

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS

July 27, 2021

I. Call to Order

Chair Yeater called the remote meeting to order at 1:15 p.m. via the city's Zoom platform.

II. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Louisa Andersen
Commissioner Larry Modlin
Commissioner Chelsie Romulo
Commissioner Christian Schulte

ABSENT

Commissioner Erik Briscoe
Commissioner Brian Franzen

III. Approval of Agenda

Commissioner Andersen moved to approve the Planning Commission and Zoning Board of Appeals agendas. Commissioner Romulo seconded the motion. Motion carried 5-0.

IV. Approval of July 13, 2021 Minutes

Commissioner Andersen moved to approve the minutes dated July 13, 2021. Commissioner Romulo seconded the motion. Motion carried 5-0.

V. Public hearing to consider City of Greeley Water and Sewer Department Sanitary Sewer Master Plan and Water Transmission & Distribution Master Plan from 2018 to 2021

Presenters: Adam Prior, Chief Engineer, Water & Sewer
Sean Chambers, Director, Water & Sewer

Adam Prior addressed the Commission and introduced Sean Chambers. Mr. Chambers described the issue before the Commission and discussed its importance to the long-range growth of the city. Mr. Prior explained the two and a half year process to integrate all three master plans and began the presentation by providing a background of the wastewater system as well as a map of the existing wastewater system master plan area.

Mr. Prior described the process to evaluate flow on individual interceptors, using nine permanent flow meters and two rain gauges that were monitored for 60 days. Staff also evaluated demand projections using the existing model pushed into the future. Mr. Prior explained that the plan is to update the design criteria to match new standards. He added that non-residential flow was also calculated as well as groundwater infiltration and rain dependent infiltration and inflow, using a 5-year storm event in the modeling.

Staff looked at the existing system under dry weather conditions and identified areas with potential issues along 47th Avenue based on existing sewer system capacity. A similar exercise under wet weather conditions identified seven potential issue areas that Mr. Prior highlighted. He identified areas that will continue to be monitored to determine any necessary future improvements.

Mr. Prior presented several graphs showing flood events, flow, load and population from 1970 to 2020. He described how growth in the system was estimated and pointed out the location of existing developments that were incorporated into the master plans. Mr. Prior advised that staff also looked at the 2018 Comprehensive Plan and worked with the Planning division to look at growth and determine how future developments might be zoned.

Mr. Prior described the long-term project to accommodate sewer capacity to the year 2040. He presented a map showing buildout of the sewer system, adding that it will be necessary to add or replace major interceptors throughout the city to accommodate growth. He stated that staff looked at 5-year and 20-year planned city capital improvement projects and presented a map showing the recommended capital improvements.

Mr. Prior advised that there is an existing intergovernmental agreement between the city and the Town of Windsor. He added that staff had looked into taking water that flows from West Greeley to Windsor and bringing back to Greeley for treatment. It was determined that the additional lift stations, infrastructure and operational costs were deciding factors in taking chunks of water from west Greeley to the Windsor water treatment plant.

Upon question by Chair Yeater, Mr. Prior advised that he would discuss the water treatment plant and its lifespan during the next presentation about water. He added that staff was not seeing increases in water demand due to efforts to convert potable demands to non-potable for irrigation. Mr. Prior stated that base flow in winter for water demand is approximately 12-14 million gallons per day that can peak as high as 46 million gallons per day in the summer. He noted that work continues with conservation groups to switch residents from potable to non-potable for irrigation. He noted that the 2003 master plan projected water demand of 100 million gallons per day by 2020 when, in fact, it is 46 million. Mr. Prior noted that the Bellvue Treatment Plant has a capacity of 35 million gallons per day and that Boyd Lake has a capacity of 38 million gallons per day, allowing for increased capacity. He noted that there is planning for the late 2020s or early 2030s for additional capacity based on growth and need.

Commissioner Modlin asked whether the sewer plant has capacity to recycle potable water as well as non-potable. Mr. Prior responded that Greeley has the benefit of multiple non-potable irrigation ditches and the future plan is to use non-potable water from those ditches. He added that wastewater effluent could be exchanged with Poudre Ponds and can be used for non-potable purposes.

Commissioner Schulte mentioned previous presentations where grey water was part of the discussion for flushing toilets and other uses. Mr. Prior stated that grey water was not considered, as toilet flushing is relatively low, adding that more benefit is derived from irrigation flows.

Referring to a recent developer roundtable, Commissioner Andersen asked if there were any notes from that meeting that might summarize the questions and discussion that took place. Brad Mueller, Community Development Director, advised that there were not many questions posed and that there are no notes from the meeting.

