

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS

September 26, 2023

Video Recording of the Meeting can be found at:

<https://www.youtube.com/live/DjW4lGGcDRU?si=ipGHW4qjAD5SdfYD>

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 Brian Franzen
Commissioner Larry Modlin
Commissioner Christian Schulte

ABSENT

Commissioner Jeff Carlson

3. Approval of Agenda

No additions or changes

4. Approval of September 12, 2023, Minutes

Commissioner Andersen moved to approve the minutes dated September 12, 2023. Commissioner Franzen seconded the motion. Motion carried 6-0.

5. A public hearing to consider a request to rezone approximately 11.2 acres located at 2118 N. 47th Avenue from Holding Agriculture (H-A) to Residential Estate (R-E). (ZON2022-0023).

Chair Yeater introduced the item, asking if the commission or anyone in attendance wished to see a presentation, seeing none the Public Hearing opened at 1:19 p.m.

Elmar Oestman, lives across from the location of this request. The applicant has eight percent of his irrigation well located in the parcel under consideration for this rezoning. He wants to know what the applicant plans to do on the parcel. Chair Yeater commented that the commission is present regarding the rezoning and that the information is in the packet and if the applicant wishes to speak, they can. He let Mr. Oestman know that he is welcome to share any opinion or feelings he has about the case. Mr. Oestman responded, sharing that he would be against approval of this right now.

Seeing no further requests for public comment, Chair Yeater stated if the applicant wished to speak in rebuttal they could at this time.

Owen Shanks with Uinta Surveying, 3313 35th Avenue Suite B, Evans, Colorado. Shared that the applicant was unable to attend the hearing due to being out of town, but he was present on his behalf. To address the concern, the applicant wanted to build a new house on the back portion of the property, he wanted to subdivide it into three separate lots and now is proposing two separate lots due to ongoing issues regarding water service with the city. He shared that is the purpose of the rezone and to build accordingly if approved. New versions of the plats reflecting this are being created now. The applicant does not have any plans to develop any additional units, that is not their intent.

With no further public comment or further questions for the applicant, Chair Yeater closed the Public Hearing at 1:21 p.m.

Chair Yeater turned the item to the commission for action. Commissioner Andersen motioned, based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezone from H-A (Holding Agriculture) zoning district to R-E (Residential Estate) zoning district meets the Development Code criteria, Sections 24-204 and therefore, recommends approval of the rezone to City Council. Commissioner Briscoe seconded the motion.

Chair Yeater asked the commission if there was any needed discussion on the matter. Commissioner Andersen asked what the minimum acreage for the R-E zone district was. Michael Franke, Planner II responded that the minimum lot size for the proposed zone district is 13,000 square feet.

With no further discussion, Chair Yeater called for the vote.

Motion Carried 6-0.

6. A Public Hearing to consider a Planned Unit Development (PUD) request to rezone approximately 42.64 acres of property located at 10494, 10800, and 10892 Hwy 257 Spur from R-L (Residential Low Density), PUD (Planned Unit Development), and C-H (Commercial High Intensity) to PUD (Planned Unit Development). (Project: PUD2023-0005)

Chair Yeater introduced the item, asking if the commission or anyone in attendance wished to see a presentation.

Commissioner Schulte stated he did not need to see the presentation but did have a question for staff. He wanted to know if one of the properties included in the proposed rezone had been the subject in a previous case that was presented to the commission before and commented he recalled that it was approved with a condition that the exterior wall be taller than originally submitted and he would like to know if that was still a factor.

Meg Oren, Planner III responded parcel Commissioner Schulte indicated, is what is essentially the “middle parcel” in this rezone, and it is remaining the same, it is not changing. The buffering standard or the wall itself is not changing at all. She included that the eastern parcel is going to match the buffering standard and landscape standards as well.

Chair Yeater commented that he recalled that the previous case mentioned, required an additional motion to make sure the wall met the expectation of the Planning Commission, he asked Ms. Oren what review procedure would be in place to make sure that it happens. Ms. Oren responded that any development that occurs in the PUD, the code standards, set back and landscape standards have already been determined by the proposed PUD and any development that comes in will have to meet

those standards. Chair Yeater shared that he recalled that entirety of the wall had to be constructed with stone material and he asked if the additional parcels would be required to have the same stone wall construction around the entirety of the property. Ms. Oren responded that they would not all necessarily be required to have the wall because the PUD itself does not require the wall, but it does require a larger setback than what would usually be required in similar zone districts.

