Zoning Board of Appeals Agenda Summary

March 28, 2023

Key Staff Contact: Becky Safarik, Interim Community Development Director

Title:
Consideration of an Appeal of an Administrative Decision regarding Planned Unit Development Pre-Application for H-P Rezone Request (PAM2023-0010)

Summary:
LaSalle Investor, LLC, submitted a rezone application to the City of Greeley for property it owns at 700 71st Avenue, alternately known as the H-P Greeley Subdivision, Sixth Replat Rezone ("H-P Rezone" Request) (ZON2021-0018). Specifically, the application requested a change of zone from I-L (Industrial Low Intensity) to R-H (Residential High Density). Residential development is not allowed in an industrial zone, necessitating the rezone to develop the site for such a use.

On April 26, 2022, the application was considered by the Planning Commission, which reviewed the application and staff report, heard public testimony, and ultimately recommended approval of the rezone request to City Council by a 4-0 vote, consistent with staff's recommendation.

At its June 7, 2022 meeting, the City Council then considered the rezone application, staff report and Planning Commission recommendation and also heard public testimony. After the mayor pro-tem (who was officiating the meeting in the absence of the mayor) closed the public hearing and before Council deliberations, the applicant requested that the item be continued to a future Council meeting. Council granted the request and continued consideration of the item to a July 19, 2022 meeting. At the July meeting, the mayor recused himself from the item, citing his previous absence from the earlier hearing on the matter. The mayor pro-tem noted that additional written material had been received by the City Clerk on the item following the previous hearing, which would only be considered if the hearing was re-opened to receive that communication. Council voted to reopen the public hearing to receive the additional communication and accept any additional testimony from persons who did not speak previously.

Following their review of the additional communication and public testimony, including from the applicant, the Council considered a motion to approve the rezone request. The motion failed on a 3-3 tie vote.

Subsequently, on August 31, 2022, the applicant submitted a new rezoning application for R-M (Residential Medium Density). This zoning category allows for residential living in a wide range of small-scale building types with an upper limit of 8 attached units per lot (designed as

rowhouses) and up to 12 apartment units per lot if combined with other "missing middle" types of housing products. The staff accepted this application and commenced with its processing until the owner withdrew this application on February 6, 2023.

Simultaneously, Continental Properties submitted a pre-application on January 31, 2023 proposing "Planned Unit Development" (PAM2023-0010) for a multi-family residential use on the property. The application included a site plan illustrating 288 units on the 15.35-acre property in 12 buildings with 24 units/structures in two different designs spaced around the lot with attendant open parking lots, landscaping, drive aisles, a car-care center, and clubhouse. The overall site density proposed is 18.76 units/acre, which is considered a high-density residential use. A meeting to review the pre-application for this use was held February 2, 2023.

As described in the City's Development Code, R-H, High Density Residential allows for multi-family residential living in a moderate-density pattern in suburban neighborhoods or higher density, a larger-scale projects in strategic locations for walkable and urban neighborhoods. The proposed PUD allows multi-family residential living in a moderate-density pattern within a suburban neighborhood, at a density that mirrors the residential land use suggested under the R-H zoning description.

Staff compared the two high-density rezone applications for the site and, although the newest application is indeed for a different zoning category ("PUD"), the underlying land use is unquestionably multi-family residential and could be constructed in an R-H zone. Staff concluded any formal application would be denied due to refiling limitations.

Code Consideration and Appeal:

According to Greeley Municipal Code/Development Code Section 24-201.k "Successive Applications," a project cannot be refiled for one year from the date of denial of a similar request. Specifically, when the review body takes final action to deny an application, the same or a similar application may not be refiled for one year from the date of denial, unless it is determined that:

- *Significant physical, economic, or land use changes have taken place within the immediate vicinity,*
- *Where a significant text amendment to the code has been adopted which may affect the outcome, or*
- *The application is substantially different from a previously denied application, considering the proposed use, scale or intensity of development, and potential impacts on adjacent property.*

The Administrative Official (Community Development Director) affirmed the staff position that the proposed PUD application is *substantially similar* to the previous R-H zoning application, which was denied and therefore cannot be submitted or considered on or before July 19, 2023.

LaSalle investors appeals the administrative determination, arguing that the code which limits consideration is for an *application, not a use.* City staff contends that a*n application is for the*

allowance of a land use or category of land uses and requires analysis of proposed land uses in making findings of conformance with the Comprehensive Plan. The Municipal Code section that refers to exceptions to the one-year moratorium period refers to "significant physical, economic or *land use* changes" and, more directly that the new application is "substantially different from a previously denied application, considering the proposed *use, scale or intensity of development,* and potential impacts on adjacent property." If the objective of this section is to limit similar *applications*, one could argue that an applicant who submitted and was turned down for a PUD for multi-family residential uses, could not re-submit a PUD for single-family residential, mixed use, commercial or literally any other type of land use if the PUD *application* (not the land use) is the determiner of the one-year time out.

In determining the substantial similarity between the R-H rezoning application and the PUD pre-application request, the following information was considered:

R-H Rezone Request	Category	PUD Pre-application Request
Allows all forms of residential development, including multi-family	**Land use**	Establishes multi-family development to the exclusion of other residential uses
Attachment B (Applicant's Project Narrative) describes in the background section: "…Residential High (R-H) now provides the highest and best use for the property. R-H zoning allows for **higher density residential to provide both an appropriate and desirable transition** between the existing school site and the single-family homes now under construction." [to the east of the site]. Under review criteria, the narrative states, "…R-H zoning allows for **high density residential** to prove both an appropriate and desirable transition…" and "…. providing more **high density residential** to the area will increase the variety of affordable housing options…"	**Applicant Narrative**	The applicant's Pre-Application Request form describes the proposed use as a "multi-family community" with a range of site amenities on the single lot that are typically associated with high density residential uses. The narrative also states that the "… **size and location of the proposed multi-family community will serve as an excellent transition between the adjacent single-family and townhomes** to the north and east and the heavy commercial along the W. 8th Street corridor to the south."
Submitted and referred to October 8, 2013 "Boomerang Master Plan Amended Design Guidelines" that would influence design of the site	**Building Design**	Pre-application provides specific architectural design, building height and site layout
Item 6 of the staff report discusses traffic state the applicant's traffic compliance letter. "**The currently proposed** H-P Greeley Redevelopment Project, **with 320 units of multifamily residential,** is anticipated to generate 1,454 daily weekday trips …" This number of units translates to 20.85 units/acre.	**Site Information**	The pre-application includes a site plan illustrating 288 units on the 15.35-acre property in 12 buildings with 24 units/structure in two different designs spaced around the lot with attendant open parking lots, landscaping, drive aisles, a car-care center, clubhouse, and architectural design of the proposed units. Proposed site density is 18.76 units/acre.
Parties provided comment in favor of and against the application. Those in opposition consistently referenced concern for apartments on the site. One comment favoring the application supported the use, noting "This may supply affordable housing to future families…" [they would love to serve].	**Participant Testimony**	NA

Based upon the preceding analysis, the Administrative Official concluded that the R-H rezoning that was denied by City Council on July 19, 2022 and the submitted Pre-application for a multi-family use are substantially similar in land use, scale and intensity and, therefore, the Pre-application may not be considered prior to one year following the denial of the R-H zoning (July 19, 2023) in conformance with Greeley Municipal Code/Development Code Section 24-201.k "Successive Applications".

Recommended Action:

A motion that, based upon the official records of proceedings of the Planning Commission and City Council, the applicant's letter of appeal and the summary herein, the Zoning Board of Appeals finds that the Planned Unit Development Pre-Application for H-P Rezone Request (PAM2023-0010) is substantially similar to the H-P Greeley Subdivision, Sixth Replat Rezone (ZON2021-0018) and therefore sustains the decision of the Administrative Official related to the interpretation of Code Section 24-201.k "Successive Applications" and denies the appeal.

Alternative Motion:

A motion that, based upon the official records of proceedings of the Planning Commission and City Council, the applicant's letter of appeal and the summary herein, the Zoning Board of Appeals finds that the Planned Unit Development Pre-Application for H-P Rezone Request (PAM2023-0010) is substantially dissimilar to the H-P Greeley Subdivision, Sixth Replat Rezone (ZON2021-0018) and that Code Section 24-201.k "Successive Applications does not apply and, therefore, grants the appeal.

Attachments:

Letter of Appeal (February 21, 2023)
Letter from Administrative Official denying submittal of PUD application
City Council Meeting Minutes (July 19, 2023 and June 7, 2023 City Council meetings)
City Council Agenda Packets (July 19, 2023 and June 7, 2023 [abbreviated to limit duplication])

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February 21, 2023

City of Greeley Zoning Board of Appeals
1001 11th Ave.
Greeley, CO 80631

Ms. Becky Safarik
Interim Community Development Director
Via Email: Becky.Safarik@greeleygov.com

RE: Appeal of Administrative Decision regarding Planned Unit Development Pre-Application File No. PAM2023-0010

Dear Ms. Safarik:

On behalf of our client LaSalle Investors, LLC, a Colorado limited liability company ("LSI"), we respectfully submit this Appeal of the administrative decision set forth in your letter dated February 15, 2023. Pursuant to Section 201(i) of the City of Greeley Development Code (the "Development Code"), an Appeal shall be filed with the Community Development Director within ten (10) days of the decision. Accordingly, this Appeal is timely filed pursuant to the Development Code.

In your February 15, 2023 letter, you state that "[b]ased upon [staff review] I have concluded that a substantial similarity exists between the current project proposal and the original change of zoning application for project ZON2022-0018". Based upon that opinion, you conclude that a new application for the proposed "use" can only be submitted on or after July 19, 2023.

As you are aware, LSI owns the parcel known as Tract 3A, H-P Greeley, 6th Replat on which the former HP building was located (the "Property"). When LSI purchased and replatted the Property in 2022, the City of Greeley Planning Department encouraged the demolition of the HP Building and redevelopment of the Property. Few, if any, City of Greeley representatives believe that the current I-L zoning of the Property is appropriate for this site given the development that has occurred in the immediate vicinity of the Property. Based upon the feedback received from the City of Greeley, my client submitted rezoning application ZON2022-0018 which proposed to

change the zoning classification of the Property from I-L to R-H. And, as you note in your February 15, 2023 letter, on July 19, 2022 the City Council deadlocked 3-3 on a Motion to approve the application. Based upon the provisions of the Greeley Code, that vote was deemed a denial of the application.

Pursuant to Section 24-201(k) of the Development Code:

> When the review body takes final action to deny an application, the same or a similar application may not be refiled for one year from date of denial, except as allowed under this section.

The purpose of this Section is to prevent an applicant from compelling the City, and the reviewing body, from considering the same or substantially similar application that the City has already denied during the previous twelve-month period. The Code Section specifically refers to an "application"; it does not refer to "use". In your February 15, 2023 letter, you appear to focus on the fact that the proposed *use* is similar to uses allowed under the R-H Zoning classification.

Unlike a rezoning application, a planned unit development is a type of rezoning based on a specific and integrated development plan. *Section 24-205 of the Development Code*. As the Development Code further explains, the "PUD process is intended for development concepts that require a higher degree of specific planning based on the scale and complexity of the project. The higher degree of planning affords flexibility in the standards to *improve* the relationship of the project to the context, and to better meet the purpose, intent and objectives of this code" (emphasis added). *Section 24-205(a)(2) of the Development Code.* Unlike with a rezoning application, a PUD requires a Master Development Plan, which identifies, among other items, the arrangement and character of streets and open spaces, and the anticipated scale, intensity and character of development. *Section 24-205(b)(2) of the Development Code.* The PUD may also include detail plans and specifications, such as renderings, elevations or plans of buildings, streetscapes and public spaces. *Section 24-205(b)(3) of the Development Code*. All of these conditions are designed to meet the specific needs of the neighborhood and vicinity related to a particular use, and are much more narrow than the limitations related to a rezoning application. *Section 24-205 of the Development Code*.

Accordingly, a PUD application is fundamentally distinct from a Rezoning Application. The Rezoning Application authorizes all of the uses by right for the applicable zoning district as set forth in the Development Code. It does not propose a specific and integrated development plan, and it does not limit or qualify the allowable uses within the applicable zoning district. While the *use* anticipated by the PUD application may be allowed within a given zoning district, the

application for a PUD is significantly narrower than a rezoning application, which explains why it is dealt with in a separate section of the Development Code.

Within the R-H zoning district, many uses are characterized as a use by right. Those uses range from single-family dwellings, to boarding houses, schools, and short-term lodging. Furthermore, certain additional uses are allowable as uses by special review. Those uses include residential living (general and institutional), police and fire stations, and bed & breakfast lodging. When the Greeley City Council heard and voted upon application ZON2021-0018, the Council understood that all of these uses would be permitted according to the terms of the Development Code. While the Council split 3-3 in its vote on the Application, the Council recognized that it was considering an application for a zoning change that would permit all of the uses authorized by the Development Code. It is unknown whether the Council would take a similar position on a PUD application which narrowly tailors the proposed use to fit the needs of the area. To claim that the proposed PUD *application* is "substantially similar" to the previous rezoning *application* is patently incorrect.

Based upon the foregoing, LaSalle Investors, LLC believes that your decision was inconsistent with the Development Code and constituted an unreasonable interpretation or application of Section 24-201(k) of the Development Code. Accordingly, my client further believes the decision was erroneous and contrary to law.

We respectfully request that the Zoning Board of Appeals grant the appeal based on the foregoing. Thank you for your consideration of this matter. If you need any additional information from my client, please do not hesitate to contact me.

Respectfully submitted,

WITWER, OLDENBURG, BARRY & GROOM, LLP

Patrick M. Groom

PMG/ct
cc: Douglas Marek, Esq.

City of Greeley Colorado

February 15, 2023

Brett Mozzetti
W134N8675 Executive Parkway
Menomonee Falls, Wisconsin 53051
Sent via email: bmozzetti@cproperties.com

RE: Planned Unit Development Pre-Application meeting for H-P Rezone Request, File No. PAM2023-0010

Mr. Mozzetti:

Thank you for the information you provided as part of the pre-application meeting to consider the multi-family housing development at 700 71st Avenue in Greeley. Your project narrative provided a good summary of your request and responded thoughtfully to the pre-application questions.

As you may have been advised, the recent history of a denied multi-family zoning request on this parcel has resulted in a complication for considering a substantially similar land use request within a year of the denial of the previous request. On July 19, 2022, the Greeley City Council denied application File No. ZON2022-0018 to rezone a tract of land from I-L (Industrial Low Intensity) to R-H (Residential High Density);

According to Section 24-201.k "Successive Applications," a project cannot be refiled for one year from the date of denial of a similar request. When the review body takes final action to deny an application, the same or a similar application may not be refiled for one year from the date of denial, unless it is determined that:

- *Significant physical, economic, or land use changes have taken place within the immediate vicinity,*
- *Where a significant text amendment to the code has been adopted which may affect the outcome, or*
- *The application is substantially different from a previously denied application, considering the proposed use, scale or intensity of development, and potential impacts on adjacent property;*

The R-H district provides multi-family residential living in a moderate-density pattern in suburban neighborhoods or higher density, and larger-scale projects in strategic locations for walkable and urban neighborhoods.

The proposed Planned Unit Development described in PAM2023-0010 is a concept for multi-family residential living in a moderate-density pattern within a suburban neighborhood. While your pre-application presented a helpful overview of your proposed development it is not evident that the proposed multi-family use proposed is *substantially* different from what was proposed and that could be constructed under the previous application in terms of use, scale or intensity or met any of the other above criteria.

Staff has carefully reviewed the information provided in the above-captioned pre-application meeting and associated materials, including a review of the previous zoning case ZON2022-0018. Based upon that review I have concluded that a substantial similarity exists between the current project proposal and the original change of zoning application for project ZON2022-0018. Therefore, a new application for the use you have proposed may be submitted on or after July 19, 2023.

Should you wish to provide new or additional project details or information which definitively illustrates any of the three exceptions above, a reconsideration of this determination may be entertained. Alternatively, you may request a formal appeal of my determination to the Zoning Board of Appeals as described in Sections 201.i and 24- 210 if requested in writing within 10 days of the date of this letter (February 25, 2023). There is no fee for this appeal.

Thank you for your interest and patience in this matter. Please let me know if you have further questions.

Kind regards,

Becky Safarik

Becky Safarik
Interim Community Development Director
becky.safarik@greeleygov.com

cc: Brian Bartels
Patrick Groom

City of Greeley Colorado
COMMUNITY DEVELOPMENT

PRE-APPLICATION REQUEST FORM

This page must be completed by the Applicant.

Contact Information

Applicant Name:	Brett Mozzetti
Company:	Continental Properties
Mailing Address:	W134N8675 Executive Parkway, Menomonee Falls, WI 53051
Primary Phone #:	262-278-9353
Alternate Phone #:	262-502-5500
Email Address:	bmozzetti@cproperties.com

Project Summary

Name of Project:	Authentix City Center West (Note: This name is subject to change)
Address:	700 71st Ave, Greeley, CO 80634
Parcel ID #	095904309002
Application Type	Pre-Application Meeting
Acreage	15.43 acres
Number of Units	288 units

Project Description

Project Description (attach project narrative (PDF)):	Page 1: Application Request Form Page 2: Project Sketch / Concept Plan Pages 3-5: Project Narrative Page 6: Questions for the City of Greeley Page 7-12: Elevations

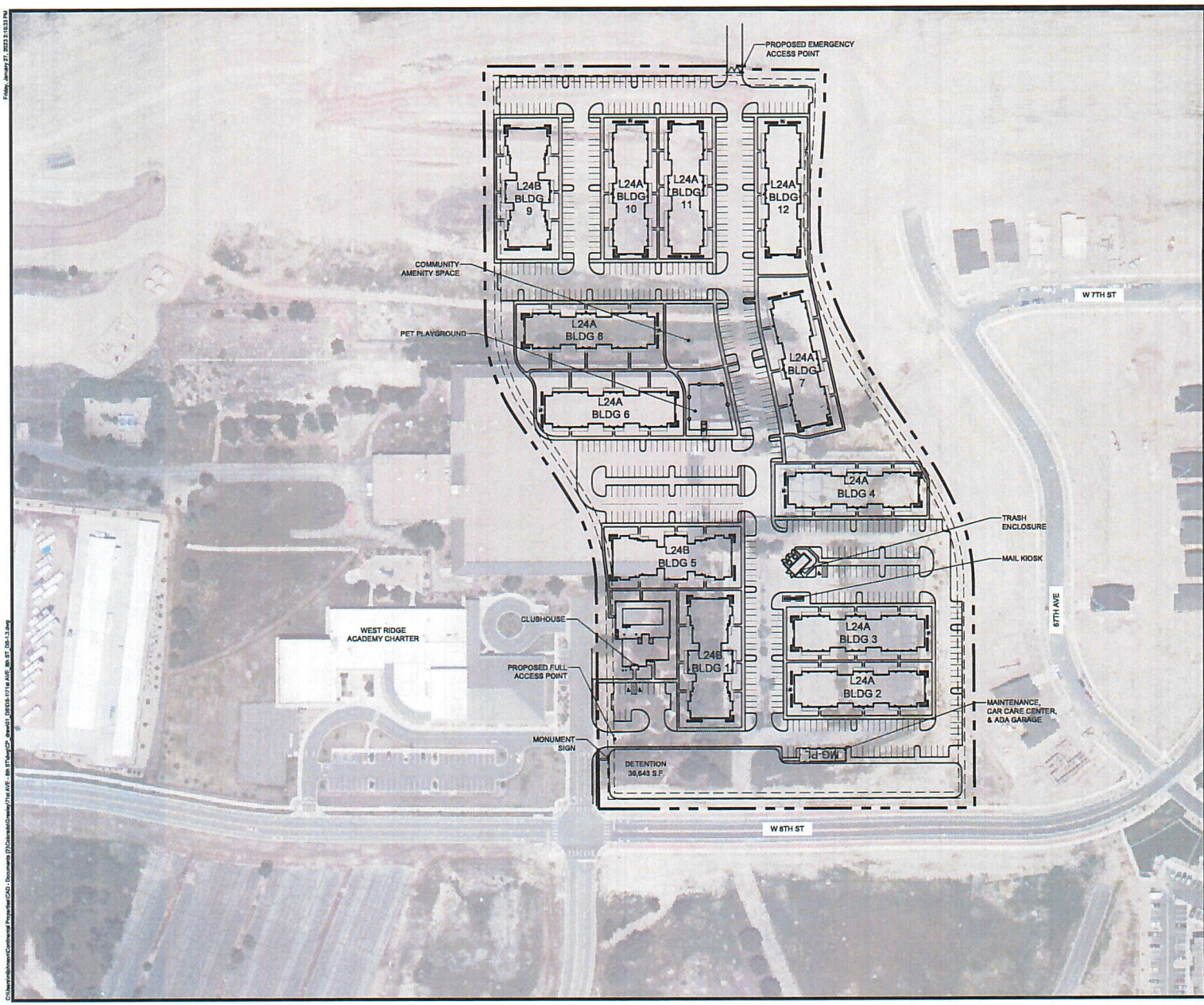
PRE-APPLICATION REQUEST SUBMITTAL CHECKLIST:

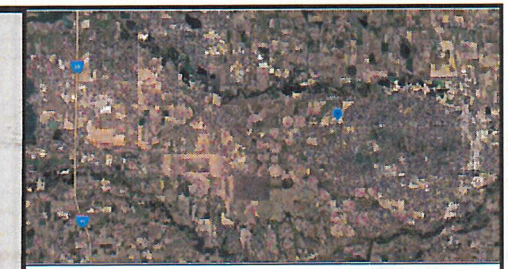
- ☑ **Pre-Application Request Form** (complete) (.PDF)
- ☑ **Project Sketch/Concept** (.PDF) (Individual PDF files may not exceed 25 MB. Separate large files into individual PDF files not to exceed 25 MB.)
- ☑ **Project Narrative** (.PDF).
- ☑ **Questions** for City of Greeley Planning & Engineering Development Review Staff (.PDF).

