

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS

September 28, 2021

Prior to the Call to Order, Commissioner Romulo nominated Christian Schulte to act as Chair Pro Tem. Commissioner Modlin seconded the motion. Motion carried 5-0.

1. Call to Order

Chair Pro Tem Schulte called the virtual meeting to order at 1:15 p.m.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin
Commissioner Chelsie Romulo
Commissioner Christian Schulte

ABSENT

Chair Justin Yeater
Commissioner Erik Briscoe

3. Approval of Agenda

Ms. Safarik advised that there were no additions or corrections to the agenda. Commissioner Romulo moved to approve the agenda as presented. Commissioner Franzen seconded the motion. Motion carried 5-0.

4. Approval of September 14, 2021 Minutes

Commissioner Romulo moved to approve the minutes dated September 14, 2021. Commissioner Franzen seconded the motion. Motion carried 5-0.

EXPEDITED AGENDA

5. Public hearing to consider a request to rezone 25.759 acres of land located at 300 E. 8th Street from I-H (Industrial High Intensity), I-M (Industrial Medium Intensity), C-D (Conservation District) to I-M (Industrial Medium Intensity) (Project No. ZON2021-0001)

Chair Pro Tem Schulte introduced the item and asked whether any member of the Commission or public requested a presentation. Hearing no request for a presentation, the public hearing was opened at 1:21 p.m. There were no emails or members of the virtual audience requesting to speak and the public hearing was closed at 1:21 p.m. Chair Pro Schulte advised that the staff report would be entered into the record.

Commissioner Romulo moved that, based on the application received and the staff report and accompanying attachments, the Planning Commission finds that the proposed rezoning from I-H (Industrial High Intensity), I-M (Industrial Medium Intensity) and C-D (Conservation District) to I-M (Industrial Medium Intensity) zone district meets Development Code Section 24-625(c)(3) a, b, d, e, f, g and h; and, therefore, recommends approval of the rezone to the City Council. Commissioner Franzen seconded the motion. Motion carried 5-0.

END OF EXPEDITED AGENDA

6. Public hearing to consider a request for a Combined Preliminary and Final Planned Unit Development Plan for a 194-lot residential and commercial subdivision located north of US 34, west of 71st Avenue, and east of 83rd Avenue, known as the Westgate First Filing, Westgate Preliminary PUD 2nd Amendment and Final PUD (Project No. PUD2020-0002 and PUD2020-0003)

Mike Garrott addressed the Commission and introduced the item as a request for a combined Preliminary and Final PUD. Mr. Garrott stated that the proposal included 191 single-family lots, one lot for multi-family use, two commercial lots and 12 tracts for parkland dedication, open space, trail, drainage, utilities, landscape buffering and future development. He presented photographs of the site and a map showing the location of the undeveloped site that includes the Boomerang Ditch through the eastern portion of the property. Mr. Garrott presented a layout of the proposed subdivision and pointed out the single-family lots and areas for multi-family and commercial as well as an area designated for a future park and detention pond.

Mr. Garrott reviewed the approval criteria and stated that the proposal meets the criteria found in Development Code Section 24-625 and is in substantial conformance with the approved Preliminary PUD plan. He invited Thomas Gilbert from Engineering Development Review (EDR) to address some of the emailed from citizens.

Mr. Gilbert addressed the Commission and responded to concerns raised by citizens about the proposed 25th Street Road [sic] that runs along the northern boundary. He advised that a Preliminary PUD approved in 2016 allowed for townhomes, condominiums and multi-family use in the area. Mr. Gilbert added 25th Street access was previously accepted by the Planning Commission and City Council. He reported that development of this property does not impose requirements on any adjacent land owners, noting that there will be a half section of 25th Street built to provide connectivity to the multi-family site and to meet City criteria. Mr. Gilbert stated that in the event the property to the north is

developed, the owner would be required to provide adequate connectivity to the surrounding street network or discuss other options with the City at that time.

