



BOARDS & COMMISSIONS

Planning Commission Meeting Minutes

March 10, 2026, at 1:15pm

1. Call to Order

Chair Yeater called the meeting to order at 1:16pm.

2. Roll Call - Present

Chair Justin Yeater

Vice Chair Louisa Andersen

Commissioner Erik Briscoe

Commissioner Jeff Carlson

Commissioner Brian Franzen

Commissioner Larry Modlin

Absent

Commissioner Christian Schulte

3. Approval of the agenda

Workshop items 10 and 11 were removed. Chair Yeater proceeded with the agenda including these changes.

4. Approval of the February 10, 2026, Planning Commission Meeting Minutes

Motion by Commissioner Franzen:

He moved to approve the minutes as presented.

Second: Commissioner Briscoe

Vote: Motion passed 6-0

Absent: Commissioner Schulte

5. A public hearing to consider a request for annexation of approximately 56.66 acres located along F Street east of N. 59th Avenue known as the West Lowell Annexation (ANX2024-0005)

Chair Yeater noted that items 5 and 6 are presented together as they include the same presentation for both items.

Michael Franke (Planner III) began the presentation by introducing himself and the items as published. Noting that each item was published separately and will need to be voted on separately.

Commissioner Andersen inquired whether staff had prepared a response to the letter received from the public regarding these matters. Mr. Franke stated that the project manager overseeing the annexation, a member of the Water and Sewer Department, is currently working with the property owner to address the concerns outlined in the letter.

With no other questions for staff, Chair Yeater invited the applicant to speak about the items. Seeing none, Chair Yeater opened the public portion of the meeting at 1:23pm. Seeing none in attendance nor online, Chair Yeater closed the public portion of the meeting at 1:23pm.

Motion by Commissioner Carlson:

He moved that based on the application received and the preceding analysis, the Planning Commission finds that the request for annexation meets the approval criteria found in Section 24-214. b. 2(a-e) and recommends approval of the annexation to City Council.

Second: Commissioner Modlin

Vote: Motion passed 6-0

Absent: Commissioner Schulte

6. A public hearing to consider a request for establishment of zoning to H-A (Holding Agriculture) and C-D (Conservation District) for approximately 56.66 acres known as the West Lowell Establishment of Zoning located along F Street east of N. 59th Avenue (ZON2024-0008).

The discussion for this item is included in item number 5.

Motion by Commissioner Andersen:

She moved that based on the application received and the preceding analysis, the Planning Commission finds that the request for an establishment of zoning meets the approval criteria found in Section 24-204.b(1-9) and recommends approval of the establishment of zoning to the City Council.

Second: Commissioner Briscoe

Vote: Motion passed 6-0

Absent: Commissioner Schulte

7. A public hearing regarding a recommendation on an ordinance amending Section 24-1408 of Chapter 14 of Title 24 of the Greeley Municipal Code regarding a modification to the West Greeley GID inclusion area.

Caleb Jackson (Interim Planning Manager) began his presentation by introducing himself and the item as published. He noted that an email from the Town of Windsor had come in after the packet was published. He handed out a copy to each Commissioner for review.

Chair Yeater asked if the City of Greeley was representing itself as both the applicant and Staff in the same manner. Mr. Jackson stated he was there as staff, recommending the code update.

Chair Yeater asked on the north side, the portion being considered for inclusion, there was a prior three-mile plan presentation in which infrastructure was a central topic of discussion, particularly regarding ownership and functionality. What functional changes, if any, would result from establishing the GID for that site. Mr. Jackson stated that the proposal adds properties in the Great Western Industrial Park to the GID inclusion area, though they are not yet within city limits and a partial annexation is currently under review. Inclusion at this stage ensures that if future development applications are submitted, such as site plans, subdivisions, or rezoning, the property owners would be required to petition to join the GID.

Chair Yeater asked if there was an anticipated cost for including them in this GID. Mr. Jackson invited Don Threewitt (Interim Director of Community Development) to speak to that question. Mr. Threewitt shared that the GID's costs and project scope are still under review and have not been finalized; this stage simply identifies which properties in the region may benefit from potential improvements.

Chair Yeater stated that placing the properties in a GID could shift some infrastructure costs to the City, raising the question of what revenue the City would gain and why inclusion is being considered at this stage. Mr. Threewitt shared that the City is currently evaluating which improvements are local in nature and better suited for a metro district versus those that serve the broader region and are more appropriate for a GID. Specific projects and capital improvements in the area remain in flux and are not yet tied to this discussion. Any GID costs or projects would be determined later by the GID board with input from property owners, well before any assessments are made. At this stage, the focus is on defining the general area for potential regional improvements.