For Internal Use Only:

Pre-Application Meeting Date: _____

Pre-Application Project Number:_____ Planner: _____ EDR: _____





VICINITY MAP
SCALE: NTS

SITE INFORMATION		
MULTIFAMILY AREA	15.35 ACRES	
TOTAL AREA	15.35 ACRES	
DENSITY	18.76 DU/ACRE	
BUILDING / LANDSCAPE SETBACKS	NORTH	25' / 15'
	SOUTH	25' / 15'
	EAST	20' / 15'
	WEST	25' / 15'

BUILDING INFORMATION		
CLUBHOUSE	2,802 SF	
RESIDENT BUILDINGS	QUANTITY	HEIGHT
L24A (24 DU/BUILDING)	8	2-STORY / 35'
L24B (24 DU/BUILDING)	4	2-STORY / 35'
TOTAL RESIDENT BUILDINGS	12	
GENERAL HOME MIX	HOMES	PERCENTAGE
STUDIO	32	11%
1-BEDROOM	112	39%
2-BEDROOM	112	39%
3-BEDROOM	32	11%
TOTAL HOMES	288	100%

PARKING INFORMATION	
PARKING	QUANTITY
GROUNDS BUILDING (MG-PL)	1
TOTAL COVERED PARKING	1
SURFACE PARKING	544
APRON SPACES	NOT INCLUDED
TOTAL PARKING PROVIDED	545
PARKING DIMENSIONS	
STANDARD STALL	18' x 9'
DRIVE WIDTH	24'

SITE AMENITIES	
PROPERTY BOUNDARY	CAD

0 75 150 300

CONTINENTAL PROPERTIES
W134 N8675 EXECUTIVE PARKWAY
MENOMONEE FALLS, WI 53051
262.502.5500 * FAX 262.502.5522

ON BEHALF OF
CONTINENTAL XXX FUND LLC

PROJECT INFORMATION

71st Ave & 8th St. | Greeley, CO

CONTINENTAL XXX FUND LLC

SHEET INFORMATION

DENSITY STUDY

DRAWN DATE: 1/27/2023
DRAWN BY: MEJ

SHEET NUMBER

DS-1.4

CONTINENTAL PROPERTIES

W134 N8675 Executive Parkway• Menomonee Falls, WI 53051-3310 • Telephone: 262.502.5500 • Facsimile: 262.502.5522

Authentix City Center West

Pre-Application Meeting

Project Narrative

To: City of Greeley, Community Development Department

From: Continental Properties, c/o Brett Mozzetti

Date: February 2nd, 2023

Re: Authentix City Center West, Pre-Application Narrative

Introduction

Continental Properties is excited to present the City of Greeley with pre-application documents for a +/- 15.43-acre tract of land located near the northeast corner of the signalized intersection of 10th Street and 71st Ave. The parcel is known as Parcel Number 095904309002, located at 700 71st Ave in Greeley, Colorado, Weld County. Continental Properties is excited about the opportunity and is committed to growing and enhancing the northern Colorado region by providing quality housing and an enhanced quality of life for the residents of Greeley.

Narrative Requirements

1. **How the proposed project meets the goals of the Comprehensive Plan, or other specific plans or policies that may impact the application.**

   Greeley's comprehensive plan, *Imagine Greeley*, provides a framework for both public and private growth. The plan encourages the development of a diverse array of housing types at a variety of price points to adequately serve the needs of all Greeley residents. With the City's housing stock comprised of predominantly single-family homes, there is a missing middle that Continental Properties can provide.

   Continental's Authentix product directly responds to Imagine Greeley's core values and future goals. Specifically, the proposed product aligns with Goal HO-1, which states that there is a need to improve access to housing for all income levels, ages, and physical abilities and Goal HO-2, which encourages diversity in housing types and calls to foster the development of attractive, safe, and well-maintained rental properties for those who cannot or who do not desire to own property.

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2. **The applicant's vision and understanding of the market for the proposed project.**

Continental Properties Authentix communities aim to provide much needed housing for current and future residents living and working in and around the strongest communities in the nation. The Greeley MSA is currently the third fastest growing MSA according to the U.S. Census Bureau. Meanwhile, Weld County ranks within the top 10 nationally in population growth. More pointedly - UCHealth, Banner Health/North Colorado Medical Center, JBS, as well as the nearby universities and colleges create strong momentum for continued economic strength in the market. Such growth has created an equally strong demand for housing in Greeley – resulting in housing cost increases approaching or exceeding 20% in most cases with an average detached and attached home price above $500k and $400k respectively. Combined with climbing interest rates, these climbing costs are demanding those wishing to live in for sale housing to commit to down payments exceeding $50k to avoid housing cost burden, which is difficult or impossible for many families. This creates a very real demand for housing which responds to the current and future demand for homes allowing families earning between 60% and 100% AMI to live burden free.

3. **The proposed uses, general site layout, and conceptual or anticipated design of buildings, including how the project relates to surrounding sites and public spaces.**

Continental's development, to be known as "Authentix City Center West", is a multi-family community proposed to include 288 dwelling units ranging from studio to three-bedrooms within twelve 2-story (maximum building height of approximately 30'-2") residential buildings. The property will also include a community clubhouse with resort style pool and pool deck, surface and garage parking, a pet playground, private open space with varying amenities, and a detention pond.

The community's primary access point will be north of 8th Street, aligned with the West Ridge Academy Charter school access. A gated emergency-only access point on the north end of the site will align with 68th Avenue, as platted in the City Center West Residential Subdivision, Second Filing. All residential buildings and amenities dispersed throughout the community are accessible via a vehicular and pedestrian transportation network, designed specifically to provide ease of access and safety to residents.

The architectural style will be similar to Continental's under-construction community – Authentix Greeley. No building exceeds two stories, and all principal and clubhouse buildings include horizontal and vertical articulation by way of varying façade faces at each unit and varying roof geometries along the building's massing. The proposed buildings offer a unique layout within the multi-family sector, providing direct access to each 1st floor home, and secure stairwells to second-level homes. Each unit is given a covered entry which contributes to the community's human scale.

The combination of high-quality roofing materials, variably orientated siding, abundant glazing, and architectural articulation will help the community integrate into its future surrounding context. All ancillary structures, including the community clubhouse, are designed with the same quality and design language described above.

CONTINENTAL PROPERTIES

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4. **How the project will fit in and contribute to the area and further the intent of the existing or proposed zoning district.**

   The subject property is currently zoned I-L ("Industrial Low Intensity") but is identified on the H-P Greeley Minor Subdivision, Sixth Replat, Reception No. 4820397, to be rezoned to R-H ("Residential High Intensity") in the future. The team is interested in pursuing the R-H or PUD zoning classification, pending discussions with City staff.

   The site is part of a 125-acre mixed-use community that includes 149 single-family homes, 130 townhomes, commercial, school, and light industrial uses. It is approximately a half mile from the King Soopers-anchored retail center on 10th Street, close to the Pumpkin Ridge Natural Area, and immediately adjacent to the West Ridge Academy Charter school. We believe that the size and location of the proposed multi-family community will serve as an excellent transition between the adjacent single-family and townhomes to the north and east and the heavy commercial along the W 8th Street corridor to the south. Continental Properties will provide an additional housing-type that is missing in the area but that is in line with the goals of the Comprehensive Plan and will be of benefit to the people who work, and want to live, in Greeley.

5. **Planning and infrastructure impacts, including timing, phasing, or the need for any technical studies or outside agency coordination and review.**

   Continental intends to break ground upon completion of the entitlements process and receipt of the necessary grading and/or building permits. The community clubhouse is expected to turnover approximately 10 months after groundbreaking, with the first multi-family building being complete approximately three weeks after the clubhouse. Continental will participate in technical studies as required by City or referral agencies.

6. **Development review processes and review criteria, and in particular whether any special public information and outreach or specific agency or department reviews are necessary.**

   Continental Properties will work with City staff through the rezoning, minor/major subdivision, and/or site plan procedures. All submittals will comply and respond to the review criteria outlined in the Greeley Development Code, Chapter 2. The Continental team will host public outreach / neighborhood meetings as required throughout the processes.

7. **Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.**

   Continental Properties will work with the City and surrounding landowners to understand concerns related to drainage patterns, primary and emergency access, existing utility services, water rights, traffic, viewsheds, and any/all other municipal requirements related to the proposal. Continental is also open to hearing feedback from all the referral agencies described in the Greeley Development Code, Section 24-201-d-2. In addition, there is the option to replace (3) two-story buildings with (2) 3-story buildings, to provide more buffer space if desired.

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Questions for City Staff

Site / Infrastructure:

- There is an oil/gas production site with storage tanks west of the subject property. The neighboring plat identifies certain offsets. What is the operational status of the facility and will it impact our proposal in any way?
- Water: There is 3AF / ac of water tied to the land. What is the City's water availability and cost if additional water rights are needed? Are there any capacity concerns?
- Sewer: Is a sewer extension required? Is there capacity in the existing system?
- Stormwater: We are planning for an on-site detention pond on the southern end of our site. Are there any drainage capacity or pattern concerns?

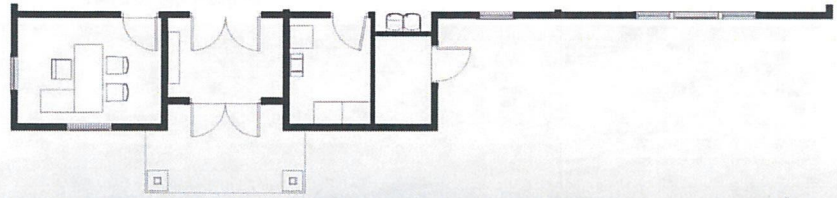
Entitlements / Zoning / Permitting:

- Are there any organizations within the City or associated with the City that provide incentive programs for market-rate / attainable / missing-middle housing?
- Discussion on the requirements of an R-H vs. PUD zoning (building heights, general requirements, etc.)
- Discussion of the required entitlements procedures and potential neighborhood meetings. What do City review times look like? Can applications run concurrently?
- What civil permits are required? Are they separate submittals from the entitlements submittals?
- Are there early grading permits available? Is Civil Permitting able to be broken out by item I.e. grading, storm, sanitary, water?
- When can building permit apps be submitted? Does the final plat have to be recorded prior?
- Are building permit review fees due at submittal?
- Our proposal requires 515 parking stalls, which we are exceeding (current plan shows 545 parking stalls). Are there any covered parking requirements?
- Is there any opportunity to reduce the bicycle parking requirements?
- Can you provide us with the most current impact fee schedule? Will the impact fees be increasing for 2023/2024?
- Are there any cost recovery agreements that would impact our proposal?
- Are there any referral agencies we should meet with right away?

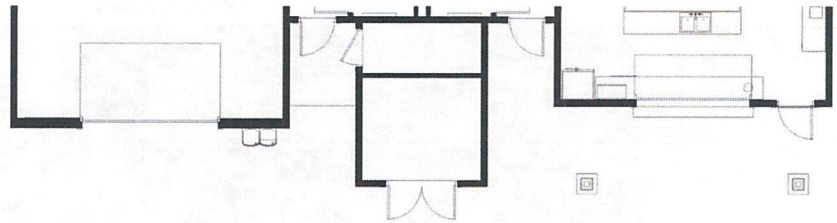
Current Construction:

- What is the construction timeline for the single-family homes to the east and townhomes to the north?
- When will 68th Ave be built? Our proposal includes an emergency only access to 68th Ave.

Front Elevation



Rear Elevation



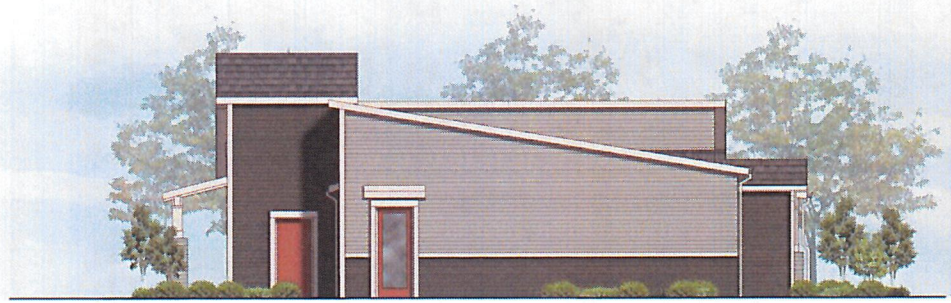
CLUBHOUSE

01-18-2021

CONTINENTAL PROPERTIES

YOU ARE HERE

Left Elevation



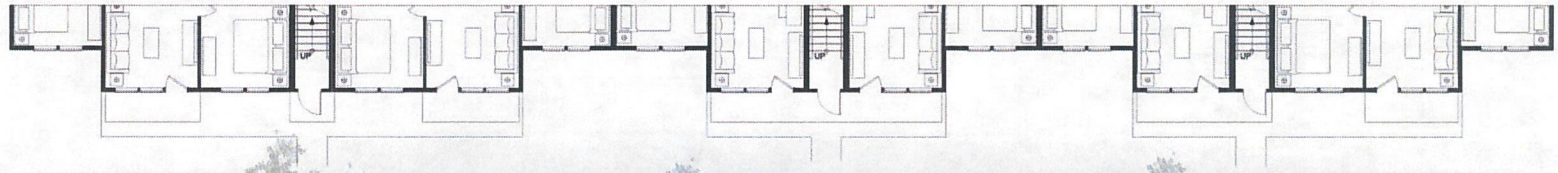
Right Elevation

CLUBHOUSE
01-18-2021

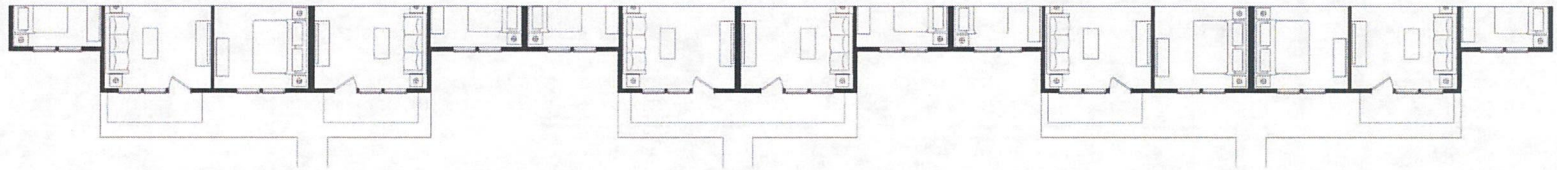
CONTINENTAL PROPERTIES

YOU ARE HERE

Front Elevation



Rear Elevation

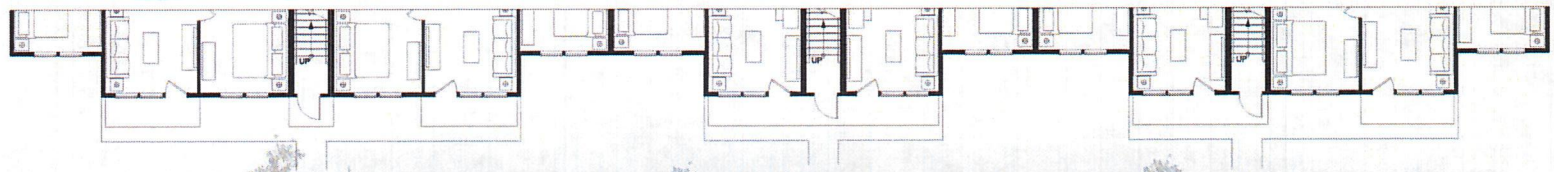


L24 A
Scheme A
01-18-2021

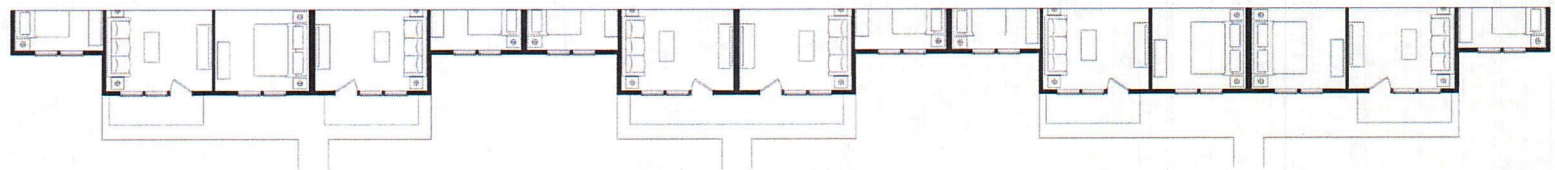
CONTINENTAL PROPERTIES

YOU ARE HERE

Front Elevation



Rear Elevation

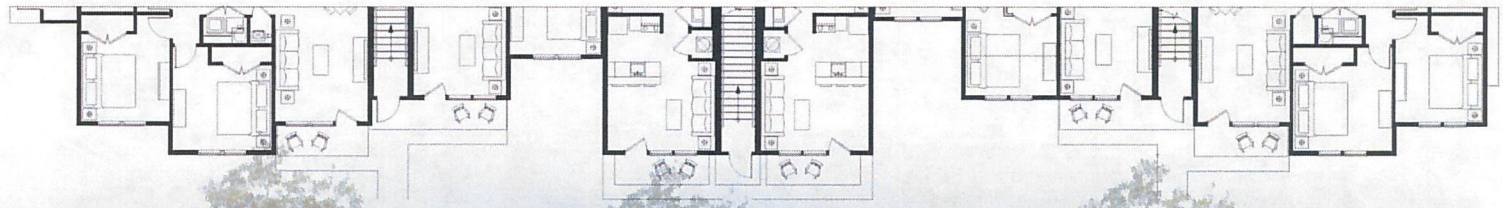


L24 A
Scheme B
01-18-2021

CONTINENTAL PROPERTIES

YOU ARE HERE

Front Elevation



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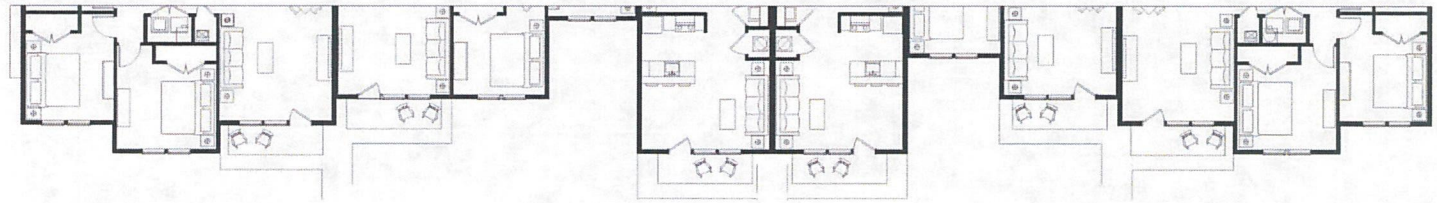

L24 B
Scheme A
01-18-2021

CONTINENTAL PROPERTIES

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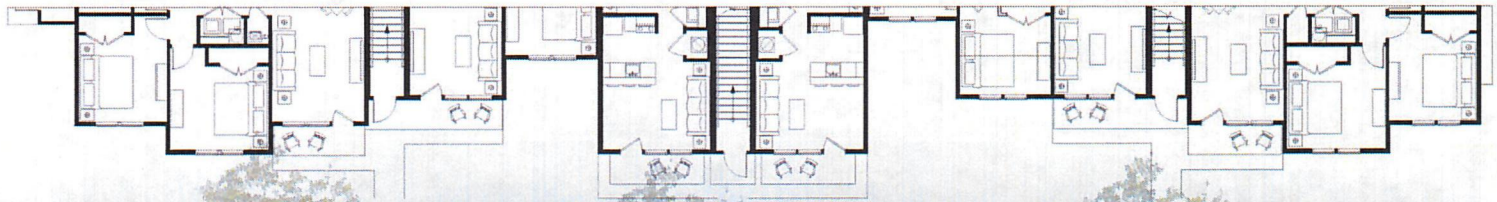
Front Elevation



Rear Elevation

L24 B
Scheme B
01-18-2021

CONTINENTAL PROPERTIES

YOU ARE HERE

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
July 19, 2022

1. Call to Order

Mayor Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

City Clerk Heidi Leatherwood called the roll.

