

Planning Commission Agenda

Regular Meeting

Tuesday March 12, 2024 at 1:15 p.m.

City Council Chambers-City Center South
1001 11th Ave, Greeley, CO 80631 Zoom

Webinar Link:

<https://greeleygov.zoom.us/j/89838864689>

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Submit Written Comments:



Email comments about any item on the agenda to cd_admin_team@greeleygov.com



Written comments can be mailed or dropped off at the Planning office at 1100 10th Street, Greeley, CO 80631. Written comments received prior to the meeting will be read into the record in real time.

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Planning Commission

March 12, 2024 at 1:15 PM

1001 11th Avenue, City Center South, Greeley, CO 80631

Agenda

1. Call to Order
 2. Roll Call
 3. Recognition of the life and contributions to the City of Greeley of the late Don Kirby
 4. Approval of the Agenda
 5. Approval of the January 23, 2024, Planning Commission Meeting Minutes
 6. Annual election of Chair and Vice-Chair
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EXPEDITED AGENDA

The following items are routine in nature, fully described in the accompanying reports, and therefore staff summary presentations will be suspended unless requested by the Commission or member of the public in attendance at the meeting.

7. A public hearing to consider a request for approval of a use by special review for a small-scale solar energy facility on approximately 3.35 acres on the northwestern portion of a 59.24 acres parcel within the I-M (Industrial Medium Intensity) Zone District, located south of and adjacent to County Road 66, approximately 1,400 feet east of County Road 31 (Case Number USR2023-0001, Matterhorn Solar).
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END OF EXPEDITED AGENDA

8. Staff Report
9. Adjournment



IN LOVING MEMORY
OF

Donald "Don"
Kirby

OCTOBER 23, 1958- JANUARY 31, 2024

*"I am a part of an abundant
universe"*

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
January 23, 2024

[Greeley Planning Commission- January 23, 2024- YouTube](#)

1. Call to Order

Commissioner Briscoe called the meeting to order at 1:15 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Commissioner Erik Briscoe
Commissioner Louisa Andersen
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin

ABSENT

Chair Justin Yeater
Commissioner Christian Schulte

3. Approval of Agenda

There were no changes to the agenda.

4. Approval of January 9, 2024, Planning Commission Meeting Minutes

Commissioner Andersen moved to approve the minutes dated January 9, 2024. Commissioner Franzen seconded the motion.

Motion carried 5-0 (Chair Yeater and Commissioner Schulte absent).

5. Election of Officers

Commissioner Briscoe stated that Election of Officers would be tabled until the next meeting.

6. A public hearing to consider approval of a preliminary subdivision of 817 acres of land into 16 Tracts, one (1) Outlot, and dedication of rights-of-way. The subject property is located south of Hwy 34, west of State Hwy 257, and east of CR 17 (Case Number SUB2023-0003, Delantero, Filing No. 1, Preliminary Subdivision).

Commissioner Briscoe asked if any members of the Commission or audience wished to see the presentation, seeing none he called for action on the item as listed.

Commissioner Andersen moved, based on the application received and the preceding analysis, the Planning Commission finds that the proposed preliminary subdivision plat is in compliance with Section 24-203(b)(1) of the Development Code, and therefore, approves the subdivision. Commissioner Franzen seconded the motion.

Motion carried 5-0 (Chair Yeater and Commissioner Schulte absent).

7. **A public hearing to consider a request for a preliminary subdivision of approximately 161.14 acres of land into 350 lots, 11 Outlot/tracts, and dedication of right-of-way located at the northwest corner of 10th Street and 83rd Avenue (975 83rd Avenue), (Case Number SUB2023-0009. Union Colony West Preliminary Subdivision).**

Commissioner Briscoe asked if any members of the Commission or audience wished to see the presentation, seeing none he called for action on the item as listed.

Commissioner Andersen moved, based on the application received and the preceding analysis, the Planning Commission finds that the proposed preliminary subdivision plat is in compliance with Section 24-203(b)(1) of the Development Code, and therefore, approves the subdivision. Commissioner Franzen seconded the motion.

Motion carried 5-0 (Chair Yeater and Commissioner Schulte absent).

8. **A public hearing to consider approval of a Use by Special Review on 1.11 acres of land for a carwash. The subject property is located southwest of the intersection of 23rd Avenue and 30th Street, directly east of the 23rd Avenue Walmart (Case Number USR2022-0016, Club Carwash Use by Special Review).**

Commissioner Briscoe asked if any members of the Commission or audience wished to see the presentation, seeing none he called for action on the item as listed.

Commissioner Andersen moved, based on the application received and the preceding analysis, the Planning Commission finds that the proposed carwash located in the Commercial High Intensity (C-H) Zone District meets the Development Code criteria, Section 24-206 and therefore, approves the Use by Special Review. Commissioner Franzen seconded the motion.

Motion carried 5-0 (Chair Yeater and Commissioner Schulte absent).

9. **A public hearing to consider an application to rezone an 8.51-acre site from HA - Holding Agriculture to PUD - Planned Unit Development located North of W. 19th Street Road, east of 82nd Avenue (Case Number PUD2022-0008, Mountain Vista Multi-Family PUD).**

Commissioner Briscoe introduced the item as presented.

Doug May (Planner III) began his presentation outlining the proposal, general background information about the site, shared an aerial view of the site including the Surrounding Zoning and Land Uses. Continuing his presentation by sharing the previous version of the proposed development, that consisted of 14 buildings (100 units, with a density of 16.75 dwelling units per acre) and indicated that City Council reviewed a revised proposal for 73 units in October of 2023, motioning to approve the request (3-2). However, because the Municipal Code requires a majority vote of all seven Council members, not just those present, the motion failed. The revised proposal was remanded by the City Council for Planning Commission consideration with 73 Units (9.8 dwelling units per acre).

Mr. May continued, sharing that based on the Rezoning Criteria 24-204 (b) and PUD Criteria 24-205(c) that the proposal was consistent with the criteria as outlined in the Planning Commission Summary. Proper notification was made including 357 notice letters, signs posted on the property, web notice,

completed mineral notice and a neighborhood meeting in June of 2023 (with 50 attendees). Mr. May shared neighbor concerns and how the applicant has addressed those concerns. Proposals for the site came to the Planning Commission in September of 2023 and City Council in October of 2023. Mr. May stated that Community Development recommends approval of the proposal. Mr. May ended his presentation, indicating he was available to answer any questions of the Commission.

Commissioner Andersen asked how the proposal meets the Comprehensive Plan because the intent is for them to be rental units and not owned units. Mr. May clarified that the Comprehensive Plan does not differentiate between rental and owner-occupied dwelling units. Discussion continued between the Commission and Mr. May regarding various zoning districts and allowed dwelling units per acre for each as well as other factors that impact this. With no further questions for staff, Commissioner Briscoe invited the applicant to begin his presentation.

The applicant, Larry Buckendorf, 7251 West 20th Street, came to the podium. He also introduced Joel Hemesath, Project Manager for the proposed project and Joel Shoemaker one of the consultants for the proposed project. Mr. Buckendorf began his presentation outlining the history of the property and the previous proposal including the City Council outcomes and explained why the request is now back in front of the Commission and indicated that there were changes made to the previous proposal after it was brought in front of Planning Commission and before it was heard by City Council.

Mr. Buckendorf continued, sharing a newspaper article in the Denver Post that reported Greeley as one of the top 4 non-coastal cities with the most expensive home prices when it was previously a location with affordable home prices and related this to be a direct impact of supply issues. He noted a lack of supply in all housing types that impacts every income class. He continued, highlighting median home prices, interest rates and further causes related to the supply issues for residential occupancies within the City, State, and other parts of the country.

Mr. Buckendorf proceeded with sharing the previous proposal that was brought before the Commission, it included 14 buildings, consisting of 8-Eight Plex's and 6 Six-Plex's (100 Units). He moved onto share the revised proposal that is now being proposed. The revised proposal includes 14 buildings, consisting of 5-Six Plex's, 7-Five Plex's and 2-Four Plex's, reducing the density by 27%. The architecture is "Townhome Style" and shared with the Commission other locations in Northern Colorado that the same product has been well received, providing pictures of the product in the nearby communities. The setbacks near existing homes have been increased near existing homes to 44' to 62', exceeding the 25' minimum required by code. Landscape buffers have been enhanced adjacent to existing homes to include 28 additional trees than the code requires. Vinyl split rail perimeter fencing has been added to match the existing fencing in the surrounding neighborhood. Amenities for the site include a playground, dog park, fire pit, benches, and corn hole. He stated that the project would be built in a one-year period to address the concerns of nuisance to the surrounding neighborhood. The 8.66 Dwelling Units per acre proposed in the revised plan meets the Comprehensive Plan Suburban Neighborhood density that requires under 10 Dwelling Units per Acre. These revisions have been made to address concerns that have been raised by some of the residents in the neighborhood.