With no further questions for staff, Chair Yeater asked if anyone in attendance would like to see a presentation or if the applicant was present and wished to speak. Seeing none, he opened the Public Hearing at 1:26. No requests to speak were made and Chair Yeater closed the Public Hearing at 1:26 p.m. and turned the request back to the commission for action.

Commissioner Andersen motioned, based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning and Planned Unit Development is in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council approval. Commissioner Franzen seconded the motion.

Chair Yeater asked if the commission had any comments. Commissioner Schulte shared, he had the same concern that was expressed previously with the parcel including the wall and that the visual appeal of the area because it's kind of the gateway into Greeley from the highway and that the standards needed to be maintained.

Chair Yeater agreed with Commissioner Schulte and added that he appreciates the land use and need of the PUD however, he struggles with the lack of opportunity for the commission to review the Site Plan given the significance of the location being an entry point corridor. He will not support it in the current motion and does not want to take away from the applicants need to develop the parcel but he feels it needs to have a higher level of scrutiny as well as give the city the opportunity to vet the idea from a minimum to understand that the public is going to need to be able to take a look at it and have the chance to comment on it. He hopes the commission will consider amending the current motion to include some sort of review process for the site plan.

Commissioner Andersen asked if it was possible for the commission to ask for additional review after they have already made an approval and Brian McBroom, Community Development Director clarified the question to be, is it allowed for the commission to amend the motion to include that Planning Commission would get have to review and approve the site plan? Chair Yeater responded that was correct and it could be the Planning Commission or both Planning Commission and City Council. Mr. McBroom stated that this was perhaps more of a legal question, but he would suggest that if it is important to the commission that they should include it in their motion.

Chair Yeater spoke to the commissioners and stated he did not see it being very different than when they required the wall to be in place and that they are simply asking for an opportunity to review what is submitted for the Site Plan to ensure the intent for the original approval is upheld carries through the development of the remaining parcels in this PUD. Commissioner Andersen agreed that she felt it was a reasonable amendment to the motion.

Chair Yeater continued, reminding the commission that there was a motion that had already been proposed and it would be his wish that it is not approved but for a revised motion to be proposed that includes the discussed components.

Mr. McBroom stated that the commission could also have a subsequent motion to amend the motion.

Chair Yeater stated that he was content with having a motion to amend the current motion and

Commissioner Andersen agreed.

Commissioner Franzen moved that they move to amend the original motion to include adding Site Plan review and approval by Planning Commission and City Council. Commissioner Modlin seconded the amended motion. No further comment the commission voted. Motion carried 6-0.

Commissioner Andersen moved based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning and Planned Unit Development is in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and with the amendment that Site Plan review would be remanded to both Planning Commission and City Council for approval prior to its passing and would therefore recommends City Council approval. Commissioner Schulte seconded the motion.

Motion Carried 6-0

7. A Public Hearing to consider a Use by Special Review (USR) request for a Parking Lot in the C-L (Commercial Light Intensity) Zone District West of 71st Avenue, North of 29th Street, South of Highway 34 (USR2023-0010).

Chair Yeater introduced the item and asked if the commission or anyone in attendance wished to see a presentation, or if the applicant wished to speak. seeing none the Public Hearing opened 1:32 p.m.

No one requested to speak and Chair Yeater closed the Public Hearing at 1:33 p.m. and turned the item back to the commission for action.

Commissioner Andersen moved, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for a Parking Lot in the C-L (Commercial Light Intensity) Zone District is consistent with the Development Code criteria of Section 24-206 (a-d), and therefore, approve the Use by Special Review as submitted. Commissioner Franzen seconded the motion.

Motion carried 6-0

8. A continuation of a public hearing (continued from September 12, 2023) to consider an application to rezone a property 11.08 acres in size from Residential Low Density (RL) to a Planned Unit Development (PUD). The PUD would allow various Residential and Institutional uses with specific zoning standards (PUD2022-0007).

Chair Yeater introduced the item. Re-opening the Public Hearing at 1:34 p.m. and asking the applicant if they wished to speak.

Ian Percey, 2130 62nd Avenue Court, Greeley. He began by sharing in the previous meeting they had asked for continuance. He would like to discuss the plans for this project and include that he does have a presentation for the project he hopes to share. The intent is to build a high-quality senior living facility with continual care, assisted living, memory care and 12 cottages that would be adjacent to Cambridge Glen.

