

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
June 27, 2023

1. Call to Order

Chair Yeater called the meeting to order at 1:18 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Louisa Andersen
Commissioner Briscoe
Commissioner Jeff Carlson
Commissioner Larry Modlin
Commissioner Christian Schulte

ABSENT

Commissioner Brian Franzen

3. Approval of Agenda

There were no corrections or additions to the agenda. The agenda was approved as presented.

4. Approval of May 9, 2023, Minutes

Commissioner Anderson moved to approve the minutes dated May 9, 2023, contingent upon the statement that said "A discussion was then held between the Commissioners and the presenters from the water department" being changed to list the actual items that were discussed.

Commissioner Carlson seconded the motion. Motion carried 6-0. (Commissioner Franzen absent)

5. A public hearing to consider a request from Charles Keirnes to annex 160.62 acres of land located north of AA Street, west of County Road 35, and west of Seeley Lake, into the City of Greeley (ANX2022-0001 - ANX2022-0005).

Doug May began the presentation on both the Seeley Lake Annexation and Zoning requests with details about the request and background information. This is considered a serial annexation that includes 5 parcels totaling 160.62 acres combined. This annexation is permitted in accordance with Colorado State Statute C.R.S. 31-12-104(1)(a); 105(1)(e):

- not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley;
- a community of interest exists between the territory proposed to be annexed and the City of Greeley;
- the territory sought to be annexed is urban or will be urbanized in the near future, and;
- the territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley.

Mr. May reported findings from the City Attorney's office--that determined the proposed request meets the State of Colorado Statutory requirements and that the City Council adopted a resolution

to consider this annexation request on June 6, 2023. The request includes establishment of zoning of HA (Holding Agriculture) in the proposal as well. Per state statutes, zoning must be established within 90 days of annexation. The proposed annexation parcels are located inside the Long-Range Expected Growth Area (LREGA). The H-A zone district is intended to hold undeveloped and agricultural land for future urban development. The location of the property is North of AA Street and West of Seeley Lake. The surrounding Zoning and Land Uses include:

- North: A – Agricultural (Weld County), PUD – Planned Unit Development (Weld County) / Agriculture
- East: R-1 – Residential (Weld County) / Seeley Lake, Residential
- South: R-1 – Residential (Weld County) / Agriculture
- West: A – Agricultural (Weld County), RH – Residential High Density (City of Greeley) / Agriculture, Residential

Mr. May indicated that the property is currently zoned within unincorporated Weld County and that the proposed annexation fits within the City of Greeley Comprehensive Plan. This area is considered Urban Reserve and is not anticipated to support urban growth for the next 20 years, for development within 20 years the city should consult with property owners, developers and residents to complete sub-area plans. There is currently not an active development proposal for the parcels within the proposed annexation, and if a proposal for development was made the applicant would be required to meet with staff, provide documents such as traffic impact studies, utility development and other key items including recommendation for approval by the Planning Commission and approval by City Council before being approved to proceed with development. Community Development does recommend approval of the proposed annexation based on the approval criteria outlined in the staff report and proper notification has been made including;

- 75 notice letters
- Signs posted in two locations on the property.
- 31 emails, 6 phone calls in opposition.

Community Development also recommends approval for the proposed zoning based on the approval criteria outlined in the staff report and Mr. May indicated that the same proper notification has also been completed for the zoning if the annexation is approved. Mr. May presented the recommended motions for each of the parcel's annexation and zoning and concluded his presentation, opening it up for questions to the commission.

Commissioner Modlin began the questions by inquiring about nearby property to the east and how this annexation would be beneficial to the City. Mr. May deferred to the Engineering Development Review department for this question. Chair Yeater indicated it would be better for Mr. May to answer questions the board had for him before moving into questions for other staff.