Mr. Buckendorf continued, sharing the Traffic Impact reductions with the revised site plan, including 194 less daily trips. To further accommodate the neighborhood, traffic calming and measures to reduce cut through traffic. This includes adding 4 Speed Humps and a raised crosswalk. The previous plan included 228 onsite parking spaces; the current plan includes 326 onsite parking spaces. That is 165 additional parking spaces than what is required by the code. No parking will be permitted on the west side of 82nd Avenue, it will be allowed on the east side of 82nd Avenue.

Concluding, Mr. Buckendorf summarized again outlining the changes proposed in the new plan to accommodate the concerns of the neighborhood. A survey was sent out to the neighborhood constituents and 62% found the accommodations to be acceptable. Only 20% did not support the proposed accommodation. Mr. Buckendorf shared that he wanted to share his team had recently received and reviewed the presentation that the neighborhood representatives will be sharing and that the facts in it are not true, advising the Commission to be aware of that. He provided that he would be happy to address any questions of the Commission if they have any current or after the Public Hearing.

Commissioner Briscoe asked if there was previously a connection on the south side of 19th street that has been eliminated in the revised plan. Mr. Buckendorf responded that it was an emergency connection, and the site plan includes additional landscaping in that area, but the emergency connection will still be there.

Commissioner Andersen asked if the proposed product includes garages. Mr. Buckendorf shared that the product does include rear, 2-car attached garages. Further discussion continued, outlining the parking, garage, and driveway layout for the subdivision and how it makes this product feel more like single family residential. Back and forth discussion between the Commission and Mr. Buckendorf proceeded, regarding the planned property maintenance firm that will be onsite, and why units will be rental units instead of individually owned homes. The conversation also included the applicant's history and plans with the property dating back back to the early 2000's including the oil and gas well on the site, detention pond and the high density that has always been projected for the site.

Commissioner Franzen inquired about the survey shared during the presentation indicating that 62% of the neighborhood constituents were satisfied with the proposed revisions to accommodate for the concerns and what questions were asked in the survey and who it was sent to. Mr. Buckendorf shared the survey results again and shared that it included 228 properties in the vicinity of the proposed site. However, he was not the individual who conducted the survey, he was only provided with the results of the survey.

Commissioner Briscoe opened the Public Hearing at 2:15 p.m.

Don Threewitt, Deputy Community Development Director, began calling individuals up to the podium who signed up to speak during the Public Hearing.

The following individuals signed up to speak, approached the podium and allotted 3 minutes of testimony to another individual.

Rossy Youtz, 1917 79th Avenue, donating time to Bill Younk.

Mona Maffei, 1730 83rd Avenue, donating time to Bob Maffei.

Fumiyo Hottle, 1910 81st Avenue, donating time to Marty Naibauer.

Phillip Straten, 1926 80th Avenue, donating time to Marty Naibauer.

Mike Renley 1921 88th Avenue, donating time to Bill Younk.

Kandy Wolf, 1929 79th Avenue, donating time to Bob Maffei.

Sherry Volez, 7915 18th Street Road, donating time to Greg Volez.

Earl Miller 7429 West 18th Street, donating time to Shelly Renley

Suzanne Strain, 1926 80th Ave, donating time to Shelly Renley

Gina Holzmiter 1907 81st avenue donating to Bill Younk

Pam Zimmerman, 1917 80th Avenue, donating time to Marty Naibauer

Robert Waize 1917 80th Avenue, donating time to Bob Maffei

Karen Zock, 1819 70th Avenue Court, donating time to Bill Younk.

Commissioner Briscoe invited the first presenter to introduce themselves.

Greg Volez, 7915 18th Street Road began his presentation, saying that this should not be a difficult decision for the Commission. He shared that this is the third time that this proposal has been presented between this Commission and City Council and that it is not appropriate for a PUD. Spot Zoning is prohibited in Colorado, this parcel is a different land use compared to what is existing in the area and the proposed plan would cause detriment to others. This parcel is considered Spot Zoning, and the proposed development would not be a solution to missing middle housing. Mr. Volez shared a map of Greeley that shows multi-family developments equaling 1600 units that are either already completed or approved. The west side of Greeley is becoming an “Apartment City” in his opinion. Mr. Volez continued, sharing the requirements of a PUD per City code, explaining why he does not agree that the proposed development meets these requirements. Highlighting that this project is too large for this neighborhood but also too small to be a meaningful part of the community. He does not think that it demonstrates a higher degree of planning or that using a PUD is an appropriate method to make this project fit into the area. Health and safety requirements are not met because of the additional light, pollution, and traffic issues the project will create. This plan fails to meet the Imagine Greeley Comprehensive Plan, and there are not any parks or open spaces for the neighborhood, and it does not contribute to transportation or mobility improvements. The developer is attempting to make this project fit in a space that is not compatible and it compromises the character of the existing neighborhood. Concluding, he stated that it is the Commissions responsibility to require building that is appropriate for the neighborhood with infrastructure to support the development.

Bob Maffei, 1730 83rd Avenue began by making a comment to the applicant that they do not need his warnings on what to say and they are not afraid of him. Continuing, the proposed product is called Townhomes. They are apartments, Townhomes are defined as single family dwellings with attached walls required to be for sale and you must pay taxes and insurance just like a house, he stated that this is the legal definition and does not see how they can get away with saying that they are Townhomes when they will be rented. The proposal is Spot Zoning and outlined what Spot Zoning is defined as, this proposal is a classic case of Spot Zoning. It does not match the other zoning within the neighborhood, Residential Low Density. He does not see why there should be a transition to apartments in this area that is upscale homes and acceptable commercial buildings. The applicant has made money off every lot in the subdivision over the years and is now going to “stab everyone in the back” with building an apartment complex. Mr. Maffei shared the City of Greeley rezoning requirements Sec. 24-204. He referred to staff comments from the review of the application, regarding the project being in accordance with the Comprehensive Plan. To his knowledge, there has not been a response to prove that the proposal meets the Comprehensive Plan. Mr. Maffei shared the requirements of a Planned Unit Development, Sec. 24.04 and argued that the site is not sufficient area for the proposal, it has not fulfilled Statement of Commitment related to the drainage pond clean up, health and safety for the surrounding areas would suffer and that there is not any special attribute to warrant PUD Zoning. This proposal conflicts with the Comprehensive Plan because there are high scale homes in this neighborhood maintained by an HOA, putting apartments here will be a detriment to the neighborhood and the subdivision should be continued to match what is existing. Wrapping up he shared other concerns being that there are issues in respect to oil well setbacks. If it is capped and decommissioned that setback is 50’ from structures, there is a parking lot proposed in this request within that setback. He shared a photo of one of the other developments that were referenced by the applicant to have the same product that shows a dumpster within a brick enclosure that has trash bags overfilling it. He shared photos of trash debris on the site currently that has not been cleaned up and a sign with fading and weeds around it on one of the previously referenced sites that have the same product being proposed, these are issues that the existing neighborhood does not want to allow.

Bill Younk, 1917 79th Avenue began by sharing there are a lot of numbers and data included in the presentation, this information has been collected from the websites of Weld County and City of Greeley and traffic studies from Delich Associates of Traffic as well as the one conducted by the HOA and timed recordings, he took himself driving the routes at speed limit. 83rd Avenue is classified as an arterial roadway, it is identified as a major roadway by the 2035 Comprehensive Plan, there are 1600 units in the area that are either built or approved to be built, these projects are not listed on the Short, Mid or Long-Range Plan for Weld County to 2045. 83rd Avenue is listed in the Greeley CIP without any costs associated with it, just flagged to be considered for improvements. He shared photos of maps showing the above-mentioned items, moving into contradictions between the traffic study and his findings with drive times (published in the packet). The traffic count completed by the HOA differs from the traffic study completed by Delich Associates, it is neither up to date nor accurate. He stated that traffic flows (based on information found on the city website) have shifted in the area and increased significantly over a one-year time and it does not include additional e-commerce traffic. Mr. Volez shared photos of 83rd Avenue and areas that have been widened have less traffic flow issues compared to the narrower parts of the roadway. To conclude, he summarized he is asking the Commission to rely on the facts and numbers provided. He reiterated the issues expressed in his testimony; this is not the right type of development for this subdivision. They are not against development, but it needs to fit Greeley's needs and be consistent with the subdivision.