Mr. Percey stated that his team has conducted a neighborhood meeting and heard concerns regarding both traffic and the density of the project. Since the neighborhood meeting after hearing the concerns, his team has updated the plans to limit the number of units that can be included as well as making the units adjacent to Cambridge Glen only single-story units and no more than two

story units on the remaining portions of the site. They have done a lot of work determining what the facility will look like and what it will bring to the community, including the traffic impacts. They have worked with the city on creating traffic calming and have determined that they will install a median to be constructed in the center line of 47th Avenue to calm traffic. This is a great use for this site, they will build with high quality. The proposed use is a good use for this infill location, and it will bring great benefits to the city and community. The proposed use meets the criteria for a PUD and the city staff has recommended its approval.

Mr. Percey addressed questions that had been raised from public comment on the project. One of the questions was related to the service and loading area for the facility. Using the Site Massing Study included in his presentation, he indicated that the loading and service area would be on the lower drive, in the area with the cottages and that between the 4th and 5th cottages there is an access road into the facility. Around this same area, there would be an enclosed section for trash.

Continuing, Mr. Percey addressed the concern related to the parking area near the end of the row of cottages. He stated that there are about 5 parking spaces closest to Cambridge Glen and that there are 6 on the other side. He shared they will be well landscaped and have a good buffering. All lighting will be cut off lighting on the site.

Another concern they heard was regarding the emergency access route that goes around the back of the building. It will be a different surface and not the regular asphalt surface. It will also include breakaway barriers and access will be limited to emergency services.

Mr. Percey added that there were questions and concerns regarding mitigation of dust during construction and shared that the contractor would be required to follow all city standards for dust mitigation. They will complete the dirt work as quickly as possible and get the asphalt installed as soon as they can to help alleviate this concern as well.

Mr. Percey thanked the commission for their time and let them know he is available for any questions. Chair Yeater commented that many of the concerns the commission heard revolved around traffic. He stated that the applicant mentioned meeting with the city and installing the median on 47th Avenue to calm traffic and asked if they had any other methods that were considered for calming traffic, more specifically, an acceleration/deceleration lane and inquired if this is something that was investigated. Mr. Percey replied that it was initially considered but after meeting with the city, the preferred approach is the median and that is what they have agreed to. He included it is about 300 feet of median.

Commissioner Schulte asked if the connection from the parcel to 47th Avenue is going to be in about the same place that the current driveway is now. Mr. Percey responded by indicating that it is very close, not the same place but still very close.

With no further questions for the applicant Chair Yeater continued, moving forward to public comment.

Randy Bussey, 4510 West 14th Street, Greeley. Stated that he discussed this with some civil engineers and regarding a flow analysis on an 8" stub, that comes from Cambridge Glen into the area for this development. They have not seen a flow analysis and do not know if it was for 150, 200, or 250 units and they do not know if a lift is going to be required to go towards the south into his area (only considering the sewer). He asked if someone present could speak to the flow analysis for the sewer.

Craig McWhirter, 4517 West 14th Street, Greeley. Shared that the questions that Mr. Percey was

commenting on were the ones he had and included that he was satisfied with his response.

Amy Croissant, 4718 West 13th Street, Greeley. She shared that she and her husband moved to Greeley two years ago, they had sought out a home in a low-density area and thought that where they moved was the perfect spot. They are not the only ones in their neighborhood that are concerned about the various residential and institutional uses related to how much traffic it will bring to the neighborhood. As well as how it will devalue their property. She shared that she feels the traffic is already horrendous during certain times of the day on 47th Avenue and there needs to be an independent study on this and how many vehicles are using this roadway already. She is not for high rise or a business in the neighborhood. It is not characteristic for their neighborhood or the Country Club or the type of people who have bought houses in here for the quietness of it. She is not in support of this, and it does not fit their neighborhood and she would like it to be kept residential, low-density and she would like an independent study done on the traffic at this present time.

Claudia Susman, 1100 48th Avenue, Greeley. She lives in Hilltop, just around the corner from the previous speaker. Several years ago, two lots were sold in Hilltop that should not have been made into lots. It closed off their access to 10th Street and now they have to make a right turn only, which means to access 10th Street they now have to go down to 13th Street and try to make a left hand turn on a blind hill and if this development is allowed it will increase the traffic coming north bound and make it even harder for those in Hilltop to access 10th Street. Her other question regarding if the city was going to gain revenue by changing the zoning, is there money in their pockets by changing the zoning?

Sue Mantell, 4503 West 14th Street, Greeley. She believed she heard that they were going to place a median on 47th Avenue. She would like to know how it will be placed because 47th Avenue is currently 4 lanes, and she does not understand where there would be room to place the median. She would like clarification on that.

With no further public comment, Chair Yeater closed the Public Hearing at 1:48 p.m. and asked a representative from the city, regarding traffic come to the podium.

