

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS

May 13, 2025

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

Vice Chair Louisa Andersen

Commissioner Erik Briscoe

Commissioner Jeff Carlson

Commissioner Brian Franzen

Commissioner Christian Schulte

ABSENT

Commissioner Larry Modlin

3. Approval of Agenda

There were no changes to the agenda.

4. A public hearing to consider a request by the applicant, Scott Bright, for approval of a USR (Use by Special Review) USR2023-0016 to allow for a childcare/preschool (ABC Child Development Center) at 104 N 16th Avenue, in the R-L (Residential Low Density) zone district.

Chair Yeater introduced the item as published and asked the Commission if they wished to see a presentation. Seeing none, Chair Yeater asked if anyone in attendance wished to see a presentation. Seeing none, Chair Yeater suspended the presentation and started the public portion of the meeting at 1:16 pm. Seeing no request for public comment Chair Yeater closed the Public Hearing at 1:16 p.m. and asked the Commission to take action.

Commissioner Briscoe moved that based on the application received and the preceding analysis, the Planning Commission finds that the proposed Use by Special Review for a childcare/preschool in the R-L (Residential Low Density) district is in compliance with the Development Code criteria of Section 24-206 (b) (1-8) and therefore approved the Use by Special Review as submitted.

Commissioner Franzen seconded the motion.

Motion carried 6-0 (Commissioner Modlin absent)

5. **A public hearing to consider a request by the applicant, Ian Skor, Sandbox Solar for approval of a USB (Use by Special Review) USB2024-0007, to allow for a small-scale solar energy facility on approximately 14.41 acres on the northeastern portion of a 132.17 acres parcel. The existing zoning on the 14.41 acres is R-E (Residential Estate) and the remainder of the parcel zoning is zoned (H-A) Holding-Agriculture, located north of County Road 56 and approximately 1,400 feet east of 95th Avenue. A minor subdivision application (case SUB2024-0017) has also been submitted and is being reviewed concurrently. This subdivision would create a new lot specifically for the solar facility.**

Chair Yeater introduced the item as published and asked the Commission if they wished to see a presentation. Seeing none, Chair Yeater asked if anyone in attendance wished to see a presentation. Seeing none, Chair Yeater suspended the presentation and asked City Staff to answer questions from the Commission. Conversation ensued between the commission and April Medeiros (Planner I) regarding the rezone for this property that went to City Council first and the reasoning for the change to Residential Estate zoning.

Chair Yeater asked if the applicant was present and wished to make a presentation or had anything to add to the answer provided by Ms. Medeiros. Troy Spraker with Lamp Rynearson was present on behalf of the applicant but did not have a presentation to share.

Chair Yeater started the public portion of the meeting at 1:23 pm. Seeing no request for public comment Chair Yeater closed the Public Hearing at 1:23 p.m. and asked the Commission to take action.

Vice Chair Andersen moved that based on the application received and the preceding analysis, the Planning Commission found that the proposed Use by Special Review for a small-scale solar energy facility in the R-E (Residential Estate) Zone District is in compliance with the Development Code criteria of Section 24-206 (b) (1-8), and therefore approved the Use by Special Review with a condition of approval that all construction documents be accepted and approved prior to issuance of permits.

Commissioner Carlson seconded the motion.

Motion carried 6-0 (Commissioner Modlin absent)

6. Three Mile Plan

Chair Yeater introduced the item as published.

Michael Franke (Planner III) began his presentation by introducing himself and the case as published. He shared background information about the plan as well as zoning and land use information for the sites. He continued by explaining the proposed land uses, parks and open space opportunities, proposed roads, and water/sewer infrastructures. Mr. Franke shared the requirements and intent for the plan if approved. He included that failure to adopt a Three Mile Plan can open a municipality to litigation and challenges for annexation of these identified properties. He noted that this will be the first step, and the plan will be updated on an annual basis.

Mr. Franke continued, stating that the proposal complies with State Statute C.R.S 31-12-105(e). Proper notification has been made regarding the plan. Referral reviews were sent to the Town of Johnstown, the Town of Windsor, and Weld County. All three agencies provided comments on this plan as outlined in the report. Staff recommends approval to City Council. Mr. Franke concluded his presentation and was open to any questions from the commission.

