

PLANNING COMMISSION SUMMARY

ITEMS: Rezoning

FILE NUMBER: ZON2022-0012

PROJECT: 123 9th Avenue Rezoning

LOCATION: Southwest corner of 1st Street and 9th Avenue

APPLICANT: Jodi Hartmann of High Plains Housing Development Corp.

CASE PLANNER: Caleb Jackson, AICP | Planner III

PLANNING COMMISSION HEARING DATE: January 10, 2023

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(b) of the Development Code.

EXECUTIVE SUMMARY

High Plains Housing Development Corp. petitions to rezone 7.8 acres of land located at 123 9th Avenue (southwest corner of 1st Street and 9th Avenue) from I-L (Industrial Low Intensity) to MU-H (Mixed-Use High Intensity) zone district.

A. REQUEST

The applicant requests approval of a rezone from I-L to the MU-H zone district.

B. STAFF RECOMMENDATION

Approval

C. LOCATION

Abutting Zoning:

North: R-H (Residential High Intensity) and I-L (Industrial Low Intensity)
South: I-L (Industrial Low Intensity) and I-M (Industrial Medium Intensity)
East: R-H (Residential High Density) and I-L (Industrial Low Intensity)
West: C-H (Commercial High Intensity) and R-H (Residential High Intensity)

Surrounding Land Uses:

North: Community Center and Neighborhood Park
South: Railroad and Industrial Users
East: Residential and Vacant
West: Residential and Commercial

Site Characteristics:

The site consists of four primary building structures of approximately 120,000 square feet and include a combination of original brick building structures and steel add-ons built in the last fifty years. Various industrial users have occupied the property and structures over the years. Parallel Products currently occupies one of the structures and will remain in place until a later phase of development for the overall site, as outlined in the applicant's narrative. Parallel Products provides recycling options for unsaleable beverage products.

D. BACKGROUND

The subject site was initially developed in the 1930's and has experienced building expansions throughout the 1970's and 1980's. The property has remained in industrial operations throughout this timeframe. In 2020, the applicant, as a member of 123 Property, LLC, were gifted the property from Dennis Hoshiko and North Weld Produce Company with the intent of providing permanent low-income housing opportunities for the community.

E. 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.**

The Imagine Greeley Comprehensive Plan's Land Use Guidance Map designates the subject property and surrounding area as both Downtown and Employment, Industrial, and Commercial Areas. Supported uses include a mix of residential product types and employment uses including but not limited to research and development, office parks, industrial, manufacturing, and commercial. A mix of uses, either vertical or across multiple sites, are encouraged.

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 for this site would encourage reinvestment in a part of the community with existing public infrastructure.

The proposal complies with this criterion.

Additionally, the following specific goals and objectives of the Imagine Greeley Comprehensive Plan support the proposed rezone:

Growth and City Form:

- GC-1.2 Form of Growth: Encourage compact urban form over sprawl development.
- CG-2.2 Jobs/Housing Balance: Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (and vice-versa).
- GC-2.3 Pedestrian and Bicycle-Oriented Development: Encourage development patterns that encourage walking and bicycling whenever possible – by locating employment, shopping, and other services within a quarter mile of residential areas.

Economic Health and Human Services:

- EH-2.4 Land Use: Promote land use decisions that support walkability and improve access to basic needs.
- EH-2.6 Built Environment: Encourage construction of built environments that support health and active living, such as mixed-use centers and neighborhoods, that support walkability and provide safe options for active transportation.

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

Staff Comment: The proposed rezone would allow for more development options, which fulfills the intent of the proposed zoning district of MU-H and could compliment other uses in the surrounding area. The mixed-use district encourages a mix of uses in a walkable setting that complements higher density areas. The surrounding area currently consists of a park, community center, residential, commercial, and industrial uses. The applicant is proposing a development that includes a mix of housing types, services, and a mix of uses for residents in the area.

The proposal complies with this criterion.

3. Whether 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 project could serve as a catalyst for redevelopment and reinvestment into this part of the city, located a few blocks north of the downtown area. The proposed MU-H zone district would allow for more flexibility in

development options, including a variety of residential, service, and employment uses. Planning staff concludes that it is in the public's interest to rezone the subject site to allow for more options.