Shelley Renley, 1921 80th Ave feels that Mountain Vista is an amazing upscale neighborhood and one of the best in Greeley. It has been established for 20 years, people want to live there, it has unique character and maintained landscaping. She shared a photo of a plat from when Mountain Vista was approved indicating that this parcel did not include apartments and that all the original owners in the neighborhood were told that this parcel would be left as open space or become a park, this is not in writing, but it was told those who purchasing lots. Additional concerns include that the Utility Reports cannot be seen on eTRAKit, water pressure does not reach 20 psi with peak hour and fire flow demands and the sanitary sewer system not meeting minimum flow requirements. They have significant concerns related to drainage in the detention ponds not being sufficient. An agreement regarding the pond between the applicant and HOA has not been made and increased capacity may be necessary. Additionally, there is a 5-year plan between Mountain Vista HOA and the City of Greeley to bring detention ponds up to the current code. Mrs. Renley shared that after the first neighborhood meeting was held there was a zoom meeting between the developer, herself and one other individual, no agreement was made regarding ownership and density on the site even though those were the biggest issues residents had with the proposed site. The City's definition of Low-Density is no rental units, that rentals are not listed as allowed in Low-Density. This is not the developer's only business model as he claims, and that they have many other options available and have been in the market in the past. She stated that Mountain Vista residents would not have access to the amenities proposed on the site. They deserve a park and that is what should be going into this area. Additional concerns have been raised about the quality of the product being proposed. She does not feel that this builder belongs in this neighborhood. Reviews for the builder indicate issues with the quality of materials, subcontractors, and workmanship. A representative from Safe Built stated that there are class action lawsuits filed against Journey homes from developments in other communities and that there was a local news channel that made a report about issues with the company. She personally knows several realtors that refuse to sell homes built by the company. Concluding, Mrs. Renley stated that she did not feel that this development meets the objectives of the Comprehensive Plan and that she asks the Commission to deny the application.

Marty Naibauer, 1910 81st Avenue Court introduced himself and shared with the Commission how

this plan does not meet the vision of the Comprehensive Plan for this neighborhood or for Greeley. They are their constituents, they depend on the Planning Commission and City Council to protect their interests, to ensure that development that is done in the city is done in an organized manner and not in a rushed random approach such as this. He states this project does not follow the Comprehensive Plan. He quoted information from the Comprehensive Plan (Pages 48 and 41) stating that the proposed project does not meet or address the needs of the plan. It does not align with the 2023 Housing Needs Assessment, and it does not address the “missing middle” for housing. He stated that nothing substantial has changed in the plan. It is still a High-Density apartment building project being put into a high-end neighborhood. He provided a quick history of the neighborhood, reiterating what others testimony has already outlined and that having investments in the neighborhood they have the right to expect that the character and value of the neighborhood be protected by the City Boards and Commissions. He does not agree that this development can be compared to others with the same product because those developments had homes built at the same time as apartments. They had a choice to purchase with the apartments nearby, Mountain Vista residents did not. He shared he agrees this is considered Spot Zoning and should not be an allowed PUD. The city does not need this apartment complex to meet city needs as suggested in the Comprehensive Plan because since 2012 it has been most of the multi-family housing that has been built in Greeley. He shared Construction Reports and a map showing some of the new apartment developments in the area and why those make sense in those areas. This project does not meet the missing middle, which is classified as homes for sale under \$400,000. Mr. Naibauer shared reports from the Housing needs assessment that show the different types of housing units needed over the next 20 years as well as the Affordability Gap Analysis for rentals and owner-occupied units and that the rental need is already being met however the need for affordable owner occupancy homes in the market is needed. In conclusion he shared the Commission made the right decision previously, nothing has really been changed and all the same issues are still present and asked the Commission to deny the application.

Commissioner Briscoe asked if anyone in attendance or online wished to speak.

One person online requested to speak. Barry Harting, 1819 80th Avenue started by asking why the applicant was not required to wait the required one-year time frame when a proposal is denied and he wanted to know from the Commission where the accountability is, his house always floods now and with new construction will increase the flooding because a ditch that was supposed to be installed was never completed. He did not agree with Mr. Buckendorf’s comments in his presentation warning of misinformation to be presented and it was unprofessional to make idle threats to residents. He feels this project is nothing but the developer trying to make money. He may have a different outlook if the developer put it in writing that he would be 100% responsible if his home ever floods again. He asks the Commission to deny the application. He never would have purchased in this area if knew that apartment complexes were going to be built in their backyard.

Seeing no additional requests to speak, Commissioner Briscoe closed the public hearing at 3:23 p.m. and provided the applicant with an opportunity to respond to the testimony heard in the hearing.

Joel Hemesath came to speak on behalf of the applicant to address traffic and drainage concerns. His team as well as the City are aware of the issues on 83rd Avenue. Through the development process they will pay the fees required to the city and the city will address the roadway when the time is appropriate. In regards to the drainage issues, he stated that it is their plan to install a ditch as mentioned to protect properties from any potential flooding. He feels some of the review comments were taken out of context and that all review comments have been addressed. Grading is not needed on the site for drainage because it is not large enough to trigger the need.

Commissioner Briscoe asked if there has been a maintenance agreement for the detention pond worked out with the HOA. Mr. Hemesath responded that initially they tried to when they thought they would need additional capacity but because of the changes and what is being proposed for the site, it will not trigger extra volume. It would still be maintained by the HOA as it is currently. An agreement will be needed for the maintenance of the detention pond but currently, there is not anything in place.

Commissioner Andersen asked what significant differences have been made between this proposal and the last one, outside of the exterior facade and density. Mr. Hemesath responded that there have been significant changes, and it does require a significant number of resources to provide infrastructure for development. The city does need transitional zoning and that is what this project is. Discussion continued between Commissioner Andersen and the applicants regarding her concerns with this still being a high-density use being masked with a PUD. The applicant reiterated why they chose a PUD instead of straight zone district for this project and the benefits it provides for everyone and why a different type of housing would not work financially for the size of the site relating to current fees, material costs, and market increases.

With no further questions for the applicant, Commissioner Briscoe turned the item back to the Commission for discussion and action.

Commissioner Andersen shared that even with the changes made, her stance is still the same. This project does not meet the need of the “missing middle”, and it does not provide an appropriate transition in zoning compared to the surrounding area. She does not think that this project as a PUD or High-Density use is an appropriate transitional zone. She is not in support of the project.

Commissioner Franzen agrees in the matter of this being submitted as a PUD and it is not an appropriate use of a PUD and for that reason, he is not in support of the application.

Commissioner Carlson shared that as far as transitional zoning is concerned, he does not think this is a good fit regardless of cost challenges. He cannot support this proposal.

Commissioner Modlin shared he thinks that the developer has every right to develop their property, but taking into consideration where it is located, the image of the City, what it provides as well as takes away from transportation resources that regardless of cost those things must be taken into consideration by the developer and they need to work to find something that fits the site. Every piece of property has the right to be developed but also has the responsibility to fit into what is existing and needed in the City.

Commissioner Briscoe thanked Mr. Buckendorf for the efforts taken to reduce the density and heard the neighborhood concerns. He has a couple more technical issues beyond that. The procedural error that causes this to come before the Commission again makes the decision difficult for him. Spot Zoning is an argument that has been made several times and there could be factors in this proposal that make this Spot Zoning, he is not an attorney and cannot make that determination. He also does not feel this is an appropriate use of a PUD and because of that he will not be in support of the application.

With no further discussion needed, Commissioner Briscoe asked for a motion. Commissioner Andersen moved, based on the application received and the preceding analysis, the Planning Commission finds that the proposed Planned Unit Development is not in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council denial. Commissioner Franzen seconded the motion.

Motion carried 5-0 (Chair Yeater and Commissioner Schulte absent).

10. Staff Report

Brian McBroom, Director of Community Development, stated there was not a staff report for this meeting.

11. Adjournment

With no further business before the Commission, Vice Chair Briscoe adjourned the meeting at 3:44 PM.

Erik Briscoe, Commissioner

Don Threewitt, Deputy Director of Community Development



Planning Commission Agenda Summary

March 12, 2024

Key Staff Contact: Meghan Oren, Planner III

Title:

Case Number USR2023-0001, Matterhorn Solar

Summary:

A public hearing to consider a request for approval of a use by special review for a small-scale solar energy facility on approximately 3.35 acres on the northwestern portion of a 59.24 acres parcel within the I-M (Industrial Medium Intensity) Zone District, located south of and adjacent to County Road 66, approximately 1,400 feet east of County Road 31 (Case Number USR2023-0001, Matterhorn Solar).

Recommended Action:

Recommended (Approval)

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for a small-scale solar energy facility on approximately 3.35 acres on the northwestern portion of a 59.24 acres parcel zoned I-M (Industrial Medium Intensity) located south of and adjacent to County Road 66, approximately 1,400 feet east of County Road 31, is consistent with the Development Code criteria of Section 24-206.b (Items 1-8) and therefore approves the Use by Special Review.