Present:
Mayor Pro Tem Payton
Councilmember Tommy Butler
Councilmember Deb DeBoutez
Councilmember Dale Hall
Councilmember Ed Clark
Councilmember Johnny Olson
Mayor John Gates

4. Approval of the Agenda
None.

5. Recognitions and Proclamations

Council member Clark shared "What's Great About Greeley?"

Harold Evans spoke at 6:04 p.m. to honor Norman Murdock Dean who recently passed away.

6. Citizen Input

1. Harold Landsford spoke about flooding damage done to his home and improvements needed behind his house.

7. Reports from Mayor and Councilmembers

Council member DeBoutez spoke about the Promotion Ceremony at the Greeley Police Department announcing the appointments of Sergeant Samantha Brown, Commander Mike Heck, Deputy Police Chief Rafael Gutierrez, and Police Chief Adam Turk. Council member Butler spoke about the start of the infrastructure project on the 5th Street Sidewalk.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

City Clerk Leatherwood read the titles into the record and announced the recommended action.

9. Approval of the City Council Proceedings of June 7, 2022

The recommended action is to approve the proceedings as presented.

10. Acceptance of the Reports of the City Council Work Sessions of June 14, 2022, and June 28, 2022

The recommended action is to accept the reports as presented.

11. Approve a Resolution Authorizing Approval of a Grant Agreement and Offer of Funding for Airport Improvement Project Runway Rehabilitation Design at the Greeley-Weld County Airport

The recommended action is to approve the Resolution for Grant Agreement.

12. Introduction and First Reading of an Ordinance Amending Title 22, Buildings and Construction, Relating to the Adoption of the 2021 International Codes

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

13. Introduction and First Reading of an Ordinance Changing the Official Zoning Map of the City of Greeley, Colorado, from R-H (Residential High Density), C-H (Commercial High Intensity) and C-L (Commercial Low Intensity) to PUD (Planned Unit Development) for Approximately 43.42 Acres of Property Located at the Northeast Corner of 32nd Street and 29th Avenue, known as the Hope Springs PUD

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

14. Introduction and First Reading of an Ordinance authorizing Entry into an Intergovernmental Agreement Regarding Bellvue Water Transmission Line Tap Transfers and Emergency Water Interconnect Operations with West Fort Collins

Water District and Divestment of City-Owned Water Rights represented by Shares of Capital Stock in the North Poudre Irrigation Company

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

15. Introduction and First Reading of an Ordinance Authorizing the Sale of City-Owned Property Located in SE¼ of Section 18, Township 6 North, Range 66 West of the 6th P.M. in Weld County, Colorado (Thayer)

The recommended action is to introduce the ordinance and schedule the public hearing for August 2, 2022.

Council member Butler disclosed that he is currently on the Board of Directors for Habitat for Humanity. He has spoken with the City Attorney's Office and does not need to be recused.

Mayor Pro Tem Payton moved to approve the Consent Agenda. Council member Butler seconded the motion. The motion passed 7-0 at 6:18 p.m.

End of Consent Agenda

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16. Pulled Consent Agenda Items

None.

17. Public Hearing and Second Reading of an Ordinance for Conveyance of Easements for the Loveland Centerra Trail at Boyd Lake Water Treatment Plant

Water and Sewer Director Sean Chambers introduced the item at 6:19 p.m. with a slide presentation.

Signs will be placed along the trail to include Safety and Security Warnings and Disclosures, Interpretive signage to educate trail users with history and photos.

Mayor Gates opened the Public Hearing at 6:23 p.m.
With no speakers, the Public Hearing closed at 6:23 p.m.

Councilmember Hall moved to adopt the Ordinance for Conveyance of Easements for the Loveland Centerra Trail at Boyd Lake Water Treatment Plant. Council member Butler seconded the motion. The motion passed 7-0 at 6:25 p.m.

18. Consideration of a Request to Rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), Changing the Underlying Land Use Designations for Approximately 15.433 Acres of Property Located East of 71st Avenue, North of 8th Street and Northeast of 69th Avenue (712 71st Avenue) and Final Reading of an Ordinance Changing the Official Zoning Map to Reflect the Same (HP Rezone), Continued from June 7, 2022

Mayor Gates recused himself at 6:25 p.m. since he was not present at the June 7, 2022, meeting.

Mayor Pro Tem Payton presided and noted that the Public Hearing was opened and closed during the June 7, 2022, City Council Meeting. Since that time, some written communication was received but Council would need to decide if it was appropriate to enter the new communication into the record.

There was no additional information from staff.

Councilmember Butler moved to reopen the Public Hearing to receive the additional written communication and any additional oral testimony from persons who did not speak at the June 7, 2022, Public Hearing. Councilmember Hall seconded the motion. The motion passed 6-0 at 6:28 p.m. with Mayor Gates recused.

City Clerk Leatherwood distributed packets containing the written communication to Council members and Applicant, Brian Bartel for review.

Mayor Pro Tem Payton reopened the Public Hearing at 6:32 p.m.

1. Jeff Richardson spoke in opposition.
2. James Powers spoke in opposition.
3. Taylor Myers read a letter that spoke in opposition.
4. Applicant Brian Bartels, spoke that he will work with either the I-L or R-H Zoning.

The Public Hearing closed at 6:43 p.m.

Council deliberated. Council members spoke about confirmed uses under the I-L Zoning and how the uses were incompatible with the surrounding neighborhoods. Council asked about the traffic study model and if traffic would increase with a potential R-H Zoning. Brittany Hathaway, Planner II, answered that this was a broad traffic analysis from 2018.

Council members were concerned about the neighborhood and the zoning of both I-L and R-H.

Councilmember Butler moved to approve the Request to Rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), Changing the Underlying Land Use Designations for Approximately 15.433 Acres of Property Located East of 71st Avenue, North of 8th Street and Northeast of 69th Avenue (712 71st Avenue) and Final Reading of an Ordinance Changing the Official Zoning Map to Reflect the Same (HP Rezone), Continued from June 7, 2022. Councilmember DeBoutez seconded the motion. The motion failed 3-3 at 6:56 p.m. with Council members Hall, Clark and Olson voting nay and Mayor Gates recused.

Mayor Gates returned to the meeting to preside at 6:56 p.m.

19. Appointment of applicants to the Downtown Development Authority, Historic Preservation Commission, Island Grove Park Advisory Board, Construction Trades Advisory & Appeals Board, and Youth Commission

City Clerk Leatherwood tallied the ballots and announced the names of the newly appointed board and commission members.

- Downtown Development Authority- **Brian Seifried, Matthew Estrin, Matthew Hortt**
- Historic Preservation Commission- None. (Applicant withdrew.)
- Youth Commission- **Peyton Shepherd**
- Construction Trades Advisory & Appeals Board-**Brian Persons, Jim Morris, Webdell Heyen**
- Island Grove Park Advisory Board-**Justin Watada**
- Youth Commission (Ex-Officio)- **Pedro Lopez**

20. Scheduling of Meetings, Other Events

No other meetings or events were scheduled.

21. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Mayor Pro Tem Payton moved to authorize the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances. Council member Hall seconded the motion. The motion passed 7-0 at 6:58 p.m.

22. Adjournment

Mayor Gates adjourned the meeting at 6:59 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk

Council Agenda Summary

July 19, 2022

Key Staff Contact: Kristin Cote, Community Development, 970-350-9876
Becky Safarik, Interim Community Development Director, 350-9786

Title:
Consideration of a Request to Rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), Changing the Underlying Land Use Designations for Approximately 15.433 Acres of Property Located East of 71st Avenue, North of 8th Street and Northeast of 69th Avenue (712 71st Avenue) and Final Reading of an Ordinance Changing the Official Zoning Map to Reflect the Same (HP Rezone), Continued from June 7, 2022

Summary:
The applicant requests to rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density) for a range of possible residential uses.

As background, this land was annexed into the City of Greeley through the North Sheep Draw Annexation on July 20, 1981 and designated as I-L (Industrial-Low Intensity). In 2005 a portion of the site was rezoned, dividing the 156 acre I-L (Industrial Low Intensity) zoning into a mix of C-D (Conservation District), C-H (Commercial High Intensity), R-H (Residential High Density), and I-L (Industrial Low Intensity) with Boomerang Master Plan Design Guidelines that would limit certain uses that are permitted by right, design reviews, and special reviews in the area, and establish specific design criteria through the Design Guidelines, that meet or exceed Development Code standards. In 2014, the existing area was also approved by City Council to include an intergovernmental agreement between the City of Greeley and the City Center West Commercial Metropolitan District. In 2016, a resolution for the Amendment and restated consolidated service plan for the City Center West Commercial Metropolitan District was approved by City Council to consolidate the City Center West Commercial Metropolitan District and the City Center West Residential Metropolitan District No. 2.

In 2015, a minor subdivision application was approved to adjust lot lines around the Hewlett-Packard property to accommodate self-storage. Two years later, a minor subdivision application was approved to adjust lot lines around the Hewlett-Packard property to accommodate Westridge Academy, a K-8 charter school that adjoins the western boundary of this property. In 2022, a minor subdivision application was approved to establish a lot which is proposed to be sold to the adjacent contiguous property owner to the west and a tract – the subject of this rezone - which is proposed to be developed as a residential community. The permitted uses currently allowed within the Boomerang Master Plan Design Guidelines in the R-H (Residential High-Density zone) include residential uses, boarding houses, farming, golf courses, open space, parks, and wireless telecommunications. This property once housed a portion of the Hewlett Packard facility. Upon HP's exit from Greeley in 2003, this property became vacant and fell into a diminished state since then. In 2021, this property was

acquired by the existing owner, who demolished the structures on-site, creating this vacant property for redevelopment.

The Planning Commission recommended approval of the request at the April 26, 2022 meeting by a vote of 4-0.

At the City Council meeting of June 7, 2022, the City Council heard the staff report and Planning Commission recommendation, the applicant's presentation, and from members of the public. Following this input, the Mayor Pro-tem closed the public hearing, at which time the applicant requested the item be continued to a future meeting. City Council voted to continue the request to the July 19, 2022 meeting.

Additional written public comment has been received by the Community Development Department concerning this rezone request. All such comment received by the Department as of noon on Monday, July 18th has been assembled in packets for distribution at the meeting if City Council elects to open the public hearing to receive such input. Council may choose to:

1. By vote, reopen the public hearing to receive and consider the additional written comment only (not accept further oral comment from the public);
2. By vote, open the public hearing to receive both the additional written comment and invite any additional comment from those in attendance in person or virtually; or
3. Decline to accept any further public comment (no vote needed)

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a quasi-judicial process. If the request is denied the existing zoning remains in place. The owner of the site may not reapply for the same rezoning request (R-H) for one year.

Other Issues and Considerations:

None noted.

Strategic Work Program Item or Applicable Council Priority and Goal:

Consistency with Comprehensive Plan and Development Code standards.

Decision Options:

1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

Two motions are needed to approve this requested land use action:

1. A motion that, based on the application received, accompanying analysis and Planning Commission recommendation, the proposed rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density) is found to be in compliance with Development Code Section 24-204 and, therefore, approve the request.
2. A motion to adopt the ordinance and publish with reference to title only.

Alternately, to deny the requested land use action, the following motion would be in order:

1. A motion that, based on the application received, accompanying analysis and Planning Commission recommendation, the proposed rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density) is found to **not** be in compliance with Development Code Section 24-204 and, therefore, deny the request.

Attachments:

Ordinance
Planning Commission Summary (Staff Report) (April 26, 2022)
Planning Commission Minutes (April 26, 2022)
PowerPoint Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 22, 2022
CASE NO. ZON2021-0018

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM I-L (INDUSTRIAL LOW INTENSITY) TO R-H (RESIDENTIAL HIGH DENSITY) CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 15.433 ACRES OF PROPERTY LOCATED EAST OF 71ST AVENUE, NORTH OF 8TH STREET AND NORTHEAST OF 69TH AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The following described property located in the City of Greeley is hereby changed from the zoning district referred to as I-L (Industrial Low Intensity) to R-H (Residential High Density), in the City of Greeley, County of Weld, State of Colorado:

See attached legal description

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF _____, 2022.

ATTEST: **THE CITY OF GREELEY**

_____ _____

City Clerk **Mayor**

Legal Description

PROPOSED TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT, AND A PORTION OF ADJACENT 8TH STREET, TO BE REZONED FROM I-L TO R-H

ALL THAT PART OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT, AS RECORDED AT RECEPTION NO. 4272274 OF THE RECORDS OF WELD COUNTY, COLORADO, AND A PORTION OF ADJACENT 8TH STREET, LOCATED IN THE SW1/4 OF SECTION 4, T5N, R66W OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, THENCE S00°01'37"E, 56.00 FEET TO A POINT ON THE CENTERLINE OF 8TH STREET;

THENCE S89°58'23"W, 590.12 FEET ALONG THE CENTERLINE OF SAID 8TH STREET;

THENCE N00°01'37"W, 56.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE N00°01'37"W, 335.38 FEET ALONG A WESTERLY LINE AND A WESTERLY LINE EXTENDED NORTHERLY OF SAID LOT 3 TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHWESTERLY, 174.33 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°17'44" AND BEING SUBTENDED BY A CHORD THAT BEARS N16°40'29"W, 171.89 FEET;

THENCE N33°19'21"W, 150.00 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 156.36 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 33°10'49" AND BEING SUBTENDED BY A CHORD THAT BEARS N16°43'57"W, 154.18 FEET;

THENCE N00°08'31"W, 406.77 FEET TO THE NORTH LINE OF SAID LOT 3;

THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ARE ALONG THE NORTHERLY AND EASTERLY LINES OF SAID LOT 3:

THENCE N89°51'28"E, 282.19 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE EASTERLY, 254.21 FEET ALONG THE ARC OF SAID CURVE TO THE NORTHEAST CORNER OF SAID LOT 3, SAID ARC HAVING A RADIUS OF 3,045.00 FEET, A CENTRAL ANGLE OF 04°47'00" AND BEING SUBTENDED BY A CHORD THAT BEARS S87°45'02"E, 254.14 FEET;

THENCE S04°04'36"W, 195.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, 270.77 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF 36°56'19" AND BEING SUBTENDED BY A CHORD THAT BEARS S14°23'34"E, 266.11 FEET;

THENCE S32°51'43"E, 217.59 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 217.77 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 380.00 FEET, A CENTRAL ANGLE OF 32°50'06" AND BEING SUBTENDED BY A CHORD THAT BEARS S16°26'40"E, 214.80 FEET;

THENCE S00°01'37"E, 328.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 AND THE TRUE POINT OF BEGINNING.

PLANNING COMMISSION SUMMARY

ITEM: H-P Greeley Subdivision, Sixth Replat Rezone

FILE NUMBER: ZON2021-0018

PROJECT: H-P Greeley Subdivision, Sixth Replat Rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density)

LOCATION: 712 71st Avenue

East of 71st Avenue, north of 8th Street, and northeast of 69th Avenue.

APPLICANT: Lasalle Investors, LLC.

CASE PLANNER: Kristin Cote, Planner II

PLANNING COMMISSION HEARING DATE: April 26, 2022

PLANNING COMMISSION FUNCTION:
The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 24-204.

EXECUTIVE SUMMARY

A. STAFF RECOMMENDATION
Approval

B. LOCATION

Abutting Zoning:
North: I-L (Industrial Low Intensity)
South: C-H (Commercial High Intensity)
East: R-H (Residential High Density – City Center West Res 2nd Fg)
West: I-L (Industrial Low Intensity)

Surrounding Land Uses:
North: Vacant
South: Undeveloped, Commercial
East: Residential Subdivision, City Center West Res 2nd Fg
West: Industrial zone, portion of former HP site

Site Characteristics:

The site is currently a vacant parcel with no natural, unique, or special topography, vegetation, wildlife, or other factors that could influence development options. This property consists of rolling terrain with some large mature trees established during the development of the former Hewlett Packard site. This property is included in the overall master drainage plan in place for the City Center West Development. All approved utilities are sized to accommodate an R-H use and the traffic flow proposed for a residential use is less during peak hours than the original traffic projections for an I-L (Industrial Low Intensity) use.

C. BACKGROUND

This land was annexed into the City of Greeley through the North Sheep Draw Annexation on July 20, 1981, the subject property was designated with I-L (Industrial-Low Intensity) zoning district (*Rec. No. 0001863877*) [Case No. Z 14:80]; rezoned on September 29, 2005, dividing the 156 acre I-L (Industrial Low Intensity) zoning into a mix of C-D (Conservation District), C-H (Commercial High Intensity), R-H (Residential High Density), and I-L (Industrial Low Intensity) with DCMP and the Boomerang Master Plan Design Guidelines (*Ordinance No. 57, 2005, Rec No. 3327374*) [Case No. Z 3:05]. The Boomerang DCMP was developed to establish a list of permitted uses within the C-H, I-L, and R-H zone districts that would limit certain uses that are permitted by right, design reviews, and special reviews in the area, and establish specific design criteria through the Design Guidelines, that meet or exceed Development Code standards.

The existing area was also approved by City Council to include an intergovernmental agreement between the City of Greeley and the City Center West Commercial Metropolitan District in December 2014 (*Ordinance No. 69, 2014*) [Case No. MD 1:14]. Later in 2016, a resolution for the Amendment and restated consolidated service plan for the City Center West Commercial Metropolitan District was approved by City Council to consolidate the City Center West Commercial Metropolitan District and the City Center West Residential Metropolitan District No. 2. (*Rec. No. 4231159*) [Case No. MD 1:16].

In 2015, a minor subdivision application was approved to adjust lot lines around the Hewlett-Packard property, H-P Greeley, 4th Replat (Rec No. 42704720) [Case No. 13:15], to accommodate the currently approved Boomerang Self-Storage [Case No. DR 4:17], formerly called the West Side Commons Storage.

In 2017, a minor subdivision application was approved to adjust lot lines around the Hewlett-Packard property, H-P Greely 5th Replat [Case No. S 32-16] to accommodate Westridge Academy, a K-8 charter school that adjoins the western boundary of this property.

In 2022, a minor subdivision application was approved to split Lot 3, H-P Greeley 5th Replat [Case No. SUB2021-0033] to establish a lot which is proposed to be sold to the adjacent contiguous property owner to the west and a tract, which is proposed to be developed as a residential community.

The permitted uses currently allowed within the Boomerang Master Plan Design Guidelines (aka DCMP), in the R-H (Residential High-Density zone) include residential uses, boarding houses, farming, golf courses, open space, parks, and wireless telecommunications.

This property once housed a portion of the Hewlett Packard facility. Upon HP's exit from Greeley in 2003, this property became vacant and has endured repeated incidents of vandalism. In 2021, this property was acquired by the existing owner, who demolished the structures on-site, creating this vacant property for redevelopment.

D. APPROVAL CRITERIA

Development Code Section 24-204 Rezoning Procedures

The review criteria found in Section 24-204 (b) of the Development Code shall be used to evaluate the zoning amendment application.