Commissioner Briscoe asked why a Three Mile Plan has not been proposed to them before. Don

Threewitt (Deputy Director of Community Development) responded by saying that, in 2018 when Imagine Greeley was adopted there was a line added at the front of that stating that the plan would act as The City's Three Mile Plan. Mr. Threewitt continued by saying this has worked in the past as the equivalent, and now we need to expand it. Mr. Threewitt explained there are no annexation plans pending and there are no annexation applications coming in, but this plan will help the City get the long-range plan ready for potential growth.

The conversation then went over to water infrastructure. Commissioner Briscoe asked if the City of Greeley owns or services the water lines in these areas. Mr. Threewitt answered that the Carestream site is shared between the Town of Windsor and the City of Greeley. Mr. Threewitt explained that the Hankins site has a main line that runs across the property, but it is not currently served with water. Mr. Threewitt stated it can be served virtually immediately with Greeley water, and he does not believe the Town of Johnstown can serve that property going that far north and east.

Commissioner Franzen asked what the City's interest is in these properties and why now. Mr. Threewitt answered that it comes down to the possible annexation of these properties into the City of Greeley. More conversation ensued between Mr. Threewitt, Mr. Franke and the commissioners to better understand the plan. Mr. Threewitt explained that the annexation is ultimately up to the property/business owner to decide. Mr. Threewitt said the City of Greeley has received intent from these two sites for annexation. Vice Chair Andersen asked how the IGA's will fit in. Mr. Franke answered that Intergovernmental Agreements (IGA) are embedded into the documents, and the details of those IGAs will be applied to whatever category of services required by statute is appropriate for that. Mr. Franke explained, with this Three Mile Plan it doesn't override any of those IGAs, it just takes those IGAs into consideration with this, as future land use initiatives are desired for these properties.

Chair Yeater asked more questions regarding who maintains the sewer infrastructure in these areas. Mr. Threewitt answered by saying the Town of Windsor maintains the sewer infrastructure, and the City of Greeley maintains the water infrastructure.

Vice Chair Andersen expressed concern regarding the other towns in the surrounding areas having Three Mile Plans in place to include these same areas. The commissioners expressed their need to know what they were voting on and the consequences as it pertains to the other entities that have expressed concern of the way the statute is being implemented. Chair Yeater asked staff to speak to the system that is used to make sure that we are in compliance, and how they regulate or manage this if we are out of compliance. Mr. Threewitt answered that, it will come down to court review when talking about interjurisdictional matters. He added that the property owner is who will determine where they want to be annexed.

With no further questions for staff, Chair Yeater opened the Public Hearing at 1:56 p.m. Jeremy Gleim, Planning and Development Director for the Town of Johnstown, was in attendance to speak. Mr. Gleim explained that The Hankins Farm site is currently within the town of Johnstown's 3-mile area, and within their long-range planning area since 2006. Mr. Gleim continued by stating that it is not within the city of Greeley's current Three Mile Plan or within the long-range planning boundary for the city of Greeley so currently there is no overlap for this site. Mr. Gleim stated that by virtue of approving this plan, this could create conflict, an overlapping area and tensions between the municipalities. Mr. Gleim shared that part of the State statutes for the Municipal Annexation Act states, the purpose of the statute is to reduce friction among contiguous or neighboring municipalities.

Seeing no other request for public comment, Chair Yeater closed the Public Hearing at 1:59 p.m. and asked the Commission for discussion.

Vice Chair Andersen expressed her belief that it will cause more issues and complications, as the IGA is already a boundary, and she does not feel we need any other layers. Commissioner Schulte shared his opinion in the affirmative, stating that it is good to have a Three Mile Plan in place since we don't currently have one, but not for the purposes of causing conflict. Commissioner Franzen agreed with Commissioner Schulte. Commissioner Briscoe agrees this will comply with State Statute and will open options without causing conflict. Commissioner Carlson agrees that there's not a lot of choice but to move forward in this manner and feels better about the fact that the choice lands with the owner. Chair Yeater agrees the City needs growth options and hopes this opens discussions with other municipalities. He added that the City needs to be very tactful in what this needs to accomplish.

Commissioner Schulte moved, based on the preceding analysis that the Planning Commission found that the proposed City of Greeley, Three Mile Plan resolution is consistent with Colorado Revised Statute Section 31-12-105(e) meeting statutory requirements related to infrastructure parks, transportation and land uses that will allow the city to annex future properties within its three mile boundary, and therefore recommends that the city council approve the City of Greeley Three Mile Plan resolution as submitted.