Thomas Gilbert, Engineering Development Review came to the podium. Chair Yeater commented that there have been a lot of questions raised regarding traffic and asked Mr. Gilbert to provide clarification on what the city and the applicant have done to address the traffic concerns.

Mr. Gilbert responded, sharing that he looked at this project with CDOT (Colorado Department of Transportation) and Water & Sewer. When they were reviewing this project for the rezone it included conceptual ideas about traffic, water, and sewer. There will be subdivision and a site plan review that will have to meet city criteria before this project is completed. To address traffic concerns, the first thing to address is the deceleration lane, he indicated it was reviewed and it was not warranted so it was not added. He continued, there has been a lot of talk about the traffic in the area and that he was able to speak with the traffic engineer for the city. He shared with Mr. Gilbert that in 2018 traffic volumes on 47th Avenue in this area averaged 19,202 trips daily. These counts are like other major streets in this area such as 35th Avenue. It was within what is considered reasonable traffic. If you factor in a 2% growth rate for traffic, it means that currently the estimated traffic count is about 21,200 vehicles per day. In October of this year there is another traffic count scheduled for this corridor. The other questions that have come up regarding traffic are around the median that this development will install on 47th Avenue. He shared that this is not proposed to be a very wide landscaped median but a median that is the height of a curb and is about 4 feet wide. It will be in the middle of the roadway, and it will not impact the current width of 47th Avenue. Chair Yeater asked for clarification on the acceleration/deceleration lane and if it would require a higher level of traffic

for those kinds of structures to be in place. Mr. Gilbert commented that for a deceleration lane it has to do with how many right turns are being made and, in this case, it is just not warranted. Chair Yeater asked what in the city code would require a development to be required to install a deceleration lane. Mr. Gilbert was not familiar with what the number of right-hand turns would make it required but shared that there is a chart in the code that shows how many turns are triggers for different levels of traffic calming. He shared this will all be looked at closer during the subsequent applications for this development but for the required cursory look for this process it is not required. Discussion continued related to the upcoming traffic study that will take place in October and how the city determines intersections and roadways that need to improve to accommodate for growth. Commissioner Modlin asked if it made sense for the applicant to allocate room for those lanes for future accommodations. Mr. Gilbert responded, sharing that this case is for zoning, and they do not know the exact data for what will happen with the site and when the Subdivision application is submitted the city will make those determinations at that time. Discussion continued regarding the process of zoning, conceptual plans and how traffic counts are determined.

Chair Yeater asked for city Planning staff to come to the podium. Jeff Woeber, Planner III came to the podium. Commissioner Briscoe asked why the city suggested that this project be submitted as a PUD and not a specific rezoning. Mr. Woeber replied that in this case, the applicant was considering R-H (residential high-density) which would allow for higher density and higher maximum building heights. Staff did not feel that those factors would be appropriate for this site but by submitting this as a PUD, the number of units can be limited as well as the maximum building height. With no further questions for staff, Chair Yeater asked the applicant to step forward to speak.

Troy Sprigger, Civil Engineer, 4715 Innovation Drive, Ft. Collins, Colorado. He wanted to address the question regarding sanitary sewer. He included that they did go through intensive modeling, and it is limited to the maximum allowable density for this PUD. They have looked at the maximum capacity for the 8" line and it is at about 40% of the maximum capacity when you factor in the proposed units, and it will still be under the maximum threshold for this facility. All their studies and calculations have been submitted to the city and they are available for the public to see if they wish. With no further questions for Mr. Sprigger, Chair Yeater asked for the applicants' traffic representative to step forward.

Matt Brown, 5690 DTC Boulevard, Greenwood Village, Colorado. He is the traffic engineer for the project. He wanted to provide additional responses to the traffic questions that have been posed. Regarding the comments and concerns about the applicant obtaining an independent traffic analysis, he shared that he did prepare an independent traffic analysis for the project that was submitted and subsequently approved by the city. In response to the deceleration lane, the threshold for this type of project and roadway in the city of Greeley is 50 vehicles per hour. The study shows that there would be 32 vehicles per hour for this project. Chair Yeater asked what model is used to determine that there would be 32 vehicles per hour. Mr. Brown reported that it is based on 200 dwelling units with 120 living units attached, 24 independent living units detached and 66 memory care/assisted living units or beds. He shared that the numbers are based on number of dwelling units not the number of employees and based on imperial studies done across the country that determine how these rates are applied to the project and that it is all built into the calculations provided. In response to northbound traffic and access at Hilltop, providing perspective based on their counts there were 646 vehicles on the northbound in the afternoon peak hour and this development would add 29 vehicles to that count, it is a very small percentage increase. Neither the morning nor the afternoon traffic counts for this development trigger acceleration or deceleration lanes. Discussion continued relating to future growth and relation to this site. Chair Yeater asked what his experience indicates that the median in 47th Avenue will achieve. Mr. Brown shared that the median will absolutely limit the traffic at the driveway to right in and right out, there will not be an opportunity