Commissioner Andersen asked about the order cases are supposed to be presented to the Planning Commission and City Council because this case had been heard by City Council prior to being heard by Planning Commission. Mr. May responded by explaining that Annexations have specific timelines that are required to be met per state statute and are unique because they are required to be heard by City Council prior to Planning Commission. Commissioner Andersen expressed concern that the case was being heard out of order by going to the City Council prior to being heard by the Planning Commission, and concern for how and what public input is received because City Council has already heard and approved a resolution to hear the case prior to the Planning Commission having the opportunity to hear public comment and vote on the. Chair Yeater acknowledged Commissioner Andersen's concerns and recommended to keep the current discussion limited to questions about the proposed case and discuss procedural questions at another time.

Commissioner Schulte asked if staff was confident that proper mailing notification had been made because some of the public comment that had been received prior to the meeting indicated that

some property owners may not have received mailings. Mr. May responded by stating that the standard is to send out letters, acknowledging that he also received feedback regarding letters not being received. Commissioner Schulte wanted confirmation that the city maintains record and documentation of mailings, Mr. May and Mr. Threewitt confirmed the city does keep these records.

Commissioner Schulte inquired about this being a serial annexation and if these five parcels were designed in that fashion by the developer. Mr. May responded by explaining they were in fact created in that way and parcels 1-3 are intended for right of way use connecting existing parcels that are within city limits to parcels 4 and 5. Discussion continued between Mr. May, Chair Yeater and Commissioner Schulte discussing how serial annexations can be approved using right of way to create contiguity.

Commissioner Schulte asked about an area that is possibly a designated flood plain and Mr. May confirmed there is not an area designated as flood plain. Commissioner Schulte continued with asking about the State requiring some kind of urbanization, commenting that there is not a plan for that right now, he inquired about what the guidelines would need to be established for this and what the required timeline would be. Mr. May responded by sharing that the zoning that is being proposed does not require the urbanization plan and it would require a sub-area plan to be submitted. Commissioner Schulte continued seeking confirmation that a development is not currently proposed, and if or when it was to be developed it would be required through the city planning requirements, applications, and hearings. Mr. May confirmed this was true.

With no further questions for planning staff, Chair Yeater asked for the Engineering Review staff to address any commission questions. Commissioner Modlin inquired about why the applicant would want to annex into the city opposed to staying within the county and asked if it was due to issues regarding sewer and water infrastructure that would be needed to develop this area and if the future developer would be responsible. Thomas Gilbert city engineer introduced himself and answered by stating that typically it has to do with zoning and if it were to stay zoned within the county what requirements would be for septic and the benefit to be annexed and zoned into the city. Mr. Gilbert proceeded with discussing possible future plans between the county and the city in this area indicating that if or when this area was to be developed the developer would be responsible for the infrastructure needed. Discussion between Mr. Gilbert and the Commissioners continued regarding zoning, needed infrastructure for development, as well as surrounding oil and gas in the area.

With no further questions from the Commission Chair Yeater asked the applicant if they had any comments. Charles Keirnes came to the podium and introduced himself then proceeded to introduce his planner Heather Vidlock with Galloway. Ms. Galloway began her presentation with summarizing the size of the proposed annexation and zoning. She presented a brief presentation reiterating the facts of the application that Mr. May had previously presented to the commission and outlined how the proposed annexation and zoning fits within the City of Greeley comprehensive plan and City Code Review criteria. She invited the commission to ask her team any questions they may have.

Commissioner Andersen asked what the applicant's position was and what prompted this annexation and zoning request at this time, because so much time has passed since the original Seeley Lake development was completed. Mr. Keirnes replied, indicating that 2 years ago the North Weld County Water District put out a moratorium, and they started looking at annexing into the City of Greeley at that time. Commissioner Schulte clarified that current intent would be for the property owner to continue to farm the land that that there is not a plan for development at this

time. Discussion continued between Mr. Keirnes and the commission regarding the zoning and intended use of the parcels at this time.

Chair Yeater opened the public hearing at 1:52 p.m.

