

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS

May 25, 2021

I. Call to Order and Roll Call

Vice Chair Briscoe called the remote meeting to order at 1:15 p.m. via the City's Zoom platform.

The hearing clerk called the roll.

PRESENT

Vice Chair Erik Briscoe
Commissioner Louisa Andersen

Commissioner Brian Franzen
Commissioner Larry Modlin

ABSENT

Chair Yeater
Commissioner Chelsie Romulo
Commissioner Christian Schulte

II. Acceptance of Agenda

Commissioner Andersen moved to accept the agenda. Commissioner Franzen seconded the motion. Motion carried 4-0.

III. Public hearing to consider a request for a Use by Special Review to allow for a multi-family dwelling containing up to 4-units on approximately .22 acres in the Commercial High Intensity zone district

Project: 1021 5th Street Multi-Family USR

Case No.: USR2019-0014

Applicant: Scott Golden

Location: 1021 5th Street

Presenter: Caleb Jackson, Planner II

Caleb Jackson addressed the Commission and provided an aerial photo showing the location of the site. He presented background information including the current zoning as Commercial High and the current use as a two-family dwelling. Mr. Jackson presented photos of the site from the front and alley. He provided aerial and surrounding area photos including descriptions of the surrounding areas.

Mr. Jackson described the proposed USR as a 4-plex with two units facing 5th Street and two facing north. He added that a 4-car carport on the north side of the site with four tandem spaces located behind the carport is included in the proposal. He noted additional parking access along 5th Street.

Mr. Jackson stated that the proposal is consistent with the Strategic Housing Plan, Land Use Guidance Map and aligns with several objectives of the Imagine Greeley Comprehensive Plan. He explained the proposal is compatible with the area, the site can accommodate the proposed development and there are no adverse impacts on traffic or parking. Notice letters were mailed to 73 landowners within 500 feet of the site, signs were posted and legal notice was provided in the local newspaper with no comments received. Staff recommended approval.

Commissioner Franzen asked for clarification as to whether the current zoning allows for a 4-unit dwelling versus a 2-unit dwelling and the reason for the proposed Use by Special Review. Mr. Jackson stated that all residential development in the Commercial High zoning district requires a Use by Special Review.

Commissioner Andersen asked how the proposed site acquired the Commercial High zoning when surrounded by residences and why a rezone to residential would not make sense. Mr. Jackson explained a rezone could make sense, but would require additional processing and approval by City Council. He added that residential uses are anticipated in the Commercial High zoning district and staff believes the proposed development does make sense. Commissioner Andersen asked why the City would have zoned Commercial High in the first place and if any narrative or history is available. Mr. Jackson speculated that the proposed site is near an intersection of two arterial roadways, perhaps supporting the Commercial High zoning at one time. He noted that he does not have additional history of the site.

Vice Chair Briscoe opened the public hearing at 1:24 p.m.

Clarence Lopez, 1018 5th Street, property owner of 422 11th Avenue and 1027 5th Street, offered to answer Commissioner Andersen's question about the history of site. He explained at one point, the area was zoned Residential Low. In the 1980s, the City was looking to construct the Greeley Police Department on that block and rezoned from R1 to commercial use. Since the City decided not to build the Police department on the block, the rest of the block was rezoned back to a residential zone at some point. Mr. Lopez asked for clarification regarding the only access of the proposed development being alley access. He expressed concern of excessive traffic that may occur onto 11th Avenue from the alley and asked if it would hinder his future commercial development plans.

There being no additional communication by U.S. mail, email or Zoom Chat or Q&A, the public hearing was closed at 1:28 p.m.

Vice-Chair Briscoe asked if Mr. Jackson would respond to the parking question presented by Mr. Lopez. Mr. Jackson confirmed that the proposed alley access off 11th Avenue would eliminate driveway access onto 5th Street that would improve traffic flow and allow street parking off 5th Street. The proposed development would allow 11th Avenue alley access for vehicular traffic. In terms of development to the neighboring site as commercial, Mr. Jackson stated that the project would not have an impact of the development ability of neighboring sites.