Chair Yeater stated that relocating the GID and meeting its requirements beneath the Poudre River appears to involve significant infrastructure costs. Additionally, constructing an interchange or roadway to cross the area would further increase expenses. Given these high costs, Chair Yeater asked what alternative approach the city would take to address the issue if not through the GID. Mr. Threewitt explained that the focus is on development-driven growth and the infrastructure improvements required to support it. He clarified that the discussion is still in a conceptual phase, particularly regarding how regional costs are allocated and which areas are eligible. Once projects and costs are assigned to a GID, properties would be assessed as they develop, with those assessments used to repay the debt incurred for the infrastructure improvements.

Chair Yeater asked, using a sewer main as a clear cost example, whether a developer would be responsible for covering the expense of installing it if the project were not part of a GID structure. Mr. Threewitt explained that, in the past, metro districts have been used to fund off-site improvements, though some of those cases may have been better suited for a GID if one had existed. They noted that each project raises a key question: whether the improvement serves only a specific neighborhood or the broader region. If it serves a wider area, it should be treated accordingly. Mr. Threewitt added that funding for a GID would typically involve a mix of capital improvement funds, enterprise funds, metro district financing, and developer contributions. However, for large infrastructure projects, this combination often proves financially unworkable, which can lead to undersized infrastructure or delays in construction due to budget limitations.

Chair Yeater asked if staff is anticipating that the GID in that area will expand. Mr. Threewitt explained that the boundary adjustment is primarily intended to refine the original, preliminary GID boundaries by removing areas that no longer fit and incorporating areas added through recent expansions to the three-mile plan that would be subject to the GID if annexed. The goal is essentially to clean up and clarify the existing boundary. He noted that for future development, the city would evaluate whether to amend the existing GID or create a new one. Since the western portion of the city is largely built out in terms of long-range growth, significant changes to this GID are unlikely.

Chair Yeater asked whether the GID limits infrastructure to the City of Greeley, or if an intergovernmental agreement (IGA) with neighboring communities such as Windsor or Johnstown

would remain in effect for providing infrastructure, with the primary change being how revenue is allocated between the parties. He also sought clarification on how that arrangement would function. Mr. Threewitt explained that the situation can become complex, but in cases where different jurisdictions provide separate services, such as one providing water and the city providing sewer, any existing agreement governing revenue sharing and service levels would remain in place. However, only the city's portion of the infrastructure and associated capital improvements would be included within the GID.

Chair Yeater asked if the GID forces the City of Greeley to provide all infrastructure services, or can an IGA still remain in place. Mr. Threewitt shared that IGAs can remain in place, and those IGAs can attribute infrastructure costs and service commitments independently of the GID.

Commissioner Modlin asked whether future adjacent property owners would be required to join the agreement or if they could opt out despite benefiting from the improvements. Mr. Threewitt explained that properties within the GID inclusion area would be required to join the GID if they annex into the city or pursue development. In doing so, they would be subject to assessments but also benefit from the improvements funded by the GID. Mr. Threewitt added that this requirement effectively compels participation, while also allowing certain regional improvements triggered by development or annexation to become eligible costs under the GID.

Commissioner Briscoe asked whether the agreement includes any cap on the number of mills that can be assessed. Mr. Threewitt responded that they were not certain offhand, though they believe a cap may exist.

With no other questions for staff, Chair Yeater opened the public portion of the meeting at 1:39pm. With no one in attendance nor online, Chair Yeater closed the public portion of the meeting at 1:39pm and turned it over to the Commission for action.

Motion by Commissioner Briscoe:

He moved that based on the preceding analysis, the Planning Commission finds the proposed code amendment to the Greeley Municipal Code is consistent with the development code criteria of Section 24-211.b(1-4) and therefore recommends that the City Council approves the code amendment to the Greeley Municipal Code as submitted.

Second: Commissioner Franzen

Vote: Motion passed 6-0

Absent: Commissioner Schulte

8. Staff Report:

Mr. Jackson noted there will be no meeting on March 24th, but one is scheduled for April 14th.

Mr. Jackson also addressed the Cascadia vote, which set aside the PUD for Cascadia, creating many questions for staff and the City. While answers are still limited, updates will continue as the situation progresses.

Chair Yeater asked whether the city intends to continue to move forward with zoning as it has historically or if it plans to pause until further clarity is achieved. Mr. Threewitt stated that city leadership and proponents of the West Greeley Project are reviewing the recent vote and assessing next steps, with some form of direction expected within the next week.

