

City of Greeley, Colorado  
**PLANNING COMMISSION PROCEEDINGS**

JULY 26, 2022

**1. Call to Order**

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

**2. Roll Call**

The hearing clerk called the roll.

PRESENT

Vice Chair Erik Briscoe  
Commissioner Larry Modlin  
Commissioner Christian Schulte  
Commissioner Brian Franzen  
Commissioner Jeff Carlson

ABSENT

Chair Justin Yeater  
Commissioner Chelsie Romulo

**3. Approval of Agenda**

There were no corrections or additions to the agenda. Commissioner Franzen moved to approve the agenda. Commissioner Modlin seconded the motion. Motion carried 5-0. (Chair Yeater and Commissioner Romulo were absent.)

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EXPEDITED AGENDA

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**4. Approval of June 28, 2022 Minutes**

Commissioner Franzen moved to approve the minutes dated June 28, 2022. Commissioner Schulte seconded the motion. Motion carried 5-0. (Chair Yeater and Commissioner Romulo were absent.)

**5. Public hearing to consider a request to rezone C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) for approximately 2.11 acres of land located at 3115 35th Avenue (ZON2021-0017)**

Vice Chair Briscoe opened the public hearing at 1:17 p.m. There being no comments, the public hearing was closed at 1:17 p.m.

Commissioner Schulte asked if there had been any other public comments received regarding this agenda item. Darrell Gesick, Planner III, stated that there was one phone call inquiring if there would be residential zoning on the property.

Vice Chair Briscoe asked if there was a development proposal for the site. Mr. Gesick stated that the property owner wanted to expand the viability of the property, which was limited by the commercial low zoning. Even though nothing is being proposed at this time, they have had a lot of public interest in the property regarding uses and zoning.

Commissioner Schulte moved that, based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) zone district meets the Development Code criteria Section 24-204(b) (1-9); and, therefore, recommends approval of the rezone to City Council. Commissioner Franzen seconded the motion.

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

**6. Public Hearing to consider a request by Tripoint Acquisition Group to subdivide Tract A, Excelsior Planned Unit Development Filing Plat and Lot 6, and a Portion of Tract A, Promontory 1st Replat. The intent of the proposed replat is to establish a realignment of portions of existing rights-of-way ("ROW") established by the prior plat (SUB2022-0009)**

Commissioner Schulte asked if there had been any other public comments received regarding this agenda item. Kristin Cote, Planner II, stated that staff had received a question in regard to the intent of the subdivision. She explained that the subdivision is establishing tracts and the intent was to realign the rights-of-way.

Vice Chair Briscoe asked Ms. Cote to clarify the need to relocate the existing rights-of-way from what had been previously platted. She explained the reconfiguration of the tract sizes and configurations created the need for the replat.

Vice Chair Briscoe opened the public hearing at 1:23 p.m. There being no comments, the public hearing was closed at 1:23 p.m.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the Promontory resubdivision is in compliance with provisions and regulations involving code criteria outlined in sections 24-203; and, therefore, approves the preliminary plat as is presented. Commissioner Carlson seconded the motion. Motion carried 5-0. (Chair Yeater and Commissioner Romulo absent.)

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END OF EXPEDITED AGENDA

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**7. Public hearing to consider a request by Vector Development, LLC to subdivide a property with the intent of developing 30 single-family attached townhome units and 5 outlots for drainage, guest parking, access, utility, and open space (SUB2022-0001)**

Ms. Cote stated that the property was annexed in 1981 and is currently vacant. In 2017, a rezone was requested for the 3.2-acre property to be converted to a Residential High designation. The request was denied by the City Council. In 2020, the Greeley West multi-family PUD was established allowing a mix of residential, commercial, and industrial uses. She then described the location and displayed a graphic of the proposed replat, which consists of a 30-unit townhome development. Ms. Cote noted that a total of 49 notification letters were sent to the surrounding properties. One letter was received which described concerns with regard to traffic in the general vicinity of the site. Staff concluded the presentation noting their conclusion that the request appears to meet the City's rezone criteria and therefore is recommended for approval.

Mark Bowman with Vector Development explained that this project would be very similar to their company's recent project located west of 47<sup>th</sup> Avenue, north of 25<sup>th</sup> Street and south of 24<sup>th</sup> Street, which was completed two years ago. Mr. Bowman explained that the project was very successful and they would like to develop a similar project at this location.

Vice Chair Briscoe opened the public hearing at 1:29 p.m.

Bonnie Smith, 4355 24<sup>th</sup> Street Road, Unit 1003, Greeley stated her concerns regarding traffic. She noted that she had already worked with several departments within the City of Greeley to place stop signs and speed limit signs around the problem areas. She has also requested that the City conduct traffic counts and speed assessments in front of her home to determine the actual amount of traffic in her area. Ms. Smith explained that she would like the developer to add an additional stop sign and would like to see additional traffic control with this development. Lastly, she was hoping that the construction employees could be informed about and honor the posted speed limits.

The public hearing was closed at 1:35.