Commissioner Andersen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for a multi-family dwelling with up to four units in the C-H (Commercial High Intensity) zone district is consistent with the Development Code criteria in Section 24-280; and, therefore, approves the Use by Special Review. Commissioner Franzen seconded the motion.

Commissioner Andersen commented that making the alley one-way, east bound, and might solve the concern of Mr. Lopez.

Motion carried 4-0.

IV. Public hearing to consider a request for a Use by Special Review to allow for a 224-unit apartment complex on approximately 8.91 acres in the Commercial High Intensity zone district

Project: Copper Platte Apartments USR

Case No.: USR2020-0006

Applicant: Robert Ketner of Inland Group

Location: 1750 Greeley Mall Street

Presenter: Kira Stoller, Planner II

Kira Stoller addressed the Commission and introduced the item as a Use by Special Review for a residential apartment complex in the Commercial High zone district. Ms. Stoller presented an aerial photo showing the subject site made up of two parcels, located in Redevelopment District and surrounding uses including retail and multi-family housing. She presented photos of the subject site and the surrounding areas.

Ms. Stoller stated the applicant proposes to construct multi-family dwellings and the existing seldom-used structures were proposed to be demolished. She explained that the applicant proposed eight 4-story apartments with 224 units as an affordable housing development. Ms. Stoller presented the site plan showing placement of the units that include one to four bedrooms. She added that 404 parking spaces are proposed with a combination of parking surface, carports and garage spaces.

Ms. Stoller described that the proposed project required four recreational amenities and the applicant is proposing nine credits, allotted for each amenity, to reduce the open space requirement. Amenities include a clubhouse with resident lounge, business center, game room and fitness center, outdoor pool, playground, two barbeque/picnic areas, a sports court and an outdoor fitness

area. She explained that properties within the Redevelopment District have the option to reduce the total open space by two percent for every recreational amenity provided reducing the total required open space for the project to two percent from the base of twenty percent.

Ms. Stoller advised that although the usable open space on the property was substantially reduced based on extra amenities, the proposed site would be well landscaped. She described a buffer yard along Highway 34 bypass as well as between apartments and existing businesses. She added that perimeter treatment, enhancing pedestrian experience, along 17th Avenue and multiple fence designs are integrated into the landscape plan. Ms. Stoller presented building elevations, utilizing three primary building materials, three proposed color schemes and six different building types with each unit including a covered balcony. She advised that the tallest building would not exceed 41.5 feet and pointed out typo in the staff report for building elevation type one that will also not exceed 41.5 feet.

Ms. Stoller presented a slide explaining the alternative compliance request to increase the building height and reduce parking, stating both requests have been approved by Community Development Director. She explained typically in a Commercial High zone, the maximum building height is forty feet. Based on the unusual infill site, the applicant proposed an increase of 1.5 feet to work with all parking and recreational requirements. Ms. Stoller reported that the applicant submitted a parking reduction request to reduce the overall parking required by ten percent. She added the site qualifies for this request, as it is located in the Redevelopment District as an infill site. Ms. Stoller reported that Staff supported the request as the site is close to public transit.

Ms. Stoller summarized the Use by Special Review approval criteria, stating the proposal is consistent with the Comprehensive Plan objectives, including the Strategic Housing Plan, compatible with area, physically suitable for the site, and provides no adverse traffic, parking, or negative cumulative impact for other Use by Special Reviews in the area.

A virtual neighborhood meeting was held on May 12, 2021 and attended by five neighboring residents who questioned which buildings would be demolished and how the low-income housing development would affect the community. Notice letters were mailed to 122 property owners with 500 feet, signs were posted and legal notice was provided in the local newspaper on May 19, 2021 with no inquiries aside from the neighborhood meeting. Staff recommended approval.