Chair Yeater asked whether, now that zoning has become a referendum issue, the city plans to seek clarity on the process or simply accept that zoning decisions could always be subject to a legislative vote. Mr. Threewitt explained that the question of zoning by referendum is a broader, philosophical issue facing planning and zoning across the industry. Court cases currently underway may provide guidance, as the practice has become an increasing concern in Colorado, particularly in northern Colorado. Pending court decisions are expected to help inform future approaches.

Chair Yeater noted that Commissioners have been asked about the city's next steps. He requested clarification on the city's anticipated path forward for the Cascadia project and related zoning issues as they pertain to the Planning Commission board. Mr. Threewitt shared that it would be the direction that we will hear from city leadership and the electives within the next week or so.

Commissioner Andersen noted that she had been approached about the issue because the courts had not yet made a determination regarding zoning by referendum. She explained that it was her understanding that a referendum serves as an opportunity to undo a prior zoning approval. She then asked whether a mechanism would still exist, or was being proposed, to allow the public to revisit a zoning change, or if that possibility would be eliminated. Mr. Threewitt clarified that by saying "zoning by referendum," he was referring to cases across Colorado, particularly in northern Colorado, where zoning decisions have been challenged through referendums. He explained that in Greeley's current situation, the previously approved PUD was repealed by referendum. As a result, the project area has reverted primarily to agricultural zoning, which will remain in place unless a new zoning proposal is submitted or the referendum outcome is overturned by the courts, noting that several possible paths forward still exist.

Commissioner Modlin asked whether the referendum change would halt all construction in the area, or if some level of development would still be allowed to continue. Mr. Threewitt explained that under holding agricultural zoning, capital improvement projects, such as water main installation and roadway construction, could still proceed, as they are not governed by zoning restrictions. Vertical construction on individual properties would be required to stop.

Commissioner Andersen clarified her previous question, asking whether, if the Colorado Supreme Court determines that zoning by referendum has occurred, there would still be a mechanism for the public to revisit zoning decisions, or if, once approved, those decisions would be final, leaving no further opportunity for public challenge.

Chair Yeater asked Commissioner Andersen if he could rephrase the question for her, and she agreed. Chair Yeater explained that the referendum represents a legislative process decided by voters, whereas zoning has historically been treated as a quasi-judicial matter requiring judicial review. He noted that recent legislation has changed this framework and posed the question of whether zoning decisions will now be subject to referendum and legislative review, or if they will continue to follow a public hearing and judicial review process. Mr. Threewitt explained that the core issue is whether zoning, and specifically a PUD, should be considered legislative, quasi-judicial, or a combination of both. He stated that while citizen-led efforts are unlikely to directly apply zoning to properties, they can repeal previously approved zoning ordinances through referendum. He noted that courts will ultimately clarify how far such citizen-led actions can extend in zoning matters. He also emphasized that, in the current project's case, other options remain available, including the applicant reapplying for a different zoning designation, and that the repeal of the PUD does not halt all activity on the site.

Chair Yeater asked, in an effort to better understand and communicate the process, whether the city would seek judicial review to clarify how state statute applies to referendums versus quasi-judicial zoning decisions, and what the appropriate path forward would be. Mr. Threewitt shared that

currently there is a case before the courts in Telluride that many are closely watching. It is expected that the outcome will help guide future legislative and judicial actions. For now, that is the extent of the available information.

Michael Axelrad (Senior Attorney) explained that the Telluride case is pending before the Colorado Supreme Court and awaiting a decision, though it is unclear whether oral arguments have been scheduled. He noted that while there was once a clear understanding of what constitutes legislative versus quasi-judicial actions, emerging challenges have created enough uncertainty for the Court to step in. He added that the decision is expected to provide needed clarity moving forward, but for now, there is no definitive answer, and the Commission will be kept informed as the case progresses.

Chair Yeater asked a broader question regarding the Telluride case, noting that it involves two opposing parties in court. He wanted to understand how the city can obtain clarity in such situations, whether it requires opposing parties to be involved, or if the city can directly request guidance from the state. Mr. Axelrad explained that a pending court decision on whether the matter is legislative or quasi-judicial will clarify the statutory framework. In the meantime, no action can be taken without risk. Future steps depend on the applicants' zoning decisions and applications.

Chair Yeater asked if the city of Greeley as one of the applicants, is going to petition for a different zoning. Mr. Threewitt noted that a portion of the larger PUD project includes a 100-acre parcel owned by the city. The city is proceeding with a minor subdivision to establish official property boundaries, independent of zoning. For now, the parcel will remain under holding agriculture zoning until further guidance is received from city leadership, the council, and the community.