1. **The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

   Goal 4 – Prioritize Infill and Redevelopment

   Objective GC-4.2 Reinvestment/Adaptive Reuse - Encourage reinvestment in established areas of Greeley to maximize the use of existing public infrastructure. Support the use of creative strategies to revitalize vacant, blighted, or otherwise underutilized structures and buildings through adaptive reuse.

   Objective GC-4.3 Infill Compatibility - Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area.

   Staff Comment: This proposal is in accordance with Goal 4, Prioritize Infill and Redevelopment, of the Imagine Greeley Comprehensive Land Use Plan. The rezoning request of this formerly vital site, which has over the years become a blighted property, specifically supports the following objectives of Goal 4:

   The proposal complies with this criterion.

2. **The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.**

   Staff Comment: The development of the property can fulfill the intent of its proposed zoning district. Adequate public water and sewer facilities are provided for this property. As part of the City Center West masterplan, all engineering and utilities were originally designed to accommodate a large-scale industrial user, making them more than sufficient for use as a residential subdivision. A single-family residential

community is currently being built adjacent to its eastern boundary. Objective GC-4.3 Infill Compatibility states that the City shall "Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area."

The proposal complies with this criterion.

3. **The area changed or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.**

Staff Comment: This area has changed substantially over the years. When this zone was originally established, this site was on the periphery of City limits and was established to house a 160+ acre industrial campus for Hewlett Packard. That site was abandoned in the early 2000's, and since that time a school has been constructed to the west of this property and a residential subdivision has been permitted on its easterly boundary. The use of this property that would best serve the interests of the public and the interests of the adjacent uses and residences in the area in a compatible and cohesive fashion, is the use of this property for residential purposes.

The proposal complies with this criterion.

4. **The existing zoning been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.**

Staff Comment: The parcels' current zone was established 40 years ago. The property owner has tried for many years to market this property in hopes of attracting an industrial user to no avail. The establishment of R-H (Residential High Density) zoning on this property allows for higher density residential to provide both an appropriate and desirable transition between the existing school site to the west of this property and the single-family homes now under construction to the east of this property.

The proposal complies with this criterion.

5. **The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**

Staff Comment: Currently to the east of this site is a school facility, to the west is a residential subdivision, to the north is a proposed park and to the south is vacant land zoned C-H (Commercial High Intensity), which presents an opportunity to provide convenient and vital commercial uses to residential property owners in this area. The adjacent uses will provide a transition to a residential use on this site.

The proposal complies with this criterion.

6. The city or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.

Staff Comment: The south half of site was historically served by a dedicated 12"/15" sanitary sewer. During the construction of the City Center West Residential Subdivision 1st Filing, this existing sanitary sewer was abandoned and a new 15" sanitary sewer was installed to serve the site. This 15" sanitary sewer collects wastewater flow from the 8th Street commercial corridor and conveys it east through 8th Street. Ultimately, the sanitary sewer discharges into the 27" Sheep Draw interceptor.

The north half of the site would be served by an 8" sewer stub at the 68th Avenue dead end. This stub was designed with the City Center West 2nd Filing project and is currently under construction. This sewer ultimately discharges to the Sheep Draw interceptor.

An existing 12" water line on the southern portion of this property, adjacent to 8th Street, will provide adequate water services for this use.

A traffic compliance letter was submitted as part of this request. That letter indicated that the H-P Building in the original traffic study was previously thought to generate approximately 1,144 weekday daily vehicle trips, with 219 of these trips occurring during the morning peak hour, and 218 trips occurring during the afternoon peak hour. The currently proposed H-P Greeley Redevelopment Project, with 320 units of multifamily residential, is anticipated to generate 1,454 daily weekday trips with 128 trips occurring during the morning peak hour and 125 trips occurring during the afternoon peak hour. Therefore, the proposed rezone with redevelopment is anticipated to result in 91 fewer morning peak hour trips and 93 fewer afternoon peak hour

trips than the use that previously occupied the site and was originally studied in the same development area. This indicates that the proposed H-P Greeley Redevelopment is in traffic compliance with the original traffic study.

The proposal complies with this criterion

7. **The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

Staff Comment: The proposal complies with this criterion. This zoning change would accommodate the development of a residential multi-family subdivision, which is not currently permitted within the Industrial Low Intensity (I-L) zone district. Given the surrounding uses, this proposed zoning of Residential High Density (R-H) is a more appropriate zoning designation for the property at present time and will provide a transition from the single-family residential to the east.

The proposal complies with this criterion

8. **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

Staff Comment: Any reasonably anticipated negative impacts on this area resulting from this rezoning would be mitigated as part of the development process by the consistent enforcement of Municipal Code requirements regarding landscaping, buffers, architectural features, and setbacks. A conceptual traffic study and drainage report were provided with this applicant and the final drainage and traffic needs will be further evaluated at the time of site plan or plat, as necessary.

The proposal complies with this criterion.

9. **The recommendations of professional staff or advisory review bodies.**

Staff Comment: Staff recommends approval of this rezoning request.

F. SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject site is part of the Replat of Lot 3, H-P Greeley Subdivision, Sixth Replat, which was a minor subdivision platted in April of 2022.

2. TRANSPORTATION

The City's Transportation Planner and Engineering Development Review staff have reviewed the traffic compliance letter submitted with this application and found that additional traffic would not create a significant impact on existing roadway systems.

No additional improvements were warranted based on projected traffic. Further analysis would be conducted at the time of the site plan review once exact layouts are confirmed.

G. SERVICES

1. WATER

Water services are available in the area and can adequately serve the subject site.

2. SANITARY SEWER

Sanitation services are available in the area and can adequately serve the subject site.

3. EMERGENCY SERVICES

Emergency services are available and can adequately serve the subject property. The subject site is within the City of Greeley's Fire Protection area and would be served by Fire Station 7, which is located approximately 700 feet southeast of this property

H. NEIGHBORHOOD IMPACTS

1. VISUAL

There are no proposed site changes corresponding to the rezoning currently. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts.

2. NOISE

There are no proposed site changes corresponding to the rezoning currently. Any potential noise created by future development would be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to surrounding property owners on April 8, 2022, per Development Code requirements. Additionally, two public notice signs were posted on the subject site on April 6, 2022. Notice was provided via the Greeley website on April 5, 2022.

J. MINERIAL ESTATE OWNER NOTIFICATION

Mineral notice was sent in compliance with C.R.S § 24-65.5-103(I) on March 26, 2022.

K. PLANNING COMMISSION RECOMMENDED MOTION

Based on the application received, the Project Summary and accompanying analysis, the Planning Commission finds that the proposed rezoning of Tract 3A of the Replat of Lot 3, H-P Greeley Subdivision Sixth Replat from I-L (Industrial Low Intensity) to R-H (Residential High Density) meets the applicable Development Code criteria, Sections 24-204 and therefore, recommends approval of the rezone to the City Council.

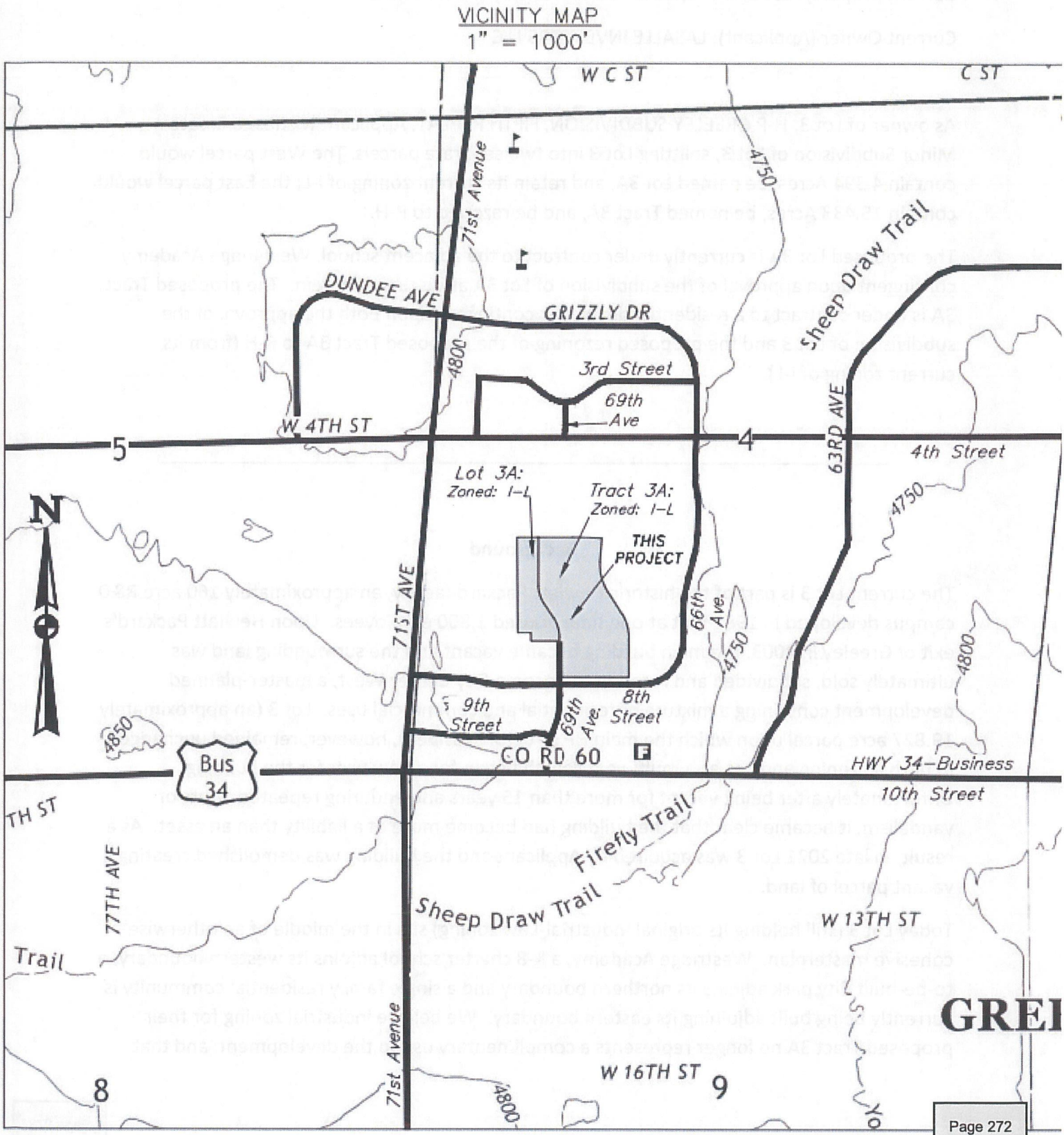
Alternative motion:
Based on the application received, the Project Summary and accompanying analysis, the Planning Commission finds that the proposed rezoning of Tract 3A of the Replat of Lot 3, H-P Greeley Subdivision Sixth Replat from I-L (Industrial Low Intensity) to R-H (Residential High Density) does not meet Development Code Section 24-204; and therefore, recommends **denial** of the rezone to the City Council.

L. ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Project Narrative
Attachment C – Application
Attachment D – Boomerang Master Plan Design Guidelines
Attachment E – Public Comments

Vicinity Map
H-P Greeley Subdivision, Sixth Replat Rezone
ZON2021-0018

Attachment A



Attachment B

H-P Greeley Subdivision, Sixth Replat

Project Narrative for Minor Plat and Rezone

Current property: Lot 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT

Current Owner (Applicant): LASALLE INVESTORS LLC

As owner of Lot 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT, Applicant wishes to create a Minor Subdivision of Lot 3, splitting Lot 3 into two separate parcels. The West parcel would contain 4.394 Acres, be named Lot 3A, and retain its current zoning of I-L; the East parcel would contain 15.433 Acres, be named Tract 3A, and be rezoned to R-H.

The proposed Lot 3A is currently under contract to the adjacent school, West Ridge Academy, contingent upon approval of the subdivision of Lot 3A as discussed herein. The proposed Tract 3A is under contract to a residential developer contingent upon both the approval of the subdivision of Lot 3 and the proposed rezoning of the proposed Tract 3A to R-H (from its current zoning of I-L).

Background

The current Lot 3 is part of the historic Hewlett Packard facility, an approximately 160 acre R&D campus developed in 1982 that at one time housed 1,800 employees. Upon Hewlett Packard's exit of Greeley in 2003, the main building became vacant and the surrounding land was ultimately sold, subdivided and rezoned to become City Center West, a master-planned development containing a mixture of residential and commercial uses. Lot 3 (an approximately 19.827 acre parcel upon which the main HP structure resided), however, remained unchanged in both its zoning and use as a multi-year search began for a new user for the building. Unfortunately after being vacant for more than 15 years and enduring repeated bouts of vandalism, it became clear that the building had become more of a liability than an asset. As a result, in late 2021 Lot 3 was acquired by Applicant and the building was demolished creating a vacant parcel of land.

Today Lot 3 (still holding its original Industrial-Low zoning) sits in the middle of an otherwise cohesive masterplan. Westridge Academy, a K-8 charter school adjoins its western boundary, a to-be-built City park adjoins its northern boundary and a single family residential community is currently being built adjoining its eastern boundary. We believe industrial zoning for their proposed Tract 3A no longer represents a complimentary use to the development, and that

Residential High (R-H) now provides the highest and best use for the property. R-H zoning allows for higher density residential to provide both an appropriate and desirable transition between the existing school site and the single family homes now under construction. Moreover, a rezoning of Tract 3A from I-L to R-H would represent the last step in transforming the original Hewlett Packard campus into a single harmonious development.

Rezoning the proposed Lot 3A (currently under contract to West Ridge Academy) is not required by West Ridge for the expansion of its school campus.

Lot 3A

Though Lot 3A is under contract to West Ridge Academy for future development of their school site, West Ridge's requires that their current property maintain a separate legal description from Lot 3A to retain the metro district tax exemption granted on their current property (the proposed Lot 3A will have no such exemption). Nonetheless, common ownership of the two lots will provide the necessary infrastructure for Lot 3A as the school's current property is already serviced by both public utilities and public road access.

Tract 3A

As part of the City Center West's masterplan, all associated engineering and utilities were designed and sized to accommodate a large-scale industrial user on Lot 3, which is to say all utilities and engineering are more than sufficient for a residential use on Tract 3A. Lot 3 is part of the overall master drainage plan already in place (please see attached approved plans from City Center West), all approved utilities are appropriately sized to accommodate an R-H use (please see attached letter from Northern Engineering), and traffic flow would be less than proposed under the original I-L use (please see letter addressing the original traffic projections from Kimley-Horn).

All site-specific details, including pedestrian access and circulation, will be addressed at the site plan approval stage once a final layout for the property is determined by the final end-user.

Review Criteria

We believe the proposed rezoning of Tract 3A from I-L to R-H meets all of the review criteria established in Section 24-204 (Rezoning) of the City of Greeley Development Code for the review, recommendation and decisions for a proposed rezoning as addressed below:

Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?

and

Has the existing zoning been in place for a substantial time without development, and does this indicate the existing zoning is inappropriate given development trends in the vicinity?

Yes to both. The parcel's current zoning of I-L is a remnant from nearly 40 years ago when the larger overall 160-acre site came into existence as an R&D campus owned and operated by Hewlett Packard. In the early 2000s Hewlett Packard moved out of the facility and the land was ultimately sold, subdivided and rezoned to become City Center West, a master-planned development containing a mixture of residential and commercial uses. This parcel retained its original I-L zoning in hopes of attracting a new tenant to the main Hewlett Packard building. After nearly 20 years of vacancy and repeated bouts of vandalism, however, those hopes were abandoned and the building was demolished.

Can the proposal fulfill the intent of the zoning district considering the relationship to surrounding areas?

Yes. Today the parcel sits in the middle of an otherwise cohesive masterplan. Westridge Academy, a K-8 charter school adjoins its western boundary, a to-be-built City park adjoins its northern boundary and a single family residential community is currently being built adjoining its eastern boundary. We believe industrial zoning no longer represents a complimentary use to the development, and that R-H zoning allows for higher density residential to provide both an appropriate and desirable transition between the existing school site and the single family homes now under construction.

Will the proposed zoning enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.

Yes. This parcel sits in the middle of City Center West, and its rezoning represents the final piece to an overall cohesive masterplan. This parcel's remnant I-L zoning no longer represents a complimentary use to the development whereas an R-H zoning will provide

both an appropriate and desirable transition between the existing school site and the single family homes now under construction.

Does the City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.

Yes. The City Center West masterplan contemplated future development of this parcel and as such all approved infrastructure and utilities were sized to accommodate the parcel's development. Letters from Northern Engineering and Kimley Horn addressing the necessary utility and traffic capacity for an R-H use have been included with this rezone application.

Will the change serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.

Yes. The current zoning is a remnant from nearly 40 years ago when the site was part of an industrial campus that was located on the outskirts of town. Since then, the city has grown significantly and the surrounding area has been redeveloped into a mixed-use master planned development. This particular parcel sits adjacent to the existing residential section of said development making the proposed R-H rezoning both a more desirable and harmonious transition to the commercial uses to the south.

Are there any reasonably anticipated negative impacts on the area or adjacent property that are not mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.

No. On the contrary, for nearly 20 years a vacant deteriorating 200,000 square foot industrial building sat on this site inviting constant vandalism and increasingly producing a dangerous nuisance (and enormous eyesore) to the west entry of Greeley. The building has now been demolished and a rezone from industrial to residential will serve to harmonize the site with the surrounding like uses.

Is the proposal in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan?

Yes. The parcel sits within City Center West, a mixed use master planned neighborhood located within the designated "Mixed-Use" section of the Land Use Guidance Plan. The overall approximately 160-acre development generally transitions from single-family residential on the north to high intensity commercial pad sites on the south. This parcel, sitting almost perfectly in the center of the development, is surrounded by Westridge Academy, a K-8 charter school on its western boundary, a to-be-built City park on its northern boundary and a single family residential community currently under construction on its eastern boundary. A rezoning from I-L to R-H maintains the mixed-use characteristic of the neighborhood while also providing a more cohesive and natural transition from these adjacent low impact uses to the more high impact uses to the south.

In addition, the ability of the proposed R-H parcel to access both the adjacent public park and charter school serves to foster increased walkability/bikability of the residential neighborhood, and providing more high density residential to the area will increase the variety of affordable housing options and economic diversity in the area. All of which serve to further address several main objectives of the Comprehensive Plan.

Item No. 18.

City of Greeley Colorado
COMMUNITY DEVELOPMENT

Development Application

1100 10th Street Greeley, CO 80631
970-350-9780
www.greeleygov.com

Attachment C

APPLICANT NAME: Lasalle Properties LLC	**ADDRESS:** 5801 W. 11th Street, Suite 201 Greeley, Co 80634 **EMAIL:**	**PHONE:** 970-381-5166
OWNER(S) OF RECORD: Lasalle Properties LLC	**ADDRESS:** same **EMAIL:**	**PHONE:**
OWNER(S) OF RECORD:	**ADDRESS:** **EMAIL:**	**PHONE:**
POINT OF CONTACT: Loren Shanks	**ADDRESS:** 3313 35th Avenue, Suite B Evans, Co 80620 **EMAIL:**	**PHONE:** 970-506-1544

PARCEL / LOT INFORMATION

Parcel ID Number	R8948160 - 095904306003
Address or Cross Streets:	8th Street and 69th Avenue, the old HP site
Subdivision Name & Filing No.:	H-P Greeley Subdivision, Fifth Replat
Related Case Numbers: (PUD, Rezoning, and/or Plat)	

	EXISTING	PROPOSED
Zoning:	I-L	I-L and R-H
Project Name:	Lot 3, H-P Greeley Subdivision, Fifth Replat	Lots 1 and 2, H-P Greeley Subdivision, Sixth Replat
Site Area (Acres & Square Ft.):	19.827 Acres	4.394 Acres and 15.433 Acres
Floor Area Ratio (FAR):	building under demolition	tbd
Density (Dwelling Units/Acre):	per I-L	per I-L and R-H
Building Square Footage:	228,109 sq.ft.	future development

PROJECT TYPE

☐ Annexation	☐ Minor Subdivision	☐ Historic Register Nomination	☑ Rezoning
☐ Appeal	☐ Condominium Plat	☐ Historic Preservation Design Review	☐ Planned Unit Development
☐ Entertainment Establishment	☐ Easement Encroachment	☐ Historic Preservation Financial Incentives	☐ ROW Dedication/Vacation
☐ Major Subdivision - Final Plat	☐ Site Plan	☐ Easement Dedication/Vacation	☐ Variance
☐ Major Subdivision – Preliminary Plat	☐ Use by Special Review	☐ Metropolitan District	☐ Other

Pre-Application Meeting Date: _____
Pre-Application Meeting Number: PAM _____

This application must be signed by owner(s) of record or authorized officer, if a corporation. Owner(s) listed must match title work. Processing and review of this application may require the submittal of additional information, subsequent reviews, and/or meetings, as outlined in the City of Greeley Development Code and Application Manual. After three (3) months of inactivity, a reminder will be sent to applicants stating that action is required within the next thirty (30) days or the application will be closed due to inactivity.