Mr. Garrott stated that proper notice of the hearing was accomplished. Staff recommended approval of the request. Mr. Garrott noted that there were two separate motions and offered to answer any questions.

Commissioner Modlin observed that a few of the lots seemed to back up closely to Highway 34 Bypass and asked whether any landscaping or buffering would be in place to create a separation between the homes and Highway 34. Mr. Garrott reported that there is a significant setback between the highway and the lots that provides buffering, adding that the plans will be finalized as part of the final landscape plan.

Commissioner Romulo asked for clarification about reference to build out of half of the 25th Street expansion and asked whether it would become a one-lane road with just the south lane. Mr. Garrott advised that it would be a two-lane road, or a half section road, which meets the standards for access.

Commissioner Schulte confirmed that the Commission is voting on both the Preliminary and Final PUD. Mr. Garrott stated that the layout and other factors of the Preliminary and Final PUD are very similar and it made sense to process both of them together. He added that the Code does not require a waiting period between Preliminary and Final PUD approval and that the PUD standards allow for a combined Preliminary and Final PUD. Upon question by Commissioner Romulo about opportunities for public involvement, Mr. Garrott reported that approval by the Commission is contingent upon City Council approving the Preliminary PUD, adding that members of the public will have an opportunity to attend the City Council meeting.

Mr. Garrott presented a landscape plan showing the area along Highway 34 and pointed out a future trail easement and landscape buffering area. Commissioner Modlin stated that he could not discern any berming that might mitigate traffic noise or slow any vehicles that might swerve from the highway onto the site. Mr. Garrott stated that the applicant could further address the question.

Marc Savela, Broe Real Estate Group, 252 Clayton Street, Denver, Colorado, addressed the Commission on behalf of the applicant, WRD4 Greeley Property, LLC. He provided a brief presentation along with a conceptual site plan that was part of an application in December of 2020, pointing out a couple of changes from the previous site plan. In response to Commissioner Modlin's question, Mr. Savela advised that the PUD calls for a minimum 25-foot setback and landscape area and stated that the applicant revised and relocated one of the tracts to push some of the lots a little further from Highway 34. He added that there is a fair amount of grade coming down from Highway 34 to the lots that also provides protection from noise and traffic. Mr. Savela described a revision to the conceptual site plan that relocated the park area toward the east to allow access from single-family, multi-family and future commercial areas.

Commissioner Modlin expressed that landscaping did not seem to provide sufficient buffering from traffic along Highway 34 and asked if there were plans to create berms that might mitigate noise and slow any traffic that might exit the highway. Mr. Savela described the setbacks and buffering detailed on the site plan. Mark Nemger, architect on the project, added that the landscape plan includes a buffer between residential and commercial and requires several trees and shrubs providing intense buffering along that area. Mr. Nemger noted that the corner of the project drops below the highway and that trees will be planted close to the highway to provide screening of homes. Commissioner Franzen suggested that part of the concern expressed by Commissioner Modlin was to include berming for safety. Commissioner Modlin agreed and asked whether trees would provide enough of a buffer for an automobile that might come down the embankment. Mr. Savela pointed out an area within the Highway 34 right-of-way that has a slight elevation before moving down toward the proposed subdivision.

Commissioner Carlson observed that the multi-family portion backs to a detention area and asked the applicant to describe any safety features around the detention pond. Mr. Savela advised that the multi-family project is part of the next item on the agenda and could be addressed during that presentation. He stated that the pond has a trail around it and is currently envisioned as an open tract.

Chair Pro Tem Schulte opened the public hearing at 1:48 p.m.