Alternative (Denial)

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for a small-scale solar energy facility on approximately 3.35 acres on the northwestern portion of a 59.24 acres parcel zoned I-M (Industrial Medium Intensity) located south of and adjacent to County Road 66, approximately 1,400 feet east of County Road 31, is not consistent with the Development Code criteria of Section 24-206.b (Items 1-8) and therefore denies the Use by Special Review.

Attachments:

1. PC Summary Report
2. Vicinity & Zoning Map
3. Project Narrative
4. Neighborhood Notification Boundary Map
5. Landscape Plan
6. Staff Presentation
7. Applicant Presentation

PLANNING COMMISSION SUMMARY

ITEM: Use by Special Review (USR) for a small-scale solar energy facility in the I-M (Industrial Medium Intensity) Zone District.

FILE NUMBER: USR2023-0001

PROJECT: Matterhorn Solar Use by Special Review

LOCATION: South of and adjacent to County Road 66, approximately 1,400 feet east of County Road 31 – Parcel#080527201002.

APPLICANT: Beau Scott, SunShare LLC, d/b/a Matterhorn Solar LLC

CASE PLANNER: Meg Oren, Planner III

PLANNING COMMISSION HEARING DATE: March 12, 2024

PLANNING COMMISSION FUNCTION:

Review the proposal for compliance with Section 24-480(a)1-5, Review Criteria/Uses by Special Review, of the City of Greeley Development Code and either approve, approve with conditions, deny, or table the consideration for future consideration.

EXECUTIVE SUMMARY

The City of Greeley is considering a request by the applicant, Beau Scott, SunShare LLC, for approval of a USR (Use by Special Review) to allow for a small-scale solar energy facility on approximately 3.35 acres on the northwestern portion of a 59.24 acres parcel within the I-M (Industrial Medium Intensity) zone district, located south of and adjacent to County Road 66, approximately 1,400 feet east of County Road 31 (see Attachments A, B, and C).

A. REQUEST

The applicant requests approval of a Use by Special Review application for a small-scale solar energy facility (see Attachment C).

B. STAFF RECOMMENDATION

Approval

C. LOCATION

The subject request is located south of and adjacent to County Road 66, approximately 1,400 feet east of County Road 31 (see Attachment A).

Current Zoning:

I-M (Industrial Medium Intensity)

Abutting Zoning:

North: R-M

South: I-M

East: I-M

West: Weld County - Rural

Surrounding Land Uses:

North: Agriculture

South: Agriculture

East: Agriculture

West: Agriculture

Site Characteristics:

The 3.35 acres site is currently undeveloped; however, the southern portion of the parcel is being utilized for oil and gas operation and directly east of the site is a vacant single-family residence with accessory agriculture outbuildings, all of which will remain. One access point exists off County Road 66 from the existing oil and gas wells and will be utilized in the proposal.

D. BACKGROUND

The property has historically been used for agricultural purposes, oil and gas operations, and a single-family residence along CR 66/AA St. The property was previously developed by DCP Midstream, with the southeast corner of the property used for a communications monopole (USR 5:13) and a Compressed Natural Gas (CNG) Station (SPR8:13). The Troudt Minor Subdivision (S 28:16) was approved, subdividing the site into two parcels – Lot 1 remains in DCP Midstream’s ownership and use, the subject site is Lot 2 of that subdivision. The oil wells, separators, oil tanks, water tanks, other tanks, compressors and units were approved with USR11:17 and are still in operation.

E. APPROVAL CRITERIA

Uses by Special Review: Uses by Special Review possess characteristics which require a public hearing to determine if a proposed use has the potential to adversely affect other land uses, transportation systems, public facilities, or the like in the surrounding neighborhood. The Planning Commission may require conditions of approval necessary to eliminate or mitigate, to an acceptable level, any potentially adverse effects of the proposed use.

Section 24-206.b of the Development Code contains eight criteria that are used to evaluate Uses by Special Review:

1. All criteria for site plan review in Section 24-207

Staff Comment: The proposed project satisfies the requirements of Section 24-207 of the Development Code. The applicant has addressed all staff comments and included all required materials for the Use by Special Review criteria. Staff is satisfied with the Use by Special Review submitted for the proposed project.

The proposal complies with this criterion

2. The application furthers the intent of the proposed zoning district, does not conflict with the intent of any abutting districts, and is otherwise determined to be consistent with the Comprehensive Plan.

The following Imagine Greeley Comprehensive Plan policies apply to this request:

▪ **NR-4.4 Renewable Resources**

Promote the incorporation of renewable resources throughout the community.

Staff Comment: SunShare, LLC has made every effort to be a partner with its surrounding neighbors. The proposed project utilizes acreage that is no longer functional as agricultural, and pairs well with the existing oil and gas operations.

This request complies with the Comprehensive Plan Policies.

The proposal complies with this criterion.

3. Any associated site development or construction complies with requirements of this code, including any conditions or additional requirements identified for the particular use.

Staff Comment: The proposed project complies with all development code requirements for site development and construction standards. Various city departments and external agencies have reviewed the project proposal and are satisfied with the proposal as it meets all requirements for site design and site construction.

The proposal complies with this criterion.

4. **Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use, and other potential impacts on adjacent property. The cumulative impact of a concentration of similar existing uses may be considered as part of the impact of a particular use.**

Staff Comment: The operating characteristics of the proposed project are within normal standards for the site location and abutting properties.

The proposal complies with this criterion.

5. **The site is physically suitable for the proposed use, and whether any additional site-specific conditions are necessary for the use to be appropriate and meet these criteria.**

Staff Comment: The 3.35-acre site is currently undeveloped land with active oil and gas wells. The site is adjacent to primarily agricultural parcels.

The proposal complies with this criterion

6. **Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and ongoing enforcement of the permit.**

Staff Comment: It is not necessary to make those limitations.

The proposal complies with this criterion.

7. **The long-range plans for the surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.**

Staff Comment: According to Greeley's Land Use Guidance Map within the Imagine Greeley Comprehensive Plan, the subject area is proposed as an Urban Reserve.

The proposal complies with this criterion.

8. The recommendations of professional staff or other technical reviews associated with the application.

Staff Comment: Staff completed a thorough review of the proposed project, in conjunction with Floodplain, MS4, Stormwater, Traffic, Transit, Transportation, Water and Sewer, Weld County Planning, Weld County Public Works, and District 4 Wildlife District.

The proposal complies with this criterion

F. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

Staff is unaware of any potential hazards that presently exist on the site.

2. WILDLIFE

The subject site is not located in an area identified for moderate or high wildlife impacts. There are no known impacts that would occur to wildlife.

3. FLOODPLAIN

The subject property is not located in a regulatory floodplain.

4. DRAINAGE AND EROSION

Low-water crossings would be added to allow for passage of stormwater flow and to dissipate flow velocity. Roadside ditches would also be utilized to drain water from road surfaces and transport it to the low water crossing/velocity dissipation areas. Overall, post-construction changes to site hydraulics will be minimal.

5. TRANSPORTATION

Access to the site would be via an existing driveway off County Road 66 that currently serves PDC Energy. Traffic impacts are expected to be minimal as no permanent employees are expected to report on-site, only quarterly maintenance visits are planned. As such, the proposal did not warrant a TIS per Criteria.

G. SERVICES

1. WATER

No connections to water are proposed with this project.

2. SANITATION

No connections to sanitary are proposed with this project

3. EMERGENCY SERVICES

The subject site is serviced by the City of Greeley Police and Fire District 7.

4. PARKS/OPEN SPACES

No public parks or open space areas are proposed with this request, and it would not be creating any private parks or open space.

5. SCHOOLS

No public or private schools are proposed or located within the site. The proposed use would not create any impacts on a school district.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts. The applicant is proposing fencing as part of the submittal which proposes to be installed to mitigate any visual impact to surrounding properties and rights-of-way of mechanical. Landscaping will consist of a mixture of shade, ornamental, and evergreen trees, as well as a mixture of ornamental grasses and shrubs.

2. NOISE

No noise impacts are anticipated with the USR request. Any potential noise created by future development will be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to surrounding property owners within 1,000 feet of the subject site on February 9, 2024, per Development Code requirements. A sign was posted on the site on February 21, 2023. No comments have been received.

J. PLANNING COMMISSION RECOMMENDED MOTION

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for a small-scale solar energy facility in the I-M (Industrial Medium 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.