Commissioner Andersen asked about the overall proposed development for the mall. Ms. Stoller responded that it depends upon ownership, stating the mall property consist of several parcels with different owners and it is difficult to come up with a shared vision for the overall site. She noted the city is paying close attention and feels that this project can potentially help the mall area transition. Commissioner Andersen asked if the proposed project was considered a pace setter for the direction the city would like to see development. Ms. Stoller responded that the proposed project would get something started and see what follows.

Commissioner Modlin asked if the traffic light to Highway 34 Bypass would be reconfigured for heavy traffic for residents during their commute to work. Ms. Stoller responded that based on a traffic analysis conducted for the project, the current level of service is acceptable and it is not anticipated that this project will change the current level of service currently operating. The area was designed for commercial traffic, which could be higher, but with the residential transition, it is predicted that traffic could be lower and that staff did not recommend a change at this time. Commissioner Modlin asked if 17th Street allowed longer turning lanes to go west out of the street. Ms. Stoller explained the potential need would be evaluated in the future but was not triggered by this project.

Vice Chair Briscoe commented that in past the Commission has seen improvements proposed to 23rd, 35th and 47th Avenue interchanges and asked about improvements to 23rd Avenue as they might relate to this project. Ms. Stoller deferred to Dylan Belanger, Engineering Development Review, to respond. Mr. Belanger explained he was unaware of the timeline for the 23rd Avenue interchange improvement but stated the proposed project does not trigger an access permit from the Colorado Department of Transportation, adding that the anticipated traffic increase is about 10.1 percent.

Keith James with the Inland Group, 120 West Cataldo Avenue, Spokane, Washington, addressed the Commission and was available to answer questions. He explained that when they came across this site, they started with City of Greeley Department of Economic Health and Housing Department (EHH) and wanted to make sure that between EHH and the Planning department, there was a clear path forward. He added that it was obvious redevelopment in the area would occur with the subject site parcels being the first steps. He reported receiving continued support from EHH. To Commissioner Andersen's point, Mr. James noted that the site is awkward with a split entry to the mall and AutoZone. He has been in touch with three surrounding property owners and gained approval of some title documents and reciprocal easement agreements. Mr. James commented that relationships are very strong with the neighboring property owners and they are collaborated with AutoZone to reach a site plan that works for both parties.

Vice Chair Briscoe opened the public hearing at 1:46 p.m.

A hearing clerk announced a person requesting to speak to the Commission.

Samantha Camps Mintz, 2830 16th Avenue, expressed concerned about increased traffic and explained the area is already congested. She added that she is surprised there is no impact to traffic.

A hearing clerk read an email into the record from Ben Snow, Director of Economic Health and Housing.

There being no other communication , the public hearing was closed at 1:50 p.m.

Vice-Chair Briscoe followed up to Ms. Mintz point, asking for clarification on what is the proposed traffic increase. Mr. Belanger responded that the project is anticipated to have a 10.1 percent increase. Vice-Chair Briscoe asked if the city has any plans for redesigning the intersection. Mr. Belanger informed that the 23rd Avenue and Highway 34 Bypass intersection is a CDOT intersection, but that he could speak with city traffic engineers.

Commissioner Modlin asked whether traffic could be diverted down 37th Road into Evans. Ms. Stoller explained that an access point to the mall is located south of the liquor store adjacent to the southern parcel and an additional roundabout provides a way to exit the site. Commissioner Andersen asked if 16th Avenue is able to empty to 11th Avenue via the old John Evans school site. After reviewing a map, Ms. Stoller stated that there appeared to be a way to get to 11th Avenue.

Commissioner Andersen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for a residential apartment complex in the C-H (Commercial High Intensity) zone district is consistent with the Development Code criteria in Section 24-280; and, therefore, approves the Use by Special Review. Commissioner Modlin seconded the motion.

Commissioner Andersen commented that the proposed project is a creative use and a forward-looking, well-chosen location for residential especially with the bus stop as it currently exists. She noted her shared concerns of the neighbors regarding traffic. Vice-chair Briscoe agreed with Commission Andersen and neighbors regarding traffic concern. He added that the project proposed is an exciting opportunity for Greeley.

Motion carried 4-0.