Jim Ells, 6919 23rd Street, Greeley, addressed the Commission and noted that he also resides part time at the farm located at 2436 71st Avenue just north of the project. Mr. Ells requested confirmation that materials he provided to staff had been forwarded to the Commission. He provided a brief history and stated that he provided a water and sewer easement to Westgate Development in 2015. Mr. Ells stated that the information provided at that time showed single-family development where multi-family is now proposed. Mr. Ells reported a conversation with Planning staff where he was advised that the proposal was to amend density and building heights with no mention of multi-family on the site. He stated that a conversation about 25th Street began several months ago and was not part of the original proposal. Mr. Ells also expressed concerns about safety due to increased traffic at 71st Avenue and Highway 34 and disagreed with the analysis in the traffic report. He asserted and articulated his rights as a property owner and asked the Commission to grant a delay before making a decision.

Cortney Walker, 2430 71st Avenue, addressed the Commission and echoed some of the statements made by Mr. Ells. He also disagreed with the traffic analysis and expressed concerns about increased traffic along 71st Avenue. Mr. Walker asked about plans for pedestrian access along 71st Avenue.

The public hearing was closed at 1:57 p.m.

Chair Pro Tem Schulte invited staff to address the questions and concerns raised during the public hearing. Mr. Gilbert acknowledged the concerns and advised that the plans had been reviewed by the Colorado Department of Transportation (CDOT), the City Traffic Division, and EDR per the City design criteria and specifications. Regarding construction of 25th Street, he advised that there is no requirement to develop the property to the north of the site, adding that if and when development occurs, the owner would be required to meet City design criteria and specifications. Mr. Gilbert stated that 71st Avenue is a minor arterial that would be connected to by a collector road. He reiterated that once the property to the north is developed, discussions with the owner would take place at that time and options would be explored, adding that completion of the road is just one of several possible options.

Mr. Gilbert reported that in the 2016 transportation impact study, Tract F was envisioned as townhomes, condominiums and multi-family, adding that the Preliminary PUD approved in 2020 was accepted by the Commission and City Council. Mr. Gilbert reported that the current plan generates less site traffic than what was estimated in 2016. He also addressed the comments made about traffic on 28th Street, adding that the Traffic Division has made some improvements at 65th Avenue and 28th Street and that CDOT has plans to develop this intersection in the future.

Regarding a statement about current and future plans, Commissioner Romulo asked Mr. Gilbert to separate the two and asked whether anything being considered today obligates Mr. Ells to complete a roadway or perform any other improvements to his property. Mr. Gilbert acknowledged that there is nothing required of Mr. Ells at this time. Commissioner Romulo referenced a one-page document provided as part of the public comment titled "Westgate Preliminary P.U.D." with a handwritten notation at the top that read "Ells Property" and "No Street." She noted that a table on the document includes notations regarding the property owner's dedicated responsibility and road costs and observed that it could have created confusion about an obligation to pay for a portion of the road. Mr. Gilbert stated that he had not seen anything on the plat being proposed today requiring payment from the property owner to the north. Commissioner Romulo asked Mr. Gilbert to confirm that any future development of the property north of the site would be a decision of the property owner and any requirements as part of any future development would be proposed and discussed at that time. Mr. Gilbert stated that was correct.

Addressing comments about adding multi-family to the proposed plan, Commissioner Romulo noted that the same document provided as part of public comment indicates that it is a Final Plat, adding that some confusion may have been created. Mr. Garrott stated that the next agenda item is for approval of a site plan for the multi-family lot, adding that the current item addresses a second amendment to the original PUD approval. He added that zoning is not changing with the current proposal and that the property has always been envisioned to include some level of multi-family. Mr. Garrott stated that he was not aware of plat notes requiring any obligation by Mr. Ells, adding that any obligations would only come into play in the event Mr. Ells developed his property and wanted to use the road for access.

Upon question by Chair Pro Tem Schulte, Mr. Garrott confirmed that there are no condemnation proceedings taking place with respect to the Ells property for roads or other infrastructure. In response to a question about pedestrian traffic along 71st Avenue, Mr. Gilbert reported that the entire frontage of the property along 71st Avenue will have a detached sidewalk that will act as a trail connecting to the Boomerang Ditch Trail.