I hereby certify that, to the best of my knowledge, all information supplied with this application is true and accurate and authorize the applicant listed above to process the application on my behalf.

Owner's Signature: _____ Date: 12/1/2021

Attachment D

people creating spaces

pcs group inc. www.pcsgroupco.com

BOOMERANG MASTER PLAN
AMENDED DESIGN GUIDELINES

October 8, 2013

Developer:
City Center West, LP
7100 E. Belleview Ave.
Suite 350
Greenwood Village, Colorado 80111

Planner:
PCS Group, Inc
#3 B-180 Independence Plaza
1001 16th Street
Denver, CO, 80265

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pcs group inc. 1001 16th Street - #3 B-100 - denver - co - 80265 - t 303.531.4905 - f 303.531.4905
www.pcsgroupco.com

Where provisions of these design guidelines are unclear or standards are not covered, the City of Greeley Development Code shall be considered the standard.

ARCHITECTURE STANDARDS

A 1.0 Design Principles

The goal of these design guidelines is to provide design standards that provide a consistent architectural and landscape character through the design of an integrated development. The goal is to provide flexibility for architectural design and optimize site and building functions.

The following guidelines are intended to outline the basic standards for design intent that will create the sustained development. The following design aspects will be addressed with these guidelines:

- Building Entrances
- Façade Treatment
- Base Treatment
- Roof and Top Treatment
- Building Materials and Colors
- Supplementary Standards

A 2.0 Building Entrances

A 2.10 Policy

Primary building entrances shall be clearly defined and provide shelter from the summer sun and winter weather. Building materials shall be selected to provide greater visual and textural interest at building entries.

A 2.20 Criteria

Primary entrances shall be easily identifiable to both the vehicular visitor as well as the pedestrian.

Building address (es) shall be clearly visible from the public right-of-way as well as at the entrance of each door.

Architectural articulation shall be evident at primary entrances. Textural and massing changes are required for visual interest as well as promoting the "human scale"

Primary entrances shall be protected from elements of weather.

Each principal building on a site shall have clearly defined, highly visible customer entrances featuring the following:

A. Customer entrances for "in-line retail" (or attached retail) shall feature no less than two of the items listed below:

B. Customer entrances for buildings of less than 25,000 gross square feet (excluding "in-line retail") shall include no less than three (3) of the items listed below:

C. Customer entrances for buildings having 25,000 gross square feet, or more, shall include no less than five (5) of the items listed below:

D. Where additional stores will be located in the principal building, each store shall have at least one (1) exterior customer entrance, which shall feature no less than two (2) of the items in the following list:

1. Canopies, overhangs, or porte cocheres.
2. Recesses/projections
3. Arcades, porticos
4. Raised cornice parapets over the door
5. Peaked roof forms at entryway
6. Arches
7. Color change
8. Texture change
9. Material change
10. Door(s) which provide a focal element at the entrance
11. Functional outdoor patios
12. Architectural details such as tile work, moldings, exposed trusses, columns and other similar details, which provide interest and are integrated into the building structure and design

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A 3.0 Façade Treatment
These standards are designed to provide architectural interest and variety, and avoid the effect of a flat, long, or massive wall with no relation to human size.

A 3.10 Variation in Massing
A single, large, dominant building mass shall be avoided. Buildings with 100 foot or longer front facades shall comply with the standards listed below:

Horizontal masses shall not exceed a height/width ratio of 1 vertical to 3 horizontal without substantial variation in massing that includes a change in height and projecting or recessed elements.

No façade that faces a public street or public open space shall have a blank featureless wall without at least two (2) of the following:

A. Change in plane
B. Change in color
C. Change in texture, scoring, jointing, reveals or masonry pattern
D. Windows
E. Trellises, colonnades
F. Porticos, awnings, or canopies

Use of inferior or lesser quality materials for side or rear facades shall be prohibited except where facades are not visible from the public right of way or common open space

Service entrances shall be planned to be visually unobtrusive to site entries, building entrances, public right-of-ways, and common open space.

A 3.20 Awnings
Awnings shall be broken down to relate to individual structural building bays or window openings.

A 4.0 Base Treatment
Facades shall have a recognizable "base" consisting of three (3) or more of the following:

A. Thicker walls, ledges, or sills
B. Integrally textured materials such as stone, masonry, or aggregate concrete.
C. Integrally colored and patterned materials such as smooth finish stone or block.
D. Lighter or darker colored materials, mullions, or panels as compared to the upper façade.
E. Scoring/reveals.
F. Belly band.
G. Modular store front on first floor.
H. Change in window pattern on first floor as compared to upper floor(s).
I. Berming against base of building. 30" minimum height.

A 5.0 Roof and top Treatment

A 5.10 Purpose

Crown the building with a distinctive cap designed to terminate the top of the building.

Continuous flat parapets are prohibited, unless it can be demonstrated that façade massing breaks and other treatments create visual interest at the top of a building.

Rooftop mechanical units, dishes, and other miscellaneous equipment shall be screened or be an integral part of the building design. Screen material shall be of the same or compatible material texture and color to the building architecture.

A 5.20 Top Treatments

Parapets shall conceal flat roofs and rooftop equipment such as HVAC units in accordance with City of Greely Development Code.

Non-residential buildings with a flat roof shall have a recognizable "top" consisting of two (2) of the following:

A. Cornice treatment other than just colored "stripes" or "bands" with integrally textured materials, such as stone or other masonry or differently colored material.
B. Sloping Roof form
C. Stepped cornice treatment (min of 2 steps)
D. An equivalent element that provides a recognizable top as approved by the DRC and administratively by the City
E. A recognizable top treatment may not be required for buildings with a contemporary architectural style. Specific DRC and City approval is required in these instances.

A 6.0 Building Materials and Colors

A 6.10 Preferred Materials

A. Brick
B. Textured and/or ground face concrete block with integral color
C. Textured architectural precast panels, painted and/or cast-in textures
D. Site-cast or precast concrete panels , painted and/or cast-in textures
E. Wood
F. Natural stone and synthetic stone products
G. Architecturally integrated metal wall panels, for accent materials.
H. Synthetic Stucco
I. Glazing- less than 65% reflectivity
J. Smooth face concrete block, used in combination with other textured materials
K. Other similar high quality materials

Materials must be consistent within the development to present an overall design.

A 6.20 Preferred Colors

Color palette should consider rich hues and a cohesive, unified theme throughout each planned development.

Monochromatic color schemes are discouraged.

The following colors families are encouraged to be used:

1. Grays- warm and cool
2. Greens/blues
3. Reds/browns
4. Other similar color families

A 6.30 Prohibited Colors
Color palettes consisting of high contrast and a dysfunctional theme as the predominant building color are prohibited.
The following are colors prohibited as the dominant theme:

1. Pastels
2. Metallic Colors
3. Other similar high contrast colors

A 6.40 Accent Colors
Accent colors are intended to compliment the primary building colors. They can be incorporated into shutters, window mullions, building trim, signs, light fixtures, awnings, etc. Bright/vivid colors shall be used sparingly. If used, accent colors shall be limited to 10-20% of the building façade.

A 7.0 Supplementary Standards
Individual types of commercial/retail projects have additional Design Guidelines associated with their use that are more specific in nature, as follows:

A 7.10 In-line Retail Stores
In-line, or attached retail stores, shall incorporate primary building elements that denote a place of entrance to the connecting pedestrian circulation patterns. These forms should be larger in scale than the entrances to the in-line retail components it addresses.

In-line retail uses shall incorporate building components, such as columns, arcades, covered walkways and trellises emphasis its connecting pedestrian circulation patterns.

In-line retail uses shall incorporate seating and pockets of outdoor living areas that provide resting areas.

A 7.20 Building Pad Sites
Retail/Commercial pad buildings shall be smaller in size than the retail anchor buildings to which they are adjacent.

Retail pad sites shall be separated from large parking lots by drive lanes and landscaping to delineate parking areas.

Utilitarian service areas shall not be placed adjacent to pedestrian pathways that lead to entrance areas. Utilitarian areas shall be fully screened with building components that are similar to or compatible with the building's wall materials and/ or colors.

A 7.30 Convenience/Gas Stations
Convenience stores and gas stations shall comply with the Greeley Municipal Code.

Canopies shall not exceed a 24 foot height. Canopies shall be architecturally integrated with the convenience store building and other accessory structures on the site through the use of the same or complementary materials, design motif, and colors.

A 7.40 Architecture for Commercial Buildings

Drive-up or drive-through facilities, whether attached or freestanding, shall be tied to the primary building with architectural forms, colors, and materials.

Ancillary structures, whether attached or freestanding, shall be of a design compatible with the primary building in materials/colors. Such structures shall be constructed of similar materials and designed for durability and easy maintenance.

Service areas and utilities shall be fully screened with walls, fences, landscaping or other forms which are to be compatible with the building in materials/ color. Such structures shall be constructed of similar materials and be designed for durability and easy maintenance.

SITE DEVELOPMENT STANDARDS

S 1.0 Design Principles

The goal of this section of the Design Guidelines is to provide additional design and landscaping standards for the development of the Boomerang Master Plan. The intent is to create a united site and landscape plan that will work with the existing structures on site while creating a compatible identity for each section of new development.

Standards not covered within these Design Guidelines shall be governed by the City of Greeley Development Code

S 2.0 Setbacks

The building and parking setbacks within Boomerang Village shall be determined, along with available performance options, by the City of Greeley Development Code for the appropriate zone district under consideration.

"Setbacks" refer to the required unoccupied open space between the furthermost projection of a structure/parking lot and the property line of the lot on which the structure/parking lot is located.

See figure S 2.1 as an example of landscape screening within the required setback. On the west side of 69th Avenue and the east side of 70th Avenue, an attached sidewalk shall be permitted with a double row of shrubs for parking screening.

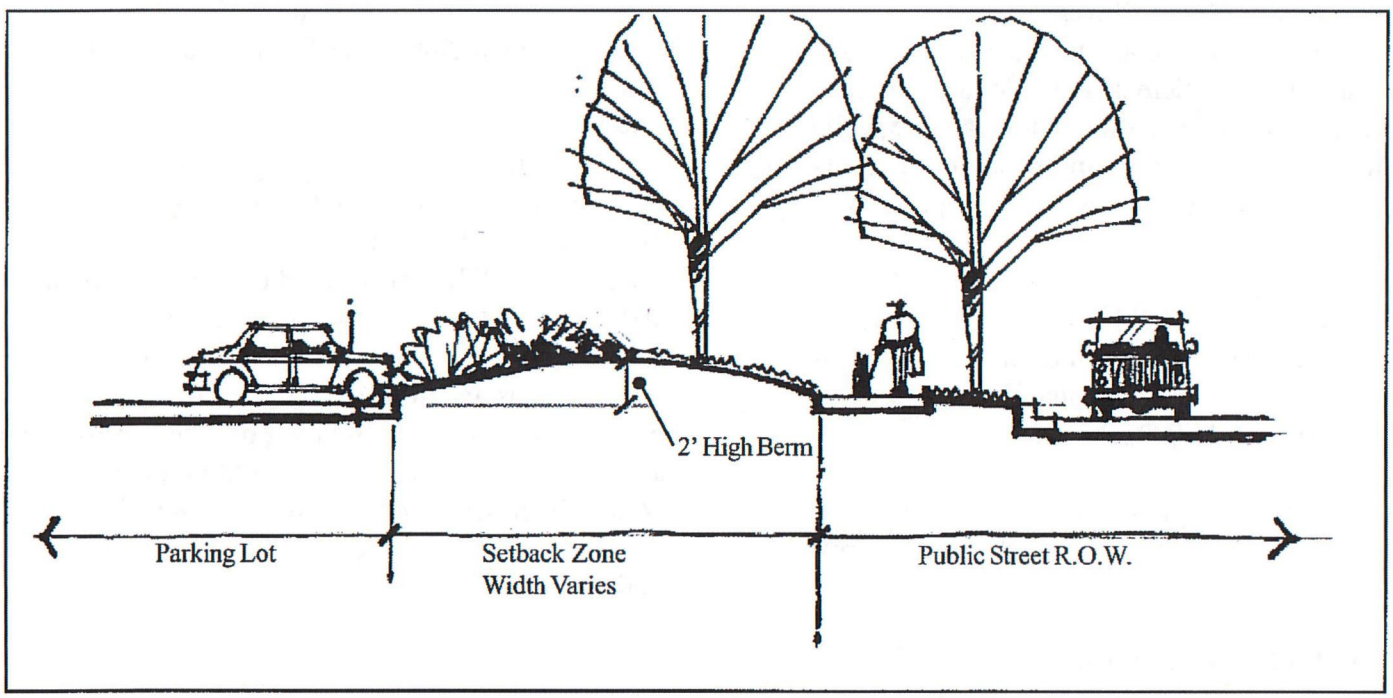


Figure S 2.1 - Landscape Setback Character Sketch

S 3.0 Open Space requirements

A minimum of 85% of the area defined as open space shall be vegetated landscaped areas. The intent is to create spaces which can be seen, used, and enjoyed by people, whether on foot, or in a vehicle.

Open space requirements for individual commercial lots can be reduced, if approved by the City of Greeley Planning Department, provided that the total percentage of open space within the commercial lots meets or exceeds the requirements of the Design Guidelines.

Open Space Table

LAND USE	Open Space % Required
Commercial/Retail	20 %
Industrial/Office	10 %
Residential	30 %-R-M
	30 %-R-H

S 4.0 Parking Lot Screening

S 4.10 Policy

Parking lots shall be screened from surrounding public streets, public sidewalks and trails, public parks and other properties that are used by the public.

S 4.20 Criteria

A. Whenever there are six (6) or more parking spaces on the property, the parking lot shall be screened where it abuts a public street.

B. Berms, walls, fences, plants, planters or similar means shall be used to create the parking lot screen. Where structures such as walls or fences are used to create a screen, plants shall be located on the side of the structure which can be seen from surrounding streets, walks, parks, trails, and other properties which are used by the public.

C. The screen around the parking shall be at least two (2) feet higher than the surface of the parking lot. Where plants are used to create a screen, the plants should create the screen within three years from the time planted.

D. Parking lot setbacks are provided to mitigate the visual impacts of parking areas from adjacent parcels and public rights of way (refer to Section S2.0 for setbacks). In addition, a berm, landscape or wall may be used for lots adjacent to 10th Street. The screen along 10th Street shall reach a minimum height of 3' in order to maintain the existing character and feel of 10th Street. Height of screen will be measured from the north edge of 10th Street.

S 5.0 Landscaping

S 5.10 Purpose

Landscaping is intended to unify the building and its site along with adjacent development areas.
The development shall be landscaped with regionally appropriate materials. Perimeter streetscapes shall have a mix of formal and informal groupings of trees with large groupings of shrubs for seasonal interest.

Where appropriate, turf will be low water requiring varieties with areas of longer, native species.
Perennial and annual flowers will provide accent color. Landscaping and/or earth shaping shall be used to screen surface parking, to soften structures such as soft wall and to buffer sound adjacent to heavily traveled areas. Shrubs are encouraged to be used for low level buffers, enclosure, identity, and reinforcement of pathways, and to provide visual interest and display.

S 5.20 Plant Materials

Landscape design shall incorporate some or all of the following Xeriscape principle, including:

A. Grouping plants with similar water requirements together ;
B. Limiting high-irrigation and plantings to high-use and/or high visibility areas;
C. Use of low water demanding plants and turf where practical;
D. Use of indigenous plant materials, where appropriate and practical,
E. Use of efficient irrigation systems, including the potential use of non-potable irrigation water.
F. Use of mulches and soil improvements; and
G. Provision of programs for regular and attentive maintenance.
H. Trees and shrubs sizes, at the time of planting, shall comply with the following minimum sizes:
Deciduous Trees -2"caliper
Ornamental Trees -1 ½ "caliper
Evergreen Trees -6'height
Shrubs- 5 gallon

S 6.0 Commercial High Intensity (C-H) Zoning Uses

S 6.10 Permitted Uses

Farming
Churches
Libraries, Museums, etc.
Long-term care, Assisted Living
Police, Fire, and Ambulance Dispatch Stations
Schools (business, trade)
Art, Dance, Photo Studios, Galleries
Auto Uses- Under 1 acre
Auto Uses- Car & Truck wash (<1 acre & <3 bays)
Banks, Savings & Loans, Financial Institution (without drive- up windows)
Bars, Taverns, Lounges
Brew Pubs
Cleaning & Janitorial Services
Dry Cleaning (no on site cleaning)
Emissions Testing Center (<1 acre)
Golf Uses- Golf Course, range w/o lights
Golf Uses- Golf Course, range w/ lights
Golf Uses- Miniature Golf
Hospitals
Lodging- Hotels & Motels
Medical & Dental Offices & Clinics, Supplies
Mortuaries, Funeral Homes
Nurseries, Greenhouses, Garden Shops
Offices
Parking Lots & Structures
Personal Service Shops (beauty, barber, etc.)
Printing, Copying, Mail center
Radio & TV stations
Recreation Uses- Community Rec. Bldg.
Recreation Uses- Indoor, outdoor extensive
Recreation Uses- Membership/Health Clubs
Recreation Uses- Open Space
Recreation Uses-Parks (pocket, neighborhood, regional)
Rental Service (equipment, small tools, supplies, etc.) Not including vehicle rental or outdoor storage of rental equipment.
Restaurants - Cafes & Other eating establishments (includes outdoor seating areas)
Retail Repair Shops
Retail Sale- Up to 20,000 SF GFA
Theaters- Indoor, movie
Train, Shuttle, Bus Depots
Newspaper & Publishing Plants, Binderies
Research & Testing Labs
Utility Service Facilities-< 300 SF
Wireless Telecomm.- Co-location on existing tower

S 6.20 Design Review Uses

Animal Uses, Pet stores, Pet Grooming
Animal uses- Vet Clinic (no outdoor run)
Banks, Savings & Loans, Financial Institution (with drive- up windows)
Mixed Use (must include residential)
Secondary Dwelling
Child Care / Daycare Centers, Preschools
Convenience Store w/ Gas (1 acre or less)
Food & Beverage Processing Facility (minor)
Gas Stations (1 acre or less)
Group Homes with 8 or fewer residents
Lodging- Bed & Breakfast
Restaurants- Drive-in/ drive-thru
Restaurants- Drive-up Window
Retail Sales- Over 20,000 SF GFA
Warehousing- Self -serve under 5 acre in size
Telecommunications Uses- satellite antennas over 3' diameter
Utility, Comm. Tower & Cabinet>Bldg. Height
Wireless Telecomm.- Stealth design
Wireless Telecomm.- Roof-top mounted

S 6.30 Special Review Uses

Single-Family Dwelling
Two- Family Dwelling
Multi-Family Dwelling
Town House Dwellings
Boarding/Rooming Houses
Dormitories, Sororities, Fraternities
Group Homes with 8 or more residents
Schools (other than business & trade schools)
Universities, College

S 6.30 Special Review Uses (con't)

Gas Stations with Convenience (over 1 acre)
Auto Uses- Over 1 acre
Auto Uses – Auto Repair, Auto Sales (over 1 acre)
Auto Uses – Car & Truck wash over 3 bays
Retail Sales- Over 100,000 SF GFA
Warehousing- Self -serve over 5 acre in size
Oil & Gas Operations
Utility Service Facilities->300 SF
Utility Lines over 33 KVA
Wireless Telecomm.- Freestanding (non-stealth)

S 6.40 Excluded Uses
Emergency Shelters, Missions
Animal Uses- Kennels
Animal Uses- Vet Clinic w/ outdoor run
Auto Uses- Auto Rental
Auto Uses- Commercial Truck Wash
Auto Uses- Towing Service
Bingo Halls & Parlors
Builder/Contractor Supply Office & Yards
Drive-In Theaters
Exterminating Shops
Laundromats
Pawn Shops
RV & Travel Trailer Parks
Theaters- Outdoor (sports arenas, stadiums)
Theme or Amusement Parks, Zoos, Aquariums
Upholstery Shops
Recycling Centers- Small and Large

COMPATIBILITY WITH COMPREHENSIVE PLAN

The Development Concept Master Plan Amendment is not proposing to alter any of the zoned uses on the property, and as such, the this amendment remains compatible with the existing zoning. It is also consistent with the goals of the 2060 Comprehensive Plan, providing a mix of uses within a development, and encouraging walkability and promoting an healthy lifestyle.

