

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
July 25, 2023

1. Call to Order

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

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Louisa Andersen
Commissioner Briscoe
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin

ABSENT

Commissioner Christian Schulte

3. Approval of Agenda

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

4. Approval of July 11, 2023, Minutes

Commissioner Franzen moved to approve the minutes dated July 11, 2023. Commissioner Andersen seconded the motion. Motion carried 6-0. (Commissioner Schulte absent)

5. A Public Hearing to consider a request by Union Colony West Investments LLC to annex approximately 170.573 acres located at the northwest corner of 10th Street at 83rd Avenue, known as the Schneider Annexation (ANX2022-0007).

Chair Yeater began by providing that this item is on the Expedited Agenda, he asked if the commission would like to hear a presentation. No commissioners requested to hear the presentation. Commissioner Andersen did have a question regarding the code change, was the intent of the code change to eliminate more PUD's (Planned Unit Developments) and establish more targeted zoning, also if the future zoning intent for this annexation was still PUD? Caleb Jackson (Planner, III) responded, confirming that that is the intent of the recent code change, but this application would still proceed with the PUD Zoning with a mix of land uses, which is still allowed by the Development code with the recent code change.

Chair Yeater asked if anyone in attendance would like to see the presentation, seeing none he opened the Public Hearing at 1:20 p.m.

Floyd Weiderspon, 155 N. 83rd Avenue, Greeley, CO 80634. He shared that he is the president of Skyline Ditch Company. He shared testimony that the Skyline Ditch runs through the area proposed for annexation and feeds 6 properties to the north of the proposed annexation for irrigation. They

have received proposals from the developer to move the ditch and have some disagreements in the proposal that the developer provided because it is only in the developers favor. He stated he has been using this ditch for over 50 years and has never been required to do some of the maintenance the proposal suggests, and do not think that it is amenable. Additionally, they would be required to remove mud and sand out of the north side of the ditch and his company does not feel that this is their responsibility. He would like to further negotiate the proposal to benefit all parties. He provided his email and phone number weiderspon@q.com, 970-302-4762 asking for the applicant to further contact him to make negotiations that will work for all parties.

Seeing no further requests for public comment or comment from the applicant Chair Yeater closed the Public Hearing at 1:25 p.m. and turned it back to the commission for action. Commissioner Anderson moved that based on the application received and the preceding analysis, the Planning Commission finds that the proposed annexation does meet the required Development Code criteria of Section 24-214.b.2.(a-e); and recommends approval of the Schneider Annexation (ANX2022-0007) to City Council. Commissioner Modlin provided the second to the motion.

Motion carried, 6-0 (Commissioner Schulte Absent)

6. A Public Hearing to consider a code amendment to add an option for dedicated affordable housing to reduce parking requirements. The code amendment is intended to satisfy a grant requirement for the Department of Local Affairs to incentive affordable housing dedicated to below-median income households (CU2023-0003).

Caleb Jackson started his presentation introducing the item. He provided background information on the proposed code amendment. This was brought on by a grant provided by DOLA (Department of Local Affairs) also included the grant are the Housing Needs Assessment (presented to the commission at the July 11th, 2023, meeting), a Subarea Plan (will be presented to the commission in September 2023) and the city must provide an incentive for affordable housing. This is capital A affordable housing, and it is regulated by HUD standards to meet certain requirements to meet the need for this type of housing in the community.

The code amendment proposes parking reductions as follows:

- Up to a 25% reduction for 60.1-80% AMI
- Up to a 50% reduction for 30.1-60% AMI
- Up to a 75% reduction for 0-30% AMI

Mr. Jackson indicated that there is also a chart in the meeting packet that show how low these income levels are. The idea behind this is that low-income households tend to have fewer vehicles and many parking spaces would go unused, causing development costs that could potentially be reduced, lessening the impact of the development cost as well as continued maintenance of those parking spaces. Those costs contribute to the viability of affordable housing and anything that can be done to help reduce those costs makes a big difference. The reduction of these parking stalls can also reduce the Urban Heat Effect as well as the amount of storm drainage runoff. With these kinds of measures captured in the code it gives developers with affordable housing projects more confidence in bringing these needed housing types to the area.

Mr. Jackson continued by sharing that staff recommends approval of this code amendment. It does meet Code Amendment Review Criteria, Section 24-211.b, the four criteria and the proposal are consistent with the criteria outlined in the summary. Proper notification was made without any comments in either objection or support. Mr. Jackson offered to discuss this amendment with the commission.

Discussion began between the commission and Mr. Jackson. Commissioner Modlin asked what happens if over time if the unit is no longer an affordable housing unit and additional parking would be needed. Mr. Jackson responded by sharing that with this code amendment “Affordable Housing” is added to the Land Use table and to change it, an applicant would have to go through the process to meet the criteria of the proposed land use, including the parking requirements.

Chair Briscoe asked what other incentives were explored. Mr. Jackson indicated that some of the other incentives that were explored include: a quicker review process, however compared to other communities we are already on an expedited turn around; reducing the application fees was considered but the city only reviews fee changes on a particular schedule and it would not allow staff to meet the grant deadlines, additionally these fees are relatively low already and it would not allow for a very productive incentive. The proposed code amendment is something that is already in place by surrounding communities and working out well, it seems to be a good transition for Greeley as well.