Mr. Savela addressed the Commission and acknowledged that 71st Avenue and Highway 34 is a tough intersection. He added that part of developing the site includes a \$1 million capital investment on the west side of 71st that will allow for additional turn lanes. Mr. Savela reported that the proposal is projected to generate approximately \$2 million in traffic impact fees that the City could utilize to improve the intersection. He also noted that the developer had previously estimated some potential costs and communicated those to Mr. Ells in the event he decided to develop his property in the future.

Chair Pro Tem Schulte observed that some of the comments and materials provide by Mr. Ells referenced previous conversations with the applicant and confirmed that the Commission is being asked to determine whether the proposal today meets the City's criteria.

Upon question by Commissioner Franzen, Mr. Garrott stated that no easements are in place on the north or south properties regarding 25th Street Road [sic]. He added that there are no setback restrictions on 25th Street Road [sic] for adjacent properties.

Commissioner Romulo asked what might happen if actual traffic patterns exceed the traffic projections. Mr. Gilbert stated that the traffic analysis provides a conservative estimate and that if actual patterns change in the future, the City would look into it. Becky Safarik, Interim Community Development Director, added that even the best plans are based on best estimates and that many factors can cause things to change over time. She stated that the City is ultimately responsible to make sure that roads are safe and travelable and would address issues as necessary.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Westgate Preliminary PUD, Second Amendment meets the requirements in Development Code Section 24-669; and, therefore, recommends approval to City Council. Commissioner Romulo seconded the motion. Motion carried 5-0.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Westgate First Filing Final PUD meets the requirements in Development Code Section 24-673; and, therefore, recommends approval to City Council. Commissioner Romulo seconded the motion. Motion carried 5-0.

7. Public hearing to consider a request for a Final Planned Unit Development Plan for the development of a 288-unit multi-family apartment use on approximately 15.74 acres located north of US 34, west of 71st Avenue, and east of 83rd Avenue, known as the Westgate Filing No. 1, Block 9, Lot 1 Final PUD (Project No. PUD2021-0002)

Mr. Garrott addressed the Commission and introduced the item as a request to develop Lot 1, Block 9 of Westgate Final PUD for multi-family use, adding that approval would be contingent upon approval of the previous agenda item by City Council. He presented a map of the site and described the proposed multi-family development. Mr. Garrott also presented a proposed PUD conceptual layout and a site plan that conforms to the conceptual plans. Mr. Garrott described some the amenities that include a clubhouse, fitness center, car care center, pool, two dog parks, grilling areas and bike repair stations located throughout the development. He added that the plan includes 1, 2 and 3 bedroom units that include covered parking areas and provided elevation drawings of the units and clubhouse.

Mr. Garrott described the approval criteria and noted that the proposal is consistent with the approved Preliminary PUD. He advised that notice of the hearing was accomplished and acknowledged the public comments received. Staff recommended approval contingent upon approval by City Council of the Westgate First Filing Preliminary and Final PUD.

Chair Pro Tem Schulte asked to designate the record of proceedings on the prior agenda item as part of this item and requested that discussions during the previous item be included in this item. There was discussion as to whether questions or comments placed in the Q&A or chat become part of the record. Ms. Safarik advised that the only items that become part of the record and go to City Council are those expressed during the public hearing that is opened and closed by the Chair.

Commissioner Romulo acknowledged public comment that included an attachment with the words "Final Plat" on the right hand side and asked staff to clarify the expectations in receiving that with the action being considered today. Mr. Garrott shared the document and stated that it was an older layout of the site from an earlier phase of the development and did not go through the public hearing process with the City. He added that he believed the words "Final Plat" may have been added to the document in error.

Eric Gumm, Development Director with Continental Properties Company, W134 N8675 Executive Parkway, Menomonee Falls, Wisconsin, addressed the Commission and offered to answer questions. Commissioner Romulo asked him to clarify use of the term "Final Plat" on the document provided as part of the public comment. Mr. Gumm indicated that the document predated Continental's involvement and that he had never seen it and was not aware when it might have been prepared or presented. Mr. Savelle addressed the Commission and stated that the document was likely a site plan utilized by a previous builder/developer in approximately 2015-17 but was never officially submitted through the approval process and did not go to the Planning Commission or become a recorded document. He added that it might have

been shared with Mr. Ells at some point during the process, but never moved beyond a preliminary document.