This amendment is simply depicting the current plans for the commercial development along 10th Street, along with updating the Eastern portion of the 10th Street frontage to include the proposed Banner Health Site. The plan maintains the approved mix of uses with proposed residential and commercial uses, and the character and intensity of development remains reflective of the Comprehensive Plan principles and guidelines.

PROPERTY SETTING

The Boomerang Master Plan is located at the northeast corner of the intersection of 10th Street and 71st Avenue. The northern border of the property is 4th Street and the East boundary of the property runs along Sheep Draw. The property is approximately 156 acres of rolling terrain and large mature trees with the former Hewlett Packard building located in the central portion of the property.

The adjacent zoning along the north edge is R-H with a small portion at the west end zoned C-H. The adjacent zoning along the east edge of the property is C-D. The south edge of the property has adjacent zoning of C-H and R-H. The west side of the property is a mix of R-L and R-H zones along with the Boomerang Golf Course.

The zoning on the property has not changed and remains a mix of zoning throughout the property. The southern portion of the property is C-H zoning and the northern portion is a mix of R-M, R-H, C-H and I-L zoning. We feel that the zoning designations for the property remain compatible with the existing uses in the surrounding area.

PEDSTRIAN CIRCULATION

The challenge with pedestrian circulation for this property is creating easy access between large areas that will be easily identifiable and accessible for pedestrians. For the majority of the property the proposed streets with sidewalks and parkways will serve as the primary connection for pedestrians between parcels. The residential portion of the property on the north end is planned to have an open space connection through the developed areas that will lead to the Sheep Draw corridor. We feel the connection for pedestrians to the Sheep Draw corridor, and onto the existing trail is the most important connection for the site.

The commercial pad sites along 10th Street will provide safe and convenient pedestrian access for their clientele. At the same time, east-west pedestrian connections will be provided along both the front and rear of the pad sites, ensuring connectivity between the commercial uses and to the greater community. These connecting walks will ultimately lead to Sheep Draw via multiple connections north to 8th Street which facilitates this connection.

From: James Powers
To: Kristin Cote
Subject: [EXTERNAL] Zoning Change
Date: Monday, April 18, 2022 4:45:20 PM

Hi Kristin,

I am writing in reference to Case number ZON2021-0018 in which Lasalle Properties, LLC is seeking to rezone Tract 3A of the Replat of Lot 3, H-P Greeley Subdivision Sixth Replat from I-L to R-H. I assume, from information I have found online that Residential High Density is for purposes of building an apartment complex.

That being the case, I must voice my OPPOSITION to this change.

I am a new home owner at 6615 7th Street which puts this complex at the end of my street. We are already seeing issues with the Ten West apartments at 6600 8th St. Their residents are frequently seen driving irresponsibly and, in some cases, downright dangerously down 66th Avenue from 4th Street or down 8th Street from 69th Avenue. I have nearly been hit by residents of that complex while driving to or from my home. They also have a significant number of vehicles parked on 66th Avenue and in one case, not paying attention, one of their residents nearly caused a wreck with my wife when they threw a car door open, not paying attention to traffic.

While I understand that this doesn't necessarily drive down my property value (at least based on current trends), I don't want that to be a factor in the future. This is the last home my wife and I will purchase in our lifetime and I don't want my children to be stuck with a house they cannot sell. Homeowners don't typically like to purchase in the vicinity of apartments as we were advised by our realtor in Denver. Based on his recommendation, we avoided the house that was our first choice due to its proximity to an apartment complex.

My bigger concern is safety. My youngest daughter is 12, entering 7th grade next year and will be back in-person at Westridge Academy. She and her friend, who live next door, will be walking to and from school with her younger brothers both age 6. With the way the Ten West residents drive and their high traffic impact, I'm concerned for their safety. Adding another complex to the 8th Street bottleneck dramatically increases the danger for pedestrians, especially children who don't always pay attention to their surroundings.

I ask that the Planning Commision stand with me in OPPOSITION to this zoning change. A change to Low-Density residential, to extend the Hartford development would be preferred for home values and safety concerns.

Please confirm receipt of this email and that it will be included in the Planning Commission meeting on April 26th. I would like to attend but have a medical procedure scheduled for that day. How will I find out results of this meeting?

--
Jim Powers

From: James Powers
To: Kristin Cote
Subject: [EXTERNAL] Re: Zoning Change
Date: Friday, April 22, 2022 8:58:02 PM

Hi Kristin,

I have an additional statement I would like to add to my opposition plus the attached photos.

Due to the already congested traffic through our neighborhood, my daughter was hit by a truck crossing the street after getting our mail. This happened at 3:35 this afternoon. She has a severe concussion as well as multiple fractures in her face and will likely require surgery. YOU MUST OPPOSE THIS REZONING! We CANNOT have more traffic that will cause more injuries to children. DO NOT APPROVE THIS!!!

Brian Bartels

From: Landon Hoover [landon@hartfordco.com]
Sent: Monday, April 25, 2022 1:43 PM
To: Brian Bartels
Subject: Hartford Homes Letter of Support

Brian –

Hartford Homes and CCW Development, the homebuilder and developer adjacent to the site, offer this letter of support for the re-zoning and redevelopment of the site. We are grateful for the progress to date, and we look forward to the continued partnership seeing the site develop. The removal of the building has already had a positive impact, reducing theft and vandalism in our neighborhood. We believe the long-term impacts on safety and home values will be significant.

Thank you.

HARTFORD HOMES

Landon Hoover
Owner / CEO
C: 970.286.3329

Voted Best Builder in the Western US by AVID!!

18th Annual Avid Awards GOLD WINNER

Brian Bartels

From: Landon Hoover [landon@hartfordco.com]
Sent: Monday, April 25, 2022 1:39 PM
To: Brian Bartels
Cc: Patrick McMeekin
Subject: HOA & Metro District Support

Brian –

On behalf of the Northridge Trails Homeowners Association and City Center West Residential Metropolitan District No.2, I offer this letter of support for the re-development and re-zoning of the "Old HP" site. We believe the removal of the building, re-zoning and redevelopment of the site will support home values and positively impact the area long-term.

Thank you.

Pat McMeekin

President
Northridge Trails Homeowners Association
City Center West Metropolitan District

Brian Bartels

From: Kenneth Dyer [kdyer@cfstrategies.net]
Sent: Monday, April 25, 2022 1:31 PM
To: Brian Bartels
Subject: HP Site

Brian,

As chairman of the school board for West Ridge Academy Charter School, I want to personally thank you for working with the school regarding the former Hewlett Packard building. As you are aware, the school had very close proximity to the old manufacturing building. We experienced a multitude of security issues due to the disrepair of the old facility. There were numerous occasions where police were summoned because of suspicious activity. Now that the building has been demolished our safety concerns have been ratified. Again, thank you for your help and service to our school and community.

Gratefully,

Ken Dyer
(970) 590-3971

Cornerstone
Financial Strategies

Brian Bartels

From: KENT HENSON [khenson1@greeleyschools.org]
Sent: Monday, April 25, 2022 9:19 PM
To: Brian Bartels
Subject: Tointon Neighborhood

Hi Brian,

As a resident of West Greeley and employee of Greeley Evans School District 6, I wanted to take this opportunity to express my support for the work you are doing at the former HP site.

That building was an eyesore and was an attractive nuisance for adolescent and other negative behavior.

As the new Tointon Academy opens next fall, the removal of this dilapidated concrete shell and the upcoming development has improved the image of that corridor.

Thank you for your work in the neighborhood.

Kent Henson
226 N 52nd Ave
Greeley CO 80634

--

Kent Henson, ED. S.
Assistant Superintendent of Support Services
Weld County School District 6
2204 5th Avenue
Greeley, CO 80631
970-348-6409

Facilities Maintenance * Transportation
IT*Grounds*Custodial*Facilities Projects

on any links or attachments.

City of Greeley, Colorado

PLANNING COMMISSION PROCEEDINGS

April 26, 2022

1. Call to Order

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

2. Roll Call

The hearing clerk called the roll.

PRESENT
Chair Justin Yeater
Commissioner Jeff Carlson
Commissioner Larry Modlin
Commissioner Christian Schulte

ABSENT
Commissioner Chelsie Romulo
Commissioner Brian Franzen
Commissioner Erik Briscoe

Under citizen comment, the chair recognized Mike Weiland, 436 47th Avenue, spoke on behalf of the Greeley Chapter of Citizens Climate Lobby. He invited the commissioners to a documentary called Earth Emergency and discussion on May 7, 2022, at 10:30 at the Lincoln Park Library.

3. Approval of Agenda

There were no corrections or additions to the agenda, and it was approved as presented.

4. Approval of March 22, 2022, Minutes

Commissioner Carlson moved to approve the minutes dated March 22, 2022. Commissioner Modlin seconded the motion. Motion carried 4-0. (Commissioners Romulo, Franzen, and Briscoe were absent.)

5. Public hearing to consider a request to rezone approximately 15.433 acres of land located at 712 71st Avenue from I-L (Industrial Low Intensity) to R-H (Residential High Density) (Project No. ZON2021-0018)

Kristin Cote, Planner II, addressed the Commission. She stated this parcel is currently vacant and has been searching for an industrial user for about 20 years. A user was not found, so they are pursuing this rezone in hopes of establishing a multi-family development on this tract. Ms. Cote explained that in 1981 the property was zoned and annexed through the Sheep Draw annexation. She then presented the visibility map that showed a single-family residential subdivision to the east and a school site to the west. She said that lot 3-A was established as part of the minor subdivision, which is being reviewed for rezoning R-H rezoning today. Subsequently, she had received two e-mail comments in regard to this site who expressed concerns regarding the amount of traffic currently within the general vicinity and also the increase in traffic that the potential rezone and re-subdivision would create. She also indicted staff was provided communication in support of the rezone just before the hearing.

Upon question by Chair Yeater, Ms. Cote responded by saying a traffic compliance letter was submitted. The letter showed that during peak hours there will be a slight decrease in what was shown from the original traffic study conducted for an I-L use.

Commissioner Modlin asked for clarification on the residential vs. the industrial traffic. Ms. Cote went on to say that there is always potential on public roads, but most traffic would enter through the south. There would be very little reason in general for traffic to access this site to utilize the single-family residential to the east.

Commissioner Modlin asked how they would deal with the traffic issues. Ms. Cote explained that in order to develop this property it will require a subdivision as well as a site plan review. This will then require additional information regarding traffic and traffic studies. However, she stated that she couldn't provide a full answer until they develop the second phase of this property.

The applicant, Brian Bartels, 5801 W. 11th Street, Suite 201. He began to explain their company originally purchased the building after trying to repurpose it with the previous owners. Unfortunately, it had been in such a state of disrepair and vandalized for so long that eventually the building could not be repurposed. He stated that the Westridge Charter School, who owns the adjacent parcel of 4 ½ acres, now want to use the site to expand their track and field with some possible stacked parking.

Chair Yeater opened the public hearing at 1:46 p.m.

Trish Trombino, 6620 7th Street. Ms. Trombino stated that Greeley does not need additional residential high-density zoning. Much of all the buildings in the city are apartments and she feels that balance is being lost. She spoke of the Greeley building report for March of 2022 and touched on statistics. She then requested the members of the Planning Commission reject the zoning proposal.

Kimberly Tiba, 6627 7th Street. She wanted to speak for herself and on behalf of future residents. She expressed her concerns regarding traffic coming from High School

students during lunch time. Ms. Tiba also thinks more people would have attended this hearing if they had already moved in.

Dana Davis, 728 67th Avenue. She explained that when they moved in, Hartford Homes didn't make them aware of any future plans for zoning. She believes the traffic concerns are real and touched on the high school lunch traffic causing worry. Ms. Davis closed by requesting the Commission reconsider this for the current homeowners and the future homeowners.

Charles Rael, 716 67th Avenue. He shared his frustrations that homeowners in his area weren't told of future plans for zoning. Mr. Rael stated his concern for families with young children and finds it a very high-risk area. He proposed to reconsider that zone for something more functional instead of high-density living. He also noted that Greeley already has plenty of growth out west.

Chair Yeater closed the public hearing at 1:56 p.m.

Chair Yeater invited the applicant to respond to the concerns raised during the public hearing. Mr. Bartels said he understands everyone's apprehensions, but he also wants to do what's best for the overall area. They feel that residential-high is better planning than industrial-low. Mr. Bartels reiterated that right now they're just looking at changing the zoning and not a specific project.

Chair Yeater asked Ms. Cote to further explain the traffic and any additional steps needed to go through the site process. Ms. Cote responded by saying that part of the minor subdivision was subdivided as a tract. However, a tract is not buildable so they will need to resubdivided this into a lot. That lot would then be established as a building site. Once that is complete then it will be required to go through the site plan review process. That process potentially includes requirements for traffic studies, elevations for the metrics, and architecture. After that, it would go through the full review process where they would complete a series of redlines until everything satisfies code and the traffic engineer. If everything is satisfactory then it would be approved by the city which would allow them to finally move forward with any building permits.

Commissioner Modlin asked about access onto 4th Street and whether a plat would show the extent of roads in the entire area. Ms. Cote stated that the subdivision plat would show the extent of the roads within the subdivided tract. She added that any traffic studies that would take into account the overall traffic and not only the traffic created by this rezone.

Commissioner Carlson then asked Ms. Cote if the recommendations for approval of this zoning change from the city staff will remain consistent based on input from the community members. She responded that it would remain consistent.

Dylan Belanger, Engineering Development Review, addressed the Commission and clarified that the site review process will require a traffic plan with a new development as proposed.

Commissioner Schulte moved that, based on the application received, the project summary and the preceding analysis, the Planning Commission find that the proposed rezoning tract 3-A of the replat lot 3 HP Greeley subdivision 63 plat from I-L (Industrial Low Intensity) to R-H (Residential High Density) meets 1998 Development Code Section 24-204(c)(3) a, b, f, g and h; and, therefore, recommend approval of the rezone to City Council. Commissioner Carlson seconded the motion.

Commissioner Modlin expressed thanks to the citizens who voiced concerns and noted that it was a challenge for any builder to present a project that satisfies all parties. He stated that the current zoning does not provide an alternative way to develop the property and was, therefore, in favor of the rezone. He added that the city needs to examine the process to make sure the concerns of the residents are taken into consideration.

Chair Yeater stated that the today's hearing was to consider the rezone request and advised that citizens will have more opportunity to speak about this as they continue to move through the process and gather more detail. He then stated he would appreciate the community providing feedback as they continue to develop the site in its actual construction side. He continued by noting his support for the rezoning for those reasons.

Commissioner Schulte noted that the applicant had met the statutory criteria for a rezone. He stated that the rezone would allow for residential development and preclude future industrial uses.

Commissioner Carlson commended members of the public for presenting their feedback. He also stated that there are multiple approval steps yet ahead and the rezoning makes sense at this point.

Motion carried 4-0. (Commissioners Romulo, Franzen, and Briscoe were absent.)

6. Staff Report

Ms. Safarik stated that there were no items of to report.

7. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:06 p.m.

DocuSigned by:
Justin Yeater
3F44E3E176F84C8...
Justin Yeater, Chair

DocuSigned by:
Becky Safarik
333376ABEFFE481...

Becky Safarik, Secretary

HP Greeley Sixth Replat Rezone
ZON2021-0018

City Council

June 7, 2022

Kristin Cote, Planner II

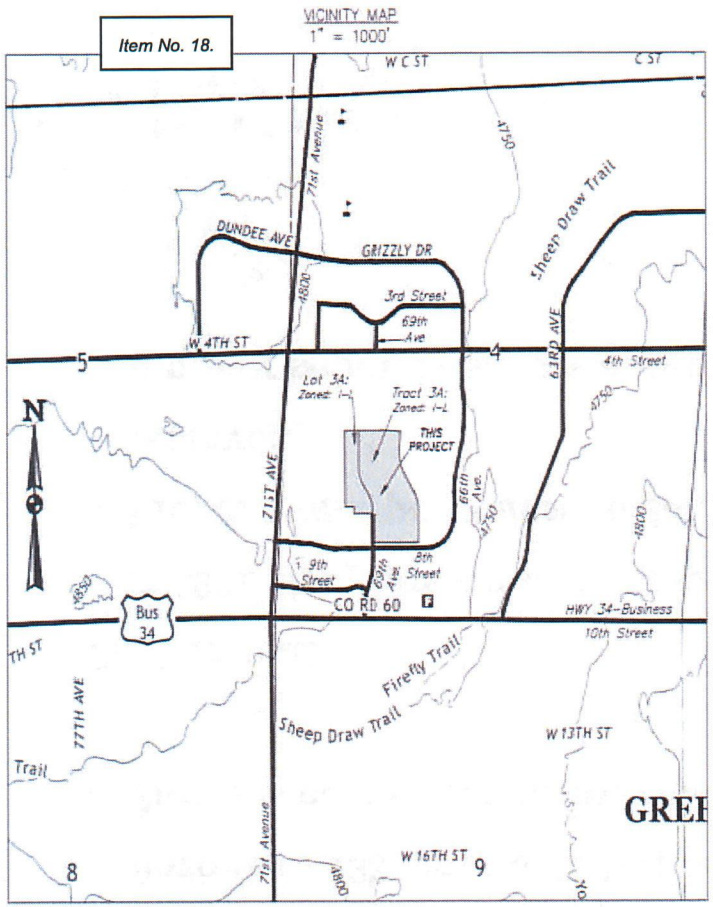
City of Greeley Colorado

Request & Site Background

- **Request:**
  - **Rezone 15.433 acres to R-H (Residential High Density) from I-L (Industrial Low Intensity)**
  - **Parcel is currently vacant. Was formerly a portion of the H-P Greeley site**

- **Background:**
  - **In 1981, the property was annexed and zoned through the North Sheep Draw annexation**
  - **Property was purchased in 2021 by the current owner and the existing buildings were removed**
  - **A minor subdivision was approved in 2021 to reconfigure this portion of the site**