ATTACHMENTS

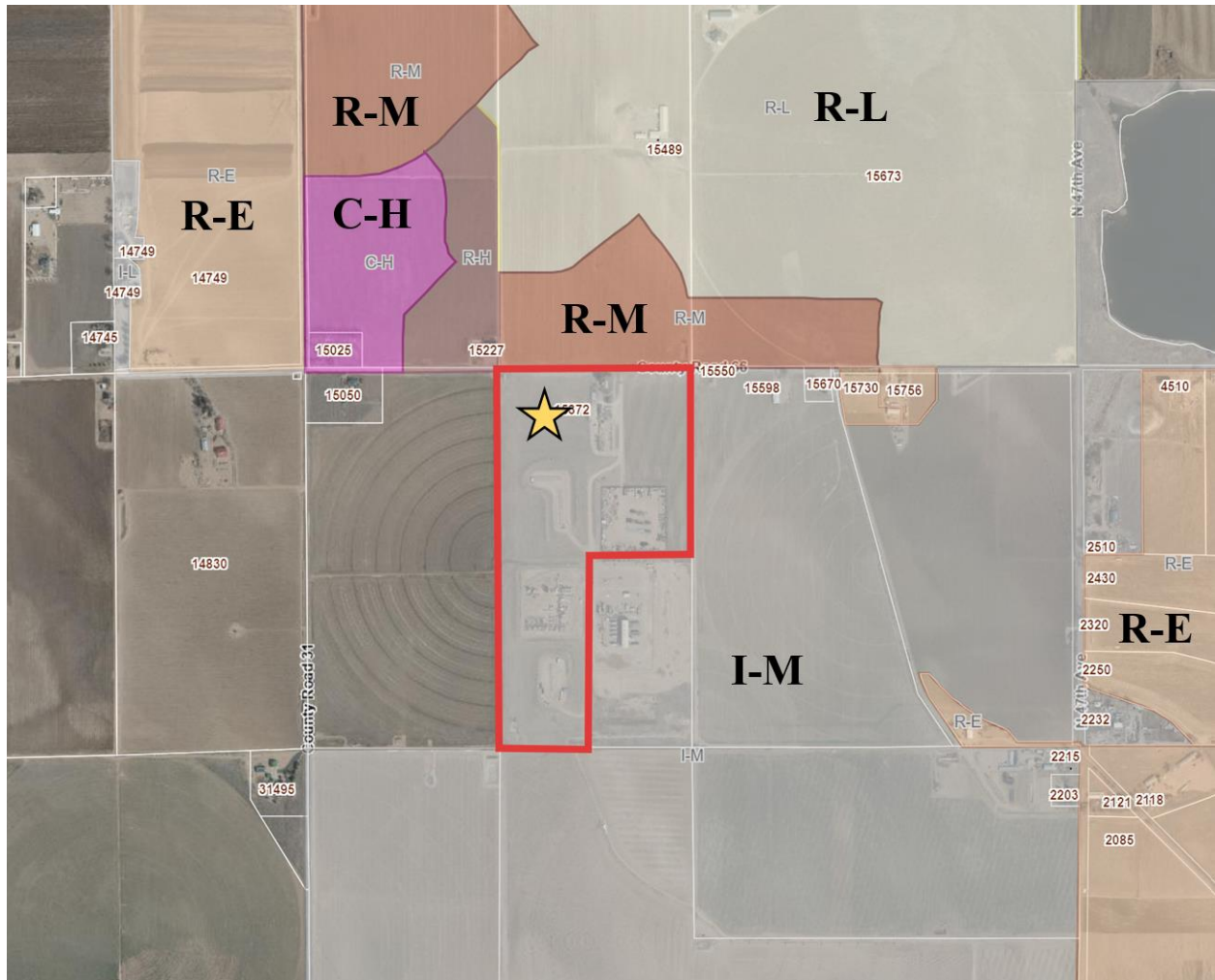
Attachment A – Zoning/Vicinity Map

Attachment B – Project Narrative

Attachment C – Site/Landscape Plan

Attachment D – Neighborhood Notification Boundary Area

Attachment E – Staff Presentation





Matterhorn Solar LLC - Small Scale Solar Energy Facility
USR Narrative
Parcel Number: 080527201002

Project Details

SunShare LLC, d/b/a Matterhorn Solar LLC proposes a Small-Scale Solar Energy Facility (SEF) to be placed at Weld County PID 080527201002. The SEF will have a capacity of 500 kW AC and will cover approximately 3.35 acres on the northern portion of the total parcel. The total parcel area is 59.24 acres.

This 480 kW-AC (597.6 kW-DC) project will use standard photovoltaic technology that have been proven safe and effective through deployment across the United States in thousands of utility or commercial-scale solar developments. The solar panels are mounted to single-axis tracking arrays, which sit parallel to the ground and follow the path of the sun across the sky. The panels face east in the morning, lay flat at noon, and face west in the evening. The system will be operational during all hours of daylight, but will not contribute any noise pollution, glare, or other disturbances. There will be no permanent employees on site during operation, and maintenance visits are expected to occur quarterly on average.

The appearance of the solar arrays is uniform and symmetrical. Solar panels will not exceed ten (10) feet in height above the grade, at maximum tilt. The facility will be constructed in accordance with IBC 2021 and NEC 2020, and City of Greeley development standards. The system will be surrounded by an 8' high game fence made of 4' X 4" reinforced mesh. The north side of the project area will have a 6 ft privacy fence to screen the array from Weld County Road 66, which runs just north of the project.

The tracking arrays produce DC current, which is converted into AC current by inverters for synchronization and delivery of energy into the utility's distribution grid at a utility transformer. The modules utilize a non-reflective glass which eliminates glare concerns and all electrical cables on the improved area will be buried, except for the direct current string wires that connect between solar collectors, direct current collection circuits between rows of solar arrays that are no more than four (4) feet above grade crossings, substations, switch yards, and circuits voltages greater than 34.5 kilovolts (where necessary.) Construction of the project will last approximately 3 months, running during regular business hours. Additional information can be found in "Narrative Supplement".

Compatibility with City Criteria and Comprehensive Plan

The proposed solar energy facility (SEF) directly supports, or is otherwise compatible with, the City of Greeley's Comprehensive Plan, particularly with the City's Natural Resources & Open Lands section. Below we discuss the ways in which the proposed project meets the City's various natural resources goals:

The proposed SEF directly supports the City's NR-4 Goal, and specifically the NR-4.4 objective:

Goal NR-4: Use resources efficiently and sustainably.

Objective NR-4.4 Renewable Resources Promote the incorporation of renewable resources throughout the community.



Providing this project with a USR permit will increase Greeley's renewable energy supply, as well as empower Greeley residents with the power to choose their energy source. The proposed SEF will be constructed through Xcel's Solar Rewards Community program. In this program, SunShare will construct the proposed SEF and Xcel Energy customers will be able to elect to source their energy from the output of the SEF.

The proposed project also supports the following:

Goal NR-3: Demonstrate stewardship of the environment.

Objective NR-3.11 Oil and Gas Operations Encourage the co-location of oil and gas facilities, where possible, to minimize the overall footprint of affected areas and impacts on adjacent land uses and the environment.

Although not technically an oil or gas facility, the proposed SEF will be co-located on PDC Energy's land. PDC owns this land and currently uses it to house active oil and gas operations.

Last year PDC and SunShare forged a partnership, leading to the execution of multiple lease agreements for multiple sites. PDC owns parcels throughout Weld County, including in Greeley, and uses this land to house their oil and gas facilities. The facilities do not occupy the entirety of their parcels, and PDC is left with a fair amount of open land. PDC and SunShare held numerous discussions which resulted in PDC leasing those portions of open land to SunShare with the intent of SunShare co-locating SEFs directly next to PDC's facilities. These agreements helped achieve several goals:

- Colocation allows SunShare to acquire land for solar, but without disturbing natural areas or taking agricultural land out of production
- Colocation allows PDC to make better use of its open land, which cannot be used for other purposes due to health and safety hazards and other potential risks. Solar is unimpacted by oil and gas operations and is therefore one of the few uses that can go on PDC's sites.
- The partnership bolsters both industries and promotes collaboration and cooperation across Greeley's energy sector. PDC and SunShare both support a healthy energy mix and realize that the best way to achieve goals is to have industries work together.

This partnership also ultimately supports other objectives of NR-3, including:

Objective NR-3.1 Protect Natural Features and Viewsheds Ensure that important natural features and viewsheds are protected or enhanced as development occurs.

Objective NR-3.5 Preservation of Natural Areas Work with landowners, developers, farmers, and environmental interests to protect important natural areas, native wildlife habitat, vistas, and other significant or environmentally sensitive lands. Develop mechanisms to ensure that natural areas are preserved as development occurs.

Objective NR-3.6 Resource Extraction To the extent possible, minimize negative impacts from the extraction of sand, gravel, oil and gas, and other natural resources on the environment and surrounding land uses. Encourage the thoughtful reclamation of land that has been mined.



