



PLANNING COMMISSION

Proceedings

March 23, 2021
1:15 p.m.

(Zoom Webinar and viewable on City of Greeley YouTube)

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m.

II. Roll Call

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

Chair Yeater informed those attending that Item V on the agenda, public hearing regarding household occupancy standards, would be continued to April 27, 2021 and requested a motion.

Commissioner Andersen moved that the Planning Commission continue Item V for consideration of a code update regarding household occupancy standards, case Number CU2021-0001, to the regular Planning Commission meeting on April 27, 2021. Commissioner Schulte seconded. The motion carried 7-0.

III. Approval of March 9, 2021 Minutes

Commissioner Andersen moved to approve the minutes dated March 9, 2021. Commissioner Romulo seconded. The motion carried 7-0.

IV. A public hearing to consider a request to rezone approximately 12.98 acres from R-E (Residential Estate) and H-A (Holding Agriculture) zoning districts to C-H (Commercial High Intensity) zoning district with a DCMP (Development Concept Master Plan) restricting certain land uses from the site

Project Name: 7001 28th Street Rezone
Case No.: ZON2020-0010
Applicant: Faith Tabernacle Church Inc.
Location: 7001 28th Street
Presenter: Caleb Jackson, Planner II

Caleb Jackson addressed the Commission and introduced the rezone request. He presented a map showing the location of the site as well as photographs of the site and surrounding area. Mr. Jackson provided a brief history of the site, including development of the church in Weld County in 2001, annexation to Greeley in 2002 with concurrent rezoning to Residential Estate. He explained that the request before the Commission today is to rezone approximately 12.98 acres to Commercial High Intensity with a Development Concept Master Plan (DCMP) that restricts certain uses from the site.

Mr. Jackson advised that the proposed rezone would include the site and an adjacent right-of-way that is currently zoned Holding Agriculture. He added that the DCMP would serve to restrict uses except for a church, school, child care, telecommunications, utility, or oil and gas. Any other uses would require revising the DCMP and bringing the matter before the Commission

Mr. Jackson briefly explained the overall recodification process and rationale for changing the section numbers associated with a rezone. He described the rezone criteria, adding that staff determined the request meets applicable criteria. Mr. Jackson reported that notices were mailed to property owners within 500 feet, signs were posted on the site, and notice was placed in the newspaper with no inquiries being received. He added that all comments had been addressed and that staff recommended approval.

Rick Baldwin from Faith Tabernacle addressed the Commission and stated that the new zoning would align with surrounding zoning.

Chair Yeater opened the public hearing at 1:24 p.m. There being no communication by U.S. mail, email or Zoom Chat or Q&A, the public hearing was closed at 1:24 p.m.

Commissioner Andersen moved that, based on the application received and the project summary and accompanying analysis, the Planning Commission finds that the proposed rezone from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, b, f, g and h [to be re-codified as Section 24-625(c)(3) a, b, f, g and h]; and, therefore, recommends approval of the rezone to the City Council. Commissioner Schulte seconded.

Commissioner Andersen expressed favor of adding a DCMP to restrict uses on the site. The motion carried 7-0.

V. Worksession: Development Code Update – Chapters 1 and 2 Discussion

Presenter: Carol Kuhn, Chief Planner

Carol Kuhn addressed the Commission and briefly reviewed the topical discussions held to date as well as discussions for upcoming worksessions and presented a schedule of upcoming Planning Commission and City Council worksessions and public hearings.

Ms. Kuhn presented a section map and described its purpose. She highlighted the key elements of Chapter 1, including tying it to the Comprehensive Plan as well as promoting the physical, social and economic well-being of residents and businesses. Ms. Kuhn explained that various resources, guides and industry standards were being considered to help address the Code changes.

After briefly summarizing Chapter 1, Ms. Kuhn invited the Commissioners to respond with any thoughts or questions. Commissioner Briscoe suggested that a redline might be helpful to track changes and put them into context. Ms. Kuhn explained that Chapter 1 is mostly new material and it would be difficult to create a redline. She added that most of the other chapters would also contain new information that is pulled from various parts of the Code. Ms. Kuhn stressed the importance and usefulness of the section map.