Vice Chair Briscoe asked Ms. Cote to explain if there are current traffic control devices being used. She referred the question to staff member Thomas Gilbert, with Engineering Development Review, to answer his question in better detail.

Thomas Gilbert, Engineer III, was the reviewing engineer on behalf of the City. He stated that a traffic memo was required for both the application for the subdivision and the site plan. The applicant's traffic report estimated that the development would generate an additional 220 daily trips from the site with 14 peak hour trips in the morning and 17 peak hour trips in the evening. The City's Transportation Planner and Engineering Development Review Staff determined that the traffic report was in general compliance with the Greeley Municipal Code standards. Even though 24<sup>th</sup> Street Road functions as a local commercial roadway section which would allow up to 3,500 trips a day, the road at full buildout of the proposal is estimated to see less than 1,500 daily trips, which would be within the allowable threshold for an even smaller road such as a residential road. Thomas provided more background about the existing roadway conditions, noting that 42<sup>nd</sup> Avenue is currently stop sign controlled and 24<sup>th</sup> Street Road would be extended to 38<sup>th</sup> Avenue. As part of a subsequent site plan review, staff will be working with the developer and Public Works to review traffic calming measures. Mr. Gilbert noted that he has been in

touch with the Deputy Public Works Director and was assured that traffic related issues will be addressed by the applicant and Public Works.

Vice Chair Briscoe said that he appreciated Mr. Gilbert's review and the data provided. Mr. Briscoe stated that it helps everyone to understand the intent of the road and traffic safety. However, he wanted to note that we all need to keep in mind the bigger picture of the impact to development in the area.

Commissioner Schulte empathized with the residents in the area who have been dealing with the traffic issues, but he thinks that in the long run, completing this project will help smooth the rough edges regarding the usage of this area. He then stated that the subdivision is an appropriate use of the property and thinks it should be approved. However, he hopes that moving forward, the developer stays on top of their contractors to make sure everyone is safe as growth of this area continues to expand.

Becky Safarik, Interim Community Development Director, commented that the driver behavioral issues are something that might need to be managed through traffic enforcement and additional neighborhood efforts. She emphasized that the citizen's testimony is valuable and will be followed up on by the City.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the Centerplace North Subdivision 6<sup>th</sup> Filing Preliminary Plat is in compliance with the provisions of the subdivision regulations and Development Code criteria outlined in Section 24-203; and, therefore, approves the preliminary plat as presented. Commissioner Schulte seconded the motion.

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

**8. Public hearing to consider a request by Northern Engineering to subdivide Tract B1 and Tract B2, Tract B, Promontory Imagine School Second Filing, First Replat to create 1 Lot, 1 Tract and 1 Parcel for Public Right of Way Dedication (SUB2021-0031)**

Kristin Cote explained that the applicant is requesting to subdivide a 30.46-acre property into one lot and one tract with 1.01 acres of right away for the purpose of creating a multifamily residential development. Ms. Cote stated that the site was annexed in 1985 and the land is currently vacant. The existing PUD on the site allows for mixed-use development, including open space, residential, commercial industrial, and recreational uses. Ms. Cote provided an overview of the site and showed a depiction of the proposed replat. She further explained that the lot is approximately 21.761 acres, and the tract is approximately 7.61 acres with 1.01 acres of right away on the eastern portion of the subdivision. A total of 106 notice letters were sent to surrounding property owners. One letter was received which discussed potential traffic concerns and some perceived negative impacts on property value. Staff is recommending approval of the preliminary subdivision.

Larry Buckendorf, Promontory Holdings, LLC at 7251 W 20<sup>th</sup> Street, Greeley stated that the property is currently owned by two separate entities. He noted this is a continuation and final step of platting the property into a tract, a lot, and a right-of-way. Mr. Buckendorf also stated that this project has been ongoing for several

months and has been reviewed at length by city staff. He then noted that the project has been found to be in compliance with the Greeley Municipal Code. Mr. Buckendorf explained that the zoning had been in place prior to any single-family residential homes being constructed and that any potential buyer would have been made aware of the intentions for future multifamily units. Mr. Buckendorf stated that a traffic memo had been provided to staff, which included these properties, which was found to be consistent with the original traffic report for this area. Mr. Buckendorf acknowledged that there are always some inconveniences associated with construction and development, but they do their best to minimize those to the greatest extent possible. Lastly, he said they are dedicating enough right-of-way for 103<sup>rd</sup> Avenue, so that there would be adequate access onto the properties on the western boundary and with the future school site on the east.

Commissioner Modlin discussed the citizen's letter that stated how they were told on multiple occasions that their property would never be adjacent to multifamily homes. Yet, the application for multifamily was already on file. He questioned how these things might happen. Mr. Buckendorf explained that there are many people involved in any transaction, so it is difficult to say. However, he was certain that nobody with Journey Homes (his company) would have misrepresented adjacent development information to prospective buyers.

Commissioner Franzen inquired if the area had been rezoned to multi-family prior to the homes being built. Mike Garrott, Planning Manager, stated that area was rezoned in 2018 or 2019, so it was before the current development. Mr. Buckendorf followed up by stating the use would have been consistent with the overall plan of the area for years prior.