Moving to the next presentation about water, Mr. Prior provided a map of the water master plan area and highlighted existing pump stations, storage, distribution mains, transmission mains and lines coming from the Bellvue and Boyd water treatment plants. He described how the model was developed and presented a map showing the recommended capital improvements to accommodate long-term growth. He stated that staff also conducted a fire flow evaluation for future areas to ensure that pipes are of sufficient size.

Mr. Prior summarized that the city has a robust distribution system without significant system deficiencies. He noted that areas with topographic challenges might require more detailed studies as they develop.

Commissioner Modlin asked whether metropolitan districts would be required to install non-potable water sources for residential use. Mr. Prior advised that a final decision had not been made and that staff would want to bring that discussion through with proposed policy changes.

Mr. Prior described the stakeholder engagement and community engagement processes and stated that staff collaborated with different municipalities and water districts to look into reducing infrastructure and costs. He noted that citizens were invited to an interactive workshop and that staff invited engineers, planners, developers and citizens to participate in a review of master plans and asked for comment and input. He advised that the next step is approval of the Wastewater Utility Plan, finalization of capital improvement plan budgets, and Master Plan acceptance by City Council in September, with the date of a non-potable master plan to be determined.

Chair Yeater opened the public hearing at 2:05 p.m. There being no comments, the public hearing was closed at 2:05 p.m.

Commissioner Andersen moved that, based on public comment, the project summary and accompanying analysis, the Planning Commission recommends to City Council adoption of the enclosed 2021 Wastewater Collections Infrastructure Master Plan and 2021 Water Distribution Infrastructure Master Plan and incorporation of the same by reference as an amendment to the 2018 Comprehensive Plan. Commissioner Schulte seconded the motion.

Commissioner Schulte thanked Water & Sewer staff for their hard work on this, adding that it was very important for the city. Commissioner Modlin added that it was well thought out and one of the best presentations for future growth since he has been on the Planning Commission. Motion carried 5-0.

VI. Public hearing to consider amendments to Title 24 of the 2021 Greeley Municipal Code to adopt Chapters 3-6 and 13

Project: Development Code Update

Case No.: CU2021-0005

Presenter: Carol Kuhn, Chief Planner

Ms. Kuhn addressed the Commission and introduced the final amendments to Title 24 of the Greeley Municipal Code, describing each chapter and the key revisions. She referenced a memorandum provided to the Commission before the hearing including a revised table 24-5-4 in Chapter 5. Ms. Kuhn advised that notice of the hearing was published in the newspaper, drafts of the revisions were posted on the city website, and referrals were sent to surrounding communities for comment. Staff recommended approval and Ms. Kuhn noted a proposed motion in the staff report.

Commissioner Andersen asked whether there was any update about addressing items added to the punch list and the timeline for further discussion and possible addition to the new Code language. Ms. Kuhn responded that she believed the punch list items would be addressed during the next phase of the Code update and deferred to Mr. Mueller. Mr. Mueller confirmed that a punch list with several items from Planning Commission discussions is being maintained. He added that once the Code is adopted by City Council, staff planned to bring those items back to Planning Commission at a worksession to discuss further.

Referring to the Residential Development Standards and a notation that fences "shall be constructed" of various materials, Commissioner Andersen expressed that it seemed to be too specific, restrictive and that the option of wrought iron fencing seemed to be outdated. She asked that consideration be given to deleting that portion or revise the language. She also asked about the prohibition of chain link fences and asked whether other chain link fences throughout the city had been grandfathered in. Mr. Mueller advised that any fencing currently in place, if done within the guidelines of the current Code, is grandfathered in. He suggested adding Commissioner Andersen's concerns about fencing to the punch list.

Chair Yeater opened the public hearing at 2:29 p.m. There being no public comment, the public hearing was closed at 2:29 p.m.

Commissioner Andersen raised a minor point of discussion regarding the timeline for City Council adoption. She noted the first reading on August 17 and asked whether there would be a public hearing at that time. Ms. Kuhn advised that at the August 17 meeting, the Council public hearing would be set for September 7. Commissioner Andersen asked whether the September 7 meeting would be considered second reading. Ms. Kuhn advised that in this instance, the meetings will be broken into three steps: first reading on August 17, a public hearing on September 7 and second/final reading on September 21 to adopt all code chapters. Mr. Mueller advised that the public hearing and second reading meetings do not necessarily need to take place at the same time. Upon question by Commissioner Andersen, Mr. Mueller stated that the punch list items would be brought back to Planning Commission for discussion at worksessions following final adoption by Council. Ms. Kuhn stated that staff planned to begin a series of Planning Commission worksessions after October 1 to go through the punch list items. Mr. Mueller added that if any items determined by Planning Commission should be brought back to Council for consideration, they could be brought back in the future as separate Code updates.

