompatible, adding that within a subdivision, the City would want to support the “missing middle” by not requiring extraneous landscaping. He noted that there is also an allowance in the Code determining that a small subdivision or lot is considered infill with different landscaping requirements.

Commissioner Andersen expressed concern that the requirement could potentially price people out of the market when purchasing a home. Ms. Duran advised that the current regulations regarding perimeter treatment are greater than what is now being proposed. Commissioner Andersen observed that it seemed to preclude low income housing if it is required to look like high income housing. Mr. Mueller stated that plan accounts for the impact by reducing the standards, but it is important not to create situations where there is no buffering between industrial or commercial and residential. He added that this has been

a standard urban design practice since the 1980s. Commissioner Andersen agreed, and noted that since the 1980s affordable housing is less available and asked whether the trend might be going in the wrong direction.

Carol Kuhn, Chief Planner, addressed the Commission and noted that there are still opportunities to purchase when dealing with infill and other areas. She stated that there is a provision in the Minor, Major and Exclusions section that might not trigger landscaping requirements, providing housing opportunities in the downtown area. Commissioner Andersen observed that there did not seem to be opportunity with this Code to create different middle areas.

Vice Chair Briscoe referenced some gated communities with a pronounced perimeter versus other types of perimeter treatment that have been in place since the 1980s. He noted the Bittersweet neighborhood with a perimeter plan that doesn't seem onerous to homeowners. Vice Chair Briscoe questioned whether the existence of an HOA or metro district added a design element creating a per square foot cost that priced people out of the market. He also questioned whether removal of the requirement would open up a huge middle market.

Commissioner Franzen stated that in the case of a metro district, the cost to a homeowner is on the back end in the form of taxes, but not on the front end in the cost of the home. He did not feel the inclusion in an HOA or metro district would take away the middle market, adding that infill lots seem to be a prime example for creating low income housing opportunities. Commissioner Andersen continued that in earlier days, landscaping was not a requirement for owners of new homes. Mr. Mueller advised that there are older areas of town with perimeter landscaping, such as Virginia Hills, illustrating that landscaping does not always create a situation where homeowners are responsible to maintain. Using the example of the Bittersweet neighborhood, Mr. Mueller noted that if there were no requirement, the subdivision would end up with all major roads lined with backyard fences to the sidewalk. He explained the public space interest and the historic difference between subdivisions of 1970s and 1980s and today.

Commissioner Modlin observed that whether it is low, middle or high income housing, an owner or tenant would want privacy from the streetscape, whether it was provided by the homeowner, a developer or an HOA. Commissioner Andersen stated that it would depend upon who pays and for how long, and that some buyers might be willing to live with some noise in order to purchase an affordable home.

Commissioner Romulo referenced an earlier meeting about the overall Development Code update where there was discussion about different trends in the Code now compared to when the Greeley Code was originally written. She asked whether that discussion fit into the current one. Ms. Kuhn acknowledged that some of these elements are functioning independent of the overall Code update. She added that as work is undertaken to design neighborhood and streetscape pieces, staff recognizes that it will become part of the Development Code and that the Landscape Code may need revisions in the future. She added that it will become part of whole Development Code update in September.

Regarding middle income housing, Commissioner Romulo stated that she did not have a good sense as to the major barriers and asked whether the consultants on the Development Code update are looking into the situation. Ms. Kuhn noted that some barriers include things such as water taps, dedications and acquiring individual access and are outside of the landscaping discussion. She added that with the “missing middle,” staff is looking at how to overcome some of the barriers and put incentives in place.

Commissioner Romulo requested that during the next Development Code update, staff identify the types of situations that create minor and major barriers and discuss possible ways to resolve those issues.

Vice Chair Briscoe opened the public hearing at 2:03 p.m. There being no public comment by mail, email or chat, the public hearing was closed at 2:03 p.m.

Commissioner Andersen expressed her appreciation for the hard work that went into the update and likes the intentionality of limiting water use. She stated that she was hesitant to support the creation of identical subdivisions with identical treatments without looking at other options or perhaps taking smaller steps. Commissioner Franzen stated that he did not feel the Landscape Code would create a big enough barrier to prohibit someone getting into the housing market.

Commissioner Modlin moved to approve the changes to the Land Code 18.44 to be further revised at the time of a complete update of the Development Code.

Mr. Mueller advised that it would be appropriate to approve the recommended motion as presented in the packet with the understanding that it is with the intent to reconsider the Code with the larger Development Code adoption.

Vice-Chair Briscoe requested an amended motion.

Commissioner Andersen moved that, based on the project summary and accompanying analysis, the Planning Commission finds that the proposed amendments to Chapter 18.44, 18.04.110, 18.42.030, and Appendix 18-B of the Greeley Municipal Code as presented are necessary and appropriate to meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommends approval to City Council. Commissioner Romulo seconded the motion. The motion carried 4-1, with Commissioner Andersen voting against the motion. (Chair Yeater and Commissioner Schulte were absent.)