Finally, the proposed SEF supports the City's following goal and objectives:

Goal NR-2: Manage emissions, effluents, waste, and other sources of pollution that impact our quality of life and natural environment. Particularly addressing the following sub-goals:

Objective NR-2.1 Air Pollution Reduce stationary and mobile sources of air pollutants in order to maintain full compliance with regional, state, and federal air quality standards.

Objective NR-2.2 Outdoor Odors Support ongoing efforts to identify, track, manage, and reduce offensive outdoor odors.

Objective NR-2.3 Noise Levels Promote acceptable noise levels throughout the community.

Objective NR-2.4 Light Pollution Minimize light trespass from developed areas and reduce sky glow to maintain night sky visibility.

Objective NR-2.7 Stormwater Management Promote the use of low impact development (LID) practices and design features to manage stormwater runoff and flooding, increase groundwater infiltration, and reduce the amount of sediment and other pollutants entering our surface waters.

Objective NR-2.9 Groundwater Quality Mitigate impacts on aquifers and groundwater recharge areas from sources of groundwater pollution within Greeley watersheds.

Solar energy produces no ground contaminants, air emissions, odors, or other forms of pollution throughout operation. The proposed SEF poses no hazard to local air quality of water supply. Additionally, the proposed SEF does not negatively impact the permeability of the ground on which it sits due to its design – the solar panels rest about 8 feet above the ground, keeping ground vegetation intact. The panels also tilt throughout the day, so the array does not create any kind of impermeable covering over the ground. Most ground beneath the array will remain untouched (vegetation will remain intact), and the land that is disturbed will be planted with a native seed mix. The vegetation will reduce any erosion risk.

Solar arrays are nearly silent. The only noise emissions occur during the panels' regular tilt adjustments to better face the sun, however the adjustments are brief, and the noise created is minimal. Additional information can be found in "Narrative Supplement".

The solar array will not have lighting, and therefore will not add any light pollution to the night sky.

Compatibility with Surrounding Area

The parcel on which this SEF will be located is currently zoned as "Industrial (Medium Intensity)" – the eastern half of the parcel is farmed, however the western half currently houses PDC's oil and gas facilities, as well as a vacant lot. The SEF will be located on the vacant lot, which will preserve the farmed land. Solar is a compatible use with agriculture, as it produces no contaminants or pollution and will not have any negative impact on crops or livestock. Solar also works well with oil and gas operations since it is not negatively impacted by oil and gas activity and is one of the few uses that can be in close proximity to oil and gas facilities. Finally, we believe the solar array will be no more



disruptive to the surrounding residential areas than the other current uses. Solar produces minimal noise (see "Narrative Supplement" for more details) and no known contaminants. Additionally the site will be unmanned, have no lighting, and will produce minimal, non-impactful traffic (once operational, the site will generate two pick-up trucks per quarter for scheduled maintenance). SunShare will also install durable and low maintenance privacy fencing on the north end of the array.

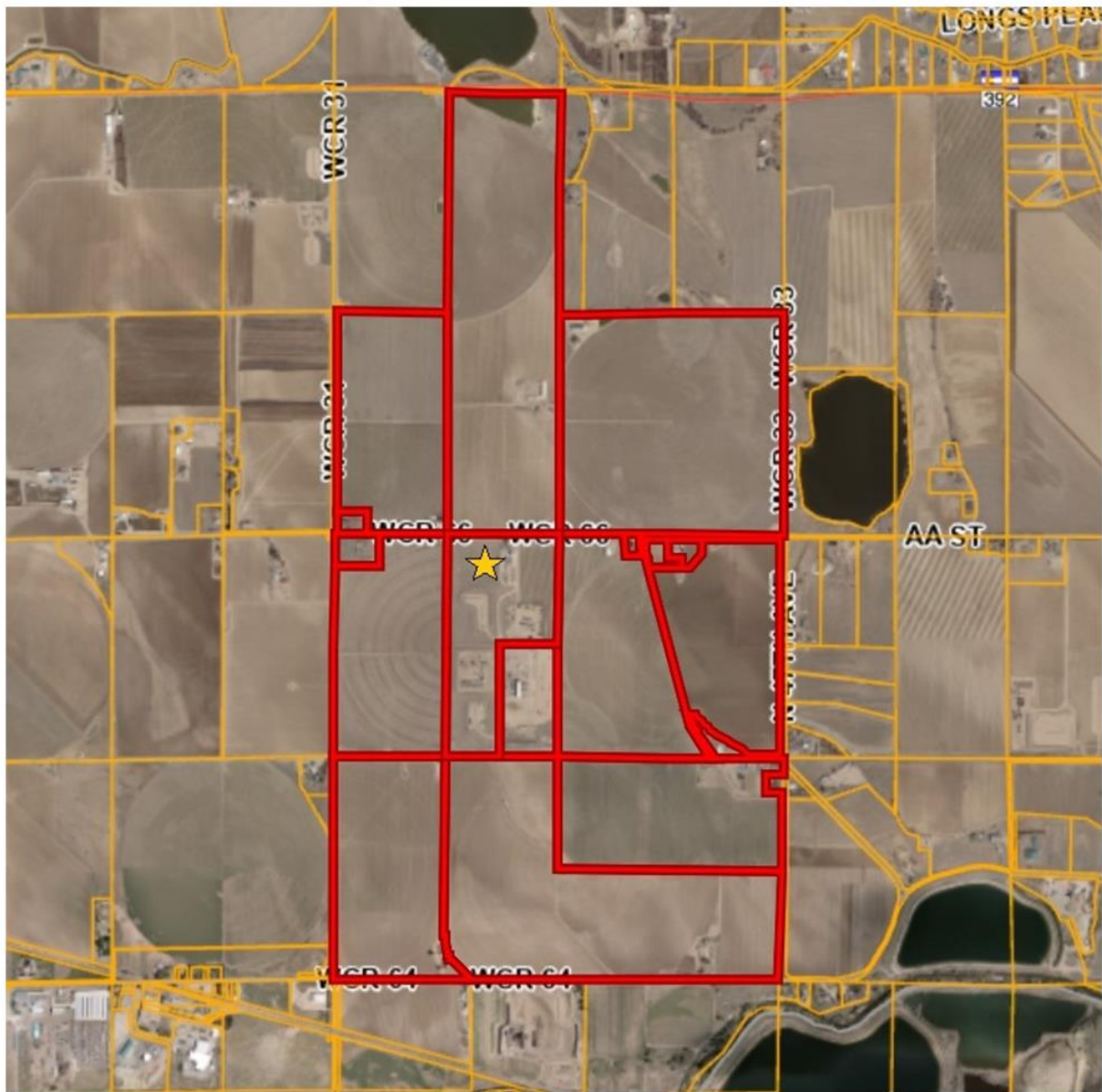
The proposed SEF will use PDC's existing access.

The parcels that stand directly adjacent to the proposed SEF location – 080527000002, 080522000054, and 080522000013 – are all zoned as Agricultural per Weld County. However, the zoning differs for the City of Greeley and is as follows:

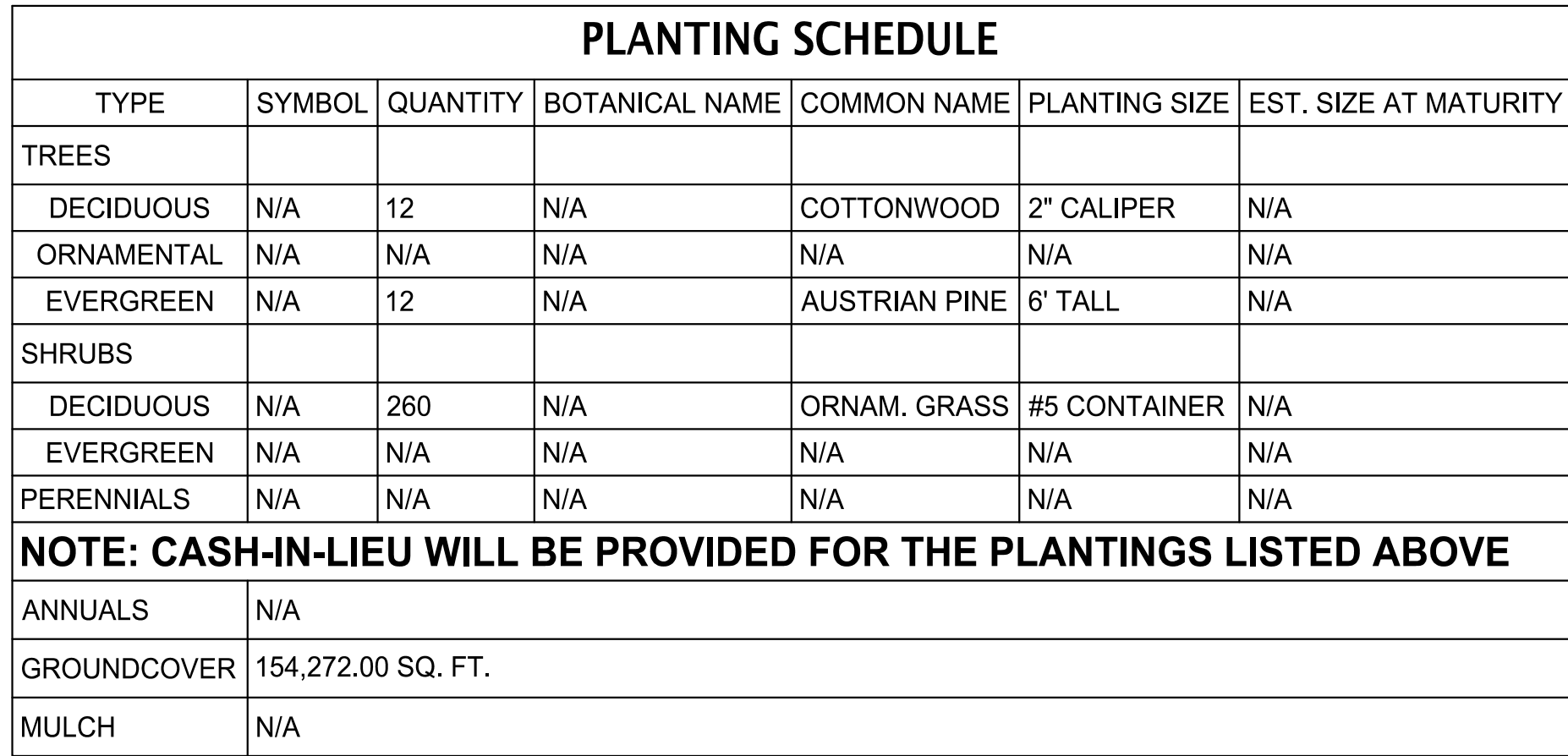
North: Residential - Medium Density
Northwest: Residential - High Density
West: Unincorporated Weld County
South: Industrial - Medium Intensity
East: Industrial - Medium Intensity

As stated above, solar is a safe and compatible use to be located near the surrounding parcels and will pose no negative impacts.

Notice Boundary:



LOT 2 TROUDT MINOR SUBDIVISION
E 1/2 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 6 NORTH, RANGE 66
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
58.618 ACRES
CITY OF GREELEY PROJECT NUMBER: USR2023-0001



0" 1" BAR IS ONE INCH ON ORIGINAL DRAWING

SHEET:

9 OF 15



Matterhorn Solar USR2023-0001

Meg Oren, Planner III

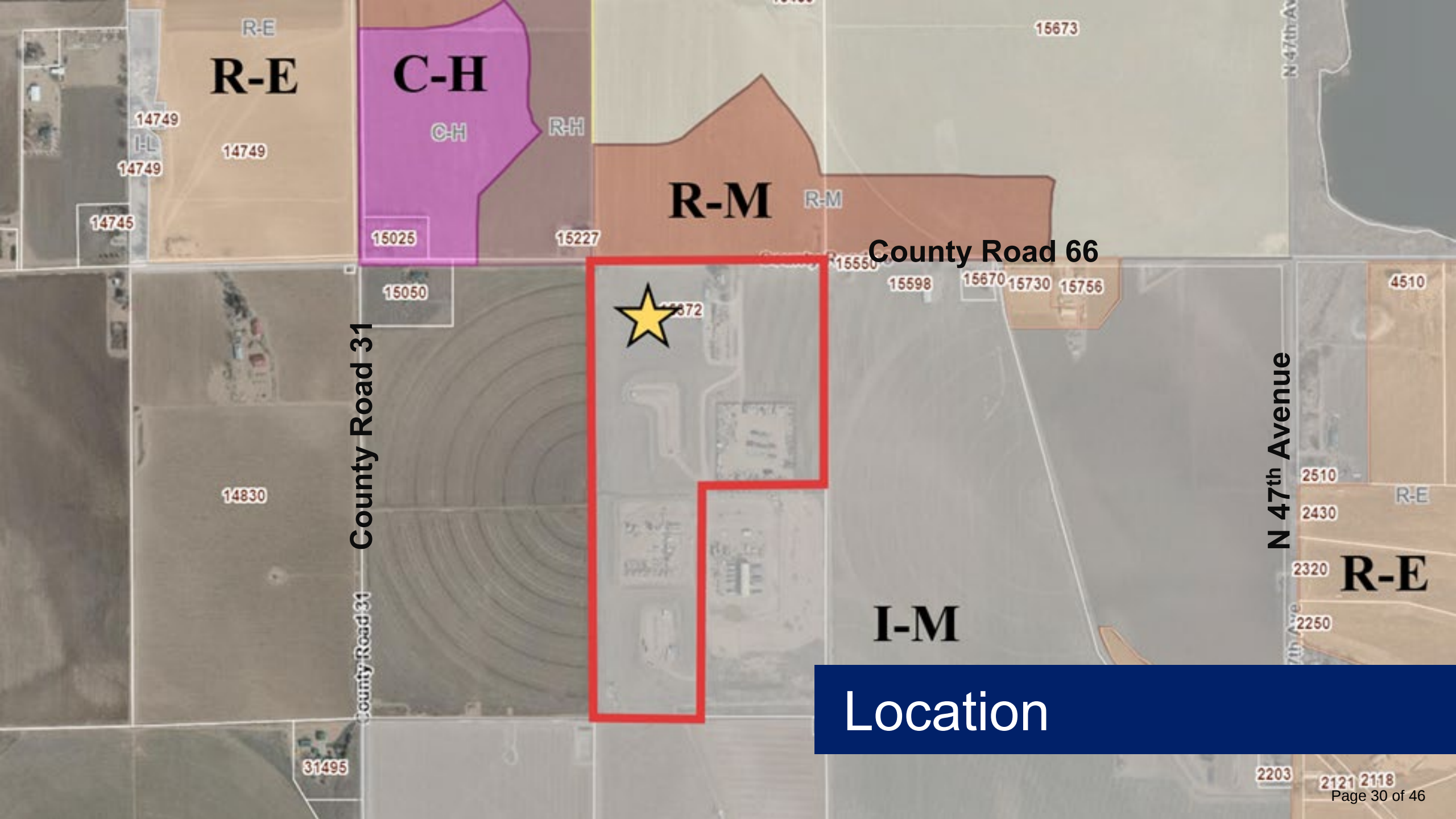
Meg.Oren@Greeleygov.com, (970) 350-9824

Planning Commission – March 12, 2024

Agenda

- Request:
 - Small-scale solar energy facility in the I-M (Industrial Medium Intensity) Zone District.
- Background:
 - 3.35 acres on the northwestern portion of a 59.24 acres parcel;
 - Troudt Minor Subdivision, Lot 2 (S 28:16)





Location

EXIST.
ACCESS
ROAD

Existing Access Road

EXIST. ACCESS ROAD

EXIST.
ACCESS
ROAD

EXIST.
FENCING

GRAVEL
ACCESS
ROAD

PROPOSED ENTRANCE
WITH ACCESS GATE

EXIST.
ACCESS
ROAD

EXIST.
FENCING

DETENTION
POND BERM

LIMITS OF DISTURBANCE
/ RESEEDING AREA

FENCING (TYP)

DETENTION
POND BERM

FENCING (TYP)

LOT 2

PROPERTY
LINE / ROW

LIMITS OF DISTURBANCE
/ RESEEDING AREA

GRAVEL
ACCESS
ROAD

EQUIPMENT PAD

PHOTOVOLTAIC
ARRAY

Site Plan

Considerations

Approval Criteria

- Use by Special Review Criteria, 24-206(b)

Notification

- 24 Notice Letters
- 1,000 ft Notice Boundary
- Sign posted on the property
- Web Notice
- Mineral Notice completed
- No objection/support

Recommendation

- Staff recommends approval of the Use by Special Review.

Summary



Recommended Motion

Approval:

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed small-scale solar energy facility in the Industrial Medium Intensity Zone District **meets** the Development Code criteria, Section 24-206 and therefore, **approves** the Use by Special Review.