William Owens came before the commission to speak. He introduced himself as a retired engineer. Mr. Owens stated he was neither for nor against the proposed development, he did not understand how the Planning Commission could approve an annexation without a plan for development proposed as well and he stated that usually a plan is proposed for this kind of application that outlines long term growth. He shared that agriculture would not make any money after a year and voiced concerns on what the long-term plan be? He would like to see what the plan would be long term in terms of development as he has concerns about where sewage and effluent water would go if the parcels were to be developed. He reiterated he is not for nor against this proposal, but he does feel that it needs a plan that shows the long-term growth for the parcels.

Stephanie Arries came to the podium and stated she had lived in the current Seeley Lake development since 1981. She found the proposal surprising, and it spurs speculation about what is going to be proposed for development regarding basic services, traffic in particular. She stated that there is a lot of heavy truck traffic that use the routes already and shared concerns on adding more traffic to that. She also shared with Mr. Owens concerns as well.

Sandy Gantz lives in Eagle View Ranch. She stated she had some questions. Her first question was what is the purpose of this, and she wanted to know about the 1/6 continuity and what happens to the rest of the land, would it too be annexed as well? Chair Yeater informed Mrs. Gantz that the Public Hearing section was for testimony. She stated that her question is her concern.

Ken Adams introduced himself. He shared that he is concerned about the water and the sewer and who is going to pay for these services to be brought to the parcels if developed. He would hate to see 160 acres of houses. He thinks the applicants are good people. He just does not want to see 160 acres of houses.

Tyler Kennedy introduced himself next. He stated he thinks that there is a disconnect between the proposed application and many people are present in opposition because of this disconnect. He shared his feelings that he finds that it is evident that this area will end up being developed, he has seen the old plans for this area, and it had development planned previously. He does not feel that it is going to stay an agricultural property. He stated that the concerns are based around what is really going to happen to this land if it is annexed.

Gloria Myers came to the podium. She is concerned that it is stated that notifications were sent out, however she did not receive it. She is concerned on what the lot sizes would be if the area was developed and if 75 notifications were really sent to surrounding property owners.

Maggie Harms came to the podium and is concerned that she did not receive notification and did not know what was going on.

Chair Yeater closed the public hearing portion of the meeting at 2:04 p.m., he provided the applicant to provide any further comments, there were none. He asked staff to address any further questions.

Chair Yeater asked how mailing notifications are completed for the city, Mr. May explained how GIS Mapping is used to capture the property owners within 1000 feet to compile a list of addresses, he is unaware of any issues the postal service may have once a notification letter leaves the city office.

Commissioner Schulte commented that the proposed annexation motion satisfies the approval criteria at this time but if a development plan was submitted in the future would it still comply and how does that work now because there is not a proposed development plan. Mr. May deferred the question to the City Attorney, Michael Axelrad confirmed it was within the criteria and there is not a reason to hold up the application. Mr. Axelrad stated the city attorney's office is very confident in the legality of the application and approval criteria being met.

Discussion continued regarding the proposed annexation and how it fit into the Long-Term growth area between Commissioner Andersen, Mr. May, and Chair Yeater.

Commissioner Briscoe asked about what the North Weld Water District and City of Greeley water agreement includes. Mr. Gilbert provided brief explanation and the requirements would be to get a water tap from the district, and the criteria that would potentially need to be made. They discussed who owned the water and who would be billing the water usage as well as the responsible entity for the infrastructure.

With no further questions Chair Yeater turned it to the commission for action. Commissioner Andersen motioned to approve the annexation motions;

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Seeley Lake Annexation #1, File number ANX2022-0001 meets the required Development Code criteria of Section 24-214.b.2.(a-e); and recommend approval of the Seeley Lake Annexation #1 to the City Council.

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Seeley Lake Annexation #2, File number ANX2022-0002 meets the required Development Code criteria of Section 24-214.b.2.(a-e); and recommend approval of the Seeley Lake Annexation #2 to the City Council.