Mr. Gumm provided a brief presentation and described the proposed Authentix Westgate community with 288 units that would include a mix of studios, 1, 2 and 3 bedroom apartments. He presented a site plan and highlighted the area around the detention pond. Mr. Gumm described the amenities and pointed out the sidewalks providing access to the rear of the homes with two connection points to the regional trail. He advised that the main access would be from 27th Street with another connection on 25th Street for emergency vehicle access. Mr. Gumm advised that the Boomerang Ditch would not be disturbed or modified and that any associated water rights would remain. Upon question by Commissioner Modlin, Mr. Gumm advised that there would be a source for non-potable water to irrigate common areas.

Chair Pro Tem Schulte asked for confirmation that the developer had been in contact with the ditch owners and received input that the development will not disturb their water delivery operations. Mr. Gumm stated his understanding that the Boomerang area will be a separate tract outside of their ownership and development. Mr. Savela added that an agreement with the Boomerang Ditch Company is nearly finalized which will allow relocation of a few of the head gates. He added that an easement document has been presented to the owner of the property to the north about potential relocation of a head gate on his property. Mr. Savela noted that the agreements contemplated with the previous application must be in final form and executed prior to recordation of the plat.

Chair Pro Tem Schulte opened the public hearing at 2:43 p.m.

Jim Ells addressed the Commission and stated that he has used the lateral ditch that appears to run under apartments 10 and 11 for 25 years and that there is no agreement in place to relocate the ditch. Has stated that the Greeley-Loveland Ditch Co. is responsible only for the head gate and that anything regarding the lateral ditch is his agreement to be processed. He expressed concern about the half construction of the road and stated that it created a safety hazard and did not adhere to street codes. Mr. Ells noted an existing power line and ditch line and felt that the trail should be moved to the south side. He stated that he has no plans to develop his property. Mr. Ells advised that he has been contacted by REA and that he has no plans to move his power line. He expressed safety concerns for emergency vehicles accessing the road.

Sid Martindale, 102 8th Avenue, addressed the Commission and offered to provide his three minutes to Mr. Ells. Chair Pro Tem declined to grant the request.

The public hearing was closed at 2:50 p.m.

Chair Pro Tem Schulte asked staff to address some of the concerns raised by Mr. Ells. With regard to development of the ditch, Mr. Gilbert reported that it is applicable to the previous proposal. Mr. Schulte asked about the lateral ditch referenced by Mr. Ells. Mr. Gilbert suggested that Mr. Savela could better respond to the question.

Commissioner Romulo noted the comments concerning a "half road" and asked staff to clarify the term and describe its functionality and what it might look like when built. Mr. Gilbert reported that it would operate as a local road that can be expanded into a collector road or can remain a fully functioning two-way road in perpetuity. Upon question by Commissioner Romulo, Mr. Garrott stated that an example of a collector road that might provide clarification for the Commission and the public is 13th Street between 59th and 65th Avenue. Chair Pro Tem Schulte confirmed that the proposal includes a smaller road on the applicant's property until such time that the Ells property is developed, which is not required.

Mr. Gilbert provided further information about the lateral ditch and stated that if a private lateral ditch is on a property that serves one or more additional properties, an obligation of developing the property is to deliver those irrigation waters in the same manner and volume as is historically required unless there is a ditch agreement that changes the requirements. He added that any development agreement does not give a developer the right to cut off water from any laterals.

Chair Pro Tem Schulte addressed a comment that some of the individuals who own ditch shares were not notified of the Planning Commission meeting. He believed that the ditch company would have been notified and that notification would serve as a mechanism to provide notice to shareholders. Mr. Garrott agreed and stated that notice was provided to property owners within 500 feet of the site as well as the Boomerang Lateral Ditch Co.