V. Public hearing to consider a request for a Preliminary PUD Amendment to add all Residential Low Density uses to Area F and relocate the required city park location from Area F to Areas L and M

Project: Promontory Preliminary PUD, Areas F, L & M, 2nd Amendment

Case No.: ZON2021-0006

Applicant: Larry Buckendorf, on behalf of Promontory Investments LLC and Weldco Investors LLC

Location: East of Promontory Parkway, south of 16th Street and north of future 20th Street

Presenter: Mike Garrott, Planning Manager

Mike Garrott addressed the Commission and introduced the proposed agenda item as a Planned Unit Development for Promontory Parkway. Mr. Garrott provided an aerial view of the site located in West Greeley and described surrounding areas. He presented a slide of the Tripointe zoning map, noting that when the area was zoned, the property was sub-zoned resulting in various land uses. He stated that the applicant is requesting to remove the required parkland site from Area F, located near Promontory Parkway and 16th Street, a major arterial area to the site, to a more internal site in the site. He reported that Area F

would become Residential Low Intensity. Mr. Garrott showed a zoomed in view of the 99-acre subject site.

Mr. Garrott provided a summary of the current allowed uses in Area F, adding that uses for a fire station and schools were added in 2019. He stated that Area L & M have essentially residential uses with some lower commercial uses. Mr. Garrott presented several site photos.

Mr. Garrott summarized the Planned Unit Development approval criteria stating that the property has been undeveloped since the project was planned in 1999. He described that the proposal is for a community related use, a park site, and stated that a subdivision request will be presented in the coming weeks. Mr. Garrott reported that the project supports the Comprehensive Plan and Planned Unit Development requirements. Notice letters were mailed to 36 property owners with 500 feet, signs were posted and legal notice was provided in the local newspaper on with no citizen input. Staff recommended approval.

Commissioner Modlin asked about the timeline for a traffic light where this project exits onto Highway 34 bypass. Mr. Garrott clarified the location, the north side of the site, and stated he has not heard of an expected timeline but would speculate when warrants are met, a traffic light will be considered for the location. Commissioner Modlin asked if the traffic light would be installed by CDOT or the City of Greeley. Mr. Garrott explained it would be a cooperative discussion between CDOT and the City. He added that an updated traffic study would need to be conducted since the intersection does not warrant a new traffic light at this time.

Morgan Kidder, Journey Homes, 7251 W 20th Street Suite, Greeley, addressed the Commission and offered to answer any questions.

Commissioner Franzen asked for clarification regarding the reason for moving the park to a more interior part of the lot. Mr. Garrott responded that it was for functionality and potential proximity to a school site. He noted that the proposed location is more integrated into the neighborhood compared to the original approved location from 1999.

Upon question by Commissioner Modlin, Mr. Kidder reported that the homes would be constructed similar to those at the Sheep Draw project on 83rd Avenue.

Vice Chair Briscoe opened the public hearing at 2:04 p.m. There being no communication by U.S. mail, email or Zoom Chat or Q&A, the public hearing was closed at 2:05 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 amendment to the Promontory Preliminary PUD, Areas F, L & M, meets the applicable Development Code criteria, Section 24-625(c) (3) a, b, f, g and h, and Section 24-663(b) 1 and 2; and, therefore, recommends approval of the rezone to the City Council. Commissioner Franzen seconded the motion. Motion carried 4-0.

VI. Public hearing to consider a request for a combined Preliminary and Final PUD to allow for an auto repair facility on approximately .59 acres

Project: Suffolk Subdivision 4th Filing, 1st Amendment, Combined Preliminary & Final PUD

Case No.: PUD2020-0013

Applicant: Elliott Smith of TerraForm Companies, LLC

Location: 2505 46th Avenue

Presenter: Kira Stoller, Planner II

Ms. Stoller addressed the Commission and introduced the project as a combined Preliminary and Final PUD within the Suffolk Subdivision. She presented an aerial photo showing the site and surrounding area – located directly south of Lowe's, north of Firestone, east of G.O.A.T. Sports Bar and west of Goodwill. The subject site is surrounded by private drives on the north, west and south. Ms. Stoller presented a photo of the subject site with Goodwill and Lowe's in background and additional photos of surrounding areas and businesses.