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Seeley Lake Annexation #3, File number ANX2022-0003 meets the required Development Code criteria of Section 24-214.b.2.(a-e); and recommend approval of the Seeley Lake Annexation #3 to the City Council.

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Seeley Lake Annexation #4, File number ANX2022-0004 meets the required Development Code criteria of Section 24-214.b.2.(a-e); and recommend approval of the Seeley Lake Annexation #4 to the City Council.

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Seeley Lake Annexation #5, File number ANX2022-0005 meets the required Development Code criteria of Section 24-214.b.2.(a-e); and recommend approval of the Seeley Lake Annexation #5 to the City Council

Chair Briscoe motioned to second. Motions carried 5-1

6. A public hearing to considering a request from Charles Keirnes to establish zoning of approximately 160.62 acres of newly annexed land located north of AA street, west of County Road 35, and west of Seeley Lake (ZON2022-0008).

This item was presented by Doug May concurrently with the annexation request for the same parcels. Chair Yeater opened the public hearing at 2:31.

Ken Adams came to the podium and stated concerns with the letter notifications that went out, stating some of the neighboring property owners received the notification letters on various days and

that they did not all meet the deadline for notification timeframe requirements.

Chair Yeater closed the public hearing portion of the hearing at 2:32. Commissioner Carlson proposed the motion: based on the application received and the preceding analysis, the Planning Commission finds that the proposed Seeley Lake Establishment of Zoning, File number ZON2022-0003 meets the required Development Code criteria of Section 24-204.b.(1-9); and recommend approval of the Seeley Lake Establishment of Zoning to the City Council. Commissioner Briscoe 2nded the motion. Motion carries 5-1

7. Discussion: Planning Commission Meeting Times

Don Threewitt (Interim Community Development Director) followed up on an item that had come before the commission in the past, regarding the time that Planning Commission is held. The commission discussed the issue, key discussion points being:

- The existing time and starting at 1:15 accommodates people getting back from lunch breaks.
- An evening meeting would cost the city and department additional costs because of increased staff time.
- Many of the applicants that come before the board do this as their job and the afternoon time works well because it is within normal business hours.
- Planning Commission meetings in the afternoon accommodates potential public hearing attendees who need to attend during daytime hours, however attendees who prefer to attend in the evening get the opportunity do in the first and second readings that are presented to City Council.
- Continuity should be maintained—applicants, staff, and commissioners build their schedules around this meeting time, and all would have to adjust.
- There's not a shortage of Commissioner applicants with the current time, and most employers encourage participation and provide time off for civic/volunteer work like this.

8. Staff Report

Don Threewitt introduced Robert and Eli new summer high school interns. Mr. Threewitt also introduced Brian McBroom, the new Community Development Director. Mr. McBroom proceeded to share a little bit with the commission about himself. He included some of his career history and his excitement to now be with the City of Greeley.

Chair Yeater asked for staff input about annexation procedures. Mr. Threewitt responded highlighting how the resolution timeframes work out and explained why the annexation proposed in this meeting did have to be heard by City Council prior to Planning Commission. State statues are very tight, and the normal procedural timeframes would make the resolution not be heard by City Council appropriately. Commissioners and staff continued this discussion clarifying the process and procedures.

Chair Yeater did ask Mr. Gilbert about specifics regarding the IGA between the City and North Weld Water District, they continued to discuss this matter back and forth regarding county versus city parcels and reasoning for annexation into the city for general information not necessarily regarding the proposed case from this meeting specifically. Discussion was also held regarding mailed notifications and what staff does to obtain addresses and send out mailings to properties that are within area to a proposed land use case that is coming before the commission.

9. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:56 PM.

DocuSigned by:

Justin Yeater

Justin Yeater, Chair

DocuSigned by:

Don Threewitt

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Don Threewitt, Interim Community Development Director