Commissioner Modlin stated that the letter references October of 2021 and the application was into the city before then. Mr. Buckendorf stated that he was correct.

Vice Chair Briscoe opened the public hearing at 1:29 p.m.

Patty Swiker, 1142 Juliana Drive, Loveland came to represent her family who live in the Promontory Subdivision. She stated that when they were looking at buying a home in that area, they were assured by several people with Journey Homes that there would never be multi-family development nearby. She also said that they would have never purchased a home if they knew it would be multi-family uses were planned for in the future. Ms. Swiker touched on their concerns regarding traffic and resources in the area. She explained that there are also already drainage problems they are wanting the city to rectify. She stated they are depending on the City to help with all of these issues, since they had lost trust with Journey Homes.

Brianne Lovitt, 1915 104<sup>th</sup> Ave, Greeley said she is also mistrustful of Journey Homes because they too had been reassured many times over that there would be no multi-family in the area. They also believe that the high-density apartments being built by Journey Homes and the affiliate companies will have a negative impact on the surrounding area. Ms. Lovitt requested that the City look further into their concerns.

Vice Chair Briscoe closed the public hearing at 2:05 PM.

Commissioner Franzen pointed out that because this area has been zoned this way since 2018, they may have no other choice but to approve the proposed development.

Commissioner Schulte reiterated that the zoning has been there all along and the realtors should have helped buyers navigate that appropriately. He stated that the project does fit the zoning and doesn't think they can say no, if it otherwise meets the criteria, even if the allegation of misrepresentation by previous salespeople involved. He said that although it is unfortunate to hear about the background information, we have to keep that separate from the merits of this project.

Commissioner Franzen Stated that he agreed and recommended any home buyer in the future to get in writing what they hear from the developers or builders.

Commissioner Modlin stated that he thinks any company has a duty to perspective buyers to be very transparent about the whole development of a community. Therefore, everyone coming in can look and judge for themselves as to whether the area is right for them.

Commissioner Carlson resonated with the other commissioners and stated that the existing zoning fits the proposal. He also thinks that if you look at the bigger picture it is important for the city to have a good mix of affordable housing types.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission finds that the Promontory Imagine School 2<sup>nd</sup> Replat Preliminary Filing is in compliance with Development Code Section 24-203; and, therefore, recommend approval. Commissioner Schulte seconded the motion.

Motion carries 3-2. (Chair Yeater and Commissioner Romulo absent.)

Commissioner Schulte questioned whether the vote should carry with just three votes. Ms. Safarik indicated her understanding that the approval only requires a majority of the Commissioners present. Commissioner Schulte reflected on earlier advice from previous staff suggesting four votes were needed. Ms. Safarik noted that four votes are required by Council to adopt an ordinance and deferred the issue to Michael Axelrad, Senior Attorney, for legal advice. Upon additional examination, Planning staff was able to locate the precise language in the Development Code confirming a majority vote of the Commission is sufficient to approve such a motion.

## **9. Staff Report**

Becky Safarik stated that the annual process for members to be appointed to the Planning Commission will take place on August 23<sup>rd</sup> during the work session. A couple of members have indicated their interest in returning, which would leave one opening. Appointments would need to be formally made on September 6<sup>th</sup>, so the new board members can be seated by the September 13<sup>th</sup> Planning Commission hearing. Ms. Safarik suggested the staff provide a presentation at that time about the quasi-judicial process as a reminder of the parameters around such

case to blend with the usual orientation of new members that occurs through the city attorney's office for new members of the Planning Commission.

Mike Garrott said that, in addition to the hearing process presentation, they staff would like to discuss "Land Development 101" during an upcoming work session. He stated that it would be helpful to give a couple different perspectives and have an actual developer walk through their behind-the-scenes process. Mr. Garrott also spoke about discussing site development design standards to see if those are adequate or if more needs to be done. He suggested that the Oil and Gas process could also be a timely subject to review. Lastly, Mr. Garrott invited the Commission to contribute any ideas they may have towards Council presentations.

Commissioner Modlin asked about the status of the Master Transportation Plan. Mr. Garrott explained the additional work is being done at the staff level regarding the proposed update to that Plan, but it's been some time since the Commission has seen an update. He stated he will work with the Public Works Department and have another work session with the Commission in the near future.

Ms. Safarik said they had discussed the time frame with the Public Works Director who indicated this is a high interest topic that's still a work in progress but will come back before it goes to the Commission and Council. She also stated that regarding the comments from citizens, staff may be able to hold neighborhood meetings to discuss general issues, including traffic concerns in the Centerplace North area. Ms. Safarik explained that the City's Neighborhood Building Blocks team can host a meeting with relevant departments to help them gain insight and resources. She reiterated that the city would follow up with the citizens regarding drainage or other issues.

## **10. Adjournment**

With no further business, Vice Chair Briscoe adjourned the meeting at 2:19 pm.

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Erik Briscoe, Vice Chair

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Becky Safarik, Secretary