Commissioner Carlson asked if the items this grant covers are stand alone grant items or if they are all required to meet the grant obligations. Mr. Jackson confirmed that the city is required to provide a code- adopted incentive to fund the Housing Needs Assessment and Sub-Area plan. Commissioner Carlson asked what the cost benefit to the city for having the grant cover these items. Mr. Jackson replied that he does not have a set cost benefit for this, however it is a benefit to the city because these are items that are a win for the city to have done and a push to update standards for the city.

Chair Yeater commented that the number one issue the commission hears from the public regarding multi-family housing is parking, traffic, and noise. The study provided states that with lower income the number of vehicles decreases as well and increases the transit in the neighborhood. Greeley’s transit system is underutilized. He asked what assurances staff can provide that these are going to be transit rich developments like the community in the study? Mr. Jackson if he did not have a study on the transit however other communities such as Loveland, Longmont and Ft. Collins that have similar transit opportunities to Greeley and have successfully adopted transit options that work. He added that when you compare the AMI’s for affordable housing compared to vehicle costs, it would not make sense that they have excess vehicles. Affordable Housing developers also tend to build in neighborhoods that transit is available to suite the needs of the future tenants.

Chair Yeater asked if the HUD standards would prohibit multiple families from inhabiting a single dwelling unit or residence. Mr. Jackson responded that all family sizes are different, but the same concept applies, the income levels for these AMI’s is very low and multiple vehicles is not likely.

Chair Yeater asked if the City of Greeley calculated the stormwater cost based on the amount of permeable surface. Mr. Jackson answered, sharing that the stormwater fees are based on impervious surface on a lot, so less parking would reduce the impervious surface.

Commissioner Andersen shared that her concern is that the report provided is based on the Denver area. She lives on the east side of Greeley and her experience is that lower income often brings more vehicles. Having a vehicle does not mean that it runs, causing the need for multiple vehicles to meet transportation needs. She does not agree with the premise that lower income means fewer vehicles. She is all on board for affordable housing and trying different things for rent controlled development, but she does not agree with this report and does not feel this is where to start.

Commissioner Briscoe referenced some other apartment buildings in Greeley that are all HUD properties and he wanted to know if those parking requirements were reduced because those parking lots are often very full. Mr. Jackson indicated that he did not know the parking counts for those buildings. Darrell Gesick (Planner III) answered that one of the referenced apartment complexes is for residents with disabilities and they did receive parking reductions. He shared that there are also

other apartments in the area that are not part of them, and he was not certain of the parking requirements for those buildings. Chair Yeater asked if there had been a property that a variance was approved for parking, and it then exceeded the variance and what kind of measures can the city take if this were to happen. Staff was not aware of any situations like this. Brian McBroom if city codes related to parking, where it is and is not allowed and that the code would still apply. Codes can always be amended if something is no longer working, and the grant may have an allowance for that as well. Discussion continued between staff and the commission regarding what measures could be taken if this parking amendment did not work out and what options are available to do a parking study for this topic. Commissioner Modlin asked what the requirements are in this type of land use regarding green space. Mr. Jackson indicated the required open space requirements would not be changed with the proposed code amendment.

With no further questions from the commission, Chair Yeater opened the Public Hearing at 1:47 p.m.

Jodi Hartman, Executive Director of High Plans Housing Development, 3104 69th Avenue Court. Ms. Hartman shared that her organization is the developer working on the North Weld Village and has been involved in that re-zoning request for that project, she also previously served as the Executive Director of the Greeley Transitional House, an emergency shelter for homeless families. She is very familiar with the population that fall under these income levels that are being discussed and most of these individuals do not own vehicles, lack of transportation is often an issue her organization had to address often, and public transit was often the solution. Ms. Hartman continued, providing that if you live in a HUD subsidized apartment, they do not allow for any other family living with you, it would be considered a lease violation and the tenant would be evicted. She indicated that if a lot of vehicles are observed at a particular existing apartment complex, it is likely not a HUD housing building. Her team is currently working on a budget for a proposed project containing 58 units with the intent to house a chronically homeless population. Based on the studies that Mr. Jackson has shared, only 8% of this population own a vehicle, this equates to about 1 in every 12 units. The staff parking for these types of projects is only about 5 people, so this is not a large parking impact either. The more parking required for these types of units means it is less of the units that they can build, and it is a burdensome impact to these projects. These projects require the development to get low-income tax credits and that implements a 30-year deed restriction and are build with the intent to be permanently affordable and the chances of them being converted to a market rate development are very low.

Chair Yeater closed the Public Hearing at 1:51 p.m. and turned the item back to the commission for action.

Commissioner Andersen stated that she had concerns that HUD Developments and low-income units may work for this, but she wonders if so, many restrictions have been added to earn this particular grant and if changing the code to allow for this incentive opens up other issues. Parking is the number one thing the commission gets presented with as an issue and she is concerned that changing the code for a particular thing is a bad idea.