The proposal complies with this criterion.

4. Whether 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 existing zoning and use of the property has been in place since the 1930's. The existing zoning is not necessarily inappropriate; however, the uses proposed by the applicant and nature of the concept proposal align with the rezoning request to MU-H. Rezoning the site provides more development opportunities for the site to redevelop.

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: The proposed rezoning would provide additional options and opportunities to redevelop the site with residential and supporting uses that compliment nearby commercial and industrial employment uses and provide additional housing options within this area of the community.

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 subject site is served by the City of Greeley. Any proposed development or redevelopment of the subject site would be reviewed for compliance with city standards and improvements to existing infrastructure may be required at that time.

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 proposed rezoning would allow more development options if the site were rezoned to MU-H, allowing for more potential services for the community, making the rezone more appropriate than the current zoning district.

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 review process by the consistent enforcement of Municipal Code and Development Code requirements regarding landscaping buffers, architectural features, setbacks, and other relevant codes and policies. Conceptual engineering studies were provided with this application, and the final studies will need to be further evaluated at the time of platting or site planning, as necessary.

The proposal complies with this criterion.

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

Staff Comment: City staff recommends approval of this rezoning request.

F. SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The property was replatted in 2010 as part of the 2010 GURA-Miller Minor Subdivision, and was previously platted in 1907 as part of Clayton's First Subdivision.

2. HAZARDS

As part of the formal development proposal, the applicant will be required to assess the site and building conditions to identify and mitigate any hazards. Due to the nature of the historical use of the site and proximity to the railroad, there may be hazards that need to be mitigated by the applicant prior to redevelopment of the site.

3. WILDLIFE

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

4. FLOODPLAIN

The site is located within the AE Flood Zone, which is within the 100-year floodplain and requires all structures to be at least one foot above the Base Flood Elevation, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

5. DRAINAGE AND EROSION

Any proposed development of the site would require the documentation and review by City staff of all drainage, detention, water quality, and erosion mitigation as a condition of the development of the site.

6. TRANSPORTATION

Any proposed development of the site would require the applicant to submit a Traffic Impact Study for review by City staff. This will occur during the platting or site plan processes, as appropriate.

G. SERVICES

1. WATER

Current water services will be evaluated in greater detail as part of the formal development application for a subdivision plat and/or the site development plan, as appropriate. The applicant will be required to make necessary improvements to serve the property.

2. SANITATION SEWER

Current sewer services will be evaluated in greater detail as part of the formal development application for a subdivision plat and/or the site development plan, as appropriate. The applicant will be required to make necessary improvements to serve the property.

3. EMERGENCY SERVICES

Emergency services are available and can adequately serve the subject property.

4. PARKS/OPEN SPACES

No public parks or public open space areas are proposed with this request and the request would not create any private parks.

5. SCHOOLS

No schools are proposed or located within the site.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

No visual impacts are anticipated with the rezone request. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts. The development of multi-story buildings, as shown in the applicant's narrative, will change the visual characteristics of the area while the redevelopment of the site will improve the overall visual aesthetics of the area.

2. NOISE

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

I. PUBLIC NOTICE AND COMMENT

Public notices were completed as follows:

- Notice was placed on the City of Greeley's website on December 16, 2022.
- Signs were posted on the property on December 17, 2022.
- Notice was mailed to 98 property owners on December 20, 2022.

J. MINERAL ESTATE OWNER NOTIFICATION

Mineral notice is not required for a rezone request.

K. PLANNING COMMISSION RECOMMENDED MOTION

Approval -

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from I-L (Industrial Low Intensity) Zone District to the MU-H (Mixed-Use High Intensity) Zone District meets the Development Code criteria, Sections 24-204 and therefore, recommends approval of the rezone to the City Council.

Denial-

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from I-L (Industrial Low Intensity) Zone District to the MU-H (Mixed-Use High Intensity) Zone District meets the Development Code criteria, Sections 24-204 and therefore, recommends denial of the rezone to the City Council.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Project Narrative

Attachment C – Rezoning Plan Set

Attachment D – Neighborhood Notification Boundary Map