9. Adjournment:

With no other questions for staff, Chair Yeater adjourned the meeting at 1:55pm.

Workshop

10. Planning Commission Roles & Workflows, Caleb Jackson

Mr. Jackson delivered a presentation outlining the commissioners' roles and the workflows for each item brought to these meetings.

Commissioner Andersen asked how staff specifically conveys the Planning Commission's input to the City Council. Mr. Jackson explained that for recommendation items, staff first provides a recommendation, which the Planning Commission then reviews and forwards to City Council. This input is typically transmitted through draft or finalized meeting minutes. If timing does not allow for minutes to be submitted, the Chair of the Planning Commission is invited to present the Commission's recommendation directly.

Commissioner Andersen inquired about items where the Planning Commission provides guidance or input, asking what mechanism is used to convey that information to the City Council. Mr. Jackson explained that for workshop items, where the Planning Commission provides informal feedback, that input is used to guide staff in preparing a formal proposal but is not directly forwarded to City Council. Only the Commission's formal recommendations on the finalized proposal are transmitted to City Council.

Commissioner Andersen observed that the Planning Commission's input is often not conveyed to City Council. As a result, questions raised by the Commission, sometimes significant, are frequently

asked again by Council, receiving the same “I don’t know” responses. She suggested that if the Commission’s input were properly communicated, these questions could be addressed in advance, leading to more substantive answers. Mr. Jackson explained that the goal is to have all questions answered by the time a staff proposal reaches the Planning Commission for a formal recommendation. Similarly, any uncertainties should be resolved before bringing a proposal to City Council for formal action. Workshops are intended primarily to gather input and identify questions, ensuring that staff is prepared to provide answers when a formal recommendation is requested.

Commissioner Andersen noted that she would keep track of that, adding that it had not been her experience previously and that she looked forward to seeing how it works in practice.

Commissioner Briscoe asked a clarifying question regarding Commissioner Anderson’s observations, using the Westside Area Plan, as an example. He wanted to understand where the workshop presentation fits within the workflow, when the Commission might see it again with their feedback, and whether their comments should be communicated to City Council before returning for formal review. Mr. Jackson explained that the Westside Area Plan serves as a good example of the process. Consultants held workshops on the same day with both the Planning Commission and City Council to maximize efficiency and minimize consultant travel costs. At that stage, both bodies were treated as stakeholders: the Planning Commission as the future recommending body and City Council as the ultimate decision-maker. Feedback was also gathered from other stakeholders, including landowners and developers, and is being used to revise the proposed plan. Once revisions are complete, the plan returns to the Planning Commission for a formal recommendation—expected this summer—where they can approve, conditionally approve, or provide further guidance. That formal recommendation is then forwarded to City Council, via minutes or a chair statement, for consideration and adoption.

Chair Yeater asked whether there is a mechanism to extract key questions or insights from the on-the-record testimony provided during the meeting and share them with City Council. The intent would be to allow Council members to review individual takeaways, ask more targeted questions, or glean information from the discussions, potentially through an automated process. Mr. Jackson explained that meetings are recorded, and some City Council members watch them, which provides a direct way to review input. However, for initial feedback or guidance from the Planning Commission, staff prefers to independently gather perspectives from multiple stakeholders and fields. While similar questions may arise again at Council work sessions, the goal is to collect and incorporate this feedback into the plan before returning for formal recommendation and adoption.

Commissioner Andersen stated that, in her view, the most disappointing example has been the Poudre River Restoration Initiative, citing its workshop as repeatedly falling short of expectations.

Commissioner Modlin asked whether including a summary in the packet sent to City Council, highlighting the Planning Commission’s perspective on a topic, would help. For Council members who do not review the full records, he wondered if a synopsis, including the presentation and the Commission’s viewpoint, would lend weight to their recommendations.

Commissioner Andersen explained that it would be impossible to provide such a summary if the meetings occur on the same day, if minutes are not included, or if the minutes only note that a discussion took place without detailing its content, a situation she said she has observed frequently.

Commissioner Franzen noted that technology exists that could assist with this and suggested asking the City to explore potential solutions. Since the meetings are recorded, he mentioned that he personally uses an app that generates executive summaries from recordings and expressed confidence that similar tools could meet these needs.

Mr. Jackson added that the City is currently using AI to assist with meeting minutes, acknowledging both its advantages and limitations. He encouraged the Planning Commission to review the minutes carefully and raise any critiques during that portion of the agenda, ensuring that important points and recommendations are accurately captured before being approved and forwarded to City Council.

The workshop ended at 2:10pm.

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Justin Yeater – Chair

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Don Threewitt – Interim Comm. Dev. Director