City of Greeley Colorado



Location

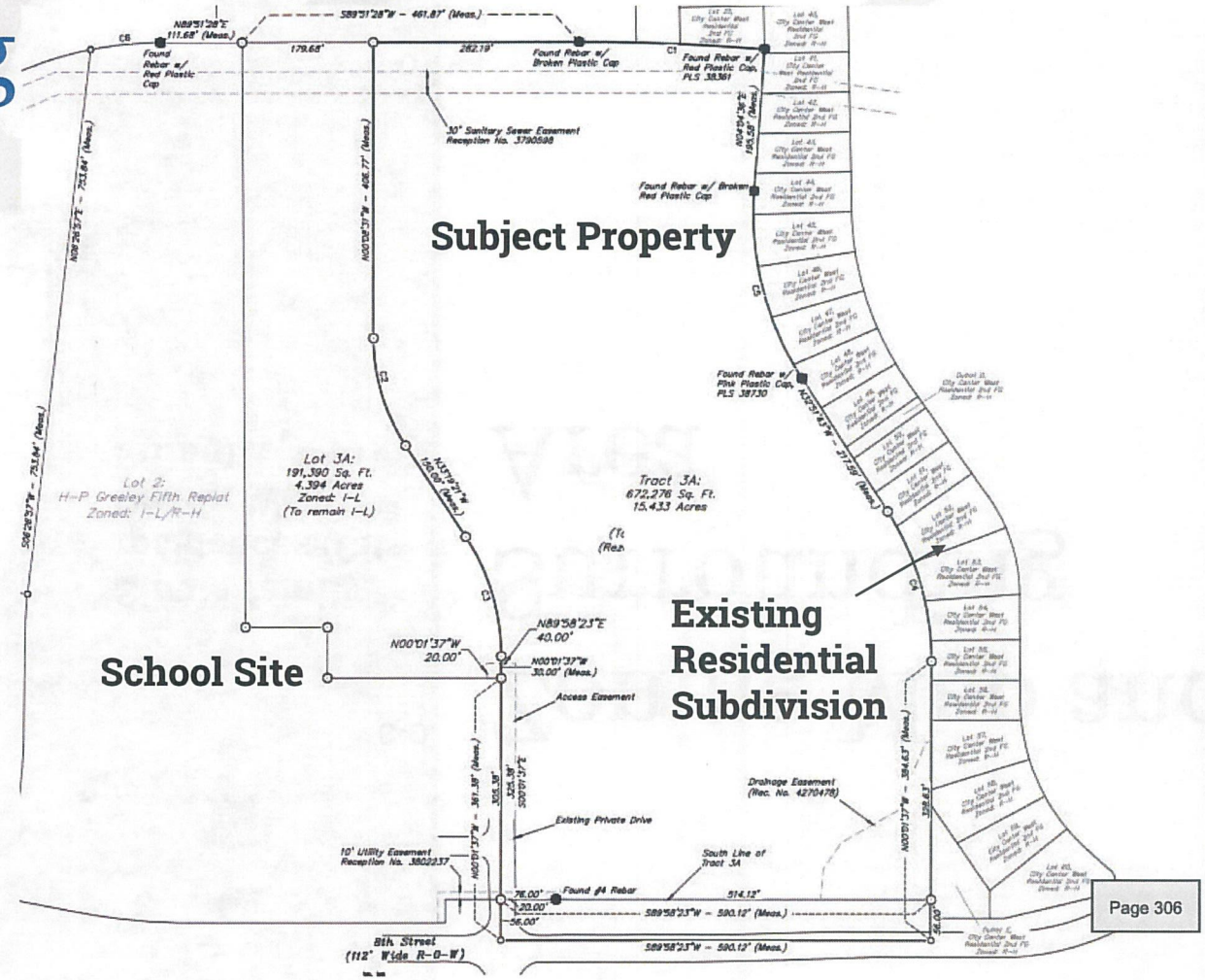
- **East of 71st Avenue, north of 8th Street, and Northeast of 69th Avenue**
- **Surrounding Zoning and Land Uses:**
  - **North: R-H (Residential High Intensity)**
  - **East: R-H (Residential High Intensity) – Single-Family Dwellings**
  - **South: C-H (Commercial High Intensity)**
  - **West: I-L (Industrial Low Intensity) school site**

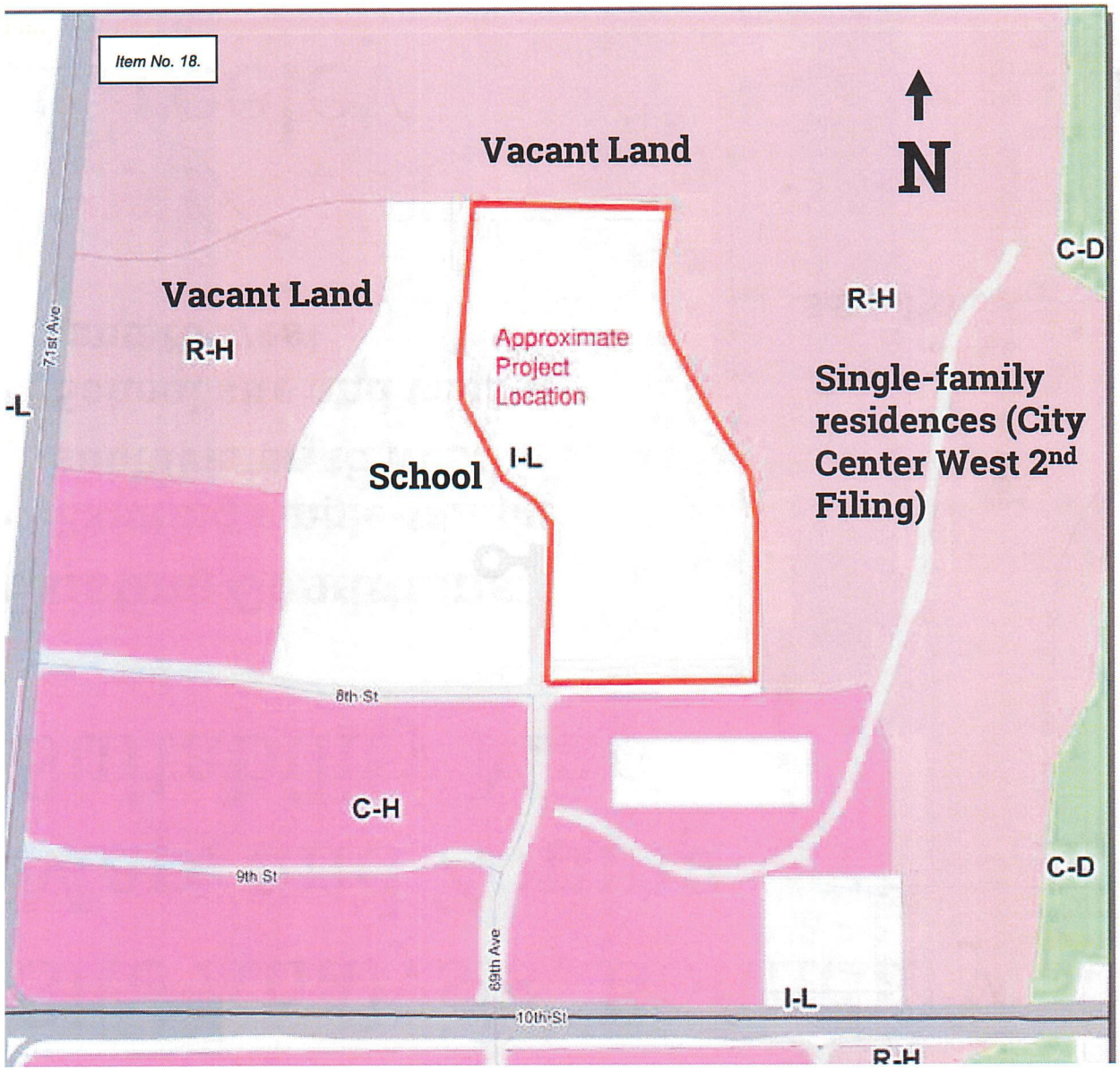
City of Greeley Colorado

Site Analysis, Boundary Map, and Zoning Suitability Map

Existing Conditions:

- Existing single-family subdivision to west
- School site and vacant land to west





Zoning Map and Surrounding Area

Aerial Overview

- **Westerly 4.39-acre lot deeded to school**
- **R-H zoned residential development (City Center West Residential 2nd Filing) east of the subject property.**

N

City of Greeley Colorado

I-L Permitted Uses

- **Automobile - gas station**
- **Animal Care**
- **Automobile - repair**
- **Entertainment establishments**
- **Manufacturing/general**
- **Waste management**

R-H Permitted Uses

- **Single-family dwellings**
- **Multi-family dwellings**
- **Accessory dwelling units**
- **Golf course**
- **Schools**
- **Childcare/home occupation**

City of Greeley Colorado

Next Steps...

- **Subdivision Process**
  - ***The subdivision process provides staff the opportunity to review and coordinate the construction documents, dedication of easements, rights-of-way and public lands to ensure compliance with City Code requirements.***

- **Site Plan Review Process**
  - ***The site plan process provides staff the opportunity to review development projects that propose a change to buildings and sites that may impact the relationship to the streetscape or adjacent property or may include a change of use or activity on the site.***

City of Greeley Colorado

Approval Criteria

Rezone Criteria – 24-204 – Nine Criteria Used to Evaluate Rezone applications

- **The proposed Rezone is consistent with the criteria as outlined in the staff report**

Notification

- **A total of 38 notice letters were mailed to property owners within 500 feet.**
- **Signs posted on the property**
- **Comments were received both in favor and opposed to this application. Concerns expressed included:**
  - **Increase in traffic, traffic flow issues, and potential safety issues due to the possible increase in traffic**
  - **Perceived negative effect on property values**
  - **Buffering of site**

City of Greeley Colorado

Recommendation

- **Complies with Section 24-204**
- **Planning Commission reviewed request and conducted a public hearing on April 26, 2022 and voted unanimously to recommend approval .**

City of Greeley Colorado

July 19, 2022 – City Council Meeting

CITY OF GREELEY, COLORADO
ORDINANCE NO. 22, 2022 CASE NO. ZON2021-0018

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM I-L (INDUSTRIAL LOW INTENSITY) TO R-H (RESIDENTIAL HIGH DENSITY) CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 15.433 ACRES OF PROPERTY LOCATED EAST OF 71ST AVENUE, NORTH OF 8TH STREET AND NORTHEAST OF 69TH AVENUE

ITEM: H-P Greeley Subdivision, Sixth Replat Rezone
FILE NUMBER: ZON2021-0018
PROJECT: H-P Greeley Subdivision, Sixth Replat Rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density)
LOCATION: 712 71st Avenue East of 71st Avenue, north of 8th Street, and northeast of 69th Avenue.
APPLICANT: Lasalle Investors, LLC.

We, the Citizens of the City of Greeley, REQUEST the City of Greeley City Council DENY the application to rezone TRACT 3A from Industrial-Low Intensity (I-L) to Residential High Density (R-H) for the following reasons:

1. Inaccurate/misleading information by the Applicant – Lasalle Investors, LLC.
    a. The Applicant said directly at the Planning Commission they have plans with a company out of Texas to build Apartment Buildings on the Site. No other lower density is being considered.
        - ***There are no plans for the site to be anything but Apartments***

2. **Rezone** of this parcel is **not aligned** with the 2018 Comprehensive Plan Core Value – Sustainable Patterns of Growth and Development

3. **Rezone** is **not aligned** with 2018 Comprehensive Plan Objective GC-2.2 Jobs/Housing Balance – Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley.
    - ***Rezone ensures Greeley is a bedroom community of commuters***

4. **Parcel** has **no direct street** access on 71st Avenue or 4th Street
    - **Rezone will exacerbate current traffic and safety issues on adjacent neighborhood streets**

5. Rezone will result in >35 Acres of Apartments within a 100 Acre residential neighborhood (Ten West -10+Acres, Lasalle site – 15+Acres, CCW Development site - 9+Acres)
    - ***Rezone will result in 75% of residential units within neighborhood as Apartments (918 Apartment Units, 130 Townhomes, 170 Single-Family)***

6. Of all residential permits in the City of Greeley, ~**70-80% are for Apartment Buildings**
    - ***Rezone is the wrong direction for stable and healthy community***

SIGNATURE PAGE - Opposition to H-P Greeley Subdivision, Sixth Replat Rezoning from I-L to R-H
File Number: ZON2021-0018

NAME	ADDRESS	SIGNATURE/DATE
Cindy Powers	6615 7th St Greeley	Cindy L Powers 6/14/2022
James Powers	6615 7TH St Greeley	6/14/2022
Abigail Flinn	6611 7th St. Greeley	
Marc Lemishko	6607 7th st Greeley	6-14-22
Elizabeth Duncan	" "	out of town 6-14-22
Russell Koenig	702 66TH Ave Greeley	
Jason Harris	718 66th Ave Gr	
Luis Reyes	731 66th Ave Greeley	
Robert Walden	723 66th Ave Greeley	
Jordan Walden	723 66th Ave Greeley	
Levon Petrosyan	733 67th Ave Greeley	
Nikki Streeck	6603 4TH ST RD	
Ashley Bowman	6603 4th St RD Unit 2	
Brandon Williams	6607 4th St RD Unit 5	6-14-22
Michel Williams	6607 4th Street rd unit 5	
Tommy Dowdell	6607 4th ST RD #1	
Tina Dowdell	6607 4th Street Road #1	
Glenn Garland	6611 4th Street Rd #4	
Josh Mantz	6611 4th st. RD #3	
Kaitlin Ramirez	6611 4th St Rd #2	Kaitlin Ramirez 6-14-22
Abby Houghton	6609 4th St Rd #1	
Nicholas Grubb	6609 4th St Rd #2	
Luke Heneghan	6609 4th st Rd #3	

SIGNATURE PAGE - Opposition to H-P Greeley Subdivision, Sixth Replat Rezoning from I-L to R-H
File Number: ZON2021-0018

NAME	ADDRESS	SIGNATURE/DATE
Jeremy Barela	6609 4th St Rd #5 Greeley	6/15/22
Morgan Lee	6605 4th St Rd #2 Greeley	Morgan Lee 6/15/22
Joey Henson	6609 4th st rd #3 greeley	Joey Henson
Amber Williamson	6605 4th St Rd #6 greeley	Amber Williamson 6/15/22
Garrett Ley	6601 4th St Rd #2 Greeley	6/15/2022
Brie Schmitt	6601 4th Street RD #3 Greeley	6/15/22
Bri Baw	6601 4th St RD #3 Greeley	Bri Baw 6/15/22
Dawn Knowlton	6601 4th STR RD #5 Greeley	6-15-22
Dongxue Qin	6601 4th Str Rd #5 Greeley	6/15/22
Harold Carlson	6601 4th St Rd #3 Greeley	Carlson 6/15/22
ASHLEY GULLETT	6024 7TH ST GREELEY	10/10/22
Bhaskar Karnik	612, 66th Ave, Greeley	6/21/22
Steven Younkin	616, 66th Ave, Greeley	6/21/22
Theresa Trombino	6620 7th St, Greeley	7-5-2022
Kimberlee Tuba	6627 7th St Greeley	

SIGNATURE PAGE - Opposition to H-P Greeley Subdivision, Sixth Replat Rezoning from I-L to R-H
File Number: ZON2021-0018

NAME	ADDRESS	SIGNATURE/DATE
Dakotah Kutz	737 67th Ave	06/14/2022
Justin Kutz	737 67th Ave	06/14/2022
Latricia Thompson	745 67th Ave	06/14/2022
Carlos Braschi	741 67th Ave	06/20/2022
Shantel Petrosyan	733 67th Ave	6-20-2022
Alanna Olmstead	863 Settles Dr.	6/21/22
Dustin Laber	2820 Grand View Dr	6/21/22
Taylor Meyers	1354 Colorado Pkwy	6/21/22
Laura Trevino	1521 47th Ave Greeley CO	
Robert Sanchez	1945 24th Ave.	6-21-22
Ryan Roth	3106 68th Ave Ct	6-21-22
Nancy Martinez	3908 tumbleweed dr	
Jordon Taylor	3908 tumbleweed dr	
Andrew Gutierrez	530 CIMARRON DR	

West Ridge Academy

6905 8th Street Greeley, CO 80634 970.330.3671

June 30, 2022

Ms. Becky Safarik
City of Greeley Planning and Zoning
1100 10th Street – 2nd Floor
Greeley, CO 80634

Dear Ms. Safarik:

I am writing on behalf of the Board of Directors of West Ridge Academy Charter School and the administration. We recently met at our regularly scheduled board meeting, and it was brought to our attention that the Greeley City Council is considering the rezoning of the HP site (case number HP Rezone ZON2021-0018).

As I'm sure you are aware, our school was next to the former HP manufacturing building that had been vacant for years. We personally experienced many occasions of unauthorized individuals and vandals during the 5 years since we bought the property. Because of the proximity of the dilapidated building our school was also targeted many times and we had safety concerns. Our leadership, and the families of the 430 students we represent, were relieved when the building was demolished. Also, because of the demolition, we had the opportunity to buy more property. We plan to use this for a future track and field as well as event/staff parking.

Our desire is to be an anchor for the residential community surrounding the school. We are concerned that the city council is considering the adjacent property for industrial low intensity. We would urge the city council to consider rezoning the property to residential high density. This may supply affordable housing to future families, and we would love the opportunity to serve those families as they consider their children's education. We are also concerned with what businesses or industries that would be next to our school if zoned industrial low intensity. Understand that we want the highest level of safety and security for the families we serve at our school.

Thank you for your consideration.

Gratefully,

Kenneth W. Dyer

Ken Dyer, Chairman West Ridge Academy Charter School Board of Directors

Continued next page →

From: CityClerks
To: Heidi Leatherwood; Laura Clark
Cc: Allie Powell
Subject: FW: [EXTERNAL] Public remark
Date: Tuesday, July 19, 2022 10:25:06 AM

-----Original Message-----
From: Trish Thompson <trish.thompson@ymail.com>
Sent: Monday, July 18, 2022 3:56 PM
To: CityClerks <CityClerk@Greeleygov.com>
Subject: [EXTERNAL] Public remark

In reference to agents item of re-zoning old HP lot at 71st Ave and 10th st from community to high density residential.

I live in Northridge Trails, right next to the land requesting to be re-zoned. I'm right across 66th Ave from the 10 West apartments. Because of my location I'm all too aware of the downsides of large apartments complexes in residential neighborhoods. The apartments charge for parking, so as a result residents park in the neighborhood. They line 66th to the point it is hard for cars to pass each other with all the apartment parking there. Recently the city has been ticketing people Arles illegally on 66th, this only kind of slows the problem. Many just don't park there mid-day when tickets are issued, many others just park further in the neighborhood. Those parking in the neighborhood take up all the street parking available to home owners and often even partially block driveways. An additional issue is during school drop off and release time. Westridge drop off lines run well into the neighborhood, adding to the congestion caused by apartment parking and traffic. Tointon will be opening next month, adding an additional apartment complex so close to the new school and already congested area is going to cause undue stress.

This area is over saturated in high density housing.

Thank you,

Trish Thompson
Resident

480-577-6892

From: CityClerks
To: Heidi Leatherwood; Laura Clark
Cc: Allie Powell; Naomi Gonzales
Subject: FW: [EXTERNAL] July 19th Meeting
Date: Tuesday, July 19, 2022 10:23:48 AM
Attachments: Accident Photos.docx

From: James Powers <jim.jcpowers@gmail.com>
Sent: Monday, July 18, 2022 4:52 PM
To: CityClerks <CityClerk@Greeleygov.com>
Subject: [EXTERNAL] July 19th Meeting

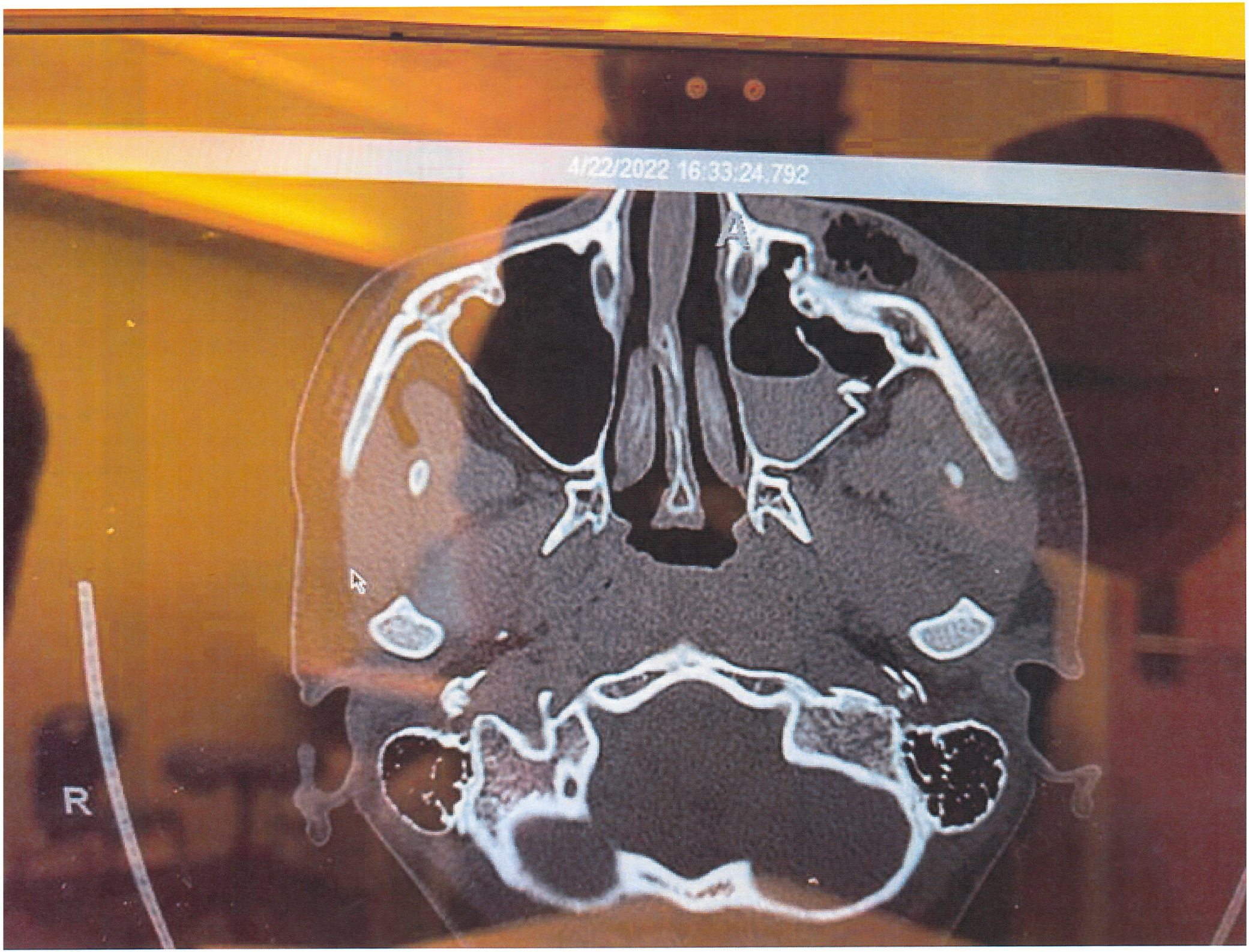
Hello,

I intend to speak at this meeting regarding the rezoning effort here in West Greeley that will put more apartments around my neighborhood. I'll have to look up the case number before I come. It is the property the old HP building used to sit on. I would like for you to print the attached photos for council members to see while I address them.