to turn left out of the development and it may potentially reduce speeds along 47th avenue slightly. Chair Yeater asked if the acceleration/deceleration lane was the deciding factor for this application to be approved, would the applicant proceed, and Mr. Brown replied that it appeared they would be willing. Commissioner Schulte asked for clarification on the counts used to determine the number of vehicles related to the facility employees and if they were granular enough to capture the number of employee vehicles because of the nature of the facility and if the numbers equaled out because of the residents who would have vehicles versus the employees that would. Mr. Brown confirmed this to be accurate because each different unit type has vehicles count attached to it based on the empirical studies previously mentioned.

With no further questions, Chair Yeater turned the item back to the commission for action. Commissioner Andersen moved based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning and Planned Unit Development is in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council approval. Commissioner Schulte seconded the motion.

Commissioner Briscoe stated that he struggles with the PUD portion of this application. He does not feel this is the appropriate application for this site. He can appreciate what the applicant is trying to achieve, he just does not feel that a site this small is relevant to the PUD application. Additionally, with the traffic issues and secondary entrance, he thinks that there are some issues with this, and he will probably not support this application for those reasons.

Commissioner Schulte commented that thinks that they have seen more PUD applications since the code was changed but in this case, he sees the advantage to utilizing it because if it were to be zoned as R-H, in the future would allow for much higher density than this PUD would allow for. He is willing to support it on that basis, he does have traffic concerns but those would be addressed in subsequent applications. Based on this application for PUD he would be in support of the motion.

Chair Yeater shared that he appreciates what the applicant is trying to do with this request. He supports it on its face value based on the PUD, limiting the height of the structures. He feels the applicant is doing everything they can to address the concerns of the property owners nearby and develop this piece of property. He sees the challenges with the PUD in that this is conceptual, and it does not give everyone an opportunity to see what will be built as well as the traffic concerns. He supports conceptually what this project is but would also like to see the city really look at the traffic issues. He would like to hear any suggestions on the best way to get this project approved but also address the concerns that have been raised.

Commissioner Andersen commented that she likes the idea of this project, and it is needed in the community. She is also highly concerned about rezoning with this intent in mind and if something were to happen and the project was not developed this parcel is going to be zoned with these specifications.

Commissioner Franzen agreed with Commissioner Andersen's comments. He thinks it is a great use for the property and it has been vacant for years but does feel that they need to take a deeper look at it.

Chair Yeater asked staff for any suggestions on how to amend this or the best path to proceed with. Brian McBroom replied that the commission is doing a good job identifying the key issues. He shared that the commission does have some ability, such as in the previous case to add conditions to their recommendations and in respect to concerns about the commission not having another opportunity to review the project as it progresses, on advantage to the PUD verses a R-H zoning is that there is a

certain amount of specificity that they would normally not have. Discussion continued to include what is required procedurally when an application is recommended for approval and when it is not recommended for approval as well as what components are covered under the City's Site Plan review.

Chair Yeater called for the motion currently proposed.

Motion Denied 1-5

Commissioner Andersen moved based on the application received and the preceding analysis, the Planning Commission that the proposed rezoning and Planned Unit Development is in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council approval with the condition that the Site Plan and Traffic Plan are reviewed and approved by Planning Commission and City Council. Commissioner Schulte seconded the motion.

Second motion Andersen, Seconded: Schulte 6-0

9. Staff Report

Brian McBroom shared thanks to Commissioner's Briscoe and Modlin for the discussions they had this morning, and he looks forward to ones in the future.

He continued sharing the City is in the final stages of the budget process for 2024 and the City Manager's office is recommending additional funds in the budget for additional sub-area plans in 2024. West Greeley would be one of the areas included as well as parts of the North side of Greeley. Related to his discussions with Commissioners Modlin and Briscoe were joint work sessions with the City Council regarding sub area planning.

There have been several issues including traffic, PUD's and the 2024 work plan that would translate into great work session discussions. Chair Yeater and Commissioner Modlin agreed.

10. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:36 PM.

DocuSigned by:

Justin Yeater

Justin Yeater, Chair

DocuSigned by:

Don Threewitt

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Don Threewitt, Community Development Deputy Director