Commissioner Romulo asked staff to address the citizen comment about moving a power line and asked if any power lines were being moved and what that might entail. Mr. Gilbert reported that there is a cooperative easement between the applicant and the Poudre Valley REA that will be dedicated with this property. Commissioner Romulo asked whether any power lines were being moved. Mr. Savela responded that moving power lines was part of a previous application regarding the widening of 71st Avenue, adding that the applicant will be working with REA to lower the power lines on the western side of 71st Avenue. He believed that Mr. Ells has been contacted by REA to discuss lowering power lines on his property at the same time, but that it is not a requirement. Regarding Mr. Ells' comment about a feeder line, Mr. Savela stated that it pertains to a line that feeds a portion of the property north of the site, and that he anticipated 25th Street could be constructed without impacting the overhead power line.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Westgate Filing No. 1, Block 9, Lot 1 final PUD is in compliance with the Development Code and is consistent with the Westgate Preliminary PUD, First Amendment; and, therefore, approves the Final PUD with the following condition:

The approval of the Final PUD is contingent upon the City Council's approval of the Westgate First Filing, Preliminary and Final PUD (PUD2020-0002 & PUD2020-0003).

Commissioner Carlson seconded the motion. Motion carried 5-0.

8. Staff Report

Becky Safarik addressed the Commission and asked for feedback about utilization of an expedited agenda. The commissioners present expressed support. Since two members were unable to attend, Ms. Safarik suggested sending a poll of training topics to the commissioners, asking them to rank in order of importance. She advised that the October 12 meeting would be cancelled due to a lack of agenda items and would allow time to send out a poll and create a list of topics for future trainings. There was discussion about hosting another regional conference at a later date. Commissioner Modlin asked that workshop topics include current projects as well as anticipated developments and changes anticipated over the next five to ten years.

Ms. Safarik reported that a few boards have returned to in-person meetings and proposed that the Commission return to meeting in person beginning October 26. She added that staff does not currently have the technology to conduct hybrid meetings. Chair Pro Tem Schulte expressed concern about the COVID case rates in this area and asked that staff diligently track cases over the next couple of weeks as part of any decision to return to in-person meetings. Ms. Safarik advised that the City's Emergency Management Team tracks data and provides weekly updates to the executive team. She will be exploring noticing requirements if an in-person meeting switches to virtual.

9. Adjournment

With no further business before the Commission, Chair Pro Tem Schulte adjourned the meeting at 3:14 p.m.

DocuSigned by:

Christian Schulte

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Christian Schulte, Chair Pro Tem

DocuSigned by:

Becky Safarik

333376ABEFFF481...

Becky Safarik, Secretary

From: KARTER ELLS <kells2@greeleyschools.org>

Sent: Monday, September 27, 2021 10:00 PM

To: CD Admin Team <CD_Admin_Team@Greeleygov.com>

Subject: [EXTERNAL] West gate development item 6 and 7 unfairness

Hi my name is Karter Ells, And I a 14 years of age

And I would like to voice my objections to what the city is trying to force on my grandpa and plan on my grandpas Jim's farm (Jim Ells's property to the north of the west gate property), And I want to complain about the road because he has to pay a lot of money just for you guys to put a road there, So for you to put a road there would interfere with a lot of plans we had and I would greatly appreciate it if you moved the road to a different spot off his farm. Also, I feel it is unfair to decide to put a road on his farm if you have not bought that land, Or even got his ok to do that. So I feel it is unfair for him, and me as his grandson.

sincerely, Karter Ells

From: KASH ELLS <kells1@greeleyschools.org>

Sent: Monday, September 27, 2021 9:27 PM

To: CD Admin Team <CD_Admin_Team@Greeleygov.com>

Subject: [EXTERNAL] West Gate Development item 6 and 7, Complaint

Hi my name is Kash Ells and I am 15 years old,

I am concerned about the road you are trying to put on my Grampa jims farm(Jim Ells, north of the west gate property), even if it is in the future he still has to pay for it. I spend a lot of time on that farm helping my grandpa grow crops and helping him with other things, and for you to decide that he needs a road on his farm, which at this time he is not planning on building houses or apartments on his property like the people to the south, I feel is very unfair and possibly illegal without his approval. If you would like to continue with this road I think it would only be fair for you to buy the ground that you need or move it off his property.