VI. A public hearing to consider adoption of the Get Outdoors Greeley Strategic Plan

Project Name:	Strategic Plan Adoption
Case No.:	PS2021-0001
Applicant:	City of Greeley
Presenter:	Justin Scharton, Natural Areas & Trails Superintendent

Justin Scharton addressed the Commission and introduced the consultant, Jeremy Call, from Logan Simpson Design. He also introduced Andy McRoberts, Director of Culture,

Parks and Recreation. Mr. Scharton noted that a draft plan had been presented during a worksession in early December and that the final draft was included in packet for consideration. He noted that today he is asking for a recommendation of approval of the plan by City Council with any applicable edits discussed today.

Mr. Call addressed the Commission and noted that natural areas and trails have provided a tremendous opportunity for community respite during a difficult time. He advised that the program has been in place for about two years without a plan, adding that the 5-year strategic plan helps to fulfill that goal until the update of the Parks, Trails and Open Space Master Plan. Mr. Call highlighted a new item from the worksession presentation in December and described several open houses that were held with community members and stakeholders. He highlighted some of the comments from the open houses.

Mr. Call reported that the City currently contains 1053 acres of natural areas, 30 miles of natural trails, and 602 acres of parks, as well as school yards, partner properties, utility corridors, storm drainage and agricultural/conservation easements. He added that today's focus will be on natural areas and trails that are within and connected to natural areas. Mr. Call highlighted previous planning efforts, including the Parks, Trails and Open Lands Plan. He added that from the Imagine Greeley Comprehensive Plan, the City continues to refine natural areas, including river corridors, riparian corridors and greenways, bluffs, agricultural uses and nature deficit areas.

Commissioner Andersen asked about the funding source for the project and whether Great Outdoors Colorado funds were part of the funding source. Mr. McRoberts addressed the Commission and stated that acquisition of this particular 900-acre parcel is not fully funded. He added that funds have been set aside in the Quality of Life/Imagine Greeley fund and that general sales tax supports this fund. Mr. McRoberts advised that depending upon which property is being considered for acquisition, there could be various funding sources. He noted that funds do not come from Great Outdoors Colorado as that is grant funding through the Colorado lottery. Mr. McRoberts stated that the target acquisition cost is approaching \$8 million and that the City has set aside approximately \$5 million in future years. The City is working with other municipal partners to bridge the \$3 million gap.

Mr. Call described six strategic themes, including sustainable funding, connections to nature, stewardship, community connections, operational excellence and capital planning. In addition, a holistic suite of metrics has been developed that includes walkability, river restoration, upland restoration, conserved lands, community satisfaction, perception of safety, inclusivity in programs and leadership, funding availability and self-rated health. Mr. Call added that an action plan identifies specific projects and moves to tangible action, organized by high, medium and low priority.

Commissioner Modlin asked how conservation easements work as far as acquiring property. Mr. Call stated that property owners hold many rights and that a conservation easement allows a private owner to continue to live on the property and occupy the land. The owner sells the property to another party such as a non-profit such as a land trust or a city or county and grants the right to maximize development. Mr. Call added that this provides revenue without changing the character of the land and is similar to a deed restriction in perpetuity that limits future owners from developing a property to its maximum level.

Upon question by Commissioner Andersen, Mr. Call advised that the funding that compensates a landowner could come from a conservation easement transaction and subsidized by working with non-profit land trusts who bring money to the table. He added that Great Outdoors Colorado can match conservation easements and this becomes the City's available funding mechanism. Mr. Scharton noted that there are also federal programs with a robust set of conservation easement programs, adding that they cannot replace future and dedicated funding sources. He stated that the City will leverage every dollar possible with grant funds.

Commissioner Franzen asked, when the City acquires a property, whether a life estate was given to an owner in perpetuity until they pass. Mr. Scharton advised that the City would own the property with a life estate and an owner who is a willing seller would stay in the home until they pass. He added that in a pure conservation easement transaction, there is no need for an owner to have a life estate because the property remains in private ownership, providing a way to liquidate assets and provide cash flow without the selling property. Mr. Scharton added that the type of transaction varies depending upon each situation.

Vice Chair Briscoe opened the public hearing at 2:34 p.m. There being no public comment by mail, email or chat, the public hearing was closed at 2:34 p.m.

Commissioner Andersen moved that, based on the project summary and accompanying analysis, the Planning Commission recommends City Council adopt the Great Outdoors Greeley Strategic Plan. Commissioner Romulo seconded the motion.

Commissioner Anderson stated that this plan helps anyone looking to purchase property in Greeley. Vice Chair Briscoe added that the continuity provided through private ownership is an asset to the City and felt this is an asset and attractive part of the community. He expressed his appreciation for the work that went into creating the plan.

The motion carried 5-0. (Chair Yeater and Commissioner Schulte were absent.)

VII. Staff Report

Mr. Mueller addressed the Commission, stating that he looked forward to the Household Occupancy Standards worksession following the hearing. He shared that all departments are finalizing work programs for the year and referenced the main items that will be a priority for Community Development in 2021. Upon question by Commissioner Modlin, Mr. Mueller stated that he would contact Ben Snow about bringing a housing plan update to a future meeting. He added that the annual growth and development report would be completed soon and presented to the Commission at a future meeting.

VIII. Adjournment to Worksession

Topic: Household Occupancy Standards
Presenters: Caleb Jackson, Planner II

The meeting adjourned at 2:44 p.m.

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Erik Briscoe

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Brad Mueller

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Erik Briscoe, Vice Chair

Brad Mueller, Secretary