Commissioner Modlin added that having only one family unit restricted to a unit solves a lot of the cause for concern. Discussion continued between the commission regarding existing neighborhoods, family living situations with multiple drivers with cars.

Chair Yeater asked if there was a motion or any support for a motion. Commissioner Carlson moved, based on the preceding analysis, the Planning Commission finds that the proposed code amendments to the Greeley Municipal Code are consistent with the Development Code criteria of Section 24-211.b (Items 1 through 4) and therefore recommends that the City Council approves the code amendments to the Greeley Municipal Code as submitted. Commissioner Modlin provided the second.

Chair Yeater opened the item up for further discussion, adding to Commissioner Andersen's concerns,

sharing that many of the things that are presented to the commission are averse to this amendment. He continued adding that Ms. Hartman's testimony did provide good information about stuff that is in place to mitigate some of the things that are concerning with the issues being discussed. His number one concern is being addressed because there is still municipal code in place to deal with the parking issues, his challenge with that is if municipal code is used to address parking who it would harm when this could be prevented from the beginning. He shared he does wish there was more information about the city's specific region that supported the idea that this could be successful.

Commissioner Modlin shared he thinks this is the start to having a more controlled and different type of housing to support these income levels. He feels this is a good starting spot for a housing type that is needed in the community and grant money is not always available and it is a good opportunity. Commissioner Franzen shared he agreed and included that the deed restriction for 30 years and the grant time for 15 years will make it nearly impossible to make them into a private ownership property. Commissioner Andersen is not apposed to an experiment, a one-time trial to see how it would work but changing the code is not the way to achieve that to meet the requirements for the grant.

Commissioner Carlson added that with the current median home price being higher than many people can afford, we as a community need to figure out the needed housing mix and take steps to achieve that mix. He feels this code amendment allows for that and it can be changed in the future. Commissioner Briscoe agreed with Commissioner Carlson adding that with the current development costs, housing costs and housing need we must start putting things like this in place and while he does not love the amendment he does not know where else to start.

Chair Yeater asked Commissioner Andersen what her way would be to test if something like this was successful. She replied, you would not witness a parking problem. She does not see that fewer vehicles for lower income is accurate and she would like to see a report from a Greeley low income building that this is true. Chair Yeater agrees this is a good place to start and shares Commissioner Andersen's concerns, he inquired if there is something that could be added to the amendment that would allow for a re-evaluation of the code.

Don Threewitt, Chief Planner added he found there is not a payback provision in the grant if the code was later repealed. There could also be an item added to the motion that staff could evaluate how the code is working in the future.

Commissioner Andersen clarified that Mr. Threewitt was stating that the suggested motion could be amended to add an evaluation timeline or other measure to help alleviate some of the concerns of the commission. Commissioner Franzen suggested that the motion be amended to add that it would be closely monitored by staff. Discussion continued between the commission discussing what an appropriate timeline would be for the application of this code to be in place for staff to evaluate how it is working. 1, 3 and 5 years were discussed in relation to this code adoption and how long it would take to be able to evaluate if the code amendment was working or if there were issues. Ms. Hartman came back to the podium to provide that a development would not be completed for about 2 and a half years to aide in the discussion. The commission discussed that 3 years would not be enough time to sufficiently evaluate the application of this code amendment and although 5 years is a little longer than preferred, it seems like the best time frame for the evaluation to take place. Commissioner Andersen asked if there were any other incentives could be offered in lieu of this and if this is something that really should have a full code amendment to all the standards in the code updated for Affordable Housing. She does not feel this is the best place to start.

Chair Yeater called for the vote on the original motion proposed. Motion did not carry, 1-5 (Commissioner Schulte, absent).

Commissioner Carlson moved, based on the preceding analysis, and with a contingency in place of a

5 year review period, at which time the code would be compared to parking studies that have been done by City staff, the Planning Commission finds that the proposed code amendments to the Greeley Municipal Code are consistent with the Development Code criteria of Section 24-211.b (Items 1 through 4) and therefore recommends that the City Council approves the code amendments to the Greeley Municipal Code as submitted. Commissioner Briscoe provided the second.

Motion carried, 4-2 (Commissioner Schulte, absent)

7. Staff Report

Brian McBroom shared that the 2024 budget process is very fair along. Community Development will know in a few weeks what the City Manager's office approves as the recommended budget. The proposed 2024 budget does include one or more sub-area plans.

Performance analytics organization wide and as citizens should be hearing more about this, as it will create key initiatives and public dashboard. Mr. McBroom shared he is a bit support of these efforts, and it is a key ingredient for a high performing organization.

Mr. McBroom also shared that Planning Commission term limits no longer exist, and it gives those who enjoy serving on the commission the opportunity to do so.

Mr. McBroom continued to share that he had the opportunity to meet with Chair Yeater and would love the opportunity to meet with each of the other commissioners as well.

8. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:11 PM.

DocuSigned by:

Justin Yeater

Justin Yeater, Chair

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Don Threewitt

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Don Threewitt, Interim Community Development Director