From: John Sandoval <bear_bouncer@yahoo.com>
Sent: Monday, September 27, 2021 8:46 PM
To: CD Admin Team <CD_Admin_Team@Greeleygov.com>
Subject: [EXTERNAL] The choices...

I'm writing this because I feel that the city has and is over stepping. They (city) come out here and push the people around like bullies. I live out here and my weeds got a little high out by the street. But yet the city let's the weeds just grow at the corner of Hwy 34 and 65th (like a jungle). Why is that?

Now they want to try and push for a road at 2435 71st Ave. (items 6 and 7 on hearing). Be bullies, that is the property of Jim Ells. Which has owned and farmed that property for 26 + years. Why would it be forced upon him to build a road? Now or in the future. Then from my understanding, to have him pay for it.... What? That does not sound right.

John Sandoval

Hello My name is Jim Ells owner of property north of westgate project 2435 71 ave for past 26 years

Timeline

Aug 5 2015 Signed a agreement for water and sewer easements with Westrange Development across my property to feed their project and development with understanding mostly single family land use ,stated in letter Dec 16 2015 and copy of plat also in filing . After which plans had been on hold for years

Sep 23 2020 Received letter from city (Carol Kuhn) followed up with phone call about letter stated it was for amendment to densities listed in approved planning area and increase the building height for commercial ,Carol stated would be many times to review and attend later , because of this statement and covid and state of my health did not attend meeting of Oct 13 2020 planning ,and also city Council Nov 17 2020.

April 13 2021 Jason Ells Had reached out to me to contract Marc Savela (new planner for westgate project) which westrange had all my contracts from past agreements and follow ups that had been send to me in past about everything as if was progressing. Learned about new plans From Marc about new plans that City greeley wanted Road on my property line (south edge) and They would be age to built with just half road on their property and I would have to pay for half on my property in future , which to say least find very unfair and illegal.

Had been in contact with Tom Gilbert with a email dated May 5 2021 voicing my concerns, so He set up a meeting with other city staff Alison Baxter , Tomas , on Zoom was Brittany Hathaway, Mike Garrett and spent a Hour Discussing issues, and what I felt was a better and safer Alternative with use of 74 ave and to be built sooner to route Traffic away 71 ave and hwy 34 which is very Dangerous .

Reasons to Protest plans and Westgate Approval

Law states . Bundle of Legal Rights of a property Owner upon Purchase of a piece property. These include Possession ,Control ,Exclusion, Derivation of income and Disposition .

It had been stated to me Single family would be built next to me or I would have never sold Utility easements to West Range or Now Westgate Development.

Copy of plans first filing 2015 showed that . Multifamily use devalues my property ,

If A road is to be planned or built on My property, My Property needs to be Purchased or go thru Eminent Domain and at this time Does not meet those Requirements

With Regard to My Water Rights and Easement , That run across westgate property the Last 30 years or more I am requesting at this time To Do NOT remove or Alter or change without my Written approval Per Water Rights and Water Laws .

Respectfully Jim Ells

Owner of property At 2435 71 ave , Greeley Colo 80634

email Jime2435@gmail.com

Phone 970- 534-0280

From: Mark Kiefer <mkiefers@gmail.com>

Sent: Tuesday, September 28, 2021 11:20 AM

To: CD Admin Team <CD_Admin_Team@Greeleygov.com>

Subject: [EXTERNAL] Westgate PUD

Hello Commissioners,

In regards to the Westgate PUD that you are reviewing today, I have the following questions and comments.