Ms. Stoller provided background information of the original Suffolk PUD- encompassing 38.48 acres of land and identified 4 lots and 2 outlots. The subject site was originally part of Lot 2 and allowed for uses permitted in Commercial High zone district. She noted that the surrounding area is largely developed. The applicant is proposing a Replat of the Suffolk Subdivision, 4th Filing, Lot 2A- a 2.16 acres parcel. Ms. Stoller presented the proposed plat that subdivides Lot 2A of Suffolk Subdivision into two lots; Lot 2, south, would house the 3,174 square foot auto repair facility; Lot 1 would be developed at a later date and would still allow land uses permitted in the Commercial High zone district.

Ms. Stoller presented a site plan of the proposed auto repair facility, pointed out the site access from private drive to the south, nine parking spaces and four bike stalls, and described building setbacks. The applicant has designed landscaping to provide 42% open space; consist of 12 trees and over 100 shrubs and ornamental grasses. Additional, Ms. Stoller noted five light poles situated on the outer edge of parking lot and access drives. Ms. Stoller presented building elevations, described the building materials and stating the proposed colors are similar to existing buildings in the surrounding area. Ms. Stoller noted that signage displayed on plans are for illustrative purposes only and the actual signage will require approval under separate permit.

Ms. Stoller summarized the approval criteria for a Preliminary PUD and Final PUD, stating that the current subject site is approximately 2.16 acres in size; however, corresponding replat would create smaller lots. Because the site is, currently zoned PUD and allowed uses have been established for both proposed lots, Staff feels the project aligns with the spirit of the code and is consistent with the Comprehensive Plan. Additional, Ms. Stoller stated that various PUD approvals in the past have encompassed the subject site and the land use proposal of an auto repair facility is in conformance with proceeding plans. Because no site development details were provided as part of the previous approvals, a separate Preliminary and Final PUD was required to develop the site. Notice letters were mailed to 18 owners within 500 feet of the site, signs were posted and

legal notice was provided in the local newspaper on May 19, 2021 with no comments received. Staff recommended approval.

Commissioner Andersen asked what the rationale was behind limiting auto repair in Commercial High zone and the purpose of hearing and overlay PUD approval. Ms. Stoller explained that the previous Suffolk preliminary PUD just identified the allowed uses for the different areas/lots. Although the subject site allows for all uses permitted in the commercial high intensity zone district, including auto repair, the previous PUD approvals indicated that a Preliminary and Final PUD approval would be required to establish the specific site design for the property. Commissioner Andersen commented that it seems strange that this project is brought before Planning Commission when there are identical uses surrounding it. Ms. Stoller explained that it is due to the PUD zoning and current PUD regulations. Furthermore, Ms. Stoller added that with the Code Update that is currently in progress, Staff want to get to a point where these type of projects are handled administratively with a site plan process.

Elliott Smith, TerraForm Companies, LLC. 6770 S 900 E Salt Lake City, Utah, addressed the Commission and stated they would be developing property for Jiffy Lube. He added that he was available to answer any questions and thanked the Commissioners for their time.

Vice Chair Briscoe opened the public hearing at 2:16 p.m. There being no communication by U.S. mail, email or Zoom Chat or Q&A, the public hearing was closed at 2:16 p.m.

Commissioner Andersen moved that, based on the project summary and accompanying analysis, the Planning Commission finds that the proposed combined Preliminary and Final PUD for an auto repair use, located at 2505 46th Avenue, and a final plat and site plan, for the Suffolk Subdivision 4th Filing, 1st Amendment, is in compliance with the Development Code; and, therefore, recommends approval to City Council. Commissioner Franzen seconded the motion. Motion carried 4-0.

VII. Staff Report

Community Development Director, Brad Muller thanked the Commission for attending and in interest of time, defer to next item on the agenda.