Commissioner Franzen seconded

Motion carried 5-1 (Vice Chair Andersen voted in opposition)

7. Downtown Overlay CU2024-0004

Chair Yeater introduced the item as published.

Doug May (Planner III) began his presentation by introducing himself and the code update as published. He stated that the reason the item was back with planning commission was because a request had been received to expand further than what was initially presented. Mr. May continued, noting that the overlay would be extending one block north of 7th Street, along the 8th Avenue corridor, so it would include the blocks on either side of 8th Avenue from 5th Street to 6th Street. Mr. May shared the background, the current overlay district, proposed expansion of this district and the goal for the expansion to the overlay.

Mr. May explained that proper notification has been made regarding the plan. Including mailing notices to property owners within the proposed district boundaries. He added that a web notice was also posted. He also noted that the City did not receive any objection or support. Mr. May worked with the DDA (Downtown Development Authority) to ensure that the boundaries are consistent with what they would like to see, and that the content of what he is proposing is in line with their goals as well. Mr. May stated that staff is recommending approval of this code update.

Commissioner Franzen asked why the Rec Center was not included in the original GID and asked if it was part of the expansion. Mr. May answered that it is not part of the expansion and noted that the expansion is mainly focused on adding 8th Avenue for this first step. Mr. May continued, explaining that is not to say it couldn't be included in future expansions. Don Threewitt (Deputy Director of Community Development) gave more explanation regarding the original GID. Mr. Threewitt stated It was originally a taxing district, and since the city is exempt from that tax and under its own taxing district, it was excluded automatically out of the original GID. Mr. Threewitt explained It is, however, a good idea to bring it into the GID eventually. Commissioner Schulte asked how frequently the overlay will be envisioned. Mr. May was not sure when or how often the overlay will need to be changed or updated in the future. Mr. May reiterated that it was very important to get 8th Avenue

added at this moment. He said he is hoping they will be able to dive deeper into what a full downtown overlay or zone district would entail.

Chair Yeater asked if this plan will affect or change the downtown plans Council is reviewing currently. Mr. May answered no, this is a separate project. Mr. May explained that If there is any intersection between the two, it will help that project be a bit more streamlined and allow for more flexibility to keeping these buildings the same design and all have the same regulations and requirements. Chair Yeater also asked if this will affect the storm sewer project for the downtown area. Mr. May answered no but this would again help streamline the processes for individual development or redevelopment occurring in the area.

With no further questions for staff Chair Yeater opened the Public Hearing at 2:22 p.m.

Seeing no other request for public comment both in person and online, Chair Yeater closed the Public Hearing at 2:22 p.m. and asked the Commission for action.

Vice Chair Andersen moved, based on the preceding analysis, that the Planning Commission found 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 Greeley Municipal code as submitted.

Commissioner Briscoe seconded

Commissioner Franzen highly encouraged the City to look at the other downtown project boundaries.

Motion carried 6-0

8. Staff Report

Don Threewitt (Deputy Director of Community Development) began by sharing that they are underway with the Grow West, Grow East, Development Code Audit and Update projects. Mr. Threewitt continued by sharing that the Affordable housing code is already back to them in early draft form, this will mean we will have a lot of work sessions coming up over the next several months. Secondly, Mr. Threewitt shared the Build to Rent Villages at Greeley case that was heard by Council on Tuesday and will be continued until July. Mr. Threewitt explained that staff will meet with the applicant and review Council transcripts to identify what direction they will be taking to move forward with that case. Mr. Threewitt continued by saying, if these meetings result in any significant changes to the project, it will come back to this commission for review. Mr. Threewitt explained If no significant changes, it will be brought back to Council in July. Mr. Threewitt shared one of the concerns is that the city does not have a distinct build to rent code, but that is on the task list for the development code audit. Mr. Threewitt added there were also some concerns about clarification on code compliance.

Mr. Threewitt explained that City Council mentioned that the memos in lieu of minutes from the Planning Commission meetings will no longer be acceptable. Mr. Threewitt shared that the department is underway backfilling staff, but minutes have been caught up and are being reviewed as we speak. Mr. Threewitt added that most if not, all the missing minutes will be on the docket for approval in the next agenda, and the minutes will then be caught up in the future. Mr. Threewitt expressed his apologies as staff, that those fell behind and appreciate the Commissions patience with this.

9. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:26 p.m.

Signed by:
Brian L McBroom
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Brian McBroom, Community Development Director

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Justin Yeater
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Justin Yeater, Chair