Why is the adjacent landowner being asked to contribute to a road that the developer needs to complete this project? How will he get a return on his cost?

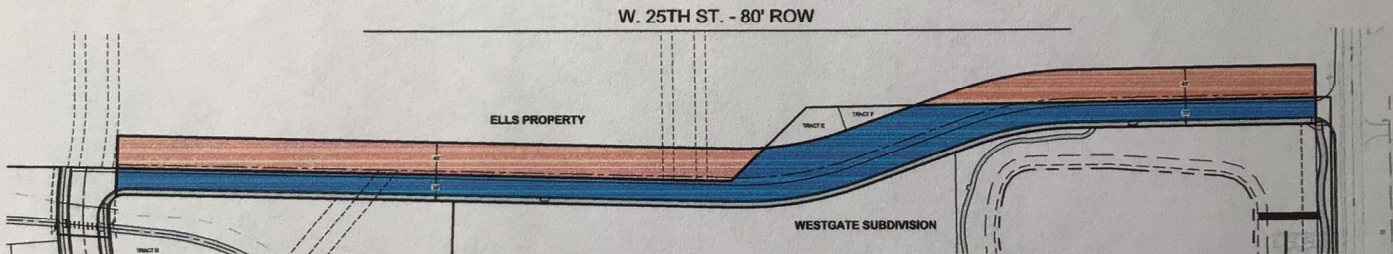
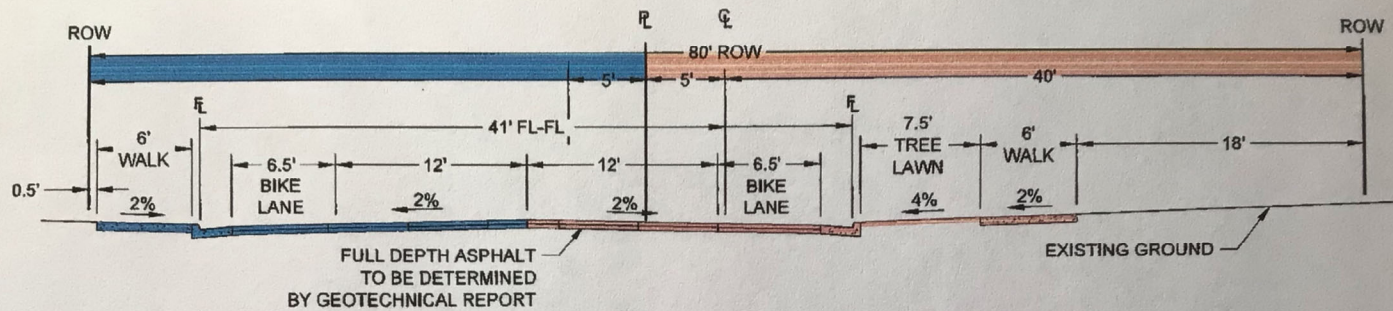
As a resident of Greeley, I object to this plan, because it unfairly puts a burden on a neighbor that does not stand to gain from this development.

Thank you for your consideration.

Mark Kiefer

970-397-7587

Simplify, Amplify



- ROW ON ELLS PROPERTY
- ROW ON WESTGATE PROPERTY

WEST 25TH ST. - 80' ROW			
PROPERTY OWNER	DEDICATED (SF)	RESPONSIBILITY (%)	ROAD COST (\$)*
Westgate	71,546	55%	\$ 611,954
Ells	59,227	45%	\$ 370,148
TOTAL	130,773	100%	\$ 982,102

WESTGATE SUBDIVISION FILING NO. 1
TYPICAL COLLECTOR STREET - ROW ANALYSIS (80'-0" WIDE)

ELL'S ROAD COST INCLUDE: EARTHWORK, CONCRETE, ASPHALT & LANDSCAPE IN ROW
WESTGATE COST INCLUDE: GESC, UTILITIES, EARTHWORK, CONCRETE, ASPHALT & LANDSCAPE IN ROW