VIII. Worksession: Development Code Update – Chapters 7, 8, 9, 10 & 11

Carol Kuhn addressed the Commission and briefly reviewed the topical discussions held to date as well as discussions for upcoming worksessions and hearings before Planning Commission and City Council. Ms. Kuhn reported that staff has been working closely with the Technical Review Committee and other stakeholders and presented a schedule displaying the process for Chapters 7-11 of the Development Code.

Ms. Kuhn presented a section map for Chapter 7 and described its purpose. She highlighted the key elements of Chapter 7, including criteria clarifying parking requirements, parking maximum, required parking broad use categories, enhanced parking reduction options, and further encouraging infill development that aligns with the goals of the Comprehensive Plan.

Ms. Kuhn pointed out that Chapter 8 revisions centered on formatting, sorting, and regrouping the sections and does not include significant changes, adding that the new format will allow easier navigation.

Ms. Kuhn transitioned to Chapter 9, Sign Standards, and highlighted key revisions including reorganizing to clearly differentiate between alternative compliance and a variance, reorganizing sign measurements, setbacks, and other guidelines regarding signage. She noted an added provision, allowing electronic message display signs for institutional uses in residential zone districts subject to limited hours of operation of 6:00 a.m. to 10:00 p.m.

Ms. Kuhn introduced Chapter 10, stating that a draft was not provided in the agenda packet, as the revisions were small formatting changes. She reported that Chapter 10 would incorporate all of the overlay and special district regulations.

Ms. Kuhn explained that Chapter 11, Supplemental Standards, incorporates wireless communication facilities, oil and gas, adult uses and marijuana uses, adding that the format will match the overall Code structure.

Ms. Kuhn reported that Chapter 12 is reserved for metropolitan districts and that staff is looking at more materials from other districts and will be working on this chapter later to allow time to research and create a good model for the Code.

Ms. Kuhn informed the Commission that Chris Brewster was available to answer questions.

Vice-Chair Briscoe asked for clarification about whether the current Code addresses setbacks for plugged and abandoned oil and gas wells. Ms. Kuhn advised that setbacks are not outlined in the Code but that the standard practice of Fire Inspection is to require a 50-foot setback. Vice-Chair Briscoe asked how development might be impacted in the event a well must be re-plugged. Community Development Director, Brad Mueller, discussed reasons a plugged well may need to be re-drilled and added that the setback allows for room around a plugged site, in an unlikely event, to have access to the well.

Commissioner Modlin asked if Chapter 7 addresses the issue of developers utilizing on-street parking, specifically for infill sites. Ms. Kuhn responded that parameters are provided around options for parking requirement reductions and incentive opportunities for different types of parking options. Chris Brewster discussed the options where parking would be more flexible and stated that Chapter 7 presents opportunities to reduce requirements with required parameters as needed. Commissioner Modlin asked whether it would be advisable in the future to consider a parking structure in the downtown area and if it might be possible to require developers to pay cash in lieu of parking

requirements to help fund the cost of a parking structure. Mr. Mueller stated that a parking study was recently done for the downtown area with findings that there is adequate parking, adding that the study found that the issue was related to both management of existing parking and signage. He stated that the management and signage have been improved through new tracking software and new parking policies.

Commissioner Andersen asked how staff would balance the visibility of business signage with the landscape code requirements to ensure that signage is easily visible. Ms. Kuhn responded that merging buffering and perimeter landscaping and looking at the number of trees and number of parking spaces, more options for sign visibility would be allowed. Mr. Brewster noted that often these types of issues are a site-specific problem and that frontages are treated differently, where signs are normally located, the closer to the street, with less ground coverage and

Commissioner Franzen thanked staff for the time and dedication in updating the Code. Commissioner Andersen also expressed appreciation for the work staff has done with the Code update.

IX. Adjournment

With no further business before the Commission, Vice-Chair Briscoe adjourned the meeting at 2:48 p.m.

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Erik Briscoe

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Erik Briscoe, Vice Chair

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Brad Mueller

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Brad Mueller, Secretary