Thank you.

--
Jim Powers


REUSABLE
SMALL ADULT
BLOOD PRESSURE CUFF
RANGE


4/22/2022 16:33:24.792
R

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
June 07, 2022

1. Call to Order

Mayor Pro Tem Payton called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

Heidi Leatherwood, City Clerk, called the roll.

Present:
Mayor Pro Tem Payton
Council Member Tommy Butler
Council Member Deb DeBoutez
Council Member Dale Hall
Council Member Ed Clark
Council Member Johnny Olson

Mayor Gates was absent (excused).

4. Approval of the Agenda

City Manager Lee announced that Item 12 will be removed from the agenda and the item will be set for a meeting at a later date.

5. Recognitions and Proclamations

Mayor Pro Tem Payton read the following proclamations:

- PRIDE Month- Received by Patricia Kennedy, President of PFlag Greeley
- Alzheimer's Disease and Brain Awareness Month- Received by Sarah Gostenik, Regional Director
- Juneteenth; Dr Janine Waver-Douglas was not able to attend.
- Greeley Stampede Days- Received by Justin Watada, General Manager of Greeley Stampede and Mic Harvey, Security Chair

Councilmember Butler presented "What's Great about Greeley."

Mayor Pro Tem Payton welcomed and recognized the new HR Director, Noel Mink.

6. Citizen Input

The Public Hearing opened at 6:21 p.m.

1. Steve Teets spoke about funding for bus options and other transportation needs.
2. Patrick Kelly spoke about the annexation/development project.

No virtual participants requested to speak.
The Public Hearing closed at 6:29 pm.

7. Reports from Mayor and Councilmembers

Councilmembers reminded residents to vote and drop off ballots at the ballot drop-off locations in the city.

8. Initiatives from Mayor and Councilmembers

Councilmember Butler asked for staff to research adding Planning Commission and Water Board meetings to be filmed and added on YouTube for viewing purposes. Councilmember Olson asked for a presentation on how the Front Range Passenger Rail District aligns with the City of Greeley.

Consent Agenda

Councilmember Butler moved to approve the Consent Agenda on Items 9-11. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 6:33 p.m. with Mayor Gates absent.

9. Approval of the City Council Proceedings of May 17, 2022

The Council action recommended and approved was to approve the City Council proceedings of May 17, 2022.

10. Acceptance of the Report of the City Council Work Session of May 24, 2022

The Council action recommended and approved was to accept the report of May 24, 2022.

11. Introduction and first reading of an ordinance conveying Easements for The Loveland Centerra Trail at Boyd Lake Water Treatment Plant

The Council action recommended and approved was to adopt the ordinance and set a public hearing for July 19, 2022.

12. **Introduction and first reading of an ordinance amending sections of the Greeley Municipal Code Title 22, Buildings and Construction, Chapter 2 (Building Code), Chapter 3 (Residential Code), Chapter 4 (Mechanical Code), Chapter 5 (Property Maintenance Code), Chapter 6 (Existing Building, Chapter 8 (Energy Conservation Code), Chapter 9 (Plumbing Code), Chapter 10 (Fuel Gas Code), Chapter 12 (Fire Code) And Chapter 13 (Mobile Homes)**
Item 12 removed and set for a future meeting.

End of Consent Agenda

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13. **Pulled Consent Agenda Items**

None.

14. **Public Hearing and final reading of an ordinance authorizing the sale of city-owned property located in Section 4, Township 7 North, Range 66 West of the 6th P.M. in Weld County, Colorado (Balmer Farm).**

Water and Sewer Director Sean Chambers and Ag Water/Farm Assets Administrator Cole Gustafson introduced the item at 6:34 p.m.

The Public Hearing opened at 6:36 p.m.
The following spoke:
1. Steve Teets suggested the funds be put towards the public works infrastructure.
2. Edward Grant raised concerns about the rising cost of water.

The Public Hearing closed at 6:40 p.m.

Councilmember Clark moved to approve the ordinance. Councilmember Olson seconded the motion. The motion passed 6-0 at 6:41 p.m. with Mayor Gates absent.

15. **Public Hearing and Final Reading of an Ordinance Amending Chapter 15 of Title 14 of the Greeley Municipal Code relating to fireworks**

Chief Brian Kuznik and Chief Adam Turk introduced the item at 6:42 p.m.

The Public Hearing opened at 6:53 p.m.
The following spoke:
1. Steve Teets raised concerns about fireworks.
2. Steven Grant spoke in opposition.
3. Edward Grant spoke about firework objects landing on his roof.

No virtual participants wished to speak.
The Public Hearing closed at 6:59 p.m.

Councilmembers were concerned about the fines and possible penalties. Councilmembers asked if neighbors were able to help if police were not able to respond. Chief Turk added that an education campaign would be starting tonight to keep persons safe to include press release, social media posts and targeting hot spots. All communication would be consistent with Greeley Fire. Councilmembers were concerned about the fine being removed by participating in a class.

Councilmember Clark moved to amend the ordinance by striking Section 14.483(b) and (c) from the ordinance, thereby removing the option to waive the first-time offense fee by completing a city-sponsored or city-approved fire safety course. Councilmember DeBoutez seconded the motion to amend. The motion passed 5-1 at 7:02 p.m. with Councilmember Butler voting nay and Mayor Gates absent.

Councilmember Butler moved to approve the amended ordinance and publish in full. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 7:03 p.m. with Mayor Gates absent. Note: This second reading ordinance will be published in full due to the amendment.

16. **Public Hearing and second reading to consider a request to rezone from PUD (Planned Unit Development – Centerplace) to MU-H (Mixed-Use High Intensity), changing the underlying land use designations for approximately 23.48 acres of property located south of Centerplace Drive, east of 47th Avenue and west of 35th Avenue and final reading of an ordinance changing the official zoning map to reflect the same (Watermark Rezone)**

Brittany Hathaway, Development Review and Civil Inspection Manager introduced the item at 7:04 p.m.

Applicant, Sam Coutts, Land Planner with Ripley Design and Mike Margeson, VP of Acquisitions of Thompson Thrift shared the presentation and answered questions.

Councilmembers asked if there were projections showing the need for additional apartments. Sam Coutts spoke about the market analysis for multifamily residential and showed a presentation with data about supply and demand currently in Greeley. Councilmembers also asked about the quality of the development and if that would positively impact surrounding businesses. Mike Margeson responded that the project contains luxury apartments with top-of-the-line finishes and higher market prices.

The Public Hearing opened at 7:10 p.m.
The following spoke:

1. Steve Teets asked questions that were relevant to the discussion about apartments and homelessness.

No virtual participants requested to speak.
The public hearing closed at 7:22 p.m.

Councilmember Butler moved to approve the motion to find that, based on the application received, accompanying analysis, and Planning Commission recommendation, the propose rezoning from PUD to MU-H is in compliance with Development Code Section 21-205 and therefore, approve the request. (Watermark Rezone). Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 7:24 p.m. with Mayor Gates absent. (Not a roll call vote.)

Councilmember Butler moved to approve the ordinance. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 7:24 p.m. with Mayor Gates absent.

17. **Public hearing and final reading to consider a request to rezone from H-A (Holding Agriculture) to PUD (Planned Unit Development) for 822 acres of property located south of U.S. Highway 34, west of State Highway 257, and east of CR 17, and final reading of an ordinance changing the official zoning map to reflect the same (Delantero Rezone)**

Planner II, Darrell Gesick, introduced the item at 7:25 p.m.

Councilmembers asked about traffic and working with CDOT. Director of Public Works Paul Trombino responded that the City is currently working with the state. Councilmember DeBoutez asked about the cost of city services and was concerned about infrastructure and emergency response due to the development's location and affordability requirements for this project. City Manager Lee responded that this is part of a larger conversation, and Council can make changes to development fees for future applications. Metro District discussions will come back to the Council later. Staff offered that commercial space is being offered and there were no affordable housing requirements tied to this project.

Councilmembers asked about access and future discussions on 28th Street regarding connectivity. Paul Trombino, spoke about the master plan and movement between neighboring communities. Councilmembers also asked about costs of development, underfunding per unit and annexation dates. Interim Community Development Director, Becky Safarik added information about a Growth Initiative ballot question and that many landowners accepted annexation in anticipation of future development limitations.

Councilmembers asked about the lower costs of development with surrounding communities and the concern about building residential with little to no commercial retail to bring in sales tax revenue. Darrell Gesick pointed out that there is no ability to bring in commercial in advance of residential development, and the market usually dictates the need for those services.

Deputy City Manager, Paul Fetherston reported that the cost per residential unit nationally is that for every $1.00 received in taxes the city will spend $1.19 for services to those units.

Applicant representative, Ken Puncerelli, LAI Design Group shared the presentation at 7:44 p.m.

The Public Hearing for both Items 17 and 18 opened at 8:16 p.m.
The following spoke:
1. Steve Teets spoke in opposition.
No virtual participants requested to speak.
The Public Hearing closed at 8:20 p.m.

Note: The motion in the Agenda Summary was incorrect. City Attorney, Doug Marek updated the motion.

Councilmember Hall made a motion that, based on the application received, accompanying analysis and Planning Commission recommendation, the proposed from H-A (Holding Agriculture) to PUD (Planned Unit Development) for approximately 822 acres of property located south of Highway 34 west of State Highway 257, and east of CR 17, known as the Delantero rezone. Councilmember Clark seconded the motion. The motion passed 4-2 at 8:24 p.m. with Mayor Gates absent. (Not a roll call vote.)

Councilmember Hall moved to approve the ordinance. Councilmember Clark seconded the motion. The motion passed 4-2 at 8:24 p.m. with Councilmembers Butler and DeBoutez voting nay and Mayor Gates absent.

18. Public hearing to consider approval of the Delantero Preliminary PUD Plan for property located south of Highway 34, west of State Highway 257, and east of CR 17

This item was presented with Item 17. See above.

Councilmember Clark moved to approve the Delantero Preliminary PUD Plan for property located south of Highway 34, west of State Highway 257, and east of CR 17. Councilmember Olson seconded the motion. The motion passed 4-2 at 8:28 p.m. with Councilmembers Butler and DeBoutez voting nay and Mayor Gates absent. (Not a roll call vote.)

19. Public hearing to consider a request to rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), changing the underlying land use designations for approximately 15.433 acres of property located at 712 71st Avenue and final

reading of an ordinance changing the official zoning map to reflect the same (HP Rezone)

Planner II Kristin Cote introduced the item at 8:28 p.m.

Councilmembers asked about the steps that lead to the request for R-H (Residential High Density) instead of R-M or R-L. Becky Safarik responded that the current request matched the surroundings.

Applicant representative Kelsey Bruxter from LaSalle Investors LLC spoke at 8:37 p.m. She noted that I-L Zoning was from the previous HP uses. The intent is to make the zoning compatible with current surrounding development.

Councilmembers asked about if the traffic study was conducted after West Ridge Academy was built. The consultant confirmed that it was. Council also asked about parking and walking distance to schools. Brian Bartels answered questions.

The Public Hearing opened at 8:46 p.m.
The following spoke:

1. Trish Trombino spoke in opposition.
2. Kimberlee Tiba spoke in opposition.
3. Dana Davis spoke in opposition.
4. Dakota Kutz spoke in opposition.
5. Mara Watson spoke in opposition.
6. Levon Petrosyan spoke in opposition.
7. Trisha Shannon spoke in opposition.
8. Ed Grant spoke about pros and cons.
9. Steve Teets spoke in opposition.
10. Shantelle Petrosyan spoke in opposition.

No virtual participants requested to speak.
The Public Hearing closed at 9:11 p.m.

Attorney Patrick Groom for LaSalle Investors spoke about the zoning and noted that it is a change of zoning and not a site plan as no specific project is intended for this project at this time. Brian Bartels, the applicant the goal is to give the property the most flexibility and the I-L zoning no longer fits the site. All future projects will come through the appropriate process.

Council deliberated about I-L not meeting the current need, but R-H may not be the correct zoning either. Discussion ensued. Patrick Groom reapproached the Council and requested the item be continued to a future date.

Councilmember Butler moved to continue the item to the July 19 City Council Meeting. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 9:25 p.m. with Mayor Gates absent.

20. Scheduling of Meetings, Other Events

None.

21. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Council Member Olson moved, seconded by Council Member Butler, to approve the above authorizations. The motion carried 6-0 at 9:26 p.m. with Mayor Gates absent.

22. Adjournment

Mayor Pro Tem Payton adjourned the meeting at 9:26 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk

Council Agenda Summary

June 7, 2022

Key Staff Contact: Kristin Cote, Community Development, 970-350-9876

Becky Safarik, Interim Community Development Director, 350-9786

Title:

Public hearing to consider a request to rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density), changing the underlying land use designations for approximately 15.433 acres of property located at 712 71st Avenue and final reading of an ordinance changing the official zoning map to reflect the same (HP Rezone)

Summary:

The applicant requests to rezone from I-L (Industrial Low Intensity) to R-H (Residential High Density) for a range of possible residential uses.

As background, this land was annexed into the City of Greeley through the North Sheep Draw Annexation on July 20, 1981 and designated as I-L (Industrial-Low Intensity). In 2005 a portion of the site was rezoned, dividing the 156 acre I-L (Industrial Low Intensity) zoning into a mix of C-D (Conservation District), C-H (Commercial High Intensity), R-H (Residential High Density), and I-L (Industrial Low Intensity) with Boomerang Master Plan Design Guidelines that would limit certain uses that are permitted by right, design reviews, and special reviews in the area, and establish specific design criteria through the Design Guidelines, that meet or exceed Development Code standards. In 2014, the existing area was also approved by City Council to include an intergovernmental agreement between the City of Greeley and the City Center West Commercial Metropolitan District. In 2016, a resolution for the Amendment and restated consolidated service plan for the City Center West Commercial Metropolitan District was approved by City Council to consolidate the City Center West Commercial Metropolitan District and the City Center West Residential Metropolitan District No. 2.

In 2015, a minor subdivision application was approved to adjust lot lines around the Hewlett-Packard property to accommodate self-storage. Two years later, a minor subdivision application was approved to adjust lot lines around the Hewlett-Packard property to accommodate Westridge Academy, a K-8 charter school that adjoins the western boundary of this property. In 2022, a minor subdivision application was approved to establish a lot which is proposed to be sold to the adjacent contiguous property owner to the west and a tract – the subject of this rezone - which is proposed to be developed as a residential community. The permitted uses currently allowed within the Boomerang Master Plan Design Guidelines in the R-H (Residential High-Density zone) include residential uses, boarding houses, farming, golf courses, open space, parks, and wireless telecommunications. This property once housed a portion of the Hewlett Packard facility. Upon HP's exit from Greeley in 2003, this property became vacant and fell into a diminished state since then. In 2021, this property was acquired by the existing owner, who demolished the structures on-site, creating this vacant property for redevelopment.

The Planning Commission recommended approval of the request at the April 26, 2022 meeting by a vote of 4-0.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a quasi-judicial process.

Other Issues and Considerations:

None noted.

Strategic Work Program Item or Applicable Council Priority and Goal:

Consistency with Comprehensive Plan and Development Code standards.

Decision Options:

1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

Two motions are needed to approve this requested land use action:

1. A motion that, based on the application received, accompanying analysis and Planning Commission recommendation, the proposed rezoning from I-L (Industrial Low Intensity) to R-H (Residential High Density) is found to be in compliance with Development Code Section 24-204 and, therefore, approve the request.
2. A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance
Planning Commission Summary (Staff Report) (April 26, 2022)
Planning Commission Minutes (April 26, 2022)
PowerPoint Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 22, 2022
CASE NO. ZON2021-0018

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM I-L (INDUSTRIAL LOW INTENSITY) TO R-H (RESIDENTIAL HIGH DENSITY) CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 15.433 ACRES OF PROPERTY LOCATED EAST OF 71ST AVENUE, NORTH OF 8TH STREET AND NORTHEAST OF 69TH AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The following described property located in the City of Greeley is hereby changed from the zoning district referred to as I-L (Industrial Low Intensity) to R-H (Residential High Density), in the City of Greeley, County of Weld, State of Colorado:

See attached legal description

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF _____, 2022.

ATTEST: **THE CITY OF GREELEY**

_____ _____

City Clerk **Mayor**

Legal Description

PROPOSED TRACT 3A, H-P GREELEY SUBDIVISION, SIXTH REPLAT, AND A PORTION OF ADJACENT 8TH STREET, TO BE REZONED FROM I-L TO R-H

ALL THAT PART OF LOT 3, H-P GREELEY SUBDIVISION, FIFTH REPLAT, AS RECORDED AT RECEPTION NO. 4272274 OF THE RECORDS OF WELD COUNTY, COLORADO, AND A PORTION OF ADJACENT 8TH STREET, LOCATED IN THE SW1/4 OF SECTION 4, T5N, R66W OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, THENCE S00°01'37"E, 56.00 FEET TO A POINT ON THE CENTERLINE OF 8TH STREET;

THENCE S89°58'23"W, 590.12 FEET ALONG THE CENTERLINE OF SAID 8TH STREET;

THENCE N00°01'37"W, 56.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;

THENCE N00°01'37"W, 335.38 FEET ALONG A WESTERLY LINE AND A WESTERLY LINE EXTENDED NORTHERLY OF SAID LOT 3 TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHWESTERLY, 174.33 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°17'44" AND BEING SUBTENDED BY A CHORD THAT BEARS N16°40'29"W, 171.89 FEET;

THENCE N33°19'21"W, 150.00 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 156.36 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 33°10'49" AND BEING SUBTENDED BY A CHORD THAT BEARS N16°43'57"W, 154.18 FEET;

THENCE N00°08'31"W, 406.77 FEET TO THE NORTH LINE OF SAID LOT 3;

THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ARE ALONG THE NORTHERLY AND EASTERLY LINES OF SAID LOT 3:

THENCE N89°51'28"E, 282.19 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE EASTERLY, 254.21 FEET ALONG THE ARC OF SAID CURVE TO THE NORTHEAST CORNER OF SAID LOT 3, SAID ARC HAVING A RADIUS OF 3,045.00 FEET, A CENTRAL ANGLE OF 04°47'00" AND BEING SUBTENDED BY A CHORD THAT BEARS S87°45'02"E, 254.14 FEET;

THENCE S04°04'36"W, 195.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, 270.77 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 420.00 FEET, A CENTRAL ANGLE OF 36°56'19" AND BEING SUBTENDED BY A CHORD THAT BEARS S14°23'34"E, 266.11 FEET;

THENCE S32°51'43"E, 217.59 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 217.77 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 380.00 FEET, A CENTRAL ANGLE OF 32°50'06" AND BEING SUBTENDED BY A CHORD THAT BEARS S16°26'40"E, 214.80 FEET;

THENCE S00°01'37"E, 328.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 AND THE TRUE POINT OF BEGINNING.