Thank you / Questions





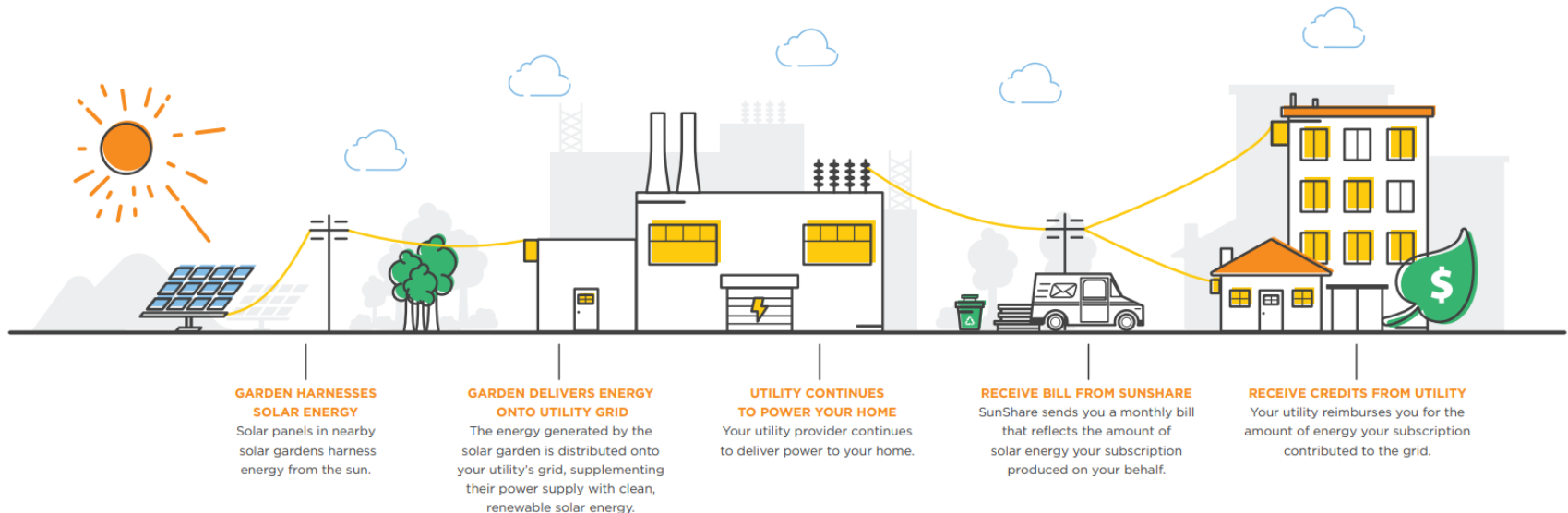
SUNSHARE
CITY OF GREELEY PLANNING COMMISSION
HEARING: USR2023-0001
MATTERHORN SOLAR



ABOUT SUNSHARE & COMMUNITY SOLAR

- SunShare was founded in Colorado in 2011
 - Oldest operating community solar developer in the country
- Community solar is a way for people to “choose solar” without having to install it on their roof
- Customers subscribe to the garden (\$0) and pay SunShare for producing their energy
- Because you now pay SunShare to produce your energy, Xcel provides a credit on your Xcel bill to reimburse you

HOW SUNSHARE COMMUNITY SOLAR WORKS

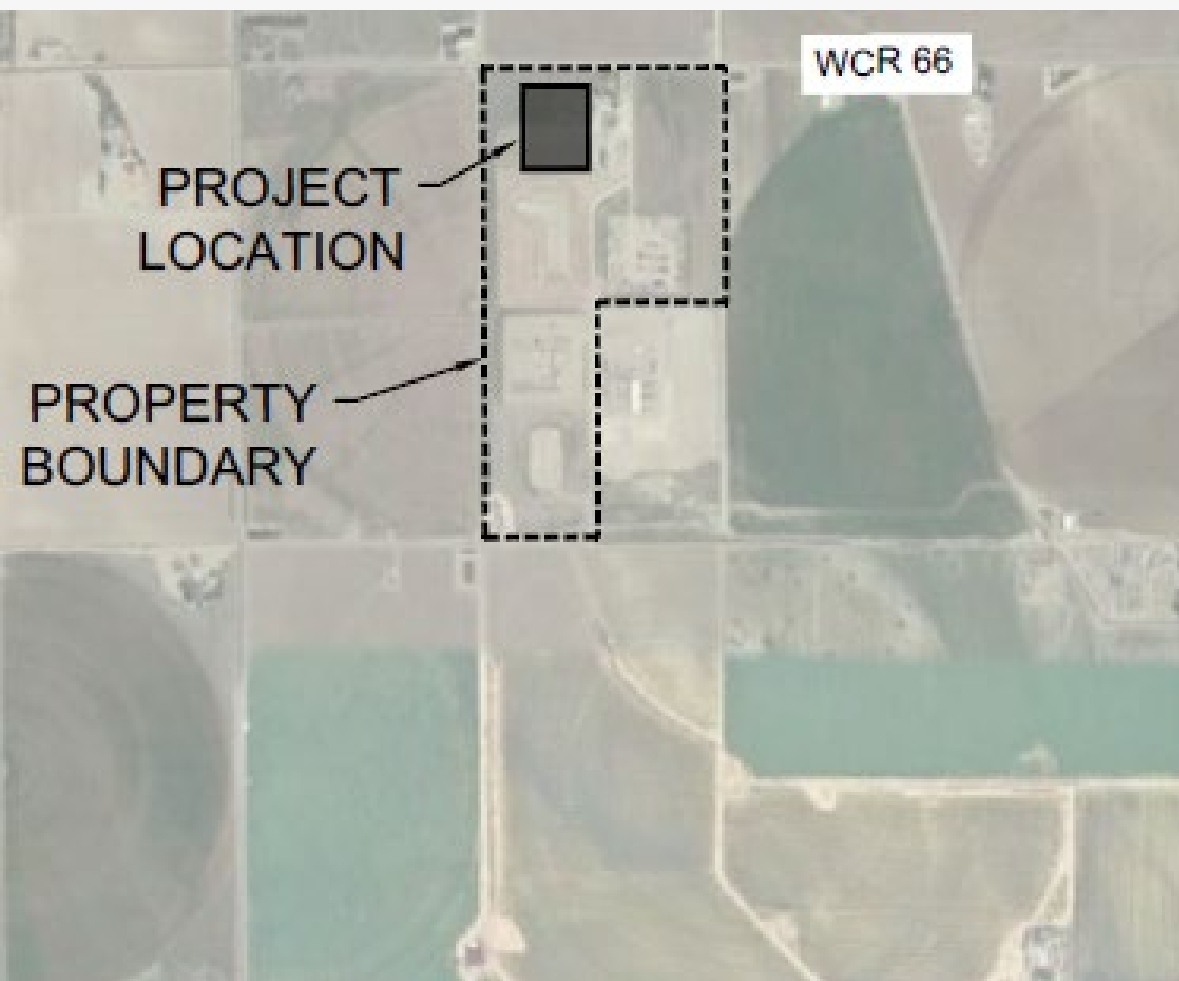




ABOUT THIS PROJECT

- Located on parent parcel that houses O&G facility
- ~4 acres of larger 58 acre parcel
- Ready for construction in 2024
 - Executed agreement with Utility
- Connects to existing distribution lines





WHY THIS LOCATION?

- Active O&G on parcel
- Positive use of vacant land
- Proximity to substation
 - Distribution lines present
- Community benefits



COMMUNITY MEETING

- SunShare strives to ensure our projects work for landowners and the community more broadly
- We maintain frequent contact with surrounding property owners and stakeholders
- Culminated in community meeting at Eaton Country Club



ADDRESSING COMMON CONCERNS AND QUESTIONS



WILL THE ARRAY PRODUCE GLARE ?

- Current solar modules reflect about the same amount of light as a standard window, soil, or roof shingles
- The solar photovoltaic (PV) modules we use have non-reflective glass and are designed to absorb rather than reflect the light



WILL THE ARRAY IMPACT WILDLIFE?

- We install 8' game fences per CPW recommendation and NEC requirement – these keep animals safely outside of the array.
- We conduct several levels of wildlife surveys prior to construction



How Loud is a Solar Array?

- A solar array emits approximately 58 decibels of noise. A library is, on average, 50 decibels.
- At 150 feet, no noise can be heard over ambient area noise

Will the Solar Project Produce Electro-Magnetic Fields?

- Solar facilities generate electro-magnetic fields similar to household appliances
- These pose no health risk to neighboring residents

Will there be lighting disturbances?

There will be no lighting onsite, so there will be no additional light pollution at night

What happens when the project is deconstructed?

All solar equipment will be removed and recycled.

Will the array add more traffic to the area?

Once operational, the array will contribute two pick-up trucks on a quarterly basis for maintenance



THANK YOU





Kindly Join Us for An

Appreciation Event

Honoring

City of Greeley Boards and Commissions Members

Wednesday April 3, 2024
5:30 to 7 p.m.

Northern Colorado
University Center- Longs
Peak

RSVP by March 15, 2024 @ 5:00pm.

Click Here to Reserve your spot:

[https://www.surveymonkey.com/r/bc
event](https://www.surveymonkey.com/r/bc_event)