Commissioner Andersen sought to ensure that Council receives feedback from citizens and the Planning Commission and asked how often and in what format City Council receives information regarding discussions at Planning Commission meetings and worksessions. Upon further question, Mr. Mueller advised that Council receives copies of Planning Commission minutes. Commissioner Andersen again expressed concerns about philosophical questions raised at last week's special meeting and asked how she could be assured that Council will receive the information and questions raised, especially regarding affordable housing. Chair Yeater requested to address the item at hand. Commissioner Andersen was reluctant to move forward and approve the matter before addressing the philosophical questions raised at the previous worksession.

Assistant City Attorney, Michael Axelrad requested the floor and was recognized by Chair Yeater. Mr. Axelrad noted that last week's special meeting was a worksession and upon question by Mr. Axelrad, Ms. Kuhn confirmed that the items on the agenda today were discussed at the special meeting/worksession last week. Mr. Axelrad advised that this is the Planning Commission's opportunity to consider the ramifications of the items being proposed, adding that if the Commission votes and decides to pass along a recommendation of approval to City Council, any comments made during the process will be included in the Council packet. He stated that it is important to make sure that every commissioner has a full chance to air any concerns about the substance of the proposed ordinance. Mr. Mueller added that the punch list items identified would be included in Council packets so that they are made aware. Chair Yeater stated his understanding that a recommendation by the Planning Commission today and later adoption by City Council can still be cleaned up at a later date with another Code update. Mr. Mueller acknowledged that to be the case, adding that discussions would be memorialized in the minutes.

Commissioner Andersen asked whether the discussions would be included in the staff report or limited to the minutes presented to Council prior to September 7. Mr. Mueller stated that the minutes would be part of the Council packet. Specifically, Commissioner Andersen asked whether the philosophical discussion about affordable housing would be addressed in the staff report. Ms. Kuhn advised that it would be captured in the minutes that are part of the Council agenda packet. Commissioner Andersen explained that in the previous week, she had an opportunity to refine her thoughts about requiring homeowner's associations (HOA) for new developments. She stated that the fees were similar to charging rent in addition to a house payment that made it more difficult for homeowners to put more money toward equity. Commissioner Andersen expressed that including this in the Code denies the missing middle that is being encouraged. Mr. Mueller provided assurance that Commissioner Andersen's concerns would be captured in the minutes. Chair Yeater expressed appreciation for Commissioner Andersen's sentiments and offered another point of view by stating that HOAs protect homeowners' property values and offer another level of protection and regulation that might go beyond the city Code. He added that the Commission would have an opportunity to address the issue in the future as a punch list item. Mr. Mueller advised that it was not currently on the punch list, but could be added.

Commissioner Schulte sought to clarify that minutes of Planning Commission proceedings will be provided to Council prior to September 7. Mr. Mueller advised that either draft or signed minutes would be provided. Ms. Kuhn added that one of the reasons the schedule was adjusted was to provide time to create minutes and provide an adequate record for Council. Commissioner Andersen asked whether there was an opportunity to write a dissent. Ms. Kuhn advised that it could be done through the motion and follow-up discussion. Chair Yeater requested to vote on the update. Commissioner Andersen again expressed concern as she has problems with Chapter 5 and was not sure how to leave that out of a proposed motion. Chair Yeater asked another member to make the motion.

Commissioner Romulo moved that, based on the project summary and attached drafts of Chapters 3-6 and 13, including the revised table in 24-5-4 in Chapter 5, the Planning Commission finds that the proposed revisions to Chapters 3-6 and 13 are consistent with the City's Comprehensive Plan and are necessary and appropriate in meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code. Planning Commission recommends that the City Council adopt Chapters 3-6, including the revised table 24-5-4 in Chapter 5, and 13 of Title 24 as shown in Attachments A, C, E, G and I. Commissioner Modlin seconded the motion.

During discussion, Commissioner Andersen requested to pull Chapter 5 from the motion to meet the intent of providing affordable housing as stated in the Comprehensive Plan. As a point of order, Mr. Axelrad noted that a motion was on the table and that Commissioner Andersen had proposed a second motion to exclude one chapter being forwarded to Council. He advised that the appropriate procedure would be for a motion to consider Commissioner Andersen's request, take a vote, and then return to the original motion made by Commissioner Romulo. Mr. Mueller stated that, alternatively, the Commission

could informally consider the motion proposed by Commissioner Andersen and see if there is a second. Chair Yeater considered Commissioner Andersen's discussion as a motion and asked whether there was a second to the motion. There being none, the motion failed.

The motion posed by Commissioner Romulo carried 4-1, with Commissioner Andersen voting against the motion.

VII. Staff Report

Mr. Mueller asked to present the staff report following the Zoning Board of Appeals meeting and noted that the 2nd quarter odor report was included in the packet.

VIII. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:59 p.m.

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Justin Yeater

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Justin Yeater, Chair

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Becky Safarik

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Becky Safarik, for Brad Mueller, Secretary