Commissioner Romulo commented that it was helpful to hear actual examples of issues in various neighborhoods. She asked Ms. Kuhn to provide an example of a benign non-conformity and where it may have been identified in Greeley. Ms. Kuhn explained that in the Sunrise neighborhood, many properties are zoned light industrial, but are single-family homes with residential uses. She added that while this was previously allowed, it was changed in the 1980s and residential uses are no longer allowed in light industrial zone districts. Ms. Kuhn advised that this has created a situation where owners must seek a variance or rezone in order to make changes such as adding a bedroom or a garage. She explained that the intent of the benign non-conformity provision is to allow owners to make minor changes without the necessity of going to a hearing.

Referring to language in Section D (Nonconforming Site Conditions), paragraph 4, regarding “any investment greater than 50%,” Chair Yeater asked for clarification as to what is being required by this provision and how the value would be derived. Ms. Kuhn advised that if an owner wanted to do something on a property, they would not be required to bring the entire site into conformance.

Commissioner Andersen identified Section F (Transition Provisions), paragraph 4 (Plats) and the requirement that a new preliminary plat would be required for several reasons including if a final plat proposes a substantial change to the preliminary plat. She asked whether “substantial change” had been defined or would be left up to staff to determine. Ms. Kuhn thanked Commissioner Andersen, agreed that a definition would be appropriate, and made a note to discuss with the consultant. Community Development Director, Brad Mueller, added that defining criteria exist in the current Code under the “subdivision” section.

Commissioner Andersen expressed appreciation for direction being taken with regard to building design as she felt a focus on style-neutral form would encourage more creativity.

Ms. Kuhn transitioned to an overview of Chapter 2 and described the process and dates for worksessions and public hearings before Planning Commission and City Council. She presented a procedures summary table that will clearly spell out the required procedures, making it simpler for applicants to become familiar with the process and requirements. Ms. Kuhn added that Chapter 2 also addresses concurrent applications, when a project requires approvals under more than one type of application. Other proposed changes include providing notice of hearings on the website instead of in the newspaper, creating more visible informational signs to be posted on sites, and revising the mailed notice requirements for specific types of projects.

Ms. Kuhn advised that the subdivision process was being clarified to clearly define minor subdivisions and the criteria for preliminary and final plats. She noted one major change is to separate platting from the planned unit development (PUD) process and consider PUDs in the same manner as other zone districts. The minor amendment and major amendment processes will also be clarified.

Staff is also looking at alternative compliance and the benefits to the community, including aesthetic considerations and improved environmental performance. With regard to variance requests, Ms. Kuhn acknowledged previous concerns expressed by Commissioners and explained that variances will be reviewed and approved by the Zoning Board of Appeals (ZBA) only if specific criteria are met and the ZBA has adequate information to make a decision and recommendation.

Ms. Kuhn reported that a special meeting will be held on March 30 for a worksession on Placemaking and Urban Design, with a public hearing on Chapter 1 and a worksession on Chapter 2 to take place on April 13.

Chair Yeater expressed that it was commendable to move away from advertising in the newspaper and move toward the website. Commissioner Franzen agreed that it was a good idea, adding that staff might consider a phased approach to allow a smooth transition for citizens. Ms. Kuhn added that the revised signage will also be helpful in providing direction for citizens to locate notices. Commissioner Briscoe shared Ms. Kuhn's excitement about the revisions to the PUD process. Upon question by Commissioner Modlin, Ms. Kuhn advised that the proposed revisions do not include any additional administrative items for staff review and she hoped the table would be helpful to applicants.

Ms. Kuhn invited Commissioners to view the web page created for the Code update – developmentcodeupdate@greeleygov.com – and presented a couple of short videos about the “Missing Middle” and “Placemaking & Urban Design” that may be viewed from the web page.

VI. Staff Report

Mr. Mueller thanked the Commissioners for time spent working with staff on the Code update and invited members to reach out to staff at any time with comments or questions.

VII. Adjournment

The meeting adjourned at 2:12 p.m.

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Justin Yeater

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Justin Yeater, Chair

DocuSigned by:

Brad Mueller

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Brad Mueller, Secretary